



**AGENDA**  
**PLANNING AND ZONING COMMISSION MEETING**  
**CITY OF CREVE COEUR, MISSOURI**  
**MONDAY, JULY 20, 2020**

**6:30 PM**

As a precautionary measure to help prevent exposure and spread of COVID-19, the Planning and Zoning Commission scheduled for Monday July 20, 2020, at 6:30 p.m. will be livestreamed online.

The Council Chambers will be closed to the public; however, citizens are encouraged to participate and submit public comments in the following ways:

1. **Video Livestream** — Watch a live video broadcast of the Planning and Zoning Commission meeting here: <https://us02web.zoom.us/j/81194889256>. The public will be required to provide a name and email address to enter the meeting. The email address will not be saved or used to contact you. Citizens will have the opportunity to make public comments live during the meeting using the video livestream program ([How to Participate in Online Public Meetings](#)).
2. **Teleconference** — Call in to the meeting by dialing 1-646-876-9923 /// Webinar ID: webinar ID: 811 9488 9256.
3. **Email** — Public comment may also be emailed to the City no later than 5:00 p.m. on Monday, July 20, 2020. Submit public comments to Whitney Kelly, City Planner, at [wkelly@crevecoeurmo.gov](mailto:wkelly@crevecoeurmo.gov).
4. **Live Audio** — Listen to a live audio broadcast of the Planning and Zoning Commission meeting by visiting the [Agendas & Minutes](#) page and clicking on the "Audio" link at the start of the meeting (audio only).

For agenda items that require a public hearing, the City's court reporter will swear in all persons who wish to speak on the application, however, the Planning and Zoning Commission may vote to suspend this rule for agenda items where significant public participation is expected in recognition of the logistical constraints of audio/ video conferencing. When the Chair believes it is in the best interest of the Commission to suspend this requirement, he/she shall call for a vote of the Commission to affirm the suspension prior to opening the public hearing. If the requirement is suspended, speakers in the hearing will nonetheless be expected to be truthful.

Members of the public will have three (3) minutes to provide comments. The Commission will utilize a timer that is visible to the public to monitor the time, subject to limits of technology. The Chair reserves the right to end the public comment for that individual if the time allowance is not being respected. The Chair will also have the discretion to end public comment for an individual for disruption of the hearing. Citizens are encouraged to select one or two members of a group to address the Commission as a spokesperson. Time limits for spokespersons may be extended at the discretion of the Chair.

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. James Myers  
Mr. Gene Rovak  
Mr. Larry Potashnick  
Mr. Todd Streiler  
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. July 6, 2020 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**

(None)

**NEW BUSINESS**

**1. PUBLIC HEARING. Application #20-015: Text Amendment to Allow for Drug and Druggists' Sundries Merchant Wholesalers (NAICS 424210) as a Conditional Use in the GC-General Commercial District**

Paul Martin, attorney on behalf of Larry Malashock, owner of LARPAT LLC at 10880 Baur Boulevard, has submitted an application for a text amendment to the zoning code to allow Drug and Druggists' Sundries Merchant Wholesalers (NAICS 424210) as a conditional use in the GC-General Commercial District. Currently, the aforementioned use is not permitted in the GC District. If the text amendment is approved, the applicant intends to file for a conditional use permit to allow Baur Distributing to operate within a portion of the Baur Executive Suites building at 10880 Baur Boulevard. Text Amendments to the Zoning Ordinance requires review at the Planning and Zoning Commission and approval by the City Council.

- 2. PUBLIC HEARING. Application #20-017: Conditional Use Permit for a Limited Services Restaurant, Vitality Bowls, Within Plaza Shops at 741 N. New Ballas Road**  
Mark Matiszik, of G, Section, Inc. (DBA Vitality Bowls #069), has submitted for a conditional use permit for a new fast casual, 919 square foot restaurant, Vitality Bowls Superfood Café, with a maximum number of 16 seats, at 741 N. New Ballas Road, within the Plaza Shops Shopping Center, Creve Coeur MO, 63141. The subject property is zoned CB, Core Business District. All limited-service restaurants (NAICS 722513) are permitted as a conditional use with review and approval by the City Council upon the recommendation of the Planning and Zoning Commission.
- 3. PUBLIC HEARING. Application #20-018: Conditional Use Permit for an In-Patient, Medical Drug Testing and Research Facility, BioPharma at 10330 Old Olive Street Road**  
Andrew Janis, of BioPharma Services USA, Inc., has submitted a conditional use permit application for an 88-bed, 25,017 square foot Medical Drug Testing and Research Facility at 10330 Old Olive Street Road, Creve Coeur, MO 63141, and where patients/subjects usually stay a day or two, but sometimes can be longer. All Other Miscellaneous Ambulatory Health Care Services, NAICS 621999, are conditional uses in the GC-General Commercial District with review at the Planning and Zoning Commission and approval by the City Council.
- 4. Application #20-019: Site Development Plan for a Detached Accessory Structure for an Outdoor Pavilion that Includes an Outdoor Chimney that Has a Total Height of 17.5 Feet for the Property at 12861 Chamblee Lane**  
Agape Construction, on behalf of Bob and Kelly Jordan, the homeowners of 12861 Chamblee Lane, Creve Coeur, MO 63141, has submitted an application for a minor site plan for the approval of an outdoor pavilion/covered porch with fireplace, kitchenette and bathroom, where the chimney for the fireplace has a total height of 17.5 feet. The proposed outdoor pavilion is located behind the home adjacent to the existing pool. Section 405.460(C)(5) states that detached accessory structures in any residential district shall not exceed twelve (12) feet in height. Section 405.620(A)(2) provides that the height limitations stipulated in the applicable districts shall not apply to chimneys, provided that such structures are approved by the Planning and Zoning Commission in accordance with the provisions for site development plan approval in Section 405.1080. City Council action is not required.

**WORK AGENDA**

(None)

**DEPARTMENT REPORTS**

Director of Community Development

**ADJOURNMENT**

**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.**

Posted: \_\_\_\_\_  
Jason W. Jaggi  
Director of Community Development

DRAFT MINUTES  
 PLANNING AND ZONING COMMISSION MEETING  
 CITY OF CREVE COEUR, MISSOURI  
 MONDAY, JULY 6, 2020

6:30 P.M.

**CALL TO ORDER**

**ROLL CALL**

|                  |                            |
|------------------|----------------------------|
| Beth Kistner     | Commission Chair           |
| Gene Rovak       | Commission Member (Remote) |
| Tim Carney       | Commission Member (Remote) |
| Muriel Hall      | Commission Member (Remote) |
| Larry Potashnick | Commission Member (Remote) |
| James Myers      | Commission Member (Remote) |
| Todd Streiler    | Commission Member (Remote) |

The following staff were also present: Stephanie Karr, City Attorney; Jason Jaggi, Director of Community Development; Whitney Kelly, City Planner; and, Chris Tumbarello, IT Coordinator. (Jessica Stutte, Planning Assistant/Recording Secretary is absent.)

**ACCEPTANCE OF THE AGENDA**

Mr. Rovak made a motion to accept the agenda. Mr. Carney seconded. All in favor.

**APPROVAL OF MINUTES**

**1. June 15, 2020 Planning and Zoning Commission  
 Draft Meeting Minutes**

Mr. Myers made a motion to accept the June 15, 2020 meeting minutes.

Mr. Streiler made a correction on page 5 where it was stated Mr. Streiler said the city would gain more revenue from the site if it were a pool site. Mr. Streiler indicated that should read "if it was a point of sale site".

Mr. Rovak moved to approve the minutes with the correction. Mr. Myers seconded. All in favor.

**PUBLIC COMMENT**

Linda Rezny, 104 Graeser Acres, indicated she sent five emails today. Residents can't get the new agenda information until the close of the day before the weekend, and even if I sent you an email the next day, I understand you can't get it until Monday.

Ms. Rezny inquired if the emails sent on Monday are relayed as they arrive or all at the end of day. Ms. Rezny suggested that the Commission find some way that residents can communicate with the Commission on a realtime basis.

**UNFINISHED BUSINESS**

**1. Application #20-002 & #20-010: Boundary Adjustment, Site Development Plan and Conditional Use Permit for QuikTrip Gas Station with Convenience Store at 11004, 11026, and 11032 Olive Boulevard and 825 and 827 Graeser Road, and the Redevelopment of the Adjacent Retail Center at 11032 and 11056 Olive Boulevard.**

Mr. Jaggi indicated the Commission asked staff and the applicant for additional information to consider at tonight's meeting. Mr. Jaggi indicated staff has prepared a follow-up staff memo with that information.

One of the items that was mentioned concerned traffic operations, and specifically, how would this intersection, being Olive and Graeser, compare from a traffic operations perspective compared to other intersections along Olive, so Spode would be one example, Mosley would be another example, Schulte would be a third example.

Mr. Jaggi indicated the traffic consultant prepared some additional information and that memo has been included in the packet.

Mr. Jaggi indicated deliveries was another point of consideration. We have suggested that the Commission consider a prohibition on larger delivery trucks on southbound on Graeser.

Mr. Kyle Evans, traffic engineer, discussed traffic volumes and levels of service.

Mr. Streiler inquired about traffic delays. Discussion was had concerning traffic.

Gwen Keen discussed new pieces of information from the Applicant. Ms. Keen indicated the applicant has been made aware of conditions.

Mr. Rovak inquired about property values and what the findings were by staff. Mr. Jaggi indicated staff was not able to do a whole lot of analysis, but staff summarized some of the information in the staff report.

Discussion was had concerning truck and tanker traffic and delivery times. Discussion was had about Mobil On The Run and Circle K's delivery times.

Chairman Kistner indicated there are six standards for review, and Jason set them forth on page 12. Chairman Kistner summarized those standards.

Discussion was had concerning Design Guidelines and the Comprehensive Plan.

Mr. Myers made a statement about criteria regarding the Comprehensive Plan. In his view the QuikTrip aspect of the development does not conform with the Comprehensive Plan for the East Olive Corridor, and as described on page 88 of the Comprehensive Plan.

Mr. Myers indicated that what QuikTrip is proposing is three highly intense developments. It's a high-volume convenience store; it's a high-volume gasoline station, and it's a high-volume fast food outlet. And in his view that does not conform with the Comprehensive Plan for the East Olive Corridor as described and written and developed. Mr. Myers indicated that the redevelopment of the retail center is a positive.

Discussion was had concerning the 24/7 hours compared to the 18/7 hours.

Chairman Kistner indicated one of her concerns is that these properties do abut commercial property and redevelopment is inevitable. They are zoned commercial, it is on Olive and we are going to face redevelopment of those properties, hopefully, and it will be sort of inevitable that we will run into these. There will be push and pull between commercial property adjacent to residential, but that has been the condition of those properties for decades.

Mr. Rovak discussed that this is not something that was addressed in the Comp Plan. The question is not whether it's going to be commercial or continue to be commercial or perhaps improved, but it goes into the nature of the commercial, and that is when we talked about the type of retail development that we would expect or that is a goal in this area, it is a lot different than a mass development of high intensity and high traffic, certainly does not fit the same wording that was used in the Comp Plan to discuss the nature of the commercial development that we expect to see here as this area develops.

Mr. Carney indicated one of the things he was wrestling with is he'd like to see development there, but he voted for this Comprehensive Plan, and if he was a homeowner who bought a home adjacent to that area, he wouldn't expect to see this intensity of development. Mr. Carney said he doesn't see how this lines up with what he voted for in terms of the Comprehensive Plan.

Mr. Myers indicated the conditions on the north side and south side of Olive are quite a bit different for several reasons.

Mr. John Young, Applicant's Attorney, indicated he wanted to note on discussion about the compliance with the Comprehensive Plan to remind the Commission that just two years ago the Commission expressly stated that uses exactly the same as this use, and the Council agreed that a use exactly the same as this use complied with the Comprehensive Plan in this corridor. There is precedent that this use does, in fact, comply with the Comprehensive

Plan.

Mr. Potashnick indicated he has a tough time seeing how we have two 24-hour operations right across the street from this one, how we could reach a different conclusion.

Chairman Kistner stated that she thinks the design of this is superior to almost any other gas station, convenience stores that she's seen, and the fact that we get the improvement to the strip center on the west side makes it a bonus that is worth considering when you combine that with really significant buffers well above what's required.

Mr. Myers indicated that he thinks the QuikTrip is actually a step backward. Mr. Myers indicated that it seems like a step backward to destroy a building that could easily be rehabbed as demonstrated by the Petitioner's own plan for the immediate adjacent building, and then substituting the QuikTrip facility for it. He stated that QuikTrip is a fine company, a fine operator. This is not the intersection for this development.

Mr. Rovak made a motion to approve Application 20-002. Mr. Potashnick seconded the motion. There was no further discussion.

**RESULT: DENIED**

**MOVER:** Mr. Rovak, Commission Member

**SECONDER:** Mr. Potashnick, Commission Member

**AYES:** Mr. Potashnick

**NAYS:** Kistner, Carney, Hall, Myers, Rovak, Streiler

Mr. Myers made a motion to approve Application #20-010 for the boundary adjustment to consolidate 825 and 827 Graeser Road and 11004 and 11026 and a portion of 11032 Olive Boulevard into one 2.54 acre parcel and the remaining portion of 11032 and 11056 Olive Boulevard into one 1.82 acre parcel, subject to the condition that the final drawing be prepared to consistency with the final approved site development plans, as discussed in the Staff

Report for June 1st and July 6th, 2020, for review by staff for signature and recording, and that appropriate vacation of existing, the establishment of new easements, as well as providing for the cross-access and shared parking agreements, for the review and approval by the City Attorney prior to recording of the plat and the issuance of any building permits.  
Seconded by Mr. Rovak.

Additional discussion was had.

Mr. Myers made a motion to approve the Application #20-010 with the withdrawal of the section of the resolution that says, "Subject to the condition that a final drawing be prepared to consistency with the final approved site development plans as discussed in Staff Report for June 1st and July 6th, 2020".  
Seconded by Mr. Streiler.

**RESULT:**           **APPROVED [UNANIMOUS]**  
**MOVER:**           Mr. Myers  
**SECONDER:**       Mr. Streiler  
**AYES:**           Kistner, Carney, Hall, Myers, Rovak,  
                          Potashnick, Streiler

(A short break was taken.)

## **NEW BUSINESS**

### **2. Application #20-016: Minor Site Plan for New LED Drive and Pedestrian Lighting for the Bayer East and West Creve Coeur Campus at 800 Lindbergh Boulevard and 10300 Olive Boulevard.**

Jeremy Schuette of SSC Engineering, on behalf of Bayer, indicated they have been hired to perform photometric calculations and to renovate lighting for the project. The project consists of new site lighting to replace existing 250-watt lighting throughout the site. They have performed photometric study in accordance with the Illuminating Engineer Society of North America to minimize the number of fixtures and make it the most efficient project for the site while providing site security. The fixtures are LED fixtures. They're fully shielded to reduce glare. Proposing light fixtures that are automatically dimmed to 50 percent prior to astronomical midnight and six hours after astronomical midnight.

Mr. Schuette indicated they were in agreement with the recommendations in the staff report.

Mr. Myers asked if the conditions imposed by the city include the dimming of the lights.

Discussion was had regarding dimming of the lights.

Blake Eastwood asked in regards to lighting in areas of the campus outside of the southeast area, that there's a number of nature trails that cut through the woods that are amenities for Bayer employees, and asked if part of this plan involved adding lighting to trails where there currently is no lighting or if it's just replacing existing lighting areas. It was indicated it is just replacing existing lighting areas on roadways and paved walkways internal to the campus, so it doesn't address the nature walks.

Mr. Carney made a motion to recommend approval of the application with the condition that the lights on the southeast corner are dimmed to 50 percent two hours before astronomical midnight until six hours after astronomical midnight subject to the conditions contained in the staff report for the meeting of July 6th, 2020. Mr. Streiler seconded the motion. No further discussion. All in favor.

**RESULT:**       **APPROVED [UNANIMOUS]**  
**MOVER:**       Tim Carney, Commission Member  
**Second:**      Todd Streiler, Commission Member  
**Ayes:**         Kistner, Potashnick, Hall, Rovak, Carney,  
                     Streiler, Myers.

#### **WORK AGENDA**

None

#### **DEPARTMENT REPORTS**

Mr. Jaggi indicated the next meeting is July 20th, 2020. There are four applications scheduled for that meeting.

**ADJOURNMENT**

Mr. Carney made a motion to adjourn. Mr. Potashnick seconded. All in favor. Meeting adjourned at 8:55 P.M.



# 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 #20-015: TEXT AMENDMENT TO ALLOW FOR DRUG AND DRUGGISTS' SUNDRIES MERCHANT WHOLESALERS (NAICS 424210) AS A CONDITIONAL USE IN THE GC-GENERAL COMMERCIAL DISTRICT

**FOR THE MEETING OF:** Monday, July 20, 2020, 6:30 PM

**LOCATION:** GC-General Commercial District, City-wide.

**REQUEST:** Paul Martin, attorney on behalf of Larry Malashock, owner of LARPAT LLC at 10880 Baur Boulevard, has submitted an application for a text amendment to the zoning code to allow Drug and Druggists' Sundries Merchant Wholesalers (NAICS 424210) as a conditional use in the GC-General Commercial District. Currently, the aforementioned use is not permitted in the GC District. Text Amendments to the Zoning Ordinance requires review at the Planning and Zoning Commission and approval by the City Council.

**ADDITIONAL INFORMATION:** If the text amendment is approved, the applicant intends to file for a conditional use permit to allow Baur Distributing to operate within a portion of the Baur Executive Suites building at 10880 Baur Boulevard. This business repackages and distributes "topicals"-health and beauty cosmetic products from the hemp industry.

### Key Issues:

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

### Creve Coeur 2030 References

- Mixed-Use Innovation Campus District (MUIC)
- 39N Master Plan

### Zoning Code References

- Table A: Permitted and Conditional Uses
- Section 405.210: Regulation of Uses
- Section 405.360: GC-General Commercial
- Section 405.470: Conditional Uses

**APPLICANT:** Larry Malashock  
LARPAT, LLC, dba Baur  
Executive Suites  
10880 Baur Boulevard  
Creve Coeur, MO 63141

**APPLICANTS** Paul Martin  
**REPRESENTATIVE:** Paul Martin. PC  
101 South Hanley Road, Suite 1280  
St. Louis, MO 63105



Google images

**REPORT PREPARED BY:** Whitney Kelly, AICP, City Planner  
**DATE:** 7/10/2020  
**ATTACHMENTS:** Applicant's Materials received May 26, 2020  
Draft Ordinance

**REQUEST AND BACKGROUND**

LARPAT, L.L.C., d/b/a Baur Executive Suites. LARPAT is the owner of 10880 Baur Boulevard, which is located in the City "GC General Commercial District. The Applicants are seeking to use part of the building for a separate business, Baur Distributing, which he also owns in partnership with others. Baur Distributing would lease approximately 2,000 square feet from LARPAT, which would also maintain its commercial office leasing for the remaining majority of the building space (approximately 8,000 square feet). Baur Distributing would involve the repackaging and distribution of "topicals"-- health and beauty cosmetic products which are largely sourced and developed using product from the hemp industry—that would be sold to retailers and also directly by internet to consumers. Such uses fall under the category of Drug and Druggist's Sundries Merchant Wholesalers, per the NAICS Definition below:

**424210 - Drugs and Druggists' Sundries Merchant Wholesalers**

This industry comprises establishments primarily engaged in the merchant wholesale distribution of biological and medical products; botanical drugs and herbs; and pharmaceutical products intended for internal and/or external consumption in such forms as ampoules, tablets, capsules, vials, ointments, powders, solutions, and suspensions.

**Illustrative Examples:**

Antibiotics merchant wholesalers  
Endocrine substances merchant wholesalers  
Blood derivatives merchant wholesalers  
In-vitro and in-vivo diagnostics merchant wholesalers  
Botanicals merchant wholesalers  
Vaccines merchant wholesalers  
Cosmetics merchant wholesalers  
Vitamins merchant wholesalers

Table A of the City's permitted and conditional uses list merchant wholesalers, including 424210 - Drugs and Druggists' Sundries Merchant Wholesalers, as a permitted use in the LI-Light Industrial District. As the applicants have indicated such uses are permitted further east on Baur Boulevard within the LI District. The property at 10880 Baur Boulevard is located along Lindbergh Boulevard, zoned GC-General Commercial as are the other properties that front Lindbergh Boulevard, north of Olive Boulevard. Therefore, the Applicants are seeking to include the use as a conditional use in the GC District. If approved, they would then seek approval for the conditional use permit for the site.

Table A would be revised as follows:

| Use Code | 2012 NAICS Title                                   | ZONING DISTRICTS |   |   |   |    |    |    |    |    |    |    |          |    |    |
|----------|----------------------------------------------------|------------------|---|---|---|----|----|----|----|----|----|----|----------|----|----|
|          |                                                    | A                | B | C | D | AR | HE | PH | PO | RO | MX | PC | GC       | CB | LI |
| 424210   | Drugs and Druggists' Sundries Merchant Wholesalers |                  |   |   |   |    |    |    |    |    |    |    | <u>C</u> |    | P  |

**DISCUSSION****Comprehensive Plan and 39N Master Plan**

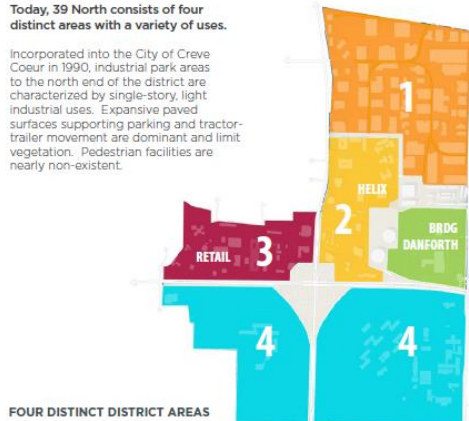
The comprehensive plan, *Creve Coeur 2030*, provides overall goals and objectives for City as a whole and offers focused recommendations based on the concept of Place Type Districts. The location where the applicant intends to operate a merchant wholesale business is located within the Mixed-Use Innovation Campus District (p. 97). This Place Type District is conterminous with the 39 North Innovation District which is also subject to the 39 North Master Plan. The 39 North Master Plan, as an element of the comprehensive plan, identifies four distinct areas in the existing built environment analysis. The subject property and immediate area are part of the Industrial Park area (p. 32). Further

south, the area east of Lindbergh and north of Olive is identified as the Office Park. Please also refer to Figure 1 below. The 39N Master Plan notes that the industrial areas on the northern part of the 39N district are highly successful having occupancy rates of greater than 90 percent (p. 29). The mid-to long range development goals for this area (the Northern District) is to transition from light industrial to office and lab uses to support plant science and related industries within the 39N District (p. 67). With that being said, the plan acknowledges that future development in the northern, industrial parts of the District is a lesser priority that will be driven by the success of earlier investments (p. 78-79).

## BUILT ENVIRONMENT

Today, 39 North consists of four distinct areas with a variety of uses.

Incorporated into the City of Creve Coeur in 1990, industrial park areas to the north end of the district are characterized by single-story, light industrial uses. Expansive paved surfaces supporting parking and tractor-trailer movement are dominant and limit vegetation. Pedestrian facilities are nearly non-existent.



### 1. Industrial Park

Building construction dates range from 1957 to the late 1990s with the majority of buildings constructed in the late 1960s to early 1970s. Most businesses are warehousing services in single story, large footprint buildings. Other building uses include plastics and synthetic resin manufacturing, paper manufacturing, printing and publishing services, motor vehicle repair, chemical manufacturing and other fabricated metal production manufacturing. Rail spurs, all but one of which are abandoned, enter the district from the Central Midland Railway and run north-south into the industrial park. Most are visible at road crossings and are in various states of disrepair. This is the area with the highest building density in the district and the greatest number of land owners and parcels.

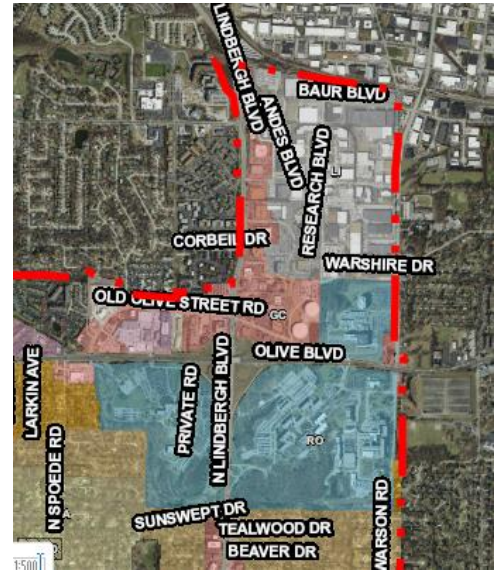


Figure 1: Image of page 32 of the 39N Master Plan regarding the four distinct areas within the 39N, along with the GIS Image of the area with the Zoning District indicated. The GC District is shown as red.

## Zoning Analysis

The City has zoned all of the properties that front the east side of Lindbergh, north of Olive Boulevard as GC-General Commercial, as well as many other areas throughout the City including Lindbergh Blvd south of Bayer's campus, the East Olive Corridor, and the West Olive & Large Property areas along Olive Boulevard, N. New Ballas Road, etc. that would be included as part of this text amendment. The properties further east of Lindbergh Boulevard and north of Olive Boulevard are zoned LI-Light Industrial, where such uses are permitted. While immediately adjacent to light industrial uses, the properties along Lindbergh, north of Olive are mostly non-industrial. The uses for the properties along Lindbergh are varied and include a restaurant, offices, the regional location of the American Red Cross, a retail fabric store and carnival supply store. In summary, the existing uses in this area along Lindbergh can be described as transitional to the more intense light industrial uses to the east and residential and office uses across the west side of Lindbergh.

The stated purpose of the GC District is intended to accommodate by site development plan approval convenience retail shopping and services and offices which are freestanding or part of small scale planned commercial developments and which are compatible in scale and intensity of use with adjacent residential uses. The character of the existing uses within this section of the GC District are different than other areas of the City that area also zoned GC. As stated previously, this area is best described as transitional to the light industrial area further east. With that being said, the City has historically viewed the properties fronting Lindbergh differently than the light industrial areas further east as evidenced with the GC District designation and the existing uses reflect this position.



Figure 2: GIS Image of the Applicants Office property and the GC District adjacent to the LI District, and N. Lindbergh Boulevard.

### Proposed Text Amendment Analysis

The Applicant is submitting a text amendment to allow merchant wholesaling for drug and druggist sundries as a specific use to be allowed within the GC District as a conditional use. In the written request, the applicant acknowledges staff's concern with the proposed amendment that would not be in keeping with the stated purpose of the GC District and would introduce a category of use that would potentially not be acceptable for other properties zoned GC. The applicant has noted that a limited number of similar uses are currently allowed with the GC District. These uses include confectionary manufacturing, retail bakeries, roof mounted communication equipment, surgical appliance and supplies manufacturing, dental laboratories, sign manufacturing and packaging and labeling services.

Staff is generally not supportive of allowing wholesaling type uses in the GC District as we feel this is not a compatible use throughout the GC District and does not meet the intended purpose of the District. While there are uses that allow some forms of manufacturing within the GC District, those allowances are very few. In addition, the proposed amendment is narrowly focused on a single specific use for a single business. With that being said, the 39 North Master Plan and the Comprehensive Plan does not foresee this particular area in the long term remaining within the type of uses that would fit well within the General Commercial District. In fact, the 39 North Master Plan identifies the properties north of the Red Cross building as part of the industrial park and does not make a distinction that the properties along Lindbergh are any different than that further east. The long-term vision for this area (the Northern Section) would be for it to transition to support the plant science and technology hub that is envisioned for the 39N District. Staff recognizes that the properties along this portion of Lindbergh, while zoned GC, are transitional in nature given the light industrial uses immediately to the east. A more thorough examination of the appropriate zoning designations and regulations for this area is needed as part of the future review for implementation of the 39 North Master Plan.

If the Commission determines that it is acceptable to allow a wholesaling use within the GC District, staff would recommend that the allowance for this use be narrowly focused with the following restrictions in place:

- The wholesaling use should require the approval of a conditional use permit.
- The wholesaling use should only be allowed in portions of the GC District that abut Light Industrial zoning
- The wholesaling use should be a limited percentage of the building as a whole, 25% or less of the floor area
- All operations must be conducted within an enclosed building with no outdoor storage of materials or equipment

If approved as stated above, these regulations would only apply to the properties below in recognition of the transitional nature of this area of the City located within the GC District.



### CONCLUSION AND ACTION

Should the Commission wish to consider the Applicants request to allow for the Drugs and Druggists' Sundries Merchant Wholesalers as a conditional use in the GC District, Staff would recommend the following specific ordinance revisions.

In addition to the revision of Table A, Staff would propose that a new subsection is needed under Section 405.470 Conditional Uses as follows:

#### Section 405.470 Conditional Uses

34. Drugs and Druggists' Sundries Merchant Wholesalers (NAICS 424210) conditional use in the GC District:
  - a. Shall be located only on properties that abut the LI-Light Industrial zoning district.
  - b. Such uses are limited to a maximum of 25 percent of the floor area of the building in which they are located
  - c. All operations must be conducted within an enclosed building with no outdoor storage of materials or equipment

### MOTION

If the Planning Commission has chosen to accept the draft ordinance as written, the following would be a suitable motion for this application:

"I move to recommend approval of the text amendments to allow Drugs and Druggists' Sundries Merchant Wholesalers (NAICS 424210) conditional use in the GC District, and amending Section 405.470 to establish certain standards for such users as discussed with Application #20-015 on the July 20, 2020"

---

### 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.

Law Offices of  
**Paul Martin, P.C.**  
 101 South Hanley Road, Suite 1280  
 St. Louis, Missouri 63105  
[paul@paulmartinpc.com](mailto:paul@paulmartinpc.com)  
 (314) 805-8800

May 22, 2020

Ms. Whitney Kelly  
 Creve Coeur City Planner  
 300 N. New Ballas Road  
 Creve Coeur, MO 63141

*Delivered by U.S. Mail and by electronic mail to [wkelly@crevecoeurmo.gov](mailto:wkelly@crevecoeurmo.gov)*

Re: 10880 Baur Boulevard

Dear Ms. Kelly:

As we've discussed, please accept this letter and the enclosed form and filing fee as my client's application for a text amendment to the City's "GC" zoning classification table.

I represent LARPAT, L.L.C., d/b/a Baur Executive Suites. LARPAT is the owner of 10880 Baur Boulevard, which is located in the City "GC" General Commercial District. Larry Malashock owns LARPAT.

LARPAT owns 10880 Baur and has leased space within the building for commercial office purposes. In 2019, a Missouri American water line burst, flooding a significant portion of the property. While some office uses have been restored, Mr. Malashock would like to use part of the building for a separate business—Baur Distributing—which he also owns in partnership with others. Baur Distributing would lease approximately 2,000 square feet from LARPAT, which would also maintain its commercial office leasing for the remaining majority of the building space (approximately 8,000 square feet).

Baur Distributing would involve the repackaging and distribution of "topicals"—health and beauty cosmetic products which are largely sourced and developed using product from the hemp industry—that would be sold to retailers and also directly by internet to consumers. Product will be delivered to the property by van or straight truck once or twice a week. There it will be repackaged into smaller containers, labelled, and then delivered to retailers and end-users by standard shipping and mail methods. The new business will utilize the existing double doors facing east for all product transfers, and this access point will be exclusive to the business. Because the business is limited in size and scope, there is no need for semi-truck delivery or for any delivery bays. Baur Distributing would also use approximately 110 square feet of its space for a company office, and while there are no current plans to open the space to walk-in buyers, that use remains a possibility.

As you know, the property is located in the city's General Commercial zoning district, and the most applicable NAICS category is Use Code No. 424210, Drugs and Druggists' Sundries Merchant Wholesalers. According to Table A of the City's Zoning Code, this use is not allowed in the GC District, either as a permitted or as a conditional use, although it is a permitted use in the neighboring "LI" Light Industrial District. We are asking the City to amend Table A by classifying Use Code No. 424210 as a conditional use in the GC District.

We believe this reclassification satisfies the general standards established in Section 405.1060 of the City Code.

- It is consistent with City's 2030 Comprehensive Plan Update, specifically Section XI, Mixed-Use Innovation Campus District (MUIC), in that it would maintain the current ground floor "mixed uses" and community amenities that are permitted in the GC District and would further complement and accommodate the sale and distribution of hemp products, and hence development of the SLEDP 39 North plant science and technology district.
- It would not increase the risk of fire, panic, or other damages, diminish the existing availability of light and air, which is adequate for the area, increase population or contribute to the overcrowding of 10880 Baur or its neighboring properties, or increase the City's burden for the provision or safe-guarding of City services to the GC District.

We also do not believe the proposed reclassification would increase traffic congestion in the area or otherwise negatively affect the area's prevailing character or its existing zoning scheme.

- The proposed reclassification would not adversely impact the city's current zoning scheme. While the purpose and intent of the GC district is "to accommodate . . . convenience retail shopping and services and offices . . . which are compatible in scale and intensity of use with adjacent residential uses", there are no adjacent residential uses that need to be protected in this area.
- The proposed reclassification would be consistent with uses currently permitted in the GC District. For example, the current district classifications permit, whether of right or conditionally, several uses involving the delivery of product and on-site transformation of that product into or for a different use. See, e.g., confectionary manufacturing (NAICS 311340-311352), retail bakeries (NAICS 311811), roof-mounted communication equipment (NCAIS 517929), surgical appliance and supplies manufacturing (NAICS 339113), dental laboratories (NAICS 339116), sign manufacturing (NAICS 339950), and packaging and labelling services (NAICS 561910).
- Furthermore, that portion of the GC District that encompasses 10880 Baur is adjacent to the city's LI District to the east and is also bounded by Lindbergh Boulevard to the west, at the northeastern corner of the city, and the GC properties in this location generally do not have direct access to Lindbergh. This relative isolation has resulted in the area being developed in ways that are compatible with the adjoining LI zoning.
- More specifically, the proposed reclassification would be consistent with uses currently existing in and around 10880 Baur, whether in the GC or LI Districts, which include industrial, wholesale, and distribution businesses that require substantial product

storage, delivery, and transport and which use the same roads as 10880 Baur. E.g., Party Land and American Carnival Mart (outdoor storage and rental of carnival facilities), Innovative Construction and Roofing (outdoor storage of roofing supplies and sale of roofing services), Gran Prix Bowling Supply (wholesaler to bowling alleys), AG&M Marble (national wholesale distributor with a public showroom), Jackman's Fabrics, U.S. Foods, Ambassador Embroidery Machines, and Spectra Metal Sales.

- Perhaps most compatible with the proposed use of 10880 Barr is PCI, Inc. a large topicals production and distribution facility located just two lots to the west of my client's property at 10800 Baur.

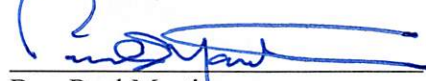
And please remember that approval of the requested reclassification would only allow Baur Distributing to apply for a conditional use permit. The City would retain the authority to consider and permit or deny the proposed use, or to condition the proposed use as circumstances require, including method and location of deliver, hours of operation, physical site changes, walk-in traffic, etc. Given that the proposed use takes up a small amount of space and that the on-site activities are minimal and not intensive or invasive, Baur Distributing is more than willing to submit itself to the conditional use process.

In closing, we are aware of staff concern that approval of the proposed reclassification may well have unintended consequences in those portions of the City that are zoned GC but that are not located in the area of 10880 Baur, i.e., the GC areas that front on Olive and Lindbergh Boulevards and that have a near proximity to the City's residential or core business districts. We appreciate this concern, and while we believe such issues could be addressed by the City in the conditional use application process, we propose a textual limitation on the reclassification to resolve this potential issue. Thus, Table A to Chapter 405 could be revised to acknowledge Use Code No. 424210 as a conditional use in the GC District, but an accompanying footnote could limit the use to properties "adjacent to the LI District to the east and bounded by Lindbergh Boulevard to the west", or something similar. This would limit the potential development of this use to the northeastern corner of the city, an area for which it is demonstrably well-suited.

We look forward working with you on the application, and if you need anything further, please let me know.

Sincerely,

Paul Martin, P.C.



By: Paul Martin

Copy: Mr. Carl Lumley, City Attorney

Attachment: Applicant's Application receive May 26, 2020 (#20-015: Drug and Druggists' Sundries Merchant Wholesalers TA)

city  
of

# CREVE COEUR

300 North New Ballas Road • Creve Coeur, Missouri 63141  
 (314) 872-2500/872-2501 • Fax (314) 872-2505 • Relay MO 1-800-735-2966  
 www.creve-coeur.org

File # \_\_\_\_\_

## PLANNING AND ZONING COMMISSION AGENDA APPLICATION TEXT AMENDMENT

| <b>Applicant:</b>           | <b>Applicant's Representative (if applicable):</b> |
|-----------------------------|----------------------------------------------------|
| LARPAT, L.L.C.              | Paul Martin                                        |
| Name                        | Name                                               |
| d/b/a Baur Executive Suites | Paul Martin, P.C.                                  |
| Company (If Applicable)     | Company (If Applicable)                            |
| 10880 Baur Blvd.            | 101 South Hanley Road, Suite 1280                  |
| Address                     | Address                                            |
| Creve Coeur, MO 63132       | St. Louis, MO 63105                                |
| Address                     | Address                                            |
| Telephone # _____           | Telephone # 314-805-8800                           |
| Fax # _____                 | Fax # 314-727-9071                                 |
| Email: _____                | Email: paul@paulmartinpc.com                       |

### APPLICANT:

☐ City Official (Mayor, City Councilor, Planning Commissioner, Zoning Administrator)  
☒ Private Party (Financial, contractual, or proprietary interest)  
☐ Other Governmental Interest (Jurisdiction: \_\_\_\_\_)

The undersigned hereby requests to be placed on the Agenda for the Planning and Zoning Commission meeting at 6:30 P.M. on Monday, July 20, 2020.

*Arabach*  
 Applicant's Signature

\_\_\_\_\_  
 Applicant's Representative's Signature

5-21-20  
 Date

\_\_\_\_\_  
 Date

### Submittal Checklist

- Two (2) checks, \$250.00 filing fee & \$2000.00 escrow
- Description of Request
- Proposed Ordinance Language
- Electronic copy of all submitted documents.

Jason Jaggi, AICP, Director of Community Development  
 Whitney Kelly, AICP, City Planner  
 Jessica Stutte, Administrative Assistant (872-2501)

### Office Use Only

Received by:

Fees paid:

Updated 5/19



**Description of Request (attach additional sheets as needed):** \_\_\_\_\_

Amendment to Table A, Permitted and Conditional Uses, to Chapter 405, Zoning Ordinance, of the Creve Coeur Municipal Code, by reclassifying Use Code No. 424210,

Drugs and Druggists' Sundries Merchant Wholesalers, as a conditional use in the "GC" General Commercial District. Please see attached.

**Affected Section(s) of the Zoning or Subdivision Code:** \_\_\_\_\_

See above

**Proposed Ordinance Language (attach additional sheets as needed):** \_\_\_\_\_

See above.

  
Applicant Signature

5-31-20  
Date

Attachment: Applicant's Application receive May 26, 2020 (#20-015: Drug and Druggists' Sundries Merchant Wholesalers TA)



BILL NO. \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING TABLE A: PERMITTED AND CONDITIONAL USES AND PROVISIONS IN SECTION 405.470 CONDITIONAL USES, OF ARTICLE VI STANDARDS FOR PERMITTED, ACCESSORY AND CONDITIONAL USES, OF THE ZONING CODE OF THE CITY OF CREVE COEUR, MISSOURI TO ALLOW FOR DRUG AND DRUGGISTS' SUNDRIES MERCHANT WHOLESALERS (NAICS 424210) AS A CONDITIONAL USE IN THE GC-GENERAL COMMERCIAL DISTRICT**

**WHEREAS**, an application by Paul Martin, attorney, on behalf of Larry Malashock, owner of LARPAT LLC at 10880 Baur Boulevard, was submitted for a text amendment to the zoning code to allow Drug and Druggists' Sundries Merchant Wholesalers (NAICS 424210) as a conditional use in the GC-General Commercial District; and

**WHEREAS**, such uses are not currently allowed within the GC General Commercial District; and

**WHEREAS**, a public hearing was held by the Creve Coeur Planning and Zoning Commission on Monday, July 20, 2020, beginning at 6:30 p.m. or immediately following the close of the previous public hearing, on said application for the conditional use permit as provided by Section 405.1070(D)(2); and,

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

**WHEREAS**, the Planning and Zoning Commission reviewed and, by a \_\_\_\_ vote, recommended approval of the conditional use permit, subject to the conditions contained herein, at its meeting on July 20, 2020; and,

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

**WHEREAS**, the City Council being fully informed finds that 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:

Attachment: 20-015.10880 Baur Text Amendment.Draft Ordinance.7-20-2020 (#20-015: Drug and Druggists' Sundries Merchant Wholesalers TA)

BILL NO. \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

**Chapter 405, Table A, Permitted and Conditional Uses**

P=Permitted Use; C=Conditional Use Permit Required

|          |                                                    | ZONING DISTRICTS |   |   |   |    |    |    |    |    |    |    |    |    |    |
|----------|----------------------------------------------------|------------------|---|---|---|----|----|----|----|----|----|----|----|----|----|
| Use Code | 2012 NAICS Title                                   | A                | B | C | D | AR | HE | PH | PO | RO | MX | PC | GC | CB | LI |
| 424210   | Drugs and Druggists' Sundries Merchant Wholesalers |                  |   |   |   |    |    |    |    |    |    |    | C  |    | P  |

**Section 2:** Section 405.470 Conditional Uses shall be amended to include the following, and existing regulations accordingly:

Article IV. Standards For Permitted, Accessory and Conditional Uses

Section 405.470. Conditional Uses.

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

34. Drugs and Druggists' Sundries Merchant Wholesalers (NAICS 424210) conditional use in the GC District:
- Shall be located only on properties that abut the LI-Light Industrial zoning district.
  - Such uses are limited to a maximum of 25 percent of the floor area of the building in which they are located
  - All operations must be conducted within an enclosed building with no outdoor storage of materials or equipment

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

ADOPTED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2020.

\_\_\_\_\_  
HEATHER SILVERMAN  
PRESIDENT OF CITY COUNCIL

APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2020.

\_\_\_\_\_  
BARRY GLANTZ  
MAYOR

ATTEST:

\_\_\_\_\_  
DEBORAH RYAN  
CITY CLERK

Attachment: 20-015.10880 Baur Text Amendment.Draft Ordinance.7-20-2020 (#20-015: Drug and Druggists' Sundries Merchant Wholesalers TA)



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  
#20-017: CONDITIONAL USE PERMIT FOR A LIMITED SERVICES  
RESTAURANT, VITALITY BOWLS, WITHIN PLAZA SHOPS  
AT 741 N. NEW BALLAS ROAD**

**FOR THE MEETING OF:** Monday, July 20, 2020, 6:30 PM

**LOCATION:** 741 N. New Ballas Road, within Plaza Shops Center, Zoned CB-Core Business District.

**REQUEST:** Mark Matiszik, of G, Section, Inc. (DBA Vitality Bowls #069), has submitted for a conditional use permit for a new fast casual, 919 square foot restaurant, Vitality Bowls Superfood Café, with a maximum number of 16 seats, at 741 N. New Ballas Road, within the Plaza Shops Shopping Center, Creve Coeur MO, 63141. The subject property is zoned CB, Core Business District. All limited-service restaurants (NAICS 722513) are permitted as a conditional use with review and approval by the City Council upon the recommendation of the Planning and Zoning Commission.

**ADDITIONAL INFORMATION:** The Plaza Shops were originally developed in 1983, in conjunction with the property at 11850 Studt Ave, which were both under the same ownership. At that time, the center utilized the adjacent property at Studt Ave. for shared parking to meet with the minimum requirements for parking that were on the subject property. The properties have since been split up and sold to different entities. The former Pieology Restaurant utilized the former Cuisine D'Art conditional use permit, that relied on the shared parking between the properties, and parking requirements and regulations for restaurants have changed since the issuance of the original ordinance (Ordinance No. 2159). Therefore, Staff is recommending that Ordinance No. 2159 to be repealed, and any new restaurants in the center will have to seek a new conditional use permit.

**Key Issues:**

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

**Comprehensive Plan References**

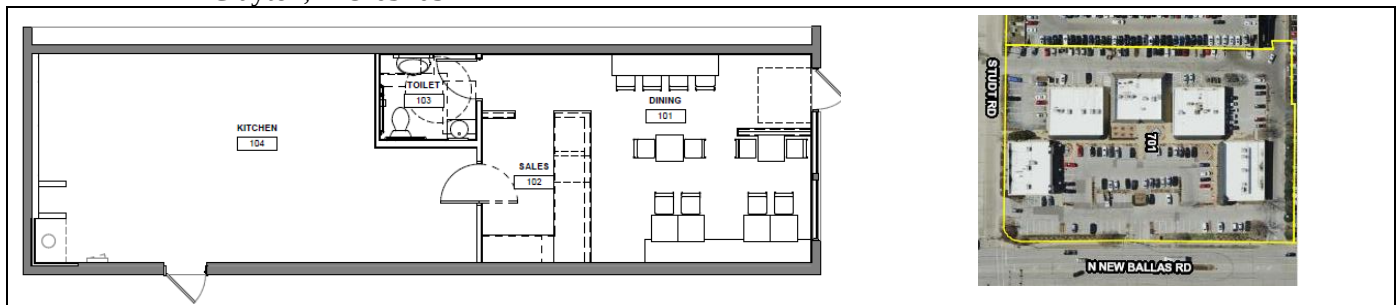
- Central Business District
- Mixed-Use District (MU)

**Zoning Code References**

- Section 405.210: Regulation of Uses
- Section 405.370: CB-Core Business District
- Section 405.470: Conditional Uses
- Article VII: Off-Street Parking and Loading Regulations.
- Section 405.1080 Site Concept, Site Development and Minor Site Plan Approval

**APPLICANT:** Mark Matiszik  
G. Section, Inc (DBA Vitality Bowls #069)  
6314 Northwood Ave. Unit 3E  
Clayton, MO 63105

**PROPERTY OWNER:** Catherine Vierling  
CH Retail Fund I/St. Louis Plaza Shops, L.L.C.  
190 Carondelet Plaza, Suite 1400  
St. Louis, MO 63105



**REPORT PREPARED BY:** Whitney Kelly, AICP, City Planner  
**DATE:** 7/15/2020  
**ATTACHMENTS:** Applicant's Materials received June 19, 2020  
Draft Ordinance  
Ordinance No. 2159

## LAND USE AND ZONING OF SURROUNDING PROPERTIES

The adjacent zoning and land uses are as follows:

| DIRECTION | USE                               | ZONED                     | SEPARATED BY       |
|-----------|-----------------------------------|---------------------------|--------------------|
| North     | Plaza Motors Car Dealerships      | CB-Core Business District | NA                 |
| South     | Retail/Office Building            | CB-Core Business District | Studdt Ave.        |
| East      | Creve Coeur Plaza Shopping Center | CB-Core Business District | N. New Ballas Road |
| West      | Plaza Motors Car Dealerships      | CB-Core Business District | NA                 |

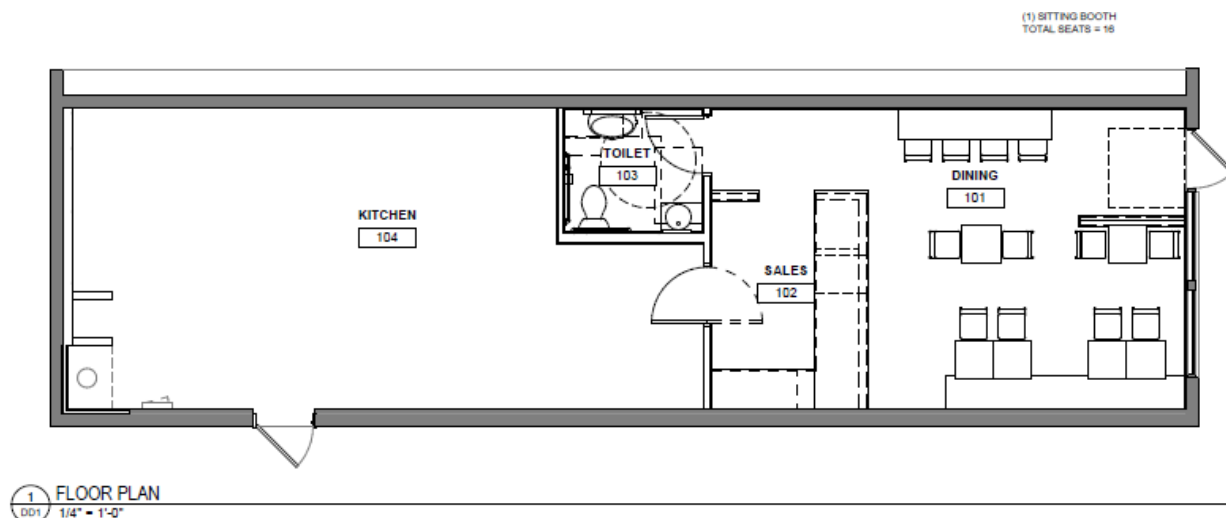
## COMPREHENSIVE PLAN REVIEW

### Creve Coeur 2030 Plan

The *Creve Coeur 2030 Plan* includes the overall goal for Placemaking & Community Identity by creating mixed-use, walkable districts (p. 45), and for the long-term Economic Growth & Community Services goal of provide the community services, amenities and experiences necessary to leverage and capture the changing consumer preferences for more lifestyle centers (p. 47). The subject property is located within the Central Business District area, that is intended for a walkable, mixed-use shopping, dining, and entertainment district with gridded street pattern and storefront street level development, for high-intensity, mixed-use development, including dining, retail, office and multi-family residential development with centralized shared-use structured parking located at the interior of the block (p. 72). The applicant is filling an existing tenant space within the Plaza Shops retail center that includes a mix of restaurants, retail and service uses. The applicant is not making any other changes to the building or the site. Therefore the proposal meets with the purpose of the District in as much as this request can.

## ZONING REVIEW

Restaurants are permitted with conditions in all commercial zoning districts within the city, and the applicant is leasing an existing tenant space within the Plaza Shops, whose prior use was the Christian Science Reading Room addressed as 741 N. New Ballas. The proposal is for a 16 seat, 919 square foot, quick-serve restaurant. No changes to the exterior of the building or site have been requested.



### Use Intensity:

Section 405.470(14) Restaurants shall not be located on sites of not less than 2 acres. Except that the acreage requirement does not apply to restaurants without drive-through services in the "CB," "PO," "PC" and "LI" Districts that are located within a retail or office building;

**Parking:**

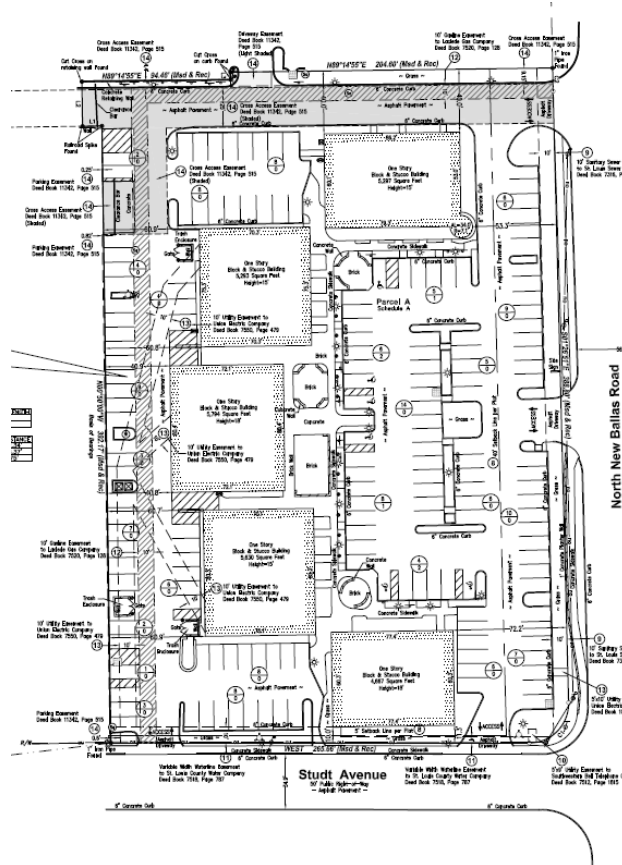
Parking regulations for restaurants are discussed under Section 405.820(F)(5)(b) Required Off-Street Parking Spaces provides that for small restaurant facilities which offer only carry-out/delivery service and/or a seating capacity of sixteen (16) or fewer persons shall provide parking spaces at the ratio required for basic retail uses; provided such small restaurant facilities shall not be freestanding or provide drive-through, drive-up or curb service facilities. Multi-tenant retail shopping centers designed for restaurant, retail uses and personal service establishments may combine the total parking spaces for each use, less a fifteen percent (15%) reduction in the total number of parking spaces required, per Section 405.820(B)(1). As the proposed use is a made-to-order, fast casual style restaurant, serving both dine-in and carryout customers with a maximum number of 16 seats, the parking is calculated at basic retail.

Below is the current parking table for the entire center:

| Tenant                                           | Use                                         | Size (sq. ft.) | Parking Regulations                                             | # of spaces |
|--------------------------------------------------|---------------------------------------------|----------------|-----------------------------------------------------------------|-------------|
| 701 New Ballas – Vacant (Former Pieology)        | Former Restaurant/Vacant                    | 3120           | 4/1000 sq. ft.                                                  | 13          |
| 707 New Ballas – Little Medical School           | Other Educational Services                  | 1500           | 1/300sq. ft.                                                    | 6           |
| 711 New Ballas – Edward Jones                    | Other Financial Services                    | 1560           | 4/1000 sq. ft.                                                  | 7           |
| 713 New Ballas – Excel Sports & Physical Therapy | Other Health Services                       | 1575           | 4/1000 sq. ft.                                                  | 7           |
| 715 New Ballas – Vacant                          | General Retail                              | 1050           | 4/1000 sq. ft.                                                  | 5           |
| 717 New Ballas – Vacant                          | General Retail                              | 1400           | 4/1000 sq. ft.                                                  | 6           |
| 721 New Ballas – Oishi Sushi*                    | Restaurant (94 indoor seats and 40 outdoor) | 2800           | 1/3 seats in C.U.P.,<br>+ 1/8 outdoor seats,<br>+ 1/250 sq. ft. | 48          |
| 725 New Ballas – Vacant (former Zoya's)          | General Retail                              | 1319           | 4/1000 sq. ft.                                                  | 6           |
| 727 New Ballas – Vacant                          | General Retail                              | 1426           | 4/1000 sq. ft.                                                  | 6           |
| 731 New Ballas – Nail Salon                      | Services – Nail Salon                       | 1643           | 4/1000 sq. ft.                                                  | 7           |
| 733 New Ballas – Zang Chi                        | Restaurant > 16 seats                       | 1190           | 4/1000 sq. ft.                                                  | 5           |
| 735 New Ballas – Vacant                          | General Retail                              | 1358           | 4/1000 sq. ft.                                                  | 6           |
| 737 New Ballas – Travel Masters, Inc.            | Services Other Personal Services            | 1038           | 4/1000 sq. ft.                                                  | 5           |
| 741 New Ballas – Proposed Vitality Bowls         | Restaurant > 16 seats                       | 919            | 4/1000 sq. ft.                                                  | 4           |
| 743-745 New Ballas – Eyewearhouse                | General Retail                              | 2100           | 4/1000 sq. ft.                                                  | 9           |
| 747 New Ballas – Lab Corp                        | Other Health Services                       | 2040           | 4/1000 sq. ft.                                                  | 9           |
| Sub-total:                                       |                                             |                |                                                                 | 149         |
| Minus 15% Reduction                              |                                             |                |                                                                 | -22         |
| <b>Total # of Parking Spaces Required:</b>       |                                             |                |                                                                 | <b>127</b>  |
| <b>Total Available On-site:</b>                  |                                             |                |                                                                 | <b>165</b>  |
| <b>Excess Parking:</b>                           |                                             |                |                                                                 | <b>38</b>   |

The ordinance for the former Cuisine D'Art indicated a total number of seats for indoor and out was a maximum of 80, and it included both the former Pieology space and the Little Medical School space at 707 N. New Ballas Road. Pieology utilized the Cuisine D' Art conditional use permit, as they were only reducing the size of the space, and reduced to seating to 70 indoor seats and 12 outdoor seats. At that

time, the center utilized the adjacent property at 11850 Studt Ave. that was under the same ownership to meet with the minimum required parking. The properties have since been split up and sold to different entities, and the joint parking agreement was released. It appears that the former Zoya's Express Café at 725 N. New Ballas, went in as a retail bakery, and was expanded without having obtaining a conditional use permit. Therefore, as discussed above, Staff is recommending a repeal of the original Cuisine D'Art conditional use permit since the space has been vacant for some time and that requirements/standards have since changed. For the purposes of this request, these spaces are calculated at the general 1 space for every 250 square feet, or 4/1000 square feet, of floor area. Any new restaurants will need to go through the process for a new conditional use permit to ensure that there is adequate parking available on the site. Therefore, the parking table is showing an excess of 38 spaces at this time.



### Property Maintenance

The Building Division has cited the property ownership on several building code and property maintenance issues. And there appears to be missing landscape throughout the site. Therefore, Staff has included a condition that any missing landscaping shall be replaced to be in substantial compliance with the prior approved landscape plan on file for review and approval by the Zoning Administrator and that any property maintenance issues shall be addressed to the satisfaction of the Chief Building Official.

### RECOMMENDED CONDITIONS FOR APPROVAL

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

1. The Conditional Use Permit shall be for the operation of a 919 square foot eating and drinking establishment at 741 N. New Ballas Road, within the Plaza Shops.
2. Maximum seating permitted is limited to 16 seats.

3. Hours of operation shall be 8:00 a.m. to 8:00 p.m., seven days a week. Additional business hours may be permitted with the Zoning Administrator's approval including, but not limited to, the catering of special events.
4. Employee parking, delivery and company vehicles shall be parked behind the buildings and as far from the public right-of-way as possible.
5. All signs and banners shall be in conformance with Article VIII, Sign Regulations, of the Zoning Code.
6. Any mechanical equipment installed for the site shall be properly screened with approved materials.
7. Missing landscaping shall be replaced to be in substantial compliance with the prior approved landscape plan for review and approval by the Zoning Administrator.
8. The property owner shall address any property maintenance issues to the satisfaction of the Chief Building Official prior to the issuance of a certificate of occupancy
9. Any future enlargement, extension, expansion or alteration in the use of the structures or site must be approved by the City Council upon receipt of the recommendation of the Planning and Zoning Commission as an amendment to the Conditional Use Permit before a Building Permit for the enlargement, expansion or alteration may be issued.
10. Failure to comply with any one or all of the conditions of this permit shall be adequate cause for the revocation of said permit by the City Council, provided, however, no permit shall be revoked without prior notice to the owner of the intention of the City Council to revoke this permit and reasonable time granted to the owner to correct or remedy any such breach of conditions, except for repeated breaches or violations.
11. No conditional use permit granted by the City Council shall be valid for a period longer than one year from the date it grants the conditional use permit, unless within such period: (1) a building permit is obtained and construction is begun; or (2) if a building permit is not required, an occupancy permit is obtained and the use of the building commenced. The City Council may grant extensions to the one (1) year period of not more than one hundred and eighty (180) days each, without notice or hearing, provided that a written request for such extension is filed by the original applicant and approved by the City Council prior to the date the conditional use permit is scheduled to expire.
12. Any transfer of ownership or lease of the property shall include in the transfer or lease agreement a provision that the purchaser or lessee agrees to be bound by the approved Site Development Plan for the property and the conditions herein set forth, and written confirmation thereof signed by the new owner or lessee shall be filed with the City at the time of such transfer or lease. Failure to comply with this provision shall not excuse anyone from these conditions.

#### **ACTION**

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

#### **MOTION**

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

"I move to recommend approval of Application #20-017 for a Conditional Use Permit for an eating and drinking establishment for Vitality Bowls located at 741 N. New Ballas Road, within the Plaza Shops, subject to the conditions discussed in the Staff Report and Draft Ordinance for the meeting of July 20, 2020" (conditions may be added, eliminated, or modified).

---

#### **APPENDIX 1: COMPREHENSIVE PLAN, INCLUDING DESIGN GUIDELINES**

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

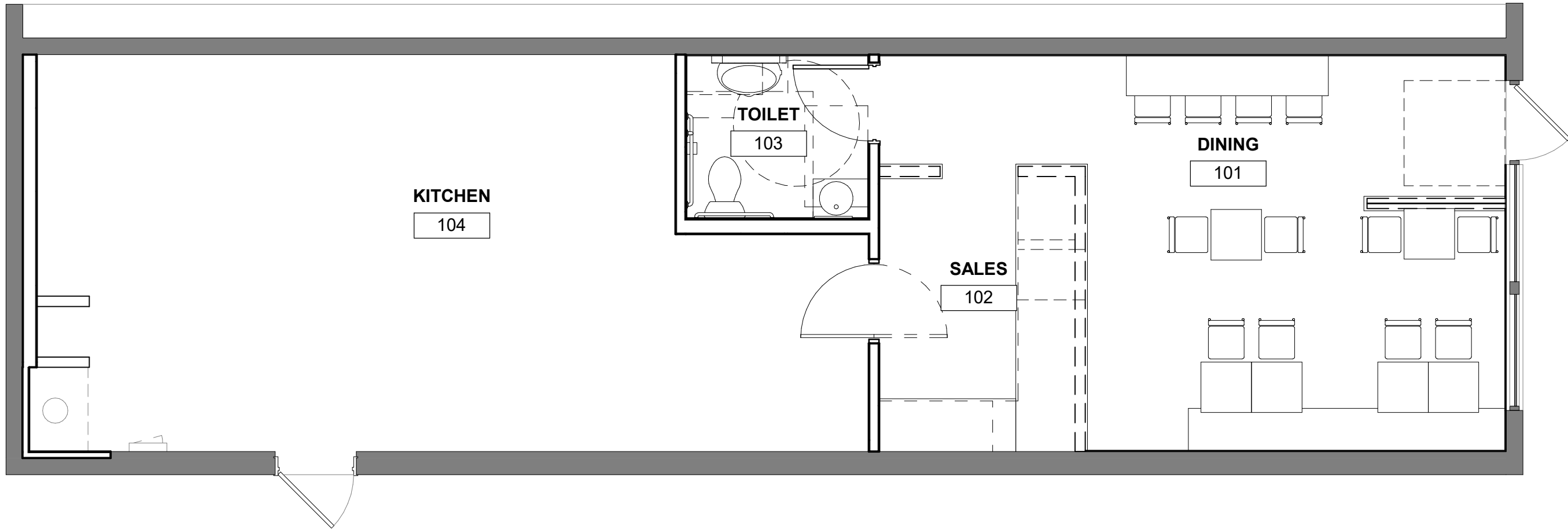
**APPENDIX 2: ZONING CODE**

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

### APPENDIX 3: AERIAL PHOTO



DINING 101:  
(6) 24" X 24" TABLES  
(1) 10'W X 1'-7"D EATING COUNTER  
(1) SITTING BOOTH  
TOTAL SEATS = 16



1 FLOOR PLAN  
DD1 1/4" = 1'-0"

Vitality Bowls



PROPOSED DINING SEATING LAYOUT

06/10/20

Attachment: Applicant's Materials received June 19, 2020 (#20-017: Vitality Bowls CUP)

FIRST AMERICAN TITLE INSURANCE COMPANY  
COMMITMENT NO. 1002-204813-RTT - SCHEDULE A: EXHIBIT A:  
PARCEL A:

A TRACT OF LAND BEING LOT "A" OF THE "BOUNDARY ADJUSTMENT PLAT OF A TRACT OF LAND BEING PART OF LOTS 3 AND 4 OF "STUDT'S HOME PLACE" AND PART OF LOT 7 OF "THE LAKE HOUSE FARM SUBDIVISION" AND PART OF "WACLED BECKER LANE", ACCORDING TO THE PLAT THEREOF RECORDED IN A PLAT BOOK 345, PAGE 557 OF THE ST. LOUIS COUNTY, MISSOURI, RECORDS.

NON-EXCLUSIVE EASEMENT FOR HIGHWAYS AND EGRESS AND PARKING VEHICLES, AS CREATED BY THE EASEMENT AGREEMENT BY AND BETWEEN STEEN, INC., A MISSOURI CORPORATION, AND CHAPMAN ELLERRE, INC., A MISSOURI CORPORATION DATED AS OF OCTOBER 23, 1997 AND RECORDED NOVEMBER 3, 1997 IN BOOK 11342, PAGE 515.

FIRST AMERICAN TITLE INSURANCE COMPANY  
COMMITMENT NO. 1002-204813-RTT - SCHEDULE B: SECTION II:

Numbers correspond with survey-related Schedule B exception items contained in the above referenced The Commitment.

- Building lines, easements, covenants and restrictions established by the plat recorded in Plat Book 345, Page 557 and Affidavit recorded in Book 11372, Page 200 and Consent recorded in Book 11389, Page 1521. (Parcel A)
- (AFFECTS THE SUBJECT PROPERTY - PLOTTED AND SHOWN HEREON)
- Easement granted to the Metropolitan St. Louis Sewer District by the instrument recorded in Book 7516, Page 240. (Parcel A)
- (AFFECTS THE SUBJECT PROPERTY - PLOTTED AND SHOWN HEREON)
- Easement granted to the Southwestern Bell Telephone Company by the instrument recorded in Book 7512, Page 1815.
- (AFFECTS THE SUBJECT PROPERTY - PLOTTED AND SHOWN HEREON)
- Easement granted to St. Louis County Water Company by the instrument recorded in Book 7518, Page 787. (Parcel A)
- (AFFECTS THE SUBJECT PROPERTY - PLOTTED AND SHOWN HEREON)
- Easement granted to Laclede Gas Company by the instrument recorded in Book 7520, Page 128. (Parcel A)
- (AFFECTS THE SUBJECT PROPERTY - PLOTTED AND SHOWN HEREON)
- Easement granted to Union Electric Company by the instrument recorded in Book 7550, Page 479 and Book 10648, Page 483. (Parcel A)
- (AFFECTS THE SUBJECT PROPERTY - PLOTTED AND SHOWN HEREON)
- Terms and provisions of Easement Agreement by and between Steinh, Inc. and Caplano Elemen, Inc. dated as of October 23, 1997 and recorded November 3, 1997 in Book 11342, Page 515. (Parcel A) (MULTIPLE EASEMENTS BOTH AFFECT AND BENEFIT THE SUBJECT PROPERTY - PLOTTED AND SHOWN HEREON)
- Terms and provisions of Memorandum of Agreement pursuant to a Tenants in Common Agreement dated as of February 21, 1998 entered into and among Hutkin Plaza Shops, L.L.C., Dielman Rock Island Investors, L.L.C., and Studt Investors, L.L.C., according to an instrument recorded in Book 11476, Page 2288.
- (AFFECTS THE SUBJECT PROPERTY - CONTAINS NO PLOTTABLE ITEMS)
- Terms and provisions of Parking Declaration dated March 26, 1999 by Hutkin Plaza Shops, L.L.C., a Missouri limited liability company, Studt Investors, L.L.C., a Missouri limited liability, and Dielman Rock Island Investors, L.L.C., a Missouri limited liability company according to the instrument recorded in Book 7549, Page 1223.
- (AFFECTS THE SUBJECT PROPERTY - CONTAINS NO PLOTTABLE ITEMS)

TOTAL LAND AREA:  
123,263 Square Feet  
2,830 Acres

PARKING:  
159 Parking Spaces  
6 Handicapped Spaces  
165 Total Parking Spaces

CERTIFICATION:

To, Centur Real Estate Investment Management Investments, LLC, CF Met Lease Portfolio II DST; Centur Commercial Real Estate Lending, LP; Chicago Global Markets Realty Corp.; First American Title Insurance Company; Stewart Title Guaranty Company; Wick Phillips Gould & Martin, LLP; CH Real Estate Acquisition, LLC; DCP, LLC; and each of their respective stockholders, officers, directors, managers, and direct and indirect beneficial interest holders.

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2016 Minimum Standard Detail Rules made in accordance with the 2016 Minimum Standard Detail Rules adopted by ALTA and NPS, and includes items 1, 2, 3, 4, 6(a), 7(a), 7(b)(1), 7(c), 8, 9, 11, 13, 14, 16, 17, and 20 of Table A thereof. The field work was completed on December 23, 2016.

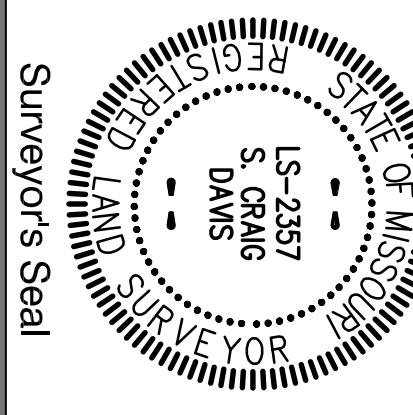
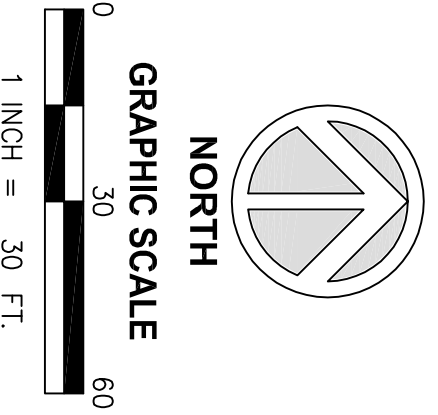
Date of Plat or Map: December 28, 2016  
I further certify that this survey was executed in accordance with the current Missouri Minimum Standards for Property Boundary Surveys.  
By: *Chris Davis*  
Chris Davis, PLS  
Surveyor No. 2357  
For and on behalf of Millman Surveying, Inc.

| REVISION HISTORY |                              |
|------------------|------------------------------|
| REV.             | DATE: COMMENT:               |
| MAP              | 3/1/17 EASEMENT VERIFICATION |
|                  |                              |
|                  |                              |
|                  |                              |

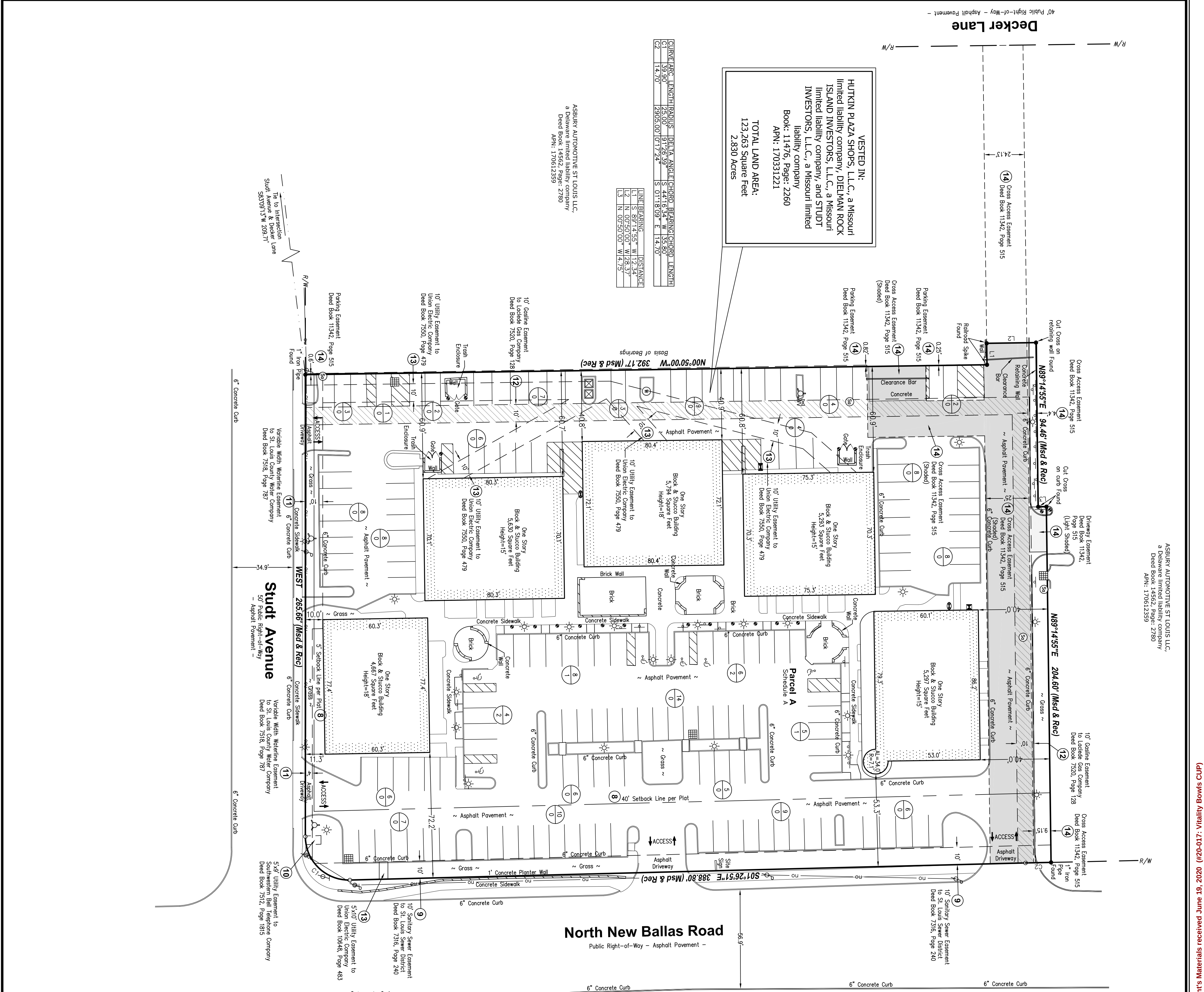
**millman**  
National Land Services  
Transforming the Industry  
Surveying  
Zoning  
Environmental  
Real Support - Title Review  
Millman Surveying, Inc.  
Corporate Headquarters  
4111 Bradley Circle NW  
Canton, OH 44718  
Phone: 800-520-1010  
Fax: 330-342-0834  
www.millmanland.com  
landsurveyors@millmanland.com

ALTANSPS LAND TITLE  
SURVEY PREPARED FOR:  
**CROW HOLDINGS  
CAPITAL REAL  
ESTATE**  
3619 Maple Avenue  
Dallas, Texas 75219

Plaza Shops  
701 North New Ballas Road  
City of Creve Coeur  
County of Saint Louis  
State of Missouri



Sheet No. **1** of **1**  
MSI Project No. 38532  
PC: EF  
PW: WG  
Drafter: IMG



**ZONING:**  
As of December 28, 2016, we have not yet received the current zoning information for the subject property.

**ENCROACHMENTS:**  
At the time of this survey, there was no visible evidence of encroachments or violations.

**FLOOD ZONE:**  
By scaled map location and graphic plotting only, the subject property appears to lie entirely in Zone X-Unshaded (Areas determined to be outside the 0.2% annual chance floodplain) according to the Flood Insurance Rate Map for the County of St. Louis, Community Panel No. 2918020187K, Revised Date February 4, 2015.

**BASIS OF BEARING:**  
The basis for all bearings shown hereon is the West property line of subject property, known as being N00°50'00\"/>

G. Section, Inc. d/b/a Vitality Bowls #069  
6314 Northwood Ave. #3E  
Clayton, MO 63105  
(314) 295-1215

**April 7, 2020**

BUILDING & SAFETY DIVISION

RE: Vitality Bowls #069  
Address: 741 New Ballas Road, Creve Coeur, MO 63141

**Project Narrative**

This is a proposed 917 sq. ft. leased space that is part of the shopping center development known as St. Louis Plaza Shops where we wish to open a Vitality Bowls Superfood Café.

Vitality Bowls Superfood Café will be a made-to-order, fast casual style restaurant, serving both dine-in and carryout customers. Its hours of operations will be 8:00am – 8:00pm, seven days per week.

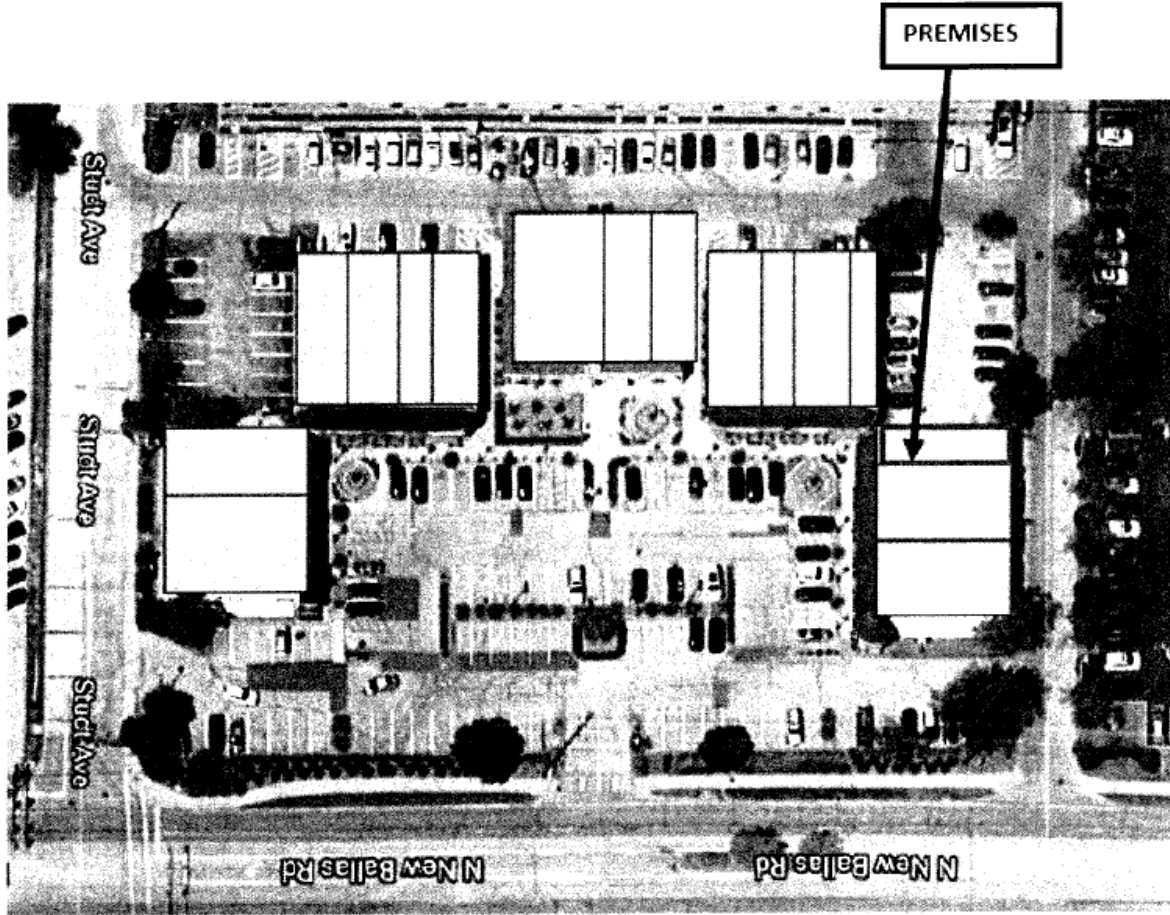
No changes to the exterior of the building or its landscape are part of this request. As part of the retail space within the St. Louis Plaza Shops development, the restaurant will utilize existing trash enclosures and parking approved for tenant use as part of the development.



Mark Matiszik  
Treasurer  
T: 314-295-1215  
[markm@vitalitybowls.com](mailto:markm@vitalitybowls.com)









BILL NO. \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE REPEALING ORDINANCE 2159 AND ISSUING A NEW  
CONDITIONAL USE PERMIT FOR A 919 SQUARE-FOOT EATING AND DRINKING  
ESTABLISHMENT, FOR VITALITY BOWLS, LOCATED AT 741 N. NEW BALLAS  
ROAD, WITHIN THE PLAZA SHOPS SHOPPING CENTER**

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

**WHEREAS**, Mark Matiszik, of G, Section, Inc. (DBA Vitality Bowls #069), has submitted for a conditional use permit for a new fast casual, 919 square foot restaurant, Vitality Bowls Superfood Café, with a maximum number of 16 seats, at 741 N. New Ballas Road, within the Plaza Shops Shopping Center, Creve Coeur MO, 63141.; and,

**WHEREAS**, a public hearing was held by the Creve Coeur Planning and Zoning Commission on Monday, July 20, 2020, beginning at 6:30 p.m. or immediately following the close of the previous public hearing, on said application for the conditional use permit as provided by Section 405.1070(D)(2); and,

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

**WHEREAS**, the Planning and Zoning Commission reviewed and, by a \_\_\_\_ vote, recommended approval of the conditional use permit, subject to the conditions contained herein, at its meeting on July 20, 2020; and,

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

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

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

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

**Section 1:** Ordinance Number 2159 is hereby repealed.

Attachment: #20-017.741 N. New Ballas.Vitality Bowls CUP.Draft Ordinance.7-20-2020 (#20-017: Vitality Bowls CUP)

BILL NO. \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

**Section 2:** A Conditional Use Permit is authorized to be issued pursuant to Section 4 hereof for the operation of a restaurant located at 741 N. New Ballas Road, in the "CB" Core Business zoning district, within the Plaza Shops, whose legal description is as follows:

A TRACT OF LAND BEING LOT "A" OF THE "BOUNDARY ADJUSTMENT PLAT OF A TRACT OF LAND BEING PART OF LOTS 3 AND 4 OF "STUDT'S HOME PLACE" AND PART OF LOT 7 OF "THE LAKE HOUSE FARM SUBDIVISION" AND PART OF VACATED DECKER LANE", ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 345, PAGE 557 OF THE ST. LOUIS COUNTY, MISSOURI, RECORDS.

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

1. The Conditional Use Permit shall be for the operation of a 919 square foot eating and drinking establishment at 741 N. New Ballas Road, within the Plaza Shops.
2. Maximum seating permitted is limited to 16 seats.
3. Hours of operation shall be 8:00 a.m. to 8:00 p.m., seven days a week. Additional business hours may be permitted with the Zoning Administrator's approval including, but not limited to, the catering of special events.
4. Employee parking, delivery and company vehicles shall be parked behind the buildings and as far from the public right-of-way as possible.
5. All signs and banners shall be in conformance with Article VIII, Sign Regulations, of the Zoning Code.
6. Any mechanical equipment installed for the site shall be properly screened with approved materials.
7. Missing landscaping shall be replaced to be in substantial compliance with the prior approved landscape plan for review and approval by the Zoning Administrator.
8. The property owner shall address any property maintenance issues to the satisfaction of the Chief Building Official prior to the issuance of a Certificate of Occupancy
9. Any future enlargement, extension, expansion or alteration in the use of the structures or site must be approved by the City Council upon receipt of the recommendation of the Planning and Zoning Commission as an amendment to the Conditional Use Permit before a Building Permit for the enlargement, expansion or alteration may be issued.
10. Failure to comply with any one or all of the conditions of this permit shall be adequate cause for the revocation of said permit by the City Council, provided, however, no permit shall be revoked without prior notice to the owner of the intention of the City Council to revoke this permit and reasonable time granted to the owner to correct or remedy any such breach of conditions, except for repeated breaches or violations.
11. No conditional use permit granted by the City Council shall be valid for a period longer than one year from the date it grants the conditional use permit, unless within such period: (1) a building permit is obtained and construction is begun; or (2) if a building permit is not required, an occupancy permit is obtained and the use of the building commenced. The City Council may grant extensions to the one (1) year period of not more than one hundred and eighty (180) days each, without notice or hearing, provided that a written request for such extension is filed by the original applicant and approved by the City Council prior to the date the conditional use permit is scheduled to expire.
12. Any transfer of ownership or lease of the property shall include in the transfer or lease agreement a provision that the purchaser or lessee agrees to be bound by the approved Site Development Plan for the property and the conditions herein set forth, and written confirmation thereof signed by the new owner or lessee shall be filed with the City at the

BILL NO. \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

time of such transfer or lease. Failure to comply with this provision shall not excuse anyone from these conditions.

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

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

ADOPTED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2020.

\_\_\_\_\_  
HEATHER SILVERMAN  
PRESIDENT OF CITY COUNCIL

APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2020.

\_\_\_\_\_  
BARRY GLANTZ  
MAYOR

ATTEST:

\_\_\_\_\_  
DEBORAH RYAN  
CITY CLERK

**BILL NUMBER 3134****ORDINANCE NUMBER 2159**

**AN ORDINANCE AUTHORIZING THE ISSUANCE OF A  
CONDITIONAL USE PERMIT FOR AN EATING AND  
DRINKING ESTABLISHMENT TO BE KNOWN AS CUISINE  
D' ART TO BE LOCATED AT THE PLAZA SHOPS CENTER,  
ADDRESSED AS 701 NORTH NEW BALLAS, IN THE 'CB'  
CORE BUSINESS DISTRICT**

**WHEREAS**, application was made by Ms. Beth Williams for a Conditional Use Permit to operate an eating establishment at the Plaza Shops Center, located on N. New Ballas, north of Studt Avenue, zoned CB, Core Business District, and

**WHEREAS**, under Section 26-41-3(e), all eating and drinking establishments require the issuance of a Conditional Use Permit as defined under Section 26-114, and

**WHEREAS**, on October 15, 2001, the Planning and Zoning Commission of the City of Creve Coeur, by unanimous vote recommended approval of said application as per Section 26-114.4(b), and

**WHEREAS**, a Public Hearing was held by the Creve Coeur City Council on Monday, November 12, 2001, beginning at 7:30 p.m. or immediately following the close of the previous Public Hearing, on said application for the Conditional Use Permit as provided by Article 9, Section 26-114 of Ordinance Number 1903 of the City of Creve Coeur, and

**WHEREAS**, notice of publication for said Public Hearing had been previously published at least 15 days prior to the hearing, in the St. Louis Countian on October 24, 2001 and in the West County Journal on October 22, 2001, newspapers of general circulation in the City of Creve Coeur, and

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

**WHEREAS**, the City Council being fully informed finds that the granting of the application would be in harmony with and bear a substantial relation to the public welfare, health, safety, comfort and convenience of the citizens of the City of Creve Coeur and in the public interest and in conformance with good zoning practice.

Now, therefore, be it Ordained by the City Council

**Section 1:** A Conditional Use Permit is authorized to be issued pursuant to Section 3 hereof for the construction and operation of a 3,120 sq. ft. eating and drinking establishment to be known as Cuisine d' Art at the Plaza Shops Center tenant space addressed as 701 N. New Ballas Road, located in the Plaza Shops development, zoned CB, Core Business District, subject to the hereinafter stated conditions, on the following described property:

## Legal Description

### Parcel A

A tract of land being Lot "A" of the Boundary Adjustment Plat of a tract of land being part of Lots 3 and 4 of Studt's Home Place and part of Lot 7 of The Lake House Farm Subdivision and part of vacated Decker Lane, according to the Plat thereof recorded in Book 345, page 557 of the St. Louis County Records.

### Parcel B

A tract of land being Lot 1 of Weller Manor, according to the Plat thereof recorded in Book 105, page 1 of the St. Louis County Records and part of Lot 5 of Studt's Home Place according to the plat thereof recorded in Book 7 page 38 of the St. Louis County Records of the St. Louis County Records, situated within Section 3, Township 45 North, Range 5 East, in the City of Creve Coeur, St. Louis County, Missouri, being more particularly described as follows:

Beginning at the point of on the Eastern Right of Way line of Decker Lane forty feet wide, at the Northwestern corner of Lot 2 of Weller Manor, as aforementioned; thence along said Eastern line and the Eastern line of land conveyed to the City of Creve Coeur (for the widening of Decker Lane), by Deed recorded in Book 7505, page 1930 of the St. Louis County Records, North 00 ° 52 minutes 55 seconds West, 200.57 feet to a point of curvature; thence Southwestwardly 39.65 feet, along a curve to the right having a radius of 25.00 feet and a chord bearing North 44 ° 35 minutes 32 seconds East to a point of tangency on the southern Right of Way line of Studt Avenue as widened to fifty feet by the Deed to the City of Creve Coeur, as aforementioned; thence along said Southern line East, 161.61 feet to a point on the Western line of a tract of land conveyed to Rose-Gold Nomen Company, by deed recorded in Book 6486 page 1867 of the St. Louis County Records; thence along Western line, South 00 ° 52 minutes 55 seconds East, 129.61 feet to a point; thence South 09 ° 42 minutes 03 seconds East, 94.59 feet to the Northeastern corner of Lot 2 Weller Manor, as aforementioned, thence along the Northern line of Lot 2, South 89 ° 07 minutes 05 seconds West, 201.38 feet to the point of beginning.

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

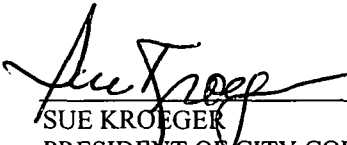
1. This Conditional Use Permit shall be for the operation of a 3,120 sq. ft. eating and drinking establishment as defined under Section 26-52.13 of the City of Creve Coeur Zoning Code.
2. Said use shall be located in the Plaza Shops Center tenant space addressed as 701 N. New Ballas Road, located in the Plaza Shops development as approved by the Creve Coeur City Council.
3. The maximum seating permitted is limited to 80 seats (including any outdoor seating on the north side of the building), as defined by the City's Zoning Ordinance.
4. The hours of operation shall be from 7:00 a.m. to 10:00 p.m., seven days a week.
5. The floor plan for the proposed restaurant shall be filed with the City's Zoning Administrator showing the type and location of all equipment, furniture, seating capacity, and other information which may be requested by the building official.
6. All signs for the restaurant must be in conformance with the City's sign regulations, and permits must be obtained for the erection or modification of any sign on the premises. Banners, pennants, fringe, light pinwheels or other similar devices for attracting attention may be displayed only in conformance with the City's current sign regulations. Exposed neon signs shall only be used in conformance with the current sign regulations of the City of Creve Coeur.

7. Should the restaurant desire an exclusive refuse container it shall be located adjacent to the restaurant. A new refuse container shall be located within a screened sight-proof storage area with the installation of a hose bibb to service the trash enclosure area. Trash pick-up for the facilities shall only occur between the hours of 8:00 a.m. and 8:00 p.m.
8. Trash pick-up for the facilities shall only occur between the hours of 8:00 a.m. and 8:00 p.m.
9. There shall be no outdoor storage or placement of any materials or equipment used in conjunction with the restaurant, including storage of outdoor tables, chairs and umbrellas.
10. Any mechanical equipment installed for the restaurant shall be properly screened with approved materials.
11. Additional business hours are permitted with the Department of Community Development's approval. Business hours can be approved for the catering of special events.
12. Employee parking, delivery and company vehicles shall be parked in the west parking area of the restaurant.
13. Loading to and from Studt Avenue is prohibited.
14. A sidewalk shall be installed by the owner of Plaza Shops on N. New Ballas Road and shall meet City standards, as directed by the Department of Community Development.
15. Any future enlargement, extension, expansion or alteration in the use of the structures or site must be approved by the City Council upon receipt of the recommendation of the Planning and Zoning Commission as an amendment to the Conditional Use Permit before a Building Permit for the enlargement, expansion or alteration may be issued.
16. The seating area must have sufficient proper signs to comply with the "No Smoking" Ordinance Number 1392 and amending Ordinance Number 1548.
17. A copy of all herein attached conditions shall be furnished by the owner or petitioner to the operator(s) or manager(s) including successive operator(s), owner(s) or manager(s) who shall forward to the Zoning Enforcement Officer an acknowledgement that he or she has read and understood each of these conditions and agrees to comply therewith.
18. All conditions contained within this permit shall be posted upon the properties in such a manner that it is visible to the public and the operator of said facilities.
19. Failure to comply with any one or all of the conditions of this permit shall be adequate cause for the revocation of said permit by the City Council, provided, however, no permit shall be revoked without prior notice to the owner of the intention of the City Council to revoke this permit and reasonable time granted to the owner to correct or remedy any such breach of conditions, except for repeated breaches or violations.
20. No Conditional Use Permit granted by the City Council shall be valid for a period longer than one year from the date it grants the Conditional Use Permit, unless within such period: (1) a Building Permit is obtained and construction is begun; or (2) if a Building Permit is not required, an Occupancy Permit is obtained and the use of the building commenced. The City Council may grant extensions to the one (1) year period of not more than one hundred and eighty (180) days each, without notice or hearing, provided that a written request for such extension is filed by the original applicant and approved by the City Council prior to the date the conditional use permit is scheduled to expire.
21. Any transfer of ownership or lease of the property shall include in the transfer or lease agreement a provision that the purchaser or lessee agrees to be bound by the approved Site Development Plan for the property and the conditions herein set forth, and written confirmation thereof signed by the new owner or lessee shall be filed with the City at the time of such transfer or lease.
22. The use of outdoor speakers for the amplification of music shall be permitted and shall not exceed 50 decibels at the property line.

**Section 3:** The City Administrator of the City of Creve Coeur is hereby authorized and directed to issue a Conditional Use Permit in accordance with the provisions of this ordinance, said permit to expressly provide for the conditions and stipulations hereinabove set out in Section 2 of this ordinance.

**Section 4:** This ordinance shall become effective 15 days after adoption by the City Council and the signing thereof by the Mayor.

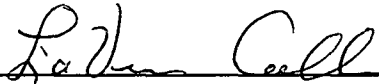
Adopted by City Council this 10 day of December, 2001.

  
SUE KROEGER  
PRESIDENT OF CITY COUNCIL

Approved this 10 day of December, 2001.

  
ANNETTE KOLIS MANDEL  
MAYOR

ATTEST:

  
LAVERNE COLLINS, CMC  
CITY CLERK

Attachment: Ordinance 2159 (#20-017: Vitality Bowls CUP)



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**  
**#20-018: CONDITIONAL USE PERMIT FOR AN IN-PATIENT, MEDICAL**  
**DRUG TESTING AND RESEARCH FACILITY, BIOPHARMA,**  
**AT 10330 OLD OLIVE STREET ROAD**

**FOR THE MEETING OF:** Monday, July 20, 2020, 6:30 PM

**LOCATION:** 10330 Old Olive Street Road, GC-General Commercial District.

**REQUEST:** Andrew Janis, of BioPharma Services USA, Inc., has submitted a conditional use permit application for an 88-bed, 25,017 square foot Medical Drug Testing and Research Facility at 10330 Old Olive Street Road, Creve Coeur, MO 63141, and where patients/subjects usually stay a day or two, but sometimes can be longer. All Other Miscellaneous Ambulatory Health Care Services, NAICS 621999 are conditional uses in the GC-General Commercial District with review at the Planning and Zoning Commission and approval by the City Council.

**ADDITIONAL INFORMATION:** The subject property was originally developed as an office development in 2002. The applicant's business is to provide clinical trials on subject individuals. Approximately 90% of the clinical trials are comparison studies and analysis between generic drugs and name brand drugs (both over-the-counter and prescription). The remaining 10 % of the Company's business are Phase I trials (not on the market yet). While there are medical staff on-site, the facility is not an urgent care, hospital or clinic; and except as directly related to the clinical trials, the Company provides no health care services. The facility is used only for clinical trials. The facility, the drugs to be tested, and the process of the clinical trials are all highly regulated by the US FDA and other US and world regulatory organizations. As the patients/subjects are staying overnight, Staff considers the use closest related use as an Other Miscellaneous Ambulatory Health Care Services, NAICS 621999.

**Key Issues:**

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

**Comprehensive Plan References**

- Mixed-Use Innovation Campus District (MUIC)
- 39N Master Plan

**Zoning Code References**

- Section 405.210: Regulation of Uses
- Section 405.360: GC-General Commercial
- Section 405.470: Conditional Uses
- Article VII: Off-Street Parking and Loading Regulations.
- Section 405.1080 Site Concept, Site Development and Minor Site Plan Approval

**APPLICANT:** Andrew Janis  
Biopharma Services USA Inc.  
300 Portland Street, Suite 100  
Columbia, MO 65201

**PROPERTY OWNER:** James A. Fredericks  
Armstrong Teasdale LLP, Suite 1800  
St. Louis, MO 63105



Google image

**REPORT PREPARED BY:** Whitney Kelly, AICP, City Planner

**DATE:** 7/8/2020

**ATTACHMENTS:** Applicant's Materials received 6/19/2020 and Floor Plans received 7/13/2020  
Draft Ordinance

Attachment: 20-018.10330 Old Olive.BioPharma CUP.Staff Report.7-20-2020 (#20-018: BioPharma CUP)

## PROPOSAL

BioPharma is seeking a conditional use permit as an Other Miscellaneous Ambulatory Health Care Services (NAICS 621999) for the entire building, approximately 25,017 square feet, at 10330 Old Olive Street Road. The building was originally developed in 2002 and has largely remained the same since then. There are wireless facilities on the building as well that have received conditional use permits.

The most recent use was St. Louis Clinical Trials that started operating in 2013, under the category of a general medical clinic office, with some overnight stays, for a portion of the building. The City since revised the ordinance to the current list of uses based on the NAICS, where such uses are now seen as a conditional use, similar to other overnight medical clinics. As the applicants will be using the entire building, a conditional use permit is necessary.

As discussed above, BioPharma provides clinical trials on subject individuals. Approximately 90% of the clinical trials are comparison studies and analysis between generic drugs and name brand drugs (both over-the-counter and prescription). The remaining business involves Phase I trials (not on the market yet). The clinical trials are performed with volunteer subjects from the Company's database, and some through advisements. Potential subjects for any particular clinical trial are first screened by telephone/email; and upon arrival, the potential subjects are physically screened for vitals to confirm that they are healthy for the subject trial. The subjects are then tested, and are required to spend the night to monitor the test. Generally, the subjects are overnight for two nights. Approximately 15% of the subjects spend three nights. Longer, overnight studies are rare. In connection with overnight stays, the subjects usually arrive around 4:00 p.m. – 6:00 p.m., and go home the applicable morning of their release.

There is no cafeteria or kitchen in the facility, nor vending machines. All food is catered to monitor the same with respect to the clinical trials. While there are medical staff on-site from time to time, the facility is not an urgent care, hospital or clinic; and except as directly related to the clinical trials, the Company provides no health care services. The facility is used only for clinical trials. The facility, the drugs to be tested and the process of the clinical trials are all highly regulated by the US FDA and other US and world regulatory organizations.

The Applicants are requesting a total of 88 beds. However, according to the applicant, not all beds will be used at the same time. The optimum number of beds for business purposes of the Company are approximately 60 beds; and due to the nature of the testing and the recirculation of the beds and other facilities, generally only about 24-36 beds are in use at any one time. Approximately 50% of the overnight stays are during the week, 50% are on weekends.

Employees on-site are generally as follows:

|                         |                 |
|-------------------------|-----------------|
| 8:00 a.m. to noon       | 15-20 employees |
| Noon to 5:00 p.m.       | 8-10            |
| 5:00 p.m. to 10:00 p.m. | 8-10            |
| 10:00 p.m. to 8:00 a.m. | 3-5             |

Parking is provided on-site for staff and the trial subjects. Historically, approximately 15-20% of the subjects are dropped off by friends/family, and picked up upon release. An additional 15-20% arrive by cab or bus. The site has 71 parking spaces: 21 spaces in the garage, and 50 spaces on the surface parking lot. No changes are proposed to the building or the site.



Figure 1: Floor plan showing bed locations on 1st floor



Figure 2: Floor plan showing bed location on 2nd floor

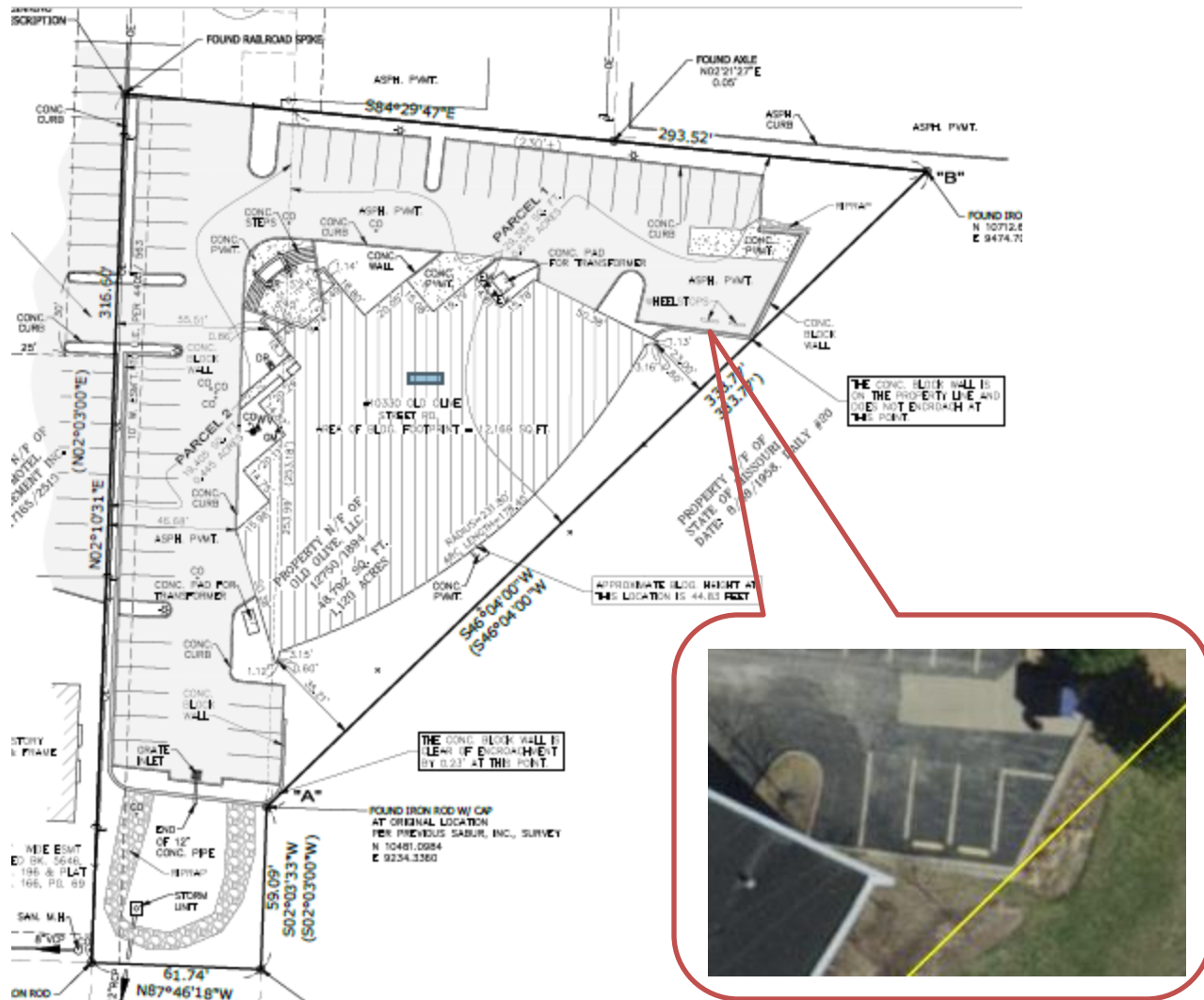


Figure 3: Site Plan of 10330 Old Olive Street Road. The aerial image shows the 4 blue striped spaces that are not shown on the site plan for a total of 50 surface parking spaces.

## LAND USE AND ZONING OF SURROUNDING PROPERTIES

The adjacent zoning and land uses are as follows:

| DIRECTION | USE                         | ZONED                 | SEPARATED BY        |
|-----------|-----------------------------|-----------------------|---------------------|
| North     | Office                      | GC-General Commercial | NA                  |
| South     | Bayer Crop Science Division | RO-Research Office    | Olive Boulevard     |
| East      | Lou Fusz Automotive Dealers | GC-General Commercial | Lindbergh Boulevard |
| West      | Office                      | GC-General Commercial | NA                  |

## COMPREHENSIVE PLAN REVIEW

### Creve Coeur 2030 Plan

The Creve Coeur 2030 Plan includes the subject property in the Mixed-Use Innovation Campus District (MUIC) as well as within the 39N Master Plan. The Mixed-Use Innovation Campus District is for a sustainable hub for cutting-edge research, job opportunities, and community amenities that encourages innovation, collaboration and entrepreneurship in vibrant, mixed-use environment, that is intended for the development of office, laboratory, institutional, and research buildings for the biotech industry, supported

by diverse housing options, active uses and other community amenities. This district is supported by diverse housing options, active uses and other community amenities in support of the 39 North Master Plan. Olive and Lindbergh Boulevard are identified as the primary streets, where a variety of active, office, and residential ground floor uses should be encouraged, with a front build-to line to encourage a consistent location and orientation of building frontages to Primary Street, and parking should primarily be located in shared facilities, behind buildings. Pedestrian amenities should be provided along the front façade of each building and connect to adjacent buildings and public site amenities, including outdoor dining, plazas, fountains, bicycle parking, “parklets” and other elements to promote district vibrancy (p. 99). The Applicants will utilize an existing office building on a 24-hour operation, for the purpose of the research and development of drugs. The applicant is not making any other changes to the building or the site. Therefore, the proposal meets with the purpose of the District in as much as this request can.

### ZONING REVIEW

As discussed above. As an independent sleep clinic not associated with a doctor’s office, outpatient sleep disorder centers and clinics are classified as NAICS 621498 - All Other Outpatient Care Centers which require a conditional use permit in the GC-General Commercial District under Table A of the Zoning Ordinance. The site has remained largely the same as was originally approved, including the original landscaping. No changes to the exterior of the building or site have been requested. Therefore, review is limited to the discussion below:

#### Parking

Section 405.820 Required Off-Street Parking Spaces include that Ambulatory health care services (NAICS 621) for which the proposed use falls within includes the following:

8. Health care and social assistance (NAICS 62).
  - a. Ambulatory health care services (NAICS 621).
    - (1) Buildings under fifteen thousand (15,000) square feet. Four (4) spaces per one thousand (1,000) square feet of gross leasable floor area.
    - (2) Buildings greater than fifteen thousand (15,000) square feet. Three and three-tenths (3.3) spaces per one thousand (1,000) square feet of gross leasable floor area.

The existing office building was approved and developed in 2002, as a two story office building with approximately 25,017 square feet of floor area on 1.120 acres, with 50 surface parking spaces, and 21 spaces within the garage. For general office developments, the parking is determined by the gross leasable floor area of 85% of the building. Therefore, for the entire building, 71 spaces are required at 3.3 spaces, per 1,000 square feet of the gross leasable floor area. Section 405.820(A)(7) states that if a specific land use is not included in the list of uses for which parking space requirements are specifically listed, then the required parking for that use shall be determined by using the required parking for the most similar use that is specifically listed. Given the overnight stays of the “patients/ test subjects” the applicants have also completed a parking calculation to determine the maximum number of beds that the site would allow, based on the requirements similar to a hospital, since there are patient beds for this specific use:

Section 405.820(H)(8)(c) Hospitals (NAICS 622).

- (1) Eighty-five one-hundredths (0.85) space per employee on duty at any one (1) shift change or sixty-five one-hundredths (0.65) space per full-time equivalent total employment, whichever is greater, and additional parking spaces shall be provided for visitors on the basis of six-tenths (0.6) space per hospital bed.

This number is consistent with the historical concept of clinical testing, that only about 50% of the beds are used at any one time. Thus, the total number of allowed beds based on the requirements under Sec. 405.820(H)(8)(c)(1) is 88 beds calculated as follows:

$$.85 \times (20 \text{ employees on duty at any one shift change}) = 17 \text{ spaces OR } .65 \times (25 \text{ employees total employment}) = 17 \text{ spaces set aside for employee parking.}$$

70 spaces in the lot and garage in total – 17 spaces set aside for employee parking = 53 spaces left to be provided for subjects.  
 $53 \text{ spaces} \div .6 \text{ (spaces per hospital bed)} = \text{a maximum of 88 beds allowed by the zoning code.}$

As this will be the only use within the building, staff believes sufficient parking has been provided.

#### *Trash Enclosure*

The existing trash dumpster is not located within an enclosure. Therefore, Staff has included a condition of approval that the dumpster be properly screened within an enclosure with building materials that are consistent with the existing structure for the Zoning Administrator's approval.

#### **RECOMMENDED CONDITIONS FOR APPROVAL**

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

1. The Conditional Use Permit shall be for the operation of an 88-bed, 25,017 square foot Medical Drug Testing and Research Facility with overnight stays at 10330 Old Olive Street Road under the category of Other Miscellaneous Ambulatory Health Care Services (NAICS 621999).
2. The property owner shall address any property maintenance issues and building code issues related to the use to the satisfaction of the Chief Building Official.
3. The Applicants shall submit for a building permit to properly screen the existing dumpster with a trash enclosure that is compatible with the architecture of the main buildings subject to the Zoning Administrator's approval.
4. All signs and banners shall be in conformance with Article VIII, Sign Regulations, of the Zoning Code.
5. All Landscaping shall be maintained per the prior approved plan and vegetation that is totally or predominantly dead and/or disfigured due to disease or injury shall be replaced as needed, and should the street trees be removed, sufficient landscaping shall be provided on the property to be consistent with the Landscape Plan to the extent possible, as required under Section 405.540 Landscaping, as determined by the Zoning Administrator.
6. Any new mechanical equipment installed for the site shall be properly screened with approved materials by the Zoning Administrator.
7. Any future enlargement, extension, expansion or alteration in the use of the structures or site must be approved by the City Council upon receipt of the recommendation of the Planning and Zoning Commission as an amendment to the Conditional Use Permit before a Building Permit for the enlargement, expansion or alteration may be issued.
8. Failure to comply with any one or all of the conditions of this permit shall be adequate cause for the revocation of said permit by the City Council, provided, however, no permit shall be revoked without prior notice to the owner of the intention of the City Council to revoke this permit and reasonable time granted to the owner to correct or remedy any such breach of conditions, except for repeated breaches or violations.
9. No conditional use permit granted by the City Council shall be valid for a period longer than one year from the date it grants the conditional use permit, unless within such period: (1) a building permit is obtained and construction is begun; or (2) if a building permit is not required, an occupancy permit is obtained and the use of the building commenced. The City Council may grant extensions to the one (1) year period of not more than one hundred and eighty (180) days each, without notice or hearing, provided that a written request for such extension is filed by the original applicant and approved by the City Council prior to the date the conditional use permit is scheduled to expire.
10. Any transfer of ownership or lease of the property shall include in the transfer or lease agreement a provision that the purchaser or lessee agrees to be bound by the approved Site Development Plan for the property and the conditions herein set forth, and written confirmation thereof signed

by the new owner or lessee shall be filed with the City at the time of such transfer or lease.  
Failure to comply with this provision shall not excuse anyone from these conditions.

**ACTION**

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

**MOTION**

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

“I move to recommend approval of Application # 20-018 for a Conditional Use Permit for Medical Drug Testing and Research Facility, BioPharma, subject to the conditions discussed in the Staff Report and Draft Ordinance for the meeting of July 20, 2020” (conditions may be added, eliminated, or modified by preceding motion).

---

**APPENDIX 1: COMPREHENSIVE PLAN, INCLUDING DESIGN GUIDELINES**

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

**APPENDIX 2: ZONING CODE**

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

APPENDIX 3: AERIAL PHOTO

10330 Old Olive Street Road



City Limits

Parcels

June 22, 2020

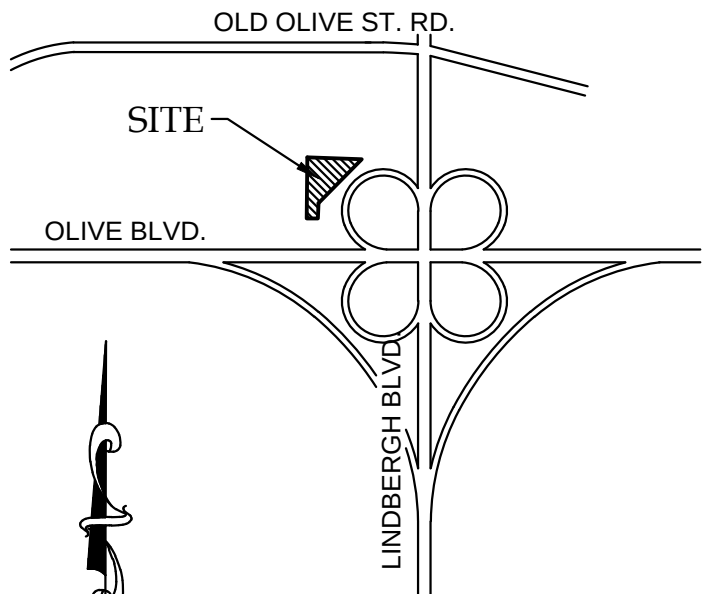


Prepared By

HORNER+SHERRIN

ALTA/ASCM LAND TITLE SURVEY  
#11330 OLD OLIVE STREET ROAD

A TRACT OF LAND IN THE NORTHERN HALF OF THE  
NORTHWEST 1/4 OF SECTION 1, TOWNSHIP 45  
NORTH, RANGE 5 EAST, CITY OF CREVE COEUR  
ST. LOUIS COUNTY, MISSOURI



LOCATION MAP  
NOT TO SCALE

LEGEND

- FOUND OLD STONE/ CONC. MONUMENT
- FOUND OR SET CROSS/ANCHOR
- FOUND IRON PIPE/ROD
- SET IRON ROD W/ CAP
- GUY WIRE
- PP POWER POLE
- YARD LIGHT
- LIGHT STANDARD
- FIRE HYDRANT
- WM WATER METER
- WV WATER VALVE
- GO SANITARY CLEANOUT
- GV GAS VALVE
- DR DRAIN
- SIGN
- x- FENCE
- MAIL BOX
- OE OVERHEAD ELECTRIC
- 6"W- WATER LINE
- G- GAS LINE
- =-S- STORM SEWER
- SS- SANITARY SEWER
- FL FLOWLINE
- CONC. (CONCRETE)
- ASPH. (ASPHALT)

NOTES

- The basis of the bearing system is the southeast line of property described in deed book 12750, page 1894 of the St. Louis County Records. Said bearing is south 84 degrees, 43 minutes, 20 seconds east. Said line is labeled "A" - "B".
- ( ) denotes record information.
- Topographic elevations have not been provided or requested for this drawing.
- This is an urban survey.
- Underground utilities have been plotted from available maps & at-grade markings by Missouri One Call, and should be considered approximate only. The contractor must verify all locations of all underground utilities prior to any excavation. The surveyor has not physically located the underground utilities.
- The title commitment referenced is per True Title Insurance Company. The commitment number is CL160285. The effective date is January 12, 2016. See Schedule "B" Section 2 for the following survey related items:
  - Item 7) Limitation of rights of direct access by the instrument recorded in Book 3955, page 431 (Parcel 1) - prohibits access to Olive Street Road.
  - Item 8) Easement granted to Union Electric Company by the instrument recorded in Book 4405, page 563 (Parcel 1) - is shown hereon.
  - Item 9) Easements by instruments recorded in Book 5704, page 491 and Book 6785, page 31 (Parcel 5) - are shown hereon.
  - Item 10) Covenants and restrictions contained in the Declaration of Condominium and By Laws recorded in Book 6863 page (Parcels 4 and 5), - these are covenants and restrictions for condominiums (Court at 5 Gardens).
  - Item 11) The easement granted to The Metropolitan St. Louis Sewer District by instrument recorded in deed book 6910, page 2249 (Parcel 4) - is shown hereon.
  - Item 12) Terms and provisions of the Declaration of easement executed by and between Court of 5 Gardens and Bluegrass Investments, LLC, dated as September 19, 2000 and recorded November 6, 2000 in Book 12750 page 1843 - is shown hereon. Page 1844 references Exhibit 5 in Article 1, this may be a blunder. The surveyor believes it should reference Exhibit 4.
  - Item 13) Terms and provisions of the Sign Easement Agreement executed by and between Court of 5 Gardens and Bluegrass Investments, LLC, dated as September 18, 2000 and recorded November 6, 2000 in Book 12750 page 1866 - is shown hereon.
  - Item 15) Terms and provisions of the Easement Agreement executed by and between Educational Employees Credit Union and 10330 Old Olive, L.L.C., dated June 8, 2001 and recorded July 5, 2001 in Book 13141 page 1918 - is shown hereon.
  - Item 16) Terms and provisions of the maintenance agreement with the Metropolitan St. Louis Sewer District by the instrument recorded in Book 13294, page 312 (Parcels 1 & 2), - This is a maintenance agreement with the Metropolitan St. Louis Sewer District.
  - Item 19) Terms and provisions of Parking Agreement by the instrument recorded in Book 17044, page 724. - This is a parking agreement for assigning parking spaces.
  - Item 20,) Terms and provisions of the unrecorded lease by and between 10330 Old Olive, L.L.C. (landlord) and CyberTel Cellular Telephone Company d/b/a Verizon Wireless, for an initial term of five (5) years, with the rights to extend the term of the lease for at least four (4) terms of five (5) years each, dated as of November 23, 2009, notice of which is given by the Memorandum of Building and Rooftop Lease Agreement recorded December 16, 2009 in Book 18708, page 163.
- Subordination, Consent, Non-Disturbance and Attornment Agreement by and among The Business Bank of St. Louis, 10330 Old Olive, L.L.C. and CyberTel Cellular Telephone Company d/b/a Verizon Wireless recorded in Book 18708 Page 169 of the St. Louis County Records. (Leasehold not examined)
- Wireless Communication Lease Assignment Agreement by and between 10330 Old Olive, L.L.C., a Missouri limited liability company, who acquired title as 10330 Old Olive, L.L.C., A Missouri corporation and T10 Unison Site Management LLC, a Delaware limited liability company, dated as of April 4, 2014 and recorded April 8, 2014 in Book 20954, page 672. - These agreements provide for access to the site via existing ingress & egress route to Old Olive Street Road and use of the building and easement areas for utility installation, maintenance and repair of communication facilities.
- Item 22) Terms and provisions of License Agreement by and between 10326 Old Olive Street Road LC, a Missouri limited liability company and 10330 Old Olive, LLC, a Missouri limited liability company, dated as of April 12, 2013 and recorded April 22, 2013 in Book 20470, page 519 - is shown hereon.

- The coordinate system is assumed.
- The subject property is in Zone "X" (areas determined to be outside the 500-year flood plain) per FIRM (Flood Insurance Rate Map), Panels 166 and 167 of map no. 29189C0166H and 29189C0167H respectively. Effective dates of the both maps are August 2, 1995.
- The subject property is zoned: GC (General Commercial District). Note the following:
  - Front Yard Setback = 10 feet
  - Side Yard Setback = 12 feet
  - Rear Yard Setback = 20 feet

UTILITIES

ELECTRIC

AMEREN U.E.  
1901 CHOUTEAU  
P.O. BOX 149  
ST. LOUIS, MO 63103  
(314) 342-1111

GAS

LACLEDE GAS COMPANY  
3950 FOREST PARK AVE.  
ST. LOUIS, MO 63108  
(314) 658-5421

TELEPHONE

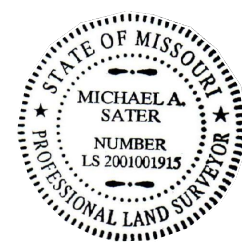
SOUTHWESTERN BELL TELEPHONE  
4321 LEMAY FERRY ROAD  
ST. LOUIS, MO 63129  
(314) 894-4026

SEWER

METROPOLITAN ST. LOUIS SEWER DISTRICT  
2000 HAMPTON AVE.  
ST. LOUIS, MO 63139  
(314) 768-6200

WATER

MISSOURI-AMERICAN WATER COMPANY  
535 N. NEW BALLAS RD.  
ST. LOUIS, MO 63141  
(314) 991-3404



ALTA/ACSM CERTIFICATION

To: Rob Heyder, True Title Company, LLC, and their successors and assigns.

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2011 Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1,2,3,4,7(a),7(b)(1),7(c),8,9, 10,11(a) & 13 of Table A thereof. The field work was completed on February 10 2016.

Date: February 10, 2016

2/10/16  
Michael A. Sater  
Michael A. Sater  
Missouri P.L.S. #2001001915



SABUR, INC.  
1751 ASHBY RD. ST. LOUIS, MO 63114  
PHONE: (314) 428-1414 FAX: (314) 428-6082  
www.sabur-inc.com  
Authority No. LS-293-D

| DRAWN BY:   | ORDER NO. | SHEET |
|-------------|-----------|-------|
| J.F.B.      | 16-008    | 1     |
| CHECKED BY: | DATE:     |       |
| M.A.S.      | 2/10/2016 | 1     |

*Summit at Creve Coeur Office Bldg • 10330 Old Olive Street Road • Creve Coeur, MO*

| Summary of Improvement Characteristics (Cont) |                                                                                                                                                                                                                                                      |
|-----------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Site Improvements (Cont)                      | The property has good landscaping around the building and along the perimeter of the site, consisting of small bushes, ornamental trees around the building and larger trees along the perimeter, which are considered typical for this market area. |
| Land-to-Building Ratio                        | 2.12:1                                                                                                                                                                                                                                               |
| Parking Spaces                                | There are a total of 21 parking spaces in the parking garage, including 3 handicap spaces, and another 49 parking spaces on the asphalt paved lot for a total of 70 parking spaces, assumed adequate with 2.76 spaces per 1,000 SF of building area. |
| Personal Property                             | None included in the valuation                                                                                                                                                                                                                       |
| Marketability and Appeal                      | The Subject property is an average quality, Class B, two story, single or two tenant medical and professional office building as currently designed in a high profile commercial district with good overall access and exposure.                     |



Whitney Kelly &lt;wkelly@crevecoeurmo.gov&gt;

## Conditional Use Permit Application [IWOV-IDOCS.FID3888825]

James Fredericks &lt;JFredericks@atllp.com&gt;

Wed, Jun 24, 2020 at 2:13 PM

To: Whitney Kelly &lt;wkelly@crevecoeurmo.gov&gt;

Cc: Andrew Janis &lt;ajanis@biopharmaservices.com&gt;, "Jdeutsch@ergclinical.com" &lt;Jdeutsch@ergclinical.com&gt;, Kathryn Redmond &lt;KRedmond@atllp.com&gt;, "tom.ray@cbre.com" &lt;tom.ray@cbre.com&gt;

I work with Kathryn (Katie) Redmond on this matter, and you may recall that you and I spoke earlier regarding the CUP process and timing.

Upon receipt of your 6/22/20 email below, I followed up with both the current tenant in the building, Evolution Research Group, LLC, and the proposed subtenant, Biopharma Services USA Inc., regarding the issues that you identified in your email to Katie.

Regarding the operation of the business, BioPharma (the "Company") is approximately 14 years old, with its headquarters in Toronto, Canada, and its sole U.S. presence in Columbia, Missouri (soon to be Creve Coeur, Missouri). I have attached several pages from the Company's website, as the website is quite lengthy. These pages set forth in detail the business of the Company. In short, the Company's business is to provide clinical trials on subject individuals. Approximately 90% of the clinical trials are comparison studies and analysis between generic drugs and name brand drugs (both over-the-counter and prescription). The remaining percent of the Company's business are Phase I trials (not on the market yet).

The clinical trials are performed with volunteer subjects from the Company's database, and sometimes through advertisements. Potential subjects for any particular clinical trial are first screened by telephone/email; and upon arrival, the potential subjects are physically screened for vitals to confirm that they are healthy for the subject trial. The subjects are then tested, and are required to spend the night to monitor the test. Generally, the subjects are overnight for two nights. Approximately 15% of the subjects spend three nights. Longer, overnight studies are rare. In connection with overnight stays, the subjects usually arrive around 4:00 p.m. – 6:00 p.m., and go home the applicable morning of their release.

Regarding food, there is no cafeteria or kitchen in the facility. There are not even vending machines for food or soft drinks. All food is catered to monitor the same with respect to the clinical trials.

Whereas there are medical staff employees on site from time to time, the facility is not an urgent care, hospital or clinic; and except as directly related to the clinical trials, the Company provides no health care services. The facility is used only for clinical trials. The facility, the drugs to be tested and the process of the clinical trials are all highly regulated by the US FDA and other US and world regulatory organizations. See page 10 of the attached.

The building can accommodate as many as 100 beds. However, the optimum number of beds for business purposes of the Company are approximately 60 beds; and due to the nature of the testing and the recirculation of the beds and other facilities, generally only about 24-36 beds are in use at any one time. Approximately 50% of the overnight stays are during the week. 50% are on weekends. Employees on site are generally as follows:

8:00 a.m. to noon

15-20 employees

Attachment: Applicant's Materials (#20-018: BioPharma CUP)

Noon to 5:00 p.m. 8-10

5:00 p.m. to 10:00 p.m. 8-10

10:00 p.m. to 8:00 a.m. 3-5

Parking is provided on site for staff and the subjects. Historically, approximately 15-20% of the subjects are dropped off by friends/family, and picked up upon release. An additional 15-20% arrive by cab or bus. The site has 70 parking spaces: 21 spaces in the garage, and 49 spaces on the open air parking lot.

Subjects are not allowed to go outside during a clinical trial. Possibly some subjects linger before or after their scheduled time. Employees sometimes take outside breaks.

Trash receptacles will be placed outside for minor trash.

Please advise what other information you may need, and if the Application is otherwise complete for purposes of making the July 20 scheduled P&Z meeting. Thanks.



Armstrong Teasdale LLP

James A Fredericks | Partner

7700 Forsyth Blvd., Suite 1800, St. Louis, Missouri 63105-1847

MAIN PHONE: 314.621.5070 | MAIN FAX: 314.621.5065

DIRECT: 314-342-8066 | Extension: 7026 | FAX: 314-612-2201

jfredericks@armstrongteasdale.com

www.armstrongteasdale.com

---

**From:** Whitney Kelly [mailto:[wkelly@crevecoeurmo.gov](mailto:wkelly@crevecoeurmo.gov)]  
**Sent:** Monday, June 22, 2020 2:54 PM  
**To:** Kathryn Redmond  
**Cc:** James Fredericks  
**Subject:** Re: Conditional Use Permit Application [IWOV-IDOCS.FID3888825]

CAUTION: EXTERNAL EMAIL

[Quoted text hidden]

If you have received this message by mistake, please notify the City of Creve Coeur IT department ([it@crevecoeurmo.gov](mailto:it@crevecoeurmo.gov)) and

delete this message from your system. All email to and from the City are checked for viruses. Although this e-mail and any attachment(s) are believed to be free of any virus, worm, or other digital illness or defect that might affect any computer system that receives and opens this message, it is the responsibility of the recipient to make sure that it is free from any virus or other defect. The City does not accept, and specifically disclaims, any responsibility or liability for any loss or damage arising from the receipt or use of this message, and any attachment(s) in any way.



**BioPharma Website.pdf**

3327K

# WHO WE ARE?

We invite you now to come and experience the true BioPharma service. It's our people, our culture and our community.

BioPharma Services was founded by two surgeons dedicated to advancing medical science to improve the life and spirit of their patients. With this same dedication and vision in mind, these physicians brought life to BioPharma.

Through each success, and even some failures, the perpetual drive to make BioPharma great has been determined by the will and dedication of our people. The will to empower their colleagues, friends and teammates to excel in all facets of clinical research and inspire performance to achieve greatness.

It is with this same culture and brand of excellence that we welcome our clients. To experience the team community that has propelled us into a global leader in medical research, to be a client-focused partner, where people and patients matter.

Again, we invite you to come and meet our people. Our people who have learned that success is better achieved and celebrated as a team than as an individual.



*"I have been humbled by the spirit and dedication of our people. It empowers me to see them execute high quality medical research in order to bring much needed pharmaceutical products to the market. BioPharma Services is an exciting place to work — full of passion, integrity and commitment. I look forward to the next 10 years of innovation and drive."*

Renzo DiCarlo, CEO.

# WORLDWIDE CERTIFICATION

In this highly regulated industry that is governed by the international quality standards of GCP and GLP, it is paramount that our process, quality and governance never falters. Adhering to the principles set forth by the ICH, BioPharma's unwavering commitment to quality and safety standards is supported by our history of regulatory inspections which spans across markets. They include routine regulatory inspections by the US FDA, UK MHRA, ANSM, DKMA, ANVISA, Health Canada, World Health Organization and a GLP certification by the SCC.

|                                                                        |
|------------------------------------------------------------------------|
| FDA – U.S. Food and Drug Administration                                |
| Health Canada                                                          |
| ANSM – French National Agency for Medicines and Health Products Safety |
| DKMA – Danish Medicines Agency                                         |
| UK MHRA – Medicines and Healthcare products Regulatory Agency          |
| ANVISA – Brazilian Sanitary Surveillance Agency                        |
| OECD GLP – Standards Council of Canada                                 |
| World Health Organization                                              |

CONTACT

Attachment: Applicant's Materials (#20-018: BioPharma CUP)

## THE RIGHT PARTNER FOR YOU!

We check all the right boxes that make us the Right Partner for you.

- ✓ Full-service CRO from study design inception to clinical trial execution. Data reporting and tabulation to the final Clinical Study Report. See **Our Services** for full details.
- ✓ Client-focused, client-centric service, transparent communication, pro-active approach, innovative thinking and solutions.
- ✓ Two clinical centers in Toronto, Canada and St. Louis, Missouri with a total capacity of 300 beds.
- ✓ In-house bioanalytical laboratory to support LC/MS/MS analysis in different matrices.
- ✓ Proven commitment to quality supported by successful inspections from the US FDA, UK MHRA, French and Danish authorities, ANVISA and Health Canada.
- ✓ GLP certified by the Standards Council of Canada (SCC).
- ✓ Expedited timelines including proven First-to-File services for US FDA drug submissions.
- ✓ A seasoned team of Physicians, Scientists and Clinicians dedicated to our clients' needs and objectives.
- ✓ Key areas of focus include Phase I clinical studies, PK/PD, Human Abuse Potential and Abuse Deterrent Assessments, Bioequivalence/Bioavailability, and GLP R&D and sample analysis.
- ✓ Robust database of healthy subject volunteers and special populations including recreational drug users, post-menopausal/surgically sterile females and hypogonadal males.

OUR MANAGEMENT TEAM



**RENZO DICARLO**  
Chief Executive Officer



**ANNA TAYLOR**  
Executive VP of Business Development



**DR. JOHN OLDENHOF**  
VP of Clinical Pharmacology



**LOUIS CO**  
VP of Global Clinical Operations



**DR. NICKI HUGHES**  
VP of Lab Operations



**JO ANN DI SENSI**  
VP of Global Quality Assurance and Privacy Officer



**BRIAN LUKIAN**  
Chief Financial Officer



Attachment: Applicant's Materials (#20-018: BioPharma CUP)

## MEMBER OF MEDICINES FOR EUROPE



Medicines for Europe is the official trade association for the European generic, biosimilar and value-added pharmaceutical industry, representing, supporting and developing scientific and technical interests within the European Union. Medicines for Europe Member Companies supply over 62% of all medicines in Europe covering 80% of therapeutic areas including high blood pressure, diabetes and cancer.

BioPharma Services is therefore proud to be a Partner Member of this strong and united Association which allows us to have a voice at a European level on all matters affecting the sustainability, competitiveness and regulatory environment of our industry.

## OUR WORK IN CHINA



BioPharma's experienced scientific team includes members of Chinese origin with extensive in-country networks allowing for close communication with the [NMPA - National Medical Products Administration](#) (formerly [CFDA - China Food and Drug Administration](#)) and other key individuals in the Chinese market. Our experience in the Chinese generics market includes:

- > Conduct of bioequivalence trials for NMPA submission
- > Conduct of bioequivalence trials for joint submission to USA and European regulatory agencies (NMPA/FDA and NMPA/EMA)
- > Program development and scientific consultation for conduct of 505(b)(2) trials for FDA/NMPA submission
- > Support for ICH and Policy 80 format Clinical Study Report (CSR) for NMPA submission for FDA study submission
- > Access to Chinese partners for sponsor's study document translation and submission to NMPA

With the rapid development of the Chinese market and the expected restructuring of NMPA in 2019, we invite you to connect with us for the most up-to-date guidance on current regulations and the impact on your clinical trials.

## PHASE I/IIA

BioPharma has created two Phase I Centers of Excellence able to execute a wide variety of Phase I clinical trials for our global pharmaceutical community.



## Our Healthy Volunteer Segments

BioPharma's Physician Team has dedicated their professional careers to improving healthcare and providing innovative medical solutions to our communities. We've crafted a medical team that can be your trusted partner in the creation of leading-edge healthcare solutions and essential medical therapies.

For over 10+ years, the BioPharma team has worked tirelessly to build and develop a reliable and compliant database of healthy subject volunteers and special populations. With a current database of 18,000 active subject participants, our healthy volunteer segments are:

Healthy males and females

Recreational drug users (opioid, cannabinoids and stimulants)

Post-menopausal and/or surgically sterile females

Hypogonadal males & Vasectomized males

With our Phase I centers located in Toronto, Canada and St. Louis, Missouri, BioPharma has been integral in the success of completing the following Phase I trials for our valued clients:

- > First in Human (FIH)
- > Single Ascending Dose (SAD)/Multiple Ascending Dose (MAD)
- > Absolute bioavailability
- > Safety and Tolerability
- > Food Effect study
- > Age and gender
- > Dose proportionality
- > Drug-Drug and Alcohol interaction studies
- > Human Abuse Potential/Abuse Deterrent Assessment
- > Medical Cannabis
- > Pharmacokinetics/Pharmacodynamics (PK/PD)
- > Exploratory clinical models for Proof-of-Concept decision making
- > BA/BE for all dosage forms (including solid oral formulations, transdermal patches, inhalation products and depot injections)

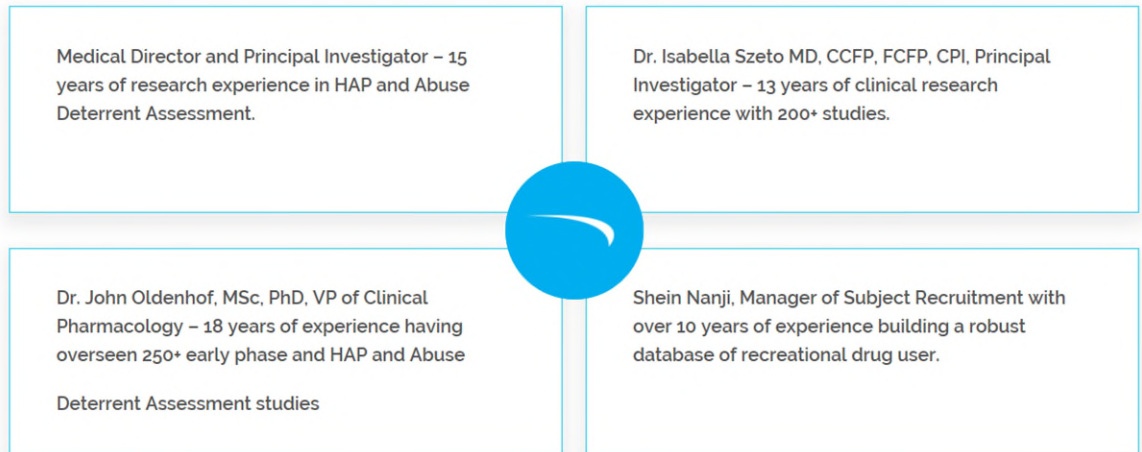
## Human Abuse Liability & Abuse Potential

From our inception in 2006, BioPharma has amassed extensive experience in the conduct of clinical studies in opioids, narcotics and cannabinoid products. Our team has extensive experience with CNS products, Human Abuse Potential (HAP) and Abuse Deterrent Assessment programs and has the capability to support your abuse potential programs.



## BIOPHARMA'S HAP TEAM

BioPharma's HAP team consists of a core team of abuse potential specialists that have been involved in the very first human abuse potential studies conducted under GCP in the early 2000s, and prior to the introduction of the FDA Guidances on Abuse Potential and Abuse Deterrent Assessment.



## Bioequivalence (BE) & Bioavailability (BA) Studies

With over 2000+ studies conducted between two clinical sites in Toronto, Canada and St. Louis, USA, BioPharma has built a brand of excellence in the conduct of Bioequivalence (BE) and bioavailability (BA) studies to support both generic and hybrid drug filings and 505(b)(2) New Drug Applications.

With impeccable quality and reputable data in mind, the BioPharma team is trained and empowered to deliver its very best each and every day. This attention to detail is supported by numerous successful Regulatory Inspections from the US FDA, EMA, UK MHRA, ANVISA, and Health Canada. With our in-house scientific and regulatory expertise, proficient in all major drug markets, BioPharma can support the full study conduct from study design and protocol inception to the issuance of the final Clinical Study Report.



With a strong profile of studies conducted on solid oral formulations, BioPharma has also amassed scientific intelligence in the conduct of studies for:

- > Solid oral dosage forms for IR, ER, MR formulations
- > ODT and SL formulations
- > Inhalation products
- > Transdermal patches
- > Long-acting depot injections
- > Creams, suppositories and ointments

Our team of PK Scientists, Clinical Operation specialists and Clinical Investigators work together to ensure the competent execution of BE studies that adhere to the GCP principles that govern our industry. Supported by our Quality Control processes and governed by our Quality Assurance experts, we remain committed to delivering excellence in clinical research with an unwavering commitment to service and client satisfaction.

## Bioanalysis & Bioanalytical Services

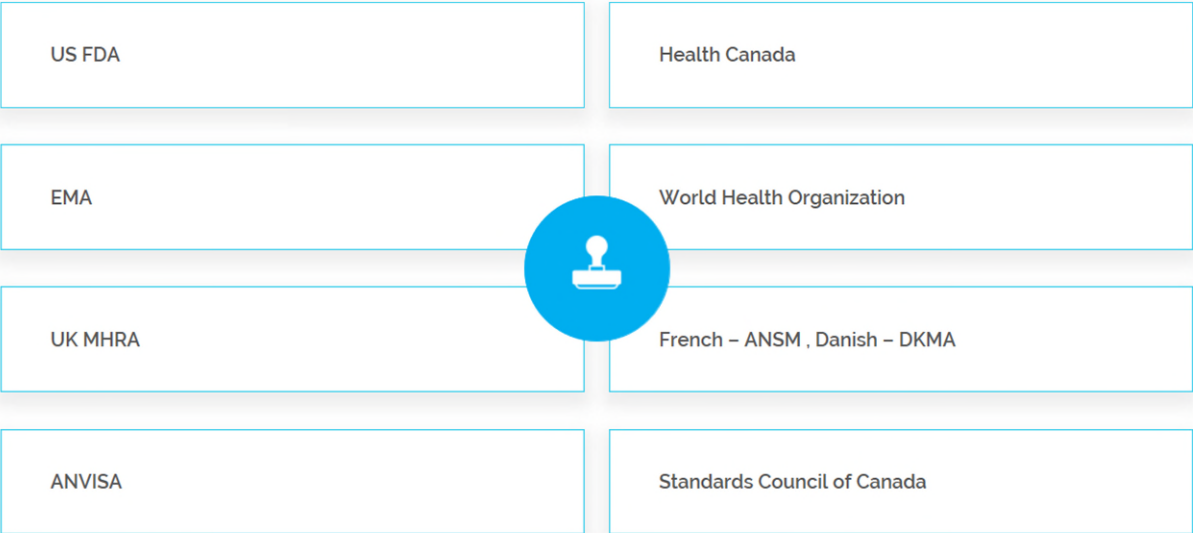
With the constant changes in technology driving science forward, bioanalysis continues to leap ahead improving the quality, accuracy, and speed with which drug analysis in biological fluids is handled. Led by Dr. Nicki Hughes, a 20-year veteran in Bioanalytical Research, the lab team at BioPharma appreciates the importance of delivering quality and innovative solutions to support the drug development programs of our clients. Whether it's combining the analysis of multiple compounds into a single assay (ie. Dolutegravir/Tenofovir/Lamuvudine) or utilizing a double extraction method to analyze drug products, we find solutions to expedite the turn-around times for analysis with quality and robust assays. This all starts with R&D and developing a sound, rugged analytical methods that can be reproduced and repeated with consistent and accurate results time and time again.

With almost impossible timelines in mind, the bioanalytical analysis team at BioPharma has also successfully executed the analysis of clinical trial samples to support First-to-File ANDA submissions to the US FDA. With a turn-around target of a mere 48-hours, the team will work tirelessly around the clock to support our client's endeavours in an increasingly competitive market place. Given our proven track record of success, let us assess the feasibility of your FTF program so we can be a valuable partner in your future achievements.



# Certificates

With successful regulatory inspections spanning global markets, BioPharma can provide reliable, reputable data to support drug submission to multiple agencies for market authorization.



Attachment: Applicant's Materials (#20-018: BioPharma CUP)

As drug potency also increases, driving the need for sensitive methodologies to detect even lower concentrations of drug in biological samples, BioPharma as a bioanalytical CRO company utilizes state-of-the-art LC/MS/MS platforms to meet this need. The scope of bioanalytical services offered at BioPharma include:

- › Method feasibility
- › Method development (GLP and non-GLP) and validation
- › Method transfers
- › Bioanalysis of biological samples from BE/BA studies and clinical PK studies
- › Bioanalysis to support nonclinical toxicokinetic studies in all animal matrices

## Clinical Trial Data Management

Along with the successful execution of a clinical study, of equal importance is the management of the data the study produces in clinical research. That is, to assure the precise, reliable and accurate collection of data organized and packaged to meet the current regulatory and industry standards.

BioPharma's onsite Phase I Clinical Data Management team is constantly looking for innovative and creative solutions to expand and improve on our processes and procedures that will allow us to give back to our clients by offering efficient, cost-effective services in a timely, expeditious manner.



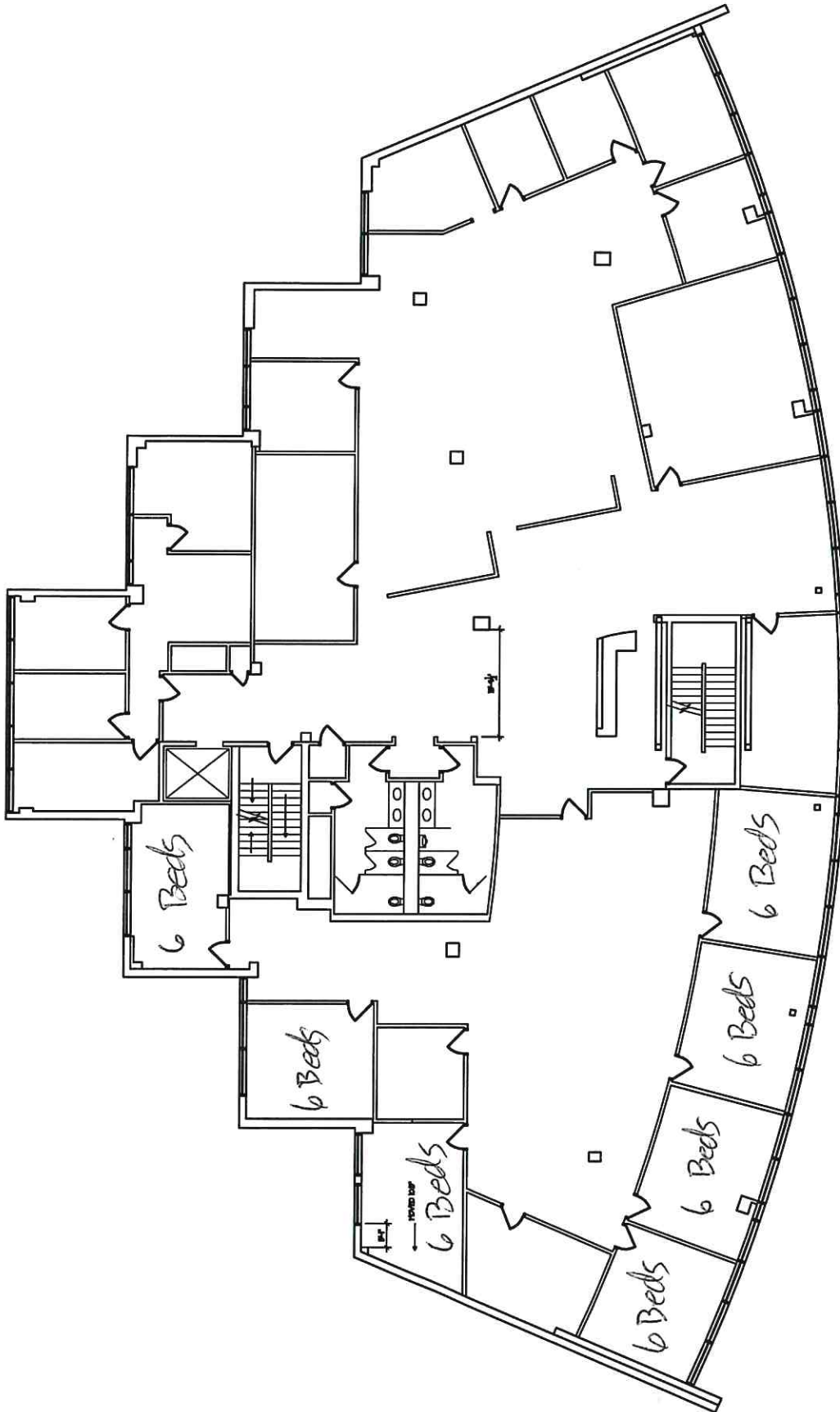
**BioPharma's full offering of Data Management services includes:**

- › Data Management Plan (DMP) development
- › eCRF design and development
- › Database Build & Design
- › Data validation specifications
- › Data Management
- › Edit checks Programming & Testing
- › Collection of pharmacodynamics data and review
- › Single or double data entry
- › EDC Training
- › eCRF Completion Guidelines
- › Query Management
- › Third-party data integration
- › Customized clinical data management programming

- › Safety Data Management & Reconciliation
- › Data Export/Transfer
- › Interim Analysis readiness
- › Medical coding (CM, AE, MH)
- › Serious Adverse Event (SAE) reconciliation
- › Customized status reporting and data listings
- › Database closeout and delivery

**Our comprehensive CDISC data conversion services include:**

- › SDTM annotated CRFs
- › SDTM datasets
- › ADaM analysis datasets
- › Pooled analysis datasets (ISS/ISE)
- › Define.xml metadata and Define.pdf
- › CDISC controlled terminology
- › Data Handling report
- › FDA reviewers' Guide
- › eCTD structure



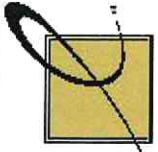
**CBRE**

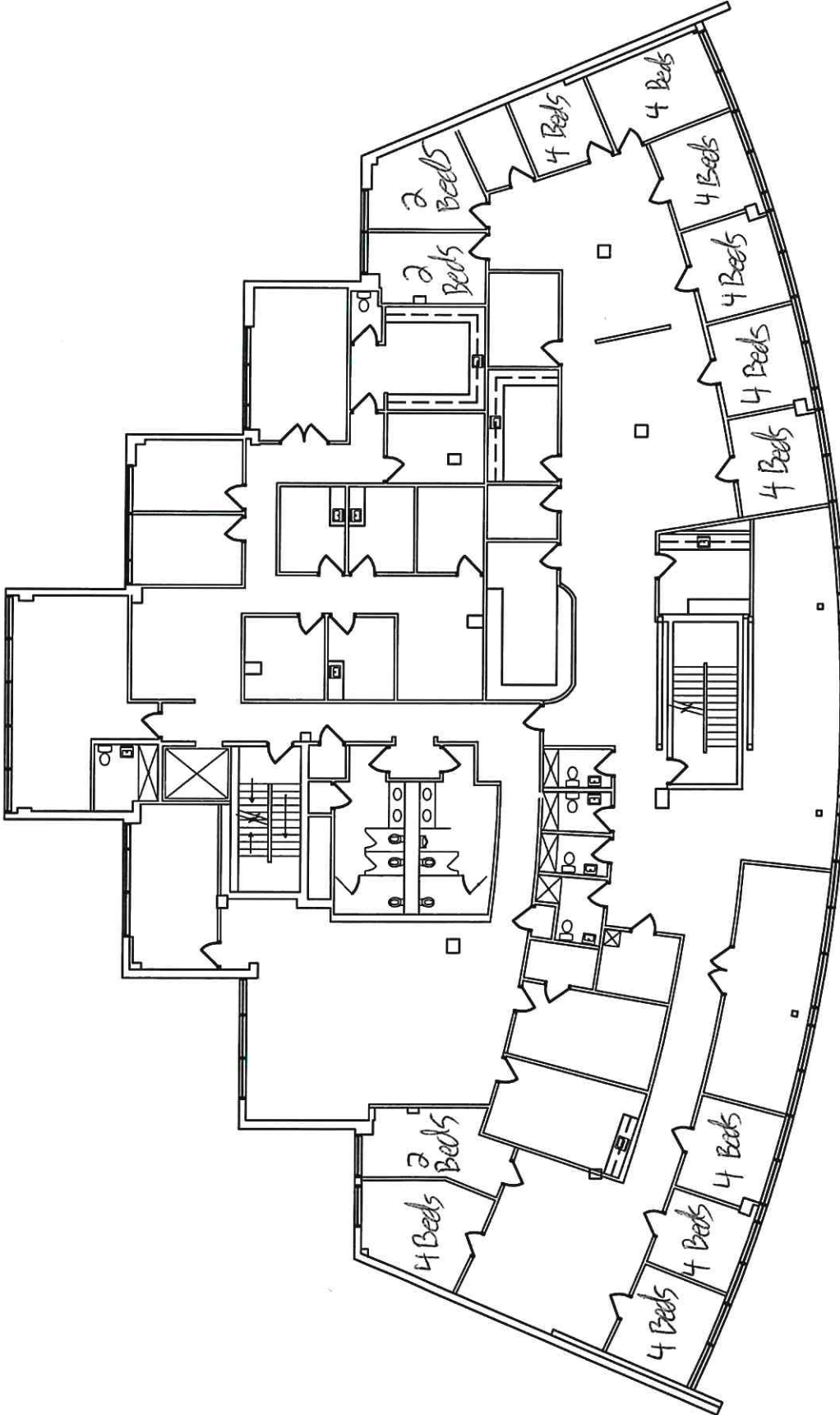
**2ND FLOOR**  
 12,509 RSF  
 10330 OLD OLIVE STREET  
 CREVE COEUR, MISSOURI NOT TO SCALE



**LINEA  
 DESIGN, INC**

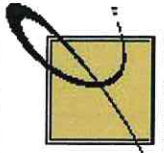
144 W. LOCKWOOD AVE  
 WEBSTER GROVES, MISSOURI 63119 314-721-0044





**CBRE**

**1ST FLOOR**  
 12,508 RSF  
**10330 OLD OLIVE STREET**  
 NOT TO SCALE  
 CREVE COEUR, MISSOURI



**LINEA**  
 DESIGN, INC

144 W. LOCKWOOD AVE SUITE NUMBER 150  
 WEBSTER GROVES, MISSOURI 63119 314-721-0044

BILL NO. \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AUTHORIZING A NEW CONDITIONAL USE PERMIT FOR  
APPLICATION FOR A 88-BED, 25,017 SQUARE FOOT MEDICAL DRUG TESTING  
AND RESEARCH FACILITY FOR BIOPHARMA AT 10330 OLD OLIVE STREET  
ROAD, ZONED GC-GENERAL COMMERCIAL**

**WHEREAS**, under Section 405.360(C), all All Other Miscellaneous Ambulatory Health Care Services, NAICS 621999 in the GC-General Commercial District require the issuance of a conditional use permit as provided in Section 405.1070, Conditional Use Permits; and

**WHEREAS**, Andrew Janis, of BioPharma Services USA, Inc., has submitted request for a conditional use permit application for a 88-bed, 25,017 square foot Medical Drug Testing and Research Facility at 10330 Old Olive Street Road, Creve Coeur, MO 63141; and,

**WHEREAS**, a public hearing was held by the Creve Coeur Planning and Zoning Commission on Monday, July 20, 2020, beginning at 6:30 p.m. or immediately following the close of the previous public hearing, on said application for the conditional use permit as provided by Section 405.1070(D)(2); and,

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

**WHEREAS**, the Planning and Zoning Commission reviewed and, by a \_\_\_\_ vote, recommended approval of the conditional use permit, subject to the conditions contained herein, at its meeting on July 20, 2020; and,

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

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

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

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

**Section 1:** A Conditional Use Permit is authorized to be issued pursuant to Section 3 hereof for the operation of a Medical Drug Testing and Research Facility at 10330 Old Olive Street Road

BILL NO. \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

under the category of Other Miscellaneous Ambulatory Health Care Services (NAICS 621999), in the GC-General Commercial zoning district, whose legal description is as follows:

**Parcel 1:**

A tract of land in the Northern half of the Northwest 1/4 of Section 1, Township 45 North, Range 5 East, and being part of Lot or Share C as shown on the plat accompanying Commissioners Report in Petition Suit of Matthew Legg et al versus Gustavo Gilbert in the St. Louis Land Court, October Term, 1865, and described as: Beginning at the Northwest corner of property conveyed to Monsanto Chemical Company by deed dated February 11, 1952 recorded in Book 2893 Page 391 of the St. Louis County Records; thence in a Southerly direction along the West line of property aforementioned 253.18 feet, more or less, to the Missouri State Highway Right of Way conveyed to Monsanto Chemical Company to the State of Missouri acting by and through the State Highway Commission of Missouri by deed May 12, 1958 recorded in Book 3949 Page 14 of the St. Louis County Records; thence along said Missouri State Highway Right of Way North 46 degrees 04 minutes East 333.77 feet, more or less, to its intersection with the North line of the property conveyed to Monsanto Chemical Company by the aforementioned deed dated February 11, 1952, thence in a Westerly direction along the North line of said property conveyed to Monsanto Chemical Company by deed dated February 11, 1952, 230 feet, more or less, to point of beginning.

**Parcel 2:**

A tract of land in the Northwest One Quarter of Section 1, Township 45 North, Range 5, being a part of Lot or Share C as shown on the plat accompanying Commissioner's Report in Petition Suit of Matthew Legg, et al versus Gustavo Gilbert in the St. Louis Court, October Term, 1865, and described as: Beginning at a point in the East and West Quarter Section line of the Northwest corner of said Section 1 being also the Southeast corner of the Northwest corner of said Section 1 being also the Southeast corner of a one acre tract conveyed to Louis H. Gisele by deed recorded in Book 476 Page 360 thence North 2 degrees 3 minutes East on the East line of said Gisele tract, a distance of 761.81 feet to the South line of Olive Street Road and being the Northeast corner of said Gisele tract; thence Eastwardly along the South line of Olive Street Road, a distance of 60 feet to a point; thence South 2 degrees 3 minutes West to a point in the East and West line of line of said Northwest Quarter of Section 1; thence Westward along the East and West Quarter of Section line to the point of beginning, EXCEPTING THEREFROM that portion conveyed to Educational Employees Credit Union by General Warranty Deed dated February 18, 1975 and recorded in Book 6777 Page 86 of the St. Louis County Records and that portion thereof taken for State Highway purposes according to decree in Cause No. 222918 of the Circuit Court of St. Louis County, a certified copy of which is recorded in Book 3955 Page 431 of the St. Louis County Records.

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

1. The Conditional Use Permit shall be for the operation of an 88-bed, 25,017 square foot Medical Drug Testing and Research Facility with overnight stays at 10330 Old Olive Street Road under the category of Other Miscellaneous Ambulatory Health Care Services (NAICS 621999).
2. The property owner shall address any property maintenance issues and building code issues related to the use to the satisfaction of the Chief Building Official.
3. The Applicants shall submit for a building permit to properly screen the existing dumpster with a trash enclosure that is compatible with the architecture of the main buildings subject to the Zoning Administrator's approval.

BILL NO. \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

4. All signs and banners shall be in conformance with Article VIII, Sign Regulations, of the Zoning Code.
5. All Landscaping shall be maintained per the prior approved plan and vegetation that is totally or predominantly dead and/or disfigured due to disease or injury shall be replaced as needed, and should the street trees be removed, sufficient landscaping shall be provided on the property to be consistent with the Landscape Plan to the extent possible, as required under Section 405.540 Landscaping, as determined by the Zoning Administrator.
6. Any new mechanical equipment installed for the site shall be properly screened with approved materials by the Zoning Administrator.
7. Any future enlargement, extension, expansion or alteration in the use of the structures or site must be approved by the City Council upon receipt of the recommendation of the Planning and Zoning Commission as an amendment to the Conditional Use Permit before a Building Permit for the enlargement, expansion or alteration may be issued.
8. Failure to comply with any one or all of the conditions of this permit shall be adequate cause for the revocation of said permit by the City Council, provided, however, no permit shall be revoked without prior notice to the owner of the intention of the City Council to revoke this permit and reasonable time granted to the owner to correct or remedy any such breach of conditions, except for repeated breaches or violations.
9. No conditional use permit granted by the City Council shall be valid for a period longer than one year from the date it grants the conditional use permit, unless within such period: (1) a building permit is obtained and construction is begun; or (2) if a building permit is not required, an occupancy permit is obtained and the use of the building commenced. The City Council may grant extensions to the one (1) year period of not more than one hundred and eighty (180) days each, without notice or hearing, provided that a written request for such extension is filed by the original applicant and approved by the City Council prior to the date the conditional use permit is scheduled to expire.
10. Any transfer of ownership or lease of the property shall include in the transfer or lease agreement a provision that the purchaser or lessee agrees to be bound by the approved Site Development Plan for the property and the conditions herein set forth, and written confirmation thereof signed by the new owner or lessee shall be filed with the City at the time of such transfer or lease. Failure to comply with this provision shall not excuse anyone from these conditions.

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

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

ADOPTED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2020.

\_\_\_\_\_  
HEATHER SILVERMAN  
PRESIDENT OF CITY COUNCIL

Attachment: 20-018.10330 Old Olive.BioPharma CUP.Draft Ordinance.7-20-2020 (#20-018: BioPharma CUP)

BILL NO. \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2020.

---

BARRY GLANTZ  
MAYOR

ATTEST:

---

DEBORAH RYAN  
CITY CLERK



# 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 #20-019 FOR SITE DEVELOPMENT PLAN FOR A DETACHED ACCESSORY STRUCTURE FOR AN OUTDOOR PAVILION THAT INCLUDES AN OUTDOOR CHIMNEY THAT HAS A TOTAL HEIGHT OF 17.5 FEET FOR THE PROPERTY AT 12861 CHAMBLEE LANE

**FOR THE MEETING OF:** Monday, July 20, 2020, 6:30 PM

**SUBJECT PROPERTY LOCATION:** 12861 Chamblee Lane., Zoned A Single Family Residential

**REQUEST:** Agape Construction, on behalf of Bob and Kelly Jordan, the homeowners of 12861 Chamblee Lane, Creve Coeur, MO 63141, has submitted an application for a minor site plan for the approval of an outdoor pavilion/covered porch with fireplace, kitchenette and bathroom, where the chimney for the fireplace has a total height of 17.5 feet. The proposed outdoor pavilion is located behind the home adjacent to the existing pool.

**ADDITIONAL INFORMATION:** Section 405.460(C)(5) states that detached accessory structures in any residential district shall not exceed twelve (12) feet in height. Section 405.620(A)(2) provides that the height limitations stipulated in the applicable districts shall not apply to chimneys, provided that such structures are approved by the Planning and Zoning Commission in accordance with the provisions for site development plan approval in Section 405.1080. City Council action is not required.

### Key Issues:

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

### Comprehensive Plan References

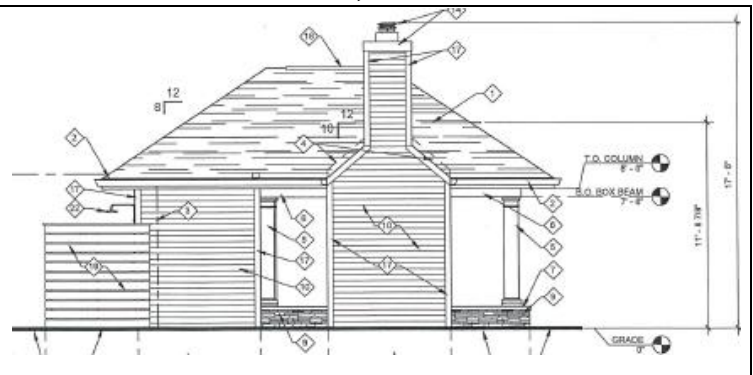
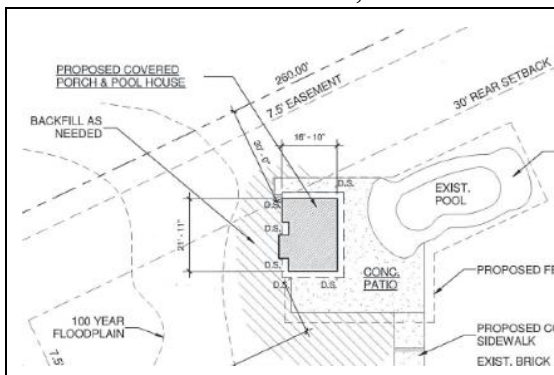
- Countryside Estate (CR)

### Zoning Code References

- Section 405.250: "A" Single-Family Residential District
- Section 405.460: Accessory Uses and Structures
- 405.620: Height Exceptions and Limitations
- Section 405.1080 Site Concept, Site Development and Minor Site Plan Approval

**APPLICANT:** Agape Construction  
435 East Clinton Place  
Kirkwood, MO 63122

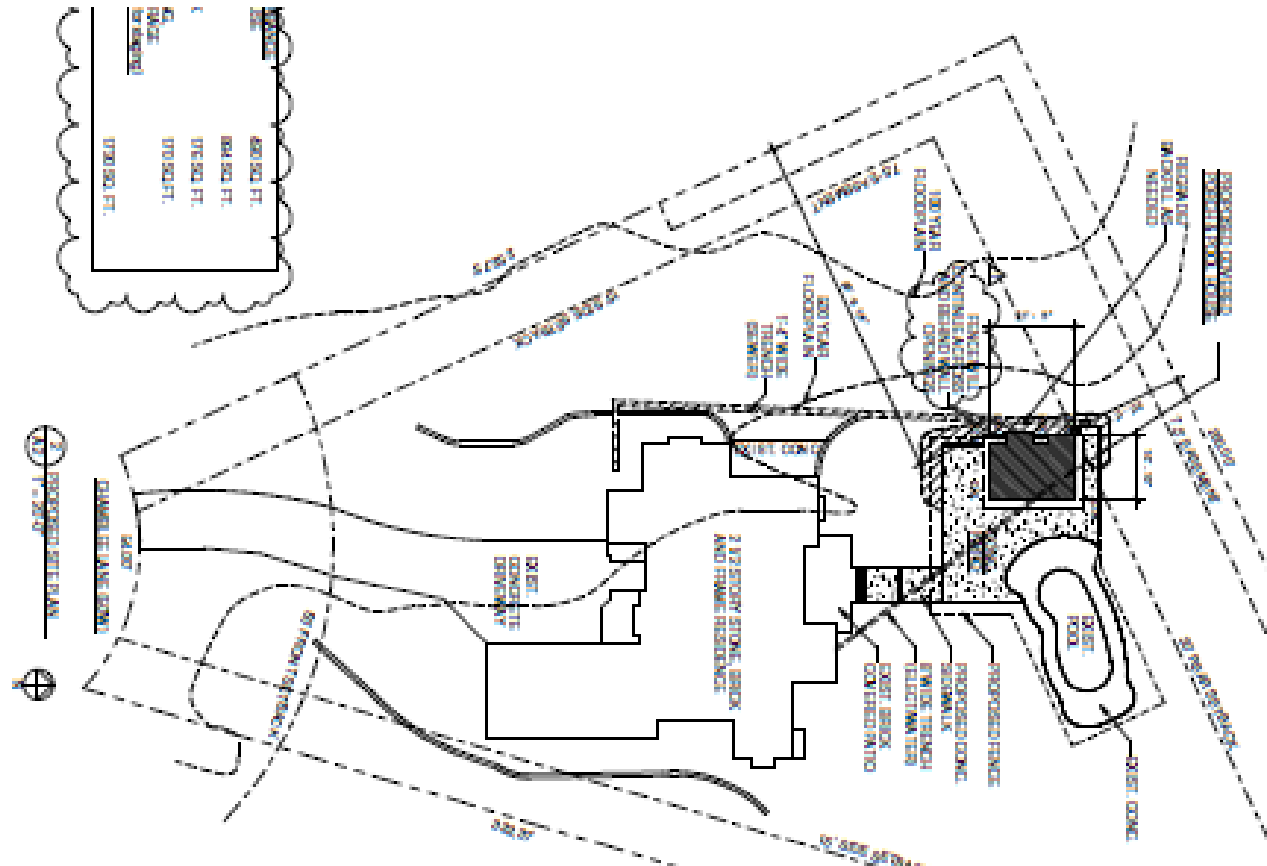
**PROPERTY OWNER:** Bob and Kelly Jordan  
12861 Chamblee Lane  
Creve Coeur, MO 63141



**REPORT PREPARED BY:** Whitney Kelly, AICP, City Planner  
**DATE:** 7/13/2020  
**ATTACHMENTS:** Applicants Materials received June 18, 2020

Attachment: 20-019.12861 Chamblee.Staff Report.7-20-2020 (#20-019: 12861 Chamblee Lane SDP)

The Applicant is seeking to place an outdoor pavilion with chimney adjacent to the pool that would have an overall height of 17.5 feet. Detached accessory structures are limited to 12 feet in height. Building height is measured to the mean height level between eaves and ridge of a gable, hip, or gambrel roof from the existing grade prior to the commencement of any construction. Building code requires that chimneys shall extend at least 2 feet higher than any portion of a building within 10 feet but shall not be less than 3 feet above the highest point where the chimney passes through the roof. The proposed outdoor patio/pavilion is measuring just under 12 feet (at 11 feet 8 7/8 inches) to the mid-point of the roof line, with an overall height of approximately 15 feet, with the chimney at 17.5 feet in total height.



This architectural cross-section drawing illustrates the structural details of a building with a chimney. The drawing includes the following callouts and dimensions:

- Roof and Chimney:**
  - 18: Roofing material on the main roof.
  - 14: Chimney cap.
  - 17: Chimney flue.
  - 1: Roofing material on the main roof (alternative callout).
  - 12: Roof slope dimension (12/8).
  - 4: Roofing material on the chimney base.
  - 12: Chimney height dimension.
- Exterior Walls and Siding:**
  - 2: Exterior siding.
  - 17: Wall sheathing.
  - 22: Foundation or footing.
  - 19: Siding detail on the left wall.
  - 10: Interior wall finish.
  - 17: Interior wall finish (alternative callout).
  - 10: Interior wall finish (alternative callout).
- Interior and Structural Elements:**
  - 6: Interior partition wall.
  - 5: Interior partition wall (alternative callout).
  - 17: Interior partition wall (alternative callout).
  - 10: Interior partition wall (alternative callout).
  - 9: Foundation or footing.
  - 23: Foundation or footing.
  - 20: Foundation or footing.
  - 23: Foundation or footing.
- Dimensions and Levels:**
  - T.O. BOX BEAM: 8' - 10 3/8"
  - T.O. COLUMN: 8' - 0"
  - B.O. BOX BEAM: 7' - 6"
  - GRADE: 0"
  - 17' - 8": Overall height dimension.
  - 11' - 6 7/8": Height dimension from grade to the top of the chimney.

Packet Pg. 81

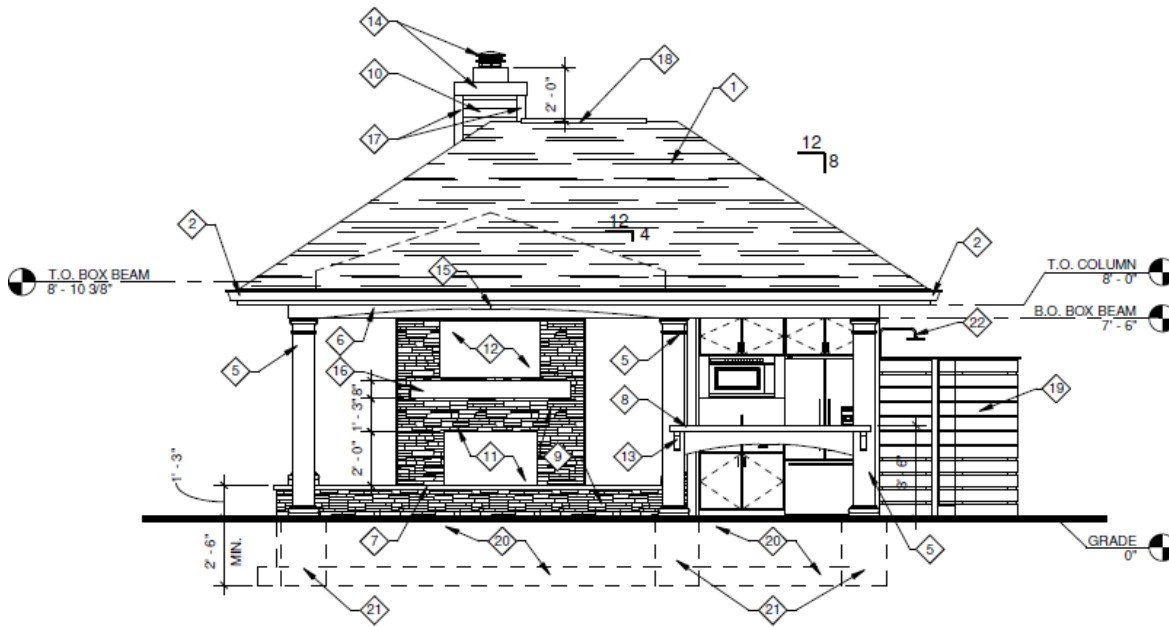


Figure 3: Proposed East Elevation of the Pavilion

The adjacent zoning and land uses are as follows:

| DIRECTION | USE         | ZONED                       | SEPARATED BY  |
|-----------|-------------|-----------------------------|---------------|
| North     | Residential | A Single Family Residential | NA            |
| South     | Residential | A Single Family Residential | Chamblee Lane |
| East      | Residential | A Single Family Residential | NA            |
| West      | Residential | A Single Family Residential | NA            |

### ANALYSIS

The property is located within the Countryside Estate (CR) of the *Creve Coeur 2030 Plan* that has a vision of large lots with sprawling homes in a rural, wooded setting. Homes should be located to provide large front lawns and preserve existing trees (p. 66). Individual lot standards include recommendations on site coverage, building height, and stormwater and runoff mitigation that are consistent with the zoning regulations, and therefore does not provide much direction for the proposal. The City's Design Guidelines provides that accessory buildings are to be designed to directly relate in material, character and detail to the primary building on the site, and that buildings are to be compatibility includes complementary building style, form, size, color, and materials. The proposed pavilion is appropriately sited behind the residence. Photos of the front of home were not provided. However, those of the back of the home and area for the proposed pavilion are below:



Figure 4: Applicant's Photos of the back of the existing home and the Pool and area for the proposed pavilion.

The subject property is located within the A Single-Family Residential Zoning District, that has a maximum site coverage of 25%. Site Coverage for the property, including the new patio area and pavilions, is 18%.

Section 405.460(C)(5) states that detached accessory structures in any residential district shall not exceed twelve (12) feet in height. Section 405.620(A)(2) provides that the height limitations stipulated in the applicable districts shall not apply to chimneys, provided that such structures are approved by the Planning and Zoning Commission in accordance with the provisions for site development plan approval in Section 405.1080. The Commission should hear from the Applicant on the overall design of the proposal, and whether or not the overall height is in keeping with the character of the surrounding neighborhood, or if the overall pavilion roof height could be reduced or redesigned, which would allow for the height of the chimney to be under 12 feet, in keeping with the zoning regulations.

#### **CONCLUSION AND ACTION**

If the members of the Planning Commission find the applicant's reasons for the height and design sufficient, they can approve it as proposed. If the Commission wishes to reduce the height to be within the maximum of 12 feet, discussion with the Applicant and a revised motion would be necessary. The motion for the pavilion as shown in the enclosed site plan will be in the form of approval, approval with conditions, or deferral. City Council action is not required. Below are the recommended conditions of approval:

1. The Applicant is required to submit a Building Permit application, as required by Article II of the Building Code for the proposed pavilion and chimney in substantial conformance with the drawings as bound together and submitted in conjunction with Application #20-019 submitted by the Agape Construction.
2. The Applicant is required to submit a Site Improvement Permit application, showing all exterior improvements, as required by Section 420.070 of the Land Disturbance Code. The permit application shall be in substantial conformance with the drawings as bound together and submitted in conjunction with Application #20-019 submitted by the property owner.

#### **MOTION**

The following is an example motion for this application:

"I move to approve the site plan for an outdoor pavilion with a chimney that has a total height of 17.5 feet subject to the conditions within the Staff Report for the property addressed as 12861 Chamblee Lane as discussed on Application #20-019 for the July 20, 2020 Planning and Zoning Commission meeting, provided" (Modification or revisions may be included by preceding motion).

---

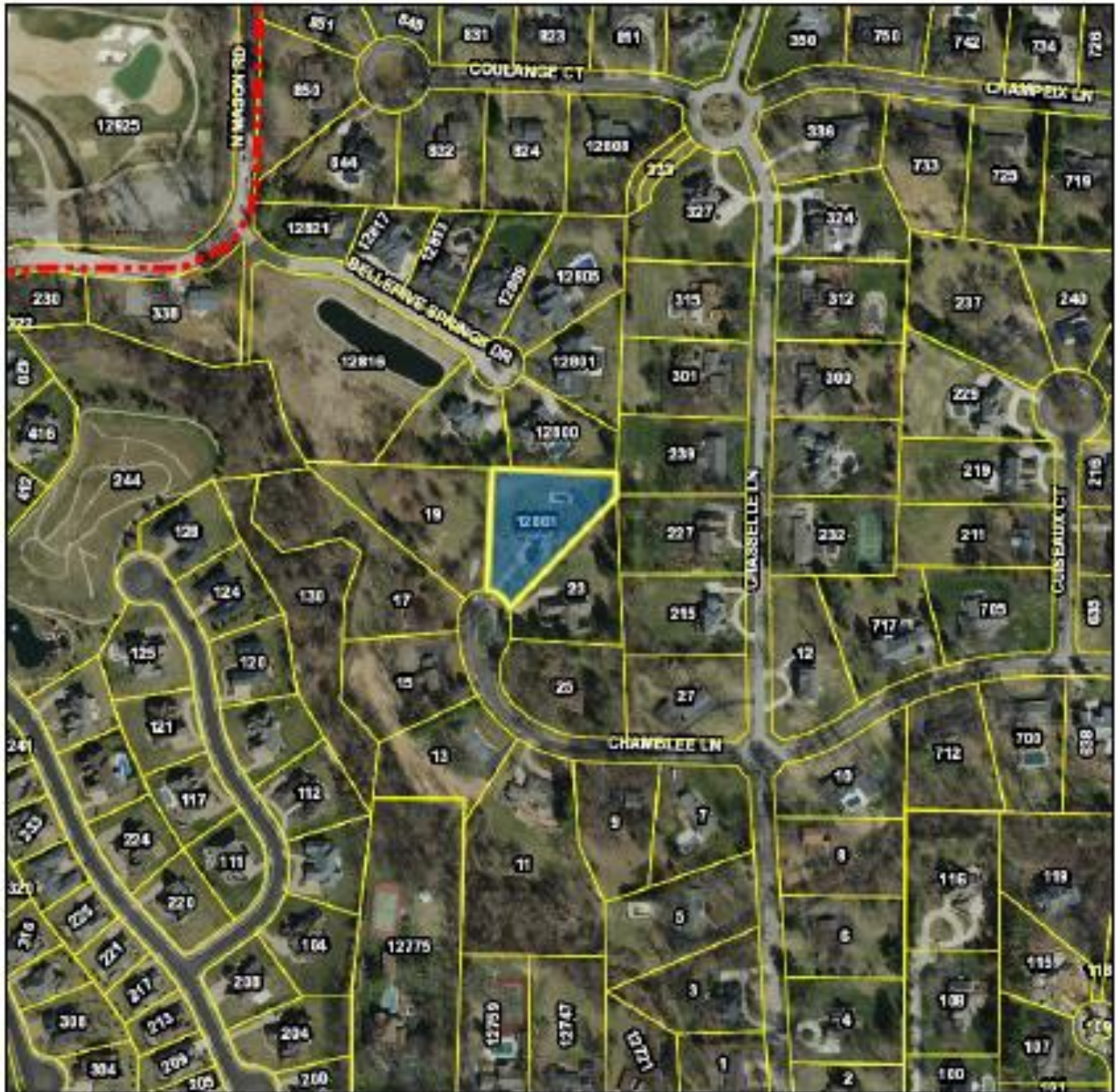
#### **APPENDIX 1: COMPREHENSIVE PLAN, INCLUDING DESIGN GUIDELINES**

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

#### **APPENDIX 2: ZONING CODE**

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

### APPENDIX 3: AERIAL PHOTO



City Limits

Parcels

June 22, 2020



Prepared By

HORNER & SHARP

Attachment: 20-019.12861 Chamblee.Staff Report.7-20-2020 (#20-019: 12861 Chamblee Lane SDP)



city

of

# CREVE COEUR

## PLANNING DIVISION

300 North New Ballas Road, Creve Coeur, Missouri 63141

Tel. (314) 872-2501 • Fax (314) 872-2505

### PLANNING AND ZONING COMMISSION AGENDA APPLICATION SITE DEVELOPMENT PLAN

**Select Project Type:** Site Development Plan ☐ Site Concept Plan ☐ Minor Site Plan ☐

**Title of Project:** Covered porch/patio w/ fireplace, kitchenette and bathroom

**Location of Project:** 12861 Chamblee Lane **Locator #** \_\_\_\_\_

**Subject for Agenda:** Chimney height

#### Applicant:

Architect ☐ Engineer ☐ Contractor ☒ Agent ☐ Owner ☐

| <b>Applicant:</b>                                                                                                   | <b>Applicant's Representative (if applicable):</b>                                    |
|---------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|
| Agape Construction                                                                                                  |                                                                                       |
| <i>Name</i> _____                                                                                                   | <i>Name</i> _____                                                                     |
| <i>Company (If Applicable)</i> _____                                                                                | <i>Company (If Applicable)</i> _____                                                  |
| 435 East Clinton Pl                                                                                                 |                                                                                       |
| <i>Address</i> _____                                                                                                | <i>Address</i> _____                                                                  |
| Kirkwood, MO 63122                                                                                                  |                                                                                       |
| <i>Address</i> _____                                                                                                | <i>Address</i> _____                                                                  |
| <i>Telephone #</i> 314-909-9050                                                                                     | <i>Telephone #</i> _____                                                              |
| <i>Fax #</i> _____                                                                                                  | <i>Fax #</i> _____                                                                    |
| <i>Email:</i> tracy@buildagape.com                                                                                  | <i>Email:</i> _____                                                                   |
| <br><i>Applicant's Signature</i> | <br><br><br><br><br><br><br><br><br><br><i>Applicant's Representative's Signature</i> |

#### **Owner's Acknowledgement (if different from applicant):**

Bob and Kelly Jordan

*Name* \_\_\_\_\_ *Company (If Applicable)* \_\_\_\_\_

12861 Chamblee Lane Creve Coeur, MO 63141

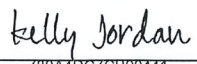
*Address* \_\_\_\_\_

(314) 370-3888

kelly@jordanpersonal.com

*Phone* \_\_\_\_\_ *Fax* \_\_\_\_\_ *Email* \_\_\_\_\_

DocuSigned by:

  
780A2DC7CB90441  
*Applicant's Signature*

Attachment: Applicants Materials received June 18, 2020 (#20-019: 12861 Chamblee Lane SDP)

**Description of Request (attach additional sheets as needed)**

General Description: \_\_\_\_\_

see attachment \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Rationale**

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

see attachment

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Submittal Checklist**

- |                                                                                             |                                                                              |
|---------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> Rationale                                               | <input checked="" type="checkbox"/> Building elevations for new construction |
| <input checked="" type="checkbox"/> Site plan 4 hard copies                                 | <input checked="" type="checkbox"/> Photographs of existing structures       |
| <input type="checkbox"/> Access and parking plan-4 hard copies; (may be shown on site plan) | <input type="checkbox"/> Materials samples for Commission review             |
| <input type="checkbox"/> Landscape plan 4 hard copies                                       | <input checked="" type="checkbox"/> Legal Description in Word format         |
| <input checked="" type="checkbox"/> Floor plan 4 hard copies                                | <input checked="" type="checkbox"/> Fees: \$250 (non-refundable)             |
| <input type="checkbox"/> Electronic copies of all materials                                 | \$2000 (refundable deposit)                                                  |
|                                                                                             | <input type="checkbox"/> Other items as requested by staff                   |

**Preferred Public Hearing Date:** Monday, July 20, 2020.

**\*\*Confirm schedule and available meeting dates with Planning Division staff\*\***

**Office Use Only**

\_\_\_\_ All Sections Complete

Received By: \_\_\_\_\_

\_\_\_\_ All Documents, incl. e-Copies

\_\_\_\_ Fees Paid

Date: \_\_\_\_\_

Jason Jaggi, AICP, Director of Community Development

Whitney Kelly, AICP, City Planner

Jessica Stutte, Administrative Assistant (314-872-2501)

Revised: 5/18

Packet Pg. 86

Attachment: Applicants Materials received June 18, 2020 (#20-019: 12861 Chamblee Lane SDP)

Date: June 15, 2020

To: Planning and Zoning Commission, City of Creve Coeur

Legal Description: Bellecoeur Plat 2 Lot:14 Plat Page:8

On behalf of our client Bob and Kelly Jordan, Agape Construction would like to request your consideration of the chimney height for the proposed project at 12861 Chamblee Lane. Of particular concern to us is the rejection of our building height due to the chimney being the only portion of the building over this 12' height even though section 405.620.A.2 of your zoning code states that chimneys are not included in this height limitation. Our main structure indeed falls within this limitation as the dimension to the center of our roof is less than 12'. As well, and in conjunction with the above, we would ask that you respectfully consider the following:

- The chimney is a small vertical element in relation to the main structure for which we felt this limitation applied. Section 405.460.C.5 states: *Accessory structures in any residential district shall not exceed twelve (12) feet in height with the exception of walls, fences or hedges located within the required side, rear or front yard setback which shall not exceed six (6) feet in height.* Agreed this should pertain to the main structure, but the chimney is required by code to be above a structure by a minimum of 2' for a distance of 10'. This requirement pushed our chimney over the peak of the roof.
- Consideration was given to lowering the roof pitch, however this would still not reduce the chimney height to 12' (while still maintaining the 10' distance required by 2015 IRC).
- Without knowing the intention of the 12' rule, this limitation may be partially created to prevent blocking views from neighboring properties. If so, we are almost 40' off of the property line at the location of the chimney which should cause no view blockage of any kind from the neighboring properties. This is especially true since the property line is a tree line with mature, 40' trees.
- The chimney structure is about +/- 12 s.f. (2' x 6') while the accessory structure footprint is about 370 s.f. (16'-10" x 21'-11"). The chimney therefore accounts for a little over 3% of this footprint (12/370) and therefore felt was not significant enough to be considered for the 12' rule.

In accordance with Section 405.620 (Height Exceptions and Limitations) we are submitting this Site Development Plan (as required by 405.1080) and request the design of the chimney to remain at the height indicated on the proposed design drawings.

DocuSigned by:

*Kelly Jordan*

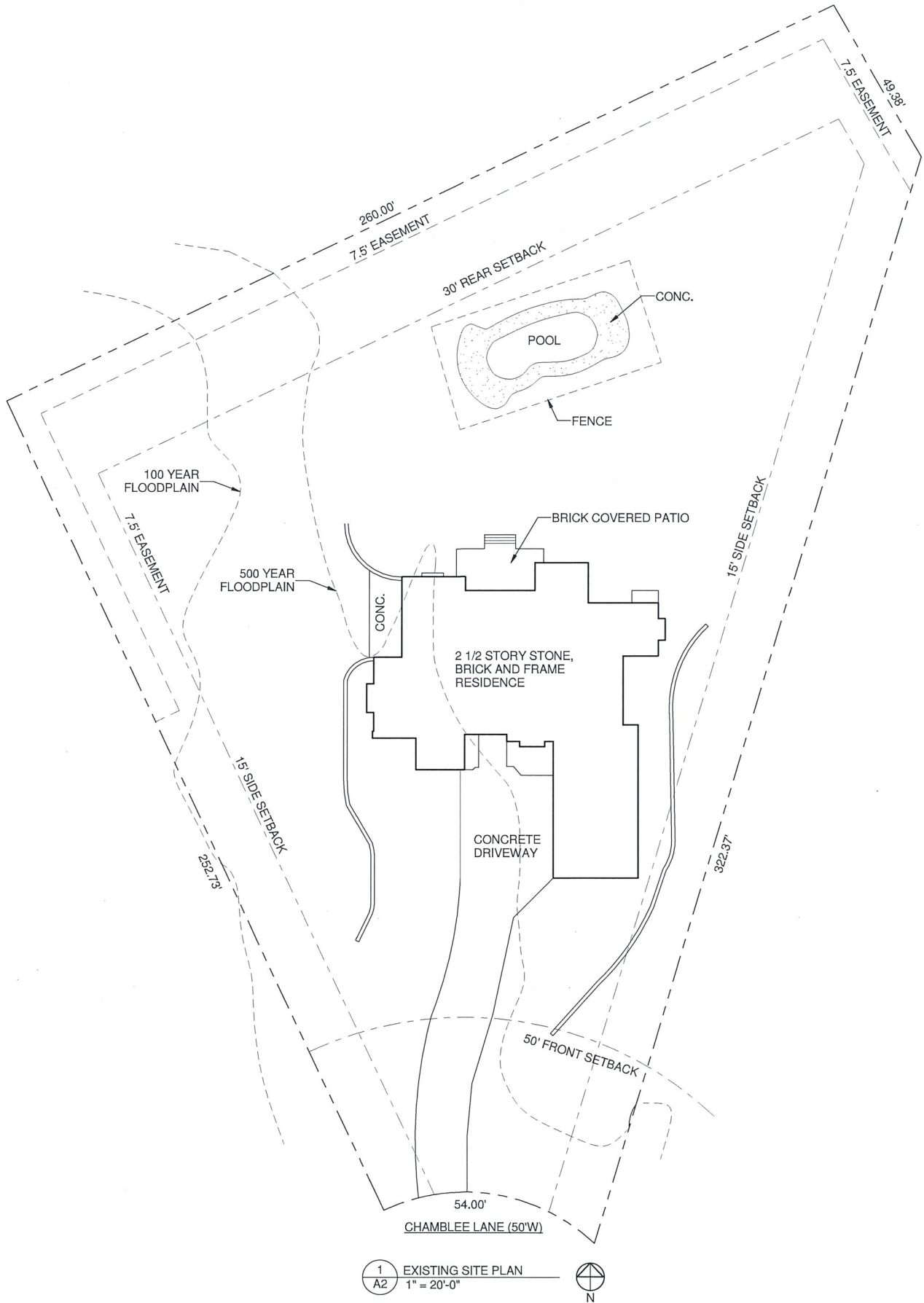
780A4DC7CB90441...

Attachment: Applicants Materials received June 18, 2020 (#20-019: 12861 Chamblee Lane SDP)



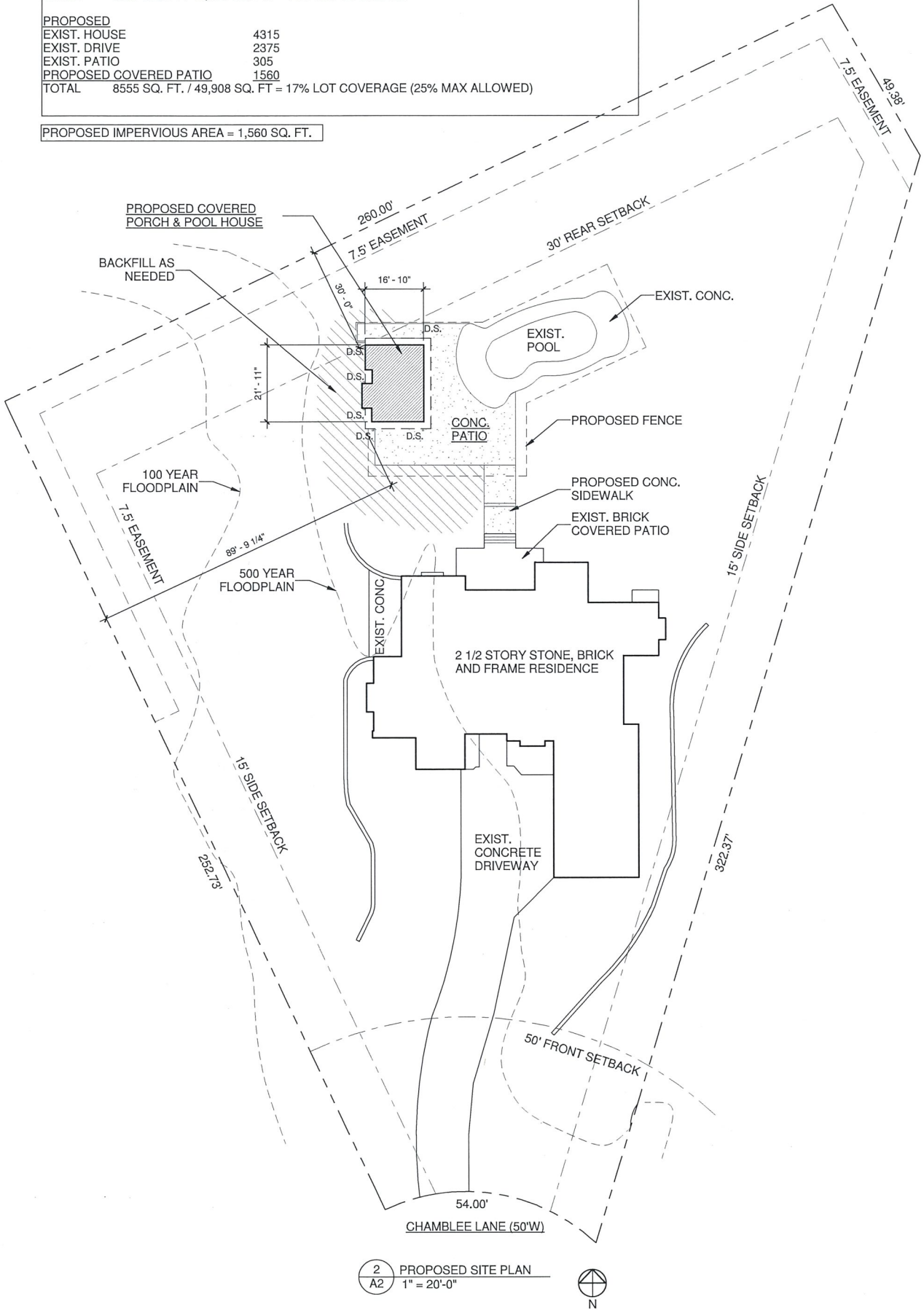






| SITE COVERAGE          |                                                                    |
|------------------------|--------------------------------------------------------------------|
| EXISTING               |                                                                    |
| HOUSE                  | 4315                                                               |
| DRIVE                  | 2375                                                               |
| PATIO                  | 305                                                                |
| TOTAL                  | 6995 SQ. FT. / 49,908 SQ. FT. = 14% LOT COVERAGE                   |
| PROPOSED               |                                                                    |
| EXIST. HOUSE           | 4315                                                               |
| EXIST. DRIVE           | 2375                                                               |
| EXIST. PATIO           | 305                                                                |
| PROPOSED COVERED PATIO | 1560                                                               |
| TOTAL                  | 8555 SQ. FT. / 49,908 SQ. FT. = 17% LOT COVERAGE (25% MAX ALLOWED) |

PROPOSED IMPERVIOUS AREA = 1,560 SQ. FT.



7.4.b

AS AN INSTRUMENT OF SERVICE, THE INFORMATION CONTAINED HEREIN IS FOR THE EXCLUSIVE USE OF THE CLIENT AND IS NOT TO BE USED FOR ANY OTHER PROJECT OR FOR ANY OTHER PURPOSE WITHOUT THE WRITTEN CONSENT OF AGAPE CONSTRUCTION. AGAPE CONSTRUCTION IS NOT RESPONSIBLE FOR THE ADVERSE CONSEQUENCES OF DEVIATIONS FROM INFORMATION PROVIDED IN THIS DOCUMENT, UNLESS SPECIFICALLY APPROVED IN WRITING BY AGAPE CONSTRUCTION. CONTRACTOR IS RESPONSIBLE FOR QUANTITIES, CONDITIONS, FIELD DIMENSIONS, AND COORDINATION PROJECT METHODS AND ALL OTHER CONTRACT REQUIREMENTS.

KEVIN O'BRIEN  
PROFESSIONAL ENGINEER  
435 EAST CLINTON PLACE  
KIRKWOOD, MISSOURI 63112  
PHONE: 314.909.9050  
FAX: 314.909.9309

LAURIE SMITH  
REGISTERED ARCHITECT  
435 EAST CLINTON PLACE  
KIRKWOOD, MISSOURI 63112  
PHONE: 314.909.9050  
FAX: 314.909.9309

**AGAPE**  
Construction  
Company  
A DESIGN AND BUILD FIRM  
435 EAST CLINTON PLACE  
KIRKWOOD, MISSOURI 63112

COVERED PORCH  
FOR  
BOB & KELLY JORDAN  
12861 CHAMBLEE LANE  
CREVE COEUR, MO 63141

Permit Set  
06/02/2020

| No. | Description | Date |
|-----|-------------|------|
|     |             |      |
|     |             |      |
|     |             |      |
|     |             |      |
|     |             |      |
|     |             |      |
|     |             |      |

DRAWING TITLE:  
EXISTING & PROPOSED SITE  
PLANS

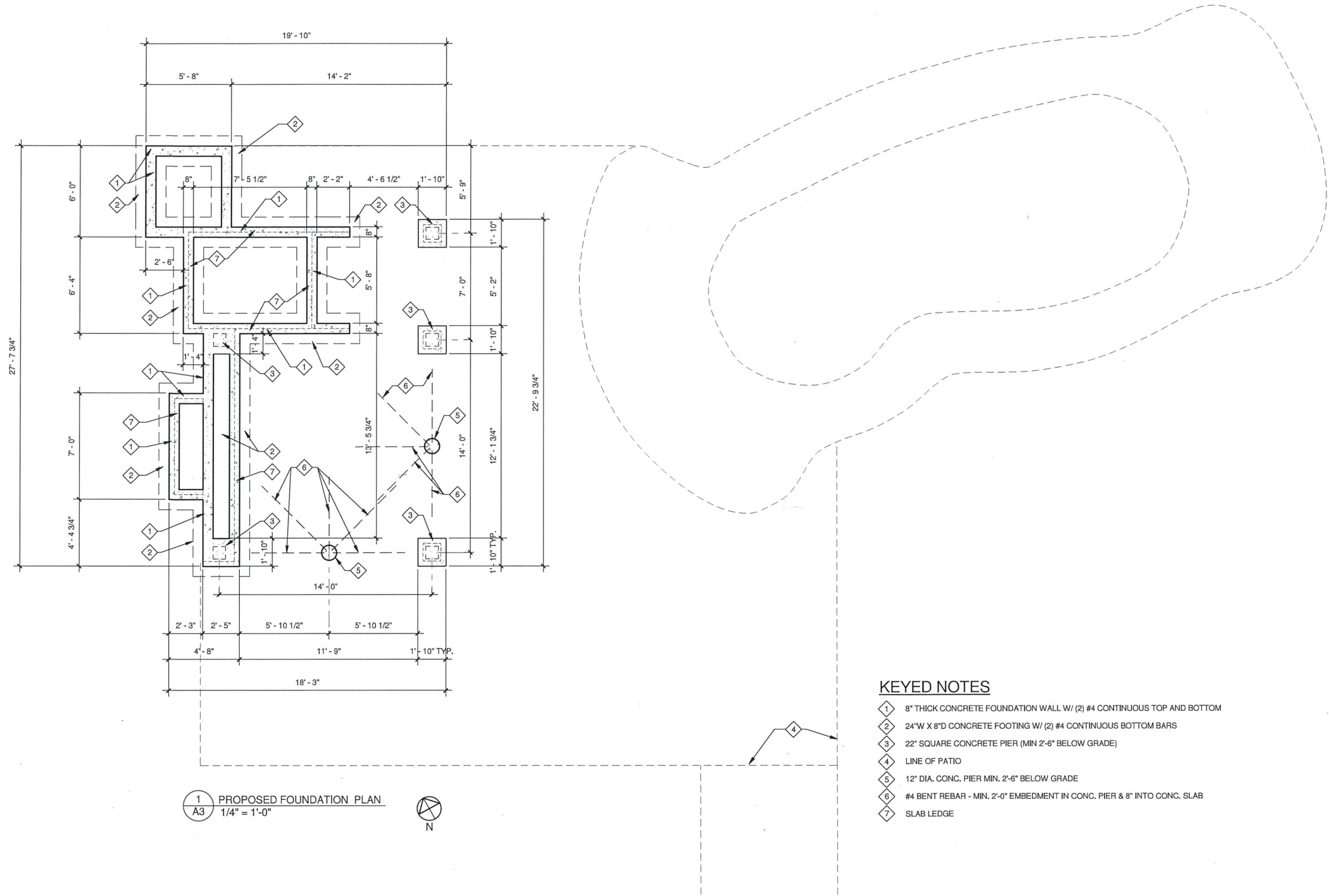
DRAWN BY:  
R.P.

CHECKED BY:  
K.O.B.

SHEET #

1208 AN

Packet Pg. 91



KEYED NOTES

- 1 8" THICK CONCRETE FOUNDATION WALL W/ (2) #4 CONTINUOUS TOP AND BOTTOM
- 2 24"W X 8"D CONCRETE FOOTING W/ (2) #4 CONTINUOUS BOTTOM BARS
- 3 22" SQUARE CONCRETE PIER (MIN 2'-6" BELOW GRADE)
- 4 LINE OF PATIO
- 5 12" DIA. CONC. PIER MIN. 2'-6" BELOW GRADE
- 6 #4 BENT REBAR - MIN. 2'-0" EMBEDMENT IN CONC. PIER & 8" INTO CONC. SLAB
- 7 SLAB LEDGE

AS AN INSTRUMENT OF SERVICE, THIS DRAWING IS THE PROPERTY OF AGAPE CONSTRUCTION. IT IS TO BE USED FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. IT IS NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF AGAPE CONSTRUCTION. THE USER OF THIS DRAWING AGREES TO HOLD AGAPE CONSTRUCTION HARMLESS FROM AND AGAINST ALL CLAIMS, DAMAGES, LOSSES, AND EXPENSES, INCLUDING REASONABLE ATTORNEY'S FEES, THAT MAY BE ASSERTED AGAINST AGAPE CONSTRUCTION BY ANY THIRD PARTY AS A RESULT OF THE USER'S USE OF THIS DRAWING. THE USER OF THIS DRAWING AGREES TO INDEMNIFY AND HOLD AGAPE CONSTRUCTION HARMLESS FROM AND AGAINST ALL CLAIMS, DAMAGES, LOSSES, AND EXPENSES, INCLUDING REASONABLE ATTORNEY'S FEES, THAT MAY BE ASSERTED AGAINST AGAPE CONSTRUCTION BY ANY THIRD PARTY AS A RESULT OF THE USER'S USE OF THIS DRAWING.

7.4.b

KEVIN O'BRIEN  
PROFESSIONAL ENGINEER  
435 EAST CLINTON PLACE  
KIRKWOOD, MISSOURI 63117  
PHONE: 314.909.9050  
FAX: 314.909.9309

LAURIE SMITH  
REGISTERED ARCHITECT  
435 EAST CLINTON PLACE  
KIRKWOOD, MISSOURI 63117  
PHONE: 314.909.9050  
FAX: 314.909.9309

**AGAPE**  
Construction  
Company  
A DESIGN AND BUILD FIRM  
435 EAST CLINTON PL.  
KIRKWOOD, MO 63117

COVERED PORCH  
FOR  
BOB & KELLY JORDAN  
12861 CHAMBLEE LANE  
CREVE COEUR, MO 63141

Permit Set  
06/02/2020

| No. | Description | Date |
|-----|-------------|------|
|     |             |      |
|     |             |      |
|     |             |      |
|     |             |      |
|     |             |      |
|     |             |      |
|     |             |      |

PROPOSED FOUNDATION  
PLAN

DRAWN BY:  
R.P.

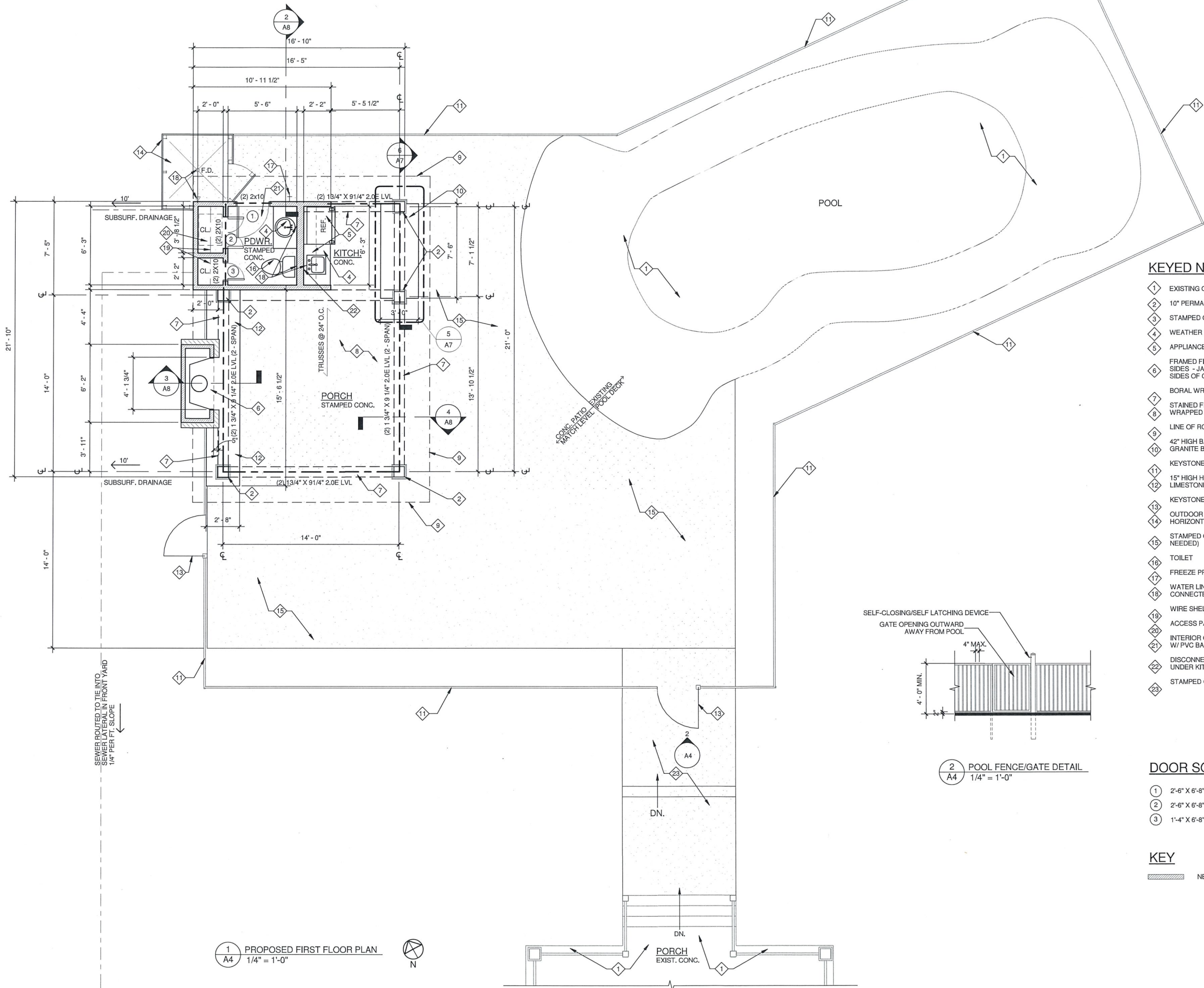
CHECKED BY:  
K.O.B.

SHEET 4

12.09.21

Packet Pg. 92

Attachment: Applicants Materials received June 18, 2020 (#20-019: 12861 Chamblee Lane SDP)



KEYED NOTES

- 1 EXISTING CONSTRUCTION TO REMAIN
- 2 10" PERMACAST COLUMNS W/ TUSCAN CAP AND BASE
- 3 STAMPED CONCRETE SIDEWALK - MATCH WIDTH OF EXIST. STAIRS
- 4 WEATHER RESISTANT CABINETS W/ GRANITE COUNTERTOP
- 5 APPLIANCES - PROVIDED BY OWNER & INSTALLED BY CONTRACTOR
- 6 FRAMED FIREPLACE W/ WOOD BURNING INSERT, STONE FRONT & SIDES - JAMES HARDIE SIDING ON REAR OF FIREPLACE & ALL SIDES OF CHIMNEY - SEE ELEVATIONS
- 7 BORAL WRAPPED BOX BEAM - PAINTED
- 8 STAINED FIR BEADBOARD CEILING W/ DECORATIVE CEDAR WRAPPED BEAMS - SEE ELECT. & LTG. PLAN FOR BEAM LAYOUT
- 9 LINE OF ROOF ABOVE
- 10 42" HIGH BAR W/ PAINTED FYPON BRACKETS & BRIDGE BELOW & GRANITE BAR TOP
- 11 KEYSTONE ALUMINUM FENCE (PER AG105.2) - MATCH EXISTING
- 12 15" HIGH HEARTH SEAT W/ 4" STONE VENEER & 2 1/4" THICK LIMESTONE CAP
- 13 KEYSTONE ALUMINUM GATE (PER AG105.2) - MATCH EXISTING
- 14 OUTDOOR SHOWER W/ STAMPED CONC. BASE (SLOPE TO DRAIN) & HORIZONTAL PRIVACY FENCE & GATE
- 15 STAMPED CONC. PATIO LEVEL W/ POOL DECK (RAISE GRADE AS NEEDED)
- 16 TOILET
- 17 FREEZE PROOF HOSE BIB
- 18 WATER LINES TO BE SLOPED TOWARD EXIST. HOUSE & CONNECTED TO BASEMENT SHUT OFF, DRAIN & WATER HEATER
- 19 WIRE SHELVING
- 20 ACCESS PANEL
- 21 INTERIOR OF BATHROOM TO BE MOISTURE RESISTANT DRYWALL W/ PVC BASEBOARD.
- 22 DISCONNECT FITTINGS TO BLOW OUT WATER LINES - ACCESSIBLE UNDER KITCHEN SINK.
- 23 STAMPED CONCRETE

DOOR SCHEDULE

- 1 2'-6" X 6'-8" PREFINISHED FIBERGLASS DOOR
- 2 2'-6" X 6'-8" SOLID CORE DOUBLE DOOR
- 3 1'-4" X 6'-8" SOLID CORE DOOR

KEY

NEW 2X4 STUDS @ 16" O.C.

KEVIN O'BRIEN  
PROFESSIONAL ENGINEER  
435 EAST CLINTON PLACE  
KIRKWOOD, MISSOURI 631  
PHONE: 314.909.9050  
FAX: 314.909.9309

LAURIE SMITH  
REGISTERED ARCHITECT  
435 EAST CLINTON PLACE  
KIRKWOOD, MISSOURI 631  
PHONE: 314.909.9050  
FAX: 314.909.9309

AGAPE  
Construction  
Company  
A DESIGN AND BUILD FIRM  
435 EAST CLINTON PL

COVERED PORCH  
FOR  
BOB & KELLY JORDAN  
12861 CHAMBLEE LANE  
GREVE COUER, MO 63141

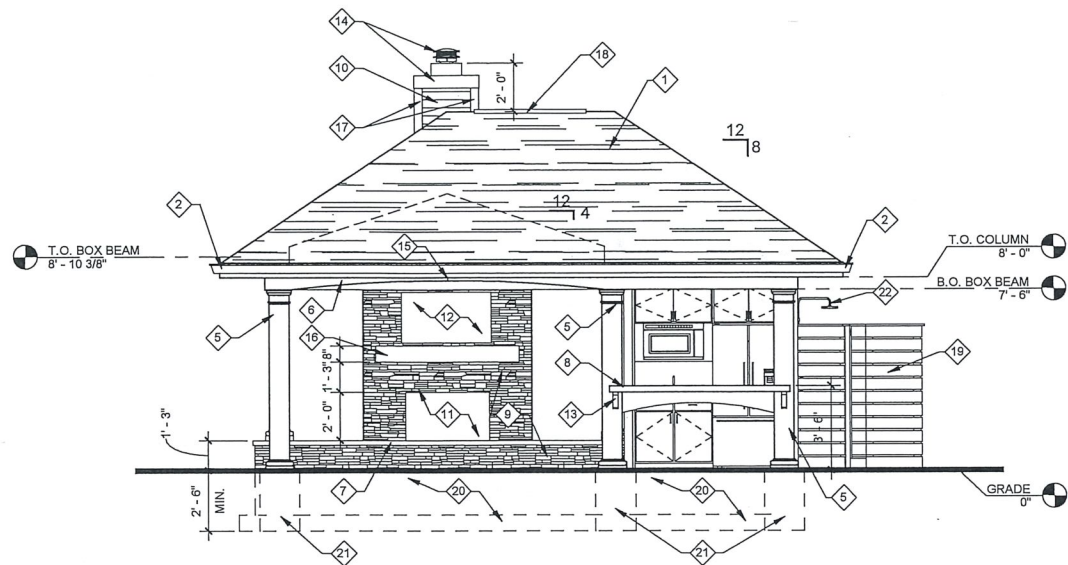
Permit Set  
06/02/2020

| No. | Description | Date |
|-----|-------------|------|
|     |             |      |
|     |             |      |
|     |             |      |
|     |             |      |
|     |             |      |
|     |             |      |
|     |             |      |
|     |             |      |
|     |             |      |

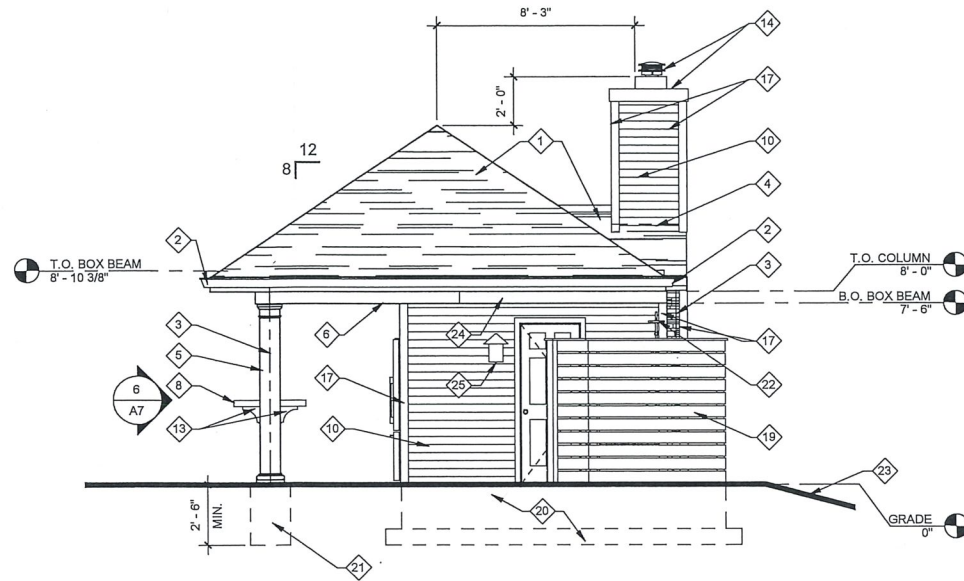
PROPOSED FIRST FLOOR  
PLAN & FENCE DETAIL

DRAWING TITLE:  
R.P.  
SHEET 4

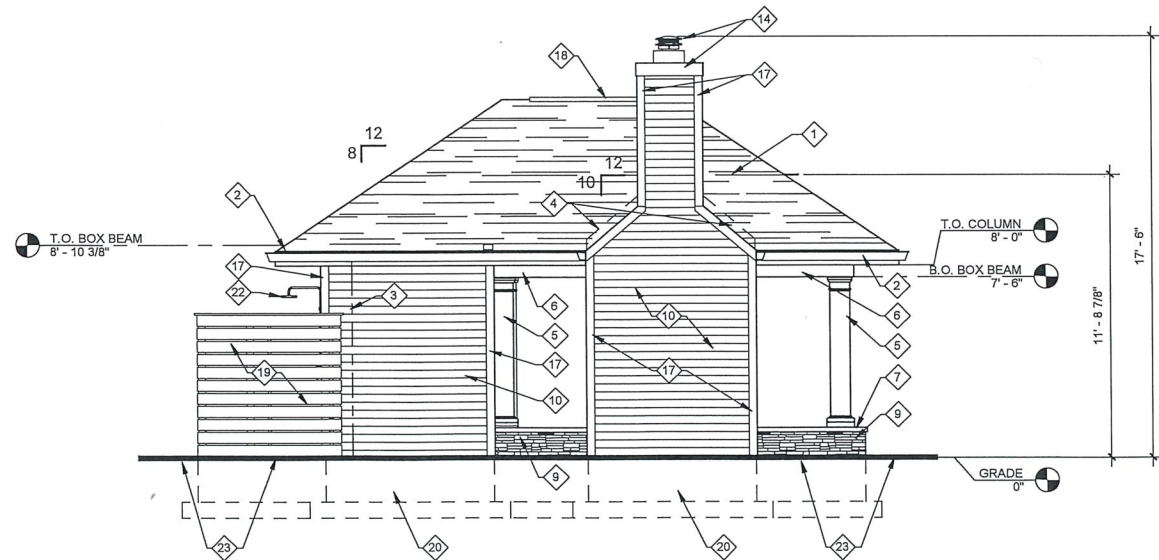
CHECKED BY:  
K.O.B.  
SHEET 4



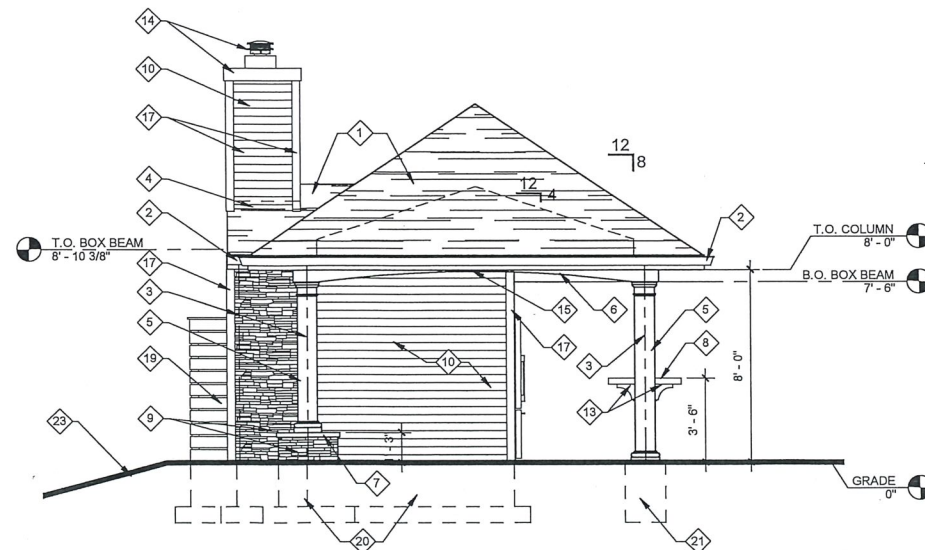
1 EAST - PROPOSED ELEVATION  
1/4" = 1'-0"



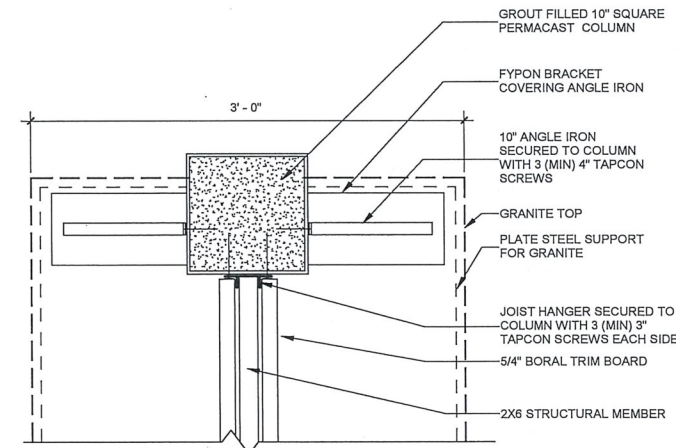
2 NORTH - PROPOSED ELEVATION  
1/4" = 1'-0"



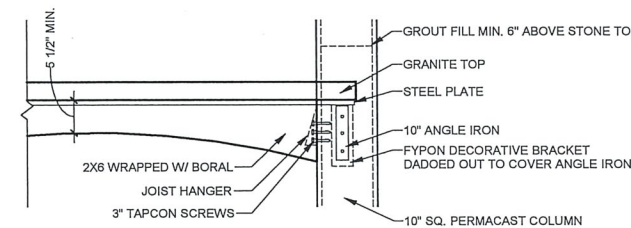
3 WEST - PROPOSED ELEVATION  
1/4" = 1'-0"



4 SOUTH - PROPOSED ELEVATION  
1/4" = 1'-0"



5 PROPOSED BAR DETAIL  
1 1/2" = 1'-0"



6 PROPOSED BAR SUPPORT DETAIL  
3/4" = 1'-0"

### ELEVATION KEYED NOTES

- 30 YEAR ASPHALT SHINGLES
- CONT. METAL GUTTER ON 2X FASCIA W/ HARDIE GUTTER BOARD
- METAL DOWNSPOUT
- ALUM. FLASHING
- 10" SQUARE PERMACAST COLUMNS
- BORAL WRAPPED BOX BEAM - PAINTED
- LIMESTONE CAP
- GRANITE COUNTERTOP
- 4" STONE
- JAMES HARDIE SIDING - MATCH EXISTING HOUSE
- FIREPLACE W/ WOOD BURNING INSERT
- TV ABOVE FIREPLACE
- DECORATIVE FYPON BRACKETS - PAINTED (TO BE SELECTED)
- METAL FLUE W/ FLUE CAP (SPARK ARESTOR)
- PANEL JOINT
- CEDAR BOX MANTLE -STAINED
- JAMES HARDIE CORNER TRIM BOARD
- RIDGE VENT
- OUTDOOR SHOWER W/ HORIZONTAL PRIVACY FENCE & GATE
- CONCRETE FOUNDATION
- CONC. PIER
- SHOWERHEAD
- BACKFILL GRADE
- FURR OUT TO CONTINUE BOX BEAM ACROSS WALL
- EXTERIOR LIGHT

7.4.b

AS AN INDUSTRY STANDARD, REMAINING THE PROPERTY OF AGAPE CONSTRUCTION. THIS DRAWING IS NOT TO BE USED FOR ANY OTHER PROJECT WITHOUT THE WRITTEN PERMISSION OF AGAPE CONSTRUCTION. AGAPE CONSTRUCTION IS NOT RESPONSIBLE FOR THE ADVERSE CONSEQUENCES OF DEVIATIONS FROM INFORMATION PROVIDED IN THIS DOCUMENT, UNLESS SPECIFICALLY APPROVED IN WRITING BY AGAPE CONSTRUCTION. CONTRACTOR IS RESPONSIBLE FOR QUANTITIES, CONDITIONS, FIELD DIMENSIONS, JOB COORDINATION, PROJECT METHODS AND ALL OTHER CONTRACT REQUIREMENTS.

KEVIN O'BRIEN  
PROFESSIONAL ENGINEER  
435 EAST CLINTON PLACE  
KIRKWOOD, MISSOURI 631  
PHONE: 314.909.9050  
FAX: 314.909.9309

Laurie Smith  
REGISTERED ARCHITECT  
435 EAST CLINTON PLACE  
KIRKWOOD, MISSOURI 631  
PHONE: 314.909.9050  
FAX: 314.909.9309

AGAPE  
Construction  
Company

A DESIGN AND BUILD FIRM  
435 EAST CLINTON PL.

COVERED PORCH  
FOR  
BOB & KELLY JORDAN  
12861 CHAMBLEE LANE  
CREVE COEUR, MO 63141

Permit Set  
06/02/2020

| No. | Description | Dat |
|-----|-------------|-----|
|     |             |     |
|     |             |     |
|     |             |     |
|     |             |     |
|     |             |     |
|     |             |     |
|     |             |     |
|     |             |     |
|     |             |     |

DRAWING TITLE:  
PROPOSED ELEVATIONS &  
BAR DETAILS

DRAWN BY:  
R.P.

CHECKED BY:  
K.O.B.

SHEET #

Packet Pg. 94

15:52 PM