



AGENDA
COMPREHENSIVE PLAN UPDATE PUBLIC WORKSHOP
PLANNING AND ZONING COMMISSION MEETING

MULTI-PURPOSE ROOM
300 N. NEW BALLAS ROAD
CITY OF CREVE COEUR, MISSOURI

MONDAY, FEBRUARY 1, 2016
6:30 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

Ms. Beth Kistner (Chair)
Mr. Tim Carney
Mr. James Faron
Ms. Muriel Hall
Mr. Ken Howard
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

WORK AGENDA

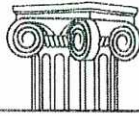
Comprehensive Plan Update Public Workshop

The Planning and Zoning Commission will host the third Comprehensive Plan Update Public Workshop conducted by H3 Studio on Monday, February 1 from 6:30 p.m. to 8:30 p.m. Included are comments received since the previous workshop in December.

ADJOURNMENT

Posted: _____

Jason W. Jaggi
Director of Community Development



JENKINS & KLING, P.C.
ATTORNEYS AT LAW
January 20, 2016

Admitted to Practice in
Missouri

Stephen L. Kling, Jr.
Email: skling@jenkinskling.com

RECEIVED
JAN 20 2016
PLANNING DEPT.

Mr. Timothy Breihan
H3 Studio
c/o Jason Jaggi
Director of Community Development
City of Creve Coeur
300 N. Ballas Road
Creve Coeur, Missouri 63141

RE: *Creve Coeur Comprehensive Plan Update - Subdivision Trustee Impact Session*

Dear Mr. Breihan:

I am writing you this letter on behalf of the trustees of Questover Crossings, the Manors at Questover and Questover Place residential subdivisions (collectively, the "*Questover Subdivisions*"), all located along Questover Lane in western Creve Coeur (the "*City*").

First of all, I want to extend my appreciation of the outreach efforts that have been exhibited so far with respect to the comprehensive plan update. I do have some background in this area as having been recognized in *Best Lawyers in America* in the area of land use for over a decade. I have also written an often-referenced article in the *Journal of the Missouri Bar* in 2000 on the meaning and purpose of the municipal land planning statutes for which I received awards from the St. Louis and Missouri chapters of the APA, and which caused many municipalities to change the way comprehensive plans were adopted and used.

More importantly, for purposes of the Creve Coeur Comprehensive Plan update, I have an extensive background with Creve Coeur land planning over the last twenty years, some of which I believe you will find relevant from a land planning perspective. Questover Place Subdivision (#12 on the attached map) was approved by the City in 1994. I moved into the subdivision in 1995. I represented the developers who acquired and redeveloped this property. In 1995, the City approved a commercial office building on the current Manors at Questover property (#10 on the attached map) despite being informed by me of the single-family deed restrictions under the master Questover Subdivision Indenture. A lawsuit ensued where the residents prevailed both at trial and on appeal, *Kling et al. v. Taylor-Morley, Inc. and the City of Creve Coeur*, 929 S.W.2d 816 (1996). After this lawsuit, the City recognized the need to redo the land planning in this area of the City which resulted in the Northwest Section Land Use Plan of 1996 which was conducted by a professional planning group with an outreach effort similar to the one you have been utilizing.

In late 1996, a development plan and rezoning application was submitted to the City for a massive high-rise apartment and commercial office complex development on the site of the current Millennium Park (#18 on the attached map), plus some additional property now owned by BJC. Several months before the submission of the rezoning and plan approvals for this project, the 1967 Citywide Comprehensive Plan, which had recommended this property for single-family residential use similar to Questover Place, was changed, without any hearings, in a series of work sessions conducted with the developer. As reflected in one of the numerous depositions in the resulting litigation, the City staff planner wrote in his notes "the residents are going to go nuts." Indeed, that was the response and I filed a lawsuit on behalf of the residents of the Questover Subdivisions, as well as several other subdivisions surrounding the property and along Mason Road to the south. *Concerned Citizens of West Creve Coeur v. the City of Creve Coeur*. That case continued for three years and was resolved in

Mr. Timothy Breihan
January 20, 2016
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complicated settlement that involved the expansion of the BJC campus and the creation of Millennium Park, with the park being subject to deed restrictions in favor of the adjoining residential subdivisions. A direct outcome of that lawsuit was the recognition that the City was not properly following the planning statutes and that a new citywide plan was needed, resulting in the 2002 Comprehensive Plan. I was asked to become involved in that process by over twenty residential subdivisions and several business property owners after the City refused to turn over drafts of the plan documents when requested by the approved Citizen's Advisory Committee assisting the professional planners when the drafts failed to follow input received in many material respects. The Missouri Attorney General issued an opinion stating such drafts were public documents subject to the Sunshine Law.

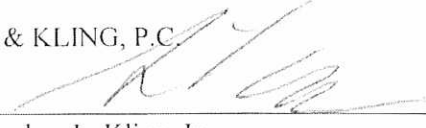
Several additional developments along Olive near Questover were subsequently approved with the properties being deed restricted in various ways in favor of the Questover Subdivisions, although one additional lawsuit by the Questover Subdivisions was required to prohibit an intense design inconsistent with neighborhood development concept which accessed Questover Lane. A point to note is that the deed restrictions on the commercial properties on Olive above Questover Lane all prohibit connecting with adjoining properties and such concept was also specifically eliminated from both the 1996 Northwest Section Plan and the 2002 Comprehensive Plan. Questover Lane is also a private street.

With this background, it should be helpful to understand the sensitivity and concerns of the Questover Subdivisions on the current discussion map. The concerns relate directly to the proposed "Mixed Use" District in areas adjoining the Questover Subdivisions which are currently single-family residential or multi-family residential as the mixed use parameters allow commercial uses. Potential connectability issues with any such commercial development is also a concern. The specific concerns are as follows:

1. The Mixed Use Areas covering the Questover Crossings and Manors at Questover single-family residential subdivisions (#s 9 and 10 on the attached map) - the Manors being the site of previously mentioned *Taylor-Morley* litigation.
2. The Mixed Use designation covering the adjoining Westgate Apartments and Cove Apartments (#s 11 and 19 on the attached map). Be advised that the area marked as #14 on the attached map is part of the Westgate Apartments but is deed restricted as a greenbelt prohibiting any development of any kind.
3. Encouraging potential connections to Questover Lane which is the sole means of ingress and egress of the Questover Subdivision.

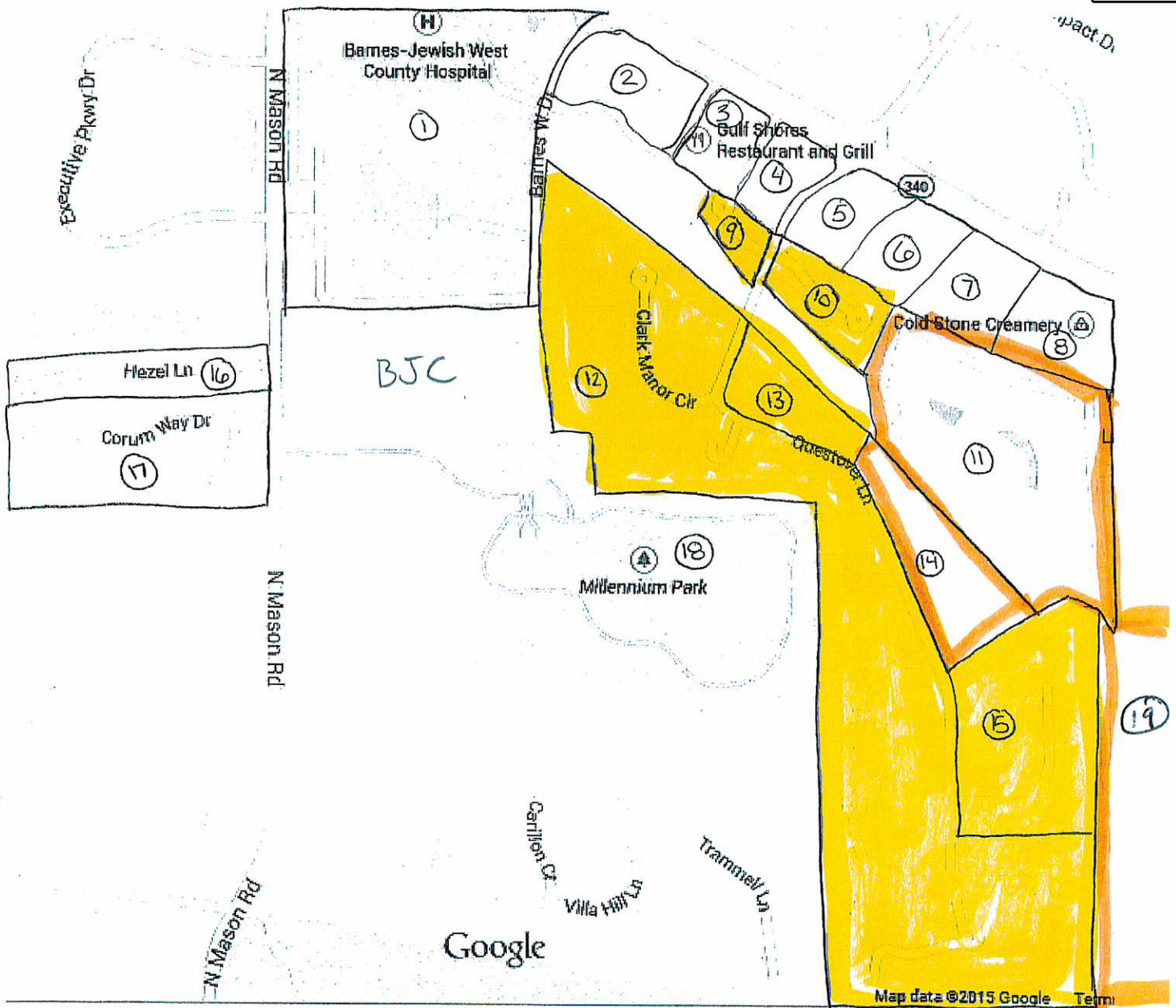
The gist of those concerns is that they may encourage the commercial use of these properties as such use would be more valuable as and when these properties become ready for improvement and development. That will undoubtedly and needlessly lead to further potential conflict. There is already substantial commercial development along commercial corridors and in designated plazas in the area and no need to expand these areas into residential zones.

Sincerely,
JENKINS & KLING, P.C.

By: 
Stephen L. Kling, Jr.

SLK/ee
Enclosure

Attachment: Questover Subdivision Representative Letter (1752 : Comprehensive Plan Update Public Workshop)



- ① Barnes-Jewish West County
- ② West 3 (Creve Coeur Animal Hospital)
- ③ West 2
- ④ West 1 (Great Southern Bank)
- ⑤ East 1 (Regions Bank)
- ⑥ East 2 (Genovese Jewelers & BMO Harris Bank)
- ⑦ East 3 (Funeral Home)
- ⑧ East 4 (Retail Center)
- ⑨ Questover Crossing West

- ⑩ Meadows at Questover East
- ⑪ Westgate Apartments
- ⑫ Questover Place
- ⑬ Heritage Meadows
- ⑭ Greenbelt
- ⑮ Questover Place Addition
- ⑯ Bordeau Subdivision
- ⑰ Mason Meadows Subdivision
- ⑱ Millennium Park
- ⑲ Love Apartments

 Multi-Family
 Single-Family

Jaggi, Jason

From: Lea Ann Baker <liberty11082@gmail.com>
Sent: Wednesday, January 20, 2016 2:09 PM
To: Jaggi, Jason
Cc: Mario Conte
Subject: Re: Material for January 12th Comprehensive Plan Meeting
Attachments: Trustee Concerns-Comprehensive Plan.docx

Jason,
Good afternoon.

After the Creve Coeur Comprehensive Plan meeting on January 12, 2016, I did not feel as though I had expressed many of my concerns from a trustee standpoint. I have tried to better do that in the attached document. Please feel free to contact me with any questions.

I am copying my fellow trustee in case he would like to add anything.

Regards,

Lea Ann Baker, Trustee, Ladue Estates

On Fri, Jan 8, 2016 at 6:14 PM, Jaggi, Jason <jjaggi@ci.creve-coeur.mo.us> wrote:

Good Evening,

Thank you for your interest in attending the Subdivision Trustee and Interested Residents meeting to be held on Tuesday, January 12th, 6:30 pm at the Government Center. Attached, is an overview of the meeting and additional background information that you may want to review prior to attending the meeting.

Thank you, in advance, for taking the time out of your schedule to participate in the update of the City's Comprehensive Plan.

--Jason

Jason W. Jaggi, AICP

Director of Community Development

City of Creve Coeur

300 N. New Ballas Rd.

Creve Coeur, MO 63141

Attachment: Resident Comment 1 (1752 : Comprehensive Plan Update Public Workshop)

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Trustee Concerns

1. Do not allow commercial properties or commercial use intrusion into residential areas.
2. Place-Based Zoning may be a better method if there are special considerations for historic structures/areas. Many neighbor complaints stem from inappropriate in-fill housing destroying the cohesiveness of a subdivision.
3. A Walkable-Bikeable community is desirable, but the City does not enforce its current ordinance to keep existing sidewalks clear. Pedestrians therefore walk in the streets. The City should address the current problem before adding sidewalks that will be unmaintained.
4. Residential Teardowns have succeeded in destroying the character of numerous subdivisions. The new structure should reflect the character of the neighborhood with height, footprint, and architectural restrictions supported by the subdivisions & City. The new structures have also contributed to numerous cases of water run-off and drainage problems that were minimal or nonexistent before the structure was built. The City should be directly involved with forcing any developer to mitigate these issues, not the homeowner that suffers. Standards for new permeable hard surfaces should be enacted.
5. Maintenance, of both residential & commercial properties, needs to be enforced by the City. These derelict properties devalue those around them & the community. The City seems loath to enforce the codes. It has also been suggested that the City require occupancy inspections for rental properties (it currently only applies to apartments) as well as set-up a database for registration of landlords & tenants. This could increase the maintenance of property and knowledge of who is residing here. So far, the City has not acted upon this suggestion.
6. Commercial developers must eradicate Japanese Honeysuckle from a site. Residential developers should be required to also.
7. Increasing the number of apartments in Creve Coeur is not a positive. The police department can verify that many of their calls are for the existing apartments on Olive. While the new structures being built on Old Olive are touted as "luxury apartments", what happens if property managers fail to attract enough high-rent tenants?
8. Annex north of Olive before Maryland Heights does.
9. If a Town-Center is built, DO NOT ignore height & set back aesthetics! King's Landing is a great example of a structure that is too high with no set back. It is unwelcoming & most of the "retail" space is empty. The same complaints have been voiced on the construction of the new buildings on Old Olive. The building across from Spencer's in Kirkwood is another example.
10. Many participants have expressed the sentiment that the City is asking for resident/trustee input but will do what they want regardless of that information. I would like to see the City try to implement some of these suggestions. I have lived in Creve Coeur for 14 years and these complaints/concerns are not new, just oft repeated.

Jaggi, Jason

From: dkd1905@aol.com
Sent: Thursday, January 21, 2016 9:45 PM
To: Jaggi, Jason
Subject: Comprehensive Plan

Follow Up Flag: Follow Up
Due By: Thursday, January 21, 2016 11:49 PM
Flag Status: Flagged

Mr. Jaggi,

Thank you for providing residents with the opportunity to attend workshops and submit comments for the Comprehensive Plan. I submitted comments tonight through the Comment Box. With all formatting and paragraphs removed, my comments were difficult to read. The following is a copy of my submission, which is hopefully easier to follow.

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 As a resident of this community, my hope is for Creve Coeur to be recognized as the most energy efficient, innovative, green community in the metropolitan area. I want it to be a magnet drawing people who value and will pay more to live and work in a community aggressively acting to reduce its carbon footprint and increase green space.

I do not feel an "Environmental Overlay" is sufficient to guide meaningful change in Creve Coeur. In fact, an "overlay" seems to imply environmental impacts are only important in specific areas. Rather, energy efficiency, carbon reduction, heat island effect reduction, green space increase, sustainable building practices, etc. should be part of everything we do.

Here are specific suggestions for the Comprehensive Plan that I believe are important to maintain Creve Coeur as a place people want to live.

1. **Coverage Percent.** Set a goal to limit the overall impervious surface coverage to no more than 35%. Changes to the Zoning Ordinance in the past year increased the allowable coverage in many districts to 70%. In light of global warming and recent research, 70% coverage is indefensible. Coverage should be calculated in a straight-forward manner – if the surface is impermeable it counts. This will retain green space and mitigate the urban heat island effect. (Reference: NASA/ Goddard Space Center research summary <http://www.sciencedaily.com/releases/2015/08/150825205914.htm>, describes worsening effect over 35% coverage)
2. **Commercial Development.** Energy efficiency can be promoted without being prescriptive. I believe our goal should be net zero commercial buildings – maybe we won't get there for 30 years, but we can at least step in that direction. As a city we can require the integration of alternate energy sources (e.g. solar panels, wind power) in all designs and the use of the most energy efficient systems, building codes and green building techniques. Some changes to our Zoning Ordinance in the past two years have moved toward energy *inefficiency*. Spaces within buildings require heating and cooling, which utilize energy and produce heat external to the building, which must be dealt with by neighboring residents with more cooling in summer. The calculation of the Floor Area Ratio (FAR) was changed in the Zoning Ordinance to allow the construction of larger buildings (i.e. areas of the building were excluded from the calculation which means a larger building can now meet the FAR requirement).

Other cities and countries are requiring all new commercial development to include a green roof or they have specific initiatives to significantly increase usage. Some of these include France, Toronto, Basel (Switzerland), Chicago, New York City and Portland (Oregon). Why not Creve Coeur? Green roofs solve many environmental problems through improved storm water management, reduced heat generation, enhanced air filtration and better aesthetics.

3. **Connected Green Space.** The benefits of green space in cities are well-documented – reduced storm water run-off, lowered crime, lowered stress, improved health, better sense of well-being, improved air quality and more. But not all green spaces are equal. I suggest we limit grass lawns to no more than 25% of landscapable area (that is, if impervious surfaces are limited to 35%, then landscapable area is 65%, therefore, lawns can be no more than 16.25% of total Creve Coeur acreage). (Reference: See the California Water Commission ordinance effective December 1, 2015. The ordinance is expected to reduce residential water usage by about 20% and commercial by 35%, not to mention other benefits such as reduced pollution from lawnmowers and fertilizer run-off polluting our waters.)

I also suggest the Comprehensive Plan continue the 2002 goal to have Parks, Trails and Greenways. Today much of our public green space is lawn and invasive species. I suggest, where possible, these spaces be replaced with a more natural habitat using native plants (i.e. native grasses, perennials, shrubs and trees). St. Louis is in a bird migration path; bird diversity depends on the presence of our native plants. Both honeysuckle and euonymous are fast spreading invasive plants that grow freely in Creve Coeur. I support a goal of zero honeysuckle and euonymous by 2025.

Metropolitan St. Louis has many resources that Creve Coeur can tap into to help us create a sustainable city, where people want to live. Other municipalities are moving forward. Let's not be left behind.