



**JOINT WORK SESSION MEETING
AGENDA
CITY OF CREVE COEUR
CITY COUNCIL, PLANNING AND ZONING AND ECONOMIC DEVELOPMENT
COMMITTEE
300 NORTH NEW BALLAS RD
SEPTEMBER 9, 2019
6:00 PM**

CALL TO ORDER

ROLL CALL

DISCUSSION ITEMS

- 1. Approval of August 12, 2019 City Council Work Session Meeting Minutes**
- 2. Approval of August 26, 2019 City Council Work Session Meeting Minutes**

3. East Olive and Other Zoning Code Updates

Summary: Continuing the discussion from the August 26, 2019 Work Session, staff will review options for updating the zoning code for the East Olive corridor to implement the recommendations of the Comprehensive Plan. Staff will also review the existing drive through restaurant ordinance to determine if revisions are desired.

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 09/5/2019
Deborah Ryan, MPCC
City Clerk



**WORK SESSION MEETING
MINUTES
CITY OF CREVE COEUR
CITY COUNCIL
300 NORTH NEW BALLAS RD
AUGUST 12, 2019
6:00 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 City Council Chamber, 300 North New Ballas Rd, City of Creve Coeur Government Center, Creve Coeur, MO 63141 on Monday, August 12, 2019 at 6:00 PM.

Council Member, Ward 2 Ellen Lawrence
Council Member, Ward 3 Robert Hoffman
Council Member, Ward 3 Charlotte D'Alfonso
Council Member, Ward 3 Scott Saunders
Council Member, Ward 1 Alexis Travers
Council Member, Ward 3 Susan Baseley
Council Member, Ward 1 Heather Silverman

Council Member, Ward 2 AJ Wang -- **Absent**

ROLL CALL

Staff Present: City Engineer Matt Wohlberg, Parks and Recreation Director Jason Valvero, Asst Parks Director Ryan Motts, City Administrator Mark Perkins, Asst City Administrator, Public Works Director Jim Heines, Community Development Director Jason Jaggi, Finance Director Lori Obermueller, City Attorney Carl Lumley

Parks and Historic Preservation Committee Members Present: Nancy Litzinger, David McCoy, David Hoffman, Richard Darrow, Ralph Merola

Consultants Present: Scott from PDS,

DISCUSSION ITEMS

Mayor thanked those in attendance for being flexible for moving the meeting to the Dielman Recreation Complex due to the air conditioning units being out at the Government Center.

1. Parks Master Plan Final Review

Scott Emmelkamp from Planning Design Studio made a presentation regarding the updated draft of the Master Plan based on the comments and input from the public, the PHP and the Council. There was a Town Hall meeting in the fall of 2018, Public meeting January 2019 and Council discussion January and April of 2019 in addition with several meetings with the PHP members. (Exhibit A)

Jason Valvero read and presented comments for the record that were received by email. (Exhibit B)



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6:00 PM**

David McCoy stated we need to look at the entire city and distance for resident to the parks. There are neighborhood parks and district parks. Review amenities at each park to see that all parks have something to offer everyone. Looking for a vision statement to be included in the Master Plan.

RESULT:	ITEM DISCUSSED
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2. Millennium Park Trail Review

Matt Wohlberg reviewed the Millennium Park Trail Study plan completed by Intuition and Logic and the connectivity of trails and parks. Discussed how to increase the mileage of trails located within the city. (Exhibit C)

David McCoy made some suggestions for adding more trails and one through the woods in Millennium Park and offered more information for his suggestions if Council and staff were interested.

Council Members appreciated the amount of trail that Mr. McCoy's proposal would add within Millennium Park, but they felt that the immediate and future connectivity offered by the proposed bridge to the Ridgemoor Forest subdivision to the south was a better use of city resources. The trail options suggested between Millennium Park and the Questover subdivision were generally dismissed as unlikely to succeed.

Discussion of adding the bridge project to the CIP, either in the five-year plan or as a future project.

Adjourned at 7:30 pm.

RESULT:	ITEM DISCUSSED
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**WORK SESSION MEETING
MINUTES
CITY OF CREVE COEUR
CITY COUNCIL
300 NORTH NEW BALLAS RD
AUGUST 26, 2019
6:00 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 City Council Chamber, 300 North New Ballas Rd, City of Creve Coeur Government Center, Creve Coeur, MO 63141 on Monday, August 26, 2019 at 6:00 PM.

Council Member, Ward 2 AJ Wang
Council Member, Ward 2 Ellen Lawrence
Council Member, Ward 3 Robert Hoffman
Council Member, Ward 3 Charlotte D'Alfonso
Council Member, Ward 4 Scott Saunders
Council Member, Ward 1 Alexis Travers
Council Member, Ward 1 Heather Silverman

Council Member, Ward 4 Susan Baseley -- **Absent**

ROLL CALL

DISCUSSION ITEMS

1. East Olive and Other Zoning Code Updates

Mark Perkins stated staff will cover the East Olive Corridor covering from Mosley Road to N Spoede Road. It has been a struggle over the years for uses and options in this area.

Jason Jaggi reviewed history of the area, current uses and constraints on the lots for potential uses. Suggestions for creating a new zoning district for this area. (Exhibit A)

Council Member D'Alfonso asked how this is different from spot zoning.

Jason Jaggi stated the overlay follows more closely to the Comprehensive Plan.

James Myers asked if there were thoughts on reducing the types of zoning allowed in the area.

Jason Jaggi stated yes Planned Development and overlays depending on the application.

Jason Jaggi discussed the drive through standards that are currently in the code.

Council Member Travers and D'Alfonso stated they and some of their constituents are interested in looking at reducing restrictions for drive thrus.



**MINUTES
CITY OF CREVE COEUR
CITY COUNCIL
300 NORTH NEW BALLAS RD
AUGUST 26, 2019
6:00 PM**

Council Member Silverman stated she has heard from constituents that do not want any additional drive thrus in the city.

Adjourned at 7:00 pm.

RESULT:	ITEM DISCUSSED
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City Council
300 North New Ballas Rd
Creve-Coeur, MO 63141

SCHEDULED

Meeting: 09/09/19 06:00 PM
Department: Planning Division
Category: Discussion
Prepared By: Jason Jaggi
Department Head: Jason Jaggi

STAFF REPORT

East Olive and Other Zoning Code Updates

Continuing the discussion from the August 26, 2019 Work Session, staff will review options for updating the zoning code for the East Olive corridor to implement the recommendations of the Comprehensive Plan. Staff will also review the existing drive through restaurant ordinance to determine if revisions are desired.



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

Memo To: City Council, Planning and Zoning Commission, & Economic Development Committee

Meeting Date: September 9, 2019

Subject: Zoning Code Update Work Session: East Olive Corridor and Drive Through Restaurants

Memo Prepared By: Jason W. Jaggi, AICP, Director of Community Development

Attachments: Zoning Code Section 405.390 Planned Zoning Districts Ordinance
 Section 405.470.A.17, Conditional Use Requirements for Restaurant Drive-Throughs
 East Olive Corridor—Land Assembly Examples Map

This joint work session has been scheduled to continue the discussion from the August 26th work session regarding zoning updates for the East Olive corridor to implement the recommendations of the Comprehensive Plan and to also discuss whether amendments to the drive through restaurant ordinance are desired. This report will provide further analysis on the Planned Development and Overlay Zoning regulatory tools and how they could be applied to the East Olive Corridor. The drive through discussion at the end of the report is largely carried over from the prior work session.

EAST OLIVE CORRIDOR ZONING UPDATES

Staff outlined other zoning approaches rather than rezoning the East Olive corridor to the proposed NC-Neighborhood Commercial District. Greater use of the City's existing planned development ordinance in combination with the creation of an overlay district specific to the East Olive corridor has the potential to implement many of the objectives of the comprehensive plan while not changing the underlying zoning. This memorandum will provide further information on how these zoning tools could work together to assist in the discussion on what regulatory tools the City should move forward with to promote desirable redevelopment in this area of the City.

Planned Developments

The original Planned Development (PD) ordinance was created in 2008 but has been amended several times since then. The existing PD ordinance, Section 405.390 is attached for reference. This zoning tool has been used successfully for the then-existing multi-family properties south of Old Ballas Road consisting of

Golfview, Village Park and Coeur de Royale. More recently, Planned Development zoning was used for The Vue project on Old Olive Street Road. These locations all utilized the PRD—Planned Residential Development form of the City’s Planned Development ordinance. Another recent project, which ultimately did not get approved, was the HBE hotel development which proposed to use the PCD-Planned Commercial Development form.

The purpose of the PD ordinance as found in the zoning code is as follows:

Purpose. The purpose of the Planned Zoning District is to allow innovative design, solve problems on difficult sites, meet market niches, encourage housing in different price ranges, promote well designed developments and encourage infill and redevelopment within the existing urban area. Through the flexibility of the Planned Zoning District, the City seeks to achieve the following objectives:

1. Fulfillment of the goals and objectives of the Comprehensive Plan;
2. Creation of a more desirable environment than would be possible through application of conventional City land use regulations;
3. Promotion of a creative approach to the use of land and related physical facilities resulting in better design and development including aesthetic amenities;
4. Combination and coordination of architectural styles, building forms and building relationships;
5. Preservation and enhancement of desirable site characteristics such as natural topography, vegetation and geologic features, preferably by means of natural erosion control and stormwater control best management practices;
6. Use of design, landscape or architectural features consistent with the City's design guidelines; and
7. Mutually desired elimination of obsolete or deteriorated structures or incompatible uses through redevelopment.

There are two types of planned developments within the existing PD ordinance. A PRD-Planned Residential Development (PRD) supports a variety of housing types with limited complimentary commercial uses. PRD’s must be on a site of at least 5 acres and adjoining areas should be predominately residential or institutional. The term “predominately residential or institutional” is defined as follows:

PREDOMINATELY RESIDENTIAL OR INSTITUTIONAL

A descriptive phrase that applies to areas in which fifty percent (50%) or more of the adjoining land area (excluding streets) within five hundred (500) feet is developed as either:

1. Residential uses, or
2. Institutional uses consisting of non-profit or quasi-public uses, such as a religious institution, library, public or private school, hospital or government-owned or government-operated structure or land used for public purposes.

Specific requirements with respect to setbacks, buffer yards, floor area ratio, density, and sky exposure plane requirements are spelled out in the PRD ordinance as well as more generalized design criteria such as landscaping, screening and architectural design.

A Planned Commercial Development (PCD) supports mixture of commercial-type uses and multi-family residential but does not predetermine a specific combination of uses. The minimum site size is 3.5 acres and adjoining areas should be predominately non-residential. The term “predominately non-residential” is defined as follows:

PREDOMINATELY NON-RESIDENTIAL

A descriptive phrase that applies to areas in which less than fifty percent (50%) of the adjoining land area (excluding streets) within five hundred (500) feet is developed as single-family residences, either detached or attached (the latter includes only stand-alone development of four (4) attached units or less).

Similar to the PRD, the PCD provides specific requirements with respect to setbacks, buffer yards, floor area ratio, density, and sky exposure plane requirements in the ordinance as well as more generalized design criteria such as landscaping, screening and architectural design.

Another element of the Planned Development ordinance is the provision of public benefit in exchange for waiving specific requirements of the zoning ordinance. Examples of public benefits are listed in the ordinance under Section C. The determination of what constitutes public benefit falls on the City Council based on the recommendations of the Planning and Zoning Commission.

In most respects, the PD ordinance remains an effective tool to encourage creative development that may not fit completely within the parameters of the zoning code. However, if used to a greater degree for the East Olive Corridor, there are areas of the code that could be reviewed and potentially adjusted to better align with the comprehensive plan’s recommendations for East Olive Corridor and to address the unique character of this area.

Minimum Site Size

The minimum site size for a residential PD is 5 acres. For a commercial PD, the minimum size is 3.5 acres. For the purposes of understanding the land area along the corridor, staff prepared a map of properties that would be ideal candidates for future redevelopment for a number of reasons. These reasons include properties that haven’t seen reinvestment in recent years, are vacant, are needed to support development on adjacent lots or otherwise do not contribute to a prosperous corridor such as obsolescence. The attached map, identifies 8 groupings of properties that range in size from 1 acre to almost 5.5 acres. Certainly, these boundaries are not fixed and are meant to be treated as examples of the types of land assembly necessary to support development. Nonetheless, the map is informative in that it shows that even with consolidation of properties, the sites that may be appropriate for redevelopment along the East Olive corridor are smaller and more constricted than some other areas of the City. This observation is articulated in the East Olive section of the Comprehensive Plan.

The minimum site size for a planned development could be reduced to address these characteristics of the East Olive Corridor. For example, the commercial PD could be lowered to 2.5 acres and the residential PD

could lowered similarly.

Adjacent Land Use Compatibility Requirements

The current PD ordinance only allows residential PD projects to be located next to predominately residential areas. The same requirements apply to a commercial PD. For some sites along the corridor, this could effectively prohibit the submission of a development project from utilizing the PD procedure. Although not located within the East Olive corridor, this requirement was barely met with the HBE Hotel proposal, where 51.52% of the land area within 500 feet excluding streets was non-residential, where the minimum threshold is 50%.

To encourage greater use of the PD option within the East Olive corridor, this requirement could be modified or eliminated.

No Other Zoning Option Requirement

The PD ordinance requires a determination that the proposed project cannot be approved under the standard zoning district requirements. There are good reasons for this provision but it also further restricts the use of the PD option.

Design Criteria

This portion of the ordinance would need to be reviewed to determine if the design criteria is a good fit for East Olive. For example, buffer yards, setback and other development requirements might need to be calibrated to better match the existing conditions of the corridor and the recommendations of the Comprehensive Plan.

East Olive Overlay Zoning District

The creation of an overlay district for East Olive would be effective in that regulations could be provided as an additional layer of zoning to address specific development criteria, exclusively for the East Olive corridor. These regulations could apply to all properties within the corridor but could also be written to require PD rezoning for certain types of projects. These projects might include those that have a mix of uses, or a specific type of use such as multi-family or attached townhomes or those on larger sites. This overlay district could place greater emphasis on the form of development rather than uses based on some of the concerns regarding unintended consequences that have been expressed.

Regulations included in an Overlay District could entail applying traditional development standards that were being developed for the new NC—Neighborhood Commercial District such setbacks, density, height and buffer yards but could also include general architectural and landscape guidelines. Any requirements of a zoning overlay district would supersede or supplement any other standard of the zoning code. As mentioned in the prior staff memo, the creation of an overlay district initiated by the City would follow the same review and approval procedures as a rezoning.

DRIVE THROUGH RESTAURANT ORDINANCE

The drive through restaurant ordinance was adopted in November 2014 in advance of a drive through

proposal for the St. Louis Bread Company on North New Ballas. The ordinance provides numerous standards and establishes two categories which are very different based on whether the site is adjacent to residential areas or not. A minimum acreage limitation of two acres for these uses was also established in the ordinance.

Staff continues to hear from the development community that demand remains high for these uses and that the ordinance is unnecessarily restrictive. Staff's experience with the ordinance is that it is highly effective with respect to limiting these uses as there have been very few sites that can meet all of the criteria. Taking into account this feedback, staff would like to review the existing drive through restaurant zoning regulations to determine if there is a desire to review alternatives that would regulate the most impactful aspects of these uses while relying on the site plan and conditional use review process to evaluate specific the components of the proposal. The existing restaurant drive through ordinance is attached to this memorandum for review.

Staff will highlight the requirements of the existing ordinance at the meeting for discussion and feedback.

Conclusion

Staff would like to obtain feedback on the zoning options for the East Olive corridor as well as the drive through ordinance.

East Olive Corridor Map—Examples of Land Assembly

September 9, 2019 City Council/P&Z/EDC Joint Work Session



Location	Land Area (Approximate)	Location	Land Area (Approximate)
1	2.4 Acres	6	1.9 Acres
2	2.2 Acres	7	1 Acre
3	5.4 Acres	8	4 Acres
4	3.5 Acres		
5	1.2 Acres		

City of Creve Coeur, MO
Thursday, September 5, 2019

Chapter 405. Zoning Ordinance

Article III. Zoning District Regulations

Section 405.390. Planned Zoning Districts.

[R.O. 2008 §26-46.1 — 26-46.13; Ord. No. 5057 §2, 9-4-2008; Ord. No. 5134 §§1 — 3, 4-26-2010; Ord. No. 5165 §7, 12-13-2010; Ord. No. 5243 §4, 2-13-2012; Ord. No. 5300 §§16 — 17, 4-22-2013]

- A. *Definitions Of Terms.* Unless a contrary intention clearly appears, the following words and phrases shall have the meanings given in the following clauses for the purposes of this Section. Where a conflict arises between these definitions and those contained in Section **405.120**, Definitions, the wording in this Section shall prevail only to the extent needed to interpret and enforce the regulations of this Section. Further, words and phrases which are not defined by this Section nor Section **405.120**, Definitions, shall be given their usual meaning except where the context clearly indicates a different or specific meaning.

PLANNED ZONING DISTRICT

A designed grouping of varied and compatible land uses, such as housing, recreation, commercial centers and industrial parks, all within one (1) contained development or subdivision.

PREDOMINATELY NON-RESIDENTIAL

A descriptive phrase that applies to areas in which less than fifty percent (50%) of the adjoining land area (excluding streets) within five hundred (500) feet is developed as single-family residences, either detached or attached (the latter includes only stand-alone development of four (4) attached units or less).

PREDOMINATELY RESIDENTIAL OR INSTITUTIONAL

A descriptive phrase that applies to areas in which fifty percent (50%) or more of the adjoining land area (excluding streets) within five hundred (500) feet is developed as either:

1. Residential uses, or
2. Institutional uses consisting of non-profit or quasi-public uses, such as a religious institution, library, public or private school, hospital or government-owned or government-operated structure or land used for public purposes.

UTILITIES

All lines and facilities related to the provision, distribution, collection, transmission or disposal of water, storm and sanitary sewage, oil, gas, power, information, video, telecommunication and telephone.

- B. *Purpose.* The purpose of the Planned Zoning District is to allow innovative design, solve problems on difficult sites, meet market niches, encourage housing in different price ranges, promote well designed developments and encourage infill and redevelopment within the existing urban area. Through the flexibility of the Planned Zoning District, the City seeks to achieve the following objectives:

1. Fulfillment of the goals and objectives of the Comprehensive Plan;
 2. Creation of a more desirable environment than would be possible through application of conventional City land use regulations;
 3. Promotion of a creative approach to the use of land and related physical facilities resulting in better design and development including aesthetic amenities;
 4. Combination and coordination of architectural styles, building forms and building relationships;
 5. Preservation and enhancement of desirable site characteristics such as natural topography, vegetation and geologic features, preferably by means of natural erosion control and stormwater control best management practices;
 6. Use of design, landscape or architectural features consistent with the City's design guidelines; and
 7. Mutually desired elimination of obsolete or deteriorated structures or incompatible uses through redevelopment.
- C. *Eligibility.* A development proposal shall be eligible for consideration under the planned zoning district process if the Zoning Administrator finds that it cannot be approved under any other Zoning District and that the applicant has provided credible evidence that the proposal is an appropriate implementation of the Comprehensive Plan due to the fulfillment of the purpose of this Section, the substantial incorporation of the design criteria for each the applicable district type identified in this Section **405.390** and the provision of a substantial tangible public benefit(s) to the City including, but not limited to, the following:
1. Provision of public or quasi-public parking facilities;
 2. Provision of on-street and off-street pedestrian facilities linking surrounding business, office and residential uses;
 3. Consolidation and/or elimination of overhead utility wires;
 4. Inclusion of landscaped gardens, plazas or parks available for public use;
 5. Provision of alternative street connections or the dedication of land for additional street right-of-way;
 6. Fountains, statuary, public art;
 7. Architectural distinction and significance that would make the building(s) noteworthy;
 8. Extensive use of high quality building materials that would add to the assessed valuation of the structures.

It should be noted that the benefits listed may not necessarily satisfy the public benefit requirement as final discretion falls on the City Council, upon receipt of a recommendation of the Planning and Zoning Commission, in determining the level of benefit derived.

D. *Relationship Of Planned Districts To Zoning Map.*

1. *A mapped district.* The planned zoning district designation shall not be attached to existing zoning districts as an overlay. The planned zoning districts, as detailed in this Section, are separate zoning districts and applied to a specific parcel or parcels of land following a public

hearing and all other requirements of Section **405.1060** Zoning Changes and Text Amendments.

2. *Types of planned zoning districts.*

- a. *Planned residential development (PRD).* A "planned residential development" shall mean a development on a plot of land, containing a limited mixture of uses and building types, which may include single-family houses, clustered housing, multi-family dwellings, open space and small service commercial (boutique style business uses) that complement the area. Although no particular combination of the aforementioned uses is predetermined, all applications for PRD zoning must contain a clear statement and placement of the specific uses within the district with the NAICS Designation from Table A. Note that no use which is listed as a conditional use in the Creve Coeur zoning ordinance shall be considered approved for a PRD unless it is expressly listed in the application and approved. Subsequent requests for additional conditional uses shall be treated as amendments to the zoning district and subject to all of the original approval criteria. The minimum gross area (includes floodplain areas) required for PRD is five (5.0) acres, composed of one (1) parcel or two (2) or more contiguous parcels of land.

Design criteria.

- (1) Adjoining areas should be predominately residential or institutional.
- (2) Housing densities may not exceed six (6) units per acre for new single-family residential nor thirty (30) units per acre for new multi-family residential. For the purpose of calculating density, acreage shall not include areas located in a 100-year floodplain.
[Ord. No. 5333 §1, 9-9-2013]
- (3) Includes dwelling units (all types) subject to height and development and performance standards substantially similar to surrounding residential development. In addition, properties adjacent to any single-family residential development shall meet a sky exposure plane requirement. The sky exposure plane will be measured from a line located thirty-five (35) feet above the property line and will have a slope of thirty degrees (30°) rising towards the center of the site.
- (4) The floor area ratio (FAR) shall not exceed six-tenths (0.6). However, where a proposed district includes pre-existing buildings that are found to otherwise satisfy the overall purpose and intent of this Chapter, the FAR may be waived so long as the building coverage does not exceed thirty-three percent (33%) of the site area and the sky exposure plane requirement is met.
[Ord. No. 5333 §2, 9-9-2013]
- (5) Any tract or site abutting or adjoining a single-family residential development shall provide a buffer yard of twenty-five (25) feet on all sides that abut the single-family development. 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.
- (6) No new residential building may be located closer than twenty (20) feet to any required buffer yard.
- (7) No new commercial building may be located closer than forty (40) feet to any required buffer yard.
- (8) Balances increased structure densities for the subject property with more cohesive and organized open space.

- (9) Improves on, or provides for, efficient circulation patterns, access controls and screening of parking facilities.
 - (10) Provides adequate public facilities including streets, bicycle and pedestrian facilities, fire protection, water, storm water control, sanitary sewer and parks and recreation facilities.
 - (11) Utilizes high-quality architectural design, placement, relationship and orientation of structures.
 - (12) Places all utilities serving new projects underground, to the extent feasible, except where specific allowances and design considerations are provided elsewhere in this Section.
[Ord. No. 5381 §1, 7-14-2014]
 - (13) Provides effective landscaping or screening in or around the separate developments within the PRD.
 - (14) Provides for vehicular mobility in a manner that does not compromise pedestrian safety and mobility.
 - (15) Functionality and aesthetically integrates all proposed storm water collection basins with the surrounding development through undergrounding or extraordinary design of above ground facilities that is visually commensurate with the surrounding development.
- b. *Planned commercial development (PCD).* A "planned commercial development" shall mean a development on a plot of land containing a mixture of commercial, office, miscellaneous service activities and multi-family dwellings when acceptable to the area. The purpose of a PCD is to provide sites for the development of commercial retail and office uses in a manner which is attractive for such uses and compatible with surrounding neighborhoods. The PCD will also encourage the efficient use of land and resources, offer a mix of amenities for the populace of the area and promote greater efficiency in public and utility services. Although no particular combination of the aforementioned uses is predetermined, all applications for PCD zoning must contain a clear statement and placement of the specific uses within the district, with the NAICS Designation from Table A. Note that no use which is listed as a conditional use in the Creve Coeur zoning ordinance shall be considered approved for a PCD unless it is expressly listed in the application and approved. Subsequent requests for additional conditional uses shall be treated as amendments to the zoning district and subject to all of the original approval criteria. The minimum gross area (includes floodplain areas) required for PCD is three and one-half (3.5) acres, composed of one (1) parcel or two (2) or more contiguous parcels of land. In addition, a PCD may not be requested for properties described by the Central Business District land use plan.

Design criteria.

- (1) Adjoining areas must be predominantly non-residential as defined for this district and the project shall have primary access, from Olive Boulevard, Lindbergh Boulevard, North New Ballas Road or any street within the "LI" Light Industrial zoning district, and may also have secondary access to a side road or from any street within the "LI" Light Industrial zoning district.
[Ord. No. 5578, 4-9-2018]
- (2) Proposed development adjacent to any single-family residential development shall meet a sky exposure plane requirement. The sky exposure plane will be measured from a line located thirty-five (35) feet above the property line and will have a slope of thirty degrees (30°) rising towards the center of the site.

- (3) The floor area ratio (FAR) for new developments shall not exceed six-tenths (0.6). However, where a proposed district includes pre-existing buildings that are found to otherwise satisfy the overall purpose and intent of this Chapter, the FAR may be waived so long as the building coverage does not exceed forty percent (40%) of the site area and the sky exposure plane requirement is met.
- (4) Any tract or site abutting or adjoining a single-family residential development shall provide a buffer yard of thirty-five (35) feet on all sides that abut the single-family development. 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.
- (5) No new residential building may be located closer than fifteen (15) feet to any property line or any required buffer yard.
- (6) No new commercial building may be located closer than forty (40) feet to any required buffer yard.
- (7) Makes efficient use of parking and storage areas including cooperative parking facilities.
- (8) Provides for the more efficient provision of public and private utilities and facilities throughout the development area.
- (9) Provides adequate public facilities including streets, bicycle and pedestrian facilities, fire protection, water, storm water control, sanitary sewer and parks and recreation facilities.
- (10) Incorporates pocket parks, small plazas and places for public art where appropriate.
- (11) Locates buildings in appropriate relation to sidewalks or public parks and plazas.
- (12) Provides for vehicular mobility in a manner that does not compromise pedestrian safety and mobility.
- (13) Allows for on-street parking and locates surface parking to the side and rear of buildings.
- (14) Utilizes high-quality architectural design, placement, relationship and orientation of structures.
- (15) Places all utilities serving new projects underground, to the extent feasible, except where specific allowances and design considerations are provided elsewhere in this Section.
[Ord. No. 5381 §1, 7-14-2014]
- (16) Provides effective landscape or screening in or around the separate developments within the PCD.
- (17) Functionally and aesthetically integrates all proposed storm water collection basins with the surrounding development through undergrounding or extraordinary design of above ground facilities that is visually commensurate with surrounding development.

E. *Submittal Requirements.* For a planned zoning district to be accepted for review, the application must be accompanied by a complete site development plan submitted in accordance with Section **405.1080** with the information listed below placed either on the plan or on a separate sheet accompanying the plan, unless otherwise approved by the Zoning Administrator.

1. All submissions to the City's Planning and Zoning Commission and City Council shall be properly sealed and signed by a licensed architect, professional engineer or land surveyor registered in the State of Missouri, as applicable, pursuant to laws and regulations established by the Missouri Board for Architects, Professional Engineers and Land Surveyors. An original seal, signature and print date shall appear on each page of one (1) original submittal set as evidence that the submitted material was prepared under the direction of a licensed architect, professional engineer or land surveyor. All other submissions shall be copies of the original set.
2. Title block including name of the proposed project, name, address and phone number of preparers and project applicant or owner.
3. The location, dimensions and total area of the site.
4. The location, height, floor area, type of construction and intended use of each proposed building or structure.
5. Architectural elevations depicting size, shape and special design elements proposed as well as proposed exterior finish materials to be used.
6. A plan of the entire planned zoning district shall be drawn at a scale of 1" = 20' or larger bearing a minimum of two (2) surveyed points located in conformance with the Missouri Coordinate System ("State Plane Coordinates").
7. Two (2) cross sections at ninety degrees (90°) from each other through the proposed site and building(s).
8. The number, location and dimensions of parking spaces, surface lot or structures and loading docks, in relation to the applicable parking regulations in Article VII, with means of ingress and egress. Layout of physically disabled parking and accessibility shall be included.
9. The proposed traffic circulation pattern within the area of the development including the location and description of public improvements to be installed including any streets and access easements.
10. The location and purpose of any existing or proposed dedication, easement or right-of-way (public or private) within the boundaries of the site.
11. Location and dimensions of adjacent properties, abutting public rights-of-way and easements and utilities serving the site.
12. Location of existing and proposed sewage treatment, stormwater runoff collection and detention and preliminary stormwater runoff calculations (amount of detention required and provided).
13. Existing and proposed contour lines or elevations based on mean sea level datum at two (2) foot intervals and extending one hundred (100) feet beyond the property line.
14. Site coverage data in a percentage form (a ratio of non-impervious to impervious area).
15. Ratio of floor area to site area (FAR).
16. Location and height of all light poles and trash enclosures including detailed sketches or cut sheets.
17. The proposed treatment of open spaces including existing and proposed landscaping.

18. When the planned development is to be constructed in stages or units, a schedule for the development of stages or units stating the approximate beginning and completion time for each stage or unit.
 19. Copies of any restrictive covenants that are to be recorded with respect to property in the proposed planned zoning district.
 20. A narrative addressing each of the standards set forth in Section **405.390(F)** Review Criteria and such additional standards, if any, as may be applicable under the specific provisions of these planned zoning district regulations. The statement shall explain specifically how the proposed planned zoning district relates to and meets each such standard.
 21. A traffic impact analysis prepared by a Missouri registered traffic engineer depicting the project's impact on vehicular and pedestrian traffic.
- F. *Review Criteria.* The Planning and Zoning Commission shall recommend to the City Council approval, approval with conditions or denial of a planned zoning district application primarily based upon satisfaction of Section **405.390(C)**, Eligibility and meeting the applicable design criteria in Section **405.390(D)(2)**, Types of Planned Zoning Districts. Supplemental to these items, every application shall also be reviewed for conformance with the standards set forth below:
1. The proposed development is in harmony with the general purpose and intent of this Chapter and is compatible with and implements the planning goals and objectives of the City including the Comprehensive Plan and CBD land use plan.
 2. Streets or other means of access to the proposed development are suitable and adequate to carry anticipated traffic and will not overload the adjacent streets.
 3. The internal circulation system of the proposed development encourages safe movement for vehicles and pedestrians.
 4. Existing or proposed utility services are adequate for the proposed development.
 5. Appropriate buffering is provided to protect adjacent land uses from light, noise and visual impacts.
 6. Architecture and building materials are consistent with the character of the proposed development and compatible with areas of the City proximate thereto.
 7. Landscaping is appropriate for the scale of development and consistent with any applicable City codes, ordinances and standards.
 8. The proposed development preserves any significant architectural and environmental features of the property.
 9. Operating and delivery hours are compatible with adjacent land uses.
 10. The proposed uses are compatible with the area surrounding the proposed development and will not have a material net cumulative adverse impact on the surrounding area or the City as a whole.
 11. The proposed development complies with all other applicable codes and ordinances.
 12. The layout of structures and spaces adequately takes into account the potential for future subdivision of the development.
 13. There is a demonstrated level of the public benefit to the City derived from the proposed development, per Section **405.390(B)**.

G. *Review Procedure For A Planned Zoning District.*

1. *Finding of eligibility.* The Zoning Administrator shall make a written finding of eligibility under Section **405.390(C)**, Eligibility, within fifteen (15) days following submittal of a proposal by an applicant.
2. Following a positive finding of eligibility by the Zoning Administrator, an application for approval of a planned zoning district shall be reviewed and presented at a public hearing according to the procedures outlined in Section **405.1060**.
3. Once approved by the City Council, the planned zoning district, including the associated site development plan, replaces all prior zoning regulations on the property and should be noted on the Zoning Map.
4. Any applicable time limitations shall be met, such as those pertaining to proposed wireless communications facilities and support structures under Section 67.5090 RSMo. et seq. and FCC Declaratory Ruling WT Docket No. 08-165, rel. 11-15-2009.^[1]
[Ord. No. 5381 §1 7-14-2014; Ord. No. 5620, 12-10-2018]
[1] *Note: Review of an application shall be completed within applicable time limitations including those pertaining to proposed wireless communications facilities and support structures under State and Federal law, which are generally: 45 days for collocation or replacement of wireless facilities or non-substantial modifications of existing facilities, 60 days for small wireless facilities on new poles, and 120 days for other (not small) wireless facilities on new poles or substantial modifications of such existing facilities. See Sections 67.5090, et seq., and 67.5110, et seq., RSMo., and 47 CFR 1.40001 and 1.6003.*

H. *Conditions Of Approval.*

1. The City Council shall consider the same criteria as set forth for the Planning and Zoning Commission review (Section **405.390(F)**, Review Criteria) and may impose such conditions and limitations including, but not limited to, those recommended by the Planning and Zoning Commission, as may be necessary or appropriate to prevent or minimize adverse effects upon other property and improvements in the vicinity of the planned zoning district, upon the City as a whole or upon public facilities and services. These conditions may include, but are not limited to, conditions concerning use, construction, character, location, landscaping, screening, parking, maintenance, operational elements that would impact adjoining land uses and other matters relating to the purposes and objectives of these planned zoning district regulations. Such conditions shall be expressly set forth in the ordinance and depicted, as appropriate, on the associated site development plan authorizing the planned zoning district.
 2. The ordinance approving a planned zoning district shall contain a legal description of the subject property to the planned zoning district, all imposed conditions of approval and the site development plan. The ordinance and the approved development plan shall be recorded by the applicant in the office of County Recorder of Deeds. The applicant must present proof to the City of such recording before any permits may be issued.
 3. Following planned zoning district approval, the development plan, rather than any other provision of this Chapter, shall govern the use, parking, loading, sign, bulk, space and yard regulations applicable to the subject property and no use or development, other than temporary uses, shall be permitted within the area of the planned zoning district pursuant to the zoning district regulations otherwise applicable to such area.
- I. *Reapplication.* In the event the City Council denies an application for planned zoning district, no application for the same or substantially similar proposal will be accepted for a period of at least one (1) year from the date of denial by the City Council, unless the City Council affirmatively waives this restriction for good cause.

- J. *Final Building, Construction And Site Improvement Plans.* Once a planned zoning district and its included site development plan receives final approval by the City Council, further review of the final building, construction and site improvement plans by the Planning and Zoning Commission or the City Council will not be required, provided those final plans are consistent with and in substantial conformance with the approved planned zoning district and its included site development plan.
- K. *Building Permit Issuance.* A copy of the approved planned zoning district shall be retained in the records of the Department of Community Development and all building and occupancy permits issued by the City shall conform to the provisions of the approved planned zoning district.
- L. *Violations.* Failure to comply with any of the conditions and/or provisions of an approved planned zoning district plan shall constitute a violation of this Chapter, punishable as provided in Section **405.1150** of this Chapter. The City may seek judicial remedies to compel compliance.
- M. *Amendments.* No amendments shall be made in the construction, development or use permitted under a planned zoning district except as follows:
 - 1. *Minor amendments.* During build-out of the planned zoning district, the Zoning Administrator may authorize minor adjustments to the approved site development plan when such adjustments appear necessary in light of technical or engineering considerations and the project will remain in substantial conformance with the original approval.
 - 2. *Major amendments.* If the Zoning Administrator determines that the proposed amendment will result in a major change to the site development plan (not in substantial conformance with the original approval) or any change to the list of permitted uses, the matter shall be subject to review as a new application under the provisions of these planned zoning district regulations.

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: [Ord. No. 5400 §2, 11-10-2014]

a. The acreage requirement does not apply to restaurants without drive-through services within the "GC" District;

b. The acreage requirement does not apply to restaurants without drive-through services in the "CB," "PO," "PC" and "LI" Districts that are located within a retail or office building;

[Ord. No. 5626, 2-11-2019]

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

(1) Drive-through facilities shall be limited to one (1) restaurant with no more than two (2) service windows, two (2) order facilities and two (2) designated stacking lanes which shall all be located on the rear or one (1) end of a multi-tenant retail building having a continuous structure frontage of at least two hundred (200) feet. Such frontage may include one (1) passageway or arcade (not open on the sides).

(2) The drive-through 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 two hundred (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 four hundred (2,400) square feet of gross floor area (area under roof) and a minimum of fifty-five (55) indoor seats for customers.

(4) The drive-thru order facility and service window shall be no less than fifty (50) feet from any property line of any residential use.

(5) The designated stacking lane shall be no less than one-hundred ninety (190) feet long [approximately ten (10) cars] excluding the space being served by the window, which shall be no less than nine (9) feet wide by nineteen (19) feet long. The lane shall, at a minimum, provide for vehicular escape prior to the point of the facility order board, which escape route can be shared with the general parking lot circulation.

(6) The entrance to the designated stacking lane shall be no less than fifty (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) The order facility shall utilize automatic volume control which adjusts outbound volume based on the outdoor ambient noise level.

(10) An acoustical study shall be submitted demonstrating that the order facility and service windows will not produce sounds exceeding sixty (60) dB as measured at any property line abutting a residential use, up to a height of eight (8) 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. 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 (1) restaurant with no more than two (2) service windows, two (2) order facilities and two (2) designated stacking lanes in a coordinated development located on one (1) or more lots totaling three (3) or more acres, with shared access and two (2) or more buildings, one (1) of which shall have a continuous structure frontage of at least two hundred (200) feet. Such frontage may include one (1) passageway or arcade (not open on the sides). All buildings shall be designed with similar use of materials and design elements such that the buildings are aesthetically complementary to each other.

(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.

(3) The drive-thru restaurant shall have pedestrian-oriented landscape adjacent to the building equivalent in area to fifty percent (50%) of the gross floor area of the entire restaurant use (area under roof).

(4) If the drive-thru restaurant is freestanding, an eight-foot-wide planted landscape strip shall be adjacent to at least two (2) other sides of the building, exclusive of the pedestrian area.

(5) If the drive-thru restaurant is freestanding, it shall have no less than two thousand five hundred (2,500) square feet of gross floor area (area under roof) and a minimum of fifty-five (55) indoor seats for customers.

(6) 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.

(7) The designated stacking lane shall be no less than one-hundred ninety (190) feet long [approximately ten (10) cars], excluding the space being served by the window, which shall be no less than nine (9) feet wide by nineteen (19) feet long. The lane shall, at a minimum, provide for vehicular escape prior to the point of the facility order board, which escape route can be shared with the general parking lot circulation.

(8) The entrance to the designated stacking lane shall be no less than fifty (50) feet from the nearest point on the property line across the nearest vehicular entrance.

(9) The designated stacking lane shall not cross between the building and principal street frontage.

(10) 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.

(11) The order facility shall utilize automatic volume control which adjusts outbound volume based on the outdoor ambient noise level.

(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.

e. "Drive-thru" shall mean service to on-premises patrons who do not enter the restaurant/patio area, but rather receive service through a drive-up window.



city of CREVE COEUR

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MEMORANDUM

Memo To: City Council, Planning and Zoning Commission, & Economic Development Committee

Meeting Date: August 26, 2019

Subject: Zoning Code Update Work Session: East Olive Corridor and Drive Through Restaurants

Memo Prepared By: Jason W. Jaggi, AICP, Director of Community Development

Attachments: East Olive Corridor Section, *Creve Coeur 2030* Comprehensive Plan
 May 8, 2019 Development Forum PowerPoint Presentation
 Section 405.470.A.17, Conditional Use Requirements for Restaurant Drive-Throughs

This joint work session has been scheduled to review the recommendations of the comprehensive plan, Creve Coeur 2030, as it pertains to the East Olive corridor and to discuss options on how to move forward with updating the zoning code to align with the comprehensive plan recommendations. Staff would also like to review the City's regulations as they pertain to drive through restaurants to determine if any revisions should be pursued regarding these types of uses.

Background

The East Olive Corridor, as identified in the comprehensive plan, generally extends along Olive Boulevard from Mosley Road on the west to Spoede Road on the east. The length of this corridor is just under 1-mile. This area also includes a few properties on the north side of Olive just west of Mosley Road. The following map shows the boundaries of the East Olive Corridor as found in the comprehensive plan.

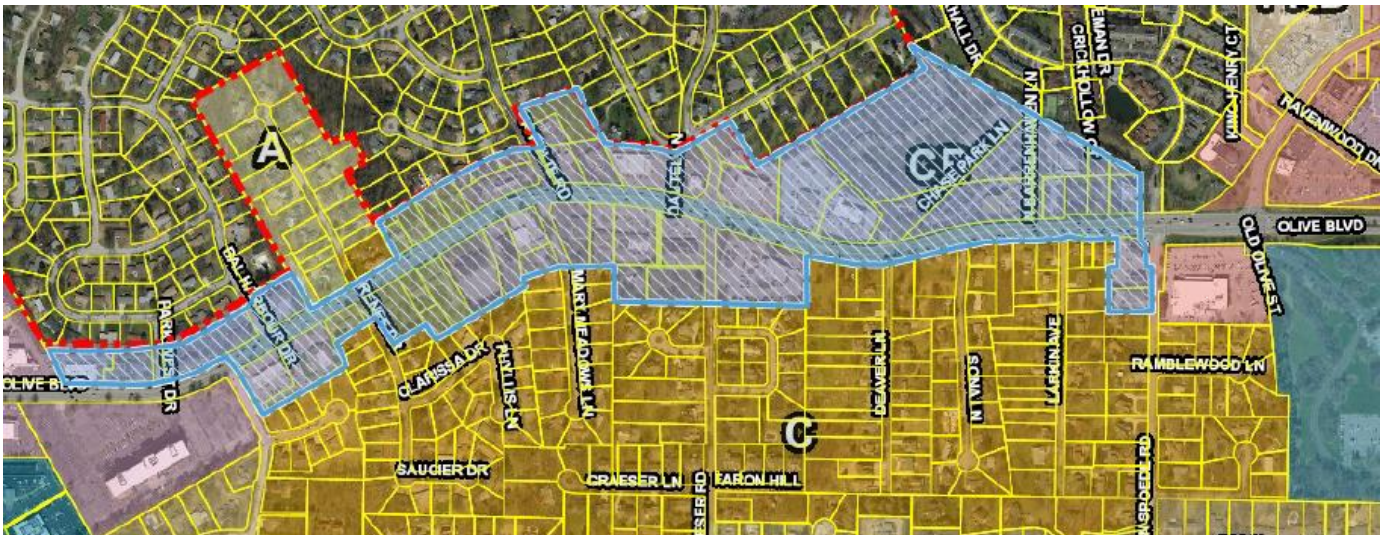


Figure 1: Boundaries of the East Olive Corridor in the Comprehensive Plan.

The East Olive Corridor consists of a variety of land uses that are placed within the GC and CB commercial districts, and the C Single Family Residential Districts, as well as the A Single Family District, where existing homes that front Olive Boulevard may be used commercially with approval of a site plan by the Planning and Zoning Commission.



Figure 2: Image of the East Olive Corridor area with the Zoning Districts indicated. The pink is the CB District, Red is GC District, Orange is the C Single Family District, and the light yellow is the A Single Family District.

The comprehensive plan recognizes the challenges of East Olive that have limited the revitalization of this area. These challenges include shallow lot depths, direct adjacency to established residential neighborhoods, and other existing lot constraints, including topography. The zoning district requirements have been specifically mentioned as a constraint to development as well. For these reasons, the comprehensive plan identified a unique “Place Type” specifically for the East Olive Corridor, referred to as Neighborhood Commercial (NC). Using the comprehensive plan as a starting point, staff has explored with the Planning and Zoning Commission, a new zoning district for the entire area, NC-Neighborhood Commercial, that would establish specific uses and

development standards conterminous with the East Olive Corridor. More information on the Planning and Zoning Commission review process will be discussed later in this memorandum.

Recent Development History (Last 10 years)

The East Olive Corridor has experienced reinvestment over the past 10 years. The following recent developments have contributed to the revitalization of the area:

- Walgreen's store, 10941 Olive Blvd. (2011)
- Complete Music, 11100 Olive Blvd. (2013)
- The Goddard School, 11222 Olive Blvd. (2014)
- Scotsman Coin and Jewelry, 11005 Olive Blvd. (2015)
- Total Access Urgent Care, 10923 Olive Blvd. (2017)
- Timekeepers renovation, 11118 Olive Blvd. (2017)
- Mobil on the Run, BriteWorx Car Wash, 11109 Olive Blvd. (Under construction)
- American Cleaners exterior refresh, 11041 Olive Blvd. (approved, permit pending)

While clearly reinvestment has occurred, significant opportunities for redevelopment to meet the needs of the community and to maintain a positive image for the City remain along this section of Olive Boulevard. Notably, the properties at Olive and Graeser, the former Walgreens at 11105 Olive Boulevard, and the single family residential structures between Deaver and Larkin Avenues (zoned residential) have seen limited reinvestment recently, and contribute to a negative perception for the East Olive Corridor.

Zoning Code Updates—Work Sessions at Planning and Zoning Commission

Beginning last August, staff and the Planning and Zoning Commission began a series of work sessions to discuss updates to the zoning code in light of the recent adoption of the comprehensive plan. For the East Olive Corridor, the plan provides the following key recommendations:

- Maintain low to medium density commercial development
- Focus on neighborhood-type services, retail and offices serving a smaller trade area—not likely to be a regional destination area. Introduce alternate forms of well-designed residential development—not single family detached.
- Provide consistent building frontages on Olive with convenient parking but discourage large swaths of parking facing Olive.
- Ensure cross-access connections are available to facilitate access to a signal
- Encourage pedestrian-friendly site development with amenities
- Incentivize sustainable site design
- Develop standards for well-landscaped frontages and building design

With this guidance, the review process began with the East Olive corridor but other areas were reviewed as well, including Lindbergh (south of Bayer campus) and West Olive (west of I-270). The areas examined included development standards such as building height, buffers, landscaping, setbacks and location of parking lots in relation to the placement of buildings along Olive. Greater clarification of site coverage standards and bonuses were also discussed. Finally, the work sessions involved the review of allowable uses in this new district.

For East Olive, a rezoning of the entire corridor, with the boundaries as previously described, was reviewed.

The new district, NC-Neighborhood Commercial, would largely mirror the existing GC-General Commercial District (the predominate existing commercial zoning district in this corridor) but with some exceptions to address the specific attributes of the East Olive corridor.

Allowable Uses

The work sessions with P&Z also included a review of the uses within this area. Uses generally remain the same as the GC-District but with a few notable exceptions. Uses that constitute larger scale development would be eliminated such as supercenters, department stores and warehouse clubs and hotels. Uses that would lend themselves to generating conflict with adjacent residential areas or would be otherwise undesirable were also eliminated such as drive through restaurants, car dealers and rental agencies, and gas stations without a convenience store component. New uses that are currently not allowed would be introduced, namely attached townhomes and low-medium density multi-family.

Development Standards

The development standards would be revised specifically for the East Olive Corridor. The specific changes reviewed with P&Z are highlighted below.

- Setbacks: provide maximum setbacks from Olive to allow some parking along roadway but to also allow greater visibility of buildings from the street. This is similar to what the code requires today.
- Buffering (adjacent to residential): Provide a fixed buffer yard dimension (20-feet), regardless of site size, but require both fencing and landscaping and be specific on material. The current code requires buffers up to 40-feet depending on the site of the site with screening devices left up to the discretion of P&Z.
- Building Height: Keep the existing GC—District standards of a maximum of 3-stories or 45' in height.
- Site Coverage Bonus—New Criteria: Base site coverage of 50% up to 70% with a site coverage bonus. Bonuses would introduce a tiered system to encourage sustainable site development practices, pedestrian features, and other objectives of the district.
- Landscaping and Architectural Guidelines: As a future step, develop detailed but flexible landscaping and architectural building design guidelines.

Initial Feedback Received

At the conclusion of the work sessions, P&Z directed staff to obtain input from stakeholders within the East Olive Corridor to gain an understanding of what concerns might exist or if there are other areas of interest that have not been properly considered. At the same time, the Economic Development Committee (EDC) sponsored a development forum with the business community to provide an overview of the city's development activity and the zoning updates. This forum was held on May 8, 2019 and was well attended with approximately 50 participants representing a broad spectrum of the commercial real estate community. Staff also met with commercial and residential real estate interests within the corridor to obtain an "initial reaction" to the proposed zoning changes. Meetings with adjacent residents have not been scheduled at this time.

As might be expected, this initial outreach on the proposed zoning updates highlighted the competing interests and divergence of views on how best to encourage reinvestment within the East Olive Corridor. This divergence on the appropriate strategy for East Olive was also present during the development of the

comprehensive plan. But because of the high-level nature of a city-wide comprehensive plan, a deeper examination into the myriad of challenges in this area was not undertaken.

In general, the initial feedback received from the real estate community with the zoning updates was mixed, but several concerns were expressed. Comments received are summarized below:

- A blanket rezoning of the entire corridor to the new NC-Neighborhood Commercial District would take away land uses that are currently allowed (particularly with respect to properties currently zoned CB) which might have an impact on land values and create concerns with lenders.
- Be cautious with broadly eliminating some of the uses as they may be acceptable in a different format, such as a car rental agency as an in-line user located within a shopping center.
- Zoning out the big box uses would preclude the possibility of any larger scale redevelopment (with voluntary buyouts) occurring within this area.
- Restricting parking and maintaining a maximum building setback is not what most retailers want.
- These proposed regulations seem to be making development more restrictive, rather than less restrictive which is the opposite of what this area needs.
- The key to successful development within this area is to have regulations that provide flexibility.
- With the anticipated growth of 39 North, the spillover effects could be a positive for East Olive
- Having clear expectations with a higher degree of predictability would be welcomed.
- Zoning in and of itself will do little to encourage development. Market forces are key.
- Introducing some forms of allowable residential use (non-detached single family) was met with a mixed response. Some felt it was feasible with the right product and others felt Olive is too busy of a roadway.

Other Alternatives

It is important to recognize the limitations of the feedback that we have received over the past several months. First, the initial feedback was based on early development of the zoning updates—future revisions would be anticipated based on the progression of the development of the code as direction by P&Z is given and feedback is received. Second, only a relatively narrow group of stakeholders (those representing the real estate and development community) was consulted in this first effort. With some further refinement and more feedback, to also include adjacent residents, there could be opportunities to build consensus. On the other hand, building consensus takes considerable dedication and a sustained effort. With these considerations in mind, staff felt that now is a good time to solicit further direction on how best to move forward. The rezoning to the NC district certainly remains a possibility but there are other zoning techniques that could achieve the recommendations of the comprehensive plan but in a different way. These alternative options, along with a quick “pros and cons” analysis of each are provided below.

- Rezone to Neighborhood Commercial District. This would involve continuing to move forward with rezoning the East Olive corridor in its entirety to the NC-Neighborhood Commercial District.

Pros

- Creates a single zoning district for the entire corridor which would bring improved

consistency of regulations to this area of Olive. Assuming a high degree of success with the elements of the new zoning district, the need for further rezonings would be diminished.

- Tailors uses and standards to one area of the City. We would not need to be concerned with impacts to other areas of the City (i.e. text amendments in GC and CB districts which also effect other commercial areas)
- Creates zoning incentives and development criteria that could be used elsewhere. For example: updated site coverage bonus allowances, landscaping standards, and architectural design guidelines could be applicable to other commercial areas of the City.

Cons

- Involves blanket changes to development standards for an entire corridor which could be perceived as a down-zoning of commercial property (notably existing CB zoned properties).
 - May not address all issues in one fell swoop. As hard as we try to provide some flexibility within the code and to get it right, there will likely be areas that don't hit the mark.
 - To obtain support for this traditional rezoning will likely require an extensive and sustained public engagement process. This belief is based on the history of development applications in this corridor and the feedback received from staff's early outreach efforts.
- Create a Zoning Overlay District. This option does not change the underlying zoning district but instead adds another layer of zoning on top of the base zoning district. Overlay districts typically contain additional regulations that apply only to a particular area to implement specific planning objectives.

Pros

- This approach is often more politically feasible since it is limited to implementing certain stated objectives and is not as extensive as a complete rezoning.
- Base zoning is kept in place, but specific regulations are added (overlaid) to address stated objectives. Examples include specific design criteria, site planning considerations, etc.
- Because the additional regulations are limited and narrowly focused, may find that acceptance from property owners is greater.
- Once established, no rezoning would be involved to approve a development proposal, unless overlay is set up to encourage Planned Development option.

Cons

- Still requires extensive public engagement and an education process with stakeholders.
 - May add confusion for development community by creating another layer of zoning; however, this could be overcome with education.
- Utilize Planned Development Rezoning: The zoning code already has the option to rezone a property to a planned development district which is defined and a commercial or residential planned development. This option is relatively new and has not been utilized to a great extent but could be a useful tool to implement the comprehensive plan recommendations. A review of the current

requirements is needed and adjustments to align with the needs of East Olive Corridor may be needed. The two projects that have utilized this zoning procedure are The Vue development on Old Olive and the HBE Creve Coeur Hotel proposal.

Pros

- Would require significantly less public engagement as the Planned Development option already exists. Current zoning is not affected and would remain in place until such time as a rezoning to a planned development application is filed and approved for those specific properties.
- Is based on a detailed development plan and is tailored to implement objectives of comprehensive plan while providing flexibility to the developer.
- Tailors uses and standards to a specific development which provides the ultimate degree of regulatory flexibility.
- Is a legislative process in which a property owner voluntarily elects to pursue. As a legislative process, the City Council has a high degree of control over the development.

Cons

- Represents a more Incremental approach and is less proactive.
 - May not be an appropriate tool for smaller development sites.
 - As a form of rezoning and, therefore subject to legislative action, there is less predictability for all parties.
 - Involves negotiation between city and developer which may sour public perception.
 - Doesn't articulate City's development objectives upfront. Must build into the review and approval process.
- Create a new NC District within the zoning code but without rezoning specific properties. This approach would create the new zoning district in the code but would not take the step of rezoning any properties. This district would be created only for use within the East Olive Corridor to implement comprehensive plan recommendations. As properties undergo redevelopment, the expectation is that they would rezone to the NC District.

Pros

- Would require less public engagement because no properties would be specifically rezoned by the City.
- By creating this new zoning district in the code, the City would only be rezoning property at the request of a property owner or developer.

Cons

- Unless specifically required elsewhere in the code based on scope of redevelopment, the utilization of this district may be limited.
- Other options such as greater reliance on Planned Development or an already established Overlay District may be better utilized.

- Would still require a rezoning which would subject a developer to risks associated with this process.

Drive through Restaurants

During staff's discussions with the development community, the topic of the City's stance on drive through restaurants was raised. The drive through restaurant ordinance was adopted in November 2014 in advance of a drive through proposal for the St. Louis Bread Company on North New Ballas. The ordinance provides numerous standards and establishes two categories which are very different based on whether the site is adjacent to residential areas or not. A minimum acreage limitation of two acres for these uses was also established in the ordinance.

Staff continues to hear from the development community that demand remains high for these uses and that the ordinance is unnecessarily restrictive. Staff's experience with the ordinance is that it is highly effective with respect to limiting these uses as there have been very few sites that can meet all of the criteria. Taking into account this feedback, staff would like to review the existing drive through restaurant zoning regulations to determine if there is a desire to review alternatives that would be able to regulate the most impactful aspects of these uses while still controlling the proliferation of these uses. The existing restaurant drive through ordinance is attached to this memorandum for review.

Conclusion

Staff will present this information to the City Council , P&Z and EDC at the work session. The desired outcome of this work session would be to obtain direction from all groups to determine whether a continuation of the development of the NC District remains desirable or if additional information is needed to determine if other zoning approaches might be preferred to address the development objectives of the Comprehensive Plan for the East Olive Corridor. Further direction on the need to review the drive through restaurant ordinance is also requested.