



AGENDA
PLANNING AND ZONING COMMISSION MEETING
CITY OF CREVE COEUR, MISSOURI
MONDAY, AUGUST 18, 2014
7:00 PM

Mr. Tim Carney
Mr. James Faron
Mr. Ken Howard
Ms. Beth Kistner
Mr. Tim Madden
Mr. Charles Pullium
Mr. Gene Rovak
Mr. Carl Lumley, City Attorney
Mr. Paul Langdon, Director of Community Development
Ms. Whitney Kelly, City Planner
Recording Secretary

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

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

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

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. ACCEPTANCE OF THE AGENDA**

4. APPROVAL OF MINUTES

A. Draft Minutes for the Meeting of July 21, 2014

B. Draft Minutes for the Meeting of May 5, 2014

5. PUBLIC COMMENT

6. UNFINISHED BUSINESS

A. Application #14-008: 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.

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.

7. NEW BUSINESS

A. Conway Aire Dedication/Acceptance

B. Application #14-026: Subdivision Improvement Plans and Final Plat Approval for Creekside at Mason

Summary: An application by Chris Matteo, of Pulte Homes of St. Louis, LLC, has been submitted for the final plat and subdivision improvement approval of the 8.49 acres located at 853 N. Mason Road, for 12 single family homes, zoned "B" Single Family Residential with "RDD" Residential Design Development. Ordinance No. 5376 authorized the rezoning and preliminary plat approved by the City Council on June 23, 2014. Approval of a final plat is a ministerial act that should be granted unless a technical failure is found in the drawing or the drawing is not in substantial conformance with the preliminary plat or corrections thereto.

8. WORK AGENDA

None

9. DEPARTMENT REPORTS

A. Planning Director's Report

B. City Attorney's Report

10. ADJOURNMENT

Posted: _____
Paul Langdon
Planning Director

CITY OF CREVE COEUR – MINUTES

PLANNING AND ZONING COMMISSION MEETING

MONDAY, JULY 21, 2014
7:00 P.M.

A public hearing and regular meeting of the Planning and Zoning Commission of the City of Creve Coeur, Missouri was held on Monday, July 21, 2014, at the Creve Coeur Government Center, 300 North New Ballas Road. Chairman Tim Madden called the meeting to order at 7:00 p.m.

MEMBERS PRESENT: **Mr. Tim Madden, Chair**
 Mr. Tim Carney
 Ms. Beth Kistner
 Mr. Charles Pullium
 Mr. Gene Rovak

OTHERS PRESENT: **Mr. Carl Lumley, City Attorney**
 Ms. Whitney Kelly, City Planner

2. ADDITIONS TO-ACCEPTANCE OF THE AGENDA

The agenda was approved and carried unanimously

3. APPROVAL OF MINUTES

A. Draft minutes for the meeting of June 2, 2014.

Mr. Lumley indicated there is a revised set of minutes. The only change is to put in the specific conditions the Commission put on the fence approval, just to make more clear.

Mr. Rovak moved for approval of the revised draft minutes. Mr. Carney seconded the motion, which carried unanimously.

B. Draft minutes for the meeting of June 16, 2014.

Ms. Kistner moved for approval of the draft minutes. Mr. Carney seconded the motion, which carried unanimously.

*Note that minutes for the meeting of May 5, 2014 will be available at a future date.

1 4. PUBLIC COMMENT

2 None.

3 5. UNFINISHED BUSINESS

4 **Application #14-008: Text amendment to allow for**
5 **drive-thru restaurant services on sites of 2 or more acres**
6 **subject to certain building and site requirements.**

7 Ms. Whitney Kelly commented on the survey.

8 Staff recommends that the Commission continue the
9 discussions.

10 Additional public comments are in the packets.

11 Janet Schopp spoke on behalf of the Chamber of
12 Commerce. See it as a good move to loosen up regulations
13 on drive-thrus.

14 David Caldwell made comments about statistics of the
15 survey.

16 Linda Rezny indicated the Commission should just say
17 no, make a ban and eliminate the whole problem.

18 Stephen Wolff suggested the Commission vote against
19 approval. He encouraged the adoption of an ordinance
20 relating to drive-thru restaurants, which permits
21 freestanding restaurants reducing the minimum site acreage
22 from three to one and a half acres. This will send a
23 positive message to St. Louis development community that
24 Creve Coeur is hospitable to business.

25 Judy Campbell stated having additional drive-thru
restaurants is regressive. She asked the Commission to
help to improve air quality and retain the character of
Creve Coeur.

Ted Martin indicated there are a number of
restaurants that would love to locate in the City of Creve
Coeur. If the City makes it so difficult for the
development of these types of businesses, the City is
going to miss out on revenue.

Peter Sheahan indicated there's quality restaurants
that would love to go to Creve Coeur, but if you put more
restrictions on there, you'll force them out. We're
talking about millions of dollars in sales tax that will
be passed on. Mr. Sheahan told the Commission, please
don't vote in favor of adding restrictions.

Carl Markus represents CC Sedlak Properties.
Mr. Markus urged the Commission to consider the responses
in the survey and perhaps refine the survey, perhaps see
if additional responses come in and consider those
responses as well.

1 Chris Sedlak encouraged the Commission if they move
2 forward to look at changing the regulations on what a
drive-thru would be, to explore every option possible.

3 Brea Schmitz, Creve Coeur Chamber of Commerce,
4 indicated the Creve Coeur Chamber encourages further
discussion on the topic, and would be willing to
5 facilitate the development of a committee representing
residents, business owners and planning officials to craft
a viable solution for Creve Coeur.

6 Nick Scheller (phonetic) talked about trends,
including E-Commerce.

7 Rich Garrett told the Commission that they're
going to turn Graeser Avenue into a thoroughfare going
8 from Ladue Road over, and property values are going to
sink quite a bit. He indicated that drive-thrus would
really affect way of life and property values.

9 Judy Sherman indicated her concern is emissions
from idling, horns honking and people shouting. Thinks
10 drive-thrus should close at a reasonable hour.

11 Mr. Rovak indicated he wants to keep this issue
alive, and he thinks there needs to be some more
discussion and maybe some more delving into what the
12 issues really are and how can they be addressed or if they
can be addressed.

13 Chairman Madden indicated may need to get a
committee together.

14 Further discussion was had by the Commission.

15 Ms. Kistner motioned to continue Application
#14-008 to the meeting of August 4th, 2014. Mr. Rovak
16 seconded the motion.

17 There being no further discussion, the vote is as
follows:

18 Mr. Pullium-aye. Mr. Rovak-aye Mr. Carney-aye

Ms. Kistner-aye. Chairman-aye.

19 **6. NEW BUSINESS**

20 **PUBLIC HEARING: Application #14-023: Amendment to**
21 **the CityPlace Master Sign Plan to include new building**
sign at Three CityPlace Drive.

22 Applicant/Agent: Chris A. Carlson
Lockton Companies
23 Three CityPlace Drive, Suite 900
St. Louis, MO 63141

24 Property Owner: The Koman Group
25 Two CityPlace Drive, Suite 460
Creve Coeur, MO 63141

Whitney Kelly indicated if the Commission is interested in moving forward with this sign, they did include a condition of approval that any future review would require a look at all future sign plans, but if the Commission felt like they wish to review this sign plan within the larger context, the City would need the Commission to continue the item until at that time CityPlace can prepare such a documentation.

Brea Schmitz indicated she was present in support of Lockton in favor of the approval of the sign.

Ms. Kistner moved for approval of Application # 14-023 subject to conditions listed in the draft ordinance prepared for this meeting. Mr. Carney seconded the motion. There being no further discussion, the resultant vote is as follows:

Mr. Rovak-aye Mr. Pullium-aye Mr. Carney-aye
Ms. Kistner-aye Chairman Madden-aye

PUBLIC HEARING: Application #14-021: Approval of a conditional use permit for a Kimcheese Restaurant at 10441 Olive Boulevard within the Creve Coeur Pavilion Shopping Center.

Applicant/Agent: Tong (Sean) Moon
Kimcheese LLC
337 Wynstay Avenue
Valley Park, MO 63088

Property Owner: Creve Coeur Pavilion Shopping Center
Altus Properties, LLC
1010 Des Peres Road, Suite 320
St. Louis, MO 63131

Mr. Tong (Sean) Moon indicated he is seeking for a conditional use permit to open Kimcheese Restaurant in the former Oberweis space.

Ms. Kelly indicated the City doesn't foresee any issues. There's plenty of parking available on site, and all business activity will occur inside of the existing tenant space with no changes to the site or the building, except for the creation of an emergency exit door within the existing window space per building code requirements, and we recommend approval.

Mr. Rovak made a motion to recommend approval of Application #14-021 subject to the conditions in the staff report prepared for the meeting of July 21st, 2014. Ms. Kistner seconded the motion. There being no further discussion, the resultant vote is as follows:

Ms. Kistner-aye Mr. Carney-aye Mr. Rovak-aye

Mr. Pullium-aye Chairman Madden-aye

7. WORK AGENDA

None

8. OTHER BUSINESS

A. Planning Division Report

Ms. Kelly indicated at the next meeting there will be reiteration of the drive-thru text amendment.

Upcoming on the August 18th agenda is a minor site development plan for the renovation of the building in the LI District for United Bags Headquarters on Bauer Boulevard.

There will be a final plat and site improvement for Creekside at Mason.

Ms. Kelly indicated she provided an email from Jeanne Rhodes that was sent out earlier.

B. City Attorney Report

There's been no activity on the 450 North Lindbergh suit. There is a briefing scheduled.

There is a threat of a suit on the 853 North Mason. To Mr. Lumley's knowledge, it's not been filed. Mr. Lumley will be meeting with the attorney.

9. ADJOURNMENT

There being no further business to come before the Planning and Zoning Commission, the meeting was adjourned at 8:54 p.m.

Tim Madden, Chairman

Produced by: Deborah K. McLaughlin, Court Reporter

P&Z 050514 Minutes
CITY OF CREVE COEUR - MINUTES

PLANNING AND ZONING COMMISSION MEETING

MONDAY, MAY 5, 2014
7:00 P.M.

A public hearing and regular meeting of the Planning and Zoning Commission of the City of Creve Coeur, Missouri was held on Monday, May 5, 2014, at the Creve Coeur Government Center, 300 North New Ballas Road. Chairman Tim Madden called the meeting to order at 7:00 p.m.

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

OTHERS PRESENT: Mr. Carl Lumley, City Attorney
Mr. Paul Langdon, Director of
Community Development
Ms. Whitney Kelly, City Planner

2. ADDITIONS TO-ACCEPTANCE OF THE AGENDA

The agenda was approved and carried unanimously

3. APPROVAL OF MINUTES

Minutes from last meeting will be available May 19, 2014.

4. PUBLIC COMMENT

Susan Brent, 489 Staines Court, discussed her neighbor's making grades to get water away from their basement. Concerned about permits. Has water running into her yard. Alarmed people are building things without permits. Brought the problem to the City.

5. UNFINISHED BUSINESS

A. 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.
Applicant/Agent: Paul Langdon
Director of Community Development
Mr. Paul Langdon, Director of Community Development, explained the color-coded lots.
Most of Olive Boulevard could be available for drive-thru restaurant construction if lot size is only criteria.

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7 Substantial number of 3-acre lots, and more if 2-acre
lots.
8 Mr. Faron commended Mr. Langdon for the map
representation.
9 Mr. Faron discussed different properties for drive-thru
restaurants.
10 Mr. Pullium indicated if require over 3 acres it decreases
the potential sites.
11 Mr. Langdon discussed a meeting with a subcommittee of
Creve Coeur-Olivette Chamber of Commerce.
12 Mr. Langdon encouraged the Commission not to make a
decision tonight, but wait until the first meeting in
June.
13 Chairman Madden indicated the Commission should decide if
the majority of the Commission is against the application.
14 Mr. Faron indicated it is probably premature to make a
rash decision.
15 Mr. Pullium indicated he would like comfort level from the
citizens that they want the character changed.
16 Mr. Langdon indicated by beginning of June a survey should
take place, and shortly after, the City will have the
17 results that will help.
18 David Hutkin indicated that acreage was not and should be
the determining factor in what makes for good development.
It's the quality of the development.
19 Linda Rezny indicated there hasn't been drive-thru
restaurants in all of these decades and got along fine.
20 She prefers the city doesn't have any.
21 Kerry Hampton indicated the Commission has done a great
job keeping the standards up.
22 Jack Trout indicated 38 homeowners are not excited about
drive-thru anyplace. Suggested putting out questionnaire
asking if want drive-thrus in Creve Coeur. Indicated he
23 thought the trustees would have been notified about
hearing. Positions have not changed since the last time.
24 Scott Sanders indicated the entire issue has not been well
publicized. Indicated if survey of homeowners, there
25 would be overwhelming sentiment that the citizens don't
want drive-thrus in Creve Coeur.

2

1 Mr. Langdon indicated that for text amendments when
city-wide it's difficult to get notice out. They use the
2 newsletter, which everyone gets, and it was in the
newsletter. The City has retained a national survey
3 company. They are reviewing the question to make sure
it's properly worded, not leading and not confusing.
4

5 Mr. Faron motioned to continue Application No. 14-008 to
P&Z Meeting of June 2nd, 2014. Seconded by Mr. Pullium.
6 There being no further discussion, the vote is as follows:
Mr. Carney-aye Mr. Howard-aye Mr. Faron-aye
7 Mr. Pullium-aye Mr. Rovak-aye Chairman-aye.

8

9 6. NEW BUSINESS

10 A. Chapter 89 Review of Right of Way and Easement
Dedication Plats for the Recent Ballas-Conway
11 Improvement Project by Mercy Hospital.
Chairman Madden recused himself because his wife is a

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12 nurse at Mercy Hospital. Mr. Faron presided as Chair.
 13 Mr. Langdon indicated that the streets become a public
 responsibility, including the sidewalks. Increases City's
 maintenance.

14 Mr. Rovak inquired if it's right-of-way, easement or some
 of each. Mr. Langdon indicated changes were made within
 15 the right-of-way, the right-of-way is not being enlarged,
 everything else is easement.

16 Mr. Rovak moved to approve dedication of the easement in
 the adjacent right-of-way. Mr. Howard seconded the
 17 motion. There being no further comments, the resultant
 vote is as follows:

18 Mr. Rovak-aye Mr. Pullium-aye Mr. Howard-aye
 19 Mr. Carney-aye Chairman-aye

20 B. Application #14-001: Approval of the Site Concept
 Plan for Monsanto and Site Development Plan Approval of a
 21 New Trash Compactor.

Steve Kramme, William Tao & Associates, will answer
 22 technical questions. Plans have gone to MSD and have been
 approved.

23 Justin Krane with Monsanto indicated the compactor is
 proposed to be located in southeast corner of facility.

24 Local residents cannot see the compactor.

25 Compactor will eliminate approximately 50,000 pounds of
 waste on an annual basis.

Operation of compactor will be operated between 8 a.m. and

3

1 4 p.m. Monday through Friday. It will go through
 approximately ten cycles per day, each cycle lasting
 2 approximately 4 minutes. Compactor will be emptied once
 every two to three weeks.

3 Loudest noise is 84 decibels, comparable to vacuum
 cleaner, garbage disposal or blender.

4 Mr. Rovak asked if waste to energy or saving energy in
 number of trips. Processed in Bridgeton and turned into
 5 cubes. Cubes are sent down to Ste. Genevieve and burned
 into kilns as replacement for coal.

6 Compactor lease is three years, and can be continued
 thereafter.

7 Eric Rivley (phonetic), 9848 Warington Square questioned
 the noise, emissions, trucks and beepers.

8 Mr. Howard made a motion to recommend approval of the site
 concept plan for Monsanto Campus and site development plan
 9 for the trash compactor site subject to the conditions
 contained in the staff report dated May 5, 2014. Motion
 10 seconded by Mr. Pullium. There being no further
 discussion, the resultant vote is as follows:

11 Mr. Rovak-aye Mr. Pullium-aye Mr. Faron-aye
 12 Mr. Howard-aye Mr. Carney-aye Chairman-aye

13 C. Application #14-016: Approval of a minor site
 development plan for a fence within the front-yard setback
 at 10694 Country View Drive.

14 Louis Brunworth, 10694 Country View Drive, indicated there
 is an existing fence and would like to make a safety fence
 15 for pool and extend. 50-foot line runs into a tree.

16 Would like to move the fence line on opposite side of tree
 within 50-foot line.

17 Mr. Faron asked if fence would be eliminated or pushed all
 the way back to pool edge with additional wrought iron

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18 fence or is new fence going to eliminate the old fence and
 be enclosure for pool. Mr. Brunworth indicated they
 19 already built a safety-grade pool fence. Mr. Faron asked
 if the original fence was compliant, and now new fence is
 in compliance with safety fence around pool.
 20 Mr. Rovak made a motion to approve the minor site
 development plan for the modified fence with conditions by
 21 staff. Mr. Faron seconded the motion. There being no
 further comments, the resultant vote is as follows:
 22 Mr. Faron-aye Mr. Pullium-aye Mr. Rovak-aye
 Mr. Carney-aye Mr. Howard-aye Chairman-aye
 23

24 D. Application #14-017: Approval of final plat seven
 of Enclave at Bellerive.

25 Eric Kirby, Volz, Incorporated, indicated that
 plat is in accordance with the approved site development

1 plan, other than the condition in report. Plat is in
 conformance with approved improvement plans.

2 Mr. Faron moved to recommend approval of the final
 subdivision plat for Enclave Bellerive plat seven with the
 3 conditions listed in the staff report for the meeting of
 May 5, 2014. Mr. Howard seconded the motion. There being
 4 no further comments, the resultant vote is as follows:

5 Mr. Carney-aye Mr. Howard-aye Mr. Faron-aye
 Mr. Pullium-aye Mr. Rovak-aye Chairman-aye.

6 7. WORK AGENDA

7 None

8

9 8. OTHER BUSINESS

10 A. Planning Division Report

11 Mr. Langdon indicated the May 19th, 2014 meeting will be
 the final plat for the Mosley Grove Subdivision, another
 12 front yard fence request, and in May will have drive-thru
 text amendment. Still time for applicants to apply for
 13 meeting.

14 Mr. Langdon updated on the position of Recording
 Secretary. Still considering what to do with position.
 Will move forward hiring someone as soon as possible.

15

16 B. City Attorney Report - None

17

18 9. ADJOURNMENT

19 There being no further business to come before the
 Planning and Zoning Commission, the meeting was adjourned.
 20

21

22 _____
 Tim Madden, Chairman

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23

24 Produced by: Deborah K. McLaughlin, Court Reporter

25

5

Attachment: May 5, 2014 (1051 : Draft Minutes for the Meeting of May 5, 2014)



city of CREVE COEUR

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www.creve-coeur.org

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

Attachment: 14-008.Drive-Thru on 2+ ac.Memo to P&Z.8-18-2014 [Revision 1] (1049 : Drive-Thru Text Amendment)

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. _____

ORDINANCE NO. _____

- (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 [Revision 2] (1049 : 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 [Revision 2] (1049 : Drive-Thru Text Amendment)



Drive-through Study

Discussion Paper



FEBRUARY 2012

Drive-through Study

Discussion Paper

Attachment: City of Ajax Study (1049 : Drive-Thru Text Amendment)



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.

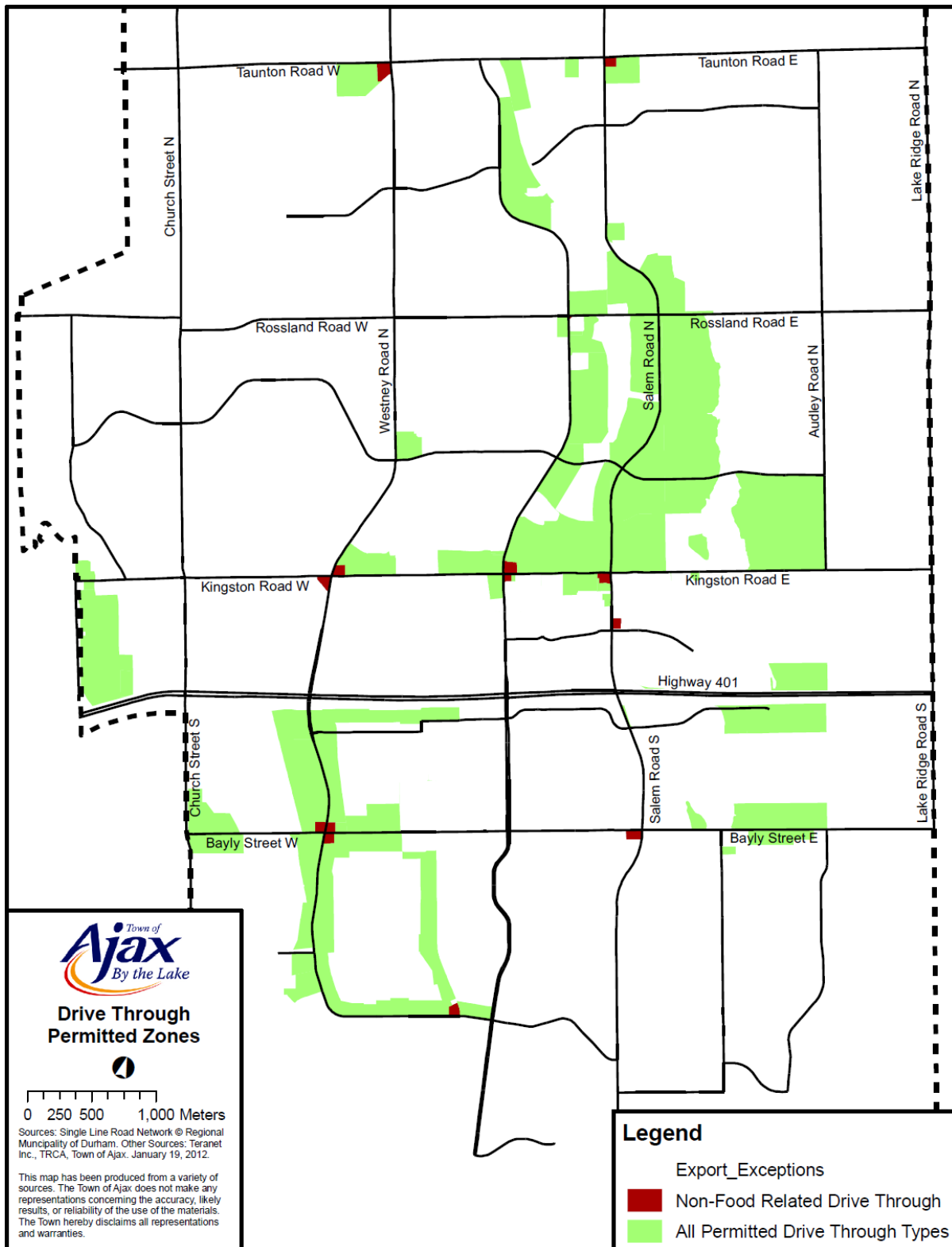
“RESTAURANT, DRIVE THRU”

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

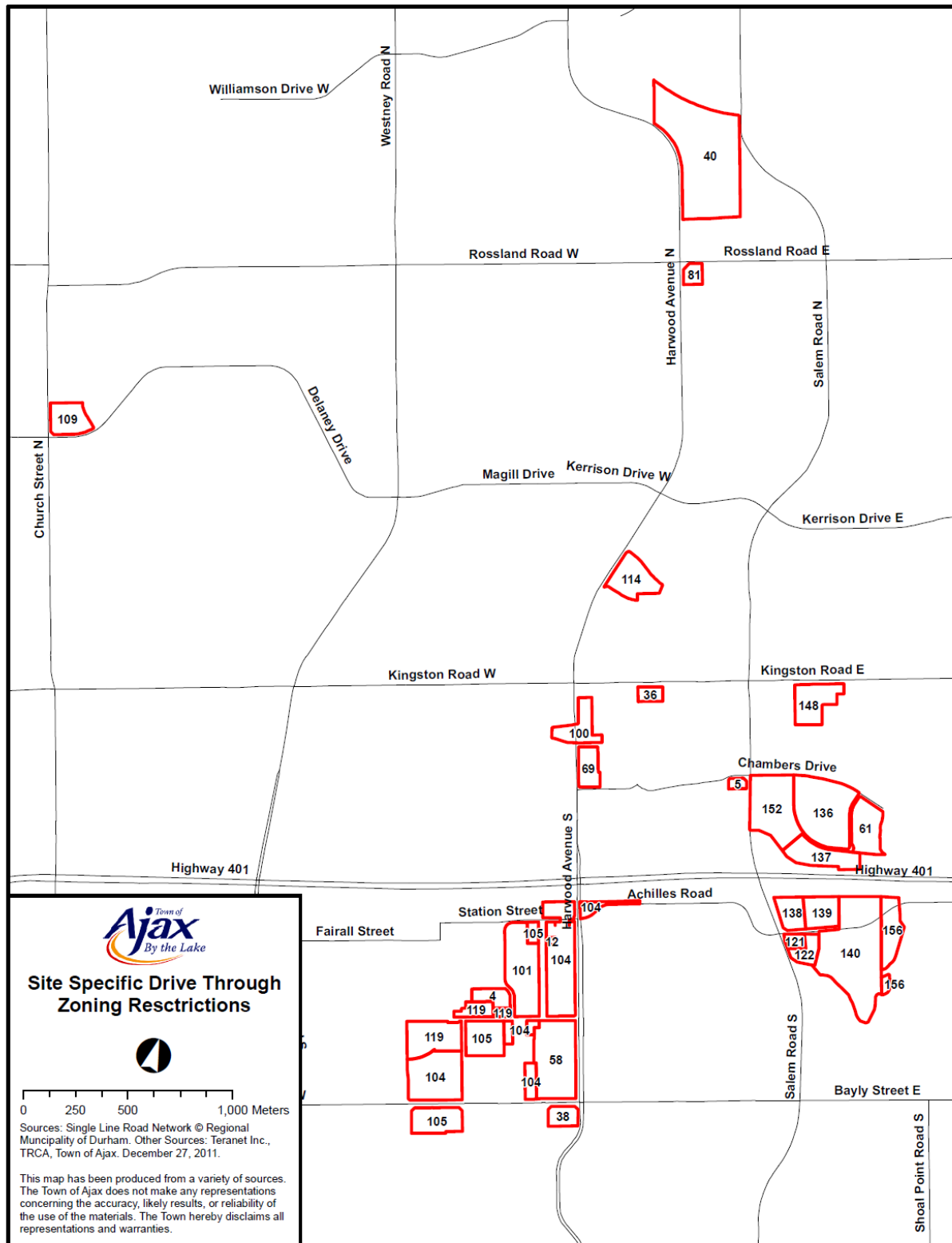
	Local Commercial	General Commercial	Uptown Mixed Use	Automobile Commercial	Prestige Employment
Minimum Lot Area					4200 m ²
Minimum Lot Frontage	90 m	90 m	45 m	45 m	
Minimum Lot Depth	60 m	60 m		45 m	
Minimum Setback From Front Lot Line	3 m	3 m	3 m	9 m	9 m
Minimum Setback From Exterior Side Lot Line	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.

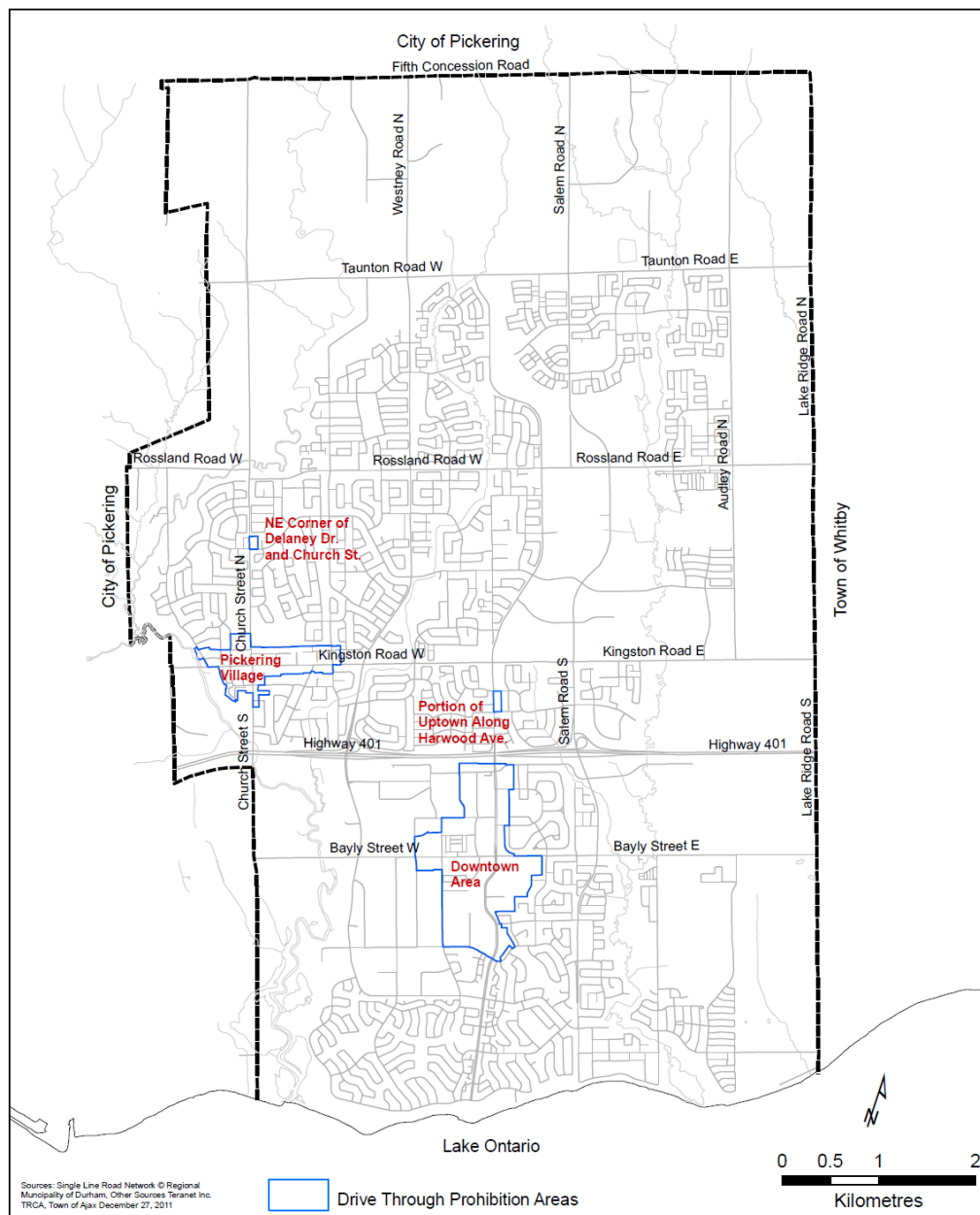
Existing Site Specific Restrictions



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

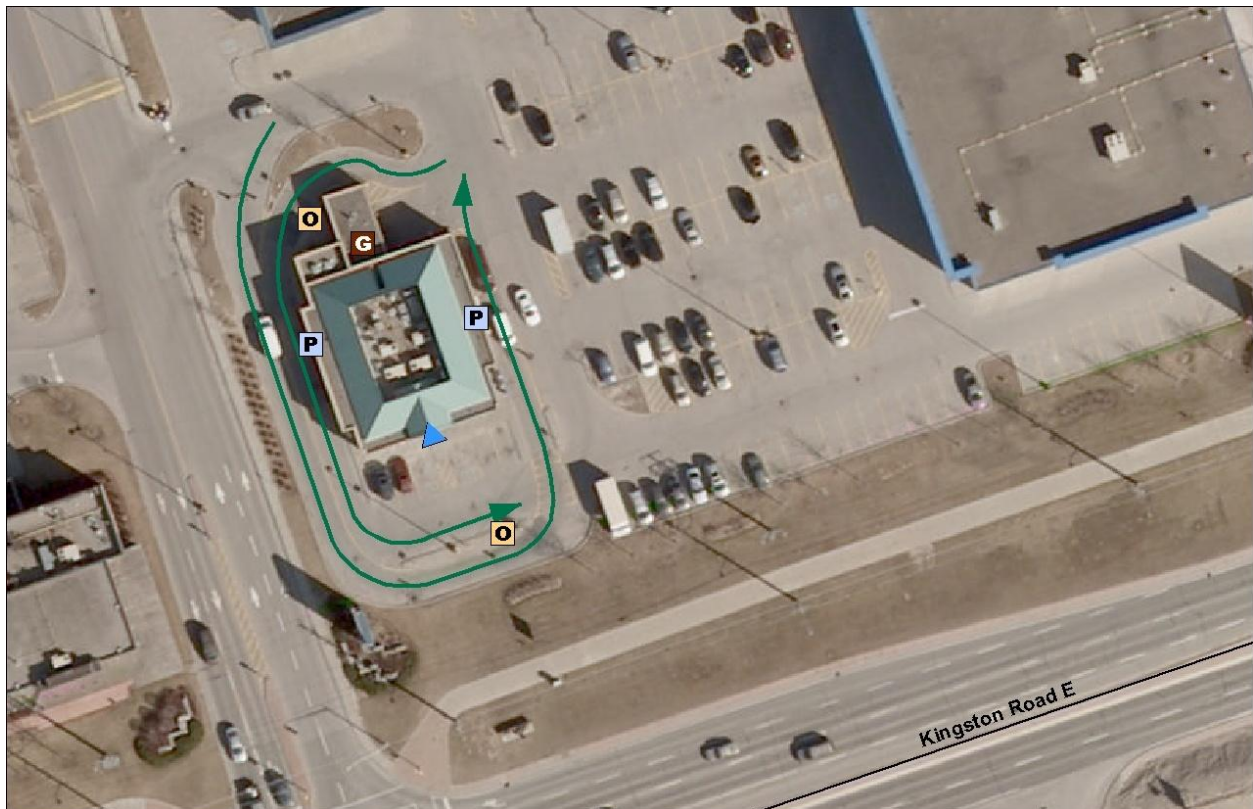
The following air photos illustrate the characteristics of the configuration for different types of drive through facilities in Ajax. These examples were randomly chosen and were not necessarily intended to represent good or bad examples of design.



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.



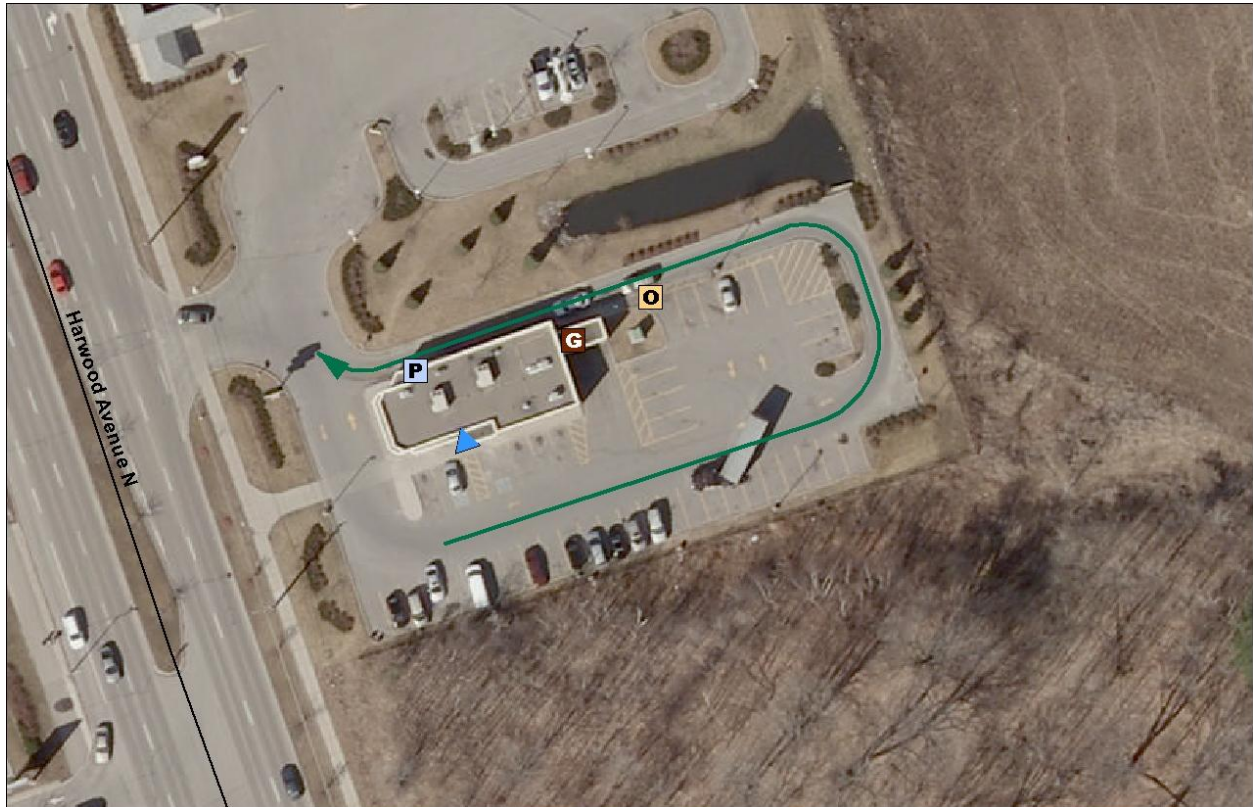
OBSERVATIONS

- 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.



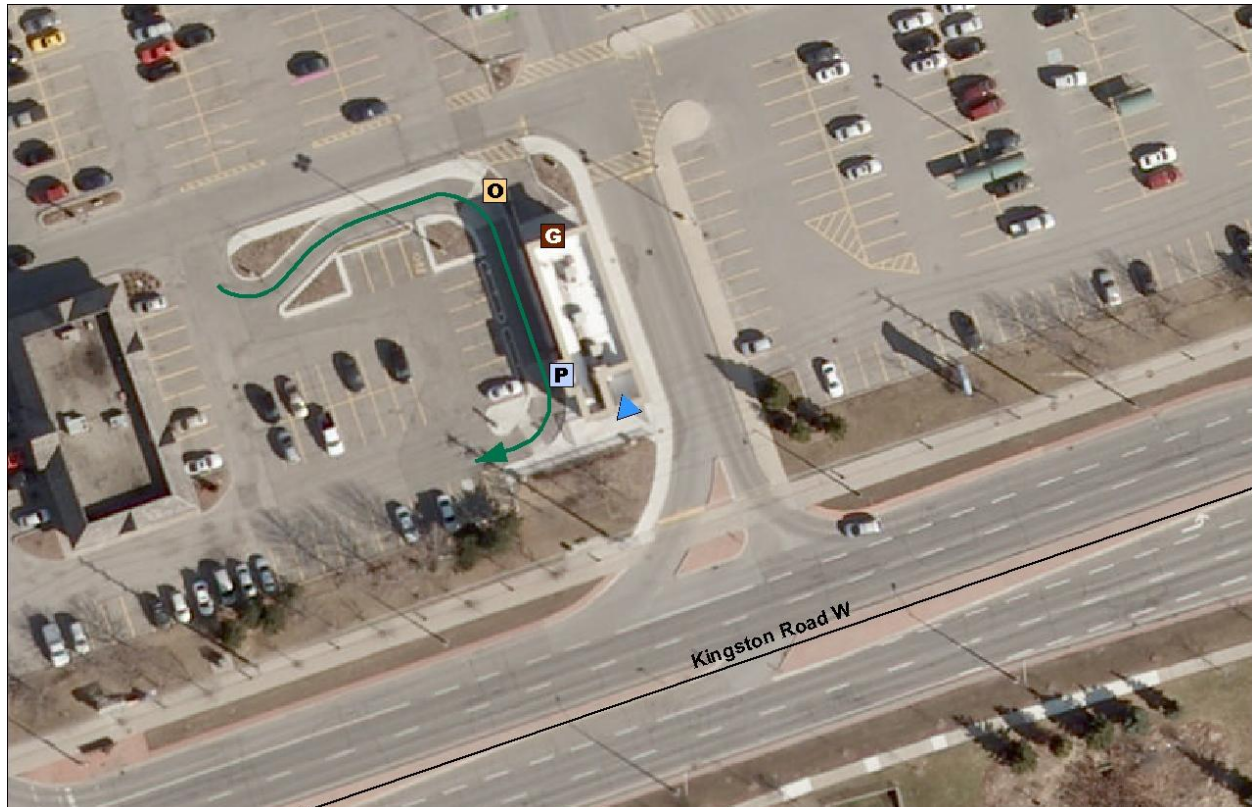
OBSERVATIONS

- 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.



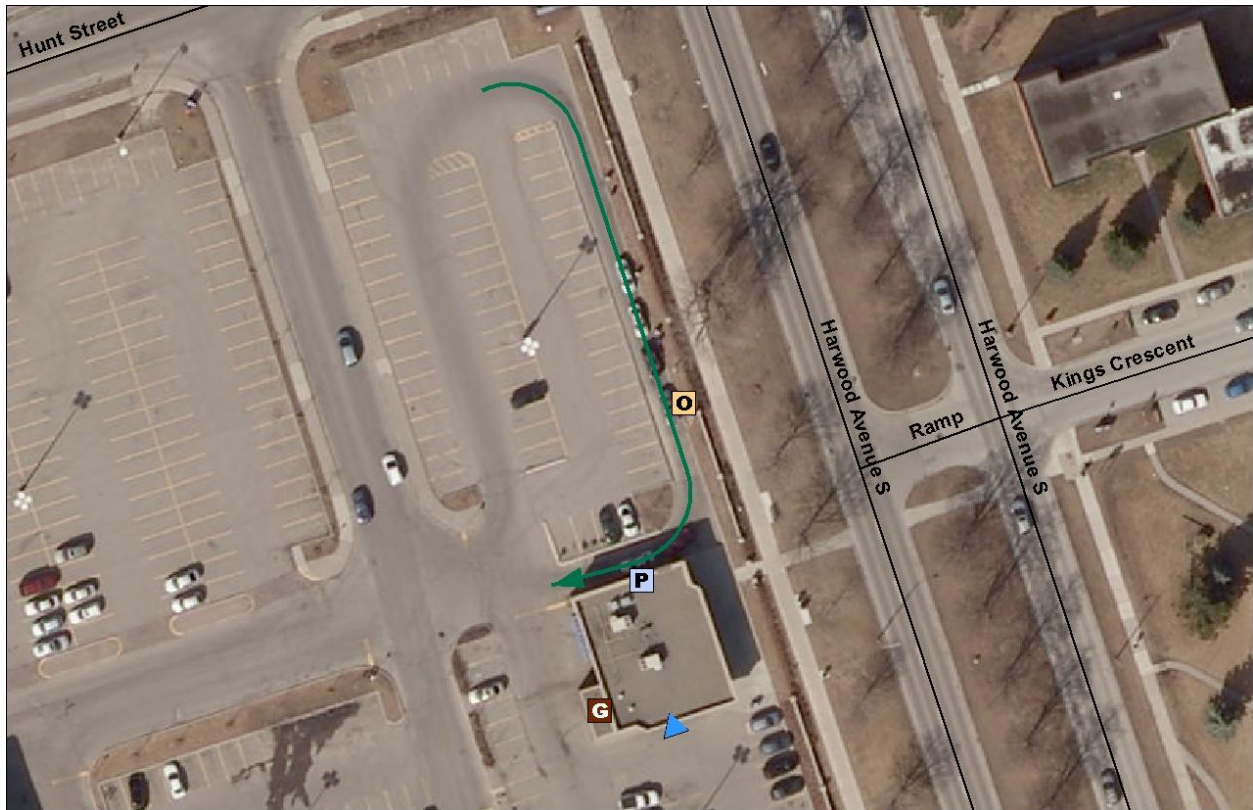
OBSERVATIONS

- 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.



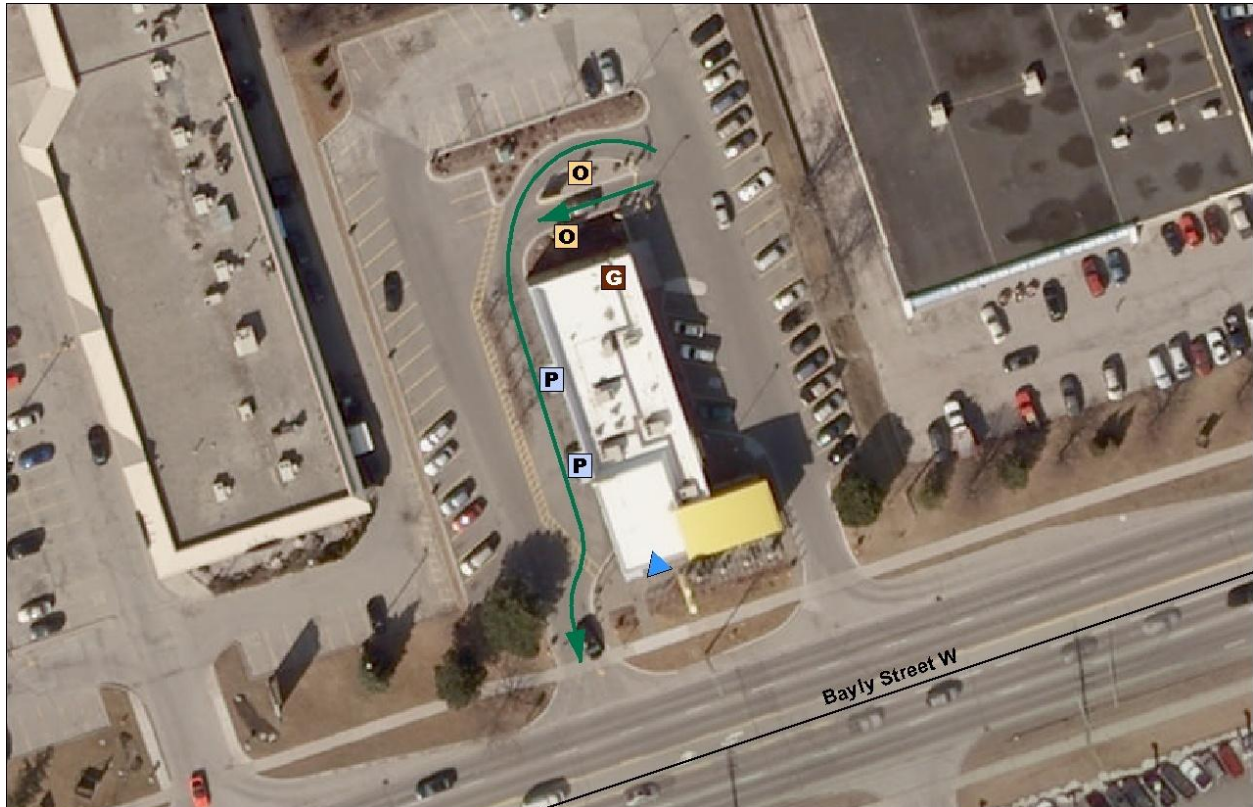
OBSERVATIONS

- 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.



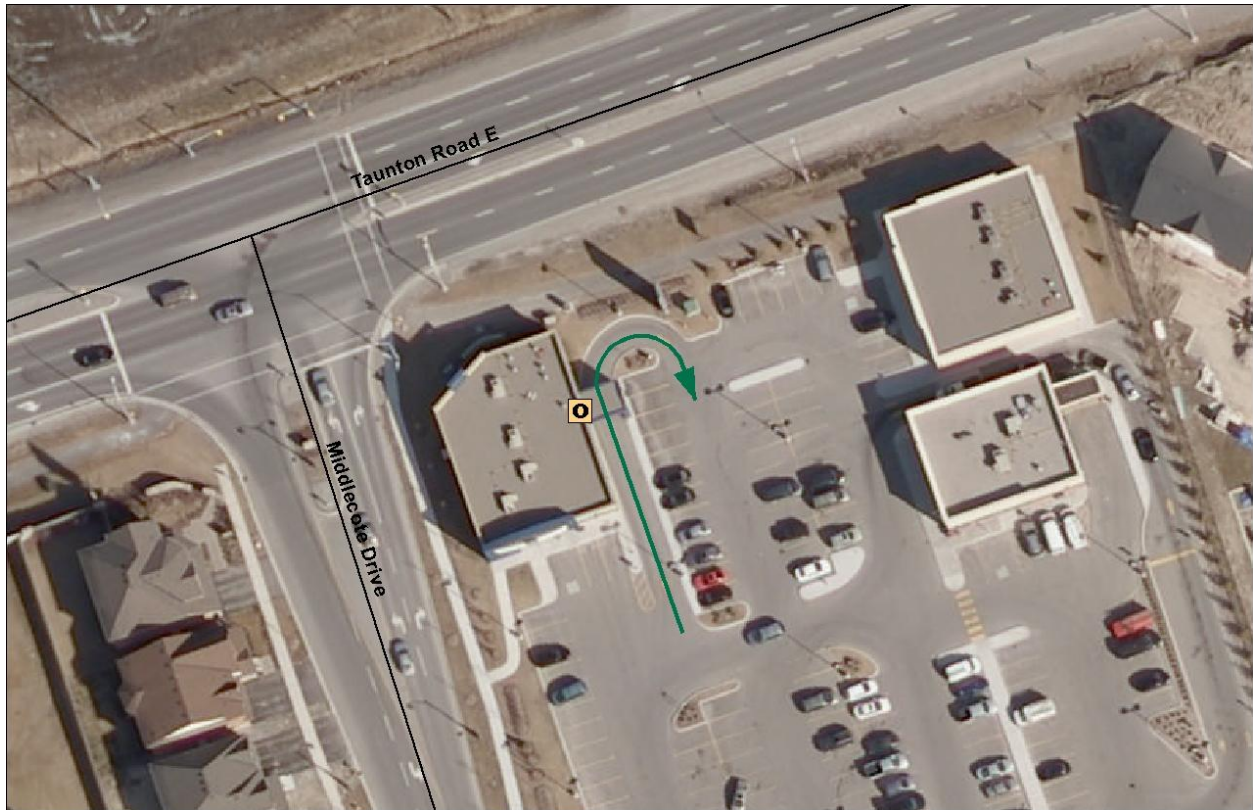
OBSERVATIONS

- 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.



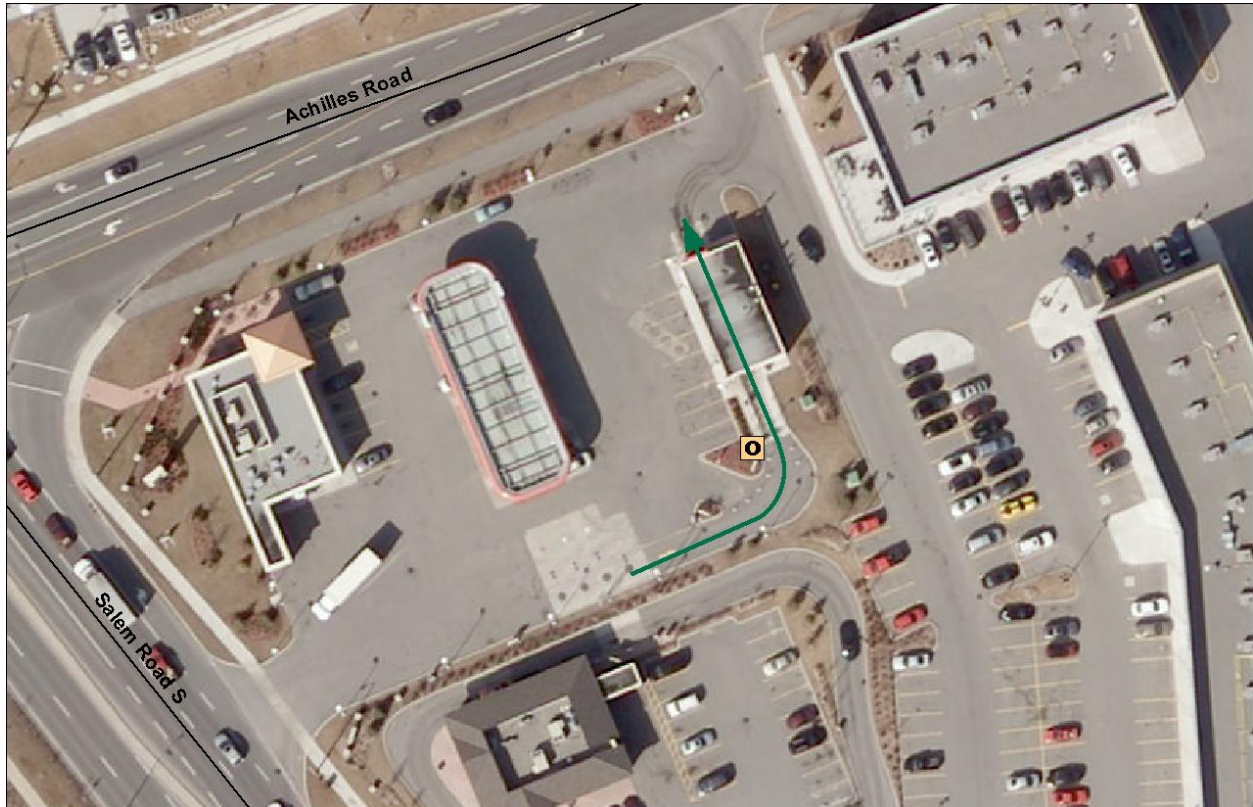
OBSERVATIONS

- 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.

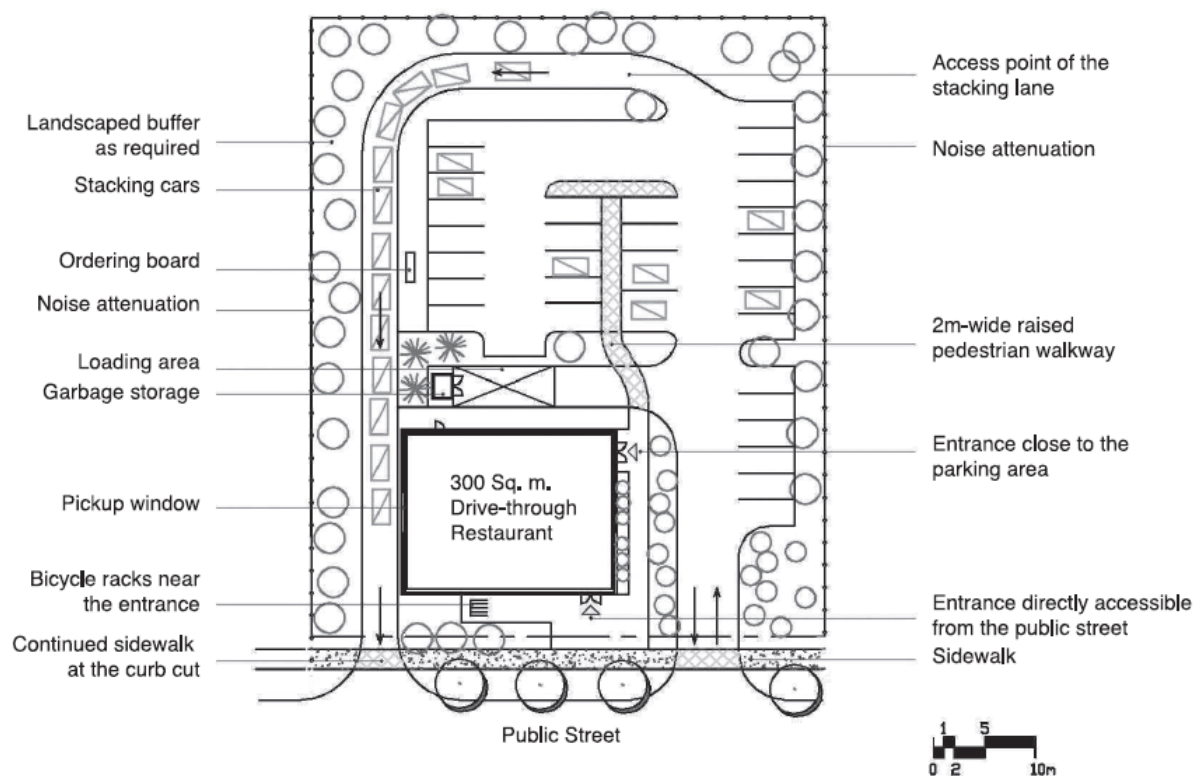


OBSERVATIONS

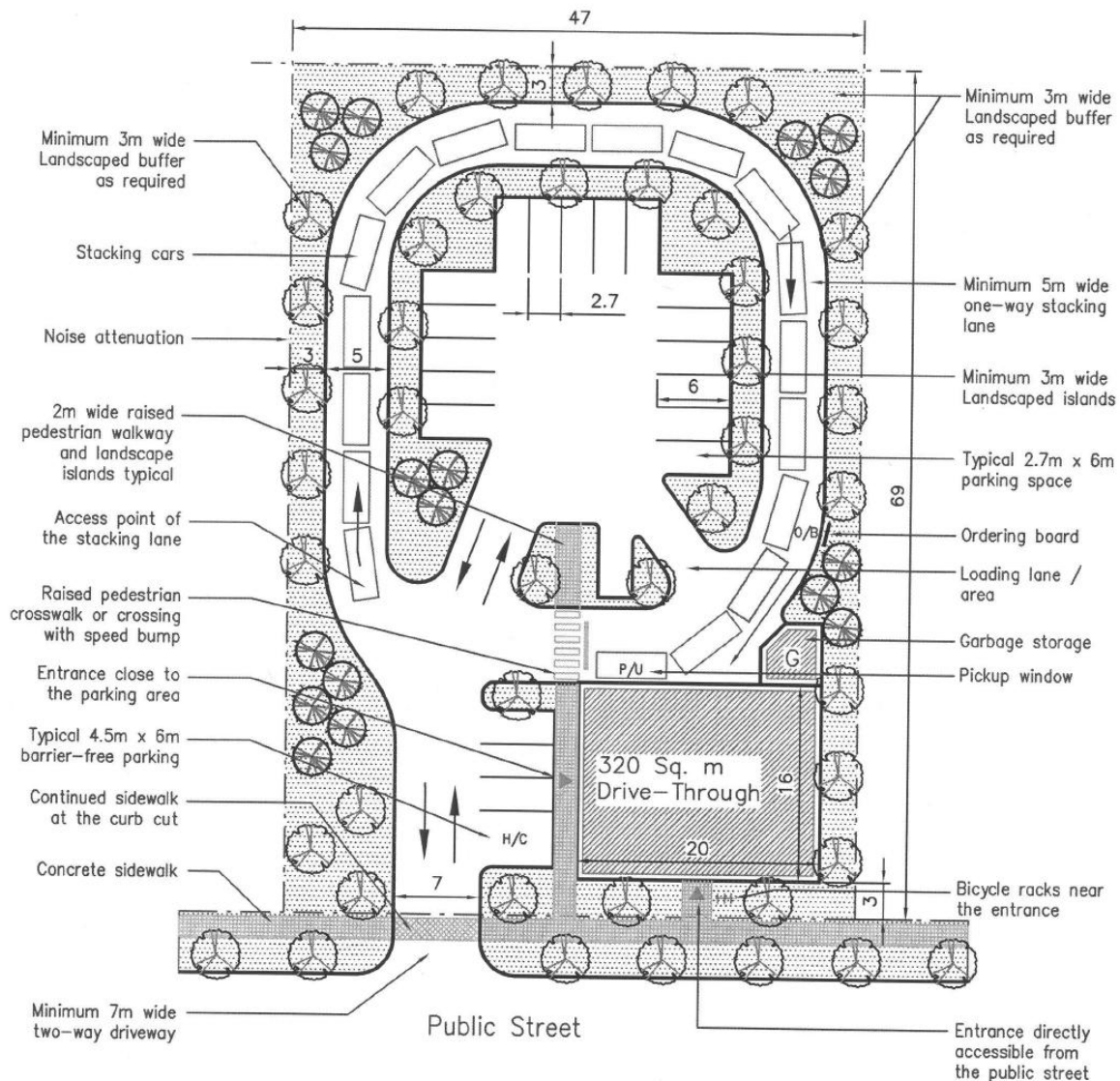
- Queue lane and car wash building abuts the sidewalk
- Minimal parking conflicts with queue lane
- Possible pedestrian conflicts with car wash exit
- Landscaping around queue lane
- Secondary escape in queue lane
- Located close to residential uses, separated by a vacant parcel directly south of the 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

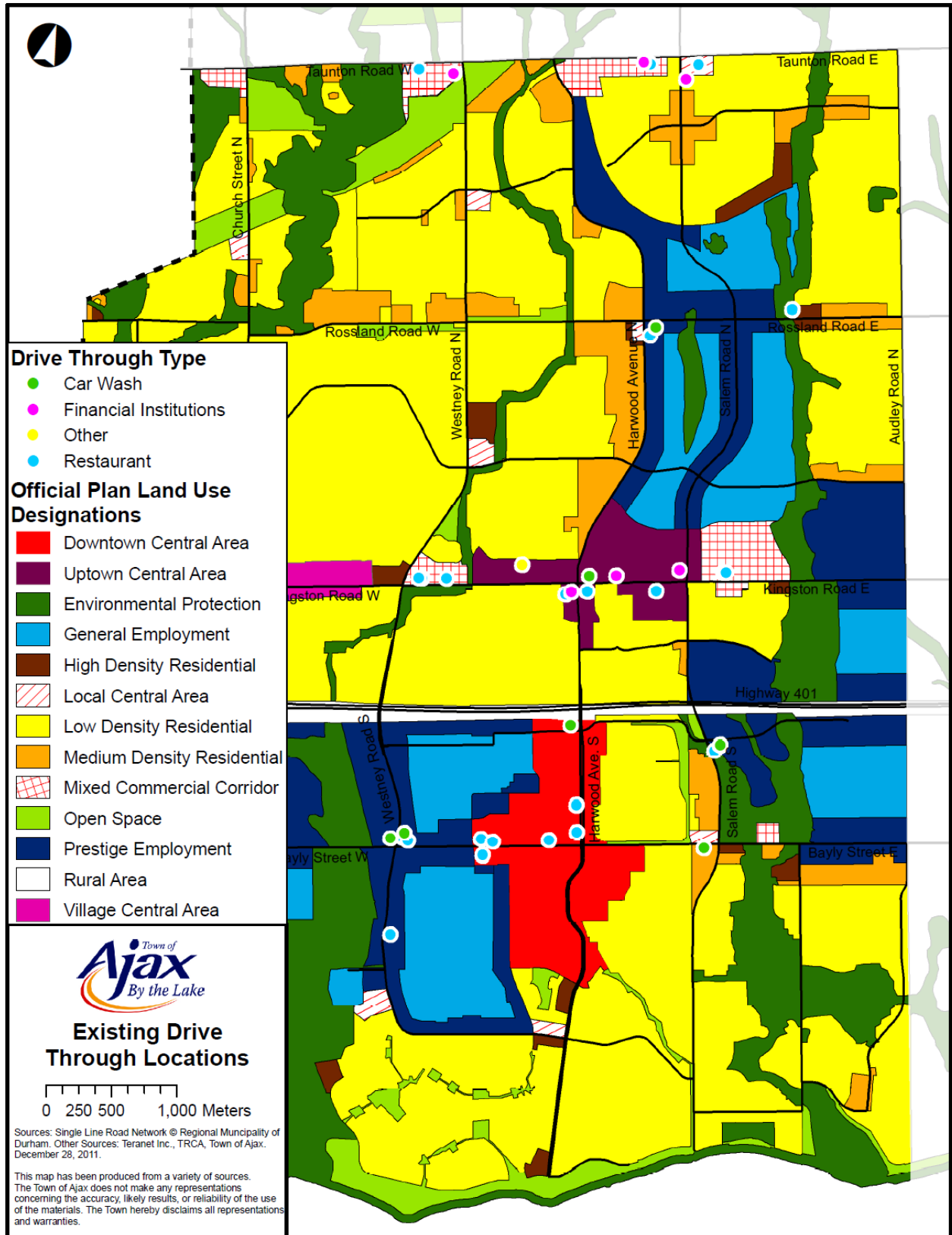
Town staff conducted an inventory of all 35 drive through facilities in Ajax, documenting characteristics of each facility including:

- 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

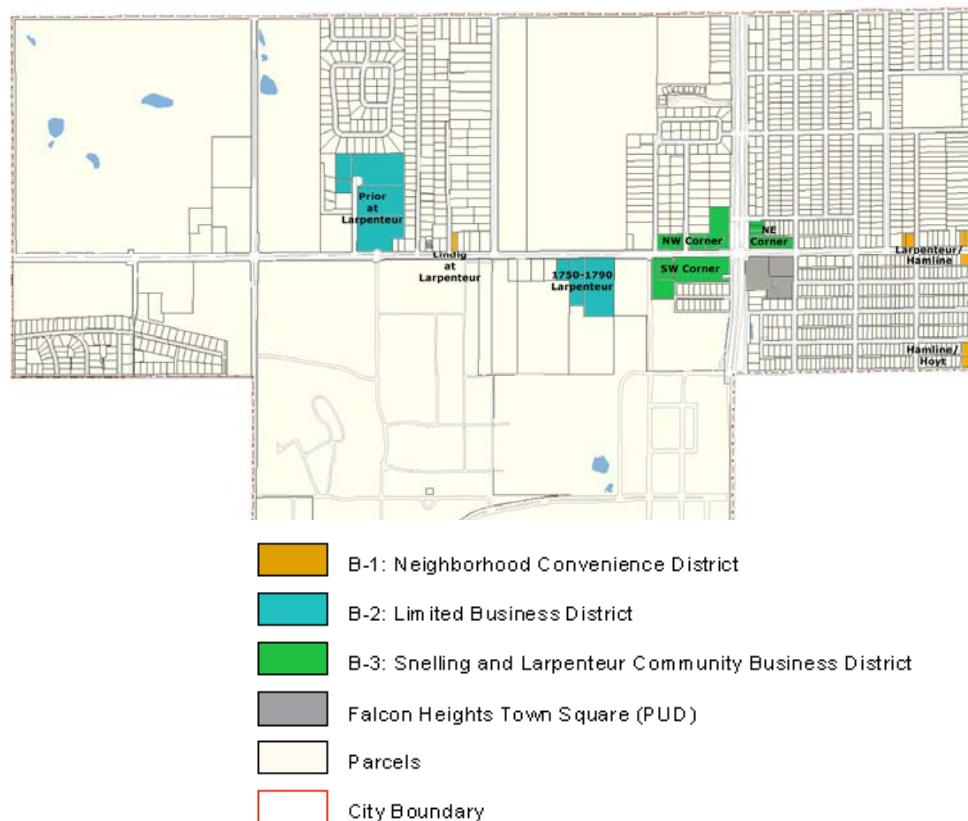
To provide for small scale consumer goods stores and limited service establishments; intended to serve the surrounding neighborhood rather than the entire community.

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.

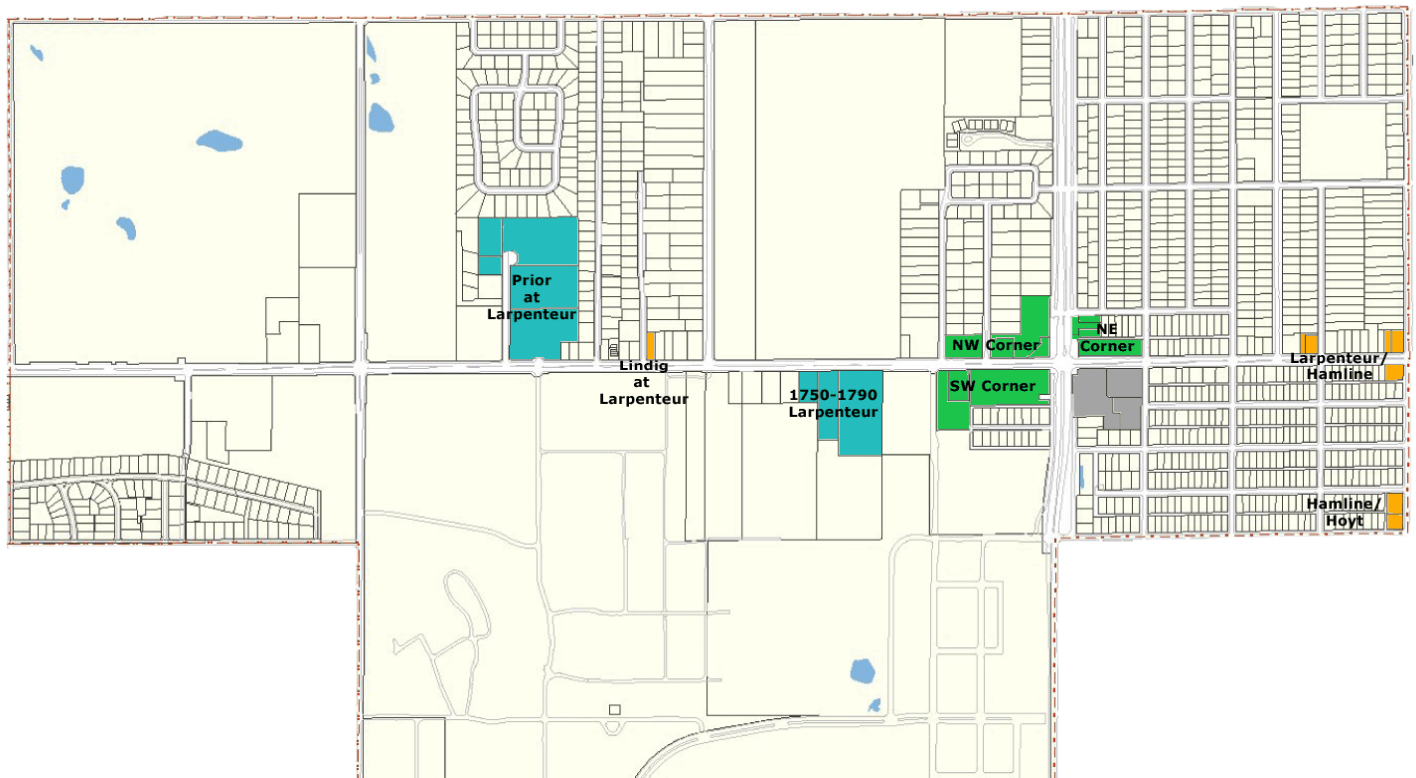
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City of Falcon Heights
Study on Drive-Through Businesses
May 11, 2006

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**

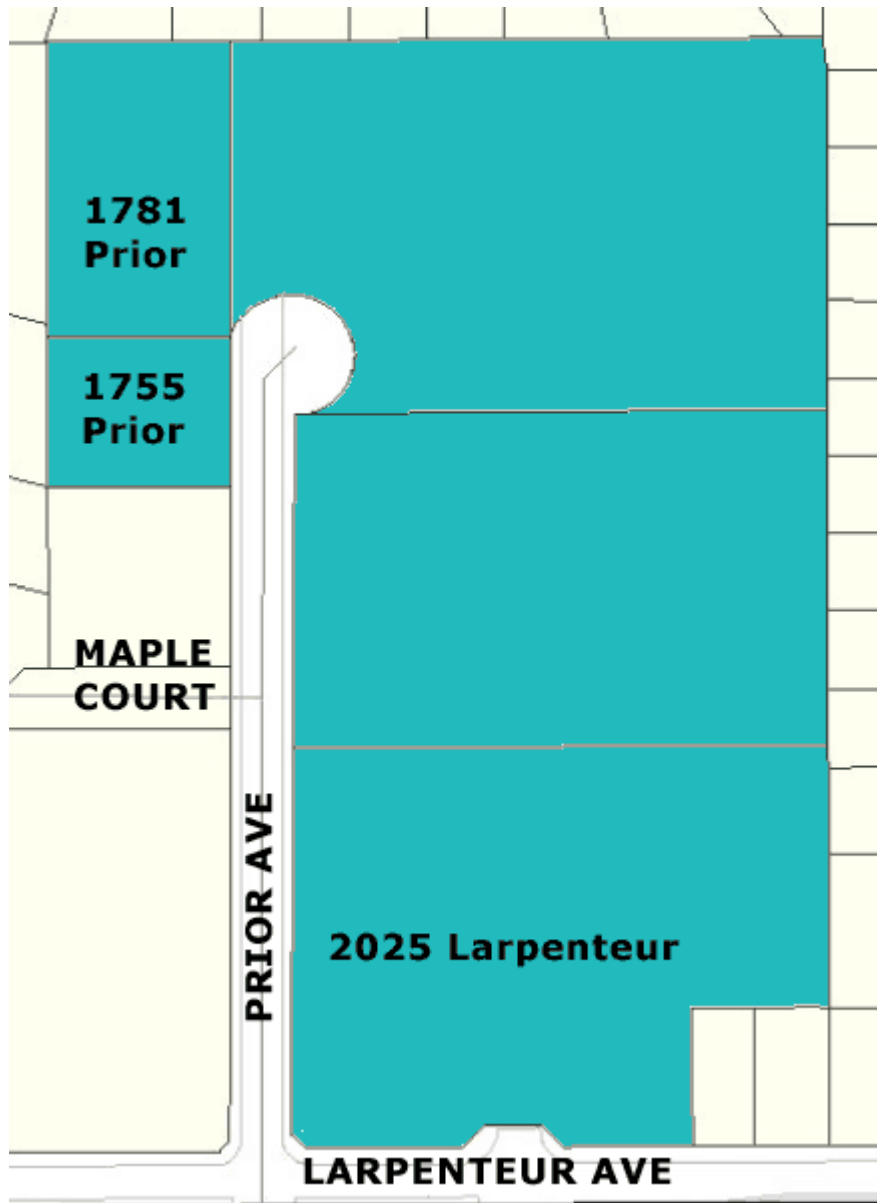
Subdivision 1. Purpose and Intent. The primary purpose of the limited business district is to provide for office and limited service, employment and institutional uses which are freestanding in nature, require larger sites and are or can be made to be compatible with adjacent land uses. It is also intended 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)

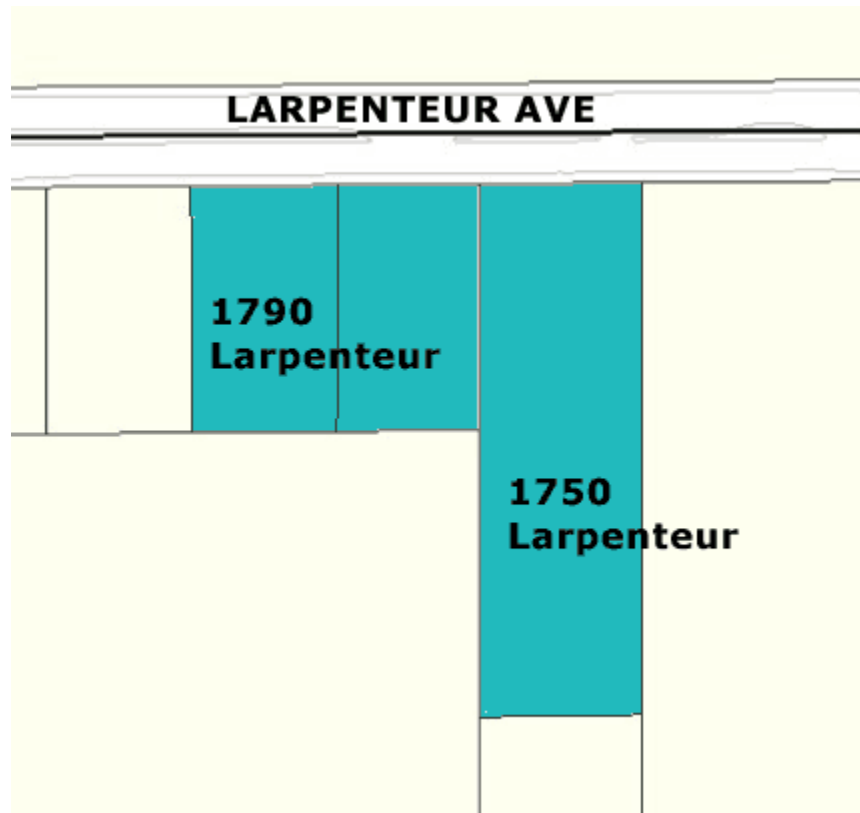
PIN# 162923330021
 Width: 145 ft.
 Depth: 177 ft.
 Area: 25,665 sq. ft.

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.



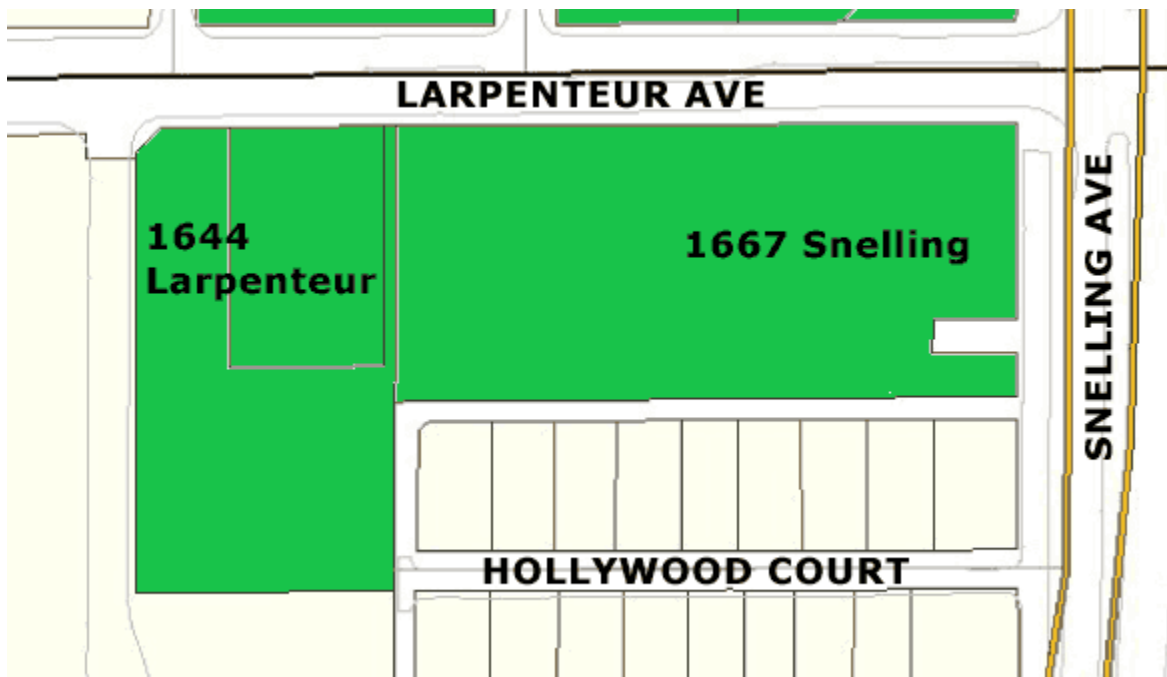
1790 Larpenteur (B2)

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.

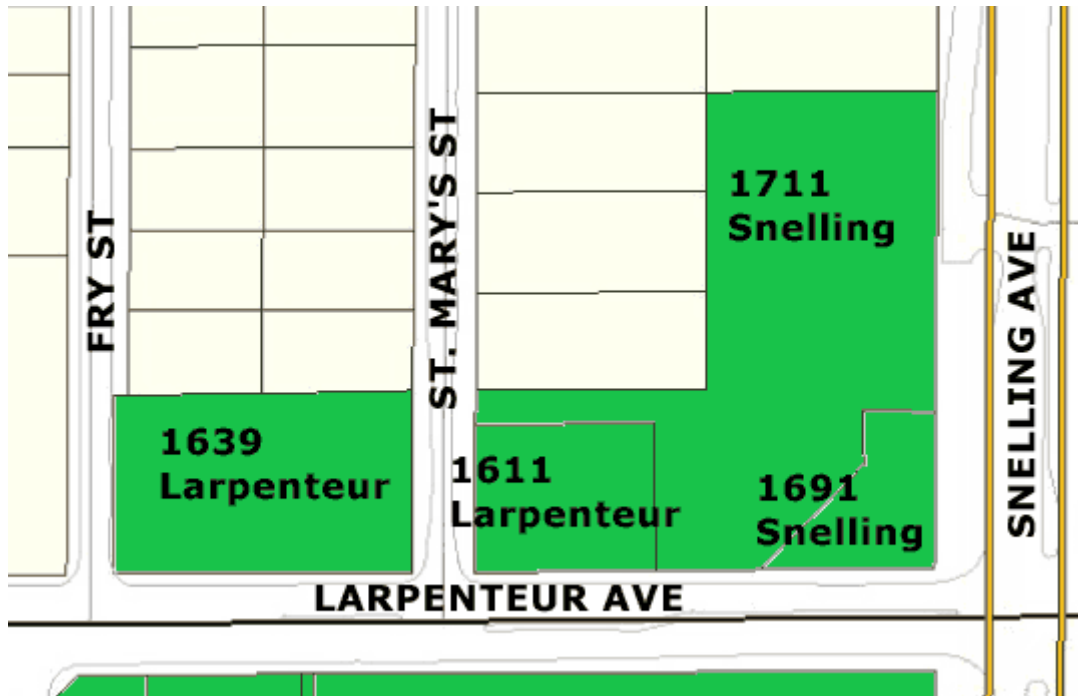
**1667 Snelling (B3)**

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)

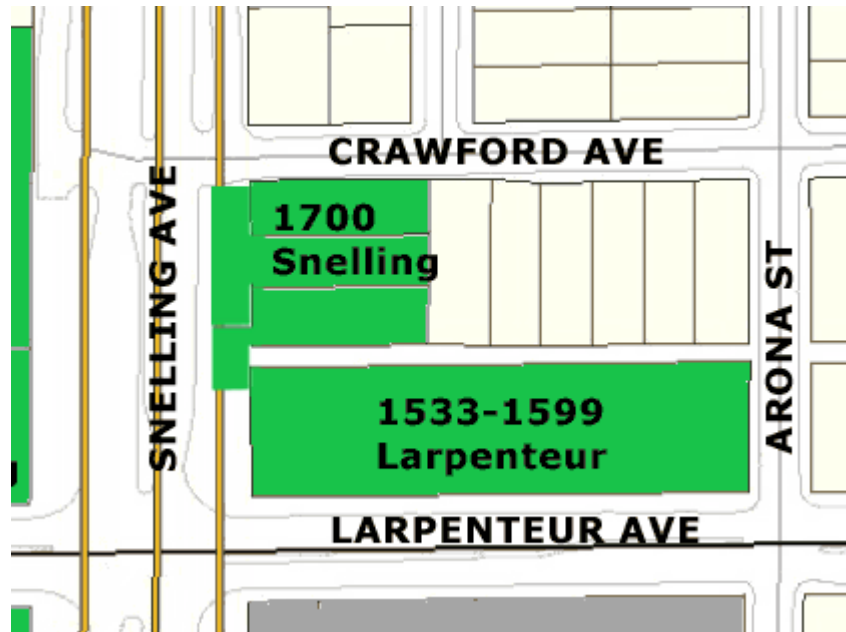
PIN#: 162923440074
 Width: 175 ft.
 Depth: 144 ft.
 Area: 25,265 sq. ft.

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.

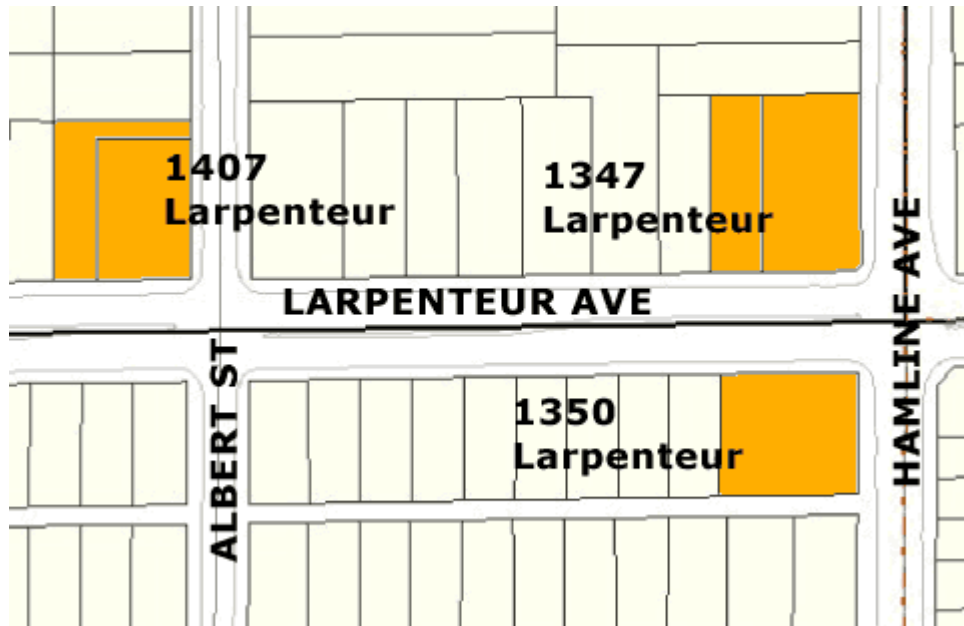


1533 Larpenteur (B3)

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)**

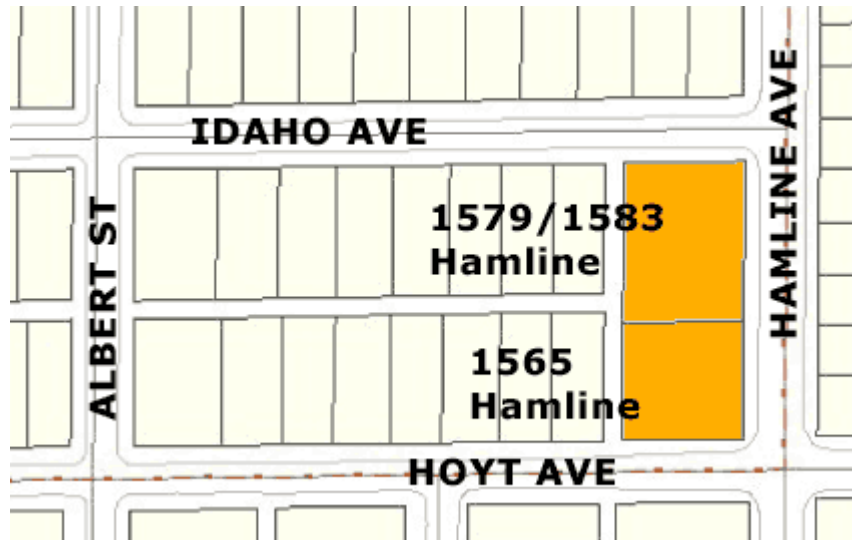
PIN#: 152923340061, 152923340061
 Width: 139 ft.
 Depth: 207 ft.
 Area: 21,780 sq. ft.

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)

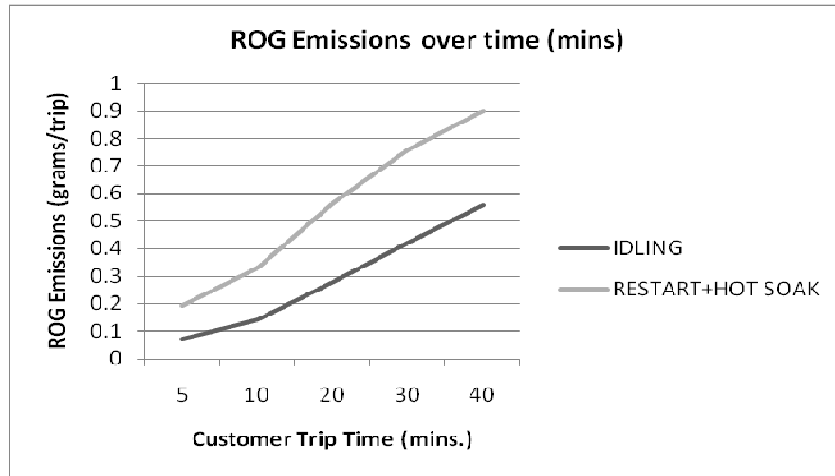
In general, using the Urban Emissions model (URBEMIS 2007, a model designed to estimate air emissions from land use development projects), all daily pollutant emissions from vehicles driving to the site are directly proportional to the ADT and the miles driven to get to the site. Because the sample sizes 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:

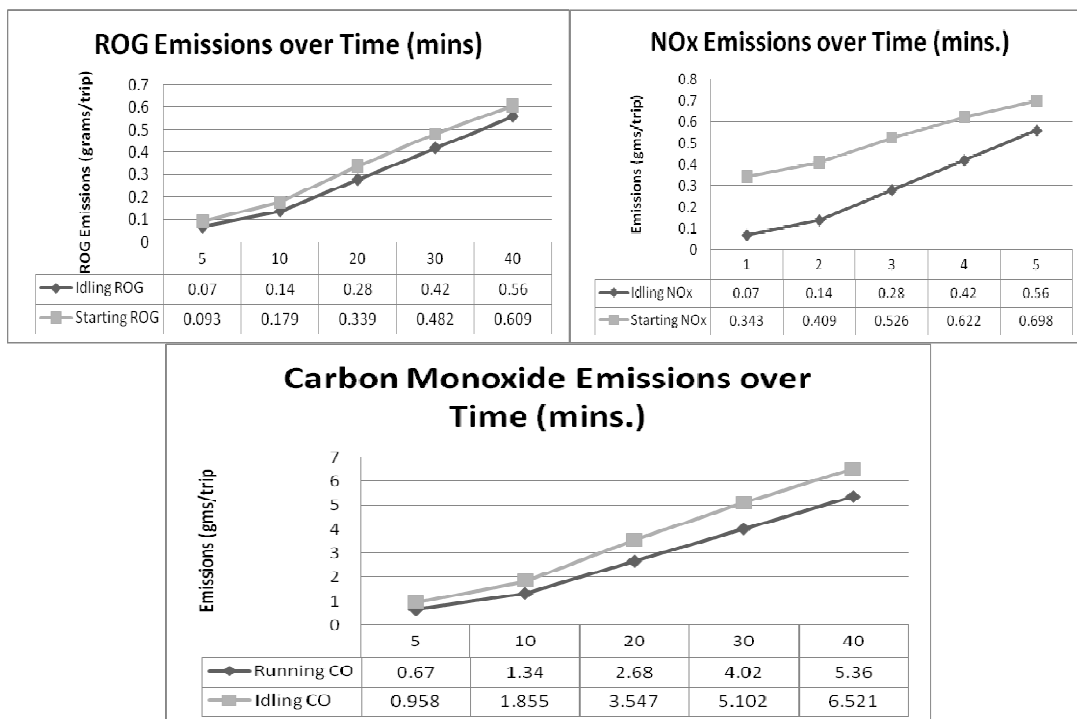
1. average customer time while **idling** in the drive-through lane, and
2. average customer time **parking and re-starting** vehicles.

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).



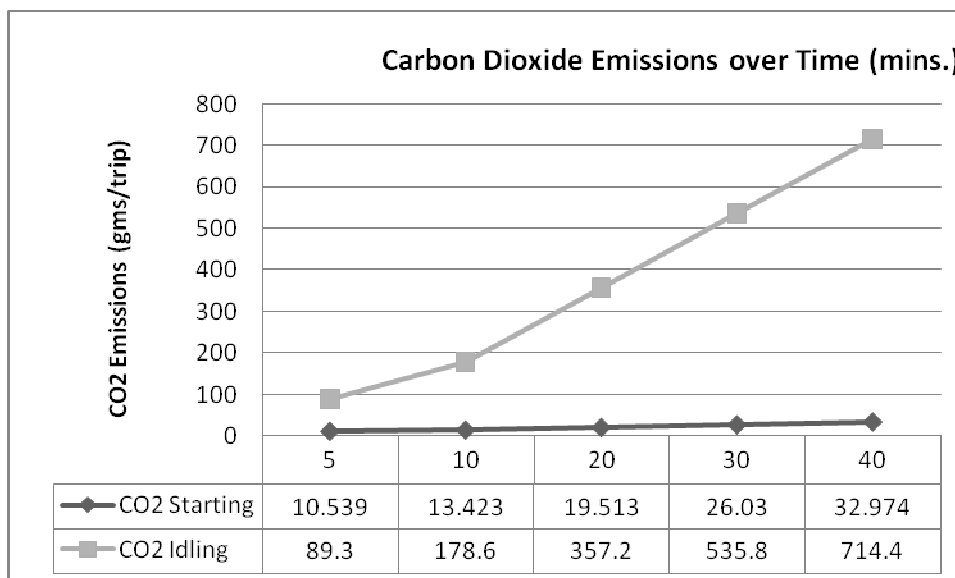
As shown in the Figure above, if the comparison is done on a per-trip basis, **idling ROG emissions for each vehicle are always lower compared to the parked vehicle emissions** (the sum of starting emissions and hot soak emissions) and the difference in emissions between each mode increases with time.



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.

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

Attachment: Combined Public Comments received by Aug 15, 2014 (1049 : Drive-Thru Text Amendment)

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.](#)

Attachment: Combined Public Comments received by Aug 15, 2014 (1049 : Drive-Thru Text Amendment)

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

Attachment: Combined Public Comments received by Aug 15, 2014 (1049 : Drive-Thru Text Amendment)

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 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
 314-997-6896

Attachment: Combined Public Comments received by Aug 15, 2014 (1049 : Drive-Thru Text Amendment)

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 Aug 15, 2014 (1049 : 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

Attachment: Combined Public Comments received by Aug 15, 2014 (1049 : Drive-Thru Text Amendment)

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

Attachment: Combined Public Comments received by Aug 15, 2014 (1049 : Drive-Thru Text Amendment)

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

Attachment: Combined Public Comments received by Aug 15, 2014 (1049 : Drive-Thru Text Amendment)

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

Attachment: Combined Public Comments received by Aug 15, 2014 (1049 : Drive-Thru Text Amendment)

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

Attachment: Combined Public Comments received by Aug 15, 2014 (1049 : Drive-Thru Text Amendment)

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

Attachment: Combined Public Comments received by Aug 15, 2014 (1049 : Drive-Thru Text Amendment)

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: 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

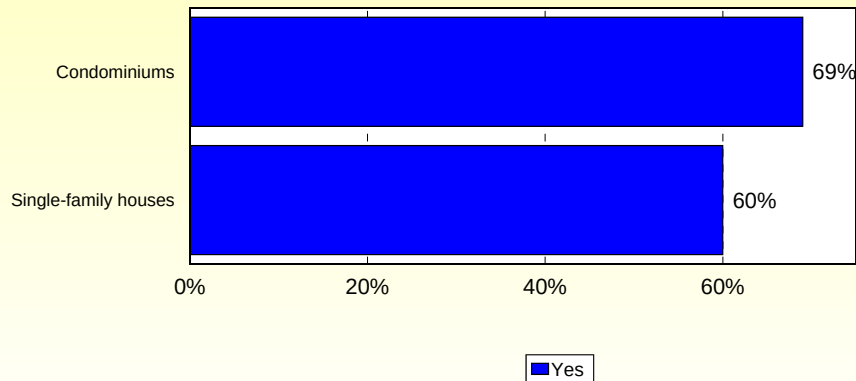
If the Commission wishes to continue with this process, the staff request that the Commission continue the application to the next meeting to allow time to prepare a revised draft ordinance. The following is an example of an appropriate motion:

“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:

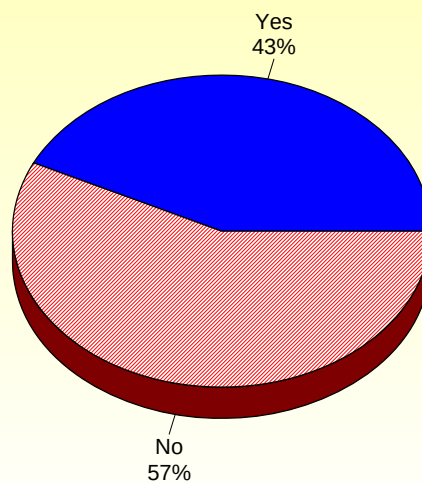
by percentage of respondents who answered "yes" (excluding "not sure")



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?

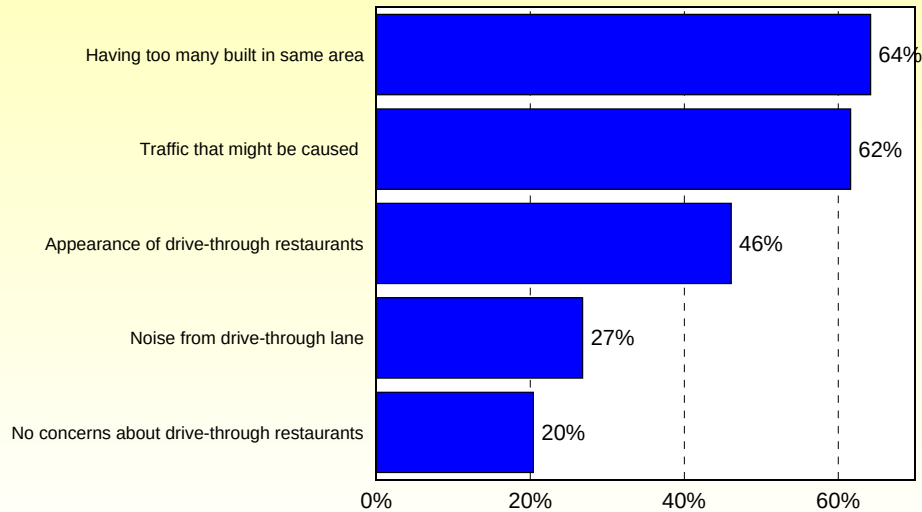
by percentage of respondents (excluding "not sure")



Source: ETC Institute DirectionFinder (2014 - Creve Coeur, MO)

Q29. Do you share any of the following concerns about drive-through restaurants?

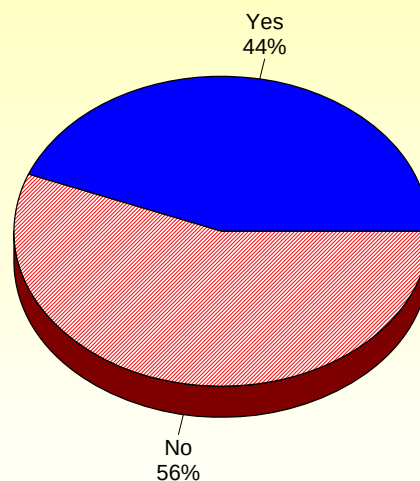
by percentage of respondents (excluding "don't know" - multiple selections could be made)



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 MANCHESTER	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 %
CAREFULLY ADDRESS 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 %
MAY ATTRACT 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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BH Expands MF Portfolio

PHOENIX—BH Properties, a Los Angeles-based firm that specializes in acquiring and repositioning challenged or distressed real estate properties, has purchased the Papago Crossing apartments for \$8.1 million. The move further advances the firm's investment strategy in the region.

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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](#).

[Read More](#)

Gyms and Grocery Thrive In Brick & Mortar Retail

LOS ANGELES—Experts on the retail panel at RealShare Los Angeles talk about the retail types that are finding success in brick-and-mortar shops. The spectrum is larger than you'd think.

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Value-Add in the Industrial Market

LAS VEGAS—There's still opportunity in the value-add sector of the industrial market, and even some interesting changes from a new segment of tenancy, as BH Properties' Steve Jaffe details in this EXCLUSIVE "SIOR Live" video interview.

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LOS ANGELES—In this EXCLUSIVE video, BH Properties' Steve Jaffe offers his forecast of the retail market for the upcoming year and tells us which retail types are thriving.

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BH Properties acquires and repositions underperforming properties that typically have significant vacancy or negative cash flow. As a respected leader for 20 years in this particular asset class, BH Properties works expertly through a trusted network of broker relationships to identify key properties in targeted markets, closing quickly on an all-cash basis, enabling both BH Properties and each seller to meet their respective goals. In 2014, in addition to the firm's continued focus on growth in the Southwest, BH Properties will continue its distinct investment strategies in their core markets of California, Nevada, Utah, Colorado and Texas.



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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.

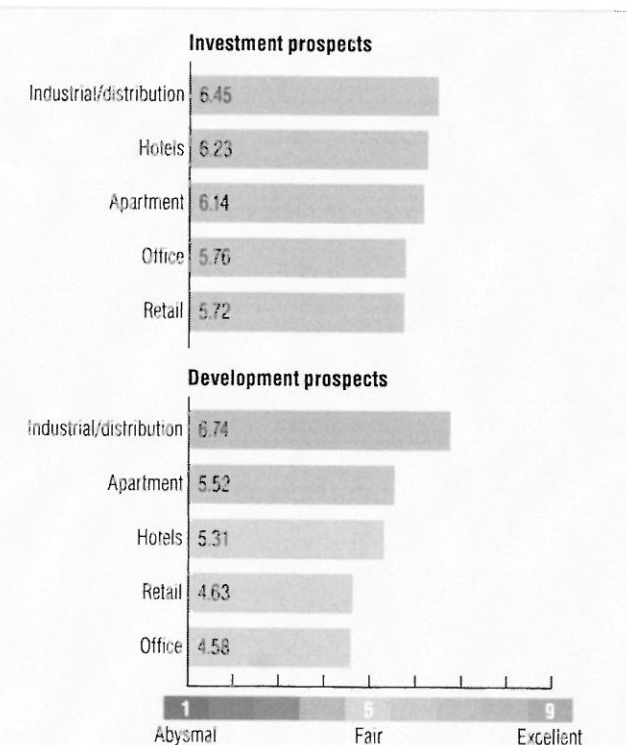
The industrial and distribution sector leads the way for both investment and development prospects in 2014, according to *Emerging Trends* survey respondents, with expected prospects rising to almost the same level as the apartment sector last year. "If you are a long-term investor, the industrial sector 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



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

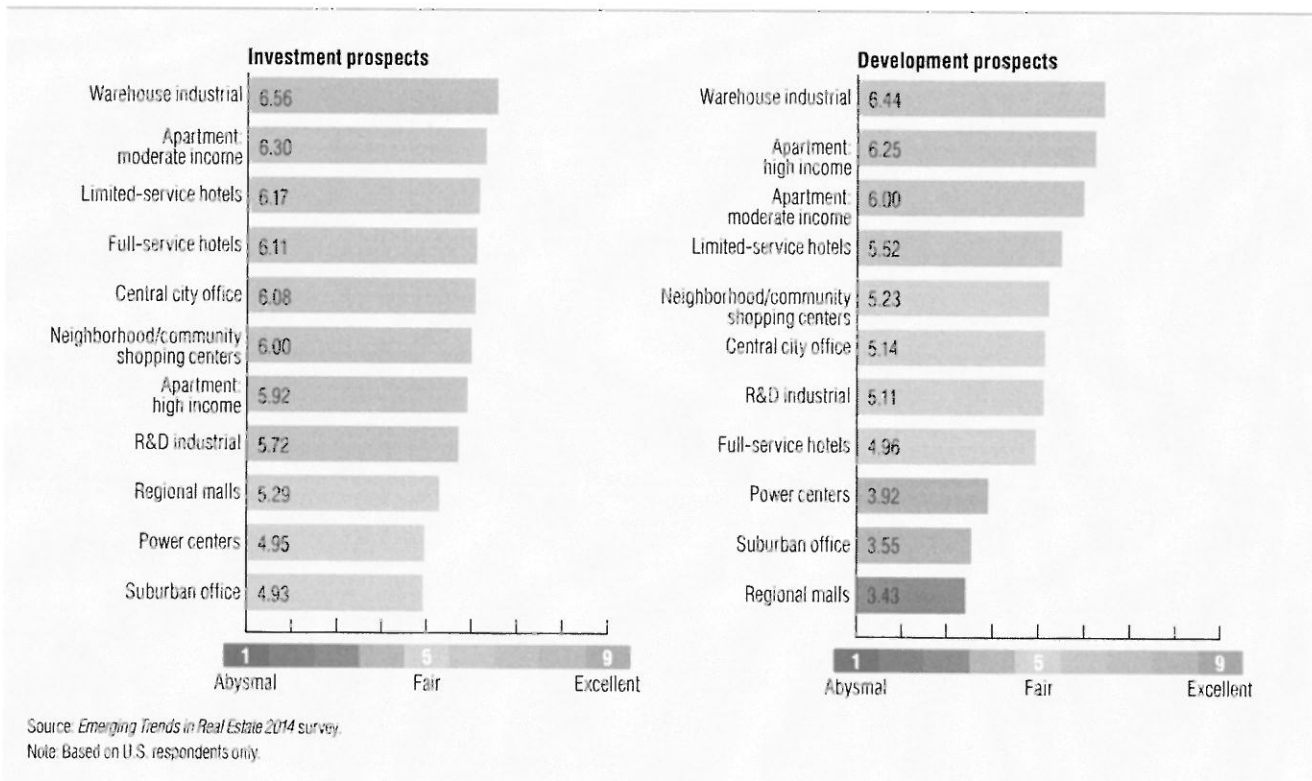
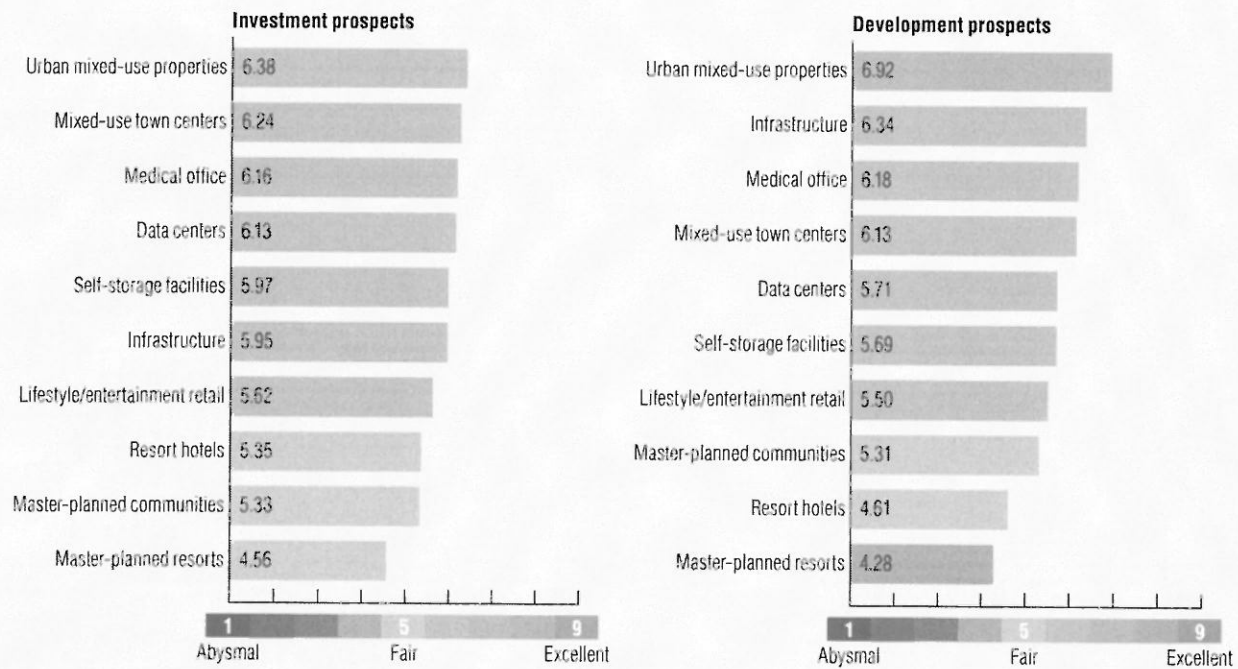


EXHIBIT 4-3

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

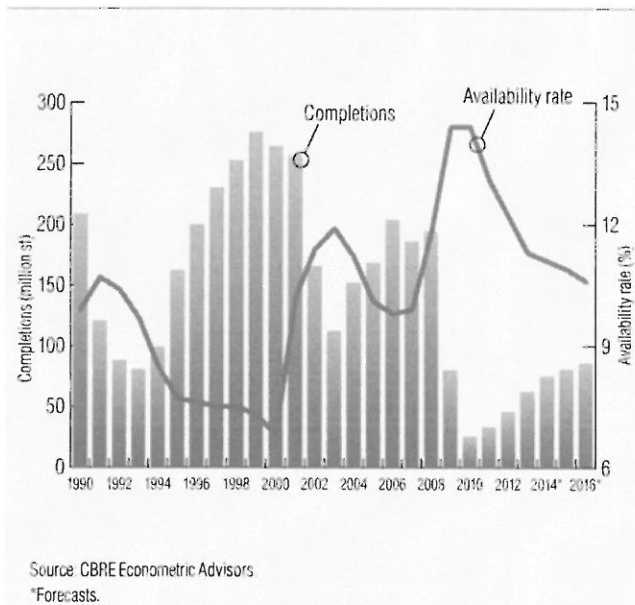
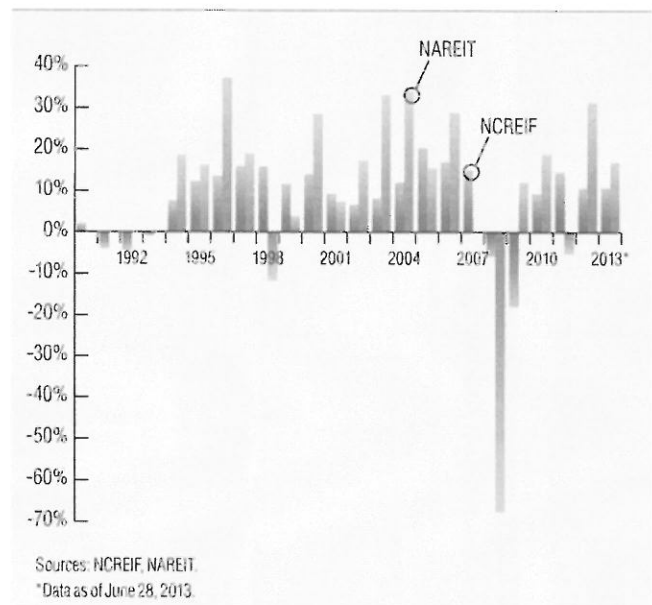


EXHIBIT 4-5
U.S. Industrial Property Total Returns



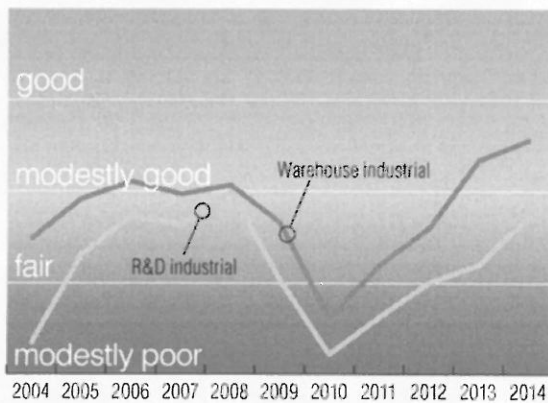
companies moving back to the U.S. because the economics are shifting," says a labor economist. "A key driver of this trend is that labor costs in China are rising, with wages increasing by about 15 to 20 percent a year and the steady appreciation of the Chinese yuan against the dollar. Manufacturers 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

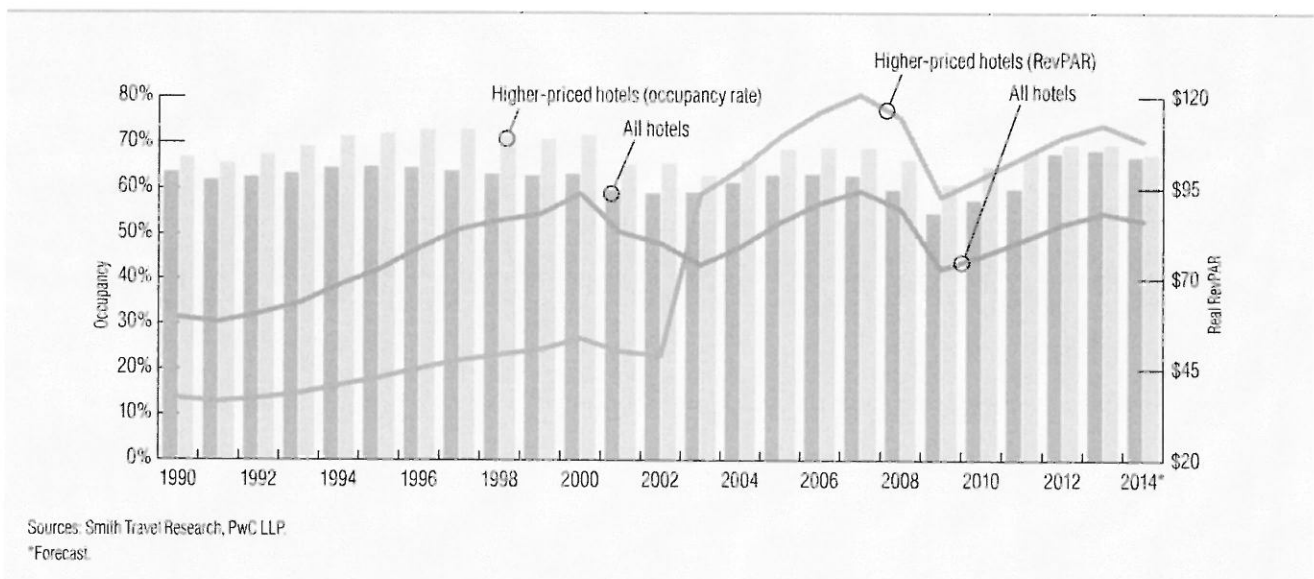
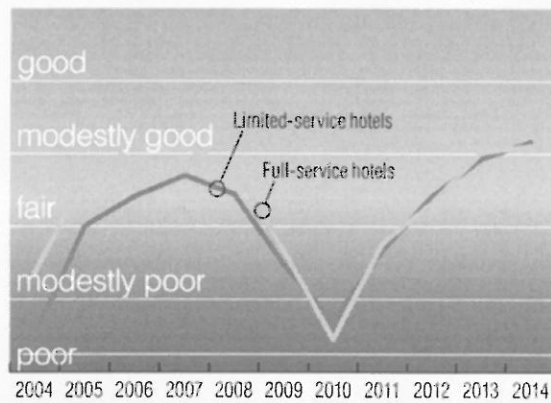


EXHIBIT 4-8
Hotel Investment Prospect Trends



Source: *Emerging Trends in Real Estate* surveys.

U.S. hotels: limited service

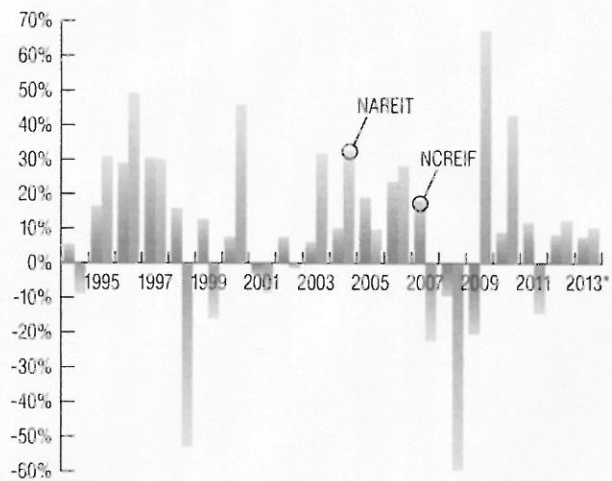
2014	Prospects	Rating	Ranking
Investment prospects	6.17	Modestly good	3rd
Development prospects	5.52	Fair	4th
Buy		Hold	Sell
48.1%		28.6%	23.4%
Expected capitalization rate, December 2014		8.3%	

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.

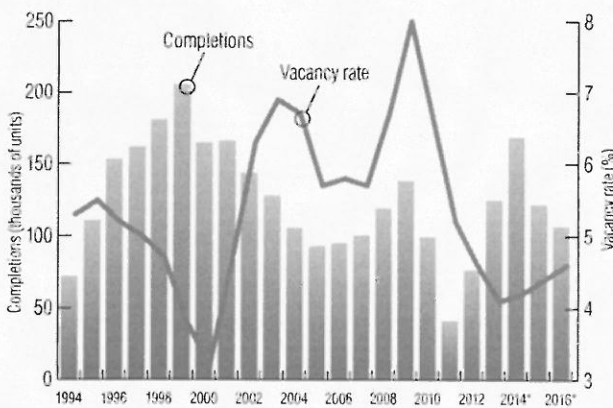
Multiple Sources of Demand

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.

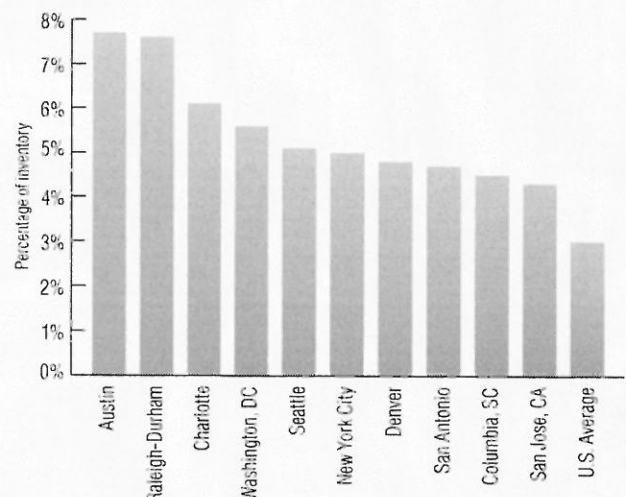
At the lower end of the age spectrum, some investors favor student housing "because it is not cyclical," says an institutional real estate adviser. "Because most colleges no longer build new dorms, the sector will remain strong."

EXHIBIT 4-10
U.S. Multifamily Completions and Vacancy Rates



Source: REIS
*Forecast.

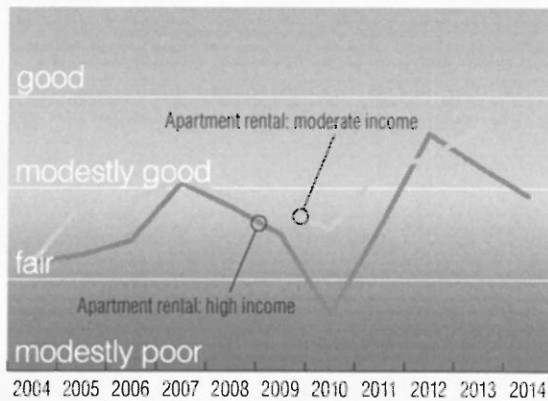
EXHIBIT 4-11
Multifamily Units under Construction



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

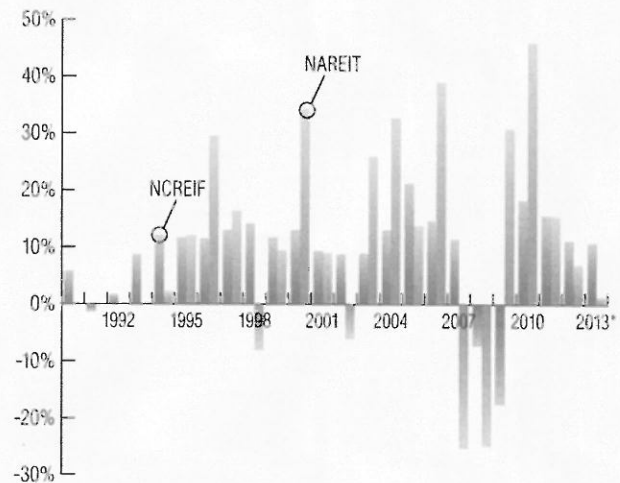
2014	Prospects	Rating	Ranking
Investment prospects	6.30	Modestly good	2nd
Development prospects	6.00	Modestly good	3rd
Buy	Hold		Sell
37.6%	34.3%		28.1%
Expected capitalization rate, December 2014		6.2%	

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.

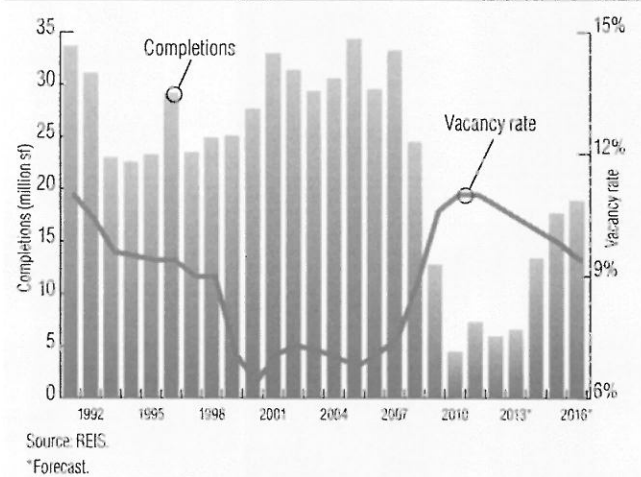
Retail

"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

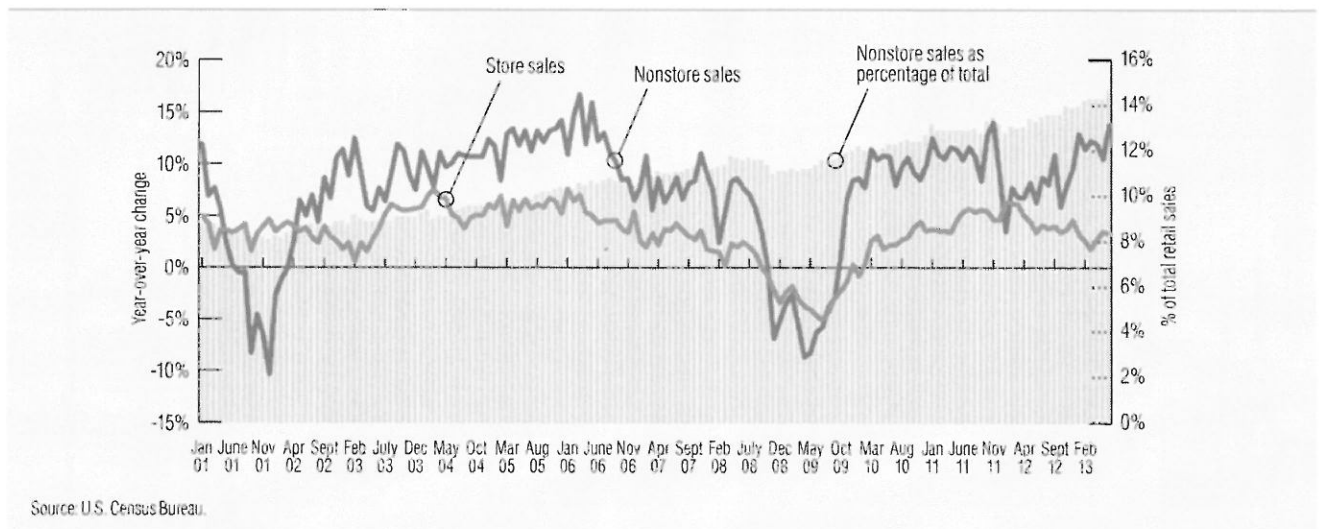
EXHIBIT 4-15
U.S. Retail Completions and Vacancy Rates



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

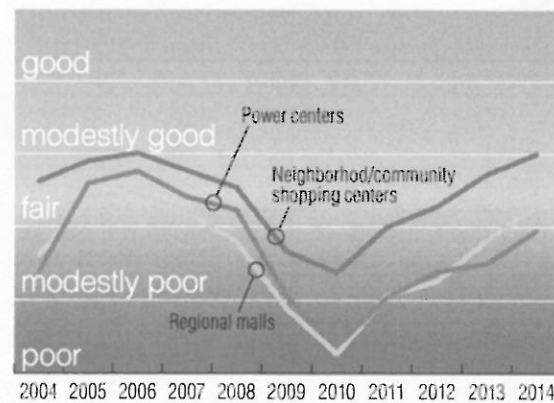
To adjust to the increase in online shoppers, retailers are looking at a variety of approaches ranging from using stores more as showrooms to using them as quasi-distribution centers. "Brick-and-mortar" retail will continue to converge with online shopping as all retailers become progressively drawn 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 35.8%	Sell 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 42.7%		Sell 39.3%
Expected capitalization rate, December 2014		7.3%	

U.S. regional malls

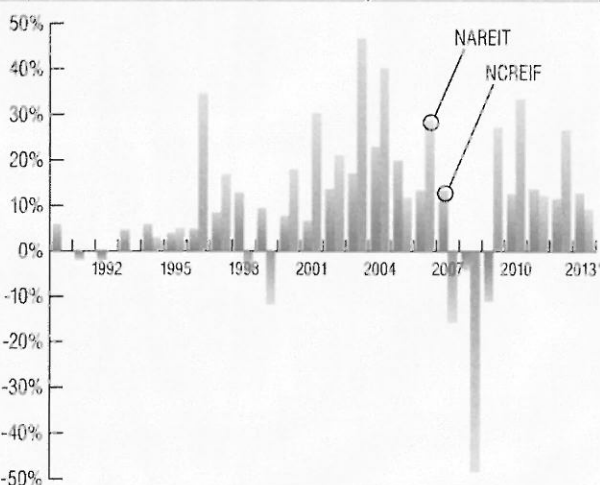
2014	Prospects	Rating	Ranking
Investment prospects	5.29	Fair	9th
Development prospects	3.43	Poor	11th
Buy 20.0%	Hold 52.6%		Sell 27.4%
Expected capitalization rate, December 2014		6.2%	

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

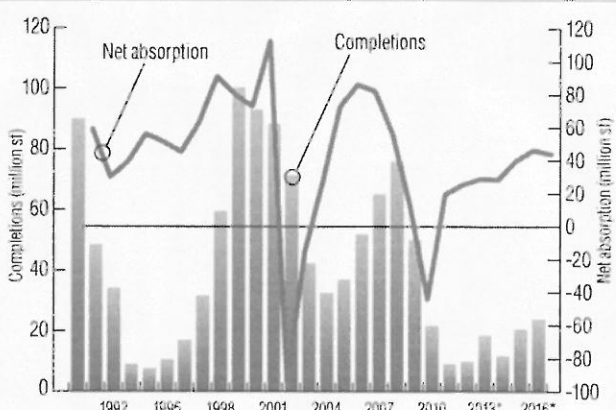
Perhaps more than any other property type, office space will struggle to find pockets of new demand in 2014. In the *Emerging Trends* survey, respondents continue to rate central city offices among the better sectors for investment but only fair for development; suburban office is the lowest rated of 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

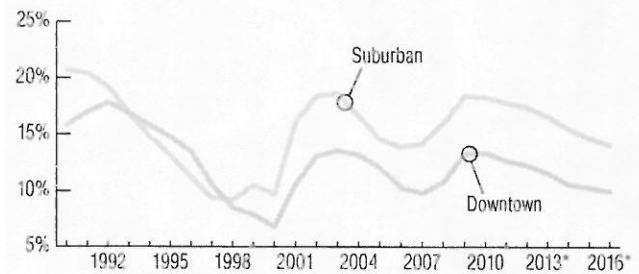
Companies are learning to get by with fewer employees while taking up less space per employee as they allow more employees to work at home and squeeze others into denser office layouts. "There is this constant trend to get more productivity and efficiency out of office space. It will lead to a slower 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.

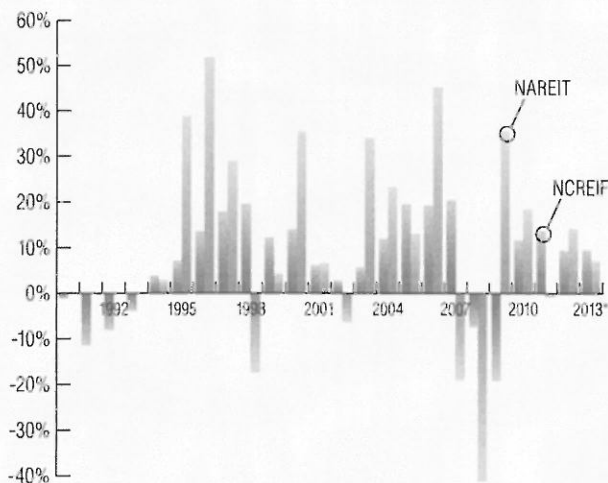
Secondary Market Attractiveness

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

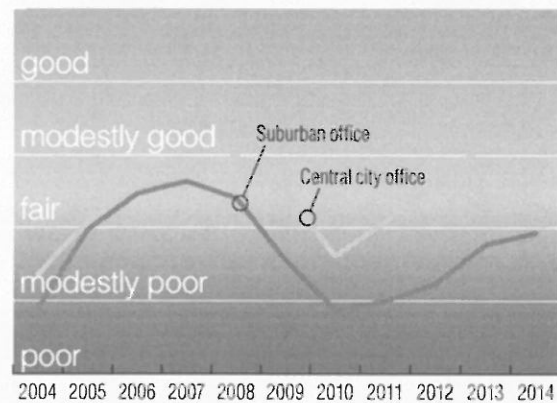


Sources: NCREIF, NAREIT.
*Data as of June 28, 2013.

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

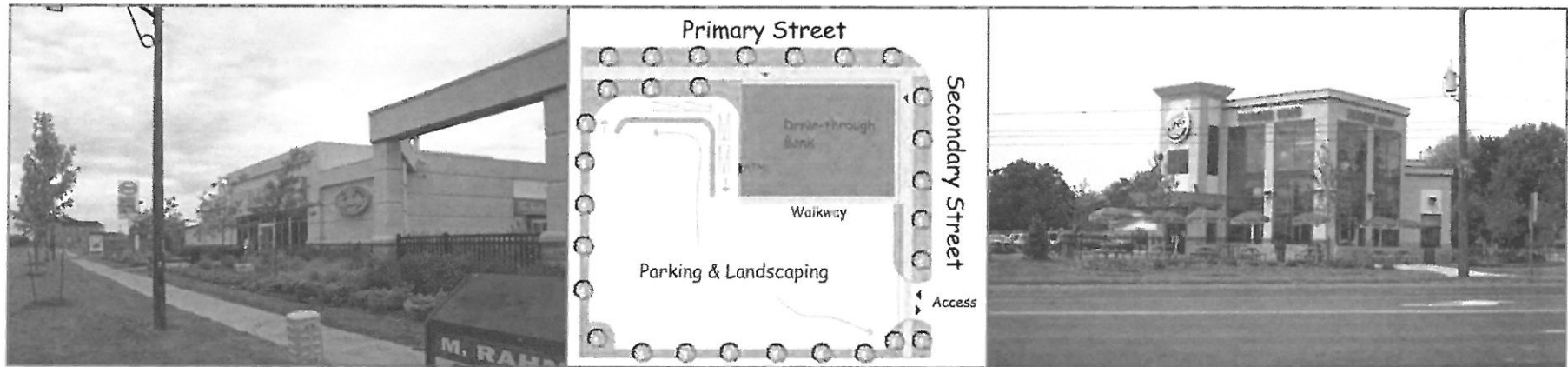
The architecture of the building should be viable and appropriate for its location and use regardless of the business identity. Restaurant signage plans should reflect a balance between allowing adequate signage for business identification while protecting the visual aesthetic of Scottsdale's streetscapes. 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.

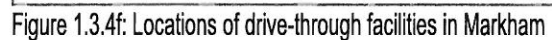


Figure 1.3.4c: McDonald's at Kennedy Road & Lee Avenue - a drive-through restaurant as part of a institutional complex.



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.

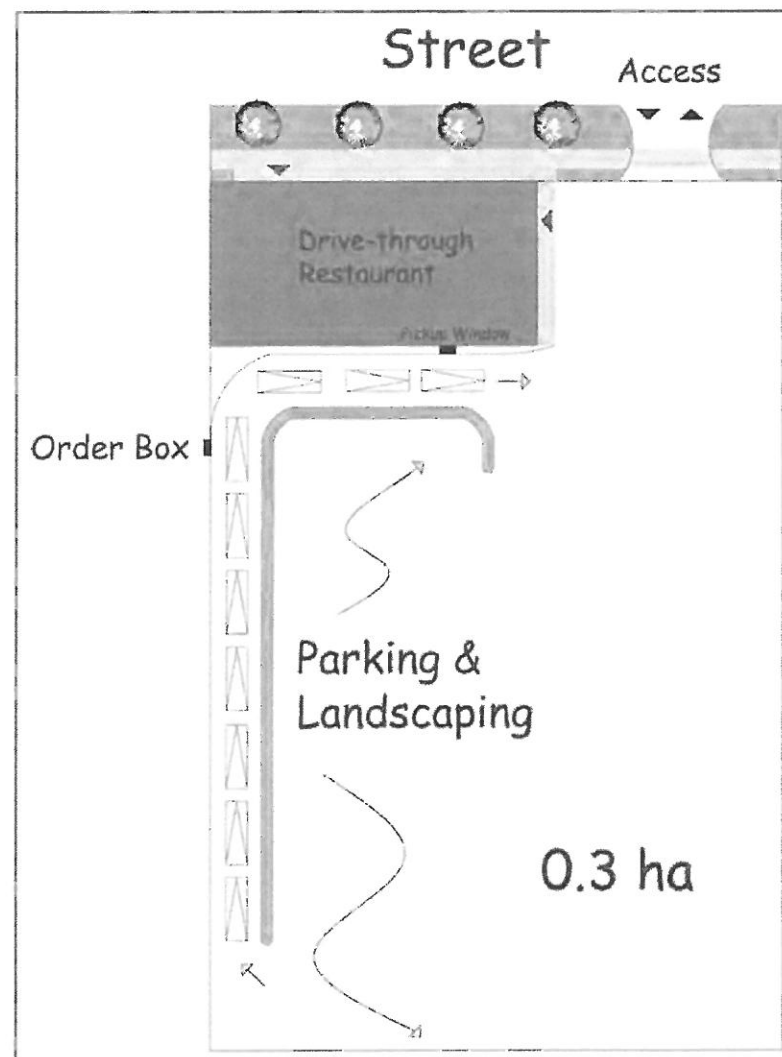


Figure 4.3a: This sketch illustrates a drive-through site which allows for sufficient space for a facility to provide appropriate landscaping, buffering and parking.

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.

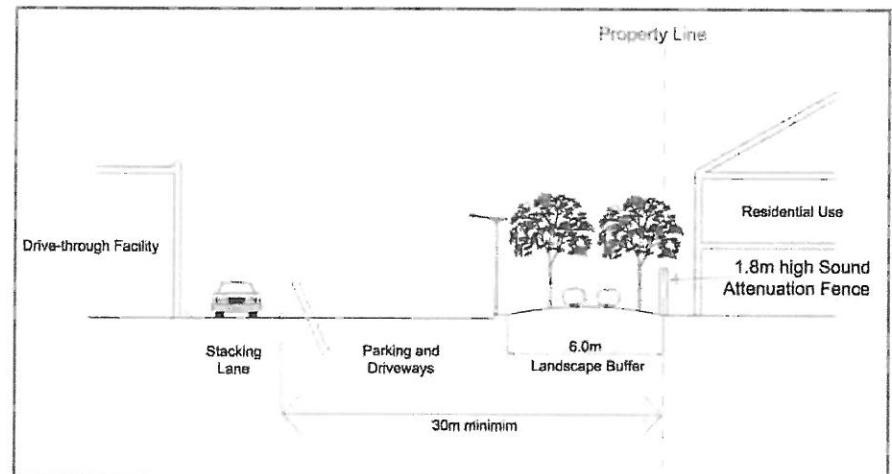


Figure 4.4a: This sketch illustrates a 30 meter setback, including a 6 meter landscape buffer adjacent a residential use, which utilizes trees, shrubs and berming.

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.

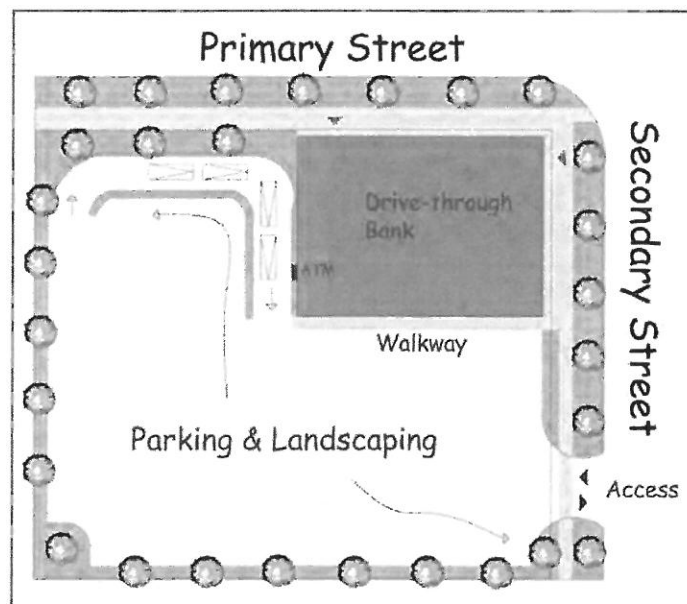


Figure 4.5b: Sketch illustrating appropriate site access - this corner site provides an access point into the site away from the intersection as well as being from a secondary street.

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.

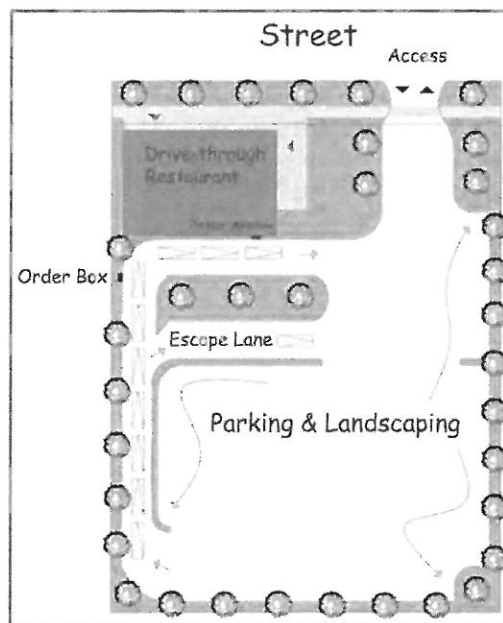


Figure 4.6a: Sketch showing an uninterrupted linear stacking lane and an escape lane that allows vehicles to exit without having to drive by the pickup window.

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.

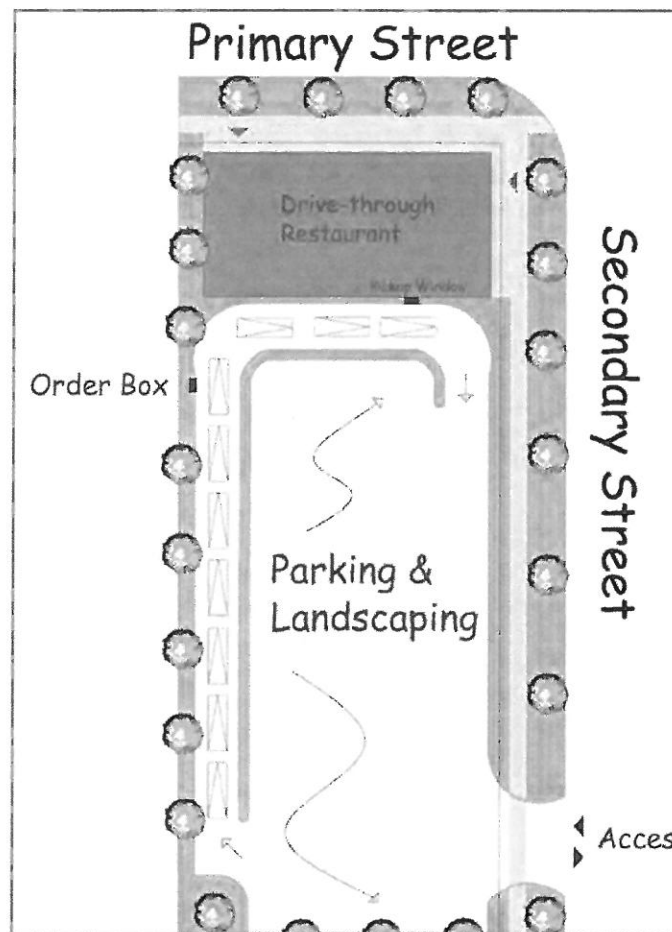


Figure 4.6b: Sketch showing an uninterrupted linear stacking lane which is adequately contained within the site while providing sufficient stacking spaces.

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.

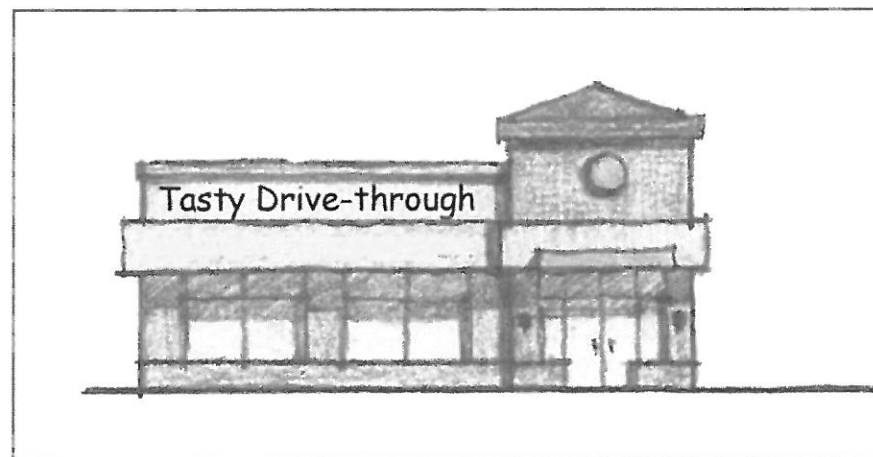


Figure 4.7c: Sketch of the facade of a drive-through facility which provides appropriate fenestration and entrance features.

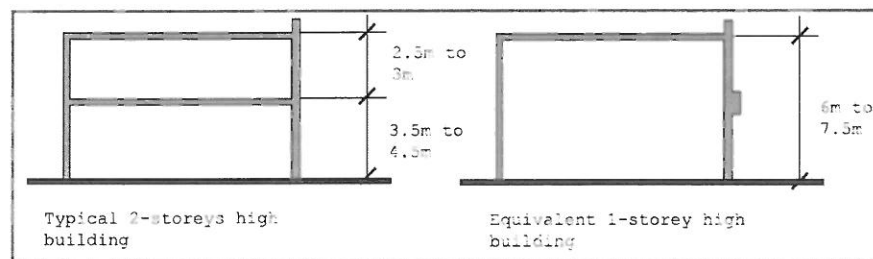


Figure 4.7d: This sketch illustrates the use of increased heights for single storey buildings to match that of two-storey buildings for an appropriate scale along streets.

Guideline 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.

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

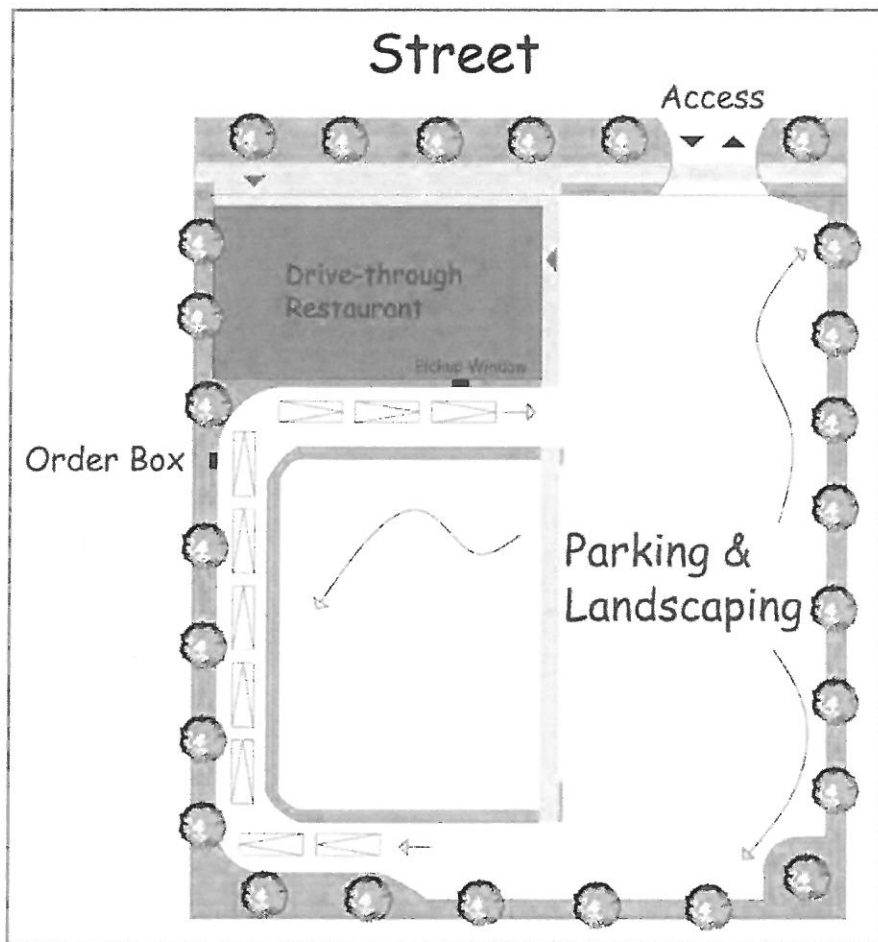


Figure 4.7e: This sketch illustrates the use of pedestrian walkways providing access to the building entrances from within the site and the street.

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











Attachment: Prior Staff Reports and Attachments from July 21, June 16, June 2, May 5, and April 21, 2014









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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.

More than one-third of all McDonald's U.S. restaurants now feature multiple order points, including tandem or side-by-side drive-thrus, along with nearly 1,200 handheld order takers in the drive-thru line. CFO Peter J. Bensen recently said (<http://www.qsrweb.com/article/193433/McDonald-s-focus-on-core-items-reimaging-and-labor-pays-off>) these improvements have yielded a 5 percent growth in comp transactions during the lunch daypart.

Story continues below ...



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[bAWDJtvaJmKSIE7IBDnd3dy5xc3J3ZWluY29tugEJZ2ZwX2ltYWdlAEJ2gFJaHR0cDovL3d3dy5xc3-AL00R6AAwGQA6QDmAPqA6gDAeAEaAGHw%2526num%253D0%2526sig%253DAOD](http://adclick.g.doubleclick.net/aclick%3bAWDJtvaJmKSIE7IBDnd3dy5xc3J3ZWluY29tugEJZ2ZwX2ltYWdlAEJ2gFJaHR0cDovL3d3dy5xc3-AL00R6AAwGQA6QDmAPqA6gDAeAEaAGHw%2526num%253D0%2526sig%253DAOD)

Tim Hortons has also committed to doubling its double drive-thru units throughout Canada. The plan was recently announced (<http://www.leaderpost.com/news/Hortons+double+drive+thrus/6556942/story.html>) to speed things up in order to remedy congestion problems at many locations.

And while some QSRs are working on their drive-thru speed, others are just hoping to boost their traffic. Captain D's, for example, recently added sandwiches to its menu in the hopes of boosting drive-thru patrons. Captain D's is an anomaly in the QSR segment, generating just 30 percent of its sales from the drive-thru.

"There is a big demand for portable product offerings that travel well. We are working on doing this right because it's been a void in our system. We think it will give us a competitive re-entry into the marketplace that rivals the gold standard players in the industry," said CEO Phil Greifeld (<http://www.qsrweb.com/article/182749/Righting-the-ship-With-Captain-D-s-new-leadership-team-in-place-focus-shifts>).

According to NPD, growth in drive-thru visits go hand-in-hand with the growth of on-the-go foods and beverages that can be eaten in the car, such as sandwiches and wraps. Portability is a key implication for the types of foods and beverages offered at the drive-thru and the packaging of these foods, like containers designed to fit perfectly in a car cup well. Burger King launched a car cup-shaped french fry holder – a "Frypod (<http://www.qsrweb.com/article/139561/Burger-King-goes-pop>)" – a few years ago.

Burger King (<http://www.qsrweb.com/article/95448/Digital-menu-boards-at-the-drive-thru-Fad-or-game-changer>) also is one of a handful of chains that has installed digital menu boards at the drive-thru, to help improve order accuracy and target daypart messages, among other benefits (<http://www.qsrweb.com/blog/7941/Value-Menu-The-top-12-benefits-of-digital-menu-boards-Infographic>).

Read more about **operations management** (<http://www.qsrweb.com/research/246/Operations-Management>).

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Алисия Келсо / 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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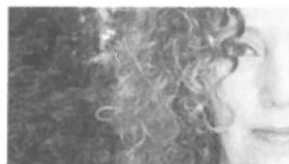


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Attachment: Prior Staff Reports and Attachments from July 21, June 16, June 2, May 5, and April 21, 2014 (1049 : Drive-Thru Text Amendment)

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	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

CITY OF CREVE COEUR, MISSOURI
CHANGE IN NET POSITION (Continued)
LAST TEN FISCAL YEARS

	For The Years Ended June 30									
	2013	2012	2011	2010	2009	2008	2007	2006	2005	2004
GENERAL REVENUES AND OTHER CHANGES IN NET POSITION										
Governmental activities:										
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)	(57,966)	(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

Fiscal Year	Property	Sales And Use	Franchise And Public Service	Sewer Lateral	Total
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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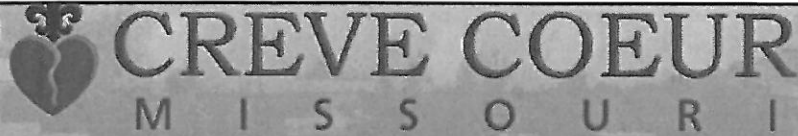
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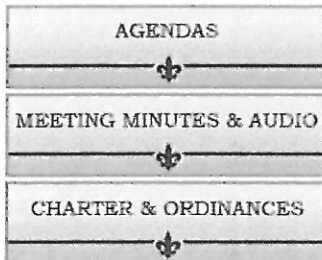
Frequently Asked Questions

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%

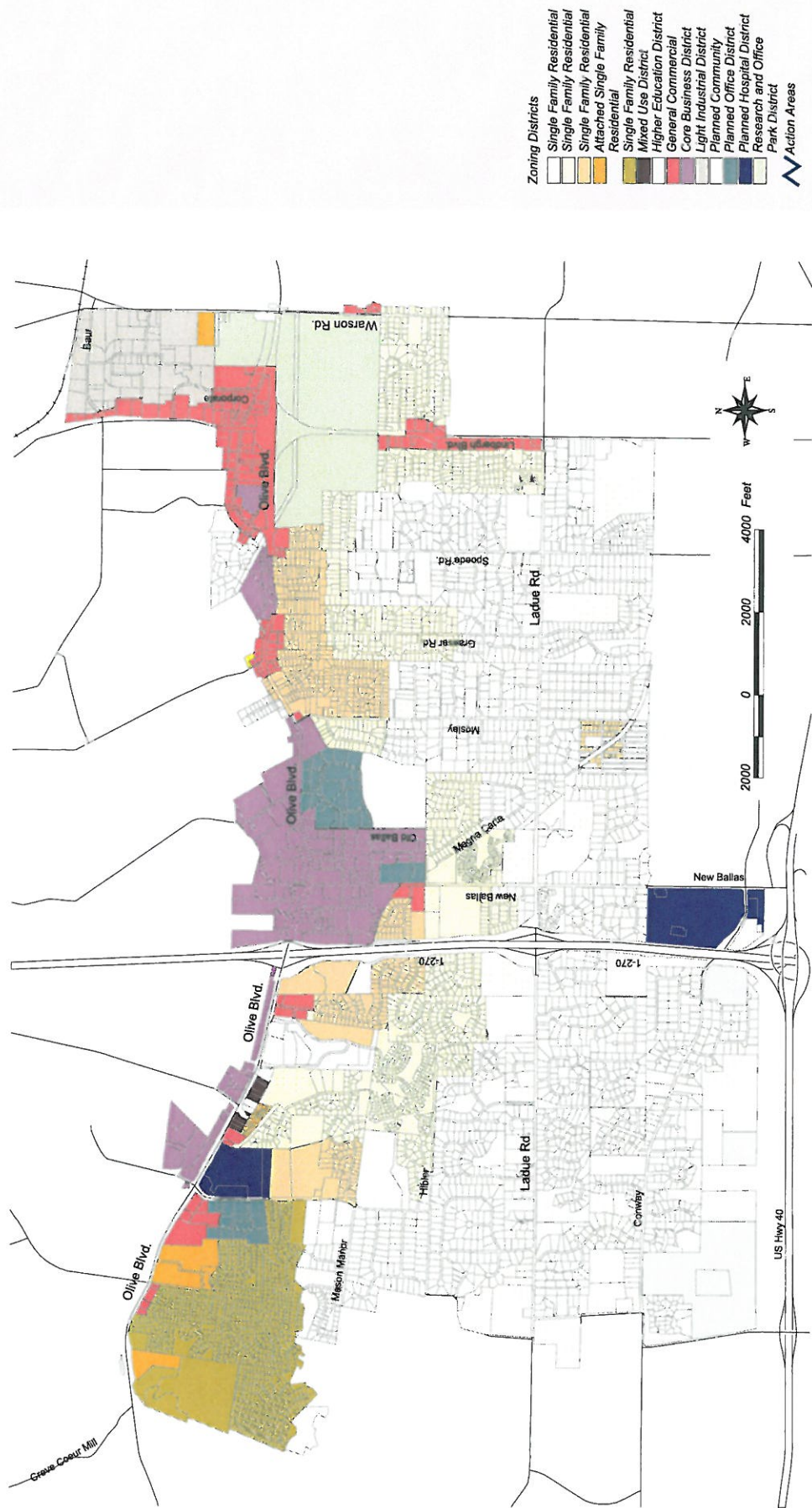
Note: tax rates do not include special taxing districts, such as Transportation Development Districts.

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Existing Zoning Districts

City of Creve Coeur



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)
	Direct Rate						
2003	0.50%		1.850%	4.225%	6.575%	\$ 3,762	\$ 1,051,827
2004	0.50%		1.850%	4.225%	6.575%	3,940	1,148,881
2005	1.00%		1.850%	4.225%	7.075%	7,653	1,167,827
2006	1.00%		1.850%	4.225%	7.075%	9,086	1,261,810
2007	1.00%		1.850%	4.225%	7.075%	9,588	1,311,170
2008	1.00%		1.850%	4.225%	7.075%	11,538	1,251,922
2009	1.00%		2.100%	4.225%	7.325%	10,640	1,157,788
2010	1.00%		2.700%	4.225%	7.925%	10,544	1,011,597
2011	1.00%		2.700%	4.225%	7.925%	10,714	1,118,534
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	590,622	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	151,522	181,407	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										
Total primary government	\$ 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

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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		30,739	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		33,532	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

Attachment: Prior Staff Reports and Attachments from July 21, June 16, June 2, May 5, and April 21, 2014 (1049 : Drive-Thru Text Amendment)



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-

CITY PLANNER'S COMMENTS

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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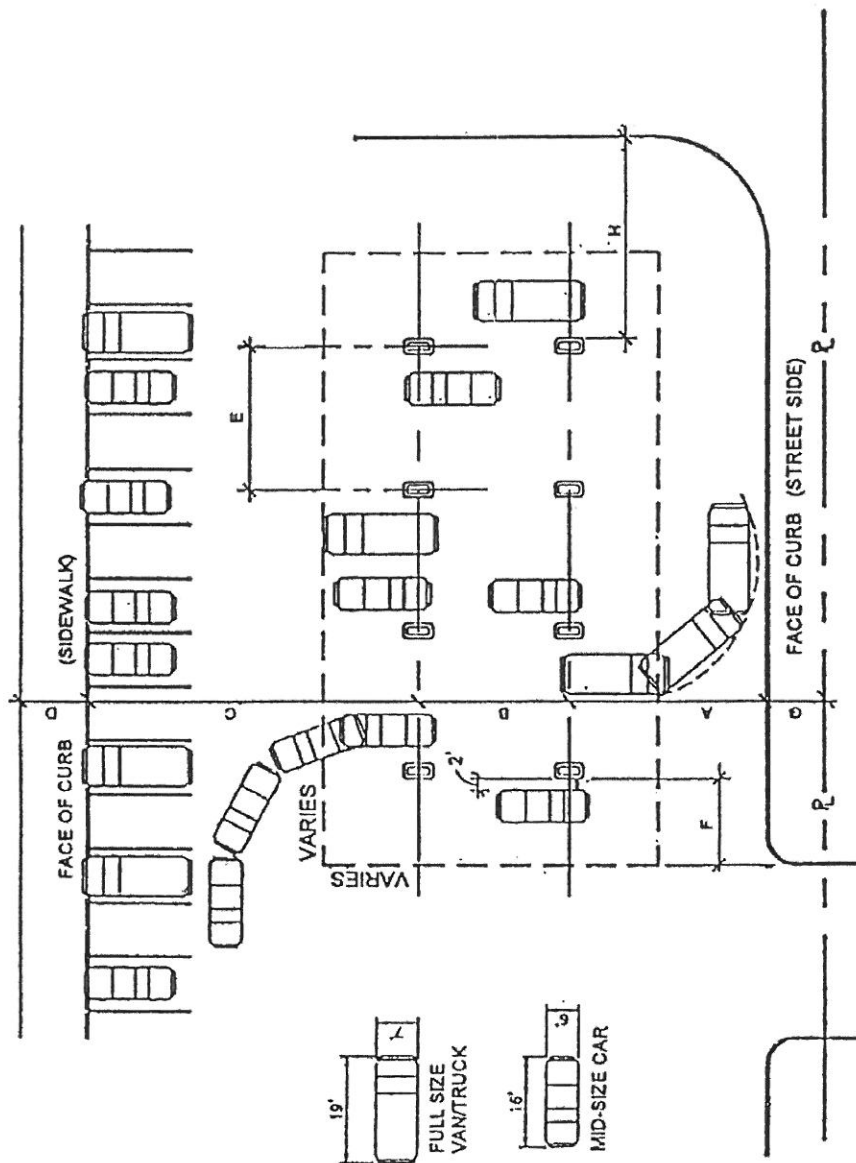


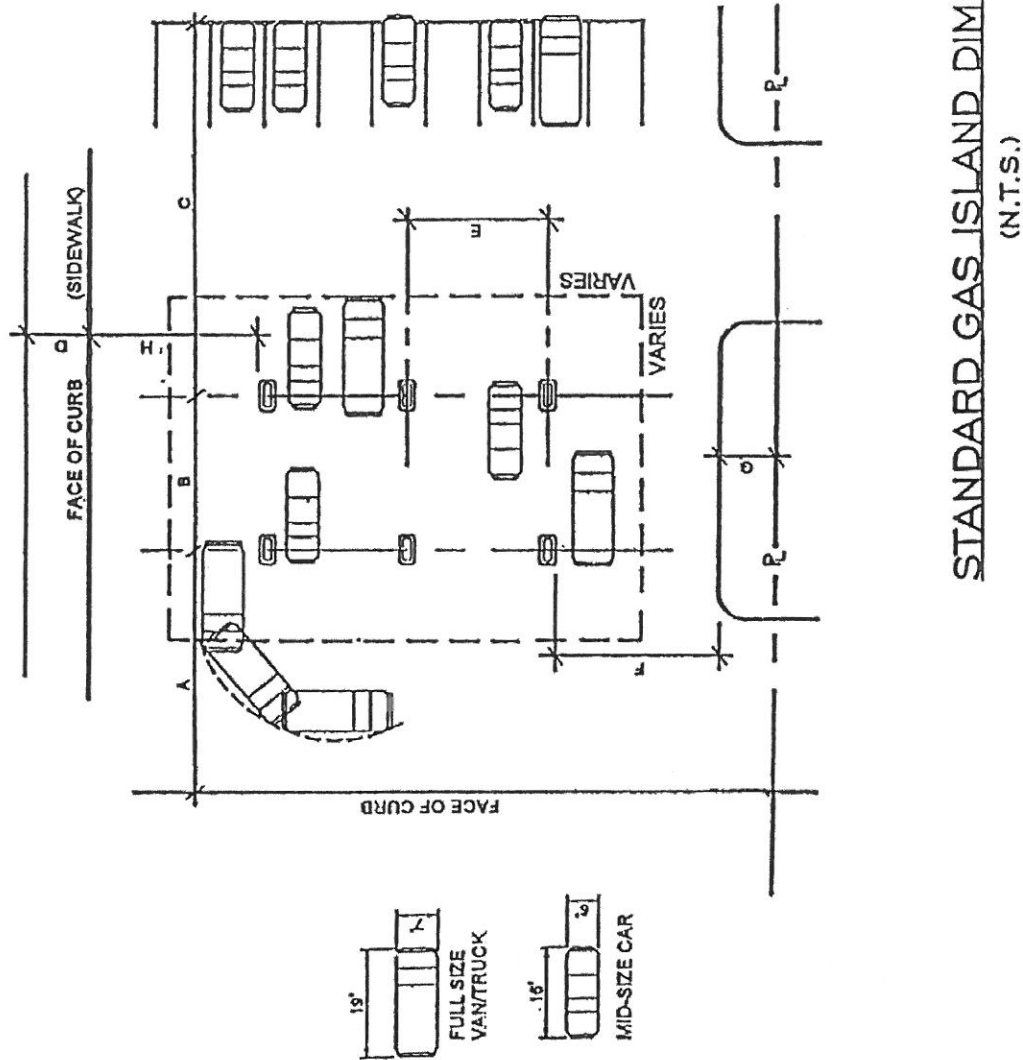
FIGURE 23.1

DESIGNATION	MINIMUM
A	44'
B	30'
C	65'
D	8.6'
E	26'±2'
F	16'
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.)



DESIGNATION	MINIMUM
A	44'
B	30'
C	65'
D	6.0'
E	32'
F	28'
G	20'
H	25'

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.



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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 2, May 5, and April 21, 2014 (1049 : Drive-Thru Text Amendment)

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	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	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		

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.

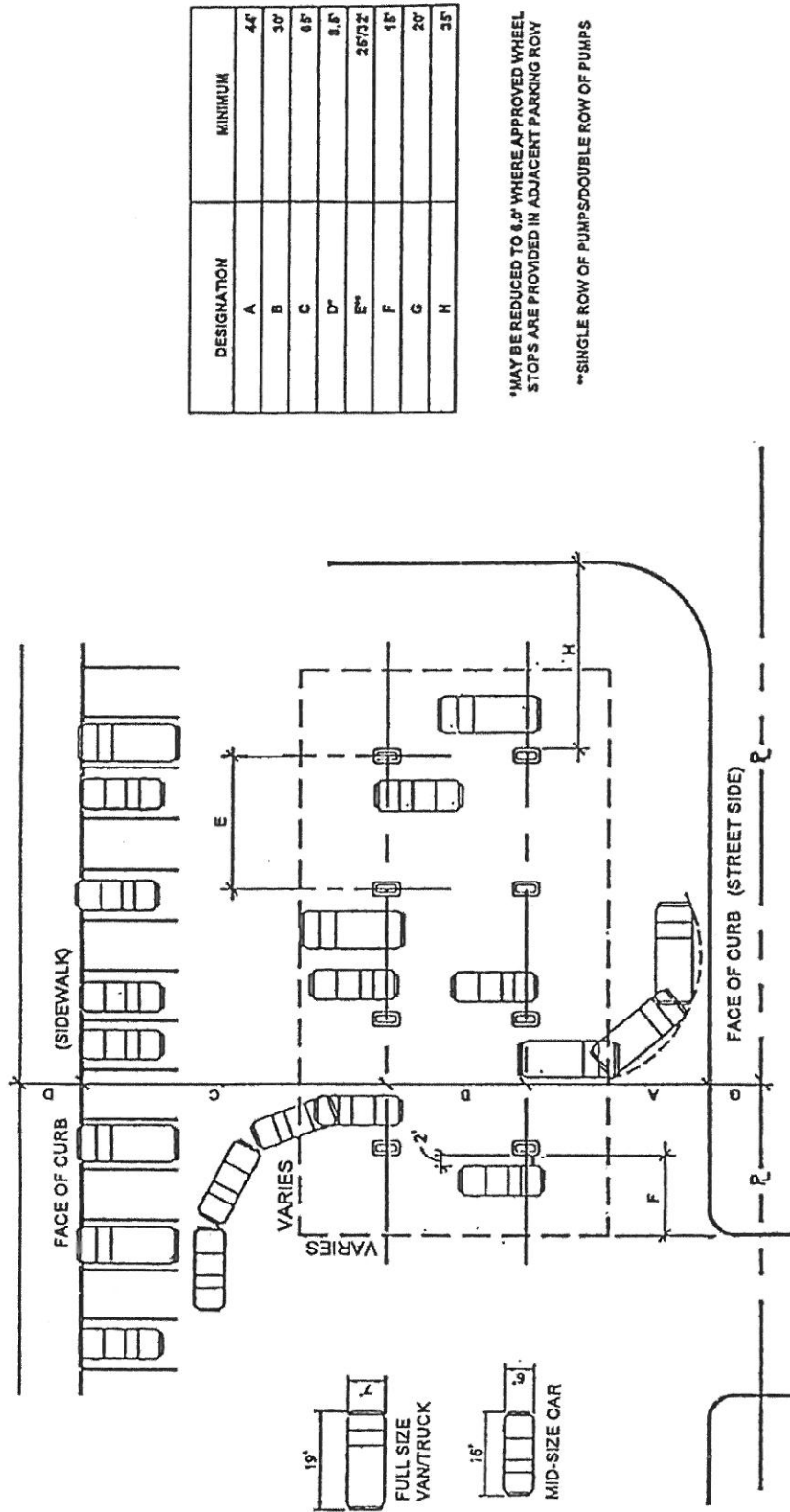


FIGURE 23.1

STANDARD GAS ISLAND DIMENSION
(N.T.S.)

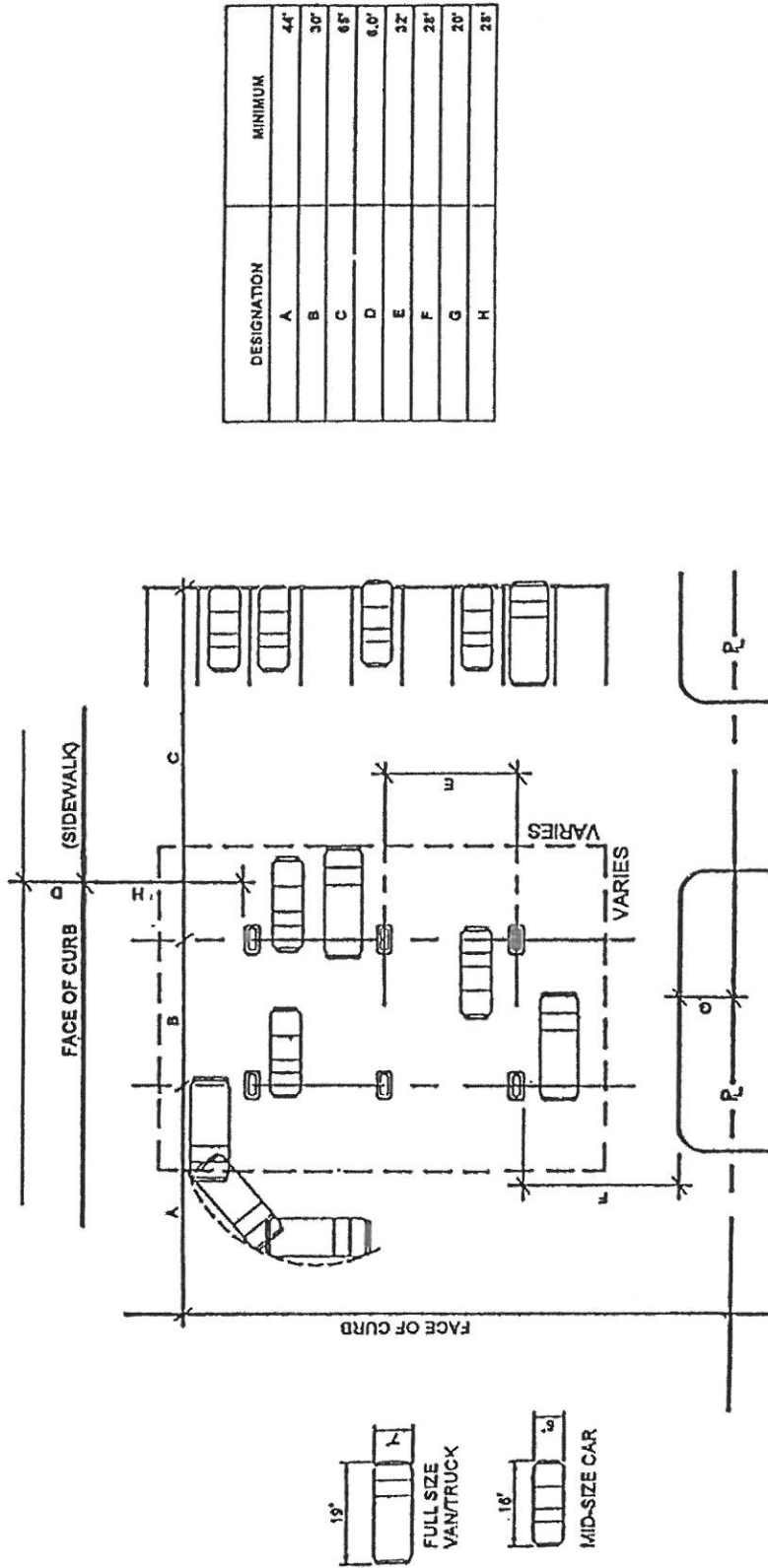


FIGURE 23.2

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)	(12,227,333)	(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.
- 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.
- 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.

(Ord. No. 1128, § 1, 4-22-85; Ord. No. 1290, § 1, 10-12-87; Ord. No. 1358, § 5, 11-14-88; Ord. No. 1455, § 2, 10-22-90; Ord. No. 1533, § 1, 4-13-92; Ord. No. 1575, § 1, 12-14-92; Ord. No. 1691, § 2, 11-23-94; Ord. No. 1926, § 1, 11-9-98; Ord. No. 2289, § 5, 7-26-04)

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

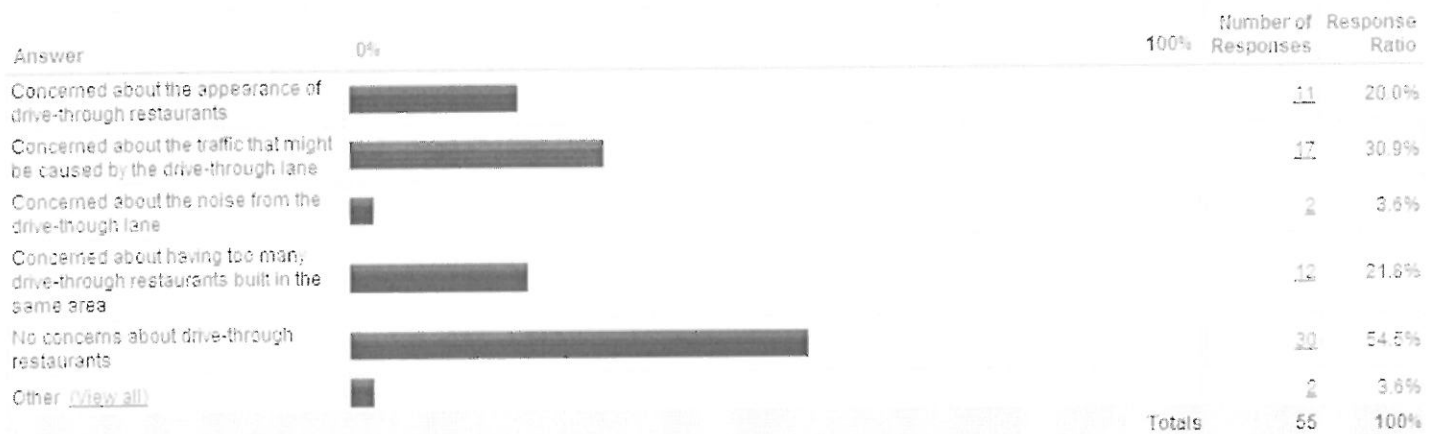
Would you be in favor of changing the regulations so that more drive-through restaurants could locate in Creve Coeur?

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?



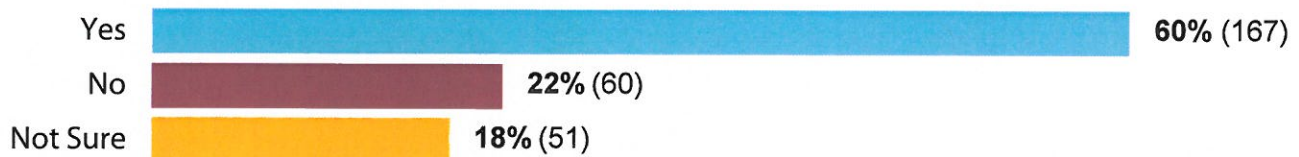
14 Responses

- 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

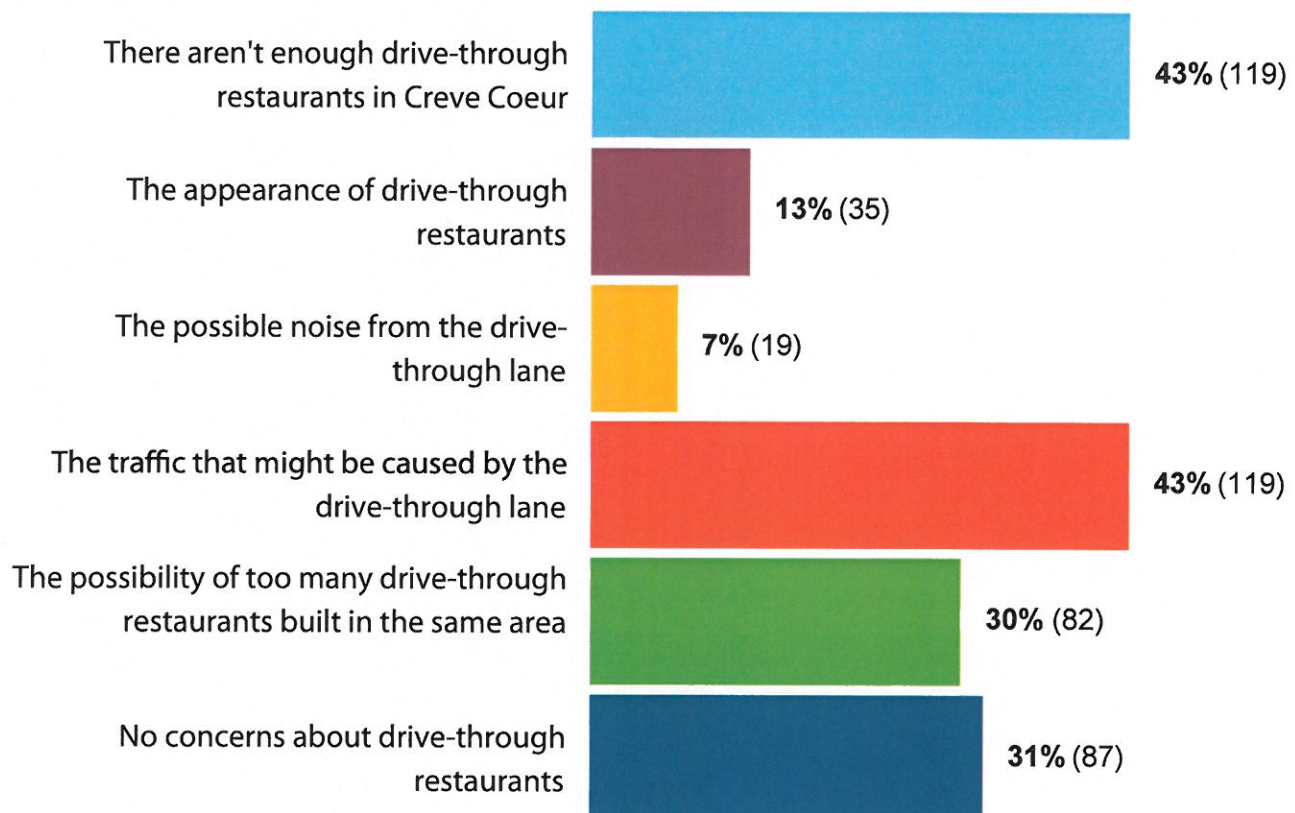
Business Survey - Drive Through Ordinance

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:

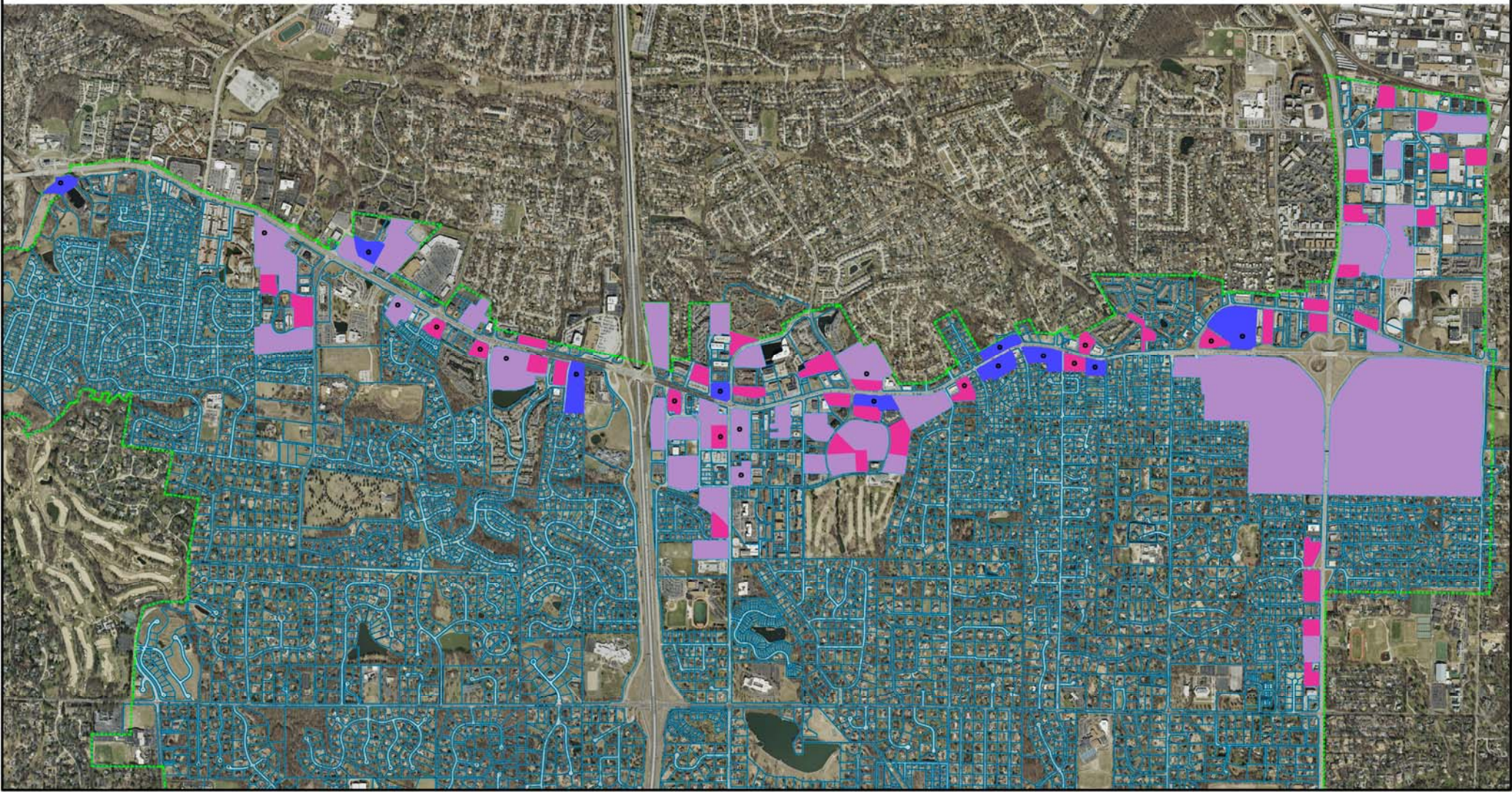
- Existing two to three acre lots with GC (General Commercial) or CB (Core Business) zoning
- Existing three acre and over lots with GC or CB zoning
- Assemblages of lots totaling at least two acres where the lots are or have recently been contemplated for redevelopment.

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.





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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



DEPARTMENT OF PUBLIC WORKS OFFICE MEMO

DATE: July 25, 2014

TO: Planning & Zoning Commission

FROM: Jim Heines, Director of Public Works

SUBJECT: Approval of Dedication Request for Conway Aire Subdivision

In February, 2013, City staff responded to a request by the Conway Aire subdivision trustees to repair curbing in their subdivision. Once evaluated, it was determined that there was approximately ½ of the cul-de-sac island required replacement of the 6" vertical curb. Apparently snow plow contractors pushing out private driveways into the cul-de-sac island as well as delivery trucks driving over the island had broken the curb into pieces and pushed them out into the drive lane.

As general procedure, prior to adding streets to our pavement maintenance list, staff reviews the public street ordinances to confirm that the recommended streets are indeed publically maintained. In this case, staff found that Conway Aire was not an approved Public Street which triggered a review of the subdivision file. Although the language in the recorded plat identified the street to be dedicated to the public, no request for acceptance letter from the developer or trustees, staff report, or ordinance accepting the street as publically maintained was found in the file.

Staff contacted the trustees to notify them that we could not add the cul-de-sac curb repair to the maintenance list. The trustees were surprised to hear that their street was not publically maintained and commented that the city had performed some maintenance such as pothole patching and crack sealing since the subdivision was completed in 1992.

According to the Street Acceptance Ordinance and Policy approved on July 17, 1991 the next step to become a public street after receiving an official dedication request, staff completed a formal evaluation of the street and sidewalk pavement in the subdivision (report attached). It identified that although it appeared that the street had been constructed to the city's standards of the late 1980's early 1990's, several cracked street slabs, broken curb, and sidewalk ADA compliance issues were noted.

Mark Perkins and I met with a trustee and spouse, Mr. & Mrs. Renz on Friday, February 14, 2014 to discuss the status of the pavements in their subdivision. During the meeting we discussed what information the city found while conducting research regarding the public vs. private status of the subdivision. Mr. & Mrs. Renz also pointed out that the language in the recorded plat stated that the right-of-way (ROW) streets and sidewalks were identified to be dedicated to the public. In addition, the Police Department Street Guide located on the city's website also identified the street as being public. Staff acknowledged both of these points, however without an ordinance accepting the

Attachment: Conway Aire Acceptance - Staff Report (1042 : Conway Aire Dedication/Acceptance)

dedication of Conway Aire Drive approved by the City Council, unfortunately the street remains private.

We informed the Renz's that this issue with Conway Aire as well as a couple of other streets in the city has triggered staff to research the status of all streets in Creve Coeur and we would get back to them with a recommendation once our research was completed.

City staff reviewed all information available regarding the dedication and acceptance of Conway Aire and recommended to the trustees of Conway Aire subdivision to proceed through the approved dedication and acceptance policy guidelines.

Recommendation

Although Conway Aire Drive is technically a private street, the street was constructed to the street standard approved by Creve Coeur in the 1980's and it appears that the intent was for the street to be dedicated by the developer and accepted by the city. We will not speculate as to whether the error in following the policy lies with the developer or previous administrations. In addition, it is evident that there has been some confusion on whether the street was publically or privately maintained for the past 22 years. Therefore, Public Works staff recommends approval and acceptance of Conway Aire Drive ROW, street & sidewalk pavement dedication.

Example motion:

I move that the Planning and Zoning Commission recommend the (approval/disapproval/conditional approval) of Conway Aire Drive as a public street and the city to assume the pavement maintenance to the Creve Coeur City Council, as recommended by Public Works staff.

The Commission's options are to recommend approval (with or without conditions) or to recommend disapproval to the City Council.

To: City of Creve Coeur
June 25, 2014

As a trustee of Conway Aire Drive, I am requesting the acceptance of our street for maintenance by the City of Creve Coeur.

Both parties have acted as if the contract existed for the past 30 years. The recorded plat and attached documents show the intent of the developer (Huntleigh Construction and Fred Kemp) was for the street (constructed to city standards), right of way and easements to be dedicated to the public.

In February of 2013 the island was damaged during snow removal by the City. The City engineer sent a crew to move the broken curb back in place and set up barricades. At that time we were informed that our street was already on the list for extensive repairs during the summer months.

We were later informed that the City was missing the signed letter from Fred Kemp requesting the dedication and they were not going to follow through with the repairs.

During our research it was noted that police reports, real estate documents and the Creve Coeur website all list our street as public.

Mark Perkins and Jim Heines have been working with us for the past year to help rectify the situation. We have learned that additional letters from other subdivisions written during that time period are also missing.

We appreciate the City's interest in correcting this apparent documentation error.

Sincerely,

Cary C. Renz



DEPARTMENT OF PUBLIC WORKS OFFICE MEMO

DATE: December 19, 2013

TO: Jim Heines, Director of Public Works

FROM: Rich Beran, P.E., Engineer I *RB*
Matt Wohlberg, P.E. City Engineer

SUBJECT: Pavement Conditions Review
Conway Aire Drive

I performed a visual inspection of Conway Aire Drive on Thursday, December 19, 2013 in response to a request by Ms. Cary Renz, a resident on Conway Aire Drive. The residents along this street had apparently been under the impression that Conway Aire Drive was publicly maintained, but no City ordinance could be found to adopt maintenance responsibility for the street, its sidewalks, or its street lights. This review is an effort to define any pavement repairs or maintenance necessary to make the street conditions suitable for public acceptance.

Background

Conway Aire Drive was constructed by Huntley Construction Company in the mid to late 1980s as part of the development of the Conway Aire Subdivision whose plat was approved through by the city council on July 23, 1984 through ordinance #1064. Records indicate the completion and subsequent release of escrow for the development in the fall of 1992.

Roadway Conditions

Conway Aire Drive is a privately maintained residential cul de sac that stems off of the south side of Conway Road between Conway Pine Court and Rolling View Road. The roadway consists of concrete pavement with integral rolled curb and gutter for most of the street and an integral, vertical concrete curb at the cul de sac.

The center line of Conway Aire Drive measures approximately 503 feet in length, from the edge of Conway Road through and around the cul de sac. The width of Conway Aire is typically 26 feet.

A four-foot-wide concrete sidewalk runs along the east side of Conway Aire Drive and ends at the cul-de-sac. The sidewalk is typically separated from the curb by a seven-foot-wide tree lawn. One accessible curb ramp meets the sidewalk at Conway Road.

Pavement

The pavement along Conway Aire Drive is generally in fair condition, but some pavement distresses were present that require attention.

Multiple slabs were shattered and varied from minor to severe in severity with the majority of those in the moderate category. A total of 12 slabs showed evidence of being shattered. I recommend the replacement of all of these slabs. Several slabs were found to have minor to moderate transverse cracking, a few had minor corner breaks, and minor spalling was found

along several joints. These issues could be addressed, but do not appear to warrant replacement at this time.

Curbing

The integral, rolled concrete curb along the length of the street appears to be in good condition. Most of the pinned-on, vertical concrete curbing along the island in the cul-de-sac is in a significant state of deterioration with multiple cracks and some of it already broken away from the pavement.

Drainage

All of Conway Aire Drive drains to a sag vertical curve at the southern end of the middle third of the street where there is a double inlet on the east side and a single inlet on the west side directly opposite of it. These structures appear to be sufficient, as no evidence of erosion behind the curb was observed. The structures also appear to be in very good condition. No standing water or any siltation was observed on any portion of the street.

Sidewalk

The sidewalk along Conway Aire Drive is generally in good condition. However, several locations were observed to have a vertical difference of about 0.25" - 0.5" at the sidewalk joints, and three tripping hazards were found, typically adjacent to street trees.

The sidewalk is generally accessible with a cross slope (i.e. from side to side, typically perpendicular to the street) at or less than 2%, with the only areas over 2% at the tripping hazards most likely caused by street tree root growth.

The curb ramp at Conway Road meets current accessibility requirements, but a portion of the crosswalk has cross slope greater than 2%. As this is within the Conway Road right of way, the ramp and crossing would have been subject to City inspection, approval, and acceptance when it was installed in 2012.

The sidewalk ends at the property line between 423 and 411 Conway Aire Drive. Another 12' - 13' of sidewalk would allow the driveway at 411 Conway Drive to be accessed from Conway Road and provide a more logical terminus for the sidewalk.

Roadway Standards

The City of Creve Coeur has adopted as its standard the Standard Drawings of the St. Louis County Department of Highways & Traffic. Conway Aire Drive most closely resembles a Type 1 Residential Street. The 26-foot width of the pavement and the 4-foot width of the sidewalk are consistent with the City's standards.

The cul de sac is approximately 84 feet in diameter, which is consistent with the City's standards. Some significant damage observed in the cul-de-sac island suggests that the cul-de-sac diameter or location is an issue. However, with the same diameter cul-de-sac on other streets within the City not having the same issues, it may just be a problem for larger vehicles or trailers to navigate this particular cul-de-sac due to possible vehicle parking on the street, although none were observed while making the inspection.

Discussion

Conway Aire Drive appears to meet the City's roadway standards, and its pavement, drainage, and sidewalk are generally in fair condition. There are, however, several repair needs and other considerations as the subdivision pursues adoption for maintenance:

Repair Needs

1. Replace the shattered concrete slabs throughout the street as noted above.
2. Replace sidewalk to remove the tripping hazard noted above, as well as any other location where the adjacent sidewalk slabs differ in elevation by more than 0.25".
3. Replace the damaged sections of pinned-on vertical curb in the cul-de-sac.

City staff will mark out those areas that need replacement should the subdivision wish that its street and sidewalk become public right of way maintained by the City.

Considerations

1. The inadequate cross slope of the sidewalk will be addressed as funding and the City's sidewalk program allow. However, cross-slope problems are considered less of a priority to barriers to access, such as tripping hazards and lack of accessible ramps. It may be 10 years before sidewalk cross slope issues are addressed in Creve Coeur.
2. The City selects which concrete pavement slabs to replace each year based upon the conditions observed each spring. Generally, only pavement slabs that are broken or exhibit some other severe problem will get replaced. The transverse and longitudinal cracking found in the roadway pavement of Conway Aire will not be considered a high priority until the pavement fails. This pavement may be unsightly for a time before it is replaced.

These considerations are listed so that it is understood by all that the street and sidewalk may have several issues at the time of adoption that may or may not be repaired in the near future. The City should provide no expectation that these issues will be resolved upon adoption, and the subdivision should not carry any similar expectation.

CONWAY AIRE

A TRACT OF LAND IN PART OF LOT 3 OF THE
SUBDIVISION OF THE NORTHEAST 1/4 OF SECTION 16,
TOWNSHIP 45 NORTH, RANGE 5 EAST,
CITY OF CREVE COEUR, ST. LOUIS COUNTY, MISSOURI.

THE CLAYTON ENGINEERING COMPANY
725 Old Ballas Road, St. Louis, Mo. 63141

This is to certify that we have, during the months of April, 1983 and March, 1984, by order of HUNTLEY CONSTRUCTION CO., made a Survey and Subdivision of a tract of land in part of Lot 3 of the Subdivision of the Northeast 1/4 of Section 16, Township 45 North, Range 5 East, St. Louis County, Missouri, and described as follows:

Beginning at a point on the Southern line of Conway Road, 60 feet wide, being the Northwestern corner of property conveyed to Deibel by deed recorded in Book 827, Page 621 of the St. Louis County Records; thence along said Deibel's Western line South 13 degrees 52 minutes 20 seconds West, 408.43 feet to the Southwestern corner thereof, said point being on the Southern line of Lot 3, as aforementioned; thence along said Southern line North 89 degrees 59 minutes 00 seconds East, 490.36 feet to a point being the Southeastern corner of property conveyed to Foster by deed recorded in Book 4060, Page 489 of the St. Louis County Records; thence along said Foster's Eastern line North 3 degrees 09 minutes 52 seconds East, 633.01 feet to the Northeastern corner thereof, said point being on the Southern line of Conway Road, as aforementioned; thence along said road line South 70 degrees 51 minutes 28 seconds East, 191.71 feet to an angle point therein; thence continuing along and containing 6.116 Acres (266,438 Square Feet), and that the result of said Survey and Subdivision are shown on this plat.

The Clayton Engineering Company

By Richard J. Barr
Richard J. Barr, MO. Reg. L.S.#1109

We, the undersigned, owners of the tract of land herein platted and further described in the foregoing Surveyor's Certificate have caused the same to be surveyed and subdivided in the manner shown on this plat, which subdivision shall hereafter be known as "Conway Aire".

Conway Aire Drive, 50 feet wide, together with all cul-de-sacs and roundings located at the street intersections, which for better identification are shown hatched on this plat, are hereby dedicated to the City of Creve Coeur, Missouri for public use forever.

All easements shown on this plat, unless designated for other specific purposes, are hereby dedicated to the City of Creve Coeur, Missouri, St. Louis County Water Company, Laclede Gas Company, Union Electric Company, Southwestern Bell Telephone Company, Metropolitan St. Louis Sewer District, for sanitary sewers only, their successors and assigns as their interests may appear for the purpose of constructing, maintaining and repairing of public utilities and sewer and drainage facilities, and storage of materials during installation, repair or replacement of said utilities, sewers and drainage facilities, and cable and related equipment for the transmission of telecommunication services.

The Stormwater Control and Access Easement as shown on this plat is hereby dedicated to the Metropolitan St. Louis Sewer District, their successors and assigns for the purpose of constructing, maintaining and repairing stormwater drainage facilities, with the right of temporary use of adjacent ground not occupied by improvements for the excavation and storage of materials during installation, repair or replacement of drainage facilities. No structures shall be constructed within the Stormwater Control and Access Easement without submittal of construction plans and the written permission of the Metropolitan St. Louis Sewer District and the City of Creve Coeur. All other utility easements herein depicted as being within the Stormwater Control and Access Easement are hereby made subject to and subordinate to this easement as granted to the Metropolitan St. Louis Sewer District.

All stormwater easements as dedicated to the Metropolitan St. Louis Sewer District per the above, shall not be in the possession or control of the District, alteration, repair, operation, removal or relay on any stormwater drainage system until it accepts said easement for dedication.

ATI common ground easements, such as cul-de-sac islands, are hereby dedicated to the trustees of aforementioned subdivision for landscape maintenance. However, no above ground structure, other than required street lights or other public utilities in accordance with the approved improvement plans may be constructed or installed within a cul-de-sac island, without authorization by the City of Creve Coeur, Missouri.

Building lines as shown on this plat are hereby established. This subdivision is subject to conditions and restrictions to be filed of record. It is hereby certified that all existing easements are shown on this plat as of the time and date of recording of this plat.

IN WITNESS WHEREOF, we have hereunto set our hands this 27th day of AUGUST, 1984.

HUNTLEY CONSTRUCTION COMPANY,

By Fred M. Kemp President

STATE OF MISSOURI)
COUNTY OF ST. LOUIS)

On this 27th day of AUGUST, 1984, before me appeared Fred M. Kemp, to me personally known, who being by me duly sworn, did say that he is the President of HUNTLEY CONSTRUCTION COMPANY, a Corporation of the State of Missouri, and that the seal affixed to the foregoing instrument is the Corporate Seal of said Corporation, and that said instrument was signed and sealed in behalf of said Corporation by authority of its Board of Directors, and he further acknowledged said instrument to be free act and deed of said Corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my notarial seal on the day and year last above written.
My Commission expires August 1, 1985

The undersigned legal owner and holder of notes secured by Deed(s) of Trust recorded in Book(s) 4060, Page(s) 489 of the St. Louis County Records, does hereby join in and approve the foregoing Subdivision all as shown on this plat.

IN WITNESS WHEREOF, we have hereunto set our hands and affixed our Corporate Seal this day of August, 1984.

Attest:

STATE OF MISSOURI)
COUNTY OF ST. LOUIS)

On this 27th day of AUGUST, 1984, before me appeared Fred M. Kemp, to me personally known, who being by me duly sworn, did say that he is the President of HUNTLEY CONSTRUCTION COMPANY, a Corporation of the State of Missouri, and that the seal affixed to the foregoing instrument is the Corporate Seal of said Corporation, and that said instrument was signed and sealed in behalf of said Corporation by authority of its Board of Directors, and he further acknowledged said instrument to be the free act and deed of said Corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my notarial seal on the day and year last above written.
My Commission expires August 1, 1985

I, William L. Stinson, City Clerk for and within the City of Creve Coeur, Missouri, do hereby certify that this plat of "CONWAY AIRE", was approved by the Board of Aldermen of the City of Creve Coeur, Missouri by Ordinance No. 1064, approved the 27th day of March, 1984.

Approved by the City of Creve Coeur, Planning and Zoning Commission this 19th day of March, 1984.

William L. Stinson
Chairman, City of Creve Coeur Planning and Zoning Commission

RECEIVED

NOV 29 1984

CITY OF CREVE COEUR
Rec'd By

Scale: 1" = 30'

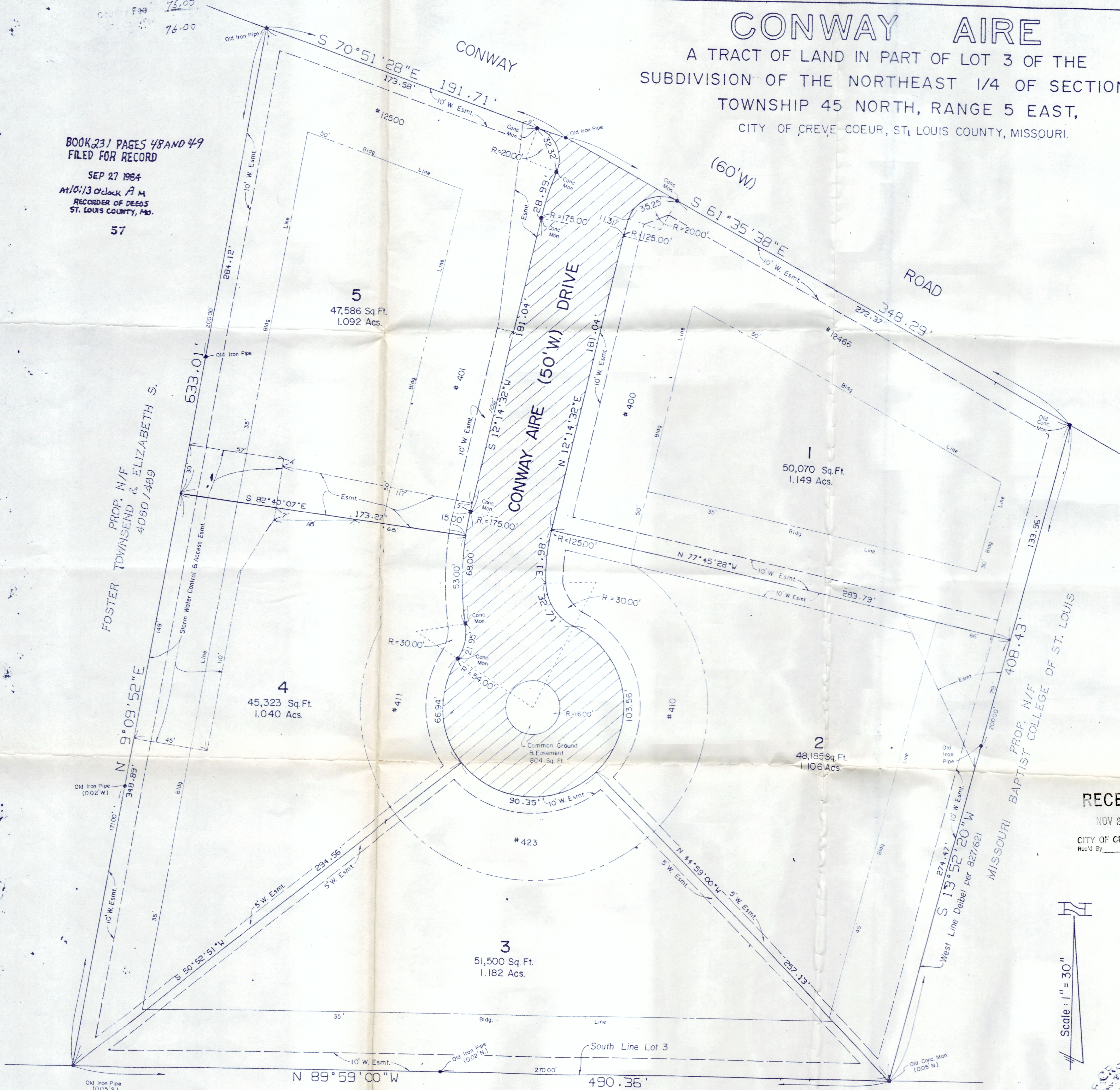
BOOK 231 PAGES 48 AND 49
FILED FOR RECORD

SEP 27 1984
At 10:13 o'clock A.M.
RECORDER OF DEEDS
ST. LOUIS COUNTY, MO.

57

FOSTER TOWNSEND & ELIZABETH S.
4060/489

PROP. N/F
MISSOURI BAPTIST COLLEGE OF ST. LOUIS



2732-B

2732-B

2732-B

CONWAY AIRE

A TRACT OF LAND IN PART OF LOT 3 OF THE
SUBDIVISION OF THE NORTHEAST 1/4 OF SECTION 16,
TOWNSHIP 45 NORTH, RANGE 5 EAST,
CITY OF CREVE COEUR, ST. LOUIS COUNTY, MISSOURI.
SHEET 2 OF 2 SHEETS

IN WITNESS WHEREOF, I have hereunto set my hand and affixed our Corporate Seal this 24TH day of August, 1984.

DALLAM ENTERPRISES, INC.
Barbara Dallam, President

STATE OF MISSOURI)
COUNTY OF ST. LOUIS) SS.

On this 24TH day of August, 1984, before me appeared Barbara Dallam, to me personally known, who being by me duly sworn, did say that she is the President of Dallam Enterprises, Inc., a Corporation of the State of Missouri, and that the seal affixed to the foregoing instrument is the Corporate Seal of said Corporation, and that said instrument was signed and sealed in behalf of said Corporation by authority of its Board of Directors, and she further acknowledged said instrument to be the free act and deed of said Corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my notarial seal on the day and year last above written.

Notary Public

Printed Name Notary Public

The undersigned legal owner and holder of notes secured by Deed(s) of Trust recorded in Deed Book(s) 1585-1752, Page(s) 244 of the St. Louis County Records, does hereby join in and approve the foregoing Subdivision all as shown on this plat.

IN WITNESS WHEREOF, we have hereunto set our hands and affixed our Corporate Seal this 27th day of August, 1984.

Attest: Kenneth R. Henney, Secretary

THE COLONIAL BANK
Gordon H. Thudium, President

STATE OF MISSOURI)
COUNTY OF ST. LOUIS) SS.

On this 27th day of August, 1984, before me appeared Gordon H. Thudium, to me personally known, who being by me duly sworn, did say that he is the President of The Colonial Bank, a Corporation duly organized and existing under the laws of the United States, and that the seal affixed to the foregoing instrument is the Corporate Seal of said Corporation, and that said instrument was signed and sealed in behalf of said Corporation by authority of its Board of Directors, and Gordon H. Thudium further acknowledged said instrument to be the free act and deed of said Corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my notarial seal on the day and year last above written.

My Commission expires April 25, 1988

Notary Public

Joan T. Perry
Printed Name Notary Public

RECEIVED

NOV 29 1984

CITY OF CREVE COEUR
Rec'd By



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
#14-026 FOR FINAL PLAT APPROVAL FOR
CREEKSIDE AT MASON SUBDIVISION**

FOR THE MEETING OF: August 18, 2014

LOCATION: 853 N. Mason Road

REQUEST: An application by Chris Matteo, of Pulte Homes of St. Louis, LLC, has been submitted for the final plat and subdivision improvement approval of the 8.49 acres located at 853 N. Mason Road, for 12 single family homes, zoned "B" Single Family Residential with "RDD" Residential Design Development.

ADDITIONAL INFORMATION: Ordinance No. 5376, approved by the City Council on June 23, 2014, authorized the rezoning, RDD and preliminary plat of the Creekside at Mason subdivision. Approval of a final plat is a ministerial act that should be granted unless a technical failure is found in the drawing or the drawing is not in substantial conformance with the preliminary plat or corrections thereto.

**APPLICANT/
PROPERTY OWNER
(UNDER CONTRACT):** Chris Matteo
Pulte Homes of St. Louis LLC
17107 Chesterfield Airport Road,
Suite 120
Chesterfield, MO 63005

**APPLICANT'S
REPRESENTATIVE:** George M. Stock, P.E.,
Stock & Associates
Consulting Engineers, Inc.
257 Chesterfield Business
Parkway
Chesterfield, MO 63005

Key Issues:

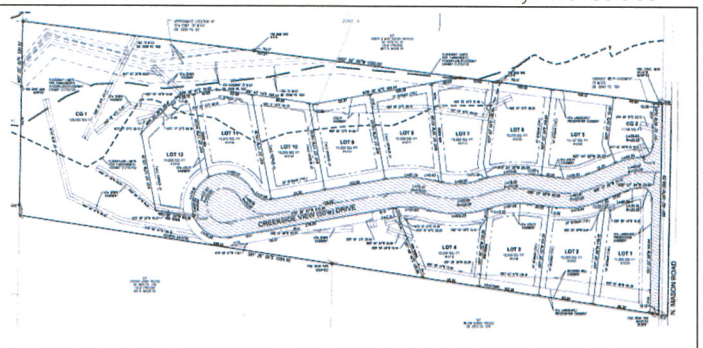
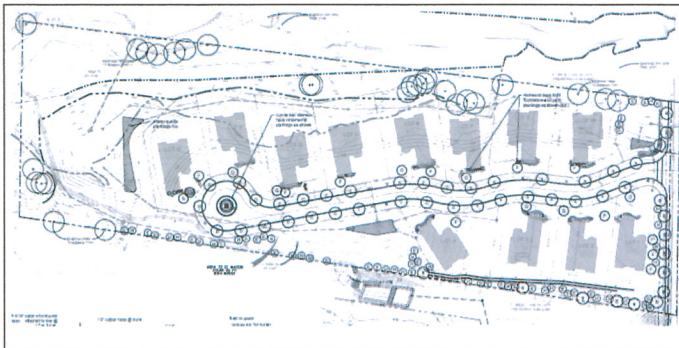
- Do the lots substantially conform with the previously approved preliminary plat?
- Do the final plat drawings meet the technical requirements for such drawings?

**Subdivision Code
References**

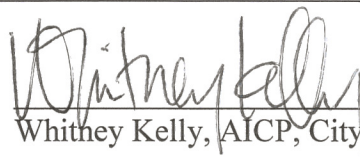
- Chapter 410:
Subdivision and
Development of Land

Zoning Code References

- Section 405.260: "B"
Single Family
Residential
- Section 405.450.C:
Residential Designed
Development
Procedure



REPORT PREPARED BY:


Whitney Kelly, AICP, City Planner

8/15/2014
Date

ATTACHMENTS: Applicant's Final Plat and Subdivision Improvement Plans submitted on August 15, 2014
Draft Ordinance
Ordinance No. 5376

LAND USE AND ZONING OF SURROUNDING PROPERTIES

The adjacent zoning and land uses are as follows:

DIRECTION	USE	ZONED	SEPARATED BY
North	Nursery/Single-family detached residence	D Single-Family Residential	N/A
South	Single-family detached residences	A Single-Family Residential	N/A
East	Hope Montessori School	C Single-Family Residential	Mason Road
West	Single-family detached residences	D Single-Family Residential	NA

DISCUSSION

Final Plat

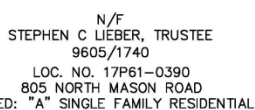
On June 16, 2014, by a 2-4 vote, the Planning and Zoning Commission recommended denial of the rezoning and residential designed development request but, by a 6-0 vote, recommended approval of the accompanying site development plan on the condition that the property be developed in accordance with the Subdivision Improvement Plan and Preliminary Plat for “Creekside at Mason,” last revised June 9, 2014, or as further revised as required by the City of Creve Coeur and on other conditions. The City Council subsequently approved the rezoning and preliminary plat for the 12 lot development with the RDD designation on June 23rd, 2014.

The preliminary plat approved by Council indicated that the minimum lot size was 15,006 square feet, with an average lot size will be 15,240 for all 12 lots. However, with the dedication of land along Mason Road to meet with the standard right-of-way requirements of St. Louis County, and with the reconfiguration of the trail location, the minimum lot size has decreased for Lots 2-4 to 15,000, however the overall average of all 12 lots has increased to 15,317 square feet. The common ground was reduced from 3.16 acres to 3.14 acres. Staff find that the lots are substantially the same as the preliminary plat.

Trail

A condition of approval for the rezoning and RDD designation included: “the development of the trail shall be built to the recommended guidelines of the Americans with Disabilities Act and remain open to the public. A public access easement over the entire west portion of the common ground shall be provided. The type of construction and design of the trail shall be completed prior to the final plat approval.” The location of the trail was adjusted to move it away from the neighbor to the south, per a close-up of the drawing below, and will consist of a six inch thick crushed limestone chat trail. There are no ADA Guidelines for trails on non-public lands.

The Applicant has agreed to provide off-site grading to the property owner to the south to address his concerns regarding the development, per the drawing below. Therefore, a condition of approval includes that the sub-divider will complete these improvements as part of the project.



CONDITIONS OF APPROVAL FOR THE FINAL PLAT

Should the Planning and Zoning Commission recommend approval of the proposed final plat, staff recommend the following conditions be added:

- The Applicant shall provide two (2) disks containing digitized versions of the plat along with two (2) printed copies of the recorded plat. Acceptable data formats include AutoCAD (.dwg or .dxf), MicroStation Design File (.dgn), ArcInfo Coverage, ArcView Shape File (.shp), or MapInfo.
- The sub-divider shall complete the offsite grading to the property addressed as 805 N. Mason Road as shown in the Subdivision Improvement Plans.
- The subdivision indentures shall be reviewed and approved by the City Attorney prior to the signing of the Mylar

ACTION

Action on this item will be in the form of a motion to recommend approval as presented, or approval with additional conditions to meet all technical requirements. The following is an example motion for this application:

- 1) "I move to recommend approval of the final subdivision plat for the Creekside at Mason Subdivision with the conditions listed in the staff memo for the meeting of August 18, 2014." (Other conditions may be added, eliminated, altered, and modified by prior motion).

APPENDIX 1: COMPREHENSIVE PLAN, INCLUDING DESIGN GUIDELINES

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

APPENDIX 2: ZONING CODE (CHAPTER 405 OF THE CREVE COEUR MUNICIPAL CODE)

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

APPENDIX 3: CREVE COEUR SUBDIVISION AND LAND DEVELOPMENT REGULATIONS (CHAPTER 410 OF THE CREVE COEUR MUNICIPAL CODE)

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

Packet Pg. 402

OWNER CERTIFICATE

We, the undersigned, owners of the tract of land herein platted and further described in the foregoing surveyors' certificate have caused the same to be surveyed and sub-divided in the manner shown on this plat, which subdivision shall hereafter be known as:

CREEKSIDE AT MASON

Creekside View Lane (50' wide) and the Widening strip along North Mason Road as shown hatched hereon

All easements shown on this plat along with Creekside at Mason, unless designated for other specific purposes, are hereby dedicated to City of Creve Coeur, Missouri, Missouri-American Water Company, Laclede Gas Company, Ameren Missouri, AT&T Missouri, Metropolitan St. Louis Sewer District, Charter Communications, their successors and assigns as their interests may appear for the purpose of improving, constructing, maintaining and repairing public utilities and sewer and drainage facilities, with the right of temporary use of adjacent ground not occupied by improvements for the excavation and storage of materials during installation, repair or replacement of said utilities, sewers and drainage facilities.

The Retaining Wall Easement, as shown on this plat, is hereby given, granted, extended and conveyed to the Homeowners Association of the aforementioned subdivision for the purpose of construction, maintenance, repair and replacement of retaining walls.

The area shown as Common Ground on this plat, has been conveyed to the Homeowners Association of this Subdivision by General Warranty deed recorded in Book _____, Page _____ of the St. Louis County Recorder's Office.

Building lines as shown on this plat are hereby established.

It is hereby certified that all existing easements are shown on this plat as of the time and date of recording of this plat.

Permanent and/or semi-permanent monuments will be set, as required to aid in later recovery, within twelve months of the recording of this subdivision plat, in accordance with 10 CSR 30-2.090 of the Missouri Department of Natural Resources, and 4 CSR 30-16.090 of the Missouri Department of Economic Development. In addition, other survey monuments indicated on this subdivision plat, required by the subdivision ordinance of the City of Ladue, Missouri will be set.

IN WITNESS THEREOF, I have hereunto set my hand this _____ day of _____, 20__.

Pulte Homes of St Louis, L.L.C.
a Nevada limited liability company

By: _____

PRINT NAME

PRINT TITLE

STATE OF MISSOURI)
) SS.
COUNTY OF ST. LOUIS)

On this ____ day of _____, 20__, before me appeared _____
_____ to me personally known, who, being by me duly sworn, did say that he/she is the _____ of Pulte Homes of St. Louis, LLC, a Nevada limited liability company, and that said instrument was signed and sealed in behalf of said limited liability company, and said _____ acknowledged said instrument to be the free act and deed of said limited liability company.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the County and State aforesaid, the day and year first above written.

Notary Public

My commission expires: _____

LENDER'S CERTIFICATION

The undersigned Owner and Holder of Note, as secured by Deeds of Trust recorded in Book _____, Page _____, of the St. Louis County Records, does hereby join in and approve the foregoing Subdivision Plat as shown hereon.

IN WITNESS WHEREOF, we have hereunto set out hand and affixed our corporate seal this ____ day of _____, 20__.

By: _____

Print Name: _____

Print Title: _____

STATE OF)
) SS.
COUNTY OF)

On this ____ day of _____, 20__, before me appeared _____
_____, me personally known, who, being by me duly sworn, did say that he/she is the _____ of _____, known to me to be the person who executed the within instrument in behalf of said _____ and acknowledged to me that he/she executed same for the purposes therein stated.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the County and State aforesaid, the day and year first above written.

Notary Public

My commission expires: _____

CREEKSIDE AT MASON

PART OF US SURVEY 1923

TOWNSHIP 45 NORTH, RANGE 5 EAST OF THE 5TH PRINCIPAL MERIDIAN
CITY OF CREVE COEUR, ST. LOUIS COUNTY, MISSOURI

PROPERTY DESCRIPTION

A tract of land in U.S. Survey 1923 Township 45 North Range 5 east and being a part of Lot 2 of the JOHN HEZEL ESTATE and described as follows: Beginning at a point in the center line of Mason Road being the northeast corner of property conveyed by Elizabeth Hezel to Otto R. Dauster and Lydia M. Dauster by deed recorded in Book 988 Page 462 of the St. Louis County Recorder's Office, thence north along the center line of Mason Road 355.35 feet to a point in the center line of Mason Road, thence west and parallel to the northern line of property conveyed by Elizabeth Hezel to Otto R. Dauster and Lydia M. Dauster by deed recorded in Book 988 Page 462 of the St. Louis County Recorder's Office to a point in the west line of said Lot 2 of the JOHN HEZEL ESTATE, thence south along the western line of said Lot 2 of the JOHN HEZEL ESTATE 326.61 feet to the northwest corner of said property conveyed to Dauster in Book 988 Page 462 of the St. Louis County Records, thence east along the north line of said property so conveyed to Dauster in Book 988 Page 462 to the point of beginning containing 8.56 acres more or less.

AND BEING FURTHER DESCRIBED AS:

BEGINNING at the intersection of the Western line of Mason Road (30' wide) with the Northern line of a tract of land described in a deed to William Aldrich Trustee in Deed book 20127, Page 1076 of the St. Louis County, Missouri Records; thence along the Northern line of said Aldrich tract and the Northern line of a tract of land described in a deed to Stephen Lieber Trustee as recorded in Deed Book 9805, Page 1740 of said records North 81 degrees 26 minutes 00 seconds West, a distance of 1094.50 feet to the Western line of Lot 2 of the John Hezel Estate; thence along said Western line North 01 degree 05 minutes 00 seconds East, a distance of 326.52 feet to an found Iron Axle marking the Southwest corner of a tract of land described in a deed to John and Mary Duever Trustees as recorded in Deed book 16518, Page 26 of the aforesaid records; thence along the Southern line of said Duever tract South 82 degrees 56 minutes 06 seconds East, a distance of 1090.82 feet to the aforesaid Western line of Mason Road; thence along said Western line South 01 degree 02 minutes 06 seconds West, a distance of 355.39 feet to the Point of Beginning and containing 369,927 square feet or 8.492 acres more less as per a survey by Stock & Associates Consulting Engineers, Inc. during the month of December, 2013.

Notes:

(1) Stock and Associates Consulting Engineers, Inc. used exclusively First American Title Insurance Company, Commitment No. MO-048936, with an effective date of September 11, 2013 at 12:00 a.m. for research of easements and encumbrances. No further research was performed by Stock and Associates Consulting Engineers, Inc.

(2) Title to the estate or interest in the land described or referred to in the above commitment and covered therein is fee simple, and title thereto is a the effective date thereof vested in:

Alvin L. Hardt and Catherine E. Hardt, Co-Trustees of an Indenture of Trust dated the 29th day of March, 1991, as to an undivided one-half interest; and Alvin L. Hardt, Virginia Dittmar and Richard A. Hardt, Co-Trustees of the Residual Trust pursuant to the Indenture of Trust of Alvin L. Hardt and Catherine E. Hardt dated March 29, 1991, as to an undivided one-half interest.

(3) Title Commitment No. MO-048936 with Schedule B-Section 2 exceptions:

(a) Item No. 8. Easement to Fee Fee Truck Sewer, Inc., as set forth in instrument recorded in Book 5958, Page 63. Approximate Location "SHOWN"

(b) Item No. 9. Sanitary Sewer Maintenance Agreement as set forth in instrument recorded in Book 6491, Page 580. "NOT SHOWN" Not survey related.

(c) Item No. 10. Easement granted to The Metropolitan St. Louis Sewer District by instrument recorded in Book 8840, Page 1661. "SHOWN"

(d) Item No. 11. Easement granted to Metropolitan St. Louis District by instrument recorded in Book 18189, Page 1650. "SHOWN"

GENERAL NOTES:

1) Subject property lies within Shaded Zone A (areas inundated by 100-year flood) no base flood elevations determined and Flood Zone X (areas determined to be outside the 500-year flood) according to the National Flood Insurance Rate Map Number 29189C0161 H with an effective date of August 2, 1995.

Note: the Floodplain and Floodway limits shown on this survey are as per a flood study performed by Farnsworth Group dated January 15, 2014.

2.) Subject property is Zoned "B Single-Family Residential District with an "RDD" Residential Design Development per Ordinance 5376.

3.) Basis of Bearings adopted from Deed Book 9605, Page 1740.

CITY OF CREVE COEUR

I, Deborah Ryan, MRCC, City Clerk for and within the City of Creve Coeur, Missouri, do hereby certify that this Final Subdivision Plat of "Creekside at Mason" is in complete compliance with Ordinance No. 1045 approved on the 25th day of July, 1983, and was approved by the City Council of the City of Creve Coeur on the ____ day of _____, 20__, pursuant to Ordinance No. _____.

CITY OF CREVE COEUR, MISSOURI

By: _____

Deborah Ryan, MRCC, City Clerk

It is hereby certified that this Final Subdivision Plat was recommended for approval by the City of Creve Coeur, Planning and Zoning Commission on the ____ day of _____, 2010, pursuant to the Subdivision and Land Development Regulations of the City of Creve Coeur, Missouri.

CITY OF CREVE COEUR, MISSOURI

Planning and Zoning Commission

By: _____, Chairman

SURVEYOR'S CERTIFICATION

This is to certify that Stock and Associates Consulting Engineers, Inc. have, during July, 2014, by order of and for the use of Pulte Homes of St. Louis, L.L.C., executed a Property Boundary Survey and Record Plat of a tract of land being U.S. Survey 1923 Township 45 North, Range 5 East of the Fifth Principal Meridian, City of Creve Coeur, St. Louis County, Missouri and that the results of said survey and Record Plat are shown hereon. We further certify that the above plat was prepared from an actual survey, according to the records available and recorded, and said survey meets or exceeds the current minimum standards for Property Boundary Surveys for "Class Urban Property" as defined in Chapter 16, Division 2030 Missouri Minimum Standards for Property Boundary Surveys as adopted by the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects.

STOCK AND ASSOCIATES CONSULTING ENGINEERS, INC.
LC NO. 222-D

By: _____
Daniel Ehlmann, Missouri P.L.S. No. 2215

PREPARED BY:

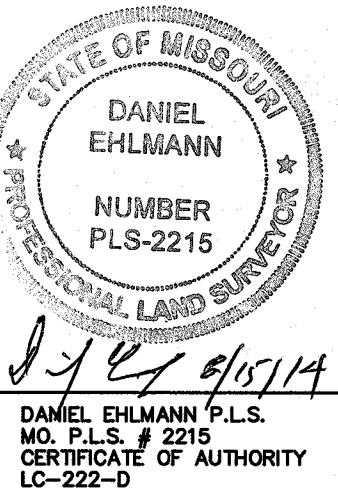
STOCK & ASSOCIATES
Consulting Engineers, Inc.

257 Chesterfield Business Parkway
St. Louis, MO 63005 Pkt. (636)
530-9100 FAX (636) 530-9180
e-mail: general@stockassoc.com
Web: www.stockassoc.com

RECORD PLAT

CREEKSIDE AT MASON

CITY OF CREVE COEUR, MISSOURI



REVISIONS:

DRAWN BY: J.K.	CHECKED BY: D.M.E.
DATE: 7/10/14	JOB NO: 213-5220
W.S.D. P. # P-30152-00	BASE MAP # XXX
S.L.C. H&T # XXXX	H&T S.U.P. # XX-XXX-XX
W.S.D. # MO-XXXXXX	

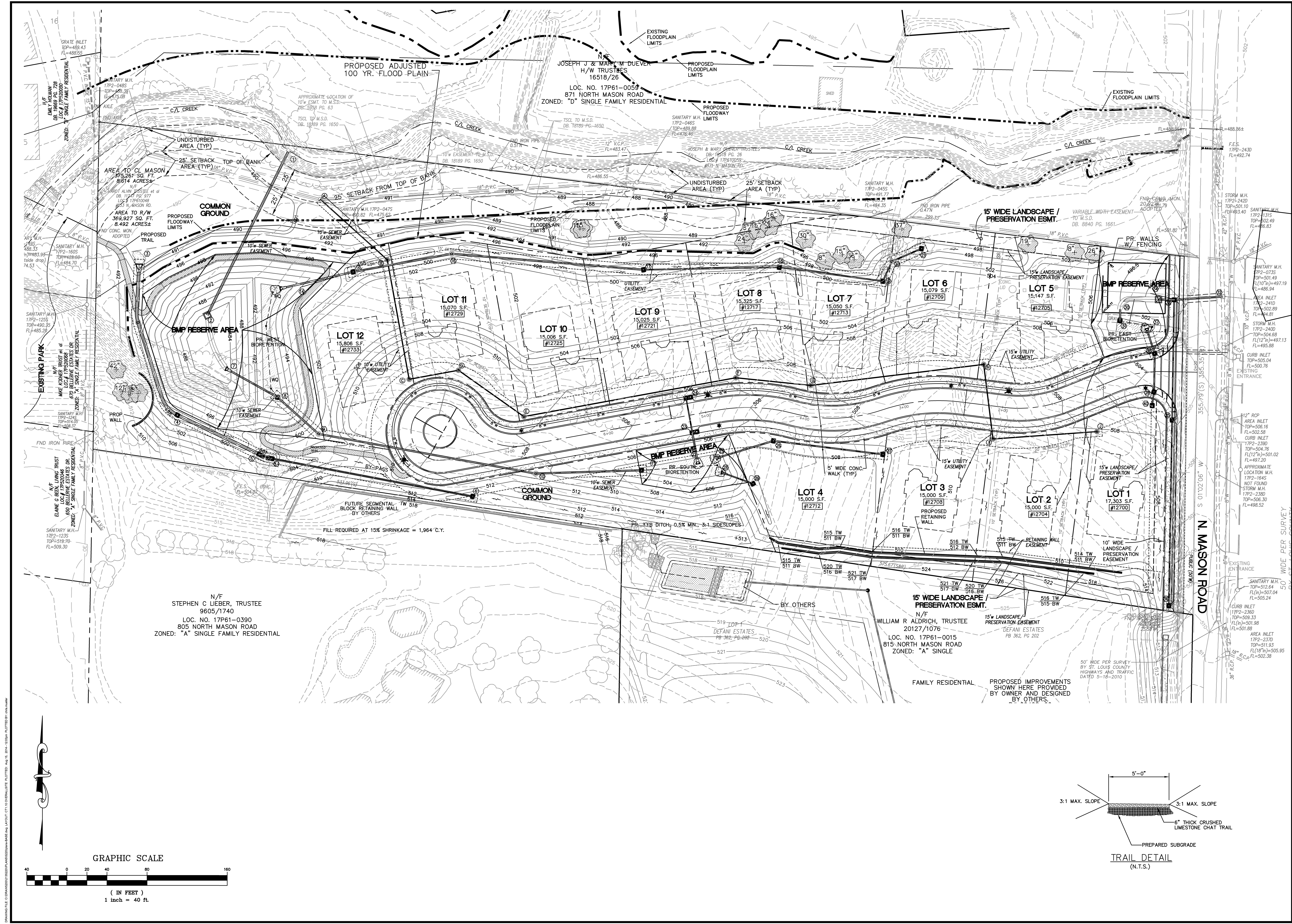
SHEET TITLE:

RECORD PLAT

SHEET NO.:

SHEET 2

PREPARED FOR:
PULTE HOMES OF ST. LOUIS, LLC
17107 Chesterfield Airport Rd, Suite 120
Chesterfield, MO 63005
Phone: (636) 537-7128
Fax: (636) 537-9952



PREPARED BY:

STOCK & ASSOCIATES

Consulting Engineers, Inc.

IMPROVEMENT PLANS FOR:

CREEKSIDE AT MASON SUBDIVISION

853 MASON ROAD
CREVE COEUR, MISSOURI

Attachment: Subdivision Improvement Plans received 8-15-2014 (Revision 1) (0048 - Final Plat Creekside at Mason)

8-15-2014

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

REVISIONS:

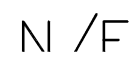
1	8-15-2014 CITY
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DRAWN BY: K.M.S.	CHECKED BY: G.M.S.
DATE: 07/18/2014	JOB NO: 213-5220
MSD P#: P-30152-00	BASE MAP #: 17-P2
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M.D.N.R. #:	
MO-XXXXXX	
SHEET TITLE:	

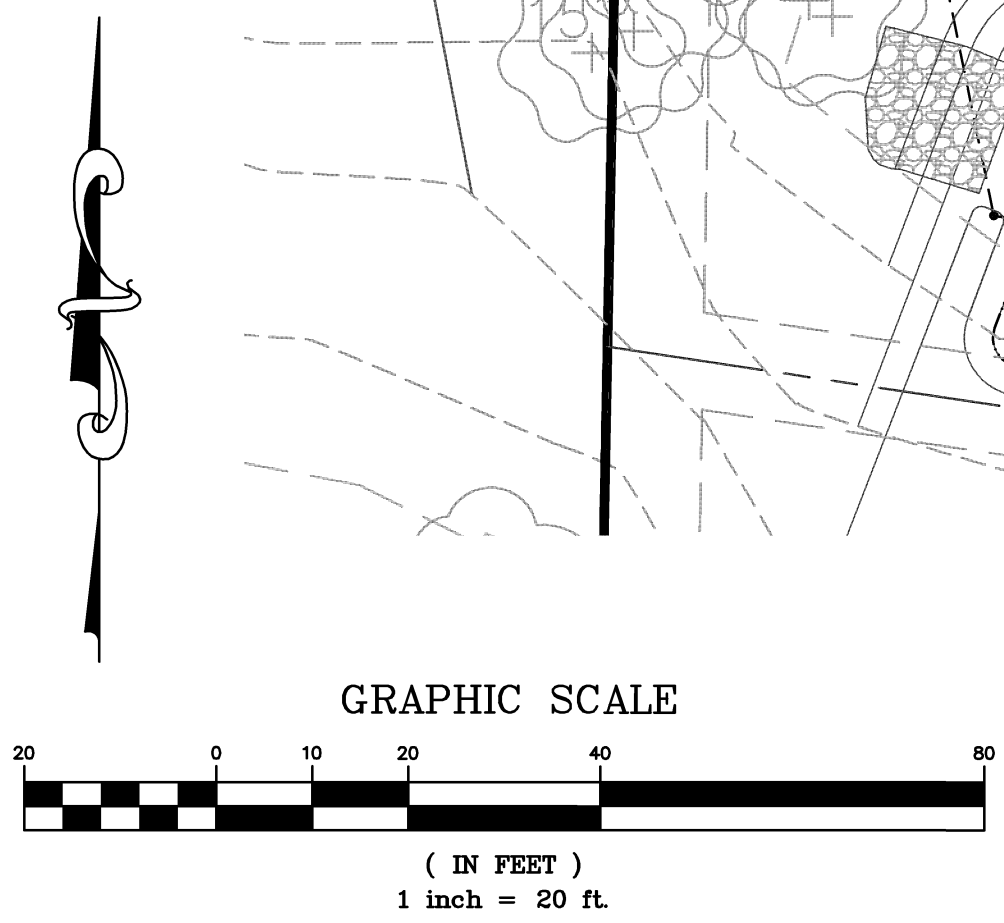
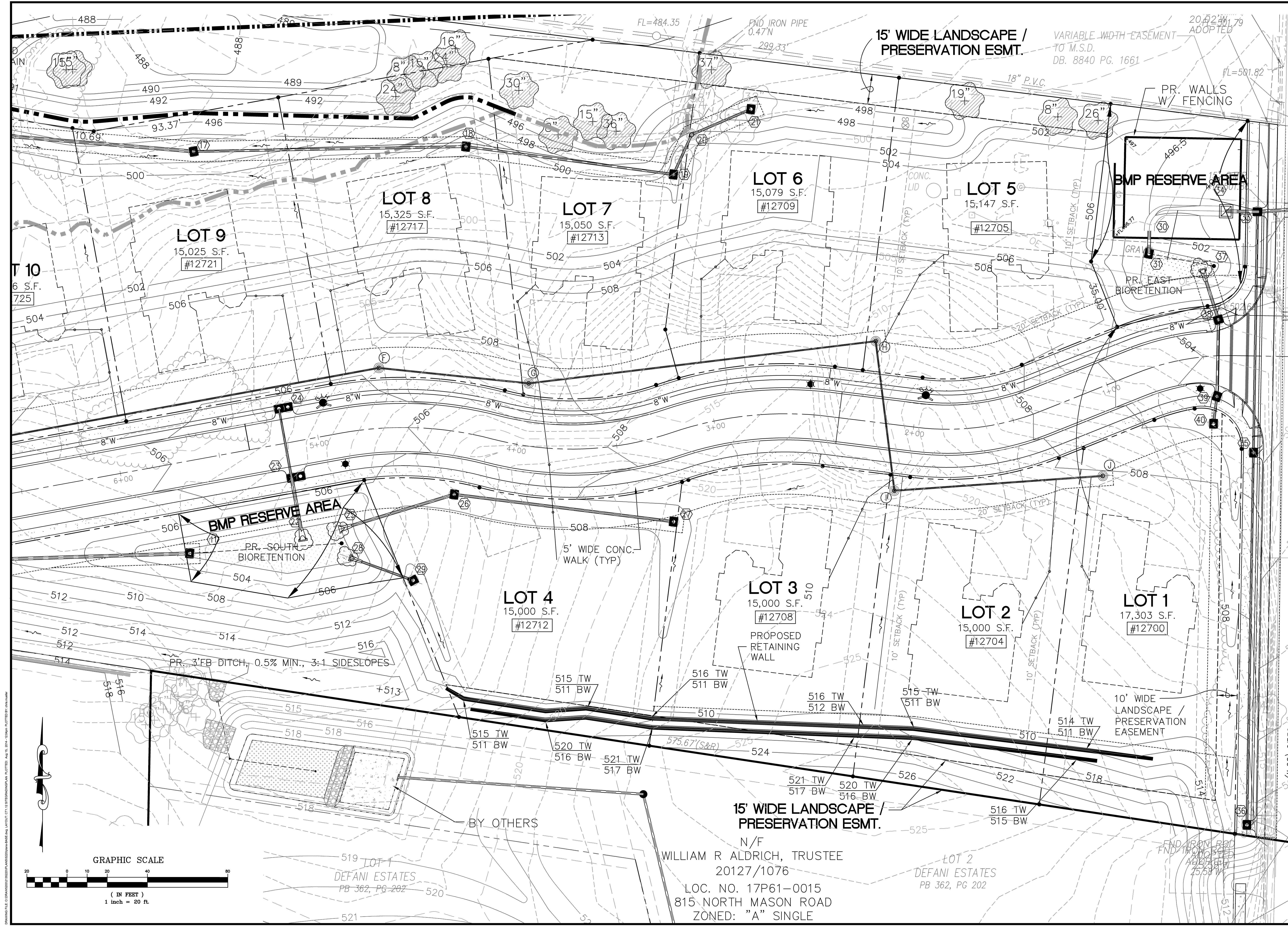
OVERALL SITE

SHEET NO.: **C10**

Packet Pg. 405



Packet Pg. 406



PREPARED BY: **STOCK & ASSOCIATES**
Consulting Engineers, Inc.
257 Chesterfield Business Parkway
St. Louis, MO 63005 PH: (636) 530-9100 FAX: (636) 530-9130
e-mail: general@stockassoc.com
Web: www.stockassoc.com

IMPROVEMENT PLANS FOR:
CREEKSIDE AT MASON SUBDIVISION
853 MASON ROAD
CREVE COEUR, MISSOURI

Attachment: Subdivision Improvement Plans received 8-15-2014 (Revision 1) (048 : Final Plat Creekside at Mason)

STATE OF MISSOURI
GEORGE MICHAEL STOCK
NUMBER PE-25116
CIVIL ENGINEER
CERTIFICATE OF AUTHORITY
NUMBER: 000996
8-15-2014

REVISIONS:
1 8-15-2014 CITY

DRAWN BY: K.M.S. CHECKED BY: G.M.S.
DATE: 07/18/2014 JOB NO: 213-5220
MSD P#: BASE MAP #
P-30152-00 17-P2
S.L.C. H&T # H&T S.U.P. #
M.D.N.R. #
MO-XXXXXXX
SHEET TITLE:
SITE & GRADING PLAN
SHEET NO.: C12

Packet Pg. 407



Jerald Saunders - Landscape Architect
MO License # LA-007

Consultants:

Creekside at Mason

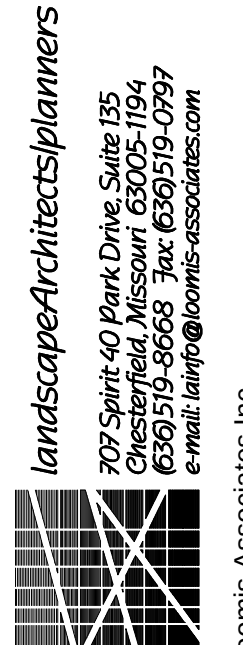
Creve Coeur, Missouri

Revisions:

Date	Description	No.
2/5/14	Base Revision	1
4/14/14	Base Revision	2
6/5/14	Base Revision	3
6/9/14	Base Revision	4

Drawn: LH
Checked: RS

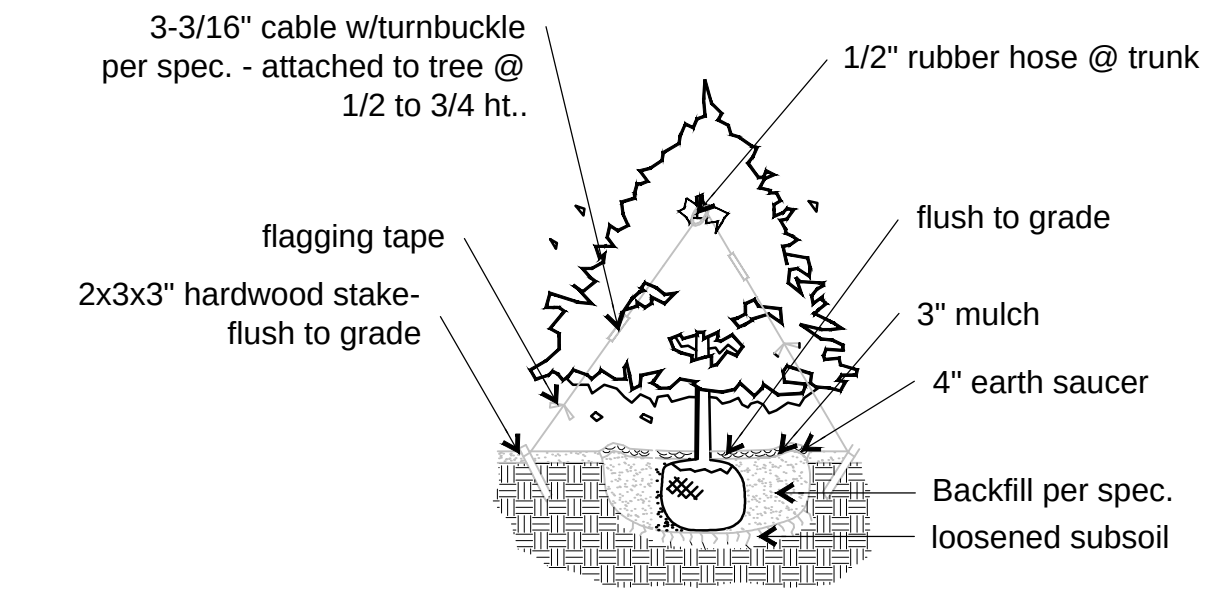
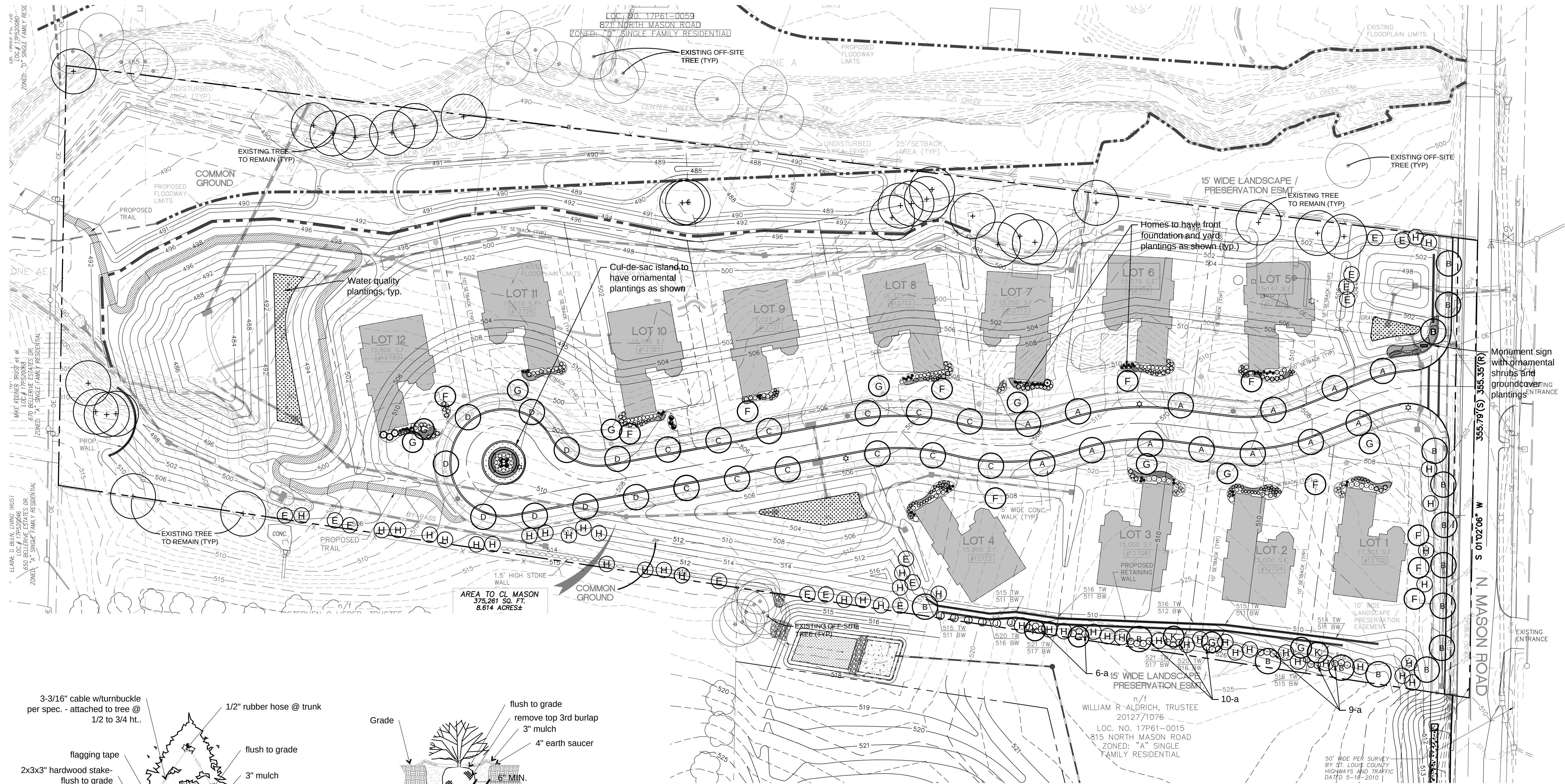
loomisAssociates



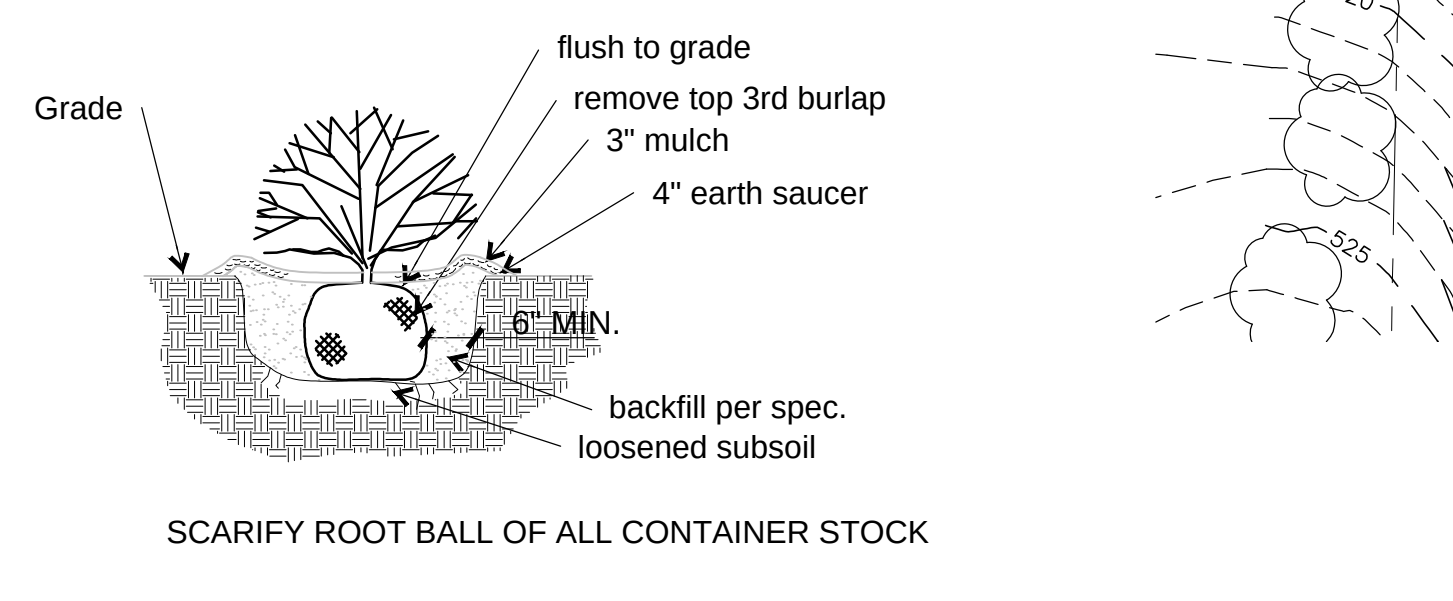
Sheet Title: Landscape Plan

Sheet No: L-1

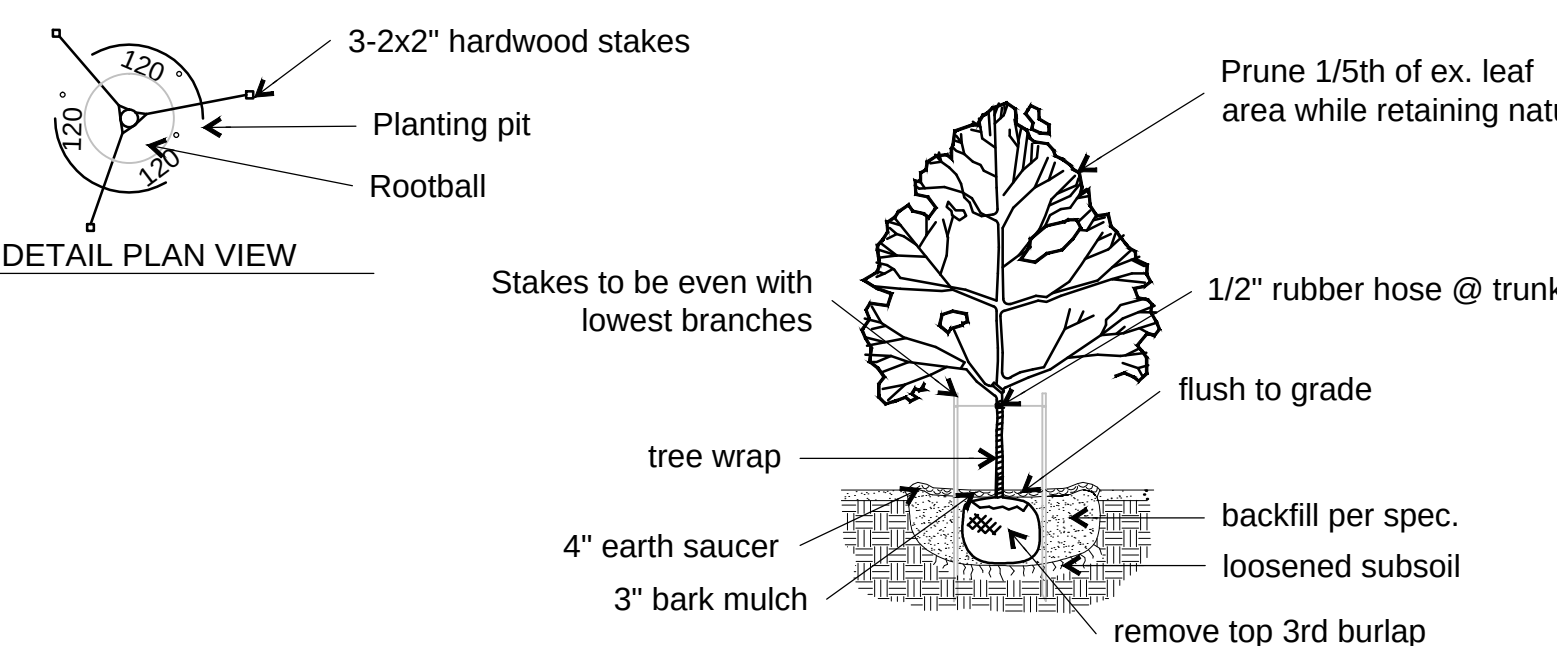
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Job #: 935.005



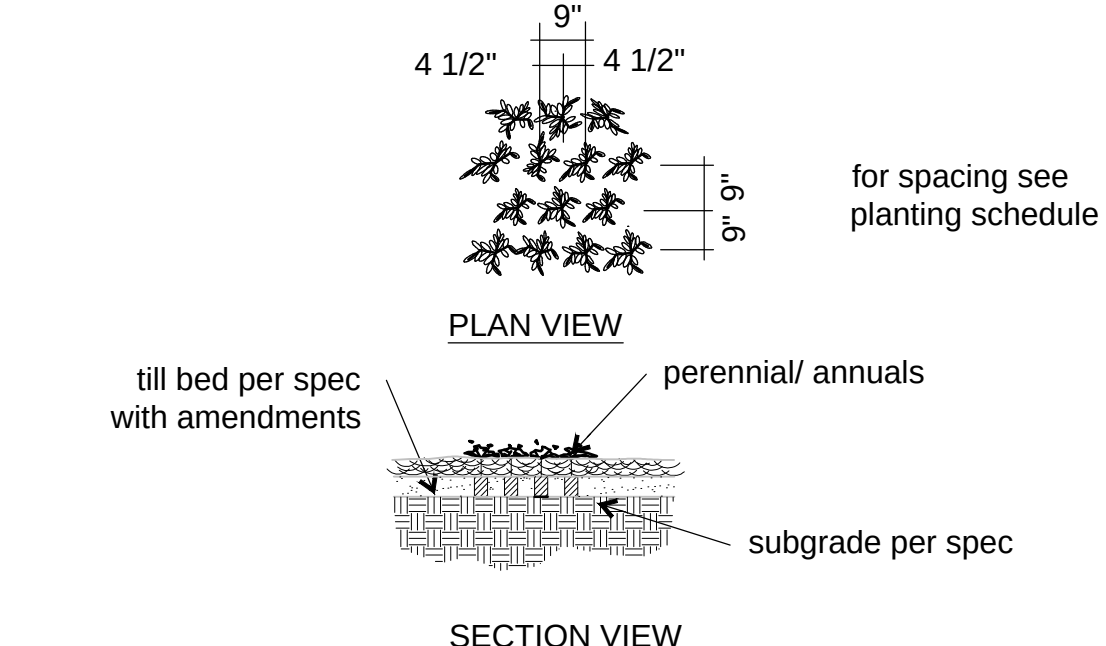
TYPICAL EVERGREEN PLANTING



TYPICAL SHRUB PLANTING



CANOPY TREE PLANTING



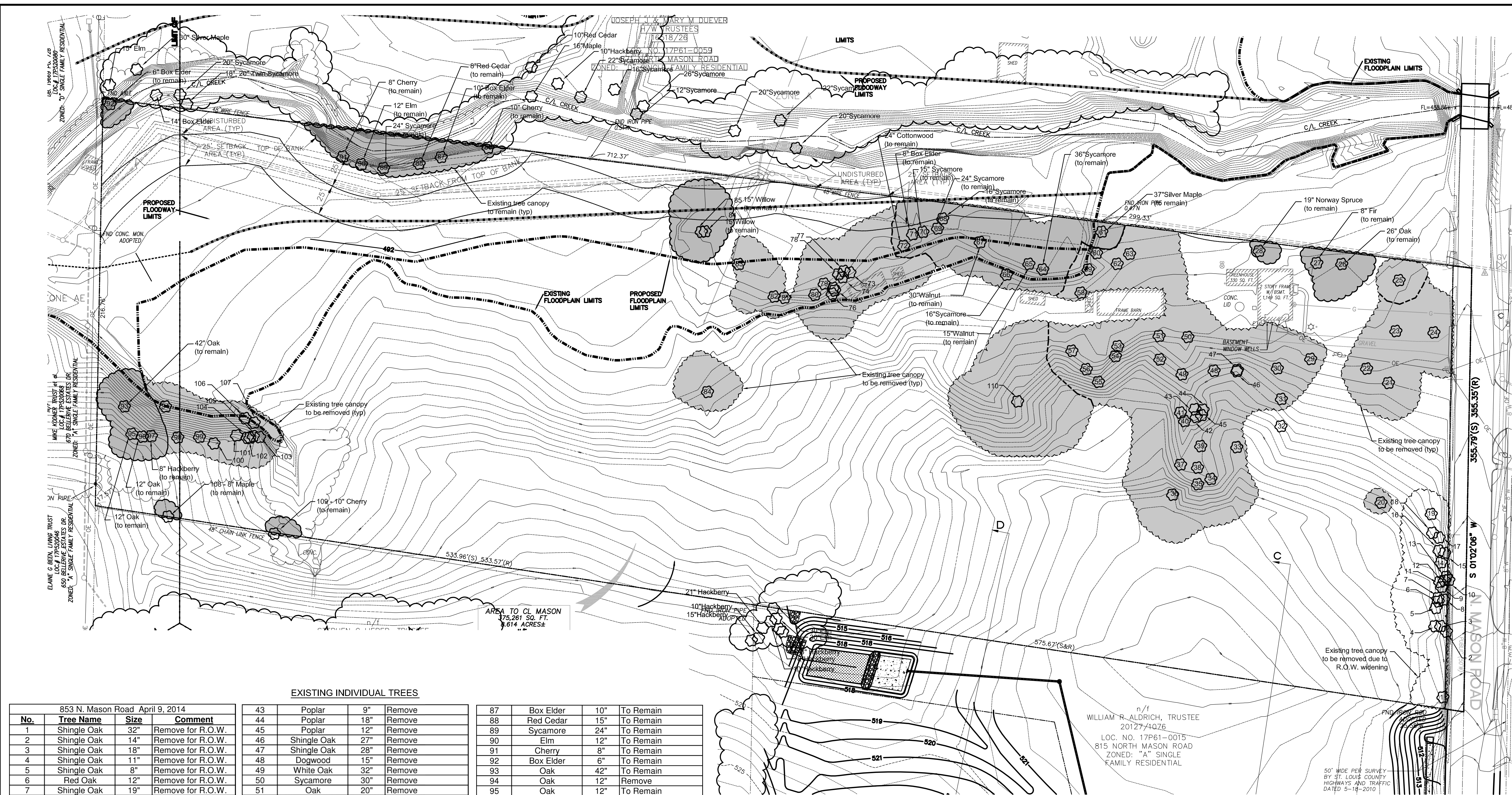
TYPICAL PERENNIAL PLANTING



LANDSCAPE PLAN

SCALE 1"=40'

SYMBOL	QUANTITY	BOTANICAL NAME	COMMON NAME	SIZE	TYPE
TREES					
A	13	Zelkova serrata 'Green Vase'	Green Vase Zelkova	3" cal.	Deciduous
B	16	Quercus rubra	Red Oak	3" cal.	Deciduous
C	12	Tilia cordata	Littleleaf Linden	3" cal.	Deciduous
D	9	Acer x freemanii 'Jeffersred'	Autumn Blaze Maple	3" cal.	Deciduous
E	15	Pinus strobus	Eastern White Pine	8' ht.	Evergreen
F	11	Cornus florida 'Cherokee Princess'	Cherokee Princess Dogwood	2" cal.	Deciduous
G	9	Cercis canadensis	Eastern Redbud	2" cal.	Deciduous
H	47	Picea abies	Norway Spruce	8' ht.	Evergreen
J	6	Juniperus virginiana 'Canaertii'	Canaertii Juniper	8' ht.	Evergreen
K	3	Prunus 'Kwanzan'	Kwanzan Cherry	2" cal.	Deciduous
SHRUBS					
a	25	Viburnum rhytidophyllum	Leatherleaf Viburnum	24-36"	Semi-evergreen



853 N. Mason Road April 9, 2014			
No.	Tree Name	Size	Comment
1	Shingle Oak	32"	Remove for R.O.W.
2	Shingle Oak	14"	Remove for R.O.W.
3	Shingle Oak	18"	Remove for R.O.W.
4	Shingle Oak	11"	Remove for R.O.W.
5	Shingle Oak	8"	Remove for R.O.W.
6	Red Oak	12"	Remove for R.O.W.
7	Shingle Oak	19"	Remove for R.O.W.
8	Shingle Oak	13"	Remove for R.O.W.
9	Shingle Oak	13"	Remove for R.O.W.
10	Shingle Oak	12"	Remove for R.O.W.
11	Shingle Oak	10"	Remove for R.O.W.
12	Shingle Oak	6"	Remove for R.O.W.
13	Elm	24"	Remove for R.O.W.
14	Box Elder	6"	Remove for R.O.W.
15	Shingle Oak	7"	Remove for R.O.W.
16	Shingle Oak	7"	Remove for R.O.W.
17	Red Oak	24"	Remove for R.O.W.
18	Red Oak	8"	Remove for R.O.W.
19	Red Oak	13"	Remove for R.O.W.
20	Box Elder	28"	Dying/Remove
21	Elm	18"	Remove
22	Sycamore	18"	Remove
23	Maple	30"	Remove
24	Sycamore	24"	Remove for R.O.W.
25	Maple	15"	Remove
26	Oak	26"	To Remain
27	Fir	8"	To Remain
28	Norway Spruce	19"	To Remain
29	Holly	14"	Remove
30	Holly	11"	Remove
31	Holly	15"	Remove
32	Redbud	12"	Remove
33	Poplar	8"	Remove
34	Sycamore	36"	Remove
35	Hackberry	15"	Remove
36	Black Walnut	27"	Remove
37	Black Walnut	20"	Remove
38	Poplar	18"	Remove
39	Ash	18"	Remove
40	Hackberry	13"	Remove
41	Hackberry	20"	Remove
42	Poplar	8"	Remove

EXISTING INDIVIDUAL TREES			
43	Poplar	9"	Remove
44	Poplar	18"	Remove
45	Poplar	12"	Remove
46	Shingle Oak	27"	Remove
47	Shingle Oak	28"	Remove
48	Dogwood	15"	Remove
49	White Oak	32"	Remove
50	Sycamore	30"	Remove
51	Oak	20"	Remove
52	White Oak	7"	Remove
53	Sycamore	30"	Remove
54	Hackberry	24"	Remove
55	Poplar	24"	Remove
56	Poplar	20"	Remove
57	Dogwood	8"	Remove
58	Poplar	16"	Remove
59	Poplar	11"	Remove
60	Silver Maple	38"	Remove
61	Silver Maple	37"	To Remain
62	Poplar	17"	Remove
63	Sycamore	32"	Remove
64	Sycamore	36"	To Remain
65	Black Walnut	15"	To Remain
66	Red Cedar	8"	To Remain
67	Black Walnut	30"	To Remain
68	Sycamore	16"	To Remain
69	Sycamore	24"	To Remain
70	Sycamore	15"	To Remain
71	Box Elder	8"	To Remain
72	Cottonwood	24"	To Remain
73	Sycamore	21"	Remove
74	Sycamore	21"	Remove
75	Sycamore	24"	Remove
76	Sycamore	8"	Remove
77	Sycamore	13"	Remove
78	Sycamore	12"	Remove
79	Willow	8"	Remove
80	Willow	15"	Remove
81	Willow	12"	Remove
82	Willow	9"	Remove
83	Cottonwood	8"	To Remain
84	Willow	15"	To Remain
85	Willow	15"	To Remain
86	Cherry	10"	To Remain

87	Box Elder	10"	To Remain
88	Red Cedar	15"	To Remain
89	Sycamore	24"	To Remain
90	Elm	12"	To Remain
91	Cherry	8"	To Remain
92	Box Elder	6"	To Remain
93	Oak	42"	To Remain
94	Oak	12"	Remove
95	Oak	12"	To Remain
96	Oak	12"	To Remain
97	Hackberry	8"	To Remain
98	Elm	12"	Remove
99	Willow	12"	Remove
100	Willow	12"	Remove
101	Willow	12"	Remove
102	Willow	10"	Remove
103	Willow	12"	Remove
104	Willow	12"	Remove
105	Willow	15"	Remove
106	Willow	12"	Remove
107	Willow	13"	Remove
108	Maple	8"	To Remain
109	Cherry	10"	To Remain
110	Elm	42"	Remove

TREE CENSUS
SCALE 1"=40'

TREE CENSUS DATA

Total Canopy Area On Site: 81,389 sf, or 1.87 acres

Total Canopy Area to be removed: 59,772 sf, or 1.37 acres
Total Canopy Area to remain: 21,617 sf, or 0.50 acres

Percentage of tree canopy to be removed: 73.44%



Jerald Saunders - Landscape Architect
MO License # LA-007

Consultants:

Creekside at Mason

Creve Coeur, Missouri

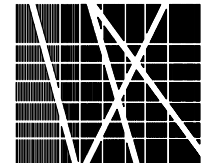
Revisions:

Date	Description	No.
2/5/14	Base Revision	1
4/14/14	Base Revision	2

Drawn: LH
Checked: RS

loomisAssociates

landscapearchitects/planners
707 Spirit 40 Park Drive, Suite 105
Overland Park, Missouri 66205-1094
Tel: 913.241.1100
www.loomisassociates.com



Loomis Associates Inc.
Missouri State Certificate of Authority #: LAC #0000191

Sheet Title: Tree Census

Sheet No: TC-1

Date: 01/17/2014
Job #: 935.005

BILL NO. 5482ORDINANCE NO. 5371q

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CREVE COEUR TO REZONE 8.49 ACRES OF LAND FROM "A" SINGLE-FAMILY RESIDENTIAL DISTRICT TO "B" SINGLE-FAMILY RESIDENTIAL DISTRICT AND AUTHORIZING A RESIDENTIAL DESIGNED DEVELOPMENT (RDD) WITH ACCOMPANYING PRELIMINARY SUBDIVISION PLAT AND SITE DEVELOPMENT PLAN FOR THE PROPOSED CREEKSIDE AT MASON SUBDIVISION, FOR THE PROPERTY CURRENTLY ADDRESSED AS 853 NORTH MASON ROAD.

WHEREAS, Chris Matteo, of Pulte Homes of St. Louis, LLC, has submitted an application for the rezoning of the 8.49 acres located at 853 N. Mason Road, from "A" Single Family Residential to "D" Single Family Residential with "RDD" Residential Design Development designation and the applicant revised the request to "B" Single Family Residential with RDD at the Planning and Zoning Commission meeting on April 21, 2014; and

WHEREAS, in accordance with Sections 405.280, 405.450(C), and 405.1080 of the Zoning Ordinance, the applicant has submitted a Site Development Plan (hereafter referred to as the "subdivision improvement plan") and Preliminary Plat to the Department of Planning for the Creekside at Mason subdivision, including 16 lots on the 8.49 acres, with residential designed development (RDD); and

WHEREAS, On February 18, 2014, the Planning and Zoning Commission conducted a public hearing on the rezoning and RDD request and accompanying Preliminary Plat; and

WHEREAS, notice of 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 otherwise posted and published in accordance with the Zoning Ordinance; and

WHEREAS, the Planning and Zoning Commission reviewed and, by a 1-4 vote, did not recommend approval of the rezoning and RDD request but, by a 5-0 vote, recommended approval of the accompanying site development plan at its meeting on April 21, 2014; and,

WHEREAS, the applicant subsequently revised their proposal to reduce the number of lots in the subdivision from 16 lots to 12 lots and increase the minimum lot size to 15,006 square feet with an average lot size of 15,240 square feet; and

WHEREAS, in its consideration of the Bill by the City Council, the City Council voted 7-0 (1 absence), prior to the conclusion of the first reading, to request further review of the revised proposal by the Planning and Zoning Commission; and

WHEREAS, the Planning and Zoning Commission reviewed the revised proposal and, by a 2-4 vote, recommended denial of the rezoning and RDD request but, by a 6-0 vote, recommended approval of the accompanying site development plan at its meeting on June 16, 2014 on the condition that the property be developed in accordance with the Subdivision Improvement Plan and Preliminary Plat for "Creekside at Mason," last revised June 9, 2014, or as further revised as required by the City of Creve Coeur and on other conditions, at its meeting on June 16, 2014; and,

WHEREAS, all persons who presented themselves and desiring to be heard were given an opportunity to be heard and a copy of the proposed ordinance was made available for public

Attachment: RDD Ordinance 5376 (1048 : Final Plat Creekside at Mason)

BILL NO. 5482ORDINANCE NO. 5376

inspection prior to its further consideration by the City Council; and this Bill having been read by title in open meeting one time by the City Council; and

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

WHEREAS, the City Council finds that the Residential Designed Development proposal, as submitted on June 9, 2014 and when subject to certain conditions set forth herein, is consistent with good planning practice, consistent with good site landscape planning, is not detrimental to the existing and permitted uses in the surrounding area, is deemed desirable to provide the purpose of Section 405.450 of the Zoning Code and is in accordance with the criteria of Section 405.450(C)(1-3) of the Zoning Code regarding minimum project area, gross acreage, yards, and site and building coverage;

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

SECTION 1: The Official Zoning Map of the City of Creve Coeur shall be amended to rezone the property addressed as 853 North Mason Road from A Single-family Residential to D Single-family Residential zoning district, subject to the conditions stated herein, which property is more specifically described as follows:

A tract of land in U.S. Survey 1923 Township 45 North Range 5 east and being a part of Lot 2 of the JOHN HEZEL ESTATE and described as follows: Beginning at a point in the center line of Mason Road being the northeast corner of property conveyed by Elizabeth Hezel to Otto R. Dauster and Lydia M. Dauster by deed recorded in Book 988 Page 462 of the St. Louis County Recorder's Office, thence north along the center line of Mason Road 355.35 feet to a point in the center line of Mason Road, thence west and parallel to the northern line of property conveyed by Elizabeth Hezel to Otto R. Dauster and Lydia M. Dauster by deed recorded in Book 988 Page 462 of the St. Louis County Recorder's Office to a point in the west line of said Lot 2 of the JOHN HEZEL ESTATE, thence south along the western line of said Lot 2 of the JOHN HEZEL ESTATE 326.61 feet to the northwest corner of said property conveyed to Dauster in Book 988 Page 462 of the St. Louis County Records, thence east along the north line of said property so conveyed to Dauster in Book 988 Page 462 to the point of beginning containing 8.56 acres more or less.

AND BEING FURTHER DESCRIBED AS:

BEGINNING at the intersection of the Western line of Mason Road (30' wide) with the Northern line of a tract of land described in a deed to William Aldrich Trustee in Deed book 20127, Page 1076 of the St. Louis County, Missouri Records; thence along the Northern line of said Aldrich tract and the Northern line of a tract of land described in a deed to Stephen Lieber Trustee as recorded in Deed Book 9605, Page 1740 of said records North 81 degrees 26 minutes 00 seconds West, a distance of 1094.50 feet to the Western line of Lot 2 of the John Hezel Estate; thence along said Western line North 01 degree 05 minutes 00 seconds East, a distance of 326.52 feet to an found Iron Axle marking the Southwest corner of a tract of land described in a deed to John and Mary Duever Trustees as recorded in Deed book 16518, Page 26 of the aforesaid records;

Attachment: RDD Ordinance 5376 (1048 : Final Plat Creekside at Mason)

BILL NO. 5482ORDINANCE NO. 5374

thence along the Southern line of said Duever tract South 82 degrees 56 minutes 06 seconds East, a distance of 1090.82 feet to the aforesaid Western line of Mason Road; thence along said Western line South 01 degree 02 minutes 06 seconds West, a distance of 355.39 feet to the Point of Beginning and containing 369,927 square feet or 8.492 acres more less as per a survey by Stock & Associates Consulting Engineers, Inc. during the month of December, 2013.

SECTION 2: A residential designed development (RDD) permit is hereby granted for the Creekside at Mason Subdivision, to be located on the land described in Section 1 of this ordinance, subject to the conditions contained herein.

SECTION 3: The Creekside at Mason RDD shall conform to the Site Improvement Plan, the Preliminary Plat and the Landscape Plan, last revised June 9, 2014, or as further revised as required and approved by the City of Creve Coeur, and are further subject to the following conditions:

1. House exterior shall be of brick and/or stone along with high quality forms of siding, such as fiber-cement ("Hardi-board"), or natural wood siding from a renewable source. The Zoning Administrator shall verify conformance of all exterior materials with this condition prior to the issuance a building permit for any residence.
2. Any house side walls abutting a street shall be finished entirely with the same materials, and with the same design and aesthetic continuity, as the front façade, subject to Zoning Administrator approval.
3. The front yard setback on lot 4 is reduced 15 feet and the structure shall be parallel to the street.
4. The subdivision improvement plan shall include a minimum five-foot detached sidewalk along both sides of the proposed street.
5. All street lighting shall meet with 405.680; Lighting, of the Zoning Ordinance.
6. The Landscape Plan shall be in substantial conformance with the Landscape plan revised June 9, 2014 subject to the requirements of Sections 410.300 and 410.320 of the Subdivision and Land Development Standards.
7. The development of the trail shall be built to the recommended guidelines of the Americans with Disabilities Act and remain open to the public. A public access easement over the entire west portion of the common ground shall be provided. The type of construction and design of the trail shall be completed prior to the final plat approval.
8. Prior to issuance of any building permits, the applicant shall prepare and record the final subdivision plat as approved by the City Council and the indentures requiring public access for the trail and related maintenance, insurance, funding, maintenance of the stormwater basin, and common ground area and landscaped easement areas, as approved by the City Attorney.

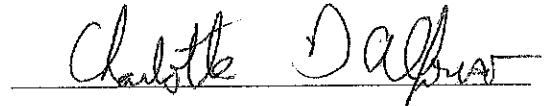
SECTION 4: As set forth in Section 405.1080 of the Zoning Ordinance of the City of Creve Coeur, Site Development Plans approved by the City of Creve Coeur shall be valid for a period of up to one (1) year from the date it is approved. After one year, a Site Development Plan will no longer be valid unless an extension is granted. The City of Creve Coeur may grant one, one (1) year extension prior to the expiration of the Site Development Plan upon written request of the applicant submitted to the City at least 180 days prior to the expiration date and granted prior to the expiration date.

Attachment: RDD Ordinance 5376 (1048 : Final Plat Creekside at Mason)

BILL NO. 5482ORDINANCE NO. 5376

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

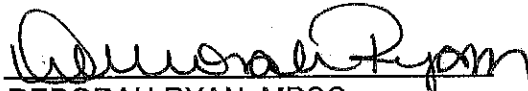
ADOPTED THIS 23rd DAY OF June, 2014



PRESIDENT OF CITY COUNCIL

APPROVED THIS 23rd DAY OF June, 2014
BARRY GLANTZ
MAYOR

ATTEST:


DEBORAH RYAN, MPCC
CITY CLERK

Attachment: RDD Ordinance 5376 (1048 : Final Plat Creekside at Mason)

BILL NUMBER _____

ORDINANCE NUMBER _____

**AN ORDINANCE APPROVING A FINAL SUBDIVISION PLAT FOR A
SUBDIVISION KNOWN AS CREEKSIDE AT MASON LOCATED AT 853 N.
MASON ROAD, CITY OF CREVE COEUR, ST. LOUIS COUNTY, MISSOURI**

WHEREAS, An application by Chris Matteo, of Pulte Homes of St. Louis, LLC, has been submitted for the final plat and site improvement approval of the 8.49 acres located at 853 N. Mason Road, for 12 single family homes, zoned "B" Single Family Residential with "RDD" Residential Design Development; and

WHEREAS, Ordinance No. 5376 authorized the rezoning for Creekside at Mason with the Residential Designed Development designation and preliminary plat approved by the City Council on June 23, 2014; and,

WHEREAS, the final plat of the Creekside at Mason subdivision substantially conforms to the preliminary plat reviewed by the Planning and Zoning Commission on June 16, 2014; and,

WHEREAS, public notice of said final plat application was provided in accordance with Section 410.140.C.2 of the Creve Coeur Municipal Code; and

WHEREAS, the Planning and Zoning Commission recommended, by a vote of _____ approval of the Creekside at Mason final plat on August 18, 2014; and

WHEREAS, a copy of the proposed 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 by the City Council, and

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

SECTION 1: The final plat of the subdivision known as Creekside at Mason, described as a tract of land in U.S. Survey 1923 Township 45 North Range 5 East of the 5th Principal Meridian, City of Creve Coeur, St. Louis County, Missouri, as heretofore submitted on August 15, 2014 is hereby approved subject to the following conditions:

1. The Applicant shall provide two (2) disks containing digitized versions of the plat along with two (2) printed copies of the recorded plat. Acceptable data formats include AutoCAD (.dwg or .dxf), MicroStation Design File (.dgn), ArcInfo Coverage, ArcView Shape File (.shp), or MapInfo.
2. The sub-divider shall complete the offsite grading to the property addressed as 805 N. Mason Road as shown in the Subdivision Improvement Plans.
3. The subdivision indentures shall be reviewed and approved by the City Attorney prior to the signing of the Mylar and proof of recording shall be provided prior to the issuance of a building permit.

SECTION 2: Such approval of the plats for the subdivision of the property shall be endorsed on said Plat as indicated in Section 1 hereof under the hand of the City Clerk, and the seal of the City of Creve Coeur, Missouri shall be affixed thereto.

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

From: [Kelly, Whitney](#)
To: [Kelly, Whitney](#)
Subject: FW: RECONSIDERATION of 853 N Mason
Date: Friday, August 15, 2014 5:47:14 PM
Attachments: [Council member Kent.pdf](#)
[853 N. Mason TIMELINE.pdf](#)

From: Jeanne Rhoades [<mailto:rhoades.jeanne@yahoo.com>]
Sent: Monday, July 21, 2014 6:23 AM
To: planningandzoning
Subject: Fw: RECONSIDERATION of 853 N Mason

Dear P&Z Commissioners,

On behalf of the concerned citizens who all reside closest to the parcel at 853 N. Mason, I would like to thank the Commission for its very careful deliberations and decision to uphold the intent and recommendations of our City's Comprehensive Land Use Plan during the review of the applicant's request to rezone the property.

After the Council overruled your twice-made recommendation, I came upon additional recommendations in the Land Plan discouraging widening Mason Road, as mentioned below -- and given that oversight of infrastructure matters is a primary P&Z function, I am forwarding this information for your review.

It is not clear whether there still exists any opportunity to review this requirement with St. Louis County, however I hope every effort is made communicate our City's concerns and priorities for maintaining the 2-lane residential character of Mason Road.

Sincerely,

Jeanne Rhoades
 12778 Mason Manor

----- Forwarded Message -----

From: Jeanne Rhoades <rhoades.jeanne@yahoo.com>
To: Mayor- Council <mayor-council@ci.creve-coeur.mo.us>; "mawhiggins@yahoo.com" <mawhiggins@yahoo.com>; "dkreuter@kgatty.com" <dkreuter@kgatty.com>; ellen lawrence <ellenblawrence@yahoo.com>; "ajwang@hotmail.com" <ajwang@hotmail.com>; Robert Hoffman <hoddman@aol.com>; Charlotte Dalfonso Ladue Pines <charlottedalfonso@gmail.com>; Scott Saunders <scott.saunders4@yahoo.com>; "kentivcouncil@charter.net" <kentivcouncil@charter.net>; BARRY GLANTZ <bglantz@ci.creve-coeur.mo.us>
Cc: Mark C. Perkins <mperkins@ci.creve-coeur.mo.us>; Carl Lumley <clumley@lawfirmemail.com>; Deborah Ryan <dryan@ci.creve-coeur.mo.us>; "plangdon@ci.creve-coeur.mo.us" <plangdon@ci.creve-coeur.mo.us>
Sent: Monday, July 14, 2014 3:53 PM
Subject: Fw: RECONSIDERATION of 853 N Mason

Mayor and Council,

I am forwarding my original inquiry in prior email below regarding the proposed expansion of Mason

Attachment: Email from Jeanne Rhoades submitted July 21, 2014 (1048 : Final Plat Creekside at Mason)

Road near 853 N. Mason. The fact that this was overlooked in turn has raised more questions about whether ensuring fair and due process was ever a priority over review of this proposal.

Regarding the addition of a turn lane on Mason Road to service the proposed new "Creekside" development being sold as an alleged "public benefit" by the developer (and likewise echoed on pg 9 of Council member Kent's 22-page presentation supporting his vote for rezoning): As per my recent July 2nd email below, I first raised concerns about this apparent inconsistency to City Administrator Mark Perkins because I had a hunch that something did not ring true, and that this supposed "improvement" was not in line with our community's values of preserving the existing 2-lane character of all residential arterial roads. **However, I have only since then had this hunch confirmed when I discovered that support for this "residential character" vision of Mason Road realized support for my concerns are also very well-documented in our City's Comprehensive Land Use Plan – specifically identified three separate times** (see "Residential Neighborhoods" section "Transportation and Movement" on pg 46):

1. *...Mason Road should be maintained as two lanes, with sidewalks and bike lanes, street tree plantings, and the addition of turn lanes at intersections. Landscape medians should be included, but only if Mason Road remains two lanes."*
2. *Explore the acquisition of Ladue Road (west of I-270) from MODOT, Mason Road from St. Louis County, and other jurisdictional roadways in order for the City to obtain greater control over the planning for and improvements of its roadway network.*
5. *Preserve existing predominantly residential road (including Spoede, Mosley, Graeser, Mason, Conway, Warson, Emerson, Coeur de Ville, Ladue, and others) as two-lane roads, which have through passage at intersections, along with the addition of bike lanes and pedestrian walkways.*

Despite the direct and critical relationship of zoning decisions and density limits on determining infrastructure needs – which is undoubtedly one of the most fundamental purposes of any long term Comprehensive Land Use Plan overall – it appears these particular recommendations were never referenced nor discussed at any time during review of the 853 N. Mason rezoning request.

This relationship also underscores precisely why zoning and density recommendations typically carry far more weight in a land use plan compared to others – especially those comprised of illogical or unrealistic "wishful thinking" criteria that also inherently conflict with the most fundamental tenets of property rights. This is precisely the case for the recommendations found under Neighborhood 1 – such as #3 suggesting that independently and privately owned parcels "be developed together or in a coordinated manner;" and #7 involving over-zealous road-access restrictions seemingly contingent on item #3 – which explains why they are so confusing.

Although the importance of this relationship would seem self-evident, it appears completely contrary to Mr. Kent's rationale at the last Council meeting. Please recall Mr. Kent verbally prefaced his presentation by stating he took responsibility for its content, though also consulted with the City Planner and City Attorney in advance. Then, after first suggesting that the entire 2002 Land Plan was suspect and out of date, he next concluded that it is merely "subjective judgment" whether any one recommendation is more important than another. No one from the City disputed this premise or any other points he raised, and no one else on the Council offered any other rationale of their own. (See Kent's presentation attached.)

Regardless, the known fact that St. Louis County has always been less than enthusiastic about supporting any formal pedestrian crossing in this area is one of the many reasons we requested early on and many times thereafter that City officials exercise more due diligence on the details required to successfully create a public pedestrian path using this parcel. I am not aware of any public discussion or staff report indicating that ever occurred.

Now that the current Creve Coeur City Council has overruled the authority its own Planning and Zoning Commission's twice-made recommendations against the proposed zoning change on this parcel, it would certainly be a shame if any proposed Mason Road "improvements" associated with the development further interfere with opportunities for any pedestrian crossing in the vicinity -- especially since some public trail incorporation was seemingly a significant part of the Council's justification to permanently rezone the property and award significant density bonus in the first place.

This begs the question of to what degree the Council was properly informed on this matter – as well as major concerns regarding other “public benefits” offered by the developer to justify their request for rezoning.

For example, residents were more than a little surprised to learn at the meeting that what started in the developer's proposal as inclusion of an actual developer-funded-and-constructed pedestrian path was reduced to merely the vaguest provision for some easement and merely on the western border of their parcel. This major game-changer in the City's strategy raises all sorts of questions that residents never had any opportunity to fully vet or address. (BTW, why didn't the Council also request some easement along the northern border of the parcel, rather than just the west, since this significantly limit options where the trail can go.)

The Council's vote to approve the zoning change expressly enables higher density small lots to be placed adjacent to larger existing properties, rather than intuitively let the creek function as a natural buffer as was originally intended – a point that was raised numerous times. Yet the Council made little or no effort to ensure buffers were sufficient before they cast their vote. Buffers are a huge issue for this development, not only due to basic concerns about privacy for all residents existing or proposed, but also due to the two major “attractive nuisance” features existing on adjacent ground flanking both sides of the parcel – Mr. Lieber's large pond to the north, and Ms. Holman's private property and bridge across the creek to the south. The applicant even acknowledged at P&Z the week prior that landscaping was probably not satisfactory to adjacent neighbors, but unfortunately, not one single Council member asked any residents at the meeting if their concerns had been adequately met.

Sadly this lack of concern was not too surprising since many residents were never granted an opportunity to meet collectively with the developer or with their elected representatives outside of a formal meeting (excludes the one time in February that I personally arranged while on Council, when the original application was first introduced). Not to mention that resident comments at City meetings are restricted to 3-minute allowance, while developers and their entire entourage of professional support groups are granted unlimited speaking time.

Based on conversations I've had with various City officials both before and after the vote, there seems to be significant confusion on whether City officials made sufficient efforts to ensure all residents most impacted by this development had fair opportunity to thoroughly air concerns – particularly those in Bellerive Estates. However I believe the attached timeline of correspondence and events easily verifies this was not the case. (See attached, with pertinent comments highlighted in yellow, and blue used for additional emphasis)

In particular, please note over the course of review the developesr clearly and repeatedly indicated to City officials they would meet with residents – even specifically naming Bellerive Estates – but when Mr. Stock finally contacted me to discuss a potential meeting (as suggested by Council member Saunders), he distinctly stated they were NOT willing to meet with any other residents as a group. This alarming refusal was promptly reported back to Council member Saunders, but apparently to no avail.

Meanwhile residents continued to hear promises for such a meeting to occur – *and repeatedly requested for one to be arranged* – but ultimately we were left with no leverage or support to bring the developer (or even our own representatives) to the table to discuss or clarify any outstanding concerns.

Over my 10+ years on Council, I cannot recall any time when this sort of practice was ever

considered as acceptable “due process” – *plus it would seem to represent a completely counter-intuitive strategy when major issues involving cross-access easements are highly pertinent to the proposal.* The Comprehensive Plan on Neighborhood 1 item #5 recommends to “*incorporated trails where feasible.*” Wouldn't basic due diligence require some obligation to first meet with the Bellerive Estates Plats 1-3 trustees and/or residents as a group to determine if, how or where some public path could “*feasibly*” cross their subdivision common ground in the first place?

Is it correct to assume that the Council was fully aware of the fact that the developer REFUSED to meet with subdivision trustees and residents as they had originally promised; AND that residents' pleas to have some meeting with the developer, or even just their City officials, were all effectively ignored? I cannot speak on behalf of Bellerive Estates, but it is hard to imagine this will further their enthusiasm to relinquish their peaceful green space anytime soon.

(Mr. Kent deserves credit for at least emailing those trustees asking for some specific info – but despite his good intentions, it is not clear whether the rather demanding tone of his inquiry yielded any meaningful response, and he has since declined to share details of any feedback received.)

This raises major concerns about whether the Council may have confused the term “feasible” for “desirable” even though these terms actually have little in common. Regardless of how attractive or noble any goal or intention seem, merely desiring some outcome without taking steps to first ensure realistic feasibility is commonly referred to as “wishful” or magical thinking. The prior Minners Nursery Debacle serves as a perfect example of why this type of logic should have no place in making permanent rezoning decisions (which is arguably the root cause of all this controversy in the first place).

As it stands, it now appears unclear whether ANY land plan recommendations will be met, (beside the most basic call for single family residential detached houses lined up to face a street):

- The most fundamental stipulations of density and minimum lot size were ignored from the start - but largely justified on absurd arguments that since nonsensical recommendations regarding “coordination” and “access limits” were not met then all else was subject to whim (*Note the only change to Neighborhood 1 since the Plan was adopted was the City's own rezoning of the Minners parcel back to A-1 acre. This would seem to clearly reinforce the recommendations regarding density and lot size limits rather than negate them*);
- Higher density inherently exacerbates “storm water concerns” and also reduces ability to “preserve natural site features” -- which both oppose the intent of the Plan (*as also supported by the City Planner's 2010 memo to that effect*);
- The density increase and resulting requirements from St. Louis County inherently conflict with distinct separate Land Plan recommendations against the widening of Mason Road;
- Even the City's alleged effort “to achieve higher architectural standards” was decidedly weak. (*Note that while the developer frequently compared this project to their similar one in Ladue in order to “sell” its high quality and appeal, the architectural standards for that other project far exceed the level stipulated by the City of Creve Coeur.*)

The only Land Plan recommendation left standing is to “incorporate trails were feasible” – *yet despite the fact that the City has never before attempted to insert a public trail into an established residential neighborhood, no one bothered to first determine if it is indeed feasible at all.* Certainly snubbing the residents in this manner even further reduces the odds that it will ever realistically be built -- regardless of how many others in the community think the idea is really cool (of course as long as it doesn't run

through their own back yard).

As a result, this predicted "Path to Nowhere" outcome now seems almost certain: the residents most affected stated they don't really want a public trail; the City Planner noted to P&Z that the developer and the future residents most likely don't want a public trail (which also certainly explains their reluctance to meet with Bellerive trustees) – and based on prior experience, it seems highly probable that City staff really does not want one either – especially if it entails significant costs for land acquisition or installation up front, as well as long term maintenance commitments going forward. (Witness the City's less-than-enthusiastic efforts to fund and construct the promised Ambois Extension, which left Ward 4 with an easement for a very similar "Road to Nowhere")

Residents here have heard too many broken promises from City Hall (including no down-zoning when we were annexed) -- and it is also hard to imagine anyone on the Council would gamble so much for so little in their own neighborhood. (*Thank you Council member Lawrence for providing the only dissenting vote.*) Plus this neighborhood has ALREADY experienced the trauma inflicted by prior City officials recklessly rezoning properties based on "wishful thinking" for some alleged gain. And even though the "creative concept" they promoted was not actually desired by anyone else in the community, it nonetheless obfuscated our Land Plan's otherwise clearly stated intentions to support Residential Preservation citywide (as seen on pg 44, which precedes the murky language found later under Neighborhood 1).

Given slim possibility that any "best case" outcome will ever be achieved, it sadly appears the end result will most likely be as follows:

A rezoning and excessive density bonus given away largely to obtain an easement for some undefined path that will likely never be built – yet meanwhile resulting in unwanted road widening, meager buffers, and significantly diminished property values that particularly impacts existing adjacent large-lot homes – *relative to the highest and best use of the still perfectly functional existing A-zoning, which was a point conceded even by Mr. Kent* (and underscored by the fact that the nearly \$900,000 new spec home on the corner of Mason and Mason Manor just sold in only 30 days.)

I recently sent Council member Kent an inquiry to clarify several points in his presentation since citizens had no realistic opportunity to vet or refute any of the questionable claims or assertions he made (see attached July 10, 2014 email to Kent). We now ask the Council to please carefully review all of this combined information – including the attached time line clearly revealing the developer's insincere concern for neighbors and/or apparent disinterest in seeking cross access in order to incorporate a trail (identified by P&Z as the only potentially significant "public benefit" offered by the applicant overall) -- and reconsider:

- whether the proposal truly received both the due diligence and due process it deserves;
- whether ANY meaningful land plan recommendations can now realistically be met;
- whether the Council was truly fully informed of all concerns and probable ramifications;
- and thus ultimately whether this proposal and request for a permanent residential zoning change is truly warranted.

Thank you,

Jeanne Rhoades
12778 Mason Manor

----- Forwarded Message -----

From: Jeanne Rhoades <rhoades.jeanne@yahoo.com>
To: Mark C. Perkins <mperkins@ci.creve-coeur.mo.us>
Sent: Wednesday, July 2, 2014 2:27 PM

Attachment: Email from Jeanne Rhoades submitted July 21, 2014 (1048 : Final Plat Creekside at Mason)

Subject: Widen Mason?

Mark,

During review of 853 N. Mason, one of the many things rather glossed over in discussion was widening Mason Rd. Is this a requirement from the County? It seems the County always has a passion for wide pavement, but did they clarify what purpose they want to achieve in this location? The existing turn lanes near Mason Manor and Ridgemore Forest help prevent back up from left turns off Mason into these larger subdivisions, but curious what purpose is served by adding more pavement near Creekside. Is it due to proximity to the bridge?

I'm primarily asking because I recall discussion during the Comp Plan days about actually wanting to discourage too much pavement expansion in an effort to better maintain residential character, traffic calming, etc. Plus, there is still a question about getting some pedestrian crossing in this area -- particularly if a new pedestrian path is being planned through Creekside, along with extension of sidewalks on the west side of Mason.

As it stands, pedestrians will need to cross Mason somewhere to continue walking north, since pedestrian bridge is on the east side. Or is the County planning to construct a bridge on the west side as well? Or perhaps they intend to widen the primary bridge instead? Does the County plan to widen Mason all the way south to Ladue Rd, and/ or up to their future new bridge near the golf course?

As you likely know, the section of Mason that suffers most from congestion is due to parents turning left into Andrews Academy during drop off and pick up times. Ironically the County has a huge shoulder of pavement right there but unfortunately with a sign warning that it is not to be used as driving lane (though drivers often use to circumvent the Andrews Academy parent que regardless) -- all of which rather seems like a waste.

In short, just hoping this requirement for Pulte to widen Mason in this location has been carefully thought through by the City of Creve Coeur, and that everyone agrees some expansion in this area is truly needed and/or desired?

Otherwise if someone does call the County to discuss, I hope inquiry is made about how to better meet pedestrian needs in this area -- (especially since widening pavement often tends to accelerate traffic speed).

Thanks,

Jeanne Rhoades
12778 Mason Manor

Attachment: Email from Jeanne Rhoades submitted July 21, 2014 (1048 : Final Plat Creekside at Mason)

Council member Kent,

I took your prior advice and had the City provide me with a copy of your 22 overheads presented at the Council meeting outlining your rationale for your vote supporting the permanent rezoning of 853 N. Mason (see attached).

Regarding the recent question below raised by a trustee of Mason Meadows about your comments on the Duevers parcel becoming landlocked, your presentation on Page 5 states:

"7. Only one access should be allowed onto Mason Road and Mason Manor. Presumably this refers to streets and not individual driveways such as Dauster Lane [Lieber's driveway] or the driveway to the new Ellington Home on Mason Manor. The Difani development will use up the access on the Mason Road and Creekside at Mason will add one access to Mason Road with a dedicated turn lane, thus the Duever tract land-locked [sic]."

With all due respect, I still don't follow your logic how any parcel would become land-locked – particularly one across the other side of the creek, so please feel free to explain further if you wish.

But aside from that issue, the fact that the Council promptly voted on the rezoning immediately after your presentation without any further discussion unfortunately left negligible opportunity for the public to vet or clarify several other new discussion points you raised. As a result – and in keeping with your own long-standing and widely-published motto of *"Positive Policies - Total Transparency - Absolute Accountability"* – please provide your constituents with some clarification on a few other particular items in your presentation:

1. COMPARING CHARACTER WITH MASON FOREST: You twice compared the proposed Creekside development to the established Mason Forest subdivision which is just a short distance south of Neighborhood 1:

pg 15 (labeled pg 9) - *"...Some of these benefits may seem as intangible but they contribute to quality neighborhoods and long term viability of a quality residential area. Mason Forest is an excellent example of the class of development that has matured to a quality neighborhood subdivision..."*

pg 19 (labeled pg 11)- *"...Are there examples of B-RDD nearby? Yes, Mason Forest just to the South of Bellerive Cemetery is zoned B-RDD. Mason Forest is a close example nearby of what the proposed development can be...."*

However, a quick internet search on Mason Forest properties indicates several or most of those lots are larger than 1/2 acre (some are even a full acre) – which all appear to well exceed the 15,000 sq. ft. lots for Creekside (approx 1/3 acre). I don't recall Mason Forest being provided in any recent staff report comparison, but upon quick look it also appears to have very generous side yards and other setbacks, while Creekside setbacks are approx the same or even less stringent than even straight "C" zoning. Can you please identify what other "character" traits these two developments would have in common, other than a label of B-RDD?

This is highly pertinent to us residents closest to the Creekside proposal (copied here), since we repeatedly voiced concerns about "residential character" being defined significantly by lot size, spacing and set backs, and that the small Creekside lots represent a completely unnecessarily excessive degree of change. This concern was seemingly also supported by the Creve Coeur Planning and Zoning Commission's two separate negative recommendations against the proposed rezoning.

(BTW, we also repeatedly expressed our recognition of the topography challenges on the parcel AND our willingness to be flexible from the existing straight-A zoning, and then also repeatedly implored you and other City officials to at least inquire whether other realistic lay out options for this parcel might represent a more reasonable compromise closer in compliance with the Land Use Plan's stipulation that lot sizes should be one-half acre or greater -- regardless of what zoning designation it took to achieve that. The developer's A-RDD "alternate rendition" of 8 straight shot-gun lots was clearly a misleading and lame effort to make their existing proposal look better, since it completely failed to realistically address

significant storm water, flood plain and topography limitations. Unfortunately no City officials bothered to formally question the validity of that bogus rendition – *or to ever require the developer to reveal with certainty what the max lot yield would be for the original A-zone conditions in order to at least help assess how any increase in density impacts total site coverage and exacerbates storm water needs.* That information would seem particularly useful on a property containing such a large percentage of floodplain and sitting directly upstream from homes with a significant history of flooding – especially considering the City Planner's prior 2010 memo expressing concerns about inappropriately including floodplain in density calculations for RDD proposals.)

2. COMPARATIVE PROPERTY VALUES: Pg 18 (labeled pg 12) included a one-line statement as follows:

“Will it lower the nearby property values? \$750,000 versus \$400,000? No”

You did not provide any supporting documentation on this most salient point, but presumably \$750,000 refers to the developer's projected price point for Creekside homes. Can you please explain how you came up with \$400,000 as a relevant point of comparison?

The property south of the creek with the most contiguous border to Creekside is 801 N. Mason (Mr. Liebers approx. 5,000 sq ft home on 5 acres) -- which is most certainly valued well over \$1 million. The Difanis are in the process of constructing 2 new homes each on separate 2-acre lots bordering this same parcel, which will each likely exceed \$1 million value as well.

Yesterday the contractor for the newly constructed “Ellington” home on the 1-acre lot (at the corner of Mason and Mason Manor) informed me that that house sold last week for “close to asking price, just under \$900,000” after being on the market only about 30 days -- despite the fact that it sits very exposed on a very busy corner.

This quick sale not only verifies the strong demand for homes on 1-acre lots within Neighborhood 1 – in fact on the same Minners Nursery parcel that the City had itself rezoned back to “A” after the 2002 Land Plan was adopted – but also confirms that this approx \$900K price point for a new home on one acre here is significantly higher than Creekside (which the developer also stated would start in the \$600Ks).

It is of course easy to cherry pick some other older and/or smaller homes around the area of lesser value in order to suggest Creekside compares favorably. **But doesn't a major test of how the rezoning impacts nearby property values INSTEAD require one to discern how homes built under the proposed B-RDD zoning would most likely compare to the POTENTIAL value of homes being built on this same parcel under the original A-zoning – and then compare to surrounding properties?**

One stated rationale for the rezoning was to “help ensure high quality construction.” However, common sense dictates it would be extremely unlikely that any developer would invest funds to purchase and develop this land under conditions of A-zoning only to construct low-quality and/or low-cost homes, since that would greatly reduce their return on investment.

On the contrary, it is easy to project that because homes constructed here under 1-acre zoning would be at least partially insulated east and west from Mason Road and smaller Bellerive Estates homes respectively due to inherent storm water and topography constraints, and then also nestled between super-large-lot estates immediately to the south and the pre-existing generous creek-and-flood-plain buffer to the north, these conditions could easily support homes with a price point well over \$1 million. And this, in turn, would be far more favorable to the value of the most nearby homes.

I don't claim to be an appraiser, but it thus seems pretty obvious that the Creekside proposal actually fails this most pertinent “acid test” about its impact on nearby home values. Perhaps you can offer some explanation if you believe this analysis is false?

3. CLARIFYING OTHER “BENEFITS”: A few other points of clarification would be appreciated regarding some other alleged benefits and amenities you listed. (There are additional questions surrounding the public pedestrian path and other topics, which for brevity’s sake I will not address here.)

The developer stated their preferred marketing strategy was for residents seeking small lots with more shared common ground, and likewise “marketed” the sales pitch to City officials that the HOA would take superior care of the grounds. However at the last P&Z meeting (which we both attended) our City planner opined that owners of million dollar homes (as potentially under the original A-zoning) also tend to place a very high value on yard and landscape maintenance to enhance and protect their investment.

This would suggest the entire parcel will be reasonably well maintained regardless of whether more home owners have small lots but more common ground (B-RDD), or fewer home owners have large lots and less common ground (original A-zoning). Because either way, all subdivisions of any size are required to provide storm water mitigation appropriate for the total site (varies depending on terrain, site coverage, etc), plus maintain that, along with any other common ground and/or green space (in whatever manner is required by conditions made at time of approval), all in compliance with existing City codes. **Are you suggesting those are special benefits that are only achievable by rezoning?**

Your presentation (pg 14 -labeled pg 8) also states that, *"This property is marked by a creek and flood plain which severely limits the development possibilities. If the zoning is kept "A" then Five (5) houses are probably the maximum possible. This will result in separate responsibilities for the maintenance and the control of the floodplain and creek, requiring the City to deal with five homeowners for enforcement. How effectively will this be accomplished with the requirements spread over so few homes."*

Thinking this through to a logical conclusion -- if a property code violation type of problem occurs (storm water failure, noxious weeds, etc) neighbors will simply contact the City and request them to enforce City code. Your statement above suggests the alleged “benefit” of dealing with the HOA instead of individual property owners is actually MOST advantageous to the CITY just to simplify potential enforcement of existing standards and codes. That is a rather astute observation – **but is “making circumstances easier for City staff to handle code enforcement” considered a valid rationale for rezoning?**

Also, you mentioned multiple times that the HOA will be responsible for creek control and/or maintenance, but can you please explain what that means? It requires circular logic upfront to award more than double allowable density on an undeveloped parcel of land consisting of almost half flood plain, and then frame the resulting mitigation of flood plain to enable the extra density as some special benefit returned (as seems to be repeatedly implied). Nonetheless, everyone is willing to accept the premise that whether 5 homes or 12 homes, it is possible to engineer an adequate storm water plan, and that future homeowners will be obligated to properly maintain it.

But isn't the creek itself a somewhat separate issue that no single development controls? Not only is a good portion of the creek bordered by other private property owners – but as recollected from my prior experience on Council, the lion's share of control of all creeks in our City actually falls under the jurisdiction of MSD and the Department of Natural Resources. We learned the hard way in Ward 4 that typically MSD and the DNR strenuously prohibit property owners from interfering with nearly anything related to the natural state of the creek (including controlling most bank erosion), so can you please explain what “creek control” and/or “creek maintenance” actually entails for the HOA?

Likewise, you also stated (pg 15) that the HOA will provide for “snow removal services” – is this indeed correct? Does this mean this development is going to be on a private street that will not be utilizing taxpayer-funded snow plowing or any other public street maintenance going forward?

If so, since the conditions for rezoning only required easement on the western side of the parcel for a pedestrian path, does this mean the path cannot extend onto the Creekside street or sidewalks? (I tend to agree that while it may be the cheapest option, that strategy makes for a very poor public path route, and the Comp plan also recommends using natural stream channels.)

If not, besides routine maintenance of any common ground in compliance with City codes – as required for every other HOA, whether common grounds take the form of landscape buffers, flood plain, detention basins, or just any plain old green space – can you please clarify what other special tasks this future HOA will face that would be too onerous for fewer home owners to proportionately handle?

It is not surprising that the developer offered this same vague self-serving suggestion that the HOA burden would be excessive for fewer homes, and/or “would not fit their marketing model” – but it is surprising no one followed up with any challenging questions. With all due respect, it is hard to buy into that argument – especially since, by definition, those “fewer” home owners (whether 2, 5, 8 or whatever) will also be those with greater means to purchase larger homes at a higher million-dollar-plus price point from the start, and thus presumably could handle a larger assessment and/or pay for upkeep on their own larger lots. Numerous small subdivisions exist throughout Creve Coeur that easily prove that point.

In sum, developers (and sellers) are in this business for maximum profit in the short run, and their careers hang on their ability to persuade City officials everywhere to approve their proposals using every self-serving argument they can muster. However, residents must rely on City officials to “test” and validate all developer claims and ensure the “highest and best use” for property in the long run – which precisely defines the Residential Preservation all citizens desire. Accepting all developer claims, statements (and alternate renditions) at face value, and/or even inadvertently helping augment developers’ sales pitches by inaccurately diminishing the negatives of their proposal and/or exaggerating the positives are typically not conducive to achieving a “highest and best use” outcome.

Most importantly, rezoning decisions are actually supposed to stand on their own and/or be made independent of any particular site plan and separate from whatever “sexy” promises are made in that context. Residents in this neighborhood already found out the hard way that site plans can expire and leave zoning changes standing – typically then allowing even higher density than first envisioned, conveniently without being encumbered by any profit-robbing hassles (i.e. - perks promised and/or pesky conditions formerly required).

Particularly because of our prior experience on Minners, residents here are still trying to make sense of the Council’s seemingly hasty decision to approve this rezoning, and also to understand how it may impact our neighborhood if developed as approved or in some other context – plus the impact of precedent on future development for other parcels in Neighborhood 1. Our homes are our greatest investment – and neighborhood character and quality matter beyond dollars and cents. It is also hard to have any confidence to invest when the rules seem to change on the whim of elected officials.

Mr. Kent, it may be too late for any of your own constituents to effectively respond and/or offer rebuttal to your presentation in a *meaningful* way, such as that might influence any outcome (especially since it was sprung at the last minute just before the Council vote) -- but it appears to be the only rationale offered by the Council overall.

As a result – and again, in keeping with your own long-standing and widely-published motto – your clarification for your statements and opinions would nonetheless be very greatly appreciated.

Sincerely,

Jeanne Rhoades
12778 Mason Manor

Attachment: Email from Jeanne Rhoades submitted July 21, 2014 (1048 : Final Plat Creekside at Mason)

TIMELINE for 853 N. Mason Road Rezoning Proposal (as of July 14, 2014)

March 3, 2014 -- P&Z Minutes (Regarding Pulte's 16-unit D-RDD Plan)

Mr. Rovak asked about incorporating the trail. Mr. Stock said there is a trail system that shows going from west to east through the property on Mason Road. Mr. Rovak also asked about the open space on the private lots and if they would be indentured as so. Mr. Stock said it would be platted as landscape easement and covered within the indenture. Lastly, Mr. Rovak asked about the common ground being part of the plat. **Mr. Stock said they will work with Bellerive Estates as to where to put the trail.**

From: George Stock
 To: Langdon. Paul
 Cc: Chris.Matteo@PulteGroup.com; George Stock
 Subject: Creekside at Mason - Pulte (5220)
Date: Thursday, March 27, 2014 8:34:18 AM

Dear paul, Pursuant to our telephone conversation yesterday, I offer the following. We continue to work on the Preliminary Plan to address Tree preservation, Landscaping and study sight lines. We believe it would be beneficial to **request a continuation of our matter from the scheduled 4/7/14 Planning Commission meeting to the 4/21/14 Planning Commission meeting. This will allow us to continue to develop the plan and discuss with our neighbors** (in particular the Difani's and Lieber who shared their plan with us) prior to appearing before the Planning Commission. Thank you, George

George M. Stock P.E. - President
 STOCK AND ASSOCIATES CONSULTING ENGINEERS, INC.
 257 Chesterfield Business Parkway
 St. Louis, MO 63005
 Ph: 636.530.9100
 Fax: 636.530.9130
 Email: george.stock@stockassoc.com
 Web: www.stockassoc.com

April 21, 2014 P&Z Meeting

Applicant's request for rezoning rejected 1-4
 Site Plan approved 5-0

April 25, 2014 – Council member Rhoades Text exchange with Council member Saunders

11:36 AM – Rhoades to Saunders: *Fyi I had a short conversation with Mark weds in part about 853 n mason....I noted may be interesting to what A-RDD would offer. **What do you think about asking for a meeting with george stock and interested parties outside of formal city meeting?***

12:59 PM – Saunders to Rhoades: ***George stock has asked to meet with Bob and I together with staff. Not sure when that will happen as they have asked for continuance until May 12***

2:04 PM – Rhoades to Saunders: *Yeah mark had said weds they wanted continuance. **I would like to attend and others might also especially the most proximal residents.***

Attachment: Email from Jeanne Rhoades submitted July 21, 2014 (1048 : Final Plat Creekside at Mason)

From: Jeanne Rhoades <rhoades.jeanne@yahoo.com>
To: "george.stock@stockassoc.com" <george.stock@stockassoc.com>
Cc: "kentivcouncil@charter.net" <kentivcouncil@charter.net>; Scott Saunders <scott.saunders4@yahoo.com>; Mark C. Perkins <mperkins@ci.creve-coeur.mo.us>; "plangdon@ci.creve-coeur.mo.us" <plangdon@ci.creve-coeur.mo.us>; Deborah Ryan <dryan@ci.creve-coeur.mo.us>; "peyton.b@sbcglobal.net" <peyton.b@sbcglobal.net>; "rbotz@sbcglobal.net" <rbotz@sbcglobal.net>; Dorothea Botz <dbotz1@hotmail.com>; "aksingh23@hotmail.com" <aksingh23@hotmail.com>; "jjung50@att.net" <jjung50@att.net>; "swainvj@sbcglobal.net" <swainvj@sbcglobal.net>; "lverby@earthlink.com" <lverby@earthlink.com>; "pdifani@ameren.com" <pdifani@ameren.com>; "rdifani@att.net" <rdifani@att.net>; "caspiegel@aol.com" <caspiegel@aol.com>; "christinemgoff@gmail.com" <christinemgoff@gmail.com>; "jankitch@yahoo.com" <jankitch@yahoo.com>; "becker4000@sbcglobal.net" <becker4000@sbcglobal.net>; "egh1945@gmail.com" <egh1945@gmail.com>; "rkbeen@aol.com" <rkbeen@aol.com>; "jbomz@aol.com" <jbomz@aol.com>; "rrudman@swbell.net" <rrudman@swbell.net>; "scl@heliinc.com" <scl@heliinc.com>; "skling@jenkinskling.com" <skling@jenkinskling.com>

Sent: Thursday, May 1, 2014 4:01 PM

Subject: 853 N. Mason development proposal/rezoning

Dear Mr. Stock,

As you know, due to term limits I no longer serve as one of the Ward 4 representatives on the Creve Coeur City Council as of this past Monday. However I live very close to your proposed development at 853 N. Mason (on a one-acre lot) and remain very interested in your and Pulte Homes' project plans and proposed rezoning for the "Creeside at Mason" subdivision development.

I attended the recent April 21, 2014 Planning and Zoning meeting when your plan for 16 units under B-RDD zoning received a negative recommendation from the P&Z Commission (by a vote of four to one).

It has since come to my attention that you have recently requested to meet with Ward 4 Council members Saunders and Kent to further discuss your plans and/or any potential changes being considered in advance of the next May 12 Council meeting.

Over my ten years representing Ward 4, the Council as a body suggested many times that developers make efforts to meet with concerned *citizens* regarding their applications -- particularly if negotiations were involved to address citizen concerns -- and not infrequently the Council also delayed the review process to enable time for such meetings to occur. However, I cannot recall any time when the Council expressly encouraged developers to meet solely with elected officials outside of a public forum, since that might risk the appearance of circumventing and/or discouraging opportunity for *citizen* negotiations or review. (cont'd)

To help avoid any misunderstandings, I am reaching out to you now to request if you would please include residents like me and my nearby neighbors in such discussions, since we will obviously be the ones who are permanently impacted by whatever final outcome occurs?

As a former Ward 4 representative, I do recall and greatly appreciate that you originally had invited some residents to review your initial application earlier this year, and am pleased the meeting Scott Saunders and I arranged last February had a fairly good turn out (especially considering the very short notice of your invitation prior to the public hearing, plus the rather extreme weather at that time).

I am sure (current) Ward 4 Council members Saunders and Kent can likewise help arrange a more inclusive and appropriate follow-up meeting now to better enable *citizen participation*. I request that you please make every effort to include residents in any further discussions outside of public meetings -- and aside from wanting opportunity to personally participate as a concerned citizen, I would also be happy to help facilitate such a meeting in any way I can.

Best Regards,

Jeanne Rhoades
 12778 Mason Manor

Attachment: Email from Jeanne Rhoades submitted July 21, 2014 (1048 : Final Plat Creekside at Mason)

From: George Stock <george.stock@stockassoc.com>
To: 'Jeanne Rhoades' <rhoades.jeanne@yahoo.com>
Sent: Friday, May 9, 2014 11:49 AM
Subject: FW: Proposed Creekside at Mason Subdivision - Pulte Homes of St. Louis LLC, JN 5220

FYI

From: George Stock
Sent: Friday, May 09, 2014 11:47 AM
To: wkelly@ci.creve-coeur.mo.us; plangdon@ci.creve-coeur.mo.us; Mark C. Perkins; mayor-council@ci.creve-coeur.mo.us
Subject: Proposed Creekside at Mason Subdivision - Pulte Homes of St. Louis LLC, JN 5220

Good afternoon Honorable Mayor, Members of City Council, Mr. Perkins and Staff, On behalf of Pulte Homes of St. Louis LLC, we respectfully request that Application #14-004: Rezoning of 853 North Mason be continued from the City Council meeting Monday May 12, 2014 until the City Council meeting of Monday June 9, 2014. Thank you, George

George M. Stock P.E.- President
 STOCK AND ASSOCIATES CONSULTING ENGINEERS, INC.
 257 Chesterfield Business Parkway
 St. Louis, MO 63005
 Ph: 636.530.9100
 Fax: 636.530.9130
 Email: george.stock@stockassoc.com
 Web: www.stockassoc.com

From: Jeanne Rhoades <rhoades.jeanne@yahoo.com>
To: George Stock <george.stock@stockassoc.com>
Cc: Scott Saunders <scott.saunders4@yahoo.com>; "kentivcouncil@charter.net" <kentivcouncil@charter.net>; Mark C. Perkins <mperkins@ci.creve-coeur.mo.us>; "wkelly@ci.creve-coeur.mo.us" <wkelly@ci.creve-coeur.mo.us>; "plangdon@ci.creve-coeur.mo.us" <plangdon@ci.creve-coeur.mo.us>
Sent: Saturday, May 10, 2014 7:54 AM
Subject: Re: Proposed Creekside at Mason Subdivision - Pulte Homes of St. Louis LLC, JN 5220

George,

Thanks for the notice of deferral -- and thanks also for providing me a courtesy call following your meeting with Ward 4 Council members and City staff.

I appreciate that such discussions involving broad conceptual and/or directional changes can be very useful. I hope you likewise appreciate residents' potential concerns about meetings with elected officials occurring midstream through the review process, since some developers try to use such opportunities to effectively circumvent citizen input and/or to obtain specific votes.

As mentioned prior, I am sure Council members Saunders and Kent would be willing to help facilitate a meeting with residents if/when that might be indicated, and I would certainly do what I can to assist that effort as well.

Best Regards,

Jeanne Rhoades

Attachment: Email from Jeanne Rhoades submitted July 21, 2014 (1048 : Final Plat Creekside at Mason)

From: Scott Saunders City Council Ward 4 <scott.saunders4@yahoo.com@ccsend.net>

To: rhoades.jeanne@yahoo.com

Sent: Friday, May 30, 2014 3:59 PM

Subject: Creekside at Mason Subdivision Development Update

May 30, 2014 Council member Saunders "Update" email to Ward 4 residents

CREEKSIDE AT MASON UPDATE MAY 30, 2014

Dear Jeanne,

I have just recently received an update on the proposed development at 853 Mason Road known as Creekside at Mason, which is summarized below. I am sending this to the e-mail addresses that I have on file of those interested parties.

For those of you who are Trustees and may have your own distribution lists of other potentially interested residents, or know of neighbors that may be interested, please forward this on.

Several weeks ago Mr. Kent and I reiterated to the developer the concerns of residents about the overall proposed density of 16 homes. As many of you know the developers had then requested deferral of this matter at the City Council until June 9, 2014.

Since that time we have recently learned that the developer will be proposing a revised development plan at the June 9th Council meeting that will reduce the size of the development to 12 homes. You can read the communication we received from the developer's representative [here](#).

In brief, the request is for rezoning from "A" to "B with RDD". "A" zoning is 1-acre development while "B" zoning is 1/2-acre. The significance of the RDD attachment is that developers are allowed a reduction in minimum individual lot sizes to 75% of the specified zoning (while still maintaining the overall limits on density, i.e. remaining acreage is set aside as common ground), in exchange for the City having control in the review process of building materials and landscaping details that it otherwise would not have any control over in straight zoning.

Overall density would be reduced from 2.17 homes per acre as originally proposed to 1.41 homes per acre. A revised Site Development Plan can be found [here](#). This is all that I have at the moment, but anticipate that the developer will have new renderings of the proposed homes in advance of the June 9th Council meeting. I will be passing on additional details as they become available in advance of the next Council meeting.

If you have any thoughts, comments, or concerns please let Mr. Kent (your other Ward 4 Council representative) and I know. We will be sharing the comments that we receive independently with each other. We also certainly encourage you to attend the Council meeting June, 9th as well.

Scott Saunders

Creve Coeur City Council Member, Ward 4

May 30, 2014 Mr. Stock's (undated) memo, provided via link per Saunders "Update"

Good afternoon Mayor, Councilman, Mr. Perkins and Mr. Langdon, I have received direction from Pulte to reduce the Requested Number of Homes from 16 to 12 on the above referenced project. We are in process of redrawing the plan to design 12 Home sites with a minimum of 15,000 sf per Lot. Our request will be to rezone from "A" to "B with an RDD".. we will follow the Comprehensive guide of a 75% maximum Lot reduction (20,000 x .75 equals 15,000 sf..). Our intent is to maintain the large amount of Common Ground and continue forward with a plan submission by the end of this week for a City Council meeting 6/9/14.. The 12 Homes represent a density of 1.41 Homes per acre. Our Landscape Architect is working on Architectural perspectives of the Homes in addition to the Color renderings we previously submitted, these perspectives will demonstrate the High Quality and compatibility with the surrounding properties. If any of you would like to meet and discuss prior to the Council meeting on 6/9/14, please advise. We are open to meeting with you and the Residents should you feel it will be productive. Thanks, George

Attachment: Email from Jeanne Rhoades submitted July 21, 2014 (1048 : Final Plat Creekside at Mason)

From: Scott Saunders <scott.saunders4@yahoo.com>
To: Jeanne Rhoades <rhoades.jeanne@yahoo.com>
Cc: "kentivcouncil@charter.net" <kentivcouncil@charter.net>; Perkins Mark <MPerkins@ci.creve-coeur.mo.us>
Sent: Monday, June 2, 2014 2:51 PM
Subject: 853 N. Mason Resident Meeting.

Jeanne:

I hope you don't mind but I passed on your cell phone number to George Stock to be able to contact you directly to coordinate a time to meet with you and other interested residents that is most convenient for all parties.

Please let Bob Kent and myself know when a time is agreed upon so we can both try to attend...and I also am sure that staff can arrange for a meeting room at City Hall...and I will be happy to try and coordinate that once a time and date is set.

(I'm copying both Bob and Mark on this as well).

Scott

From: Jeanne Rhoades <rhoades.jeanne@yahoo.com>
To: Scott Saunders <scott.saunders4@yahoo.com>
Cc: Mark C. Perkins <mperkins@ci.creve-coeur.mo.us>; "kentivcouncil@charter.net" <kentivcouncil@charter.net>; BARRY GLANTZ <bglantz@ci.creve-coeur.mo.us>
Sent: Tuesday, June 3, 2014 7:58 PM
Subject: Re: 853 N. Mason Resident Meeting.

Scott,

FYI, Mr. Stock called my cell circa 6pm yesterday while I was still at work finishing up a case, so I had limited time to talk.

Mr. Stock informed me he hoped to meet with Mr. Lieber and/or his representative this week, and that he also planned to meet separately with Mr. Difani. He stated he was calling to say he would be willing to meet with me separately if I could find time as it is their intention to present their newly revealed plan to the Council this coming Monday June 9th.

I said we (residents) had all just received notice of their revised plan only the past Friday afternoon from you, and that there are other residents who would like to participate in discussion -- so as a result I asked if Pulte would be willing to request a deferral to allow time to coordinate a meeting prior to further City review. He stated Pulte does not want any deferral "because they have deadlines with the sellers" and that it is their preference to present to Council regardless.

I did not have time to discuss further with him due to my work obligations in surgery -- but frankly I can't see how it is possible to contact residents and coordinate a meeting on such short notice.

Please advise.

Jeanne Rhoades

*Recall this proposal involves not only a significant zoning and density change, but also possible introduction of a public pedestrian path between a very large collective neighborhood to access Mason and destinations like Millennium Park. Despite the major impact this potential feature alone might have on both existing and future residents (whether positive or negative), this aspect unfortunately received very little discussion at P&Z. There are still outstanding questions about optimal route, ways to

Attachment: Email from Jeanne Rhoades submitted July 21, 2014 (1048 : Final Plat Creekside at Mason)

mitigate potential impacts to nearby residents (new or old), as well as western connection via the adjacent Bellerive Estates common ground (which itself has a complicated history of unresolved title and liability issues).

From: Scott Saunders <scott.saunders4@yahoo.com>
To: Jeanne Rhoades <rhoades.jeanne@yahoo.com>
Cc: Mark C. Perkins <mperkins@ci.creve-coeur.mo.us>; "kentivcouncil@charter.net" <kentivcouncil@charter.net>; BARRY GLANTZ <bglantz@ci.creve-coeur.mo.us>
Sent: Wednesday, June 4, 2014 6:03 PM
Subject: Re: 853 N. Mason Resident Meeting.

Jeanne:

I can completely appreciate the potential difficulties with you scheduling a meeting between you (and other residents) and the developer prior to Monday evening's Council meeting (as well as your work obligations...I myself am on clinical service in the NICU at the moment).

That being said...given that we have deferred this issue for more than a month already...I don't think that it will necessarily be inappropriate much less fatal to have a first reading Monday evening. It will afford both the residents and the Council getting the chance to hear an actual proposal...and for the Council as well as you and other residents to ask questions and have public discussion.

There is nothing to prevent the Council Monday evening...based on what is discussed and heard...from asking for a deferral at that time to clarify or seek additional information if that is deemed appropriate...and you can arrange to meet in any event with the developer after that first meeting with the knowledge of what is discussed Monday evening.

Scott

From: Jeanne Rhoades <rhoades.jeanne@yahoo.com>
To: Scott Saunders <scott.saunders4@yahoo.com>
Cc: Mayor- Council <mayor-council@ci.creve-coeur.mo.us>; "kentivcouncil@charter.net" <kentivcouncil@charter.net>; Deborah Ryan <dryan@ci.creve-coeur.mo.us>; "peytonb@sbcglobal.net" <peytonb@sbcglobal.net>; "rbotz@sbcglobal.net" <rbotz@sbcglobal.net>; Dorothea Botz <dbotz1@hotmail.com>; "aksingh23@hotmail.com" <aksingh23@hotmail.com>; "jjung50@att.net" <jjung50@att.net>; "swainvj@sbcglobal.net" <swainvj@sbcglobal.net>; "lverby@earthlink.com" <lverby@earthlink.com>; "pdifani@ameren.com" <pdifani@ameren.com>; "rdifani@att.net" <rdifani@att.net>; "caspiegel@aol.com" <caspiegel@aol.com>; "christinemgoff@gmail.com" <christinemgoff@gmail.com>; "jankitch@yahoo.com" <jankitch@yahoo.com>; "becker4000@sbcglobal.net" <becker4000@sbcglobal.net>; "egh1945@gmail.com" <egh1945@gmail.com>; "rkbeen@aol.com" <rkbeen@aol.com>; "skling@jenkinskling.com" <skling@jenkinskling.com>; Stephen Lieber <stnldgsteve@icloud.com>; "jbomz@aol.com" <jbomz@aol.com>; "rrudman@swbell.net" <rrudman@swbell.net>; Jeanne Rhoades <rhoades.jeanne@yahoo.com>; "cheryl0845@gmail.com" <cheryl0845@gmail.com>; "amaitz@sbcglobal.net" <amaitz@sbcglobal.net>
Sent: Thursday, June 5, 2014 7:38 AM
Subject: Re: 853 N. Mason Resident Meeting -- DUE DILIGENCE.

Scott,

I would like to emphasize again my understanding that residents here are still very interested in meeting to discuss the newly revised proposal *preferably in advance of further City review* -- even if the developer does not choose to participate -- since many important questions exist. (cont'd)

Attachment: Email from Jeanne Rhoades submitted July 21, 2014 (1048 : Final Plat Creekside at Mason)

As already mentioned, there are outstanding concerns (pros and cons) about the potential pedestrian path (particularly since it is anticipated to receive fairly heavy use). Upon annexation, Ward 4 was promised a park we likely will never get. As a result, the original inquiry here is whether the creek path and flood plain might enable a pedestrian path such as to access the park in Ward 3, as suggested in the Comprehensive Plan:

pg 45 - *"The pedestrian/bicycle system should utilize trails along streams, utility corridors, and abandoned rail corridors, in addition to traditional means such as sidewalks."*

pf 47 - *"Explore the protection and enhancement of stream channels to accomplish the dual purpose of providing natural pedestrian connections and managing storm water runoff."*

So far we have only seen the developer's one rendition of a path that veers to the far south side away from the stream corridor and much closer to existing homes. I assume you also saw for yourself that topic received negligible attention at P&Z, since commissioners focused almost exclusively on the zoning. As a result, would you say this potential Ward 4 amenity has received adequate due diligence? What analysis has been made of other potential routes anywhere along the stream and flood plain, as suggested by the Comp Plan?

But even more important are larger questions surfacing about the City's overall process and policies concerning our review process for rezoning residential property.

First, particularly given that the developer/applicant received a nearly unanimous negative recommendation on their rezoning from the Planning and Zoning Commission, it is not clear why their subsequent revision would not be required to return back to P&Z for closer scrutiny -- rather than be allowed to proceed directly to the City Council as apparently so far planned? Notwithstanding the scenario you describe in your recent email, this would be Standard Operating Procedure in many communities, and it is certainly within the purview of the Creve Coeur City Council to require it to go back as well.

Your comment that *"we have deferred this issue for more than a month already"* is also a bit confusing since wasn't this delay at the developers' own request? And given that their significant revisions were publicly submitted only a few days ago, would you say their recent offers to now meet with only a few residents, and only on a separate basis, represents a "good faith effort" to address residential concerns?

Can you please explain what is even remotely urgent about this particular proposal? Or is the City of Creve Coeur's review process -- especially with a rezoning request -- truly to be held hostage to any developers' or sellers' alleged private deadlines?

Second, major questions exist about exploring other rezoning options. Your May 30th email to residents sent to share the amended plan suggests the primary public benefit of a zoning change is *"in exchange for the City having control in the review process of building materials and landscaping details that it otherwise would not have any control over in straight zoning."*

So if the idea of rezoning for RDD (Residential Design District) is being sold on grounds it would provide City officials greater control and flexibility, etc -- then why has there been no discussion at all to date on just changing from **A to A-RDD** zoning (*which does not result in an overall increase in density from straight zoning, as recommended by the City's Comprehensive Land Use Plan*) -- rather than the Developer's current application to change from **A to B-RDD** (*which potentially doubles density further*)?

In other words, of course this request suits the purposes of the developer and/or seller (profit) -- but if the rationale for some down-zoning is simply for the City to gain greater control, then what true PUBLIC benefit is provided by permitting any further increase in density on top of that (by additional switch from A to B)?

(I do have plenty of comments too lengthy to spell out here on the Comp Plan recommendations for this parcel, as well as our City's pertinent track record on other residential rezoning requests -- including the interesting fact that the City of Creve Coeur actually initiated its own rezoning of Minners property from B-RDD back to A after a prior development proposal fell through and their site plan eventually expired a few years later. How does this City action support any starting assumption that 1/2-acre zoning here is fine?)

Third, all of this begs the still larger and more fundamental question of whether this type of trade-off approach is the best we can expect. Are Creve Coeur's codes, ordinances, design guidelines and/or review processes somehow lacking -- so that citizens here are pressured to accept significant residential zoning and/or density changes just so City officials have leverage to gain better control over fairly basic architectural and design standards, landscaping or buffers ?

No doubt everyone appreciates high standards for development, but I hope I'm not the only one who finds this underlying premise disturbing. If the objective is Preservation of Residential Integrity in the first place, isn't this type of approach rather self-defeating? Does our Comprehensive Plan support making permanent residential zoning and density changes just because our City has no other mechanisms in place to prevent "three stories of vinyl siding" or other subjective aesthetic criteria, and/or require appropriate landscape or buffers?

Does this current system represent the type of Best Practice that our citizens have every right to expect? A little further due diligence reveals this type of counter-intuitive strategy is definitely NOT the case in other neighboring municipalities (like Ladue, Town and Country, Clayton, Frontenac and Chesterfield) because every one of these cities has an Architectural Review Committees specifically to meet that need! We don't.

(And apparently, requiring at least some rudimentary comparative information from the applicant, starting with an actual lay out under existing zoning -- all of which is then reviewed and verified by staff -- is also common practice in other municipalities precisely so as to provide some useful frame of reference. *After all, it is the applicant's obligation to make a compelling case to support the degree and type of change they propose* -- relative not only to the existing conditions, but also then incrementally up to whatever rezoning they want to request.)

In sum, I really don't think anyone is completely inflexible on what ultimately happens at 853 N. Mason -- and certainly no one is trying to thwart development overall (which of course would be both inappropriate and futile). But any rushed Take-It-Or-Leave-It approach puts significant pressure on residents.

Who can blame citizens for being discouraged, disgusted and/or reluctant to speak up when their choice forced upon them by their own city officials is a poke in the eye (risky lack of design control or adequate buffers if keep status quo) or a kick in the shin (rezoning for higher density to gain back control)?

Meanwhile, no useful comparisons of any other options on this specific parcel (such as A-RDD or even existing A zoning) have ever been provided or entertained. We don't really know what choices exist!

(Some have said just guesstimate yourself rather than asking for someone to provide proper analysis, but seems the flood plain, storm water, grading and other site coverage issues on parcels like this make such guesstimates rather highly prone to error and thus risk false assumptions -- as we discovered midstream during review of the Enclave project)

BTW, I am taking the time to write this out as i won't be in town next week due to long standing vacation plans. **I'm also sorry I can't arrange any resident meeting immediately, but will put out feelers for dates and try to expedite asap.**

Meanwhile I hope all City officials think long and hard about our entire Community's Expectations and Priorities when it comes to development and Preservation of Residential Character and Integrity -- especially when any rezoning is proposed -- because all this certainly raises questions about the City's willingness or even ability to back up the often-touted claim about protecting residents' most fundamental values and investment placed in their homes.

Making a quick decision is not often conducive to making the best decision, and please consider whether it is desirable or necessary to continue this rather arbitrary residential-zoning-trade-off-for-building-quality strategy, and particularly the precedent it might set. I don't know how you'll vote Scott on Monday's agenda, but **that vacant land is not going anywhere, and I hope at least a few Council members agree that there is no valid cause to rush. Perhaps it just might be in the City's own best interest to reflect on this process and/or exercise a little more due diligence** of its own.

Thanks,

Jeanne Rhoades
12778 Mason Manor

(FYI, the Ladue property in question for Pulte has been sitting vacant for over 30 years, and staff there stated in no uncertain terms that they fully intend to take all the time and steps needed to make sure they get the best result -- as their entire community expects -- regardless of any private party (developer or seller) deadlines, costs, hassles or complaints. Also, despite the major frontage directly on Lindbergh and Conway for a residential parcel, Ladue has refused to permit any density increase, but they are revising their zoning code to create a new PUD classification, similar to our RDD. Pulte is their first PUD applicant and has to patiently wait while city officials go over every single detail with a fine tooth comb -- including very thorough architectural review. I obtained a pdf copy of their very interesting plan (which make our buffers here look like a complete joke), and am happy to share it upon request.)

From: Jeanne Rhoades <rhowades.jeanne@yahoo.com>
To: Scott Saunders <scott.saunders4@yahoo.com>; "kentivcouncil@charter.net" <kentivcouncil@charter.net>
Cc: Mayor- Council <mayor-council@ci.creve-coeur.mo.us>; Deborah Ryan <dryan@ci.creve-coeur.mo.us>; "peytonb@sbcglobal.net" <peytonb@sbcglobal.net>; "rbotz@sbcglobal.net" <rbotz@sbcglobal.net>; Dorothea Botz <dbotz1@hotmail.com>; "aksingh23@hotmail.com" <aksingh23@hotmail.com>; "jjung50@att.net" <jjung50@att.net>; "swainvj@sbcglobal.net" <swainvj@sbcglobal.net>; "lverby@earthlink.com" <lverby@earthlink.com>; "pdifani@ameren.com" <pdifani@ameren.com>; "rdifani@att.net" <rdifani@att.net>; "caspiegel@aol.com" <caspiegel@aol.com>; "christinemgoff@gmail.com" <christinemgoff@gmail.com>; "jankitch@yahoo.com" <jankitch@yahoo.com>; "becker4000@sbcglobal.net" <becker4000@sbcglobal.net>; "egh1945@gmail.com" <egh1945@gmail.com>; "rkbeen@aol.com" <rkbeen@aol.com>; "skling@jenkinskling.com" <skling@jenkinskling.com>; Stephen Lieber <stnldgstevie@icloud.com>; "jbomz@aol.com" <jbomz@aol.com>; "rrudman@swbell.net" <rrudman@swbell.net>; "cheryl0845@gmail.com" <cheryl0845@gmail.com>; "amaitz@sbcglobal.net" <amaitz@sbcglobal.net>; "scl@heliinc.com" <scl@heliinc.com>; "jkostek@sbcglobal.net" <jkostek@sbcglobal.net>; "jakostelc@yahoo.com" <jakostelc@yahoo.com>; "smedele@hotmail.com" <smedele@hotmail.com>; "plangdon@ci.creve-coeur.mo.us" <plangdon@ci.creve-coeur.mo.us>; "planningandzoning@ci.creve-coeur.mo.us" <planningandzoning@ci.creve-coeur.mo.us>
Sent: Saturday, June 7, 2014 10:51 AM
Subject: Re: 853 N. Mason Resident -- IMPORTANT HISTORIC PERSPECTIVE

Scott,
Bob,

As my Ward 4 Council members, I would like to provide you with additional important information to my June 5th correspondence about the rezoning and review process for 853 N. Mason Road. I had a gut feeling all throughout this proposal that there was something really wrong with this picture -- but I regret it took me until this past week to realize concerns are not just about Pulte's plans, and that maybe we have some real weak spots in our systems at City Hall, as expressed prior.

However, further reflection upon my experience with the earlier controversy over the Minners parcel some 14+ years back also helped me realize now how despite the significant time gap, the two rezoning proposals in this area are tied together, and why that relationship is highly pertinent now.

I just recently asked Mark Perkins for help determining dates with more precision, though have not yet received reply -- but since I cannot attend the meeting Monday, I have done my best to

Attachment: Email from Jeanne Rhoades submitted July 21, 2014 (1048 : Final Plat Creekside at Mason)

accurately summarize the historic Ward 4 events below for your consideration, with approximate dates provided.

(Please also submit all to the clerk for the meeting record,)

The City promised no down-zoning when our area was annexed into Ward 4 (circa 1994) -- but that promise was short lived. Following just upon the heels of a huge zoning controversy and costly litigation in Ward 3 resulting in Millennium Park (circa 1996), the City next severely botched the rezoning and development proposal on the former Minners Nursery parcel (5 acres at corner of Mason and Mason Manor) -- and we residents continue to suffer the consequences today.

These events unfolded when a developer approached the City with an application for a subdivision with a rezoning request from one acre down to 1/2 acre homes. However, *midstream through the review process, a handful of City officials privately met with the developer and urged him to change directions** -- whereupon the application switched to something with much higher density, which was sold as a more "creative" project with "higher level of architecture."

Blind-sided residents jumped in late in the game to protest to their City officials against such a significant change in character from A-zoning, especially on a key corner piece -- *not realizing we were complaining to the some of the very same people who had just encouraged the developer to spend the time and money to change their proposal in that direction in the first place!*

(*Do you now see why it makes residents here very nervous when their elected officials meet privately with developers and suggest any sort of strategy changes *midstream in an active proposal* -- which is why I felt compelled to voice concerns when that happened just a few weeks back?)

This put City officials in a very awkward spot, so in an apparent maneuver to save face and avoid more messy litigation, they approved the rezoning to B-RDD but also required underground detention for the site plan -- which effectively made the project completely cost prohibitive, and thus enabled City officials to extricate themselves from a messy situation. The outcome was bad for everyone else since although the applicant was granted his rezoning request, that developer immediately abandoned the project due to the costly conditions required and obviously took a loss on his significant investment. ***Worse yet the residents were left exposed with a neighborhood down-zoning on vacant land with absolutely nothing gained in return.***

The good news is that once the site plan for the failed proposal expired a few years later, the City took steps to right their wrong and initiated its own rezoning of the Minners parcel, which was restored back to "A" (circa 2003-2004) The bad news is that during the couple years the property sat in rezoning-limbo, the City created a new Comprehensive Plan -- *thus effectively forcing carryover of this SNAFU to the present.*

Because unfortunately, the problematic zoning status existing on this parcel during the period the Plan was assembled and adopted inherently complicated recommendations made for the larger "Neighborhood 1" parcel at the time (circa 2000-2002). This, combined with effective Institutional Amnesia resulting from routine turnover at City Hall over the last decade, has now created a Perfect Storm of controversy and confusion -- all of which STILL unfairly leaves residents here stuck in a bind, and perpetually exposed to greater developmental pressure for higher density.

Reading the Plan in historic context (Neighborhood 1, pg 49), and knowing Minners was a corner piece, explains a lot.

Witness now that, DESPITE the fact that the originally controversial Minners site was rezoned back to A *by the City itself* AND is now in the active process of being built out as one-acre lots, and DESPITE the fact that other property owners within Neighborhood 1 are also actively making very significant investments into their even larger A-zoned properties and homes -- some City officials seem almost eager to "get something done" unless residents jump through hoops to prevent it.

This once AGAIN jeopardizes the integrity of this A-zoning character by pushing higher density into this little strip of land, rather than let the creek and flood plain remain as the natural buffer between any

density change along the Mason residential corridor (a logical progression established by St. Louis County zoning long before annexation into Creve Coeur).

As discussed in my prior June 5 correspondence -- too bad for all residents if the City feels compelled to rezone any residential property just as means to gain better control over the quality of development. Plus staff publicly acknowledged at P&Z that despite the alleged purpose of RDD to provide public benefit to preserve green space or better buffers, etc, RDD is often effectively requested instead as a tool to help developers squeeze more lots in tight places -- *such as for ground with significant flood plain that has to remain green space regardless*. (Maybe RDD is better here and maybe it is not -- who can say if no drawings are provided to compare the actual differences applicable to this specific and complicated site?)

Further, no explanation has been offered at all how the current proposal to down-zone to B on top of adding RDD (and reducing lot sizes even below limits outlined in the Plan) serves any public benefit whatsoever. Instead it appears to only benefit the developer and seller by enabling them to squeeze in even more lots with more total site coverage for more profit.

We are tired of being forced to play this game.

The most recent staff report (thankfully) reminds the Council that: *"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. (Sec. 405.1060.E)"*

I urge City officials to learn from history and avoid repeating the same mistakes. This proposal should be rejected.

Sincerely,

Jeanne Rhoades
12778 Mason Manor

From: Scott Saunders City Council Ward 4 <scott.saunders4@yahoo.com@ccsend.net>
To: rhoades.jeanne@yahoo.com
Sent: Saturday, June 7, 2014 5:00 PM
Subject: Creve Coeur City Update
CREVE COEUR NEWS UPDATE - JUNE 7, 2014
Dear Jeanne,

The City Council agenda for Monday evening is summarized below. There is one issue of significant interest and relevance particularly to the residents of Ward 4. I urge you to take the time to read this, to familiarize yourself with this issue, and either attend Monday's meeting to share your thoughts and concerns directly with the Council, or to please take the time to do so in advance by e-mail.

The proposed development is Creekside at Mason (853 N. Mason Rd.). An overview map for orientation is immediately below, you can click [here](#) for a larger view.

The property is currently zoned A-residential which requires 1-acre lots and a density of 1 homes per acre. The developer has most recently revised their request for a rezoning to B-residential (1/2-acre lots) with an RDD designation. They have requested 12 lots on 8.49 total acres for an overall density of 1.41 homes per acre.

The significance of an RDD is that it allows a developer to maintain a specified overall development density, but to reduce individual lot sizes to 75% of required and maintain the remainder as common ground. In exchange the City is afforded control over details of building

Attachment: Email from Jeanne Rhoades submitted July 21, 2014 (1048 : Final Plat Creekside at Mason)

materials, landscaping, and other details.

The development also proposes a trail from the Western property line (see image above and staff reports below) connecting to their subdivision sidewalk leading to Mason Rd that would facilitate more direct access from Bellerive Estates Dr. to Mason Rd., and thus ultimately access to Millennium Park. (cont'd)

This improved access to Millennium Park (as well as Schnucks and other shops etc.) "could" be a significant community asset to hundreds of Creve Coeur homes to the North off of Bellerive Estates Dr., but how significant can only be determined by the residents who might actually make use of it.

I have heard from a few residents on this issue, but critically I have heard little from the residents of Bellerive Estates Plats I,II, III whose common ground would need to be crossed to make any connection viable.

Several residents, primarily living on Mason Manor and Mason Rd. have communicated that they are absolutely opposed to any rezoning that increases residential density. Based on the location of their own homes, they have little personally to benefit from an access trail (and in the case of the single resident of the four properties that directly abuts the proposed development who has actually made any statements at all for or against the overall proposal, the trail is actually perceived by him as perhaps a negative).

I have on this issue, as with every issue, absolutely no agenda other than to present as much information and facts to residents as possible and to seek all of their input (for and against) so as to ultimately make a decision that best and most fairly represents them all as a group.

As an aside, this is why although I frequently attend Planning and Zoning Commission meetings to listen to P&Z's discussion and the comments of the residents, I don't as a Council Member address the P&Z so as to suggest to them what "their" recommendation should ultimately be to "me" as a Council member. Nor do I as a Council Member try to selectively rally residents who share any particular point of view on a given issue prior to our vote.

It is, however, why upon becoming elected to Council I began immediately distributing these e-mail updates to residents on ALL issues before the Council (at my own time and expense). In so doing my goal has always been to keep you currently informed on all issues going on in the City (something I always felt previously lacking as a resident from my elected officials) and to provide you with a venue to comfortably share any points of view on any of those issues that interested you and of your choosing.

Please take the time to share with me your views (however brief) on this or any other issues before the City Council and I will be certain to in turn share them with my fellow Council Members.

No action with respect to approval or denial can or will be taken on this issue on Monday evening, although I suspect that it will be discussed. Following discussion the issue could be considered as is (either denied or approved) at the next scheduled meeting, be deferred to a future date, or perhaps even be referred back to P&Z.

I have absolutely no problems, in particular, with the second two alternatives, but would hope that resident input (by e-mail or in person) and Council discussion in response to that input on Monday night can contribute to shaping either of those directions in a useful way.

I would further anticipate that any of these directions would include the opportunity for further subsequent meetings between the developer and residents as a part of that process, but benefit from the public discussion Monday evening. Please let me know if you are interested in participating in any such meetings and/or receiving separate updates on this issue in the future.

Below are links to a number of documents that provide additional details on the Creekside at Mason proposal that may be helpful....

From: Jeanne Rhoades <rhoades.jeanne@yahoo.com>
To: Scott Saunders <scott.saunders4@yahoo.com>; "kentivcouncil@charter.net" <kentivcouncil@charter.net>
Cc: "scl@heliinc.com" <scl@heliinc.com>
Sent: Saturday, June 7, 2014 8:35 PM
Subject: Fw: Fwd: Creve Coeur City Update

Forwarding as requested (also included Council member Kent)

----- Forwarded Message -----

From: "Lieber, Steve" <scl@heliinc.com>
To: Jeanne Rhoades <rhoades.jeanne@yahoo.com>
Sent: Saturday, June 7, 2014 6:08 PM
Subject: Fwd: Creve Coeur City Update

Please feel free to forward my email to Dr Saunders .i feel Scott is twisting my position . I would encourage ,and most likely use ,a path through the property. We need more such places for citizens to enjoy. Anyone who sees how it is currently proposed would most likely agree it's not the best placement. If the majority of the people involved feel it best along my property line, then so be it. I just think there is little thought going into any of this (from the Creve Coeur side) and we are being pushed into a plan without having all the facts.

Sent from my iPad

Begin forwarded message:

From: "Lieber, Steve" <scl@heliinc.com>
Date: June 7, 2014 at 5:49:49 PM CDT
To: "<scott.saunders4@yahoo.com>" <scott.saunders4@yahoo.com>
Subject: Re: Creve Coeur City Update

Scott I am in FAVOR of a trail across the property. To suggest that I oppose it is most unfair. Please clarify that in your email update to my neighbors.I would like to see it placed through the north side of the property as the comprehensive plan suggested . It makes less sense to place it adjacent to my property line , then tie it into a sidewalk at the cul de sac and force all traffic past my home AND the new homes being built when the other side makes for a more peaceful ,enjoyable (no steep grade to climb) and direct ,path to the park. I would think all the new residents MIGHT also concur.

I also do not object to the construction of the homes. I do object to a change in zoning which allows an increase in total density as it currently exists.

I also favor architectural control so why not "ARDD" ? Steve Lieber

Sent from my iPad

Attachment: Email from Jeanne Rhoades submitted July 21, 2014 (1048 : Final Plat Creekside at Mason)

June 9, 2014 Council Minutes

Council Member Kent asked if Mr. Stock could address the questions about the trail and where does it terminate. George Stock stated currently the trail terminates at the common ground in the Bellerive Estates subdivision. Council Member Kent stated he heard at least three residents don't want the trail at all and asked if a discussion has taken place with the trustees of the subdivision or the adjacent property owners. George Stock stated he has not. Council Member Kent stated if there is a trail put in, he would like to see it put along the common land below the creek. A trail doesn't make any sense if it doesn't go anywhere and these issues need to be resolved before it is constructed

[Council voted unanimously to send proposal back to P&Z]

From: "kentivcouncil@charter.net" <kentivcouncil@charter.net>
To: George Zell <georzell@aol.com>; John Becker <Becker4000@sbcglobal.net>; Cheryl Whatley <c.whatley@sbcglobal.net>; Robert Herr <herr0110@gmail.com>
Cc: cdalfonso@ci.creve-coeur.mo.us; elawrence@ci.creve-coeur.mo.us; rkent@ci.creve-coeur.mo.us; mperkins@ci.creve-coeur.mo.us; ajwang@ci.creve-coeur.mo.us; ckramer@ci.creve-coeur.mo.us; ssaunders@ci.creve-coeur.mo.us; rhoffman@ci.creve-coeur.mo.us; dryan@ci.creve-coeur.mo.us; dkreuter@ci.creve-coeur.mo.us; bglantz@ci.creve-coeur.mo.us; Paul Langdon <plangdon@ci.creve-coeur.mo.us>; Jeanne Rhoades <rhoades.jeanne@yahoo.com>
Sent: Sunday, June 15, 2014 12:41 PM
Subject: CREEKSIDE AT MASON

POSITIVE POLICIES.....ABSOLUTE ACCOUNTABILITY.....TOTAL TRANSPARENCY

To the Trustees of Bellerive Estates:

As one of your representatives on the City Council, I am continuing to conduct due diligence into the opinions and facts surrounding this proposed development.

First, I hope that you will be notifying your residents to attend the P&Z meeting this Monday on this proposal.

Secondly, I have not decided on how I will vote on this matter at this time.

Thirdly, I need some help from you.

Regarding the common land in Bellerive Estates that would abut the end of the proposed walking trail in this proposal, who pays the taxes on the land and who maintains it?

How many residents do you have in the subdivision?

Have you polled them as to their desires about having a walking trail connecting the sidewalks on Bellerive Estates through the proposed subdivision to access Millennium Park more conveniently?.....if it is approved.

If yes, would you like it along the creek with improved landscape recognizing that the Mason Road end will have to wait until the property to the North is developed or connect to the planned sidewalk along the proposed street as shown in the last presentation by the developer.

Simple answers; Yes; No; I don't know or I don't care one way or another.

As I pointed out at the last council meeting, it doesn't make sense to consider a walking

Attachment: Email from Jeanne Rhoades submitted July 21, 2014 (1048 : Final Plat Creekside at Mason)

trail in this proposal, if the residents who are most likely to benefit from it do not want it.

Do not conclude anything about my position on this matter at this time, other than my endeavoring to clarify your position on this aspect of this proposal.

I will look forward to your responses.

Bob Kent
Ward IV Councilperson
Greengate Subdivision
Paid for by: Bob Kent Ward IV Councilperson, 13084 Ferntrails Lane, Creve Coeur, Missouri 63141

From: Jeanne Rhoades <rhoades.jeanne@yahoo.com>
To: kentivcouncil@charter.net; George Zell <georzell@aol.com>; John Becker <Becker4000@sbcglobal.net>; Cheryl Whatley <c.whatley@sbcglobal.net>; Robert Herr <herr0110@gmail.com>
Cc: "cdalfonso@ci.creve-coeur.mo.us" <cdalfonso@ci.creve-coeur.mo.us>; "elawrence@ci.creve-coeur.mo.us" <elawrence@ci.creve-coeur.mo.us>; "rkent@ci.creve-coeur.mo.us" <rkent@ci.creve-coeur.mo.us>; "mperkins@ci.creve-coeur.mo.us" <mperkins@ci.creve-coeur.mo.us>; "ajwang@ci.creve-coeur.mo.us" <ajwang@ci.creve-coeur.mo.us>; "ckramer@ci.creve-coeur.mo.us" <ckramer@ci.creve-coeur.mo.us>; "ssaunders@ci.creve-coeur.mo.us" <ssaunders@ci.creve-coeur.mo.us>; "rhoffman@ci.creve-coeur.mo.us" <rhoffman@ci.creve-coeur.mo.us>; "dryan@ci.creve-coeur.mo.us" <dryan@ci.creve-coeur.mo.us>; "dkreuter@ci.creve-coeur.mo.us" <dkreuter@ci.creve-coeur.mo.us>; "bglantz@ci.creve-coeur.mo.us" <bglantz@ci.creve-coeur.mo.us>; Paul Langdon <plangdon@ci.creve-coeur.mo.us>
Sent: Sunday, June 15, 2014 7:26 PM
Subject: Re: CREEKSIDE AT MASON

Bob, I applaud your attempt at outreach. I assume you are aware that the Pulte proposal and rezoning -- and the potential for a path -- impacts residents significantly beyond Bellerive Estates Plats 1-3 (though inquiries about their common ground are pertinent).

As a reminder, residents here would really like an opportunity to collectively discuss these complex issues in depth in an more informal setting -- either without the developer, as we cannot force their attendance -- but at least with you and Scott as our elected representatives.

Can you please help facilitate a meeting -- perhaps one day this week....(maybe shoot for Weds or Thurs early evening)?

thanks,

Jeanne Rhoades

Attachment: Email from Jeanne Rhoades submitted July 21, 2014 (1048 : Final Plat Creekside at Mason)

From: "kentivcouncil@charter.net" <kentivcouncil@charter.net>
To: Jeanne Rhoades <rhoades.jeanne@yahoo.com>
Cc: George Zell <georzell@aol.com>; John Becker <Becker4000@sbcglobal.net>; Cheryl Whatley <c.whatley@sbcglobal.net>; Robert Herr <herr0110@gmail.com>; cdalfonso@ci.creve-coeur.mo.us; elawrence@ci.creve-coeur.mo.us; rkent@ci.creve-coeur.mo.us; mperkins@ci.creve-coeur.mo.us; ajwang@ci.creve-coeur.mo.us; ckramer@ci.creve-coeur.mo.us; ssaunders@ci.creve-coeur.mo.us; rhoffman@ci.creve-coeur.mo.us; dryan@ci.creve-coeur.mo.us; dkreuter@ci.creve-coeur.mo.us; bglantz@ci.creve-coeur.mo.us; Paul Langdon <plangdon@ci.creve-coeur.mo.us>

Sent: Monday, June 16, 2014 12:26 PM

Subject: CREEKSIDE AT MASON

Jeanne:

Thank you for your email on this subject.

I agree that the trail will affect other residents but as I noted Bellerive estate residents are those most closely associated and most likely to benefit. Therefore I would appreciate more opinions from the residents in the contiguous area, as well as the ownership knowledge of the common land that most likely would be used to connect any proposed trail if the proposal is approved.

In as much as the developer will be at the P&Z meeting tonight, may I suggest that you approach him on the matter of another meeting with the residents as they are the parties that can make any further changes. I plan to attend the P&Z meeting and listen carefully to all sides and questions.

If after the P&Z meeting you and other residents wish to meet with me, I will be pleased to do so on Friday night from 7:00PM to 8:30PM to listen to any new points that you or others would like me to consider provided they are of additional information or clarification. I have not had the opportunity to talk with Dr. Saunders, so I do not know if he is available. Other times may work for me, but I would have to check my commitments for other times.

I would advise you in advance that I have several other matters to look into on this development and if the sole purpose of the meeting is in the hope of extracting a position either yes or no on it from me prior to the final Council hearing you will be disappointed.

That said, I am always ready to listen, and consider arguments presented.

Thanks again for your continued interest in this project/

Bob Kent
 Ward IV Councilperson
 Greengate Subdivision
 Paid for by: Bob Kent Ward IV Councilperson, 13084 Ferntrails Lane, Creve Coeur, Missouri 63141

Attachment: Email from Jeanne Rhoades submitted July 21, 2014 (1048 : Final Plat Creekside at Mason)

From: Jeanne Rhoades <rhoades.jeanne@yahoo.com>
To: "kentivcouncil@charter.net" <kentivcouncil@charter.net>
Cc: Scott Saunders <scott.saunders4@yahoo.com>
Sent: Monday, June 16, 2014 4:16 PM
Subject: Re: CREEKSIDE AT MASON

Bob,

I'm not copying the rest of City Hall here but do so if you wish...just suggesting that meeting with the residents closest to the proposal and common ground might yield a lot of info rather than (or in addition to) putting the burden on trustees to poll their residents with 3 multiple choice questions. (The common ground ownership is more complicated than your questions might reveal, as witnessed by the parallel circumstance in B.E. Plat 5)

Plus truthfully residents might appreciate an opportunity for a *two-way conversation* since several have raised a lot of questions about where their Council representatives stand. In fact, it is their strong impression "the City" wants this rezoning come hell or high water -- particularly due to staff presentations seemingly supporting any density the applicant has so far requested -- but also due to the perceived rush to take make a decision despite the clearly half-baked info.

I have repeatedly tried to assure them it is not a done deal -- and I have not been lobbying for an specific Council votes from anyone -- including both of you. This doesn't mean anyone expects you to commit yes or no at this time -- but mostly they want to ensure someone from the City understands their views more thoroughly, as is best accomplished in a less formal setting when people are less intimidated to speak.

If you meanwhile also suggest we are essentially "on our own" to put together a meeting with any developer, how much leverage do you think we will have to influence them to change? Is that the best we can hope for?

(BTW, it is a struggle for me to handle this obligation on top of my job and family (recall I no longer am on Council) but I'll do my best. Meeting on a Friday night is not typically conducive to a good turn out especially if developer can/will attend -- how about a Weds or Thurs or some day next week?)

Oviously you guys will inherently be in position to JUDGE the issues and eventually vote something up or down. I am just pointing out that it doesn't preclude you from REPRESENTING your constituents in the mean time -- especially when valid concerns are raised about process points, separate from the proposal itself.

For example, as I mentioned by phone, apparently no one asked for a show of hands when multiple residents attended the Council meeting to help verify the ratio of For or Against if not a lot of people speak up. That would have been a very simple way to help ensure your constituents views are captured in some fashion without judging their merits.

Making the effort to allow time for, arrange and attend a resident meeting -- especially when everyone knows a meeting was granted with the developer with residents specifically excluded -- might also go a long way to smooth relations.

Believe it or not I spend a lot of time defending perceptions against City Hall, but this has been more difficult than it should be -- and from this side is it shocking how the process feels more than a little slanted to favor developers overall. Regardless of the outcome, I hope we can work together a little better to at least help ensure all views and options are fairly heard. I can't accomplish that on my own -- I am asking for a little more help.

thanks,
 Jeanne R

Attachment: Email from Jeanne Rhoades submitted July 21, 2014 (1048 : Final Plat Creekside at Mason)

June 16, 2014 P&Z AUDIO Minutes

[Following the P&Z vote for the rezoning (motion failed 2 ayes – 4 nays), the City Planner clarified the item would proceed to the next Council meeting on June 23rd.]

Bellerive Estates resident/trustee John Becker expressed concerns that they had never been approached about a path across their common ground, and that no meeting was offered to residents that provided sufficient advance notice.

Rhoades then stated, *"We would again like to reiterate our desire to meet with the developer anytime. I don't know...we may not be able to pull that off in time for the next Council meeting but we'll try. We hope our Council members will support a short deferral to try to work these issues out. We feel [the developer and engineer are highly qualified] and we have no reason not to work with them."*

(Note: Council members Saunders and Kent were both in attendance.)

From: "kentivcouncil@charter.net" <kentivcouncil@charter.net>

To:

Cc: dryan@ci.creve-coeur.mo.us; ckramer@ci.creve-coeur.mo.us; ssaunders@ci.creve-coeur.mo.us; rhoffman@ci.creve-coeur.mo.us; bglantz@ci.creve-coeur.mo.us; ajwang@ci.creve-coeur.mo.us; dkreuter@ci.creve-coeur.mo.us; elawrence@ci.creve-coeur.mo.us; mperkins@ci.creve-coeur.mo.us; rkent@ci.creve-coeur.mo.us; cdalfonso@ci.creve-coeur.mo.us; Jeanne Rhoades <rhoades.jeanne@yahoo.com>

Sent: Tuesday, June 17, 2014 4:13 PM

Subject: CREEKSID AT MASON & P&Z REDUX

POSITIVE POLICIES.....ABSOLUTE ACCOUNTABILITY.....TOTAL TRANSPARENCY

To All Trustees [citywide]:

THE CURRENT SITUATION:

Last night P&Z voted 4 to 2 to deny the zoning change from Residential "A" to "B-RDD" and 6 to 0 in favor of the the Pulte Development Plan for this site. Previously P&Z had voted 6 to 0 against the zoning and 6 to 0 for the development. For a more complete history of this development, See pages 52-54 of the June 16, 2014 staff report by Mr. Langdon, Director of Community Development, in the P&Z agenda packet which I think fairly frames the case both pro and con for this development proposal.

Today, Jeanne Rhoades (Former Ward IV Councilperson) and I think it is fair to say Ad Hoc leader of the residents opposing this development suggested in an Email that the residents were not holding out for a strict "A" residential one acre, one house current zoning (total of 4-5 homes) but would consider an "A-RDD" zoning (8 homes) on this difficult "Lemon" site. And added that because it was a difficult site, did not entitle the developer to additional profits though more density to develop.

While the the re-zoning question hinges on the question: "How is the public welfare more served by the re-zoning to a B Single Family Residential District than by leaving the land in "A" single resident per acre district?" Mr. Langdon explores this question in some detail on page 53 of his June 16, 2014 staff report. (See Attached)

Attachment: Email from Jeanne Rhoades submitted July 21, 2014 (1048 : Final Plat Creekside at Mason)

The P&Z Commission voted 4 to 2 in favor of leaving the zoning "A". Speaking for the minority 2 votes, Mr. Madden, Chair, noted that because of the likely result of it remaining "A" the citizens may not like the outcome of a home by home development. Mr. Langdon noted that this would likely result in a road close to the Southern property boundary with all of the houses on the other side. (So called shotgun format layout?)

Part of Ms. Rhoades Email notes that the property owner and the developer are not entitled to the excess profit of 12 homes when "A-RDD" could be done with 8 homes. While Mr. Langdon notes the zoning should hinge on the "Public Benefit" to which I agree; I was also curious back in April about the economics of this development from a viability standpoint at various numbers of homes to be constructed. It just so happens that my son, Michael (Michael J. Kent & Associates AIA) is an architect and builder in Santa Monica, California.

I provided Michael with the data and here is the analysis we came up with in April for 16 and 11 homes. I have extended it to 8 homes for further comparison.

Total property: 8.49 acres; Common Ground: 3.15 acres; Right of Way: 1.13 Acres.

"A" zoning: 43560 square feet

"B" zoning: 21780 square feet with RDD applied at 75% = 16335 Square Feet

8.49 acres less 3.15 common ground plus 1.13 ROW leaves 4.21 for lots.

4.21 x 43560 = 183,388 square feet for lots.

183,338 / 16335 square feet = 11.23 lots meeting residential B-RDD zoning

Now then:

11 lots x \$800,000 sales price each =\$8,800,000
(100%)

Home size 2596 to 3348 square feet = 2972 square feet average

2972 square feet x \$200.00 per sq.foot construction = \$594,400 x 11 lots = \$6,538,000
(74.3%)

Gross.....\$2,261,200
(25.7%)

Less: Land Development (Street,utilities,landscape, earth moving).....\$ 300,000
(3.4%)

Land purchase@10% of sales.....\$ 880,000
(10.0%)

2013 appraised value.....\$124,500

2008 Highest appraised value.....\$188,200

GROSS PROFIT before overhead, field office and fees.....\$1,081,200
(12.3%)

16 lots x \$800,000 sales price

each.....\$12,800,000 (100%)

Home Construction cost @ \$594,400 x 16=.....\$ 9,504,000
(74.3%)

Gross.....\$ 3,296,000
(25.8%)

Less: Land Development.....\$ 300,000
(2.3%)

Land Cost #10%.....\$
1,280,000 (10.0%)

GROSS PROFIT before overhead, field office and fees.....\$ 1,716,000
(13.4%)

8 lots x \$800,000 sales price each.....\$6,400,000
(100%)

Home construction costs @\$594,000 x

8=.....\$4,752,000 (74.5%)

Gross.....\$1,648,000
(25.5%)

Less: Land Development.....\$ 300,000
(4.7%)

Land Cost @10% of sales.....\$
640,000 (10.0%)

GROSS PROFIT before overhead, field office and fees.....\$ 708,000
(11.1%)

Now these are my calculations and I do not know what Pulte's numbers are but \$200.00 per square foot for this quality of home are reasonable and we do not know what the land owner is being paid for the land and what is acceptable to him. Considering the risks and the two years to complete this development it does not appear likely that Pulte would undertake this project with eight homes considering other opportunities they may have to utilize their time and talents. Capital goes where it will return the most. 15% Gross Profit is reasonable and normal in this business.

As Councilperson in Ward IV, I can see the the benefits from both sides and would appreciate hearing from the Trustees in Ward IV particularly and from Trustees in the City as to your thoughts on where the Public Benefit lies. I would appreciate your reasons as this is not a popularity contest but a decision based on the Public Benefit or not.

Over this coming weekend, I will review all of the data gathered on this project since the first Bellerive School meeting before I was elected, come to a conclusion and vote on what I think provides the best public benefit . After the vote I will detail my reasons for voting aye or nay on this project when it comes to vote on the Council Agenda.

I appreciate your careful attention and response.

Bob Kent

Ward IV Councilperson

Greengate Subdivision

Paid for by Bob Kent, Ward IV Councilperson 13084 Ferntrails lane, Creve Coeur, Missouri 63141

From: Jeanne Rhoades <rhoades.jeanne@yahoo.com>
To: "george.stock@stockassoc.com" <george.stock@stockassoc.com>
Cc: "plangdon@ci.creve-coeur.mo.us" <plangdon@ci.creve-coeur.mo.us>; "Perkins, Mark C." <MPerkins@ci.creve-coeur.mo.us>; "Glantz, Barry" <bglantz@ci.creve-coeur.mo.us>; ScottSaunders <scott.saunders4@yahoo.com>; Robert Kent <kentivcouncil@charter.net>; "Kelly, Whitney" <wkelly@ci.creve-coeur.mo.us>; Deborah Ryan <dryan@ci.creve-coeur.mo.us>; "becker4000@sbcglobal.net" <becker4000@sbcglobal.net>; "egh1945@gmail.com" <egh1945@gmail.com>; "swainvj@sbcglobal.net" <swainvj@sbcglobal.net>; "rkbeen@aol.com" <rkbeen@aol.com>; "amaitz@sbcglobal.net" <amaitz@sbcglobal.net>; "jakostelc@yahoo.com" <jakostelc@yahoo.com>; "jkostelc@sbcgloal.net" <jkostelc@sbcgloal.net>; "smedele@hotmail.com" <smedele@hotmail.com>; "jankitch@yahoo.com" <jankitch@yahoo.com>; "cheryl0845@gmail.com" <cheryl0845@gmail.com>; "christinemgoff@gmail.com" <christinemgoff@gmail.com>; "rbotz@sbcglobal.net" <rbotz@sbcglobal.net>; Dorothea Botz <dbotz1@hotmail.com>; "caspiegel@aol.com" <caspiegel@aol.com>; "lverby@earthlink.com" <lverby@earthlink.com>; "aksingh23@hotmail.com" <aksingh23@hotmail.com>; "rdifani@att.net" <rdifani@att.net>; "pdifani@ameren.com" <pdifani@ameren.com>; "scl@heliinc.com" <scl@heliinc.com>; "skling@jenkinskling.com" <skling@jenkinskling.com>

Sent: Wednesday, June 18, 2014 7:53 PM

Subject: Re: Q - Pulte's rendition of A-zoning?

Mr. Stock,

Many questions remain outstanding about the Creekside at Mason proposal, particularly in light of new information revealed at the recent P&Z meeting just this past Monday.

It is of course now virtually impossible to arrange an informal developer/resident meeting in advance of the upcoming Council meeting, now less than a week away. Still, we hope everyone agrees that any proposal involving a request for permanent residential zoning change is deserving of appropriate due diligence, so I am reaching out to you by email instead.

It is our understanding that it is the obligation of the applicant to justify any requested zoning change, and to demonstrate how or why the existing zoning does not serve the public good. This would seem to require providing some comparative development options specific to this parcel, relative to the rezoning requested. In particular, we hope you can please help clarify some information about documents you already previously submitted.

For example, Mr. Langdon mentioned at the June 16th P&Z meeting that due to the existing topography and floodplain, the street for any development here must access Mason at the low point (near the NE corner), then likely need to swing south away from the flood plain....the same as the way it has been shown on your 16 and 12 unit plans so far. While that seems logical, it doesn't appear to reconcile with the "shotgun" rendition you submitted to the City prior -- labeled Alternate Plan A-Zoning, showing 8 lots (P&Z packet pg 104, which also does not appear to provide for flood plain and/or storm water concerns).

As a result, would you please clarify and explain whether or not this "Alternate Plan A-Zoning" shotgun- style 8-lot plan submitted is actually a feasible layout for this parcel as an A-RDD development, or any other zoning category?

Also, on a more fundamental level, Mr. Langdon informally indicated weeks back that the existing conditions of straight A Zoning might likely yield perhaps 4-5 lots. However, since this property is complicated by significant flood plain and other topography concerns -- and since we are dealing with a relatively small development overall -- requiring decision-makers to guess exactly which baseline number is correct lends itself to a potential 20% margin of error (perhaps the yield could actually be just 3 lots, or maybe even 6).

Attachment: Email from Jeanne Rhoades submitted July 21, 2014 (1048 : Final Plat Creekside at Mason)

Can you please now verify what is the accurate BASELINE maximum lot yield under the existing straight A-Zoning, and please also provide a rough sketch showing at least one example of what this layout might *realistically* look like (assuming at least approximately proper ROW placement, minimum detention needs, etc)?

Finally, we assume everyone respectfully acknowledges this parcel is not exactly "prime" level land. **We would like to offer the suggestion that some A-RDD development might be a mutually acceptable alternative to your current 12-unit B-RDD proposal -- *enabling more lots than straight A-zoning to help benefit the seller/developer gain more ground to work with, yet without imposing the substantial risks and significant character change inherent with additional permanent down-zoning.*** We would greatly appreciate your cooperation and assistance in exploring that effort towards compromise.

One idea for a more pleasing A-RDD double-loaded street configuration might result by essentially cutting your 12-lot plan in half to create approximately 6 lots. Perhaps then subsequent changes in site coverage, detention needs, etc might even permit another one or two more lots to be added.

Assuming that your current "Alternate Plan A-Zoning" design submitted to the City is not actually feasible for either A or A-RDD for this particular parcel, would you please provide a rough sketch of this concept proposed above -- *and/or whatever alternate(s) you might suggest are more realistic A-RDD layout(s)*?

Obviously, no one can determine what increase these options might represent from true baseline without some accurate analysis, which you seem most qualified to provide. We greatly appreciate your assistance to help clarify some of these outstanding matters, and we hope to hear back from you in advance of the next June 23rd Council meeting.

Best Regards,

Jeanne Rhoades
12778 Mason Manor

June 19, 2013 Rhoades phone conversation with Council President D'Alfonso, expressing process concerns about lack of support from City officials to require developer to meet with residents in an attempt to address outstanding issues.

D'Alfonso stated she thought such a meeting had occurred, and at a minimum Council members should be willing to meet with their constituents.

June 20, 2013 Rhoades phone conversation with City Administrator Mark Perkins, expressing process concerns about lack of support from City officials to require developer to meet with residents in an attempt to address outstanding issues.

Perkins stated residents could still "let the process work" by attending the meeting and airing concerns before the Council as a body prior to the Council vote.

From: "kentivcouncil@charter.net" <kentivcouncil@charter.net>
To: Jeanne Rhoades <rhoades.jeanne@yahoo.com>
Sent: Saturday, June 21, 2014 3:18 PM
Subject: Re: Q - Pulte's rendition of A-zoning?

Jeanne:

Did Mr. Stock answer your email?

Copy please

Thanks

Bob

From: Jeanne Rhoades <rhoades.jeanne@yahoo.com>
To: "kentivcouncil@charter.net" <kentivcouncil@charter.net>
Cc: Scott Saunders <scott.saunders4@yahoo.com>
Sent: Saturday, June 21, 2014 8:41 PM
Subject: Re: Q - Pulte's rendition of A-zoning?

not so far

From: Jeanne Rhoades <rhoades.jeanne@yahoo.com>
To: "kentivcouncil@charter.net" <kentivcouncil@charter.net>
Cc: Scott Saunders <scott.saunders4@yahoo.com>
Sent: Sunday, June 22, 2014 1:13 PM
Subject: Re: CREEKSIDE AT MASON & P&Z REDUX

Hi Bob

Just curious whether you have received much feedback from your email below to "all trustees"?

Not sure, but I think the prior P&Z vote on 16 units was 1-4, (not 0-6?)) with Tim Madden being the one vote in favor to rezone, same as he voted this time (plus one other commissioner as well).

Mr. Madden explained his vote the first time as: We need some way to stop all these homes built with three stories of vinyl siding. I recall because that comment is what got me thinking about the absurdity of justifying a permanent zoning change just because our City's review process and/or design standards are seemingly inadequate to control architectural standards on their own. This concern was augmented upon learning that so many other municipalities have Architectural Review Boards when I spent a few minutes calling around -- Ladue, Town and Country, Frontenac, Clayton, Chesterfield, etc.

(Now THAT might be a great question to ask to all trustees: Should the City establish an Architectural Review Board to tighten design standards for new construction (or tear downs) -- OR should the City continue the strategy of recommending that existing residents accept permanent zoning changes that potentially increase density, as an alternate means for City officials to negotiate for better design control of new residential construction in their neighborhoods ?)

Attachment: Email from Jeanne Rhoades submitted July 21, 2014 (1048 : Final Plat Creekside at Mason)

This time, Mr. Madden simply stated that people complain about something all the time regardless, and that change can be hard. I will say residents here agree it is particularly hard to accept change to the neighborhood character surrounding our largest and most personal investment whenever it appears haphazardly enabled by City officials using weak rationale. (I don't recall if/what reason was provided for the other affirmative vote.)

On the topic of your profit analysis for the developer: I can't comment on your figures, but I also don't recall that "economics of the developer or seller" are typically considered valid justification for rezonings. That aspect is really never discussed when development proposals are brought forth -- and likewise developers and sellers typically keep their finances pretty discreet.

If they want the City to consider that info as valid rationale -- say, to argue undue hardship -- then isn't it their obligation to share at least some portion of the info and make a compelling case? Perhaps your business background makes you inherently curious about the economics here, but staff clarified again at P&Z Monday that it is NOT the job of the City to determine these private interests and/or to "try to make [any proposal] work for [any] applicant."

BTW, I do recall an example a couple years ago -- when the economy took a dive, the developer for the Enclave came back before the City to request change to their development (which had already been struggling for a few years prior to the decline -- apparently because buyers didn't embrace his model). My recollection is that the City declined his request mostly on grounds that making permanent long term zoning, land use, and/or density changes to provide relative short term financial relief for any private party is not really appropriate, and might also open a big can of worms as precedent. Imagine dealing with similar requests from every other developer that comes to the door. Of course all sellers want more density to attract a greater developer market -- but perhaps sometimes sellers need a reality check about the limitations of their property and/or what it is actually worth.

BTW, did you know the sellers turned down Mr. Lieber's offer for approximate full appraised value when they first listed it for sale some years back? If nothing else, that demonstrates other options for this parcel do in fact exist. (While he doesn't want to make a big deal of it or distract from the proposal at hand, I'm sure Mr. Lieber would provide further details if asked.)

Residents here realize this parcel on Mason is a challenge to build -- and actually neighbors have repeatedly stated they are willing to be flexible -- to a point. No one has anything at all against this developer, but they are not the only game in town. This is only an 8 acre parcel -- not 80 or 800 -- so really I don't know anyone else who suggests that a project of this scale is beyond the scope of some local reputable developer. (Maybe ask Mayor Glantz, considering his profession.)

No one is trying to thwart development either -- including Mr. Lieber, who is very busy running a successful business enterprise and does not seek to become a developer... but rather just appreciates additional green space and buffer for his personal residence, for which he has demonstrated a complete willingness to pay market price! (Some have questioned whether this puts Mr. Lieber in some sort of financial conflict of interest -- but I don't follow logic suggesting how a homeowner's commitment to protect his own property demonstrated years back now interferes with any developer's effort to seek business profit today -- especially since this would seemingly imply that Mr. Lieber is still actively trying to undermine any other seller option -- a conclusion that I believe is patently false.)

Regardless, so far the applicant has hardly shown willingness to seriously negotiate any terms with residents. (Instead they seem pretty confident they don't need to). Again -- residents have expressed willing to consider other less-dense options that this one, besides existing straight-A- zoning, but if this applicant chooses to walk away at this point, that is beyond our control.

Contrary to statements heard at meetings, no one here considers that nearly-vacant green space to be significant nuisance in the event it takes awhile for the seller to assemble another offer -- and no one seems to find the current applicant's qualifications that exceptionally special or unique. There are a lot of fine homes and quality developments in Creve Coeur and other affluent areas of St. Louis built by lots of other entities.

The inherent characteristics of this specific parcel are however unique. This in-of-itself is what mandates significant green space, so it is not clear how a zoning change or RDD overlay with greater site coverage can actually can be "sold" as some improvement in that regard. Indeed, combining a zoning change with RDD overlay together merely enables greater density (B + RDD = more like C?)and that results in tighter spaced small lots to be pushed directly against larger spreads on the south side of the creek, rather than enabling the creek and flood plain to function as a natural buffer. Remind me again why this is a better transition?

(Recall staff also helped clarify that while this developer may be really swell, a developer is a developer -- not a property manager. Once they step out of the process, the HOA is on the hook to maintain the property just like every other subdivision in the City . Staff also commented that A-zone properties with high value homes tend to place a high value on ground maintenance as well...all of which I hope illuminates that particular developer sales pitch in a more transparent light.)

Staff also indicated there are not a lot of layout options for the parcel no matter what -- but again, density and home spacing still plays a huge role in character, and that is key to the debate at hand. But before any one concludes this proposal is too good to pass up, I suggest drive through the near-by multiple small cul de sac developments in Ward 4 all along the north side of Ladue:

Ambleside (8 homes)

Ladue Grove (4)

Ladue Woods Estates (2)

Ladue Pine Woods (5)

Wexler Manor (3)

Bellerive Springs off Mason (8 or 9?)

Some are "shotgun" layouts and some are not -- but most have large custom homes on large lots with very wide spacing and greater set backs, which greatly defines their character. Bellerive Springs appears to consist of somewhat more crowded lots and more consistent brick design (perhaps A-RDD -- I don't know).

At any rate, it seems highly subjective to say which among these neighborhoods is most attractive or even most effective to create some neighborhood "feel" -- but I bet those homeowners would find it absurd to conclude their "minor subdivisions" and/or small neighborhoods are not successful in creating a pleasant place for those homeowners to live -- especially because some people value privacy, space and seclusion over connected-ness.

Now picture any of those subdivisions transferred to 853 N. Mason, then surrounded by Liebers and Difanis's two homes on extra large lots, plus the green space of floodplain and creek to the north, and the one-acre Bellerive Estates lots west, including extra green space of their large chunk of subdivision common ground. Is that scenario of straight A zoning with uncoordinated development really so awful -- even it results in a single-loaded street? The Difanis are already building 2 homes in that same manner -- so one could argue

continuing that same strategy on this parcel supports the Plan as much as anything. Maybe its not "coordinated" under one ownership, but certainly seems more consistent among the other properties most adjacent.

Please also carry the example farther to consider what price-point custom homes on one-acre lots here would yield (especially considering the inevitable expansion of Barnes West, which will likely create a market of more high-salary buyers). Then please compare this to the current proposal (priced around \$700K) -- and ask which result would produce the higher value per home?

I've heard some officials say the projected value for each Creekside unit significantly overshadows the value of the avg home in Bellerive Estates, as though that dismisses the comparative-value argument altogether. But what about the closest A-zoned homes immediately adjacent (Lieber and soon-to-be Difanis two lots) -- not to mention the rest of us on Mason Manor just a short distance further south (and beyond)?

Surely any future realtor, appraiser and/or the tax assessor will weigh the value of large lot properties together in their "comps" more so than relative to other homes on smaller lots -- but it is surprising to everyone who lives here how so few City officials have so far acknowledged this very significant "negative impact" to each existing large lot home.

Perhaps it IS hard to acknowledge that point without first envisioning other potential outcomes on this property besides the one at hand -- but that is all part of the mental exercise required to determine whether the existing zoning no longer serves the public interest.

Speaking of envisioning alternates -- regarding Pulte's Alternate "Shotgun" layout, I am still waiting for someone to explain how or why that layout is even remotely plausible. Not only due to failure to address topography, flood plain and detention (thus impacting density)-- but don't forget it assumes being "awarded" RDD by the City -- which, by definition, is not a given. As a result, how is anyone suggesting the City would ever allow that type of RDD trade-off in the first place?

I can understand an applicant showing that type of sketch as means to make their current plan look so much prettier (just like pretty artistic renditions of houses shown on lots much larger than actually proposed) -- but I hope I'm not the only one to question if such "renditions" represent reality.

In short, residents hope our elected officials can see past the smooth sales pitch points and pictures, and can easily envision higher options for this property -- whether involving this developer or another. We also hope they think very hard about the promise the City of Creve Coeur made not to change zoning when this area was annexed in -- and likewise firmly understand that once low-density openness is given away, it can almost never be recovered. These are not frivolous concerns -- but rather are the exact same standards ALL residents of Creve Coeur expect (I recall Residential Protection was the TOP priority listed from the last City-wide poll -- and has probably been listed as a promise on nearly every candidate's campaign flyers).

Bob, there may be a lot of material to review, but I hope the right choice is clear. I hope you'll ensure "Positive Policies...Absolute Accountability...Total Transparency" for this proposal, and please don't put the short term interests of any developer ahead of the long term interests of our Community and the residents you were elected to represent.
Thanks,

Jeanne Rhoades
12778 Mason Manor

Attachment: Email from Jeanne Rhoades submitted July 21, 2014 (1048 : Final Plat Creekside at Mason)

PS - One other correction to your memo below -- I did convey residents would consider A-RDD zoning on this difficult site -- but I did NOT state that A-RDD produces 8 lots as you and others have inferred. Rather, I have pointed out that both lot yield and layout are relevant, both remain unclear -- and that is precisely why I have asked the expert project engineer to please CLARIFY what might A-RDD might more realistically produce. And we still don't know what the actual baseline lot yield is for the existing A-Zoning status!

Mr. Stock stated at P&Z that they have analyzed the property from several angles, but we have yet to receive a reply. But IF this plan is voted down and then IF they don't pull out altogether, perhaps someone should also ask what straight B might yield, and if that perhaps enables more flexibility?

Whatever the mechanism, I think a lot of residents might find approximately 8 lots to be a reasonable compromise for creating more parity in spacing and lot size on this 8.45 acre parcel than the current 12 shown (which has lot sizes and set backs closer to C). Again, I personally have no magic "hard line" number; agree with staff that layout matters as well; Plan mentions 1/2 acre minimum -- Residents just don't know what it takes to get there, and/or what protections will exist in the event the site plan is abandoned or expires (as occurred on Minners not so long ago).

In general, we'd need help to get answers to all these unknowns. .. And then there is the question of precedent for the almost 5 acre Bush property across the street from my house which, given that the owners are in their 90s, makes it likely the next property to soon face redevelopment in Neighborhood 1. The fact that City officials mostly forget to even mention this parcel exists, or is relevant in the analysis, is hardly reassuring. I can only hope a few lessons are learned in this process so the next one goes a little easier. Thanks again, and feel free to share.

From: "kentivcouncil@charter.net" <kentivcouncil@charter.net>
To: Jeanne Rhoades <rhoades.jeanne@yahoo.com>
Cc: Scott Saunders <scott.saunders4@yahoo.com>
Sent: Sunday, June 22, 2014 8:42 PM
Subject: Re: CREEKSIDE AT MASON & P&Z REDUX

Jeanne
 Five For it
 Six against it
 Bob

From: Jeanne Rhoades <rhoades.jeanne@yahoo.com>
To: "kentivcouncil@charter.net" <kentivcouncil@charter.net>
Sent: Monday, June 23, 2014 7:54 AM
Subject: Re: CREEKSIDE AT MASON & P&Z REDUX

Bob -- are you saying you received 11 replies to your email, with 5 in favor of rezoning and 6 opposed? Or is support focused mostly on the path?

I understand a Sunshine request to the City not long ago regarding feedback on the proposal revealed only one email in favor of the proposal, but do I understand you have since received 5?

I am not clear when you email "To All Trustees" here whether that list is only trustees? citywide? other contacts included?

Attachment: Email from Jeanne Rhoades submitted July 21, 2014 (1048 : Final Plat Creekside at Mason)

In the spirit of Transparency and the Sunshine Law, please share the comments you have received so far from the public on this topic, so we can also benefit from better understanding of community opinions and concerns in advance of the Council debate tonight. Thanks, Jeanne

From: Jeanne Rhoades <rhoades.jeanne@yahoo.com>
To: "kentivcouncil@charter.net" <kentivcouncil@charter.net>
Cc: Scott Saunders <scott.saunders4@yahoo.com>
Sent: Monday, June 23, 2014 11:53 AM
Subject: Fw: CREEKSIDE AT MASON & P&Z REDUX

To clarify -- I really am not interested in identifying and/or seeing names of persons sending you feedback...(although you may ask Scott or perhaps Mr. Lumley to clarify that any emails you send/receive concerning City business are subject to the Sunshine Law)

I would just like to know the rationale offered for their support or objections and approximately where they live....near the parcel? in the neighborhood? in Ward 4? across town?

A summary of this info would be appreciated in advance of tonight's meeting.
 thanks,
 Jeanne R.

From: "kentivcouncil@charter.net" <kentivcouncil@charter.net>
To: Jeanne Rhoades <rhoades.jeanne@yahoo.com>
Cc: Scott Saunders <scott.saunders4@yahoo.com>
Sent: Monday, June 23, 2014 2:40 PM
Subject: RE: Fw: CREEKSIDE AT MASON & P&Z REDUX

Jeanne:

I promised in my email I would not print names because I wanted as much feed back as possible. I said I would provide score for and against. I am willing to stretch this out to identify Ward and main reasons. No more.

As of 1430 hours 6/23/2014

For:	Ward IV comment in person Ward IV Email Ward III Email Ward IV	Thinks it forward thinking in tough area. For it. likes path and development Forward thinking Owner deserves it Good development wants walking path
Against	Ward IV (All)	Will precipitate litigation city cannot afford All reasons mostly zoning Worried about open space near his home Plus
other reasons		No zoning change wants protection concern about empty homes for long period Basically doesn't want it developed all bad things
traffic, noise value etc		Wants his zoning protected Just no. doesn't want development
Score 4 for 8 against		

Attachment: Email from Jeanne Rhoades submitted July 21, 2014 (1048 : Final Plat Creekside at Mason)

You are included in the Against list.
 Hope this helps... Out of time
 Bob

From: Jeanne Rhoades <rhoades.jeanne@yahoo.com>
To: "kentivcouncil@charter.net" <kentivcouncil@charter.net>
Cc: Scott Saunders <scott.saunders4@yahoo.com>
Sent: Monday, June 23, 2014 2:56 PM
Subject: Re: Fw: CREEKSIDE AT MASON & P&Z REDUX

Bob, that summary is fine and thanks.

Just so you know, now that you are in public office, be careful promising confidentiality as you really no longer have that option.

Again, *correspondence to and from you with anyone (residents, developers, staff, media, etc) regarding City business is subject to Missouri sunshine laws.* You can check with Carl and Mark to clarify

June 23, 2014 City Council Meeting

The Council approved the rezoning, Bill No. 5482 – 6 ayes; 1 nay

Note: The only rationale offered by anyone on the Council was Mr. Kent's presentation utilizing 22 pgs of overhead illustrations (apparently prepared in advance as indicated in his 6-17-14 email).

Attachment: Email from Jeanne Rhoades submitted July 21, 2014 (1048 : Final Plat Creekside at Mason)