



AGENDA
PLANNING AND ZONING COMMISSION MEETING
CITY OF CREVE COEUR, MISSOURI
MONDAY, JULY 18, 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
Ms. Muriel Hall
Mr. Don Magruder
Mr. Gene Rovak
Ms. Heather Silverman
Mr. Matthew Schuh
Mr. Carl Lumley, City Attorney
Mr. Jason Jaggi, Director of Community Development
Ms. Whitney Kelly, City Planner
Ms. Jessica Stutte, Planning Assistant/Recording Secretary

ACCEPTANCE OF THE AGENDA

APPROVAL OF MINUTES

1. June 20, 2016 Planning and Zoning Commission Draft Meeting 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

NEW BUSINESS

1. Public Hearing. #16-020: Text Amendment to the Zoning Ordinance Regarding the Definitions for Sexually Oriented Businesses

The Director of Community Development, on behalf of the City of Creve Coeur, has submitted a text amendment application regarding Section 405.120 Definition of Terms to revise the definitions regarding sexually oriented businesses to reflect recently revised state law. Amendments to Chapter 617 which addresses Sexually Oriented Businesses will also be presented to City Council for consistency.

2. Application #16-021: Missouri Baptist University Request for Football Field Seating

Rick Keisker, of Ittner Architects, on behalf of Missouri Baptist University, has submitted an application for approval of an addition of a grandstand/bleacher system with up to 900 seats as calculated per Creve Coeur Zoning Ordinance Section 405.820 to allow for soccer and lacrosse games on the field. Prior approval for the practice football field on March 31, 2014, required that any seating & lighting shall be approved by the Planning and Zoning Commission. No lighting is being proposed at this time. The site is located north of North Outer 40 Road.

WORK AGENDA

1. Memo on Town & Country's Neighborhood Preservation Initiative Town Forum and Sports Courts
2. Comprehensive Plan Update—Status Report

DEPARTMENT REPORTS

1. Director of Community Development
2. City Attorney

ADJOURNMENT

Posted: _____
Jason W. Jaggi
Director of Community Development



CITY OF CREVE COEUR
PLANNING & ZONING COMMISSION
MEETING MINUTES
MONDAY, June 20, 2016
6:30 PM

A regular meeting of the Planning and Zoning Commission of the City of Creve Coeur, Missouri was held on Monday, June 20, 2016, at the Creve Coeur Government Center, 300 North New Ballas Road. Chair Beth Kistner called the meeting to order at 6:32 P.M.

MEMBERS PRESENT: *Ms. Beth Kistner, Chair*
 Ms. Heather Silverman
 Mr. Tim Carney
 Ms. Murial Hall
 Mr. Don Magruder

OTHERS PRESENT: *Mr. Carl Lumley, City Attorney*
 Mr. Jason Jaggi, Director of Community Development
 Ms. Whitney Kelly, City Planner
 Ms. Jessica Stutte, Recording Secretary
 Mr. Cameron Casey, Planning Intern

2. ACCEPTANCE OF THE AGENDA

Mr. Magruder moved to accept the agenda, as submitted. Motion seconded and unanimously approved.

3. APPROVAL OF MINUTES

Mr. Magruder moved approval of the minutes of May 24, 2016 and June 6, 2016, as submitted. Mr. Carney seconded the motion, which carried unanimously.

4. PUBLIC COMMENT

Mr. McMahon of 16 Chaminade Dr, expressed concern about the football field at Chaminade. He said he is concerned with the new astro-turf going in as it allows them to have games every night which is a disturbance to residents. He would like the Commission to examine the field when the Master Plan comes through.

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Ms. Mary Fava, of 67 Notre Dame Dr. was also concerned about the lights, the sound, and security associated with the activity of Chaminade. She would like to see more of a police presence during those times of activity, especially during football games.

Mr. Jaggi responded that there are no field use guidelines present in any enforceable ordinance. He said they are compliant with their artificial turf. He indicated there was a prior letter agreement but it was not included in the ordinance.

Ms. Kistner asked about event restrictions with other schools in the area.

Mr. Jaggi said there are restrictions and he was not sure why some had restrictions and others did not.

Ms. Kistner asked if there was potential to set some ground rules.

Mr. Jaggi said it was possible, but it would be voluntary. They could arrange to have a meeting between the residents, the school, and also arrange a discussion with the Police Department.

5. UNFINISHED BUSINESS

None

6. NEW BUSINESS

A. Public Hearing. Application #16-017: Conditional Use Permit for Pizza World Restaurant at 12305 Olive Boulevard

Applicant/Agent: Mary Gabriel, Adam Gabriel & Daniel Gabriel
Pizza World
12305 Olive Blvd
Creve Coeur Mo 63141

Ms. Gabriel said they are a small pizza shop.

Mr. A Gabriel gave a brief description of the type of business.

Ms. Gabriel said they have a location in Shrewsbury.

Ms. Kistner asked if there were any objections to the conditions in the staff report.

Ms. Gabriel said there were not.

Mr. Carney asked if there would be neon signs in window.

Mr. A. Gabriel said they were unsure about neon signs, but they want to keep an uncluttered window.

Ms. Kistner asked if they were aware of specific sign regulations.

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Mr. A. Gabriel said they will investigate the requirements before applying.

Ms. Hall asked if they had any visuals for the signs.

Mr. A. Gabriel showed the Commission the Shrewsbury location sign.

Ms. Kistner asked if Ms. Hall had any specific concerns.

Ms. Hall said she is concerned about the sign color because of past projects.

Ms. Kistner asked for comments.

Ms. Kelly said it was a standard application and followed standard uses. She said signs are reviewed at staff level and will have to meet regulations. She said employee parking is designated to be underneath building unless for immediate pickup or drop off.

Ms. Kistner asked for questions.

Mr. Magruder asked what the space just east of the pizza shop would be.

Ms. Kelly said that Walpert Properties is going in that space.

Ms. Kistner asked if there was anyone who wants to speak about Pizza World.

Mr. Bob Walpert, the landlord, said they are moving into adjacent space. He said the Gabriels and he have a long term relationship as they have been tenants in previous stores. They have invested a lot. Mr. Walpert said he is probably more picky regarding signage than the city. He said there is an abundance of parking when the lower lot is included. All employees will be asked to park down below

Mr. Carney asked about the smoke shop and their signage.

Mr. Walpert said when lease is up they wouldn't renew their lease.

Mr. Jaggi said sign enforcement can check the property for violations.

Ms. Kistner closed the public hearing.

(This ends the Public Hearing: see verbatim transcript for further information)

There being no further comments, City Attorney, Mr. Carl Lumley, presented the exhibits and the public hearing was closed.

Motion to approve subject to proposed conditions by Mr. Magruder, Ms. Silverman seconded.

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Ms. Hall- aye Mr. Carney aye Ms. Silverman-aye Mr. Magruder-aye
Chair-aye

All in favor, motion passed.

B. Application #16-018: Site Development Plan Approval for a New Subdivision Entrance Sign for the Questover Subdivision

Mr. Jon Krone with Warren Sign said the city was concerned with the proposed sign height and the need for a breakaway pole. He said the sign was hit over a year ago and needs to be replaced.

Ms. Kistner asked if 10ft height was acceptable.

Mr. Krone replied it was.

Ms. Kistner asked if Ms. Kelly wanted to present.

Ms. Kelly said the Planning intern Mr. Casey would be presenting.

Mr. Casey said the conditions of approval include use of a breakaway sign, and that the sign should be lowered to 10ft to be consistent with other nearby signs. He said there was one comment of agreement, which was included in the packet.

Ms. Kistner asked if any audience members or commission members would like to speak. There were none.

Motion to approve subject to proposed conditions by Mr. Carney, Ms. Silverman seconded.

Ms. Hall- aye Mr. Carney aye Ms. Silverman-aye Mr. Magruder-aye
Chair-aye

All in favor, motion passed.

C. Application #16-01: Chaminade College Preparatory School and Our Lady of the Pillar Catholic Church Boundary Adjustment Plat

Ms. Kelly said the applicant is seeking to clean up the parcel boundaries and staff recommends approval.

Ms. Kistner asked if there were any questions.

Ms. Kistner asked if this would grandfather them into abnormalities.

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Ms. Kelly said the church requires a 50 ft. buffer, but the church was started in school grounds, and they are proposing a 15 ft. setback.

Ms. Kistner asked if the buffers on the exterior would be in conformance.

Ms. Silverman asked if Chaminade owns both lots.

Ms. Kelly showed the ownership on the map and existing buffers.

Mr. Magruder asked if the boundary adjustment would affect residents.

Ms. Kelly replied it would not.

Ms. Silverman asked if it would change the use.

Ms. Kelly replied it would not.

Ms. Kistner asked if there were any questions.

Motion to approve subject to the proposed conditions by Mr. Carney, Mr. Magruder seconded.

Mr. Magruder-aye Ms. Silverman-aye Ms. Hall- aye Mr. Carney aye
Chair-aye

All in favor, motion passed.

7. WORK AGENDA

None

8. DEPARTMENT REPORTS

Mr. Jaggi said there is most likely not going to be a meeting July 5th, but there are several items for the meeting on July 18th. He gave an update on the Comprehensive Plan.

9. ADJOURNMENT

There being no further business to come before the Planning and Zoning Commission, upon motion being made and duly seconded, the meeting was adjourned at 7:12 P.M.

Beth Kistner, Chairman

Jessica Stutte, Recording Secretary

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Attachment: PZminutes 6.20.16 (2014 : June 20, 2016 Planning and Zoning Commission Draft Meeting Minutes)



300 North New Ballas Road • Creve Coeur, Missouri 63141
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www.creve-coeur.org

APPLICATION TO PLANNING AND ZONING COMMISSION
#16-020: TEXT AMENDMENT TO THE ZONING ORDINANCE REGARDING
THE DEFINITIONS FOR SEXUALLY ORIENTED BUSINESSES

FOR THE PLANNING AND ZONING COMMISSION MEETING OF: Monday,
July 18, 2016

LOCATION: City-wide

REQUEST: The Director of Community Development, on behalf of the City of Creve Coeur, has submitted a text amendment application regarding Section 405.120 Definition of Terms to revise the definitions regarding sexually oriented businesses to reflect recently revised state law. Amendments to Chapter 617 which addresses Sexually Oriented Businesses will also be presented to City Council for consistency.

ADDITIONAL INFORMATION: Attached hereto is the revised proposed ordinance for various definitions under Section 405.120 of the zoning ordinance regarding revised definitions of terminology regarding the regulations on eligibility for a sexually oriented business license and standards of conduct for such businesses. The substantive changes will be incorporated into the City's licensing ordinance. However, the changes in definitions apply to both the zoning ordinance and the licensing ordinance. In addition to addressing statutory changes, in response to recent disputes in the St. Louis area, the definitions have been further refined to confirm that fully opaque fabric covering is required and body paint is not a sufficient covering.

The Planning and Zoning Commission reviews those changes to the Zoning Code under Section 405.1060 for recommendation to the City Council. The changes proposed for Chapter 617 of Article VI Business and Occupation of the Code of Ordinances are included for cross reference purposes only.

APPLICANT: Jason W. Jaggi
Director of Community Development
City of Creve Coeur
300 N. New Ballas Road
Creve Coeur, MO 63141

REPORT PREPARED BY: Jason W. Jaggi, AICP, Director of Community Development
DATE: 7/13/16
ATTACHMENTS: Revised Draft Ordinances

Key Issues:

- Are the changes consistent with the purposes of the Zoning Code?
- Are the changes consistent with the purposes of the Comprehensive Plan?

Zoning Code References

- Section 405.120
Definition of Terms
- Zoning 405.1000
Sexually Oriented
Businesses
- Section 405.1060 Zoning
Changes and Text
Amendments

**Business and Occupation
Code References**

- Chapter 617: Sexually
Oriented Businesses

BACKGROUND

Sexually oriented businesses are regulated by the City for land use purposes through the Zoning Ordinance (Section 405.1000) and for operational and licensing purposes through Chapter 617. Specifically, the Zoning Code regulates the location, access, siting, parking, landscaping, signage and lighting requirements for these types of businesses. Proposed businesses that would meet this category of use include sexually oriented adult bookstores, theaters, video stores, cabarets, and retail stores. The Zoning Ordinance allows a sexually oriented business to be located only in the Light Industrial District as a permitted (by-right) use if it meets the requirements of Section 405.1000.

Chapter 617, Sexually Oriented Businesses, lists the licensing and standards of conduct for such businesses. An operator of a sexually oriented business must obtain a yearly license by the City and all individuals associated with the business must meet specific background standards which are reviewed by the Police Department. Chapter 617 also specifically prohibits the sale, serving, or consuming of alcohol on the premises of a sexually oriented business.

SUMMARY OF PROPOSED TEXT AMENDMENT

This text amendment application involves amending the definitions section of the Zoning Ordinance (Section 405.120) regarding terms related to sexually oriented businesses for consistency with changes to state statutes. In the context of revising various regulations on eligibility for a sexually oriented business license and standards of conduct for such businesses, the legislature revised various definitions of terminology. The proposed changes will also be incorporated into the City's licensing ordinance. However, the changes in definitions apply to both the Zoning Ordinance and the licensing ordinance.

The attached draft ordinance lists the new and replacement terminology in Section 405.120 to be consistent with recent changes in state law. In addition to addressing statutory changes, in response to recent disputes in the St. Louis area, the definitions have been further refined to confirm that body paint is not sufficient cover and that covering requires fully opaque fabric material.

While both Chapter 405 and Chapter 617 are being amended concurrently, the Planning and Zoning Commission only has authority to review and provide a recommendation on affected sections within the Zoning Ordinance. Upon receipt of a recommendation from the Commission involving Chapter 405, the City Council will review and act upon both ordinances concurrently.

MOTION

If the members of the Planning and Zoning Commission are satisfied that the proposed amendments are justified and appropriately worded, the following is an example of an appropriate motion for this application:

"I move to recommend approval of the draft ordinance attached to the staff report on Application #16-020, for the text amendment to various definition of terms regarding sexually oriented businesses of Chapter 405 of the Code of Ordinances of the City of Creve Coeur, Missouri, to address changes to the State statutes, correct outdated terminology, as presented on July 18, 2016."

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: BUSINESS AND OCCUPATION

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

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE AMENDING DEFINITIONS IN THE ZONING CODE OF THE CODE OF ORDINANCES OF THE CITY OF CREVE COEUR REGARDING SEXUALLY ORIENTED BUSINESSES.

WHEREAS, Section 405.120 of the City Code of Ordinances sets forth definitions used in the Zoning Code, including regarding sexually oriented businesses; and

WHEREAS, changes in state law (2014 SB 491, HB 1371) revising sections 573.010 et seq RSMo, require parallel revisions to the City's ordinances;

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

Section 1. The definitions set forth below are hereby added to Section 405.120 the City Code of Ordinances, including in place of prior definitions of the same or similar words and phrases (which prior definitions are accordingly repealed) as indicated by parenthetical annotations (which annotations are not to be codified):

ADULT ARCADE (new)

Any place to which the public is permitted or invited wherein money-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are regularly maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are characterized by their emphasis upon matter exhibiting specified sexual activities or specified anatomical areas.

ADULT CABARET (replacement)

A nightclub, bar, juice bar, restaurant, bottle club, or other commercial establishment which regularly features persons who appear semi-nude.

ADULT BOOK STORE, ADULT VIDEO STORE (replaces definition of Adult Media Store)

A commercial establishment which as one of its principal business activities, offers for sale or rental for any form of consideration any one or more of the following: books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, digital video discs, slides, or other visual representations which are characterized by their emphasis upon the display of specified sexual activities or specified anatomical areas.

ADULT THEATER (replacement)

A commercial establishment where films, motion pictures, video cassettes, slides, or similar photographic reproductions, which are characterized by their emphasis upon the display of specified sexual activities or specified anatomical areas are regularly shown to more than five persons for any form of consideration.

CHARACTERIZED BY (new)

Describing the essential character or dominant theme of an item.

NUDITY OR STATE OF NUDITY (new)

The showing of the human genitals, pubic area, vulva, anus, anal cleft or the female breast with less than a fully opaque fabric covering of any part of the nipple or areola. Body paint shall not qualify as fabric.

PRINCIPAL BUSINESS ACTIVITY (new)

Applies to Sexually Oriented Businesses and exists where the establishment:

- a. Has a substantial (as used in this definition, at least 30%) portion of its displayed merchandise which consists of the pertinent items; or
- b. Has a substantial portion of the wholesale value of its displayed merchandise which consists of the pertinent items; or
- c. Has a substantial portion of the retail value of its displayed merchandise which consists of the pertinent items; or
- d. Derives a substantial portion of its revenues from the sale or rental of the pertinent items; or
- e. Maintains a substantial section of its interior business space for the sale or rental of the pertinent items; or
- f. Maintains an adult arcade.

REGULARLY (new)

Consistent and repeated.

SADOMASOCHISTIC PRACTICES OR ABUSE (replaces Sadomasochistic Practices)

Flagellation or torture by or upon a person, or the conditions of being fettered, bound, or otherwise physically restrained, as an act of sexual stimulation or gratification.

SEMI-NUDE OR STATE OF SEMI-NUDITY (new)

The showing of the human female breast below a horizontal line across the top of the areola and extending across the width of the breast at such point, or the showing of the human male or female buttocks. Such definition includes the lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breasts exhibited by a bikini, dress, blouse, skirt, leotard, or similar wearing apparel provided the areola is not exposed in whole or in part. Coverage by other than opaque fabric shall still constitute "showing" for purposes hereof, and body paint shall not qualify as fabric.

SEMI-NUDE MODEL STUDIO (new)

A place where persons regularly appear in a state of semi-nudity for money or any form of consideration in order to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons, but excluding a modeling class operated by a college, junior college, or university supported entirely or partially by taxation, by a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college or university supported entirely or partially by taxation, or in a structure which has no sign visible from the exterior of the structure or other advertising that indicates a semi-nude person is available for viewing and students must enroll at least three days in advance to participate in the class.

SEX SHOP (replacement)

A commercial establishment offering goods for sale or rent that meets any of the following tests:

1. The establishment offers for sale items from any two (2) of the following categories:
 - a. Adult media,
 - b. Lingerie, or
 - c. Leather goods marketed or presented in a context to suggest their use for sadomasochistic practices or abuse; and the combination of such items constitutes more than ten percent (10%) of its stock in trade or occupies more than ten percent (10%) of its gross public floor area.
2. More than ten percent (10%) of its stock in trade consists of sexually oriented toys or novelties.
3. More than ten percent (10%) of its gross public floor area is devoted to the display of sexually oriented toys or novelties.

SEXUAL ENCOUNTER CENTER (new)

A commercial establishment that, as one of its principal business activities, offers for any form of consideration physical contact in the form of wrestling or tumbling between two or more persons where one or more of the persons is semi-nude.

SEXUALLY ORIENTED BUSINESS (replacement)

An inclusive term used to describe individually and collectively: adult cabaret; adult book store; adult video store, adult theater, semi-nude model studio, sexual encounter center, and/or sex shop as defined by City ordinance as well as any sexually oriented business as defined by State law including Section 573.010 RSMo.

SEXUALLY ORIENTED TOYS OR NOVELTIES (replacement)

Instruments, devices, or paraphernalia either designed as representations of human genital organs or female breast, or designed or marketed primarily for use to stimulate human genital organs, or for sadomasochistic practices or abuse.

SPECIFIED ANATOMICAL AREAS (replacement)

1. Less than completely and opaquely covered (by fabric, not body paint): human genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola; and
2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES (replacement)

Intercourse, oral copulation, masturbation, sodomy, or excretory functions as a part of or in connection with any of the foregoing. Human genitals in a state of sexual stimulation or arousal or acts of human masturbation, sexual intercourse, oral copulation, sodomy, or fondling or other erotic touching of human genitals, pubic region, buttock, or female

breast, and any related excretory functions, or any sadomasochistic practices or abuse, or bestiality.

Section 2. This ordinance shall become effective in accordance with Section 3.11 (g) of the City Charter.

ADOPTED THIS ____ DAY OF _____, 2016.

ELLEN LAWRENCE
PRESIDENT OF CITY COUNCIL

APPROVED THIS ____ DAY OF _____, 2016

BARRY GLANTZ, MAYOR

ATTEST:

DEBORAH RYAN, CITY CLERK, MPCC

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 617 OF THE CODE OF ORDINANCES OF THE CITY OF CREVE COEUR REGARDING SEXUALLY ORIENTED BUSINESSES.

WHEREAS, Chapter 617 of the City Code of Ordinances addresses sexually oriented businesses; and

WHEREAS, changes in state law (2014 SB 491, HB 1371) revising sections 573.010 et seq RSMo, require parallel revisions to the City's ordinances;

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

Section 1. Chapter 617 of the City Code of Ordinances is hereby amended to read as follows:

Section 617.010. Definitions.

[Ord. No. 5132 §1, 4-26-2010; Ord. No. 5167 §1, 12-13-2010]

For the purposes of this Chapter, the following words and phrases shall have the meanings ascribed to them by this Section:

ADULT ARCADE

Any place to which the public is permitted or invited wherein money-operated, or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are regularly maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are characterized by their emphasis upon matter exhibiting specified sexual activities or specified anatomical areas.

ADULT CABARET

A nightclub, bar, juice bar, restaurant, bottle club, or other commercial establishment which regularly features persons who appear semi-nude. A business featuring dancing or other live entertainment if the dancing or entertainment that constitutes the primary live entertainment is distinguished or characterized by an emphasis on the exhibiting of specific sexual activities or specified anatomical areas for observation by patrons therein.

ADULT ENTERTAINER

Any person who provides entertainment distinguished or characterized by an emphasis on the exhibiting of specific sexual activities or specified anatomical areas, or who appears in a semi-nude condition, whether or not a fee is charged or accepted.

ADULT BOOKMEDIA STORE, ADULT VIDEO STORE

A commercial establishment which as one of its principal business activities, offers for sale or rental for any form of consideration any one or more of the following: books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, digital video discs, slides, or other visual representations which are characterized by their emphasis upon the display of specified sexual activities or specified anatomical areas, business that rents and/or sells media, and that meets any of the following three (3) tests:

ADULT MEDIA

Magazines, books, videotapes, movies, slides, compact discs or other devices used to record computer images, or other media that are distinguished or characterized by their emphasis on matter depicting, describing, or relating to hard-core material.

ADULT THEATER

A commercial establishment where films, motion pictures, video cassettes, slides, or similar photographic reproductions, which are characterized by their emphasis upon the display of specified sexual activities or specified anatomical areas are regularly shown to more than five persons for any form of consideration, business showing pictures or videos that are adult media.

CHARACTERIZED BY

Describing the essential character or dominant theme of an item.

EMPLOY, EMPLOYEE, EMPLOYMENT

Refers to performance of services on the premises of a sexually oriented business, on a full-time, part-time, or contract basis, whether or not the person involved is denominated an employee, independent contractor, agent or otherwise, but excluding a person exclusively on the premises for repair or maintenance of the premises or for the delivery of goods to the premises.

GROSS PUBLIC FLOOR AREA

The total interior area accessible or visible to the public, including showrooms, motion picture theaters, motion picture arcades, service areas, behind-counter areas, storage areas visible from such other areas, restrooms (whether or not labeled "public"), areas used for cabaret or similar shows (including stage areas), plus aisles, hallways, and entryways serving such areas.

HARD-CORE MATERIAL

Media characterized by sexual activity that includes one (1) or more of the following: erect male organ; contact of the mouth of one person with the genitals of another; penetration with a finger or male organ into any orifice in another person; open female labia; penetration of a sexually oriented toy or novelty into an orifice, male ejaculation; or the aftermath of male ejaculation.

INFLUENTIAL INTEREST

Any of the following:

1.

The actual power to operate a business or legal entity or control the operation, management, or policies of a business or legal entity;

2.

Ownership of a financial interest of thirty percent (30%) or more of a business or any class of voting securities of a business; or

3.

Holding an office such as president, vice president, secretary, treasurer, managing member, or managing director of a business or legal entity.

MEDIA

Anything printed or written, or any picture, drawing, photograph, motion picture, film, videotape or videotape production, or pictorial representation, or any electrical or electronic reproduction of anything that is or may be used as a means of communication. Media includes but shall not necessarily be limited to books, newspapers, magazines, movies, videos, sound recordings, compact discs, other magnetic media, and undeveloped pictures.

NUDITY OR STATE OF NUDITY

The showing of the human ~~male or female~~ genitals, pubic area, vulva, anus, anal cleft or ~~cleavage with less than a fully opaque covering, or the showing of the human~~ female breast with less than a fully opaque fabric covering of any part of the nipple or areola. Body paint shall not qualify as fabric.

OPERATOR

Any person on the premises of a sexually oriented business who causes the business to function, puts or keeps the business in operation, or is authorized to manage the business or exercise overall operational control of the business premises, whether or not an owner or licensee of the business.

PREMISES

The real property upon which a sexually oriented business is located, and all appurtenances thereto and buildings thereon, including but not limited to the sexually oriented business, the grounds, private walkways, parking lots, and parking garages.

PRIMARY LIVE ENTERTAINMENT

PRINCIPAL BUSINESS ACTIVITY

Exists where the commercial establishment:

- a. Has a substantial portion (as used in this definition, at least 30%) of its displayed merchandise which consists of the pertinent items; or
- b. Has a substantial portion of the wholesale value of its displayed merchandise which consists of the pertinent items; or
- c. Has a substantial portion of the retail value of its displayed merchandise which consists of the pertinent items; or
- d. Derives a substantial portion of its revenues from the sale or rental of the pertinent items; or
- e. Maintains a substantial section of its interior business space for the sale or rental of the pertinent items; or
- f. Maintains an adult arcade.

REGULARLY

Consistent and repeated.

SADOMASOCHISTIC PRACTICES OR ABUSE

Flagellation or torture by or upon a person, or the conditions of being fettered, bound, or otherwise physically restrained, as an act of sexual stimulation or gratification.

SEMI-NUDE OR STATE OF SEMI-NUDITY

The showing of the human female breast below a horizontal line across the top of the areola and extending across the width of the breast at such point, or the showing of the human male or female buttocks. Such definition includes the lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breasts exhibited by a bikini, dress, blouse, skirt, leotard, or similar wearing apparel provide the areola is not exposed in whole or in part. Coverage by other than opaque fabric shall still constitute "showing" for purposes hereof, and body paint shall not qualify as fabric.

SEMI-NUDE MODEL STUDIO

A place where persons regularly appear in a state of semi-nudity for money or any form of consideration in order to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons, but excluding a modeling class operated by a college, junior college, or university supported entirely or partially by taxation, by a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college or university supported entirely or partially by taxation, or in a structure which has no sign visible from the exterior of the structure or other advertising that indicates a semi-nude person is available for viewing and students must enroll at least three days in advance to participate in the class.

SERVER

Any person who serves food or drink at a sexually oriented business.

SEX SHOP

A commercial establishment offering goods for sale or rent that meets any of the following tests:

1.

The establishment offers for sale items from any two (2) of the following categories:

a.

Adult media,

b.

Lingerie, or

c.

Leather goods marketed or presented in a context to suggest their use for sadomasochistic practices or abuse; and the combination of such items constitutes more than ten percent (10%) of its stock in trade or occupies more than ten percent (10%) of its gross public floor area.

2.

More than ten percent (10%) of its stock in trade consists of sexually oriented toys or novelties.

3.

More than ten percent (10%) of its gross public floor area is devoted to the display of sexually oriented toys or novelties.

SEXUAL ENCOUNTER CENTER

A commercial establishment that, as one of its principal business activities, offers for any form of consideration physical contact in the form of wrestling or tumbling between two or more persons where one or more of the persons is semi-nude.

SEXUALLY ORIENTED BUSINESS

An inclusive term used to describe individually and collectively: adult cabaret; adult book/media store; adult video store; adult theater, semi-nude model studio, sexual encounter center, and/or sex shop as defined by City ordinance as well as any sexually oriented business as defined by State law including Section 573.010528 RSMo.

SEXUALLY ORIENTED TOYS OR NOVELTIES

Instruments, devices, or paraphernalia either designed as representations of human genital organs or female breast, or designed or marketed primarily for use to stimulate human genital organs, or for sadomasochistic practices or abuse.

SPECIFIED ANATOMICAL AREAS

1.

Less than completely and opaquely covered (by fabric, not body paint): human genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola; and

2.

Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

~~SPECIFIED CRIMINAL ACT~~

SPECIFIED SEXUAL ACTIVITIES

Intercourse, oral copulation, masturbation, sodomy, or excretory functions as a part of or in connection with any of the foregoing. Human genitals in a state of sexual stimulation or arousal or acts of human masturbation, sexual intercourse, oral copulation, sodomy, or fondling or other erotic touching of human genitals, pubic region, buttock, or female breast, and any related excretory functions, or any sadomasochistic practices or abuse, or bestiality.

Section 617.020. License Required For Sexually Oriented Businesses, No Alcohol.

[Ord. No. 5132 §1, 4-26-2010; Ord. No. 5167 §1, 12-13-2010]

A.

It is unlawful for any person to operate a sexually oriented business at any location in the City at any time without a sexually oriented business license issued by the City in effect for such business at such location.

B.

It is unlawful for any adult entertainer, employee or manager to knowingly perform any work, service or entertainment at an unlicensed sexually oriented business within the City.

C.

If a sexually oriented business within the City fails at any time to have posted on its premises, in the manner required by ordinance, an effective sexually oriented business license, such failure shall be prima facie evidence that the business does not have such a license in effect for such location. In addition, the absence of such a properly posted effective license shall be prima facie evidence that an adult entertainer, employee or manager who performs any work, service or entertainment at the sexually oriented business had knowledge that such business was not licensed.

D.

All required zoning, building and occupancy permits must be separately applied for and obtained, in addition to the license required by this Section.

E.

No license may be issued under Chapter **600** to a sexually oriented business and no intoxicating liquor shall be sold, served or consumed on the premises of a sexually oriented business.

Section 617.030. License Required For Managers, Servers and Adult Entertainers.

[Ord. No. 5132 §1, 4-26-2010; Ord. No. 5167 §1, 12-13-2010]

It is unlawful for any person to work as an adult entertainer, server or manager at a sexually oriented business within the City at any time without an effective license issued by the City.

Section 617.040. License Year, Location and Fees.

[Ord. No. 5132 §1, 4-26-2010; Ord. No. 5167 §1, 12-13-2010]

A.

The license year for licenses required under this Chapter shall run from each March sixteenth (16th) to the subsequent March fifteenth (15).

B.

An application for a license under this Chapter shall be accompanied by payment in full of the license tax due under Chapter **605** of the Code of Ordinances and annual inspection fees of three hundred sixty dollars (\$360.00) and no application shall be considered complete until such fees have been paid.

C.

All licenses under this Chapter shall be issued solely for a specific person or entity at a specific location and shall be non-refundable and non-transferable.

Section 617.050. License Application.

[Ord. No. 5132 §1, 4-26-2010; Ord. No. 5167 §1, 12-13-2010]

A.

Sexually Oriented Business License Application. Any person desiring to secure a license to operate a sexually oriented business within the City shall submit a notarized application to the Chief of

Police. Such application shall be submitted in the name of the person proposing to conduct or operate the sexually oriented business. Incomplete applications shall not be processed. All applications shall be submitted on a form supplied by the City and shall require the following information:

1.

The name, residence address, home telephone number, occupation, date and place of birth and social security number of the applicant.

2.

The name of the business, a description of the activities to be performed on the licensed premises and the name of the owner of the premises to be licensed.

3.

The names, residence addresses, social security numbers and dates of birth of all partners, if the applicant is a partnership; and if the applicant is a corporation or limited liability company, the same information for all corporate officers and directors, stockholders, managers or members who own more than ten percent (10%) or greater interest in the corporation or limited liability company, and for any other person with an influential interest in the business.

4.

The addresses of the applicant and of all partners or of all corporate officers, directors, managers, and members and other persons with an influential interest for the five (5) years immediately prior to the date of application.

5.

A description of the sexually oriented business history of the applicant and of all partners or of all corporate officers, directors, managers, and members and other persons with an influential interest; and whether any such person or entity, in previously operating such a business in this City or elsewhere, has had a business license revoked or suspended, the reason therefor and the activity or occupation subjected to such action, suspension or revocation.

6.

A statement of the business, occupation or employment history of the applicant and of all partners, or of all corporate officers and directors, managers and members and other persons with an influential interest, for the three (3) years immediately preceding the date of the application.

7.

A statement from the applicant and from each partner, corporate officer and director, manager and member, and any other person with an influential interest in the business that each such person has not been found guilty of any of the following specified offenses for which less than eight years has elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is later:

(1) rape and sexual offenses;

(2) sexual offenses involving minors;

(3) offenses involving prostitution;

(4) obscenity offenses;

(5) offenses involving money laundering;

(6) offenses involving tax evasion;

(7) any attempt, solicitation, or conspiracy to commit one of the offenses listed in items (1)-(6); or

(8) any offense committed in another jurisdiction which if committed in Missouri would have constituted an offense listed in items (1)-(7).

~~convicted of, released from confinement for conviction of, pled guilty or nolo contendere to or been diverted from prosecution on any specified criminal act or on:~~

8.

A full set of fingerprints and a photograph, to be taken by the Police Department, of the applicant or of all partners if the applicant is a partnership or of all corporate officers, directors, managers or members if the applicant is a corporation or other entity and all other persons with an influential interest.

9.

A certificate of good standing issued by the Missouri Secretary of State, if applicable.

10.

A statement signed under oath that the applicant has personal knowledge of the information contained in the application and that the information contained therein is true and correct and that the applicant has read the provisions of this Chapter regulating sexually oriented businesses.

~~Incomplete applications shall not be processed.~~

B.

Adult Entertainment Manager, Server Or Entertainer License. All persons desiring to secure a license under the provisions of this Chapter to be a manager, server or adult entertainer at a sexually oriented business shall submit a notarized application to the Chief of Police. All applicants shall be submitted in the name of the person proposing to be a manager, server or adult entertainer. ~~Incomplete applications shall not be processed.~~ All applications shall be submitted on a form supplied by the City and shall require the following information:

1.

The applicant's name, home address, home telephone number, date and place of birth, social security number and any stage names or nicknames used in entertaining.

2.

The name and address of each sexually oriented business within the City where the applicant intends to work as a manager, server or adult entertainer and an "intent to hire" statement from a sexually oriented business that is licensed or that has applied for a license, under the provisions of this Chapter, indicating the sexually oriented business intends to hire the applicant to manage, serve or entertain on its premises.

3.

A statement from the applicant that the applicant has not been found guilty of any of the following specified offenses for which less than eight years has elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is later:

(1) rape and sexual offenses;

(2) sexual offenses involving minors;

(3) offenses involving prostitution;

(4) obscenity offenses;

(5) offenses involving money laundering;

(6) offenses involving tax evasion;

(7) any attempt, solicitation, or conspiracy to commit one of the offenses listed in items (1)-(6); or

(8) any offense committed in another jurisdiction which if committed in Missouri would have constituted an offense listed in items (1)-(7).

~~convicted of, released from confinement for conviction of, pled guilty or nolo contendere to or has been diverted from prosecution on any specified criminal act or on:~~

~~a-~~

~~A felony criminal act within five (5) years immediately preceding the application; or~~

~~b-~~

~~A misdemeanor criminal act within two (2) years immediately preceding the application, where such felony or misdemeanor criminal act involved sexual offenses, prostitution, promotion of prostitution, sexual abuse of a child, pornography or related offenses as~~

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~~defined in the Missouri Criminal Code or involved controlled substances or illegal drugs or narcotics offenses as defined in the Missouri Controlled Substance Act or other Statutes or ordinances.~~

4.

A full set of fingerprints and a photograph, to be taken by the Police Department, of the applicant.

5.

The applicant shall present to the Police Department which shall thereupon copy documentation that the applicant has attained the age of eighteen (18) years at the time the application is submitted.

Any of the following shall be accepted as documentation of age:

a.

A motor vehicle operator's license issued by any State bearing the applicant's photograph and date of birth;

b.

A State-issued identification card bearing the applicant's photograph and date of birth;

c.

An official and valid passport issued by the United States of America;

d.

An immigration card issued by the United States of America; or

e.

Any other form of identification deemed reliable by the Police Department.

~~Incomplete applications shall not be processed.~~

Section 617.060. Examination of Application — Issuance of License — Disapproval.

[Ord. No. 5132 §1, 4-26-2010; Ord. No. 5167 §1, 12-13-2010]

A.

Upon receipt of a complete application for a sexually oriented business license or a manager, server or adult entertainer license, it shall be the duty of the Chief of Police or his designee to investigate such application to determine whether the information contained in the application is accurate and whether the applicant is qualified to receive the license. The Chief of Police shall report the results of the investigation to the Finance Director not later than thirty (30) days from the date the complete application is received. If an application for a sexually oriented business license or a manager, server or adult entertainer license is in proper form and accompanied by the appropriate license fee, and if the applicant is qualified, the Chief of Police shall recommend issuance of a license by the Finance Director, who shall then issue the license.

B.

The license shall state that it is not transferable and is only in effect for the period for which it is issued. The license shall be kept posted in a conspicuous place in the place of business that is licensed or where the licensee is working, publicly visible upon entry by means of the main entrance to the premises.

C.

If an application for a license is disapproved, the applicant shall be immediately notified by the Police Chief by certified mail to the applicant's last known address and the notification shall state the basis for such disapproval.

Section 617.070. License Ineligibility and Disqualification.

[Ord. No. 5132 §1, 4-26-2010; Ord. No. 5167 §1, 12-13-2010]

A.

No person is eligible nor shall a license be issued to:

1.

A sexually oriented business applicant if one (1) or more of the following conditions exist:

a.

The applicant failed to supply all of the information requested on the application.

b.

The applicant gave materially false, fraudulent or untruthful information on the application.

c.

The applicant or any partner, corporate officer, director, manager, and member or person with an influential interest has been found guilty of any of offenses specified in Section 617.050 for which less than eight years has elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is later~~convicted of or pled guilty or nolo contendere to any specified criminal act or any felony or a misdemeanor described in Section 617.050.~~

d.

The applicant has had a similar license revoked or suspended in this or any other political subdivision during the past five (5) years.

2.

An applicant for a manager, server or adult entertainer license if one (1) or more of the following conditions exists:

a.

The employer for whom the applicant intends to work does not have or is ineligible to receive a sexually oriented business license for any of the reasons stated in Subsection (1) above.

b.

The applicant has been found guilty of any of offenses specified in Section 617.050 for which less than eight years has elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is later~~convicted of or pled guilty or nolo contendere to any specified criminal act or any felony or a misdemeanor described in Section 617.050.~~

c.

The applicant failed to provide all of the information required on the application.

d.

The applicant gave materially false, fraudulent or untruthful information on the application.

e.

The applicant has had a similar license revoked or suspended in this or any other political subdivision during the past five (5) years.

Section 617.080. Standards of Conduct.

[Ord. No. 5132 §1, 4-26-2010; Ord. No. 5167 §1, 12-13-2010]

A.

The following standards of conduct shall apply to all sexually oriented businesses, their employees, operators, and all managers, servers and adult entertainers and the patrons of sexually oriented businesses, while on or about the premises of the business:

1.

Interior restrictions.

a.

Adult entertainers shall perform at a distance of at least ten (10) feet away from any patron and shall not touch or be touched (directly or through clothing) by any patron while performing.

b.

Adult entertainers shall only perform on a fixed stage that is raised at least two (2) feet above the area on which the patron or patrons sit or stand, in a room of at least six hundred (600) square feet of floor area.

c.

No one shall be allowed on a stage during business hours besides a licensed adult entertainer, nor shall any employee other than a licensed adult entertainer appear in a semi-nude condition.

2.

Age restriction. Only persons eighteen (18) years of age or older shall be permitted on the premises of any sexually oriented business.

3.

Exterior observation. The premises of a sexually oriented business will be so constructed as to include an anteroom, foyer, partition or other physical barrier on all customer entrances and other doors that will assure that the remainder of the interior of the premises is not observable from the exterior of the building when doors are opened. In addition, all windows will be covered to prevent viewing of the interior of the building from the exterior of the building.

4.

Exterior display. No sexually oriented business will be conducted in any manner that permits the observation of live performers engaged in an erotic depiction or dance or any material or persons depicting, describing or relating to "specified sexual activities" or "specified anatomical areas", as defined in this Chapterherein, from any exterior source by display, decoration, sign, show window or other opening.

5.

Nudity prohibited. No employee, server or adult entertainer or other person at a sexually oriented business shall appear nude, unclothed, in less than opaque attire (consisting of fabric, not body paint) or in any fashion that exposes to view any "specified anatomical area" as defined in this Chapterherein.

6.

Certain acts prohibited.

a.

No employee, manager, server or adult entertainer shall perform any "specified sexual activities" as defined in this Chapterherein, wear or use any device or covering exposed to view which simulates any "specified anatomical area" as defined in this Chapterherein, use artificial devices or inanimate objects to perform or depict any of the "specified sexual activities" as defined in this Chapterherein or participate in any act of prostitution.

b.

No employee, manager, server, adult entertainer or patron of a sexually oriented business shall knowingly touch, fondle or caress any "specified anatomical area" as defined in this Chapterherein of another person or knowingly permit another person to touch, fondle or caress any "specified anatomical area" as defined in this Chapterherein of such employee, server, adult entertainer or patron, whether such "specified anatomical areas" are clothed, unclothed, covered or exposed. No one in a semi-nude condition shall touch any other person or the clothing of any other person.

c.

No employee, manager, server or adult entertainer of a sexually oriented business shall be visible from the exterior of the business premises while such person is unclothed or in such attire, costume or clothing as to expose to view any "specified anatomical area" as defined in this Chapterherein.

d.

No adult entertainer shall solicit, demand or receive any payment or gratuity from any patron or customer for any act prohibited by this Chapter or other law and no adult entertainer shall receive any payment or gratuity from any customer for any entertainment except as follows:

(1)

While such adult entertainer is on a stage or platform, a customer or patron may place such payment or gratuity into a box affixed to the stage or platform; or

(2)

While such adult entertainer is not on a stage or platform and is clothed so as to not expose to view any "specified anatomical area" as defined ~~in this Chapter~~ *herein*, a customer or patron may place such payment or gratuity into the adult entertainer's hand.

e.

No owner, operator, manager or other person in charge of the premises of a sexually oriented business premises shall:

(1)

Knowingly permit intoxicating liquor of any type to be brought upon, sold or consumed on the premises;

(2)

Knowingly allow or permit the sale, distribution, delivery or consumption of any controlled substance or illegal drug or narcotic on the premises;

(3)

Knowingly allow or permit any person under the age of eighteen (18) years of age to be in or upon the premises;

(4)

Knowingly allow or permit any act of prostitution or patronizing prostitution on the premises; or

(5)

Knowingly allow or permit a violation of this Chapter or any other City ordinance or County, State or Federal law.

7.

Signs required. All sexually oriented businesses shall have conspicuously displayed in the common area inside the principal entrance to the premises a sign, on which uppercase letters shall be at two (2) inches high and lowercase letters shall be at least one (1) inch high, which shall read as follows:

**THIS SEXUALLY ORIENTED BUSINESS IS REGULATED AND LICENSED BY THE
CITY OF CREVE COEUR**

No person shall engage in any type of sexual conduct or prostitution on the premises or fondle, *caress or touch the breasts, pubic region, buttocks or genitals of any other person or ~~to~~ permit any other person to fondle, caress or touch their breasts, pubic region, buttocks or genitals.

No person shall be nude, unclothed or in less than opaque attire, costume or clothing so as to *expose to view any portion of the breasts below the top of the areola or any portion of the pubic region, buttocks and/or genitals.

*No person shall make or receive any payment or gratuity related to the performance of an adult entertainer, except as follows:

While the entertainer is on the stage, by placement of such payment or gratuity into a box affixed to the stage, or

While the entertainer is not on the stage but is fully clothed, by placement of such payment or gratuity into their hand.

CUSTOMERS ARE NOT PERMITTED TO BE UPON STAGE AT ANY TIME

8.

Lighting required. The premises of a sexually oriented business shall be equipped with overhead lighting of sufficient intensity to illuminate every place to which customers or patrons are permitted

access to an illumination of not less than one (1) foot-candle as measured at the floor level and such illumination must be maintained at all times that any customer or patron is present in or on the premises.

9.

Closed booth or room prohibited. The premises of a sexually oriented business shall be physically arranged in such manner that the entire interior portions of any booths, cubicles, rooms or stalls are visible from a common area of the premises. Visibility shall not be blocked or obscured by doors, curtains, drapes or any other obstruction whatsoever. In addition, all requirements of State law must be met (see for example Section 573.531.6 RSMo.).

10.

Ventilation and sanitation requirements. The premises of a sexually oriented business shall be kept in a sanitary condition. Separate dressing rooms and restrooms for men and women shall at all times be maintained and kept in a sanitary condition. No adult media shall be displayed in restrooms.

11.

Hours of operation. A sexually oriented business may only be open for business or in use by customers between 11:00 A.M. and 11:00 P.M. on any day besides a Sunday. A sexually oriented business shall not be open for business or in use by customers at any other times.

12.

Breast-feeding. Consistent with Section 191.918 RSMo., notwithstanding any other provision of this Chapter, a mother may with discretion breast-feed her child or express breast milk in any public or private place where the mother is otherwise authorized to be, and such conduct shall not constitute sexual conduct or sexual contact or be considered indecent or otherwise prohibited or restricted.

Section 617.090. Manager On Premises.

[Ord. No. 5132 §1, 4-26-2010; Ord. No. 5167 §1, 12-13-2010]

A.

A licensed manager shall be on duty at a sexually oriented business at all times the premises is open to the public. The name of the manager on duty shall be prominently posted so as to be publicly visible upon entering the main entrance during business hours.

B.

It shall be the responsibility of the manager to verify that any person who works as an adult entertainer or as a server within the premises possesses a current and valid adult entertainer's license or server's license and that all required licenses are prominently posted as required by ordinance.

Section 617.100. Inspector and Inspections.

[Ord. No. 5132 §1, 4-26-2010; Ord. No. 5167 §1, 12-13-2010]

All sexually oriented businesses shall permit representatives of the Police Department or any other City Official acting in their official capacity to inspect portions of the premises accessible to the public on a monthly basis to insure the business is complying with all applicable regulations and laws.

Section 617.110. Suspension, Revocation or Non-Renewal — License.

[Ord. No. 5132 §1, 4-26-2010; Ord. No. 5167 §1, 12-13-2010]

A.

~~Whenever the~~ The Police Chief shall notify the Finance Director whenever the Police Chief has

1.
The owner or operator of a licensed sexually oriented business or a holder of a manager, server or adult entertainer license has violated or knowingly allowed or permitted the violation of any of the provisions of the City Code; or
2.
There have been recurrent violations of provisions of this Chapter that have occurred under such circumstances that the owner or operator of a sexually oriented business knew or should have known that such violations were committed; or
3.
A sexually oriented business license or manager, server or adult entertainer license was obtained through false statements in the application for such license or renewal thereof; or
4.
A sexually oriented business licensee or a manager, server or adult entertainer licensee failed to make a complete disclosure of all information in the application for such license or renewal thereof; or
5.
The owner or operator or any partner or any corporate officer or director, member or manager or other person with an influential interest of an entity holding a sexually oriented business license has become disqualified from having a license by a conviction as provided in this Chapter; or
6.
The holder of a manager, server or adult entertainer license has become disqualified from having a license by a conviction as provided in this Chapter.

B. Upon receipt of such notice from the Police Chief, the Police Chief shall notify the Finance Director ~~who~~ shall conduct a public hearing upon reasonable notice to determine whether the license should be suspended or revoked. Based on the evidence produced at the hearing, the Finance Director may take any of the following actions:

- 1a.
Suspend the license for up to ninety (90) days.
- 2b.
Revoke the license for the remainder of the license year.
- 3e.
Place the license holder on administrative probation for a period of up to one (1) year, on the condition that no further violations of this Chapter occur during the period of probation. If after a hearing upon reasonable notice it is determined that another violation has occurred, the license will be revoked for the remainder of the license year.
- 4d.
Any action authorized in the City Code not inconsistent with this Section.

Section 617.120. License Renewal.

[Ord. No. 5132 §1, 4-26-2010; Ord. No. 5167 §1, 12-13-2010]

- A.
A license may be renewed by making an application for renewal pursuant to Section 617.050 to the Police Chief ~~on application forms provided for that purpose~~. Licenses shall expire on March fifteenth (15th) of each calendar year and renewal applications for such licenses shall be submitted to the Police Chief by the preceding February fifteenth (15th) of each license year to avoid a gap in licensing.
- B.

Upon timely application and review as provided for a new license, a license issued under the provisions of this Chapter shall be renewed by issuance of a new license in the manner provided in this Chapter.

C.

If the application for renewal of a license is not made during the time otherwise provided in the Creve Coeur Municipal Code, a new application shall be required.

Section 617.130. Review.

[Ord. No. 5132 §1, 4-26-2010; Ord. No. 5167 §1, 12-13-2010]

Following the entry of an order suspending or revoking a license issued pursuant to this Chapter or disapproving the application or renewal application for a license, such licensee or applicant may seek review in a manner provided by law.

Section 2. This ordinance shall become effective in accordance with Section 3.11 (g) of the City Charter.

ADOPTED THIS ____ DAY OF _____, 2016.

ELLEN LAWRENCE
PRESIDENT OF CITY COUNCIL

APPROVED THIS ____ DAY OF _____, 2016

BARRY GLANTZ, MAYOR

ATTEST:

DEBORAH RYAN, CITY CLERK, MPCC



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
#16-021: MISSOURI BAPTIST UNIVERSITY REQUEST FOR ADDITIONAL FIELD SEATING

FOR THE MEETING OF: Monday, July 18, 2016

LOCATION: 1 College Park Drive. The property is zoned "HE" Higher Education.

REQUEST: Rick Keisker, of Ittner Architects, on behalf of Missouri Baptist University, has submitted an application for approval of an addition of a grandstand/bleacher system with up to 900 seats as calculated per Creve Coeur Zoning Ordinance Section 405.820 to allow for soccer and lacrosse games on the field. Prior approval for the practice football field on March 31, 2014, required that any seating & lighting shall be approved by the Planning and Zoning Commission. No lighting is being proposed at this time. The site is located north of North Outer 40 Road.

ADDITIONAL INFORMATION: The field seating proposal is currently planning to implement the addition of 50 new seats. However, Missouri Baptist University has requested the maximum amount of seats that the current parking agreements with the Christian Brothers College High School, and Cadet Parking would allow, so that should additional seating be necessary in the future, it would not require returning to the Planning and Zoning Commission for approval, unless there is a significant new development/use of the field, and/or lighting is needed. The Site Concept Plan indicated seating for a future phase, with the approval of the practice field. At the time, it was to be a practice football field, however, now the field is to serve as a competitive field for both soccer and lacrosse games at Missouri Baptist University. The prior condition for this site was reviewed as a practice court, therefore the use of the field will shift from a practice football field to a competitive soccer and lacrosse field.

Key Issues:

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

Comp. Plan References

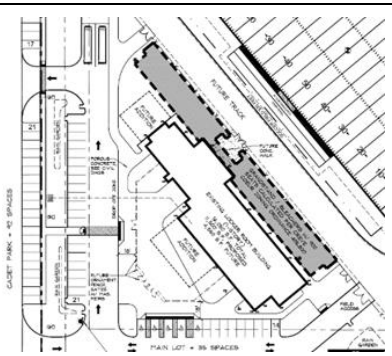
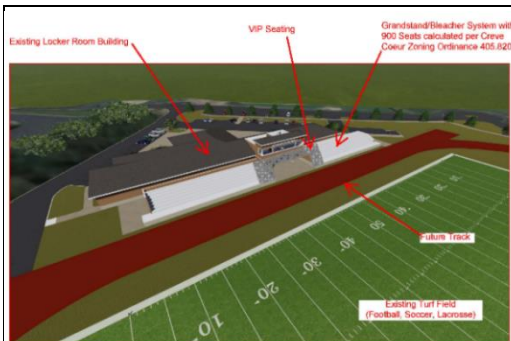
- Residential Neighborhoods

Zoning Code References

- Section 405.300: HE Higher Education
- Section 405.680 Lighting
- Section 405.820: Required Off-Street Parking Spaces.
- Section 405.1080, Site Concept, Site Development And Minor Site Plan Approval

APPLICANT: Rick W. Keisker
Wm B. Ittner, Architects, Inc.
611 N. 10th Street
St. Louis, MO 63101

PROPERTY OWNER: Missouri Baptist University
1 College Park Drive
Creve Coeur, MO 63141



REPORT PREPARED BY:

Cameron Casey, Planning Intern

DATE:

7/8/2016

ATTACHMENTS:

Applicant's Materials submitted on June 24, 2016 and revised Parking Table and Site Plan emailed 7/14/2016

LAND USE AND ZONING OF SURROUNDING PROPERTIES

The adjacent zoning and land uses are as follows:

DIRECTION	USE	ZONED	SEPARATED BY
North (partial)	Institutional, Single family residential	"A" Single Family Residential District	N/A
South	Institutional	"MEC" District (City of Town & Country)	N/A
East	Single family residential	"A" Single Family Residential District	N/A
West	Park	"P" Park District (City of Town & Country)	N/A

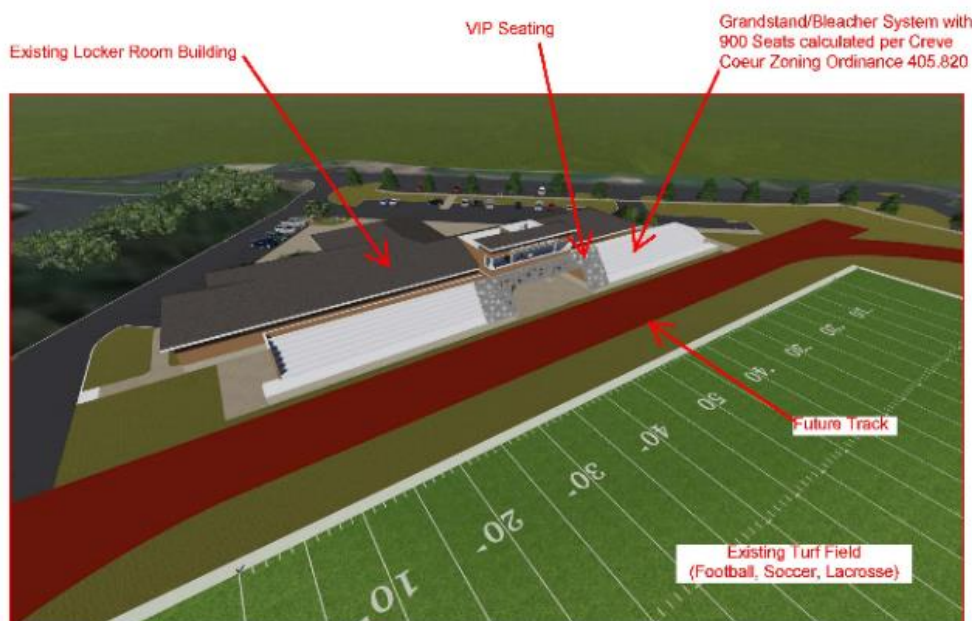
DISCUSSION

All site development plans are reviewed and approved by the Planning & Zoning Commission, per the following:

SECTION 405.1080:

Purpose and Intent. The purpose of the site concept, site development plan and minor site plan approval procedures is to enable the City to consider potential impacts upon the area in the vicinity of the property, to ensure consistency with good planning practice and to ensure high standards of site design for the general welfare of the City and its residents.

The Applicant is seeking approval for field seating on the campus of Missouri Baptist University. The applicant has asked for the maximum 900 allowance of new seating as calculated by Creve Coeur Zoning Ordinance Section 405.820, even though current implementation is anticipated for only for 50 seats, and to utilize pre-existing bleachers that are at the School's baseball field. At the time of approval for the field and locker building, seating was indicated for a future phase, under the assumption that it would be a much more intense stadium use for football games. However, scheduling conflicts with the Christian Brothers College High School has required the need to utilize the field for soccer and lacrosse games, which does not have the same spectator levels as football. The supportive reasoning behind the request for 900 seats is to forego needing another approval for additional seating by the Planning & Zoning Commission, should additional seating be needed. Anything over 900 will require coming back to the Commission for approval.



The City's Design Guidelines recommend that thorough consideration be given to the materials and colors of the grandstand/bleachers. Exterior materials should be selected based on their durability and appropriateness for their intended function. Design site improvements should minimize changes to existing topography when possible. Additionally, the concept plans included adding a track around the existing turf field. Given that the University is utilizing existing metal bleachers from elsewhere on the University Campus during the interim, and the isolated nature of the field location, that the building and facilities are already built, and that the seating is to be located behind the building with limited visibility, Staff finds that the design of the bleachers themselves should not prompt review by the Commission. Therefore, in as much as this request can, the proposed seating meets with the intent of the Design Guidelines.

ZONING REGULATIONS

As the Applicants are not proposing to include outdoor stadium lighting at this time, the only discussion item for Zoning is to ensure adequate parking is available.

Parking

Section 405.820 of the City's Off-Street Parking and Loading Regulations requires one space for every 4 seats for places of general assembly. For grandstand/bleacher seating calculations, there is a maximum seating allowed per Creve Coeur of 1 parking space per 4 seats, in accordance with Zoning Ordinance 405.820.B.3. Available parking spaces for the sports field have been calculated and are as follows: the main practice football field parking lot provides 35 spaces, the north practice field parking lot provides 69 spaces, Cadet Park (CBC) shares an easement agreement with Missouri Baptist to allow parking in Cadet Park's lot which provides 92 spaces, and finally Lot B (Lower Lot) provides 33 spaces. With all of these parking options combined, there is a total of 229 available parking spaces to accommodate the crowd for games at this field in and around Missouri Baptist's campus, per the table provided below, where 225 is required.

Parking Calculations for entire campus			Spaces Provided
Existing Parking Total	MBU Campus	(March 2016 Site Concept Plan)	881
Proposed Parking Total	MBU Campus	(March 2016 Site Concept Plan)	1099
Parking Calculations for practice field			Spaces Provided
Main Practice Football Field Parking Lot	MBU Campus	(March 2016 Site Concept Plan)	35
North Practice Field Parking Lot	MBU Campus	(March 2016 Site Concept Plan)	69
Cadet Park (CBC)	Cadet Park	MBU/CBC Easement Agreement	92
Lot B (Lower Lot)	MBU Campus	Site Plan 06.24.16	33
Total Parking Provided for practice field			229

Further, site coverage for non-residential properties, excludes pedestrian pathways and plaza areas, per Section 405.120 Definition of Terms:

SITE COVERAGE: The area of a non-residential site which is covered by buildings, driveways, parking lots, loading areas, but excluding landscaped and green spaces, plaza, pedestrian circulation and unpaved buffer areas.

Thus, the addition of bleachers, or the future track does not create additional coverage. Therefore, Staff is recommending a condition of approval that any future request for seating, where the total would be under 900 seats, and the construction of the future track, can be approved at the Staff level. Any expansion beyond the 900 seats, the placement of lighting, and the installation of a public address system would require approval of a new site development by the Planning and Zoning Commission and City Council, per Section 405.680.D. *Major Outdoor Recreation Facilities*. Lighting systems and standards for major outdoor recreation facilities as determined by the Planning and Zoning Commission, such as athletic fields or stadiums, shall require approval of conditional use permit in accordance with Section 405.1070.

CONCLUSION

If the members of the Planning Commission believe that the proposed addition of field seating is in conformance with the goals and objectives of the City's Design Guidelines, and in compliance with City Zoning Ordinance, the approval should be subject to the following conditions:

1. Seating shall be limited to 900 seats. Any future request for seating up to maximum total of 900 seats, and the installation of the track around the field may be approved by the staff. Any additional seating over 900 will require review and approval by the Planning and Zoning Commission.
2. All lighting shall be in conformance with Section 405.680, Lighting, of the Zoning Code.
3. Any stadium lighting or installation of a public address speaker system will require approval by the Planning and Zoning Commission and City Council

MOTION

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

"I move to approve the site development plan for the Sports Field seating subject to the conditions listed in the staff report on Application #16-022, for the meeting of July 18, 2016"
(Conditions may be added, eliminated, altered, and modified by preceding motion)

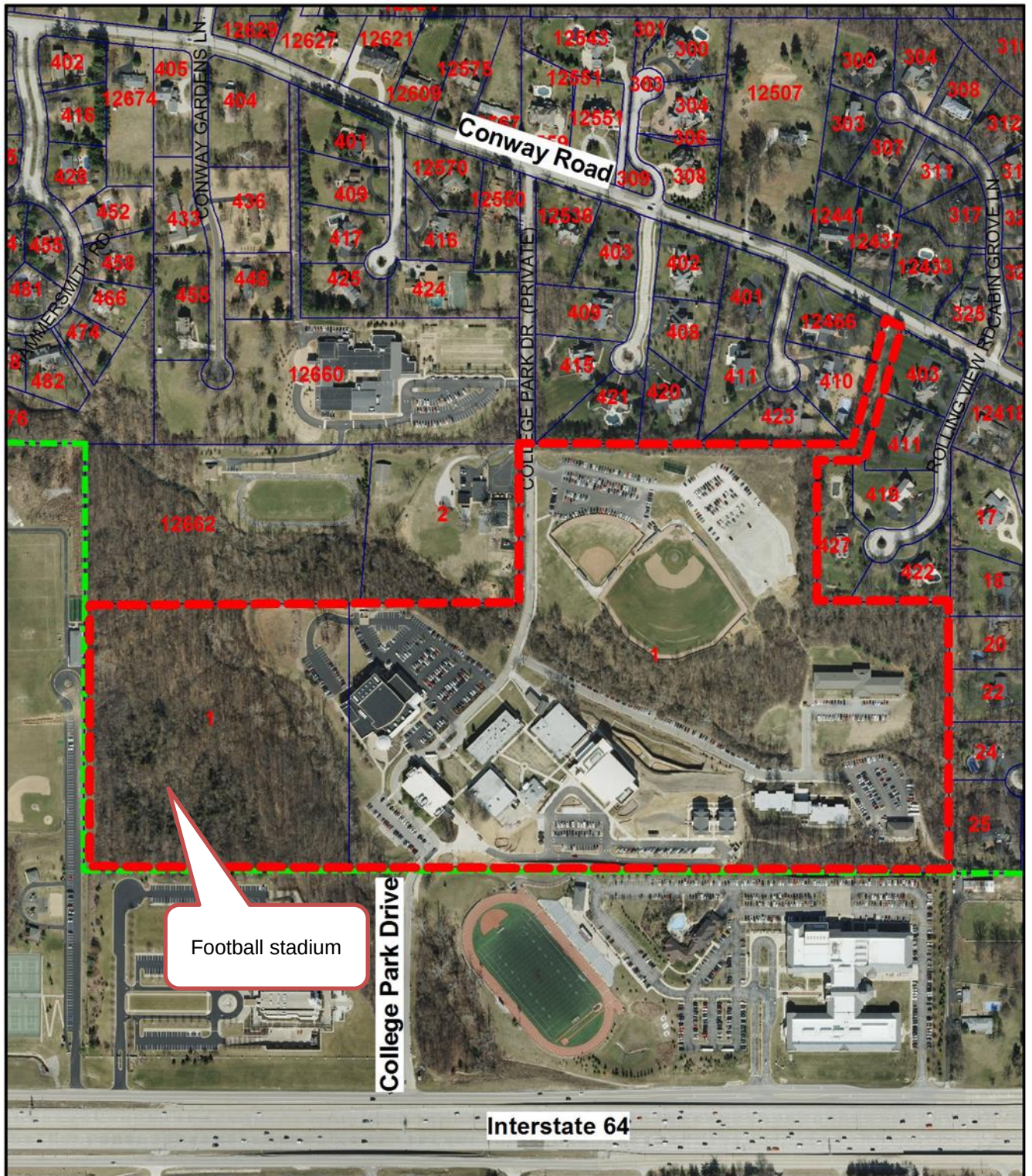
APPENDIX 1: COMPREHENSIVE PLAN

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

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

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

APPENDIX 3: AERIAL PHOTO



Legend

- Subject Property
- Property Lines
- City Limit



APPENDIX 4: SITE PHOTOGRAPHS

Photo Date: 6/28/2016



Description: View of Missouri Baptist University Soccer Field and area for potential seating, looking north.



Description: View of Missouri Baptist University Spartans Center and Football Field, looking west.

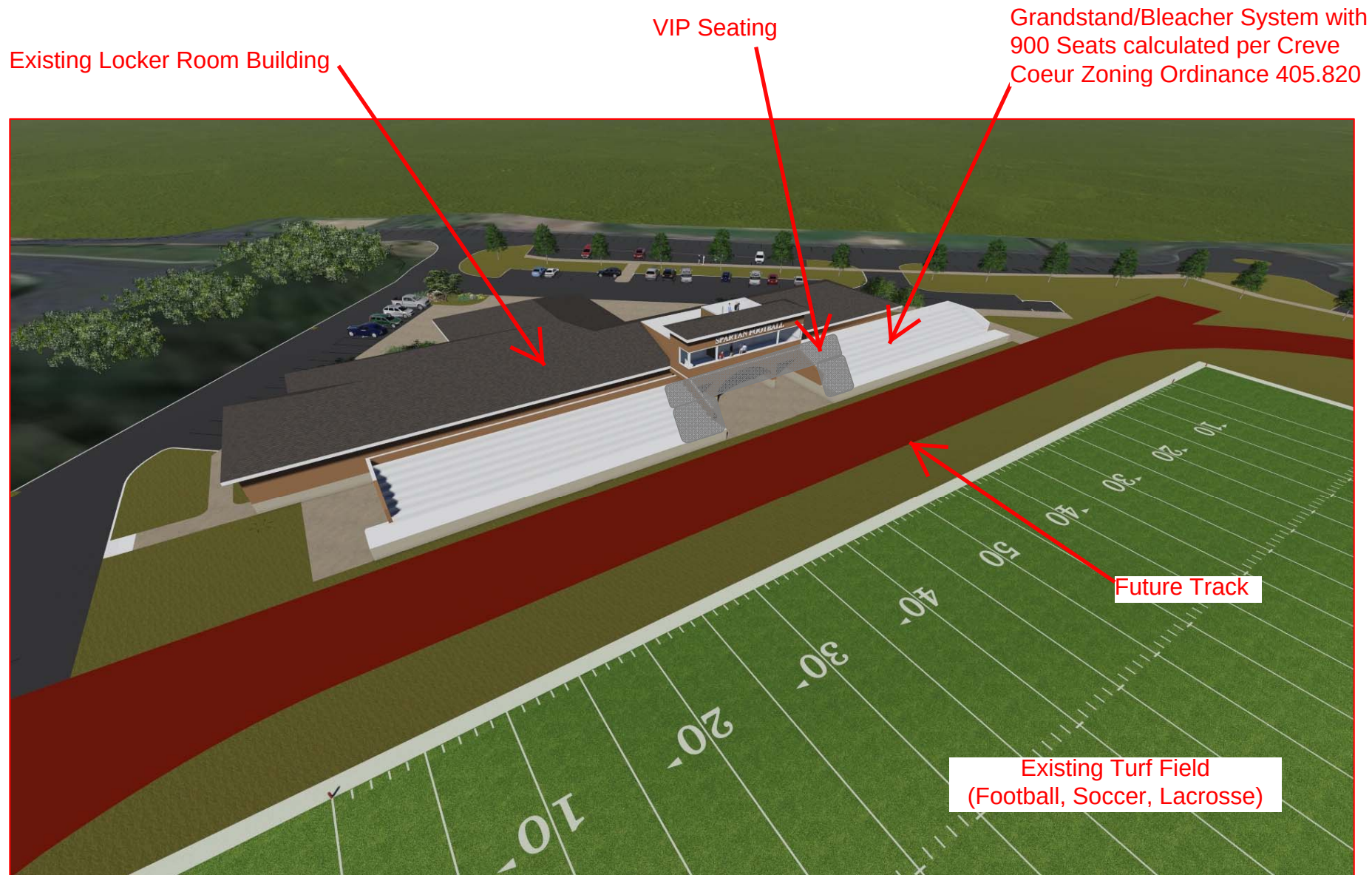
Missouri Baptist University

06/24/16

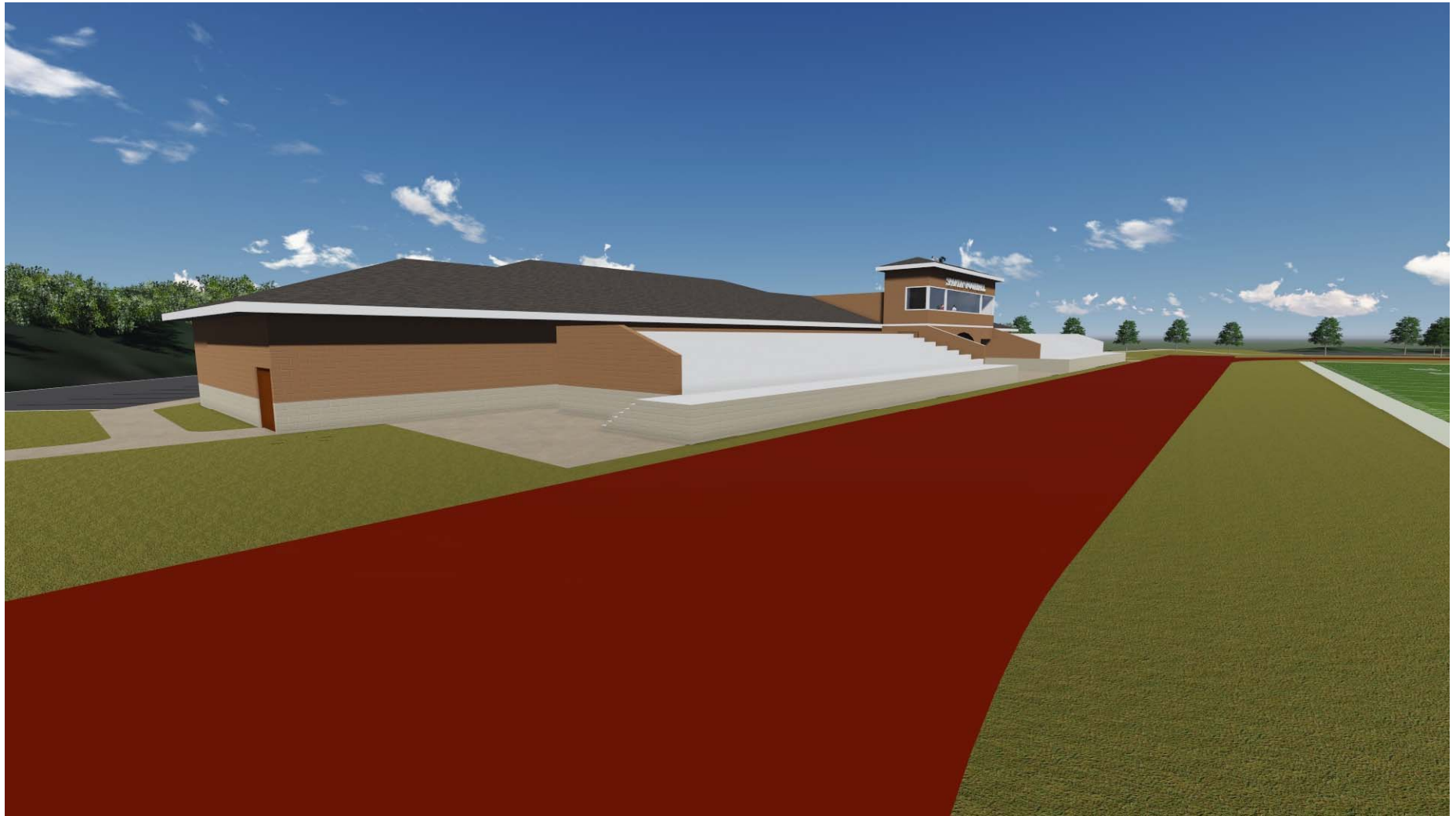
Parking Calculations for entire campus				<u>Spaces Provided</u>
Existing Parking Total	MBU Campus	(March 2016 Site Concept Plan)		881
Proposed Parking Total	MBU Campus	(March 2016 Site Concept Plan)		1099
Parking Calculations for practice field				<u>Spaces Provided</u>
Main Practice Football Field Parking Lot	MBU Campus	(March 2016 Site Concept Plan)		35
North Practice Field Parking Lot	MBU Campus	(March 2016 Site Concept Plan)		69
Cadet Park (CBC)	Cadet Park	MBU/CBC Easement Agreement		92
Lot B (Lower Lot)	MBU Campus	Site Plan 06.24.16		33
Total Parking Provided for practice field				229

Grandstand/Bleacher Seating Calculations			<u>Parking Provided</u>	<u>Max Seats = parking provided x 4</u>
Maximum Seating allowed per Creve Coeur	1 parking space per 4 seats	Zoning Ordinance 405.820.B.3	229	916
Seating Calculations Provided by Creve Coeur Zoning Ordinance				<u>Seats Provided</u>
Bench Seating (including wheel chair spaces)	24" length of bench per seat	Zoning Ordinance 405.820.A.5		800
VIP Seats				100
Total Seating Provided				900
				under 916 OK

Seating Calculations Provided by Creve Coeur Building Code (2009 IBC)				<u>Seats Provided</u>
Bench Seating (including wheel chair spaces)	18" length of bench per seat	2009 IBC; Section 1028.15		1,100
VIP Seats				100
Total Seating Provided				1,200



MBU Football Practice Field Facilities



MBU Football Practice Field Facilities

Attachment: Applicant's Materials (2015 : MoBap Univ Sports Field Seating)

ittner.

No.	Date



611 North Tenth Street
Suite 200
St. Louis, Missouri 63101
Tel: (314) 421-3542
Fax: (314) 421-4821
www.ittnerarchitects.com

Missouri Architectural Corporation
Certificate of Authority No. 000004

Consultants:



Missouri Baptist University
Practice Football Field Facilities
12575 NORTH OUTER FORTY DRIVE
ST. LOUIS, MISSOURI

Copyright
Wm. B. Ittner, Inc. 2016

WBI Project No.
201201.05

Drawing Title:
ARCHITECTURAL
SITE PLAN -
PRACTICE FIELD

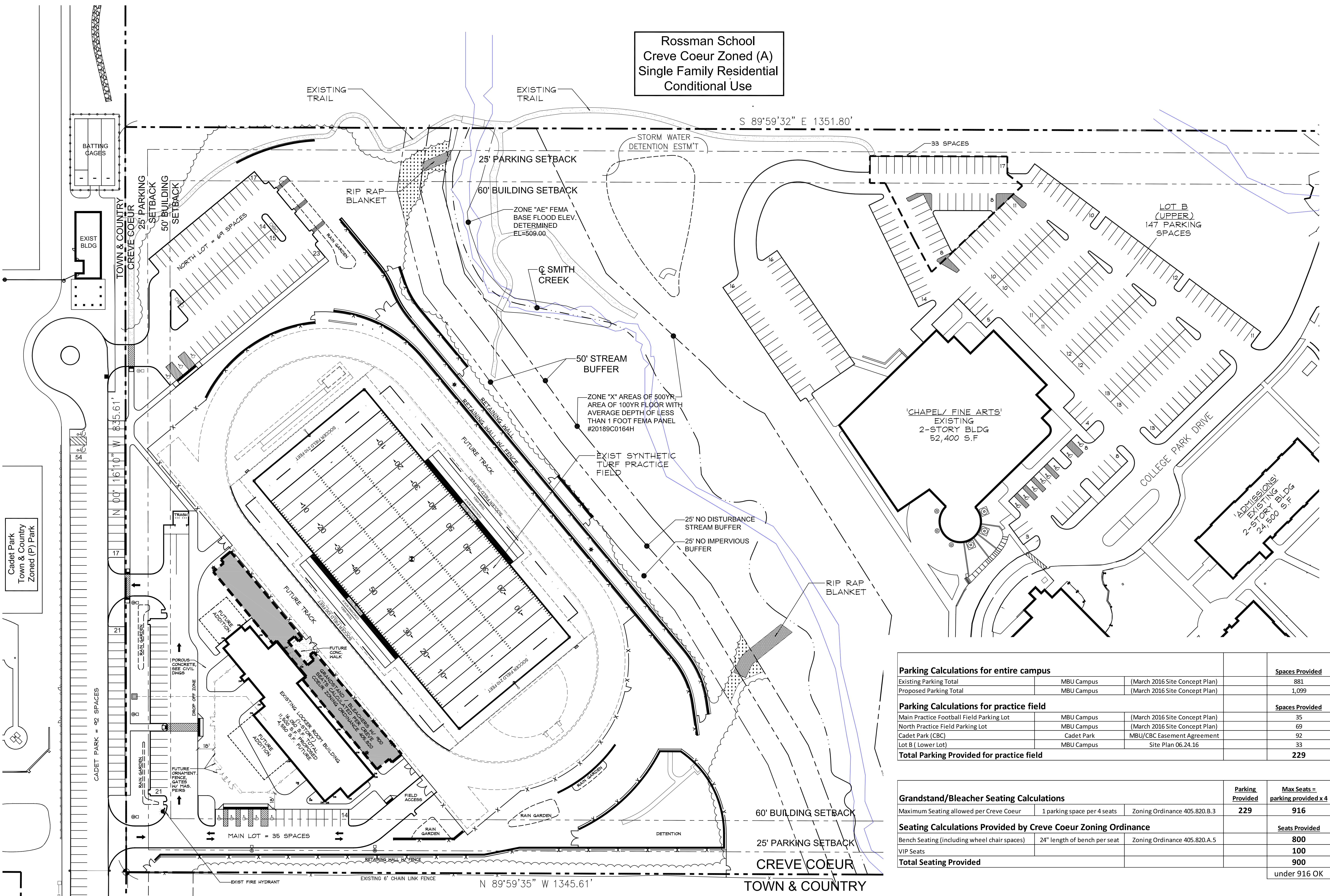
Drawn:
Checked:

Drawing No.

CA1.1

Practice Football Field

Rossman School
Creve Coeur Zoned (A)
Single Family Residential
Conditional Use



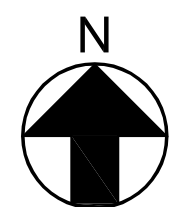
Parking Calculations for entire campus				Spaces Provided
Existing Parking Total	MBU Campus	(March 2016 Site Concept Plan)		881
Proposed Parking Total	MBU Campus	(March 2016 Site Concept Plan)		1,099
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Total Parking Provided for practice field				229

Grandstand/Bleacher Seating Calculations			Parking Provided	Max Seats = parking provided x 4
Maximum Seating allowed per Creve Coeur	1 parking space per 4 seats	Zoning Ordinance 405.820.B.3	229	916
Seating Calculations Provided by Creve Coeur Zoning Ordinance			Seats Provided	
Bench Seating (including wheel chair spaces)	24" length of bench per seat	Zoning Ordinance 405.820.A.5		800
VIP Seats				100
Total Seating Provided				900
				under 916 OK

Seating Calculations Provided by Creve Coeur Building Code (2009 IBC)			Seats Provided
Bench Seating (including wheel chair spaces)	18" length of bench per seat	2009 IBC; Section 1028.15	1,100
VIP Seats			100
Total Seating Provided			1,200

Preservation Park
Town & Country
Zoned (P) Park

Church of Jesus Christ of Latter-Day Saints
Town & Country
Zoned (SL) Suburban Low
Church - permitted use



EASEMENT AGREEMENT

THIS EASEMENT AGREEMENT made and entered into this 23rd day of June, 2014, by and between Missouri Baptist University, a Missouri nonprofit corporation with offices located at One College Park Drive, St. Louis, Missouri, 63141 (the "University") and Christian Brothers College High School, a Missouri nonprofit corporation with offices located at 1850 De La Salle Drive, St. Louis, Missouri, 63141 ("CBC").

WHEREAS, the University owns certain property located in the City of Creve Coeur and the County of St. Louis, Missouri, more particularly described in Exhibit A attached hereto and incorporated herein (the "University Campus");

WHEREAS, CBC owns certain property located in the City of Town and Country and the County of St. Louis, Missouri, more particularly described in Exhibit B attached hereto and incorporated herein (the "CBC Main Campus"), as well as certain property located in the City of Town and Country and the County of St. Louis, Missouri, more particularly described in Exhibit C attached hereto and incorporated herein ("Cadet Park"), both of which parcels of property abut the University Campus; and,

WHEREAS, the parties desire to grant to each other certain ingress and egress easements across their respective properties for both vehicular and pedestrian traffic as well as easements for vehicular parking, and to provide for maintenance and other matters appurtenant to such easements, all under the terms and conditions set forth herein.

THEREFORE, in consideration of the mutual consideration hereby given, the sufficiency of which is hereby acknowledged by both parties, the parties agree as follows:

1. **Roadway Easement Across Cadet Drive.** CBC hereby grants the University a perpetual easement for ingress and egress across Cadet Drive from North Outer Forty to the University Campus for vehicular traffic, which easement area is shown hatchured on the drawing attached hereto as Exhibit D and incorporated herein. The parties agree to share equally in the cost of maintaining Cadet Drive subsequent to the granting of this easement. Notwithstanding the foregoing, each party agrees to repair the roadway of Cadet Drive at such party's sole expense in the event such roadway is damaged by extraordinary use of the roadway by such party, such as construction vehicles servicing any construction project of such party on its property; provided that such party shall not be required to improve or repair the roadway to a condition superior to that of the roadway prior to the damage occasioned by such extraordinary use.

2. **Pedestrian Easement Across University Campus.** The University hereby grants CBC a perpetual easement for pedestrian traffic across the University Campus to and from the CBC Main Campus and Cadet Park, as well as to and from the CBC Main Campus and the parking areas on the University Campus adjacent to Cadet Park as to which the University hereinafter grants a limited parking easement to CBC. The location of this pedestrian easement across the University Campus shall be as located from time to time by the University in their

absolute discretion, provided that the pathway for such easement shall be maintained and kept by the University reasonably free from any impediments or barriers to, and appropriate for, pedestrian traffic; provided further that the University shall not be required to construct or maintain such pathway so as to be handicapped accessible or compliant under any current or future federal, state or local law regarding accessibility.

3. **Parking Easements.** The University hereby grants to CBC a limited perpetual easement for its students, employees, guests and invitees to use the parking facilities on the University Campus adjacent or near to Cadet Park as shown hatchured on the drawing attached hereto as **Exhibit E** and incorporated herein. CBC hereby grants to the University a limited perpetual easement for its students, employees, guests and invitees to use the parking facilities along Cadet Drive as shown hatchured on the drawing attached hereto as **Exhibit F** and incorporated herein. Each party shall maintain at its own expense the parking facilities located on such party's property. The parking easements granted in this paragraph are limited to such times as the owner of the parking facility is not utilizing such parking facility for its own use relative to a sporting activity or other special event. Furthermore, the parking easements granted in this paragraph are to be used only for participants in and spectators of athletic events at Cadet Park, on the University Campus, or at the stadium located on the CBC Main Campus. Each party shall use its best efforts to notify and coordinate with the other party as to the use of the parking facilities easements granted hereunder.

4. **Insurance.** Each party shall maintain general liability insurance for its property with primary coverage of not less than \$1,000,000 per occurrence and \$2,000,000 annual aggregate, naming the other party as an additional insured. Upon request, each party shall supply proof of such insurance to the other party. All required policies of insurance shall include a provision that both parties shall receive at least thirty (30) days advanced notice of the expiration, termination or cancellation of such insurance and shall contain a waiver of subrogation clause waving the insurer's right of subrogation against any named or additional insured.

5. **Indemnification.** The University shall, during the term of this Agreement, hold harmless, defend and indemnify CBC and its parent companies/entities, affiliate companies/entities, directors, trustees, officers, employees, servants, volunteers and agents (hereinafter collectively known as the "CBC Indemnitees") from and against all actions, causes of action, lawsuits, obligations, liabilities, losses, penalties, fines, costs, including damages for personal injury, including sickness, disease, death, property damage, economic losses or a violation of law, and expenses, including reasonable attorneys' fees, all legal expenses, and fees incurred on appeal and interest thereon, accruing and resulting to any persons, firms, or any other legal entity arising from use of the easement areas established in this Agreement as a result of any negligent action or failure to act by the University and/or its parent companies/entities, subsidiary companies/entities, affiliate companies/entities, directors, trustees, officers, employees, servants, volunteers, and agents (hereinafter collectively known as the "University Indemnitors"), or as a result of any intentional, criminal, or reckless actions by the University Indemnitors which the CBC Indemnities may incur, be exposed to, become responsible for or payout. The University shall assume the investigation, defense, and expense of all such claims and causes of action. Any and all costs, expenses, damages, and losses incurred in connection with the paragraph shall be due and paid by the University with fifteen (15) days of written

demand thereof by CBC. CBC agrees to notify the University of the existence of any such claims or causes of action as soon as CBC is aware of same. Notwithstanding the foregoing, the indemnification provided in this paragraph shall not apply to any claims or expenses to the extent covered by insurance carried by either party.

CBC shall, during the term of this Agreement, hold harmless, defend and indemnify the University and its parent companies/entities, affiliate companies/entities, directors, trustees, officers, employees, servants, volunteers and agents (hereinafter collectively known as the "University Indemnitees") from and against all actions, causes of action, lawsuits, obligations, liabilities, losses, penalties, fines, costs, including damages for personal injury, including sickness, disease, death, property damage, economic losses or a violation of law, and expenses, including reasonable attorneys' fees, all legal expenses, and fees incurred on appeal and interest thereon, accruing and resulting to any persons, firms, or any other legal entity arising from use of the easement areas established in this Agreement as a result of any negligent action or failure to act by CBC and/or its parent companies/entities, subsidiary companies/entities, affiliate companies/entities, directors, trustees, officers, employees, servants, volunteers, and agents (hereinafter collectively known as the "CBC Indemnitors"), or as a result of any intentional, criminal, or reckless actions by the CBC Indemnitors which the University Indemnitees may incur, be exposed to, become responsible for or payout. CBC shall assume the investigation, defense, and expense of all such claims and causes of action. Any and all costs, expenses, damages, and losses incurred in connection with the paragraph shall be due and paid by CBC with fifteen (15) days of written demand thereof by the University. The University agrees to notify CBC of the existence of any such claims or causes of action as soon as the University is aware of same. Notwithstanding the foregoing, the indemnification provided in this paragraph shall not apply to any claims or expenses to the extent covered by insurance carried by either party.

IN WITNESS WHEREOF, the parties have hereunto set their hands as of the day and year first above written.

MISSOURI BAPTIST UNIVERSITY

By: R. Alton Lacey
R. Alton Lacey, President

CHRISTIAN BROTHERS COLLEGE HIGH SCHOOL

By: Edward J. Pizzelli
EDWARD J. PIZZELLI, CFO

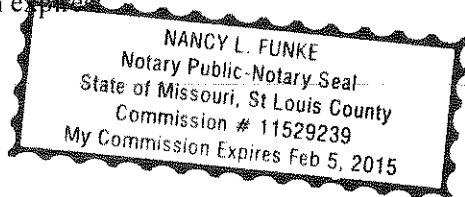
STATE OF MISSOURI)
) SS.
 COUNTY OF ST. LOUIS)

On this 24 day of JUNE, 2014, before me appeared R. Alton Lacey, to me personally known, who, being by me duly sworn, did say that he is the President of **MISSOURI BAPTIST UNIVERSITY**, a Missouri nonprofit corporation, and that the seal affixed to the foregoing instrument is the corporate seal of said corporation, and that said instrument was signed and sealed in behalf of said corporation by authority of its Board of Directors; and said R. Alton Lacey acknowledged said instrument to be the free act and deed of said corporation.

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


 Notary Public

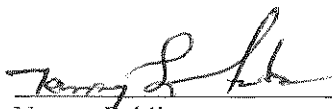
My term expires:



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

On this 23 day of JULY, 2014, before me appeared EDWARD J. PIZZELLA, to me personally known, who, being by me duly sworn, did say that he is the CEO of **CHRISTIAN BROTHERS COLLEGE HIGH SCHOOL**, a Missouri nonprofit corporation, and that the seal affixed to the foregoing instrument is the corporate seal of said corporation, and that said instrument was signed and sealed in behalf of said corporation by authority of its Board of Directors; and said EDWARD J. PIZZELLA acknowledged said instrument to be the free act and deed of said corporation.

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


 Notary Public

My term expires:

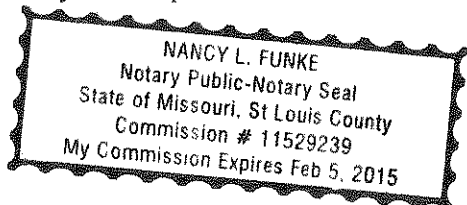


EXHIBIT A

University Campus

Real property in St. Louis County, Missouri more particularly described as follows:

TRACT I:

Lot 1 of the Resubdivision of Lot 7 of the Subdivision of Section 16, Township 45 North, Range 5 East, according to the plat thereof recorded in Plat Book 244 Page 28 of the St. Louis County Records.

TRACT II:

A tract of land being part of Lots 3, 6 and 7 of the Subdivision of Section 16, Township 45 North - Range 5 East, St. Louis County, Missouri, and being more particularly described as follows:

Beginning at the center of said Section 16 and being also the Northwest corner of property conveyed to Paul A. Novelly and wife by deed recorded in Book 7282, Page 466 of the St. Louis County Records, thence South 89 degrees 07 minutes 53 seconds West 1,345.32 feet to the Southwest corner of property conveyed to Missouri Baptist College of St. Louis by deed recorded in Book 5594 at Page 102 (Parcel 1) of the St. Louis County Records; thence North 1 degree 08 minutes 20 seconds West 835.04 feet along the west line of the last mentioned Missouri Baptist College of St. Louis property to the Southwest corner of property conveyed to Ladue Nursery School Association by deed recorded in Book 3491, Page 115 of the St. Louis County Records; thence North 89 degrees 07 minutes 07 seconds East 1,351.80 feet along and South line of said Ladue Nursery School Association property and the South line of property conveyed to Ladue Nursery School Association by deed recorded in Book 3491, Page 114 of the St. Louis County Records to a point; thence North 0 degrees 42 minutes 27 seconds West 850.12 feet to a point on the South right-of-way line of Conway Road, 60 feet wide; thence Eastwardly along the said South right-of-way line of Conway Road, 60 feet wide, South 71 degrees 47 minutes 27 seconds East 52.86 feet to a point; thence South 0 degrees 42 minutes 27 seconds East 832.84 feet to a point; thence North 89 degrees 07 minutes 33 seconds East 994.30 feet to a point; thence North 12 degrees 58 minutes 13 seconds East 408.64 feet to a point; thence South 62 degrees 29 minutes 42 seconds East 61.98 feet to a point; thence South 12 degrees 58 minutes 13 seconds West 40.00 feet to a point; thence North 62 degrees 29 minutes 42 seconds West 10.33 feet to a point; thence South 12 degrees 58 minutes 13 seconds West 394.86 feet to a point; thence South 89 degrees 07 minutes 33 seconds West 150.53 feet to a point; thence South 0 degrees 44 minutes 12 seconds East 437.26 feet to a point; thence North 89 degrees 07 minutes 33 seconds East 418.37 feet to a point on the East line of the Southwest Quarter of the Northeast Quarter of said Section 16; thence Southwardly along said East line of the Southwest Quarter of the Northeast Quarter of Section 16, South 0 degree 44 minutes 12 seconds East 848.33 feet to the Southeast corner thereof; thence Westwardly along the East and West center section line of said Section 16, South 89 degrees 09 minutes 08 seconds West 1,352.06 feet to the point of beginning, EXCEPTING THEREFROM that property described in Tract I.

EXHIBIT BCBC Main Campus

Real property in St. Louis County, Missouri more particularly described as follows:

A tract of land being part of Lot 11 of the Subdivision of Section 16, and Lot 2 of "College Woods Estates", a subdivision according to the plat recorded in Plat Book 298 Page 35 of the Recorder of Deeds Office in St. Louis County, Missouri, in Section 16, Township 45 North, Range 5 East of the 5th Principal Meridian, City of Town & Country, St. Louis County, Missouri, and being more particularly described as follows:

Beginning at the point of intersection of the Northern line of property conveyed to the State of Missouri by deed recorded in Book 5561 Page 54 of the above said records, said Northern line being the Northern right-of-way line of Interstate Highway 64 (Missouri State 40TR) with the Eastern line of Lot 1 of above said "College Woods Estates"; thence North along said East line of said Lot 1 of "College Woods Estates" the following courses and distances; North 00 degrees 44 minutes 41 seconds West 160.13 feet; North 00 degrees 54 minutes 35 seconds East 147.54 feet; North 01 degrees 52 minutes 39 seconds East 275.34 feet to a point of curve, Northeasterly along a curve to the right whose radius point bears South 88 degrees 07 minutes 21 seconds East 135.00 feet; an arc length of 75.83 feet to a point on the East-West Centerline of above said Section 16, being a point on the Southern line of property conveyed to Missouri Baptist College of St. Louis by deed recorded in Book 5594 Page 102 (Parcel I) of the above said records; thence along said East-West Centerline of Section 16, South 89 degrees 29 minutes 45 seconds East 337.79 feet to the center of Section 16; thence continuing along said East-West Centerline of said Section 16, also being the Southern line of property conveyed to Missouri Baptist College of St. Louis by deed recorded in Book 5594 Page 110 of the above said records South 89 degrees 27 minutes 00 seconds East 1039.26 feet to the Northeast corner of property conveyed to Christian Brothers College High School by deed recorded in Book 11405 Page 1586; thence continuing along the East-West Centerline of Section 16 South 89 degrees 27 minutes 00 seconds East 312.00 feet to the Eastern line of a tract of land conveyed to Christian Brothers College High School by deed recorded in Book 12404 Page 1936 of the above said records; thence along last said Eastern line South 00 degrees 38 minutes 58 seconds West 645.75 feet to a point on the Northern line of Interstate Highway 64, as established by deed recorded in Book 5323 Page 162 of the above said records; thence along the Northern line of Interstate Highway 64 North 89 degrees 37 minutes 37 seconds West 546.76 feet to a point 165.00 feet perpendicular distance North of Centerline Station 654 + 50 on Interstate Highway 64; thence leaving said right-of-way South 89 degrees 05 minutes 59 seconds West 450.11 feet to a point 155.00 feet perpendicular distance North of Centerline Station 650 + 00; thence South 89 degrees 55 minutes 55 seconds West 650.03 feet to a point 150.00 feet perpendicular distance North of Centerline Station 643 + 50; thence along the Northern line of Interstate Highway 64 North 79 degrees 56 minutes 43 seconds West 68.24 feet to the Point of Beginning and containing 1,122,486 square feet or 25.769 acres more or less.

EXHIBIT CCadet Park

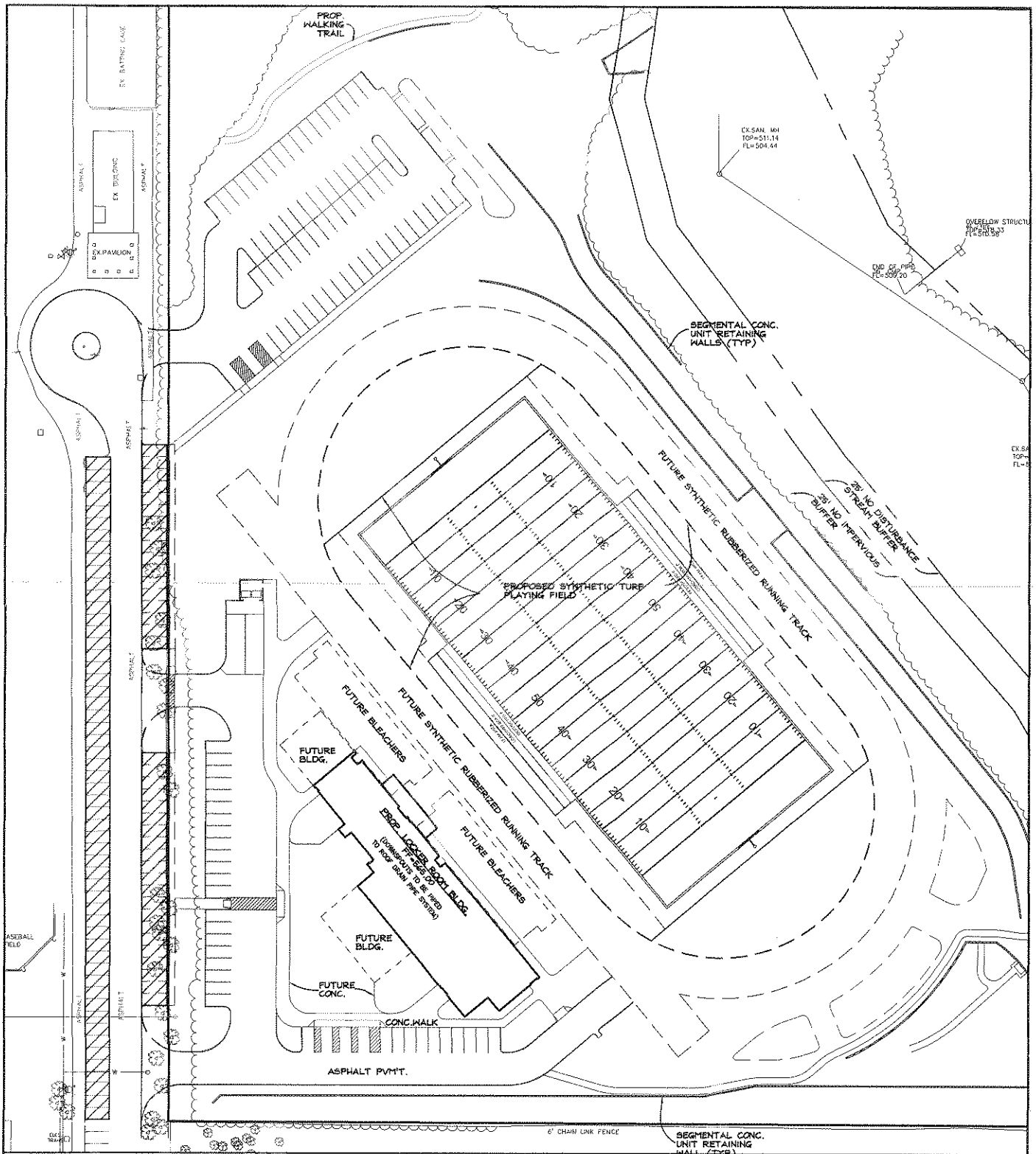
Real property in St. Louis County, Missouri more particularly described as follows:

A 20.00 acre tract of land being part of a larger parent tract of land conveyed to the city of Town & Country by General Warranty Deed recorded in Deed Book 11870 page 2118 of the St. Louis County Records, said parent tract of land being part of Lots 8 and 9 of SCHOOL LANDS in Section 16, Township 45 North, Range 5 East St. Louis County, Missouri said 20.00 acre tract of land being more particularly described as follows:

Beginning at the Southeast corner of said tract and the North line of Missouri Interstate Highway 64-40; thence along the North line thereof, North 70 degrees 43 minutes 39 seconds West 125.13 feet; thence leaving said North line North 00 degrees 04 minutes 43 seconds East 561.25 feet; thence South 89 degrees 56 minutes 41 seconds West 477.87 feet to the West line of said parent tract; thence along the West line thereof North 00 degrees 44 minutes 45 seconds West 1335.24 feet to the Northwest corner of said parent tract; thence along the North line thereof North 89 degrees 57 minutes 37 seconds East 606.04 feet to the Northeast corner of said parent tract; thence along the East line thereof, the following courses; South 00 degrees 19 minutes 00 seconds East 1334.99 feet; thence South 00 degrees 04 minutes 43 seconds West 602.67 to the Point of Beginning containing 20.00 acres more or less.







Attachment: Applicant's Materials (2015 : MoBap Univ Sports Field Seating)

EXHIBIT "F"

INITIAL:

EXHIBIT "F"
 APPROX. 38 PARKING SPACES (NEW)
 APPROX. 54 PARKING SPACES (EXISTING)



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

MEMO TO THE PLANNING AND ZONING COMMISSION

Meeting Date: July 18, 2016

Subject: Town & Country's Neighborhood Preservation Initiative Town Forum

Memo Prepared by: Cameron Casey, Planning Intern

Attachments: Town and Country's Presentation Materials

Staff attended Town & Country's Neighborhood Preservation Initiatives Town Forum on June 29, 2016, as many of the issues discussed are also under consideration in Creve Coeur's Comprehensive Plan Update, or have been a topic of discussion in the past. Attached is a copy of the presentation from Town and Country's website at <http://mo-townandcountry.civicplus.com/DocumentCenter/View/1421>. The comments below from the presentation overlap with some of the City of Creve Coeur's priorities in updating the Comprehensive Plan in regard to stormwater, new larger home construction impacts on adjacent properties, greenspace regulations and limiting the amount of permeable paving systems as a means to exceed coverage limitations, and recent increase in requests for private sports courts in residential districts. Staff felt it would be beneficial to share this information with the Commission as we proceed with the Comprehensive Plan Update. Specific discussion on sports courts on residential properties is of interest as Staff often sees an increase in these requests for the summer. Staff will be looking at future text amendment for such facilities.

Background on Sports Courts

Town & Country currently has tennis courts listed as a permitted use. However, the Neighborhood Preservation Initiative recommends that the "outdoor game courts" category should be added to the defined conditional zoning ordinance. Additionally, tennis courts shall be removed from the "Permitted Use" section and added to the "Outdoor Game Court" category. Finally, outdoor game courts (including tennis courts) will require a "Conditional Use Permit" to address concerns regarding noise, the level of activity, lighting, etc. on adjacent properties.

The City of Creve Coeur's Zoning Ordinance allows for private recreation facilities, as a permitted accessory structure. However, tennis courts require specific approval by the Planning and Zoning Commission per the regulations below (emphasis added):

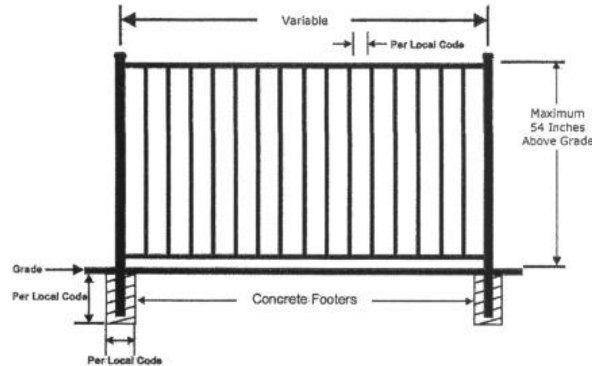
SECTION 405.460: ACCESSORY USES AND STRUCTURES

B. Permitted Accessory Uses And Structures. A "permitted accessory use or structure" is any use or structure that complies with the definitions contained in Section 405.120 including, but not limited to, the following typical uses:

- 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. The fence around a swimming pool shall be constructed in compliance with the Creve Coeur Building Code. The Zoning Administrator shall have the authority to approve a fence surrounding a swimming pool within a setback as described in Section 405.640 under the following conditions:

- a. The fence and pool are more than fifteen (15) feet from any lot line;
- b. The fence is a maximum of fifty-four (54) inches in height; and
- c. The fence shall meet Building Code standards regarding design and placement of fence to the pool.
- d. The fence is of an open slat black metal style, similar to the following:



If the Zoning Administrator finds that any of the aforementioned standards is not met, the fence shall require Planning and Zoning Commission approval in accordance with Sections 405.640 and 405.1080. Tennis courts located in any residential district shall require separate submission and approval of a site development plan in accordance with Section 405.1080, until such time that further regulations are adopted by the City of Creve Coeur.

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.

The trend of multi-functional sports facilities for basketball, hockey, etc. on private residential lots has increased. Concerns are often the same as those for tennis courts with backstop fences over six feet in height, noise, and outdoor lighting disturbing the neighbors. In as much, these sports courts function in much the same way as tennis courts. Therefore, Staff has applied the regulation of tennis court and tennis court fences to all sports courts requests, thus requiring Planning and Zoning Commission approval. At a future time, Staff would like to revise the City's regulations for Accessory Structures to further clarify the language to include all sport facilities in residential districts following the Comprehensive Plan Update and in conjunction with any other necessary Zoning Regulations. However, until that time, Staff will continue to bring forward all sports courts requests to the Planning and Zoning Commission per the regulations for tennis courts above.

Below is some initial research of regulations found at other Cities that may be used for such future update:

Private Tennis Courts and Sports Courts:

A “sports court” means any hardscape area of dimensions exceeding twenty feet by thirty feet, including, but not limited to, tennis courts, handball courts, and racquetball courts, but excluding pools and driveways used exclusively for access to a garage.

The purpose of this section is to regulate the development of sports courts in the city so as to maximize visually pleasant relationships, minimize physical problems and noise intrusion, preserve the natural landscape, and to protect the use and enjoyment of property in the city.

No sports court shall be constructed, erected or otherwise created in the city by any resident without a site improvement permit.

Private tennis courts/sports courts are subject to review and approval by the Planning & Zoning Commission and shall be constructed consistent with the following:

- 1. A minimum 15-foot setback shall apply from side and rear property lines, and a minimum 20-foot setback shall apply to the property line, if within area equivalent to front yard setback but behind the existing home.*
- 2. Private tennis courts/sports courts shall not be used for commercial purposes, and shall be used only by the property owner and guests or tenants of the property owners.*
- 3. All tennis courts/sports courts fencing shall not exceed 10 feet in the height as measured from the elevation at the adjacent property line.*
- 4. If the proposal for a private tennis court/sports court includes the provision of light for night play, the owner/applicant shall provide a fully engineered lighting plan pursuant to the provisions of Creve Coeur.*
- 5. Sport court lighting shall be directed onto the court and there shall be no light spillage onto surrounding properties. Light usage shall not exceed past 10:00 p.m. Central Standard Time on any day of the week.*
- 6. Design and orientation of sports courts may be subject to the Planning & Zoning Commission review to insure minimum impacts on adjacent properties.*
- 7. Certain guidelines for tennis court design should be adhered to and include: no chain link fencing, preferably use of tennis court windscreen/privacy screen to reduce visual impact unless otherwise approved by the Planning & Zoning Commission.*

**City of Town & Country
Neighborhood Preservation Initiatives Town Forum
June 29, 2016**

Questions and Comments can be directed to:

Craig J. Wilde, P.E.
Director of Planning & Public Works

City of Town & Country
1011 Municipal Center Drive
Town & Country, MO 63131

wildecj@town-and-country.org

314-587-2824



NEIGHBORHOOD PRESERVATION INITIATIVES

In the City of Town & Country

MAYOR JON DALTON

COMMISSIONS

- ◉ Planning & Zoning Commission
 - Alderman Fred Meyland – Smith
- ◉ Public Works Commission
 - Alderman Tiffany Frautschi
- ◉ Architectural Review Board
 - Alderman Jon Benigas

CODES

DIRECTOR OF PLANNING & PUBLIC WORKS CRAIG WILDE

- ◉ Zoning
 - Chapter 405 - Zoning Regulations
- ◉ Structures / Buildings
 - Chapter 500 – Building Codes and Building Regulations
 - 2012 International Residential Code (IRC)
- ◉ Storm Water
 - Chapter 415 – Flood, Stormwater and Erosion Control Regulations
- ◉ Architecture
 - Chapter 500 – Section 500.080 Architectural Review

KEY TERMS

◎ GREEN SPACE (current)

- Permeable surfaces that absorb water, including drainageways, ravines, floodplains, and water surfaces of inground spas and swimming pools that are not under roof; provided, however, that the water surfaces of a detention system and the surface area of the ground covered by any solar energy system collection panels shall not be included.

◎ SETBACK

- The space between a lot line and the building line in which no structure is permitted.

KEY TERMS

◎ CONDITIONAL USE

- All conditional uses may only be authorized by ordinance. The Board of Aldermen, subject to the procedures hereinafter set forth, shall have the power to adopt ordinances for conditional uses allowable within a given zoning district in accordance with the standards set forth herein, provided appropriate conditions and safeguards are imposed to preserve property values and to protect the public welfare as set forth herein.

KEY TERMS

◎ FLOOR AREA, RESIDENTIAL (current)

- The sum of the gross floor area for each of a building's stories measured from the exterior limits of the faces of the structure, including all heated, habitable area but excluding unenclosed porches, accessory buildings, space designed for parking of motor vehicles, basements, and second (2nd) floor area open to the floor below in direct proportion to the size of the lot at a ratio of one thousand (1,000) square feet per acre.

KEY TERMS

◎ FLOOR AREA PERCENTAGE

- An intensity measure derived by dividing the total floor area of a building by the gross buildable site area and multiplying by one hundred (100). Where the lot is part of a larger development the lot area may be used instead of the site area.

KEY TERMS

○ RUN OFF

- Excess rainfall, snowmelt, or irrigation water that flows over the surface of the land. It will eventually infiltrate to the ground, evaporate, or flow into a storm drain system, stream, river, lake, or other water body.

○ FLOW RATE

- The volume of water discharged by a property, project or system over a given time period.

HOUSEKEEPING

- ◉ Questions and answers will follow each presentation
- ◉ Please get a Comment Form
 - Communicate any thoughts or questions for further follow up
 - Give us your name and email address (or not)
 - Turn it in before you leave (basket on the table)
- ◉ Follow up with staff
 - Craig J. Wilde – Director of Planning & Public Works
 - 314-587-2824
 - wildecj@town-and-country.org
- ◉ Presentations will be available on the website tomorrow (www.town-and-country.org)

Proposed Town and Country Zoning Changes

Town and Country Planning and Zoning Commission
Proposed City Zoning Code Change Recommendations

Agenda

- Reasons for proposed changes
- Key recommendations:
 1. Lot Construction setback adjustments
 2. Side wall construction offsets (“step backs”)
 3. Floor area calculation definition update
 4. Addition of “Sport Courts” to conditional uses
 5. Greenspace definition modifications/clarifications
- Questions

Reasons For Proposed Changes

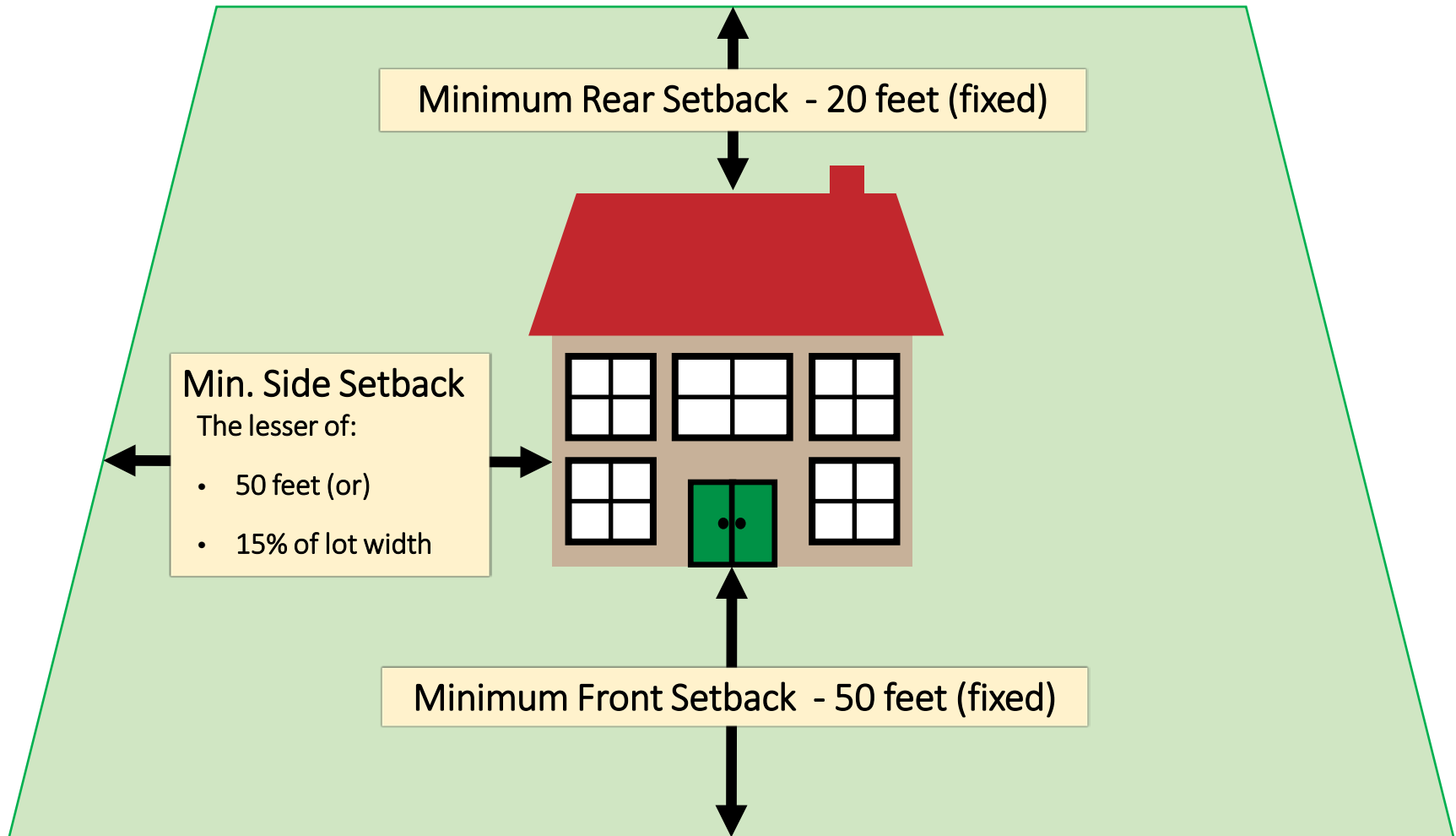
- Reaction of residents to the size and functional uses of new homes and additions built in established neighborhoods
- Recognition that residential design and function is changing
- Concern that existing zoning regulations are inadequate to address current changes in residential design

Today's Key Zoning Controls

1. Building Placement on Lot*
(Property Building Setbacks)
2. Size of Building on Lot*
(Floor Area Percentage/Ratio)
3. Maximum Footprint of Non-Permeable Surfaces
(Greenspace Ratio)
4. Maximum Building Height
(Front Height of Building)

* Modifications Recommended

Current State – Building Placement on Lot



Recommendation #1

Lot Construction Setback Adjustments

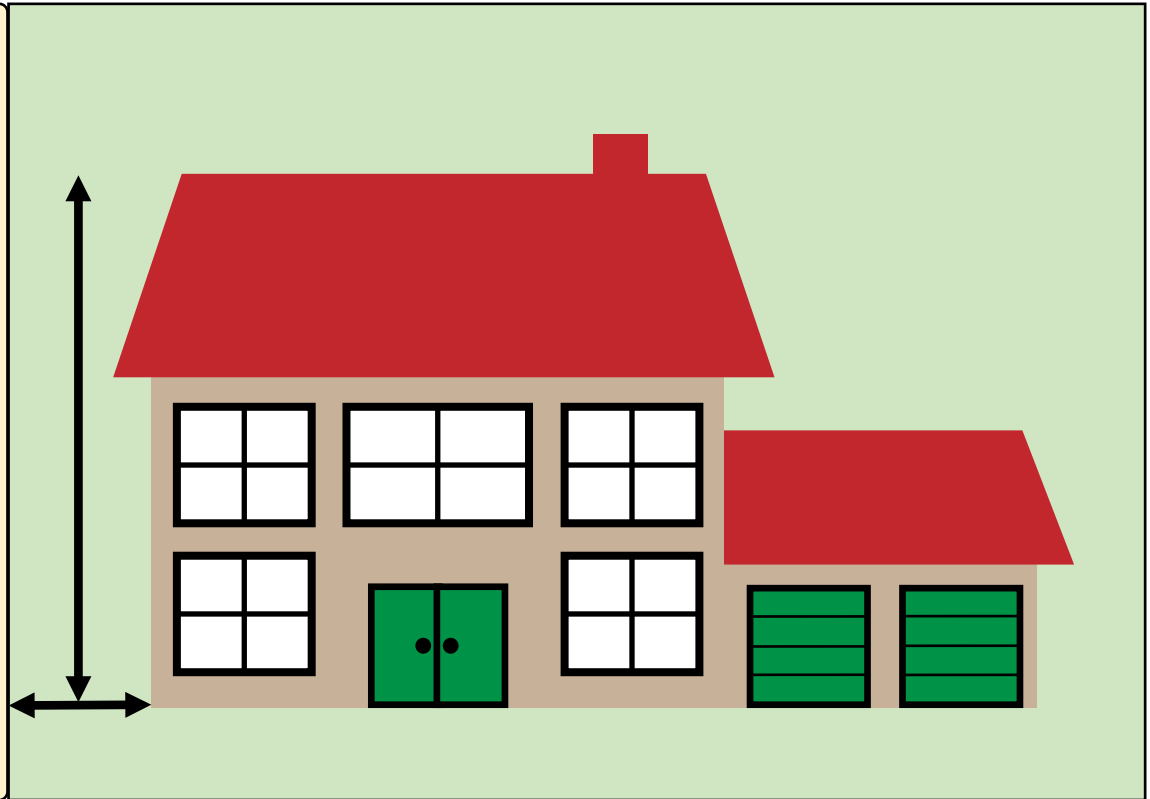
The visual impact of new construction is directly proportional to the distance from where the observer is standing.

Impact of Home Construction

New Construction and Improvements

Key Issues:

1. Distance from property line
2. Height of house from the side of lot
3. Overall volume/size of the house on the property



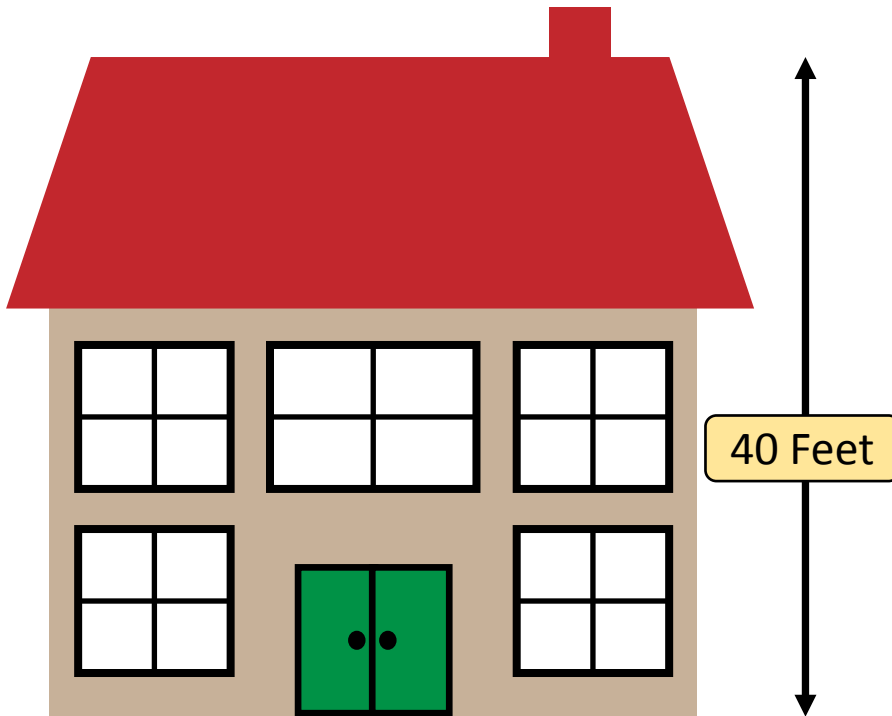
Example Zoning Calculations

Square Lot Baseline				
Lot Acres	Side Length (ft)	Lot Size (ft ²)	Max House (ft ²)	Side Setback (ft)
1	209	43,560	5,662	31
2	295	87,120	11,324	44
3	361	130,680	16,986	50
4	417	174,240	22,648	50
5	467	217,800	28,310	50

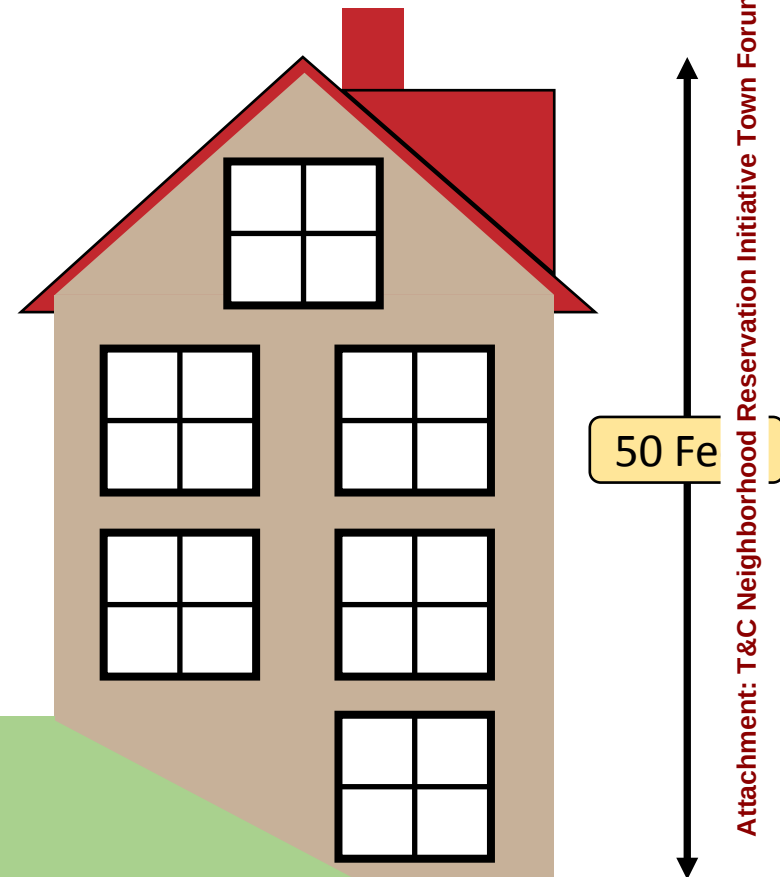
Examples of Exceptions and Potential Challenges				
Lot Acres	Lot Width (ft)	Lot Size (ft ²)	Max House (ft ²)	Side Setback (ft)
1	100	43,560	5,662	15
1	125	43,560	5,662	19
1	150	43,560	5,662	23
1.84	193	80,150	10,420	29
2.1	210	91,476	11,892	32
2.35	204	102,366	13,308	31
2.44	134	106,286	13,817	20
3.01	235	131,116	17,045	35
3.43	211	149,411	19,423	32

Impact of Home Construction

Potential Side and Back Walls



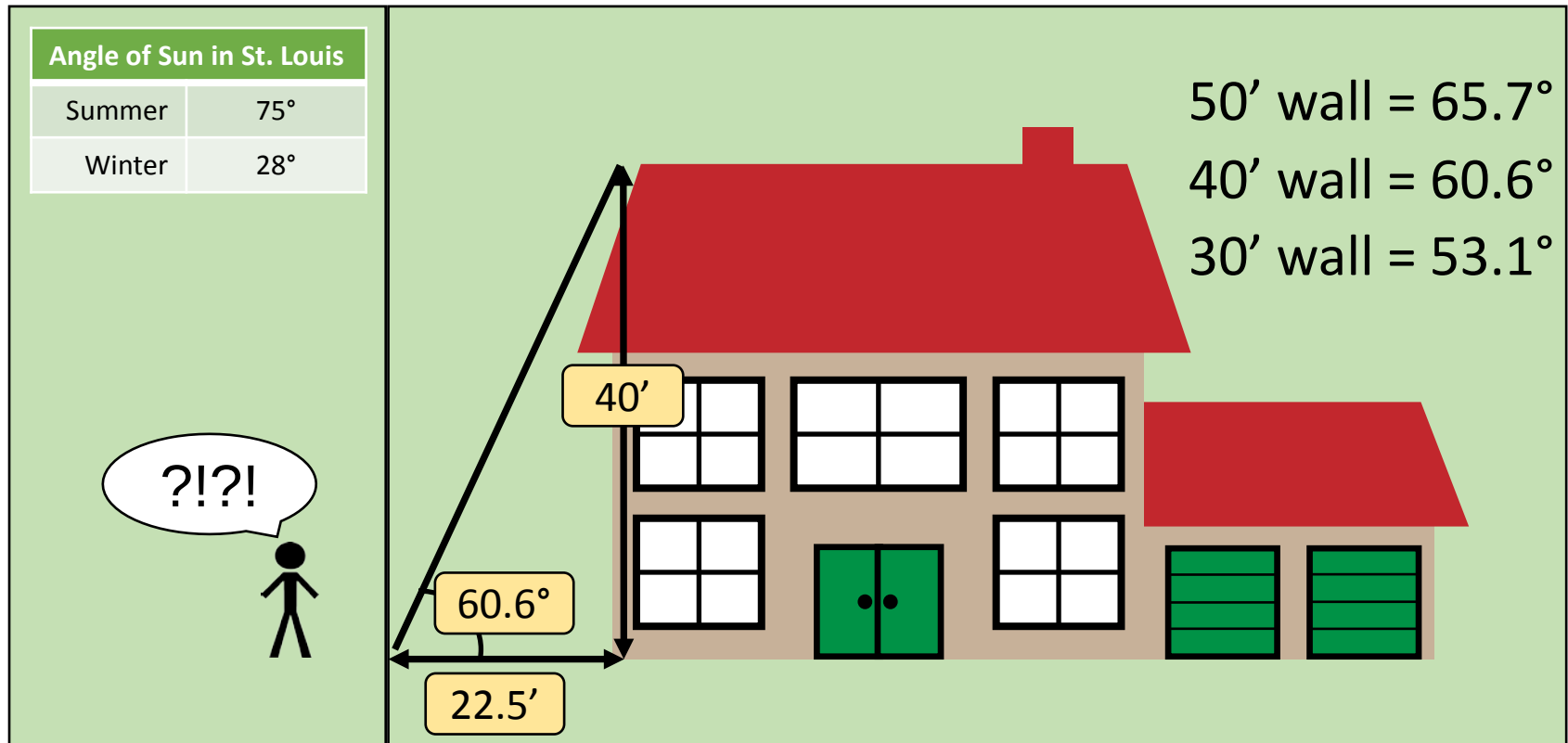
Front View



Side View

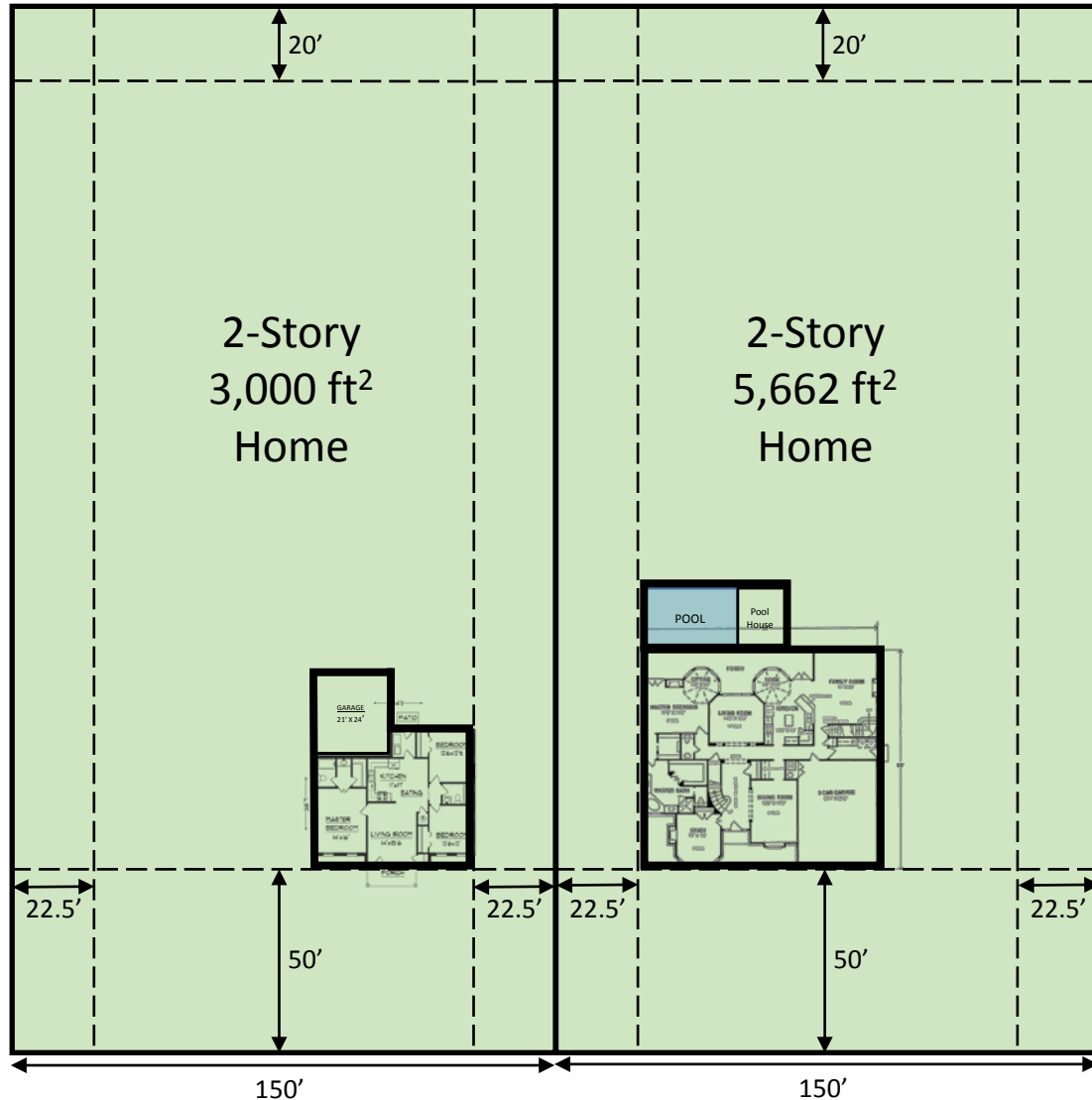
Impact of Home Construction

Angle to sky from property line (current)



Impact of Home Construction

Comparative Size/Proximity of Building



Specific Recommendation

Lot Construction Setbacks - Side

FROM: Side setback shall be:

15% or 50 feet (whichever is lesser)

TO: Side setback shall be the greater of:

- a) 15% or 50 feet (whichever is lesser)
- b) The height of the adjacent side measured from the nearest natural grade to the top of the habitable space
- c) The floor area divided by 200 ft

Specific Recommendation

Lot Construction Setbacks - Rear

FROM: Rear setback shall be:

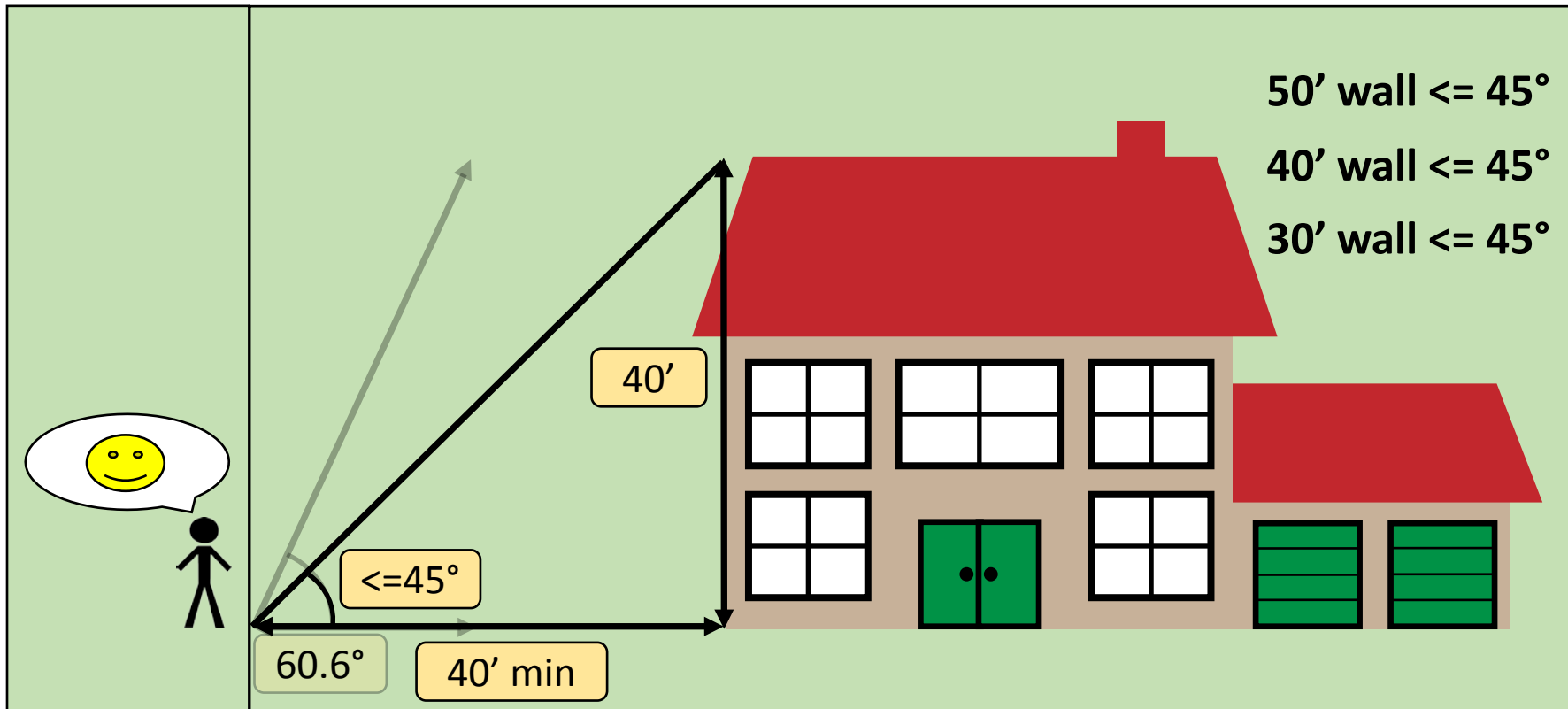
- 20 feet for structures (including house), except
- Pool house and gazebo at 30 feet

TO: Rear setback shall be:

- a) 30 feet for all structures (including house), except
- b) Pool and pool deck at 20 feet

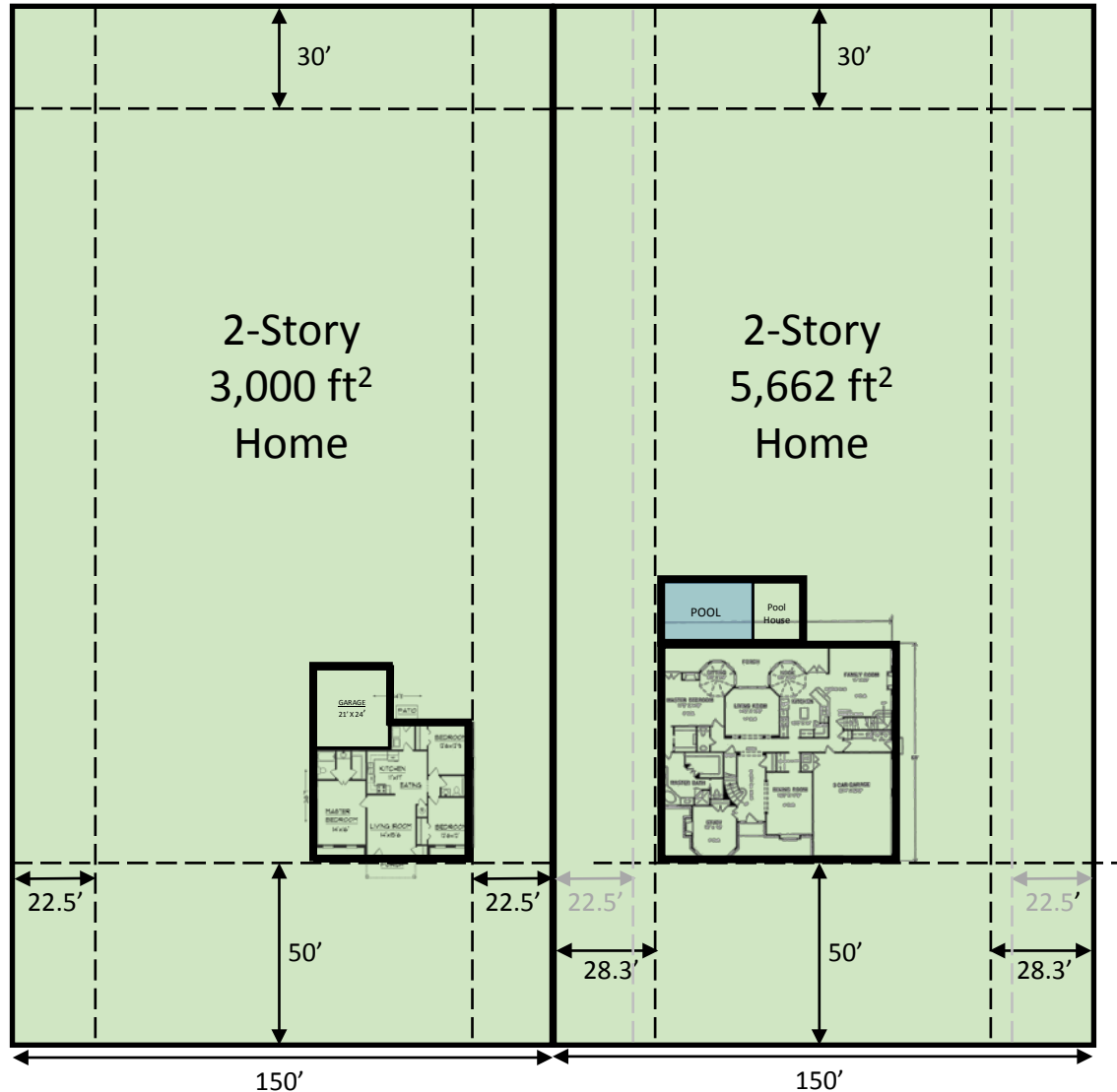
Impact of Wall Height Adjustment

Angle to sky from property line $\leq 45^\circ$

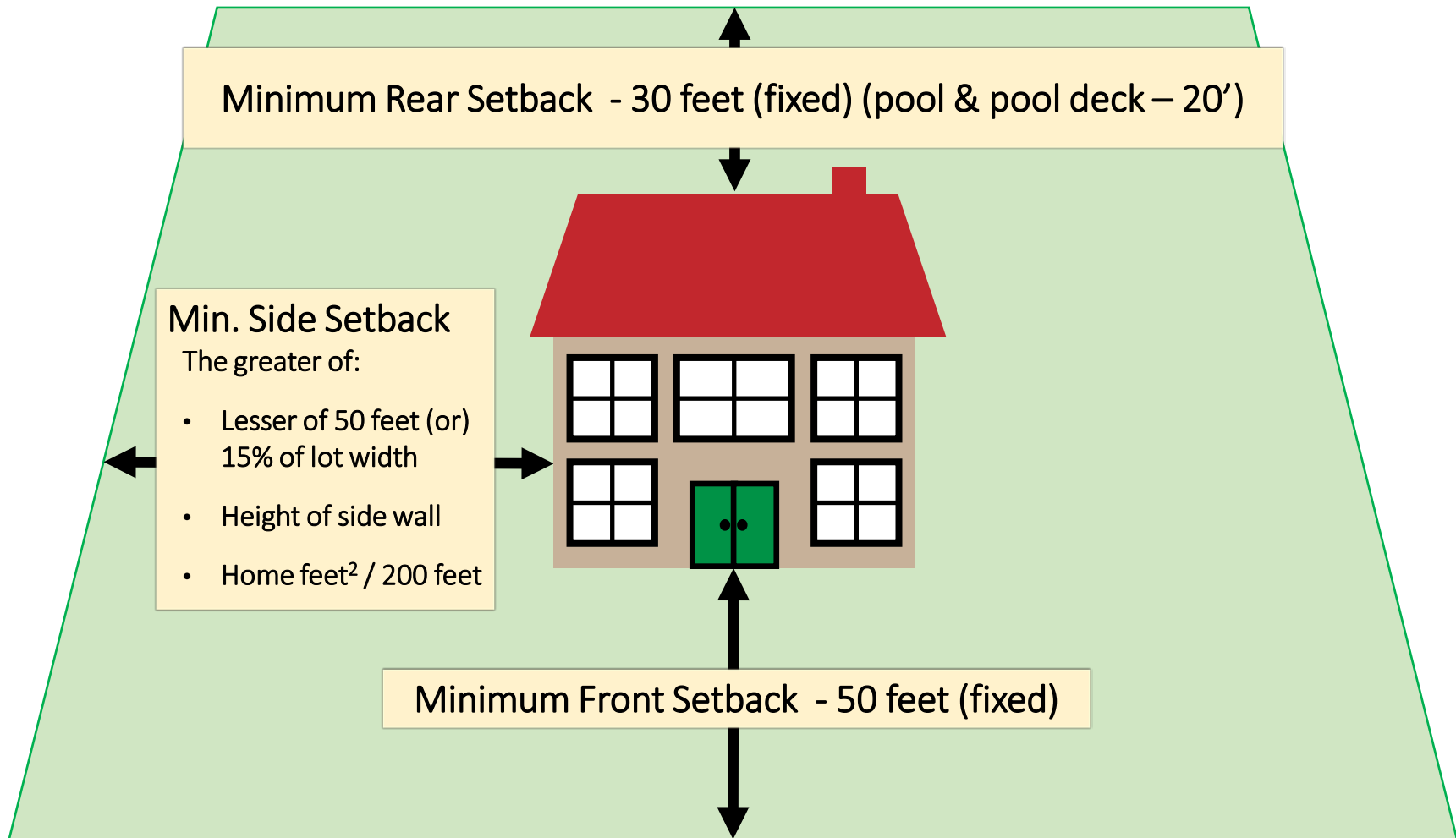


Impact of Home Size Adjustment

Comparative Size/Proximity of Building - Recommended



Construction Setbacks - Recommended



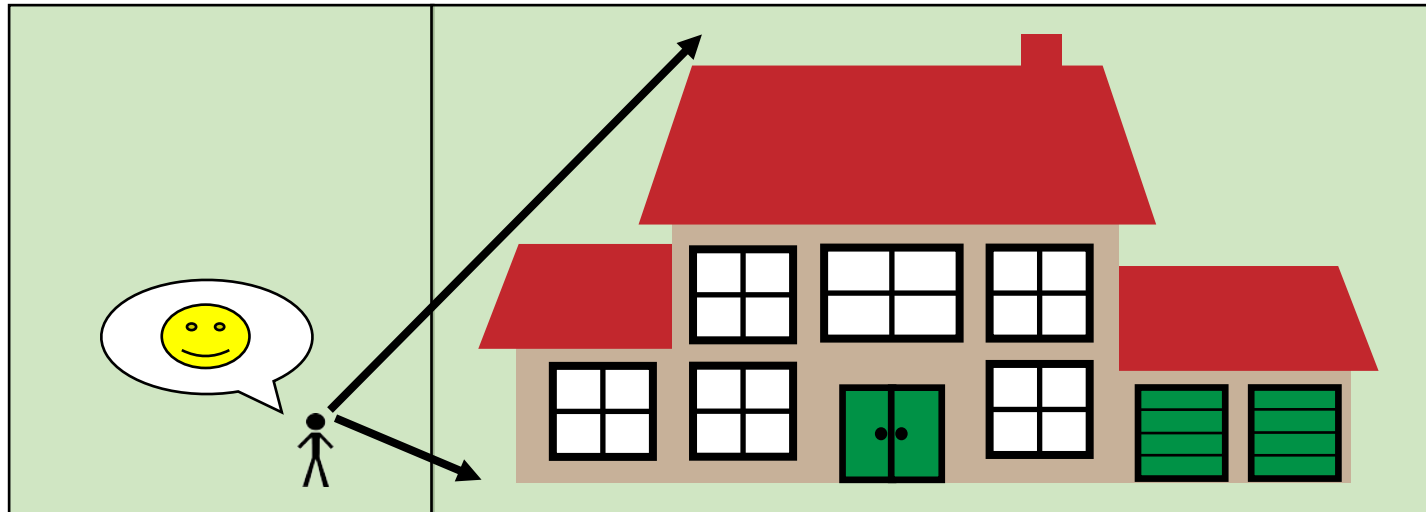
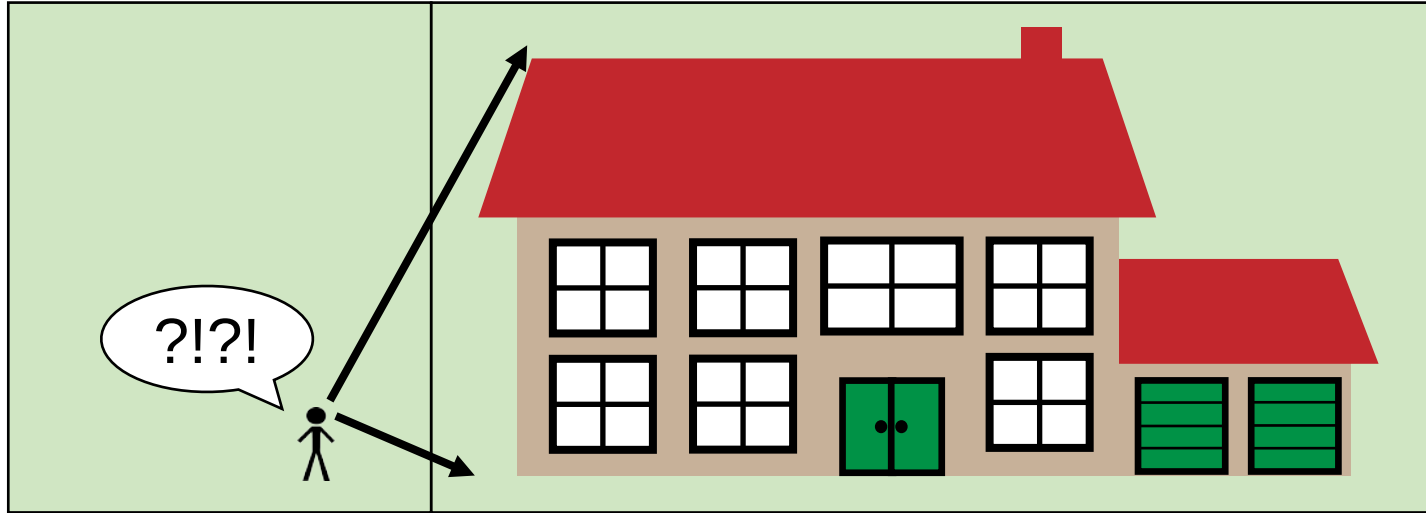
Recommendation #2

Side Wall Construction Offset - “Step Backs”/Tiers

The visual impact of a high wall can be mitigated through the use of wall segments that step away from the lot line, based on the height.

Impact of Home Construction

“Flat” Wall vs “Stepped” Wall

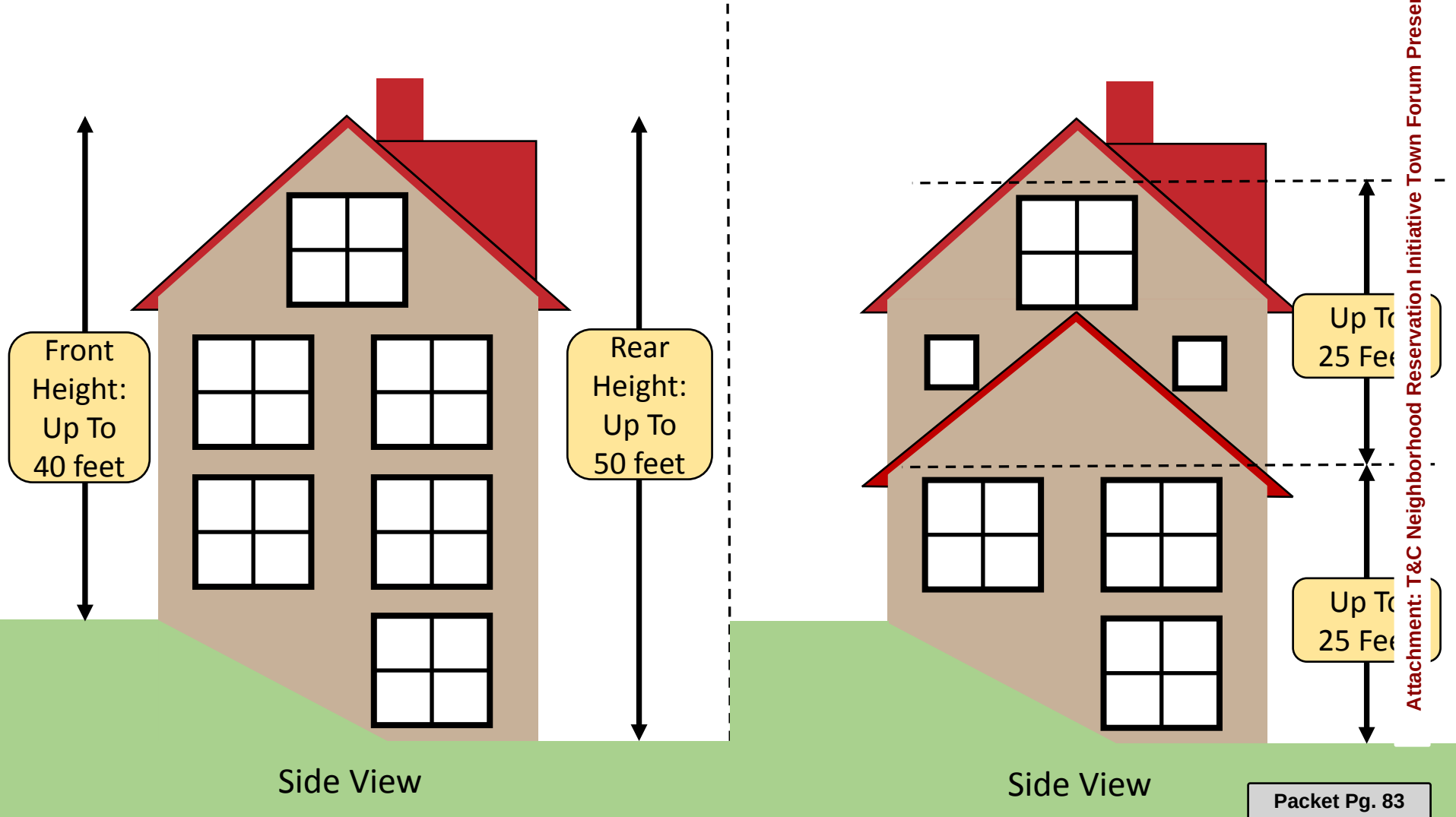


Specific Recommendation - #2

Side Wall Offsets - “Step Backs” or “Tiers”

1. Maximum side wall segment height of 25 feet from base to top of wall outside habitable space
2. 25 - 25 Rule:
Any side elevation wall height of more than 25 feet requires an offset equal to at least 25% of the wall height

Impact of Wall Offsets (“Stepbacks”)



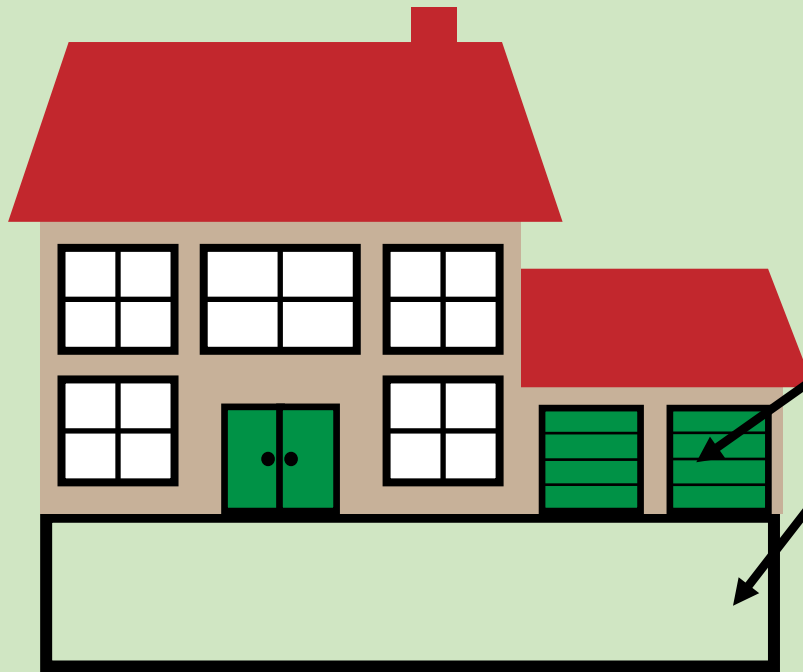
Recommendation #3

Floor Area Percentage (FAP) Calculation Modification

Current State – Floor Area Percentage (Ratio)

FAP = “Habitable” Floor Area divided by gross buildable site area

- Maximum FAP = 13% (5,662 ft² on a one acre lot)



Floor Area Percentage

Includes:

- Habitable area only

Does NOT Include:

- Garages
- Lower Levels/Basements (Including walkout basements)
- Accessory Buildings
 - Pool houses
 - Workshops
 - Storage buildings
 - Etc.

Specific Recommendation - #3

Floor Area Percentage (FAP) Calculation

- Lower Levels/Basements
 - Continue to be excluded from the FAP calculation.
- Garages and Accessory Buildings^{*}
 - Continue to exempt the combined equivalent of 4-car garage from the FAP calculation.
 - Any floor area of accessory buildings and garages larger than a standard 4-car garage^{**} shall be included in the (FAP) calculation.

* Any building with walls and a roof including pool houses, barns, workshops, etc.

** Garage car space for one car is 22'X12'. 1,056 ft² is the equivalent of a modern 4-car garage.

Recommendation #4

Outdoor Game Courts

Specific Recommendation - #4

Outdoor Game Courts (Sport Courts)

1. An “Outdoor Game Courts” category shall be added to the defined conditional zoning ordinance
 - Includes game courts, hockey/ice rinks, batting cages, racquetball/handball courts and other similar facilities
2. Tennis courts shall be removed from the “Permitted Use” section and added to the “Outdoor Game Court” category
3. Outdoor Game Courts (including tennis courts) will require a “Conditional Use Permit”
 - Review and approval of the Planning and Zoning Commission
 - Review and approval of the Board of Alderman

Recommendation #5

Green Space Definitions

This is not a change to how we calculate greenspace nor a reduction in our greenspace requirements, it is a clarification of terms.

Greenspace Definition Issues

- Greenspace and storm water regulations have mixed terminology
- Greenspace does not incorporate newer materials (permeable pavers, plant-able turf surfaces)
- Lack of clarity in the status of certain detention water surfaces

Specific Recommendation - #5

Greenspace Definition Clarifications

1. Greenspace definition shall specifically include:
 - Water surfaces of spas, swimming pools and ponds
 - Drainage ways and ravines
 - Flood plains and floodways
 - Landscape beds with no greater than 20% hardscape such as retaining walls or flagstones
2. Greenspace definition shall specifically exclude:
 - Permeable pavements with <80% of surface area exposed for vegetative growth
 - Ground covered by solar energy system collection panels

Questions

Building and Storm Water Code Revisions

Public Works Commission

Alderman Tiffany Frautschi

Goals

- Clearly define metrics that require thoughtful planning.
- Decrease the impact of construction on the immediate neighborhood during the process.
- Increase builder's accountability to the project owner and the neighborhood prior to completion.

New Construction Impact

- As new homes become larger and more complex the disruption to neighborhoods has increased during construction.
 - Average time to complete a new home is 12 – 18 months.
 - Construction projects span multiple seasons and weather patterns.
 - Impact on watershed both during and after a project.
 - Modern homes include amenities increasing the number of specialty sub-contractors causing increased construction traffic.
 - Indoor and outdoor stereo systems
 - Lighting systems
 - Outdoor living spaces
 - Pools

Storm Water Control

- Municipal Code Sections 415.080, 415.100 and 415.105
- Control of runoff
 - More impervious surface = more water volume.
 - Currently = no increase in flow rate allowed (2007).
- Quantify the increase
 - Determine the water volume created based on a model storm (15year / 20 minute).
 - Uses the same storm MSD requirements are based on.
- Eliminate the impact
 - Detain water for an extended period of time to control the flow rate.
 - Release mechanism allowing for dissipation over a 12-36 hour period using MSD approved volume management Best Management Practices.
 - Proposed = must eliminate **1.5X increase** (150% of the flow rate increase) into the watershed
 - All projects where more than one acre of land is disturbed require permitting through MSD and DNR.

Construction Parking

- Municipal Code Section 500.160
- Current
 - No specific prohibition on parking or access during a project.
- Proposed
 - No parking of project traffic on the street, including supervisory staff.
 - Must provide on-site parking.
 - Off-street parking only.
 - Temporary surface can be constructed on building site.
 - Access to/from site occurs at defined locations.
 - Adjacent roadways should be protected from mud and debris.
 - If needed off-site parking with carpool should be arranged.

Occupancy

- Municipal Code Section 500.160
- Temporary Occupancy (More clearly defined)
 - Structure meets safety standards for habitation.
 - Current = Not clearly defined other than by convention.
 - Proposed = Identification of need and provision of surety.
 - \$5000 escrow funds.
 - Written request indicating need and date.
 - Detailed list of outstanding items and schedule of completion.
 - Construction parking requirements remain in effect until permanent occupancy is granted.
- Permanent Occupancy (Not changing)
 - All permitted work is completed.
 - Structure
 - Site work and vegetation
 - Street Repairs (if necessary)

Questions?

Architectural Review

Alderman Jon Benigas

Director of Planning & Public Works Craig Wilde

Current Process

- Architectural Review Board
 - Residential Structures when the front elevation is affected
 - Commercial Structures when any elevation is affected
- Board of Aldermen
 - Commercial Structures as indicated above

Current Process

- Challenges
 - Subjective by nature
 - Limited authority under current code
 - Main point of contact for neighborhoods on a project
 - Many times it is the only point of public feedback

Current Process

- Specific Review:
 - Style
 - Scale
 - Proportion
 - Materials
 - No use of Vinyl Siding on new structures
 - Control of percentage of materials
- Contextual Review:
 - Screening
 - Landscaping
 - Lighting
 - Site Features
- Only reviewed in the context of impact on the architecture of the structure

Proposed Modifications

- Enhanced application requirements
 - Site Plan
 - Landscape Plan
 - Floor Layout
 - Color Rendering of Structure
 - Profile
 - Axonometric (high angle of front corner perspective)
- Memorialized in the City Code

Goals

- Context – More comprehensive understanding of the structure and the Architectural reasoning behind its components
- Impact – Clearly document the modifications to the site / property
- Definition – Provide understandable criteria for the integration of structures
- Opportunity – Provide the venue to address feedback as a thoughtful part of the process

Questions?



city of CREVE COEUR

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www.creve-coeur.org

MEMO TO THE PLANNING & ZONING COMMISSION

Meeting Date: July 18, 2016

Subject: Comprehensive Plan Update—Status Report

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

Attachments:

1. Public Comments Received Since June 6, 2016.
2. Summary of Follow-Up Focus Session Stakeholder Input since June 2, 2016

This memorandum will provide the Commission with an update of activities related to the development of the Comprehensive Plan that have taken place since the 5th Public Workshop held on June 6, 2016. In addition, attached to this memorandum are comments received after the last workshop.

On June 9, 2016, H3 Studio held a follow-up stakeholder review session with the business community which was attended by Planning Staff and the City Administrator. The meeting was requested by several local developers, property managers and other business interest groups to review and discuss the draft land use recommendations for the City's commercial corridors. The Executive Director of the Creve Coeur-Olivette Chamber of Commerce was also in attendance. Attached to this report is an e-mail from Mr. David Hutkin which summarizes a good deal of the topics of the discussion. Of particular concern to the development community were the concepts involving the placement of buildings, parking lots, and appropriate types of signage related to retail developments. The development community largely supports the objectives for enhanced architectural design standards, pedestrian amenities and connectivity.

On July 12, 2016, H3 Studio held a meeting with senior City Staff from various departments to obtain feedback on the draft recommendations. Representatives from the Public Works, Recreation, Planning, Police and Administration were in attendance. This session focused on the city-wide policy recommendations including plan structure and community place-types overview, community amenities and facilities, connectivity and open space, environmental sustainability, recreation, transportation, and annexation.

For the Commission's review, attached is a draft summary of stakeholder input received as part of the follow up focus group meetings as of June 2, 2016.

The Comprehensive Plan Update website, www.creve-coeur.org/compplan has been updated (as of July 1, 2016) to include the Public Workshop #5 presentation materials and the current status of the planning process.

Currently, the planning consultant is refining the plan recommendations based on the feedback received from these follow-up sessions and is in the process of preparing a draft plan document for

review by staff. It is anticipated that a full draft will be ready for staff review within the next few weeks. The next steps would then involve one or more work sessions with the Commission, posting and notification of the full draft plan on the website for public review and comment, and conducting public hearings prior to adoption of a final plan by the Commission.

Staff will be available to discuss these items and the submitted comments, as well as, answer any questions or receive feedback from the Commission at the meeting July 18, 2016 meeting.

Feedback Summary

Creve Coeur Comprehensive Plan Update Follow-Up Focus Group Meetings UPDATED DRAFT – June 2, 2016

This summary represents the cumulative feedback provided by attendees of the follow-up focus group meetings. This summary includes feedback gathered during the Planning & Zoning Commission Work Sessions held on May 16 and May 24, 2016. Feedback is non-attributive and arranged by Goal.

Goal 1: Placemaking & Community Identity

- Like the idea of developing a common framework for the Comprehensive Plan and future zoning code updates
- Why is the golf course shown in red? Golf course should be removed from the Community Center Place Type District; it is a park!
- Put in place a recommendation that, if a Civic Place Type District is adjacent to/surrounded by a residential Place Type District and the civic use vacates the site, then the District should revert to the adjacent/surrounding residential Place Type District
- Like this approach and feel it will add necessary protections for neighborhoods that do not currently exist
- Revise the Vision statement... it is too long. Needs to be more brief and roll-off-the-tongue, like the Goal Statement for Goal 1
- What IS the identity of Creve Coeur? It has different identities for different people
- What about the Plant Sciences District? Is this going to be another Cortex?
 - If so, this is a problem
 - Can the region support two Cortices?
 - The character of Creve Coeur is very different from the character of Midtown!
- How is sustainability incorporated into this Place Types?
- The EEC has approved a resolution and identified changes that we want to see made to the Comprehensive Plan (presented below).
 - Possible wording/actions:
 - New Action: *"Promote environmental sustainability through educational programs, and support sustainability through recycling, energy efficiency, sustainable energy, and waste reduction programs."*
 - New Action: *"Promote real and visible displays of environmental sustainability."*
- Clarify statement about existing zoning being "convoluted". It has served them well; however, it lacks in guiding them into the future for guiding desired development.
- It is important to pursue updates to the zoning code that is more reflective of what we have and what we want to achieve.

Goal 2: Residential Development & Preservation

- Residential zoning districts need to be updated to better address and maintain the character of established neighborhoods
- Like the future potential of allowing some higher density developments (like townhomes) in more dense residential subdivisions (like Fernview)
- How do you ensure that these are done in a coordinated way and not just “two townhomes here, three townhomes there?”
- How does an individual homeowner relate to this plan? When do these recommendations go into effect (i.e. what is the trigger)?
- In general, we like these recommendations
- Protecting against teardowns and the huge houses that are replacing them is a top priority.
- Establishing build-to lines and more appropriate limits on site coverage will help make the neighborhoods more coherent.
- Like the idea that residential Place Type Districts are calibrated to better address and maintain the character of established neighborhoods
- Front build to line: Include some variation to match the character; this should be calibrated to each Community Place Type district based on existing character
- Sidewalks: Requiring developers to put in sidewalks with a new development results in a “sidewalk to nowhere.”
- Should the City continue to do this? Based on the Community Place Type?
- This is one of the best tools the City has to ensure incremental improvement of sidewalks

Goal 3: Economic Development & Community Services

- Olive Boulevard needs to have a coherent identity.
- Like the idea of improving the appearance and walkability of major corridors
- Like the idea of recommending that new buildings be located close to the street with parking behind
- Encouraging or requiring development that addresses the street is a good idea. We like this and how it can allow the area to change over time.
- We need to allow some parking in front of businesses, especially restaurants or retailers that are open late at night. People will not feel safe if they have to walk from a parking lot that is behind a building to the front late at night.
- These recommendations place an undue burden on property owners and developers
- Is restricting ground floor use to commercial/retail a good idea?
 - Retail is dying, and we are having a harder and harder time leasing the space we have.
 - Drury Hotels would not build on Olive if there is a requirement for ground floor retail. Thus, you are driving out a major property development
- Right now, the biggest problem we have is too many regulations. This means that I can't build a building equal in size to the 50 year old building I currently have, because of parking and greenspace requirements. This is depressing development and property values.
- If people wanted the kinds of things you are proposing, the market would be building them.

- Are you trying to make this like Downtown Maplewood? That is on a small, walkable street. Olive is not a walkable street.
- The future development potential on Olive is with big-box retailers and junior anchor tenants. That is what we need to be planning for.
- Pace Properties has had a hard time developing these types of properties in St. Louis because no one wants them.
- No retail tenant wants a two-sided store; it doesn't work with their model.
- The development at the corner of Manchester and McKnight/Rock Hill (which this is similar to) had high vacancy for a long time. It took a while to get anchor tenants in there.
- These recommendations don't match the zoning code? What standard are we going to be held to? This, or the zoning?
- You seem to be trying to increase density; what impact will this have on traffic and parking?
- Who is going to pay for structured parking?
- These general ideas can work for the streets off of Olive, but not for Olive itself.
- Olive is not walkable. Can it ever be walkable?
- What are you trying to make Creve Coeur like? Clayton? Kirkwood?
- "You are overthinking this and making it too complicated! Just establish a redevelopment area over the office park along Craig Road, Olde Cabin, and Olive (north of the Golf Course). Leave everything else as is."
- We understand and like these recommendations! This is the direction that Creve Coeur should be moving!
- East Olive/Lindbergh Corridor:
 - o Why is part of East Olive in the Suburban Neighborhood 1 (SR-1) district, and not the Neighborhood Commercial district (NC)?
 - o All of East Olive should be Neighborhood Commercial
 - o East Olive is the major opportunity area; it has to be completely reimagined and changed
 - o No more residential on Olive! This area needs to be like Clayton Road west of Warson in Ladue!
 - o How do you deal with St. Louis County property that abuts Creve Coeur? Particularly is multiple properties are being developed in a single development?
 - o Account for both objectives in their development line.
 - o Currently, this area attracts proposals for gas stations and drive-thru restaurants.
 - o How do you get a different result along this street (rather than: QuikTrip, Chik-fil-A, Etc.)?
 - o Without zoning modifications, it will be difficult for the comp plan to have an effect long term.
 - o How do you also fit in a green line park with the narrow lots?
 - o Upper floor use is generally not renting well.
 - However, more than 3 floors leases well per developer feedback.
 - o We need to buffer between commercial and residential lots, but how do we buffer?
 - Currently, a stringent standard for buffer can be limiting for development.

- Vegetation is not a great sound buffer, and the building height might be a better sound buffer.
 - Visual buffers vs. Sound buffers.
- The EEC has approved a resolution and identified changes that we want to see made to the Comprehensive Plan (presented below).
 - Possible wording/actions:
 - New Action: *“Update Creve Coeur’s building code to promote green building practices.”*
- Broadband fiber: city should be an active participant in facilitating that infrastructure. Level of service for new economic growth “advocate for” ...prioritize is at the bottom of the list, “softer fuzzier word” ...“encourage” rather than prioritize.
- Frontage development doesn’t really lend itself to a curvilinear street grid:
 - How do we improve street grid connectivity over time?
 - Add recommendation to increase street grid connectivity with new streets.
- Frontage plan street classifications: “How do they interface with current zoning?”
 - Zoning code updates would need to be updated to make actually codify these recommendations. This is part of implementation; until then, they are just advisory.
- How do you deal with properties that don’t have secondary street or service street access today?
 - Require a parcel have frontage on a primary and a service street
 - encourage a more connected street grid through requiring service streets within the development in the code or a certain level of access
 - Allow or require cross lot access depending on how parking is located (In the rear it would serve as an alley)
- “Have you looked at limiting curb cuts on east Olive...could note this in primary street characteristics.”
- Town Center: We are increase density, but what about increasing street capacity?
- Parking: We need to revise parking requirements:
 - Opportunity for shared parking.
 - Increase structure parking.

Goal 4: Community Amenities & Facilities

- Like the idea of establishing a “high-tech users group” to guide development of fiber optics and high-tech infrastructure
- What is the city’s role in Strategies #8 and #9?
 - Advocacy role rather than conducting a detailed inventory
 - It would not be in the normal budget
 - “That may be a recommendation beyond our reach”
 - Infrastructure is important so I think it is more of an advocacy/supporting role for the city.
- “#10 might be more doable;” there could be a city committee that would look at those issues either residents or business/research industries to work in that advocacy role facilitated by the city and within the city’s committee structure.

- o “Don’t know if it rises to the level of being a standing committee, more of an economic development project”
 - o Keep it more general and deal with different kinds of infrastructure.
 - o Like to see commercial sector take a lead on this not the city.
- Missing from this category: City services:
 - o Recycling/trash/limb/leaf pick up (specific and meaningful to people, worth calling them out)
 - o Maintenance of Medians/landscaping might be captured under this
 - o Maintain and develop street lighting
 - o Identity signs
 - o Public art and gateway features
 - o Possibly expand Strategy #3 with these items
- “Strategy #5: we don’t control water and fire services, but the police we do. We should call out police as a separate strategy”
- The goal statement reads “that meet the needs and desires of all Creve Coeur residents;” This is impossible! Just remove the word “all”.
- Currently working on City identity projects for major entrances to the City
 - o Entrance areas that are shown on the map make sense and are supported
- Current public art initiatives in Creve Coeur:
 - o Public Art Platforms along West Olive
 - A standardized platform that allows for the installation of any piece
 - Located within Olive Boulevard medians (some pushback from MoDOT on this...)
 - Serves as a display forum for “temporary”, revolving art installations
 - o Public Bus Shelters
 - (1) in the Central Business District
 - (1) on East Olive
 - (1, planned) on West Olive
 - o City Park Art Program
 - o “Percent for Art” program (not specifically called this, but this is the effect)
 - Zoning code incentives for commercial property owners to provide public art
 - Encourage businesses and developers to participate
 - Could be enhanced with an “Art on Loan” program
- Walkability is very important, but we need a place to walk to! A community destination!
 - o Like Station Plaza in Downtown Kirkwood
 - o Outdoor, small music/event venue or venues supported by restaurants, bars, and coffee shops
- As a City, we need to actively involve artists in the creation of City identity and branding elements
 - o Signage (streets ad wayfinding)
 - o Lighting
 - o Landscaping
 - o Banners

Goal 5: Parks, Open Space & Environment

- Like the idea of creating off-street greenway paths in subdivision common grounds as an alternative to on-street walking and biking
- Like the idea of creating pedestrian walks along property lines between subdivisions and cul-de-sacs
- Additional trails that should be added:
 - o Creekside at Mason Trail subdivision: There is a planned trail to connect Bellerive School to Millennium Park through existing common ground (required as a condition of the subdivision)
 - o Add a crossing of N. Lindbergh at Old Olive Street Road, north of Olive Boulevard
 - o Laduemont should be considered as a connection between Ladue Road and Conway Road
 - o There should be a dedicated, separated bike path/bike lane north to the Centennial Greenway
 - o There is some type of right-of-way behind Questover Drive that could be used for a trail
- Like the idea of a future pedestrian/bike overpass of I-270
- There will be pushback from some neighborhoods on the pedestrian walks and common ground pathways; but, these can be implemented on a subdivision-by-subdivision and/or ward-by-ward basis.
- Making sure that we don't lose park space is important.
- Lots of money... how do we finance this?
- Golf Course:
 - o Somewhat ambivalent on the future of the golf course... we think that developing scenarios to guide future use and development—if it comes to be—is the right approach
 - o What about a “donut hole park”? Putting new development in the middle surrounded by a green band?
 - o Why would we develop scenarios for only one park? If we are considering selling off the golf course, we should consider selling off any and every park!
 - o The parks are an important resource is Creve Coeur. They are an asset that needs to be preserved.
 - o We already have a deficit in park space; why would we consider eliminating more park space?
 - o Once it's gone, it's gone. We can't do that.
 - o We are not considering any scenarios for the golf course. The issue has been decided. We don't want to see them, and you should not be working on them. It is a waste of your time.
 - o If the City is instructing you to look at these scenarios, they are wasting your time!
 - o The Government Center is already moving forward...elsewhere.
 - o Should there be recommendations of common criteria for the redevelopment of city parks? This needs to be considered.
 - o The golf course is different than other parks due to its nature.
 - o Should we be reducing the amount of parks?
 - o It's not a park it is a golf course!
 - o “This is a significant city asset that needs to be retained and not to be sold off.”

- o It cannot be ignored; it is the largest single parcel City-owned parcel in the City.
- o Scenario 3-B favored by community members present.
- o The Comprehensive Plan should include a statement that “were the golf course to be repurposed, it must be repurposed for public benefit” without specifying what public benefit that might be.
- o The Golf Course shall be maintained as a “public asset/benefit.”
- o “Stick to a more general statement if redeveloped it should be repurposed for public accessibility or for public use.”
- o Use the term “for example” if we show scenarios.
- o Scenarios with private development should be taken out!
- o We should absolutely not build any perimeter roads around the golf course. This will destroy the investment of neighboring property owners.
- o We have neighbors who paid a premium for their homes because they back up to the golf course. You will destroy that investment.
- It seems like this recommendations can be implemented in some parts of the city and not others... i.e., where there is push-back, they don’t necessarily have to be implemented (or at least not right away)
- How do we actually implement these recommendations? Are we required to implement them exactly as shown?
- This level is specificity is good—it shows where improvements could feasibly happen
- More guidance than the current (2002) Plan, which is too vague
- “There seems to be a tremendous amount of overlap in these Strategies... Could be condensed to four of five recommendations”
- “City not in the position to call for active purchase”
- Could use voluntary easements
- “What is the management structure and maintenance?”
- Connections need to be acquired and an entity needs to oversee this
- “Implementing setback from waterways can include space for walkways.”
- Combine Strategy #1 and #6? Not comfortable with Strategy #1 stating “actively purchase.”
- Creve Coeur Racquet Club (Why is one specific entity called out?)
 - o Future acquisition if it would ever come available.
 - o It might be too specific and should be framed in a more general way.
- Combine #7 and #10? Make sure we are not over reaching with commercial acquisition.
- Stay more descriptive and be more general
- Fully supportive of Recreation & Natural Amenities Plan
 - o “Do what we can as we can”
 - o May be an incentive or trigger for city to request easement
 - o Gradual over time
 - o We have to overcome the mentality of “I like it, but not on my property”
 - o Might have pull rather than push... We are setting up an ideal for the future!
 - o Grant opportunities could become available with a plan like this in place

- Why is there no connectivity through the golf course? Should we keep it unconnected?
 - Connections could be added through the golf course
- Connections across Olive Boulevard (safe and improved crosswalks) should be called out

Goal 6: Transportation, Connectivity & Mobility

- Like the idea of a qualitative, “complete streets” transportation and connectivity plan
- Like the idea of a bike/ped overpass of I-270
- Improving walkability with safe sidewalks is important
- We need to have at least one sidewalk on each street to improve pedestrian safety
- Many streets aren’t wide enough to have to two sidewalks, and I don’t know why we would want parallel parking.
- Some of the wide sidewalks (like the one on Ladue Road) can accommodate both bikes and peds, but bikes aren’t allowed because it is classified as a sidewalk and bikes are prohibited from the sidewalk.
- Bicycling in Creve Coeur is very unsafe and needs to be improved.
- Are these street types prescriptive, or are they recommendations?
- Some of these street types are too wide to fit within existing right-of-ways
- Some of these street types are too wide to fit within existing right-of-ways
- Pedestrian walks between neighborhoods are good... some people will not like them, but they make important improvements to walkability
- We need good, safe crossings of Lindbergh Boulevard
- This network needs to tie in to the broader regional network
- The EEC has approved a resolution and identified changes that we want to see made to the Comprehensive Plan (presented below).
 - Possible wording/actions:
 - Revise Action 2 to read: “Improve access to public transit opportunities to ensure an equity of mobility for all residents and visitors—regardless of age, income, or ability—and to reduce the environmental impact of vehicle traffic.”
- Strategy #1: the word “develop” should be changed to “encourage”
- Remove phrase “Reduce cut-through traffic;” instead, say “Manage traffic impact in residential areas”
- Strategy #11: what is meant by “minimum level of service standards”
 - This could probably could be reworded.
 - Reword to say something about complete streets.
 - North-south connectivity across Olive Boulevard: could be addressed through a statement like “Improving safety and pedestrian crossings”
- Streets Plan: we have no control over Lindbergh; why have it in the plan?
 - The city should take a position on the identity and character over time
 - Work with prioritization of these things; leave it lower on the list of priorities
 - “If an opportunity presents itself this would be our expectation”
- Bicycle and pedestrian network: reference and endorse GRG plan and enhance recommendations.

Goal 7: Community Sustainability & Resilience

- Generally like the idea of an Environmental Overlay, but it needs to go further and address more issues
- Wetlands protection is very important; there are wetlands in the Fernview and Bellerive estates subdivisions
- The Energy & Environment Committee has been working on “City Sustainability” recommendations (dealing with issues of Community Resilience):
 - Food security
 - Residential ordinance for raising chickens
 - Would like to see more/expanded household food recommendations in the Plan
 - 911 & Emergency Responders
 - Would like to see recommendations for supplemental/emergency contact systems to maintain communications
 - Would like to see redundant power for city emergency services
 - Would like to see improved, intra-City (Creve Coeur) communications/emergency notification systems
 - Energy & Energy Security
 - Reduce reliance on fossil fuels
 - Provide alternative means of transportation
- We need to be more proactive in addressing environmental quality issues
- Community gardens recommendation should be removed (they do not work in Creve Coeur)
- Food security/animal recommendations are already in place as ordinances (we allow chickens, and we don’t want to allow anything larger)
- Creve Coeur needs to be more overtly and explicitly sustainable
- We are home to one of the world’s largest biotech companies... this is part of our identity!
- We don’t need to be redeveloping our park space!
- There are other sustainability initiatives that the City has achieved; add in the 25X20 Energy Benchmarking pledge that was passed in 2014.
- Stormwater recommendations are too complicated and restrictive
- We are working on a stormwater resolution to address lots less than 1 acre in size
 - Currently:
 - Lots greater than 1 acre are regulated by MSD/DNR MS4 regulations
 - The City needs to adopt an ordinance to deal with lots less than 1 acre, which is where the problems are
- Tree recommendations are too complicated
 - Do the tree requirements deal with new development? Redevelopment? If I, as a homeowner, cut down a tree, am I forced to replace it with 8 trees?
 - The caliper-inches requirement actually works against getting a good quality tree canopy; Clayton has a similar requirement, and it doesn’t work well
 - Tree standards should be a more general recommendation of maintaining and improving tree canopy in Creve Coeur

- o There should be requirements that prohibit invasive plants and trees—as specified on Creve Coeur’s invasive species list—from landscaping throughout the City
- Require the City to use native plant species and prohibit invasive plant species!
- The City already has floodplain and wetland protection standards; these are duplicative
- We really like these recommendations and we think that writing them into the Plan makes an important statement about the City’s attitude toward sustainability
- It is important to hold residential development and commercial/mixed-use development to the same standard
 - o Establish green space and tree coverage standards for commercial lots
 - o Establish tree coverage standards for parking lots
 - o Allow and encourage green roofs and energy-efficient roofing
- The Community Resilience Plan recommendations are good
 - o Don’t limit alternative mobility to just bike and ped; specify “walking, cycling, and personal mobility devices” (per A.D.A.)
 - o State that we want a “goal of Complete Streets”
 - o The City should adopt a Complete Streets ordinance
 - o Pursue “Bicycle-Friendly Community” status from the League of American Bicyclists
- The Energy and Environment Committee (EEC) presented the following materials:
 - o “The EEC believes that being a leader in sustainability has been a defining aspect of Creve Coeur in the past, and should be in the future, and this should be reflected explicitly in the City’s Comprehensive Plan. Ideally, this would be achieved by having a separate goal addressing sustainability, or by including a clear statement in the introduction of the Comprehensive Plan that lays out sustainability as an overarching value of the City. To this end, the EEC unanimously approved the following resolution on March 8, 2016.”

“Resolution approved by EEC on March 8, 2016

A goal of Creve Coeur is to practice environmental sustainability and stewardship and to promote similar practices by City residents, businesses, and organizations. This would include efforts related to energy efficiency, use of renewable energy, waste reduction, and recycling.”

- o “Suggestions for other ways to incorporate this into the Comprehensive Plan.”
 - **Goal 7: Community Health and Sustainability**
Possible wording/actions:
 - Revise Action 5 to read: “Expand the use of renewable energy in City-owned public facilities and promote *energy efficiency and renewable energy use by all Creve Coeur businesses, organizations, and residents.*”
 - New Action: “*Expand and promote recycling throughout the City, especially by businesses, organizations, and multi-family residential units.*”
- Strategy #1 seems redundant to previous section.
- Strategy #10 needs explanation: “We need to do homework before endorsing a document like the OneSTL regional plan”

- o “We need to be confident that we fully vet it and endorse it”
 - o Possibly say instead: “Review and support regional efforts for sustainability”
 - o And/or “Work with regional groups to enhance sustainable efforts.”
- Prioritize actions by impact
- Strategy #6 energy efficiency and recycling and sustainable business practices missing
 - o Recycling services for all! (residence, single and multi-family and commercial)
- Food Security:
 - o There are no barriers for gardens in city
 - o We already have ordinance to allow chickens; find out what the experience has been for uses of that ordinance
 - o Might need a “Review of structural impediments to the food security list.”
- Energy Independence:
 - o Not sure if we want to get into the business of tax credits;
 - o There are other means of incentives from other sources (federal).

Potential Annexation

- Not comfortable with the City *endorsing* annexation; rather, this is a potential future annexation to be considered.



Jason Jaggi <jjaggi@crevecoeurmo.gov>

Comprehensive Plan

1 message

Abby Schaberg <aschaberg@jenkinsklings.com>
To: "Jaggi, Jason" <jjaggi@ci.creve-coeur.mo.us>

Tue, Jun 7, 2016 at 9:37 AM

Jason,

I made a few comments on one of the workshop posters last night, but I wanted to make sure my comments were noticed. I had planned on grabbing the H3 representative last night, but residents were lining up to speak with him, and I did not get a chance.

Please see the attached PDF, which depicts the area east of the Questover Subdivision, which is currently built out as apartments. According to the most recent H3 presentation, this area is to be designated as Mixed Use.

The trustees of Questover would request that this area be designated as V- Suburban Multi-family Neighborhood 1 for the following reasons:

- This area is surrounded by Estate Neighborhood 1 zoning, and a multi-family zoning designation will protect/buffer these spacious residential lots from potential commercial redevelopment; and
- The existing development in this area is more in-line with a multi-family "place-type," which blends better with the residential zoning that bounds this area on three sides.

I would appreciate if you could pass these comments along to H3 Studios when you get the chance.

Thanks,

Abby

Abby E. Schaberg, Esq.

Associate

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Attachment: ASchaberg060716 (2016 : Comprehensive Plan Update?Status Report)

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

From: Scanner

Sent: Tuesday, June 07, 2016 8:08 AM

To: Abby Schaberg

Subject: Send data from tosh5560D4281

Scanned from tosh5560D4281

Date: 06/07/2016 08:07

Pages: 1

Resolution: 200x200 DPI



DOC060716.pdf

536K

Attachment: ASchaberg060716 (2016 : Comprehensive Plan Update? Status Report)



Jason Jaggi <jjaggi@crevecoeurmo.gov>

RE: Creve Coeur Comp Plan

1 message

David Hutkin <dhutkin@hutkin.com>

Wed, Jun 15, 2016 at 3:22 PM

To: "bglantz@crevecoeurmo.gov" <bglantz@crevecoeurmo.gov>, "bglantz@ci.creve-coeur.mo.us" <bglantz@ci.creve-coeur.mo.us>, "mperkins@crevecoeurmo.gov" <mperkins@crevecoeurmo.gov>, "mperkins@ci.creve-coeur.mo.us" <mperkins@ci.creve-coeur.mo.us>, "Jason Jaggi (jjaggi@crevecoeurmo.gov)" <jjaggi@crevecoeurmo.gov>, "jjaggi@ci.creve-coeur.mo.us" <jjaggi@ci.creve-coeur.mo.us>

Cc: Tom Stern <tstern@gershman.com>, "swolff@wolffproperties.com" <swolff@wolffproperties.com>, "paul.hilton@cushwake.com" <paul.hilton@cushwake.com>, "tmartin@boudoures.com" <tmartin@boudoures.com>, "Toby Martin (toby@martinstl.net)" <toby@martinstl.net>, "kdiehl@altusproperties.com" <kdiehl@altusproperties.com>, "George K. Capps" <kc@caplaco.com>

Good afternoon Gentlemen,

On behalf of the group of commercial property owners that met with you last Thursday morning we'd like to thank for the time you devoted listening to us and allowing us to share our thoughts with you.

We believe the commercial property owners and the City's interests are in alignment and we have a shared set of goals in terms of development, redevelopment and economic sustainability of the City.

While we found many of the ideas and concepts suggested by the consultant to be problematic and in certain instances unworkable, we are confident that we can find numerous design and development principles the City and the commercial property owners can and do agree on.

Our customers, namely the retailers, restaurants and service providers that occupy our shopping centers have specific criteria in the way of space requirements and site format. Their requirements for access, visibility, front field parking and signage are typically very stringent with little wiggle room. That is not to say there isn't some flexibility but that flexibility varies depending on the setting and the particular criteria.

With our hundreds of years of collective experience in the commercial real estate industry and hundreds of years of history owning key commercial assets in the City of Creve Coeur, we offer ourselves up to work with the City and its paid professionals/consultants in a collaborative fashion to develop a set of design principles and guidelines that would work for the City as well as the commercial property owners.

We mention our long tenure in the City to remind you we are, in certain cases, the original developers of our properties and in other cases the 2nd generation of our families to own and operate these properties and as such want to assure the City we are not speculators or arbitrageurs seeking a quick buck and leaving the City and its residents with a less than high quality project. We have demonstrated a long term

Attachment: DHutkinComments 061516 (2016 : Comprehensive Plan Update? Status Report)

view toward our projects and this community and also bring the benefit of historical perspective of how this particular submarket has morphed over the past 40 years and the implications those changes have on our collective future.

When, as developers and property owners, we decide we want to undertake a development or redevelopment, we sit down with our architects and engineers and discuss with them what it is we need to accomplish in terms of meeting the needs and requirements of the City, our customers/tenants and our financial hurdles. We also define the specific tenant mix we are targeting and the niche in the market we are seeking to fill. We charge them with the task of bringing a plan back to us that meets all of those requirements.

Be assured that improving the existing conditions of the built environment and attracting high quality office and multi-family development to the City is a goal shared by us and we are prepared to roll up our sleeves and work with the City and it's consultants to put together a mix of development standards and inducements to facilitate good redevelopment of existing properties, foster development of greenfield sites as well as areas targeted for readaptation.

Given the City's deep reliance on sales and utility tax, we believe greater daytime and permanent population helps all stakeholders and as such we are supportive of more dense residential development as well as attracting office development, that can, when designed properly, provide benefits for all stakeholders that far outweigh the inherent conflicts they sometimes raise with residents.

We'd like to hear your thoughts about how we could work together and would like to suggest that we assemble a working group composed of Jason Jaggi along with a select group of commercial property owners, a few members of P&Z, 2 members of the City Council and the Mayor, if at all possible.

Thank you again for your time last Thursday and for reviewing this letter.

We look forward to working with you.

-

Ken Capps/Paul Hilton/David S. Hutkin/Toby Martin/Tom Stern