



AGENDA
PLANNING AND ZONING COMMISSION MEETING
CITY OF CREVE COEUR, MISSOURI
MONDAY, MAY 16, 2022
6:00 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. 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
Ms. Rhonda O'Brien
Mr. Thomas Buelter

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. April 21, 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. #22-007: Minor Site Plan for a Fence Within the Front-Yard Setback Along Ladue Road for the Property Addressed as 111 Plantation Drive**

Tammy White of Wow Haus, LLC, has submitted an application for a 6-foot tall, cedar privacy style fence, approximately 30 feet from the property line along Ladue Road, within the area equivalent to the front-yard setback. The subject property is a corner property zoned A Single Family Residential which has two front yard setbacks of 50 feet.

2. PUBLIC HEARING. Application #22-008: Text Amendment to Conditional Uses, Section 405.470.A.14 Food Services and Drinking Places with Drive-Through Services

Jason Jaggi, Director of Community Development, on behalf of the City of Creve Coeur, Planning Division, has submitted a text amendment application to consider amendments to the conditional use standards as provided by Section 405.470.A.14 Food Services and Drinking Places (NAICS 722). Specifically, the text amendment proposes changes to the conditional use standards for drive through restaurants with respect to site design, size of buildings, and operational aspects of these uses. The current regulations for drive-through restaurants were adopted by the City in 2014.

WORK AGENDA

(None)

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
THURSDAY, APRIL 21, 2022
6:30 PM

CALL TO ORDER

ROLL CALL

AJ Wang	Commission Member
Julie LaBonte	Vice Chair/Commission Member
Gene Rovak	Chair/Commission Member (Absent)
Muriel Hall	Commission Member
Larry Potashnick	Commission Member
Rhonda O'Brien	Commission Member
Thomas Buelter	Commission Member

The following staff were also present:

Stephanie Karr, Assistant 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. Mr. Wang Seconded. All in favor.

APPROVAL OF MINUTES

1. March 21, 2022 Planning and Zoning Commission Meeting Draft Minutes

Mr. Potashnick made a motion to accept the March 21, 2022 Minutes. Mr. Wang Seconded. All in favor.

Mr. Potashnick asked that an update regarding parking at Millenium Park be added to the next meeting agenda.

Attachment: Draft Minutes 4.21.22 (April 21, 2022 PZ Minutes)

PUBLIC COMMENT

None

UNFINISHED BUSINESS

None

NEW BUSINESS**1. Application #22-005: New LED Building and Walkway Lighting for the Bayer East Creve Coeur Campus at 800 Lindbergh Boulevard**

Ms. LaBonte recused herself from this item as she is an employee of Bayer. Ms. LaBonte nominated Mr. Wang to serve as chair for this item.

Mr. Jeremy Shuette, SSC Engineering 18207 Edison Ave, stated that the application is for a minor site development plan for exterior lighting upgrades on the eastern portion of the Monsanto campus. Currently there are many different lighting types, and they hope to provide uniformity.

Muriel Hall arrived at 6:35 PM.

Mr. Shuette stated that based on the proposed calculations there will not be any light spill from the fixtures.

Ms. Bethany Moore, City Planner, stated that this is the second phase of the project approved by the planning and zoning commission in 2020. The proposed lighting does comply with the 39N Master plan and requirements are met for the lighting and zoning code. There will be no light spillage onto adjacent properties.

Ms. Moore stated that the approximate height of the tallest fixture is 15ft.

Mr. Wang asked how much electricity will be saved and what is the payback period. Mr. Shuette stated that the calculations have not been done yet.

Mr. Potashnick moved to approve the minor site plan for the campus subject to staff proposed conditions. Mr. Buelter seconded. All in favor.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Larry Potashnick, Commission Member
SECONDER:	Thomas Buelter, Commission Member
AYES:	Wang, Hall, Potashnick, O'Brien
ABSENT:	Rovak
RECUSED:	LaBonte

2. #22-002: a Conditional Use Permit for a 8,140 Square Foot Little Sunshine Playhouse and Preschool at 515 N. Lindbergh Boulevard

Those speaking to the request were sworn in.

Mr. Brandon Harp, Civil Engineering Design Consultants 10820 Sunset Office, presented history of the preschool across the US. He stated the hours of operation are 6:30 AM - 6:30 PM Monday through Friday. He also presented the project history to date.

Mr. Harp stated that concerns from the initial meeting with City staff have been addressed, and that a neighborhood meeting with the residents of Sunswept has resulted in the removal of the access off of Sunswept.

Mr. Harp stated that an additional neighborhood meeting happened after the submittal to the City to meet the application deadline. He explained that overall, the neighbors were pleased with the changes, but some neighbors did have concerns with the aesthetics of the building.

Mr. Harp presented an overview of the neighboring properties with an aerial photo. He also stated that the site is 1.27 acres and is zoned commercial.

Mr. Harp stated that currently there is a two-story commercial building with drive access off of Lindbergh.

Mr. Harp stated that the proposed is an 8,140sqft building with 34 parking spaces. He stated that Missouri Department of Transportation and fire marshal approval have already been granted. He also stated that an 8ft sidewalk along the west side of Lindbergh will match the Credit Union sidewalk. Parent pick up and drop off will be south bound off of Lindbergh with right-in right-out driveway access. The play area will be contained within a 6ft black fence.

Mr. Harp stated that there will be a storm water management facility and retaining wall to minimize grading and preserve trees and vegetation along Sunswept. Mr. Harp stated that there will be a 5.5 ft retaining wall in an effort to preserve existing trees.

Mr. Harp stated that hedge rows will be added to all sides of the parking lot and street trees will be added to the frontage of Lindbergh.

Mr. Harp stated that the 5.5ft retaining walls will preserve the vegetation and limit grading, but do require approval by the Planning and Zoning committee.

Mr. Jeffrey Kaiser, TRI Architects at 1790 S Brentwood Blvd, stated that he is the national architect for Little Sunshine's Playhouse. He explained that the building style is a blend of tudor and craftsman. He presented the building materials as cultured stone, asphalt shingles, variety of siding and colors, and metal accent features. He explained that originally the roof was an evergreen shingle but the proposed building is now earth-toned and more modern.

Mr. Kaiser stated that City staff requested more masonry be added to the building, and they have added more stone in several places to comply.

Mr. Kaiser presented the roof elevations and stated that these elevations are required for HVAC units and ventilation due to the number of students and staff in the building. Mr. Kaiser stated that the neighbors asked that the building be more modern, but the mechanical units will not allow flattening the roof line.

Mr. Kaiser stated that the back yard will house the playgrounds which will be divided by age group. Each playground will require a shade covering. He also explained that the internal playground fencing will be a standard iron fence.

Mr. Kaiser stated the trash enclosure will be clad with dark stone and the front will be wood siding material.

Mr. Buelter asked if any of the lighting is non-LED. Mr. Kaiser stated that all of the lighting is LED and that this is pretty common for cost savings.

Mr. Buelter asked if the stormwater management system will ever hold water. Mr. Harp stated the pond will be designed to hold water for 24 hours only.

Ms. Bethany Moore, City Planner, stated that this is a conditional use permit within the GC zoning district. The required buffer yard is 20ft and significantly more is proposed. She also explained that 43% is proposed site coverage.

Ms. Moore stated they are required to 1.5 parking spaces per staff member and they are proposing 24 spaces, not 34 as previously stated. She explained that are also required to provide safe entry.

Ms. Moore presented the site plan with adequate pedestrian access.

Ms. Moore stated that the landscaping plan does reflect a 5.5 ft wall but the guidelines suggest 4ft. Staff recommends adding landscaping along the base of the retaining wall to disguise the surplus. She also stated that they need to add one additional street tree to the proposed plan. Staff asked for evergreen bushes be added to the parking area to cut down on headlight glare on Sunswept Drive.

Mr. Buelter asked about signage. Ms. Moore explained that this is a separate permit.

Mr. Potashnick asked about the transfer of ownership or lease and how that is documented. Mr. Jaggi stated that conditional use permits are transferable and this comes up when the business license is applied for. Mr. Potashnick asked why this is not recorded instead. Mr. Jaggi explained that this has not been the practice in the past. Mr. Potashnick had concerns that business licensing falls outside of the planning and zoning division. He suggests looking at this process in the future.

Mr. Potashnick asked if the wall requires a variance. Mr. Jaggi explained that this is only a guideline of the code, not a requirement. Mr. Jaggi stated if the Planning and Zoning commission takes issue with the retaining wall other options could be considered.

Mr. Wang asked for clarification of the number of parking spaces. Ms. Moore stated there will be 24 spaces which is a surplus.

Ms. Angela Rose, 10335 N Sunswept, asked if there are cameras on the outside of the school. Mr. Kaiser stated that the playgrounds cameras are pointed down towards the playgrounds and children, not the street. Ms. Rose's concern is that she would not want her coming and goings to be recorded all the time.

Ms. Rose stated that the neighbors did like the changes made so far, but they were disappointed that the architecture will not match the neighborhood. Ms. Rose also had concerns regarding the height of the playground equipment. Ms. Labonte asked the applicant to address these concerns. Mr. Kaiser presented the photos of the playgrounds, and stated that there is a 3ft space above the ground and it is elevated for the slide. He explained that it is in a low platform of 4ft.

Ms. Rose asked that a green-screen be maintained as much as possible including the height. She had concerns with the capability of saving the trees.

Ms. O'Brein asked the plan for maintaining the trees. Mr. Harp explained that an arborist has already been hired to evaluate the trees and that the purpose of the retaining wall is to maintain this vegetation. He also stated that if a tree is damaged during construction, it will be replaced. Mr. Jaggi stated that maintaining trees will be provided and that there is a condition to maintain screening during construction. Mr. Jaggi explained that condition could be added that final approval is conditional based on the level of screening with the residents. Ms. LaBonte asked if this would mean for the life of the business. Mr. Jaggi explained that this condition is already in the staff recommendation.

Ms. LaBonte closed the public hearing.

Mr. Potashnick moved to recommend approval of the CUP subject to the conditions in the staff report and draft ordinance. Mr. Wang seconded. All in favor.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Larry Potashnick, Commission Member
SECONDER:	AJ Wang, Commission Member
AYES:	Wang, LaBonte, Hall, Potashnick, Buelter, O'Brien
ABSENT:	Rovak

3. Application #22-003: Conditional Use Permit for Sauce on the Side at 701 North New Ballas Road Within the Plaza Shops

Mr. Ryan Mangialardo, 3140 Russell Blvd, stated that he is the founder of Sauce on the Side and plans to open a restaurant at 701 N New Ballas. He presented the history of the business and the mission statement.

Mr. Mangialardo stated that the proposed location is within the Plaza Shops.

Mr. Mangialardo stated that the building was recently renovated. He explained that there are sidewalks along the front of the building, and discussed the current floor plan and the proposed floor plan. He explained that they provide beer and wine with approximately 5% of sales in alcohol.

Mr. Mangialardo presented an example of the finished exterior and the proposed signage plan for the front of the building.

Ms. Bethany Moore, City Planner, stated that the space is in a CB-Core business district and will be a full-service restaurant with 75 indoor seats and 16 outdoor seats. This requires 40 parking spaces minimum and there is a surplus of parking at the location. She also explained that there is a current landscaping plan with Plaza shops.

Ms. Moore stated that loading to and from Studt Ave is prohibited as a holdover from the previous conditional use permit.

Mr. Potashnick moved to recommend approval of the CUP subject to the conditions in the staff report and draft ordinance. Mr. Wang seconded. All in favor.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Larry Potashnick, Commission Member
SECONDER:	AJ Wang, Commissioner
AYES:	Wang, LaBonte, Hall, Potashnick, Buelter, O'Brien
ABSENT:	Rovak

4. PUBLIC HEARING. Application #22-004: a Conditional Use Permit Request for Everbowl at 11473 Olive Boulevard Within the West Oak Square Shopping Center

Ms. Anne Horton, Everbowl, thanked the commission for their service. She explained the history of the Everbowl as well as the philosophy and culture of the store. She stated that they are planning to open 5 stores in the St. Louis County area.

Mr. Jason Jaggi, Community Development Director, stated that this is a very small space at less than 1000sqft. He explained that the store will be zoned general retail as it will have less than 16 seats and will require 4 parking spaces.

Mr. Potashnick moved to recommend approval of the CUP subject to the conditions in the staff report and draft ordinance. Ms. Hall seconded.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Larry Potashnick, Commission Member
SECONDER:	Muriel Hall, Commission Member
AYES:	Wang, LaBonte, Hall, Potashnick, Buelter, O'Brien
ABSENT:	Rovak

5. #22-006: Amendment to the Existing Conditional Use Permit for Tradicional 314 Located at 810 N. New Ballas Road

Mr. Robert Srote, Owner of Srote and Company Architects, presented a small outdoor dining addition with 24 seats, painted black steel construction, composite decking, and metal railing with flower boxes.

Mr. Srote stated that they initially proposed ivy to crawl up the structure and sweet potato vines to drape over the railing in the planter boxes. He stated that he and the applicant have worked with staff on a landscaping plan that will create a green screen around the structure.

Mr. Jason Jaggi, Community Development Director, presented photos of the proposed deck location and stated that this is an amendment to a previously issued conditional use permit from 2013.

Mr. Jaggi stated that there is a lot of slope in the proposed area, and staff would like to see more landscape screening.

Mr. Jaggi stated 6 tables 24 seats are proposed.

Mr. Jaggi explained that the applicant has a desire for live music on the proposed deck. He stated that this will require further clarification by the applicant.

Mr. Jaggi stated that the comprehensive plan does encourage outdoor dining spaces. He also explained that the design guidelines recommend compatibility with the building's architecture.

Mr. Jaggi stated that outdoor seating does not count towards site coverage, but does require 3 additional parking spaces. He stated that verifying parking is recommended by staff.

Mr. Potashnick asked for clarification of the Commission's role in regulating live music. Mr. Jaggi suggested that the Commission consider whether live music should be allowed, the frequency of performances, and allowable hours.

Mr. Mauel Ornelas, Owner, stated that he plans to have musicians play inside the building with speakers on the outdoor deck. He stated that there will be a schedule to determine the frequency of these events.

Mr. Potashnick asked the planned hours for live music performances. Mr. Ornelas stated that the music would likely be from 5:00 PM - 8:00PM as the restaurant closes at 9:00PM. He also explained that he currently hopes to have live music once per month.

Mr. Buelter asked if the live music will be set up outside on the deck and where the speakers will project. Mr. Ornelas stated that live music would likely be a mariachi band that circulates throughout the building, not on the proposed deck.

Mr. Potashnick asked how staff would regulate the hours and frequency of live music. Mr. Jaggi stated staff suggests conditioning how often the live music can occur and allowable hours. He also suggested adding requirements on speaker placement and amplification.

Ms. Hall had concerns that there are two residential buildings with patios and balconies on Cortland Hall. Mr. Jaggi stated that the evergreen screening should block the structure and supports from view.

Ms. Hall asked about the roof color of the structure. Mr. Jaggi stated that staff would aim to match the color aesthetic of the building.

Ms. Hall asked how tall the structure will be. Mr. Srote stated that from the decking to the top of the roof is 12'8". The tallest point of the structure at the lowest point of the slope is 24'8". Ms. Hall asked if the trees and shrubs will be tall enough to screen this height. Mr. Jaggi stated that he does think that the applicant will be able to achieve this.

Ms. Hall had concerns with keeping the noise level at a minimum for the residents living nearby.

Mr. Potashnick asked if the applicant would agree to no amplification of music, allowable hours between 5:00PM – 8:30PM, volume levels to be reasonable, limit of 3 inward facing speakers. Ms. LaBonte suggested changing the hours to be 12:00PM-8:00PM. Mr. Potashnick added that the allowable frequency should be once per week.

Ms. Hall questioned allowing speakers on the proposed deck. Mr. Jaggi stated that there is a standard condition regarding speakers on patios that can be added before being presented to City Council.

Mr. Wang stated that there is parking in the lower level of the building that is not being used. He suggested adding stairs to the deck from the back to utilize the additional parking spaces. He also asked about the direction of traffic and stop signs in the parking lot.

Ms. Hall asked if staff has checked for adequate parking. Mr. Jaggi stated that there is believed to be one extra space at this time. He explained that one of the conditions of staff is to get additional information from the landlord to verify the current parking roll.

Ms. LaBonte suggested adding a sign that states additional parking is located in the back.

Mr. Potashnick moved to recommend approval of the conditional use permit amendment subject to the recommended staff conditions with the addition of two conditions. Mr. Potashnick recommended adding a fourth condition of adding appropriate signage related to additional parking, and a fifth condition related to live music specification to include no amplification of live music, allowable hours between 12-8:30PM, limited to once per week with reasonable volume levels, and a limit of three inward facing speakers. Mr. Wang Seconded. All in favor.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Larry Potashnick, Commission Member
SECONDER:	AJ Wang, Commission Member
AYES:	Wang, LaBonte, Hall, Potashnick, Buelter, O'Brien
ABSENT:	Rovak

WORK AGENDA

None

DEPARTMENT REPORTS

Mr. Jaggi stated that the May 2nd meeting is cancelled. He reminded the commission that the next meeting is May 16th at 6:00 PM and that there will be two items on the agenda.

ADJOURNMENT

Mr. Wang moved to adjourn. Mr. Potashnick Second. All in favor.



city of CREVE COEUR

300 North New Ballas Road • Creve Coeur, Missouri 63141
(314) 432-6000 • Fax (314) 872-2539
www.crevecoeurmo.gov

APPLICATION TO PLANNING AND ZONING COMMISSION #22-007: MINOR SITE PLAN FOR A FENCE WITHIN THE FRONT-YARD SETBACK ALONG LADUE ROAD FOR THE PROPERTY ADDRESSED AS 111 PLANTATION DRIVE

FOR THE MEETING OF: Monday, May 16, 2022

SUBJECT PROPERTY LOCATION: 111 Plantation Drive, zoned A-Single Family Residential.

REQUEST: Tammy White of Wow Haus, LLC, has submitted an application for a 6-foot tall, cedar privacy style fence, approximately 30 feet from the property line along Ladue Road, within the area equivalent to the front-yard setback. The subject property is a corner property zoned A Single Family Residential which has two front yard setbacks of 50 feet.

ADDITIONAL INFORMATION: The City of Creve Coeur's Zoning Ordinance Section 405.640 (C) *Fences Within The Front Yard Section And Along Street Right-Of-Way* states that a fence may project within the area equivalent to the front yard of the applicable zoning district, when clearly to the side or rear of the home, provided that such fence is setback at least fifteen (15) feet from the property line, no more than four (4) feet in height, and is an open slatted decorative metal fencing. Any other fence design or location in the area equivalent to the front yard along any street right-of-way shall be subject to site development plan approval by the Planning and Zoning Commission.

Key Issues:

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

Creve Coeur 2030 References

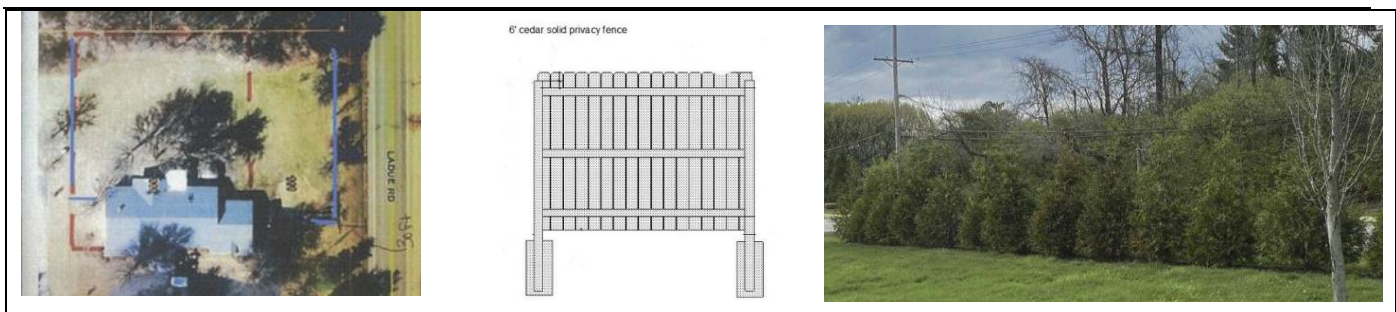
- Countryside Estate (CR)
- Design Guidelines

Zoning Code References

- Section 405.250: A-Single Family Residential
- Section 405.640: Fences and Walls
- Section 405.1080: Site Concept, Site Development, and Minor Site Plan Approval

APPLICANT: Tamm White
7201 West Moreland Drive
University City, MO 63130

APPLICANT'S REPRESENTATIVE: Wow Haus, LLC
8823 Ladue Road
St. Louis, MO 63124



REPORT PREPARED BY: Bethany L. Moore, City Planner
DATE: 5/9/2022
ATTACHMENTS: Applicant's Materials received

LAND USE AND ZONING OF SURROUNDING PROPERTIES

The adjacent zoning and land uses are as follows:

DIRECTION	USE	ZONED	SEPARATED BY
North	Single family residence	A Single Family Residential	Ladue Road
South	Single family residence	A Single Family Residential	NA
East	Single family residence	A Single Family Residential	Plantation Drive
West	Single family residence	A-RDD	N/A

BACKGROUND

The applicant is trying to sell the property and has received multiple comments citing safety concerns for children or pets along Ladue Road as the reason for not going through with the sale. The applicant is seeking to build a 6-foot tall wooden privacy fence approximately 30 feet from the property line along Ladue Road behind the existing evergreen landscaping near the property line that will screen the proposed fence. The applicant has submitted approval of the fence from the Plantation Drive trustees. Per section 405.640 (C) *Fences Within The Front Yard Section And Along Street Right-Of-Way* states that a fence may project within the area equivalent to the front yard of the applicable zoning district, when clearly to the side or rear of the home, provided that such fence is setback at least fifteen (15) feet from the property line, no more than four (4) feet in height, and is an open slatted decorative metal fencing. Any other fence design or location in the area equivalent to the front yard along any street right-of-way shall be subject to site development plan approval by the Planning and Zoning Commission.



Figure 1: Applicant's Site Plan with Proposed Fence Location in Blue.



Figure 2: Applicant's Photo of Existing Landscaping Along Ladue Road

ANALYSIS

The following provides standards for evaluating requests for fences within the front yard setback under Section 405.640 Fences and Walls:

A. Height Of Fences And Walls. No fence or wall shall exceed six (6) feet in height, except for game court fences as provided in Subsection [E](#), unless specifically approved by the Planning and Zoning Commission in consideration of a unique screening problem. In its review of requests for approval of fences or walls exceeding the foregoing height limit, the Commission shall consider all relevant factors concerning aesthetics, including whether the site and adjoining properties are used for non-residential purposes, the visibility of the fence or wall from the right-of-way and adjoining properties, the adequacy of screening provided by a fence or wall that does not exceed the foregoing height limits, and the compatibility of the proposed fence or wall design with the character of the surrounding area. Further, in its review, the Commission shall consider any relevant issues concerning access to public right-of-way, sidewalks and/or utility easements, the structural soundness of the proposed fence or wall, and changes in the drainage of the site.

C. Fences Or Walls Within The Front Yard Section And Along Street Right-Of-Way. A fence may project within the area equivalent to the front yard of the applicable zoning district, when clearly to the side or rear of the home, provided that such fence is setback at least fifteen (15) feet from the property line, no more than four (4) feet in height, and is an open slatted decorative metal fencing, similar in style for swimming pool enclosures as provided in Subsection (D). Any other fence design or location, outside of the preceding criteria, in the area equivalent to the front yard along any street right-of-way shall be subject to site development plan approval by the Planning and Zoning Commission in accordance with Section 405.1080.

COMPREHENSIVE PLAN AND DESIGN GUIDELINES

The *Creve Coeur 2030 Comprehensive Plan* includes general recommendations for residential neighborhoods to preserve the character and property values of existing neighborhoods (p. 64). The subject property is within the Countryside Estate (CR) Place Type where the vision is large lots with sprawling homes in a rural, wooded setting. Homes should be located to provide large front lawns and preserve existing trees. Neighborhoods should be planned around common ground featuring woods, rolling meadows, and water features. Streets should be curvilinear lanes to maximize landscape vistas, and sidewalks are not necessary. (P. 66)

The Design Guidelines provide further direction for review of fences with the following:

Design Review Guidelines: F. Screening (Fences and Walls)

1. All new sound walls, masonry walls or fences are to be designed to minimize visual monotony through changes in plane, height, material, texture or significant landscape massing.
2. The design of fencing, sound walls, trash enclosures, and similar site elements is to be compatible with the architecture of the main buildings and should use similar materials.
3. All fencing should be designed as an integrated part of the site, rather than as a separate fence, such as a planter wall or continuation of an architectural wall feature.
5. In highly visible public areas where fencing is needed, decorative fencing is encouraged. (p.18-19)

ANALYSIS

The proposed wooden material for the fence is compatible with the architecture of the main building and the existing evergreen shrubs as planted minimize the visual monotony of the continuous fence along the Ladue Road property line. Staff recommends that the condition that the evergreen shrubs be maintained in order to provide continuous screening for the fence be added to the motion and to require staining of the fence a dark color to be consistent with similar fence requests. An additional condition is recommended to require the horizontal and vertical support posts be inside of the fence area and hidden from view as required by the design standards of the fence code in Section 405.640.F.

CONCLUSION AND ACTION

If the members of the Planning Commission find the applicant's reasons for the fence height and design sufficient, they can approve it as proposed or with the conditions recommended by staff. If the request is denied, the Applicant may have a 4 foot, open-slatted, metal fence at 15 feet from the property line, with a new fence application permit.

MOTION

The motion for the fence within the front yard setback of Ladue Road as shown in the enclosed site plan will be in the form of approval, approval with conditions, or deferral. City Council action is not required. The following is an example motion for this application that includes Staff recommendations discussed above:

"I move to approve the site plan for a six-foot tall, sight-proof, wood fence to be located within the area equivalent to the front yard setback along Ladue Road for the property addressed as 111 Plantation Drive, 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 Ladue Road, that the fence be stained a dark color, and that the evergreen shrubs as planted be maintained, as discussed within the application and the Staff Report on Application #22-007 for the May 16, 2022, Planning and Zoning Commission meeting" (Modification or revisions may be included by preceding motion).

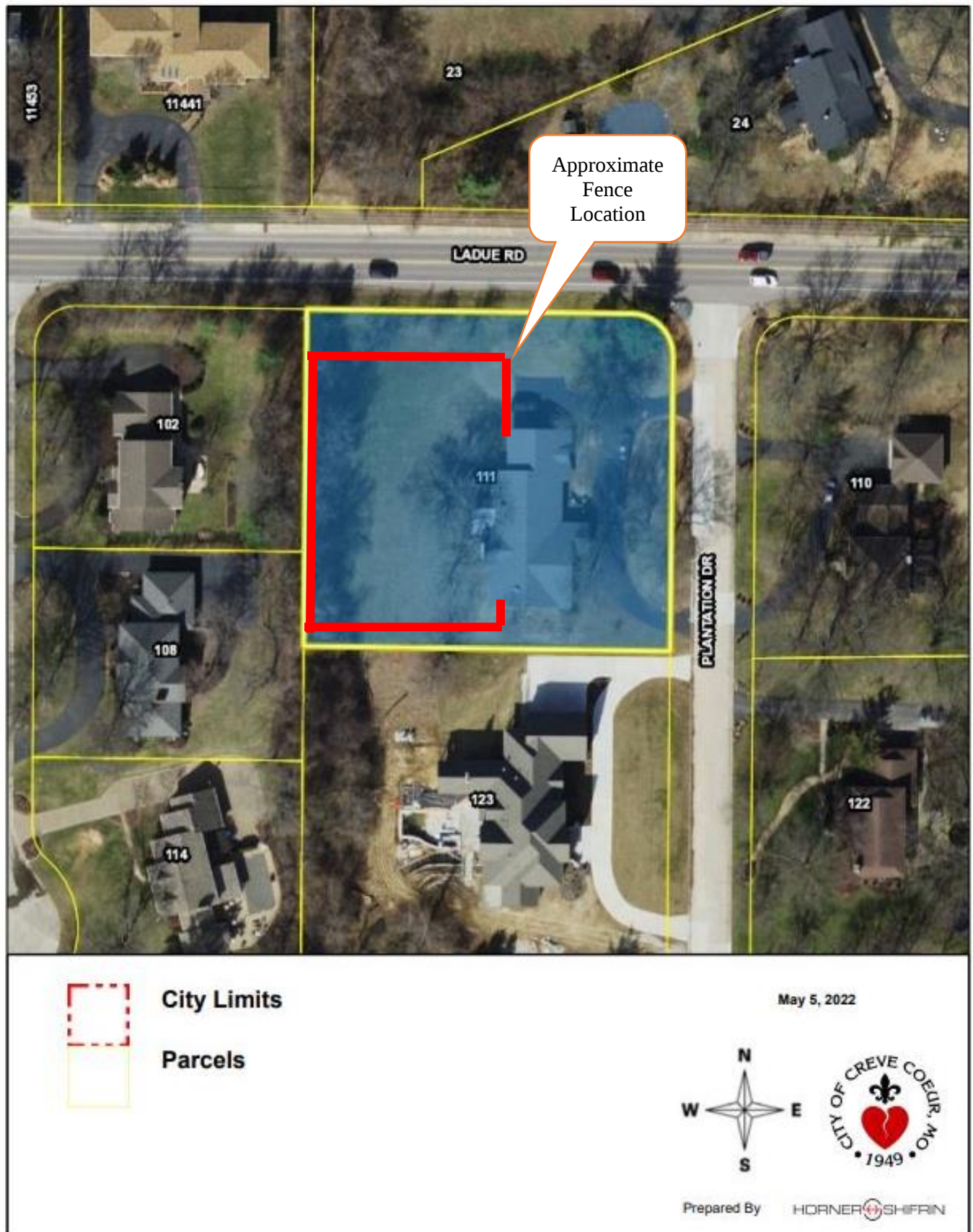
APPENDIX 1: COMPREHENSIVE PLAN

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

APPENDIX 2: ZONING CODE

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

APPENDIX 3: AERIAL MAP



Attachment: 22-007 111 Plantation Fence Staff Report 5.16.22 (111 Plantation Fence)

APPENDIX 4: SITE PHOTOGRAPHS

Photo Dates: 05/10/2022



Description:
View looking
at the front of
111 Plantation
Drive from Plantation
Drive.



Description:
View of the
existing
evergreen
landscaping
along Ladue
Road.



Description:
View of the
existing
evergreen
landscaping
along Ladue
Road facing
Ladue Road.

	Description: Google street view example of wooden fence along Ladue Road.
	Description: Google street view example of wooden fence along Ladue Road.



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PUBLIC NOTICE

APPLICATION TO PLANNING AND ZONING COMMISSION
#22-007: MINOR SITE PLAN FOR A FOR A FENCE WITHIN THE FRONT-YARD SETBACK ALONG LADUE ROAD FOR THE PROPERTY ADDRESSED AS 111 PLANTATION DRIVE

FOR THE MEETING OF: Monday, May 16, 2022, 6:00 PM

LOCATION: 111 Plantation Drive, zoned A-Single Family Residential.

REQUEST: Tammy White of Wow Haus, LLC, has submitted an application for a 6-foot tall, cedar privacy style fence, approximately 30 feet from the property line along Ladue Road, within the area equivalent to the front-yard setback. The subject property is a corner property zoned A Single Family Residential which has two front yard setbacks of 50 feet. The City of Creve Coeur's Zoning Ordinance Section 405.640 (C) *Fences Within The Front Yard Section And Along Street Right-Of-Way* states that a fence may project within the area equivalent to the front yard of the applicable zoning district, when clearly to the side or rear of the home, provided that such fence is setback at least fifteen (15) feet from the property line, no more than four (4) feet in height, and is an open slatted decorative metal fencing. Any other fence design or location in the area equivalent to the front yard along any street right-of-way shall be subject to site development plan approval by the Planning and Zoning Commission.

ADDITIONAL INFORMATION: Review of the proposal is scheduled for the meeting on Monday, May 16, 2022. All meetings are held at 6:00 p.m., in the Council Chambers of the Creve Coeur Government Center located at 300 North New Ballas Road. We encourage you to attend if you have any questions or wish to make a statement. You can submit written or e-mail comments to Planning staff in advance of the meeting. Additional information regarding this proposal is available at the Government Center, Planning Division offices or on the City's website at www.crevecoeurmo.gov/447/Current-Planning-Projects.

You may also call (314) 872-2501 or e-mail blmoore@crevecoeurmo.gov.

Key Issues:

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

Comprehensive Plan References

- Countryside Estate (CR)
- Design Guidelines

Zoning Code References

- Section 405.250: A-Single Family Residential
- Section 405.640: Fences and Walls
- Section 405.1080: Site Concept, Site Development, and Minor Site Plan Approval

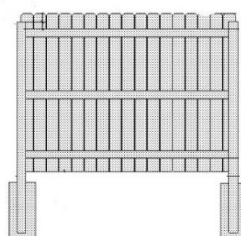
Attachment: Applicant's Materials (111 Plantation Fence)

APPLICANT: Tammy White
7201 West Moreland Drive
University City, MO 63130

PROPERTY OWNER: Wow Haus, LLC
8823 Ladue Road
St. Louis, MO 63124



6' cedar solid privacy fence



STAFF CONTACT: Bethany L. Moore, City Planner
CC: Tim Carney and Nicole Greer - Ward 2

Aerial Photo



Attachment: Applicant's Materials (111 Plantation Fence)



city
of

CREVE COEUR

7.1.b

PLANNING DIVISION

300 North New Ballas Road, Creve Coeur, Missouri 63141

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

PLANNING AND ZONING COMMISSION AGENDA APPLICATION SITE DEVELOPMENT PLAN

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

Title of Project: 111 Plantation

Location of Project: 111 Plantation Locator # _____

Subject for Agenda: Fence 30 feet from Ladue. 6 foot wide

Applicant:

Architect ☐ Engineer ☐ Contractor ☐ Agent ☐ Owner ☒

Privacy fence

Applicant:	Applicant's Representative (if applicable):
Name <u>Tammy White</u>	Name _____
Company (If Applicable) <u>Wowhaus, LLC</u>	Company (If Applicable) _____
Address <u>7201 West Moreland Dr</u>	Address _____
Address <u>U City 63130</u>	Address _____
Telephone # <u>314 440.8099</u>	Telephone # _____
Fax # _____	Fax # _____
Email: <u>TWhiteHomes@gmail.com</u>	Email: _____
<u>T White</u> Applicant's Signature	_____ Applicant's Representative's Signature

Attachment: Applicant's Materials (111 Plantation Fence)

Owner's Acknowledgement (if different from applicant):	
Name _____	Company (If Applicable) _____
Address _____	
Phone _____	Fax _____ Email _____
_____ Applicant's Signature	

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APR 14 2022

BUILDING DEPT

Packet Pg. 20

Description of Request (attach additional sheets as needed)

General Description: We have been showing the house and everyone has pointed out safety for kids & pets along with seating ladve. We have planted Green Giants and they will grow 20 feet tall and 15 feet wide. We would like to put up a cedar fence behind the green giants to have more safety. Since this is the corner house, we will put the nice side facing ladve. The brokers are in agreement and I am awaiting their reply on paper. Thank you!

Rationale

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

We are asking for this for safety of children and pets since this is a corner house.

Submittal Checklist

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

Preferred Public Hearing Date: Monday, _____, 20__.

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

Office Use Only

____ All Sections Complete
 ____ All Documents, incl. e-Copies
 ____ Fees Paid

Received By: _____

Date: _____

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APR 14 2022

Jason Jaggi, AICP, Director of Community Development
 Bethany Moore, City Planner
 Planning Department (314-872-2501)

Revised:

Description of Request (attach additional sheets as needed)

General Description: _____

Rationale

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

Submittal Checklist

- | | |
|---|---|
| ☐ Rationale | ☐ Building elevations for new construction |
| ☐ Site plan 4 hard copies | ☐ Photographs of existing structures |
| ☐ Access and parking plan-4 hard copies; (may be shown on site plan) | ☐ Materials samples for Commission review |
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| ☐ Floor plan 4 hard copies | ☐ Fees: \$250 (non-refundable) |
| ☐ Electronic copies of all materials | ☐ \$2000 (refundable deposit) |
| | ☐ Other items as requested by staff |

Preferred Public Hearing Date: Monday, 5-16, 2022.

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

Office Use Only

_____ All Sections Complete

_____ All Documents, incl. e-Copies

_____ Fees Paid

Received By:

Meagan Walker

Date: 4/14/2022

Jason Jaggi, AICP, Director of Community Development
 Bethany Moore, City Planner
 Planning Department (314-872-2501)

Revised: _____

Packet Pg. 22

Attachment: Applicant's Materials (111 Plantation Fence)

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APR 14 2022

BUILDING DEPT

MacBook Air



Fence Along Ladue would sit back 30 feet from Ladue.
The 111 City lot would be used to create a new driveway access
the back on property and running back up on property following driveway.

Attachment: Applicant's Materials (111 Plantation Fence)

7.1.b

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APR 12 2022
PLANNING DEPT.

111 Plantation review for fence along Ladue road.-

Included in packet

Pictures of Green Giants

Site plan via Creve Ceour where blue line represents the 6 foot fence.

Letter from Trustee.

We are asking for a 6 foot fence because we have shown the house to many people to sell it and most have complained of being able to see Ladue road and that it is unsafe for kids and pets. They have all asked if they can have a fence for safety reasons. Small pets as you know can slip right through a black iron fence and Ladue is a very busy street. We have noticed quite a few fences that are constructed incorrectly up and down Ladue so we are hoping that ours passes and in time will be completely hidden due to the green giants that have been planted.

The green giants that will grow to 20 feet tall and 15 feet wide will create a natural barrier. Once they are grown you will not see the fence. We have spent thousands on a higher end build and our fence choice would be a 6 foot cedar fence but sitting back 30 feet from Ladue. The narrowest part of the driveway is 28 feet so we were told that typically is the property line. We do have some trees that are on the property line so we would like to go an additional 2 feet back to not interfere with the trees.

The Trustees approved the fence to go all the way around the yard.

Thanks so much for your time.

Tammy White
314-440-8099

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APR 14 2022
BUILDING DEPT.

Attachment: Applicant's Materials (111 Plantation Fence)

Plantation Drive HOA

The Plantation Drive HOA has approved the request for a six foot cedar fence as shown on the below picture.



Please feel free to contact me with any questions.


Steve Goldenberg, Trustee

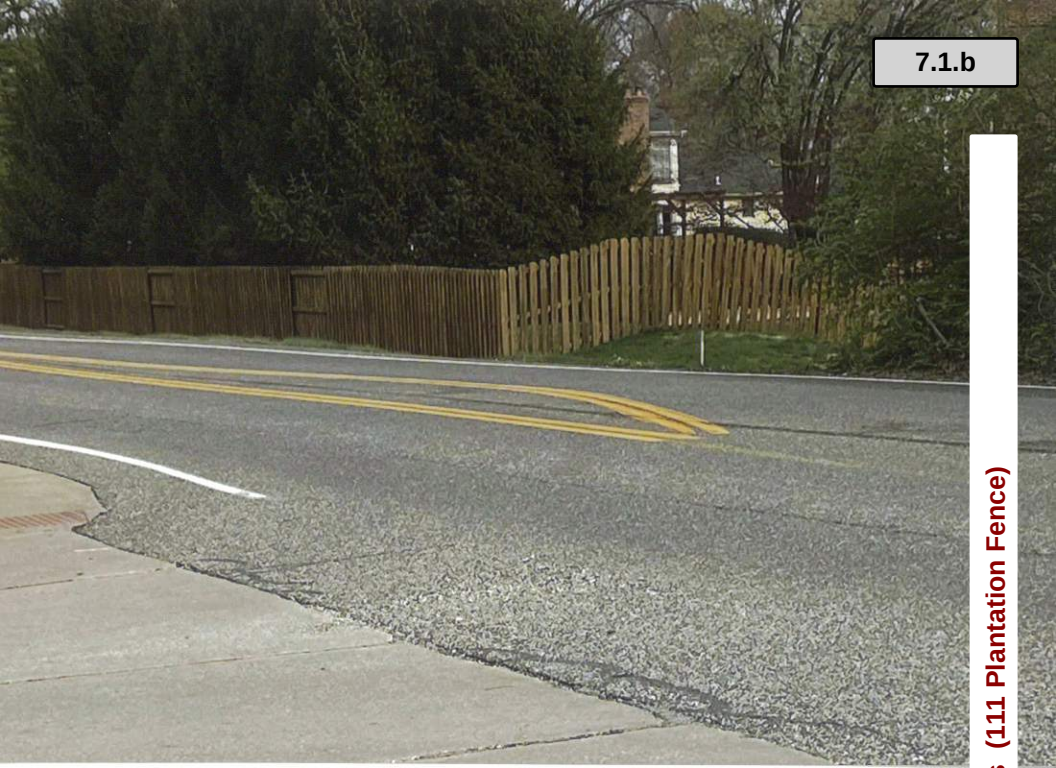
Attachment: Applicant's Materials (111 Plantation Fence)

RECEIVED

APR 14 2022

BUILDING DEPT

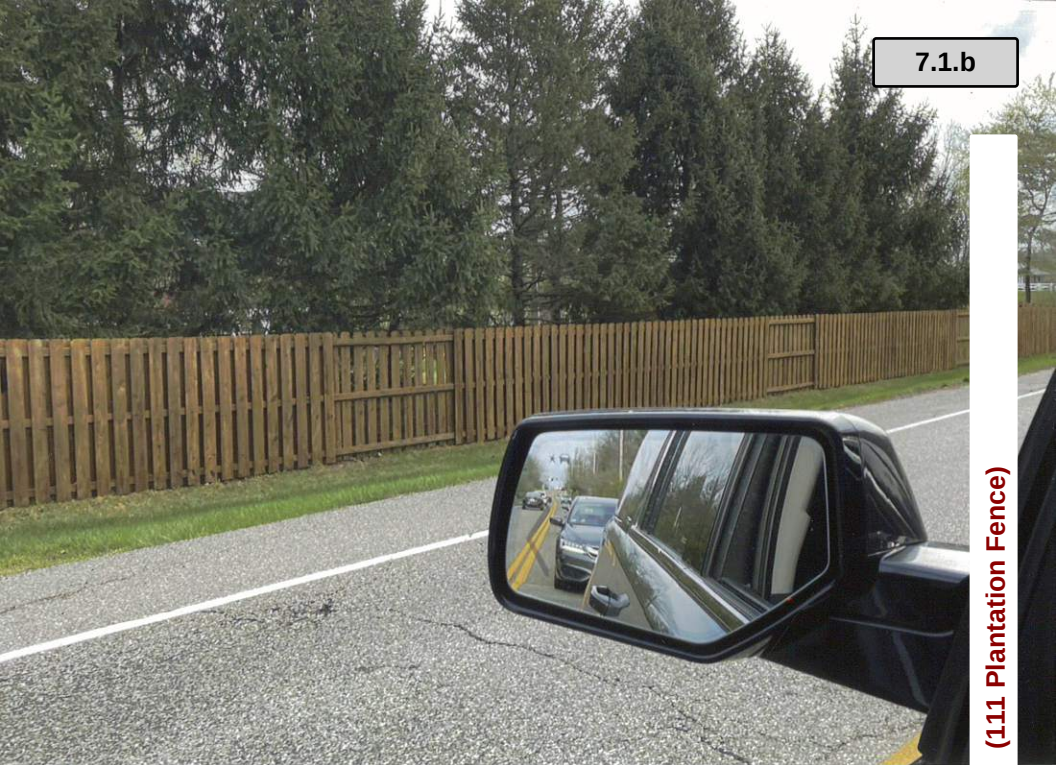
Packet Pg. 25



Attachment: Applicant's Materials (111 Plantation Fence)

Fence located west
I believe next block on
on Ladue same side as
111 plantation. Fence on
backwards in spots.
Not more than 6 feet
back from Ladue & 6
feet tall!

Attachment: Applicant's Materials (111 Plantation Fence)



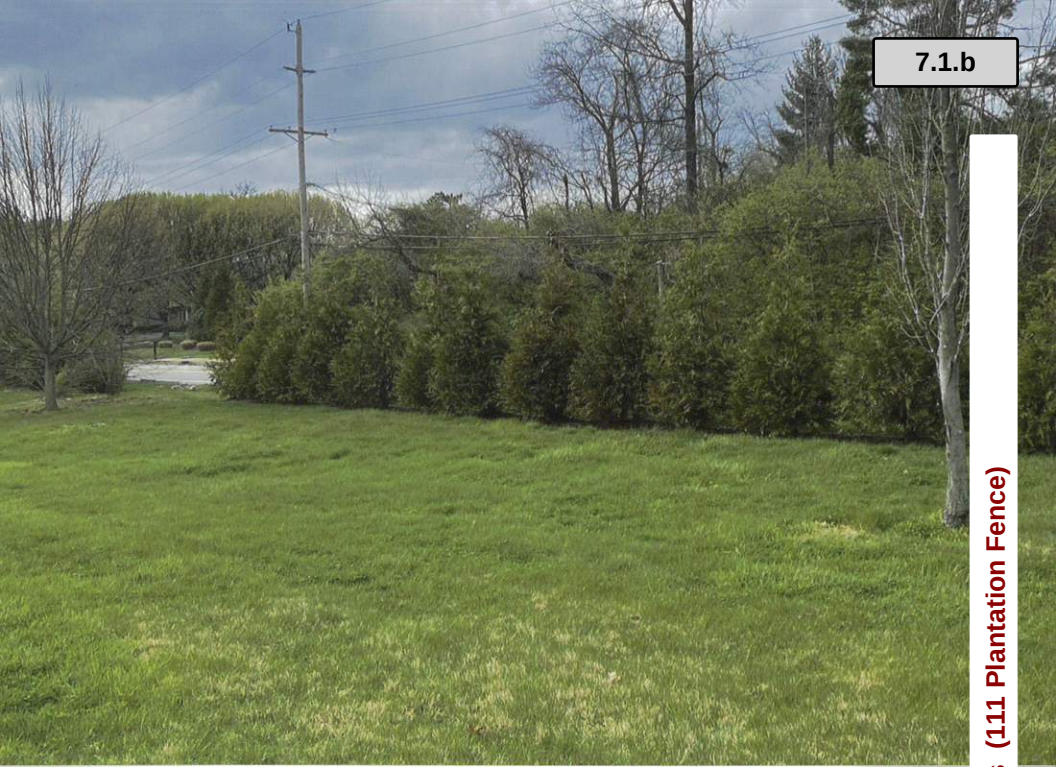
Attachment: Applicant's Materials (111 Plantation Fence)

Fence located west

7.1.b

I believe next block
over on Cadue same
side as 111 plantation
fence on backwards in
spots & NOT more than
6 feet back from Cadue
6 feet tall!

Attachment: Applicant's Materials (111 Plantation Fence)



111 Plantation
Green Giants Plant

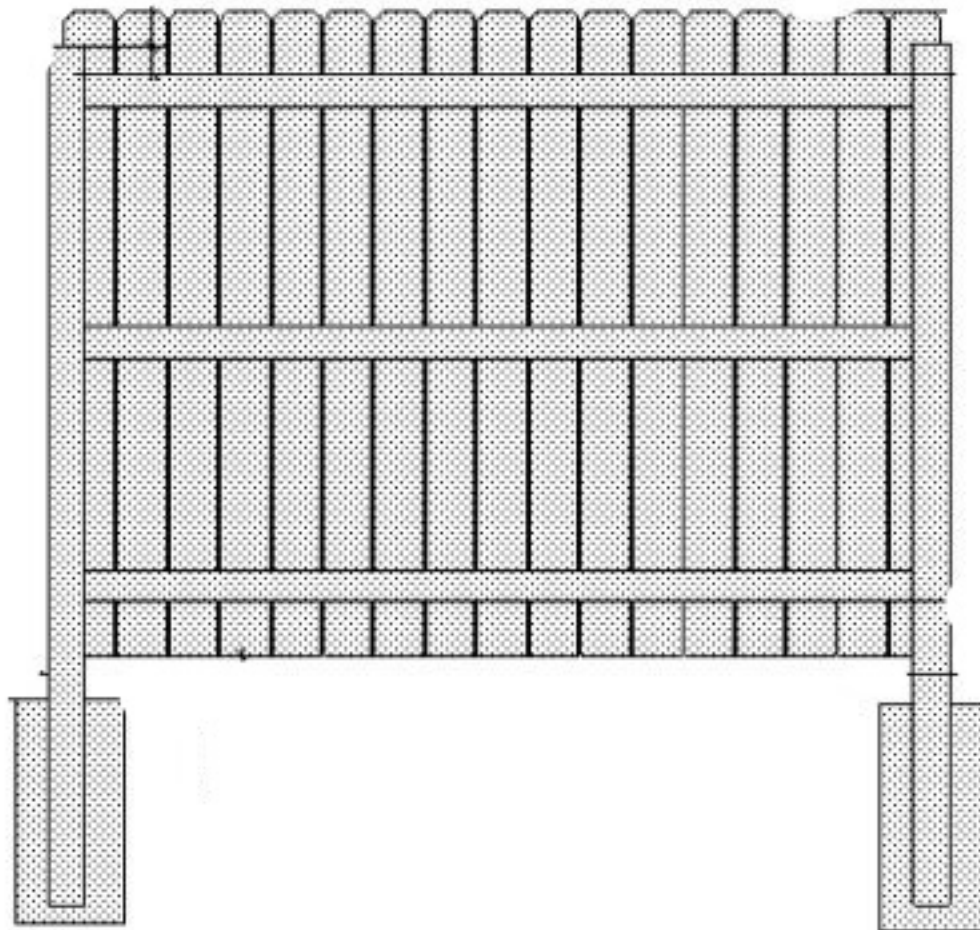


111 Plantation
Green Giants Planter

Attachment: Applicant's Materials (111 Plantation Fence)

6' cedar solid privacy fence

7.1.b



Attachment: Applicant's Materials (111 Plantation Fence)

city
of

CREVE COEUR

File # _____

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

TEXT AMENDMENT APPLICATION

PLEASE COMPLETE FRONT AND BACK PAGES

Applicant:	Applicant's Representative (if applicable):
<i>Name</i> _____	<i>Name</i> _____
<i>Company (If Applicable)</i> _____	<i>Company (If Applicable)</i> _____
<i>Address</i> _____	<i>Address</i> _____
<i>Address</i> _____	<i>Address</i> _____
<i>Telephone #</i> _____	<i>Telephone #</i> _____
<i>Fax #</i> _____	<i>Fax #</i> _____
<i>Email:</i> _____	<i>Email:</i> _____

Applicant's Status (Indicate one):

_____ City Official (Mayor, City Councilor, Planning Commissioner, Zoning Administrator)

_____ Private Party (Financial, contractual, or proprietary interest)

_____ Other Governmental Interest (Jurisdiction: _____)

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

Applicant's Signature

Applicant's Representative's Signature

 Date

 Date

Attachment: Text Amendment Application 4-15-22 (Drive-Through Restaurants Text Amendments)

Description of Request (attach additional sheets as needed): _____

Affected Section(s) of the Zoning or Subdivision Code: _____

Proposed Ordinance Language (attach additional sheets as needed): _____

Office Use Only

____ Proposed Ordinance Language

Received By: _____

____ Fees Paid

____ Written Justification

Date: _____

Attachment: Text Amendment Application 4-15-22 (Drive-Through Restaurants Text Amendments)



city of CREVE COEUR

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

APPLICATION TO PLANNING AND ZONING COMMISSION #22-008: TEXT AMENDMENT TO CONDITIONAL USES, SECTION 405.470.A.14 FOOD SERVICES AND DRINKING PLACES WITH DRIVE- THROUGH SERVICES

FOR THE MEETING OF: Monday, May 16, 2022, 6:00 P.M.

LOCATION: MX, GC, CB, PO, PC, and LI Zoning Districts

REQUEST: Jason Jaggi, Director of Community Development, on behalf of the City of Creve Coeur, Planning Division, has submitted a text amendment application to consider amendments to the conditional use standards as provided by Section 405.470.A.14 Food Services and Drinking Places (NAICS 722). Specifically, the text amendment proposes changes to the conditional use standards for drive through restaurants with respect to site design, size of buildings, and operational aspects of these uses. The current regulations for drive-through restaurants were adopted by the City in 2014.

Text Amendments to the Zoning Ordinance require review and a public hearing by the Planning and Zoning Commission with final approval by the City Council.

ADDITIONAL INFORMATION: The Planning and Zoning Commission will conduct a Public Hearing on this request on Monday, May 16, 2022 prior to providing a recommendation to the City Council. Meetings are held at 6:00 P.M., in the Council Chambers of the Creve Coeur Government Center located at 300 North New Ballas Road. Additional information is available at the Government Center, Planning Division offices, and on the City's website at www.crevecoeurmo.gov under the Planning Projects page.

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

REPORT PREPARED BY: Jason W. Jaggi, AICP Director of Community Development

DATE: May 12, 2022

ATTACHMENTS: Existing drive-through ordinance, Section 405.470.A.14; proposed revisions to Section 405.470.A.14 drive through restaurants (May 5, 2022 Draft); April 22, 2022, City Council update memo and draft, February 3 and March 7, 2022, P&Z Work Session memos and drafts.

Key Issues:

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

Creve Coeur 2030 References

- Chapter 3, Objectives and Strategies

Zoning Code References

- Section 405.470.A.14 Food Services and Drinking Places

BACKGROUND

The current drive through ordinance for restaurants was established in 2014 in association with a request for a drive through facility for St. Louis Bread Company at 447 North New Ballas Road. Prior this ordinance, the City required a conditional use permit with the provision that drive-through restaurants must be located on sites of at least 3-acres. The 3-acre site minimum appeared effective in limiting these uses as prior to current ordinance, only one drive through restaurant was operating in the City. In 2011, a text amendment request was considered that would lower the site size requirement for drive-through restaurants to 1-acre with a separation requirement of ½ miles between uses; however, this amendment did not make it all the way through the process.

The current ordinance is highly restrictive compared to many municipalities but has been effective in achieve the outcome desired by the City to limit these uses. Currently, there are three (3) drive throughs in Creve Coeur: McDonald's (11521 Olive Blvd.), St. Louis Bread Company (447 N. New Ballas Rd.), and Panda Express (10445 Olive Blvd.). In addition, a conditional use permit was approved in 2014 for a freestanding Jimmy Johns with a drive-through at 13140 Olive Boulevard; however, that restaurant was never built. Creve Coeur continues to be the subject of interest for additional drive through developments but many have difficulty meeting all of the requirements of the ordinance. More recently, 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 nationally.

On December 6, 2021, a Joint Work Session with the Planning and Zoning Commission and the City Council was held to identify planning priorities for staff in 2022. There was general agreement to review the current drive-through ordinance to determine if changes need to be made. Following the December joint session, City staff held work sessions with the Planning and Zoning Commission on February 7, 2022 and March 7, 2022 to discuss possible revisions. In addition, on April 22nd, staff presented a summary of the revisions to the City Council for their review and input prior to the public hearing at the Planning and Zoning Commission. The staff memos and draft versions of the revisions associated with each of these meetings are attached for reference.

The proposed amendments seek to modify several areas of the current ordinance. After eight years since the adoption of this ordinance, staff believes that some of the requirements are unnecessarily specific, difficult to achieve, and, as a result, changes are needed. Based on prior discussions at the work sessions, the Planning and Zoning Commission and the City Council have expressed support for such a review. The proposed changes, as currently presented, maintain the structure of the regulations with different requirements for these uses that are adjacent to residential uses and those that are not. At this time, staff is not proposing a formal draft ordinance for a recommendation to City Council, as further discussion and additional public input is desired.

COMPREHENSIVE PLAN REVIEW

The Creve Coeur 2030 Comprehensive Plan does not specifically address drive through restaurants. However, the plan promotes and places an emphasis on pedestrian accessibility and walkability with a mix of uses and high-quality design (Strategies 1.1, 1.3 and 1.9, Page 45) while recognizing the need to be responsive to changing consumer preferences (Strategy 3.2, Page 47). The plan also emphasizes the need to mitigate the impact of non-residential uses such as lighting, noise and trash on adjacent residential uses (Strategy 2.7, Page 46) and to protect residential areas from negative encroachment non-residential uses (Strategy 2.9, Page 46). The plan organizes the City into several Placetypes with a vision and recommendations for each Placetype. This text amendment applies to a specific category of use which is conditionally permitted in nearly all of the City's non-residential zoning districts. As such, this review

does not specifically address each Placetype recommendation, however, it can be reasonably stated that drive-through restaurants, without regulation, would be counter to the overall vision and goals within the non-residential Placetypes. As such, the proposed text amendments continues to promote the desired form and character for these uses while providing the necessary regulations for consistency with the broader goals of the plan. These broader goals include protection of adjacent residential areas from commercial uses, high quality development, pedestrian accommodations, and visually attractive streetscapes.

PROPOSED AMENDMENTS TO THE ZONING CODE

The City regulates drive through-restaurants within Section 405.470.A.14 of the Zoning Ordinance. A conditional use permit is required for these uses in all commercial and light industrial zoning districts. The numerous conditional use standards that are required to be met are the focus of this review and suggested amendments. Other allowable drive through uses, such as drive through banks and pharmacies, are regulated separately and are not part of this review.

Existing Ordinance

The ordinance is split into two separate sets of requirements for lots that abut residential uses and lots that do not abut residential uses. 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 are also provided.

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. Requirements specifying the location of the drive through window, stacking lane, minimum size and number of seats are provided.

Proposed Revisions

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

Drive-through restaurants adjacent to residential uses

The prohibition for freestanding drive-through restaurants remains in place with only one drive through restaurant with the stacking lanes on the rear or side of a multi-tenant retail building with at least 200-feet of frontage. In addition, the requirement for a traffic study, automatic volume control for the order facility, and a noise study remain in place.

The following changes are summarized below:

- Prohibit drive through order facility and service window to be adjacent to a wall facing a primary street. Service windows and menu boards would not be allowed on any building frontage that faces a primary street (Olive Boulevard, Ballas Road, etc.). The current ordinance is vague on this subject as it does not allow an order facility or service window adjacent to any street but provides an exception for approval without any context.
- If adjacent to a street (as allowed above), the drive through facility and order window shall provide landscape screening to soften the appearance from the road.
- Remove the requirement that specifies a minimum size for the floor area of restaurants and minimum number of indoor seats. This has been changed to still require indoor seating for customers and to encourage outdoor dining, allow unenclosed outdoor seating areas to be exempt from providing additional off-street parking. The zoning ordinance currently requires 1 parking space per 8 outdoor seats. For the size of the restaurant, the specific limit of 2,400 square feet has been removed as it seems unnecessary given the requirement that drive through restaurants must be located within a multi-tenant building.

- Remove the prohibition against the stacking lane crossing between the building and principal street frontage. This has been changed to allow the stacking lane to be placed in such a manner but with landscaped screening provided.

Drive-through restaurants adjacent to non-residential uses

The proposed revisions for drive through restaurants that are not adjacent to residential uses are more extensive to allow greater flexibility while still maintaining appropriate standards. The requirement for a traffic study, automatic volume control for the order facility and a noise study remain in place.

The following changes are summarized below:

- The limit for one drive through restaurant remains within a coordinated development totaling 3 or more acres remains. The revisions clarify that a total of two buildings within the coordinated development must be present, and that the drive through restaurant qualifies as one of those two buildings. This provision maintains the prohibition of drive throughs on separate lots that are not part of a larger development. The minimum size of the building currently requires 200-feet of frontage. The proposed amendment lowers that to 150-feet. As an alternative, this provision could be eliminated or based upon a minimum square footage (such as 5,00 square feet) for greater flexibility.
- Drive through order facilities would be prohibited from being placed on the building facing a primary street but would be allowed adjacent to a secondary street with landscaping to soften the view from the roadway.
- The specific requirements for landscaping adjacent to the building at 50% of the building size within an 8-foot wide area has been eliminated. Instead, the revision still requires pedestrian oriented site and landscaping features with examples provided but without specific, pre-determined requirements.
- Unenclosed outdoor dining areas would not require additional off-street parking.
- The minimum size for the drive through restaurant, if freestanding, has been reduced from 2,500 square feet to 2,000 square feet to reflect current trends in the industry for smaller buildings. The provision for 55-indoor seats remains, but could be reduced or re-stated after further discussion.
- Allow service areas (trash enclosures, equipment, etc.) to be detached from the building but to still require screening.

SUMMARY AND NEXT STEPS

While these uses provide a convenience to the public, if not regulated appropriately, drive-through restaurants can have negative impacts on the City's commercial districts and adjacent residential areas. The submitted changes to the drive through ordinance have been developed in such a manner to achieve an acceptable balance that implements the broader goals of the comprehensive plan, that seeks to mitigate the negative impacts, but also recognizes the ultimate desirability to accommodate these uses as provided by the current ordinance.

The specific areas that staff would like to the Commission to discuss and provide further direction on the following:

- The suitability of drive throughs adjacent to residential uses. Staff received feedback from the City Council update at the meeting on April 22nd that the City should discuss prohibiting these uses altogether if located adjacent to residential and instead focus on other sites that do not have this condition.
- Reducing the minimum size of freestanding drive-through restaurants and minimum indoor seating. Based on staff observations of recent developments, the size of these establishments appears to be getting smaller.

Staff has provided the link to this meeting's agenda packet to several commercial property owners and the commercial real estate community in the City to advise them of these proposed changes; however additional time to review and solicit comments would be appropriate. At this time, staff recommends that the Commission review the proposed amendments at this meeting, take comments from the public, and provide direction for staff to address at a subsequent meeting. Based on the discussion at this meeting, staff will incorporate any suggested revisions and prepare a draft ordinance outlining all of the changes for review and action by the Commission at a future meeting.

MOTION

A sample motion to continue the application and public hearing to allow additional input is as follows:

"I move to continue the public hearing for the proposed text amendments to the Zoning Ordinance as discussed with Application #22-008, amending the conditional use standards for drive-through restaurants, to the meeting of June 6, 2022"

APPENDIX 1: COMPREHENSIVE PLAN

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

APPENDIX 2: ZONING CODE

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

Draft Revisions 5-5-22
P&Z Public Hearing May 16, 2022

Proposed Revised Section 405.470.A Conditional Uses (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 dense landscaping as approved by the Planning and Zoning Commission.

(3) The drive-thru restaurant shall have no ~~minimum building size requirement; however, 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 and tables~~ for customers ~~shall be provided~~. Unenclosed outdoor seating areas shall not require additional off-street parking.

(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.

Draft Revisions 5-5-22
P&Z Public Hearing May 16, 2022

~~(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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(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), one (1) of which shall have a continuous structure frontage of at least ~~two hundred~~ one hundred-fifty (200/150) 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 dense landscaping as approved 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. Unenclosed outdoor seating areas shall not require additional off-street parking.

~~(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.~~

(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.

*Draft Revisions 5-5-22
P&Z Public Hearing May 16, 2022*

(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~~ between the building and principal street frontage it shall be screened in a manner consistent with Section 405.470.A.14.d.2 above.

(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.

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.



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MEMO TO CITY ADMINISTRATOR AND CITY COUNCIL

Meeting Date: April 25, 2022

Subject: Drive Through Restaurant Ordinance Amendments Update

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

Attachments: Staff Memo to P&Z, March 1, 2022 and Draft Ordinance

Staff has discussed possible changes to the drive through ordinance with the Planning and Zoning Commission over the course of two meetings earlier this year, February 7th and March 7th. At the last meeting, the Commission directed staff to prepare the amendments for formal review and public hearing. The public hearing is being scheduled for May 16th.

Attached to this memo is the draft ordinance that was discussed with the Planning and Zoning Commission at the March 1st meeting a cover memo providing an explanation of the changes to the ordinance.

Prior to preparing the formal amendments, staff would like to review the draft with the City Council.

Council Update—April 22, 2022

(Packet Pages 183-184)

Adjacent to Residential Uses

(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).

- **NOTE: No freestanding drive throughs allowed. May need to look at the need for 200-foot building. Could be reduced.**

(2) The drive-thru order facility and service window shall only be on or adjacent to a wall not facing a primary street. 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 dense landscaping as approved by the Planning and Zoning Commission.

- **NOTE: Existing ordinance does not allow adjacent to any street, “unless otherwise approved”. Revision specifically allows them adjacent to secondary streets with landscaped screening from the street. Desire to allow adjacent to primary street?**

(3) The drive-thru restaurant shall have no minimum building size requirement; however, (area under roof) indoor seats for customers shall be provided. Seasonal outdoor seating is encouraged and, if provided, shall not require additional off-street parking.

- **NOTE: Remove the minimum restaurant size and number of indoor seats. Currently, 2,400 square feet and 55 indoor seats are required. Provision doesn’t seem relevant because drive through restaurants must be located within a multi-tenant building. The requirement for indoor seating has been retained without a specific number of seats provided. Seasonal outdoor seating is encouraged with no additional off-street parking required. Need to define seasonal outdoor dining (Covered or uncovered and unenclosed)**

(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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- **NOTE: Unlikely to occur given the requirement that it be located within a multi-tenant building.**

(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.

Adjacent to Non-Residential Uses

(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), 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.

- **NOTE: The requirement that drive through facilities must be located within coordinated developments, including shared access and complimentary design remains. The provision has been clarified that one other building in addition to the drive through building is required.**

(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 dense landscaping as approved by the Planning and Zoning Commission.

- **NOTE: Drive through facilities and service windows cannot be located adjacent to a street, unless otherwise approved. The regulation has been revised to allow them adjacent to a secondary street but that they must be visually screened with landscaping. This will allow greater flexibility in the site design. Desire to allow adjacent to primary street?**

(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. Seasonal outdoor seating areas shall not require additional off-street parking.

- **NOTE: Pedestrian-oriented features are required for freestanding buildings. Examples of such features are now provided. Removed are specific percentages.**

(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.

- **NOTE: Removed specific percentages for landscaping.**

- **NOTE: Kept this in place but could be reduced to 2,000 +/- SF and also number of seats**

(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.

- **NOTE: Simplified to screen these components**

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

- **NOTE: Allows stacking lane to cross the primary street frontage but requires landscape screening.**

(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.



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MEMO TO THE PLANNING AND ZONING COMMISSION

Date: March 1, 2022

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

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

Meeting Date: March 7, 2022

Attachments: **Section 405.470.A Conditional Uses Food Services and Drinking Places**
Memo from 2-7-22 P&Z Work Session
3-7-22 Revised Section 405.470.A (Drive Through Ordinance)

Background

Staff presented suggested revisions to the drive through ordinance as a work session item at the February 7th meeting. Based upon that discussion, staff has made further refinements to the ordinance.

Proposed Revisions

The ordinance maintains the existing framework that establishes different regulations for drive through restaurants that are adjacent to residential uses and those that are not. The following are highlights of the proposed ordinance, including items that were revised since the last meeting and regulations that remain.

Adjacent to Residential Uses

- One drive through facility allowed within a multi-tenant retail building of at least 200-feet. No freestanding drive through facilities are allowed. This is not changed from the existing ordinance.
- Drive through order facility and service window cannot be located adjacent to a primary street but would be allowed adjacent to a secondary street. *This topic was discussed at the last meeting. Staff requests further direction on this provision.*
- If adjacent to a street, the order facility and service window is required to be screened from the right-of-way with landscaping.
- Remove the minimum restaurant size and number of indoor seats. Currently, 2,400 square feet and 55 indoor seats are required. In staff's view, this provision doesn't seem relevant because drive through restaurants must be located within a multi-tenant building. The requirement for indoor seating has been retained with a specific number of seats provided. Seasonal outdoor seating is encouraged with no additional off-street parking required.

*Staff Memo on Drive Through Restaurants 2-7-22 P&Z Meeting
Page 2*

- Stacking lanes cannot cross between the building and primary street frontage. This has been amended to remain in place. Given the requirement that drive throughs are only permitted within multi-tenant buildings, this should not be a concern.
- The existing requirements for a traffic study, acoustical study and automatic volume control for the order facility, and screening from residential uses remains in place.

Adjacent to Non-Residential Uses

- The requirement that drive through facilities must be located within coordinated developments, including shared access and complimentary design remains. The provision has been clarified that one other building in addition to the drive through building is required.
- Drive through facilities and service windows cannot be located adjacent to a primary street. The regulation has been revised to allow them adjacent to a secondary street but that they must be visually screened with landscaping. This will allow greater flexibility in the site design.
- Pedestrian-oriented features are required for freestanding buildings. Examples of such features are now provided. Removed are specific percentages.
- Kept the minimum seating and size of freestanding buildings as currently written: 2,400 square feet and 55 indoor seats. Added a provision that seasonal outdoor dining does not require additional parking.
- Allows stacking lane to cross the primary street frontage but requires landscape screening.

Staff will present this information to the Commission for discussion and feedback. The next steps would be to schedule a public hearing for formal review and comment of any zoning code changes.

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 dense landscaping as approved by the Planning and Zoning Commission.

(3) The drive-thru restaurant shall have no ~~minimum building size requirement; however, 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 shall be provided.~~ Seasonal outdoor seating is encouraged and, if provided, shall not require additional off-street parking.

(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.~~

(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.

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

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(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 dense landscaping as approved 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. Seasonal outdoor seating areas shall not require additional off-street parking.

(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.

(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.

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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.



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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 including the location of the window and ordering facilities, the minimum size and number of seats of the establishment are also provided.

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 provided.

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

Staff Memo on Drive Through Restaurants 2-7-22 P&Z Meeting
Page 2

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 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 for drive throughs 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.

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.~~

(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.

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(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), 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.

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

(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.

Staff Memo on Drive Through Restaurants 2-7-22 P&Z Meeting
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Attachment: P&Z 2-7-22 Work Session Drive Throughs (Drive-Through Restaurants Text Amendments)