



AGENDA
PLANNING AND ZONING COMMISSION MEETING
CITY OF CREVE COEUR, MISSOURI
MONDAY, FEBRUARY 7, 2022
6:30 PM

Pursuant to Section 610.022 RSMO, the Planning and Zoning Commission could, at any time during the meeting, vote to close the public meeting and move to closed session to discuss matters relating to litigation, legal actions and/or communications from the City Attorney as provided under Section 610.021(1) RSMo. and/or personnel matters under Section 610.021(13) RSMo. and/or employee matters under Section 610.021(3) RSMo. and/or real estate matters under Section 610.021(2) or other matters as permitted by Chapter 610.

This meeting will be held in-person at the Creve Coeur Government Center, 300 North New Ballas Road, Creve Coeur MO 63141. Due to the COVID-19 pandemic, masks are required to be worn for all attendees. Reports, documents, plans, and related materials are available for examination at the Creve Coeur Government Center, 300 North New Ballas Road, prior to the meeting.

Special disabled service may be arranged by contacting the Office of the City Administrator in advance.

CALL TO ORDER

ROLL CALL

Mr. Gene Rovak (Chair)
Ms. Muriel Hall
Mr. Larry Potashnick
Ms. Julie LaBonte
Mr. AJ Wang

Mr. Carl Lumley, City Attorney
Mr. Jason Jaggi, Director of Community Development
Ms. Bethany L. Moore, City Planner
Ms. Megan Waller, Administrative Supervisor/Recording Secretary

ACCEPTANCE OF THE AGENDA**APPROVAL OF MINUTES****1. January 18, 2022 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. Conway Park Restroom Relocation and Replacement Project**

The Department of Public Works will present the conceptual design for a project to move and replace the restroom at Conway Park. The new restroom would have the same capacity as the current restroom, but the new building would be constructed with radiant heat so that it can remain operational for the entire year. The current restroom was designed to be a seasonal facility and is closed during colder months.

Staff seeks the Commission's guidance regarding the layout and exterior finish for the restroom building so that the plans for the project can be completed. Staff plans to return to seek the Commission's approval for the site development plan at a future meeting.

WORK AGENDA**1. Residential Tree Requirements Work Session**

Staff will discuss the components of a potential ordinance that would require preservation of existing trees and replacement of removed trees associated with development on existing residential properties. Proposed changes to Ord. 410.320 *Tree Conservation* for lot subdivisions will also be discussed.

2. Drive through Restaurants Code Amendments Work Session

Staff will discuss the existing components of Ord. 405.470 A *Conditional Uses Food Services and Drinking Places* that regulates drive through restaurants. Staff has also prepared draft revisions to the current ordinance for discussion.

3. Commission Meeting Time Change**4. Election of Vice Chair**

DEPARTMENT REPORTS

Director of Community Development

ADJOURNMENT

Posted: _____

Jason W. Jaggi
Director of Community Development

DRAFT MINUTES
 PLANNING AND ZONING COMMISSION MEETING
 CITY OF CREVE COEUR, MISSOURI
 TUESDAY, January 18, 2022
 6:30 P.M.

CALL TO ORDER

Mr. Gene Rovak, Chair, called the meeting to order at 6:30 p.m.

ROLL CALL

Mr. Gene Rovak, Chair

Mr. Larry Potashnick

Ms. Julie LaBonte

Mr. AJ Wang

Ms. Muriel Hall (absent)

The following staff were also present: Stephanie Karr, Acting City Attorney; Jason Jaggi, Director of Community Development; Bethany Moore, City Planner; Megan Waller, Administrative Supervisor/Recording Secretary

ACCEPTANCE OF THE AGENDA

Mr. Potashnick made a motion to accept the agenda.

Ms. LaBonte seconded. All in favor.

APPROVAL OF MINUTES

1. December 20, 2021 Planning and Zoning Commission Draft Minutes

Mr. Potashnick made a motion to accept the minutes.

Mr. Wang seconded. All in Favor.

PUBLIC COMMENT

1. None

UNFINISHED BUSINESS

1. None

NEW BUSINESS**1. Application #21-031: Amendment to Previously Approved Minor Site Plan for an Eight-Foot-Tall Sight-Proof Wood Fence Within the Front-Yard Setback Along I-270 for the Property Addressed as 23 Sackston Woods Lane**

Ms. Tosha Childs, Attorney at Sandberg Phoenix located at 600 Washington Ave., indicated she was here on behalf of Tyler and Ramona Richardson of 23 Sackston Woods Ln. as their attorney. Ms. Childs indicated that the property owners seek an amendment to the previous approval of their fence. The property owners request an 8ft tall wood fence along a portion of the rear of the yard which has visibility and accessibility with I-270. The proposed portion of fence was shown on a plat of the property. Ms. Childs provided updated photographs of the existing fence paying special attention to the aesthetic details, landscaping, angles, and placement that are outlined in the ordinance. The property owners planted 5 evergreens to conceal the exterior posts and stained the fence to match the aesthetic of the home. Ms. Childs also presented photos of similar 8ft fences in the area, and explained that the property owners are willing to make additional modifications to their 8ft fence if necessary. Ms. Childs referenced letters of support from neighbors for the Richardson's fence.

Mr. Jason Jaggi, Director of Community Development, gave the City's presentation. Mr. Jaggi confirmed that the fence is located within the setback area adjacent to a public right-of-way. Mr. Jaggi indicated that this proposal is a modification to the previously considered proposal from June 2021, in which the property owners received approval for a 6ft fence that was built without a permit. The approval also required the posts and supports be concealed from view from the highway. Mr. Jaggi confirmed that no fence permit has been issued to date. Mr. Jaggi indicated that since the June 2021 approval, the fence code has been modified.

Mr. Jaggi acknowledged the aesthetic changes that have been made to the fence as well as the landscaping has been planted. He also acknowledged letters of support submitted by the

neighboring property owners.

Mr. Jaggi discussed the property lines and presented the site plan of the property which outlined the proposed area for the 8ft fence. He acknowledged that the fence is not at the property line, but is set inward from the property line by several feet.

Mr. Jaggi presented photos of the existing fence as it stands. He indicated that the finished side is still inward facing, and should be outward facing to satisfy requirements of the ordinance. He indicated that the evergreens planted do not satisfy this requirement as of now, and that it could be several years before they reach mature enough size to hide the back of the fence.

Mr. Jaggi suggested that the pickets be added to the outside, or the fence be reconstructed, and that the evergreens and fence stain should remain in order to meet the conditions outlined in the ordinance.

Commissioner Rovak asked how far the fence is from the right-hand lane of I-270. Mr. Jaggi did not have the exact measurement, but explained that there is a 15ft easement and the fence is not close to the setback, more like approximately 25ft inward from the property line.

Mr. Wang asked for clarification on the supports and posts being hidden by pickets. Mr. Jaggi explained the ordinance requires both the supports and the posts be covered, and that pickets alone may not be enough to meet the requirement.

Ms. LaBonte asked who installed the fence, and why the installer did not research the guidelines and requirements for a fence before installation. Ms. Childs explained that the property owners installed the fence themselves with the help of friends and family.

Ms. LaBonte stated that she does not understand the security aspect since the fence does not fully enclose the property. Property owner, Mr. Richardson, explained that the neighbors to the right have many large trees, shrubs, and 6ft privacy fence already that they may tie into. Mr. Richardson indicated that he plans to double side the fence so that there are decorative panels on the highway side of the fence to hide the supports and

posts. Mr. Jaggi indicated that this may fit the requirement of the ordinance.

Mr. Wang asked Acting City Attorney, Ms. Karr, about the bare quorum for a vote. Ms. Karr explained the ordinance requires a requisite majority for approval of minor site plans and this application constitutes a minor site plan. Therefore, this application will require a unanimous vote of the four members who are present or that the property owner can request that this matter be postponed for another meeting when more commissioners may be present.

Ms. LaBonte indicated that her concern is with enclosing the fence at 8ft all around. Mr. Richardson explained that they do not intend to extend the fence.

Mr. Potashnick asked the commissioners for condition requirements. Mr. Rovak suggested that the outlined site plan would be the limit of the 8ft fence.

Mr. Potashnick moved to approve the site plan for an 8ft tall site-proof wood fence to be located within the rear yard within the area equivalent to the front yard setback along I-270 for the property address 23 Sackston Woods Lane provided that the support posts are interior to the yard or otherwise hidden from view as required under 405.640 with the finished side facing I-270 that the evergreen shrubs as planted be maintained and that the fence be stained brown color. As discussed within application and on the staff report on application #21-020 from the June 21, 2021 Planning and Zoning Commission meeting. As further condition, the allowable 8ft height shall be limited to the line as shown on the plan marked "location of fence", and that all other fence construction on the property be compliant with the ordinance.

RESULT: APPROVED [UNANIMOUS]

MOVER: Mr. Potashnick

SECONDER: Mr. Wang

AYES: Mr. Wang, Ms. LaBonte, Mr. Potashnick, and Mr. Rovak

ABSENT: Ms. Hall

2. Application #21-034: Minor Site Plan for Two 6-Foot-Tall Aluminum Driveway Gates Within the Front-Yard Setbacks Along Ladue Road and N. Spoele Road for the Property at 10801 Ladue Road

Ms. Nancy Singh, property owner at 10801 Ladue Rd., requests to add gates to the front and back of their driveway. Ms. Singh explained that the public often cuts through the driveway to avoid traffic lights when driving and walking.

Ms. Singh explained that drivers often use her driveway to turn around. This is damaging the grass, sprinklers, and she is concerned that a driver will hit the brick masonry light posts at the end of the driveway.

Ms. Singh presented pictures of proposed gates, provided gate specifications of the proposed gates, noted that the gates will swing inward away from street, and that the design materials of the gates will match the exterior of the home. Ms. Singh indicated that there will be a Knox Box for public safety personnel on both gates. Ms. Singh explained that the light posts will remain, and that there will be landscaping between the light posts and gates for aesthetic purposes.

Bethany Moore, City Planner, indicated that this property is a corner lot along Ladue Rd and Spoele Rd. and that there are two front yard setbacks along the public roads. Ms. Moore explained that the proposed gates will not have any posts or columns as shown in photos presented, and that the gates will not be in line with current light posts. Ms. Moore indicated that the gates will be in front yard setbacks for minor site plan approval. Ms. Moore also indicated that the proposal does meet the design guidelines with landscaping and matching the house, as well as the comprehensive plan requirements.

Ms. Moore indicated that the conditions of approval for the City are that the building permit application will include appropriate landscaping between the light posts and gates that ties into existing landscape. Ms. Moore reminded the applicant and commissioners that a minor site development plan approval is valid for 12 months. Ms. Moore provided photos of other gates along Ladue Rd, and indicated that gates are not uncommon along Ladue Rd.

Mr. Potashnick moved to approve the site plan for the two 6ft

tall aluminum driveway gates to be located within the front yards within the area equivalent to the front yard setback along North Spode Rd and Ladue Rd for the property addressed as 10801 Ladue Rd provided that the additional landscaping be placed to bridge the gap between the existing masonry light posts and the proposed driveway gates as discussed withing the staff report on application #21-034 for the January 18, 2022 planning and zoning commission meeting.

RESULT: APPROVED [UNANIMOUS]

MOVER: Mr. Potashnick

SECONDER: Mr. Wang

AYES: Ms. Ms. LaBonte, Mr. Wang, Mr. Potashnick, Mr. Rovak

ABSENT: Ms. Hall

WORK AGENDA

None

DEPARTMENT REPORTS

Mr. Jaggi introduced Megan Waller to the Commission as the new Front Office Supervisor/Recording Secretary.

Mr. Jaggi announced Todd Streiler submitted his resignation to the commission. With this resignation, there are now 2 openings on the commission.

Mr. Jaggi indicated that the Feb 7th meeting will bring text amendments on the tree ordinance and drive throughs. He also indicated that the Public Works department will present designs for park restrooms to allow year-round use.

Mr. Jaggi reminded the commissioners that the election of a vice chair will take place at the February 7th meeting.

Mr. Rovak asked to discuss moving the meetings to 6:00pm on the February 7th meeting.

ADJOURNMENT

Mr. Rovak motioned to adjourn. Mr. Potashnick seconded. Meeting Adjourned at 7:18 p.m.



DEPARTMENT OF PUBLIC WORKS STAFF MEMORANDUM

DATE: January 28, 2022

TO: Planning and Zoning Commission

CC: Jason Jaggi, Director of Community Development
Bethany Moore, City Planner

FROM: Matt Wohlberg, P.E., City Engineer

SUBJECT: Building Concept and Exterior Recommendation
Conway Park Restroom Relocation and Replacement

Public Works staff seeks guidance from the Planning and Zoning Commission as the City develops a project to relocate and replace the restroom building at Conway Park. The new restroom would be capable of remaining open all year and its new location would allow for the possibility for the future expansion of the Conway Park parking lot.

Existing Conditions

The existing restroom facility at Conway Park was constructed about 20 years ago and is one of four similar structures in the City's parks, with the other three at Lake School Park, Malcolm Terrace Park, and Venable Park. Each restroom facility includes one women's room and one men's room, with a small utility closet between them.

These restroom buildings were constructed with cinder block walls and open-air ceilings and were intended for summertime operation. These buildings lack the temperature controls, insulation, and buried water service lines needed for operation during the months when freezing temperatures are likely. Each year, the restrooms are disconnected from the water line and are closed between late October and April of the following year to avoid the possibility that the water lines in the restrooms freeze.

Several photos of the existing restroom facility at Conway Park are included on the following page.

Existing Conway Park Restroom



Attachment: Conway Park Restroom Project - Recommendation to P&Z (Conway Park Restroom Relocation and Replacement Project)

Project Goals

The primary goal for this project is to create a restroom facility at Conway Park that is operational for the entire year. The development of the Parks and Recreation Master Plan in 2019 found that one of the residents' most sought-after improvements to the parks is to add the capability to have operational restrooms all year long. The voters' approval of the parks and stormwater sales tax in 2020 made it possible to add these restroom renovations to the City's Capital Improvement Program. Both the Parks and Historic Preservation Committee and staff agreed that the popularity and year-round use of the City's dog park made Conway Park the recommended first location for this project.

Other goals for this project include an accessible, attractive, durable, and energy efficient building, a cost-effective project, minimal disturbance for parks users, and placement of the restroom in such a way as to accommodate future park improvements.

Proposed Restroom Project

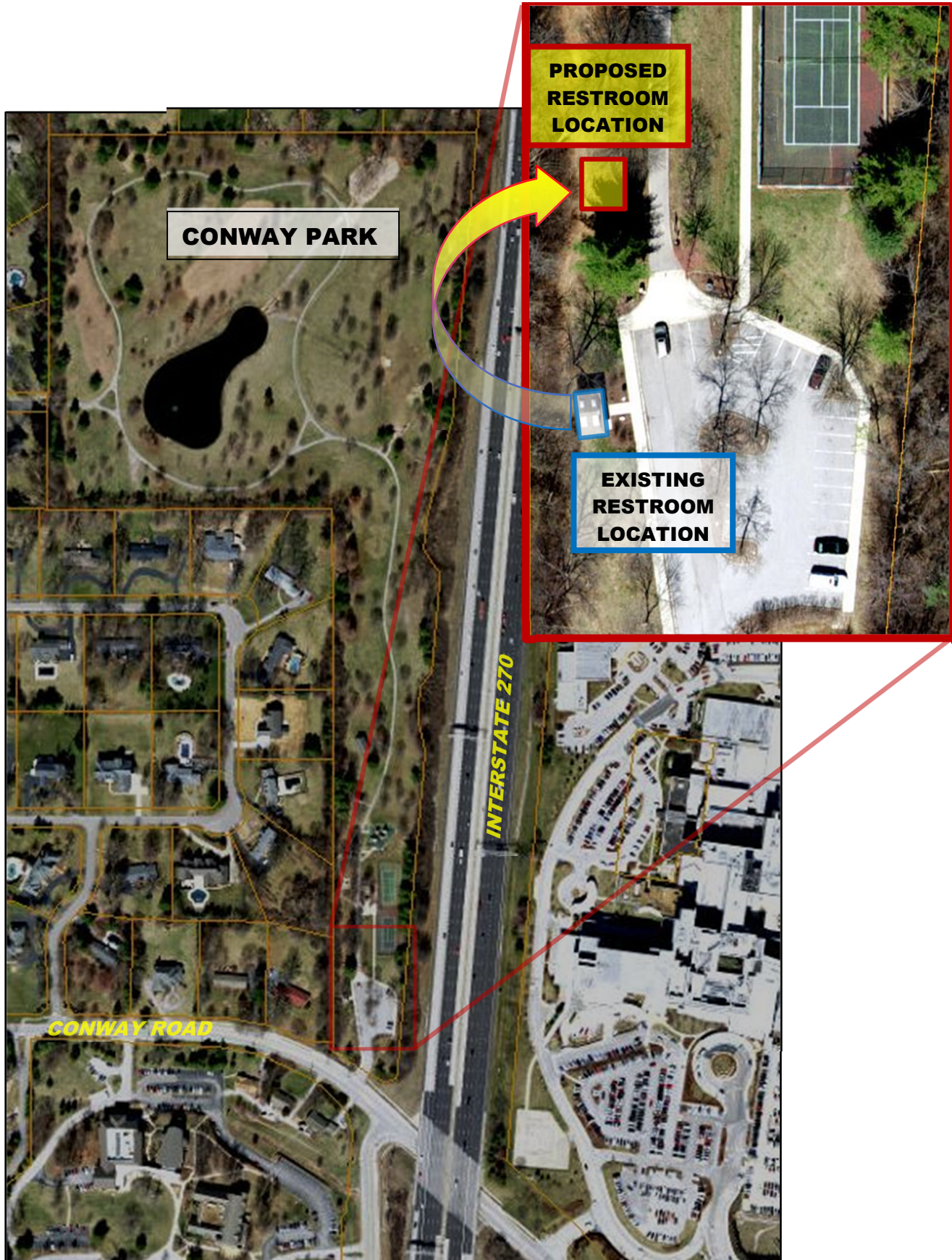
The City retained the architecture services of Kuhlmann design Group to evaluate the existing restroom facilities in early 2021 in an effort to determine whether these buildings could be renovated in place in order to be able to remain open during the winter. This evaluation found that, while it will be possible to renovate the current buildings, the work needed to retrofit these buildings with the insulation and other modifications needed to meet the requirements of the energy code was more involved and more expensive than originally thought.

The renovation cost review led to the consideration of a new restroom building instead of a renovation of the existing building, and that consideration evolved into the current project proposal.

The proposed project involves installing a new restroom building at Conway Park at a location that is about 100 feet north of the current restroom's location. This approach has several advantages, including:

- The new location has more space than the existing location
- Constructing a new restroom at the new location allows for the existing restroom to remain in place and operational during construction, which will minimize the duration when there is no functional restroom facility on site.
- Moving the restroom north of the parking lot allows for the possibility of expanding the Conway Park parking lot by 10-12 parking spaces in the future, which would increase the number of parking spaces there by about 40-50%.

General location of the restroom relocation project in Conway Park.



Attachment: Conway Park Restroom Project - Recommendation to P&Z (Conway Park Restroom Relocation and Replacement Project)

Proposed Restroom Site

The proposed project would move the restroom building north about 100 feet into a lawn area that is on the west side of the Conway Park path. Moving the restroom to this location will be slightly closer to the park's amenities and will remain along an accessible route.



Approximate location of the proposed restroom facility, looking northerly along the park path from near the parking lot.

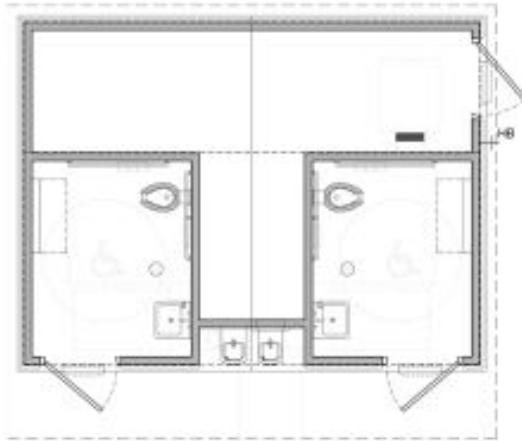


Approximate location of the proposed restroom facility, looking southwest from the park path.

Proposed Restroom Facility (Concept Layout)

Staff recommends a restroom facility for Conway Park that provides two individual restrooms and a small storage/utility area between them. These features will be similar to the existing restroom building. New features will include radiant heat so the facility can remain open during the winter, a covered porch area at the front of the building, and drinking fountains at the front of the building.

Two general floor plans are being considered for this restroom: one with extra storage in the rear and one without. Both floor plans would provide the park user with the same facility and features. The larger building may be proposed if the site and budget can accommodate it.

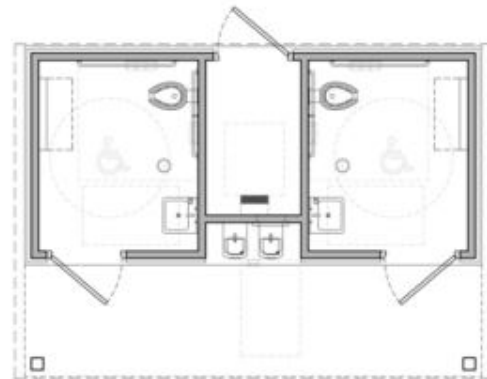


Floor plan with rear storage

Approximate dimensions:

Roof: 20'0" wide x 20'8" deep

Building: 18'8" wide x 14'0" deep



Floor plan without rear storage

Approximate dimensions:

Roof: 20'0" wide x 15'4" deep

Building: 18'8" wide x 8'8" deep

An exhibit that includes a more detailed floor plan and elevations for the restroom facility (with storage) is attached.

Exterior Options for Review

There are many different exterior style options available for the park restrooms. Staff recommends a balance of aesthetics, economy, and ease of maintenance. Standard and uniform exterior finishes are favored over multi-texture and more elaborate options (for example, lap siding is preferred over a stone wainscoting with lap siding above it).

Staff reviewed the City's site development standards and narrowed the recommended options to three that will meet the City's standards:

1. lap siding
2. brick veneer
3. board and batten

Examples of these options are included on the following pages.

The examples are meant to highlight the restroom building and the options available for the exterior and therefore help the Planning and Zoning Commission visualize the exterior options. Certain aspects of the building, such as the concrete entry slab, are not shown for all renderings but would be added once the building is in place.

EXTERIOR OPTION #1 – LAP SIDING

The first example shown below includes the rear storage area, the second example does not include the storage area. Both layouts have the same available options for the front porch, although two different designs are shown in these examples.

Many siding and trim colors are available, beyond the neutral colors shown. Green and brown are consistent with the current playground and furniture colors at Conway Park.



EXTERIOR OPTION #2 – BRICK VENEER

A sketch of the proposed restroom with a brick veneer exterior is not readily available, so a photo of an existing facility with a similar layout is provided.

The exterior would be a brick veneer, as opposed to solid bricks. The reason for this is mainly due to the weight of the bricks. The restroom buildings will be constructed in a factory and will be shipped to Conway Park. Full-size bricks would substantially add to the weight of the building.

Although the brick veneer would be available in different colors, the brick colors are more limited than those available for the siding or board-and-batten options.



Note: this is not the exact model of the restroom building that is proposed, but it illustrates the look of the brick veneer option.

EXTERIOR OPTION #3 – BOARD AND BATTEN

Similar to the option shown for lap siding, the board-and-batten exterior is available in many colors. A neutral color scheme is shown as an example.



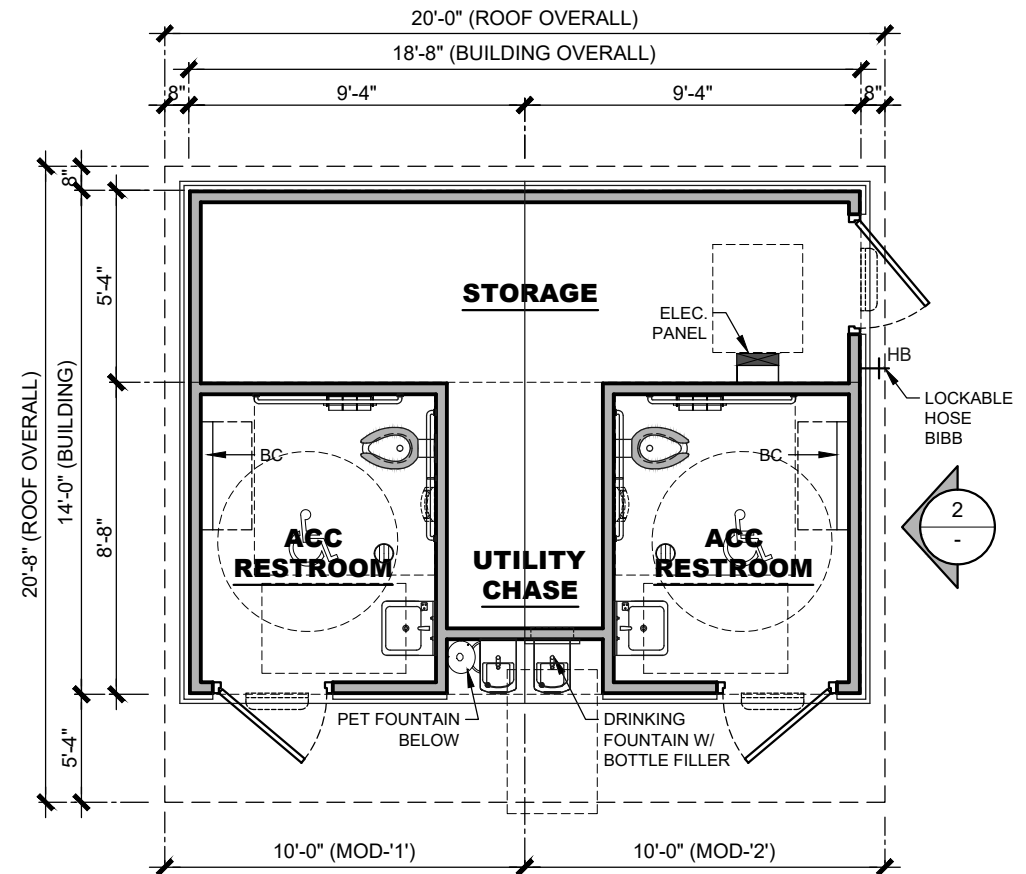
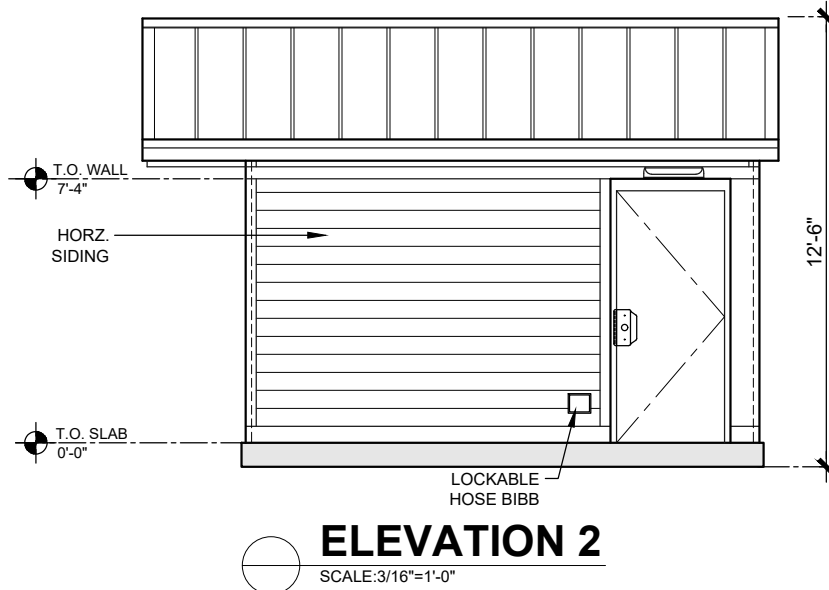
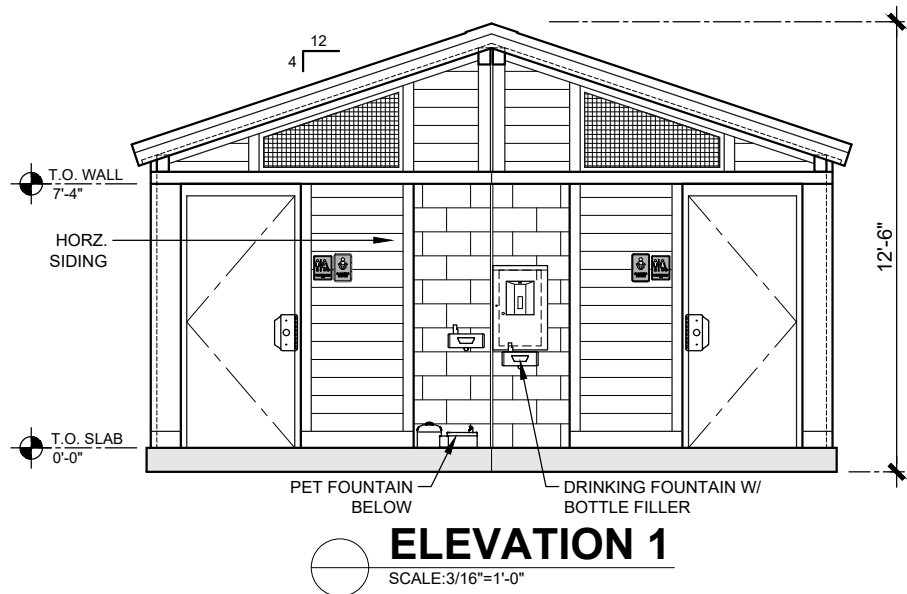
Parks and Historic Preservation Committee Recommendation

The City's Parks and Historic Preservation Committee (PHP) considered the restroom project and the restroom exterior options at their meetings in December 2021 and January 2022. The PHP recommended that the City select the lap siding option and that the City install the additional rear storage for the facility if that proves to be financially and physically feasible.

Requested Action

City staff seeks the guidance of the Planning and Zoning Commission regarding the Commission's preferred layout (i.e., with or without rear storage) and exterior finish for the restroom building. Staff will use this guidance to prepare a site development plan for the restroom project and will seek approval for that site plan from the Planning and Zoning Commission at a later date.

Attachments: Restroom floor plan and elevation exhibit



** Front porch slab not shown, and roof overhang not to scale.

LAP SIDING FINISH OPTION 'A'



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BUILDING TYPE:

RESTROOM / STORAGE BUILDING

PROJECT:

**CONWAY PARK
CREVE COEUR, MO**

REVISION #

1

REVISION DATE: **12/21/2021**

DRAWN BY: EOR

PROJECT #:

11181

START DATE: **12/20/2021**

DRAWN BY: EOR

SHEET#

MAX. PERSON / HOUR:

90 S

Packet Pg. 19



MEMO TO THE PLANNING AND ZONING COMMISSION

Date: February 2, 2022

Subject: **Residential Tree Replacement Requirements Work Session**

Prepared by: Bethany Moore, City Planner

Meeting Date: February 7, 2022

Attachments: **Proposed Regulations February 2021 Draft**
Staff Memo to P&Z 3-1-21
Staff Memo to P&Z 9-21-20
Staff Memo to Council 2-10-20
Staff Memo to Council 6-22-20
Code Excerpt, Section 410.300 and 410.320
Code Excerpt, Chapter 220, Article II

In 2020, the City Council requested staff to present information on how the City might regulate tree removal and replacement on residential properties associated with major construction activities, such as a new home on an existing lot. Staff presented information to both the City Council and the Planning and Zoning Commission with an outline of the various components of the tree replacement ordinance. For its part, the Planning and Zoning Commission reviewed this information at the September 21, 2020 meeting and expressed support for the development of regulations to require tree replacement on existing residential properties. Staff then refined the requirements for preliminary review and discussion in a work session format to obtain feedback and general direction on March 1, 2021. Since that time, the project has stalled and is now being revisited due to renewed interest, as discussed at the December 6th Joint Work Session.

The attached revised draft provides the components of the proposed ordinance which would apply to all new homes on existing platted lots. This threshold is meant to target only new homes, where greater tree removal is most likely. Smaller construction activities such as room additions, swimming pools, or detached garages would not be subject to any tree removal or replacement requirements. For reference, within the past three years, the City has issued 42 permits for new houses on existing lots.

The submittal requirements would include the preparation of a Tree Protection and Replacement Plan (TPRP) by a licensed landscape architect or ISA certified arborist to show all trees on the property 6-inches or greater. Removed trees would be required to be replaced on a one-to-one basis (not total caliper inches) within the same category of tree based on mature growth height with a minimum size of 3-inches at the time of planting. For example, a White Oak tree couldn't be replaced with an ornamental tree, such as a Dogwood. Dead, diseased or invasive or undesirable tree species can be removed without replacement. Street trees would be required for all new homes, whether or not they are part of a new subdivision or on existing lots. Tree protection standards would be required on site as shown on the approved TPRP. For those trees that are removed at time of final inspection but not shown on the plan, replacement would be required.

Changes to tree removal and replacement regulations to subdivision lots in Section 410.320 are also proposed for discussion in order to reflect the proposed tree conservation regulations applied to existing lots.

After P&Z review at this work session, staff will incorporate any changes and, if necessary, bring them before the Planning and Zoning Commission for a final discussion at the February 22, 2022 work session meeting. Staff would then present them to the Horticulture and Beautification Committee for their input. After these reviews are complete, staff will schedule a public hearing for formal review by the public and the Commission.

Residential Tree Replacement Requirements

New Zoning Ordinance Section 405.560

Purpose And Intent

It is the purpose and intent of this Section to require adequate protection of the City's natural resources, and property values and maintain the goals of the Comprehensive Plan, by providing regulation concerning protection, removal, and the planting of trees on residential lots within the City's residential zoning districts.

Applicability

The provisions of this Section shall apply to existing lots of record that contain a permitted use as a single-family residence, with construction activities that involve a new home subject to a **demolition permit** or residential development permit.

Tree Protection and Replacement Plan Submittal Requirements

A Tree Protection and Replacement Plan (TPRP) shall be submitted for review concurrent with the submittal of other required permit applications and plans. In the event a demolition permit application is filed prior the issuance of a residential development permit for a new home, a TPRP shall be submitted as part of the demolition permit application. The TPRP shall be completed by a licensed landscape architect or certified arborist and include the following minimum information:

1. Project title listing the project name, owner name, and name of individual or firm preparing the plan.
2. North arrow, graphic and written scale which shall be based on the site plan showing existing and proposed grades, utility easements, new water and sewer lines, and location of all improvements
3. A survey of all existing trees 6-inch diameter at breast height (DBH) or greater, providing their type (botanical and common name), size in inches on the property, and identification of the tree whether to be removed or to remain.
4. Graphic depiction showing the location of tree protection fencing.
5. Location of new trees graphically shown and keyed to a tree chart providing size (DBH), species and quantity.

Tree Removal and Replacement Requirements

1. All existing trees in healthy condition measuring 6-inches or greater in caliper which are to be removed shall be replaced on the basis of a one-to-one ratio (1:1) based on the total number of trees removed.
2. All replacement trees shall be at least **3 or 2.5** caliper inches in size at time of planting and shall be selected from the City of Creve Coeur's **approved tree list, which may be updated as needed from time to time**. Replacement trees shall be selected from the same category based on mature tree height of the tree removed to the maximum extent practicable.
3. The removal of any trees that are hazardous, dead, diseased or considered invasive by the Missouri Department of Conservation on private property, as determined by a licensed landscape architect, certified arborist, or other evidence as deemed credible by the City, is not subject to the requirements of this Section.
4. The installation of all trees shall be completed prior to the issuance of a final occupancy permit. Any trees that are removed at time of final inspection and are not shown on the approved TPRP shall be replaced in accordance with the requirements of this Section.

5. Street Trees shall be maintained or provided in order to meet **1 tree per 30 or 40 feet** of street frontage and does not count toward the replacement of the removed trees on private property

Tree Protection Requirements

1. All tree protection measures shall be installed prior to the commencement of demolition, excavation, construction, or site work.
2. Tree protection fencing shall be installed around the dripline of each impacted tree or cluster of trees within disturbed areas.
3. City of Creve Coeur Tree Protection Details and Standards shall be provided on the plan and followed at all times.

Discussion Items

- Tree survey required as part of a demolition application.
- Approved Tree List to be created through consultation with the Horticulture, Ecology, and Beautification Committee and maintained by Planning Staff to be available on the City's website but not codified in case changes need to be made.
- Require a certain number of replacement trees to be in the front yard, number dependent on district or lot size. And/or require a minimum number of trees in the front yard separate of replacement trees.
- Require street trees at 1 per 30 lineal feet of lot frontage for existing platted lots when a new house is constructed.

Updates to Ordinance Section 410.320 Tree Conservation

- A. Any subdivision preliminary plat submitted after the effective date of this Section shall provide for the conservation of existing trees on the site. Nothing in this Section is intended to preclude the removal of existing trees after the receipt of an initial occupancy permit.
 1. A tree census shall accompany every preliminary plat application. The tree census shall graphically depict the general location of all tree masses and all trees of eight (8) inch caliper size or larger. In addition, such census shall indicate which tree masses and trees are to remain and which tree masses and trees are to be removed. Not more than seventy-five percent (**75%**) of the area of such tree masses nor seventy-five percent (**75%**) of such eight (8) inch caliper trees shall be proposed for removal. **The removal of any trees that are hazardous, dead, diseased or considered invasive by the Missouri Department of Conservation on private property, as determined by a licensed landscape architect, certified arborist, or other evidence as deemed credible by the City, is not subject to the requirements of this Section.**
 2. After approval of subdivision improvement plans and during construction of subdivision infrastructure, the City staff may approve removal of not more than ten percent (10%) of the area of tree masses and not more than ten percent (10%) of the eight (8) inch caliper trees which were indicated as tree masses and trees to remain as depicted on the tree census submitted with the preliminary plat. For example, if the preliminary plat indicated two hundred (200) eight (8) inch caliper trees on the site and fifty (50) were indicated to remain, the City staff could approve the removal of not more than five (5) of those trees. This approval

may be granted only if such tree masses or trees are determined to interfere with the construction of such infrastructure. Inadvertent damage to or removal of any such tree mass or such eight (8) inch caliper tree shall be counted towards the maximum ten percent (10%) removal of tree masses and trees to remain.

3. Any tree mass removal or tree removal not approved with the preliminary plat or subsequently approved by the City staff shall cause the City to require the developer to plant three (3) three (3) inch caliper trees for each ten (10) square feet or portion thereof of tree mass area removed and three (3) three (3) inch caliper trees for each tree removed. Such three (3) inch caliper trees shall be of a species contained in the City's list of approved street trees and shall be in addition to the street trees required by Section **410.300**. The Department of Public Works shall maintain a list of recommended street trees.
4. After receipt of an initial occupancy permit, additional trees may be removed from individual lots at the discretion of the lot owner.

Discussion Items

- A.1.-Removal of Invasive, undesirable, poor health trees won't count towards % removed max.
 - Replace tree from same category (shade, decorative, etc) of tree removed.
 - Is the 75% max for removal too large? Consider revising to 50% max removal?
- A.2.-Consider removing. Total tree removal should be accounted for at approval of subdivision improvement plans.
 - Any additional removal requires 1 to 1 replacement with tree of 3 caliper inch minimum.
 - Diversify Replacement Trees
- A.3.-No change
- A.4.-Remove all together. Lot owners are not prohibited from removing additional trees at will after final inspection, not necessary to codify.

City of Creve Coeur, MO
Thursday, June 18, 2020

Chapter 410. Subdivision and Development of Land

Article III. Land Development Standards

Section 410.300. Street Trees.

[R.O. 2008 App. B, §22A-30; Ord. No. 1045, 7-25-1983; Ord. No. 2184 §1, 6-24-2002; Ord. No. 4071 §3, 4-9-2007; Ord. No. 5068 §1, 11-10-2008]

The developer shall plant trees along all streets in new residential subdivisions or along the street frontage of any land development. The trees shall be provided in the ratio of not less than one (1) tree for each thirty (30) feet of such frontage. Before any trees are planted, a plan of such planting shall be submitted to the Commission as part of the improvement plans for its study and recommendation. Factors to be considered by the Commission in reviewing the plan shall include, but shall not be limited to, prevention of the planting of certain species that would become nuisances because of insects or disease or because of their roots unduly interfering with the sewer mains or other underground utilities or location of the trees obstructing sight distances for vehicles at intersections or making the installation of utilities, sidewalks or similar improvement costly or difficult or similar locational features that may be undesirable. In no case shall a tree be planted that has a trunk diameter of less than two and one-half (2½) inches as measured six (6) inches above the ground. The Department of Public Works shall maintain a list of recommended street trees and undesirable trees.

Section 410.320. Tree Conservation.

[R.O. 2008 App. B, §22A-32; Ord. No. 1045, 7-25-1983; Ord. No. 1789 §1, 4-8-1996; Ord. No. 4071 §3, 4-9-2007; Ord. No. 5068 §1, 11-10-2008]

- A. Any subdivision preliminary plat submitted after the effective date of this Section shall provide for the conservation of existing trees on the site. Nothing in this Section is intended to preclude the removal of existing trees after the receipt of an initial occupancy permit.
 1. A tree census shall accompany every preliminary plat application. The tree census shall graphically depict the general location of all tree masses and all trees of eight (8) inch caliper size or larger. In addition, such census shall indicate which tree masses and trees are to remain and which tree masses and trees are to be removed. Not more than seventy-five percent (75%) of the area of such tree masses nor seventy-five percent (75%) of such eight (8) inch caliper trees shall be proposed for removal.
 2. After approval of subdivision improvement plans and during construction of subdivision infrastructure, the City staff may approve removal of not more than ten percent (10%) of the area of tree masses and not more than ten percent (10%) of the eight (8) inch caliper trees which were indicated as tree masses and trees to remain as depicted on the tree census submitted with the preliminary plat. For example, if the preliminary plat indicated two hundred (200) eight (8) inch caliper trees on the site and fifty (50) were indicated to remain, the City staff could approve the removal of not more than five (5) of those trees. This approval may be granted only if such tree masses or trees are determined to interfere with the construction of such infrastructure. Inadvertent damage to or removal of any such tree mass or such eight (8)

inch caliper tree shall be counted towards the maximum ten percent (10%) removal of tree masses and trees to remain.

3. Any tree mass removal or tree removal not approved with the preliminary plat or subsequently approved by the City staff shall cause the City to require the developer to plant three (3) three (3) inch caliper trees for each ten (10) square feet or portion thereof of tree mass area removed and three (3) three (3) inch caliper trees for each tree removed. Such three (3) inch caliper trees shall be of a species contained in the City's list of approved street trees and shall be in addition to the street trees required by Section **410.300**. The Department of Public Works shall maintain a list of recommended street trees.
4. After receipt of an initial occupancy permit, additional trees may be removed from individual lots at the discretion of the lot owner.

City of Creve Coeur, MO
Thursday, June 18, 2020

Chapter 220. Weeds and Vegetation

Article II. Trees and Shrubs

Section 220.130. Applicability.

[R.O. 2008 §26.5-11; Ord. No. 1899 §1, 11-10-1997]

This Article provides full power and authority over all trees, plants and shrubs located within street rights-of-way, parks and publicly owned places of the City (not including subdivision common ground) and to trees, plants and shrubs located on private property that constitute a hazard or threat as described herein.

Section 220.140. Definitions.

[R.O. 2008 §26.5-12; Ord. No. 1899 §2, 11-10-1997]

As used in this Article, the following terms shall have these prescribed meanings:

CITY ARBORIST

The designated official at the City of Creve Coeur, Missouri, assigned to carry out the enforcement of this Article.

CITY-OWNED PROPERTY

Property within the City limits of the City of Creve Coeur, Missouri, that is:

1. Owned by the City in fee simple absolute, or
2. Implied or expressly dedicated to the public for present or future use for purposes of vehicular or pedestrian traffic or for public utility easements.

CONTRACTOR

Someone paid to supply goods or services at a fixed price.

LANDMARK TREES

Trees with historic value or unusual qualities. A tree may qualify as a landmark tree if it meets one (1) or more of the following criteria: rare species, old age, association with a historical event or person, abnormality or scenic enhancement.

PARK TREES

Trees, shrubs, bushes and all other woody vegetation in public parks having individual names and all areas owned by the City or to which the public has free access as a park.

PROPERTY OWNER

The record owner or contract purchaser of any parcel of land.

PUBLIC NUISANCE

Any tree with an infectious disease or insect problem; dead or dying trees; a tree or limb(s) that obstructs street lights, traffic signs or the free passage of pedestrians or vehicles; or a tree that

poses a threat to safety.

STREET TREES

Trees, shrubs, bushes and all other woody vegetation on land lying within the public right-of-way of all streets, avenues or ways within the City.

Section 220.150. Landscaping.

[R.O. 2008 §26.5-13; Ord. No. 1899 §3, 11-10-1997]

The Community Development Department will review landscaping plans and may require street trees to be planted in any of the streets, parking lots, parks and other public places abutting lands henceforth developed and/or subdivided according to Section **405.540** of the City Zoning Code.

Section 220.160. Tree Planting, Maintenance and Removal.

[R.O. 2008 §26.5-14; Ord. No. 1899 §4, 11-10-1997; Ord. No. 4071 §2, 4-9-2007]

- A. *Tree Species.* The Community Development Department has a list of desirable trees for planting along streets as required under the Zoning Code. Deviations from the approved list of street trees are subject to review and must be approved by the City prior to installation to prevent the use of species that are intolerant of disease, salt or other factors or which are susceptible to disease or decay.
- B. *Spacing.* The spacing of street trees will be in accordance with the Zoning Code, but in no case less than thirty (30) feet, center to center, except in special plantings designed or approved by a landscape architect.
- C. *Utilities.* No street trees other than those species listed by the Community Development Department as small trees may be planted under or within ten (10) lateral feet of any overhead utility wire or over or within five (5) lateral feet of any underground water line, sewer line, transmission line or other utility.
- D. *Distance From Curb And Sidewalk.* The distance street trees may be planted from curbs or curb lines and sidewalks will be in accordance with the Zoning Code (eight (8) feet minimum and twelve (12) feet maximum). If there is a grass strip between street and sidewalk, trees shall be centered in grass strip.
- E. *Topping.* It shall be unlawful for any person, firm or City department, as a normal practice, to top any street tree, park tree on public property. "*Topping*" is defined as the severe cutting back of branches or limbs to stubs within the tree's crown to such a degree so as to remove the normal canopy and/or disfigure the tree. Trees severely damaged by storms or other causes or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this Section at the determination of the Recycling and Environment Committee.

Section 220.170. Landowner Responsibility.

[R.O. 2008 §26.5-15; Ord. No. 1899 §5, 11-10-1997]

No person shall plant, remove, cut above the ground or disturb any tree on any street, park or other public place without first procuring permission from the City Arborist. The person receiving the permission shall abide by the standards set forth in this Article.

Section 220.180. Protection of Landmark Trees.

[R.O. 2008 §26.5-16; Ord. No. 1899 §6, 11-10-1997]

The City Arborist shall have as one of his/her duties the location, selection and identification of any trees that qualify as "landmark trees". Landmark trees shall be protected under new development or in public places.

Section 220.190. Private Trees.

[R.O. 2008 §26.5-17; Ord. No. 1899 §7, 11-10-1997]

The City Arborist or his/her official designee has the authority to enter onto private property to determine if a public nuisance exists regarding a tree, shrub, plant or plant part.

Section 220.200. Enforcement.

[R.O. 2008 §26.5-18; Ord. No. 1899 §8, 11-10-1997]

The City Arborist shall have the power to promulgate and enforce rules, regulations and specifications concerning the trimming, spraying, removal, planting, pruning and protection of trees, shrubs, vines, hedges and other plants upon the right-of-way of any street, alley, sidewalk or other public place in the City.

Section 220.210. Penalties, Claims and Appeals.

[R.O. 2008 §26.5-19; Ord. No. 1899 §9, 11-10-1997]

- A. *Notice Of Violation.* Any person who violates any provision of this Article or who fails to comply with any notice issued pursuant to provisions of this Article, upon being found guilty of violation, shall be subject to a fine not to exceed one thousand dollars (\$1,000.00) for each separate offense. Each day during which any violation of the provisions of this Article shall occur or continue shall be a separate offense. If, as the result of the violation of any provision of this Article, the injury, mutilation or death of a tree, shrub or other plant located on City-owned property is caused, the cost of repair or replacement of such tree, shrub or other plant shall be borne by the party in violation and shall be in addition to any fine imposed hereunder. The replacement value of trees and shrubs shall be determined in accordance with the latest revision of A Guide to the Professional Evaluation of Landscape Trees, Specimen Shrubs and Evergreens as published by the International Society of Arboriculture.
- B. *Abatement Of Nuisance.* In the event that a nuisance is not abated by the date specified in the notice, the City Arborist is authorized to cause the abatement of said nuisance. The reasonable cost of such abatement shall be filed as a lien against the property on which the nuisance was located. In addition, the owner of the property upon which the nuisance was located shall be subject to prosecution.
- C. *Procedure For Appeals.*
 1. *Time for appeals.* Notice of appeal of an action, event or requirement of the City Arborist shall be filed with the City Administrator within a reasonable time, not to exceed thirty (30) days from the date of the event or action appealed from occurred.
 2. If an appeal is timely filed with the City Administrator, such person shall be entitled to a hearing before the City Administrator within thirty (30) days after the notice of appeal has been filed. The City Administrator shall issue a written decision on such appeal within ten (10) days after such hearing. An appeal from the decision of the City Administrator may be filed with the City Council within fifteen (15) days after receipt of the City Administrator's decision. On an appeal to the City Council, a hearing shall be held in accordance with the Administrative Procedures Act of the State of Missouri (Chapter 536, RSMo.). Any appeal

from the City Council's decision shall be to the Circuit Court in accordance with Chapter 536, RSMo.

Section 220.220. Reporting.

[R.O. 2008 §26.5-20; Ord. No. 1899 §10, 11-10-1997]

The City Arborist will write an annual report to be submitted to the Recycling and Environment Committee.



MEMO TO THE DIRECTOR OF COMMUNITY DEVELOPMENT

Date: 2/5/2020

Subject: **Tree Preservation on Private Residential Properties**

Prepared by: Whitney Kelly, AICP, City Planner

Attachments: Sec. 410.320: City of Creve Coeur Tree Conservation Requirements

The City of Creve Coeur's regulations provides that when subdividing a property, a minimum of 25% of the existing trees and tree mass must be maintained, per Section 410.320 Tree Conservation under Chapter 410 Subdivision and Development of Land. Should additional trees be removed that were not indicated on the subdivision plan, they must be replaced at a 3 /1 ratio, in addition to any Street Trees that are required under Section 410.300 Street Trees. However, once the project has been completed and final inspection/occupancy obtained, the City does not have a regulation regarding maintaining those trees on private residential properties, and the homeowner may remove any of the trees on their lot. The Street Trees are usually placed in the City's right-of-way (once the City has accepted it as a public road) and therefore, cannot be removed without the approval of the City. Additionally, the City does not prohibit the removal of any trees in anticipation of redevelopment of a lot after approval of the initial subdivision.

Staff has reviewed the tree preservation ordinances for residential properties of the following nearby communities: Ladue, Webster Groves, Wildwood, Town and Country, Clayton, Des Peres, Olivette, Maryland Heights and Kirkwood. Below is a summary of these requirements and when they are applied.

- Ladue has the most restrictive tree preservation requirements that are separate from other construction activity requirements on the property. Ladue has a City Arborist review and permit any tree removal applications and tree replacement plans.
 - No person shall remove, injure, damage, or cause the death of a living tree having a caliper of six or more inches, or clear or cut within a woodland area any trees having a caliper of three inches unless the person has first secured a permit from the city.
 - Tree replacement is required when 25 percent of the trees are proposed to be removed on the property or when 25 percent or more of any woodland is proposed to be cleared on the property. If 25 percent or more of the trees or woodlands on the property are removed, any tree scheduled for removal having a caliper of six inches or more shall be replaced by a tree having at least a six-inch caliper or with two three-inch caliper equivalent trees. At least half of the replacement trees must be canopy trees from the approved tree list.
 - When no appropriate tree locations are available, a payment of \$120.00 per replacement caliper inch may be paid to the city's tree fund which shall be utilized for future forestry efforts in the city. This option may reduce the required number of trees on a project by no more than 25 percent.
- Webster Groves is undergoing text amendments to revise their Ordinance to address tear downs and will provide that information as soon as there is a clearer redline version.
The existing regulations are:

- New residents can't take a tree down in the first year they live at a residence without a permit. This is to prevent house flippers taking them down.
- After a year of home ownership, trees can be removed without a permit after a year. However, they are supposed to use a registered tree contractor (insurance, knowing proper techniques etc.). If a tree company is doing work within the city limits that are not registered they are given a summons to court.
- These requirement are tied to an occupancy permit for existing homes or for new construction
- Wildwood has tree preservation requirements for new construction as follows:
 - 30% of all tree canopy coverage on land shall be retained and undisturbed
 - Grand Trees shall not be disturbed at any time without a permit, and a one-to-one replacement with the planting of a new tree having a caliper of no less than 3 inches.
- Town and Country
 - Tree Preservation Plan for infill housing or additions that add more than 50% of new impervious area or greater:
 - The removal of any hazardous, dead or diseased trees on private property, as determined by a licensed landscape architect, certified arborist, or other evidence deemed credible by the City, as necessary to remedy an immediate threat to person or property is not subject to the requirements of this Section.
 - Trees removed within one (1) year preceding the submittal of a development application to the City must be documented by a dated conditions report prepared by a certified arborist or forester, dated conditions photographs and a copy of the work order with date of service. Any tree removed within one (1) year prior to the submittal of a development or building permit application that is not documented and approved by the City will be considered in good condition by default.
 - With the exception of any property for which a tree preservation plan has been approved in accordance with this Section and a building permit has been issued, it shall be prohibited for any person to remove any trees six (6) inches in diameter or greater for the purposes of preparing a lot for development that is subject to a demolition permit, grading permit, building permit or architectural review.
 - A minimum of 50% of the calculated total of (CSA) of all healthy trees, six (6) inches in diameter or greater, shall be preserved.
- Clayton:
 - The removal of any hazardous, dead or diseased trees on private property, as determined by a letter from a qualified arborist, and as necessary to remedy an immediate threat to person or property is not subject to the requirements of this Article.
 - Trees removed within one (1) year preceding the submittal of a development application to the City must be documented by a dated conditions report prepared by a certified arborist or forester, dated conditions photographs and a copy of the work order with date of service. Any tree removed within one (1) year prior to the submittal of a development application that is not documented and approved by the City will be considered in good condition by default.
 - With the exception of any property for which a landscape/tree preservation plan has been approved in accordance with this Article and a building permit has been issued, it shall be prohibited for any person to remove nineteen (19) or more caliper inches of contributing trees or any landmark tree located outside a lot's buildable area (as defined in Article III: Definitions) for the purposes of preparing a lot for a development project subject to Article VIII: Site Plan Review, Article IX: Special Development District, or Article X: Planned Unit Development. In talking with their staff, this requirement has been extended to include residential properties without construction permits, although the

ordinance does not appear to be written to include such properties. Any tree removal of a total of 19 or more caliper inches will need to be replaced.

- Des Peres: The policy, in practice, only applies when reviewing infill housing and new developments.
 - Includes adding at least 2 trees of 2" or greater in diameter, exist in the include adding at least 2 trees of 2" or greater in diameter, exist in the front yard of each home site for a lot undergoing a replacement of the residence
 - Healthy desirable trees not maintained or removed shall be replaced. If not sufficient room to provide for replacement trees then developer shall contracture to the City's tree fund.
- Olivette: The City of Olivette does not have an established tree preservation policy. There are reference to 'Tree Preservation' within the Olivette Residential Redevelopment and Design Guidelines, however, there is no teeth to the guideline without an actual standards and policy behind.
 - The Tree Preservation discussion on Page 27 includes:
 - Try to avoid mature trees within the buildable area established by the zoning district. The buildable area is the area bounded within the front, side and rear yard setbacks.
 - Avoid the removal of trees and disturbing the ground area within a tree dripline/canopy between the front building line and street.
 - Limit the unnecessary removal of trees outside the buildable area established by the zoning district.
 - If removing a tree outside the buildable area established by the zoning district, consider replacement of the tree with a younger species.
- Maryland Heights: Tree preservation is part of the landscape design standards for site plans and subdivisions. It doesn't appear to apply to individual residential properties.
 - Site plans and subdivisions shall incorporate all feasible methods and approaches to preserve all existing trees and wooded areas outside of the minimum building and site development area or within residential tree preservation areas. The following replacement standards shall apply:
 1. Based on the tree survey, the landscape plan shall indicate where all trees exceeding six (6) inches caliper not within the building and/or site development area and all trees exceeding twenty (20) inches caliper within the property, that were removed as a result of the development, are to be replaced.
 2. The removal of trees within an existing underground utility easement as part of either the maintenance or improvement of the utility line shall not be included in the mitigation plan.
 3. The replacement of trees removed shall be based on their total caliper inches. Each caliper inch removed from outside the building and site development area or from the residential tree preservation area shall be on a two for one caliper inch basis. Trees within the building and site development area that are twenty (20) inches caliper or greater shall be replaced on a one-for-one caliper inch basis.
 4. Replacement trees shall be a minimum of two and one-half (2 ½) inches caliper at installation and shall be of no less quality species than the tree removed.
- Kirkwood: This community recently passed a tree preservation ordinance for residential properties that is triggered by building permits. It doesn't prevent property owners from removing trees unrelated to a building permit activity.
 - A permit must be obtained to remove or plant a tree within the City's right-of-way.
 - The City's Urban Forester may deny the issuance of any permit, if in the sole discretion of the Urban Forester, the issuing of the permit is not in the best interest of the City in maintaining the sustainability and health of the urban forest.
 - A tree protection plan approved by the urban Forester, or designee, shall be required on all new construction, demolition, exaction, and site redevelopment requiring

permits from the Building and /or Engineering Department. All tree protection plans shall be completed by a Certified Arborist and must follow the protocols outlined in the tree manual. Approval shall be determined upon reasonable efforts to preserve trees on the site as determined by the guidelines listed in the Tree Manual

- All single family lots shall have a minimum tree canopy coverage of 350 square feet per 1000 square feet of lot area (35%).
- Failure to comply with the tree protection plan will result in penalties, where the appraised value for damages and violations of any provision shall be determined by the Urban Forester using the latest revision of the “Guide for Plant Appraisal” as published by the international Society of Arboriculture.
- Anyone pruning, removals, cutting, spraying, injecting, protection, appraisals, or assessments requiring a permit from the Building Commission or Urban Forester or must obtain a business license as a “Arboricultural contractor”



MEMO TO THE MAYOR AND CITY COUNCIL

Date: June 17, 2020

Subject: Tree Preservation and Replacement on Residential Properties

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

Meeting Date: June 22, 2020

Attachment: 2-5-20 Staff Memo
Code Excerpt, Section 410.300 and 410.320
Code Excerpt, Chapter 220, Article II

As discussed in the staff memo dated February 5, 2020, the City of Creve Coeur's regulations provides that when subdividing a property, a minimum of 25% of the existing trees and tree mass must be maintained, per Section 410.320 Tree Conservation under Chapter 410 Subdivision and Development of Land. Should additional trees be removed that were not indicated on the approved subdivision plan, they must be replaced at a 3:1 ratio, in addition to any Street Trees that are required under Section 410.300 Street Trees. However, once the project has been completed and final inspection/occupancy obtained, the City does not have a regulation regarding maintaining those trees on private residential properties, and the homeowner may remove any of the trees on their lot. The Street Trees are usually placed in the City's right-of-way (once the City has accepted it as a public road) and therefore, cannot be removed without the approval of the City. Additionally, the City does not prohibit the removal of any trees in anticipation of redevelopment of a lot after approval of the initial subdivision.

Chapter 220 Weeds and Vegetation, Article, II, Trees and Shrubs applies to trees, plants and shrubs that are located within street rights-of-way, parks and publicly owned places of the City. This authority also extends to private property but only for trees or other plant material that constitute a hazard or threat.

To establish a tree conservation and replacement ordinance for individual residential properties would require updating various sections of the City's codes. For changes to the Zoning Ordinance, a text amendment application with a public hearing and recommendation by the Planning and Zoning Commission and final approval by the City Council would be required. As previously discussed with the City Council, staff would work with the Horticulture, Environment and Beautification Committee (HEB) to craft the requirements for a new ordinance. The HEB would then provide its recommendations to the Planning and Zoning Commission for their consideration. With this approach, Planning staff attended the HEB meeting on March 11th and informed them of City Council's desire to consider a tree preservation and replacement ordinance that would apply to existing residential properties. Staff presented background information and reviewed possible components of an ordinance and summarized ordinances that are in place in surrounding communities. The HEB was supportive of moving forward with such an ordinance.

At this time, staff would like to provide an overview of the components of the ordinance and receive feedback from the City Council as to the level of regulations desired. Staff will proceed accordingly based on the direction received from Council.

Components of a Residential Tree Preservation and Replacement Ordinance

Based on similar ordinances from other communities, staff has outlined the essential components of the ordinance with areas highlighted for discussion.

1. Applicability

This ordinance would apply only to existing, platted single family residential lots located within a single family zoning district when a new home is proposed or when a major addition is proposed.

Discussion Items: The term Major Addition would need to be defined. Similar ordinances define major as an increase of 50% or more of existing impervious coverage. If a more restrictive approach is desired, the requirements of this ordinance could occur with the filing of a Residential Development Permit. The RD permit is an integrated permit issued by the Building Division associated with most construction activities on a single family property. This includes new single family homes, additions, detached buildings and pools. It could also be tied to a land disturbance permit that is required when 2,000 square feet or more of disturbance activities such as grading or excavating are involved. Additionally, staff would like to confirm that this ordinance would not apply to non-residential uses in residential districts (schools, places of worship, etc.) or to apartment communities or other non-single family residential districts.

2. Administration

This ordinance would be administered by the Department of Community Development. The Building Division, including plans examiners and inspectors, as well as the City Planner would be involved in administering this ordinance. Depending on the level of restrictions and requirements desired, the City may want to engage the services of a contracted landscape architect or certified arborist to conduct plan reviews and perform inspections. The fees for such services would be passed on to the applicant based on a fee schedule as part of the approved contract.

3. Definitions

New definitions of terms would be added to the Zoning Code as needed to support the ordinance.

4. Tree Preservation and Replacement Plan

This section would outline the components of a tree protection and replacement plan that would need to be submitted for staff review at the time a permit is applied. A site plan would be needed showing the property boundaries and all proposed improvements (structures, paved surfaces, utility connections, etc.), existing trees, trees to be removed and trees to be protected. For trees that are to be protected, the City would require standard protection details and notes to be shown on the plan (protective fence around trees, etc.). This plan would need to be prepared by a licensed landscape architect or certified arborist.

5. Tree Replacement Requirements

Staff would suggest that all existing deciduous trees, 6-inches in diameter or greater and all coniferous (evergreen) trees of at least 15-feet in height are required to be shown on the existing tree plan. The requirements for tree preservation and replacements would be within this section. It would also be appropriate to include an updated approved tree list as part of this ordinance.

Discussion Items: The City could take the approach that there are no defined requirements for the protection of existing trees and focus more on the need to replace a portion of the trees that are removed. It is inevitable that some trees will need to be removed to allow construction to occur. The replacement ratio could be based on total

caliper trees removed for trees that are in healthy condition. Replacement trees would be required based on the City's approved tree list with a minimum size of 3-caliper inches at time of planting.

If tree preservation is desired, there are many approaches to this goal. Some ordinances set forth a desired amount of trees to remain on site with greater requirements for removal of trees above this amount. Other ordinances classify trees as "landmark" or "contributing" with specific replacement requirements for these classification of trees. If the applicant cannot meet the requirements for replacement of trees on site, some ordinances require a payment in lieu to the City presumably for the planting of trees in public lands in the city. It is important to note that most cities do not prohibit the removal of any single tree. The ordinances instead focus on replacement requirements to compensate for lost tree cover. Additionally, trees that are in poor condition, are hazardous, or of an undesirable species are typically exempt from any replacement requirement.

6. Inspections

Inspections by city building inspectors or a contracted professional would be expected to ensure the requirements of the ordinance are being met. At a minimum, an initial inspection would need to be performed to ensure tree protection fencing is installed and that the trees removed are consistent with approved plans. A final inspection prior to Certificate of Occupancy approval would also need to be conducted to ensure the replacement trees meet code and are consistent with approved plans.

As presented in the February staff report, several cities in St. Louis County regulate tree removal associated with construction activities on individual residential properties. These communities have determined that trees help to define community character, add to the value of residential property and offer environmental benefits such as erosion control and reduced energy costs for the home. As an additional regulatory requirement, a tree ordinance in the manner described would be expected to add to the cost of construction for many residential projects and also would involve additional staff time in the form of plan reviews and inspections.

Staff will be present at the meeting to answer any questions from the City Council. Upon receiving further direction as to the appropriate level of regulating trees on residential property, staff will prepare a draft ordinance and work with the HEB and P&Z on a final recommended version.



MEMO TO THE PLANNING AND ZONING COMMISSION

Date: September 16, 2020

Subject: **Tree Preservation and Replacement on Residential Properties**

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

Meeting Date: September 21, 2020

Attachment: Staff Memo to Council 2-10-20
Code Excerpt, Section 410.300 and 410.320
Code Excerpt, Chapter 220, Article II

Earlier this year, the City Council directed staff to present information on how the city might regulate tree removal on residential properties associated with construction. At the June 22nd City Council meeting, Staff presented the possible components of a tree protection and replacement ordinance which are explained in this memo. Staff would like to review this information with the Planning and Zoning Commission to obtain initial feedback on the components of a possible ordinance and the overall desirability of pursuing these additional regulations. Staff will then present the suggestions from P&Z back to the City Council to determine future steps.

Background

The City of Creve Coeur's regulations provides that when subdividing a property, a minimum of 25% of the existing trees and tree mass must be maintained, per Section 410.320 Tree Conservation under Chapter 410 Subdivision and Development of Land. Should additional trees be removed that were not indicated on the approved subdivision plan, they must be replaced at a 3:1 ratio, in addition to any Street Trees that are required under Section 410.300 Street Trees. However, once the project has been completed and final inspection/occupancy obtained, the City does not have a regulation regarding maintaining those trees on private residential properties, and the homeowner may remove any of the trees on their lot. The Street Trees are usually placed in the City's right-of-way (once the City has accepted it as a public road) and therefore, cannot be removed without the approval of the City. Additionally, the City does not prohibit the removal of any trees in anticipation of redevelopment of a lot after approval of the initial subdivision.

Chapter 220 Weeds and Vegetation, Article, II, Trees and Shrubs applies to trees, plants and shrubs that are located within street rights-of-way, parks and publicly owned places of the City. This authority also extends to private property but only for trees or other plant material that constitute a hazard or threat.

To establish a tree conservation and replacement ordinance for individual residential properties would require updating various sections of the City's codes. For changes to the Zoning Ordinance, a text amendment application with a public hearing and recommendation by the Planning and Zoning Commission and final approval by the City Council would be required. As previously discussed with the City Council, if this ordinance moves forward, staff would work with the Horticulture, Environment and Beautification Committee (HEB) to craft the requirements for a new ordinance. The HEB would then provide its recommendations to the Planning and Zoning Commission for their consideration. With this

approach, Planning staff attended the HEB meeting on March 11th and informed them of City Council's desire to consider a tree preservation and replacement ordinance that would apply to existing residential properties. Staff presented background information and reviewed possible components of an ordinance and summarized ordinances that are in place in surrounding communities. The HEB was supportive of moving forward with such an ordinance.

At this time, staff would like to provide an overview of the components of the ordinance and receive feedback from the City Council as to the level of regulations desired. Staff will proceed accordingly based on the direction received from Council.

Components of a Residential Tree Preservation and Replacement Ordinance

Based on similar ordinances from other communities, staff has outlined the essential components of the ordinance with areas highlighted for discussion.

1. Applicability

This ordinance would apply only to existing, platted single family residential lots located within a single family zoning district when a new home is proposed or when a major addition is proposed.

Discussion Items: The term Major Addition would need to be defined. Similar ordinances define major as an increase of 50% or more of existing impervious coverage. If a more restrictive approach is desired, the requirements of this ordinance could occur with the filing of a Residential Development Permit. The RD permit is an integrated permit issued by the Building Division associated with most construction activities on a single family property. This includes new single family homes, additions, detached buildings and pools. It could also be tied to a land disturbance permit that is required when 2,000 square feet or more of disturbance activities such as grading or excavating are involved. Additionally, staff would like to confirm that this ordinance would not apply to non-residential uses in residential districts (schools, places of worship, etc.) or to apartment communities or other non-single family residential districts.

2. Administration

This ordinance would be administered by the Department of Community Development. The Building Division, including plans examiners and inspectors, as well as the City Planner would be involved in administering this ordinance. Depending on the level of restrictions and requirements desired, the City may want to engage the services of a contracted landscape architect or certified arborist to conduct plan reviews and perform inspections. The fees for such services would be passed on to the applicant based on a fee schedule as part of the approved contract.

3. Definitions

New definitions of terms would be added to the Zoning Code as needed to support the ordinance.

4. Tree Preservation and Replacement Plan

This section would outline the components of a tree protection and replacement plan that would need to be submitted for staff review at the time a permit is applied. A site plan would be needed showing the property boundaries and all proposed improvements (structures, paved surfaces, utility connections, etc.), existing trees, trees to be removed and trees to be protected. For trees that are to be protected, the City would require standard protection details and notes to be shown on the plan (protective fence around trees, etc.). This plan would need to be prepared by a licensed landscape architect or certified arborist.

5. Tree Replacement Requirements

Staff would suggest that all existing deciduous trees, 6-inches in diameter or greater and all coniferous (evergreen) trees of at least 15-feet in height are required to be shown on the existing

tree plan. The requirements for tree preservation and replacements would be within this section. It would also be appropriate to include an updated approved tree list as part of this ordinance.

Discussion Items: The City could take the approach that there are no defined requirements for the protection of existing trees and focus more on the need to replace a portion of the trees that are removed. It is inevitable that some trees will need to be removed to allow construction to occur. The replacement ratio could be based on total caliper trees removed for trees that are in healthy condition. Replacement trees would be required based on the City's approved tree list with a minimum size of 3-caliper inches at time of planting.

If tree preservation is desired, there are many approaches to this goal. Some ordinances set forth a desired amount of trees to remain on site with greater requirements for removal of trees above this amount. Other ordinances classify trees as "landmark" or "contributing" with specific replacement requirements for these classification of trees. If the applicant cannot meet the requirements for replacement of trees on site, some ordinances require a payment in lieu to the City presumably for the planting of trees in public lands in the city. It is important to note that most cities do not prohibit the removal of any single tree. The ordinances instead focus on replacement requirements to compensate for lost tree cover. Additionally, trees that are in poor condition, are hazardous, or of an undesirable species are typically exempt from any replacement requirement.

6. Inspections

Inspections by city building inspectors or a contracted professional would be expected to ensure the requirements of the ordinance are being met. At a minimum, an initial inspection would need to be performed to ensure tree protection fencing is installed and that the trees removed are consistent with approved plans. A final inspection prior to Certificate of Occupancy approval would also need to be conducted to ensure the replacement trees meet code and are consistent with approved plans.

As presented in the February City Council staff memo, several cities in St. Louis County regulate tree removal associated with construction activities on individual residential properties. These communities have determined that trees help to define community character, add to the value of residential property and offer environmental benefits such as erosion control and reduced energy costs for the home. However, as an additional regulatory requirement, a tree ordinance in the manner described would be expected to add to the cost of construction for many residential projects and also would involve additional staff time in the form of plan reviews and inspections. With respect to the cost of preparing a tree protection plan and a planting plan, staff reached out to a local landscape architect who frequently prepares landscape plans for applicants. His general estimate, to meet the provisions contained in this ordinance, was approximately \$2,500. Further, additional staff time would add to the current workload of the Building and Planning Divisions and professional consulting assistance could be needed based on the level of regulation.



MEMO TO THE PLANNING AND ZONING COMMISSION

Date: February 25, 2021

Subject: **Residential Tree Replacement Requirements Work Session**

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

Meeting Date: March 1, 2021

Attachments: **Proposed Regulations 3-1-21 Draft**
Staff Memo to P&Z 9-21-20
Staff Memo to Council 2-10-20
Staff Memo to Council 6-22-20
Code Excerpt, Section 410.300 and 410.320
Code Excerpt, Chapter 220, Article II

Last year, the City Council requested staff to present information on how the City might regulate tree removal and replacement on residential properties associated with major construction activities, such as a new home on an existing lot. Staff presented information to both the City Council and the Planning and Zoning Commission with an outline of the various components of the tree replacement ordinance. For its part, the Planning and Zoning Commission reviewed this information at the September 21, 2020 meeting and expressed support for the development of regulations to require tree replacement on existing residential properties. Since that time, staff has refined the requirements for preliminary review and discussion in a work session format to obtain feedback and general direction prior to scheduling the public hearing on this topic.

The attached draft provides the components of the proposed ordinance which would apply to all new homes on existing platted lots or for any increase in impervious coverage of 50 percent or greater. This threshold is meant to target the major construction activities on residential properties and not smaller construction activities such as room additions, swimming pools, or detached garages. For reference, within the past three years, the City has issued 39 permits for new houses on existing lots.

The submittal requirements would include the preparation of a Tree Protection and Replacement Plan (TPRP) by a licensed landscape architect or ISA certified arborist to show all trees on the property 6-inches or greater. Removed trees would be required to be replaced on a one-to-one basis within the same category of tree based on mature growth height with a minimum size of 3-inches at the time of planting. For example, a White Oak tree couldn't be replaced with an ornamental tree, such as a Dogwood. Dead or diseased trees can be removed without replacement. For trees not able to be replaced on site, the option would be available to contribute to a Tree Replacement fund to offset the cost of tree maintenance and plantings within public rights-of-way or parks. This element has not been fully created at this time and would need to establish a funding formula based on the cost of tree replacements on a per-inch basis.

Tree protection standards would be required on site as shown on the approved TPRP. For those trees that are removed at time of final inspection but not shown on the plan, replacement would be required.

After P&Z review at this work session, staff will incorporate any changes and present them to the City Council and the Horticulture and Beautification Committee for their input. After these reviews are complete, staff will schedule a public hearing for formal review by the public and the Commission.



MEMO TO THE PLANNING AND ZONING COMMISSION

Date: February 3, 2022

Subject: **Drive Through Restaurants Code Amendments Work Session**

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

Meeting Date: February 7, 2022

Attachments: **Section 405.470.A Conditional Uses Food Services and Drinking Places**

Background

At the December 6, 2021 Joint Work Session with P&Z and City Council, the drive through ordinance was discussed and there was general agreement to review the current ordinance to determine if changes need to be made. The current drive through ordinance for restaurants was established in 2014 associated with a request for a drive through facility for St. Louis Bread Company at 447 North New Ballas Road. This ordinance found in Section 405.470.A requires a conditional use permit in all commercial and light industrial zoning districts. The regulations for drive throughs are attached for reference.

The current drive through ordinance is highly restrictive compared to other municipalities but has been effective in limiting the development of these uses in the City. Currently, there are three drive throughs in Creve Coeur: McDonald's, St. Louis Bread Company, and Panda Express. Creve Coeur continues to be the subject of interest for additional drive through developments, but many have difficulty meeting the requirements of the ordinance. The Covid-19 pandemic and the rise of contactless food service has helped to fuel interest in drive through developments not only in Creve Coeur but in many other cities as well. While these uses provide a convenience to the public, if not regulated appropriately, they can have detrimental impacts on the City's commercial districts and adjacent residential areas.

Existing Ordinance

The ordinance is split into two separate sets of requirements for lots that abut residential and lots that do not abut residential. For properties adjacent to residential, the drive through facility must be located within a multi-tenant building located to the side or rear and cannot be freestanding. Other restrictions include the location of the window and ordering facilities, the minimum size, and number of seats of the establishment.

For properties not located adjacent to residential, the drive through facility must be located within a coordinated development that has at least two buildings and at least 3 acres combined and can be freestanding. The location of the drive through window, stacking lane, minimum size and number of seats are addressed.

Proposed Revisions

To begin the discussion, Staff has prepared draft revisions to the current ordinance. Adjustments have been made to several areas of the existing code; however, the overall restrictive nature of the code

remains in place. The structure for separate requirements for drive throughs adjacent to residential and those that are not have been left in place. The redlined version of the ordinance is attached for review.

Objectives

At the meeting, staff will review the existing ordinance and proposed changes with the Commission and provide illustrative examples of desirable and undesirable drive through developments. The Commission's goal in this work session is to review and understand the existing ordinance requirements and provide input on any desired changes—particularly those that may be viewed as “over-regulating”. As part of this review, it is important to keep in mind that specific regulations for these uses remains desirable. If not, a proliferation of drive throughs has the ability to change the character of and promote less walkable commercial districts. On the other hand, with targeted regulations, the negative impacts associated with drive throughs can be minimized. Balancing the need to revise the drive through ordinance to remove unnecessary restrictions while also protecting residential areas, and controlling the negative aspects of these uses to provide the best overall development out of such a use is the objective.

Section 405.470.A

14. Food services and drinking places — (NA/CS 722). Shall be located on sites of not less than two (2) acres with the following exceptions and conditions:

[Ord. No. 5400 §2, 11-10-2014]

a. The acreage requirement does not apply to restaurants without drive-thru services within the "GC" District;

b. The acreage requirement does not apply to restaurants without drive-thru services in the "CB," "PO," "PC" and "LI" Districts that are located within a retail or office building, provided that such restaurants do not collectively occupy more than forty percent (40%) of the building square footage;

c. Drive-thru services on sites in the "MX," "GC," "CB," "PO," "PC," and "LI" Districts that about residential uses are subject to the following:

(1) Drive-thru facilities shall be limited to one (1) restaurant with no more than two (2) service windows, two (2) order facilities and two (2) designated stacking lanes which shall all be located on the rear or one (1) end of a multi-tenant retail building having a continuous structure frontage of at least two hundred (200) feet. Such frontage may include one (1) passageway or arcade (not open on the sides).

(2) The drive-thru order facility and service window shall only be on or adjacent to a wall not facing a street, unless otherwise approved, and shall be completely screened from the ground-floor level of adjacent residences with a property line wholly or partially within two hundred (200) feet of either the order facility or the service window by means of a solid barrier or topographic change. Vegetation cannot be used to meet this requirement but may be needed to address aesthetic concerns.

(3) The drive-thru restaurant shall have no less than two thousand four hundred (2,400) square feet of gross floor area (area under roof) and a minimum of fifty-five (55) indoor seats for customers.

(4) The drive-thru order facility and service window shall be no less than fifty (50) feet from any property line of any residential use.

(5) The designated stacking lane shall be no less than one-hundred ninety (190) feet long [approximately ten (10) cars] excluding the space being served by the window, which shall be no less than nine (9) feet wide by nineteen (19) feet long. The lane shall, at a minimum, provide for vehicular escape prior to the point of the facility order board, which escape route can be shared with the general parking lot circulation.

(6) The entrance to the designated stacking lane shall be no less than fifty (50) feet from the nearest point on the property line across the nearest vehicular entrance.

(7) The designated stacking lane shall not cross between the building and principal street frontage.

(8) A traffic study shall be submitted by the applicant that demonstrates, to the satisfaction of the City, that the required drive-thru facilities shall not interfere with site circulation or be hazardous to motorists or pedestrians entering, exiting or passing by the site.

(9) The order facility shall utilize automatic volume control which adjusts outbound volume based on the outdoor ambient noise level.

(10) An acoustical study shall be submitted demonstrating that the order facility and service windows will not produce sounds exceeding sixty (60) dB as measured at any property line abutting a residential use, up to a height of eight (8) feet above ground at the property line and

demonstrating that the order facility and service windows will not increase ambient sound levels at other property lines above the average Monday to Friday midday level.

d. Drive-thru services on sites in the "MX," "GC," "CB," "PO," "PC," and "LI" Districts that only about non-residential uses are subject to the following:

(1) Drive-thru facilities shall be limited to one (1) restaurant with no more than two (2) service windows, two (2) order facilities and two (2) designated stacking lanes in a coordinated development located on one (1) or more lots totaling three (3) or more acres, with shared access and two (2) or more buildings, one (1) of which shall have a continuous structure frontage of at least two hundred (200) feet. Such frontage may include one (1) passageway or arcade (not open on the sides). All buildings shall be designed with similar use of materials and design elements such that the buildings are aesthetically complementary to each other.

(2) The drive-thru order facility and service window shall only be on or adjacent to a wall not facing a street, unless otherwise approved.

(3) The drive-thru restaurant shall have pedestrian-oriented landscape adjacent to the building equivalent in area to fifty percent (50%) of the gross floor area of the entire restaurant use (area under roof).

(4) If the drive-thru restaurant is freestanding, an eight-foot-wide planted landscape strip shall be adjacent to at least two (2) other sides of the building, exclusive of the pedestrian area.

(5) If the drive-thru restaurant is freestanding, it shall have no less than two thousand five hundred (2,500) square feet of gross floor area (area under roof) and a minimum of fifty-five (55) indoor seats for customers.

(6) Any service areas, including, but not limited to, trash receptacles, compactors, transformers, outdoor cooking or refrigeration equipment and utility connections, must be fully enclosed. Such enclosures shall appear as a part of the restaurant building to the maximum extent as found to be practicable by the City.

(7) The designated stacking lane shall be no less than one-hundred ninety (190) feet long [approximately ten (10) cars], excluding the space being served by the window, which shall be no less than nine (9) feet wide by nineteen (19) feet long. The lane shall, at a minimum, provide for vehicular escape prior to the point of the facility order board, which escape route can be shared with the general parking lot circulation.

(8) The entrance to the designated stacking lane shall be no less than fifty (50) feet from the nearest point on the property line across the nearest vehicular entrance.

(9) The designated stacking lane shall not cross between the building and principal street frontage.

(10) A traffic study shall be submitted by the applicant that demonstrates, to the satisfaction of the City, that the required drive-thru facilities shall not interfere with site circulation or be hazardous to motorists or pedestrians entering, exiting or passing by the site.

(11) The order facility shall utilize automatic volume control which adjusts outbound volume based on the outdoor ambient noise level.

(12) An acoustical study shall be submitted demonstrating that the order facility and service windows will not increase ambient sound levels at the property lines above the average Monday to Friday midday level.

e. "Drive-thru" shall mean service to on-premises patrons who do not enter the restaurant/patio area, but rather receive service through a drive-up window.

Revised Section 405.470.A (Drive-thru Restaurant Ordinance)

14. Food services and drinking places — (NA/CS 722). Shall be located on sites of not less than two (2) acres with the following exceptions and conditions:
[Ord. No. 5400 §2, 11-10-2014]

a. The acreage requirement does not apply to restaurants without drive-thru services within the "GC" District;

b. The acreage requirement does not apply to restaurants without drive-thru services in the "CB," "PO," "PC" and "LI" Districts that are located within a retail or office building, provided that such restaurants do not collectively occupy more than forty percent (40%) of the building square footage;

c. Drive-thru services on sites in the "MX," "GC," "CB," "PO," "PC," and "LI" Districts that abut residential uses are subject to the following:

(1) Drive-thru facilities shall be limited to one (1) restaurant with no more than two (2) service windows, two (2) order facilities and two (2) designated stacking lanes which shall all be located on the rear or one (1) end of a multi-tenant retail building having a continuous structure frontage of at least two hundred (200) feet. Such frontage may include one (1) passageway or arcade (not open on the sides).

(2) The drive-thru order facility and service window shall only be on or adjacent to a wall not facing a primary street, ~~unless otherwise approved, and if adjacent to residential uses, the facility and service window~~ shall be completely screened from the ground-floor level of adjacent residences with a property line wholly or partially within two hundred (200) feet of either the order facility or the service window by means of a solid barrier or topographic change. Vegetation cannot be used to meet this requirement but may be needed to address aesthetic concerns. If adjacent to a street, the drive-thru order facility and service window shall provide visual screening in the form of evergreen landscaping as required by the Planning and Zoning Commission.

(3) The drive-thru restaurant shall have no less than ~~two thousand four hundred one thousand five hundred (2,4001,500)~~ square feet of gross floor area (area under roof) ~~and a minimum of fifty-five (55) with~~ indoor seats for customers.

(4) The drive-thru order facility and service window shall be no less than fifty (50) feet from any property line of any residential use.

(5) The designated stacking lane shall be no less than one-hundred ninety (190) feet long [approximately ten (10) cars] excluding the space being served by the window, which shall be no less than nine (9) feet wide by nineteen (19) feet long. The lane shall, at a minimum, provide for vehicular escape prior to the point of the facility order board, which escape route can be shared with the general parking lot circulation.

(6) The entrance to the designated stacking lane shall be no less than fifty (50) feet from the nearest point on the property line across the nearest vehicular entrance.

(7) If the designated stacking lane crosses between the building and principal street frontage it shall be screened in a manner consistent with Section 405.470.A.14.c.2 above. ~~The designated stacking lane shall not cross between the building and principal street frontage.~~

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Draft Revisions 2-7-22 P&Z Work Session

(8) A traffic study shall be submitted by the applicant that demonstrates, to the satisfaction of the City, that the required drive-thru facilities shall not interfere with site circulation or be hazardous to motorists or pedestrians entering, exiting or passing by the site on adjacent roadways.

(9) The order facility shall utilize automatic volume control which adjusts outbound volume based on the outdoor ambient noise level.

(10) An acoustical study shall be submitted demonstrating that the order facility and service windows will not produce sounds exceeding sixty (60) dB as measured at any property line abutting a residential use, up to a height of eight (8) feet above ground at the property line and demonstrating that the order facility and service windows will not increase ambient sound levels at other property lines above the average Monday to Friday midday level.

d. Drive-thru services on sites in the "MX," "GC," "CB," "PO," "PC," and "LI" Districts that only about non-residential uses are subject to the following:

(1) Drive-thru facilities shall be limited to one (1) restaurant with no more than two (2) service windows, two (2) order facilities and two (2) designated stacking lanes in a coordinated development located on one (1) or more lots totaling three (3) or more acres, with shared access and two (2) or more buildings (including the proposed drive-thru restaurant), one (1) of which shall have a continuous structure frontage of at least two hundred (200) feet. Such frontage may include one (1) passageway or arcade (not open on the sides). All buildings shall be designed with similar use of materials and design elements such that the buildings are aesthetically complementary to each other.

(2) The drive-thru order facility and service window shall only be on or adjacent to a wall not facing a primary street, unless otherwise approved. If adjacent to a street, the drive-thru order facility and service window shall provide visual screening in the form of evergreen landscaping as required by the Planning and Zoning Commission.

(3) The drive-thru restaurant shall have pedestrian-oriented landscape adjacent to the building site features, equivalent in area to fifty percent (50%) of the gross floor area of the entire restaurant use (area under roof). These features shall include, but not be limited to, the following: landscaped planting areas adjacent to the building, outdoor seating areas, and pedestrian connections throughout the site.

(4) If the drive-thru restaurant is freestanding, an eight-foot-wide planted landscape strip shall be adjacent to at least two (2) other sides of the building, exclusive of the pedestrian area.

(5) If the drive-thru restaurant is freestanding, it shall have no less than one thousand five-hundred two thousand five hundred (2,500-1,500) square feet of gross floor area (area under roof) and a minimum of fifty-five (55) with indoor seats for customers.

(6) Any service areas, including, but not limited to, trash receptacles, compactors, transformers, outdoor cooking or refrigeration equipment and utility connections, must be fully enclosed. Such enclosures shall appear as a part of the restaurant building to the maximum extent as found to be practicable by the City.

(7) The designated stacking lane shall be no less than one-hundred ninety (190) feet long [approximately ten (10) cars], excluding the space being served by the window, which shall be no less than nine (9) feet wide by nineteen (19) feet long. The lane shall, at a minimum, provide for vehicular escape prior to the point of the facility order board, which escape route can be shared with the general parking lot circulation.

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(8) The entrance to the designated stacking lane shall be no less than fifty (50) feet from the nearest point on the property line across the nearest vehicular entrance.

(9) If ~~The designated stacking lane shall not cross~~es between the building and principal street frontage it shall be screened in a manner consistent with Section 405.470.A.14.d.2 above.

(10) A traffic study shall be submitted by the applicant that demonstrates, to the satisfaction of the City, that the required drive-thru facilities shall not interfere with site circulation or be hazardous to motorists or pedestrians entering, exiting or passing by the site on adjacent roadways.

(11) The order facility shall utilize automatic volume control which adjusts outbound volume based on the outdoor ambient noise level.

(12) An acoustical study shall be submitted demonstrating that the order facility and service windows will not increase ambient sound levels at the property lines above the average Monday to Friday midday level.

e. "Drive-thru" shall mean service to on-premises patrons who do not enter the restaurant/patio area, but rather receive service through a drive-up window.