



AGENDA
PLANNING AND ZONING COMMISSION MEETING
CITY OF CREVE COEUR, MISSOURI
MONDAY, OCTOBER 20, 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
Ms. Deborah McLaughlin, 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 from the Meeting of September 2, 2014**
 - B. Draft Minutes from the Meeting of September 15, 2014**

5. PUBLIC COMMENT

6. UNFINISHED BUSINESS

7. NEW BUSINESS

1. Application #14-031: Approval of a Minor Site Plan for a Fence Within the Front-Yard Setback Along Ladue Road for 25 Ladue Meadows

Applicant: Melany Nitzsche
25 Ladue Meadows
Creve Coeur, MO 63141

2. PUBLIC HEARING

Application #14-032: Approval of a Site Concept Plan for Barnes Jewish West County Hospital Campus and Approval of a Conditional Use Permit and Site Development Plan for a 16-Bed Hospice House at 970 North Mason Road

Applicant: Douglas Black	Applicant's	George Stock
Barnes Jewish West County	Representative:	Stock & Assoc. Consulting
Hospital		Engineers, Inc.
12634 Olive Boulevard		257 Chesterfield Business Pkwy
Creve Coeur, MO 63141		Chesterfield, MO 63005

3. Application #14-033: Approval of a Minor Site Plan for New Awnings at the Applebee's Restaurant at 11950 Olive Boulevard

Applicant: Chuck Ancell
Mid River Restaurant
296 Highland Boulevard
Natchez, MS 39120

4. Application #14-034: Approval of a Minor Site Plan for a 10-Foot Netting Fence Surrounding a Sports Court at 320 Cabin Grove Lane

Applicant: Mike and Kelly Beat
320 Cabin Grove Lane
Creve Coeur, MO 63141

8. WORK AGENDA

9. DEPARTMENT REPORTS

A. Planning Director

B. City Attorney

10. ADJOURNMENT

Posted: _____

Deborah Ryan
City Clerk

CITY OF CREVE COEUR – MINUTES

PLANNING AND ZONING COMMISSION MEETING

Tuesday, September 2, 2014
7:00 P.M.

A public hearing and regular meeting of the Planning and Zoning Commission of the City of Creve Coeur, Missouri was held on Tuesday, September 2, 2014, at the Creve Coeur Government Center, 300 North New Ballas Road. Chairman James Faron 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
Ms. Beth Kistner
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
Deborah McLaughlin, Recording Secretary**2. ADDITIONS TO-ACCEPTANCE OF THE AGENDA**

Ms. Kistner moved for approval of the agenda.
The agenda was approved and carried unanimously.

3. APPROVAL OF MINUTES

A. Draft minutes for the meeting of August 18, 2014, will be available for the next meeting.

4. PUBLIC COMMENT

None.

5. UNFINISHED BUSINESS

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.

Mr. Rovak indicated that at the last meeting there was discussion on this matter, and he had suggested that members send to staff any comments or suggestions that would move things along. Mr. Lumley indicated there should not be any discussion online among the members apart from the public. Mr. Rovak indicated he put his comments in, and inadvertently did that in a "reply all". There was no ensuing discussion. The only thing that came from that was a very quick reminder/rebuke that was not what was supposed to be done. Mr. Rovak indicated he stood corrected, and immediately acknowledged that. And there was no give and take. There was no discussion among the Commission. Mr. Rovak indicated he just wanted to bring that out in the open in case somebody was aware of that and thought that more had taken place than had. That was the extent of it, but he just wanted to put that out on the table to the extent anybody had any concerns about that.

Ms. Kistner inquired on a point of order on the format when an ordinance or matter is brought up if it should be moved for approval in order to open it up for debate. Further discussion was had including Roberts Rules. Mr. Lumley indicated that the draft ordinance has alternate language embedded in bold, so need to be specific.

Ms. Kistner moved for approval of draft ordinance without the bold. Mr. Faron seconded the motion.

Mr. Langdon suggested the Commission take the public comment before his presentation.

Kyle Lenzen, 9101 Watson Road, indicated he was concerned that with the proposed ordinance change that Creve Coeur was going to lose out on other opportunities.

Chris Sedlak, 13150 Olive Boulevard, passed out a letter to the Commission. Mr. Sedlack proposed that the Commission go back to the drawing board and maybe think about loosening up what it would take for zoning purposes to get zoned and rely more on the CUP because every site on Olive is a different set of circumstance, that CUP can work with those circumstance and decide what works and what doesn't.

Elizabeth Link, 920 Guelbreth Lane, indicated she does not want to see Mosley Road to Lindbergh turn into fast food heaven. She urged the Commission to take their time on this issue.

Linda Rezny, 104 Graeser Acres, indicated that according to the Comprehensive Plan, and even if you think the plan is outdated, drive-thrus would be more disruptive in the area than a help.

David Caldwell, 257 Brooktrail Court, indicated that if there's an ordinance that required substantial restaurant to have a drive-thru, and, therefore, the 3 acres would be in keeping with the use, and Creve Coeur would certainly be well enough served as the other communities surrounding Creve Coeur.

Stephen Kling, Jr., 150 N. Meramec Avenue, indicated a bypass lane, is necessary, but for the entire length of it, it seems rather excessive.

Mr. Langdon indicated that he would caution the Commission against seeing drive-thru impacts in terms of the typical light, sound activity as being really unique. They're not.

Further discussion was had by the Commission and Mr. Langdon.

Chairman Madden suggested the Commission wait to see Mr. Langdon's map at the next meeting.

Mr. Howard made a motion to amend this proposed ordinance to reflect for properties that abut residential uses that the acreage requirement is 3 acres, and for those properties that do not abut residential properties, it would be reduced to 2 acres. Ms. Kistner seconded the motion.

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

Mr. Pullium-aye	Mr. Rovak-aye	Mr. Faron-aye
Mr. Howard-aye	Mr. Carney-aye	Ms. Kistner-aye
Chair-aye.		

Mr. Langdon discussed the number of order windows.

Ms. Kistner made a motion that it read limited to two service windows, two order facilities and two designated

stacking lanes.

Mr. Langdon requested adding the phrase, one restaurant with two windows. Ms. Kistner agreed. Mr. Howard seconded the motion.

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

Ms. Kistner-aye	Mr. Carney-aye	Mr. Howard-aye
Mr. Faron-aye	Mr. Rovak-aye	Mr. Pullium-aye
Chair-aye		

Mr. Langdon discussed sound levels to reduce to 60 decibels. Ms. Kistner indicated she was fine. Mr. Carney indicated with the new map most of those issues would be resolved.

Ms. Kistner withdrew the multi-building requirement. Discussion was had.

Mr. Pullium moved that the ordinance be amended to include a minimum of 2,000 square feet for facility. Mr. Howard second the motion. There being no further comments, the resultant vote is as follows:

Mr. Pullium-aye	Mr. Rovak-aye	Mr. Faron-aye
Mr. Howard-aye	Mr. Carney-aye	Ms. Kistner-aye
Chair-aye.		

Mr. Rovak made a motion to continue the proposal with the changes that have been made until the next session.

Mr. Faron asked Mr. Langdon about the changes being in the agenda packets. Mr. Langdon indicated the changes would be in the draft ordinance in the next packet. There being no further discussion, the resultant vote is as follows:

Mr. Howard-aye	Mr. Carney-aye	Ms. Kistner-aye
Mr. Pullium-aye	Mr. Rovak-aye	Mr. Faron-aye
Chair-aye		

(A break was taken.)

6. NEW BUSINESS

A. Application #14-027: Site Development Plan Approval for the Olive and Dautel Retail Development at 11005 Olive Boulevard.

Summary: An application has been submitted for site development plan approval of a new 5,400 square-foot retail building at the corner of Olive Boulevard and Dautel Lane, with a site coverage of 60 percent. The original development proposal for this lot (Lot A) was approved along with the Walgreens across the street in 2008 (Ordinance No. 5052) as part of the Crossing at Graeser development.

Rowdy Montgomery, Cadre Development, 1610 Des Peres Road, indicated he is present on behalf of the owner under

contract for this property, which is located in the northwest corner of Dautel Lane and Olive Boulevard. Mr. Montgomery said his client would prefer to have the traditional parking in the front and building in the back, which can't be done on this property. Mr. Montgomery discussed the elevations and the floor plan. Mr. Faron and Ms. Kistner asked questions.

Linda Rezny, 104 Graeser Acres, posed questions about the right-turn lane. Ms. Rezny asked if this application be held over until the next meeting to allow residents to view new proposals.

Kevin Stahle (phonetic), 25 Country Squire Lane, indicated his remarks have largely been spoken to earlier this evening.

Mr. Langdon indicated the City is aware of the floor plan limitations and will work with the Applicant to find the best way to resolve that issue.

Mr. Howard moved to approve the site development plan elevations for the Olive and Dautel retail building located at 11005 Olive Boulevard as presented to the Planning Zoning Commission subject to the conditions contained in the staff report for the meeting of September 2nd, 2014. Ms. Carney seconded the motion.

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

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

7. WORK AGENDA

None

8. DEPARTMENT REPORTS

A. Planning Division Report

Mr. Langdon indicated the next meeting there will be a continuation of drive-thru text amendment.

There is an application to develop a fast food restaurant at 13140 Olive. There is a concept plan in place for that property, and it's part of that.

Also a request for a front-yard fence setback approval.

B. City Attorney Report

The City and the property owner filed their briefs today in the 450 North Lindbergh litigation. The LLC formed by certain neighbors has until the 15th to file their reply, then Mr. Lumley expects to argue in front of the Judge relatively soon after that. Mr. Lumley hopes to have a decision maybe in October or November.

9. ADJOURNMENT

There being no further business to come before the Planning and Zoning Commission, the meeting was adjourned at 9:56 p.m.

Tim Madden, Chairman

Produced by: Deborah K. McLaughlin, Court Reporter

CITY OF CREVE COEUR – MINUTES
PLANNING AND ZONING COMMISSION MEETING

Monday, September 15, 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, September 15, 2014, at the Creve Coeur Government Center, 300 North New Ballas Road. Chairman James Faron 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
Ms. Beth Kistner
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
Deborah McLaughlin, Recording Secretary

2. **ADDITIONS TO-ACCEPTANCE OF THE AGENDA**

None.

3. **APPROVAL OF MINUTES**

Ms. Kistner moved approval of the draft minutes of August 18, 2014.

Mr. Faron seconded the motion, which carried unanimously.

4. **PUBLIC COMMENT**

None.

5. **UNFINISHED BUSINESS**

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.

For purposes of discussion, Ms. Kistner moved to open the discussion to move approval of the matter before the Commission. Mr. Faron seconded.

Mr. Langdon indicated the one thing that we did not work through specifically was the question of setback, is that distance from the drive-thru facilities to the nearest property, residential property. The ordinance was drafted at 50 feet. 75, 100, 125 have also been offered up by the commission, and what we did was go back to the City's GIS system and generate buffer lines that are distances from residential edges. He indicated he thinks at this stage it's largely a matter of the Commission's preference, and to the extent to which you see these buffers, one being important, meaning you think the larger buffer is important and that's more important than the number of sites that are available, then go to the longer distance.

If you want to leave more sites available then and rely on the individual CUP process, then shorten the buffer.

Mr. Langdon indicated "drive-out" needed to be taken out of a couple of places that it's still in the draft.

Mr. Langdon indicated a question was raised about the setback or the screening requirements to residences within 200 feet, and what happens if the residences down the road changes, become bigger, becomes closer, something that make the drive-thru nonconforming because it hasn't screened all properties within 200 feet.

Mr. Langdon indicated that it could reflect that to property lines. Property lines is more stable than structures. It would be a change of wording.

Mr. Langdon discussed windows, and would like to clarify and make a change from "18 square feet of window" to "per window". The Commission indicated they were okay with that change.

Linda Rezny indicated that measurement should be from the drive-thru and bypass lane and not necessarily from the window. Ms. Rezny indicated you might want to consider if you want to have a drive-thru restaurant next to a school or a park, that's not currently covered.

Brea Schmitz, Creve Coeur Chamber of Commerce and employee of Komen Group, indicated the Creve Coeur-Olivette Chamber of Commerce is advocating for as much flexibility as possible on behalf of our constituents. They are respectfully requesting that the Commission consider approving 2-acre requirement drive-thru restaurants for both types of site development

and in favor of the 50-acre setback distance from the nearest residential properties.

David Caldwell indicated the goal is to ensure a high level of development consistent with the Comprehensive Plan, not to accommodate the wish list of the developers, the Chamber of Commerce, office workers or both whom are minority of residents. Rather than abandoning the 3-acre rule, it should be strengthened.

Stephen L. Kling indicated he was speaking on behalf of Panera and Hutkin. Panera cannot do it without having the 2 acres, it doesn't have 2 acres in size, and it's a quality restaurant. They would like to have a drive-thru in Creve Coeur.

David Hutkin indicated that he hopes you'll give us a chance to come back before you through the CUP process and demonstrate we can improve on our neighbors' condition as opposed to be a negative impact.

Ms. Kistner indicated she has reached the conclusion that the standards that were before us last week, staff put together, including the 2-acre minimum for properties abutting residential and a 50-foot setback are the most appropriate, taken together as a comprehensive package. That combined with the CUP process she thinks will provide the right balance of having really strong standards that put a limit on types of property and circumstances where drive-thru restaurants would be appropriate. She indicated in the case of 2 acres, after she thought about it some more, and she did vote for the change to 3 acres, she's going to make a motion to go back to the 2 acres. While there is a 3-acre limit today, there are no other conditions, such as that be on the end of a multi-tenant residential building. So there are significant new standards that are being put in place, so she doesn't consider that a reduction of the requirements that we have today. So with all of that in mind, and taking into account that we want to have a good set of standards to put to our Council in their review of approval, that's going to be her vote.

Mr. Faron and Mr. Carney inquired about the CUP.

Chairman Madden commended the committee and staff on their excellent work in making changes and drafting the ordinance.

Mr. Rovak would like to see all references to drive-up struck.

Mr. Pullium indicated part of his objective, and he hopes with the fellow commissioners, is to see how best to serve the City by amending, if need be, the current ordinance to protect the City's interest in going forward and complying with the plan that we have.

Mr. Carney indicated he will be very tough on developers who come to us with any kind of a drive-thru close to a residence, and he'd almost demand that they approve the site, approve the conditions that are there if they build the restaurant versus what they start with.

Ms. Kistner made a motion to revise Section 405.470(14)C1 to read, "Drive-thru facilities shall be located on sites of 2 or more acres". Seconded by Mr. Carney. There being no further discussion, the resultant vote is as follows:

Ms. Kistner-aye	Mr. Carney-aye	Mr. Howard-aye
Mr. Faron-aye	Mr. Rovak-aye	Mr. Pullium-aye
Chairman-aye		

Mr. Lumley suggested the motion should state that the references to drive-up facilities would be stricken; that the screening of the order facility and service window would be complete screening references would refer to 200 feet when they're within 200 feet of the property line as opposed to 200 feet of the residential structure; the reference to 18 square foot windows is per window minimum size, and that indication that the service window can't face the street would apply unless otherwise approved. Ms. Kistner indicates she would like to adopt those to this proposed ordinance.

Mr. Pullium seconded the motion. There being no further discussion, the resultant vote is as follows:

Mr. Pullium-aye	Mr. Rovak-aye	Mr. Faron-aye
Mr. Howard-aye	Mr. Carney-aye	Ms. Kistner-aye
Chair-aye		

Ms. Kistner made a motion to approve the ordinance as amended. Mr. Rovak seconded. There being no further discussion, the resultant vote is as follows:

Ms. Kistner-aye	Mr. Carney-aye	Mr. Howard-aye
Mr. Faron-aye	Mr. Rovak-aye	Mr. Pullium-aye
Chair-aye		

Mr. Faron stated prior to vote: I'd like to state also on my vote to support this amendment to the ordinance, not one made to open the door to greatly increase the number of drive-thrus in Creve Coeur, but to raise the bar and outcome of an inevitable increase in the use if we leave the present ordinance as is, which at the intersection of Graeser and Olive, it's extremely close to meeting that one-building requirement. I believe this change gives the City greater control over the issues without going to the extreme measure of eliminating the option from our citizens and possible windfall of our city coffers. As stated, I vote yes.

A break was taken.

6. NEW BUSINESS

A. Application #14-029: Approval of a Minor Site Development Plan for a Fence Within the Front-Yard Setback for the Property at 12068 Ladue Road.

Janard Selvasekaran indicated they moved into their house and have faced some safety issues. He is asking for a fence for safety reasons, not for privacy reasons.

Ms. Whitney Kelly pointed out that as a permitted use does include ornamental entry columns and a gate within the front yard and additional landscaping could provide the additional screening and security safety for the residents without extending a fence around the entire property or just along the roads.

Chairman Madden suggested gates and a berm.

Ms. Kistner suggested a gate and columns.

Ms. Kistner moved for approval. Mr. Howard seconded.

Further discussion was had. The resultant vote is as follows:

Mr. Pullium-nay	Mr. Rovak-nay	Mr. Faron-nay
Mr. Howard-nay	Mr. Carney-nay	Ms. Kistner-nay
Chair-nay		

B. Public Hearing: Application #14-028: Approval of the Site Development Plan and Conditional Use Permit for a Jimmy John's Restaurant with Drive-Thru Facilities at 13140 Olive Boulevard.

Mr. George Stock, Stock & Associates Consulting Engineers, appeared on behalf of Chris Sedlak. Mr. Stock indicated they have revised the plan. They have added the bypass lane to the drive-thru on the east side of the building itself. Mr. Stock indicated Jimmy John's is more of a lunch business. They are not opposed to a traffic study, but MoDOT did not require a traffic study.

Mr. Stock discussed landscaping and architecture of building.

Mr. Sedlack discussed stacking.

Pam Siegel spoke on behalf of residents who live in Building 13115 Mill Crossing Court. They are asking for five considerations: Visual, lighting, noise and sound, odor and safety.

Mr. Lumley entered the following exhibits: Documentation in possession of the City Clerk reflecting notice provided to the public; revised plans presented by Mr. Stock during the meeting, the City's Code of Ordinances and the Charter, City's Comprehensive Plan, the staff report and other materials in the packet and the public file regarding the application.

The public hearing was closed.

Mr. Faron moved approval. Mr. Rovak seconded. There being no further discussion, the resultant vote is as follows:

Mr. Pullium-aye	Mr. Rovak-aye	Mr. Faron-aye
Mr. Howard-aye	Mr. Carney-aye	Ms. Kistner-aye
Chair-aye		

7. WORK AGENDA

None

8. DEPARTMENT REPORTS

A. Planning Division Report

Mr. Langdon indicated there are no applications for private development projects for the next meeting.

Mr. Langdon indicated they will try to put together work agenda items for you.

This week there will be second interviews for administrative assistant for the Planning Division.

B. City Attorney Report

Mr. Lumley indicated that they are scheduled to argue the case regarding 450 North Lindbergh on October 20.

9. ADJOURNMENT

There being no further business to come before the Planning and Zoning Commission, the meeting was adjourned at 9:16 p.m.

Tim Madden, Chairman

Produced by: Deborah K. McLaughlin, Court Reporter



city of CREVE COEUR

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

APPLICATION TO PLANNING AND ZONING COMMISSION #14-031 A MINOR SITE DEVELOPMENT PLAN FOR A FENCE WITHIN THE FRONT-YARD SETBACK ALONG LADUE ROAD FOR THE PROPERTY AT 25 LADUE MEADOWS

FOR MEETING OF: October 20, 2014

SUBJECT PROPERTY LOCATION: 25 Ladue Meadows, at the northeast corner of Ladue Meadows and Ladue Road.

REQUEST: Melany Nitzsche, homeowner of 25 Ladue Meadows, has submitted a request for approval of a four-foot, open-slatted, black metal fence approximately 16 feet from the south property line along Ladue Road. The subject property is zoned A Single-Family Residential that has a front yard setback of 50 feet.

ADDITIONAL INFORMATION: The City of Creve Coeur's Zoning Ordinance Section 405.640 (C) *Fences Within The Front Yard Section And Along Street Right-Of-Way* states that no fence shall be located within the front yard setback or along street right-of-way, within the area equivalent to the front yard setback of the applicable zoning district, unless approved by site development plan approval by the Planning and Zoning Commission. City Council action is not required.

Key Issues:

- Does the request further the goals and/or implement the Comprehensive Plan?
- Maintaining open green spaces
- Visual impact along Ladue Road

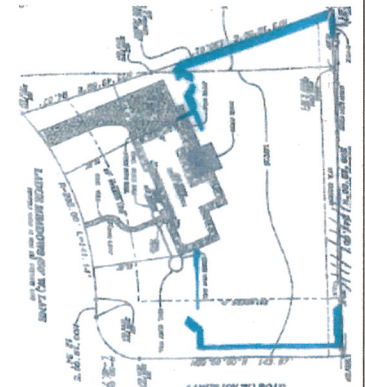
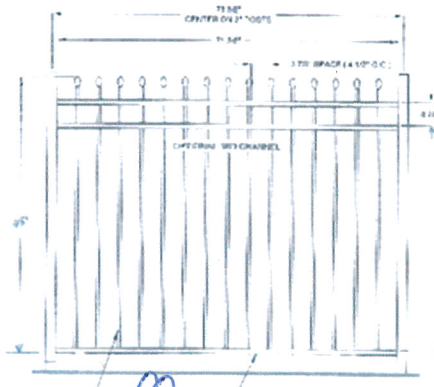
Comp. Plan References

- Residential Neighborhoods
- Design Guidelines

Zoning Code References

- Section 405.250: "A" Single-Family Residential District
- 405.640 Fences within the Front Yard Section and along Street Right-of-Way

APPLICANT / Melany Nitzsche
PROPERTY OWNER: 25 Ladue Meadows
Creve Coeur, MO 63141



REPORT PREPARED BY:

Whitney Kelly
Whitney Kelly, AICP, City Planner

10/14/2014
Date

ATTACHMENTS: Applicant's materials submitted on September 10, 2014

Attachment: 14-031.25 Ladue Meadows Fence.Staff Report.10-20-2014 (1112 : 25 Ladue Meadows Fence)

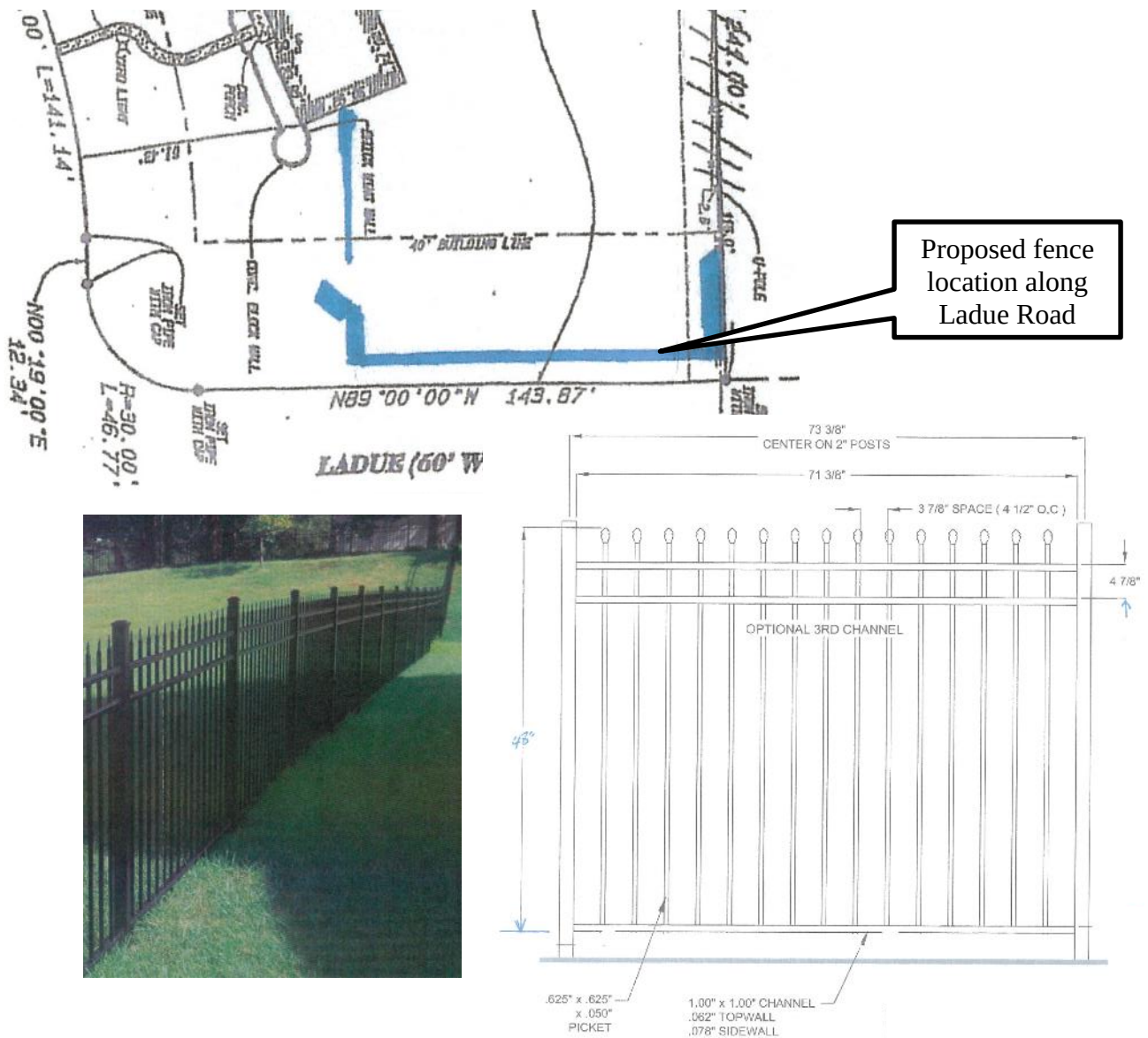
LAND USE AND ZONING OF SURROUNDING PROPERTIES

The adjacent zoning and land uses are as follows:

DIRECTION	USE	ZONED	SEPARATED BY
North	Single family residences	A Single Family Residential	NA
South	Single family residences	A Single Family Residential	Ladue Road
East	Single family residences	A Single Family Residential	NA
West	Single family residences	A Single Family Residential	Ladue Meadows

FENCE PLACEMENT AND DESIGN

The proposed fence would be a four-foot tall, open-slatted, black metal fence from the south elevation of the building headed south toward Ladue Road to a point approximately 16 feet from the south property line, then turning east for approximately 102 feet to the east property line and then turn north to meet the existing neighbor's fence along the shared property line. The south property line is approximately 11 feet from the sidewalk pavement of Ladue Road. Below is a close up of the site plan showing the fence configuration along Ladue Road, and an example photo of the style of fence along with the cut-sheet of the fence. The aerial photo and site photos suggests that little or none of the existing scrub along the street (mostly shrub honeysuckle) will need to be removed for the fence.



ANALYSIS

The Zoning Code does not provide guidance in evaluating requests for fences within the setback, except that no fence shall exceed six feet in height.

The Comprehensive Plan and Design Guidelines provide further direction for review of fences with the following:

Comprehensive Plan: Residential Preservation and Economic Development

2. Encourage the continued preservation of the suburban landscape character of the area, its open green spaces, and stream corridors. New development or redevelopment should protect and enhance stream channels, preserving remaining riparian corridors, preserve trees and encourage re-establishment of natural streams, where feasible. The use of pervious paving materials and vegetated swales to manage storm water in new development and redeveloping areas is encouraged.
6. Require that new development or redevelopment be compatible with the character of the surrounding neighborhood with regard to lot frontage, building setbacks, building lines, building scale, and lot coverage. (p.44-45)

Design Review Guidelines: F. Screening (Fences and Walls)

1. All new sound walls, masonry walls or fences are to be designed to minimize visual monotony through changes in plane, height, material, texture or significant landscape massing.
2. The design of fencing, sound walls, trash enclosures, and similar site elements is to be compatible with the architecture of the main buildings and should use similar materials.
3. All fencing should be designed as an integrated part of the site, rather than as a separate fence, such as a planter wall or continuation of an architectural wall feature.
5. In highly visible public areas where fencing is needed, decorative fencing is encouraged. (p.18-19)

Further, the Design Guidelines recommends the use of natural “green” materials, and discourages the use of synthetic, and highly reflective materials. The existing trees and shrubs along Ladue Road provide a vegetative screen of the yard, and would limit any impact of the fence viewable from the right-of-way in keeping with the character of homes in the area. Further, the open metal-picket fence design and height of four-feet would not create a significant interruption in the public line of sight, even if the honeysuckle vegetation were removed. The fence provides a degree of safety for children and pets by keeping them away from Ladue Road where posted speed limits are 40 miles per hour, versus 25 miles per hour along a typical subdivision street. Similar arguments were made for the fences approved nearby and are typically cited in such applications. In other words, the fence appears to generally satisfy the Comprehensive Plan and Design Guidelines.

Further, as discussed with prior applications, honeysuckle is an invasive species and there has been discussion at the Horticulture, Environmental and Beautification Committee that it should be a requirement with any redevelopment project that it be removed. If the Planning and Zoning Commission wishes to see the invasive Honeysuckle removed and replaced with additional landscaping, they should add an appropriate condition of approval in concert with discussions with the applicant.

CONCLUSION AND ACTION

If the members of the Planning Commission find the applicant’s reasons for the fence sufficiently compelling, they can approve it as proposed. If the request is denied, the applicant may construct the fence along the 50-foot setback line. The motion for the fence within the setback of Ladue Road as shown in the enclosed site plan will be in the form of approval, approval with conditions, denial or deferral.

MOTION

The following is an example motion for this application:

“I move to approve the site plan for the fence 16 feet from the south property line within the area equivalent to the front-yard setback along Ladue Road for the property addressed as 25 Ladue Meadows submitted with Application #14-031, as presented to the Planning and Zoning Commission on October 20, 2014” (conditions may be added by separate motion).

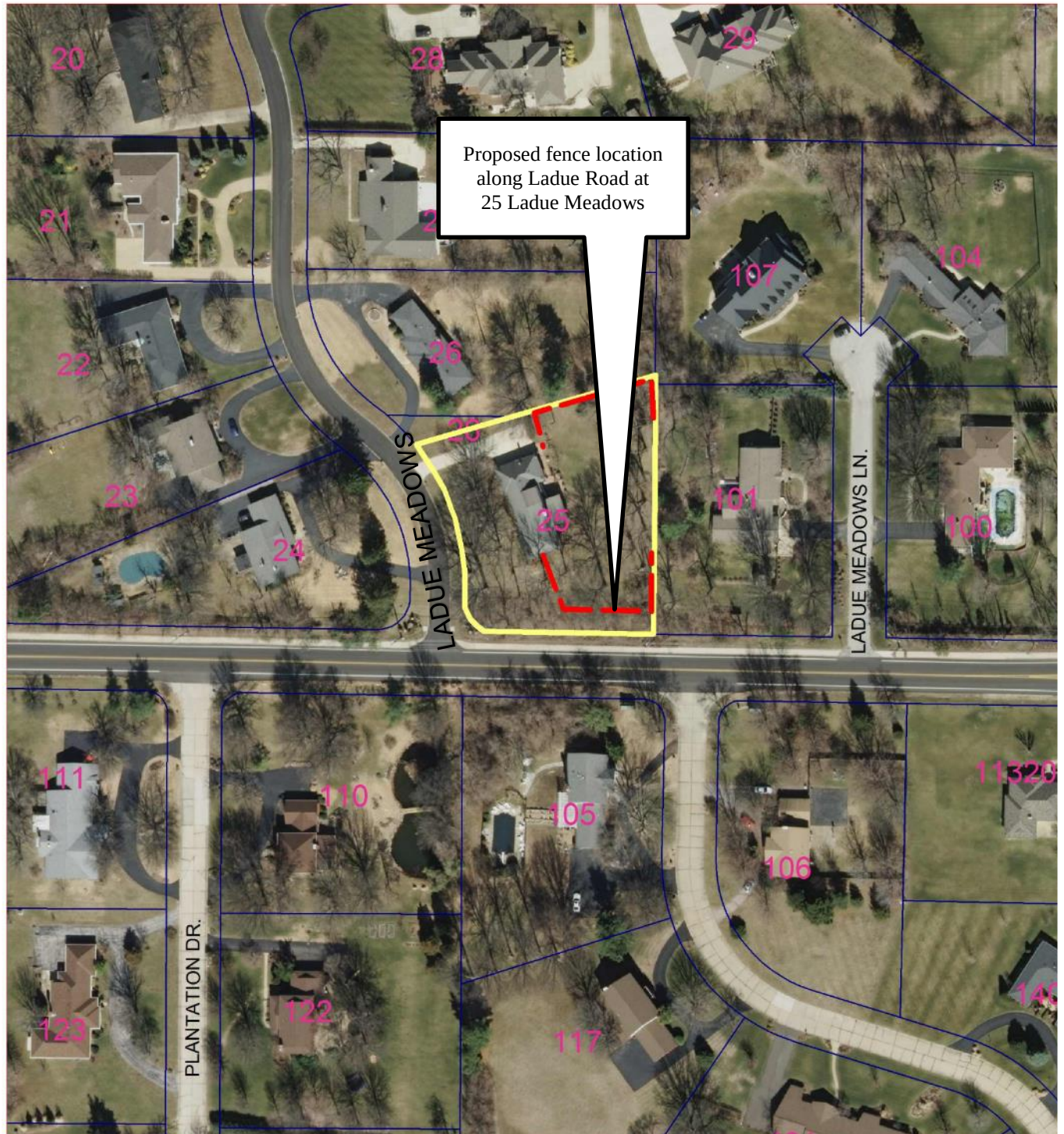
APPENDIX 1: COMPREHENSIVE PLAN

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

APPENDIX 2: ZONING CODE

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

APPENDIX 3: AERIAL MAP

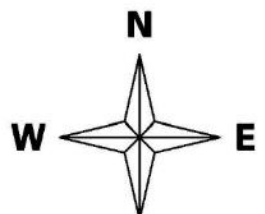


Attachment: 14-031.25 Ladue Meadows Fence.Staff Report.10-20-2014 (1112 : 25 Ladue Meadows Fence)



Property lines

25 Ladue Meadows



APPENDIX 4: SITE PHOTOGRAPHS

Photo Date: 10/13/2014



Description: View looking west from Ladue Meadows at the corner of the home with the existing landscaping screening the view of Ladue Road.

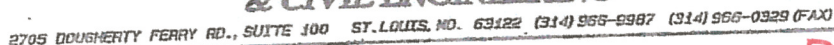


Description: View looking northwest from across Ladue Road at the subject property with the existing landscaping from Carriage Square Drive.

PART OF LOTS 25 & 26

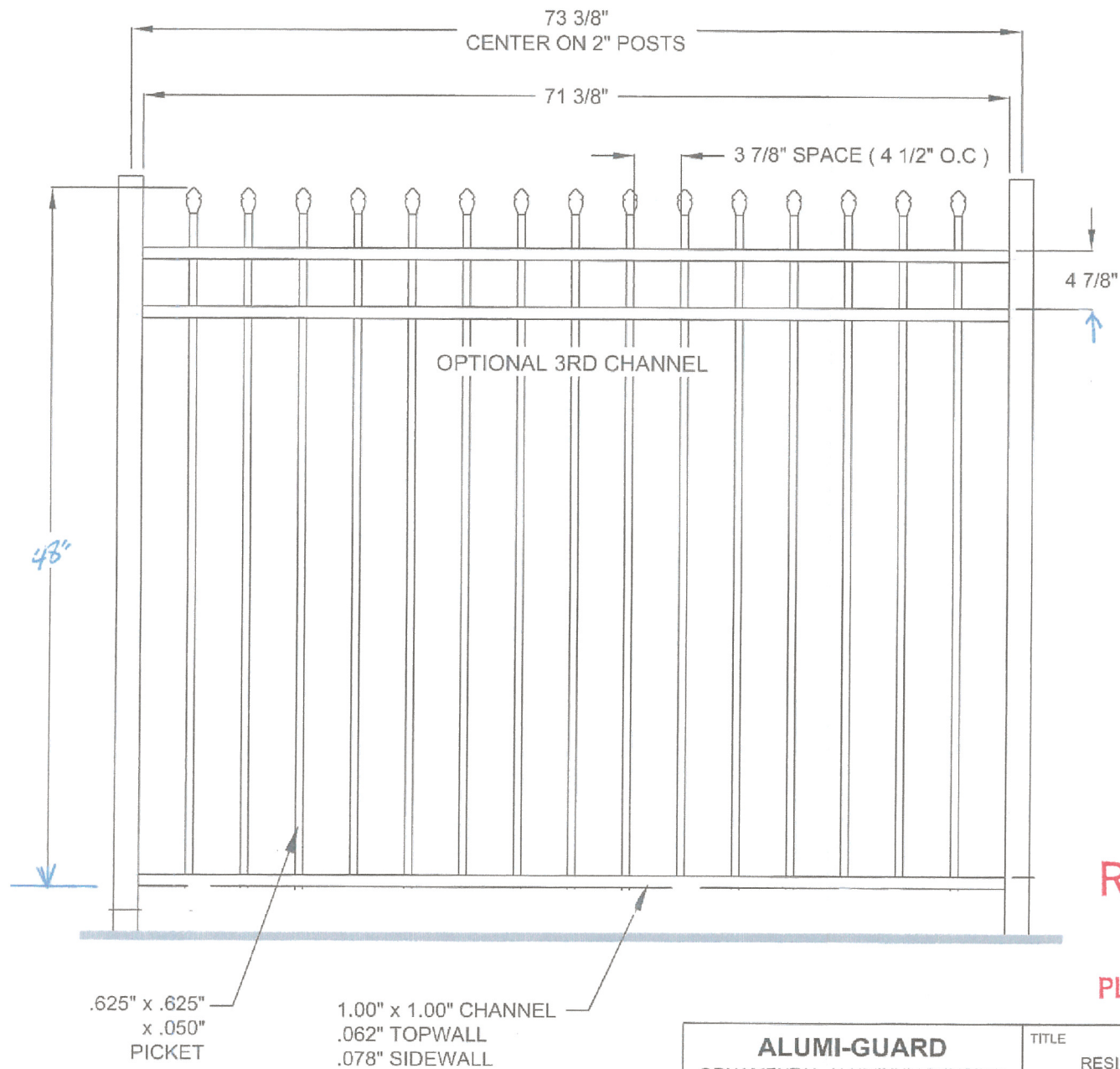
LOC# 16N-42-0378
LADUE MEADOWS PLAT 2
P.B. 69 PG. 1
PART OF LOTS 25 & 26
N/F DONNA LOUISE SCHNEIDER
D.B. 17385 PG. 3216
25 LADUE MEADOWS LANE
39.075 SQ. FT.

0 30 60
NORTH ARROW AND BASIS
OF BEARINGS WERE ADOPTED
FROM THE RECORD PLAT



Packet Pg. 21

Attachment: Applicant's Materials (1112 : 25 Ladue Meadows Fence)



RECEIVED
SEP 10 2014
PLANNING DEPT.

ALUMI-GUARD ORNAMENTAL ALUMINUM FENCING			TITLE RESIDENTIAL BELMONT 43"	
DATE: 10/17/12	SCALE: NTS	DRAWING NO	SHEET	REV
DRAWN BY: DR	CHKD BY: LP	RB603S	XX	--





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
#14-032 BARNES JEWISH WEST COUNTY HOSPITAL SITE CONCEPT PLAN
AND APPROVAL OF A CONDITIONAL USE PERMIT AND SITE DEVELOPMENT
PLAN FOR A 16-BED HOSPICE HOUSE**

FOR THE MEETING OF: October 20, 2014

LOCATION: 12634 Olive Boulevard.

REQUEST: Barnes Jewish West County Hospital, located at 12634 Olive Boulevard, Creve Coeur MO, has submitted a request for approval of the site concept plan for the campus that includes a future 96 bed, multi-floor replacement hospital and a 32-bed hospice facility, and approval of the conditional use permit and site development plan for Phase I of "Hospice House," a 19,000 square-foot ranch-style, 16-bed facility.

ADDITIONAL INFORMATION: The BJC West County Hospital campus is a 54 acre site located south of Olive Boulevard and east of Mason Road. Existing uses on the site include the main hospital building, and four medical office buildings. A Site Concept Plan was approved by the City Council in 1999, and amended in 2004. In 2004, a Site Development Plan was approved which involved a 5,000 square foot addition to the hospital's emergency room. On May 19, 2008 the Planning and Zoning Commission approved a Minor Site Development Plan for two new building additions to the Siteman Cancer Center building totaling 2,679 square feet. The Concept Plan expired in 2011. The subject property is zoned PH-Planned Hospital District.

Inpatient care hospices facilities are categorized as Nursing Care Facilities (NAICS 623110) and are permitted as conditional uses with review and approval by the City Council upon the recommendation of the Planning and Zoning Commission in the PH District.

APPLICANT: Douglas Black, President
Barnes West County Hospital
12634 Olive Boulevard
Creve Coeur, MO 63141

APPLICANT'S REPRESENTATIVE: George Stock
Stock & Assoc. Consulting Engineers, Inc.
257 Chesterfield Business Pkwy
Chesterfield, MO 63005

Key Issues:

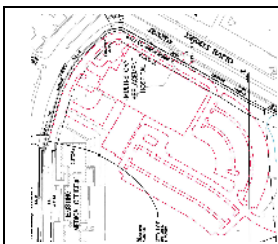
- Does the request further the goals and/or implement the Comprehensive Plan?
- Does the request follow the Design Guidelines?

Comp. Plan References

- West Olive Corridor

Zoning Code References

- Section 405.210: Regulation of Uses
- Section 405.310 "PH" Planned Hospital District
- Section 405.470: Conditional Uses
- Section 405.1080: Site Concept, Site Development And Minor Site Plan Approval
- Section 405.820 Required Off-Street Parking Spaces

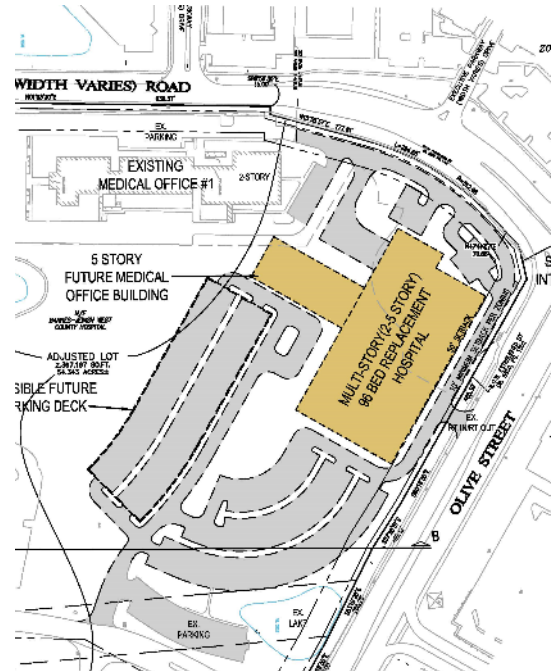
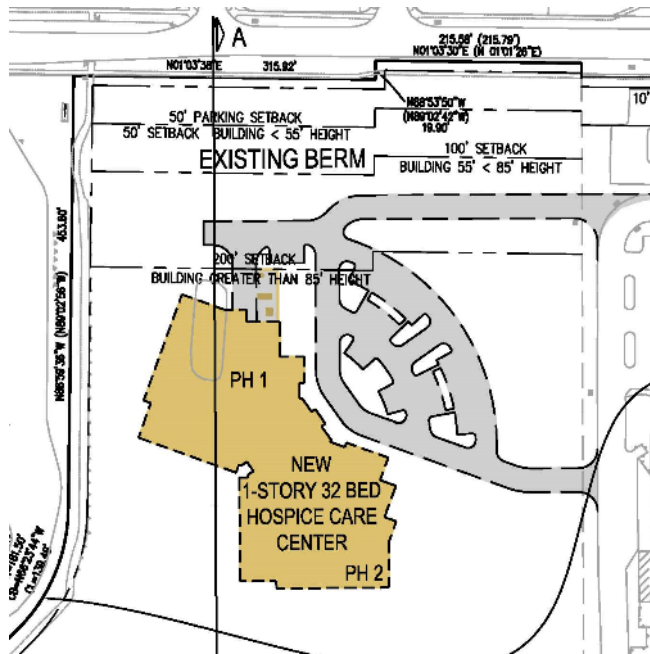


REPORT PREPARED BY: Whitney Kelly, AICP, City Planner, October 15, 2014.

ATTACHMENTS: Applicant's Materials submitted September 19, 2014.
Revised Site Concept plan submitted October 13, 2014
Applicant's PowerPoint presented on 9/26/14 with Hope/Andrew's Academy,
9/29/14 with the Subdivisions West of Mason, and 10/1/14 with Questover
Subdivision.

BACKGROUND AND PROPOSAL

The proposed Site Concept Plan includes Phase I and II, 38,000 square-foot hospice facility, and a 264,000 square-foot hospital with possible parking structure. Below is a close-up of the proposed new developments for the campus



The Applicant is seeking approval of the site development plan and the conditional use permit for Phase I of the Hospice Care Center. The existing berm along Mason will provide significant screening, and the applicant will carry the berm and landscaping around the building, per the detail of the plan below:

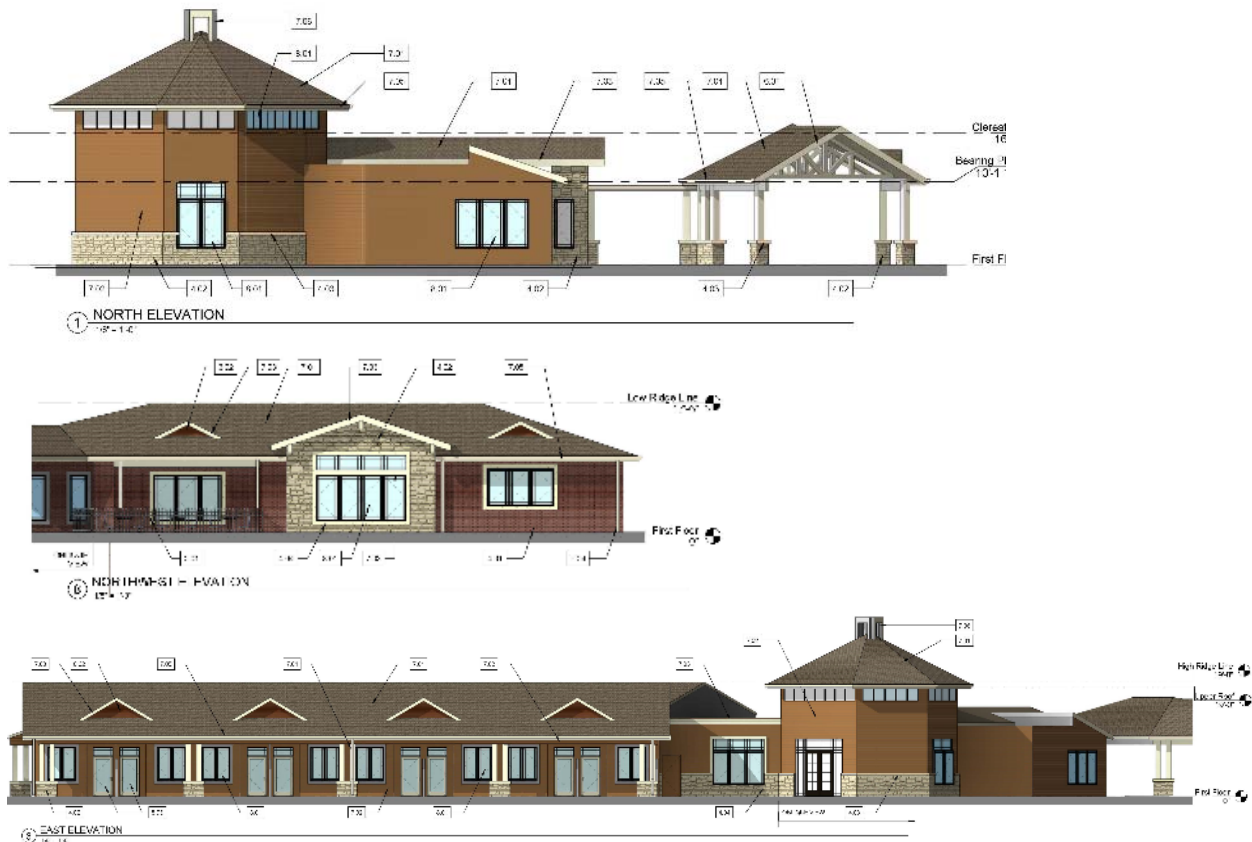


The proposed facility is a 19,000 square foot, ranch style, 16 bed hospice house to provide the level of specialty care needed for patients with acute end-of-life needs. The building has a single story, and is residential in character. The materials consist of fiber cement siding with a cast stone trim, that are consistently carried around all sides of the building.

Below is a rendering of the proposed building from the Applicant's presentation to the neighbors:



Below are details of the elevations from the Applicant's materials:



LAND USE AND ZONING OF SURROUNDING PROPERTIES

The adjacent zoning and land uses are as follows:

DIRECTION	USE	ZONED	SEPARATED BY
North	Office, Retail, Restaurant	CB Core Business District	Olive Boulevard
South	School, Park	C Single Family Residential	N/A
East	Office, Retail Residential	GC General Commercial District AR Attached Single Family & B Single Family Residential Districts	N/A
West	Retail, Restaurant Office Residential	GC General Commercial District PO Planned Office District D Single Family Residential District	Mason Road

COMPREHENSIVE PLAN REVIEW

The subject property is located within the West Olive Corridor Action Area that has a vision to include a high-quality, contained business area that connects with and co-exists in a compatible fashion with the adjacent single-family neighborhoods. Open spaces and pedestrian facilities will be increased with pedestrian connections between residential and commercial areas. The Subject Property is specifically addressed as Key Property 4, where it is envisioned to continue to develop and expand as a hospital campus, where special attention should be given to any negative impacts associated with site development, building design and materials, landscaping access, signage, parking lot locations and lighting, as well as other impacts.

The Residential Preservation and Economic Development Section of the West Olive Corridor include a goal of protecting single-family residential areas from intrusions of non-residential uses. Further, the Comprehensive Plan recommends that all new development or redevelopment of non-residential uses comply with the City's Design Guidelines, orient buildings toward Olive Boulevard in a consistent fashion, with parking encouraged to the sides or rear of the buildings, and require that new buildings adjacent to residential areas be compatible with regard to building scale, massing, and materials. Applicants must improve the appearance of the backs or sides of buildings adjacent to residential area, including covering utility boxes and meters, and adding architectural treatments of facades similar to front facades, landscaping strips or other buffers, and opaque screening of dumpsters and mechanical equipment. (p. 61-62). The most intense use of the site will remain located along Olive Boulevard where the new future hospital facility will be placed at the northwest corner of the property, where the building will have multiple floors, with the most intense development of five floors within the center of the future new building with two and three floors closest to the street. The parking of the hospital will be in place of the existing structure to the side and rear of the building, thus in keeping with the Comprehensive Plan. The quasi-residential and hospital nature of the proposed hospice facility, along with building's design and orientation on the site, was done to minimize conflicts between the operation of the facility and the nearby residents and the school. Along with the significant landscaping surrounding the building, the proposed development meets with the intent of the Comprehensive Plan, where the property is already zoned Planned Hospital.

Additionally, the Comprehensive Plan does call for a "green line" park along Olive Boulevard. The existing parcel for the hospital campus has an inconsistent right-of-way along Mason Road, where little room for street trees are provided. Greater review of a landscape plan for the hospital will come with future site development plans. However, Staff recommends that a condition of approval of the concept plan include a dedication of a consistent right-of-way prior to further development to provide adequate width for sidewalks and landscaping to meet with Section 405.540 Landscaping, including street trees,

along Mason Road. There will also have to be adequate landscaping along Olive Boulevard to meet with the intent of the landscaping requirements and the “green line park” of the Comprehensive Plan.

DESIGN GUIDELINES ANALYSIS

Physical Features and Site Relationships:

The Design Guidelines provide specific direction for the redevelopment of properties including the recommendations for high quality, pedestrian scale and walkable areas, and avoidance of spatial gaps and interruptions along the “streetscape” caused by parking or other non-pedestrian elements, such as building gaps, driveways, and service entries. Elements such as delivery zones, storage areas, trash enclosures, transformers, generators and similar features should be sited in areas which are generally not visible to the public or they must be screened from view. (p. 4). As proposed, the hospice facility will be largely screened from public view along Mason Road by the existing berm and the site development plan indicates that mechanical equipment and trash will be enclosed.

Structures:

The Design Guidelines state that the materials should have good architectural character, be durable, and be selected for their compatibility with adjoining buildings and properties. Natural, traditional building materials are encouraged with a preference toward “green” materials that can be recycled. Highly reflective and/or synthetic materials are discouraged. EIFS and concrete masonry should not be the predominant building materials, but EIFS can be used as a way to accentuate an architectural element if it is limited to an area not subject to damage or abuse. Also, concrete masonry should be limited to split face or burnished units. (p. 9).

The elevations submitted indicate that cement board siding would be the majority of the building material used, with a stone accent on all of the elevations, which meets with the Design Guidelines. However, the Applicant has not submitted a sample of materials to be used. Staff recommends that the Applicant demonstrate to the Commission the sturdiness and architectural quality of the materials proposed prior to Commission approval. The same materials should be applied to the trash enclosure and the attached draft ordinance contains a condition of approval requiring that the trash enclosure shall be of a material that is consistent with the building.

Landscape:

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

Chapter 4 / Landscape Design

1. *The City of Creve Coeur strongly encourages high quality landscaping that accentuates the building and site, softens the effects of parking area and enhances the quality of life of the City. All landscape plans should exhibit a clear design concept.*
2. *There should be a consistency of landscape design throughout a development. Different landscape themes may be used to heighten the distinction between spaces, and to strengthen a sense of movement and space, but such themes should be internally consistent*
6. *Parking areas, traffic-ways and parking structures are to be enhanced with landscaped spaces containing trees, tree groupings, and shrubbery or other landscape enhancements, including berms.*
8. *Landscaped areas are to be maximized and balanced throughout the site. Tree and shrub plantings should be grouped together to create strong accent points with the site plan.*
10. *The scale and nature of landscape materials are to be appropriate to the site and/or the structure. Large-scale landscaping generally should complement large-scale buildings. Landscaping of sites on major streets should include large-scale trees.*

The submitted landscape plan shows that the Applicant will maintain the berm and existing trees along Mason Road and will continue these around the building along the south property line to provide screening from those visiting the school.

Street trees and landscaping are provided throughout the site to provide screening of the parking lot, the interior driveways and the circulation pattern, in conformance with the minimum requirements of the Zoning Ordinance. However, the plan does not provide much detail on the types of plant materials and the landscaping within the parking lot islands, only minimally meets with the Zoning Code requirements. Further, the planting design lacks visual detail and interest from the perspective of building occupants who might only be able to appreciate the landscape from inside the building. Therefore a condition of approval includes that the applicant shall submit a revised Landscape Plan that includes a detailed plant listing (not to include plant materials that are listed as invasive species, such as Burning Bush), and that will further the intent of the Design Guidelines around the building and within the parking lot.

ZONING REVIEW

A site concept plan is intended to provide a basis for reviewing future site development plans which will include items such as landscaping, tree preservation, site grading, and stormwater management. The applicant is required to submit site development plans for each phase of the concept plan. The individual site plans will provide more detailed information including architectural elevations, landscape plans, and specific information on the building's use, bulk, and placement.

The purpose of the PH District states that the district shall provide, by site concept and site development plan approval by the Planning and Zoning Commission and City Council, for the orderly planned development of major health care facilities consisting of hospitals, clinics, medical offices, extended care facilities and residences for medical center employees, research facilities, laboratories and other related ancillary or support facilities.

The proposed site concept indicates two new buildings: the multi-floor replacement hospital at the northwest corner at Olive Boulevard with a parking structure where the existing facility is located; and, the 32-bed hospice facility at the southwest corner. The proposed total build-out shows that the site coverage will be 43.3%, where the maximum site coverage is 63%. The proposed hospital will be built at the 50-foot setback line from Olive Boulevard and Mason Road, while the hospice facility is 73 feet from the side property line, where 20 feet is the minimum side yard setback. The maximum floor area ratio for the entire campus allowed is 0.45, and the current concept plan indicates a FAR of 0.2. Thus, the proposed development meets with the intent as well as all of the regulations of the district.

Nursing Care Facilities Conditional Use Requirements.

Inpatient care hospice facilities are categorized as Nursing Care Facilities (NAICS 623110) and are permitted as conditional uses in the PH District. Section 405.470 Conditional Uses provides for the minimum requirements necessary for uses within the PH District, per the following:

Section 405.470. Conditional Uses

A. Conditional uses allowed in zoning districts are as follows:

23. *Nursing care facilities, residential mental retardation, mental health and substance abuse facilities, and community care facilities for the elderly — NAICS 623110, 623210, 623311 and 623990 (except boot camps and halfway group homes) (conditional use in the "HE", "PH", "PC", "GC" and "CB" districts).*
 - a. *Shall be located on sites of at least three (3) acres.*
 - b. *The density of development (for apartment-type units) within a personal care facility shall not exceed twenty (20) dwelling units per acre. Living units with cooking facilities shall count as one (1) dwelling unit and living units without cooking facilities shall count as two-thirds (2/3) of a dwelling unit for purposes of calculating the density of development.*
 - c. *Personal care facilities shall be primarily residential in character; however, convalescent and nursing homes, centralized eating facilities for residents of the facility, medical facilities and similar uses associated with the long- or short-term care of patients may be included.*

d. No building shall be located within fifty (50) feet of any property line.

The subject property is 54.3 acres and the proposed Phase I and Phase II will consist of a total of 32 beds, well within the maximum number of units allowed. The building is primarily residential in nature, and as mentioned above the closest point of the building to the south property line is 73 feet. Thus the project meets with the minimum requirements for a conditional use.

Landscaping

As discussed above, the proposed Landscape Plan should provide significant screening of the building from the public right-of-way and for the property to the south. It meets with the minimum requirements for the minimum number of trees within the parking lot as well. However, as stated in the Design Guidelines discussion above, the landscaping near the building and within the island should be enhanced. Also, the plan does not indicate that an underground irrigation system has been included, contrary to the requirement below. Therefore, Staff has included a condition of approval that the Applicant submit a new Landscape Plan for the Zoning Administrators approval and that an underground irrigation system shall be included.

SECTION 405.540: LANDSCAPING

F. Design Standards For Landscape Plans

10. *All landscaping shall be permanently maintained in good condition with at least the same quality and quantity of landscaping as initially approved. In order to present a healthy, neat and orderly appearance, all landscaped areas including interior parking lot islands and grass areas shall be provided with adequate irrigation for the maintenance of grass, shrubs, ground covering and other landscaping. An underground irrigation system shall be installed, operated and maintained to meet the intent of this Section. Such systems shall be required for all new developments and redevelopment projects. For sites proposing additions and/or expansions, an underground irrigation system shall be installed, operated and maintained to meet the intent of this Section, where physically practical and reasonable, as determined by the Planning and Zoning Commission.*

Parking

The site development plan indicates that a total of 36 spaces are provided where at a complete build out of 32 beds only 16 spaces are required, per the parking regulations:

SECTION 405.820: REQUIRED OFF-STREET PARKING SPACES

B. General Parking Requirements.

8. *Health care and social assistance (NAICS 62).*
 - b. *Nursing and residential care personal care facilities (NAICS 623). One (1) space per two (2) patient beds.*

Lighting

The Applicant's photometric plan indicates that no direct light will be leaving the property, and should meet with the illumination requirements below:

SECTION 405.810: DESIGN AND MAINTENANCE STANDARDS

4. *Lighting. Any off-street parking or loading area used between 6:00 P.M. and 6:00 A.M. shall contain a system of lighting to provide an adequate standard of at least one (1) foot-candle of illumination over the area of the parking area to be used. All lighting shall be arranged to deflect, shade and focus lights away from adjacent properties, shall be designed so as not to create more than one (1) foot-candle of illumination at any property boundary abutting a residential zoning district and shall comply with all provisions of*

Section 405.680. Any land use which utilizes an off-street parking or loading area between 6:00 P.M. and 6:00 A.M. an average of less than four (4) days per month may be exempted from this requirement by the Planning and Zoning Commission.

SUMMARY AND RECOMMENDATION

The proposal represents a substantial change for this site. However, the use would appear to meet with the intent of the Comprehensive Plan by offering a compatible use within the Planned Hospital District. Below is a summary of the Staff recommended conditions of approval in addition to usual and customary conditions regarding process, conformance with plans and development quality:

Concept Plan

- Site development plan approval is required for all future development of the site depicted on the Site Concept Plan, in accordance with Section 405.1080 of the Zoning Ordinance.
- Subject to approval by St. Louis County Department of Highways and Traffic, all applicable site development plans shall include the dedication of land to the public to form a consistent right-of-way along Mason Road with adequate width for sidewalks and landscaping to meet with Section 405.540 Landscaping, including street trees.
- All site development plans shall provide adequate landscaping along Olive Boulevard to meet with the intent of the landscaping requirements and the “green line park” goal of the Comprehensive Plan. Any landscaping to be located within the Olive Boulevard right-of-way will require prior approval from the Missouri Department of Transportation.

Hospice Conditional Use Permit

- The conditional use permit shall be for the operation of a 19,000 square-foot, 16-bed inpatient-care hospice facility (NAICS 623110), within the Barnes Jewish West County Hospital Campus, at 970 North Mason Road.
- The Landscape Plan for the hospice facility shall be revised to provide additional landscaping that more fully meets with the Comprehensive Plan and Design Guidelines as discussed in the staff report on Application #14-032, subject to the approval of the Zoning Administrator.
- An underground irrigation system shall be installed as required under Section 405.540(10). All landscaping shall be maintained per the approved Landscape Plan and any vegetation that is totally or predominantly dead and/or disfigured due to disease or injury shall be replaced as needed and in a prompt and workmanlike manner as dictated by accepted horticultural standards.
- The trash enclosure shall be built of materials that are consistent with the building, subject to the Zoning Administrator’s approval.

ACTION

After hearing the testimony during the public hearing, if the Planning and Zoning Commission believes that the remaining issues are sufficiently minor that the project should proceed forward with the noted changes being made before any permits are issued, then recommendations should be made to the City Council. Note that separate motions on the concept plan approval and conditional use permit approval are suggested to allow separate discussion prior to the vote and modification of approval-specific conditions.

The following is an example of an appropriate motion for a recommendation on the site concept plan:

“I move to recommend approval of the Site Concept Plan for the Barnes Jewish West County Hospital campus, subject to the conditions contained in the draft ordinance attached to the staff report on Application #14-032 presented at the meeting of October 20, 2014.” (Conditions may be added, eliminated, or modified by preceding motion.)

The following is an example of an appropriate motion for a recommendation on the hospice facility conditional use permit:

“I move to recommend approval of the conditional use permit for a 19,000 square-foot 16-bed Hospice House, at 970 North Mason Road, on the Barnes Jewish West County Hospital campus, subject to the conditions contained in the draft ordinance attached to the staff report on Application #14-032 presented at the meeting of October 20, 2014.” (Conditions may be added, eliminated, or modified by preceding motion.)

If the Commission believes the application should be continued until the subsequent meeting to provide members an opportunity to review requested changes, then the following motion would be appropriate:

“I move to continue discussion of Application #14-032 to the meeting of November 3, 2014, to allow the applicant time to amend the proposal as requested by the Planning Commission.”

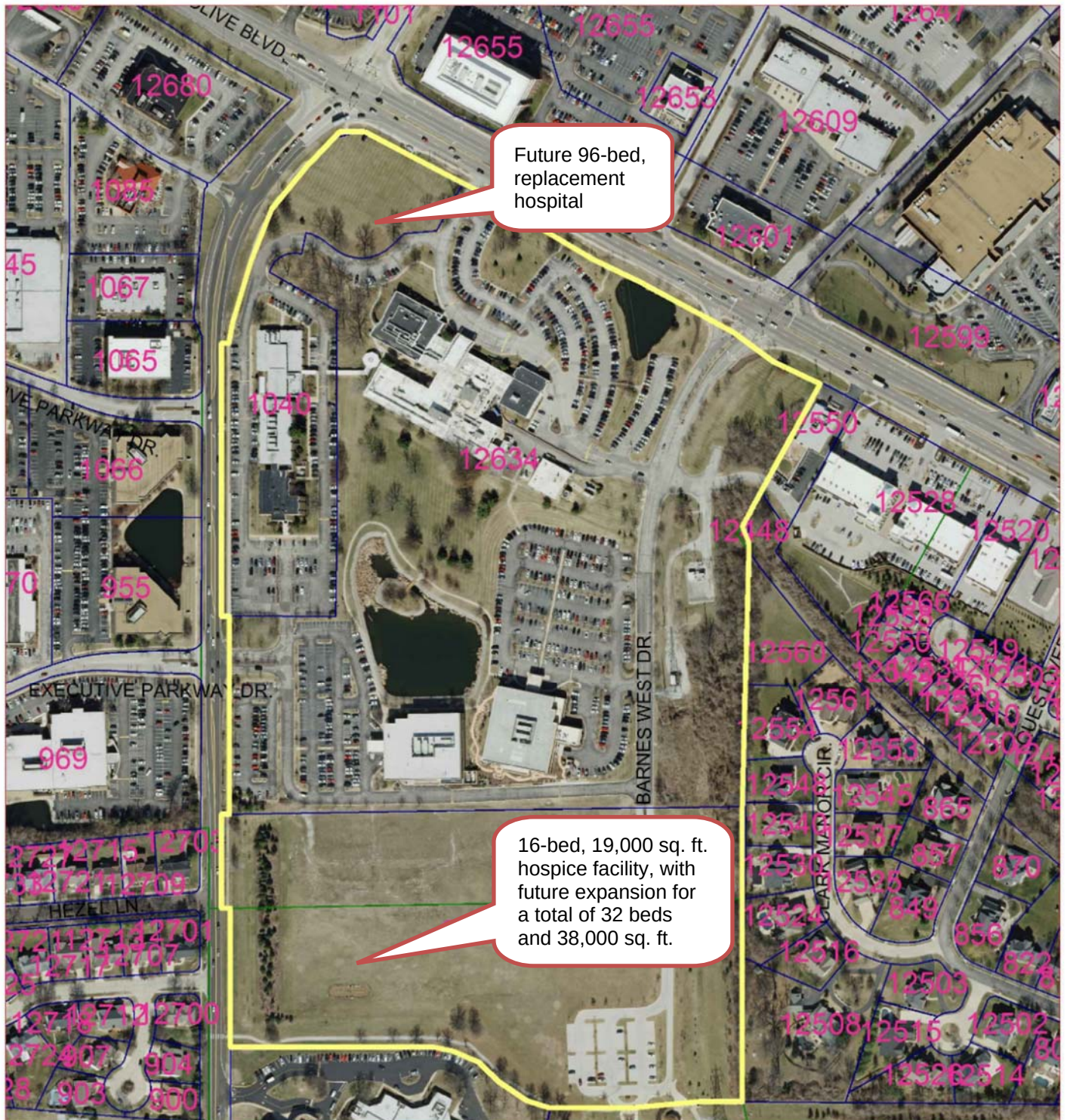
APPENDIX 1: COMPREHENSIVE PLAN

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

APPENDIX 2: ZONING CODE

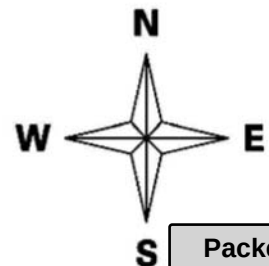
Included and attached by reference. See body of report for specific excerpts.

APPENDIX 3: AERIAL PHOTO



Property lines

Barnes Jewish West County Hospital Campus,
12634 Olive Boulevard



APPENDIX 4: SITE PHOTOGRAPHS		Photo Date:10/14/2014
		Description: View looking northwest toward the existing berm from the Hope Montessori School parking lot.
		Description: View looking north from the Hope Montessori School parking lot toward the proposed location for the Hospice House.
		Description: View looking west from the Millennium Park parking lot toward the propose Hospice facility location

	Description: Photo from the Applicant's materials of the view looking east at the existing berm from Corum Way.
	Description: View looking north toward Olive Boulevard and the future replacement hospital location.
	Description: View looking west from the front of the existing hospital toward Mason Road and Olive Boulevard intersection at the area of the future hospital location.

BILL NO. _____

ORDINANCE NO. _____

**AN ORDINANCE APPROVING A NEW SITE CONCEPT PLAN FOR THE
BARNES JEWISH WEST COUNTY HOSPITAL CAMPUS AND APPROVING A
CONDITIONAL USE PERMIT AND SITE DEVELOPMENT PLAN FOR A
HOSPICE FACILITY ON THE PROPERTY ADDRESSED AS 970 NORTH
MASON ROAD.**

WHEREAS, Section 405.310 (D) of the Municipal Code states that any site concept plans and development and/or redevelopment plans for properties within “PH” Planned Hospital district require Planning and Zoning Commission and City Council review and approval; and

WHEREAS, an application was made by Douglas Black, President of Barnes West County Hospital, for a new Site Concept Plan for the Barnes Jewish West County Hospital campus, which includes a new hospice care facility, as provided by Section 405.1080.D., Site Concept Plans; of the Zoning Ordinance; and

WHEREAS, under Chapter 405, Table A, of the Creve Coeur Code of Ordinances, skilled nursing facilities, including hospice care (NAICS 623110), in the “PH” Planned Hospital zoning district, require the issuance of a conditional use permit as provided in Section 405.1070, Conditional Use Permits; and

WHEREAS, in accordance with Section 405.1070 of the Zoning Ordinance, the applicant has also submitted an application for conditional use permit approval of a 19,000 square-foot hospice care facility with 16-beds on the property addressed as 970 North Mason Road; and

WHEREAS, a public hearing was held by the Creve Coeur Planning and Zoning Commission on Monday, October 20th, 2014, beginning at 7:00 p.m., or immediately following the close of the previous agenda item, on said applications for the concept plan and conditional use permit as provided by Section 405.1070(D)(2); 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 _____ vote, recommended approval of the new site concept plan, subject to conditions, at its meeting on October 20, 2014; and

WHEREAS, the Planning and Zoning Commission reviewed and, by a _____ vote, recommended approval of the conditional use permit for the hospice facility, subject to conditions, at its meeting on October 20, 2014; and

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

WHEREAS, the City Council being fully informed finds that approving the concept plan for 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

Attachment: Draft Ordinance (1115 : BJC Concept Plan/Hospice CUP)

BILL NO. _____

ORDINANCE NO. _____

WHEREAS, the City Council finds that the application and evidence presented clearly indicate that the proposed conditional use, when subject to certain conditions set forth herein:

1. Will contribute to and promote the community welfare and convenience at the specific location.
2. Will not cause substantial injury to the value of neighboring property.
3. Meets the applicable provisions of the City's Comprehensive Plan and any applicable neighborhood or sector plans and complies with other applicable zoning district regulations and provisions of this Chapter, unless good cause exists for deviation therefrom.
4. Will be compatible with the surrounding area and thus will not impose an excessive burden or have a substantial negative impact on surrounding or adjacent users or on community facilities or services.

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

Section 1: SITE CONCEPT PLAN

1. The Site Concept Plan for Barnes Jewish West County Hospital is hereby approved as depicted on the "Site Concept Plan" prepared by Stock and Associates, and dated September 19, 2014, in conjunction with Planning and Zoning Application #14-032, which property is more specifically described as follows:

TO BE PROVIDED

2. The approval of said Site Concept Plan is subject to the following conditions:
 - a. Site development plan approval is required for all future development of the site depicted on the Site Concept Plan, in accordance with Section 405.1080 of the Zoning Ordinance.
 - b. Subject to approval by St. Louis County Department of Highways and Traffic, all applicable site development plans shall include the dedication of land to the public to form a consistent right-of-way along Mason Road with adequate width for sidewalks and landscaping to meet with Section 405.540 Landscaping, including street trees.
 - c. All site development plans shall provide adequate landscaping along Olive Boulevard to meet with the intent of the landscaping requirements and the "green line park" goal of the Comprehensive Plan. Any landscaping to be located within the Olive Boulevard right-of-way will require prior approval from the Missouri Department of Transportation.

Section 2: A Conditional Use Permit is authorized to be issued pursuant to Section 4 hereof for the operation of a skilled nursing facility, including only hospice care (NAICS #623110), located in the PH (Planned Hospital) zoning district, whose legal description is as follows:

TO BE PROVIDED

Section 3: The Conditional Use Permit granted herein shall be subject to all applicable statutes, ordinances, rules and regulations, and the following conditions:

BILL NO. _____

ORDINANCE NO. _____

1. The conditional use permit shall be for the operation of a 19,000 square-foot, 16-bed inpatient-care hospice facility (NAICS 623110), within the Barnes Jewish West County Hospital Campus, at 970 North Mason Road.
2. The applicant is required to submit a Site Improvement Permit application, showing all exterior improvements, as required by Section 420.070 of the Land Disturbance Code. The permit application shall be in substantial conformance with the "Site Development Plan" and "Site Sections," both dated September 19, 2014, and submitted by Stock & Associates, Consulting Engineers, Inc., as bound together and submitted in conjunction with Application #14-032.
3. The applicant is required to submit a Building Permit application, as required by Article II of the Building Code. Exterior elevations shall be in substantial conformance with the "Building Elevations" issue date June 4, 2012, and submitted by Trivers Associates, Inc., as bound together and submitted in conjunction with Application #14-032.
4. The Applicant shall submit a final Landscape Plan in substantial conformance with the "Concept Landscape Plan," dated September 19, 2014, and submitted by Loomis Associates, Inc., as bound together and submitted in conjunction with Application #14-032, except that additional landscaping shall be shown on the plan that more fully meets with the Comprehensive Plan and Design Guidelines as discussed in the staff report on Application #14-032, subject to the approval of the Zoning Administrator.
5. An underground irrigation system shall be installed and maintained to serve all new landscaped areas.
6. Vegetation that is totally or predominantly dead and/or disfigured due to disease or injury shall be replaced as needed and in a prompt and workmanlike manner as dictated by accepted horticultural standards.
7. All exterior heating, ventilation and air conditioning (HVAC) equipment shall be located within a sight-proof enclosure extending no less than two feet higher than the tallest equipment within the enclosure if located on the ground or, if building mounted, hidden from ground-level view by the roof or walls of the building.
8. All mechanical equipment installed for the site shall be properly screened with materials consistent with the hospice building, for the Zoning Administrators approval.
9. All accessory structures, including the supporting structure of any ground monument sign, shall be of materials consistent with the hospice building, for the Zoning Administrators approval.
10. All lighting shall be in conformance with Section 405.680, Lighting, of the Zoning Code.
11. All signs and banners shall be in conformance with Article VIII, Sign Regulations, of the Zoning Code.
12. Any kitchen facilities shall use a tempered makeup air system. Such system shall be regularly cleaned and maintained in order to reduce cooking smells.
13. Any steam cleaning of the kitchen equipment shall occur between 8:00 AM and 9:00 PM
14. Any employee smoking area shall be located in compliance with Section 215.090: Prohibition Of Smoking In Places Of Employment And Public Places of the Code of Ordinances.
15. The Applicant shall provide to the City a copy of all current licenses issued by the State of Missouri for the operation of the hospice facility, to be kept on file with the City for public inspection.
16. Any future enlargement, extension, expansion or alteration in the use of the structures or site must be approved by the City Council upon receipt of the recommendation of the Planning and Zoning Commission as an amendment to the Conditional Use Permit before a Building Permit for the enlargement, expansion or alteration may be issued.
17. Failure to comply with any one or all of the conditions of this permit shall be adequate cause for the revocation of said permit by the City Council, provided, however, no permit shall be revoked without prior notice to the owner of the intention of the City Council to

BILL NO. _____

ORDINANCE NO. _____

revoke this permit and reasonable time granted to the owner to correct or remedy any such breach of conditions, except for repeated breaches or violations.

18. No conditional use permit granted by the City Council shall be valid for a period longer than one year from the date it grants the conditional use permit, unless within such period: (1) a building permit is obtained and construction is begun; or (2) if a building permit is not required, an occupancy permit is obtained and the use of the building commenced. The City Council may grant extensions to the one (1) year period of not more than one hundred and eighty (180) days each, without notice or hearing, provided that a written request for such extension is filed by the original applicant and approved by the City Council prior to the date the conditional use permit is scheduled to expire.
19. Any transfer of ownership or lease of the property shall include in the transfer or lease agreement a provision that the purchaser or lessee agrees to be bound by the approved Site Development Plan for the property and the conditions herein set forth, and written confirmation thereof signed by the new owner or lessee shall be filed with the City at the time of such transfer or lease. Failure to comply with this provision shall not excuse anyone from these conditions.

Section 4: The City Administrator of the City of Creve Coeur is hereby authorized and directed to issue a Conditional Use Permit in accordance with the provisions of this ordinance, said permit to expressly provide for the conditions and stipulations hereinabove set out in Section 3 of this ordinance. Exercise of the rights granted pursuant to the issued permit shall constitute acceptance of all conditions and stipulations set forth herein.

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

ADOPTED THIS ____ DAY OF _____, 2014.

CHARLOTTE D'ALFONSO
PRESIDENT OF CITY COUNCIL

APPROVED THIS ____ DAY OF _____, 2014.

BARRY GLANTZ
MAYOR

ATTEST:

DEBORAH RYAN, MPCC
CITY CLERK

Attachment: Draft Ordinance (1115 : BJC Concept Plan/Hospice CUP)

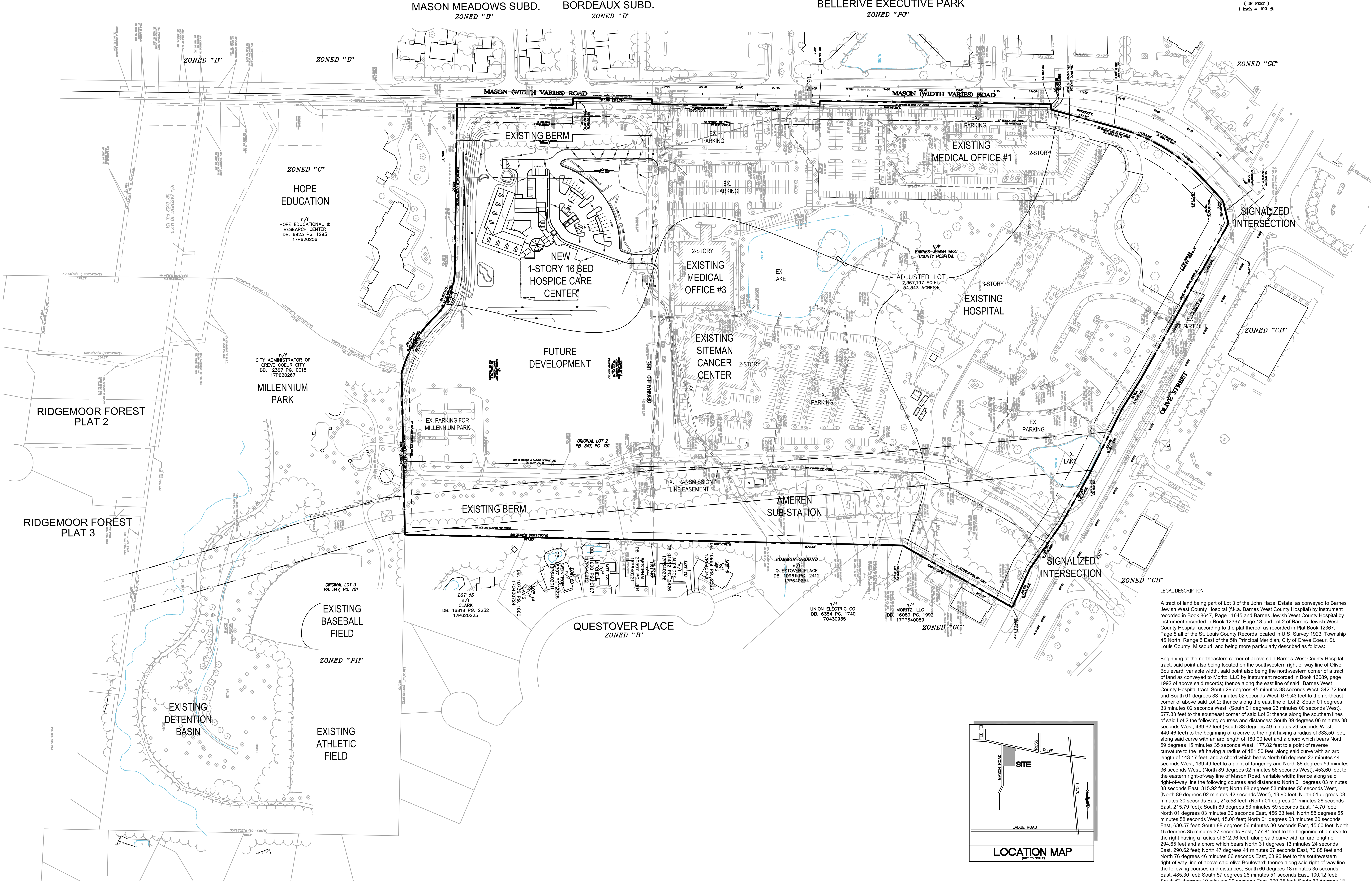
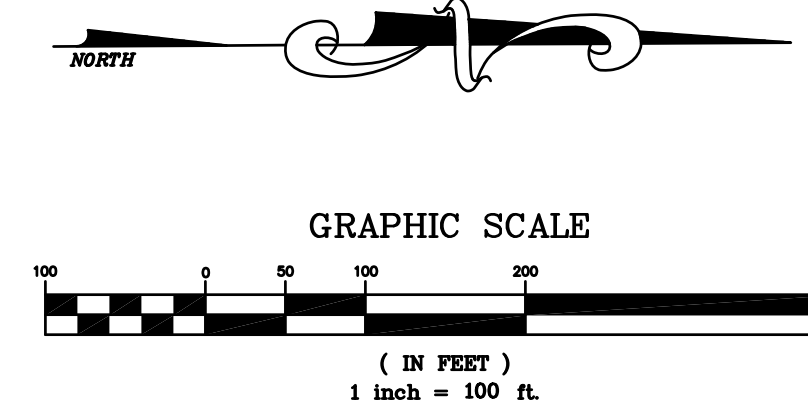
7.2.c

SITE DEVELOPMENT PLAN FOR BJC WEST COUNTY HOSPITAL - HOSPICE HOUSE

A tract of land being part of Lot 3 of the John Hazel Estate, as conveyed to Barnes Jewish West County Hospital by instrument recorded in Book 8647, Page 11645 and Barnes Jewish West County Hospital by instrument recorded in Book 12367, Page 13 and Lot 2 of Barnes-Jewish West County Hospital according to the plat thereof as recorded in Plat Book 12367, Page 5 all of the St. Louis County Records located in U.S. Survey 1923, Township 45 North, Range 5 East of the 5th Principal Meridian, City of Creve Coeur, St. Louis County, Missouri

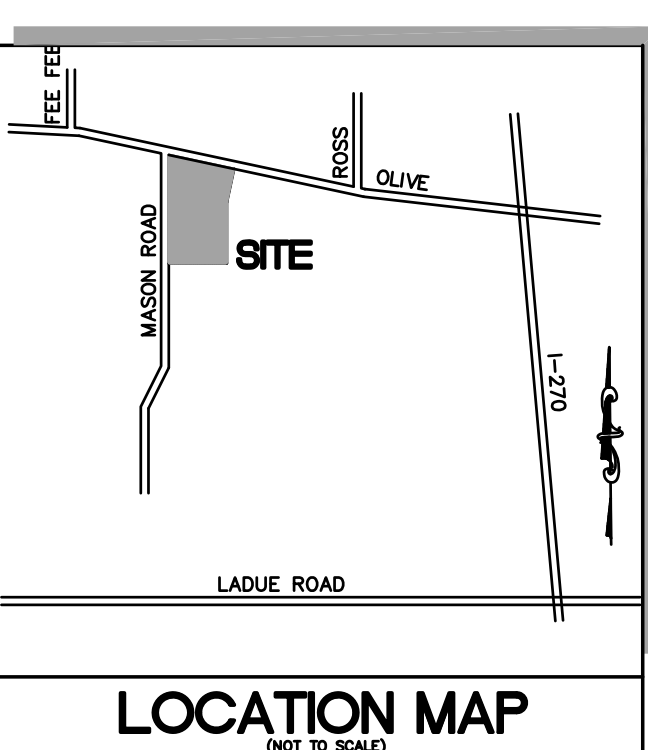
DRAWING INDEX

- 1-CAMPUS SITE PLAN
- 2-SITE DEVELOPMENT PLAN
- 3-SITE SECTIONS
- 4-SITE PHOTOMETRICS
- CL-1-CONCEPT LANDSCAPE PLAN
- A-501-BUILDING ELEVATIONS



LEGAL DESCRIPTION
A tract of land being part of Lot 3 of the John Hazel Estate, as conveyed to Barnes Jewish West County Hospital (f.k.a. Barnes West County Hospital) by instrument recorded in Book 8647, Page 11645 and Barnes Jewish West County Hospital by instrument recorded in Book 12367, Page 13 and Lot 2 of Barnes-Jewish West County Hospital according to the plat thereof as recorded in Plat Book 12367, Page 5 all of the St. Louis County Records located in U.S. Survey 1923, Township 45 North, Range 5 East of the 5th Principal Meridian, City of Creve Coeur, St. Louis County, Missouri, and being more particularly described as follows:

Beginning at the northeastern corner of above said Barnes West County Hospital tract, said point also being located on the southwestern right-of-way line of Olive Boulevard, variable width, said point also being the northwestern corner of a tract of land as conveyed to Mortiz, LLC by instrument recorded in Book 16089, page 1992 of above said records; thence along the east line of said Barnes West County Hospital tract, South 29 degrees 45 minutes 38 seconds West, 342.72 feet and South 01 degrees 33 minutes 02 seconds West, 679.43 feet to the northeast corner of above said Lot 2; thence along the east line of Lot 2, South 01 degrees 33 minutes 02 seconds West, (South 01 degrees 23 minutes 00 seconds West), 677.83 feet to the southeast corner of said Lot 2; thence along the southern lines of said Lot 2 the following courses and distances: South 89 degrees 06 minutes 38 seconds West, 439.62 feet (South 88 degrees 49 minutes 29 seconds West, 440.46 feet) to the beginning of a curve to the right having a radius of 333.50 feet; along said curve with an arc length of 180.00 feet and a chord which bears North 59 degrees 15 minutes 35 seconds West, 177.92 feet to a point of reverse curvature to the left having a radius of 181.50 feet; along said curve with an arc length of 143.17 feet, and a chord which bears North 66 degrees 23 minutes 44 seconds West, 139.49 feet to a point of tangency and North 88 degrees 59 minutes 36 seconds West, (North 89 degrees 02 minutes 56 seconds West), 453.60 feet to the eastern right-of-way line of Mason Road, variable width; thence along said right-of-way line the following courses and distances: North 01 degrees 03 minutes 38 seconds East, 315.92 feet; North 88 degrees 53 minutes 50 seconds West, (North 89 degrees 02 minutes 42 seconds West), 19.90 feet; North 01 degrees 03 minutes 30 seconds East, 215.58 feet, (North 01 degrees 01 minutes 26 seconds East, 215.79 feet); South 89 degrees 53 minutes 59 seconds East, 14.70 feet; North 01 degrees 03 minutes 30 seconds East, 456.63 feet; North 88 degrees 55 minutes 58 seconds West, 15.00 feet; North 01 degrees 03 minutes 30 seconds East, 630.57 feet; South 88 degrees 56 minutes 30 seconds East, 15.00 feet; North 15 degrees 35 minutes 37 seconds East, 177.81 feet to the beginning of a curve to the right having a radius of 512.96 feet; along said curve with an arc length of 294.65 feet and a chord which bears North 31 degrees 13 minutes 24 seconds East, 290.62 feet; North 47 degrees 41 minutes 07 seconds East, 70.88 feet and North 76 degrees 46 minutes 06 seconds East, 63.96 feet to the southwestern right-of-way line of above said Olive Boulevard; thence along said right-of-way line the following courses and distances: South 60 degrees 18 minutes 35 seconds East, 485.30 feet; South 57 degrees 26 minutes 51 seconds East, 100.12 feet; South 63 degrees 10 minutes 20 seconds East, 200.25 feet; South 60 degrees 18 minutes 38 seconds East, 150.00 feet; South 54 degrees 35 minutes 57 seconds East, 150.75 feet and South 65 degrees 16 minutes 45 seconds East, 115.44 feet to the Point of Beginning and containing 2,367,197 square feet or 54,343 acres more or less according to calculations performed by Stock and Associates Consulting Engineers, Inc. on September 16, 2014.



PREPARED BY:

SITE DEVELOPMENT PLAN FOR

DATE:

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

REVISIONS:

NO.	DATE	DESCRIPTION
1	09/19/2014	ISSUED FOR PERMIT

DRAWN BY: J.E.F. CHECKED BY: G.M.S.

DATE: 09/19/2014 JOB NO.: 212-5013

SCALE: AS SHOWN BASE MAP: -

SCALE: AS SHOWN BASE MAP: -

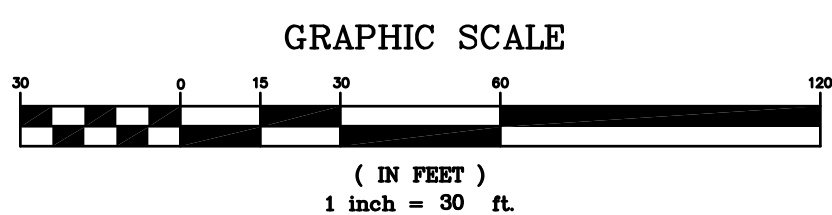
SHEET TITLE: CAMPUS PLAN

SHEET NO.: 1

257 Chesterfield Business Parkway
St. Louis, MO 63005
PH (636) 530-3000
FAX (636) 530-3030
www.stockandassociates.com
www.stockandassociates.com

STOCK & ASSOCIATES
Consulting Engineers, Inc.

Packet Pg. 40



PREPARED BY:

Stock & Associates
Consulting Engineers, Inc.

257 Chesterfield Business Parkway
St. Louis, MO 63005
PH (314) 530-9100
FAX (314) 530-9100

e-mail: general@stockassoc.com
Web: www.stockassoc.com

Packet Pg. 41

SITE DEVELOPMENT CONCEPT PLAN FOR:

BJC WEST COUNTY HOSPITAL

12634 OLIVE BOULEVARD
CITY OF CREVE COEUR
STATE OF MISSOURI

DATE: Sept. 19, 2014

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

REVISIONS:

[illegible]

DRAWN BY:	CHECKED BY:
J.F.F.	G.M.S.

DATE:	01/10/11	JOB NO.:	010 5013
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9/19/14	212-5013
W.S.D. P#	BASE MAP #

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DATE FIRST	DATE SECOND

MO-00	
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SHEET TITLE:

SITE

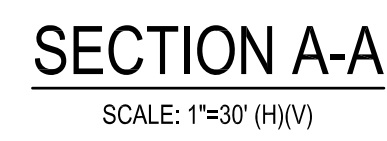
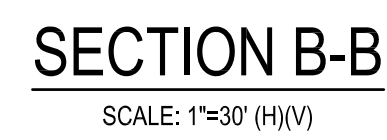
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PLAN

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2



DATE: Sept. 19, 2014

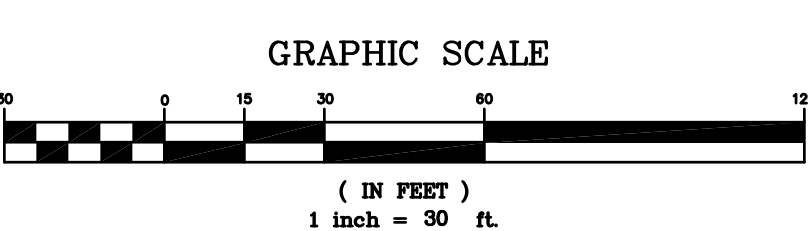
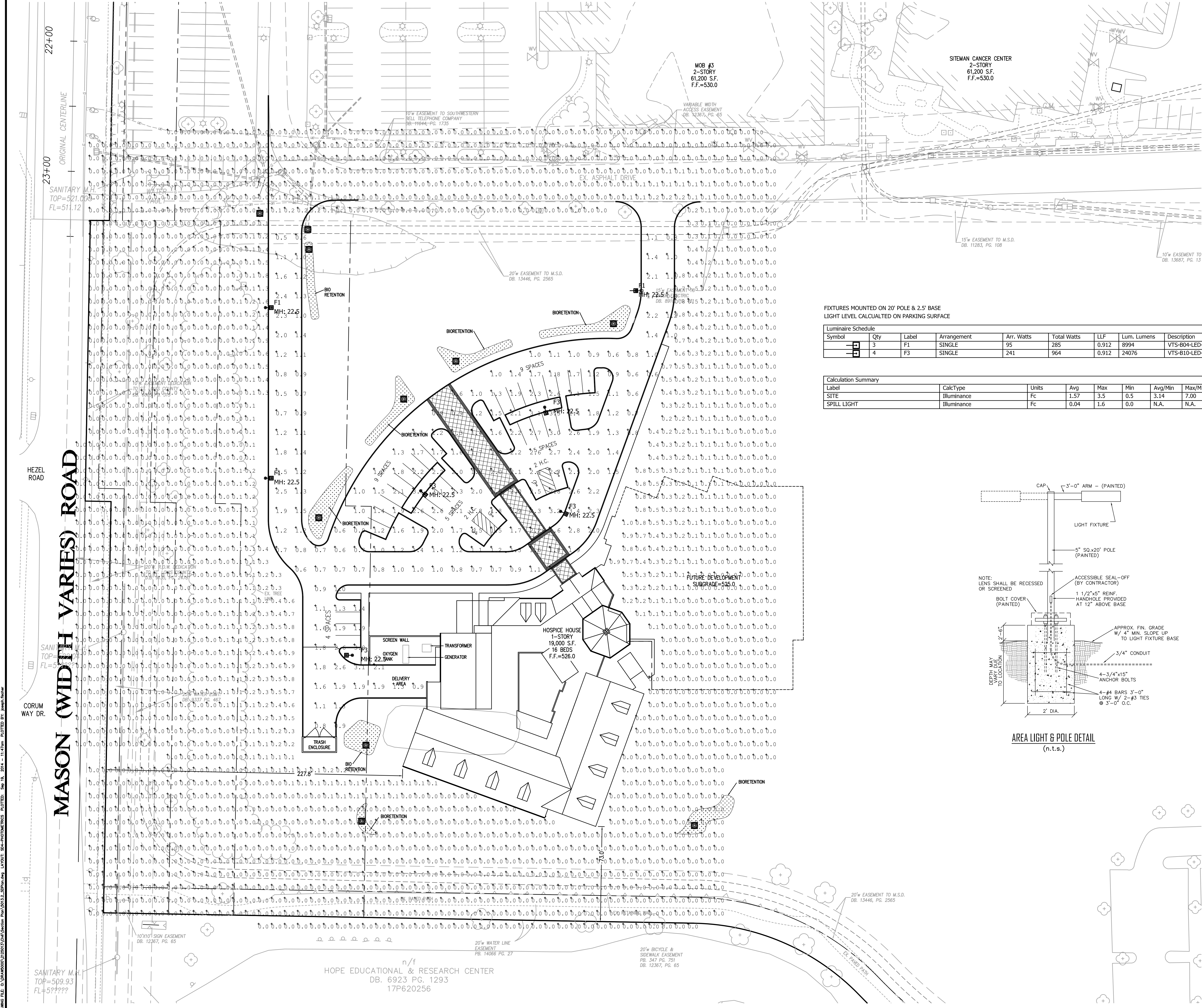
GEORGE M. STOCK E-25116
CIVIL ENGINEER
CERTIFICATE OF AUTHORITY
NUMBER: 000996

REVISIONS:

[illegible]

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DATE: 9/19/14	JOB NO.: 212-5013
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S.L.C. H&T # —	H&T SUP. # —
M.O.N.R. # MQ-00	

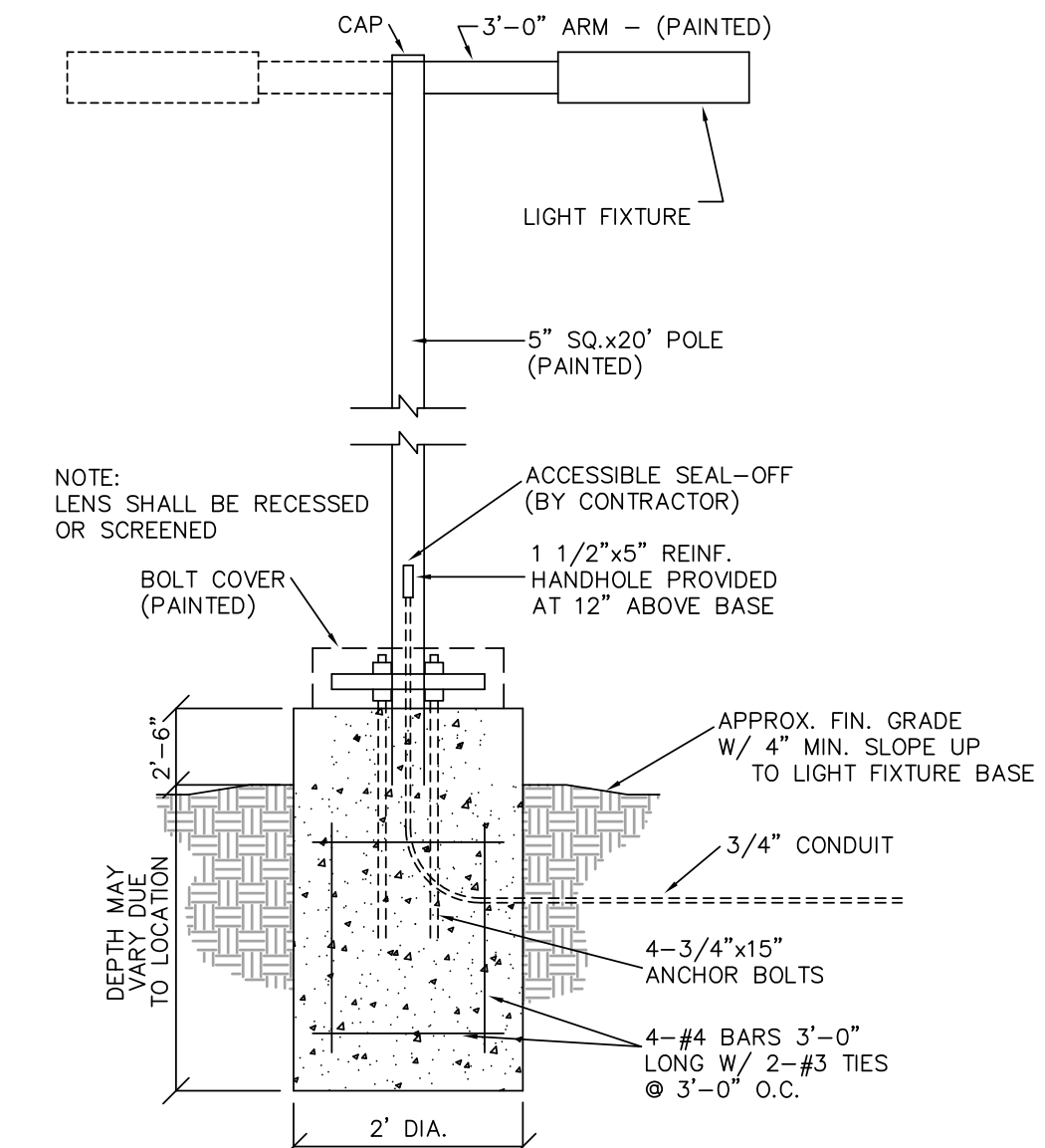
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FIXTURES MOUNTED ON 20' POLE & 2.5' BASE
LIGHT LEVEL CALCULATED ON PARKING SURFACE

Luminaire Schedule								
Symbol	Qty	Label	Arrangement	Arr. Watts	Total Watts	LLF	Lum. Lumens	Description
	3	F1	SINGLE	95	285	0.912	8994	VT5-B04-LED-E1-SL3
	4	F3	SINGLE	241	964	0.912	24076	VT5-B10-LED-E1-SWQ

Calculation Summary							
Label	CalcType	Units	Avg	Max	Min	Avg/Min	Max/Min
SITE	Illuminance	Fc	1.57	3.5	0.5	3.14	7.00
SPILL LIGHT	Illuminance	Fc	0.04	1.6	0.0	N.A.	N.A.



AREA LIGHT & POLE DETAIL
(n.t.s.)

PREPARED BY:

SITE DEVELOPMENT CONCEPT PLAN FOR:

DATE: Sept. 19, 2014

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

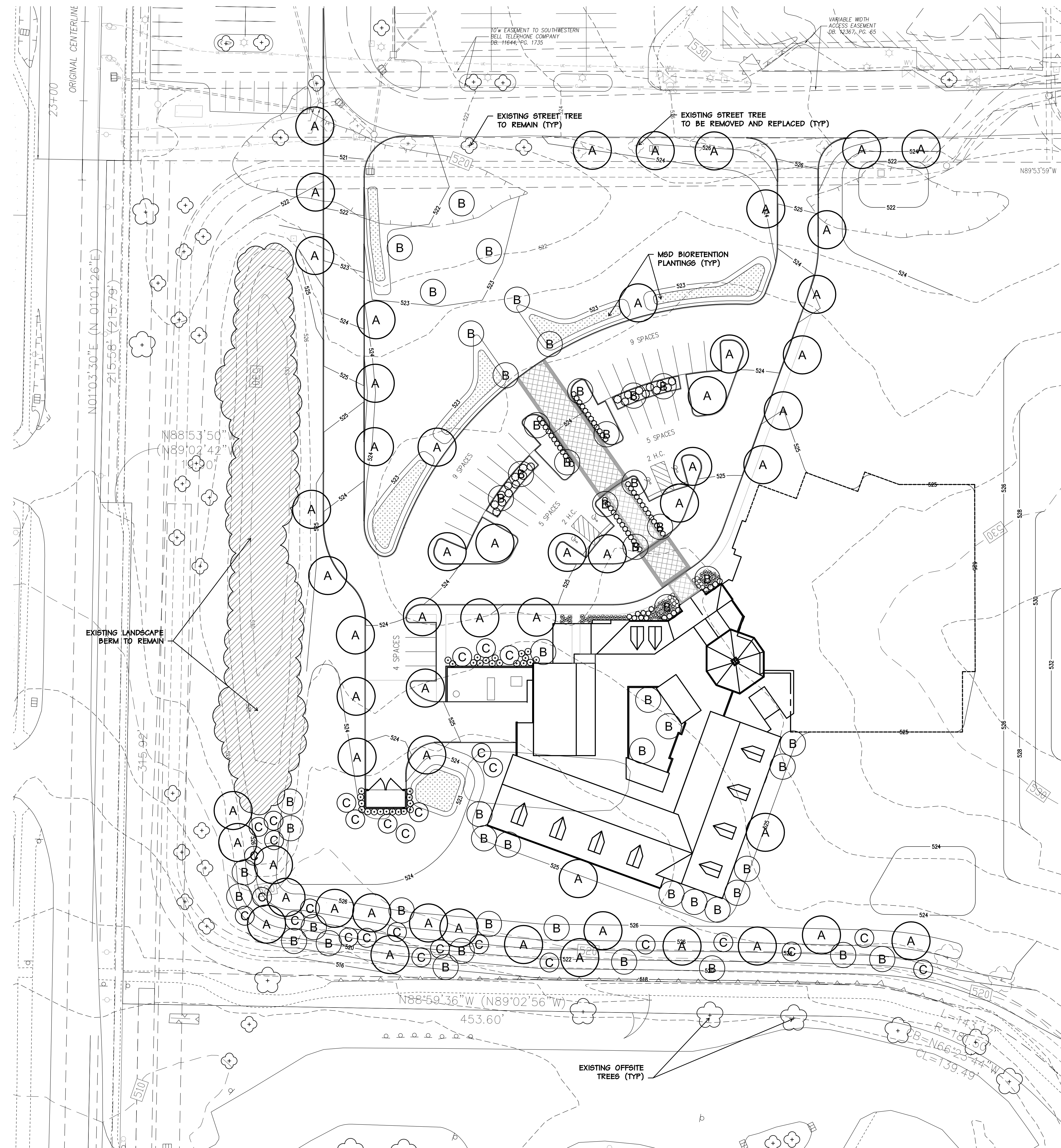
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DRAWN BY: J.E.F.	CHECKED BY: G.M.S.
DATE: 9/19/14	JOB NO.: 212-5013
W.S. P#	BASE MAP #
S.L.C. MAP #	MAP SUP. #
MARK #	MO-00

SHEET TITLE:
**SITE
PHOTOMETRICS**

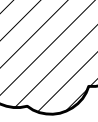
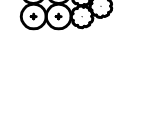
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STOCK & ASSOCIATES
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257 Chesterfield Business Parkway
St. Louis, MO 63005
PH (636) 530-3000
FAX (636) 530-3000
www.stockandassociates.com
www.stockandassociates.com



SCALE: 1"=30'

KEY

-  56 - 3" Canopy Tree
-  52 - 2" Understory Tree
-  30 - 6' Evergreen Tree
-  Existing Tree To Remain
-  Existing Tree To Be Removed And Replaced
-  Existing Buffer Plantings To Remain
-  61 - Proposed Large Shrubs
-  60 - Proposed Small Shrubs

BJC West
12634 Olive Boulevard

Creve Coeur, Missouri

[illegible]

Drawn:	BAR
Checked:	JAS

loomisAssociates

Wisconsin Associates Inc.
Missouri State Certificate of Authority #: LA C #000019

Sheet Title:	Concept Landscape Plan
Sheet No:	01 of 1

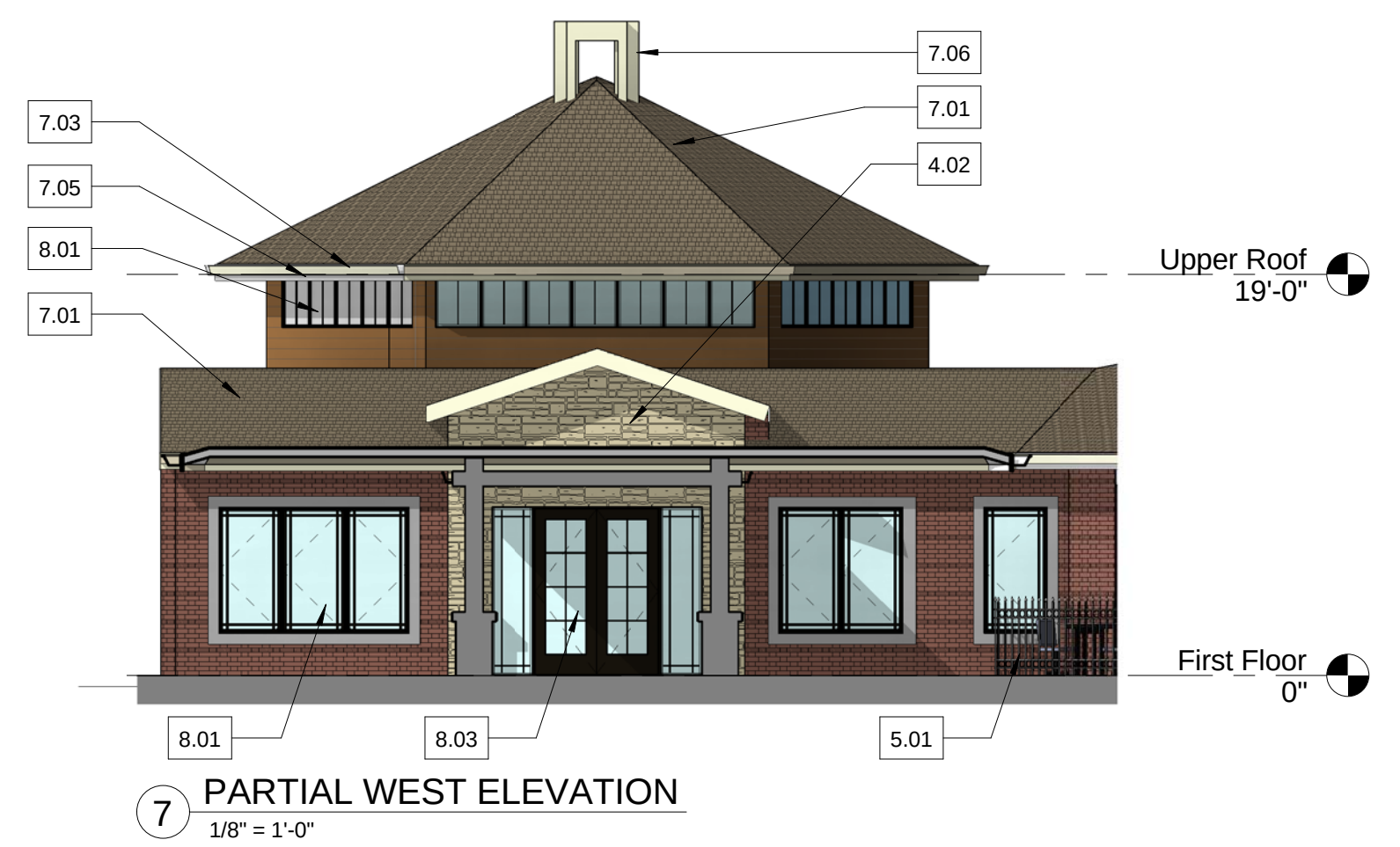
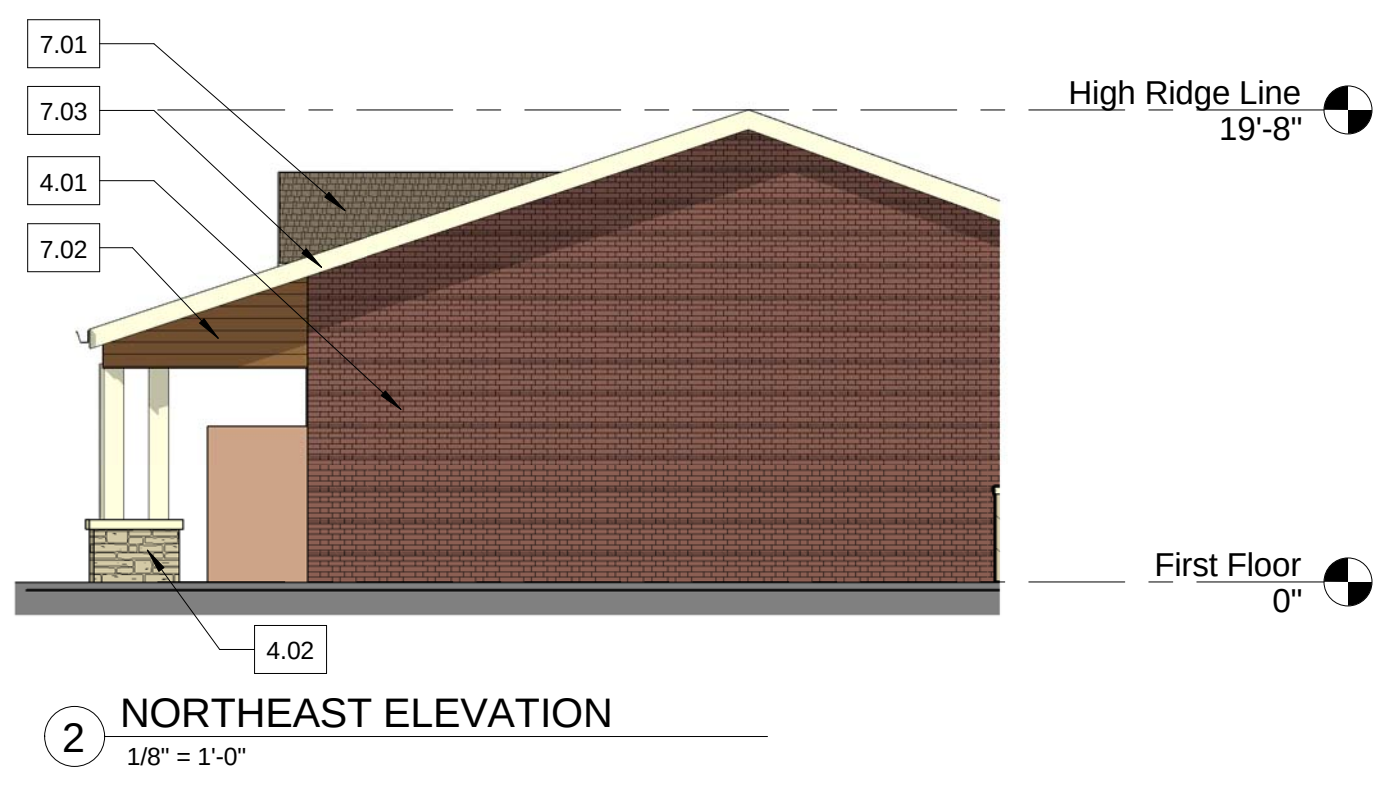
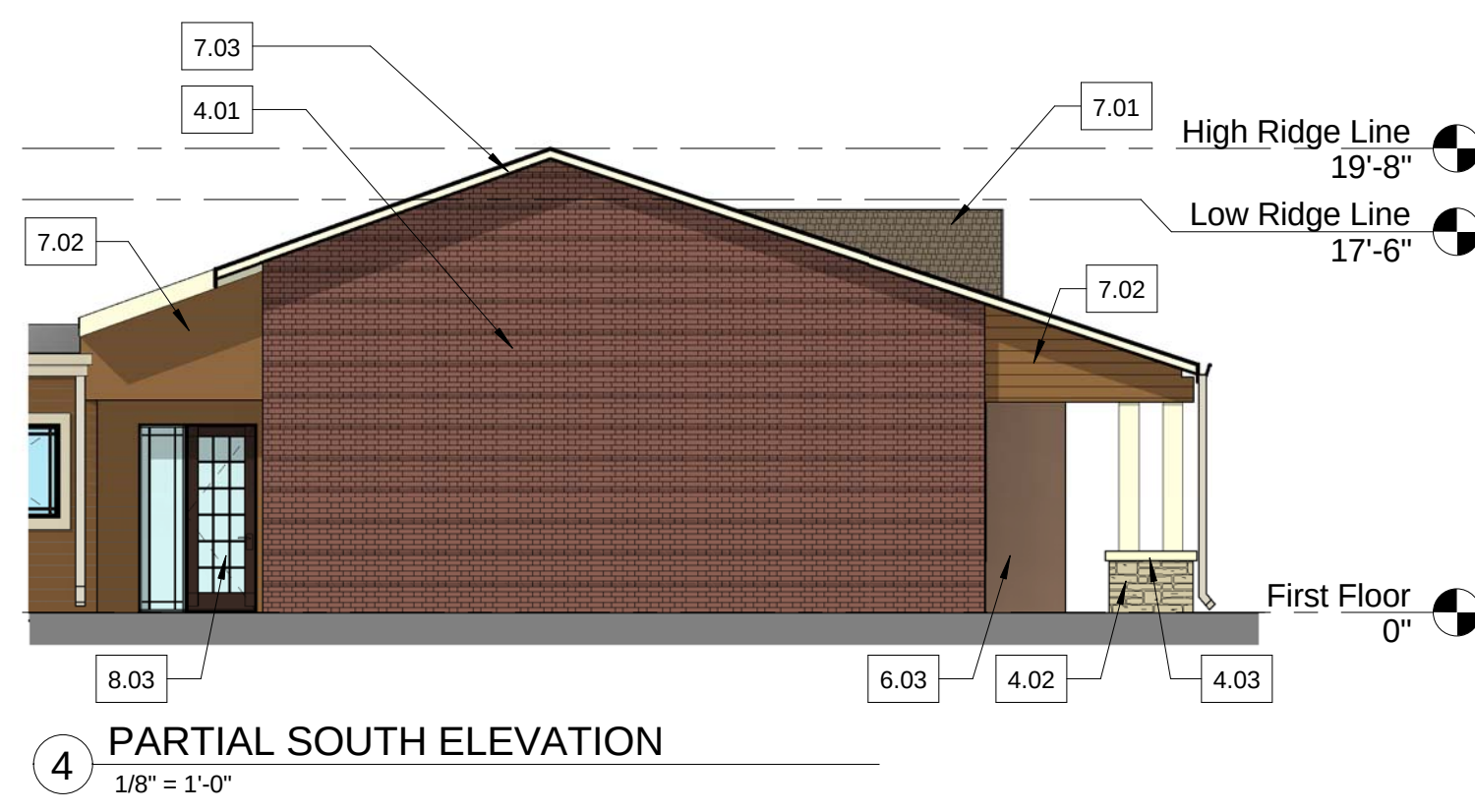
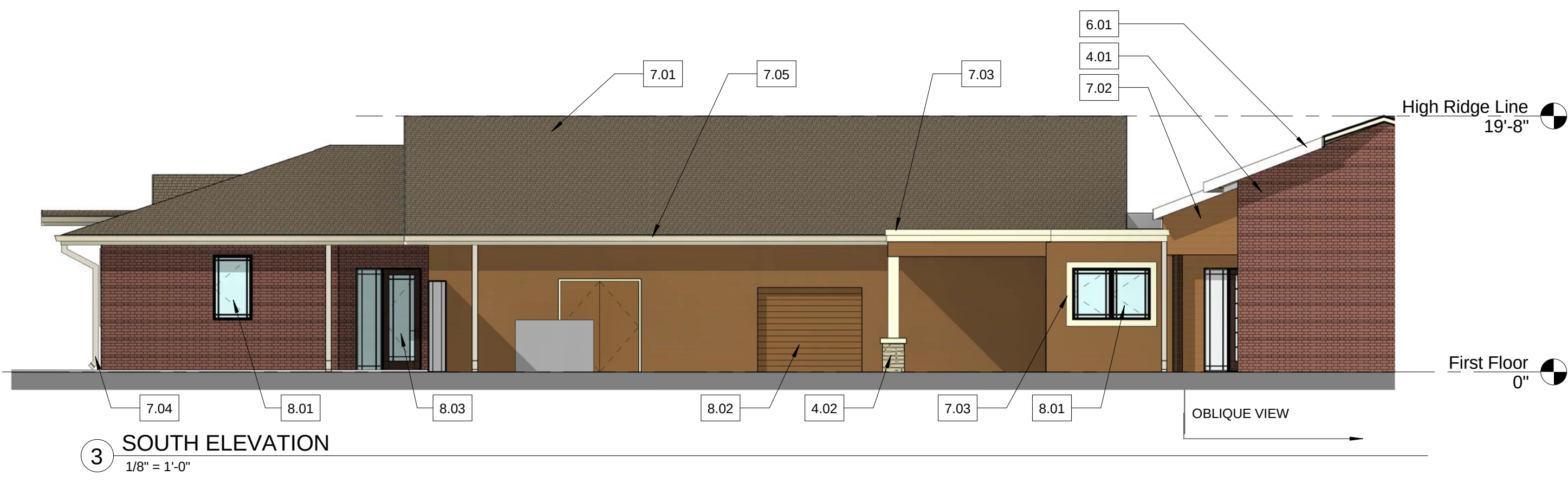
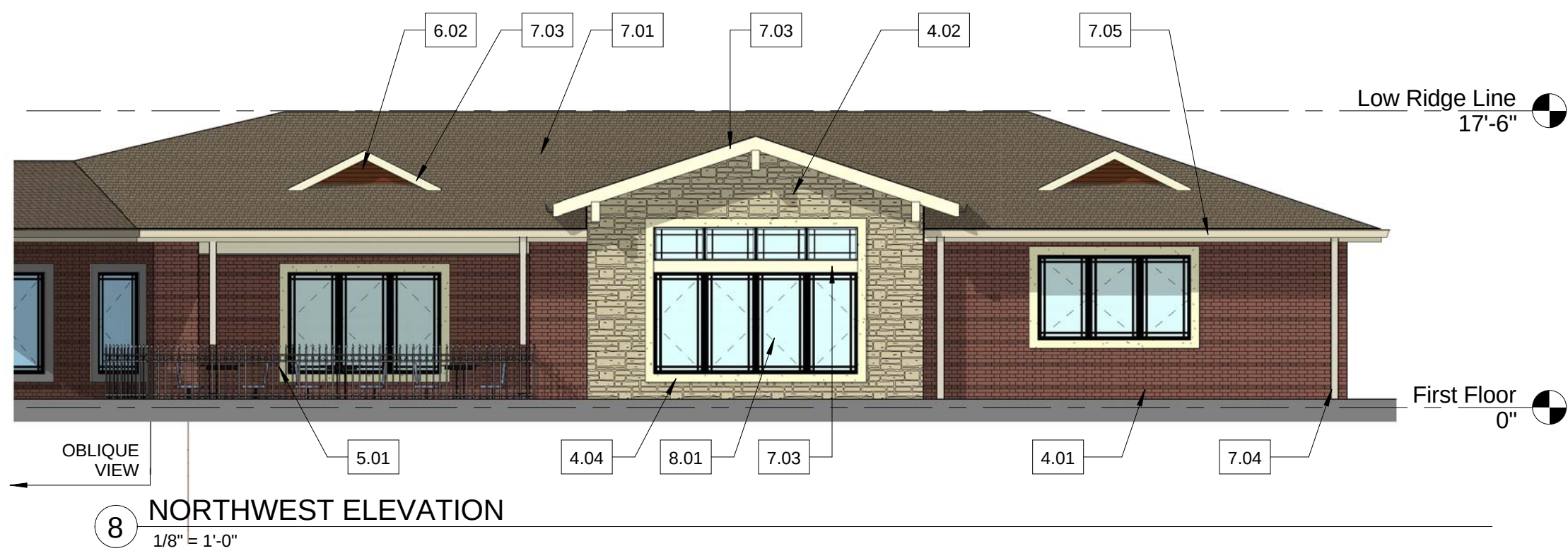
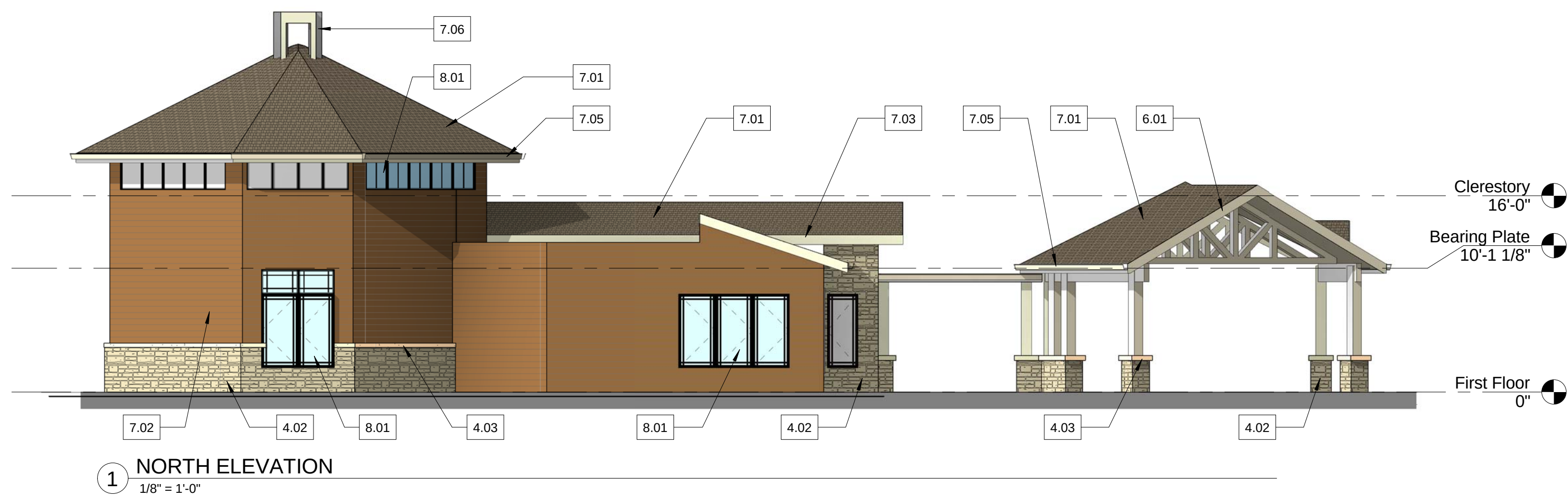
CL-1

Date:	09/19/14
Job #:	813.036

KEYED ELEVATION NOTES	
KEY	DESCRIPTION
DIVISION 04: MASONRY	
4.01.	FLEMISH BOND BRICK WALL
4.02.	VARIEGATED CAST STONE
4.03.	CAST STONE COPING
4.04.	CAST STONE TRIM
DIVISION 05: METALS	
5.01.	ORNAMENTAL METAL RAILING
DIVISION 06: WOOD AND PLASTICS	
6.01.	PAINTED WOOD FASCIA BOARD
6.02.	LOUVERED GABLE WALL
6.03.	WOOD PATIO SCREENED GATE
DIVISION 07: THERMAL AND MOISTURE PROTECTION	
7.01.	ARCHITECTURAL ASPHALT ROOF SHINGLES
7.02.	FIBER CEMENT SIDING
7.03.	FIBER CEMENT TRIM
7.04.	ALUM. DOWNSPOUT
7.05.	ALUM. GUTTER
7.06.	FIBER CEMENT SIDING CUPOLA
DIVISION 08: DOORS AND WINDOWS	
8.01.	ALUM. CLAD WINDOW
8.02.	PAINTED OVERHEAD DOOR
8.03.	ALUM. CLAD WOOD DOOR W/INSUL. GLASS LITE

Project Engineer
RIVERS ASSOCIATES
 Structural Engineer
STOCK AND ASSOCIATES
 Project Engineer
PFF CONSULTING
 ENGINEERS
 Project Engineer
WEBB ENGINEERING
 Project Designer
ESIGN EXTRA

ANDREW JAMES TRINCO
ARCHITECTURE, A/204

VERBS ASSOCIATES, INC.
ARCHITECTURE 000540

BJC HOSPICE HOUSE
970 N. MASON RD. CREVE COEUR, MO 63141

BJC Project No. XXYXXX

1321 00 BIC HOUSICE HOUSE-PRICING SET

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WJN BY: Author	REVIEWED BY:
COST R: 1331.00	ISSUE DATE: 05/04/12
Library Index Number	

BUILDING ELEVATIONS

A_501



CONCEPT LANDSCAPE PLAN

SCALE: 1"=30'

- KEY**
- A 56' - 3" Canopy Tree
 - B 52' - 2" Understory Tree
 - C 30' - 6" Evergreen Tree
 - Existing Tree To Remain
 - Existing Tree To Be Removed And Replaced
 - Existing Buffer Plantings To Remain
 - 61 - Proposed Large Shrubs
 - 60 - Proposed Small Shrubs

Jerald Saunders - Landscape Architect
MO License # LA-007

Consultants:

BJC West
12634 Olive Boulevard

Creve Coeur, Missouri

Revisions:		
Date	Description	No.

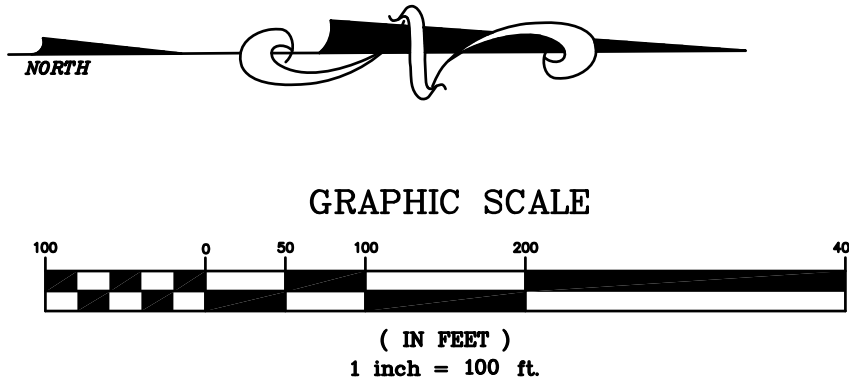
Drawn: BAR
Checked: JAS

loomisAssociates

landscape architects/planners
202 South 40th Street, Suite 105
Creve Coeur, MO 63141
Phone: 636.592.8800 Fax: 636.592.8801
Email: info@loomisassociates.com


Loomis Associates Inc.
Missouri State Certificate of Authority # LAC #000019

Sheet Title: **Concept Landscape Plan**
Sheet No: **CL-1**



12634 OLIVE BOULEVARD
CITY OF CREVE COEUR
STATE OF MISSOURI

2

Packet Pg. 4

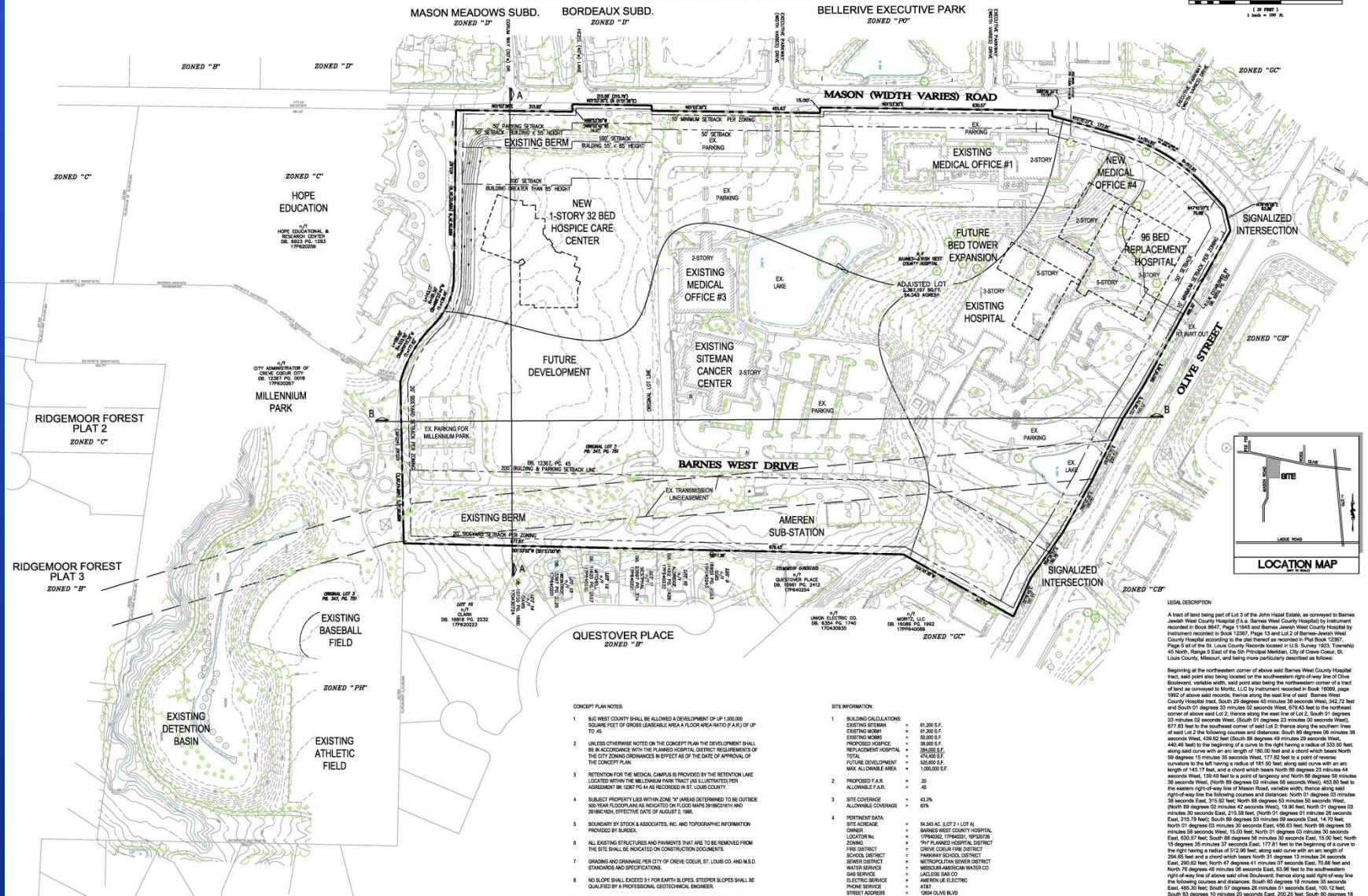
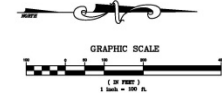
BJC - CAMPUS CONCEPT PLAN UPDATE & HOSPICE HOUSE





BJC WEST COUNTY HOSPITAL

A tract of land being part of Lot 3 of the John Hazel Estate, as conveyed to Barnes Jewish West County Hospital by instrument recorded in Book 8647, Page 11645 and Barnes Jewish West County Hospital by instrument recorded in Book 12367, Page 13 and Lot 2 of Barnes Jewish West County Hospital according to the plat thereof as recorded in Plat Book 12367, Page 5 all of the St. Louis County Records located in U.S. Survey 1923, Township 45 North, Range 5 East of the 5th Principal Meridian, City of Creve Coeur, St. Louis County, Missouri.



CONCEPT PLAN NOTES:

1. BJC WEST COUNTY SHALL BE ALLOWED A DEVELOPMENT OF UP TO 1,000,000 SQUARE FEET OF GROSS LEASABLE AREA A FLOOR AREA RATIO (F.A.R.) OF UP TO 4.0.
2. UNLESS OTHERWISE NOTED ON THE CONCEPT PLAN THE DEVELOPMENT SHALL BE IN ACCORDANCE WITH THE PLANNED HOSPITAL DISTRICT REQUIREMENTS OF THE CITY ZONING ORDINANCES IN EFFECT AS OF THE DATE OF APPROVAL OF THE CONCEPT PLAN.
3. RETENTION FOR THE MEDICAL CAMPUS IS PROVIDED BY THE RETENTION LAKE LOCATED WITHIN THE MILLENNIUM PARK TRACT AND ILLUSTRATED FOR AGREEMENT IN CONCEPT PLAN AS RECORDED IN ST. LOUIS COUNTY.
4. SUBJECT PROPERTY LIES WITHIN ZONE 'C' AREAS DETERMINED TO BE OUTSIDE 500-YEAR FLOODPLAIN AS INDICATED ON FLOOD MAPS 2108000000 AND 2108000000, EFFECTIVE DATE OF AUGUST 1, 1996.
5. BOUNDARY BY STOKES & ASSOCIATES, INC. AND TOPOGRAPHIC INFORMATION PROVIDED BY SURVEY.
6. ALL EXISTING UTILITIES AND PAVEMENTS THAT ARE TO BE REMOVED FROM THE SITE SHALL BE INDICATED ON CONSTRUCTION DOCUMENTS.
7. GRADING AND DRAINAGE PER CITY OF CREVE COEUR, ST. LOUIS CO. AND M.D. STANDARDS AND SPECIFICATIONS.
8. NO SLOPE SHALL EXCEED 3:1 FOR EARTH SLOPES. STEEPER SLOPES SHALL BE QUALIFIED BY A PROFESSIONAL GEOTECHNICAL ENGINEER.

SITE INFORMATION

1. BUILDING CALCULATIONS:	
EXISTING SITEMAN	81,200 S.F.
EXISTING MEDICAL	81,200 S.F.
EXISTING OFFICE	81,200 S.F.
PROPOSED OFFICE	38,000 S.F.
PROPOSED HOSPITAL	28,000 S.F.
TOTAL	474,400 S.F.
FUTURE DEVELOPMENT	525,600 S.F.
MAX. ALLOWABLE AREA	1,000,000 S.F.
2. PROPOSED F.A.R.	4.0
3. SITE COVERAGE	43.7%
ALLOWABLE COVERAGE	63%
4. PERMIT DATA:	
SITE ADDRESS	94343 AC, LOT 2 - LOT A
EXISTING WEST COUNTY HOSPITAL	
EXISTING TRINITY METHODIST	
EXISTING PLANNED HOSPITAL DISTRICT	
EXISTING CREVE COEUR FIRE DISTRICT	
EXISTING PARKWAY SCHOOL DISTRICT	
EXISTING METROPOLITAN BRYAN DISTRICT	
EXISTING MICHIGAN AMERICAN WATER CO.	
EXISTING ILLINOIS GAS CO.	
EXISTING AMERSON ELECTRIC	
EXISTING AT&T	
EXISTING STREET ADDRESS	12504 OLIVE BLVD

- BJC Hospice is seeking approval to construct a 19,000 sq. ft. ranch style, 16-bed hospice house on the Barnes-Jewish West County Hospital campus.
- Without access to a hospice house, BJC Hospice patients are cared for either at home, a long term care facility, or in the acute hospital setting. Often these locations don't provide the level of specialty care needed for patients with acute end-of-life needs or the time and expertise to support the patients' families.
- The BJC hospice house will complete the continuum of care necessary to provide exceptional, compassionate end-of-life care for adults and pediatric patients and their families.
- While the St. Louis Metropolitan area is home to top-ranked BJC Hospitals, a critical void remains in health care – hospice house for adults, teens and children. With only 18 hospice beds available to serve a population of 2.8 million people, the demand is much greater than supply.
- The BJC hospice house will be supportive by Children's Hospital Foundation, the Foundation for Barnes-Jewish Hospital and the Missouri Baptist Healthcare Foundation.
- BJC Hospice is the largest, most comprehensive and respected hospice and palliative care leader in the region with over 30 years of experience in providing individualized care to patients and families. BJC Hospice has experienced a growth trend consistent with the nation.
- Palliative care is both a philosophy care and medical specialty anticipating, preventing, and treating physical, spiritual, and psychosocial suffering throughout the continuum of a serious illness. At times palliative care is provided simultaneously with curative care. Hospice is a philosophy of care as well as specialized program provided by an interdisciplinary team that focuses on palliative care of patients and families during the final phases of a terminal (six months or less prognosis) illness. In hospice, patients choose comfort care over curative treatment.

Architectural Rendering











Building Elevations



KEYED ELEVATION NOTES	
KEY	DESCRIPTION
EXTERIOR OR MASONRY	
4.01	FLUSH BOND BRICK WALL
4.02	VARIEGATED CAST STONE
4.03	CAST STONE CURB
4.04	CAST STONE TRIM
EXTERIOR OR METALS	
6.01	ORNAMENTAL METAL RAILING
EXTERIOR WOOD AND PLASTICS	
8.01	PAINTED WOOD FASCIA BOARD
8.02	COLORWASHED CABLE KINET
8.03	WOOD PATIO SCREEN WALL
EXTERIOR ROOF	
7.01	ARCHITECTURAL ASPHALT ROOF SHINGLES
7.02	FIBER CEMENT SIDING
7.03	FIBER CEMENT TRIM
7.04	ALUM. DOWNSPOUT
7.05	ALUM. GUTTER
7.06	FIBER CEMENT BOND CUPOLA
EXTERIOR DOORS AND WINDOWS	
8.01	ALUM. CLAD WOOD WINDOW
8.02	PAINTED OVERHEAD DOOR
8.03	ALUM. CLAD WOOD DOOR W. PANEL, GLASS LITE



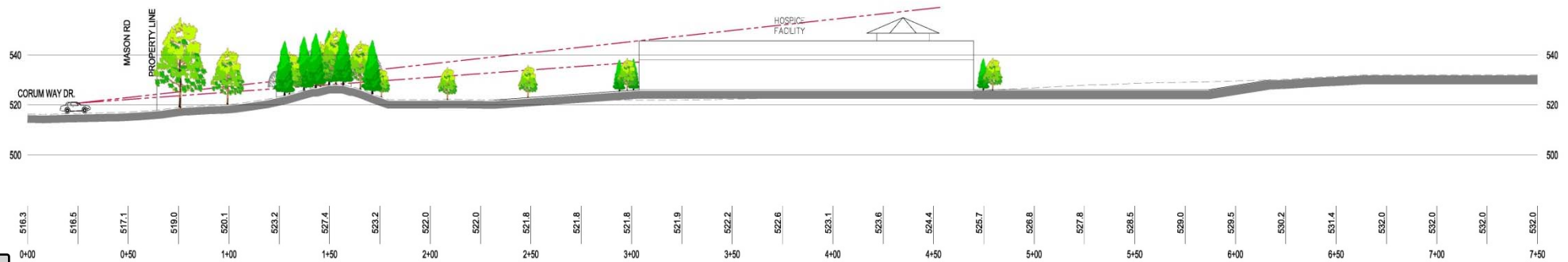
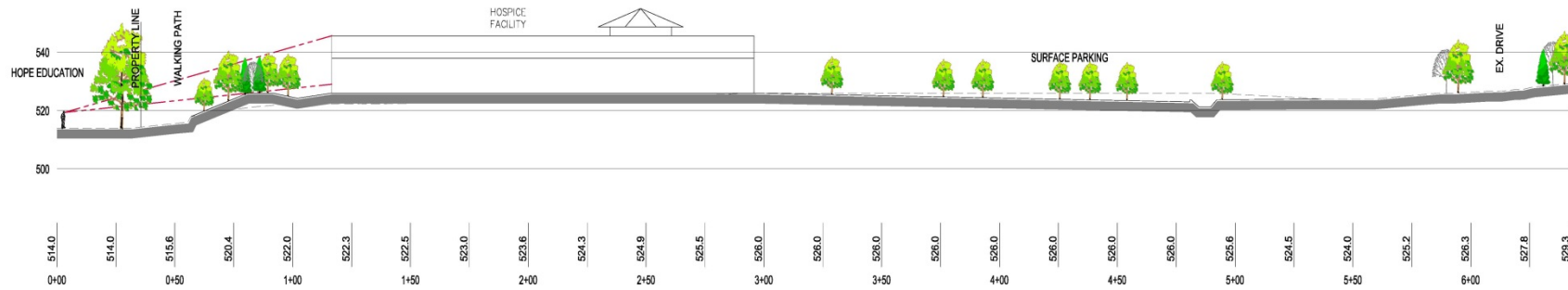
Berm Perspective



Hezel Ln



Corum Way





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**APPLICATION TO PLANNING AND ZONING COMMISSION
#14-033 FOR APPROVAL OF THE MINOR SITE PLAN FOR NEW
AWNINGS AT THE APPLEBEE'S RESTAURANT AT
11950 OLIVE BOULEVARD**

FOR THE MEETING OF: Monday, October 20, 2014

LOCATION: 11950 Olive Boulevard, adjacent to the Drury Hotel at the southwest corner of Olive Boulevard and Center Parkway Drive.

REQUEST: An application has been submitted for façade improvements to the Applebee's Restaurant that include new awnings along the east and north elevations of the building in the corporate branded yellow color. The awnings were placed without prior approval from the City.

ADDITIONAL INFORMATION: Section 405.1080 requires minor site plan approval by the Planning and Zoning Commission for any proposed alteration that would significantly affect the exterior of a building. Ordinance 1757, issued in 1995, authorized the Conditional Use Permit for the Applebee's Restaurant. A condition of that ordinance indicated that the building plan for the restaurant shall be compatible with the architectural design and materials for the adjacent hotel.

APPLICANT: Chuck Ancell
Area Director
Mid River Restaurant
296 Highland Boulevard
Natchez, MS 39120

Key Issues:

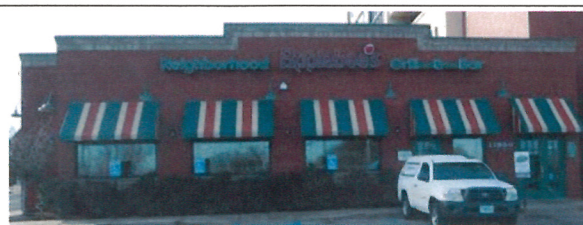
- Does the request integrate with the existing surrounding uses?
- Does the request further or implement the goals of the Comprehensive Plan?
- Is the request consistent with the Design Guidelines?

Comprehensive Plan References

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

Zoning Code References

- Section 405.210: Regulation of Uses
- Section 405.370: "CB" Core Business District
- Section 405.1080: Site Concept, Site Development, and Minor Site Plan Approval



REPORT PREPARED BY:

Whitney Kelly, AICP, City Planner

10/14/2014
Date

ATTACHMENTS: Applicant's materials submitted October 2, 2014
Ordinance #1757

Attachment: 14-033.11950 Olive Blvd.Applebee's Awnings SDP.Staff Report.10-20-2014 (1113 : Applebee's Awnings)

PROPOSAL

The Applicant is seeking approval for the new awnings that are in a brand-specific corporate yellow color for the north and east elevations of the building. Below are photos of the prior awnings on the building, and the new proposed awnings:



Figure 1: Prior Awnings on North Elevation



Figure 2: New Awnings and Light Fixtures on North Elevation



Figure 3: Prior Awnings on East Elevations



Figure 2: New Awnings and Light Fixtures on East Elevation



Figure 5: Red color option for awnings

The Applicant has indicated that a red color within the new corporate color scheme may also be an option (without the apple graphic as shown in Figure 5). However, this would not be their preferred choice, due to the lack of contrast, and attention getting scheme with the building.

LAND USE AND ZONING OF SURROUNDING PROPERTIES

The adjacent zoning and land uses are as follows:

DIRECTION	USE	ZONED	SEPARATED BY
North	Fountain Park; Creve Coeur Shopping Center	CB District	Olive Boulevard
South	Plaza Lexus	CB District	Center Parkway Drive
East	Plaza Motors	CB District	Center Parkway Drive
West	Drury Hotel	CB District	NA

COMPREHENSIVE PLAN REVIEW

The question here is not related to the use *per se*, nor to the appropriateness of the development as a whole. Instead, this analysis focuses on the Comprehensive Plan, and the Design Guidelines. The site is located within the Central Business District of the Comprehensive Plan and within the "CB" Core Business zoning district. More specifically, the property falls under the Key Property #1 recommendations.

Central Business District 1 – This area should be the heart of the Central Business District and redeveloped as part of a master planned effort. Zoned Core Business (CB), this area is bounded by I-270 to the west, Old Ballas Road to the east and south, and Olive Boulevard to the north. As a prominent entryway into Creve Coeur, the visual appeal of this area is a critical component of the City's success in establishing a true "center" for the community. Use of gateway features, (as described on page 16) is recommended here. Incremental piece-meal development of individual sites absent a master plan or redevelopment plan is strongly discouraged (see pages 90-93 for examples from around the country).

With a master plan in place, including a market feasibility study to use as a foundation, the City should continue to encourage redevelopment proposals that incorporate design elements that include "human scale" storefronts, with the majority of off-street parking located behind or beside buildings, or within strategically placed parking structures. On-street parking should be encouraged as a design element, a traffic calming device, and an opportunity to provide limited commercial parking, in order to give this core area of the Central Business District the appearance and feel of a traditional downtown streetscape. Streetscape design, however, should avoid the pitfalls of other redevelopment efforts, and complement adjacent residential neighborhoods and nearby mixed-use developments (Comp. Plan, pg. 87).

The critical point is the incorporation of elements that create "human scale" storefronts. While awnings can provide human scale to the front of the building, the overall size and height of the proposed awnings are less so. They are intended to serve as an attention getting device for those traveling along Olive Boulevard, thus not in keeping with the Comprehensive Plan. The awning over the front door, provides for a human scale and protection from the elements when entering and exiting, however the "Welcome Back" sign will need to be removed or scaled down, as it exceeds the size requirements for an incidental sign of two square feet.

DESIGN GUIDELINES REVIEW

The Design Guidelines, on the other hand, are specifically directed at situations such as this. The following guidelines are of particular interest:

Chapter 2 Building

C. Design

1. A diversity of high quality architectural design is strongly encouraged. Building design should incorporate a clear and well-articulated design concept.
6. Buildings that are stylized in an attempt to use the building itself as advertising are strongly discouraged, particularly where the proposed architecture is the result of a

“corporate” or franchise style. The building should not be designed as a sign and should not be flood lit at night.

E. Materials/Colors

4. Architectural consistency of colors, materials and detailing are to be provided between all building elevations. False or decorative façade treatments, where one or more unrelated materials are placed upon the building should be avoided. Large parapet walls should reflect the function behind them [and] should not be freestanding. All elevations need not look alike; however, a sense of overall architectural continuity is strongly encouraged.

In the opinion of the Staff, the proposed awnings are strongly corporate in nature whose purpose is to act as an attention getting device to attract customers from along Olive Boulevard. Further the overall size of the awnings covers the majority of the façade of the north elevation in an effort to stylize the building as advertising. Note that this is not a function of awnings being used, but rather a result of these particular awnings; a simpler, more carefully integrated design, in a size keeping with the prior awnings and a more neutral, traditional color, such as black, would be more in keeping with the Design Guidelines.

ZONING REVIEW

A minor site plan is required for a change in use of an entire site to another permitted use, or any proposed alteration that would significantly affect the exterior of a building, or redevelopment of a site that already contains a building or buildings, provided that such expansion, change or redevelopment shall not add more than five thousand (5,000) square feet of new impermeable surface to the site. The applicant is significantly affecting the exterior of the building, so this is the appropriate process for review.

Lighting

The Applicant also replaced the prior lights along the building with new decorative light fixtures that meet with the code requirements that all lighting shall be downcast and fully shielded, as well as with Section 405.680 where lighting shall not be cast upon an adjacent property or right-of-way nor shall glare be emitted from an illuminant source. A condition of approval includes that the non-conforming lighting along the north elevation of the building, shall also be replaced with downcast and fully shielded light fixtures.



Figure 3: Close-up for prior light fixture



Figure 4: Close-up of new light fixtures

RECOMMENDED CONDITIONS FOR APPROVAL

Should the Planning and Zoning Commission motion to recommend approval of the conditional use permit, staff recommends the following condition:

1. The awnings shall be of a single neutral color, and no more than 12 inches taller than the prior awnings so as not to overwhelm the façade of the building. Said color and size shall be submitted to the Zoning Administrator for review and approval prior to the issuance of any permit to install the awnings.
2. A building permit shall be obtained for any work on the exterior, including work that is already completed that did not receive a building permit prior to the installation of the awnings.

ACTION AND MOTION

The motion to approve the minor site plan as shown in the Applicant's materials will be in the form of approval, approval with conditions, denial or deferral. The following is an example of an appropriate motion for this application:

"I move to approve the site plan for the new awnings for the Applebee's Restaurant located at 11950 Olive Boulevard subject to the conditions contained in the staff report for the meeting of October 20, 2013" (conditions may be added, eliminated, or modified by preceding motion).

APPENDIX 1: COMPREHENSIVE PLAN

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

APPENDIX 2: ZONING CODE

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

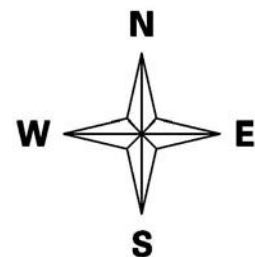
APPENDIX 3: AERIAL PHOTO



Property lines



11950 Olive Boulevard





Customer:

Southern River Restaurants
Michael Pettus

Location:

CREVE COEUR, MO



ELEVATIONS • CREVE COEUR, MO



Attachment: Applicant's Materials (1113 : Applebee's Awnings)

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DATE

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LOCATION:	CREVE COEUR, MO	DATE:	2 - 27 - 14	REV.2	xxxx
DRAWN BY:	ANT	DWG. NO.:	CREVE COEUR, MO	REV.3	xxxx
				REV.4	xxxx



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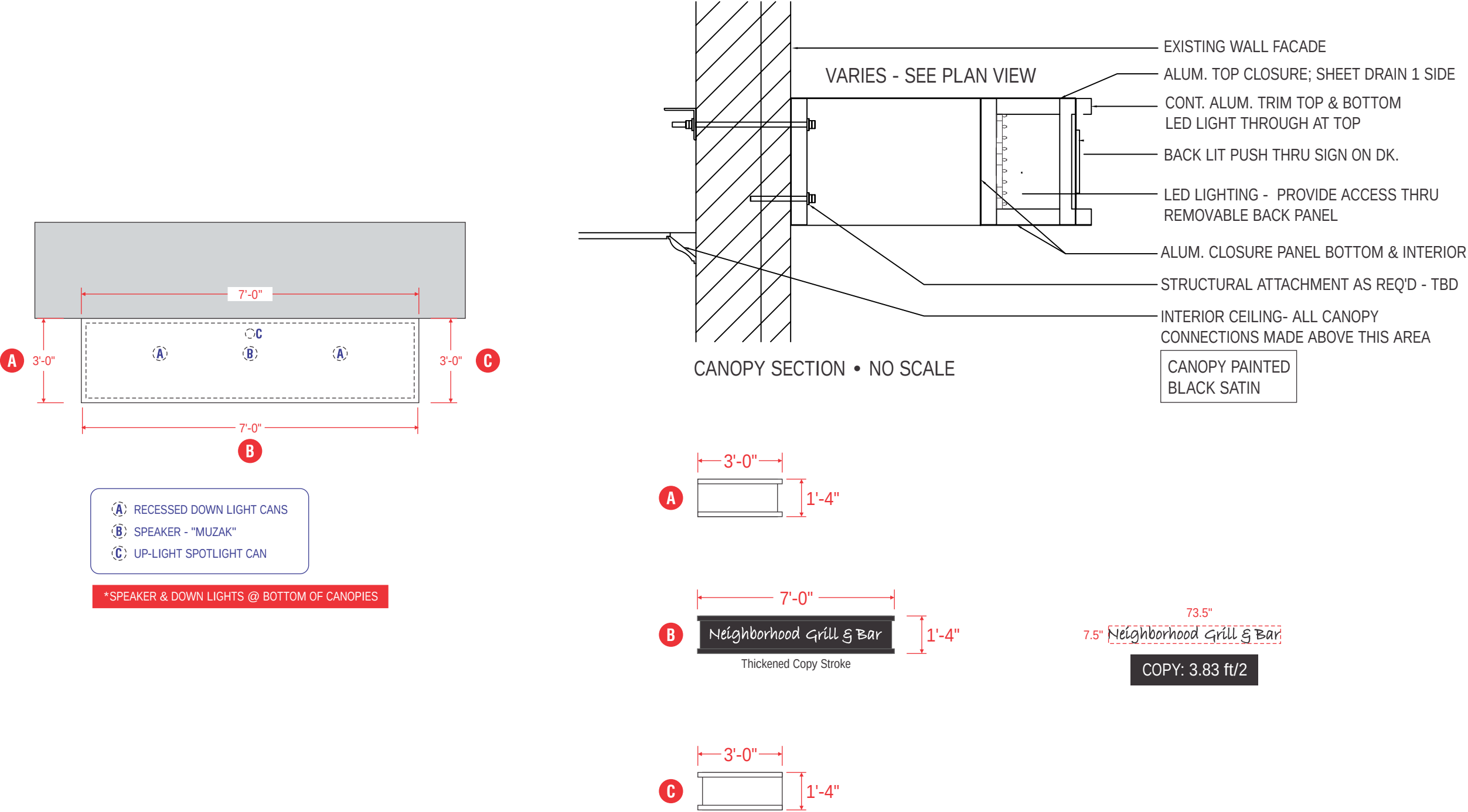


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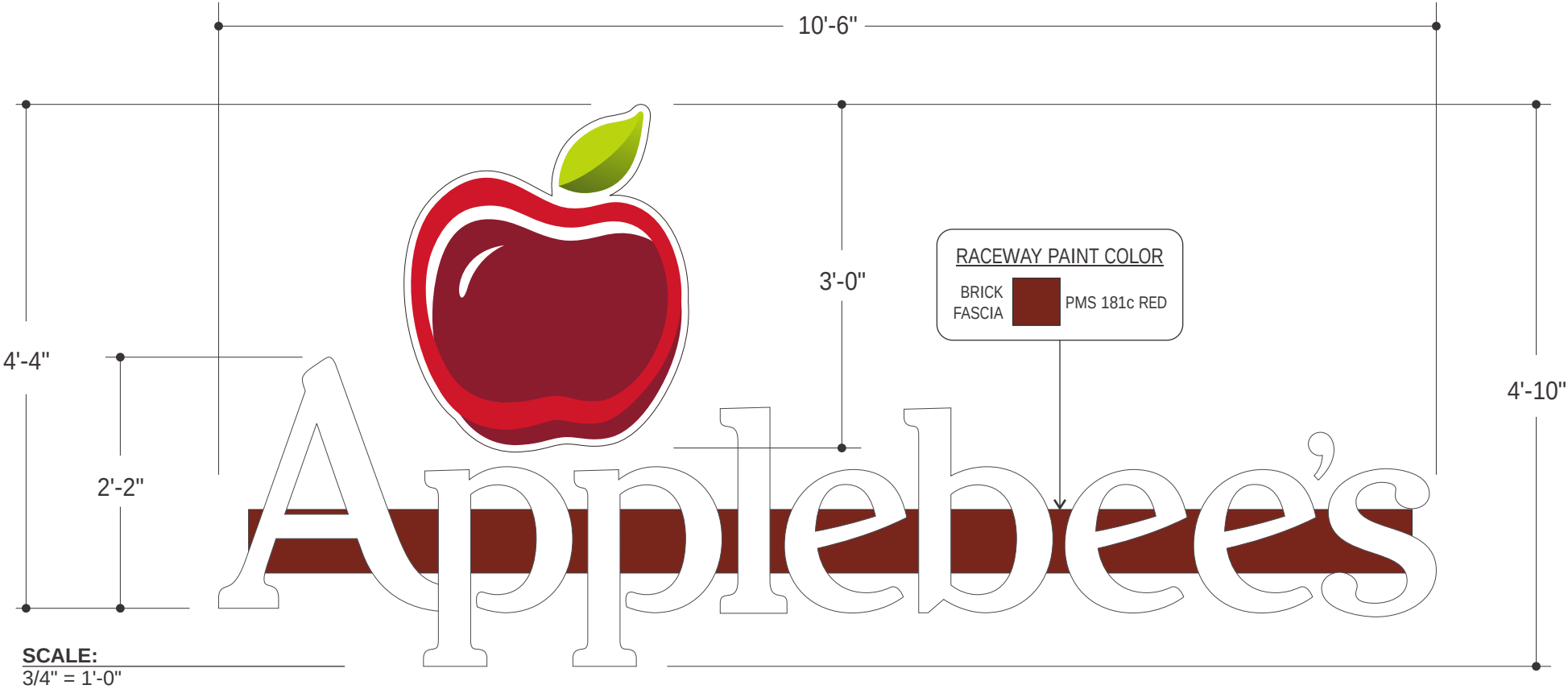


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				REV.4	xxxx

(2) TWO SETS OF 2'-2" CHANNEL LETTERS • CREVE COEUR, MO



COLORS

3M #3630-73 DARK RED VINYL
(APPLE DETAILS)

DIGITALLY PRINTED GRAPHIC
(LEAF DETAILS)

#313 DARK BRONZE
(RETURNS, TRIM CAP)

ORACAL #030 DARK RED VINYL
(APPLE DETAILS)

#7328 WHITE LEXAN
(LETTER FACES)

RACEWAY MOUNTING DETAIL (EXTERIOR)

- A. .040" ALUMINUM 5" RETURNS TO BE PAINTED #313 DARK BRONZE

B. 1" #313 DARK BRONZE TRIM CAP

C. .063" ALUMINUM BACKS - INSIDES TO BE PAINTED WHITE

D. LETTER - #7328 WHITE .125" LEXAN FACES
LOGO - #7328 WHITE .125" LEXAN FACES W/ VINYL OVERLAYS (SEE COLOR SCHEDULE)

E. WHITE FLEXIBLE L.E.D. STRIP

F. 1/2" SEALTITE CONDUIT RUNNING TO SECONDARY CONNECTION

* NOTE: GENERAL CONTRACTOR TO HAVE PRIMARY CONNECTION HOOKED UP

G. 3/8" THREADED RODS WITH 2" x 4" WOOD BLOCKING AS REQUIRED TO MOUNT RACEWAY TO WALL
- H. 2" x 9" x 3/16" ALUMINUM MOUNTING BRACKETS AS REQ'D - CENTER TO CENTER DIMENSIONS NOT TO EXCEED 6'-0" OF UNBRACED LENGTHS

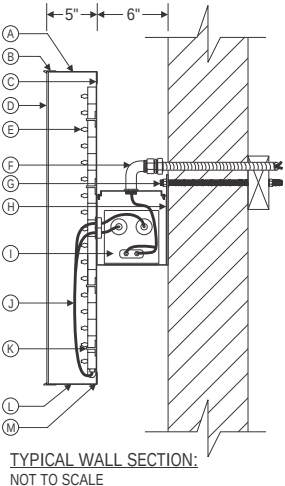
I. STANDARD POWER SUPPLY HOUSED IN A 7" x 7" RACEWAY PAINTED PMS 181c RED

J. POWER CABLE STARTING FROM POWER SUPPLY THEN LETTER TO LETTER

K. PLASTIC MOUNTING CLIPS AS REQ'D

L. 1/4" WEEP HOLES AS REQUIRED

M. SILICONE BEAD AROUND THE INSIDE OF RETURN AND BACK TO SEAL FROM WATER LEAKAGE



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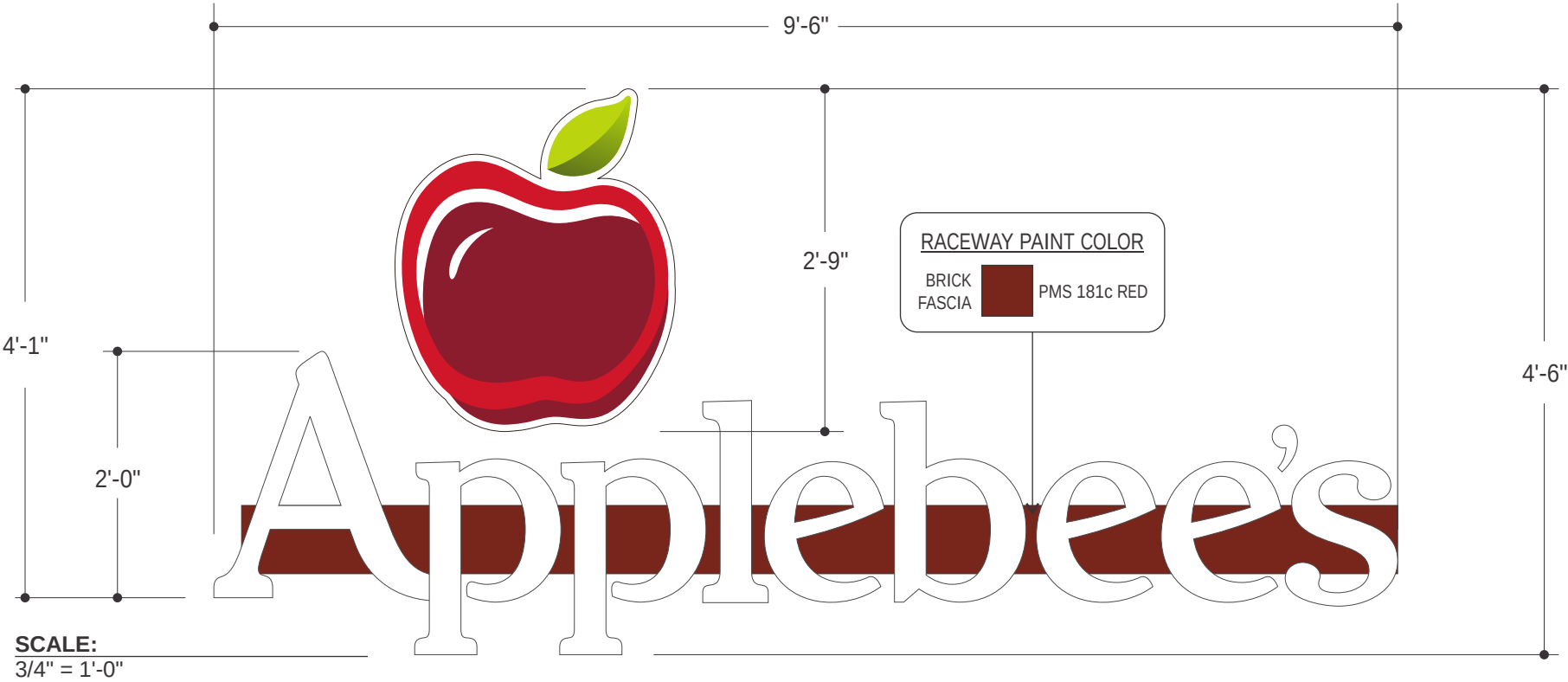


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LOCATION:	CREVE COEUR, MO	DATE:	2 - 27 - 14	REV.2	xxxx
DRAWN BY:	ANT	DWG. NO.:	CREVE COEUR, MO	REV.3	xxxx
				REV.4	xxxx

(1) ONE SET OF 2'-0" CHANNEL LETTERS • CREVE COEUR, MO



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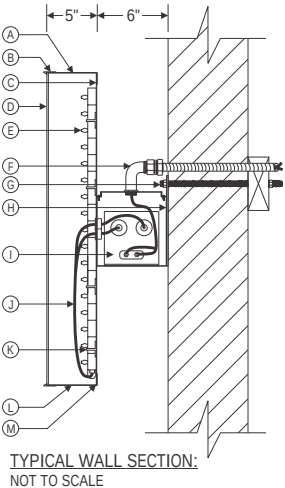
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CLIENT: APPLEBEE'S

LOCATION: CREVE COEUR, MO

DRAWN BY: ANT

SCALE: 3/4" = 1'-0"

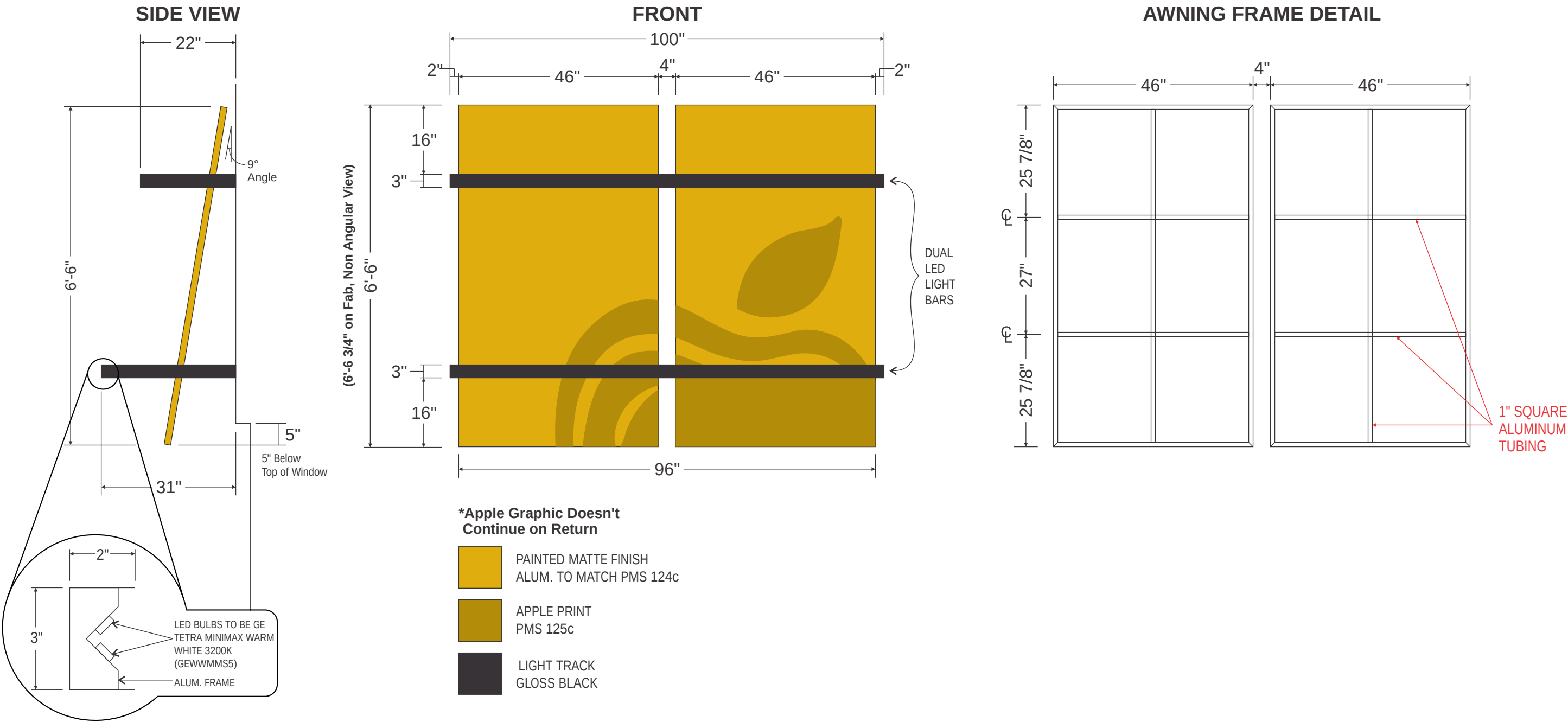
DATE: 2 - 27 - 14

DWG. NO.: CREVE COEUR, MO

REV.1	mp 6-12-12
REV.2	xxxx
REV.3	xxxx
REV.4	xxxx

(4) FOUR APPLE SHADOW ALUMINUM AWNINGS • CREVE COEUR, MO

MATTE FINISH ALUMINUM AWNINGS w/ DIGITALLY PRINTED APPLES w/ ULTRA-MATTE LAM



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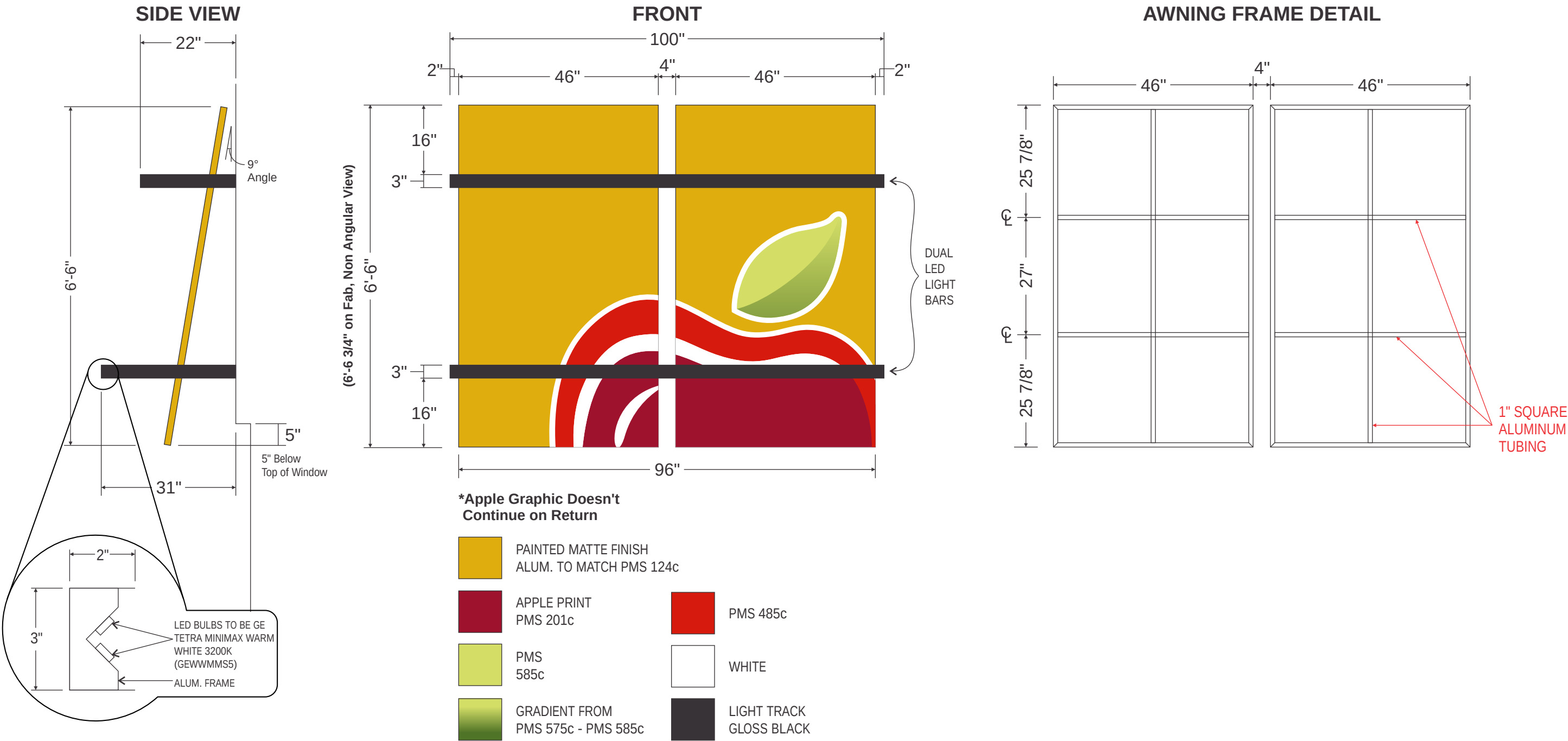
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				REV.4	xxxx

(2) TWO APPLE COLOR ALUMINUM AWNINGS • CREVE COEUR, MO

MATTE FINISH ALUMINUM AWNINGS w/ DIGITALLY PRINTED APPLES w/ ULTRA-MATTE LAM



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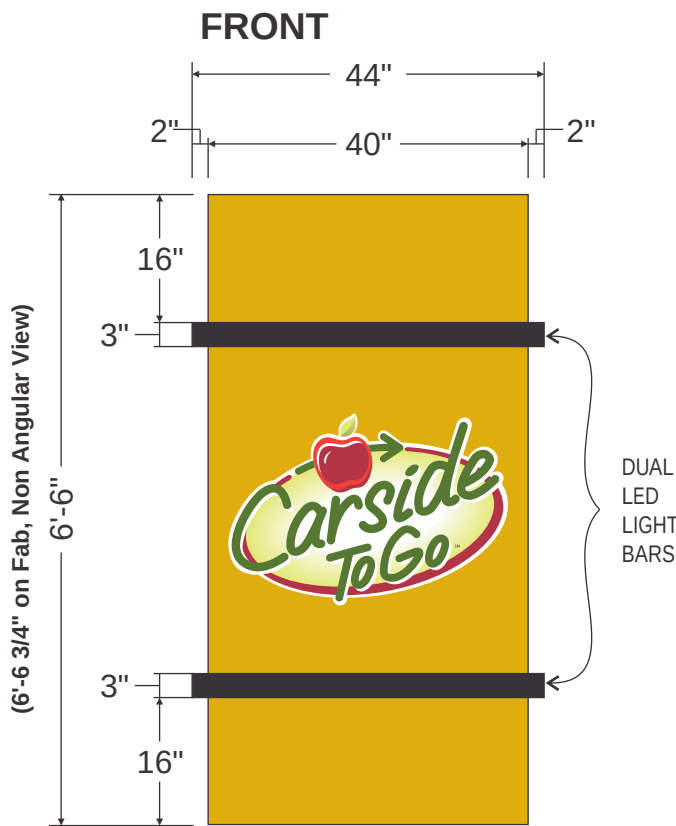
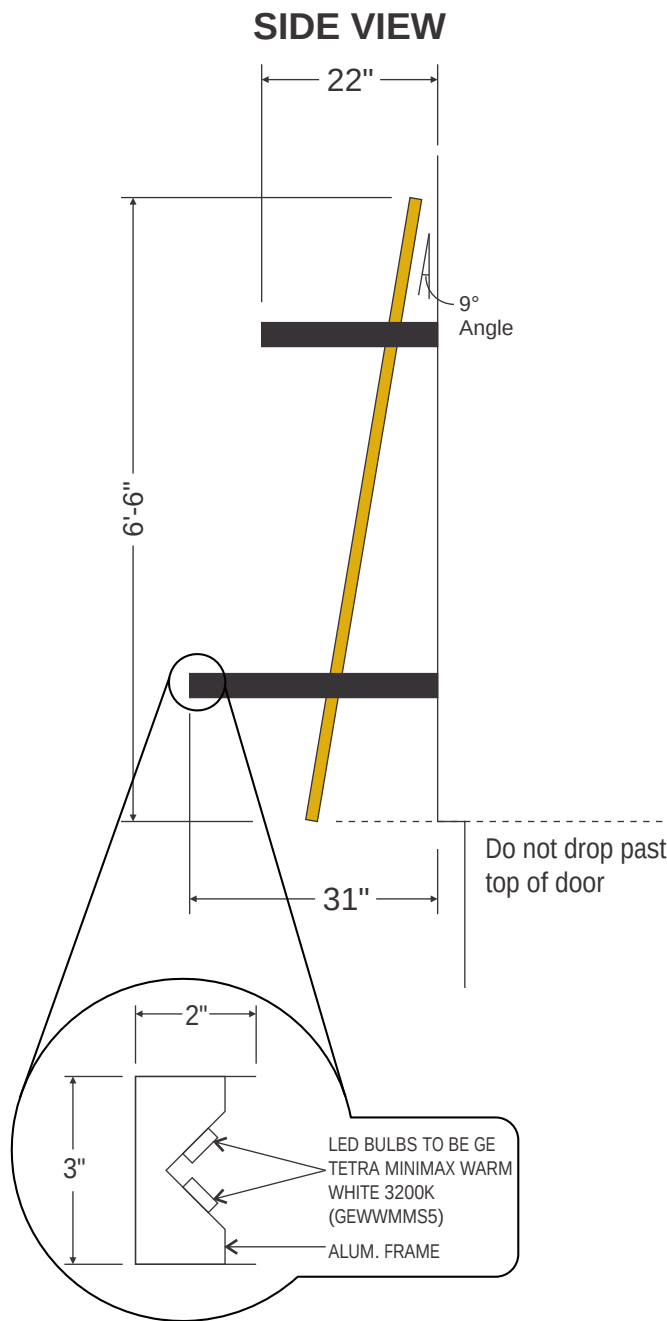


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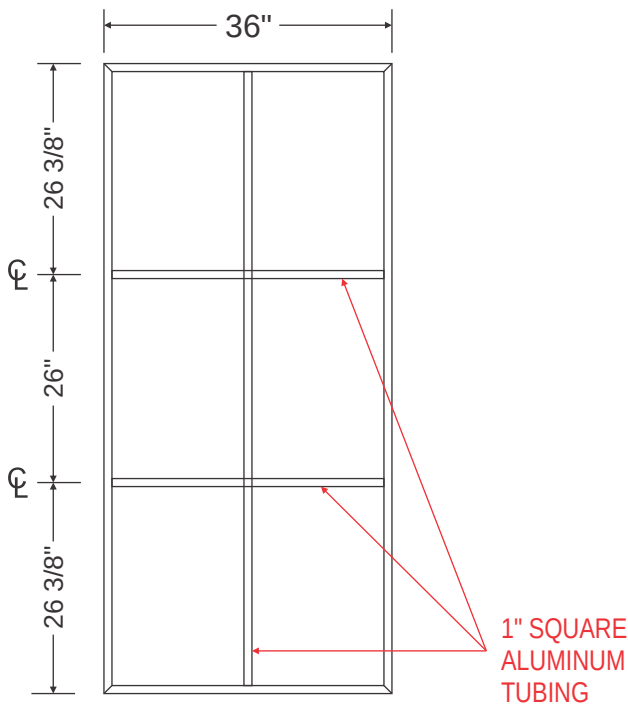
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				REV.4	xxxx

OVER CTG DOOR



- PAINTED MATTE FINISH ALUM. TO MATCH PMS 124c
- LIGHT TRACK GLOSS BLACK
- DIGITAL PRINT

AWNING FRAME DETAIL



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LOCATION: CREVE COEUR, MO

DRAWN BY: ANT

SCALE: 1/2" = 1'-0"

DATE: 2 - 27 - 14

DWG. NO.: CREVE COEUR, MO

REV.1	xxxx
REV.2	xxxx
REV.3	xxxx
REV.4	xxxx



COLORS

- PMS 1805C RED (DIGITAL PRINT)
- PMS 1795C RED (DIGITAL PRINT)
- PMS 1815C DARK RED (DIGITAL PRINT)
- WHITE (DIGITAL PRINT)
- PMS 575C GREEN (DIGITAL PRINT)
- PMS 349C DARK GREEN (DIGITAL PRINT)

SIGN: S/F NON-ILLUMINATED ALUMINUM PANEL w/ DIGITALLY PRINTED GRAPHICS
COPY & BACKGROUND: ALUMINUM PANELS W/DIGITALLY PRINTED GRAPHICS

Phone # Font: Swis721 Cn BT Bold

SCALE:
1 1/2" = 1'-0"

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BILL NUMBER 1797

ORDINANCE NUMBER 1757

AN ORDINANCE AUTHORIZING THE ISSUANCE OF A CONDITIONAL USE PERMIT TO OPERATE A FOOD SERVICE ESTABLISHMENT ON THE SITE OF THE DRURY INN HOTEL, LOCATED ON THE SOUTHWEST CORNER OF THE INTERSECTION OF OLIVE BOULEVARD AND CENTER PARKWAY DRIVE, IN THE SOUTHEAST OLIVE/I-270 DEVELOPMENT AREA, IN THE "CB" CORE BUSINESS DISTRICT, SUBJECT TO CONDITIONS SET FORTH HEREIN.

WHEREAS, APPLICATION WAS MADE BY DRUCO INCORPORATED FOR A CONDITIONAL USE PERMIT FOR THE OPERATION OF A FOOD SERVICE ESTABLISHMENT TO BE OPERATED IN CONJUNCTION WITH THE DRURY INN HOTEL ON THE SOUTHWEST CORNER OF THE INTERSECTION OF OLIVE BOULEVARD AND CENTER PARKWAY DRIVE, IN THE SOUTHEAST OLIVE/I-270 DEVELOPMENT AREA, IN THE "CB" CORE BUSINESS DISTRICT OF THE CITY OF CREVE COEUR, AND

WHEREAS, THE PLANNING AND ZONING COMMISSION OF THE CITY OF CREVE COEUR RECOMMENDED APPROVAL OF SAID APPLICATION, AND

WHEREAS, A PUBLIC HEARING WAS HELD BY THE CREVE COEUR CITY COUNCIL ON MONDAY, OCTOBER 9, 1995, BEGINNING AT 7:30 P.M. OR IMMEDIATELY FOLLOWING THE CLOSE OF THE PREVIOUS PUBLIC HEARING, ON SAID APPLICATION FOR THE CONDITIONAL USE PERMIT AS PROVIDED BY ARTICLE VIII, SECTION 26-114 OF ORDINANCE NUMBER 1044 OF THE CITY OF CREVE COEUR, AND

WHEREAS, NOTICE OF PUBLICATION FOR SAID PUBLIC HEARING HAD BEEN PREVIOUSLY PUBLISHED ON SEPTEMBER 21, SEPTEMBER 28, AND OCTOBER 4, 1995 IN THE ST. LOUIS COUNTIAN, A NEWSPAPER OF GENERAL CIRCULATION IN THE CITY OF CREVE COEUR, AND

WHEREAS, ALL PARTIES DESIRING TO BE HEARD, EITHER FOR OR AGAINST SAID APPLICATION, WERE GIVEN AN OPPORTUNITY TO BE HEARD, AND A COPY OF THE PROPOSED ORDINANCE HAS BEEN MADE AVAILABLE FOR PUBLIC INSPECTION PRIOR TO ITS CONSIDERATION BY THE COUNCIL; AND THIS BILL HAVING BEEN READ BY TITLE IN OPEN MEETING THREE TIMES BEFORE FINAL PASSAGE BY THE CITY COUNCIL, AND

WHEREAS, THE CITY COUNCIL BEING FULLY INFORMED FINDS THAT THE GRANTING OF THE APPLICATION WOULD BE IN HARMONY WITH AND BEAR A

Attachment: ORDINANCE 1757 (1113 : Applebee's Awnings)

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 CONFORMANCE WITH GOOD ZONING PRACTICE.

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

SECTION 1: A CONDITIONAL USE PERMIT IS AUTHORIZED TO BE ISSUED PURSUANT TO SECTION 3 HEREOF FOR THE OPERATION OF A FOOD SERVICE FACILITY, TO BE LOCATED ON THE SOUTHWEST CORNER OF THE INTERSECTION OF OLIVE BOULEVARD AND CENTER PARKWAY DRIVE, IN THE SOUTHEAST OLIVE/I-270 DEVELOPMENT AREA, IN THE "CB" CORE BUSINESS DISTRICT, SUBJECT TO THE HEREINAFTER STATED CONDITIONS ON THE FOLLOWING DESCRIBED PROPERTY:

NORTH GELBER PARCEL

A TRACT OF LAND BEING PART OF LOTS 8 AND 9 OF "THE LAKE HOUSE FARM SUBDIVISION", ACCORDING TO THE PLAT THEREOF RECORDED IN BOOK 9, PAGE 74 OF THE ST. LOUIS CITY (FORMER COUNTY) RECORDS AND PART OF "HENRY GERHARDT SUBD.", ACCORDING TO THE PLAT THEREOF RECORDED IN BOOK 31, PAGE 83 OF THE ST. LOUIS COUNTY RECORDS, SITUATED IN SECTION 3, TOWNSHIP 45 NORTH, RANGE 5 EAST, IN THE CITY OF CREVE COEUR, ST. LOUIS COUNTY, MISSOURI, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EASTERN RIGHT OF WAY LINE OF EMERSON AVENUE (40 FEET WIDE), AT THE SOUTHERNMOST CORNER OF A TRACT OF LAND CONVEYED TO THE STATE OF MISSOURI BY DEED RECORDED IN BOOK 5547, PAGE 544 OF THE ST. LOUIS COUNTY RECORDS, SAID TRACT NOW BEING PART OF THE RIGHT OF WAY FOR MISSOURI STATE HIGHWAY 340 (ALSO KNOWN AS OLIVE STREET ROAD, VARIABLE WIDTH); THENCE DEPARTING SAID EASTERN RIGHT OF WAY LINE OF EMERSON AVENUE AND CONTINUING ALONG THE SOUTHERN RIGHT OF WAY LINE OF MISSOURI STATE HIGHWAY 340, NORTH 10 DEGREES 24 MINUTES 50 SECONDS EAST, 136.17 FEET TO A POINT; THENCE NORTH 31 DEGREES 28 MINUTES 06 SECONDS EAST, 36.06 FEET TO A POINT; THENCE SOUTH 73 DEGREES 19 MINUTES 40 SECONDS EAST, 141.56 FEET TO THE NORTHWESTERNMOST CORNER OF A TRACT OF LAND CONVEYED TO THE CITY OF CREVE COEUR FOR THE WIDENING OF TROJAN PLACE; THENCE ALONG

THE WESTERN RIGHT OF WAY LINE OF TROJAN PLACE AS WIDENED, SOUTHEASTERLY 85.09 FEET ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 100.50 FEET AND A CHORD BEARING SOUTH 49 DEGREES 04 MINUTES 20 SECONDS EAST, 82.57 FEET TO A POINT OF TANGENCY; THENCE SOUTH 24 DEGREES 49 MINUTES 00 SECONDS EAST 8.96 FEET TO A POINT; THENCE SOUTH 00 DEGREES 11 MINUTES 00 SECONDS WEST, 337.40 FEET TO A POINT OF CURVATURE; THENCE SOUTHWESTERLY 61.26 FEET ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 39.00 FEET AND A CHORD BEARING SOUTH 45 DEGREES 11 MINUTES 00 SECONDS WEST, 55.15 FEET TO A POINT OF TANGENCY ON THE NORTHERN RIGHT OF WAY LINE OF THE COLLECTOR ROADWAY (60 FEET WIDE); THENCE ALONG SAID RIGHT OF WAY LINE, NORTH 89 DEGREES 49 MINUTES 00 SECONDS WEST, 76.00 FEET TO A POINT OF CURVATURE; THENCE SOUTHWESTERLY 92.20 FEET ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 180.00 FEET AND A CHORD BEARING SOUTH 75 DEGREES 30 MINUTES 34 SECONDS WEST, 91.19 FEET TO A POINT; THENCE NORTH 36 DEGREES 10 MINUTES 50 SECONDS WEST, 70.47 FEET TO A POINT ON THE EASTERN RIGHT OF WAY LINE OF EMERSON AVENUE, AS AFOREMENTIONED; THENCE ALONG SAID RIGHT OF WAY LINE, NORTH 00 DEGREES 11 MINUTES 00 SECONDS EAST, 280.13 FEET TO THE POINT OF BEGINNING, CONTAINING 2.477 ACRES MORE OR LESS.

SECTION 2: THE CONDITIONAL USE PERMIT GRANTED SHALL BE SUBJECT TO ALL APPLICABLE STATUTES, ORDINANCES, RULES AND REGULATIONS, AND THE FOLLOWING CONDITIONS:

1. THIS CONDITIONAL USE PERMIT SHALL BE FOR THE OPERATION OF A 5,300 SQUARE FOOT RESTAURANT.
2. HOURS OF OPERATION MAY BE 24 HOURS PER DAY, SEVEN DAYS A WEEK.
3. THE FLOOR PLAN FOR THE PROPOSED RESTAURANT SHALL BE FILED WITH THE ZONING ADMINISTRATOR SHOWING THE TYPE AND LOCATION OF ALL EQUIPMENT, FURNITURE, SEATING CAPACITY, AND OTHER INFORMATION WHICH MAY BE REQUESTED BY THE BUILDING OFFICIAL.
4. DETACHED AND GROUND MOUNTED SIGNS MUST BE IN CONFORMANCE WITH THE COMPREHENSIVE SIGN PACKAGE APPROVED FOR THE SOUTHEAST OLIVE/I-270 DEVELOPMENT AREA.

5. ALL OTHER SIGNS FOR THE RESTAURANT, INCLUDING NEON SIGNS, MUST BE IN CONFORMANCE WITH THE CITY'S SIGN REGULATIONS AND PERMITS OBTAINED FOR THE ERECTION OR MODIFICATION OF ANY SIGN ON THE PREMISES.

6. THE REFUSE CONTAINERS SHALL BE LOCATED IMMEDIATELY BEHIND THE RESTAURANT. THE REFUSE CONTAINER SHALL BE LOCATED WITHIN A SCREENED SIGHT-PROOF STORAGE AREA WITH THE INSTALLATION OF A HOSE BIBB TO SERVICE THE TRASH ENCLOSURE AREA.

7. THERE SHALL BE NO OUTDOOR STORAGE OR PLACEMENT OF ANY MATERIALS OR EQUIPMENT USED IN CONJUNCTION WITH THE RESTAURANT.

8. ANY MECHANICAL EQUIPMENT INSTALLED FOR THE RESTAURANT SHALL BE PROPERLY SCREENED WITH APPROVED MATERIALS.

9. DELIVERY AND COMPANY VEHICLES SHALL BE PARKED IN THE REAR PARKING AREA AND BEHIND THE BUILDING LINE.

10. ANY FUTURE ENLARGEMENT OR ALTERATION IN THE USE OF THE STRUCTURE OR SITE, OR SIGNIFICANT CHANGE IN OPERATIONAL CONDITIONS, MUST BE APPROVED BY THE CITY COUNCIL UPON RECEIPT OF THE RECOMMENDATION OF THE PLANNING AND ZONING COMMISSION AS AN AMENDMENT TO THE CONDITIONAL USE PERMIT BEFORE A BUILDING PERMIT FOR THE ENLARGEMENT OR ALTERATION MAY BE ISSUED, AND MAY REQUIRE ADDITIONAL PARKING TO BE PROVIDED.

11. SEASONAL OUTDOOR SEATING SHALL NOT BE ALLOWED.

12. THE SEATING AREA MUST HAVE PROPER SIGNS TO COMPLY WITH THE "NO SMOKING" ORDINANCE NUMBER 1392 AND AMENDING ORDINANCE NUMBER 1548.

13. A COPY OF ALL HEREIN ATTACHED CONDITIONS SHALL BE FURNISHED BY THE OWNER OR PETITIONER TO THE OPERATOR(S) OR MANAGER(S) INCLUDING SUCCESSIVE OPERATOR(S), OWNER(S) OR MANAGER(S) WHO SHALL FORWARD TO THE ZONING ADMINISTRATOR AN ACKNOWLEDGMENT THAT HE OR SHE HAS READ AND UNDERSTOOD EACH OF THESE CONDITIONS AND AGREES TO COMPLY THEREWITH.

14. A DETAILED LANDSCAPE PLAN MUST BE SUBMITTED TO THE CITY OF CREVE COEUR FOR REVIEW AND APPROVAL.

15. ANY TRANSFER OF OWNERSHIP OR LEASE OF THE PROPERTY SHALL INCLUDE IN THE TRANSFER OR LEASE AGREEMENT A PROVISION THAT THE PURCHASER OR LESSEE AGREES TO BE BOUND BY THE CONDITIONS HEREIN SET FORTH AND THE APPROVED DEVELOPMENT PLAN FOR THE PROPERTY.

16. ALL CONDITIONS CONTAINED WITHIN THIS PERMIT SHALL BE POSTED UPON THE PROPERTY IN SUCH A MANNER THAT IT IS VISIBLE TO THE PUBLIC AND THE OPERATOR OF SAID FACILITY.

17. FAILURE TO COMPLY WITH ANY ONE OR ALL OF THE CONDITIONS OF THIS PERMIT SHALL BE ADEQUATE CAUSE FOR THE REVOCATION OR MODIFICATION OF SAID PERMIT BY THE CITY COUNCIL, PROVIDED, HOWEVER, NO PERMIT SHALL BE REVOKED OR MODIFIED WITHOUT REASONABLE NOTICE TO THE OWNER OF THE INTENTION OF THE CITY COUNCIL TO REVOKE OR MODIFY SAID PERMIT AND REASONABLE TIME GRANTED TO THE OWNER TO CORRECT ANY SUCH BREACH OR CONDITION, EXCEPT FOR REPEATED BREACHES OR VIOLATIONS.

18. NO CONDITIONAL USE PERMIT GRANTED BY THE CITY COUNCIL SHALL BE VALID FOR A PERIOD LONGER THAN ONE YEAR FROM THE DATE IT GRANTS THE CONDITIONAL USE PERMIT UNLESS WITHIN SUCH PERIOD: (1) A BUILDING PERMIT IS OBTAINED AND CONSTRUCTION IS BEGUN; OR (2) IF A BUILDING PERMIT IS NOT REQUIRED, AN OCCUPANCY PERMIT IS OBTAINED AND THE USE OF THE BUILDING COMMENCED. THE CITY COUNCIL MAY, WITHOUT NOTICE OR HEARING, GRANT EXTENSIONS NOT EXCEEDING ONE HUNDRED AND EIGHTY (180) DAYS EACH, UPON WRITTEN APPLICATION FILED AND GRANTED PRIOR TO THE EXPIRATION OF THE CONDITIONAL USE PERMIT PERIOD.

19. THE EXTERIOR SITE LIGHTING SHALL CONFORM WITH THE GUIDELINES FOR THE SOUTHEAST OLIVE/I-270 DEVELOPMENT AREA.

20. THE RESTAURANT FACILITY SHALL PROVIDE SIT-DOWN WAITER/WAITRESS SERVICE AND SHALL NOT PROVIDE DRIVE-THRU OR CURB-SIDE SERVICE.

21. THE BUILDING PLANS FOR THE RESTAURANT SHALL BE COMPATIBLE WITH THE ARCHITECTURAL DESIGN AND MATERIALS FOR THE ADJACENT HOTEL FACILITY.

22. A SHARED PARKING ARRANGEMENT BETWEEN THE RESTAURANT AND ON-SITE HOTEL IS HEREBY AUTHORIZED BY THE CITY OF CREVE COEUR PURSUANT TO THE AUTHORITY AND STANDARDS FOUND IN SECTION 26-91.7(d) OF ORDINANCE NUMBER 1044.

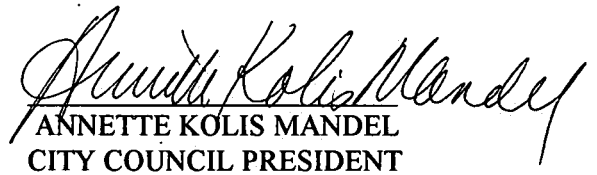
23. THE USE OF OUTDOOR SPEAKERS FOR THE AMPLIFICATION OF MUSIC OR SPOKEN WORD SHALL BE PROHIBITED.

SECTION 3: THE CITY ADMINISTRATOR OF THE CITY OF CREVE COEUR IS HEREBY AUTHORIZED AND DIRECTED TO ISSUE A CONDITIONAL USE PERMIT IN ACCORDANCE WITH THE PROVISIONS OF THIS ORDINANCE, SAID PERMIT TO EXPRESSLY PROVIDE FOR THE CONDITIONS AND STIPULATIONS HEREINABOVE SET OUT IN SECTION 2 OF THIS ORDINANCE.

SECTION 4: ORDINANCE NUMBER 1696, ADOPTED ON MARCH 13, 1995, IS HEREBY REPEALED.

SECTION 5: THIS ORDINANCE SHALL BECOME EFFECTIVE AT THE EXPIRATION OF FIFTEEN (15) DAYS AFTER ADOPTION BY THE CITY COUNCIL AND THE SIGNING THEREOF BY THE MAYOR.

ADOPTED BY CITY COUNCIL THIS 27 DAY OF November, 1995.


ANNETTE KOLIS MANDEL
CITY COUNCIL PRESIDENT

APPROVED THIS 27 DAY OF November, 1995.

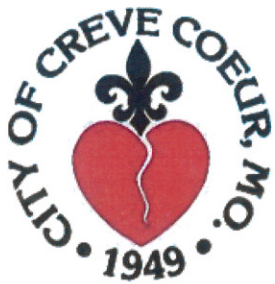

WILLIAM E. WINTER
MAYOR

ATTEST:


LAVERNE COLLINS, CMC
CITY CLERK

137/206

Attachment: ORDINANCE 1757 (1113 : Applebee's Awnings)



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
#14-034 MINOR SITE DEVELOPMENT PLAN FOR A 10-FOOT
NETTING FENCE SURROUNDING A SPORTS COURT
AT 320 CABIN GROVE LANE**

FOR THE MEETING OF: October 20, 2014

LOCATION: 320 Cabin Grove Lane, in the "A" Single Family Residential zoning district, with Residential Design Development approval.

REQUEST: Minor site plan approval for a 10-foot tall, black netting fence, surrounding the sports court at 320 Cabin Grove Lane. The court and fence were installed in 2011, the latter without prior approval of the Planning and Zoning Commission.

ADDITIONAL INFORMATION: The City of Creve Coeur's Zoning Ordinance (Section 405.640 Fences) states that no fence shall exceed six feet in height unless specifically approved by the Planning and Zoning Commission in consideration of a unique screening problem. On November 4, 2013, the Planning and Zoning Commission approved the fence on the conditions that it be shortened to 10-feet and moved to provide a 15-foot setback. Section 405.460 states that Accessory Uses, including private recreation facilities shall be 15 feet from any lot line. The court is approximately 12.5 feet from the south side property line.

Key Issues:

- Does the fence provide screening of a unique problem?
- Impact to Neighborhood

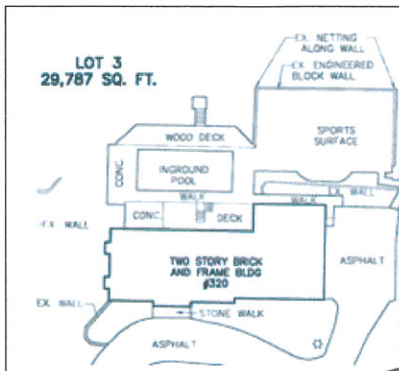
Comp. Plan References

- Residential Neighborhoods
- Design Guidelines

Zoning Code References

- Section 405.250 "A-RDD" Single-family Residential District with Residential Design Development
- Section 405.460 Accessory Uses and Structures
- Section 405.640 Fences

APPLICANT: Mike and Kelly Beat
320 Cabin Grove Lane
Creve Coeur, MO 63141



REPORT PREPARED BY:


Paul Langdon, AICP, Community Development Director

10/13/2014
Date

ATTACHMENTS: Applicant's revised materials received October 31, 2013
Letter of support from adjacent home owner.

BACKGROUND AND REQUEST

On November 4, 2013, the applicant approached the Planning Commission with a request for approval of a 20-foot tall fence that consisted of black netting suspended on steel poles with a mechanism for raising and lowering the netting. The fence, which was installed prior to Planning Commission review, is located on the top of a substantial retaining wall and serves as the protection around a sports court that is above the wall. There is a steep slope and wooded area beyond the wall. The retaining wall has a 10-foot setback from the side property line and the fence is approximately two and one-half feet further into the property from the base of the wall, resulting in a setback of approximately 12.5 feet. The Commission approved the fence on the conditions that it be lowered to 10 feet and moved in to provide a 15-foot setback. The fence has been lowered to 10 feet and the poles have been painted black, but remains at its original location. A row of tall evergreen shrubs has also been planted below the wall to increase visual screening over time. With the fence shortened, it is possible to more easily determine what impacts the fence might have on the adjacent property and the neighborhood in general. Further, it was reported in the staff report for the first application that the side yard setback of the wall was five feet. At the applicants' insistence, Building Division staff have been to the property and confirmed that the setback is, in fact, 10 feet from the side property line. Since these are conditions that were not known during the original review, Staff considers them substantial new facts that warrant a new application for approval of the fence. It should be noted that all other Building and Zoning Code issues related to the property have been resolved.

Below is a copy of the site plan showing the location of the sports court and fence:

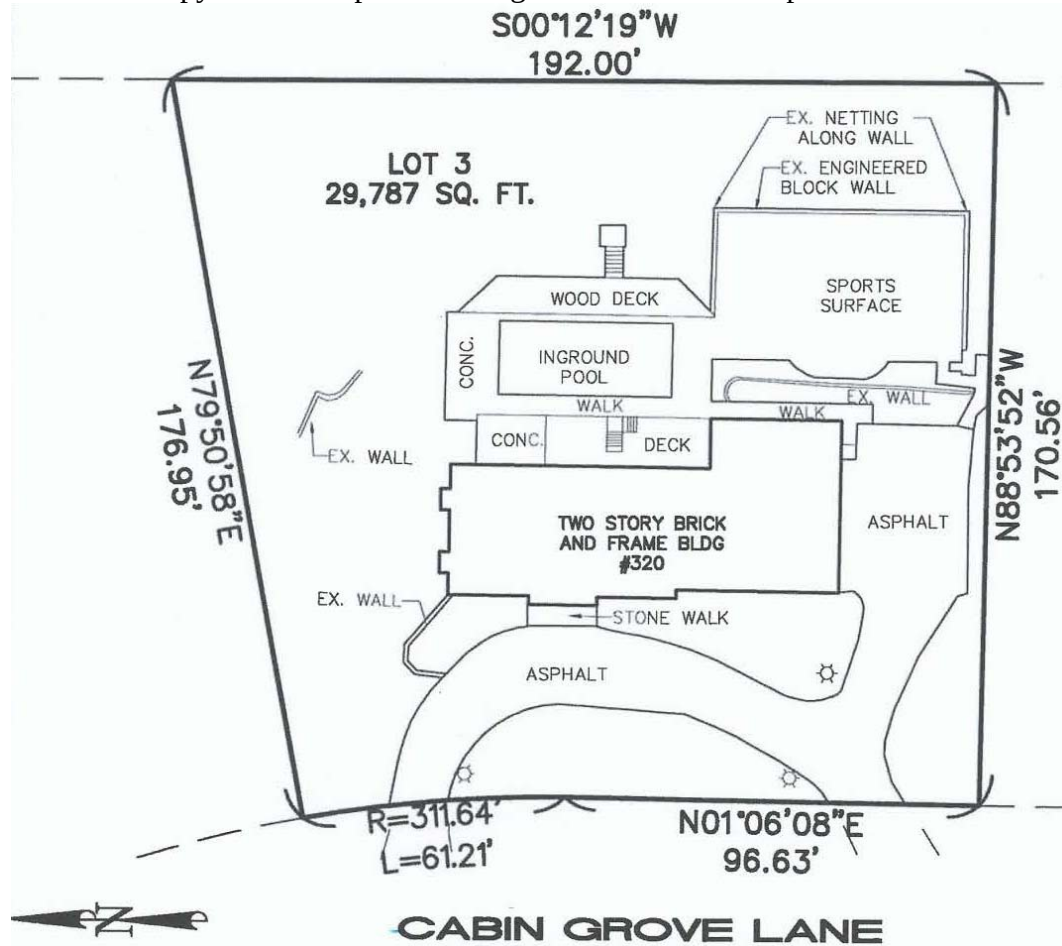


Figure 1: Detail of Site Plan submitted by Applicant

It should also be noted that, if the tall fence is moved back from the edge of the wall, a secondary barrier will have to be located to form a barrier keeping people from falling off the wall or gaining access to the top of the wall.

LAND USE AND ZONING OF SURROUNDING PROPERTIES

The adjacent zoning and land uses are as follows:

DIRECTION	USE	ZONED	SEPARATED BY
North	Single family residences	"A-RDD" Single Family Residential	NA
South	Single family residences	"A-RDD" Single Family Residential	NA
East	Single family residences	"A" Single Family Residential	NA
West	Single family residences	"A-RDD" Single Family Residential	Cabin Grove Lane

ANALYSIS

Sports Court

The sports court is approximately 58 feet by 38 feet and located off the end of the driveway, behind the home, 22 feet from the rear lot line and approximately 12.5 feet from the south, side-yard, property line. In the prior application, staff identified the following regulation:

SECTION 405.460: ACCESSORY USES AND STRUCTURES

B. Permitted Accessory Uses And Structures.

6. *Private park or recreation facilities including private swimming pools, bathhouses or tennis courts, provided that such facilities are set back at least fifteen (15) feet from any lot line and separated from adjacent residential property by a fence of at least four (4) and not more than six (6) feet in height.*

At the time, the applicants' representative argued that this regulation did not apply to their situation. It is true that the regulation does not list "sports court" in particular and the activities that are possible on the "court" (basketball hoop and a hockey/soccer goal) are the same activities that can be, and frequently are, played in a residential driveway or in the street. In those locations, there are no limitations or requirements for screening or setback. On the other hand, there are physical similarities between the applicants' facility and a tennis court. Since the facilities listed in the regulation require unique, dedicated structures and surfaces (e.g. pool house; tennis court), but the applicants' facility is a simple concrete pad that could also serve as a patio, which does not require a permit nor does it have to meet setback requirements, Staff conclude that the applicability of the regulation is fairly debatable. In the prior review, this ambiguity was noted but the Commission believed the setback should be moved to 15 feet for privacy and visual impact reasons, partially because the nearest adjacent neighbor expressed concerns with the fence. With the reduction of the fence height and the painting of the poles to black, the neighbor has now submitted a letter of support for the current condition of the fence, in its current location. That letter is attached hereto.

With the new facts regarding the setbacks in hand and acknowledging that the regulations are not clearly applicable since the included activities can occur on any property without restriction, Staff do not believe that the additional two and one-half feet of setback are an ordinance requirement, nor do they offer any tangible improvement in conditions for the adjacent neighbor.

Fence

The Zoning Code does not provide guidance in evaluating requests for fences, except that no fence shall exceed six feet in height unless approved by the Planning and Zoning Commission in consideration of a unique screening problem.

SECTION 405.640: FENCES

- A. *Height Of Fences.* No fence shall exceed six (6) feet in height unless specifically approved by the Planning and Zoning Commission in consideration of a unique screening problem.
- E. *Tennis Court Backstop Fence.* Tennis courts may have an open chain link fence up to ten (10) feet in height, provided such backstop fence is setback at least twenty (20) feet from any property line abutting a single-family residence.

In their prior review, the Planning Commission approved a 10-foot fence height, but required that it be set back 15 feet from the property line. The question before the Planning Commission, therefore, is not if a unique screening problem is present; that was resolved last year. What is before the Commission is whether or not the setback has to be increased to 15 feet to address concerns with external impacts.

The Comprehensive Plan and Design Guidelines provide further direction for review of fences with the following:

Comprehensive Plan: Residential Preservation and Economic Development

- 2. Encourage the continued preservation of the suburban landscape character of the area, its open green spaces, and stream corridors. New development or redevelopment should protect and enhance stream channels, preserving remaining riparian corridors, preserve trees and encourage re-establishment of natural streams, where feasible. The use of pervious paving materials and vegetated swales to manage storm water in new development and redeveloping areas is encouraged.

Design Review Guidelines: F. Screening (Fences and Walls)

- 2. The design of fencing, sound walls, trash enclosures, and similar site elements is to be compatible with the architecture of the main buildings and should use similar materials.
- 3. All fencing should be designed as an integrated part of the site, rather than as a separate fence, such as a planter wall or continuation of an architectural wall feature. (p.18-19)

Similar to the initial application, Staff do not believe that the black netting on black poles, in and of itself, represents a harm to this property or the surrounding properties. This is supported by the attached letter of support from the neighbor. Further, as shown in the attached pictures, the side yard in question is steeply sloped and densely vegetated, so it is also difficult to conclude that an additional two and one-half feet of setback will have any meaningful benefit to the adjacent property, regardless of the particular resident, and there is no appreciable change to the view from the street.

CONCLUSION

The impact of the fence, as it exists today, appears to be negligible. The black netting largely disappears into the surrounding landscaping and it serves to both prevent balls from leaving the court and to protect users from falling off the wall, neither of which appear to be helped or hindered by modifying the location. If the members of the Commission believe, however, that

the additional two and one-half feet of setback are necessary due to impacts on the adjacent property, then those impacts should be identified and their relationship to the setback made clear.

MOTION AND ACTION

If the Commission wishes to approve the fence as proposed, which would approve the fence as it exists, a motion to approve the application as submitted should be made with a clear statement regarding the existing setback. The following is an example motion for this action:

“I move to approve the site plan for a ten-foot high black netting fence, located 12.5 feet from the side property line at 320 Cabin Grove Lane, as submitted with Application #14-034 and presented to the Planning and Zoning Commission on October 20, 2014”.

If the Commission wishes to adhere to the longer setback required last year, the Commission need only vote against the motion and the existing approval will remain in effect.

APPENDIX 1: COMPREHENSIVE PLAN

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

APPENDIX 2: ZONING CODE

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

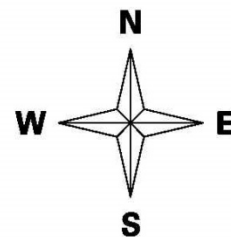
APPENDIX 3: AERIAL MAP



Property lines



320 Cabin Grove Lane



Attachment: 14-034:320 Cabin Grove Sport Court SDP.Staff Report (1114 : 320 Cabin Grove)

APPENDIX 4: SITE PHOTOGRAPHS	Photo Dates: 10/09/2014 10/14/2014
	Description: View looking east from Cabin Grove Lane. Note that the fence in question is largely screened from view (arrow indicates the approximate top of the fence nearest the adjacent neighbor).
	Description: View from the top of the driveway looking east along the setback area (property line is to the right of the evergreen shrubs). Note the steep slope necessitating the Building Code requirement for some form of barrier on the top of the retaining wall.
	Description: View from the sport court looking south through the fence toward the neighboring house.

Creve Coeur Planning and Zoning Application

For a 10 foot fence

at 320 Cabin Grove Lane

1. We request approval of a 10 foot net system surrounding a home recreational site with 12.5 ft setback for the following reasons:

The property has unique physical characteristics of a very steep grade from the street to the rear of the property and an additional slope from the south to the north. These topographical inclines causes water drainage from the street and neighboring driveway rain water run-off to collect in a small creek at the back of the property. Metropolitan Sewer District also has a street runoff drain in the adjacent Williamsburg neighborhood which drains storm water at a 90 degree angle into the creek at the rear of the property. These unique conditions were eroding the rear property line and threatening to wash away utility poles. The area of interest was prone to extreme erosion which was not being adequately addressed by the homeowner's requests from the city or from the county sewer district.

In 2004, the homeowners contacted a storm water engineer from MSD to assist with resolving these drainage issues. They offered no assistance. The Creve Coeur Director of Public Works was also contacted and proved more accommodating. (See attachment #1) Additional engineers were consulted and options evaluated. Access constraints prevented further action until 2011 when the Director of Public Works was again engaged to help find a solution. (See attachment #2) The Creve Coeur Storm Water Committee was kind enough to include a site visit into their Fall field trip and offer recommendations. (See attachment #3)

The homeowners ultimately addressed much of the water erosion issue with the construction of a retaining wall. A permit was applied for in June 2011, then the retaining wall was built and approved in full compliance with existing codes. Inspectors were on site during required geogrid inspections at four different times during the construction phase and provided signed approvals. Due to the height of the retaining wall, an inconspicuous black net system was selected and integrated into the geogrid design in order to satisfy the safety concerns of the inspector. Poles to support the retractable net system were engineered into the geogrid structure. Concrete was then poured to maximize the available flat usable space created by the newly constructed retaining wall. An extra cable support was placed 3 foot above the surface at the recommendation of the Creve Coeur building inspector. The black net system also minimized visual disturbance of the natural surrounding wooded environment, and served as a barrier to prevent unwanted sports equipment from inadvertently entering and disturbing the adjacent property owners. The retaining wall structure served as a very effective erosion prevention solution and provided new useable space for backyard recreational and sporting activities. The project was completed on Aug 2011 and approved by the city inspector Nov 8, 2011. (See attachment #4)

Kelly Beat

From: "Kelly Beat" <mkcb@charter.net>
To: "Beat, Kelly" <mkcb@charter.net>
Sent: Thursday, May 04, 2006 6:13 AM
Subject: Fw: Stormwater issue

----- Original Message -----

From: Schwer, Bill
To: mkcb@charter.net
Cc: Parish, Connie
Sent: Thursday, July 08, 2004 2:30 PM
Subject: RE: Stormwater issue

Ms. Beat:

Unfortunately, I can't offer any waiver from the City regarding where you place the rock. Alternatively, you will be required to sign a hold harmless agreement regarding our trucks delivering rock to you.

I will be able to get 60 tons of rock for you, but you (or someone you hire) will have to place it. If you want the rock, please let me know where to drop it off. There isn't access to the backyard and the front yard is essentially driveway. Once you determine where the rock can be delivered, let me know. You can contact Connie and she can get you a copy of a hold harmless agreement.

Please keep in mind that the quarry does not always have rock readily available. It may be best to deliver in intervals anyway because of the difficult access.

Please let me know if you have any questions. thanks

Bill Schwer, P.E.

Director of Public Works

Creve Coeur, MO 63141

300 N. New Ballas Road

314-872-2538

314-872-2505(fax)

-----Original Message-----

From: Kelly Beat [mailto:mkcb@charter.net]
Sent: Thursday, July 08, 2004 9:36 AM
To: Schwer, Bill

4/27/2010

Attachment: Applicant's Materials (1114 : 320 Cabin Grove)

Subject: Stormwater issue

Bill,

Thank you for coming out to our home to review our creek drainage issues. We are requesting assistance from the city to restore and maintain our stormwater creek bank at 320 Cabin Grove Lane. Per a boundary survey our property line has 192.00' along the creek.

MSD has a runoff drain in the Williamsburg neighborhood which drains stormwater at a 90 degree angle into our creek. The current condition is eroding our property line and affecting other homeowners in this area. If this continues the utility easements are in jeopardy of washing away as well.

We contacted a stormwater engineer from MSD to resolve these drainage issues, however he offered no assistance.

Per our conversation a share cost arrangement with the city to obtain rock might be available. The correct placement of rock could provide an improvement in the integrity of the creek bed. However, it remains unclear whose property the creek bed actually involves. Thus, we would also request from the city a waiver of any liability the placement of the rock might cause to the creek bed in the future.

Mike & Kelly Beat
314-275-2616

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4/27/2010

Attachment: Applicant's Materials (1114 : 320 Cabin Grove)

Nearly two years later, upon requesting another building permit for a room addition project, we were retroactively made aware that the recreational space upon the retaining wall did not comply with certain city planning and zoning codes. Significant additional effort and expense was undertaken to resolve these matters, including the installation of a new permeable paver block drive way to remedy a coverage issue. The only outstanding concern is a matter of a previously unrecognized set-back requirement of 15 feet from the adjacent property line. Currently the approved existing retaining wall is located 10 ft from the property line according to code. The netting system is set back another 2.5 ft. (i.e. 12.5 feet from the property line). The homeowners wanted to maximize the usable surface space and were unaware of any setback requirements when constructed. In good faith, we have been working with the City trying to resolve this issue but simply were never made aware of the code violation until over 1 ½ years after completion of the approved project. We are now seeking approval for the existing 10 foot net from the Planning Commission. The net was lowered, but a lower net allows innumerable balls to fly past the top of the net and into the neighbors fenced in pool area. A formal evaluation was undertaken to move the support poles, but Brucker structural engineers advised that moving the netting system would adversely disrupt the structural integrity of the geogrid in the retaining wall. (See attachment #5) It has also been suggested that tubular pole anchors could be fastened to the concrete surface. A primary concern with this proposal is that any artificial disruption of the concrete might jeopardize the integrity of the surface drainage contours, allow unwanted water entry, and through a prolonged period of freezing and thawing cycles, eventually lead to deeper concrete cracks, additional water seepage, and subsurface erosion. This could potentially compromise the retaining wall thus creating a recurrent or worse situation that would defeat the original reason and purpose of the retaining wall construction in the first place. (See attachment #6) We therefore seek approval to have the 10 feet net at its current location.

As previously mentioned, the back portion of the property consists of a small creek that serves as a catchment for significant amount of storm water run-off from the adjacent community and upstream properties creating adverse soil erosion conditions that are exacerbated by the naturally steep contour of the property which does not exist to the same extent in other neighborhood properties.

2. In 2013, the Planning Commission approved the 10 foot fence with a 15 foot setback, but we are requesting approval of the existing 12.5 foot setback for the following reasons.

The 15 ft set-back zoning law in this particular circumstance creates a difficult dilemma to retroactively correct, as decisions and choices of building materials were selected and designed into a larger project to correct a drainage/erosion problem with perceived collaborative advice and implicit approval of on-site building inspectors. The homeowners were unaware of any violations of zoning or city planning codes until nearly 2 years later. In good faith, the homeowners have complied with the city and undertaken significant financial costs to bring the property into compliance with all other code violations. The new prospect of disrupting and destabilizing the existing geogrid and retaining wall structure, which was constructed, inspected,

and approved according to code standards , plus the additional financial costs would be an unfair burden that could be resolved with the Planning Commission approval.

Further, according to the St. Louis County appraised value of the property, the tax assessment has increased after completion of the project.

Finally, approval of the existing set-back would actually benefit the immediately adjacent neighbors by allowing a higher netting system to prevent the unwanted entry of sports balls into their yard and pool area. A tall “living growing fence” of evergreen trees was planted along the lot edge to further camouflage the net system and minimizes any perceived adverse visual impact on the neighborhood. The black netting and black poles blend into the surrounding wooded environment and are barely visible. We have planted additional evergreen landscape to further camouflage the black support poles at their existing location. Because of the strategic placement of this landscape, any further movement of the support poles would create a new visual disturbance. Presently the surrounding wooded landscape hides the court from most views. Because of the steep slope of the property in the back yard and the recessed location of the retaining wall surface well below the driveway grade, the area is not visible from the street or to other adjacent property owners.

Kelly Beat

From: "Heines, Jim" <jheines@ci.creve-coeur.mo.us>
To: <mkcb@charter.net>
Cc: <mgbeat@charter.net>; "Perkins, Mark C." <MPerkins@ci.creve-coeur.mo.us>; "Wohlberg, Matt" <mwohlberg@ci.creve-coeur.mo.us>
Sent: Wednesday, June 29, 2011 7:48 AM
Subject: RE: 320 Cabin Grove Stormwater Solution

Good morning,

I am sorry to hear of your issues regarding creek erosion in your back yard. I believe I remember when Mr. Schwer offered rock to you in an attempt to slow down the erosion. Unfortunately, the MSD rules and guidelines have changed over the recent years and do not allow us to make any type of improvement to a creek including the placement of Gabion rock as bank stabilization without a permit from MSD.

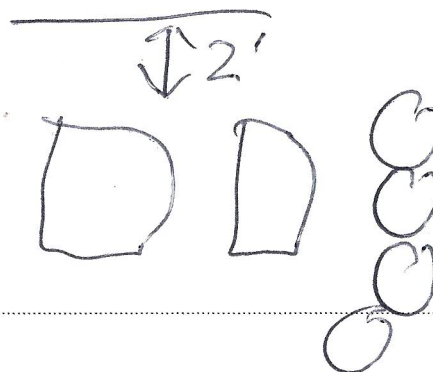
There is no doubt that the creek is causing a negative impact on your property and we would like to help wherever we can. What we can offer at this time is for a city staff member to visit the site and evaluate the issues. We are currently having a consultant update our Storm Water Master Plan which will identify problem areas and assign priorities, solutions, and cost estimates. From this report the Public Works Department and Storm Water Committee will pursue Capital Improvement Funding from the city to create improvement projects. In addition to this effort, we will contact MSD and ask them for help too.

If you would like to set up a time to meet with staff to investigate the conditions of the creek please let me know.

Sincerely,

Jim Heines
 Director of Public Works
 City of Creve Coeur
 300 N. New Ballas Rd.
 Creve Coeur, MO 63141

TNO: (314) 872-2538
 Fax : (314) 872-2505



From: Kelly Beat [mailto:mkcb@charter.net]
Sent: Wednesday, June 29, 2011 2:19 AM
To: Heines, Jim
Cc: mkcb@charter.net; mgbeat@charter.net
Subject: 320 Cabin Grove Stormwater Solution

Dear Mr. Heines,

In the past, we have attempted to address severe stormwater drainage issues impacting our home at 320 Cabin Grove Lane in Creve Coeur.

The back property line has 192 feet of boundary along a storm creek. MSD has a street runoff drain from the adjacent Williamsburg neighborhood which diverts stormwater at a 90 degree

6/29/2011

Attachment: Applicant's Materials (1114 : 320 Cabin Grove)

angle in the creek and onto our property. The existing condition continues to erode away our backyard and is affecting other homeowners in the area. If this condition continues, the utility easements and electrical line poles are also in jeopardy of washing away.

We have contacted a stormwater engineer from MSD to assist with these drainage issues, however, they offered no resolution. In past communication with Bill Schwer, he kindly offered 60 ton of rock, but immediate availability and delivery from the quarry, not to mention access of the trucks to the backyard, hampered the effort.

This spring's unusual amount of rain has worsened the condition and has caused us to take further personal action and revise preexisting drainage from our driveway and gutters in order to prevent further property erosion and basement flooding. We currently are also constructing a new retaining wall in the backyard next to the stormwater creek. (Reference building permit # 23709 from the building division)

This project has provided an opportunity for us to work together and resolve the issue in a mutually beneficial manner. Equipment to facilitate transfer and placement of the promised rock is now available. Our contractors are ready to finish the project and willing to assist with improving the erosion problem once and for all.

Our last communication with Bill indicated that a hold harmless agreement regarding Creve Coeur trucks delivering rock to our property would be required. Please have Connie email a copy of the hold harmless agreement for our signatures. I will then have our contractor, Bruce Null (314-221-8098), contact you regarding a schedule to deliver and dump the rock for installation.

Thank you for your assistance. Should you have any further questions, I invite you to the property to review the creek drainage solution..

Sincerely,

Michael & Kelly Beat
314-275-2616 home
314-249-5914 mobile
mkcb@charter.net

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6/29/2011



city
of

CREVE COEUR

7.4.b

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www.creve-coeur.org

October 18, 2011

Mr. & Mrs. Mike Beat
320 Cabin Grove Ln.
Creve Coeur, MO 63141

Re: Storm Water Committee Fall Field Trip Site Visit

Dear Mr. and Mrs. Beat,

The Creve Coeur Storm Water Committee and Public Works staff visited your property on Saturday, October 15, 2011 as part of the bi-annual field trip. While visiting the site Mr. Beat was kind enough to provide a tour of your property and neighboring properties which may also be affected by your storm water concerns. In addition to the tour he provided valuable information regarding the issues you have been experiencing.

The Storm Water Committee recommended for staff to forward this location along with a description of the issues to our Engineering Consultant who is updating the Storm Water Master Plan. In the future, the consultant will visit the site for evaluation purposes, identify the problem areas as well as provide solutions, a priority rating and estimated costs for mitigation.

If you have any questions please don't hesitate to contact me at (314) 872-2538 or jheines@ci.creve-coeur.mo.us

Sincerely,



Jim Heines
Director of Public Works

c: Mark Perkins, City Administrator
Matt Wohlberg, City Engineer
Storm Water Committee Members

Attachment: Applicant's Materials (1114 : 320 Cabin Grove)



CITY OF CREVE COEUR BUILDING DIVISION



Inspection Request

 Permit # 23709 Inspector _____

 Contractor / Owner _____ Commercial _____ Residential ☒

Contact Name & Phone # _____

Bruce - 221-8098

Inspection Address _____

320 Cabin Grove

 Taken by D

Date _____

AM

PM

 Ready for inspection: Monday [] Tuesday 1/8 Wednesday [] Thursday [] Friday [] TIME:

- ☐ Footing / Piers full partial (location) _____
☐ Foundation full partial (location) _____
☐ Framing full partial (location) _____
☐ Drywall / Screw full partial (location) _____
☐ Mechanical (residential) rough final partial (location) _____
☐ Final full _____
☐ T.C.O. (temp. occupancy) ☐ Issue Business License ☐ Furniture Only ☐ Stocking Only ☐ Training Only
☐ Other alarm test * ceiling cover * swimming pool * retaining wall * sign * fence * demolition
 occupancy * business license * rebar * masonry block * excavation * geo grid * fire proof
☐ Rough grading ☐ Final grading

☐ Approved ☐ Disapproved ☐ Other Arrival Time _____ Departure Time _____

Inspector Signature _____

[Signature]

Date _____

11/8/2001

@@ IF THIS INSPECTION IS DISAPPROVED, A \$ 40.00 RE - INSPECTION FEE SHALL BE PAID TO THE CITY PRIOR TO A RE-INSPECTION BEING MADE.

DO NOT REMOVE / ALTER THIS NOTICE

CONTRACTOR IS RESPONSIBLE TO MAINTAIN THIS FORM AS PART OF PERMIT DOCUMENTS

WHITE - Contractor Copy

YELLOW - Inspector Copy

Attachment: Applicant's Materials (1114 : 320 Cabin Grove)



Geotechnical & Environmental Engineering
Soils, Concrete & Asphalt Testing

August 19, 2014

VIA EMAIL: mkcb@charter.net

Mike and Kelly Beat
320 Cabin Grove Lane
Creve Coeur, Missouri

Re: 320 Cabin Grove Lane
Creve Coeur, Missouri
Retaining Wall Modifications

Mr. and Mrs. Beat:

At your request, Brucker Engineering Company has reviewed the retaining wall design prepared by our firm in January, 2011 for the modular block retaining wall located at the right rear of the above referenced site. The purpose of our review was to evaluate the feasibility of modifying the location of the netting above the wall per the City of Creve Coeur's request. For the purposes of this report, the perspective of left, right, front, and back refer to viewing the house from the street.

It is our understanding the city would like the tall poles supporting the netting (used to stop balls from rolling over the top of the wall) approximately five feet back from the current location. It is also our understanding the city will require a new guardrail at the top of the wall due to the netting being moved back.

The wall was designed with clean crushed limestone as the reinforced material. We believe clean rock was also used for the retained material. Any new excavations to create piers to support the tall pole relocation and the new guardrail will require cutting the concrete surface and excavation into the geogrid reinforced clean rock. The clean rock will not allow for normal excavation as it will fall into the hole at the angle of repose requiring a much larger excavation than would be required for the piers. This excavation would require wide cut outs in the concrete of an unknown size and would significantly disrupt the geogrid reinforcement. The geogrid must be kept taut to work properly. It would likely be impossible to properly tension the geogrid inside a pier excavation and outside of the actual pier.

Based on our review and in accordance with generally accepted industry standards, in our opinion modifying the location of the poles and adding a new guardrail would be detrimental to the wall structure which could cause the wall to be unsafe. We recommend that no such modifications be made and a more satisfactory solution be reached with the city.

Our services are based upon complying with generally accepted industry standards in effect at the time of our work. No other warranty, expressed or implied is made.

If you have any questions regarding this letter or the limitations, please contact us.

Respectfully submitted,
BRUCKER ENGINEERING COMPANY

D. Matthew Fox

D. Matthew Fox
Engineering Geologist

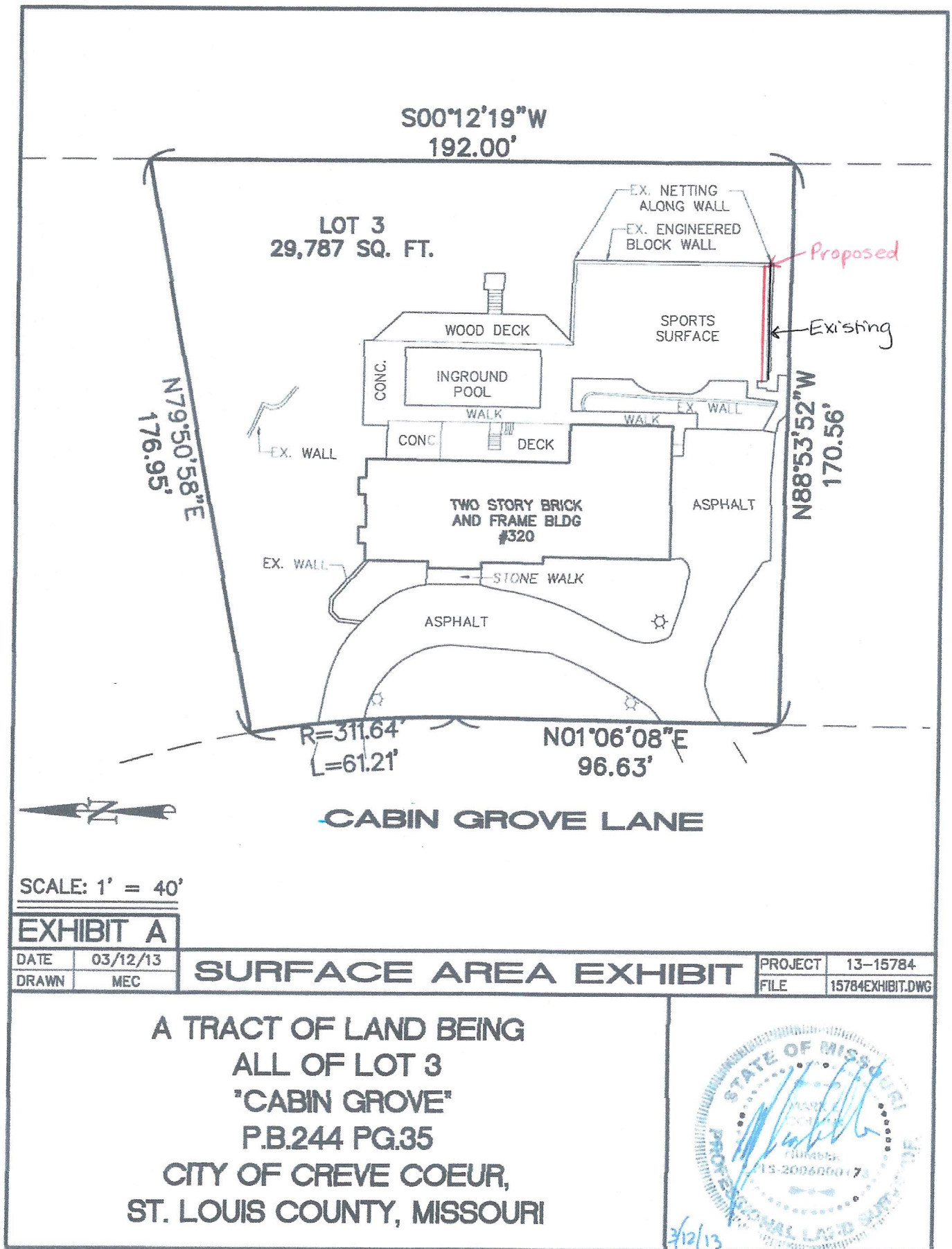


This seal refers to only our geotechnical services as documented in this report and to no other plan, document or services pertaining to this project.

J. Leo Turek, P.E.
Owner

8/19/2014

FD/DMF/rwalls/Cabin Grove 320/ wall modification letter



Attachment: Applicant's Materials (1114 : 320 Cabin Grove)

Kelly, Whitney

From: Mary Spellmeyer <billiken57@aol.com>
Sent: Tuesday, October 14, 2014 9:22 PM
To: Kelly, Whitney
Subject: Fence at 320 Cabin Grove Lane

PLANNING AND ZONING COMMISSION

Re: Application approval for a minor site plan for a 10 foot black netting fence

Recently Mike and Kelly Beat painted the tall poles that support the black netting of their sport court at 320 Cabin Grove Lane. Even

though they were painted black, the poles remained very high (about 20 feet) while the netting was lowered to ten feet

Recently, Dr. Beat had a conversation with us and we voiced that the poles needed to be cut down. Within a few days, the poles were cut

to a level to support the ten foot netting. The black netting blends in and is barely visible while the new height of the support poles

no longer towers over the sport court. The ten foot netting is quite effective at keeping the balls contained on the court.

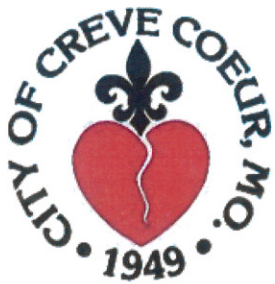
As next door neighbors living at 324 Cabin Grove, we feel approval of the ten foot net is a reasonable request and no longer object

to the design of the fence (poles/netting) at its existing location.

Sincerely,

Arthur and Mary Lou Spellmeyer
 324 Cabin Grove Lane
 Creve Coeur, MO 63141
 (314)439-0569

Attachment: Neighbor's Letter of Support (1114 : 320 Cabin Grove)



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
#14-034 MINOR SITE DEVELOPMENT PLAN FOR A 10-FOOT
NETTING FENCE SURROUNDING A SPORTS COURT
AT 320 CABIN GROVE LANE**

FOR THE MEETING OF: October 20, 2014

LOCATION: 320 Cabin Grove Lane, in the "A" Single Family Residential zoning district, with Residential Design Development approval.

REQUEST: Minor site plan approval for a 10-foot tall, black netting fence, surrounding the sports court at 320 Cabin Grove Lane. The court and fence were installed in 2011, the latter without prior approval of the Planning and Zoning Commission.

ADDITIONAL INFORMATION: The City of Creve Coeur's Zoning Ordinance (Section 405.640 Fences) states that no fence shall exceed six feet in height unless specifically approved by the Planning and Zoning Commission in consideration of a unique screening problem. On November 4, 2013, the Planning and Zoning Commission approved the fence on the conditions that it be shortened to 10-feet and moved to provide a 15-foot setback. Section 405.460 states that Accessory Uses, including private recreation facilities shall be 15 feet from any lot line. The court is approximately 12.5 feet from the south side property line.

Key Issues:

- Does the fence provide screening of a unique problem?
- Impact to Neighborhood

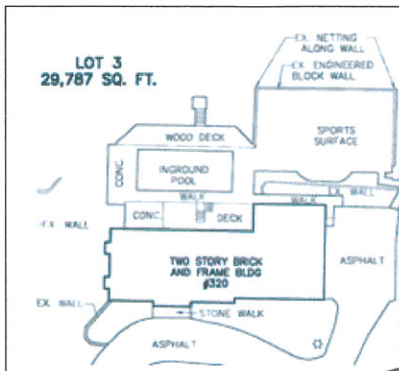
Comp. Plan References

- Residential Neighborhoods
- Design Guidelines

Zoning Code References

- Section 405.250 "A-RDD" Single-family Residential District with Residential Design Development
- Section 405.460 Accessory Uses and Structures
- Section 405.640 Fences

APPLICANT: Mike and Kelly Beat
320 Cabin Grove Lane
Creve Coeur, MO 63141



REPORT PREPARED BY:


Paul Langdon, AICP, Community Development Director

10/13/2014
Date

ATTACHMENTS: Applicant's revised materials received October 31, 2013
Letter of support from adjacent home owner.

Figure 1: Detail of Site Plan submitted by Applicant

It should also be noted that, if the tall fence is moved back from the edge of the wall, a secondary barrier will have to be located to form a barrier keeping people from falling off the wall or gaining access to the top of the wall.

LAND USE AND ZONING OF SURROUNDING PROPERTIES

The adjacent zoning and land uses are as follows:

DIRECTION	USE	ZONED	SEPARATED BY
North	Single family residences	"A-RDD" Single Family Residential	NA
South	Single family residences	"A-RDD" Single Family Residential	NA
East	Single family residences	"A" Single Family Residential	NA
West	Single family residences	"A-RDD" Single Family Residential	Cabin Grove Lane

ANALYSIS

Sports Court

The sports court is approximately 58 feet by 38 feet and located off the end of the driveway, behind the home, 22 feet from the rear lot line and approximately 12.5 feet from the south, side-yard, property line. In the prior application, staff identified the following regulation:

SECTION 405.460: ACCESSORY USES AND STRUCTURES

B. Permitted Accessory Uses And Structures.

6. *Private park or recreation facilities including private swimming pools, bathhouses or tennis courts, provided that such facilities are set back at least fifteen (15) feet from any lot line and separated from adjacent residential property by a fence of at least four (4) and not more than six (6) feet in height.*

At the time, the applicants' representative argued that this regulation did not apply to their situation. It is true that the regulation does not list "sports court" in particular and the activities that are possible on the "court" (basketball hoop and a hockey/soccer goal) are the same activities that can be, and frequently are, played in a residential driveway or in the street. In those locations, there are no limitations or requirements for screening or setback. On the other hand, there are physical similarities between the applicants' facility and a tennis court. Since the facilities listed in the regulation require unique, dedicated structures and surfaces (e.g. pool house; tennis court), but the applicants' facility is a simple concrete pad that could also serve as a patio, which does not require a permit nor does it have to meet setback requirements, Staff conclude that the applicability of the regulation is fairly debatable. In the prior review, this ambiguity was noted but the Commission believed the setback should be moved to 15 feet for privacy and visual impact reasons, partially because the nearest adjacent neighbor expressed concerns with the fence. With the reduction of the fence height and the painting of the poles to black, the neighbor has now submitted a letter of support for the current condition of the fence, in its current location. That letter is attached hereto.

With the new facts regarding the setbacks in hand and acknowledging that the regulations are not clearly applicable since the included activities can occur on any property without restriction, Staff do not believe that the additional two and one-half feet of setback are an ordinance requirement, nor do they offer any tangible improvement in conditions for the adjacent neighbor.

Fence

The Zoning Code does not provide guidance in evaluating requests for fences, except that no fence shall exceed six feet in height unless approved by the Planning and Zoning Commission in consideration of a unique screening problem.

SECTION 405.640: FENCES

- A. *Height Of Fences.* No fence shall exceed six (6) feet in height unless specifically approved by the Planning and Zoning Commission in consideration of a unique screening problem.
- E. *Tennis Court Backstop Fence.* Tennis courts may have an open chain link fence up to ten (10) feet in height, provided such backstop fence is setback at least twenty (20) feet from any property line abutting a single-family residence.

In their prior review, the Planning Commission approved a 10-foot fence height, but required that it be set back 15 feet from the property line. The question before the Planning Commission, therefore, is not if a unique screening problem is present; that was resolved last year. What is before the Commission is whether or not the setback has to be increased to 15 feet to address concerns with external impacts.

The Comprehensive Plan and Design Guidelines provide further direction for review of fences with the following:

Comprehensive Plan: Residential Preservation and Economic Development

- 2. Encourage the continued preservation of the suburban landscape character of the area, its open green spaces, and stream corridors. New development or redevelopment should protect and enhance stream channels, preserving remaining riparian corridors, preserve trees and encourage re-establishment of natural streams, where feasible. The use of pervious paving materials and vegetated swales to manage storm water in new development and redeveloping areas is encouraged.

Design Review Guidelines: F. Screening (Fences and Walls)

- 2. The design of fencing, sound walls, trash enclosures, and similar site elements is to be compatible with the architecture of the main buildings and should use similar materials.
- 3. All fencing should be designed as an integrated part of the site, rather than as a separate fence, such as a planter wall or continuation of an architectural wall feature. (p.18-19)

Similar to the initial application, Staff do not believe that the black netting on black poles, in and of itself, represents a harm to this property or the surrounding properties. This is supported by the attached letter of support from the neighbor. Further, as shown in the attached pictures, the side yard in question is steeply sloped and densely vegetated, so it is also difficult to conclude that an additional two and one-half feet of setback will have any meaningful benefit to the adjacent property, regardless of the particular resident, and there is no appreciable change to the view from the street.

CONCLUSION

The impact of the fence, as it exists today, appears to be negligible. The black netting largely disappears into the surrounding landscaping and it serves to both prevent balls from leaving the court and to protect users from falling off the wall, neither of which appear to be helped or hindered by modifying the location. If the members of the Commission believe, however, that

the additional two and one-half feet of setback are necessary due to impacts on the adjacent property, then those impacts should be identified and their relationship to the setback made clear.

MOTION AND ACTION

If the Commission wishes to approve the fence as proposed, which would approve the fence as it exists, a motion to approve the application as submitted should be made with a clear statement regarding the existing setback. The following is an example motion for this action:

“I move to approve the site plan for a ten-foot high black netting fence, located 12.5 feet from the side property line at 320 Cabin Grove Lane, as submitted with Application #14-034 and presented to the Planning and Zoning Commission on October 20, 2014”.

If the Commission wishes to adhere to the longer setback required last year, the Commission need only vote against the motion and the existing approval will remain in effect.

APPENDIX 1: COMPREHENSIVE PLAN

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

APPENDIX 2: ZONING CODE

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

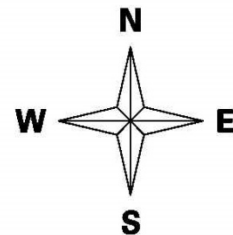
APPENDIX 3: AERIAL MAP



Property lines



320 Cabin Grove Lane



Attachment: 14-034:320 Cabin Grove Sport Court SDP.Staff Report (1118 : 320 Cabin Grove)

APPENDIX 4: SITE PHOTOGRAPHS	Photo Dates: 10/09/2014 10/14/2014
	Description: View looking east from Cabin Grove Lane. Note that the fence in question is largely screened from view (arrow indicates the approximate top of the fence nearest the adjacent neighbor).
	Description: View from the top of the driveway looking east along the setback area (property line is to the right of the evergreen shrubs). Note the steep slope necessitating the Building Code requirement for some form of barrier on the top of the retaining wall.
	Description: View from the sport court looking south through the fence toward the neighboring house.

Creve Coeur Planning and Zoning Application

For a 10 foot fence

at 320 Cabin Grove Lane

1. We request approval of a 10 foot net system surrounding a home recreational site with 12.5 ft setback for the following reasons:

The property has unique physical characteristics of a very steep grade from the street to the rear of the property and an additional slope from the south to the north. These topographical inclines causes water drainage from the street and neighboring driveway rain water run-off to collect in a small creek at the back of the property. Metropolitan Sewer District also has a street runoff drain in the adjacent Williamsburg neighborhood which drains storm water at a 90 degree angle into the creek at the rear of the property. These unique conditions were eroding the rear property line and threatening to wash away utility poles. The area of interest was prone to extreme erosion which was not being adequately addressed by the homeowner's requests from the city or from the county sewer district.

In 2004, the homeowners contacted a storm water engineer from MSD to assist with resolving these drainage issues. They offered no assistance. The Creve Coeur Director of Public Works was also contacted and proved more accommodating. (See attachment #1) Additional engineers were consulted and options evaluated. Access constraints prevented further action until 2011 when the Director of Public Works was again engaged to help find a solution. (See attachment #2) The Creve Coeur Storm Water Committee was kind enough to include a site visit into their Fall field trip and offer recommendations. (See attachment #3)

The homeowners ultimately addressed much of the water erosion issue with the construction of a retaining wall. A permit was applied for in June 2011, then the retaining wall was built and approved in full compliance with existing codes. Inspectors were on site during required geogrid inspections at four different times during the construction phase and provided signed approvals. Due to the height of the retaining wall, an inconspicuous black net system was selected and integrated into the geogrid design in order to satisfy the safety concerns of the inspector. Poles to support the retractable net system were engineered into the geogrid structure. Concrete was then poured to maximize the available flat usable space created by the newly constructed retaining wall. An extra cable support was placed 3 foot above the surface at the recommendation of the Creve Coeur building inspector. The black net system also minimized visual disturbance of the natural surrounding wooded environment, and served as a barrier to prevent unwanted sports equipment from inadvertently entering and disturbing the adjacent property owners. The retaining wall structure served as a very effective erosion prevention solution and provided new useable space for backyard recreational and sporting activities. The project was completed on Aug 2011 and approved by the city inspector Nov 8, 2011. (See attachment #4)

Kelly Beat

From: "Kelly Beat" <mkcb@charter.net>
To: "Beat, Kelly" <mkcb@charter.net>
Sent: Thursday, May 04, 2006 6:13 AM
Subject: Fw: Stormwater issue

----- Original Message -----

From: Schwer, Bill
To: mkcb@charter.net
Cc: [Parish, Connie](#)
Sent: Thursday, July 08, 2004 2:30 PM
Subject: RE: Stormwater issue

Ms. Beat:

Unfortunately, I can't offer any waiver from the City regarding where you place the rock. Alternatively, you will be required to sign a hold harmless agreement regarding our trucks delivering rock to you.

I will be able to get 60 tons of rock for you, but you (or someone you hire) will have to place it. If you want the rock, please let me know where to drop it off. There isn't access to the backyard and the front yard is essentially driveway. Once you determine where the rock can be delivered, let me know. You can contact Connie and she can get you a copy of a hold harmless agreement.

Please keep in mind that the quarry does not always have rock readily available. It may be best to deliver in intervals anyway because of the difficult access.

Please let me know if you have any questions. thanks

Bill Schwer, P.E.

Director of Public Works

Creve Coeur, MO 63141

300 N. New Ballas Road

314-872-2538

314-872-2505(fax)

-----Original Message-----

From: Kelly Beat [<mailto:mkcb@charter.net>]
Sent: Thursday, July 08, 2004 9:36 AM
To: Schwer, Bill

4/27/2010

Attachment: Applicant's Materials (1118 : 320 Cabin Grove)

Subject: Stormwater issue

Bill,

Thank you for coming out to our home to review our creek drainage issues. We are requesting assistance from the city to restore and maintain our stormwater creek bank at 320 Cabin Grove Lane. Per a boundary survey our property line has 192.00' along the creek.

MSD has a runoff drain in the Williamsburg neighborhood which drains stormwater at a 90 degree angle into our creek. The current condition is eroding our property line and affecting other homeowners in this area. If this continues the utility easements are in jeopardy of washing away as well.

We contacted a stormwater engineer from MSD to resolve these drainage issues, however he offered no assistance.

Per our conversation a share cost arrangement with the city to obtain rock might be available. The correct placement of rock could provide an improvement in the integrity of the creek bed. However, it remains unclear whose property the creek bed actually involves. Thus, we would also request from the city a waiver of any liability the placement of the rock might cause to the creek bed in the future.

Mike & Kelly Beat
314-275-2616

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4/27/2010

Attachment: Applicant's Materials (1118 : 320 Cabin Grove)

Nearly two years later, upon requesting another building permit for a room addition project, we were retroactively made aware that the recreational space upon the retaining wall did not comply with certain city planning and zoning codes. Significant additional effort and expense was undertaken to resolve these matters, including the installation of a new permeable paver block drive way to remedy a coverage issue. The only outstanding concern is a matter of a previously unrecognized set-back requirement of 15 feet from the adjacent property line. Currently the approved existing retaining wall is located 10 ft from the property line according to code. The netting system is set back another 2.5 ft. (i.e. 12.5 feet from the property line). The homeowners wanted to maximize the usable surface space and were unaware of any setback requirements when constructed. In good faith, we have been working with the City trying to resolve this issue but simply were never made aware of the code violation until over 1 ½ years after completion of the approved project. We are now seeking approval for the existing 10 foot net from the Planning Commission. The net was lowered, but a lower net allows innumerable balls to fly past the top of the net and into the neighbors fenced in pool area. A formal evaluation was undertaken to move the support poles, but Brucker structural engineers advised that moving the netting system would adversely disrupt the structural integrity of the geogrid in the retaining wall. (See attachment #5) It has also been suggested that tubular pole anchors could be fastened to the concrete surface. A primary concern with this proposal is that any artificial disruption of the concrete might jeopardize the integrity of the surface drainage contours, allow unwanted water entry, and through a prolonged period of freezing and thawing cycles, eventually lead to deeper concrete cracks, additional water seepage, and subsurface erosion. This could potentially compromise the retaining wall thus creating a recurrent or worse situation that would defeat the original reason and purpose of the retaining wall construction in the first place. (See attachment #6) We therefore seek approval to have the 10 feet net at its current location.

As previously mentioned, the back portion of the property consists of a small creek that serves as a catchment for significant amount of storm water run-off from the adjacent community and upstream properties creating adverse soil erosion conditions that are exacerbated by the naturally steep contour of the property which does not exist to the same extent in other neighborhood properties.

2. In 2013, the Planning Commission approved the 10 foot fence with a 15 foot setback, but we are requesting approval of the existing 12.5 foot setback for the following reasons.

The 15 ft set-back zoning law in this particular circumstance creates a difficult dilemma to retroactively correct, as decisions and choices of building materials were selected and designed into a larger project to correct a drainage/erosion problem with perceived collaborative advice and implicit approval of on-site building inspectors. The homeowners were unaware of any violations of zoning or city planning codes until nearly 2 years later. In good faith, the homeowners have complied with the city and undertaken significant financial costs to bring the property into compliance with all other code violations. The new prospect of disrupting and destabilizing the existing geogrid and retaining wall structure, which was constructed, inspected,

and approved according to code standards , plus the additional financial costs would be an unfair burden that could be resolved with the Planning Commission approval.

Further, according to the St. Louis County appraised value of the property, the tax assessment has increased after completion of the project.

Finally, approval of the existing set-back would actually benefit the immediately adjacent neighbors by allowing a higher netting system to prevent the unwanted entry of sports balls into their yard and pool area. A tall "living growing fence" of evergreen trees was planted along the lot edge to further camouflage the net system and minimizes any perceived adverse visual impact on the neighborhood. The black netting and black poles blend into the surrounding wooded environment and are barely visible. We have planted additional evergreen landscape to further camouflage the black support poles at their existing location. Because of the strategic placement of this landscape, any further movement of the support poles would create a new visual disturbance. Presently the surrounding wooded landscape hides the court from most views. Because of the steep slope of the property in the back yard and the recessed location of the retaining wall surface well below the driveway grade, the area is not visible from the street or to other adjacent property owners.

Kelly Beat

From: "Heines, Jim" <jheines@ci.creve-coeur.mo.us>
To: <mkcb@charter.net>
Cc: <mgbeat@charter.net>; "Perkins, Mark C." <MPerkins@ci.creve-coeur.mo.us>; "Wohlberg, Matt" <mwohlberg@ci.creve-coeur.mo.us>
Sent: Wednesday, June 29, 2011 7:48 AM
Subject: RE: 320 Cabin Grove Stormwater Solution

Good morning,

I am sorry to hear of your issues regarding creek erosion in your back yard. I believe I remember when Mr. Schwer offered rock to you in an attempt to slow down the erosion. Unfortunately, the MSD rules and guidelines have changed over the recent years and do not allow us to make any type of improvement to a creek including the placement of Gabion rock as bank stabilization without a permit from MSD.

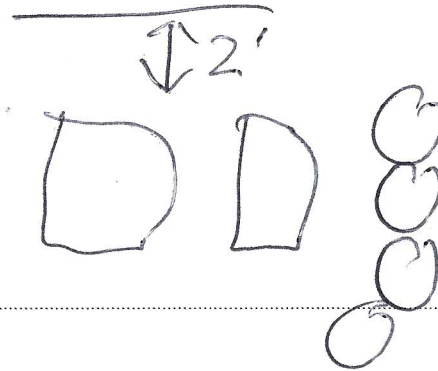
There is no doubt that the creek is causing a negative impact on your property and we would like to help wherever we can. What we can offer at this time is for a city staff member to visit the site and evaluate the issues. We are currently having a consultant update our Storm Water Master Plan which will identify problem areas and assign priorities, solutions, and cost estimates. From this report the Public Works Department and Storm Water Committee will pursue Capital Improvement Funding from the city to create improvement projects. In addition to this effort, we will contact MSD and ask them for help too.

If you would like to set up a time to meet with staff to investigate the conditions of the creek please let me know.

Sincerely,

Jim Heines
 Director of Public Works
 City of Creve Coeur
 300 N. New Ballas Rd.
 Creve Coeur, MO 63141

TNO: (314) 872-2538
 Fax : (314) 872-2505



From: Kelly Beat [mailto:mkcb@charter.net]
Sent: Wednesday, June 29, 2011 2:19 AM
To: Heines, Jim
Cc: mkcb@charter.net; mgbeat@charter.net
Subject: 320 Cabin Grove Stormwater Solution

Dear Mr. Heines,

In the past, we have attempted to address severe stormwater drainage issues impacting our home at 320 Cabin Grove Lane in Creve Coeur.

The back property line has 192 feet of boundary along a storm creek. MSD has a street runoff drain from the adjacent Williamsburg neighborhood which diverts stormwater at a 90 degree

6/29/2011

Attachment: Applicant's Materials (1118 : 320 Cabin Grove)

angle in the creek and onto our property. The existing condition continues to erode away our backyard and is affecting other homeowners in the area. If this condition continues, the utility easements and electrical line poles are also in jeopardy of washing away.

We have contacted a stormwater engineer from MSD to assist with these drainage issues, however, they offered no resolution. In past communication with Bill Schwer, he kindly offered 60 ton of rock, but immediate availability and delivery from the quarry, not to mention access of the trucks to the backyard, hampered the effort.

This spring's unusual amount of rain has worsened the condition and has caused us to take further personal action and revise preexisting drainage from our driveway and gutters in order to prevent further property erosion and basement flooding. We currently are also constructing a new retaining wall in the backyard next to the stormwater creek. (Reference building permit # 23709 from the building division)

This project has provided an opportunity for us to work together and resolve the issue in a mutually beneficial manner. Equipment to facilitate transfer and placement of the promised rock is now available. Our contractors are ready to finish the project and willing to assist with improving the erosion problem once and for all.

Our last communication with Bill indicated that a hold harmless agreement regarding Creve Coeur trucks delivering rock to our property would be required. Please have Connie email a copy of the hold harmless agreement for our signatures. I will then have our contractor, Bruce Null (314-221-8098), contact you regarding a schedule to deliver and dump the rock for installation.

Thank you for your assistance. Should you have any further questions, I invite you to the property to review the creek drainage solution..
Sincerely,

Michael & Kelly Beat
314-275-2616 home
314-249-5914 mobile
mkcb@charter.net

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6/29/2011



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of

CREVE COEUR

11.1.b

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

October 18, 2011

Mr. & Mrs. Mike Beat
320 Cabin Grove Ln.
Creve Coeur, MO 63141

Re: Storm Water Committee Fall Field Trip Site Visit

Dear Mr. and Mrs. Beat,

The Creve Coeur Storm Water Committee and Public Works staff visited your property on Saturday, October 15, 2011 as part of the bi-annual field trip. While visiting the site Mr. Beat was kind enough to provide a tour of your property and neighboring properties which may also be affected by your storm water concerns. In addition to the tour he provided valuable information regarding the issues you have been experiencing.

The Storm Water Committee recommended for staff to forward this location along with a description of the issues to our Engineering Consultant who is updating the Storm Water Master Plan. In the future, the consultant will visit the site for evaluation purposes, identify the problem areas as well as provide solutions, a priority rating and estimated costs for mitigation.

If you have any questions please don't hesitate to contact me at (314) 872-2538 or jheines@ci.creve-coeur.mo.us

Sincerely,



Jim Heines
Director of Public Works

c: Mark Perkins, City Administrator
Matt Wohlberg, City Engineer
Storm Water Committee Members

Attachment: Applicant's Materials (1118 : 320 Cabin Grove)



CITY OF CREVE COEUR BUILDING DIVISION



Inspection Request

 Permit # 23709 Inspector _____

 Contractor / Owner _____ Commercial _____ Residential ☒

Contact Name & Phone # _____

Bruce - 221-8098

Inspection Address _____

320 Cabin Grove

 Taken by D

Date _____

AM

PM

 Ready for inspection: Monday [] Tuesday 1/8 Wednesday [] Thursday [] Friday [] TIME:

- ☐ Footing / Piers full partial (location) _____
☐ Foundation full partial (location) _____
☐ Framing full partial (location) in back
☐ Drywall / Screw full partial (location) _____
☐ Mechanical (residential) rough final partial (location) _____
☐ Final full _____
☐ T.C.O. (temp. occupancy) ☐ Issue Business License ☐ Furniture Only ☐ Stocking Only ☐ Training Only
☐ Other alarm test * ceiling cover * swimming pool * retaining wall * sign * fence * demolition
 occupancy * business license * rebar * masonry block * excavation * geo grid * fire proof
☐ Rough grading ☐ Final grading

☐ Approved ☐ Disapproved ☐ Other Arrival Time _____ Departure Time _____

Inspector Signature _____

[Signature]

Date _____

11/8/2001

@@ IF THIS INSPECTION IS DISAPPROVED, A \$ 40.00 RE - INSPECTION FEE SHALL BE PAID TO THE CITY PRIOR TO A RE-INSPECTION BEING MADE.

DO NOT REMOVE / ALTER THIS NOTICE

CONTRACTOR IS RESPONSIBLE TO MAINTAIN THIS FORM AS PART OF PERMIT DOCUMENTS

WHITE - Contractor Copy

YELLOW - Inspector Copy

Attachment: Applicant's Materials (1118 : 320 Cabin Grove)



Geotechnical & Environmental Engineering
Soils, Concrete & Asphalt Testing

August 19, 2014

VIA EMAIL: mkcb@charter.net

Mike and Kelly Beat
320 Cabin Grove Lane
Creve Coeur, Missouri

Re: 320 Cabin Grove Lane
Creve Coeur, Missouri
Retaining Wall Modifications

Mr. and Mrs. Beat:

At your request, Brucker Engineering Company has reviewed the retaining wall design prepared by our firm in January, 2011 for the modular block retaining wall located at the right rear of the above referenced site. The purpose of our review was to evaluate the feasibility of modifying the location of the netting above the wall per the City of Creve Coeur's request. For the purposes of this report, the perspective of left, right, front, and back refer to viewing the house from the street.

It is our understanding the city would like the tall poles supporting the netting (used to stop balls from rolling over the top of the wall) approximately five feet back from the current location. It is also our understanding the city will require a new guardrail at the top of the wall due to the netting being moved back.

The wall was designed with clean crushed limestone as the reinforced material. We believe clean rock was also used for the retained material. Any new excavations to create piers to support the tall pole relocation and the new guardrail will require cutting the concrete surface and excavation into the geogrid reinforced clean rock. The clean rock will not allow for normal excavation as it will fall into the hole at the angle of repose requiring a much larger excavation than would be required for the piers. This excavation would require wide cut outs in the concrete of an unknown size and would significantly disrupt the geogrid reinforcement. The geogrid must be kept taut to work properly. It would likely be impossible to properly tension the geogrid inside a pier excavation and outside of the actual pier.

Based on our review and in accordance with generally accepted industry standards, in our opinion modifying the location of the poles and adding a new guardrail would be detrimental to the wall structure which could cause the wall to be unsafe. We recommend that no such modifications be made and a more satisfactory solution be reached with the city.

Our services are based upon complying with generally accepted industry standards in effect at the time of our work. No other warranty, expressed or implied is made.

If you have any questions regarding this letter or the limitations, please contact us.

Respectfully submitted,
BRUCKER ENGINEERING COMPANY

D. Matthew Fox

D. Matthew Fox
Engineering Geologist

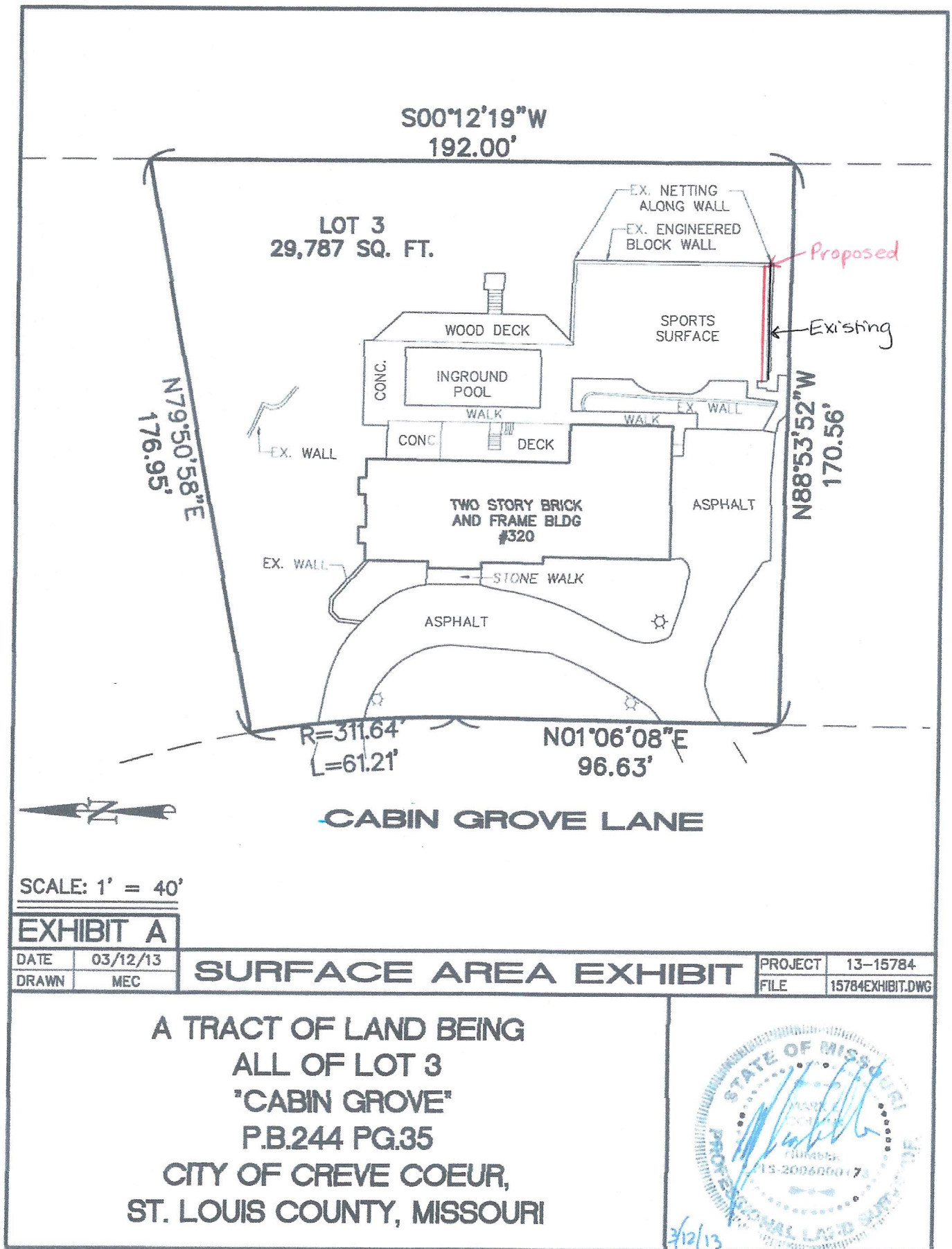


This seal refers to only our geotechnical services as documented in this report and to no other plan, document or services pertaining to this project.

J. Leo Turek, P.E.
Owner

8/19/2014

FD/DMF/rwalls/Cabin Grove 320/ wall modification letter



Kelly, Whitney

From: Mary Spellmeyer <billiken57@aol.com>
Sent: Tuesday, October 14, 2014 9:22 PM
To: Kelly, Whitney
Subject: Fence at 320 Cabin Grove Lane

PLANNING AND ZONING COMMISSION

Re: Application approval for a minor site plan for a 10 foot black netting fence

Recently Mike and Kelly Beat painted the tall poles that support the black netting of their sport court at 320 Cabin Grove Lane. Even

though they were painted black, the poles remained very high (about 20 feet) while the netting was lowered to ten feet

Recently, Dr. Beat had a conversation with us and we voiced that the poles needed to be cut down. Within a few days, the poles were cut

to a level to support the ten foot netting. The black netting blends in and is barely visible while the new height of the support poles

no longer towers over the sport court. The ten foot netting is quite effective at keeping the balls contained on the court.

As next door neighbors living at 324 Cabin Grove, we feel approval of the ten foot net is a reasonable request and no longer object

to the design of the fence (poles/netting) at its existing location.

Sincerely,

Arthur and Mary Lou Spellmeyer
 324 Cabin Grove Lane
 Creve Coeur, MO 63141
 (314)439-0569

Attachment: Neighbor's Letter of Support (1118 : 320 Cabin Grove)

