



**REGULAR MEETING
AGENDA
CITY OF CREVE COEUR
CITY COUNCIL
300 NORTH NEW BALLAS RD
OCTOBER 13, 2014
7:00 PM**

CALL 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 THE 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*

CONSENT AGENDA

- 1. Council Minutes Dated September 22, 2014**

BILLS PAYABLE REPORT

For Information Only

Summary: For Information Only

UNFINISHED BUSINESS

- 2. Bill No. 5513 - an Ordinance Approving the Site Development Plan and Conditional Use Permit for a Jimmy John's Restaurant with Drive-Thru Facilities at 13140 Olive Boulevard. Final Reading and Passage**

Summary: Chris Sedlak, of Sedlak Properties, LLC, has submitted a request for a conditional use permit and site development plan for a 2,000 square-foot Jimmy John's restaurant with drive-thru facilities, 24 indoor seats, and 8 outdoor seats, to be located 13140 Olive Boulevard, Creve Coeur, Missouri 63141. The subject property is zoned GC (General Commercial) District. All limited-service restaurants (NAICS 722513) and drive-thru facilities are permitted as conditional uses with review and approval by the City Council upon the recommendation of the Planning and Zoning Commission.



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- 3. Bill No. 5514 - 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**

Summary: The Director of Community Development, on behalf of the City of Creve Coeur, has submitted a request for a text amendment to revise the criteria to allow for drive-thru restaurants on sites of two (2) or more acres, subject to certain building and site criteria. Deferred from the September 22, 2014 Council meeting.

- 4. Bill No. 5515 - an Ordinance of the City Council of the City of Creve Coeur, Missouri Authorizing the Execution of a STP-Urban Program Grant Project Agreement with the Missouri Highways and Transportation Commission to Enable the City to Construct the Warson Road Improvement Project. Final Reading and Passage**

Summary: Staff recommends the execution of this agreement with the Missouri Highways and Transportation Commission, as it is required for the City to receive federal grant assistance for the resurfacing of Warson Road through the Surface Transportation Program (STP).

- 5. Bill No. 5516 - an Ordinance Amending Section 340.150.C.2 Regarding Use of Center Lanes and Schedule IX to Title III of the Code of Ordinances of the City of Creve Coeur Regarding Stopping and Standing on Decker Lane. Final Reading and Passage**

Summary: An ordinance update limiting the use of the center lane on Decker Lane.

- 6. Bill No. 5517 - an Ordinance Authorizing the Installation of One (1) Fire Hydrant for North Side of Dauster Lane in the City of Creve Coeur, Missouri. Final Reading and Passage**

Summary: Request by Missouri American Water and Monarch Fire Protection District to allow the installation of a hydrant in Difani Estates on Dauster Lane.

NEW BUSINESS

- 7. Bill No. 5518 - an Ordinance of the City Council of the City of Creve Coeur, Missouri Authorizing the Execution of a Maintenance Agreement with the Missouri Highways and Transportation Commission for the Maintenance of New Stop Signs & Street Name Signs Mounted on Decorative Black Posts and Located in the MoDOT Right-Of-Way Throughout the City. First Reading**



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Summary: The execution of this agreement will allow for staff to install and maintain the new signs and posts where streets meet the MoDOT right-of-way within the city limits.

8. Bill No. 5519 - an Ordinance Revising Section 370.130 of the Code of Ordinances Regarding the Required Use of Bicycle Helmets and Child Safety Seats. First Reading

Summary: The Police Department would like to enhance current bicycle helmet requirements to include motorized bicycles, roller skates, in-line skates, scooters, and similar wheeled devices utilized in public areas.

9. Bill No. 5520 - an Ordinance Amending Various Sections of the Code of Ordinances of the City of Creve Coeur Regarding Weapons. First Reading

Summary: Changes in State law (2014 SB 656) regarding weapons regulations require parallel revisions to our City Ordinances.

10. Bill No. 5521 - an Ordinance Approving a Settlement Agreement with CenturyLink. First Reading

Summary: The ordinance approves participation in settlement of class action litigation regarding utility license taxes.

11. Resolution No. 1131 - a Resolution of the City Council of the City of Creve Coeur, Missouri Authorizing the Execution of a Contract Increase with Intuition & Logic, for Engineering Services Related to the Dam and Channel Rehabilitation Project for the Amount of \$6,300.00.

Summary: As the City has begun to consider its options with regard to the dam and lake repairs originally envisioned at the Creve Coeur Golf Course, the dam and channel have continued to degrade. Staff recommends hiring the design team led by Intuition & Logic to investigate possible short-term stabilization methods for the dam.

BUSINESS FROM MAYOR AND CITY COUNCIL

12. Council Liaison Reports

13. Commercial Storefront Street Numbers

Summary: Council Member Kreuter requested further discussion of this matter. Council discussed at the July 14, August 11 and September 22 Council meetings for staff to research and provide a report on how to improve the visibility of commercial storefront street numbers along Olive Blvd. The matter was then referred to the Arts Commission.

14. Court Meeting Review



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Summary: Mayor Glantz will provide a report on a recent meeting with the city Judge, prosecutor, attorney, and staff regarding municipal court operations.

BUSINESS FROM CITY ADMINISTRATOR

15. Creve Coeur Creek Letter - Staff Report

Summary: City staff has drafted a letter to the Missouri Department of Natural Resources that comments on proposed water quality regulations. This letter is part of a joint effort by the Metropolitan St. Louis Sewer District and other area municipalities. City staff requests the review and endorsement of this letter.

16. Mosley Road Concept Plan Review - Staff Report

Summary: City staff will review the preliminary results for the development of a concept improvement plan for Mosley Road and will seek the advice and guidance from the City Council regarding which design option to pursue.

17. Update RFQ for Artist Designed Transit Shelter in Front of Danforth Plant Science Center

Summary: In July 2014, The Creve Coeur Arts Committee received approval to issue a request for qualifications for one shelter at a proposed budget of \$50,000 at the Laverne Collins Park or an alternate location to create an entry element near Warson Road and Olive Boulevard. The Chair of the Creve Coeur Arts Committee, along with Staff, met with representatives of the Danforth Plant Science Center regarding locating the shelter near their new entrance at Olive Boulevard, which better represents an entrance into the City at the eastern boundary. The Danforth Center is supportive of the location. Therefore the RFQ will be revised to indicate the new location and is expected to be placed in various artist registries throughout the country.

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 10/9/2014
Deborah Ryan, MPCC
City Clerk



City Council
300 North New Ballas Rd
Creve-Coeur, MO 63141

Debbie Ryan
City Clerk
(314) 872-2517
www.creve-coeur.org/

Meeting: 10/13/14 07:00 PM

DOC ID: 1110

COUNCIL MINUTES (ID # 1110)

Council Minutes Dated September 22, 2014



**MINUTES
CITY OF CREVE COEUR
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7:00 PM**

CALL 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, September 22, 2014 at 7:00 p.m.

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
Mr. Hoffman	Council Member Ward III
Mr. Saunders	Council Member Ward IV
Mr. Kent	Council Member Ward IV

COMMENTS FROM THE GENERAL PUBLIC

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

Linda Rezney resident of 104 Graeser Acres read and presented a statement for the record regarding drive-thru restaurants (Exhibit A)

David Caldwell resident of 257 Brooktrail Court read and presented a statement for the record regarding drive-thru restaurants. (Exhibit B)

ACCEPTANCE OF THE AGENDA

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

Council Member Saunders moved, seconded by Council Member Hoffman to amend the agenda to include Bill No. 5517 under New Business, authorizing the installation of a fire hydrant on Dauster Lane, with the vote up on such motion:

Council Member Kramer - Aye
Council Member Lawrence - Aye
Council Member Hoffman - Aye
Council Member D'Alfonso - Aye
Council Member Saunders - Aye

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Council Member Kent - Aye
Council Member Wang – Aye
Council Member Kreuter - Aye

The vote on the motion being 8 ayes and 0 nays, motion carried.

Council Member Saunders moved, seconded by Council Member Kramer to defer Item G, under New Business, due to the absence of staff for a presentation on the matter, with the vote upon such motion:

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

The vote on the motion being 8 ayes and 0 nays, motion carried.

Mayor Glantz called the question to approve the agenda as amended, with the vote upon such motion:

Council Member D’Alfonso – Aye
Council Member Hoffman – Aye
Council Member Lawrence – Aye
Council Member Kramer – Aye
Council Member Kreuter – Aye
Council Member Wang – Aye
Council Member Kent- Aye
Council Saunders – Aye

The vote on the motion being 8 ayes and 0 nays, motion carried.

ANNOUNCEMENTS

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6:00 p.m. - 7:00 p.m. - Work Session
7:00 p.m. - Regular Meeting of the City Council*

CONSENT AGENDA

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

A. Council Minutes Dated September 8, 2014

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B. Resolution No. 1128 - A Resolution Authorizing the Purchase of One (1) 2015 Police Harley- Davidson Electra Glide Motorcycle from Doc's Harley-Davidson

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

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

The vote on the motion being 8 ayes and 0 nays, motion carried.

BILLS PAYABLE REPORT

Bills Payable Report

Summary: For Information Only

UNFINISHED BUSINESS

C. Bill No. 5510 - An Ordinance Ordering the Levy and Establishment of the Rates of Annual Taxes for Municipal Purposes in the City of Creve Coeur for the Year 2014. Final Reading and Passage

City Clerk read Bill No. 5510 for the final time.

Council Member Hoffman moved, seconded by Council Member Saunders to approve bill No. 5510 as presented.

Mark Perkins stated there is an amendment to the Bill to increase the commercial assessment rate from .078 to .079 per \$100 of assessed value, due to the Board of Equalization figures coming in slightly lower than what was originally anticipated.

Council Member Saunders moved, seconded by Council Member Hoffman to amend Bill No. 5510 to increase the commercial assessment rate from .078 to .079.

Council Member Kent read and presented a statement for the record. (Exhibit C)

Mr. Kent moved to amend Bill No. 5510 by setting the tax rate for the next three years for residential at zero and increasing commercial.

Motion died for a lack of second.

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David Caldwell resident of 257 Brooktrail Court stated raising commercial tax rates isn't that simple.

Mayor Glantz called the question to amend Bill No. 5510 as presented, with the vote upon such motion as follows:

Council Member Saunders – Aye
Council Member Kent - Aye
Council Member Wang – Aye
Council Member Kreuter – Aye
Council Member Kramer – Aye
Council Member Lawrence – Aye
Council Member Hoffman – Aye
Council Member D'Alfonso – Aye

The vote on the motion being 8 ayes and 0 nays, motion carried.

Mayor Glantz called the question to approve Amended Bill No. 5510, with the vote upon such motion as follows:

Council Member D'Alfonso – Aye
Council Member Hoffman – Aye
Council Member Lawrence- Aye
Council Member Kramer – Aye
Council Member Kreuter – Aye
Council Member Wang – Aye
Council Member Kent – Nay
Council Member Saunders – Aye

The vote on the motion being 7 ayes and 1 nay, motion carried. Bill No. 5510 becomes Ordinance No. 5390.

D. Bill No. 5511 - An Ordinance Amending Provisions of the Municipal Code in Chapter 125, Boards, Commissions and Committees, and Chapter 130, Personnel Code. Final Reading and Passage

City Clerk read Bill No. 5511 for the final time.

Council Member Saunders moved, seconded by Council Member Hoffman to approve Bill No. 5511.

Carl Lumley stated there is an amendment in Section 10. The bill in the packet for the last meeting had the language regarding the Personnel Appeals Board being one of the Boards that does not have a liaison and somehow lost the amended language in the current packet version. A motion isn't necessary but rather to call the attention of the Council to the fact that there was an error in the current packet.

Mark Perkins stated in Section 22 language was added making the proposed ordinance effective fifteen (15) days after approval.



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Council Member Saunders moved, seconded by Council Member Kramer to substitute Bill No. 5511, with the vote upon such motion as follows:

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

The vote on the motion being 8 ayes and 0 nays, motion carried.

Mayor called for the approval of Substitute Bill No. 5511, with the vote upon such motion as follows:

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

The vote on the motion being 8 ayes and 0 nays, motion carried. Substitute Bill No. 5511 becomes Ordinance No. 5391.

E. Bill No. 5512 - An Ordinance Authorizing the Execution of a Permanent Drainage Easement and a Storm Water Maintenance Agreement with the Metropolitan St. Louis Sewer District Related to Repairs to the Lake and Dam at the Creve Coeur Golf Course. Final Reading and Passage

City Clerk read Bill No. 5512 for the final time.

Council Member Wang moved, seconded by Council Member Kramer to approve Bill No. 5512.

Mark Perkins stated staff is recommending tabling Bill No. 5512 until the Storm water Committee has had an opportunity to review and make recommendations on alternative approaches to the project.

Council Member Saunders moved, seconded by Council Member D'Alfonso to table Bill No. 5512 until Storm water Committee can review, with the vote upon such motion as follows:

Council Member D'Alfonso – Aye
Council Member Hoffman – Aye
Council Member Lawrence – Aye

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

The vote on the motion being 8 ayes and 0 nays, motion carried.

NEW BUSINESS

F. Bill No. 5513 - An Ordinance Approving the Site Development Plan and Conditional Use Permit for a Jimmy John's Restaurant with Drive-Thru Facilities at 13140 Olive Boulevard. First Reading

City Clerk read Bill No. 5513 for the first time.

Whitney Kelly made a presentation regarding this application.

Council Member Kent requested that the PD keep statistics on vehicle accidents on this site once it is constructed.

George Stock of Stock and Associates made a presentation on behalf of the applicant regarding this application.

Council Member Lawrence asked if the hours of operation could be shortened to 9 pm instead of midnight.

George Stock stated there are no problems with amending the operating hours.

Council Member Lawrence asked about fencing around the quarry.

George Stock stated there is currently fencing in some areas with gates across both access roads.

G. Bill No. 5514 - 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

Bill No. 5514 is deferred until October 13, 2014 Council meeting.

H. Bill No. 5515 - An Ordinance of the City Council of the City of Creve Coeur, Missouri Authorizing the Execution of a STP-Urban Program Grant Project Agreement with the Missouri Highways and Transportation Commission to Enable the City to Construct the Warson Road Improvement Project. First Reading

City Clerk read Bill No. 5515 for the first time.

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I. Bill No. 5516 - An Ordinance Amending Section 340.150.C.2 Regarding Use of Center Lanes and Schedule IX to Title III of the Code of Ordinances of the City of Creve Coeur Regarding Stopping and Standing on Decker Lane. First Reading

City Clerk read Bill No. 5516 for the first time.

J. Resolution No. 1129 - A Resolution of the City Council of the City of Creve Coeur, Missouri Authorizing the City Administrator to Execute the Necessary Documents for Forwarding the Project Proposal Application and Later Execute an Agreement for a Grant-In-Aid from the Municipal Parks Grant Commission of St. Louis County.

City Clerk read Resolution No. 1129.

Council Member Hoffman moved, seconded by Council Member Saunders to approve Resolution No. 1129, with the vote upon such motion as follows:

Council Member Saunders - Aye
Council Member Kent – Aye
Council Member Wang – Aye
Council Member Kreuter – Aye
Council Member Kramer – Aye
Council Member Lawrence – Aye
Council Member Hoffman – Aye
Council Member D'Alfonso – Aye

The vote on the motion being 8 ayes and 0 nays, motion carried.

K. Resolution No. 1130 - A Resolution of the City Council of the City of Creve Coeur, Missouri Authorizing the Execution of Two Contracts with Geotechnology, Inc., for Professional Engineering, Materials Testing, and Construction Observation Services for the Amount of \$41,960.00.

City Clerk read Resolution No. 1130.

Council Member Hoffman moved, seconded by Council Member Saunders to approve Resolution No. 1130.

Council Member Kent asked of the five firms reviewed by the RFQ's, who was on the committee and what stood out with this company.

Jim Heines stated city staff did the reviews and Geotechnology, Inc was chosen for their past experiences with the city, their staffing levels and their resources.

Council Member Kent asked if there was a \$50,000 liability limit in the contract.

Carl Lumley stated the \$50,000 figure is correct but the contract includes an option for the city to increase that to a million dollars for an additional fee. Carl Lumley stated to be clear, if Council

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wants to increase the liability limit then that will need to be completed at the time of approval. If Council wants to give direction to Mr. Perkins, now would be the time.

Council Member Hoffman moved, seconded by Council Member Kent to authorize the City Administrator to increase the liability surety from \$50,000 to \$1 million with an increased price of \$500, with the vote upon such motion as follows:

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

The vote on the motion being 8 ayes and 0 nays, motion carried.

Mayor Glantz called for the approval of Resolution No. 1130, with the vote upon such motion as follows:

Council Member Kreuter – Aye
Council Member Wang – Aye
Council Member Kent – Aye
Council Member Saunders – Aye
Council Member D’Alfonso – Aye
Council Member Hoffman – Aye
Council Member Lawrence- Aye
Council Member Kramer – Aye

The vote on the motion being 8 ayes and 0 nays, motion carried.

L. Bill No. 5517 – An Ordinance Authorizing the Installation of One (1) Fire Hydrant For North Side of Dauster Lane in the City of Creve Coeur, Missouri. First Reading

City Clerk read Bill No. 5517 for the first time.

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BUSINESS FROM MAYOR AND CITY COUNCIL

Council Liaison Reports

Council Member D'Alfonso stated the Climate Action Task Force had its last meeting this past week and because it was a Task Force many of the members were on other committees. One of the concerns is will the city have enough members to create the Energy and Environment Committee. The CATF members asked that an article appear in the next edition of the city newsletter letting residents know that there is a new committee. Council Member D'Alfonso thanked the CATF members for all of their work on the task force.

Council Member Wang stated he attended one meeting with the Arts Commission, which was over a month ago. The Commission did consider the street numbers along Olive Blvd, but the Commission felt the various options were more of a decision for the Council to make and the Commission would decide on the artistic patina later. It is still for Council to decide which methods to use on the numbering. The Commission also considered the bus shelter on the east front, originally was supposed to be in front of Laverne Collin's Park but they considered moving it to be in front of the Danforth Center, which is a good entrance point for Creve Coeur. Today enjoyed the Silver Screen series and watched Last Vegas and there is one movie left next week in the series and it will be the Bucket List."

BUSINESS FROM CITY ADMINISTRATOR

M. Trash and Recycling Contract

Mark Perkins stated as a reminder the city currently pays for trash and recycle services which includes rear yard/valet service for trash collection and curbside service with a 65-gallon toter for recycle collection as the base service level. All other services such as yard waste, bulky pickup and white goods are provided by Republic for an extra charge paid for by the resident. As part of the extension contract, Republic Waste agreed to honor their bid proposal from the October 2013 Curbside However, in the event that several years may pass before the bid proposal is awarded, Republic Waste requested the annual increases referenced in the bid document (Annual CPI-Transportation with a 4% cap) to be applied to the costs referenced in their bid. The service level included in the curbside proposal (Bid Alternate #1) from Republic Services, as submitted in October 2013, includes:

- ☐ Curbside trash collection (paid for by the city)
- ☐ Curbside recycle service (paid for by the city)
- ☐ Diversion Rewards to the city (\$10 per ton for recycled material)
- ☐ Bulky pickup (price included in base service paid for by city) limited to two items per pickup
- ☐ Valet service for trash (\$15 up charge per month, subject to annual increases of up to 4%), except for residents with disabilities who will continue to receive valet service at no fee
- ☐ White goods (\$25 per item paid for by resident, subject to annual increases of up to 4%) Unlimited Yard Waste with 95 gal toter (\$12 per month paid for by resident,

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subject to annual increases of up to 4%). If the City selects the curbside proposal, residents will be able to choose from three sizes of toters for both trash and recycling (95 gal., 65 gal., 35 gal.). In addition, the city will be billed on the basis of selected trash toter size:

Trash Toter Size	FY 2016 Monthly Cost to City*	FY 2016 Annual Cost to City*
35 Gallon Toter	\$10.67	\$128.04
65 Gallon Toter	\$11.97	\$143.64
95 Gallon Toter	\$14.05	\$168.60

If the City Council selects to transition to curbside trash service with the valet option, the City will begin an educational process informing residents of the environmental and economic benefits of going to curbside trash service. The City plans to directly solicit and receive residents' requests for valet service and toter sizes. This will allow staff to provide better accounting of both toter size charges and valet upgrades. As previously discussed, for those residents who do not respond, the default service will be curbside trash service and 65 gallon recycling and trash toters. It should be noted that the City's 2013 bid specifications required all haulers to cap their proposed valet fee at \$15, and the City's previous bid process resulted in a \$28 proposed fee (2007). Therefore, the city is likely already subsidizing the valet fee at the \$15 level through higher curbside costs. The attached spreadsheet provides cost estimates at various subsidy levels. These fees will increase by as much as 4% each year pursuant to the Consumer Price Index, beginning July 1, 2015. If the City Council decides to subsidize the valet fee, City staff encourages the Council to subsidize the service at a level *less than* 100%. By requiring users to pay at least a minimal cost, (even \$5 per month), users will be incentivized to make a careful decision about whether they need or want valet service.

Council Member Kent read and presented a statement for the record and indicated he is opposed to any subsidy (Exhibit D).

Council Member Kramer stated as discussed in a prior work session, the compromise was a step down process in the fees and an educational program.

Mark Perkins stated we need to give direction to Allied by January 1, 2015. There is only one Council meeting in December and staff needs time to draft legislation.

Council Member D'Alfonso stated there are three options:

Years	Option 1	Option 2	Option 3
1	\$7.50	\$15.00	\$15.00
2	\$7.50	\$7.50	\$7.50
3	\$7.50	\$ 0	\$5.00

Council Member Lawrence moved, seconded by Council Member D'Alfonso to subsidize for valet service at 50% per option 1 for three years and then no subsidy thereafter, with the vote upon such motion begin as follows to-wit:

Council Member Kramer – Nay



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Council Member Lawrence – Aye
Council Member Hoffman – Aye
Council Member D'Alfonso – Aye
Council member Saunders – Aye
Council Member Kent – Nay
Councilmember Wang – Nay
Council Member Kreuter – Nay

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

Council Member Hoffman moved, seconded by Council Member Kramer to subsidize the valet service at 100% the first year, 50% the second year and no subsidy the third year, with the vote upon such motion being as follows to-wit:

Council Member Kreuter – Aye
Council Member Wang – Aye
Council Member Kent – Nay
Council Member Saunders – Aye
Council Member D'Alfonso – Aye
Council Member Hoffman – Aye
Council Member Lawrence – Aye
Council Member Kramer – Aye

The vote on the motion being 7 ayes and 1 nay, motion carried.

Executive Session

Council Member Hoffman moved, seconded by Council Member Wang to go into Executive Session pursuant to Sections 610.021 and 610.022 to discuss real estate and attorney-client matters at 8:54 p.m., with the vote upon such motion being as follows, to-wit:

Council Member Hoffman – Aye
Council Member Kent – Aye
Council Member Kramer – Aye
Council Member Kreuter – Aye
Council Member Wang – Aye
Council Member Lawrence – Aye
Council Member D'Alfonso - Aye
Council Member Saunders – Aye

The vote on the motion being 8 ayes and 0 nays, motion carried.

Council Member Lawrence moved, seconded by Council Member Saunders to adjourn Executive Session at 8:58 p.m., with the vote upon such motion being as follows, to-wit:

Council Member Saunders – Aye
Council Member D'Alfonso – Aye
Council Member Lawrence - Aye
Council Member Kramer - Aye

Attachment: 09 22 14 minutes (1110 : Council Minutes Dated September 22, 2014)



**MINUTES
CITY OF CREVE COEUR
CITY COUNCIL
300 NORTH NEW BALLAS RD
SEPTEMBER 22, 2014
7:00 PM**

Council Member Wang - Aye
Council Member Hoffman – Aye
Council Member Kent – Aye
Council Member Kreuter- Aye

The vote on the motion being 8 ayes and 0 nays, motion carried.

Council Member Hoffman moved, seconded by Council Member D'Alfonso to adjourn at 9:08 p.m., with the vote upon such motion begin as follows to-wit:

Council Member Kreuter – Aye
Council Member Hoffman – Aye
Council Member Wang – Aye
Council Member Kent - Aye
Council Member Saunders - Aye
Council Member D'Alfonso - Aye
Council Member Lawrence – Aye
Council Member Kramer - Aye

The vote on the motion being 8 ayes and 0 nays, motion carried.

Submitted by:

Deborah Ryan
City Clerk

Barry Glantz
Mayor

Attachment: 09 22 14 minutes (1110 : Council Minutes Dated September 22, 2014)



City Council
300 North New Ballas Rd
Creve-Coeur, MO 63141

Meeting: 10/13/14 07:00 PM
Department: Finance Department
Category: Report
Prepared By: Sherry Hall
Initiator: Dan Smith
Sponsors:
DOC ID: 1106

SCHEDULED

BILLS LISTING (ID # 1106)

Bills Payable Listing

A report of bills payable dated October 7, 2014 in the amount of \$346,344.88 has been provided for Council review. No vote is required.

For Information Only



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

DATE: October 7, 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 October 7, 2014 in the amount of \$346,344.88.

Attachment: Bills Payable Listing 10-13-14 (1106 : Bills Payable Listing)



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

a

8/6/2

NO DEPT - NO DIV

Vendor Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invo Amount
00121		925502312	23-Sep-14	CALLAWAY GOLF	GOLF BALLS FOR RESALE	06-00-00-1625	445
02300		093014	30-Sep-14	DIAMOND RESIDENTIAL MORTGAGE CORP	REFUND O/P 2014 BUSINESS LIC.	01-00-00-4402	25
00234	P002033	416546	01-Oct-14	ED. ROEHR SAFETY PRODUCTS	37 TASER TRAINING CARTRIDGES	01-00-00-2411	797
01524	P001942	090814	08-Sep-14	FENNELL, CHRISTOPHER	DESIGN & INSTALL PUBLIC ART	01-00-00-2420	8,333
00066		237445	24-Sep-14	FROESEL OIL	1229 GAL DIESEL FUEL	01-00-00-1653	3,719
02301		093014	30-Sep-14	GREATER ST LOUIS DENTAL SOCIETY	REFUND O/P 2014 BUSINESS LIC.	01-00-00-4402	55
02299		081914	19-Aug-14	NIERMANN, TOM	SEWER LATERAL REPAIR REIMB	02-00-00-1901	3,424
00092		63748	16-Sep-14	ST LOUIS COUNTY	ST LOUIS CNTY MUNI HOUSNG FEE	01-00-00-2410	480
00092		62857	21-Aug-14	ST LOUIS COUNTY	ST LOUIS CNTY MUNI HOUSING	01-00-00-2410	870
00119		0135348	16-Sep-14	TITLEIST	APPAREL FOR RESALE	06-00-00-1628	291
00119		0137823	17-Sep-14	TITLEIST	APPAREL FOR RESALE	06-00-00-1628	133
00119		0135349	16-Sep-14	TITLEIST	SPECIAL ORDER UMBRELLA	06-00-00-1631	31
Sum of Invoices							18,606

Attachment: Bills Payable Listing 10-13-14 (1106 : Bills Payable Listing)



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

8/6/20

LEGISLATIVE

Vendor Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
00080		8425-145-5	08-Sep-14	DIERBERGS	FOOD FOR STAFF/COUNCIL	01-11-12-6264	43.
01048		9732050002	13-Sep-14	VERIZON WIRELESS	AIR CARD 8/14 - 9/13/14	01-11-13-9504	40.
Sum of Invoices							83.

Attachment: Bills Payable Listing 10-13-14 (1106 : Bills Payable Listing)



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

a

8/6/2

Administration

Vendor Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Inv Amo
01120		083014	30-Aug-14	ASI	FLEX SPENDING ADMIN FEES 8/14	01-12-11-6203	171
01120		083014.	30-Aug-14	ASI	HRA FEES AUGUST 2014	01-12-11-6203	200
01120		073114	31-Jul-14	ASI	HRA FEES JULY 2014	01-12-11-6203	200
01120		062914	30-Jun-14	ASI	HRA FEES-JUNE 2014	01-12-11-6203	200
00022		470003XQN1	22-Sep-14	FEDEX OFFICE	PRINTING OF RETIREE NEWSLETTER	01-12-11-6203	103
00053		175644	03-Sep-14	MERCY CORPORATE HEALTH	PREPLACEMENT PHYSICAL	01-12-11-6271	104
00053		175664	03-Sep-14	MERCY CORPORATE HEALTH	PREPLACEMENT PHYSICAL	01-12-11-6271	104
01262	P001959	31244	11-Sep-14	SPECIALTY MAILING	HANDLING/MAILING SEPT 14 NEWSLETTER	01-12-11-6203	225
Sum of Invoices							1,308

Attachment: Bills Payable Listing 10-13-14 (1106 : Bills Payable Listing)



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

a

8/6/20

IT

Vendor Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
00073		PH59660	09-Sep-14	CDW-G	PUBLISHER 2013	01-12-51-7332	99.
00139		XJFMKM17	05-Sep-14	DELL	ADD'L SERVER MEMORY	01-12-51-6213	118.
00139	P002021	XJJPCX9K9	19-Sep-14	DELL	DELL POWER EDGE R220 APP SERVER	01-12-51-7331	2,988.
00401		14-16573S	08-Sep-14	NSC DIVERSIFIED	FINANCE PRINTER CLEAN/ROLLERS	01-12-51-6213	138.
01891	P001965	12388	01-Oct-14	WINNING TECHNOLOGIES, INC.	IT SERVICES-OCTOBER 2014	01-12-51-6202	4,400.
Sum of Invoices							7,744.

Attachment: Bills Payable Listing 10-13-14 (1106 : Bills Payable Listing)



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

a

8/6/20

FINANCE

Vendor Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
00016		091814	18-Sep-14	COLLECTOR OF REVENUE	SALES TAX REPORT SEPT 2014	01-13-11-6202	20.00
01568	P002029	090214	02-Sep-14	TRACKER	INVESTMENT TRACKING SOFTWARE RENEWAL	01-13-11-6202	2,820.00
00075		3888	12-Sep-14	WUSSLER BUSINESS FORMS	FY15 BUDGET BOOKS	01-13-11-6202	1,379.00
00075		3891	19-Sep-14	WUSSLER BUSINESS FORMS	BUDGET BOOK REVISION	01-13-15-7304	160.00
Sum of Invoices							4,379.00

Attachment: Bills Payable Listing 10-13-14 (1106 : Bills Payable Listing)



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

a

8/6/2014

MUNICIPAL COURT

Vendor Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
00050		INV0037632	15-Sep-14	REJIS	SUBSCRIPTION FEES-SEPT 2014	01-13-14-6202	1,698.56

Sum of Invoices 1,698.56

Attachment: Bills Payable Listing 10-13-14 (1106 : Bills Payable Listing)



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

a

8/6/2014

INTERDEPARTMENTAL

Vendor Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
02014		90782	11-Sep-14	CARTRIDGE WORLD	TONER	01-13-15-7312	107.10
02298		6323	19-Sep-14	INTEGRITY FITNESS SERVICES	SERVICED TREADMILL/ELLIPTICAL	01-13-15-6211	100.00
00154		9000798389	18-Sep-14	KONICA MINOLTA BUSINESS	COPIER CONTRACT 6/19 - 9/18/14	01-13-15-6213	475.86
00045		728374252001	08-Sep-14	OFFICE DEPOT	TONER, ADDRESS LABELS	01-13-15-7312	535.38
00045		730190932001	16-Sep-14	OFFICE DEPOT	ENVELOPES, DOCUMENT PROTECTORS	01-13-15-7312	30.06
00045		730190931001	16-Sep-14	OFFICE DEPOT	MARKERS, CALCULATOR RIBBONS	01-13-15-7312	29.94
00045		730190831001	16-Sep-14	OFFICE DEPOT	VARIOUS OFFICE SUPPLIES	01-13-15-7312	198.40
00045		728952888001	10-Sep-14	OFFICE DEPOT	COUNTER PENS	01-13-15-7312	16.35
00046	P002001	CIV0044517	23-Sep-14	OFFICE ESSENTIALS	40 CASES 8.5 X 11 COPY PAPER	01-13-15-7312	1,337.20
00118		1046	29-Sep-14	OLD STYLE BODY COMPANY	REPL. WINDSHLD TRIM CAR 2402	01-13-15-6220	151.13
01169		3243165781	20-Sep-14	STAPLES ADVANTAGE	BATTERIES, HIGHLIGHTERS	01-13-15-7312	92.14
01169		3242571820	09-Sep-14	STAPLES ADVANTAGE	TONER, BINDER COVERS/COMBS	01-13-15-7312	445.55
01169		010871	05-Sep-14	STAPLES ADVANTAGE	INKJET CARTRIDGES	01-13-15-7312	62.25
01169		102064	10-Sep-14	STAPLES ADVANTAGE	CREDIT	01-13-15-7312	-15.02
01169		119178	10-Sep-14	STAPLES ADVANTAGE	TONER	01-13-15-7312	118.84
01169		979463	05-Sep-14	STAPLES ADVANTAGE	TONER	01-13-15-7312	937.14
Sum of Invoices							4,622.32

Attachment: Bills Payable Listing 10-13-14 (1106 : Bills Payable Listing)



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

a

8/6/2014

COMMUNITY SERVICES

Vendor Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
00080		7051-132-5	14-Sep-14	DIERBERGS	SNACKS & ITEMS FOR AMERICAN GIRL TEA	01-14-11-7304	33.34
Sum of Invoices							33.34

Attachment: Bills Payable Listing 10-13-14 (1106 : Bills Payable Listing)



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

a

8/6/2014

ICE ARENA

Vendor Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
00195		P2896	11-Sep-14	ALARM 24, INC.	FIRE ALARM PANEL REPAIRS	06-14-31-6211	80.49
00195		P2895	11-Sep-14	ALARM 24, INC.	INSTALL ALARM ON WEST RINK DOO	06-14-31-6212	347.20
01550		452-7932622	30-Sep-14	ARAMARK UNIFORM SERVICES	MOP RENTAL (9/30/14)	06-14-31-7301	1.37
01550		452-7881451	16-Sep-14	ARAMARK UNIFORM SERVICES	MOP RENTAL (9/16/14)	06-14-31-7301	1.37
01550		452-7907234	23-Sep-14	ARAMARK UNIFORM SERVICES	MOP RENTAL (9/23/14)	06-14-31-7301	1.37
01550		452-7932622	30-Sep-14	ARAMARK UNIFORM SERVICES	UNIFORM RENTAL (9/30/14)	06-14-31-7308	4.16
01550		452-7881451	16-Sep-14	ARAMARK UNIFORM SERVICES	UNIFORM RENTAL (9/16/14)	06-14-31-7308	38.26
01550		452-7907234	23-Sep-14	ARAMARK UNIFORM SERVICES	UNIFORM RENTAL (9/23/14)	06-14-31-7308	4.16
00382		092414	24-Sep-14	ASCAP	ANNUAL LICENSE FEES	06-14-31-6262	331.25
00078	P002020	00099703	05-Sep-14	BECKER ARENA PRODUCTS	4 OLYMPIA BLADES	06-14-31-6211	896.00
00078	P002020	00099703	05-Sep-14	BECKER ARENA PRODUCTS	SHIPPING	06-14-31-6211	170.00
00951	P001967	90447707	22-Aug-14	CIMCO REFRIGERATION INC	REFRIGERATION REPAIR	06-14-31-6211	1,720.00
02112		3759PARKS	25-Sep-14	CLASSIC IMAGES LLC	POLOS FOR P/T STAFF	06-14-31-7308	383.42
00080		0884-117-5	27-Sep-14	DIERBERGS	BIRTHDAY CAKE	06-14-31-7304	30.99
00080		8757-112-5	19-Sep-14	DIERBERGS	BIRTHDAY CAKE	06-14-31-7304	21.99
00413		X-30373	29-Aug-14	FASTSIGNS	VINYL SIGNS FOR LOBBY	06-14-31-7304	138.94
00081		9543987607	16-Sep-14	GRAINGER	CONSTRUCTION GLUE	06-14-31-6212	8.28
00081		9539070814	10-Sep-14	GRAINGER	BATTERIES FOR FIRE PANEL	06-14-31-6212	271.22
00082		900963	25-Sep-14	METROLIFT PROPANE	PROPANE FOR OLYMPIA	06-14-31-7307	207.58
00082		904026	11-Sep-14	METROLIFT PROPANE	PROPANE FOR OLYMPIA	06-14-31-7307	274.38
00116		3848	29-Aug-14	SAM'S CLUB	CLEANING SUPPLIES	06-14-31-6211	36.87
00116		2053	20-Sep-14	SAM'S CLUB	FOLDING CHAIRS	06-14-31-9503	140.00
01788		002929-11-14	19-Sep-14	ST LOUIS COUNTY	BOILER INSPECTIONS	06-14-31-6211	118.00
01777		122430W	10-Sep-14	STARBEAM SUPPLY CO.	INTERIOR/EXTERIOR LIGHTS	06-14-31-6212	326.40

Sum of Invoices 5,553.70

Attachment: Bills Payable Listing 10-13-14 (1106 : Bills Payable Listing)



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

a

10/7/*14

GOLF MAINTENANCE

Vendor Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
02085		2284	03-Sep-14	BLUEWING SUPPLY LLC	TINES FOR PROCORE 648	06-14-32-6211	174.45
02112		3760GOLF	25-Sep-14	CLASSIC IMAGES LLC	POLO SHIRTS FOR STAFF	06-14-32-7308	188.18
00320	P002024	62514	30-Sep-14	GAMMA TREE	REMOVE DEAD OAK AND LEANING CHERRY	06-14-32-9501	1,500.00
02084		203566278	16-Sep-14	HELENA CHEMICAL CO.	NUTRITION FOR GREENS	06-14-32-7303	60.00
00117		4973334	22-Sep-14	HOME DEPOT	PATCH FOR CART PATH	06-14-32-6212	39.65
00458		31593495	12-Sep-14	LAFARGE NORTH AMERICA,	TOP DRESS SAND	06-14-32-6212	705.44
00175		980343-00	29-Aug-14	MTI DISTRIBUTING, INC.	GREASE FITTING FOR 4500D	06-14-32-6211	1.24
00175		981542-00	29-Aug-14	MTI DISTRIBUTING, INC.	SCREWS FOR 4500D	06-14-32-6211	39.20
00175		983771-00	11-Sep-14	MTI DISTRIBUTING, INC.	CUTTING UNIT SHAFT FOR 4500D	06-14-32-6211	38.70
00175		980364-00	29-Aug-14	MTI DISTRIBUTING, INC.	HYDRAULIC IRRIGATION PARTS	06-14-32-6212	195.00
00970		1388-116845	29-Sep-14	O'REILLY AUTO PARTS	CUT-OFF WHEEL	06-14-32-7302	3.40
00116		7989	16-Sep-14	SAM'S CLUB	MOTOR OIL	06-14-32-6210	78.54
00173		IN121921	04-Sep-14	SUPREME TURF PRODUCTS	SEED FOR ROUGH	06-14-32-6212	704.00
00173		IN122502	22-Sep-14	SUPREME TURF PRODUCTS	FUNGICIDE	06-14-32-7303	360.00
00173		IN122457	22-Sep-14	SUPREME TURF PRODUCTS	FERTILIZER	06-14-32-7303	170.00
00173		IN121922	04-Sep-14	SUPREME TURF PRODUCTS	FUNGICIDE FOR WARM SEASON TURF	06-14-32-7303	240.00
Sum of Invoices							4,497.80

Attachment: Bills Payable Listing 10-13-14 (1106 : Bills Payable Listing)



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

a

10/7/2014

PRO SHOP

Vendor Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
00195		P2896	11-Sep-14	ALARM 24, INC.	FIRE ALARM PANEL REPAIRS	06-14-33-6211	34.50
00121		925502312	23-Sep-14	CALLAWAY GOLF	SHIPPING	06-14-33-8324	0.24
00953		96696	09-Sep-14	GATEWAY GOLF CARS, LTD	REPAIR FRONT AXLE ON CART	06-14-33-6210	357.96
00081		9537854961	09-Sep-14	GRAINGER	PADLOCK	06-14-33-6212	16.04
00081		9541716123	12-Sep-14	GRAINGER	PAINT FOR DECK FURNITURE	06-14-33-6212	31.92
00081		9546574089	18-Sep-14	GRAINGER	SPRAY PAINT FOR DECK FURNITURE	06-14-33-6212	11.97
00081		9537854979	09-Sep-14	GRAINGER	BATTERIES FOR FIRE PANEL	06-14-33-6212	166.62
00116		2053	20-Sep-14	SAM'S CLUB	FOLDING CHAIRS	06-14-33-9503	59.80
01788		002929-11-14	19-Sep-14	ST LOUIS COUNTY	BOILER INSPECTIONS	06-14-33-6211	118.00
01777		122430W	10-Sep-14	STARBEAM SUPPLY CO.	INTERIOR/EXTERIOR LIGHTS	06-14-33-6212	147.00
00119		0135348	16-Sep-14	TITLEIST	SHIPPING/HANDLING FEE	06-14-33-8325	0.24
Sum of Invoices							944.29

Attachment: Bills Payable Listing 10-13-14 (1106 : Bills Payable Listing)



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

a

10/7/2014

SNACK BAR

Vendor Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
01550		452-7932622	30-Sep-14	ARAMARK UNIFORM SERVICES	WIPING TOWELS (9/30/14)	06-14-34-7301	3.44
01550		452-7881451	16-Sep-14	ARAMARK UNIFORM SERVICES	WIPING TOWELS (9/16/14)	06-14-34-7301	3.44
01550		452-7907234	23-Sep-14	ARAMARK UNIFORM SERVICES	WIPING TOWELS (9/23/14)	06-14-34-7301	3.44
00084	P001947	3838227607	11-Sep-14	COCA-COLA	SODA FOR RESALE	06-14-34-8317	873.37
00084	P001947	3888191612	25-Sep-14	COCA-COLA	SODA FOR RESALE	06-14-34-8317	224.40
00084	P001947	3838227607	11-Sep-14	COCA-COLA	CUPS AND LIDS	06-14-34-8321	125.00
00080		8757-112-5	19-Sep-14	DIERBERGS	FOOD FOR RESALE	06-14-34-8315	57.49
00080		8757-112-5	19-Sep-14	DIERBERGS	WINE FOR RESALE	06-14-34-8316	98.91
00080		8757-112-5	19-Sep-14	DIERBERGS	PLASTIC CUPS	06-14-34-8321	8.38
01471		95134	22-Sep-14	RL MUELLER NATIONAL DIST., INC.	SNACKS FOR RESALE	06-14-34-8319	194.23
01471		95136	22-Sep-14	RL MUELLER NATIONAL DIST., INC.	SNACKS FOR RESALE	06-14-34-8319	39.60
00086		409180482	18-Sep-14	SYSCO FOOD	FOOD FOR RESALE	06-14-34-8315	607.16
00086		409180482	18-Sep-14	SYSCO FOOD	SNACKS FOR RESALE	06-14-34-8319	122.91
00086		409180482	18-Sep-14	SYSCO FOOD	PAPER PRODUCTS	06-14-34-8321	28.52
Sum of Invoices							2,390.29

Attachment: Bills Payable Listing 10-13-14 (1106 : Bills Payable Listing)



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

a

10/7/2014

BUILDING MAINTENANCE

Vendor Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
01550		452-7907233	23-Sep-14	ARAMARK UNIFORM SERVICES	UNIFORM RENTAL (9/23/14)	01-16-11-7308	4.16
01550		452-7881450	16-Sep-14	ARAMARK UNIFORM SERVICES	UNIFORM RENTAL (9/16/14)	01-16-11-7308	4.16
01550		452-7932621	30-Sep-14	ARAMARK UNIFORM SERVICES	UNIFORM RENTAL (9/30/14)	01-16-11-7308	4.16
02056	P002000	410299012-209	01-Oct-14	CORVUS JANITORIAL SYSTEMS	CLEANING SERVICE-OCTOBER 2014	01-16-11-6212	2,207.00
00117		3450181	14-Aug-14	HOME DEPOT	EPOXY SEAL	01-16-11-6212	116.00
00039		913872	19-Sep-14	INDUSTRIAL SOAP	PAPER PRODUCTS	01-16-11-6212	458.55
00164		044335A	15-Sep-14	NEW SYSTEM CARPET & BUILDING CARE LTD.	RAGS FOR BLDG MAINT.	01-16-11-6212	67.28
00116		2772	26-Sep-14	SAM'S CLUB	LOUNGE SUPPLIES	01-16-11-7304	15.92
00087		51679	29-Aug-14	SYSTEMAIRE	REPAIR HEAT PUMP 21	01-16-11-6211	211.00
00087	P001980	51663	29-Aug-14	SYSTEMAIRE	PARTS FOR COOLING TOWER	01-16-11-6211	2,477.95
Sum of Invoices							5,566.18

Attachment: Bills Payable Listing 10-13-14 (1106 : Bills Payable Listing)



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

a

10/7/2

POLICE-ADMIN

Vendor Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invo Amount
02119		214923	19-Sep-14	DAVE SINCLAIR LINCOLN-MERCURY, INC.	CAR 2402 3000 MILE SERVICE	01-21-11-6210	42
01068		136276	26-Sep-14	DNT	RECORD ROOM COPIER QTLY MAINT	01-21-11-6213	158
00234		416428	30-Sep-14	ED. ROEHR SAFETY PRODUCTS	(1) PAIR LEG IRONS	01-21-11-7302	49
00125		330439	15-Sep-14	LEON UNIFORM	(500) CCPD EMBLEM PATCHES	01-21-11-7308	625
00125		330387	16-Sep-14	LEON UNIFORM	100 CCPD SGT CHEV	01-21-11-7308	125
00970		1852-438646	01-Oct-14	O'REILLY AUTO PARTS	WIPER BLADES FOR CAR 2418	01-21-11-6210	23
00050	P001945	INV0037633.	15-Sep-14	REJIS	SUBSCRIPTION FEE-SEPT 2014	01-21-11-6202	4,030
00050	P002007	INV0037633...	15-Sep-14	REJIS	CHARTER FIBER CONNECTION SEPT	01-21-11-6202	855
00050		INV0037633	15-Sep-14	REJIS	CISCO ASA 5505 MAINTENANCE	01-21-11-6202	20
00050		INV0037633	15-Sep-14	REJIS	IMDS ORACLE DB MAINT	01-21-11-6202	21
00050		INV0037633	15-Sep-14	REJIS	LIVESCAN CONNECTION	01-21-11-6202	50
00050	P001946	INV0037633..	15-Sep-14	REJIS	GLOBAL SOFTWARE SVCS SEPT 2014	01-21-11-6213	1,102
00050		INV0037633	15-Sep-14	REJIS	GLOBAL MREACH-CAD MOBILE ACCES	01-21-11-6213	52
00116		2773A	26-Sep-14	SAM'S CLUB	PRISONER MEALS	01-21-11-7309	76
00093		6496	06-May-14	SOUTHWEST FAMILY TESTING	PSYCHOLOGICAL EVAL FOR OFFICER	01-21-11-6203	450
00093		6497	06-May-14	SOUTHWEST FAMILY TESTING	PSYCHOLOGICAL EVAL FOR OFFICER	01-21-11-6203	450

Sum of Invoices 8,133

Attachment: Bills Payable Listing 10-13-14 (1106 : Bills Payable Listing)



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

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10/7/2014

POLICE-INVESTIGATIONS

Vendor Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
01048		9731534116	04-Sep-14	VERIZON WIRELESS	MOBILE BROADBAND FOR IPAD	01-21-11-6253	40.01
00234	P001982	415481	12-Sep-14	ED. ROEHR SAFETY PRODUCTS	5 EA ABA TAC OUTER CARRIER	01-21-21-9503	750.00
00234	P001982	415481	12-Sep-14	ED. ROEHR SAFETY PRODUCTS	5 EA RADIO POUCH	01-21-21-9503	150.00
00234	P001982	415481	12-Sep-14	ED. ROEHR SAFETY PRODUCTS	5 EA BATON HOLDER	01-21-21-9503	150.00
00234	P001982	415481	12-Sep-14	ED. ROEHR SAFETY PRODUCTS	5 EA DOUBLE HANDCUFF POUCH	01-21-21-9503	150.00
00234	P001982	415481	12-Sep-14	ED. ROEHR SAFETY PRODUCTS	5 EA DOUBLE MAG POUCH	01-21-21-9503	150.00
00050		INV0037633	15-Sep-14	REJIS	IMDS ORACLE DB MAINT	01-21-21-6202	10.50
Sum of Invoices							1,400.51

Attachment: Bills Payable Listing 10-13-14 (1106 : Bills Payable Listing)



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

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10/7/2014

POLICE-PATROL

Vendor Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
01821		6034104/2	18-Sep-14	ALL STAR DODGE CHRYSLER JEEP	CAR 2405 TRANS FLUSH & DIFF SV	01-21-22-6210	295.41
00669		258793	11-Sep-14	APPLIED CONCEPTS-STALKER RADAR	REPAIR STALKER RADAR UNIT	01-21-22-6211	155.00
00669	P002014	259500	29-Sep-14	APPLIED CONCEPTS-STALKER RADAR	2 STALKER DUAL DSR ENHANCED RA	01-21-22-9503	5,732.00
00007		379-638624	23-Sep-14	BATTERIES PLUS - 270	BATTERY FOR CAR 2419	01-21-22-6210	175.45
02119		215232	30-Sep-14	DAVE SINCLAIR LINCOLN-MERCURY, INC.	CAR 2411 MULTIPLE REPAIRS	01-21-22-6210	927.29
02119		214816	16-Sep-14	DAVE SINCLAIR LINCOLN-MERCURY, INC.	CAR 2410 3000 MILE SERVICE	01-21-22-6210	42.95
02119		215074	24-Sep-14	DAVE SINCLAIR LINCOLN-MERCURY, INC.	CAR 2419 3000 MILE SERVICE	01-21-22-6210	67.90
00234	P001936	411185	26-Jun-14	ED. ROEHR SAFETY PRODUCTS	JACKET FOR OFFICER	01-21-22-5107	276.00
00234		415678	16-Sep-14	ED. ROEHR SAFETY PRODUCTS	JOTTO FACEPLATES FOR TAHOE	01-21-22-6210	67.15
00234		416306	26-Sep-14	ED. ROEHR SAFETY PRODUCTS	FACEPLATES FOR SIREN BOX INSTA	01-21-22-6210	57.35
00234		416508	01-Oct-14	ED. ROEHR SAFETY PRODUCTS	CREDIT FOR RETURNED FACEPLATES	01-21-22-6210	-67.15
00234	P002032	416545	01-Oct-14	ED. ROEHR SAFETY PRODUCTS	40 EA TASER TRAINING CARTRIDGE	01-21-22-7313	862.00
00125		330051	15-Sep-14	LEON UNIFORM	(2) RESPONSE JACKETS FOR LTS	01-21-22-7308	157.98
00125		332566	22-Sep-14	LEON UNIFORM	STRYKE PANT FOR LT. ROMAS	01-21-22-7308	63.00
00970		1852-436659	19-Sep-14	O'REILLY AUTO PARTS	WHEEL CLEANER, TIRE SHINE, ETC	01-21-22-6210	40.84
00050		INV0037633	15-Sep-14	REJIS	14 VERIZON DATA LINES	01-21-22-6253	686.00
01584		1208798	24-Sep-14	RESPONDER PUBLIC SAFETY EQUIPMENT	INSTALL NEW LIGHTBARS & SIRENB	01-21-22-6210	623.13
Sum of Invoices							10,162.30

Attachment: Bills Payable Listing 10-13-14 (1106 : Bills Payable Listing)



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

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10/7/2014

STREETS

Vendor Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
00642		0172859-IN	25-Sep-14	A.S.P. ENTERPRISES, INC.	EROSION MAT FOR LADUE PROJECT	01-31-41-7305	209.00
00642		0172592-IN	22-Sep-14	A.S.P. ENTERPRISES, INC.	ITEMS FOR LADUE PROJECT	01-31-41-7305	726.80
01550		452-7881447	16-Sep-14	ARAMARK UNIFORM SERVICES	MOP RENTAL (9/16/14)	01-31-41-6212	8.43
01550		452-7932618	30-Sep-14	ARAMARK UNIFORM SERVICES	MOP RENTAL (9/30/14)	01-31-41-6212	8.43
01550		452-7907230	23-Sep-14	ARAMARK UNIFORM SERVICES	MOP RENTAL (9/23/14)	01-31-41-6212	8.43
01550		452-7881447	16-Sep-14	ARAMARK UNIFORM SERVICES	UNIFORM RENTAL (9/16/14)	01-31-41-7308	77.55
01550		452-7932618	30-Sep-14	ARAMARK UNIFORM SERVICES	UNIFORM RENTAL (9/30/14)	01-31-41-7308	72.30
01550		452-7907230	23-Sep-14	ARAMARK UNIFORM SERVICES	UNIFORM RENTAL (9/23/14)	01-31-41-7308	44.46
01793	P001999	404059	18-Sep-14	BEELMAN LOGISTICS, LLC	HAUL/DELIVER 199.09 TONS SALT	01-31-41-7310	1,580.77
00102		780828	12-Sep-14	BEYERS LUMBER	2" AND 3" PHILLIPS BIT	01-31-41-6210	3.08
00712		P29838	15-Sep-14	BOBCAT COMPANY	BRUSHES FOR SKID STEER	01-31-41-6211	316.12
00010		954229	29-Sep-14	BRANNEKY HARDWARE	FLASHLIGHTS, TORCH	01-31-41-7302	119.31
00013		1763-231772	15-Sep-14	CARQUEST AUTO PARTS	SIGNAL SOCKET TRK 206	01-31-41-6210	10.66
00013		1763-231768	15-Sep-14	CARQUEST AUTO PARTS	SIGNAL BULBS	01-31-41-6210	6.22
00013		1763-231703	12-Sep-14	CARQUEST AUTO PARTS	TRUCK WINDSHIELD WIPERS	01-31-41-6210	57.42
00013		1763-232486	29-Sep-14	CARQUEST AUTO PARTS	TUBE GREASE FOR SHOP	01-31-41-6210	26.17
00013		1763-232331	25-Sep-14	CARQUEST AUTO PARTS	EXHAUST FLUID, CABIN AIR FILTE	01-31-41-6210	73.39
00013		1763-232536	30-Sep-14	CARQUEST AUTO PARTS	FILTERS FOR BAND-IT CHIPPER	01-31-41-6211	72.00
00013		1763-231918	17-Sep-14	CARQUEST AUTO PARTS	OIL FILTERS FOR EXTREME VAC	01-31-41-6211	33.12
00013		1763-231799	15-Sep-14	CARQUEST AUTO PARTS	OIL FILTERS FOR VAC	01-31-41-6211	16.98
00235	P002011	IN075133-28	16-Sep-14	CITY OF CHESTERFIELD	CO-OP PURCHASE 199.09 TONS OF	01-31-41-7310	12,469.01
00080		4842-118-5	02-Oct-14	DIERBERGS	FOOD FOR TRAINING SESSION	01-31-41-6261	173.21
00049		37174	17-Sep-14	EMPLOYEE STAFFING GROUP	TEMP PERSONNEL W/E 9/14/14	01-31-41-6207	1,830.24
00049		37199	23-Sep-14	EMPLOYEE STAFFING GROUP	TEMP PERSONNEL W/E 9/21/14	01-31-41-6207	1,688.94
00049		37226	01-Oct-14	EMPLOYEE STAFFING GROUP	TEMP PERSONNEL W/E 9/28/14	01-31-41-6207	1,830.24
00023		422281	19-Sep-14	FRED WEBER	STONE FOR LADUE RD.	01-31-41-7305	544.72
00023		421655	17-Sep-14	FRED WEBER	STONE FOR LADUE ROAD	01-31-41-7305	359.49
00023		422724	22-Sep-14	FRED WEBER	ASPHALT FOR MOSLEY ROAD	01-31-41-7305	180.00
00023		423082	23-Sep-14	FRED WEBER	ASPHALT FOR LADUE RD INLET	01-31-41-7305	180.00
00023		423048	23-Sep-14	FRED WEBER	STONE FOR LADUE RD. PROJECT	01-31-41-7305	599.61
00128		S3419367.001	05-Sep-14	FROST ELECTRIC	LIGHT BULBS FOR BALLAS STREET	01-31-41-6251	118.31
00731	P002025	343603-001	30-Sep-14	GOLDSTEIN-SCHWARTZ INC	LEAF VAC SUCTION HOSES	01-31-41-6211	2,576.88
00117		5029873	01-Oct-14	HOME DEPOT	CONCRETE REPAIR ITEMS-EMERSON	01-31-41-7305	198.70
00117		9028026	17-Sep-14	HOME DEPOT	LUMBER FOR LADUE SIDEWALK PROJ	01-31-41-7305	617.76
00117		9028027	17-Sep-14	HOME DEPOT	MATERIAL FOR LADUE RD PROJECT	01-31-41-7305	391.09

Attachment: Bills Payable Listing 10-13-14 (1106 : Bills Payable Listing)



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

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STREETS

Vendor Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
00117		2171755	17-Sep-14	HOME DEPOT	CREDIT MEMO-LUMBER RETURN	01-31-41-7305	-795.36
00240		143428	30-Sep-14	KEY EQUIPMENT & SUPPLY CO	NOZZLE FOR LEAF VAC	01-31-41-6211	398.98
00240		143429	26-Sep-14	KEY EQUIPMENT & SUPPLY CO	NOZZLE FOR LEAF VAC	01-31-41-6211	398.98
01134		3782246	12-Sep-14	KIMBALL MIDWEST	CUTTING WHEELS FOR GRINDER	01-31-41-6211	123.90
00209		207322/1	12-Sep-14	KIRKWOOD MATERIAL SUPPLY	MULCH FOR BALLAS ISLANDS	01-31-41-7303	80.25
00209		207240/1	11-Sep-14	KIRKWOOD MATERIAL SUPPLY	MULCH FOR BALLAS ISLANDS	01-31-41-7303	80.25
00209		207288/1	12-Sep-14	KIRKWOOD MATERIAL SUPPLY	MULCH FOR BALLAS ISLANDS	01-31-41-7303	80.25
00209		207221/1	11-Sep-14	KIRKWOOD MATERIAL SUPPLY	MULCH FOR BALLAS ISLANDS	01-31-41-7303	160.50
00209		207689/1	17-Sep-14	KIRKWOOD MATERIAL SUPPLY	MULCH FOR BALLAS ISLANDS	01-31-41-7303	160.50
00209		207830/1	19-Sep-14	KIRKWOOD MATERIAL SUPPLY	MULCH FOR BALLAS ISLANDS	01-31-41-7303	160.50
00209		207779/1	18-Sep-14	KIRKWOOD MATERIAL SUPPLY	MULCH FOR BALLAS ISLANDS	01-31-41-7303	160.50
00209		207587/1	16-Sep-14	KIRKWOOD MATERIAL SUPPLY	MULCH FOR BALLAS ISLANDS	01-31-41-7303	240.75
00209		207525/1	16-Sep-14	KIRKWOOD MATERIAL SUPPLY	MULCH FOR BALLAS ISLANDS	01-31-41-7303	240.75
00209		207320/1	12-Sep-14	KIRKWOOD MATERIAL SUPPLY	MULCH FOR BALLAS ISLANDS	01-31-41-7303	80.25
00209		207867/1	19-Sep-14	KIRKWOOD MATERIAL SUPPLY	MULCH FOR BALLAS ISLANDS	01-31-41-7303	26.75
00209	P001971	207070/1	09-Sep-14	KIRKWOOD MATERIAL SUPPLY	LANDSCAPE SUPPLIES FOR BALLAS	01-31-41-7303	121.18
00209	P001971	207070/1	09-Sep-14	KIRKWOOD MATERIAL SUPPLY	LANDSCAPE SUPPLIES FOR BALLAS	01-31-41-7303	119.57
02286		21090	26-Sep-14	KLS CRETE, INC.	MIDDLEBROOK STORM CULVERT REPR	01-31-41-7305	1,400.00
02286		21086	22-Sep-14	KLS CRETE, INC.	EMERG REPAIR LADUE SIDEWALK	01-31-41-7305	7,000.00
00156		61923	08-Sep-14	L & C TRUCK REPAIR, INC.	RADIATOR/TRANSM RPR TRK 309	01-31-41-6210	1,172.83
00156		62259	24-Sep-14	L & C TRUCK REPAIR, INC.	BRAKE REPAIRS TRK 206	01-31-41-6210	892.69
00156		62179	17-Sep-14	L & C TRUCK REPAIR, INC.	CHECK ENGINE LIGHT TRK 313	01-31-41-6210	48.30
00411		105341	15-Sep-14	N.B. WEST CONTRACTING CO.	COLD MIX FOR PATCHING	01-31-41-7305	211.05
00608		87537	29-May-14	NORTHWEST TIRE & AUTO	TRAILER PLUG	01-31-41-6211	15.95
00796		SVC/431115	25-Sep-14	OVERHEAD DOOR COMPANY OF ST. LOUIS	LUBE SALT DOME DOOR & CHAIN	01-31-41-6212	238.35
00110		319319	22-Sep-14	RICMAR INDUSTRIES	CURB PAINT	01-31-41-7305	134.23
00092		63778	17-Sep-14	ST LOUIS COUNTY	3RD QTR SIGNAL MAINTENANCE	01-31-41-6251	3,015.24
00692		537725	12-Sep-14	ST LOUIS SAFETY, INC.	SAFETY GLASSES/GLOVES	01-31-41-7308	83.23
00609		S-16589	15-Sep-14	SUPERIOR EQUIPMENT CO., INC.	GAS PUMP HOSE REPAIRS	01-31-41-6212	257.10
00173		IN122161	11-Sep-14	SUPREME TURF PRODUCTS	LYME FOR OLIVE/270	01-31-41-7303	300.00
01878		1467663	26-Sep-14	TAPCO	STREET NAME SIGNS	01-31-41-7311	1,251.55
00593	P001984	20315	29-Sep-14	THE GREENWOOD GROUP LLC	OLIVE/270 GROUNDS MAINT-SEPT 2	01-31-41-6212	5,200.00
00492	P001997	160074	05-Sep-14	TOMASOVIC GREENHOUSE & NURSERY INC	HEUCHERAS FOR BALLAS ROAD	01-31-41-6212	138.00
01869		67596	24-Sep-14	VIKING-CIVES MIDWEST, INC.	REPAR BODY LIGHTS ON TRUCK	01-31-41-6210	134.32

Sum of Invoices 50,560.18

Attachment: Bills Payable Listing 10-13-14 (1106 : Bills Payable Listing)



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

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HEALTH & WELFARE

Vendor Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
01836		96624	18-Sep-14	CRITTER CONTROL	DEAD ANIMAL REMOVAL	01-31-42-6214	295.00
00105	P001995	0346-016581407	15-Sep-14	REPUBLIC SERVICES	RESIDENTAL SERVICE-SEPT 2014	01-31-42-6214	85,691.40
00105	P001995	0346-016581407	15-Sep-14	REPUBLIC SERVICES	CURBSIDE SERVICE-SEPT 2014	01-31-42-6217	24,849.00
Sum of Invoices							110,835.40

Attachment: Bills Payable Listing 10-13-14 (1106 : Bills Payable Listing)



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

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10/7/2014

PARKS

Vendor Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
01550		452-7881447	16-Sep-14	ARAMARK UNIFORM SERVICES	UNIFORM RENTAL (9/16/14)	01-31-43-7308	77.54
01550		452-7932618	30-Sep-14	ARAMARK UNIFORM SERVICES	UNIFORM RENTAL (9/30/14)	01-31-43-7308	72.29
01550		452-7907230	23-Sep-14	ARAMARK UNIFORM SERVICES	UNIFORM RENTAL (9/23/14)	01-31-43-7308	44.45
00129		1990933	22-Sep-14	ART'S LAWN MOWER SHOP	FAN BELT FOR KUBOTA MOWER	01-31-43-6211	27.19
00102		780828	12-Sep-14	BEYERS LUMBER	T-15 STAR BIT	01-31-43-6210	0.99
00102		780828	12-Sep-14	BEYERS LUMBER	LUMBER	01-31-43-6212	65.53
00102		781179	17-Sep-14	BEYERS LUMBER	LUMBER, HANDRAIL-TAPMEYER HSE	01-31-43-6212	80.25
00102		781379	19-Sep-14	BEYERS LUMBER	ANCHOR BOLTS	01-31-43-6212	7.56
00010		953858	23-Sep-14	BRANNEKY HARDWARE	ITEMS FOR MALCOLM TERR PK RSTR	01-31-43-6212	73.28
00010		953609	16-Sep-14	BRANNEKY HARDWARE	SPRAY PAINT FOR BBQ PIT-BEIRNE	01-31-43-6212	4.99
00010		953585	18-Sep-14	BRANNEKY HARDWARE	PAINT BRUSHES, SAFETY WALK TAP	01-31-43-6212	97.99
00010		954188	30-Sep-14	BRANNEKY HARDWARE	ITEMS FOR CONCRETE PAD-BEIRNE	01-31-43-6212	83.79
00013		1763-231772	15-Sep-14	CARQUEST AUTO PARTS	SIGNAL SOCKET TRK 206	01-31-43-6210	3.56
00013		1763-231768	15-Sep-14	CARQUEST AUTO PARTS	SIGNAL BULBS	01-31-43-6210	2.08
00013		1763-231703	12-Sep-14	CARQUEST AUTO PARTS	TRUCK WINDSHIELD WIPERS	01-31-43-6210	19.14
00013		1763-232486	29-Sep-14	CARQUEST AUTO PARTS	TUBE GREASE FOR SHOP	01-31-43-6210	8.73
00013		1763-232331	25-Sep-14	CARQUEST AUTO PARTS	EXHAUST FLUID, CABIN AIR FILTE	01-31-43-6210	24.47
00049		37174	17-Sep-14	EMPLOYEE STAFFING GROUP	TEMP PERSONNEL W/E 9/14/14	01-31-43-6207	610.08
00049		37199	23-Sep-14	EMPLOYEE STAFFING GROUP	TEMP PERSONNEL W/E 9/21/14	01-31-43-6207	562.98
00049		37226	01-Oct-14	EMPLOYEE STAFFING GROUP	TEMP PERSONNEL W/E 9/28/14	01-31-43-6207	610.08
00128		S3421493.001	11-Sep-14	FROST ELECTRIC	BULBS FOR PARK RESTROOMS	01-31-43-6212	126.69
00128		S3419367.001	05-Sep-14	FROST ELECTRIC	LIGHT BULBS FOR TENNIS COURTS	01-31-43-6212	20.88
00081		9554592734	29-Sep-14	GRAINGER	HAND DRYER FOR CONWAY PK RSTRM	01-31-43-6212	409.50
00081		9544804728	17-Sep-14	GRAINGER	TIMER FOR HAND DRYER	01-31-43-6212	108.84
00081		9551869713	25-Sep-14	GRAINGER	CREDIT MEMO-TIMER RETURN	01-31-43-6212	-108.84
00229	P001981	27229	11-Sep-14	KENNEDY FENCE	FENCE FOR MILLENNIUM PARK	01-31-43-6212	2,490.00
00156		61923	08-Sep-14	L & C TRUCK REPAIR, INC.	RADIATOR/TRANSM RPR TRK 309	01-31-43-6210	390.95
00156		62259	24-Sep-14	L & C TRUCK REPAIR, INC.	BRAKE REPAIRS TRK 206	01-31-43-6210	297.56
00156		62179	17-Sep-14	L & C TRUCK REPAIR, INC.	CHECK ENGINE LIGHT TRK 313	01-31-43-6210	16.10
02009		133679	27-Sep-14	LANDVATTER READY MIX, INC.	MATERIALS FOR CONCRETE PAD	01-31-43-6212	522.60
00040		A56473	23-Sep-14	MILBRADT	HANDHELD BLOWER	01-31-43-6211	119.99
00110		319355	25-Sep-14	RICMAR INDUSTRIES	WEED KILLER	01-31-43-7303	251.77
00692		537725	12-Sep-14	ST LOUIS SAFETY, INC.	SAFETY GLASSES/GLOVES	01-31-43-7308	83.23
00173		IN122162	11-Sep-14	SUPREME TURF PRODUCTS	LIME FOR BASEBALL FIELDS	01-31-43-7303	600.00
00593	P001985	20316	29-Sep-14	THE GREENWOOD GROUP LLC	PARKS MAINTENANCE SEPT 2014	01-31-43-6212	5,152.00

Attachment: Bills Payable Listing 10-13-14 (1106 : Bills Payable Listing)



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

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10/7/2014

PARKS

Vendor Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
00492		159994	29-Aug-14	TOMASOVIC GREENHOUSE & NURSERY INC	CRAPE MYRTLE FOR MILL PARK	01-31-43-6212	400.00
00492	P001997	160074	05-Sep-14	TOMASOVIC GREENHOUSE & NURSERY INC	MISC. REPLACEMENT PLANTS FOR B	01-31-43-7303	112.00
01869		67596	24-Sep-14	VIKING-CIVES MIDWEST, INC.	REPAR BODY LIGHTS ON TRUCK	01-31-43-6210	44.78
Sum of Invoices							13,515.02

Attachment: Bills Payable Listing 10-13-14 (1106 : Bills Payable Listing)



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

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10/7/2014

COMMUNITY DEVELOPMENT - PLANNING

Vendor Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
00213		091514-1	15-Sep-14	MCLAUGHLIN COURT REPORTING	ATTEND & MINUTES 9/2/14 P&Z	01-32-11-6202	164.00
00303		091714-1	17-Sep-14	MISSOURI LAWYERS MEDIA	ATTEND & MINUTES 5/15/14 BOA	01-32-11-6202	183.50
00303		092414-1	24-Sep-14	MISSOURI LAWYERS MEDIA	ATTEND & MINUTES 9/15/14 P&Z	01-32-11-6202	289.00
Sum of Invoices							636.50

Attachment: Bills Payable Listing 10-13-14 (1106 : Bills Payable Listing)



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

a

10/7/2014

COMMUNITY DEVELOPMENT - BUILDING

Vendor Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
00112		197867	11-Sep-14	MPS	RECORD OF INSPECTION	01-32-61-7304	312.78
00112		197995	18-Sep-14	MPS	DECK & RETAINING WALL	01-32-61-7304	171.32
01048		9731534116	04-Sep-14	VERIZON WIRELESS	INSPECTOR TABLET	01-32-61-6253	50.00
Sum of Invoices							534.10

Attachment: Bills Payable Listing 10-13-14 (1106 : Bills Payable Listing)



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

a

10/7/201

CAPITAL IMPROVEMENTS

Vendor Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
01360	P001976	PAY #2 2014 ASPH	30-Sep-14	FORD ASPHALT COMPANY INC	2014 ASPHALT RESURFACING	02-61-71-9510-15601	51,975.0
01417	P001998	97169	15-Sep-14	GEOTECHNOLOGY, INC.	SITE BORINGS/REPORTS FOR GOVT	02-61-71-9501-14104	7,800.0
02286	P002026	21083	15-Sep-14	KLS CRETE, INC.	TEMP REPAIR FOR GOLF COURSE DA	02-61-71-9510-15602	1,000.0
02286	P002026	21083	15-Sep-14	KLS CRETE, INC.	TEMP REPAIR FOR GOLF COURSE DA	02-61-71-9510-15602	200.0
02009		133027	13-Sep-14	LANDVATTER READY MIX, INC.	MATERIAL FOR SALT PAD RETAININ	02-61-71-9501-15105	1,376.1
01847	P002030	PAY #1 GRAESER	26-Sep-14	LIFT RITE, INC.	GRAESER ROAD SIDEWALK MUDJACKI	02-61-71-9510-15603	27,600.0
02148	P001890	PAY #3	03-Oct-14	THOUVENOT, WADE & MOERCHEN, INC.	DESIGN SERVICES FOR COEUR DE V	02-61-71-9510-14720	3,187.9
Sum of Invoices							93,139.10

Total of All Invoices 346,344.80

Attachment: Bills Payable Listing 10-13-14 (1106 : Bills Payable Listing)



City Council
300 North New Ballas Rd
Creve-Coeur, MO 63141

Meeting: 10/13/14 07:00 PM
Department: City Council
Category: Report
Prepared By: Whitney Kelly
Department Head: Debbie Ryan

SCHEDULED

STAFF REPORT

Bill No. 5513 - an Ordinance Approving the Site Development Plan and Conditional Use Permit for a Jimmy John's Restaurant with Drive-Thru Facilities at 13140 Olive Boulevard. Final Reading and Passage

Chris Sedlak, of Sedlak Properties, LLC, has submitted a request for a conditional use permit and site development plan for a 2,000 square-foot Jimmy John's restaurant with drive-thru facilities, 24 indoor seats, and 8 outdoor seats, to be located 13140 Olive Boulevard, Creve Coeur, Missouri 63141. The subject property is zoned GC (General Commercial) District. All limited-service restaurants (NAICS 722513) and drive-thru facilities are permitted as conditional uses with review and approval by the City Council upon the recommendation of the Planning and Zoning Commission.

HISTORY:

09/22/14

City Council

CONTINUED

Next: 10/13/14

BILL NO. 5513

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE ISSUANCE OF A NEW CONDITIONAL USE PERMIT FOR A 2,000 SQUARE-FOOT EATING AND DRINKING ESTABLISHMENT WITH DRIVE-THRU FACILITIES LOCATED AT 13140 OLIVE BOULEVARD

WHEREAS, under Section 405.360(C), all eating and drinking places 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 Chris Sedlak of CC Sedlak Properties, LLC, for a conditional use permit for a 2,000 square-foot, 24 indoor and 8 outdoor seat, eating and drinking establishment with drive-thru services at the tenant address of 13140 Olive Boulevard; and

WHEREAS, a public hearing was held by the Creve Coeur Planning and Zoning Commission on Monday, September 15, 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 7-0 vote, recommended approval of the conditional use permit, subject to the conditions contained herein, at its meeting on September 15, 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 a restaurant located at 13140 Olive Boulevard, in the “GC” General Commercial zoning district, whose legal description is as follows:

BILL NO. _____

ORDINANCE NO. _____

A tract of land being located in US Surveys 367 and 923, Township 46 North, Range 5 East of the Fifth Principal Meridian, City of Creve Coeur, Missouri being more particularly described as follows:

Beginning at the northeastern corner of a tract of land as conveyed to Richard Schoenberg by instrument recorded in Book 8472, Page 579 of the St. Louis County Records, said point also being located on the southern right-of-way line of Olive Boulevard, variable width; thence continuing along said southern right-of-way line the following courses and distances: North 84 degrees 07 minutes 01 seconds East, 122.80 feet; North 67 degrees 25 minutes 04 seconds East, 104.40 feet and South 61 degrees 22 minutes 29 seconds East, 191.56 feet to the northwestern corner of a tract of land as conveyed to the International Development Corporation by instrument recorded in Book 10505, Page 2416 of above said records; thence along the western and southwestern lines of said International Development Corporation tract the following courses and distances: South 08 degrees 08 minutes 00 seconds West, 78.51 feet; South 56 degrees 10 minutes 00 seconds West, 8.20 feet and South 42 degrees 35 minutes 00 seconds East, 331.99 feet; thence departing last said line the following courses and distances: South 47 degrees 25 minutes 00 seconds West, 309.69 feet; North 53 degrees 46 minutes 50 seconds West, 83.08 feet; North 35 degrees 29 minutes 20 seconds West, 30.45 feet; North 24 degrees 52 minutes 46 seconds West, 182.82 feet; North 37 degrees 51 minutes 47 seconds West, 22.96 feet; North 11 degrees 25 minutes 38 seconds West, 60.53 feet to the beginning of a non-tangent curve to the right; thence along said curve having a radius of 54.00 feet, a chord which bears South 87 degrees 20 minutes 55 seconds West, 71.94 feet and an arc length of 78.73 feet; South 35 degrees 43 minutes 17 seconds West, 48.38 feet to the northeastern line of a tract of land as conveyed to Union Electric by instrument recorded in Book 1197, Page 205 of above said records, said point also being the centerline of a creek; thence continuing along last said northeastern lines and said centerline the following courses and distances: North 54 degrees 16 minutes 43 seconds West, 24.34 feet; North 74 degrees 59 minutes 49 seconds West, 72.92 feet; North 80 degrees 19 minutes 54 seconds West, 70.19 feet; South 75 degrees 37 minutes 16 seconds West, 68.74 feet and South 87 degrees 19 minutes 59 seconds West, 113.38 feet to the southeastern line of above said Richard Schoenberg tract; thence along the southeastern and eastern lines of said Richard Schoenberg tract, North 52 degrees 57 minutes 00 seconds East, 339.42 feet and North 07 degrees 09 minutes 29 seconds West, 74.34 feet to the Point of Beginning and containing 217,784 square feet or 5.000 acres more or less according to calculations performed by Stock & Associates Consulting Engineers, Inc. on June 29, 2011.

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 2,000 square-foot, drive-thru restaurant, at 13140 Olive Boulevard, zoned "GC" General Commercial District.
2. Seating is limited to a maximum of 24 indoor seats and 8 outdoor seats.
3. Hours of operation shall not exceed 9:00 am to 9 pm daily. Additional business hours may be permitted with the Zoning Administrator's approval including, but not limited to, the catering of special events.
4. SITE IMPROVEMENTS – 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," and the "Landscape Plan" submitted on October 6, 2014, prepared by Stock and Associates, all submitted in conjunction with Application #14-028, except as otherwise required by the Planning and Zoning Commission.

BILL NO. _____

ORDINANCE NO. _____

5. Prior to the issuance of a building permit, review and approval from Missouri American Water shall be required.
6. BUILDING PERMITS – The applicant is required to submit a Building Permit application, as required by Article II of the Building Code. Exterior elevations and architectural details shall be in substantial conformance with the elevation drawings titled “Exterior Elevations,” received October 6, 2014, with Application #14-028, except as otherwise required by the Planning and Zoning Commission.
7. The Landscape Plan shall be revised to provide additional landscaping that more fully meets with the Comprehensive Plan and Design Guidelines along Olive Boulevard, along the building front, and within and along the fronts of the retaining walls, as well as the removal of any invasive species, for the Zoning Administrator’s approval.
8. An underground irrigation system shall be installed as required under Section 405.540(10). All landscaping shall be maintained per the approved Landscape Plan and any 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.
9. Photometric plan shall be submitted demonstrating compliance with Section 405.680, Lighting, of the Zoning Code, and Section 405.810 of the Zoning Code.
10. Employee parking, delivery and company vehicles shall be parked in the rear parking area behind the building or as far from the public right-of-way as possible.
11. The trash enclosure shall be built of materials that are consistent with the building, subject to the Zoning Administrator’s approval.
12. Any mechanical equipment installed for the site shall be properly screened with approved materials.
13. 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.
14. 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.
15. 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.
16. 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

BILL NO. _____

ORDINANCE NO. _____

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.

CHARLOTTE D'ALFONSO
PRESIDENT OF CITY COUNCIL

APPROVED THIS ____ DAY OF _____, 2014.

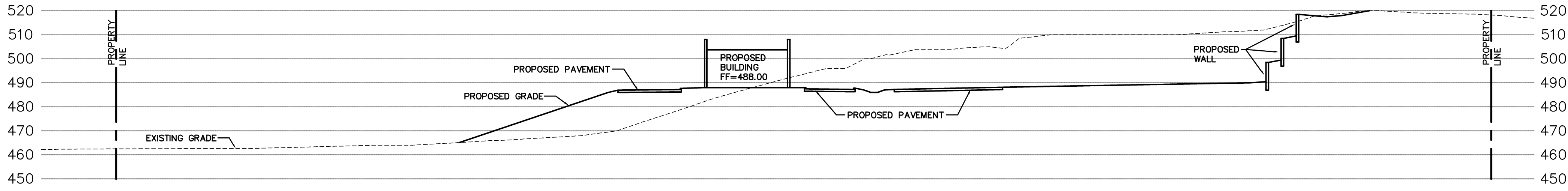
BARRY GLANTZ
MAYOR

ATTEST:

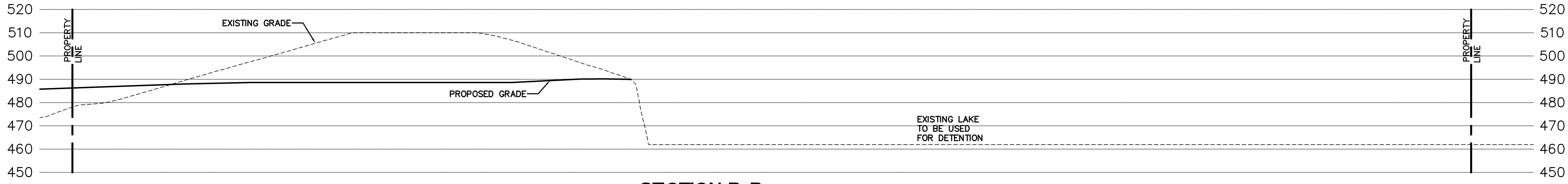
DEBORAH RYAN, MPCC
CITY CLERK

Attachment: Revised Bill No. 5513 (1094 : Bill No. 5513 - Jimmy John's CUP)

DRAWING FILE: D:\30444660\2104658\SDP2.dwg Development Plan (SDP) - Subarea 204 LAYOUT: SDP02 PLOTTED: Oct 06, 2014 - 9:38am PLOTTED BY: efc@stock



SECTION A-A
SCALE: 1"=30' H, V



SECTION B-B
SCALE: 1"=30' H, V

SITE DEVELOPMENT PLANS FOR:

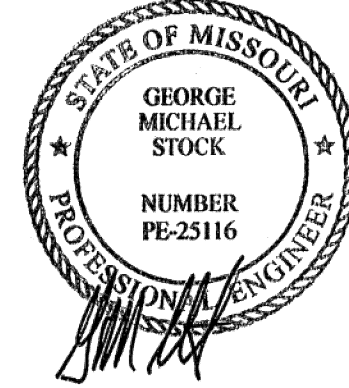
JIMMY JOHN'S - CREVE COEUR STORE

13150 OLIVE BLVD.

CREVE COEUR
MISSOURI

Attachment: Applicant's Materials submitted 10-6-2014 (1094 : Bill No. 5513 - Jimmy John's CUP)

DATE:



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

REVISIONS:

1 PER CITY - 10/03/14

DRAWN BY:

E.J.F.

CHECKED BY:

G.M.S.

DATE:

08/08/14

JOB NO.:

210-4658

W.S.D. P#

-

BASE MAP #

16P

S.L.C. REF #

-

NET SUP. #

-

W.D.N.R. #

MO-00

SHEET TITLE:

SITE
SECTIONS

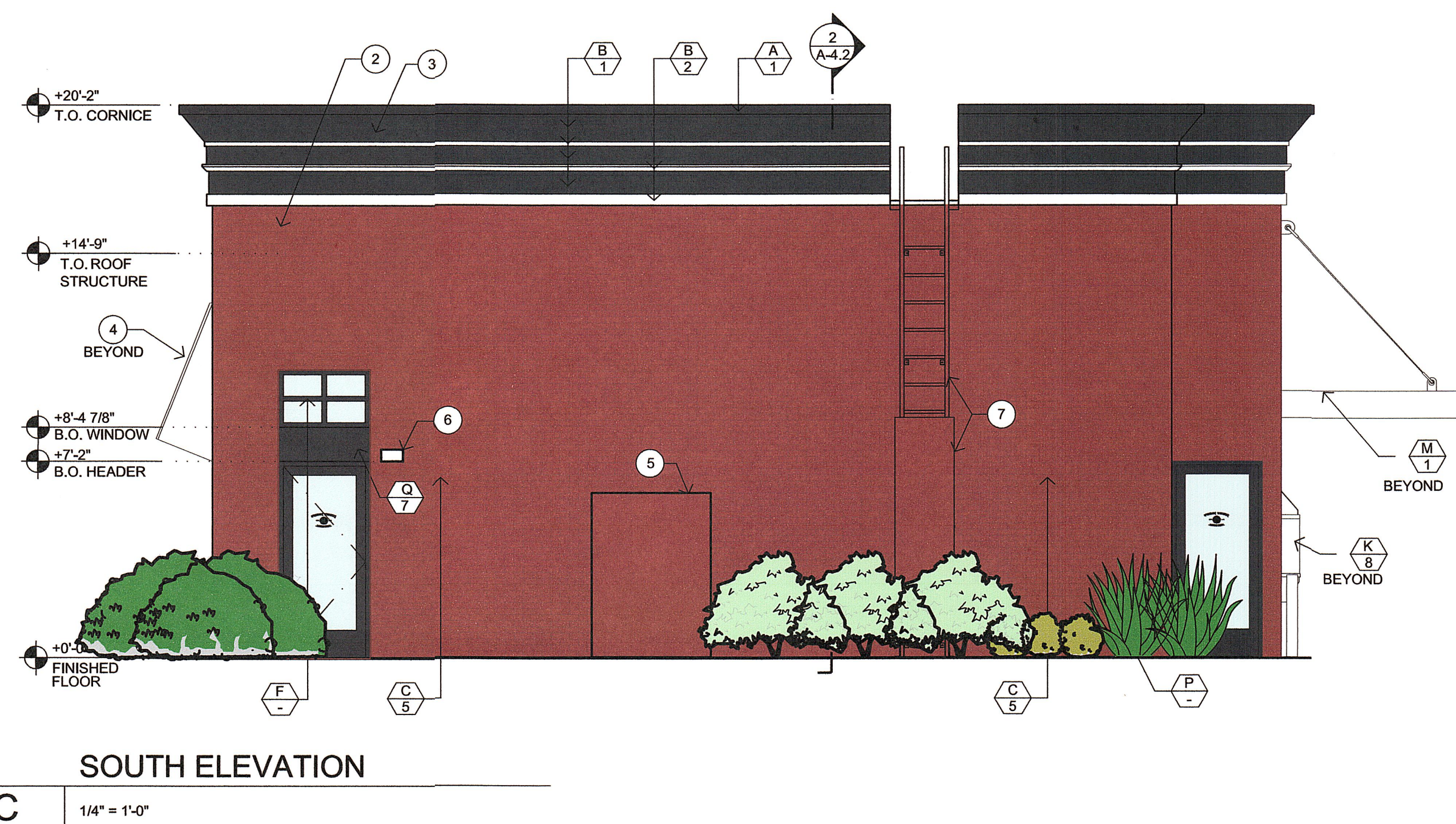
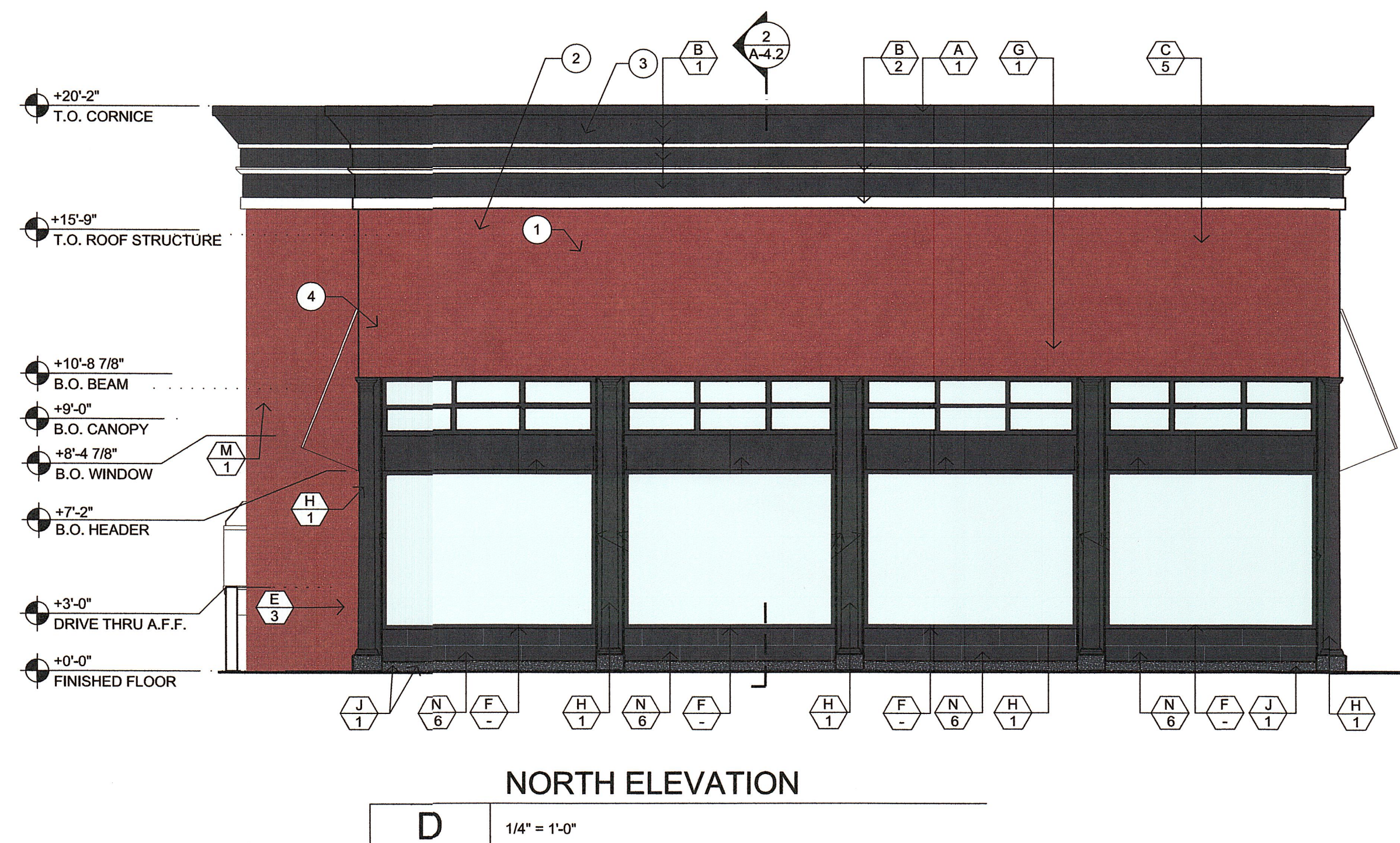
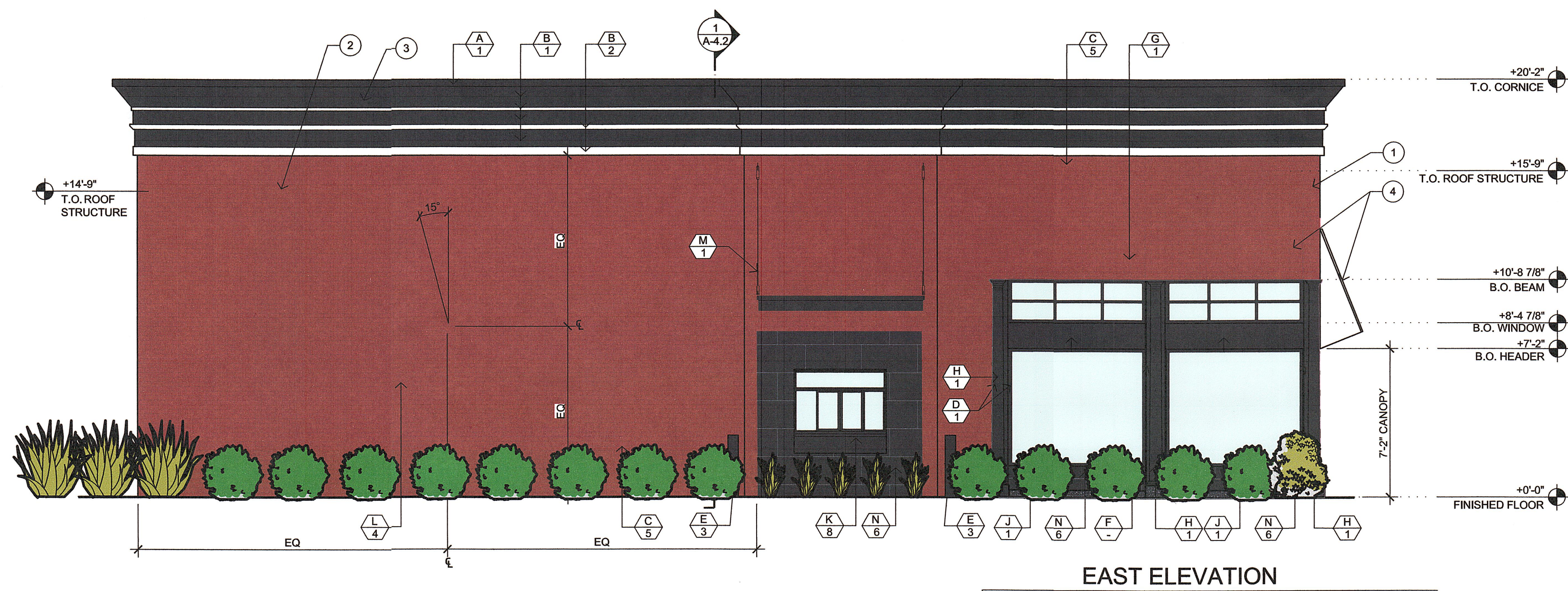
SHEET NO.:

SDP2

PREPARED BY:

STOCK & ASSOCIATES
Consulting Engineers, Inc.

257 Chesterfield Business Parkway
St. Louis, MO 63005
PH: (636) 5301-9000
FAX: (636) 5303-9000
E-mail: general@stockassoc.com
Web: www.stockassoc.com



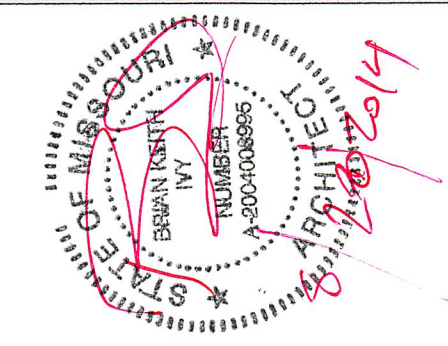
FINISHES	KEYED NOTES
1 PT-7 - PAINT - SHERWIN WILLIAMS - TRICORN BLACK #SW6258 SEMI GLOSS FINISH	1 J.J.'s APPROVED SIGN BY TENANT. - APPROVED UNDER SEPARATE REVIEW AND PERMIT.
2 PT-8 - PAINT - SHERWIN WILLIAMS - REALIST BEIGE	2 LINE OF ROOF.
3 PT-9 - PAINT - PITTSBURGH - SAFETY RED	3 FOAM CORNICE - SEE 10/A-12.
4 PT-3 - PAINT - BENJAMIN MOORE - WHITE DOVE	4 FIRE RESISTANT CANVAS AWNING (UNDER SEPARATE PERMIT).
5 BR-1 - BRICK - BELDEN BRICK-JUMBO ROSEWOOD (USE STANDARD GRAY MORTAR)	5 S.E.S.
6 WT-9 - 12"x24" BENGALA NEGRO WITH BONSAI ONYX BLACK GROUT.	6 EXTERIOR WALL PACK LIGHT FIXTURE AT + 7'-2" A.F.F. - SEE E-2
7 EXXON-RED	7 LADDER WITH ENCLOSURE - SEE SHEET A-13.
8 STATUARY BRONZE FINISH	
9 PAINT TO MATCH BRICK	
GENERAL NOTES	MATERIALS
1. ALL ROOF MOUNTED EQUIPMENT SHALL BE FULLY SCREENED BY THE PARAPET.	A METAL FLASHING
2. E.I.F.S. SHALL BE "STO" ESR-1720 OR EQUAL.	B E.I.F.S. FINISH
3. ALL SIGNAGE SHALL BE REVIEWED AND APPROVED UNDER SEPARATE SUBMITTAL.	C FACE BRICK #A-06-14 WITH STANDARD GRAY MORTAR
4. ALL BUILDING MOUNTED UTILITY BOXES ARE TO BE PAINTED TO MATCH ADJACENT COLORS.	D STRUCTURAL COLUMN - SEE STRUCTURAL DRAWINGS
	E STEEL PIPE BOLLARD - SEE DETAIL 6/SP-3.
	F KAWNEER 451T ALUM/GLASS STOREFRONT (1/4" INSULATED BRONZE TINTED TEMPERED GLASS, 20% MAX. REFLECTIVITY) PAINTED BLACK FINISH
	G STRUCTURAL BEAM - SEE STRUCTURAL DRAWINGS
	H 8" DECORATIVE (COLONIAL STYLE) COLUMN BY CAMPBELLSVILLE INDUSTRIES INC. - SEE E/A-4.1
	J POURED IN PLACE CONCRETE CURB - SEE DETAIL 3/SP-3
	K DRIVE THRU WINDOW - STATUARY BRONZE FINISH READY ACCESS BO-10 - SEE DETAIL E/A-10
	L SUPER SEAL 10'-0" DIAMETER - STENCIL PROVIDED BY OWNER, CENTER ON THE BRICK WALL
	M METAL CANOPY - SEE 1/A-14.
	N PORCELAIN TILE
	P OVERFLOW DRAIN - SEE METAL CANOPY DETAILS
	Q BREAK METAL

idea ARCHITECTS
130 e. Jefferson Ste. 200 Kirkwood, MO 63122
314.394.1606 o. 314.394.1609 f. 314.369.0209 c.
www.Yourideaarchitects.com

Certificate of Authority # 2011006331

Edifica|case
engineering

130 e. Jefferson Ste. 200 Kirkwood, MO 63122
314.394.1606 o. 314.394.1609 f. 314.369.0209 c.
www.Yourideaarchitects.com



Brian Ivy, Architect

JIMMY JOHN'S
Since 1983
WORLD'S GREATEST GOURMET SANDWICHES

DATE
DELTA

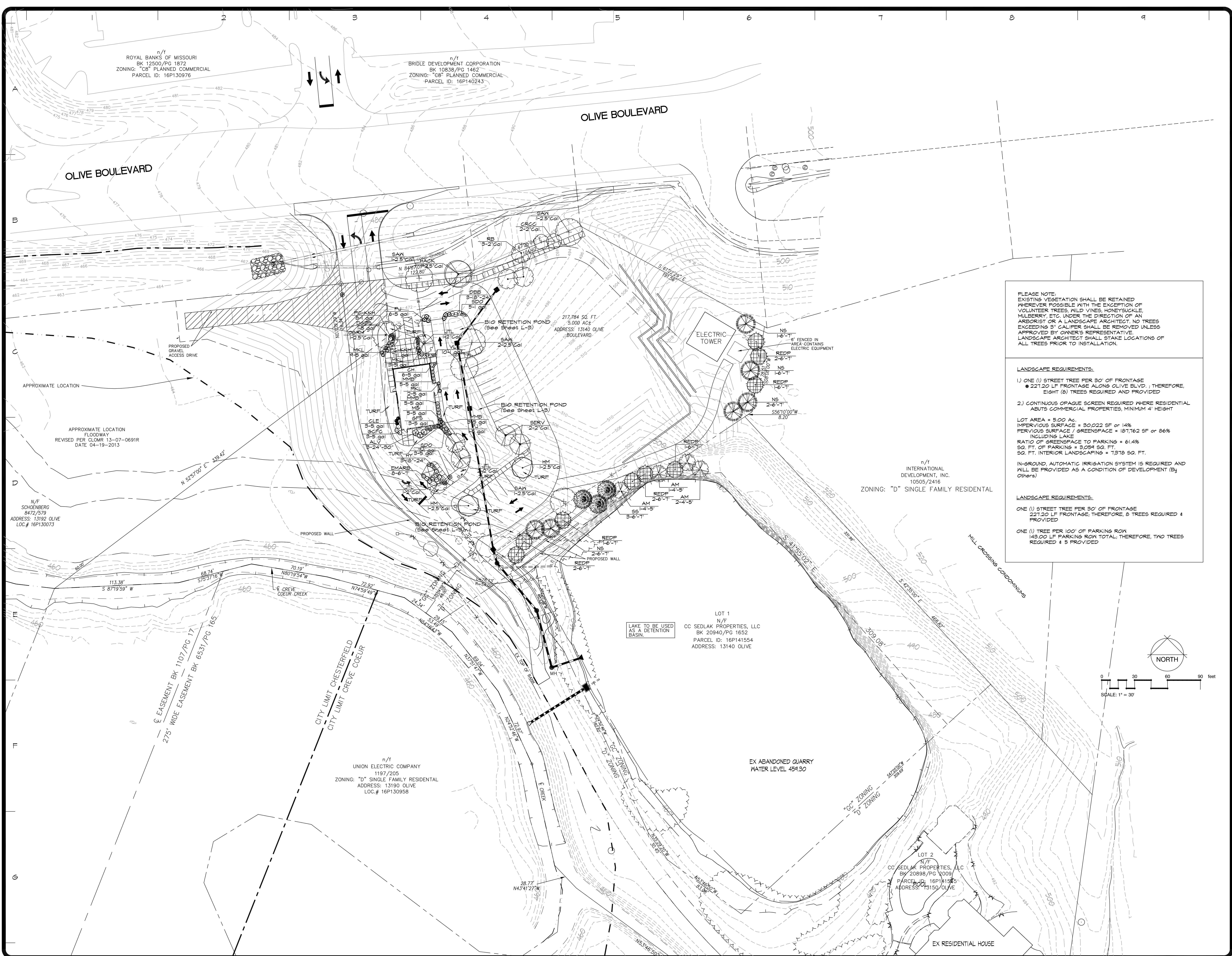
JIMMY JOHN'S
CREVE COEUR STORE
13150 OLIVE BLVD.
CREVE COEUR, MO

SHEET TITLE
EXTERIOR ELEVATIONS

JOB NO
CREVE COEUR

DATE 08.13.2014
SCALE AS STATED
DRAWN MM
CHECKED BI
SHEET NO

A-4.1



PLEASE NOTE:
EXISTING VEGETATION SHALL BE RETAINED
WHEREVER POSSIBLE WITH THE EXCEPTION OF
VOLUNTARY TREES, WILD VINES, HONEYSUCKLE,
MULBERRY, ETC. UNDER THE DIRECTION OF AN
ARBORIST OR A LANDSCAPE ARCHITECT. NO TREES
EXCEEDING 8" CALIPER SHALL BE REMOVED UNLESS
APPROVED BY OWNER'S REPRESENTATIVE.
LANDSCAPE ARCHITECT SHALL STAKE LOCATIONS OF
ALL TREES PRIOR TO INSTALLATION.

LANDSCAPE REQUIREMENTS:

1) ONE (1) STREET TREE PER 30' OF FRONTAGE
● 227.20 LF FRONTAGE ALONG OLIVE BLVD., THEREFORE,
EIGHT (8) TREES REQUIRED AND PROVIDED

2) CONTINUOUS OPAQUE SCREEN REQUIRED WHERE RESIDENTIAL
ABUTS COMMERCIAL PROPERTIES, MINIMUM 4' HEIGHT

LOT AREA = 5.00 AC.
IMPERVIOUS SURFACE = 30,022 SF or 14%
PERVIOUS SURFACE / GREENSPACE = 181,762 SF or 86%
INCLUDING LAKE
RATIO OF GREENSPACE TO PARKING = 61.4%
SQ. FT. OF PARKING = 3,054 SQ. FT.
SQ. FT. INTERIOR LANDSCAPING = 1,310 SQ. FT.

IN-GROUND, AUTOMATIC IRRIGATION SYSTEM IS REQUIRED AND
WILL BE PROVIDED AS A CONDITION OF DEVELOPMENT (By
Others)

LANDSCAPE REQUIREMENTS:

ONE (1) STREET TREE PER 30' OF FRONTAGE
227.20 LF FRONTAGE, THEREFORE, 8 TREES REQUIRED &
PROVIDED

ONE (1) TREE PER 100' OF PARKING ROW
143.00 LF PARKING ROW TOTAL, THEREFORE, TWO TREES
REQUIRED & 5 PROVIDED

REVISIONS	BY
10/4/14	RMM

landscape
TECHNOLOGIES

67 Jordon Creek Drive
St. Charles, Missouri 63304
Fax: (636) 428-4563
MO Landscape Architectural Corporation #000009192

REGISTERED
LANDSCAPE ARCHITECT
MISSOURI
RMM
019
DATE: 10/4/14

Attachment: Applicant's Materials submitted 10-6-2014 (1084) - Bill No. 5513 - Jimmy John's (CUP)

PLANTING PLAN FOR THE PROPOSED
Jimmy John's
13164 OLIVE
CREVE COEUR, MISSOURI

DRAWN R. MARDIS
CHECKED RMM/6JB
DATE 8/7/14
SCALE 1"=30'-0"
JOB NO. 2014-145
SHEET L-1
OF TWO SHEETS

Packet Pg. 53

BILL NO. 5513

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE ISSUANCE OF A NEW CONDITIONAL USE PERMIT FOR A 2,000 SQUARE-FOOT EATING AND DRINKING ESTABLISHMENT WITH DRIVE-THRU FACILITIES LOCATED AT 13140 OLIVE BOULEVARD

WHEREAS, under Section 405.360(C), all eating and drinking places 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 Chris Sedlak of CC Sedlak Properties, LLC, for a conditional use permit for a 2,000 square-foot, 24 indoor and 8 outdoor seat, eating and drinking establishment with drive-thru services at the tenant address of 13140 Olive Boulevard; and

WHEREAS, a public hearing was held by the Creve Coeur Planning and Zoning Commission on Monday, September 15, 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 7-0 vote, recommended approval of the conditional use permit, subject to the conditions contained herein, at its meeting on September 15, 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 restaurant located at 13140 Olive Boulevard, in the “GC” General Commercial zoning district, whose legal description is as follows:

Attachment: Bill No. 5513 (1094 : Bill No. 5513 - Jimmy John's CUP)

BILL NO. 5513

ORDINANCE NO. _____

A tract of land being located in US Surveys 367 and 923, Township 46 North, Range 5 East of the Fifth Principal Meridian, City of Creve Coeur, Missouri being more particularly described as follows:

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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 2,000 square-foot, drive-thru restaurant, at 13140 Olive Boulevard, zoned "GC" General Commercial District.
2. Seating is limited to a maximum of 24 indoor seats and 8 outdoor seats.
3. Hours of operation shall not exceed 9:00 am to mid-night daily. Additional business hours may be permitted with the Zoning Administrator's approval including, but not limited to, the catering of special events.
4. SITE IMPROVEMENTS – 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," and the "Landscape Plan" submitted on August 8, 2014, prepared by Stock and Associates, all submitted in conjunction with Application #14-028, except as otherwise required by the Planning and Zoning Commission.

BILL NO. 5513

ORDINANCE NO. _____

5. A side walk shall be provided along Olive Boulevard that meets with the recommendations of the City's Design Guidelines and Pedestrian Plan.
6. Prior to the issuance of a building permit, review and approval from Missouri American Water shall be required.
7. BUILDING PERMITS – The applicant is required to submit a Building Permit application, as required by Article II of the Building Code. Exterior elevations and architectural details shall be in substantial conformance with the elevation drawings titled "Exterior Elevations," received August 8, 2014, with Application #14-028, except as otherwise required by the Planning and Zoning Commission.
8. The Site Plan shall be revised to include the minimum stacking for three cars at the window location and order-board location per the requirements of Section 405.470.
9. The Landscape Plan shall be revised to provide additional landscaping that more fully meets with the Comprehensive Plan and Design Guidelines along Olive Boulevard, along the building front, and within and along the fronts of the retaining walls, as well as the removal of any invasive species, for the Zoning Administrator's approval.
10. An underground irrigation system shall be installed as required under Section 405.540(10). All landscaping shall be maintained per the approved Landscape Plan and any 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.
11. Photometric plan shall be submitted demonstrating compliance with Section 405.680, Lighting, of the Zoning Code, and Section 405.810 of the Zoning Code.
12. Employee parking, delivery and company vehicles shall be parked in the rear parking area behind the building or as far from the public right-of-way as possible.
13. The trash enclosure shall be built of materials that are consistent with the building, subject to the Zoning Administrator's approval.
14. Any mechanical equipment installed for the site shall be properly screened with approved materials.
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.

BILL NO. 5513

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 3 of this ordinance. Exercise of the rights granted pursuant to the issued permit shall constitute acceptance of all conditions and stipulations set forth herein.

Section 4: This ordinance shall become effective in accordance with Section 3.11 (g) of the City Charter.

ADOPTED THIS ____ DAY OF _____, 2014.

CHARLOTTE D'ALFONSO
PRESIDENT OF CITY COUNCIL

APPROVED THIS ____ DAY OF _____, 2014.

BARRY GLANTZ
MAYOR

ATTEST:

DEBORAH RYAN, MPCC
CITY CLERK

Attachment: Bill No. 5513 (1094 : Bill No. 5513 - Jimmy John's CUP)



FINISHED BY:

STOCK & ASSOCIATES

THE DEVELOPMENT PLAN FOR 2010:

JIMMY JOHN'S - CREVE COEUR STORE

13150 OLIVE BLVD.

DATE: _____

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

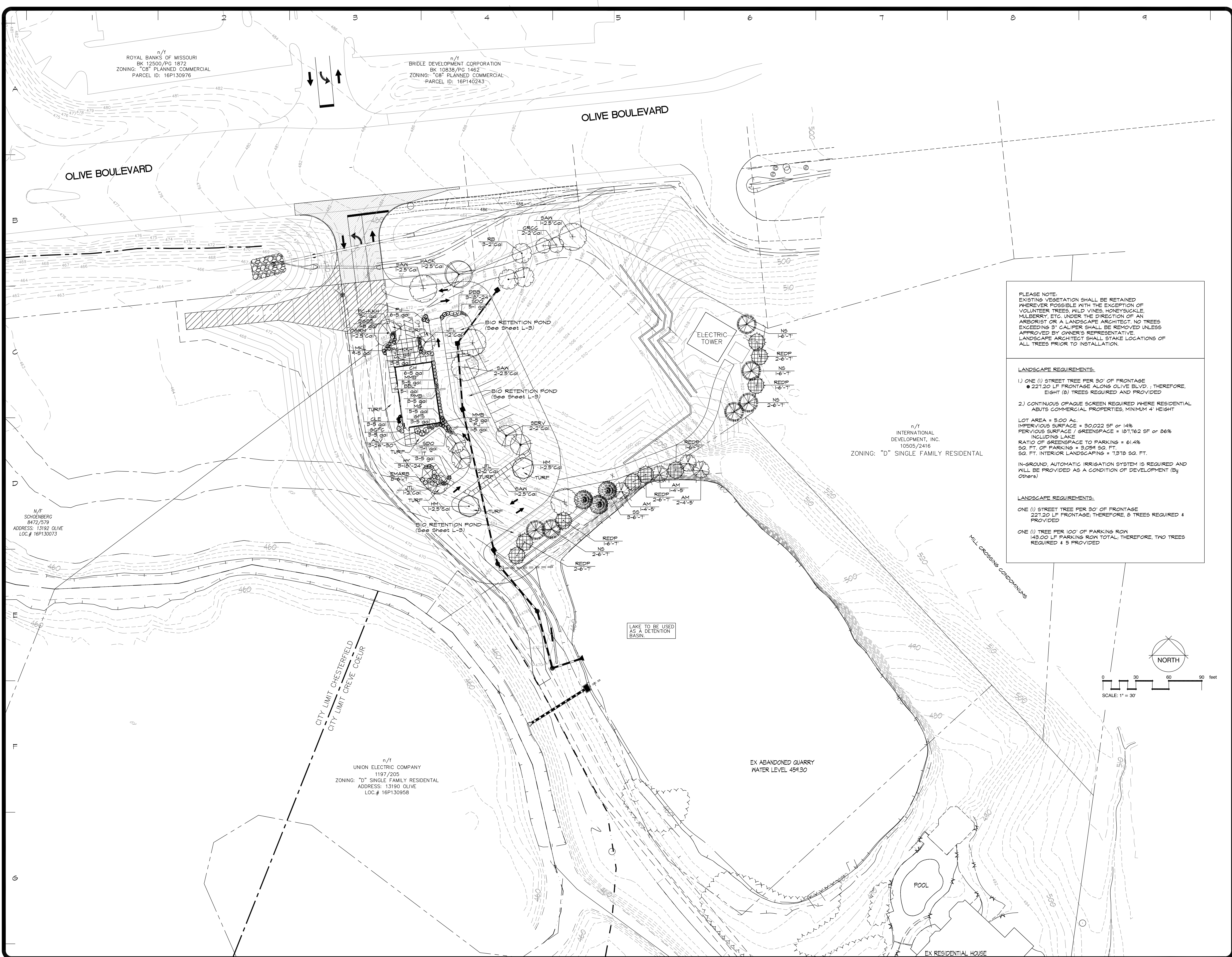
REVISIONS:

[illegible]

MAN BY: E.J.F.	CHECKED BY: G.M.S.
DATE: 08/08/14	JOB NO.: 210-4658
D. P# -	BASE MAP # 16P
C. H&T # -	H&T S.U.P. # -
N.R. # MO-00	

PROJECT TITLE:
SITE
DEVELOPMENT
PLAN WITH AERIAL

EXH1



REVISIONS	BY

landscape
TECHNOLOGIES

67 Jaden Creek Drive
St. Charles, Missouri 63004
Tel: (636) 428-1250
Fax: (636) 428-4563
MO Landscape Architectural Corporation #2009009192

REGISTERED
LANDSCAPE ARCHITECT
MISSOURI
R. MARDIS
019

DATE: 8/14/14

PLANTING PLAN FOR THE PROPOSED
Jimmy John's
13164 OLIVE
CREVE COEUR, MISSOURI

DRAWN
R. MARDIS

CHECKED
RNM/6JB

DATE
8/7/14

SCALE
1"=30'-0"

JOB NO.
2014-143

SHEET
L-1

OF TWO SHEETS

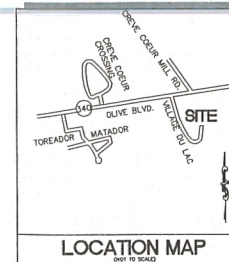
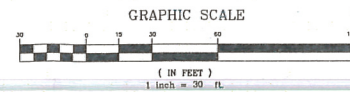
**CITY OF CREVE COEUR "STREAM AND BUFFER PROTECTION REGULATIONS":
SECTION 430.050: LAND DEVELOPMENT REQUIREMENT**

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

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

SITE DEVELOPMENT PLAN

A TRACT OF LAND BEING LOCATED IN US SURVEYS 367 and 923,
TOWNSHIP 46 NORTH, RANGE 5 EAST OF THE 5TH PRINCIPAL MERIDIAN
CITY OF CREVE COEUR, ST. LOUIS COUNTY, MISSOURI



PERTINENT DATA

OWNER: CC SEDLAK PROPERTIES, LLC
13146 OLIVE BLVD.
CREVE COEUR, MISSOURI 63141
"C" GENERAL COMMERCIAL
16P141554
CREVE COEUR CREEK
PG. 22 GRID Y-17
MONARCH FPD
PARWAY
MISSOURI AMERICAN WATER CO.
AMHERN MISSOURI
LAKEIDE GAS COMPANY
METROPOLITAN ST. LOUIS SEWER DISTRICT

EXISTING ZONING
COUNTY LOCATOR NO.
WATER SHED
WYNNBERG'S
FIRE DISTRICT
SCHOOL DISTRICT
WATER SERVICE
ELECTRIC SERVICE
GAS SERVICE
SEWER SERVICE

PROPERTY DESCRIPTION - LOT 1

A tract of land being located in US Surveys 367 and 923, Township 46 North, Range 5 East of the Fifth Principal Meridian, City of Creve Coeur, Missouri being more particularly described as follows:

Beginning at the northeastern corner of a tract of land as conveyed to Richard Schenberger by instrument recorded in Book 8472, Page 579 of the St. Louis County Records, said point also being located on the southern right-of-way line of Olive Boulevard, variable width; thence continuing along said southern right-of-way line the following courses and distances: North 84 degrees 07 minutes 01 seconds East, 122.80 feet; North 67 degrees 25 minutes 04 seconds East, 104.40 feet; South 61 degrees 22 minutes 29 seconds East, 191.50 feet; South to the northwest corner of a tract of land as conveyed to the International Development Corporation by instrument recorded in Book 10505, Page 2416 of above said records; thence along the western and southwestern lines of said International Development Corporation tract the following courses and distances: South 08 degrees 08 minutes 00 seconds West, 78.51 feet; South 56 degrees 10 minutes 00 seconds West, 8.20 feet and South 42 degrees 35 minutes 00 seconds East, 331.99 feet; thence departing last said line the following courses and distances: South 47 degrees 25 minutes 00 seconds West, 303.65 feet; North 53 degrees 46 minutes 50 seconds West, 83.08 feet; North 35 degrees 29 minutes 20 seconds West, 30.45 feet; North 24 degrees 52 minutes 46 seconds West, 162.82 feet; North 27 degrees 51 minutes 47 seconds West, 22.96 feet; North 11 degrees 25 minutes 38 seconds West, 60.53 feet to the beginning of a non-tangent curve to the right; thence along said curve having a radius of 54.00 feet, a chord which bears South 87 degrees 20 minutes 55 seconds West, 71.94 feet and an arc length of 78.73 feet; South 35 degrees 43 minutes 17 seconds West, 48.38 feet to the northeastern line of a tract of land as conveyed to Union Electric by instrument recorded in Book 1197, Page 205 of above said records, said point also being the centerline of a creek; thence continuing along last said northeastern line and said centerline the following courses and distances: North 54 degrees 16 minutes 43 seconds West, 24.34 feet; North 74 degrees 59 minutes 49 seconds West, 72.92 feet; North 80 degrees 19 minutes 54 seconds West, 70.19 feet; South 75 degrees 37 minutes 16 seconds West, 68.74 feet and South 87 degrees 19 minutes 59 seconds West, 113.38 feet to the southeastern line of above said Richard Schenberger tract; thence along the southeastern and eastern lines of said Richard Schenberger tract, North 62 degrees 57 minutes 00 seconds East, 339.42 feet and North 07 degrees 09 minutes 29 seconds West, 74.34 feet to the Point of Beginning and containing (217,784 square feet or 5.000 acres more or less.

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
BONDIES RECORD INFORMATION
HANDICAPPED PARKING
EXISTING TREE TO REMAIN

ABBREVIATIONS

C.D. - CLEANOUT
D.B. - DEED BOOK
E - ELECTRIC
F.L. - FLOWLINE
F.T. - FEET
FND. - FOUND
G. - GAS
M.H. - MANHOLE
N/F - NOW OR FORMERLY
P.B. - PLAT BOOK
P.G. - PAGE
P.V.C. - POLYVINYL CHLORIDE PIPE
R.C.P. - REINFORCED CONCRETE PIPE
S.O. - SQUARE
T.E. - TELEPHONE CABLE
V.C.P. - VETTERED CLAY PIPE
W. - WATER
(85'W) - RIGHT-OF-WAY WIDTH

GENERAL NOTES:

- BOUNDARY AND TOPOGRAPHIC SURVEY TAKEN FROM ALTA/ACSM LAND TITLE SURVEY PREPARED BY STOCK & ASSOCIATES CONSULTING ENGINEERS, INC. DATED JULY 11, 2011.
- PRESENT ZONING: "D" 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.
- 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 FLOOD ZONE "X" (AREAS OF 500-YEAR FLOOD; AREAS OF 100-YEAR FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE; AND AREAS PROTECTED BY LEVEES FROM 100-YEAR FLOOD); FLOOD ZONE "X" (BASE FLOOD ELEVATION DETERMINED 519.5) ACCORDING TO THE NATIONAL FLOOD INSURANCE PROGRAM FLOOD INSURANCE RATE MAP NUMBER 2818R00083H WITH AN EFFECTIVE DATE OF AUGUST 2, 1995 AND PER CLOMR 13-07-0691H DATED 04/19/2013.
- 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 = 22.5 FEET.

PREPARED FOR:

CC SEDLAK PROPERTIES, LLC
1201 OLIVE BLVD.
UNIVERSITY CITY, MO 63130
ATTN: CHRIS SEDLAK
PHONE: 314-578-8819

SITE AREA: 217,784 S.F. (5.00 AC.)

PARKING CALCULATIONS:

PARKING REQUIRED:
1 SPACE PER 3 SEATS OF MAXIMUM OCCUPANCY:
24 SEATS: 1 SPACE/3 SEATS x 24 SEATS = 8 SPACES
1 SPACE PER 250 S.F. OF BUILDING:
2,000 S.F. BUILDING: 1 SPACE/250 S.F. x 2,000 S.F. = 8 SPACES
1 SPACE PER 8 SEATS IN AN OUTDOOR SITTING AREA:
8 OUTDOOR SEATS: 1 SPACE/8 SEATS x 8 SEATS = 1 SPACE
TOTAL REQUIRED = 17 SPACES
TOTAL PROVIDED = 17 SPACES (INCLUDES 2 H.C. SPACES)

SITE COVERAGE CALCULATIONS:

PER CITY OF CREVE COEUR MUNICIPAL CODE SECTION 405.360.E.3.B
BUILDING FOOTPRINT = 2,000 S.F.
PAVEMENT AND SIDEWALK = 28,022 S.F.
TOTAL COVERAGE = 30,022 S.F.
% COVERAGE = 30,022 S.F. / 217,784 S.F. = 13.78%
% COVERAGE = 13.78% < 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 = 2,000 S.F.
FAR: 2,000 / 217,784 = 0.01 < 0.4

ST. LOUIS COUNTY BENCHMARK:

8-B - 474.84 (NGVD29) - "STANDARD TABLET" STAMPED 13
GEU 1974 SET IN SOUTHEAST ABUTMENT OF BRIDGE
#A-1618-R OVER CREVE COEUR CREEK ALONG OLIVE STREET
ROAD, WEST OF THE SOUTHWEST CORNER OF CREVE COEUR
ROAD AND OLIVE STREET.

PREPARED BY:

SITE DEVELOPMENT PLANS FOR:

JIMMY JOHN'S - CREVE COEUR STORE
13150 OLIVE BLVD.
CREVE COEUR
MISSOURI

DATE:

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

REVISIONS:

NO.	DATE	BY	DESCRIPTION
1	08/08/14	CM	210-4658
2	08/08/14	CM	16P
3	08/08/14	CM	16P
4	08/08/14	CM	16P
5	08/08/14	CM	16P
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99	08/08/14	CM	16P
100	08/08/14	CM	16P

SITE DEVELOPMENT PLAN

SDP1

SHEET NO:

city
of

CREVE COEUR

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

APPLICATION TO PLANNING AND ZONING COMMISSION #14-028 FOR APPROVAL OF THE SITE DEVELOPMENT PLAN AND CONDITIONAL USE PERMIT FOR A JIMMY JOHN'S RESTAURANT WITH DRIVE-THRU FACILITIES AT 13140 OLIVE BOULEVARD

FOR THE MEETING OF: September 15, 2014

LOCATION: 13140 Olive Boulevard

REQUEST: Chris Sedlak, of Sedlak Properties, LLC, has submitted a request for a conditional use permit and site development plan for a 2,000 square-foot, Jimmy John's restaurant with drive-thru facilities, 24 indoor seats, and 8 outdoor seats, to be located 13140 Olive Boulevard, Creve Coeur, Missouri 63141. The subject property is zoned GC (General Commercial) District. All limited-service restaurants (NAICS 722513) and drive-thru facilities are permitted as conditional uses with review and approval by the City Council upon the recommendation of the Planning and Zoning Commission.

ADDITIONAL INFORMATION: In 2011, the Applicant received approval for the subdivision and rezoning of the property from AR- Attached Single-Family Residential to GC-General Commercial and rezoning the remaining 5.33 acres from AR-Attached Single-Family Residential to D-Single Family Residential (addressed as 13150 Olive Boulevard). The conceptual site plan in 2011 for the commercial development included two buildings: a proposed bank and a restaurant, both with drive-through facilities. However, at that time, no tenants were identified, and the staff report indicated that such facilities would require returning to the Planning and Zoning Commission for approval of a site development plan and any conditional use permits necessary.

Key Issues:

- Does the request integrate with the existing surrounding uses?
- Does the request further or implement the goals of the Comprehensive Plan?
- Is the request consistent with the required findings for a conditional use permit?

Comprehensive Plan References

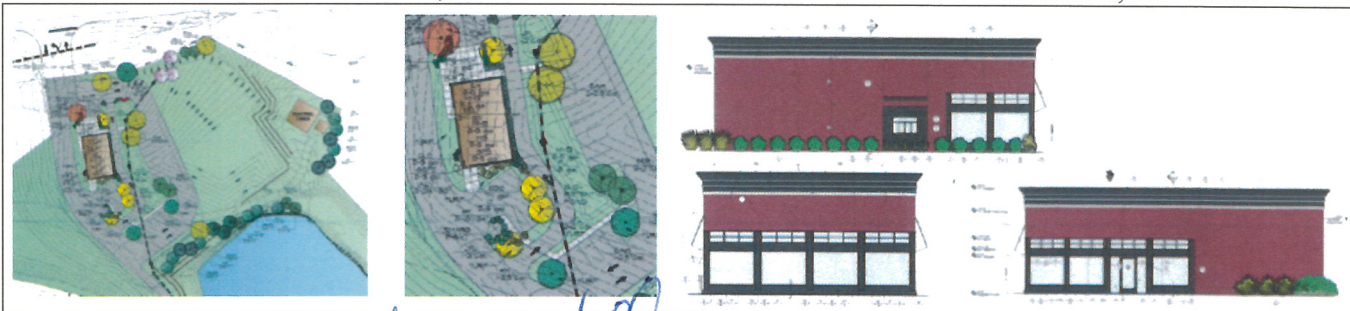
- West Olive Corridor

Zoning Code References

- Section 405.210: Regulation of Uses
- Section 405.360: "GC" General Commercial District
- Section 405.470 Conditional Uses
- Section 405.820 Required Off-Street Parking Spaces
- Section 405.1080. Site Concept, Site Development and Minor Site Plan Approval.

APPLICANT/PROPERTY OWNER: Chris Sedlak
CC Sedlak Properties, LLC
7201 Olive Boulevard
St. Louis, MO 63141

APPLICANT'S REPRESENTATIVE: George Stock
Stock & Associates
257 Chesterfield Business Parkway
Chesterfield, MO 63005



REPORT PREPARED BY:

Whitney Kelly
Whitney Kelly, AICP, City Planner

9/12/2014
Date

ATTACHMENTS: Applicant's Materials submitted August 8, 2014, and Exterior Elevations and Landscape Plan received August 21, 2014
MODOT Permit Approval
Draft Ordinance
Public Comment

PRIOR PROPOSAL AND CURRENT PROPOSAL

In 2011, the Applicant received approval of the rezoning and conceptual site plan that included a drive-thru bank and restaurant, for the front five acres, per the drawing below. The current proposal is for the restaurant only, at the approximate location of the bank and leaving the area to the east for future development.



Figure 1: 2011 Conceptual Site Plan



Figure 2: Current Site Development Plan

Since 2011, the Applicant has stockpiled dirt on the site in preparation of future development. The large hill will be leveled out for the development with several retaining walls, near the existing electric tower, as shown in the detail from the site sections in the attached material:

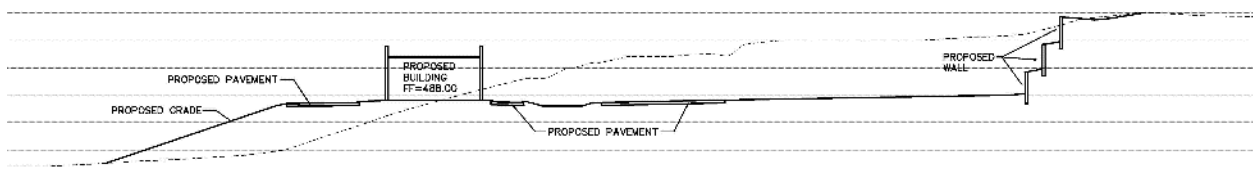


Figure 3: Detail from Applicant's Site Section

The building is brick on all sides of the building, with limited use of EIFS as the accent band along the top of the building. There will also be decorative colonial style metal columns within the window space.

LAND USE AND ZONING OF SURROUNDING PROPERTIES

The adjacent zoning and land uses are as follows:

DIRECTION	USE	ZONED	SEPARATED BY
North	Commercial: Bank and drive-thru restaurant	'C-8' Planned Commercial District (Unincorporated St. Louis County)	Olive Boulevard
South	Single Family Residence	"D" Single Family Residential District	NA
East	Multi-family Residential: Mill Crossing	"AR" Attached Single Family Residential	NA
West	Vacant/City of Creve Coeur leaf site	"FPR-3" Flood Plain Residential District (City of Chesterfield)	NA

COMPREHENSIVE PLAN REVIEW

The Comprehensive Plan does not provide much discussion regarding this property. However, the general goals and strategies call for the preservation and protection of residential neighborhoods from encroachment by commercial development, as well as the preservation of the long-term economic strength of the City (Residential Preservation and Economic Development, page 21). Community Health and Connectivity discusses the preservation, protection and acquisition of open spaces, natural areas, and creeks in an effort to improve the quality of life, environment, and air. Further the Community Health and Connectivity Goals and Strategies requires that new commercial, institutional and multi-family development or redevelopment include public amenities such as pedestrian connections, bicycle facilities, public sitting/ gathering areas and open, space as appropriate (page 22). 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). While the building itself meets with the low-density characteristics called for in the Comprehensive Plan with a significant amount of greenspace, and outdoor seating is provided in front of the building, the site plan does not indicate the pedestrian connection to the adjoining properties or with the Pedestrian Plan as discussed further below. The approved concept plan, on the other hand does show a sidewalk over the full width of the Olive Boulevard frontage. Therefore, Staff recommends that a condition of approval include revising the site plan to include a new sidewalk to meet with the recommendations of the Comprehensive Plan and Pedestrian Plan, and in conformance with the approved concept plan.

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, the avoidance of massive grading to create flat building "pads" and avoid abrupt or unnatural appearing grading design 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). In commercial retail areas, two and three story multi-use buildings are encouraged; one story single-use buildings are strongly discouraged. While the Comprehensive Plan calls for low-density suburban development in this area, the Design Guidelines recommendations against spatial gaps and interruptions and against single use buildings, would be in direct opposition with each other. The grading of the site does leave a building pad for future development that would appear to be inconsistent with the Design Guidelines. In approving the concept plan in 2011, the City has already approved the grading and re-grading of the site, and the substantial retaining wall. As a practical matter, such grading should only be done once. Therefore, Staff finds that, in as much that the proposed development can, meets with the Design

Guideline. However, the vacant space created should be planted as a wildflower meadow until the future development has been approved.

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 areas. 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.
- Building frontages should provide at least one public entrance from the street. Frontage design and signage locations should be coordinated with the streetscape landscaping and street trees. Active building fronts with large window openings at ground level with transparent, non-reflective, minimally tinted glass are strongly encouraged.
- 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. (P. 6).

The Site Development Plan does provide adequate interior pedestrian connections from the parking lot to the building and includes outdoor plaza for outdoor dining, however a sidewalk along Olive Boulevard is not shown. As stated above, Staff recommends that a sidewalk along the north property line be provided that meet with the Design Guidelines and Pedestrian Plan should be included. While the main entrance to the restaurant is located on the west elevation, the north elevation includes large windows and the outdoor dining area that is consistent with the Design Guidelines. If the Commission wishes to see an entrance created along the north elevation of the building, a separate condition will need to be included.

Building

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). The elevations indicate the predominant use of brick and black metal on all sides of the building that is consistent with the Design Guidelines. The same materials should be applied to the trash enclosure and Staff has included a condition of approval requiring that the trash enclosure shall be of a material that is consistent with the building.

Restaurant Specific Guidelines

Specific guidelines are provided for restaurants that include:

- Franchise or corporate style architecture and/or highly contrasting color schemes are strongly discouraged.
- Freestanding restaurant buildings should be sited and designed to be compatible with the character of the surrounding neighborhood.
- Drive-Thru elements are to be architecturally integrated into the building rather than appearing to be applied or “stuck-on” to the building. Drive-Thru elements are not to be located on the primary street frontage.
- The site design should accommodate a logical and safe vehicle and pedestrian circulation pattern through the site. Circulation is to allow for adequate length of queuing line for drive-thru

elements and is not to interfere with the on-site parking for patrons entering the restaurant or result in traffic queuing into the street. (p. 11).

Staff finds that the proposed building meet with the overall recommendation, where the drive-thru element is architecturally integrated into the building and are not located on the primary street frontage.

Landscape:

The Design Guidelines also provide the following recommendations on the landscape design:

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 the appropriate number of street trees, and trees to screen the development from the adjacent residential developments, as well as bio-retention pond plantings between the access drives and parking lots. However, the design seems lacking along Olive Boulevard and does not meet with the intent of a 'green line' park; as shown on the plan below:

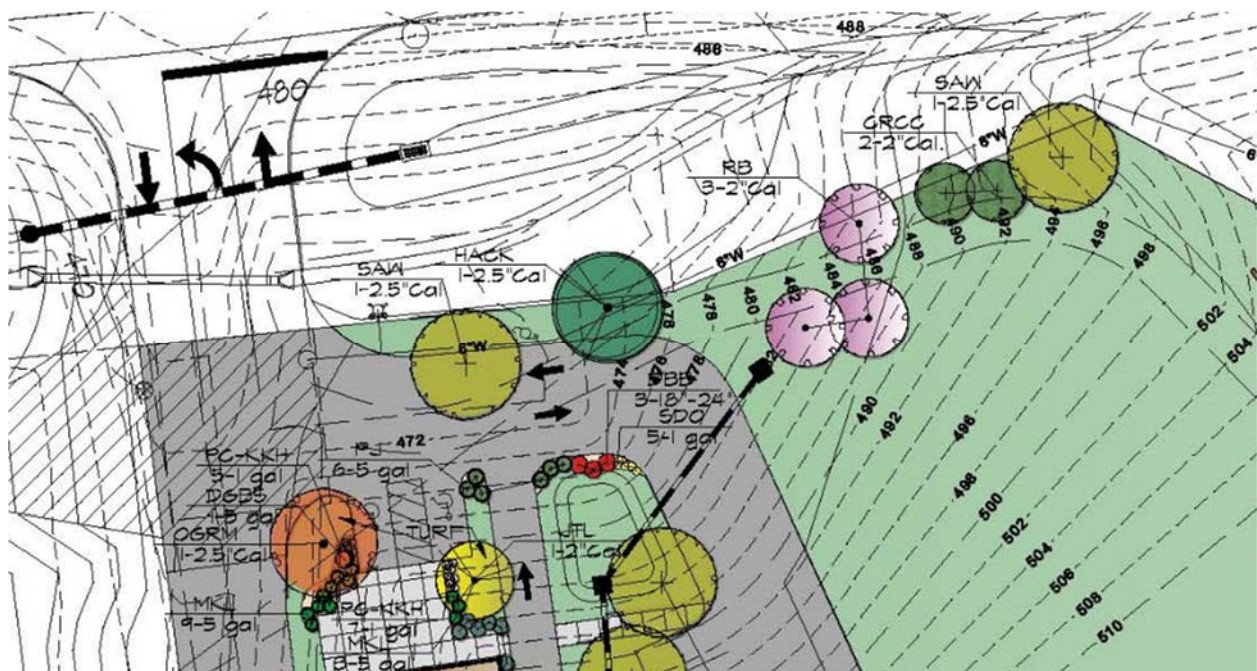


Figure 4: Close-up of the Landscape Plan

Further, the Design Guidelines provide the following landscaping recommendations for retaining walls:

Chapter 5, H. Retaining Walls

1. *Minimize the height and length of retaining walls and screen with appropriate landscaping. Retaining walls should be designed to incorporate elements of other architectural features or natural features of the project.*
2. *Retaining wall, in excess of four-feet, should be terraced. Retaining walls that abut street level are limited to a maximum height of four-feet for the bottom tier, with a minimum four-foot deep, plantable, terrace separation between levels. Additional tiers above street level are limited to six-feet in height with a minimum four-foot deep, plantable area. Provide irrigation for all retaining wall landscaping.*
3. *Materials utilized for the retaining wall should match the primary building material. Plantable walls allowing for the growth of vegetation are encouraged. The use of railroad Ties as a landscape element is prohibited in all site development plans.*

Staff recommends that the Applicant revise the landscape plan to provide additional landscaping that more fully meets with the Design Guidelines, especially along Olive Boulevard and within and along the fronts of the retaining walls next to the electrical tower.

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 and calls for a separated sidewalk on all primary street, including Olive Boulevard. Therefore, as previously indicated a condition of approval includes the addition of a sidewalk along the north property line in order to meet with the recommendations of the Pedestrian Plan and Design Guidelines and Prior Concept Plan.

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, site coverage, and yard and setback requirements. The building is located within the approximate center of the property and meets with all of the district requirements, with the closest point approximately 40 feet from the front yard setback, and the site coverage is 13.78%.

Additionally, a 20-foot buffer yard is required for any GC District that abuts a single family residential zoning district. The minimum required buffer yard shall be increased in five foot increments, up to a maximum of 40 feet, for each acre of the subject property over two acres in area. 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. Thus, for the five acre site, the buffer yard is 30 feet (excluding the access road to the home at 13150 Olive Boulevard and the access to the existing electrical tower). The building is approximately 140 feet from the closest point of the Single Family District. However a portion of the rear parking access is approximately 28 feet from the district. Therefore a condition of approval includes adjusting the impervious surface to meet with the buffer yard requirement.

Drive-Thru Restaurant

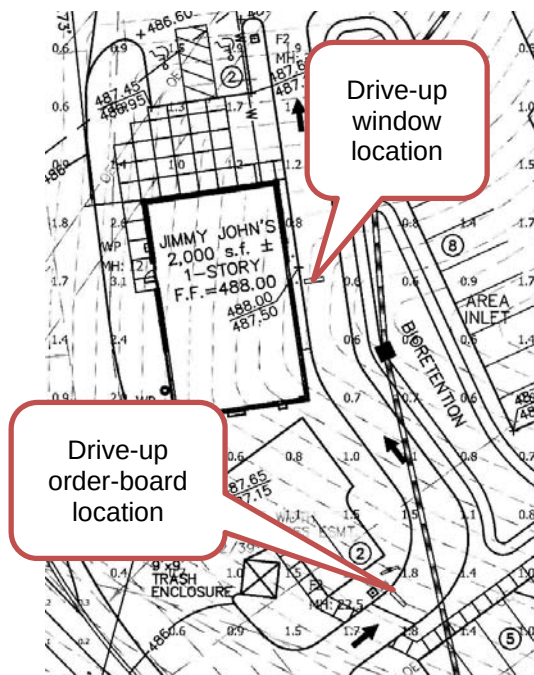


Figure 5: Detail of Site Development Plan

Section 405.470 Conditional Uses provides additional requirements for drive-thru restaurants, that include providing space for at least three cars per drive-thru window or station and , landscaping to screen the view of drive-up waiting spaces from surrounding properties. Also, drive-up window access, waiting spaces and egress drives shall not interfere with site circulation or be hazardous to motorists entering, exiting or passing by the site. Finally, drive-thru service for restaurants may be located only on sites of not less than three acres.

There is adequate space to provide for three cars at the drive-up window, however it appears that space has been provide for one car at the order-board location, per the drawing to the left. The Applicant has indicated that the waiting point is the window, and that they located the order-board as far back as possible to allow greater room at the window. However, based upon recent discussion as outlined below, Staff finds it prudent that space for a minimum of three cars at the order-board location should be provided to fully meet with the requirements of the Zoning Ordinance. Therefore, Staff recommends that a condition of approval include providing enough stacking for a minimum of three cars at the order-board, as well as the window to meet with the requirements of Section 405.470.

While not currently part of the review process for drive-thru restaurants, the Planning and Zoning Commission has been reviewing additional criteria for such facilities. While they may not directly apply to this project at this time, they can inform the decision of the Commission. The most recent draft ordinance language applicable to this site is:

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:

c. Drive-thru ~~or drive-up~~ services on sites in the "MX," "GC," "CB," "PO," "PC," and "LI" Districts that abut residential uses are subject to the following:

- (1) Drive-thru facilities shall be located on sites of three (3) or more acres and shall be limited to one restaurant with no more than two service windows, two order facilities and two designated stacking lanes on the rear or one end of a multi-tenant retail building having a continuous structure frontage of at least two hundred feet (200'). Such frontage may include one passage way or arcade (not open on the sides).
- (2) The drive-thru order facility and service window shall only be on or adjacent to a wall not facing a street and shall be completely screened from the ground floor level of adjacent residences wholly or partially within 200 feet of either the order facility or the service window by means of a solid barrier or topographic change. Vegetation cannot be used to meet this requirement but may be needed to address aesthetic concerns.
- (3) The drive-thru restaurant shall have no less than two thousand (2,000) square feet of gross floor area (area under roof).
- (4) The drive-thru order facility and service window shall be no less than 50 feet from any property line.
- (5) The designated stacking lane shall be no less than 220 feet long (approximately 10 cars), excluding the space being served by the window, which shall be no less than nine feet wide by twenty-two feet long. The

- lane shall have continuous access to a bypass lane which can be shared with the general parking lot circulation.
- (6) The entrance to the designated stacking lane shall be no less than 50 feet from the nearest point on the property line across the nearest vehicular entrance.
 - (7) The designated stacking lane shall not cross between the building and principal street frontage.
 - (8) A traffic study shall be submitted by the applicant that demonstrates, to the satisfaction of the City, that the required drive-thru facilities shall not interfere with site circulation or be hazardous to motorists or pedestrians entering, exiting or passing by the site.
 - (9) An acoustical study shall be submitted demonstrating that the order facility and service windows will not produce sounds exceeding 60dB as measured at any property line abutting a residential use, up to a height of eight feet above ground at the property line and demonstrating that the order facility and service windows will not increase ambient sound levels at other property lines above the average Monday to Friday midday level.
 - (10) "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 receive food service in their automobiles.

The proposal satisfies several of the draft criteria, but does not address the following:

- The proposed development is a single free-standing 2,000 square-foot facility, and currently the only development proposed for the site.
- The building frontage is 35 feet wide.
- It does not appear that the stacking lane would meet with the 220 feet (10 cars) requirement under consideration.
- A traffic study or acoustical study has not been submitted at this time.
- The proposed window location on the east side of the building is approximately 600 feet from the resident to the south and approximately 380 feet from the east residential building.
- While there is no opaque barrier, the topography of the site and lake would prohibit the encroachment/narrowing the distance between the residential and commercial development. Visibility is negligible today and would remain so, with the proposed evergreen trees at the east property line

Traffic

The Applicant has not provided the City with a traffic study specific to the use at this time. However, MODOT has reviewed and approved the access, as shown in the drawings and in the permit attached. Staff has received comments regarding concerns for safety with this use and access at an uncontrolled intersection. If the Commission wishes to review a traffic study, Staff recommends that they vote to continue the discussion until such study can be completed.

Landscaping

As discussed above, the Landscaping Plan meets with the minimum requirements for the number of street trees, and screening of the drive-thru facilities from adjacent residences. However, the landscaping along Olive Boulevard, at the front of the building, and along the retaining walls is lacking. Also, the plan does not indicate that an underground irrigation system has been included, and burning bush is listed as one of the plant elements, contrary to the requirement below. Therefore, Staff has included a condition of approval that the Applicant shall submit a new Landscape Plan for the Zoning Administrator's approval and that an underground irrigation system shall be included.

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.
13. Plants known to be invasive in the State of Missouri shall not be permitted as provided in Section 220.020. The Department of Public Works shall maintain a list of plants known to be invasive in Missouri.

Parking

The site development plan indicates that a total of 17 spaces are provided where 17 spaces are required, per the parking regulations:

SECTION 405.820: REQUIRED OFF-STREET PARKING SPACES

B. General Parking Requirements.

5. Food services and drinking places (NAICS 722).
 - a. One (1) parking space per every three (3) seats of maximum occupancy recorded under the conditional use permit plus one (1) parking space per every two hundred fifty (250) square feet of total building floor area plus one (1) parking space per each eight (8) seats in an outdoor seating area.

Lighting

The Applicant provided a cut sheet of the proposed lighting that appears to meet with the requirement that they are downcast and shielded, however no photometric plan was included. The draft ordinance requires submittal of a photometric plan demonstrating compliance with Section 405.810 of the Zoning Code.

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.

Signs

The proposed elevations of the building indicate locations for signs. Signs are reviewed under a separate permit process and are not part of the approval of the site development plan and conditional use permit. However, it should be noted that the property qualifies for only one sign of approximately 35 square feet per the following:

Section 405.950 Signs in Non-Residential Districts

B. Permanent Attached Signs

1. In-line or mid-block uses. Each individual use located at ground floor level with its own entrance at street level may have one (1) attached sign, affixed or painted

wall, canopy, or awning, with a total gross sign area of one (1) square foot per linear foot of the use's front facade or twenty (20) square feet, whichever is greater, up to a maximum of fifty (50) square feet in area. The sign shall be located on the front facade which shall also be the same facade as the main entrance. Where the use has a storefront facade without the main entrance, the user may allocate a portion of the total gross sign area allowed by this paragraph to one (1) additional sign located on the storefront. No use shall be permitted more than two (2) permanent attached signs under this paragraph. If the sign(s) consist(s) of a boxed display, the negative space must be dark and opaque, or clear and show the surface of the building facade.

Fire Hydrant

Staff has been made aware that Missouri American Water reported that the fill placed several years ago on the north side of 13150 Olive is apparently putting too much pressure on their water main and that the grading situation has made the fire hydrant there inaccessible. They have apparently been trying to get property owner to either re-grade the north side of the site or raise the water main, but they have not gotten a response. Therefore, Staff has included a condition of approval that prior to the issuance of a building permit, review and approval from Missouri American Water shall be required.

RECOMMENDATION AND DRAFT ORDINANCE

Staff finds that with the exception of the changes recommended, that the project meets with the Comprehensive Plan and Zoning Code. Along with the usual customary conditions for restaurant conditional use permits, below are the specific conditions discussed in the Staff Report for this project:

- The conditional use permit shall be for the operation of 2,000 square-foot, drive-thru restaurant, at 13140 Olive Boulevard, zoned "CB" Core Business District.
- Seating is limited to a maximum of 24 indoor seats and 8 outdoor seats.
- Hours of operation shall not exceed 9:00 am to mid-night daily. Additional business hours may be permitted with the Zoning Administrator's approval including, but not limited to, the catering of special events.
- Prior to the issuance of a building permit, review and approval from Missouri American Water shall be required.
- A side walk shall be provided along Olive Boulevard that meets with the recommendations of the City's Design Guidelines and Pedestrian Plan.
- The Site Plan shall be revised to include the minimum stacking for three cars at the window location and order-board location per the requirements of Section 405.470.
- The Landscape Plan shall be revised to provide additional landscaping that more fully meets with the Comprehensive Plan and Design Guidelines along Olive Boulevard, along the building front, and within and along the fronts of the retaining walls, as well as the removal of any invasive species, for the Zoning Administrator's approval.
- An underground irrigation system shall be installed as required under Section 405.540(10). All landscaping shall be maintained per the approved Landscape Plan and any 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.
- Photometric plan shall be submitted demonstrating compliance with Section 405.680, Lighting, of the Zoning Code, and Section 405.810 of the Zoning Code.
- The trash enclosure shall be built of materials that are consistent with the building, subject to the Zoning Administrator's approval.

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 #14-028 for the site development plan and conditional use permit for a 2,000 square, drive-thru restaurant at 13140 Olive Boulevard to the conditions contained in the draft ordinance prepared for the meeting of September 15, 2014." (Conditions may be added, eliminated, or modified by preceding motion.)

If the Planning and Zoning Commission believes that a recommendation should be delayed to allow for further review, then the following is an example of an appropriate motion for recommendation:

"I move to continue Application #14-028 to the meeting of October 6, 2014 to allow the applicant time to address the comments of the Commission and for the completion of a traffic study." (Note that the Commission may substitute a different meeting date as they deem necessary.)

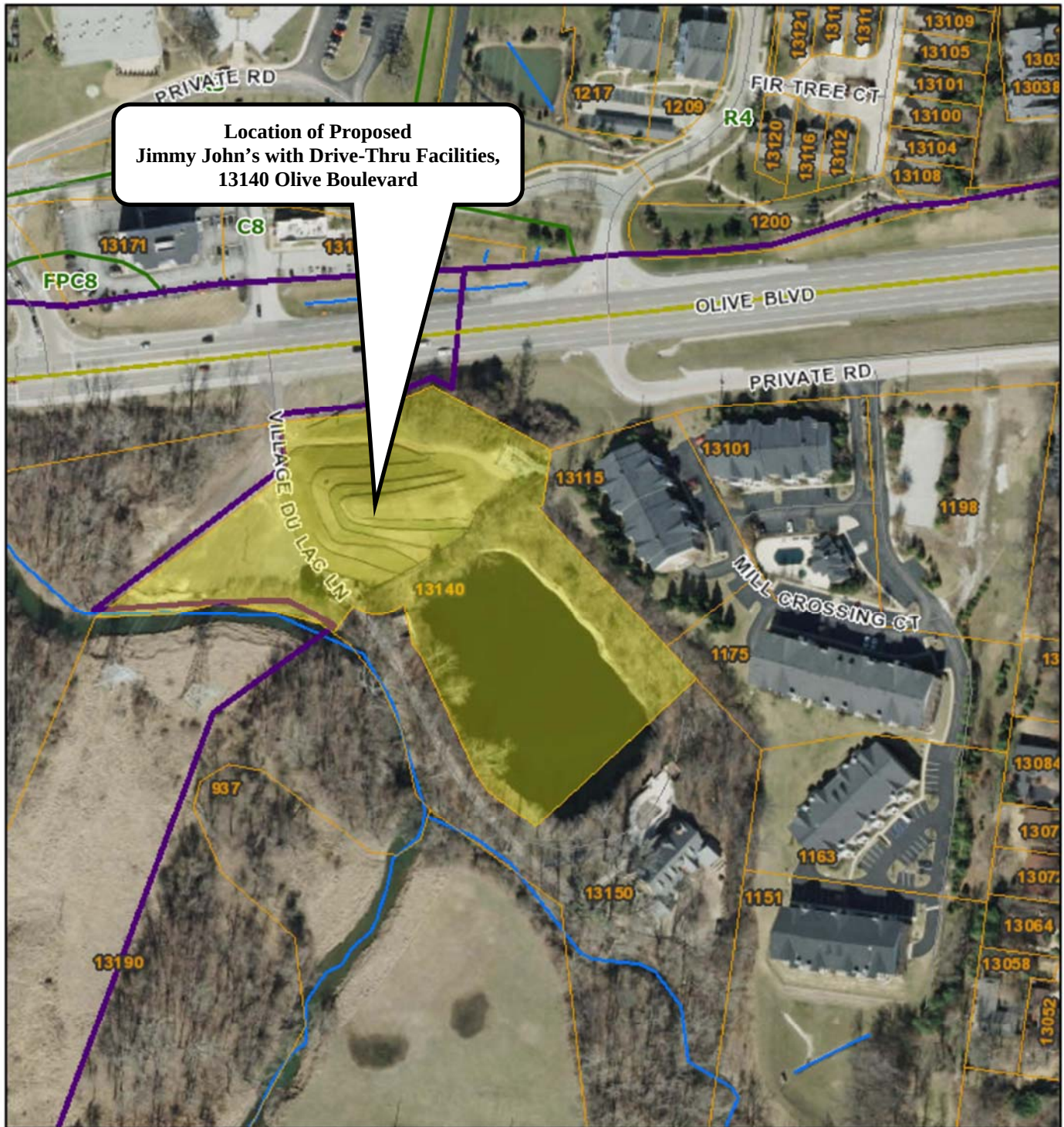
APPENDIX 1: COMPREHENSIVE PLAN

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



August 25, 2014

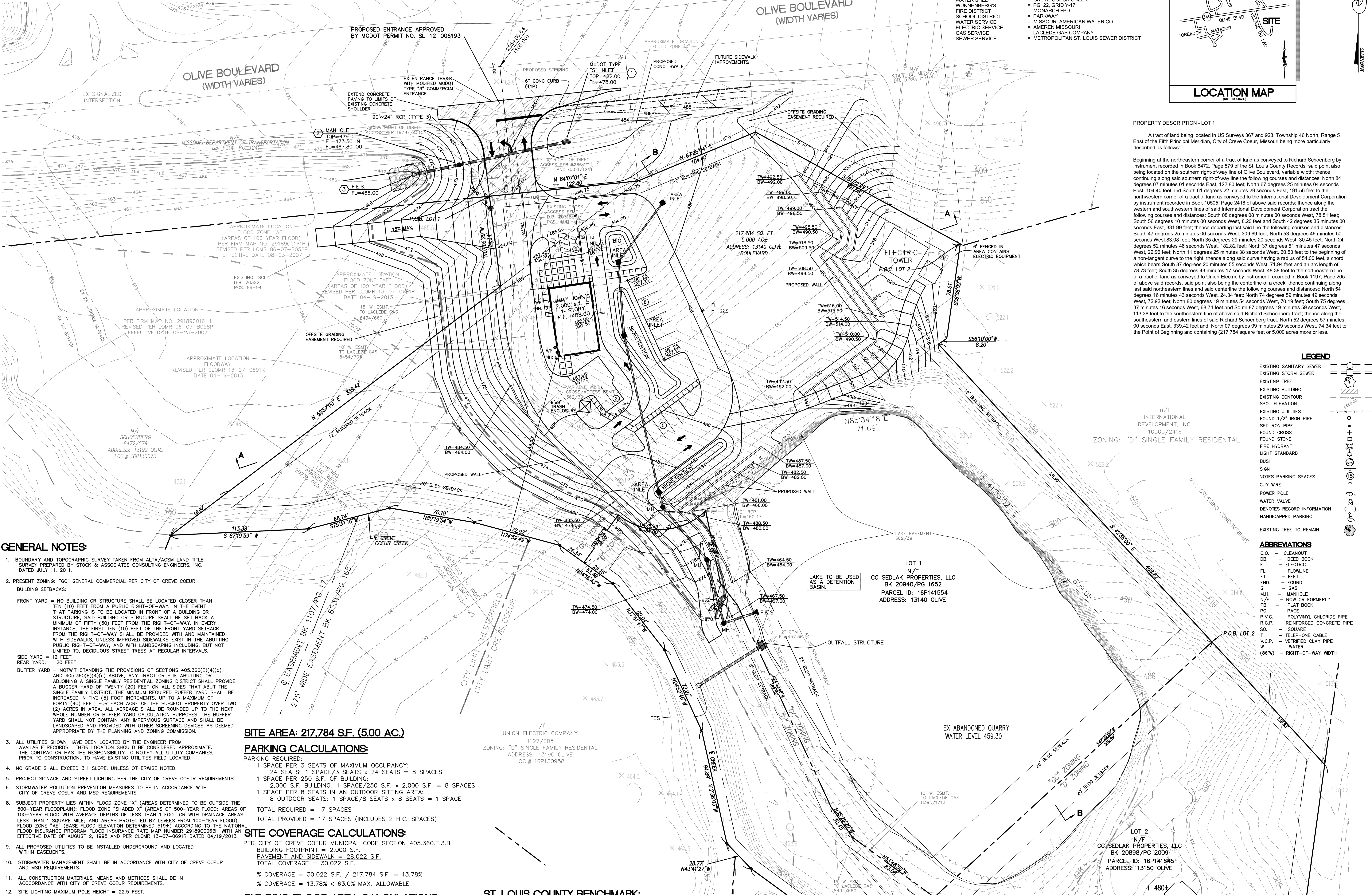
APPENDIX 4: SITE PHOTOGRAPHS	Photo Date: 09/12/2014
	Description: View of the property looking south from Olive Boulevard.
	Description: View looking north at the development across Olive Boulevard.
	Description: View looking northwest at the development across Olive Boulevard.

 A photograph showing a vacant, overgrown lot with tall grass and weeds. In the background, several high-voltage power lines and their metal towers stretch across a line of trees under a cloudy sky.	Description: View looking southwest at the vacant property from Olive Boulevard.
 A photograph of a paved road, Olive Boulevard, with a white bus driving away from the camera. The road is flanked by green trees and grass on the left. In the distance, a car is visible on the road, and a utility pole stands on the right side.	Description: View looking west along Olive Boulevard.

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

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

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



PREPARED FOR:
CC SEDLAK PROPERTIES, LLC
7201 OLIVE BLVD.
UNIVERSITY CITY, MO 63130
ATTN: CHRIS SEDLAK
PHONE: 314-578-8819

PREPARED BY:

SITE DEVELOPMENT PLANS FOR:

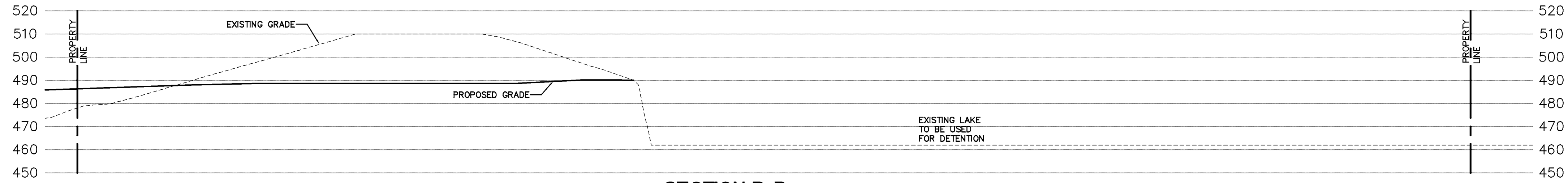
JIMMY JOHN'S - CREVE COEUR STORE
13150 OLIVE BLVD.
CREVE COEUR
MISSOURI

DATE:

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

REVISIONS:

DATE: 08/08/14 JOB NO.: 210-4658
WEEK # 16P
SHEET # 16P
SHEET TITLE: SITE DEVELOPMENT PLAN
SHEET NO.: SDP1



SECTION B-B
SCALE: 1"=30' H, V

SITE DEVELOPMENT PLANS FOR:

JIMMY JOHN'S - CREVE COEUR STORE

13150 OLIVE BLVD.

REVE COEUR
MISSOURI

Attachment: SDP Submitted 8-8-2014 (1094 : Bill No. 5513 - Jimmy John's CUP)

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

SHEET TITLE: SITE

SHEET NO.

SITE SECTIONS

SDP2

C:\Users\jstock\OneDrive\Documents\SDP3\Site Development Plans\SDP3\Site Development Plans\SDP3.dwg Aug 08, 2014 1:23pm PLOTTED BY: enclosur

PREPARED FOR:
CC SEDLAK PROPERTIES, LLC
7201 OLIVE BLVD.
UNIVERSITY CITY, MO 63130
ATTN: CHRIS SEDLAK
PHONE: 314-578-8819

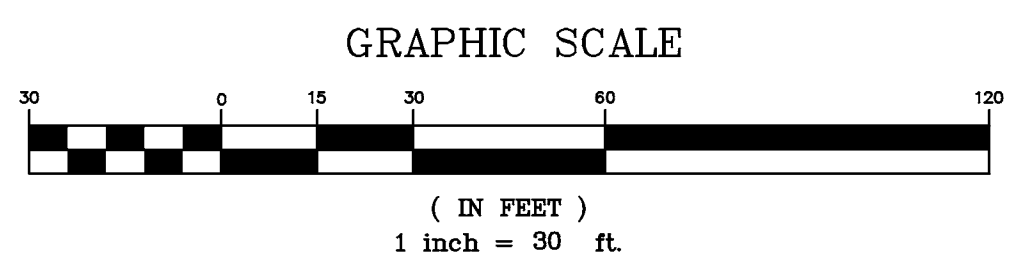
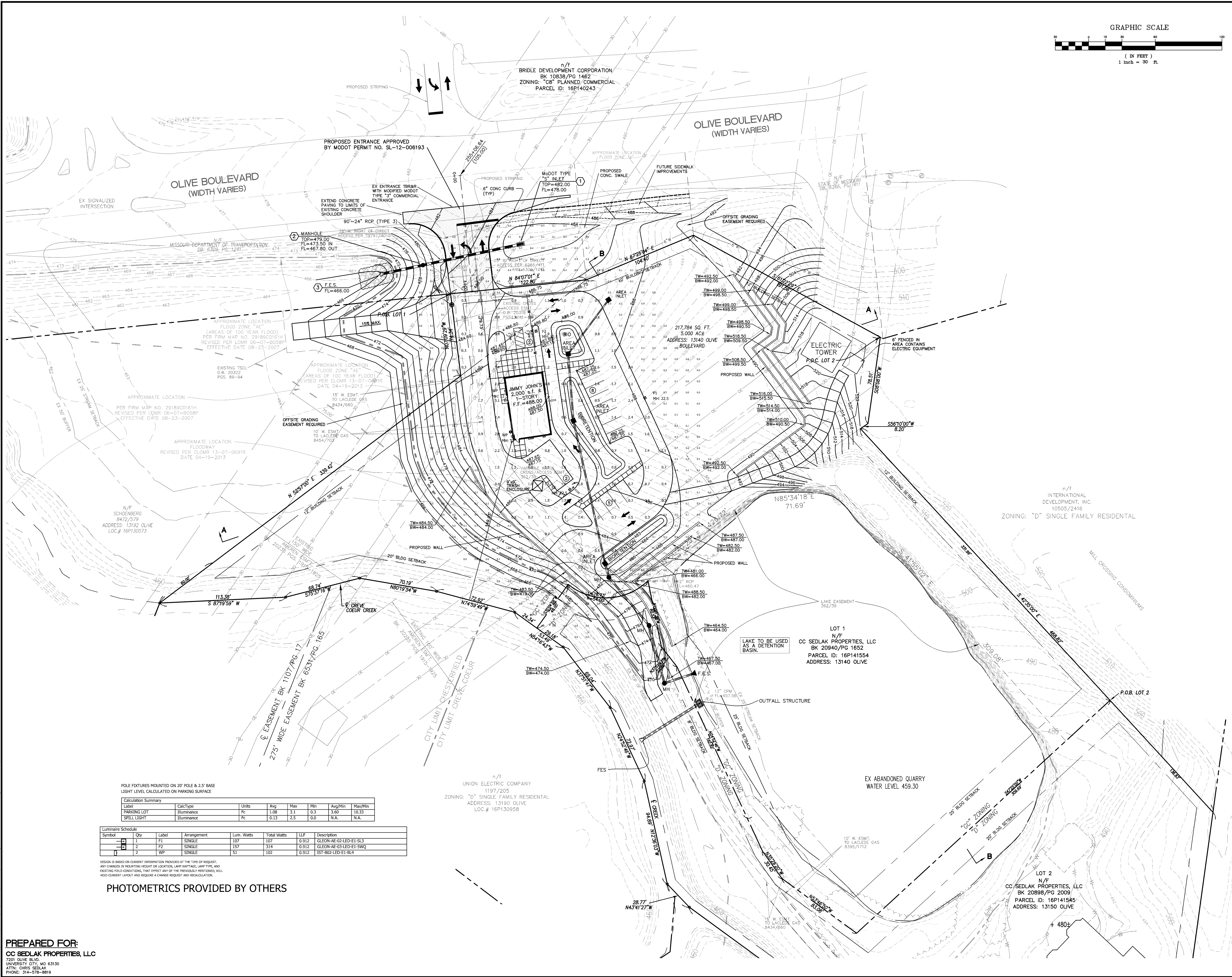
POLE FIXTURES MOUNTED ON 20' POLE & 2.5' BASE
LIGHT LEVEL CALCULATED ON PARKING SURFACE

Calculation Summary						
Label	Qty	CalcType	Units	Avg	Max	Min
PARKING LOT	2	F2	ILLUMINANCE	1.08	3.1	0.3
SPILL LIGHT	2	WP	ILLUMINANCE	0.13	2.5	0.0

Luminaire Schedule						
Symbol	Qty	Label	Arrangement	Lum. Watts	Total Watts	LLF
1	1	F1	SINGLE	107	107	0.912
2	2	F2	SINGLE	157	314	0.912
3	2	WP	SINGLE	51	102	0.912

DESIGN IS BASED ON CURRENT INFORMATION PROVIDED AT THE TIME OF REQUEST.
ANY CHANGES IN MOUNTING HEIGHT OR LOCATION, LAMP WATTAGE, LAMP TYPE, AND
EXISTING FIELD CONDITIONS, THAT EFFECT ANY OF THE PREVIOUSLY MENTIONED, WILL
VOID CURRENT LAYOUT AND REQUIRE A CHANGE REQUEST AND RECALCULATION.

PHOTOMETRICS PROVIDED BY OTHERS



PREPARED BY:
STOCK & ASSOCIATES
Consulting Engineers, Inc.

SITE DEVELOPMENT PLANS FOR:
JIMMY JOHN'S - CREVE COEUR STORE
13150 OLIVE BLVD.
CREVE COEUR
MISSOURI

DATE:

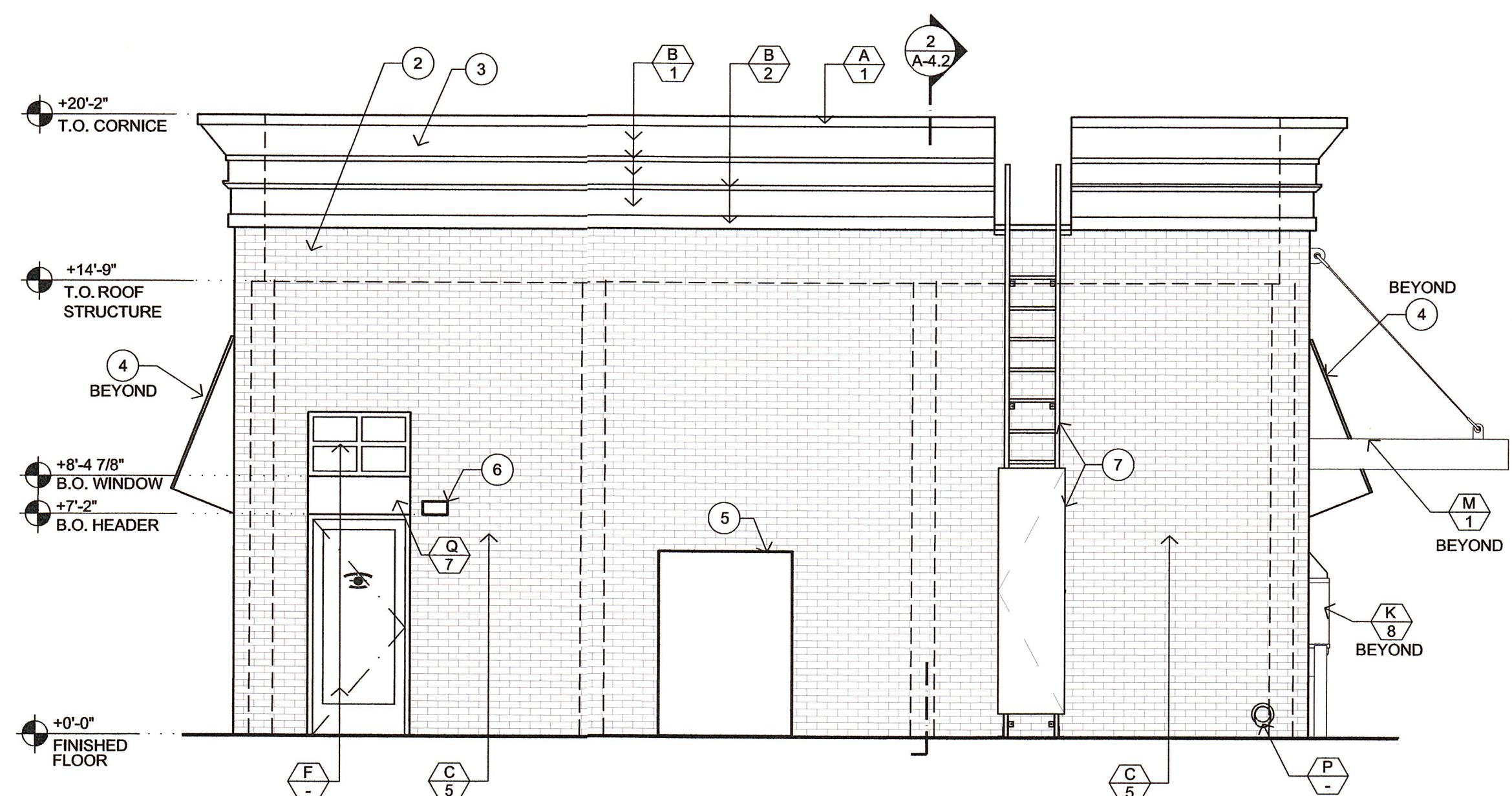
GEORGE M. STOCK
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NUMBER: 000996

REVISIONS:
1. 08/08/14
2. 08/08/14
3. 08/08/14
4. 08/08/14
5. 08/08/14
6. 08/08/14
7. 08/08/14
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9. 08/08/14
10. 08/08/14

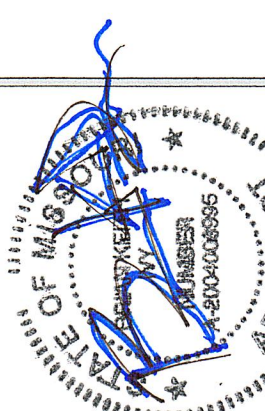
DRAWN BY: E.J.F. CHECKED BY: G.M.S.
DATE: 08/08/14 JOB NO.: 210-4658
ASD: 16P BASE MAP: 16P
S.C. REF: 16P HRT SUP: 16P
M.D.R. # 40-00
SHEET TITLE: **SITE DEVELOPMENT PLAN**
SHEET NO.: **SDP3**

Attachment: SDP Submitted 8-8-2014 (1094 - Bill No. 5513 - Jimmy John's CUP)

2.2.7



SOUTH ELEVATION

 130 e. Jefferson Ste. 200 Kirkwood, MO 63122 314.394.1606 o. 314.394.1609 f. 314.369.0209 c. www.YourIdeaArchitects.com	
Certificate of Authority # 2011006331	
Aedificaengineering By Special Order of the Missouri State Board of Architects 1 Mo. Stat. Ann. § 330.010 1 Mo. Rev. Stat. § 330.010 architectural.com The National Board of Architectural Examiners The National Board of Architectural Examiners	
	
Brian Ivy, Architect # A-200408995	
JIMMY JOHN'S Since JJ 1983 WORLD'S GREATEST GOURMET SANDWICHES	
DATE _____	
DELTA _____	

A-4.1



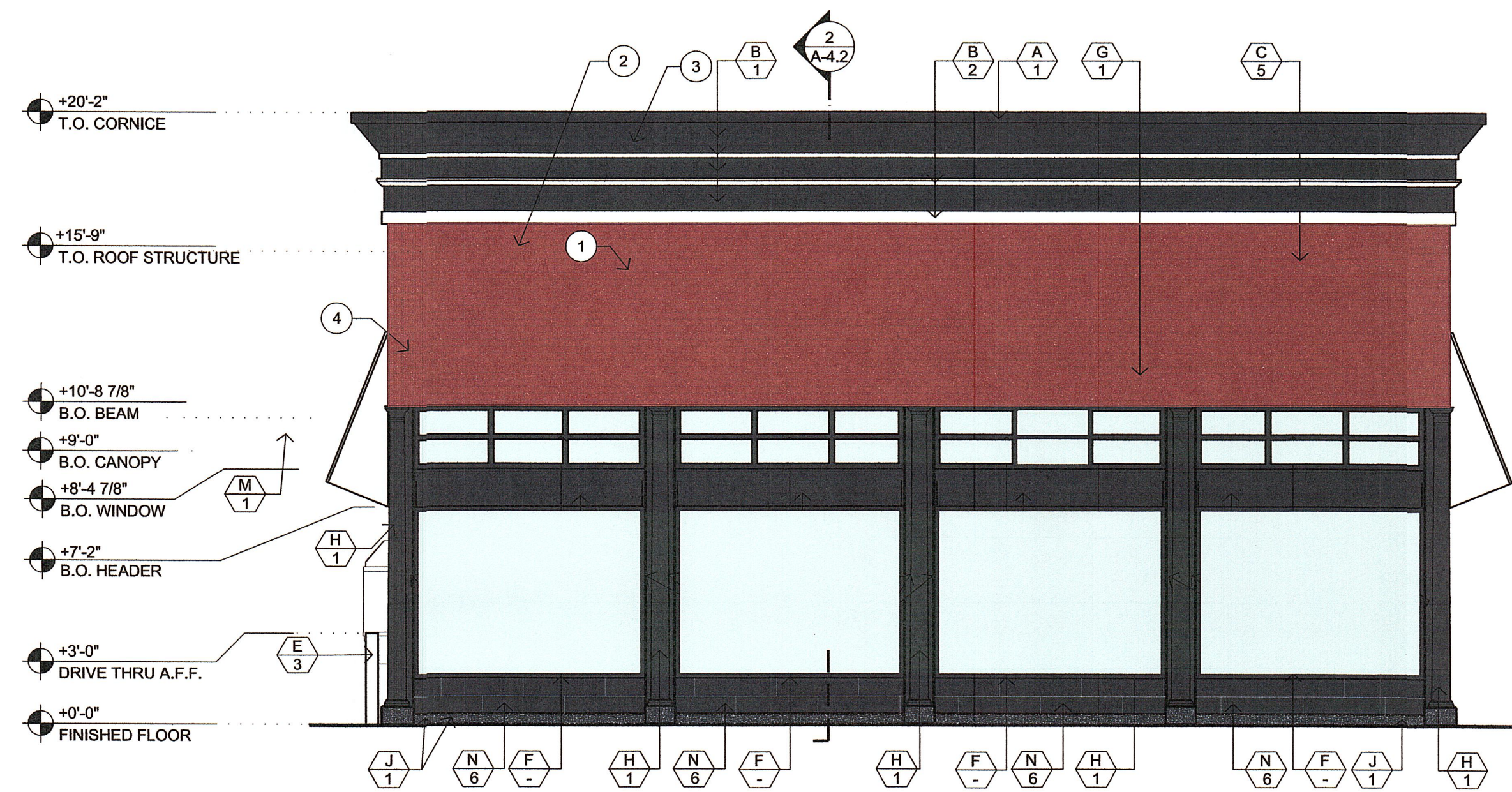
EAST ELEVATION

A 1/4" = 1'-0"



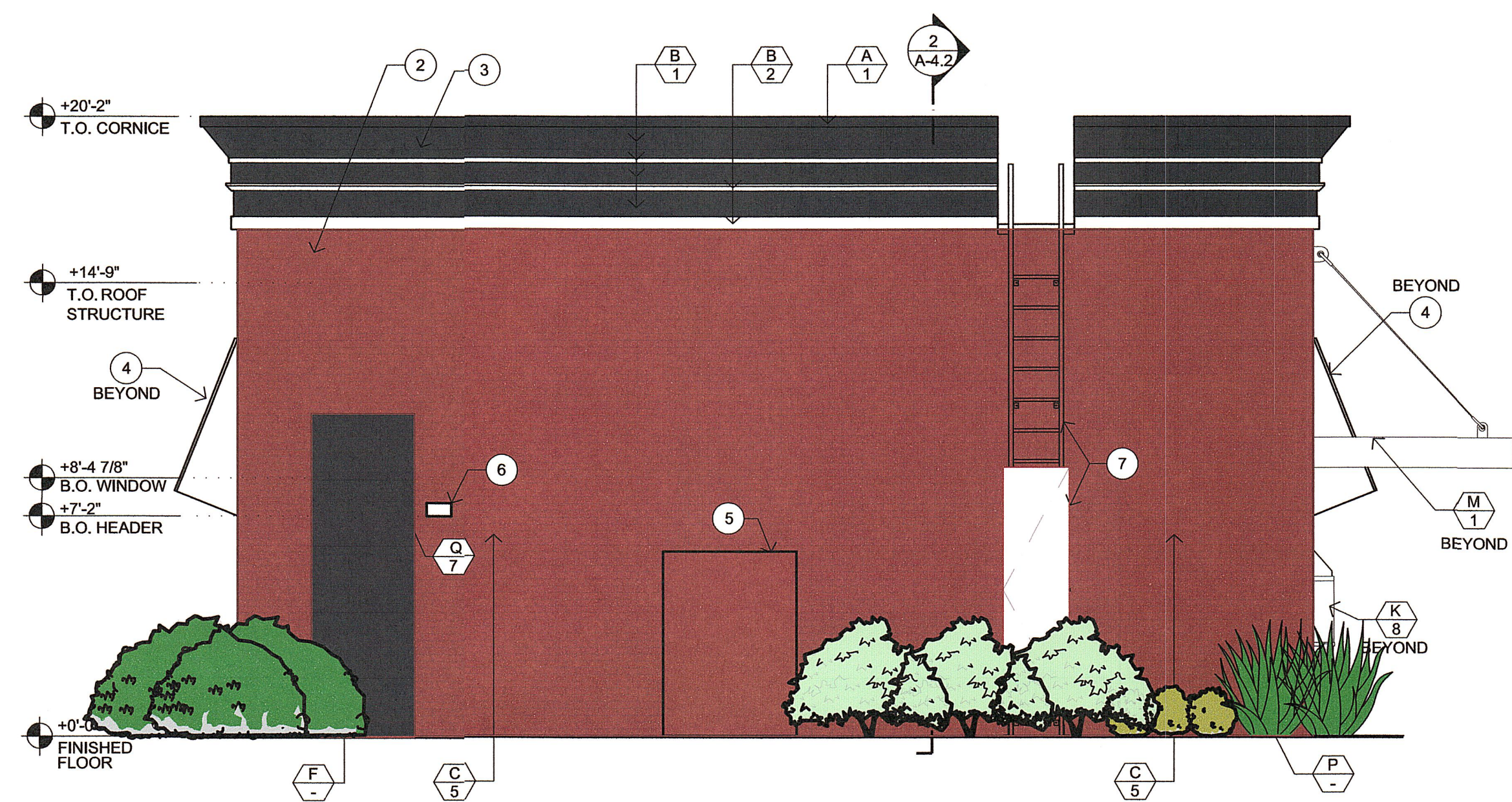
WEST ELEVATION

B 1/4" = 1'-0"



NORTH ELEVATION

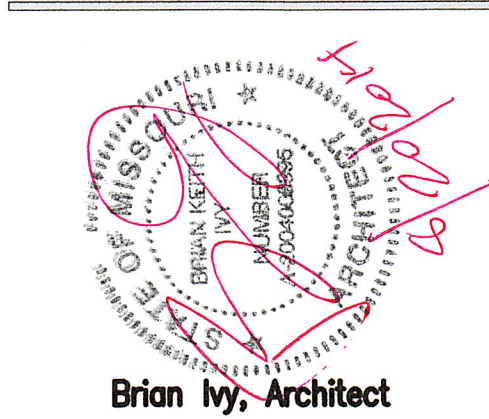
D 1/4" = 1'-0"



SOUTH ELEVATION

C 1/4" = 1'-0"

FINISHES	KEYED NOTES
1 PT-7 - PAINT - SHERWIN WILLIAMS - TRICORN BLACK #SW6258 SEMI GLOSS FINISH	1 JJ'S APPROVED SIGN BY TENANT. - APPROVED UNDER SEPARATE REVIEW AND PERMIT.
2 PT-8 - PAINT - SHERWIN WILLIAMS - REALIST BEIGE	2 LINE OF ROOF.
3 PT-9 - PAINT - PITTSBURGH - SAFETY RED	3 FOAM CORNICE - SEE 10/A-12.
4 PT-3 - PAINT - BENJAMIN MOORE - WHITE DOVE	4 FIRE RESISTANT CANVAS AWNING (UNDER SEPARATE PERMIT).
5 BR-1 - BRICK - BELDEN BRICK-JUMBO ROSEWOOD (USE STANDARD GRAY MORTAR)	5 S.E.S.
6 WT-9 - 12"X24" BENGALA NEGRO WITH BONSAI ONYX BLACK GROUT.	6 EXTERIOR WALL PACK LIGHT FIXTURE AT + 7'-2" A.F.F.- SEE E-2
7 EXXON-RED	7 LADDER WITH ENCLOSURE - SEE SHEET A-13.
8 STATUARY BRONZE FINISH	
9 PAINT TO MATCH BRICK	
GENERAL NOTES	MATERIALS
1. ALL ROOF MOUNTED EQUIPMENT SHALL BE FULLY SCREENED BY THE PARAPET.	A METAL FLASHING
2. E.I.F.S. SHALL BE "STO" ESR-1720 OR EQUAL.	B E.I.F.S. FINISH
3. ALL SIGNAGE SHALL BE REVIEWED AND APPROVED UNDER SEPARATE SUBMITTAL.	C FACE BRICK #A-06-14 WITH STANDARD GRAY MORTAR
4. ALL BUILDING MOUNTED UTILITY BOXES ARE TO BE PAINTED TO MATCH ADJACENT COLORS.	D STRUCTURAL COLUMN - SEE STRUCTURAL DRAWINGS
	E STEEL PIPE BOLLARD - SEE DETAIL 6/SP-3.
	F KAWNEER 451T ALUM/GLASS STOREFRONT (1/4" INSULATED BRONZE TINTED TEMPERED GLASS, 20% MAX. REFLECTIVITY) PAINTED BLACK FINISH
	G STRUCTURAL BEAM - SEE STRUCTURAL DRAWINGS
	H 8" DECORATIVE (COLONIAL STYLE) COLUMN BY CAMPBELLSVILLE INDUSTRIES INC.- SEE E/A-4.1
	J POURED IN PLACE CONCRETE CURB - SEE DETAIL 3/SP-3
	K DRIVE THRU WINDOW - STATUARY BRONZE FINISH READY ACCESS BO-10 - SEE DETAIL E/A-10
	L SUPER SEAL 10'-0" DIAMETER - STENCIL PROVIDED BY OWNER, CENTER ON THE BRICK WALL
	M METAL CANOPY - SEE 1/A-14.
	N PORCELAIN TILE
	P OVERFLOW DRAIN - SEE METAL CANOPY DETAILS
	Q BREAK METAL

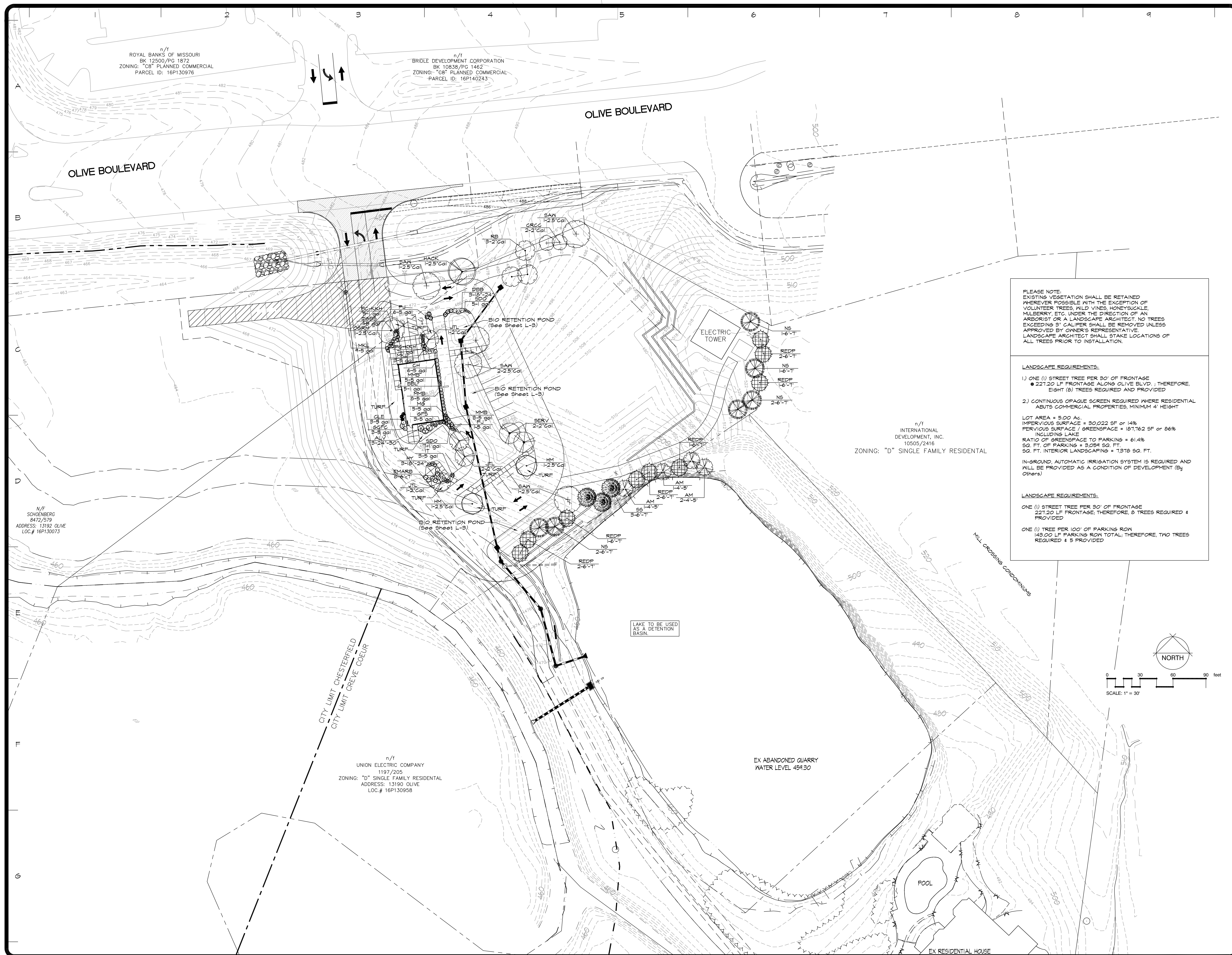


DATE
DELTA

JIMMY JOHN'S
CREVE COEUR STORE
13150 OLIVE BLVD.
CREVE COEUR, MO

SHEET TITLE
EXTERIOR ELEVATIONS
JOB NO
CREVE COEUR
DATE 08.13.2014
SCALE AS STATED
DRAWN MM
CHECKED BI
SHEET NO

A-4.1





PLANT SCHEDULE			
TREES	QTY	COMMON NAME / BOTANICAL NAME	SIZE
HACK	1	Common Hackberry / Celtis occidentalis	2.5' Cal
HM	2	Hedge Maple / Acer campestre	2.5' Cal
SAK	5	Banstead Oak / Quercus austrina	2.5' Cal
AM	4	Flame Amur Maple / Acer ginnala Flame	4'-8'
OSRM	1	October Glory Maple / Acer rubrum October Glory	2.5' Cal
EVERGREEN TREES	QTY	COMMON NAME / BOTANICAL NAME	SIZE
EMARS	6	Enerald Arborvitae / Thuja occidentalis Emerald	6'-11"
NS	6	Norway Spruce / Picea abies	6'-11"
REDP	4	Red Pine / Pinus resinosa	6'-11"
SS	3	Serbian Spruce / Picea omorika	6'-11"
FLOWERING TREES	QTY	COMMON NAME / BOTANICAL NAME	SIZE
CRCC	2	Canada Red Chokecherry / Prunus virginiana Canada Red	2' Cal
JTL	4	Ivory Silk Japanese Tree Lilac / Syringa reticulata Ivory Silk	2' Cal
RS	3	Radiata / Cercis canadensis	2' Cal
SERV	2	Autumn Brilliance Serviceberry / Amelanchier X grandiflora Autumn Brilliance	2' Cal
SHRUBS	QTY	COMMON NAME / BOTANICAL NAME	SIZE
ALV	3	Allegheny Leatherleaf Viburnum / Viburnum acerifolium Allegheny	24"-50"
CH	6	China Bayberry Holly / Ilex meserveae China Bayberry TM	5 gal
DSSB	3	Compact Burning Bush / Euonymus alatus Compactus	18"-24"
DSSB	1	Dwarf Globe Blue Spruce / Picea pungens Globosa	5 gal
SFS	3	Sold Flame Spiraea / Spiraea bumalda Sold Flame	5 gal
SCPC	3	Golden Charm False Cypress / Chamaecyparis platana Hillera Golden Charm	5 gal
HY	3	Hicks Yew / Taxus media Hickall	18"-24"
IT	12	Little Henry Shasta Spruce / Issa virginica Little Henry	5 gal
ML	12	Miss Kim Lilac / Syringa patula Miss Kim	5 gal
MB	18	Morris Hedge Broomrape / Buxus microphylla japonica Morris Hedge	5 gal
PJ	7	Prostrate Juniper / Juniperus procumbens Nana	5 gal
GLE	3	Hummingbird Summerweet / Geothia sinifolia Hummingbird	5 gal
ANNUALS/PERENNIALS	QTY	COMMON NAME / BOTANICAL NAME	SIZE
BL	3	Big Blue Liriope / Liriope muscari Big Blue	1 gal
PC-KCH	12	Purple Coneflower / Echinacea purpurea Kim's Knee High TM	1 gal
SDO	12	Stella de Oro Daylily / Hemerocallis hybrid Stella de Oro	1 gal
FORBS	QTY	COMMON NAME / BOTANICAL NAME	SIZE
GA	104	Golden Alexander / Zizia aurea	2 qt
RYAL	48	Rose Hedges / Hibiscus lasiocarpus	2 qt
SM	100	Swamp Milkweed / Asclepias incarnata	2 qt
GRASSES	QTY	COMMON NAME / BOTANICAL NAME	SIZE
HS	3	Holcus Grass / Miscanthus sinensis Grassilime	5 gal
NATIVE GRASSES	QTY	COMMON NAME / BOTANICAL NAME	SIZE
315	3	Brown Fox Sedge / Carex vulpinoidea	Plug
182	3	Broad Green Sedge / Scirpus atrovirens	Plug
604	3	Palm Sedge / Carex muskumensis	Plug

STOCK & ASSOCIATES
Consulting Engineers, Inc.

257 CHESTERFIELD BUSINESS PARKWAY
636/530-9100

CHESTERFIELD, MISSOURI

landscape TECHNOLOGIES
81 Jacobs Creek Drive (636) 428-2500
St. Charles, Missouri 63304 Fax: (636) 428-4565
MO Landscape Architectural Corporation #2008000182

PLANTING PLAN FOR THE PROPOSED: JIMMY JOHN'S RESTAURANT CREVE COEUR, MISSOURI

DESCRIPTION

The Galleon™ LED luminaire delivers exceptional performance in a highly scalable, low-profile design. Patented, high-efficiency AccuLED Optics™ system provides uniform and energy conscious illumination to walkways, parking lots, roadways, building areas and security lighting applications. IP66 rated.

AUG 18 2014

PLANNING DEPT.

SPECIFICATION FEATURES

Construction

Extruded aluminum driver enclosure thermally isolated from Light Squares for optimal thermal performance. Heavy-wall, die-cast aluminum end caps enclose housing and die-cast aluminum heat sinks. A unique, patent pending interlocking housing and heat sink provides scalability with superior structural rigidity. 3G vibration tested. Optional tool-less hardware available for ease of entry into electrical chamber. Housing is IP66 rated.

Optics

Choice of 16 patented, high-efficiency AccuLED Optics. The optics are precisely designed to shape the distribution maximizing efficiency and application spacing. AccuLED Optics create consistent distributions with the scalability to meet customized application requirements. Offered standard in 4000K (+/- 275K) CCT and minimum 70 CRI. Optional 6000K CCT and 3000K CCT. For the ultimate level of spill light control, an optional house side shield accessory can

be field or factory installed. The house side shield is designed to seamlessly integrate with the SL2, SL3, SL4 or AFL optics.

Electrical

LED drivers are mounted to removable tray assembly for ease of maintenance. 120-277V 50/60Hz, 347V 60Hz or 480V 60Hz operation. Standard with 0-10V dimming. Shipped standard with Cooper Lighting proprietary circuit module designed to withstand 10kV of transient line surge. The Galleon LED luminaire is suitable for operation in -40°C to 40°C ambient environments. For applications with ambient temperatures exceeding 40°C, specify the HA (High Ambient) option. Light Squares are IP66 rated. Greater than 90% lumen maintenance expected at 60,000 hours. Available in standard 1A drive current and optional 530mA and 700mA drive currents.

Mounting

Extruded aluminum arm includes internal bolt guides allowing for

easy positioning of fixture during assembly. Designed for pole or wall mounting. When mounting two or more luminaires at 90° or 120° apart, the EA extended arm may be required. Refer to the arm mounting requirement table on page 3. Round pole top adapter included. For wall mounting, specify wall mount bracket option. 3G vibration rated.

Finish

Housing finished in super durable TGIC polyester powder coat paint, 2.5 mil nominal thickness for superior protection against fade and wear. Heat sink is powder coated black. Standard colors include black, bronze, grey, white, dark platinum and graphite metallic. RAL and custom color matches available. Consult the McGraw-Edison Architectural Colors brochure for the complete selection.

Warranty

Five-year warranty.

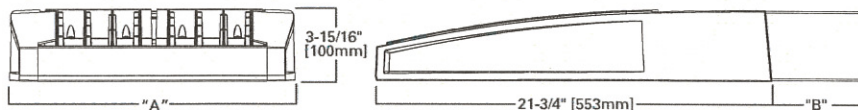
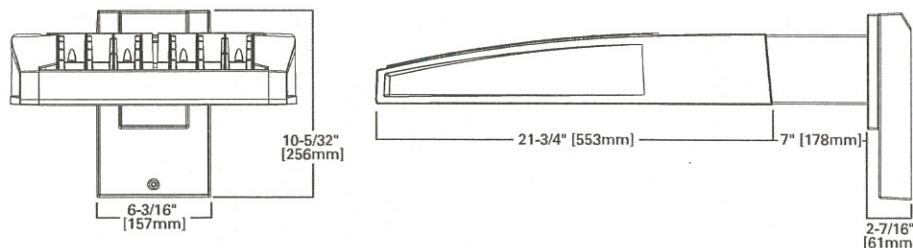


GLEON GALLEON LED

1-10 Light Squares
Solid State LED

AREA/SITE LUMINAIRE

DIMENSIONS

POLE MOUNT**WALL MOUNT**

DIMENSION DATA

Number of Light Squares	"A" Width	"B" Standard Arm Length	"B" Optional Arm Length ¹	Weight with Arm (lbs.)	EPA with Arm ² (Sq. Ft.)
1-4	15-1/2" (394mm)	7" (178mm)	10" (254mm)	33 (15.0 kgs.)	0.96
5-6	21-5/8" (549mm)	7" (178mm)	10" (254mm)	44 (20.0 kgs.)	1.00
7-8	27-5/8" (702mm)	7" (178mm)	13" (330mm)	54 (24.5 kgs.)	1.07
9-10	33-3/4" (857mm)	7" (178mm)	16" (406mm)	63 (28.6 kgs.)	1.12

NOTES: 1 Extended arm option may be required when mounting two or more fixtures per pole at 90° or 120°. Refer to arm mounting requirement table. 2 EPA calculated with optional arm length.

Cooper Lighting

by **E.T.N.**

*www.designlights.org

**CERTIFICATION DATA**

UL/cUL Wet Location Listed
ISO 9001
LM79 / LM80 Compliant
3G Vibration Rated
IP66 Rated
DesignLights Consortium® Qualified*

ENERGY DATA

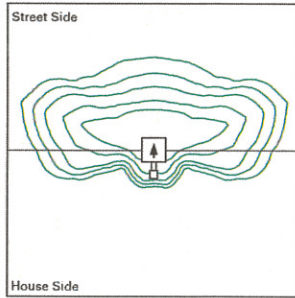
Electronic LED Driver
>0.9 Power Factor
<20% Total Harmonic Distortion
120V-277V 50/60Hz
347V & 480V 60Hz
-40°C Min. Temperature
40°C Max. Temperature
50°C Max. Temperature (HA Option)



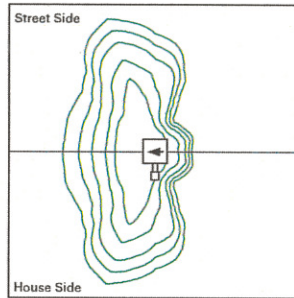
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Packet Pg. 85

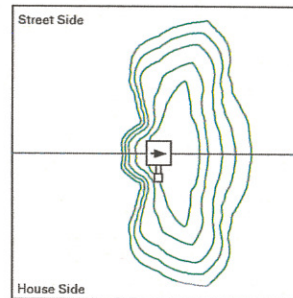
OPTIC ORIENTATION



Standard



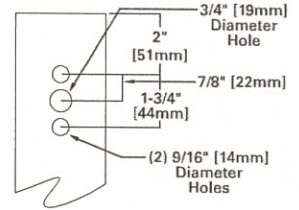
Optics Rotated Left @ 90° [L90]



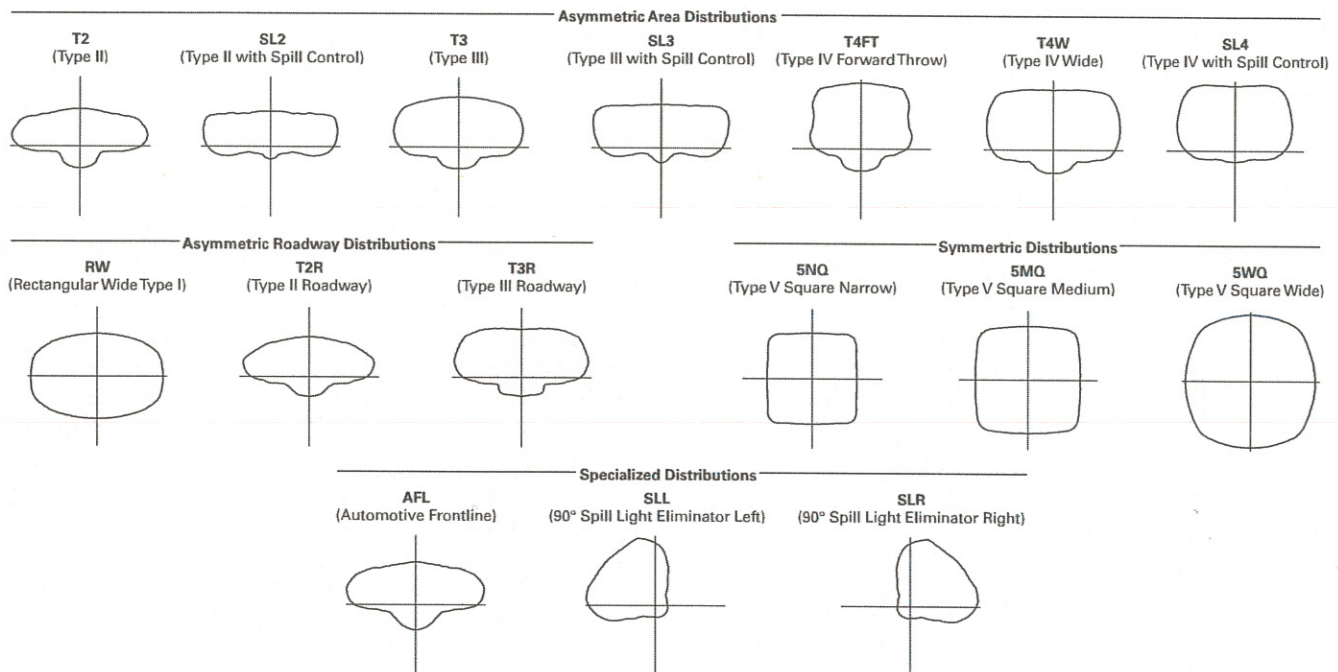
Optics Rotated Right @ 90° [R90]

DRILLING PATTERN

TYPE "N"

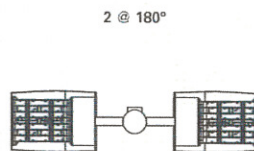


OPTICAL DISTRIBUTIONS

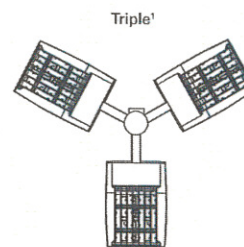
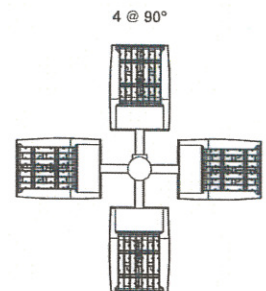


ARM MOUNTING REQUIREMENTS

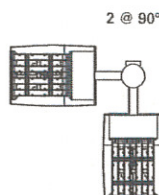
Configuration	90° Apart	120° Apart
GLEON-AE-01	7" Arm (Standard)	7" Arm (Standard)
GLEON-AE-02	7" Arm (Standard)	7" Arm (Standard)
GLEON-AE-03	7" Arm (Standard)	7" Arm (Standard)
GLEON-AE-04	7" Arm (Standard)	7" Arm (Standard)
GLEON-AE-05	10" Extended Arm (Required)	7" Arm (Standard)
GLEON-AE-06	10" Extended Arm (Required)	7" Arm (Standard)
GLEON-AE-07	13" Extended Arm (Required)	13" Extended Arm (Required)
GLEON-AE-08	13" Extended Arm (Required)	13" Extended Arm (Required)
GLEON-AE-09	16" Extended Arm (Required)	16" Extended Arm (Required)
GLEON-AE-10	16" Extended Arm (Required)	16" Extended Arm (Required)



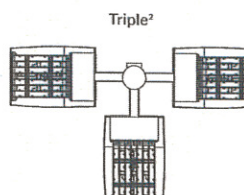
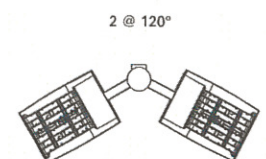
2 @ 180°

Triple^{90°}

4 @ 90°



2 @ 90°

Triple^{120°}

2 @ 120°

NOMINAL POWER AND LUMENS (1A)

Number of Light Squares		1	2	3	4	5	6	7	8	9	10
Drive Current		1A	1A	1A	1A	1A	1A	1A	1A	1A	1A
Nominal Power (Watts)		56	107	157	213	264	315	370	421	475	528
Input Current @ 120V (A)		0.47	0.90	1.31	1.79	2.21	2.64	3.09	3.51	3.96	4.41
Input Current @ 208V (A)		0.28	0.51	0.74	1.02	1.25	1.48	1.76	1.99	2.22	2.50
Input Current @ 240V (A)		0.25	0.45	0.65	0.90	1.10	1.30	1.55	1.75	1.95	2.20
Input Current @ 277V (A)		0.23	0.41	0.59	0.82	1.00	1.18	1.41	1.59	1.77	2.00
Optics											
T2	Lumens	5,272	10,303	15,373	20,313	25,168	30,118	35,618	40,357	45,018	49,842
	BUG Rating	B1-U0-G1	B2-U0-G2	B2-U0-G2	B3-U0-G3	B3-U0-G4	B3-U0-G4	B3-U0-G4	B3-U0-G5	B4-U0-G5	B4-U0-G5
T2R	Lumens	5,597	10,938	16,321	21,565	26,719	31,974	37,813	42,844	47,792	52,914
	BUG Rating	B1-U0-G1	B2-U0-G2	B2-U0-G2	B3-U0-G3	B3-U0-G3	B3-U0-G4	B3-U0-G4	B3-U0-G4	B4-U0-G4	B4-U0-G5
T3	Lumens	5,374	10,501	15,669	20,704	25,652	30,697	36,303	41,134	45,884	50,802
	BUG Rating	B1-U0-G2	B2-U0-G2	B2-U0-G3	B3-U0-G3	B3-U0-G4	B3-U0-G4	B3-U0-G5	B3-U0-G5	B4-U0-G5	B4-U0-G5
T3R	Lumens	5,493	10,735	16,017	21,164	26,222	31,379	37,110	42,048	46,904	51,930
	BUG Rating	B1-U0-G2	B1-U0-G2	B2-U0-G3	B2-U0-G4	B3-U0-G4	B3-U0-G4	B3-U0-G5	B3-U0-G5	B3-U0-G5	B3-U0-G5
T4FT	Lumens	5,405	10,562	15,760	20,824	25,801	30,875	36,514	41,372	46,150	51,096
	BUG Rating	B1-U0-G2	B2-U0-G2	B2-U0-G3	B3-U0-G4	B3-U0-G4	B3-U0-G5	B3-U0-G5	B3-U0-G5	B3-U0-G5	B3-U0-G5
T4W	Lumens	5,335	10,426	15,556	20,555	25,468	30,476	36,042	40,838	45,554	50,436
	BUG Rating	B1-U0-G2	B2-U0-G2	B2-U0-G3	B3-U0-G4	B3-U0-G4	B3-U0-G5	B3-U0-G5	B4-U0-G5	B4-U0-G5	B4-U0-G5
SL2	Lumens	5,263	10,285	15,347	20,278	25,124	30,066	35,556	40,288	44,940	49,756
	BUG Rating	B1-U0-G2	B2-U0-G2	B2-U0-G3	B3-U0-G3	B3-U0-G4	B3-U0-G4	B3-U0-G5	B3-U0-G5	B4-U0-G5	B4-U0-G5
SL3	Lumens	5,373	10,500	15,667	20,701	25,649	30,693	36,298	41,128	45,878	50,794
	BUG Rating	B1-U0-G2	B2-U0-G3	B2-U0-G3	B3-U0-G4	B3-U0-G4	B3-U0-G4	B3-U0-G5	B3-U0-G5	B3-U0-G5	B3-U0-G5
SL4	Lumens	5,105	9,976	14,886	19,669	24,370	29,163	34,488	39,078	43,591	48,262
	BUG Rating	B1-U0-G2	B1-U0-G3	B1-U0-G3	B2-U0-G4	B2-U0-G4	B2-U0-G5	B3-U0-G5	B3-U0-G5	B3-U0-G5	B3-U0-G5
5NQ	Lumens	5,542	10,830	16,160	21,352	26,455	31,658	37,439	42,421	47,320	52,392
	BUG Rating	B2-U0-G1	B3-U0-G1	B3-U0-G2	B4-U0-G2	B4-U0-G2	B5-U0-G2	B5-U0-G3	B5-U0-G3	B5-U0-G3	B5-U0-G4
5MQ	Lumens	5,644	11,029	16,457	21,745	26,942	32,241	38,128	43,202	48,191	53,356
	BUG Rating	B3-U0-G1	B4-U0-G2	B4-U0-G2	B5-U0-G3	B5-U0-G3	B5-U0-G4	B5-U0-G4	B5-U0-G4	B5-U0-G4	B5-U0-G5
5WQ	Lumens	5,659	11,059	16,501	21,803	27,014	32,327	38,230	43,317	48,320	53,498
	BUG Rating	B3-U0-G1	B4-U0-G2	B4-U0-G2	B5-U0-G3	B5-U0-G4	B5-U0-G4	B5-U0-G4	B5-U0-G5	B5-U0-G5	B5-U0-G5
SLL/SLR	Lumens	4,722	9,227	13,767	18,191	22,539	26,971	31,897	36,141	40,315	44,635
	BUG Rating	B1-U0-G2	B1-U0-G3	B2-U0-G3	B2-U0-G3	B3-U0-G4	B3-U0-G4	B3-U0-G5	B3-U0-G5	B3-U0-G5	B3-U0-G5
RW	Lumens	5,492	10,732	16,014	21,159	26,216	31,372	37,101	42,038	46,893	51,918
	BUG Rating	B2-U0-G1	B3-U0-G1	B4-U0-G2	B4-U0-G2	B4-U0-G2	B5-U0-G3	B5-U0-G3	B5-U0-G3	B5-U0-G4	B5-U0-G4
AFL	Lumens	5,512	10,771	16,072	21,236	26,311	31,486	37,236	42,191	47,063	52,107
	BUG Rating	B1-U0-G1	B1-U0-G1	B2-U0-G2	B2-U0-G2	B3-U0-G3	B3-U0-G3	B3-U0-G3	B3-U0-G3	B3-U0-G3	B3-U0-G4

* Nominal data for 4000K CCT.

NOMINAL POWER AND LUMENS (700MA)

Number of Light Squares		1	2	3	4	5	6	7	8	9	10
Drive Current		700mA	700mA	700mA	700mA	700mA	700mA	700mA	700mA	700mA	700mA
Nominal Power (Watts)		38	72	105	138	176	210	243	276	314	348
Input Current @ 120V (A)		0.32	0.59	0.86	1.14	1.45	1.72	2	2.28	2.58	2.86
Input Current @ 208V (A)		0.21	0.36	0.51	0.67	0.87	1.02	1.18	1.34	1.53	1.69
Input Current @ 240V (A)		0.19	0.32	0.45	0.59	0.77	0.90	1.04	1.18	1.35	1.49
Input Current @ 277V (A)		0.20	0.29	0.40	0.51	0.69	0.80	0.91	1.02	1.20	1.31
Optics											
T2	Lumens	3,854	7,531	11,237	14,847	18,395	22,013	26,033	29,497	32,904	36,430
	BUG Rating	B1-U0-G1	B1-U0-G2	B2-U0-G2	B2-U0-G2	B3-U0-G3	B3-U0-G3	B3-U0-G4	B3-U0-G4	B3-U0-G4	B3-U0-G4
T2R	Lumens	4,091	7,995	11,929	15,762	19,529	23,370	27,638	31,316	34,932	38,676
	BUG Rating	B1-U0-G1	B1-U0-G2	B2-U0-G2	B2-U0-G2	B3-U0-G3	B3-U0-G3	B3-U0-G3	B3-U0-G4	B3-U0-G4	B3-U0-G4
T3	Lumens	3,928	7,676	11,453	15,133	18,750	22,437	26,534	30,065	33,537	37,132
	BUG Rating	B1-U0-G1	B1-U0-G2	B2-U0-G2	B2-U0-G3	B3-U0-G3	B3-U0-G4	B3-U0-G4	B3-U0-G4	B3-U0-G4	B3-U0-G5
T3R	Lumens	4,015	7,846	11,707	15,469	19,166	22,936	27,124	30,733	34,283	37,957
	BUG Rating	B1-U0-G1	B1-U0-G2	B2-U0-G2	B2-U0-G3	B2-U0-G3	B3-U0-G4	B3-U0-G4	B3-U0-G4	B3-U0-G5	B3-U0-G5
T4FT	Lumens	3,951	7,720	11,519	15,221	18,858	22,567	26,688	30,240	33,732	37,347
	BUG Rating	B1-U0-G1	B1-U0-G2	B2-U0-G2	B2-U0-G3	B2-U0-G4	B3-U0-G4	B3-U0-G4	B3-U0-G5	B3-U0-G5	B3-U0-G5
T4W	Lumens	3,900	7,620	11,370	15,024	18,615	22,276	26,343	29,849	33,296	36,864
	BUG Rating	B1-U0-G1	B1-U0-G2	B2-U0-G2	B2-U0-G3	B3-U0-G4	B3-U0-G4	B3-U0-G4	B3-U0-G5	B3-U0-G5	B3-U0-G5
SL2	Lumens	3,847	7,518	11,217	14,821	18,364	21,975	25,988	29,447	32,847	36,368
	BUG Rating	B1-U0-G1	B1-U0-G2	B2-U0-G3	B2-U0-G3	B3-U0-G3	B3-U0-G4	B3-U0-G4	B3-U0-G4	B3-U0-G4	B3-U0-G5
SL3	Lumens	3,927	7,675	11,451	15,131	18,747	22,434	26,531	30,061	33,533	37,126
	BUG Rating	B1-U0-G1	B1-U0-G2	B2-U0-G3	B2-U0-G3	B2-U0-G3	B3-U0-G4	B3-U0-G4	B3-U0-G4	B3-U0-G5	B3-U0-G5
SL4	Lumens	3,731	7,292	10,880	14,376	17,812	21,315	25,208	28,562	31,861	35,275
	BUG Rating	B1-U0-G2	B1-U0-G2	B1-U0-G3	B1-U0-G3	B2-U0-G4	B2-U0-G4	B2-U0-G4	B2-U0-G5	B2-U0-G5	B3-U0-G5
5NQ	Lumens	4,051	7,916	11,811	15,606	19,336	23,139	27,365	31,006	34,587	38,294
	BUG Rating	B2-U0-G1	B3-U0-G1	B3-U0-G1	B3-U0-G2	B4-U0-G2	B4-U0-G2	B4-U0-G2	B5-U0-G2	B5-U0-G3	B5-U0-G3
5MQ	Lumens	4,125	8,062	12,029	15,894	19,692	23,565	27,869	31,577	35,224	38,999
	BUG Rating	B2-U0-G1	B3-U0-G2	B4-U0-G2	B4-U0-G2	B4-U0-G2	B5-U0-G3	B5-U0-G3	B5-U0-G3	B5-U0-G4	B5-U0-G4
5WQ	Lumens	4,136	8,083	12,061	15,936	19,745	23,628	27,943	31,661	35,318	39,103
	BUG Rating	B3-U0-G1	B3-U0-G2	B4-U0-G2	B4-U0-G2	B5-U0-G3	B5-U0-G3	B5-U0-G4	B5-U0-G4	B5-U0-G4	B5-U0-G4
SLL/SLR	Lumens	3,451	6,744	10,063	13,296	16,474	19,714	23,314	26,416	29,467	32,625
	BUG Rating	B1-U0-G1	B1-U0-G2	B1-U0-G3	B2-U0-G3	B2-U0-G3	B2-U0-G4	B3-U0-G4	B3-U0-G4	B3-U0-G5	B3-U0-G5
RW	Lumens	4,014	7,844	11,704	15,465	19,162	22,930	27,118	30,726	34,274	37,948
	BUG Rating	B2-U0-G1	B3-U0-G1	B3-U0-G2	B4-U0-G2	B4-U0-G2	B4-U0-G2	B4-U0-G2	B5-U0-G3	B5-U0-G3	B5-U0-G3
AFL	Lumens	4,029	7,873	11,747	15,522	19,231	23,014	27,216	30,838	34,399	38,086
	BUG Rating	B1-U0-G1	B1-U0-G1	B2-U0-G2	B2-U0-G2	B2-U0-G2	B3-U0-G2	B3-U0-G3	B3-U0-G3	B3-U0-G3	B3-U0-G3

* Nominal data for 4000K CCT.

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NOMINAL POWER AND LUMENS (530MA)

Number of Light Squares		1	2	3	4	5	6	7	8	9	10
Drive Current		530mA	530mA	530mA	530mA	530mA	530mA	530mA	530mA	530mA	530mA
Nominal Power (Watts)		30	54	80	105	130	159	184	209	234	259
Input Current @ 120V (A)		0.25	0.45	0.66	0.86	1.07	1.32	1.52	1.72	1.93	2.14
Input Current @ 208V (A)		0.17	0.28	0.39	0.51	0.63	0.78	0.9	1.02	1.14	1.26
Input Current @ 240V (A)		0.17	0.25	0.35	0.45	0.55	0.70	0.80	0.90	1.00	1.10
Input Current @ 277V (A)		0.19	0.24	0.32	0.40	0.49	0.64	0.72	0.80	0.89	0.98
Optics											
T2	Lumens	3,079	6,017	8,978	11,862	14,697	17,588	20,800	23,567	26,289	29,106
	BUG Rating	B1-U0-G1	B1-U0-G2	B2-U0-G2	B2-U0-G2	B2-U0-G2	B3-U0-G3	B3-U0-G3	B3-U0-G3	B3-U0-G4	B3-U0-G4
T2R	Lumens	3,269	6,388	9,531	12,593	15,603	18,672	22,082	25,020	27,909	30,900
	BUG Rating	B1-U0-G1	B1-U0-G1	B1-U0-G2	B2-U0-G2	B2-U0-G2	B2-U0-G2	B3-U0-G3	B3-U0-G3	B3-U0-G3	B3-U0-G4
T3	Lumens	3,138	6,133	9,150	12,091	14,980	17,926	21,200	24,021	26,795	29,667
	BUG Rating	B1-U0-G1	B1-U0-G2	B2-U0-G2	B2-U0-G2	B2-U0-G3	B3-U0-G3	B3-U0-G3	B3-U0-G4	B3-U0-G4	B3-U0-G4
T3R	Lumens	3,208	6,269	9,354	12,359	15,313	18,325	21,671	24,555	27,390	30,326
	BUG Rating	B1-U0-G1	B1-U0-G2	B1-U0-G2	B2-U0-G2	B2-U0-G3	B2-U0-G3	B2-U0-G4	B3-U0-G4	B3-U0-G4	B3-U0-G4
T4FT	Lumens	3,156	6,168	9,203	12,161	15,067	18,030	21,323	24,160	26,950	29,839
	BUG Rating	B1-U0-G1	B1-U0-G2	B1-U0-G2	B2-U0-G2	B2-U0-G3	B2-U0-G3	B3-U0-G4	B3-U0-G4	B3-U0-G4	B3-U0-G5
T4W	Lumens	3,116	6,088	9,084	12,004	14,872	17,797	21,047	23,848	26,602	29,453
	BUG Rating	B1-U0-G1	B1-U0-G2	B2-U0-G2	B2-U0-G2	B2-U0-G3	B3-U0-G3	B3-U0-G4	B3-U0-G4	B3-U0-G4	B3-U0-G5
SL2	Lumens	3,074	6,006	8,962	11,842	14,672	17,558	20,764	23,527	26,244	29,056
	BUG Rating	B1-U0-G1	B1-U0-G2	B2-U0-G2	B2-U0-G3	B2-U0-G3	B3-U0-G3	B3-U0-G3	B3-U0-G4	B3-U0-G4	B3-U0-G4
SL3	Lumens	3,138	6,132	9,149	12,089	14,978	17,924	21,197	24,018	26,791	29,662
	BUG Rating	B1-U0-G1	B1-U0-G2	B1-U0-G2	B2-U0-G3	B2-U0-G3	B2-U0-G3	B3-U0-G4	B3-U0-G4	B3-U0-G4	B3-U0-G4
SL4	Lumens	2,981	5,826	8,693	11,486	14,231	17,030	20,140	22,820	25,456	28,184
	BUG Rating	B0-U0-G1	B1-U0-G2	B1-U0-G3	B1-U0-G3	B1-U0-G3	B2-U0-G3	B2-U0-G4	B2-U0-G4	B2-U0-G4	B2-U0-G5
5NQ	Lumens	3,236	6,324	9,437	12,469	15,449	18,487	21,863	24,773	27,634	30,595
	BUG Rating	B1-U0-G0	B2-U0-G1	B3-U0-G1	B3-U0-G2	B3-U0-G2	B4-U0-G2	B4-U0-G2	B4-U0-G2	B4-U0-G2	B5-U0-G2
5MQ	Lumens	3,296	6,441	9,610	12,698	15,733	18,828	22,266	25,229	28,142	31,158
	BUG Rating	B2-U0-G1	B3-U0-G1	B3-U0-G2	B4-U0-G2	B4-U0-G2	B4-U0-G2	B5-U0-G3	B5-U0-G3	B5-U0-G3	B5-U0-G3
5WQ	Lumens	3,305	6,458	9,636	12,732	15,775	18,878	22,325	25,296	28,217	31,241
	BUG Rating	B2-U0-G1	B3-U0-G2	B4-U0-G2	B4-U0-G2	B4-U0-G2	B5-U0-G3	B5-U0-G3	B5-U0-G3	B5-U0-G4	B5-U0-G4
SLL/SLR	Lumens	2,757	5,388	8,040	10,623	13,162	15,751	18,627	21,105	23,543	26,066
	BUG Rating	B1-U0-G1	B1-U0-G2	B1-U0-G2	B1-U0-G3	B2-U0-G3	B2-U0-G3	B2-U0-G3	B2-U0-G4	B3-U0-G4	B3-U0-G4
RW	Lumens	3,207	6,267	9,351	12,356	15,309	18,320	21,666	24,549	27,384	30,319
	BUG Rating	B2-U0-G1	B3-U0-G1	B3-U0-G1	B3-U0-G2	B4-U0-G2	B4-U0-G2	B4-U0-G2	B4-U0-G2	B4-U0-G2	B5-U0-G3
AFL	Lumens	3,219	6,290	9,385	12,401	15,365	18,387	21,745	24,638	27,484	30,429
	BUG Rating	B1-U0-G1	B1-U0-G1	B1-U0-G1	B2-U0-G2	B2-U0-G2	B2-U0-G2	B2-U0-G2	B3-U0-G2	B3-U0-G3	B3-U0-G3

* Nominal data for 4000K CCT.

Attachment: Lighting Cut Sheet (1094 : Bill No. 5513 - Jimmy John's CUP)

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LUMEN MULTIPLIER

Ambient Temperature	Lumen Multiplier
0°C	1.02
10°C	1.01
25°C	1.00
40°C	0.99
50°C	0.97

LUMEN MAINTENANCE

Ambient Temperature	TM-21 Lumen Maintenance (60,000 Hours)	Theoretical L70 (Hours)
25°C	> 94%	> 350,000
40°C	> 93%	> 250,000
50°C	> 90%	> 170,000

ORDERING INFORMATION

Sample Number: GLEON-AE-04-LED-E1-T3-GM-700

Product Family ¹	Light Engine	Number of Light Squares ²	Lamp Type	Voltage	Distribution	Color	Mounting
GLEON=Galleon	AE=1A Drive Current	01=1 02=2 03=3 04=4 05=5 06=6 07=7 08=8 09=9 10=10	LED=Solid State Light Emitting Diodes	E1=120-277V 347=347V ³ 480=480V ³	T2=Type II T2R=Type II Roadway T3=Type III T3R=Type III Roadway T4FT=Type IV Forward Throw T4W=Type IV Wide 5NQ=Type V Narrow 5MQ=Type V Square Medium 5WQ=Type V Square Wide SL2=Type II w/Spill Control SL3=Type III w/Spill Control SL4=Type IV w/Spill Control SLR=90° Spill Light Eliminator Left SLR=90° Spill Light Eliminator Right RW=Rectangular Wide Type I AFL=Automotive Frontline	AP=Grey BZ=Bronze BK=Black DP=Dark Platinum GM=Graphite Metallic WH=White	[Blank]=Arm for Round or Square Pole EA=Extended Arm ⁴ MA=Mast Arm Adapter ⁵ WM=Wall Mount
Options (Add as Suffix)					Accessories (Order Separately)		
2L=Two Circuits ^{6,7} 7030=70 CRI 3000K ⁸ 7060=70 CRI 6000K ⁸ 530=Drive Current Factory Set to 530mA ⁹ 700=Drive Current Factory Set to 700mA ⁹ P=Button Type Photocontrol (120, 208, 240 or 277V) PER7=NEMA 7-Pin Twistlock Photocontrol Receptacle R=NEMA Twistlock Photocontrol Receptacle HA=50°C High Ambient ⁷ MS/DIM-L08=Motion Sensor for Dimming Operation, Maximum 8' Mounting Height ^{10, 11, 12, 13} MS/DIM-L20=Motion Sensor for Dimming Operation, 9' - 20' Mounting Height ^{10, 11, 12, 13} MS/DIM-L40=Motion Sensor for Dimming Operation, 21' - 40' Mounting Height ^{10, 11, 12, 13} MS/X-L08=Bi-Level Motion Sensor, Maximum 8' Mounting Height ^{10, 11, 12, 13} MS/X-L20=Bi-Level Motion Sensor, 9' - 20' Mounting Height ^{10, 11, 12, 13} MS/X-L40=Bi-Level Motion Sensor, 21' - 40' Mounting Height ^{10, 11, 12, 13} MS-L08=Motion Sensor for ON/OFF Operation, Maximum 8' Mounting Height ^{10, 11, 12, 13} MS-L20=Motion Sensor for ON/OFF Operation, 9' - 20' Mounting Height ^{10, 11, 12, 13} MS-L40=Motion Sensor for ON/OFF Operation, 21' - 40' Mounting Height ^{10, 11, 12, 13} DIMRF-LW=LumaWatt Wireless Sensor, Wide Lens for 8' - 16' Mounting Height ¹⁴ DIMRF-LN=LumaWatt Wireless Sensor, Narrow Lens for 16' - 40' Mounting Height ¹⁴ L90=Optics Rotated 90° Left R90=Optics Rotated 90° Right MT=Factory Installed Mesh Top TH=Tool-less Door Hardware LCF=Light Square Trim Plate Painted to Match Housing ¹⁵ HSS=Factory Installed House Side Shield ¹⁶					OA/RA1016=NEMA Photocontrol Multi-Tap - 105-285V OA/RA1027=NEMA Photocontrol - 480V OA/RA1201=NEMA Photocontrol - 347V OA/RA1013=Photocontrol Shorting Cap OA/RA1014=120V Photocontrol MA1252=10kV Surge Module Replacement MA1036-XX=Single Tenon Adapter for 2-3/8" O.D. Tenon MA1037-XX=2 @ 180° Tenon Adapter for 2-3/8" O.D. Tenon MA1197-XX=3 @ 120° Tenon Adapter for 2-3/8" O.D. Tenon MA1188-XX=4 @ 90° Tenon Adapter for 2-3/8" O.D. Tenon MA1189-XX=2 @ 90° Tenon Adapter for 2-3/8" O.D. Tenon MA1190-XX=3 @ 90° Tenon Adapter for 2-3/8" O.D. Tenon MA1191-XX=2 @ 120° Tenon Adapter for 2-3/8" O.D. Tenon MA1038-XX=Single Tenon Adapter for 3-1/2" O.D. Tenon MA1039-XX=2 @ 180° Tenon Adapter for 3-1/2" O.D. Tenon MA1192-XX=3 @ 120° Tenon Adapter for 3-1/2" O.D. Tenon MA1193-XX=4 @ 90° Tenon Adapter for 3-1/2" O.D. Tenon MA1194-XX=2 @ 90° Tenon Adapter for 3-1/2" O.D. Tenon MA1195-XX=3 @ 90° Tenon Adapter for 3-1/2" O.D. Tenon FSIR-100=Wireless Configuration Tool for Occupancy Sensor ¹⁷ GLEON-MT1=Field Installed Mesh Top for 1-4 Light Squares GLEON-MT2=Field Installed Mesh Top for 5-6 Light Squares GLEON-MT3=Field Installed Mesh Top for 7-8 Light Squares GLEON-MT4=Field Installed Mesh Top for 9-10 Light Squares LS/HSS=Field Installed House Side Shield ^{16, 18}		

Notes:

- DesignLights Consortium[®] Qualified. Refer to www.designlights.org Qualified Products List under Family Models for details.
- Standard 4000K CCT and minimum 70 CRI.
- Requires the use of a step down transformer when combined with MS/DIM, MS/X or DIMRE.
- May be required when two or more luminaires are oriented on a 90° or 120° drilling pattern. Refer to arm mounting requirement table.
- Factory installed.
- 2L is not available with MS, MS/X or MS/DIM at 347V or 480V. 2L in AE-02 through AE-04 requires a larger housing, normally used for AE-05 or AE-06. Extended arm option may be required when mounting two or more fixtures per pole at 90° or 120°. Refer to arm mounting requirement table.
- Not available with LumaWatt wireless sensors.
- Extended lead times apply. Use dedicated IES files for 3000K and 6000K when performing layouts. These files are published on the Galleon luminaire product page on the website.
- 1 Amp standard. Use dedicated IES files for 530mA and 700mA when performing layouts. These files are published on the Galleon luminaire product page on the website.
- Consult factory for more information.
- Replace E1 with specific voltage.
- The FSIR-100 accessory is required to adjust parameters.
- Not available with HA option.
- LumaWatt wireless sensors are factory installed only requiring network components RF-EM1, RF-GW1 and RF-ROUT1 in appropriate quantities. See www.cooperlighting.com for LumaWatt application information.
- Not available with house side shield (HSS).
- Only for use with SL2, SL3, SL4 and AFL distributions. The Light Square trim plate is painted black when the HSS option is selected.
- This tool enables adjustment of parameters including high and low modes, sensitivity, time delay, cutoff and more. Consult your Eaton's Cooper Lighting business representative for additional details.
- One required for each Light Square.

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Missouri Department of Transportation

St. Louis District
Gregory J. Horn, District Engineer

1590 Woodlake Drive
Chesterfield, Missouri 63017-5712
314.275.1500
Fax: 573.522.6475
1.888.ASK MODOT (275.6636)

September 11, 2014

Mr. Chris Sedlak
C. Sedlak Properties, LLC
7201 Olive Boulevard
University City, MO 63130

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SEP 11 2014

Stock and Associates
Consulting Engineers, Inc

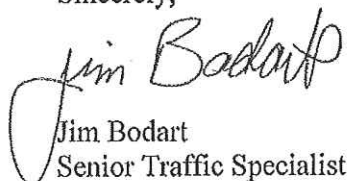
Dear Mr. Sedlak:

Thank you for your request to extend MoDOT Permit No. SL-12-006193, which allows the proposed work to be performed on Route 340 (Olive Boulevard) near Creve Coeur Mill Road.

We are extending your excavation permit to April 30, 2015. Should you not be able to complete the permitted work by this expiration date, please contact me to discuss the status of the MoDOT permit.

Should you have any questions or comments, you may call me at 314-565-6713.

Sincerely,


Jim Bodart
Senior Traffic Specialist



Our mission is to provide a world-class transportation experience that delights our customers and promotes a prosperous Missouri.

www.modot.org

Form 150, M-469 (Rev. 03-11)

MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION
PERMIT TO WORK ON RIGHT OF WAY
NON-LOCAL GOVERNMENT PROJECTS

St. Louis District
 1590 WOODLAKE DRIVE
 CHESTERFIELD, MO 630175712

Inspector JAMES BODART
 Phone 314 340-4318
 RMS VINCENT REEL
 Speed Limit 40 mph

03- DRIVEWAY III

(Type of Work)

Issued 3-19-12Expires 10-1-12Released **PERMIT**Permit No. SL-12-006193Route MO 340 EASTCounty ST. LOUISCity CHESTERFIELDLog Points 9.3110 9.3370GPS Begins N 38.682379 W -90.486668GPS Ends N 38.682417 W -90.486190

Intersection/Stopping Sight Distance

Northbound/Eastbound EAST 1,400.0 ISD ft. 1,400.0SSD ft.Southbound/Westbound WEST 1,400.0 ISD ft. 1,400.0SSD ft.

Location of work on State Highway right of way along the

SOUTH side. 0.55 MilesEAST from Creve Coeur Mill Road

(State highway, County road, City street or County Line)

By signing this form the applicant agrees to all provisions of this form, including the General
 Provisions attached hereto and incorporated by reference.

Chris Sedlak 3-15-12
 (Signature) (Date)

(Signature) (Date)

Chris Sedlak

(Print or Type Name)

C. Sedlak Properties, LLC

(Applicant)

7201 Olive Boulevard

(Address)

University City MO 63130

(City) State Zip-code)

(Telephone Number) 314 578-8819

(Email Address)

(Print or Type Name)

(Applicant's Contractor)

(Address)

(City) State Zip-code)

(Telephone Number)

(Email Address)

Surety deposit required. None ☐ , bond # _____, check # 102 amount \$9,000.00Transmittal Number SL-00305 Make check payable to: **Director of Revenue Credit Road Fund**

For Office use only

Date: 3-19-12By: [Signature]

Description of Work

Construct 39' wide Type III commercial entrance.

1. All materials & procedures must conform to current MoDOT Standards, this sheet and plans stamped permit plan January 17, 2012.
 2. Applicant and/or Contractor must possess a copy of this permit and permit approved plans on the job site at all times.
 3. Keep roadway and shoulders clear of dirt, mud, debris, equipment and materials at all times.
 4. Roadway ditches, culverts and other such devices used to carry surface run-off will be kept open, free and clear at all times.
 5. Dress all disturbed earth areas; seed and mulch with straw and/or sod.
 6. Backfill behind curb flush to the top of back of curb.
 7. No Slopes on MoDOT right of way greater than 3:1.
 8. EDGE TREATMENT: A wedge of material (with a 3:1 or flatter slope) must be placed along the pavement edge during non-working hours when there is over a 2-inch drop off.
 9. UTILITY LOCATES – CONTACT MO ONE-CALL 1-800-344-7483 FOR LOCATION OF UNDERGROUND FACILITIES.
 10. All MoDOT property or facilities (including roadway and shoulder pavement) disturbed or damaged during the scope of work allowed by this permit must be restored or replaced in accordance to current MoDOT Standards to meet or exceed the original existing condition as directed by MoDOT.
 11. ALL LANE CLOSURES MUST BE APPROVED BY MODOT. SUBMIT THE LANE CLOSURE REQUEST FORM TO MoDOT VIA FAX (573-522-6491) OR EMAIL (D6PERMITWORKZONES@MODOT.MO.GOV) 2 BUSINESS DAYS PRIOR TO ANY LANE CLOSURES.
 12. Contact Jim Bodart, at (314) 565-6713 Permit Office, 2 business days prior to starting work.
- General Permit Information: www.modot.mo.gov/stlouis/news_and_information/Permits.htm

(Rev. 09-13)

GENERAL PROVISIONS

Section 1. The signing of this form binds the applicant to the terms of this permit. If signed by Applicant's contractor or that contractor's authorized representative, the contractor and any subcontractors will be held jointly responsible for all of the requirements of this permit until it is released by the District Engineer or the District Engineer's representative. Applicant agrees to keep a copy of the permit and an approved plan on the job site.

Section 2. Construction material and equipment may be on the right of way only during the period of actual construction providing it is not on the roadway shoulders, in the ditch or blocking sight distance. Roadway ditches, culverts and other such devices used to carry surface run-off will be kept open, free and clear at all times.

Section 3. Applicant agrees that construction inspection will be provided by Applicant to assure compliance with the permit.

Section 4. Applicant shall provide adequate preliminary engineering including planning, and coordination with all concerned parties to:

- (a) Confirm their contractor knows the rules and limitations for installations on highway right of way.
- (b) Provide preinstallation meetings to all parties on major installations.
- (c) Designate a point of contact who shall be available 24 hours per day, 7 days per week while the permittee is present on state highway rights of way and shall be capable of correcting any deficiencies in accordance with Missouri Standard Specifications for Highway Construction including, but not limited to Section 616.
- (d) Include the name and telephone numbers of the design engineer and construction manager, as well as the dimension of the facility from the right of way line on the permit.

Section 5. Prior to beginning work, the applicant will request from the established Missouri One-Call System, the location of all utilities on the right of way.

Section 6. Applicant will contact MoDOT 48 hrs prior to any lane closure or 14 calendar days prior to the imposition of height, width, and weight restrictions. Lane closure dates may be rescheduled and/or land closure times may be shifted to off-peak and/or nighttime hours to minimize traffic backups. Schedule multiple tasks in a single work zone if possible.

Section 7. All work covered under this permit is to be in accordance with the Missouri Standard Specifications for Highway Construction, Missouri Standard Plans for Highway Construction, and The Manual on Uniform Traffic Control Devices (MUTCD current edition) where applicable. All utility facilities will be installed and located and all other work performed in accordance with the Code of State Regulations, Title 7, Division 10, Chapter 3, *Utility and Private Line Location and Relocation* and other policies of the Missouri Department of Transportation.

Section 8. No advertising signs or display material of an advertising nature is to be placed on or to extend over onto the right of way as covered in Section 227.220 R.S.Mo.

Section 9. Except for the negligence of the Commission, its officers, employees and agents, the Applicant agrees to hold harmless the Commission, its officers and employees from all liability, judgments, costs, expenses and claims growing out of damages of any nature whatsoever, to any person or property arising out of performance or non-performance of said work, or existence of said improvements from permit issuance until released as dated hereon.

Section 10. All costs incurred due to the issuance of this permit shall be borne by the Applicant, the Applicant's successors, and assigns.

Section 11. It is understood that in granting this permit the Commission waives none of its power or rights to direct the removal, relocation, and/or proper maintenance in the future of anything within the right of way of the state highway at no cost to the Commission.

Section 12. The Applicant's deposit or bond may be held until the work has been completed and has been approved by the District Engineer or the District Engineer's representative. The Applicant agrees that the Commission may, after the expiration date of this permit or extension thereof, use as much of the deposit as may be necessary to restore, correct, or complete any and all work started or done by the Applicant by whatever means the Commission deems necessary. The Commission may use the deposit to correct any hazard which the Applicant/contractor does not correct upon notification.

Section 13. The obtaining of this permit does not relieve the Applicant of the responsibility for obtaining other permits required by this or any other agency having jurisdiction.

Section 14. For any land disturbance activity, the Applicant shall install erosion and sediment control measures as necessary to prevent pollution of streams, lakes, ponds and wetlands and to prevent silt from leaving MoDOT right of way. The Applicant agrees to restore vegetation with seed and mulch, sodding, or other approved methods, prior to removal of sediment control devices.

Section 15. No driveway or improvement constructed on the highway right of way, shall be altered or relocated without permission of the District Engineer or the District Engineer's representative.



Ed Hassinger, District Engineer

Missouri Department of Transportation

1590 Woodlake Drive
Chesterfield, Missouri 63017-5712
314.275.1500
Fax: 573.522.6475
1.888.ASK MODOT (275.6636)

January 22, 2013

RECEIVED

JAN 30 2013

Mr. George M. Stock, P.E.
Stock & Associates
Consulting Engineers, Inc.
257 Chesterfield Business Parkway
St. Louis, MO 63005

Stock and Associates
Consulting Engineers, Inc

Dear Mr. Stock:

We have received your request, submitted on January 22, 2013, to extend the excavation permit regarding the Sedlak Properties development on Route 340 near Creve Coeur Mill Road. I am including the revised excavation permit allowing the proposed work within the right of way, to expire on October 1, 2013. Please assure that a copy of this revised permit accompanies the stamped plan on site during construction.

Should you have any questions, you may call me at 314-565-6713.

Sincerely,

Jim Bodart
Senior Traffic Specialist

Enclosure



Our mission is to provide a world-class transportation experience that delights our customers and promotes a prosperous Missouri.

www.modot.org

**MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION
PERMIT TO WORK ON RIGHT OF WAY
NON-LOCAL GOVERNMENT PROJECTS**

St. Louis District
1590 WOODLAKE DRIVE
CHESTERFIELD, MO 630175712

Inspector JAMES BODART

Phone 314 340-4318

RMS VINCENT REEL

Speed Limit 40 mph

Intersection/Stopping Sight Distance

Northbound/Eastbound	<u>EAST</u>	<u>1,400.0</u>	ISD ft.	<u>1,400.0</u>	SSD ft.
Southbound/Westbound	<u>WEST</u>	<u>1,400.0</u>	ISD ft.	<u>1,400.0</u>	SSD ft.

Location of work on State Highway right of way along the SOUTH side. 0.55 Miles
EAST from Creve Coeur Mill Road

(State highway, County road, City street or County Line)

By signing this form the applicant agrees to all provisions of this form, including the General Provisions attached hereto and incorporated by reference.

Chris Sedlak 3-15-12
(Signature) (Date)

Chris Sedlak

(Print or Type Name)

C. Sedlak Properties, LLC

(Applicant)

7201 Olive Boulevard

(Address)

University City MO 63130

(City State Zip-code)

(Telephone Number) 314 578-8819

(Email Address)

Permit No. SL-12-006193

Route MO 340 EAST

County ST. LOUIS

City CHESTERFIELD

Log Points 9.3110 9.3370

GPS Begins N 38.682379 W -90.486668

GPS Ends N 38.682417 W -90.486190

03- DRIVEWAY III

(Type of Work)

Issued 3-19-12

Expires 10-1-12

Released PERMIT

EXPIRES: 10-1-13

Job Site Copy

Surety deposit required. None ☐ , bond # _____, check # 102 amount \$9,000.00

Transmittal Number SL-00305 Make check payable to: **Director of Revenue Credit Road Fund**

For Office use only

Date: 3-19-12

By: [Signature]

Description of Work

Construct 39' wide Type III commercial entrance.

1. All materials & procedures must conform to current MoDOT Standards, this sheet and plans stamped permit plan January 17, 2012.
2. Applicant and/or Contractor must possess a copy of this permit and permit approved plans on the job site at all times.
3. Keep roadway and shoulders clear of dirt, mud, debris, equipment and materials at all times.
4. Roadway ditches, culverts and other such devices used to carry surface run-off will be kept open, free and clear at all times.
5. Dress all disturbed earth areas; seed and mulch with straw and/or sod.
6. Backfill behind curb flush to the top of back of curb.
7. No Slopes on MoDOT right of way greater than 3:1.
8. EDGE TREATMENT: A wedge of material (with a 3:1 or flatter slope) must be placed along the pavement edge during non-working hours when there is over a 2-inch drop off.
9. UTILITY LOCATES - CONTACT MO ONE-CALL 1-800-344-7483 FOR LOCATION OF UNDERGROUND FACILITIES.
10. All MoDOT property or facilities (including roadway and shoulder pavement) disturbed or damaged during the scope of work allowed by this permit must be restored or replaced in accordance to current MoDOT Standards to meet or exceed the original existing condition as directed by MoDOT.
11. ALL LANE CLOSURES MUST BE APPROVED BY MODOT. SUBMIT THE LANE CLOSURE REQUEST FORM TO MoDOT VIA FAX (573-522-6491) OR EMAIL (D6PERMITWORKZONES@MODOT.MO.GOV) 2 BUSINESS DAYS PRIOR TO ANY LANE CLOSURES.

12. Contact Jim Bodart, at (314) 565-6713 Permit Office, 2 business days prior to starting work.

General Permit Information: www.modot.mo.gov/stlouis/news_and_information/Permits.htm

Section 1. The signing of this form binds the applicant to the terms of this permit. If signed by Applicant's contractor or that contractor's authorized representative, the contractor and any subcontractors will be held jointly responsible for all of the requirements of this permit until it is released by the District Engineer.

Section 2. Construction material and equipment may be on the right of way only during the period of actual construction providing it is not on the roadway shoulders, in the ditch or blocking sight distance.

Section 3. Applicant agrees that construction inspection will be provided by applicant to assure compliance with the permit.

Section 4. Applicant shall provide adequate preliminary engineering including planning, and coordination with all concerned parties to:

- (a) Confirm their contractor knows the rules and limitations for installations on highway right of way.
- (b) Provide preinstallation meetings to all parties on major installations. .
- (c) Designate a point of contact who shall be available 24 hours per day, 7 days per week while the permittee is present on state highway rights of way and shall be capable of correcting any deficiencies in accordance with Missouri Standard Specifications for Highway Construction including, but not limited to Section 616.
- (d) Include the name and telephone numbers of the design engineer and construction manager, as well as the dimension of the facility from the right of way line on the permit.

Section 5. Prior to beginning work, the applicant will request from the established Missouri One-Call System, the location of all utilities on the right of way.

Section 6. Applicant will contact MoDOT 48 hrs prior to any lane closure or 14 calendar days prior to the imposition of height, width, and weight restrictions. Lane closure dates may be rescheduled and/or lane closure times may be shifted to off-peak and/or nighttime hours to minimize traffic backups. Multiple tasks should be scheduled in a single work zone if possible.

Section 7. All work covered under this permit is to be in accordance with the Missouri Standard Specifications for Highway Construction, Missouri Standard Plans for Highway Construction, Engineering Policy Guidelines, Traffic Control for Field Operations and/or The Manual on Uniform Traffic Control Devices (MUTCD current edition) where applicable. All utility facilities will be installed and located and all other work performed in accordance with the Commission's "Policy on Location of Utility Facilities on State Highways" and other policies of the Missouri Department of Transportation.

Section 8. No advertising signs or display material of an advertising nature is to be placed on or to extend over onto the right of way as covered in Section 227.220 R.S.Mo

Section 9. The Applicant agrees to hold harmless the commission, its officers and employees from all liability, judgments, costs, expenses and claims growing out of damages of any nature whatsoever, to any person or property arising out of performance or non-performance of said work, or existence of said improvements.

Section 10. All costs incurred due to the issuance of this permit shall be borne by the applicant, the applicants successors, and assigns.

Section 11. It is understood that in granting this permit the Commission waives none of its power or rights to direct the removal, relocation, and/or proper maintenance in the future of anything within the right of way of the state highway at no cost to the commission.

Section 12. The Applicant's deposit or bond may be held until the work has been completed and has been approved by the District Engineer's representative. The Applicant agrees that the Commission may, after the expiration date of this permit or extension thereof, use as much of the deposit as may be necessary to restore, correct, or complete any and all work started or done by the Applicant by whatever means the Commission deems necessary. The Commission may use the deposit to correct any hazard which the applicant / contractor does not correct upon notification.

Section 13. The obtaining of this permit does not relieve the Applicant of the responsibility for obtaining other permits required by this or any other agency having jurisdiction.

Section 14. Applicant agrees to keep a copy of the permit and an approved plan on the job site.

Section 15. Roadway ditches, culverts and other such devices used to carry surface run-off will be kept open, free and clear at all times.

Section 16. No driveway or improvement constructed on the highway right of way, shall be altered or relocated without permission of the District Engineer.

Section 17. All landscaping shall be reviewed, approved, and permitted by district engineer and/or representative.



Ed Hassinger, District Engineer

Missouri Department of Transportation

1590 Woodlake Drive
Chesterfield, Missouri 63017-5712
314.275.1500
Fax: 573.522.6475
1.888.ASK MODOT (275.6636)

March 16, 2012

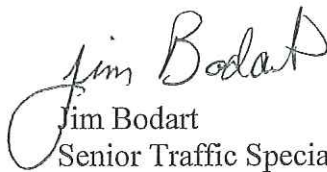
Mr. Rico Bertucci, E.I.T.
Stock & Associates
Consulting Engineers, Inc.
257 Chesterfield Business Parkway
St. Louis, MO 63005

Dear Mr. Bertucci:

We have received your revised plan proposal, submitted on January 25, 2012, along with the signed application and surety check regarding the Sedlak Properties development on Route 340 near Creve Coeur Mill Road. I am including the excavation permit and stamped plan allowing the proposed work within the right of way. Please distribute the plan to the applicant and assure that a copy of the permit accompanies the stamped plan on site during construction.

Should you have any questions, you may call me at 314-565-6713.

Sincerely,


Jim Bodart
Senior Traffic Specialist

Enclosures



Our mission is to provide a world-class transportation experience that delights our customers and promotes a prosperous Missouri.

www.modot.org

MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION
PERMIT TO WORK ON RIGHT OF WAY
NON-LOCAL GOVERNMENT PROJECTS

St. Louis District
 1590 WOODLAKE DRIVE
 CHESTERFIELD, MO 630175712

Permit No. SL-12-006193

Route MO 340 EAST

County ST. LOUIS

City CHESTERFIELD

Inspector JAMES BODART

Phone 314 340-4318

RMS VINCENT REEL

Speed Limit 40 mph

03- DRIVEWAY III

(Type of Work)

Issued 3-19-12

Expires 10-1-12

Released _____

Log Points 9.3110 9.3370

GPS Begins N 38.682379 W -90.486668

GPS Ends N 38.682417 W -90.486190

Job Site Copy

Intersection/Stopping Sight Distance

Northbound/Eastbound EAST 1,400.0 ISD ft. 1,400.0 SSD ft.

Southbound/Westbound WEST 1,400.0 ISD ft. 1,400.0 SSD ft.

Location of work on State Highway right of way along the SOUTH side. 0.55 Miles

EAST from Creve Coeur Mill Road

(State highway, County road, City street or County Line)

By signing this form the applicant agrees to all provisions of this form, including the General Provisions attached hereto and incorporated by reference.

Chris Sedlak 3-15-12
 (Signature) (Date)

 (Signature) (Date)

Chris Sedlak

(Print or Type Name)

 (Print or Type Name)

C. Sedlak Properties, LLC

(Applicant)

 (Applicant's Contractor)

7201 Olive Boulevard

(Address)

 (Address)

University City MO 63130

(City State Zip-code)

 (City State Zip-code)

(Telephone Number) 314 578-8819

(Telephone Number) _____

(Email Address) _____

(Email Address) _____

Surety deposit required. None ☐ , bond # _____, check # 102 amount \$9,000.00

Transmittal Number SL-00305 Make check payable to: **Director of Revenue Credit Road Fund**

For Office use only

Date: 3-19-12

By: [Signature]

Description of Work

Construct 39' wide Type III commercial entrance.

1. All materials & procedures must conform to current MoDOT Standards, this sheet and plans stamped permit plan January 17, 2012.
2. Applicant and/or Contractor must possess a copy of this permit and permit approved plans on the job site at all times.
3. Keep roadway and shoulders clear of dirt, mud, debris, equipment and materials at all times.
4. Roadway ditches, culverts and other such devices used to carry surface run-off will be kept open, free and clear at all times.
5. Dress all disturbed earth areas; seed and mulch with straw and/or sod.
6. Backfill behind curb flush to the top of back of curb.
7. No Slopes on MoDOT right of way greater than 3:1.
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10. All MoDOT property or facilities (including roadway and shoulder pavement) disturbed or damaged during the scope of work allowed by this permit must be restored or replaced in accordance to current MoDOT Standards to meet or exceed the original existing condition as directed by MoDOT.
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12. Contact Jim Bodart, at (314) 565-6713 Permit Office, 2 business days prior to starting work.
- General Permit Information: www.modot.mo.gov/stlouis/news_and_information/Permits.htm

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Section 8. No advertising signs or display material of an advertising nature is to be placed on or to extend over onto the right of way as covered in Section 227.220 R.S.Mo

Section 9. The Applicant agrees to hold harmless the commission, its officers and employees from all liability, judgments, costs, expenses and claims growing out of damages of any nature whatsoever, to any person or property arising out of performance or non-performance of said work, or existence of said improvements.

Section 10. All costs incurred due to the issuance of this permit shall be borne by the applicant, the applicants successors, and assigns.

Section 11. It is understood that in granting this permit the Commission waives none of its power or rights to direct the removal, relocation, and/or proper maintenance in the future of anything within the right of way of the state highway at no cost to the commission.

Section 12. The Applicant's deposit or bond may be held until the work has been completed and has been approved by the District Engineer's representative. The Applicant agrees that the Commission may, after the expiration date of this permit or extension thereof, use as much of the deposit as may be necessary to restore, correct, or complete any and all work started or done by the Applicant by whatever means the Commission deems necessary. The Commission may use the deposit to correct any hazard which the applicant / contractor does not correct upon notification.

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Section 16. No driveway or improvement constructed on the highway right of way, shall be altered or relocated without permission of the District Engineer.

Section 17. All landscaping shall be reviewed, approved, and permitted by district engineer and/or representative.

4658



Permit Completion Report

This form must be completed & returned when all permit work on state right of way is completed and ready for inspection.

MoDOT PERMIT No.: _____ MoDOT PERMIT INSPECTOR: _____

ROUTE: _____ COUNTY: _____ CITY: _____

The work on the above mentioned permit was completed on _____ ,
DATE
and the right of way has been completely restored. This permit is ready for final inspection.

APPLICANT NAME: _____ PROJECT No.: _____
applicants W.R, W.O., or job number

PHONE No.: _____ EMAIL ADDRESS: _____

REMARKS:

Once completed you can email this form to SLcompletedpermits@modot.mo.gov ,
fax it to 573.522.6491, or mail the form to:

SL District Traffic / Permits
1590 Woodlake Drive
Chesterfield, MO 63017

Lane Closure Request Form

You have received this form because it is possible that you may have to close a lane and/or shoulder on a Missouri State Highway.

Prepare a temporary traffic control plan and communicate it to all responsible parties prior to commencement of work. Traffic Control for Field Operations can be found on MoDOT's website at www.modot.mo.gov in section 616.23 of the Engineering Policy Guide.

There are two methods to request a lane and/or shoulder closure on MoDOT right of way:

Preferred - E-mail the attached form to SLPermitWorkzones@modot.mo.gov .

or Fax - Complete the attached form and fax it to 573-522-6491

* ALL LANE AND/OR SHOULDER CLOSURES MUST BE APPROVED BY MODOT.

* The attached form will need to be submitted to MoDOT a minimum of 2 business days and a maximum of 10 business days prior to any lane and/or shoulder closures.

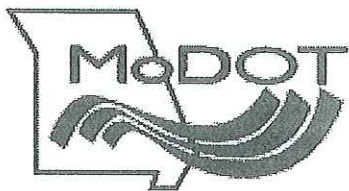
* The form must be filled out to its entirety or it will be returned to you by E-mail or Fax for corrections.

* After MoDOT receives the request for a lane and/or shoulder closure, the Point of Contact will be notified by e-mail, fax or phone and given a MoDOT WorkZone Verification Number.

* It is your responsibility to make sure MoDOT has received and approved the request. You may call the MoDOT permit inspector on the permit for verification.

LANE CLOSURES THAT HAVE NOT BEEN APPROVED WILL NOT BE ALLOWED
AND WILL BE SHUT DOWN.

The Lane Closure Request form is available on our web page.
http://www.modot.mo.gov/stlouis/news_and_information/Permits.htm .



Lane Closure Request Form

This section completed by MoDOT Permit Staff

MoDOT WZ Verification # _____

Date recd. _____ Time recd. _____

Method of Notification: E-mail _____ Fax _____ Phone _____

TMS ID # : _____

Notified By: _____

☐ New request ☐ Extension of existing request - prior MoDOT WZ Verification # _____

Point of Contact Information

Lane Closures Require a 24/7 Point of Contact while work is being conducted.

Company Name _____ Telephone _____
Contact Name _____ Cell number _____
Email address _____ Fax _____

ALL FIELDS ARE REQUIRED - INCOMPLETE FORMS WILL BE REJECTED

MoDOT Permit Number _____

MoDOT Permit Inspector _____

Route _____ Direction _____ Town / County _____
(North, South, East, West)

Location Start at _____ from _____
feet/miles (North, South, East, West) (Nearest cross street or intersection)

Location End at _____ from _____
feet/miles (North, South, East, West) (Nearest cross street or intersection)

Type of Work _____ Work Zone Length _____
feet/miles

Lane Type _____ # Lanes Closed _____
(Thru, Left Turn, Right Turn, Shoulder)

Closure Location _____ Emergency Work _____
(Left Lane, Center Lane, Right Lane) (Yes or No)

Day or Night _____ Weekend Work _____
(Day, Night, 24 hour) (None, Saturday, Sunday, Both)

Closures shall not last longer than 7 days per request and weekday daytime lane closures should not start earlier than 9:00 a.m. or end later than 3:30 p.m. If this is not followed your closure will be denied.

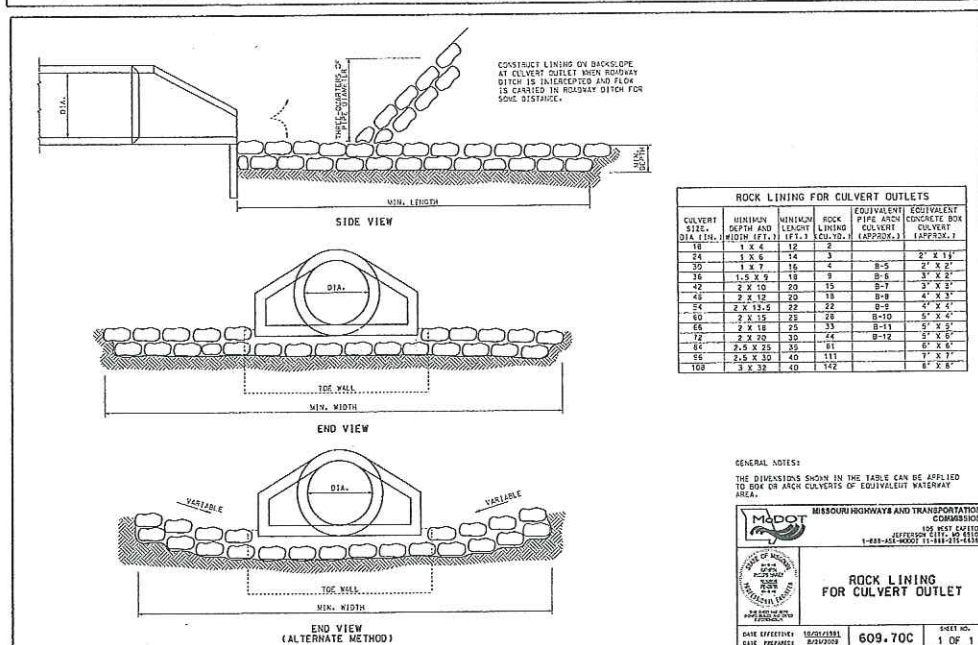
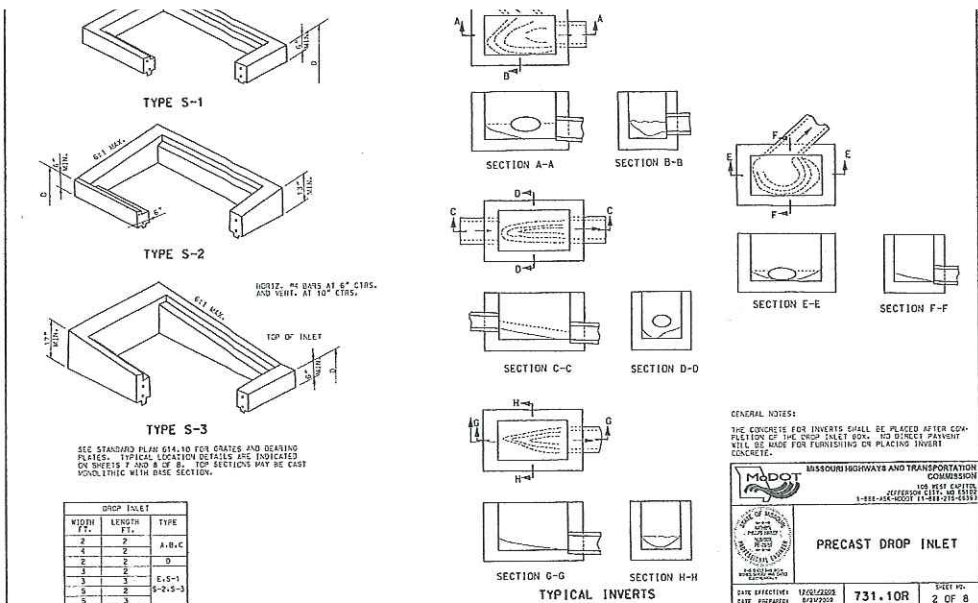
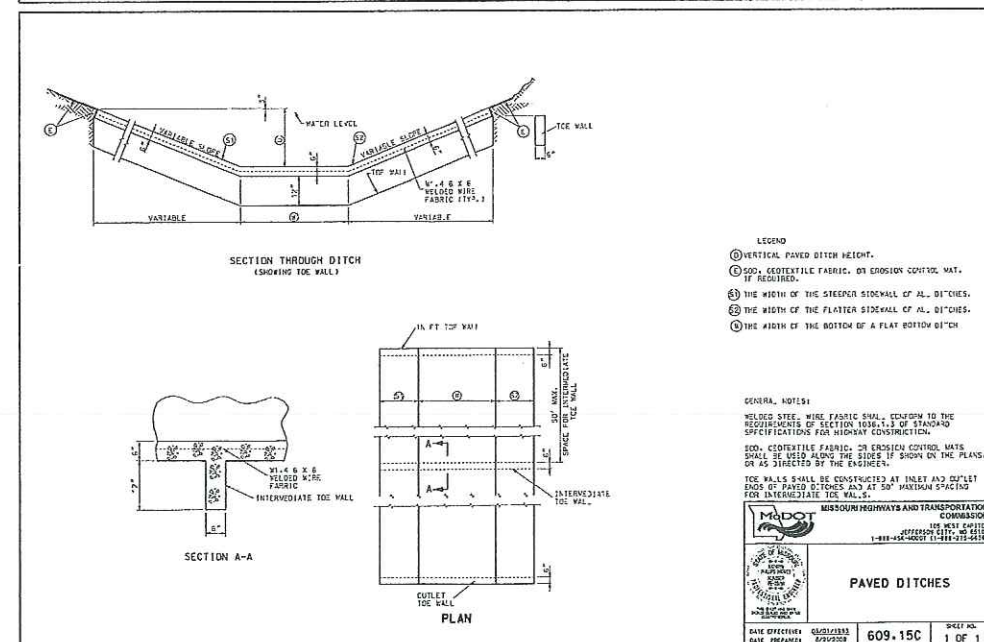
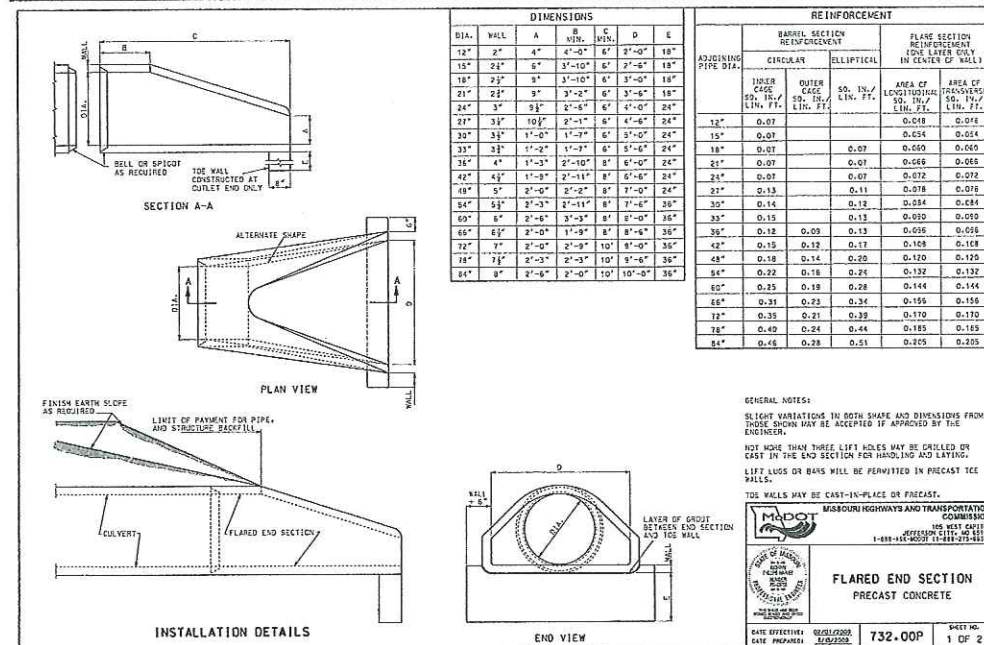
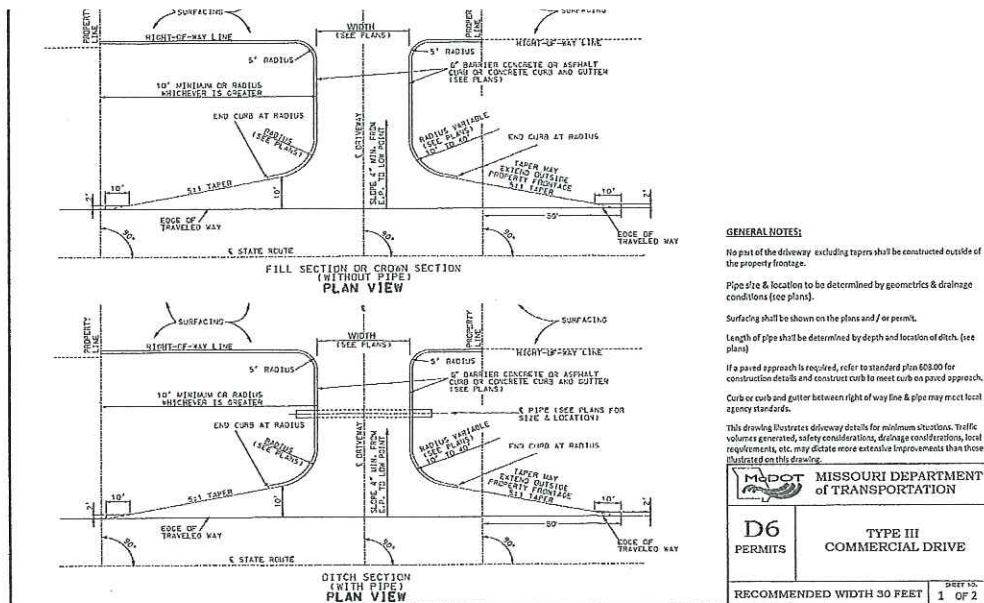
Start Date _____ Start Time _____
am, pm

End Date _____ End Time _____
am, pm

Additional Comments (moving operation, short term, etc) _____

Note: Type or Print Legibly





STORMWATER PROTECTION NOTES

- EROSION AND SILTATION CONTROL SHALL BE INSTALLED PRIOR TO ANY GRADING AND BE MAINTAINED THROUGHOUT THE PROJECT UNTIL ADEQUATE VEGETATIVE GROWTH INSURES NO FURTHER EROSION OF THE SOIL AND WORK IS ACCEPTABLE TO THE OWNER AND/OR CONTROLLING REGULATORY AGENCY.
- At least once every week and after every rainfall event of 0.25 inches or more, Erosion and Siltation Control Devices shall be inspected for damage and amount of sedimentation accumulated and corrective actions taken. Reports of these inspections and corrective actions shall be prepared on the forms provided by the City and submitted to the Department of Public Works by the 15th and 30th day of every month.
- Storm water pipes, outlets and channels shall be protected by silt barriers and kept free of waste and silt at all times prior to final surface stabilization and/or paving.

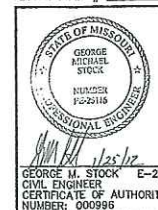
GENERAL NOTES:

- EXISTING CONDITIONS BASED ON TOPOGRAPHIC SURVEY PERFORMED BY CDI ENGINEERING. (BASIS OF BEARINGS: MISSOURI STATE PLANE, GRID NORTH)
- SUBJECT PROPERTY LIES WITHIN FLOOD ZONE "AE" AND "X" (AREAS OF 500-YEAR FLOOD; AREAS OF 100-YEAR FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE, AND AREAS PROTECTED BY LEVEES FROM 100-YEAR FLOOD) ACCORDING TO THE NATIONAL FLOOD INSURANCE PROGRAM, FLOOD INSURANCE RATE MAP FOR ST. LOUIS COUNTY, MISSOURI AND INCORPORATED AREAS PER MAP NO. 29189C0101 H WITH AN EFFECTIVE DATE OF AUGUST 2, 1995 AND REVISED TO REFLECT LOMR DATED APRIL 17, 2000.
- 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. SHOULD ANY CONFLICTS BE EVIDENT, THE CONTRACTOR SHALL NOTIFY THE OFFICE OF THE ENGINEER IMMEDIATELY.
- ALL GRADING AND DRAINAGE TO BE IN CONFORMANCE WITH THE CITY OF CREVE COEUR, MO, AND MODOT STANDARDS.
- STORM WATER SHALL BE DISCHARGED AT AN ADEQUATE NATURAL DISCHARGE POINT. SINKHOLES ARE NOT ADEQUATE DISCHARGE POINTS.
- NO PARKING SHALL BE PERMITTED ON ANY ROADWAY IN OR ADJACENT TO THE DEVELOPMENT.
- HAULING STANDARD NOTE: TRUCKS SHALL NOT EXCEED POSTED WEIGHT LIMITS FOR ST. LOUIS COUNTY BRIDGES DURING HAUL OPERATIONS.
- THE DEVELOPER IS REQUIRED TO PROVIDE ADEQUATE STORMWATER SYSTEMS IN ACCORDANCE WITH ST. LOUIS COUNTY AND MSD STANDARDS.
- LAND DISTURBANCE, EROSION AND SEDIMENT CONTROL PRACTICES, AND WATERCOURSE CROSSINGS SHALL BE ADEQUATE TO PREVENT TRANSPORTATION OF SEDIMENT FROM THE SITE.
- ADDITIONAL SILTATION CONTROL SHALL BE INSTALLED AS REQUIRED BY MODOT.
- MATERIALS BROUGHT TO ANY SITE UNDER A PERMIT ISSUED UNDER THE LAND DISTURBANCE CODE, WHERE SAID MATERIAL IS INTENDED TO BE UTILIZED AS FILL MATERIAL AT THE SITE FOR LAND DISTURBANCE, EROSION OR SEDIMENT CONTROL, SHALL CONSIST OF CLEAN UNCONTAMINATED INERT MATERIALS (SOIL, ROCK, CONCRETE, ASPHALTIC CONCRETE, SAND, ETC.) VOID OF ANY WOOD, METALS, PLASTICS, TEXTILES, HYDROCARBONS, ETC.) SLUDGE OF ANY KIND MAY NOT BE USED AS A CLEAN FILL UNLESS REVIEWED AND APPROVED BY THE ST. LOUIS COUNTY DEPARTMENT OF HEALTH.
- ADEQUATE TEMPORARY OFF-STREET PARKING FOR CONSTRUCTION EMPLOYEES SHALL BE PROVIDED. PARKING ON NON-SURFACED AREAS SHALL BE PROHIBITED IN ORDER TO ELIMINATE THE CONDITION WHEREBY MUD FROM CONSTRUCTION AND EMPLOYEES' VEHICLES IS TRACKED ONTO THE PAVEMENT CAUSING HAZARDOUS ROADWAY AND DRIVEWAY CONDITIONS.
- ALL FILLS AND BACKFILLS SHALL BE MADE OF SELECTED EARTH MATERIALS, FREE FROM BROKEN MASONRY, ROCK, FROZEN EARTH, RUBBISH, ORGANIC MATERIAL AND DEBRIS.
- CONTRACTOR SHALL KEEP EXISTING ROADWAYS CLEAN OF MUD AND DEBRIS AT ALL TIMES.
- ALL WORK WITHIN MODOT SHALL BE TO MODOT STANDARDS.
- INTERIM STORMWATER DRAINAGE CONTROL IN THE FORM OF SILTATION CONTROL MEASURES ARE REQUIRED.
- THE DEVELOPER IS REQUIRED TO PROVIDE ADEQUATE STORMWATER SYSTEMS IN ACCORDANCE WITH MODOT AND MSD STANDARDS.
- ALL DISTURBED EARTH AREAS WITHIN ST. LOUIS COUNTY RIGHT-OF-WAY SHALL BE SODDED.
- ALL OFFSITE PROPERTY OWNERS SHALL BE GIVEN NOTICE 48 HOURS IN ADVANCE OF ANY WORK.
- THE PROPERTY CORNER MONUMENTATION AND RIGHT OF WAY MARKERS SHALL BE RESTORED PER MODOT REQUIREMENTS.

GRADING NOTES:

- NOTIFY THE CITY OF CREVE COEUR DEPARTMENT OF PUBLIC WORKS 48 HOURS PRIOR TO THE COMMENCEMENT OF GRADING AND/OR PRIOR TO THE COMMENCEMENT OF CONSTRUCTION.
- PARKING ON NON-SURFACED AREAS IS PROHIBITED IN ORDER TO ELIMINATE THE CONDITION WHEREBY MUD FROM CONSTRUCTION AND EMPLOYEE VEHICLES IS TRACKED ONTO THE PAVEMENT CAUSING HAZARDOUS ROADWAY AND DRIVEWAY CONDITIONS. CONTRACTOR SHALL KEEP ROAD CLEAR OF MUD AND DEBRIS.
- THE STREETS SURROUNDING THIS DEVELOPMENT AND ANY STREET USED FOR CONSTRUCTION ACCESS THERE TO SHALL BE CLEANED THROUGHOUT THE DAY.
- SOFT SOILS IN THE BOTTOM AND BANKS OF ANY EXISTING OR FORMER POND SITES OR TRIBUTARIES OR ON SEDIMENT BASINS OR TRAPS SHOULD BE REMOVED, SPREAD OUT AND PERMITTED TO DRY SUFFICIENTLY TO BE USED AS FILL. NONE OF THIS MATERIAL SHOULD BE PLACED IN PROPOSED PUBLIC RIGHT-OF-WAY LOCATIONS.
- ALL TRASH AND DEBRIS ON-SITE, EITHER EXISTING OR FROM CONSTRUCTION, MUST BE REMOVED AND PROPERLY DISPOSED OF OFF-SITE.
- DEBRIS AND FOUNDATION MATERIAL FROM ANY EXISTING ON-SITE BUILDING OR STRUCTURE WHICH IS SCHEDULED TO BE RAZED FOR THIS DEVELOPMENT MUST BE PROPERLY DISPOSED OF OFF-SITE.
- ANY WELLS, CISTERNS AND/OR SPRINGS, WHICH MAY EXIST ON THIS PROPERTY, SHOULD BE LOCATED AND SEALED IN A MANNER ACCEPTABLE TO THE CITY OF CREVE COEUR AND THE MISSOURI DEPARTMENT OF NATURAL RESOURCES.
- ALL EXCAVATIONS, GRADING OR FILLING SHALL HAVE A FINISHED GRADE NOT TO EXCEED A 3:1 SLOPE (33%), UNLESS SPECIFICALLY APPROVED OTHERWISE.
- NO EXCAVATION SHALL BE MADE SO CLOSE TO THE PROPERTY LINE AS TO ENDANGER ANY ADJOINING PROPERTY OF ANY PUBLIC OR PRIVATE STREET WITHOUT SUPPORTING AND PROTECTING SUCH PUBLIC OR PRIVATE STREET OR PROPERTY FROM SETTLING, CRACKING OR OTHER DAMAGE.
- ENTIRE LOT SHALL BE SEEDED AND MULCHED OR SODDED BEFORE AN OCCUPANCY PERMIT SHALL BE ISSUED EXCEPT THAT A TEMPORARY OCCUPANCY PERMIT MAY BE ISSUED BY THE CITY OF CREVE COEUR PLANNING DEPARTMENT IN CASES OF UNDUO HARDSHIP BECAUSE OF UNFAVORABLE GROUND CONDITIONS. IF THE LOT IS TO BE SEEDED AND MULCHED IT SHALL BE DONE SO IN A MANNER THAT IT MEETS OR EXCEEDS THE REQUIREMENTS OF THE CITY OF CREVE COEUR.
- NO CONSTRUCTION PARKING SHALL BE PERMITTED ON ANY ADJACENT ROAD.

01/19/12 - REVISED PER MODOT COMMENTS

M.S.D. P# 37467-01
BASE MAP # 16-P

ENTRANCE PLAN

MODOT STANDARD DETAILS

Stock & Associates
Consulting Engineers, Inc.

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

DATE: 11/10/11
G.M.S. 11/10/11
210-4658
2 of 2

Kelly, Whitney

From: Nancy Litzinger <nancywl@sbcglobal.net>
Sent: Wednesday, September 10, 2014 8:27 AM
To: Robert Kent; Kelly, Whitney
Cc: Kent, Robert; ScottSaunders
Subject: RE: Jimmy John's restaurant

Also, to clarify further traffic concerns, there is one more access to Olive just east of the two condo entrances I referenced. It's slightly west of the light at Fernview on the north side of Olive. Then, as you proceed west, about ¼ mile past this first development, you encounter the two condo roads (pretty much across from each other), then the bank-Taco Bell access (which would be across from Jimmy John's), then Creve Coeur Mill. I think we're adding a lot of potential fuel to an already troublesome area. Are there any traffic incident reports for that stretch (Fernview to Creve Coeur Mill) for the past 10 years or so? Thanks, Nancy Litzinger

From: kentivcouncil@charter.net [mailto:kentivcouncil@charter.net]
Sent: Wednesday, September 10, 2014 6:31 AM
To: wkelly@ci.creve-coeur.mo.us
Cc: 'nancywl@sbcglobal.net'; Kent, Robert; ScottSaunders
Subject: RE: Jimmy John's restaurant

Kelly:

If you check the records when this came up before P&Z, I shared this same concern before I was elected. Considering this location is at the bottom of the hill on Olive and the westbound cars come down at a high rate of speed, this is of concern. My understanding is that MODOT will not allow another light signal because it is too close to the signal at Mill road. I had suggested a turning lane from the light at Mill-road west to serve this location as well as the Mill Crossing apartments. I have not checked the space for practicality. Thanks
 Bob

On Tue, Sep 9, 2014 at 3:43 PM, Kelly, Whitney wrote:

Ms. Litzinger

Thank you for your comments. I will include them in the packet for the Planning and Zoning Commission meeting for review and consideration.

Sincerely,
 Whitney

Whitney Kelly, AICP
 City Planner
 t: (314) 442-2087

P Please don't print this e-mail unless you really need to. Be Green!

Attachment: Public Comment-Jimmy Johns (1094 : Bill No. 5513 - Jimmy John's CUP)

From: Nancy Litzinger [<mailto:nancywl@sbcglobal.net>]
Sent: Tuesday, September 09, 2014 3:22 PM
To: Kent, Robert; ScottSaunders; Kelly, Whitney
Subject: Jimmy John's restaurant

I've reviewed materials referenced in Scott Saunders newsletter regarding this proposal and have several concerns which I'm emailing about because I'm unable to attend the 9/15 meeting at which this project will be discussed.

I know appropriate utilization of this property has been a challenge for the city but if I'm reading the information correctly, this is zoned single family residential. Has that changed?

Mainly, I'm nervous about the traffic consequences. I often drop in at the Taco Bell which is directly across from this site; depending on the time of day, it can be a nightmare to get out of there if you're going east on Olive. Some of the complication is from the other two accesses to Olive just east of this site, for condos on both the north & south sides of Olive. Some of the problem can be attributed to Olive volume and another contributing factor is the stop light at Creve Coeur Mill and Olive. I realize Olive is a state road; is MoDot aware of (and has approved?) this proposed access? I'm ASSUMING they have. While I realize that more citizens than those living in CC would use this facility, I hope the city of Creve Coeur is concerned enough about driving safety for anyone in its boundaries to thoroughly examine the potential consequences of creating yet another access point on an already crowded (and sometimes confusing) main artery.

Thank you.

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

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Attachment: Public Comment-Jimmy Johns (1094 : Bill No. 5513 - Jimmy John's CUP)

PLANNING AND ZONING COMMISSION PUBLIC HEARING

CITY OF CREVE COEUR, MISSOURI

300 NORTH NEW BALLAS ROAD

MONDAY, SEPTEMBER 15, 2014

7:00 P.M.

PUBLIC HEARING APPLICATION NO. 14-028

THOSE IN ATTENDANCE:

Mr. Tim Madden, Chair
Mr. Tim Carney
Mr. James Faron
Mr. Ken Howard
Ms. Beth Kistner
Mr. Charles Pullium
Mr. Gene Rovak
Mr. Carl Lumley, City Attorney
Mr. Paul Langdon, AICP, Director of Community Development
Ms. Whitney Kelly, AICP, City Planner
Ms. Deborah McLaughlin, 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, September 15th, 2014.

4 We'll start with roll call.

5 Mr. Tim Carney?

6 MR. CARNEY: Present.

7 CHAIRMAN MADDEN: Mr. James Faron?

8 MR. FARON: Present.

9 CHAIRMAN MADDEN: Mr. Ken Howard?

10 MR. HOWARD: Present.

11 CHAIRMAN MADDEN: Ms. Beth Kistner?

12 MS. KISTNER: Present.

13 CHAIRMAN MADDEN: I know Mr. Pullium's out in
14 the lobby. He'll be here shortly.

15 Mr. Gene Rovak?

16 MR. ROVAK: Present.

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

19 MR. LUMLEY: Present.

20 CHAIRMAN MADDEN: Paul Langdon, our Director of
21 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. Deborah McLaughlin,
2 our recording secretary?

3 MS. McLAUGHLIN: Present.

4 CHAIRMAN MADDEN: Okay. That will move us to
5 new -- a public hearing, Application No. 14-028: Approval
6 of the site development plan and conditional use permit
7 for a Jimmy John's Restaurant with drive-thru facilities
8 at 13140 Olive Boulevard.

9 Anybody that's going to be involved in this
10 tonight, please come up and be sworn in.

11 That includes anybody in the audience that might
12 be making a comment.

13 (Speakers were sworn in by the court reporter.)

14 CHAIRMAN MADDEN: State your name and address
15 for the record, please.

16 GEORGE STOCK: Good evening, Mr. Chairman,
17 Members of the Commission, Mr. Lumley, for the record, my
18 name's George Stock, and I'm with Stock & Associates
19 Consulting Engineers, 257 Chesterfield Business Parkway,
20 St. Louis 63005.

21 I'm here tonight on behalf of Mr. Chris Sedlak
22 of Sedlak Properties, LLC, regarding property at 13140
23 Olive Boulevard, as displayed on this aerial photograph.

24 Many of you may remember that back on July 18th,
25 2011, we appeared before this Planning Commission, and

1 there was a recommendation from this Commission to rezone
2 the subject property from AR Single-Family Residential to
3 GC, General Commercial, and D Residential.

4 One of the conditions of that rezoning was to
5 also boundary adjust the property into two lots. The lots
6 being the 5-acre General Commercial and the 4.28 being the
7 Single-Family Residential D Zoning District.

8 That plat was approved, and it was actually
9 recorded on February 11, 2014. The zoning was complete on
10 8/22/2011 by the City Council.

11 Also part of that was a concept plan for the
12 development of the property, which is included in the
13 staff's report.

14 But, basically, the site is located generally
15 along Olive Street Road with a single point of ingress and
16 egress with the Commercial Bank and the Taco Bell on the
17 west side of Olive Street Road. You have the Mill
18 Crossing residential development to the east, and to the
19 south you have single-family residence, which is
20 Mr. Sedlak's home, on the south side of the quarry or the
21 lake. To our west immediately where the proposed Jimmy
22 John's Restaurant is undeveloped property. It's currently
23 utilized by the City of Creve Coeur as the transfer for
24 the Leaf Program. And then, obviously, the Creve Coeur
25 Creek is also adjacent.

1 Some of the features of the site do include
2 power lines that are running through the -- the property.

3 And following the zoning of the property, there
4 was an opportunity with the MoDOT 141 expansion to bring
5 excess material from that project onto the site, the
6 necessary permits through the City of Creve Coeur, MSD,
7 and the Corps of Engineers were put in place for a
8 stockpile. That material was placed there.

9 And I now stand before you four years and a
10 month requesting approval for a specific site development
11 plan and a conditional use permit to operate the Jimmy
12 John's.

13 Generally the concept plan that was presented
14 included two uses for the site. That included a bank with
15 a drive-thru and also included a single-story restaurant
16 with a drive-thru.

17 Today what we're proposing is -- it's -- the
18 application was for 2,000 square foot Jimmy John's. The
19 building is actually a little bit larger. There's been a
20 little bit of redesign to the building on the east side
21 where the drive-thru window is.

22 There's a small bump-out, which makes the
23 building a little bit larger than 2,000 square feet.

24 But consistent with that concept plan and
25 permits from MoDOT, we are showing full access to Olive

1 Street Road, so there's an inbound, there's a left turn
2 westbound movement, and there's a through right turn onto
3 Olive Street Road.

4 The permit was issued several years ago by
5 MoDOT. The access drive has not been fully improved. The
6 permit has been recently extended by MoDOT til April of
7 2015 to perform the construction.

8 The access, as you come in off Olive Street
9 Road, we're proposing to reconstruct the access road to
10 the City's Leaf Program area, which is to the west, that's
11 the drive that's shown here going down to the lower area,
12 which is floodplain.

13 Outlined in red, is the 5 acres, which is zoned
14 General Commercial, so it's somewhat of an irregular
15 shaped piece of property with a lot of depth going to the
16 south, so the majority, 90 percent of the lake or quarry
17 itself, is located within the General Commercial District.
18 The red line along the southern perimeter is the
19 demarcation between the D Zoning District.

20 Coming into the site is a -- a drive that would
21 serve really two purposes. It would be the purpose of
22 serving the Jimmy John's along the west, and then as it
23 continues to the south, there would be a drive that
24 would -- is the residential driveway.

25 There is a demarcation between what we're

1 calling commercial drive and residential drive, so that
2 you are in the curved property line, which is that zoning
3 district a D versus a GC. There's a required setback, and
4 that's the dashed hyphen, which includes the radius on the
5 parking lot, really just trying to meet the setbacks as
6 outlined in the ordinance.

7 The building itself is shown generally in -- in
8 the brown shading. It includes an outdoor patio in the
9 front of the site. It includes some ADA accessible spaces
10 along the north side.

11 As you come around the south side, there's a
12 couple employee parking spaces. There's access to the
13 rear of the building. There's your trash enclosure, which
14 would be designed to be the same materials as the building
15 themselves.

16 And then the pavement is really a three-lane
17 section, as you go back to the rear of the building. And
18 so we have the inbound traffic, which serves two purpose,
19 both to the residential property, and then it also serves
20 the ability to come in counterclockwise and to have access
21 to the parking along the south and along the north.

22 There's a center left turn lane, which is really
23 a queue lane for the ordering board. The ordering board
24 is shown right here where the first car's stacked.

25 One of the conditions within the Section 407 is

1 three-car stacking at the ordering board. We have an
2 excess of three cars being able to stack and queue at that
3 ordering board itself.

4 The drive-thru, there has been some
5 modifications from the plans that were in the original
6 packet.

7 We received the staff report Friday evening, and
8 the project manager within my office had some discussions
9 with Ms. Kelly with regards some technical matters on
10 setbacks.

11 And so we have revised this plan, and I will
12 pass out the plan that's on the screen to you here in a
13 moment.

14 But we've added also the bypass lane to the
15 drive-thru on the east side of the building itself.

16 What's unique about this drive-thru window and
17 the operation of the Jimmy John's is there's actually a
18 door on the -- as part of the drive-thru window that
19 allows different types of orders to be able to be
20 hand-drawn, delivered out to the cars to help make this
21 drive-thru efficient.

22 Jimmy John's little bit different than some of
23 the other fast food restaurants. There's not a morning
24 breakfast business. So the ordinance -- proposed
25 ordinance suggests an opening at 9 a.m. I talked to

1 Mr. Sedlak, that really could be 10 a.m., not 9 a.m.

2 And, again, I think what's important about that
3 is a little bit about Olive Street Road, and it has a peak
4 a.m. and it has a peak p.m., and where you may have a
5 breakfast fast food restaurant that's generating traffic
6 or taking passerby in the a.m., that's really not the case
7 with the Jimmy John's.

8 The other is relative to the p.m. component.
9 The p.m. component is not the majority of the business of
10 the Jimmy John's. The Jimmy John's is more of a lunch.
11 The other is there's not a late opening. Right now this
12 restaurant would be closing at 9 p.m., as -- as opposed to
13 the midnight condition, which is in the ordinance.

14 Mr. Sedlak, who is the franchise, this is his
15 Jimmy John's, doesn't believe within this area that the --
16 the business really needs to go beyond 9 p.m.

17 Associated with the seating, both in the
18 restaurant and on the outdoor, are 17 parking spaces,
19 which are meeting the requirements of the City's ordinance
20 of 17 spaces.

21 There's also -- the site is unique, as I
22 mentioned, and there are diagonal transmission lines, and
23 so there was a lot of time spent with Ameren to amend
24 their easements and position where a building would really
25 be allowed on the site. And so that is something that was

1 done over the last few years, so we're still working
2 within those constraints and those agreements.

3 Also included in that was an access road to be
4 able to serve the transmission cars, and we've worked that
5 around the back of the property.

6 You'll notice there's terraced retaining walls,
7 and those terraced retaining walls are really trying to
8 create some more flat level area for a second building at
9 some time in the future.

10 Again, that would require an amended site
11 development plan. The area would be graded. And there
12 was some discussion in the staff report about the grading.
13 So there was one large grading operation done several
14 years ago. That was bringing all the material on the
15 site. And because of utilities and the flood plan and the
16 floodway at that time, the dirt was positioned in such a
17 manner.

18 Our desire and request would be to grade that
19 entirely for, not just the Jimmy John's, but to remove
20 that dirt and implement those walls.

21 There's a suggestion that this area be restored
22 or planted as wildflowers. I think we're in agreement
23 with that. There's no, whether it's manicured grass or
24 wildflowers, whatever the desire of the City, they feel
25 best, we would certainly agree to that.

1 Also as part of the project and part of the
2 concept plan four years ago, there was a sidewalk or
3 pedestrian walkway along the frontage of the property. We
4 neglected to show that on the original submittal. It was
5 brought to our attention in the staff report, and so we
6 are incorporating that pedestrian walkway across the
7 front.

8 There's several sidewalks internal to the plan
9 to be able to get people to get to the building with ease
10 from the parking spaces.

11 There's also a landscape plan that goes with
12 this, and it's a pretty extensive plan. And -- and I
13 think there's very constructive criticisms that -- or
14 constructive comments that have come from staff relative
15 to improving the landscaping along, both Olive Street
16 Road, and then also the desire of the terraced retaining
17 walls, how those would be landscaped, and we're not
18 opposed to those comments or suggestions, and we would
19 follow-up with an amended plan.

20 There's some discussion about a -- a traffic
21 study. We're not opposed to a traffic study, but MoDOT
22 did not require it, so when we zoned as to General
23 Commercial and in -- it contemplated the 5 acres having
24 two users, two drive-thrus. MoDOT issued a permit based
25 on that zoning, and based on that -- that rezoning of the

1 property and those uses, and we do have the permit today.

2 So for the reasons of a Jimmy John's, and not,
3 you know, Fast Food ABC that has an a.m. peak and a p.m.
4 peak, we have not done the traffic study. But, again,
5 we're not opposed if staff or the Planning Commission feel
6 that that is something that is necessary to support this
7 project.

8 The landscape plan. I believe there's a colored
9 version in your packets, but there's been some technical
10 issues receiving that from, our sake, from our landscape
11 architect, and so, hopefully, you have the better version
12 in your packets than what I'm showing here in black and
13 white. And the fact that I've spoken to the -- to the
14 fact that we would revise this plan accordingly, as staff
15 feels necessary, or whatever suggestions if the Planning
16 Commission may have.

17 The building architecture. I think that's
18 covered pretty well in the staff report. I will switch to
19 that.

20 That is a drawing that -- see if I can bring
21 that up there. It's brick on all four sides. I think the
22 only comment that I saw in the staff report relative to
23 the building was the fact that there was not a door on the
24 north elevation. That the door accessible to the patio
25 really came off the side, so here's the building itself.

1 So this is the east elevation, so that's the
2 drive-up and the bump-out. This is the west elevation
3 where the door is, and then you'd be able to walk to the
4 front of the building on the north. This is the north
5 elevation, which is really all glass, but there's not a
6 man door.

7 I did get an email from the architect saying
8 that if that was really important to the Commission, it's
9 something that could be implemented, but it does affect
10 the floor plan and affects the elevation to a certain
11 degree on the building.

12 And then there's the rear of the building.

13 But I think what's important here is it is
14 masonry on all four sides.

15 I think, you know, the placement of this
16 building, this is a unique site because of its size being
17 5 acres, really on the western part of the City of Creve
18 Coeur, tucked within the transmission lines.

19 I know there was a previous proposal for
20 attached housing on this. That failed. This does seem to
21 be an appropriate use. There's large buffers from the
22 residential properties, both the multifamily to the east,
23 the single-family resident to the south. Limited hours of
24 operation.

25 We believe that this is a good project, and at

1 this time we're, either Mr. Sedlak or myself, are happy to
2 answer any questions.

3 CHAIRMAN MADDEN: Ms. Kistner.

4 MS. KISTNER: Just two questions.

5 I understand MoDOT didn't require a traffic
6 study. If the property were developed to the east, that
7 could, obviously, change the intended amount of property
8 on -- or traffic on that property.

9 Would it -- do I understand correctly that that
10 property to the east could develop and it would probably
11 be using that same?

12 GEORGE STOCK: To the east, immediate east of
13 the Jimmy John's part of the 5 acres?

14 MS. KISTNER: Right.

15 GEORGE STOCK: Yes. And that concept plan --
16 basically, the concept plan, and I don't have it on the
17 PowerPoint, but I think it's in the staff report, where we
18 have the Jimmy John's, it contemplated a bank.

19 Is there a way to switch this?

20 MR. LANGDON: Yeah. Uh-huh.

21 GEORGE STOCK: Where I can put it on the screen
22 or use this projector. Oh.

23 So this is the plan that -- this is the concept
24 plan that was part of the rezoning back in July of 2011.

25 So it was the bank with the drive-thrus, and

1 then the building that was to the east was the
2 single-story, didn't say Jimmy John's, but it was a
3 restaurant with a drive-thru.

4 So -- so this is what was contemplated as -- at
5 the time that the permit was issued for the driveway.

6 MS. KISTNER: I see.

7 So what -- MoDOT did not require a permit, was
8 that with the Jimmy John's or the original bank plus
9 drive-thru restaurant?

10 GEORGE STOCK: It was for the full build-out,
11 the two buildings.

12 The permit was issued a few years ago. The
13 driveway that was a temporary driveway, utilized and
14 continues, I mean there's a driveway there that's utilized
15 for the house and the operation of the City of Creve
16 Coeur.

17 Mr. Sedlak actually contacted MoDOT a few days
18 ago to just renew the permit, and that should be part of
19 the package, which is the full commercial permit, as -- as
20 you see with a 39-foot of pavement.

21 MS. KISTNER: Can I maybe follow-up with staff
22 about -- on that question.

23 The -- the only other question for you, was
24 there -- I think you addressed everything that was in the
25 staff report, where there was a recommendation to change

1 something or add something. And I -- it -- is there
2 anything in the report that was recommended with what
3 you've disagreed?

4 GEORGE STOCK: There is not.

5 MS. KISTNER: Okay. Thank you.

6 CHAIRMAN MADDEN: Mr. Lumley.

7 MR. LUMLEY: Question with regard to the door to
8 the north.

9 Without a door there, is there an issue with the
10 distance from the ADA parking to the doorway? Is there a
11 minimum or a maximum distance?

12 MR. LANGDON: I don't believe there's a maximum
13 distance. Generally, the guideline is that you have to
14 place the accessible parking as close to the door as
15 practical.

16 CHAIRMAN MADDEN: Yes.

17 MR. FARON: Related to that, I was going to ask
18 about access to the patio.

19 I guess the perceived use is to come from the
20 side, the one in and one out, and head to the patio, and
21 then maybe go back into the store to refuge or something
22 like that?

23 I mean I don't know if it makes sense to kind of
24 have that door in front to allow people access to that
25 patio a little bit easier.

1 GEORGE STOCK: I think -- again, I didn't bring
2 the response from the architect.

3 MR. FARON: Okay.

4 GEORGE STOCK: If it was something, obviously,
5 he's familiar with the Jimmy John's, and we've done --

6 MR. FARON: Right.

7 GEORGE STOCK: -- a few of the restaurants, and
8 Mr. Sedlak, I think they were comfortable with the door,
9 unfortunately, I switched it back. Can I go back to the
10 projector? It's just -- this clear -- I apologize.

11 I think if there's strong feelings that there
12 should be a door on the front, two doors.

13 MR. FARON: Well, you know, just if you leave to
14 go out to the patio, I guess there might be trays or
15 something or a trash can near the door that everybody will
16 come in and out of. There's kind of one way in and one
17 way out.

18 GEORGE STOCK: Right.

19 MR. FARON: Now, I don't know if the patio is
20 just open or I guess it doesn't show any kind of --

21 GEORGE STOCK: It's open.

22 MR. FARON: Okay.

23 GEORGE STOCK: There's a few tables there, eight
24 seats.

25 MR. FARON: I'm just saying for flow and

1 circulation, probably not required, but you do sometimes
2 see a way out to the patio that might not be the main
3 entrance to a restaurant that people are coming in and out
4 of for just grabbing and going or sitting inside so.

5 GEORGE STOCK: Yeah, I don't know when I --
6 Mr. Lumley, when I answered the question, I don't know if
7 the staff was pointing that out or if they were making it
8 a condition.

9 I think, you know, we're open to the door on the
10 north, if that's the desire of the Commission.

11 MR. FARON: Could I ask about the stacking
12 there, you said the three-car stacking.

13 GEORGE STOCK: Correct.

14 MR. FARON: That is -- you're showing the three
15 right there.

16 GEORGE STOCK: I'm showing the three, and I
17 could show four if -- if needed, you know, they -- I
18 stopped there. You can see that we do have two parking
19 spaces going to a --

20 MR. FARON: Uh-huh.

21 GEORGE STOCK: -- a what we would call employee
22 spaces. A fourth car could inhibit the flow in and out of
23 there, so that's why I'm showing the three. But I do
24 believe I could get four on there and still have --

25 MR. FARON: Yeah, I asked about a busy time

1 during the day.

2 I mean let's say there's ten cars there, I mean
3 I guess it would just -- there's enough width there to
4 probably allow you to come and go at your residence, or if
5 someone wants to kind of come to the northeast of that
6 queue line, they could exit the -- the property --

7 GEORGE STOCK: Yeah, I think --

8 MR. FARON: -- if people were not backing up
9 extensively.

10 I mean we talked about a ten-car stacking on the
11 first agenda item today, but --

12 GEORGE STOCK: Well, and I heard those comments.

13 And I think -- I mean if you looked at the
14 drive-thru, I could stripe it as such that I -- on that
15 western drive, I could maintain the continuous southbound
16 lane to get to parking around the south, or I could, you
17 know, for residential access, so there's no reason why I
18 can't stripe it.

19 MR. FARON: Striping.

20 GEORGE STOCK: The only inhibitor would be that
21 occasionally you may block the two spaces.

22 MR. FARON: Sure.

23 I'm just curious in terms of drive-thru and
24 business at a peak hour, do you guys ever run numbers on
25 how many might be in that drive-thru compared to, say, a

1 McDonald's or something? I mean I go in there every now
2 and then, it gets pretty crowded, but --

3 GEORGE STOCK: Yeah, I think I'd like
4 if Mr. Sedlak --

5 MR. FARON: Sure. Yeah. Whenever, that's fine.
6 I'd hate to -- I know you'd have to probably come up to
7 the mike, I know we're recording it, but --

8 CHRIS SEDLAK: You want to finish with him, and
9 then when you're done --

10 MR. FARON: Yeah, that'd be fine. That's just
11 something I asked about.

12 Yeah, I believe everything else with the
13 sidewalk and the landscape.

14 And, again, yeah, the City is going to maintain
15 that yard over there. We are going to continue using that
16 as this development proceeds, or is there a future plans
17 for changing that use?

18 MR. LANGDON: There is a current agreement in
19 place. How long it extends, depends on future conditions.
20 Currently for two years.

21 CHAIRMAN MADDEN: Anything else for Mr. Stock?
22 Yes, Tim.

23 MR. CARNEY: I have a question.

24 I'm concerned about the quarry. Is there
25 fencing to keep maybe kids from being tempted to jump in

1 that quarry or play around there? Is there some kind of a
2 barrier that they wouldn't be able to get to that?

3 GEORGE STOCK: There is not at this time.

4 But there is heavy landscaping, that entire
5 south buffer, there's some terrace retaining walls, and
6 those are going to be landscaped, so there will be trees
7 along the bio-retention, so we're bermed up about 4 feet
8 above the parking lot, and that will be a continuous hedge
9 of evergreens, and it's really from Mr. Sedlak with the
10 residential property.

11 But there's nothing -- I mean -- and maybe
12 Mr. Sedlak can talk about the quarry, he lives there. I
13 mean it's definitely an attractive nuisance. It has been
14 forever. I don't know how he manages it, but, again, I
15 think the buffering -- it is an attractive nuisance. I
16 grew up around there long, long time ago.

17 So, but I think Mr. Sedlak, having lived there,
18 you know, he has had to deal with kids, and he might be --

19 MR. CARNEY: Yeah, I'm just concerned, you know,
20 if you're open late nights and some people been having too
21 good of a time sometime at night that's kind of a -- it
22 could be scary thing to have there, I don't know.

23 MR. FARON: Could I ask one more thing before we
24 step back?

25 CHAIRMAN MADDEN: Yes.

1 MR. FARON: The bio-retention, is that covered?
2 Is that -- is that exposed? Is it bermed all the way
3 around? So if you're parking on the east there, you're
4 probably meant to go north along the sidewalk to the
5 restaurant.

6 GEORGE STOCK: Right.

7 MR. FARON: You won't be able to walk through
8 the bio-retention --

9 GEORGE STOCK: No.

10 MR. FARON: -- or will it be --

11 GEORGE STOCK: No, you will not be able to walk
12 through the bio-retention. It's depressed 24 inches
13 and --

14 MR. FARON: Okay.

15 GEORGE STOCK: -- heavily landscaped with tall
16 grasses.

17 MR. FARON: But exposed, not bare?

18 GEORGE STOCK: It is exposed.

19 MR. FARON: Thank you.

20 CHAIRMAN MADDEN: Anything else for Mr. Stock?

21 Okay. Mr. Sedlak, you want to come and state
22 your name and address, please.

23 CHRIS SEDLAK: Not really.

24 CHAIRMAN MADDEN: Don't want to.

25 Yeah, I bet you'll be upset when you see ten

1 cars waiting in line to buy food.

2 CHRIS SEDLAK: Okay. You want to start with --

3 CHAIRMAN MADDEN: State your name and address,
4 please.

5 CHRIS SEDLAK: Oh, Chris Sedlak, 13150 Olive
6 Boulevard, Creve Coeur.

7 CHAIRMAN MADDEN: Who had questions?

8 MR. FARON: I mean I just had the question about
9 the stacking. Just in your recollection about your
10 business, I guess experience in this use, I don't know if
11 you're going to have a long line of cars there or whatnot.
12 It looks like it's been addressed, but I was just curious
13 about some of the numbers compared to other fast food
14 establishments.

15 CHRIS SEDLAK: Well, it's -- as far as numbers
16 against other fast food establishments, I -- I stopped
17 paying attention to that years ago.

18 What I can tell you is, like Mr. Stock was
19 speaking to, Jimmy John's drive-thru operation runs a
20 little bit different than the typical drive-thru that you
21 guys see at a McDonald's or a Burger King.

22 In the sense that -- well, you see the door that
23 he's put on here, all right, and the escape lane and --
24 that Paul and I were talking about, if you go to Maryland
25 Heights, there's so many Creve Coeur residents have to do

1 to go through a drive-thru. There's a Jimmy John's there,
2 and it has the same door. And if you go its peak time,
3 which is lunch, you will see that many times in the course
4 of lunch there will be a car at the window that has, you
5 know, multiple sandwich order that's going to take a
6 little bit longer than the other cars stacked up behind
7 it.

8 All right. We use that door to run out, we have
9 a credit card swiper on an iPhone, and we'll actually
10 swipe the credit card and their food right there, and they
11 pull out to the right and leave.

12 So what that does is that allows that car at the
13 window to sit at the window until they get their food, but
14 the cars behind that keep moving.

15 And because we operate that way, the stack that
16 you're concerned about that stacks up from the menu board
17 back, really rarely, if ever, occurs.

18 Paul and I had a long talk about how a
19 drive-thru really works, and if you -- even if you look at
20 the Burger King up on Olive that -- we did that -- or I
21 did that a long time ago.

22 That, unfortunately, that's where the speaker's
23 in the front of the building. You pull around and used
24 to -- they used to use the two lanes. They had -- I sold
25 it in 2007, but they really don't use that anymore. The

1 stack was never really behind the menu board back then, it
2 was between the menu board and the windows where you want
3 it to be. That's where the restaurant itself has control
4 and can actually execute fast orders.

5 Once those orders are placed into the kitchen,
6 it's all -- it's just a matter of how well we function.

7 In a -- in a cold sandwich business, where
8 they're not hot, we don't have to toast them, and we don't
9 have to do all this kind of stuff, you'll find we're
10 really, really fast. You'll never see more than one or
11 two cars stacked up behind the menu board, because,
12 frankly, the menu board process really only takes, at
13 best, 25 seconds per car.

14 The only time you really have a problem is when
15 someone doesn't know what they want to order, but we've
16 been established long enough, we have a very small menu,
17 so it's not like you have to sit there and stare at it and
18 try to figure it out.

19 So our problem has never really been from the
20 speaker going back. Our problem is when we don't get a
21 design that's designed like this where we have enough room
22 between the window and the speaker to stack in those cars
23 and queue them in to where now they're under our control,
24 and we can get the food out to the ones who we can make
25 the food the fastest for, then everybody kind of flushes

1 out, other than the one that's stuck at the window.

2 That's -- that's why we really don't need the
3 queuing in this particular situation like you would where
4 they don't utilize a door.

5 CHAIRMAN MADDEN: Okay. I think the second
6 question was about the quarry.

7 CHRIS SEDLAK: Oh, actually he's incorrect.

8 There is a fence there right now, and as part of
9 doing all this, I'm sure it's going to get torn out.

10 And, you know, I got to be honest with you,
11 since I've been living there, the whole problem with
12 people coming to the quarry has gone away.

13 I understand bringing traffic to this is going
14 to probably get some interest back in the quarry, however,
15 we're not really done talking about the landscaping.

16 George and I were talking about that earlier
17 today. Obviously, I live in the house, so I'm going to
18 make sure that thing is so buffered up that I'm
19 not staring at a drive-thru when I'm sitting on the
20 balcony. I'd want that buffered up with landscaping as
21 thick as possible to the point where you can't see through
22 it, much through [sic] walk through it.

23 If you really knew the topography back there, I
24 think your concern about the -- them getting to that point
25 and falling off or jumping off the quarry from that edge,

1 that's not the edge that you have to worry about, it's the
2 edge over on the -- it's this edge -- there you go,
3 yeah -- it's -- it's the edge right over here that's my
4 biggest concern. That's where you can actually get --
5 this is so -- it's so full of trees and brush and
6 everything you really can't get to the edges, you know,
7 right through here.

8 We have cleared all this out, and this is where
9 you can really walk up to the edge and see it. There is a
10 fence back here that is pretty well intact, and it is a
11 little bit of disrepair, some trees have fallen on -- on
12 parts of it that we have cleared up. This is really
13 not -- this is really not accessible, and even when we do
14 this with all the landscaping we're going to do, you can't
15 -- you can't get to that.

16 MR. FARON: Can I ask related to that privacy,
17 are you going to have some kind of gate or closure there
18 at your drive or is that just going to be open?

19 CHRIS SEDLAK: I already do.

20 MR. FARON: You do. I didn't see. Okay. Maybe
21 it's there. I just was wondering if there was a point to
22 stop curious folk from getting back there.

23 Thank you.

24 CHAIRMAN MADDEN: Any other questions?

25 Okay. Thank you.

1 I have one --

2 CHRIS SEDLAK: Actually, can I say something
3 real quick?

4 CHAIRMAN MADDEN: Sure.

5 CHRIS SEDLAK: Obviously, you guys were wishing
6 you were done talking about drive-thrus. However, we did
7 put -- you know, we have been working on this four years,
8 and we did take the criteria that was in place four years
9 ago, and I spent a lot of time and a lot of money getting
10 this ready to do this.

11 And, honestly, when you look at the things that
12 everybody's been concerned about that drove them to put
13 the ordinances -- to vote the ordinances in that you did,
14 again, they really don't apply to this property when you
15 look at the surroundings. If there's a place that you
16 would be the least worried about affecting residents to
17 put a drive-thru on Olive in Creve Coeur, it's right
18 there.

19 The traffic study, I understand that's becoming
20 a pretty common thing to ask for. And if we have to do
21 it, we'll do it. It's \$5,000 additional cost to the
22 project that the last three I've done in other
23 municipalities, once they did the traffic study, and then
24 we asked the guy who did the traffic study a bunch of
25 questions, they found they were looking at all the wrong

1 things anyway. It didn't apply.

2 The -- this project -- or this particular use is
3 a lunch-driven use and the concerns of traffic on Olive
4 are really a.m., p.m. That's your high volume -- that's
5 your most high volume times, especially in this area.

6 While I realize this is the -- not the perfect
7 world ideal way to get in and out of Olive, I don't think
8 there is one other than a corner with a stoplight. But
9 I've been living here for about a year and a half, and I
10 go in and out of that driveway probably ten times a day
11 easy, and it's really not -- I really don't have any
12 difficult getting in and out of that driveway and making
13 the left to go up to Woods Mill; making the right is --
14 is, obviously, easy.

15 But the line of sight when you're pulling out of
16 that driveway, because it's both, you know, it's uphill,
17 you can see so far in each direction that you know when
18 the break of traffic's coming, it's actually very -- it's
19 not bad to get in and out of.

20 CHAIRMAN MADDEN: Okay.

21 MR. FARON: Would any further development
22 warrant a traffic study? I mean you'd be willing to do
23 that if you continue to develop next door?

24 CHRIS SEDLAK: I think that depending on what
25 the -- the other user for the other side would be, would

1 kind of dictate whether or not we need to do a traffic
2 study or not. Obviously, it'd be based on their volume.

3 And, honestly, guys, a Jimmy John's is not
4 McDonald's. It's not going to run the kind of cars
5 through that McDonald's does. And they do it morning,
6 lunch and dinner. People don't eat a cold sandwich for
7 dinner. We're very, very slow. You're worried about the
8 evenings and all that kind of stuff, we're going to close
9 this one at nine. Frankly, I should have closed the one
10 that's up the hill at nine o'clock years ago, but we
11 didn't want to make anybody angry.

12 MR. FARON: Thank you.

13 CHRIS SEDLAK: Uh-huh.

14 CHAIRMAN MADDEN: I have one. Pam Siegel.

15 PAM SIEGEL: I'm currently the president of the
16 board Mill Crossing --

17 CHAIRMAN MADDEN: Mrs. Siegel, could you, one,
18 pull the microphone down a little bit, so it records you
19 better.

20 And could you state your name and address first,
21 please.

22 PAM SIEGEL: Okay. My name is Pam Siegel. My
23 address is 1175 Mill Crossing Drive.

24 I'm the current president of the Board of the
25 Mill Crossing Condominium Association. At present there

1 are five buildings on the grounds of Mill Crossing.

2 And I'm speaking tonight mainly for the
3 residents who live in Building 13115 Mill Crossing Court,
4 which is contiguous to the proposed Jimmy John's
5 Restaurant with the drive-thru at 13140.

6 The residents, basically, realize and understand
7 that the property of 13140 is zoned and qualifies as a
8 General Commercial District, and that it will probably
9 pass.

10 Having stated this, we ask for five
11 considerations to be resolved before development begins,
12 of which some have been addressed tonight.

13 Visual, so that there's a berm, landscaping
14 provided behind the facility heading east towards 13115.
15 And the other concern for that, basically, is that MoDOT
16 did dump everything from the Maryland Heights Expressway
17 in this huge big dirt pile that backs up to it, which
18 covers even the front of this huge phone tower that's
19 there, and so my understanding is that's all going to be
20 dug out and removed for this property, for this site to go
21 in.

22 We're also concerned about lighting, lampposts
23 directing lights down to the paved surface areas.

24 Obviously, noise and sound.

25 Number four, odor.

1 And, five, safety about the traffic entering and
2 exiting.

3 I exit every day. I understand -- I do
4 appreciate the times that they're going to do, maybe ten
5 to nine, but exiting going west, there's a middle access,
6 and we have Field Pointe Condominiums across from us, and
7 there are many cars coming out of even Taco Bell, and
8 sometimes you have cars stacked up going -- making rights,
9 making lefts.

10 When they come out of Taco Bell, they don't
11 even -- they might use the access lane in the middle to
12 drive as a lane before cutting over. And there are other
13 cars pulling out using that lane to wait coming from east
14 to west that are waiting to access into going east or west
15 on Olive.

16 So I think a -- a traffic study needs to be
17 done.

18 We just ask that the Commission take a look at
19 these concerns prior to development.

20 And I thank you for your time.

21 CHAIRMAN MADDEN: Thank you very much.

22 I can -- the lighting, he has to submit a
23 lighting plan, and we go out and check it once he opens,
24 right, Paul?

25 MR. LANGDON: Yes, sir.

1 CHAIRMAN MADDEN: And odor, he's not cooking
2 anything. I mean there's no -- it's sandwiches and chips
3 any time I've been in there, right?

4 CHRIS SEDLAK: The only thing we -- we bake
5 French bread, that's it.

6 CHAIRMAN MADDEN: That's a good smell.

7 Mr. Stock.

8 GEORGE STOCK: Just one comment that I failed
9 to -- to cover in the presentation is the fact that the
10 berm of dirt that's there today, the buildings aren't
11 getting constructed on that. The buildings will actually
12 be about 45 feet -- the finished floor will be 45 feet
13 lower than the -- your residential home or condominium
14 that's there, so that site will be lowered dramatically.

15 So you won't see lights; you won't see the roof
16 of the building. Everything is down 45 feet.

17 CHAIRMAN MADDEN: Thank you.

18 Ms. Kistner.

19 MS. KISTNER: I have a question for staff,
20 either Whitney or Paul, about a traffic study.

21 MR. LANGDON: Uh-huh.

22 MS. KISTNER: The -- what your thoughts are
23 about that, and also if the traffic study is not done now,
24 is there a, depending on what the type of development that
25 might come to the east, it doesn't require a conditional

1 use, for example, would there even be an opportunity then
2 to require a traffic study?

3 MR. LANGDON: Couple parts to that.

4 Whenever you do a traffic study, you're
5 generally looking to answer questions about changes that
6 maybe should be made or not made. And I think part of the
7 evaluation when this first came through a few years ago
8 was what would we do differently; what would they change.

9 And really the only thing that came out of that
10 whole discussion was the relocation of the access down to
11 the light, the pre-existing light at Creve Coeur Mill
12 Road, but that takes the access off site. This property
13 does not extend that far to the west.

14 MoDOT did not want to see a median in the road
15 at that point. The lanes are already substantial, they're
16 full 12 foot, 13 foot lanes, five lane cross section. The
17 driveway is -- is a full right, left access and separate
18 lane in, so you got a three lane driveway. So you don't
19 have congestion if somebody's trying to turn off of Olive
20 to get in there making that westbound left turn, they've
21 got a dedicated lane to turn into.

22 So really the only options then are sightlines,
23 and as Mr. Sedlak said, the sightlines are considerable.

24 Short of putting in another traffic signal,
25 which they will not do, because it's so close to Creve

1 Coeur Mill, there's really no other changes that they
2 could do.

3 So, certainly, I, you know, if the Commission
4 and the Council wish a traffic study, then -- then, you
5 know, any time you're doing new development on a busy
6 street, I think that's enough to -- to request it.

7 Do I think you'll get many useful answers out of
8 it? No, I don't think you will. I think we already know
9 what the answer will be. Connecting to Creve Coeur Mill
10 would be ideal. Short of that, because it's off site,
11 it's best the way it is with the wide driveway.

12 Could a traffic study be requested later? Yes.
13 Just as this project required site development plan
14 approval, so would a second building.

15 The concept plan only lays out the scope of the
16 project, it doesn't actually approve the construction. To
17 get construction approval, they would need to be back for
18 at least for the Planning Commission. And if it were a
19 use that generated that much traffic, you could certainly
20 request a traffic study at that time.

21 MS. KISTNER: Thank you.

22 CHAIRMAN MADDEN: Anything else? No.

23 MR. FARON: I move to recommend approval --

24 CHAIRMAN MADDEN: No, we got to close. That
25 closes the public hearing.

1 MR. LUMLEY: No, it doesn't.

2 CHAIRMAN MADDEN: Well, after you do yours.

3 MR. PULLIUM: And I have a question for Paul.

4 You mentioned in your staff report about, I
5 think you referred to it generally that this -- you
6 referred to the drive-thru ordinance that was being
7 discussed and the ordinance being discussed, and then you
8 went through an analysis of whether this project would
9 comply or not comply --

10 MR. LANGDON: Uh-huh.

11 MR. PULLIUM: -- and made some mention to the
12 fact that this ordinance had not been passed yet. You
13 didn't say that, but you --

14 MR. LANGDON: Yeah.

15 MR. PULLIUM: -- referenced that.

16 MR. LANGDON: Uh-huh.

17 MR. PULLIUM: And so this Commission has now
18 voted on the ordinance you were mentioning, and you went
19 through an analysis of this project not complying with
20 what is now a voted on ordinance. Understand it has to go
21 to Council.

22 MR. LANGDON: Yeah.

23 MR. PULLIUM: So can you speak to why this
24 project would not need to comply.

25 MR. LANGDON: Sure.

1 When it went through the rezoning process, the
2 concept plan really was no less detailed than the plans
3 you're looking at now, so there was an understanding of
4 what was intended at that time.

5 Also, since that time, based on that approval,
6 the applicant has done a substantial amount of grading to
7 pre-load the site, so to prepare it for construction.
8 They've made changes to the entrance into the property to
9 the rear. They've done a variety of floodplain studies,
10 again, to justify the grading that's on site.

11 So, in my mind, and it's certainly a fairly
12 debatable point, but in my mind, there is a vested
13 interest here, based on that prior approval for the
14 concept plan, wherein they knew they would be back for a
15 CUP and site development plan approval, but a lot of
16 effort was expended to get ready for this point.

17 And to now use an ordinance that is brand new to
18 pretty much invalidate the project, I think undermines the
19 investment they've made based on the site plan approval --
20 the concept site plan approval several years ago.

21 So is it a clearcut case where we cannot apply
22 those standards? As it sits right now, no. But I think
23 it's certainly a debatable point, which I would not want
24 to end up in court on.

25 MR. PULLIUM: But you're suggesting that because

1 of the factual history specific to this project, and the
2 fact that it was presented at a time when it would not
3 have been -- there was no existing ordinance at that time,
4 all the work that's been done for it and all that, that
5 this -- approving this project would have no precedential
6 value at all on any project going forward?

7 MR. LANGDON: That's correct.

8 MR. PULLIUM: Thank you.

9 MS. KISTNER: One --

10 CHAIRMAN MADDEN: Ms. Kistner.

11 MS. KISTNER: -- final quick question.

12 What about the signage, is that in a
13 different -- is -- is that --

14 MR. LANGDON: Signage is a separate approval.

15 MS. KISTNER: Separate.

16 MR. LANGDON: Certainly, where we see that an
17 applicant is headed in a direction that we would not be
18 able to approve, we try to point that out --

19 MS. KISTNER: Okay.

20 MR. LANGDON: -- but it is not part of this.

21 MS. KISTNER: Okay.

22 CHAIRMAN MADDEN: Anybody else?

23 Go.

24 MR. LUMLEY: Offer the following exhibits into
25 the record of this public hearing: Documentation in

1 possession of the City Clerk reflecting notice provided to
2 the public; the -- you presented revised plans this
3 evening?

4 GEORGE STOCK: Right.

5 MR. LUMLEY: -- revised plans presented by
6 Mr. Stock during the meeting, the City's Code of
7 Ordinances and the Charter, City's Comprehensive Plan, the
8 staff report and other materials in the packet and the
9 public file regarding the application.

10 CHAIRMAN MADDEN: And that will end our public
11 hearing.

12 (This ends the public hearing.)
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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



City Council
300 North New Ballas Rd
Creve-Coeur, MO 63141

Meeting: 10/13/14 07:00 PM
Department: Planning and Zoning Commission
Category: Amendment
Prepared By: Paul Langdon
Department Head: Paul Langdon

SCHEDULED

STAFF REPORT

Bill No. 5514 - 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

The Director of Community Development, on behalf of the City of Creve Coeur, has submitted a request for a text amendment to revise the criteria to allow for drive-thru restaurants on sites of two (2) or more acres, subject to certain building and site criteria. Deferred from the September 22, 2014 Council meeting.

HISTORY:

09/22/14

City Council

CONTINUED

Next: 10/13/14

BILL NO. 5514

ORDINANCE NO. _____

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

WHEREAS, an application by the City of Creve Coeur was submitted for an amendment to Section 405.470(14) Conditional Uses, of the Creve Coeur Zoning Ordinance to allow for drive-thru restaurant services on sites of two acres or more; and,

WHEREAS, the Planning and Zoning Commission of the City of Creve Coeur, Missouri has recognized the need for amendments to such regulations in the City Code of Ordinances as set forth herein, to more effectively implement the goals of the Comprehensive Plan and the purposes of the Zoning Code; and,

WHEREAS, the Planning and Zoning Commission of the City of Creve Coeur, Missouri, held a public hearing thereon at the Creve Coeur Government Center on Monday, April 21, 2014, beginning at 7:00 p.m., or immediately following the close of the previous public hearing; and,

WHEREAS, the Planning and Zoning Commission reviewed and, by a vote of 7-0 recommended approval of the subject amendments at its meeting on Monday, September 15, 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.

Attachment: Bill No 5514 (1097 : Bill No. 5514 - Drive-Thru Text Amendment)

BILL NO. 5514

ORDINANCE NO. _____

- 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 properties restaurants without drive-thru services within the "GC" District;
 - b. The acreage requirement does not apply to restaurants without drive-thru 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;
 - c. ~~Drive-thru or drive-up services:~~
 - (1) ~~Shall provide space for at least three (3) cars per drive-up window or station.~~
 - (2) ~~Shall provide landscaping to screen the view of drive-up waiting spaces from surrounding properties.~~
 - (3) ~~Drive-up window access, waiting spaces and egress shall not interfere with site circulation or be hazardous to motorists entering, exiting or passing by the site.~~
 - (4) ~~Drive-thru service for restaurants may be located only on sites of not less than three (3) acres.~~
- Drive-thru services on sites in the "MX," "GC," "CB," "PO," "PC," and "LI" Districts that abut residential uses are subject to the following:
- (1) Drive-thru facilities shall be limited to one restaurant with no more than two service windows, two order facilities and two designated stacking lanes which shall all be located on the rear or one end of a multi-tenant retail building having a continuous structure frontage of at least two hundred feet (200'). Such frontage may include one passage way or arcade (not open on the sides).
 - (2) The drive-thru order facility and service window shall only be on or adjacent to a wall not facing a street, unless otherwise approved, and shall be completely screened from the ground floor level of adjacent residences with a property line wholly or partially within 200 feet of either the order facility or the service window by means of a solid barrier or topographic change. Vegetation cannot be used to meet this requirement but may be needed to address aesthetic concerns.
 - (3) The drive-thru restaurant shall have no less than two thousand (2,000) square feet of gross floor area (area under roof).
 - (4) The drive-thru order facility and service window shall be no less than 50 feet from any property line of any residential use.
 - (5) The designated stacking lane shall be no less than 220 feet long (approximately 10 cars), excluding the space being served by the window, which shall be no less than nine feet wide by twenty-two

Attachment: Bill No 5514 (1097 : Bill No. 5514 - Drive-Thru Text Amendment)

BILL NO. 5514

ORDINANCE NO. _____

feet long. The lane shall have continuous access to a bypass lane which can be shared with the general parking lot circulation.

- (6) The entrance to the designated stacking lane shall be no less than 50 feet from the nearest point on the property line across the nearest vehicular entrance.
- (7) The designated stacking lane shall not cross between the building and principal street frontage.
- (8) A traffic study shall be submitted by the applicant that demonstrates, to the satisfaction of the City, that the required drive-thru facilities shall not interfere with site circulation or be hazardous to motorists or pedestrians entering, exiting or passing by the site.
- (9) An acoustical study shall be submitted demonstrating that the order facility and service windows will not produce sounds exceeding 60dB as measured at any property line abutting a residential use, up to a height of eight feet above ground at the property line and demonstrating that the order facility and service windows will not increase ambient sound levels at other property lines above the average Monday to Friday midday level.

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~~

Drive-thru services on sites in the "MX," "GC," "CB," "PO," "PC," and "LI" Districts that only abut non-residential uses are subject to the following:

- (1) Drive-thru facilities shall be limited to one restaurant with no more than two service windows, two order facilities and two designated stacking lanes in a coordinated development located on one or more lots totaling two or more acres, with shared access and three or more buildings, all designed with similar use of materials and design elements to convey a single visual image or composition.
- (2) The drive-thru order facility and service window shall only be on or adjacent to a wall not facing a street, unless otherwise approved.

BILL NO. 5514

ORDINANCE NO. _____

- (3) The drive-thru restaurant shall have pedestrian-oriented landscape adjacent to the building equivalent in area to 50% of the gross floor area of the entire restaurant use (area under roof).
- (4) If the drive-thru restaurant is free-standing, an 8-foot wide planted landscape strip shall be adjacent to at least two other sides of the building, exclusive of the pedestrian area.
- (5) If the drive-thru restaurant is free-standing, it shall have no less than 3,000 square feet of gross floor area (area under roof).
- (6) If the drive-thru restaurant is free-standing, it shall have transparent windows that are each at least 18 square feet and the entire perimeter wall surface shall be no less than 50% glazing, including all forms of window and doors, but not including the drive-thru service window.
- (7) Any service areas including, but not limited to, trash receptacles, compactors, transformers, outdoor cooking or refrigeration equipment and utility connections, must be fully enclosed. Such enclosures shall appear as a part of the restaurant building to the maximum extent as found to be practicable by the City.
- (8) The designated stacking lane shall be no less than 220 feet long (approximately 10 cars), excluding the space being served by the window, which shall be no less than nine feet wide by twenty-two feet long. The lane shall have continuous access to a bypass lane which can be shared with the general parking lot circulation.
- (9) The entrance to the designated stacking lane shall be no less than 50 feet from the nearest point on the property line across the nearest vehicular entrance.
- (10) The designated stacking lane shall not cross between the building and principal street frontage.
- (11) A traffic study shall be submitted by the applicant that demonstrates, to the satisfaction of the City, that the required drive-thru facilities shall not interfere with site circulation or be hazardous to motorists or pedestrians entering, exiting or passing by the site.
- (12) An acoustical study shall be submitted demonstrating that the order facility and service windows will not increase ambient sound levels at the property lines above the average Monday to Friday midday level.
- ~~(6) Shall not provide drive-thru or drive-up services to patrons.~~
- (e) "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 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.

Attachment: Bill No 5514 (1097 : Bill No. 5514 - Drive-Thru Text Amendment)

BILL NO. 5514

ORDINANCE NO. _____

CHARLOTTE D'ALFONSO
PRESIDENT OF CITY COUNCIL

APPROVED THIS _____ DAY OF _____, 2014.

BARRY GLANTZ
MAYOR

ATTEST:

DEBORAH RYAN, MPCC
CITY CLERK

Attachment: Bill No 5514 (1097 : Bill No. 5514 - Drive-Thru Text Amendment)



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 CITY COUNCIL AND CITY ADMINISTRATOR

Meeting Date: September 22, 2014

Subject: Application #14-008: Text Amendment To Allow For Drive-Thru Restaurant Services On Sites Of 2 Or More Acres

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

Attachment: **Draft Ordinance**
Public comment received by September 17, 2014
Prior packet information

SUMMARY OF ORDINANCE REVISIONS

At the September 15th meeting of the Planning Commission, the attached draft ordinance was recommended for approval by a unanimous vote. Prior to the recommendation vote being taken, several amendments were incorporated into the draft ordinance, specifically:

1. The minimum project area for sites abutting a residential use was decreased from three acres to two acres by a vote of four ayes and three nays. The opposite was done at the preceding meeting by a unanimous vote. In voting to reverse the prior change, the members of the Commission identified concerns with whether or not increasing the acreage actually resulted in any increase in protections for adjacent residences and also stated that they realized the conditional use permit process still afforded them the opportunity to address site specific issues.
2. By a single, unanimous vote, the following collection of amendments were approved:
 - installing a solid barrier to screen a residence on any residential lot within 200 feet of the drive-thru, not just the residence itself;
 - removing all references to “drive-up” services since the term implies curb-side service rather than a conventional drive-thru lane and service window.
 - clarifying that the window requirement in free-standing locations should read “transparent windows that are each at least 18 square feet” The reference to “each” window was absent from the prior versions.
 - a provision was added to allow, by specific approval, drive-thru windows to be located on the end of a building facing a street. The Commission felt that this option should be available if, in a given instance, the end location is more removed from the nearest residences than is the rear.

Several minor wording edits are also shown in the draft ordinance. The entirety of the Commission’s prior review materials and the public comment received to date by the Planning Division are also attached to this memorandum. Staff will be present at the meeting on September 22nd to assist with any questions the Council may have.

October 2, 2014

Mayor and Members of the City Council
City of Creve Coeur
300 N. New Ballas Road
Creve Coeur, MO 63141

Re: Bill No. 5514

Ladies and Gentlemen:

I am writing to express numerous concerns with the above-captioned Bill which would amend Section 405.470 regarding conditional uses and drive-thru restaurants. This Bill is the result of a request from St. Louis Bread Company to install a drive-thru facility at their location on North New Ballas Road. While we support their request, we feel it is imprudent to amend the City's zoning ordinance based on a single user while imposing requirements on all other similar properties in the City in order to create the illusion of conformity.

As property manager for six (6) properties in the City which could be affected by this Proposal, we appreciate the consideration of lowering the minimum lot size from three (3) acres to two (2) acres. However, the restrictions included will make development/redevelopment difficult if not impossible.

1. The proposed Bill provides for drive-thru restaurants of 2,000 square feet or more if it is located on the rear or end of a continuous structure of at least 200 feet. The vast majority of potential users prefer to be "free-standing" and would not locate in a multi-tenant building which requires the stacking lanes to be behind the building.
2. The Proposal requires "free-standing" restaurants with a drive-thru in a multi-building development to be a minimum of 3,000 square feet. This requirement eliminates as many as 70% of potential users whose space requirements are 2,500 square feet or less.
3. The Proposal dictates landscaping, building materials to match other buildings in a development, location and appearance of equipment and trash enclosures, exterior façade including the minimum amount of glass, and other site plan requirements which severely restrict or preclude a user's "trade dress" or normal building configuration.
4. The Proposal requires specific landscaping requirements (size and location) which, when coupled with the existing lot coverage requirements, offer little flexibility in design. Please keep in mind that the properties which will be impacted (those on Olive Boulevard and N. New Ballas) are greater in width than depth. Most are 250 feet or less in depth and with existing setback requirements, layout of buildings, stacking lanes, etc., are compromised.

Mayor and Members of the City Council
City of Creve Coeur
October 2, 2014
Page 2

If the City really wishes to allow drive-thru restaurants, flexibility in design and layout are important to users. This Proposal is much too specific to allow that. I urge you to adopt an amendment which allows drive-thru restaurants on lots of two (2) acres or larger and provides owners and users the flexibility to design sites and buildings which meet general requirements which are consistent with the rest of Creve Coeur's zoning ordinance.

Very truly yours,

GERSHMAN COMMERCIAL REAL ESTATE

A handwritten signature in dark ink, appearing to read "Thomas A. Stern". The signature is fluid and cursive, with the first name "Thomas" being the most prominent.

Thomas A. Stern
Executive Chairman

Langdon. Paul

From: L R [lrezny@hotmail.com]
Sent: Monday, September 15, 2014 12:32 PM
To: Langdon. Paul
Subject: Can we discuss this as soon as possible, so we don't waste meeting time with question you can resolve

405.470

what happened to MX in b (GC is not in B, but is in a)

does "residential uses" mean the the area has to be currently actually used or only potentially used by residential. Are multi family, hospitals, groups homes, parks, schools residential?

by residential

Make this include areas that could be but are not currently occupied by a building.

Protect not just the house, but the area the builder could use if a new house were built further back on the lot for example, otherwise you are restrict the residential owners use of his lot.

Does "solid" mean masonry or equivalent, or wood

(2) The drive-thru order facility and service window shall only be on or adjacent to a wall not facing a street and shall be completely screened from the ground floor level of adjacent residences (residential areas) wholly or partially within 200 feet of either the order facility or the service window (, stacking land and by pass lane) by means of a solid (masonry) barrier or topographic change. Vegetation cannot be used to meet this requirement but may be needed to address aesthetic concerns.

(3) The drive-thru order facility and service window, (stacking lane and by pass lane) shall be no less than 50(150) feet from any property

even Ajax requires 30 meters from order board to residence =98ft

distance less than 100ft between masonry wall increase sound

info from

<http://www.coloradodot.info/programs/environmental/noise/noise-faqs.html#geometry>

Q: Are noise barriers built to protect locations on the upper floors of homes?

A: Noise barriers may, under certain geographic conditions, be able to be designed to protect upper levels of multi-family structures, where each unit is a separate residence. For single-family homes, the primary consideration is the outdoor, ground-floor areas of human activity. Barriers built for the second floor would have to be tall enough to provide a substantial noise reduction for those areas, which in most cases would require very high walls that would not be feasible or reasonable.

Q: How are noise reflections from buildings and barrier walls considered?

A: Highway traffic noise levels are not substantially increased by construction of a noise barrier or the presence of a building on the opposite side of a highway from sensitive properties. This is because the theoretical maximum noise increase from a source is limited to 3 decibels, which corresponds to a doubling of the source. In practice, not all of the sound energy is reflected back to the receiver. Some of the sound is diffracted over the barrier, some is reflected to points other than the affected property, some is scattered and/or absorbed by ground coverings and other terrain, and some is blocked by the presence of other vehicles on the highway. The overall noise increase is normally limited to 1-2 decibels at the most. In general, this is not a perceptible increase, but the character of the noise may seem to change, which is what is usually noticed.

In the case of parallel barriers, however, studies have shown that if two walls are constructed very close together, there is a potential for multiple reflections that may perceptibly increase noise levels. Generally, this is not normally a problem for barriers greater than 200 feet apart or where the width-to-height ratio is more than 10:1 (**barriers 10 feet high should be at least 100 feet apart**)

4 Emissions impact the whole of the area, but will be particularly concentrated near the actual drive thru. Could there be a shorter stack and labeled parking for drive lane over-flow and a door to the restaurant at the drive lane entrance.

The actual drive lane could have distinctive paint, ie the logo. signs to say drive thru limited to this designated area, to save your time we have provided parking for drive-thru over flow. There is a door to enter the building on your left.

(Drive thru stack limited to the average wait time of 5 mins. Signage shall direct overflow to entrance door and parking immediately adjacent to drive thru.)

Could enforce this by shortening the allowed lane and lengthening the distance from the entrance in #5 to 150 ft. to account for those who insist on making their own que.

7 add (No drive-thru will be allowed without a traffic study of streets in a 2 block radius indicating the impact will not cause the traffic to increase to the next MoDot level.)

8 so that means that it can be noon on monday noise when it is midnight on sunday.
how to reword

9 how about curbside to go, how is that different

Why not put #7 from next section here

(7) Any service areas including, but not limited to, trash receptacles, compactors, transformers, outdoor cooking or refrigeration equipment and utility connections, must be fully enclosed. Such enclosures shall appear as a part of the restaurant building to the maximum extent as found to be practicable by the City.

d MX is gone by residential

not abutting residential

3 where does this landscaping have to be? I assume you want it in the front, but it does not say

6 so they could have 50% of the facade covered with brown painted glass like the old Walgreens? Not attractive and not energy efficient.

8,9,11,12,13 same comments as similar sections in "abut residential"

for 11 add (No drive-thru will be allowed without a traffic study of streets in a 2 block radius indicating the impact will not cause the traffic to increase to the next MoDot level.)

Langdon. Paul

From: L R [lrezny@hotmail.com]
Sent: Monday, September 15, 2014 2:30 PM
To: Langdon. Paul
Subject: More thoughts

Ordinance addresses abut residential, what about across the street
imagine a side street with residential on the east and drive thru on the west.
the cars in the rear drive thru could be pointing their headlight at the house across the street all night

Set back distance should be from drive-thru and by pass lane in case the stack is laid out away from the building in the lot instead of around the building.

See McD on Manchester at 270 where the stack is not next to the building.

Langdon. Paul

From: Natalie Chen [nataliexchen@yahoo.com]
Sent: Monday, September 15, 2014 9:16 AM
To: Langdon. Paul; planningandzoning; Mayor-Council
Subject: No any drive-Thru Restaurants

Dear Sir/Madam,

I am strongly against any **Drive-Thru Restaurants** on Olive Ave since the traffic is already very bad. Any Drive-Thru restaurants will make the traffics much worse. Drive-Thru restaurants noise and food odors will also disturb many residents whose houses are close to Drive-Thru restaurants.

Natalie Chen

Creve Coeur resident at 5 Winfield Pointe Ln,

Attachment: Combined Public Comments received by Sept 17, 2014 (1097 : Bill No. 5514 - Drive-Thru Text Amendment)

Langdon. Paul

From: Joyce Heiman [joyce.heiman@gmail.com]
Sent: Monday, September 15, 2014 6:00 PM
To: Langdon. Paul
Subject: Drive thru restaurants

Am opposed to drive thru restaurants. Curb service restaurants like California Pizza Kitchen would be the way to go. Many existing restaurants can be converted to this type of pick up, ie Jets Pizza, Potbelly, etc

Joyce Heiman

Sent from my iPad

Attachment: Combined Public Comments received by Sept 17, 2014 (1097 : Bill No. 5514 - Drive-Thru Text Amendment)

Langdon. Paul

From: planningandzoning@ci.creve-coeur.mo.us on behalf of K Ham [khamp52@yahoo.com]
Sent: Monday, September 15, 2014 2:16 PM
To: planningandzonning
Subject: [planningandzoning] NO Drive-Thru Near Residential Please {01}

Dear Creve Coeur Officials --

My name is Kerry Hampton and I live at 419 Graeser Rd (for 28 years). I urge you to support my position of no drive-thru businesses near residential areas - like at Graeser and Olive, for instance. I have spoken on this issue at several meetings. Unfortunately, I can not attend tonight's meeting but hope that this email will be strongly considered by you and your colleagues.

Sincerely,

Kerry and Pam Hampton

Attachment: Combined Public Comments received by Sept 17, 2014 (1097 : Bill No. 5514 - Drive-Thru Text Amendment)

Langdon. Paul

From: Langdon. Paul
Sent: Monday, September 15, 2014 5:32 PM
To: Langdon. Paul
Subject: FW: drive through restaurants

On Sep 14, 2014, at 6:39 PM, "Susan Eiger" <mikzil2@yahoo.com> wrote:

Hi Barry,
We are not sure if we will be able to come to the meeting tomorrow night. so we would like to express our concerns regarding the drive through restaurant issue. We believe it would be in the best interest of the community to require separation of at least 150 feet, as well as a wall separating the establishment from residences. We appreciate all your help with our city.
Thank you
Susan and Ken Eiger



Chamber Of Commerce

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Director Emeritus

September 9, 2014

COPY

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

Dear Mayor Glantz:

As you may be aware, the Creve Coeur-Olivette Chamber of Commerce ("CCOCC") has taken an active interest in the pending drive-thru text amendment. Representatives of CCOCC have attended every meeting and have provided extensive testimony and information to the Creve Coeur Planning & Zoning Commission (the "**Commission**") to inform them of CCOCC's concerns. CCOCC's board is made up of representatives of a number of key businesses within the City.

CCOCC is troubled by the lack of consideration of its expressed concerns by the Commission. The Commission's comments seem to focus on making the new ordinance so restrictive that virtually no drive-thru restaurants could obtain an approval in Creve Coeur. The list of restrictions is long and unprecedented for a city's conditional use. Typically, such uses are reviewed by a CUP process where denial or appropriate conditions may be included in conjunction with approval, to protect against adverse effects to adjoining property as such considerations are to each property.

While CCOCC understands concerns about a proliferation of stand-alone drive-thru restaurants, the objective of allowing some drive-thrus and particularly allowing highly desirable, quality establishments to have a drive-thru, has become totally lost in the process.

In addition to the lack of consideration for the development of highly desirable establishments, citizens that seem to have no voice or advocate on the Commission have been neglected as well. Some of the groups not represented in this discussion include:

- Elderly, handicapped and/or special needs residents and visitors for whom parking and walking into a restaurant is a hardship. Not allowing drive-thru restaurants as an alternative for these individuals increases dangerous situations for them especially when attempting to park and walk into a restaurant during cold, icy weather and in heavy rain storms,
- Families and single parent families of young children that may not have resources for childcare for whom parking and walking into a restaurant is an extreme hardship,
- Employees of companies in the area who have limited lunch time, often 30 minutes or less, who would be forced to drive, park, wait for service, and then quickly return to work...often difficult to impossible during a 30 minute lunch, and

- Residents traveling with pets, not allowed in restaurant establishments, that cannot be left unattended in a vehicle during extreme temperatures.

Further, there were a number of additional concerns expressed by business owners about the validity of the survey so heavily relied upon by the Commission. One of our board members is a senior marketing executive, former marketing professor at Lindenwood University, and current owner of a marketing services firm. He reviewed not only the survey utilized to support the Commission's opinion, but the firm that was contracted to develop and analyze the survey. His opinion is:

- Marketing Research, the field that develops and conducts professional surveys is a science-based field combining psychology with mathematics. ETC, the firm utilized by the City to develop and conduct its surveys is not led by a person holding a degree in marketing research. Instead, she holds a degree in education, unrelated to market research. The firm doesn't appear to be professionally qualified to develop and analyze valid surveys.
- An important point of surveys is that people "self-select." That means that a survey is most likely to be completed by someone with an underlying agenda at the time that they first see it.
- Consideration should be made that all those sent the survey may not have had sufficient time to complete it and so only those with free time responded.
- Others polled may notice a single item or issue contained in the survey for which they have a strong opinion...more likely negative than positive.
- Just because the above mentioned people respond to a survey doesn't mean they are representative of the general population or of voters especially when such a small number of the population was surveyed.
- Marketing Research is a science because of the complexity of the subject...people's opinions. The way questions are asked and the order in which they are asked heavily influences the way people answer.
- Questions 28-30 contained a strong negative bias, something that a professional market researcher would not do. These questions were designed to provide for only negative answers, ignoring any positive opinions held by the respondents. There were no counterbalanced positive questions indicating the important benefits that drive-thru restaurants provide.

A similar survey was also distributed to all 3,400 employees at the CityPlace campus and yielded a result of over 60% in favor of drive-thru restaurants. By comparison, the City randomly selected only 2,000 residents to poll, whereas the entire CityPlace business community was surveyed which is nearly one and a half times the outreach of the City's survey. In addition, CCOCC's own survey to all of its business members showed 80% were in favor of drive-thru restaurants. No consideration has been given to these results.

Instead of focusing on the exercise of good planning practice, the Commission appears to be more focused on the fears of a few residents who do not want a Chick-Fil-A at Graeser and Olive, and on the personal issues of certain Commission members about whether a drive-thru could be located near their homes. To the contrary, testimony and information provided by CCOCC has barely been acknowledged.

Of even more concern to CCOCC is the lack of confidence shown by the Commission in the recommendations of the professional planning staff. The planning staff has provided information and insight into appropriate ways to address legislative issues, yet the discussion continues to return to certain fears of residents and personal

Page 3
Honorable Barry Glantz
Creve Coeur-Olivette Chamber of Commerce

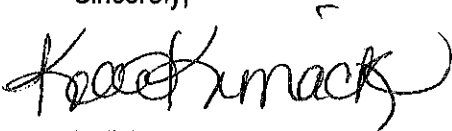
apprehensions of certain Commission members. Moreover, this discussion at the Commission level has gone on far too long.

Creve Coeur is already viewed as unfriendly to development and this process appears to be making that perception even worse. As pointed out at some of the Commission meetings, quality drive-thru restaurants may create stimulus for additional development and interest in a project. Some recent retail developments in Creve Coeur have been short of the standards residents have come to expect. Further, the direction of the proposed ordinance will only make it worse as it limits the pool of opportunity for higher quality establishments.

The CCOCC feels the ultimate goal for the City of Creve Coeur is a shared vision between business and residents alike. Residents, businesses and city officials all aspire for a more vibrant, successful city. The CCOCC hopes the ordinance will be amended in a way that will bridge the gap between business/residential goals and find a useable solution that allows for business growth while maintaining our beautiful city.

The CCOCC respectfully requests on behalf of our entire membership and Board of Directors that the Commission, as well as the elected City officials, reconsider the position being advocated by the Commission.

Sincerely,



Kelli Kimack
President

Attachment: Combined Public Comments received by Sept 17, 2014 (1097 : Bill No. 5514 - Drive-Thru Text Amendment)

Langdon. Paul

From: Dnote [Dnote@swbell.net]
Sent: Wednesday, September 10, 2014 10:09 PM
To: Langdon. Paul
Subject: drive-thrus

I enjoy the drive-thru at McDonald's and Burger King, west on Olive.
Did not realize Burger King is not in Creve Coeur.

If there is no traffic disturbance caused by the drive-thru, I am for it. I find drive-thrus very convenient.

I was glad to hear Chick Fillet was coming to our city because I use the drive-thru in the Valley. But, that did not work out.

If St. Louis Bread Company had a drive-thru, I am sure I would stop more often. It is an easy way to pick up food when I am tired and the back hurts.

There are three in our household, and I took a survey. We all three like drive-thrus.

Dolores Baechle
726 Fairways Cir.

Langdon. Paul

From: David Caldwell [davidc@granprixbowling.com]
Sent: Saturday, September 06, 2014 11:28 AM
To: Langdon. Paul
Subject: Fast food

Paul-

Rather than create a whole new code for fast food drive thru's would it make sense to eliminate the 3-acre versions from all districts except Planned Commercial?

dc

Attachment: Combined Public Comments received by Sept 17, 2014 (1097 : Bill No. 5514 - Drive-Thru Text Amendment)

Langdon. Paul

From: David Caldwell [davidc@granprixbowling.com]
Sent: Friday, September 05, 2014 1:52 PM
To: Langdon. Paul
Subject: Re: Fast food zoning

I think Panera is a great example. While I don't think having a petition as suggested is the way to go, I do think they have to gain neighborhood support. The CUP process could guide that. They would need masonry wall, landscaping, reasonable hours of operation, etc. How about a bus shelter!

dc

----- Original Message -----

From: [Langdon. Paul](#)
To: 'davidc@granprixbowling.com'
Sent: Friday, September 05, 2014 10:29 AM
Subject: RE: Fast food zoning

Thanks for sending along your ideas David. I will make sure they go to the Planning Commission at their next meeting. I like your notion of a restaurant with a window vs. a drive-thru with a table; well put! A related question: do you think the Panera at Balmoral is an example of a restaurant where a 2-acre exception would be well applied (...allowing that it might not survive the CUP process)?

Paul

From: David Caldwell [<mailto:davidc@granprixbowling.com>]
Sent: Thursday, September 04, 2014 8:59 PM
To: Langdon. Paul
Subject: Fast food zoning

Paul
 Planning and Zoning Commission

Question asked: Is the proposed ordinance more restrictive than the existing 3-acre minimum?

Follow the money!

The most restrictive ordinance is the one which costs the most to meet. This would include the cost of the land, the cost of construction, and the ongoing costs for maintenance, taxes, etc. The rum-dum joints just can't afford it.

Therefore the way to prevent an explosion of development but still allow for quality development is to maintain the 3-acre minimum with a certain square foot minimum and allow a 2-acre exception with a significantly higher square foot minimum. This will allow restaurants with a window (Panera) but not drive-thru's with a table. The developers will not talk about this! But think about it- why have all the potential sites been developed without fast food? Because the costs of the site requires a higher use?

Of course a new ordinance should limit development to one outlet per 3 acres and provide design requirements. The ordinance can be much simpler.

David Caldwell

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Attachment: Combined Public Comments received by Sept 17, 2014 (1097 : Bill No. 5514 - Drive-Thru Text Amendment)

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Langdon. Paul

From: David Caldwell [davidc@granprixbowling.com]
Sent: Thursday, September 04, 2014 8:59 PM
To: Langdon. Paul
Subject: Fast food zoning

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Planning and Zoning Commission

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Of course a new ordinance should limit development to one outlet per 3 acres and provide design requirements. The ordinance can be much simpler.

David Caldwell

Attachment: Combined Public Comments received by Sept 17, 2014 (1097 : Bill No. 5514 - Drive-Thru Text Amendment)

Langdon. Paul

From: Susan Meredith [Susan.Meredith@house.mo.gov]
Sent: Tuesday, September 02, 2014 10:22 PM
To: Langdon. Paul
Subject: Drive thru Restaurants

Personally I would love to have a Starbucks in the western end of Creve Coeur.

I live west of 270 north of Olive. No, I do not live in Creve Coeur but just a few blocks north of Olive at Ross.

Thanks for asking.

Langdon. Paul

From: Mark Friz [amfriz@stpaulsefree.org]
Sent: Tuesday, September 02, 2014 3:01 PM
To: Langdon. Paul
Subject: Drive Thru Restaurants

Dear Paul,

Thanks you for the work you do as our Director of Community Development.

I am definitely in favor or all types of drive thru restaurants in Creve Coeur. I was shocked that our community turned down the possibility of having a Chick-Fil-A restaurant a while back.

Right now, it seems like we have a lot of banks along Olive. I will say we don't need more banks. We could use a hardware store, and a large variety of businesses to keep our city strong and healthy.

Thanks for hearing my comments.

Your sincerely

Pastor Mark Friz
Senior Pastor
Saint Paul's Church
9801 Olive Blvd.
Creve Coeur

Langdon. Paul

From: Douglas Fox [douglasjohnfox@yahoo.com]
Sent: Tuesday, September 02, 2014 1:31 PM
To: Langdon. Paul; Perkins, Mark C.
Subject: Additional drive in restaurants

Pantera's (is it pizza place or Paneras bread co) Starbucks Jimmie john's

I think the standard has been set for other restaurants and the established guidelines should be followed

Douglas j Fox, DDS

Sent from my iPhone

Attachment: Combined Public Comments received by Sept 17, 2014 (1097 : Bill No. 5514 - Drive-Thru Text Amendment)

Langdon. Paul

From: Brandon Holzhueter [blholzhueter@yahoo.com]
Sent: Tuesday, September 02, 2014 10:50 AM
To: Langdon. Paul; Perkins, Mark C.
Cc: 'Brad Merten'
Subject: Creve Coeur Drive-Through Ordinance

Dear Mr. Langdon and Mr. Perkins,

My name is Brandon and I am one of the owners of Pickleman's Gourmet Café in Creve Coeur. Recently my partner, Brad, and I were made aware of some proposed changes to the ordinance(s) that currently restrict drive-through restaurants in Creve Coeur. We were notified by an email by the Chamber of Commerce, which we are a part of, with the implication that we should write in to support the changes. However - and while I haven't read through the proposed changes and so am not an expert on the details - we just wanted to briefly voice our opinion against this measure as ours is a business that would be directly (and negatively) impacted. As I'm sure you know, Creve Coeur is already an extremely competitive market for restaurants and to increase not just the number, but now adding drive-through into the mix, would be a huge hit to established restaurants like ours that weren't given this option in the past. I'd already heard there were some rules in the works that would allow Panera to add a drive-through, but my impression is that these new proposed changes would bring even more new drive-through competition to the area than just that. Before we opened in January of this year, we wanted to do a drive-through but we learned that option wasn't available to us in Creve Coeur. We wanted to pursue a restaurant here, anyway, and believed that we could be successful because we were on the same footing as all the other restaurants (except McDonald's). Our restaurant, like many others, offers delivery which still allows the people that live in work in Creve Coeur the convenience of quick food service without having to park and dine-in somewhere. But by adding more drive-through restaurants, existing restaurants like ours that operate on the thinnest of margins as-is will have a tough time continuing to compete and stay viable.

Thanks for taking the time to ready my email, and thanks also in advance for considering our (and others like us) point of view when deliberating on these proposed changes.

Kind regards,
 Brandon Holzhueter
 Pickleman's Gourmet Café

Langdon. Paul

From: Perkins, Mark C.
Sent: Tuesday, September 02, 2014 9:59 AM
To: Langdon. Paul
Subject: FW: Drive Thru

Mark Perkins
 City Administrator, ICMA-CM
 City of Creve Coeur
 300 N. New Ballas Road
 Creve Coeur, MO 63141
 314.872.2511
www.creve-coeur.org

From: Jane M. Massey [<mailto:jmassey@moneymailer.com>]
Sent: Tuesday, September 02, 2014 8:01 AM
To: Perkins, Mark C.
Subject: Drive Thru

Mark,

Just a note to put in my 2 cents in favor of allowing drive thru restaurants in Creve Coeur. I was surprised to hear that CC had recently denied a permit for a drive thru. If I remember correctly, it was a Chic Fil A. They are the #2 restaurant tax generator in Chesterfield (behind Annie Gunns) AND they are closed on Sunday. With so much competition for businesses and tax dollars, this seems counterproductive. Creve Coeur has such a large influx of daytime workers, if they don't have convenient lunch options, they have to drive further and add to the Olive traffic.

Let me know if there is a more formal way to put in my 2 cents. While I don't live in CC, I do own a business there and this type of restriction is bad for business.

Thanks

Jane

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Jane Massey | Money Mailer of St. Louis West
 314-518-4095 | www.moneymailerstl.com



Langdon. Paul

From: Perkins, Mark C.
Sent: Tuesday, September 02, 2014 9:49 AM
To: Langdon. Paul
Subject: FW: Drive inns

-----Original Message-----

From: Norma Pew [<mailto:normapew@gmail.com>]
Sent: Friday, August 29, 2014 5:08 PM
To: Perkins, Mark C.
Subject: Drive inns

I would be happy to have maybe just one drive inn. (Hardys).
Thanks
Norma pew

Langdon. Paul

From: Perkins, Mark C.
Sent: Tuesday, September 02, 2014 9:46 AM
To: Langdon. Paul
Subject: FW: Drive Thru Restaurants

From: Jaime Dodd [<mailto:jaime@hopeacademy.com>]
Sent: Friday, August 29, 2014 4:50 PM
To: Perkins, Mark C.
Subject: Drive Thru Restaurants

Hi Mark, and happy Friday. ☺

The chamber sent out a call to action requesting that we provide input on this issue and I do have one really great wish.

I really wish that we had a drive-thru at Starbucks on Olive....not quite sure how we could do this without negatively impacting traffic at that intersection, but it sure would be nice. It's a very, very busy store and rarely has adequate parking. As much as I prefer to keep my business in Creve Coeur, whenever I find an excuse to visit our school in Des Peres, I'll go to the drive-thru at the Starbucks on Manchester instead – and I do it purely out of convenience.

Outside of Starbucks, though, I'm pretty good with the rest of it – we have McDonalds – two of them so far as I'm aware, and a Taco Bell or two, all of which have drive-thru. So – all the rest of it suits me pretty well.

Anyway, that's my two cents – which won't make much of a dent toward a cup of coffee at Starbucks, unfortunately. ☹

Thanks for your ear and have a great Labor Day Weekend!

Jaime

Dr. Jaime M. Dodd

*Director of Operations – Missouri
 Hope Educational & Research Center
 858 Mason Road, North
 Creve Coeur, Missouri 63141*

*Office 314.469.0100
 Cell 314.322.1811*

August 29, 2014

To: Planning and Zoning Commission

From: Fran Cantor, 11700 Tarrytown, Creve Coeur

As an original member of our Creve Coeur Climate Action Task Force I have had the opportunity to help and encourage our community to lower its CO₂ emissions; and thus, improve the quality of air in Creve Coeur. The task force carefully considered the impact that additional drive-thru windows, and especially drive-thru restaurants, would have on our community. Of course, members of the Climate Action Task Force would recommend not allowing any additional drive-thru windows in Creve Coeur, but should Planning and Zoning and our City Council determine that the benefits to the community are greater than the negative impact to our air quality, then I ask that these limitations to permitting be considered:

- No free standing drive-thru restaurants
- Minimum of 3 acres in order to be considered for a drive-thru facility
- Require two drive-thru windows lanes
- Require green signal lights in the lanes to notify drivers when to proceed to the next window
- Require signage requesting drivers to turn off their cars while waiting due to tailpipe exhaust emissions
- Require designs that allow a limited number of cars to be “stacked” in line in order to encourage walk-ins
- Require a greater proportion of green space around facility than is currently necessary for permitting
- Require bike racks
- Require energy efficient lighting including night lighting

The Climate Action Task Force (CATF) has spent a vast amount of time from January to August discussing the issues related to drive-thru restaurants. After much debate, the CATF opposed the application to increase the quantity of drive-thru restaurants for numerous reasons that we have previously stated. That being said, if the commissioners and council decide that having additional drive-thru restaurants are in the best interest of the residents of Creve Coeur we have provided recommendations to further assist in this endeavor. Some of the recommendations could be seen as restrictive but due to the potential of having a significant increase in drive-thru restaurants, as much as 24 from the map provided by the city, we considered it our obligation to support our mission statement in creating a more sustainable city by reducing the amount of greenhouse gas emissions in our community. Thank you.

Recommendations to Limit Environmental Impact from Drive-thru Restaurants

- Not in residential areas
- No free standing drive-thru restaurants
- Require 3 acres per drive-thru restaurant
- Limit the hours of operation
- Have two drive-thru windows lanes....same as the 24 hour McDonalds
- Require green signal lights to notify drivers of when to proceed to window to pick up their food orders
- Require a sign to have drivers to turn off their cars (due to tailpipe exhaust emissions) while waiting for their food orders to be completed
- Provide design to allow only a limited number of cars to be “stacked” in line to encourage walk-ins
- Require more green space around facility & landscape buffer zone/trees
- Provide bike racks
- Request developers to comply with energy efficient lighting including night lighting

Below are the CATF members who support these recommendations. As we did not have a quorum at our August meeting (members out of town for vacations and employment responsibilities) we are signing as residents. Not all members could be reached. Thank you.

Judy Campbell
Hal Harris
Hal Levin
Sabine McDowell
Judy Sherman
Michelle Vesth

Prepared by Judy Campbell, Lead Co-chair

Submitted August 29, 2014

From: [Barbara Marshall](#)
To: [Langdon, Paul](#)
Subject: Drive Through Restaurants in Creve Coeur
Date: Friday, August 29, 2014 4:09:49 PM

As a business owner in Creve Coeur, I am in favor of allowing drive through restaurants. It is much more convenient for my ten employees to run out and drive through to get their lunch rather than have to drive there, park the car, walk in, wait in line, walk back to the car, and drive back to the store. We allow drive through's for banks in town, I don't see the difference. It is a convenience factor.

Barbara Marshall
Sport Clips
12426 Olive Blvd
Creve Coeur, Mo 63141

From: [Jack B Spooner](#)
To: [Langdon, Paul](#)
Subject: Drive through Restaurants
Date: Friday, August 29, 2014 4:06:47 PM

Yes, we need more.

Jack Spooner, 324 South Spoele Rd.

Jack B. Spooner
Telephone: (314) 497-3877
Facsimile: (314) 725-4301
Email: jbs@slaw.us

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From: [Bill Hunt CFO](#)
To: [Langdon, Paul](#)
Subject: Drive thru restaurants
Date: Friday, August 29, 2014 3:35:05 PM
Attachments: [WILLIAM HUNT.vcf](#)

Paul,

My offices are near Olive and Mason. Drive thru eating establishments are few. There is a Taco Bell about a mile West of us, and a McDonalds about two miles East on the other side of I-270. That is a left turn across Olive and not allowed.

So I and my 15 employees here are in favor of more.

Bill Hunt
BioTech X-ray Inc

From: dkd1905@aol.com
To: [Kelly, Whitney](#)
Cc: [Langdon, Paul](#)
Subject: Opposition to Drive-Thru Restaurants
Date: Sunday, August 10, 2014 12:51:33 PM

I am writing in opposition to #14-008 FOR A TEXT AMENDMENT TO ALLOW FOR DRIVE-THRU RESTAURANT SERVICES ON SITES OF 2 OR MORE ACRES SUBJECT TO CERTAIN BUILDING AND SITE REQUIREMENTS.

The steps taken to find compromises and address the concerns of many stakeholders are commendable. But in the end, no matter how many lot size, building design, or other restrictions are applied, the negative impact on Creve Coeur's developing reputation as a Green Community and on air quality will not be diminished.

I wholeheartedly agree with the statements made by the Climate Action Task Force in its letter of opposition. This text amendment is "in conflict with the City of Creve Coeur's two other programs (Green Power Community and Energy Benchmarking) that it is currently promoting reducing greenhouse gas emissions".

In the recent resident survey, residents clearly communicated that they do not want additional drive-thru restaurants. The results are consistent on the reasons why: traffic, pollution, unhealthy food, appearance (trashy, tacky, junky) and a general sense of drive-thru restaurants not representing the desired character of the community (lowers perception of city, CC isn't Manchester – keep it that way, makes city look low class). These are the words of Creve Coeur residents. Please listen to them.

The Chamber of Commerce provided distinctly different results from a survey of membership. These are not the views of Creve Coeur residents. This survey represents the opinions of those with a financial interest in commercial growth. It represents a biased sample, therefore, biased opinions.

Creve Coeur is ahead of other municipalities in St. Louis when it comes to reducing energy usage and limiting gas emissions. Let's not compare ourselves to Maryland Heights, Chesterfield, or any other local community when it comes to drive-thru restaurants. Let's do what is right for Creve Coeur. Let's continue our leadership as a city that minimizes its impact on the environment and strives to reduce unhealthy emissions.

Deni Dickler
 7 Haven View Drive

From: [Perkins, Mark C.](#)
To: [Kelly, Whitney](#); [Langdon, Paul](#)
Subject: FW: [mayor-council] NO to Drive-Throughs in Creve Coeur {01}
Date: Monday, July 21, 2014 10:09:53 AM

Mark Perkins
 City Administrator, ICMA-CM
 City of Creve Coeur
 300 N. New Ballas Road
 Creve Coeur, MO 63141
 314.872.2511
www.creve-coeur.org

From: mayor-council@ci.creve-coeur.mo.us [mailto:mayor-council@ci.creve-coeur.mo.us] **On Behalf Of** donna coble
Sent: Monday, July 21, 2014 9:57 AM
To: Mayor-Council
Cc: Mayor-Council; Richard Jarrett
Subject: [mayor-council] NO to Drive-Throughs in Creve Coeur {01}

It is our understanding that data from the recent Community Survey will be discussed at this evening's Planning & Zoning Commission meeting. From our review of the results it appears clear that residents of Creve Coeur oppose drive-through restaurants (57% oppose vs. 43% in favor). And, even after addressing residents' concerns, still the majority do not want more drive-throughs in our city.

We ask that the Planning and Zoning Commission heed these results and keep the ordinance as is. As residents that live in close proximity to Olive Boulevard we are very concerned about the additional traffic, noise and late night activity should a drive through open close by. Please don't let Olive Boulevard become another Manchester Road. This will not be good for residential property values and adds nothing to the character or livability of Creve Coeur.

Thank you.

Donna Coble & Richard Jarrett
 8 Winfield Pointe Lane
 314-432-7769

From: [Judy Sherman](#)
To: [Kelly Whitney](#)
Subject: P&Z Application #14-008: Text Amendment To Allow For Drive-Thru Restaurant Services
Date: Monday, July 21, 2014 4:45:07 PM

My main concern with the drive-thrus is tailpipe emissions of idling cars or Greenhouse Gasses. Creve Coeur has earned recognition as a green city. What an embarrassment it would be to approve more drive-thrus. It would also be a slap in the face to all who have worked to lower Creve Coeur's GHG footprint and our own personal impact.

The community survey question on drive-thru restaurants did NOT list emissions pollution as an option for reasons to oppose drive-thrus. I expect that if it had >57% would have voted no. I consider this a flaw in the survey.

Breathing tailpipe emissions is unhealthy for those waiting in cars, workers at drive-thru windows, and anyone in the vicinity. On a global scale, they contribute to Climate Change.

Some people just don't like, or find it difficult, to get out of their cars. California Pizza Company, a competitor of Panera, recognizes this with curbside pick up. Mobile communications now make it easy to order online or by phone and Panera could easily institute this.

Unlike McDonalds, a serving a second, Panera's food takes longer to assemble, unless you settle for sandwiches made hours beforehand, meaning longer idling.

Would the drive thru lanes be concealed? While aesthetically it would be a positive thing, it also eliminates the information needed for customers decision on whether to park and go inside or get into drive thru lane. A visible long line might encourage people to park, turning off their engines. Finding oneself in an unexpectedly long line, the temptation would be to get out of it, possibly causing more congestion or fender benders.

Finally, is this amendment tailor made to apply only to Panera, causing unfair competition?

Judy Sherman
2 Spoede Ridge

--

[WWW.](#)

From: [Perkins, Mark C.](#)
To: [Langdon, Paul](#); [Kelly, Whitney](#)
Subject: FW: [mayor-council] Don't Ignore the Data, just say NO to more Drive-thrus {01}
Date: Monday, July 21, 2014 8:27:04 AM

Fyi.

Mark Perkins
 City Administrator, ICMA-CM
 City of Creve Coeur
 300 N. New Ballas Road
 Creve Coeur, MO 63141
 314.872.2511
www.creve-coeur.org

From: mayor-council@ci.creve-coeur.mo.us [mailto:mayor-council@ci.creve-coeur.mo.us] **On Behalf Of** L R
Sent: Sunday, July 20, 2014 3:17 AM
To: Mayor-Council
Subject: [mayor-council] Don't Ignore the Data, just say NO to more Drive-thrus {01}

Comment before I begin: Could my email AND ANY OTHERS received on this topic be put in the subsequent Agendas for PnZ AND Council. I know you have a problem being short of staff, but it is not fair for the letters from developers be retained, while the emails of ordinary citizens sometimes fade away. (To paraphrase a staff member: If we passed on all the emails the Agenda would be huge. The agenda is already huge and emails could be pasted together rather than doing one to a page)

Paul Langdon sent the data from the Draft Community Survey to the Planning and Zoning Commission for discussion at the meeting this Monday JULY 21. He also sent a memo from the staff to the Commission. He said there are still reasons to allow Drive-thrus. We disagree; the data says that 48.6% don't want them, the rest are divided between Yes 36.5% and Not Sure 14.8%

Don't ignore what the residents said. Say NO to More Drive-Thrus

Brief review of the data, ***additional computations*** or comments and a List of other reasons to Just say NO

The data says in a scientific sample of residents,
 Q 28

48.6% SAY NO to changing rules to allow more drive thru,
 36.7% say Yes
 14.8% are Not Sure.

Earlier questions were reworked without the "Not Sures" to make them comparable to similar surveys in other Cities.

Here dropping the "Not sures" makes the NO's and Yes's both look bigger, but is not a true picture of the range of opinion.

Q 29

When asked about "Concerns" there was a check list *and 488 people out of 627 or 78% had at least one concern.*

Here is the list with a shortened description of the Concern and the percent of all respondents who had that Concern

Having too many in same area 62.7%

Traffic 60.1%

Appearance 45%

Noise 26.2%

No concerns 19.9%

Other concerns 14.4% 90 people listed additional concerns

Don't knows were 2.4%

The total concerns listed for the 488 people who checked off concerns was 1306 or 2.7 concerns per person. That is a lot of resident concern. Make sure you read the list of 90 "Other Concerns" as nearly 1 in 5 people went to the trouble of adding comments

When those with concerns were asked

Q30. If satisfactory solutions could be reached to address the concerns you identified above (in Question 29), would you support allowing more drive-through restaurants in Creve Coeur?

43.9% STILL SAID NO

34.6% said Yes

21.5% said Not Sure

List of other reasons to Just say NO

The City has done quite well without Drive-thrus.

They are available in the surrounding area, but tellingly, generally the the areas that most residents find less desiable

The City is not in such financial straights that they are needed for revenue.

If they are willing to follow exterior guidelines, there is no way to legislatively discriminate between Chick-fil-A and Popeyes.

The Survey says 90% of residents have an excellent to good image of the City, but many of the written concerns about Drive-thrus were based on threats to the City's image.

The Yeses can find a Drive-thru by driving a bit out of their neighborhood, but if you go against the NO's they could only get what they want by MOVING to a Drive-thru free neighborhood.

NOs to Drive-thrus are more numerous and I suspect more likely upset and vocal in their disapproval if you go against their opinion than the Yes's would be in the same situation.

Just say No to more Drive-thrus

From: [Kelly. Whitney](#)
To: [Kelly. Whitney](#)
Subject: RE: Application #14-008: Text Amendment To Allow For Drive-Thru Restaurant Services On Sites Of 2 Or More Acres
Date: Monday, July 21, 2014 9:46:34 AM

From: Mary Lou James <mljames@socket.net>
Date: Sunday, July 20, 2014 6:30 AM
To: <planningandzoning@ci.creve-coeur.mo.us>, <plangdon@ci.creve-coeur.mo.us>
Cc: <mayer-council@ci.creve-coeur.mo.us>, Mary Lou James <mljames@socket.net>, L R <lrezny@hotmail.com>
Subject: Application #14-008: Text Amendment To Allow For Drive-Thru Restaurant Services On Sites Of 2 Or More Acres

I have just read through the **MEMORANDUM TO THE PLANNING AND ZONING COMMISSION (Meeting Date: July 21, 2014)** related to "Application #14-008: Text Amendment To Allow For Drive-Thru Restaurant Services On Sites Of 2 Or More Acres" and "2014 City of Creve Coeur Community Survey (excerpt) SURVEY".

My responses are not a part of the survey corresponding 2014 City of Creve Coeur Community Survey: Draft Report and I would like to add them in one simple sentence: **Regardless of what measures Creve Coeur (CC) may/will implement to try to address my concerns, I am absolutley against (NO) additional drive-thrus.**

While I note that CC states that drive-thrus will stimulate the CC economy, it is my belief that it will reduce current activity at other exisiting retail venues during peak hours. As a resident of CC, I will actively avoid areas where drive-thrus are located if it means increased traffic, in particular but not limited to Olive, and I will instead head east or south to avoid this congestion.

Also, Olive is beginning to look like a little Manchester Rd, and as such does not reflect the calibar of CC residents. This "look" will likely deter new residents from considering CC when they are in the market for a home and negatively impact the current perception that CC is a desireable area to reside. The positive ecomimic stimulus you suggest will be incurred by additional drive-thrus will in fact serve to back fire and hurt the overall economic health of CC long-term.

Please add my "NO" response (I am against the additional drive-thrus) to your survey.

 Mary Lou James
 427 Graeser Rd
 Creve Coeur, MO 63141
 314-997-6896

From: [Perkins, Mark C.](#)
To: [Kelly, Whitney](#); [Langdon, Paul](#)
Subject: FW: [mayor-council] No Drive thrus {01}
Date: Monday, July 21, 2014 9:08:20 AM

Mark Perkins
City Administrator, ICMA-CM
City of Creve Coeur
300 N. New Ballas Road
Creve Coeur, MO 63141
314.872.2511
www.creve-coeur.org

From: mayor-council@ci.creve-coeur.mo.us [mailto:mayor-council@ci.creve-coeur.mo.us] **On Behalf Of** Natalie Chen
Sent: Saturday, July 19, 2014 9:29 AM
To: Mayor-Council
Cc: Mayor-Council
Subject: [mayor-council] No Drive thrus {01}

Hi,

The data from the Community Survey of drive thrus says **that 48.6% don't want them**, the rest are divided between Yes 36.5% and Not Sure 14.8%. So let's do not leave any opening for more drive thrus.

Natalie Chen

Langdon. Paul

From: Susannah Fuchs [sfuchs@breathehealthy.org]
Sent: Monday, June 16, 2014 3:04 PM
To: Langdon. Paul; Perkins, Mark C.
Cc: jacampbell314@gmail.com
Subject: why drive through lanes are just not good for air quality

Dear Sirs.

I am respectfully writing to ask that you give careful consideration to the air quality impact which idling vehicles, such as those in a drive through lane, have on air quality and the health of residents. A citizen of your city, Judy Campbell, whom I have cc'd on this email, asked me to write to you to appeal to your good sense about protecting health and reducing air pollution.

I have spent the past 17 years working on air pollution reduction efforts for the American Lung Association, and have read countless studies about air pollution and its grave health impacts. Our area has a childhood asthma prevalence rate three times the national average. The costs each year of health care related to air pollution nationwide is up into the billions of dollars. More drive through lanes will not help this dire situation.

Locally, for St. Louis city, St. Louis County, and even west of us, we are listed in the American Lung Association's annual report as having the 10th worst ozone air pollution (formed when emissions combine with heat and sunlight – like we have five months of the year here) in the whole U.S. If you open the doors to more drive through lanes in your beautiful community, you make it possible for people to idle in their vehicles for long periods of time, spewing tailpipe emissions which quickly make our air worse and make it hard for us all to breathe. If people were to park and walk into these establishments, they would avoid this process and would help us to reduce our air pollution levels and protect people's health. I know that you care about the health of your children and elderly residents, two populations especially negatively impacted by air pollution.

I am happy to provide details and background on air pollution and health and on idling ordinances that work in various communities nationwide and regionally.

Thank you sincerely,
 Susannah Fuchs

Susannah Fuchs
 Senior Director of Environmental Health
 American Lung Association, Plains-Gulf region
 serving Alabama, Arkansas, Kansas, Louisiana, Mississippi, Missouri, Nebraska, Oklahoma & Texas
 1118 Hampton Avenue
 St. Louis, MO 63139
 (P) 314-645-5505, ext. 1007
 (F) 314-645-7128
 800-LUNG-USA (toll free)
 lung.org
Fighting for Air

Attachment: Combined Public Comments received by Sept 17, 2014 (1097 : Bill No. 5514 - Drive-Thru Text Amendment)

From: [Michael Williams](#)
To: [Langdon, Paul](#)
Subject: In favor of more drive through windows
Date: Wednesday, July 16, 2014 4:51:17 PM

Hi

I received mail from Sierra club encouraging me to oppose additional drive through windows in Creve Coeur. I do not agree with the Sierra Club premise that it will create more pollution. It may in fact reduce driving as Creve Coeur residents will not have to drive to neighboring communities for the convenience of drive through. As a 20 year resident of the city, I would like it to offer more shopper friendly outlets. Increasing the number of businesses that can off RR drive through windows is a step in the right direction.

Thanks,
Mike Williams

June 16, 2014

Planning & Zoning Commissioners
City of Creve Coeur
300 N New Ballas Rd
Creve Coeur, MO 63141

Dear Commissioners,

The Climate Action Task Force opposes increasing the quantity of drive-thru windows for restaurant services in the City of Creve Coeur. We have determined that it will benefit a few specific unknown fast or casual food businesses and it will increase their profits. The question to ask is “but at what cost?” Many residents of Creve Coeur are educated and we do not frequent these establishments nor do we wish to turn Olive St. Rd into the new Fast Food Haven. We oppose having additional drive-thru windows for the following reasons:

- It will create more traffic
- It will create more noise and light pollution
- It will create an unattractive look along Olive St. Road
- It will create negative environmental impacts by increasing greenhouse gas emissions (EPA)
- It will increase drive thru waits as The Drive-Thru Performance Study (Oct 2013) reports the speed of service is at the slowest average in the history of Drive-Thru Performance Studies (QRS)
- It will create more respiratory disorders and premature deaths (American Lung Association)
- It will be in conflict with the City of Creve Coeur’s two other programs (Green Power Community and Energy Benchmarking) that it is currently promoting reducing greenhouse gas emissions

Quick Service and Fast Restaurants magazine (QRS) which has tracked Burger King, Chick-fil-A, Krystal, McDonalds, Taco Bell, and Wendy’s and a different regional chain every year with The Drive-Thru Performance Study, since 1998, reports the average wait time has increased among all participants except Wendy’s. McDonald’s reports an average wait time of 189 seconds, Chick-fil-A 203 seconds, and Krystal 217 seconds. All report an increase in time due to having a variety of more complex options on their menu. Chick-fil-A reports it has an average of more than six (6) vehicles in its drive-thru lane. <http://www.qsrmagazine.com/reports/drive-thru-performance-study>

Tim Hortons that is moving into the St. Louis area had a study commissioned in its home base of Canada in 2008 which concluded that no drive-thru lanes actually produce higher emissions per vehicle than one with a drive-thru. Many engineers questioned that study due to its sample size and the fact it has never been replicated with the same results. Since electronic ignition technology it is recommended to turn off one’s car after 10 seconds as restarting it will produce much less amounts of CO2 than idling. <http://iturnitoff.com/>

Panera will soon be offering additional services that allow customers to order online or with their mobile devices to have their food ready for a specific time. The customers will then park their cars (turn off their engine) and pick up their food order using the “rapid pick-up” option by the end of 2014. We applaud Panera (our own St. Louis Bread Co.) for taking this action.

From: [Nealbreit](#)
To: [planningandzoning](#); [Langdon. Paul](#); [Mayor-Council](#)
Cc: [sdeddens@yahoo.com](#); [rrhccc@sbcglobal.net](#); [rrhccc@gmail.com](#); [Nealbreit@aol.com](#)
Subject: Text Amendment under consideration
Date: Monday, June 02, 2014 7:44:16 AM

To : Planning and Zoning, Mr. Paul Langdon, The Honorable Mr. Berry Glance , Members of the City Council.

Greetings from Olive Crest Subdivision , 1st Addition, also known as Deaver lane.

On behalf of our neighborhood we would like to thank P&Z, Mr. Langdon, the Mayor, and City Council for the opportunity to be heard regarding:

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

Due to the immediate proximity of Olive boulevard to our residential subdivision we oppose any change in zoning that would compromise our somewhat peaceful, historic , neighborhood. Living in Creve Coeur is an honor and a privilege. Although often forgotten, the City of Creve Coeur itself was created in part by several residents on Deaver lane who gathered a petition creating the city charter to prevent an almost certain annexation from our neighboring municipalities. As residents of this fine city we would prefer to preserve our neighborhood and that of surrounding neighborhoods that border Olive in compliance with the city's Comprehensive plan. We believe it is essential to our city's future to preserve our residential heritage.

Looking to our neighboring cities, Kirkwood, Frontenac, have managed to preserve the residential neighborhoods along Lindbergh, while keeping the cities commercial district geographically defined. We understand Creve Coeur shares this goal. Today we write you to request your consideration to preserve the neighborhoods along Olive by keeping the current zoning, where appropriate allowing conditional use permits that don't encroach upon residential neighborhoods. It is our collective belief that a drive thru restaurant would not be conducive to the comprehensive plan or our residential subdivision restrictions which are on record in St. Louis County 's recorder of deeds record center. Every home and property in the Olive Crest subdivision, deed restrictions prohibit a business of any kind. This includes the property highlighted on the map in the Planning and Zoning agenda packet in Blue on the North West corner of Deaver and Olive Blvd . We realize this map was created as a tool for making a proper decision and does not imply that there are current proposals for that corner. However in the event a proposal would arise due to a zoning change we feel obligated to remind you of our subdivision restrictions.

We look forward to hearing the discussion Monday evening at the P & Z meeting, and fully understand this text Amendment is being given careful consideration in an attempt to further clarify the current ordinance and that the map was provided to further educate our city leaders, but at the same time we feel now is a good time to let our concerns be heard.

Sincerely,

Neal Breitweiser Trustee Olive Crest Subdivision 1st addition
 William Roddy Trustee Olive Crest Subdivision 1st addition
 Steve Deddens Trustee Olive Crest Subdivision 1st addition

Deaver Lane

From: [Mayor-Council](#) on behalf of [Joyce Heiman](#)
To: [Mayor-Council](#)
Subject: [mayor-council] Drive thru restaurants {01}
Date: Sunday, February 09, 2014 8:51:10 PM

Oppose any drive thru restaurants in Creve Coeur especially in densely populated areas near residences.

Joyce Heiman
2 Winfield Pointe Lane
St. Louis, MO 63141

From: [Mayor-Council](#) on behalf of [Joel Levy](#)
To: [Mayor-Council](#)
Subject: [mayor-council] Drive-through bill {01}
Date: Sunday, February 09, 2014 8:42:29 PM

I would not like to see Olive Boulevard be the Manchester Rd of Creve Coeur. I moved here because of the small businesses in the neighborhoods. Drive through restaurants is not something that I was expecting.

Sent from my iPhone with voice recognition software expect minor Mistakes
Professor Computer teaches computers one on one and transfers video tapes and 35 mm slides to DVD.
(314) 913-9339
One on one help to tame your mouse
Website <http://www.professorcomputer.biz>

"I have to say what a pleasant experience it has been, Joel, to have your help. Your self-assurance with the computer and quiet manner of presentation of the information is very reassuring. I have to thank you for giving me the courage to call you and to persevere in trying to do with the computer what I need to do."
Ruth D.

From: [Mayor-Council](#) on behalf of [freetobe76](#)
To: [Mayor-Council](#)
Subject: [mayor-council] No zoning changes regarding drive-thrus {01}
Date: Sunday, February 09, 2014 8:23:58 PM

NO ZONING CHANGES FOR DRIVE-THRUS especially near Olive and Graeser
Linda Huelsebusch
25 year and counting Creve Coeur resident

Sent from Samsung tablet

From: [Mayor-Council](#) on behalf of [Natalie Chen](#)
To: [Mayor-Council](#)
Subject: [mayor-council] Zoning change {01}
Date: Sunday, February 09, 2014 7:30:51 PM

Dear Sir,

*I don't want any zoning changes that would allow drive-thrus,
especially near Olive and Graeser.*

Than you,

Natalie Chen

Sent from my iPad

From: [Mayor-Council](#) on behalf of [Ann Cook](#)
To: [Mayor-Council](#)
Subject: [mayor-council] Zoning changes {01}
Date: Sunday, February 09, 2014 7:56:32 PM

We want you to know that we do not want any zoning changes that would allow drive-thrus, especially near Olive and Graeser. These zoning changes would be horrible for the people who live in this community.

Respectfully,
Ann and Edward Cook
102 Graeser Acres
Sent from my iPad

From: [Mayor-Council](#) on behalf of [Debbie Cole](#)
To: [Mayor-Council](#)
Subject: [mayor-council] zoning text amendment {01}
Date: Sunday, February 09, 2014 7:37:42 PM

Hello to All,

I do not want any zoning change/text amendment that would allow drive thru's in the vicinity of Dautel/Olive. The traffic along Olive and in particular, at that intersection, is already bad enough. We don't want to look like Manchester or St. Charles Rock Road. We are Creve Coeur.

Debbie Cole

April 17, 2014

Planning and Zoning Commission
City of Creve Coeur
300 N. New Ballas Road
Creve Coeur, MO 63141

Re: Application #14-008

Gentlemen:

I am writing to support, in part, the above application to permit drive-thru restaurant services on sites of two (2) acres or more. As the current code requires at least three (3) acres for a drive-thru restaurant, this proposal opens up additional sites within our City for this type of development. "Quick Service Restaurants" are permissible in many neighboring municipalities on sites of one (1) acre and I believe this revision of the Creve Coeur zoning code is appropriate.

Most new facilities are free-standing units which are designed to accommodate the stacking lanes necessary for the operation of the restaurant drive-thru and not interfere with parking for patrons who choose to eat inside. These restaurants typically generate 50% of their revenues from the drive-thru component and many will not consider a site without a drive-thru.

The requirement that such a restaurant be at least two (2) stories in height is obviously intended to satisfy one particular site in the City and is totally inappropriate. However, we are most supportive of the two (2) acre site minimum. Property owners should have the right to develop sites with single-story buildings if they desire and meet the City's zoning code. This proposal is a very positive step in providing Creve Coeur residents with more dining choices and I encourage the Planning and Zoning Commission to approve it with the modification suggested.

Very truly yours,

GERSHMAN COMMERCIAL REAL ESTATE



Thomas A. Stern
Executive Chairman



city of CREVE COEUR

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

MEMORANDUM TO THE PLANNING AND ZONING COMMISSION

Meeting Date: September 15, 2014

Subject: Application #14-008: Text Amendment To Allow For Drive-Thru Restaurant Services On Sites Of 2 Or More Acres

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

Attachment: **Draft Ordinance, with edits shown**
Public comment received by September 12, 2014
Prior packet information

SUMMARY OF ORDINANCE REVISIONS

At the last meeting, the members of the Planning Commission voted to make several changes to the draft ordinance including:

- Sites abutting residential shall be three acres or more.
- Site not abutting residential shall be two acres or more.
- Sites may have only one restaurant, and each restaurant shall be limited to no more than two stacking lanes, two order boards and two service windows.
- Restaurants on sites abutting residential shall have no less than 2,000 square feet of floor area under roof.

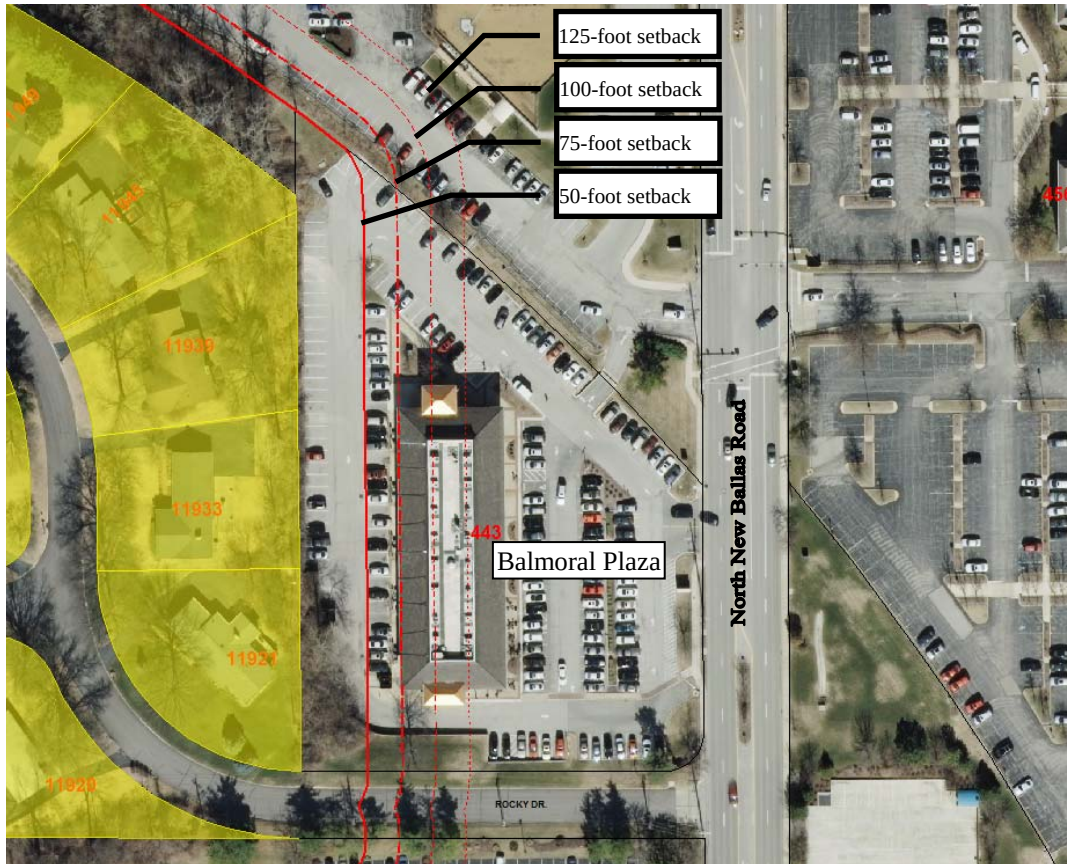
As a reminder, some of these changes (especially the minimum lot size requirements) were made to clarify the draft ordinance and did not, necessarily, reflect every Commissioner's particular preference. If there are further concerns with any of these standards, Commission members should identify them as either issues for further discussion or as issues that are affecting their final vote on the amendment. Additional public comment has also been received that questions the changes made and should be considered by the Commission. To aid in the discussion, the changes from last meeting are still shown in bold type within the draft ordinance.

SETBACK OPTIONS

Aside from concerns that individuals might have regarding the draft ordinance, the Commission, as a whole, asked staff to prepare maps that illustrate the variously proposed setback distances between any drive-thru facilities and adjacent residences. The setbacks contemplated are 50, 75, 100 and 125 feet from the nearest residential property line. The City's GIS (Geographic Information System) has been used to first isolate the residential properties (note that the system is currently able to map single family lots and apartment buildings but not condominiums) and then generate the various setbacks from those properties. For properties located in unincorporated St. Louis County, the buffers were generated off of the City Limit line. However, when reduced to a scale that fits within the format of this report, the map of the entire city is too small to read and interpret. Following are a three sample properties that have been featured in the amendment discussion with the requested four setbacks shown. Staff will present the entire map at the meeting on September 15th so that a broader survey can be conducted by the Commission as desired.



- 125-foot setback
- 100-foot setback
- 75-foot setback
- 50-foot setback



- 125-foot setback
- 100-foot setback
- 75-foot setback
- 50-foot setback

Balmoral Plaza



These setbacks obviously have varying impacts on different sites, but the two longest setbacks (100 and 125 feet) would make retrofits difficult or impossible, depending on the site. Which one is best is largely tied to the question of sound buffering and at what point more distance is being required than can be justified because the physical barriers have a greater value than does more distance. Staff will be available to help the Commission analyze other sites during the meeting and to determine which setback is appropriate, based upon specific concerns raised by drive-thru restaurants. The minimum setback in the draft ordinance currently stands at 50 feet from the nearest residential property line.

CONCLUSION

The draft ordinance contains a significant number of requirements for any drive-thru restaurant which is a reflection of the significant concerns the community has with the use. Staff believe that these requirements will make it more difficult for a commercial property owner to justify entering into a conditional use permit application and, as a result, no more likely that the city will see a proliferation of drive-thru restaurants as compared to the current ordinance. When one does occur, staff also believe that the collective effect of these requirements will be to diminish any impacts to a point that is no more concerning than any other use requiring a conditional use permit. If, in the review of a specific location, the Planning Commission and City Council believe that even greater mitigation measures are necessary, then there is nothing in the draft ordinance preventing those measures from being required for that location.

RECOMMENDATION

Unless the members of the Commission wish to revisit certain issues, it appears that only the setback requirement remains to be settled upon. For those reasons, staff recommend that the Commission make every effort to make those determinations and then vote on a recommendation to the City Council.

ACTION AND MOTION

If the Commission believes that the draft ordinance is suitable for final review by the City Council, then a motion on a recommendation should be made and voted upon. An example motion for this purpose is:

“I move to approve the amended draft ordinance attached to the September 15, 2014, staff memorandum on Application #14-008, to implement new regulations affecting drive-thru restaurants.” (conditions may be added, deleted or modified by preceding motions)

If the Commission wishes to continue the application to the next meeting to allow time to make further revisions to the draft ordinance, then the following is an example of an appropriate motion:

“I move to continue Application #14-008 to the meeting of October 6th, 2014, to allow staff time to revise the draft ordinance based upon the direction of the Planning Commission.”

BILL NO. _____

ORDINANCE NO. _____

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

WHEREAS, an application by the City of Creve Coeur was submitted for an amendment to Section 405.470(14) Conditional Uses, of the Creve Coeur Zoning Ordinance to allow for drive-thru restaurant services on sites of two acres or more; and,

WHEREAS, the Planning and Zoning Commission of the City of Creve Coeur, Missouri has recognized the need for amendments to such regulations in the City Code of Ordinances as set forth herein, to more effectively implement the goals of the Comprehensive Plan and the purposes of the Zoning Code; and,

WHEREAS, the Planning and Zoning Commission of the City of Creve Coeur, Missouri, held a public hearing thereon at the Creve Coeur Government Center on Monday, April 21, 2014, beginning at 7:00 p.m., or immediately following the close of the previous public hearing; and,

WHEREAS, the Planning and Zoning Commission reviewed and, by a vote of _____ recommended approval of the subject amendments at its meeting on Monday, September 15, 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.

BILL NO. _____

ORDINANCE NO. _____

- 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;
- c. ~~Drive-thru or drive-up services:~~
 - (1) ~~Shall provide space for at least three (3) cars per drive-up window or station.~~
 - (2) ~~Shall provide landscaping to screen the view of drive-up waiting spaces from surrounding properties.~~
 - (3) ~~Drive-up window access, waiting spaces and egress shall not interfere with site circulation or be hazardous to motorists entering, exiting or passing by the site.~~
 - (4) ~~Drive-thru service for restaurants may be located only on sites of not less than three (3) acres.~~

Drive-thru ~~or drive-up~~ services on sites in the "MX," "GC," "CB," "PO," "PC," and "LI" Districts that abut residential uses are subject to the following:

- (1) Drive-thru facilities **shall be located on sites of three (3) or more acres and** shall be limited to one **restaurant with no more than two** service windows, **two** order facilities and **two** designated stacking lanes on the rear or one end of a multi-tenant retail building having a continuous structure frontage of at least two hundred feet (200'). Such frontage may include one passage way or arcade (not open on the sides).
- (2) The drive-thru order facility and service window shall only be on or adjacent to a wall not facing a street and shall be completely screened from the ground floor level of adjacent residences wholly or partially within 200 feet of either the order facility or the service window by means of a solid barrier or topographic change. Vegetation cannot be used to meet this requirement but may be needed to address aesthetic concerns.
- (3) **The drive-thru restaurant shall have no less than two thousand (2,000) square feet of gross floor area (area under roof).**
- (4) The drive-thru order facility and service window shall be no less than 50 feet from any property line of any residential use.

BILL NO. _____

ORDINANCE NO. _____

- (5) The designated stacking lane shall be no less than 220 feet long (approximately 10 cars), excluding the space being served by the window, which shall be no less than nine feet wide by twenty-two feet long. The lane shall have continuous access to a bypass lane which can be shared with the general parking lot circulation.
- (6) The entrance to the designated stacking lane shall be no less than 50 feet from the nearest point on the property line across the nearest vehicular entrance.
- (7) The designated stacking lane shall not cross between the building and principal street frontage.
- (8) A traffic study shall be submitted by the applicant that demonstrates, to the satisfaction of the City, that the required drive-thru facilities shall not interfere with site circulation or be hazardous to motorists or pedestrians entering, exiting or passing by the site.
- (9) An acoustical study shall be submitted demonstrating that the order facility and service windows will not produce sounds exceeding 60dB as measured at any property line abutting a residential use, up to a height of eight feet above ground at the property line and demonstrating that the order facility and service windows will not increase ambient sound levels at other property lines above the average Monday to Friday midday level.
- (10) "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 receive food service in their automobiles.

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~~

Drive-thru or drive-up services on sites in the "MX," "GC," "CB," "PO," "PC," and "LI" Districts that only abut non-residential uses are subject to the following:

- (1) Drive-thru facilities shall be limited to one **restaurant with no more than two** service windows, **two** order facilities and **two** designated stacking lanes per coordinated development where such development is located on one or more lots totaling **two (2)**

BILL NO. _____

ORDINANCE NO. _____

- or more acres, has shared access and includes three or more buildings, all designed with similar use of materials and design elements to convey a single visual image or composition.
- (2) The drive-thru order facility and service window shall only be on or adjacent to a wall not facing a street.
- (3) The drive-thru restaurant shall have pedestrian-oriented landscape adjacent to the building equivalent in area to 50% of the gross floor area of the entire restaurant use (area under roof).
- (4) If the drive-thru restaurant is free-standing, an 8-foot wide planted landscape strip shall be adjacent to at least two other sides of the building, exclusive of the pedestrian area.
- (5) If the drive-thru restaurant is free-standing, it shall have no less than 3,000 square feet of gross floor area (area under roof).
- (6) If the drive-thru restaurant is free-standing, it shall have at least 18 square feet of transparent window and the entire perimeter wall surface shall be no less than 50% glazing, including all forms of window and doors, but not including the drive-thru service window.
- (7) Any service areas including, but not limited to, trash receptacles, compactors, transformers, outdoor cooking or refrigeration equipment and utility connections, must be fully enclosed. Such enclosures shall appear as a part of the restaurant building to the maximum extent as found to be practicable by the City.
- (8) The designated stacking lane shall be no less than 220 feet long (approximately 10 cars), excluding the space being served by the window, which shall be no less than nine feet wide by twenty-two feet long. The lane shall have continuous access to a bypass lane which can be shared with the general parking lot circulation.
- (9) The entrance to the designated stacking lane shall be no less than 50 feet from the nearest point on the property line across the nearest vehicular entrance.
- (10) The designated stacking lane shall not cross between the building and principal street frontage.
- (11) A traffic study shall be submitted by the applicant that demonstrates, to the satisfaction of the City, that the required drive-thru facilities shall not interfere with site circulation or be hazardous to motorists or pedestrians entering, exiting or passing by the site.
- (12) An acoustical study shall be submitted demonstrating that the order facility and service windows will not increase ambient sound levels at the property lines above the average Monday to Friday midday level.
- ~~(6)~~(13) "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 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.

BILL NO. _____

ORDINANCE NO. _____

APPROVED THIS _____ DAY OF _____, 2014.

CHARLOTTE D'ALFONSO
PRESIDENT OF CITY COUNCIL

ATTEST:

BARRY GLANTZ
MAYOR

DEBORAH RYAN, MPCC
CITY CLERK

Attachment: 14-008.Drive-Thru on 2+ ac.Draft Ordinance 9-15-2014 (1097 : Bill No. 5514 - Drive-Thru Text Amendment)



city of CREVE COEUR

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www.creve-coeur.org

MEMORANDUM TO THE PLANNING AND ZONING COMMISSION

Meeting Date: September 2, 2014

Subject: Application #14-008: Text Amendment To Allow For Drive-Thru Restaurant Services On Sites Of 2 Or More Acres

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

Attachment: **Draft Ordinance, with possible edits shown**
Commercial Property Analysis Map
Public Comment

SUMMARY OF COMMENTS RECEIVED FROM PLANNING & ZONING COMMISSION

At the last meeting, the members of the Planning Commission voted to continue the discussion so that written comments could be provided directly to staff for inclusion in the draft ordinance. The intent of this approach was that members would see specific choices to be made in order to arrive at a final draft ordinance for their recommendation to City Council.

In addition to specific ordinance changes, several clarification questions were asked. They are paraphrased below with the staff response, underlined, by question:

- Does “adjacent to” or “abutting” residential mean shared property lines?
 - o Yes.
- Can the use be congregated in commercial area?
 - o This can be accomplished by setting long enough separations from residences or through overlay districts. However, staff is would discourage this approach because it there are few intersections that are not close to residential and these are the areas where more urban development should be the goal, not suburban drive thru restaurants (unless they are integrated into a multi-story building).
- Can the “opaque” barrier use vegetation to meet the requirement?
 - o No; it is specifically not allowed by the draft ordinance.
- Can the speaker be required to face away from residences?
 - o Not as a practical matter on the back of a building; it would place the speaker and the service window on opposite sides of the vehicle.
- If parking is converted to drive-thru use, how is it recovered on the site or otherwise accounted for?
 - o That would be up to the applicant to demonstrate in the CUP review process; they still have to meet ordinance requirements for parking spaces.
- How is the end of the building handled on a corner lot?
 - o The facilities would still need to be on the back of the building.
- Do P&Z and Council decide what constitutes “coordinated character?”
 - o Yes; that is a typical issue under a CUP review.
- What is the basis for requiring three buildings in a coordinated development?

- Examples in town (Pavilion, Questover, West Park) versus those that are not coordinated and/or do not have three buildings (Westgate, West Oak, Spuede&Olive, Graeser&Olive, all of the standalone strip malls).
- Can some of the regulations be made general to all development?
 - Yes. Some of the requirements are in the draft ordinance because they are sought on most projects and could, by extension, be made requirements of all projects.
- Is 60dB the standard in commercial areas?
 - No. As indicated in the table, ambient levels are usually higher in commercial dominated areas, so 60dB becomes meaningless.
- Should 405.470.8 (a) be changed to require 10 car stacking?
 - No; that paragraph only applies only to non-restaurant drive-thru services, such as banks.

Regarding the specific ordinance edits, there was little overlap thus making it difficult to simply update the draft. Instead, the proposed edits are shown in parenthesis and bold within the ordinance in the location where the alternate language would be located. Staff will ask the Commission to provide direction on which options are preferred.

It is worth noting that most of the changes appear to be offered out of a concern for the impacts on residences. Since proximity to residences is clearly a significant concern, staff has modified an earlier map showing potential drive-thru restaurant sites to distinguish those that are adjacent to some form of residential development (shown in bright blue). Those that do not abut residential are shown in varying shades of purple, depending on the lot size. Allowing for the fact that some of the “potential” sites are unrealistic given the current use of the land (the Monsanto campus, for example), an inspection of the map shows that if adjacency to residential renders sites extremely challenging or even impossible, then many sites will drop out of the “potential” inventory. That is, if the bright blue locations are eliminated, far fewer sites remain available and most of the those are in the central business area or the light industrial district which, as stated above, should not be the focus of drive-thru restaurant development since those areas can be utilized more intensively for other purposes that also benefit the community in other ways. Ultimately, staff believe that the City is faced with a simple reality: it is difficult to integrate drive-thru restaurants without accepting that, in most cases, there will be an impact on adjacent residences or urban form. While it is possible to envision a solution that does neither (integration into a dense office or retail development) few of those opportunities exist and, if it is the City’s intention to leave more opportunities available to the development community, then some impact, real or perceived, on residents and the character of the city will have to be accepted. Determining the acceptable magnitude of these impacts should guide individual Commission members and, ultimately, Council members toward their final assessment of the outcome of these deliberations.

ADDITIONAL COMMENTS

- Several minor corrections were made to the draft ordinance to clarify the wording, but one change was added, based on subsequent discussions. That is, the use of ambient noise levels in determining the acceptable volume of the order board speaker was repeated for projects adjacent to residential properties. This effectively means that the order board will have no perceptible noise impact on the pre-existing conditions.
- Staff met briefly with Mr. Chris Sedlak, the owner/operator of many drive-thru restaurants and a Creve Coeur resident. Mr. Sedlak also addressed the Commission at the prior meeting. Mr. Sedlak’s experience with the design of these restaurants is extensive and there are several items in the draft ordinance that he wishes to discuss with the Commission, some from a position of support and others from a point of opposition. It is anticipated that he will attend the September 2nd meeting and provide both written and oral comments at that time.

- Attached to the staff report is a collection of the public comments received to date, but particular attention is called to the first item which was received from members of the Climate Action Task Force on August 29, 2014.

RECOMMENDATION

Although staff strongly encourage the Commission to work toward resolving the draft ordinance so that a recommendation can be forwarded to the City Council, it is clear that some points of discussion must still be arbitrated between members and new information is expected to be provided on September 2nd. So, while the draft ordinance is available for a final recommendation if that point can be reached, a continuance to September 15th seems likely under the circumstances.

ACTION AND MOTION

If the Commission believes that the draft ordinance is suitable for final review by the City Council, then a motion on a recommendation should be made and voted upon. An example motion for this purpose is:

“I move to approve the amended draft ordinance attached to the August 15, 2014, staff memorandum on Application #14-008, to implement new regulations affecting drive-thru restaurants.” (conditions may be added, deleted or modified by preceding motions)

If the Commission wishes to continue the application to the next meeting to allow time to prepare a significantly revised draft ordinance, then the following is an example of an appropriate motion:

“I move to continue Application #14-008 to the meeting of September 15th, 2014, to allow staff time to revise the draft ordinance based upon the direction of the Planning Commission.”

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

WHEREAS, an application by the City of Creve Coeur was submitted for an amendment to Section 405.470(14) Conditional Uses, of the Creve Coeur Zoning Ordinance to allow for drive-thru restaurant services on sites of two acres or more; and,

WHEREAS, the Planning and Zoning Commission of the City of Creve Coeur, Missouri has recognized the need for amendments to such regulations in the City Code of Ordinances as set forth herein, to more effectively implement the goals of the Comprehensive Plan and the purposes of the Zoning Code; and,

WHEREAS, the Planning and Zoning Commission of the City of Creve Coeur, Missouri, held a public hearing thereon at the Creve Coeur Government Center on Monday, April 21, 2014, beginning at 7:00 p.m., or immediately following the close of the previous public hearing; and,

WHEREAS, the Planning and Zoning Commission reviewed and, by a vote of _____ recommended approval of the subject amendments at its meeting on Monday, August 18, 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.

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- 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) **(three (3))** 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;
 - c. ~~Drive-thru or drive-up services:~~
 - (1) ~~Shall provide space for at least three (3) cars per drive-up window or station.~~
 - (2) ~~Shall provide landscaping to screen the view of drive-up waiting spaces from surrounding properties.~~
 - (3) ~~Drive-up window access, waiting spaces and egress shall not interfere with site circulation or be hazardous to motorists entering, exiting or passing by the site.~~
 - (4) ~~Drive-thru service for restaurants may be located only on sites of not less than three (3) acres.~~
- Drive-thru or drive-up services on sites in the "MX," "GC," "CB," "PO," "PC," and "LI" Districts that abut residential uses are subject to the following **(are prohibited)**:
- (1) Drive-thru facilities shall be limited to one **(two)** service window, one **(two)** order facility and one **(two)** designated stacking lane on the rear or one end of a multi-tenant retail building having a continuous structure frontage of at least two hundred feet (200'). Such frontage may include one passage way or arcade (not open on the sides).
 - (2) The drive-thru order facility and service window shall only be on or adjacent to a wall not facing a street and shall be completely screened from the ground floor level of adjacent residences wholly or partially within 200 feet of either the order facility or the service window by means of a solid barrier or topographic change. Vegetation cannot be used to meet this requirement but may be needed to address aesthetic concerns.
 - (3) The drive-thru order facility and service window shall be no less than 50 feet from any property line.
 - (4) The designated stacking lane shall be no less than 220 feet long (approximately 10 cars), excluding the space being served by the window, which shall be no less than nine feet wide by twenty-two

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feet long. The lane shall have continuous access to a bypass lane which can be shared with the general parking lot circulation.

- (5) The entrance to the designated stacking lane shall be no less than 50 feet from the nearest point on the property line across the nearest vehicular entrance.
- (6) The designated stacking lane shall not cross between the building and principal street frontage.
- (7) A traffic study shall be submitted by the applicant that demonstrates, to the satisfaction of the City, that the required drive-thru facilities shall not interfere with site circulation or be hazardous to motorists or pedestrians entering, exiting or passing by the site.
- (8) An acoustical study shall be submitted demonstrating that the order facility and service windows will not produce sounds exceeding 60dB **(45dB – 55dB)** as measured at any property line abutting a residential use, up to a height of eight feet above ground at the property line and demonstrating that the order facility and service windows will not increase ambient sound levels at other property lines above the average Monday to Friday midday level.
- (9) "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 receive food service in their automobiles.

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~~

Drive-thru or drive-up services on sites in the "MX," "GC," "CB," "PO," "PC," and "LI" Districts that only abut non-residential uses are subject to the following:

- (1) Drive-thru facilities shall be limited to one **(two)** service window, one **(two)** order facility and one **(two)** designated stacking lane per coordinated development where such development is located on one or more lots totaling three (3) **(two (2))** or more acres, has shared access and includes three or more buildings, all designed with similar use of materials and design elements to convey a

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single visual image or composition (replace multi-building requirement with more design regulations).

- (2) The drive-thru order facility and service window shall only be on or adjacent to a wall not facing a street.
- (3) The drive-thru restaurant shall have pedestrian-oriented landscape adjacent to the building equivalent in area to 50% of the gross floor area of the entire restaurant use (area under roof).
- (4) If the drive-thru restaurant is free-standing, an 8-foot wide planted landscape strip shall be adjacent to at least two other sides of the building, exclusive of the pedestrian area.
- (5) If the drive-thru restaurant is free-standing, it shall have no less than 3,000 square feet of gross floor area (area under roof).
- (6) If the drive-thru restaurant is free-standing, it shall have at least 18 square feet of transparent window and the entire perimeter wall surface shall be no less than 50% glazing, including all forms of window and doors, but not including the drive-thru service window.
- (7) Any service areas including, but not limited to, trash receptacles, compactors, transformers, outdoor cooking or refrigeration equipment and utility connections, must be fully enclosed. Such enclosures shall appear as a part of the restaurant building to the maximum extent as found to be practicable by the City.
- (8) The designated stacking lane shall be no less than 220 feet long (approximately 10 cars), excluding the space being served by the window, which shall be no less than nine feet wide by twenty-two feet long. The lane shall have continuous access to a bypass lane which can be shared with the general parking lot circulation.
- (9) The entrance to the designated stacking lane shall be no less than 50 feet from the nearest point on the property line across the nearest vehicular entrance.
- (10) The designated stacking lane shall not cross between the building and principal street frontage.
- (11) A traffic study shall be submitted by the applicant that demonstrates, to the satisfaction of the City, that the required drive-thru facilities shall not interfere with site circulation or be hazardous to motorists or pedestrians entering, exiting or passing by the site.
- (12) An acoustical study shall be submitted demonstrating that the order facility and service windows will not increase ambient sound levels at the property lines above the average Monday to Friday midday level.
- (6)(13) "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 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.

Attachment: 14-008 Drive-Thru on 2+ ac Draft Ordinance 9-2-2014 (1097 : Bill No. 5514 - Drive-Thru Text Amendment)

BILL NO. _____

ORDINANCE NO. _____

APPROVED THIS _____ DAY OF _____, 2014.

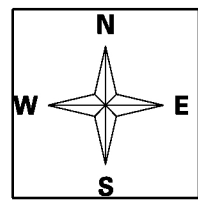
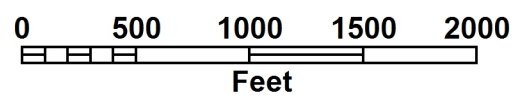
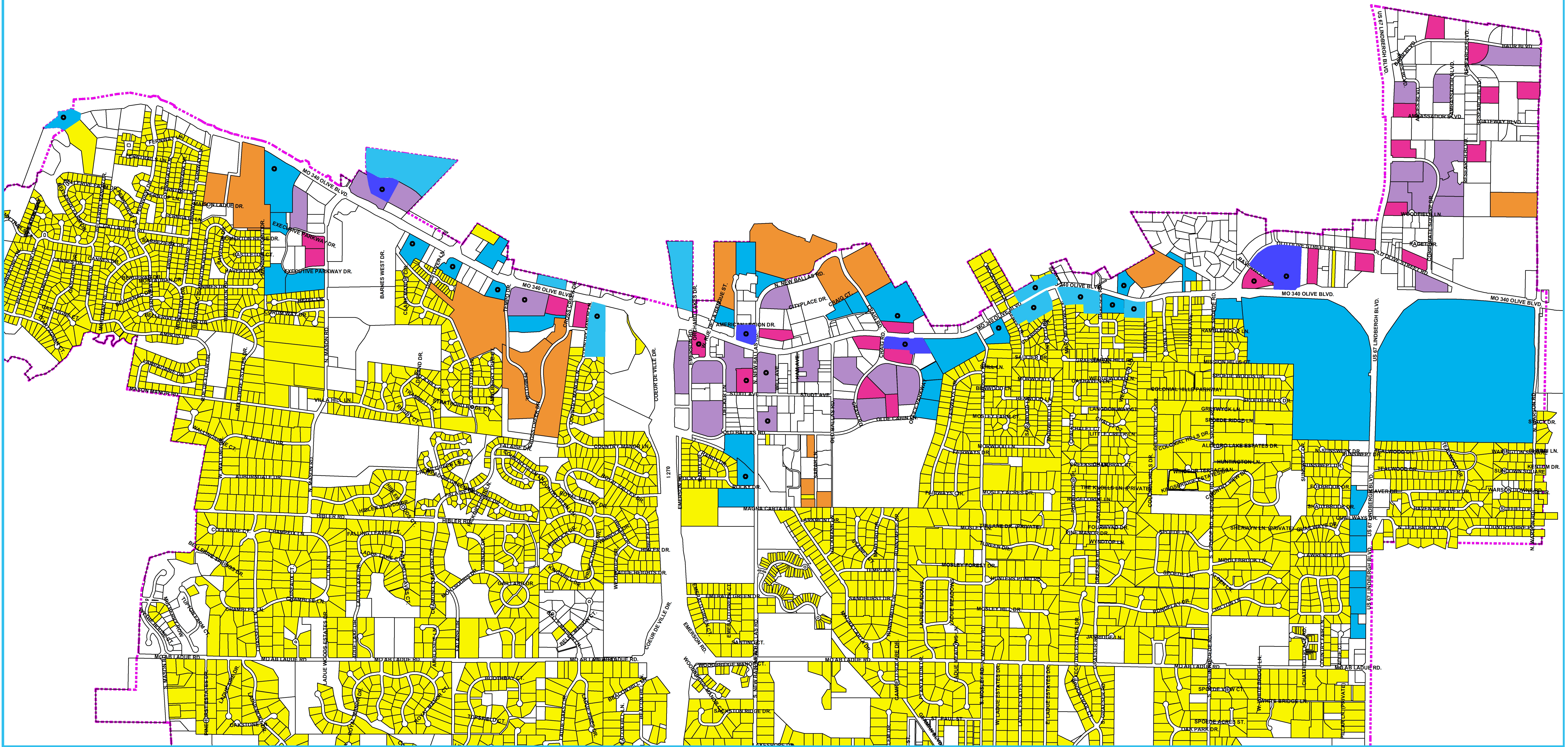
CHARLOTTE D'ALFONSO
PRESIDENT OF CITY COUNCIL

ATTEST:

BARRY GLANTZ
MAYOR

DEBORAH RYAN, MPCC
CITY CLERK

Attachment: 14-008 Drive-Thru on 2+ ac Draft Ordinance 9-2-2014 (1097 : Bill No. 5514 - Drive-Thru Text Amendment)



Legend

- Properties 2 to 3 Acres, Not Adjacent to Residential
- Properties Over 3 Acres, Not Adjacent to Residential
- Possible Assemblages Over 2 Acres, Not Adjacent to Residential
- Properties Over 2 Acres, Adjacent to Residential
- Parcel Lines
- City Limit

- Single-family Residential
- Multi-family Residential



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MEMORANDUM TO THE PLANNING AND ZONING COMMISSION

Meeting Date: August 18, 2014

Subject: Application #14-008: Text Amendment To Allow For Drive-Thru Restaurant Services On Sites Of 2 Or More Acres

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

Attachment: Draft Ordinance

SUMMARY OF INFORMATION FROM THE AMERICAN PLANNING ASSOCIATION (APA)

The Planning Advisory Service (PAS) of the APA was contacted by staff regarding current best practices in site planning for drive-thru restaurants. The PAS responded with the following studies:

Ajax (Ontario), Town of. 2012. Drive-Through Study Discussion Paper. Available at

<https://www.ajax.ca/en/doingbusinessinajax/resources/DriveThroughDiscussionPaperFINAL.pdf>.

- Thorough analysis of policy alternatives for regulating drive-thrus in large suburb of Toronto, Ontario.

Hamilton (Ontario), City of. 2009. "Prohibition or Regulation of Drive-Through Facilities within the City of Hamilton." Report to Economic Development and Planning Committee, May 16. Available at

<http://www.hamilton.ca/NR/rdonlyres/7CCDF9C4-D8AE-4E82-A736-E6A3F3285E94/0/Apr07PED09082.pdf>

- Report on how to regulate drive-throughs including research of how other cities approach issue and a section from the Public Health Services Department.
- Recommends prohibiting drive-throughs in pedestrian oriented environments.

Santa Barbara County (California) Air Pollution Control District. 2008. "Subject: Air Quality Impacts of Drive-through Facilities vs. Non-Drive-through Facilities." March 6. Available at

<http://www.sbcountyplanning.org/PDF/boards/CntyPC/07-18-2012/09TPM-00000-00004/Attachment%20E%20-%20APCD%20Memo%20re%20drive-throughs.pdf>.

- Study finds that for certain pollutants (ROG, NOx, and CO), idling emissions (i.e., drive-through lane behavior) are less than parked vehicle emissions (i.e., sit-down restaurant behavior); however, CO2 (greenhouse gas) emissions are much higher from idling vehicles and nonexistent for parked vehicles.

Falcon Heights (Minnesota), City of. 2006. Drive-Through Facilities Zoning Study. Available at

<http://www.ci.falcon-heights.mn.us/vertical/Sites/%7BA88B3088-FA03-4D5D-9D04-CCC9EF496399%7D/uploads/%7B86EC3327-F26C-485A-805B-5E115C74B52B%7D.PDF>.

- Summarizes common impacts associated with drive-through uses.
- Includes a survey of drive-through zoning standards (primarily from other communities in Minnesota).

Mississauga (Ontario), City of. 2001. Drive Through Restaurants / Convenience Kiosks. Memorandum from the Commissioner of Planning and Buildings to the Planning and Development Committee. January 21.

Available at <http://www.mississauga.ca/file/COM/drivethrurpt.pdf>.

- Survey of design impacts of drive-throughs.
- Recommendations adopted into code.
- For an update of how the city is dealing with drive throughs, see http://www5.mississauga.ca/agendas/planning/2008/01_14_08/Item02DriveThruRpt.pdf.

After reviewing the studies, it is worth noting that the concerns with drive-thru restaurants in other communities largely mirror those in Creve Coeur but that parking lots might not be particularly superior to drive-thru services regarding the environment as commonly believed due to the high level of emissions produced by a vehicle that has been stopped and allowed to cool down for even a few minutes. Most of the studies acknowledged that drive-thru services are common and generally seen as a convenience. On the other hand, the consultant for one community (Falcon Heights, MN) found that the potential for impacts on their residents was too high and

recommended that the use be eliminated from their zoning code. Finally, the City of Hamilton report specifically recommended against outright prohibition due to legal concerns and, despite strong concerns regarding community health, concluded that effective design solutions could yield successful projects. This appears to echo the majority sentiments of the Planning Commission to date.

STAFF CONCLUSIONS FROM RESEARCH AND DISCUSSIONS TO DATE

A lot of information and opinions have been gathered during the review of this application. Often times, there are stark differences of opinion and there is little common ground between those who would preclude more drive-thru restaurants and those who would encourage more drive-thru restaurants. To assist the Commission in sorting through the information and in understanding the position of the Planning Director, a series of conclusions are presented below that are broken into two categories: first are conclusions of policy or statements that serve to guide specific decisions; and, second, are conclusions of design regulations or statements that represent quantifiable elements of a project.

Policy Conclusions

- The resident population has significant concerns with adding drive-through restaurants, even if the design addresses the principal concerns.
- The commercial populations has a significant interest in allowing more drive-thru restaurants due to profit-motive and as a means to stimulate redevelopment of some sites and attract additional traffic to existing sites.
- There are many permitted uses that do not appeal to the *majority* of the population but, instead, appeal to *enough* people to form a viable segment of a diversified economy. In the end, diversity is the key to the long-term strength of Creve Coeur's economy and that is one of the goals of the Comprehensive Plan. What cannot occur is allowing one segment of the economy to degrade the character and the desirability of the community such that the other businesses and consumers no longer see it as an attractive place to do business.
- Creve Coeur is not alone in its struggles with this issue, but few communities appear to have prohibited the use entirely.
- There are very few local examples of drive-thru restaurants that have overcome the most common concerns, especially building appearance and integration with a pedestrian-friendly site.
- The current three acre requirement is not the strong limitation that many have assumed that it is. Developer choice has played a significant role in the current market that has only one drive-thru location.
- The smaller the site, the more difficult it is to address concerns, especially with freestanding restaurants. It is fairly debatable, however, what constitutes a "big enough" site.
- Locations adjacent to residential uses raise the most concerns, but most of the commercial properties in the city are either adjacent to, or very close to, residential properties.
- Failure to make some changes will likely result in a rapid increase in drive-thru locations in the near future, based upon discussions with commercial property owners. As a matter of policy, staff believe that changes to the Zoning Code are necessary and, while few opportunities will be created, the use should not be prohibited.

Design Conclusions

Based upon the input to date, the recommendations of the aforementioned studies, and the policy conclusions above, staff suggest the following design conclusions as conditions in the attached draft ordinance. The conclusions are paired in a table with an explanation or rationale to assist the Commission in assessing each one. All points are, of course, debatable and the Planning Commission should feel free to make specific changes as agreed to by the group.

Design Conclusion	Basis/Rationale
The primary point of departure in the regulations should be whether or not the property is adjacent to residential uses.	Aside from the character of the development, the most common concerns about drive-thru restaurants relate to impact upon adjacent residences. Starting with that qualification allows for clearer separation between design outcomes.
In all situations, there should be only one drive-thru per development.	Observations of existing sites and the conclusions in two of the reports supports the finding that having more than one drive-thru restaurant on one site amplifies the traffic conflicts and the development character concerns. Further, the current regulations do not have this limitation and it is this concern that was a primary motivation in submitting this application in the first place.
When adjacent to residences, the drive-thru should be in a multi-tenant building.	Adjacency to residences is always the most sensitive design environment, so the objective should be to minimize the problematic characteristics of the drive-thru use as much as possible. Locating the use in a multi-tenant building places the primary burden for the appearance of the building on the owner, and the owner must be mindful of the interests of all of their tenants. This effectively diffuses some of the aesthetic demands and maintenance concerns that are common to so many free-standing drive-thru restaurant operations. Similarly, the responsibility for installing and maintaining the physical protections for the residences is shared with the property owner and, where those protections go beyond the immediate confines of the restaurant, the property owner can facilitate their installation. In other words, there is a bigger area over which protections can be managed which allows for greater protection for more residences.
When adjacent to residences, the drive-thru facilities should be separated by at least 50 feet and screened by a truly opaque barrier.	Buffers consist of two primary elements: some distance or ground area and some physical barriers within that ground. Rather than leave these buffers to site plan negotiations, the regulations should be clear and measurable. Since many commercial properties in Creve Coeur are shallow, the 50-foot distance is modest in order to be practical, but this modesty must be offset by the most robust physical barrier: one that is truly opaque. Such a barrier also serves to reduce noise intrusions.
The standard for drive-thru lane stacking should be increased from three to 10 cars, minimum, but the ability to pull out of the lane and by-pass it must be included.	In some of the studies noted earlier and on some local sites, the drive through queues are often much longer than traditional regulations have accounted for. At the same time, the lane must not trap motorists who need to exit and must not block the passage of other cars.
The drive thru order facility (speaker) must be tuned or screened so that the maximum sound level at the property line is no more than 60dB and this must be verified by an acoustical engineer.	This sound level is a conversational level outside and would not be uncommon in any setting, including a residential backyard.
The stacking lane entrance should be at least 50 feet from the entrance to the property.	As noted in the reports, stacking lanes become problematic when they block access to other parts of the commercial site. To reduce this risk, the entirety of the required stacking is located far enough from the property entrance to provide

	non-drive-thru customers maneuvering space without potentially backing up into the street.
The drive through facilities should not be on the street facing side of the building and the stacking lane should not cross in front of the building.	In any drive-thru restaurant, the order board and service window should not be the public face of the business and, as such, should not be located on a side facing a street. As above, the stacking lane causes a variety of issues when it gets in the way. Keeping back from the street and the front of the building, effectively pushes it to the side or rear of the property away from pedestrians and most of the traffic.
A traffic study must be provided to demonstrate that unacceptable hazards to the motoring public and pedestrians can be resolved to the satisfaction of the City.	Although they are frequently controversial, experience has shown that traffic studies are the most reliable predictor of future conditions and, where traffic concerns predominate, the provision of a study must be certain.
When not adjacent to residential property, the development standards can be less restrictive, but the restaurant must still be part of a larger, coordinated development.	This is similar to the requirement when adjacent to residences but, in the commercial setting, the restaurant can be separated from the other buildings as long as its character is still dominated by the common character of the development. It should be noted that this is not a new allowance; the current code already allows free-standing drive-thru restaurants on three or more acres, but it does not have all of the other criteria listed herein.
The coordinated development must contain at least three buildings on at least three acres.	There are locations where a small site has been developed with a couple of small buildings. While this might work with office uses, the traffic and character issues associated with drive-thru restaurants are more effectively foiled by larger developments with more shared access space and larger buildings. This general conclusion is supported in the studies provided above, but the specific sizes are based upon the existing regulations.
The drive-thru restaurant must have pedestrian-oriented landscape and, if free-standing, it must have substantial windows on all sides.	While most restaurants have substantial windows, free-standing drive thru restaurants often have substantial amounts of blank wall as well and, typically, very little landscape. These two factors contribute greatly to the character concerns with drive-thru restaurants. The proposed standards open up the appearance of the building and make it more inviting to customers and passers-by.
Free-standing drive-thru restaurants must screen the support facilities and incorporate them into the building as much as possible.	A key undesirable characteristic of most drive-thru restaurants is the presence of open or poorly screened utilities and waste facilities. Further, simply screening these items can create more visual clutter around the use where visual clutter, and the attendant impact on visual character, is a concern. Therefore, the regulation attaches the screening to the building, acknowledging that service vehicles will need to access the area so it cannot be fully internal to the main structure.
The acceptable noise levels in a commercial setting are based upon ambient conditions during a normal workday, rather than a specific number.	In commercial areas, ambient noise levels are typically much higher than at the edge of a subdivision and those levels are beyond the control of the new restaurant, so the design expectation is simply that the ordering speaker will not worsen the existing conditions.

RECOMMENDATION

The preceding discussion is an attempt to recognize a variety of viewpoints while allowing a limited degree of discretion. In situations such as this, the Planning Commission must also recognize that no ordinance can make all of the stakeholders happy with every aspect; this is a compromise. If there are specific changes that members of the Commission wish to see, then they should be discussed and included as the Commission chooses. In any event, the Commission should work toward resolving the draft ordinance so that a recommendation can be forwarded to the City Council.

ACTION AND MOTION

If the Commission believes that the draft ordinance is suitable for final review by the City Council, then a motion on a recommendation should be made and voted upon. An example motion for this purpose is:

“I move to approve the amended draft ordinance attached to the August 15, 2014, staff memorandum on Application #14-008, to implement new regulations affecting drive-thru restaurants.” (conditions may be added, deleted or modified by preceding motions)

If the Commission wishes to continue the application to the next meeting to allow time to prepare a significantly revised draft ordinance, then the following is an example of an appropriate motion:

“I move to continue Application #14-008 to the meeting of September 2nd, 2014, to allow staff time to revise the draft ordinance based upon the direction of the Planning Commission.”

BILL NO. _____

ORDINANCE NO. _____

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

WHEREAS, an application by the City of Creve Coeur was submitted for an amendment to Section 405.470(14) Conditional Uses, of the Creve Coeur Zoning Ordinance to allow for drive-thru restaurant services on sites of two acres or more; and,

WHEREAS, the Planning and Zoning Commission of the City of Creve Coeur, Missouri has recognized the need for amendments to such regulations in the City Code of Ordinances as set forth herein, to more effectively implement the goals of the Comprehensive Plan and the purposes of the Zoning Code; and,

WHEREAS, the Planning and Zoning Commission of the City of Creve Coeur, Missouri, held a public hearing thereon at the Creve Coeur Government Center on Monday, April 21, 2014, beginning at 7:00 p.m., or immediately following the close of the previous public hearing; and,

WHEREAS, the Planning and Zoning Commission reviewed and, by a vote of _____ recommended approval of the subject amendments at its meeting on Monday, August 18, 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.

BILL NO. _____

ORDINANCE NO. _____

- 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:~~
 - (1) ~~Shall provide space for at least three (3) cars per drive-up window or station.~~
 - (2) ~~Shall provide landscaping to screen the view of drive-up waiting spaces from surrounding properties.~~
 - (3) ~~Drive-up window access, waiting spaces and egress shall not interfere with site circulation or be hazardous to motorists entering, exiting or passing by the site.~~
 - (4) ~~Drive-thru service for restaurants may be located only on sites of not less than three (3) acres.~~

Drive-thru or drive-up services on sites in the "MX," "GC," "CB," "PO," "PC," and "LI" Districts that abut residential uses are subject to the following:

- (1) Drive-thru facilities shall be limited to one service window, one order facility and one designated stacking lane on the rear or one end of a multi-tenant retail building having a continuous structure frontage of at least two hundred feet (200'). Such frontage may include one passage way or arcade (not open on the sides).
- (2) The drive-thru order facility and service window shall only be on or adjacent to a wall not facing a street and shall be completely screened from the ground floor level of adjacent residences wholly or partially within 200 feet of both the order facility and the service window by means of a solid barrier or topographic change. Vegetation cannot be used to meet this requirement but may be needed to address aesthetic concerns.
- (3) The drive-thru order facility and service window shall be no less than 50 feet from any property line.
- (4) The designated stacking lane shall be no less than 220 feet long (approximately 10 cars) cars, excluding the space being served by the window, which shall be no less than nine feet wide by twenty-two feet long. The lane shall have continuous access to a bypass lane which can be shared with the general parking lot circulation.

BILL NO. _____

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- (5) The entrance to the designated stacking lane shall be no less than 50 feet from the nearest point on the property line across the nearest vehicular entrance.
- (6) The designated stacking lane shall not cross between the building and principal street frontage.
- (7) A traffic study shall be submitted by the applicant that demonstrates, to the satisfaction of the City, that the required drive-thru facilities shall not interfere with site circulation or be hazardous to motorists or pedestrians entering, exiting or passing by the site.
- (8) An acoustical study shall be submitted demonstrating that the order facility and service windows will not produce sounds exceeding 60dB as measured at any property line abutting a residential use, up to a height of eight feet above ground at the property line.
- (9) "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.

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~~

Drive-thru or drive-up services on sites in the "MX," "GC," "CB," "PO," "PC," and "LI" Districts that abut non-residential uses are subject to the following:

- (1) Drive-thru facilities shall be limited to one service window, one order facility and one designated stacking lane per coordinated development where such development is located on one or more lots totaling three or more acres, shared access and includes three or more buildings, all designed with similar use of materials and design elements to convey a single visual image or composition.
- (2) The drive-thru order facility and service window shall only be on or adjacent to a wall not facing a street.

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- (3) The drive-thru restaurant shall have pedestrian-oriented landscape adjacent to the building equivalent in area to 50% of the gross floor area of the entire restaurant use (area under roof).
- (4) If the drive-thru restaurant is free-standing, an 8-foot wide planted landscape strip shall be adjacent to at least two other sides of the building, exclusive of the pedestrian area.
- (5) If the drive-thru restaurant is free-standing, it shall have no less than 3,000 square feet of gross floor area (area under roof).
- (6) If the drive-thru restaurant is free-standing, it shall have at least 18 square feet of transparent window and the entire perimeter wall surface shall be no less than 50% glazing, including all forms of window and doors, but not including the drive-thru service window.
- (7) Any service areas including, but not limited to, trash receptacles, compactors, transformers, outdoor cooking or refrigeration equipment and utility connections, must be fully enclosed. Such enclosures shall appear as a part of the restaurant building to the maximum extent as found to be practicable by the City.
- (8) The designated stacking lane shall be no less than 220 feet long (approximately 10 cars) cars, excluding the space being served by the window, which shall be no less than nine feet wide by twenty-two feet long. The lane shall have continuous access to a bypass lane which can be shared with the general parking lot circulation.
- (9) The entrance to the designated stacking lane shall be no less than 50 feet from the nearest point on the property line across the nearest vehicular entrance.
- (10) The designated stacking lane shall not cross between the building and principal street frontage.
- (11) A traffic study shall be submitted by the applicant that demonstrates, to the satisfaction of the City, that the required drive-thru facilities shall not interfere with site circulation or be hazardous to motorists or pedestrians entering, exiting or passing by the site.
- (12) An acoustical study shall be submitted demonstrating that the order facility and service windows will not increase ambient sound levels above the average Monday to Friday midday level.
- ~~(6)~~(13) "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.

CHARLOTTE D'ALFONSO
PRESIDENT OF CITY COUNCIL

Attachment: 14-008.Drive-Thru on 2+ ac.Draft Ordinance.8-18-2014 (1097 : Bill No. 5514 - Drive-Thru Text Amendment)

BILL NO. _____

ORDINANCE NO. _____

APPROVED THIS ____ DAY OF _____, 2014.

BARRY GLANTZ
MAYOR

ATTEST:

DEBORAH RYAN, MPCC
CITY CLERK

Attachment: 14-008.Drive-Thru on 2+ ac.Draft Ordinance.8-18-2014 (1097 : Bill No. 5514 - Drive-Thru Text Amendment)



Drive-through Study

Discussion Paper



FEBRUARY 2012

Drive-through Study

Discussion Paper



Executive Summary

This study has been prepared to address appropriate setbacks from sensitive land uses and design of drive through facilities as they relate to the comfort, convenience and safety of the residents of the Town of Ajax as well as address outstanding deferrals that relate to drive through facilities in the Town's current Zoning By-law. This discussion paper explores key issues associated with drive through facilities that will inform a policy and design framework for the Town of Ajax.

The discussion paper outlines the popularity of drive through facilities as a convenient alternative for customers and discusses the various types of drive through facilities that exist.

There is current policy direction from the province (PPS), the Region (ROP) and the Town itself in its Official Plan and Zoning By-law regarding drive through facilities. In addition, several studies have been conducted across Durham Region to inform the appropriate policy direction for these facilities. It is not the intent of this study to re-examine the policies or locations where drive through prohibitions currently exist. Rather it addresses the competing demands that drive through facilities place on land use and urban design and suggests solutions to reconcile these issues through official plan policies, zoning by-law regulations and urban design guidelines.

Town staff conducted an inventory of all 35 drive through facilities in Ajax (i.e. restaurants, financial institutions, car wash facilities and a pharmacy), documenting characteristics of each facility and recording observations of various sites. Some of the key findings of this analysis are:

- Most drive through facilities in Ajax have been located in Mixed use and Prestige Employment Areas as designated in the Ajax Official Plan;
- Few drive through facilities in Ajax are constructed with the main pedestrian door immediately facing the public sidewalk;
- Design conflicts ensue often when two drive through facilities are paired in the same building;
- Drive through Financial Institutions tend to create fewer design conflicts; and

- Drive through Car Wash and Pharmacy facilities tend to cause fewer internal design conflicts once sited properly.

This discussion paper reviews the approach of various municipalities regarding drive through policy and explores the local context in Ajax regarding: 1) Site Location and Separation Distances from sensitive land uses, 2) Design considerations and 3) Landscaping Treatments and Widths. The following conclusions are the outcome of this review:

- The performance criteria that was deferred in the Town's Zoning By-law were originally informed by the Joint Study conducted by SRM in 2000 and has become the common practice in Ajax during Site Plan Review and the development application process. These criteria have proven to be successful and should be instated.
- All complaints to the Town's By-law Department regarding Drive Through facilities have been in relation to the noise level of drive through restaurant facilities abutting residential uses. Taking into account best practices, the suburban context and based on past local consultation regarding appropriate separation distances, the order board associated with drive through facilities should be located at least 30 metres from residential lot lines.
- All of the complaints received by the Region regarding drive through facilities in Ajax are related to spill onto the main roadway from queue lanes on smaller sites and trucks illegally parking on the main road to use coffee shops.
- The 95% percentile for queue lane observations in Durham Region wide studies have been 18 cars. Zoning requirements within Ajax require that any drive through restaurant in Ajax should be able to account for at least 15 vehicles in the queue lane plus 4 additional spaces on-site. There have not been observed on-site or off-site impacts by providing for only 15 vehicles in a queue lane for drive through restaurants. Site design should be used to prevent traffic spilling onto the roadway.
- Previous studies have illustrated that a parking standard of 15 spaces per 100m² gross floor area is appropriate for drive through restaurants in Durham Region, which is consistent with the parking standards within the Town's Zoning By-law

- The Double drive through restaurant format results in design and accessibility conflicts particularly for pedestrians. Based on the Town's experience, this format should be avoided.
- Drive through facilities located in commercial plazas benefit from a shared parking arrangement, shared access to the adjacent road and appear to be less likely to cause traffic spill onto the main roadway. This is consistent with most of the drive through facilities in Ajax located in commercial areas and appears to be more suitable for these facilities.
- Policies regarding performance standards are suggested for inclusion in the Town's zoning by-law to ensure that distance separation, setbacks, landscaping and buffering of these uses are included. Design guidelines are also suggested.
- A Minimum separation distance of 30 metres from residential uses are suggested to be included in the Ajax Official Plan.

Draft official plan policies, zoning by-law provisions, and urban design guidelines are outlined in **Appendix A** through **C** respectively.

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Introduction

On February 11, 2008, Town Council authorized staff to initiate a planning study to establish land use and urban design provisions to regulate new drive through facilities.

This Study will identify the appropriate setbacks from sensitive land uses and design, for drive through facilities as they relate to the pedestrian comfort, convenience and safety of the residents of the Town of Ajax.



This study explores key issues associated with drive through facilities that will inform a policy and design framework for their future development. However, it is not the purpose of this study to re-open the issue of existing drive through prohibitions in the areas of Town where the absolute primacy of pedestrian convenience, movement and urban built form and prohibitions on auto oriented uses have already been firmly established by planning policies (i.e. Downtown Ajax/Pickering Village).

The Town's zoning by-law defines a "Drive Through Facility" as a *building* or *structure* or part thereof where goods or services are offered to the public within a parked or stationary vehicle by way of a service window, or offered in a similar fashion where goods, money or materials are exchanged.

The Town's Zoning By-law standards related to drive through facilities are currently deferred pending further study. This study is intended to serve as the basis to resolve these deferrals.

In addition, on September 16, 2011 five (5) appeals were received by the Region of Durham from the drive through restaurant industry (Wendy's, McDonalds, Tim Horton's, A&W and the Ontario Hotel Motel and Restaurant Association). Their appeal to OPA 41 is in opposition to "policies relating to drive through facilities to the extent that they purport to prohibit and to regulate this use".

Evolution and Popularity of Drive-Through Facilities

Evolution

An evolution from drive-in restaurants and gas bars, drive through facilities first emerged in the United States in 1927 as a convenience to busy customers.

In Canada, the drive through format materialized in the suburbs of Toronto in the mid 1980's and has grown immensely within the past few decades. In fact, drive-throughs have been the fastest growing component in fast food sales in the past several years. It is estimated that between 1994 and 2001, drive-through traffic has increased by 250% across the country.



McDonnell's drive-in, Los Angeles, California, 1930

Why Drive-Throughs are Popular:

The popularity of drive through facilities as viewed by patrons is based on a literature review of other municipalities such as the Cities of Toronto, Ottawa, Kitchener & the Town of Oakville. The popularity of the drive through format is based on the following:

- Perceived as saving time to customers
- Provides an alternative for people with disabilities
- More convenient for drivers – allowing them to stay in their vehicles
- Provides an alternative for people with small children without the need for caregivers with children to leave the vehicle
- Provides an alternative for pet owners not wishing to leave their pet unattended in the vehicle while visiting a restaurant
- Perceived as a safer option at night by women and senior costumers

Types of Drive through Facilities

Restaurants

The fast food restaurant style of drive-through facility is common in the GTA and in Ajax. The following is a summary of findings based on the “Joint Municipal Study of Fast Food Restaurant Drive-through and Parking (2000)”, which was prepared by SRM Associates Inc. for the Area Municipalities of Durham Region, as well as background research done in the cities of Toronto (2005), London (2008), Markham (2008) and Ottawa (2006) in preparing their own drive-through guidelines. The following are formats of drive through restaurants that are common in the industry:

- Take out restaurants: the food is carried and consumed outside the building;
- Combination eat-in and take-out restaurant: food is consumed within the building as well as outside the premises;
- Two restaurants combined: separate drive-through windows are allocated to each restaurant. The restaurants share access and parking; and
- Drive-through restaurants located on service station sites: the restaurant structure may be combined with the service station kiosk or may be free standing.

The following are some physical characteristics of drive through restaurants:

- Coffee shop drive-throughs are generally between 250m² and 300m² in size;
- Convenience restaurants with drive-throughs are between 300m² to 500m² in floor area;
- Restaurants which offer coffee/breakfast foods tend to be busiest between 7:45am – 8:30am, with a peak between 8:15am – 8:25am;
- Less parking may be required for drive-through restaurants compared to eat-in restaurants because many customers stay within their vehicles, choosing to stay in the vehicles to consume the food either in the parking lot, on the road or elsewhere;
- If the queue for drive-through restaurants reaches 8-10 vehicles, customers have a tendency to park and walk in; and
- Restaurants with both sit-in and drive-through components increase the chances of vehicle / pedestrian conflicts if not designed carefully.

- Within Ajax, drive through restaurants tend to cluster along arterial roads within commercial land use designations (Taunton Road, Kingston Road, Bayly Street). Drive through restaurants have also located along Harwood Avenue and Westney Road in the Prestige Employment designation.

Financial Institutions

Financial institutions have also adopted the drive-through model. Drive-through financial institutions have more flexibility over their restaurant counterparts when it comes to building design. The internal layout of buildings do not need to accommodate a service counter or staff to service the customers at the same time; therefore there seems to be less of a tenant desire to orient the building towards the drive-through lane.

In addition, due to the self service nature of the drive through financial institution there is no requirement for an order board/voice box. Drive through financial institutions tend to generate much less traffic than their restaurant counterparts, meaning that the vehicle queue lengths are shorter.



As a function of their use, drive-through financial institutions tend to have less impact on their surroundings than drive through restaurants. According to a study undertaken by the Town of Markham regarding drive through facilities, some other characteristics of drive-through financial institutions were observed to include the following:

- The addition of a drive-through results in a 17-27% reduction in traffic flows because patrons visit during non-open hours;
- Average service time is 105 seconds;
- 75% of the time there is no more than 3 vehicles in the queue;
- There is no order board or voice box, reducing noise impacts, stacking lengths and eliminates the processing time between order and pickup normally associated with restaurant format drive-throughs;
- Financial institutions are not conducive to community gathering as customers have a very specific purpose and do not linger after the fact; and
- In some instances, there may be a stand-alone bank machine without an associated building.

Car Washes

Drive through car washes became a budding concept in the late 1920's, when car wash engineers pioneered the idea of a car wash in which the car would be pulled by a mechanism that attached itself to the vehicle. The idea came to fruition in 1946, when the first semiautomatic car wash appeared in Detroit.



There are different types of drive-through car wash facilities i.e. conveyor or roll-over, however some common characteristics of drive-through car wash facilities include:

- Longer wait times for cars in the stacking lane due to wash times compared to restaurants;
- Shorter queue lengths due to long wait times compared to restaurants;
- Noise and exhaust impacts exist in the day but car wash facilities are typically not a 24 hour operation; and
- Typically located on major arterial roads.

Other Services

As drive throughs have become more prevalent for retailers, additional services have been emerging; including pharmacies, dry cleaners, convenience stores and other retail stores. In this regard, it is noted that Ajax currently includes one drive through pharmacy at 30 Kingston Rd West as part of Loblaws.



Existing Policy Context

Provincial Policy Statement

The Provincial Policy Statement provides high level policy direction that encourages efficient land use patterns which promote livability, healthy communities and the protection of public health and safety. Applicable policies for auto-oriented uses include the following:

1.1.1 Healthy, liveable and safe communities are sustained by:

- 1.1.1 b) accommodating an appropriate range and mix of residential, employment (including industrial, commercial and institutional uses), recreational and open space uses to meet long-term needs;
- 1.1.1 c) *avoiding development and land use patterns which may cause environmental or public health and safety concerns.*
- 1.1.1 e) promoting cost-effective development standards to minimize land consumption and servicing costs;
- 1.1.1 f) improving accessibility for persons with disabilities and the elderly by removing and/or preventing land use barriers which restrict their full participation in society;
- 1.5.1 a) *planning public streets, spaces and facilities to be safe, meet the needs of pedestrians, and facilitate pedestrian and non-motorized movement, including but not limited to, walking and cycling.*
- 1.1.3.4 Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while maintaining appropriate levels of public health and safety.

Durham Regional Official Plan

The Durham Regional Official Plan provides significant policy direction on creating a pedestrian friendly urban environment:

2.2.10 Urban Areas shall be developed to support a pedestrian-oriented urban environment which promotes social interaction and provides opportunities for free expression and the nourishment of culture and art.

8.1.9 To create people-oriented places that are accessible by public transit and an extensive pedestrian network, including civic squares, parks and walkways.

8A.1.2 c) [goal] urban design that favours pedestrian traffic and public transit with direct street pedestrian access to buildings, provision of potential transit, and parking areas sited at the rear or within buildings, wherever possible

8A.2.4 c) [Area municipal official plans shall include detailed policies, or a Secondary Plan, for the development of any new Regional Centre, addressing:] design standards to promote pedestrian-oriented development and transit friendly facilities

11.3.24 This Plan supports an urban environment and infrastructure that encourages and supports walking throughout the Region through policies and practices that ensure safe, direct, comfortable, attractive and convenient pedestrian conditions.

Ajax Official Plan

The current Official Plan prohibits land uses which by function, cater to automobiles rather than pedestrians in a few key locations including Downtown, Pickering Village and a portion of the Uptown along Harwood Avenue. These land uses include, but are not necessarily limited to drive through facilities.

1.2 ii) The Town recognizes the benefits and opportunities provided by growth and will ensure growth is well managed and sustainable. Ajax will promote:

- sustainable economic prosperity on the basis of a positive business environment and diversified economic base.

2.4.3 Downtown Central Area

2.4.3.1 General Policies/Definitions

b) Mixed Use Development/Areas – The Downtown Central Area permits a broad range of office, retail, commercial, industrial, cultural, entertainment, community facilities and medium and high density residential uses. However, land uses which, by function, cater to automobiles rather than pedestrians shall be prohibited. These uses include, but are not necessarily limited to, motor vehicle service centres, motor vehicle gas bars, motor vehicle washing establishments (manual and automatic), drive-through facilities including drive-through restaurants, motor vehicle rental establishments, and taxi depots. Parking lots as principal uses and new motor vehicle sales establishments, excluding accessory service/repair facilities and the outdoor storage or display of vehicles, shall be permitted in commercial and employment mixed use areas.

2.4.6 Uptown Central Area Land Use Designations

2.4.6.1 Commercial Mixed Use

c) Notwithstanding the provisions of Section 2.4.6.1 b), land uses which, by function, cater to automobiles rather than pedestrians shall be prohibited on lots within 125 metres of Harwood Avenue, south of Kingston Road, which do not abut the Kingston Road (Highway 2) right-of-way. This prohibition does not extend to parking lots as principal uses, existing automobile dealerships, or new motor vehicle sales establishments (excluding accessory service/repair facilities and the outdoor storage or display of vehicles).

2.4.7 Village Central Area Designation c)

New auto-oriented land uses, including (but not necessarily limited to) motor vehicle service centres, gas bars, motor vehicle washing establishments (manual and automatic), motor vehicle sales establishments, and drive-through facilities including drive-through restaurants, shall not be permitted.

2.4.8 Local Central Area Designation

e) Notwithstanding the types of uses permitted under Section 2.4.8 b), the following uses shall not be permitted at this location: a drive-through facility, a banquet facility, a place of entertainment, and a dry cleaning establishment.

2.7.9 Service Stations

a) Service Stations are establishments that primarily sell motor fuel products as well as associated automotive products for automobiles. Ancillary uses may include convenience retail, automobile washing and/or mechanical repair. The full range of permitted uses may not be permitted at every location, depending upon their compatibility with surrounding land uses.

OPA 15

In 2004, Council adopted Official Plan Amendment 15 to the Town of Ajax Official Plan. The purpose of this amendment was threefold:

- Firstly, to amend the Downtown Central Area policies under Sections 2.4.2 and 2.4.3 of the Official Plan, to indicate that land uses which by function cater to automobiles rather than pedestrians shall be prohibited. These uses include, but are not necessarily limited to, motor vehicle service centres, motor vehicle gas bars, motor vehicle washing establishments (manual and automatic), drive-through facilities including drive-thru restaurants, motor vehicle rental establishments, and taxi depots. However, parking lots as principal uses and new motor vehicle sales establishments (excluding accessory service/repair facilities and the outdoor storage or display of vehicles) shall be permitted.

- Secondly, to amend the Uptown Central Area policies under Section 2.4.4 of the Official Plan, to indicate that land uses which by function cater to automobiles rather than pedestrians, excluding existing motor vehicle sales establishments, shall be prohibited on lots adjacent to Harwood Avenue, south of Kingston Road, which do not abut the Kingston Road (Highway 2) right-of-way. These uses include, but are not necessarily limited to, motor vehicle service centres, motor vehicle gas bars, motor vehicle washing establishments, drive-through facilities including drive-thru restaurants, motor vehicle rental establishments, and taxi depots. However, new motor vehicle sales establishments (excluding accessory service/repair facilities and the outdoor storage or display of vehicles) shall be permitted.
- Thirdly, to amend the Service Station policies under Section 2.7.9(b) to state that service stations, unless otherwise prohibited by specific Central Area policies, are permitted within Central Area designations on Arterial or Collector Roads.

OPA 20

In 2005, Council adopted Official Plan Amendment 20 to the Town of Ajax Official Plan. The purpose of this amendment was to augment the Downtown Central Area policies under Sections 2.4.2 and 2.4.3 of the Official Plan by implementing a more prescriptive planning policy regime. This included clearly identifying the Official Plan vision for the entire Downtown Central Area as a compact, urban intensive, mixed-use, pedestrian-oriented, transit-supportive environment; providing definitive policies that will achieve the Downtown vision, establishing a comprehensive set of urban design criteria and policies from the onset and setting the stage for the Town to implement incentive programs to reduce the costs of (re)development in the Downtown.

Zoning By-law 95-2003

Within the Town of Ajax Zoning By-law, separate definitions are already in place for various drive-through establishments, including the following:

"DRIVE-THRU FACILITY"

Shall mean a building or structure or part thereof where goods or services are offered to the public within a parked or stationary vehicle by way of a service window, or offered in a similar fashion where goods, money or material are exchanged".

"MOTOR VEHICLE WASHING ESTABLISHMENT, AUTOMATIC"

Shall mean a *building* or part thereof with a capacity to wash more than ten (10) cars per hour in a mechanically driven or automated fashion.

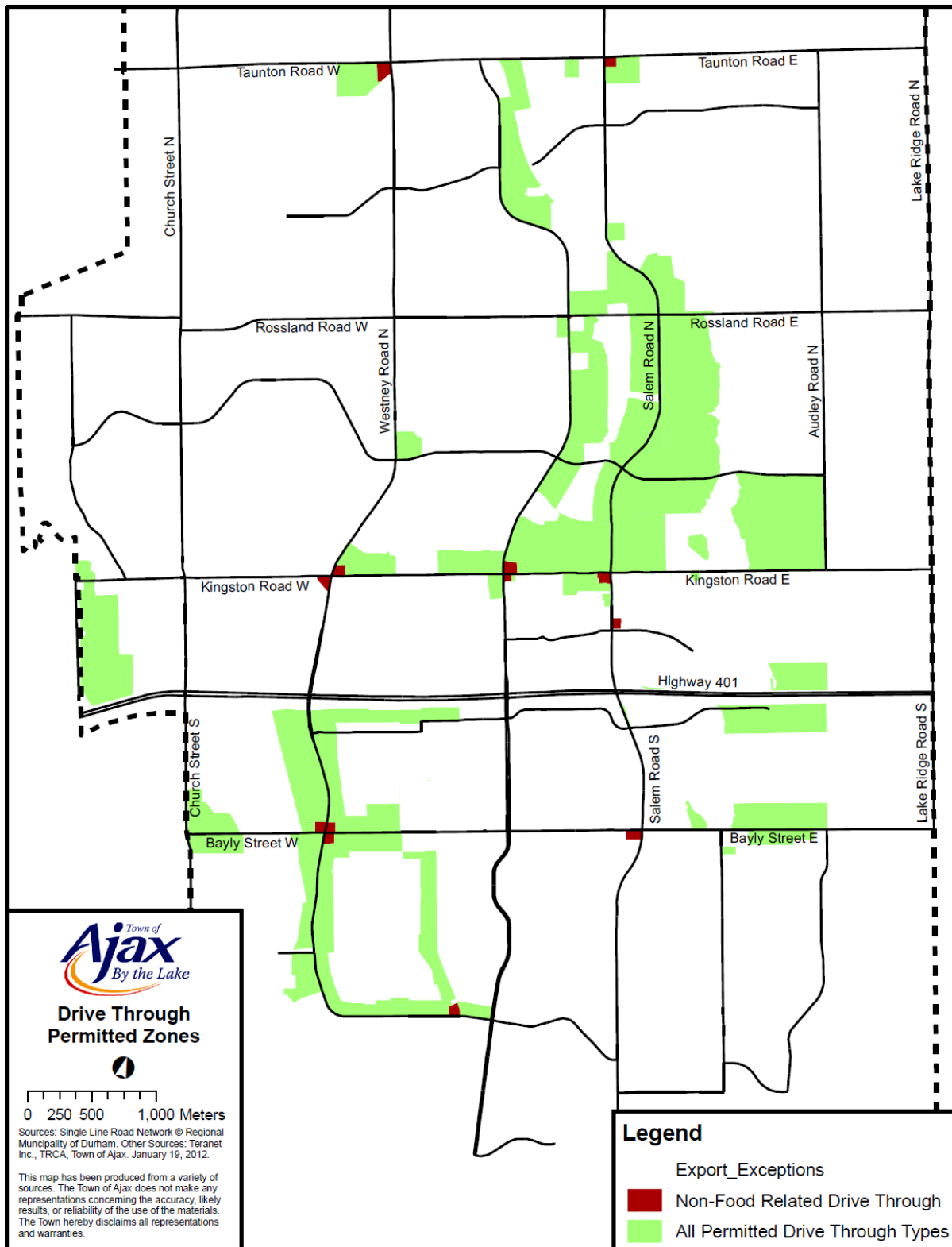
"RESTAURANT, DRIVE THRU"

Shall mean a commercial establishment in which the principal business is the preparation and serving of food and refreshments to the public for immediate consumption within the establishment, on an abutting terrace or patio, or by means of an order or window service which *motor vehicles* access from the parking area by using designated *lanes*, and which may include home delivery, catering or food pick-up/take-out services.

Drive through facilities and Drive Through Restaurants are permitted uses within the Local Commercial Zone, the General Commercial Zone, the Prestige Employment (PE) Zone and the Uptown Mixed Use (UC) Zone. Non-food related drive through facilities are also permitted with the Automobile Commercial (AC) zone. Automatic Motor Vehicle Car Wash is a permitted use within the Automobile Commercial (AC) zone, but only as an accessory use to a gasoline establishment and only provided that the gasoline establishment is not located on a lot abutting a zone where residential uses are permitted. They are similarly not permitted on any lot abutting a residential zone or Downtown Central Area zone where residential uses are permitted.

Landscaped buffers are required for any use within a commercial zone or employment zone where it abuts a residential or open space zone of 3.0 metres.

Locations Where Drive Through Facilities are Permitted



Zone Standards for each Zone where a Drive Through Facility is a Permitted Use

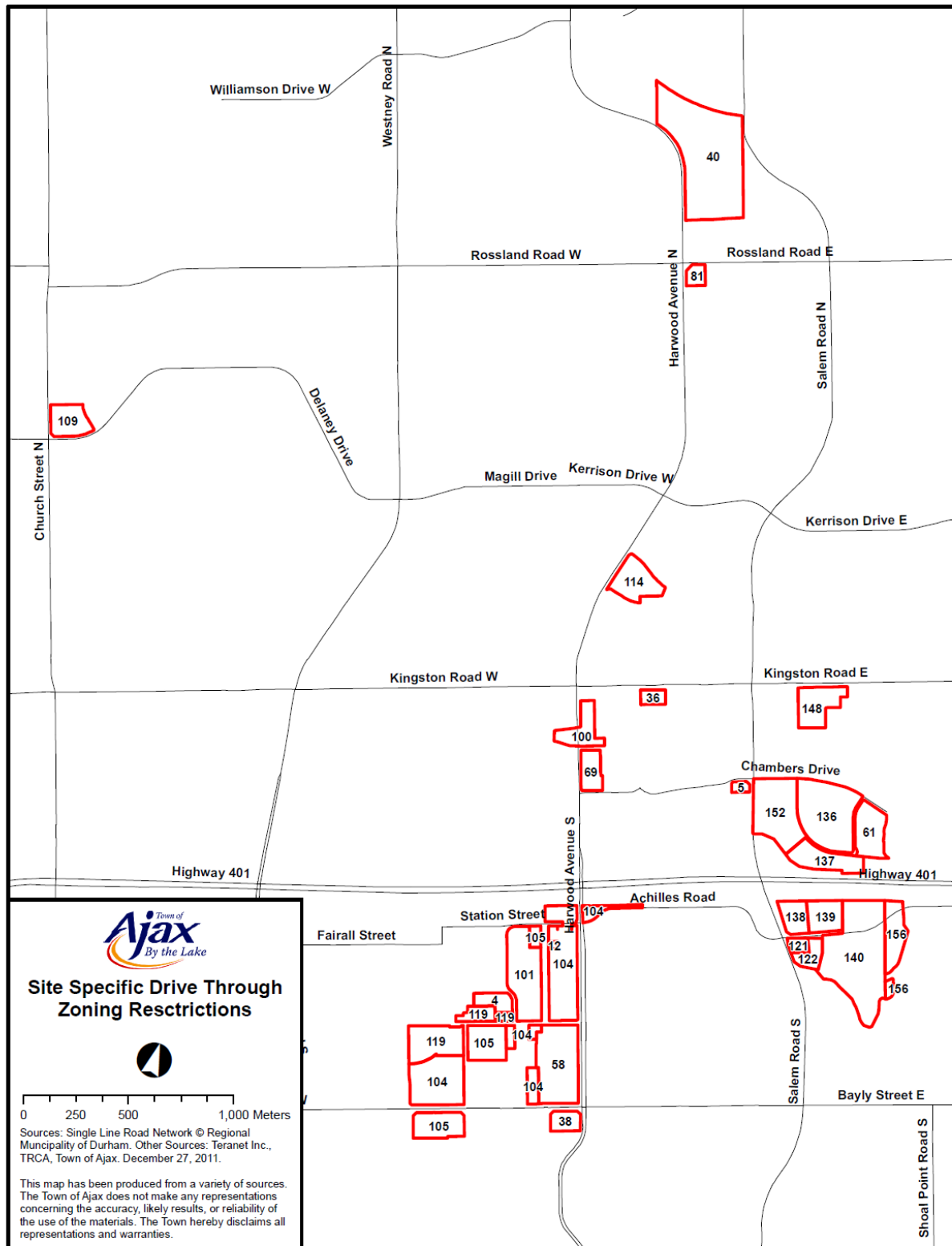
	Local Commercial	General Commercial	Uptown Mixed Use	Automobile Commercial	Prestige Employment
Minimum Lot Area					4200 m ²
Minimum Lot Frontage	90 m	90 m	45 m	45 m	
Minimum Lot Depth	60 m	60 m		45 m	
Minimum Setback From Front Lot Line	3 m	3 m	3 m	9 m	9 m
Minimum Setback From Exterior Side Lot Line	3 m	3 m	3 m		3 m
Minimum Setback From Interior Side Lot Line	7.5 m	7.5 m	7.5 m	7.5 m	4.5 m
Minimum Setback From Rear Lot Line	9 m	9 m	9 m	9 m	3 m
Minimum Ground Floor Area			600 m ²		
Maximum Gross Floor Area	10,000 m ²			500 m ²	
Maximum Height	12.5 m		68 m	4.3 m (*1)	

(1) Notwithstanding the maximum height requirement in the AC Zone, canopies over gas pumps may be permitted to a maximum height of 6.3 metres.

Drive through facilities and drive through restaurants are not permitted in Residential Zones, Village Core mixed use zones, Neighbourhood Commercial zones, Downtown Mixed Use zones, General Employment zones, Heavy Employment zones, Institutional zones, Rural zones, Open Space and Environmental Protection zones.

Site specific restrictions are also in place within the zoning by-law where drive-through facilities and drive through restaurants are not permitted. These locations are included in **Appendix E** and the map below.

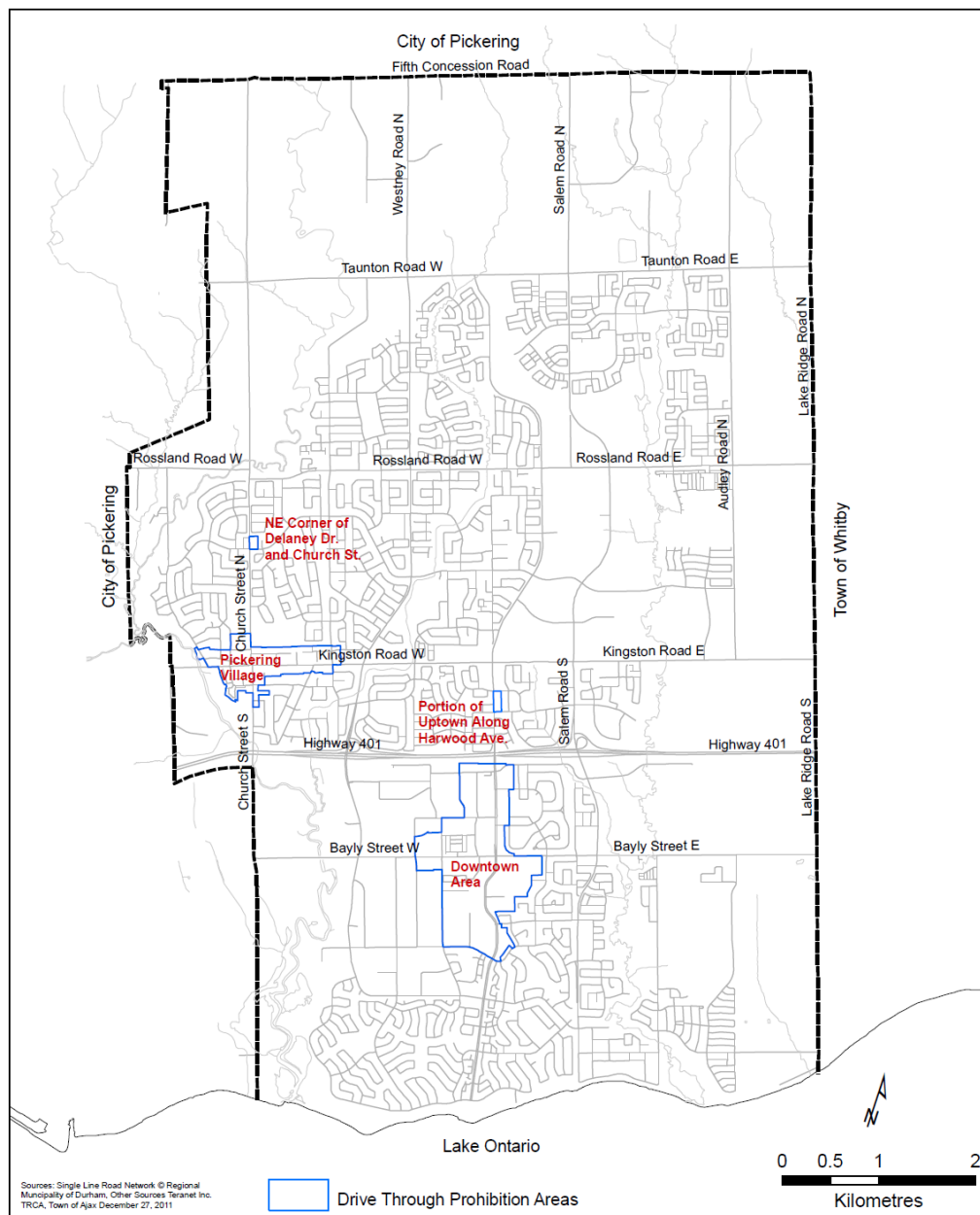
Existing Site Specific Restrictions



There are a number of sections deferred in the Zoning By-law pending the submission of a study from the Industry that has not been submitted to date. This study is intended, among other matters, to resolve the deferred sections in the Zoning By-law. These sections include:

- *Section 5.11* – This section addresses queue lane requirements.
- *Footnote (5) of Section 6.3.1* – This footnote speaks to permitting non-food drive through facilities in certain areas

Town of Ajax Official Plan Policy Areas Where Drive Through Facilities Are Prohibited



Proposed Policy Context & Studies

Official Plan Review (“Ajax FORWARD”)

A phased review of the Town's Official Plan, known as "Ajax FORWARD", was adopted by Council in 2010 to update the planning principles and policies that will determine how physical development occurs in Ajax to the year 2031.



OPA 38

OPA 38 reviewed Official Plan's environment-related policies, with the aim of enhancing environmental protection. It contains several policies that are applicable to drive through facilities by providing direction on: 1) Improving air quality, 2) creating a comfortable pedestrian environment, 3) providing sufficient landscaping around parking lots, 4) street-oriented development, 5) compatibility of new development with the surrounding built and natural environment (public safety, privacy, noise, shadow, light, traffic, access and parking) and 6) Improvement of facilities to support accessibility.

OPA 40

OPA 40 was a review of the Town's transportation policies; it contains policies which promote increased active transportation and street-oriented development.

OPA 41

The objective of OPA 41 was to determine the appropriate locations for intensified development and provide recommendations that would support quality places that offer residents a wide ranging mix of activities accessible by walking, bicycle and public transportation. It contains a number of development review and urban design policies that are applicable to drive through facilities by providing direction on: 1) compatibility of land uses which discourage pedestrian travel along public streets and residential areas, 2) street-oriented development, 3) pedestrian comfort, 4) promoting barrier-free movement and 5) appropriate screening of service areas.

OPA 42

OPA 42 was a review of the Town's employment policies; it states among other matters that service uses must be part of a larger building and shall not be permitted as freestanding forms of development. Therefore drive through facilities in the employment area could not be developed as a standalone pod.

Joint Municipal Study of Fast Food Restaurant Drive-Thru and Parking (2000)

In 1999, the municipalities of Durham Region commissioned a study of fast food drive-thru restaurants with the goal of providing a basis to establish minimum by-law standards and guidelines for performance standards. Where appropriate, the study was to determine where, and if it is appropriate, that certain types of drive-thru restaurants should provide greater requirements.

A survey of drive through queuing spaces at 26 fast food restaurants was conducted. Based on the information collected and analyzed, the study concluded a drive through queuing area comprising 12 spaces would adequately provide for 95% of the demand among all drive through restaurants. This area must be provided without impact to parking accessibility. Therefore, a combination queue area of 4 spaces between the order board and the pick-up window along with 8 spaces behind the order board will provide adequate storage of drive through traffic for all but the busiest periods and locations.

The study also determined that where restaurant sites are small, a drive through queue longer than 12 vehicles may impede roadway traffic. In the study, the maximum observed queue was 16 vehicles. Donut shops surveyed generated queue shortages averaging 2 vehicles during brief maximum demand periods. Based on these results the study concluded donut restaurants require slightly higher queue space to serve maximum demands.

The results of the survey parking utilization suggested that a reduced parking ratio for fast food drive through restaurants maybe justified in comparison to standards for convenience restaurants without drive through lanes. However, in the absence of numerous comparable municipal standards for drive through restaurants, it was cautioned careful consideration should be given to specifying drive through restaurant parking requirements.

The study concluded that an appropriate all-encompassing parking supply ratio of 15 spaces per 100m² of GFA provides for 95%, or higher peak parking demand in the majority of sites observed. Through a comparison of parking demand of donut shops to other drive through restaurants, a 20% increase in parking demand at donut shops was evident. In addition, it was evident from field observations the donut kiosks require parking supply, although this drive-through type has no seating capacity because patrons by-passing the drive through line will park for walk-in service.

It should be noted that the conclusions of this study formed the basis for the queue lane requirements in the Town's deferred Zoning Bylaw policies as well as formed the basis for requirements requested by the Town for drive through facilities during site plan review. At the time of site plan approval, these requirements have consistently been agreed to by the drive through industry.

A Study of Trip Generation, Queuing & Parking at Tim Hortons Restaurants – Focus on Durham Region (2005)

In 2005, the Town of Clarington prepared a study in response to issues faced by Durham Region and local municipal government agencies in assessing traffic impact and site plans for fast food drive-through restaurants. To obtain trip generation, queuing, and parking information, a data collection program was undertaken that involved field studies of a sample (approximately 80 per cent) of Tim Horton's restaurants throughout Durham Region, including sites in each of the area municipalities.

The key findings of the Study include:

- Drive-through fast food restaurants that generate high traffic volumes, such as Tim Horton's restaurants, and that are located on sites shared with other uses such as shopping centres or complementary restaurant uses, benefit from shared parking arrangements and more queuing space for the drive-through lane. This arrangement is also beneficial to the operation of the public road system as it is less likely that on-site congestion or site traffic circulation will adversely affect the adjacent streets.
- For the weekday a.m. peak hour, approximately 86 per cent of the subject Tim Horton's restaurants with drive-through service generated 300 or more total trips (in+ out), and 55

to 60 per cent of the sites generated between 350 and 450 total trips. The 85th percentile trip generation for all sites is approximately 450 total trips. The highest generator was a full service restaurant (with drive-through) at 575 trips.

- Tim Horton's restaurant brand was found to be a high trip generator, and as such, was categorized with the highest trip generators for full service drive-through restaurants.
- Using independent variables such as floor area or traffic volume passing a site would be unreliable in estimating trip generation for a Tim Horton's restaurant. It is clear that other factors such as market area, latent demand within a particular market area, current brand popularity, and competition from other Tim Horton's restaurants and competing brands within each market area are significant in affecting trip generation. It is also concluded that while daily or annual sales volume will be different on a site-by-site basis, this difference may not necessarily correlate directly with the site trip generation during the time period that represents the design condition (i.e., the weekday and/or Saturday peak hour).
- At the Tim Horton's restaurants studied in Durham Region, the 95th percentile drive-through queue lengths ranged from nine to 16 vehicles, and the 100th percentile drive-through queue ranged from 12 to 18 vehicles. The majority of these Durham-wide locations do not have sufficient queue space to satisfy the maximum queue during the weekday peak period. As a result, the drive-through queue would interfere with either parking spaces, the site access driveway, the adjacent public street, or all of the above (depending on site layout) at some point during the peak period. From the assembled data, and observation, it was also concluded that these impacts occur on a regular and recurring basis.
- Service times in the drive-through lane averaged approximately 30 seconds, but individual service times could range from a few seconds to as high as three and a half minutes.
- Vehicle arrival rates at the back of the queue also averaged approximately 30 seconds, but also showed a wide range with vehicles arriving a few seconds apart to longer gaps in flow with up to five minutes between arrivals

- The time spent in the drive-through queue by individuals was typically less than seven minutes, but maximum wait times of up to 15 to 16 minutes were observed
- It is understood that Tim Horton's has pre-paid payment cards as an alternative to cash payment for both in-store and drive-through purchases. It was concluded that this payment alternative increases service rates and reduces drive-through queuing. Due to the relatively recent and limited use of this payment option, it was not known whether there will be any significant changes in site-drive-through traffic and queuing characteristics as a result of this initiative.
- The report concludes that the parking standard of 15 spaces per 100m² gross floor area as recommended in the Joint Municipal Study of Fast Food Restaurant Drive-Thru and Parking (SRM Associates, February 2000) is reasonable as a minimum standard. Reductions in parking could be considered on a site specific basis with the appropriate supporting studies as justification. This standard has been applied in Ajax with few if any known off-site impacts.

RWDI Study & Peer Review Response

RWDI AIR Inc. (RWDI) was retained by the TDL Group Corp. to conduct an air quality study of vehicles using their facilities (April, 2008). The purpose of the study was to obtain sound technical information on vehicle emissions at its facilities that have a drive-through component. The TDL Group also requested comparing these vehicles emissions to other common sources of air pollution to provide the public with an easily understood comparison when discussing vehicle emissions at drive-throughs.

In addition, the TDL Group wanted to know how the drive-through emissions will change in the future as aging models of automobiles are gradually phased out and replaced by newer models with lower emissions. Finally, the TDL Group wanted information on how the emissions at drive-through facilities affect the local air quality around those facilities.

Findings

The total number of vehicles that use a conventional Tim Hortons facility during the morning peak hour was averaged to be 224; for vehicles using the drive-through, the average time on site ranged from 3 to about 4.5 minutes and for vehicles using the parking lot, the average time on site is about double, ranging from 7 to 8 minutes.

Modes of operation that produce emissions were determined to be:

- Moving into position in the queue lane or moving into a parking space (this mode of operation is referred to as “crawling”);
- Idling while waiting for a parking space or warming up a vehicle in a parking space or waiting in the queue lane of the drive-through
- Pulling into and out-of a parking space;
- Starting up the engine in a parking space before exiting (referred to as a “start-up”);
- Moving from the service window or from a parking space to the curb while exiting the site (“additional crawling”); and,
- Idling at the curb while waiting to get on the street.

Conclusions

- Overall, the findings for the Tim Hortons stores examined in the study indicated no air quality benefit to the public from eliminating drive-throughs.
- For a Tim Hortons store with no drive-through, the congestion that occurs in the parking lot, together with the start-up emissions and emissions from the extra travel distance to get to and from a space, all contribute to produce somewhat higher emissions per vehicle compared to a store that has a drive-through, this is particularly true in the case of smog pollutants and carbon monoxide (about 40 to 70% higher for those pollutants) but is also true for greenhouse gases (about 10 to 30% higher). These results are considered to be representative for Tim Hortons stores but cannot be generalized to other types of drive-through facilities.

- To put drive-throughs into perspective, combined emissions generated from all vehicles using a drive-through facility during a peak-hour of operation are relatively small in relation to other common emission sources: smog pollutant emissions from all vehicles are comparable to a single chain saw operating for one hour; CO₂ emissions are comparable to a single bus operating for one hour; emissions from all vehicles using a store with a drive-through during the peak hour are less than one fifth of the emissions at an urban intersection; and emissions of smog pollutants and greenhouse gases from a single vehicle using a drive-through are less than 10% and 5% respectively of a typical 30-minute morning commute.

Peer Review

The TDL Group also retained Dr. Deniz Karman, P.Eng PhD to peer review the study. Dr. Karman received a Ph.D. in Chemical Engineering from the University of New Brunswick and now works as a professor of environmental engineering at Carleton University in Ottawa. After reviewing the RWDI study Dr. Karman concluded:

The RWDI study is a detailed quantitative attempt to estimate emissions from different vehicle patterns around Tim Horton's facilities with and without drive-through service. It has applied appropriate methodologies for quantifying these emissions in typical cases, has put the results obtained in the context of other emission sources, and estimated ambient concentrations around a typical facility. It provides a sound basis for estimating the effect of the two types of Tim Horton's facilities.

Criticisms

This study has yet to be peer reviewed by a qualified expert that is independent of the TDL Group. However, some of the criticisms by other municipalities such as the Cities of London & Kitchener about the study are:

- only five locations out of 3,000 were studied
- At the very least, the conclusions seem to be counter intuitive. Skeptics may feel the report's conclusions sound like the reports issued by the tobacco industry a few decades ago that denied a link between tobacco and cancer.

- The focus of the RWDI report seems to be on the morning peak rush hour, using a Tim Horton's restaurant on Bank Street in Ottawa as the "control" example of emissions from a non drive-through facility. The RWDI report concludes that drive-through emissions are lower relative to the non drive-through restaurant. Yes this is true, but only for the one hour that the study focuses upon.
- The RWDI report states quite clearly that in a restaurant where there is ample parking the GHG emissions are less than 1/3 for someone parking their vehicle compared to using the drive-through. The control restaurant is a busy facility with limited parking, given ample parking non-drive-through facilities are better for our environment. If this specific location was to be excluded; the obvious result would be that walk-ins win on every single measure.

Labreche Submission

On March, 31st 2010 Labreche Patterson & Associates Inc. made a formal submission on behalf of the Ontario Restaurant Hotel and Motel Association to the Town of Ajax regarding objections to proposed amendments to the Town's Official Plan (OPA 41). Their objections specifically were in relation to prohibition of drive-through facilities within Ajax.

Labreche suggested that the Town must first complete the review and study of drive-through facilities before considering proposed official plan amendments to specifically prohibit drive-through facilities.

In a second letter to the Town dated June 28th, 2010, Labreche stated:

"The points raised regarding noise, odour or emissions amongst others do not apply to drive-throughs to the extent that the Planning department may think, are not properly studied to date by the Town or justified and at the very least apply equally or to a greater extent to parking lots based on the relevant studies our clients have completed. Drive-through facilities can also be designed so as to have no great impact pedestrian travel along the public street then would an access to an otherwise permitted parking lot area without the need for policies that prohibit drive-through facilities in the Official Plan".

Other Factors

Other documentation reveals that drive-through customers are motivated by factors that include speed and convenience, order quality and accuracy and good customer service. Some of the factors patrons chose to visit a drive through can include being in a hurry, having a small order, being alone in a vehicle, bad weather or having young passengers or pets in the car.

Other Municipal Jurisdictions

City of Toronto

The City of Toronto's Official Plan contains policies which speak to reducing auto-dependency and creating comfortable pedestrian environments. The City has also prepared a set of drive-through design guidelines and an implementing zoning by-law amendment to help achieve this objective.

The Zoning By-law amendment was appealed to the Ontario Municipal Board by TDL, but was upheld in the City's favour in 2006. The zoning changes defined drive-through facilities as a separate and distinct land use, and established provisions to regulate the locations where such uses are permitted. Toronto prohibits drive-through facilities in residential or mixed use zones containing residential permissions. Additionally, drive-through facilities are not to be permitted in the designated Centres of North York, Scarborough, Etobicoke, Yonge/Eglinton and the Downtown of the former City of Toronto. These prohibitions apply regardless of whether a development application has the ability to meet the proposed urban design guidelines.

The City of Toronto Zoning By-law permits the development of drive-through facilities in industrial and commercial zones provided that a 30 metre separation distance is provided from all parts of the drive-through facility, including stacking lanes, to the edge of the lot line of any residential use or zone where residential uses are permitted.

Town of Oakville

The Town of Oakville adopted a set of drive-through urban design guidelines in June 2003. There are no plans to review the Official Plan policy as it pertains to drive-through facilities. The Town of Oakville Drive-through Guidelines contain a total of 39 guidelines covering: stacking lanes; building and site organization; streetscapes and signage; and landscaping.

In terms of contributing to a pedestrian supportive and high quality urban environment, the guidelines include the following:

- locating access points away from the intersection;
- minimize access points into site;
- well articulated pedestrian routes;
- provide a minimum 7.5m landscaped buffer zone along each yard abutting residential;
- provide a 1.8m high screen fence along the property line of adjacent properties;
- place the building at or near the street edge frontage;
- provide direct pedestrian access from the public realm;
- well articulated facades adjacent to public streets and spaces;
- outdoor seating spaces and patios next to the building and close to the street;
- corner building that address both streets; and
- signage that is incorporated into the building facades.

On May 12th, 2010 Oakville Council passed a Zoning By-law Amendment to define drive-throughs, restrict them from the central business district and growth area locations as provided for in Livable Oakville, require location criteria and setbacks in the C1, C2 and C6 zones, and incorporate additional regulations for buffers and stacking spaces.

The by-law amendment includes the following key regulations:

- New drive-throughs are restricted from locating within Downtown Oakville, Bronte and Kerr Villages, the Midtown Core, Palermo Village and the Uptown Core.
- New drive-throughs will continue to be permitted in certain commercial zones only if they are located on a road classified as a major arterial within the Town's Official Plan.
- New drive-throughs are not permitted within other commercial zones and will continue to be prohibited within employment areas that abut residential areas.
- That a minimum 15m setback is required for all yards of a drive-thru facility, including the intercom ordering station which abuts a residential zone.
- That a 7.62m wide landscaped buffer and 1.8m high board or masonry wall be provided along all property boundaries abutting a residential zone.
- That a minimum of 10 vehicle stacking spaces for a restaurant and a minimum of 4 vehicle stacking spaces for all other drive-throughs be required.

The Town's Official Plan and Zoning By-law policies regarding drive-through facilities have been appealed by the drive through industry to the Ontario Municipal Board (OMB). The industry has argued that drive through permissions should be addressed through zoning and not the Official

Plan. The pre-hearing process is currently on-going with a series of telephone conferences to finalize the issues list. A formal hearing date has not been set at this time.

Town of Markham

The Town of Markham Official Plan promotes transit and pedestrian supportive commercial development wherever possible.

In June 2010, Council approved Design Guidelines for Drive Through Facilities. The intent of the guidelines is to promote:

- Compatible development that fits in well with the surrounding area and minimizes impacts on adjacent uses
- Functional and safe traffic movement
- Safe stacking lane and site access placement
- Safe and accessible pedestrian connections to the building from both the public and private realms
- A high quality and pedestrian supportive urban streetscape

The Town of Markham Zoning By-law 177-96 applies to New Urban Areas and permits drive-through facilities as-of-right within the Major Commercial (MJC) Zone and as accessory uses in other zones.

The Town of Markham Zoning By-law 2004-196 promotes the Smart Growth goals of maintaining strong communities, a strong economy and a clean and healthy environment, including reduced automobile dependency. This By-law applies to Markham Centre and prohibits drive-through facilities on any lot as this land use conflicts with the planned function, tight parcel fabric and walkability of this planning district.

The majority of other parent by-laws, which regulate development in the more established existing areas permit drive-through facilities as an accessory use. As no specific zoning provisions or standards exist for drive-through facilities, current applications are subject to applicable zoning and Site Plan Control.

The Town of Markham will be preparing an amendment to the Official Plan and Zoning By-law to introduce updated provisions to further regulate drive-through facilities.

City of Ottawa

In May 2006, the City of Ottawa adopted a set of Urban Design Guidelines for Drive-through Facilities. This document followed the policy framework created by the City of Ottawa Official Plan. The Ottawa Official Plan provides the following:

“New gas bars, service stations, automobile sales and drive-through facilities will not be permitted on Traditional Mainstreets in order to protect and enhance the pedestrian environment. However, there may be exceptional circumstances where a drive-through facility may be located on a Traditional Mainstreet where the intent of this Official Plan regarding Traditional Mainstreets can otherwise be preserved.”

To date, no new drive through application has met the criteria to be located on a Traditional Mainstreet in Ottawa.

However, based on OMB Decision #2649 – September 21, 2006, the Official Plan language was revised to include drive through facilities as a permitted use on Arterial Mainstreets pending compliance with the design objectives in Section 2.5.1, any applicable council-approved design guidelines, and compatibility policies set out in Section 4.11.

The City of Ottawa Zoning By-law defines a drive-through facility as a separate land use. Locations where the use can be allowed are regulated as well in keeping with their Official Plan Policy. Drive-through facilities are not permitted in the (MD) Mixed Downtown Zone, (LC) Local Commercial and (TM) Traditional Mainstreet Zones. Additionally, stacking lanes are not permitted within 3 metres of a lot line abutting a residential zone. Furthermore, where a stacking lane, drive-through window or order board is located 3 metres or more from a residential zone, but is still within a yard abutting a residential zone, it must be screened from view from that residential zone by an opaque screen with a minimum height of 1.5m.

Town of Whitby

The Town of Whitby Official Plan permits Automobile Service Stations and Gas Bars with associated car wash facilities in Commercial Areas. The Town's zoning by-law definition of "Drive-Through Service" only applies to buildings or structures used for serving food or beverages. The main purpose of the definition is to differentiate "Eat Establishments" which do not contain drive throughs.

The Town of Whitby currently requires all proposed drive thru restaurants to meet the minimum stacking requirements concluded through the "Joint Municipal Study of Fast Food Restaurant Drive-Thru and Parking" study prepared by SRM Associates Inc. in 2000.

The Cities of Pickering and Oshawa also use the provisions outlined in the "Joint Municipal Study of Fast Food Restaurant Drive-Thru and Parking" study to guide their decisions regarding drive through facilities.

Town of Caledon

The Town of Caledon is proposing an approach to the development of drive-through service facilities that is intended to minimize the potential impacts on adjacent land uses.

Following an Ontario Municipal Board decision in 2002, it was determined that Caledon's policies pertinent to drive-through service facilities were inadequate to address concerns related to pedestrian safety and comfort, land use conflict, urban design and environmental quality. As a result, Council initiated a study of drive through service facilities directing staff to propose more specific policy directions.

The draft Official Plan Amendment (OPA 204) proposes to introduce policies in the Town of Caledon Official Plan related to Drive-through facilities. The associated amendment to the Comprehensive Zoning By-law, 2006-50 as amended, proposes to implement the proposed policy provisions of the Official Plan including the establishment of a 90 metre setback requirement for new Drive-through facilities from a residential zone or a lot containing a residential use. The 90 metre setback was based on Council direction and was then studied further to determine the impact of this setback.

Preliminary Analysis

Air Photo Analysis

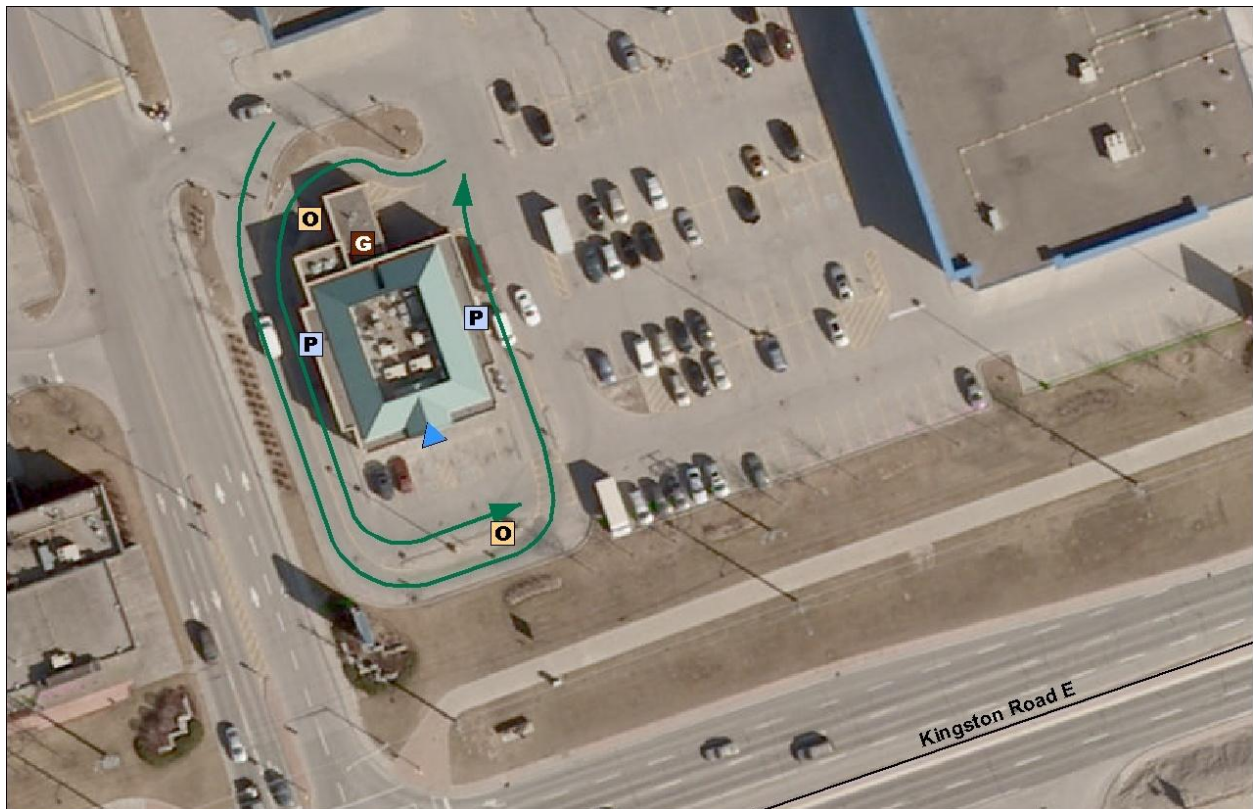
The following air photos illustrate the characteristics of the configuration for different types of drive through facilities in Ajax. These examples were randomly chosen and were not necessarily intended to represent good or bad examples of design.



A. Example Double Drive Through Restaurant

Wendy's/Tim Horton's - 274 Kingston Road East

This drive through format includes two separate functioning restaurants with a common internal eating area with separate service counters. Two drive throughs are provided on opposite sides of the building with independent queue lanes, separate pick up windows and independent order boards.



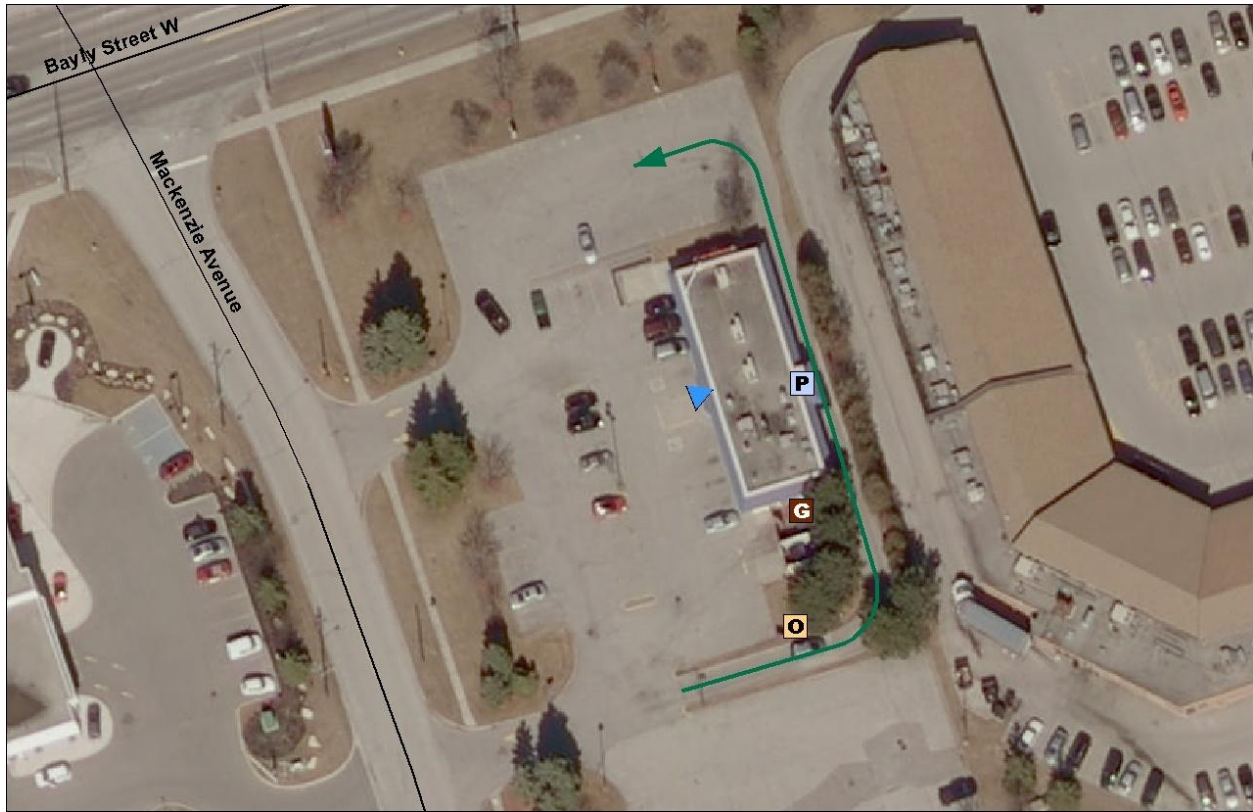
OBSERVATIONS

- One of the two order boards is visible from the street, which is undesirable
- Queue lanes use parking drive aisles to exit, causing conflicts with parked vehicles
- Pedestrians are forced to cross one or two drive through aisles, causing movement conflicts
- Pedestrians are forced to cross drive through lanes and parking aisles if accessing the building by the sidewalk (no separate walkway provided)
- Queue lanes can be confusing for both the user and the pedestrian, but dominate the character of the site
- Primary entrance faces the street and parking lot but building setback from the street
- Nearest sensitive use is a Daycare located on the south side of Kingston Road (48m away)

B.1 Example Restaurant Layout 1

Burger King - 345 Mackenzie Ave

This drive through format includes one restaurant with an internal eating area and one drive through including one queue lane, order box and service window.



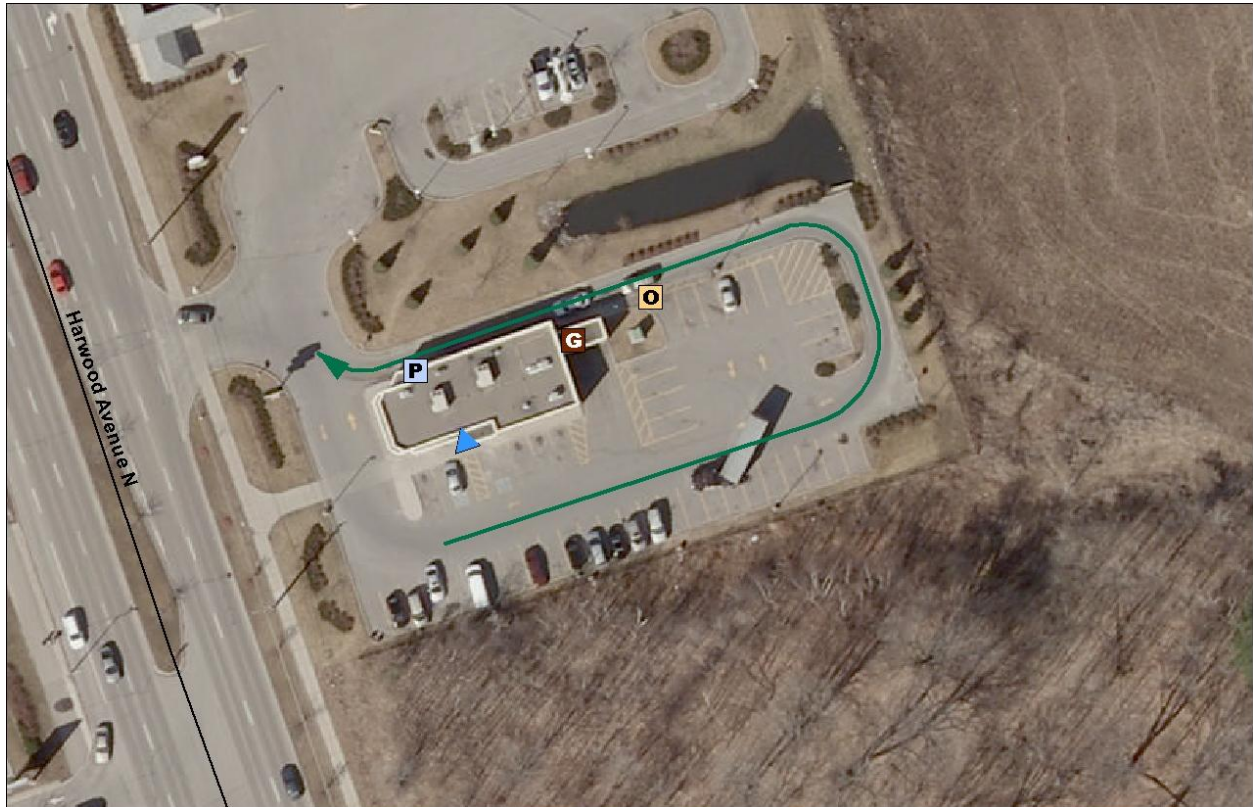
OBSERVATIONS

- Order board and queue lane are screened from the road by the building and on-site landscaping
- Queue lane is along the edge of the site, away from primary pedestrian routes
- Queue lane adjacent to the loading area of the neighbouring commercial property
- Garbage enclosure screened from main roadway by building and is screened from the order board
- About 200m away from nearest sensitive use, Townhouses located on the north side of Bayly St., east of Monarch Ave.
- Main entrance faces the street and parking lot, but the main entrance is very far (38m) from the street which detracts from on street pedestrian accessibility
- Separate vehicle entrance to the drive through from the street causes potential for overflow traffic to spill onto the roadway.

B.2 Example Restaurant Layout 2

Tim Horton's - 989-999 Harwood Avenue North

This drive through format includes one restaurant with an internal eating area and one drive through including one queue lane, order box and service window. In this example the queue lane completely surrounds the building.



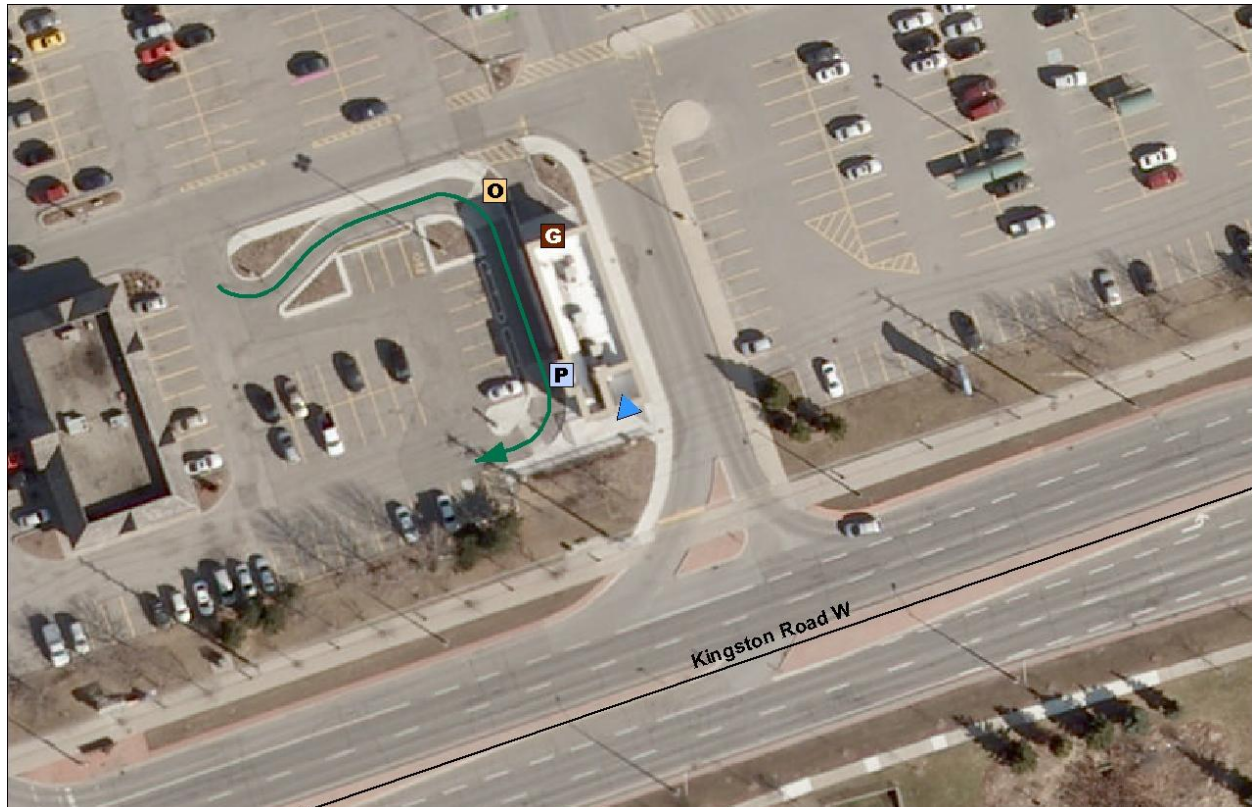
OBSERVATIONS

- The primary pedestrian route from the sidewalk cross as the main drive aisle for the parking area and the drive through queue lane
- The queue lane is designed such that overflow spills into the drive aisle for the parking lot, creating potential movement conflicts
- The Order board is screened from the street by the building, behind the garbage enclosure
- The front door is 20m from the public sidewalk
- Garbage enclosure screened from the street by building
- About 40m away from nearest sensitive use (Single Detached Dwellings)
- Abuts a gas station and a woodlot.

B.3 Example Restaurant Layout 3

Starbucks - 15 Westney Road N. (Westney Heights Plaza)

This drive through format includes one restaurant with an internal eating area and one drive through including one queue lane, order box and service window. In this example the primary building is closer to the street.



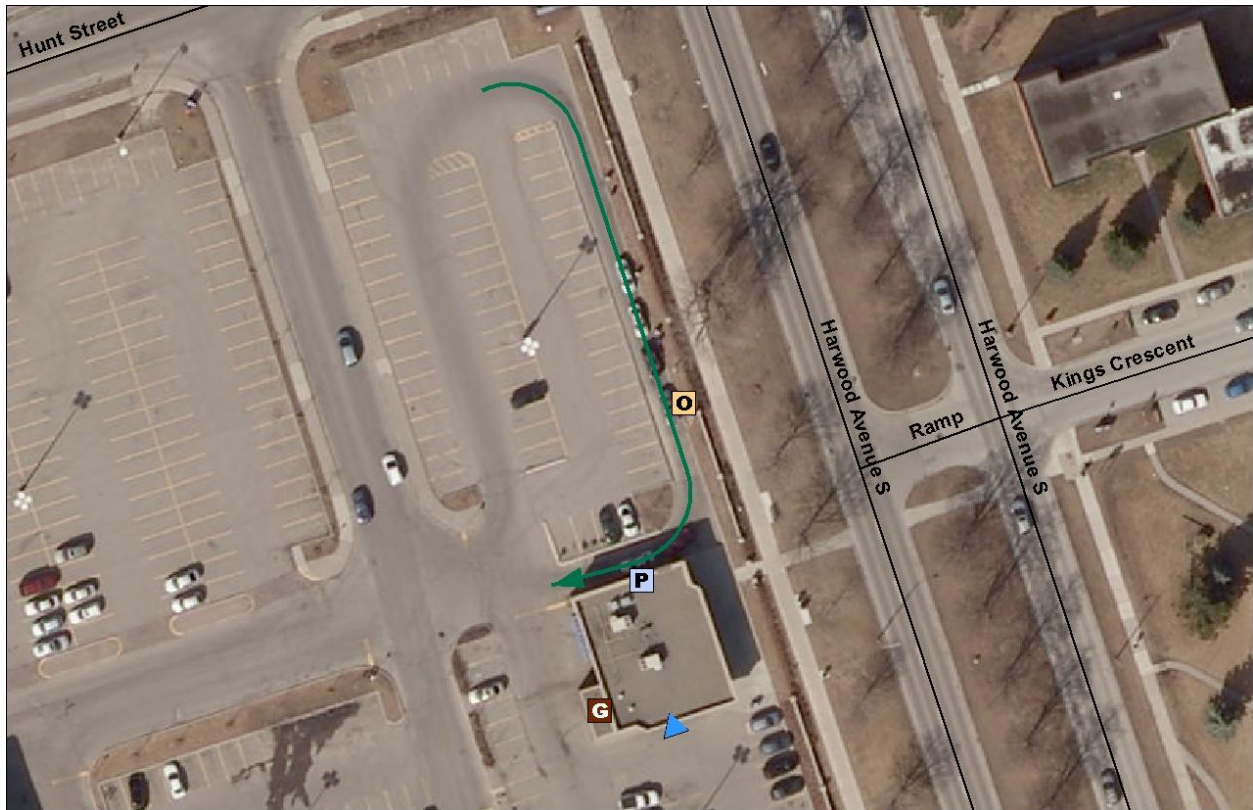
OBSERVATIONS

- Building and front entrance are approximately 14m from the road
- Drive through exit queue and turning radius pushes building away from the street
- Parking area is functionally separated from the queue lane
- Pedestrians in the parking area are forced to cross the drive-through queue lane to access the front door
- Landscaping screens queue lane and order board from roadway
- Garbage enclosure is screened from main roadway by building
- Order board is approximately 150m from residential uses

B.4 Example Restaurant Layout 4

Tim Horton's - 290 Harwood Ave S. (Harwood Place Mall)

This drive through format includes one restaurant with a smaller internal eating area and one drive through including one queue lane, order box and service window.



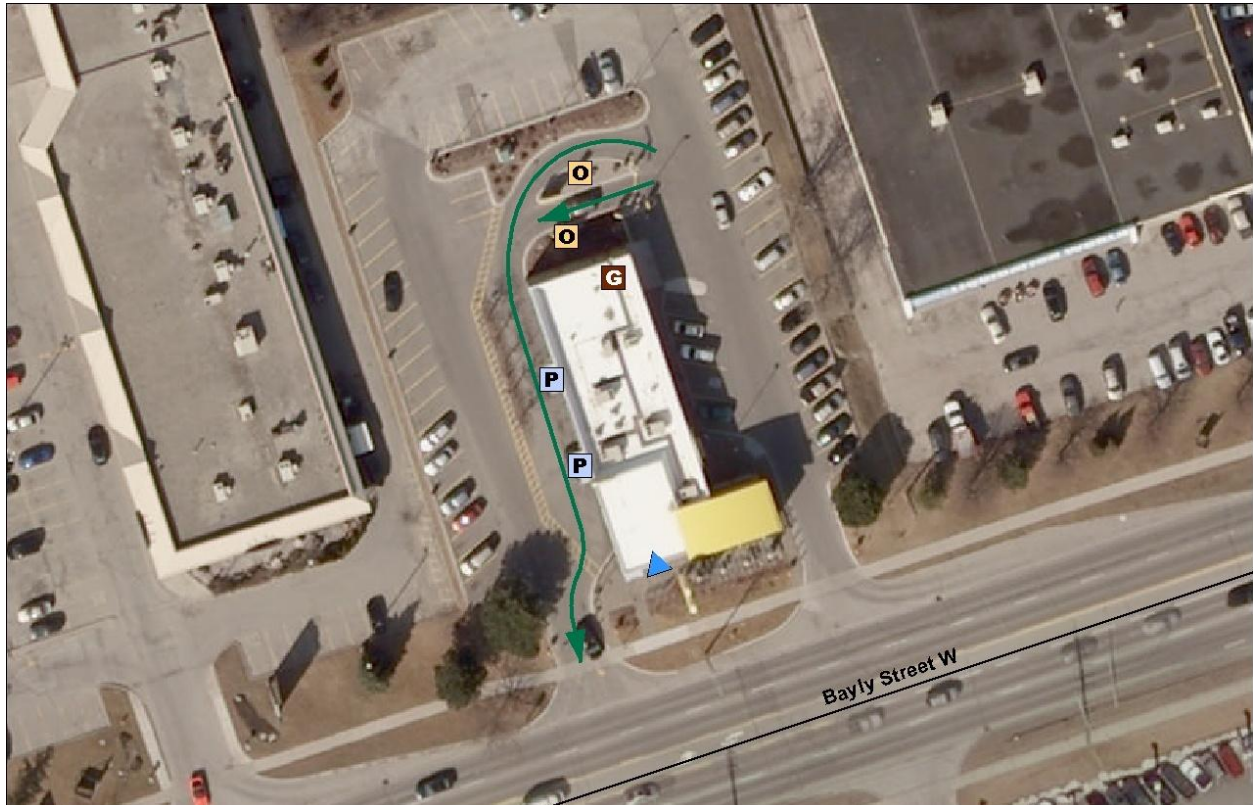
OBSERVATIONS

- The queue lane is designed such that overflow spills into the drive aisle for the parking lot, creating potential movement conflicts
- The queue lane is parallel to the public sidewalk, partially screened by a short brick wall
- The primary pedestrian route from the sidewalk does not cross the drive through queue lane
- The Order board is screened from the street by the building, behind the garbage enclosure
- Garbage enclosure screened from the street by building
- About 47m away from nearest sensitive use (Apartments)
- Approved patio area adjacent to the street was never furnished by the tenant

C.1 Example Separate Pay & Pick up Restaurant Layout 1

McDonald's - 222 Bayly Street West

This drive through format typically includes one restaurant with an internal eating area and one drive through including two queue lanes, order box and two service windows (one to pay and one to pick up order).



OBSERVATIONS

- The building and primary entranceway are along the street, allowing for direct pedestrian access to the building from the public sidewalk
- Pedestrians are forced to cross a drive through queue lane to access the building
- The order board is screened from the roadway by the building
- Garbage enclosure is screened from main roadway by the building
- About 100m away from nearest sensitive use (Townhouses to the east)
- Two points of access are provided on each side of the building, which is not desirable from a traffic access management perspective from the arterial road
- The majority of the drive through is screened from public view along Bayly Street

D.1 Example Financial Institution 1

TD Canada Trust - 1961 Salem Road North (Somerset Plaza)

Due to the nature of the use, there is only an automated keypad. The absence of a garbage enclosure, which is necessary for a restaurant, also permits additional design flexibility.



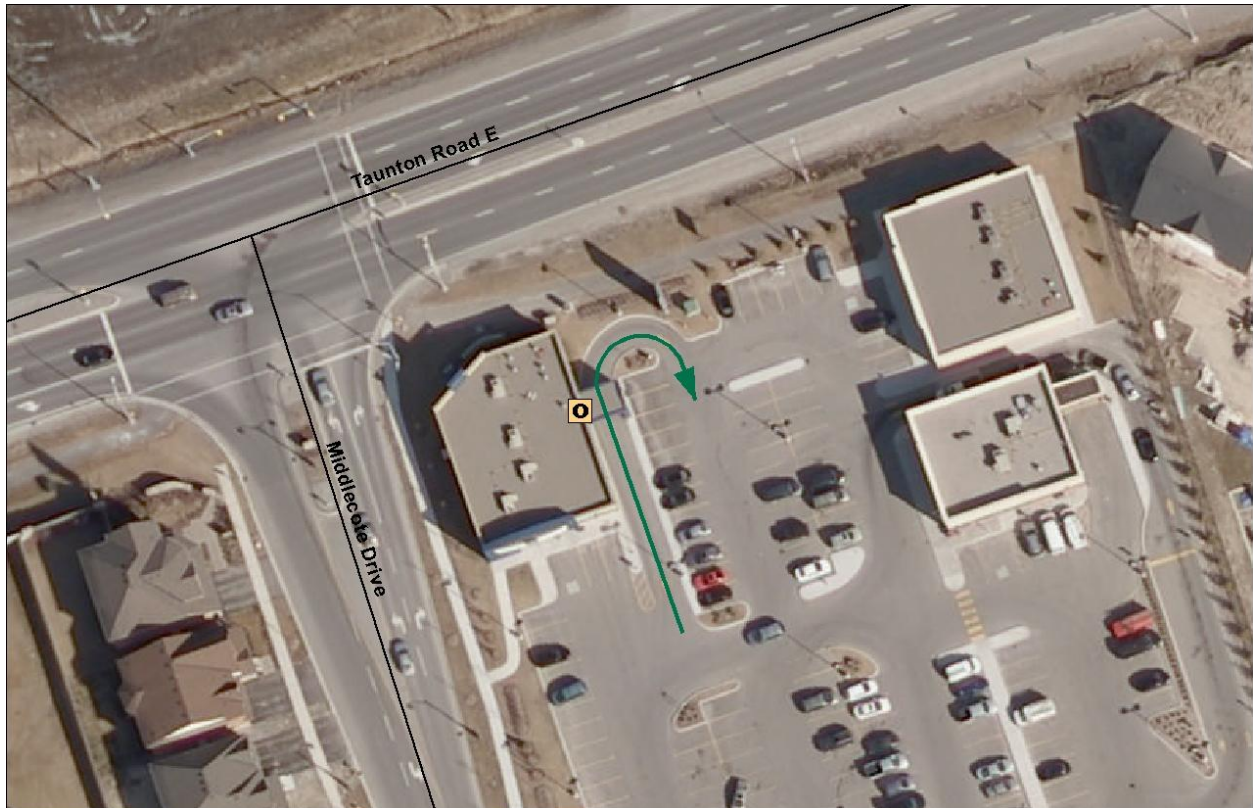
OBSERVATIONS

- A direct connection is made between the front entrance of the building and the public sidewalk along the street. The building does not 'front' the street but rather faces the parking area.
- Pedestrians from the parking lot are required to cross a drive through queue lane to access the main pedestrian entrance.
- Minimal parking conflicts with queue lane
- ATM screened from roadway by the building
- The ATM is located 30m away from residential uses

D.2 Example Financial Institution 2

Royal Bank - 81-101 Middlecote Dr (Wyndham Manor Plaza)

As a result of this bank being located at the corner, the building is located close to the street but part of the drive through lane is adjacent to the main roadway.



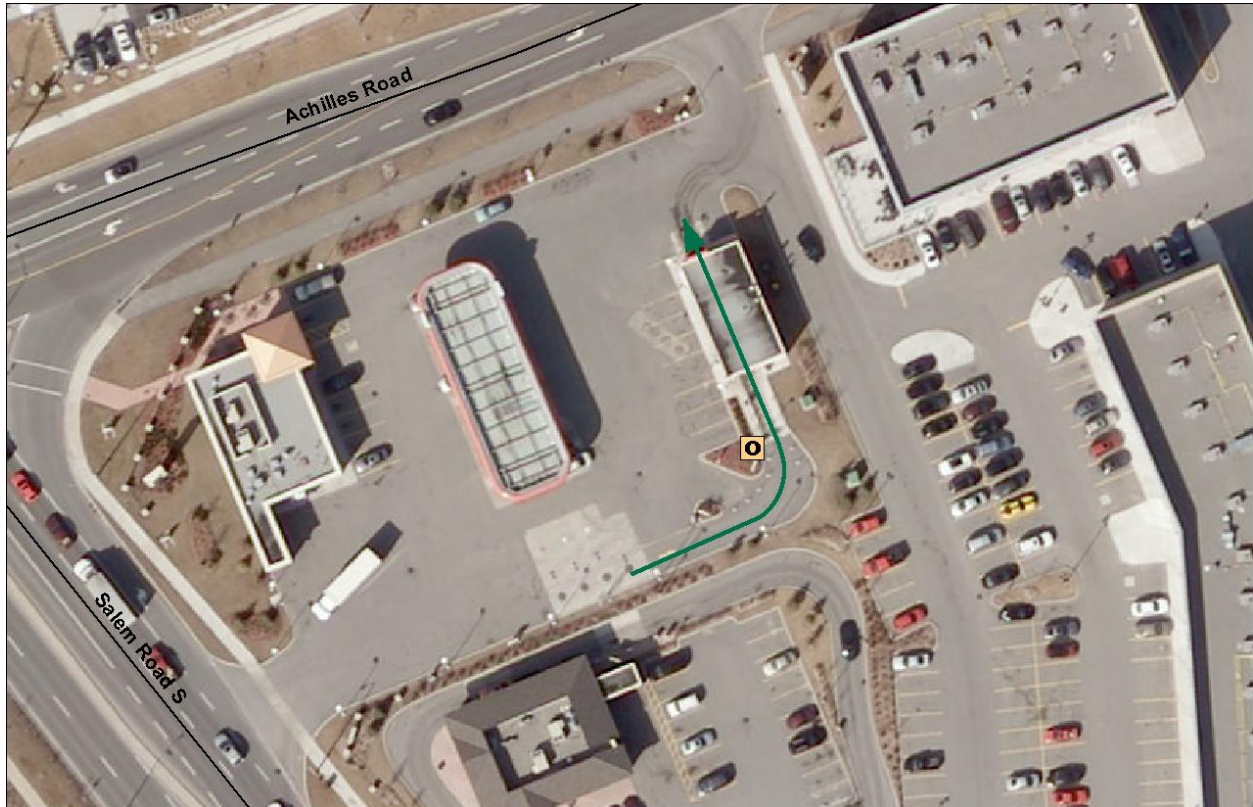
OBSERVATIONS

- There is no direct connection between the front entrance of the building and the public sidewalk along the street. The building does not 'front' the street but rather faces the parking area.
- Pedestrians from the parking lot are required to cross the drive through pathway to the queue lane to access the main pedestrian entrance.
- Parking conflicts with drive through pathway to queue lane
- ATM screened from roadway by the building
- The ATM is located 48m away from residential uses

E.1 Example Car Wash 1

Petro Canada - 225 Salem Road South (Salem Centre)

Most drive through car wash facilities contain one queue lane, an automated key pad and the actual car wash structure known as the Car Wash Bay.



OBSERVATIONS

- Primary building abuts the street and therefore no pedestrian conflicts from road
- No parking conflicts with queue lane
- No pedestrian conflicts with queue lane
- Landscaping around queue lane is minimal
- Secondary escape in queue lane
- About 60m away from nearest sensitive use

E.2 Example Car Wash 2

Esso - 211-233 Bayly Street East

Similar to the first example it contains one queue lane, an automated key pad and a Car Wash Bay but it is oriented towards the main street.

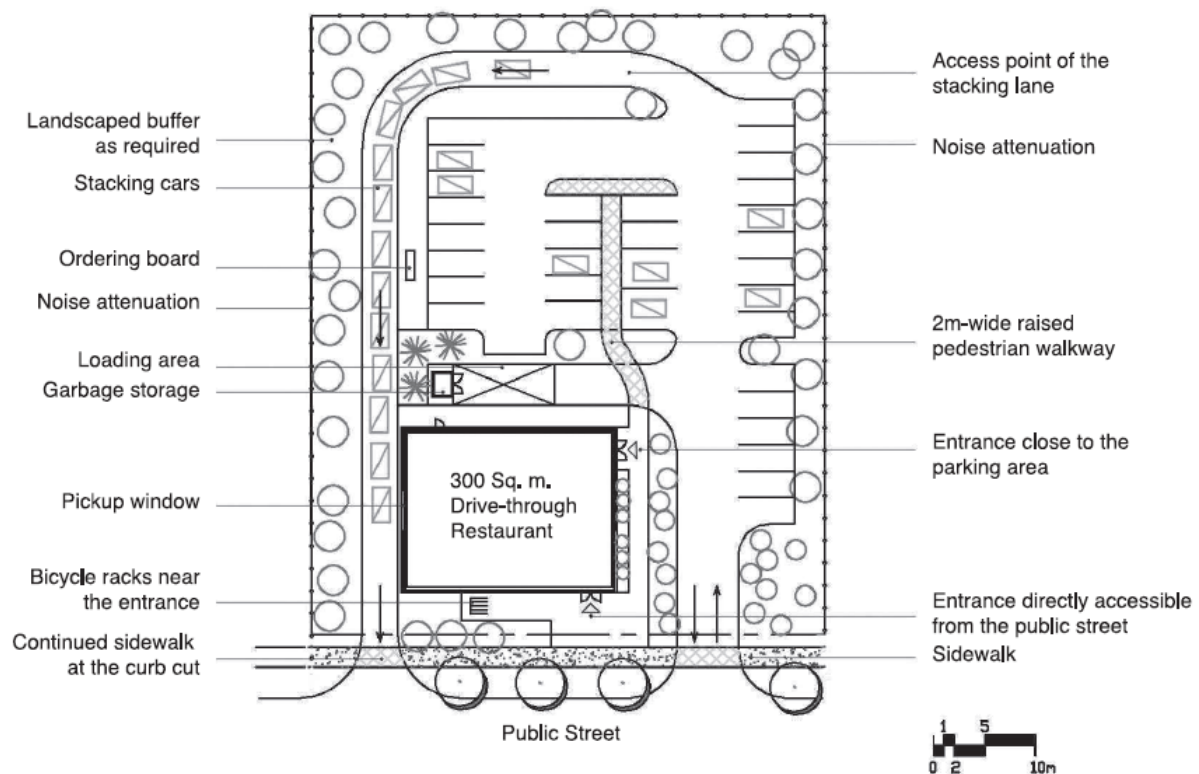


OBSERVATIONS

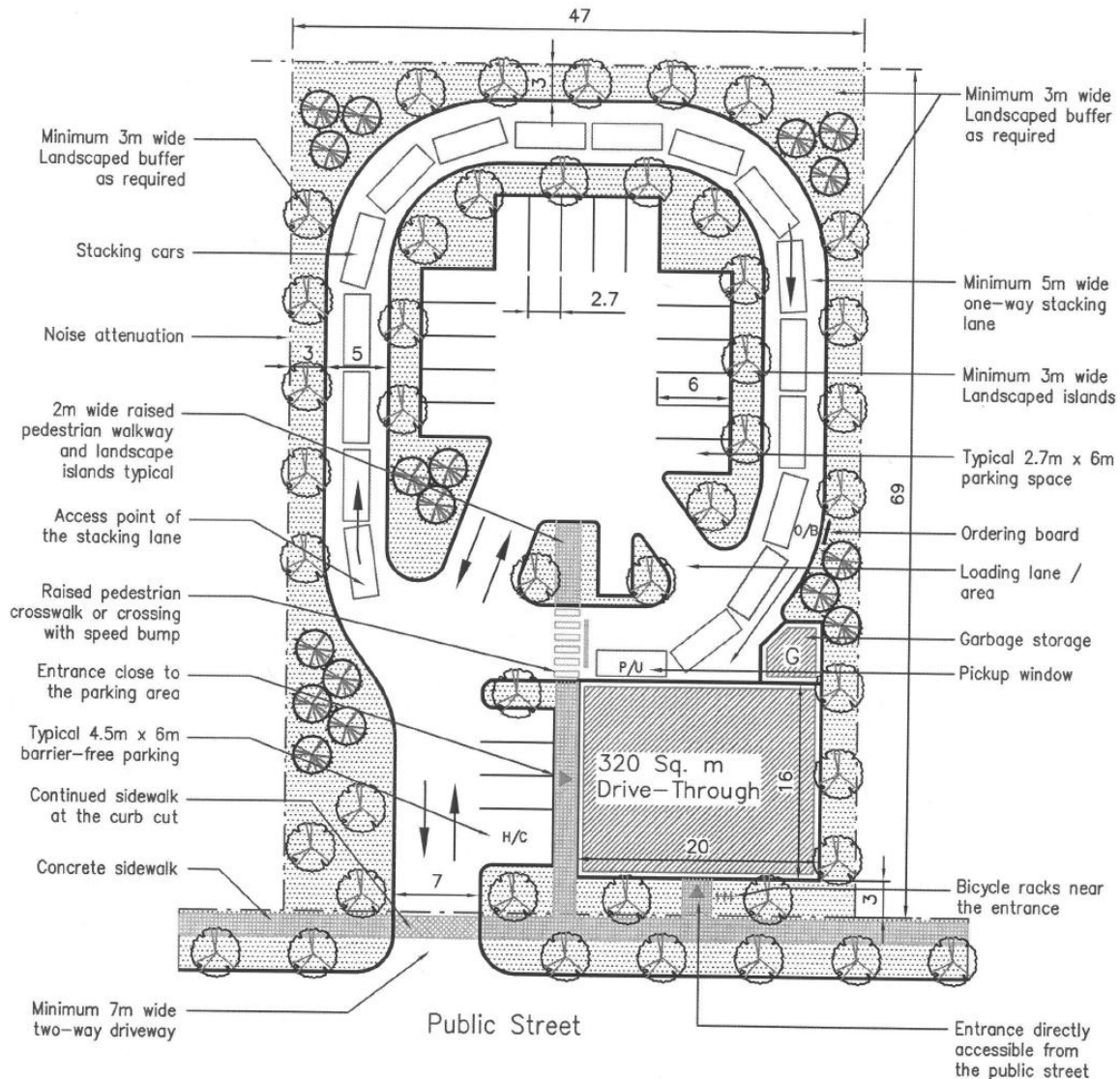
- Queue lane and car wash building abuts the sidewalk
- Minimal parking conflicts with queue lane
- Possible pedestrian conflicts with car wash exit
- Landscaping around queue lane
- Secondary escape in queue lane
- Located close to residential uses, separated by a vacant parcel directly south of the facility

Examples of Restaurant Drive Through Facilities

This is an example of a drive through in the City of Ottawa's Urban Design Guideline for Drive Through Facilities. This example has many positive design elements including an entrance directly accessible from the public street or sidewalk; the screening of parking and drive through components by the building and landscaping. In addition, the building is sited such that nearly 50% of the frontage is flanked by a building face, which exists in the urbanization of the streetscape. However, there are still planning issues with the site: 1) there are two access points onto the Main Street and 2) conflicts exist between cars parking and cars accessing the queue lane. To achieve all of the functional elements of a drive through facility, planning design requirements will be compromised for standalone facilities. This attribute is magnified when developing more than one drive through facility in the same building. There is a higher chance of achieving all of the functional elements of the facility and planning design requirements in a commercial plaza format with shared parking.



In the second example, a drive through restaurant is sited with one access from the abutting street, and with parking and drive through queuing as proposed within the Town's zoning by-law. Similar to the previous example, building siting and direct pedestrian accessibility from the abutting sidewalk are positive elements. A complicating factor is the need to incorporate an enclosed garbage facility as part of the building in order to reduce the likelihood of errant litter.



Both of these situations illustrate the challenges associated with 'stand-alone' drive through restaurants, not associated with a larger plaza or commercial site where access and parking can be shared and the potential for vehicular queuing to spill onto the arterial road is reduced. However, both situations illustrate that drive through designs can provide for a primary pedestrian entrance next to the street, with the primary building mass next to the street. The designs also illustrate that parking; drive through queuing; and servicing features can be successfully screened by the building and landscaping under these scenarios.

Ajax Drive Through Inventory

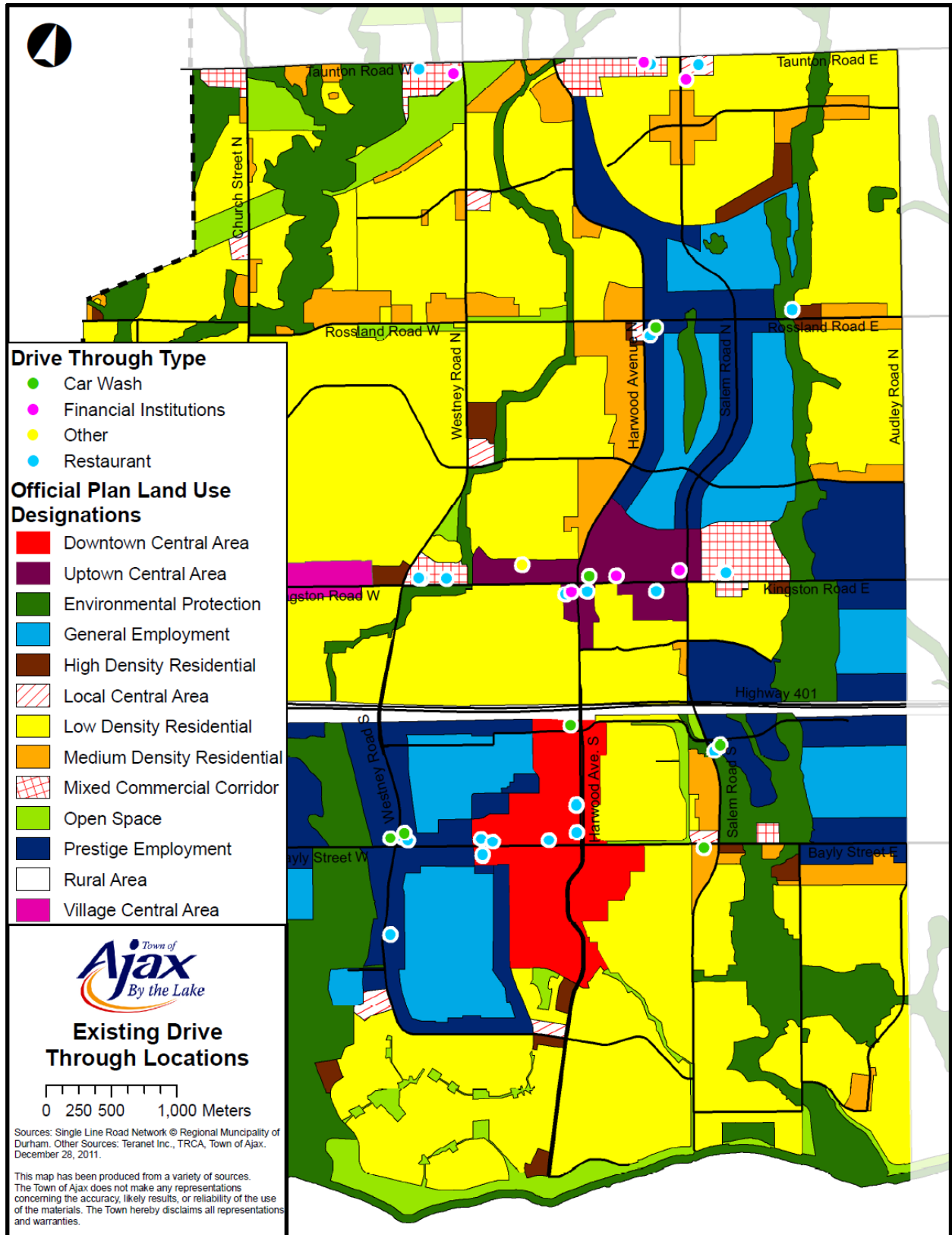
Town staff conducted an inventory of all 35 drive through facilities in Ajax, documenting characteristics of each facility including:

- Official Plan Designation/Zoning
- Location of primary pedestrian entrance
- Building setback
- Queue lane length (# of cars)
- Parking Supply
- Distance from the order board to nearest sensitive uses
- Width of landscape buffers

The complete inventory has been included in this report as **Appendix D** but some of the key findings have been outlined as follows:

Key Findings:

- Most drive through facilities in Ajax are located in Mixed Use and Prestige Employment Areas;
- Few drive through facilities in Ajax are constructed with the building adjacent to the street and the main pedestrian door facing the public sidewalk, which are primary urban design objectives;
- It is difficult to achieve high quality design when attempting to have two drive through restaurant facilities in the same building;
- Due to the multiple demands on drive through buildings, conflicts exist between pedestrian circulation and the drive through queuing and access points which need to be addressed through careful site design; and
- Drive through Car Wash and Pharmacy facilities can cause few conflicts with surrounding uses if sited properly.



Land Use Compatibility

Siting and Separation Distance

All complaints to the Town's By-law Department regarding Drive Through facilities have been in relation to the noise level of drive through restaurant facilities in the context of abutting residential uses.



Increased noise can be created by line-ups of cars idling in line for service at drive-through restaurants and the volume of order boards can also become an issue for residents in these surrounding residential neighbourhoods. Two other possible issues include loud radios/stereos and vehicle headlights.

In addition, during the proposal stage of the Whitetail plaza development on Kingston Rd (east of Salam) there was public opposition to the proposed siting of drive through facilities immediately adjacent to their community to the south. Public concern was remedied by requiring drive through facilities to locate closer to the main arterial road (i.e. Kingston Road), requiring drive throughs to be located at least 50m from residential uses and buffering these facilities from the residential uses with commercial buildings in the plaza.

Based on the feedback from residents of Ajax, drive through facilities should not be permitted adjacent to residential uses; a 30m separation distance from any zone where residential uses are permitted is an appropriate separation distance. Several municipalities such as the Town of Markham have used the 30m separation distance (residential areas to order board) from the City of Toronto as a benchmark. The 30 metre distance separation was challenged in Toronto by several appellants; however the Ontario Municipal Board (OMB) ruled that:

"there is sufficient justification to provide for a minimum 30 metre separation distance between any drive-through facility and residential uses. A separation distance of 30 metres is not unreasonable. In some instances greater separation may be necessary depending on site specific circumstances, the nature of the surrounding land uses, and the underlying use (fast food versus bank) with which the drive-through is associated. Similarly, separation distances less

than 30 metres can also be evaluated in the context of existing site conditions. However, as a basis for determining an appropriate separation from residential zones, 30 metres provides protection and is not unduly restrictive for the industry. That is, the zoning restrictions will afford an adequate level of protection, they are not a prohibition on drive-throughs across the city, and there is opportunity for exceptions to be made through site specific rezoning applications."

The City of Toronto chose a 30 metre distance separation because they felt it was a reasonable separation distance that would not be too onerous, while still affording some opportunity to mitigate some of the impacts associated with drive-through facilities such as noise, traffic, air quality, etc.

Durham Region's Traffic Engineering & Operations Department provided the Town traffic information for drive through facilities in Ajax. All of the complaints received by the Region regarding drive through facilities in Ajax related to spill onto the main roadway from queue lanes on smaller sites and trucks illegally parking on the main road to use coffee shops.

Draft Official Plan and Zoning policies can be found in **Appendix A** and **Appendix B** respectively.

Design

There are a number of planning design considerations that have been successfully agreed upon on a reoccurring basis by Town Staff and the drive through industry which has helped to address the design challenges associated with this type of use. The following table outlines these reoccurring comments; a complete draft of Urban Design Guidelines for Drive Through Facilities can be found in **Appendix C** of this paper and is based on these themes.



RECURRING DRIVE-THROUGH SITE PLAN COMMENTS in the TOWN OF AJAX

Built Form	• The main entrance of the restaurant is to front onto the main street • Building should be moved as close to the main street as possible • No drive-thru queue lane should be allowed between the street and the proposed building
Landscaping	• Provide a 3.0m wide landscape buffer strip on each side of the drive-thru • Provide tree islands and landscape areas throughout the subject site in order to mitigate the heat island effect. Painted islands are not acceptable. Planted parking islands with a minimum 3.0m width but 4.0m is preferred. • Provide coniferous trees on the edge of subject property in order to screen the neighbour's loading area. Applicant should consider providing a privacy fence. • Where a drive through queue lane abuts a street/sidewalk the buffer should be heavily planted to ensure adequate screening
Transportation	• Make pedestrian connections to sidewalk • Include a concrete walkway between parking and building in order to provide a safe and comfortable pedestrian crossing. • The Town would prefer one access/egress from site • Introduce bike racks in appropriate locations
Urban Design	• Parking areas should be screened from the street • queue lanes for drive-through facilities should be located as far away as possible from the street line, in a manner which minimizes the visual impact of these elements from adjacent roads • architectural treatments to the facades of the buildings should be consistent with the existing development within the plaza • Provide clear glass panels along the internal facing façade of the proposed automatic motor vehicle car wash
Garbage/ Loading	• The proposed garbage enclosure must be incorporated as part of the building and must have roll up doors; • Provide a man door to the garbage enclosure • Provide a screen wall to screen the loading and garbage pickup area.

Landscape Treatments and Widths

Town staff conducted a scan of municipal standards for landscape treatments and widths of drive through facilities (Cities of London, Ottawa and Toronto as well as the Towns of Markham & Oakville). The following are the key findings:

- Tree planting between 7 - 7.5 m is a consistent spacing distance advocated by municipalities
- 3m is a consistent size for landscaping the perimeter of drive through sites and stacking lanes; this is also consistent with Town of Ajax Site Plan comments
- Most municipalities advocate using a mix of deciduous and coniferous trees as well as using native species
- Most municipalities suggest using sodded areas to help with stormwater management

Town staff has recommended that appropriate landscape treatments for screening drive through facilities include: decorative metal fence, masonry columns, cedar hedge, multi-stem large shrubs, tall ornamental grasses, deciduous trees and coniferous trees but staff does not encourage a complete screening (blocking all view). In accordance with CPTED principles the Town encourages a partial screening to maintain a safe and comfortable environment.

Conclusions

- Some of the drive through facilities in Ajax that have been developed in recent years function well as a result of design and siting considerations that staff and the drive through industry have agreed upon. It is recommended that these agreed upon considerations become formal policy.
- The queue lengths deferred in the Town's Zoning By-law were originally informed by the Joint Study conducted by SRM in 2000 and has become the common practice in Ajax during Site Plan Review and the development application process. These queue lengths have proven to be successful and should no longer be deferred.
- All complaints to By-law Services regarding drive through facilities have been in relation to the noise level of drive through restaurant facilities abutting residential uses. Taking into account the suburban context and based on past local consultation regarding appropriate separation distances, the order board associated with drive through restaurant facilities should be located at least 30 metres from any zone where residential uses are permitted.
- All of the complaints received by the Region regarding drive through facilities in Ajax related to spill onto the main roadway from queue lanes on smaller sites and trucks illegally parking on the main road to use coffee shops.
- The highest queue lane observations in Durham Region wide studies suggest that 18 cars is necessary for the vehicle queue. This appears to suggest a recommendation that any drive through restaurant in Ajax should provide for 15 vehicles in the queue lane and another 4 additional spaces on site in preventing traffic spill onto the roadway.
- Previous studies have illustrated that a parking standard of 15 spaces per 100m² gross floor area is appropriate for drive through restaurants in Durham Region. This appears to be consistent with the parking policies within the Town's Zoning By-law.
- Without careful attention to design, drive through restaurant site plans can create planning conflicts. This is magnified by multiple drive through restaurants in the same building and therefore multi-drive through restaurants should not be permitted in Ajax.

- Drive through facilities located in mixed use plazas benefit from shared parking arrangements are less likely to cause traffic spill onto the main roadway. This is consistent with most of the drive through facilities in Ajax being located in mixed use areas, and providing for these facilities on sites with such arrangements seems to be a more suitable context for these facilities.

Next Steps

- Receive Stakeholder Input
- Prepare implementing policies/regulations
- Council Decision

Please provide your comments to the Town of Ajax by **Friday March 30th, 2012.**

For further information, please contact:

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Drive-through Facilities Zoning Study

Falcon Heights, Minnesota



Prepared for:
City of Falcon Heights, Minnesota



Prepared by:
Dan Cornejo

CORNEJO CONSULTING
COMMUNITY PLANNING + DESIGN

July 7, 2006

Drive-through Facilities Zoning Study

Falcon Heights, Minnesota

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7. Survey of Regulations in Other Cities	8
8. Policy Options	9
9. Conclusions and Recommendations	10

Attachments

- A. Survey of Falcon Heights Business Parcels
- B. Survey of Zoning Regulations for Drive-through Facilities

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Drive-through Facilities Zoning Study

Falcon Heights, Minnesota

1. Introduction

Over the past 20-25 years, drive-through facilities have emerged as part of new or retrofitted restaurants, dry cleaners, photo processing outlets, pharmacies, liquor stores, banks and financial institutions, and, more recently, coffee shops. Many early drive-through operations were located on interstate freeway interchanges. Early development of such facilities in metro areas began in outer suburban locations, usually on freeway interchanges or on major arterial roads. However, now it is difficult to find many communities (rural, suburban, or urban) that do not have one or more drive-through facilities. And, more recently, “curbside takeout” or “curbside pick-up” from so-called casual dining restaurants has become one of the fastest growing areas in the restaurant industry.

Even though drive-through facilities are permitted in all B-zoned properties in Falcon Heights (in some cases, only as a Conditional Use), there are currently no drive-through facilities in Falcon Heights.

On February 8, 2006, the Falcon Heights City Council adopted an Interim Ordinance temporarily prohibiting the issuance of building permits and zoning approvals for drive-through businesses. In that Interim Ordinance, a Drive-through business is defined as:

A business that by design, physical facilities, service or by packaging procedures encourages or permits customers to receive services, obtain goods or be entertained while remaining in their motor vehicles, excluding gasoline service stations.

It is intent of that Interim Ordinance to allow the City of Falcon Heights time to complete an in-depth study concerning changes in official controls for drive-through businesses, and in the interim to protect the planning process and the health, safety, and welfare of the citizens of the community.

2. Purpose of this Study

The purpose of this study is to:

1. Clarify the City’s interest in addressing the development impacts of sites with drive-through facilities;

2. Establish standards and criteria for the design of sites with drive-through facilities, integrating operational elements, site design, building design, with a focus on assisting this issue in making a positive contribution to the surrounding context and pedestrian streetscape; and
3. Make recommendations for any needed zoning code amendments.

3. Study Process

The primary tasks for this study were as follows:

Task 1: Analysis of Issues

A. Analyze the following drive-through facilities issues:

1. Traffic (access, egress, and pedestrian safety).
2. Quality of life issues, such as noise, compatibility with residential uses, glare from car lights, and litter.
3. Lot coverage and drainage.

B. Survey requirements and regulations in other cities.

Task 2: Site Survey and Documentation

Conduct site visits to all B-zoned properties in Falcon Heights, and work closely with City staff to document property characteristics and map these properties.

Task 3: Presentation and Participation at Community / City Council Meetings

The City desired to sponsor several opportunities for the community, including property owners of B-zoned properties, to investigate these issues and make recommendations about the City's land use controls in these areas. To accomplish this, the City, in collaboration with the consultant, scheduled the following meetings, in the consultant presented his findings, solicited feedback, and participated in the discussion. These meetings were facilitated by a neutral third-party, Aimee Gourlay from the Mediation Center at Hamline University.

Meeting 1: Discussion of issues, concerns, and observations. Formulation of needed data collection. (Thursday, April 13)

Meeting 2: Discussion of data collected, formulation of policy recommendation. This meeting also included requests for further information and additional data collection. (Thursday, May 11).

Meeting 3: Development of draft policy options for City Council. (Thursday, June 8).

City Council Meeting: Consultant presentation of study findings, including a summary of community feedback, and recommendations. (Wednesday, July 12).

Task 4: Prepare Report and Recommendations

Preparation of this final report on findings and recommendations on proposed zoning code amendments, including design guidelines (1) to assist applicants in making informed decisions when developing site plan / conditional use / variance permit applications, and (2) to guide staff, the Planning Commission, and the City Council in evaluating and making decisions on those applications.

4. City Policy Context

Comprehensive Plan

Several sections of the Falcon Heights Comprehensive Plan provide expressions of the type and character of commercial uses desired in the community.

With regard to the Snelling/Larpenteur Commercial Core, the Background section of the Comprehensive Plan states that the northeast quadrant (and southwest) quadrants will remain relatively stable.

The Commercial / Business Areas section of the Land Use Element states that it is the intention of the Plan that the Snelling/Larpenteur Commercial Core maintain its mixed use character, that it be substantially upgraded and redeveloped, as appropriate, to improve its commercial viability as a community retail area and accessibility while meeting standards of design that are consistent with the City's goals. Further, it states that it is the intent of the City that the core provide limited retail trade, business services, and offices to satisfy the needs of the immediately surrounding community and complement the adjacent residential areas. Some uses which draw from a larger market area may be permissible provided that they do not have the potential for negative impacts on adjacent residential property (emphasis mine.)

City Code (Chapter 9 Planning and Development)

"B" zoning in Falcon Heights is restricted primarily to collector and arterial streets. See Falcon Heights Zoning Map on the following page and in Attachment A.

Because most of the B-zoned properties are located on major roadways (Snelling and Larpenteur Avenues), this situation creates unique challenges in access to these sites due to high traffic counts. Also, most of these B-zoned properties are adjacent to residentially-zoned and residentially-used properties, creating unique challenges for compatibility and quality of life considerations.

Generally, the purpose and intent sections of the B-zoning districts are as follows (see Attachment A for full text excerpts):

B-1 Neighborhood Convenience District

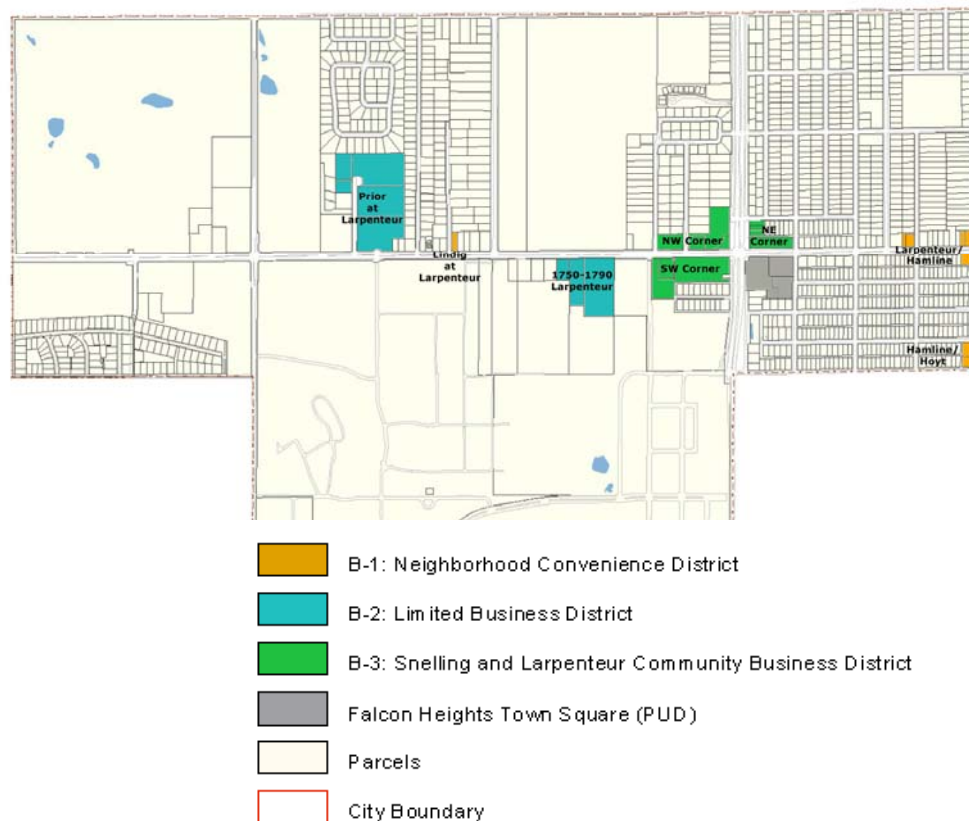
To provide for small scale consumer goods stores and limited service establishments; intended to serve the surrounding neighborhood rather than the entire community.

B-2 Limited Business District

To provide for office and limited service, employment and institutional uses which are freestanding in nature, require large sites, and are or can be made compatible with adjacent land uses. This district is not intended to accommodate retail or wholesale business.

B-3 Snelling and Larpenteur Community District

To provide retail sales and services that only serve the surrounding neighborhoods' and community's needs. This district is designed to be accessible to retail customers from the nearby neighborhoods, to be compatible with neighborhood character, and to minimize the blighting influences on the surrounding residential neighborhoods. It excludes highway oriented and other high traffic volume businesses that would tend to disrupt the cohesiveness of the shopping center or its circulation patterns and shared parking arrangements.



Subdivision 2 Definitions defines Drive-In as follows:

Any use where products and/or services are provided to the customer under conditions where the customer does not have to leave the car or where the service to the automobile's occupants is offered regardless of whether service is also provided within a building. This shall include, but not necessarily be limited to, the following: car and truck wash, drive-in banking, restaurants where some of all customers may consume their food and/or beverages in an automobile, restaurants providing carryout or delivery service, service stations, parcel pick-up, and similar uses.

5. Description of B-zoned Properties

Falcon Heights has 27 B-zoned parcels: Eight (8) are zoned B-1; eight (8) are zoned B-2; and eleven (11) are zoned B-3. Some of these parcels are single and isolated, and others are part of consolidations. They are located as shown on the map on the previous page.

Roughly one-fourth of the parcels are small (under 20,000 sq. ft.); most of these are zoned B-1. Another one-fourth of the parcels are between 20,000 and 30,000 sq. ft. The balance range from 50, 530 sq. ft. up to 548,000 sq. ft.

Each of these parcels is described fully in Attachment A, along with two charts at the end of that Attachment that list all of the properties by current occupant, address, Property Identification Number (PIN), width and depth, and total area. The first chart lists the properties by location, and the second one lists the properties with respect to size, from smallest to largest.

6. Issues, Concerns, and Policy Directions

Attendees at the three community meetings expressed a range of concerns about drive-through facilities, from noise (from speaker box, patrons ordering), traffic both on and off site, pedestrian safety, hours of operation, lighting (glare from circling cars), effect on property values, and trash and loitering.

The main messages from this input can be summarized as follows;

- Severely restrict the locations of drive-through facilities, but don't necessarily prohibit them. Regulate all types of drive-through facilities, including "curbside take-out."
- Reduce the negative impact on residential uses. Retain livability, quality of life, and neighborhood character. Consider a minimum distance between drive-through operation and adjacent residentially-zoned or residentially-used properties. Consider a minimum lot size to ensure sufficient space on-site to

incorporate measures to improve compatibility with adjacent and nearby residential uses.

- Where a drive-through facility is permitted, make it a Conditional Use, with specific and clear guidelines for the site plan review.
- Nearby residents should NOT hear noise from the speaker box.
- Traffic should NOT overflow into the surrounding neighborhood. Retain, or increase minimum vehicle stacking requirements, and ensure that the stacking lane(s) do not interfere with parking or maneuvering aisles. Consider a larger minimum distance between driveways and street intersections.
- Keep pedestrians safe, both on and off site. Improve the quality of the public realm and pedestrian environment.
- Limit hours of operation.
- Shield glare from car lights.

7. Survey of Regulations in Other Cities

A survey was conducted of the zoning regulations for drive-through facilities in nineteen (19) other communities in the Twin Cities metro area and in nine (9) other cities in the U.S. These cities were selected by the consultant and City staff.

Categories of regulations studied were: Use (Permitted or Conditional), Distance Requirements, Minimum Lot Sizes, Open Space, Stacking Lanes, Hours of Operation, Noise, and Lighting.

A chart of the “Survey of Zoning Regulations for Drive-through Facilities” can be found in Attachment B.

Findings can be summarized as follows:

- Use. Most jurisdictions that allowed drive-through facilities (either as a primary or accessory use) permitted them only as a Conditional Use, with a required Site Plan Review provision.
- Distance Requirements. Many jurisdictions required minimum distances not only from adjacent residential, but also from schools, churches, institutions, and public recreation areas. One required a minimum distance (1,320 ft.) from another drive-through. Several had minimum distances between the speaker box and/or the pick-up window and residential uses. Most minimum distance requirements ranged from 20 ft. to 500 ft.

- Minimum Lot Size. Several of the cities surveyed had a minimum lot size requirement, ranging from 10,000 sq. ft. to 30,000 sq. ft.
- Open Space. Generally, cities did not have landscaping requirements that were specifically related to drive-through facilities. However, one city surveyed, Sacramento, California, does have the requirement for a 6 ft. high masonry sound wall when the drive-through facility site is contiguous to a residentially-zoned or use property.
- Stacking Lanes. Requirements ranged from “Adequate stacking” to “Stacking for 10 cars.” Stacking for 6 to 8 cars (roughly 180 ft.) seemed to be the norm.
- Hours of Operation. Several jurisdictions limited hours of operation as a condition of approval, with 7:00 am to 10:00 pm being the norm.
- Noise. Some jurisdictions required that noise (from electronic devices or speaker boxes) not be audible from nearby residentially used property, while others specified decibel levels that should not be exceeded (50-60 dBA).
- Lighting. Most jurisdictions had no site or parking lot lighting regulations for drive-through facilities in addition to those normally required the primary use. However, several required that the glare from cars in parking lot maneuvering aisles and stacking lanes be shielded from adjacent property.

8. Policy Options

Based on the input and advice received from the three community meetings, my analysis of the survey of drive-through regulations in other cities, and my consideration of the intent and thrust of the Falcon Heights Comprehensive Plan, as well as the purpose and intent sections of all three Business Districts in the City Code, the following policy options are presented (see also the chart on the following page):

- All three options prohibit drive-through facilities in the B-1 District.
- Two options offer approaches that allow drive-through facilities as accessory uses in B-2 and B-3 Districts, but with varying specificities for the regulatory categories.
- Option #1 permits drive-through facilities as an accessory use in the B-2 and B-3 Districts only for banks or financial institutions.
- Option #2 permits the drive-through facilities only for banks and financial institutions in the B-2 District and for all uses in the B-3 District. Option #2 incorporates requirements that are more restrictive than those in Option #1.

- The Option #3 calls for the prohibition of drive-through facilities in all Business Districts.

These three options are presented in the chart below:

Policy Options for Drive-through Regulations			
	Option #1	Option #2	Option #3
Business Zones	PROHIBITED in B-1; B-2, B-3 (see below)	PROHIBITED in B-1; B-2, B-3 (see below)	PROHIBITED in all zones
Permitted Use	PROHIBITED	PROHIBITED	
Conditional Use with Site Plan Review	Drive-through accessory use for ONLY BANKS	Drive-through accessory use for ONLY BANKS in B-2; for ALL USES in B-3	
Distance Req. - building, speaker, service window	50 ft. from residential.; not in required yard	100 ft. from residential.; not in required yard	
Distance Req. - driveway	20 ft. from intersection	75 ft. from intersection	
Minimum Lot Size	>20,000 sq. ft.	>30,000 sq. ft.	
Stacking Spaces	8 spaces / 180 ft.; no interference with parking; not in required yard	8 spaces / 180 ft.; no interference with parking; not in required yard	
Hours of Operation	7:00 am to 10:00 pm	7:00 am to 10:00 pm	
Noise	<50 dBA	Not audible from residential	
Lighting	No glare onto adjacent property	No glare onto adjacent property	
Traffic Impact Study	Required	Required	

9. Conclusions and Recommendations

The overriding sentiment expressed during the community meetings was that the pedestrian character of the residential areas, defined by the sense of safety in the public realm, was at the core of why people lived in Falcon Heights. Further, most of the attendees advised that the few business districts that exist should be developed in such a manner that they serve primarily the local residential neighborhoods, and that their character should be “local” in the types of goods and services offered, and in design and site layout. The businesses should be compatible not only with the immediately adjacent properties, but compatible with the surrounding area, especially in terms of vehicle access, circulation, and shared parking arrangements.

This point of view is supported by the direction laid out in the Comprehensive Plan, and reinforced by the intent and purpose statements for all three of the Business Districts

permitted in the City Code. Further, these existing policy statements acknowledge that the Falcon Heights community lies between larger urban centers (i.e., Saint Paul and Roseville) that provide many opportunities for “regional shopping” and car-oriented suburban environments.

Therefore, I recommend that the City of Falcon Heights adopt Option #3 and amend its zoning regulations to prohibit all drive-through facilities.

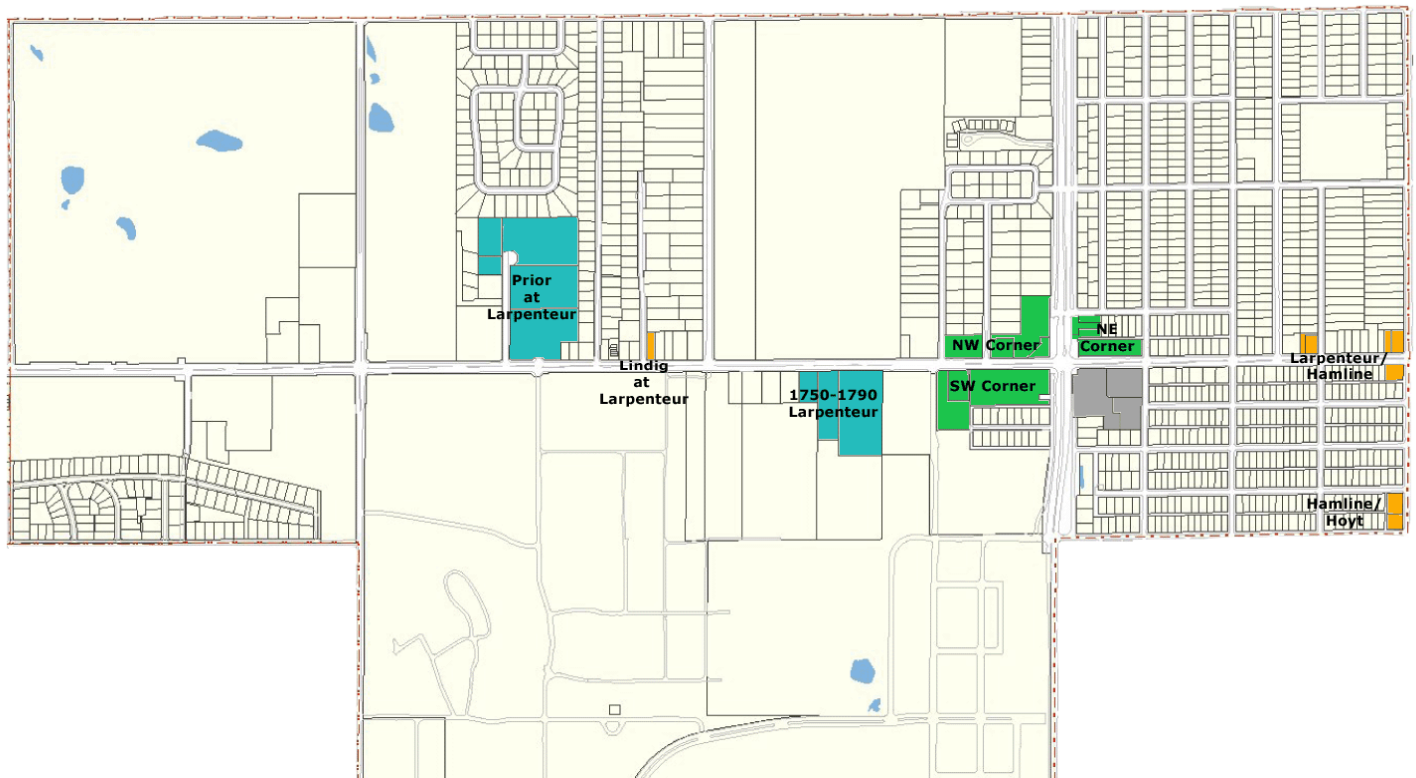
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City of Falcon Heights
Study on Drive-Through Businesses
May 11, 2006

Attachment A

Survey of Falcon Heights Business Parcels (B-1, B-2, and B-3)



- B-1: Neighborhood Convenience District
- B-2: Limited Business District
- B-3: Snelling and Larpenteur Community Business District
- Falcon Heights Town Square (PUD)
- Parcels
- City Boundary

Falcon Heights City Code – Chapter 9 Excerpts:**“B-1” Neighborhood Convenience District, Purpose and Intent (9-8.01, Subd. 1),****“B-2” Limited Business District, Purpose and Intent (9-9.01, Subd. 1), “B-3” Snelling and Larpenteur Community Business District, Purpose and Intent (9-10.01, Subd. 1)**

...

PART 8. "B-1" NEIGHBORHOOD CONVENIENCE DISTRICT**9-8.01 "B-1" Neighborhood Convenience District**

Subdivision 1. Purpose and Intent. The purpose of the neighborhood convenience business district is to provide for small scale consumer goods stores and limited service establishments which deal directly with the customer by whom the goods and services are consumed. The maximum business size limit is 5,000 square feet. Some business areas may be further restricted by zoning regulations to avoid adverse impacts on residential neighborhoods. The district is primarily intended to serve the surrounding neighborhood rather than the entire community. It is designed to be accessible to retail customers from the nearby neighborhoods, to be compatible with the character of the neighborhoods, and to minimize the blighting influence on surrounding residential neighborhoods by limiting and controlling of the uses that are permitted.

...

PART 9. "B-2", LIMITED BUSINESS DISTRICT**9-9.01 "B-2", Limited Business District**

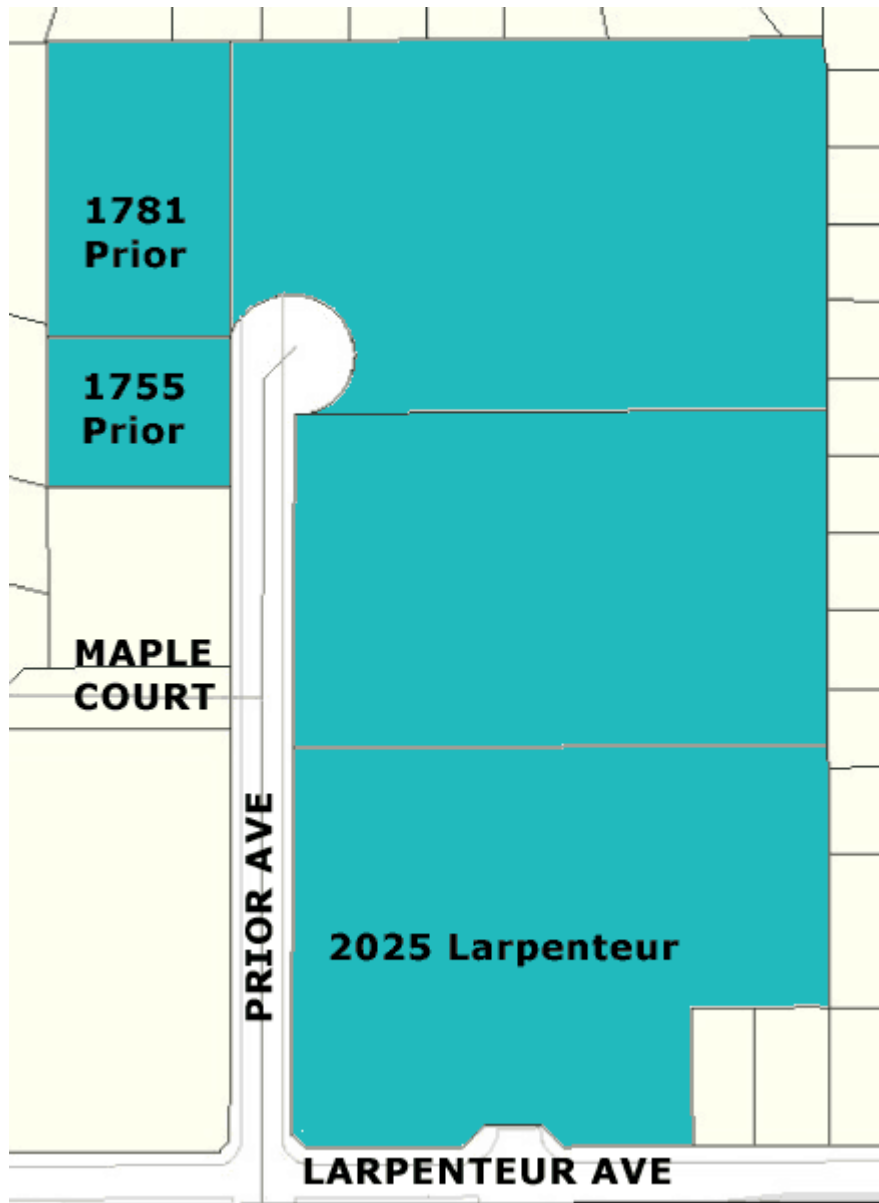
Subdivision 1. Purpose and Intent. The primary purpose of the limited business district is to provide for office and limited service, employment and institutional uses which are freestanding in nature, require larger sites and are or can be made to be compatible with adjacent land uses. It is also intended to accommodate certain existing businesses for the purpose of maintaining them as conforming uses. Except where current retail or wholesale businesses are specifically listed, the limited business district is not intended to accommodate retail or wholesale businesses. The district is designed to minimize the blighting influence on the surrounding residential neighborhoods by limiting and controlling the uses that are permitted.

...

PART 10. "B-3" SNELLING AND LARPEUR COMMUNITY BUSINESS DISTRICT**9-10.01 "B-3", Snelling and Larpenteur COMMUNITY Business District**

Subdivision 1. Purpose and Intent. The district applies only to the four quadrants of the Larpenteur and Snelling intersection. The district is designed to provide retail sales and services that only serve the surrounding neighborhoods' and community's needs. Retail sales and services that serve a larger geographic area are available in larger, nearby business districts in adjacent cities. By limited and controlling the uses that are permitted, the district is designed to be accessible to retail customers from the nearby neighborhoods and the community, to be compatible with the character of the neighborhoods and overall community, and to minimize the blighting influence on the surrounding residential neighborhoods.

Furthermore, the district provides for and encourages compact centers for retail sales and services by grouping businesses into patterns of workable relationships that complement each other. The district is designed to be easily accessible to users. It excludes highway oriented and other high traffic volume businesses that would tend to disrupt the cohesiveness of the shopping center or its circulation patterns and shared parking arrangements.

**2025 Larpenteur (B2)**

PIN#: 162923340080,
 162923340078,
 162923340094
 Width: 515 ft.
 Depth: 1317 ft.
 Area: 548,357 sq. ft.

1755 Prior (B2)

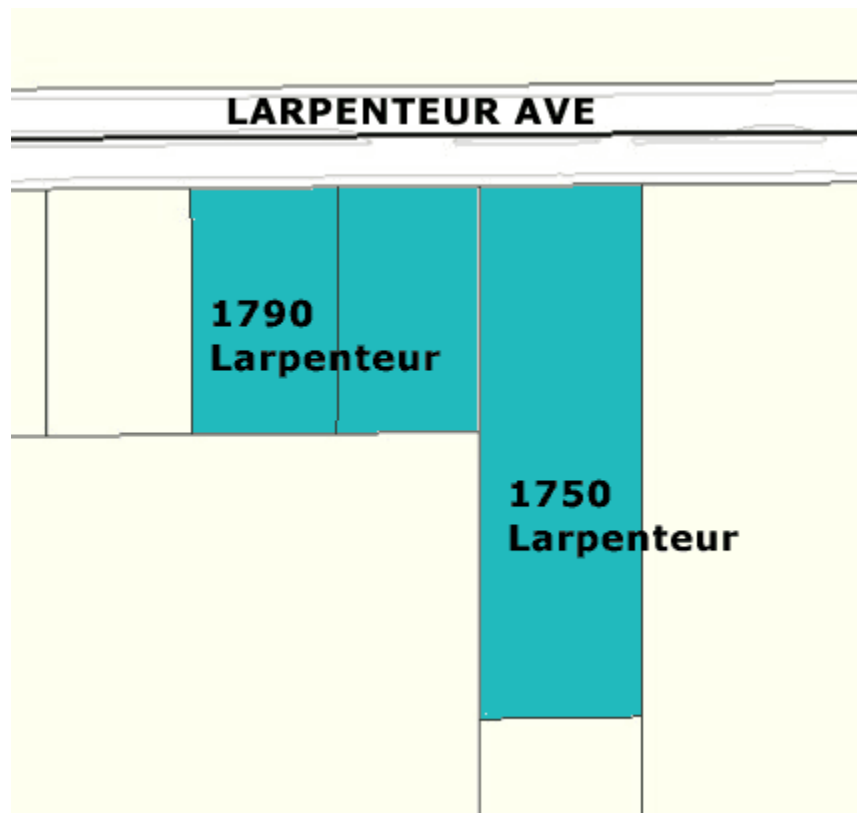
PIN# 162923330021
 Width: 145 ft.
 Depth: 177 ft.
 Area: 25,665 sq. ft.

1781 Prior (B2)

PIN# 162923330020
 Width: 287 ft.
 Depth: 177 ft.
 Area: 50,887 sq. ft.

**1871 Larpenteur (B1)**

PIN#: 162923340022
Width: 57 ft.
Depth: 215 ft.
Area: 12,255 sq. ft.



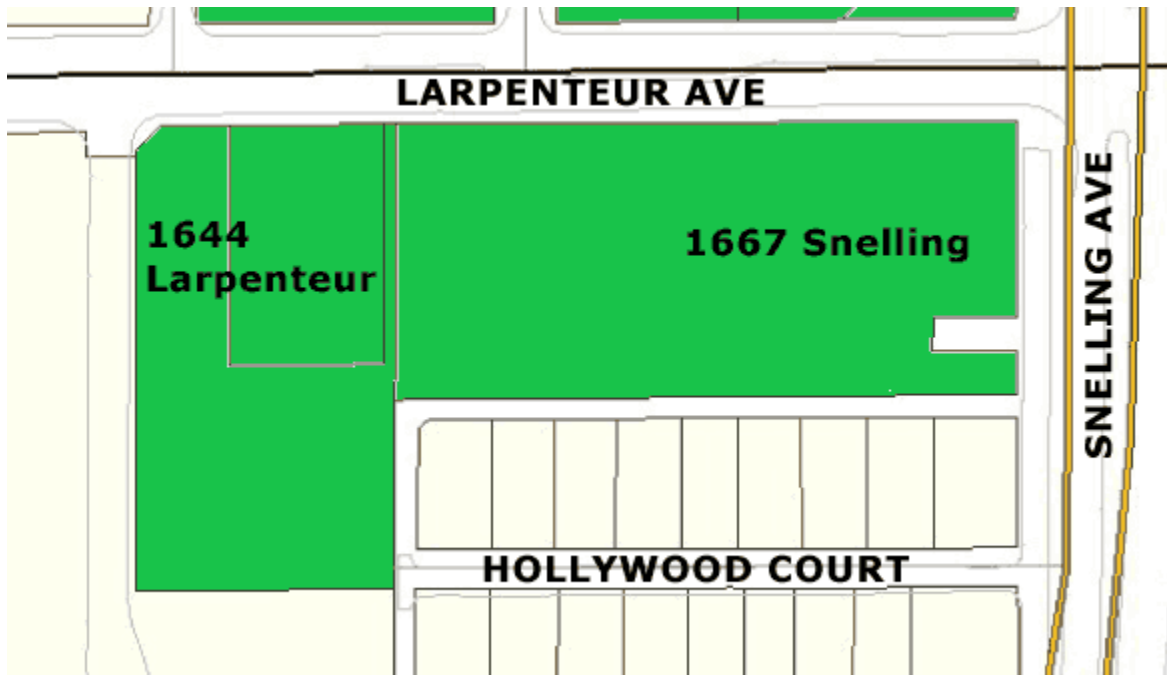
1790 Larpenteur (B2)

PIN#: 212923120005, 212923120006
 Width: 283 ft.
 Depth: 241 ft.
 Area: 67,954 sq. ft.

1750 Larpenteur (B2)

PIN#: 212923120007
 Width: 158 ft.
 Depth: 638 ft.
 Area: 81,893 sq. ft.

Total Area: 149,847 sq. ft.

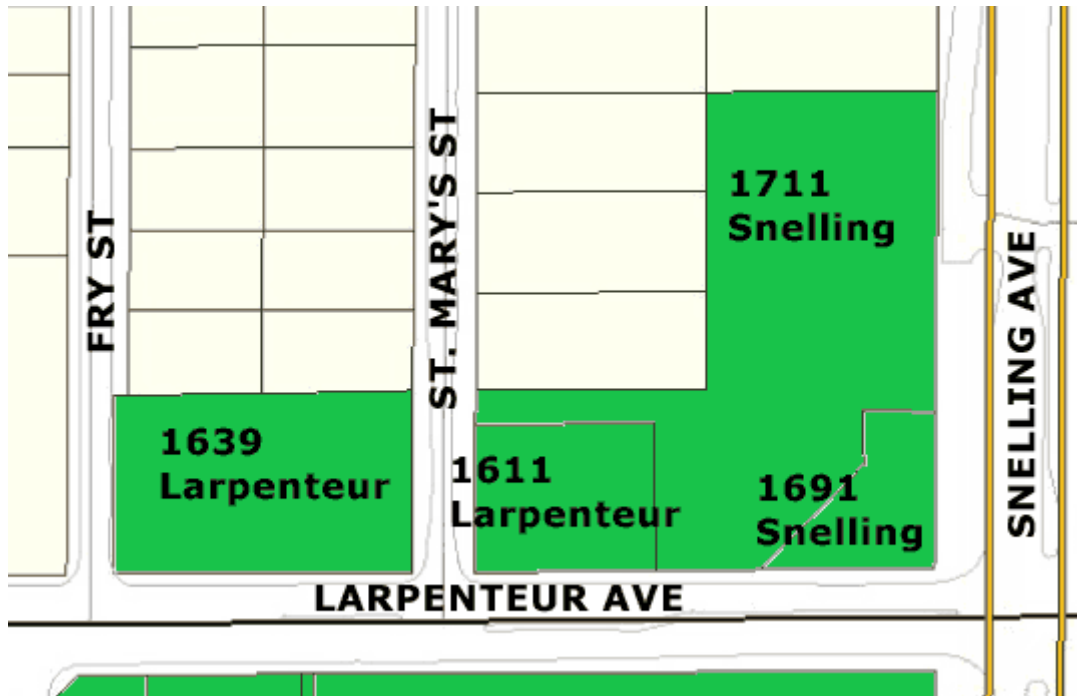
**1667 Snelling (B3)**

PIN#: 212923110030
 Width: 273 ft.
 Depth: 607 ft.
 Area: 162,479 sq. ft.

1644 Larpenteur (B3)

PIN# 212923110028, 212923110029
 Width: 250 ft.
 Depth: 500 ft.
 Area: 112,385 sq. ft.

Total Area: 274,864 sq. ft.



1639 Larpenteur (B3)

PIN#: 162923440047
 Width: 201 ft.
 Depth: 174 ft.
 Area: 50,530 sq. ft.

1611 Larpenteur (B3)

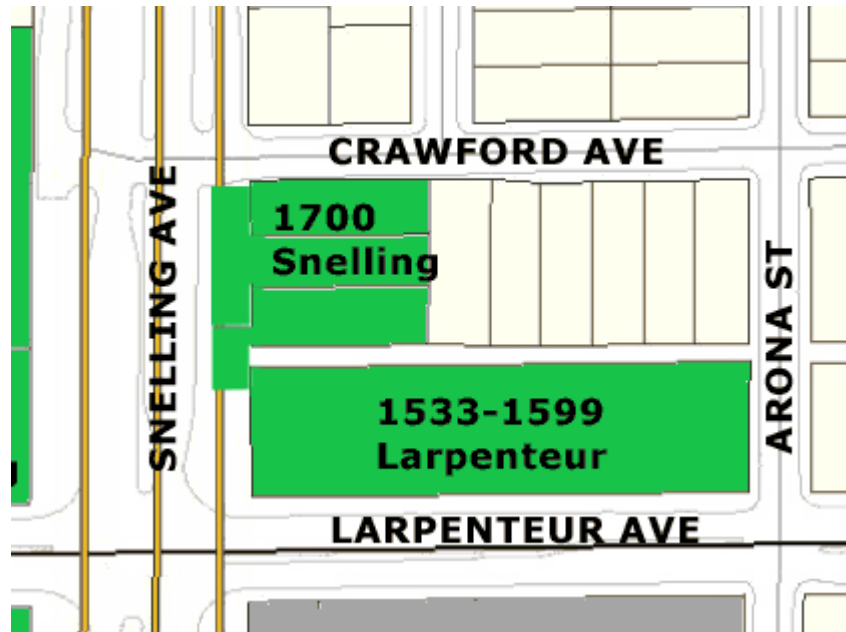
PIN#: 162923440074
 Width: 175 ft.
 Depth: 144 ft.
 Area: 25,265 sq. ft.

1711 Snelling (B3)

PIN#: 162923440073
 Width: approx. 462 ft.
 Depth: approx. 225 ft.
 Area: 91,476 sq. ft.

1691 Snelling (B3)

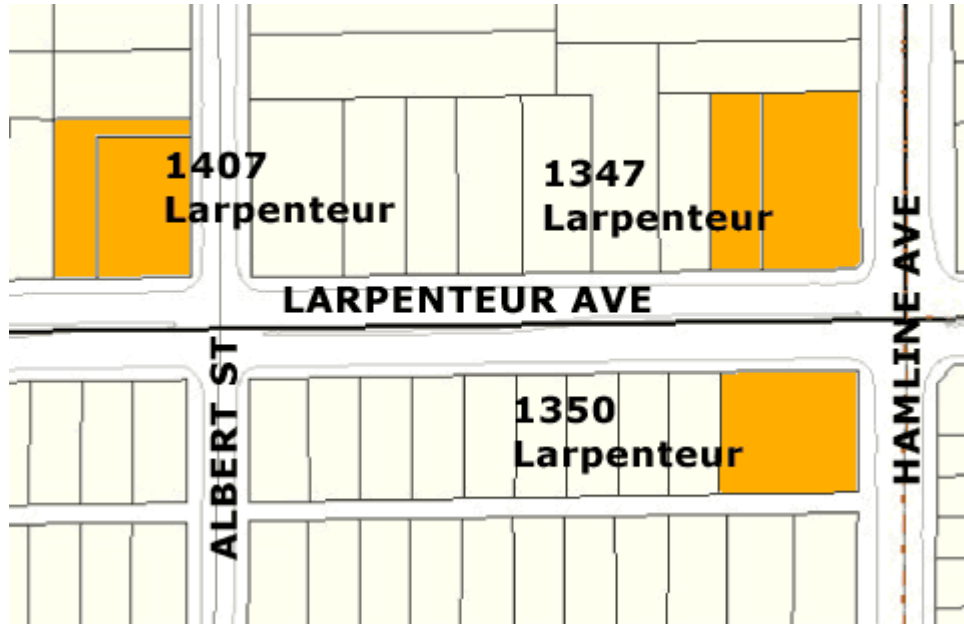
PIN#: 162923440067
 Width: 172 ft.
 Depth: approx. 100 ft.
 Area: 16,553 sq. ft.

**1533 Larpenteur (B3)**

PIN#: 152923330136, 152923330140
 Width: approx. 482 ft.
 Depth: 126 ft.
 Area: 73,445 sq. ft.

1700 Snelling (B3)

PIN#: 152923330105, 152923330139
 Width: 107 ft.
 Depth: 218 ft.
 Area: 23,547 sq. ft.

**1407 Larpenteur (B1)**

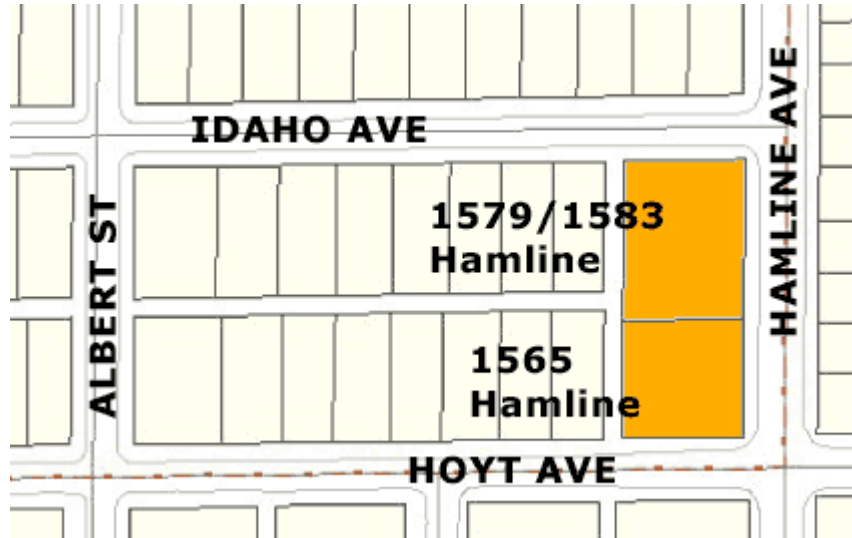
PIN#: 152923340061, 152923340061
 Width: 139 ft.
 Depth: 207 ft.
 Area: 21,780 sq. ft.

1347 Larpenteur (B1)

PIN#: 152923340132, 152923340020
 Width: 146 ft.
 Depth: 172 ft.
 Area: 25,265 sq. ft.

1350 Larpenteur (B1)

PIN#: 222923210001
 Width: 136 ft.
 Depth: 121 ft.
 Area: 16,553 sq. ft.



1579/1583 Hamline (B1)

PIN#: 222923210181
 Width: 157 ft.
 Depth: 118 ft.
 Area: 18,295 sq. ft.

1565 Hamline (B1)

PIN#: 222923210161
 Width: 112 ft.
 Depth: 118 ft.
 Area: 13,068 sq. ft.

Business Property Data – Falcon Heights

Current Occupant	Address	PIN(s)	Width	Depth	Area
Prior (B2)					
TCCU	2025 Larpenteur	162923340080, 162923340078, 162923340094	515	1317	548,357
Knutson	1781 Prior	162923330020	287	177	50,887
Hort Soc	1755 Prior	162923330021	145	177	25,665
CCM (B1)	1871 Larpenteur	162923340022	57	215	12,255
Hermes (B2)	1790 Larpenteur	212923120005, 212923120006	283	241	67,954
	1750 Larpenteur	212923120007	158	638	81,893
			Hermes Total:		149,847
TIES (B3)	1667 Snelling	212923110030	273	607	162,479
	1644 Larpenteur	212923110028, 212923110029	250	500	112,385
			TIES Total:		274,864
NW corner (B3)					
Bucks	1639 Larpenteur	162923440047	201	174	50,530
Chianti Grill	1611 Larpenteur	162923440074	175	144	25,265
Warner	1711 Snelling	162923440073	approx. 462	approx. 225	91,476
Amoco	1691 Snelling	162923440067	172	approx. 100	16,553
NE Corner (B3)					
Falcon Crossing	1533 Larpenteur	152923330136, 152923330140	approx. 482	126	73,445
Dino's	1700 Snelling	152923330105, 152923330139	approx. 107	218	23,547
Larpenteur/Hamline (B1)					
Martinizing	1407 Larpenteur	152923340061, 152923340061	139	207	21,780
Awad Clinic	1347 Larpenteur	152923340132, 152923340020	146	172	25,265
Super America	1350 Larpenteur	222923210001	136	121	16,553
Hamline/Hoyt (B1)					
Blomberg	1579/1583 Hamline	222923210181	157	118	18,295
Auto Repair	1565 Hamline	222923210161	112	118	13,068

Businesses by lot area: smallest to largest

Current Occupant	Zone	Address	Pin(s)	Width	Depth	Area
CCM	B1	1871 Larpenteur	162923340022	57	215	12,255
HH Auto Repair	B1	1565 Hamline	222923210161	112	118	13,068
Amoco	B3	1691 Snelling	162923440067	172	approx. 100	16,553
Super America	B1	1350 Larpenteur	222923210001	136	121	16,553
Blomberg	B1	1579/1583 Hamline	222923210181	157	118	18,295
Martinizing	B1	1407 Larpenteur	152923340061, 152923340061	139	207	21,780
Dino's	B3	1700 Snelling	152923330105, 152923330139	107	218	23,547
Chianti Grill	B3	1611 Larpenteur	162923440074	175	144	25,265
Awad Clinic	B1	1347 Larpenteur	152923340132, 152923340020	146	172	25,265
Hort Soc	B2	1755 Prior	162923330021	145	177	25,665
Bucks	B3	1639 Larpenteur	162923440047	201	174	50,530
Knutson	B2	1781 Prior	162923330020	287	177	50,887
Hermes (west)	B2	1790 Larpenteur	212923120005, 212923120006	283	241	67,954
Falcon Crossing	B3	1533 Larpenteur	152923330136, 152923330138	approx. 482	126	70,132
Hermes (east)	B2	1750 Larpenteur	212923120007	158	638	81,893
Warner	B3	1711 Snelling	162923440073	approx. 462	approx. 225	91,476
TIES (west)	B3	1644 Larpenteur	212923110028, 212923110029	250	500	112,385
Hermes (total)	B2	1790 Snelling	212923120005, 212923120006, 212923120007			149,847
TIES (east)	B3	1667 Snelling	212923110030	273	607	162,479
TIES (total)	B3	1667 Snelling	212923110030, 212923110028, 212923110029			274,864
TCCU	B2	2025 Larpenteur	162923340080, 162923340078, 162923340094	515	1317	548,357

NOTES: The "approx" measures are lots with non-rectangular shapes, where the measurement given corresponds with either the dimension of the greater part of the lot or a "perceptual" frontage (in the case of the most irregular parcels, such as the BP station).

Attachment B: Survey of Zoning Regulations for Drive-through Facilities

Falcon Heights Drive-through Study - Cornejo Consulting - July 7, 2006

Minnesota

	Permitted or Cond.?	Distance Req.	Min. Lot Size	Open Space	Stacking Lanes	Hours	Noise	Lighting
Falcon Heights	B-2: Bank (Cond.) B-3: Eating (Permitted) Bank (Cond.) Site Plan Review	driveway 20 ft. from street ROW		25% landscaped	8 cars			
Arden Hills	Special Use Permit in B-2, B-3, B-3; Site Plan Review	400 ft. from school, church, pub. rec. area, residential; 1320 ft. from another drive-through; electronic device 50 ft. from lot line	>24,000 sq. ft.	20 ft. from front lot line; 10 ft. from side lot line; 15 ft. from rear lot line				
Edina	Acc. Use in PCD-2, PCD-3, PCD-4; Site Plan Review				Financial: 3 cars Car Wash: 25cars Acc. Car Wash: 2 cars All other uses: 4 cars			
Little Canada	Cond. Use Permit in B-2, B-3, B4; Site Plan Review	Not less than 5 ft. from resid. Dist.						Hooded
Maplewood	BC Bus. Com'l Dist. SC Shopping Ctr Dist.							
Minneapolis	B4C, B4S, C2, C3S, C4 Site Plan Review		>12000 sq. ft.		Bank Teller 4 cars Restaurant 6 cars			
Minnetonka	B-1-2-3 Bank (Cond.) B-2-3 Eating (Cond.)	100 ft. from resid.			6 cars		PA system not audible from resid.	

No. St. Paul	Cond. Use in B-2, B-3; Site Plan Review	200 ft. from school, church, or pub. rec. area 400 ft. from resid.	>30,000 sq. ft.	10% landscaped	3 cars for banks	Req. as condition of approval	>300 ft. from resid. 65-70 dBA	No glare on adjacent prop.
Oakdale	C-2 Permitted Use					6 am to 11 pm if within 100 ft. of resid.		
Plymouth	Cond. Use in C-2, C-3, C-4; Site Plan Review	300 ft. from resid.		Screen all elements of drive-through	Pharmacy: 5 cars All other: 10 cars	7 am to 10 pm	Not audible from resid.	Screen glare from stacking lights
Red Wing	Cond. Use in B-2, B-2a		>10,000 sq. ft.		Fast Food: 4 cars Banks: 4 cars Car Wash: 4-5 cars All other: 3 cars			No glare on adjacent prop.
Richfield	Cond. Use in C-2, C-3, MU-R, MU-C	20-30 ft. from resid. 150 ft. (window, order station, ext. loudspeaker) from resid.			4 cars		50-60 dBA	
Roseville	Cond. Use in B-1B, B-2, B-3, B-6, PUD, SC Site Plan Review							
St. Anthony	Cond. Use in C District							
St. Louis Park	Cond. Use in C-1, C-2, PUD	100 ft. from resid., schools, churches, institutions			6 cars		PA system not audible from resid.	
Saint Paul	Cond. In OS, B1, B2 Perm. In B3, B4, B5	60 ft. from resid. 60 ft. from intersec. To the side or rear		6 ft. buffer area w. planting and fence				
Wayzata	Cond. Use in C-2 (banks) C-3, C-4 (banks, restaurants)			5 ft. green strip	>180 feet	Limited as necessary	Satisfy State regs.	
West St. Paul	Cond. Use in B-2, B-3, B-4	Not in front yard or setback area		Screen headlights	Adequate stacking; provide bypass lane		Not audible bet. 10 pm and 7 am	
White Bear Lake	Cond. Use in B-3			5 ft. landscaped screen				Not visible from public ROW or resid.

Outside Minnesota								
East Lansing MI	Cond. Use in B-1 (banks, dry cleaners); Cond. Use in B-2 (rest.); Prohibited in B-3	>400 from resid.						Reflected away from adjacent streets and resid.
Evanston IL	Special Use in B-2, C-1, C-2, D-1, D-3, D-4, O-1						<50 dBA	
Oak Park IL	Permitted in B-1, B-2, C; Special Use in B-3, B-4							
Overland Pk KS	Permitted in CP-2	200 ft. (order box, pick-up window, drive-in stall) from resid.			Adequate car stacking			
Pasadena CA	Cond. Use; Site Plan Review	500 ft. from park, school, another fast food				Req. Hours of Operation Plan		
Sacramento CA	Cond. Use in several zones	>25 ft. from driveway		6 ft. high masonry wall screen from resid.	>180 ft.	7 am -10 pm		
Santa Monica CA	Cond. Use in C-4; Architectural Review		10,000 sq. ft.		6 cars	7 am -10 pm	30 ft. from resid.; <50 dBA	Not create a nuisance for adjacent resid.
Wheaton IL	Special Use in C-2, C-3, C-4; Site Plan and Architectural Review						<55 dBA	
Whitefish Bay WI	Cond. Use in Silver Spring Drive Business District, and only if less than half of sales are from drive-through operations; Site Plan and Architectural Review							

CITY WIDE
IMPLICATIONS

CITY OF HAMILTON

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Strategic Services and Special Projects Division

Report to:	Chair and Members Economic Development and Planning Committee	Submitted by:	Tim McCabe General Manager Planning and Economic Development Department
Date:	March 16, 2009	Prepared by:	Al Fletcher (905)546-2424, Ext. 5802

SUBJECT: Prohibition or Regulation of Drive-Through Facilities within the City of Hamilton (PED09082) (City Wide)

RECOMMENDATION:

- a) That Report PED09082 respecting Prohibition or Regulation of Drive-Through Facilities within the City of Hamilton be received for information.
- b) That Council direct staff to develop zoning regulations and revisions to the site plan guidelines, to better regulate drive-through design, reduce conflicts with pedestrians and adjacent residential and institutional uses, provide adequate on-site parking and avoid stacking of vehicles onto City roads.
- c) That Council direct staff to bring forward zoning regulations and design guidelines related to Recommendation (b) outlined above, in the Fall of 2009, as part of the new Comprehensive Zoning By-law Commercial Zones currently being developed.
- d) That Item "E" be identified as complete and be removed from the Economic Development and Planning Committee Outstanding Business list.

Tim McCabe
General Manager
Planning and Economic Development Department

SUBJECT: Prohibition or Regulation of Drive-Through Facilities within the City of Hamilton (PED09082) (City Wide) - Page 2 of 15

EXECUTIVE SUMMARY:

On November 12, 2008, Council requested Planning and Economic Development staff, the Medical Officer of Health and Manager, Traffic Engineering and Operations, to report back on the issue of the potential prohibition or restriction of drive-through facilities within the City. Drive-throughs are currently used throughout the City associated with principle uses of restaurants, banks, variety stores, pharmacies and beer stores. The issue of drive-throughs and prohibition has predominantly related to accessory drive-throughs to restaurants.

From discussion with the Legal Services Division, the prohibition of drive-throughs if defined as a use, must be permitted somewhere within the City. However, drive-throughs can be regulated in design and prohibited by specific locations which have different visions for development. Current draft Official Plan policies being proposed for inclusion within the new Official Plan are recommending prohibition of drive-throughs within the Pedestrian Prominent Streets, such as the Downtown Business Improvement Areas Mixed-Use areas where there is a design preference for more pedestrian oriented environments.

The Public Health Services – Healthy Living Division has been involved in this review and expressed concerns that any use which supports a car culture does have negative impacts on providing for healthy living. To further reduce the dependence of people on vehicles, Public Works – Capital Planning and Implementation Division has provided comments and reinforces the information provided from Public Health. The City is undertaking many initiatives to create other opportunities for alternative modes of transportation. Having more opportunities for the public to use alternative modes of transportation, the less demand there will be for drive-throughs.

The Health Protection Division of the Public Health Services Department commented that it would be extremely difficult to attribute a human health impact related to the burden of air pollution specifically from idling vehicles at drive-through facilities.

Discussions have been held with the Traffic Engineering and Operations Section of Public Works regarding drive-throughs. Safety concerns were raised related to stacking of vehicles, from restaurants onto City roads and on-site circulation of drive-throughs that are in conflict with pedestrian movements. Traffic has recommended, through comment on development applications, approximately 20 on site stacking spaces be provided for specific types of restaurants to avoid spill over onto the abutting City streets. It was also suggested that drive-throughs only be permitted where the restaurant provides seating.

Prior to recommending or implementing changes, it is suggested that there is a need for further meetings with the “Quick Service” industry and the public to discuss the details of potential zoning regulations as well as urban design principles based on varying locations. Through the implementation of the new Commercial Zoning in the Comprehensive Zoning By-law, specific recommendations will be brought forward at that time. It is the intent of staff to bring forward the new Commercial zoning in the Fall of 2009.

SUBJECT: Prohibition or Regulation of Drive-Through Facilities within the City of Hamilton (PED09082) (City Wide) - Page 3 of 15

BACKGROUND:

1.0 Council Direction

City Council, at their meeting of November 12, 2008, endorsed the following resolution from the Economic Development and Planning Committee:

“That the General Manager of Economic Development and Planning, Medical Officer of Health, and the Director of Traffic be directed to report back on the potential prohibition or restriction of drive-through facilities by March 30, 2009 and that the report addresses any planning issues, traffic concerns, and health risks.”

2.0 Legal Services Division - Drive-Through – Use versus Regulation

2.1 Principle Use

Should a drive-through be defined as a use, various zones could permit or prohibit any use. However, as a principle use the City must permit that use somewhere within the City and cannot be prohibited outright across the entire City. The consideration of a full ban on drive-throughs would likely be appealed to the Ontario Municipal Board (OMB) and unlikely to be successful.

2.2 Accessory Use

Through the new Commercial Zones being developed for the Comprehensive Zoning By-law, drive-throughs are being considered as an accessory use. A drive-through would only be located as part of a permitted main use on the site, e.g. restaurant drive-through, where if the principle use was not on site the drive-through would not be on site. Through zoning regulation, drive-throughs can be regulated by location, noise attenuation, stacking spaces, setbacks and other design measures.

Based on review of some Ontario Municipal Board hearings, the OMB has supported limited prohibition of drive-throughs based on specific locational criteria, and has supported the regulating of drive-throughs through zoning regulations. There has also been support for Urban Design Guidelines to provide direction through the site plan approval process to provide specific site design criteria. However, total prohibition has not been supported.

The City does not have the ability to mandate changes to existing legal drive-throughs unless there is a proposed redevelopment subject to a development application. However, the City can undertake discussions with the operator in an attempt to alleviate issues.

SUBJECT: Prohibition or Regulation of Drive-Through Facilities within the City of Hamilton (PED09082) (City Wide) - Page 4 of 15

3.0 Drive-Through Research

Staff has undertaken research and met with various internal departments to review the issues related to drive-throughs.

3.1 City of Hamilton

Within the City of Hamilton, under former municipal Zoning By-laws, there are no zoning regulations related to drive-throughs. The design of drive-throughs is dealt with at the site planning stage through direction from the “City of Hamilton – Site Plan Guidelines” within which Section 6.3 Drive-through Restaurants and Other Facilities provides design parameters. The guidelines provide direction for the on-site design, design elements in proximity to residential and institutional uses, landscaping, noise attenuation and minimum stacking spaces.

3.2 Other Municipalities

A summary of the initiatives of other municipalities regarding drive-throughs is attached as Appendix “A” to Report PED09082. The consideration of prohibition or regulation of drive-throughs is not unique to Hamilton and has had significant review by many other municipalities. In many cases, the initial direction from Council was to review the full prohibition of drive-throughs. However, most municipalities, including Mississauga, London, Toronto, have adopted some of the following approaches:

- i) Determine appropriate locations within the City where drive-throughs should be prohibited.
- ii) Develop zoning regulations to regulate as well as to prohibit drive-through where appropriate.
 - a) Minimum number of stacking spaces – restaurants (donut/coffee shop versus fast food) versus other uses.
 - b) Locational specific regulations:
 - 1. does not conflict with required parking,
 - 2. does not obstruct or cross access to main entrance doors
 - 3. does not cross between building and street.
 - c) Require solid board/noise attenuation fencing where drive-through abuts a residential or institutional property line.
 - d) Require Planting Strip where drive-through abuts a residential or institutional property line.
 - e) Prohibition of drive-throughs within 30-90 m of a residential neighbourhood unless noise study completed.

SUBJECT: Prohibition or Regulation of Drive-Through Facilities within the City of Hamilton (PED09082) (City Wide) - Page 5 of 15

- iii) Provide for enhanced Site Plan Guidelines to guide design in situations where drive-throughs are located abutting residential and institutional uses/zones.

The City of St. John's, Newfoundland has most recently been in the media regarding drive-through issues at a Tim Horton's restaurant. City of St. John's staff research, from a traffic perspective, is attached as Appendix "B" to Report PED09082. Council imposed a moratorium on new drive-throughs, based on congestion from one restaurant, until staff had the opportunity to review the issue. In the end, Council rescinded its moratorium based on discussions with Tim Horton's who are also concerned about safety, are looking at staffing levels, and acquiring additional land to reorganize parking lot layouts. Recently, the operator has reviewed staffing to determine if additional staffing would allow for quicker vehicle movements through the drive-through as well as looking at acquisition of additional lands to redesign the parking layout to increase stacking spaces.

3.3 Summary

All municipalities with restaurant drive-throughs appear to have experienced similar issues and impacts. These municipalities are taking a proactive approach on reviewing each new site at the development approval stage to address the various concerns. No one approach or set of regulations are consistently applied. Due to varying locations, shapes and sizes of properties, and the different characteristics of each municipality, different solutions are appropriate at different locations.

4.0 Public Health Services Department

4.1 Healthy Living Division

Drive-through facilities support a car culture and discourage healthy active transportation. The widespread use of motorized vehicles negatively impacts public health by contributing to obesity, physical inactivity, and safety concerns. Some of the health impacts of motorized vehicles include:

- Every additional 60 minutes spent in a car per day translates into a 6% increase in the likelihood of obesity (Frank, 2004);
- Each additional kilometre walked per day is associated with a 4.8% reduction in the risk of obesity (Frank et al., 2004);
- A 5% increase in walkability of a neighbourhood is associated with a 0.23 point reduction in body mass index and 6.5% reduction in vehicle miles travelled (Frank, 2006);
- Overweight and obese individuals have a higher risk of developing type 2 diabetes, coronary heart disease and stroke, hypertension, osteoarthritis, some types of cancer and gallbladder disease (Basrur, 2004);
- Health risks of physical inactivity are premature death, heart disease, obesity, high blood pressure, type 2 diabetes, osteoporosis, stroke, depression, colon cancer (Health Canada, 1998);

SUBJECT: Prohibition or Regulation of Drive-Through Facilities within the City of Hamilton (PED09082) (City Wide) - Page 6 of 15

- A review of the literature found that the urban built environment was positively related to both physical activity and healthy body weights (Raine, 2008);
- Individuals will choose active transportation if there are destinations close by to get to without a motor vehicle and if the environment is safe and enjoyable for walking (CDPAC, 2006);
- Since drive-through facilities are designed for motor vehicles only, these facilities are often poorly designed for pedestrians and can be hazardous to non-vehicular traffic; vehicles may be stopped on the sidewalk forcing the pedestrian to find another route (Region of Waterloo, 2008); and,
- Sightlines may be compromised for both drivers and those using active transportation as vehicle stack and turn. Children, older adults, and people with special needs may be overwhelmed and unable to safely navigate around the area.

The International Charter for Walking was approved by Council on April 1, 2008. Its vision is “to create a world where people choose and are able to walk as a way to travel, to be healthy and to relax, a world where authorities, organizations and individuals have:

- Recognized the value of walking;
- Made a commitment to healthy, efficient and sustainable communities; and,
- Worked together to overcome the physical, social and institutional barriers which often limit people's choice to walk.

Strategic principles include increased inclusive mobility, well designed and managed spaces and places for people, improved integration of networks, supportive land-use and spatial planning, reduced road danger, more supportive authorities, and a culture of walking.

4.2 Health Protection Division

In the Clean Air Hamilton 2005-2006 Progress Report, sampling was conducted downwind at a number of coffee shop and fast food/hamburger drive-through facilities. Preliminary data of this mobile monitoring survey indicated that there did not appear to be large impacts downwind of the drive-through restaurants. Concentrations were equivalent to or less than those measured along roads.

It would be extremely difficult to attribute a human health impact related to the burden of air pollution specifically from idling vehicles at drive-through facilities. Simply from a total air shed contribution theory, any reduction of vehicle exhaust by limiting the amount of idling that may occur at drive-throughs would be a positive step. However, caution must be exhibited in trying to attribute a decrease in health risks related to a decrease in vehicle exhaust by limiting the amount of idling at drive-throughs. The evidence is not currently present.

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5.0 Public Works Department

5.1 Traffic Engineering and Operations Section

Public Works - Traffic Engineering and Operations Section, has expressed concerns with the current supply of adequate on-site stacking where insufficient on-site stacking results in overflow onto the sidewalk and/or road. This issue becomes one of public safety. It is the opinion of the Traffic Engineering and Operations Section that by providing appropriate zoning regulations, e.g. mandated on-site stacking spaces, avoid stacking lanes being in conflict with people trying to access building entrances, and parking spaces and encouraging sit down dining etc. will assist in addressing safety issues. Currently, drive-through design is regulated through the implementation of the site plan guidelines. Traffic has consistently required approximately a minimum 20 stacking spaces where a drive-through is related to Tim Horton's restaurants.

5.2 Capital Planning and Implementation Division

Through the Transportation Master Plan, specific programs and initiatives, the City has been trying to get people out of their cars and using alternate modes of transportation. While we can provide regulations for drive-throughs to ensure they function properly, are located in the right areas and on size of lots that can properly accommodate the drive-through, if people are not in their cars, there is no need for drive-throughs.

The City continues to undertake substantial proactive work to provide opportunities to get people out of their cars. Some of these efforts are as follows:

- Public Works Strategic Plan Priority – “To be a leader in the “greening” of the City”
- Hamilton Transportation Master Plan (TMP)
 - o Hamilton Transportation Plan advocates adding 120 km of bike lanes, 140 km of trails and providing “high-order” (now rapid) transit.
 - o The TMP is focussing on getting people out of their cars by recognizing that unless options are developed, 180,000 auto trips per day will be added to our road network by 2031.
 - o A strategy is to reduce vehicle-km travelled by 20% over current trends based on a transportation demand management program, aggressive transit improvements and strategic road improvements.
 - o Goals: By 2031 (versus 2006) - Increase transit modal split to 12% or 100 trips per capita per year (at about 46 now); Increase City walking/cycling modal split to 15% (from 6%).
- Rapid Transit – Through significant work with Public Works, the City has put itself in good position with the Metrolinx's Regional Transportation Plan to secure funding for Rapid Transit in Hamilton:
 - o B-Line named a priority project by Metrolinx and the plan is provide LRT in dedicated lanes on Main/King corridor (short term) and 4 additional rapid transit routes in the longer term.

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- o Buses removed from Main/King corridor could be used to expand feeder system to LRT to attract more riders.
- o LRT will be designed to be fast, frequent, reliable, and comfortable, in order to compete with private auto.
- o A-Line – Route of James/Upper James being provided with peak period, limited stop service to begin September 2009 which is the pre-cursor to full rapid transit.
- New Conventional Transit Routes include:
 - o Transit Operation Review – review of ridership and performance on all routes to determine if/where adjustments and improvements are required.
 - o Waterdown Route – connects Waterdown with Aldershot GO station at peak period service aimed at commuters has been in operation since September 2008.
 - o A new Centennial/Rymal/Garner route (2009) which also connects transit to the Ancaster Industrial Park for employees. This route is envisioned for rapid transit in the future.
- Transportation Demand Management initiatives include Commuter Challenge, Clean Air Commute, Bike to Work Day, Car-free Day, Car-pool Week, Employee Trip Reduction Program and Secure Bike Parking. Each of these initiatives show people that there are other feasible ways of moving around the City.
 - o Smart Commute Hamilton (Transportation Management Association) – in 2009, the City will be targeting Hamilton Employers with 100 employees or more and will work with them to offer Transportation Demand Management alternatives such as carpooling, vanpooling, transit passes, cycling facilities (secure bike parking), alternative work hours/arrangements. Hamilton was named 2008 Employer of the Year by Smart Commute Hamilton for offering Transportation Demand Management Alternatives.
 - o Car Pool Zones
 - o Cycling Master Plan – in 2009, “Shifting Gears” will be updated to increase opportunities for cycling within the City.
 - o Pedestrian Initiatives – Mayor has signed the charter to recognize the City of Hamilton as a Walkable City. Participation in Canadian Walking Masters Class Initiative.
 - o Area Specific Transportation Master Plans – the City is looking at various areas of the City to review the transportation needs including Ancaster, Downtown Dundas and Strathcona Neighbourhood.

6.0 Clean Air Hamilton

In April 2007, RWDI Inc. attended a meeting of Clean Air Hamilton to present their 2003 modeling work on drive-throughs and air quality. It should be noted that staff is not aware of no other similar research related to the comparison of idling traffic in drive-throughs has more impact on air quality compared to existing road traffic or other pollutions. In 2007, Clean Air Hamilton had undertaken their own sampling of local drive-throughs through the Mobile Monitoring Study. RWDI concluded that the focus

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should be on idling at intersections because their model shows that air quality there is much worse than in drive-through areas. The Mobile Monitoring Study data sampling on drive-throughs supports the RWDI results, as the study demonstrated that the impacts on air quality on roadways are significantly higher than drive-throughs. From a transportation perspective, Clean Air Hamilton has chosen to focus their efforts on air particulate on major roadways rather than drive-throughs. However, any additional idling of vehicles does contribute to air quality issues.

ANALYSIS/RATIONALE:

1.0 What are the issues?

1.1 Traffic – Related to Specific Restaurant Drive-Throughs

While most drive-throughs do not have traffic issues, certain fast food restaurants, due to their popularity and expanded menu, have attracted more customers which have developed negative impacts related to stacking for drive-throughs. In some cases, the retro-fit of drive-throughs at older facilities, on smaller lots, has created problems with a lack of stacking spaces and the result is the overflow extends onto abutting City streets. The sites are too small to accommodate the drive-through design parameters. Other locations have stacking lanes extending across sidewalks preventing the flow of pedestrians. The issue of stopped traffic creates added congestion and potential safety issues.

On-site circulation of traffic has also been raised as an issue. There is the perception that many site plans are designed with the preference of movements given to the vehicle over the pedestrian. In many cases, people who choose to park and enter a facility must cross a drive-through lane. In some cases, the building is completely encircled by the drive-through lane. A design which provides easier access to the entrance doors, without conflict with the drive-through lane may encourage more people to not use the drive-through.

1.2 Health

There are two components to the issue of health related to drive-throughs. The Air Quality issue has been argued by many as a significant issue based on supporting a car culture, as well as, the idling on-site waiting in a drive-through lane having negative impacts. There is also the health issue related to drive-throughs supporting a car culture and physical inactivity. As Public Health Services has commented, the inactivity of people has potential negative impacts on obesity, physical inactivity and safety concerns. Any additional idling of cars does contribute to a decrease in air quality but no significant research has been undertaken to conclude the magnitude of the impact or a comparison to other pollution sources.

1.3 Impact on Adjacent Uses

There have been many cases related to the issue of drive-through lanes directly abutting residential and institutional properties. Issues arise over idling cars next to

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back yards and noise from speaker boxes. Many municipalities have regulated the proximity of drive-through lanes from residential and institutional property lines, require noise studies or noise walls be constructed and increase in landscaping to buffer the uses.

1.4 Convenience and Accessibility

Research has shown that there have been the arguments in support of drive-throughs from parents with young children, where accessing the use requires crossing drive-through lane is a safety issue and access to services for those with disabilities is improved.

2.0 How have other municipalities dealt with the issues?

Other municipalities with similar concerns regarding drive-throughs, are trying to reduce car dependence and have taken different approaches to deal with the issues of drive-throughs. No municipalities have prohibited drive-throughs. Municipalities have chosen to address drive-throughs in a variety of ways including new zoning regulations, locational criteria in Official Plans and design guidelines. From a zoning regulation perspective, many municipalities have regulated the following:

- Number of stacking spaces
- Proximity to Residential or Institutional
- Landscaping
- Setbacks from Streets, Lot lines
- Required Parking – maintained and not reduced

3.0 What is the City of Hamilton doing now?

3.1 Health

The issue of air quality has been argued before the Ontario Municipal Board and the only study known to have been completed to evaluate drive-through air quality concluded that there is increase in negative impacts on air quality but not a significant increase. However, any decrease in air quality does contribute to the bigger picture of improving our air quality. A continued approach by the City to encourage people to get of their cars and providing for the opportunities to use alternative modes of transportation will reduce the demand for drive-throughs.

3.2 New Official Plan

Within the new Official Plan draft Commercial policies, policies are proposed related to drive-throughs. These policies are currently available for comment and include locational restrictions for drive-throughs. Specific policies regulated by the new Official Plan can be found in the following sections:

- a) Commercial/Mixed Use Policies - Pedestrian Predominant Streets – Areas within the City have been proposed to be designated as Pedestrian

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Prominent Streets. These locations relate to areas where the focus is on pedestrian movements in conjunction with commercial areas, e.g. Business Improvement Areas. The focus is to develop vibrant commercial areas with buildings developed at the street line, parking being at the rear or sides of buildings and where a drive-through lane will interrupt the pedestrian flows along the street.

- b) Secondary Plans – As previously approved and to be maintained within the new Official Plan are the policies of the “Putting People First: The New Land Use Plan for Downtown Hamilton” and “Setting Sail – Secondary Plan for West Harbour”. Within both of these Secondary Plans there are specific policies regulating the restriction of drive-throughs within their plan area.
- c) Urban Design Comments – Policies have been included that provide for direction related to buildings being built to the street line, no drive-throughs shall be located between the building and the street line and drive-throughs should not conflict with on-site pedestrian movements.

4.0 Next Steps

4.1 New Comprehensive Zoning By-law

Legal Services have provided the opinion that any attempt to totally prohibit drive-throughs would not be successful at the Ontario Municipal Board. As long as people continue to utilize their vehicles, drive-throughs will continue to be used for convenience or for practical reasons. It is the opinion of staff that the introduction of drive-throughs into Pedestrian Prominent streets, created under Official Plan policy, would be in conflict with pedestrian movements and the atmosphere being created.

It is proposed that staff continue consultation with the “quick service” industry regarding permitted locations, site designs, zoning regulations and revisions to the site plan guidelines, which could include:

- a) creating different use definitions for restaurants and donut/coffee shops;
- b) minimum number of stacking spaces from the service window
 - i) restaurants - 12-20 spaces
 - ii) all other uses - 3 spaces;
- c) locational specific regulations:
 - i) required stacking spaces shall not be obstructed, i.e. not located in a parking lot aisle giving access to parking spaces;
 - ii) shall not be located between the required parking and the entrance door; and,

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- iii) a drive-through lane, whether entrance or exit, shall not be located between the street and the building;
- d) require a solid board fence where drive-through lane abuts or is in proximity to residential or institutional property line;
- e) require a Planting Strip where a drive-through abuts a residential or institutional property line;
- f) minimum lot size or lands dedicated to a drive-through (i.e. within a Commercial plaza/development) to ensure the site is capable of meeting all the requirements of the Zoning By-law; and,
- g) minimum setbacks from residential or institutional uses.
- h) only permitting drive-throughs, related to restaurants, where seating is provided within the restaurant.

4.2 Consultation

Further discussions shall be held with the 'Quick Service' industry regarding drive-throughs. We have only been able to meet with Tim Horton's. Other drive-through operators need to be consulted. There is also a need to undertake future Open Houses on Commercial zoning and at that time give the public the opportunity to review the proposal. We intend to bring the new Commercial Zoning forward in the Fall of 2009 and at that time bring forward recommendations for regulating and designing drive-throughs.

ALTERNATIVES FOR CONSIDERATION:

1.0 Total Prohibition

In this option, Council could direct staff to prohibit drive-throughs throughout the City. It is expected that this decision would be appealed to the Ontario Municipal Board (OMB) and the City's case would be unsuccessful.

2.0 Status Quo

In this option, the development of drive-throughs will be dealt with at the site plan approval process where staff would evaluate the design of a drive-through based on the Site Plan Guidelines. There would be no change in the current development of drive-throughs as they are being built today. Drive-throughs would still be prohibited within the Downtown and Setting Sail Secondary Plan Areas.

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3.0 Modify Zoning and Site Plan Design Guidelines

The new draft Official Plan policies being proposed provide for a prohibition of drive-throughs within Pedestrian Prominent Streets as well as maintaining the prohibition within the Downtown and Setting Sail Secondary Plan Areas.

As the current Zoning By-laws have no regulations related to drive-throughs, new zoning regulations would be developed that regulate the site design and location of uses with accessory drive-throughs. In many cases of developments which may become controversial, developers will build as per the zoning regulations to avoid the requirement to submit development applications that might be appealed. Potential exists to create regulations and site design guidelines that the industry would find acceptable and address the concerns of the City.

To implement this option, further consultation is necessary with the industry, internal departments as well as the public.

Staff recommends this option.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial: N/A.

Staffing: N/A.

Legal: N/A

POLICIES AFFECTING PROPOSAL:

The draft Official Plan policy will include policies prohibiting drive-throughs on Pedestrian Prominent Streets, e.g. Business Improvement Areas (BIAs).

RELEVANT CONSULTATION:

1.0 Advisory Committee for People with Disabilities

The following issues arose regarding drive-throughs and accessibility for people with disabilities:

- a. The issue of drive-throughs do provide for convenience for some people with disabilities whereby it is easier from them to access services not easily accessible to them in the past.
- b. Many drive-throughs are designed where the stacking lane entrance and exit are located between the entrance doors and the parking lot. Any person trying to access the entrance door must cross the path of vehicles entering the drive-through versus the drive-through being designed to the exterior of the property conflicting less with the pedestrian movements.

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On February 10, 2009, staff attended the Advisory Committee for People with Disabilities (ACPD) to have a discussion about the issue of drive-throughs. Staff discussed the issues as well as thoughts as to potential zoning regulations as well as design considerations related to conflicts between pedestrians and drive-through lanes. The ACPD felt the approach staff is suggesting in this report was “fair and reasonable” for further consideration.

2.0 Tim Horton’s

In discussion with Tim Horton’s representatives, the following topics were discussed:

- The first understanding Tim Horton’s provided was that many of the older existing restaurants were originally designed and based on restaurants primarily focussed products of coffee and donuts.
- As with most businesses, the business has evolved as well the products they sell have evolved including breakfast foods, as well as lunch sandwiches. The additional products have had two effects on the restaurants; bringing new customers to the restaurants and slightly longer wait times to prepare the breakfast and lunches.
- Drive-through wait times vary based on the types of products ordered.
- We had the opportunity to review many of the new design options for the various restaurant types. Within the new designs, Tim Horton’s is being proactive to many concerns expressed through complaints regarding drive-throughs. They have designed facilities which are focussed to the street line, separated buildings from the street line by a drive-through exit lane, separate conflicts between parking and entrance doors.
- It was interesting to note, many of the better designs that brought the buildings to the street lines, did compromise the issue of conflicts between the customers and the drive-through lanes. Conversely, when buildings are setback from the street line, conflicts between the pedestrians can be better avoided but the “built-to” urban design is compromised.
- A unique design feature Tim Horton’s has been working on is that of where the customer crosses the path of the drive-through. Where crossing cannot be avoided, they focus all pedestrian movement at either the order station or the pick up window. In both of these locations, these are the only locations where it is ensured that the vehicles have to stop and therefore is a safe location for pedestrian crossing to occur.
- Design has a direct relationship to the property size, shape and configuration.

Staff felt the discussions were helpful in better understanding the proactive approach Tim Horton’s is undertaking in new store designs to address many of the concerns that have arisen from older store designs. Tim Horton’s staff were most agreeable to working with the City regarding designs in specific commercial locations whether in Pedestrian Prominent Streets (new Official Plan policy) or in suburban locations.

Staff attempted to meet with the Ontario Hotel Motel and Restaurant Association and specifically their “quick service” group to discuss drive-throughs. Staff feels there is a

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need to discuss drive-throughs further with Tim Horton's as well as with the other "quick service" industry representatives.

CITY STRATEGIC COMMITMENT:

By evaluating the "**Triple Bottom Line**", (community, environment, and economic implications) we can make choices that create value across all three bottom lines, moving us closer to our vision for a sustainable community, and Provincial interests.

Community Well-Being is enhanced. ☒ Yes ☐ No

No changes are proposed at this time however staff are working towards better design and reduced pedestrian conflicts to improve accessibility and relationship to surrounding uses.

Environmental Well-Being is enhanced. ☐ Yes ☒ No

No changes are proposed at this time however with the final recommendations with the Commercial zoning there may be improved environmental impacts. Drive-throughs do create opportunities for increased idling.

Economic Well-Being is enhanced. ☒ Yes ☐ No

Staff recognizes that drive-throughs are part of normal business operations and do not support a total prohibition but also feel through locational restrictions this could assist in providing an improved commercial atmosphere within Business Improvement Areas.

Does the option you are recommending create value across all three bottom lines?

☐ Yes ☒ No

While there are no recommendations for change within this report however, after further study and consultation there is potential to create value across the three bottom lines.

Do the options you are recommending make Hamilton a City of choice for high performance public servants? ☒ Yes ☐ No

Potential new zoning regulations and increase design guidelines can provide more tools for staff to use to better design sites with drive-throughs.

AF/dkm

Attachs. (2)

References related to Public Health – Healthy Living Division Comments

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Region of Waterloo May 2008. Drive-through facilities and health impacts (retrieved on February 13, 2009 from [www.region.waterloo.on.ca/web/region.nsf/8ef02c0fded0c82a85256e590071a3ce/.../\\$file/PH-08-023.pdf](http://www.region.waterloo.on.ca/web/region.nsf/8ef02c0fded0c82a85256e590071a3ce/.../$file/PH-08-023.pdf))

RWDI Consulting Engineers and Scientists, April 2007. Air Emissions at Quick-Service Facilities.

Municipal Comparisons				
Municipality	Definition	Permitted Zones	Regulations	Notes
Burlington	Drive Through Facilities: The uses of land, buildings or structures, or parts thereof, to provide or dispense products or services, either wholly or in part, through an attendant or a window or an automated machine, to persons remaining in motorized vehicles that are in a lane designated for that purpose.	CC1/CC2 CN1/CN2 MXG/MXR/ MXE MCC/UC Zones	Restaurant Drive Thru Facilities: i) Where drive through facilities are located in or adjacent to building elevations facing a street, landscaping shall be provided to screen the building from the street. ii) External conveyor pick-up systems are not permitted in a yard abutting a street and shall be setback 15m from a residential zone iii) Intercom ordering stations shall be setback 15 m from a residential zone.	Not listed as a separate permitted or prohibited use in any zone – footnote in Downtown Zones states that drive thrus not permitted – in other zones they are simply referenced in the regulations
Oshawa	No definition Fast Food Restaurant includes reference to consumption in motor vehicle (<i>permits drive thru?</i>) Restaurant – includes Fast Food Restaurant?	Restaurants (doesn't refer to drive thrus) permitted in: PCC/PSC/ SPC/CC/H C		Vehicle drive thru facilities shall not be permitted for any commercial use or financial institution in any CBD Zone (in CBD regulations) Other zones list Restaurant as permitted use – does this include Fast Food Restaurant, which appears to permit drive thru? Nothing in regs regarding drive thrus
Sarnia	Drive Through Service Facility: shall mean an element of a restaurant use associated with the ordering and serving of food and beverages to patrons where they remain within a motor vehicle, and includes any associated speaker system and order board	Restaurants (doesn't refer to drive thrus): D1/CC1/ GC1-3/ COC1/ HC1	Nothing in regs – just General Provisions	From General Provisions (1) No drive-through service facility defined herein shall be permitted in any yard adjacent to a Residential Zone. (2) Any stacking lane associated with a drive-through service facility defined herein shall be set back a minimum distance of 11.5m from any Residential Zone. (3) A drive-through service facility shall be permitted in any yard adjacent to a residential

				use which is located within a Non-residential Zone subject to the following: (a) the stacking lane shall be setback a minimum of 3m from the property line of the residential use; (b) a minimum 3m wide landscaped strip shall be provided along the boundary between the drive-through service facility and the adjacent residential use; and (c) noise attenuation, which may be located within the landscaped strip, shall be provided between the drive-through service facility and the adjacent residential use to the satisfaction of the City. (4) A restaurant with a drive-through service shall have on the same lot therewith a minimum of 6 stacking spaces in advance of the drive-through window or any other structure which is designed to serve patrons within a motor vehicle. Drive thru service facilities not permitted in Local Commercial (LC) Zone (in regs)
Ajax	Drive-thru Facility: shall mean a building or structure or part thereof where goods or services are offered to the public within a parked or stationary vehicle by way of a service window, or offered in a similar fashion where goods, money or materials are exchanged Restaurant, Drive Thru: Shall mean a commercial establishment in which the	Restaurant, Drive Thru – LC/GC/DC/UC Other Drive Thru: LC/GC/DC/UC/AC	No queuing lane shall be located closer than 10 metres from any residential zone (from Section 5.11 – General Provisions)	Parking requirement for drive-thru restaurant – 1 space per 15 sq. m gfa Parking requirement for all other drive thrus – 1 space per 20 sq m gfa Section 5.11 General Provisions – Queuing Space Requirements (15 ingress spaces for restaurant, 1 egress space for restaurant)

	principal business is the preparation and serving of food and refreshments to the public for immediate consumption within the establishment, on an abutting terrace or patio, or by means of an order or window service which <i>motor vehicles</i> access from the parking area by using designated <i>lanes</i> , and which may include home delivery, catering or food pick-up/take-out services. Also has definition for Queuing Lane			
Ottawa				Not permitted in LC (Local), CC (Community), or TM (Traditional Mainstreet), Not permitted in Village Mixed-Use Zone
Milton	Drive Through Service Facility: Means a <i>building</i> or <i>structure</i> or part thereof accessed by a designated queuing lane, where goods or services are offered to the public within a parked or stationary vehicle by way of a service window or kiosk. For the purposes of this definition, <i>motor vehicle</i> related uses and kiosks within parking structures or <i>parking areas</i> are not considered to be a <i>drive through service facility</i> .	Drive-Thru Service Facility: C1-C/C1-E C1-F C2/C3/C5 C6	Queuing lanes and order boxes to be setback min. 7.5 m from residential zone and street line Buildings containing a drive thru service facility are required to be located an additional 2.0 m from the front lot line or exterior side lot line	General Provisions Section 5.14 – Queuing Lane Requirements: 10 ingress spaces for restaurant, 2 egress spaces for restaurant

Guelph	No reference to drive thru		No regulations for drive thrus	
Mississauga	Restaurant and Take-out Restaurant state that "drive-thru window not included" Convenience Restaurant: means a building or structure or part thereof, where food is prepared and offered for sale to the public for consumption within the building or structure or part thereof, or off the premises, and shall include a drive through window		Commercial General Provisions: Drive Through Window - (i) A drive-through window is permitted accessory to a convenience restaurant, a gas bar with a convenience retail and service kiosk and a motor vehicle service station with a convenience retail and service kiosk. (ii) A drive-through window shall require a stacking lane in compliance with Subsection 3.1.5 of this By-law. Drive Through Banking Machine – (i) A drive-through banking machine is permitted accessory to a financial institution in a C2 and C3 zone. (ii) A drive-through banking machine shall require a stacking lane in compliance with Subsection 3.1.5 of this By-law.	General Provisions: Minimum Separation Distance – all buildings or structures containing a restaurant, take out restaurant or convenience restaurant use must be located a minimum 60 m from a residential zone Section 3.15 Stacking Lane Regulations – (i) stacking lane must be setback min 30 m from residential; (ii) not permitted in front or exterior side yard (iii) in C2 zone, stacking lane not permitted in yard abutting residential zone; (iv) required stacking spaces for convenience restaurant - 12
Niagara Falls	Restaurant, Drive Through: means a place in which food is prepared and sold to the general public and consumed on the premises inside or outside of an automobile and includes an exterior method of ordering and picking up food from a vehicle (Note: This is separate from a Drive Through Facility which is separately defined and does NOT include restaurants) – Note – a Restaurant may include a Drive Through	TC3/TC4 RZT/SC/HC		General Provisions: Drive Throughs and Car Washes shall be separated from any boundary of a Residential Zone by a minimum distance of 10 m (measured from stacking lane to zone boundary) Parking requirement for Drive Through Restaurant: 1 per 16 sq m plus 7 spaces in advance of a drive through

	Restaurant			
Kitchener	Drive-Through Facility: means a place, with or without an intercom order station, where a product or service is available at a service window for delivery to a vehicle as a component of the main use, and shall include an automated bank machine but not an automatic carwash	Not listed in any commercial zone	No regs	General Provisions: Drive Through Facilities Containing Intercom Order Stations – All commercial uses having a drive-through facility which contains an intercom order station shall comply with the MOE noise levels for stationary sources of noise. Where a drive-through facility contains an intercom order station and is situated within 60 m of a Residential Zone, or an Institutional Zone (with exceptions), the drive-through facility shall not be permitted unless: (a, b, c) 3 conditions relating to noise study or noise walls.
London		OR, OC, RO, OF, DA, BDC, CC, SS, OB, RRC	Regs being considered (May 2008): - 15 m setback from residential where a 2.4 m noise wall is provided otherwise 30 m setback - 3.0 m setback from a street line - new stacking space requirements of 15 spaces for Coffee/Donut Shop, 12 for other fast food restaurants, 9 for drive-through/service station, automated teller 4 spaces - 16 m setback from the end of drive-through lanes to street line	
Toronto	Both Drive-Through and Stacking Lane are defined	Industrial and Commercial Zones	- 30 m setback from Residential	- Specifically prohibited in a Local Commercial/Residential or Main Street Commercial/Residential Zone

Ancaster	Restaurant, Fast Food: means a building with or without seating and table	C2/C3	No regs	
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	accommodation, where food and refreshments are provided by outside or inside counter service and includes a drive-in restaurant but does not include a private cafeteria			
Dundas	Restaurant, including drive-in – not defined (though it is in the list of uses in Commercial table)	CH	No regs	
Glanbrook	Doesn't define or mention a drive through restaurant		No regs	
Hamilton	Doesn't define or mention a drive through restaurant		No regs	Prohibited in Setting Sail and Downtown
Stoney Creek	Restaurant Fast Food: means any establishment located in a building or part thereof having a floor area in excess of 100 sq m, with or without seating accommodation, where food or refreshments are sold primarily by counter service in a ready to consume state for consumption on or off premises, whereby: (d) A customer may order and take delivery of food or refreshments in his vehicle to be consumed on the site or elsewhere	GC/HC/SC1/SC2	No regs	

City of St. John's, Newfoundland Tim Horton Drive-Throughs

Wednesday, January 14, 2009

The following is a summary of the comments that received to date from various TOMSC Committee members regarding their issues/solutions in reference to the question posed on January 7, 2009, concerning the problems of spill over's from Tim Horton's Drive Thrus onto public roadways.

Does your municipality /jurisdiction have any problems with spill overs from the Tim Horton's Drive Thrus? and if so what, if anything, has been done to correct the problems or is it just tolerated? We are having problems at many of our locations here in St.John's; even the newer locations with fairly lengthy stacking lanes and I have been asked to see what is happening in other parts of the Country.

Thanx in advance for you help and I will summarize the responses if you would like to see the results.

- **Town of Milton**
 - Experiencing similar issues, in some instances the queue completely blocks the through lane.
 - Currently there is no solution for existing locations. Any new proposed development is thoroughly reviewed at the development stage to prevent similar issues from occurring.
- **Ontario Ministry of Transportation**
 - Experienced similar issues.
 - Recently developed traffic impact study guidelines for consultants submitting proposed new developments. Additionally, a P.Eng. is required to sign off and stamp the impact studies to achieve a better/more consistent QC.
- **Dillon Consulting Limited**
 - Experienced similar issues when working for the City of London
 - Concluded a stacking length of 15 – 18 vehicles is required to accommodate a Tim Horton's Drive Thru.
 - In problem areas, spoke with Tim Horton's representatives concerning the addition of staff at the drive thru window to reduce waiting times. Some improvements have been noted.
- **City of Edmonton**
 - No specific restrictions regarding Time Horton's Drive Thrus.
 - Any access issues are addressed at the development review stages.

- **City of Cambridge**
 - Experienced similar issues in various locations.
 - Additional issues created with reference to large trucks parking illegally while they go inside for a coffee, thus impacting both the thru traffic and drive thru traffic.
 - Noted that Tim Horton's generate traffic volumes not in agreement with the Trip Generation Manual and suggest developing specific trip generation rates for new developments.
- **City of Chilliwack**
 - Experiencing similar issues.
 - All new development is restricted to the layout. The queue volume is set to approximately 20 vehicles. The building/parking lot arrangement is designed so that the overflow falls into the parking lot and not onto the roadway.
 - In older developments, the police force (RCMP) handle the roadway conditions.
- **City of Calgary**
 - Experienced similar issues.
 - At existing problem locations have requested the franchise holder to increase staff to process the customers more quickly. Have noted in a number of cases that by increasing staff they have been able to address a significant portion of the issue.
 - At certain locations signs were installed indicating that backup onto the roadway is prohibited. This can cause traffic circulation on the surrounding streets, however provides a better option than to block a through lane.
 - For new development, the queue storage is checked. A minimum of 11 – 15 vehicles is preferred. Extensive work with the Planning Department, when the queuing requirement can not be met, to ensure that the site provides ample storage first before landscaping and other items are addressed.
- **Boulevard Transportation Group**
 - Informed of similar issues across Canada.
 - Various actions have been taken to rectify these types of situations including working with the owners to increase staffing to quickly process customers. Provide better signage and pavement marking to remediate lot congestion.
 - Work with road authorities to address safety concerns by adding turn restrictions, medians and signage.

- **Halifax Regional Municipality**
 - Experiencing similar issues.
 - Currently a Traffic Impact Study is required as part of the development process.
- **Department of Transportation, New Brunswick**
 - Issues are dependant on location, very serious queuing concerns can be created at certain times of the day.
 - Requests are made to the Department for auxiliary turning lanes. If the situation warrants the additional lane, arrangements are made between the applicable community and business with the approval of the Province.
 - In some situations left turning traffic is prohibited at peak hours.
- **City of Kitchener**
 - Developed a queue length for drive thrus of 13 vehicles, 10 before the order board and 3 between the order board and the pickup window. This requirement was established based on observed conditions at Tim Horton's locations. Consistent in requiring all drive thrus to meet this standard regardless of the business.
 - No authority for older developments constructed before this requirement.
 - Recent submissions are including a parallel stacking system in which there are two lanes with two order boards.
- **City of Red Deer**
 - Stipulate longer internal queue lengths on all new Tim Horton's development.
 - Work with existing locations to redesign the internal channelization to reduce spill over on to public roadways. The city will make minor geometric changes to the roadway in front of Tim Horton's and major modifications along arterials to reduce congestion.
- **City of Hamilton**
 - Experiencing similar problems with drive thru spill overs.
 - Working with Tim Horton's on a site by site basis to see if improvements can be made.
 - Focus is on new applications, 17-22 cars storage for new drive thrus. Impact Study may be required.
 - Full policy review underway of drive thrus – environmental issues the focus. Full ban is being considered as an option.

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DATE: December 18, 2001

TO: Chairman and Members of the Planning and Development Committee

FROM: Thomas S. Mokrzycki, Commissioner of Planning and Building

SUBJECT: **Drive-through Restaurants / Convenience Kiosks**

MEETING DATE - January 21, 2002

ORIGIN: **Planning and Building Department**

BACKGROUND: Concerns have been raised regarding drive-through facilities servicing restaurants and convenience kiosks associated with automobile service stations. The issues relate primarily to: the design and location of drive-through lanes; their impact on traffic circulation, both within the development site and the public boulevard; and, the adequacy of existing zoning standards for required spaces in a stacking lane.

As background to the study, a survey of existing drive-through facilities in the municipality was conducted during July and August, 2001. This report outlines the scope of the study, its findings and the implications related to the issues under study. Design considerations related to the design and location of stacking lanes are further outlined with associated recommendations on zoning amendments and design guidelines.

COMMENTS: **SURVEY OF DRIVE-THROUGH FACILITIES**

During the months of July and August 2001, a utilization study of the drive-through lanes associated with eating establishments was conducted to determine if the existing Zoning By-law requirements adequately provide for demand (see Exhibit 1 attached). The current standard requires a stacking lane accommodating a minimum of five

vehicles for automobile service station convenience kiosks and 10 vehicles for restaurants.

The utilization survey included six automobile service station convenience kiosks and 35 restaurants. The restaurants were selected to represent a variety of franchises and were located in different areas of the City. Five sites with two restaurants operating a drive-through lane were included in the survey. Generally, each site was surveyed on one Monday and one Friday from 6:30 a.m. to 9:00 a.m., 11:30 a.m. to 2:00 p.m., and 5:00 p.m. to 7:00 p.m. The evening survey period for drive-through convenience kiosks was from 4:30 p.m. to 6:00 p.m. Survey times were also dependent upon hours of operation. For instance, Wendy's restaurants are not open in the morning, therefore, data were not collected during this period. Some restaurants with a morning peak (e.g., those specializing in coffee and donuts) were also surveyed on a Saturday from 7:30 a.m. to 10:30 a.m. The number of vehicles in the stacking lane and those stacked beyond the lane was recorded every ten minutes. Prior to conducting the survey, the Ontario Restaurant Hotel and Motel Association (ORHMA) and individual companies were advised of the study and permission was received to conduct the survey on the selected sites.

A total of 504 observations were collected from convenience kiosk stacking lanes, and 3,046 observations were collected from restaurant stacking lanes. These large data samples add to the confidence which can be placed in the results of the survey. In order to establish a confidence level for the conclusions, descriptive statistics were calculated for each set of data, including the mean, median and standard deviation. The observations were ranked from highest to lowest and the observed and theoretical 95th, 85th and 75th percentiles were calculated. The data for convenience kiosks and restaurants were analyzed separately, however, the two sets of data generated similar results and, as such, it was decided that it would be possible to combine the data and have one stacking lane standard for all drive-through lanes associated with an eating establishment.

Because of concerns regarding on and off-site circulation issues that occur when vehicles exceed the capacity of the stacking lane, given that peak demand is a daily recurring event, and given that the use is not conducive to any other mode of transportation other than private vehicles, it was considered appropriate to use the demand at the 95th percentile to derive the stacking lane standard. Further, because July and August have rush hour traffic that is 5% to 10% less than other months of the year, a factor was added to the observed data. Based on the observed demand at the 95th percentile factored to account for the time of year in which the survey was conducted, it is proposed that

drive-through lanes associated with eating establishments be amended to require a minimum of 12 spaces.

The existing provisions regarding convenience uses associated with automobile service stations is the result of reports prepared in 1996 and 1997 and an agreement reached between City Council and the Canadian Petroleum Products Institute (CPPI) and subsequently approved by the Ontario Municipal Board (OMB) in November, 1998. That agreement allowed a take-out restaurant in convenience kiosks and a drive-through lane. The definition of "convenience retail and service kiosk" allows a take-out restaurant but does not specifically state that a drive-through lane is permitted. At the time the definition of a "convenience retail and service kiosk" was drafted, drive-through lanes were allowed with "take-out restaurants". At the same time as the provisions regarding convenience kiosks were being developed, a review of restaurant uses was underway. That review resulted in, among other things, a change to the definition of a take-out restaurant in Zoning By-law 5500 which prohibited a drive-through lane. In order to make the Zoning By-laws reflective of the OMB decision of November, 1998, and City Council's position regarding "take-out restaurants", the definition of "convenience retail and service kiosk" should be amended in all three By-laws to specifically allow a drive-through lane. Further, the definition of "take-out restaurant" in Zoning By-law 1227 and Zoning By-law 65-30 should be revised to not allow a drive-through lane. These amendments would provide consistency between the three Zoning By-laws and reflect the intent of City Council and OMB decisions.

DESIGN ISSUES

Impact of Stacking Lanes on Site Development

Drive-through facilities introduce greater complexity to site design from a number of perspectives:

- additional traffic movements are created on the site with often circuitous and intersecting traffic conditions;
- 'decision' points for drivers are more frequent which causes vehicles to slow or stop, resulting in congestion and traffic back-ups which can impact road traffic;
- additional space needs are generated on the site to accommodate vehicle stacking;
- pedestrian convenience and safety can be compromised; and,
- constraints can be imposed on achieving broader objectives

including the design of safe and efficient parking layouts, the integration of the development site with the public boulevard and quality urban design.

Identifiable Site Design Problems

The above impacts on site design can be further exacerbated by one or more of the following situations:

Proximity of Stacking Lane to Public Street (Exhibit 2)

Where the access point to the stacking lane is close to the public street, excess stacking space at peak hours of operation may spillover onto the public right-of-way. Further, the driver upon entering the site, is presented with a decision point on which way to proceed resulting in a momentary hesitation or stopping of the vehicle. These two aspects can affect the safe and efficient movement of traffic on the street and block the public sidewalk.

Where the access point is set more deeply into the site, excess vehicular stacking will be less likely to impact on the public road and decision points for drivers are internalized to the site. In discussions with staff of the Transportation and Works Department and Region of Peel, Public Works Department, one of their principal objectives is to locate the access point to the stacking lane as deep into the site as possible. To ensure that sufficient spacing to the public right-of-way is maintained, it is proposed that a minimum separation of 16m (53 ft.), equivalent to three car lengths, from the entry point of the stacking lane to the abutting streetline, be required in the Zoning By-law.

The various issues noted above are most acute on a corner site where on-site vehicular congestion backing onto the public street will detrimentally affect traffic movement at the abutting intersection. Discussions with the Transportation and Works Department and Region of Peel, Public Works Department, note that this is a concern; their objective being to locate the site entrance as far from the intersection as possible.

The Transportation and Works Department does not have a specified minimum distance between an entrance driveway and an adjacent intersection given variances in site size, frontage and geometries. Regional Public Works, through the Controlled Access By-law (59-77 as amended), stipulates minimum distances to a site entrance from an abutting intersection. For right-in/out access, the minimum is 130m (427 ft.) to near-side (deceleration) and 100m (326 ft.) to far-side (acceleration). For full access, the minimum spacing is 300m

(984 ft.).

Stacking Lane is Intersected by Other Traffic (Exhibit 3)

When a stacking lane is not continuous, given its intersection with another laneway, several conditions can occur:

- Vehicles entering, or circulating through, the site may be stopped periodically due to conflicts with crossover traffic on the stacking lane. Congestion results, often at critical entry driveways to the site or at access points to parking areas. In particularly acute situations, traffic back-ups could extend to the public street affecting safe and efficient traffic movement.
- Similarly, vehicles in the stacking lane do not always have a clear path to proceed to the pick-up window. It is not always clear to the driver when to proceed across the laneway; if the driver moves ahead prematurely, incoming traffic will be blocked. If the driver hesitates, the stacking may be quickly blocked by cross traffic.
- Vehicles may jump the queue. Due to confusion of where to enter the stacking lane or intentional action, the driver may proceed ahead of vehicles already stacked in line. This creates confusion, ill will and traffic back-ups as other drivers in the stacking lane move forward to block any further vehicles from the same manoeuvre.

Lane Geometrics and Design Parameters

While drive-through lanes generally move traffic through the lane relatively efficiently, the greater the number of turning movements and alignment changes along the route, the less efficient and less user-friendly the lane will become. Proposals have been considered where a stacking lane wraps around three facades of the building making the route circuitous and effectively cutting the building off from the site. The objective of maintaining a linear form to the stacking lane with no, or very limited, turning movements, is therefore desirable.

The width of the lane and the tightness of any curves are further factors related to the efficiency and usability of the stacking lane. Too narrow of a laneway will restrict vehicle access, particularly in winter when snow may build up. Too tight of a radius will result in larger vehicles cutting across curbs with detrimental impacts on landscaped and/or pedestrian zones. Based on a review of plans on file and consultation with the Transportation and Works Department, it is proposed that stacking lanes have a minimum width of 4.0 m (13.1 ft.) and maintain a minimum centreline radius of 6.5m (21.3 ft.).

Stacking Lanes Blocking Parking Stalls / Servicing (Exhibit 4)

Stacking lanes which block access to abutting parking stalls effectively make the parking spaces inaccessible for much of the time. When the spaces are accessible, patrons leaving may, in turn, have their egress blocked by stacked vehicles. The net effect is that the spaces required under the Zoning By-law can not be guaranteed to be available resulting in under supplied parking on the site and overflow on abutting lands.

Similarly, a stacking lane which blocks access to a service or loading area will render that function unavailable for periods of the day. This will result in trucks blocking traffic and, over time, service vehicles simply avoiding the designated loading area on the site.

Double Stacking Lanes:

There are two situations where a double stacking lane can occur:

- Two tenancies (Exhibit 5): Where two tenants are accommodated on a site within a single building, two separate stacking lanes and pick-up areas may occur. Both sides of the building have stacking lanes abutting the building wall which can isolate the building on the site for those patrons not using the drive-through feature. This can result in unsafe and inconvenient pedestrian access from parking to the building entrances. Dead-ended parking areas may be unavoidable causing traffic congestion.
- Double vehicle lanes (Exhibit 6): A recent development in the industry is the provision of a double lane serving a single user. As illustrated in Exhibit 6, two parallel lanes at the ordering point of the stacking lane funnel into a single lane for pick-up. An overhead green/red light advises drivers which line is free. As this design has seen only limited application in Mississauga, it will be monitored to determine how well it functions.

Pedestrian Access / Barrier-Free Access

Another form of traffic on the site is pedestrian. Site observations indicate that where a site provides one or more stacking lanes, pedestrian access can be compromised. The stacking lane can restrict access to the building entry from parking areas on site and/or the public sidewalk. This results in pedestrians having to thread their way through stacked vehicles in an unsafe situation. As vehicles leave the stacking lane, visibility of pedestrians walking to and from the building entrance may be restricted by the building.

PROPOSED SOLUTIONS

It is proposed that the municipality, while not prohibiting the development of drive-through facilities, adopt specific standards and design criteria for their use. Most significantly:

- that the Zoning By-laws be amended to require a vehicle stacking capacity of 12 spaces for drive-through uses associated with eating establishments;
- that the critical objective of locating the access point to the stacking lane as deep into the site as possible (as identified by both the City of Mississauga Transportation and Works, and Regional of Peel, Public Works, Departments) be reinforced by adoption of a zoning standard that requires a minimum spacial separation of the access point to a stacking lane from the streetline(s) of the site. A distance of 16m (53 ft) is proposed, equivalent to three vehicle lengths;
- that standards establishing minimum design parameters for a stacking lane be defined in the Zoning By-law, including:
 - that a stacking lane must be a continuous laneway having no obstruction by intersecting traffic or abutting parking stalls/loading spaces;
 - that a stacking lane have a minimum width of 4.0 m (13.1 ft.);
 - that a minimum centreline radius of 6.5m (21.3 ft.) be maintained on any curves;
- that design guidelines noting that a stacking lane should be linear and straight in design minimizing curves and turning movements, be adopted. Further, that the stacking lane be defined by concrete curbs and landscaping areas to ensure that it is separated from other traffic.
- that design guidelines related to safe and convenient pedestrian and barrier-free access be adopted regarding access to and from parking areas and the public sidewalk to the building entries.

CONCLUSION:

While drive-through facilities will likely continue to be a significant part of restaurant and convenience kiosk development, their use, design and operation must be conditional upon the municipality being satisfied that the site functions safely, efficiently, and does not impact on the functions of the public right-of-way. In this regard, based on the site surveys and design evaluation of this type of development as outlined above, it is concluded that:

Zoning By-law Standards:

- Required stacking spaces under the Zoning By-laws be amended to require a minimum of 12 spaces for drive-through uses associated with eating establishments.
- Definitions in the Zoning By-laws be revised as follows:
 - definition of a "convenience retail and service kiosk" be amended to allow a drive-through lane;
 - definition of "take-out restaurant" in Zoning By-laws 1227 and 65-30 be amended to prohibit a drive-through lane.
- A minimum distance of 16m (53 ft.) be required in the Zoning By-laws between the entry point to a drive-through lane and the closest streetline of the site.
- Standards establishing minimum design parameters for a stacking lane be defined in the Zoning By-law, as follows:
 - that a stacking lane must be a continuous laneway having no obstruction by intersecting traffic or abutting parking stalls/loading spaces;
 - that a stacking lane have a minimum width of 4.0 m (13.1 ft.);
 - that a minimum centreline radius of 6.5m (21.3 ft.) be maintained on any curves.

Design Guidelines / Principles:

That the following design guidelines be adopted for the review of developments incorporating drive-through lanes:

- no stacking of vehicles shall occur on the public right-of-way;
- stacking lanes should be linear and straight in design minimizing curves and turning movements
- stacking lanes shall be defined by raised curbs and defining landscaped areas;
- the entrance to a stacking lane shall be set into the site as deeply as possible;
- access driveways on a corner site shall be located as far as possible from the abutting intersection;
- that pedestrian/barrier-free access to the building entrances be provided in a safe and convenient manner by ensuring that direct pedestrian links are provided to main parking areas and the public sidewalk that do not pass through a stacking lane.

RECOMMENDATION: That the Report entitled "Drive-through Restaurants / Convenience Kiosks", dated December 18, 2001, from the Commissioner of Planning and Building, be circulated to the Ontario Restaurant Hotel and Motel Association, the Mississauga Board of Trade and the Business Improvement Area Associations for their comments by March 22, 2002; and, that a public meeting be held at the Planning and Development Committee at a future date to deal with this matter.

Original Signed By: _____

Thomas S. Mokrzycki
Commissioner of Planning and Building

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To: Santa Barbara County Planning Commission

From: Santa Barbara County Air Pollution Control District
(Contact: Vijaya Jammalamadaka, 961-8893)

Date: March 6, 2008

Subject: Air Quality Impacts of Drive-through Facilities vs. Non-Drive-through Facilities

The Santa Barbara County Air Pollution Control District (APCD) is an independent local government agency that works to protect the people and the environment of Santa Barbara County from harmful effects of air pollution. We appreciate this opportunity to respond to the request by your Planning Commission to explain the air quality impacts associated with drive-through land uses such as fast food restaurants, pharmacies and banks. The APCD has no specific rules or regulations governing land developments and no authority over the permitting of drive-through facilities. As a general policy the APCD discourages the construction of new facilities that are wholly dependent on the automobile. The APCD promotes the use of public transit, bicycling and walking.

Background: In 1979 the first clean air plan, the *1979 Air Quality Attainment Plan* (AQAP), was adopted for Santa Barbara County in response to the federal Clean Air Act amendments of 1977. At that time, Santa Barbara County was classified a non-attainment area for the federal ambient air quality standards for carbon monoxide (CO), ozone and particulates. The adopted 1979 AQAP included land use policies and measures intended to, “increase the use of transit, bicycle, and pedestrian transportation modes; reduce use of and dependence upon the automobile.” Following adoption of the 1979 AQAP, both the County and the City of Santa Barbara adopted zoning ordinances restricting the development of new drive-through facilities. Land use and transportation control measures to restrict the development of auto-dependent facilities were included in the 1982, 1989, 1991 AQAPs. In 1991, at the direction of the APCD Board, this restriction was removed from the 1991 AQAP and subsequent clean air plans.

The County’s requirement to provide a comparison of the air quality impacts between drive-through facilities and the same project without drive-through lanes is in the **Santa Barbara County LUDC, Section 35.42.130** which states that a facility can operate with a drive-through only if that facility would have no greater adverse impact upon air quality than that same facility without a drive-through. The APCD reviews the calculations to

assist the County Planning and Development Department (P&D) in determining consistency with the County's ordinance.

Methodology: In this memo, the APCD has shown some methods of comparing a drive-through facility with a non-drive-through facility.

Originally, the main air quality concern associated with drive-through facilities was the potential to create carbon monoxide (CO) hotspots where a large number of vehicles idle. Since the early 1980s Santa Barbara County has been in attainment of federal carbon monoxide standards. Now, due to the relatively low background ambient CO levels in Santa Barbara County, localized CO impacts associated with drive-through project traffic alone are not expected to exceed the CO health-related ambient air quality standards. Therefore, comparison studies have focused on oxides of nitrogen (NOx) and reactive organic gases (ROG) emissions. NOx and ROG are precursors to ozone formation and, currently, the County does not meet the State ozone standard.

Comparison Analysis based on Trip Generation: The average daily trips (ADT) for drive-through and non-drive-through land uses is provided by the Institute of Transportation Engineers (ITE) *Trip Generation Manual*, 7th ed., (2003) as shown in Table 1 below.

Table 1

Land use	ITE Trip Generation Rate	Comments
Fast food without drive-through	716 trips per day/1000 square feet	Based on 21 separate studies.
Fast food with drive-through	496.12 trips per day/1000 square feet	Based on one observation (Caution: use carefully—small sample size)
Walk-in bank	156.48 trips per day/1000 square feet	Based on one observation. (Caution: use carefully—small sample size)
Drive-in Bank	246.49 trips per day/1000 square feet	Based on 19 studies.
Pharmacy/Drugstore without Drive-Through Window	90.06 trips per day/1000 square feet	Based on 6 studies.
Pharmacy/Drugstore with Drive-Through Window	88.16 trips per day/1000 square feet	Based on 3 studies (Caution: use carefully—small sample size)

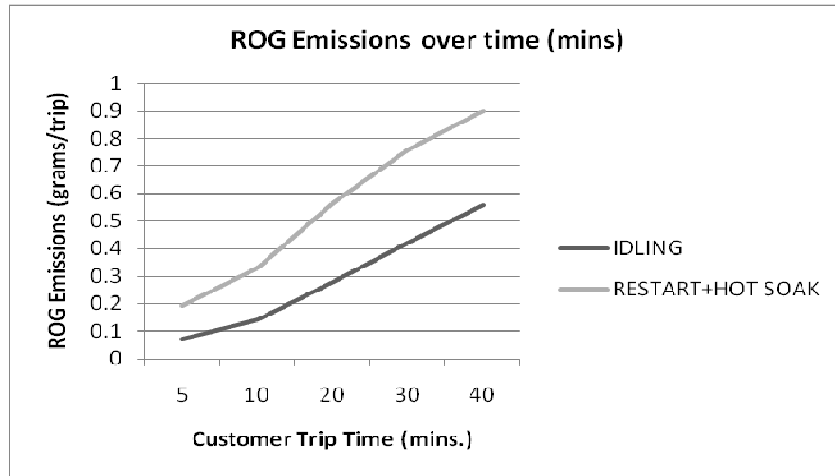
In general, using the Urban Emissions model (URBEMIS 2007, a model designed to estimate air emissions from land use development projects), all daily pollutant emissions from vehicles driving to the site are directly proportional to the ADT and the miles driven to get to the site. Because the sample sizes used by ITE to estimate ADT for some of these uses are not robust, **the APCD does not recommend basing project emissions comparisons for these types of facilities on the ADT alone.** For example, if ITE average daily trip data were used daily NO_x, ROG, PM₁₀, CO₂ and other emissions for the non-drive-through fast food restaurant would be, proportionately, about 30% higher than for the drive-through restaurant; however, a drive-in bank would generate more emissions than a walk-in bank. The Pharmacy/Drugstore comparisons would be similar. Therefore, the APCD recommended that the on-site comparison analysis, discussed below, as the preferred comparison method.

On-site Comparison Analysis: Comparison studies of projects with and without drive-throughs have been prepared under the direction of the APCD, since the early 1990s. The scenarios in these studies have included emissions resulting from when a customer arrives at the site until the customer leaves the site. **For the purposes of these analyses,** two types of scenarios **during peak-times** at a restaurant were considered:

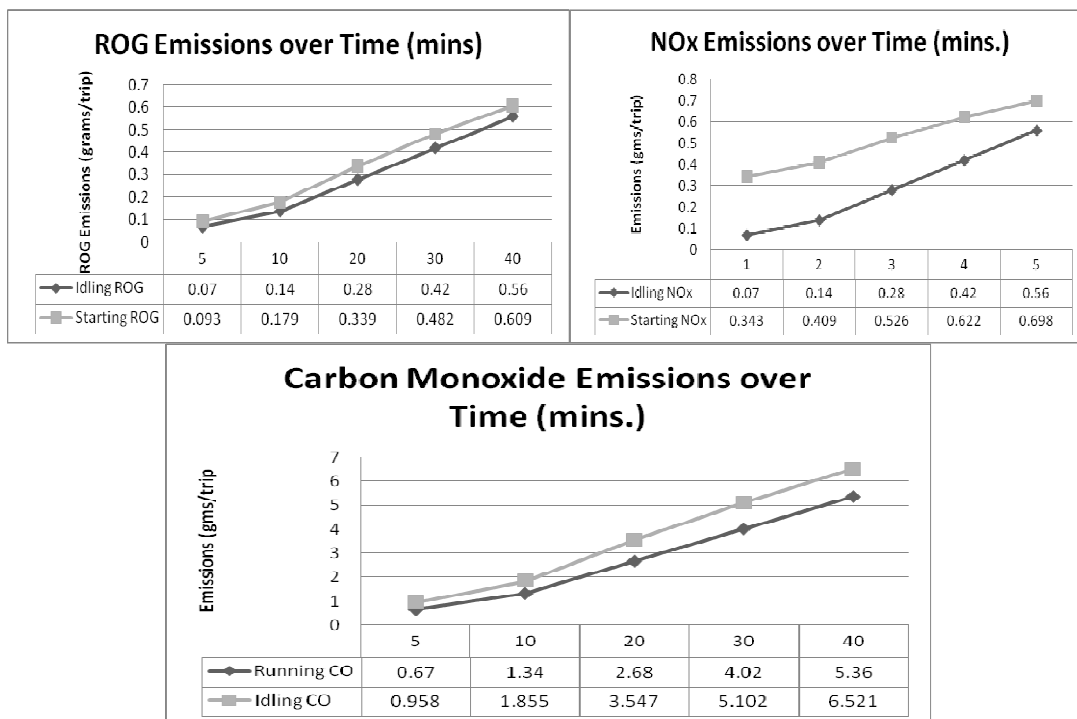
1. average customer time while **idling** in the drive-through lane, and
2. average customer time **parking and re-starting** vehicles.

Using the latest emission factors model from the California Air Resources Board, namely EMFAC 2007 (for the years 1975-2008, 70°F, relative humidity 50%) we can calculate the emissions for ROG, NO_x, and CO for each of the above scenarios.

In the idling mode it is assumed that the vehicle engine and emission control systems are warmed up so the “stabilized running” emission factors are used. The “park and re-start” mode emissions are the sum of starting emissions and “hot soak” emissions after a certain number of parked minutes. “Hot soak” emissions are ROG emissions due to evaporating fuel from a hot engine that occurs immediately after a vehicle is turned off. After the vehicle is re-started there is an initial period of higher emissions while the emission control systems warm up (these “starting emissions” are the highest contributor to trip emissions).



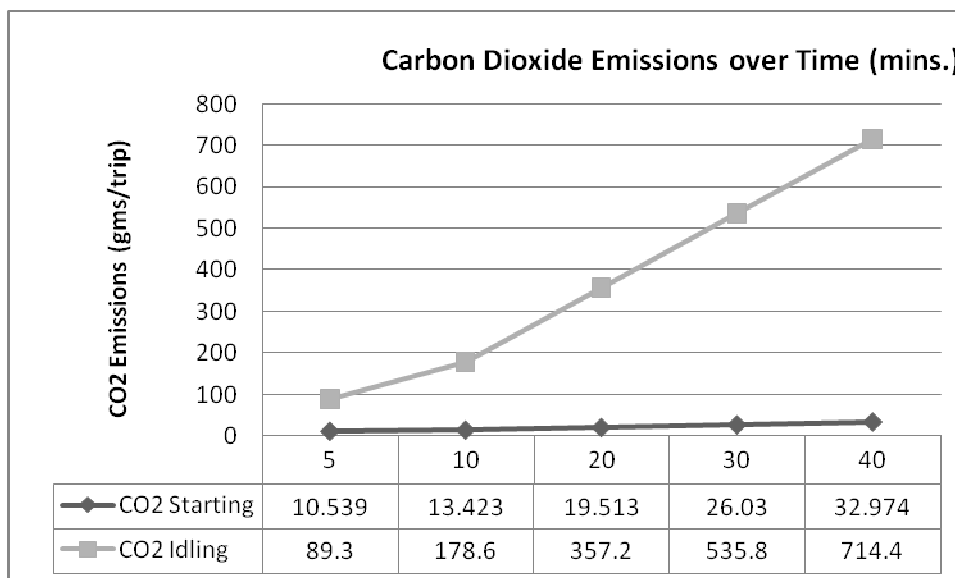
As shown in the Figure above, if the comparison is done on a per-trip basis, **idling ROG emissions for each vehicle are always lower compared to the parked vehicle emissions** (the sum of starting emissions and hot soak emissions) and the difference in emissions between each mode increases with time.



As shown above, **starting emissions** for ROG, NOx and CO are higher than idling emissions.

The resulting emissions differences between a project with a drive-through and without a drive-through are very dependent on the time the customer spends at the site. The time spent is, in turn, dependent on the assumptions regarding the number of cars in queue in the drive-through lane, and the number of cars the lane can accommodate under a “reasonable worst case scenario.” For example, the analysis for the *Evergreen Shopping Center Re-model* used **15 minutes as the customer idling time in the drive-through lane and 28 minutes of parked time at a sit-down restaurant, per vehicle, during peak hours.** Other factors used in the onsite comparison studies include, the assumed average daily trips (ADT), the percentage of customers assumed to be using the drive-through and the assumed number of sit-down customers. All these assumptions are based on information provided by the applicant and previous similar analyses. **In general, these reasonable worst-case scenario comparison studies have shown that a park-and-restart facility would generate more emissions than a facility with drive-through because a vehicle’s starting and evaporative “hot soak” emissions are higher than the stabilized running exhaust emissions from an idling vehicle that did not turn off the engine.**

Greenhouse Gases: As shown in the graph below, running exhaust emissions of carbon dioxide (CO₂) from idling vehicles are significantly higher than re-starting emissions from parked vehicles (EMFAC 2007). CO₂ is a major greenhouse gas and a significant contributor to global climate change. Global climate change is a growing concern that needs to be addressed by the decision makers. **In terms of this pollutant, unlike ROG, NO_x and CO, drive-through lanes contribute much higher emissions than facilities that require stopping and re-starting a vehicle.**



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Public Health Risk: Idling passenger vehicles have the potential to cause localized concentrations of toxic air pollutants that may result from the combustion of gasoline and diesel fuels. APCD staff is not aware of any studies to date that evaluated the impact to public health risk from idling **passenger** vehicles vs. parking and re-starting.

Conclusion: On a per vehicle basis, idling emissions of the ozone precursors (ROG and NOx) and CO are lower than for a vehicle that has been parked for the duration of the visit; however, CO₂ emissions are significantly higher. Drive-through facilities can generally process customers faster than park-and-use facilities. This is why a drive-through facility has lower emissions than a park-and-use facility without a drive-through. It must be noted that vehicle exhaust emissions are already cleaner than the EMFAC 2007 model calculates and will continue to get cleaner in the future.

The APCD does not discourage drive-through restaurants based on ozone precursor emissions. However, auto-dependent uses that increase the total number of trips to the project site can affect the air quality of the County and global climate change adversely.



city of CREVE COEUR

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MEMORANDUM TO THE PLANNING AND ZONING COMMISSION

Meeting Date: July 21, 2014

Subject: Application #14-008: Text Amendment To Allow For Drive-Thru Restaurant Services On Sites Of 2 Or More Acres

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

Attachment: 2014 City of Creve Coeur Community Survey (excerpt)

SURVEY RESULTS

This discussion has been continued since June 16th in anticipation of the Community Survey results that contain a group of questions centered on residents' interest in seeing more drive-thru restaurants. Those results are attached to this memorandum.

The first thing to note in the results is that almost half of the total respondents were not in favor of changing the regulations to make more drive-thru restaurants possible. Of those who voted "yes" or "no," the percentage of those voting "no" rises to approximately 57% while those voting "yes" rises to approximately 43%. While this is hardly an overwhelming mandate for either position, it is worth noting that even if all concerns are addressed, the majority (by a similar but smaller margin) still do not want to see more drive-thru restaurants. In other words, the concerns with these facilities, for the majority of respondents, are not things that can be designed out of the project; the project is simply not wanted. None the less, over a third of the respondents do wish to see more locations and there are many who are at least unsure about more locations if their concerns were addressed. Looking through the particular concerns identified in the survey, the character of the restaurants, the type of food they sell and the physical impacts of the stores stand out as most prevalent.

The question before the Commission is whether or not these results suggest any particular action or preferred outcome. It is certainly not a mandate to open up the Creve Coeur market to drive-thru restaurants. That said, under assumed conditions or idealized conditions (the scenario where all concerns are addressed), there remains a little over a third of respondents that are interested in this service. Coupled with the results of the surveys conducted by the Chamber of Commerce members (and assuming that most of those respondents are non-residents), it seems that there is still a very limited basis for some action. Failing to address the lack of specific guidelines under the current regulations leaves the majority concerns to chance but, on the other hand, acting to prohibit drive-thru restaurants ignores a sizeable portion of the marketplace. Of course, as one resident pointed out on June 16th, there are already a handful of conventional drive-thru restaurants on Olive Boulevard, mostly in the adjacent cities and unincorporated St. Louis County, for those seeking that option. Economically, it would be preferable to have those retail dollars spent here, but it is unlikely they can be moved here. What is more likely is that competing locations would result. This flies in the face of the strong majority of opponents that supported the issue of having too many such restaurants in one area.

With these conflicting interests in mind, the application appears to be at a cross-roads. If the results of the survey are taken on face value, almost as referendum, then implementing the majority opinion would suggest that the current direction of the amendment should be stopped and the Commission should move in the direction of ceasing to allow the use. If the survey is taken as guidance only and the Commission still believes that, for reasons of economic development and providing more choice in the marketplace, drive-thru restaurants should still be allowed on a limited basis, then Staff suggest that the original intent is still the one that draws the best

compromise although a few modifications may be in order to increase the practicality of the regulations. That is, regulations can be pursued that allow a small number of additional restaurants with drive-thru facilities, subject to substantial performance regulations, and that encourage creative site design solutions. What is not encouraged, in the staff opinion, is a large number of locations, no matter how well they are designed. The members of the Planning Commission should consider these results carefully and, if there are other conclusions to be drawn, they should be voiced at the July 21st meeting so that staff and public understand the basis for subsequent development (or lack thereof) of the draft ordinance.

FRAMEWORK FOR DRAFT REGULATIONS

As identified on June 2nd, there are some aspects that have been resolved:

- The minimum lot size should not be reduced below two acres.
- A multi-story building will not be required but the building must be multi-tenant in nature.
- The amendment will apply only to restaurants with drive-thru service.
- Design requirements will be focused on drive-thru specific concerns (e.g. noise from speaker box and auto queue, concealment of outdoor facilities, traffic study to minimize conflicts between drive-thru traffic and other motorists and pedestrians).
- The building must be a minimum size to conceal the auto queue and order area. On this point there has been some question of whether a specific width is necessary or if it is self-fulfilling through resolution of the other criteria. The prevailing opinion to date has been that a specific standard precludes unsuccessful compromises and inconsistent estimation of possible impacts. Therefore, the current proposal remains at a minimum width of 200 feet. Staff suggest, however, that a compromise could include allowing a pass-through or “porte cochere” within that minimum width. This allows portions of the building to function on a more independent basis, but still maintain the unified and substantial façade encouraged by the Design Guidelines.



Although the multi-tenant scenario has been reviewed extensively to date, staff propose one other scenario for the Planning Commission to consider which is largely an enhancement of the current regulations:

- There may be certain locations or future market conditions where a large, single-use building/restaurant will want to include drive-thru services, even though the development may appear as a more conventional, full-service restaurant. As presented by the Chamber of Commerce, well-designed, well-landscaped sites can mitigate many of the physical site design issues but, as shown in the Community Survey, many residents do not want to accommodate drive-thru restaurants no matter how well resolved the design might be. As such, if this scenario is enabled, it should be uncommon. Staff recommend a large footprint building on a large site, dedicated only to the restaurant use. This latter requirement would distinguish the new regulation from the current, more widely applicable lot size requirement. Possible wording could be similar to the following:

A free-standing restaurant offering drive-thru services may be approved subject to the following:

1. [Applicable regulations for mitigating impacts from drive-thru restaurants in multi-tenant buildings]
2. The restaurant shall be located on a lot of three acres or more and shall be the only business located on that lot. [As an example, if the existing Houlihan's restaurant and parking were on a lot with only 50% coverage and the ability to screen a drive-thru lane, it would need a lot of at least three acres; the current lot is 1.91 acres]
3. The gross leasable floor area of the restaurant shall be no less than five thousand (5,000) square feet. [to minimize the extent to which the drive-thru services impact the overall character of the development]

4. The maximum site coverage on the lot shall not exceed 50%. [a modest decrease over the current 63% maximum coverage in recognition of the need to conceal the drive-thru facilities]
5. There shall be no parking between the building and the street(s). [to more consistently satisfy the Design Guidelines]

If the members of the Commission wish to pursue this allowance but find that other criteria should be included, specific direction is requested by the staff.

CONCLUSIONS

There can be no doubt that the members of the Chamber of Commerce are correct when they point out that these regulations open up very few doors for drive-thru restaurants in Creve Coeur and that stronger design controls on more conventional layouts would be much easier to accomplish. Further, such restaurants do generate sizable economic activity. However, that activity will partially occur at the expense of the existing restaurant stock in the city and drive-thru restaurants generate several other issues for the community that are not positive. Indeed, the Community Survey, which is a statistically valid poll, illustrates how a majority of residents are still unimpressed by the use and will not be persuaded by more rigorous design expectations. Having choice in the marketplace is important, however, even if that choice is very limited. Staff suggest, therefore, that the amendment continues to have value and further refinement should be pursued. To that end, with the additional guidance of the Commission and comments from the public, staff will formulate a new draft ordinance for the next meeting of the Commission and assist the Commission in moving towards a recommendation to the City Council.

If, however, the Commission believes that the Community Survey provides an absolute basis for ending all provisions for drive-thru restaurants, then the members should vote against the application and staff will carry that message to the City Council and an alternate amendment can be initiated.

ACTION AND MOTION

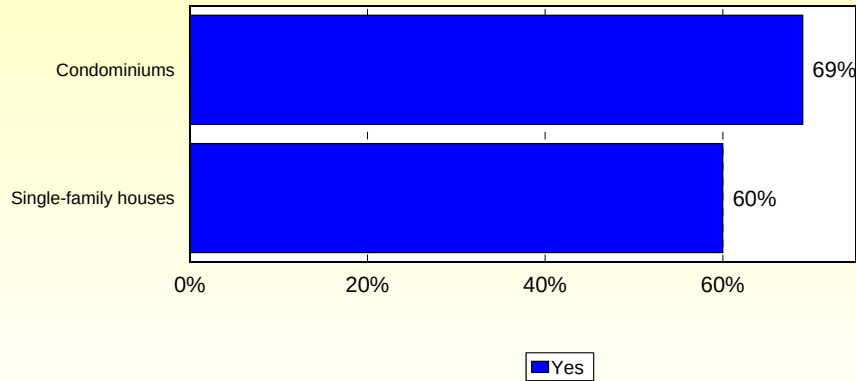
If the Commission wishes to continue with this process, the staff request that the Commission continue the application to the next meeting to allow time to prepare a revised draft ordinance. The following is an example of an appropriate motion:

“I move to continue Application #14-008 to the meeting of August 4th, 2014, to allow staff time to prepare a revised draft ordinance based upon the comments received to date and the results of the Community Survey.”

If the Commission believes the current amendment should not be continued in favor of ultimately eliminating drive-thru restaurants, the members should vote against a simple motion to approve Application #14-008.

Q27. Do you believe the City should require occupancy permits for the following:

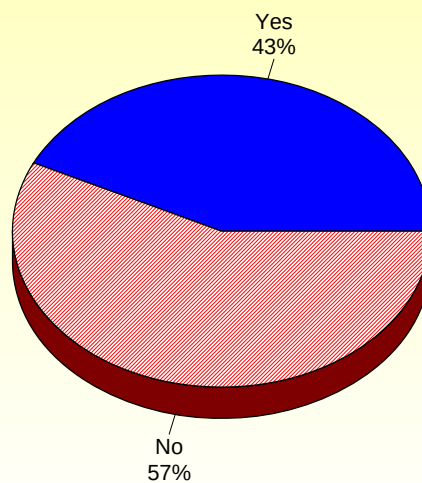
by percentage of respondents who answered "yes" (excluding "not sure")



Source: ETC Institute DirectionFinder (2014 - Creve Coeur, MO)

Q28. Would you be in favor of changing the regulations so that more drive-through restaurants could locate in Creve Coeur?

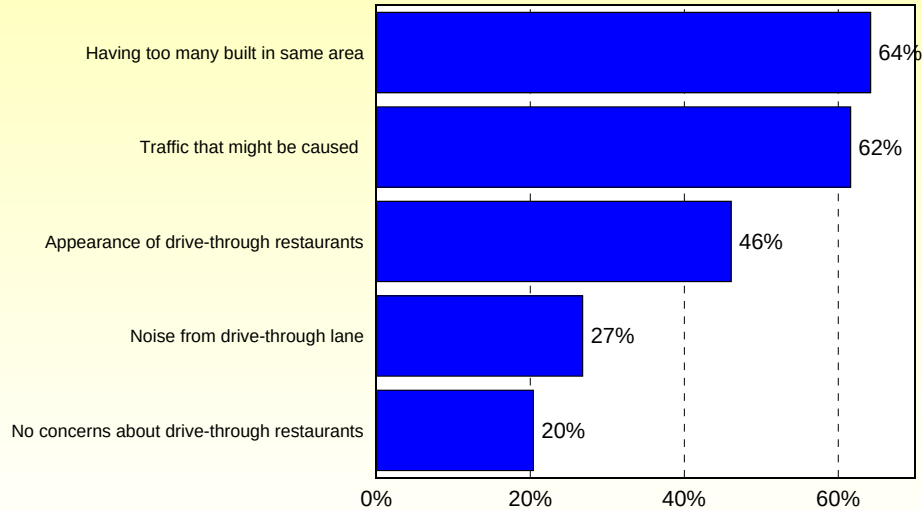
by percentage of respondents (excluding "not sure")



Source: ETC Institute DirectionFinder (2014 - Creve Coeur, MO)

Q29. Do you share any of the following concerns about drive-through restaurants?

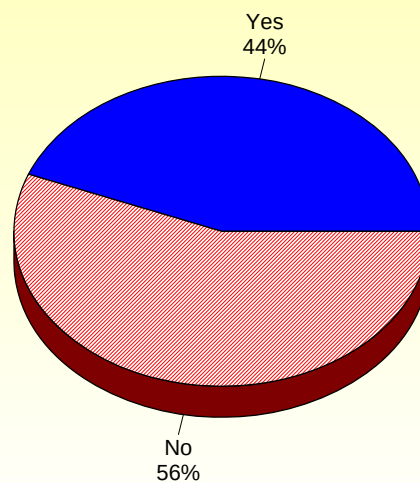
by percentage of respondents (excluding "don't know" - multiple selections could be made)



Source: ETC Institute DirectionFinder (2014 - Creve Coeur, MO)

Q30. If satisfactory solutions could be reached to address your concerns, would you support allowing more drive-through restaurants in Creve Coeur?

by percentage of respondents who shared at least one concern in Question 29 (excluding "not sure")



Source: ETC Institute DirectionFinder (2014 - Creve Coeur, MO)

Q28. Current regulations in the City's zoning code have resulted in very few (one) drive-through restaurants in Creve Coeur. Please answer the following questions regarding this issue. Would you be in favor of changing the regulations so that more drive-through restaurants could locate in Creve Coeur?

Q28. Would you be in favor of changing regulations?	Number	Percent
Yes	229	36.5 %
No	305	48.6 %
Not sure	93	14.8 %
Total	627	100.0 %

WITHOUT NOT SURE

Q28. Current regulations in the City's zoning code have resulted in very few (one) drive-through restaurants in Creve Coeur. Please answer the following questions regarding this issue. Would you be in favor of changing the regulations so that more drive-through restaurants could locate in Creve Coeur? (without "not sure")

Q28. Would you be in favor of changing regulations?	Number	Percent
Yes	229	42.9 %
No	305	57.1 %
Total	534	100.0 %

Q29. Do you share any of the following concerns about drive-through restaurants?

Q29. Your concerns about drive-through restaurants	Number	Percent
Appearance of drive-through restaurants	282	45.0 %
Traffic that might be caused by drive-through lane	377	60.1 %
Noise from drive-through lane	164	26.2 %
Having too many drive-through restaurants built in same area	393	62.7 %
Other concern	90	14.4 %
I have no concerns about drive-through restaurants	125	19.9 %
Don't know	15	2.4 %
Total	1446	

WITHOUT DON'T KNOW

Q29. Do you share any of the following concerns about drive-through restaurants? (without "don't know")

Q29. Your concerns about drive-through restaurants	Number	Percent
Having too many drive-through restaurants built in same area	393	64.2 %
Traffic that might be caused by drive-through lane	377	61.6 %
Appearance of drive-through restaurants	282	46.1 %
Noise from drive-through lane	164	26.8 %
I have no concerns about drive-through restaurants	125	20.4 %
Other concern	90	14.7 %
Total	1431	

Q29. Other

Q29. Other	Number	Percent
CRIME	2	2.3 %
TRASH	2	2.3 %
NOT HEALTHY FOOD	2	2.3 %
PREFER QUALITY RETAIL	1	1.1 %
HEALTHY EATING HABITS	1	1.1 %
TACKY	1	1.1 %
CRIME & LOWERING OF PROP VALUE	1	1.1 %
MUST HAVE ACCESS TO TRF LIGHT	1	1.1 %
TRAFFIC JAMS	1	1.1 %
SAFETY	1	1.1 %
ODOR FROM TRASH DUMPSTERS	1	1.1 %
HAVING OUR AREA LOOK JUNKY	1	1.1 %
OLIVE BECOMING LIKE MANCHESTER	1	1.1 %
TRASH UNCONTROLLED	1	1.1 %
THEIR PRODUCT IS NOT HEALTHY	1	1.1 %
LOWERS PERCEPTION OF THE CITY	1	1.1 %
WE HAVE ENOUGH FAST FOOD!	1	1.1 %
TURN INTO ANOTHER MANCHESTERRD	1	1.1 %
CC ISNT MANCHESTER-KEEP IT THAT WAY	1	1.1 %
POLLUTION CAUSED BY CARS IDLING	1	1.1 %
CARS IDLING WILL CAUSE POLLUTION	1	1.1 %
FAST-FOOD IS SO UNHEALTHY	1	1.1 %
CAREFULLYADDRESS EACH ITEM ABOVE	1	1.1 %
CULTURE	1	1.1 %
BECOMING TO CONGESTED COMMERCIALLY	1	1.1 %
THEY ARE ALSO UNHEALTHY	1	1.1 %
EXTRA TRASH	1	1.1 %
DECREASE PROPERTY VALUES	1	1.1 %
MAKES CITY LOOK LOW-CLASS	1	1.1 %
MAYATTRACT MISCHIEF IF OPEN LATE	1	1.1 %
TYPE OF RESTAURANTS FOR AREA	1	1.1 %
POOR QUAL OF FOOD. NOT HEALTHY	1	1.1 %
LOSS OF BUSINESS IN SIT-DOWN REST	1	1.1 %
NOT TOO CLASSY	1	1.1 %
FAST FOOD MAKES US LIKE BRENTWOOD	1	1.1 %
NOT ENOUGH SPACE TO DO ONE	1	1.1 %
SAFETY AROUND DRIVE-THRU REST	1	1.1 %
NOT HEALTHY	1	1.1 %
GAUDY BUILDINGS	1	1.1 %
LIKELY TO MAKE OLIVE BLVD WORSE	1	1.1 %
LOOKS TRASHY-TOO MUCH TRAFFIC	1	1.1 %
EXTREMELY LOW CLASS-KEEP OUT!	1	1.1 %
AVOID MEETING EACH OTHER INSIDE	1	1.1 %
TRAFFIC CAUSED BY TOO MANY	1	1.1 %
WE DON'T NEED ANYMORE	1	1.1 %
NEED GOOD ITALIAN, MEX REST	1	1.1 %
BRINGS IN WRONG ELEMENT	1	1.1 %
DILUTING NBHD CHARACTER	1	1.1 %
SIGNAGE WOULD BECOME TACKY	1	1.1 %
INCREASE IN "CRUISING" CAUSES CONGESTION	1	1.1 %
QUALITY OF RESTAURANTS	1	1.1 %
CARS NOT MOVING CAUSE OF BAD AIR QUAL	1	1.1 %

Q29. Other

Q29. Other	Number	Percent
CONGREGATING YOUTH	1	1.1 %
TOO MUCH REST & TOO MUCH TRAFFIC	1	1.1 %
WANT BETTER QUALITY	1	1.1 %
NOT HEALTHY CHOICES	1	1.1 %
TRASH & RODENT ATTRACTION	1	1.1 %
ENVIRONMENTAL IMPACT	1	1.1 %
TAKES AWAY FRM RESI ASPECT OF CITY	1	1.1 %
TOO MANY OUTSIDERS COMFORTABLE	1	1.1 %
TRASH THROWN FRM CARS/CLEANLINESS	1	1.1 %
DRIVING & EATING=DISTRACTED DRIVER	1	1.1 %
THE UNIQUENESS OF THE RESTAURANT	1	1.1 %
GHS FRM IDLING IN OUR GREEN CITY	1	1.1 %
CHAIN/FRANCHISE REST ARE AWFUL	1	1.1 %
I HATE THE COOKING SMELLS	1	1.1 %
LOOKS TRASHY	1	1.1 %
OFFER POOR NUTRITIONAL VALUE	1	1.1 %
ATTRACT SOLICITORS	1	1.1 %
TRASH, LITTER	1	1.1 %
QUALITY OF RESTAURANT	1	1.1 %
POLLUTION	1	1.1 %
SAFETY-WOULD PREFER NO DRIVE-THRUS	1	1.1 %
UNSIGHTLY	1	1.1 %
INCREASING CRIME & TRAFFIC JAMS	1	1.1 %
LAND HAS MORE MEANINGFUL USE	1	1.1 %
FOOD IS NOT GOOD	1	1.1 %
LONG-TERM DETERIORATION OF PROP	1	1.1 %
RATHER HAVE BETTER ORGANIC RES	1	1.1 %
EFFECT ON PROPERTY VALUE	1	1.1 %
ATTRACTS OUT OF TOWN VISITORS @ NITE	1	1.1 %
IT WOULD JUNK UP THE AREA	1	1.1 %
CONCERNEDABOUTTOOMANYFASTFOOD	1	1.1 %
EMPTY LOCATIONSWHEN OUT OF BUS	1	1.1 %
FOOD QUALITY OF DRIVETHRU REST	1	1.1 %
Total	88	100.0 %

Q30. If satisfactory solutions could be reached to address the concerns you identified above (in Question 29), would you support allowing more drive-through restaurants in Creve Coeur?

Q30. Would you support allowing more drive-through restaurants?

	Number	Percent
Yes	169	34.6 %
No	214	43.9 %
Not sure	105	21.5 %
Total	488	100.0 %

WITHOUT NOT SURE

Q30. If satisfactory solutions could be reached to address the concerns you identified above (in Question 29), would you support allowing more drive-through restaurants in Creve Coeur? (without "not sure")

Q30. Would you support allowing more drive through restaurants?

	Number	Percent
Yes	169	44.1 %
No	214	55.9 %
Total	383	100.0 %



city of CREVE COEUR

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MEMORANDUM TO THE PLANNING AND ZONING COMMISSION

Meeting Date: June 16, 2014

Subject: Application #14-008: Text Amendment To Allow For Drive-Thru Restaurant Services On Sites Of 2 Or More Acres

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

Attachment: **Creve Coeur-Olivette Chamber of Commerce Comments and Information on Drive-Thru Restaurants**

INPUT FROM THE CHAMBER OF COMMERCE

It was reported at the May 5th meeting that a sub-committee of the Creve Coeur-Olivette Chamber of Commerce would be submitting information aimed at informing the actions of the Planning Commission in this matter. Those materials are attached hereto and provide a range of information including their own comments, industry background, example city ordinances and comparisons with local cities, and the results of tenant surveys conducted by Chamber members using questions that are very similar to those asked during the resident survey.

Staff suggest that the Commissioners take the time waiting for the resident survey results (anticipated in July) to review the materials, and make an individual determination of whether or not free-standing drive-thru restaurants, attached drive-thru facilities, or no drive-thru restaurants is the appropriate future for the City of Creve Coeur. If the Commission finds that free-standing drive-thru facilities should be approved, the attached materials provide some guidance for the economic reasons for including the use and some design standards that can be applied to their locations. If the Commission ultimately prefers to pursue attached or inline locations, the Commission should continue refining the draft regulations discussed at the April 21st public hearing and subsequent discussions on May 5th and June 2nd. In either event, the Staff will continue to assist the Commission in evaluating issues and developing regulatory language.

If the Commission wishes to remove the use, an entirely separate application/process will be needed and for which Staff will provide appropriate guidance at the time.

ACTION AND MOTION

Members of the Chamber of Commerce will be present at the meeting and the members of the Commission are encouraged to pursue clarification on any issues that arise. At the conclusion of discussion, and as suggested above, the Commission should continue the motion until the results of the resident survey are available for presentation to the Planning Commission. The following is an example of an appropriate motion:

“I move to continue Application #14-008, until the results of the Citizen’s survey results are available for review by the Planning and Zoning Commission.”



Chamber Of Commerce

COMMENTS TO PROPOSED AMENDMENT TO DRIVE-THRU ORDINANCE

PROPOSITION ONE: (See tab 1)

The qualifying criteria for the proposed ordinance are so difficult to meet that if adopted in its proposed form drive-thru restaurants would essentially be eliminated from retail development in Creve Coeur except for a small number of properties.

ANSWER:

- A. Very few existing shopping centers can meet the criteria set forth in the proposed ordinance (particularly the second story and two hundred lineal foot requirements).
- B. Most drive-thru restaurants will not lease in-line space. While many chains allow some de-branding of their concepts and design modification, most believe locating in-line compromises their identity and branding.
- C. It is financially infeasible to build two story suburban mixed use structures in today's economic environment. Low demand and rent for second floor space together with lender aversion to financing unanchored retail are the principal reasons.

PROPOSITION TWO:

The current drive-thru restaurant ordinance has not resulted in an undue number of drive-thru facilities in the City.

ANSWER:

Presently there is only one drive-thru restaurant in the City and the present ordinance has been in place for over thirty (30) years.

PROPOSITION THREE: (See tab 2)

Adopting the proposed ordinance would be detrimental to City interests.

ANSWER:

- A. Adopting a more restrictive zoning approach to drive-thru(s) sends the wrong message to retail developers and the general business community. The City already suffers a reputation for being difficult to deal with and for having an unusually cumbersome site approval process. Retailers and developers routinely by-pass the City because of its restrictive code, lengthy approval process and conditions mandated in obtaining entitlements. Further restrictions on development both exacerbate the problem of attracting retailers to the City and perversely, results in fewer new developments and less redevelopment inadvertently contributing to maintenance of the status quo (i.e. the numerous functionally obsolescent retail centers located throughout the City).
- B. By eliminating the possibility of new drive-thru restaurants in the City in all but one case, the City is effectively restricting consumer choice and preference and adversely impacting potential sale tax revenues.

- C. Twenty-Seven (27%) percent of the Nation's restaurant sales occur at restaurants featuring drive-thru services. Further, an estimated Ninety-Six (96%) percent of the American population dines annually at a fast food restaurant. Clearly the City, currently with only one drive-thru restaurant, with a population of 17,000 residents and 30,000 day time workers is underserved.
- D. Although the City has not yet received the results of its resident survey on this topic, the Chamber survey indicated a clear preference for more such establishments. In addition, all of the cities in Creve Coeur's competitive peer group (Chesterfield, Maryland Heights, Des Peres and Brentwood) have less restrictive zoning for drive-thru restaurants and more of them. Clearly, Creve Coeur is not only losing retail sales to other communities because residents and employees are most certainly traveling outside the City for fast dining, but it is also losing out to new development.

PROPOSITION FOUR: (See tab 3)

Drive-thru restaurants have many benefits and most of the detriments can be controlled through regulation.

ANSWER:

- A. The primary benefits of drive-thru restaurants are that they provide fast, convenient and generally inexpensive dining. In addition, quality is generally reliable and most if not all chains have healthy menu choices in addition to traditional fare.
- B. The main disadvantages of these restaurants, building design, signage, noise and traffic issues can be controlled through regulation.
- C. Many municipalities have adopted stringent criteria that address these issues by regulating site building and signage design in a way that meets municipal concerns but would allow the restaurant to operate successfully.
- D. We recommend the City Planning Department review regulations and guidelines adopted by other cities.

PROPOSITION FIVE: (See tab 4)

The City should change its zoning ordinance regulating drive-thru restaurants facilities by making it less, not more, restrictive than it is currently.

ANSWER:

- A. There should be more drive-thru restaurants in the City. The City would benefit from offering its residents, its daytime workers, shoppers and other visitors additional dining choices.
- B. It will place the City in step with its neighbors and competitive set.
- C. It will be accretive to City finances.

- D. It will spur redevelopment, retention and revitalization particularly in some of the more depressed shopping areas of the City. It is folly to believe that the many small shop spaces in obsolescent centers will lease with the type of retailers the City wishes to attract. Many of the uses in these centers have gravitated toward service sectors and away from sales tax generating retail uses.
- E. In addition, the second and third generation retail is beginning to attract second hand retail stores which sell goods at lower price points which also negatively affect sales tax revenues and adversely affect the City's image in trying to attract new retail.
- F. Most importantly, it will help begin to change the image of Creve Coeur as an inhospitable climate for development and get the City back on the short list of places to locate.
- G. Specifically, the second story and two hundred foot of contiguous retail space requirements should be eliminated altogether and the three acre minimum reduced to 1 ½ or 2. To avoid the concern that there will be too many such structures in a row, additional criteria should be adopted to limit the number of drive-thru restaurants to one per qualifying parcel.

Results of Creve Coeur-Olivette Chamber of Commerce and CityPlace surveys (See tab 5)

TAB 1

Stephen Wolff

From: GlobeSt.com <promotional@globest.com>
Sent: Tuesday, May 20, 2014 2:07 PM
To: Stephen Wolff
Subject: BH's Jaffe Speaks About Current Retail

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BH's Jaffe Speaks About Current Retail

PHOENIX—**Steve Jaffe**, EVP and general counsel to **BH Properties**, a Los Angeles-based firm that specializes in acquiring and repositioning challenged or distressed real estate properties, speaks with **GlobeSt.com** about the current retail market.

GlobeSt.com: What kinds of successful retail do you see in the current

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Ring up Success in the Retail Market

LAS VEGAS—BH Properties continues to build on its successful value-add retail growth strategy, and in this EXCLUSIVE video interview, EVP Steve Jaffe explains his vision for the future.

marketplace?

Jaffe: It's the high end retail. At the top end of the pole, the experiential retail has been successful. It caters to shoppers with entertainment and common areas, places for children to play. These are places where people may not even shop, but just hang out all day. I would cite as an example the Caruso's Farmer's Market in Los Angeles and The Americana. These are open air spaces that answer to people's needs to just be with other people. They are clean, very well maintained and very well occupied. They speak to the customers' needs. They cost a lot of money to build and not a lot of people can afford to build them.

GlobeSt.com: Where does that leave traditional regional malls?

Jaffe: I do not see a future in regional malls.

GlobeSt.com: What about the other end of the spectrum, the service-based retail center?

Jaffe: At the other end, the service-based retail center's goals have changed a bit as people's habits have evolved—via the internet. There is still a need for services that are more local like groceries and dry cleaning, for example. The challenge is dominated by the mom and pop stores being hit hard during the recession. But those are the types of properties BH is interested in. We find properties that are well located and based on serving the day-to-day or weekly needs of customers and that cannot be replicated by the internet. This is what we found in Gilbert Town Center purchased a few months ago. But it has more of that open air feel similar to a higher end retail center. We plan to upgrade the property and incorporate concepts to make the community feel more invested in the property. It's the perfect time to invigorate it as Gilbert undergoes its resurgence.

GlobeSt.com: Speaking of e-commerce, what is your take on that?

Jaffe: Some retail outlets have embraced it to great effect. Other big box operators have been more challenged. I think some have downsized their stores into fewer grand showrooms. Restoration Hardware is an example that comes to mind. It's a beautiful, three-story showroom and the employees are right there to help you order off an iPad. They are still internet and catalog driven.

GlobeSt.com: And at the other end of the spectrum, here in Phoenix we've seen quite a few strip malls with deferred maintenance issues. Do you see any answers there?

Jaffe: It all comes down to economics, management and vision. At some level there are properties that have suffered as a result of the downturn. At the cost of property owners, it was hard to react. Do they cut rents? How soon do they work with tenants? And at some point they stop putting money into the property and start losing tenants. Then the property goes back to the bank. Hopefully then the property can be purchased at a point where the owner can take care of the capital needs of the property. Some of these properties will not rebound until the market fully recovers. Unfortunately some properties are beyond help at this point and other uses will have to be considered.

BH Properties holds 23 Arizona properties comprised of multifamily and industrial, and three of them retail. The company is looking to expand its Arizona portfolio. View an exclusive video interview with Steve Jaffe [here on GlobeSt.com](#).

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Property Type Outlook

"If you are a long-term investor, the industrial sector just keeps doing better, even if it's not glamorous."

Healing Properties

Survey results and interviews with industry participants note growth in demand sufficient to improve fundamentals in 2014, opening up investment and development opportunities even with the prospect of increasing interest rates. The ability of the U.S. commercial real estate market will improve across the full spectrum of property types.

"Overall, we're in the fifth inning," says a commercial banker, "but it feels like this cycle is happening much faster than the last cycle." And millennials are leaving their imprint on almost every sector. In addition to urban rental housing and more collaborative office configurations, "Technology demand for the millennials has been a game-changer, and this has positively impacted the retail and industrial sectors," says a real estate investment adviser.

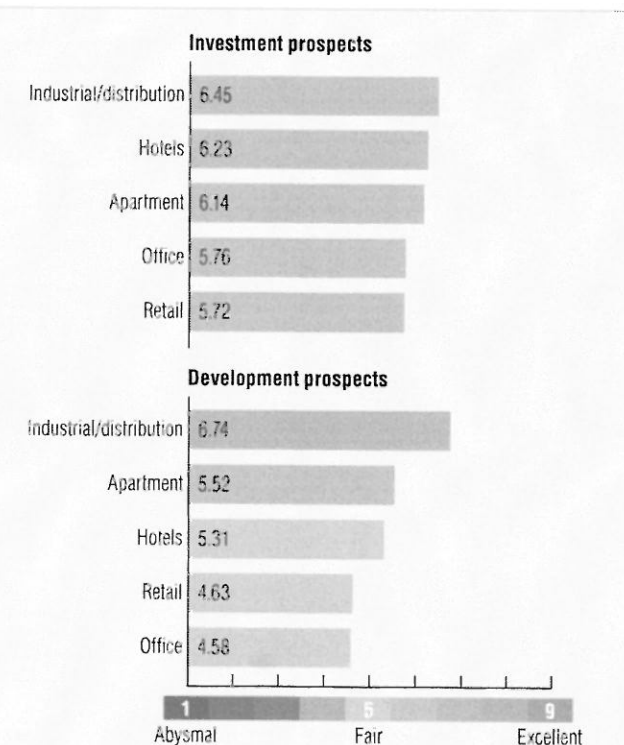
The industrial and distribution sector leads the way for both investment and development prospects in 2014, according to *Emerging Trends* survey respondents, with expected prospects rising to almost the same level as the apartment sector last year. "If you are a long-term investor, the industrial sector just keeps doing well, even if it's not glamorous," says an industrial real estate investor.

Hotels are a strong second to industrial and distribution investment prospects. Development prospects for hotels are expected to strengthen but remain third in the overall rankings. As a real estate adviser notes, "Hotels continue to do well primarily because not many are being built, and demand is coming back from [an increase in] business travel and tourism."

Apartment development prospects are expected to decline significantly in 2014 over 2013, according to the ratings provided

EXHIBIT 4-1

Prospects for Major Commercial Property Types in 2014



Source: *Emerging Trends in Real Estate 2014* survey.
Note: Based on U.S. respondents only.

by survey respondents but remain second to the industrial and distribution sector. "The peak of supply is coming next year," says a mortgage banker. Apartment investment prospects are expected to slip and are ranked third behind the industrial and distribution and hotel sectors.

As job growth continues, activity in the retail and office sectors is expected to step up with development prospects in both sectors strengthening noticeably, although, in relative terms, they remain the lowest-rated sectors. "The retail store is not going away. But its place in the whole mix has changed and will continue to evolve," declares a shopping center developer. Investment prospects are not expected to change much, with the retail sector improving modestly and office investment prospects just inching up.

Housing prospects for almost all residential property types showed at least moderate improvement in this year's survey,

with strong jumps in expected prospects for single-family moderate- and high-income housing. The attraction of urbanization is again reflected in the high rating received by infill and intown housing. This perennial first-place choice for best prospects is followed by seniors' housing and the single-family sector. Even condominiums and second/leisure homes made great strides in improved prospects, although they remain among the lower-rated housing types.

Respondents expect cap rates to move up slightly by the end of 2014. Warehousing and research and development (R&D) industrial are the only property types for which respondents don't expect to see much of an increase in expected cap rates.

EXHIBIT 4-2
Prospects for Commercial/Multifamily Subsectors in 2014

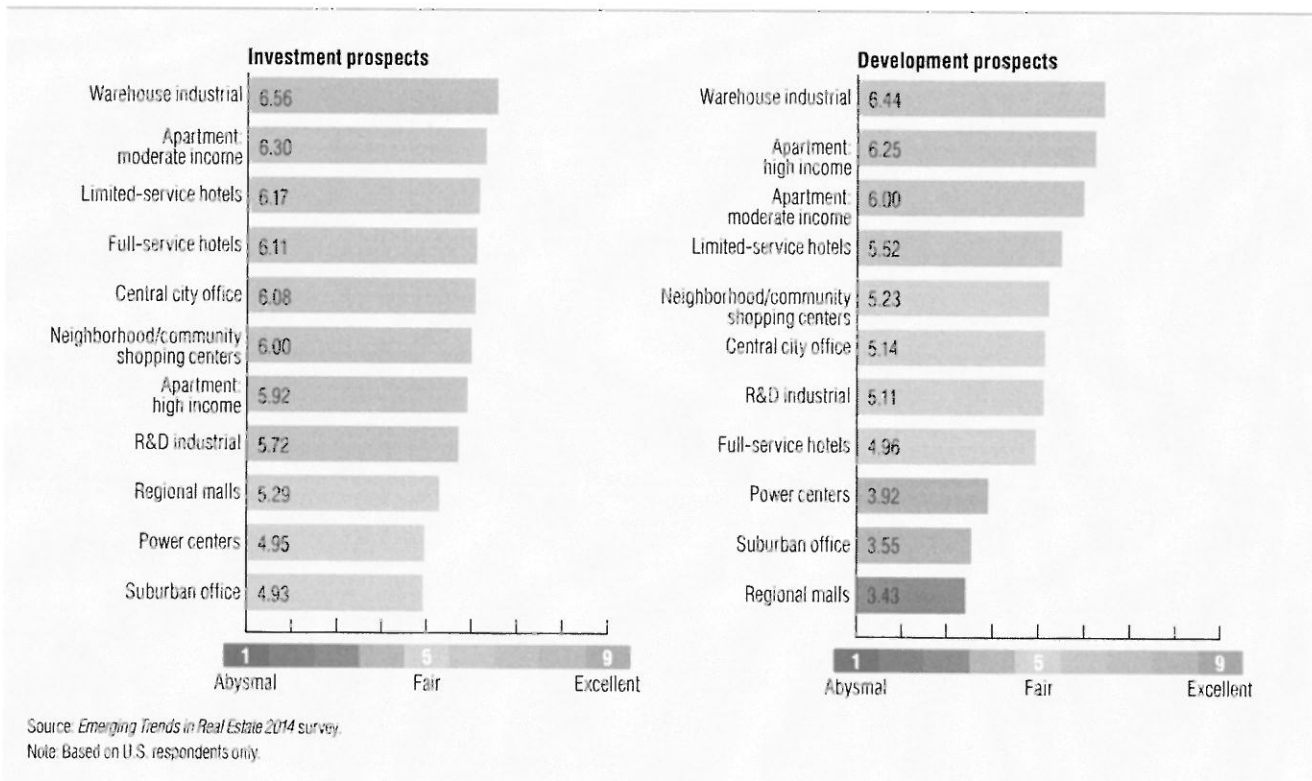
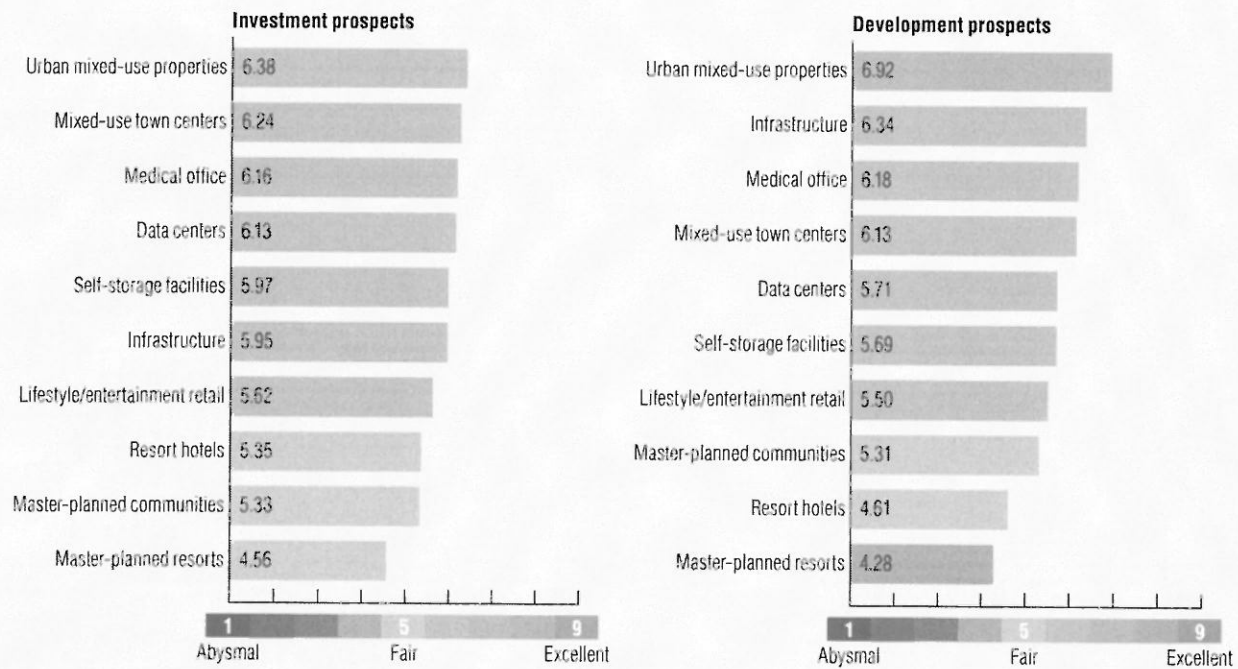


EXHIBIT 4-3

Prospects for Niche and Multiuse Property Types in 2014



Industrial

Industrial real estate will get a boost in 2014 as the U.S. economy continues to improve and as retailers and manufacturers have made the shortening of the supply chain their top priority for the foreseeable future.

Warehousing stands out as the strongest prospect in both investment and development in 2014—not only among industrial subsectors and niche markets, but across all types of subsectors and niche markets. (Only development prospects for urban mixed-use properties are rated more highly.) Warehousing is a clear favorite when survey respondents recommended action: this subsector received the most “buy” recommendations of all sectors—almost 64 percent of survey respondents made this recommendation, with 27 percent saying “hold” current assets and less than 10 percent recommending “sell.”

The strength of warehousing reflects the expanding influence of e-commerce distribution networks. For online retailers, this means building vast fulfillment centers near major cities to compete for same-day delivery capacity. “Electronic retailing is impacting the whole distribution program. Facilities are being built to enable same-day delivery—huge buildings, fulfillment centers in areas where we’ve never seen warehouses before,” says a logistics executive.

Investment and development prospects for the R&D industrial subsector, though not among the top rated, nonetheless are expected to improve, likely fueled by growth in the medical and technology fields. Respondents were more cautious about

the prospects for this subsector, with only 36 percent making a “buy” recommendation.

Self-storage and data centers also are expected to improve for both investment and development. Says one investment adviser, “Three years ago, no one would touch a self-storage property. Now, self-storage is one of the darling property types. That is really because investors have chewed down other types of properties.” Another adviser observes, “Self-storage is doing well, partly because of the recession, when people had to move out and put their stuff somewhere.”

In making buy/hold/sell recommendations for the total industrial sector by metropolitan area, respondents put Miami at the top of the list, with over 60 percent of respondents rating the city as a “buy.” The next top four industrial markets—Houston, Seattle, Los Angeles, and Dallas—are all global distribution hubs with healthy local economies.

The Return of Manufacturing

Industrial space in general will also benefit from the shortening of supply networks through the “reshoring” of factories to the United States and the elimination of a long supply chain across the Pacific Ocean, for example, which many companies have concluded is no longer worthwhile as labor costs in China rise. “Manufacturing is coming back to the U.S., and it’s coming back faster than we thought. Back in 2011, no one thought we would see anything until 2015. Now, we are seeing dozens of

EXHIBIT 4-4
U.S. Industrial Completions and Availability Rates

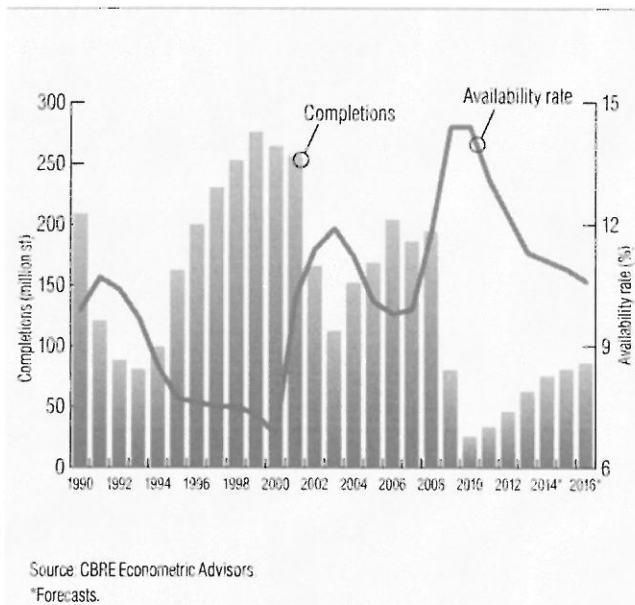
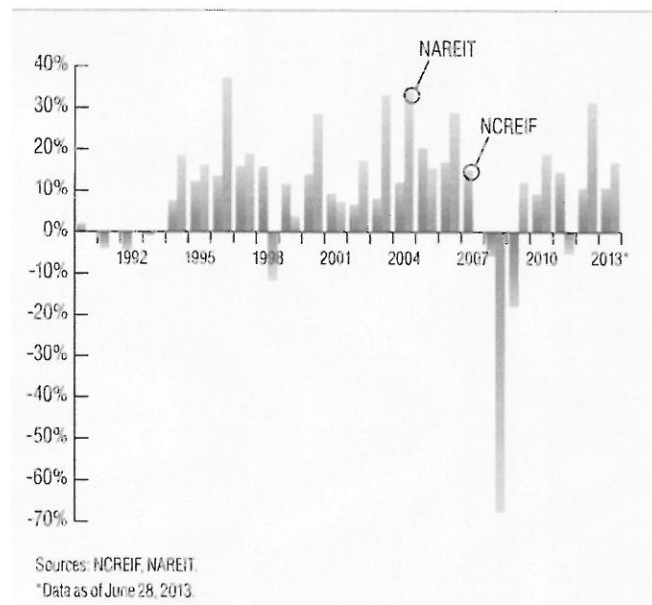


EXHIBIT 4-5
U.S. Industrial Property Total Returns



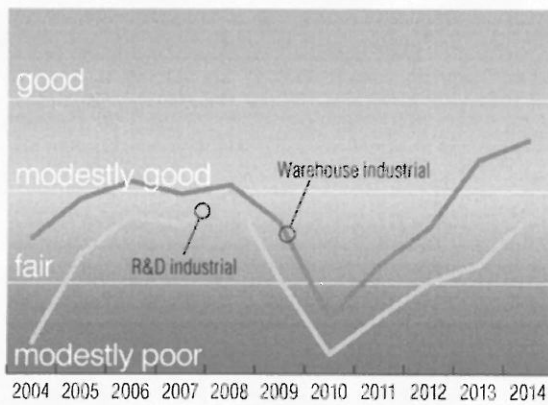
companies moving back to the U.S. because the economics are shifting," says a labor economist. "A key driver of this trend is that labor costs in China are rising, with wages increasing by about 15 to 20 percent a year and the steady appreciation of the Chinese yuan against the dollar. Manufacturers are seeing very long supply chains, and there are increasing concerns about intellectual property. They were willing to accept all that before, but no longer because there's less of an advantage in labor costs."

New factories are also opening up in some surprising locations—and in some unexpected industries. In January 2013, a semiconductor manufacturer announced plans to build a facility in Saratoga County, New York, to support technology development and manufacturing activities. And it's not just American manufacturers that are looking to shorten their supply chain. In June 2013, an Asian computer producer opened a personal-computer assembly plant in Whittett, North Carolina. Low U.S. energy costs are fueling this trend as well.

Upcoming: The Panama Canal

Finally, in anticipation of the opening of the Panama Canal expansion in 2015, "ports along the East and West Gulf coasts are all reacting, trying to make themselves ports of call for the much bigger ships that will be able to get through the canal," says an industry association executive. Intermodal rail and trucking companies that serve those ports are also investing. By 2014, this interviewee expects to see "some impact on warehouse and factory location, and more so once the canal reopens in 2015."

EXHIBIT 4-6
Industrial/Distribution Investment Prospect Trends



Source: *Emerging Trends in Real Estate* surveys.

U.S. warehouse industrial

2014	Prospects	Rating	Ranking
Investment prospects	6.56	Good	1st
Development prospects	6.44	Modestly good	1st
Buy		Hold	Sell
63.5%		26.9%	9.6%
Expected capitalization rate, December 2014		6.7%	

U.S. R&D industrial

2014	Prospects	Rating	Ranking
Investment prospects	5.72	Modestly good	8th
Development prospects	5.11	Fair	7th
Buy		Hold	Sell
36.0%		41.6%	22.4%
Expected capitalization rate, December 2014		7.5%	

Source: *Emerging Trends in Real Estate* 2014 survey.

Note: Based on U.S. respondents only.

Hotels

The trajectory of the hotel sector is favorable, especially for limited-service hotels. Some interviewees even say that hotels are "almost back to peak levels," or are seeing "tremendous activity." In the 2014 *Emerging Trends* survey, both limited-service and full-service hotels moved up in investment ranking among the commercial and multifamily subsectors to third and fourth place, respectively, just behind warehousing and moderate-income apartments. This boost parallels the nation's economic recovery, and as travel increases the hospitality industry will continue to expand and benefit from the increased demand. This sustained recovery is likely to come in part from "corporate travel—the bread and butter of the industry," according to a manager of a portfolio of hotels.

Limited-service hotels are expected to perform better than their full-service counterparts. As one fund manager opines, "High-quality 'select-service' hotel brands where the interior design, look, touch, and feel tend to mimic full-service hotels will continue to proliferate." Conversely, there will be "a continued dramatic decline in development of new classic 'full-service' hotels," asserts a financial adviser specializing in commercial real estate. "Some of the higher-end hotels [and] resorts will suffer due to lower levels of discretionary spending." However, brands will adapt to consumer needs "by providing an 'experience' that customers are willing to pay for," states the president of a luxury hotel firm.

Another concern is that although "the sector is performing well, it is likely that growth is slowing and the upside will be limited in the future," according to an investor. A hospitality company's chief executive officer remarked that supply may come back more quickly than demand, and "new hotels in high-performing markets can really hurt the market." Other worries are a rise in interest costs and regulation. Ultimately, however, in the words of a fund manager, "In an environment of an improving economy, there is more demand for offices, hotels, self-storage, etc., so you get an improvement in both volumes and pricing," offsetting potential issues.

With 48 percent of survey respondents making a "buy" recommendation on limited-service hotels, this subsector ranks second to warehousing, although, unlike in the warehousing sector, the remaining recommendations are almost equally split between "hold" and "sell." Forty-one percent made a "buy" recommendation for full-service hotels.

Recommendations for the total hospitality sector by metro area put Miami at the top of the list, up from fifth place last year, with 57 percent of respondents rating the city as a "buy." San Francisco and New York City follow, with Houston in fourth place for "buy" recommendations. Houston moved up from tenth place last year and the percentage of respondents recommending "buy" increased from 30 percent to 50 percent. Boston is in fifth place.

EXHIBIT 4-7
U.S. Hotel Occupancy Rates and RevPAR

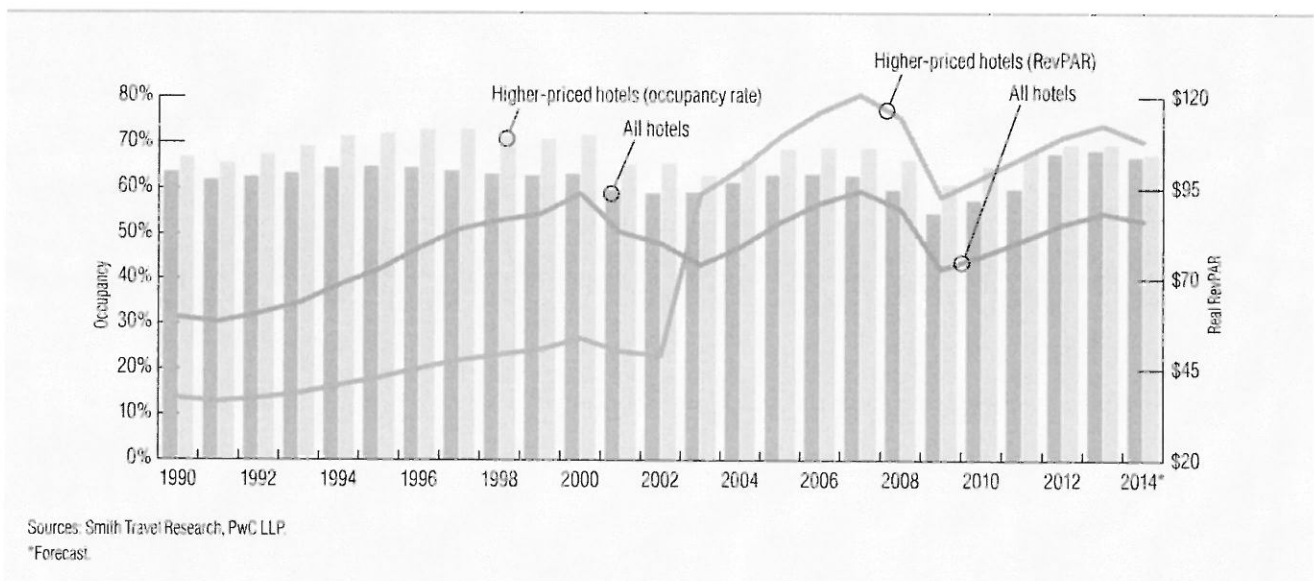
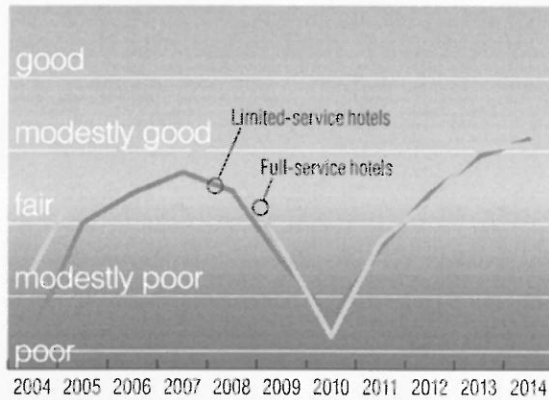


EXHIBIT 4-8

Hotel Investment Prospect Trends

Source: *Emerging Trends in Real Estate* surveys.

U.S. hotels: limited service

2014	Prospects	Rating	Ranking
Investment prospects	6.17	Modestly good	3rd
Development prospects	5.52	Fair	4th
Buy		Hold	Sell
48.1%		28.6%	23.4%
Expected capitalization rate, December 2014		8.3%	

U.S. hotels: full service

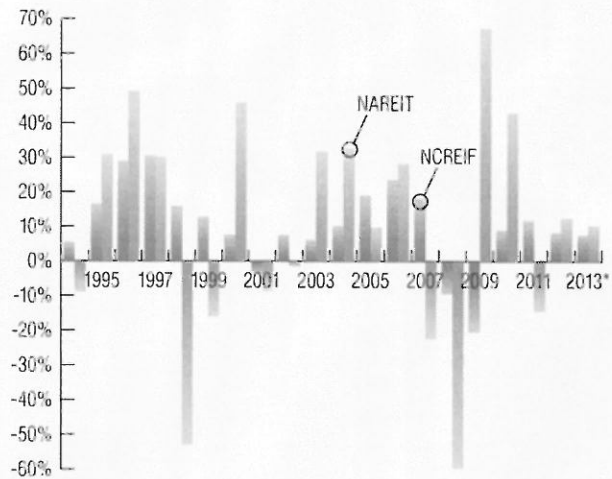
2014	Prospects	Rating	Ranking
Investment prospects	6.11	Modestly good	5th
Development prospects	4.96	Fair	6th
Buy		Hold	Sell
40.8%		36.6%	22.4%
Expected capitalization rate, December 2014		7.5%	

Source: *Emerging Trends in Real Estate 2014* survey.

Note: Based on U.S. respondents only.

EXHIBIT 4-9

U.S. Hotel/Lodging Property Total Returns



Sources: NCREIF, NAREIT.

*Data as of June 28, 2013.

Apartment

Moderate- and high-income apartment development prospects, as well as moderate-income investment prospects, remain among the strongest of all sectors rated for 2014 by the *Emerging Trends* survey respondents. But, unlike last year, when apartment prospects outshone the prospects of all other sectors, these apartment ratings are slightly lower this year, placing them behind warehousing. And investment prospects for high-income apartments are lower than those for a wide range of commercial subsectors.

The declining appetite for investing in high-income apartments is reflected, in part, in the sharp drop in "buy" recommendations from 44 percent in 2013 to 21 percent in 2014. Moderate-income apartments show their strength with an increase in "buy" recommendations for 2014 over 2013—38 percent versus 28 percent, respectively.

Does New Supply Pose a Risk?

Many interviewees expressed a sentiment similar to the one expressed by a real estate analyst who said that apartments will be "fully supplied, not oversupplied" in 2014. The apartment sector may "flirt with overbuilding, but this industry can lay off the gas pedal fairly quickly." Even with a strengthening of the single-family housing market, many interviewees are optimistic that multifamily will adjust appropriately.

That's not to say there won't be isolated pockets of overbuilding, particularly in the luxury market. "The peak of supply is coming this year and next year," says a REIT executive. "Then what happens? If interest rates move up, can we get the rent to justify new supply? At some point, if costs are going up, how much farther can we push the rents?"

Overall, even with a slight uptick in vacancy rates projected as additional units come on the market, rates are projected to remain relatively low in 2014 and for even several years beyond, according to REIS.

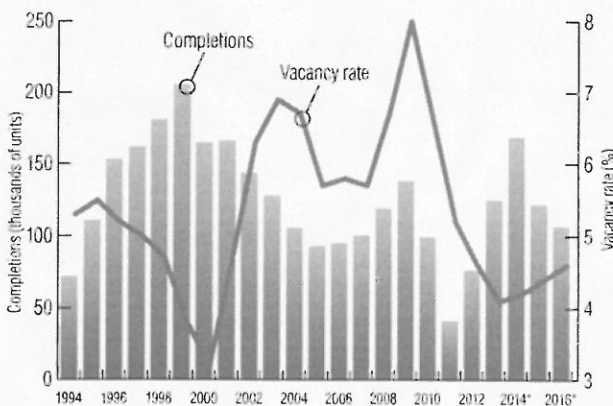
Multiple Sources of Demand

Millennials (or 'gen Yers'), who show a preference for living in a walkable, urban area, regardless of the size of the city where they live, will continue as a strong source of demand. They are less likely to buy their own homes, according to *America in 2013: A ULI Survey of Views on Housing, Transportation, and Community*. Drawing from a statistically representative sample, the study indicates that 54 percent of gen Yers rented their primary residence in 2013, compared with 32 percent of all adults in the United States. Of those gen Yers who are very likely to move within five years, 69 percent expect to rent, compared with 25 percent of all adults.

At the same time, baby boomers are selling their houses to rent apartments within walking distance of downtown areas or moving into centers for active seniors. "There is a growing demand for projects that target residents who are 55 and older. They want high 'walk scores' and access to entertainment, amenities, and quality health care," says the CEO of a commercial real estate firm.

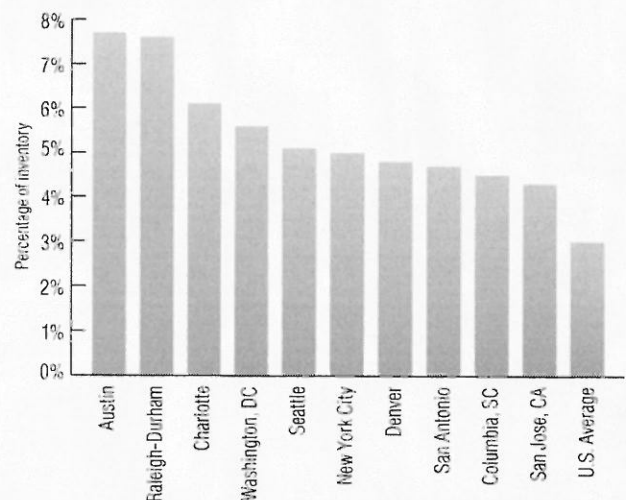
At the lower end of the age spectrum, some investors favor student housing "because it is not cyclical," says an institutional real estate adviser. "Because most colleges no longer build new dorms, the sector will remain strong."

EXHIBIT 4-10
U.S. Multifamily Completions and Vacancy Rates



Source: REIS
*Forecast.

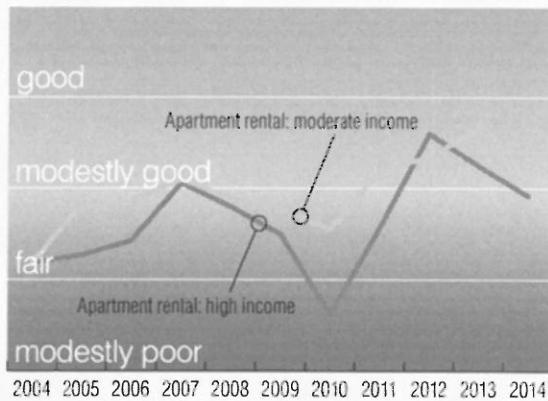
EXHIBIT 4-11
Multifamily Units under Construction



Source: Reis
*Data as of June 30, 2013

EXHIBIT 4-12

Apartment Investment Prospect Trends

Source: *Emerging Trends in Real Estate* surveys.

U.S. high-income apartments

2014	Prospects	Rating	Ranking
Investment prospects	5.92	Modestly good	7th
Development prospects	6.25	Modestly good	2nd
Buy	Hold		Sell
21.3%	35.2%		43.5%
Expected capitalization rate, December 2014		5.4%	

U.S. moderate-income apartments

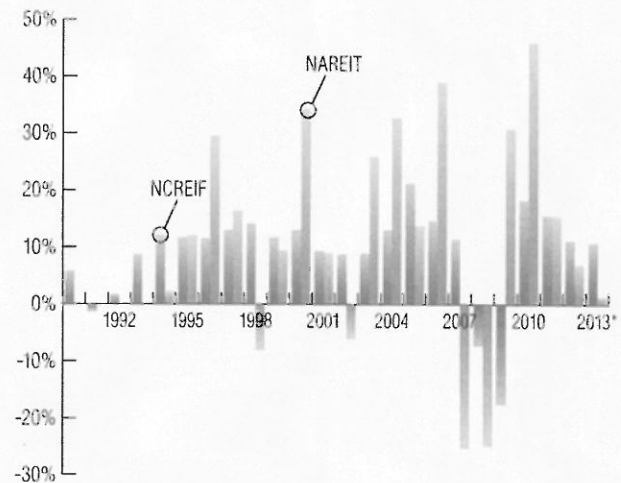
2014	Prospects	Rating	Ranking
Investment prospects	6.30	Modestly good	2nd
Development prospects	6.00	Modestly good	3rd
Buy	Hold		Sell
37.6%	34.3%		28.1%
Expected capitalization rate, December 2014		6.2%	

Source: *Emerging Trends in Real Estate 2014* survey.

Note: Based on U.S. respondents only.

EXHIBIT 4-13

U.S. Apartment Property Total Returns



Sources: NCREIF, NAREIT.

*Data as of June 28, 2013.

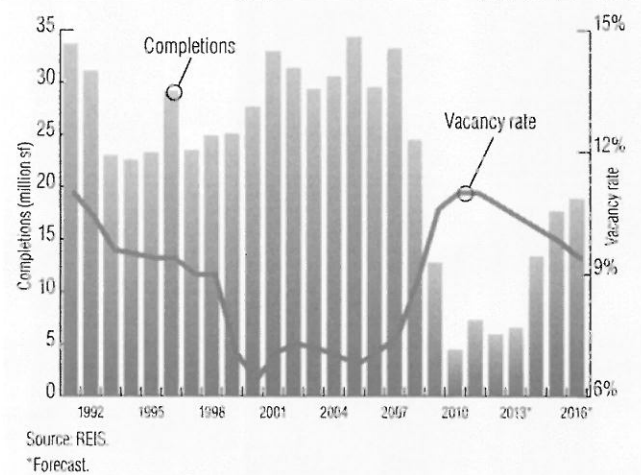
Retail

"Retail has been slower to rebound than other property types," explains a commercial banker, and a real estate adviser adds, "With improved GDP and steady employment growth, 2014 marks the first time that retailers are expanding."

Because of increased levels of e-commerce, retail is expected to become leaner in the future. "Technology is enabling merchants to get by with much less inventory, [which] means they need less space," a real estate service provider points out. "At the other end of the supply chain, the buyer's journey [has] changed a lot." As a result, "Retailers continue to rethink size requirements," says the CEO of an investment firm. Less square footage per site and the gradual decline of big-box stores is where many interviewees predict retail is headed in the near future. One investor believes, "The need for big department stores is declining, and the end of their world may occur in five years."

On the other hand, a shopping center developer notes that while "retailers are running out of opportunities in suburbs, urban environments [retail alone or with residential on top] will continue to be attractive." Multiple firms are "seeing [the] millennial generation focusing on urbanism, plus a combination of private developers and government programs [is] pursuing the redevelopment of infill locations," according to the president of a retail REIT. Prospects for mixed-use urban developments are high, tied as they are to these changing demographics. One shopping center owner further observes, "The path of growth for retail is no longer out toward the suburbs. Everyone is looking to move back into the city and to find an adaptable business model that can tap this underserved segment." In fact, urban mixed-use properties were a clear favorite among survey

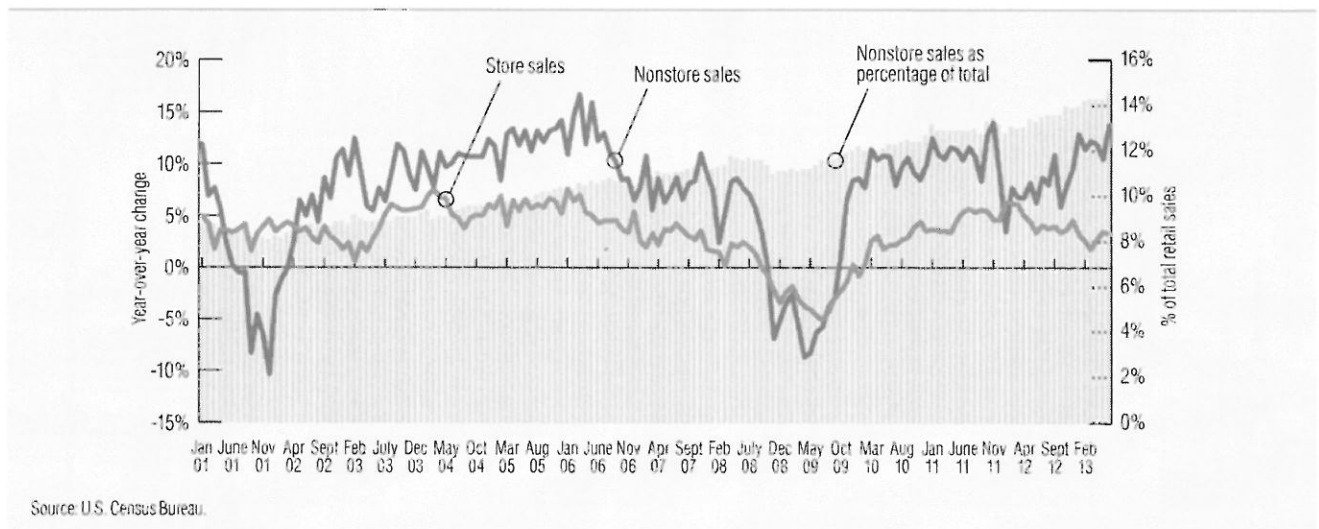
EXHIBIT 4-15
U.S. Retail Completions and Vacancy Rates



respondents, who rated this sector the highest of all sectors for expected development prospects in 2014. Prospects for investment in urban mixed-use properties were expected to be almost as strong.

In addition, "High-end is holding up well," says an investment manager. This submarket is profiting because of its low probability of substitution with other mediums as well as location of this type of retail in entertainment districts. However, the middle range is suffering, as it is "most susceptible to internet competition."

EXHIBIT 4-14
Retail Sales: Year-over-Year Change



"Overall, retail is showing itself to be resourceful and is bouncing back," concludes a shopping center owner, reiterating a sentiment shared by multiple interviewees. "Consumer confidence is increasing," notes a banker, and retail—especially in urban infill areas—is expected to improve along with it.

Neighborhood/community shopping centers were the most highly rated among retail sectors for investment prospects, rising slightly from last year's rating. Close to 50 percent of respondents recommended "buy" for this sector, as compared with only 18 percent who recommended "buy" for power centers. Development prospects for neighborhood/community shopping centers stepped up but remain just fair.

Some interviewees see what they describe as a long-needed renovation of shopping malls that lost tenants during the recession and are now in the process of being spruced up. "Retail needed that in the worst way," says a fund manager.

The Online Challenge

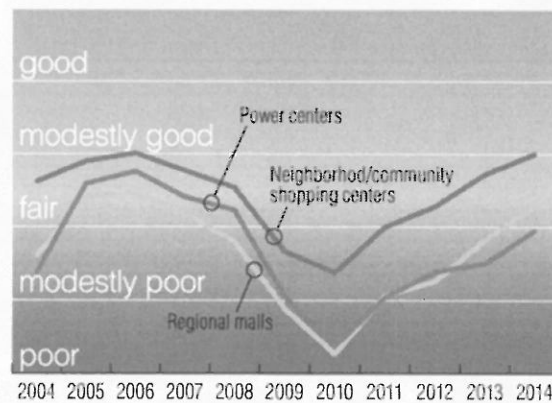
To adjust to the increase in online shoppers, retailers are looking at a variety of approaches ranging from using stores more as showrooms to using them as quasi-distribution centers. "Brick-and-mortar" retail will continue to converge with online shopping as all retailers become progressively drawn into competition with Amazon to deliver goods to customers on the same day they are ordered. Stores will increasingly fill online orders from their own shelves, effectively blurring the line between retail and warehouse space.

"We will see more subtle, if not more dramatic, ways in which retailers use real estate to facilitate a bichannel approach

to retail to adapt to an economy that has a large percentage of its commerce going on over the internet. While one retailer decreases its footprint from 14,000 to 9,000 [square] feet, another opens up more distribution warehouses for same-day delivery. Those lines are converging," says a logistics executive.

EXHIBIT 4-17

Retail Investment Prospect Trends



Source: *Emerging Trends in Real Estate* surveys.

U.S. neighborhood/community centers

2014	Prospects	Rating	Ranking
Investment prospects	6.00	Modestly good	6th
Development prospects	5.23	Fair	5th
Buy	47.1%	Hold	Sell
		35.8%	17.1%
Expected capitalization rate, December 2014		6.9%	

U.S. power centers

2014	Prospects	Rating	Ranking
Investment prospects	4.95	Fair	10th
Development prospects	3.92	Modestly poor	9th
Buy	18.0%	Hold	Sell
		42.7%	39.3%
Expected capitalization rate, December 2014		7.3%	

U.S. regional malls

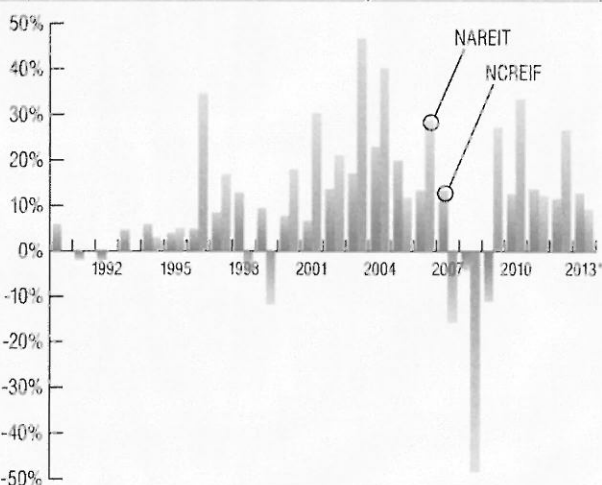
2014	Prospects	Rating	Ranking
Investment prospects	5.29	Fair	9th
Development prospects	3.43	Poor	11th
Buy	20.0%	Hold	Sell
		52.6%	27.4%
Expected capitalization rate, December 2014		6.2%	

Source: *Emerging Trends in Real Estate* 2014 survey.

Note: Based on U.S. respondents only.

EXHIBIT 4-16

U.S. Retail Property Total Returns



Sources: NCREIF, NAREIT.

*Data as of June 28, 2013.

Office

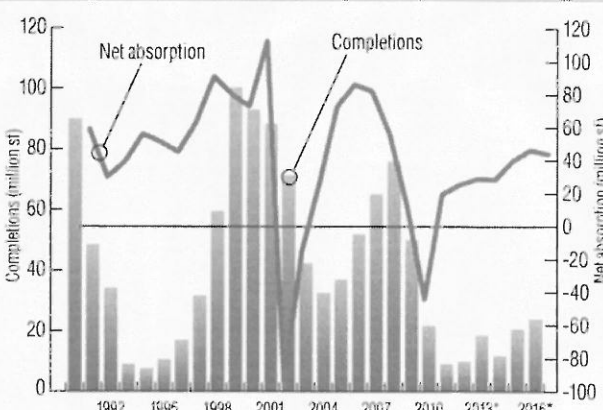
Perhaps more than any other property type, office space will struggle to find pockets of new demand in 2014. In the *Emerging Trends* survey, respondents continue to rate central city offices among the better sectors for investment but only fair for development; suburban office is the lowest rated of all sectors for investment and among the lowest for development.

Still, some *Emerging Trends* survey respondents see potential for office space in general in 2014, with 42 percent of them rating the central city office sector as a "buy" and 30 percent rating suburban office as a "buy." Boston still tops the survey, but none of the five cities immediately following is among the half-dozen cities that have dominated office space in recent years. Four of them—Houston, San Diego, Seattle, and Denver—derive their economic growth from technology or energy. Phoenix, which is also in the top five, may well be considered a recovery play.

Efficiency in Demand

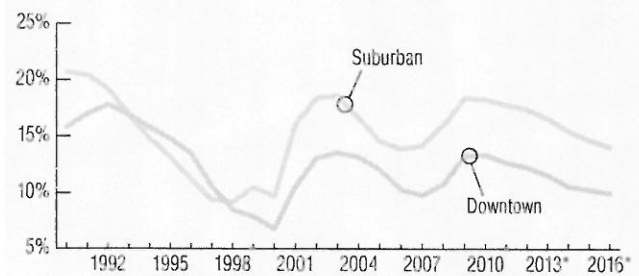
Companies are learning to get by with fewer employees while taking up less space per employee as they allow more employees to work at home and squeeze others into denser office layouts. "There is this constant trend to get more productivity and efficiency out of office space. It will lead to a slower tightening of the office market," says a leasing broker. "We are seeing more people being put in less space than ever." A case in point is a new office building that is under construction in Boston that is designed for nine people per 1,000 square feet. "That is unbelievable density," says an institutional investment adviser who is familiar with the project. "The highest [density] I have ever heard was five people per 1,000 square feet."

EXHIBIT 4-18
U.S. Office New Supply and Net Absorption



Source: CBRE Econometric Advisors.
*Forecast.

EXHIBIT 4-19
U.S. Office Vacancy Rates



Sources: CBRE Econometric Advisors.
*Forecast.

The pressure of densification on the office market will have sobering implications for rents in 2014. "Some of the larger corporate occupiers are rolling over leases, with more employees than when they originally signed the lease. So they are able to keep the same amount of space at less space per employee, increase the number of employees, and therefore become more efficient. So it is not that they are spending less money. They are just increasing density and improving their efficiencies and lowering their cost per employee," says a real estate service provider.

"Companies have some reluctance about making permanent hires. Companies want to remain short so they can adjust and use contractors, temporary employees, and part-time employees. It may stunt growth in jobs overall. The cost of health care is the number-one reason," says a real estate investment adviser. Office workers can work at home "because of what the smartphone has done. It lets you work out of the house," says a developer.

Yet, office space will still fare better in 2014 than its reputation would lead one to believe. One factor working to the advantage of the sector is that it did not build into oversupply. "In office space, bankers and developers have not allocated that money toward speculative office development, which we think is very constructive. We are glad to see that level of discipline. Given that job growth is still suffocated, we would not expect there to be a sea change in the volume of speculative development starting any time in the near term. Maybe in deliberate small doses, but not a sea change," explains a commercial developer and property manager.

In addition to workspace efficiencies, an office developer notes that "there will continue to be a relentless pursuit of more efficiency in utilities, quality of mechanical systems, and LEED certification. It is just a matter of time before the same thing happens with LEED that happened with ADA requirements, which used to be voluntary. But now you can't get a building permit

without meeting those criteria. We will migrate toward 'not a choice anymore,' " says an office developer.

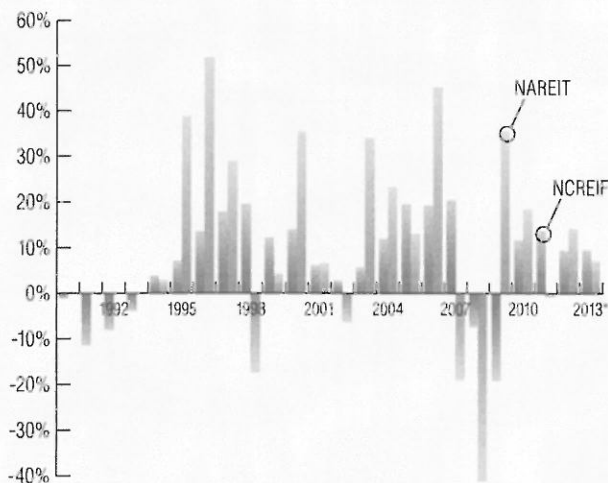
Secondary Market Attractiveness

In secondary and tertiary markets, where many of the new investments will be made in 2014 by investors with an increasing appetite for risk, densification will not be as high on the agenda of developers as in first-tier markets. "In bigger markets where rents, cost of business, and cost of living are higher, there is tremendous pressure for more densification in office space. In a mid-tier market, you don't save much at all if you save 20 percent on \$25 per square foot versus 20 percent of \$85 per square foot in New York." In smaller markets where office workers tend to drive to work, office buildings are required to provide enough parking spaces for them. That poses a limit on the extent to which an office building can densify—leading to a potential lack of parking space—as one developer explains.

As banks ease lending requirements and become more amenable to construction and development loans, office space will expand in some surprising markets. "Some of the strongest markets in the Southeast will be Greenville, Charleston, Charlotte, Raleigh, Birmingham, Nashville, and even Chattanooga. Spec industrial and office development is now feasible in certain markets. Office rents in Greenville are now around \$27 to \$28 per square foot—the first time they have reached these levels. With low vacancies, these rates can now justify new construction in downtown locations," says a commercial real estate developer.

EXHIBIT 4-20

U.S. Office Property Total Returns

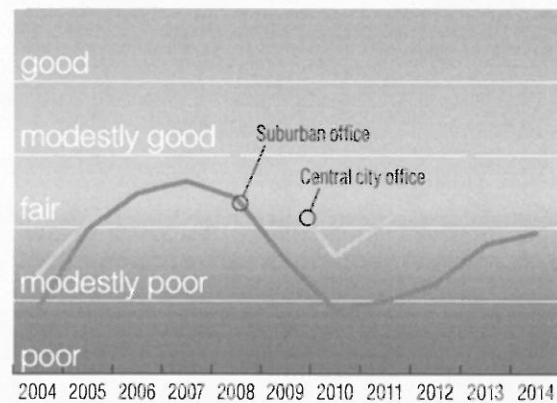


Sources: NCREIF, NAREIT.
*Data as of June 28, 2013.

Raleigh, for example, is seeing the creation of 12,000 jobs a year, which local developers point out is only half the rate they saw before the recession. Yet many of the jobs are high-quality ones at financial services firms and technology companies. "The Class A office market has tightened," says a developer in Raleigh. "There are not many available blocks of space. Everybody who could move up has done so. The B Class space is still available, and we are finally starting to see that market tighten up. Rents are back up. We are starting to see a real rebound of well-located office properties. But the far-range suburbs are still struggling."

EXHIBIT 4-21

Office Investment Prospect Trends



Source: *Emerging Trends in Real Estate* surveys.

U.S. central city office

2014	Prospects	Rating	Ranking
Investment prospects	6.08	Modestly good	5th
Development prospects	5.14	Fair	6th
Buy 41.5%	Hold 19.9%		Sell 38.7%
Expected capitalization rate, December 2014		6.4%	

U.S. suburban office

2014	Prospects	Rating	Ranking
Investment prospects	4.93	Fair	11th
Development prospects	3.55	Modestly poor	10th
Buy 30.0%	Hold 35.5%		Sell 34.5%
Expected capitalization rate, December 2014		7.8%	

Source: *Emerging Trends in Real Estate* 2014 survey.
Note: Based on U.S. respondents only.

TAB

2

August 6, 2013

Fast Food Still Major Part of U.S. Diet

Most Americans believe fast food is not "good for you"

by Andrew Dugan

WASHINGTON, D.C. -- Eight in 10 Americans report eating at fast-food restaurants at least monthly, with almost half saying they eat fast food at least weekly. Only 4% say they never eat at fast-food restaurants. But slightly fewer Americans eat fast food weekly now than did so in 2006, when Gallup last asked about it.

How often, if ever, do you eat at fast food restaurants, including drive-thru, take-out, and sitting down in the restaurant -- every day, several times a week, about once a week, once or twice a month, a few times a year, or never?

	Every day	Several times a week	About once a week	Once or twice a month	A few times a year	Never
	%	%	%	%	%	%
Jul 20-14, 2013	3	16	28	33	15	4
Dec 8-10, 2006	3	20	33	25	15	4
Jul 7-9, 2003	4	17	31	30	13	5

GALLUP

These findings come from Gallup's annual Consumption poll, conducted July 10-14, 2013, and seem to suggest that many Americans are reducing, but not totally eliminating, their fast-food intake.

Fast food has long been a staple of many Americans' diets, but widespread concerns related to the nutritional value of the food linger. On that point, 76% in the U.S. think the food served in fast-food restaurants is "not too good" or "not good at all for you," the same percentage who said so in 2003.

Twenty-eight percent say the food is "not good at all for you." Fewer, 20%, believe food purchased at fast-food restaurants is "fairly good for you," while 2% say it is "very good for you."

Overall, do you think that most of the food served in fast food restaurants is very good for you, fairly good for you, not too good for you, or not good at all for you?

	Very good	Fairly good	Not too good	Not good at all
	%	%	%	%
Jul 10-14, 2013	2	20	48	28
Jul 7-9, 2003	1	22	53	23

GALLUP

Young Eat Fast Food Most Often; Low-Income Individuals, the Least

Young adults -- those aged 18 to 29 -- eat fast food most often, with 57% saying they do so at least weekly. Fast-food consumption declines with age; the percentage who say they eat it at least weekly drops to 47% for those aged 30 to 49, 44% for those aged 50 to 64, and 41% among those aged 65 and older.

Men are more likely than women to eat fast food at least weekly -- 53% vs. 42%. Men aged 18 to 49 in particular eat fast food at least weekly, at 57%.

Across racial and ethnic groups, blacks and Hispanics eat fast food most often, with 52% and 53%, respectively, eating it at least weekly. Less than half of non-Hispanic whites (46%) by comparison dine on fast food at least weekly.

Frequency of Eating Fast Food, Among Select Groups

	At least weekly %	Once or twice a month %	A few times a year or never %
18 to 29 years old	57	33	8
Men	53	31	15
Hispanics	53	27	16
Blacks	52	37	11
Annual income \$75,000 or more	51	28	21
Annual income \$30,000 to \$49,999	51	32	15
Annual income \$50,000 to \$74,999	50	32	18
30 to 49 years old	47	33	21
Non-Hispanic whites	46	33	21
50 to 64 years old	44	33	23
Women	42	34	23
Annual income \$20,000 to \$29,999	42	42	16
65 years and older	41	32	26
Annual income less than \$20,000	39	36	23

July 10-14, 2013

GALLUP

Fast food is typically low in cost, which is part of its appeal to many Americans. But fast food is hardly the province solely of those with lower incomes; in fact, wealthier Americans -- those earning \$75,000 a year or more -- are *more* likely to eat it at least weekly (51%) than are lower-income groups. Those earning the least actually are the least likely to eat fast food weekly -- 39% of Americans earning less than \$20,000 a year do so.

Most Weekly Fast-Food Eaters Believe the Food Is Not Good for You

More than seven in 10 of those who eat fast food weekly or more frequently believe it is not "good for you." The 25% of this group who believe fast food has some degree of health value is about the same as the 22% of the overall population who believe this.

However, those who eat fast food infrequently are much less likely to say it is "good for you." Nineteen percent of those who eat fast food once or twice a month say it is fairly or very good for you, as do 15% of those who eat it a few times a year or never.

Perceptions of Fast Food by Frequency of Fast-Food Consumption

	All Americans	At least weekly	Once or twice a month	A few times a year or never
	%	%	%	%
Very good	2	2	1	1
Fairly good	20	23	18	14
Not too good	48	54	47	38
Not good at all	28	19	33	43

July 10-14, 2013

GALLUP

Implications

Undoubtedly, fast-food restaurants still represent a major part of the American dining experience, with almost all Americans eating fast food at least occasionally -- though the percentage who do so frequently is down slightly from seven years ago.

A large swath of the public believes food served at fast-food restaurants is not good for them, and even about three-quarters of weekly fast-food consumers believe this. Nonetheless, a huge share of Americans continue to visit fast-food drive-throughs or dining rooms, suggesting that the appeal of the product -- be it the relatively low cost, the taste, or the convenience -- outweighs the health concerns.

Survey Methods

Results for this Gallup poll are based on telephone interviews conducted July 10-14, 2013, on the Gallup Daily tracking survey, with a random sample of 2,027 adults, aged 18 and older, living in all 50 U.S. states and the District of Columbia.

For results based on the total sample of national adults, one can say with 95% confidence that the margin of sampling error is ± 3 percentage points.

Interviews are conducted with respondents on landline telephones and cellular phones, with interviews conducted in Spanish for respondents who are primarily Spanish-speaking. Each sample of national adults includes a minimum quota of 50% cellphone respondents and 50% landline respondents, with additional minimum quotas by region. Landline and cell telephone numbers are selected using random-digit-dial methods. Landline respondents are chosen at random within each household on the basis of which member had the most recent birthday.

Samples are weighted to correct for unequal selection probability, nonresponse, and double coverage of landline and cell users in the two sampling frames. They are also weighted to match the national demographics of gender, age, race, Hispanic ethnicity, education, region, population density, and phone status (cellphone only/landline only/both, and cellphone mostly). Demographic weighting targets are based on the March 2012 Current Population Survey figures for the aged 18 and older U.S. population. Phone status targets are based on the July-December 2011 National Health

Interview Survey. Population density targets are based on the 2010 census. All reported margins of sampling error include the computed design effects for weighting.

In addition to sampling error, question wording and practical difficulties in conducting surveys can introduce error or bias into the findings of public opinion polls.

[View methodology, full question results, and trend data.](#)

For more details on Gallup's polling methodology, visit www.gallup.com.

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Restaurant Design Guidelines

Adopted by the City of Scottsdale

Development Review Board – May 18, 2000

Dennis Robbins Councilman

Mark Hammons, Vice Chairman

Andrea Lee Forman

Margaret Dunn

Mark Soden

Fred Davidson

J.T. Elbracht

RESTAURANT DESIGN GUIDELINES

PURPOSE

Scottsdale has many desirable aesthetic qualities and areas with unique character. These attributes have been closely guarded and nurtured by programs and initiatives intended to protect the community's aesthetic qualities and ensure design excellence. Despite this tradition, increasing development pressure for corporate driven design solutions threaten the very essence of what makes Scottsdale a desirable and unique place.

These guidelines are intended to promote good design that is responsive to its contextual setting. The guidelines outline the City's expectations with regard to restaurant design and are intended to assist applicants, decision-makers, and staff in the consistent development, review, and consideration of restaurant proposals. The guidelines are applicable to all restaurant types. The guidelines are to be applied throughout the community and are structured to respond to the varying conditions and constraints inherent to individual site and contextual settings.

KEY OBJECTIVES

- Protect and enhance the character and quality of commercial districts and maintain and strengthen a recognizable identity and character unique to Scottsdale.
- Strengthen the pedestrian environment and provide options for safe pedestrian access.
- Create a high level of expectation in the quality of restaurant architecture.
- Provide needed flexibility to respond to unique conditions and constraints inherent to specific areas within the community.
- Minimize negative impacts resulting from on-site activities on adjacent uses.
- Promote a balance between the community concerns over aesthetics with business requirements of the facility.

CHARACTER/ CONTEXT AND THE GENERAL PLAN

A variety of character /contextual settings exist in Scottsdale ranging from historic and urban settings in the Downtown to suburban and rural neighborhood settings in outlying areas. Scottsdale places a high value on architectural approaches that recognize a project's contextual setting. Each setting warrants a different response in terms of site development and design. Restaurant architecture should contribute to the established or desired character and identity of the community and neighborhood. Site-specific review with the effective implementation of these guidelines are intended to support the following Guiding Principles of the City's General Plan: **Enhance Neighborhoods; Support Economic Vitality; Seek Sustainability; Value Scottsdale's Unique Lifestyle and Character.**

DESIGN GUIDELINES

These guidelines are intended to address exterior elements of restaurant design to help promote cohesive design and enable comprehensive review of such cases. The guidelines are intended for all new buildings and major renovations. All proposals should be in accordance with the zoning ordinance and Downtown standards if applicable. The guidelines are organized into five (5) sections including Site Design, Architecture, Landscape Design, Lighting, and Signage/Corporate Identification.

Site Design

The optimal layout of any individual site requires an in-depth understanding of local context and a thorough site analysis. The components of a restaurant to be considered in site design include, but are not limited to:

- Primary structure
 - Outdoor Dining
 - Entry and associated outdoor waiting area
 - Service , utility infrastructure , refuse and storage area
 - Pedestrian and vehicular circulation systems, parking and valet areas
 - Drive through windows and associated equipment and stacking lanes
1. All development proposals should show evidence of coordination with the site plan elements and other contextual influences of neighboring properties. Proposals should respond to local development patterns and the streetscape through the use of building setbacks, orientation, relationship of structures to the street and to each other. The layout of the site should respect and build upon the arrangement of buildings, open spaces and landscape elements of adjacent sites.
 - Where a common setback from the street is evident, new buildings should respect the established setback.

- Variation to an established setback is allowed if the resulting arrangement of buildings defines a useful public space such as a plaza or open space.
 - Building entries should be convenient to parking but should also acknowledge the importance of the public realm.
 - Seek and develop pedestrian linkages between adjacent properties.
 - Seek and develop shared vehicular access points with adjoining sites where feasible.
2. Service areas, storage areas and refuse enclosures should be screened from public view and screened from adjacent sites. In highly developed settings, such as downtown, or in close proximity to residential areas, consider the use of trash compactors with odorizers.
 3. The clustering of service and refuse areas is encouraged where adjacency of similar uses allows.
 4. Drive-through windows or self-service drive-throughs are discouraged in the downtown.
 - In locations where drive-through facilities are permitted, drive-through windows, menu boards and associated stacking lanes should be carefully located to minimize the impacts on adjacent residential areas and should be adequately screened from public view and the view of adjacent sites.
 - Circulation shall allow for adequate length of stacking for drive through facilities that does not interfere with the movement of traffic or pedestrians on or off-site.
 5. Site design shall accommodate a logical and safe vehicular and pedestrian circulation pattern throughout the site that minimizes conflicts. Linkages for pedestrians should be direct avoiding circuitous routes that are not easily understood.
 6. Parking fields and expansive areas of paved surfaces should be broken up with landscape planting.
 7. Outdoor dining areas are encouraged. The flow of indoor to outdoor spaces is desirable and can be facilitated by operable windows and doors. Outdoor dining areas should be located away from adjacent residential areas and other sensitive uses.
 8. Identify the location of above ground utility infrastructure facilities early in the design process. When possible, locate utility cabinets, switching cabinets, transformers, cable boxes, communications infrastructure, backflow preventors, irrigation control boxes and other similar above ground utilities in locations that do not conflict with featured views, outdoor dining areas and circulation patterns. Utility cabinets should not be located within parking lot landscape islands or in

highly visible locations within the right-of-way. Utilities should be screened to the extent allowable by operation requirements.

Architecture

The intent of the following architectural guidelines is to encourage creative architecture that is responsive to local and regional context and contributes to the aesthetic identity of the community. Each building will be evaluated with regard to the guidelines below to achieve a final building of good proportion, massing, and scale within its unique context.

1. Building design should take into consideration the unique qualities and character of the surrounding area.
2. Building elements that speak to the desert environment and climate, such as, architectural shade devices, a strong relationship to the ground plane, sheltered and deeply recessed windows and the use of materials and textures that are associated with the region are encouraged to define the project identity to the Arizona Sonoran Desert.
3. Buildings that derive their image predominantly from applied treatments that express corporate identity are discouraged. A building should respond to its context first.
4. Where awnings are used, they should be functional and provide maximum shade to the window area. Awnings should be of opaque architectural grade material and should not be internally lit. Metal awnings are preferred to fabric awnings for reasons of durability and flexibility.
5. The design of stand-alone restaurants should conform to the dominant existing or planned character of the surrounding neighborhood. This can be accomplished through designs that feature interpretations of nearby building designs. Such features may include but are not limited to color, forms, materials, proportional relationships and fenestration patterns.
6. The design of a restaurant that occupies a pad or portion of a building within a planned shopping center should share similar design characteristics and design vocabulary. Precise replication is not necessary or desirable. Consider utilizing similar color, material and texture found within the architecture of the primary building. The proportion and massing as well as the use of details and special features as found on the primary structure should be appropriate to the smaller scale of the proposal.

7. All sides of a building should express consistent architectural detail and character. All site and screen walls should be architecturally integrated with the building.
8. Building should respond to solar heat gain, reflectivity and glare through building orientation and the use of architectural shading devices such as pronounced eaves, fin walls and covered walkways.
9. Shading for outdoor dining should be architecturally integrated with the main structure or compliment the massing of the building.
10. Buildings should reduce their perceived height by dividing the building mass into several smaller-scaled components to reduce their visual impact and provide a more human scale. Possible treatments to avoid excessive height include:
 - Low-scale planters and site walls
 - Architectural wainscot treatment
 - Clearly pronounced eaves or cornices
 - Subtle changes in material color and texture
 - Breakdown of the building into distinct masses.
 - Covered pedestrian frontages and recessed entries
11. Buildings should reduce their apparent bulk by dividing the building mass into several smaller-scaled components. Possible treatments to avoid excessive bulk include:
 - Low planter walls and site walls
 - Variation in roof forms and heights, including variations in parapet height allowed when mechanical units can be clustered
 - Areas of shadow created by the division of horizontal planes with recesses and projections
 - Covered pedestrian frontages and recessed entries
 - Deeply set windows with mullions
12. The following architectural treatments are generally discouraged:
 - Gradation in paint color applied to one surface or the use of large graphics
 - Extended bands of vibrant and/or highly contrasting corporate.
 - Long uninterrupted expanses of glass
 - Floor to ceiling glass storefront treatments
13. Building colors should emphasize muted earth tones. The use of highly reflective or glossy materials should be limited and are not appropriate in all contexts.
14. Drive through elements should be architecturally integrated into the building, rather than appearing to be applied or “stuck on” to the building.

Landscape Design

Landscaping should be integral to the overall design concept and should be carefully planned to serve more than one purpose. The intent of these guidelines is to ensure that landscape design contributes to the overall appearance and function of the site and streetscape.

1. Landscaping should blend with the dominant existing or planned streetscape and character of the area.
2. Landscaping should be provided at the base of buildings to anchor them to the surrounding environment and soften the structure. In-ground landscaping should comprise the majority of the landscaping requirement. Raised planters are acceptable when designed to accentuate the architecture and or create pedestrian seating areas.
3. Trees should be used throughout paved areas and along pedestrian pathways to provide shade, to reduce heat build-up and glare.
4. A landscape buffer should be provided to screen restaurants uses from adjacent residential uses.
5. Dense landscaping and architectural treatments used in combination should be provided to screen unattractive views and features such as storage areas, trash enclosures, utility cabinets, and other similar elements.
6. The site design for projects located at street corners should provide special landscape treatment at street intersection to anchor the corner where the built form is not in evidence.
7. The use of mature trees is encouraged to provide an immediate impact especially when used in buffering adjacent uses.
8. Proper maintenance and timely replacement of plant material is expected and required by ordinance.

Lighting

Site lighting and architectural lighting of restaurants should provide the user with illumination levels appropriate for the designed activity (i.e. parking, walking, outdoor dining). Illumination levels should also be reasonably uniform throughout the site and absent of glare.

1. A lighting design and plan must accompany all applications for new development or redevelopment. The lighting plan must include, but not limited to: type of

lighting equipment, the lamp source and wattage, fixture locations, mounting height, shielding, mounting details, and photometric data, including point-by-point horizontal illuminance at ground level and uniformity ration, etc. (per consultant). All illumination of the site, even that from architectural lighting, should be taken into account in the lighting plan.

2. Avoid competing light levels and maintain balanced light levels on-site and between adjacent properties. The exterior lighting design must take into account the background lighting levels, lighting from other sources, and characteristics of the surrounding area.
3. Recommended light level guidelines and uniformity ratios established by the Illumination Engineering Society of North America (IESNA) in the *IESNA Lighting Handbook (current edition)* should be considered and incorporated where appropriate for lighting designs.
4. Light glare or excess brightness should be minimized. Cut-off fixtures, mounting heights, and the elevation of potential viewers must all be considered for effectively controlling glare by directing light below the horizontal.
5. Light trespass beyond property lines by shielding or aiming fixtures away from residential properties should not exceed ambient light levels.

Signage /Corporate Identification

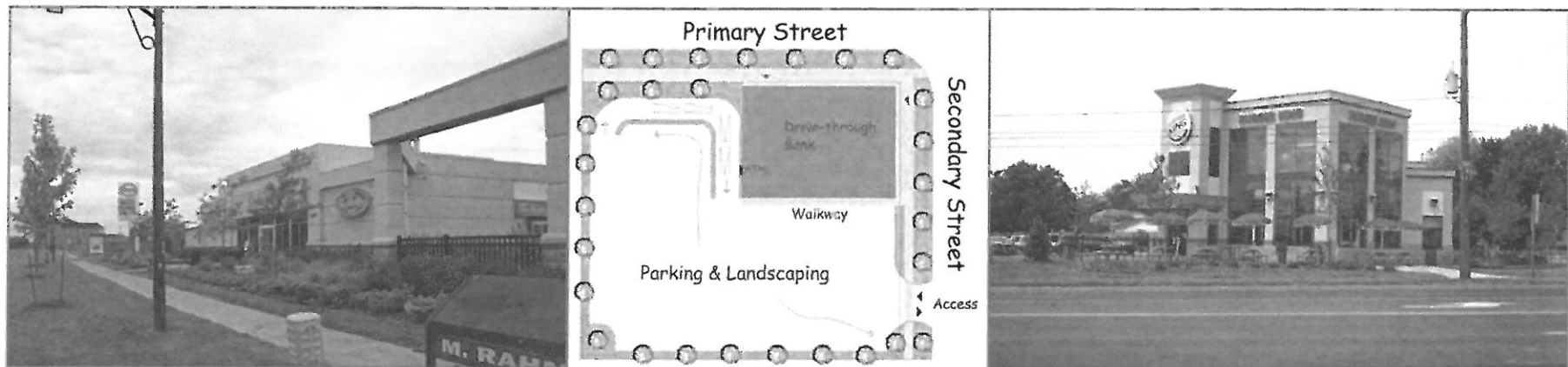
The architecture of the building should be viable and appropriate for its location and use regardless of the business identity. Restaurant signage plans should reflect a balance between allowing adequate signage for business identification while protecting the visual aesthetic of Scottsdale's streetscapes. Other forms of branding or business identity not falling under the sign ordinance will be viewed as architectural elements and features and evaluated as such.

1. Applied treatments used to achieve business identity, either by awnings, accent bands, paint or other applied color schemes, signage, parapet details, decorative roof details or materials should not be the dominant architectural feature. Accent colors should be used judiciously.
2. All signage should be architecturally integrated with their surroundings in terms of size, shape, color, texture, and lighting so that they do not visually compete with architecture of the building and design of the site. Signs should be integrated such that they become a natural part of the building façade.
3. When multiple corporations share one site, signs should be integrated as one unit to create shared identity for the property to the extent permitted by the ordinance or be located and/or designed as a package.

4. Building design should anticipate signage. Designs should provide logical sign areas, allowing flexibility for new users as the building is re-used over time.
5. Repetitious signage information on the same building facade should be avoided.
6. Signs composed of individual letters are encouraged. Back lit or indirectly lit individual letters are generally desirable.
7. Visible raceways and transformers for individual letters are discouraged.

TAB 3

Town of Markham Drive-through Facilities Design Guidelines



Endorsed by Council June 2010



M. Behr Planning & Design Inc.

Design Guidelines for Drive-through Facilities

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Design Guidelines for Drive-through Facilities

1.0 INTRODUCTION

1.1 OBJECTIVE AND SCOPE OF THE STUDY

Initial direction for the study originated with the Town of Markham Council's concerns relating to the potential proliferation of drive-through facilities in Markham and impacts on air quality, GHG emissions, litter, built form and pedestrian safety. See Appendix 'C' - Council Resolutions.

The purpose of this study is to provide design guidelines applicable to drive-through facilities and their associated vehicle stacking and parking areas throughout the Town of Markham. The guidelines will provide direction during the pre-consultation and planning approval process to promote, properly assess and achieve appropriate forms of drive-through development. Furthermore, the guidelines will assist in regulating the layout, built form and appearance of drive-through facilities as well as assist in mitigating any adverse impacts. The overall intent of the guidelines is to promote:

- Compatible development that fits in well with the surrounding area and minimizes impacts on adjacent uses
- Functional and safe traffic movement
- Safe stacking lane and site access placement
- Safe and accessible pedestrian connections to the building from both the public and private realms
- A high quality and pedestrian supportive urban streetscape

As part of this study, a detailed inventory of existing drive-through facilities in Markham and applicable policies of other GTA municipalities has been completed. See Appendix 'A' - Background Report for details. It should be noted that no queuing and utilization studies of drive-through facilities in Markham were conducted as part of this study. Studies conducted by the Region of Durham and the City of Mississauga were reviewed and incorporated into the guidelines as appropriate.

Building Markham's Future Together - Towards a Sustainable Community places the environment first and sustainability at the core of every aspect of Markham's land use policies, practices and service delivery. The Town's goals to create a healthy environment, a high quality of life for all, economic prosperity and social and cultural vibrancy are being advanced through strategies aimed at delivering a new form of neighbourhood growth that is more dense, transit-supportive and respects the natural and built heritage. The links between the health and longevity of new and existing communities with land use planning and transportation are of key importance as the Town moves towards its goals.

While drive-through facilities comprise a very small proportion of the Town's commercial land uses, they are aimed at automobile users. In an effort to help reduce car dependency, introducing prescriptive design criteria applicable to this type of land use, coupled with emerging Official Plan policies and zoning requirements will ensure that careful attention is given to the function, design, compatibility and potential impacts of these uses.

1.2 POLICY CONTEXT

1.2.1 Provincial Policy Statement

The Provincial Policy Statement provides a set of objectives and policies which provide a high level land use planning framework. Policies within the Building Strong Communities section encourage efficient land use patterns which promote livability, healthy communities and the protection of public health and safety.

1.2.2 Planning By Design: a healthy communities handbook

In Fall 2009, Ontario Professional Planners Institute in partnership with the Ministry of Municipal Affairs and Housing (MMAH) published this handbook which outlines the links between health and the built environment. As the link between health and the built environment is

Design Guidelines for Drive-through Facilities

reconnected, consideration must be provided for the arrangement and design of the built environment and how this affects people's health and the way they physically and psychologically relate to and interact with their community and the wider world around them. Growing research points to a number of land-use components that influence human activity, facilitate health and mental well being and promote social interaction and inclusion, including:

- Layout, design, connectivity and maintenance of sidewalks, roads and non-motorized transportation, paths and trails
- Land uses that might include some combination of homes, stores, businesses, institutions, community and cultural facilities and industries
- Compactness, density and accessibility of built areas
- Connected networks of motorized and non-motorized transport systems
- Safe, comfortable and attractive streets, public spaces, buildings and structures
- Healthy and resilient natural environments and biodiversity

The Drive-through Facilities Design Guidelines should be viewed as part of a much wider set of policy based initiatives that the Town of Markham is pursuing in an effort to attain a higher level of livability, sustainability and community health.

1.2.3 Markham Moving Forward - Recent Initiatives

Building Markham's Future Together include community initiatives which are aimed at:

- Attaining sustainable community growth
- Addressing transportation challenges as they relate to: congestion, environment, noise pollution, quality of life, development, land use, travel, demand management, infrastructure, education, parking, cycling, safe streets and environmentally friendly transportation nodes and corridors
- Improving the environment: Markham's Green Print includes

policies to protect air quality, support sustainability and include a comprehensive Climate Action Plan. It further notes that "sustainability should be considered at the forefront of everything we do." This includes the four pillars of sustainability: maintaining a healthy environment; economic balance; social equity; and a vibrant culture.

1.2.4 Town of Markham Official Plan (Office Consolidation July 2005)

The Town of Markham Official Plan emphasizes the importance of maintaining and improving the physical character and appearance of existing communities. Section 2 of the Official Plan requires efforts be made to address the adverse effects of noise, odour and light and mitigate any compatibility issues between land uses. Furthermore, policies in this section seek to prohibit development which is inappropriate to surrounding land uses.

Section 3 of the Official Plan contains a number of design considerations that must be applied to commercial areas. The Official Plan maintains regard for the effect that these areas have on existing residential neighbourhoods, while promoting a high aesthetic standard. Other applicable Town of Markham standards as they pertain to drive-through facilities include:

- Trees For Tomorrow Streetscape Manual
- Engineering Standards
- Parking Control By-law 28-97
- Idling Control By-law 2005-192
- Sign By-law 2002-94
- Applicable planning application processes and fees

Design Guidelines for Drive-through Facilities

1.2.5 Town of Markham Zoning By-laws

By-law 177-96

The Town of Markham Zoning By-law 177-96 applies to New Urban Areas and permits drive-through facilities as-of-right within the Major Commercial (MJC) Zone and as accessory uses in other zones.

By-law 2004-196

The Town of Markham Zoning By-law 2004-196 promotes the Smart Growth goals of maintaining strong communities, a strong economy and a clean and healthy environment, including reduced automobile dependency. This By-law applies to Markham Centre and prohibits drive-through facilities on any lot as this land use conflicts with the planned function, tight parcel fabric and walkability of this planning district.

The majority of other parent by-laws, which regulate development in the more established / existing areas permit drive-through facilities as an accessory use. As no specific zoning provisions or standards exist for drive-through facilities, current applications are subject to applicable zoning and Site Plan Control.

The Town of Markham will be preparing amendments to its Official Plan and Zoning By-laws to introduce updated provisions to further regulate drive-through facilities.

1.3 CHARACTERISTICS OF DRIVE-THROUGH FACILITIES*

The two most prevalent forms of drive-through facilities in Markham, and the GTA are as follows:

1.3.1 Restaurants

The fast food restaurant style of drive-through facility is the most common in the GTA and in Markham.

- Take out restaurants: the food is carried and consumed outside the building.
- Combination eat-in and take-out restaurant: food is consumed within the building as well as outside the premises.
- Two restaurants combined: separate drive-through windows are allocated to each restaurant. The restaurants share access and parking.
- Drive-through restaurants located on service station sites: the restaurant structure may be combined with the service station kiosk or may be free standing.
- Coffee / donut shop drive-throughs are generally in the 250m² to 300m² building size group.
- Convenience restaurants with drive-throughs are between 300m² to 500m² in floor area.
- Restaurants which offer coffee/breakfast foods are busiest between 7:45am – 8:25am, with a peak between 8:15am – 8:30am.
- Less parking is required for drive-through restaurants compared to eat-in restaurants because the majority of customers stay within their vehicles. If the queue for drive-through restaurants reaches 8-10 vehicles, customers have a tendency to park and walk in.

1.3.2 Financial Institutions

Financial institutions have adopted the drive-through model in a similar manner to restaurants. Drive-through financial institutions have more flexibility over their restaurant counterparts when it comes to building

Design Guidelines for Drive-through Facilities

design due to their internal layout not having to necessarily be oriented towards the drive-through lane, the non-existent requirement of an order/voice box, and generally less traffic.

As a function of their use, drive-through financial institutions often have less impact on their surroundings. Characteristics of drive-through financial institutions include:

- The addition of a drive-through results in a 17-27% reduction in traffic flows because visitors instead visit in non-open hours.
- Average service time is 105 seconds.
- 75% of the time there is no more than 3 vehicles in queue.
- There is no order or voice box, minimizing noise impacts, stacking lengths and eliminates the processing time between order and pickup associated with a restaurant format drive-throughs.
- Financial institutions are not conducive to community gathering as customers have a very specific purpose and do not linger after the fact.
- In some instances, there may be a stand-alone bank machine without an associated building.

**Parts of this study are based on Joint Municipal Study for Fast Food Restaurant Drive-through and Parking" SRM Associates Inc, February 2000.*

1.3.3 Emerging Sectors

As drive-throughs have become more prevalent for retailers, additional sectors have been emerging; including pharmacies, dry cleaners, convenience stores and other retail stores. In this regard, it is noted that Markham currently includes one drive-through pharmacy.

1.3.4 Drive-through Formats in Markham

An analysis of existing drive-through facilities throughout Markham has revealed that this type of facility can be broken down into a function of their use, as well as a function of their format or site configuration. Refer to Figure 1.3.4f on page 6 which illustrates the locations of existing drive-through facilities in Markham. Currently, there are approximately

30 drive-through facilities within the Town of Markham. The majority of drive-through facilities are located in Commercial Amenity / Commercial Corridor Areas. They are usually situated along York Region Arterial and Town of Markham Major Collector roads. These facilities are typically oriented towards intersections for improved visibility and accessibility.

Within Markham, the following drive-through configurations have been identified:

- Stand alone buildings
- Stand alone buildings on pads within a commercial plaza
- Part of an institutional complex
- Part of a gas-bar
- Part of a commercial building
- Attached restaurants with double drive-throughs



Figure 1.3.4a: CIBC at Woodbine Avenue & Sixteenth Avenue - a stand alone bank building with a drive-through facility within a commercial plaza.

Design Guidelines for Drive-through Facilities



Figure 1.3.4b: Tim Hortons at Kennedy Road & Duffield Drive - a drive-through restaurant as part of a commercial building.



Figure 1.3.4d: Wendy's and Tim Hortons double drive-through on Woodbine Avenue & Apple Creek Boulevard - an example of a double drive-through restaurant.

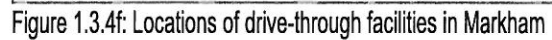


Figure 1.3.4c: McDonald's at Kennedy Road & Lee Avenue - a drive-through restaurant as part of a institutional complex.



Figure 1.3.4e: Gas Bar and Tim Hortons at Bur Oak Avenue & McCowan Road.

Other drive-through Facility ☐



Design Guidelines for Drive-through Facilities

2.0 ISSUES / CHALLENGES

Drive-through facilities are very successful and are well used by the travelling public as evidenced by their popularity. Retailers have responded to this demand by providing the drive-through option for fast food restaurants, and have adopted new types of facilities such as financial institutions, pharmacies and dry cleaners. These facilities provide a convenience to the travelling public and offer benefits including increased safety at night, improved access for persons with disabilities, and convenience for the elderly and persons with young children.

With regard to vehicle trips, drive-through facilities are often not a destination use, but rather a temporary stop on route to their destination. In many instances, drive-through facilities are situated in immediate proximity to other commercial uses such as larger format retail centres, thereby providing this convenience within close proximity to destination uses. Additionally, in some instances it has been argued that drive-through facilities may require less parking spaces, thus contributing to the reduction of asphalted areas on sites.

While successful and popular, drive through facilities present several transportation management, planning and urban design challenges. In pursuing the general intent of its Official Plan, in the context of the policy issues set out in Section 1.2 of this study, the Town of Markham is required to balance several issues when considering all types of land uses. These issues include walkability and reducing car dependency.

As a result of their function, drive-through facilities attract high volumes of automobiles and potentially generate impacts on:

- Surrounding uses, specifically on residential uses, resulting from noise, light, litter and odour concerns
- Streetscapes, such as building separation from adjacent streets, which does not contribute to a pedestrian friendly / transit supportive streetscapes



Figure 2a: Burger King on Hwy. 7 & Lunar Crescent - shows interface with the adjacent residential property.

- Adjacent roads and site access with regard to the location and relationship between the stacking lane and site access points
- Pedestrian safety resulting from potential traffic and circulation conflicts between the stacking lane, building entrance and parking areas
- Sites by potentially increasing non-permeable surfaces due to the larger asphalted areas to accommodate both parking and stacking

Design Guidelines for Drive-through Facilities



Figure 2b: McDonald's at Hwy. 7 & McCowan Road - illustrates the large amount of asphalt often required.



Figure 2d: McDonald's at Markham Road & Sixteenth Avenue - the building is setback and separated from the street.



Figure 2c: Joint Tim Hortons / Wendy's at Woodbine Avenue & Apple Creek Boulevard - potential conflicts between vehicles and pedestrians.

Design Guidelines for Drive-through Facilities

3.0 PUBLIC CONSULTATION

A Workshop was held on October 7, 2009 to identify a community vision and establish guiding principles, industry requirements and acceptable standards relating to drive-through facilities. Stakeholders representing the broader community and the retail and development industry attended the workshop. Staff from M. Behar Planning & Design Inc. (MBPD) and representatives from the Town of Markham facilitated the workshop. Approximately 30 people attended representing various affiliations and professional expertise.

The workshop followed an agenda, which included:

- Introduction and presentation
- General discussion
- Working groups - Guiding principles and any accompanying sketches
- Summary of findings and next steps

The workshop commenced with a presentation by MBPD describing drive-through uses and types, associated impacts, experiences and examples from Markham and other GTA municipalities. The general discussion following the presentation dealt with participants' observations and comments on a variety of issues relating to drive-through facilities.

Following the introductory presentations and general discussion, workshop participants were divided into working groups. A facilitator / urban designer from the Town of Markham led the discussion at each of the five tables. Two Town of Markham sites were made available to each table representing varying site sizes and contexts, and were used as base drawings. Participants provided input in text and graphic format on the following subjects:

- Building placement
- Pedestrian, bicycle and vehicular access to the site
- Stacking lanes – locations, number of cars

- Order box location
- Landscaping widths and locations
- Buffering features, including landscaping and noise attenuation
- Street frontage treatments
- Building attributes, including facades facing public spaces such as streets, and placement of service areas
- Parking lot locations and treatments
- Signage

Each team presented their findings, recommendations and guiding principles to all participants.

Some working groups in the Workshop concluded that there are locations within Markham where drive-through facilities should not be permitted to promote and achieve municipal goals relating to livability, pedestrianism and more sustainable forms of development. The participants generally noted that within the areas that drive-through facilities are permitted, design guidelines should address a range of environmental, traffic, noise, lighting, safety as well as urbanistic factors.

The most common design elements drawn from the workshop relate to orienting the building to the street, containing the stacking lane within the site in a safe manner, and providing for strong pedestrian connections to the buildings from both the street and parking areas. Findings of the workshop have provided context and direction for the design guidelines. See Appendix 'B' - Workshop Summary.

The draft guidelines were presented at the Development Services Committee on December 1, 2009. Several comments were received at that meeting from Committee members and industry representatives. A meeting with industry representatives was held on March 25, 2010 to review draft revisions and illustrate how industry comments were incorporated into the document. Final revisions to the guidelines were prepared based on the discussions with the industry and comments received at Development Services Committee on June 22, 2010.

Design Guidelines for Drive-through Facilities

4.0 URBAN DESIGN GUIDELINES

4.1 HOW TO USE THESE GUIDELINES

It is emphasized that these are urban design guidelines and not zoning by-law provisions. As such, flexibility will be provided in interpretation based on site-specific conditions. The guidelines will be used to assist development proponents and staff on municipal expectations for drive-through facilities and will be applied during various stages of the development review and approval process in the Town of Markham.

These guidelines will form the basis for and feed into the creation of amendments to the Official Plan and the Zoning By-law which will be prepared by the Town of Markham.

The guidelines will be used in conjunction with the Town of Markham Official Plan, Zoning By-law provisions, as well as the applied standards and procedures of the various municipal departments.

Gas stations with drive-through facilities have not been referenced in this study. Town staff will prepare a separate study and a set of guidelines specific to gas stations and their associated services such as car washes, retail kiosks and food services. Nevertheless, these guidelines will provide design principles that the Town could consider applying to gas stations and all other commercial developments.



Figure 4.1: Joint Gas Bar and Tim Hortons at Yonge Street & Steeles Avenue - future gas station guidelines will be based on similar principles used for the drive-through guidelines.

Design Guidelines for Drive-through Facilities

4.2 LOCATIONAL CRITERIA

As a result of their characteristics and associated impacts, drive-through facilities may not be appropriate in all areas of the Town of Markham. Therefore, these facilities should be discouraged from locating in certain areas of Markham, such as neighbourhoods that are characterized in part by commercial/mixed use mainstreets, tighter parcel fabric and pedestrian friendly streetscapes, and that are prime candidates for denser development that can support public transit. Consequently, it is recommended that for areas within Markham which maintain the above characteristics, drive-through uses should be avoided.

The specific locations where drive-through facilities should be avoided include: Intensification Areas, such as the Regional Growth Centres of Yonge and Highway 7 at Langstaff, and Markham Centre; Heritage Conservation Areas; and Hamlet Areas.

Furthermore, drive-through facilities should continue to be avoided within parts of the new communities of Markham where Neighbourhood Commercial and Community Amenity areas are intended to serve adjacent residential or business uses at locations where trips can be made by modes other than the automobile.

The Zoning Bylaw amendment being undertaken by the Town will provide additional detail in the future regarding permitted locations of drive-through facilities.

Guideline 1: Ensure that proposed drive-through facilities are compatible with and sensitive to the prevalent urban form, streetscape features, and future development plans of the area.



Figure 4.2a: Royal Bank at Woodbine Avenue & Sixteenth Avenue - this facility appropriately maintains the community architectural theme.

Design Guidelines for Drive-through Facilities

4.3 SITE SIZE

The size of a given site is a major determinant of whether it can adequately accommodate a drive-through facility. Smaller sites present specific challenges for drive-through restaurants, including available space to buffer adjacent uses and ability to satisfactorily accommodate the stacking lane along with adequate parking on the site. These issues are exacerbated when drive-through facilities are situated adjacent residential uses.

A typical larger drive-through facility measures around 500 square metres. Existing examples in Markham show patterns in lot coverage which range from 9-20 %. (I.e. Tim Hortons at Highway 7 & 9th Line, Burger King at Highway 7 & Woodbine Avenue, Bridal Trail Medical/ Pharmacy at Kennedy Road & Sixteenth Avenue). At an average lot coverage of 15%, a 500 square metre building would require a 3,000 square metre site, or 0.3 hectares.

Double drive-throughs (i.e. two restaurants attached and contained within one building requiring separate stacking lanes) pose particular urban design challenges due to larger parking areas and the requirement for two stacking lanes addressing one building. There may also be potential issues relating to site layouts which separate buildings from street frontages.

Furthermore, it is the Town's general aim to prevent larger commercial developments from incorporating many drive-through facilities on one site.

Guideline 2: Avoid drive-through restaurant facilities on sites less than 0.3 hectares in area when located adjacent residential uses.

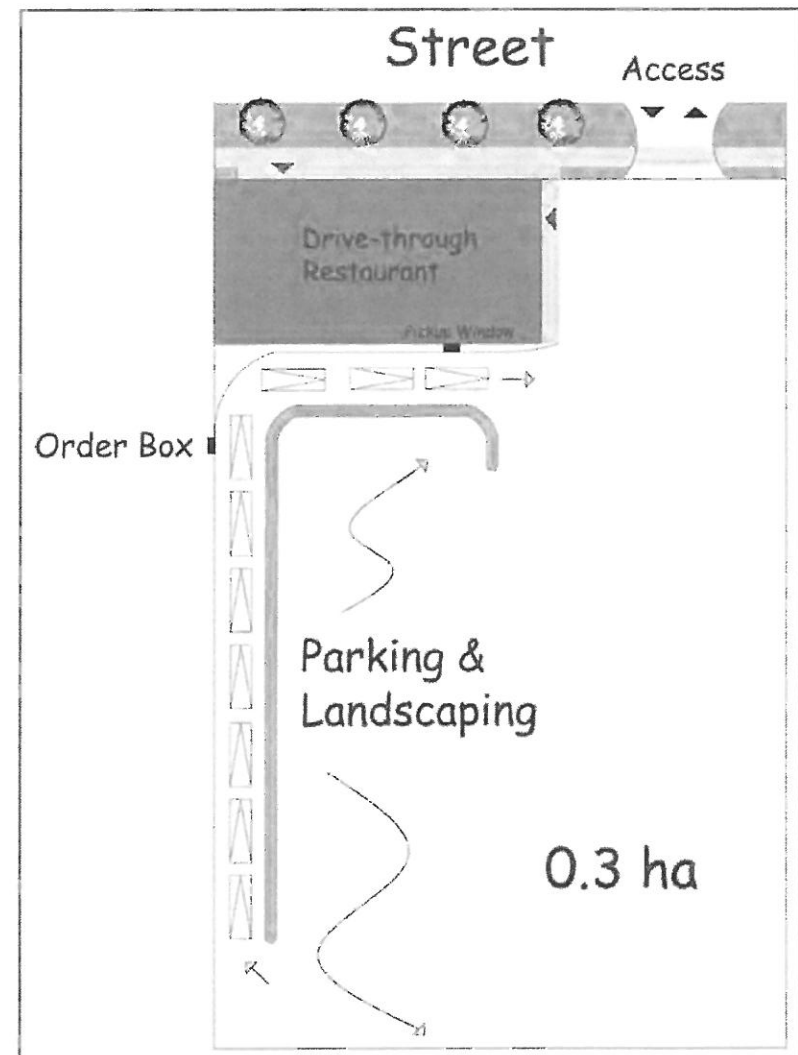


Figure 4.3a: This sketch illustrates a drive-through site which allows for sufficient space for a facility to provide appropriate landscaping, buffering and parking.

Design Guidelines for Drive-through Facilities



Figure 4.3b: This example illustrates the urban design challenges associated with a double drive-through facility resulting from two stacking lanes addressing one building.

Guideline 3: Double drive-through facilities should be avoided. Side-by-side drive-through lanes serving one single brand may be acceptable subject to the evaluation of site-specific conditions.

Guideline 4: Encourage a maximum of one drive-through facility per site. On large sites, in excess of 1 hectare in area, more than one drive-through facility may be considered to a maximum of 3 facilities. Drive-through restaurants should be limited to a maximum of two facilities per site.

Design Guidelines for Drive-through Facilities

4.4 RELATIONSHIP TO ADJACENT USES

The presence of adjacent residential and other sensitive land uses often creates particular concern with regard to traffic, light, litter and noise. The main concern adjacent residential uses are the stacking lane, and in the case of a restaurant, the order box. These two elements of a drive-through facility can result in noise emanating from vehicle stereos and the order box, and light emanating from vehicle headlights.

These issues are of particular concern given that some drive-through facilities operate 24 hours a day, with impacts most noticeable at night. Accordingly, stacking lanes and order boxes should maintain a setback distance from residential lands. Additional mitigative measures should include acoustic barriers, perimeter landscaped buffers and landscaped berms. Particularly for restaurants, the Town should require noise studies to be completed which detail any sound attenuation measures and to ascertain that noise levels which will be acceptable for adjacent residential properties.

A survey of municipal standards related to buffer distances in the GTA indicates a range of 30 to 60 metres from residential zone boundaries. Some municipalities have adopted the 30 metre buffer as per the Ontario Municipal Board decision pertaining to the City of Toronto's drive-through facilities.

Guideline 5: Discourage drive-through facilities from locating adjacent residential properties. Where it is clearly demonstrated that this cannot be achieved, the stacking lane and/or order box associated with a drive-through facility shall be setback a minimum distance of 30 metres from the nearest lot line of any adjacent residential use.

Guideline 6: Discourage drive-through facilities within a mixed use building containing residential permissions.

Guideline 7: Provide a landscaped buffer zone, a minimum 6m wide along each yard adjacent residential uses.

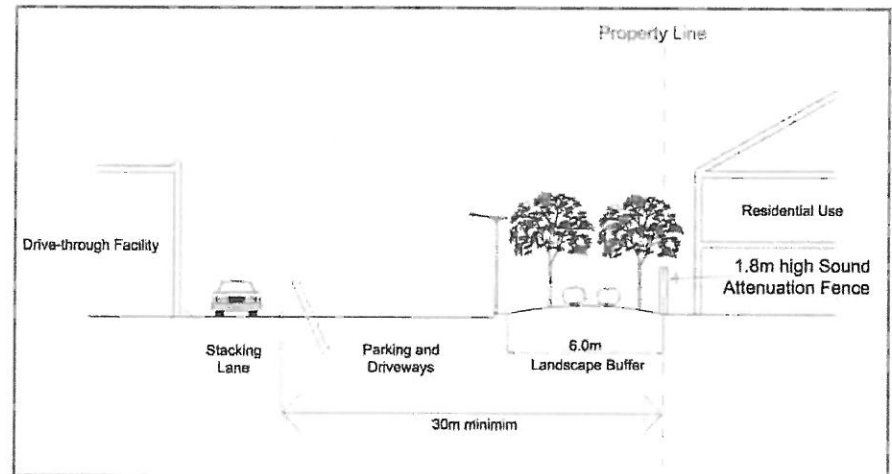


Figure 4.4a: This sketch illustrates a 30 meter setback, including a 6 meter landscape buffer adjacent a residential use, which utilizes trees, shrubs and berming.

Design Guidelines for Drive-through Facilities

Guideline 8: Provide a 1.8m high noise fence along the property line of adjacent properties where appropriate. Where the adjacent uses are residential, provide a sound attenuation study which recommends measures to minimize noise impacts. Ensure that any boundary or noise fence are compatible with overall site design.



Figure 4.4b: Illustrates inadequate buffering / separation from adjacent residential. The red bold hatched line indicates the commercial and residential interface.



Figure 4.4c: Drive-through facility at Sixteenth Avenue & Kennedy Road - adequate buffering area from adjacent residential through noise attenuation and landscaping.

Design Guidelines for Drive-through Facilities

4.5 SITE ACCESS, VEHICULAR AND PEDESTRIAN TRAFFIC

Due to their function, drive-through facilities result in a large amount of vehicles accessing the site and maneuvering within it. This high volume of vehicles actively circulating within the site may lead to vehicular / pedestrian conflicts. To avoid safety concerns and mitigate any potential conflicts drive-through facilities should provide for safe and efficient pedestrian and vehicular access to the site and the building.

Internal circulation patterns should not negatively impact on and potentially impede safe and convenient pedestrian access into the building, from both the private and public realms. Moreover, vehicular circulation patterns should also consider potential impacts on adjacent roads, particularly the access points into the site.



Figure 4.5a: Starbucks on Trafalgar Rd. in Oakville - adequate example that avoids traffic and pedestrian conflicts and allows the building to establish a good street relationship.

Guideline 9: Where feasible, locate access points into the site away from street intersections and minimize the number of potential vehicular movements around the access location.

Guideline 10: Minimize the number and size of vehicular access points to the site from the public street. On corner sites, if feasible provide a vehicle access point from the secondary street.

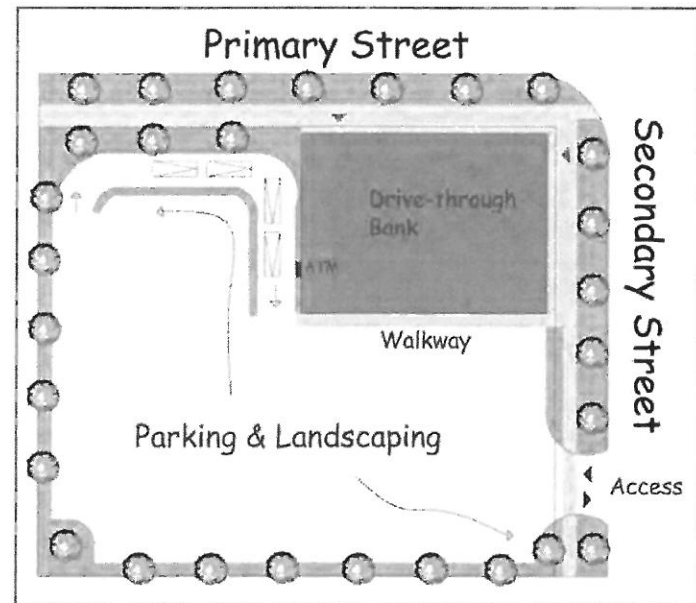


Figure 4.5b: Sketch illustrating appropriate site access - this corner site provides an access point into the site away from the intersection as well as being from a secondary street.

Design Guidelines for Drive-through Facilities

Guideline 11: Wherever feasible, provide raised walkways to curb levels for pedestrians on the sides of buildings. Consider a minimum clear walkway width of 2.0m.

Guideline 12: Provide well articulated pedestrian routes and zones on the site, linking building entrances and parking areas. Connect these routes and zones to the streets where feasible. Use decorative paving, or similar means, complimented by soft landscaping where appropriate to delineate these linkages.

Guideline 13: Provide direct pedestrian access from public streets and sidewalks to the building entrance, and locate building entrances to be directly visible from the public street. In providing such a walkway, where feasible avoid crossing driveways, stacking lanes or parking areas.

Guideline 14: Within larger commercial sites, where feasible, locate drive-through facilities at or near the entrances into the site to provide well delineated pedestrian connections to the building. Ensure that there are no conflicts between the entrance to the stacking lane and entrance into the site.



Figure 4.5c: This TD Bank at Bur Oak Avenue & McCowan Road - addresses the street and provides for pedestrian linkages. Also, the queuing lane has been placed internally, away from the street edge.

Guideline 15: Divide large parking areas into smaller and well-defined sections where possible on the site and use hard and soft landscaping to avoid large monotonous asphalt surfaces.

Design Guidelines for Drive-through Facilities



Figure 4.5d: McDonald's on Kennedy Road & Lee Avenue - provides adequate landscaping and clearly distinguishes stacking from parking areas.

Design Guidelines for Drive-through Facilities

4.6 STACKING & QUEUING

Providing adequate stacking lanes is a critical element of avoiding on-site circulation and safety issues. Stacking lanes should be designed to achieve maximum efficiency of the functioning of the stacking lane as well as the overall site. In this regard, it is desirable to maintain a mainly linear and straight stacking lane to make them easy to use. Stacking lanes which block access to parking stalls or loading facilities lead to circulation conflicts and significantly decrease the efficiency of their use.

Double drive-through facilities present particular challenges as they require two separate stacking lanes which address one building. To mitigate this, an adequate number of vehicle stacking spaces needs to be provided. The queuing areas within stacking lanes are necessary for the functional elements of a stacking lane, which include the order box and the pickup window.

Empirical evidence suggests that stacking space requirements vary upon the type of drive-through facility. Drive-through restaurant facilities require more spaces than others, such as financial institutions. This type of facility does not require an order box and the time spent within the stacking lane is less.

Guideline 16: To the extent feasible, design stacking lanes to be linear and straight, with a minimum amount of curves and turning movements. Where appropriate, provide an escape lane.

Guideline 17: Provide for a minimum distance of 2 - 3 car lengths between the entrance to the stacking lane and the access to the site from a street.

Guideline 18: Avoid stacking lanes within the front or exterior side yards.

Guideline 19: Avoid the stacking lane from wrapping around the building.

Guideline 20: Place the access point to the stacking lane of a drive-through facility as deeply as possible into the site.

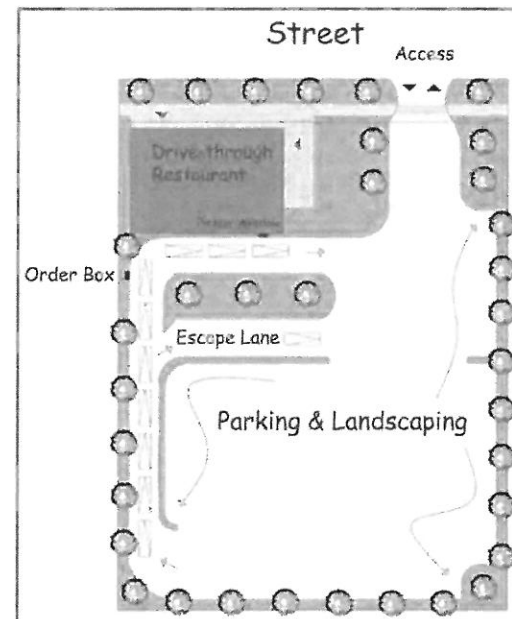


Figure 4.6a: Sketch showing an uninterrupted linear stacking lane and an escape lane that allows vehicles to exit without having to drive by the pickup window.

Design Guidelines for Drive-through Facilities

Guideline 21: For restaurants, provide for a minimum total of 10 vehicle stacking spaces in the drive-through aisle. Unless specific operations mandate otherwise, ensure that a minimum length to accommodate 7 vehicles is available between the entrance to the stacking lane and the order station, and that the aisle is contained within the site and located a good distance from any vehicular entrance. As determined by the Town, where it is deemed to be necessary, provide a queuing study to confirm appropriate length.

Guideline 22: For financial institutions and pharmacies, provide for a minimum total of 4 vehicle stacking spaces in the drive-through aisle. Where required by the Town, provide a queuing study to confirm appropriate length.

Guideline 23: Use raised islands, or other forms of barriers to separate stacking lanes from main parking areas and driveways. Provide decorative paving treatments and soft landscaping for the barriers where possible.

Guideline 24: In locating the stacking lane, avoid blocking access to parking spaces and loading and service areas.

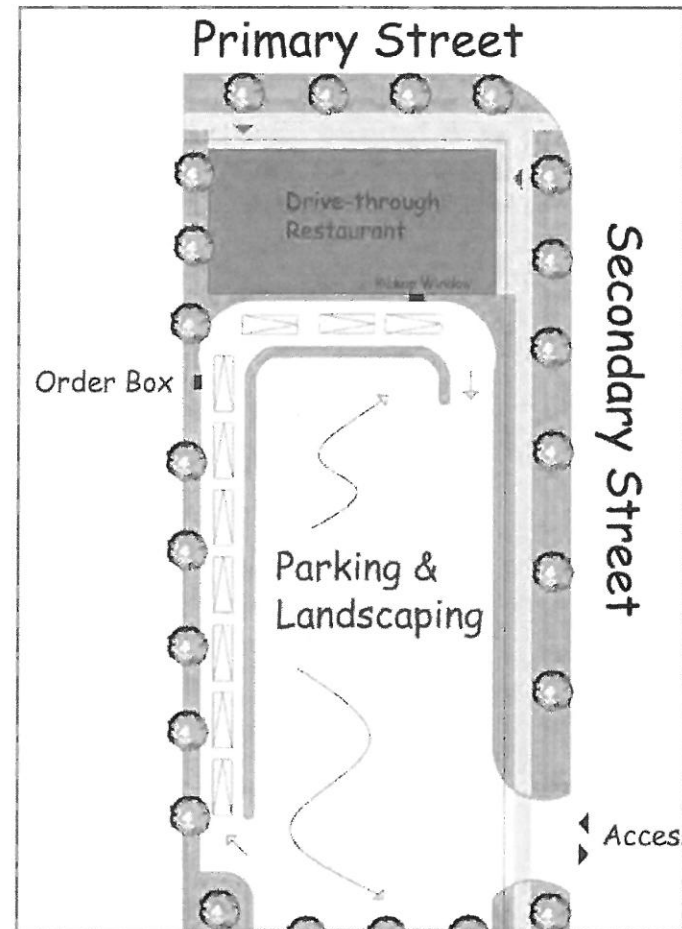


Figure 4.6b: Sketch showing an uninterrupted linear stacking lane which is adequately contained within the site while providing sufficient stacking spaces.

Guideline 25: Provide clearly visible and appropriately placed directional signage at entrance and exit locations to stacking lanes.

Design Guidelines for Drive-through Facilities



Figure 4.6c: Starbucks at Highway 407 & 9th Line - provides for appropriate curbs and landscaping which separates the stacking lane from the parking areas.

Design Guidelines for Drive-through Facilities

4.7 BUILDINGS AND THE STREETScape

When buildings are oriented towards the street, they assist in creating a vibrant, animated streetscape. Buildings located near the street line encourage a pedestrian scale and provide direct pedestrian access into the building from the street. To assist in achieving these urbanistic goals, it is preferable for buildings to be located adjacent the street, without any parking or driveways between the building and the street line.

On corner sites, the building should address both street frontages to emphasize the importance of an urban intersection. Architectural treatment along street facing façades should be provided to ensure appropriate street presence. Stacking lanes should not be situated between the building and the street. When this cannot be avoided due to site specific circumstances, the stacking lane may be allowed between the building and the street as long as appropriate landscaping and architectural elements that maintain a built form presence along the street are provided.

Guideline 26: Place the building at or near the street frontage of the site. Design corner buildings to address both streets directly. Incorporate elements such as increased height at the corner, as well as massing and roof features. Articulate both street facing facades of the building appropriately.

Guideline 27: Locate interiors of buildings such as seating areas, employee rooms, offices, waiting areas and lobbies, which wherever feasible, have potential for clear glass windows along street facing walls.



Figure 4.7a: Royal Bank at Markham Road & 14th Avenue - addresses the street corner appropriately and adequately contains the stacking lane within the site.

Guideline 28: Design the building to reflect the existing community theme in addition to brand specific needs. Compliment existing context through appropriate use of massing and materials.

Design Guidelines for Drive-through Facilities



Figure 4.7b: This Scotia Bank building on the Queensway in Toronto provides a proper street frontage, facade treatment and use of windows along street facing walls.

Guideline 29: Treat the facades of the building, particularly the street elevation, with particular care for an aesthetically pleasing presence in the streetscape. Consider the use of appropriate fenestration, well-articulated entrances, roof elements, and façade features, as well as canopies and awnings.

Guideline 30: Encourage minimum buildings heights of 6m - 7.5m to establish a streetscape in scale with street width.

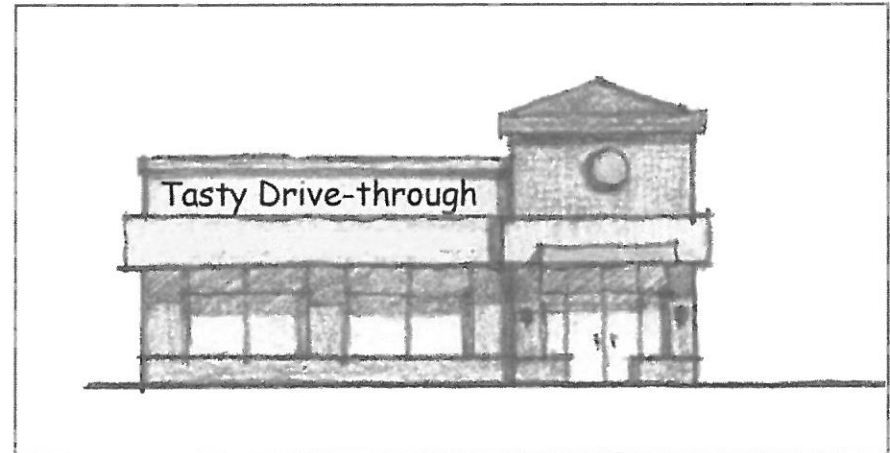


Figure 4.7c: Sketch of the facade of a drive-through facility which provides appropriate fenestration and entrance features.

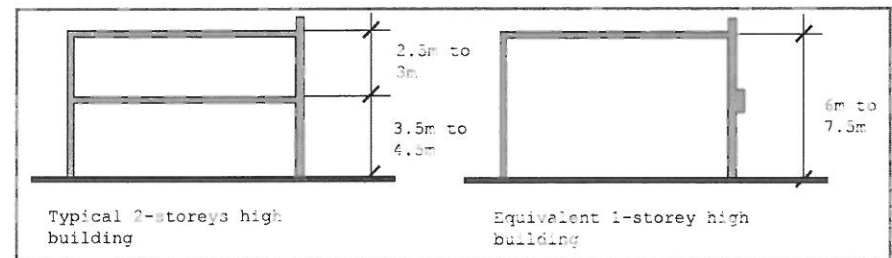


Figure 4.7d: This sketch illustrates the use of increased heights for single storey buildings to match that of two-storey buildings for an appropriate scale along streets.

Guideline 31: Locate main entrance doors to be directly accessible and visible from the sidewalks and public streets. As well, ensure that building entrances are safely and conveniently accessible from the parking lot.

Design Guidelines for Drive-through Facilities

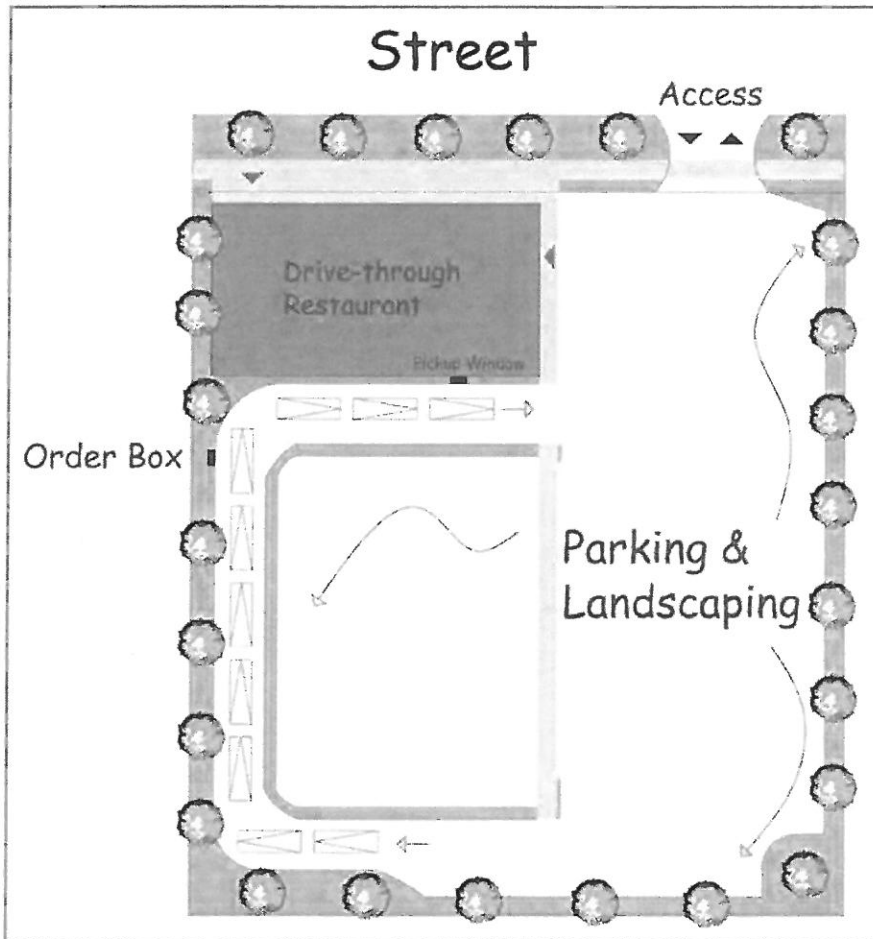


Figure 4.7e: This sketch illustrates the use of pedestrian walkways providing access to the building entrances from within the site and the street.

Guideline 32: At or near entrances, provide canopies, weather protection and bicycle parking areas in a manner that does not impede access.

Guideline 33: Where appropriate, provide amenities, such as outdoor seating spaces and patios adjacent the building and close to the street.



Figure 4.7f: Burger King on Hwy 7 & Lunar Crescent - demonstrates a well massed building which appropriately addresses the street, with the stacking lane located at the side and rear, and an outdoor patio facing the street.

Guideline 34: In multi building developments, encourage the use of complimentary architectural design elements for the buildings and other site features to create a distinctive development.

Design Guidelines for Drive-through Facilities

Guideline 35: Provide consistent projections, recesses, arcades, awnings, colour treatment and texture to eliminate blank or featureless walls along all building facades.

Guideline 36: Notwithstanding Guideline #18, where site conditions demand it, situating the stacking lane in between the building and the street may be considered as long as an appropriate landscaping and an architectural screen that maintains a built form presence along the street is provided.



Figure 4.7g: This gas bar and drive-through facility at Bur Oak Avenue & McCowan Road utilizes an architectural screen to buffer the stacking lane from the street while maintaining a built form edge along the street.

Guideline 37: Discourage the use of back painted or “spandrel glass” along street facing facades.

Guideline 38: Encourage sustainable building and site design practices including the use of certification programs such as LEED.

Design Guidelines for Drive-through Facilities

4.8 LANDSCAPING, SIGNAGE & LIGHTING

To achieve an appropriate balance between asphalt, landscaped areas and buildings it is important to pursue landscape opportunities on the site perimeters and within the site. Opportunities for landscaping include, but are not limited to: separating stacking lanes from parking areas and the street edge; breaking up large surface parking areas; and buffering residential areas.

Landscaping is particularly important at corner sites and should be used to compliment building facades. Environmental advantages of soft landscaping relate to increasing overall site permeability and reducing the urban heat island effect.

All landscaping and plantings should be in accordance with the guidelines and specifications contained in the Town of Markham's Trees for Tomorrow: Streetscape Manual.

Guideline 39: Where a building is setback from the street, provide ample landscaping in the front yard while ensuring good walk-in access. Refer to the recommended species list as per the Town's Trees for Tomorrow: Streetscape Manual. Also, use low decorative fences and masonry walls and other landscape features as required.

Guideline 40: Provide a 3m minimum landscaped area where parking or stacking lanes are adjacent a public street.



Figure 4.8a: This Wendy's restaurant on Bayly Street in Ajax illustrates a well landscaped forecourt for the building with the stacking lane at the rear.



Figure 4.8b: This Scotia Bank on the Queensway & Islington in Toronto illustrates an adequate landscaped screen between the road and the stacking lane.

Design Guidelines for Drive-through Facilities

Guideline 41: Maximize opportunities for on-site landscaping along site perimeters as well as within the site. For perimeter landscaping use the applicable zoning standards or utilize a minimum width of 1.5m.

Guideline 42: Provide landscaping on either side of driveway entrances to a site. Place particular emphasis to landscaping at major access points to the site.



Figure 4.8c: This Royal Bank at Highway 407 & 9th Line provides an example of good landscaping and appropriate pedestrian access into the larger commercial site.

Guideline 43: Provide the minimum allowed number of parking spaces and driveway widths to maximize the amount of landscaping on the site.

Guideline 44: Provide street trees on the public boulevard in keeping with Town of Markham standards.

Guideline 45: Provide a mix of coniferous and deciduous trees and shrubs on the site for year-round vegetation, variety and colour. Use low maintenance and salt tolerant species.

Guideline 46: For landscape buffers adjacent other land uses, and particularly adjacent residential properties, provide ample coniferous and deciduous plant material. Consider berming where additional height for a screen may be warranted for rear or side yards.

Guideline 47: Use sodded areas and shrub beds to collect / store and filter stormwater to improve recharge and increase overall site permeability.

Guideline 48: Incorporate all signage into the design consideration for the buildings and landscaping. Promote the use of fascia signs that are in proportion with the building mass and façade proportions.

Design Guidelines for Drive-through Facilities

Guideline 49: Discourage the use of ground/temporary signs where possible. However, if ground signs are used, incorporate them into the landscape and encourage the maximum height not to exceed the height of the adjacent building.



Figure 4.8d: McDonald's restaurant on Eglinton in Scarborough - this photograph shows the building located to address the street appropriately. Also, the signage has been incorporated into the facades properly in scale with the building.

Guideline 50: Direct lighting sources away from adjacent residential properties and provide screening as necessary. Where required by the Town, supply light distribution information to demonstrate minimal impacts on adjacent properties.

Guideline 51: Provide night sky friendly lighting to minimize light pollution. Pursue various lighting options such as step lights and facade mounted lights. Encourage the use of energy efficient lighting.

Guideline 52: Provide fixtures that distribute an appropriate level of light supply evenly from the main building and the parking area to provide user safety and limit glare.

Design Guidelines for Drive-through Facilities

4.9 SERVICING & UTILITIES

Properly accommodating the necessary operational elements of a drive-through facility, including utility and servicing, will assist in achieving an efficient site design as well as a higher aesthetic quality. In this regard, consideration should be given to enclosing garbage and utility areas within the building as well as allowing the service related areas to function appropriately, including loading/service locations and areas for snow removal.

Guideline 53: Place loading and garbage facilities at the rear of the drive-through building, and provide screening from neighbouring properties and public streets as necessary. Locate such facilities within the main building in accordance with applicable zoning provisions.



Figure 4.9a: Wendy's restaurant on Steeles & Woodbine - photograph demonstrates how to appropriately situate and enclose garbage areas at the rear, and within the building.

Guideline 54: Ensure that all utilities are situated within enclosed areas and limit views from the public street and adequately screen by landscaping. Place utilities underground where feasible.

Guideline 55: Plan the site to include areas for temporary snow storage without conflicting with site circulation, landscaping and utility boxes.



Attachment: Prior Staff Reports and Attachments from July 21, June 16, June 2, May 5, and April 21, 2014





Attachment: Prior Staff Reports and Attachments from July 21, June 2, May 5, and April 21, 2014



































They just quit. Now what?



Drive-thru usage up, speed of service down

May 30, 2012 | by [Alicia Kelso \(/editors/alicia-kelso/\)](#)

In 2011, 12.4 billion visits were made at quick-service restaurant drive-thrus, representing a 2 percent increase over 2010. This new data is according to the latest report from NPD Group.

In the total QSR segment, carry-out represents the bulk of visits but drive-thru is the order method of choice at hamburger, Mexican and chicken restaurants, according to NPD's CREST service, which continually tracks how consumers use restaurants and other foodservice outlets.

At hamburger restaurants, drive-thru represents 57 percent of visits, compared to 17 percent for carry-out and 27 percent eating on-premise. Drive-thru at quick-service Mexican restaurants represents a 40 percent share of visits compared to 26 percent carry-out and 34 percent on premise. At chicken restaurants, 38 percent of visits are drive-thru compared to 36 percent for carry-out and 25 percent on-premise.

"Drive-thru customers' expectations are straightforward – take down my order accurately and give me my food fast," says Bonnie Riggs, restaurant industry analyst at NPD. "To address consumer needs by having a drive-thru operation requires ample real estate and a complex mix of technology, logistics and time management principles. It is really a very well-orchestrated dance."

Riggs said that when consumers complain about their drive-thru experience it's because they somehow lost time. Getting the wrong order, not understanding the voice coming from the speaker, or having to wait in long lines are among the reasons consumers cite for a less than satisfying drive-thru experience. She added that QSRs are continually addressing these concerns with multiple lanes, state-of-the-art ordering systems, staff training and other advances.

QSRs making drive-thru advances

Popeyes, for example, has honed in on the speed of its drive-thru operations, measuring performances by its GEM (guest experience monitor). In the chain's most recent earnings report, CEO Cheryl Bachelder said approximately three-fourths of the company's units were clocking **below 180 seconds** (<http://www.qsrweb.com/article/194973/Popeyes-lifted-by-national-marketing-promotional-offerings>) at the drive-thru.

Story continues below ...



Read more about **operations management (<http://www.qsrweb.com/research/246/Operations-Management>)**.

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Алисия Кельсо журналист с 15-летним опытом работы / Alicia Kelso has been a professional journalist for 15 years. Her work with QSRweb.com and PizzaMarketplace.com has been featured in publications around the world, including Good Morning America, Voice of Russia radio, Consumerist.com and Franchise Asia magazine.

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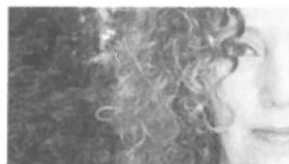


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Attachment: Prior Staff Reports and Attachments from July 21, June 16, June 2, May 5, and April 21, 2014 (1097 : Bill No. 5514 - Drive-Thru Text

TAB

4

GENERAL

	Creve Coeur	Chesterfield	Maryland Heights	Des Peres	Brentwood
Residents	17,833	47,684	27,472	8,420	8,035
Employees	31,813	64,899	48,500	12,012	14,041
Businesses	3,300	6,800	3,200	1,500	1,400
Retail (2011)	118	351	77	244	92
Food (2011)	70	88	43	56	20
Drive Thrus	1	14	11	5	6
Sales Tax Rate	* 8.863%	7.925%	7.425%	8.425%	8.425%
Size	10.1 sq miles	31.5 sq miles	21.4 sq miles	4.40 sq miles	1.95 sq miles

* Sales tax show at 7.425%, 7.675%, 7.863%, 8.863% for Olive TTD & Graesser TDD businesses

SALES TAX RECEIPTS

	Creve Coeur	Chesterfield	Maryland Heights	Des Peres	Brentwood
2013	\$6,601,450	\$12,961,633	\$7,520,275		
2012	\$6,475,114	\$11,301,000	\$7,229,184	\$10,204,911	\$13,878,437
2011	\$5,665,753	\$10,714,000	\$7,039,955	\$9,655,565	\$12,758,890
2010	\$5,266,229	\$10,544,000	\$6,597,589	\$12,415,908	\$12,431,043
2009	\$5,355,038	\$10,640,000	\$6,705,281	\$13,372,985	\$11,192,330
2008	\$5,714,678	\$11,538,000	\$7,437,185	\$12,808,509	\$11,942,998
2007	\$5,939,204	\$9,588,000	\$7,774,200	\$12,765,520	\$12,698,947
2006	\$5,634,875	\$9,086,000	\$7,616,477	\$12,409,770	\$12,550,558
		\$22,574,494			

TAXABLE SALES

	Creve Coeur	Chesterfield	Maryland Heights	Des Peres	Brentwood
2013	\$465,241,962				
2012	\$471,598,063	\$1,234,141,000	\$702,584,000		\$587,449,142
2011	\$452,599,841	\$1,118,534,000	\$670,430,000		\$556,909,602
2010	\$440,227,975	\$1,011,597,000	\$678,425,000		\$521,480,034
2009	\$465,173,037	\$1,157,788,000	\$682,157,000		\$447,562,678
2008	\$503,575,442	\$1,251,922,000	\$757,062,000		\$473,242,216
2007	\$528,785,245	\$1,311,170,000	\$871,845,000		\$518,306,203
2006	\$505,831,847	\$1,261,810,000	\$901,465,000		\$510,416,243

ZONING FAST FOOD/DRIVE THRU

Creve Coeur – Specifically restricted

3 acre parcel for each 1 (one) drive thru

Chesterfield – No specific restrictions

Developer picks what uses developer wants to put in its development out of 109 different approved uses, including drive through fast food

The City then works with the development plan and bases its recommendations upon criteria that apply to all general developments such as traffic flow, internal circulation, surrounding demographics, buffers, drive turns, stacking, notice
City works with developer to balance potential problems and concerns with allowance of the development plan

Des Peres – No specific restrictions

All restaurants are handled as conditional uses with the same standards applied based upon traffic flow, main street traffic impact, internal circulation, surrounding demographics, buffers, drive turns, stacking, City works with developer to balance potential problems and concerns with allowance of the development plan

Brentwood - No specific restrictions

Fast food drive thrus are a conditional use

Because all retail commercial abuts or is in close proximity to residential property, the development plans are closely reviewed for buffering and noise control for fast food drive thrus

The City applies the same standards to all development reviews based upon traffic flow, main street traffic impact, internal circulation, stacking

Maryland Heights – Progressive program, dedicated ordinance for motor vehicle oriented business with specific design guidelines

Minimum lot size 20,000 sq ft

CITY OF CREVE COEUR, MISSOURI
PROPERTY VALUE AND CONSTRUCTION
LAST TEN FISCAL YEARS

Fiscal Year	Calendar Year	Total Estimated Actual Value (1)	New Construction (2)				Alterations And Additions		Building
			Commercial		Residential		Number Of Permits	Estimated Cost Of Construction	Demolitions Number Of Permits
			Number Of Permits	Estimated Cost Of Construction	Number Of Permits	Estimated Cost Of Construction			
2013	2012	\$ 3,815,929,320	3	\$ 13,277,456	9	\$ 6,925,444	930	\$ 57,907,117	11
2012	2011	3,799,263,960	1	130,000	7	3,758,881	750	45,549,635	13
2011	2010	3,959,734,130	7	38,597,941	10	4,227,269	724	35,604,238	15
2010	2009	3,986,706,707	6	12,107,508	5	2,441,000	566	35,345,655	12
2009	2008	4,258,496,506	7	100,799,623	23	15,416,103	715	67,193,355	31
2008	2007	4,155,643,458	7	6,762,460	26	16,441,477	796	77,541,012	34
2007	2006	3,418,169,349	9	45,521,516	41	24,371,168	821	55,765,281	34
2006	2005	3,362,410,977	13	39,347,832	44	22,774,322	807	76,745,705	35
2005	2004	3,126,053,871	20	95,091,079	29	15,025,718	772	69,950,059	55
2004	2003	3,097,476,768	5	8,492,549	31	13,543,661	597	42,082,404	28

CITY OF CREVE COEUR, MISSOURI
CHANGE IN NET POSITION
LAST TEN FISCAL YEARS

	For The Years Ended June 30									
	2013	2012	2011	2010	2009	2008	2007	2006	2005	2004
EXPENSES										
Governmental Activities										
General government	\$ 3,499,759	3,549,249	3,302,799	3,313,133	3,337,554	2,887,126	2,520,437	2,375,859	2,328,328	2,321,011
Public safety	6,301,073	6,508,186	6,480,234	6,330,140	6,158,179	5,941,435	5,620,122	5,092,512	5,104,069	5,107,616
Public works	6,653,270	6,382,087	6,438,609	6,207,448	6,460,883	6,075,740	5,817,302	5,757,621	4,938,608	5,033,361
Community development	1,084,653	1,052,483	971,173	975,709	1,036,649	967,200	843,327	839,019	841,531	770,311
Economic development	-	28,642	1,357	348,754	1,271,263	144,382	411,874	384,264	245,448	263,661
Interest on long-term debt	212,633	249,421	276,444	305,443	337,031	354,706	365,924	377,377	423,346	458,211
Total Governmental Activities Expenses	17,751,388	17,770,068	17,470,616	17,450,627	18,601,559	16,370,589	15,578,986	14,826,652	13,881,330	13,954,221
Business-type Activities										
Recreation center	1,220,074	1,161,492	1,203,726	1,218,633	1,174,500	1,254,772	1,280,035	1,327,714	1,298,269	1,130,871
Total Primary Government Expenses	18,971,462	18,931,560	18,674,342	18,669,260	19,776,059	17,625,361	16,859,021	16,154,366	15,179,539	15,085,112
PROGRAM REVENUES										
Governmental Activities										
Charges for services:										
General government	228,375	242,461	228,749	303,795	222,029	204,754	204,953	213,449	189,041	174,041
Public safety	1,909,495	2,056,877	1,948,490	1,815,272	2,428,807	2,256,103	1,196,801	950,718	1,121,181	1,033,561
Public works	668,547	643,552	411,344	430,567	695,210	823,729	649,860	784,394	956,574	573,811
Community development	4,290	6,468	5,409	3,427	9,647	20,712	15,716	29,832	39,077	31,811
Operating grants and contributions	1,684,292	1,697,710	1,747,480	1,731,486	1,780,974	1,964,875	1,828,585	1,523,534	1,539,251	1,567,401
Capital grants and contributions	555,484	754,762	-	741,426	772,607	125,917	5,892	348,877	1,336,741	156,141
Total Governmental Activities Program Revenues	5,050,483	5,401,830	4,341,472	5,025,973	5,909,274	5,396,090	3,901,807	3,850,804	5,181,865	3,536,721
Business-type Activities										
Charges for services:										
Recreation center	953,409	1,014,246	938,998	988,568	1,017,068	1,079,957	1,036,000	1,059,352	1,059,962	789,991
Capital grants and contributions	-	-	-	-	-	-	-	-	4,028	-
Total Business-type Activities Program Revenues	953,409	1,014,246	938,998	988,568	1,017,068	1,079,957	1,036,000	1,059,352	1,063,990	789,991
Total Primary Government Program Revenues	6,003,892	6,416,076	5,280,470	6,014,541	6,926,342	6,476,047	4,937,807	4,910,156	6,245,855	4,326,712

CITY OF CREVE COEUR, MISSOURI
CHANGE IN NET POSITION (Continued)
LAST TEN FISCAL YEARS

For The Years Ended June 30

**GENERAL REVENUES AND OTHER
CHANGES IN NET POSITION**

Governmental activities:

	2013	2012	2011	2010	2009	2008	2007	2006	2005	2004
Property tax	549,157	632,358	681,159	648,502	1,529,001	1,505,450	994,343	876,394	703,189	661,411
Sales tax	6,601,450	6,475,114	5,665,753	5,266,229	5,355,038	5,714,678	5,938,204	5,632,875	5,606,868	5,384,111
Utility tax	5,822,430	5,718,965	5,829,959	6,212,734	5,265,596	6,130,232	4,145,945	4,008,037	2,996,268	2,508,551
Other tax	48,726	47,302	47,375	47,740	52,959	53,743	55,260	60,326	59,650	62,101
Gain on sale of capital assets	17,595	7,284	27,821	90,211	19,380	61,338	-	134,695	-	-
Investment income	189,012	141,139	204,816	295,507	610,169	509,712	559,294	363,646	185,692	108,901
Miscellaneous	664,191	828,170	916,161	748,888	738,327	729,247	864,275	813,731	668,142	482,901
Transfers	(30,000)	(25,000)	(135,000)	(482,941)	(120,000)	(89,000)	(140,000)	(87,966)	(62,558)	(2,636,341)
Total Governmental Activities General Revenues And Other Changes In Net Position	13,882,570	13,825,332	13,138,044	12,826,870	13,450,470	14,615,400	12,417,321	11,801,738	10,157,251	6,571,791

Business-type activities:

Investment income	434	201	237	469	459	4,056	3,039	3,670	1,350	34
Transfers	30,000	25,000	135,000	482,941	120,000	89,000	140,000	87,966	62,558	2,636,341
Total Business-type Activities General Revenues And Other Changes In Net Position	30,434	25,201	135,237	483,410	120,459	93,056	143,039	91,636	63,908	2,636,375
Total Primary Government General Revenues And Other Changes In Net Position	13,913,004	13,850,533	13,273,281	13,310,280	13,570,929	14,708,456	12,560,360	11,893,374	10,221,159	9,208,166

CITY OF CREVE COEUR, MISSOURI
TAX REVENUE BY SOURCE, GOVERNMENTAL FUNDS
LAST NINE FISCAL YEARS

<u>Fiscal Year</u>	<u>Property</u>	<u>Sales And Use</u>	<u>Franchise And Public Service</u>	<u>Sewer Lateral</u>	<u>Total</u>
2013	\$ 553,208	\$ 6,601,450	\$ 5,871,668	\$ 86,320	13,112,646
2012	624,866	6,475,114	5,829,469	86,176	13,015,625
2011	686,393	5,665,753	5,862,030	136,493	12,350,669
2010	653,966	5,266,229	6,259,404	135,311	12,314,910
2009	1,525,415	5,355,038	5,300,177	160,277	12,340,907
2008	1,508,402	5,714,678	6,132,783	160,721	13,516,584
2007	994,343	5,939,440	4,145,945	161,275	11,241,003
2006	872,172	5,634,733	4,008,037	153,791	10,668,733
2005	681,330	5,609,669	2,996,268	156,369	9,443,636

Source: Governmental revenues and supplemental information

CITY OF CREVE COEUR, MISSOURI
SALES TAX RATES, DIRECT AND OVERLAPPING
LAST TEN FISCAL YEARS

<u>For The Years Ended June 30</u>	<u>City Direct Rate</u>	<u>St. Louis County</u>	<u>State Of Missouri</u>	<u>Direct And Overlapping</u>	<u>Taxable Sales (1)</u>
2013	0.750 %	2.700 %	4.225 %	7.675 %	\$ 465,241,962
2012	0.750	2.950	4.225	7.675	471,598,063
2011	0.750	2.700	4.225	7.675	452,599,841
2010	0.500	2.200	4.225	6.925	440,227,975
2009	0.500	2.100	4.225	6.825	465,173,037
2008	0.500	1.850	4.225	6.575	503,575,442
2007	0.500	1.850	4.225	6.575	528,785,245
2006	0.500	1.850	4.225	6.575	505,831,847
2005	0.500	1.850	4.225	6.575	473,923,788
2004	0.500	1.850	4.225	6.575	447,602,031

(1) Taxable sales reported by the Missouri Department of Revenue. State law prohibits the disclosure of specific taxpayer information.

Note: The City participates in the county-wide sales tax sharing pool, which is generally distributed based on population.

CITY OF CREVE COEUR, MISSOURI
DEMOGRAPHIC AND ECONOMIC STATISTICS
LAST TEN FISCAL YEARS

Fiscal Year	Population (1)	Median Age (1)	Median Household Income (1)	Per Capita Income (1)	Unemployment Rate (2)
2013	17,855	42.4	\$ 98,093	\$ 62,056	7.0
2012	17,833	44.3	94,852	59,496	6.9
2011	17,833	44.3	91,642	58,576	8.9
2010	16,500	43.1	75,032	47,905	9.3
2009	16,500	43.1	75,032	47,905	9.7
2008	16,500	43.1	75,032	47,905	5.4
2007	16,500	43.1	75,032	47,905	5.2
2006	16,500	43.1	75,032	47,905	5.1
2005	16,500	43.1	75,032	47,905	5.6
2004	16,500	43.1	75,032	47,905	6.1

(1) Source: 2000 and 2010 U.S. Bureau of Census

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What is the sales tax rate in Creve Coeur?

The current sales tax rate for the majority of businesses in Creve Coeur is 7.863%. For those businesses located within the Olive Boulevard TDD, the sales tax rate is 8.363%. For those businesses within the Graeser TDD, the sales tax rate is 8.863%.

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1. How do I email the Mayor and City Council?
2. What is the sales tax rate in Creve Coeur?
3. What is the phone number for Republic Services (formerly Allied Waste)?
4. Where do I pay tickets?
5. What is the address of the Creve Coeur Government Center?
6. When am I required to upgrade my home's smoke alarm system?

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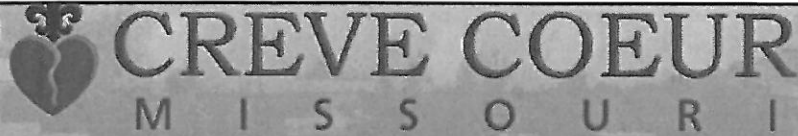
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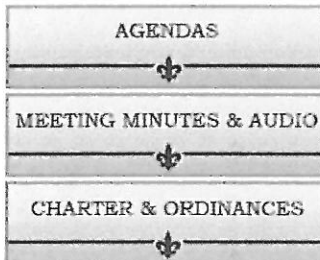
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Where Does My Sales Tax Go?

Sales Tax Rates Compared

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Sales Tax Rates Compared

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Municipality	Sales Tax Rate
Olivette	8.425%
Des Peres	8.425%
Brentwood	8.425%
Richmond Heights	8.425%
Town & Country	8.175%
Chesterfield	7.925%
Creve Coeur (with Proposition C)	7.675%
Creve Coeur (current)	7.425%
Maryland Heights	7.425%

Note: tax rates do not include special taxing districts, such as Transportation Development Districts.

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Existing Zoning Districts

City of Creve Coeur



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

MAP No. 2

14. *Food services and drinking places — (NAICS 722)*. Shall be located on sites of not less than two (2) acres with the following exceptions:
- a. The acreage requirement does not apply to properties within the "GC" District;
 - b. The acreage requirement does not apply to restaurants in the "CB", "PO", "PC" and "LI" Districts that are located within a retail or office building, provided that such restaurants do not collectively occupy more than forty percent (40%) of the building square footage; and
 - c. *Drive-thru or drive-up services*:
 - (1) Shall provide space for at least three (3) cars per drive-up window or station.
 - (2) Shall provide landscaping to screen the view of drive-up waiting spaces from surrounding properties.
 - (3) Drive-up window access, waiting spaces and egress shall not interfere with site circulation or be hazardous to motorists entering, exiting or passing by the site.
 - (4) Drive-thru service for restaurants may be located only on sites of not less than three (3) acres.

Table 9

CITY OF CHESTERFIELD, MISSOURI
Sales Tax Rates and Taxable Sales
Last Ten Fiscal Years
(dollars in thousands)

Fiscal Year	City		St. Louis County	State of Missouri	Direct and Overlapping	Sales Tax Revenues	Taxable Sales (1)
	Fiscal Year	Direct Rate					
2003	2003	0.50%	1.850%	4.225%	6.575%	\$ 3,762	\$ 1,051,827
2004	2004	0.50%	1.850%	4.225%	6.575%	3,940	1,148,881
2005	2005	1.00%	1.850%	4.225%	7.075%	7,653	1,167,827
2006	2006	1.00%	1.850%	4.225%	7.075%	9,086	1,261,810
2007	2007	1.00%	1.850%	4.225%	7.075%	9,588	1,311,170
2008	2008	1.00%	1.850%	4.225%	7.075%	11,538	1,251,922
2009	2009	1.00%	2.100%	4.225%	7.325%	10,640	1,157,788
2010	2010	1.00%	2.700%	4.225%	7.925%	10,544	1,011,597
2011	2011	1.00%	2.700%	4.225%	7.925%	10,714	1,118,534
2012	2012	1.00%	2.700%	4.225%	7.925%	11,301	1,234,141

(1) Taxable sales reported by the Missouri Department of Revenue. State Law prohibits the disclosure of specific taxpayer information.

Note: The City participates in the county-wide sales tax sharing pool, which is generally distributed based on population.

Table 15

CITY OF CHESTERFIELD, MISSOURI
Demographic and Economic Statistics
Last Ten Calendar Years

Year	Population	Personal Income (thousands of dollars)	Per Capita Personal Income	School Enrollment		Unemployment Rate
				Parkway School District	Rockwood School District	
2002	46,802	\$ 1,951,550	\$ 41,698	19,657	20,511	5.4 %
2003	46,802	2,030,832	43,392	19,304	20,063	5.8
2004	46,802	2,110,817	45,101	18,904	19,725	5.9
2005	46,802	2,165,698	46,274	18,273	19,583	5.5
2006	46,802	2,237,166	47,801	18,787	22,174	4.6
2007	46,802	2,299,807	49,727	17,717	22,185	4.9
2008	46,802	2,321,052	49,593	19,000	22,300	5.2
2009	46,802	2,419,336	51,693	19,000	22,300	5.4
2010	47,484	2,454,590	51,693	17,467	22,480	6.6
2011	47,484	2,430,231	51,180	17,467	22,480	6.2
2012	47,484	2,456,110	51,725	17,456	21,951	3.9

Source: Population and per capita personal income data for the City using the U.S. Census Bureau data for the area and Bureau of Economic Analysis for St. Louis County.

School enrollment information provided by Parkway and Rockwood School Districts.

Unemployment rate using U.S. Department of Labor, Bureau of Labor Statistics.

Note: Per capita personal income for year 2006 using consumer price index for midwest state as a percent change from 2005.

CITY OF CHESTERFIELD, MISSOURI
Changes in Net Position
Last Ten Fiscal Years

	For the years ended December 31									
	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
EXPENSES										
Primary Government										
Governmental activities										
General government	\$ 2,596,258	2,732,076	2,820,464	2,828,371	3,012,569	3,104,859	3,239,574	3,219,111	3,073,393	3,323,238
Parks and recreation	1,759,887	1,819,602	1,200,554	3,279,634	3,631,874	4,114,605	4,529,859	4,735,969	5,282,317	6,667,066
Judicial	169,118	177,183	184,064	182,869	189,701	212,013	221,809	260,387	236,646	242,383
Planning	588,615	592,138	578,915	646,653	642,805	618,783	733,341	693,488	504,809	504,809
Developmental services	-	-	-	-	-	785,752	854,705	729,214	490,551	535,897
Public works	14,763,996	12,830,243	14,714,417	14,847,845	10,246,596	14,402,877	14,701,716	11,437,429	9,952,319	11,027,314
Public safety	6,540,437	6,694,462	6,877,264	7,099,546	7,405,868	8,311,227	8,309,249	8,275,428	7,720,308	8,468,966
Community development	179,090	139,090	65,848	153,130	493,543	244,572	209,657	209,657	151,522	181,407
Interest on long-term debt	4,594,305	5,598,446	5,485,774	5,172,635	4,691,663	3,797,796	2,932,036	3,094,375	2,954,766	2,809,885
Total primary government expenses	31,191,706	30,583,240	31,927,300	34,210,683	30,314,619	35,592,484	35,769,081	32,655,058	30,452,444	33,760,965
PROGRAM REVENUES										
Primary Government										
Governmental activities										
Charges for services:										
General government	541,361	621,344	635,359	694,115	667,663	740,083	683,912	696,465	681,851	658,018
Parks and recreation	420,887	459,308	778,892	868,600	1,012,857	977,961	1,027,958	1,136,840	1,210,006	1,394,799
Judicial	809,258	833,990	852,979	942,244	997,433	1,212,561	1,317,384	1,275,826	1,223,280	1,296,878
Planning	20,850	27,332	24,219	34,853	38,137	23,412	25,119	24,455	39,377	33,541
Public works	314,534	391,134	63,105	108,644	106,480	30,634	139,747	62,828	154,180	414,247
Public safety	63,924	49,255	39,342	41,293	47,106	53,391	60,126	61,604	51,152	55,799
Community Development	-	-	-	-	-	-	-	-	9,310	4,623
Operating grants and contributions	4,901,639	4,005,610	3,623,959	4,036,605	4,614,543	4,197,473	5,094,736	5,694,181	4,713,574	4,671,981
Capital grants and contributions	1,396,652	365,850	1,464,064	417,894	2,374,841	1,364,332	2,202,831	7,659,799	2,695,237	8,114,634
Total primary government program revenues	8,469,105	6,753,823	7,481,919	7,144,248	9,859,060	8,599,847	10,551,813	16,611,998	10,777,967	16,644,520
Net Revenues (Expenses)	(22,722,601)	#####	(24,445,381)	(27,066,435)	(20,455,559)	(26,992,637)	(25,217,268)	(16,043,060)	(19,674,477)	(17,116,445)
Total primary government net expense										
General Revenues and Other Changes in Net Position										
Primary Government										
Governmental activities:										
Taxes										
Property taxes	7,184,039	9,074,627	11,210,863	13,665,140	1,102,310	592,791	618,841	481,419	522,890	524,173
Sales taxes	12,961,633	13,764,998	19,524,090	22,574,494	22,281,097	17,635,148	16,212,514	16,104,082	16,537,971	17,427,057
Gross receipts tax (includes franchise tax)	4,985,577	5,013,234	5,473,216	5,617,717	6,267,218	8,766,303	8,512,571	7,975,310	7,970,597	7,930,276
Sewer lateral	549,249	465,261	420,758	600,668	588,441	567,228	555,847	560,418	551,252	559,184
Investment earnings	486,186	524,489	2,020,949	3,211,400	3,098,984	2,039,470	522,906	236,571	188,313	47,236
Miscellaneous	270,006	456,323	485,942	229,843	480,594	1,104,362	86,970	226,765	329,309	182,939
Total primary government	26,436,690	29,298,932	39,135,818	45,899,262	33,818,644	30,705,302	26,509,649	25,584,565	26,100,332	26,670,865
Changes in Net Position	\$ 3,714,089	5,469,515	14,690,437	18,832,827	13,363,085	3,712,665	1,292,381	9,541,505	6,425,855	9,554,420
Total primary government										
			69							

CITY OF MARYLAND HEIGHTS, MISSOURI

Tax Revenues By Source, Governmental Funds

Last Ten Fiscal Years
(Modified accrual basis of accounting)

For The Years Ended December 31	Gaming	Utility Gross Receipts	Sales	Other	Total
2003	\$ 13,300,709	\$ 4,082,652	\$ 6,500,676	\$ 2,839,222	\$ 26,723,259
2004	15,457,468	4,076,292	7,155,504	3,310,129	29,999,393
2005	15,607,319	4,254,320	7,742,913	3,670,072	31,274,624
2006	16,070,698	4,299,207	7,568,236	4,186,496	32,124,637
2007	15,569,179	4,657,311	7,662,991	3,937,213	31,826,694
2008	14,002,332	6,924,485	7,520,333	4,759,966	33,207,116
2009	13,941,327	6,139,117	6,734,956	4,368,213	31,183,613
2010	13,192,688	6,117,998	6,416,108	6,146,379	31,873,173
2011	12,449,843	5,992,169	7,079,124	5,521,904	31,043,040
2012	11,986,806	5,981,637	7,282,623	5,631,743	30,882,809

CITY OF MARYLAND HEIGHTS, MISSOURI

Sales Tax Rates, Direct And Overlapping

Last Ten Fiscal Years

<u>For The Years Ended December 31</u>	<u>City Direct Rate</u>	<u>St. Louis County</u>	<u>State Of Missouri</u>	<u>Direct And Overlapping</u>
2012	0.500 %	2.700 %	4.225 %	7.425 %
2011	0.500	2.700	4.225	7.425
2010	0.500	2.700	4.225	7.425
2009	0.500	2.100	4.225	6.825
2008	0.500	1.850	4.225	6.575
2007	0.500	1.850	4.225	6.575
2006	0.500	1.850	4.225	6.575
2005	0.500	1.850	4.225	6.575
2004	0.500	1.850	4.225	6.575
2003	0.500	1.850	4.225	6.575

The City levies a sales tax of one-half percent (0.5%) for the purpose of parks and stormwater.

Additionally, the City receives a portion of a 1% sales tax (included in the rates shown above) levied

CITY OF MARYLAND HEIGHTS, MISSOURI

Taxable Sales Generated By Industry

For The Years Ended December 31 - Last Seven Fiscal Years

Industry	2006			2007			2008			2009			2010			2011			2012		
	Taxable Sales (Millions Of Dollars)	Percentage Of Total Taxable Gross Receipts		Taxable Sales (Millions Of Dollars)	Percentage Of Total Taxable Gross Receipts		Taxable Sales (Millions Of Dollars)	Percentage Of Total Taxable Gross Receipts		Taxable Sales (Millions Of Dollars)	Percentage Of Total Taxable Gross Receipts		Taxable Sales (Millions Of Dollars)	Percentage Of Total Taxable Gross Receipts		Taxable Sales (Millions Of Dollars)	Percentage Of Total Taxable Gross Receipts		Taxable Sales (Millions Of Dollars)	Percentage Of Total Taxable Gross Receipts	
Wholesale trade - durable goods	\$ 133,230	14.78 %		\$ 134,865	15.46 %		\$ 53,576	7.08 %		\$ 46,477	6.81 %		\$ 42,823	6.28 %		\$ 47,916	7.15 %		\$ 45,019	6.41 %	
Eating and drinking places	56,586	9.61		90,557	11.08		99,141	13.10		91,968	13.48		87,964	12.89		87,024	12.95		99,354	12.72	
Miscellaneous services	80,464	8.93		81,870	9.39		80,739	10.66		75,907	11.13		96,393	14.20		95,900	14.31		115,728	16.47	
Miscellaneous retail	105,405	11.80		95,410	11.06		54,503	7.20		43,879	6.43		42,921	6.29		39,452	5.88		40,626	5.78	
Electric, gas, and sanitary services	53,148	5.90		58,406	6.79		36,210	4.78		38,341	5.69		38,725	5.68		42,496	6.34		42,099	5.99	
Food stores	46,582	5.17		51,265	5.88		45,744	6.04		50,270	7.37		49,323	7.23		48,076	7.17		49,272	7.01	
Amusement/ recreation services, except motel	45,775	5.08		41,227	4.73		40,572	5.36		25,260	3.70		23,656	3.47		19,738	2.94		18,261	2.60	
Hotels, rooming houses, and camps/other	52,521	5.82		57,243	5.99		51,921	6.86		41,844	6.13		40,651	5.95		43,309	6.46		47,258	6.73	
Communication	33,751	3.74		38,532	4.43		37,937	5.01		37,631	5.52		33,144	4.86		29,597	4.41		24,546	3.50	
Other	264,003	29.17		220,470	25.28		256,719	33.91		230,080	33.74		222,315	33.14		216,922	32.36		230,391	32.79	
Total Taxable Sales	\$ 901,465	100.00 %		\$ 871,845	100.00 %		\$ 757,062	100.00 %		\$ 682,157	100.00 %		\$ 678,425	100.00 %		\$ 670,430	100.00 %		\$ 702,554	100.00 %	

Source: Taxable sales by Standard Industry Code reported by the State of Missouri Department of Revenue

State law prohibits the disclosure of specific taxpayer information.

No information available prior to 2006.

CITY OF MARYLAND HEIGHTS, MISSOURI

Demographic And Economic Statistics

Last Ten Calendar Years

For The Years Ended December 31	Population	Personal Income (Thousands Of Dollars)	Per Capita Personal Income	School Enrollment		Unemployment Rate
				Pattonville School District	Parkway School District	
2003	25,756	\$ 641,788	\$ 24,918	-	19,668	3.60 %
2004	27,346	681,408	24,919	-	19,323	3.80
2005	27,346	681,408	24,919	-	18,732	3.50
2006	27,346	681,408	24,919	5,782	18,557	3.10
2007	27,346	681,408	24,919	5,544	18,212	3.30
2008	27,346	681,408	24,919	5,430	17,424	4.00
2009	27,346	681,408	24,919	5,372	17,424	7.40
2010	27,472	812,814	29,587	5,518	17,504	7.80
2011	27,472	812,814	29,587	5,457	17,234	6.50
2012	27,472	812,814	29,587	5,509	17,271	5.40

Source: Population and per capita personal income based on U.S. Census Bureau data
 School enrollment information provided by Parkway School District
 Pattonville enrollment information for years prior to 2006 was not available
 Unemployment rate information received from the Missouri Department of Labor

MOTOR VEHICLE ORIENTED BUSINESSES**SECTION****25-23**City of Maryland Heights
ZONING CODE



MOTOR VEHICLE ORIENTED BUSINESSES

The Zoning Code text contained in the Interpretive Version is current as of Ordinance #2013-3830 adopted on December 5, 2013.

The City Planner comments were last updated on December 16, 2013.

SECTION 25-23.1 CONDITIONAL USE

Motor vehicle oriented businesses (MVOB) shall require a Conditional Use Permit in all districts as indicated in Appendix B, Land Use and Required Parking Matrix, of the Zoning Code. When approved as a conditional use, the MVOB must comply with all applicable requirements of this section.

SECTION 25-23.2 NONCONFORMING MOTOR VEHICLE ORIENTED BUSINESSES

Existing MVOBs which do not comply with the regulations and conditions of the Zoning Code shall be considered to be nonconforming and allowed to continue; however, all nonconforming MVOBs shall comply with the following requirements within one (1) year after written notification by the Building Commissioner of items which must be corrected:

1. Whenever an MVOB is located adjacent to a residential district or residential use on the ground floor, appropriate screening, as provided for in Section 25-16.10, Landscaping Requirements for Buffer Areas and Screening.
2. All exterior lighting shall conform to the Section 25-18, Lighting Design Standards.
3. All MVOBs shall provide suitable storage of trash within areas, which are so designed and constructed as to allow no view of the trash storage from a street, to prevent waste from blowing around the site or onto adjacent properties or public rights-of-way, and to permit safe, easy removal of trash by truck or hand.
4. All storage of merchandise for sale, including vending machines, shall conform with the requirements of Section 25-23.6.D.1.

SECTION 25-23.3 LOCATION REQUIREMENTS

All MVOBs must be a minimum of three hundred (300) feet from other motor vehicle oriented businesses, which distances shall be computed as follows:

- A. For such businesses on the same side of the street, a minimum of three hundred (300) feet shall be provided between the two (2) closest property lines, said minimum distance, however, being subject to the effect of the additional requirements set forth in paragraphs B. and C. of this subsection.
- B. For such businesses on opposite sides of the street, no such business shall be allowed on a lot where a line, drawn from either front corner of said proposed lot across the street and perpendicular to the street right-of-way on which the proposed lot fronts, crosses the right-of-way on the opposite side of the street at a point less than three hundred (300') feet from the closest property corner of an already existing or approved MVOB lot on

CITY PLANNER'S COMMENTS

MVOBs are conditional uses in the zoning districts in which they are found.

Pre-existing nonconforming MVOBs are not required to meet the design standards of this section, but are required to meet these requirements.

Generally, a 300 feet separation between MVOBs is required.

One building containing two or more MVOBs is treated as one MVOB provided that the circulation is acceptable based on review of the required traffic study.



MOTOR VEHICLE ORIENTED BUSINESSES

CITY PLANNER'S COMMENTS

This provision gives the Planning Commission the authority to waive or reduce the minimum distance requirements for good cause.

said opposite side of the street.

- C. For four-corner intersections, only two (2) MVOBs may be allowed at such an intersection but only on diagonally opposite corners, regardless of their distance from one another. For "T" intersections, only two (2) MVOBs may be allowed.
- D. The Planning Commission may waive or reduce the minimum distance requirements set forth above when the MVOB is located in the "M-1", "C-2", "RD-C", "RD-M", or "PD" zoning districts. The Planning Commission shall, prior to deciding on the request for said waiver, receive and review a report from the City Engineer or City's traffic consultant. The report shall include the impact on existing traffic of the waiver of said requirement along with the traffic consultant's recommendations for the mitigation of said impact through the installation of traffic control devices such as turning lanes, shared access drives, traffic signals, and signage.
- E. The City Planner may request that an applicant for a waiver provide, at the applicant's expense, a traffic study to ascertain the project's impact and effect of any proposed traffic control devices. Said study shall be prepared by a registered professional engineer pre-qualified by the City to perform such studies and said study shall be in accordance with guidelines established by the City.

SECTION 25-23.4 SITE DESIGN STANDARDS

The following site design standards shall be met for all MVOBs except as otherwise noted:

- A. *Minimum Lot Area.* Twenty thousand (20,000) square feet.
- B. *Minimum Lot Width.* The minimum lot width at the building line shall be one hundred fifty (150) feet.
- C. *Yard Requirements:*
 - 1. *Front Yard.* There shall be a front yard having a depth of not less than thirty (30) feet. No accessory building, service island, or other service or pickup facilities shall project beyond the front building setback line except as noted in Section 25-13.5.D, Structural Projections.
 - 2. *Side Yard.* There shall be a side yard on each side of the building of not less than five (5) feet. Said yard requirements shall be twenty-five (25) feet where abutting any Non-Urban or residential zoning district.
 - 3. *Rear Yard.* MVOBs shall maintain the same rear yard re-

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quirements as the zoning district in which the business is located.

D. Ingress and Egress:

1. The minimum width of driveways at the property line shall be twenty-four (24) feet, and shall not exceed forty (40) feet.
2. The radius used to increase the driveway opening at the curb or pavement edge shall not be less than ten (10) feet nor more than forty (40) feet. The edges of the opening shall not project beyond the side property line extended normal to the pavement.
3. Driveway openings shall be limited to one (1) drive per two hundred (200) feet of lot frontage. On a corner lot, one (1) entrance from each street shall be permitted and located as far as possible from the street intersection corner.
4. The angle of driveway intersection with the street shall be based upon reasonable criteria for safe traffic movements and subject to the review and approval of the City Engineer.
5. Motor vehicle oriented businesses integrated in a shopping center or cluster of commercial facilities shall use the common access with other business establishments in that center.

SECTION 25-23.5 DRIVE-THRU LANES STANDARDS

Except as otherwise noted elsewhere in this section, all drive-thru facilities shall be designed to meet the minimum requirements indicated:

- A. *Storage Length.* If not specifically specified herein, storage length will be determined by the City Planner with the input of the City's traffic consultant and/or City Engineer based upon an evaluation of the company's projected sales for a ten (10) year period and the volume of adjacent street traffic.
- B. *Exclusive Use.* The drive-thru lane shall be used exclusively for drive-thru vehicles.
- C. *Lane Width.* The drive-thru lane must be a minimum of twelve (12) feet in width, except that a ten (10) foot wide lane will be permitted within the pick-up/service area to guide motorists adjacent to the drive-up facility.
- D. *Minimum Distance from a Public Roadway.* When the drive-thru lane is oriented parallel to a public roadway, there must be a minimum distance of fifty (50) feet measured between the pub-



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lic road curb or edge of pavement and the nearest curb or edge of the drive-thru lane.

E. Banking facilities shall meet the following standards:

1. *Storage Length.* All drive-thru facilities shall contain stacking capacity for vehicles in accordance with the following criteria:
 - a. Drive-up teller windows (see Table 23.1, Stacking for Drive-Up Teller Windows).

TABLE 23.1. Stacking for Drive-Up Teller Windows		
NUMBER OF DRIVE-UP WINDOWS	DESIGN STORAGE (vehicle/window)	TOTAL STORAGE (vehicles)
2	10 (220 ft.)	20 (440 ft.)
3	7 (154 ft.)	21 (462 ft.)
4	5 (110 ft.)	20 (440 ft.)
5–6	4 (88 ft.)	20 (440 ft.)
7–8	3 (66 ft.)	21 (462 ft.)
9 or more	2 (44 ft.)	18 (396 ft.)

- b. *ATM's.* Three (3) stacking spaces (sixty-six [66] feet) shall be provided for each automatic teller machine (ATM).

2. *Exclusive use.* The drive-thru lane serving each drive-up window or ATM shall be used exclusively for drive-thru vehicles commencing at a point not less than sixty-six (66') feet back from the centerline of and leading to the drive-up window or ATM.

F. Automated car washes shall meet the following standards:

1. *Storage Length.* Stacking spaces equivalent to ten (10) times the capacity of the car wash shall be provided. One (1) stacking space is equal to twenty-two (22) feet of pavement length.
2. *Exclusive Use.* The drive-thru lane shall be used exclusively for drive-thru vehicles for a distance equivalent to fifty (50%) percent of the required storage length of the car wash.

G. Fast food restaurants shall meet the following standards:

1. *Storage Length.* All drive-thru facilities shall contain stacking capacity for vehicles in accordance with Table 23.2, Stack-

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ing for Drive-Thru Lanes. For one (1) drive-thru lane with two (2) windows divide column two (2) requirements by one point three (1.3).

TABLE 23.2. Stacking for Drive-Thru Lanes

TOTAL PEAK HOUR VEHICLES ENTERING DRIVE-THRU ONLY	TOTAL STORAGE FOR 1 DRIVE-THRU LANE AND 1 WINDOW	TOTAL STORAGE FOR 2 DRIVE-THRU LANES AND 2 WINDOWS
100 or less	17 vehicles (374 ft.)	15 vehicles (330 ft.)
100–150	19 vehicles (418 ft.)	19 vehicles (418 ft.)
150–200	22 vehicles (484 ft.)	22 vehicles (484 ft.)

2. *Exclusive Use.* The drive-thru lane shall be used exclusively for drive-thru vehicles from the order board, which is mandatory, to the pick-up window. The distance between the order board and the pick-up window should be sufficient to store four (4) cars (not including the vehicles at the pick-up window and order board).
 3. *Delayed Pick-Up Area Provision.* A pick-up area sufficient to store one (1) car shall be provided for each pick-up window.
 4. *Escape Lane Provision.* An escape lane is recommended to permit motorists to exit the site after reviewing the menu board.
- H. Retail fuel dispensing facilities shall meet the following standards:
1. All businesses with retail fuel dispensing facilities shall be limited to two (2) service islands and three (3) gasoline pumps per island for the minimum size lot. One (1) service island and three (3) gasoline pumps may be added for each additional two thousand (2,000) square feet of site area exceeding the minimum; however, in no case shall more than six (6) service islands be allowed at any one (1) site.
 2. *Lane Width.* Except as otherwise noted elsewhere in this section, all fuel dispensing facilities shall be designed to provide the minimum space requirements that are indicated on the following pages in Figures 23.1 and 23.2, Standard Gas Island Dimension.
 3. The City Planner, upon review by the City Engineer, may specify equivalent dimensions to be used when the desired pump arrangement is not specified.



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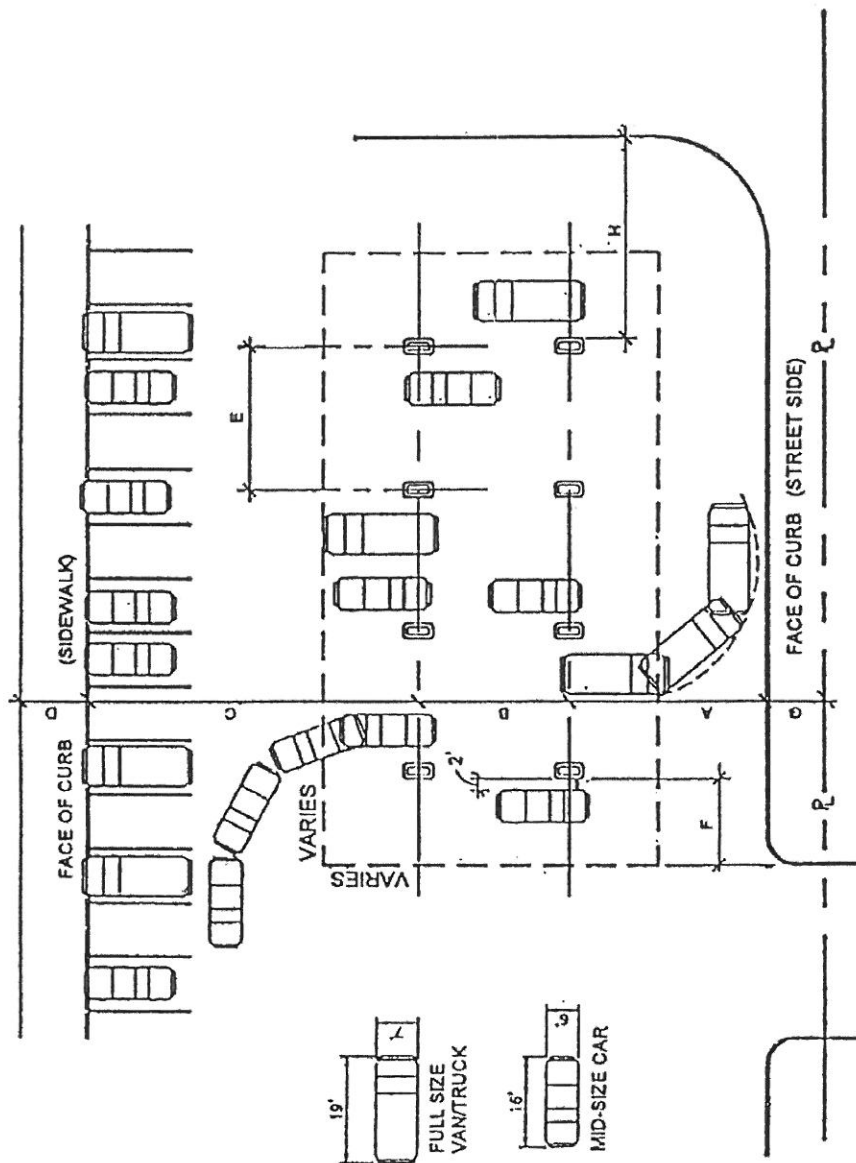


FIGURE 23.1

DESIGNATION	MINIMUM
A	44"
B	30"
C	45"
D*	2.6'
E**	25'32"
F	16'
G	20'
H	15'

***MAY BE REDUCED TO 6.0' WHERE APPROVED WHEEL STOPS ARE PROVIDED IN ADJACENT PARKING ROW**

—SINGLE ROW OF PUMPS DOUBLE ROW OF PUMPS

STANDARD GAS ISLAND DIMENSION
(N.T.S.)

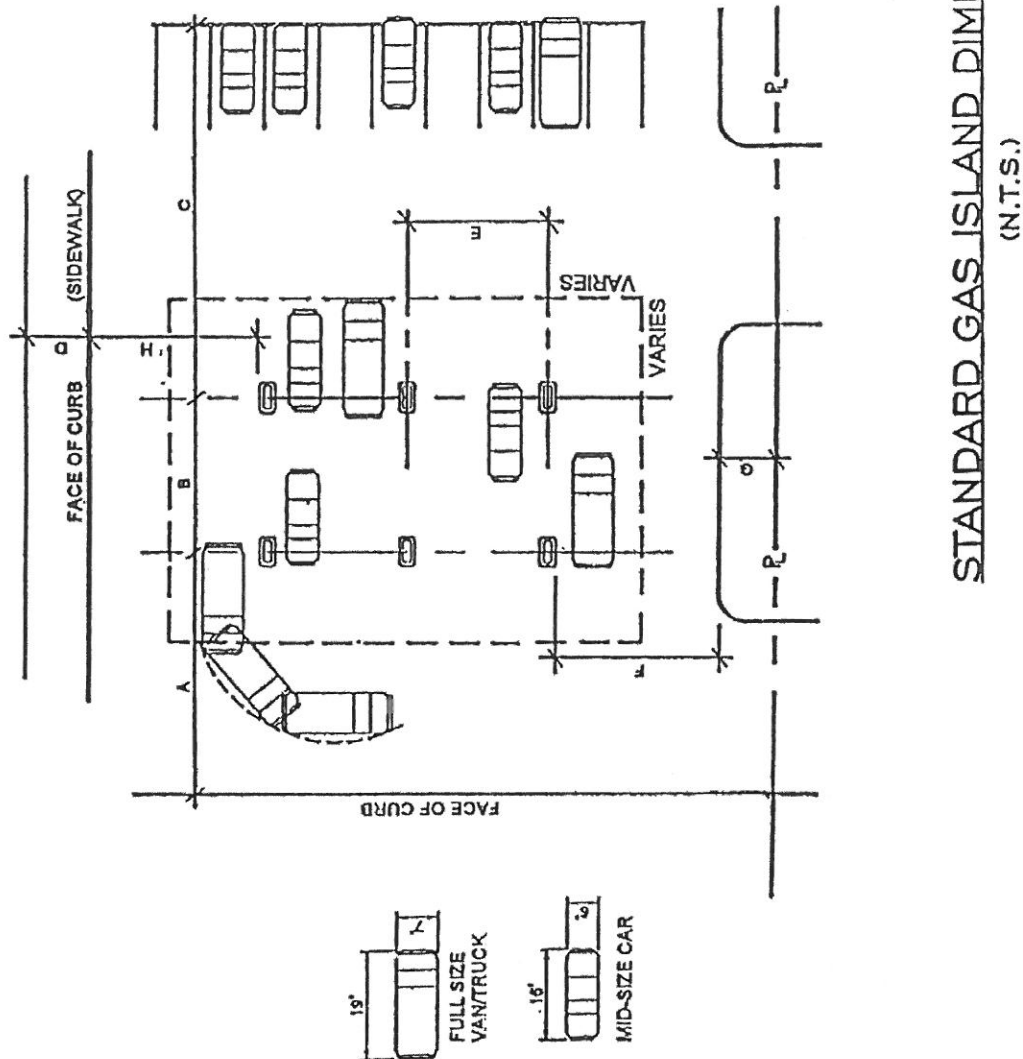


FIGURE 23.2

This version of the Zoning Code is provided for reference only and does not represent the official Zoning Code of the City of Maryland Heights. The City Planner comments contained in the sidebar are purely informational and have not been formally adopted as part of the Zoning Code.

PAGE 23.9



MOTOR VEHICLE ORIENTED BUSINESSES

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Note that parking spaces for MVOBs have a minimum width of 10 feet due to the higher turnaround associated with these uses.

I. *Retail Pharmacy.* Except as otherwise noted elsewhere in this section, all retail pharmacy drive-thru facilities shall be designed to meet the minimum requirements indicated:

1. *Storage Length.* Stacking spaces equivalent to four (4) times the capacity of each drive-thru window be provided. One (1) stacking space is equal to twenty-two (22) feet of pavement length.
2. *Exclusive Use.* The drive-thru lane shall be used exclusively for prescription pick-up for a distance equivalent to fifty (50%) percent of the required storage length of the drive-thru window.

SECTION 25-23.6 SITE DESIGN

A. Off-Street Parking:

1. All MVOBs shall provide for off-street parking in accordance with the requirements of Section 25-14, Parking and Loading Regulations, except as otherwise noted elsewhere.
2. The minimum width of a parking stall shall be ten (10) feet.
3. No internal parking stall, cross drive aisle, or loading space shall be located closer to the street right-of-way than twenty (20) feet or within any side yard setback.

B. Vehicular Areas:

1. The entire area used by vehicles for parking, storage, service, etc., shall be paved with concrete or asphaltic concrete.
2. A raised six-inch concrete curb shall be provided at the edge of all pavement.
3. When the rental of equipment, automobiles, trucks, and trailers is to be conducted on an MVOB site, additional land area and paved area shall be provided in addition to the driveway, parking area, and landscape areas required by this section. An additional one thousand (1,000) square feet of site area shall be provided for each five (5) rental units. No parking of rental units shall be permitted on landscaped areas or within driveways. All rental storage areas shall be paved and landscaped as approved by the City Planner. Such rental equipment shall be stored in rear yard except when being picked up by customers.

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D. Performance Standards:

1. *Outdoor Sales and Display at Gasoline Station Convenience Stores.*
 - a. Outdoor display and sales of merchandise may be permitted along the storefront. All other outdoor storage of materials and displays is specifically prohibited
 - b. *Area.* Said outdoor display shall be limited to twenty-five (25%) percent of total store frontage with a maximum of one hundred (100) square feet (inclusive of vending machines).
 - c. *Height and other dimensions.* The height of any outdoor display may not exceed five (5) feet with the exception of vending machines (and their surrounds) which shall not exceed 8 feet in height, 3 feet in depth, or 6 feet in width.
 - d. *Location.*
 - i. The placement of said display shall not obstruct public access to the building.
 - ii. Vending machines shall not be located within three (3) feet of a fire department connection
 - ii. Price signs shall be permitted on outdoor displays. Said price signage shall not exceed two (2) square feet and shall be placed upon the merchandise which it advertises.
 - e. *Parking.* One parking space, in addition to the number of spaces required for the convenience store, shall be provided for video rental and similar vending machines subject to the review and approval of the City Planner.
2. Flammable materials used in the conduct of MVOBs shall be stored according to the Building Code.
3. All lubrication, washing, repair, and service of vehicles shall be conducted entirely within a building. The grease or wash racks, hydraulic hoists, pits, and other equipment used to perform these services shall be contained within a building.
4. The Planning Commission may recommend, and the City Council may require, other conditions which will tend to eliminate or reduce public nuisance caused by noise, heat, odors, smoke, dust, vibration, glare, flooding, and traffic congestion and promote the purpose of the Zoning Code.



MOTOR VEHICLE ORIENTED BUSINESSES

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5. No service bay and/or loading zone shall face any street right-of-way.
 6. All paved and landscaped areas shall, at all times, be kept in good repair in accordance with this and other ordinances of the city and the continuous maintenance of said areas shall be the responsibility of the owners and lessees of the property.
- E. *Utilities.* All utility, power and telephone lines, except those located in designated overhead utility corridors, shall be located underground.

APPENDIX B. LAND USE AND REQUIRED PARKING MATRIX.

The terminology used in this appendix is based on the coding and classification of land use contained in North American Industry Classification System, prepared by the Department of Commerce's National Technical Information Service in 2007. The coding and classification system has also been modified in certain instances to clarify terminology.

North American Industry Classification System contains additional descriptive information that could be helpful in the interpretation of a particular use and should be used as a reference document to support these regulations. A copy of this manual is available for review in the Department of Community Development.



Appendix B - Land Use and Required Parking Matrix

City of Maryland Heights Zoning Code

Appendix
B

Attachment: Prior Staff Reports and Attachments from July 21, June 16, June 5, and April 21, 2014 (1097 : Bill No. 5514 - Drive-Thru Text

Category		NU	R-1	R-2	R-3	R-4	R-5	R-6	C-1	C-2	M-1	M-2	RDM	RDC	RD-MXD	Minimum Parking
HOSPITALITY	722516	Fast Food Restaurants							C	C	C		C	C		1 space for every 3 seats to be provided in areas allocated to table seating, plus 2 spaces for every 3 employees on the maximum shift, plus 1 space for every 12 sq. ft. allocated to a queuing or waiting area (including enclosed vestibules, air lock areas between entry doors, areas allocated to food service waiting lines, and areas allocated to order taking and delivery), plus all applicable standards for areas of the establishment which are allocated to bar areas (see parking standards for "Drinking Places and Alcoholic Beverages" herein)
	722517	Fast Food Restaurants with Drive Through Services								C	C		C	C		1 space for every 2 seats to be provided in areas allocated to table seating plus 2 spaces for every three employees on the maximum shift, plus 1 space for every 12 sq. ft. of floor area allocated to order taking, delivery areas and food service waiting lines. Stacking spaces shall be as required in MVOB



Appendix B - Land Use and Required Parking Matrix

City of Maryland Heights Zoning Code

**Appendix
B**

Category		NU	R-1	R-2	R-3	R-4	R-5	R-6	C-1	C-2	M-1	M-2	RDM	RDC	RD-MXD	Minimum Parking
HOSPITALITY	722518	Entertainment Restaurants							C	C	C		C	C	C	1 space for every 3 seats to be provided in areas allocated to table seating, plus 2 spaces for every 3 employees on the maximum shift, plus 1 space for every 12 sq. ft. allocated to a queuing or waiting area (including enclosed vestibules, air lock areas between entry doors, areas allocated to food service waiting lines, and areas allocated to order taking and delivery), plus all applicable standards for areas of the establishment which are allocated to bar areas (see parking standards for "Drinking Places and Alcoholic Beverages" herein)
	722519	Microbreweries/Wineries							C	C	C		C	C	C	1 space for every 2 seats provided in areas allocated to table seating, plus 2 spaces for every 3 employees on the maximum shift, plus 1 space for every 4 lineal feet of bar frontage, plus 1 space for every 4 lineal feet of bar rail applied along interior walls or columns, plus 1 space for every standing-type cocktail table, plus 1 space for every 12 square feet of open area where patrons may stand, plus 1 space for every 12 square feet allocated to a queuing or waiting area (including enclosed vestibules, air lock areas between entry doors, areas allocated to food service waiting lines, and areas allocated to order taking and delivery)
	722520	Night Clubs									C		C	C		1 space for every 2 seats provided in areas allocated to table seating, plus 2 spaces for every 3 employees on the maximum shift, plus 1 space for every 4 lineal feet of bar frontage, plus 1 space for every 4 lineal feet of bar rail applied along interior walls or columns, plus 1 space for every standing-type cocktail table, plus 1 space for every 12 square feet of open area where patrons may stand, plus 1 space for every 12 square feet allocated to a queuing or waiting area (including enclosed vestibules, air lock areas between entry doors, areas allocated to food service waiting lines, and areas allocated to order taking and delivery)

ARTICLE 23. MOTOR VEHICLE ORIENTED BUSINESSES.

Sec. 25-23.1. Conditional Use.

Motor vehicle oriented businesses (MVOB) shall require a Conditional Use Permit in all districts as indicated in Appendix B, Land Use and Required Parking Matrix, of the Zoning Code. When approved as a conditional use, the MVOB must comply with all applicable requirements of this section.

Sec. 25-23.2. Nonconforming Motor Vehicle Oriented Businesses.

Existing MVOBs which do not comply with the regulations and conditions of the Zoning Code shall be considered to be nonconforming and allowed to continue; however, all nonconforming MVOBs shall comply with the following requirements within one (1) year after written notification by the Building Commissioner of items which must be corrected:

1. Whenever an MVOB is located adjacent to a residential district or residential use on the ground floor, appropriate screening, as provided for in Section 25-16.10, Landscaping Requirements for Buffer Areas and Screening.
2. All exterior lighting shall conform to the Section 25-18, Lighting Design Standards.
3. All MVOBs shall provide suitable storage of trash within areas, which are so designed and constructed as to allow no view of the trash storage from a street, to prevent waste from blowing around the site or onto adjacent properties or public rights-of-way, and to permit safe, easy removal of trash by truck or hand.
4. All storage of merchandise for sale, including vending machines, shall conform with the requirements of Section 25-23.6.D.1.

Sec. 25-23.3. Location Requirements.

All MVOBs must be a minimum of three hundred (300) feet from other motor vehicle oriented businesses, which distances shall be computed as follows:

- A. For such businesses on the same side of the street, a minimum of three hundred (300) feet shall be provided between the two (2) closest property lines, said minimum distance, however, being subject to the effect of the additional requirements set forth in paragraphs B. and C. of this subsection.
- B. For such businesses on opposite sides of the street, no such business shall be allowed on a lot where a line, drawn from either front corner of said proposed lot across the street and perpendicular to the street right-of-way on which the proposed lot fronts, crosses the right-of-way on the opposite side of the street at a point less than three hundred (300') feet from the closest property corner of an already existing or approved MVOB lot on said opposite side of the street.
- C. For four-corner intersections, only two (2) MVOBs may be allowed at such an intersection but only on diagonally opposite corners, regardless of their distance from one another. For "T" intersections, only two (2) MVOBs may be allowed.
- D. The Planning Commission may waive or reduce the minimum distance requirements set forth above when the MVOB is located in the "M-1", "C-2", "RD-C", "RD-M", or "PD" zoning districts. The Planning Commission shall, prior to deciding on the request for said waiver, receive and review a report from the City Engineer or City's traffic consultant. The report shall include the impact on existing traffic of the waiver of said requirement along with the traffic consultant's recommendations for the mitigation of said impact through the installation of traffic control devices such as turning lanes, shared access drives, traffic signals, and signage.
- E. The City Planner may request that an applicant for a waiver provide, at the applicant's expense, a traffic study to ascertain the project's impact and effect of any proposed traffic control devices. Said study shall be prepared by

a registered professional engineer pre-qualified by the City to perform such studies and said study shall be in accordance with guidelines established by the City.

Sec. 25-23.4. Site Design Standards.

The following site design standards shall be met for all MVOBs except as otherwise noted:

- A. *Minimum Lot Area.* Twenty thousand (20,000) square feet.
- B. *Minimum Lot Width.* The minimum lot width at the building line shall be one hundred fifty (150) feet.
- C. *Yard Requirements:*
 - 1. *Front Yard.* There shall be a front yard having a depth of not less than thirty (30) feet. No accessory building, service island, or other service or pickup facilities shall project beyond the front building setback line except as noted in Section 25-13.5.D, Structural Projections.
 - 2. *Side Yard.* There shall be a side yard on each side of the building of not less than five (5) feet. Said yard requirements shall be twenty-five (25) feet where abutting any Non-Urban or residential zoning district.
 - 3. *Rear Yard.* MVOBs shall maintain the same rear yard requirements as the zoning district in which the business is located.
- D. *Ingress and Egress:*
 - 1. The minimum width of driveways at the property line shall be twenty-four (24) feet, and shall not exceed forty (40) feet.
 - 2. The radius used to increase the driveway opening at the curb or pavement edge shall not be less than ten (10) feet nor more than forty (40) feet. The edges of the opening shall not project beyond the side property line extended normal to the pavement.
 - 3. Driveway openings shall be limited to one (1) drive per two hundred (200) feet of lot frontage. On a corner lot, one (1) entrance from each street shall be permitted and located as far as possible from the street intersection corner.
 - 4. The angle of driveway intersection with the street shall be based upon reasonable criteria for safe traffic movements and subject to the review and approval of the City Engineer.
 - 5. Motor vehicle oriented businesses integrated in a shopping center or cluster of commercial facilities shall use the common access with other business establishments in that center.

Sec. 25-23.5. Drive-Thru Lanes Standards.

Except as otherwise noted elsewhere in this section, all drive-thru facilities shall be designed to meet the minimum requirements indicated:

- A. *Storage Length.* If not specifically specified herein, storage length will be determined by the City Planner with the input of the City's traffic consultant and/or City Engineer based upon an evaluation of the company's projected sales for a ten (10) year period and the volume of adjacent street traffic.
- B. *Exclusive Use.* The drive-thru lane shall be used exclusively for drive-thru vehicles.
- C. *Lane Width.* The drive-thru lane must be a minimum of twelve (12) feet in width, except that a ten (10) foot wide lane will be permitted within the pick-up/service area to guide motorists adjacent to the drive-up facility.

D. *Minimum Distance from a Public Roadway.* When the drive-thru lane is oriented parallel to a public roadway, there must be a minimum distance of fifty (50) feet measured between the public road curb or edge of pavement and the nearest curb or edge of the drive-thru lane.

E. Banking facilities shall meet the following standards:

1. *Storage Length.* All drive-thru facilities shall contain stacking capacity for vehicles in accordance with the following criteria:

a. *Drive-up teller windows* (see Table 23.1, Stacking for Drive-Up Teller Windows).

TABLE 23.1. Stacking for Drive-Up Teller Windows		
NUMBER OF DRIVE-UP WINDOWS	DESIGN STORAGE (vehicle/window)	TOTAL STORAGE (vehicles)
2	10 (220 ft.)	20 (440 ft.)
3	7 (154 ft.)	21 (462 ft.)
4	5 (110 ft.)	20 (440 ft.)
5—6	4 (88 ft.)	20 (440 ft.)
7—8	3 (66 ft.)	21 (462 ft.)
9 or more	2 (44 ft.)	18 (396 ft.)

b. *ATM's.* Three (3) stacking spaces (sixty-six [66] feet) shall be provided for each automatic teller machine (ATM).

2. *Exclusive use.* The drive-thru lane serving each drive-up window or ATM shall be used exclusively for drive-thru vehicles commencing at a point not less than sixty-six (66') feet back from the centerline of and leading to the drive-up window or ATM.

F. Automated car washes shall meet the following standards:

1. *Storage Length.* Stacking spaces equivalent to ten (10) times the capacity of the car wash shall be provided. One (1) stacking space is equal to twenty-two (22) feet of pavement length.

2. *Exclusive Use.* The drive-thru lane shall be used exclusively for drive-thru vehicles for a distance equivalent to fifty (50%) percent of the required storage length of the car wash.

G. Fast food restaurants shall meet the following standards:

1. *Storage Length.* All drive-thru facilities shall contain stacking capacity for vehicles in accordance with Table 23.2, Stacking for Drive-Thru Lanes. For one (1) drive-thru lane with two (2) windows divide column two (2) requirements by one point three (1.3).

TABLE 23.2. Stacking for Drive-Thru Lanes		
TOTAL PEAK HOUR VEHICLES ENTERING DRIVE-THRU ONLY	TOTAL STORAGE FOR 1 DRIVE-THRU LANE AND 1 WINDOW	TOTAL STORAGE FOR 2 DRIVE-THRU LANES AND 2 WINDOWS
100 or less	17 vehicles (374 ft.)	15 vehicles (330 ft.)
100—150	19 vehicles (418 ft.)	19 vehicles (418 ft.)
150—200	22 vehicles (484 ft.)	22 vehicles (484 ft.)

2. *Exclusive Use.* The drive-thru lane shall be used exclusively for drive-thru vehicles from the order board, which is mandatory, to the pick-up window. The distance between the order board and the pick-up window should be sufficient to store four (4) cars (not including the vehicles at the pick-up window and order board).
 3. *Delayed Pick-Up Area Provision.* A pick-up area sufficient to store one (1) car shall be provided for each pick-up window.
 4. *Escape Lane Provision.* An escape lane is recommended to permit motorists to exit the site after reviewing the menu board.
- H. Retail fuel dispensing facilities shall meet the following standards:
1. All businesses with retail fuel dispensing facilities shall be limited to two (2) service islands and three (3) gasoline pumps per island for the minimum size lot. One (1) service island and three (3) gasoline pumps may be added for each additional two thousand (2,000) square feet of site area exceeding the minimum; however, in no case shall more than six (6) service islands be allowed at any one (1) site.
 2. *Lane Width.* Except as otherwise noted elsewhere in this section, all fuel dispensing facilities shall be designed to provide the minimum space requirements that are indicated on the following pages in Figures 23.1 and 23.2, Standard Gas Island Dimension.

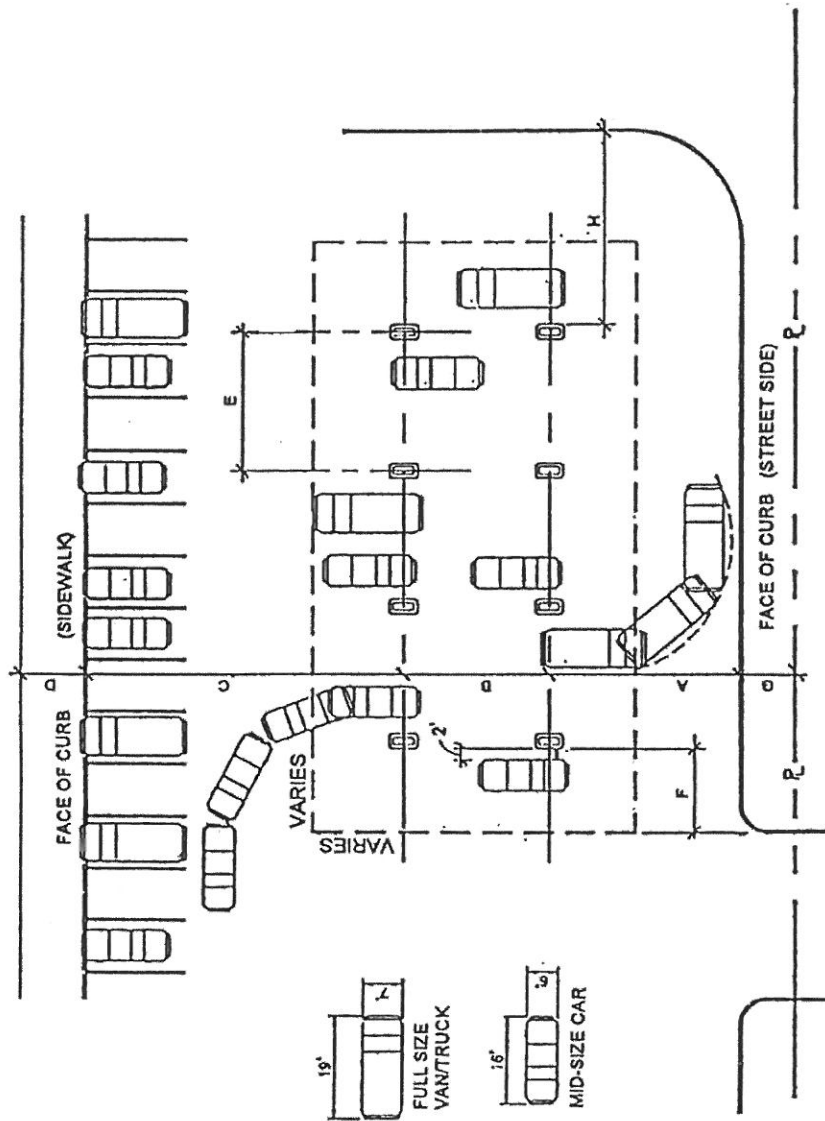


FIGURE 23.1

DESIGNATION	MINIMUM
A	44'
B	30'
C	65'
D*	8.5'
E**	25/32'
F	15'
G	20'
H	35'

*MAY BE REDUCED TO 8.0' WHERE APPROVED WHEEL STOPS ARE PROVIDED IN ADJACENT PARKING ROW

**SINGLE ROW OF PUMPS/DOUBLE ROW OF PUMPS

STANDARD GAS ISLAND DIMENSION (N.T.S.)

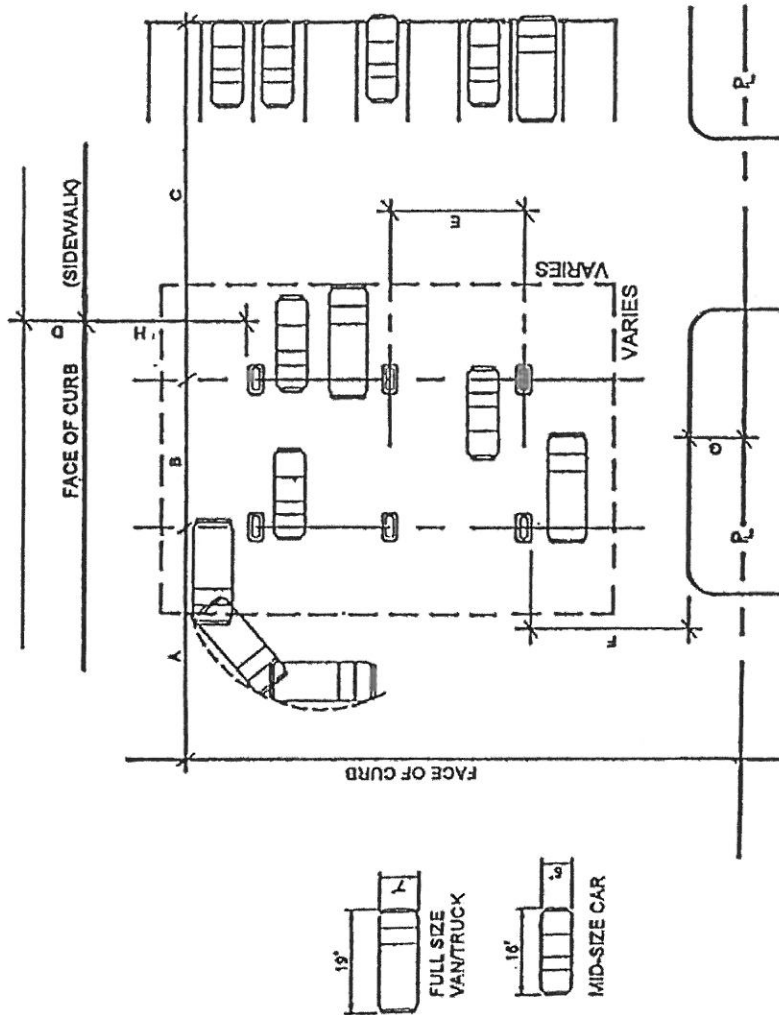


FIGURE 23.2

DESIGNATION	MINIMUM
A	44'
B	30'
C	65'
D	6.0'
E	32'
F	28'
G	20'
H	25'

STANDARD GAS ISLAND DIMENSION
(N.T.S.)

3. The City Planner, upon review by the City Engineer, may specify equivalent dimensions to be used when the desired pump arrangement is not specified.
- I. *Retail Pharmacy.* Except as otherwise noted elsewhere in this section, all retail pharmacy drive-thru facilities shall be designed to meet the minimum requirements indicated:
1. *Storage Length.* Stacking spaces equivalent to four (4) times the capacity of each drive-thru window be provided. One (1) stacking space is equal to twenty-two (22) feet of pavement length.
 2. *Exclusive Use.* The drive-thru lane shall be used exclusively for prescription pick-up for a distance equivalent to fifty (50%) percent of the required storage length of the drive-thru window.

Sec. 25-23.6. Site Design.

A. *Off-Street Parking:*

1. All MVOBs shall provide for off-street parking in accordance with the requirements of Section 25-14, Parking and Loading Regulations, except as otherwise noted elsewhere.
2. The minimum width of a parking stall shall be ten (10) feet.
3. No internal parking stall, cross drive aisle, or loading space shall be located closer to the street right-of-way than twenty (20) feet or within any side yard setback.

B. *Vehicular Areas:*

1. The entire area used by vehicles for parking, storage, service, etc., shall be paved with concrete or asphaltic concrete.
2. A raised six-inch concrete curb shall be provided at the edge of all pavement.
3. When the rental of equipment, automobiles, trucks, and trailers is to be conducted on an MVOB site, additional land area and paved area shall be provided in addition to the driveway, parking area, and landscape areas required by this section. An additional one thousand (1,000) square feet of site area shall be provided for each five (5) rental units. No parking of rental units shall be permitted on landscaped areas or within driveways. All rental storage areas shall be paved and landscaped as approved by the City Planner. Such rental equipment shall be stored in rear yard except when being picked up by customers.

D. *Performance Standards:*

1. *Outdoor Sales and Display at Gasoline Station Convenience Stores.*
 - a. Outdoor display and sales of merchandise may be permitted along the storefront. All other outdoor storage of materials and displays is specifically prohibited
 - b. *Area.* Said outdoor display shall be limited to twenty-five (25%) percent of total store frontage with a maximum of one hundred (100) square feet (inclusive of vending machines).
 - c. *Height and other dimensions.* The height of any outdoor display may not exceed five (5) feet with the exception of vending machines (and their surrounds) which shall not exceed 8 feet in height, 3 feet in depth, or 6 feet in width.
 - d. *Location.*
 - i. The placement of said display shall not obstruct public access to the building.

- ii. Vending machines shall not be located within three (3) feet of a fire department connection
 - ii. Price signs shall be permitted on outdoor displays. Said price signage shall not exceed two (2) square feet and shall be placed upon the merchandise which it advertises.
- e. *Parking.* One parking space, in addition to the number of spaces required for the convenience store, shall be provided for video rental and similar vending machines subject to the review and approval of the City Planner.
- 2. Flammable materials used in the conduct of MVOBs shall be stored according to the Building Code.
- 3. All lubrication, washing, repair, and service of vehicles shall be conducted entirely within a building. The grease or wash racks, hydraulic hoists, pits, and other equipment used to perform these services shall be contained within a building.
- 4. The Planning Commission may recommend, and the City Council may require, other conditions which will tend to eliminate or reduce public nuisance caused by noise, heat, odors, smoke, dust, vibration, glare, flooding, and traffic congestion and promote the purpose of the Zoning Code.
- 5. No service bay and/or loading zone shall face any street right-of-way.
- 6. All paved and landscaped areas shall, at all times, be kept in good repair in accordance with this and other ordinances of the city and the continuous maintenance of said areas shall be the responsibility of the owners and lessees of the property.
- E. *Utilities.* All utility, power and telephone lines, except those located in designated overhead utility corridors, shall be located underground.

ARTICLE 13. BUILDING DESIGN STANDARDS.

Sec. 25-13.1. Purpose.

The purpose of this section is to provide minimum standards for sustainable, interesting, and attractive building design.

Sec. 25-13.2. Intent.

It is the intent of the design regulations to:

- A. Create transitions and relationships among the adjacent developments and neighborhoods.
- B. Require a scale and form for the design of buildings consistent with the development patterns envisioned by the Comprehensive Plan and necessary for implementation of either an existing zoning district or proposed Planned District.
- C. Specify the appropriate relationship of buildings, site elements, open spaces, and public rights-of-way.
- D. Create value, identity and character within neighborhoods and districts through diverse architectural styles and a variety of design details.
- E. Integrate diversity of neighborhoods, planning districts, and development sites through the consistent application of scale, form, and function specified in the Comprehensive Plan and Zoning Code.

Sec. 25-13.3. Overall Design Goals.

- A. Connect buildings to the broader built environment through consistent orientation and design elements.
- B. Activate public streetscapes and other public or community spaces with pedestrian scale design elements and "permeable" buildings and facades.
- C. Create consistent well-designed building frontages along streets and other public or community spaces, suitable to the site context and environment.
- D. Include uniform application of basic design qualities and materials on all sides of buildings.
- E. Encourage architectural diversity appropriate to a site's immediate context.
- F. Create neighborhoods and districts that exhibit both character and value.
- G. Use exterior materials that contribute to the desired character of the planning district, and are compatible with existing materials of surrounding buildings.
- H. Avoid blank walls and long, uninterrupted facades along public streetscapes and other public or community spaces.
- I. Screen or eliminate building elements dedicated to loading, vehicle access, or other intensive service areas from prominent positions on streetscape or from adjacent property.
- J. Minimize the impact of external utilities, such as cabinets, mechanical equipment, conduits and storage areas on the public viewshed.
- K. Protect the character and values of adjacent properties and the public realm by creating criteria relating to building mass and scale that establish the relationship of buildings to the public viewshed.

- L. Create effective transitions from the public rights-of-way to private areas through the design, location, and orientation of buildings.

Sec. 25-13.4. Review Criteria.

Compliance with the standards established in this section is determined as part of the review and approval of the site plan as per Section 25-4, Site Plan Review, the Final Development Plan in the case of a Planned District, or the Final Site Plan in the case of a Conditional Use Permit. No separate design review process is required.

Sec. 25-13.5. General Building Design Standards.

- A. *Scope.* Unless otherwise noted, the standards contained in this subsection shall be met by all buildings.
- B. *Buildings, One Principal or Main Building Per Lot.* Except as otherwise specifically provided for as part of a Planned District, only one principal building shall be permitted on a lot. No portion of an area, frontage, or yard required for any lot, building, or use for the purpose of complying with provisions of this code shall be included as an area, frontage or yard for another lot, building or use.
- C. *Corner Visibility.* On a corner lot nothing shall be constructed, erected, placed, planted or allowed to grow in height in excess of thirty-six (36) inches above the established street grade of intersecting streets within the sight distance triangle. The height that an object is above the established street grade shall be established by measuring from the highest point of the object to a point on the top of curb or pavement edge that lies along the projection of a radial line from the center of the pavement curve through the object being measured.
- D. *Structural Projections.* Every part of a required yard shall be open from its lowest point to the sky, unobstructed, except as follows:
1. Skylights, sills, belt courses, cornices and ornamental features may project into any yard a maximum of twelve (12) inches;
 2. Chimneys and flues, not exceeding seventy-two (72) inches in width, may project into side or rear yards a maximum of twenty-four (24) inches;
 3. Roof overhangs may project into any yard a maximum of eighteen (18) inches, except that roof overhangs on the south side of a building may project forty-eight (48) inches into a side or rear yard but no closer than forty-eight (48) inches to a property line;
 4. Slab type porches or paved terraces having a maximum height of not more than twelve (12) inches above ground elevation at any point may project into any yard except that the projection into the front yard shall not exceed ten (10) feet;
 5. In all "R" Residential Districts, air conditioning units may extend into side or rear yards a maximum of thirty (30) inches, with air conditioning units including mounting pedestals not to exceed forty-eight (48) inches in height above ground elevation within said side or rear yards;
 6. Canopy overhangs for service stations may project a maximum of eighteen (18) inches into required front yards;
 7. Radio or television receiving antenna shall not exceed a height of fifteen (15) feet above the roof line.

Sec. 25-13.6. Design Standards for Commercial, Industrial, Institutional, and Multi-Family Buildings.

- A. *Specific Intent.* The intent of the design standards in this subsection is to:
1. Establish a unique image for the City that sets it apart from other municipalities in the metropolitan area through the discouragement of branded architecture.

2. Create a human-scale element on building facades and provide a visual connection between activities inside and outside the building through the use of windows.
 3. Protect the privacy of residences adjacent to commercial or industrial uses.
 4. Avoid blank walls and long, uninterrupted facades along streets and other public or community spaces.
 5. Strengthen building character through the use of a variety of quality and sustainable building materials.
 6. Protect adjacent residences from glare resulting from reflective materials.
 7. Ensure that the primary building entrance is easily identifiable and clearly visible from streets and sidewalks.
 8. Ensure that roof lines present a distinct profile and appearance for the building.
 9. Ensure that building form is not disrupted by elements dedicated to loading, mechanical equipment, vehicle access, or other intensive services.
- B. *Scope.* Unless otherwise noted, the standards contained in this section shall be met by any new construction of a building or project, not intended for single-family residential use.
- C. *Corporate Architecture.* Buildings or projects shall not utilize corporate architecture, i.e., an architectural treatment utilized in more than three (3) other locations in the St. Louis Metropolitan Statistical Area (MSA).
- D. *Façade Design.*
1. Any part of a rear or side façade that is visible from any street shall provide the same roof lines, building materials, and colors as the front facade.
 2. *Windows.*
 - a. On façades that front a street, windows shall comprise the following percentages of the façade area between two (2) and ten (10) feet above grade:
 - i. Office distribution and light industrial buildings - twenty-five (25%) percent.
 - ii. All other buildings – forty (40%) percent.
 - b. Windows, if not opaque or translucent, shall be oriented in such a manner to preclude a direct line of sight into adjacent dwellings to the greatest extent possible.
 3. *Massing.* Within each one hundred (100) linear feet, including the first one hundred (100) linear feet, street facing façades shall contain at least two (2) differentiated massing elements. Other façades, except those containing service and loading areas, shall contain at least one (1) differentiated massing element within each one hundred (100) linear feet. Differentiated massing elements may include:
 - a. Horizontal offsets such as projections and recesses.
 - b. Vertical offsets such as varied rooflines.
 - c. Varied upper story setbacks.
 - d. Primary entrance features meeting the criteria of Section 25-13.6.F, Primary Entrance Design.
 4. *Design Features.* Within each one hundred (100) linear feet of the building façade, at least three (3) different design features shall be provided. Design features shall include:

- a. Belt courses of a different texture and/or color.
- b. Medallions.
- c. Columns.
- d. Pilasters.
- e. Trellis containing planting.
- f. Projecting cornice.
- g. Projecting metal canopy.
- h. Decorative tilework.
- i. Opaque or translucent glass.
- j. Artwork.
- k. Awnings.
- l. Similar architectural details, approved by the City Planner, that meet the specific intent of this subsection.

E. *Building Materials.*

- 1. Buildings and accessory structures shall not include the following as primary building materials or architectural finish:
 - a. Corrugated steel.
 - b. Smooth finish concrete block (cinder block).
 - c. Smooth finish poured concrete, whether painted or unpainted.
 - d. Vertical rough-sawn wood siding (T-111/T-19).
 - e. Tensile fabrics
 - f. Single layer uninsulated materials.
- 2. The exterior finish must include at least three (3) visible materials, including windows.
- 3. With the exception of windows, no more than forty (40%) percent of any façade shall be comprised of the same material unless varied by color, pattern, or texture.
- 4. Building surfaces shall not reflect light into residential areas or allow light from inside the building to intrude into residential areas.

F. *Primary Entrance Design.*

- 1. The primary entrance to a building shall be oriented to an adjacent street, not including interstate highways or Page Avenue. Said entrance shall be marked by:
 - a. Ornamentation around the door; and
 - b. At least one (1) of the following:
 - i. Recessed entrance (recessed at least three [3] feet)
 - ii. Protruding entrance (protruding at least three [3] feet).
 - iii. Canopy (extending at least five [5] feet).
 - iv. Portico (extending at least five [5] feet).
 - v. Overhang (extending at least five [5] feet).
- 2. Buildings within the same project or development may be clustered so that their primary entrances face internal parks, open spaces, landscape infiltration areas, ponds and bioswales or trails in lieu of an adjacent street.

G. *Roof Design.* Flat roof lines must include parapet walls as a design feature or a distinct eave and cornice line.

H. *Situation and Screening of Functional Elements.*

1. *Gutters and Downspouts.* Gutters and downspouts may be visible from the public view only if incorporated into the façade and/or roofline as a decorative architectural element.
2. *Mechanical Equipment and Service Areas.* External trash receptacles, recycling storage areas, external emergency generators, mechanical equipment, building mounted utilities, utility boxes, pumping stations, utility facilities, loading docks, receivable areas, and outdoor storage areas shall be screened from public view in accordance with Section 25– 25.4, Screening of Outdoor Storage, Mechanical Equipment, and Utilities.

Sec. 25-13.7. Design Standards for Single-Family Dwellings.

- A. *Specific Intent.* The intent of the design standards for single-family dwellings in this subsection is to:
 1. Ensure that housing design is based on consistent, compatible, and aesthetic architecture.
 2. Encourage a strong relationship between dwellings and streets.
 3. Improve streetscapes.
 4. Minimize garage domination.
- B. *Scope.* The design standards contained in this subsection apply to all new single-family homes constructed in Planned or Redevelopment Districts.
- C. *Primary Facades.* The primary façade, and any other facade within thirty (30) feet of a public right-of-way, shall have between ten (10%) percent and forty (40%) percent surface openings consisting of windows or doors.
- D. *Primary Entrance Feature.* All dwellings shall have a primary entrance feature oriented towards the street. The primary entrance feature may include:
 1. An unenclosed porch which shall:
 - a. Cover at least fifty (50%) percent of the width of the primary façade;
 - b. Be at least eight (8) feet deep;
 - c. Have a roof integrated into the front building façade covering at least fifty (50%) percent of the porch; and
 - d. Have a masonry or concrete foundation, or pier foundation with lattice entirely screening areas under the porch.
 2. An enclosed or unenclosed portico which shall:
 - a. Be at least six (6) feet wide and four (4) feet deep, but no more than eighty (80) square feet;
 - b. Be differentiated from the front façade by a projecting wall plane or decorative architectural features such as side light windows, decorative moldings; and
 - c. Have a roof or eave projection integrated into the front building façade.
 3. A stoop which shall:
 - a. Be at least eight (8) feet wide and four (4) feet deep, but no more than eighty (80) square feet.

- b. Be elevated between one (1) foot and (4) feet above grade;
 - c. Have a masonry or concrete foundation; and
 - d. Include decorative wood, iron, or masonry railings.
- 4. Primary entrance features may encroach up to ten (10) feet into the front setback.
- 5. No structure associated with the primary entrance feature, such as steps or accessibility ramps, shall encroach beyond the limits of the primary entrance feature. Such associate structures shall be designed within the envelope of the entrance feature.
- E. *Massing.* Wall planes on primary facades shall not exceed six hundred (600) square feet without differentiated massing elements covering at least twenty (20%) percent of the wall. Wall planes on all other facades shall not exceed more than one thousand (1,000) square feet without differentiated massing elements covering at least twenty (20%) percent of the wall plane. Differentiated massing elements may include:
 - 1. Offsets in the wall plane of at least three (3) feet;
 - 2. Primary entrance features meeting the preceding criteria;
 - 3. Bays with windows projecting between two (2) and five (5) feet;
- F. *Roofs.*
 - 1. Flat roof lines must include parapet walls as a design feature or a distinct eave and cornice line.
 - 2. All pitched roofs shall have a pitch of at least four to twelve (4:12), except that shed or flat roofs may be used to cover up to twenty (20%) percent of the entire building footprint provided they are over building elements such as dormers, porches, or similar minor projections in the building footprint.
 - 3. All structures with primarily pitched roofs shall have a twelve (12) inch minimum eave overhanging all supporting exterior walls.
 - 4. Roofs which are visible from the street shall not exceed more than six hundred (600) square feet without breaks in the roof plane created by one or more of the following, occurring over at least twenty (20%) percent of the entire roof plane:
 - a. Dormers with windows;
 - b. Off-sets of the roof plane of at least eighteen (18) inches; or
 - c. Intersecting roof planes.
- G. *Building Materials.*
 - 1. All buildings shall have one primary material covering at least sixty (60%) percent of the building, and no more than three accent or trim materials covering no more than forty (40%) percent of the building.
 - 2. Material changes other than trim shall only occur at inside corners in association with a massing element or at a horizontal architectural detail.
 - 3. All exterior materials shall be consistent with the predominant material in the existing residential neighborhoods.
- H. *Garages.*

1. Front-loaded garages shall be limited as follows:
 - a. Garage door widths exceeding fifty (50%) percent of the front façade width are prohibited.
 - b. Garage door widths within twenty-five (25%) to fifty (50%) percent of the front façade width shall be at least sixteen (16) feet behind the front building line.
 - c. Garage door widths less than twenty-five (25%) percent of the front façade width may be even with or behind the front building line.
 2. Rear loaded, side-loaded, or detached garages located behind the rear building line shall not be limited other than through the lot and dimension standards contained in this section.
 3. All overhead doors on any structure shall be limited to eight (8) feet high.
- I. *Parking Apron Design.* One parking apron may be located in front of the front building line, provided:
1. The apron is necessary to meet the minimum parking requirements for the site;
 2. The apron area shall not exceed more than two hundred (200) square feet;
 3. The apron is setback at least ten (10) feet from the front lot line;
 4. If lots are more than fifty (50) feet wide, the apron shall be setback at least three (3) feet from the side lot line. Lots fifty (50) feet wide or less may build aprons to the property line; and
 5. The apron is located to the side of the driveway opposite the primary facade of the principal building.

Sec. 25-13.8. Alternative Equivalent Compliance.

A. *Specific Intent.* The intent of this subsection is to:

1. Provide a process to evaluate unique building designs that either provide architecture in a manner outside the scope of standards established in this section or that minimally deviate from these standards while providing architectural character.
2. Provide criteria for the City Planner and Planning Commission for the evaluation of deviations from the building design standards.

B. *Planned Districts and Conditional Use Permits.*

1. *Application.* Upon application for a Planned District or Conditional Use Permit, the applicant shall submit a request to consider the alternative design to the City Planner. Said written request shall include, but not be limited to, the following:
 - a. The specific building design standard(s) of which the alternative design is in conflict with.
 - b. The rationale for the alternative design and the magnitude of the variation being requested.
 - c. How the alternative design exceeds the overall design goals and the specific intent of the standard(s) being varied.
2. *Review Criteria.* The City Planner shall make a finding to the Planning Commission as to whether the proposed alternative design:

- a. Exceeds the overall design goals and the intent of the building design standards.
 - b. Meets the purpose and intent of the Zoning Code.
 - c. Meets the applicable goals, objectives, and policies of the Comprehensive Plan.
- 3. *Approval or Denial.* The Planning Commission shall either approve, approve with modifications, or deny the proposed alternative design in conjunction with the Planned District or Conditional Use Permit application.
- C. *"R-6" Multi-Family, "M" Manufacturing, "C" Commercial, and "RD" Redevelopment Districts.*
 - 1. *Application.* In conjunction with the site plan review procedure under Section 25-4, Site Plan Review, the applicant shall submit a request to consider the alternative design to the City Planner in the manner of Section 25-13.8.B.1, Application.
 - 2. *Minimal Deviations.* The City Planner shall have the authority to approve minimal deviations to the building design standards. The proposed alternative design may be considered a minimal deviation when it represents a deviation from the standards that is inconsequential to the building's ability to meet the criteria of Section 25-13.8.B.2, Review criteria.
 - 3. *Significant Deviations.*
 - a. If the City Planner finds that the proposed alternative equivalent design represents a significant deviation from the regulations contained in this section, the final decision on the approval or denial of said design shall rest with the Planning Commission.
 - b. The City Planner shall make a finding, in writing, to the Planning Commission as to whether the requested alternative design meets the criteria of Section 25-13.8.B.2, Review Criteria
 - c. The Planning Commission shall either approve, approve with modifications, or deny the City Planner's finding within thirty (30) days of receipt of the City Planner's report.
- D. The alternative equivalent compliance procedure is not considered a general waiver of the design standards contained herein.

ARTICLE 11. SCHEDULE OF DISTRICT REGULATIONS.

Sec. 25-11.1. "NU" Non-Urban District Regulations.

- A. *Purpose.* This zoning district is composed of those areas of the City whose principal use is and ought to be agricultural and single-family dwellings on large sized lots. The regulations of this district are designed to ensure harmony with the principal uses of this district.
- B. *Permitted uses.* The listing of permitted uses is set out in Appendix B, Land Use and Required Parking Matrix, of the Zoning Code.
- C. *Conditional Uses.* The listing of conditional uses is set out in Appendix B, Land Use and Required Parking Matrix, of the Zoning Code.
- D. *Regulations and Performance Standards.* The following regulations shall apply in all "NU" Non-Urban Districts.
 1. *Lot Area.*
 - a. Single-family dwellings shall be located on lots containing an area of not less than three (3) acres.
 - b. Where a use is not connected to a public sewer, an engineer's report, by a registered engineer, for on-site disposal, shall be sufficient to meet current health standards, and shall require the review and approval of the Metropolitan Saint Louis Sewer District (MSD) and the City Engineer upon application for a building permit.
 2. *Lot Width.* The minimum lot width shall be two hundred twenty-five (225) feet at the building line.
 3. *Lot Coverage.* The maximum lot coverage shall not exceed thirty (30%) percent.
 4. *Yard and Setback Requirements.*
 - a. *Front Yard*—Not less than fifty (50) feet from the right-of-way.
 - b. *Side Yard*—Not less than thirty (30) feet except in the case of a corner lot where the side yard on the street side shall not be less than fifty (50) feet.
 - c. *Rear Yard*—Not less than fifty (50) feet.
 - d. Where livestock is raised or kept, no structure or storage of hay, feed, or manure shall be located less than one hundred (100) feet from a property line.
 - e. Additional setbacks from riparian corridors may be required as per the Stream Buffer Protection requirements of the Municipal Code (Section 6-397, Land Development Requirements).
 5. *Height Requirements.* Except as otherwise provided in Section 25-13, Building Design Standards, the following height requirements shall apply in this district:
 - a. No dwelling or non-farm building or structure shall exceed a height of thirty-five (35) feet.
 - b. No general or specialized farm building or structures shall exceed a height of fifty (50) feet.
 6. *Building Design.* All new non-residential buildings and/or projects shall be subject to Section 25-13, Building Design Standards.
 7. *Off-Street Parking.* As required in Section 25-14, Parking and Loading Regulations.

8. *Signs*. As required in Section 25-15, Sign Regulations.
9. *Landscaping*. As required in Section 25-16, Landscaping Design Standards.
10. *Environmental Standards*. As required in Section 25-17, Environmental Standards.
11. *Lighting*. As required in Section 25-18, Lighting Design Standards.

Sec. 25-11.2. "R-1" Single-Family Residential District.

- A. *Purpose*. This zoning district is composed of those areas of the City whose principal use is and ought to be single-family dwellings on large sized lots. The regulations of this district are designed to create and preserve a predominantly suburban character as evidenced by lot sizes, street right-of-way, and drainage requirements. In addition to the dwellings permitted in this district, certain compatible recreational and public uses are conditionally allowed and strictly regulated to ensure harmony with the principal use of this district.
- B. *Permitted Uses*. The listing of permitted uses is set out in Appendix B, Land Use and Required Parking Matrix, of the Zoning Code.
- C. *Conditional Uses*. The listing of conditional uses is set out in Appendix B, Land Use and Required Parking Matrix, of the Zoning Code.
- D. *Regulations and Performance Standards*. The following regulations shall apply:
 1. *Lot Area*.
 - a. The minimum lot area for this district shall be not less than one (1) acre (43,560 square feet).
 - b. Subject to the provisions of (c) below, for uses other than dwellings, the lot area shall be adequate to provide the yard area required by this district and the off-street parking required by Section 25-14, Parking and Loading Regulations, but shall in no case be less than one (1) acre.
 - c. Where a use is not connected to a public sewer, the lot area shall be increased to the area determined as adequate by MSD and the City Engineer.
 2. *Minimum Lot Width and Depth*.
 - a. The minimum lot width at the building line shall be one hundred twenty-five (125) feet.
 - b. Where a lot fronts a cul-de-sac, a thirty-five (35) foot width at the street right-of-way is required.
 - c. The minimum lot depth for this district shall be two hundred (200) feet.
 3. *Lot Coverage*. The maximum lot coverage shall not exceed twenty-five (25%) percent of the lot area.
 4. *Yard Requirements*.
 - a. *Front Yard*—Not less than forty (40) feet.
 - b. *Side Yard*—Not less than fifteen (15) feet on each side of the dwelling.
 - c. *Rear Yard*.
 - i. *Principal Structure*—Not less than forty (40) feet.

- ii. *Unroofed and Unenclosed Deck, Pool, or Accessory Structure*—Not less than twenty-five (25) feet.
- d. Additional setbacks from riparian corridors may be required as per the Stream Buffer Protection requirements of the Municipal Code (Section 6-397, Land Development Requirements).
- 5. *Height Requirements.*
 - a. No building or structure shall exceed a height of thirty-five (35) feet.
 - b. No detached accessory building shall be higher than the main building (see Section 12.3, Accessory Buildings and Structures, for additional information).
- 6. *Building Design.* All new non-residential buildings and/or projects shall be subject to Section 25-13, Building Design Standards.
- 7. *Off-Street Parking.* As required in Section 25-14, Parking and Loading Regulations.
- 8. *Signs.* As required in Section 25-15, Sign Regulations.
- 9. *Landscaping.* As required in Section 25-16, Landscaping Design Standards.
- 10. *Environmental Standards.* As required in Section 25-17, Environmental Standards.
- 11. *Lighting.* As required in Section 25-18, Lighting Design Standards.
- 12. *Amenity Incentives.* The purpose of providing amenity incentives is to encourage the provision of specified amenities in connection with developments in exchange for higher permitted densities. The amenities can include provision of recreational facilities or preservation of natural features such as lakes, woods and common open space. An applicant who proposes an amenity shall be entitled to an amenity incentive in accordance with the following:
 - a. An application for amenity incentive shall consist of the following information, which shall accompany the preliminary plan for the development:
 - i. A written statement describing the amenity, and location of the development for which the incentive is requested.
 - ii. Information including distances, dimensions, floor area, and any other information deemed appropriate in order to determine whether an amenity qualifies for an amenity incentive and the amount of such amenity incentive.
 - iii. The type and amount of the amenity incentive the applicant is requesting along with the applicant's computation of such amount.
 - iv. A site plan drawn to scale incorporating the amenity incentive requested and illustrating the location and type of amenity to be provided,
 - b. The Planning Commission in connection with its review of the Preliminary Plan shall determine whether an amenity to be provided complies with the provisions of this section, and if so, shall approve the amenity incentive provided for in this section. If the amenity to be provided for which the amenity incentive is requested does not comply with the provisions of this section, the amenity incentive shall be disapproved,
 - c. In determining the eligibility of a proposed amenity the Planning Commission shall consider the following:

- i. The type of amenity to be provided and its relevance to the overall concept and design of the development under consideration.
 - ii. The size and/or extent of the proposed amenity.
 - iii. The design and/or location of the proposed amenity from the standpoint of usability as it relates to the basic purpose of the amenity.
 - iv. The location of the proposed amenity as it relates to the overall development from the standpoint of availability to the future residents of the development.
 - v. The design and/or location of the proposed amenity as it relates to adjoining properties both within and outside of the development from the standpoint of potential adverse impacts, or other interference.
- d. The provision of the amenities shown in Table 11.1, Amenity Incentives, in the proposed development will qualify the development for the following increases in density, provided that the total cumulative density increase does not exceed fifty (50) percent of the maximum density permitted in the district where the property is located.

TABLE 11.1 Amenity Incentives	
AMENITY	DENSITY INCREASE
Additional permanent open space through public dedication of conveyance to a homeowners association. This open space should be of a usable nature	1% per 10,000 sq. ft. of open space provided, up to a maximum of 10%
Swimming pool	1% for each 500 sq. ft. of pool surface area up to a maximum increase of 5%
Tennis, volleyball, handball, basketball courts or similar recreational uses	1% increase for each court provided up to a maximum increase of 5%
Equipped playgrounds	1% for each 1,000 sq. ft. up to a maximum increase of 5%
Clubhouse	1% for each 1,000 sq. ft. of clubhouse up to a maximum increase of 5%
Preservation of the site's natural features such as lakes, woods and provision of permanent access to and use of such natural features and to amenities such as bike and pedestrian paths, jogging trails and nature trails	1% for each 10,000 sq. ft. of amenity preserved or provided, up to a maximum increase of 10%
Enlarging the livable area of a dwelling unit above 2,000 square feet	10% for each 500 sq. ft. increase in liveable floor area above 2,000 sq. ft. up to a maximum increase of 50%

Sec. 25-11.3. “R-2” Single-Family Residential District.

- A. *Purpose.* This zoning district is composed of those areas of the City whose principal use is and ought to be single-family dwellings on large sized lots. The regulations of this district are designed to create and preserve a predominantly suburban character as evidenced by lot sizes, street right-of-way, and drainage requirements. In addition to the dwellings permitted in this district, certain compatible recreational and public uses are conditionally allowed and strictly regulated to ensure harmony with the principal use of this district.
- B. *Permitted Uses.* The listing of permitted uses is set out in Appendix B, Land Use and Required Parking Matrix, of the Zoning Code.
- C. *Conditional Uses.* The listing of conditional uses is set out in Appendix B, Land Use and Required Parking Matrix, of the Zoning Code.
- D. *Regulations and Performance Standards.* The following regulations shall apply:
 - 1. *Lot Area.*
 - a. The minimum lot area for this district shall be no less than one-half (1/2) acre (21,780 square feet).
 - b. Subject to the provisions of (c) below, uses other than dwellings, the lot area shall be adequate to provide the yard area required by this district and the off-street parking required by Section 25-14, Parking and Loading Regulations, but shall in no case be less than one-half (1/2) acre.
 - c. Where a use is not connected to a public sewer, the lot area shall be increased to the area determined as adequate by MSD and the City Engineer.
 - 2. *Minimum Lot Width and Depth.*
 - a. The minimum lot width at the building line shall be no less than one hundred (100) feet.
 - b. Where a lot fronts a cul-de-sac, a thirty-five (35) foot width at the street right-of-way line is required.
 - c. The minimum lot depth for this district shall be one hundred seventy (170) feet.
 - 3. *Lot Coverage.* The maximum lot coverage shall not exceed twenty-five (25%) percent of the lot area.
 - 4. *Yard Requirements.*
 - a. *Front Yard*—Not less than forty (40) feet.
 - b. *Side Yards*—Not less than twelve (12) feet on each side of the dwelling.
 - c. *Rear Yard.*
 - i. *Principal Structure*—Not less than forty (40) feet.
 - ii. *Unroofed and Unenclosed Deck, Pool, or Accessory Structure*—Not less than twenty (20) feet.
 - d. Additional setbacks from riparian corridors may be required as per the Stream Buffer Protection requirements of the Municipal Code (Section 6-397, Land Development Requirements).
 - 5. *Height Requirements.*
 - a. No building or structure shall exceed a height of thirty-five (35) feet.

- b. No detached accessory building shall be higher than the main building (see Section 12.3, Accessory Buildings and Structures, for additional information).
- 6. *Amenity Incentives.* Increases in density due to the provision of amenities within the development shall conform to the requirements of Section 25-11.2.D.12, Amenity Incentives.
- 7. *Building Design.* All new non-residential buildings and/or projects shall be subject to Section 25-13, Building Design Standards.
- 8. *Off-Street Parking.* As required in Section 25-14, Parking and Loading Regulations.
- 9. *Signs.* As required in Section 25-15, Sign Regulations.
- 10. *Landscaping.* As required in Section 25-16, Landscaping Design Standards.
- 11. *Environmental Standards.* As required in Section 25-17, Environmental Standards.
- 12. *Lighting.* As required in Section 25-18, Lighting Design Standards.

Sec. 25-11.4. "R-3" Single-Family Residential District.

- A. *Purpose.* This zoning district is composed of those areas of the City whose principal use is and ought to be single-family dwellings on large sized lots. The regulations of this district are designed to create and preserve a predominantly suburban character as evidenced by the lot sizes, street right-of-way and drainage requirements. In addition to the dwellings permitted in this district, certain compatible recreational and public uses are conditionally allowed and strictly regulated to ensure harmony with the principal use of this district.
- B. *Permitted Uses.* The listing of permitted uses is set out in Appendix B, Land Use and Required Parking Matrix, of the Zoning Code.
- C. *Conditional Uses.* The listing of conditional uses is set out in Appendix B, Land Use and Required Parking Matrix, of the Zoning Code.
- D. *Regulations and Performance Standards.* The following regulations shall apply:
 - 1. *Lot Area.*
 - a. The minimum lot area for this district is fourteen thousand five hundred twenty (14,520) square feet.
 - b. Subject to the provisions of (c) below, uses other than dwellings, the lot area shall be adequate to provide the yard area required by this district and the off-street parking required by Section 25-14, Parking and Loading Regulations, but shall in no case be less than fourteen thousand five hundred twenty (14,520) square feet.
 - c. Where a use is not connected to a public sewer, the lot area shall be increased to the area determined as adequate by MSD and the City Engineer.
 - 2. *Minimum Lot Width and Depth.*
 - a. The minimum lot width requirement at the building line is eighty (80) feet.
 - b. Where a lot fronts a cul-de-sac, a thirty-five (35) foot width at the street right-of-way line is required.
 - c. The minimum lot depth for this district shall be one hundred fifty (150) feet.
 - 3. *Lot Coverage.* The maximum lot coverage shall not exceed twenty-five (25%) percent of the lot area.

4. *Yard Requirements.*

- a. *Front Yards*—Not less than forty (40) feet.
- b. *Side Yards*—Not less than ten (10) feet on each side of the dwelling.
- c. *Rear Yard.*
 - i. *Principal Structure*—Not less than thirty (30) feet.
 - ii. *Unroofed and Unenclosed Deck, Pool, or Accessory Structure*—Not less than fifteen (15) feet.
- d. Additional setbacks from riparian corridors may be required as per the Stream Buffer Protection requirements of the Municipal Code (Section 6-397, Land Development Requirements).

5. *Height Requirements.*

- a. No buildings or structures shall exceed a height of thirty-five (35) feet.
- b. No detached accessory building shall be higher than the main building (see Section 12.3, Accessory Buildings and Structures, for additional information).
- 6. *Amenity Incentives.* Increases in density due to the provision of amenities within the development shall conform to the requirements of Section 25-11.2.D.12, Amenity Incentives.
- 7. *Building Design.* All new non-residential buildings and/or projects shall be subject to Section 25-13, Building Design Standards.
- 8. *Off-Street Parking.* As required in Section 25-14, Parking and Loading Regulations.
- 9. *Signs.* As required in Section 25-15, Sign Regulations.
- 10. *Landscaping.* As required in Section 25-16, Landscaping Design Standards.
- 11. *Environmental Standards.* As required in Section 25-17, Environmental Standards.
- 12. *Lighting.* As required in Section 25-18, Lighting Design Standards.

Sec. 25-11.5. “R-4” Single-Family Residential District.

- A. *Purpose.* This zoning district is composed of those areas of the City whose principal use is and ought to be single-family dwellings on moderate to large sized lots. The regulations of this district are designed to create and preserve a predominantly urban character as evidenced by lot sizes, street right-of-way and drainage requirements. In addition to the dwellings permitted in this district, certain compatible recreational and public uses are conditionally allowed and strictly regulated to ensure harmony with the principal use of this district.
- B. *Permitted uses.* The listing of permitted uses is set out in Appendix B, Land Use and Required Parking Matrix, of the Zoning Code.
- C. *Conditional Uses.* The listing of conditional uses is set out in Appendix B, Land Use and Required Parking Matrix, of the Zoning Code.
- D. *Regulations and Performance Standards.* The following regulations shall apply:
 - 1. *Lot Area.*

- a. The minimum lot area for this district is ten thousand (10,000) square feet.
 - b. Subject to provisions of (c) below, for uses other than dwellings, the lot area shall be adequate to provide the yard area required by this district and the off-street parking required by Section 25-14, Parking and Loading Regulations, but shall in no case be less than ten thousand (10,000) square feet.
 - c. Where a use is not connected to a public sewer, the lot area shall be increased to the area determined as adequate by MSD and the City Engineer,
2. *Minimum Lot Width and Depth.*
 - a. The minimum lot width at the building line is seventy (70) feet.
 - b. Where a lot fronts a cul-de-sac, a thirty-five (35) foot width at the street right-of-way line is required.
 - c. The minimum lot depth for this district shall be one hundred twenty five (125) feet.
3. *Lot coverage.* The maximum lot coverage shall not exceed twenty-five (25%) percent of the lot area.
4. *Yard Requirements.*
 - a. *Front Yards*—Not less than twenty-five (25) feet.
 - b. *Side Yards*—Not less than eight (8) feet on each side of the dwelling.
 - c. *Rear Yard.*
 - i. *Principal Structure*—Not less than thirty (30) feet.
 - ii. *Unroofed and Unenclosed Deck, Pool, or Accessory Structure*—Not less than fifteen (15) feet.
 - d. Additional setbacks from riparian corridors may be required as per the Stream Buffer Protection requirements of the Municipal Code (Section 6-397, Land Development Requirements).
5. *Height Requirements.*
 - a. No buildings or structures shall exceed a height of thirty-five (35) feet.
 - b. No detached accessory building shall be higher than the main building (see Section 12.3, Accessory Buildings and Structures, for additional information).
6. *Amenity Incentives.* Increases in density due to the provision of amenities within the development shall conform to the requirements of Section 25-11.2.D.12, Amenity Incentives.
7. *Building Design.* All new non-residential buildings and/or projects shall be subject to Section 25-13, Building Design Standards.
8. *Off-Street Parking.* As required in Section 25-14, Parking and Loading Regulations.
9. *Signs.* As required in Section 25-15, Sign Regulations.
10. *Landscaping.* As required in Section 25-16, Landscaping Design Standards.
11. *Environmental Standards.* As required in Section 25-17, Environmental Standards.

12. *Lighting.* As required in Section 25-18, Lighting Design Standards.

Sec. 25-11.6. "R-5" Single-Family Residential District.

- A. *Purpose.* This zoning district is composed of those areas of the City whose principal use is and ought to be single-family dwellings on moderate sized lots. The regulations of this district are designed to create and preserve a predominantly urban character as evidenced by lot sizes, street right-of-way and drainage requirements. In addition to the dwellings permitted in this district, certain compatible recreational and public uses are conditionally allowed and strictly regulated to ensure harmony with the principal use of this district.
- B. *Permitted Uses.* The listing of permitted uses is set out in Appendix B, Land Use and Required Parking Matrix, of the Zoning Code.
- C. *Conditional Uses.* The listing of conditional uses is set out in Appendix B, Land Use and Required Parking Matrix, of the Zoning Code.
- D. *Regulations and Performance Standards.* The following regulations shall apply:
 - 1. *Lot Area.*
 - a. The minimum lot area for this district is seven thousand five hundred (7,500) square feet.
 - b. Subject to the provisions of (c) below, for uses other than dwellings, the lot area shall be adequate to provide the yard area required by this district and the off-street parking required by Section 25-14, Parking and Loading Regulations, but shall in no case be less than seven thousand five hundred (7,500) square feet.
 - c. Where a use is not connected to a public sewer, the lot area shall be increased to the area determined as adequate by MSD and the City Engineer.
 - 2. *Minimum Lot Width and Depth.*
 - a. The minimum lot width at the building line is sixty (60) feet.
 - b. Where a lot fronts a cul-de-sac, a thirty-five (35) foot width at the street right-of-way line is required.
 - c. The minimum lot depth for this district shall be one hundred ten (110) feet.
 - 3. *Lot Coverage.* The maximum lot coverage shall not exceed twenty-five (25%) percent of the lot area.
 - 4. *Yard Requirements.*
 - a. *Front Yard*—Not less than twenty (20) feet.
 - b. *Side Yard*—Not less than six (6) feet on each side of the dwelling.
 - c. *Rear Yard.*
 - i. *Principal Structure*—Not less than thirty (30) feet.
 - ii. *Unroofed and Unenclosed Deck, Pool, or Accessory Structure*—Not less than fifteen (15) feet.
 - d. Additional setbacks from riparian corridors may be required as per the Stream Buffer Protection requirements of the Municipal Code (Section 6-397, Land Development Requirements).
 - 5. *Height Requirements.*

- a. No buildings or structures shall exceed a height of thirty-five (35) feet.
- b. No detached accessory building shall be higher than the main building (see Section 12.3, Accessory Buildings and Structures, for additional information).
- 6. *Amenity Incentives.* Increases in density due to the provision of amenities within the development shall conform to the requirements of Section 25-11.2.D.12, Amenity Incentives.
- 7. *Building Design.* All new non-residential buildings and/or projects shall be subject to Section 25-13, Building Design Standards.
- 8. *Off-Street Parking.* As required in Section 25-14, Parking and Loading Regulations.
- 9. *Signs.* As required in Section 25-15, Sign Regulations.
- 10. *Landscaping.* As required in Section 25-16, Landscaping Design Standards.
- 11. *Environmental Standards.* As required in Section 25-17, Environmental Standards.
- 12. *Lighting.* As required in Section 25-18, Lighting Design Standards.

Sec. 25-11.7. "R-6" Multi-Family Residential District.

- A. *Purpose.* This zoning district is composed of those areas of the City whose principal use is and ought to be multi-family dwellings. The regulations of this district are designed to permit a low density of population and a moderate intensity of land use in those areas which are served by a central water supply system and a central sanitary sewerage system, and which abut to such other uses, buildings, structures, or amenities which support, complement, or serve such a density and intensity. In addition to the dwellings permitted in this district, certain compatible recreational and public uses are conditionally allowed and strictly regulated to make them compatible with the principal use of this district to ensure harmony.
- B. *Permitted Uses.* The listing of permitted uses is set out in Appendix B, Land Use and Required Parking Matrix, of the Zoning Code.
- C. *Conditional Uses.* The listing of conditional uses is set out in Appendix B, Land Use and Required Parking Matrix, of the Zoning Code.
- D. *Regulations and Performance Standards.* The following regulations shall apply:
 - 1. *Minimum District Area.* Any site zoned "R-6" Multi-Family Residential District shall have a minimum area of not less than one (1) acre unless the site abuts an existing multifamily zone.
 - 2. *Minimum Lot Area.*
 - a. *Single-Family*—7,500 square feet per unit;
 - b. *Two-Family*—5,000 square feet per unit; or
 - c. *Multi-Family*—2,500 square feet per unit.
 - d. However, in no case shall the total number of units per acre exceed fifteen (15).
 - e. For uses other than dwellings, the lot area shall be adequate to provide the yard areas required in this district and off-street parking as required in Section 25-14, Parking and Loading Regulations, but in no case shall be less than seven thousand five hundred (7,500) square feet.

3. *Lot Width* (measured at the building line).
 - a. *Single-Family*—Sixty (60) feet;
 - b. *Two-Family*—Seventy (70) feet; or
 - c. *Multi-Family*—Seventy (70) feet.
 - d. For uses other than dwellings, the lot width shall be adequate to provide the yard areas required in this district and the off-street parking required in Section 25-14, Parking and Loading Regulations.
4. *Lot Coverage*. The maximum lot coverage shall not exceed twenty-five (25%) percent for single and two-family dwelling structures and thirty-five (35%) percent for multi-family structures and non-residential uses.
5. *Yard Requirements*.
 - a. *Front yard*—Not less than thirty-five (35) feet for multi-family and twenty (20) feet for single-family and two-family structures.
 - b. *Side yard*—Not less than ten (10) feet for multi-family and six (6) feet for single-family and two-family structures except in the case of a corner lot or parcel where the side yard on the road or street side shall not be less than thirty (30) feet.
 - c. *Rear yard*—Not less than thirty-five (35) feet for multi-family and thirty (30) feet for single-family and two-family structures.
 - d. Additional setbacks from riparian corridors may be required as per the Stream Buffer Protection requirements of the Municipal Code (Section 6-397, Land Development Requirements).
 - e. Accessory structures shall meet the same yard requirements.
6. *Height Requirements*.
 - a. No primary building or structure shall exceed forty-five (45) feet above finished grade.
 - b. No accessory structure shall exceed twenty-five (25) feet above finished grade.
7. *Distance Between Grouped Buildings*.
 - a. In addition to the required setback lines provided elsewhere in the Zoning Code, the minimum distances contained in Table 11.2, Distance Between Grouped Buildings, shall be required between each building.

TABLE 11.2 Distance Between Grouped Buildings	
BUILDING ORIENTATIONS	MINIMUM DISTANCE
Front to front	Fifty (50) feet
Back to back	Fifty (50) feet
Side to side	Twenty (20) feet
Front to side	Thirty-five (35) feet
Back to side	Thirty-five (35) feet
Corner to corner	Fifteen (15) feet

- b. In no instance shall a dwelling unit face directly upon the rear of another residential building.
 - c. In applying the above standards, the front of the building shall mean that face of the building having the greatest length with the rear being that face opposite the front. The side is the face having the smallest dimension. If the building has equal dimensions, the City Planner shall determine the faces.
8. *Site Plan Review.* As required by Section 25-4, Site Plan Review.
9. *Off-Street Parking.* As required in Section 25-14, Parking and Loading Regulations.
10. *Utilities.* Any area zoned "R-6" Multi-Family District shall be served by approved public water and sewer facilities prior to development.
11. *Signs.* As required in Section 25-15, Sign Regulations.
12. *Landscaping.* As required in Section 25-16, Landscaping Design Standards. In addition:
 - a. Where a side or rear lot line coincides with a side or rear lot line of any lot in an adjacent Non-Urban or residential zoning district ("NU" through "R-6"), then a landscaped yard of at least twenty-five (25) feet in width shall be provided along such a lot line in accordance with the requirements of Section 25-16.10, Landscaping Requirements for Buffer Areas and Screening.
13. *Accessory Trash Receptacles.* Any property zoned "R-6" Multi-Family Residential District shall have centralized trash collection areas of sufficient number and size to serve the residents within the development. Said receptacles (dumpsters) shall meet the requirements of Section 25-25.4, Screening of Outdoor Storage, Mechanical Equipment, and Utilities.
14. *Building Design.* All new multi-family buildings and/or projects shall be subject to Section 25-13, Building Design Standards.
15. *Accessory Buildings – Covered Parking.* Any multi-family development may construct detached carports or private residential garages subject to the following:
 - a. The number of parking spaces within either a carport or private residential garage shall not exceed fifteen (15%) percent of the required parking spaces.
 - b. The number of parking spaces within either a carport or private residential garage may exceed fifteen (15%) percent of the required parking spaces, subject to the following:
 - i. Review and approval of the Planning Commission;
 - ii. Compliance with the design standards for carports or private residential garages; and

- iii. The number of spaces does not exceed one (1) per dwelling unit.
- c. The design of carports or private residential garages shall be subject to the review and approval of the City Planner. The criteria considered shall include the following:
 - i. The carport or private residential garage design shall be consistent with the architectural character of the multi-family units.
 - ii. The architectural finish shall include materials either the same as or visually compatible with the multi-family units.
 - iii. No storage units, closets, cabinets, or bins shall be built into the carport or private residential garage, whether freestanding or attached.
 - iv. All four sides of the carport shall remain open.
 - v. A minimum setback of twenty (20') feet shall be provided between the residential structure and carport or private residential garage.
 - vi. No carport or private residential garage shall be sited in a manner that obstructs the line of sight from the driveway.
 - vii. The area covered by the carport or private residential garage shall be included as part of the lot coverage.
 - viii. A carport or private residential garage shall be setback a minimum of thirty-five (35') feet from the public right-of-way.
- 16. *Accessory Buildings and Structures – Other.* Any property zoned “R-6” Multi-Family Residential may construct accessory buildings and structures subject to the following:
 - a. A minimum of twenty (20') feet shall be provided between the principal residential structure and accessory structure.
 - b. The total lot coverage does not exceed thirty-five (35%) percent.
 - c. The architectural finish shall include materials either the same as or visually compatible with principal residential structures.
 - d. A finding by the City Planner that the accessory structure is consistent with the architectural character of the residential structures.
- 17. *Lighting.* As required in Section 25-18, Lighting Design Standards.

Sec. 25-11.8. “C-1” Neighborhood Commercial District.

- A. *Purpose.* This zoning district is composed of those areas of the City whose principal use is and ought to be local retail, service and restricted repair business activities which serve surrounding residential neighborhoods.
- B. *Permitted Uses.* The listing of permitted uses is set out in Appendix B, Land Use and Required Parking Matrix, of the Zoning Code.
- C. *Conditional Uses.* The listing of conditional uses is set out in Appendix B, Land Use and Required Parking Matrix, of the Zoning Code.

D. *Regulations and Performance Standards.* The following regulations shall apply:

1. *Minimum District Area.* Any site zoned "C-1" Neighborhood Commercial District shall have a minimum area of one (1) acre, unless the parcel abuts an existing commercial or industrial zoning district.
2. *Minimum Lot Width.* Seventy (70) feet.
3. *Lot Coverage.* No limit.
4. *Yard and Setback Requirements.*
 - a. *Front Yard*—Not less than twenty-five (25) feet.
 - b. *Side Yard*—Not required except where a side line of a "C-1" lot abuts the side line of a Non-Urban or residential zoning district; in that instance a side yard shall be provided of the same dimensions required in the zoning district it abuts. A side yard of twenty-five (25) feet shall be provided on the street side of a corner lot.
 - c. *Rear Yard*—Not less than twenty-five (25) feet.
 - d. Additional setbacks from riparian corridors may be required as per the Stream Buffer Protection requirements of the Municipal Code (Section 6-397, Land Development Requirements).
5. *Height Requirements.* No building or structure shall exceed a height of twenty (20) feet.
6. *Performance Standards.*
 - a. Wholesale sales are prohibited.
 - b. Outdoor storage or display of merchandise, materials, or equipment is prohibited.
 - c. No separate business establishment shall occupy more than five thousand (5,000) square feet of floor space.
7. *Site Plan Review.* As required in Section 25-4, Site Plan Review.
8. *Building Design.*
 - a. *New Construction.* All new buildings and/or projects shall be subject to Section 25-13, Building Design Standards.
 - b. *Renovation or Remodeling Projects.* The standards of Section 25-11.14.E.1, Building Design Standards for Expansion or Remodeling Projects, shall be met by any of the following projects:
 - i. Any expansion of an existing building by more than 1000 square feet.
 - ii. Any remodeling of an existing use that alters at least seventy-five percent (75%) of the floor area or site area.
 - iii. Any remodeling or improvement with a value greater than fifty (50%) of the existing St. Louis County Department of Revenue total appraised valuation. This shall not include approved conditional uses already subject to design or architectural review in their Conditional Use Permit ordinance.
 - iv. Any remodeling or improvement of any commercial or industrial building or site which has been vacant for one (1) year or more and that requires a building permit.

- 9 *Off-Street Parking.* As required in Section 25-14, Parking and Loading Regulations.
10. *Signs.* As required in Section 25-15, Sign Regulations.
11. *Landscaping.* As required in Section 25-16, Landscaping Design Standards. In addition:
 - a. Where a side or rear lot line coincides with a side or rear lot line of any lot in an adjacent Non-Urban or residential zoning district, a landscaped yard of at least twelve (12) feet in width shall be provided along such property line in accordance with the requirements of Section 25-16-10, Landscaping Requirements for Buffer Areas and Screening.
 - b. Where the rear or side wall of any nonresidential structure is located directly across the street from the front yard of any residential structure located in a residential zoning district, a landscaped yard of at least ten (10) feet in width shall be provided along the entire length of such rear or side wall. Landscaping shall be in accordance with Section 25-17.7.B, Landscaping Along Parking Lot Perimeters. The transitional yard requirement may be modified by Conditional Use Permit to impose more stringent requirements at the discretion of the City Council.
 - c. In no instance shall the landscaped yard requirements be considered to be met by driveways, parking lots, or other forms of impervious surface. At all times, the landscaped yard shall be maintained open to the sky and shall not be used for storage of vehicles or equipment, or for accessory buildings.
12. *Environmental Standards.* As required in Section 25-17, Environmental Standards.
13. *Lighting.* As required in Section 25-18, Lighting Design Standards.
14. *Utilities.* Any area zoned "C-1" shall be served by approved public water and sewer facilities prior to development.
15. *Screening.* As required in Section 25-25.4, Screening of Outdoor Storage, Mechanical Equipment, and Utilities.

Sec. 25-11.9. "C-2" General Commercial District.

- A. *Purpose.* This zoning district is composed of those areas of the City whose principal use is and ought to be general retail, service, and repair business activities which serve the entire city and surrounding area.
- B. *Permitted Uses.* The listing of permitted uses is set out in Appendix B, Land Use and Required Parking Matrix, of the Zoning Code.
- C. *Conditional Uses.* The listing of conditional uses is set out in Appendix B, Land Use and Required Parking Matrix, of the Zoning Code.
- D. *Regulations and Performance Standards.* The following regulations shall apply:
 1. *Minimum District Area.* Two and one-half (2.5) acres unless the parcel abuts an existing commercial or industrial district.
 2. *Minimum Lot Width.* Seventy (70) feet.
 3. *Maximum Lot Coverage.* No limit.
 4. *Yard and Setback Requirements.*
 - a. *Front Yard*—Not less than twenty-five (25) feet, including all signs, pump islands, and canopies of

gasoline service stations.

- b. *Side Yards*—A minimum side yard of twelve (12) feet shall be provided except in those instances where commercial buildings are constructed simultaneously with party walls or fire walls or if the building side abuts a public alley. Where a side line of a lot abuts the side line of a lot in any residential zoning district, a side yard shall then be provided the same as required in the zoning district it abuts. A side yard of not less than twenty-five (25) feet shall be provided on the street side of a corner lot.
 - c. *Rear yard*—No rear yard is required except that where a rear line of a lot abuts a lot in any Non-Urban or residential zoning district, a rear yard of not less than twenty-five (25) feet shall be provided.
 - d. Additional setbacks from riparian corridors may be required as per the Stream Buffer Protection requirements of the Municipal Code (Section 6-397, Land Development Requirements).
- 5. *Height Requirements.* No building or structure shall exceed a height of forty-five (45) feet.
- 6. *Site Plan Review.* As required in Section 25-4, Site Plan Review.
- 7. *Building Design.*
 - a. *New Construction.* All new buildings and/or projects shall be subject to Section 25-13, Building Design Standards.
 - b. *Renovation or Remodeling Projects.* The standards of Section 25-11.14.E.1, Building Design Standards for Expansion or Remodeling Projects, shall be met by any of the following projects:
 - i. Any expansion of an existing building by more than 1000 square feet.
 - ii. Any remodeling of an existing use that alters at least seventy-five percent (75%) of the floor area or site area.
 - iii. Any remodeling or improvement with a value greater than fifty (50%) of the existing St. Louis County Department of Revenue total appraised valuation. This shall not include approved conditional uses already subject to design or architectural review in their Conditional Use Permit ordinance.
 - iv. Any remodeling or improvement of any commercial or industrial building or site which has been vacant for one (1) year or more and that requires a building permit.
- 8. *Off-Street Parking.* As required in Section 25-14, Parking and Loading Regulations.
- 9. *Signs.* As required in Section 25-15, Sign Regulations.
- 10. *Landscaping.* As required in Section 25-16, Landscaping Design Standards. In addition:
 - a. Where a side or rear lot line coincides with a side or rear lot line of any lot in an adjacent Non-Urban or residential zoning district, a landscaped yard of at least twelve (12) feet in width shall be provided along such lot lines in accordance with the requirements of Section 25-16-10, Landscaping Requirements for Buffer Areas and Screening.
 - b. Where the rear or side wall of any nonresidential structure is located directly across the street from the front yard of any residential structure located in a Non-Urban or residential zoning district, a landscaped yard of at least ten (10) feet in width shall be provided along the entire length of such rear or side wall. Landscaping shall be installed in accordance with Section 25-17.7.B, Landscaping Along Parking Lot Perimeters. The transitional yard requirement may be modified by Conditional Use Permit

to impose more stringent requirements at the discretion of the City Council.

- c. In no instance shall the landscaped yard requirements be considered to be met by driveways, parking lots, or other forms of impervious surface. At all times, the landscape yard shall be maintained open to the sky and shall not be used for storage of vehicles or equipment, or for accessory buildings.
- 11. *Environmental Standards.* As required in Section 25-17, Environmental Standards.
- 12. *Lighting.* As required in Section 25-18, Lighting Design Standards.
- 13. *Utilities.* Any area zoned "C-2" shall be served by approved public water and sewer facilities prior to development.
- 14. *Screening.* As required in Section 25-25.4, Screening of Outdoor Storage, Mechanical Equipment, and Utilities.

Sec. 25-11.10. "M-1" Office, Service, and Light Manufacturing District.

- A. *Purpose.* This zoning district is composed of those areas of the City whose principal use is or ought to be general office, hotel, entertainment, light manufacturing, warehousing, and other limited industrial uses. These uses generate a minimum of noise, glare, odor, dust, vibration, air and water pollutants, fire, explosive, radioactive and other hazards, and harmful or obnoxious matter.
- B. *Permitted Uses.* The listing of permitted uses is set out in Appendix B, Land Use and Required Parking Matrix, of the Zoning Code.
- C. *Conditional Uses.* The listing of conditional uses is set out in Appendix B, Land Use and Required Parking Matrix, of the Zoning Code.
- D. *Regulations and Performance Standards.* The following regulations shall apply:
 - 1. *Minimum District Area.* Five (5) acres minimum unless the site abuts an existing industrial district.
 - 2. *Lot Width.* The minimum lot width shall be one hundred fifty (150) feet.
 - 3. *Lot Coverage.* No limit.
 - 4. *Yard Requirements.*
 - a. *Front Yard*—Not less than thirty (30) feet.
 - b. *Side Yard*—Not less than ten (10) feet except if abutting a Non-Urban or residential zoning district when the side yard shall be a minimum of twenty-five (25) feet.
 - c. *Rear Yard*—Not less than thirty-five (35) feet.
 - d. Additional setbacks from riparian corridors may be required as per the Stream Buffer Protection requirements of the Municipal Code (Section 6-397, Land Development Requirements).
 - 5. *Height Requirements.* No building or structure shall exceed a height of one hundred twenty (120) feet. If any portion of a structure is over fifty (50) feet in height, that portion may not be located above a residential proximity slope.
 - 6. *Site Plan Review.* As required in Section 25-4, Site Plan Review.
 - 7. *Building Design.*

- a. All uses shall be conducted within a fully enclosed building.
- b. All new buildings and/or projects shall meet the criteria set forth in Section 25-13, Building Design Standards.
- 8. *Off-Street Parking*. As required in Section 25-14, Parking and Loading Regulations.
- 9. *Signs*. As required in Section 25-15, Sign Regulations.
- 10. *Landscaping*. As required in Section 25-16, Landscaping Design Standards. In addition:
 - a. Where a side or rear lot line coincides with a side or rear lot line of any lot in an adjacent Non-Urban or residential zoning district, a landscaped yard of at least twenty-five (25) feet in width shall be provided along such property line in accordance with the requirements of Section 25-16-10, Landscaping Requirements for Buffer Areas and Screening.
 - b. Where the rear or side wall of any nonresidential structure is located directly across the street from the front yard of any residential structure located in a Non-Urban or residential zoning district, a landscaped yard of at least ten (10) feet in width shall be provided along the entire length of such rear or side wall. Landscaping shall be installed in accordance with Section 25-17.7.B, Landscaping Along Parking Lot Perimeters. The transitional yard requirement may be modified by Conditional Use Permit to impose more stringent requirements at the discretion of the City Council.
 - c. In no instance shall the landscaped yard requirements be considered to be met by driveways, parking lots, or other forms of impervious surface. At all times, the landscaped yard shall be maintained open to the sky and shall not be used for storage of vehicles or equipment, or for accessory buildings.
- 11. *Environmental Standards*. As required in Section 25-17, Environmental Standards.
- 12. *Lighting*. As required in Section 25-18, Lighting Design Standards.
- 13. *Utilities*. Any area zoned "M-1" shall be served by approved public water and sewer facilities prior to development.
- 14. *Screening*. As required in Section 25-25.4, Screening of Outdoor Storage, Mechanical Equipment, and Utilities.

Sec. 25-11.11. "M-2" Office, Service, and Intensive Manufacturing District

- A. *Purpose*. This zoning district is composed of those areas of the City whose principal use is or ought to be intensive industrial uses, wholesale, commercial, and industrial storage facilities.
- B. *Permitted Uses*. The listing of permitted uses is set out in Appendix B, Land Use and Required Parking Matrix, of the Zoning Code.
- C. *Conditional Uses*. The listing of conditional uses is set out in Appendix B, Land Use and Required Parking Matrix, of the Zoning Code.
- D. *Regulations and Performance Standards*. The following regulations shall apply:
 - 1. *Minimum District Area*. Five (5) acres unless the parcel abuts an existing industrial district.
 - 2. *Lot Width*. Seventy-five (75) feet minimum.
 - 3. *Lot Coverage*. The maximum lot coverage shall not exceed fifty (50) percent.

4. *Yard Requirements.*
 - a. *Front Yard*—Not less than thirty (30) feet.
 - b. *Side Yard*—Not less than ten (10) feet.
 - c. *Rear Yard*—Not less than fifty (50) feet.
 - d. Additional setbacks from riparian corridors may be required as per the Stream Buffer Protection requirements of the Municipal Code (Section 6-397, Land Development Requirements).
5. *Height Requirements.* No buildings or structures shall exceed a height of fifty (50) feet.
6. *Site Plan Review.* As required in Section 25-4, Site Plan Review.
7. *Building Design.*
 - a. All industrial uses shall be conducted within a fully enclosed building.
 - b. All new buildings and/or projects shall meet the criteria set forth in Section 25-13, Building Design Standards.
8. *Off-Street Parking.* As required in Section 25-14, Parking and Loading Requirements.
9. *Signs.* As required in Section 25-15, Sign Regulations.
10. *Landscaping.* As required in Section 25-16, Landscaping Design Standards. In addition:
 - a. Where a side or rear lot line coincides with a side or rear lot line of any lot in an adjacent Non-Urban or residential zoning district, a landscaped yard of at least fifty (50) feet in width shall be provided along such a lot in accordance with the requirements of Section 25-16-10, Landscaping Requirements for Buffer Areas and Screening.
11. *Environmental Standards.* As required in Section 25-17, Environmental Standards.
12. *Lighting.* As required in Section 25-18, Lighting Design Standards.
13. *Utilities.* Any area zoned "M-2" shall be served by approved public water and sewer facilities prior to development.
14. *Screening.* As required in Section 25-25.4, Screening of Outdoor Storage, Mechanical Equipment, and Utilities.

Sec. 25-11.12. "RD-MXD" Redevelopment - Mixed Use District

- A. *Purpose.* This zoning district is composed of those areas of the City identified for redevelopment by the Comprehensive Plan and whose principal uses are and ought to be single-family residential and commercial.
- B. *Intent.* The intent of these regulations is to:
 1. Protect and enhance existing single-family residential development.
 2. Provide minimum standards for design which are essential to establishing and mixing uses within the zoning district.

3. Create both relationship and transition within the zoning district and to adjacent development sites and areas.
4. Ensure the establishment of appropriate relationships between buildings, site improvements, open spaces, and public rights-of-way.
- C. *Permitted Uses.* The listing of permitted uses is set out in Appendix B, Land Use and Required Parking Matrix, of the Zoning Code.
- D. *Conditional Uses.* The listing of conditional uses is set out in Appendix B, Land Use and Required Parking Matrix, of the Zoning Code.
- E. *Lot Requirements for Single-Family Dwellings.* Lots for single-family detached dwellings, single-family attached dwellings, and two-family dwellings shall meet the following standards:
 1. *Minimum Lot Area.*
 - a. The minimum lot area for single-family detached dwellings is seventy-five hundred (7,500) square feet.
 - b. The minimum lot area for single-family attached dwellings and two-family dwellings is five thousand (5,000) square feet per unit.
 - c. Where there is no public sewer, the required lot area shall be increased to the area determined as adequate by MSD and the City Engineer.
 2. *Minimum Lot Width.*
 - a. The minimum lot width at the building line for a detached structure is sixty (60) feet.
 - b. The minimum lot width at the building line for an attached structure is forty-two (42) feet.
 3. *Minimum Lot Depth.*
 - a. The minimum lot depth for a detached structure is one hundred ten (110) feet.
 - b. The minimum lot depth for an attached structure is one hundred ten (110) feet.
 4. *Lot Coverage.* The maximum lot coverage shall not exceed:
 - a. Twenty-five (25%) percent of the lot area for detached structures.
 - b. Thirty (30%) percent of the lot area for attached structures.
 5. *Yard Requirements.*
 - a. *Front Yards*—Not less than thirty (30) feet.
 - b. *Side Yards.*
 - i. Detached structures—not less than six (6) feet on each side of the dwelling.
 - ii. Attached structures—not less than five (5) feet on one side of the dwelling with zero (0) feet between attached units.
 - c. *Rear Yard.*

- i. Principal Structure—not less than thirty (30) feet.
 - ii. Deck, pool, or accessory structure—fifteen (15) feet.
 - d. Additional setbacks from riparian corridors may be required as per the Stream Buffer Protection requirements of the Municipal Code (Section 6-397, Land Development Requirements).
- F. *Lot Requirements for Non-Residential Uses.* Lots for buildings and/or projects other than single-family dwellings shall meet the following requirements:
- 1. *Minimum Lot Area.* Two and one-half (2.5) acres unless the parcel abuts or is within an existing commercial or industrial district.
 - 2. *Minimum Lot Width.* One hundred (100) feet.
 - 3. *Maximum Lot Coverage.* Eighty (80%) percent of the lot area.
 - 4. *Yard Requirements.*
 - a. *Front Yard*—Not less than twenty-five (25) feet.
 - b. *Side Yards.* A minimum side yard of twelve (12) feet shall be provided except in those instances where commercial buildings are constructed simultaneously with party walls or fire walls or if the building side abuts a public alley. A side yard of not less than twenty-five (25) feet shall be provided on the street side of a corner lot.
 - c. *Rear Yard*—Not less than twenty-five (25) feet.
 - d. Additional setbacks from riparian corridors may be required as per the Stream Buffer Protection requirements of the Municipal Code (Section 6-397, Land Development Requirements).
- G. *General Development Standards.*
- 1. *Off-Street Parking.* As required in Section 25-14, Parking and Loading Requirements.
 - 2. *Signs.* As required in Section 25-15, Sign Regulations.
 - 3. *Landscaping.* As required in Section 25-16, Landscaping Design Regulations.
 - 4. *Lighting.* As required in Section 25-18, Lighting Design Standards.
 - 5. *Retaining Walls.* All retaining wall material installed on the site shall be constructed of decorative, masonry block such as Versalok, Keystone, Allenblock, or similar material. The maximum height of any retaining wall shall not exceed six (6) feet. Where greater heights are required, multiple retaining walls shall be used and offset a minimum distance of four (4) feet.
 - 6. *Utilities.* All utility, power and telephone lines, except those located in designated overhead utility corridors, shall be located underground.
 - 7. *Screening.* As required in Section 25-25.4, Screening of Outdoor Storage, Mechanical Equipment, and Utilities.
- H. *Development Standards for New Single-Family Dwellings.* In addition to the general development standards in subsection G., new single-family dwellings constructed in the “RD-MXD” Redevelopment Mixed Use District shall meet the following standards:

1. *Building Height.* No building or structure shall exceed a height of thirty-five (35) feet.
 2. *Building Design.* All new single-family dwellings shall meet the criteria set forth in Section 25-13.7, Design Standards for Single-Family Dwellings.
- I. *Development Standards for Non-Residential Uses.* In addition to the general development standards in subsection G., buildings and/or projects other than single-family dwellings shall meet the following design standards.
1. *Building Height.* No building or structure shall exceed a height of forty-five (45) feet.
 2. New buildings and/or projects shall meet the criteria specified in Section 25-13, Building Design Standards.
- J. *Procedural Requirements for Permitted Uses.*
1. Procedural requirements for those permitted uses shall be as required in Section 25-4, Site Plan Review. However, the following additional items shall be submitted for review and approval by the City Planner in conjunction with the site plan:
 - a. Building elevations, renderings, illustrations, or photographs.
 - b. Materials and colors exhibit.
 - c. Proposed signage package (if applicable).
 2. The City Planner shall review plans and additional items for compliance with the Comprehensive Plan and Zoning Code. Additional requirements may be imposed on development where it is determined, based on a review of the site plan by the City Planner, that the additional requirements are necessary to fulfill the objectives of the Comprehensive Plan and the purpose and intent of the "RD-MXD" Redevelopment District.
- K. *Procedural Requirements for Conditional Uses.*
1. Procedural requirements for conditional uses shall be as required in Section 25-5, Conditional Use Permits. However, the items required in subsection J.1. shall also be submitted for review and approval.
 2. Additional requirements may be imposed on development where it is determined, based on a review of the site plan by the City Planner, that the additional requirements are necessary to fulfill the objectives of the Comprehensive Plan and the purpose and intent of the "RD-MXD" Redevelopment Mixed Use District.
- L. *Rezoning to Planned District.* The design standards and requirements of this section may be modified by the Planning Commission following a finding that the goals and objectives of the Comprehensive Plan, the purpose, intent, and design standards of this section, and the design standards of the Zoning Code are met by the proposed Planned District. Approval shall be granted as defined under Section 25-6, Planned Districts.

Sec. 25-11.13. "RD-M" and "RD-C" Redevelopment Districts.

- A. *Purpose.* These zoning districts are composed of those areas of the City exhibiting blighted conditions as defined in Section 353.020 of the Missouri Revised Statutes, as amended, and whose principal use is and ought to be commercial and light industrial. The regulations of these districts are designed to encourage high quality, aesthetically pleasing development, complimentary to existing nearby commercial and industrial uses.
- B. *Districts:*

1. *"RD-M" Redevelopment-Manufacturing.* This zoning district is composed of those areas whose principal use is or ought to be light industrial including manufacturing, assembly, warehousing, wholesaling, distribution, and offices.
 2. *"RD-C" Redevelopment-Commercial.* This zoning district is composed of those areas whose principal use is or ought to be retail and service commercial, including motor vehicle oriented businesses (MVOB) and service center commercial mixed-use development and office/warehousing. Certain manufacturing or light industrial uses and wholesaling uses which may be associated with office/warehousing type uses and buildings shall require a conditional use permit.
- C. *Permitted Uses.* The listing of permitted uses is set out in Appendix B, Land Use and Required Parking Matrix, of the Zoning Code.
- D. *Conditional Uses.* The listing of conditional uses is set out in Appendix B, Land Use and Required Parking Matrix, of the Zoning Code.
- E. *Regulations and Performance Standards.* The following regulations shall apply to and govern all uses in the "RD-M" and "RD-C" Districts:
1. *Lot Area, Width and Coverage.* Requirements shall be as per Table 11.3, Lot Area, Width, and Coverage.

TABLE 11.3. Lot Area, Width, and Coverage		
	"RD-M"	"RD-C"
MINIMUM LOT AREA	2.5 acres	1 acre
MINIMUM LOT WIDTH	125 feet	75 feet
MAXIMUM LOT COVERAGE	50%	50%

2. *Height and Yard Requirements.* Requirements shall be as per Table 11.4, Height and Yard Requirements.

TABLE 11.4. Height and Yard Requirements		
	"RD-M"	"RD-C"
Maximum height	50 feet	45 feet
Minimum front yard	30 feet	25 feet
Minimum side yard	20 feet	15 feet
Minimum rear yard	25 feet	20 feet

- a. Corner lots shall be deemed to have front yards along all street frontages.
 - b. Additional setbacks from riparian corridors may be required as per the Stream Buffer Protection requirements of the Municipal Code (Section 6-397, Land Development Requirements).
3. *Site Plan Review.* Procedural requirements for those permitted uses shall be as required in Section 25-4, Site Plan Review. In addition:
- a. The City Planner and City Engineer shall review plans for compliance with the redevelopment plan for

the district. During plan review, the City Planner and City Engineer shall consult with the appropriate redevelopment corporation designated for the area by the City Council. In recognition of the blighted conditions and infrastructural requirements of these districts and the purposes of the "RD-M" and "RD-C" Redevelopment Districts, additional requirements consistent with the redevelopment plan and this section may be imposed on development where it is determined, based on a joint review of the site plan by the City Planner and the City Engineer, that the additional requirements are necessary to fulfill the objectives of the redevelopment plan and the purposes of the "RD-M" and "RD-C" Redevelopment Districts.

- b. *Conditional Uses.* Procedural requirements for conditional uses shall be as required in Section 25-5, Conditional Use Permits. Additional requirements as noted above may be imposed on the development where it is determined that the additional requirements are necessary to fulfill the objective of the redevelopment plan and the purposes of the "RD-M" and "RD-C" Redevelopment Districts.
4. *Building Design.* All new buildings and/or projects shall meet the criteria set forth in Section 25-13, Building Design Standards.
5. *Off-Street Parking.* As required in Section 25-14, Parking and Loading Regulations. In addition:
 - a. No off-street loading space shall be located within a front yard.
 - b. Off-street parking spaces may be located within minimum front, side or rear yards.
 - c. No off-street parking space or off-street loading space shall be located within:
 - i. Five (5) feet of a side lot line in an "RD-M" District;
 - ii. Fifteen (15) feet of a side lot line in an "RD-C" District;
 - iii. Fifteen (15) feet of a rear lot line in an "RD-M" District; and/or
 - iv. Ten (10) feet of a rear lot line in an "RD-C" District.
6. *Driveways:*
 - a. Width of driveways measured at the lot line shall be a minimum of twenty-four (24) feet and a maximum of thirty-six (36) feet.
 - b. No driveway other than points of ingress and egress shall be located within fifteen (15) feet of a lot line.
 - c. Driveway openings providing ingress and egress shall be limited to one (1) per one hundred (100) feet of lot width.
 - d. The minimum distance between a driveway and a street intersection shall be thirty (30) feet measured between any right-of-way line of the intersecting street and the nearest end of the driveway curb radius.
 - e. The angle of intersection of a driveway with a street shall be as approved by a City Engineer and shall provide for visibility and traffic safety in accordance with recognized civil engineering practices.
 - f. Motor vehicle oriented businesses located adjacent to or integrated in a shopping center or cluster of commercial facilities shall use the common ingress and egress of the shopping center or cluster of commercial facilities as approved by the City Engineer to lessen congestion, and provide for visibility and traffic safety in accordance with recognized civil engineering practices.

7. *Signs.* As required in Section 25-15, Sign Regulations.
8. *Landscaping.* As required in Section 25-16, Landscaping Design Standards.
9. *Environmental Standards.* As required in Section 25-17, Environmental Standards.
10. *Lighting.* As required in Section 25-18, Lighting Design Standards.
11. *Utilities.* All utility, power and telephone lines, except those located in designated overhead utility corridors, shall be located underground.
12. *Screening.* As required in Section 25-25.4, Screening of Outdoor Storage, Mechanical Equipment, and Utilities.
13. *Floodplain Development.* Performance standards provided in this paragraph shall apply in addition to all other applicable standards to lots located within the one hundred (100) year floodplain as designated on the flood elevation study approved by the United States Federal Emergency Management Agency (FEMA) and used as basic data for determining the boundaries of the flood hazard boundary map. A lot located within the one hundred-year floodplain may be developed and used, provided that the lot is placed in a condition which will effectively, and without increasing the flooding problems of other lots, remove the lot to be developed and used from flooding based on the elevations and data provided by the Federal Emergency Management Agency (FEMA) and the flood hazard boundary map. To assure compliance with these standards:
 - a. A plan for flood protection shall be submitted to the Flood Plain Administrator for review and approval as part of the site plan review required by Section 25-4, Site Plan Review.
 - b. The plan for flood protection shall include a report prepared by a registered professional engineer having demonstrated competence in hydrology. The report shall specify the adequacy of the proposed plan for flood protection relative to the elevation of the floodplain and the flood flow as determined by the flood elevation study approved by FEMA; the effect of the proposed development on flood problems of the other properties; and such other hydrological problems as may result from the proposed development.

Sec. 25-11.14. "OD-C" Overlay District – Corridor

- A. *Purpose.* The purpose of the Overlay District is primarily to address the stated goal of the Comprehensive Plan to promote improvements to all aspects of property development and redevelopment within the City's commercial corridors. More particularly, the district establishes additional development regulations that are applied in conjunction with those established by the underlying zoning districts. In so doing, it is intended that future development will advance a retail, office and service commercial use pattern characterized by pedestrian or customer oriented design and the use of more sophisticated architectural finishes than was typified by the warehouses and storage yards of the heavy commercial and light industrial uses built during the 1960s, '70s, and '80s.
- B. *District Definition.* The Overlay District includes all parcels that lie, in whole or in part, within three hundred (300) feet of the centerline of Dorsett Road between the Lindbergh Boulevard right-of-way on the east and the Interstate 270 right-of-way on the west. The requirements of this district shall not be applied to any single family detached houses being utilized as dwelling units.
- C. *Applicability.* The standards and requirements of the Overlay District shall have pre-eminence over all underlying zoning districts, except where explicitly described within a Conditional Use Permit or Planned District ordinance. In the case of legally pre-existing non-conforming uses or structures, the applicability of this section shall be governed by Section 25-7, Nonconforming Lots, Structures, and Uses, of the Zoning Code.

Where the standards of the Overlay District and the underlying zoning district appear to be in conflict, the more restrictive standard shall be applied. Where such determination is not clear, the City Planner shall apply the standard that best meets the goals and strategies of the Comprehensive Plan.

D. *Administration.* The listing of affected projects and the timing of review of the applicable standards is as follows:

1. *Projects Subject to Overlay District Standards.* The standards of the Dorsett Road Overlay District shall be met by any of the following multi-family residential, office, commercial, and industrial projects:

- a. Any new development or construction.
- b. Any expansion of an existing building by more than 1000 square feet.
- c. Any remodeling of an existing use that alters at least seventy-five percent (75%) of the floor area or site area.
- d. Any remodeling or improvement with a value greater than fifty (50%) of the existing St. Louis County Department of Revenue total appraised valuation. This shall not include approved Conditional Use Permits or Planned Districts already subject to design or architectural review in their approval ordinance.
- e. Any remodeling or improvement of any commercial or industrial building or site which has been vacant for one (1) year or more and that requires a building permit.

2. *Application and Approval Process.*

a. *Required Materials.* For any project subject to the requirements of the Overlay District, conformance with the standards and requirements of this section shall be demonstrated by submitting the following information, exhibits and/or materials:

- i. An appropriate site plan review, building permit, or special zoning application form, as described elsewhere in the Zoning Code.
- ii. A site plan.
- iii. Building elevations.
- iv. A landscape plan and grading and drainage plan, in conformance with Section 25-17, Landscape Design Requirements.
- v. Materials and colors exhibit board.
- vi. Proposed signage package.

3. Review of the proposed project shall occur as follows:

a. *Site Plan Review Applications.*

- i. Following a finding by the City Planner that this section is applicable to the proposed development, the applicant shall submit the required materials in addition to any materials or documents already required for a site plan review application, according to Section 25-4, Site Plan Review.

- ii. After finding that the proposed project is in compliance with the standards and requirements of the overlay district and any underlying zoning district, the City Planner shall grant zoning approval to the site plan application and attach evidence of such approval to the application.
 - b. *Building Permit Applications for Uses Permitted by Right.*
 - i. Following a finding City Planner that this section is applicable to the proposed construction, the applicant shall submit the required materials in addition to any construction documents already required for a building permit application, according to the standards and practices of the Department of Community Development.
 - ii. After finding that the proposed construction is in compliance with the standards and requirements of the overlay district and any underlying zoning district, the City Planner shall grant zoning approval to the building permit application and attach evidence of such approval to the application.
 - c. *Conditional Use Permit Applications, New and Existing.* New uses seeking Conditional Use Permit approval, or existing conditional uses that qualify under Section 25-11.14.D.1, Projects Subject to Overlay District Standards, shall submit the materials required under this section, in addition to the application requirements under Section 25-5, Conditional Use Permits. The design standards and requirements of this section may be modified by the Planning Commission following a finding that the purposes of this section are met by the proposed project. Approval shall be granted as defined under Section 25-5, Conditional Use Permits.
 - d. *Planned District Applications.* Applicants seeking rezoning to a new Planned District, or existing Planned Districts that qualify under Section 25-11.14.D.1, Projects Subject to Overlay District Standards, shall submit the materials required under this section, in addition to the application requirements under Section 25-6, Planned Districts. The design standards and requirements of this section may be modified by the Planning Commission following a finding that the purposes of this section are met by the proposed project. Approval shall be granted as defined under Section 25-6, Planned Districts.
- E. *Overlay District Development Standards.* The following regulations shall apply in addition to the standards of the underlying zoning district:
- 1. *Building Design Standards for Expansion or Remodeling Projects.* Projects that qualify under Section 25-11.14.D.1, Projects Subject to Overlay District Standards (paragraphs b-c) shall be subject to the following building design standards:
 - a. External trash receptacles, recycling storage areas, external emergency generators, mechanical equipment, building mounted utilities, utility boxes and facilities, and outdoor storage areas shall be situated and screened as per Section 25-25.4, Screening of Outdoor Storage, Mechanical Equipment, and Utilities.
 - b. Any building with a wall of more than seventy (70) feet facing the lot frontage shall incorporate differing setbacks to "break up" the wall plane facing the street. The difference in said setbacks shall be no less than two (2) feet. If the lot is situated such that it faces two streets, each wall facing a street shall incorporate this technique.
 - c. Buildings or projects shall not utilize corporate architecture (an architectural treatment utilized in more than three other locations in the St. Louis Metropolitan Statistical Area [MSA]).
 - d. Buildings and accessory structures shall not include corrugated steel, smooth finish concrete block (cinder block), smooth finish poured concrete (tilt-up or cast-in-place), whether painted or unpainted, vertical rough-sawn wood siding (T-111/T-19), tensile fabrics or similarly single layer, uninsulated materials. Where the City Planner finds that said materials are an integral and essential element in the

ability of the overall design to meet the purpose of the overlay district, the City Planner shall report the finding, in writing, to the Planning Commission. The Planning Commission shall either accept or reject the City Planner's finding within thirty (30) days of receipt of the finding. If the Planning Commission rejects the City Planner's finding on the proposed materials, they shall direct the City Planner as to the minimum necessary modifications to the proposal.

- e. The exterior finish must include more than two visible materials, including glazing (windows). Where a wall facing a street has a horizontal expanse greater than twenty-five (25) feet without glazing, the City Planner must find that the overall visual character of the wall is an integral and essential element in the ability of the overall design to meet the purpose of the overlay district. The City Planner's review shall include, but not be limited to a consideration of the adjacent landscape design, variations in materials, elevations, and/or changes in setback. The City Planner shall report the finding, in writing, to the Planning Commission. The Planning Commission shall either accept or reject the City Planner's finding within thirty (30) days of receipt of the finding. If the Planning Commission rejects the City Planner's finding on the proposed materials, they shall direct the City Planner as to the minimum necessary modifications to the proposal.
 - f. The visible materials and general composition of the façade shall be repeated around all four (4) sides of the building to the maximum extent practicable.
2. *Building Design Standards for New Buildings.* New buildings shall be subject to the design standards of Section 25-13, Building Design Standards.
 3. *Parking and Loading Areas.* Projects that qualify under Section 25-11.14.D.1., Projects Subject to Overlay District standards, shall be subject to the following requirements:
 - a. At least sixty percent (60%) of the overall parking requirement shall be located in the side or rear yard, behind the front plane of the forward most building. On corner lots, the front plane shall be the façade facing Dorsett Road.
 - b. Access to all parking and loading areas shall be via shared driveways and/or cross-access easements to the maximum extent practicable. Where shared access is denied by a third party, documentation shall be submitted to the City Planner demonstrating said denial.
 4. *Signs.* Projects that qualify under Section 25-11.14.D.1, Projects Subject to Overlay District Standards shall submit a sign package for the review and approval of the City Planner. The package shall demonstrate compliance with the following:
 - a. Use of a common color scheme for the proposed buildings or structures and all signs in the package;
 - b. Use of common materials between the proposed buildings and all ground mounted sign bases in the package;
 - c. Use of matching lettering style for all signs in the package;
 - d. All wall mounted signs shall feature individually raised (and internally illuminated if desired) letters rather than an illuminated panel;
 - e. All wall mounted, ground mounted and pole signs in the package shall contain only the logo and trademark name of the business displaying the sign(s). No advertising copy or description of services may appear on the sign, except as may be permitted on a changeable copy sign;
 - f. Permitted ground mounted signs for new and pre-existing development may contain changeable copy, subject to the review and approval of the Planning Commission. No other signs may contain changeable copy. Planning Commission approval shall be upon:

- i. The changeable copy area not exceeding fifty (50%) percent of the allowed maximum sign area;
- ii. The changeable copy area being located below or to the right of the fixed lettering on the sign; and
- iii. The changeable copy lettering style being the same or closely similar to the other fixed lettering on the sign.

5. *Site Coverage.* The maximum site coverage shall not exceed eighty percent (80%) of the lot area.

F. *Administrative Relief.* To promote flexibility in the design process, the City Planner may authorize minor modifications to city development standards upon a finding that all of the following are met:

- 1. The proposed improvement is compatible with the character of the property requesting relief and the adjacent property;
- 2. The proposed improvement requiring relief will not be detrimental to the property requesting relief, any adjacent property or the city;
- 3. The relief granted is the minimum required to meet the needs of the proposed improvement, or in the case of a numeric standard, does not exceed five (5%) percent of the required standard; and
- 4. The relief shall not be contrary to the purpose and intent of this ordinance.

G. *Waivers of Overlay District Standards.* Some projects such as single residences, may not need a complete review even though one (1) of the five (5) preceding requirements is met. The City Planner may waive full compliance with the requirements of the overlay district if it is determined that such compliance will not further the purposes of this section. If such a waiver is granted, the City Planner shall provide written documentation of that decision, to the Planning Commission. The Planning Commission shall either accept or reject the City Planner's finding within thirty (30) days of receipt of those findings. If the Planning Commission denies the waiver of overlay district standards, they shall direct the City Planner in the application of said standards.

H. *Denial and Appeal Procedure*

- 1. *Denial by Staff.* If the City Planner or his designee finds that the proposed project has not properly addressed one of the design criteria of this section, or there are other technical deficiencies identified by other city staff reviewers, and adequate resolution of the issue(s) can not be ensured by the applicant, the City Planner or his designee shall deny the particular application (site plan review, building permit, or special zoning) and state the reasons for the denial in a letter to the applicant.
- 2. *Appeal to Planning Commission.* The applicant may appeal the City Planner's decision to the Planning Commission if that appeal, including appeal fee, is made in writing to the City Planner within ten (10) days of the decision. The appeal letter shall describe the unresolved issues and describe what design solutions are proposed by the applicant. The applicant shall be notified of the date of the Planning Commission meeting to consider the appeal, a minimum of fifteen (15) days prior to the public meeting.
- 3. *Second Appeal to City Council.* The decision of the Planning Commission shall be final unless a notice of appeal to the City Council is made by the applicant in writing to the City Planner within ten (10) days of the Planning Commission's decision. The appeal letter shall state the reasons for the appeal and be accompanied by the required fee. The applicant shall have an additional thirty (30) days to submit any additional appeal documents, after which the appeal shall be scheduled before the City Council. The applicant shall be notified of the date of the City Council meeting to consider the appeal a minimum of fifteen (15) days prior to the public meeting.
- 4. *Board of Adjustment.* The Developer shall have the right to appeal the decision of the City Council pursuant to Section 25-9, Variances, of the City of Maryland Heights Zoning Code and to subsequently pursue any other available legal or equitable remedy.

Sec. 25-11.15. Riverside District.

A. *Purpose.* The purpose of this section is to implement the guidelines established in the Howard Bend Future Land Use Plan for the Riverside Planning District by:

1. Encouraging high intensity uses and development patterns that complement the Riverside Planning District's identity as a premier regional entertainment, office campus, and hospitality destination; and
2. Promoting uniform, integrated and complementary development patterns; and
3. Incorporating pedestrian orientation, gateway architecture, functional open spaces and plazas, multi-functional integrated stormwater management systems and buildings featuring unique architectural treatments and design.

B. *Intent.*

1. To provide minimum standards for design which are essential to establishing and integrating uses within a development site and area, and as necessary to create both relationship and transition to adjacent development sites and areas.
2. To provide the scale and form of development areas and buildings consistent with the Howard Bend Future Land Use Plan as necessary for the implementation of those standards.
3. To insure the establishment of appropriate relationships between buildings, site improvements, open spaces, stormwater facilities and public rights-of-ways.
4. To encourage efficient and coordinated development patterns.

C. *Development Design Standards.*

1. The minimum area for a Planned District is fifteen (15) acres.
2. The minimum development site size shall be two (2) acres.
3. *Site Coverage.* The maximum impervious cover within a Planned District shall not exceed seventy (70%) percent.
4. Developments shall be designed to minimize the impact of large or repetitive parking areas visible from the public right-of-way.
5. Maximum building heights shall be one hundred twenty (120) feet.
6. *Building Design.* All new buildings and/or projects shall meet the criteria set forth in Section 25-13, Building Design Standards.
7. Developments shall be connected to, and be integrated within, the regional stormwater management system once it is established.
8. Developments shall connect to the existing parks and trail systems where available.
9. Developments shall provide vehicular, pedestrian, and bicycle connections between adjacent projects and districts once they are developed.

Sec. 25-11.16. Crystal Springs District.

A. *Purpose.* The purpose of this section is to implement the guidelines established in the Howard Bend Future Land Use Plan for the Crystal Springs Planning District by:

1. Encouraging medium intensity uses and development patterns that complement and support the Crystal Springs Planning District's vision of a mixed use, office campus, and retail service center; and
2. Promoting uniform, integrated and complementary development patterns; and
3. Incorporating pedestrian orientation, functional open spaces and plazas, multi-functional integrated stormwater management systems and buildings featuring unique architectural treatments and design.

B. *Intent.*

1. To provide minimum standards for design which are essential to establishing and integrating uses within a development site and area, and as necessary to create both relationship and transition to adjacent development sites and areas.
2. To provide the scale and form of development areas and buildings consistent with the Howard Bend Future Land Use Plan as necessary for the implementation of those standards.
3. To insure the establishment of appropriate relationships between buildings, site improvements, open spaces, stormwater facilities and public rights-of-ways.
4. To encourage efficient and coordinated development patterns.

C. *Development Design Standards.*

1. The minimum area for a Planned District is fifteen (15) acres.
2. The minimum development site size shall be two (2) acres.
3. Site Coverage. The maximum impervious cover within a Planned District shall not exceed seventy (70%) percent.
4. Maximum building heights shall be one hundred twenty (120) feet.
5. Building Design. All new buildings and/or projects shall meet the criteria set forth in Section 25-13, Building Design Standards.
6. Developments fronting a public or private right-of-way shall be oriented to that right-of-way.
7. Developments shall be designed to minimize the impact of large or repetitive parking areas visible from the public right-of-way.
8. Developments shall incorporate provisions for the inclusion of mass transit when it becomes available.
9. Developments shall be connected to, and be integrated within, the regional stormwater management system once it is established.
10. Developments shall connect to the existing parks and trail systems where available.
11. Developments shall be pedestrian oriented to the greatest extent possible.
12. Developments shall provide vehicular, pedestrian, and bicycle connections between adjacent projects and

districts once they are developed.

Sec. 25-11.17. Expressway District

A. *Purpose.* The purpose of this section is to implement the guidelines established in the Howard Bend Future Land Use Plan for the Expressway Planning District by:

1. Encouraging high intensity uses and development patterns that complement and support the Expressway Planning District's vision of a regional business service center; and
2. Promoting uniform, integrated and complementary development patterns; and
3. Incorporating pedestrian orientation, gateway architecture, functional open spaces and plazas, multi-functional integrated stormwater management systems and buildings featuring unique architectural treatments and design.

B. *Intent.*

1. To provide minimum standards for design which are essential to establishing and integrating uses within a development site and area, and as necessary to create both relationship and transition to adjacent development sites and areas.
2. To provide the scale and form of development areas and buildings consistent with the Howard Bend Future Land Use Plan as necessary for the implementation of those standards.
3. To insure the establishment of appropriate relationships between buildings, site improvements, open spaces, stormwater facilities and public rights-of-ways.
4. To encourage efficient and coordinated development patterns.

C. *Development Design Standards.*

1. The minimum area for a Planned District is twenty (20) acres.
2. The minimum development site size shall be two (2) acres.
3. Site Coverage. The maximum impervious cover within a Planned District shall not exceed seventy (70%) percent.
4. Maximum building heights shall be one hundred twenty (120) feet.
5. Building Design. All new buildings and/or projects shall meet the criteria set forth in Section 25-13, Building Design Standards.
6. Developments fronting a public or private right-of-way shall be oriented to that right-of-way.
7. Developments shall be designed to minimize the impact of large or repetitive parking areas visible from the public right-of-way.
8. Developments shall incorporate provisions for the inclusion of mass transit when it becomes available.
9. Developments shall be connected to, and be integrated within, the regional stormwater management system once it is established.
10. Developments shall connect to the existing parks and trail systems where available.
11. Developments shall be pedestrian oriented to the greatest extent possible.

12. Developments shall provide vehicular, pedestrian, and bicycle connections between adjacent projects and districts once they are developed.

Sec. 25-11.18. River Valley District.

- A. *Purpose.* The purpose of this section is to implement the guidelines established in the Howard Bend Future Land Use Plan for the Expressway Planning District by:

1. Encouraging uses and development patterns that complement and support the River Valley Planning District's vision of a high quality, lower intensity, office distribution and business service center ; and
2. Promoting uniform, integrated and complementary development patterns; and
3. Incorporating pedestrian orientation, functional open spaces and plazas, multi-functional integrated stormwater management systems and buildings featuring unique architectural treatments and design.

- B. *Intent.*

1. To provide minimum standards for design which are essential to establishing and integrating uses within a development site and area, and as necessary to create both relationship and transition to adjacent development sites and areas.
2. To provide the scale and form of development areas and buildings consistent with the Howard Bend Future Land Use Plan as necessary for the implementation of those standards.
3. To insure the establishment of appropriate relationships between buildings, site improvements, open spaces, stormwater facilities and public rights-of-ways.
4. To encourage efficient and coordinated development patterns.

- C. *Development Design Standards.*

1. The minimum area for a Planned District is twenty (20) acres.
2. The minimum development site size shall be two (2) acres.
3. Site Coverage. The maximum impervious cover within a Planned District shall not exceed seventy (70%) percent.
4. Maximum building heights shall be one hundred twenty (120) feet.
5. Building Design. All new buildings and/or projects shall meet the criteria set forth in Section 25-13, Building Design Standards.
6. Developments shall be designed to minimize the impact of large or repetitive parking areas visible from the public right-of-way.
7. Developments shall provide a buffer to the Missouri American Water treatment plant.
8. Developments shall be connected to, and be integrated within, the regional stormwater management system once it is established.
9. Developments shall connect to the existing parks and trail systems where available.
10. Developments shall be pedestrian oriented to the greatest extent possible.

11. Developments shall provide vehicular, pedestrian, and bicycle connections between adjacent projects and districts once they are developed.

Sec. 25-11.19. Creve Coeur Lake District.

- A. *Purpose.* The purpose of this section is to implement the guidelines established in the Howard Bend Future Land Use Plan for the Expressway Planning District by:

1. Encouraging recreationally oriented uses that compliment the Creve Coeur Lake District's vision as a major regional destination for a variety of active and passive recreational activities that support the hospitality and entertainment industry ; and
2. Promoting recreational development that is consistent with the Master Plan adopted by St. Louis County.

- B. *Intent.*

1. To provide minimum standards for commercially oriented recreational facilities that allow the integration of both passive and active recreational activities and structures within the district.
2. To provide the scale and form of recreational facilities consistent with the Howard Bend Future Land Use Plan as necessary for the implementation of those standards.

- C. *Development Design Standards.*

1. Building Design. All new buildings and/or projects shall meet the criteria set forth in Section 25-13, Building Design Standards.
2. Developments shall be consistent with the Master Plan adopted by St. Louis County.
3. Developments shall provide physical and signage-based connections to adjacent districts.
4. Developments which require parking facilities shall provide low impact alternatives to traditional paving, such as pervious surfaces.
5. Developments shall be connected to, and be integrated within, the regional stormwater management system once it is established.
6. Developments shall provide vehicular, pedestrian, and bicycle connections between adjacent projects and districts once they are developed.
7. Developments shall connect to the existing trail systems.

Sec. 25-11.20. Missouri River District.

- A. *Purpose.* The purpose of this section is to implement the guidelines established in the Howard Bend Future Land Use Plan for the Expressway Planning District by encouraging the preservation of open space and natural resources along the water's edge of the Missouri River.

- B. *Intent.*

1. To restrict access to and development of the district, except for low impact public access that maintains the environmental quality of the district and respects private property rights.
2. To preserve natural viewsheds.

C. *Development Design Standards.*

1. Development shall consist of passive recreational uses.
2. Developments shall provide access to natural spaces.

CITY OF DES PERES, MISSOURI
SALES TAX COLLECTED ⁽¹⁾
LAST TEN FISCAL YEARS

Fiscal Year	General Fund 1.25% July 1, 1971	Capital Improvement Fund 0.50% April 1, 1995	Park Fund 0.50% January 1, 2001	Sales Tax Fire Fund (2) 0.25% April 1, 2004	Total
2004	3,714,822	1,961,645	2,002,314	704,964	8,383,745
2005	3,950,701	2,067,118	2,029,244	1,019,071	9,066,134
2006	3,783,995	1,979,044	2,049,276	1,033,241	8,845,556
2007	3,941,409	2,071,962	2,160,057	1,079,838	9,253,266
2008	3,797,718	1,939,759	2,038,706	1,019,412	8,795,595
2009	3,828,612	1,943,847	2,023,129	1,011,564	8,807,152
2010	3,939,239	2,066,018	2,093,855	1,046,922	9,146,034
2011	3,847,275	1,978,054	2,163,788	1,081,896	9,071,013
2012	4,041,279	2,155,753	2,361,206	1,180,460	9,738,698
2013	4,805,531	2,535,302	2,982,377	1,491,356	11,814,566

(1) All revenues are reported net of any costs of collection, sharing, or allocation for TIF.

(2) Des Peres voters approved a new .25% sales tax for fire purposes effective April 1, 2004.

- (1) All revenues are reported net of any costs of collection, sharing, or allocation for TIF.
- (2) Des Peres voters approved a new .25% sales tax for fire purposes effective April 1, 2004.

NOTES:

In 1997, the City created a Tax Increment Finance District which provides for diverting 50% of any incremental sales above the 1996 taxes generated by the shopping center to the Special Allocation Fund until all TIF Notes have been retired. All Notes were retired in January of 2013.

Because of the significance of sales tax as a major part of City revenues and due to its concentration in a small area, the City has chosen to insure its sales tax revenue stream at certain shopping centers against loss due to fire, act of terrorism or natural disaster. The policy insures revenues for a 12-month period with a \$10,000 deductible, for all perils except for floods and earthquakes in which case the deductible is \$100,000.

The City is home to the recently developed West County Mall, a 1.2 million square foot regional shopping center featuring four anchor stores - Macy's, Nordstroms, JC Penney and Dick's Sporting Goods. The redevelopment of the shopping center together with the existing authority to level local option sales taxes at a rate of up to 2.5%, has well-positioned the City financially for years to come. In addition to the regional mall, the City is fortunate to enjoy a concentration of other commercial centers to provide additional local retail and service opportunities within the community, including Colonnade Center, Des Peres Commons, Des Peres Pointe, Des Peres Square, Olympic Oaks Village, Sam's Club and Schnuck's Shopping Center.

As set out in Section 32.057 of the Missouri Revised Statutes, it is a violation to make known in any manner the tax returns or departmental records derived from the Missouri Department of Revenue. Due to the confidentiality of earnings information, the above alternative information is provided to assist the users in understanding this revenue source.

Source: City Finance Department

CITY OF DES PERES, MISSOURI
DEMOGRAPHIC AND ECONOMIC STATISTICS
LAST TEN FISCAL YEARS

Year	Population (1)	Personal Income	Per Capita Personal Income (1)	Median Household Income (1)	Parkway School District Enrollment (3)	Kirkwood School District Enrollment (3)	Unemployment Rate (2)
2004	8,592	912,427,440	-	106,195	19,578	5,109	5.50%
2005	8,592	912,427,440	-	106,195	18,994	4,995	5.20%
2006	8,592	912,427,440	53,507	106,195	18,787	4,982	4.60%
2007	8,592	912,427,440	53,507	106,195	18,212	4,975	5.30%
2008	8,592	912,427,440	53,507	106,195	18,787	5,026	7.20%
2009	8,592	912,427,440	53,507	106,195	17,439	5,000	10.00%
2010	8,592	912,427,440	53,507	106,195	17,300	4,931	9.40%
2011	8,373	1,033,747,326	53,507	123,462	17,234	5,035	8.30%
2012	8,373	1,025,533,413	53,771	122,481	17,156	5,132	7.00%
2013	8,420	1,021,505,980	54,757	121,319	17,104	5,606	6.60%

Sources:

CITY OF DES PERES, MISSOURI

CHANGES IN NET POSITION⁽¹⁾⁽²⁾⁽³⁾

LAST TEN FISCAL YEARS

	Year Ended December 31,									
	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
EXPENSES										
Primary Government										
Governmental activities:										
General government	\$ 1,106,333	\$ 1,146,285	\$ 1,382,122	\$ 1,697,363	\$ 1,764,014	\$ 1,808,969	\$ 1,713,251	\$ 2,630,621	\$ 2,798,859	\$ 1,713,251
Public safety	4,351,139	4,509,470	4,679,762	4,914,165	5,395,427	5,212,814	5,929,463	5,670,664	5,782,299	5,929,463
Public works	315,508	314,942	323,408	367,052	379,058	395,708	502,917	484,431	510,521	502,917
Streets	922,947	985,048	895,483	1,026,139	1,104,558	1,109,000	1,388,533	1,135,172	1,241,021	1,388,533
Parks and recreation	3,868,855	4,114,178	4,380,856	4,458,609	4,855,252	4,563,981	5,193,756	4,924,610	5,001,826	5,193,756
Health	513,452	516,770	527,638	539,531	607,080	637,706	710,076	693,659	689,580	710,076
Interest on long-term debt	3,102,058	3,397,957	3,400,120	3,499,618	3,308,578	2,708,747	295,370	1,449,725	1,032,522	295,370
Total primary government expenses	14,180,292	14,984,600	15,589,389	16,502,477	17,413,967	16,436,925	15,733,366	16,988,882	17,056,628	15,733,366
PROGRAM REVENUES										
Primary Government										
Governmental activities:										
Charges for services:										
General government	1,009,665	1,068,426	907,564	1,276,262	1,313,209	1,446,759	1,292,514	1,260,220	1,296,357	1,292,514
Public safety	125,928	130,628	412,619	443,325	524,315	475,010	617,157	538,883	534,683	617,157
Public works	106,415	172,170	235,004	209,133	253,387	95,587	394,882	260,284	232,282	394,882
Parks and recreation	2,070,160	2,593,144	2,929,021	3,052,916	3,056,027	2,935,414	3,216,668	3,233,864	3,217,928	3,216,668
Operating grants and contributions	744,037	690,972	771,644	69,574	-	-	765,530	753,591	712,205	765,530
Capital grants and contributions	-	232,515	47,506	13,530	9,696	596,660	123,955	463,468	794,835	123,955
Total primary government program revenues	4,056,205	4,887,855	5,303,358	5,064,740	5,186,614	5,549,430	6,410,706	6,510,310	6,788,290	6,410,706
Net Revenue (Expenses)	(10,124,087)	(10,096,745)	(10,286,031)	(11,437,737)	(12,227,353)	(10,887,495)	(9,322,660)	(10,478,572)	(10,268,338)	(9,322,660)
General Revenues and Other Changes in Net Assets										
Primary Government										
Governmental activities:										
Taxes:										
Sales tax	11,242,447	12,118,497	12,409,770	12,765,520	12,808,569	13,372,985	12,415,908	9,655,565	10,204,911	12,415,908
Tax increment financing	1,141,801	2,341,435	2,387,945	2,654,304	2,185,897	2,513,350	-	7,952,159	4,299,579	-
Utility tax	830,038	846,295	870,934	1,063,243	1,274,473	1,309,723	1,270,881	1,238,183	1,159,484	1,270,881
Investment income	141,064	305,596	435,196	804,368	601,493	346,463	50,054	218,152	100,961	50,054
Miscellaneous	125,185	83,895	203,110	671,942	731,040	589,008	176,002	198,145	172,423	176,002
Total primary government	13,480,535	15,695,718	16,306,955	17,959,377	17,601,472	18,131,529	13,912,845	19,262,204	15,937,358	13,912,845
Change in Net Position	\$ 3,356,448	\$ 5,598,973	\$ 6,020,924	\$ 6,521,640	\$ 5,374,139	\$ 7,244,034	\$ 4,590,185	\$ 8,783,632	\$ 5,669,020	\$ 4,590,185

Notes:
 (1) GASB Statement 34 was implemented in 2004.
 (2) GASB Statement 63 was implemented in 2012.
 (3) GASB Statement 65 was implemented in 2013.
 Source: Basic financial statements

Section 405.130: Conditional Use Permits: Commercial Uses

- A. Where not otherwise allowed in that district, the following uses shall be permitted in "C-1" and "C-2" districts, subject to the conditions, restrictions and qualifications in Section[s] 405.090, 405.100, 405.120 and this section.
1. Supermarkets and grocery stores.
 2. Public buildings erected and used by a department of the County, State or Federal governments.
 3. In the C-2 district only: Hospitals, clinics, outpatient facilities for the treatment of alcohol and other drug abuse, and similar institutional buildings, excluding penal institutions.
 4. Community or recreational buildings and fields.
 5. Nurseries and greenhouses.
 6. Private clubs, except those where the chief activity is a service customarily carried on as a business.
 7. Nursery and day schools.
 8. Hospitals and clinics for animals, but not kennels.
 9. Automobile and equipment rental.
 10. Gasoline and oil service stations.
 11. Billiard parlors.
 12. Restaurants, cafeterias and catering establishments, except drive-in type offering goods or food directly to customers waiting in parked vehicles shall not be permitted.
 13. Light repair shops for garden equipment and other small pieces of home equipment.
 14. Establishments selling beer, wine or alcoholic beverages by the drink.
 15. Wholesale distributors of beer, wine or alcoholic beverages.
 16. Theatre and motion picture houses.
 17. Retail stores for major and minor appliances.
 18. Mortuary and funeral homes.
 19. Stores or shops for printing and publications.
 20. Auto accessory stores, but not painting of autos or repair of auto bodies.
 21. Banks and similar institutions.
 22. Accessory uses to those in this subsection.
 23. Reserved.
 24. Welding and blacksmithing shops.
 25. Any business establishment which is open for business for 24 hours per day or is otherwise open for business to the general public between the hours of 12:00 a.m. and 5:30 a.m.
 26. Adult entertainment establishments or businesses.
- B. No use under the provisions [of this] section may be commenced or continued unless there is a valid permit for that use. No construction or other permit applicable to the proposed use or any part of it shall be issued or considered valid unless a conditional use permit has been issued under the provisions of this section.
1. Application for a conditional use permit shall be made to the Planning and Zoning Commission in form and with such information as may be required by the Planning and Zoning Commission. The application shall be accompanied by plans showing the

- elevations and intensity and extent of the proposed use.
2. Each application and accompanying plans shall be filed with the City Clerk with a filing fee submitted as per Section 405.200, B.3 of this Code.
3. Upon receipt of the completed application and filing fee the City Clerk shall notify in writing by First Class U.S. mail, postage prepaid, the owners of all property located within the area determined by drawing lines parallel to the boundaries of the property to be devoted to the proposed use, and two hundred feet from those boundaries. The notice shall include the statement that the application was filed, the nature of the proposed use, the name of the applicant or applicants and the date the application was filed.
4. The Planning and Zoning Commission shall investigate the effect of the granting of the permit upon the neighborhood with special emphasis on traffic and fire hazards, and the general welfare and character of the neighborhood and the community and the criteria hereinafter set forth. The Planning and Zoning Commission shall make a report to the Board of Aldermen within one hundred (100) days of the date of the next regular meeting of the Planning and Zoning Commission following the filing of the completed application with the City Clerk. If no such report is made, the Planning and Zoning Commission shall be deemed to have approved the application, upon the expiration of the one hundred-day period; except that the Commission, with the consent of the applicant for approval, may extend the one hundred-day period.
5. Upon the receipt of the report of the Planning and Zoning Commission or upon the expiration of the one hundred-day period or extensions thereof, the Board of Aldermen shall call a public hearing and give reasonable notice of the time and place of that hearing at least once in a newspaper in general circulation in the city. The first publication shall be at least fifteen (15) days before the date of the hearing.
6. After the hearing held in accordance with the requirements of subsection (B)(5) of this section, the Board of Aldermen, in acting upon the application, shall state findings and conclusions on the following matters for the public record:
 - a. Whether the proposed use is compatible with surrounding uses and with the surrounding neighborhood;
 - b. Whether the comparative size, floor area and mass of the proposed use and/or proposed structure are appropriate and reasonable in relation to adjacent structures and buildings on surrounding properties and in the surrounding neighborhood;
 - c. Whether the frequency and duration of various indoor and outdoor activities and special events associated with the proposed use will have a deleterious impact on the surrounding area;
 - d. Whether streets adjacent to the proposed use have sufficient capacity to service any increased traffic volume associated with the proposed use while maintaining adequate and reasonable levels of service for the community;
 - e. Whether the number of transit movements on abutting streets and on minor streets in the neighborhood to be generated by or associated with the proposed use will cause significant increases in hourly or daily traffic levels;
 - f. Whether added noise levels generated by activities associated with the proposed use will adversely impact the ambient noise level of the surrounding area and neighborhood;
 - g. Whether the activities associated with the proposed use will generate obnoxious odors to the detriment of the surrounding area;
 - h.

Whether the proposed use will significantly increase demands on fire and police protection services in excess of the individual demands of adjacent land uses and whether the proposed use will present any real or potential fire or public safety hazard;

- i. Whether the proposed use will adversely affect the general appearance of the neighborhood due to the location of the proposed use on the parcel of ground, or due to the materials used in the construction of any proposed buildings being greatly dissimilar to surrounding appearances of buildings, or due to the architecture of any proposed buildings being of such a nature as to create visual disharmony within the neighborhood;
 - j. Whether the intensity, duration or frequency of lighting associated with the proposed use will adversely impact adjacent properties or significantly increase the ambient level of night light in the neighborhood;
 - k. Whether the landscape plan for premises to be occupied by the proposed use is adequate in regard to the creation and maintenance of landscaped areas as opposed to areas to be left in a natural state and the use of buffers and screens as opposed to open land areas;
 - l. Whether the proposed use will adversely affect the neighborhood in terms of water runoff, noise transfer, or heat generation due to a significant amount of hard surfaced areas for buildings, sidewalks, drives, parking and service areas;
 - m. Whether the proposed use is likely to remain in existence for a reasonable length of time and not become vacant or unused and whether such use involves the presence of unusual, single-purpose structures or components of a temporary nature.
7. If the Board of Aldermen determines that the public health, welfare and safety are adequately served and protected in view of the foregoing criteria then it shall grant the application and the permit shall be issued forthwith; but if the Board finds in the negative as to any of the stated criteria, the conditional use permit shall be denied. Provided, however, that if at least twenty-five percent (25%) of the persons entitled to notice under the terms of subsection (D)(1)(c) of this section, above, protest the granting of such application in a writing filed with the City Clerk no later than one day before the date of the public hearing thereon, such application shall not be granted unless two-thirds (2/3) of all the members of the Board of Aldermen vote in favor of its issuance.
- C. A conditional use permit under the provisions of this section shall expire one (1) year from the date upon which it was issued, unless, before that time: (i) the use so permitted has actually commenced; or (ii) actual construction or reconstruction of the proposed facilities for the use has been commenced; or (iii) an extension of time shall have been granted by the Board of Aldermen. The Board of Aldermen may grant such extensions for a maximum total period of one (1) year. No further extensions will be allowed. If such extensions have been granted, the permit shall expire at the conclusion of the extended period if the use so permitted or actual construction or reconstruction of the proposed facilities for the use have not been commenced.
- D. Special rules with regard to gasoline and oil service stations[:]
1. No special use permit shall be issued for a gasoline and oil service station unless the applicant conveys or has conveyed an effective easement to the City of Des Peres on the property to be used for the gasoline or oil service station providing that all underground and above ground installations relating to or used for the storage or sale of gasoline or other material shall be removed at the expense of the owner upon the cessation of the gasoline or oil service station use. Before the special use permit is issued at the order of the Board of Aldermen, the easement must be filed in the

appropriate land records and an opinion of the City Attorney must have been given the Mayor to the effect that the easement is fully effective and valid to achieve the purpose for which it was required.

2. No gasoline or oil service station shall continue in operation unless the operator of that station files with the City Clerk the name and address of the actual owner of the land on which the service station is operated and of the actual owner of the service station itself.
3. The owner of the land on which a service station operates or has operated shall be primarily responsible for the removal of all underground and above ground installations relating to or which once related to the storage or sale of gasoline or other material if the service station has ceased to operate, unless a new service station is lawfully commenced on that same property within a reasonable period of time after the cessation of the service station use.
4. Self-service gasoline and oil service stations or self-service gasoline pumps, where the customer pumps the gasoline, may be permitted under the following conditions:
 - a. That the conditional use permit for a gasoline and oil service station desiring to operate any pumps under the self-service concept specifically grants such permission to the owner or operator of said gasoline and oil service station.
 - b. That the self-service gasoline and oil service station have available during all business hours an attendant who can view the dispensing of all gasoline.
 - c. That a separate master shut-off switch be operable which would allow the attendant to shut off all gasoline pumps in an emergency.
 - d. That instructions for operating the self-service gasoline pumps and any other information, such as nonsmoking signs, deemed necessary by the Fire Marshall [Marxhal] be posted in a conspicuous place, easily visible to anyone operating said pumps; said instructions to be approved by the Fire Marshall [Marshal] of the City of Des Peres prior to the commencement of the self-service operation.
 - e. That dispensing controls at each pump operate only by manually-maintained pressure; no automatic dispensing devices shall be allowed.
 - f. That a "B" rated dry powder fire extinguisher be located within 30 feet of each self-service pump. The exact location of each fire extinguisher shall be approved by the Fire Marshall [Marshal] of the City of Des Peres.

TABLE

CITY OF BRENTWOOD, MISSOURI
CHANGES IN NET POSITION (CONTINUED)
LAST TEN YEARS

	For The Years Ended December 31,									
	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
GENERAL REVENUES AND OTHER										
CHANGES IN NET POSITION										
Taxes:										
Sales	10,236,603	11,791,840	12,665,792	12,550,558	12,698,947	11,942,998	11,192,330	12,431,043	12,758,890	13,878,437
Property	2,311,686	2,151,231	3,209,684	3,368,671	4,007,401	3,811,368	4,015,531	4,475,610	4,077,026	5,326,556
Utility	924,024	978,530	990,040	1,041,958	1,338,886	1,938,343	1,641,926	1,628,957	1,471,643	1,516,978
Licenses and permits	923,844	973,697	1,368,159	1,176,026	1,210,718	1,238,410	1,274,169	1,281,887	1,404,188	1,574,991
Investment income	139,418	127,764	310,453	464,665	476,697	320,919	119,082	21,795	19,993	14,564
Intergovernmental	-	-	-	-	-	-	401,833	-	-	-
Gain on sale of assets	58,689	2,375	-	-	3,669	460,117	102,244	20,098	150	-
Miscellaneous	226,974	181,805	257,134	104,272	52,163	48,434	51,208	68,248	242,672	121,790
Total General Revenues	14,821,238	16,207,242	18,801,262	18,706,150	19,788,481	19,760,589	18,798,323	19,927,638	19,974,562	22,433,316
And Other Changes In Net Position										
CHANGES IN NET POSITION	\$ (3,597,986)	\$ 1,934,365	\$ 5,907,225	\$ 681,366	\$ (1,566,800)	\$ 3,729,771	\$ 2,866,715	\$ 3,482,382	\$ 2,762,041	\$ 8,442,392

Source: Basic Financial Statements

GASB 34 was implemented in 2003.

(1) Beginning in 2009, sewer lateral expenses were moved from Sanitation to Public Works.

TABLE 1

CITY OF BRENTWOOD, MISSOURI
SALES TAX RATES AND TAXABLE SALES
LAST TEN YEARS

For The Years Ended December 31	City Direct Rate	St. Louis County	State Of Missouri	Direct And Overlapping	Taxable Sales (1)
2003	1.50%	1.85%	4.225%	7.575%	\$ 438,466,346
2004	1.50%	1.85%	4.225%	7.575%	477,897,526
2005	1.50%	1.85%	4.225%	7.575%	494,114,717
2006	1.50%	1.85%	4.225%	7.575%	510,416,243
2007	1.50%	1.85%	4.225%	7.575%	518,306,203
2008	1.50%	1.85%	4.225%	7.575%	473,242,216
2009	1.50%	2.10%	4.225%	7.825%	447,562,678
2010	1.50%	2.70%	4.225%	8.425%	521,480,034
2011	1.50%	2.70%	4.225%	8.425%	556,909,602
2012	1.50%	2.70%	4.230%	8.430%	587,449,142

(1) Taxable sales reported by the Missouri Department of Revenue. State Law prohibits the disclosure of specific taxpayer information.

Note: The City participates in the county-wide sales tax sharing pool, which is generally distributed based on population.

TABLE 1

CITY OF BRENTWOOD, MISSOURI
DEMOGRAPHIC AND ECONOMIC STATISTICS
LAST TEN YEARS

For The Years Ended December 31	Population (1)	Median Age (1)	Personal Income (1)	Per Capita Income (1)	Unemployment Rate (2)
2003	7519	35.6	\$ 265,676,346	\$ 35,334	3.2
2004	7519	35.6	265,676,346	35,334	3.4
2005	7365	35.6	260,234,910	35,334	3.2
2006	7365	35.6	260,234,910	35,334	2.8
2007	7365	35.6	260,234,910	35,334	2.9
2008	7365	35.6	260,234,910	35,334	3.7
2009	7182	35.6	253,768,788	35,334	5.6
2010	8055	37.5	327,662,412	45,276	5.6
2011	8053	36.7	362,376,947	44,999	5.0
2012	8035	37.9	358,688,673	44,541	4.1

(1) Source: U.S. Bureau of Census and Missouri State Data Center

(2) Source: Missouri Department of Economic Development

TAB

5



Chamber Of Commerce

CREVE COEUR-OLIVETTE CHAMBER OF COMMERCE SURVEY

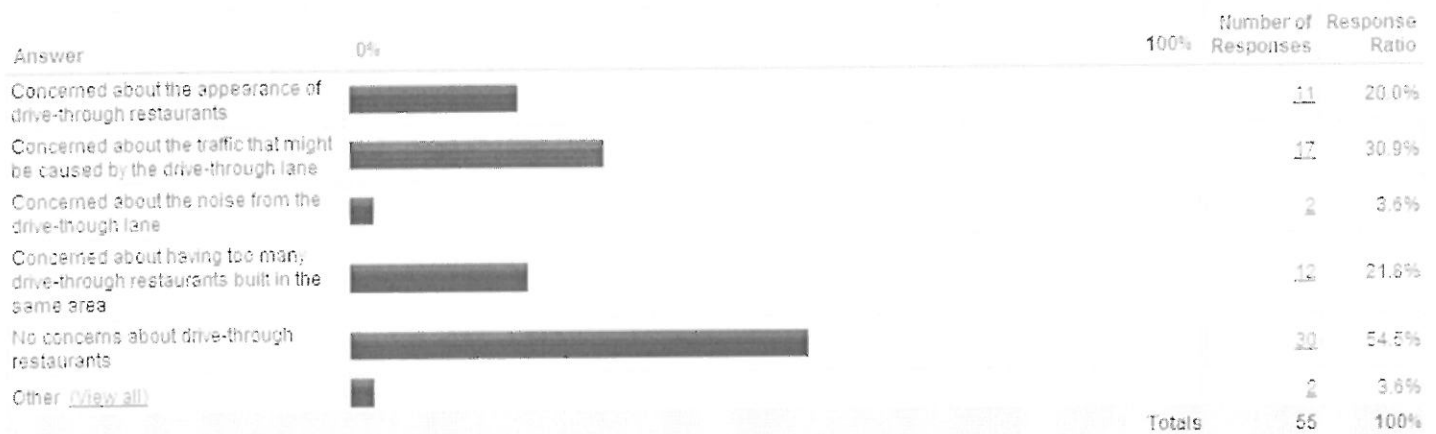
Would you be in favor of changing the regulations so that more drive-through restaurants could locate in Creve Coeur?

Answer	0%	100%	Number of Responses	Response Ratio
Yes			44	80.0%
No			8	10.9%
Not Sure			2	9.0%
No Responses			0	0.0%
		Totals	55	100%

11 Responses:

- Totally depends on whether that means many more fast-food restaurants and perhaps interference with current businesses
- Idling in a drive-thru line = air pollution. CC is trying to be a green community
- Although I personally don't eat at fast food restaurants, I don't see any reason not allowing drive thru establishments
- Believe this would be a good thing for Creve Coeur and Olivette ... might create more business for the restaurants
- I believe it will bring more business to Creve Coeur restaurants being beneficial to the city of Creve Coeur
- It is more convenient to pick up food close to home and work. Right now myself and staff have to go to Chesterfield for lunch or even Maryland Heights on occasion. I would rather I could keep monies in Creve Coeur if possible. I can also get back to work quicker if we had more local options
- We would like to see a Wendy's
- It would make our city more progressive
- Definitely in favor!
- In my opinion, this could have a negative effect on traffic flow. There would have to be specific requirements to maintain traffic flow. If there is adequate square footage to accommodate traffic, it could be feasible for example, many of the banks have "sufficient" space to handle the traffic without effecting public flow.
- The city is losing out on A LOT OF REVENUE when it comes to drive thrus. My staff at Olive and 270 will drive down to Dorsett on their lunch break to have a wider selection of drive thrus and eat on the way back versus standing in line at a fast food place on Olive.

Do you share any of the following concerns about drive-through restaurants?



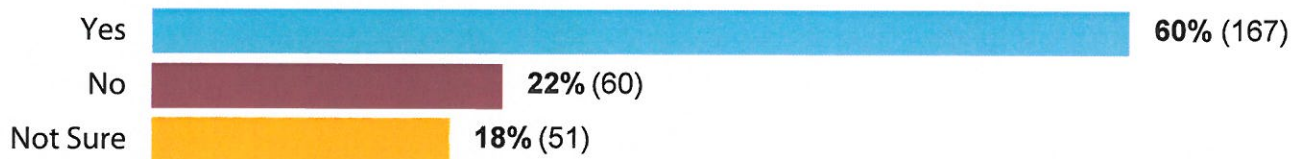
14 Responses

- Drive through restaurants bring lower income clientele and drive away higher income clientele. The full service restaurants are already struggling in Creve Coeur. Fast food chains will drive them away completely and Creve Coeur will be just like Overland and St. Ann. Then eventually other businesses will leave as well. It's a BAD idea.
- Just concerned about the general image of Creve Coeur. Fast-food restaurants do attract a lot more younger people and additional traffic. Olive Blvd is already SO congested most of every day.
- Lets keep CC upscale
- IF DEVELOPED PROPERLY THESE ISSUES CAN BE SATISFACTORILY ADDRESSED.
- Ensuring the right kind of traffic flow for the locations chosen is important but can be handled with planning.
- Should be a limit on the number of drive-through restaurants per street.
- Right now a lot of people that work for companies within the city limits of Creve Coeur leave and go outside of the city for lunch since there are no good options within the city limits. I believe drive-through restaurants would give people more options and would keep people in Creve Coeur instead of always leaving.
- It is a self controlling thing. There is only so much land along Olive to work with.
- The cost of re zoning and demolition of old residential homes would limit over development. Any restriction/requirements would also weed out some over population of drive-throughs. There will always be regulations on businesses that need to be in place, however too tight of restrictions limits the city's growth and revenue potential.
- My residents and staff usually leave the Creve Coeur area to go to other drive through restaurants, but do not want to see a lot.
- I am very much in favor of the change.
- Only mildly concerned – as long as they are set up correctly it shouldn't be an issue
- We are missing out on significant revenue that would be produced, but maybe there should be limited licenses approved and additional taxes paid for those permits
- No concerns ... more restaurants, more choices!
- We need more drive through restaurants!!!

CITY PLACE

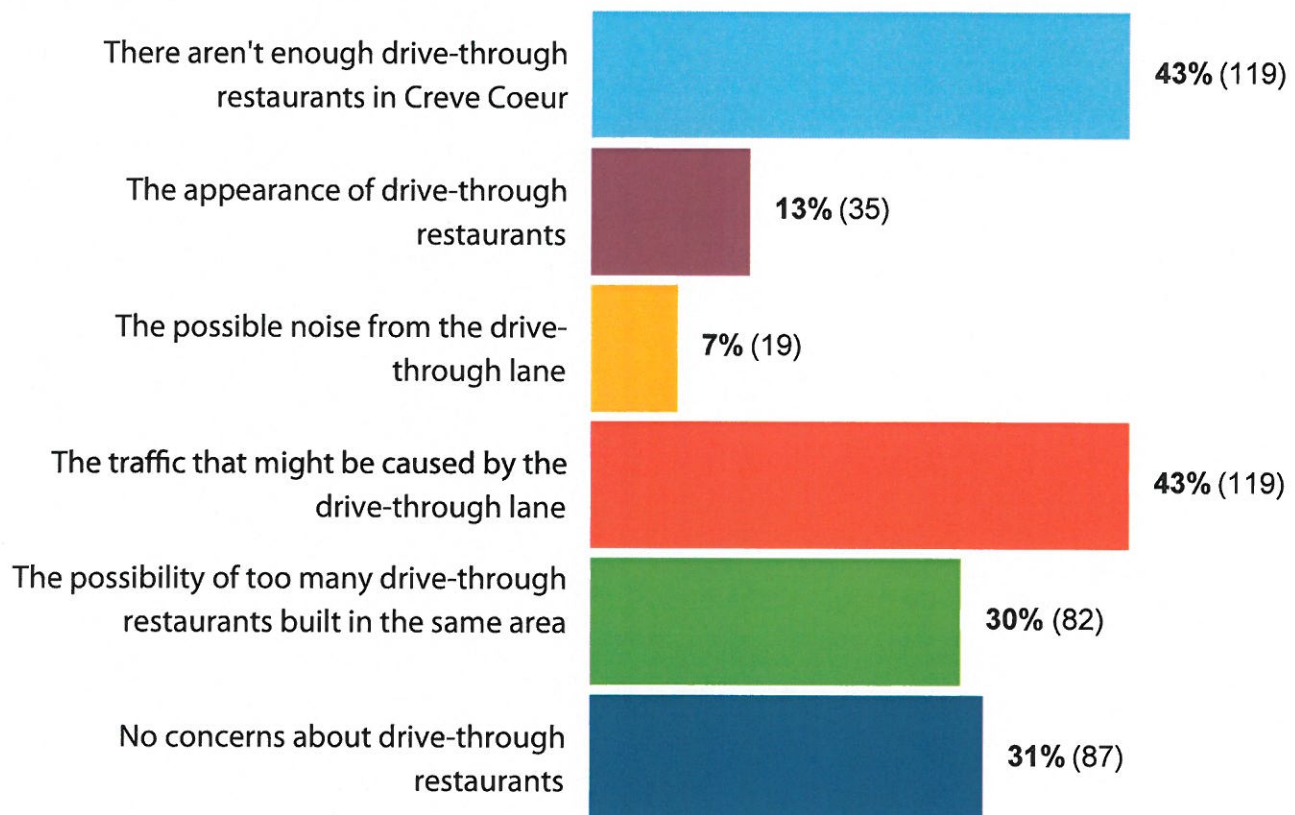
Business Survey - Drive Through Ordinance

Would you be in favor of changing the regulations so that more drive-through restaurants could locate to Creve Coeur?



* 278 total responses, 100% of submissions

Do you share any of the following thoughts about drive-through restaurants? [Check all that apply]



* 277 total responses, 99% of submissions

If satisfactory solutions could be reached to address the questions you identified above, would you consider allowing more drive through restaurants in Creve Coeur?



* 273 total responses, 98% of submissions



city of CREVE COEUR

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MEMORANDUM TO THE PLANNING AND ZONING COMMISSION

Meeting Date: June 2, 2014

Subject: Application #14-008: Text Amendment To Allow For Drive-Thru Restaurant Services On Sites Of 2 Or More Acres

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

SUMMARY OF CONCERNS AND ISSUES WITH DRIVE-THRU RESTAURANTS

To assist the Commission in maintaining a consistent perspective on this issue, the following are the underlying concerns and motivations that have been previously identified and the guidance provided by the Comprehensive Plan and Design Guidelines:

- Drive-thru restaurants encourage more idling of vehicles which is contrary to the City's environmental policies.
- Drive-thru restaurants add more noise to a site through the outdoor ordering and vehicle idling and increased noise is a potential point of conflict with nearby residences. The Comprehensive Plan strongly advocates minimizing these conflicts.
- Drive-thru restaurants create a unique traffic element on the site that often conflicts with normal parking and customer walk-up. The Design Guidelines discourage conflicts with vehicular circulation.
- Drive-thru restaurants prefer to be in free-standing, single-use, single-story buildings. Such buildings are strongly discouraged by the Design Guidelines.

Despite these concerns, there are also several reasons for the City to contemplate changes to the current regulations:

- Currently, the only specific limitation on drive-thru restaurants is that they must be on a minimum three-acre lot. This leaves all of the other concerns above to be resolved through negotiated solutions in the conditional use permit process which leads to inconsistent results.
- Drive-thru restaurants are one sector of the retail economy that is not seeing a decline due to internet sales. The Comprehensive Plan encourages economic diversity to maintain a vibrant economy in the city.
- Drive-thru restaurants are generally consistent with the Comprehensive Plan objective of encouraging goods and services to the Creve Coeur market rather than a regional market.

SUMMARY OF CHANGES TO DATE

As first discussed in the first staff report on this application and at the public hearing, the initial draft ordinance was assumed to be for discussion only and that amendments were expected. Although subsequent discussions could lead to a reconsideration of any portion of the amendment, Staff believe the specific conclusions or direction from the Commission on the draft to date include:

- Eliminate the requirement for two or more stories in the building.
- Confine the amendment to drive-thru restaurants only.
- Create clear standards or "bright line" rules.
- Keep the standards focused on concerns that are specific to drive-thru restaurants.
- Keep the multi-tenant requirement, including the minimum 200-foot building width.

Aside from complete reconsideration and the specific measures needed to implement the conclusions above (such as the metric for noise mitigation), one other issue that is still open for debate is:

- With all of the other potential criteria being discussed, is a minimum lot size really necessary or do the other requirements create a minimum demand for space that obviates any such requirement?

If the members of the Commission believe any of the preceding is incorrect or requires more refinement, they should bring it to the attention of the Commission and staff so that misconceptions are not perpetuated.

INPUT FROM THE CHAMBER OF COMMERCE

It was reported at the May 5th meeting that a sub-committee of the Creve Coeur-Olivette Chamber of Commerce would be submitting information aimed at informing the actions of the Planning Commission in this matter. Although it was hoped that the information would be ready in time for the June 2nd packet, it was not. Nonetheless, staff are anticipating a presentation by the sub-committee at the June 2nd meeting and the members of the Planning and Zoning Commission are asked to consider the materials and provide initial thoughts to the staff so that they might be incorporated into the subsequent development of the draft ordinance. Staff intend to bring the item back to the Commission on June 17th; a vote on the application will not be required at that time, but the Commission is encouraged to work toward a recommendation as soon as possible. To that end, Commission members should feel free to identify any additional research or input from staff that would assist in the deliberations of the group.



city of CREVE COEUR

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MEMORANDUM TO THE PLANNING AND ZONING COMMISSION

Meeting Date: May 5, 2014

Subject: Application #14-008: Text Amendment To Allow For Drive-Thru Restaurant Services On Sites Of 2 Or More Acres

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

Attachments: Map of Two Acre Commercial Lots, Three+ Acre Commercial Lots and Assemblage Areas

LOT STUDY RESULTS

During the public hearing on Application #14-004, the members of the Planning Commission expressed uncertainty regarding the potential consequences of allowing drive-thru restaurants on two acre versus three acre commercial lots. Staff were, consequently, asked to conduct an analysis of available properties in the commercially zoned areas to determine how easily a drive-thru restaurant site could be found at those sizes.

Such analysis requires a great degree of speculation regarding the likely future use of a given parcel as well as the likelihood of certain properties being assembled into one project site. The attached map color highlights three categories of lots:

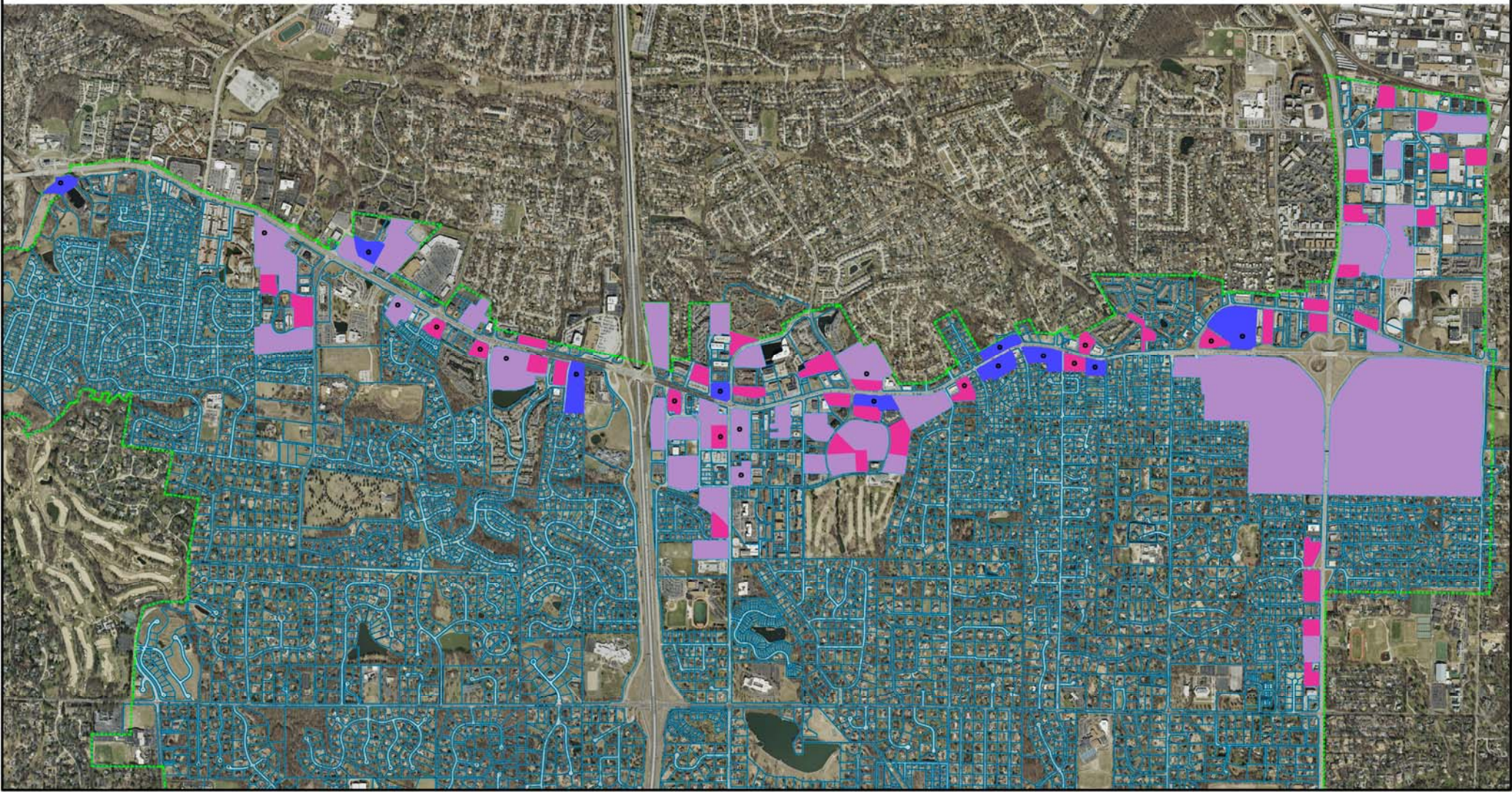
- Existing two to three acre lots with GC (General Commercial) or CB (Core Business) zoning
- Existing three acre and over lots with GC or CB zoning
- Assemblages of lots totaling at least two acres where the lots are or have recently been contemplated for redevelopment.

It is easy to see that *theoretical* restaurant sites exist throughout the commercial areas. However, some sites would be highly unlikely to ever see such development (e.g. Monsanto, Plaza Motors, etc.). The sites marked with black circles are those that staff believe represent at least plausible restaurant sites, even though some would require assembly of lots and/or redevelopment; there are 24 such locations, all which could be available if the minimum lot requirement is two acres. If three acres is the minimum allowable, 14 sites are still possible, given the same set of assumptions.

Based on past experience, staff believe that either lot size limit represents a significant departure from past expectations for this use which also suggests that lot size is not an effective means of regulating such uses. As such, staff further believe that this analysis highlights the importance of having additional criteria governing the specific character of the development, regardless of the lot size. Members of the Planning Commission are asked to provide staff with any guidance or conclusions based on this analysis.

EXTERNAL MEETINGS

The staff have held meetings with a sub-committee of the Creve Coeur-Olivette Chamber of Commerce focused on this issue as well as representatives of the Hutkin Development Company who submitted the related application last year. In both cases, the private interests expressed concern that the standards be reasonably attainable but it is understood that some restrictions will still be in place. All parties also agreed to conduct further research and provide any products of that research that might help inform the actions of the Planning Commission. Finally, all parties, including the staff, request that the Planning Commission continue the discussion of this matter to the June 2nd meeting to allow time for such research and subsequent analysis by staff.



- Legend**
- Properties 2 to 3 Acres
 - Properties Over 3 Acres
 - Possible Assemblages Over 2 Acres
 - Parcel Lines
 - City Limit



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**APPLICATION TO PLANNING AND ZONING COMMISSION
#14-008 FOR A TEXT AMENDMENT TO ALLOW FOR DRIVE-THRU
RESTAURANT SERVICES ON SITES OF 2 OR MORE ACRES SUBJECT TO
CERTAIN BUILDING AND SITE REQUIREMENTS**

FOR THE MEETING OF: Monday, April 21, 2014

LOCATION: City-wide

REQUEST: The Director of Community Development, on behalf of the City of Creve Coeur, has submitted a request for a text amendment to revise the criteria to allow for drive-thru restaurants on sites of two (2) or more acres, subject to certain building and site criteria.

ADDITIONAL INFORMATION: Section 405.470(14)(c)(4) states that drive-thru service for restaurants may be located only on sites of not less than three (3) acres, but with no specific design requirements.

Key Issues:

- Does the request adversely impact existing permitted uses?
- Does this request further and/or implement the goals the Comprehensive Plan?
- Is this a reasonable exercise of zoning authority?

Comprehensive Plan References

- Residential Preservation and Economic Development
- Community Health and Connectivity

Zoning Code References

- Section 405.470 Conditional Uses
- Section 405.1060 Zoning Changes and Text Amendment

APPLICANT: Paul Langdon
Director of Community Development
City of Creve Coeur
300 N. New Ballas Road
Creve Coeur, MO 63141

REPORT PREPARED BY:


Paul Langdon, AICP
Planning Director


Date

ATTACHMENTS: Draft Ordinance (preliminary – not for approval)
Comment letter from Thomas A. Stern, Gershman
Commercial Real Estate
Comment letters received by City Council regarding
prior Application #13-045.

BACKGROUND

The City has had a long tradition of limiting drive-thru services for restaurants through the use of the three acre minimum requirement. In 2013, an application was submitted (Application #13-045) that would have left the current regulations in place but also created a zoning provision whereby a restaurant drive-thru could be located on lots sized between two and three acres. The focus of the proposed language was to create a set of performance and design standards that, when satisfied, would hopefully mitigate the concerns that the community has voiced regarding drive-thru lanes. In the course of analysis and discussion, it was also pointed out that while this amendment might make a very few drive-thru restaurants possible and acceptable, it would do nothing to preclude a traditional stand-alone drive-thru location on a site of three or more acres. Further, there were several such three or more acre sites in the city. In other words, the regulation that was supposed to keep Creve Coeur largely free of drive-thru restaurants was probably not going to be effective in the near future and the proposed amendment would miss the opportunity to address that original goal. After reviewing the proposal, the Planning Commission split their vote (3-3, with one absence) and the City Council denied the application. It would be a mistake, however, to assume that the denial was simply because the members of the Commission and Council do not want to see any more drive-thru restaurants. Several commented that they saw some value in the approach, but that confining it to a limited number of locations was actually failing to address the larger interests of the public since it was not considering all commercial property.

With these views in mind, this application proposes to modify the regulations affecting all potential drive-thru restaurant locations, on all sites of two or more acres. Sites below two acres would not be eligible for a drive-thru restaurant. As a starting point in the discussion, the preliminary proposal is somewhat similar to the draft ordinance offered under Application #13-045, but the following discussion identifies areas that members of the Commission might find compelling for further revision.

COMPREHENSIVE PLAN ANALYSIS

Note: The following Comprehensive Plan Analysis was originally prepared for Application #13-045, but is repeated here since the larger planning policy questions are the same.

The Comprehensive Plan outlines several goals and strategies regarding residential preservation and economic development that include guiding regional retail use to the Central Business District area, while other business areas should be limited to local retail designed to serve the Creve Coeur area. Community Health and Connectivity goals include providing pedestrian amenities, creating a “green-line” park along Olive Boulevard. Further, it calls for improving the community image and identity by maintaining the compatibility of existing commercial development areas with the surrounding single-family neighborhood and maintaining the City’s strong low-density residential image and character. This is particularly true for properties zoned GC (such as the property at 443 N. New Ballas Road), because they are often smaller and adjacent to residential developments. As proposed, the amendment would encourage drive-thru development on larger sites which are mostly, but not entirely, removed from residential areas.

In general, drive-thru restaurants are in direct opposition to the promotion of pedestrian activity and are inconsistent with surrounding neighborhoods. The need to include a looping traffic lane for a drive-thru causes auto-oriented developments to functionally divide themselves from neighborhoods and surrounding commercial developments. Further, the high level of moving

vehicles on the site poses more conflicts with any pedestrian activity along the commercial corridors and within the site. The type of use also, typically, relies heavily on corporate architecture and signage to capture the automotive traffic, tends to focus traffic congestion in the area, and offers limited landscaping due to the amount of coverage necessary to accommodate drive-thru features.

The Planning Commission should also be mindful of the Environment and Sustainability chapter proposed for the update to the Comprehensive Plan. Given that drive-thru lanes increase traffic and idling cars on-site, they also increase the tailpipe emissions and noise on the property. To the extent that the amendment might increase the occurrence of such traffic on a limited number of sites, the proposed amendment is in conflict with the environmental goals of the Comprehensive Plan.

Several performance standards are offered to address some of these concerns. By incorporating the facility into a large multi-use/multi-story building, the looping traffic and stacking of the vehicles could be adequately hidden behind the building. In any event, the screening requirements would apply no matter where the facilities are. The conflict with the pedestrian activity is decreased if the project is part of a larger development and, with the incorporation into a larger building, it would eliminate the corporate architecture so common with a stand-alone use. Whether or not the proposed conditions mitigate these factors to a comfortable level, is for the Commission and Council to determine.

DESIGN GUIDELINES ANALYSIS

The relevant Design Guidelines include:

Chapter 1 for Site Layout

B. Streetscape/Pedestrian Orientation

1. *High quality, pedestrian scale and walkable areas are the objective. Site and building design should address pedestrian needs and develop creative approaches to improving pedestrian interest, access and enjoyment.*
2. *Avoid spatial gaps and interruptions along the “streetscape” caused by parking or other non-pedestrian elements, such as building gaps, driveways and service entries. Continuous pedestrian activity is strongly encouraged.*

C. Pedestrian and Vehicular Circulation

4. *Circulation systems should be designed to avoid conflicts between vehicular, bicycle and pedestrian traffic. Pedestrian circulation should take precedence over vehicular circulation. In order to emphasize conflict points and improve pedestrian safety and visibility, the use of textured or tinted materials for pedestrian crossings should be utilized where pedestrian circulation paths cross a vehicular route.*
5. *Pedestrian linkages between uses in commercial development should be provided and emphasized.*

Chapter 2 Buildings

A. General Architectural Guidelines

4. *In commercial retail areas, two (2) to three (3) story, multi-use buildings are encouraged; one (1) story, single use buildings are strongly discouraged.*

As discussed above, the incorporation of the facility within a larger multi-story building would meet with the Design Guidelines; whether or not it is on two-acres, or three or more would be irrelevant. Any stand-alone drive-thru restaurants, even if part of a larger site of three or more acres, would not meet with the intent of the Comprehensive Plan or Design Guidelines. Therefore, the question becomes: does the proposed amendment actually comport with the intent of the Comprehensive Plan and Design Guidelines better than the current three acres minimum? Staff would suggest that it does and, therefore, suggest that the proposed criteria in the amendment should become a standard for all drive-thru restaurants.

ZONING ANALYSIS

The Zoning Code outlines certain requirements that should be considered when considering a text amendment.

Section 405.1060 ZONING CHANGES AND TEXT AMENDMENTS

(E) Standards.

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

The applicant in Application #13-045 contended that allowing drive-thru services on smaller sites will be an economic benefit to the City and, with the proposed conditions, it would not have any negative impacts on the surrounding neighborhoods. Staff further argued that the same approach could similarly allow drive-thru services on properties over three acres with the same mitigating effect on the anticipated impacts more than the current regulations could and, to the extent that doing so would increase a given project's conformity the Comprehensive Plan, such a change would serve the public welfare to a greater degree.

A common concern, however, was that the proposed conditions on drive-thru restaurants might be overly limiting and result in benefits to so few commercial properties that the amendment would not really be in the "public" interest, but more in the interest of a very limited few. This is still a concern with the preliminary ordinance attached hereto. Staff therefore suggest that the Planning Commission consider the following particular elements and whether or not they should be made less restrictive to broaden the attainability of the drive-thru opportunity that is intended to be offered through this amendment:

Building Size

The attached draft ordinance continues the building size limits proffered by Application #13-045, specifically that the building have two or more floors and that it be at least 200 feet wide. The root question is how much building does it take to establish a unique character that is visually independent of any one tenant (the drive-thru restaurant). The images below show a variety of existing structures in other cities that contain a drive-thru restaurant tenant (the top image is an architectural sketch because the building was only recently completed).



Lincoln, NE



Sugar Land, TX



Des Peres, MO



West Hempstead, NY

Note that none of the buildings has more than three floors but, looking specifically at the three-floor mixed-use building, there is no particular reason why the residential levels could not go higher except for current market/development conditions. Similarly, single-story examples with inconspicuous drive-thru lanes are commonplace (the following website has many examples: <http://www.loopnet.com/Drive-Thru-For-Lease/>). Staff suggest, therefore, that the requirement for two or more floors might not be as important to the overall outcome as integration with multiple tenants and/or a wide façade. The latter is still a consideration since a small, two or three tenant building could become a single tenant building in time but the drive-thru might already exist by that point. Whether or not 200 feet is the minimum acceptable width is fairly debatable. Using the last picture above as a reference, and it is approximately 100 feet wide, staff suggest that

that building could easily take on the appearance of a single-use restaurant. The “Houlihan’s” restaurant in Creve Coeur is approximately 100 feet wide, for example.

Another aspect is the size of building needed to conceal most, if not all of the drive-thru facilities, including the stacking area. If one allows 25 feet for each required stacking space (3), plus the space at the service window, plus maneuvering space, the distance quickly exceeds 100 feet. To also allow for possible two-window system (pay window and serve window) loading, utility and landscape considerations, the distance could easily expand to 150 feet or more. Staff therefore suggest that the 200-foot width should be retained as it is most likely to ensure a multi-tenant building with adequate visual screening but without being so big as to be overly difficult to find a buildable site.

Drive-thru Quantity

Similar to the above-concern with building size is the potential for multiple drive-thru restaurants to locate in the same building since drive-thru lanes and windows can be designed into the ends and middle of multi-tenant buildings. The result, again, is a building that becomes dominated by a use that raises traffic and environmental issues more than most other uses. As was ultimately preferred by the City Council for the failed bill under Application #13-045, staff recommend that only one drive-thru facility be allowed per building. This would also preclude the need for a floor area minimum since the size of the restaurant is not necessarily a good predictor of impacts. Limiting the occurrence of the drive-thru facilities has a more direct connection to the final condition of the site and its effects on adjacent property. Whether or not this limitation should include uses other than restaurants is discussed below.

Inclusion of All Drive-Thru Services, Including Banks, Pharmacies, and Dry-Cleaning

Staff recognize that single-use buildings are found within all of the City’s commercial zoning districts, such as banks and pharmacies, and that they also provide drive-thru services. However, it is the higher amount of circulating traffic common to drive-thru services at restaurants that is not typical to those other uses. Therefore, limiting drive-thru restaurants has the potential to accomplish more toward meeting the goals and objectives of the Comprehensive Plan and Design Guidelines than is accomplished with regulations on the other forms of drive-thru service. However, this distinction is only one of scale; all drive-thru lanes lead to idling cars and trucks and conflicts with pedestrians. Some, such as the dry cleaner example below, include brightly lit canopy areas that might actually be more intrusive than a restaurant drive-thru, in some regards.



This raises the question: if these uses share characteristics with other specially regulated conditional uses, should they be subject to the same special regulations? Doing so would, obviously, create a number of legally pre-existing, non-conforming developments considering how many local banks already have drive-thru lanes, plus the two drive-thru pharmacies. There are a few examples of drive-thru banks in town that are already located in multi-tenant buildings (Enterprise Bank at West Oak Center; Regions Bank at Office Parkway North and Olive Boulevard; American Eagle Credit Union at Tempo Drive and Olive Boulevard), but it is not known if they would meet all of the standards contemplated by this application. In any event, non-conforming facilities would be allowed to continue in their current location and at their current size.

The “No Drive-Thru” Option

As with prior discussions on drive-thru restaurants, it must be pointed out that it was a common opinion that the real motivation behind the current three acre minimum regulation was a desire to block the development of any more drive-thru restaurants without saying it in so many words. However, it is easy to find existing properties in the city that already meet the three acre requirement and it has been the owner’s development decisions that have not resulted in a drive-thru restaurant in those locations. In other words, the regulation that many have assumed to be a *de facto* prohibition, is not that at all. If the members of the Planning Commission and City Council would really prefer to eliminate drive-thru restaurants rather than carefully construct a true opportunity for them to occur, then a *de facto* prohibition through overly-demanding regulation should not be pursued and the Planning Commission and City Council should change this text amendment application to simply exclude drive-thru services from the food services listing in the use table (Table A). Whether or not the current proposal represents a prohibition is also a fair question to ask but staff suggest that, since the standards can be achieved through a development type that has been accomplished in the past, the proposal is not a prohibition.

ORDINANCE CORRECTION

It should also be noted that the draft ordinance includes a provision to clean up the current language, where the drive-thru standard was mistakenly left in under Section 405.470(8)(d) during the NAICS process, when all conditions related to restaurants were moved to Section 405.470(14) Food services and drinking places--(NAICS 722). This same correction was in the prior, defeated bill from Application 13-045.

SECTION 405.470: CONDITIONAL USES

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

CONCLUSION

The first question before the Planning Commission is whether or not the Commission believes that the most accurate implementation of the Comprehensive Plan and Design Guidelines is, in fact, elimination of restaurant drive-thru services?

If the members of the Commission generally agree that some drive-thru services are appropriate in the community, then the next question before the Commission is: Are the Commission Member's open to changes to the Zoning Code to allow for additional drive-thru restaurants on sites of less than three acres?

If so, Staff request guidance on the scope of the change, that is:

- Is the two acre minimum lot size appropriate?
- Is it necessary to keep the multi-story requirement, or is it reasonable to allow a drive-thru in a one-story building so long as wide façade is also present?
- Is 200 feet an appropriate minimum width for the building?
- Are the proposed conditions enough to mitigate the traffic and noise of such facilities from adjacent residential properties?
- Should all types of drive-thru services be subject to these regulations?

Given the number of unresolved questions, and the likelihood of receiving informative comments at the public hearing, Staff request that the Planning Commission continue the application to the May 5th meeting at the conclusion of discussion on April 21st.

MOTION

The following is an example of an appropriate motion for this application based upon the staff request for continuing the application to the next meeting:

“I move to continue Application #14-008, to the meeting of May 5th Planning and Zoning Commission to allow the staff time to address the concerns and comments of the members of the Planning Commission.”

APPENDIX 1: COMPREHENSIVE PLAN

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

APPENDIX 2: ZONING CODE

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

BILL NO. _____

ORDINANCE NO. _____

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

WHEREAS, an application by the City of Creve Coeur was submitted for an amendment to Section 405.470(14) Conditional Uses, of the Creve Coeur Zoning Ordinance to allow for drive-thru restaurant services on sites of two acres or more; and,

WHEREAS, the Planning and Zoning Commission of the City of Creve Coeur, Missouri has recognized the need for amendments to such regulations in the City Code of Ordinances as set forth herein, to more effectively implement the goals of the Comprehensive Plan and the purposes of the Zoning Code; and,

WHEREAS, the Planning and Zoning Commission of the City of Creve Coeur, Missouri, held a public hearing thereon at the Creve Coeur Government Center on Monday, _____, 2014, beginning at 7:00 p.m., or immediately following the close of the previous public hearing; and,

WHEREAS, the Planning and Zoning Commission reviewed and, by a vote of _____ recommended approval of the subject amendments at its meeting on Monday, _____, 2014; and,

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

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

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

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

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

SECTION 405.470: CONDITIONAL USES

8. All drive-through and drive-in sales of goods or services including freestanding drive-in banking facilities (not including restaurants) (CC-442100) (conditional use in the "PC", "GC" and "CB" districts).
 - a. Shall provide space for at least three (3) cars per drive-up window or station.
 - b. Shall provide landscaping to screen the view of drive-up waiting spaces from surrounding properties.

BILL NO. _____

ORDINANCE NO. _____

- 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

Ryan, Deborah

From: Judy Campbell
Sent: Wednesday, September 17, 2014 11:31 PM
To: Ryan, Deborah
Subject: Letter
Attachments: Letter to city council against DRT 9-14.docx

Debbie,

I was planning on speaking at the City Council meeting but that was a month ago when I thought this would have been on the agenda. Again, I leave for vacation tomorrow...need to finish packing...so could you please include this with the Drive-thru Restaurant application section? Thank you.

Judy

Attachment: Emails Received Regarding This Proposed Ordinance (1097 : Bill No. 5514 - Drive-Thru Text Amendment)

Good Evening.

As lead co-chair of the city's CATF, you are aware that we oppose this application to increase the quantity of drive-thru restaurants for a number of reasons. First, the city is currently participating in the Green Power Community challenge to increase the use of renewable energy and second we have pledged to do Energy Benchmarking for our municipal buildings and encourage our community to also reduce energy consumption by 25% by the year 2020. Both of these initiatives reduce ghg emissions. Unfortunately, having an increased quantity of drive thru restaurants does not... it in fact increases ghg emissions and air pollution due to tailpipe emissions.

The Quick Service Restaurant Magazine which conducts annual Drive-thru Performance Studies of six well-known fast-food restaurants since 1998 report the average speed from placing an order to getting the food is now 180 seconds...3 minutes. In fact, the Oct 2013 study stated "the benchmark group's average speed of service slowed down by 8 seconds over last year". An example, Chick-fil-A average time is 203 seconds...3 minutes and 23 seconds with an average of 6 cars in line. On an average car #6 can wait over 18 minutes to have their food order completed which does not take into account how long they were in line before placing their order. Nor does it take into account the time needed to pay for the order, or if there was a mistake in their food order, or if they placed an uncommon order which would take additional time. The point being the longer in line the more tailpipe emissions will be emitted into the air.

Restaurants have the option to provide food orders and convenience by simply having an employee deliver the purchase to the driver without having a drive-thru lane.

That being said members of the CATF have also submitted a list of recommendations to limit the environmental impact of any additional drive-thru restaurants. Many are restrictive as the potential for drive-thru restaurants could exceed 24 additional drive-thru restaurants and again we do not see that in keeping with our city's goal to be a leader in sustainability.

AS A RESIDENT:

The majority of residents in CC did not want an increase in drive-thru restaurants as shown by the results of the 2014 Community Survey. ETC Institute who conducted the survey asked residents "if they would be in favor of changing the regulations so that more drive-through restaurants could locate in Creve Coeur": 49% responded NO...almost half, whereas 36% responded YES...a little more than a third, and 15% responded NOT SURE. Another question asked "If satisfactory solutions could be reached to address your concerns, would you support allowing more drive-through restaurants in Creve Coeur? 44% responded NO, 35 responded YES, and 21% responded NOT SURE. The biggest concern among residents with regard to drive thru restaurants is having too many built in the same area. It is my opinion that if residents knew at the time they took that survey there could be an additional 24 new drive-thru restaurants than the majority of residents who voted NOT SURE would most likely have changed their answer to NO.

A few business owners are concerned that their employees do not have enough time to eat unless there are more DTR. I question that statement as all employees can bring food from home or purchase it from other places before they start work. Plus, during the lunch rush hour it is faster to get out of your car and order your food from inside the DTR establishment. Another thing to keep in mind is how many of the working day population live in CC? Whereas all CC residents who completed the survey live in CC, pay utility taxes, and are eligible to vote on city issues.

My family believes that having more DTRs in CC will in fact damage its character and hurt the brick and mortar stores. Those with cars who crave fast foods other than McDonalds, Burger King, and Taco Bell, can make other arrangement to obtain their fast food. Not once in our years as a resident have I ever heard another resident say "What we need here in CC is more Drive thru Restaurants." Thank you.

Judy and Greg Campbell
314 Lyonnais Drive

Ryan, Deborah

From: Glantz, Barry [bglantz@ci.creve-coeur.mo.us]
Sent: Sunday, September 14, 2014 6:39 PM
To: Ryan, Deborah
Subject: FW: drive through restaurants

From: Susan Eiger
Sent: Sunday, September 14, 2014 6:31:20 PM
To: Glantz, Barry
Subject: drive through restaurants
Auto forwarded by a Rule

Hi Barry,
We are not sure if we will be able to come to the meeting tomorrow night. so we would like to express our concerns regarding the drive through restaurant issue. We believe it would be in the best interest of the community to require separation of at least 150 feet, as well as a wall separating the establishment from residences. We appreciate all your help with our city.
Thank you
Susan and Ken Eiger

Ryan, Deborah

From: Glantz, Barry [bglantz@ci.creve-coeur.mo.us]
Sent: Monday, September 15, 2014 9:24 AM
To: Ryan, Deborah
Subject: FW: [mayor-council] No any drive-Thru Restaurants {01}

From: mayor-council@ci.creve-coeur.mo.us on behalf of Natalie Chen[
Sent: Monday, September 15, 2014 9:16:15 AM
To: Mayor-Council
Subject: [mayor-council] No any drive-Thru Restaurants {01}
Auto forwarded by a Rule

Dear Sir/Madam,

I am strongly against any **Drive-Thru Restaurants** on Olive Ave since the traffic is already very bad. Any Drive-Thru restaurants will make the traffics much worse. Drive-Thru restaurants noise and food odors will also disturb many residents whose houses are close to Drive-Thru restaurants.

Natalie Chen

Creve Coeur resident at 5 Winfield Pointe Ln,

Attachment: Emails Received Regarding This Proposed Ordinance (1097 : Bill No. 5514 - Drive-Thru Text Amendment)

Ryan, Deborah

From: mayor-council@ci.creve-coeur.mo.us on behalf of K Ham
Sent: Monday, September 15, 2014 2:16 PM
To: Mayor-Council
Subject: [mayor-council] NO Drive-Thru Near Residential Please {01}

Dear Creve Coeur Officials --

My name is Kerry Hampton and I live at 419 Graeser Rd (for 28 years). I urge you to support my position of no drive-thru businesses near residential areas - like at Graeser and Olive, for instance. I have spoken on this issue at several meetings. Unfortunately, I can not attend tonight's meeting but hope that this email will be strongly considered by you and your colleagues.

Sincerely,

Kerry and Pam Hampton

Attachment: Emails Received Regarding This Proposed Ordinance (1097 : Bill No. 5514 - Drive-Thru Text Amendment)

Ryan, Deborah

From: mayor-council@ci.creve-coeur.mo.us on behalf of L R
Sent: Friday, August 29, 2014 9:56 AM
To: Mayor-Council
Subject: [mayor-council] Ajax pollution study now questioned by Ajax {01}

At a previous PnZ meeting Brea Schmidz cited and quoted from the "Ajax study" that was done by Tim Hortons. She dismissed problems with pollution from idling cars saying that they were less than parked and re-started cars.

That study is criticized in the newer report from Ajax, which is linked in the Aug 18 staff report
<https://www.ajax.ca/en/doingbusinessinajax/resources/DriveThroughDiscussionPaperFINAL.pdf>

see page 28-31, especially the criticism part, including these paragraphs

The focus of the RWDI report seems to be on the morning peak rush hour, using a Tim Horton's restaurant on Bank Street in Ottawa as the "control" example of emissions from a non drive-through facility.

The RWDI report concludes that drive-through emissions are lower relative to the non drive-through restaurant.

Yes this is true, but only for the one hour that the study focuses upon.

The RWDI report states quite clearly that in a restaurant where there is ample parking the GHG emissions are less than 1/3 for someone parking their vehicle compared to using the drive-through. The control restaurant is a busy facility with limited parking, given ample parking non-drive-through facilities are better for our environment.

If this specific location was to be excluded; the obvious result would be that walk-ins win on every single measure

Ryan, Deborah

From: mayor-council@ci.creve-coeur.mo.us on behalf of
Sent: Friday, August 29, 2014 12:04 AM
To: Mayor-Council
Subject: [mayor-council] 25 possible drive-thru locations in Creve Coeur? {01}
Attachments: Drive thru lots.pdf

Attached is the map of possible drive-thrus with the 2-3 acres lots, 3 acres lots, and possible collections of lots.

41 lots are 2-3 acres, 32 lots are 3 acres, 10 could be assembled from smaller lot= 83 technically possible! Not all of these are located in an area likely to attract customers and some have already have a use that eliminates adding food service.

The ones with the dots were identified by staff as likely to be attractive to drive-thru establishments = 25 dotted

Olive East of 270 has a total of 14 "plum" properties (2 at 3 acres, 4 at 2 acres and 7 that could be assembled to be at least 2 acres)

Ballas has 5 (some are shared with Olive)

Olive West of 270 has 8

Problems with this drive-thru ordinance

Proliferation: There could technically be 83 available lots, but "only" 25 are labeled Likely

Nearly all of these lots have, or could have a 200 ft building. 295ft X 295ft= 2 acres, so unless there is some problem like a creek in the middle, any 2 acre lot can fit a 200 ft building.

The previous draft required 2 stories, but now only 1 story is required. Developers are much more likely to put up a 200ft building if they only need 1 story.

NOT appropriate for residential neighbors:

NOBODY WANTS TO LIVE BY A DRIVE-THRU.

THE SIMPLEST SOLUTION IS TO JUST FORBID THEM ABUTTING RESIDENTIAL LOTS AND AT LEAST 250 FT FROM RESIDENTIAL, PARKS, SCHOOLS ETC.

Some effort is being made to make drive-thrus not look "tacky" One theory is that if the drive-thrus are "nice", people won't object.

But those who live near by will not be satisfied by changing the looks.

The newest draft ordinance for drive-thrus allows them near residences on 2 acres lots if the drive thru is part of a 200 ft building, of any height.

Since the ordinance forbids the 10 car long drive-thru lane from being in the front, it pushes it closer to the neighbors.

The draft only requires 50 ft separation of the drive-thru from residential property and only requires that the speaker box be quieted to "conversation level" at the property line. (Imagine sitting in your yard listening in on the ordering "conversation" over and over again, and the in-the-car-music only 50 ft away.)

A "opaque" barrier is required. Wood is opaque, but does not stop sound like masonry. Masonry should be required

Only the first floor of the residence is screened from site and sound; the second floor is where people want quiet to sleep

The service parts of the building are supposed to be surrounded by the architecture to make it look nice, but what is supposed to keep the sound of the trash bin lid dropping from disturbing the residents meal? The simplest solution is to forbid them from abutting residential lots and at least 250 ft from Residential, parks, schools, etc.
This ban from neighborhoods is also a simple way to prevent proliferation.

Traffic:

No one wants more traffic, especially in their neighborhood. Traffic studies should not merely prevent traffic from becoming terrible, they should not allow the traffic to become any worse than it already is. The East Olive corridor is supposed to be for small neighborhood business. If the traffic gets any worse even the people who live there will avoid businesses on Olive.

Litter:

Most people in sit-down eateries leave their trash inside. Some people who use drive-thru eat in the car, and then clean out the car in the parking lot or on the road. Even customers of "nice" places are guilty; some customers of the Paneras on Ballas have left their take-out remains in the neighboring subdivision. Imagine the mess throughout Creve Coeur with a proliferation of drive-thrus.

Pollution:

A 10 car line of stop-start idling cars is not in line with "greening" Creve Coeur.

Fast Food:

Given the protections required for neighbors, which restaurant is more likely to be able to afford a drive-thru: a local establishment or a chain?
one serving junk food or one serving healthy food?

From:

To:

Date: Mon, 2 Jun 2014 10:02:49 -0500

Subject: drive-thru map

Linda,

Here is the map of possible drive-thru sites, as requested. Sorry for the low image quality; the high-resolution version is too big for our email filter. Let me know if you need anything else.

Paul

Paul Langdon, AICP
Director of Community Development
City of Creve Coeur, Missouri

Tel. 314.872.2501

Fax. 314.872.2505

www.creve-coeur.org





Ryan, Deborah

From: mayor-council@ci.creve-coeur.mo.us on behalf of
Sent: Monday, August 18, 2014 3:23 PM
To: Mayor-Council
Subject: [mayor-council] Drive-thru issue {01}

I attended the Planning and Zoning Commission meeting last time and was puzzled by chairman's comments on the survey as it relates to traffic concerns. The survey clearly shows that traffic is a concern for the majority of the respondents. Unfortunately I am not able to attend tonight but do hope that the survey will be accurately portrayed.

If the Drive-thru regulations are allowed to change, this will almost certainly lead to two or three Drive-thru restaurants within close proximity to the stop light at Olive and Graeser. Drive-thrus would dramatically increase traffic on Graeser and further snarl traffic on Olive during peak periods. The additional noise, litter and late evening hours would make our neighborhood less safe for our families and ultimately lead to a decrease in our property values.

My wife and I are against any changes to the current Drive-thru restrictions, unless it is to not allow them under any circumstances.

Thank you for your service to Creve Coeur.

Richard Jarrett & Donna Coble
 8 Winfield Pointe Lane
 Creve Coeur, MO 63141

Attachment: Emails Received Regarding This Proposed Ordinance (1097 : Bill No. 5514 - Drive-Thru Text Amendment)

Ryan, Deborah

From: mayor-council@ci.creve-coeur.mo.us on behalf of
Sent: Saturday, August 16, 2014 3:48 PM
To: Mayor-Council
Subject: [mayor-council] Drive-thrus, not for residential areas, 50ft too small {01}

I think it is generally accepted by the residents, the Planning and Zoning Commission and the Council that they do not want a proliferation of Drive-thrus

If you insist on any, the number has to be limited. One simple way to do that is to restrict them from residential areas.

The 50ft buffer is not near enough. Drive-thrus are a "convenience" not a necessity, so there should be no compromise on residents rights to peacefully enjoy their property. If you want to use you back yard, or the side of your house is 15 ft from the property line, would YOU be happy with a 50 ft opaque barrier? Wouldn't you want more distance and a big sound barrier?

Please see the Decibel reduction by distance charts I submitted April 21

The commercial interests who have spoken at the meeting do not want "burdensome" restrictions and more restrictions are required near residential, so just remove that problem by banning them from residential areas.

Drive-thrus will not be an improvement for the East Olive area, further is you have noticed lately, that part of Olive is already looking up, without the "assistance" of drive-thrus.

According to the Comp Plan it is supposed to be residential and locally oriented. Even if you think the Plan is outdated, drive-thrus would be more disruptive of the area than helpful

Attachment: Emails Received Regarding This Proposed Ordinance (1097 : Bill No. 5514 - Drive-Thru Text Amendment)

Ryan, Deborah

From: mayor-council@ci.creve-coeur.mo.us on behalf of Linda Pevnick
Sent: Thursday, August 14, 2014 8:03 AM
To: Mayor-Council
Subject: [mayor-council] Creve Coeur drive thru's {01}

I am a resident of the Graeser/Olive/Dautel area in Creve Coeur and rent an office on Old Olive St. Rd. I am very much against drive thru's in Creve Coeur at Graeser/Dautel/Olive. There is already so much traffic with the Walgreens there and people pulling out onto Graeser/Dautel with no regard for thru traffic. This is a very busy intersection and drive thru's in Creve Coeur will really down grade our neighborhood. We don't want our neighborhood to look like that part of Page Blvd where there is a drive thru at every corner of the intersection. All that traffic and signs will junk up the neighborhood and lower our property values. I am very happy with the traffic light there, it was much needed. Thank you.

--

Linda Pevnick, MSW, LCSW

"Linda is the best therapist, the most reliable I have ever had the opportunity to work with."
 St. Louis, MD Psychiatrist - April 2012

If you've received this email by accident or wish to be removed from the mailing list, please reply and put 'remove' in the subject line.

Attachment: Emails Received Regarding This Proposed Ordinance (1097 : Bill No. 5514 - Drive-Thru Text Amendment)

Ryan, Deborah

From: mayor-council@ci.creve-coeur.mo.us on behalf of donna coble
Sent: Monday, July 21, 2014 9:57 AM
To: Mayor-Council
Cc: Mayor-Council; Richard Jarrett
Subject: [mayor-council] NO to Drive-Throughs in Creve Coeur {01}

It is our understanding that data from the recent Community Survey will be discussed at this evening's Planning & Zoning Commission meeting. From our review of the results it appears clear that residents of Creve Coeur oppose drive-through restaurants (57% oppose vs. 43% in favor). And, even after addressing residents' concerns, still the majority do not want more drive-throughs in our city.

We ask that the Planning and Zoning Commission heed these results and keep the ordinance as is. As residents that live in close proximity to Olive Boulevard we are very concerned about the additional traffic, noise and late night activity should a drive through open close by. Please don't let Olive Boulevard become another Manchester Road. This will not be good for residential property values and adds nothing to the character or livability of Creve Coeur.

Thank you.

Donna Coble & Richard Jarrett
 8 Winfield Pointe Lane

Attachment: Emails Received Regarding This Proposed Ordinance (1097 : Bill No. 5514 - Drive-Thru Text Amendment)

Ryan, Deborah

From: mayor-council@ci.creve-coeur.mo.us on behalf of Mary Lou James

Sent: Sunday, July 20, 2014 6:31 AM

To: Mayor-Council

Cc: Mayor-Council; 222;

Subject: [mayor-council] Application #14-008: Text Amendment To Allow For Drive-Thru Restaurant Services On Sites Of 2 Or More Acres {01}

I have just read through the **MEMORANDUM TO THE PLANNING AND ZONING COMMISSION (Meeting Date: July 21, 2014)** related to "Application #14-008: Text Amendment To Allow For Drive-Thru Restaurant Services On Sites Of 2 Or More Acres" and "2014 City of Creve Coeur Community Survey (excerpt) SURVEY".

My responses are not a part of the survey corresponding 2014 City of Creve Coeur Community Survey: Draft Report and I would like to add them in one simple sentence: **Regardless of what measures Creve Coeur (CC) may/will implement to try to address my concerns, I am absolutley against (NO) additional drive-thrus.**

While I note that CC states that drive-thrus will stimulate the CC economy, it is my belief that it will reduce current activity at other exisiting retail venues during peak hours. As a resident of CC, I will actively avoid areas where drive-thrus are located if it means increased traffic, in particular but not limited to Olive, and I will instead head east or south to avoid this congestion.

Also, Olive is beginning to look like a little Manchester Rd, and as such does not reflect the caliber of CC residents. This "look" will likely deter new residents from considering CC when they are in the market for a home and negatively impact the current perception that CC is a desireable area to reside. The positive ecomimic stimulus you suggest will be incurred by additional drive-thrus will in fact serve to back fire and hurt the overall economic health of CC long-term.

Please add my "NO" response (I am against the additional drive-thrus) to your survey.

 Mary Lou James
 427 Graeser Rd
 Creve Coeur, MO 63141

Attachment: Emails Received Regarding This Proposed Ordinance (1097 : Bill No. 5514 - Drive-Thru Text Amendment)

Ryan, Deborah

From: Glantz, Barry [bglantz@ci.creve-coeur.mo.us]
Sent: Sunday, July 20, 2014 3:23 AM
To: Ryan, Deborah
Subject: FW: [mayor-council] Don't Ignore the Data, just say NO to more Drive-thrus {01}

From: mayor-council@ci.creve-coeur.mo.us on behalf of L R
Sent: Sunday, July 20, 2014 3:16:39 AM
To: Mayor-Council
Subject: [mayor-council] Don't Ignore the Data, just say NO to more Drive-thrus {01}
Auto forwarded by a Rule

Comment before I begin: Could my email AND ANY OTHERS received on this topic be put in the subsequent Agendas for PnZ AND Council. I know you have a problem being short of staff, but it is not fair for the letters from developers be retained, while the emails of ordinary citizens sometimes fade away. (To paraphrase a staff member: If we passed on all the emails the Agenda would be huge. The agenda is already huge and emails could be pasted together rather than doing one to a page)

 Paul Langdon sent the data from the Draft Community Survey to the Planning and Zoning Commission for discussion at the meeting this Monday JULY 21. He also sent a memo from the staff to the Commission. He said there are still reasons to allow Drive-thrus. We disagree; the data says that 48.6% don't want them, the rest are divided between Yes 36.5% and Not Sure 14.8%

Don't ignore what the residents said. Say NO to More Drive-Thrus

Brief review of the data, ***additional computations or comments and a List of other reasons to Just say NO***

The data says in a scientific sample of residents,
 Q 28
 48.6% SAY NO to changing rules to allow more drive thru,
 36.7% say Yes
 14.8% are Not Sure.

Earlier questions were reworked without the "Not Sures" to make them comparable to similar surveys in other Cities.

Here dropping the "Not sures" makes the NO's and Yes's both look bigger, but is not a true picture of the range of opinion.

Q 29
 When asked about "Concerns" there was a check list ***and 488 people out of 627 or 78% had at least one concern.***

Here is the list with a shortened description of the Concern and the percent of all respondents who had that

Attachment: Emails Received Regarding This Proposed Ordinance (1097 : Bill No. 5514 - Drive-Thru Text Amendment)

Concern

Having too many in same area 62.7%

Traffic 60.1%

Appearance 45%

Noise 26.2%

No concerns 19.9%

Other concerns 14.4% 90 people listed additional concerns

Don't knows were 2.4%

The total concerns listed for the 488 people who checked off concerns was 1306 or 2.7 concerns per person. That is a lot of resident concern. Make sure you read the list of 90 "Other Concerns" as nearly 1 in 5 people went to the trouble of adding comments

When those with concerns were asked

Q30. If satisfactory solutions could be reached to address the concerns you identified above (in Question 29), would you support allowing more drive-through restaurants in Creve Coeur?

43.9% STILL SAID NO

34.6% said Yes

21.5% said Not Sure

List of other reasons to Just say NO

The City has done quite well without Drive-thrus.

They are available in the surrounding area, but tellingly, generally the the areas that most residents find less desiable

The City is not in such financial straights that they are needed for revenue.

If they are willing to follow exterior guidelines, there is no way to legislatively discriminate between Chick-fil-A and Popeyes.

The Survey says 90% of residents have an excellent to good image of the City, but many of the written concerns about Drive-thrus were based on threats to the City's image.

The Yeses can find a Drive-thru by driving a bit our of their neighborhood, but if you go against the NO's they could only get what they want by MOVING to a Drive-thru free neighborhood.

NOs to Drive-thrus are more numerous and I suspect more likely upset and vocal in their disapproval if you go against their opinion than the Yes's would be in the same situation.

Just say No to more Drive-thrus



City Council
300 North New Ballas Rd
Creve-Coeur, MO 63141

Meeting: 10/13/14 07:00 PM
Department: Public Works Department
Category: Agreement
Prepared By: Matt Wohlberg
Department Head: Jim Heines

SCHEDULED

ORDINANCE

Bill No. 5515 - an Ordinance of the City Council of the City of Creve Coeur, Missouri Authorizing the Execution of a STP-Urban Program Grant Project Agreement with the Missouri Highways and Transportation Commission to Enable the City to Construct the Warson Road Improvement Project. Final Reading and Passage

Staff recommends the execution of this agreement with the Missouri Highways and Transportation Commission, as it is required for the City to receive federal grant assistance for the resurfacing of Warson Road through the Surface Transportation Program (STP).

BILL NO. 5515

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CREVE COEUR, MISSOURI AUTHORIZING THE EXECUTION OF A STP-URBAN PROGRAM GRANT PROJECT AGREEMENT WITH THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION TO ENABLE THE CITY TO CONSTRUCT THE WARSON ROAD IMPROVEMENT PROJECT.

WHEREAS, the City of Creve Coeur strives to promote a beautiful and safe place for the residents to live, work, walk, and drive; and

WHEREAS, the City has been awarded grant funding under the federal Surface Transportation Program (STP) to assist with the cost of asphalt resurfacing on Warson Road, as well as sidewalk and landscaping improvements along Warson Road; and

WHEREAS, the attached Program Agreement is contract between the City and the Missouri Highways and Transportation Commission regarding the responsibilities and requirements associated with the STP Grant Program.

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

SECTION 1: The STP-Urban Program Agreement, between the Missouri Highways and Transportation Commission and the City, regarding the construction of pavement, sidewalk, and landscaping improvements on Warson Road, attached hereto and referred to herein as the "Program Agreement," 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 Agreement as executed shall be in substantially the form of the Program Agreement, 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. 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 Program Agreement.

Passed this ____ day of _____ 2014.

Charlotte D'Alfonso
President of City Council

Adopted this ____ day of _____ 2014.

Barry Glantz
Mayor

Attest:

Ordinance

Meeting of October 13, 2014

Deborah Ryan, MPCC
City Clerk

CCO Form: FS11
 Approved: 07/96 (KMH)
 Revised: 06/12 (MWH)
 Modified:

Creve Coeur
 Warson Road

CFDA Number: CFDA #20.205
 CFDA Title: Highway Planning and Construction
 Award name/number: STP-5526(640)
 Award Year: FY2015
 Federal Agency: Federal Highway Administration, Department of Transportation

MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION STP-URBAN PROGRAM AGREEMENT

THIS STP-URBAN AGREEMENT is entered into by the Missouri Highways and Transportation Commission (hereinafter, "Commission") and the City of Creve Coeur, St. Louis County, Missouri (hereinafter, "City").

WITNESSETH:

WHEREAS, 23 U.S.C. §133 authorizes a Surface Transportation Program (STP) to fund transportation related projects; and

WHEREAS, the City desires to construct certain improvements, more specifically described below, using such STP funding; and

WHEREAS, those improvements are to be designed and constructed in compliance with the provisions of this Agreement.

NOW, THEREFORE, in consideration of the mutual covenants, promises and representations in this Agreement, the parties agree as follows:

(1) PURPOSE: The purpose of this Agreement is to grant the use of STP funds to the City. The improvement contemplated by this Agreement and designated as Project STP-5526(640) involves:

2" cold milling and resurfacing, sidewalk and ramp upgrades, and streetscaping.

The City shall be responsible for all aspects of the construction of the improvement.

(2) LOCATION: The contemplated improvement designated as Project STP-5526(640) by the Commission is within the city limits of Creve Coeur, Missouri. The general location of the improvement is shown on an attachment hereto marked "Exhibit A" and incorporated herein by reference. More specific descriptions are as follows:

Warson Road, from Olive Boulevard to the south Creve Coeur City limits.

(3) REASONABLE PROGRESS POLICY: The project as described in this agreement is subject to the reasonable progress policy set forth in the Local Public Agency (LPA) Manual and the final deadline specified in Exhibit B attached hereto and incorporated herein by reference. In the event, the LPA Manual and the final deadline within Exhibit B conflict, the final deadline within Exhibit B controls. If the project is within a Transportation Management Area that has a reasonable progress policy in place, the project is subject to that policy. If the project is withdrawn for not meeting reasonable progress, the City agrees to repay the Commission for any progress payments made to the City for the project and agrees that the Commission may deduct progress payments made to the City from future payments to the City.

(4) LIMITS OF SYSTEM: The limits of the surface transportation system for the City shall correspond to its geographical area as encompassed by the urban boundaries of the City as fixed cooperatively by the parties subject to approval by the Federal Highway Administration (FHWA).

(5) ROUTES TO BE INCLUDED: The City shall select the high traffic volume arterial and collector routes to be included in the surface transportation system, to be concurred with by the Commission, subject to approval by the FHWA. It is understood by the parties that surface transportation system projects will be limited to the said surface transportation system, but that streets and arterial routes may be added to the surface transportation system, including transfers from other federal aid systems.

(6) INVENTORY AND INSPECTION: The City shall:

(A) Furnish annually, upon request from the Commission or FHWA, information concerning conditions on streets included in the STP system under local jurisdiction indicating miles of system by pavement width, surface type, number of lanes and traffic volume category.

(B) Inspect and provide inventories of all bridges on that portion of the federal-aid highway systems under the jurisdiction of the City in accordance with the Federal Special Bridge Program, as set forth in 23 U.S.C. §144, and applicable amendments or regulations promulgated thereunder.

(7) CITY/COUNTY/GRANTEE TO MAINTAIN: Upon completion of construction of this improvement, the City shall accept control and maintenance of the improved street and shall thereafter keep, control, and maintain the same as, and for all purposes, a part of the City street system at its own cost and expense and at no cost and expense whatsoever to the Commission. Any traffic signals installed on highways maintained by the Commission will be turned over to the Commission upon completion of the project for maintenance. All obligations of the Commission under this Agreement shall cease upon completion of the improvement.

(8) INDEMNIFICATION:

(A) To the extent allowed or imposed by law, the City shall defend, indemnify and hold harmless the Commission, including its members and the Missouri

Department of Transportation (MoDOT or Department) employees, from any claim or liability whether based on a claim for damages to real or personal property or to a person for any matter relating to or arising out of the City's wrongful or negligent performance of its obligations under this Agreement.

(B) The City will require any contractor procured by the City to work under this Agreement:

1. To obtain a no cost permit from the Commission's district engineer prior to working on the Commission's right-of-way, which shall be signed by an authorized contractor representative (a permit from the Commission's district engineer will not be required for work outside of the Commission's right-of-way); and

2. To carry commercial general liability insurance and commercial automobile liability insurance from a company authorized to issue insurance in Missouri, and to name the Commission, and MoDOT and its employees, as additional named insureds in amounts sufficient to cover the sovereign immunity limits for Missouri public entities as calculated by the Missouri Department of Insurance, Financial Institutions and Professional Registration, and published annually in the Missouri Register pursuant to Section 537.610, RSMo. The City shall cause insurer to increase the insurance amounts in accordance with those published annually in the Missouri Register pursuant to Section 537.610, RSMo.

(C) In no event shall the language of this Agreement constitute or be construed as a waiver or limitation for either party's rights or defenses with regard to each party's applicable sovereign, governmental, or official immunities and protections as provided by federal and state constitution or law.

(9) CONSTRUCTION SPECIFICATIONS: Parties agree that all construction under the STP for the City will be constructed in accordance with current MoDOT design criteria/specifications for urban construction unless separate standards for the surface transportation system have been established by the City and the Commission subject to the approval of the FHWA.

(10) FEDERAL-AID PROVISIONS: Because responsibility for the performance of all functions or work contemplated as part of this project is assumed by the City, and the City may elect to construct part of the improvement contemplated by this Agreement with its own forces, a copy of Section II and Section III, as contained in the United States Department of Transportation Form Federal Highway Administration (FHWA) 1273 "Required Contract Provisions, Federal-Aid Construction Contracts," is attached and made a part of this Agreement as Exhibit C. Wherever the term "the contractor" or words of similar import appear in these sections, the term "the City" is to be substituted. The City agrees to abide by and carry out the condition and obligations of "the contractor" as stated in Section II, Equal Opportunity, and Section III, Nonsegregated Facilities, as set out in Form FHWA 1273.

(11) ACQUISITION OF RIGHT OF WAY: No acquisition of additional right of way is anticipated in connection with Project STP-5526(640) or contemplated by this Agreement.

(12) REIMBURSEMENT: The cost of the contemplated improvements will be borne by the United States Government and by the City as follows:

(A) Any federal funds for project activities shall only be available for reimbursement of eligible costs which have been incurred by City. Any costs incurred by City prior to authorization from FHWA and notification to proceed from the Commission are **not** reimbursable costs. The federal share for this project will be 80 percent not to exceed \$428,800.00. The calculated federal share for seeking federal reimbursement of participating costs for the herein improvements will be determined by dividing the total federal funds applied to the project by the total participating costs. Any costs for the herein improvements which exceed any federal reimbursement or are not eligible for federal reimbursement shall be the sole responsibility of City. The Commission shall not be responsible for any costs associated with the herein improvement unless specifically identified in this Agreement or subsequent written amendments.

(B) The total reimbursement otherwise payable to the City under this Agreement is subject to reduction, offset, levy, judgment, collection or withholding, if there is a reduction in the available federal funding, or to satisfy other obligations of the City to the Commission, the State of Missouri, the United States, or another entity acting pursuant to a lawful court order, which City obligations or liability are created by law, judicial action, or by pledge, contract or other enforceable instrument. Any costs incurred by the City prior to authorization from FHWA and notification to proceed from the Commission are not reimbursable costs.

(13) PERMITS: The City shall secure any necessary approvals or permits from the Federal Government and the State of Missouri as required to permit the construction and maintenance of the contemplated improvements.

(14) TRAFFIC CONTROL: The plans shall provide for handling traffic with signs, signal and marking in accordance with the Manual of Uniform Traffic Control Devices (MUTCD).

(15) WORK ON STATE RIGHT OF WAY: If any contemplated improvements for Project STP-5526(640) will involve work on the state's right of way, the City will provide reproducible final plans to the Commission relating to such work.

(16) DISADVANTAGED BUSINESS ENTERPRISES (DBEs): At time of processing the required project agreements with the FHWA, the Commission will advise the City of any required goals for participation by DBEs to be included in the City's proposal for the work to be performed. The City shall submit for Commission approval a DBE goal or plan. The City shall comply with the plan or goal that is approved by the Commission and all requirements of 49 C.F.R. Part 26, as amended.

(17) NOTICE TO BIDDERS: The City shall notify the prospective bidders that disadvantaged business enterprises shall be afforded full and affirmative opportunity to submit bids in response to the invitation and will not be discriminated against on grounds of race, color, sex, or national origin in consideration for an award.

(18) PROGRESS PAYMENTS: The City may request progress payments be made for the herein improvements as work progresses but not more than once every two weeks. Progress payments must be submitted monthly for amounts equal to or greater than \$10,000.00. The City shall repay any progress payments which involve ineligible costs.

(19) OUTDOOR ADVERTISING: The City further agrees that the right of way provided for any STP improvement will be held and maintained inviolate for public highway or street purposes, and will enact and enforce any ordinances or regulations necessary to prohibit the presence of billboards or other advertising signs or devices and the vending or sale of merchandise on such right of way, and will remove or cause to be removed from such right of way any sign, private installation of any nature, or any privately owned object or thing which may interfere with the free flow of traffic or impair the full use and safety of the highway or street.

(20) FINAL AUDIT: The Commission will perform a final audit of project costs. The United States Government shall reimburse the City, through the Commission, any monies due. The City shall refund any overpayments as determined by the final audit.

(21) OMB AUDIT: If the City expend(s) five hundred thousand dollars (\$500,000) or more in a year in federal financial assistance it is required to have an independent annual audit conducted in accordance with OMB Circular A-133. A copy of the audit report shall be submitted to MoDOT within the earlier of thirty (30) days after receipt of the auditor's report(s), or nine (9) months after the end of the audit period. Subject to the requirements of OMB Circular A-133, if the City expend(s) less than five hundred thousand dollars (\$500,000) a year, the City may be exempt from auditing requirements for that year but records must be available for review or audit by applicable state and federal authorities.

(22) FEDERAL FUNDING ACCOUNTABILITY AND TRANSPARENCY ACT OF 2006: The City shall comply with all reporting requirements of the Federal Funding Accountability and Transparency Act (FFATA) of 2006, as amended. This Agreement is subject to the award terms within 2 C.F.R. Part 170.

(23) VENUE: It is agreed by the parties that any action at law, suit in equity, or other judicial proceeding to enforce or construe this Agreement, or regarding its alleged breach, shall be instituted only in the Circuit Court of Cole County, Missouri.

(24) LAW OF MISSOURI TO GOVERN: This Agreement shall be construed according to the laws of the State of Missouri. The City shall comply with all local, state and federal laws and regulations relating to the performance of this Agreement.

(25) AMENDMENTS: Any change in this Agreement, whether by modification or supplementation, must be accomplished by a formal contract amendment signed and approved by the duly authorized representatives of the City and the Commission.

(26) COMMISSION REPRESENTATIVE: The Commission's District Engineer is designated as the Commission's representative for the purpose of administering the provisions of this Agreement. The Commission's representative may designate by written notice other persons having the authority to act on behalf of the Commission in furtherance of the performance of this Agreement.

(27) NOTICES: Any notice or other communication required or permitted to be given hereunder shall be in writing and shall be deemed given three (3) days after delivery by United States mail, regular mail postage prepaid, or upon receipt by personal or facsimile delivery, addressed as follows:

- (A) To the City:
300 N. New Ballas Road
Creve Coeur, MO 63141
Facsimile No. 314-872-2505
- (B) To the Commission:
1590 Woodlake Drive
Chesterfield, MO 63017
Facsimile No: 573-522-6480

or to such other place as the parties may designate in accordance with this Agreement. To be valid, facsimile delivery shall be followed by delivery of the original document, or a clear and legible copy thereof, within three (3) business days of the date of facsimile transmission of that document.

(28) NONDISCRIMINATION ASSURANCE: With regard to work under this Agreement, the City agrees as follows:

(A) Civil Rights Statutes: The City shall comply with all state and federal statutes relating to nondiscrimination, including but not limited to Title VI and Title VII of the Civil Rights Act of 1964, as amended (42 U.S.C. §2000d and §2000e, et seq.), as well as any applicable titles of the "Americans with Disabilities Act" (42 U.S.C. §12101, et seq.). In addition, if the City is providing services or operating programs on behalf of the Department or the Commission, it shall comply with all applicable provisions of Title II of the "Americans with Disabilities Act".

(B) Administrative Rules: The City shall comply with the administrative rules of the United States Department of Transportation relative to nondiscrimination in federally-assisted programs of the United States Department of Transportation (49 C.F.R. Part 21) which are herein incorporated by reference and made part of this Agreement.

(C) Nondiscrimination: The City shall not discriminate on grounds of the race, color, religion, creed, sex, disability, national origin, age or ancestry of any individual in the selection and retention of subcontractors, including procurement of materials and leases of equipment. The City shall not participate either directly or indirectly in the discrimination prohibited by 49 C.F.R. §21.5, including employment practices.

(D) Solicitations for Subcontracts, Including Procurements of Material and Equipment: These assurances concerning nondiscrimination also apply to subcontractors and suppliers of the City. These apply to all solicitations either by competitive bidding or negotiation made by the City for work to be performed under a subcontract including procurement of materials or equipment. Each potential subcontractor or supplier shall be notified by the City of the requirements of this Agreement relative to nondiscrimination on grounds of the race, color, religion, creed, sex, disability or national origin, age or ancestry of any individual.

(E) Information and Reports: The City shall provide all information and reports required by this Agreement, or orders and instructions issued pursuant thereto, and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Commission or the United States Department of Transportation to be necessary to ascertain compliance with other contracts, orders and instructions. Where any information required of the City is in the exclusive possession of another who fails or refuses to furnish this information, the City shall so certify to the Commission or the United States Department of Transportation as appropriate and shall set forth what efforts it has made to obtain the information.

(F) Sanctions for Noncompliance: In the event the City fails to comply with the nondiscrimination provisions of this Agreement, the Commission shall impose such contract sanctions as it or the United States Department of Transportation may determine to be appropriate, including but not limited to:

1. Withholding of payments under this Agreement until the City complies; and/or
2. Cancellation, termination or suspension of this Agreement, in whole or in part, or both.

(G) Incorporation of Provisions: The City shall include the provisions of paragraph (28) of this Agreement in every subcontract, including procurements of materials and leases of equipment, unless exempted by the statutes, executive order, administrative rules or instructions issued by the Commission or the United States Department of Transportation. The City will take such action with respect to any subcontract or procurement as the Commission or the United States Department of Transportation may direct as a means of enforcing such provisions, including sanctions for noncompliance; provided that in the event the City becomes involved or is threatened with litigation with a subcontractor or supplier as a result of such direction,

the City may request the United States to enter into such litigation to protect the interests of the United States.

(29) ACCESS TO RECORDS: The City and its contractors must maintain all records relating to this Agreement, including but not limited to invoices, payrolls, etc. These records must be available at no charge to the FHWA and the Commission and/or their designees or representatives during the period of this Agreement and any extension, and for a period of three (3) years after the date on which the City receives reimbursement of their final invoice from the Commission.

[Remainder of Page Intentionally Left Blank]

IN WITNESS WHEREOF, the parties have entered into this Agreement on the date last written below.

Executed by the City this ____ day of _____, 20____.

Executed by the Commission this ____ day of _____, 20____.

MISSOURI HIGHWAYS AND
TRANSPORTATION COMMISSION

CREVE COEUR

Title _____

By _____
Title _____

ATTEST:

ATTEST:

Secretary to the Commission

By _____
Title _____

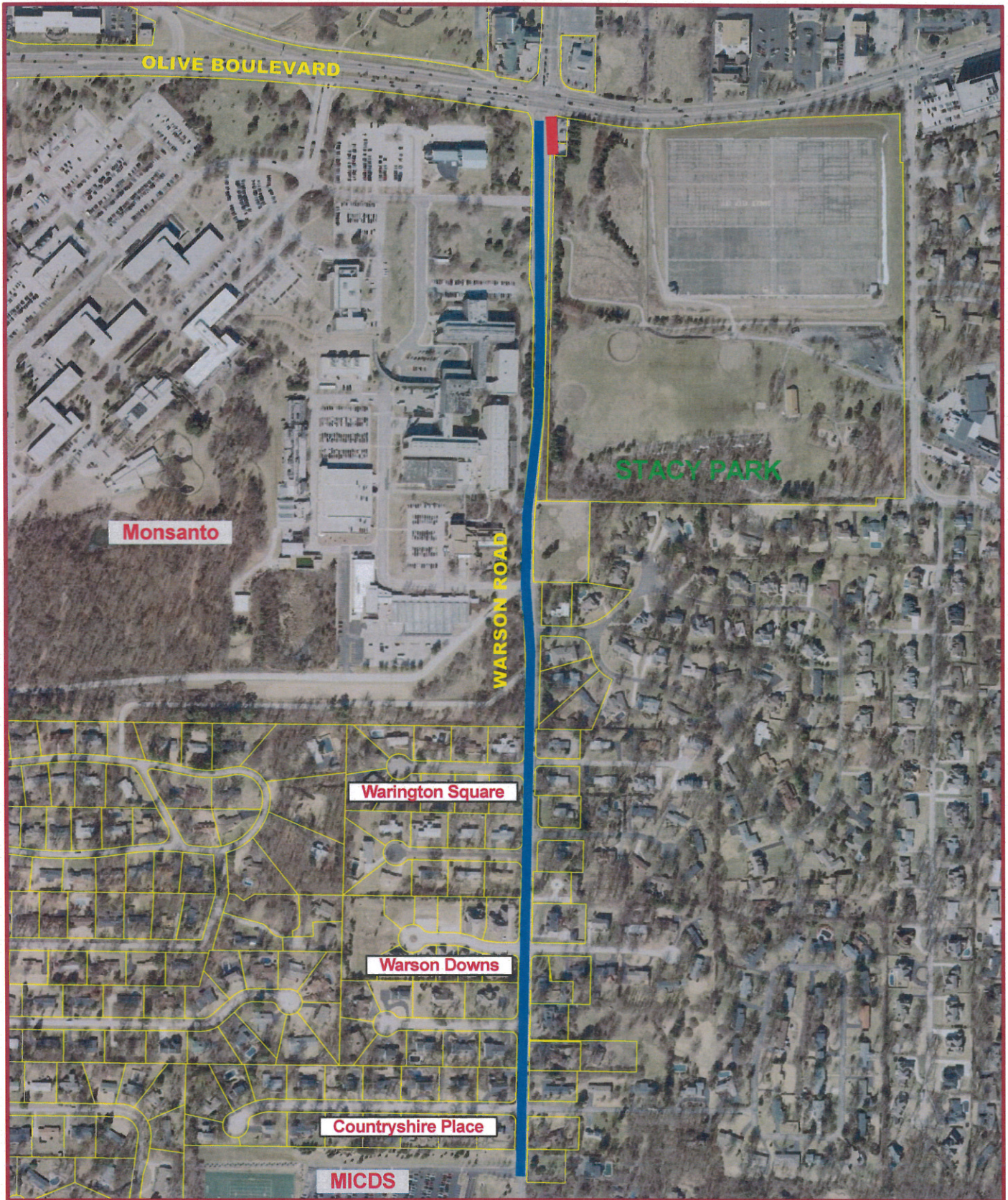
Approved as to Form:

Approved as to Form:

Commission Counsel

By _____
Title _____

Ordinance No: _____



PROPOSED PROJECT LIMITS FOR WARSON ROAD IMPROVEMENTS

Warson Road Project Limits
Creve Coeur, Missouri

January 30, 2014

- Roadway and Sidewalk Improvements
- Landscaping Improvements



EXHIBIT A

Exhibit B – Project Schedule

Project Description:

Project STP-5526(640) involves 2" cold milling and resurfacing, sidewalk and ramp upgrades, and streetscaping.

Task	Date
Date funding is made available or allocated to recipient	Aug. 2014
Solicitation for Professional Engineering Services (advertised)	Oct 2015
Engineering Services Contract Approved	Feb 2016
Preliminary Plans Submittal	Jul 2016
Plans, Specifications & Estimate (PS&E) Submittal	Jan 2017
Plans, Specifications & Estimate (PS&E) Approval	Feb 2017
Advertisement for Letting	Apr 2017
Bid Opening	Jun 2017
Construction Contract Award or Planning Study complete	Apr 2018

*Note: the dates established in the schedule above will be used in the applicable ESC between the sponsor agency and consultant firm.

**Schedule dates are approximate as the project schedule will be actively managed and issues mitigated through the project delivery process. The Award Date or Planning Study Date deliverable is not approximate and requires request to adjust.

REQUIRED CONTRACT PROVISIONS FEDERAL-AID CONSTRUCTION CONTRACTS

- I. General
- II. Nondiscrimination
- III. Nonsegregated Facilities
- IV. Davis-Bacon and Related Act Provisions
- V. Contract Work Hours and Safety Standards Act Provisions
- VI. Subletting or Assigning the Contract
- VII. Safety: Accident Prevention
- VIII. False Statements Concerning Highway Projects
- IX. Implementation of Clean Air Act and Federal Water Pollution Control Act
- X. Compliance with Governmentwide Suspension and Debarment Requirements
- XI. Certification Regarding Use of Contract Funds for Lobbying

ATTACHMENTS

A. Employment and Materials Preference for Appalachian Development Highway System or Appalachian Local Access Road Contracts (included in Appalachian contracts only)

I. GENERAL

1. Form FHWA-1273 must be physically incorporated in each construction contract funded under Title 23 (excluding emergency contracts solely intended for debris removal). The contractor (or subcontractor) must insert this form in each subcontract and further require its inclusion in all lower tier subcontracts (excluding purchase orders, rental agreements and other agreements for supplies or services).

The applicable requirements of Form FHWA-1273 are incorporated by reference for work done under any purchase order, rental agreement or agreement for other services. The prime contractor shall be responsible for compliance by any subcontractor, lower-tier subcontractor or service provider.

Form FHWA-1273 must be included in all Federal-aid design-build contracts, in all subcontracts and in lower tier subcontracts (excluding subcontracts for design services, purchase orders, rental agreements and other agreements for supplies or services). The design-builder shall be responsible for compliance by any subcontractor, lower-tier subcontractor or service provider.

Contracting agencies may reference Form FHWA-1273 in bid proposal or request for proposal documents, however, the Form FHWA-1273 must be physically incorporated (not referenced) in all contracts, subcontracts and lower-tier subcontracts (excluding purchase orders, rental agreements and other agreements for supplies or services related to a construction contract).

2. Subject to the applicability criteria noted in the following sections, these contract provisions shall apply to all work performed on the contract by the contractor's own organization and with the assistance of workers under the contractor's immediate superintendence and to all work performed on the contract by piecework, station work, or by subcontract.

3. A breach of any of the stipulations contained in these Required Contract Provisions may be sufficient grounds for withholding of progress payments, withholding of final payment, termination of the contract, suspension / debarment or any other action determined to be appropriate by the contracting agency and FHWA.

4. Selection of Labor: During the performance of this contract, the contractor shall not use convict labor for any purpose within the limits of a construction project on a Federal-aid highway unless it is labor performed by convicts who are on parole, supervised release, or probation. The term Federal-aid highway does not include roadways functionally classified as local roads or rural minor collectors.

II. NONDISCRIMINATION

The provisions of this section related to 23 CFR Part 230 are applicable to all Federal-aid construction contracts and to all related construction subcontracts of \$10,000 or more. The provisions of 23 CFR Part 230 are not applicable to material supply, engineering, or architectural service contracts.

In addition, the contractor and all subcontractors must comply with the following policies: Executive Order 11246, 41 CFR 60, 29 CFR 1625-1627, Title 23 USC Section 140, the Rehabilitation Act of 1973, as amended (29 USC 794), Title VI of the Civil Rights Act of 1964, as amended, and related regulations including 49 CFR Parts 21, 26 and 27; and 23 CFR Parts 200, 230, and 633.

The contractor and all subcontractors must comply with: the requirements of the Equal Opportunity Clause in 41 CFR 60-1.4(b) and, for all construction contracts exceeding \$10,000, the Standard Federal Equal Employment Opportunity Construction Contract Specifications in 41 CFR 60-4.3.

Note: The U.S. Department of Labor has exclusive authority to determine compliance with Executive Order 11246 and the policies of the Secretary of Labor including 41 CFR 60, and 29 CFR 1625-1627. The contracting agency and the FHWA have the authority and the responsibility to ensure compliance with Title 23 USC Section 140, the Rehabilitation Act of 1973, as amended (29 USC 794), and Title VI of the Civil Rights Act of 1964, as amended, and related regulations including 49 CFR Parts 21, 26 and 27; and 23 CFR Parts 200, 230, and 633.

The following provision is adopted from 23 CFR 230, Appendix A, with appropriate revisions to conform to the U.S. Department of Labor (US DOL) and FHWA requirements.

1. Equal Employment Opportunity: Equal employment opportunity (EEO) requirements not to discriminate and to take affirmative action to assure equal opportunity as set forth under laws, executive orders, rules, regulations (28 CFR 35, 29 CFR 1630, 29 CFR 1625-1627, 41 CFR 60 and 49 CFR 27) and orders of the Secretary of Labor as modified by the provisions prescribed herein, and imposed pursuant to 23 U.S.C. 140 shall constitute the EEO and specific affirmative action standards for the contractor's project activities under

this contract. The provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) set forth under 28 CFR 35 and 29 CFR 1630 are incorporated by reference in this contract. In the execution of this contract, the contractor agrees to comply with the following minimum specific requirement activities of EEO:

a. The contractor will work with the contracting agency and the Federal Government to ensure that it has made every good faith effort to provide equal opportunity with respect to all of its terms and conditions of employment and in their review of activities under the contract.

b. The contractor will accept as its operating policy the following statement:

"It is the policy of this Company to assure that applicants are employed, and that employees are treated during employment, without regard to their race, religion, sex, color, national origin, age or disability. Such action shall include: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship, pre-apprenticeship, and/or on-the-job training."

2. EEO Officer: The contractor will designate and make known to the contracting officers an EEO Officer who will have the responsibility for and must be capable of effectively administering and promoting an active EEO program and who must be assigned adequate authority and responsibility to do so.

3. Dissemination of Policy: All members of the contractor's staff who are authorized to hire, supervise, promote, and discharge employees, or who recommend such action, or who are substantially involved in such action, will be made fully cognizant of, and will implement, the contractor's EEO policy and contractual responsibilities to provide EEO in each grade and classification of employment. To ensure that the above agreement will be met, the following actions will be taken as a minimum:

a. Periodic meetings of supervisory and personnel office employees will be conducted before the start of work and then not less often than once every six months, at which time the contractor's EEO policy and its implementation will be reviewed and explained. The meetings will be conducted by the EEO Officer.

b. All new supervisory or personnel office employees will be given a thorough indoctrination by the EEO Officer, covering all major aspects of the contractor's EEO obligations within thirty days following their reporting for duty with the contractor.

c. All personnel who are engaged in direct recruitment for the project will be instructed by the EEO Officer in the contractor's procedures for locating and hiring minorities and women.

d. Notices and posters setting forth the contractor's EEO policy will be placed in areas readily accessible to employees, applicants for employment and potential employees.

e. The contractor's EEO policy and the procedures to implement such policy will be brought to the attention of employees by means of meetings, employee handbooks, or other appropriate means.

4. Recruitment: When advertising for employees, the contractor will include in all advertisements for employees the notation: "An Equal Opportunity Employer." All such advertisements will be placed in publications having a large circulation among minorities and women in the area from which the project work force would normally be derived.

a. The contractor will, unless precluded by a valid bargaining agreement, conduct systematic and direct recruitment through public and private employee referral sources likely to yield qualified minorities and women. To meet this requirement, the contractor will identify sources of potential minority group employees, and establish with such identified sources procedures whereby minority and women applicants may be referred to the contractor for employment consideration.

b. In the event the contractor has a valid bargaining agreement providing for exclusive hiring hall referrals, the contractor is expected to observe the provisions of that agreement to the extent that the system meets the contractor's compliance with EEO contract provisions. Where implementation of such an agreement has the effect of discriminating against minorities or women, or obligates the contractor to do the same, such implementation violates Federal nondiscrimination provisions.

c. The contractor will encourage its present employees to refer minorities and women as applicants for employment. Information and procedures with regard to referring such applicants will be discussed with employees.

5. Personnel Actions: Wages, working conditions, and employee benefits shall be established and administered, and personnel actions of every type, including hiring, upgrading, promotion, transfer, demotion, layoff, and termination, shall be taken without regard to race, color, religion, sex, national origin, age or disability. The following procedures shall be followed:

a. The contractor will conduct periodic inspections of project sites to insure that working conditions and employee facilities do not indicate discriminatory treatment of project site personnel.

b. The contractor will periodically evaluate the spread of wages paid within each classification to determine any evidence of discriminatory wage practices.

c. The contractor will periodically review selected personnel actions in depth to determine whether there is evidence of discrimination. Where evidence is found, the contractor will promptly take corrective action. If the review indicates that the discrimination may extend beyond the actions reviewed, such corrective action shall include all affected persons.

d. The contractor will promptly investigate all complaints of alleged discrimination made to the contractor in connection with its obligations under this contract, will attempt to resolve such complaints, and will take appropriate corrective action within a reasonable time. If the investigation indicates that the discrimination may affect persons other than the complainant, such corrective action shall include such other persons. Upon completion of each investigation, the contractor will inform every complainant of all of their avenues of appeal.

6. Training and Promotion:

a. The contractor will assist in locating, qualifying, and increasing the skills of minorities and women who are

applicants for employment or current employees. Such efforts should be aimed at developing full journey level status employees in the type of trade or job classification involved.

b. Consistent with the contractor's work force requirements and as permissible under Federal and State regulations, the contractor shall make full use of training programs, i.e., apprenticeship, and on-the-job training programs for the geographical area of contract performance. In the event a special provision for training is provided under this contract, this subparagraph will be superseded as indicated in the special provision. The contracting agency may reserve training positions for persons who receive welfare assistance in accordance with 23 U.S.C. 140(a).

c. The contractor will advise employees and applicants for employment of available training programs and entrance requirements for each.

d. The contractor will periodically review the training and promotion potential of employees who are minorities and women and will encourage eligible employees to apply for such training and promotion.

7. Unions: If the contractor relies in whole or in part upon unions as a source of employees, the contractor will use good faith efforts to obtain the cooperation of such unions to increase opportunities for minorities and women. Actions by the contractor, either directly or through a contractor's association acting as agent, will include the procedures set forth below:

a. The contractor will use good faith efforts to develop, in cooperation with the unions, joint training programs aimed toward qualifying more minorities and women for membership in the unions and increasing the skills of minorities and women so that they may qualify for higher paying employment.

b. The contractor will use good faith efforts to incorporate an EEO clause into each union agreement to the end that such union will be contractually bound to refer applicants without regard to their race, color, religion, sex, national origin, age or disability.

c. The contractor is to obtain information as to the referral practices and policies of the labor union except that to the extent such information is within the exclusive possession of the labor union and such labor union refuses to furnish such information to the contractor, the contractor shall so certify to the contracting agency and shall set forth what efforts have been made to obtain such information.

d. In the event the union is unable to provide the contractor with a reasonable flow of referrals within the time limit set forth in the collective bargaining agreement, the contractor will, through independent recruitment efforts, fill the employment vacancies without regard to race, color, religion, sex, national origin, age or disability; making full efforts to obtain qualified and/or qualifiable minorities and women. The failure of a union to provide sufficient referrals (even though it is obligated to provide exclusive referrals under the terms of a collective bargaining agreement) does not relieve the contractor from the requirements of this paragraph. In the event the union referral practice prevents the contractor from meeting the obligations pursuant to Executive Order 11246, as amended, and these special provisions, such contractor shall immediately notify the contracting agency.

8. Reasonable Accommodation for Applicants / Employees with Disabilities: The contractor must be familiar

with the requirements for and comply with the Americans with Disabilities Act and all rules and regulations established there under. Employers must provide reasonable accommodation in all employment activities unless to do so would cause an undue hardship.

9. Selection of Subcontractors, Procurement of Materials and Leasing of Equipment: The contractor shall not discriminate on the grounds of race, color, religion, sex, national origin, age or disability in the selection and retention of subcontractors, including procurement of materials and leases of equipment. The contractor shall take all necessary and reasonable steps to ensure nondiscrimination in the administration of this contract.

a. The contractor shall notify all potential subcontractors and suppliers and lessors of their EEO obligations under this contract.

b. The contractor will use good faith efforts to ensure subcontractor compliance with their EEO obligations.

10. Assurance Required by 49 CFR 26.13(b):

a. The requirements of 49 CFR Part 26 and the State DOT's U.S. DOT-approved DBE program are incorporated by reference.

b. The contractor or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the contracting agency deems appropriate.

11. Records and Reports: The contractor shall keep such records as necessary to document compliance with the EEO requirements. Such records shall be retained for a period of three years following the date of the final payment to the contractor for all contract work and shall be available at reasonable times and places for inspection by authorized representatives of the contracting agency and the FHWA.

a. The records kept by the contractor shall document the following:

(1) The number and work hours of minority and non-minority group members and women employed in each work classification on the project;

(2) The progress and efforts being made in cooperation with unions, when applicable, to increase employment opportunities for minorities and women; and

(3) The progress and efforts being made in locating, hiring, training, qualifying, and upgrading minorities and women;

b. The contractors and subcontractors will submit an annual report to the contracting agency each July for the duration of the project, indicating the number of minority, women, and non-minority group employees currently engaged in each work classification required by the contract work. This information is to be reported on [Form FHWA-1391](#). The staffing data should represent the project work force on board in all or any part of the last payroll period preceding the end of July. If on-the-job training is being required by special provision, the contractor

will be required to collect and report training data. The employment data should reflect the work force on board during all or any part of the last payroll period preceding the end of July.

III. NONSEGREGATED FACILITIES

This provision is applicable to all Federal-aid construction contracts and to all related construction subcontracts of \$10,000 or more.

The contractor must ensure that facilities provided for employees are provided in such a manner that segregation on the basis of race, color, religion, sex, or national origin cannot result. The contractor may neither require such segregated use by written or oral policies nor tolerate such use by employee custom. The contractor's obligation extends further to ensure that its employees are not assigned to perform their services at any location, under the contractor's control, where the facilities are segregated. The term "facilities" includes waiting rooms, work areas, restaurants and other eating areas, time clocks, restrooms, washrooms, locker rooms, and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation, and housing provided for employees. The contractor shall provide separate or single-user restrooms and necessary dressing or sleeping areas to assure privacy between sexes.

IV. DAVIS-BACON AND RELATED ACT PROVISIONS

This section is applicable to all Federal-aid construction projects exceeding \$2,000 and to all related subcontracts and lower-tier subcontracts (regardless of subcontract size). The requirements apply to all projects located within the right-of-way of a roadway that is functionally classified as Federal-aid highway. This excludes roadways functionally classified as local roads or rural minor collectors, which are exempt. Contracting agencies may elect to apply these requirements to other projects.

The following provisions are from the U.S. Department of Labor regulations in 29 CFR 5.5 "Contract provisions and related matters" with minor revisions to conform to the FHWA-1273 format and FHWA program requirements.

1. Minimum wages

a. All laborers and mechanics employed or working upon the site of the work, will be paid unconditionally and not less often than once a week, and without subsequent deduction or rebate on any account (except such payroll deductions as are permitted by regulations issued by the Secretary of Labor under the Copeland Act (29 CFR part 3)), the full amount of wages and bona fide fringe benefits (or cash equivalents thereof) due at time of payment computed at rates not less than those contained in the wage determination of the Secretary of Labor which is attached hereto and made a part hereof, regardless of any contractual relationship which may be alleged to exist between the contractor and such laborers and mechanics.

Contributions made or costs reasonably anticipated for bona fide fringe benefits under section 1(b)(2) of the Davis-Bacon Act on behalf of laborers or mechanics are considered wages paid to such laborers or mechanics, subject to the provisions

of paragraph 1.d. of this section; also, regular contributions made or costs incurred for more than a weekly period (but not less often than quarterly) under plans, funds, or programs which cover the particular weekly period, are deemed to be constructively made or incurred during such weekly period. Such laborers and mechanics shall be paid the appropriate wage rate and fringe benefits on the wage determination for the classification of work actually performed, without regard to skill, except as provided in 29 CFR 5.5(a)(4). Laborers or mechanics performing work in more than one classification may be compensated at the rate specified for each classification for the time actually worked therein: Provided, That the employer's payroll records accurately set forth the time spent in each classification in which work is performed. The wage determination (including any additional classification and wage rates conformed under paragraph 1.b. of this section) and the Davis-Bacon poster (WH-1321) shall be posted at all times by the contractor and its subcontractors at the site of the work in a prominent and accessible place where it can be easily seen by the workers.

b.(1) The contracting officer shall require that any class of laborers or mechanics, including helpers, which is not listed in the wage determination and which is to be employed under the contract shall be classified in conformance with the wage determination. The contracting officer shall approve an additional classification and wage rate and fringe benefits therefore only when the following criteria have been met:

(i) The work to be performed by the classification requested is not performed by a classification in the wage determination; and

(ii) The classification is utilized in the area by the construction industry; and

(iii) The proposed wage rate, including any bona fide fringe benefits, bears a reasonable relationship to the wage rates contained in the wage determination.

(2) If the contractor and the laborers and mechanics to be employed in the classification (if known), or their representatives, and the contracting officer agree on the classification and wage rate (including the amount designated for fringe benefits where appropriate), a report of the action taken shall be sent by the contracting officer to the Administrator of the Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor, Washington, DC 20210. The Administrator, or an authorized representative, will approve, modify, or disapprove every additional classification action within 30 days of receipt and so advise the contracting officer or will notify the contracting officer within the 30-day period that additional time is necessary.

(3) In the event the contractor, the laborers or mechanics to be employed in the classification or their representatives, and the contracting officer do not agree on the proposed classification and wage rate (including the amount designated for fringe benefits, where appropriate), the contracting officer shall refer the questions, including the views of all interested parties and the recommendation of the contracting officer, to the Wage and Hour Administrator for determination. The Wage and Hour Administrator, or an authorized representative, will issue a determination within 30 days of receipt and so advise the contracting officer or

will notify the contracting officer within the 30-day period that additional time is necessary.

(4) The wage rate (including fringe benefits where appropriate) determined pursuant to paragraphs 1.b.(2) or 1.b.(3) of this section, shall be paid to all workers performing work in the classification under this contract from the first day on which work is performed in the classification.

c. Whenever the minimum wage rate prescribed in the contract for a class of laborers or mechanics includes a fringe benefit which is not expressed as an hourly rate, the contractor shall either pay the benefit as stated in the wage determination or shall pay another bona fide fringe benefit or an hourly cash equivalent thereof.

d. If the contractor does not make payments to a trustee or other third person, the contractor may consider as part of the wages of any laborer or mechanic the amount of any costs reasonably anticipated in providing bona fide fringe benefits under a plan or program. Provided, That the Secretary of Labor has found, upon the written request of the contractor, that the applicable standards of the Davis-Bacon Act have been met. The Secretary of Labor may require the contractor to set aside in a separate account assets for the meeting of obligations under the plan or program.

2. Withholding

The contracting agency shall upon its own action or upon written request of an authorized representative of the Department of Labor, withhold or cause to be withheld from the contractor under this contract, or any other Federal contract with the same prime contractor, or any other federally-assisted contract subject to Davis-Bacon prevailing wage requirements, which is held by the same prime contractor, so much of the accrued payments or advances as may be considered necessary to pay laborers and mechanics, including apprentices, trainees, and helpers, employed by the contractor or any subcontractor the full amount of wages required by the contract. In the event of failure to pay any laborer or mechanic, including any apprentice, trainee, or helper, employed or working on the site of the work, all or part of the wages required by the contract, the contracting agency may, after written notice to the contractor, take such action as may be necessary to cause the suspension of any further payment, advance, or guarantee of funds until such violations have ceased.

3. Payrolls and basic records

a. Payrolls and basic records relating thereto shall be maintained by the contractor during the course of the work and preserved for a period of three years thereafter for all laborers and mechanics working at the site of the work. Such records shall contain the name, address, and social security number of each such worker, his or her correct classification, hourly rates of wages paid (including rates of contributions or costs anticipated for bona fide fringe benefits or cash equivalents thereof of the types described in section 1(b)(2)(B) of the Davis-Bacon Act), daily and weekly number of hours worked, deductions made and actual wages paid. Whenever the Secretary of Labor has found under 29 CFR 5.5(a)(1)(iv) that the wages of any laborer or mechanic include the amount of any costs reasonably anticipated in providing benefits under a plan or program described in section 1(b)(2)(B) of the Davis-

Bacon Act, the contractor shall maintain records which show that the commitment to provide such benefits is enforceable, that the plan or program is financially responsible, and that the plan or program has been communicated in writing to the laborers or mechanics affected, and records which show the costs anticipated or the actual cost incurred in providing such benefits. Contractors employing apprentices or trainees under approved programs shall maintain written evidence of the registration of apprenticeship programs and certification of trainee programs, the registration of the apprentices and trainees, and the ratios and wage rates prescribed in the applicable programs.

b. (1) The contractor shall submit weekly for each week in which any contract work is performed a copy of all payrolls to the contracting agency. The payrolls submitted shall set out accurately and completely all of the information required to be maintained under 29 CFR 5.5(a)(3)(i), except that full social security numbers and home addresses shall not be included on weekly transmittals. Instead the payrolls shall only need to include an individually identifying number for each employee (e.g., the last four digits of the employee's social security number). The required weekly payroll information may be submitted in any form desired. Optional Form WH-347 is available for this purpose from the Wage and Hour Division Web site at <http://www.dol.gov/esa/whd/forms/wh347instr.htm> or its successor site. The prime contractor is responsible for the submission of copies of payrolls by all subcontractors. Contractors and subcontractors shall maintain the full social security number and current address of each covered worker, and shall provide them upon request to the contracting agency for transmission to the State DOT, the FHWA or the Wage and Hour Division of the Department of Labor for purposes of an investigation or audit of compliance with prevailing wage requirements. It is not a violation of this section for a prime contractor to require a subcontractor to provide addresses and social security numbers to the prime contractor for its own records, without weekly submission to the contracting agency..

(2) Each payroll submitted shall be accompanied by a "Statement of Compliance," signed by the contractor or subcontractor or his or her agent who pays or supervises the payment of the persons employed under the contract and shall certify the following:

(i) That the payroll for the payroll period contains the information required to be provided under §5.5 (a)(3)(ii) of Regulations, 29 CFR part 5, the appropriate information is being maintained under §5.5 (a)(3)(i) of Regulations, 29 CFR part 5, and that such information is correct and complete;

(ii) That each laborer or mechanic (including each helper, apprentice, and trainee) employed on the contract during the payroll period has been paid the full weekly wages earned, without rebate, either directly or indirectly, and that no deductions have been made either directly or indirectly from the full wages earned, other than permissible deductions as set forth in Regulations, 29 CFR part 3;

(iii) That each laborer or mechanic has been paid not less than the applicable wage rates and fringe benefits or cash equivalents for the classification of work performed, as specified in the applicable wage determination incorporated into the contract.

(3) The weekly submission of a properly executed certification set forth on the reverse side of Optional Form WH-347 shall satisfy the requirement for submission of the "Statement of Compliance" required by paragraph 3.b.(2) of this section.

(4) The falsification of any of the above certifications may subject the contractor or subcontractor to civil or criminal prosecution under section 1001 of title 18 and section 231 of title 31 of the United States Code.

c. The contractor or subcontractor shall make the records required under paragraph 3.a. of this section available for inspection, copying, or transcription by authorized representatives of the contracting agency, the State DOT, the FHWA, or the Department of Labor, and shall permit such representatives to interview employees during working hours on the job. If the contractor or subcontractor fails to submit the required records or to make them available, the FHWA may, after written notice to the contractor, the contracting agency or the State DOT, take such action as may be necessary to cause the suspension of any further payment, advance, or guarantee of funds. Furthermore, failure to submit the required records upon request or to make such records available may be grounds for debarment action pursuant to 29 CFR 5.12.

4. Apprentices and trainees

a. Apprentices (programs of the USDOL).

Apprentices will be permitted to work at less than the predetermined rate for the work they performed when they are employed pursuant to and individually registered in a bona fide apprenticeship program registered with the U.S. Department of Labor, Employment and Training Administration, Office of Apprenticeship Training, Employer and Labor Services, or with a State Apprenticeship Agency recognized by the Office, or if a person is employed in his or her first 90 days of probationary employment as an apprentice in such an apprenticeship program, who is not individually registered in the program, but who has been certified by the Office of Apprenticeship Training, Employer and Labor Services or a State Apprenticeship Agency (where appropriate) to be eligible for probationary employment as an apprentice.

The allowable ratio of apprentices to journeymen on the job site in any craft classification shall not be greater than the ratio permitted to the contractor as to the entire work force under the registered program. Any worker listed on a payroll at an apprentice wage rate, who is not registered or otherwise employed as stated above, shall be paid not less than the applicable wage rate on the wage determination for the classification of work actually performed. In addition, any apprentice performing work on the job site in excess of the ratio permitted under the registered program shall be paid not less than the applicable wage rate on the wage determination for the work actually performed. Where a contractor is performing construction on a project in a locality other than that in which its program is registered, the ratios and wage rates (expressed in percentages of the journeyman's hourly rate) specified in the contractor's or subcontractor's registered program shall be observed.

Every apprentice must be paid at not less than the rate specified in the registered program for the apprentice's level of progress, expressed as a percentage of the journeymen hourly

rate specified in the applicable wage determination. Apprentices shall be paid fringe benefits in accordance with the provisions of the apprenticeship program. If the apprenticeship program does not specify fringe benefits, apprentices must be paid the full amount of fringe benefits listed on the wage determination for the applicable classification. If the Administrator determines that a different practice prevails for the applicable apprentice classification, fringes shall be paid in accordance with that determination.

In the event the Office of Apprenticeship Training, Employer and Labor Services, or a State Apprenticeship Agency recognized by the Office, withdraws approval of an apprenticeship program, the contractor will no longer be permitted to utilize apprentices at less than the applicable predetermined rate for the work performed until an acceptable program is approved.

b. Trainees (programs of the USDOL).

Except as provided in 29 CFR 5.16, trainees will not be permitted to work at less than the predetermined rate for the work performed unless they are employed pursuant to and individually registered in a program which has received prior approval, evidenced by formal certification by the U.S. Department of Labor, Employment and Training Administration.

The ratio of trainees to journeymen on the job site shall not be greater than permitted under the plan approved by the Employment and Training Administration.

Every trainee must be paid at not less than the rate specified in the approved program for the trainee's level of progress, expressed as a percentage of the journeyman hourly rate specified in the applicable wage determination. Trainees shall be paid fringe benefits in accordance with the provisions of the trainee program. If the trainee program does not mention fringe benefits, trainees shall be paid the full amount of fringe benefits listed on the wage determination unless the Administrator of the Wage and Hour Division determines that there is an apprenticeship program associated with the corresponding journeyman wage rate on the wage determination which provides for less than full fringe benefits for apprentices. Any employee listed on the payroll at a trainee rate who is not registered and participating in a training plan approved by the Employment and Training Administration shall be paid not less than the applicable wage rate on the wage determination for the classification of work actually performed. In addition, any trainee performing work on the job site in excess of the ratio permitted under the registered program shall be paid not less than the applicable wage rate on the wage determination for the work actually performed.

In the event the Employment and Training Administration withdraws approval of a training program, the contractor will no longer be permitted to utilize trainees at less than the applicable predetermined rate for the work performed until an acceptable program is approved.

c. Equal employment opportunity. The utilization of apprentices, trainees and journeymen under this part shall be in conformity with the equal employment opportunity requirements of Executive Order 11246, as amended, and 29 CFR part 30.

d. Apprentices and Trainees (programs of the U.S. DOT).

Apprentices and trainees working under apprenticeship and skill training programs which have been certified by the Secretary of Transportation as promoting EEO in connection with Federal-aid highway construction programs are not subject to the requirements of paragraph 4 of this Section IV. The straight time hourly wage rates for apprentices and trainees under such programs will be established by the particular programs. The ratio of apprentices and trainees to journeymen shall not be greater than permitted by the terms of the particular program.

5. Compliance with Copeland Act requirements. The contractor shall comply with the requirements of 29 CFR part 3, which are incorporated by reference in this contract.

6. Subcontracts. The contractor or subcontractor shall insert Form FHWA-1273 in any subcontracts and also require the subcontractors to include Form FHWA-1273 in any lower tier subcontracts. The prime contractor shall be responsible for the compliance by any subcontractor or lower tier subcontractor with all the contract clauses in 29 CFR 5.5.

7. Contract termination: debarment. A breach of the contract clauses in 29 CFR 5.5 may be grounds for termination of the contract, and for debarment as a contractor and a subcontractor as provided in 29 CFR 5.12.

8. Compliance with Davis-Bacon and Related Act requirements. All rulings and interpretations of the Davis-Bacon and Related Acts contained in 29 CFR parts 1, 3, and 5 are herein incorporated by reference in this contract.

9. Disputes concerning labor standards. Disputes arising out of the labor standards provisions of this contract shall not be subject to the general disputes clause of this contract. Such disputes shall be resolved in accordance with the procedures of the Department of Labor set forth in 29 CFR parts 5, 6, and 7. Disputes within the meaning of this clause include disputes between the contractor (or any of its subcontractors) and the contracting agency, the U.S. Department of Labor, or the employees or their representatives.

10. Certification of eligibility.

a. By entering into this contract, the contractor certifies that neither it (nor he or she) nor any person or firm who has an interest in the contractor's firm is a person or firm ineligible to be awarded Government contracts by virtue of section 3(a) of the Davis-Bacon Act or 29 CFR 5.12(a)(1).

b. No part of this contract shall be subcontracted to any person or firm ineligible for award of a Government contract by virtue of section 3(a) of the Davis-Bacon Act or 29 CFR 5.12(a)(1).

c. The penalty for making false statements is prescribed in the U.S. Criminal Code, 18 U.S.C. 1001.

V. CONTRACT WORK HOURS AND SAFETY STANDARDS ACT

The following clauses apply to any Federal-aid construction contract in an amount in excess of \$100,000 and subject to the overtime provisions of the Contract Work Hours and Safety Standards Act. These clauses shall be inserted in addition to the clauses required by 29 CFR 5.5(a) or 29 CFR 4.6. As used in this paragraph, the terms laborers and mechanics include watchmen and guards.

1. Overtime requirements. No contractor or subcontractor contracting for any part of the contract work which may require or involve the employment of laborers or mechanics shall require or permit any such laborer or mechanic in any workweek in which he or she is employed on such work to work in excess of forty hours in such workweek unless such laborer or mechanic receives compensation at a rate not less than one and one-half times the basic rate of pay for all hours worked in excess of forty hours in such workweek.

2. Violation; liability for unpaid wages; liquidated damages. In the event of any violation of the clause set forth in paragraph (1.) of this section, the contractor and any subcontractor responsible therefor shall be liable for the unpaid wages. In addition, such contractor and subcontractor shall be liable to the United States (in the case of work done under contract for the District of Columbia or a territory, to such District or to such territory), for liquidated damages. Such liquidated damages shall be computed with respect to each individual laborer or mechanic, including watchmen and guards, employed in violation of the clause set forth in paragraph (1.) of this section, in the sum of \$10 for each calendar day on which such individual was required or permitted to work in excess of the standard workweek of forty hours without payment of the overtime wages required by the clause set forth in paragraph (1.) of this section.

3. Withholding for unpaid wages and liquidated damages. The FHWA or the contracting agency shall upon its own action or upon written request of an authorized representative of the Department of Labor withhold or cause to be withheld, from any moneys payable on account of work performed by the contractor or subcontractor under any such contract or any other Federal contract with the same prime contractor, or any other federally-assisted contract subject to the Contract Work Hours and Safety Standards Act, which is held by the same prime contractor, such sums as may be determined to be necessary to satisfy any liabilities of such contractor or subcontractor for unpaid wages and liquidated damages as provided in the clause set forth in paragraph (2.) of this section.

4. Subcontracts. The contractor or subcontractor shall insert in any subcontracts the clauses set forth in paragraph (1.) through (4.) of this section and also a clause requiring the subcontractors to include these clauses in any lower tier subcontracts. The prime contractor shall be responsible for compliance by any subcontractor or lower tier subcontractor with the clauses set forth in paragraphs (1.) through (4.) of this section.

VI. SUBLETTING OR ASSIGNING THE CONTRACT

This provision is applicable to all Federal-aid construction contracts on the National Highway System.

1. The contractor shall perform with its own organization contract work amounting to not less than 30 percent (or a greater percentage if specified elsewhere in the contract) of the total original contract price, excluding any specialty items designated by the contracting agency. Specialty items may be performed by subcontract and the amount of any such specialty items performed may be deducted from the total original contract price before computing the amount of work required to be performed by the contractor's own organization (23 CFR 635.116).

a. The term "perform work with its own organization" refers to workers employed or leased by the prime contractor, and equipment owned or rented by the prime contractor, with or without operators. Such term does not include employees or equipment of a subcontractor or lower tier subcontractor, agents of the prime contractor, or any other assignees. The term may include payments for the costs of hiring leased employees from an employee leasing firm meeting all relevant Federal and State regulatory requirements. Leased employees may only be included in this term if the prime contractor meets all of the following conditions:

- (1) the prime contractor maintains control over the supervision of the day-to-day activities of the leased employees;
- (2) the prime contractor remains responsible for the quality of the work of the leased employees;
- (3) the prime contractor retains all power to accept or exclude individual employees from work on the project; and
- (4) the prime contractor remains ultimately responsible for the payment of predetermined minimum wages, the submission of payrolls, statements of compliance and all other Federal regulatory requirements.

b. "Specialty Items" shall be construed to be limited to work that requires highly specialized knowledge, abilities, or equipment not ordinarily available in the type of contracting organizations qualified and expected to bid or propose on the contract as a whole and in general are to be limited to minor components of the overall contract.

2. The contract amount upon which the requirements set forth in paragraph (1) of Section VI is computed includes the cost of material and manufactured products which are to be purchased or produced by the contractor under the contract provisions.

3. The contractor shall furnish (a) a competent superintendent or supervisor who is employed by the firm, has full authority to direct performance of the work in accordance with the contract requirements, and is in charge of all construction operations (regardless of who performs the work) and (b) such other of its own organizational resources (supervision, management, and engineering services) as the contracting officer determines is necessary to assure the performance of the contract.

4. No portion of the contract shall be sublet, assigned or otherwise disposed of except with the written consent of the contracting officer, or authorized representative, and such consent when given shall not be construed to relieve the contractor of any responsibility for the fulfillment of the contract. Written consent will be given only after the contracting agency has assured that each subcontract is

evidenced in writing and that it contains all pertinent provisions and requirements of the prime contract.

5. The 30% self-performance requirement of paragraph (1) is not applicable to design-build contracts; however, contracting agencies may establish their own self-performance requirements.

VII. SAFETY: ACCIDENT PREVENTION

This provision is applicable to all Federal-aid construction contracts and to all related subcontracts.

1. In the performance of this contract the contractor shall comply with all applicable Federal, State, and local laws governing safety, health, and sanitation (23 CFR 635). The contractor shall provide all safeguards, safety devices and protective equipment and take any other needed actions as it determines, or as the contracting officer may determine, to be reasonably necessary to protect the life and health of employees on the job and the safety of the public and to protect property in connection with the performance of the work covered by the contract.

2. It is a condition of this contract, and shall be made a condition of each subcontract, which the contractor enters into pursuant to this contract, that the contractor and any subcontractor shall not permit any employee, in performance of the contract, to work in surroundings or under conditions which are unsanitary, hazardous or dangerous to his/her health or safety, as determined under construction safety and health standards (29 CFR 1926) promulgated by the Secretary of Labor, in accordance with Section 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 3704).

3. Pursuant to 29 CFR 1926.3, it is a condition of this contract that the Secretary of Labor or authorized representative thereof, shall have right of entry to any site of contract performance to inspect or investigate the matter of compliance with the construction safety and health standards and to carry out the duties of the Secretary under Section 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C.3704).

VIII. FALSE STATEMENTS CONCERNING HIGHWAY PROJECTS

This provision is applicable to all Federal-aid construction contracts and to all related subcontracts.

In order to assure high quality and durable construction in conformity with approved plans and specifications and a high degree of reliability on statements and representations made by engineers, contractors, suppliers, and workers on Federal-aid highway projects, it is essential that all persons concerned with the project perform their functions as carefully, thoroughly, and honestly as possible. Willful falsification, distortion, or misrepresentation with respect to any facts related to the project is a violation of Federal law. To prevent any misunderstanding regarding the seriousness of these and similar acts, Form FHWA-1022 shall be posted on each Federal-aid highway project (23 CFR 635) in one or more places where it is readily available to all persons concerned with the project:

18 U.S.C. 1020 reads as follows:

"Whoever, being an officer, agent, or employee of the United States, or of any State or Territory, or whoever, whether a person, association, firm, or corporation, knowingly makes any false statement, false representation, or false report as to the character, quality, quantity, or cost of the material used or to be used, or the quantity or quality of the work performed or to be performed, or the cost thereof in connection with the submission of plans, maps, specifications, contracts, or costs of construction on any highway or related project submitted for approval to the Secretary of Transportation; or

Whoever knowingly makes any false statement, false representation, false report or false claim with respect to the character, quality, quantity, or cost of any work performed or to be performed, or materials furnished or to be furnished, in connection with the construction of any highway or related project approved by the Secretary of Transportation; or

Whoever knowingly makes any false statement or false representation as to material fact in any statement, certificate, or report submitted pursuant to provisions of the Federal-aid Roads Act approved July 1, 1916, (39 Stat. 355), as amended and supplemented;

Shall be fined under this title or imprisoned not more than 5 years or both."

IX. IMPLEMENTATION OF CLEAN AIR ACT AND FEDERAL WATER POLLUTION CONTROL ACT

This provision is applicable to all Federal-aid construction contracts and to all related subcontracts.

By submission of this bid/proposal or the execution of this contract, or subcontract, as appropriate, the bidder, proposer, Federal-aid construction contractor, or subcontractor, as appropriate, will be deemed to have stipulated as follows:

1. That any person who is or will be utilized in the performance of this contract is not prohibited from receiving an award due to a violation of Section 508 of the Clean Water Act or Section 306 of the Clean Air Act.

2. That the contractor agrees to include or cause to be included the requirements of paragraph (1) of this Section X in every subcontract, and further agrees to take such action as the contracting agency may direct as a means of enforcing such requirements.

X. CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY AND VOLUNTARY EXCLUSION

This provision is applicable to all Federal-aid construction contracts, design-build contracts, subcontracts, lower-tier subcontracts, purchase orders, lease agreements, consultant contracts or any other covered transaction requiring FHWA approval or that is estimated to cost \$25,000 or more – as defined in 2 CFR Parts 180 and 1200.

1. Instructions for Certification – First Tier Participants:

a. By signing and submitting this proposal, the prospective first tier participant is providing the certification set out below.

b. The inability of a person to provide the certification set out below will not necessarily result in denial of participation in this

covered transaction. The prospective first tier participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective first tier participant to furnish a certification or an explanation shall disqualify such a person from participation in this transaction.

c. The certification in this clause is a material representation of fact upon which reliance was placed when the contracting agency determined to enter into this transaction. If it is later determined that the prospective participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the contracting agency may terminate this transaction for cause of default.

d. The prospective first tier participant shall provide immediate written notice to the contracting agency to whom this proposal is submitted if any time the prospective first tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

e. The terms "covered transaction," "debarred," "suspended," "ineligible," "participant," "person," "principal," and "voluntarily excluded," as used in this clause, are defined in 2 CFR Parts 180 and 1200. "First Tier Covered Transactions" refers to any covered transaction between a grantee or subgrantee of Federal funds and a participant (such as the prime or general contract). "Lower Tier Covered Transactions" refers to any covered transaction under a First Tier Covered Transaction (such as subcontracts). "First Tier Participant" refers to the participant who has entered into a covered transaction with a grantee or subgrantee of Federal funds (such as the prime or general contractor). "Lower Tier Participant" refers any participant who has entered into a covered transaction with a First Tier Participant or other Lower Tier Participants (such as subcontractors and suppliers).

f. The prospective first tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.

g. The prospective first tier participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transactions," provided by the department or contracting agency, entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions exceeding the \$25,000 threshold.

h. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any lower tier prospective participants, each participant may, but is not required to, check the Excluded Parties List System website (<https://www.epls.gov/>), which is compiled by the General Services Administration.

i. Nothing contained in the foregoing shall be construed to require the establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of the prospective participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

j. Except for transactions authorized under paragraph (f) of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.

* * * * *

2. Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion – First Tier Participants:

a. The prospective first tier participant certifies to the best of its knowledge and belief, that it and its principals:

(1) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in covered transactions by any Federal department or agency;

(2) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(3) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (a)(2) of this certification; and

(4) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.

b. Where the prospective participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

2. Instructions for Certification - Lower Tier Participants:

(Applicable to all subcontracts, purchase orders and other lower tier transactions requiring prior FHWA approval or estimated to cost \$25,000 or more - 2 CFR Parts 180 and 1200)

a. By signing and submitting this proposal, the prospective lower tier is providing the certification set out below.

b. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department, or agency with which

this transaction originated may pursue available remedies, including suspension and/or debarment.

c. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous by reason of changed circumstances.

d. The terms "covered transaction," "debarred," "suspended," "ineligible," "participant," "person," "principal," and "voluntarily excluded," as used in this clause, are defined in 2 CFR Parts 180 and 1200. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations. "First Tier Covered Transactions" refers to any covered transaction between a grantee or subgrantee of Federal funds and a participant (such as the prime or general contract). "Lower Tier Covered Transactions" refers to any covered transaction under a First Tier Covered Transaction (such as subcontracts). "First Tier Participant" refers to the participant who has entered into a covered transaction with a grantee or subgrantee of Federal funds (such as the prime or general contractor). "Lower Tier Participant" refers any participant who has entered into a covered transaction with a First Tier Participant or other Lower Tier Participants (such as subcontractors and suppliers).

e. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.

f. The prospective lower tier participant further agrees by submitting this proposal that it will include this clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions exceeding the \$25,000 threshold.

g. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any lower tier prospective participants, each participant may, but is not required to, check the Excluded Parties List System website (<https://www.epls.gov/>), which is compiled by the General Services Administration.

h. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

i. Except for transactions authorized under paragraph e of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the

department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

* * * * *

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion--Lower Tier Participants:

1. The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in covered transactions by any Federal department or agency.

2. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

* * * * *

XI. CERTIFICATION REGARDING USE OF CONTRACT FUNDS FOR LOBBYING

This provision is applicable to all Federal-aid construction contracts and to all related subcontracts which exceed \$100,000 (49 CFR 20).

1. The prospective participant certifies, by signing and submitting this bid or proposal, to the best of his or her knowledge and belief, that:

a. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

b. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

2. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by 31 U.S.C. 1352. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

3. The prospective participant also agrees by submitting its bid or proposal that the participant shall require that the language of this certification be included in all lower tier subcontracts, which exceed \$100,000 and that all such recipients shall certify and disclose accordingly.

**ATTACHMENT A - EMPLOYMENT AND MATERIALS
PREFERENCE FOR APPALACHIAN DEVELOPMENT
HIGHWAY SYSTEM OR APPALACHIAN LOCAL ACCESS
ROAD CONTRACTS**

This provision is applicable to all Federal-aid projects funded under the Appalachian Regional Development Act of 1965.

1. During the performance of this contract, the contractor undertaking to do work which is, or reasonably may be, done as on-site work, shall give preference to qualified persons who regularly reside in the labor area as designated by the DOL wherein the contract work is situated, or the subregion, or the Appalachian counties of the State wherein the contract work is situated, except:

a. To the extent that qualified persons regularly residing in the area are not available.

b. For the reasonable needs of the contractor to employ supervisory or specially experienced personnel necessary to assure an efficient execution of the contract work.

c. For the obligation of the contractor to offer employment to present or former employees as the result of a lawful collective bargaining contract, provided that the number of nonresident persons employed under this subparagraph (1c) shall not exceed 20 percent of the total number of employees employed by the contractor on the contract work, except as provided in subparagraph (4) below.

2. The contractor shall place a job order with the State Employment Service indicating (a) the classifications of the laborers, mechanics and other employees required to perform the contract work, (b) the number of employees required in each classification, (c) the date on which the participant estimates such employees will be required, and (d) any other pertinent information required by the State Employment Service to complete the job order form. The job order may be placed with the State Employment Service in writing or by telephone. If during the course of the contract work, the information submitted by the contractor in the original job order is substantially modified, the participant shall promptly notify the State Employment Service.

3. The contractor shall give full consideration to all qualified job applicants referred to him by the State Employment Service. The contractor is not required to grant employment to any job applicants who, in his opinion, are not qualified to perform the classification of work required.

4. If, within one week following the placing of a job order by the contractor with the State Employment Service, the State Employment Service is unable to refer any qualified job applicants to the contractor, or less than the number requested, the State Employment Service will forward a certificate to the contractor indicating the unavailability of applicants. Such certificate shall be made a part of the contractor's permanent project records. Upon receipt of this certificate, the contractor may employ persons who do not normally reside in the labor area to fill positions covered by the certificate, notwithstanding the provisions of subparagraph (1c) above.

5. The provisions of 23 CFR 633.207(e) allow the contracting agency to provide a contractual preference for the use of mineral resource materials native to the Appalachian region.

6. The contractor shall include the provisions of Sections 1 through 4 of this Attachment A in every subcontract for work which is, or reasonably may be, done as on-site work.



DEPARTMENT OF PUBLIC WORKS STAFF MEMORANDUM

DATE: September 17, 2014

TO: Mark Perkins, City Administrator

CC: Jim Heines, Director of Public Works

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

SUBJECT: Recommendation to Execute Program Agreement
Warson Road Resurfacing Project STP-5526(640)

City staff recommends that the City execute an STP-Urban Program Agreement with the Missouri Highways and Transportation Commission (MoDOT) in order to accept federal grant funding assistance for pavement resurfacing, sidewalk repairs and updates, and minor landscaping improvements for Warson Road.

Project Summary

Warson Road runs along the eastern border of Creve Coeur, and the City maintains the portion of Warson Road that is south of Olive Boulevard to Nantucket Court. The City's section of Warson Road measures just under 0.9 miles in length.

The Warson Road Resurfacing Project will involve the removal and replacement of the top two inches of asphalt pavement along the length of Warson. This pavement resurfacing will improve the pavement of Warson to a like-new condition.

The City will be obligated to correct any accessibility deficiencies along the sidewalk as part of this project. The scope of the sidewalk work will include the replacement of the curb ramps, sidewalk replacement, and sidewalk adjustments as necessary to meet the accessibility standards set forth by the Americans with Disabilities Act (ADA). The scope and nature of the sidewalk work on Warson Road is expected to be the same as the sidewalk portion of the Graeser Road Resurfacing Project.

The project will also include a review of landscaping possibilities along Warson Road that can improve the aesthetics of the area. In particular, the project will aim to use landscaping to provide a visual shield around the utility area near Olive Boulevard.

Project Timeline

The Warson Road project will involve a design phase and a construction phase. The design phase will begin during the winter of 2015-2016 and is expected to be complete by the spring of 2017. Should the design find that right of way or easements are necessary, completion of the design phase within one year will be a challenge.

Construction for the project is expected during the summer of 2017. However, the agreement provides some flexibility in the schedule and calls for the construction contract to be executed no later than April 2018. This essentially provides another year in the schedule to allow for unforeseen circumstances, such as easement acquisition.

The anticipated timeline for the Warson Road Resurfacing Project is listed in detail in Exhibit B (page 11) of the Program Agreement.

Project Cost and Grant Reimbursement

The program agreement establishes the amount of reimbursement for the project at 80% of design and construction costs, up to an amount of \$428,800.00.

Recommendation

The City has benefitted from several federal grants in the recent past, notably for improvements to New Ballas Road, Spoede Road, Ladue Road, and Conway Road. Federal grants will also assist the City with the costs for improving Graeser Road and Coeur de Ville Drive in the near future. Staff finds this grant program to be a good opportunity for the City, and recommends that the City enter into the program agreement with MoDOT in order to take advantage of this program for the benefit of Warson Road.



City Council
300 North New Ballas Rd
Creve-Coeur, MO 63141

Meeting: 10/13/14 07:00 PM
Department: Police Department
Category: Amendment
Prepared By: Pam Manning
Department Head: Glenn Eidman

SCHEDULED

ORDINANCE

**Bill No. 5516 - an Ordinance Amending Section 340.150.C.2
Regarding Use of Center Lanes and Schedule IX to Title III of
the Code of Ordinances of the City of Creve Coeur Regarding
Stopping and Standing on Decker Lane. Final Reading and
Passage**

An ordinance update limiting the use of the center lane on Decker Lane.

Ordinance

Meeting of October 13, 2014

BILL NO. 5516

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 340.150.C.2 REGARDING USE OF CENTER LANES AND SCHEDULE IX TO TITLE III OF THE CODE OF ORDINANCES OF THE CITY OF CREVE COEUR REGARDING STOPPING AND STANDING ON DECKER LANE.

WHEREAS, the City strives to provide safe streets for the traveling public; and

WHEREAS, Section 340.150.C.2 of the City Code of Ordinances strictly limits the use of center lanes; and

WHEREAS, notwithstanding such limitations, and in violation thereof, car carriers making deliveries of vehicles are creating traffic hazards by unloading from the center lane; and

WHEREAS, the City has determined that Section 340.150.C.2 should be amended to further emphasize the limitations on use of center lanes to eliminate such hazards; and

WHEREAS, Decker Lane is one area where such hazards are being created and is currently subject to parking restrictions on both sides of the street, as well as no passing restrictions, and special speed restrictions; and

WHEREAS, the City has determined that additional protection against such hazards can be achieved by posting both sides of Decker Lane as "No Stopping, Standing or Parking" pursuant to Section 355.010; and

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

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

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

Section 1. Section 340.150.C.2 of the City Code of Ordinances is hereby revised to read as follows:

Upon a roadway which is divided into three (3) lanes, a vehicle shall not: (a) be driven in the center lane except when overtaking and passing another vehicle where the roadway ahead is clearly visible and such center lane is clear of traffic within a safe distance, or in preparation for a left turn, or where such center lane is at the time allocated exclusively to traffic moving in the direction the vehicle is proceeding and is signposted to give notice of such allocation; or (b) stop, stand or park in the center lane except in preparation for a left turn.

Section 2. Schedule IX of Title III of the City Code of Ordinances is hereby amended by adding Table IX-B. Stopping and Standing Prohibited On Designated Streets, as follows:

Table IX-B. Stopping and Standing Prohibited On Designated Streets.

Attachment: Bill No. 5516 (1091 : Bill No. 5516 - Update Chapter 340 Stopping, Standing and Parking)

BILL NO. 5516

ORDINANCE NO. _____

In accordance with Chapter 355, Stopping, Standing or Parking Prohibited in Specified Places, of the Code of Ordinances, City of Creve Coeur, stopping and standing shall be prohibited or limited as described in this Schedule:

Street	Location	Restriction
Decker Lane	Old Ballas Road to Emerson Road on both sides	Any time

Section 3. This Ordinance shall become effective in accordance with Section 3.11 (g) of the City Charter. The City Administrator or his designee(s) shall take any and all actions deemed appropriate to effectuate the intent of this Ordinance.

ADOPTED THIS ____ DAY OF _____, 2014.

CHARLOTTE D'ALFONSO
PRESIDENT OF CITY COUNCIL

APPROVED THIS ____ DAY OF _____, 2014

BARRY GLANTZ
MAYOR

ATTEST:

DEBORAH RYAN, CITY CLERK

Attachment: Bill No. 5516 (1091 : Bill No. 5516 - Update Chapter 340 Stopping, Standing and Parking)



CREVE COEUR POLICE DEPARTMENT INTEROFFICE MEMO

DATE: 07-04-2014
TO: Chief Eidman
FROM: Sgt. Paul Hornung
SUBJECT: Traffic and Parking Concerns on Decker Lane

Chief,

The Creve Coeur Police Department has routinely received complaints regarding the location and manner in which automobile transport couriers deliver inventory to Plaza Motors of St. Louis. These complaints have been received from both residents and passing motorists regarding the stopping, parking, and unloading of vehicles on Decker Lane for several years.

The management group at Plaza Motors of St. Louis has attempted to rectify the ongoing traffic problem by building (and later enhancing) a parking lot at the corner of Decker Lane and Old Ballas Road (652 Decker Lane). The lot was modified at a cost of \$40,000 to Plaza Motors in 2013, to enable all vehicle couriers to stop, park, and unload any type vehicle inventory onto that lot, and away from Decker Lane traffic.

This attempt by Plaza Motors of St. Louis has been largely ignored by the numerous courier companies that deliver inventory for them. Letters were sent from Plaza to their contracted courier companies explaining their unloading procedures. Plaza Motors of St. Louis General Manager Jerry Patterson has stated that attempts to enforce the procedures have met with negative results. As a result, both Plaza Motors of St. Louis and the City of Creve Coeur continue to have concerns for both pedestrian and traffic safety along Decker Lane.

There has been significant construction and increased traffic flow on Decker Lane over the past several years. A large new development (Spectrum Retirement Community) is in the final phases of construction and is scheduled to open in December of 2014. This nursing home has a location directly west of the most frequently used location on Decker Lane where couriers stop and unload their inventory of vehicles. The entire length of Decker Lane now has open businesses with the addition of the retirement community building. The increased traffic both entering and exiting the retirement community home will only add to the safety concerns along Decker Lane.

The current configuration of Decker Lane is as follows:

It runs between Old Ballas Road and Center Parkway Road.

It has one northbound (12 feet), one southbound (12 feet), and one center turn lane (10.6 feet).

It has a posted speed limit of 30 MPH.

It has three posted 'No Parking' signs along the east side of the roadway.

Section 355 of the City of Creve Coeur Code of Ordinances covers the "Stopping, Standing or Parking Prohibited in Specified Places". While Decker Lane has three posted 'No Parking' signs, the ordinance does not apply to the 'temporary stopping and unloading of vehicles' on Decker Lane. Signage would also be posted at both entrances to Decker Lane.

This changes to the Ordinance would enable the Creve Coeur Police Department to take active enforcement against the couriers who would continue to stop, park, and unload on Decker Lane.

This resolution would allow the current 'No Parking' signs to stay in place along Decker Lane without the need to add or design any further signage to address this issue.

Respectfully,

Sgt Paul S Hornung 414

Sgt. Paul Hornung
Traffic Safety Supervisor



City Council
300 North New Ballas Rd
Creve-Coeur, MO 63141

Meeting: 10/13/14 07:00 PM
Department: Legislative /City Clerk
Category: Policy
Prepared By: Debbie Ryan
Department Head: Debbie Ryan

SCHEDULED

ORDINANCE

Bill No. 5517 - an Ordinance Authorizing the Installation of One (1) Fire Hydrant for North Side of Dauster Lane in the City of Creve Coeur, Missouri. Final Reading and Passage

Request by Missouri American Water and Monarch Fire Protection District to allow the installation of a hydrant in Difani Estates on Dauster Lane.

Ordinance

Meeting of October 13, 2014

BILL No _____

ORDINANCE No. _____

AN ORDINANCE AUTHORIZING THE INSTALLATION OF ONE (1) FIRE HYDRANT FOR NORTH SIDE OF DAUSTER LANE IN THE CITY OF CREVE COEUR, MISSOURI

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

SECTION 1: As requested by the Monarch Fire Protection District, the Missouri American Water Company, in accordance with its duties pursuant to its certificate of convenience and necessity, shall install one (1) public fire hydrant in the City of Creve Coeur at the following location:

One (1) new public fire hydrant shall be installed on the north side of Dauster Lane at the intersection of Lot 1 and Common Ground in Difani Estates.

SECTION 2: All of said work shall be done under the supervision of the City Council or its proper representative, and for the purpose of this ordinance, the Missouri American Water Company is hereby given permission to make all necessary excavations for the proper execution of said work.

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

ADOPTED THIS ____ DAY OF _____, 2014

CHARLOTTE D'ALFONSO
PRESIDENT OF CITY COUNCIL

APPROVED THIS ____ DAY OF _____, 2014

BARRY GLANTZ
MAYOR

ATTEST:

DEBORAH RYAN
CITY CLERK

Attachment: Bill No. 5517 Dauster Lane Difani Estates (1099 : Bill No. 5517 - Fire Hydrant Install for Dauster Lane)



City Council
300 North New Ballas Rd
Creve-Coeur, MO 63141

Meeting: 10/13/14 07:00 PM
Department: Public Works Department
Category: Agreement
Prepared By: Jim Heines
Department Head: Jim Heines

SCHEDULED

ORDINANCE

Bill No. 5518 - an Ordinance of the City Council of the City of Creve Coeur, Missouri Authorizing the Execution of a Maintenance Agreement with the Missouri Highways and Transportation Commission for the Maintenance of New Stop Signs & Street Name Signs Mounted on Decorative Black Posts and Located in the MoDOT Right-Of-Way Throughout the City. First Reading

The execution of this agreement will allow for staff to install and maintain the new signs and posts where streets meet the MoDOT right-of-way within the city limits.

Ordinance

Meeting of October 13, 2014

BILL No 5518

ORDINANCE No _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CREVE COEUR, MISSOURI AUTHORIZING THE EXECUTION OF A MAINTENANCE AGREEMENT WITH THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION FOR THE MAINTENANCE OF NEW STOP SIGNS & STREET NAME SIGNS MOUNTED ON DECORATIVE BLACK POSTS AND LOCATED IN THE MODOT RIGHT-OF-WAY THROUGHOUT THE CITY

WHEREAS, the City of Creve Coeur strives to promote a beautiful and safe place for residents to live, work and drive; and

WHEREAS, the City supports the replacement of stop signs and street name signs with highly reflective signs to comply with the current MUTCD code as well as decorative black posts to improve appearance; and

WHEREAS, the attached "Exhibit A" is an agreement with the Missouri Department of Transportation (MoDOT) regarding the responsibilities for maintaining City-approved improvements along state-maintained roads;

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

Section 1: The maintenance agreement between the Missouri Highways and Transportation Commission and the City regarding the upkeep and maintenance of stop signs and street name signs on decorative black posts located where City streets intersect with State roads and 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 Agreement 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 Agreement.

Adopted this ____ day of _____ 2014.

Charlotte D'Alfonso
President of City Council

Approved this ____ day of ____ 2014.

Barry Glantz
Mayor

Attest:

Deborah Ryan, MRCC
City Clerk

Attachment: Bill No. 5518 [Revision 1] (1100 : Bill No. 5518 - MoDOT Agreement for Stop Sign Replacement Program)

"EXHIBIT A"

CCO Form:
 Approved: 6/13 (BDG)
 Revised:
 Modified:

Date of Installation: _____
 Type of Installation: ☐ New ☐ Revised
 MoDOT District Number: SL
 MoDOT Contract Administrator: Joe Molinaro

**MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION
 DECORATIVE STREET SIGN POST MAINTENANCE AGREEMENT**

THIS AGREEMENT is entered into by the Missouri Highways and Transportation Commission (hereinafter, "Commission") and the City of Creve Coeur, Missouri (hereinafter, "City").

WITNESSETH:

WHEREAS, as, the City has requested and the Commission approved the placement of decorative street sign posts on Commission right of way; and

WHEREAS, the parties desire to enter into this Agreement to designate maintenance responsibilities in relation to the decorative street sign posts.

NOW, THEREFORE, in consideration of the mutual promises, covenants, and representations contained in this Agreement, the parties agree as follows:

(1) PURPOSE AND SCOPE: It is the purpose of this Agreement to outline the responsibilities of the Commission and the City regarding maintenance responsibilities in relation to the decorative street sign posts and the stop sign which will be installed on the sign post. The general locations of the decorative street sign posts to be installed pursuant to this Agreement are located along MO 340 between Mill Crossing Drive and Larkin Drive in Creve Coeur, Missouri as shown in Exhibit B.

(2) INSTALLATION OF DECORATIVE STREET SIGN POSTS:

(A) The City shall provide documentation of a structural analysis, showing that the sign posts are NCHRP 350 compliant that shows the decorative street sign posts will not affect the structural stability of the sign structure on which it is to be installed as shown in Exhibit A.

(B) Pursuant to the terms of this Agreement, the City shall install decorative street sign posts at the approved location(s). The City will incur the installation expense of the decorative street sign posts pursuant to this Agreement and the City shall comply with any terms placed in the issuance of a permit authorizing the construction of the decorative street sign posts. The Commission shall be responsible for all maintenance and traffic control devices

located along MO 340 between Mill Crossing Dr and Larkin Ave in Creve Coeur, Missouri, with the exception of decorative street sign posts.

(C) The City shall maintain, at the City's cost, the decorative street sign posts. The decorative street sign posts shall be maintained in accordance with the Commission's policies.

(4) TRAFFIC CONTROL: All work zone signs and traffic control devices to be used shall be in accordance with the latest revision of the Manual on Uniform Traffic Control Devices for Streets and Highways or as directed by the District Engineer or his authorized representative.

(5) MAINTENANCE BY CITY WITHIN COMMISSION RIGHT OF WAY: In order to coordinate maintenance activities on the improvement, the City shall notify the Commission either by telephone, telefax, or in writing, prior to performing maintenance work within Commission right of way. Such notification shall be made to the district's Operational Support Engineer or a designated assistant, and shall include the location and nature of the work to be performed.

(A) The City may have the maintenance work required pursuant to this Agreement performed by either its own maintenance personnel or by contract with qualified individuals or companies approved by the Commission to install and maintain the proper function of the decorative street sign posts & stop signs for a period of ten (10) years from the date of installation.

(B) The City shall respond to any emergency situation in which repair or maintenance of damage to the decorative street sign posts is required immediately to correct a dangerous condition or restore the safe, unobstructed flow of traffic on the improvement.

(C) The City shall erect a temporary stop sign and standard street post until the City responds with a replacement to the decorative street sign post and stop sign.

(6) PERMITS: Before beginning work, the City shall secure from the Commission's District Engineer a permit for the proposed improvement. The City may provide written authority to the Commission's District Engineer enabling its contractor to obtain the permit as an agent for the City. Future maintenance shall be covered by separate permit. The City shall comply with any additional condition placed upon the issuance of the permit.

(7) BOND: The City shall secure sufficient bond, as determined by the Commission's District Engineer or his authorized representative, for the work to be done pursuant to this Agreement within Commission right-of-way.

(8) HIGHWAY SPECIFICATIONS: All work done pursuant to this Agreement shall be in accordance with applicable portions of the latest editions of the Missouri Highways and Transportation Commission's Standard Specifications for Highway Construction and the Standard Plans for Highway Construction. The City shall provide a copy of its contractor's certification of material used.

(9) AMENDMENTS: Any change in this Agreement, whether by modification or supplementation, must be accomplished by a formal contract amendment signed and approved by the duly authorized representative of the City and the Commission.

(10) COMMISSION REPRESENTATIVE: The Commission's District Engineer is designated as the Commission's Representative for the purpose of administering the provisions of this Agreement. The Commission's Representative may designate by written notice to each of the City Representatives, additional persons having the authority to act on behalf of the Commission in the performance of this Agreement.

(11) CITY REPRESENTATIVE: The City Administrator for the City is designated as the City's representative for the purpose of administering the provisions of this Agreement. The City Representatives may designate by written notice to the Commission's Representative additional persons having the authority to act on behalf of the City or a City Department in the performance of this Agreement.

(12) NOTICES: Any notice or other communication required or permitted to be given hereunder shall be in writing and shall be deemed given upon delivery by First Class, Priority or Express United States mail, postage prepaid, or upon actual receipt by courier, personal or facsimile delivery, addressed as follows:

(A) To the Commission:

(B) To the City:
Jim Heines
Director of Public Works
300 N. New Ballas Rd
Creve Coeur, MO 63141

or to such other place as the parties may designate in accordance with this Agreement. To be valid, facsimile delivery shall be followed by delivery of

the original document, or a clear and legible copy thereof, within three (3) business days of the date of facsimile transmission of that document.

(13) NONDISCRIMINATION COVENANT: The City for themselves, their representatives, successors in interest, and assigns, as part of the consideration hereof, do hereby covenant and agree as a covenant running with the property that no person on the grounds of race, color, religion, creed, national origin, sex, or age shall be denied by them the benefits or otherwise be subjected to them, to discrimination in the use of the property.

(14) VENUE: It is agreed by the parties that any action at law, suit in equity, or other judicial proceeding to enforce or construe this Agreement, or regarding its alleged breach, shall be instituted only in the Circuit Court of Cole County, Missouri.

(15) LAW OF MISSOURI TO GOVERN: This Agreement shall be construed according to the laws of the state of Missouri. The City shall comply with all local, state and federal laws and regulations relating to the performance of this Agreement.

(16) INDEMNIFICATION:

(A) To the extent allowed or imposed by law, the City shall defend, indemnify and hold harmless the Commission, including its members and department employees, from any claim or liability whether based on a claim for damages to real or personal property or to a person for any matter relating to or arising out of the City's wrongful or negligent performance of its obligations under this Agreement.

(B) The City will require any contractor procured by the City to work under this Agreement:

(1) To obtain a no cost permit from the Commission's district engineer prior to working on the Commission's right-of-way, which shall be signed by an authorized contractor representative (a permit from the Commission's district engineer will not be required for work outside of the Commission's right-of-way); and

(2) To carry commercial general liability insurance and commercial automobile liability insurance from a company authorized to issue insurance in Missouri, and to name the Commission, and the Missouri Department of Transportation and its employees, as additional named insureds in amounts sufficient to cover the sovereign immunity limits for Missouri public entities (\$500,000 per claimant and \$3,000,000 per occurrence) as calculated by the Missouri Department of Insurance, Financial Institutions and Professional Registration, and published annually in the Missouri Register pursuant to Section

537.610, RSMo.

(C) In no event shall the language of this Agreement constitute or be construed as a waiver or limitation for either party's rights or defenses with regard to each party's applicable sovereign, governmental, or official immunities and protections as provided by federal and state constitution or law.

(17) ASSIGNMENT: The City shall not assign, transfer or delegate any interest in this Agreement without the prior written consent of the Commission.

(18) CANCELLATION: The Commission may cancel this Agreement at any time for a material breach of contractual obligations by providing the City with written notice of cancellation. Should the Commission exercise its right to cancel the contract for such reasons, cancellation will become effective upon the date specified in the notice of cancellation sent to the City. In the event the Commission terminates this Agreement, the Commission reserves the right to remove the decorative street sign posts or replace it with any type of sign post it chooses.

(19) AUDIT OF RECORDS: The City must maintain all records relating to this Agreement, including but not limited to invoices, payrolls, etc. These records must be available at all reasonable times at no charge to the Commission and/or its designees or representatives during the period of this Agreement and any extension thereof, and for three (3) years from the date of final payment made under this Agreement.

(20) SECTION HEADINGS: All section headings contained in this Agreement are for the convenience of reference only and are not intended to define or limit the scope of any provision of this Agreement.

(21) SOLE BENEFICIARY: This Agreement is made for the sole benefit of the parties hereto and nothing in this Agreement shall be construed to give any rights or benefits to anyone other than the Commission and the City.

(22) SEVERABILITY: If any clause or provision of this Agreement is found to be void or unenforceable by a court or agency of proper jurisdiction, then the remaining provisions not void or unenforceable shall remain in full force and effect.

(23) AUTHORITY TO EXECUTE: The signers of this Agreement warrant that they are acting officially and properly on behalf of their respective institutions and have been duly authorized, directed and empowered to execute this Agreement.

(24) NO INTEREST: By constructing the decorative street sign posts within the Commission right of way, the City gains no property interest in the

Commission's right of way whatsoever. The Commission shall not be obligated to keep the decorative street sign posts in place or on the Commission's right of way, if the Commission in its sole discretion, determines removal or modification of the decorative street sign posts is in the best interests of the state highway system or the Commission.

IN WITNESS WHEREOF, the parties have entered into this Agreement on the date last written below:

Executed by the City this _____ day of _____, 20__.

Executed by the Commission this _____ day of _____, 20__.

MISSOURI HIGHWAYS AND
TRANSPORTATION COMMISSION

CITY OF _____

By _____

By _____

Title _____

Title _____

ATTEST:

ATTEST:

Secretary to the Commission

By _____

Title _____

Approved as to Form:

Approved as to Form:

Commission Counsel

Title _____

Ordinance Number _____

EXHIBIT A NCHRP 350 Compliance

V-Loc Model Categories

Crashworthy and Re-usable!
V-Loc is the safest, most durable flush-to-the-ground post anchor socket on the market, and the most economical because it is re-usable, knockdown after knockdown.

V-Locs are ideal for anchoring posts for signs, mailboxes and other applications in concrete, asphalt or dirt. Select the V-Loc model type based on the type of post you are using for your application, and the type of pavement or earth (soil type) where it will be installed. Then choose from the available models, listed by post type, on the following pages.

TapcoScape!

Concrete Models



VR1 VS1 19-VR1
with UCA

Asphalt / Earth Models



VR2 VS2 19-VR2
24" 24" 24"
with UCA

Cleanout Bar Models



23-VR2B 200-VS2B 19-VR3B
24" 24" 30"
w/UCA

Bottom Plate Models



VR1P VS1P 19-VR1P
with UCA

Soft Soil Models



VR3 VS3 VR3
30" 30" 30", 36"
36" 36" with UCA



VR3B VS3B 50-VR3B
30" 30" 36"



ALL V-LOC anchors are NCHRP 350 compliant.

NCHRP 350 Crash-Tested and Approved. V-Loc's flush-to-the-ground configuration allows sign posts to break off cleanly at ground level, with a 360° impact zone.

Order by Phone 1-800-236-0112 • Order by Fax 1-800-444-0331
Web www.tapconet.com • E-commerce site www.tapcostore.com



Exhibit A cont.
NCHRP 350 Compliance

Additional Documents attached:

TAPCO Powdercoated fluted sign post detail
NCHRP Report 350 Compliance Tests of the V-Loc Sign Support System
V-Loc Specifications
FHWA Response Letter to V-Loc Sign Support System with details

EXHIBIT B Decorative Sign Post Locations

The decorative street sign posts shall be located on the side streets at the following locations:

- MO 340 at Mill Crossing Dr.
- MO 340 at Town & Four Parkway Dr.
- MO 340 at Country Manor Ln.
- MO 340 at Will Ave.
- MO 340 at Hamm Dr.
- MO 340 at Park West Dr.
- MO 340 at Bal Harbour Dr.
- MO 340 at Renee Ln.
- MO 340 at Woodshire Ln.
- MO 340 at Deaver Ln.
- MO 340 at Sona Ln.
- MO 340 at Barre Haven Dr.
- MO 340 at Larkin Ave.

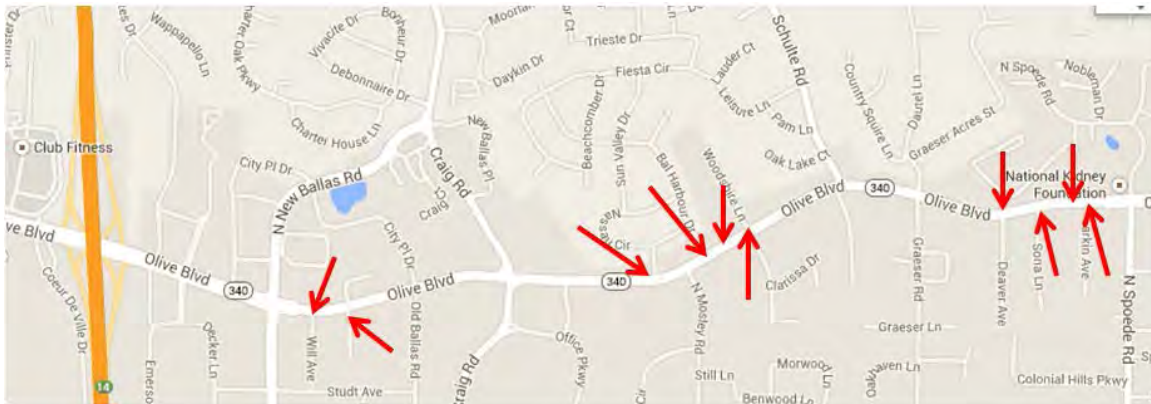
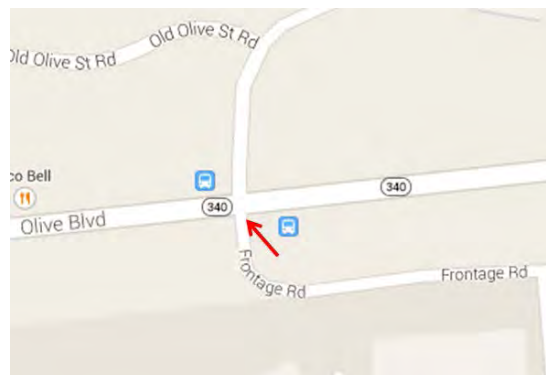
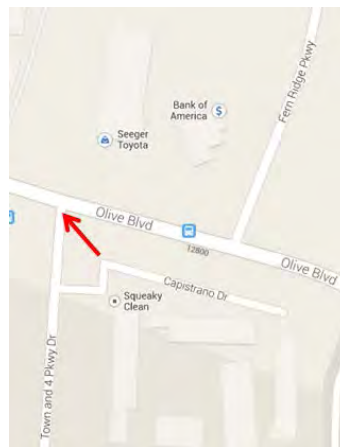


EXHIBIT B Decorative Sign Post Locations



Heines, Jim

From: Katie Knapp <katiek@tapconet.com>
Sent: Tuesday, September 02, 2014 3:37 PM
To: Heines, Jim
Subject: FW: Griffin quote

Below is the approval from MoDOT in regards to 3" post approval. I will revise original quote and send over shortly.

Katie Knapp - Sales (IL, IA, IN, MO, OH)

Phone: 262-649-5227 | Cell: 414-254-3510

Fax: 262-421-4457

katiek@tapconet.com | tapconet.com

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5100 West Brown Deer Road
Brown Deer, WI 53223

[Click here](#) to view our current contracts.

From: Thomas Honich [mailto:Thomas.Honich@modot.mo.gov]
Sent: Tuesday, September 02, 2014 10:05 AM
To: Katie Knapp; Brian J. Untiedt
Subject: RE: Griffin quote

I apologize, I thought I had sent the response back. Below is what I had summarized from the FHWA letter as approved sign posts used with the V-Loc system for this and future reference. Based on this information a 3.0", 0.080 wall steel tube sign post would meet the breakaway criteria.

FHWA Approved Posts used with Tapco V-Loc

Tested and Approved Posts

Post Dia	Wall Thickness	Post Material
2.5	0.125	6061-T6 Aluminum
3	0.125	6061-T6 Aluminum
3	0.125	6063-T6 Aluminum
3.5	0.1875	Aluminum
2.375	0.095	steel
All U-Channel posts meet		

Acceptance based on like performance

All aluminum post certified as breakaway when mounded directly into soil would be considered breakaway in the V-Loc

All PSST with the same section modulus of the post tested will meet

Sorry for the delay, hope this helps, if you need anything else, let me know.

Tom Honich
Sign and Marking Engineer
Traffic and Highway Safety Division
Missouri Dept of Transportation
PO Box 270
830 MoDOT Drive
Jefferson City, MO 65102
(573)526-0122

From: Katie Knapp [<mailto:katiek@tapconet.com>]
Sent: Tuesday, September 02, 2014 8:49 AM
To: Brian J. Untiedt
Cc: Thomas Honich
Subject: FW: Griffin quote

I have yet to hear anything pertaining to approval of material. Can you please advise. Thank you.

Katie Knapp - Sales (IL, IA, IN, MO, OH)

Phone: 262-649-5227 | Cell: 414-254-3510

Fax: 262-421-4457

katiek@tapconet.com | tapconet.com

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5100 West Brown Deer Road
 Brown Deer, WI 53223

[Click here](#) to view our current contracts.

From: Katie Knapp
Sent: Friday, July 18, 2014 2:39 PM
To: 'Brian J. Untiedt'
Cc: Thomas Honich
Subject: RE: Griffin quote

Here is the FHWA Letter. Please let me know if this will suffice.

Thank you,
Katie Knapp
Region 2 Sales Representative
Serving – IA, IL, IN, MO, OH
5100 W Brown Deer Rd
Brown Deer WI 53223
Phone: 262-649-5227
Fax: 262-421-4457
katiek@tapconet.com
www.tapconet.com



From: Brian J. Untiedt [<mailto:Brian.Untiedt@modot.mo.gov>]
Sent: Friday, July 18, 2014 1:13 PM
To: Katie Knapp
Cc: Thomas Honich
Subject: FW: Griffin quote

Katie, can you resend the FHWA approval letter to Tom so he can review your question.

Thanks

Brian

From: Thomas Honich
Sent: Friday, July 11, 2014 3:55 PM
To: Brian J. Untiedt
Subject: RE: Griffin quote

From what I can see they want to use a 3" OD galvanized pipe post with a wall thickness of 0.083. I need to see the FHWA approval letter for the V-Loc system again to see if this post is one that was approved by FHWA. I know I received it via email before, but not sure who sent it to me and I cannot find it. Would someone up there have passed it on to me who could send it again?

Tom Honich
Sign and Marking Engineer
Traffic and Highway Safety Division
Missouri Dept of Transportation
PO Box 270

830 MoDOT Drive
Jefferson City, MO 65102
573(526-0122

From: Brian J. Untiedt
Sent: Friday, July 11, 2014 2:10 PM
To: Thomas Honich
Subject: FW: Griffin quote

Tom, Tapcon has been asking us to approve a device for them. I forwarded a note to you on Monday not knowing any of the background. They asked again and this is the information I received. Can you help them out with this. Let me know if I can help in any way.

Thanks

Brian

From: Katie Knapp [<mailto:katiek@tapconet.com>]
Sent: Friday, July 11, 2014 8:57 AM
To: Brian J. Untiedt; Amy Crawford
Subject: RE: Griffin quote

Thank you for the update. This is for a municipality as well as a local HOA near the municipality. Prior to us shipping the signs they want written approval of our posts with the anchors.

Thank you,
Katie Knapp
Region 2 Sales Representative
Serving – IA, IL, IN, MO, OH
5100 W Brown Deer Rd
Brown Deer WI 53223
Phone: 262-649-5227
Fax: 262-421-4457
katiek@tapconet.com
www.tapconet.com



From: Brian J. Untiedt [<mailto:Brian.Untiedt@modot.mo.gov>]
Sent: Friday, July 11, 2014 8:56 AM
To: Amy Crawford; Katie Knapp
Subject: RE: Griffin quote

Tom Honich is who you need to discuss this with. I forwarded the original email to him, but he has been out of the office quite a bit this summer. He will respond as soon as he can. If this is in reference to the Culver Stockton Stop sign, the sign has been installed with a post and stub that was approved. If that was not the case please let me know. If this is for another location, like I said, Tom will be your contact for product approval.

Thanks

Brian

From: Amy Crawford
Sent: Thursday, July 10, 2014 1:44 PM
To: Katie Knapp
Cc: Brian J. Untiedt
Subject: RE: Griffin quote

I forwarded on to Brian Untiedt. I copied him on this so you have his contact information.

Thanks,

Amy

From: Katie Knapp [<mailto:katiek@tapconet.com>]
Sent: Thursday, July 10, 2014 11:25 AM
To: Amy Crawford
Subject: FW: Griffin quote

Amy,

I wanted to follow up on specifications. Can you provide me with the contact you sent the specifications to?

Thank you,
Katie Knapp
Region 2 Sales Representative
Serving – IA, IL, IN, MO, OH
5100 W Brown Deer Rd
Brown Deer WI 53223
Phone: 262-649-5227
Fax: 262-421-4457
katiek@tapconet.com
www.tapconet.com



From: Katie Knapp
Sent: Wednesday, July 02, 2014 12:17 PM
To: 'amy.crawford@modot.mo.gov'
Subject: FW: Griffin quote

Amy,

have a customer requesting that I send specifications over to MoDot for approval with our v-loc system. We have documentation noting that 3" poles made of steel are acceptable. Attached is the specifications I received from our manufacture of 3" poles, will this suffice for approval?

Thank you,
Katie Knapp
Region 2 Sales Representative
Serving – IA, IL, IN, MO, OH
5100 W Brown Deer Rd
Brown Deer WI 53223
Phone: 262-649-5227
Fax: 262-421-4457
katiek@tapconet.com
www.tapconet.com



From: Cheryl Skrobis
Sent: Thursday, June 19, 2014 2:31 PM
To: Katie Knapp
Subject: RE: Griffin quote

This is all they came up with. Hope it helps

Thank you,
Cheryl Skrobis
cheryls@tapconet.com
262-814-7324 Direct

From: Katie Knapp
Sent: Tuesday, June 17, 2014 2:23 PM
To: Cheryl Skrobis
Subject: RE: Griffin quote
Importance: High

MoDOT is requesting a picture and the specs before they approve the posts. May I have this from the manufacture. Thanks!

Thank you,
Katie Knapp
Region 2 Sales Representative
Serving – IA, IL, IN, MO, OH
5100 W Brown Deer Rd
Brown Deer WI 53223
Phone: 262-649-5227
Fax: 262-421-4457
katiek@tapconet.com
www.tapconet.com



From: Cheryl Skrobis
Sent: Monday, June 16, 2014 3:26 PM
To: Katie Knapp
Subject: RE: Griffin quote

He says it's the same spec as all the galv tubing we buy from him just a different OD
 Not sure what else you need.

*Thank you,
 Cheryl Skrobis
cheryls@tapconet.com
 262-814-7324 Direct*

From: Katie Knapp
Sent: Monday, June 16, 2014 3:13 PM
To: Cheryl Skrobis
Cc: Brandon Roberts
Subject: RE: Griffin quote

And this is not a cast aluminum correct? Can they provide the specs on these posts so I can submit it to MoDOT. Thanks!

Thank you,
 Katie Knapp
 Region 2 Sales Representative
 Serving – IA, IL, IN, MO, OH
 5100 W Brown Deer Rd
 Brown Deer WI 53223
 Phone: 262-649-5227
 Fax: 262-421-4457
katiek@tapconet.com
www.tapconet.com



From: Cheryl Skrobis
Sent: Monday, June 16, 2014 1:12 PM
To: Katie Knapp
Cc: Brandon Roberts
Subject: Griffin quote

Griffin quote you requested:

3.00 x .083w x 144" galv rd tubing at 27.60 each
 Delivery 1 Week

Thank you,
Cheryl Skrobis
Buyer/Expeditor

TAPCO
Traffic & Parking Control Co., Inc
5100 W. Brown Deer Rd.
Brown Deer, WI 53223
cheryls@tapconet.com
262-814-7324 Direct

You are invited to the 2014 Annual TAPCO Training Showcase Wednesday, October 22 from 7:00 am to 4:00 pm presented by TAPCO. Register today: <http://www.tapconet.com/events/training-showcase/2014#tab=rsvp>

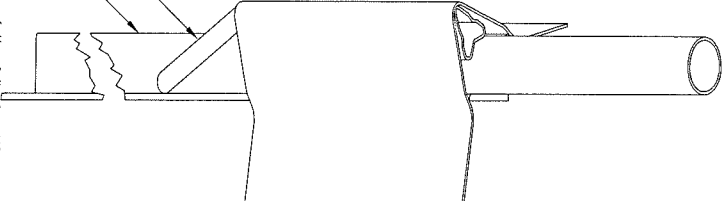
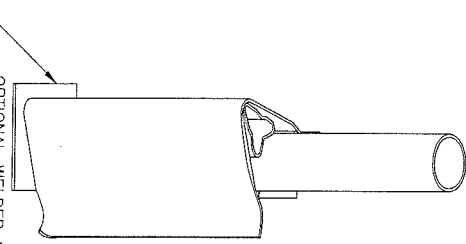
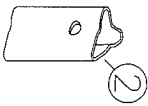
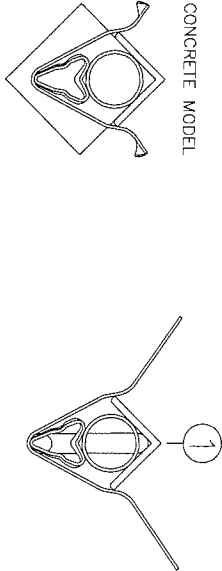
You are invited to the 2014 Annual TAPCO Training Showcase Wednesday, October 22 from 7:00 am to 4:00 pm presented by TAPCO. Register today: <http://www.tapconet.com/events/training-showcase/2014#tab=rsvp>

TECHNICAL REPORT DOCUMENTATION PAGE

1. Report No. FHWA-RD-96-	2. Government Accession No.	3. Recipient's Catalog No.
4. Title and Subtitle NCHRP REPORT 350 COMPLIANCE TESTS OF THE V-LOC SIGN SUPPORT SYSTEM		5. Report Date August 1996
		6. Performing Organization Code
7. Author(s) Roger P. Bligh, Wanda L. Menges, and Dean C. Alberson		8. Performing Organization Report No. Report No. 405631-1F
9. Performing Organization Name and Address Texas Transportation Institute The Texas A&M University System College Station, Texas 77843-3135		10. Work Unit No. NCP No.
		11. Contract or Grant No.
12. Sponsoring Agency Name and Address Foresight Products, Inc. 6430 East 49th Drive Commerce City, CO 80022		13. Type of Report and Period Covered Final Report March through April 1996
		14. Sponsoring Agency Code
15. Supplementary Notes Name of contacting representative: Tom Bird Senior Engineer		
16. Abstract Foresight Products, Inc. contracted with the Texas Transportation Institute (TTI) to evaluate the safety performance of their V-Loc sign support socket when tested in accordance with the recommended guidelines contained in <i>National Cooperative Highway Research Program (NCHRP) Report 350</i> . Previous approval of this socket and wedge system was based on crash tests conducted a 1020-kg vehicle. In order to satisfy NCHRP Report 350 and, thereby, retain its approved status, it was required that the V-Loc sign support system be successfully tested with an 820-kg vehicle. This report details the construction, performance, and evaluation of the full-scale crash tests performed on the V-Loc sign support system. The sign support types used in the testing program included a 5.95 kg/m U-channel post and a 60.3 mm O.D. x 2.4 mm wall steel tube sign support. In all tests, the V-Loc sign support system performed satisfactorily by yielding to the vehicle and then fracturing or pulling out of the socket. The occupant risk indices were well below the recommended values contained in NCHRP Report 350. The V-Loc sign support socket was found to meet all relevant evaluation criteria for NCHRP Report 350 test designations 3-60 and 3-61 for both the U-channel and thin-wall round tube sign supports. Moreover, the successful results with these supports indicates that the V-Loc socket should also perform satisfactorily with other sign support types provided the yield moment of the support does not exceed that of those tested under this study.		
17. Key Words Sign supports, U-channel, crash testing, roadside safety		18. Distribution Statement No restrictions. This document, if published, is available to the public through National Technical Information Services, 5285 Port Royal Road, Springfield, Virginia 22161
19. Security Classif. (of this report) Unclassified	20. Security Classif. (of this page) Unclassified	21. No. of Pages 97
		22. Price



CONCRETE MODEL



① V-LOC SOCKET

- Stabilizer Fin is 12 gauge hot rolled carbon sheet steel, commercial quality. The fin is formed from sheet steel to the shown configuration.
- Leg angle – .25 x 3 x 3 [5 x 75 x 75] angle HR 1020 commercial quality.
- Welds six .25 x 1.5 [5 x 40] fillets minimum (four for concrete models).
- Finish is dip-coated with rust inhibiting primer, Fed. Spec. TTP636. Galvanizing available.

② V-LOC WEDGE

- The V-LOC wedge is steel tubing made to ASTM A-500, Grade B specifications, then pressed into wedge form.

③ TUBING

- For use with 3 [75] O.D. x .065 [2] minimum – .150 [4] maximum wall thickness steel or aluminum tubing.

FEATURES:

- Flush-to-the-ground
- Top stabilizing fins
- Wedge fastener, no bolts
- Permanent post hole
- Guaranteed reusable
- Optional plate for stability (concrete model only)
- Optional cleanout bar for stability

INTENDED USE:

SIGN POST SUPPORT

DECRA POST SUPPORTS

V-LOC SPECIFICATIONS

TAPCO V-LOC MODEL NO. 30

TRAFFIC & PARKING CONTROL CO., INC.

DATE: 2008

800 Wall Street Elm Grove, WI 53122 800-236-0112

Specifications subject to change without notice. Covered by one or more of the following US patents: 5,749,180



U.S. Department
Of Transportation
**Federal Highway
Administration**

400 Seventh St., S.W.
Washington, D.C. 20590

January 13, 1997

Refer to: HNG-14/SS-72

Mr. Dave Chandler
President
Foresight Products, LLC
6430 East 49th Drive
Commerce City, Colorado 80022

Dear Mr. Chandler:

This is in response to your October 25 letter to Mr. Gerald L. Eller requesting that the Federal Highway Administration (FHWA) accept your company's V-Loc breakaway sign support system for use on the National Highway System (NHS). Mr. Thomas Jewett co-signed the letter which transmitted an August 1996 report of full-scale automobile testing conducted by the Texas Transportation Institute on single-post supports using the V-Loc with a U-channel post and with a thin-walled round tube, a video of the tests, drawing of the hardware, and other documentation. On December 11 you provided additional information in response to a request we made.

Requirements for breakaway supports are those in the American Association of State Highway and Transportation Officials' (AASHTO) Standard Specifications for Structural Supports for Highway Signs, Luminaries and Traffic Signals. We also recognize the testing and evaluation guidelines in the National Cooperative Highway Research Report Number 350, Recommended Procedures for the Safety Performance Evaluation of Highway Features.

The full-scale automobile tests are summarized in the following table:

Test Number	405631-1	405631-3	405631-2
Post Type	U-Channel	U-Channel	Round Tube
Impact Speed	34.6 km/h	99.5 km/h	35.2 km/h
Soil Type	Standard	Standard	Standard
Vehicle Mass	826 kg	826 kg	826 kg
Velocity Changes	1.1 m/s	1.7 m/s	1.0 m/s
Occupant Impact Speed	1.0 m/s	0.7 m/s	0.9 m/s
Stub Height	< 90 mm	None	None

Details of the tested U-channel and round tube posts, along with the perforated square steel tube posts for which you also request acceptance, are listed in Enclosure 1.

The foundation for the support is the V-Loc socket, which is constructed from 64-mm x 64-mm steel angle and 2.7-mm steel plate. The angle, which is 762 mm long, serves as the leg of the ground anchor. The 2.7 mm steel plate is bent into a warped "V" shape and welded flush with the top of the angle to form a socket and a soil bearing plate. A 19-mm diameter x 178-mm long hot rolled round bar extends diagonally from the bottom corner of the "V" shaped plate to the angle. In addition to serving as a brace for the socket system, the rod also helps prevent soil from accumulating in the socket during driving. The steel plate is ASTM A-569 steel, and the angle and rod are A-36 steel. Additional details and dimensions for the V-Loc socket are shown in the drawings in Enclosure 2.

A special adaptor is used with the V-Loc for use with a U-channel post. This galvanized steel tube, which is also described in Enclosure 1, has holes punched to facilitate breakage upon impact as shown in Enclosure 2. The adaptor is attached to the U-channel using two 11.1 mm bolts spaced at 76 mm. The adaptor is the top of the socket. A triangular wedge, common to all V-Loc sockets shown in Enclosure 2, is used to secure the adaptor inside the socket.

The V-Loc socket for thin-wall round tube supports is the same as described above. The round tube can be placed directly into the V-Loc and secured with a triangular wedge.

Because the results of the full-scale testing met the stub height and change-in-velocity criteria recognized by the FHWA, the V-Loc socket system mounted in standard soil with a single steel U-channel, with the U-channel Post Adaptor, or round tube similar to those tested will be acceptable for use on the National Highway System (NHS), in the range of conditions tested, when proposed by a State.

You also requested that the V-Loc socket be found acceptable for use with perforated square steel tube sign supports up to a size of modulus, yield strength, and yield moment of this support are all less than the tested round tube, the perforated square steel tube will also be considered acceptable for use with the V-Loc socket. Even though the socket must be oriented 45 degrees towards the roadway to accommodate the square section, we believe that breakaway performance will not be significantly affected.

Additionally, you requested acceptance of a version of the V-Loc for use in concrete foundations. There was very little movement of the V-Loc socket observed in the crash test in standard soil. Therefore, we believe that the V-Loc system will work at least as well if the socket is held firmly in concrete. This variant, also shown in Enclosure 2, will be acceptable for use with the cited support posts when placed in a concrete foundation in strong soil. The foundation must be massive enough to provide the same resistance to overturning as was provided by the angle section embedded to a depth of 752 mm.

Our acceptance is limited to the breakaway characteristics of the cited supports when used with the V-Loc socket system and does not cover their structural features.

Presumably you will supply potential users with sufficient information on structural design and installation requirements to ensure proper performance. We anticipate that the States will require certification from Foresight Products that the hardware furnished has essentially the same chemistry, mechanical properties, and geometry as those you have described to us, and that they will meet the Federal Highway Administration change in velocity requirements.

The V-Loc socket system is a proprietary product. To be used in Federal-aid projects, except exempt, non-NHS projects: (a) must be supplied through complete bidding with equally suitable unpatented items; (b) the highway agency must certify that they are essential for synchronization with existing highway facilities for that no equally suitable alternative exists or; (c) they must be used for research or for a distinctive type of construction on relatively short sections of road for experimental purposes. Our regulations concerning proprietary products are contained in Title 23, Code of Federal Regulations, Section 635.411, a copy of which is enclosed.

Sincerely Yours,

Dwight A. Horne, Chief
Federal-Aid and Design Division

3 Enclosures

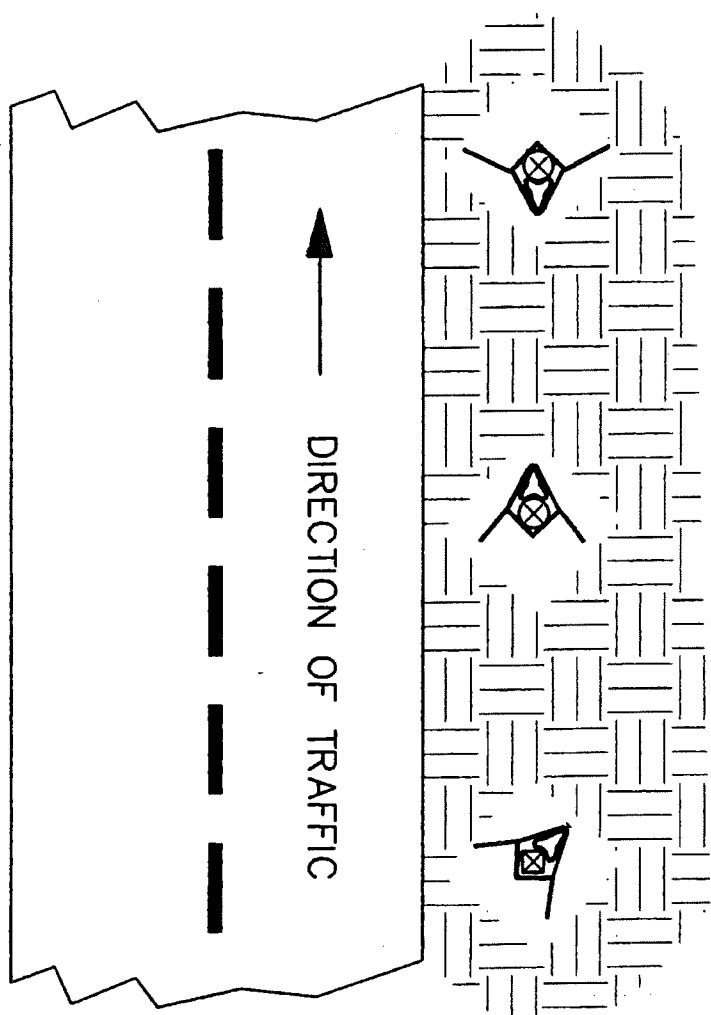
Geometric and Safety Design Acceptance Letter SS-72

Table 1. Properties of common small sign supports.

Support Type	Material	Size	Section Modulus mm ³ (in ³)	Yield Stress MPa (ksi)	Yield Moment N-m (lb-in)
Perforated Square Tubing	ASTM A-446	50.8 mm x 50.8 mm x 2.7 mm (2" x 2" x 0.105")	6,096 (0.372) ^a	227.5 (33)	1,386 (12,276)
Thin-Wall Round Tubing	ASTM A-500	60.3 mm O.D. x 2.4 mm wall (2.375" O.D. x 0.095" wall)	6,112 (0.373) ^b	379.2 (55) ^b	2,316 (20,515)
U-Channel	ASTM A-449	5.95 kg/m (4 lb/ft)	9,767 (0.596) ^a	413.7 (60)	4,037 (35,760)
U-Channel Adaptor	ASTM A-500 Grade B	48.3 mm O.D. x 3 mm wall (1.90" O.D. x 0.120" wall)	4,605 (0.281)	289.6 (42)	1,332 (11,802) ^c

^a AASHTO "A Guide to Small Sign Support Hardware"^b Southwest Pipe, Inc.^c unweakened section

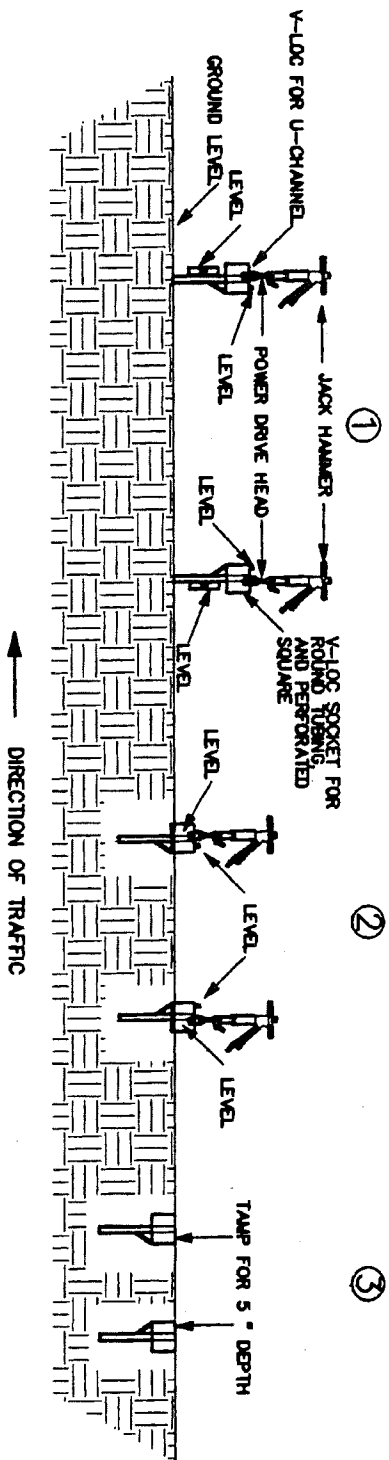
U-CHANNEL ADAPTER ROUND TUBING PERFORATED SQUARE
SIGN POST SIGN POST SIGN POST



ROAD SIDE ORIENTATION

A	12/10	MG	REV. SQ TUBE ORIENTATION
REV	EON	DATE	BY
DIMENSIONS IN INCHES			
Tolerances			
X.X ±			
X.XX ±			
X.XXX ±			
ANGLE ± 2°			
material SCALE			FORESIGHT PRODUCTS inc (303) 286-8855
approved by			
checked by			
drawn by MG			
title			V-LOC INSTALLATION
S20025 Pg10f3			
number			
rev			A

C:\AQ.TWIN\FORSIGHT\HIWAY\S20025\



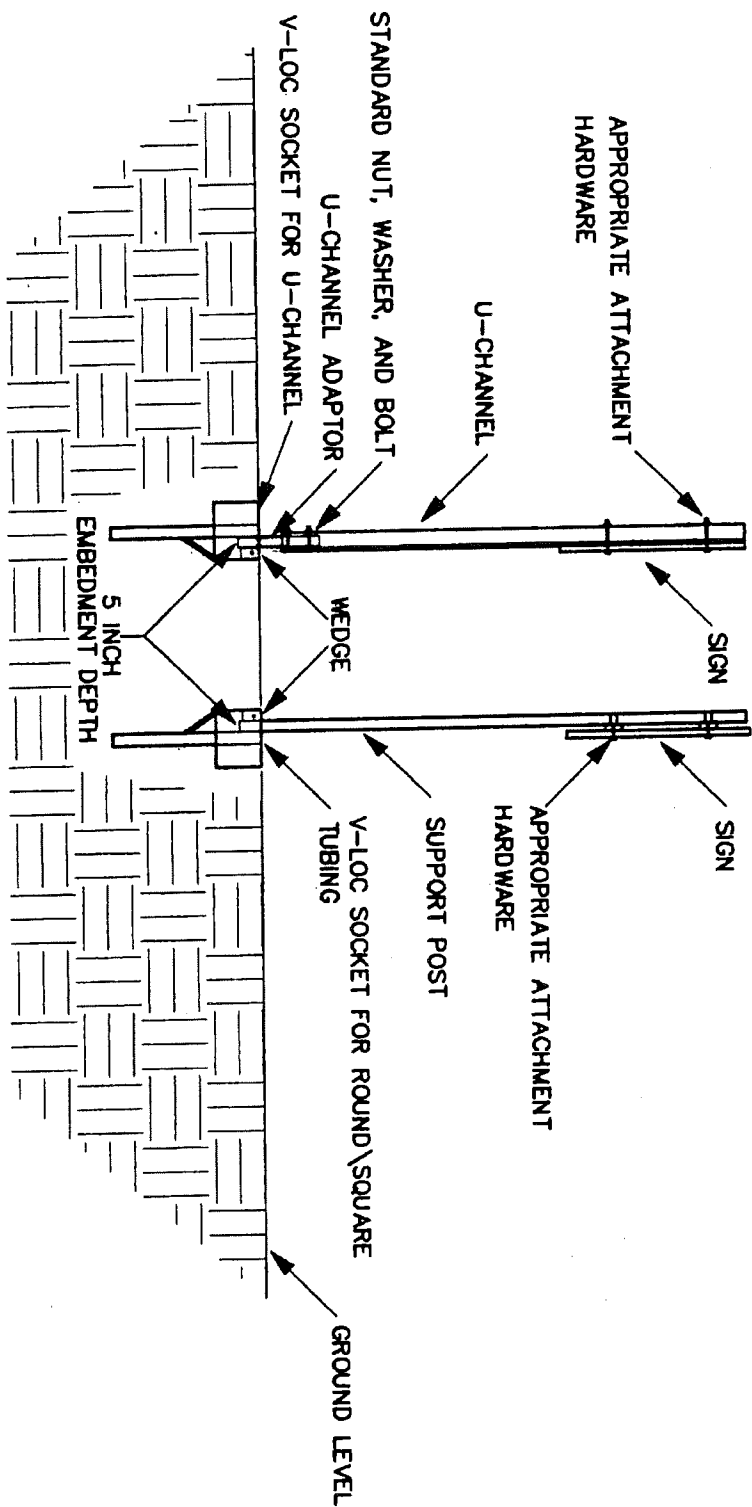
SOCKET INSTALLATION

A		12/10	MG	REV. SQ TUBE ORIENTATION
REV ECH	DATE	BY	DESCRIPTION	
DIMENSIONS IN INCHES				
TOLERANCES UNLESS OTHERWISE SPECIFIED				
X.X ±				
X.XX ±				
X.XXX ±				
ANGLE ± 2°				
material SCALE				 FORESIGHT PRODUCTS inc (303) 286-8955
approved by				
checked by				
drawn by MG				
title				V-LOC INSTALLATION
DWG SIZE: A				
S20025 PG20F3				
number				A
rev				

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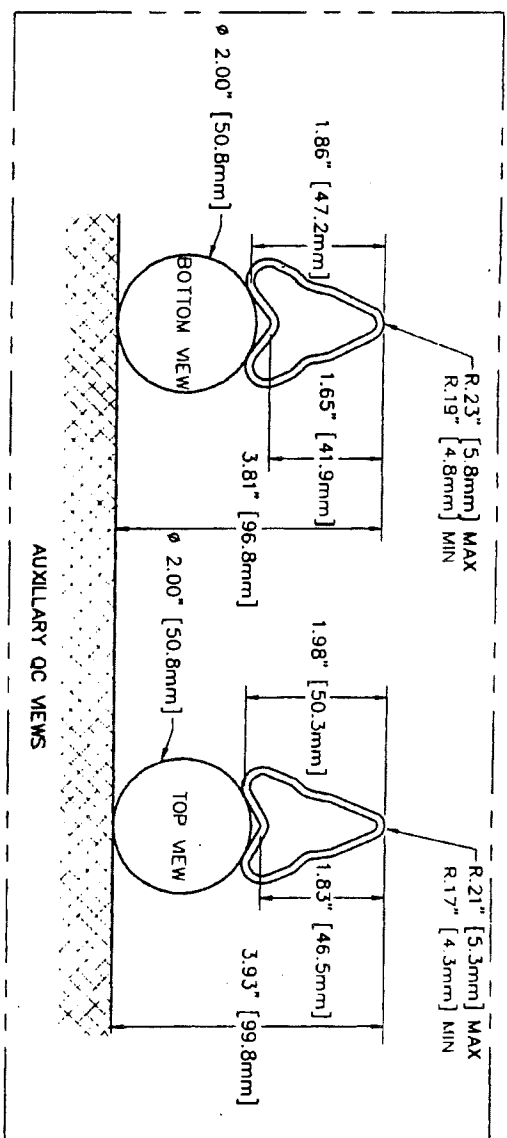
SIGN AND SUPPORT INSTALLATION

→ DIRECTION OF TRAFFIC

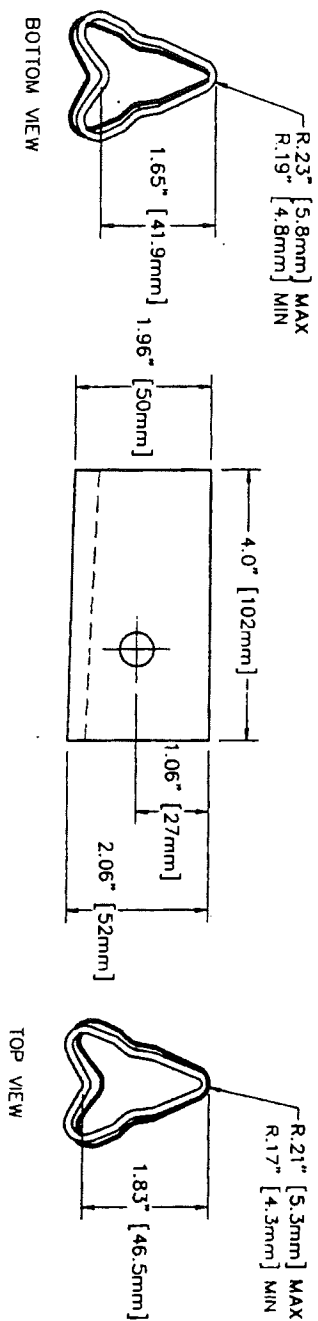


A	12/10	MG	REV. SQ TUBE ORIENTATION
REV ECH	DATE	BY	DESCRIPTION
DIMENSIONS IN INCHES			
TOLERANCES UNLESS OTHERWISE SPECIFIED			
X.X ±			
X.XX ±			
X.XXX ±			
ANGLE ± 2°			
material		SCALE	
approved by			
checked by			
drawn by MG			
		 FORESIGHT PRODUCTS inc (303) 286-8955	
V-LOC			
INSTALLATION			
title			
S20025			
30F3			
number			
rev			
A			

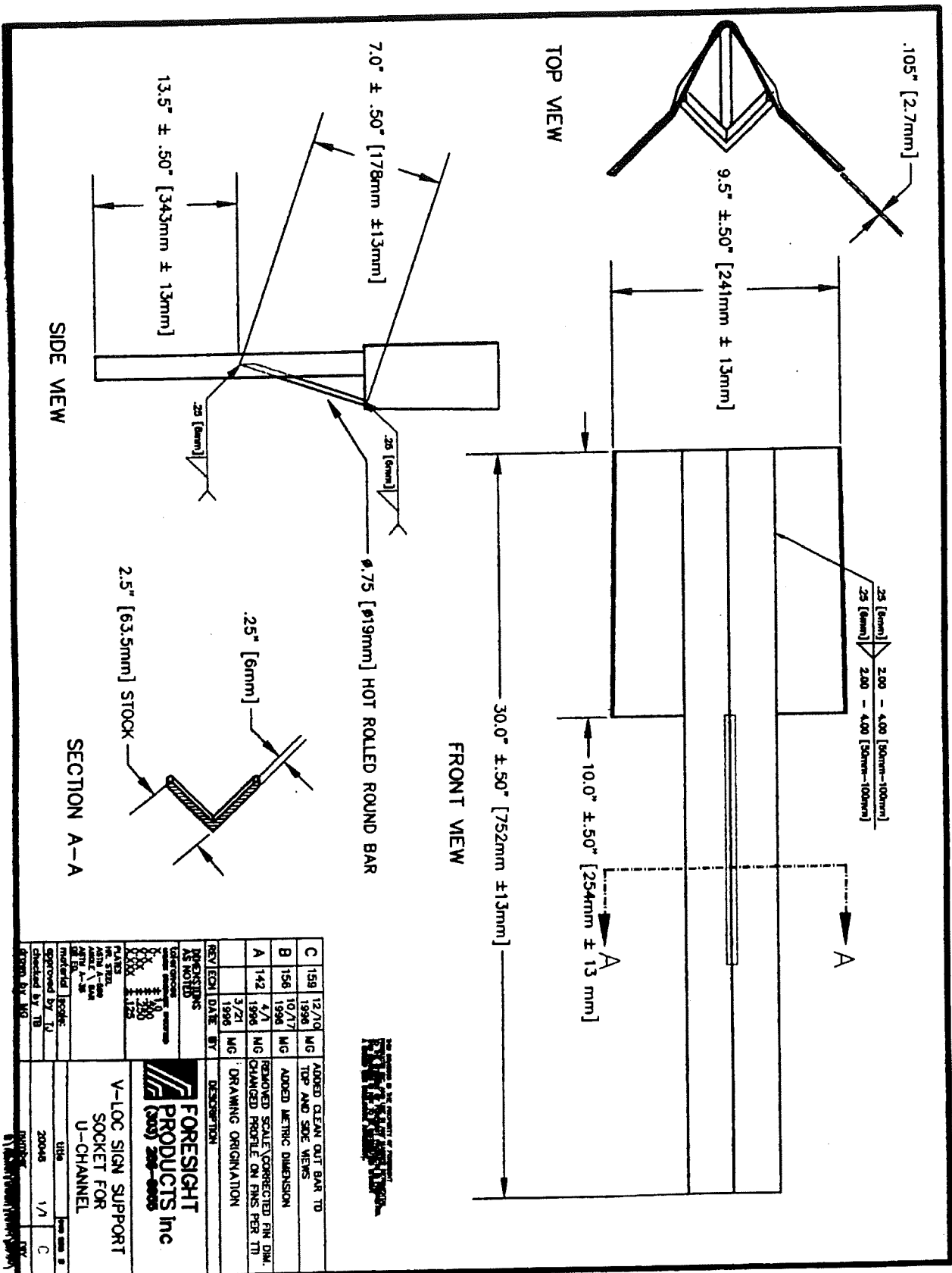
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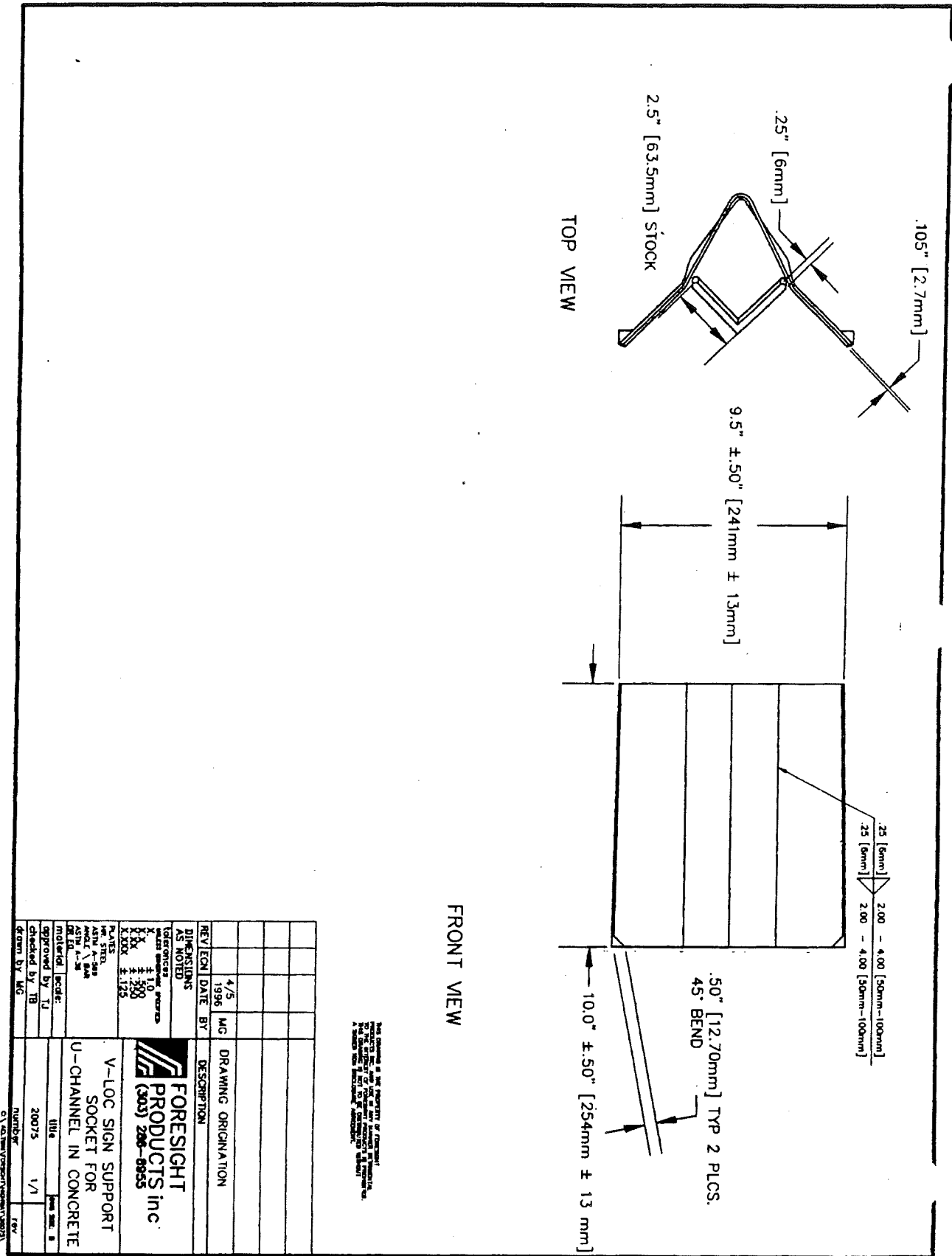


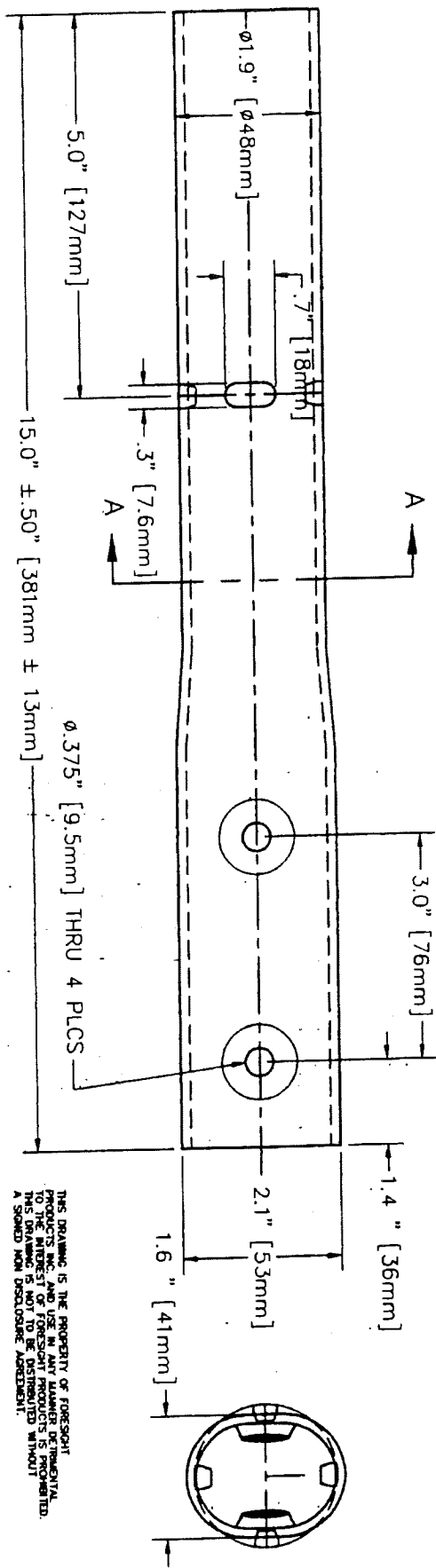
THIS DRAWING IS THE PROPERTY OF FORESIGHT PRODUCTS INC. AND USE IN ANY MANNER DETRIMENTAL TO THE INTEREST OF FORESIGHT PRODUCTS IS PROHIBITED. THIS DRAWING IS NOT TO BE DISTRIBUTED WITHOUT A SIGNED NON DISCLOSURE AGREEMENT.



C	156	1996	10/24	MG	ADDED METRIC SCALE
B	142	1596	4/3	MG	REMOVED SCALE
A	132	10/19	10/19	MG	ADDED TOLERANCES
			8-21	TB	CHANGED DRAWING NO.
			1995		
	104	1994	RJ		DRAWING ORIGINATION
DIMENSIONS AS NOTED					DESCRIPTION
TOLERANCES UNLESS SPECIFIED					
KX	± .030				
KX	± .030				
KX	± .030				
1/8 EDUCATION TECHNICAL DRAWING STANDARD CONFORMS TO ANSI AND ISO STANDARD 15.1-15.8					
material used:					
approved by:					
checked by:	TB				
drawn by:	MG				

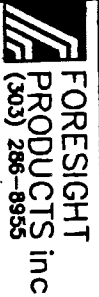


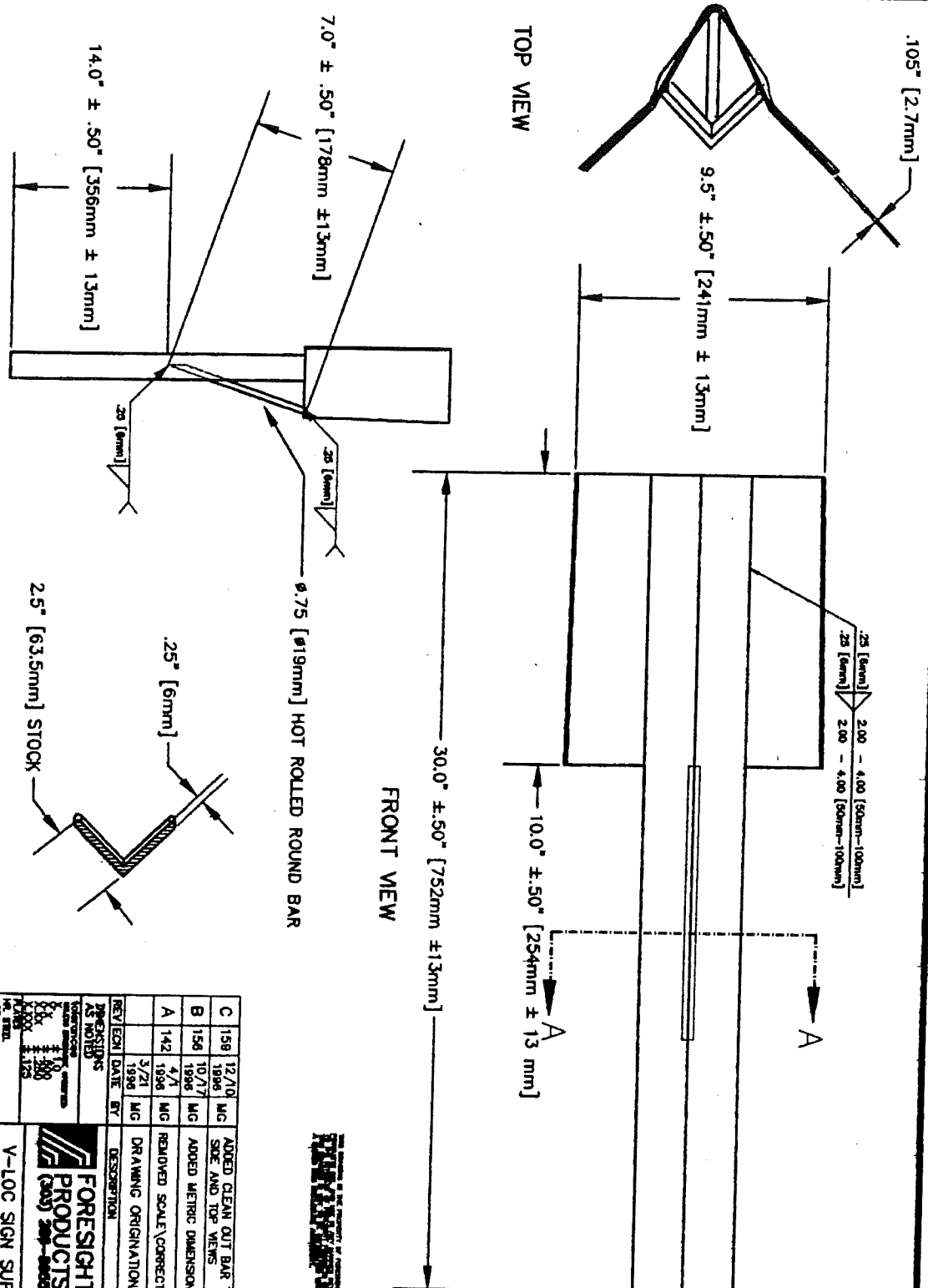




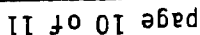
SECTION A-A

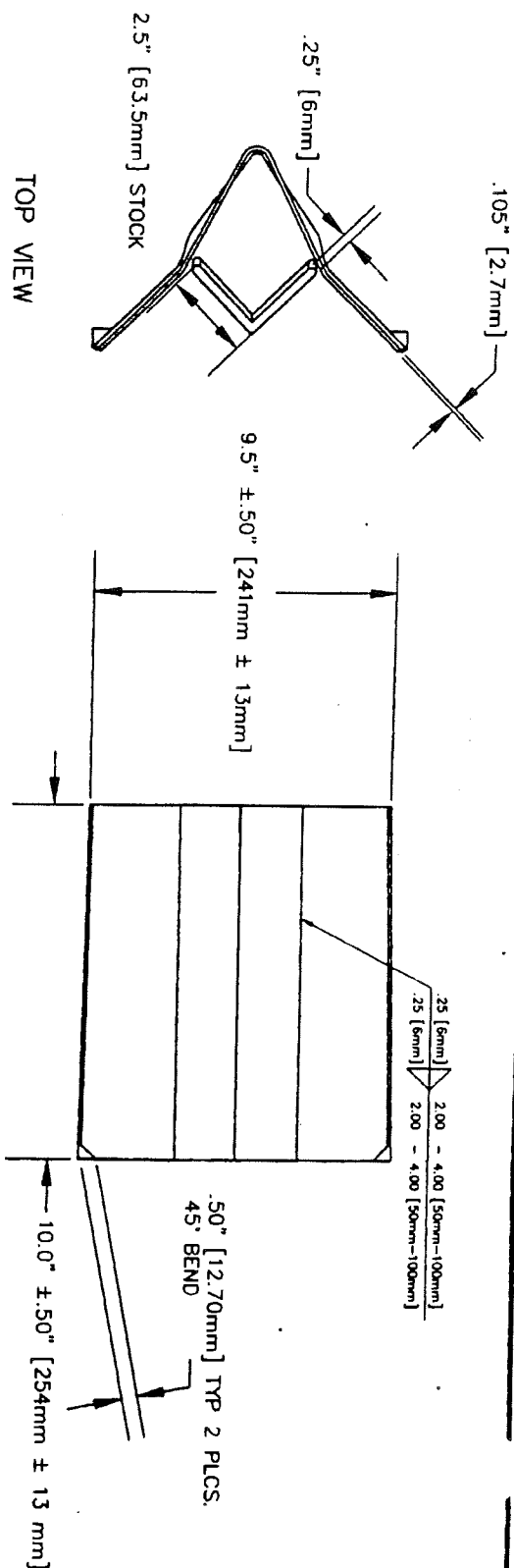
REV		DATE	BY	DESCRIPTION
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A	142	4/1/1996	MG	REMOVED SCALE
		3/22/1996	MG	DRAWING ORIGINATOR
DIMENSIONS AS NOTED				
TOLERANCES UNLESS OTHERWISE SPECIFIED				
X.X ± .005				
X.XX ± .002				
X.XXX ± .001				
11 GAUGE				
ROUND EACH TUBING, ZINC FLOW COAT AS TO ASTM A-500-B OR EQ				
material		scale:	U-CHANNEL POST ADAPTOR	
approved by		TJ	20052	
checked by		IB	1/1	
DRAWN BY		MG	1/1	





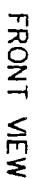
C	158	12/10	MG	ADDED CLEAN OUT BAR TO SEE AND TOP VIEWS
B	156	10/17	MG	ADDED METRIC DIMENSION
A	142	4/1	MG	REMOVED SCALE CORRECTED FIN DIA.
REV	DATE	BY	DESCRIPTION	
1	3/21	MG	DRAWING ORIGINATOR	
2	10/17	MG	ADDED METRIC DIMENSION	
3	12/10	MG	ADDED CLEAN OUT BAR TO SEE AND TOP VIEWS	
4	10/17	MG	ADDED METRIC DIMENSION	
5	4/1	MG	REMOVED SCALE CORRECTED FIN DIA.	
6	3/21	MG	DRAWING ORIGINATOR	
7	10/17	MG	ADDED METRIC DIMENSION	
8	12/10	MG	ADDED CLEAN OUT BAR TO SEE AND TOP VIEWS	
9	10/17	MG	ADDED METRIC DIMENSION	
10	4/1	MG	REMOVED SCALE CORRECTED FIN DIA.	
11	3/21	MG	DRAWING ORIGINATOR	
12	10/17	MG	ADDED METRIC DIMENSION	
13	12/10	MG	ADDED CLEAN OUT BAR TO SEE AND TOP VIEWS	
14	10/17	MG	ADDED METRIC DIMENSION	
15	4/1	MG	REMOVED SCALE CORRECTED FIN DIA.	
16	3/21	MG	DRAWING ORIGINATOR	
17	10/17	MG	ADDED METRIC DIMENSION	
18	12/10	MG	ADDED CLEAN OUT BAR TO SEE AND TOP VIEWS	
19	10/17	MG	ADDED METRIC DIMENSION	
20	4/1	MG	REMOVED SCALE CORRECTED FIN DIA.	
21	3/21	MG	DRAWING ORIGINATOR	
22	10/17	MG	ADDED METRIC DIMENSION	
23	12/10	MG	ADDED CLEAN OUT BAR TO SEE AND TOP VIEWS	
24	10/17	MG	ADDED METRIC DIMENSION	
25	4/1	MG	REMOVED SCALE CORRECTED FIN DIA.	
26	3/21	MG	DRAWING ORIGINATOR	
27	10/17	MG	ADDED METRIC DIMENSION	
28	12/10	MG	ADDED CLEAN OUT BAR TO SEE AND TOP VIEWS	
29	10/17	MG	ADDED METRIC DIMENSION	
30	4/1	MG	REMOVED SCALE CORRECTED FIN DIA.	
31	3/21	MG	DRAWING ORIGINATOR	
32	10/17	MG	ADDED METRIC DIMENSION	
33	12/10	MG	ADDED CLEAN OUT BAR TO SEE AND TOP VIEWS	
34	10/17	MG	ADDED METRIC DIMENSION	
35	4/1	MG	REMOVED SCALE CORRECTED FIN DIA.	
36	3/21	MG	DRAWING ORIGINATOR	
37	10/17	MG	ADDED METRIC DIMENSION	
38	12/10	MG	ADDED CLEAN OUT BAR TO SEE AND TOP VIEWS	
39	10/17	MG	ADDED METRIC DIMENSION	
40	4/1	MG	REMOVED SCALE CORRECTED FIN DIA.	
41	3/21	MG	DRAWING ORIGINATOR	
42	10/17	MG	ADDED METRIC DIMENSION	
43	12/10	MG	ADDED CLEAN OUT BAR TO SEE AND TOP VIEWS	
44	10/17	MG	ADDED METRIC DIMENSION	
45	4/1	MG	REMOVED SCALE CORRECTED FIN DIA.	
46	3/21	MG	DRAWING ORIGINATOR	
47	10/17	MG	ADDED METRIC DIMENSION	
48	12/10	MG	ADDED CLEAN OUT BAR TO SEE AND TOP VIEWS	
49	10/17	MG	ADDED METRIC DIMENSION	
50	4/1	MG	REMOVED SCALE CORRECTED FIN DIA.	
51	3/21	MG	DRAWING ORIGINATOR	
52	10/17	MG	ADDED METRIC DIMENSION	
53	12/10	MG	ADDED CLEAN OUT BAR TO SEE AND TOP VIEWS	
54	10/17	MG	ADDED METRIC DIMENSION	
55	4/1	MG	REMOVED SCALE CORRECTED FIN DIA.	
56	3/21	MG	DRAWING ORIGINATOR	
57	10/17	MG	ADDED METRIC DIMENSION	
58	12/10	MG	ADDED CLEAN OUT BAR TO SEE AND TOP VIEWS	
59	10/17	MG	ADDED METRIC DIMENSION	
60	4/1	MG	REMOVED SCALE CORRECTED FIN DIA.	
61	3/21	MG	DRAWING ORIGINATOR	
62	10/17	MG	ADDED METRIC DIMENSION	
63	12/10	MG	ADDED CLEAN OUT BAR TO SEE AND TOP VIEWS	
64	10/17	MG	ADDED METRIC DIMENSION	
65	4/1	MG	REMOVED SCALE CORRECTED FIN DIA.	
66	3/21	MG	DRAWING ORIGINATOR	
67	10/17	MG	ADDED METRIC DIMENSION	
68	12/10	MG	ADDED CLEAN OUT BAR TO SEE AND TOP VIEWS	
69	10/17	MG	ADDED METRIC DIMENSION	
70	4/1	MG	REMOVED SCALE CORRECTED FIN DIA.	
71	3/21	MG	DRAWING ORIGINATOR	
72	10/17	MG	ADDED METRIC DIMENSION	
73	12/10	MG	ADDED CLEAN OUT BAR TO SEE AND TOP VIEWS	
74	10/17	MG	ADDED METRIC DIMENSION	
75	4/1	MG	REMOVED SCALE CORRECTED FIN DIA.	
76	3/21	MG	DRAWING ORIGINATOR	
77	10/17	MG	ADDED METRIC DIMENSION	
78	12/10	MG	ADDED CLEAN OUT BAR TO SEE AND TOP VIEWS	
79	10/17	MG	ADDED METRIC DIMENSION	
80	4/1	MG	REMOVED SCALE CORRECTED FIN DIA.	
81	3/21	MG	DRAWING ORIGINATOR	
82	10/17	MG	ADDED METRIC DIMENSION	
83	12/10	MG	ADDED CLEAN OUT BAR TO SEE AND TOP VIEWS	
84	10/17	MG	ADDED METRIC DIMENSION	
85	4/1	MG	REMOVED SCALE CORRECTED FIN DIA.	
86	3/21	MG	DRAWING ORIGINATOR	
87	10/17	MG	ADDED METRIC DIMENSION	
88	12/10	MG	ADDED CLEAN OUT BAR TO SEE AND TOP VIEWS	
89	10/17	MG	ADDED METRIC DIMENSION	
90	4/1	MG	REMOVED SCALE CORRECTED FIN DIA.	
91	3/21	MG	DRAWING ORIGINATOR	
92	10/17	MG	ADDED METRIC DIMENSION	
93	12/10	MG	ADDED CLEAN OUT BAR TO SEE AND TOP VIEWS	
94	10/17	MG	ADDED METRIC DIMENSION	
95	4/1	MG	REMOVED SCALE CORRECTED FIN DIA.	
96	3/21	MG	DRAWING ORIGINATOR	
97	10/17	MG	ADDED METRIC DIMENSION	
98	12/10	MG	ADDED CLEAN OUT BAR TO SEE AND TOP VIEWS	
99	10/17	MG	ADDED METRIC DIMENSION	
100	4/1	MG	REMOVED SCALE CORRECTED FIN DIA.	





FRONT VIEW

[illegible]

[illegible]



DEPARTMENT OF PUBLIC WORKS OFFICE MEMO

DATE: September 24, 2014

TO: Mark C. Perkins, City Administrator

FROM: Jim Heines, Director of Public Works

SUBJECT: MoDOT Maintenance Agreement for Stop Sign Replacement Program

City Council approved a Stop Sign Replacement Program at the Council meeting on November 26, 2012. The city wide program included the replacement of stop signs with a highly reflective sign surface as well as upgrading the street name signs to display 6-inch letters. Both of these improvements are requirements of the new MUTCD Code which regulates traffic control devices. As an additional benefit of the sign replacement program we are replacing the 4 x 4 wooden posts with decorative black posts.



After the approval of this program, city staff began working with MoDOT and St. Louis County regarding sign replacement in right-of-ways owned and maintained by those agencies. We have worked out the replacement schedule with St. Louis County, however, it has taken over a year and a half to get product approvals from MoDOT. Most recently, we received notice from MoDOT that all components of the replacement signs have been approved.

Attached to the recommendation is an agreement to be executed by the City and MoDOT regarding the maintenance responsibilities of the new signs. Also included is an Ordinance accepting the terms of the agreement and authorizing the City Administrator to execute the agreement on behalf of the city.

Public Works staff recommends the approval of the Ordinance and execution of the agreement so staff can install the new signs and decorative posts on streets that intersect with MoDOT maintained roads.

3.7.4

Attachment: New stop sign 002 (1100

07/08/2018
Packet Pg. 683





City Council
300 North New Ballas Rd
Creve-Coeur, MO 63141

Meeting: 10/13/14 07:00 PM
Department: Police Department
Category: Amendment
Prepared By: Pam Manning
Department Head: Glenn Eidman

SCHEDULED

ORDINANCE

**Bill No. 5519 - an Ordinance Revising Section 370.130 of the
Code of Ordinances Regarding the Required Use of Bicycle
Helmets and Child Safety Seats. First Reading**

The Police Department would like to enhance current bicycle helmet requirements to include motorized bicycles, roller skates, in-line skates, scooters, and similar wheeled devices utilized in public areas.

Ordinance

Meeting of October 13, 2014

BILL NO. 5519

ORDINANCE NO. _____

**AN ORDINANCE REVISING SECTION 370.130 OF THE CODE OF
ORDINANCES REGARDING THE REQUIRED USE OF BICYCLE HELMETS
AND CHILD SAFETY SEATS.**

WHEREAS, the City strives to maintain safe public right-of-ways; and

WHEREAS, Section 370.130 of the Code of Ordinances requires the use of bicycle helmets and child safety seats for public health, safety and welfare reasons on public right-of-ways but needs to be amended to expand such requirements to provide for additional public safety, health and welfare; and

WHEREAS, a copy of this ordinance has been made available for public inspection prior to its adoption by the City Council and this bill having been read by title in open meeting two times before final passage;

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

Section 1: Section 370.130 of the City's Code of Ordinances is revised to read as follows:

Section 370.130. Bicycle Helmet Required.

A. Every person operating or being a passenger on a bicycle or motorized bicycle or using in-line skates, roller skates or a skateboard, a scooter, or similar wheeled device on a public roadway, public bicycle path or other public rights-of-way shall wear a bicycle helmet of good fit, fastened securely upon the head with the straps of the helmet.

B. No person operating a bicycle or motorized bicycle or using in-line skates, roller skates a skateboard, a scooter, or similar wheeled device on a public roadway, public bicycle path or other public rights-of-way shall allow anyone to ride as a passenger unless the passenger is wearing a bicycle helmet of good fit, fastened securely upon the head with the straps of the helmet as defined in Section **300.010** of this Title; or else is in an enclosed trailer or other device properly attached to a bicycle which meets or

exceeds current nationally recognized standards of design and manufacture for the protection of the passenger's head from impacts in an accident without the need for a helmet.

C. No parent, custodian or legal guardian of a person age sixteen (16) and under shall knowingly permit said person to operate or be a passenger on a bicycle or motorized bicycle or to use in-line skates, roller skates, a skateboard, a scooter, or similar wheeled device, without wearing a bicycle helmet of good fit, fastened securely upon the head with the straps of the helmet. as defined in this Title.

D. No person operating a bicycle or motorized bicycle on a public roadway, public bicycle path or other public right-of-way shall allow anyone who is either four (4) years old or younger, weighing forty (40) pounds or less, to ride as a passenger on the bicycle or motorized bicycle other than in a seat which shall adequately retain the passenger in place and protect the passenger from the bicycle's or motorized bicycle's moving parts.

E. A person regularly engaged in the business of renting bicycles, motorized bicycles, in-line skates, roller skates, or skateboards, scooters, or similar wheeled devices shall require each person seeking to rent one (1) or more of these items to provide his/her signature either on the rental form or on a separate form indicating both of the following:

1. Receipt of a written explanation of the provisions of this Section and the penalties for the violations as provided in Code Section 100.090.

2. A statement concerning whether the person will be an operator or passenger on the bicycle, motorized bicycle, or use in-line skates, roller skates, or skateboards, scooter, or similar wheeled device in an area where the use of a bicycle helmet is required.

F. A person regularly engaged in the business of selling or renting bicycles, motorized bicycles, in-line skates, roller skates, or skateboards, scooters, or similar wheeled devices shall provide a bicycle helmet to any person who will be an operator or passenger on the bicycle, motorized bicycle, or use the in-line skates, roller skates, or skateboard, scooter, or similar wheeled device in an area requiring a bicycle helmet, if the person does not already have a helmet in his/her possession. A reasonable fee may be charged for the bicycle helmet rental.

G. A person regularly engaged in the business of selling or renting bicycles, in-line skates, roller skates or skateboards who complies with this Section shall not be liable in a civil action for damages for any physical injuries sustained by an operator, passenger or user as a result of the operator's, passenger's or user's failure to wear a bicycle helmet or to wear a properly fitted or fastened bicycle helmet in violation of this Section.

GH. Any operator or passenger, as defined in Section **300.010**, found to be in violation of this Section may be issued an equipment violation notice as prescribed on a Missouri Uniform Complaint and Summons. The person responsible for payment of the violation

may have the violation dismissed, if it is their first such notice of violation and the person submits a receipt for a proof of purchase of a bicycle helmet along with the helmet to the Creve Coeur Police Department within five (5) calendar days of the date of the violation notice.

HI. Fines assessed to juvenile violators (age sixteen (16) and under) will be the legal responsibility of the violator's parent, custodian or legal guardian; and therefore any summons issued as a result of a violation committed by such a juvenile shall be issued to the said violator's parent, custodian or legal guardian.

IJ. This Section shall only apply to bicycles, motorized bicycles, in-line skates, roller skates, or skateboards, scooters, and similar wheeled devices operated on a public roadway, public bicycle path or other public rights-of-way on public access and not on private residential property.

Section 2: This ordinance shall become effective pursuant to Section 3.11(g) of the City Charter.

Passed this ____ day of _____ 2014.

Charlotte D'Alfonso
President of City Council

Approved this ____ day of _____ 2014.

Barry Glantz
Mayor

Attest:

Deborah Ryan, MRCC
City Clerk



CREVE COEUR POLICE DEPARTMENT INTEROFFICE MEMO

DATE: October 7, 2014

TO: Mark Perkins, City Administrator

FROM: Glenn Eidman, Chief of Police

SUBJECT: Revision of the Bicycle Helmet Ordinance

The current City Ordinance does not address several modes of transportation that would require a Bicycle Helmet. In the interest of public safety, the Police Department would like to enhance the ordinance to include motorized bicycles, roller skates, in-line skates, scooters, or similar wheeled devices utilized in an area where the use of a bicycle helmet is required. Currently, the ordinance does not apply to some of these wheeled devices.

The Police and Safety Committee has reviewed the ordinance revision at their last meeting and offered their support along with City Council liaison Dr. Robert Hoffman.



City Council
300 North New Ballas Rd
Creve-Coeur, MO 63141

Meeting: 10/13/14 07:00 PM
Department: Police Department
Category: Amendment
Prepared By: Pam Manning
Department Head: Glenn Eidman

SCHEDULED

ORDINANCE

**Bill No. 5520 - an Ordinance Amending Various Sections of
the Code of Ordinances of the City of Creve Coeur Regarding
Weapons. First Reading**

Changes in State law (2014 SB 656) regarding weapons regulations require parallel revisions to our City Ordinances.

Ordinance

Meeting of October 13, 2014

BILL NO. 5520

ORDINANCE NO. _____

**AN ORDINANCE AMENDING VARIOUS SECTIONS OF THE CODE OF ORDINANCES OF
THE CITY OF CREVE COEUR REGARDING WEAPONS.**

WHEREAS, the City Code of Ordinances addresses weapons and other offenses; and

WHEREAS, changes in state law (2014 SB 656) require parallel revisions to City ordinances;

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

Section 1. Section 210.250 of the City Code of Ordinances is hereby revised to read as follows:

SECTION 210.250: WEAPONS – CARRYING CONCEALED – OTHER UNLAWFUL USE

- A. A person commits the offense of unlawful use of weapons if he/she knowingly:
1. Carries concealed upon or about his/her person a knife, a firearm, a blackjack or any other weapon readily capable of lethal use; or
 2. Sets a spring gun; or
 3. Discharges or shoots a firearm within the City limits; or*
 4. Exhibits, in the presence of one (1) or more persons, any weapon readily capable of lethal use in an angry or threatening manner; or
 5. Has a firearm or projectile weapon readily capable of lethal use on his or her person, while he or she is intoxicated, and handles or otherwise uses such firearm or projectile weapon in either a negligent or unlawful manner or discharges it such firearm or projectile weapon unless acting other than in self-defense; or
 6. Openly carries a firearm or any other weapon readily capable of lethal use, except as provided by Subsection (G) of this Section within the City limits; or
 7. Carries a firearm, whether loaded or unloaded, or any other weapon readily capable of lethal use into any church or place where people have assembled for worship, or into any election precinct on any election day, or into any building owned or occupied by any agency of the Federal Government, State Government, or political subdivision thereof, any school, onto any school bus, or onto the premises of any function or activity sponsored or sanctioned by school officials or the district school board. ; or
 8. Carries a firearm, whether loaded or unloaded, or any other weapon readily capable of lethal use into any school, onto any school bus, or onto the premises of any function or activity sponsored or sanctioned by school officials or the district school board; or

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9. Possesses a firearm while also knowingly in possession of a controlled substance that is sufficient for a felony violation of section 195.202, RSMo.
- B. Subparagraphs (1), (67) and (78) of Subsection (A) of this Section shall not apply to the persons described in this Subsection, regardless of whether such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties except as otherwise provided in this Subsection. Subdivisions (3) and (4) of Subsection (A) of this Section shall not apply to or affect any of the following persons when such uses are reasonably associated with or necessary to the fulfillment of such person's official duties, except as otherwise provided in this Subsection:
1. All State, County and Municipal Peace Officers who have completed the training required by the Police Officer Standards and Training Commission pursuant to Sections 590.030 to 590.050, RSMo., and possessing who possess the duty and power of arrest for violation of the general criminal laws of the State or for violation of ordinances of Counties or municipalities of the State, whether such officers are on or off duty, and whether such officers are within or outside of the law enforcement agency's jurisdiction, or all qualified retired Peace Officers, as defined in Subsection (1112) of Section 571.030, RSMo., and who carry the identification defined in Subsection (1213) of Section 571.030, RSMo., or any person summoned by such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer;
 2. Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime;
 3. Members of the Armed Forces or National Guard while performing their official duty;
 4. Those persons vested by Article V, Section 1 of the Constitution of Missouri with the judicial power of the State and those persons vested by Article III of the Constitution of the United States with the judicial power of the United States, the members of the Federal judiciary;
 5. Any person whose bona fide duty is to execute process, civil or criminal;
 6. Any Federal Probation Officer or Federal Flight Deck Officer as defined under the Federal Flight Deck Officer Program, 49 U.S.C. Section 44921 regardless of whether such officers are on duty or within the law enforcement agency's jurisdiction;
 7. Any State Probation or Parole Officer, including supervisors and members of the Board of Probation and Parole;

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8. Any corporate security advisor meeting the definition and fulfilling the requirements of the regulations established by the Board of Police Commissioners under Section 84.340, RSMo.;
 9. Any coroner, deputy coroner, medical examiner or assistant medical examiner;
 10. Any prosecuting attorney or assistant prosecuting attorney or any circuit attorney or assistant circuit attorney, or any person appointed by a court to be a special prosecutor who has completed the firearms safety training course required under Subsection (2) of Section 571.111, RSMo.; and
 11. Any member of a Fire Department or fire protection district, who is employed on a full-time basis as a fire investigator and who has a valid concealed carry endorsement issued prior to August 28, 2013 or a valid concealed carry permit under Section 571.111, RSMo., when such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties.; and
 12. Upon the written approval of the governing body of a fire department or fire protection district, any paid fire department or fire protection district chief who is employed on a full-time basis and who has a valid concealed carry endorsement, when such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties.
- C. Subparagraphs (1), (5), (67) and (78) of Subsection (A) of this Section do not apply when the actor is transporting such weapons in a non-functioning state or in an unloaded state when ammunition is not readily accessible or when such weapons are not readily accessible. Subparagraph (1) of Subsection (A) of this Section does not apply to any person twenty-onenineteen (2119) years of age or older or eighteen (18) years of age or older and a member of the United States Armed Forces, or honorably discharged from the United States Armed Forces, transporting a concealable firearm in the passenger compartment of a motor vehicle, so long as such concealable firearm is otherwise lawfully possessed, nor when the actor is also in possession of an exposed firearm or projectile weapon for the lawful pursuit of game, or is in his/her dwelling unit or upon business premises over which the actor has possession, authority or control, or is traveling in a continuous journey peaceably through this State. Subparagraph (78) of Subsection (A) of this Section does not apply if the firearm is otherwise lawfully possessed by a person while traversing school premises for the purposes of transporting a student to or from school, or possessed by an adult for the purposes of facilitation of a school-sanctioned firearm-related event or club event.
- D. Subparagraphs (1), (67) and (78) of Subsection (A) of this Section shall not apply to any person who has a valid concealed carry permit endorsement issued pursuant to Sections 571.101 to 571.121, RSMo., or a valid concealed carry endorsement issued before August 28, 2013, or a valid permit or endorsement to carry concealed firearms issued by another State or political subdivision of another State.

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- E. Subparagraphs (3), (4), (5), (67) and (78) of Subsection (A) of this Section shall not apply to persons who are engaged in a lawful act of defense pursuant to Section 563.031, RSMo.
- F. Nothing in this Section shall make it unlawful for a student to actually participate in school-sanctioned gun safety courses, student military or ROTC courses, or other school-sponsored or club-sponsored firearm-related events, provided the student does not carry a firearm or other weapon readily capable of lethal use into any school, onto any school bus, or onto the premises of any other function or activity sponsored or sanctioned by school officials or the district school board.
- G. Any person who has a valid concealed carry permit issued pursuant to Sections 571.101 to 571.121, RSMo., or a concealed carry endorsement issued prior to August 28, 2013, or a valid concealed carry permit or endorsement to carry concealed firearms issued by another State or political subdivision of another State, and who is lawfully carrying a firearm in a concealed manner, may briefly and openly display the carry a firearm, subject to the restrictions set forth in subsections (4), (5), and (9), of Section 210.250 of this Code. However, nothing in this Section shall be construed to permit a person to carry a concealed firearm or openly carry a firearm in the locations listed in Subdivisions (1) through (17) of Subsection (A) of Section 210.280 of this Code. Any person openly carrying a firearm within the City limits shall display his or her concealed carry endorsement or permit upon demand of a law enforcement officer. Any person openly carrying a firearm who fails to display his or her concealed carry endorsement or permit upon demand of a law enforcement officer may be issued a citation for an amount not to exceed thirty-five dollars. to the ordinary sight of another person, unless the firearm is intentionally displayed in an angry or threatening manner, not in necessary self-defense. (Ord. No. 5212 §1, 8-22-11; Ord. No. 5264 §8, 8-27-12)

Note--Under certain circumstances this offense can be a felony under state law.

**State Law Reference--Section 252.243.3, RSMo., limits the discharge of firearms in certain areas known as Hunting Heritage Protection Areas, which are defined therein.*

Section 2. Section 210.280 of the City Code of Ordinances is hereby revised to read as follows:

SECTION 210.280: CARRYING CONCEALED FIREARMS PROHIBITED – PENALTY FOR VIOLATION

- A. It shall be a violation of this Section, punishable as hereinafter provided, for any person to carry any concealed firearm into:
 - 1. Any Police, Sheriff or Highway Patrol office or station without the consent of the Chief Law Enforcement Officer in charge of that office or station. Possession of a firearm in a vehicle on the premises of the office or station shall not be an offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.

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2. Within twenty-five (25) feet of any polling place on any election day. Possession of a firearm in a vehicle on the premises of the polling place shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.
3. The facility of any adult or juvenile detention or correctional institution, prison or jail. Possession of a firearm in a vehicle on the premises of any adult, juvenile detention or correctional institution, prison or jail shall not be an offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.
4. Any courthouse solely occupied by the Circuit, Appellate or Supreme Court, or any courtrooms, administrative offices, libraries or other rooms of any such court whether or not such court solely occupies the building in question. This Subdivision shall also include, but not be limited to, any juvenile, family, drug or other court offices, any room or office wherein any of the courts or offices listed in this Subdivision are temporarily conducting any business within the jurisdiction of such courts or offices, and such other locations in such manner as may be specified by Supreme Court Rule pursuant to Subdivision (6) of this Subsection. Nothing in this Subdivision shall preclude those persons listed in Subsection (B)(1) of Section 210.250 while within their jurisdiction and on duty, those persons listed in Subsections (B)(2) and (3) of Section 210.250, or such other persons who serve in a law enforcement capacity for a court as may be specified by Supreme Court Rule pursuant to Subdivision (6) of this Subsection from carrying a concealed firearm within any of the areas described in this Subdivision. Possession of a firearm in a vehicle on the premises of any of the areas listed in this Subdivision shall not be an offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.
5. Any meeting of the City Council. Possession of a firearm in a vehicle on the premises shall not be an offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.
6. Any building owned, leased or controlled by the City of Creve Coeur identified by signs posted at the entrance to the building. This Subsection shall not apply to any building used for public housing by private persons, highways or rest areas, firing ranges, and private dwellings owned, leased or controlled by the City of Creve Coeur. Persons violating this Subsection may be denied entrance to the building, ordered to leave the building and, if employees of the City, be subjected to disciplinary measures for violation.
7. Any establishment licensed to dispense intoxicating liquor for consumption on the premises, which portion is primarily devoted to that purpose, without the consent of the owner or manager. The provisions of this Subdivision shall not apply to the licensee of said establishment. The

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provisions of this Subdivision shall not apply to any bona fide restaurant open to the general public having dining facilities for not less than fifty (50) persons and that receives at least fifty-one percent (51%) of its gross annual income from the dining facilities by the sale of food. This Subdivision does not prohibit the possession of a firearm in a vehicle on the premises of the establishment and shall not be an offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises. Nothing in this Subdivision authorizes any individual who has been issued a concealed carry permit or endorsement to possess any firearm while intoxicated.

8. Any area of an airport to which access is controlled by the inspection of persons and property. Possession of a firearm in a vehicle on the premises of the airport shall not be an offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.
9. Any place where the carrying of a firearm is prohibited by Federal law.
10. Any higher education institution or elementary or secondary school facility without the consent of the Governing Body of the higher education institution or a school official or the district school board, unless the person with the concealed carry endorsement or permit is a teacher or administrator of an elementary or secondary school who has been designated by his or her school district as a school protection officer and is carrying a firearm in a school within that district, in which case no further consent is required. Possession of a firearm in a vehicle on the premises of any higher education institution or elementary or secondary school facility shall not be an offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.
11. Any portion of a building used as a child care facility without the consent of the manager. Nothing in this Subdivision shall prevent the operator of a child care facility in a family home from owning or possessing a firearm or a driver's license or non-driver's license containing a concealed carry permit or endorsement.
12. Any riverboat gambling operation accessible by the public without the consent of the owner or manager pursuant to rules promulgated by the Gaming Commission. Possession of a firearm in a vehicle on the premises of a riverboat gambling operation shall not be an offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.
13. Any gated area of an amusement park. Possession of a firearm in a vehicle on the premises of the amusement park shall not be an offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.

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14. Any church or other place of religious worship without the consent of the minister or person or persons representing the religious organization that exercises control over the place of religious worship. Possession of a firearm in a vehicle on the premises shall not be an offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.
 15. Any private property whose owner has posted the premises as being off-limits to concealed firearms by means of one (1) or more signs displayed in a conspicuous place of a minimum size of eleven (11) inches by fourteen (14) inches with the writing thereon in letters of not less than one (1) inch. The owner, business or commercial lessee, manager of a private business enterprise, or any other organization, entity or person may prohibit persons holding a concealed carry permit or endorsement from carrying concealed firearms on the premises and may prohibit employees, not authorized by the employer, holding a concealed carry permit or endorsement from carrying concealed firearms on the property of the employer. If the building or the premises are open to the public, the employer of the business enterprise shall post signs on or about the premises if carrying a concealed firearm is prohibited. Possession of a firearm in a vehicle on the premises shall not be an offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises. An employer may prohibit employees or other persons holding a concealed carry permit or endorsement from carrying a concealed firearm in vehicles owned by the employer.
 16. Any sports arena or stadium with a seating capacity of five thousand (5,000) or more. Possession of a firearm in a vehicle on the premises shall not be an offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.
 17. Any hospital accessible by the public. Possession of a firearm in a vehicle on the premises of a hospital shall not be an offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.
- B. Any person violating any of the provisions of Subsection (A) of this Section shall be punished as follows:
1. If the violator holds a concealed carry endorsement issued pursuant to State law, the violator may be subject to denial to the premises or removal from the premises. If such person refuses to leave the premises and a Peace Officer is summoned, such person may be issued a citation for an amount not to exceed one hundred dollars (\$100.00) for the first (1st) offense. If a second (2nd) citation for a similar violation occurs within a six (6) month period, such person shall be fined an amount not to exceed two hundred dollars (\$200.00). If a third (3rd) citation for a similar violation is issued within one (1) year of the first (1st) citation, such person shall be fined an amount not to exceed five hundred dollars (\$500.00) and shall have his or her concealed carry permit, and if

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applicable, endorsement revoked and such person shall not be eligible for a concealed carry permit for a period of three years. Upon conviction of charges arising from a citation issued pursuant to this Section, the court shall notify the Sheriff of the County which issued the concealed carry permit, or if the person is a holder of a concealed carry endorsement issued prior to August 28, 2013, the court shall notify the sheriff of the county which issued the certificate of qualification for a concealed carry endorsement and the Department of Revenue.

2. If the violator does not hold a current valid concealed carry endorsement issued pursuant to State law, upon conviction of a charge of violating this Section the defendant shall be punished as provided in Section 100.090 of this Code of Ordinances.
 3. Employees of the City of Creve Coeur may, in addition to any other punishment hereby, be subject to disciplinary action.
- C. It shall be a violation of this Section, punishable by a citation for an amount not to exceed thirty-five dollars (\$35.00), for any person issued a concealed carry permit or endorsement pursuant to State law to fail to carry the concealed carry permit or endorsement at all times the person is carrying a concealed firearm, or to fail to display the concealed carry permit or endorsement upon the request of any Peace Officer. (Ord. No. 5212 §1, 8-22-11) Nothing in this Section shall preclude those persons listed in Subsection (B)(1) of Section 210.250, while within their jurisdiction and on duty, from carrying a firearm within the areas described in this Section when reasonably associated with or necessary to the fulfillment of such person's official duties.

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

ADOPTED THIS ____ DAY OF _____, 2014.

CHARLOTTE D'ALFONSO
PRESIDENT OF CITY COUNCIL

APPROVED THIS ____ DAY OF _____, 2014.

BARRY GLANTZ, MAYOR

ATTEST:

DEBORAH RYAN, MPCC
CITY CLERK,



CREVE COEUR POLICE DEPARTMENT INTEROFFICE MEMO

DATE: October 7, 2014

TO: Mark Perkins, City Administrator

FROM: Glenn Eidman, Chief of Police

SUBJECT: Revision of the CCW Ordinance

The current City Ordinance does not address changes in State law (2014 SB 656) which requires parallel revisions to our City Ordinance. The changes are redlined and include changes regarding open carry and concealed carry regulations, weapons in school areas, and possession of weapons together with controlled substances.



City Council
300 North New Ballas Rd
Creve-Coeur, MO 63141

Meeting: 10/13/14 07:00 PM
Department: Legislative /City Clerk
Category: Agreement
Prepared By: Debbie Ryan
Department Head: Debbie Ryan

SCHEDULED

ORDINANCE

**Bill No. 5521 - an Ordinance Approving a Settlement
Agreement with CenturyLink. First Reading**

The ordinance approves participation in settlement of class action litigation regarding utility license taxes.

Ordinance

Meeting of October 13, 2014

BILL NO. 5521

ORDINANCE NO. _____

AN ORDINANCE APPROVING A SETTLEMENT AGREEMENT WITH CENTURYLINK.

WHEREAS, the City of Creve Coeur, Missouri (the “Plaintiff” or the “City”), is a putative class member in a lawsuit to recover unpaid Business License Taxes (as defined in the Settlement Agreement described below), which lawsuit is styled *City of O’Fallon, Missouri, et al. v. CenturyLink, Inc., et al.*, Case No. 12SL-CC01723, and is pending in the Circuit Court of St. Louis County, Missouri (the “Lawsuit”); and

WHEREAS, the Plaintiff and Defendants (as defined in the Settlement Agreement) wish to avoid the expense and uncertainty of continued litigation and desire to settle their disputes without further litigation; and

WHEREAS, a settlement agreement settling the Lawsuit was signed by the named plaintiffs (as class representatives) and Defendants, and was filed with and preliminarily approved by the Circuit Court of St. Louis County on August 22, 2014 (the “Settlement Agreement”); and

WHEREAS, the Plaintiff and CenturyLink have each conducted an investigation and evaluation of the facts and the law relating to the claims in the Lawsuit and believe that the Settlement Agreement is fair, reasonable, adequate and in the best interest of all of the parties; and

WHEREAS, pursuant to the Settlement Agreement, the Plaintiff has received a Notice of CenturyLink Class Action Settlement and Approval Hearing, incorporated herein by reference, and a CenturyLink Landline Municipal Tax Settlement Claim Form, incorporated herein by reference, which identify the estimated Back Tax Payment (as defined in the Settlement Agreement) that will be paid and released to the Plaintiff pursuant to the Settlement Agreement after the Settlement Agreement becomes Final (as defined in the Settlement Agreement); and

WHEREAS, the Plaintiff desires to approve and accept the Settlement Agreement and the estimated Back Tax Payment;

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

Section One. The City hereby approves, accepts, and adopts all terms and provisions of the Settlement Agreement as a binding and enforceable agreement between the City and Defendants as if the City was an original signatory thereto.

Section Two. The City further approves the estimated Back Tax Payment of \$1,966.06 as shown on the CenturyLink Landline Municipal Tax Settlement Claim Form (subject to adjustment as provided by the Settlement Agreement), along with the other relief provided in the Settlement Agreement, as adequate consideration for the release of claims by the City against Defendants.

Section Three. The City Administrator of the City on behalf of the City as Plaintiff, is hereby authorized and directed to execute the CenturyLink Landline Municipal Tax Settlement Claim Form and any other documents necessary under the Settlement Agreement.

Section Four. This Ordinance shall be in full force and effect after passage and approval as required by law.

ADOPTED THIS ____ DAY OF _____, 2014.

CHARLOTTE D'ALFONSO
PRESIDENT OF CITY COUNCIL

APPROVED THIS ____ DAY OF _____, 2014.

BARRY GLANTZ
MAYOR

ATTEST:

DEBORAH RYAN, MPCC
CITY CLERK

CENTURYLINK SETTLEMENT

Frequently Asked Questions

The following questions and answers try to provide general guidance to municipal officials.

Specific questions regarding any of the matters described in these questions and answers may be directed to Class Counsel.

The following is a summary. While every effort has been made to be accurate, some matters have been simplified, and nothing in these questions and answers amends, waives, or takes precedence over, anything in the Settlement Agreement. Capitalized terms used in these questions and answers are defined in the Settlement Agreement.

What is this case about?

Many municipalities in Missouri have contended that CenturyLink Inc. and related companies (“CenturyLink”) have been underpaying municipal business license taxes because CenturyLink excludes certain revenues from the municipal license tax base. After extensive negotiations, attorneys for the municipalities and CenturyLink have entered into a settlement agreement of a class action law suit. The settlement agreement has been given preliminary approval by the circuit court of the County of St. Louis.

Based on the information available to both sides and the risks involved in a trial, attorneys for the class have concluded that the proposed settlement is fair, reasonable, and adequate, and that it serves the best interests of class members.

CenturyLink does not admit that the services it previously omitted from the tax base are subject to municipal ordinances but has agreed to this settlement and will pay certain amounts of allegedly due back taxes, and future taxes, to members of the “class.”

Under the settlement agreement, most municipalities in the “class” are entitled to payment of certain amounts of back taxes and all are entitled to payment of additional taxes in the future.

Who are the parties to this case?

The named plaintiffs in this class action are the Missouri cities of O’Fallon, Troy and Orrick. Plaintiffs filed this lawsuit as a class action to assert their own individual claims and to represent a class of all municipalities in Missouri who have similar claims.

The defendants—collectively “CenturyLink”—are CenturyLink, Inc., CenturyTel of Missouri, LLC, CenturyTel Long Distance, LLC, Embarq Missouri, Inc., Spectra Communications Group, LLC, Embarq Communications, Inc., and CenturyLink Communications, LLC, f/k/a Qwest Communications Corporation and f/k/a Qwest Communications Company, LLC.

What municipalities are in the “Settlement Class”?

All counties, cities, towns and villages in Missouri

(1) which imposed a “Business License Tax” on or before August 22, 2014 (see next Question) and

(2) in which any of the CenturyLink entities earned gross receipts.

Jefferson City settled previous litigation with CenturyLink and is not a member of the Settlement Class. The Missouri cities of Aurora, Cameron, Harrisonville, Oak Grove, and Wentzville are pursuing their own litigation against CenturyLink (the “Aurora Litigation”) and are not members of the Settlement Class.

What ordinances qualify? What is a “business license tax” for purposes of this case?

This is a key definition in the Settlement Agreement. Each municipality and its attorney should read the provisions there in case of any question.

In general, a “Business License Tax” for this settlement is a tax imposed on a “telephone company,” an “exchange telephone company,” a “telecommunications company,” a “public utility,” a “utility” or any similar entity or service provider that provides telephone, exchange telephone, public utility, or any other type of telecommunications service. A Business License Tax includes an occupation license tax, gross receipts tax, franchise tax (including taxes and fees under any

currently-existing or previously-expired franchise or similar agreement or ordinance), or similar tax, or any tax “alternative” to any of the foregoing but a

Business License Tax does not include:

1. Any municipal sales tax; or
2. Any municipal right-of-way usage fee, including but not limited to any fee imposed under the authority of a municipality’s police powers under §§ 67.1830 to 67.1846 RSMo; or
3. Any tax levied for emergency services under §§ 190.292, 190.305, 190.325, 190.335, or 190.430 RSMo, or any tax authorized by the Missouri General Assembly hereinafter enacted for emergency services; or
4. Any rent for use of municipal premises; or
5. Any tax which would otherwise meet the definition of Business License Tax, but which is imposed solely as a flat amount, and not on the basis of a percentage of gross receipts.

Who pays the tax?

The tax is being paid by CenturyLink. The Defendants are permitted to collect surcharges from their customers to reimburse their cost of the tax.

Because these surcharges are themselves treated as “gross receipts” that are included in the tax base of Business License Taxes imposed on gross receipts, these surcharges are calculated by CenturyLink using grossed-up rates that cover the cost of the additional tax in the surcharge. Thus, for example, CenturyLink may collect a 5.26% surcharge to cover the cost of a 5.00% gross receipts tax.

What compensation or benefits will the settlement provide?

The settlement, if it is finally approved by the Court, provides for the payment of back taxes and future taxes as described in more detail below. In addition, to the extent CenturyLink has paid any taxes under protest and has initiated any tax protest actions, those protest actions will be dismissed and the protested taxes released unconditionally.

How much in back taxes is a municipality entitled to?

An *estimated* amount the municipality is entitled to is shown in the Notice and Claim Form sent to the municipality and is also reflected on Exhibit E to the Settlement Agreement. CenturyLink is agreeing to settle for \$8,490,000, inclusive of attorneys' fees, to be divided between (1) the Class Members which have timely and validly submitted a Claim Form, and (2) Class Counsel. Each municipality's share is determined by the formula in Exhibit G on the following page:

EXHIBIT G—BACK TAX PAYMENT FORMULA

A	B	C	TR	D	E	F	G	H	I	J	K	L	Est Protest and Interim
\$8.49M	Am't. of attorneys' fees approved by the Court	A - B	BLT or franchise fee rate	Class member's non-Qwest member's non-Qwest BLT payments	Class member's non-Qwest BLT payments	Class member's estimated non-Qwest underpayments for 2013 and half of 2014, extrapolated from 2010-2012 sales tax figures times 1.08 to correct for understated interstate long distance times the class member's tax rate, net of any non-Qwest BLT payments.	Class member's Qwest underpayment through 2012 (calculated as the greater of (i) gross receipts as stated on sales tax returns times 1.08 to correct for understated interstate long distance times the class member's tax rate, net of any non-Qwest BLT payments.	Class member's Qwest BLT payments.	Class member's estimated Qwest underpayments for 2013 and half of 2014, extrapolated from 2013 sales tax figures times the class member's tax rate, net of any Qwest BLT payments.	D minus E (but not less than zero) plus F minus G minus H (but not less than zero) plus I. This is the estimated total back taxes owed.	J divided by the total of all class member's Ks. This is each class member's percentage share of the total of all estimated back taxes owed.	C times K. This is the Back Tax Payment. As provided in the Settlement Agreement, this amount is subject to adjustment depending on approved claims.	An estimate of the sum that will be released/paid to each city. The amounts from January 1, 2013 through June 30, 2014 are derived from protest payments reported by Defendants. The amount from July 1 until the end of 2014 is estimated based on the reported protest payments.

When will the municipality receive a Claim Form?

A Claim Form and a Notice were mailed by CenturyLink to each municipality in Missouri on September 5, 2014.

Is the amount on the Claim Form the exact amount the municipality will receive?

The amount on each municipality's Claim Form is an estimate based on the formula above (which is also set forth in Exhibit G to the Settlement Agreement). The amount could change. If municipalities not on Exhibit E to the Settlement Agreement present valid claims, or if municipalities prove that they are entitled to more than their present estimate, then the share of other municipalities would decrease. If municipalities listed on Exhibit E fail to submit valid claims, then the share of other municipalities would increase.

When will a municipality know exactly how much it will receive?

On or before November 10, 2014, CenturyLink will prepare and send to the Court, with copies to Class Counsel and Defendants' Counsel, a Report on Requests for Exclusions and a Report on Municipalities Ineligible to Receive Settlement Class Relief. By this time CenturyLink anticipates that it will have determined in consultation with Class Counsel the exact amount each municipality will receive under the settlement. Class Counsel will hold a meeting at Korein Tillery, LLC, 505 N. 7th Street, Suite 3600, St. Louis, MO 63101 on November 10, 2014, at 11:00 a.m., in which all interested municipalities may attend in person or by telephone (866-886-5735 code: 3423126). Class Counsel will review the claims received and advise municipalities of whether their estimated payments have been increased or reduced because of other claims. If a municipality is dissatisfied with its payment at that time, a municipality's deadline to opt out of the settlement shall be extended for such municipality only until November 19, 2014, to resolve disputes.

What about future taxes?

Local phone service providers

Beginning January 1, 2015, the CenturyLink entities providing local or other non-long-distance phone service have agreed to pay the applicable Business License Tax on revenues upon which CenturyLink already pays a Business License

Tax to that class member PLUS certain revenues that it had previously excluded from the Business License Tax base, as follows:

(i) revenues from any additional services that are subject to Missouri's state sales tax on "telecommunications service" as that term is used in §§ 144.010.1(14), RSMo, as restricted by § 144.030.1, RSMo (e.g., interstate commerce); PLUS

(ii) revenues as described in section (i) above from any retail customer which would otherwise be subject to the Missouri state sales tax but for an exemption for such customer from the state sales tax (e.g., not-for-profits under § 144.030.2(20), RSMo).

Services subject to the Business License Tax shall include, but not be limited to, FUSF, SUSF, intraLATA toll service, EUCL, and intrastate private line service. (Abbreviations are explained at the end of this FAQ.)

Services subject to the business license tax shall not include, inter alia, carrier access, revenues derived from separately-billed interstate services (although CenturyLink agrees to pay the tax on revenues from intraLATA interstate telephone service), voice messaging services, and CPE. (Abbreviations are explained at the end of this FAQ.)

Long Distance providers

Beginning January 1, 2015, CenturyLink entities who provide long distance service have agreed to pay the applicable Business License Tax on revenues upon which such CenturyLink already pays a Business License Tax to that Class Member without protest; PLUS

(i) revenues from services that are subject to Missouri's state sales tax on "telecommunications service" as that term is used in §§ 144.010.1(14), as restricted by § 144.030.1, RSMo (e.g., interstate commerce); PLUS

(ii) revenues as described in section (i) above from any retail customer which would otherwise be subject to the Missouri state sales tax but for an exemption for such customer from the state sales tax (e.g., not-for-profits under § 144.030.2(20), RSMo).

Services subject to the business license tax shall include, but not be limited to, intrastate long distance telephone services.

Services subject to the business license tax shall not include, inter alia, separately billed interstate long distance telephone services.

If any CenturyLink entities begin offering new products or services that are subject to Missouri's sales tax on "telecommunications service," they will also pay Business License Taxes.

CenturyLink will pay gross receipts taxes on receipts from any customer exempt from the state sales tax, but will exclude gross receipts from any class of users that is specifically excluded under the municipality's Business License Tax ordinance. These exclusions are listed in Exhibit F to the Settlement Agreement.

Future taxes could also be affected by litigation or settlements involving Aurora or other municipalities. Municipalities may also affect future taxes by amending their ordinances.

Five Year Guarantee

No matter what happens in the Aurora Litigation and regardless of any other change in law, CenturyLink guarantees, for a period of five (5) years from the Effective Date of Settlement, to make annual Business License Tax payments of at least \$1,250,000 classwide on applicable revenue streams which it had previously excluded from the Business License Tax base and/or has paid under protest. The guaranteed amount will be reduced pro rata if municipalities opt out of the settlement.

How could the Aurora case or other litigation affect future taxes?

The Aurora Litigation raises many of the same issues involved in this case. If that case is settled or a final judgment is entered, that could affect the taxes owed by CenturyLink to other municipalities. A final judgment in favor of CenturyLink on one or more of the future tax items will apply to all municipalities with substantially similar telephone license tax ordinances. For example, if the Aurora Plaintiffs lose on EUCL, then (1) CenturyLink would no longer include EUCL in the tax base of those municipalities with substantially similar ordinances (subject to the five-year guarantee above) and (2) other carriers that are subject to similar settlement agreements may no longer include EUCL in the tax base of those

municipalities with substantially similar ordinances. Any such impact would be prospective only, affecting only taxes payable after the final decision.

Likewise, a decision in favor of the Aurora Plaintiffs (or another municipality) on one or more of the future tax items which are not included in the Settlement Agreement will apply to all municipalities with substantially similar ordinances. A settlement between CenturyLink and Aurora or another municipality requiring CenturyLink to pay taxes on such omitted items would also have the same effect. For example, if the Aurora Plaintiffs win on carrier access, then CenturyLink would be obliged to include carrier access in the tax base of those municipalities with substantially similar ordinances. Any such impact would be prospective only, affecting only taxes payable after the final decision. In addition, the Settlement Agreement requires any municipality desiring to take advantage of such a decision or settlement to adopt rules requiring other landline carriers to disclose the revenue streams on which they are paying Business License Taxes.

In addition, of course, the Missouri General Assembly could enact legislation affecting a municipality's right to collect Business License Taxes from telephone companies, but the Settlement Agreement forbids CenturyLink from lobbying for such legislation for five years.

How could future taxes be affected by a municipality amending its ordinance?

A municipality is not prohibited from amending its ordinance to tax additional telephone services consistent with the Hancock Amendment requirements. But CenturyLink retains all of its rights to challenge such an amended ordinance.

What services are subject to the Missouri sales tax on telecommunications service?

(As explained above under ***What about future taxes?***, CenturyLink Missouri will pay future taxes on the present tax base plus telecommunications service as defined in the sales tax law.)

"Telecommunications service" is defined in the Missouri sales tax law, Section 144.010(14), RSMo. This subsection says:

(14) "Telecommunications service", for the purpose of this chapter, the transmission of information by wire, radio, optical cable, coaxial cable, electronic impulses, or other similar means. As used in this definition, "information" means

knowledge or intelligence represented by any form of writing, signs, signals, pictures, sounds, or any other symbols. Telecommunications service does not include the following if such services are separately stated on the customer's bill or on records of the seller maintained in the ordinary course of business:

(a) Access to the Internet, access to interactive computer services or electronic publishing services, except the amount paid for the telecommunications service used to provide such access;

(b) Answering services and one-way paging services;

(c) Private mobile radio services that are not two-way commercial mobile radio services such as wireless telephone, personal communications services or enhanced specialized mobile radio services as defined pursuant to federal law; or

(d) Cable or satellite television or music services.

Section 144.030.1, RSMo, excludes sales in interstate commerce and any other retail sales which the state is not allowed to tax by the constitution or other federal law. Consistent with the treatment of sales tax under the Missouri sales tax law, interstate calls and other exempt service which are bundled with taxable services (i.e., not separately shown on a customer's bill) are subject to Business License Taxes.

What if an ordinance excludes revenues from long-distance service?

Some ordinances (see Exhibit F to the Settlement Agreement) exclude long-distance services. CenturyLink will not pay a tax on long-distance services to these municipalities, unless the municipality whose ordinance excludes long-distance service enacts an ordinance clarifying that its present ordinance is intended to exclude interstate long-distance service only. If this clarifying ordinance is enacted during the claim period, CenturyLink will honor it as of January 1, 2015. If the clarifying ordinance is passed later, CenturyLink will honor it six months after a certified copy is delivered to CenturyLink.

What if a municipality has different tax rates for gross receipts from residential and non-residential customers?

CenturyLink will continue to comply with the different tax rates for residential and non-residential customers.

How does a municipality qualify for payment?

The short answer is that the municipality must file its Claim Form on time.

Specifically, in order to qualify for payment, the municipality's authorized representative must timely submit the Claim Form providing:

- (1) the municipality's name and address;
- (2) the name, address and telephone number of the municipality's duly authorized representative, to whom all inquiries regarding the Claim Form and the Business License Tax may be directed;
- (3) for Class Members whose Back Tax Payment is \$500.00 or more on Exhibit E, a certified copy of an ordinance enacted by the Class Member accepting all terms and provisions of this Settlement Agreement or, if the Class Member chooses to effect its acceptance of all terms and conditions of this Settlement Agreement by another accepted, legally binding method, copies of an acknowledgment that the Class Member agrees to be bound by the terms of this Settlement Agreement if approved by the Court, which acknowledgment shall describe the method used to accept this Settlement Agreement and shall be accompanied by an opinion of counsel, addressed to Defendants, that the Settlement Agreement, if approved by the Court, is a binding obligation of the Class Member; and
- (4) a certified copy (or, for Class Members whose Back Tax Payment is \$499.99 or less on Exhibit E, a legible copy) of the ordinances or municipal code provisions imposing the Business License Tax pursuant to which Class Member believes it is entitled to a Back Tax Payment;
- (5) the method by which the Back Tax Payment shall be made, including the name and address to which the Back Tax Payment shall be made if the city chooses that CenturyLink mail the payment.

Class Members whose Back Tax Payment is \$499.99 or less on Exhibit E agree, in the event of a dispute with any Defendant involving the ordinances or municipal code provisions imposing the Business License Tax pursuant to which Class Member believes it is entitled to a Back Tax Payment, or the payment or collection of taxes under such ordinances or municipal code provisions, to provide

Defendants certified copies of such ordinances or municipal code provisions upon written request. The Claim Form must be postmarked by November 4, 2014. Send it to:

Clark & Sauer, LLC
Attn: O’Fallon Settlement Administrator
7733 Forsyth Blvd., Suite 625
St. Louis, MO 63105

Does a municipality need to provide CenturyLink with an opinion of counsel?

If a municipality whose Back Tax Payment is \$500.00 or more on Exhibit E chooses to acknowledge that it is bound by the Settlement Agreement *without* enacting an ordinance, then it will also need to provide an opinion of counsel, addressed to CenturyLink, that the municipality is bound by the Settlement Agreement. If a municipality accepts the Settlement Agreement and agrees to be bound to the Settlement Agreement by enacting an ordinance OR if the municipality’s Back Tax Payment is \$499.99 or less on Exhibit E, then no opinion of counsel is required.

What is the deadline for filing a Claim Form?

The Claim Form must be postmarked on or before November 4 2014. Send it to

Clark & Sauer, LLC
Attn: O’Fallon Settlement Administrator
7733 Forsyth Blvd., Suite 625
St. Louis, MO 63105

What if a municipality is late filing its Claim Form?

Any claim that is postmarked after November 4, 2014, will be rejected and the municipality will not be entitled to any payment for back taxes.

What if a municipality doesn’t file a Claim Form?

IF A MEMBER OF THE CLASS DOES NOT FILE A CLAIM FORM, IT WILL NOT BE ENTITLED TO RECEIVE ANY PAYMENT FOR BACK TAXES THAT ARE THE SUBJECT OF THIS LAWSUIT.

Under the terms of the settlement, if a municipality does not file a Claim Form, it will not receive any payment for back taxes. Assuming the Court finally approves the settlement, and if a municipality does not file a claim or submit a request for exclusion, the municipality nevertheless will be prohibited from bringing or joining any lawsuit against CenturyLink based on or related to any of the claims asserted by the plaintiffs.

However, even if a municipality doesn't file a Claim Form, it will still be entitled to the future tax benefits.

Is a model ordinance to accept the Settlement Agreement available?

Yes. A model ordinance is posted on the Missouri Municipal League website.

When will a municipality get its back tax payment?

Each municipality will receive its payment within ten days after the Court has entered its final order of dismissal in this case and that order of the Court has become final. If the Court enters its dismissal order on December 12, 2014, when the final fairness hearing is scheduled, and there are no appeals from that order, CenturyLink should mail payments before January 31, 2015.

What about taxes after August 22, 2014 but before the case is final?

Interim tax payments will be made to class members. CenturyLink is authorized to identify the incremental portion of such payments as made under protest, and if CenturyLink does so, the amount designated must be treated like protest payments—*i.e.*, the municipality must place these incremental payments in a separate interest-bearing account in accordance with section 139.031 RSMo. and hold them until the municipality receives its final payment.

Why did CenturyLink bother to send my municipality a Claim Form that shows all zeroes for the tax amounts?

Claim Forms were sent to all Missouri municipalities, whether or not CenturyLink or Class Counsel had reason to believe that any Business License Tax was imposed or due or whether or not the municipality was excluded from the class. Forms were sent out showing all zeroes to permit the municipality to notify CenturyLink and Class Counsel that the municipality imposes a Business License Tax and, if such a tax is imposed, that CenturyLink does business in that municipality.

If you received a Claim Form that shows all zeros and you believe your municipality is entitled to a back tax payment because it has a Business License Tax **and** CenturyLink does business in the municipality, and the municipality was not excluded from the class, you should return your Claim Form with an explanation of why your municipality should receive a back tax payment. You must include a certified copy of your Business License Tax ordinance or code provisions.

What if a municipality disagrees with the amount of back taxes?

Even if a municipality disagrees with the amount of back taxes, it must file its Claim Form by the due date if it intends to seek recovery of back taxes under the settlement.

A municipality that disagrees with the Back Tax Payment amount may submit with its Claim Form a detailed explanation as to why it believes the Back Tax Payment was incorrectly calculated. If CenturyLink disagrees with the municipality's contention, CenturyLink is obligated to meet and confer in good faith with Class Counsel and representatives of the municipality in an effort to resolve the issue. If after such consultation, the municipality and CenturyLink cannot agree on the Back Tax Payment, the Back Tax Payment contained in the Notice shall be the amount the municipality is entitled to receive pursuant to the Settlement. If the municipality still does not agree with the amount of the Back Tax Payment, it may either opt-out of the Settlement, or nonetheless accept the amount of the Back Tax Payment as calculated by CenturyLink. The opt-out deadline shall be extended for such municipality to resolve disputes related solely to the amount of the Back Tax Payment. Such a municipality may opt out within 30 days after the general opt-out deadline. (The general opt-out deadline is October 20, 2014.) If the parties are unable to resolve a disagreement as to the amount of the Back Tax Payment after the consultation, such disagreement shall not be subject to other challenge or appeal.

What if a municipality believes it is entitled to back taxes even though the Notice and Exhibit E do not show any taxes due?

File the Claim Form on time with an explanation. Include a certified copy of your Business License Tax ordinance or code provisions.

The Notice and Exhibit E will say that no back taxes are due if: (1) CenturyLink doesn't have revenue or facilities in the municipality, (2) CenturyLink is not aware of any Business License Tax being imposed by the municipality, or (3) the municipality was excluded from the class. If the municipality has a Business License Tax and believes that CenturyLink does business in the municipality, then the municipality should file a Claim Form with whatever supporting information serves to show that the municipality is entitled to back taxes and to future taxes. The Claim Form should include the statement that the municipality believes the amount of back taxes was incorrectly calculated.

Upon receipt of the Claim Form, CenturyLink has thirty days to approve it or reject it. If the Claim Form is rejected because CenturyLink does not believe it has revenues or facilities subject to tax in the municipality even though the municipality has a valid Business License Tax, then the matter is a dispute over the amount of the back tax payment, and the procedure set forth in the preceding question applies.

If the Claim Form is rejected because CenturyLink is not aware of a Business License Tax or for any other reason (except that the municipality disagrees with the amount of the Back Tax Payment computed by CenturyLink), then the municipality has thirty days from the date of mailing of CenturyLink's rejection notice to either (1) resubmit the Claim Form with any missing information or (2) notify CenturyLink that the municipality challenges the rejection. If the municipality challenges the rejection, CenturyLink and Class Counsel shall meet and confer with the municipality's representatives to try and resolve the challenge by consent. If resolution proves impossible, CenturyLink must so notify the municipality, which may then have its attorney present its challenge to the Court to decide.

What if CenturyLink rejects a municipality's Claim Form?

Upon receipt of the Claim Form, CenturyLink has thirty days to approve it or reject it. If the Claim Form is rejected, then the municipality has thirty days from the date of mailing of CenturyLink's rejection notice to either (1) resubmit the Claim Form with any missing information or (2) notify CenturyLink that the municipality challenges the rejection. If the municipality challenges the rejection, CenturyLink and Class Counsel will meet and confer with the municipality's representatives to try and resolve the challenge by consent. If resolution proves impossible, CenturyLink must so notify the municipality, which may then have its attorney present its challenge to the Court to decide.

What if a municipality disagrees with the overall settlement?

A municipality can object to the settlement. The municipality must state its objection in writing and file it with the Court postmarked no later than October 27, 2014. Any such objection must include a statement of the basis for the objection and a declaration stating that the municipality is a member of the class. If the municipality does not properly file and serve an objection by October 27, 2014, any objections it has to the settlement will be waived. The objection should be addressed to

The Honorable Joseph S. Dueker
St. Louis County Circuit Court, Division 43
7900 Carondelet
Clayton, Missouri 63105

and marked to indicate “objections to proposed settlement in City of O’Fallon, Missouri v. CenturyLink, Case No. 12SL-CC01723.”

The municipality must simultaneously mail its objection to Class Counsel:

John W. Hoffman
Douglas R. Sprong
Korein Tillery, LLC
505 N. 7th Street, Suite 3600
St. Louis, MO 63101

John F. Mulligan, Jr.
101 South Hanley, Suite 1280
Clayton, MO 63105

Howard Paperner
9322 Manchester Rd.
St. Louis, MO 63119

and to CenturyLink’s attorneys:

Steven J. Perfrement
 Bryan Cave, LLP
 1700 Lincoln Street, Suite 4100
 Denver, CO 80203

Mark B. Leadlove
 Bryan Cave, LLP
 211 N. Broadway, Suite 3600
 St. Louis, MO 63102

Stephen R. Clark
 Adam S. Hochschild
 Clark & Sauer, LLC
 7733 Forsyth Blvd., Suite 625
 St. Louis, MO 63105

When will the settlement be finally approved?

The Court will conduct a Final Fairness Hearing to determine whether to approve the proposed settlement, and to determine the amount of fees and expenses to be awarded to the attorneys for the plaintiffs and the class, on December 12, 2014, at 1:30 p.m. Although the hearing will be open to the public, Class Members will not be entitled to be heard unless they have filed a timely objection to the settlement or to the attorneys' fees and expenses. A Class Member that has filed an objection may appear by its own counsel and be heard at the hearing.

Are municipalities responsible for attorneys' fees for Class Counsel?

The Court will determine the amount of any fees and expenses awarded to plaintiffs' counsel.

The attorneys for the plaintiffs and the class will submit to the Court for approval a request for attorneys' fees and expenses in the estimated amount of \$2,826,083, to be paid by defendants. CenturyLink has agreed to not oppose an award of fees and expenses in the amount stated above.

Can a municipality opt out of the settlement?

A municipality can exclude itself from the class, which means it will not participate in any aspect of the settlement and the municipality may pursue its own

claims, if any, at its own expense against the defendants. To do so, the municipality must state its request to be excluded in writing and deliver or postmark the request no later than October 20, 2014 to:

Clark & Sauer, LLC
Attn: O’Fallon Settlement Administrator
7733 Forsyth Blvd., Suite 625
St. Louis, MO 63105

The municipality must simultaneously mail its exclusion request to Class Counsel:

John W. Hoffman
Douglas R. Sprong
Korein Tillery, LLC
505 N. 7th Street, Suite 3600
St. Louis, MO 63101

John F. Mulligan, Jr.
101 South Hanley, Suite 1280
Clayton, MO 63105

Howard Paperner
9322 Manchester Road
St. Louis, MO 63119

and to CenturyLink’s attorneys:

Steven J. Perfrement
Bryan Cave, LLP
1700 Lincoln Street, Suite 4100
Denver, CO 80203

Mark B. Leadlove
Bryan Cave, LLP
211 N. Broadway, Suite 3600
St. Louis, MO 63102

Stephen R. Clark
Adam S. Hochschild
Clark & Sauer, LLC

7733 Forsyth Blvd., Suite 625
St. Louis, MO 63105

The opt-out deadline for a municipality that disputes the amount of the Back Tax Payment is extended until 30 days after the general opt-out deadline.

Can a municipality assign part of its recovery to the Missouri Municipal League or the St. Louis County Municipal League?

The settlement allows each municipality to assign a portion of its Back Tax Payment, not to exceed five percent (5%), to the Missouri Municipal League or the St. Louis County Municipal League (for municipalities located within St. Louis County). A municipality that wishes to make such assignment may check the applicable box on the Claim Form. Additionally, the municipality's ordinance or other action making the settlement enforceable against the municipality must specifically authorize the making of this assignment. The amount of the back tax payment that the municipality receives will be reduced by the amount of this assignment.

What about settlements or enforcement involving other landline companies?

Only CenturyLink is involved in this settlement. If a municipality settles a claim against another landline provider, then careful attention should be paid to the "most favored nation" clauses in the Settlement Agreement, which in certain circumstances will cause a settlement with another provider to affect a municipality's settlement with CenturyLink.

In addition, municipalities whose Back Tax Payment is more than \$2500 are obligated to take reasonable efforts to require other similarly situated landline telephone companies to pay taxes on the same terms as CenturyLink. For purposes of the settlement, a company is not "similarly situated" while it is in bankruptcy or if it has receipts that are less than 10% of the municipality's Business License Tax base. These provisions are complex, and consultation with legal counsel is recommended.

There are additional requirements if a municipality wishes to take advantage of a favorable ruling or settlement in the Aurora case or other litigation, see ***How could the Aurora case or other litigation affect future taxes?*** above.

On Exhibit E to the Settlement Agreement, some municipalities are listed by name. Why are some municipalities not named?

A municipality is named on Exhibit E if

1. CenturyLink derived gross receipts from providing landline or long distance services in that municipality during the time period indicated in Exhibit E to the Settlement Agreement

AND

2. available information indicated that the municipality has a Business License Tax

AND

3. the municipality was not excluded from the class.

What is the source of the rate for taxes on gross receipts?

Most of the rates shown on Exhibit E to the Settlement Agreement were obtained from copies of ordinances and municipal code sections known to CenturyLink or provided to CenturyLink by Class Counsel and others.

How can I get additional information?

Copies of the settlement agreement, other documents, court orders, and other information related to the lawsuit are posted on the Missouri Municipal League website, <http://www.mocities.com>.

You may also examine the Settlement Agreement, the Court orders and the other papers filed in the lawsuit at the Office of the Clerk of the Circuit Court of St. Louis County, 7900 Cardondelet Ave., Clayton, Missouri 63105, during regular business hours. If you wish, you may seek the advice and guidance of your own attorney, at your own expense.

If you wish to communicate with or obtain information from attorneys for the class, you may do so by letter at the addresses listed below. You should direct any such inquiries concerning a claim or other matters described in this FAQ to Class Counsel:

John W. Hoffman
 Douglas R. Sprong
 Korein Tillery, LLC
 505 N. 7th Street, Suite 3600
 St. Louis, MO 63101
 John F. Mulligan, Jr.
 101 South Hanley, Suite 1280
 Clayton, MO 63105

Howard Paperner
 9322 Manchester Rd.
 St. Louis, MO 63119

Please do not contact the Court, Counsel for CenturyLink, or any CenturyLink representative for information.

Abbreviations used in this FAQ.

“EUCL” is End User Common Line surcharges.

“FUSF” is the federal universal service fee surcharge.

“SUSF” is the Missouri state universal service fee surcharge.

“LATA” (used in intraLATA and interLATA) is the local access and transport area.

“CPE” is customer premises equipment.

CenturyLink Landline Municipal Tax Settlement Claim Form

City of Creve Coeur
Attn: Mayor
300 North New Ballas Road
Creve Coeur, MO 63141

If you want to participate in the Settlement, you must complete this form and submit it along with the necessary claim information to the address below, postmarked by November 4, 2014, after first reading the attached NOTICE.

PAYMENT OF BACK TAX LIABILITY

The Back Tax Payment that is estimated would be payable to you was calculated using the following formula:

A	B	C	TR	D	E	F	G	H	I	J	K	L	Est Protest and Interim
\$8.49M	Amt. of attorneys' fees approved by the Court	A - B	BLT or franchise fee rate	Class member's non-Qwest underpayment from 2010 through 2012 (calculated as the greater of (i) gross receipts as stated on sales tax returns times 1.08 to correct for understated bundled interstate long distance times the class member's tax rate or (ii) 1.3 times actual BLT payments). Both (i) and (ii) are adjusted to assess taxes on BLT collections from customers.	Class member's non-Qwest BLT payments	Class member's estimated non-Qwest underpayments for 2013 and half of 2014, extrapolated as the greater of (i) gross receipts as reported on sales tax returns (or as recalculated from adjusted sales tax returns) times the class member's tax rate, net of any non-Qwest BLT payments.	Class member's Qwest underpayment from 2010 through 2012 (calculated as the greater of (i) gross receipts as reported on sales tax returns (or as recalculated from adjusted sales tax returns) times the class member's tax rate or (ii) actual BLT payments). Both (i) and (ii) are adjusted to assess taxes on BLT collections from customers.	Class member's Qwest BLT payments.	Class member's estimated Qwest underpayments for 2013 and half of 2014, extrapolated from 2013 sales tax figures times the class member's tax rate, net of any Qwest BLT payments.	D minus E (but not less than zero) plus F minus H (but not less than zero) plus I. This is the estimated total back taxes owed.	J divided by the total of all class member's Js. This is each class member's percentage share of the total of all estimated back taxes owed.	C times K. This is the Back Tax Payment. As provided in the Settlement Agreement, this amount is subject to adjustment depending on approved claims.	An estimate of the sum that will be released/paid to each city. The amounts from January 1, 2013 through June 30, 2014 are derived from protest payments reported by Defendants. The amount from July 1 until the end of 2014 is estimated based on the reported protest payments.

The Back Tax Payment that is estimated would be payable to you is: \$1,966.06. Because the formula for calculating the Back Tax Payment depends on the calculations of each Class Member's Business License Tax payment, it is possible that a municipality's share of the amount to be distributed pursuant to the Settlement may change if Defendants approve an adjustment to the calculations pursuant to a Class Member's appeal to Defendants under Section IV.H. of the Settlement Agreement, or otherwise. Also, if a Municipality is not paid its Back Tax Payment because the Municipality fails to submit a valid required

Claim Form, or a Municipality's claim is rejected, pursuant to the Settlement, the amount of that Municipality's Back Tax Payment shall be redistributed pro rata among Class Members that have timely and validly submitted a Claim Form.

If you disagree with the amount of the Back Tax Payment, you must submit a detailed explanation as to why you believe the amount was incorrectly calculated. If you are unable to agree with CenturyLink on the amount of the Back Tax Payment, you may either opt out of the settlement or accept the amount of the Back Tax Payment as calculated by CenturyLink.

Please indicate where your Back Tax Payment should be sent by checking **one** of the following three options:

☐ **OPTION 1:**

Pay the Back Tax Payment in the same manner in which CenturyLink currently remits its gross receipts license tax payment, including via wire transfer, if applicable; OR

☐ **OPTION 2:**

Make the check payable in the name of the Municipality listed above and mail it to the duly authorized representative listed below; OR

☐ **OPTION 3:**

Make the Back Tax Payment as follows:

Make Check Payable To: _____

Mail Check to the Attention of: _____

Street Address: _____

City, State, Zip Code: _____

ASSIGNMENT TO MISSOURI MUNICIPAL LEAGUE OR ST. LOUIS COUNTY MUNICIPAL LEAGUE:

☐ If you wish to assign part of your Back Tax Payment to the Missouri Municipal League or the St. Louis County Municipal League (if you are located within St. Louis County), please mark this box and enter the amount here: \$ _____ (the amount may not exceed 5% of the Back Tax Payment). **Please Note: the amount of the Back Tax Payment you receive will be directly reduced by the amount assigned to the Missouri Municipal League or St. Louis County Municipal League.**

CLAIM INFORMATION

In order to obtain the Back Tax Payment under the Settlement, you must attach the following to this Claim Form:

- ☐ Either (a) certified copy of an ordinance enacted by the Municipality accepting all terms and provisions of the Settlement Agreement or (b) other acknowledgment that the Municipality agrees to be bound by the terms of the Settlement Agreement if approved by the Court as well as an opinion of counsel, addressed to CenturyLink, that the Settlement Agreement, if approved by the Court, is a binding obligation of the Municipality; **and**:
- ☐ If you have elected to make an assignment to the Missouri Municipal League or St. Louis County Municipal League, the ordinance or other acknowledgement must expressly authorize the assignment; **and**:
- ☐ A certified copy (or, if the Municipality's Back Tax Payment is \$499.99 or less, a legible copy) of the ordinances or municipal code provisions imposing the Business License Tax pursuant to which the Municipality believes it is entitled to a Back Tax Payment.

Class Members whose Back Tax Payment is \$499.99 or less on Exhibit E agree, in the event of a dispute with any Defendant involving the ordinances or municipal code provisions imposing the Business License Tax pursuant to which Class Member believes it is entitled to a Back Tax Payment, or the payment or collection of taxes under such ordinances or municipal code provisions, to provide Defendants certified copies of such ordinances or municipal code provisions upon written request.

The Municipality's duly authorized representative, to whom all inquiries regarding this Claim Form may be directed, is:

Name: _____

Address: _____

Email: _____

Telephone number: _____

The Municipality's duly authorized representative, to whom all inquiries regarding its Business License Tax may be directed, is:

- ☐ Same as above
- ☐ Other:

Name: _____

Address: _____

Email: _____

Telephone number: _____

Please note that if you file this Claim Form, you agree to retain Class Counsel to act as your attorneys, at no additional cost to you other than as provided for in the Settlement Agreement, to resolve any dispute that arises in connection with the litigation and Settlement, until 30 days after the Effective Date of Settlement.

I certify that:

1. I am authorized to submit the Claim Form on behalf of the Municipality identified above and to make the representations set forth in this Claim Form on behalf of the Municipality;
2. After due inquiry, the information contained in and submitted with this Claim Form, including without limitation the ordinance or municipal code provisions attached, is valid, effective, complete and accurate to the best of my knowledge and that of the Municipality, after due inquiry;
3. The Municipality agrees to be bound by the terms of the Settlement Agreement if approved by the Court and that the Settlement Agreement, if approved by the Court, is a binding obligation of the Municipality; and
4. Prior to submitting the Claim Form, the Municipality has taken all actions necessary for the Settlement Agreement to be enforceable against the Municipality.

Signature of Duly Authorized Representative

Date

Printed Name

Title

MAIL YOUR COMPLETED CLAIM FORM TO:

**Clark & Sauer, LLC
Attn: O'Fallon Settlement Administrator
7733 Forsyth Blvd., Suite 625
St. Louis, MO 63105**



City Council
300 North New Ballas Rd
Creve-Coeur, MO 63141

Meeting: 10/13/14 07:00 PM
Department: Public Works Department
Category: Agreement
Prepared By: Matt Wohlberg
Department Head: Jim Heines

SCHEDULED

RESOLUTION

Resolution No. 1131 - a Resolution of the City Council of the City of Creve Coeur, Missouri Authorizing the Execution of a Contract Increase with Intuition & Logic, for Engineering Services Related to the Dam and Channel Rehabilitation Project for the Amount of \$6,300.00.

As the City has begun to consider its options with regard to the dam and lake repairs originally envisioned at the Creve Coeur Golf Course, the dam and channel have continued to degrade. Staff recommends hiring the design team led by Intuition & Logic to investigate possible short-term stabilization methods for the dam.

RESOLUTION NO. 1131

WHEREAS, the City issued a request for qualifications to area engineering firms in the summer of 2013 for the design services required for the rehabilitation of a failing earthen dam and for silt removal at the southern lake at the Creve Coeur Golf Course;

WHEREAS, Intuition & Logic was determined by City staff to be the best-qualified firm to complete the necessary design services, and the City Council of the City of Creve Coeur authorized the execution of a contract between Intuition & Logic, and the City through the passage of Resolution 1073 on August 12, 2013;

WHEREAS, the City Council of the City of Creve Coeur authorized the execution of a contract increase (Supplemental Agreement #1) with Intuition & Logic through the passage of Resolution 1110 on May 12, 2014, for the amount of \$4,200.00;

WHEREAS, the City Council of the City of Creve Coeur authorized the execution of a contract increase (Supplemental Agreement #2) with Intuition & Logic through the passage of Resolution 1126 on August 25, 2014, for the amount of \$1,500.00;

WHEREAS, the City Council of the City of Creve Coeur authorized the execution of a contract increase (Supplemental Agreement #3) with Intuition & Logic through the passage of Resolution 1127 on August 25, 2014, for the amount of \$4,900.00;

WHEREAS, Supplemental Agreement #4, for the sum of \$6,300.00, was requested by City staff as additional consulting services have become necessary to evaluate the City's options for short-term stabilization of the dam;

WHEREAS, Chapter 140 of the Municipal Code of the City of Creve Coeur states that contract increases to professional services contracts must be presented to the City Council of the City of Creve Coeur for approval.

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

Section 1. The Contract change order between Intuition & Logic, and the City regarding the Golf Course Dam Stabilization Project, attached hereto as "Additional Services for Creve Coeur Golf Course Dam and Lakes Rehabilitation - Supplemental Agreement No. 4" and referred to herein as "Exhibit A," with a not-to-exceed sum of \$6,300.00, is hereby approved and the City Administrator is hereby authorized and directed to enter into and execute that Contract change order. The Contract change order 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 Resolution. 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 Resolution, the matters herein authorized, and the rights and duties of the City under the Agreement.

Adopted this 13th day of October, 2014.

Resolution

Meeting of October 13, 2014

Barry Glantz
Mayor

Attest:

Deborah Ryan, City Clerk



DEPARTMENT OF PUBLIC WORKS STAFF MEMORANDUM

DATE: October 8, 2014

TO: Mark Perkins, City Administrator

CC: Jim Heines, Director of Public Works

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

SUBJECT: Consultant Recommendation
Golf Course Dam Stabilization Project

As the City has begun to consider its options with regard to the dam and lake repairs originally envisioned at the Creve Coeur Golf Course, the dam and channel have continued to degrade. Staff recommends hiring the dam and channel design team led by Intuition & Logic to investigate and recommend possible short-term stabilization methods for the dam.

Project Background

The Creve Coeur Golf Course is bisected by a series of stormwater-fed lakes, at the southern end of which lies a small earthen dam. This dam breached in June 2013, and the City has been developing a plan to address the dam and the rest of the lake system since then. The City's initial plan was to replace the dam during the winter of 2013-2014, but this schedule proved to be too aggressive.

Construction plans and bidding documents for the replacement of the earthen dam and rehabilitation work for the southern pond are nearly complete and are waiting for final approval. However, the City has recently shifted its focus to the entire lake system, which will require additional design efforts and time for permitting and approvals. It has become decreasingly likely that the dam will be replaced during the winter of 2014-2015, as planned.

Conditions at the Golf Course

Several repairs have been made to stabilize the Golf Course dam and the adjacent lake and channel. These repairs included reconstruction of a section of the lake bank, filling the voids in the dam with grout, and mudjacking along the spillway channel. This maintenance was meant to stabilize the dam until it could be replaced this coming winter.

Unfortunately, the repairs had only limited success. While the main hole in the dam was stabilized, the work to block flow through one portion of the dam forced water to find alternate routes. New and expanded leaks have developed along the channel downstream of the dam. Attempts to inject grout behind the walls of the channel through mudjacking needed to be stopped due to fears that the walls would shift and collapse under the pressure.

The leaks in the dam have increased in number and in severity. The seepage through the dam is constant and noticeable, with staff estimating that at least as much water seeps through the dam as pours through the spillway during low flows. In September, a small collapse of the ground provided new evidence of piping on the westerly side of the channel – the opposite side from the 2013 breach.

Dam Stabilization Project

With the constant water flow and the limited number of stop-gap fixes available, staff anticipates that the condition of the dam will continue to worsen. Staff can continue to routinely inspect the dam and react to the issues that arise, but this has proven to be rather inefficient. Instead, staff recommends a more proactive approach that aims to stabilize the dam for at least a few years. Such an approach could involve converting the lake into a creek, grout injection of the dam, or another method to slow the deterioration of the dam and to stabilize the area until the dam can be replaced.

Stabilization of the dam will require thorough consideration of the site, particularly the amount of stormwater flow through the system and the potential for erosion of the lake bed. Staff anticipates that the scope of this project could be significant and could cost over \$50,000 to construct.

Stormwater Committee.

The Stormwater Committee discussed stabilization of the dam at its meeting on Tuesday, October 7, 2014. After considering the existing condition of the dam and the outlook for its replacement, and the Committee voted unanimously to endorse hiring a consultant to develop a plan to stabilize the dam.

Financing

Adequate funding for the design and construction of the dam stabilization project remains in account 02-61-71-9509 15525 Golf Course Dam Rehabilitation.

Recommendation

Staff recommends that the City hire Intuition & Logic to review the available options for stabilizing the dam and to provide plans and specifications for the project. The team of Intuition & Logic and Geotechnology, Inc. has developed a sound understanding of the issues surrounding the dam and the golf course lake system, and they are in a unique position to provide the City with immediate design recommendations. Timing is significant, as it would be most appropriate for some repair options to be made during the winter months.



16253 Swingley Ridge Rd, Suite 100, St. Louis, MO 63017
636.777.3000 314.432.5812



October 8, 2014

Matt Wohlberg, PE
City Engineer
City of Creve Coeur
300 North New Ballas Road
Creve Coeur, Missouri 63141

**Re: Additional Services for Creve Coeur Golf Course Dam and Lakes
Rehabilitation – Supplemental Agreement #4**

Dear Mr. Wohlberg:

Thank you for the opportunity to provide this estimate for additional services for the Golf Course Dam Rehabilitation Project. The scope of additional services is:

1.0 Temporary Stabilization Alternatives Analysis

The goal of the alternatives analysis is to evaluate practical temporary stabilization measures for the dam and pond.

1.1 City Alternatives Meeting

The design team will meet with the City to review and discuss in detail the project goals and objectives and potential alternatives. The alternative of grout filling to stabilize the dam and the alternative of removing the dam and constructing a channel will be included in the alternatives discussed.

1.2 Alternatives Analysis

I&L will evaluate the alternatives identified in the alternatives meeting as follows:

1.2.1 Alternatives Effectiveness

I&L will evaluate the effectiveness of each alternative in achieving the temporary stability goals and objectives.

1.2.2 Develop Schematic Costs

I&L will develop schematic (order of magnitude) design and construction costs for each practical alternative.

1.2.3 Develop Exhibits for Alternatives

I&L will develop limited exhibits as needed to help communicate the intent of alternatives.

1.2.4 Alternatives Analysis Result Summary Memorandum

I&L will summarize the Alternatives Analysis process and results in a summary memorandum. The memo will be in PDF format and submitted to the City via email for review, comment and use.

1.3 Analysis Review and Approval

The City will evaluate the alternatives analysis and discuss any questions or concerns until they have reached consensus on the approved approach.

1.3.1 City Council Meeting

I&L will be available to the City Council and Staff during alternatives review discussions and will attend one City Council Meeting to present the analysis and respond to Council questions.

1.3.2 City Approval

The City will notify the design team regarding which design approach is approved.

The additional services estimate is \$6,300. If this proposal is acceptable, please sign where indicated below, return a copy for our records and retain the original for your records.

If you have any questions or would additional information, please do not hesitate to call or email. I look forward to hearing from you soon!

Best Regards,



Mark Meyer, PE
President

Acceptance:

Name:

Title:

Date:



City Council
300 North New Ballas Rd
Creve-Coeur, MO 63141

Debbie Ryan
City Clerk
(314) 872-2517
www.creve-coeur.org/

Meeting: 10/13/14 07:00 PM

DOC ID: 1031

DISCUSSION ITEM (ID # 1031)

Commercial Storefront Street Numbers



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

MEMORANDUM TO THE CITY COUNCIL

August 5, 2014

To: Honorable Mayor and City Council Members
 Mark Perkins, City Administrator

From: Paul Langdon, Community Development Director
 Whitney Kelly, City Planner

Re: Commercial Address Numbers

BACKGROUND

Questions have been raised recently by members of the public and the City Council regarding the presence and appearance of address numbers on commercial businesses. The principal concern is that the difficulty in determining the address of properties from the roadway is so great that it leads to unsafe driving, especially on Olive Boulevard. Staff have been asked to review conditions in the field, the requirements currently in the Municipal Code, and propose changes where issues appear to exist.

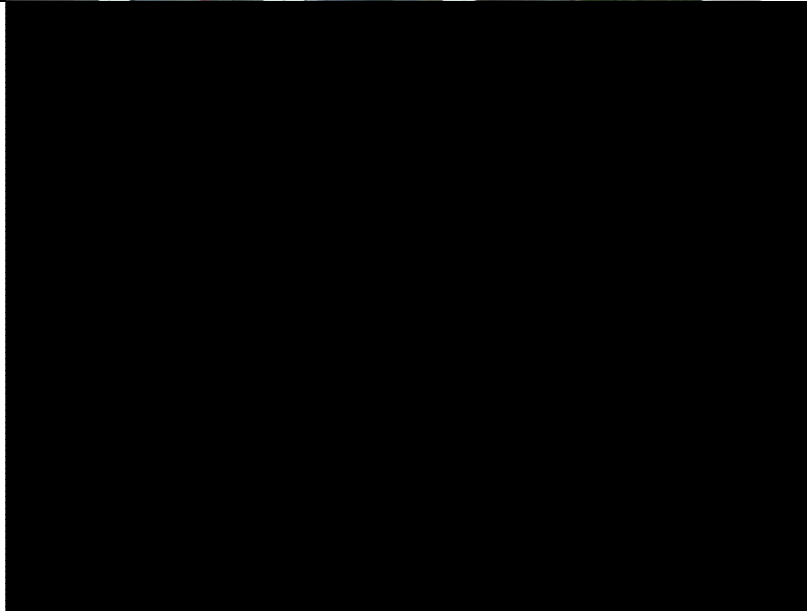
CONDITIONS IN THE FIELD

Staff have visually inspected every commercial property on Olive Boulevard and find that almost 100% have an address either above the door, on the front façade of the building or on the ground sign. A few examples were found where the numerals were over the door, but the door did not face the street, making it impossible to see an address from the right-of-way. It should be noted that this was found on very few businesses (<20). Other factors observed in the field include obstructions caused by landscape and/or parked vehicles as well as lighting conditions that made it difficult to read the numbers.

A table of examples follows on the next page. Note that the pictures were generally taken from the adjacent right-of-way so that a driver's perspective is presented.



This is the typical location and appearance of an address on a tenant space within a multi-tenant building. Staff did not find any such tenants without an address, although some difficulties with reading the address are noted below.



In this example, the address is in the typical location above the door (below the word "Color"), but the low, deep overhang makes the number very hard to read from Olive Boulevard.



In this development, the overhang does not obscure the numbers, but reflections make them hard to read and the building is so far from the street that a motorist on Olive Boulevard would never be able to read them. This picture was taken from the parking lot; the front of the building is approximately 400 feet from the nearest through lane on Olive Boulevard.



An office building with the typical numbers over the door and visible from the street.



An example of a free-standing development with the typical white numbers over the door, but an element in the landscape is obscuring the numbers.



An example of an office building with a plainly visible address but in a location and orientation that might be unexpected.



Many of the multi-story office towers have large numbers high on the façade.



Some of the office tower addresses, like this one, are intermittently obscured by landscaping.



An office tower address that is at the typical above-the-door location.



Many monument signs have the address on them as well.



The face of this sign was recently repaired and the numbers were included even though they are also on the building.



An older site where the pre-existing numbers (over the door) are too small to read and do not meet the current regulations.



In this example, the address is over the doors, but they are on the side of the building (not shown) and the monument sign does not have the address on it.



In the same development as above, one of the tenants has elected to place their numbers on a window visible from Olive since the door is not visible.

CURRENT MUNICIPAL CODE REQUIREMENTS

The Municipal Code contains three sections that apply to commercial addresses and, in each instance, they indicate that address numerals are required. To wit:

Article VIII Sign Regulations

Section 405.930. GENERAL PROVISIONS

- E. *Exempted Signs.* With the exception of Sections 405.930(B), Maintenance and Safety, 405.930(D), Prohibited Signs, and 405.930(G), Miscellaneous Requirements, the provisions and regulations of this Article shall not apply to the following signs:
3. Signs not exceeding two (2) square feet in sign area individually and not exceeding six (6) square feet in the aggregate, including, but not limited to, the following:
 - c. Commercial address numerals, which are required to be prominently displayed on each building, not to exceed two (2) square feet in area. Larger address numerals may be permitted elsewhere in this Article and would be subject to the provisions and regulations of the particular Section.
[emphasis added]

Article VIII Sign Regulations

Section 405.950. SIGNS IN NON-RESIDENTIAL DISTRICTS

- E. Address Signs. For fire protection and traffic safety and efficiency, each freestanding single- or multi-tenant office building shall have one (1) set of address numerals per building frontage. These numerals must be affixed flat against the facade of the building and no part of the numerals shall project above the roof or parapet line of the building. The square footage shall be determined by measuring the rectangle formed by outlining the numeral. Each numeral shall not exceed the sign limitations listed in the following table:

Height of Sign on Building (story)	Distance from R.O.W. (feet)	Allowable Square Footage per Numeral (square feet)
1	0--100	2
1	101--250	3
1	over 250	4
2	0--100	3
2	101--250	4
2	over 250	5
3	0--100	4
3	101--250	5
3	over 250	6
4	0--100	5
4	101--250	6
4	over 250	7
5	0--100	6
5	101--250	7
5	over 250	8
6	0--100	7
6	101--250	8
6	over 250	9
over 6	0--100	8
over 6	101--250	9
over 6	over 250	10

Article II, Building Code

Section 500.080 AMENDMENTS TO CHAPTER 5 INTERNATIONAL BUILDING CODE — CHAPTER 5 — GENERAL BUILDING HEIGHTS AND AREAS.

Chapter 5 of the International Building Code, 2009 Fourth Edition, is amended as set forth herein. ...

501.2 Address identification. New and existing buildings shall be provided with approved address numbers or letters. Each character shall be a minimum of 4 inches high for dwelling units and 6 inches high for business structures and a minimum of 0.5 inch wide. They shall be installed on a contrasting background and be plainly visible from the street or road fronting the property. Where access is by means of a private road and the building address cannot be viewed from the public way, a monument, pole or other approved sign or means shall be used to identify the structure.

It should be noted that the Creve Coeur Fire Protection District has the same requirement as above.

EVALUATION

As identified previously, there is a high level of compliance with the current regulations that do require address numerals on commercial buildings. None the less, there may be issues with reading those addresses given the many variables in the field related to building design, landscaping and pre-existing conditions. Further, in many of those instances, simply making the numbers bigger would not significantly improve overall readability. The most visible addresses are those that are near the street, but this is not easy to achieve on all properties since permitted monument signs are expensive to install and not all properties qualify for such a permit. This same issue leads some communities to place address numbers on the curbs of streets, but these are not practical on a high volume roadway like Olive Boulevard. An alternative is to require specific, free-standing address signs such as these examples:



Although they are not attractive, these signs are inexpensive and readily available, can be made with reflective backing similar to a street name sign and are durable. They could be located at the edge of the right-of-way with a minimal impact on the appearance of any given site. Making such signs a retroactive obligation of all property commercial owners might not be well received by those owners, however. The signs could be installed through a City program whereby they are funded by a one-time surcharge on a business license or, perhaps given their low cost (approximately \$40, installed), they could be funded by the City. Lastly, they might be an eligible for grant funding given their direct impact on public safety and traffic movement, but funding time frames and subjective approval processes create a degree of uncertainty for implementation.



A more aggressive approach would be to create a marker system whereby the City would create numbered “markers” to provide address waypoints along the road (Olive Boulevard primarily). The image to the left is an example of such a marker in Kissimmee, Florida. Although these particular markers are obviously much more expensive and require more land area than do the address signs above, they do aid in wayfinding, they open up an opportunity to create recognition for the city, and they can incorporate elements of public art. They are also placed at large intervals, so the total number of markers is not high. Unless the City was willing to incorporate advertising, it is unlikely that they would be provided by the adjacent business; that is, the program would be entirely public. Again though, there may be grant funding available for such a project based upon the functional benefits as well as the potential aesthetic enhancement.

Staff will be available to address any questions of the Council on August 11th regarding the observations in the field and the potential programs suggested above.

Excerpt from the August 11, 2014 Council minutes

BUSINESS FROM CITY ADMINISTRATOR

12.Commercial Storefront Street Numbers

Paul Langdon stated Staff have visually inspected every commercial property on Olive Boulevard and find that almost 100% have an address either above the door, on the front façade of the building or on the ground sign. A few examples were found where the numerals were over the door, but the door did not face the street, making it impossible to see an address from the right-of-way. It should be noted that this was found on very few businesses (<20). Other factors observed in the field include obstructions caused by landscape and/or parked vehicles as well as lighting conditions that made it difficult to read the numbers. As identified previously, there is a high level of compliance with the current regulations that do require address numerals on commercial buildings. None the less, there may be issues with reading those addresses given the many variables in the field related to building design, landscaping and pre-existing conditions. Further, in many of those instances, simply making the numbers bigger would not significantly improve overall readability. The most visible addresses are those that are near the street, but this is not easy to achieve on all properties since permitted monument signs are expensive to install and not all properties qualify for such a permit. This same issue leads some communities to place address numbers on the curbs of streets, but these are not practical on a high volume roadway like Olive Boulevard. An alternative is to require specific, free-standing address signs. Although they are not attractive, these signs are inexpensive and readily available, can be made with reflective backing similar to a street name sign and are durable. They could be located at the edge of the right-of-way with a minimal impact on the appearance of any given site. Making such signs a retroactive obligation of all property commercial owners might not be well received by those owners, however. The signs could be installed through a City program whereby they are funded by a one-time surcharge on a business license or, perhaps given their low cost (approximately \$40, installed); they could be funded by the City. Lastly, they might be an eligible for grant funding given their direct impact on public safety and traffic movement, but funding time frames and subjective approval processes create a degree of uncertainty for implementation. A more aggressive approach would be to create a marker system whereby the City would create numbered "markers" to provide address waypoints along the road (Olive Boulevard primarily). The image to the left is an example of such a marker in Kissimmee, Florida. Although these particular markers are obviously much more expensive and require more land area than do the address signs above, they do aid in way finding, they open up an opportunity to create recognition for the city, and they can incorporate elements of public art. They are also placed at large intervals, so the total number of markers is not high. Unless the City was willing to incorporate advertising, it is unlikely that they would be provided by the adjacent business; that is, the program would be entirely public. Again though, there may be grant funding available for such a project based upon the functional benefits as well as the potential aesthetic enhancement.

Council Member Hoffman stated it sounds as if the problem is already solved.

Council Member Kreuter stated he would like to refer this idea of the marking system to the Art Commission.

Paul Langdon stated a project has been referred to the Arts Commission for a similar purpose with the transit shelters and a substantial amount of money has been granted for that purpose and asked if the Council would like for the concentration to be on the transit shelters or markers.

Council Member Lawrence asked if they could be combined.

Paul Langdon stated yes, but could become a little difficult at times.

Mayor Glantz stated he feels the Arts Commission is the best place to start and to relay that the Council is interested in better signage with a creative twist.

Excerpt From The September 22, 2014 Council Minutes

BUSINESS FROM MAYOR AND CITY COUNCIL

Council Liaison Reports

Council Member Wang stated he attended one meeting with the Arts Commission, which was over a month ago. The Commission did consider the street numbers along Olive Blvd, but the Commission felt the various options were more of a decision for the Council to make and the Commission would decide on the artistic patina later. It is still for Council to decide which methods to use on the numbering. The Commission also considered the bus shelter on the east front, originally was supposed to be in front of Laverne Collin's Park but they considered moving it to be in front of the Danforth Center, which is a good entrance point for Creve Coeur. Today enjoyed the Silver Screen series and watched Last Vegas and there is one movie left next week in the series and it will be the Bucket List."



City Council
300 North New Ballas Rd
Creve-Coeur, MO 63141

Debbie Ryan
City Clerk
(314) 872-2517
www.creve-coeur.org/

Meeting: 10/13/14 07:00 PM

DOC ID: 1111

DISCUSSION ITEM (ID # 1111)

Court Meeting Review



City Council
300 North New Ballas Rd
Creve-Coeur, MO 63141

SCHEDULED

Meeting: 10/13/14 07:00 PM
Department: Public Works Department
Category: Report
Prepared By: Matt Wohlberg
Department Head: Jim Heines

STAFF REPORT

Creve Coeur Creek Letter - Staff Report

City staff has drafted a letter to the Missouri Department of Natural Resources that comments on proposed water quality regulations. This letter is part of a joint effort by the Metropolitan St. Louis Sewer District and other area municipalities. City staff requests the review and endorsement of this letter.

October 13, 2014

Missouri Department of Natural Resources
Attention: Mr. John Hoke
Water Protection Program
P.O. Box 176
Jefferson City, MO 65102
e-mail: tmdl@dnr.mo.gov

Subject: Public Comments for Bacteria Total Maximum Daily Loads and Implementation Plans
Watkins Creek, Creve Coeur Creek, Coldwater Creek, and Fishpot Creek
St. Louis County and St. Louis City, Missouri

Dear Mr. Hoke:

The City of Creve Coeur wishes to commend the Missouri Department of Natural Resources (DNR) on its study of Creve Coeur Creek and others in the St. Louis area. This was certainly a significant effort. However, the City is concerned about the proposed Total Maximum Daily Load (TMDL) and implementation plan for Creve Coeur Creek, and the City shares several of the concerns expressed by the Metropolitan St. Louis Sewer District (MSD), namely:

- Introducing set criteria into the municipal separate storm sewer system (MS4) permit is an unwelcome change to the nature of the permit that has thus far focused on best management practices (BMPs), education, and outreach to make improvements to the maximum extent practicable (MEP).
- MSD, the City, and the other co-permittees in the MS4 need DNR's support, particularly through the approval of stormwater management plans (SWMP) intended to implement the TMDLs through permits. DNR's approval of the SWMP will provide the MS4 permittees certainty and transparency as to what is required to comply.
- The bacteria reductions in the TMDL should be based upon all of the available water quality data, and this data should be updated as necessary to reflect current efforts by MSD to eliminate sanitary sewer overflows.
- We believe that it is inappropriate for the TMDLs to set load reductions at flood flows. Please revise the TMDLs to focus on non-flood level stream flows, which are flows less than the 10th percentile exceedance flow.
- The margin of safety set in the TMDL is too high, resulting in a requirement for more bacteria removal than is necessary.

The City asks DNR to carefully consider MSD's comments and to work toward a satisfactory resolution to them.

The City has a few additional concerns that relate to those expressed by MSD:

1. Don't set MSD and the City up for failure. The benchmarks of our future implementation plan(s) should be based upon what MSD and the City can reasonably achieve together, through the implementation of BMPs to the maximum extent practicable, not upon how close we can get to a set numeric limit.

The TMDL cites a 2010 study from the United States Geological Survey that attributes e-coli in creeks to several sources, namely:

Dogs	10%
Geese	20%
Humans	33%
Unknown.....	33%

The City has noted a significant deer population in the Creve Coeur Creek watershed. At least some of the "unknown" source of e-coli should be attributed to the deer and other wildlife that thrive in the established and protected riparian corridors lining the creeks in the watershed. If all of the deer, squirrels, and other woodland wildlife are assumed to account for 10-15% of the e-coli loading, then wildlife would account for about one-third of the e-coli load in Creve Coeur Creek.

The City finds this significant, because there does not appear to be a means to control the wildlife source. In the best-case scenario, the City would implement a plan that would successfully remove all human and canine contributions and some of the contributions from unknown sources to achieve 50%-66% reduction in e-coli loading. According to Table 4 of the TMDL, even this best-case scenario would have fallen short of meeting the set limit in 2006 and 2009.

It is not realistic to require MSD, the City, and the rest of the co-permittees in the MS4 to meet a standard that, in the best case scenario, cannot be achieved in two out of four years.

2. The City does not necessarily control the effluent. The majority of the land in Creve Coeur is established residential, suburban, private property. Creve Coeur Creek and its tributaries run through and drain residential neighborhoods, with much of the banks of these waterways along the back property lines of area homes.

A few months ago, Jay Hoskins from MSD brought up a hypothetical scenario that someone walking their dog could negatively impact the bacteria levels in an area creek by throwing the bag of their dog's waste into the storm inlet. Quite honestly, City staff thought this story was an exaggeration. That is, until this exact scenario was reported in Creve Coeur a few days later. The point is that, even though the City and MSD have ordinances (best management practices) to address this kind of source, we are not able to control every circumstance or potential pollution source, even in what might be considered a well-kept neighborhood of informed and well-intentioned people.

The City's right of way and properties account for less than 10% of the area within Creve Coeur, and even that is impossible to completely control the quality of runoff from, as the example above demonstrates.

This example also supports the City's skepticism that reliance upon voluntary implementation, incentive programs, and encouragement of public participation (as are

Mr. John Hoke
Public Comments for Bacteria TMDL for Creve Coeur Creek
October 13, 2014

Page 3 of 3

suggested in Section 8.1.2 of the implementation plan) will be effective. The City has no doubt that some of its citizens will take great steps to improve water quality. It is not realistic, however, to expect all citizens to be interested in participating.

3. MoDOT should play a role. The City of Creve Coeur is practically surrounded by, and is literally bisected by, interstates and state routes. Interstate 270, Olive Boulevard, Old Olive Street Road, and Lindbergh Boulevard and portions of Ladue Road, Coeur de Ville Drive, and Emerson Road are owned and operated by the Missouri Department of Transportation (MoDOT). Combined, these roadways represent some 500,000 square yards of pavement. Comparatively, the City's streets total approximately 1,000,000 square yards of pavement. In other words, MoDOT is responsible for about one-third of the publicly maintained pavement in Creve Coeur.

The TMDL cites a study from the Federal Highway Administration (FHWA) that found runoff from paved areas can contain bacteria. The TMDL is quick, however, to diminish the significance of this report as it relates to highways, stating that contributions from highway corridors are "likely" to be less than other area sources (TMDL Section 3.1.3, page 15).

Considering that pavement owned and maintained by MoDOT represents about one-third of the publicly maintained pavement in Creve Coeur, and considering that the number of vehicles that use MoDOT's roads are disproportionately higher than the number of vehicles using the City's roadways, the City finds it reasonable to request that DNR revisit the study and determine the actual contribution of bacteria from MoDOT's roadways so that MoDOT can be held accountable for its share.

After all, MoDOT is an MS4, just as MSD and its co-permittees are. MoDOT should be held to the same standard in this TMDL.

This letter has been reviewed and endorsed by the City's Stormwater Committee and the Creve Coeur City Council.

The City appreciates the opportunity to provide these comments. The City of Creve Coeur is committed to working with DNR and MSD to ensure that Missouri's waters are protected through application of good science, practical solutions, and stakeholder input. Please contact me at (314) 442-2084 or at mwohlberg@ci.creve-coeur.mo.us if you would like to discuss these issues further.

Sincerely,

CITY OF CREVE COEUR

Matt Wohlberg, P.E.
City Engineer

cc: Mark Perkins, City Administrator
Creve Coeur Stormwater Committee
Jay Hoskins, MSD

Attachment: 2014-10-13 - Comment Letter to DNR - Creve Coeur Creek TMDL (1108 : Creve Coeur Creek Letter - Staff Report)



City Council
300 North New Ballas Rd
Creve-Coeur, MO 63141

SCHEDULED

Meeting: 10/13/14 07:00 PM
Department: Public Works Department
Category: Report
Prepared By: Matt Wohlberg
Department Head: Jim Heines

STAFF REPORT

Mosley Road Concept Plan Review - Staff Report

City staff will review the preliminary results for the development of a concept improvement plan for Mosley Road and will seek the advice and guidance from the City Council regarding which design option to pursue.



DEPARTMENT OF PUBLIC WORKS STAFF MEMORANDUM

DATE: October 8, 2014

TO: Mark Perkins, City Administrator

CC: Jim Heines, Director of Public Works

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

SUBJECT: Project Summary and Request for Guidance
Mosley Road Concept Plan

The City hired Horner & Shifrin, Inc. to investigate Mosley Road and to develop a conceptual plan for a future roadway improvement project. Horner & Shifrin has completed its initial analysis and has developed several design concepts to address the issues along Mosley Road. City staff seeks the guidance of the City Council for how to proceed to finish the conceptual plan.

Project Background

Mosley Road extends approximately 1.1 miles between Ladue Road and Olive Boulevard and serves as one of the principal north-south roadways in the eastern half of Creve Coeur. Mosley Road was partially reconstructed in 2000 during the project to add sidewalk and curbing along the west side of the street. The pavement has shown its age recently with an annual need for pavement repairs. Mosley Road is now due for a structural improvement, such as pavement resurfacing.

The City hired Horner & Shifrin, Inc. to review issues related to pavement conditions, roadway geometry, visibility, pedestrian access, and drainage and to develop a conceptual plan to improve Mosley Road.

Design Options

Roadway, sidewalk, and drainage improvements are fundamental elements to the proposed improvements to Mosley Road. No additional lanes were found to be necessary, and the City did not wish to pursue a new sidewalk along the east side of Mosley Road. The most significant proposed changes include variable widening along the east side of the street to create a consistent roadway width, gentle straightening of the existing “s” curve to make the curve more appropriate for the posted speed limit, and re-grading certain areas to make the hills and valleys of the street less abrupt and to improve drainage. The City’s intent is to improve the roadway, sidewalk, and drainage aspects of Mosley while keeping its existing character intact.

Horner & Shifrin’s review of Mosley Road found that the roadway improvements will generally involve various combinations of two different repair concepts:

- New curb versus no new curb. Curbing exists along the west side of Mosley Road, and this is proposed to remain in place. Horner & Shifrin investigated the impacts of introducing a curb to the east side of the street where there currently is none.

- Resurfacing versus reconstruction. The number of recent base failures along Mosley Road forced the City to review if Mosley Road could be resurfaced or if it needed to be reconstructed. Pavement thickness samples found that pavement resurfacing is a viable option for Mosley Road.

Four possible combinations exist for these repair concepts. Accordingly, Horner & Shifrin developed the following four design options, along with the preliminary cost estimate associated with each option:

Option 1A: Mill & overlay with open drainage on east side

This option would involve the removal and replacement of the top layer of pavement and grading along the east side of the street to improve and formalize the existing drainage swales and culverts, as necessary.

Option 1A Cost Estimate: \$ 1,200,000

Option 1B: Full-depth reconstruction with open drainage on east side

This option would involve the complete replacement of the roadway pavement and base. It would also include grading along the east side of the street to improve and formalize the existing drainage swales and culverts, as necessary.

Option 1B Cost Estimate: \$ 1,940,000

Option 2A: Mill & overlay with proposed curb on east side

This option would involve the removal and replacement of the top layer of pavement and the introduction of a vertical curb and drainage structures along the east side of Mosley Road. Some grading of the adjacent yards would be necessary to match the new curbing.

Option 2A Cost Estimate: \$ 1,600,000

Option 2B: Full-depth reconstruction with proposed curb on east side.

This option would involve the complete replacement of the roadway pavement and base, as well as the introduction of a vertical curb and drainage structures along the east side of Mosley Road. Some grading of the adjacent yards would be necessary to match the new curbing.

Option 2B Cost Estimate: \$ 2,300,000

Each of these design options is illustrated by the attached typical sections.

Staff recommends against pursuit of new curbing along the east side of Mosley Road (Options 2A and 2B). The curbing would add to the cost of the project due to the curb itself and the additional stormwater facilities needed to collect the stormwater trapped on the road. Adding the curb to Mosley Road would also practically guarantee that the City would need to provide features to improve the water quality of the stormwater, and the City does not have a particularly wide right of way to accommodate many water quality options.

Public Informational Meeting

On July 29, 2014, Horner & Shifrin and City staff hosted a public meeting to discuss the apparent options for Mosley Road and to gather comments from the residents. All residents who live along the Mosley Road corridor (i.e. all homes on Mosley and the neighborhoods that extend off of Mosley) were invited to the meeting, and over 50 residents attended. The residents

expressed various viewpoints, but common among them was a desire to improve various aspects of Mosley Road – particularly drainage – while maintaining its residential character.

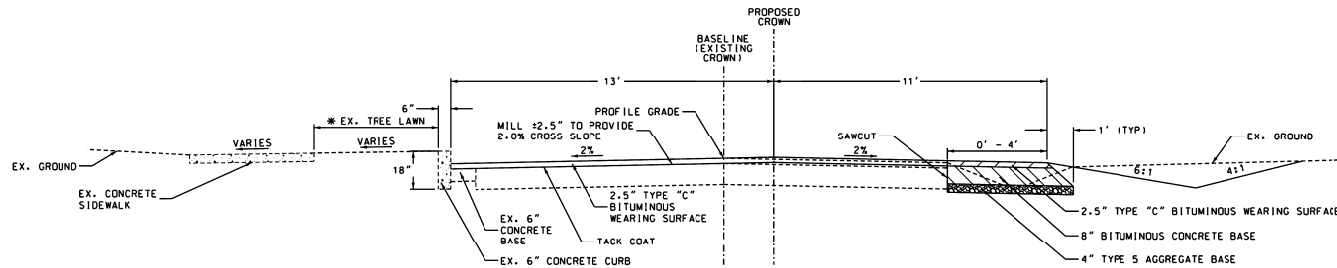
The comment cards from this meeting and those that have been submitted online are attached.

Recommendation

Staff finds that pavement resurfacing without the introduction of new curbing (Option 1A) provides the necessary improvements and preserves the existing character of Mosley Road. This option is also the least expensive of the apparent options. Therefore, staff recommends that the City pursue this option through the completion of the conceptual plan.

Staff requests guidance from the City Council for which design option to pursue through the completion of the conceptual plan.

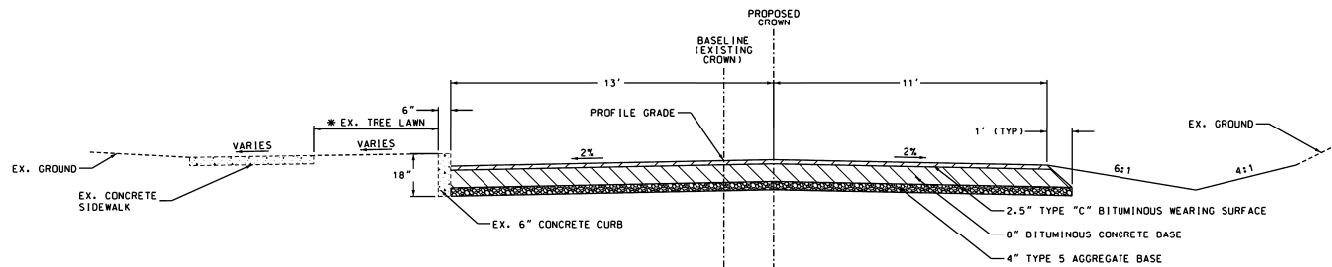
Attachments: Typical section exhibits from public informational meeting
 “S” curve exhibit from public informational meeting
 Public comments from public meeting and from web site



MOSLEY ROAD TYPICAL SECTION - OPTION 1A

MILL & OVERLAY WITH OPEN DRAINAGE ON EAST SIDE

- * EX. TREE LAWN WIDTH APPROX. 5' FROM STA 12+35 - STA 27+00
- * SIDEWALK AT BACK OF CURB FROM STA 27+00 - STA 66+15

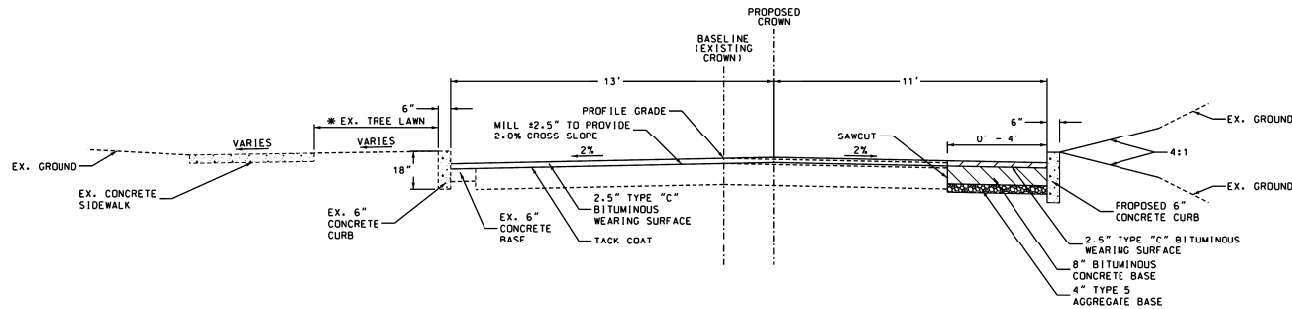


MOSLEY ROAD TYPICAL SECTION - OPTION 1B

FULL DEPTH RECONSTRUCTION WITH OPEN DRAINAGE ON EAST SIDE

- * EX. TREE LAWN WIDTH APPROX. 5' FROM STA 12+35 - STA 27+00
- * SIDEWALK AT BACK OF CURB FROM STA 27+00 - STA 66+15

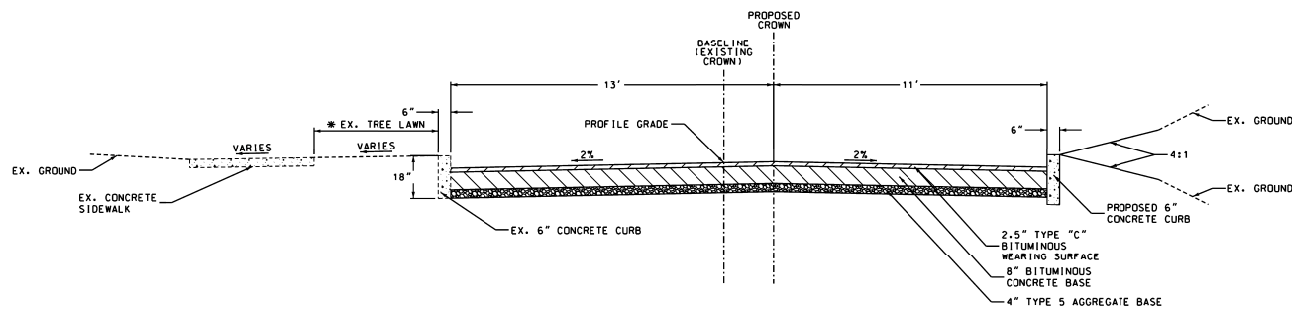
NOTE: TYPICAL SECTIONS LOOKING
NORTH ALONG MOSLEY ROAD



MOSLEY ROAD TYPICAL SECTION – OPTION 2A

MILL & OVERLAY WITH PROPOSED CURB ON EAST SIDE

- * EX. TREE LAWN WIDTH APPROX. 5' FROM STA 12+35 – STA 27+00
- * SIDEWALK AT BACK OF CURB FROM STA 27+00 – STA 66+15



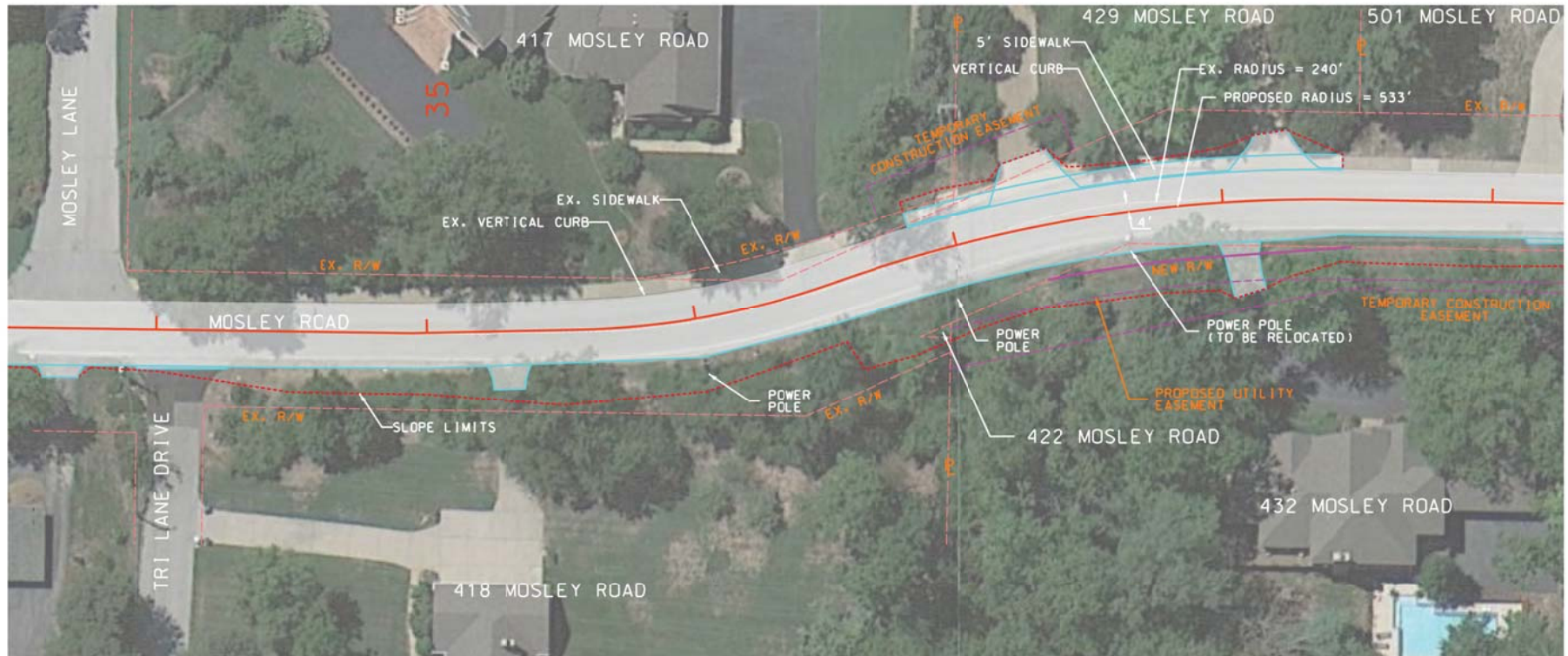
MOSLEY ROAD TYPICAL SECTION – OPTION 2B

FULL DEPTH RECONSTRUCTION WITH PROPOSED CURB ON EAST SIDE

- * EX. TREE LAWN WIDTH APPROX. 5' FROM STA 12+35 – STA 27+00
- * SIDEWALK AT BACK OF CURB FROM STA 27+00 – STA 66+15

NOTE: TYPICAL SECTIONS LOOKING
NORTH ALONG MOSLEY ROAD

"S" CURVE - 40 MPH DESIGN AND LAYOUT (NORTH CURVE ONLY)



EXISTING DESIGN SPEED: 30 MPH
 EXISTING CURVE RADII: CURVE 1 - 300'
 CURVE 2 - 240'



PUBLIC COMMENT FORM

MOSLEY ROAD IMPROVEMENTS CONCEPT PLAN

PUBLIC INFORMATIONAL MEETING.

JULY 29, 2014

Please provide any comments that you wish to be included in the record for this meeting.

Name:

Barbra Horn.

Address:

11240 Tureen Dr.

Horn works @ gmail .com

Comments:

Very concerned about

water running East between

Trilane Hwy Rd and ~~the~~ 320 Mosley Rd
Driveway.

Also straightening the curve
will only increase the speed.
that ~~the~~ drivers go.

Thank you.

Thank you.

PUBLIC COMMENT FORM

MOSLEY ROAD IMPROVEMENTS CONCEPT PLAN

PUBLIC INFORMATIONAL MEETING

JULY 29, 2014

Please provide any comments that you wish to be included in the record for this meeting.

Name: Thomas Henry

Address: 11201 Tucker

Comments: Remove brush w/ C.C.

employees to improve site

Thank you.

PUBLIC COMMENT FORM

MOSLEY ROAD IMPROVEMENTS CONCEPT PLAN

PUBLIC INFORMATIONAL MEETING

JULY 29, 2014

Please provide any comments that you wish to be included in the record for this meeting.

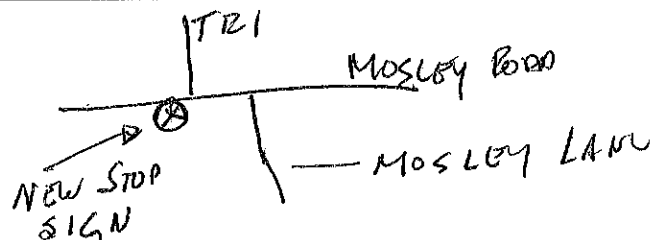
Name: MARTY BLAYLOCK

Address: 11317 MOSLEY LANE

Comments: ENTERING MOSLEY ROAD FROM MOSLEY LANE
THERE IS A SIGNIFICANT SITE PROBLEM
BOTH LEFT AND RIGHT TURNS BECAUSE
THE S CURVE IMPEDES VISION AND
IS ALSO NEGATIVELY IMPACTED DUE
TO SPEEDERS. SITE LINE NORTH
NEEDS IMPROVING.

• HOW ABOUT A SOLAR POWERED
YELLOW CAUTION LIGHT AT THE
"S" CURVE - WEST SIDE ONLY - AT TRI LANE

• IF "S" CURVE IS NOT CHANGED PLACE A
STOP SIGN AT MOSLEY LANE & TRI LANE
SLOW SPEEDER. ONLY ON SOUTH BOUND
Thank you. TRAFFIC



PUBLIC COMMENT FORM

MOSLEY ROAD IMPROVEMENTS CONCEPT PLAN

PUBLIC INFORMATIONAL MEETING

JULY 29, 2014

Please provide any comments that you wish to be included in the record for this meeting.

Name: FIELDS

Address: MORWOOD

Comments: Please NO Flashing RED LIGHTS -
maybe REFLECTIVE PAINT ON STOP SIGN POLES,
Lines or Reflectors.

Is there a way to redesign (crossroad) the
drain inlets? Add Bike lanes?

Please keep curve!

Maybe one more stop sign at Hunter's
ford!

Thank you.

PUBLIC COMMENT FORM

MOSLEY ROAD IMPROVEMENTS CONCEPT PLAN

PUBLIC INFORMATIONAL MEETING

JULY 29, 2014

Please provide any comments that you wish to be included in the record for this meeting.

Name: Carol Levin

Address: 10 Mosley Acres

Comments: More sewers lots of them
On East Side of Mosley
from Ladue Rd to Mosley Acres.
Yes to widen road 2 ft.
due to wider Van & truck traffic
No to change "S" curve
Yes to trim awful Shrubbery
from entrance of subdivisions
esp. Mosley Acres on south side.

Thank you.



PUBLIC COMMENT FORM

MOSLEY ROAD IMPROVEMENTS CONCEPT PLAN

PUBLIC INFORMATIONAL MEETING

JULY 29, 2014

Please provide any comments that you wish to be included in the record for this meeting.

Name: Sharon Headrick

Address: 1 W. Ladue Estates Dr.

Comments: City states there problems w/ mosley Rd.:
Rough Ride & sight distance limitations mainly
due to overgrown vegetation. By moving forward
with the proposal more problems would occur:
 • Increased traffic
 • Increased noise level
 • Increased speed (which is never good on a
residential street).

It's a neighborhood street & there are many other
street options bet. Olive & Lindbergh.
If we go the speed limit then the ride is
not too bumpy or bad in general.

Thank you.

PUBLIC COMMENT FORM

MOSLEY ROAD IMPROVEMENTS CONCEPT PLAN

PUBLIC INFORMATIONAL MEETING

JULY 29, 2014

Please provide any comments that you wish to be included in the record for this meeting.

Name: Bob McLaughlin

Address: 12 Ladse Meadows

Comments: _____

I support the smoothing via mill & overlay.
I'm not supportive of widening
or straightening the curve.
feel these changes will encourage
faster driving. I also feel
a wider road will be less scenic,
less residential in appearance.

Thank you.

PUBLIC COMMENT FORM

MOSLEY ROAD IMPROVEMENTS CONCEPT PLAN

PUBLIC INFORMATIONAL MEETING

JULY 29, 2014

Please provide any comments that you wish to be included in the record for this meeting.

Name: Linda Sussman

Address: 360 N. Mosley Rd.

Comments: Drainage problems - water comes
down driveway & into yard & now stays
in driveway which has sunken - since
sidewalk put in.

Please leave S as is - it's
fine and would increase speed.

Basically please study drainage
in near our house and figure out
a system that will work!

Thank you!

Thank you.

PUBLIC COMMENT FORM

MOSLEY ROAD IMPROVEMENTS CONCEPT PLAN

PUBLIC INFORMATIONAL MEETING

JULY 29, 2014

Please provide any comments that you wish to be included in the record for this meeting.

Name: TAXMAN

Address: 3 MOSLEY ACRES

Comments: INTERSECTIONS @ BOTH
MOSLEY ACRES & FAIRWAYS NEED
STOP SIGNS WITH BLINKING
RED LIGHTS AS ON CONWAY @
WILLIAMSBURG.

WOULDN'T ARGUE WITH A LITTLE
MORE SPEED & STOP SIGN ENFORCEMENT
BY THE POLICE EITHER.

Thank you.

PUBLIC COMMENT FORM

MOSLEY ROAD IMPROVEMENTS CONCEPT PLAN

PUBLIC INFORMATIONAL MEETING

JULY 29, 2014

Please provide any comments that you wish to be included in the record for this meeting.

Name: Daniel Zimba/lt

Address: 28 Morwood Ln

Comments: There are two problems - the bumps
& the drains. Fix them.

Leave the S curve Don't widen the
road. It just invites more traffic
including larger trucks. Don't solve
one problem by creating others

Thank you.

PUBLIC COMMENT FORM

MOSLEY ROAD IMPROVEMENTS CONCEPT PLAN

PUBLIC INFORMATIONAL MEETING

JULY 29, 2014

Please provide any comments that you wish to be included in the record for this meeting.

Name: RAYMOND & ELIZABETH MUELLER

Address: 719 FAIRWAYS CIRCLE

Comments: _____

If this project will not take place for 400 more years, what will you do to solve drainage, poorly repaired potholes, and surface issues now.

Is there an ordinance or some requirement to keep foliage away from the road a certain amount of feet/yards?

Will there be a follow-up meeting?
- Have the police presence at peak travel times.

Thank you.

PUBLIC COMMENT FORM

MOSLEY ROAD IMPROVEMENTS CONCEPT PLAN

PUBLIC INFORMATIONAL MEETING

JULY 29, 2014

Please provide any comments that you wish to be included in the record for this meeting.

Name: Dennis Green 314 567-6037

Address: 121 Mystic Meadows Ln

Comments: I have a major water runoff problem
whenever it rains. I am hopeful that any Mosley
project addresses the water run on the east side. Adding
2' to the road will only add to that issue. I
will be pleased to discuss further at your convenience

Thank you.

PUBLIC COMMENT FORM

MOSLEY ROAD IMPROVEMENTS CONCEPT PLAN

PUBLIC INFORMATIONAL MEETING

JULY 29, 2014

Please provide any comments that you wish to be included in the record for this meeting.

Name: William Lang

Address: 16 Benwood Lane

Comments: Need more street lights
on Mosley Road

Thank you.

PUBLIC COMMENT FORM

MOSLEY ROAD IMPROVEMENTS CONCEPT PLAN

PUBLIC INFORMATIONAL MEETING

JULY 29, 2014

Please provide any comments that you wish to be included in the record for this meeting.

Name: Jianguo Tan

Address: 616 N. Mosley Rd

Comments: _____

Can I request someone come to my house
area to discuss some issues on site?
my address is 616 N Mosley Rd.

Thank you

Email address: jianguotan-nan@yahoo.com

Tel.

Thank you.

Name: Mark Miller

Date: 08/07/2014

Address: 108 North Mosley

I would like a clear understanding of how many of my trees would be removed as part of the Mosley Road project and any other change. It seems like this project will great effect my property and the vegetation we use to protect our property.

Name: Martin Jaffe
Address: 12173 Winrock

Date: 08/21/2014

I do not believe there is any good reason to make the improvements on Mosley road. I believe it is important to have roads like Mosley road and not create a modern speedway. We can better spend the money. I also in most cases there is no good reason to spend the money to have sidewalks on both sides of most roadways, except near schools, where children walk to school. I am a walker and cyclist and use sidewalks.

Thank

Martin Jaffe

Name: Diana Sprich
Address: 417 N Mosley Rd

Date: 09/22/2014

When we bought this property in 1996 I did my research and was told by the City that Mosley Road would never change. The week we moved into our new home (October 1998) a neighbor stopped to say the City was planning a redo, so we sold a little property to the City with the understanding that it would be the end of the widening since the sidewalk was installed. Now a decade later we are facing another major change (why wasn't the new sidewalk installed properly and ADA compliant then?) with possible right-of-way changes that are not needed or wanted. The "S" curve helps to keep the country road feel of Mosley. There are no problems along the road that need to be addressed other than the lack of grates or gutters where the water pools, and the roughness of the roadway which would be corrected by an overlay.

After speaking with several of my neighbors, many do not wish to have the s-curve straightened or eased as this will allow more people to disregard the current 30 mph speed limit and change the character of Mosley Road. At the most, they would like to see the pavement smoother, keeping the width the same as the current road surface. As far as neighbors being upset by receiving tickets for speeding - they should know better than anyone that Mosley is 30 mph and a double fine zone.

The new overlay of Conway Road between Lindbergh and Warson shows it can be done with the grate-type gutter system as the roadway is smooth and the grates do not dip as severely as those on Mosley, making the widening unnecessary. They kept the width the same to keep the feel of a neighborhood street. It's a beautiful job and one I hope the City looks at for our street.

The next concern is why was one of the planning boards labeled "40 mph designation? Obviously the residents do not want any change in the current speed limit, nor do any I've spoken with want to make Mosley more desirable for drivers wishing to avoid traffic issues from Olive every day.

I hope the City and Horner Shifrin have taken time during the recent heavy rains to drive Mosley and see that the pooling water issue is a probable factor in the roadway breaking up during freeze/thaw periods. There are several areas between my home at 417 and south towards Ladue where there are no gutters/grates. I have pictures and video that I would share to show how flooded the roads around Mosley Road, Mosley Lane and Tri Lane become.

Lets do what the property owners along Mosley Road want to do as this is our neighborhood - we use it many times a day and know what is needed and what is not. Your planning would progress faster if you need to ask for temporary right of way as in my situation to add the word "ONLY" when asking for work space thus reassuring us that the roadway and sidewalk will not encroach any farther on our property.

Thank you for seeking comments.

Diana Sprich



City Council
300 North New Ballas Rd
Creve-Coeur, MO 63141

SCHEDULED

Meeting: 10/13/14 07:00 PM
Department: Arts Commission
Category: Report
Prepared By: Whitney Kelly
Department Head: Whitney Kelly

STAFF REPORT

Update RFQ for Artist Designed Transit Shelter in Front of Danforth Plant Science Center

In July 2014, The Creve Coeur Arts Committee received approval to issue a request for qualifications for one shelter at a proposed budget of \$50,000 at the Laverne Collins Park or an alternate location to create an entry element near Warson Road and Olive Boulevard. The Chair of the Creve Coeur Arts Committee, along with Staff, met with representatives of the Danforth Plant Science Center regarding locating the shelter near their new entrance at Olive Boulevard, which better represents an entrance into the City at the eastern boundary. The Danforth Center is supportive of the location. Therefore the RFQ will be revised to indicate the new location and is expected to be placed in various artist registries throughout the country.



city of CREVE COEUR

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

MEMO TO CITY ADMINISTRATOR AND CITY COUNCIL

Meeting Date: October 13, 2014

Subject: Creve Coeur Arts Committee Request for Change in Location and Issuance of a Request for Qualifications for Artist –Artistic Designed Transit Shelter

Memo Prepared by: Whitney Kelly, AICP, City Planner

Attachment: Letter of Support from the Danforth Plant Science Center

In July 2014, The Creve Coeur Arts Committee received approval to issue a request for qualifications for one shelter at a proposed budget of \$50,000 at the Laverne Collins Park or an alternate location to create an entry element near Warson Road and Olive Boulevard. The Chair of the Creve Coeur Arts Committee, along with Staff, met with representatives of the Danforth Plant Science Center regarding locating the shelter near their new entrance at Olive Boulevard, which better represents an entrance into the City at the eastern boundary. The Danforth Center is supportive of the location. Therefore the RFQ will be revised to indicate the new location and is expected to be placed in various artist registries throughout the country.

Attachment: Memo on Bus Shelter - Danforth Location (1104 : RFQ for Artist Designed Transit Shelter)



DONALD DANFORTH
PLANT SCIENCE CENTER
DISCOVERY | COMMUNITY | IMPACT

September 30, 2014

KARLA J. ROEBER
Vice President of Public and
Government Affairs
kroeber@danforthcenter.org

975 North Warson Road
St. Louis, Missouri 63132

p 314.587-1231
f 314.587-1331

Whitney Kelly
City Planner
City of Creve Coeur Community Development Division
300 N. New Ballas Road
Creve Coeur, MO 63141

Dear Mayor Glance and Members of the Creve Coeur City Council:

I am writing to commend you for your efforts to use public art at bus shelters to share the history and vision of your great community. We are excited about the possibility of having one of these artist designed shelters located in front of the Donald Danforth Plant Science Center. As you know Creve Coeur is the home to a vibrant plant science research and innovation corridor. Scientific discoveries made and commercialized here will help meet global challenges facing the 21st century. Having public art that helps communicate these contributions to our world will raise awareness and be a source of pride now and for future generations.

Sincerely,

Karla J. Roeber
Vice President of Public
and Government Affairs

Attachment: Danforth Plant Science Center Letter of Support (1104 : RFQ for Artist Designed Transit Shelter)