



AGENDA
PLANNING AND ZONING COMMISSION MEETING
CITY OF CREVE COEUR, MISSOURI
TUESDAY, SEPTEMBER 8, 2015

7:00 PM

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.

CALL TO ORDER

ROLL CALL

Mr. Tim Carney
Mr. James Faron
Ms. Muriel Hall
Mr. Ken Howard
Ms. Beth Kistner (chair)
Mr. Charles Pullium
Mr. Gene Rovak
Mr. Carl Lumley, City Attorney
Mr. Jason Jaggi, Director of Community Development
Ms. Whitney Kelly, City Planner
Ms. Deborah McLaughlin, Recording Secretary
Ms. Jessica Stutte, Planning Assistant

ACCEPTANCE OF THE AGENDA

APPROVAL OF MINUTES

- 1. August 17, 2015 P&Z Meeting Draft Minutes**

PUBLIC COMMENT

An opportunity for members of the public to address the Planning and Zoning Commission regarding issues or concerns not already on the agenda for this meeting. Those wishing to speak will be asked to limit comments to three minutes and to complete a speaker card.

UNFINISHED BUSINESS**1. Application #14-022: Approval of a Revised Site Development Plan at the Shoppes at Westgate Located at 12410-12428 Olive Boulevard. Request to Table.**

An application has been submitted to revise the site development plan for the Shoppes at Westgate including the renovation of the exterior of the building, new landscaping, and additional parking spaces. Included in the request is the location of artwork to be coordinated with the City's Arts Committee and the possible establishment of an "art on loan" program in consideration of site bonus coverage to 66.8%. Sufficient details of the agreement with the Art Committee has not been agreed to at this time, and the Applicant has requested that the item be tabled until such agreement has been reached.

NEW BUSINESS**1. Application #15-022: Conditional Use Permit for 5 Star Burger Restaurant Within CityPlace Retail at 11601-11615 Olive Boulevard, Unit 9D**

Stephen Gontram, of 5 Star Burgers, has submitted a request for a new conditional use permit for a new 5 Star Burger location within the CityPlace Retail Center in a portion of the space formerly occupied by Creve Coeur Camera. The proposed new 2,734 square foot restaurant will have 86 interior plus 38 outdoor seats. All full-service restaurants (NAICS 722511) are permitted as conditional uses with review and approval by the City Council upon the recommendation of the Planning and Zoning Commission.

WORK AGENDA**DEPARTMENT REPORTS**

1. Director of Community Development
2. City Attorney

ADJOURNMENT

Posted: _____
Jessica Stutte
Planning Assistant

PLANNING AND ZONING COMMISSION MEETING

Monday, August 17, 2015
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, August 17, 2015, at the Creve Coeur Government Center, 300 North New Ballas Road. Chairman Beth Kistner called the meeting to order at 7:00 p.m.

MEMBERS PRESENT: Ms. Beth Kistner, Chair
Mr. James Faron
Mr. Ken Howard
Mr. Charles Pullium
Mr. Gene Rovak
Ms. Muriel Hall

OTHERS PRESENT: Mr. Carl Lumley, City Attorney
Ms. Whitney Kelly, City Planner
Ms. Jessica Stutte, Planning Assistant
Deborah McLaughlin, Recording Secretary

1. Call to Order

2. Roll Call

3. ACCEPTANCE OF THE AGENDA

Mr. Howard moved for approval. Mr. Rovak seconded.
All voted aye.

4. APPROVAL OF MINUTES

A. Draft Minutes for the Meeting of July 20, 2015.

Mr. Faron moved for approval. Mr. Rovak seconded.
All voted aye.

5. PUBLIC COMMENT

Mr. Mel Klearman, 739 Bergerac Drive, addressed the Commission. Mr. Klearman told the Commission that next month is the kickoff of the Comprehensive Plan. I ask, respectfully, have you had a session with our City Attorney, it's Chapter 89, which is Law, I'm not a lawyer, what your ministerial duties are and what discretion you

1 have?

2 And, number two, and very importantly, we're
3 spending \$120,000 for their services, what is your
4 expectations, particularly regarding public involvement?

5 We all know the public doesn't get involved
6 unless there's something personal to them. Therefore,
7 what power and discretion do you have that you feel you're
8 not getting our money's worth?

9 In other words, how much public participation
10 must the consultant get? And I don't know, you'd have to
11 ask the attorney, and you have to make your own decision.
12 So that's basically what it is, and we'll see what happens
13 when the meetings start.

14 And I thank you very respectfully, I say that.

15 6. UNFINISHED BUSINESS

16 1. Application #14-022: Approval of a Revised Site
17 Development Plan at the Shoppes at Westgate Located at
18 12410-12428 Olive Boulevard. Request to Continue.
19 An application has been submitted to revise the site
20 development plan for the Shoppes at Westgate, including
21 the renovation of the exterior of the building, new
22 landscaping and additional parking spaces. Included in
23 the request is the location of artwork to be coordinated
24 with the City's Art Committee and the possible
25 establishment of an "art on loan" program in consideration
of site bonus coverage to 66.8%. Sufficient details of
the agreement with the Art Committee regarding the loaned
artwork have not been provided at this time. Therefore,
Staff is requesting to continue the item to the September
8th meeting date.

Motion by Mr. Rovak. Seconded by Mr. Faron.

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

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

7. NEW BUSINESS

1. Application #15-020: Minor Site Development Plan
for a Fence Within the Front-yard Setback for the Enclave
Bellerive Subdivision.

Barry Simon of Simon Homes has submitted a request for
a minor site development plan for a 4 foot tall masonry
courtyard wall/fence that will project up to 7 feet into
the front setback. The request is for the entire

1 subdivision, as well as specific to 324 Wythe House Court,
2 as they would like to offer this as an option for all
homes in the subdivision.

Applicant: Barry Simon
3 Simon Homes
632 Trade Center Boulevard
4 St. Louis, MO 63005

Mr. Simon indicated to the Commission that what we are
5 looking to do is to create approval to create a courtyard
effect at our garage entries. The current front yard is
6 the entrance to the garage turn-around and it will extend,
in some cases, 7 foot in front of the front building line.
7 Currently, we have a house under construction now at 324
Wythe House Court, which is Lot 12, and we have a specific
8 request from this homeowner to create a courtyard effect,
and I think you probably have the plans in front of you.
9 It'll be built out of stone. It'll be stone-faced on both
sides. It'll go around the complete turn-around, and then
10 at the front it has a curved arch wall.

At the time the original developers received approval for
11 the subdivision, the Enclave Bellerive, the low wall
courtyard was shown as an example the type of homes that
12 they planned to build.

They have built eleven homes. Out of the eleven homes,
13 approximately seven or eight of them already have this
courtyard effect. Two of the homes that have the
14 courtyard effect do project off into the front building
line.

15 The courtyard fence wall design would be a mix of masonry.
It is consistent with the home. It'll have a decorative
16 metal fencing at the top and the stone columns will be
40 inches in height.

17 It's beautiful. It is not hiding any green space. It is
designed to go around a three-car side entry turn-around
18 that's approximately 30 by 30. And I think it will add a
lot of beauty to the exterior design of the home.

19 It certainly fit the architectural design that already
exists at Enclave Bellerive.

20 If you have any questions, I'll be happy to answer them
for you.

21 Mr. Faron stated that his only concern would be is this
the standard design that we would expect to see throughout
22 the subdivision? Will there be fluctuations in this, and
I guess staff will be able to comment on this, but I
23 guess, are you thinking of having an open-slatted metal
option on any of the other properties? Cause when you tie
24 this masonry into the building, it almost looks like it's
part of the building, and people are almost fooled into
25 thinking, well, that's building and not fence. And once
you kind of go over 50 percent, it starts to now look like

1 a fence. That looks fine there. But down the road, which
2 I'd be willing to grant this subdivision wise because the
3 issue of having to come here every time you have to do
4 that. Is there a thought of changing that for cost issues
5 too? I mean I know it's cheaper to just go with the
6 wrought iron fence. Is that a consideration in the
7 future? Purely wrought iron, I'm saying, without any kind
8 of masonry aspect?

9 Mr. Simon stated the goal is to have it tie in and be
10 consistent with the architectural design of the house.

11 Ms. Kelly indicated that, as the applicant indicated, we
12 are looking to approve this throughout the Bellerive
13 Enclave Subdivision. As the subdivision, it's all
14 interior, and the subdivision fence that abut Ladue and
15 Mason are already built, the visibility impact on anyone
16 traveling on those roads is negligible. The way we've
17 written the motion for you is that it would allow up to a
18 maximum of 4 feet masonry. Mr. Faron, if you're concerned
19 about it going to just open-slatted, we can certainly
20 clarify that to be that no more than 18 inches of
21 open-slatted wrought iron shall be masonry to be
22 consistent with the main building. That is certainly
23 something that we can consider adding, but at this point
24 we recommend it for the entire subdivision.

25 After further discussion, Chairman Kistner stated that
based on what everybody is saying, the wording of it would
be to allow up to 4-foot tall masonry courtyard fence that
maintain up to 18 inches of slatted metal that is
consistent with the design of the related home.

Mr. Simon indicated they are proposing, based upon our
specific request, is a 20-inch masonry wall, which is
stone, and then on top of that is an ornamental slatted
railing, just for architectural purposes, and that's 18
inches tall. The columns themselves will be 4 feet.
Won't exceed 4 feet. They'll be all stone with stone caps
on top.

Mr. Chris Vatterott, 972 North Warson Road, 63132, stated
he stands here representing the seller of Enclave
Bellerive. Current owner of four houses and also I own
222 North Mason Road. I believe that the design is
acceptable, and Mr. Simon builds a very good home. He's
done a very nice job. So I'm endorsing it.

Mr. Howard made a motion to approve the site plan to allow
for a 4-foot tall masonry courtyard fence with up to 18
inches of wrought iron or open-slatted fence that is
consistent with design style of the related home that
projects up to a maximum of 17 feet into the front yard
setback for each of the properties within the Enclave
Bellerive Subdivision, submitted with Application 15-020,

1 as presented to the Planning Zoning Commission on August
17th, 2015. Mr. Faron seconded the motion.
2 There being no further discussion, the resultant vote was
as follows:

3 Mr. Pullium-aye Mr. Rovak-aye Mr. Faron-aye
Mr. Howard-aye Ms. Hall-aye Chairman Kistner-aye

4
2. Application #15-021: Various Text Amendments to
5 Article VIII Sign Regulations for Greater Clarification of
Terms and Existing Concepts, General Corrections and
6 Formatting. PUBLIC HEARING.

7
8 The Planning Division has requested several minor
amendments to the Article VIII Sign Regulation of the City
9 of Creve Coeur Zoning Ordinance based upon recent ruling
by the Supreme Court including emphasis of
10 substitutability clause, as well as general corrections
for formatting and typographical errors, clarification of
11 existing concepts and deletion of extraneous text.

Ms. Kelly indicated that United States Supreme Court
12 ruling prompted our City Attorney to go through our sign
code to ensure that we were content neutral.

13 As we had revised the entire sign code several years ago,
we were pretty good, but we caught some various edits.

14 For the most part, I think they're pretty minor here and
there. No substantial changes were made.

15 One key element that was discussed is instead of in each
of the sections under non-residential districts for
16 monument signs and wall signs, we had a standard that the
box display needs to be dark and opaque, so that the text
17 shines instead of repeating that in each one, we just
moved it over to general regulations, general provisions.
18 So that it's clarified there and applies to all signs.

And we provided greater clarity of messages as long as all
19 other forms of the sign code is met, content regulations,
so content neutrality.

20 Mr. Rovak asked what snipe signs are. Ms. Kelly indicated
what snipe signs are.

21 Mr. Faron had questions about signs. Ms. Kelly answered
Mr. Faron's questions.

22 The public hearing was closed.

23 Mr. Rovak moved to accept the changes offered in the
revised sign ordinance as presented by staff at the
24 meeting of August 17, 2015, and recommend Council
approval. Mr. Faron seconded.

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

1 Mr. Howard-aye Ms. Hall-aye Mr. Pullium-aye
2 Mr. Rovak-aye Mr. Faron-aye Chairman Kistner-aye.

3 8. Work Agenda

4 9. DEPARTMENT REPORTS

5 A. Community Development Director

6 Ms. Kelly indicated the next meeting is September 6th.
7 The new Community Development Director should be joining
8 us at that time. We will have the Five Star Burger
9 application for a new conditional use permit restaurant in
10 the City Place Retail, and The Shoppes at Westgate that
11 was continued tonight.

12 September 21st is our first public workshop. We will be
13 downstairs in the multi purpose room starting at 6:30, so
14 everyone is welcome to attend.

15 Chairman Kistner inquired of Ms. Kelly what the plan is
16 for notifying the public about the workshop and the reason
17 for it. Ms. Kelly indicated it is on the City's website,
18 it was in the August newsletter, and more information is
19 provided for this September newsletter that is mailed out
20 to every resident. We will also be putting it on Facebook
21 and sending out press releases as well. Chairman Kistner
22 inquired about any thought given to the "coffee with the
23 mayor" signs. Ms. Kelly indicated they can certainly look
24 into that.

25 Mr. Faron indicated that with the Comp Plan, as we go
through that, we'll be able to adjust notification if
there's a light turnout, addressing some of Mr. Klearman's
concerns. Mr. Faron indicated he guesses they will play
it by ear, and this isn't going to happen overnight, so we
would initially see what kind of turnout we get or
response. I think we're using levels of technology to get
this out to the public. I think Mr. Klearman and other
residents would like us to ramp that up if need be, if
we're not getting the turnout or the response we'd expect
to on something.

Ms. Kelly indicated that was correct. There will be a
total of four meetings. The first is September 21st, the
second would be December 7th and the third would be
February 1st, and then the fourth would be March 7th. So
as we ramp up closer to those dates, we will ramp up and
try to get as many folks there.

Discussion was had about electronic feedback.

Mr. Rovak indicated, just following on a lesson learned a
little more than a decade ago, I want to make sure that we

1 have the provision for, at each presentation, at each
2 stage, the proposed master plan and whatever draft, then
3 when we receive comments on the drafts, whether it's by
4 the consultant or staff or both, that the disposition of
5 those comments is recorded and made a part of that record
6 that people have access to. That way the public, it
7 doesn't mean that they have to accede to it or they have
8 to buy into it, but if somebody makes a comment that this
9 needs to be done or this wasn't included, then on record
10 that be addressed and the disposition shown. So like I
11 said, that was kind of a lesson learned halfway through
12 last time.

13 Ms. Kelly indicated they have talked with the consultants
14 and outlined the concerns regarding that, and they will do
15 their best to comment and address all the comments we
16 receive.

17 B. City Attorney (Closed Session for Attorney-Client
18 Discussions.)

19 Mr. Rovak moved to go into Executive Session for
20 attorney-client discussions.

21 Mr. Faron seconded.

22 The resultant vote was as follows:

23 Mr. Pullium-aye Mr. Rovak-aye Mr. Faron-aye
24 Mr. Howard-aye Ms. Hall-aye Chairman Kistner-aye.

25 (Commission and Staff went into Executive Session.)

10. ADJOURNMENT

There being no further business to come before the
Planning & Zoning Commission, Mr. Howard made a motion for
adjournment. Mr. Faron seconded the motion. All
responded aye.

The meeting was adjourned at 8:03 p.m.

Beth Kistner, Chairman

Produced by: Deborah K. McLaughlin, Court Reporter

HALL + ASSOCIATES, L.L.C.

Land Planning

Landscape

Architecture

September 4, 2015

Ms. Whitney C. Kelly, AICP
City Planner
CITY OF CREVE COEUR
300 North New Ballas Road
Creve Coeur, Missouri 63141

RE: The Shoppes at Westgate- Application for an Amended Site Development Plan and Landscape Plan
at 12410 Olive Boulevard, Creve Coeur, MO

Dear Ms. Kelly:

As you are aware, progress on an agreement between the owners of the Shoppes at Westgate center and the City's Arts Committee is continuing in a positive fashion. More time is needed however to work out details of the agreement and additional meetings have been scheduled between all parties to continue those discussions. It is hopeful that these meetings will yield an agreement shortly.

We therefore request that consideration of the Amended Site Development Plan and Landscape Plan for the Shoppes at Westgate be tabled at the September 8th meeting of the Planning and Zoning Commission. It is our intent that we would be ready to move forward at the Planning and Zoning Commission's next meeting.

Thank you for your assistance and feel free to contact me with any questions.

HALL + ASSOCIATES, L.L.C.



James R. Hall,
Principal

Attachment: Request for Table for the Shoppes at Westgate Project 9-4-15 (1491 : #14-022: Shoppes at Westgate)



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
#15-022 FOR A CONDITIONAL USE PERMIT FOR A
5 STAR BURGER RESTAURANT WITHIN CITYPLACE RETAIL AT
11601-11615 OLIVE BOULEVARD, UNIT 9D**

FOR THE MEETING OF: September 8, 2015

LOCATION: 11601-11615 Olive Boulevard, within CityPlace Retail development.

REQUEST: Stephen Gontram, of 5 Star Burgers, has submitted a request for a new conditional use permit for a new 5 Star Burger location within the CityPlace Retail Center in a portion of the space formerly occupied by Creve Coeur Camera. The proposed new 2,734 square foot restaurant will have 86 interior plus 38 outdoor seats.

ADDITIONAL INFORMATION: The subject property is zoned CB (Core Business) District. All full-service restaurants (NAICS 722511) are permitted as conditional uses with review and approval by the City Council upon the recommendation of the Planning and Zoning Commission. The Applicant is not pursuing any changes to the exterior of the building or site, except to add outdoor seating in front of the space.

Key Issues:

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

Comp. Plan References

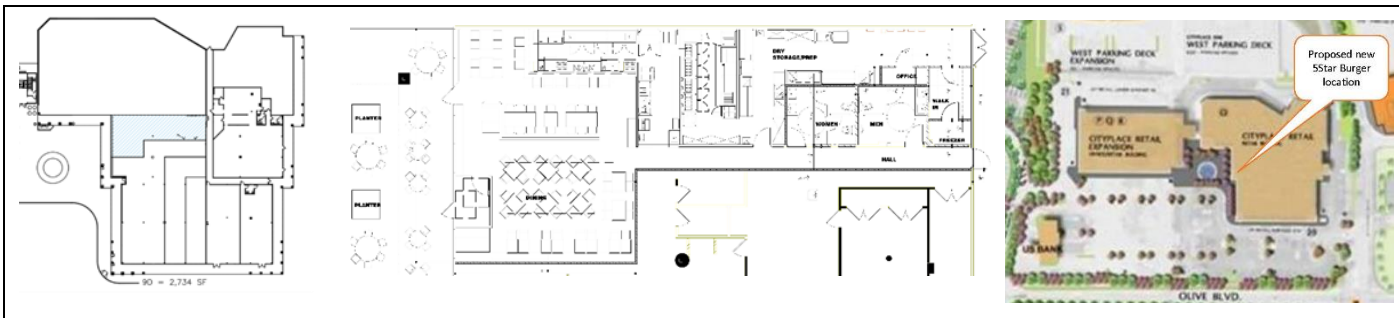
- Community Health and Connectivity

Zoning Code References

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

APPLICANTS: Stephen Gontram
5 Star Burgers LLC
312 S. Kirkwood Road
St. Louis, MO 63122

PROPERTY OWNER: RNSI
One Towne Square, Suite 1600
Southfield, MI 48076



REPORT PREPARED BY: Whitney Kelly, AICP, City Planner

DATE: 9/05/2015

ATTACHMENTS: Applicant's Materials received August 3, 2015
Draft Ordinance

LAND USE AND ZONING OF SURROUNDING PROPERTIES

The adjacent zoning and land uses are as follows:

DIRECTION	USE	ZONED	SEPARATED BY
North	Office Buildings	"CB" Core Business	N/A
South	Retail	"CB" Core Business	Olive Boulevard
East	Retail	"CB" Core Business	City Place Drive
West	Retail	"CB" Core Business	NA

COMPREHENSIVE PLAN REVIEW

The subject property is located within the Central Business District that encourages a mix of uses, including retail, residential, government, and park uses. The goals listed under the Community Health and Connectivity of the Comprehensive Plan include requiring new commercial, institutional, and multi-family development or redevelopment to include public amenities such as pedestrian connections, bicycle facilities, public sitting/gathering areas, and open space, as appropriate (page 22). The outdoor seating provides public sitting amenities. Therefore, the request meets with the Goals and Objectives of the Comprehensive Plan, in as much as this project can provide.

ZONING REVIEW

Restaurants are permitted with conditions in all commercial zoning districts within the city, and the applicant is leasing an existing tenant space within the CityPlace Retail/Mixed-Use Development that includes a mixture of retail and second floor offices. No changes to the exterior of the building or site have been requested.

Use Intensity:

Section 405.470(14)(b) limits food services and drinking places to no more than 40% of the building square footage collectively in the "CB", "PO", "PC" and "LI" Districts for properties that are less than two acres. The CityPlace Mixed-Use/Retail site is 4.29 acres, thus the limit on restaurant square footage within the building does not apply.

Parking:

In November of 2009, the owners of CityPlace entered into a campus-wide comprehensive reciprocal easement agreement (REA) providing for shared parking amongst all CityPlace subdivided parcels. The Retail/Mixed Use complex parking is provided through the operational requirements where all tenants within the retail/mixed use complex require employees to park behind the complex where there are three structured parking facilities within 100 feet, easily accessible to employees and patrons, where no less than 62 available spaces are designated for the retail use. The parking decks for CityPlace 1 (West) and CityPlace 3 have a combined 918 parking spaces, and the parking deck for CityPlace 1 (East) holds an additional 447 parking spaces.

Parking regulations for restaurants are discussed under Section 405.820(F)(5) Required Off-Street Parking Spaces: One (1) parking space per every three (3) seats of maximum occupancy recorded under the conditional use permit plus one (1) parking space per every two hundred fifty (250) square feet of total building floor area plus one (1) parking space per each eight (8) seats in an outdoor seating area. Based on this, the required parking for 5 Star Burger is a total of 45 parking spaces. The surface lot in front of the retail development provides for 281 parking

spaces for the retail customers and there are the 62 spaces available in the parking garages under the REA. The applicant has submitted photographic evidence showing the availability of parking in the front during the noon timeframe. Also, delivery and company vehicles of the Retail/Mixed Use development are required to park behind the complex within the parking decks. Finally, it is anticipated that many of the lunch time patrons would be employees of the offices within the CityPlace complex, and parking for those individuals are accounted for within the REA. As was the discussion and prior approval of the conditional use permit for the Crushed Red that was approved on February 9, 2015, the complex nature of the shared parking dynamic makes it difficult to account for each tenant's parking allotment, but the significant quantity of parking and Staff observations of the site indicate that there will not be a problem created by this tenant.

RECOMMENDATION

Based on the above analysis, the request for a conditional use permit meets all of the requirements, in the same degree or greater than the prior use, of the Comprehensive Plan and Zoning Ordinances. Staff recommends approval subject to the conditions below which are included in the draft ordinance:

1. The Conditional Use Permit shall be for the operation of a 2,734 square foot eating and drinking establishment at 11601-11615 Olive Boulevard, Unit 9D.
2. Maximum seating permitted is limited to 86 indoor seats and 38 outdoor seats.
3. Hours of operation shall be 11:00 a.m. to 10:00 p.m., Monday through Saturday, and 11:00 a.m. to 9:00 p.m. Sunday. Additional business hours may be permitted with the Zoning Administrator's approval including, but not limited to, the catering of special events.
4. Employee parking, delivery and company vehicles shall be parked behind the complex within the service area or structured parking deck in conformance with the CityPlace management's operational requirements.
5. Outdoor speakers may be used in the patio area only and shall not produce any sound exceeding 60dB at a straight-line distance of 100 feet or greater.
6. All signs and banners shall be in conformance with Article VIII, Sign Regulations, of the Zoning Code, and in substantial compliance with the CityPlace Master Sign Plan as provided by Ordinance No. 5386.

ACTION

If the Planning and Zoning Commission finds the attached draft conditional use permit ordinance to be in conformance with the purposes and regulations of the Comprehensive Plan and Zoning Code, it may vote on a recommendation to the City Council. Any changes to the draft ordinance should be discussed and made by separate actions.

MOTION

The following is an example of an appropriate motion for this application:

"I move to recommend approval of Application #15-022 for a Conditional Use Permit for an eating and drinking establishment for 5 Star Burger located at 11601-11615 Olive Boulevard, Unit 9D subject to the conditions contained in the draft ordinance attached to the staff report dated September 5, 2015" (conditions may be added, eliminated, or modified by preceding motion).

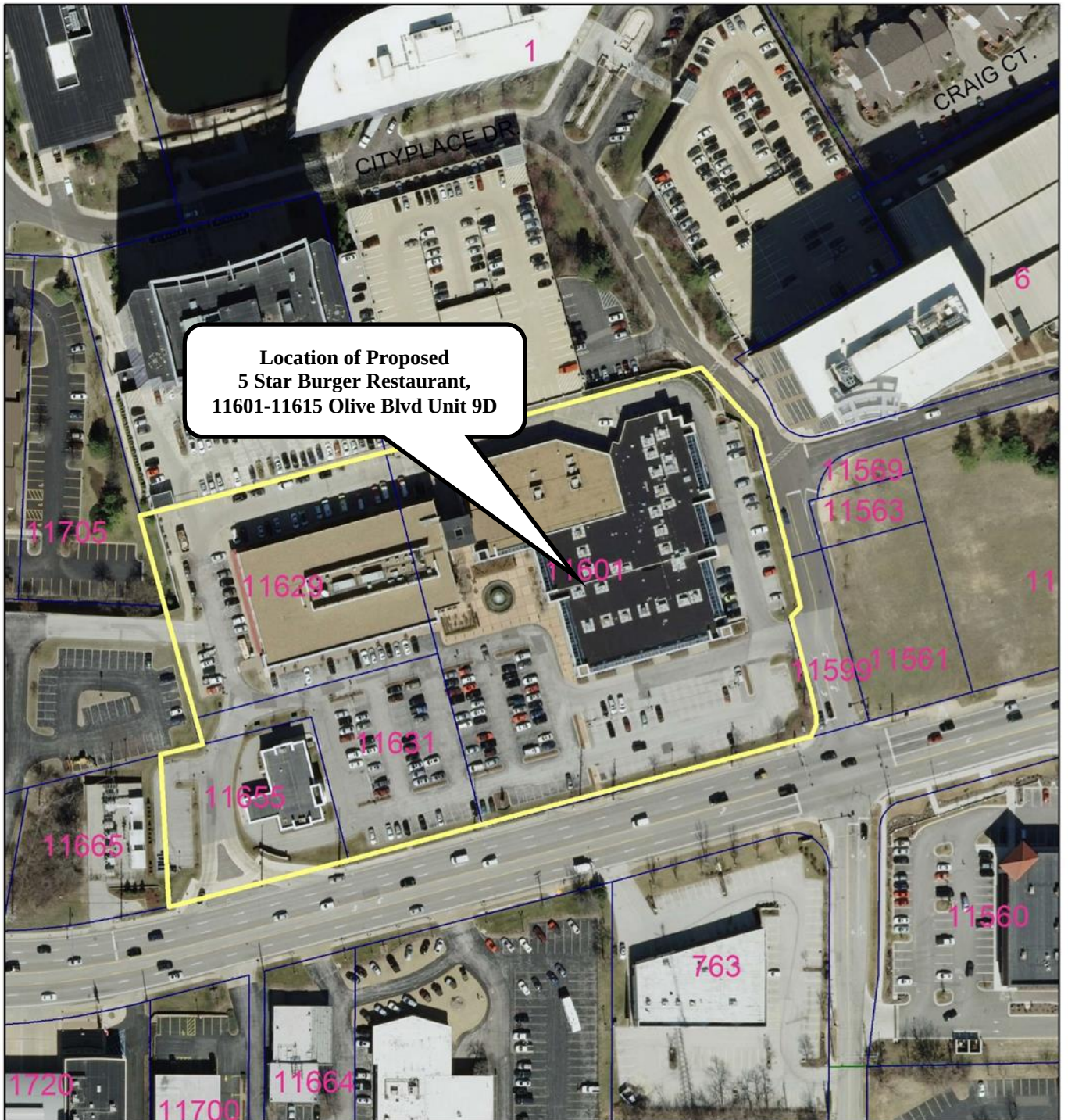
APPENDIX 1: COMPREHENSIVE PLAN, INCLUDING DESIGN GUIDELINES

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



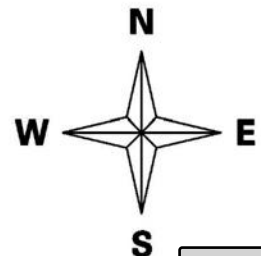
Attachment: 15-022 5Star Burgers CUP.Staff Report.9-8-2015 (1487 : 15-022 5 Star Burger CUP)



Property lines



CityPlace Mixed-Use / Retail Development



APPENDIX 4: SITE PHOTOGRAPHS

Photo Date:9/5/2015



Description: View looking northeast from the access aisle at the proposed location.



Description: View from the patio area looking south to Olive Boulevard.

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE ISSUANCE OF A NEW CONDITIONAL USE PERMIT FOR A 2,734 SQUARE-FOOT EATING AND DRINKING ESTABLISHMENT LOCATED AT 11601-11615 OLIVE BOULEVARD, UNIT 9D WITHIN THE CITYPLACE MIXED-USE/RETAIL DEVELOPMENT

WHEREAS, under Section 405.370(C), all eating and drinking places in the “CB”, Core Business zoning district require the issuance of a conditional use permit as provided in Section 405.1070, Conditional Use Permits; and

WHEREAS, an application was submitted by Stephen Gontram, of 5 Star Burger for a conditional use permit for a 2,734 square-foot restaurant, with 86 indoor seats and 38 outdoor seats, at Unit 9D, at 11601-11615 Olive Boulevard within the CityPlace Retail development; and

WHEREAS, a public hearing was held by the Creve Coeur Planning and Zoning Commission on Tuesday, September 8, 2015, beginning at 7:00 p.m. or immediately following the close of the previous public hearing, on said application for the conditional use permit as provided by Section 405.1070(D)(2); and

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

WHEREAS, the Planning and Zoning Commission reviewed and, by a ____ vote, recommended approval of the conditional use permit, subject to the conditions contained herein, at its meeting on September 8, 2015; and

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

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

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

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

Section 1: A Conditional Use Permit is authorized to be issued pursuant to Section 3 hereof for the operation of a restaurant located at 11601-11615 Olive Boulevard, in the “CB” Core

Attachment: 15-022 5Star Burgers CUP Draft Ordinance (1487 : 15-022 5 Star Burger CUP)

BILL NO. _____

ORDINANCE NO. _____

Business zoning district, within the CityPlace Retail Development, whose legal description is as follows:

PARCEL 7: Unit 2 of CITYPLACE CONDOMINIUM, a Retail Center Condominium, according to the plat thereof recorded in Plat Book 274, pages 48 and 49 of the St. Louis County, Missouri Records, together with the undivided share of the common elements appurtenant thereto, all according to and more particularly described in the Declaration of Condominium and By-Laws recorded in Book 8297, page 734, and subsequent amendments recorded in Book 8314, page 437, Book 8735, page 285, Book 8735, page 298, and Book 13541, page 182.

Section 2: The Conditional Use Permit granted shall be subject to all applicable statutes, ordinances, rules and regulations, and the following conditions:

1. The Conditional Use Permit shall be for the operation of 2,734 square foot eating and drinking establishment at 11601-11615 Olive Boulevard, Unit 9D.
2. Maximum seating permitted is limited to 86 indoor seats and 38 outdoor seats.
3. Hours of operation shall be 11:00 a.m. to 10:00 p.m., Monday through Saturday, and 11:00 a.m. to 9:00 p.m. Sunday. Additional business hours may be permitted with the Zoning Administrator's approval including, but not limited to, the catering of special events.
4. Employee parking, delivery and company vehicles shall be parked behind the complex within the service area or the structured parking deck in conformance with the CityPlace management's operational requirements.
5. Outdoor speakers may be used in the patio area only and shall not produce any sound exceeding 60dB at a straight-line distance of 100 feet or greater.
6. All signs and banners shall be in conformance with Article VIII, Sign Regulations, of the Zoning Code, and in substantial compliance with the CityPlace Master Sign Plan as provided by Ordinance No. 5386.
7. The restaurant shall use a tempered makeup air system. Such system shall be regularly cleaned and maintained in order to reduce cooking smells.
8. Any mechanical equipment installed for the site shall be properly screened with approved materials.
9. 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.
10. Failure to comply with any one or all of the conditions of this permit shall be adequate cause for the revocation of said permit by the City Council, provided, however, no permit shall be revoked without prior notice to the owner of the intention of the City Council to revoke this permit and reasonable time granted to the owner to correct or remedy any such breach of conditions, except for repeated breaches or violations.
11. 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.
12. 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

BILL NO. _____

ORDINANCE NO. _____

Site Development Plan for the property and the conditions herein set forth, and written confirmation thereof signed by the new owner or lessee shall be filed with the City at the time of such transfer or lease. Failure to comply with this provision shall not excuse anyone from these conditions.

Section 3: The City Administrator of the City of Creve Coeur is hereby authorized and directed to issue a Conditional Use Permit in accordance with the provisions of this ordinance, said permit to expressly provide for the conditions and stipulations hereinabove set out in Section 2 of this ordinance. Exercise of the rights granted pursuant to the issued permit shall constitute acceptance of all conditions and stipulations set forth herein.

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

ADOPTED THIS ____ DAY OF _____, 2015.

DAVID KREUTER
PRESIDENT OF CITY COUNCIL

APPROVED THIS ____ DAY OF _____, 2015.

BARRY GLANTZ
MAYOR

ATTEST:

DEBORAH RYAN, MPCC
CITY CLERK

Attachment: 15-022 5Star Burgers CUP Draft Ordinance (1487 : 15-022 5 Star Burger CUP)



Rationale

5 Star Burgers is a locally-owned and operated gourmet burger restaurant which also serves sandwiches, salads, and ancillary items. 5 Star Burgers is a full-service restaurant providing table service and a full bar. Since the founding of the company in 2012, 5 Star Burgers has flourished, now with 2 locations in the St. Louis Metro Area. Local and national media has given the company praise: USA Today named 5 Star Burgers one of the 50 best burgers in the United States, the Post-Dispatch regaled us “St. Louis’s Premier Burger Restaurant”, and we have been named one of its “Top 100 Restaurants in St. Louis”. We have also earned “Best Burger” nods from Sauce Magazine, Feast Magazine, Ladue News, Town and Style, and Alive Magazine.

5 Star Burgers is owned and operated by Stephen Gontram, former Chef-Owner of Harvest Restaurant in Richmond Heights. Stephen opened Harvest in 1996 and sold the restaurant in 2010 to pursue other ventures. During his tenure at the helm of Harvest, Stephen became the first St. Louis restaurant chef to cook at the James Beard House in NYC, as well as receiving many local and national nods as a strong restaurant owner with a passion for seasonal, local, and organic menus. Stephen has brought that passion to 5 Star Burgers, using fresh, ground in-house hormone and antibiotic-free meats, organic lettuces, and whenever possible locally sourced products. The backbone of the 5 Star Burgers concept remains its partnership with Creekstone Farms All-Natural Angus Beef. This Never-Never beef is grass-fed Black Angus, humanely raised, antibiotic and hormone free, and is considered some of the best beef on the market in the United States today.

In keeping with our reputation of serving top-quality, creative, gourmet burgers, 5 Star Burgers takes great care to separate itself from other burger restaurants (bars, sports bars, pubs, and fast-casual concepts) with an upscale décor utilizing richly stained woods, high-end fabrics, creative lighting, and a complimentary color scheme. Although we do offer TV’s for viewing, we do not decorate by TV, nor do we consider ourselves a sports bar or “bar and grill”. We are very much indeed a family restaurant and our success thus far is indicative of the public’s need for this type of concept.

From a dining experience standpoint, our focus on speedy, efficient service and consistency of food quality makes us a top choice for many diners. Our food preparation time averages less than 10 minutes, making us a preferred destination for busy lunch-goers and business people on a time budget. We offer a kids’ menu which is extremely popular with families looking for value-oriented dining, we cater to business groups who want to take advantage of our happy hour every day from 4 to 6pm, and finally, we are a top choice in town for those folks looking for the best burger in St. Louis. As 5 Star Burgers is a full-service restaurant with bar service, we will be applying for a liquor license, but please note that we consider ourselves a restaurant first and a bar second. Present alcohol revenue as a company is only 15% of gross sales.

5 Star Burgers currently employs 90 full and part time individuals. It is expected that our Creve Coeur location will employ approximately 45 persons. Our wages average more than \$4 per hour above the current Missouri minimum wage, allowing us to attract a higher quality applicant and a stronger overall staff. We look forward to bringing more jobs to the Creve Coeur area and serving its citizens many great meals.

Rationale, continued...

Lessening our impact on those around us:

- Employee parking and all company vehicles shall be parked in designated areas within the 3 parking garages located in the rear of the CityPlace retail area. These areas shall meet with property management's operational requirements. At the time, 5 Star Burgers does NOT offer delivery.
- Outdoor Speakers may be used for patio seating but will be kept at a volume level not to exceed 60dB in a straight-line distance of 100 feet or greater.
- 5 Star Burgers contracts with a recycling company to keep its carbon footprint at a much lower level than other restaurants. All of our cardboard, plastic, and glass is recycled.
- 5 Star Burgers uses LED lighting in its restaurants to lessen energy use and save power.
- All signs for the restaurant will be in conformance with Creve Coeur regulations (Article VIII, Sign Regulations of the Creve Coeur Zoning Code) and additionally will be in substantial compliance under the lease and with the CityPlace Master Sign Plan. Sign permits shall be applied for at a later date.
- The hood exhaust system for the restaurant shall utilize tempered make-up air. Additionally, the exhaust system, inside and out, shall be regularly maintained and cleaned of grease to lessen cooking smells.
- Customer parking shall be located in the retail center lot in front of the CityPlace retail building and in the 3 parking garages located within 100 feet behind the restaurant. Presently, there are 281 parking spaces in front of the CityPlace retail development and a combined 1365 parking spaces in the three parking garages. 5 Star Burgers has applied for a conditional use permit with 86 interior seats and 38 patio seats. Per city regulations, 5 Star Burgers shall require 45 total parking spaces. The parking lot in front of the retail development is busiest during lunchtime from 11am to 1:30pm. In the evenings, this parking lot is less stressed, as many of the retail tenants close for business and less parking is utilized. Nearly 2/3 of 5 Star's business happens after 5pm. Please note Exhibits A – F which demonstrate available parking spaces in the retail center lot at varying times of the day/week.
- 5 Star Burgers' Creve Coeur Design will follow that of its other two locations. Richly stained woods, colorful paints, creative lighting, wood tables and chairs, and expensive fabrics. Please see Exhibits L – N. Additionally, our patio will incorporate tasteful outdoor furniture (wrought-iron tables and wicker chairs) with market umbrellas, and re-imagined landscaping using flowering shrubs offering year-long interest.
- Exhibit O provides some examples of the foods we serve.
- Please see an outdoor dining area sketch labeled Exhibit P along with Exhibits Q and R furniture design.

Additional Information - Legend

- Exhibit G and Ga – CityPlace Site Plan
- Exhibit H – CityPlace Parking Site Plan
- Exhibit I – CityPlace Master Site Plan
- Exhibit J – CityPlace Retail Brochure with Tenant Listing
- Exhibit K – Lease between 5 Star Burgers LLC and RNSI City Place Owner LLC
- Exhibit L, M, N – Design Pictures
- Exhibit O – Food Pictures
- Exhibit P and Pa – New Patio Sketch and Existing Patio Elevation Photos
- Exhibit Q, R – Outdoor Furniture



city
of

CREVE COEUR

PLANNING DIVISION

300 North New Ballas Road Creve Coeur, Missouri 63141
Tel. (314) 872-2501 • Fax (314) 872-2505

PLANNING AND ZONING COMMISSION AGENDA APPLICATION CONDITIONAL USE PERMIT

PLEASE COMPLETE FRONT AND BACK PAGES

Applicant: <u>5 STAR BURGERS</u> Name <u>5 STAR BURGERS LLC</u> Company (If Applicable) <u>312 S. KIRKWOOD ROAD</u> Address <u>ST. LOUIS MO. 63122</u> Address <u>314 394-2250</u> Telephone # <u>N/A</u> Fax # <u>sgontram@5starburgersstl.com</u> Email:  Applicant's Signature	Applicant's Representative (if applicable): <u>STEPHEN GONTRAM</u> Name <u>5 STAR BURGERS LLC</u> Company (If Applicable) <u>4620 PERSHING PL (HOME)</u> Address <u>ST. LOUIS MO 63108</u> Address <u>314 303 4337 (CELL)</u> Telephone # <u>N/A</u> Fax # <u>sgontram@5starburgersstl.com</u> Email:  Applicant's Representative's Signature
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Property Information: <u>11601-11615 Olive Blvd. Unit 9D</u> Address <u>Creve Coeur, MO 63141</u> Address <u>City Place</u> Development Name (if any) <u>Commercial</u> Current Zoning <u>Former Creve Coeur Camera Space</u> Prior CUP Approvals (if known)	Owner's Acknowledgement (if different from applicant): <u>Andrew Dunk</u> Name <u>REDICO Management Inc. as Agent For</u> Company (If Applicable) <u>RNSI City Place Owner LLC</u> Address <u>1 Towne Square, Suite 1600</u> Address <u>Southfield, MI 48076</u> Address <u>248-827-1700</u> Telephone # Fax # <u>adunk@redico.com</u> Email:  Owner's Signature
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Attachment: CUP Application and Landlord Affidavit (1487 : 15-022 5 Star Burger CUP)

Description of Requested Use (attach additional sheets as needed)

General Description of Business: 5 STAR BURGERS is a locally owned and operated gourmet burger restaurant which also serves sandwiches, salads, and ancillary items. We are a full-service restaurant with a full bar serving lunch and dinner seven days per week.

Gross Floor Area – Existing and Proposed: 2734 sq. ft.

Number of Seats (for restaurant only): 86 interior plus 38 patio

Number of Employees at the busiest shift: 15

Hours of Operation: Mon – Sat 11am to 10pm ; Sun 11am to 9pm

Current or Most Recent Use of the Property: Most recently Creve Coeur Camera, moved 201

Will the applicant apply for a liquor license: Yes ☒ No ☐

Rationale

Please describe in detail, on an attached sheet, the reasons why you believe the request for a conditional use permit should be approved and what steps are being taken to lessen any impacts on surrounding residences and businesses. An explanation of the building and landscape designs (if changes are proposed) should also be included.

Submittal Checklist

- | | |
|--|---|
| ☒ Rationale | ☒ Building elevations for new construction |
| ☒ Site plan | ☒ Photographs of existing structures <i>other locations</i> |
| ☒ Access and parking plan; (may be shown on site plan) | ☒ Materials samples |
| ☒ Landscape plan | ☒ Fees: \$250 (non-refundable) |
| ☒ Floor plan | ☒ \$2000 (refundable deposit) |
| ☐ Electronic copies of all materials | ☒ Other items as requested by staff |

Preferred Public Hearing Date: Monday, August 17, 2015.

****See attached schedule and confirm available meeting dates with Planning Division staff****

Office Use Only

☐ All Sections Complete

Received By: _____

☐ All Documents, incl. e-Copies

☐ Fees Paid

Date: _____

Paul Langdon, AICP, Planning Director

Whitney Kelly, AICP, City Planner

Julie Lowery, Administrative Assistant (877-2501)

Revised: 11/11



August 3, 2015

City of Creve Coeur
Creve Coeur, MO

RE: CityPlace – 5 Star Burgers, LLC

To Whom It May Concern:

As the Landlord for City Place Retail, RNSI City Place Owner LLC, we hereby authorize and acknowledge the application of 5 Star Burgers LLC for a Conditional Use Permit from the city of Creve Coeur to operate in City Place Retail.

Very truly yours,

A handwritten signature in black ink, appearing to read "Andrew Duplap", written over a horizontal line.

Andrew Duplap
Senior Associate
Acquisitions & Asset Management

Attachment: CUP Application and Landlord Affidavit (1487 : 15-022 5 Star Burger CUP)

CONSULTANTS:

CIVIL ENGINEER:

STRUCTURAL ENGINEER:

INTERIOR DESIGN:

OTHER:

The Professional Architect's seal affixed to this sheet applies only to the material and items shown on this sheet. All drawings, instruments or other documents not exhibiting this seal shall not be considered prepared by this architect, and this architect expressly disclaims any and all responsibility for such plans, drawings or documents not exhibiting this seal.

PROJECT: 5 STAR BURGERS
CREVE COEUR, MO

OWNER: 00000
00000
00000
00000

311 WEST MAIN STREET
CREPERSVILLE, OHIO
45806
419-645-4501

SHEET: A1.1 OF:

This drawing and details on it are the sole property of the architect and may be used for the specific project only. It shall not be loaned, copied or reproduced, in whole or in part, or for any other purpose or project without the written consent of the architect.

EXHIBIT A: Retail Parking Lot July 8, 2015 11am. Over 150 spaces available



Attachment: Exhibit A - Parking Observation (1487 : 15-022 5 Star Burger CUP)

EXHIBIT B: Retail Parking Lot July 8, 2015, 12:15pm. Over 100 spaces available.



Attachment: Exhibit B - Parking Observation (1487 : 15-022 5 Star Burger CUP)

EXHIBIT C: Retail Parking Lot July 15, 2015, 12:45pm. 51 spaces available.



Attachment: Exhibit C - Parking Observation (1487 : 15-022 5 Star Burger CUP)

EXHIBIT D: Retail Parking Lot July 15, 2015, 1:30pm. 76 spaces available.



EXHIBIT E: Retail Parking Lot July 21, 2015, 12pm. Over 75 spaces available.



EXHIBIT F: Retail Parking Lot August 1, 2015, 6:30pm. Over 150 spaces available.



Attachment: Exhibit F - Parking Observation (1487 : 15-022 5 Star Burger CUP)

EXHIBIT G: CityPlace Site Plan



Attachment: Exhibit G - CityPlace Site Plan (1487 : 15-022 5 Star Burger CUP)

Exhibit Ga

5 STAR Burgers
space is 9D
= 2734 SF

9A = 5,363 SF
9D = 2,734 SF

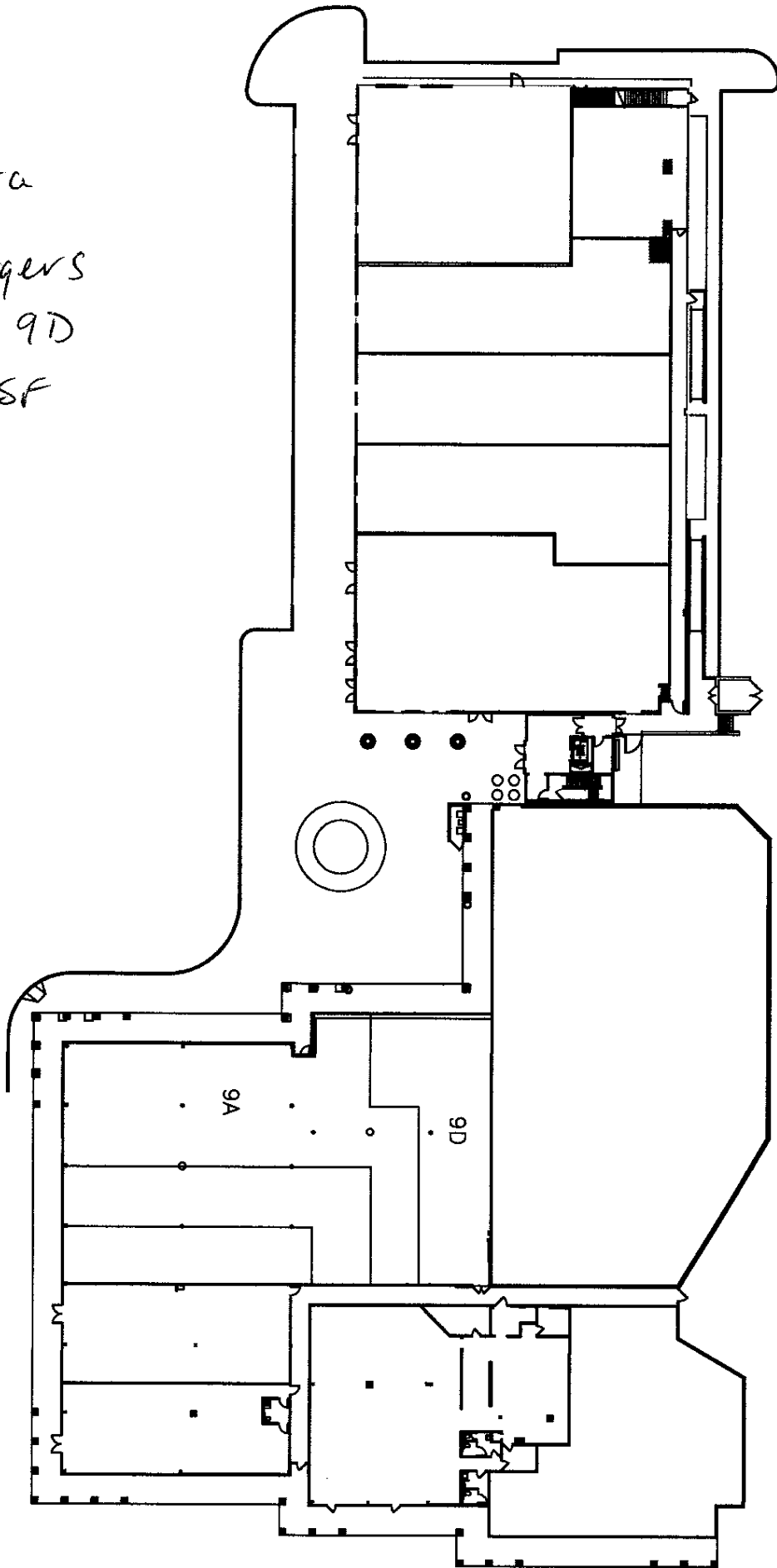


EXHIBIT H: CityPlace Parking Site Plan

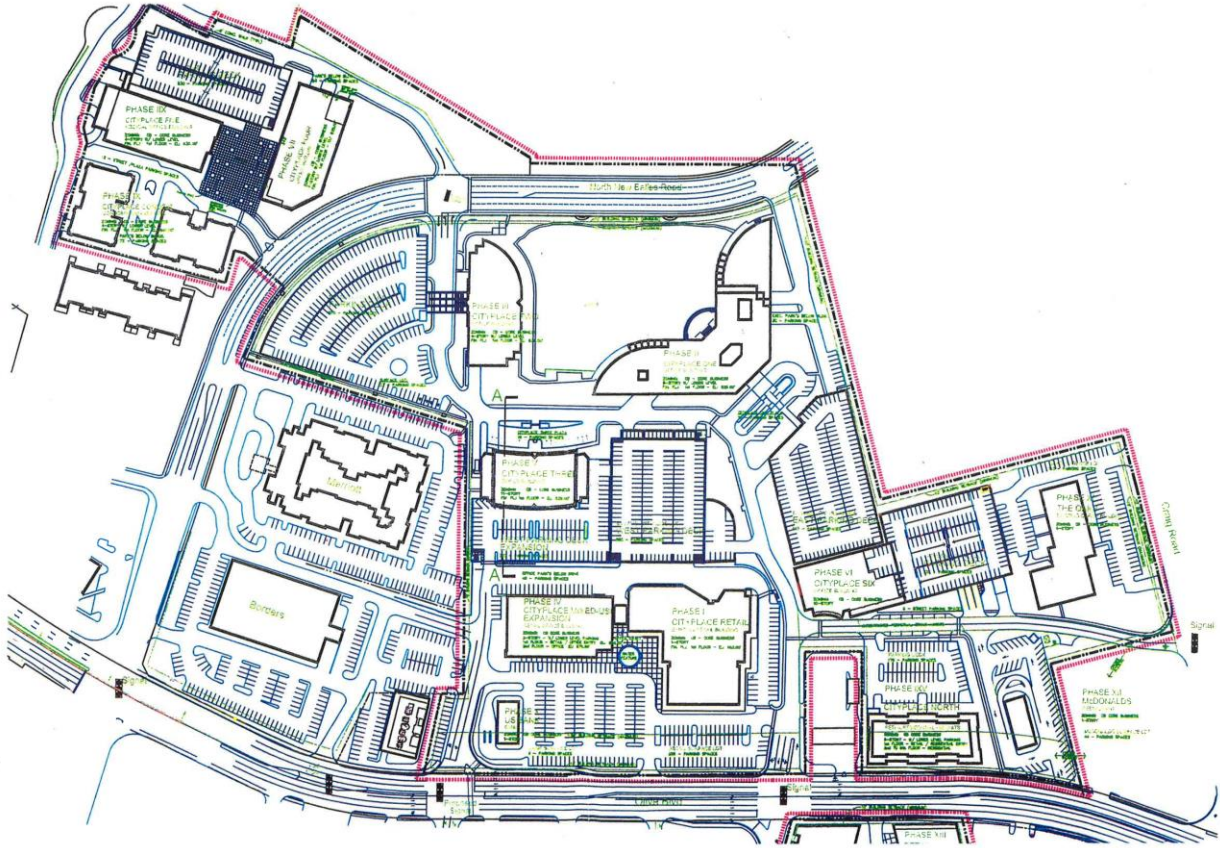
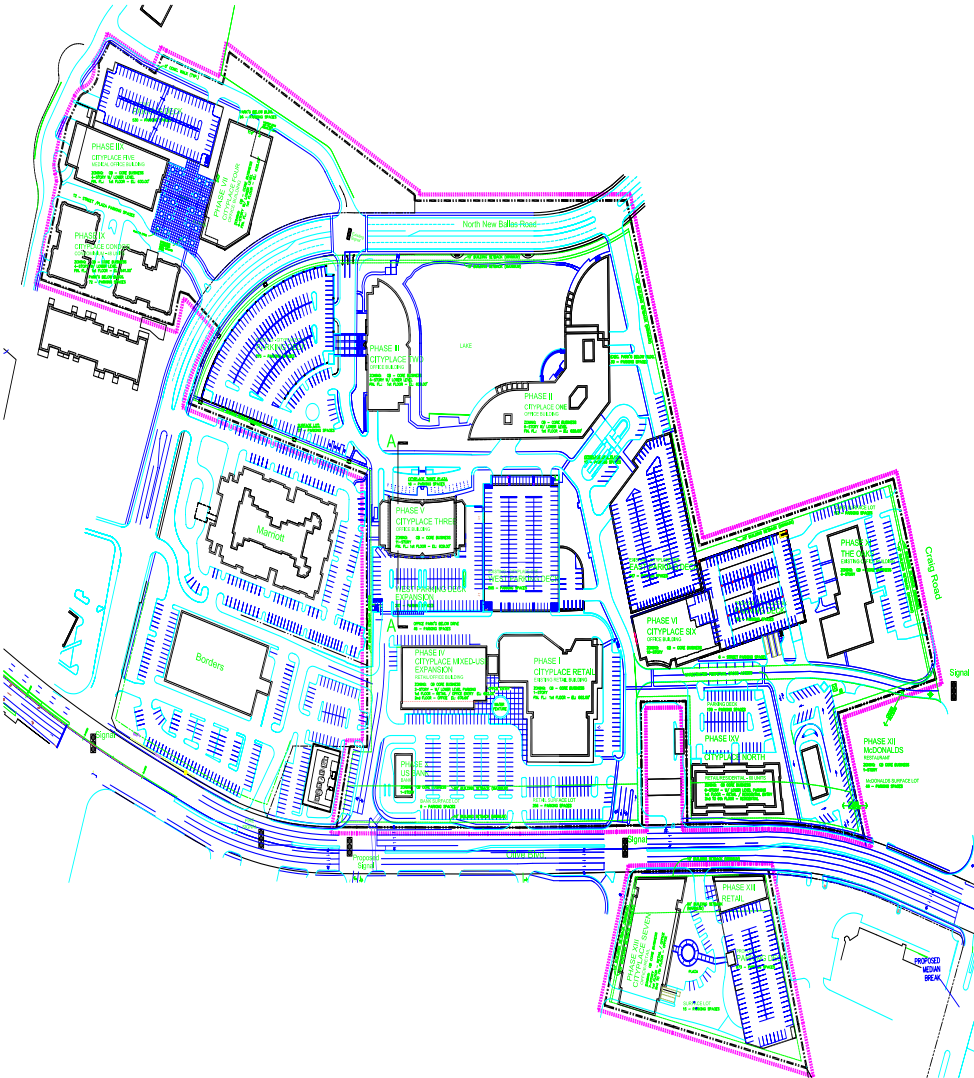


EXHIBIT I: CityPlace Master Site Plan



Attachment: Exhibit I - CityPlace Master Site Plan (1487 : 15-022 5 Star Burger CUP)

EXHIBIT L: Design Pictures



Attachment: Exhibit L - 5 Star Burgers Design (1487 : 15-022 5 Star Burger CUP)

EXHIBIT M: Design Pictures

Attachment: Exhibit M - 5 Star Burgers Design (1487 : 15-022 5 Star Burger CUP)

EXHIBIT N: Design Pictures

Attachment: Exhibit N - 5 Star Burgers Design (1487 : 15-022 5 Star Burger CUP)

EXHIBIT O: Design Pictures - Food



Exhibit P

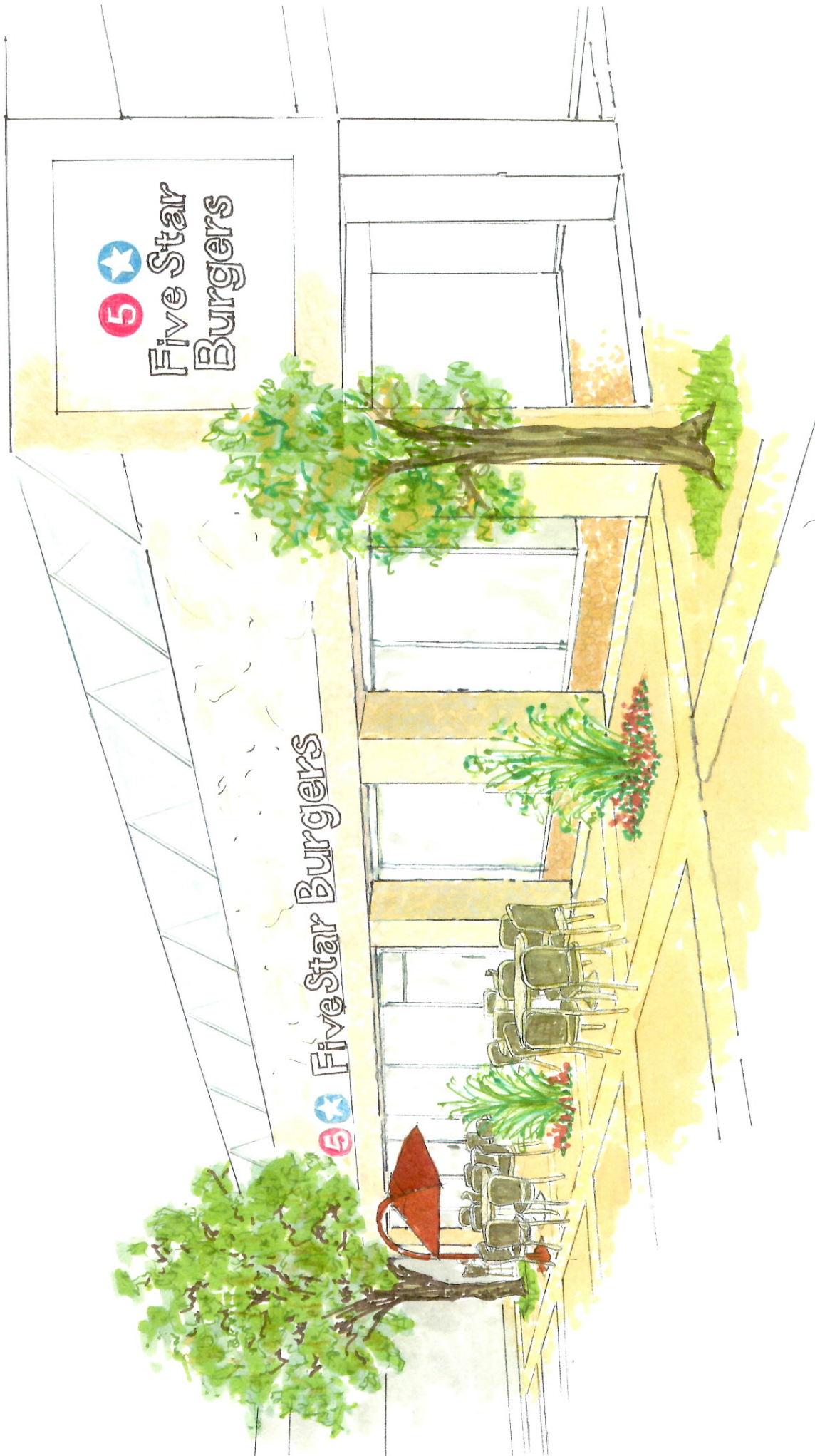


EXHIBIT Pa – Existing Patio Pictures