



AGENDA
PLANNING AND ZONING COMMISSION MEETING
CITY OF CREVE COEUR, MISSOURI
TUESDAY, JANUARY 17, 2017
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. December 19, 2016 Planning and Zoning Commission Draft Meeting Minutes**

2. December 15, 2016 Planning and Zoning Commission Draft Special 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**1. Application: #16-030 for a Conditional Use Permit and Site Development Plan for a Panda Express Restaurant, with Drive-Thru Service at 10453 Olive Boulevard Within Creve Coeur Pavilion Shopping Center**

The Applicant has requested to postpone the matter to the February 21, 2017 Planning and Zoning Commission Meeting. A motion to continue the item until that time is necessary.

NEW BUSINESS**1. Application #17-001: Boundary Adjustment Plat between Mercy Hospital at 12120 Conway Road and Temple Emanuel at 12166 Conway Road**

George Stock, of Stock and Associates, on behalf of Mercy Hospital, has submitted for a boundary adjustment to move the northwest property line abutting Temple Emanuel west by approximately 155 feet, adding 0.968 acres to the site of the former Skilled Nursing Facility at 12120 Conway Road. Mercy will purchase this area for a future redevelopment of the site for a medical office building which will be reviewed by the Planning and Zoning Commission and City Council at a later date. The lot at 12120 Conway will be increased from 7.734 acres to 8.702 acres, zoned PH District. The Temple Emanuel, property, at 121266 Conway, zoned A Single Family Residential, will be decreased to 6.237 acres.

2. Application #17-002: Boundary Adjustment and Site Development Plan Approval for Parking Lot Addition and Facade Improvements for the Property at 9974 Old Olive Street Road

The Applicant has requested to postpone the matter to the February 6, 2017 Planning and Zoning Commission Meeting. A motion to continue the item until that time is necessary.

3. Application #17-003: Site Development Plan Approval for Barnes Jewish West County Replacement Hospital, New Attached Medical Office Building, and Associated Parking

The Applicant has requested to postpone the matter to the February 6, 2017 Planning and Zoning Commission Meeting. A motion to continue the item until that time is necessary.

4. PUBLIC HEARING. Application #17-004: Text Amendments to the Zoning Ordinance Allowing Indoor Firearms, Pneumatic Gun and Archery Ranges as a Permitted Use in the LI-Light Industrial District and Establishing a Parking Standard for Such Uses

The Director of Community Development, on behalf of the City of Creve Coeur, has submitted a text amendment application to Chapter 405, Zoning Ordinance, Attachment

1, Table A: Permitted and Conditional Uses to allow indoor firearms, pneumatic gun and archery ranges as a permitted use in the LI- Light Industrial District; and, Section 405.820 Required Off-Street Parking Spaces to establish the minimum number of off-street parking spaces for such uses.

WORK AGENDA

DEPARTMENT REPORTS

1. Director of Community Development
 - a. Comprehensive Plan Update Public Comment Received 1-12-2017
2. City Attorney

ADJOURNMENT

Posted: _____

Jason W. Jaggi
Director of Community Development



**CITY OF CREVE COEUR
PLANNING & ZONING COMMISSION
MEETING MINUTES**

MONDAY, DECEMBER 19, 2016

6:30 PM

A regular meeting of the Planning and Zoning Commission of the City of Creve Coeur, Missouri was held on Monday, December 19, 2016, at the Creve Coeur Government Center, 300 North New Ballas Road. Vice Chair Gene Rovak called the meeting to order at 6:30 P.M.

MEMBERS PRESENT:

*Mr. Tim Carney
Mr. Don Magruder
Mr. Gene Rovak
Ms. Murial Hall (arrived at 6:32)
Ms. Heather Silverman
Mr. Matthew Schuh*

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

ACCEPTANCE OF THE AGENDA

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

APPROVAL OF MINUTES

Mr. Schuh moved to approve the minutes for December 5 as amended. Motion seconded and unanimously approved.

PUBLIC COMMENT

None

UNFINISHED BUSINESS

Application: #16-030: For A Conditional Use Permit And Site Development Plan For A Panda Express Restaurant, With Drive-Thru Service At 10453 Olive Boulevard Within Creve Coeur Pavilion Shopping Center

Mr. Carney made a motion to continue to the meeting of January 17, 2017. Motion seconded and unanimously approved.

NEW BUSINESS

Application: #16-033: Approval of a Revised Site Concept Plan and Site Development Plan for St. Louis Priory School for New Addition to the High School Building

Kevin Kerwin, of HKW Architects, said the church is the center of the campus and the addition wraps around the existing school. He said it is straightforward and will unify the building. He said the materials are brick, glass and metal to match the existing building.

Mr. Kerwin said there would be some repaving around the drive.

Mr. Magruder asked if it would have any impact to any surrounding areas.

Mr. Kerwin said it should not and the drainage is controlled by the pond and another retention area to the south.

Mr. Magruder asked about lighting changes.

Mr. Kerwin said lighting changes would have minimal impact.

Ms. Kelly said staff does not foresee any issues.

Mr. Joshua Schindler said he was counsel for 21 Broadview Farm Road. He said there have been some issues from Priory regarding water runoff. He suggested adding a 30-40' long lip to the conditions for this project to protect the residents of Broadview Farm.

Mr. Martin Fitzgerald said without looking at it in more detail it would be difficult to give a definite answer, but they would be okay with adding a lip.

Mr. Jaggi said if the applicant was willing to address it a condition could be added, but there would need to be an engineering analysis to say it could help. He said he didn't think the source was directly related to the project.

Mr. Carney made a motion to approve subject to the conditions in the staff report and the added condition of a drainage plan markup.

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

Mr. Magruder-aye Mr. Schuh-aye Mr. Rovak-aye

Motion unanimously approved.

PUBLIC HEARING. Application #16-034: for an Amendment to Ordinance #5294 to Allow for a Rear-Yard Encroachment for Lot 5 and Removal of the Sight-Proof Fence Along the South and East Boundary of the Villas on Mosley Subdivision

Those speaking to the project were sworn in.

Mr. William Levinson, of Benton Home Builders, Inc., said he was requesting some amendments in regard to encroachments to setback for lot 5. Lot 5 is pushed far back because of the right-of-way and modest encroachment will not impose on anyone because it backs up to common ground.

Mr. Levinson talked about the fence on the south of the property. He said it was at a low grade and served little to no purpose and would like to eliminate the fence. The fence on the east side would also be eliminated to avoid removal of vegetation.

Ms. Kelly said staff finds the changes requested to be very minor. Regarding the fence on the south line, she said it sits on a retaining wall and is not necessary. The only feedback staff received from nearby neighbors was if the fence should be required, it be open faced slatted metal to match the surrounding area.

Mr. Magruder asked if this affects other ordinances.

Ms. Kelly said it did not.

Mr. Lumley entered the exhibits into the record and the public hearing was closed.

Mr. Magruder made a motion to approve pursuant to the draft ordinance, Ms. Silverman seconded. The vote was as follows:

Mr. Magruder-aye	Ms. Silverman-aye	Mr. Schuh-aye	Mr. Carney-aye
Ms. Hall-aye	Mr. Rovak-aye		

The item goes to City Council for first review January 9th.

PUBLIC HEARING. Application #16-035: Approval for a Master Sign Plan for the West Oak Shopping Center Pursuant to Section 405.950.J of the City of Creve Coeur's Code of Ordinances

Those speaking to the project were sworn in.

Dan Capps, of Caplaco Nine, Inc, gave a quick synopsis and said he was available to answer any questions.

Ms. Kelly gave a history of the site. She said the proposal solidifies what is permitted and already approved. She said it makes the signs that are currently legally pre-existing and nonconforming, conform.

Ms. Hall asked if there were any sign changes.

Mr. Capps said 2 exterior signs would be relocated and a new Starbucks sign would be added.

Ms. Kelly said the removal of the pre-existing non-conforming sign would require a replacement be conforming sign.

Mr. Rovak said that means all the signs would be conforming.

Ms. Kelly confirmed.

Mr. Lumley entered the exhibits to the record and the public hearing was closed.

Mr. Carney made a motion to approve subject to the draft ordinance, and Mr. Schuh seconded. The vote was as follows:

Mr. Carney-aye
Mr. Schuh-aye

Ms. Hall-aye
Mr. Carney-aye

Mr. Magruder-aye

Ms. Silverman-aye

WORK AGENDA

None

DEPARTMENT REPORTS

Mr. Jaggi said there are a number of items on the agenda for January 17th.

He informed the Commission that John P. King a frequent visitor to the Planning and Zoning Commission had passed away.

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 7:15 P.M.

Gene Rovak, Vice-Chair

Jessica Stutte, Recording Secretary



CITY OF CREVE COEUR
PLANNING & ZONING COMMISSION
SPECIAL MEETING MINUTES
THURSDAY, DECEMBER 15, 2016
6:30 PM

A special meeting of the Planning and Zoning Commission of the City of Creve Coeur, Missouri was held on Thursday, December 15, 2016, at the Creve Coeur Government Center, 300 North New Ballas Road. Chair Beth Kistner called the meeting to order at 6:30P.M.

MEMBERS PRESENT:

Ms. Beth Kistner Chair)
Mr. Tim Carney
Mr. Don Magruder
Mr. Gene Rovak
Ms. Murial Hall
Ms. Heather Silverman
Mr. Matthew Schuh

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

ACCEPTANCE OF THE AGENDA

Ms. Silverman moved to accept the agenda, as submitted. Motion seconded and unanimously approved.

APPROVAL OF MINUTES

None

PUBLIC COMMENT

None

UNFINISHED BUSINESS

PUBLIC HEARING. Application #16-028 Comprehensive Plan Update Adoption

Those who planned to speak were sworn in.

Mr. Jason Jaggi the Director of Community Development gave an update on the meeting held with members of the business community. He went over the remaining objectives regarding the Comprehensive Plan. Mr. Jaggi summarized concerns and comments from business stakeholders. He went over the place type districts. He started with the Central Business District and said they brought some clarity to the commercial mixed use center. He gave the vision and showed where it would be on the map.

Mr. Jaggi went over the key recommendations and some of the key concerns. He said the design guidelines would need to be revised specifically for the Town Center area. He showed some examples of buildings in Creve Coeur that meet the concept that they are looking for the Town Center. He said the concepts presented go back quite a ways and the Town Center Concept actually goes back to the 1960's.

Mr. Jaggi showed some examples of communities that have town centers similar to what is in the Comprehensive Plan. He continued with an overview of the East Olive Corridor. He talked about having a second sidewalk.

Ms. Kistner said she was glad of the recognition that Executive Park may be an alternative as a Town Center. Said she would like it to be clear that the town center has flexibility compared to the CBD.

Ms. Kistner said she was concerned about West Oak and whether it fit.

Mr. Jaggi said buildings that fill in the gap would be fine. If there was a proposal they would want it to maintain a strong presence.

Mr. Tom Stern was sworn in.
He said the business owners have a real interest in preserving and maintaining their property. He said parking behind the building is a problem. He said the 2002 plan provided very little in terms of development ideas.

Ms. Kistner said she didn't know of any sections in the plan that required parking in the back. She asked him why he had that impression.

Mr. Stern said that was how it was written in the original plan.

Mr. Magruder said he understands his concerns, but would have liked to see some suggestions as to how to change the language in the proposed plan.

Mr. Stern said he would like to see some of the restrictions lifted from the Town Center. He said making Creve Coeur walk-able makes development difficult.

Mr. Magruder said he would like to see suggestions along with the grievances.

Mr. Schuh said the concepts that are articulated in this plan represent what he sees when he travels. He asked Mr. Stern why if it is being built elsewhere why it wouldn't work here.

Mr. Stern said it isn't practical here because there are lot size and density limitations.

Mr. Schuh asked about the revenue numbers he gave.

Mr. Stern said that was based on the rent that was generated.

Mr. Schuh asked if the concepts came to fruition would they generate a revenue more like Clayton.

Mr. Stern said he would hope so, but he wasn't so optimistic, because those places are much more walk-able.

Mr. Rovak said he would like to talk about flexibility that is offered in other places. He wanted to know what Clayton and Ladue offer that Creve Coeur doesn't offer.

Mr. Stern said perhaps it was a poor choice of words.

Mr. Carney asked what he would like to build.

Mr. Stern said he would like to build for a single tenant. He said his point was his economics preclude development of his site under the plan.

Mr. Carney asked if he had recently redeveloped any strip centers.

Mr. Stern said he had.

Ms. Silverman asked if he found the shopping center along Clayton to be walk-able.

Mr. Stern said he did not find it walk-able.

Mr. David Hutkin was sworn in.

He thanked Mr. Jaggi for his patience with the commercial developers. He also thanked Mr. Perkins and the Mayor for recognizing their concerns. He said he was encouraged by the questions the Commission raised.

Mr. Hutkin said they need to work together to help retail survive because they are both dependent on it. He suggested town homes or multi-tenant spaces. He suggested forming a working group to find a market based solution.

Mr. Hutkin said there is a risk of not understanding the demographics and the market. He would like to understand the shown projects better to understand how they work.

Mr. Schuh asked if some of the concepts along the Plant Science District were in line with what he would like to see.

Mr. Hutkin said yes it was a great opportunity.

Mr. Rovak said what they were suggesting was a draw for young people. He asked for another alternative as to how to draw people in.

Mr. Hutkin said they need to attract big employers.

Mr. Toby Martin was sworn in. He said he thinks creating mixed use in a town center is a challenging design situation and the restrictions should be carefully considered.

Mr. Jaggi addressed some of the comments made. He said they are not restricting parking. He said the plan does say parking is sensitive and can detract from a property. He said 1-2 story buildings are not a set restriction. He said comparing St. Louis County is unusual because they are one of 90 cities here. He said there is clearly a connection between what employers and employees are looking for in what they want in where they want to live and work and they need to be competitive. Mr. Jaggi said the plan creates a desirable place with vibrancy for those people. A place with character is what people want. Clayton is successful because it is walk-able, the transit, the housing options, and the business opportunities. He said there is a clear need that place matters.

Mr. Tim Breihan of H3 studies said there were revisions to Chapter 4 that clarified intent without being too prescriptive. He reviewed his memorandum regarding such changes, based on prior comments.

Mr. McCoy of the Parks and Historical Committee said he would like to see expansive recommendations in things that could be done. He asked about the removal of the utility lines.

Mr. Jaggi said it was very difficult and expensive to consider at this point.

Ms. Kistner asked if his suggestions were too detailed for the Comprehensive Plan.

Mr. Jaggi said it may be too specific, but he would speak to Jason Valvero.

Ms. Kistner confirmed the Commission agreed on the revisions.

Mr. Breihan moved on to Chapter 5 the Implementation Plan and early action items.

He talked about adopting and updating ordinances. He mentioned a Storm water Ordinance under consideration for properties with 1 acre.

Ms. Kistner asked about the significance of less than 1 acre.

Mr. Breihan said the land disturbance didn't fall under certain requirements if less than 1 acre.

He pointed out on 132-134 of the plan it is organized by goals and strategies of the plan to show the collective impact. Each strategy is given a time frame projection to maximize potential.

Ms. Silverman asked about the numbering and the order.

Mr. Breihan said they can rearrange the order if they like.

Ms. Silverman asked about the designated bike lanes on Spoede Rd and why Mosley and Graeser were not included.

Mr. Breihan said Spoede Rd provides increased connectivity to the South and the other two streets stop at Ladue.

Ms. Kistner said it provides what was lacking in the last plan.

Mr. Lumley entered the exhibits to the record and the public hearing was closed.

Mr. Jaggi said the memorandums need to be incorporated into the draft and then allow the public to absorb and when the commission is ready to adopt notify the public the draft is ready. He recommended they give the public 2 weeks to review.

Mr. Magruder asked about the business owners and developers concern.

Ms. Kistner said she thought there had been a significant amount of time dedicated to their concerns and the flexibility is there and addresses their concerns. She said the direction they are heading, while slow, is a good direction.

Mr. Magruder said he thought the revisions addressed their concerns.

Mr. Carney said he thought the detail was fine and there were many good changes made to demonstrate the flexibility of the plan.

Ms. Kistner said they need to set up to do something different to have new vision.

Ms. Silverman asked how many of the developers work in the East Olive corridor were here tonight.

Mr. Jaggi said several of them were here.

Ms. Kistner asked about the time frame for the adoption of the plan.

Mr. Jaggi said January 17th was the next scheduled meeting and they hoped to adopt then.

Ms. Kistner suggested holding off until February 6th to allow the public plenty of time to review the draft.

Mr. Carney motioned to continue the comprehensive plan until the meeting of 2/6/17, and was duly seconded, and approved as follows:

Mr. Schuh-aye	Ms. Hall-aye	Mr. Carney-aye	Mr. Rovak-aye
Ms. Silverman-aye	Mr. Magruder-aye	Chair, Ms. Kistner-aye	

NEW BUSINESS

None

WORK AGENDA

None

DEPARTMENT REPORTS

Mr. Jaggi said there are a number of items on the agenda for January 17th.

Ms. Kelly gave a briefing on the upcoming projects.

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 9:05 P.M.

Beth Kistner, Chairman

Jessica Stutte, Recording Secretary



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

**#17-001: BOUNDARY ADJUSTMENT PLAT BETWEEN MERCY
HOSPITAL AT 12120 CONWAY ROAD AND
TEMPLE EMANUEL AT 12166 CONWAY ROAD**

FOR THE MEETING OF: Tuesday, January 17, 2017, 6:30 PM.

SUBJECT PROPERTY LOCATION: Mercy Hospital, 12120 Conway Road, former Skilled Nursing Facility, zoned PH-Planned Hospital District, and Temple Emanuel, zoned A Single Family Residential District.

REQUEST: George Stock, of Stock and Associates, on behalf of Mercy Hospital, has submitted for a boundary adjustment to move the northwest property line abutting Temple Emanuel west by approximately 155 feet, adding 0.968 acres to the site of the former Skilled Nursing Facility at 12120 Conway Road. Mercy will purchase this area for a future redevelopment of the site for a medical office building which will be reviewed by the Planning and Zoning Commission and City Council at a later date.

ADDITIONAL INFORMATION: The lot at 12120 Conway will be increased from 7.734 acres to 8.702 acres, zoned PH District. The Temple Emanuel, property, at 121266 Conway, zoned A Single Family Residential, will be decreased to 6.237 acres. All religious organizations (NAICS 813110) are a conditional use, in the A Single Family District, where Section 405.470 requires a minimum of 3 acres in residential districts. The building was originally built in 1962, prior to the current regulations, and therefore may contain non-conformities. However the proposed boundary adjustment would not appear to create any additional non-conformities on the site. The proposed plat also eliminates the two separate lots at the Skilled Nursing site into one lot.

Key Issues:

- Does the adjustment create non-conformities on either lot?

Subdivision Code References

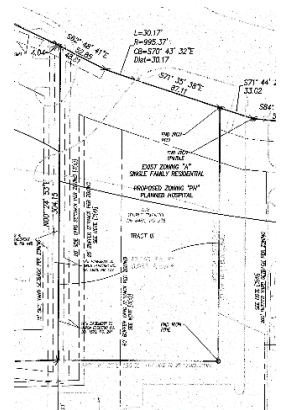
- Section 410.030(D)

Zoning Code References

- Section 405.250: A Single Family Residential
- Section 405.310: PH-Planned Hospital District
- Section 405.470: Conditional Uses

APPLICANT: George Stock
Stock & Associates Consulting
Engineers, Inc.
257 Chesterfield Business Parkway
Chesterfield, MO 63005

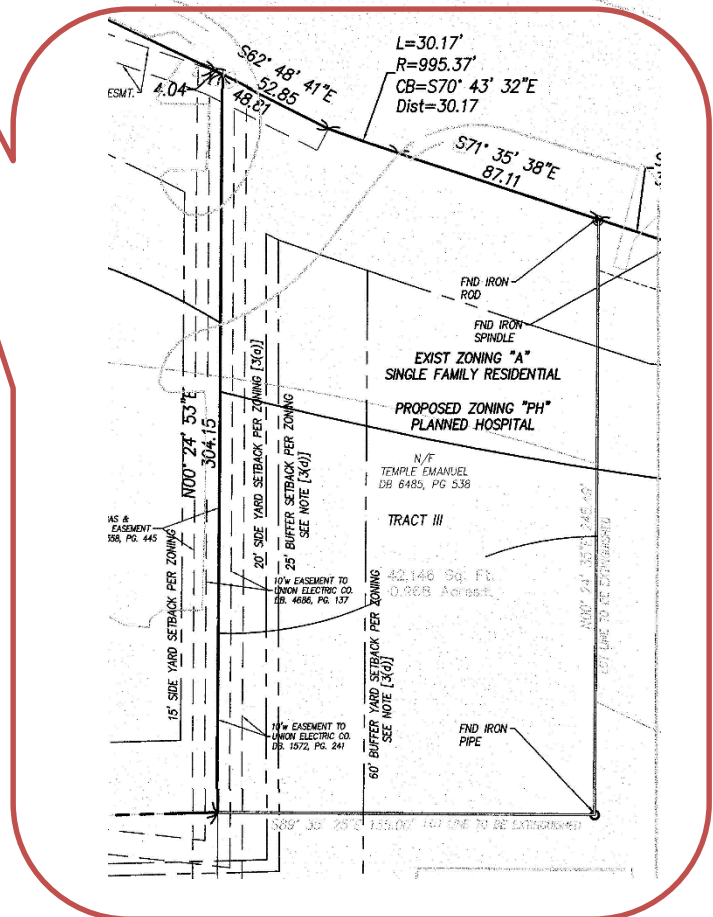
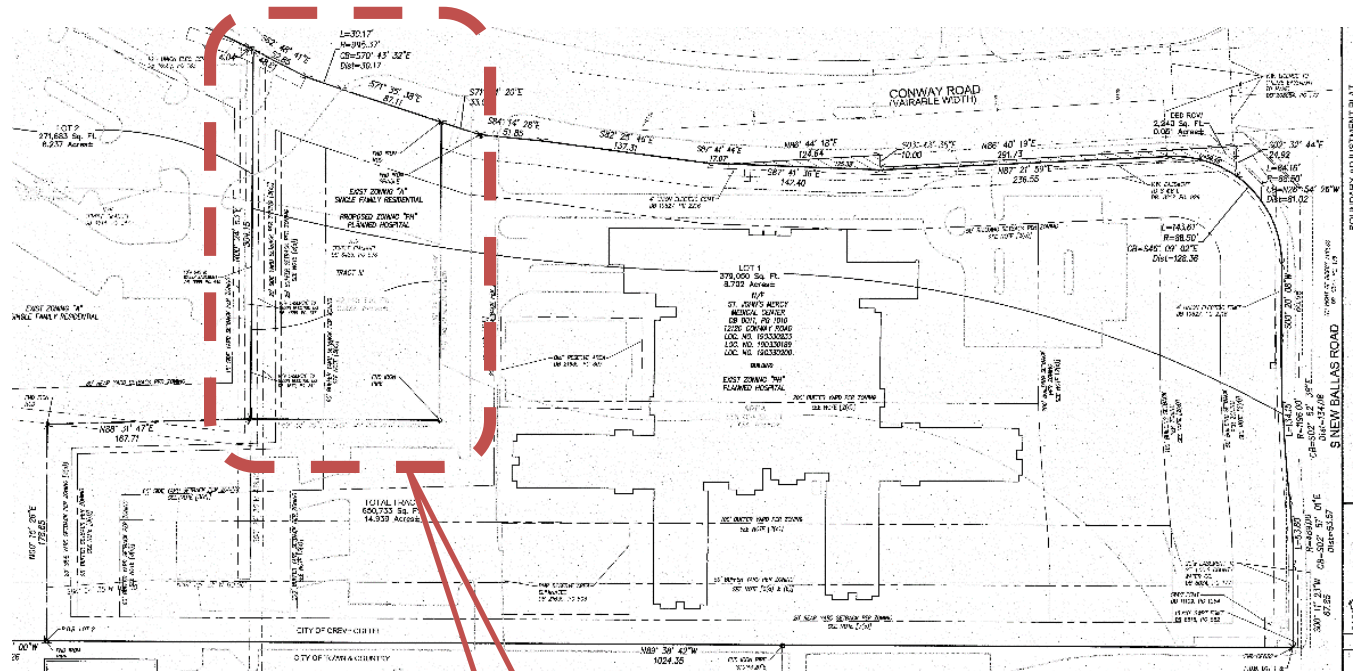
PROPERTY OWNER: Mercy
615 S. New Ballas Road,
Creve Coeur, MO 63141



REPORT PREPARED BY: Whitney Kelly, AICP, City Planner
DATE: 1/12/2016
ATTACHMENTS: Applicant's Materials received December 16, 2016

PROPOSAL

Below is the close-up of the plat with the area of change highlighted in red.



LAND USE AND ZONING OF SURROUNDING PROPERTIES

The adjacent zoning and land uses for the two properties are as follows:

Direction	Use	Zoning District	Separated by
North	Main hospital campus	PH-Planned Hospital	Conway Road
South	Office Buildings	Town & Country zoning	N/A
East	Single Family Residential	Village of Westwood	N. New Ballas Road
West	Covenant Theological Seminary; Single Family Residential	HE-Higher Education District; A Single-Family Residential	I-270

DISCUSSION

A boundary adjustment, which is not a subdivision plat, is possible when the following regulation from the Subdivision Code is satisfied:

410.030(D) Sale or transfer of small parcels of land to or between adjoining property owners, where such sale does not create additional lots, is exempt from the requirement of recording by plat; provided, however, that certification by the Planning and Zoning Commission shall be required prior to such sale or transfer. This certification shall be recorded with the title of the property by the St. Louis County Recorder of Deeds.

This appears to be the case with the current application. The survey submitted indicates that the property changes do not appear to create any additional non-conformities on the site. As such, and given the staff conclusion that the drawings are technically accurate, the adjustment should be approved by the Planning and Zoning Commission. For that portion of the entrance that will shift into the Mercy property, a cross access agreement was included in the sale agreement between Temple Emanuel and Mercy.

ACTION

If the members of the Planning Commission are satisfied that the requested boundary adjustment meets the applicable requirements of the Subdivision Code, the Planning Department staff request that a final decision be voted upon; no action by the City Council is required.

MOTION

The following are examples of a motion for this application:

“I move to approve the 12120 & 12166 Conway Road boundary adjustment attached to the staff report on application #17-001 received January 17, 2017, subject to the condition that a final drawing be prepared for signature and recording, and a cross access easement be provided.”
(Conditions may be added, eliminated, or modified by preceding motion)

APPENDIX 1: ZONING CODE

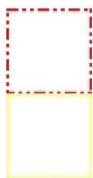
Included and attached by reference. See body of report for specific excerpts.

APPENDIX 2: CREVE COEUR SUBDIVISION AND LAND DEVELOPMENT REGULATIONS (CHAPTER 410 OF THE CREVE COEUR MUNICIPAL CODE)

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

APPENDIX 3: AERIAL PHOTO

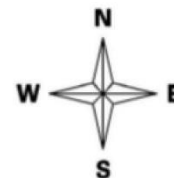
12120 & 12166 Conway Road



City Limits

Parcels

January 12, 2017



Prepared By

HORNER SHIFRIN


city of

CREVE COEUR

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

**APPLICATION TO PLANNING AND ZONING COMMISSION
 #17-004 FOR TEXT AMENDMENTS TO THE ZONING ORDINANCE
 ALLOWING INDOOR FIREARMS, PNEUMATIC GUN AND ARCHERY RANGES
 AS A PERMITTED USE IN THE LI-LIGHT INDUSTRIAL DISTRICT AND
 ESTABLISHING A PARKING STANDARD FOR SUCH USES**

FOR THE MEETING OF: Tuesday, January 17, 2017

LOCATION: LI—Light Industrial District

REQUEST: The Director of Community Development, on behalf of the City of Creve Coeur, has submitted a text amendment application to Chapter 405, Zoning Ordinance, Attachment 1, Table A: Permitted and Conditional Uses to allow indoor firearms, pneumatic gun and archery ranges as a permitted use in the LI- Light Industrial District; and, Section 405.820 Required Off-Street Parking Spaces to establish the minimum number of off-street parking spaces for such uses.

ADDITIONAL INFORMATION: A review of the City's Code of Ordinances has found that the City does not sufficiently regulate indoor gun and archery ranges. The proposed amendment would establish locational requirements for such uses within the Zoning Ordinance. In conjunction with the Zoning Ordinance amendment, licensing and operating requirements are also being proposed as a new chapter within Title VI: which regulates Businesses and Occupation.

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

REPORT PREPARED BY:

Jason W. Jaggi, AICP, Director of Community Development

ATTACHMENTS: Draft Ordinance
 Draft Ordinance Amending Chapter 624 regarding Licensing of Indoor Firearms, Pneumatic Gun and Archery Ranges

Key Issues:

- Is this a reasonable exercise of zoning authority?
- Is this consistent with the purposes of the Zoning Code
- Is this consistent with the purposes of the Comprehensive Plan

Comp. Plan References

- NA

Zoning Code References

- Section 405.210: Regulation of Uses, Table A, Permitted and Conditional Uses
- Section 405.820: Required Off-Street Parking Spaces

BACKGROUND

The Zoning Ordinance allows Amusement and Recreation Industries as a conditional use in all residential districts and the Planned Commercial, General Commercial, Core Business and Light Industrial Districts which is referenced under NAICS Use Code 713990. Examples of businesses within this category include amusement ride concession operators, miniature golf courses, recreational or youth sports teams, recreational sports clubs not operating facilities, and dance halls. NAICS 713990 also includes archery or shooting ranges. The City specifically excludes gun and shooting clubs as part of this use category. Since shooting and archery ranges are listed as an example use within this category and could be viewed as not operating as a “club”, the City would be in a position to allow applicants to request approval of such uses in all residential and commercial, and industrial districts.

SUMMARY OF PROPOSED TEXT AMENDMENT

NAICS #713990 All Other Amusement and Recreation Industries (except gun and shooting clubs) will be revised to reflect the current language of the North American Industrial Classification of archery or shooting ranges, versus clubs that is currently indicated. An additional Creve Coeur specific category is created to allow for the Indoor Firearms, Pneumatic Gun, and Archer Ranges, subject to the Article VI of Chapter 624) as a permitted use in only the LI District, per the example below:

Use Code	2012 NAICS Title	ZONING DISTRICTS													
		A	B	C	D	AR	HE	PH	PO	RO	MX	PC	GC	CB	LI
713990	All Other Amusement and Recreation Industries (except <u>Archery or gun and shooting ranges clubs</u>)	C	C	C	C	C						C	C	C	P
CC713990	<u>Indoor Firearms, Pneumatic Gun, and Archery Ranges (subject to Article VI of Chapter 624)</u>														<u>P</u>

Parking

Staff is also proposing a parking standard specific for this use based upon the research from the American Planning Advisory Service manual for Parking Standards for specific uses and their parking requirements, and other City regulations around the country that recommended indoor shooting range to have one (1) space per firing lane and one (1) space per staff member. Therefore, Section 405.820(H)(7)(b) Required Off-Street Parking Spaces of the Zoning Ordinance would be revised to include the underlined below:

Article VII. Off-Street Parking and Loading Regulations**Section 405.820. Required Off-Street Parking Spaces.****H. Services.****7. Amusement and recreation facilities.**

- a. Fine arts schools (NAICS 61161) and sports and recreation instruction (NAICS 61162). One (1) space per two hundred (200) square feet of floor area.
- b. Fitness and recreational sports centers (NAICS 71394), and all other amusement and recreation industries (NAICS 713990). One (1) space per one hundred fifty (150) square feet of floor area. Indoor Firearms, Pneumatic Gun, and Archery

Ranges (CC713990), shall provide for one (1) space per firing lane and one (1) space for every employee during the busiest shift.

- c. Bowling centers (NAICS 71395). Five (5) spaces per lane.
- d. Golf courses and country clubs (NAICS 71391). Four (4) spaces per hole.
- e. Public or private commercially operated recreational complexes and associated structures. Five (5) spaces per gross acre plus one (1) space per one hundred (100) square feet of floor area for associated support buildings.

ACTION AND 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 text amendment ordinance attached to the January 17, 2017 staff report on Application #17-004 for indoor firearms, pneumatic gun and archery ranges to Table A: Permitted and Conditional uses.” (Conditions may be added, eliminated, or modified by preceding motion).

APPENDIX 1: COMPREHENSIVE PLAN

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

APPENDIX 2: ZONING CODE

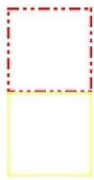
Included and attached by reference. See body of report for specific excerpts.

APPENDIX 3: BUSINESS AND OCCUPATION

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

APPENDIX 4: AERIAL PHOTO

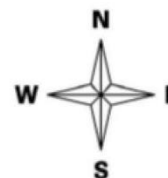
LI-Light Industrial District



City Limits

Parcels

January 3, 2017



Prepared By

HORNER SHIFRIN

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 405.210 TABLE A OF THE CODE OF ORDINANCES OF THE CITY OF CREVE COEUR, MISSOURI ALLOWING INDOOR FIREARMS, PNEUMATIC GUN AND ARCHERY RANGES AS A PERMITTED USE IN THE LI-LIGHT INDUSTRIAL DISTRICT AND ESTABLISHING A PARKING STANDARD FOR SUCH USES

WHEREAS, an application by the Director of Community Development, on behalf of the City of Creve Coeur, submitted a text amendment application to Chapter 405, Zoning Ordinance, Attachment 1, Table A: Permitted and Conditional Uses to allow indoor firearms, pneumatic gun and archery ranges as a permitted use in the LI- Light Industrial District and, to establish the minimum number of off-street parking spaces for such uses, where a review of the City's Code of Ordinances has found that the City does not sufficiently regulate indoor gun and archery ranges; and,

WHEREAS, the Planning and Zoning Commission of the City of Creve Coeur, Missouri has recognized the need for amendments to the allowed permitted and conditional uses of the City Code of Ordinances as set forth herein, to more effectively implement the goals of the Comprehensive Plan and the purposes of the Zoning Code; and,

WHEREAS, the Planning and Zoning Commission of the City of Creve Coeur, Missouri, held a public hearing thereon at the Creve Coeur Government Center on Tuesday, January 17, 2017, beginning at 6:30 p.m., or immediately following the close of the previous public hearing; and,

WHEREAS, the Planning and Zoning Commission reviewed and, by a vote of _____ recommended approval of the subject amendments at its meeting on January 17, 2017; and,

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

WHEREAS, all persons who presented themselves at said meeting and desiring to be heard were given an opportunity to be heard and a copy of the proposed ordinance has been made available for public inspection prior to its consideration by the City Council; and the Bill was read by title in open meeting two times before final passage by the City Council; and,

WHEREAS, the City Council being fully informed finds that amending the City Code of Ordinances would be in harmony with and bear a substantial relation to the public welfare, health, safety, comfort and convenience of the citizens of the City of Creve Coeur and in the public interest.

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

SECTION 1: The following individual line items in Section 405.210 Table A Permitted and Conditional Uses shall be amended as follows, while all other parts of Table A shall remain unchanged:

BILL NO. _____

ORDINANCE NO. _____

Chapter 405, Table A, Permitted and Conditional Uses

P=Permitted Use; C=Conditional Use Permit Required

Use Code	2012 NAICS Title	ZONING DISTRICTS													
		A	B	C	D	AR	HE	PH	PO	RO	MX	PC	GC	CB	LI
713990	All Other Amusement and Recreation Industries (except <u>Archery or gun and shooting ranges clubs</u>)	C	C	C	C	C						C	C	C	P
<u>CC713990</u>	<u>Indoor Firearms, Pneumatic Gun, and Archery Ranges (subject to Article VI of Chapter 624)</u>														<u>P</u>

SECTION 2: Section 405.820(H)(7)(b) Required Off-Street Parking Spaces of the Zoning Ordinance shall be revised to include the underlined below:

Article VII. Off-Street Parking and Loading Regulations

Section 405.820. Required Off-Street Parking Spaces.

H. Services.

7. Amusement and recreation facilities.

b. Fitness and recreational sports centers (NAICS 71394), and all other amusement and recreation industries (NAICS 713990). One (1) space per one hundred fifty (150) square feet of floor area. Indoor Firearms, Pneumatic Gun, and Archery Ranges (CC713990), shall provide for one (1) space per firing lane and one (1) space for every employee during the busiest shift.

SECTION 3: This ordinance shall become effective in accordance with Section 3.11 (g) of the City Charter.

ADOPTED THIS ____ DAY OF _____, 2017.

ELLEN LAWRENCE
PRESIDENT OF CITY COUNCIL

APPROVED THIS ____ DAY OF _____, 2017.

BARRY GLANTZ
MAYOR

ATTEST:

DEBORAH RYAN, MPCC
CITY CLERK

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE ADDING CHAPTER 624 OF THE CODE OF ORDINANCES OF THE CITY OF CREVE COEUR, MISSOURI, REGARDING LICENSING OF INDOOR FIREARMS, PNEUMATIC GUN AND ARCHERY RANGES.

WHEREAS, pursuant to the City Zoning Code, indoor firearms, pneumatic gun and archery ranges are allowed in the Light Industrial District with a conditional use permit; and

WHEREAS, the discharge of bullets, pellets, shot, arrows, and other projectiles presents unique safety and health issues, and is particularly dangerous to inhabitants within the City due to dense suburban population; and

WHEREAS, having a limited set of standard license regulations for such ranges will help protect and serve the public health, welfare and safety without impairing applicable rights;

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

Section 1. Chapter 624 of the Code of Ordinances of the City of Creve Coeur is hereby enacted to read as follows:

Section 624.010. Short Title.

This Chapter shall be known and may be cited as the "Indoor Firearms, Pneumatic Gun and Archery Range Ordinance of the City of Creve Coeur."

Section 624.020. Policy.

It is hereby declared that firearms, pneumatic gun and archery ranges are operations that affect the public health, safety and general welfare.

Section 624.030. License Required.

A. It shall be unlawful for any person to operate a firearms, pneumatic gun or archery range within the City without obtaining and keeping in effect a license from the City. A license as issued or renewed shall be valid for a period ending the next June 30 after issuance, unless earlier suspended or revoked. A license shall be for a specific physical location and specific operator and shall not be transferable. In the event the licensee is a partnership or entity, a new license shall be required in the event of any change in partners or owners thereof. A license shall either

authorize operation of a firearms, pneumatic gun and archery range, or if requested on the application only an archery range.

B. Notwithstanding the foregoing, due to constant supervision by the Chief of Police and command staff, the City Police Department Firearms Training Range shall not require a license under this Chapter.

Section 624.040. License Applications.

An application under this Chapter for license issuance or renewal may be made by letter to the Director of Finance of the City and shall be made under oath or affirmation that the contents thereof are true. Each such application shall also meet the following requirements:

1. The application shall be made in the name of an individual sole proprietor or a partnership or entity, and shall identify by name and residence address all individual partners or owners of the applicant.
2. All such owners must be at least 21 years of age, and proof of age must be included with each application.
3. No such owner can be a convicted felon. Each application for issuance or renewal shall expressly confirm compliance with this prohibition and must include a complete criminal history check on each such owner conducted through the Missouri State Highway Patrol.
4. The application shall confirm that the applicant has been and will remain in compliance with all applicable laws, regulations, building codes and ordinances regarding the operation of their range, including this Chapter.
5. The application must be accompanied by proof that the premises have passed inspections by the Community Development Department and Police Department under this Chapter within the last 30 days.
6. The application must include proof that the applicant and the range are covered by general liability insurance with coverage of at least \$2,000,000 per occurrence.

Section 624.050. License Fees.

Each application for issuance or renewal of a license under this Chapter shall be accompanied by payment of a fee of \$100.00 to cover processing costs. Fees are not pro-ratable. Fees will not be refunded if an application is denied or revoked.

Section 624.060. License Processing and Review.

Applicants should take into account that while processing time is not guaranteed, they should plan for at least 30 days after submission of a complete application. If a complete renewal application is submitted at least 30 days prior to license expiration, the prior license shall be

deemed extended until the renewal is granted or denied. Upon receipt of an application under this Chapter the Director of Finance shall review same with the Chief of Police. The Director of Finance shall promptly advise the applicant if and how the application is incomplete, or otherwise either grant or deny, with specific explanation, the issuance or renewal of the license.

Section 624.070. Inspections.

Upon request of the owner or operator of premises subject to this Chapter, and payment of inspection fee of \$100 to cover costs (which fee is in addition to an application fee), the Community Development Department and Police Department shall inspect the premises for compliance with applicable laws, regulations, building codes and ordinances. Each Department shall issue to the requesting person a dated written report as to any deficiencies identified, or if none confirming a satisfactory inspection.

Section 624.080. Operating Requirements.

Each licensed firearms, pneumatic gun and archery range shall meet the following requirements at all times:

1. An effective license issued by the City under this Chapter shall always be on conspicuous public display inside and near the main entrance to the building.
2. No bullets, pellets, shot, arrows, or other projectiles shall be discharged outside the building. Each range shall be designed and operated to contain all bullets, pellets, shot, arrows, and other projectiles, including ricochets.
3. No one under the age of 12 years shall be allowed to remain in the building unless accompanied by their parent or legal guardian or an adult supervisor approved by their parent or legal guardian.
4. During all hours of operation, there shall be at least one manager on the premises over the age of 21 years to supervise the range and there shall be at least one person on the premises over the age of 21 years who holds a Chief Range Safety Officer certificate issued by the National Rifle Association, or an equivalent certificate as determined by the Chief of Police. The same person can serve as manager and Chief Range Safety Officer.
5. No alcoholic beverages shall be allowed on the premises.
6. No person who is in a drunk or disorderly condition shall be allowed to remain on the premises.
7. No person who cannot lawfully possess a firearm pursuant to Section 571.070 or other applicable law shall be allowed to remain on the premises, unless the range is solely licensed and operated as an archery range.

8. The premises shall be maintained and operated in a clean and orderly manner, in compliance with all application laws. Indoor air quality requirements regarding lead shall be met, such as 29 CFR 1910.1025.

9. No firearms shall be discharged between the hours of 11:00 pm and 7:00 am.

10. Lead shall be regularly and safely managed, reclaimed and recycled.

11. Access to the premises shall be secured and controlled to assure compliance with the requirements of this Chapter.

12. The applicant and the range shall be covered by general liability insurance with coverage of at least \$2,000,000 per occurrence.

Section 624.090. License Suspension and Revocation.

The Finance Director may suspend or revoke any license issued or renewed under this Chapter for any material violation of this Chapter. If the Finance Director determines that there is an imminent threat to public health and safety, they may suspend the license immediately by written notice identifying the source of such threat, but shall hold a hearing thereon within seven days of written request from the licensee. Absent such imminent threat, the Finance Director shall schedule a hearing prior to taking any suspension or revocation action and shall provide at least 10 days written notice thereof to the licensee, delivered to the licensed premises. In issuing any suspension, notice of hearing, or revocation, the Finance Director shall identify the applicable violation(s). Any suspension shall be terminated by the Finance Director upon proof of correction of such violation(s). In the event the Finance Director determines that the licensee is not willing or able to comply with this Chapter, they shall revoke the license. A record shall be made of any hearing held hereunder. Any person aggrieved by a decision of the Finance Director after hearing shall have the right to judicial review in the Circuit Court of St. Louis County.

Section 624.100. Severability.

If any provision of this Chapter is for any reason held to be invalid, unlawful or unconstitutional, such decision shall not affect the validity of the remaining provisions of this Chapter.

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

From: David Hutkin
Sent: Friday, December 23, 2016 10:43 AM
To: Jason Jaggi (jjaggi@crevecoeurmo.gov)
Cc: 'mperkins@crevecoeurmo.gov'; 'bglantz@crevecoeurmo.gov'
Subject: RE: Creve Coeur 2016 Comprehensive Plan

Dear Chairperson Kistner and Members of the Planning and Zoning Commission of the City of Creve Coeur,

Thank you for the time you graciously devoted the other night to listen to our comments as well as to continue your thoughtful review of the 2016 Comprehensive Plan. It is reassuring to see the Commission and the City's staff take such careful consideration of this very important process. More reassuring is the open-mindedness both the Commission and the City's staff have adopted throughout this process.

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 several 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. **We have already seen evidence of that in the most recent round of changes to the Comprehensive Plan adopted by the Commission.**

At last week's hearing, a wise commissioner asked for specific recommendations to address those areas the commercial property owners are troubled by. That is not just a fair request but a very good idea.

In that regard, last June we volunteered our services to sit down with the City's paid professional consultant, City staff and a working group that, if possible, would include a couple of members of the P&Z Commission and again if possible and the P&Z Commission was open to the idea, include the Mayor and 1 or 2 members of the City Council.

The concept and goal of these collaborative work sessions is to create a document that is fully informed by the concerns and priorities of the City and the commercial property owners so that the end product of the 2016 Comprehensive Plan is; functional, reflects the realities of the marketplace in which we all operate, actionable and has a reasonable likelihood in promoting the type of development we would all like to see in the City.

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 commitment 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.

By virtue of the fact that we all own and operate commercial properties throughout the St. Louis metropolitan area and in some cases in other parts of the country, we bring a relatively broad perspective about our business in general and how Creve Coeur compares to its neighboring and competing communities.

We think this is an important fact to bear in mind as several of our properties have been identified by the City as being a point of focus of the City.

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 its 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.

Creve Coeur is home to a significant inventory of Class B office buildings which are working to recover from the Great Recession. Coupled with the changes in how people work and what employers demand in terms of infrastructure and amenities, it remains unclear whether Class B properties will regain a healthy economic future or deliver the workplace environment sought by today's employers.

At the same time, in almost every St. Louis county submarket, the Class A space occupancy rate is at a very healthy level. This would indicate that demand is likely waiting on the sidelines for new Class A space since almost no speculative Class A space has been developed since the Great Recession with the exception of a few projects underway along the I-64/Highway 40 corridor.

We have within our group people who have developed and or acquired significant amounts of office space. We repeat our offer to you to engage in an exercise of analyzing where the City has opportunities to join those markets that are enjoying office development, be it Chesterfield, Clayton or other submarkets.

We are all interested in working with you and the City to answer your questions about where does this leave Creve Coeur and what can we do collectively to encourage growth along the Olive and I-270 corridor, the Olive - Lindbergh – Warson corridor as well as other areas in the city that can support office development. We believe that if Creve Coeur doesn't preserve its place in the market as an important home to Class A office buildings and in turn be a "top of mind" option for employers and their real estate brokers, , then the community and its stakeholders will go backwards by virtue of Creve Coeur's competitive set of communities advancing.

We don't necessarily disagree with the Plant Sciences Master Plan position that traditional office demand will not experience significant growth but even a relatively modest amount of traditional office space, say 250,000SF, would house approximately 1250 employees. That would ripple through the Creve Coeur economy in a number of ways, spurring housing demand (for sale and rental), retail sales, resulting in enhanced sales tax, utility tax, civic prestige, etc.

Please let us know how we can team up and collaborate with you and the City to help Creve Coeur accomplish its goals and enhance the likelihood that Creve Coeur will preserve its financial sustainability.

Thank you again for all the time you devote to making Creve Coeur all that it can be.
Sincerely,

Capitol Land Co.

Creve Coeur Plaza Associates, LLC

Gershman Commercial Real Estate

Hutkin Properties Group, LLC

Wolff Properties