



AGENDA
PLANNING AND ZONING COMMISSION MEETING
CITY OF CREVE COEUR, MISSOURI
MONDAY, JUNE 6, 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.

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. May 16, 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**1. 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. The Public Hearing was continued from May 16, 2022.

NEW BUSINESS**1. #22-009: an Application for a Master Sign Plan for The Covenant Theological Seminary Campus Located at 12330 Conway Road**

Nathan Frazier, of Landmark Sign Company, on behalf of Covenant Theological Seminary located at 12330 Conway Road, has submitted an application for a master sign plan for the entire Covenant Theological Seminary Campus. The request will allow for a new monument sign along N. Forty Drive and establish size and design standards for the existing signage throughout the campus. Section 405.955 *Master Signage Plans* provides that as an alternative to what would otherwise be allowed, signs may be permitted in accordance with a comprehensive plan of signage for planned developments and large campus development of contiguous multi-acre areas, not separated by major highways or public rights-of-way subject to the recommendation of the Planning and Zoning Commission and approval of the City Council.

WORK AGENDA**DEPARTMENT REPORTS****1. BJC West County and Millennium Park Parking Agreements**

Commissioner Potashnick requested historical information on the parking arrangements for Millennium Park between the City and BJC at West County Hospital for review and discussion.

ADJOURNMENT

Posted: _____

Jason W. Jaggi
Director of Community Development



DRAFT MINUTES
PLANNING AND ZONING COMMISSION MEETING
CITY OF CREVE COEUR, MISSOURI
MONDAY, MAY 16, 2022
6:00 PM

CALL TO ORDER

ROLL CALL

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

The following staff were also present:

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

ACCEPTANCE OF THE AGENDA

Mr. Potashnick moved to accept the agenda. Mr. Wang seconded. All in favor.

APPROVAL OF MINUTES

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

Mr. Potashnick moved to accept the agenda. Ms. LaBonte seconded. All in Favor.

PUBLIC COMMENT

None

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**

Ms. Tammy White, owner of 111 Plantation Drive and Ms. Stephanie Howard, Investor at 111 Plantation Drive explained that they hope to add a 6ft cedar privacy fence along Ladue Road due to safety concerns on the busy street.

Ms. White explained that there are trees at the 28ft line, and that they hope to place the fence at the 30ft mark. She also explained that more trees have already been planted that will grow to further block the view of the fence from Ladue Road.

Ms. Bethany Moore, City Planner, stated that the applicants hope to build a 6ft cedar fence 30ft from the property line within the front yard setback along Ladue Rd.

Ms. Moore stated that staff recommends that the fence posts are interior to the yard and hidden from Ladue Road. She also stated that the current landscaping should be maintained, and the fence should be stained a dark brown color.

Ms. Moore explained that the proposed location of the fence is well within the minimum setback requirements, but the materials chosen and height of the fence cause the need for Planning and Zoning Commission approval.

Mr. Potashnick moved to approve the application for minor site plan for a fence within the front-yard setback along Ladue Road for the property addressed as 111 Plantation Drive subject to staff proposed conditions. Ms. LaBonte seconded. All in favor.

RESULT:	APPROVED [UNANIMOUS]
AYES:	Wang, O'Brien, LaBonte, Buelter, Rovak, Potashnick
ABSENT:	Hall

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

Those speaking to the request were sworn in.

Mr. Jason Jaggi, Director of Community Development, presented the history of the ordinance and that there are currently only three drive through restaurants in Creve Coeur. He stated that there is continued interest and demand for these uses from the industry within the City. He began presenting with “adjacent to residential” changes.

Mr. Jaggi stated that the comprehensive plan does not directly address the drive through ordinance but outlined specific items within the comprehensive plan that do relate to the suggested changes to the ordinance.

Mr. Jaggi presented an overview of the City districts that would allow a conditional use permit for drive through restaurants. He stated that the proposed text amendment will still maintain separate standards for “adjacent to residential” and “not adjacent to residential”.

Mr. Jaggi stated that a suggested change is to clarify drive through windows and ordering facilities are not allowed adjacent to a primary street but could be allowed along secondary streets with screening.

Mr. Jaggi stated that it is suggested to eliminate the tenant space size requirements and indoor seat requirements. He also stated that un-enclosed outdoor dining will not require additional off-street parking.

Mr. Buelter asked if there have been complaints regarding limited parking. Mr. Jaggi stated there have not been complaints, but a minimum number of parking spaces will remain a consideration of the CUP approval process.

Ms. LaBonte asked if the City has received feedback from residents near Bread Co. Mr. Jaggi explained that initially there were comments when the restaurant opened but not recently.

Mr. Rovak asked why the size requirement was dropped from the ordinance. Mr. Jaggi explained that it does not seem to be a necessary portion of the ordinance, as it is a tenant space in a multi-tenant building.

Mr. Jaggi stated that a proposed change is to allow the stacking lane to cross between the building and street, with screening. He explained that a traffic study, volume control study, and acoustical study will still be required.

Mr. Jaggi presented sites within Creve Coeur that are adjacent to residential that might attract an application for a drive through restaurant.

Ms. LaBonte had concerns with traffic backing up into residential areas.

Mr. Jaggi stated that the next set of changes would affect “adjacent to non-residential”.

Mr. Jaggi explained that the proposed changes to the ordinance include rewording to clarify that there must be one existing building and the drive through would be included in the second.

Mr. Jaggi stated that the proposed changes would simplify and reduce the minimum frontage requirement of one building to be 150ft in width. He also stated that the changes would eliminate passageway or arcade provisions. He suggested possibly changing this to a minimum building square footage requirement.

Mr. Jaggi stated that a suggested change is to allow order facility and service window on secondary streets with landscaped screening.

Ms. LaBonte asked if it is stated anywhere what is defined as a primary versus a secondary street. Mr. Jaggi confirmed that there is a street classification system, and it is referenced in the comprehensive plan.

Mr. Jaggi stated that a suggested change is to eliminate the requirement that the landscaped area adjacent to the building must be equal to 50 percent of the floor space of the building.

Mr. Jaggi suggested eliminating the requirement for freestanding drive throughs to provide 8ft wide planting strip on two sides of building.

Mr. Rovak asked for clarification as to why restaurant size applications are getting smaller, and if this is due to emphasis on drive through's and carry out. Mr. Jaggi stated that he does think this is why and that it is good to keep a minimum square footage requirement in the ordinance.

Mr. Jaggi stated that the suggested ordinance would reduce minimum square footage size requirement. This will be discussed at the next hearing.

Mr. Jaggi stated that a recommended change is to allow trash enclosures to be detached from the building.

Mr. Jaggi stated that a suggested change is that the stacking lane may cross between the principal building and primary street frontage with screening.

Mr. Jaggi presented examples of potential sites for these drive throughs.

Mr. Jaggi explained the next steps towards the text amendment.

Ms. Linda Rezny, 104 Graeser Acres, had many concerns regarding drive throughs adjacent to residential.

Ms. Rezny asked if there are limitations on hours. Mr. Jaggi responded not at this time.

Ms. Rezny stated that she has concerns regarding sound studies and suggested that they be done at different times throughout the day.

Mr. Potashnick moved to continue the public hearing to the next meeting. Ms. LaBonte seconded. All in favor.

RESULT:	CONTINUED [UNANIMOUS]
AYES:	Wang, O'Brien, LaBonte, Buelter, Rovak, Potashnick
ABSENT:	Hall

WORK AGENDA

None

DEPARTMENT REPORTS

Mr. Jaggi stated that the drive through discussion will continue as well as one other application at the June 6th meeting.

Mr. Jaggi presented information regarding Mr. Potashnick's Millennium Park parking questions.

Mr. Potashnick stated that he would like to see the contract regarding the parking arrangement with the City and BJC regarding the parking. Mr. Jaggi stated there is no contract.

Mr. Buelter asked for a copy of the meeting minutes and staff report when the agreement was discussed.

Mr. Jaggi stated that he would pass along the suggestions of the commission to City staff and Council.

Ms. Rezny asked when the next public hearing for the drive through text amendment will be and had concerns regarding the City newsletter. Mr. Jaggi confirmed that it will be the first meeting in June.

ADJOURNMENT

Mr. Potashnick moved to adjourn. Mr. Wang second. All in favor. Meeting adjourned at 7:43 pm



city of CREVE COEUR

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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, June 6, 2022, 6:00 P.M., Public Hearing

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: This item was first discussed at the May 16, 2022, Planning and Zoning Commission meeting. The Commission continued the Public Hearing on this request to Monday, June 6, 2022. 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 Planning and Zoning Commission started the public hearing on this request on May 16, 2022. At that time staff presented the proposed revisions to the restaurant drive-through ordinance and solicited feedback from the Commission and members of the public. Please refer to the May 16th staff report and presentation slides for additional background information. At the conclusion of the discussion, the Commission voted to continue the public hearing to June 6, 2022 to allow additional input and for staff to consider the feedback received.

After the meeting, staff has received a few comments regarding the proposed ordinance. Emailed comments are attached for the Commission's review.

PROPOSED REVISIONS SINCE THE MAY 16 MEETING

Staff has considered the comments received from both the public and Commission and has provided additional revisions. The changes made to the regulations are shown in the attached redlined document. These changes are summarized as follows in accordance with the applicable section number:

- 14.b: Removed the reference that limits restaurants to 40% of the building square footage. This requirement was removed by a prior text amendment back in 2019 via Ordinance 5626 and no longer applies.

Adjacent to Residential Uses

- 14.c: Restaurant drive-throughs that abut residential uses, has been amended to specify single-family residential uses. This change was made based on a comment received that a mixed-use development that has multi-family residential adjacent to a proposed drive-thru should not qualify. Staff believes the intent has been to regulate these uses, as applicable, when adjacent to single family residences and not to include all forms of residential uses, noting that multi-family residential uses are allowed in some commercial zoning districts.
- 14.c(2), (7) and (8): Minor revisions for clarity. No substantive changes.

Adjacent to Non-Residential Uses

- 14.d: Clarified adjacent to single family uses in the same manner as above.
- 14.d(1): Changed the method for determining the dimension of the additional building on site that allows for a drive-thru within a coordinated development. The current ordinance requires a building frontage width of at least 200-feet to qualify for a drive-thru restaurant. Staff previously proposed reducing that to 150-feet to account for smaller buildings. To provide greater flexibility and to simplify the regulation, staff has revised this qualification to require a minimum of a 10,000 square foot building. The specific dimensions of the building would not be considered as long as at least one building within the development has a minimum square footage of 10,000 square feet. It is important to note that for drive-thrus that are not adjacent to residential, the existing ordinance does not specify the use of the "other" building. Meaning, the other building on the site could be an office building or any other allowable use meeting these size requirements. For those that are adjacent to residential uses, the requirement is that it must be located within a multi-tenant retail building and cannot be freestanding.
- 14.d(2) and (3): Minor revisions for clarity. No substantive changes.
- 14.d(5): No changes, however, this portion was discussed at the prior meeting but was inadvertently left out of the previous version. The size of a free-standing drive-thru building has been reduced from the current requirement of 2,500 square feet to 2,000 square feet to allow for smaller restaurants. The minimum seating has been left unchanged at 55.

- 14.d.(9) and (10). Minor revisions for clarity. No substantive changes.

SUMMARY AND CONCLUSION

The proposed changes maintain the two-tiered system of regulations for drive-thru restaurants for those uses that are adjacent to residential and those that are not. Further, these changes to the drive-thru ordinance have been developed in such a manner to achieve an acceptable balance that adheres to the broader goals of the comprehensive plan, minimizes negative impacts, but also recognizes the ultimate desirability to accommodate these uses in appropriate settings as provided by the current ordinance.

A draft ordinance has been prepared reflective of the changes discussed within this report to facilitate the Commission's review. Staff requests further discussion by the Commission on the following items, which represent the more significant aspects of these amendments:

- The allowance to have drive-thru service windows and order facilities along a non-primary street building frontage subject to landscaped screening. For reference, primary street frontage is a term that refers to the elevation that faces the highest level of roadway as determined by the regional functional classification system. For example, for the property located on the corner of Olive and Old Ballas, a building frontage on Olive Blvd. would be the primary street frontage.
- The specification for adjacent "single family" residential uses.
- When adjacent to non-residential, the change to base the qualification for a drive-thru from a development with a building with 200-feet of frontage to a minimum size of 10,000 square feet.
- when adjacent to non-residential, the continuance of specifying a minimum size for a drive-thru restaurant, and minimum number of indoor seats.
- The removal of requiring off-street parking for outdoor seating areas. The current ordinance requires 1 additional parking space per 8 outdoor seats.

RECOMMENDATION AND ACTIONS

After deliberation and upon the closing of the public hearing, if the Planning and Zoning Commission has chosen to accept the regulations as provided in the draft ordinance as written, the following would be a suitable motion for this application:

"I move to recommend approval of the text amendments presented with Application #22-008 to amend the conditional use standards for drive through restaurants as regulated under Section 405.470.A.14 of the Zoning Ordinance subject to the conditions contained in the draft ordinance prepared for the meeting of June 6, 2022." (Conditions may be added, eliminated, or modified by preceding motion.)

APPENDIX 1: COMPREHENSIVE PLAN

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

APPENDIX 2: ZONING CODE

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

Draft Revisions 5-5-22
P&Z Public Hearing May 16, 2022
Revised P&Z Public Hearing June 6, 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;~~ [Ord. No. 5626, 2-11-2019]

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c. Drive-thru services on sites in the "MX," "GC," "CB," "PO," "PC," and "LI" Districts that about single family 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 the primary street frontage, unless otherwise approved, and if adjacent to single family 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 to the extent allowed above, the drive-thru order facility and service window shall provide visual screening in the form of dense landscaping as deemed appropriate by the Planning and Zoning Commission.~~

(3) The drive-thru restaurant shall have no ~~minimum 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
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(7) ~~If the designated stacking lane crosses between the building and primary street frontage it shall be screened as provided by Section 405.470.A.14.c.2. 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, ~~exit~~exiting, or passing by the site and 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 uses other than ~~non-~~ single family 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 no less than 10,000 square feet of gross floor area. 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 the primary~~ street frontage, ~~unless otherwise approved. If adjacent to a street as allowed above, the drive-thru order facility and service window shall provide visual screening in the form of dense landscaping as deemed appropriate 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). Such features include, but are not limited to, the following: landscaped planting areas adjacent to the building, outdoor seating areas, and pedestrian connections within 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.~~

(5) If the drive-thru restaurant is freestanding, it shall have no less than two thousand ~~five hundred~~ (2,050) 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~~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.~~

Draft Revisions 5-5-22
P&Z Public Hearing May 16, 2022
Revised P&Z Public Hearing June 6, 2022

(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~~es between the building and ~~principal-primary~~ street frontage it shall be screened as provided by Section 405.470.A.14.d.2.

(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, ~~exit~~ing, or passing by the site and on adjacent roadways.

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

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

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

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 405.470, CONDITIONAL USES OF THE CREVE COEUR ZONING ORDINANCE TO AMEND THE CONDITIONAL USE STANDARDS FOR FOOD SERVICES AND DRINKING PLACES AND SECTION 405.820 REQUIRED OFF-STREET PARKING SPACES REQUIREMENT RELATED TO THESE USES

WHEREAS, an application was made by the Director of Community Development for the City of Creve Coeur to amend Section 405.470(14) Conditional Uses, of the Creve Coeur Zoning Ordinance to revise the standards for drive-thru restaurant services; and,

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

WHEREAS, the Planning and Zoning Commission of the City of Creve Coeur, Missouri, held a public hearing thereon at the Creve Coeur Government Center on Monday, May 18, 2022 and Monday June 6, 2022, beginning at 6:00 p.m., or immediately following the close of the previous public hearing; and,

WHEREAS, the Planning and Zoning Commission reviewed and, by a vote of ____ recommended approval of the subject amendments at its meeting on Monday, June 6, 2022; and,

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

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

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

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

SECTION 1: Section 405.470 Conditional Uses of the Zoning Ordinance, of the City of Creve Coeur's Code of Ordinances shall be amended as follows:

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:

- a. The acreage requirement does not apply to restaurants without drive-through services within the "GC" District;
- b. The acreage requirement does not apply to restaurants without drive-through services in the "CB," "PO," "PC" and "LI" Districts that are located within a retail or office building;

BILL NO. _____

ORDINANCE NO. _____

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

- (1) Drive-through 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-through order facility and service window shall only be on or adjacent to a wall not facing a the primary street frontage. ~~unless otherwise approved, and~~ If adjacent to single family 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 deemed appropriate by the Planning and Zoning Commission.
- (3) The drive-thru restaurant shall have no minimum 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.
- (7) If the designated stacking lane crosses between the building and primary street frontage it shall be screened as provided by Section 405.470.A.14.c.2. ~~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 and 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

BILL NO. _____

ORDINANCE NO. _____

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 abut non-single family 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 no less than 10,000 square feet of gross floor area. 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 the primary street frontage, 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 deemed appropriate by the Planning and Zoning Commission.
- (3) The drive-thru restaurant shall have pedestrian-oriented site features. 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). Such features include, but are not limited to, the following: landscaped planting areas adjacent to the building, outdoor seating areas, and pedestrian connections within 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.
- (5) If the drive-thru restaurant is freestanding, it shall have no less than two thousand five hundred (2,500) two-thousand (2,000) 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.

BILL NO. _____

ORDINANCE NO. _____

- (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 primary~~ street frontage it shall be screened as provided by Section 405.470.A.14.d.2.
- (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 and on adjacent roadways.
- (11) The order facility shall utilize automatic volume control which adjusts outbound volume based on the outdoor ambient noise level.
- (12) An acoustical study shall be submitted demonstrating that the order facility and service windows will not increase ambient sound levels at the property lines above the average Monday to Friday midday level.

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

SECTION 2: Section 405.820.F Required Off-street Parking Spaces shall be amended to read as follows:

SECTION 405.820.F. REQUIRED OFF-STREET PARKING SPACES

5. Food services and drinking places (NAICS 722).

- a. One (1) parking space per every three (3) seats of maximum occupancy recorded under the conditional use permit plus one (1) parking space per every two hundred fifty (250) square feet of total building floor area. ~~plus one (1) parking space per each eight (8) seats in an outdoor seating area.~~
- b. Small restaurant facilities which offer only carry-out/delivery service and/or a seating capacity of sixteen (16) or fewer persons shall provide parking spaces at the ratio required for basic retail uses; provided such small restaurant facilities shall not be freestanding or provide drive-through, drive-up or curb service facilities.

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

ADOPTED THIS ____ DAY OF _____, 2019.

JOE MARTINICH
PRESIDENT OF CITY COUNCIL

APPROVED THIS ____ DAY OF _____, 2019.

BILL NO. _____

ORDINANCE NO. _____

DR. ROBERT HOFFMAN
MAYOR

ATTEST:

KELLIE HENKE
CITY CLERK



Planning and Zoning Commission Public Hearing May 16, 2022

Application #22-008: Text Amendment to Conditional Use Permit Standards for Drive Through Restaurants Section 405.470.A.14

Jason Jaggi, AICP Director of Community Development

BACKGROUND

- **Current drive-through ordinance adopted in 2014**
- **Pre-2014, ordinance limited drive-throughs to a minimum 3-acre lot**
- **2011, amendment proposed to lower site size to ½ acre with a 1/3 mile separation requirement. Withdrawn.**
- **Currently, 3 restaurants with drive-throughs in the City of Creve Coeur: McDonald's, St. Louis Bread Company, Panda Express. Stand alone Jimmy John's approved in 2014 on West Olive—not built**

BACKGROUND

- **Need for revisions:**
 - **Existing ordinance is approaching 8 years old. Continued Demand-Market and consumer preferences.**
 - **Some provisions are unnecessarily specific. Difficult to administer and comply.**
 - **May not be producing desirable results**
- **Joint work session held with City Council and P&Z in December 2021. Agreed on need to review ordinance**
- **Two P&Z work sessions held: Feb. 7th and March 7th. City Council updated: April 22nd.**

COMPREHENSIVE PLAN REVIEW

- **High level, city-wide planning document—does not address drive-through restaurants directly**
- **Not directed at one area of the City—applies to all commercial and light industrial districts**
- **Chapter 3: Objectives and Strategies:**
 - **Emphasizes pedestrian accessibility and walkability within a mix of uses and high quality design (Strategies 1.1, 1.3, and 1.9)**
 - **Recognizes need to be responsive to changing consumer preferences (Strategy 3.2)**
 - **Mitigate impact of non-residential uses such as lighting, noise and trash on adjacent residential uses (Strategy 2.7) and protect residential areas from negative encroachment with non-residential uses**
- **Amendments: implements goals of Comp Plan while achieving appropriate balance and necessary regulations.**

PROPOSED REVISIONS—OVERVIEW

- Allowed in MX, GC, CB, PO, PC and LI zoning districts with conditional use permit (Sec. 405.470.A.14). **No change.**
- Maintains two separate standards: Adjacent to residential and not adjacent to residential
- Focus on site design standards:
 - Minimum size of buildings and seating,
 - Location of service windows and menu boards
 - Location of stacking lanes
 - Landscaping/screening requirements
- Other clarifications

EXISTING AND PROPOSED REVISIONS—ABUT RESIDENTIAL

- Min. site size: 2 acres. **No change.**
- Limited to one restaurant with no more than 2 service windows, 2 order facilities and 2 stacking lanes. **No change.**
- Must be located on rear or 1 end of multi-tenant retail building with a building frontage of 200-feet. **No change. Prohibits freestanding drive-through restaurants.**
- Drive-through order facility and service window on or adjacent to a wall not facing a street, unless otherwise approved, screened from ground-floor level of adjacent residences within 200-feet of the facility by solid barrier or topographic change. **Changed: prohibits drive through window or order facility from being adjacent to a primary street. Allowed on secondary streets but with landscape screening required as viewed from the street.**
- The drive-through restaurant must be min. 2,400 SF in size, 55 indoor seats. **Changed: Eliminate minimum size and number of indoor seats. Unenclosed outdoor dining exempt from additional off-street parking requirements (1 space per 8 seats)**

EXISTING AND PROPOSED REVISIONS—ABUT RESIDENTIAL

- Drive-through order facility and service window no closer than 50-feet from any residential use. **No change.**
- Designated stacking lane no less than 190-feet long, 9'x19' feet dimension with vehicle escape route. **No change.**
- Entrance to stacking lane min. 50-feet from the nearest point on the property line across nearest vehicular entrance. **No change**
- The designated stacking lane cannot cross between building and principal street frontage. **Changed: allows stacking lanes to cross between building and primary street frontage but must be screened with landscaping**

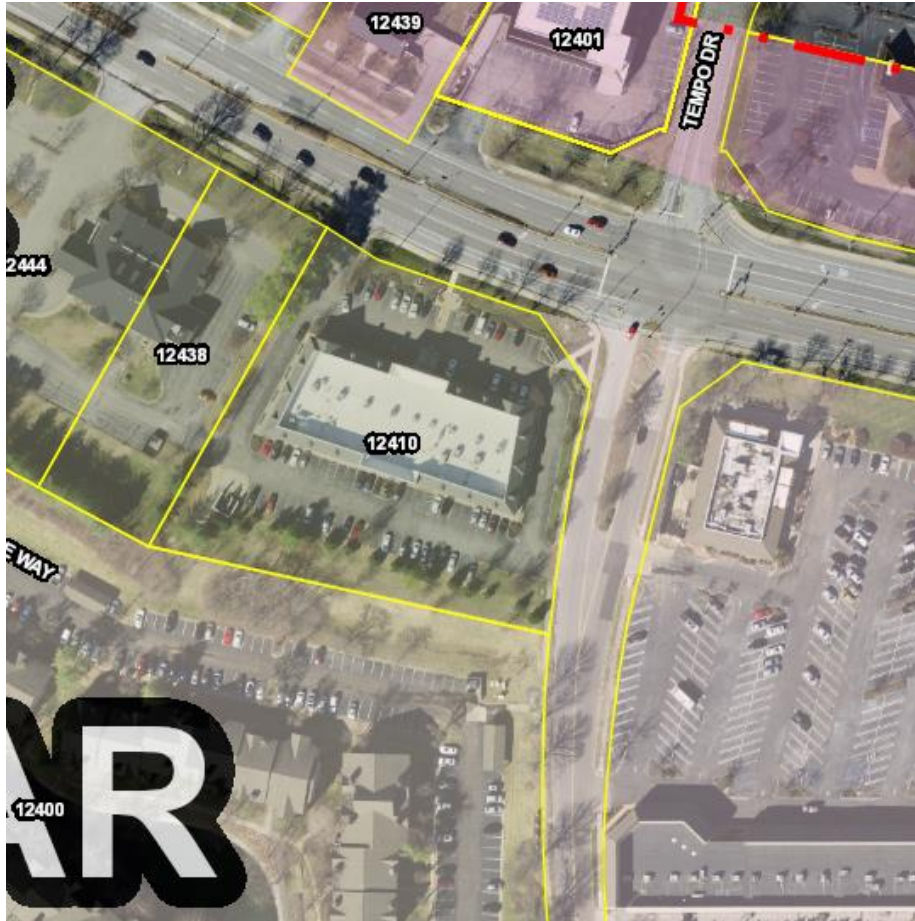
EXISTING AND PROPOSED REVISIONS—ABUT RESIDENTIAL

- Traffic study to review internal circulation and off-street impacts required. **No change.**
- Order facility required to utilize automatic volume control. **No change.**
- Acoustical study to verify order facility and service window will not produce sounds exceeding 60dB at the property line for adjacent residential uses. **No change**

EXAMPLES OF ELIGIBLE LOCATIONS* (EXISTING DEVELOPMENTS)



EXAMPLES OF ELIGIBLE LOCATIONS* (EXISTING DEVELOPMENTS CON'T)



EXISTING AND PROPOSED REVISIONS—ABOUT NON-RESIDENTIAL

- Min. site size: 3 acres totaling 1 or more lots in a coordinated development with shared access and two or more buildings, 1 of which has a min. building frontage of 200-feet. All buildings shall be designed with similar materials and design elements aesthetically complementary to each other. **Changed: 2 buildings includes proposed drive-through. Simplified to reduce min. frontage requirement of the one building to 150-feet. Eliminated passageway or arcade provision.**
- Drive-through order facility and service window cannot face a street, unless otherwise approved. **Changed: Allow order facility and service window on secondary streets with landscaped screening.**
- Drive-through restaurant to have pedestrian-oriented landscape adjacent to building equal to 50% of the floor area of the building. **Changed: Eliminated percentage. Still require landscaping and ped-oriented features incl. but not limited to: landscaping adjacent to building, outdoor seating areas, and pedestrian connections throughout the site. Exempt additional off-street parking for unenclosed outdoor seating areas.**
- If drive-through is freestanding, provide 8-foot wide planting strip on two sides of building. **Changed: Eliminated. Covered in prior provision—no specific dimensions.**

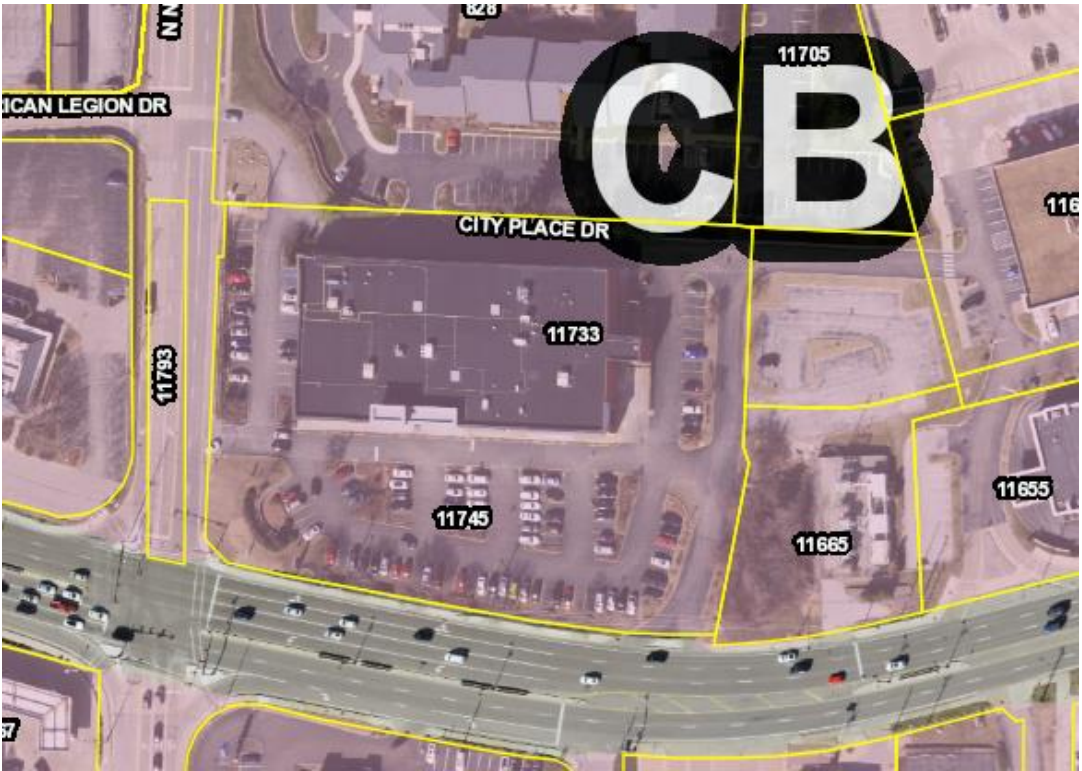
EXISTING AND PROPOSED REVISIONS—ABOUT NON-RESIDENTIAL

- Minimum size of restaurant is 2,500 square feet with min. 55 indoor seats. **Changed: Reduced min. size to 2,000 SF. Accidentally left out of draft code. More discussion requested.**
- Any service areas, including but not limited to, trash receptacles, compactors, transformers, outdoor cooking, refrigeration equipment, and utility connections must be fully enclosed. Such elements are to appear as part of the building as much as possible. **Changed: Simply that these components must be enclosed.**
- Stacking lane min. 190-feet, 9x19 dimensions, provide for vehicular escape. **No Change.**
- Entrance to stacking lane min. 50-feet from the nearest point on the property line across nearest vehicular entrance. **No change**
- The designated stacking lane cannot cross between building and principal street frontage. **Changed: allows stacking lanes to cross between building and primary street frontage but must be screened with landscaping**

EXISTING AND PROPOSED REVISIONS—ABUT NON-RESIDENTIAL

- Traffic study to review internal circulation and off-street impacts required. **No change.**
- Order facility required to utilize automatic volume control. **No change.**
- Acoustical study to verify order facility and service window will not produce sounds exceeding ambient daytime levels at property lines. **No change**

EXAMPLES OF ELIGIBLE LOCATIONS* (ADJACENT TO NON-RESIDENTIAL)



EXAMPLES OF ELIGIBLE LOCATIONS* (ADJACENT TO NON-RESIDENTIAL)



SUMMARY AND NEXT STEPS

- **Proposed revisions continue to restrict these uses throughout the city**
- **Discussion requested on amending the size/frontage requirements. Industry trend for smaller buildings.**
- **Solicit additional public input: proposed revisions emailed to 9 larger commercial/real estate Creve Coeur property owners and developers.**
- **Provide direction to staff and continue public hearing to June 6th meeting**

1 PLANNING AND ZONING COMMISSION MEETING

2 CITY OF CREVE COEUR, MISSOURI

3 300 NORTH NEW BALLAS ROAD

4 MONDAY, MAY 16, 2022

5 6:00 P.M.

6
7 PUBLIC HEARING

8 APPLICATION NO. 22-008

9
10 THOSE IN ATTENDANCE:

11 Mr. Gene Rovak, Chairman

12 Mr. Larry Potashnick

13 Ms. Julie LaBonte

14 Mr. AJ Wang

15 Ms. Rhonda O'Brien

16 Mr. Thomas Buelter

17 Mr. Carl Lumley, City Attorney

18 Mr. Jason Jaggi, Director of Community Development

19 Ms. Bethany L. Moore, City Planner

20 Ms. Megan Waller Administrative Supervisor/Recording
21 Secretary

22 McLaughlin Court Reporting Services, Inc.

23 Deborah K. McLaughlin, RPR, MO-CCR #314, IL-CSR, KS-CCR
24 4772 Gatesbury Drive
25 St. Louis, MO 63128
(314) 974-1199

1 CHAIRMAN ROVAK: Planning and Zoning Commission
2 Meeting is called to order for Monday, May 16, 2022.

3 Begin with roll call.

4 Ms. Hall is absent.

5 Mr. Potashnick?

6 MR. POTASHNICK: Aye. Here.

7 CHAIRMAN ROVAK: Ms. LaBonte?

8 MS. LABONTE: Here.

9 CHAIRMAN ROVAK: Mr. Wang?

10 MR. WANG: Here.

11 CHAIRMAN ROVAK: Ms. O'Brien?

12 MS. O'BRIEN: Here.

13 CHAIRMAN ROVAK: And Mr. Buelter?

14 MR. BUELTER: Here.

15 CHAIRMAN ROVAK: Mr. Lumley --

16 MR. LUMLEY: Here.

17 CHAIRMAN ROVAK: -- City Attorney?

18 Mr. Jaggi, Director of Community Development?

19 MR. JAGGI: Here.

20 CHAIRMAN ROVAK: Ms. Moore, City Planner?

21 MS. MOORE: Here.

22 CHAIRMAN ROVAK: Megan Waller, Administrative
23 Assistant/Recording Secretary?

24 MS. WALLER: Here.

25 CHAIRMAN ROVAK: Okay.

1 Got everybody. Ready to go. Okay.

2 Okay. Our next item is Application 22-008:

3 Text amendment to conditional uses, Section 405.470.A.14
4 food services and drinking places with drive-through
5 services.

6 MR. JAGGI: Sometimes technology works for you.
7 Good evening.

8 THE COURT REPORTER: Do I need to swear you in,
9 Jason?

10 MR. JAGGI: Yes. Thank you. Thank you for the
11 reminder.

12 And anybody else who -- who may want to speak.
13 Thank you.

14 (Jason Jaggi was sworn in by the court
15 reporter.)

16 MR. JAGGI: Anybody else plans to speak on this
17 item, you -- you --

18 VOICE: Yes.

19 MR. JAGGI: -- need to be sworn in. Anyone else
20 who wants to make comments this evening.

21 (Linda Rezny was sworn in by the court
22 reporter.)

23 MR. JAGGI: Thank you.

24 Good evening. Jason Jaggi, Director of
25 Community Development with the City of Creve Coeur.

1 This is the public hearing for the drive-through
2 text amendments. This has been a topic that we've
3 discussed in work sessions for the last several months and
4 also with the City Council.

5 And so tonight we have the formal amendments in
6 front of you.

7 But I will start off by saying, there's no
8 suggestion that you make a recommendation or a vote on
9 this item this evening. We'd like to keep the public
10 hearing open to see if there may be some additional
11 comments that might be coming forward in the next few
12 weeks.

13 So, with that in mind, I'll go ahead and start
14 my presentation, and then please stop me along the way if
15 there is any questions.

16 So, again, this is the public hearing, and
17 it's -- involves Section 405.470.A.14 that is the section
18 of the ordinance that pertains to conditional uses, and,
19 specifically, conditional uses for restaurants with
20 drive-through facilities.

21 Let's see here. Jump to the next one.

22 So just a little bit of background on this. You
23 all may be familiar with it, but I know we have a couple
24 new members who haven't been involved since we started
25 looking at this several months ago.

1 The current drive-through ordinance was adopted
2 by the City Council in 2014. It was in response to a
3 request for the Panera or St. Louis Bread Company
4 drive-through on North New Ballas. That really what's
5 kind of leading into the city's review of the ordinance at
6 that time.

7 And before 2014, the city did not have a lot of
8 regulations for drive-through restaurants except for the
9 minimum site sizes had to be 3 acres. And the feeling is
10 that that -- that ordinance requirement, in and of itself,
11 contributed greatly to limiting the amount of
12 drive-through restaurants that we have in Creve Coeur.

13 So before 2014, we had one in the city, and
14 that's McDonald's by City Place. Other than that we
15 didn't have any drive-through restaurants.

16 So 2014, we kind of opened it up a little bit,
17 based on a lot of discussion at that time.

18 But with that became a -- came a trade-off. So
19 we -- we took -- we reduced the 2 acre -- or 3 acre
20 requirement down to 2 for certain applications of
21 drive-through restaurants, and then added a lot of
22 performance criteria, a lot of conditions that had to be
23 satisfied in order to even request it, and to have it be
24 reviewed by P&Z and ultimately City Council.

25 I would just mention, just looking at some of

1 the history, I did come across, from 2011, there was
2 actually was a text amendment that was submitted, I
3 believe, by a -- an applicant, not the city, to reduce the
4 site size down to a half acre, but to also implement a
5 separation requirement.

6 So the site size could be less, but then there
7 was a separation requirement built into it. That was
8 withdrawn. That did not proceed.

9 So, a lot of history for the drive-throughs in
10 Creve Coeur, is -- is, I guess, the summary of all this.

11 So what we have today is currently three
12 restaurants with drive-throughs: We have McDonald's at
13 City Place, I mentioned; the St. Louis Bread Company on
14 North New Ballas, and then we have the Panda Express,
15 which came in, probably about maybe 2000 -- going off the
16 top of my head -- maybe 2017, somewhere around there.
17 That's our newest one there at Creve Coeur Pavilion.

18 So why are we looking at drive-through
19 restaurant ordinance requirements? Few things here. The
20 existing ordinance that we have is now approaching eight
21 years old. There's continued demand for these uses in
22 Creve Coeur. So we get a lot of inquiries in terms of
23 hey, you know, this is a market for drive-through
24 restaurants, what are your rules on them.

25 And so we have to go through a lot of -- a lot

1 of meetings to at least describe the rules, and then what
2 we find out is a lot of -- a lot of the requests we get,
3 there's some provision of this ordinance that just doesn't
4 fit that is problematic.

5 So, these are kind of the things that we've
6 heard over the years.

7 And, also, COVID-19, I think, and just in
8 general, consumer preferences still are kind of demanding
9 these uses, but, of course, there's a balance to this as
10 well. And we recognize that, and that's how we kind of
11 went into these amendments.

12 So my -- my take on this is that some of these
13 provisions are -- are really unnecessary. I don't think
14 they really offer or bring a lot of value to the city. I
15 think there -- they could be viewed as a little bit
16 cumbersome. And what we're getting in return may not
17 really be what we wanted.

18 Certainly, difficult to administer and to comply
19 with all those regulations too, when we package it
20 altogether.

21 And, again, it may not be producing the
22 desirable results that we -- we want. You know, the Panda
23 Express, I mentioned that earlier, you know, that layout
24 is reflective of the ordinance that we have here, not
25 exclusively, but a lot of it was driven because of the

1 regulations we have in place now with some of the
2 irregular movements with the service windows and so forth.

3 So, I think all of these together, we all agreed
4 we'd discuss it at the joint work session held with City
5 Council between Planning and Zoning Commission and the
6 City Council back in December. We all agreed that this
7 should be a priority that we look at for 2022, so that
8 kind of set us off in this direction.

9 And then we had two work sessions where staff
10 has presented some suggested revisions. We've talked
11 about that, we made some changes along the way,
12 February 7th and March 7th.

13 And then last April, the 22nd, I also presented
14 in front of the City Council, just to give them an update
15 on kind of where we're at in terms of the -- the nature of
16 the amendments prior to scheduling tonight's meeting.

17 So, we've done some legwork. We've had some
18 work sessions, certainly, on all of it. But I wanted to
19 make sure everybody kind of understood the background,
20 especially for the new members that -- that weren't here.

21 So, whenever we look at text amendments,
22 whenever we look at rezonings, a lot of our applications
23 we always look at the Comprehensive Plan. And the
24 Comprehensive Plan, just as a reminder, it's a high-level
25 city-wide planning document that covers all commercial

1 districts in the city.

2 There are certain place-types specific to each
3 commercial area and even residential in the city, but it
4 does not, at the end of the day, ultimately address
5 drive-through restaurants in terms of you should do this,
6 you should not, things like that. It just doesn't address
7 it.

8 So, this amendment also does not propose to
9 really -- we already allow this in Commercial Districts
10 and applies to all areas of Commercial, Light Industrial,
11 so these regulations are not specific to certain areas of
12 the city, it would -- it would apply to all.

13 So what I did was I really looked at, well, what
14 are the overall objectives and standards and strategies,
15 rather, for the Comprehensive Plan. And these are the
16 ones that I'm highlighting for you.

17 So the need to emphasize pedestrian
18 accessibility, walkability within a mix of uses and
19 high-quality design, that's a strategy you can see in
20 these different sections of the plan.

21 Recognizes the need to be responsive to consumer
22 changes and preferences. And then, of course, to mitigate
23 any impacts of non-residential uses such as lighting,
24 noise, and trash on adjacent residential uses and protect
25 residential areas from negative encroachment with

1 non-residential uses.

2 So, these are kind of the backbone, if you will,
3 in terms of the approach and moving forward with these
4 suggested amendments.

5 You know, I would say that if we didn't have any
6 regulation at all, I think the Comprehensive Plan would
7 certainly kind of say, hey, you know, you need some
8 balance here. We don't want all -- all of Olive to become
9 drive-through restaurants. I don't think that's what any
10 of us intended to do, and I'm certainly not proposing that
11 as well. But I do think some areas we should be looking
12 at and maybe it might be a little bit too restrictive,
13 and -- and the approach here is to balance all of these
14 kind of objectives into the ordinance, so I hope that
15 comes through when I go through it tonight.

16 So moving on, just to give you -- I thought a
17 lot about, well, how -- how should this information be
18 presented, and this is the format that I came up with.

19 So, right now, I -- what I'm going to do is I'm
20 going to go through these, and I'm just going to show you
21 what the existing is and what's changed. Just kind of a
22 summary.

23 You have the attachment that's in the packet
24 that -- that's the redline, but I feel like this,
25 hopefully, is a little more easier to -- to read and

1 comprehend versus the specific language. So, I did kind
2 of summarize this and, certainly, will take any questions
3 if you want specific information.

4 So, currently, this is just an overview, they're
5 allowed in our Mixed Use District, General Commercial,
6 Core Business, Planned Office, Planned Commercial and
7 Light Industrial. This is what's on -- in the ordinance
8 now. This is not being proposed to change. So these are
9 all the different zoning districts that would allow a
10 conditional use permit for drive-through restaurant. No
11 change to that.

12 It still maintains the two separate standards.
13 So there are different standards if -- if the site is
14 adjacent to residential, and there are different standards
15 if the site is not adjacent to residential, with,
16 obviously, more protections built in for any proposal
17 that's adjacent to residential because of the sensitivity
18 of the -- of the two different languages.

19 The focus, really, though, is on site design
20 standards. Minimum size of buildings and seatings are --
21 seating is something that is looked at in the amendments;
22 location of service windows and menu boards; the location
23 of the stacking lanes; landscaping and screening
24 requirements. These are a lot of the things that are --
25 that are the focus of the amendments, and then, also, some

1 other clarification and certain -- a few other items
2 within it.

3 So, just to start out here with -- so that's
4 kind of the overview. This is the residential, so this --
5 just keep this in mind as we go through this section.

6 These are the regulations for drive-through
7 restaurants that are adjacent to residential uses. Okay.
8 This is what -- this is what applies.

9 So the minimum site size is 2 acres, and that's
10 not proposed to change.

11 You're limited to one restaurant with no more
12 than two service windows, two order facilities and two
13 stacking lanes. That's not changing.

14 Must be located on -- on the rear or one end of
15 a multi-tenant retail building with a building frontage of
16 200 feet. No change, which this, effectively, eliminates
17 the ability to have a freestanding restaurant if you're
18 adjacent to residential. So that is a significant
19 limitation of the ordinance today, and that is not
20 proposed to be changed. And it also must be a
21 multi-tenant retail building. So the best illustrated
22 example of that would be the Bread Company, which was kind
23 of the driver for this regulation. So that's not really
24 being proposed -- that's not a proposed change.

25 The drive-through order facility and service

1 window on or adjacent to a wall not facing a street,
2 unless otherwise approved, screened from ground floor of
3 the adjacent residences within 200 -- 200 feet of the
4 facility by a solid barrier or topographic change.

5 What has been suggested for modification is that
6 the prohibition of window through -- drive-through windows
7 or order facilities being adjacent to a primary street.

8 So, we would allow, with this change, we would
9 allow them to be placed on secondary streets, but with
10 landscape screening in front of them adjacent to the
11 street.

12 So, I think that gives a little bit more
13 flexibility to -- for some site layouts, but also
14 recognizes the need, you know, to add some additional
15 landscaping along the street frontage when those are
16 present.

17 So, when we talk about primary streets, we're
18 talking about, you know, Olive, obviously, you know,
19 Ballas North -- you know, Ballas Road. The main streets,
20 you would not be able to have a -- a drive-through menu
21 board, speaker system or window adjacent to those streets.
22 They could be allowed though on side streets or secondary
23 streets, but not the primary street, okay. So that's --
24 that's the distinction there.

25 Drive-through restaurants must be a minimum of

1 2400 square feet in size, 55 indoor seats. I mentioned
2 this during the work sessions. This has been eliminated
3 because I'm not sure that it's very applicable because we
4 already have the multi-tenant building requirement. So if
5 it's a multi-tenant building, it would be one tenant space
6 within that multi-tenant building, and so I don't know
7 that it's critical that we dictate what size that tenant
8 space has to be and how many seats are in it.

9 So, that has been revised to eliminate the --
10 the minimum size of the restaurant in that multi-tenant
11 building, as well as to eliminate any fixed number of, you
12 know, minimum seating requirements.

13 Additionally, it's proposed, again, to encourage
14 outdoor dining, these are things in our Comprehensive Plan
15 that we want to try to do.

16 And as an incentive, any unenclosed outdoor
17 dining would be exempt from providing off-street parking.
18 So currently that is one space per eight seats.

19 If you remember the application we just had, we
20 had to apply that.

21 But I think to incentivize outdoor dining and
22 create some more vibrancy in our commercial areas, this is
23 an area that we could probably say, you know, that's no
24 longer required.

25 My experience has been that not -- most of our

1 restaurants don't fill up inside and out, and the parking
2 is not going to be really a strong issue, and it just
3 provides a little more of an incentive to a restaurant
4 owner to not have to worry about providing additional
5 off-street parking when we have restaurants in
6 multi-tenant buildings.

7 MR. BUELTER: One quick question.

8 MR. JAGGI: Yes, sir.

9 MR. BUELTER: The new guy, so.

10 MR. JAGGI: Yeah, please.

11 MR. BUELTER: On -- have we ever had any
12 complaints about parking at any restaurant somewhere with
13 something that nobody just can't fit?

14 I mean Bristol's kind of car packed --

15 MR. JAGGI: Right.

16 MR. BUELTER: -- from time to time, but just --
17 I didn't know if there was any other complaints that might
18 drive some of this logic.

19 MR. JAGGI: No. To answer your question, no.

20 However, we still require conditional use
21 permits, and we still will check parking.

22 MR. BUELTER: Okay.

23 MR. JAGGI: So that is a -- that's a key
24 component, really, of a conditional use process when it
25 comes to many -- any conditional use, but in particular

1 restaurants.

2 MR. BUELTER: Okay.

3 MR. JAGGI: Because they do, you know, there
4 is -- there is a limited amount of parking. And one thing
5 trends over the years that we've talked about is, you
6 know, the more restaurants that fill up our shopping
7 centers, the more parking demand there is.

8 And so we're cognizant of that, but that is
9 something that we check. So I don't see that this is any
10 different. It just -- we had an additional requirement,
11 you know, that you have to provide a little more parking
12 when you have outdoor seating.

13 But I really look at outdoor seating, especially
14 how we're trying to approach it here, it's more seasonal.
15 It's not the same as interior, you know, year round space.
16 And I think it's just a way to help kind of promote --
17 promote that a little bit.

18 MR. BUELTER: Okay. Thank you.

19 MS. LABONTE: Have we gotten feedback from the
20 residents by Bread Co on how that's gone?

21 MR. JAGGI: So, we -- when the restaurant first
22 opened, we did get a couple comments. But we have not
23 received any since.

24 And you can see the multiple layers that are
25 here to protect the residents for these types of

1 restaurants that are adjacent to residential. And I'm not
2 even finished with the list, there's more, you know.

3 But I think we did initially, but it really died
4 down and we didn't get a lot of comments afterward.

5 MR. POTASHNICK: That was most expensive
6 drive-through restaurant ever installed in Creve Coeur or
7 probably in the region --

8 MR. JAGGI: Yeah.

9 MR. POTASHNICK: -- so.

10 MR. JAGGI: And I -- you know, I think that's a
11 question for the Commission too, is something that was
12 brought up at Council is, you know, even with all of these
13 requirements, you know, and we're -- we're trying to be
14 open and transparent with this, is, you know, at the end
15 of the day will -- you know, is that still going to be
16 acceptable to have a drive-through next to residential,
17 and I got some -- I have some pictures that I want to show
18 you of sites that would seem to be eligible candidates for
19 this just to kind of show you that.

20 So, I mean that's the expectation, is that, you
21 know, if these items are met, they should be in a
22 position, you know, unless there's something else going
23 on, you know, to -- they're meeting their requirements,
24 so.

25 But if we don't think that's a -- if we think

1 that's a problem, you know, now is the time, you know, we
2 could say, and I believe the City of Des Peres says that,
3 no drive-through restaurants or gas, you know, certain
4 uses, I think drive-throughs might be one of them where
5 they're not allowed adjacent to residential, so they're
6 just not allowed.

7 But this has a lot of layers to it, I don't know
8 that we're there yet to say that.

9 CHAIRMAN ROVAK: You had made a comment on
10 dropping the 400 -- 1400 square foot requirement --

11 MR. JAGGI: 2400.

12 CHAIRMAN ROVAK: -- and when you did, you --

13 MR. JAGGI: Yeah.

14 CHAIRMAN ROVAK: -- you said alongside of
15 because these are going to be in a strip center -- most
16 likely to be in a strip center. Was the rationale there
17 because it might be redundant, is that pretty much the
18 minimum that you see on a storefront in a -- in a strip
19 center or --

20 MR. JAGGI: I guess the way I see it --

21 CHAIRMAN ROVAK: -- is that different item?

22 MR. JAGGI: The way I see it is if you're only
23 allowed one, and it has to be behind -- behind the
24 stacking line and everything has to be behind it --

25 CHAIRMAN ROVAK: Uh-huh.

1 MR. JAGGI: -- but we're saying the
2 drive-through, the service window and things can be on the
3 side, but it has to be screened, I don't know why -- why
4 it's necessary to say you have to have a certain amount of
5 seating when it's a tenant space within a multi-tenant
6 building.

7 CHAIRMAN ROVAK: Okay.

8 MR. JAGGI: It doesn't seem to -- why do we care
9 if they have twenty seats in there? They can only have
10 one. I mean I think we're maybe trying to promote certain
11 types of restaurants.

12 CHAIRMAN ROVAK: Uh-huh.

13 MR. JAGGI: But, again, I'm not sure why -- I'm
14 not sure why --

15 CHAIRMAN ROVAK: Okay. I just --

16 MR. JAGGI: -- it would continue --

17 CHAIRMAN ROVAK: -- want to make sure I
18 understood the rationale --

19 MR. JAGGI: Yeah.

20 CHAIRMAN ROVAK: -- originally and of dropping
21 it.

22 MR. JAGGI: So you, you know, under that
23 scenario, you could have like an Imo's --

24 CHAIRMAN ROVAK: Uh-huh.

25 MR. JAGGI: -- be a tenant, you know, and they

1 typically don't have many indoor seats. They have some.

2 CHAIRMAN ROVAK: Right.

3 MR. JAGGI: But then that would be the one that
4 -- the one drive-through that's allowed for that -- for
5 that building --

6 CHAIRMAN ROVAK: Thank you.

7 MR. JAGGI: -- you know.

8 Okay. Moving on here.

9 So the drive-through order facility and service
10 window, and, again, just so everybody understands, order
11 facility is like the speaker and the menu board. That's
12 the order facility. The service window is, obviously,
13 where you pick up the food.

14 No change. It can't be any closer than 50 feet
15 from any residential use. No change there.

16 We have criteria for the stacking lane, which
17 equals about ten cars, that they have to show at least
18 that amount, and with an escape route. So if you're in
19 the -- in the queue, change your mind, something happens,
20 there's a way for you to get out of that queue, you're not
21 just locked in. Okay. So that would -- that would
22 still -- no changes there.

23 Stacking lane minimum of 50 feet to the nearest
24 point of the property line. I think that's, again, to try
25 to avoid conflicts with cars backing up on to a roadway;

1 that they need to be separated out from the property line.
2 No change to that.

3 And then this is a -- a more significant change
4 where this designated stacking lane cannot cross between
5 the building and the principal street frontage. That's
6 what it says now. I don't know that this is going to come
7 into play very much with the scenario where this is a
8 multi-tenant building and -- and it requires you --
9 requires the stacking lane to be behind it anyway. I
10 suppose it's possible. But I think, in general, we would
11 want to allow -- the change would be to be a little less
12 restrictive and to allow that to cross the building, the
13 stacking lane, not the facilities or the window, but the
14 lane that wraps around, that could cross the primary
15 street, but we would ask for additional landscaping, you
16 know, or berming or things like that to help screen some
17 of that from the street. So that -- that's a provision in
18 here.

19 These are other significant, again, significant
20 items that I don't know a lot of cities have, but we have
21 that and no changes are proposed where you have to have a
22 traffic study, so that's a traffic engineer has to submit
23 a report that demonstrates that the internal circulation
24 is sufficient for the proposed drive-through, and that
25 there will be no off-street impacts, or that those impacts

1 will be mitigated in some form or fashion. So that is
2 still a requirement there.

3 And then they're required to utilize automatic
4 volume control, so that, again, hopefully, cuts down on
5 the -- the idea of the speakers being too loud. No
6 change.

7 And then an acoustical study is required. That
8 would verify that the order facility and service window
9 will not produce sounds exceeding that decibel limit at
10 the property line for adjacent residential uses. So a lot
11 of protections are still in here, and they're not proposed
12 to change for these uses abutting residential.

13 But I think the central question, again, that I
14 want to make sure we talk about is even with this, you
15 know, would -- is there any reason that we would want to
16 just prohibit them adjacent to residential.

17 So just think about that a little bit, cause now
18 is the -- now is the time to look at some of this.

19 If there's no questions on the regulations, I
20 will just kind of show you -- now, please keep in mind
21 this is --

22 MR. POTASHNICK: Separate question.

23 MR. JAGGI: Yes, sir.

24 MR. POTASHNICK: What do you think the chances
25 of there being another drive-through restaurant in Creve

1 Coeur in the next five years with -- based upon --

2 MR. JAGGI: I would say there's a lot of
3 interest, and there are some sites that we have talked
4 about over the years that would seem to be decent
5 candidates for it.

6 MR. POTASHNICK: What sites would those be?

7 MR. JAGGI: I'll -- I'll show you some.

8 MR. POTASHNICK: Thank you.

9 MR. JAGGI: So this is -- this is the QT site,
10 as we all know, is in litigation. The -- I'm pointing
11 this out, is that, you know, if that does not move
12 forward, this would be a site that would be eligible for
13 one, okay, because it's got the frontage here, and it --
14 and it -- it's a development here, you know, you could --
15 there could potentially be one on the corner. I think it
16 would meet a lot of these requirements I've talked about.
17 So I wanted to show that.

18 This one is -- so I think this is -- this would
19 be more -- more feasible for this, for this type of use.
20 This is, technically, could have one, I think, but it's
21 not very practical.

22 And this is the shopping center. This is 270,
23 and it's just west of 270 on Olive. I think Cantor Law,
24 if you're familiar with that.

25 MR. POTASHNICK: Yes.

1 MR. JAGGI: There's a pizza place in here. That
2 bowl or strip building. It's adjacent to residential. It
3 has a -- I don't think that it's very practical, but
4 possibly, theoretically, this could maybe have one, but,
5 again, I don't think it's very practical.

6 This one here is -- so we have Tempo right here
7 and Olive. This is Cold Stone Creamery and Imo's is in
8 here. You know this building? Everybody familiar with
9 this? Okay.

10 You know, this would meet -- this would meet the
11 size requirements multi-tenant building where you could
12 potentially have one come in the back. Again, this would
13 require a lot of site modifications to have this. It
14 would knock out a lot of parking, but it's possible that
15 you could have it on this -- on this site here.

16 Now, this is attached residential. This is
17 multi-family back here, but our ordinance says adjacent
18 residential. It does not distinguish between multi-family
19 rental, single-family, it just says adjacent residential.
20 So they're all treated the same.

21 So that -- this is one that, again, is possible,
22 but would have to have a lot of site changes, and it may
23 have practical difficulty with it.

24 And then this is the -- the site here, which is
25 Shoppes at Questover. And, again, you have adjacent

1 residential in this little area here. I see a lot of
2 challenges from a practical standpoint with trying to put
3 in a drive-through, but this -- this would qualify with
4 meeting some of the minimum requirements in terms of
5 eligibility right here.

6 And, really, I looked today, this afternoon,
7 these are the sites that jump out to me, really, on the
8 ones that are adjacent to residential that could possibly
9 have one. But I think the key message here is that my
10 belief is that it's very limited, even with the proposed
11 changes, we wouldn't be able to have a proposal adjacent
12 to residential.

13 Now, I also want to be clear that it doesn't
14 prohibit a redevelopment that would have a building
15 meeting those requirements, and then the new restaurant
16 would come in as part of that, that's not built today. So
17 that, you know, this would apply under any scenario. They
18 don't have to just go into this building, they could build
19 something new, and then -- and then meet this requirement
20 and propose a conditional use in a new building with a
21 restaurant and drive-through as part of it.

22 So that's unknown. I don't have any --
23 nothing's pending for that adjacent residential.

24 I hope that helps give you at least a little bit
25 of an example. It's hard to tell you with 100 percent

1 certainty, yes, this could meet it, that can't. There's
2 just so many variables to be able to tell you that. But
3 at least this gives you a little bit of an idea of what
4 we're talking about in the scope of for adjacent to
5 residential.

6 And if there's no more questions, I'll keep
7 going.

8 MS. LABONTE: Yeah, I was --

9 CHAIRMAN ROVAK: Yes.

10 MS. LABONTE: -- there was an article in the
11 Wall Street Journal last month that I was going to send to
12 everybody, but it was about drive-throughs and
13 residential, and it was specifically talking about
14 Chick-fil-A, that just how long lines and long queuing
15 coming off into residential neighborhoods, and it's just
16 really not gone well, right, so I think the traffic study
17 or the queuing or -- is definitely something to work
18 through in residential --

19 MR. JAGGI: And I think --

20 MS. LABONTE: -- cause it's all over the place
21 problems for -- for them right now.

22 MR. JAGGI: Yeah, and I think this is -- this is
23 why we have that in there.

24 MS. LABONTE: Yeah.

25 MR. JAGGI: But, you know, I think there are

1 certain -- certain restaurant drive-through uses. This
2 doesn't, you know, it could be Burger King; it could be
3 Chick-fil-A, you know, we can't dictate that.

4 MS. LABONTE: Right.

5 MR. JAGGI: But, you know, we all know the ones
6 that are more problematic than others. The Burger King --

7 MS. LABONTE: Well --

8 MR. JAGGI: -- typically don't have the
9 problems, but the Chick-fil-As --

10 MS. LABONTE: Right. Right.

11 MR. JAGGI: -- and the Starbucks do.

12 MS. LABONTE: Based upon -- yeah --

13 MR. JAGGI: Uh-huh.

14 MS. LABONTE: -- have popularity.

15 MR. JAGGI: Right. I think Cane's -- I've seen
16 Canes around that are very busy as well.

17 MS. LABONTE: Yeah.

18 MR. JAGGI: So right now the chicken --
19 chicken --

20 MS. LABONTE: Yeah. Yeah.

21 MR. JAGGI: -- restaurants are pretty popular.

22 But, yeah, I mean, certainly, I think that's why
23 that's in there --

24 MS. LABONTE: Yeah.

25 MR. JAGGI: -- to try to understand that more.

1 I will say that the Chick-fil-As that I've been
2 to, they seem to manage them pretty well, but they get a
3 lot of volume, and -- and if we do have a Chick-fil-A
4 proposal, I think we're all going to be very attuned to.

5 MS. LABONTE: Yeah, I don't know any that are --
6 I mean all the ones that I go to are not by residential,
7 right, so --

8 MR. JAGGI: Right.

9 MS. LABONTE: -- I don't know. This was in --

10 MR. JAGGI: There was one in California that I
11 saw.

12 MS. LABONTE: Yeah, these were Santa Barbara --

13 MR. JAGGI: Yeah.

14 MS. LABONTE: -- that they were.

15 MR. JAGGI: And if that's the same one, I think
16 the city was taking action against it as a nuisance.

17 MS. LABONTE: Yes. Well, yeah, definitely the
18 residents.

19 But they're saying that Toledo, Ohio and
20 Beaumont, Texas also filed lawsuits over the mushrooming
21 drive-through queues --

22 MR. JAGGI: Okay.

23 MS. LABONTE: -- so.

24 MR. JAGGI: Yeah.

25 It'd be interesting to see what type of

1 regulations they have, if they're anywhere close to these.

2 MS. LABONTE: It would be interesting --

3 MR. JAGGI: Yeah.

4 MS. LABONTE: -- to look at that.

5 MR. JAGGI: And if you have that list, I will
6 certainly look into that.

7 MS. LABONTE: Yeah, I'll send you this article.

8 MR. JAGGI: Okay.

9 MS. LABONTE: I meant to send it when I saw it.

10 MR. JAGGI: Uh-huh.

11 MR. WANG: Jason --

12 MR. JAGGI: Yes.

13 MR. WANG: -- how about, years ago it was
14 rumored that, you know, where the Walgreens was, the
15 St. Vincent's, that that was -- I think that was
16 Chick-fil-A was -- how would that have been?

17 MR. JAGGI: There's a development called The
18 Ones. I don't know if that's the one you're thinking of
19 where there were like three separate individual
20 drive-through buildings. Never proposed for that site.
21 This is going back several years.

22 MR. WANG: Yeah.

23 MR. JAGGI: I believe that amendment in 2011
24 might have been --

25 MR. WANG: That was --

1 MR. JAGGI: -- associated with that.

2 MR. WANG: It was associated with that, yeah.

3 MR. JAGGI: That's -- that would not be allowed.

4 Okay.

5 Okay. Keep moving here.

6 So now we're going to switch gears, and we're
7 going to talk about these that are adjacent to
8 non-residential, and I think this is really the focus of
9 some of the changes, because we understand the protections
10 for residential, you know, that we don't want to loosen
11 that up very much because just a lot of the conflicts that
12 are inherent with that.

13 But this one, so what we have here is minimum
14 site size is different. It's for 3 acres, and it can be
15 one or more lots in a coordinated development with shared
16 access with two or more buildings, one of which has a
17 minimum building frontage of 200 feet, so that's the width
18 of the building. And the building shall be designed with
19 similar materials and design elements esthetically
20 complimentary to one another.

21 That is the existing regulation. What's -- the
22 amendment before you would propose to change that to say
23 two buildings, which would include the proposed
24 drive-through.

25 So, it's somewhat of an interpretation in terms

1 of how it's applied, but I think it needs to be clarified
2 because this has come up, oh, does that mean, you know,
3 you have to have two existing buildings, and then this
4 would be the third, or does this mean, no, the
5 drive-through would be the second building, and you only
6 have to have one.

7 This clarifies and says two buildings, and one
8 of those two would include the drive-through restaurant.
9 Okay. So that -- that's in the ordinance. And then it
10 has been simplified and reduced the minimum frontage
11 requirement for one of those buildings to be 150 feet in
12 width. And right now the code has some exemptions or
13 clarification where it says you can have an arcade; you
14 can have a pass-through; it just gets, I think, a little
15 overly complex.

16 And, in my mind, from a user standpoint and
17 conferring with folks, if we just simplify that and maybe
18 if we go with the 150, we shorten it, but we don't allow,
19 you know, 150. We're not going to go, oh, if you have a
20 passageway, or if there's an arcade, you know, 150 feet.
21 That's -- that's the standard.

22 And some of the reasoning behind this is that,
23 you know, drive-through restaurants, I think, are getting
24 a little smaller. I think that's the trend is they're
25 moving a little smaller, and I think this ordinance tries

1 to address that.

2 So, another thing that I would point out is we
3 can also look at a square footage requirement. So instead
4 of having a frontage requirement, we could say the
5 building has to be at least 5,000 square feet, and then
6 you can get one.

7 So there's just different units of measurement
8 on it. But I think what we have now is -- is it's 200
9 feet. It meets the one application that this was kind of
10 measured against, but it's not transferable to a lot of
11 other properties, and I've seen buildings that, you know,
12 not in Creve Coeur, but in other areas, that, you know,
13 they -- if there was a drive-through as part of that, it
14 wouldn't seem to be that -- that big of a difference, but.

15 So then the next thing here is the order
16 facility and service window cannot face the street unless
17 otherwise approved. What has changed here is that the
18 struggle was this, unless otherwise approved, so that's
19 very vague. Does that mean you can or you can't, or does
20 that mean, yes, you can, but then you have to do this, so
21 I think just to simplify it, we can just say, okay, you
22 can't have any of these things on the primary street, but
23 you can on secondary streets, and they have to be screened
24 and landscaped, just like the -- the -- the other one
25 adjacent to residential, so.

1 MS. LABONTE: And do we have defined somewhere,
2 really like really written down what a primary street is
3 versus secondary?

4 MR. JAGGI: We do. So the current ordinance
5 says principal frontage, so it has a similar theme on some
6 of the regulations. We do. There's a street
7 classification system that we have --

8 MS. LABONTE: Okay.

9 MR. JAGGI: -- that East/West Gateway utilized
10 in terms of arterial.

11 Our Comprehensive Plan also on part of the
12 street frontage plan lays out those streets as well. So
13 we do have that, but that's something that we can --

14 MS. LABONTE: Yeah, I think it might be
15 better --

16 MR. JAGGI: -- we can look at.

17 MS. LABONTE: -- just to be really --

18 MR. JAGGI: Yeah.

19 MS. LABONTE: -- very transparent about --

20 MR. JAGGI: Uh-huh.

21 MS. LABONTE: -- what it is.

22 MR. JAGGI: Yeah. We will -- we'll look at that
23 a little bit more (inaudible).

24 Moving on here. So then it says ordinance, now,
25 again, this is adjacent to non-residential, drive-through

1 restaurant to have pedestrian oriented landscape adjacent
2 to the building equal to 50 percent of the floor area of
3 the building. That is very specific. And that has been
4 changed to eliminate that specific percentage, but still
5 require landscaping and pedestrian oriented features, and
6 then we list examples of that. It's not inclusive, but
7 there could be others, but just to kind of illustrate the
8 point. That would include landscaping adjacent to the
9 building. It would also include outdoor seating areas and
10 pedestrian connections throughout the site.

11 So we're giving some examples of what that
12 actually entails. But if an applicant came before us and
13 said, well, I've got this, you know, that could be
14 considered as well.

15 But we moving away from that 50 percent hard
16 number because that doesn't give you a lot of flexibility,
17 and it's not easily transferable sometimes from sites to
18 sites. So that's how we modified that.

19 And then there's another provision that says if
20 a drive-through is freestanding provide 8-foot wide
21 planting strip on two sides of the building, that has been
22 eliminated because the feeling is it's already covered up
23 here, and we usually don't get that specific when we --
24 when we regulate site plans like that, so, that has been
25 eliminated.

1 Yes, sir.

2 CHAIRMAN ROVAK: You mentioned that -- well,
3 you -- you transitioned first to frontage, and then say we
4 might consider square foot?

5 MR. JAGGI: Yes.

6 CHAIRMAN ROVAK: But you said the applications
7 have been getting smaller, are we finding this because
8 they're tending away from certain amount of dine in, and
9 they're trying to really do just carry out and, you know,
10 maximize carry out and drive-through, and really minimize
11 their dine in?

12 MR. JAGGI: That's what we've seen. And that's
13 my understanding of the industry; how they're looking at
14 drive-throughs moving forward, is that when you have a
15 drive-through restaurant, they're emphasizing the
16 drive-through more than the in -- indoor dining.

17 I -- I would have concerns with us just
18 eliminating that because I've seen some other cities where
19 they're almost like little kiosks. They're almost
20 outbuildings that have a drive-through coffee shop or snow
21 cone or something, and I don't know that that's a
22 direction we want to move in. I think we still want, you
23 know, some minimum standards, but I don't -- I'm not so
24 sure our restaurant -- I think our restaurant sizes are a
25 little big for -- for -- for what the industry is moving

1 toward.

2 CHAIRMAN ROVAK: Okay. So we might want to
3 quantify it, but not let it fall --

4 MR. JAGGI: I think so. I think we want to try
5 to come up with a reasonable number, and to me, that's a
6 little bit less than what we have.

7 I wouldn't say go any lower than 1500 square
8 feet, and we can, certainly, do a little more research for
9 some newer projects that are around the area, and show you
10 this is what a 1500 square foot building looks like; this
11 is what a 2400, so forth.

12 So, we can look at that a little bit more. But
13 I do want to -- I do think this is something that's -- and
14 you can --

15 CHAIRMAN ROVAK: In play.

16 MR. JAGGI: In play, yes.

17 Speaking of which, what we have right now is
18 we've reduced that to 2,000 square feet, and I realized
19 when I was going through the presentation, for some reason
20 the attachment where the draft -- the draft regulations,
21 it -- it left out No. 5, so we will correct that and bring
22 that back --

23 CHAIRMAN ROVAK: Okay.

24 MR. JAGGI: -- and that's on packet -- packet
25 page 43, if you're following along, you can see how it

1 goes from 3 to 4, and it skips No. 5. This is -- this is
2 supposed to be No. 5, so we'll get that corrected.

3 But what proposes, again, reduce it a little
4 bit. And like we've discussed, I think that's something
5 that's in play.

6 We've also, again, tried to simplify this area
7 here when it comes to service areas that are included, but
8 not limited to trash receptacles, compacters,
9 transformers, outdoor cooking, refrigeration, utility
10 connections, and so forth, that they're -- the ordinance
11 says now they're required for such elements are to appear
12 as a part of the building as much as possible.

13 I think, you know, our main interest is that any
14 of these areas are screened, like we would any other use.
15 That we want trash enclosures screened, but they don't
16 have to be adjacent to the building. In fact, they're
17 usually not. But some of these cooking areas are, so a
18 lot of the times in these restaurants you'll see a -- out
19 the back door, you'll see like an enclosed area where they
20 have some of these things, refrigeration, so forth. But I
21 don't think we need to be that specific. We could just
22 look at that as a part of the site plan. Main thing is
23 they have them enclosed. And that can be reviewed with
24 the site plan.

25 Stacking lane. No change. Same as the other

1 requirement next to residential. 50 feet nearest the
2 property line, no change there.

3 The stacking lane, we are changing that and
4 softening it up to say that they can cross between the
5 principal building and -- or the -- between the building
6 and the principal street frontage.

7 We would allow that, but we would also, again,
8 require that to be screened. And I would point to the
9 Panda Express as an example of that regulation, had a lot
10 to do with the layout of that building where you --
11 there's no lanes on any of these streets, but it creates a
12 little bit of an odd site plan.

13 So, this we would allow it to cross over in
14 front of the street, but you have to screen. Again,
15 that -- this allows more flexibility for -- for site
16 design.

17 Okay. And then these same things that we talked
18 about earlier, all these also would apply to
19 drive-throughs that abut non-residential; traffic study,
20 automatic volume control and then acoustical study as
21 well.

22 Examples. This one becomes a lot more difficult
23 to -- to say, you know, what sites could this apply to
24 because there's -- there, again, there's a lot of
25 variables. But just to give you an idea of what sites,

1 you know, would be candidates for this, that are maybe
2 more stronger candidates than the residential.

3 So here we have Olive, and we have Tempo, we
4 looked at this one that was adjacent to residential, this
5 site, this is the TGI Fridays; this is the Westgate
6 Shoppes here; this is an outbuilding, it's a -- it's a
7 building with, you know, shopping center, multi-tenant,
8 you know, that Fridays could be demo'ed and a
9 drive-through restaurant would go in here. And this
10 would -- this would comply. So, as you can see, you would
11 have, just to illustrate this, you could have the
12 drive-through come around the stacking lane, could be in
13 front here, but your order windows could be here; menu
14 boards could be on this side, but we wouldn't want any of
15 that in the front, but we would allow the stacking lane to
16 cross Olive with landscape.

17 If we don't have that, you can kind of see how
18 we run into problems with our ordinance where you don't
19 have -- where you're not allowing any of these to cross
20 the street. It creates a very odd site layout and becomes
21 really difficult to even propose.

22 So, I think what I'm suggesting is kind of a
23 nice middle ground, and recognizes the need to protect the
24 esthetics and so forth, but then kind of allows some site
25 flexibility there.

1 This is the shopping center where we have Aldi,
2 and we just have the -- the outdoor deck for the Mexican
3 restaurant here.

4 So, if you may recall, we have a substation that
5 was -- they did a land swap, Ameren did, and that was part
6 of the owner of the shopping center. You know, this could
7 be subject to a drive-through. There's been interest in
8 that here. And that would qualify because it's -- it's a
9 development with shared access and this building would --
10 would meet that multi-tenant.

11 MR. POTASHNICK: Got a very nice sprinkling
12 system too.

13 MR. JAGGI: Yeah. Have you been hit by it? I
14 remember that.

15 So, anyway, this -- this, though, is a very
16 tight site. I mean this is tight to meet any
17 drive-through separate of our ordinance, this is a very
18 tight site to have that, but that could be a possibility.

19 And then the other one here is -- is this is
20 where we have the Starbucks, and there is the bank, office
21 building here. This has been subject to, you know, it is
22 prime for redevelopment. And this could be something that
23 could meet the ordinance, but this would be more of a -- a
24 redevelopment-type situation. But here's Craig and Office
25 Parkway. Pei Wei's right here. This site here.

1 Those are really -- I -- there's other sites out
2 there, I'm sure, but it becomes difficult to -- to say
3 exactly yes or no, you know, without a lot of analysis.

4 But, anyway, just a summary here, I'll conclude
5 my remarks.

6 Proposed revisions continue to be restrict those
7 uses throughout the city. We're just kind of targeting
8 specific areas.

9 I would like some discussion regarding the size
10 of buildings and frontage requirements. Again, the
11 industry trend is for smaller buildings.

12 And then I do think my recommendation would be
13 to continue this public hearing, as well as this item, to
14 the next meeting, so we can solicit some additional input.

15 And I did notify about nine commercial property
16 entities, folks that are developers or they own
17 significant property in the city, and I advised them of
18 this amendment. I heard back from one that said, thank
19 you, they'll look at it and they'll -- they might provide
20 some comments for the next meeting.

21 But we do probably want to solicit a little more
22 input from our commercial property owners as well.

23 And then any other direction to staff, we'd
24 certainly like to hear that this evening, and we'll be
25 prepared to bring that back to you at the next meeting.

1 That concludes my remarks and happy --

2 CHAIRMAN ROVAK: Thank you.

3 MR. JAGGI: -- to answer any questions.

4 CHAIRMAN ROVAK: I guess, first, before we would
5 call for a motion to continue, I'd like to see what
6 comments might still be floating around or questions.

7 Anybody?

8 Oh, we have a speaker card. Okay.

9 Oh, Linda Rezny. We know you, but you still
10 have to state --

11 LINDA REZNY: I'm sorry?

12 CHAIRMAN ROVAK: -- your name and address.

13 LINDA REZNY: Yeah. Okay.

14 So I appreciate your comment about checking back
15 with people after something has already happened, and but
16 what happened in that case is that you're measuring the
17 people who continued to complain. Nobody went back and
18 asked, right?

19 And having dealt with people on a lot of issues,
20 not just these, I get. I already told them. They didn't
21 listen. Why should I complain any more. Okay.

22 So that if you don't actually go back and ask
23 people if they're happy and what could be done better next
24 time, you're not going to find out. Okay. There might
25 still be some (inaudible) show again either.

1 So, and if you want to have a hearing, I suggest
2 you put it in the newsletter. Okay. That's why I'm the
3 only person here probably.

4 Okay. Now, was appalled to hear that this would
5 apply to the QT because that's my corner. Okay.

6 And --

7 CHAIRMAN ROVAK: I'm sorry to interrupt you.

8 What I said, and maybe it sounded like as a
9 remark in passing, but, for the record, will you -- Linda,
10 will you state your name and your address --

11 LINDA REZNY: Address. I'm sorry. I'm sorry.

12 CHAIRMAN ROVAK: -- so we can get it in the
13 record.

14 LINDA REZNY: I'm sorry. Linda Resny, 104
15 Graeser Acres.

16 CHAIRMAN ROVAK: Okay. Continue.

17 LINDA REZNY: Okay. Okay. Okay.

18 Now, are there any hours in this for how -- how
19 long? No hours. Okay.

20 Why should this be next to residential at all?
21 Okay. You -- you would get so much less pushback if you
22 just said you couldn't do that.

23 And always nobody does this. There should be a
24 trashcan when you leave.

25 CHAIRMAN ROVAK: Be a trashcan.

1 LINDA REZNY: When you pull out of this place,
2 there should be a trashcan. Okay.

3 CHAIRMAN ROVAK: Oh.

4 LINDA REZNY: And the stuff doesn't end up --
5 while they're driving down my street, they threw it out
6 the window. This is what happens. This is what happens.
7 I can tell you all the places that people in my -- who
8 drive through my neighborhood do.

9 The idea of the wrap around, I'm going to use my
10 phone. Okay. So you've got a long building here, and
11 the -- the street's on this side, okay, so the street's on
12 this side, and you have to be driving past the building to
13 do your pick up going in this direction, right. Okay. So
14 you're driving past the building in this direction, if the
15 drive-through window is over here and you've got 190 feet,
16 what keeps this lane from -- from -- people from blocking
17 the rest of the entrances to all of these stores? I
18 think -- I think something has to be worked out for that.

19 I understand when you've got, basically, a
20 freestanding place, okay, that's a different situation,
21 but I think you should write in that this -- this line
22 shouldn't loop around in front of the entrances to the
23 other stores. Okay.

24 And another general problem with sound, they do
25 the sound thing for -- they measure it at noon when it's

1 noisy, okay, and -- and all the other noises are mixing in
2 with the noises that are coming from the restaurant, but
3 when somebody's going through the drive-through on a
4 summer night at eight o'clock and they're making the same
5 amount of noise, then you actually hear it. And I think
6 that should be a consideration whenever you're doing sound
7 studies.

8 Okay. And, yeah, Jason talked about the number
9 of tables. If you really want to have a place that's just
10 a drive-through, then no tables. But if you really want
11 to have a restaurant, then you really need to put some
12 tables in it.

13 But just some general things. If this was being
14 driven by COVID, okay, maybe it's not, but if this was
15 being driven by COVID, a lot of the COVID stuff is over,
16 it's a little late to try to provide drive-up for real
17 restaurants when people wanted to come and pick up food.

18 And so I would propose that there's two
19 different kinds of restaurants, maybe there's more, but
20 there's the -- the little place that's got a lot of
21 volume. Okay. And then there's a place where they're
22 really selling food, and they're selling an experience.
23 They're selling a whole meal. They don't have that kind
24 of volume, but some people are willing to take the food
25 home. Okay. Like I might be willing to take the food

1 home. You notice I was wearing my mask. Okay. This is
2 still required at my house because it will kill my
3 husband. I do not go to restaurants. Okay.

4 So that's sort of the low volume place. And
5 might they be allowed to have a window where they can only
6 have three cars, and it would just be a place where you
7 handed out food. Okay. So you don't have to send an
8 employee running outside in the snow to hand them
9 something on the parking lot. If -- if COVID things are
10 still a problem.

11 Okay. So, this and -- and -- and let me
12 reiterate. Not by residential. Okay.

13 So the not -- they -- they don't do it by
14 residential, but they -- not by residential
15 drive-throughs, if you say that there should be a 150 foot
16 building, and another building, isn't that sort of pushing
17 to have these little freestanding things that I thought
18 you didn't want to have, but maybe you changed your mind,
19 because by saying they have to be two buildings, then all
20 you need is a 150 foot building, and then you can put in a
21 freestanding thing. Didn't think you wanted freestanding
22 thing.

23 And then I'm a little concerned that even more
24 sites will become available just by, oh, we can do it, we
25 can do it, let's -- it's going to be easier to do, let's

1 just collect some more acreage so we got 3 acres, or,
2 let's see, who here remembers the Mobile? Okay. Okay.
3 Gene is shaking his head. Okay.

4 So they redid the Mobile. The Mobile could not
5 put the -- the carwash. They couldn't make the end of the
6 carwash face residential. Okay. And then they wanted to
7 not make it face the road, so they turned it to face an
8 extra lot, they chose not to use that belonged to them.
9 So it's not facing residential even though the next
10 building is residential, they just left a lot, which was
11 theirs, but they left it there, and so now it's not facing
12 residential.

13 Could similar things be done where you
14 deliberately leave a little piece of land around your
15 development to make it so that even though the next thing
16 is residential, it -- it actually doesn't abut residential
17 because you've left -- you've left yourself a buffer?
18 Okay.

19 And Jason said that that depended on how big of
20 a lot you're required to have in that kind of a situation,
21 but I didn't make him explain to me.

22 And I asked him for possibilities and then I --
23 when I wrote it today, and he did that. Thank you.

24 So, yes, I think -- I think that covers my. But
25 the biggest thing would be all my neighbors would say

1 don't let QT turn into -- into a -- it's bad enough that
2 all of these people, if we had QT, would be coming all day
3 and all night getting gas, but it's going to be an actual
4 literal drive-through restaurant, that's -- that's --
5 that's not going to fly in my neighborhood.

6 Thank you.

7 CHAIRMAN ROVAK: Thank you.

8 Do we have any others who wish to speak?

9 MR. JAGGI: Doesn't look like anybody else would
10 like to speak, but if there's any questions, I'd be happy
11 to answer?

12 CHAIRMAN ROVAK: Any other questions, otherwise
13 ask for a motion to continue this.

14 MR. POTASHNICK: I move to continue.

15 CHAIRMAN ROVAK: Second?

16 MS. LABONTE: Second.

17 CHAIRMAN ROVAK: Okay. All in favor?

18 (All responded aye.)

19 Okay.

20 MR. JAGGI: Thank you.

21 MS. LABONTE: Thank you.

22 (The public hearing was continued at 7:11 p.m.)
23
24
25

1 STATE OF MISSOURI)
2) SS
3 COUNTY OF ST. LOUIS)

4 I, Deborah K. McLaughlin, Registered
5 Professional Reporter, Missouri Certified Court Reporter,
6 Illinois Certified Shorthand Reporter and Kansas Certified
7 Court Reporter, do hereby certify that I reported the
8 Planning and Zoning public hearing stenographically and
9 later reduced to typewriting; and that this is a true and
10 accurate transcript of the public hearing.

11
12
13 Deborah K. McLaughlin, RPR, MO-CCR, IL-CSR, KS-CCR

14 Deborah K. McLaughlin, RPR, MO-CCR, IL-CSR, KS-CCR
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Jason Jaggi <jjaggi@crevecoeurmo.gov>

Panera on Ballas/ June 6th Hearing

1 message

Joe Flaherty <JFlaherty@cedarwoodd.com>
To: Jason Jaggi <jjaggi@crevecoeurmo.gov>

Thu, Jun 2, 2022 at 8:52 AM

Mr. Jaggi

I am sure you remember me and the address below. I am the home most immediately impacted by the drive-thru that Panera was allowed. There were some safe guards put in place to protect the neighborhood. The measures the city took haven't worked and then Panera came back after the drive thru was open to the board of adjustments and was successful in opening the drive thru at 6AM versus the mandated 7AM. I was never notified of this change to the ordinance but found out the hard way, being woken up by someone ordering bagels. The sound wall does nothing to stop the noise. The little area between the building and the wall emanate odor, heat and noise that is reverberated into my backyard. Panera still doesn't oblige the neighbors with early morning dumpster service and trucks delivering while its still dark outside. And now recently, employees are "hanging out" occasionally in the parking lot once Panera closes, playing music, talking and causing a nuisance.

I am not a big fan of the City protecting the interests of the tax paying citizens and the neighborhoods that make Creve Coeur such a great place to live. I still find it hard to believe that the increase in sales that Panera has from the drive thru has made much of an impact in tax revenue for the City.

I know there is a new P & Z discussions about proposed changes to the City's drive-thru regulations for June 6. I am a commercial developer and did the CVS here in the City so I have been a part of doing business in the City and developing responsibly. I feel that the core of the City is Olive Boulevard and that any and all drive thrus under consideration would have to be on Olive ONLY as that is your urban core in the city, carries the most traffic and likely is the most sought after areas for visitors and workers to our community looking for food service. I also feel that cross access to drive thru properties to neighboring properties would and should be mandatory so you can cut down the turning on and off of Olive which further slows traffic. Areas that border residential homes should not only be forced to build sound walls but should have to landscape with taller pine trees or arborvitae trees (maybe Thuja) as those are sustainable and not too expensive to have a green barrier as well as a sound barrier. Mistakes made by the City on the Panera should be considered in the new zoning changes (potential) and hours of operation and delivery should be considered.

Heck, I would even support 1 acre lots for drive thru with some responsible development. The city needs more business and historically it has been close to impossible to bring the fast food, quick service and drive thru food options to the City due to the strict rules around development. As I stated in my first paragraph, those were mistakes made by the City and to make those same mistakes on future development would be a shame for the City and its residents, learning by those mistakes made and adapting and holding developers accountable improves the lives of City residents and the overall quality of development moving forward.

I hope this is helpful and if you have any questions please feel free to reach out to me.

Joe Flaherty

The Cedarwood Companies

Director of Site Acquisition

11921 Rocky Drive

St. Louis MO 63141

330-696-8260 office

314-486-5167 cell

jflaherty@cedarwoodd.com

Attachment: Citizen Comment J Flaherty 6-2-22 (Drive-Through Restaurants Text Amendments)



Jason Jaggi <jjaggi@crevecoeurmo.gov>

FW: Drive Through Dining

1 message

pdwilhelms@att.net <pdwilhelms@att.net>

Mon, Mar 21, 2022 at 8:41 AM

To: jjaggi@crevecoeurmo.gov, blmoore@crevecoeurmo.gov

Mr. Jaggi,

I thought this was an interesting article for the Creve Coeur Planning and Zoning to read. We all want Creve Coeur to be a vibrant safe city. This shows Creve Coeur may need to be more open to drive through establishments as the industry is heading in that direction. We could attract some more current "up and comers" to our city.

I am not a restaurant or food industry owner, just a citizen of Creve Coeur MO.

Drive-thru dining attracts more investment

"Anyone who doesn't have a drive-thru now, if that is not in their plans for the future, you likely won't be hearing about them for much longer." For Chris Lind, a senior VP of investments at Marcus & Millichap Inc., it's that simple.

The drive-thru concept [is one of the hottest real estate trends in the food-and-beverage world](#), with operators seeking ways to incorporate them into their business models and real estate investors clamoring for more. Yet, while they seem to be a win across-the-board, like most things in the post-Covid economy, it isn't that simple, writes *Phoenix Business Journal's* Brandon Brown.

- **National chains joining the space:** Chipotle Mexican Grill and Texas Roadhouse
- **Quotable:** "The investor pool has bought into this idea and the consensus is that it will not be a short-lived trend – it is going to be the way of the future," said Mark Ruble, executive managing director of investments at Marcus & Millichap.

Attachment: Citizen Comment Wilhelms (Drive-Through Restaurants Text Amendments)

Pete & Debbie Wilhelms

[12950 Ambois Dr.](#)

[Creve Coeur MO 63141](#)

Home Account

pdwilhelms@att.net

Attachment: Citizen Comment Wilhelms (Drive-Through Restaurants Text Amendments)



Jason Jaggi <jjaggi@crevecoeurmo.gov>

Decibels and drive thru

1 message

L R <lrezny@hotmail.com>

Fri, Jun 3, 2022 at 9:42 AM

To: "jjaggi@crevecoeurmo.gov" <jjaggi@crevecoeurmo.gov>, L R <lrezny@hotmail.com>

[Sending this so Commission gets it today.](#)

Drive thru regulations, acoustical study for locations abutting residential

"the order facility and service window will not produce sounds exceeding 60 dB as measured at any property line abutting residential"

Decibels increase exponentially

'A 10 db increase means 10 times louder, a 20 db increase means 100 times louder'

The impact of 60dB of conversation:

<https://decibelpro.app/blog/how-loud-is-60-db-compared-to-other-volumes/>

60 decibels is as loud as a normal conversation between two people sitting at a distance of about one meter (3 ¼ feet).....

How loud 60 decibels is also depends on how sensitive a person is to certain sounds.

For example, a 60 decibels sound level like the one you would find in an office can be considered normal. Or, it can cause annoyance, affect concentration, and raise blood pressure.

The reason for this is that some people are negatively affected by the fluctuating nature of certain sounds. Like the sound of people talking.

Second of all, hearing others talk can be very distracting. Even if we want to not focus on what they are saying, we cannot resist it because that's what we are programmed to do: to listen to others.

So, in this case, the 60 decibels sound level caused by people speaking to each other or on the phone can be considered loud by some."

So even if 60dB of conversation are not a blaring noise it gets your attention because it is conversation

This is the sound of conversation at your property line. Might that be where you are sitting on your patio?

How far away from your property line do you have to go to avoid that annoyance? Assuming the the rules have managed to keep the sound at this level.

There are other part of the rules that talk about measuring noise at noon, a noisy time by a retail strip. What is the impact of the noise during a quieter time, like after supper.

The rules even say the loud speakers should modulate according to the changes in surrounding sound; that might not modulate the voices from the car, who are talking over their engine and air/heater fan noises

Is reads well, but according to the neighbors abutting the drive thru at Ballas, they are hearing sounds they find annoying.

Hopefully they will write you or attend the meeting. This is what they told me

11921 Closest to windows Female owner VERY angry about noise, says they were not told the truth about the noise impact

11933 Can hear sounds from the drive thru, works changing schedule and not sure if he is off then. Says it is quieter than his old neighborhood where he heard gunfire: faint praise.

11939 Older gentleman hears noise from window especially in evening

Attachment: Citizen Comment L Rezny 6-3-22 (Drive-Through Restaurants Text Amendments)

11945 Older gentleman hears noise

next house does not abut the Ballas lot and has a raised berm for the parking lot of the Medical building behind them. Do not hear noises



Attachment: Citizen Comment L Rezny 6-3-22 (Drive-Through Restaurants Text Amendments)

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):
Jason Jaggi, Director of Community Development	
<i>Name</i>	<i>Name</i>
City of Creve Coeur	
<i>Company (If Applicable)</i>	<i>Company (If Applicable)</i>
300 North New Ballas Road	
<i>Address</i>	<i>Address</i>
Creve Coeur MO 63141	
<i>Address</i>	<i>Address</i>
Telephone # 314-872-2504	Telephone # _____
Fax # _____	Fax # _____
Email: jjaggi@crevecoeurmo.gov	Email: _____

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, April 15, 2022, 2022.

Applicant's Signature

April 15, 2022

Date

Applicant's Representative's Signature

Date

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

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

Review and Amendments to the Conditional Use Standards for Drive Through Services for Food Services and Drinking Places (NAICS 722) within the City's commercial, light industrial and mixed use zoning districts.

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

Conditional Uses, Section 405.470.A.14 of the Zoning Ordinance, Food services and drinking places (NAICS 722).

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

See attached proposed revisions

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

Office Use Only

____ Proposed Ordinance Language

Received By: _____

____ Fees Paid

____ Written Justification

Date: _____



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 (200150) 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 buildingsite 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.~~

(5) If the drive-thru restaurant is freestanding, it shall have no less than two thousand ~~five hundred~~ (2,0500) 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

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

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

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

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

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

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

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.



city of **CREVE COEUR**

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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, ~~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.~~

- **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, 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.

- **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.**

(5) If the drive-thru restaurant is freestanding, it shall have no less than two thousand five-four hundred (2,4500) square feet of gross floor area (area under roof) and a minimum of fifty-five (55) indoor seats for customers.

- **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.

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

- **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.

(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 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.

(5) If the drive-thru restaurant is freestanding, it shall have no less than two thousand five-four hundred (2,450) 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.

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(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.

(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

Staff Memo on Drive Through Restaurants 2-7-22 P&Z Meeting
Page 5

hazardous to motorists or pedestrians entering, exiting or passing by the site on adjacent roadways.

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

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

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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
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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]

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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, 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.

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(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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*Staff Memo on Drive Through Restaurants 2-7-22 P&Z Meeting
Page 5*

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APPLICATION TO PLANNING AND ZONING COMMISSION
#22-009: AN APPLICATION FOR A MASTER SIGN PLAN FOR
THE COVENANT THEOLOGICAL SEMINARY CAMPUS LOCATED AT 12330
CONWAY ROAD

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

LOCATION: 12330 Conway Road, zoned HE-Higher Education District

REQUEST: Nathan Frazier, of Landmark Sign Company, on behalf of Covenant Theological Seminary located at 12330 Conway Road, has submitted an application for a master sign plan for the entire Covenant Theological Seminary Campus. The request will allow for a new monument sign along N. Forty Drive and establish size and design standards for the existing signage throughout the campus. Section 405.955 *Master Signage Plans* provides that as an alternative to what would otherwise be allowed, signs may be permitted in accordance with a comprehensive plan of signage for planned developments and large campus development of contiguous multi-acre areas, not separated by major highways or public rights-of-way subject to the recommendation of the Planning and Zoning Commission and approval of the City Council.

ADDITIONAL INFORMATION: Covenant Theological Seminary was founded in 1956 as Covenant College and Theological Seminary before expanding into two separate institutions when Covenant College relocated to Georgia. The existing Covenant Theological Seminary was zoned HE-Higher Education District in 1995. The property is a 21.5-acre site located south of Conway Road and west of North Forty Drive near the southern city limits of the City of Creve Coeur. Section 405.950.J. Master Sign Plans provides for the flexibility to approve additional signs for planned developments and large residentially zoned institutional campus developments of three or more buildings with a minimum of ten acres, subject to certain requirements and conditions.

APPLICANT: Nathan Frazier,
Landmark Sign Company
175 Chesterfield Industrial Boulevard
Chesterfield, MO 63005

PROPERTY OWNER: Covenant Theological Seminary
Kent Needler
12330 Conway Road
Creve Coeur, MO 63141

Key Issues:

- Does the request integrate with the existing surrounding uses?
- Does the request further the goals and/or implement the Comprehensive Plan?

Comprehensive Plan References

- Campus and Institutional Place Type Districts

Zoning Code References

- Section 405.300 "HE" Higher Education District
- Section 405.955: Master Signage Plans
- Section 1080: Site Concept, Site Development and Minor Site Plan Approval

Attachment: Staff Report 6-6-22 (22-009 Covenant Theological Seminary Master Sign Plan)



REPORT PREPARED BY:

Bethany L. Moore, City Planner

DATE:

5/31/2022

ATTACHMENTS:

Applicant's Materials received May 6, 2022, Draft Ordinance

BACKGROUND AND MASTER SIGN PLAN PROPOSAL

The property is a 21.5-acre site located south of Conway Road and west of North Forty Drive near the southern city limits of the City of Creve Coeur. The existing use on the site is institutional for Covenant Theological Seminary to educate pastors, counselors, and ministry leaders as part of the Presbyterian Church in America. The existing ground monument sign is pre-existing, non-conforming with a total square footage of 94.5 square feet. Section 405.930(C) *Non-Conforming Signs* states that no new or existing sign may be constructed, altered in structure, relocated or replaced, unless the sign conforms to all the provisions of this Article and any required sign permit has been issued by the Zoning Administrator, or unless the sign was destroyed or damaged as a result of forces beyond the reasonable control of the owner of the sign and their tenants, employees, agents and representatives and it is replaced in its prior form and structure, or unless the sign is specifically exempt. The property is zoned HE-Higher Education District. The sign code does not have any specific provisions for signage for properties within the HE District and instead encourages approval for signage through the Master Sign Plan process. In addition to the Seminary property, the Missouri Baptist University and Priory campuses are also zoned HE. Priory received approval of a master sign plan in 2018.

Covenant Theological Seminary is seeking a Master Sign Plan to replace their existing monument sign along North Forty Drive with a new, larger monument sign of more durable materials and to document the existing campus signage. The new low monument sign is made of masonry materials that are consistent with the building materials found on the Covenant campus and similar in design to other low monument signs in Creve Coeur. The overall size of the new low monument sign is approximately 106 square feet while the size of the actual sign face is just under 60 square feet. For comparison purposes, the maximum size allowed for a low monument sign on a development of more than 5 acres under Section 405.950 (C)(2)(c)(1) *Signs in Non-Residential Districts* is 60 square feet. The existing campus signage is uniform in design and type throughout the campus. Any significant new signage not shown in the proposal would require approval of an amendment to the master sign plan from the Planning and Zoning Commission.

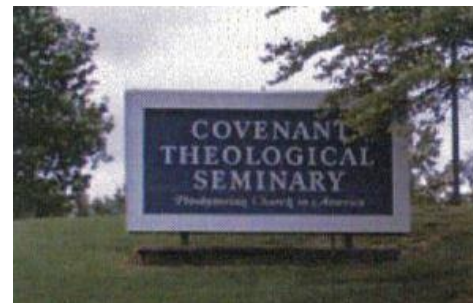
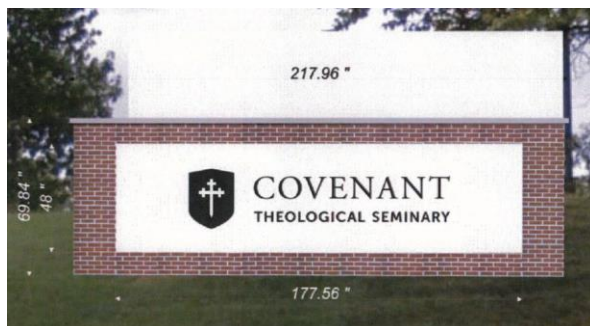


Figure 1: Proposed Monument Sign along North Forty Drive and the Existing Monument Sign in the same location.

Building Signs

The campus currently has 7 single-sided building name signs that vary slightly in size around 5 square feet. All buildings signs are ground signs in front of each building and are of the same design. Under Section 405.950 *Signs for Non-Residential Districts* these types of signs are considered incidental as they are too small to be legible from a position off the premises, and are outdoors, on the exterior of a building or a window sign and are less than twenty-five square feet. The proposed Master Sign Plan does not propose replacement of these signs.



Figure 2: Examples of existing building name signage. Top row: D, F, G. Middle row: H, I, J. Bottom row: O. Directional Signs and Miscellaneous Small Wall Signs

There are 6 directional signs throughout the campus in a range of sizes just over 4 square feet to just over 29 square feet for the directory signs. All signs are in the same design and style throughout the campus.



Figure 3: Examples of existing campus directional signage. Top row: B, C, E. Bottom row: K, M, N.

Three smaller wall plaques are also included and identified in the plan as P, Q, and R. All three signs are under 7.5 square feet.



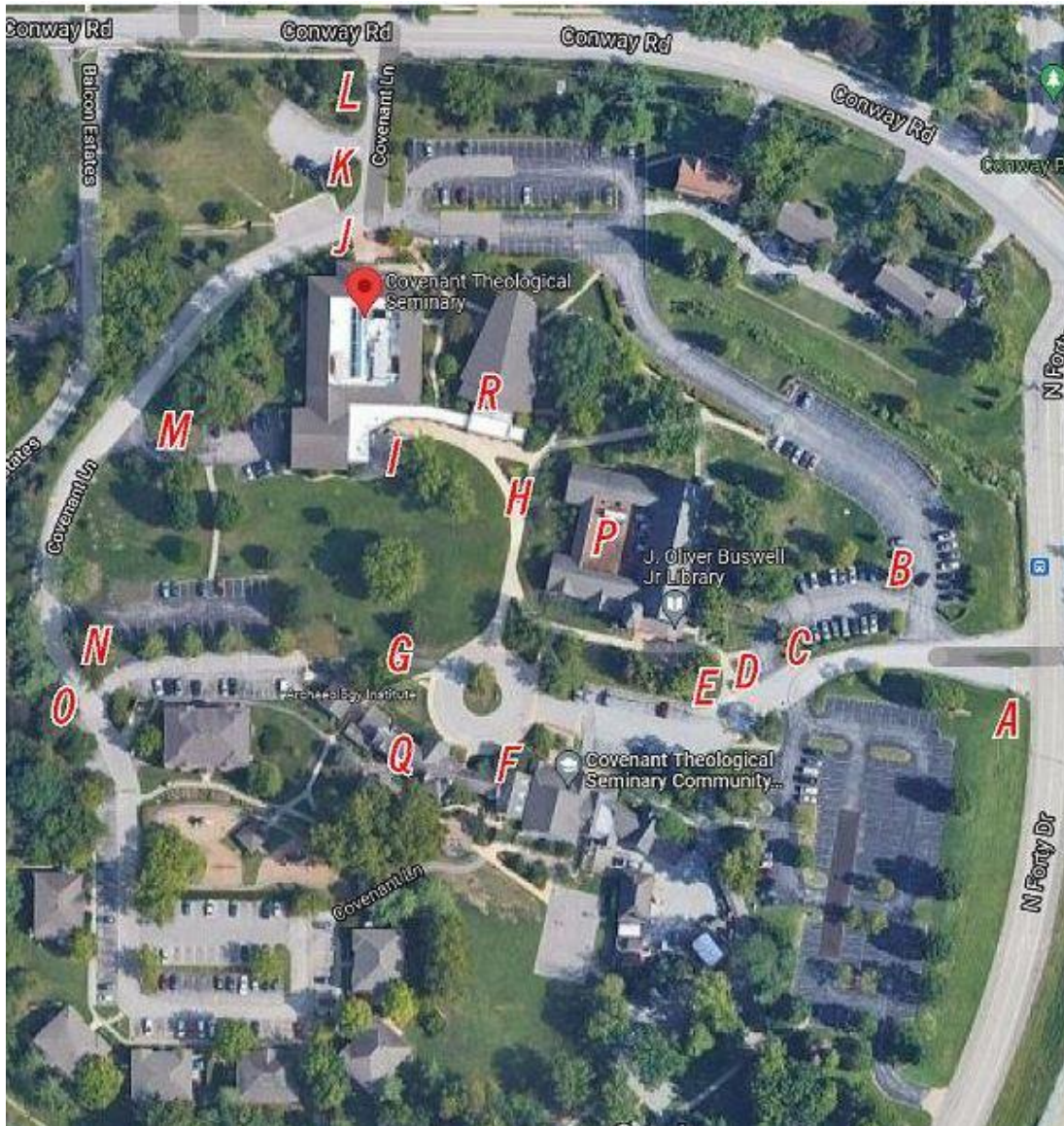


Figure 4: Close-up of the Site Plan. The location of the replacement monument sign is marked “A”

LAND USE AND ZONING OF SURROUNDING PROPERTIES

The adjacent zoning and land uses are as follows:

DIRECTION	USE	ZONED	SEPARATED BY
North	Single- Family Residences	A-Single-Family Residential	Conway Road
South	Single-Family Residences	A-Single-Family Residential and City of Town and Country	N/A
East	Mercy Hospital	PH-Planned Hospital	I-270 Highway
West	Single-Family Residences	A-Single Family Residential	Partial Balcon Estates

COMPREHENSIVE PLAN REVIEW

The subject property is included as a Campus District within the Campus & Institutional Place Type District that is for the development of large multi-building office structures, institutional facilities, research building, educational, and healthcare facilities, deeply setback from site edges and surrounded by beautiful landscape buffers, that are compatible with the neighboring residential districts with an established “green edge” landscape zone to protect from potential negative impacts of non-residential land uses while allowing flexibility on the interior of the site (p.109-110).

The Design Guidelines offer further direction in reviewing signs, by recommending that sign plans include a consistency of materials, siting, and design. Specifically, all signs are to be architecturally integrated and complement their surroundings in terms of size, shape, color, texture, and lighting. Signs are to complement the overall design of the building and are not to be designed to be in visual competition with other signs in the area. New signs proposed for existing buildings should provide a compatible appearance with other building signage. Where no sign program exists, there should be an attempt to bring in a unifying element (such as size). (Ch 5, pg 17) The existing Covenant signs are well-designed in similar style and use of materials and limited to within the campus and away from the surrounding residential area. Therefore, Staff finds that the existing and proposed signage is in keeping with the Design Guidelines and the Comprehensive Plan and should not have a negative impact to the adjacent residents.

ZONING CODE REVIEW

All signs within the City are regulated under Article VIII of the Zoning Ordinance. The purpose of the Sign Regulations is to encourage the effective use of signs as a means of communication, to maintain and enhance the aesthetic appearance of the City and to facilitate and improve pedestrian and vehicular traffic safety, and to lessen confusion and visual clutter caused by a proliferation of signs competing for attention.

Section 405.955 *Master Sign Plans* provides that with the intent to allow flexibility in the design of planned developments and large campus development of contiguous multi-acre areas, not separated by major highways or public rights-of-way (i.e., Olive Boulevard) in non-residential district properties of campus developments of three (3) or more multiple buildings with a minimum of ten (10) acres, HE Higher Education District, and residentially zoned institutions (schools and places of worship with a minimum tract area of twenty (20) acres, allows for deviation from the sign regulations on large campuses in order to provide for a more consistent program as to ensure convenience to the visitor, user or occupant of the development while not adding to street clutter or otherwise detracting from the planned nature of the development. All signs are to be in scale and harmonious with the development and provide an overall design theme throughout the campus in a comprehensive manner.

The proposed Master Sign Plan for Covenant Theological Seminary is largely consistent with the intent of the Sign Regulations provision for master sign plans and with prior action of similar institutions in residential settings. All of the signs represent a similar style and design and are mostly limited to the interior of the campus. The monument sign is consistent in character with the existing buildings and in keeping with the surrounding neighborhoods. Overall, Staff finds that the signs are in keeping with the Zoning Regulations. Staff has included a condition that the monument signs shall be setback at least fifteen (15) feet from adjacent roadway surface and at least one (1) foot from edge of public right-of-way, to be consistent with the regulations regarding monument signs elsewhere in the Ordinance and to require their placement outside of the right-of-way. The existing monument sign along North Forty Drive meets this requirement. Landscaping around the base of the monument sign at 2.5 times the square footage of the sign to be consistent with the regulations for all other monument signs under Section 405.950 (C)(3)(a) *Signs in Non-Residential Districts* has been discussed with the applicant and a condition of approval has been added.



Figure 5: Close-up of the location of the existing low monument sign along North Forty Drive.

CONCLUSION AND RECOMMENDED CONDITIONS OF APPROVAL

Staff has provided conditions below, that include the requirement of a landscape plan as well as the customary conditions that primarily ensure adherence to the proposed plan.

1. The Applicant shall follow the Master Signage Plan received May 6, 2022 for all new or altered signage on the campus, as approved by the City of Creve Coeur, except as modified below. The location, size, shape, color, type, and design of each sign shall not substantively depart from the Master Sign Plan, unless approved by the City of Creve Coeur.
2. The applicant shall submit sign permit and/or building permit applications for proposed new signs referred to in the Master Sign Plan and demonstrate that signs are outside of the sight distance triangle.
3. The proposed monument sign on North Forty Drive shall be setback a minimum of 15 feet from the adjacent roadway surface, and at least one foot from the edge of public right-of-way.
4. The Applicant shall provide a landscape plan for the monument sign that is consistent with the existing landscaping, that includes the use of native plants, around the base of the sign that is 2.5 times the sign area, to include a mix of native plantings consistent with the landscaping design of the campus for the Zoning Administrator's approval.

5. Staff may authorize additional incidental signs that are in keeping with the overall character and purpose of the Master Sign Plan, provided that they are internal to the campus, and not visible from the public right-of-way, as provided under Section 405.955(A)(4).
6. No additional permanent signage is allowed for the campus except as provided in the Master Sign Plan.
7. All temporary banners and window signs shall be in compliance with Section 405.950.(G) Temporary or Incidental Signs.

CONCLUSION AND ACTION

If the Planning and Zoning Commission finds that the Master Sign Plan proposal for the Covenant Theological Seminary Campus is consistent with the purpose and requirements of Article VIII, a recommendation to the City Council for approval is necessary. Action on the proposal will come in the form of a recommendation of approval, approval with conditions, or denial. The following is an example of an appropriate motion for this application:

“I move to recommend approval of the Master Signage Plan for the Covenant Theological Seminary Campus, submitted with Application #22-009, subject to the conditions contained in the draft ordinance attached to the staff report for the meeting of June 6, 2022” (conditions may be added, eliminated, or modified by separate motion).

APPENDIX 1: COMPREHENSIVE PLAN AND DESIGN GUIDELINES

Included and attached by reference.

APPENDIX 2: ZONING CODE

Included and attached by reference.

Aerial Photo



BILL NO. _____

ORDINANCE NO. _____

**AN ORDINANCE AUTHORIZING A MASTER SIGN PLAN FOR
COVENANT THEOLOGICAL SEMINARY LOCATED AT 12330 CONWAY ROAD,
ZONED HE-HIGHER EDUCATION DISTRICT**

WHEREAS, Nathan Frazier, Landmark Sign Company, has submitted an application for a master sign plan for the Covenant Theological Seminary, located at 12330 Conway Road, pursuant to Section 405.955 of the City of Creve Coeur's Code of Ordinances, to allow for the replacement of the monument sign at the entrance along North Forty Drive, as well as to memorialize all existing signage on the Campus; and

WHEREAS, the boundaries of the Master Signage Plan will be for the entire school campus including all existing and proposed signage, except as modified herein, as demonstrated in the "Master Signage Plan" attached as Exhibit 1; and

WHEREAS, the Planning and Zoning Commission of the City of Creve Coeur, Missouri, held a public hearing thereon at the Creve Coeur Government Center on June 6, 2022, beginning at 6:00 p.m., or immediately following the close of the previous public hearing; and

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

WHEREAS, all persons who presented themselves at said meeting and desiring to be heard were given an opportunity to be heard; and

WHEREAS, the Planning and Zoning Commission reviewed and, by _____ vote, recommended approval of the master sign plan, subject to the conditions contained herein, at its meeting on June 6, 2022; and

WHEREAS, the City Council being fully informed finds that approving the Plan, subject to certain conditions, would be in harmony with and bear a substantial relation to the public welfare, health, safety, comfort, and convenience of the citizens of the City of Creve Coeur and is in the public interest; and

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

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

SECTION 1: A Master Sign Plan is approved for the Covenant Theological Seminary campus, generally located at 12330 Conway Road, in the HE-Higher Education zoning district whose legal description is as follows:

Legal Description Pending

SECTION 2: Such approval of the Master Signage Plan for the Covenant Theological Seminary campus shall be subject to the following conditions:

Attachment: Draft Ordinance 6-6-22 (22-009 Covenant Theological Seminary Master Sign Plan)

BILL NO. _____

ORDINANCE NO. _____

1. The Applicant shall follow the Master Signage Plan received May 6, 2022 for all new or altered signage on the campus, as approved by the City of Creve Coeur, except as modified below. The location, size, shape, color, type, and design of each sign shall not substantively depart from the Master Sign Plan, unless approved by the City of Creve Coeur.
2. The applicant shall submit sign permit and/or building permit applications for proposed new signs referred to in the Master Sign Plan and demonstrate that signs are outside of the sight distance triangle.
3. The proposed monument sign on North Forty Drive shall be setback a minimum of 15 feet from the adjacent roadway surface, and at least one foot from the edge of public right-of-way.
4. The Applicant shall provide a landscape plan for the monument sign that is consistent with the existing landscaping, that includes the use of native plants, around the base of the sign that is 2.5 times the sign area, to include a mix of native plantings consistent with the landscaping design of the campus for the Zoning Administrator's approval.
5. Staff may authorize additional incidental signs that are in keeping with the overall character and purpose of the Master Sign Plan, provided that they are internal to the campus, and not visible from the public right-of-way, as provided under Section 405.955(A)(4).
6. No additional permanent signage is allowed for the campus except as provided in the Master Sign Plan.
7. All temporary banners and window signs shall be in compliance with Section 405.950.(G) Temporary or Incidental Signs.

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

ADOPTED THIS _____ DAY OF _____, 2022

JOE MARTINICH
PRESIDENT OF CITY COUNCIL

APPROVED THIS _____ DAY OF _____, 2022

DR. ROBERT HOFFMAN
MAYOR

ATTEST:

KELLIE HENKE
CITY CLERK

Attachment: Draft Ordinance 6-6-22 (22-009 Covenant Theological Seminary Master Sign Plan)

BILL NO. _____

ORDINANCE NO. _____



city

of

CREVE COEUR

PLANNING DIVISION

300 North New Ballas Road, Creve Coeur, Missouri 63141

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

7.1.c

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PLANNING AND ZONING COMMISSION AGENDA APPLICATION

SITE DEVELOPMENT PLAN

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

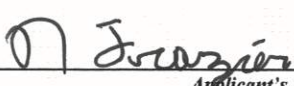
Title of Project: Covenant Theological Seminary

Location of Project: 12330 Conway Rd, Creve Coeur, MO 63141 Locator # _____

Subject for Agenda: Installing double-sided non-lit sign and masonry monument.

Applicant:

Architect ☐ Engineer ☐ Contractor ☒ Agent ☐ Owner ☐

Applicant:	Applicant's Representative (if applicable):
<u>Nathan Frazier</u> <i>Name</i>	_____ <i>Name</i>
<u>Landmark Sign Company</u> <i>Company (If Applicable)</i>	_____ <i>Company (If Applicable)</i>
<u>175 Chesterfield Industrial Blvd</u> <i>Address</i>	_____ <i>Address</i>
<u>Chesterfield, MO 63005</u> <i>Address</i>	_____ <i>Address</i>
<u>Telephone # 636-536-0400</u> <i>Telephone #</i>	_____ <i>Telephone #</i>
<u>Fax # _____</u> <i>Fax #</i>	_____ <i>Fax #</i>
<u>Email: Nathan@landmarksignusa.com</u> <i>Email</i>	_____ <i>Email</i>
<u></u> <i>Applicant's Signature</i>	_____ <i>Applicant's Representative's Signature</i>

Owner's Acknowledgement (if different from applicant):		
<u>Kent Needler / Covenant Theological Seminary</u>		
<u>Name</u>	<u>Company (If Applicable)</u>	
<u>12330 Conway Rd, Creve Coeur, MO 63141</u>		
<u>Address</u>		
<u>314-392-4174</u>	<u>Kent.Needler@covenantseminary.edu</u>	
<u>Phone</u>	<u>Fax</u>	<u>Email</u>
<u>See landlord approval letter attached.</u>		
<u>Applicant's Signature</u>		

Attachment: Applicant's Materials (22-009 Covenant Theological Seminary Master Sign Plan)

Description of Request (attach additional sheets as needed)

General Description: Removal of existing monument sign and installation of new non-lit, double-sided limestone insert and installation of new masonry monument in place of existing monument sign.

Rationale

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

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, June 6th, 2022.

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

Office Use Only

_____ All Sections Complete

Received By: _____

_____ All Documents, incl. e-Copies

_____ Fees Paid

Date: _____

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

Revised: 11/21

Rationale Document for Covenant Theological Seminary

We believe the proposed replacement monument sign should be approved due to the existing signage having had suffered a significant decline in appearance and quality due to uncontrollable variables such as element damage from weather, sun, natural wear & tear, etc. We are requesting the replacement of the existing monument sign with the details purposed to better identify the Seminary, compared to the decaying elements of the existing monument. With the newly purposed sign elements, there will be a longer life expectancy of the signage compared to what is currently there. The requested signage replacement will also be far more aesthetically pleasing compared to the existing, which will positively impact the area and residents surrounding the Seminary. The purposed monuments appearance and size will better identify the location from all surrounding roadways and prevent people from overlooking the Seminary's entrance.

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Landlord Approval/Consent Letter

To: City of Creve Coeur

Creve Coeur, MO 63141

To Whom it may Concern

Covenant Theological Seminary confirms that Landmark Sign Company is an approved and preferred vendor of the Seminary and is designing, submittal, permitting, and installing signage on the Creve Coeur Campus.

Landmark Sign has the approval of Covenant Seminary to represent to proceed with all the afore mentioned work and work with the City of Creve Coeur on behalf of Covenant Theological Seminary.

If you have any questions or concerns, please feel free to contact me at any time.

Sincerely,



Brian M Skamra

Senior Director of Operations

Covenant Theological Seminary

12330 Conway Road

Creve Coeur, MO 63141

brian.skamra@covenantseminary.edu

(w) 314-392-4174

(m) 920-260-1980

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A MONUMENT- DOUBLE SIDED - 164 1/8" X 83 1/4"



E PARKING- SINGLE SIDED- 23 1/4"

7.1.c



B DIRECTORY- SINGLE SIDED- 66" X 51 1/4"



F BUILDING NAME- SINGLE SIDED 33" X 22"



C DIRECTORY- SINGLE SIDED- 83" X 51 1/4"



G BUILDING NAME- SINGLE SIDED 33" X 22"



D BUILDING NAME- SINGLE SIDED 33" X 24"



H BUILDING NAME- SINGLE SIDED 33" X 24"



I BUILDING NAME- SINGLE SIDED 33" X 23"



M PARKING- SINGLE SIDED- 23 1/4" X 26" 7.1.c



J BUILDING NAME- SINGLE SIDED 33" X 23"



N PARKING- SINGLE SIDED- 23 1/4" X 26"



K DIRECTORY- SINGLE SIDED- 57 1/4" X 76"



O BUILDING NAME- SINGLE SIDED 36" X 24"



L ENTRANCE- DS-118" (POLE) (SIGN-18" X 30")



P WALL SIGN- LIBRARY- 18" X 14"

7.1.c

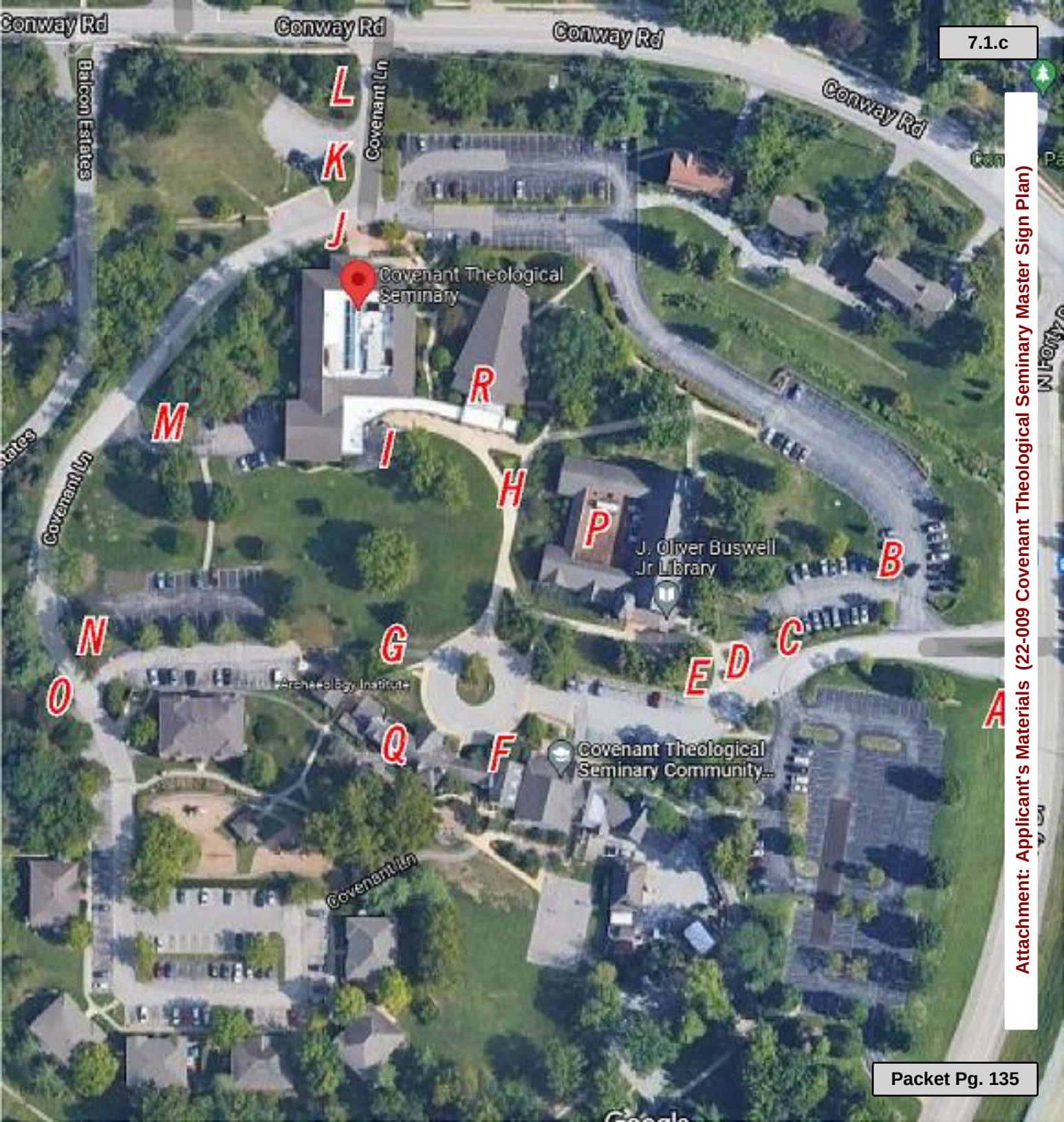


Q WALL SIGN- ARCH INST.-36" X 30"



R WALL SIGN- RAYBORN- 27 3/4" X 15"





Landlord Approval/Consent Letter

To: City of Creve Coeur
Creve Coeur, MO 63141

To Whom it may Concern

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If you have any questions or concerns, please feel free to contact me at any time.

Sincerely,

A handwritten signature in black ink, appearing to read 'Brian M Skamra', with a long horizontal flourish extending to the right.

Brian M Skamra
Senior Director of Operations
Covenant Theological Seminary
12330 Conway Road
Creve Coeur, MO 63141
brian.skamra@covenantseminary.edu
(w) 314-392-4174
(m) 920-260-1980

RECEIVED

MAY 06 2022

PLANNING DEPT.

Attachment: Applicant's Materials (22-600-22) Covenant Theological Seminary Master Sign Plan



ENTIRE SIGN INCLUDING MASON
69.84 X 217.96 = 152223
152223/144 = 105.7 SQ FT

SIGN INSERT
48 X 177.56 = 8522.8
8522.8/144 = 59.1 SQ FT



EXISTING SIGN

SALES PERSON: MELISSA CONKLIN
PROOF DATE: 06/14/2021
DESIGNER: MELISSA CONKLIN
REVISION #: V1

SIGNATURE _____ DATE: _____
★ NOTE: APPROVAL IS NEEDED BEFORE PRODUCTION / FABRICATION CAN BEGIN.
COLORS OF FINISHED PROOF AND ELECTRIC PROOF MAY VARY FROM ACTUAL COLORS OF COMPLETED SIGNS.

☐ APPROVED AS IS
☐ APPROVED WITH NOTED CHANGES
☐ REVISE AND RESUBMIT

1 OF 2

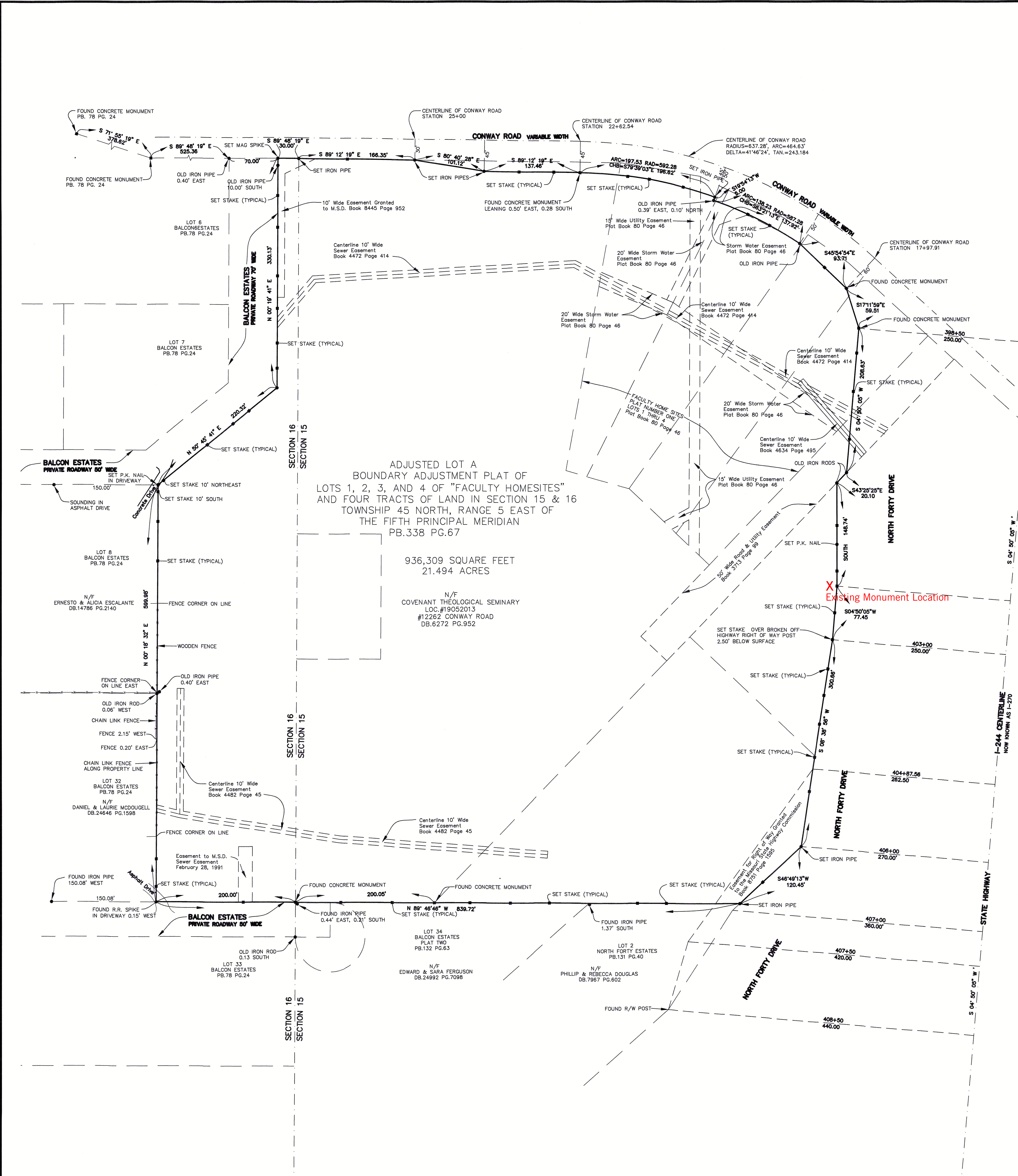
INSTALL ADDRESS: 12330 CONWAY RD CREVE COEUR MO 63141

LANDMARK
sign
COMPANY
175 Chesterfield Industrial Boulevard
Chesterfield, MO 63005 • 636-536-0400
www.landmarksignusa.com
info@landmarksignusa.com

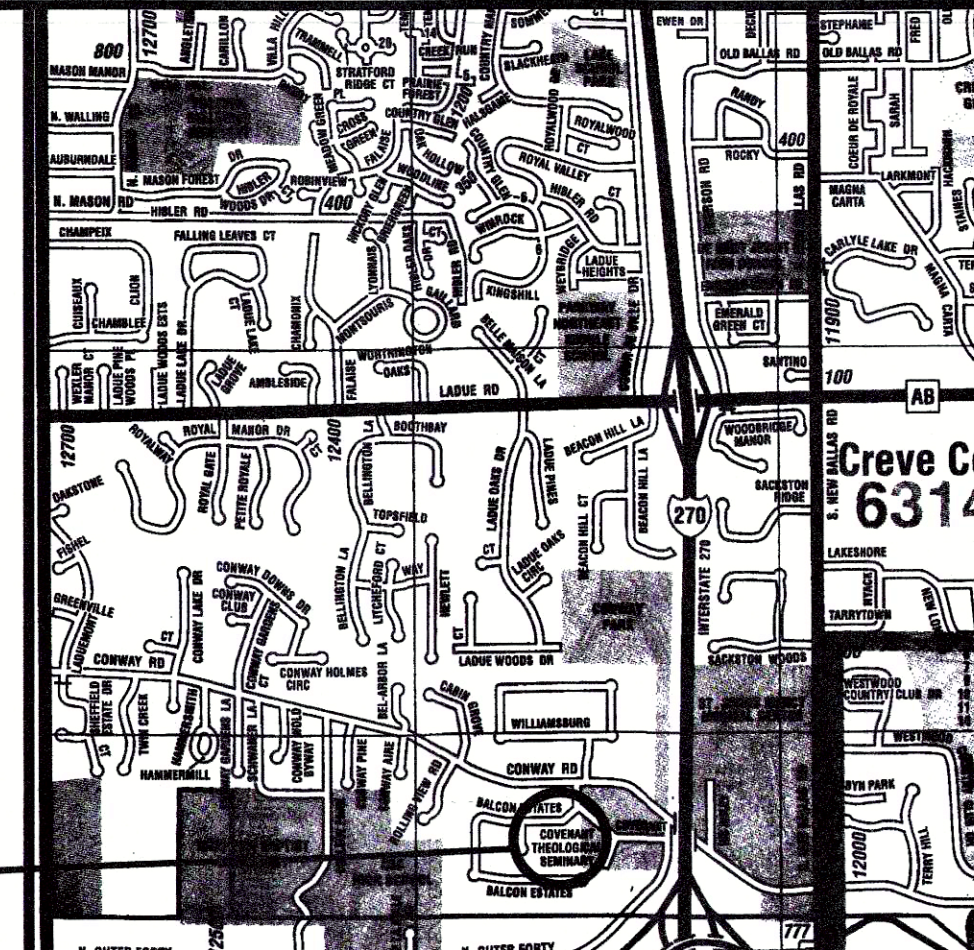
CLIENT: COVENANT THEOLOGICAL SEMINARY
CONTACT: KENT NEEDLER
PHONE: _____
EMAIL: _____

DESCRIPTION OF WORK: DOUBLE SIDED
MASONRY MONUMENT WITH ENGRAVED LIMESTONE INSERT

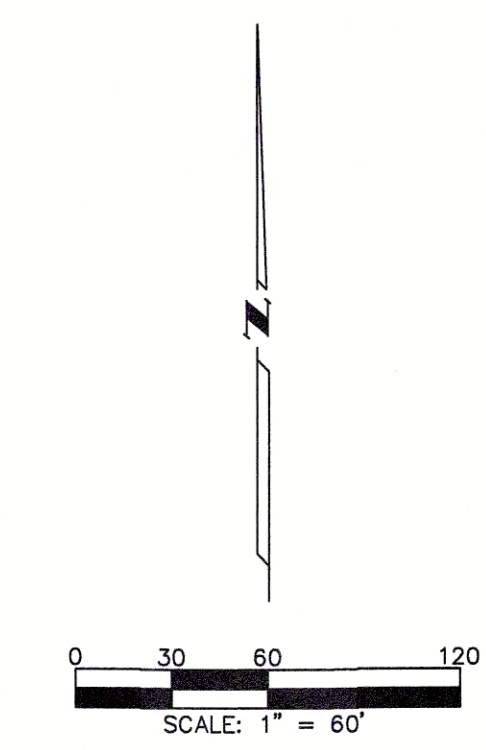
IMPORTANT: THIS DRAWING IS PROPERTY OF LANDMARK SIGN COMPANY AND HAS BEEN PREPARED FOR YOUR VIEWING ONLY. THIS PROPERTY MAY NOT BE RE-PRODUCED OR DUPLICATED WITHOUT WRITTEN PERMISSION OF LANDMARK SIGN COMPANY OR THROUGH PURCHASE



SCALE: 1" = 2000'



PROJECT SITE



SURVEY STATEMENT

THIS IS TO CERTIFY TO COVENANT THEOLOGICAL SEMINARY, THAT TO THE BEST OF MY BELIEF, KNOWLEDGE AND ABILITY, POEHLMAN & PROST, INC., DURING THE MONTHS OF OCTOBER THRU DECEMBER, 2021, AND JANUARY 2022, EXECUTED A BOUNDARY SURVEY AND SET STAKES ALONG THE PERIMETER BASED ON FIELD INFORMATION OBTAINED FROM FIELD PERSONNEL UNDER MY DIRECTION, ON ADJUSTED LOT A OF THE BOUNDARY ADJUSTMENT PLAT, RECORDED IN P.B. 338, PG. 67 OF THE ST. LOUIS COUNTY RECORDERS OFFICE, SITUATED IN SECTIONS 15 & 16, TOWNSHIP 45 NORTH, RANGE 5 EAST, IN THE CITY OF CREVE COEUR, ST. LOUIS COUNTY, MISSOURI.

I ALSO DECLARE THAT UNDER MY SUPERVISION AND TO THE BEST OF MY ABILITY AND PROFESSIONAL JUDGMENT, THAT THE RESULTS SHOWN HEREON ARE MADE IN ACCORDANCE WITH THE CURRENT MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS FOR URBAN CLASS PROPERTY AS SET FORTH BY RULES PROMULGATED BY THE MISSOURI BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS, AND LAND SURVEYORS.

IN WITNESS WHEREOF, WE HAVE SET OUR FIRM NAME AT OUR OFFICE IN ST. LOUIS COUNTY, MISSOURI, ON THIS 4th DAY OF FEBRUARY 2022.

POEHLMAN & PROST, INC.
PROJECT NUMBER 221-040

BY: Christopher M. Laneman
CHRISTOPHER M. LANEMAN P.L.S.# 2369

GENERAL SURVEY NOTES:

1. THIS SURVEY WAS EXECUTED WITHOUT THE BENEFIT OF A CURRENT TITLE COMMITMENT THEREFORE THERE MAY BE EASEMENTS OF RECORD THAT ARE NOT PLOTTED ON THIS SURVEY DRAWING.
2. CLASSIFICATION OF SURVEY: URBAN
3. THE BEARINGS ARE BASED ON THE BOUNDARY ADJUSTMENT PLAT RECORDED IN PLAT BOOK 338, PAGE 67 OF THE ST. LOUIS COUNTY RECORDS.
4. THIS SURVEY ALSO UTILIZED VARIOUS RECORDS THAT WE HAVE RESEARCHED IN OUR FILES.

UTILITY LOCATION NOTE
THE UNDERGROUND UTILITIES SHOWN HEREIN WERE PLOTTED FROM AVAILABLE INFORMATION AND DO NOT NECESSARILY REFLECT THE ACTUAL EXISTENCE, NON-EXISTENCE, LOCATION, DEPTH, OR CHARACTER OF SUCH UTILITIES. ANY PARTY LOCATING OR EXCAVATING SUCH UTILITIES SHALL BE RESPONSIBLE FOR VERIFYING THE LOCATION, DEPTH, AND CHARACTER OF SUCH UTILITIES. THE USER OF THIS DRAWING SHALL BE RESPONSIBLE FOR OBTAINING ANY NECESSARY PERMITS FROM THE APPROPRIATE AGENCIES.

ENGINEERING/SURVEYING RELEASE
THE DESIGN OF THIS DRAWING IS THE PROPERTY OF POEHLMAN & PROST, INC. NO PART OF THIS DRAWING SHALL BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN CONSENT OF POEHLMAN & PROST, INC.

ENGINEERING/SURVEYING AUTHENTICATION
THE RESPONSIBILITY FOR PROFESSIONAL ENGINEERING/SURVEYING LIABILITY ON THIS PROJECT IS HEREBY LIMITED TO THE SET OF PLANS AUTHENTICATED BY THE SIGNATURE AND DATE HERE ON. ANY OTHER SET OF PLANS OR ANY OTHER SET OF PLANS NOT AUTHENTICATED BY THE SIGNATURE AND DATE HERE ON SHALL BE UNAUTHORIZED FOR THE PROJECT AND SPECIFICALLY EXCLUDES REVISIONS AFTER THIS DATE UNLESS RE-AUTHENTICATED.

BEFORE YOU
DIG
CALL 1-800-344-7483
(TOLL FREE)
MISSOURI ONE CALL SYSTEM, INC.



POEHLMAN & PROST, INC.
Land Surveying and Civil Engineering
P.O. Box 1518
46 C Worthington Access Drive
Maryland Heights, Missouri 63043
(314) 997-5777 Phone
(314) 997-0407 Fax
E-Mail: bpoehlman@poehlman-prost.com

CERTIFICATE OF AUTHORITY
CIVIL ENGINEERING # 000922
LAND SURVEYING # 000199

Mr. Brian Skamra
Covenant Theological Seminary
12330 Conway Rd.
St. Louis, Mo. 63141
920-260-1980
brian.skamra@covenantseminary.edu

BOUNDARY SURVEY
COVENANT THEOLOGICAL SEMINARY
ADJUSTED LOT "A" OF THE BOUNDARY ADJUSTMENT PLAT
RECORDED IN PLAT BOOK 338, PAGE 67 OF THE ST. LOUIS COUNTY RECORDS
SITUATED IN SECTIONS 15 & 16, TOWNSHIP 45 NORTH, RANGE 5 EAST
CITY OF CREVE COEUR, ST. LOUIS COUNTY, MISSOURI

NO DESCRIPTION DATE

NO DESCRIPTION DATE

STATE OF MISSOURI
CHRISTOPHER M. LANEMAN
PLS# 2369
DATE: _____
PROJECT NUMBER: 221-040
BOUNDARY SURVEY
1 OF 1



THIS IS TO CERTIFY TO COVENANT THEOLOGICAL SEMINARY, THAT TO THE BEST OF MY BELIEF, KNOWLEDGE AND ABILITY, POEHLMAN & PROST INC., DURING THE MONTHS OF OCTOBER THRU DECEMBER, 2021, AND JANUARY 2022, EXECUTED A BOUNDARY SURVEY AND SET STAKES ALONG THE PERIMETER BASED ON FIELD INFORMATION OBTAINED FROM FIELD PERSONNEL UNDER MY DIRECTION, ON ADJUSTED LOT A OF THE BOUNDARY ADJUSTMENT PLAT, RECORDED IN P.B. 338, PG. 67 OF THE ST. LOUIS COUNTY RECORDERS OFFICE, SITUATED IN SECTIONS 15 & 16, TOWNSHIP 45 NORTH, RANGE 5 EAST, IN THE CITY OF CREVE COEUR, ST. LOUIS COUNTY, MISSOURI.

IN WITNESS WHEREOF, WE HAVE SET OUR FIRM NAME AT OUR OFFICE IN ST. LOUIS COUNTY,
MISSOURI, ON THIS 4th DAY OF FEBRUARY 2022.

BY: Christopher M. Lanson



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

MONDAY, AUGUST 15, 2016

6:30 PM

A regular meeting of the Planning and Zoning Commission of the City of Creve Coeur, Missouri was held on Monday, August 15, 2016, at the Creve Coeur Government Center, 300 North New Ballas Road. Acting Chair Tim Carney called the meeting to order at 6:30P.M.

MEMBERS PRESENT:

Mr. Tim Carney (Acting Chair)
Mr. Don Magruder
*Ms. Murial Hall *arrival 6:32PM*
Ms. Heather Silverman
Mr. Matthew Schuh

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

2. ACCEPTANCE OF THE AGENDA

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

3. APPROVAL OF MINUTES

Mr. Schuh moved approval of the minutes of July 18, 2016, as submitted. Mr. Magruder seconded the motion, which carried unanimously.

4. PUBLIC COMMENT

None

5. UNFINISHED BUSINESS

None

[Type here]

Planning and Zoning Meeting
August 15, 2016

[Type here]

6. NEW BUSINESS

1. Public Hearing. #16-024: Application to Amend the Conditional Use Permit and Site Development Plan for New Parking Addition and Entrance for Congregation Shaare Emeth

Applicant: JT Willhite
Clayton Engineering Co.
2268 Welsch Industrial Ct.
St. Louis, MO 63146

Ms. Silverman informed the Committee she was a member of Shaare Emeth Congregation and that she did not believe that would affect her ability to be impartial.

Mr. Dan Tate with TRI Architects represented Shaare Emeth.

Mr. Tate showed slides of Shaare Emeth and talked about the goals of the project. He talked about eliminating an entrance, adding 3,500 sq. feet to the building, and adding 120 parking spaces. He said the new building would maintain the landscape. He said they would put in a garden wall, as well as a glass wall on the building. He said the garden wall and glass wall would allow a natural connection with the outdoors without being invasive. He showed some materials that would be used for the front canopy.

Mr. Carney asked if they had samples to show.

Mr. Tate provided samples of Jerusalem stone and a few of the other primary materials.

Mr. Carney asked about their opinion regarding the driveway not protruding so close to Ballas.

Mr. Tate said they are not enthusiastic about that because it would impact future expansion. He said he believes what they are proposing is a good buffer.

Mr. Carney asked if they agreed with the landscape conditions.

Mr. Tate said the landscape conditions would be easier to comply with.

Ms. Silverman asked about doing 24' vs 22' in the driveway.

Mr. Tate said because it was on a curve it would look better and fit buses better.

Ms. Silverman asked about the tree replacement in the final parking area.

Mr. Tate said there wouldn't be any because they weren't working in that area.

[Type here]

Planning and Zoning Meeting
August 15, 2016

[Type here]

Mr. Magruder asked for clarification on that they don't want to move the drive because it might impact something in the future.

Mr. Tate said he was correct, they may want to add a chapel to that building.

Mr. Magruder suggested they move the drive now and look at it again in the future.

Mr. Tate said they also want to maintain the green between the drive and moving it in the future would be an additional expense they could avoid.

Mr. Greg Yawitz, the Project Chair, said regarding the lot, they would have to change the grade. He said his other concern is with cars that close to the garden wall it would add additional noise and safety.

Ms. Silverman asked what the distance would be from the closest point to Ballas.

Mr. Tate responded it is 30' to the right-of-way.

Mr. Rhein Dabler with Clayton Engineering said that regarding the 14-18 parking spaces the city does not have a requirement regarding the distance; 50' was a request. He said that by moving it to 50', a great number of Hawthorne trees around that circle would be lost by compliance.

Mr. Jaggi said there is dimensional relief that can be provided that would allow additional pushback to keep the lot closer to the building.

Mr. Dabler responded that an additional 2' is doable.

Mr. Jaggi said it is a design consideration as the lot would be considerably more noticeable from Ballas than it is now. The landscape area is increased and buffered, but the parking lot, being 30' from the property line is greatly impacted.

Mr. Schuh asked to see the view from Ballas again.

Mr. Tate said they are elevating the entrance to eliminate steps, so there is a rise in topography so the parking lot isn't very visible.

Mr. Jaggi said they would like to see connections leading from the new entrance to the parking lot. Another condition was that the sidewalk should be widened to 6'. Another request is not to include islands in the lot.

Mr. Carney asked about irrigation.

Mr. Yawitz there is already a system there and could be extended.

Mr. Tate said they would like to keep the trees instead of islands.

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Mr. Magruder asked if their only issue was moving the lot back.

Mr. Tate said it was.

Mr. Carney asked that they were willing to go from 24' - 22'.

Mr. Tate confirmed.

Mr. Lumley asked if condition 5 is different from the tree condition.

Ms. Kelly said yes, it was the missing landscaping along the north and along the existing parking lot. The new lot staff view is they have provided sufficient landscaping.

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

Mr. Magruder said he was unclear about the 2 ft.

Mr. Jaggi said it could be in the motion to maintain a 32' buffer along North Ballas.

Mr. Carney said he was a little unclear on Condition 5, but it seems to be cleared up now.

Mr. Schuh made a motion to recommend adoption of the draft ordinance with a change of Section 3.3 50' to 32' seconded by Ms. Silverman.

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

All in favor, motion passed.



**2. Application #16-022: Barnes Jewish West County Hospital Site Concept Plan
Amendment and Site Development Plan for New Parking Lot Additions and
Modifications to Existing Parking Lots**

Applicant: George Stock
Stock & Assoc. Consulting Engineers, Inc.
257 Chesterfield Business Pkwy
Chesterfield, MO 63005

Mr. Stock of Stock and Associates requested to amend the concept plan due to new modifications. He said the conditions are the same as the original concept plan. Mr. Stock said they are in agreement with most of the suggestions made by staff. He said that the new sidewalk construction would go all the way to Millennium Park. They anticipate another project in the future amending the concept plan. Mr. Stock continued by showing plans where they want to add additional parking with shrubbery. He said they would

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like to remove the islands with the tree and improve the landscaping around the lot. Lush bio-retention rain guards would surround the lot. He said currently all the drainage goes around the perimeter and they are in excess of greenery.

The main purpose of the lot is the Siteman Cancer Center. The City requested better connectivity with the lot and Millennium Park. Mr. Stock said the west sidewalk is not necessary as there are other accessible sidewalks. He said putting the west sidewalk in, would move the lighting further away, making the lot less well lit. He pointed out the staff report shows the correct landscape plan which has 2 trees on each end of the island and is compliant with staff request. He said regarding staff comments, the only request he has to is to waive the west sidewalk.

Mr. Magruder asked what happens to the space when the temporary lot is removed.

Mr. Stock said it will be a temporary green space and eventually it will be replacement hospital.

Mr. Carney asked if anything will go in the south space.

Mr. Stock said it is just labeled as future development and there is no set future plan.

Mr. Schuh asked when the sidewalk would be put in that connects to Olive.

Mr. Stock said the plan is to file an amended site concept plan in probably fall of 2016, with construction 2017.

Mr. Schuh asked what the distance is between the lot and the hospice house.

Mr. Stock at least a football field.

Mr. Schuh asked if a study had been done on illumination.

Mr. Stock said illumination wasn't the issue, it was the purpose of the lot and while they are happy to have is co-use, it becomes an additional cost.

Mr. Stock said there is already a sidewalk interconnecting the lots and the hospice house.

Mr. Jaggi said he would like to talk about the benefits of the lot. He said one benefit is the sidewalk from Millennium Park to Olive. He said the second benefit is that the parking lot was adjusted to the city's recommendation. He continued to say that the lot to the West was a request of the city and as the applicant has already been accommodating in adding other sidewalks, staff would be ok with that. Mr. Jaggi said the pedestrian plan is important. He said that a larger amendment would be in need of further review.

Ms. Silverman asked for clarification that the lot to the west, if the west sidewalk were removed would not impact interconnectivity.

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Mr. Jaggi said there are plenty of opportunities to get citizens to Millennium Park.

Mr. Magruder asked about just doing a small portion of the sidewalk.

Mr. Stock said it would have sidewalk there and the other point would be too much, other sidewalks are accessible.

Mr. Carney asked for comments from the audience.

Two residents commented the lot was highly impactful.

Mr. Stock assured them he would meet with them about their concerns.

Mr. Carney asked if they will be submitting landscaping with future projects.

Mr. Stock said they would.

Ms. Silverman made a motion to recommend approval subject to the conditions contained in the draft with the exception of removing the sidewalk to the west. Mr. Magruder seconded.

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

All in favor, motion passed.

3. Application #16-023: Minor Site Development Plan Approval for Davita Parking Expansion at 400 N Lindbergh Blvd

After discussion of options to reconfigure the parking to facilitate better internal circulation, Mr. George Stock of Stock and Associates requested that the application be tabled.

Mr. Schuh moved to defer the application to the next meeting, seconded by Ms. Silverman. All were in favor.

7. WORK AGENDA

None

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Planning and Zoning Meeting
August 15, 2016

[Type here]

8. **DEPARTMENT REPORTS**

Mr. Jaggi said they hoped to have a draft review schedule at the September 6th meeting.

9. **ADJOURNMENT**

There being no further business to come before the Planning and Zoning Commission, upon motion being made and duly seconded, the meeting was adjourned at 8:07 P.M.

Tim Carney, Acting Chairman

Jessica Stutte, Recording Secretary



**AGENDA
CITY OF CREVE COEUR
CITY COUNCIL
300 NORTH NEW BALLAS RD
AUGUST 22, 2016
7:00 PM**

10. Bill No. 5616 - an Ordinance Approving Amendments to Section 515.060, Rights-Of-Way Permits, of the City Code of Ordinances. First Reading
City Clerk read Bill No. 5616 for the first time.

11. Bill No. 5617 - an Ordinance Confirming the Prior Repeal of Chapter 625 of the Code of Ordinances of the City of Creve Coeur, Missouri, Regarding Taxis. First Reading
City Clerk read Bill No. 5617 for the first time.

Carl Lumley stated this will eliminate obsolete language to avoid confusion with state law.

12. Resolution No. 1238 - a Resolution Approving an Amended Site Concept Plan and Site Development Plan for New Parking Lot Additions and Modifications to Existing Parking Lots for Barnes Jewish West Campus Hospital.

City Clerk read Resolution No. 1238.

Council Member Hoffman disclosed he is an employee of Washington University and can practice at the hospital, but is not employed directly with them.

Council Member Hoffman moved, seconded by Council Member Faron to approve Resolution No. 1238 as presented.

Jason Jaggi made a presentation regarding the application.

George Stock of Stock and Associates was present to answer any questions.

Council Member Lawrence requested for the landscaping plan that the developer choose a variety of shade trees and not just one species.

Mayor called the question to approve Resolution No. 1238, with the vote upon such motion as follows, to-wit:

Council Member Kramer – Aye
Council Member Baseley – Aye
Council Member Hoffman – Aye
Council Member Lawrence – Aye
Council Member D'Alfonso – Aye
Council Member Ruzicka – Aye
Council Member Faron – Aye

The vote upon the motion being 7 ayes and 0 nays, motion carried.



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 #16-022 BARNES JEWISH WEST COUNTY HOSPITAL SITE CONCEPT PLAN AMENDMENT AND SITE DEVELOPMENT PLAN FOR NEW PARKING LOT ADDITIONS AND MODIFICATIONS TO EXISTING PARKING LOTS

FOR THE MEETING OF: 12634 Olive Boulevard (see attached map). Zoned PH
Planned Hospital District

LOCATION: 12634 Olive Boulevard.

REQUEST: George Stock, of Stock and Associates, on behalf of Barnes West County Hospital at 12634 Olive Boulevard, has submitted a request for an amendment to the site concept plan and site development plan to modify existing parking lots and add a new 87,500 square foot surface parking lot south of the Siteman Cancer Center building.

ADDITIONAL INFORMATION: In 2014, Barnes West County Hospital received approval of a site concept plan and site development plan for the Hospice House currently under construction. The Hospital is amending this plan to include a new parking lot at the south east corner of the property just north of Millennium Park to serve as parking for the Siteman Cancer Center building and to allow over-flow parking for Park events. The amended plan also includes a reduction in the existing parking lot serving the Siteman Center and a new temporary lot near the main entrance to the hospital along Olive Boulevard. Site Concept and Site Development Plan approval by the Planning and Zoning Commission and City Council is required for all proposed developments or revisions to existing site concept plan within the PH District. Therefore Council review and approval of the site development plan by resolution based upon the recommendation of the Planning and Zoning Commission is required.

Key Issues:

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

Comp. Plan References

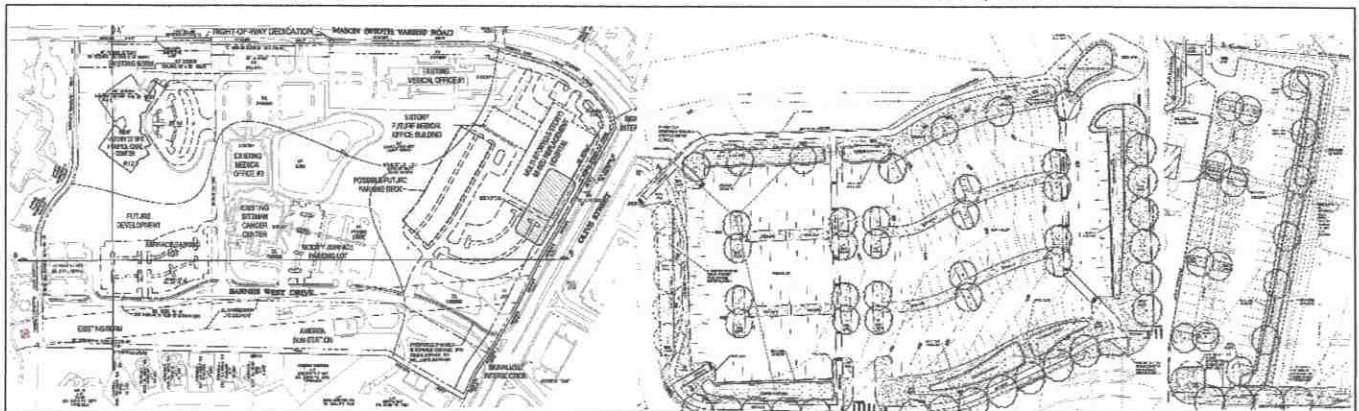
- West Olive Corridor

Zoning Code References

- Section 405.310 "PH" Planned Hospital District
- Section 405.470: Conditional Uses
- Section 405.1080: Site Concept, Site Development And Minor Site Plan Approval
- Section 405.820 Required Off-Street Parking Spaces

APPLICANT: Douglas Black, President
Barnes West County Hospital
12634 Olive Boulevard
Creve Coeur, MO 63141

APPLICANT'S REPRESENTATIVE: George Stock
Stock & Assoc. Consulting Engineers, Inc.
257 Chesterfield Business Pkwy
Chesterfield, MO 63005



REPORT PREPARED BY: Whitney Kelly, AICP, City Planner
DATE: 8/11/2016
ATTACHMENTS: Applicant's Materials received August 10, 2016
Draft Resolution
Ordinance No. 5402

PROPOSAL

Ordinance No. 5402 approved the Site Concept Plan for the Hospital campus and authorized the conditional use permit for the Hospice House currently under construction. Conditions of that approval include: the dedication of land to the public to form a consistent right-of-way along Mason Road with adequate width for sidewalks and landscaping to meet with Section 405.540 Landscaping, including street trees, and that site development plans for future work along Olive Boulevard provide for landscaping to meet with the “green line park” goal of the Comprehensive Plan. The proposed amendment to the Site Concept Plan includes adding a new 87,500 square foot parking lot, reducing the parking lot for the Siteman Cancer Center, and adding a temporary parking lot north of the existing hospital along Olive Boulevard. Per the August 3, 2016, letter from Stock & Associates, further campus planning is on-going and more significant changes to the Campus Concept Plan will be submitted to the City for review later this year. Therefore, the conditions of the Ordinance will be carried over until the time of the new Concept plan.

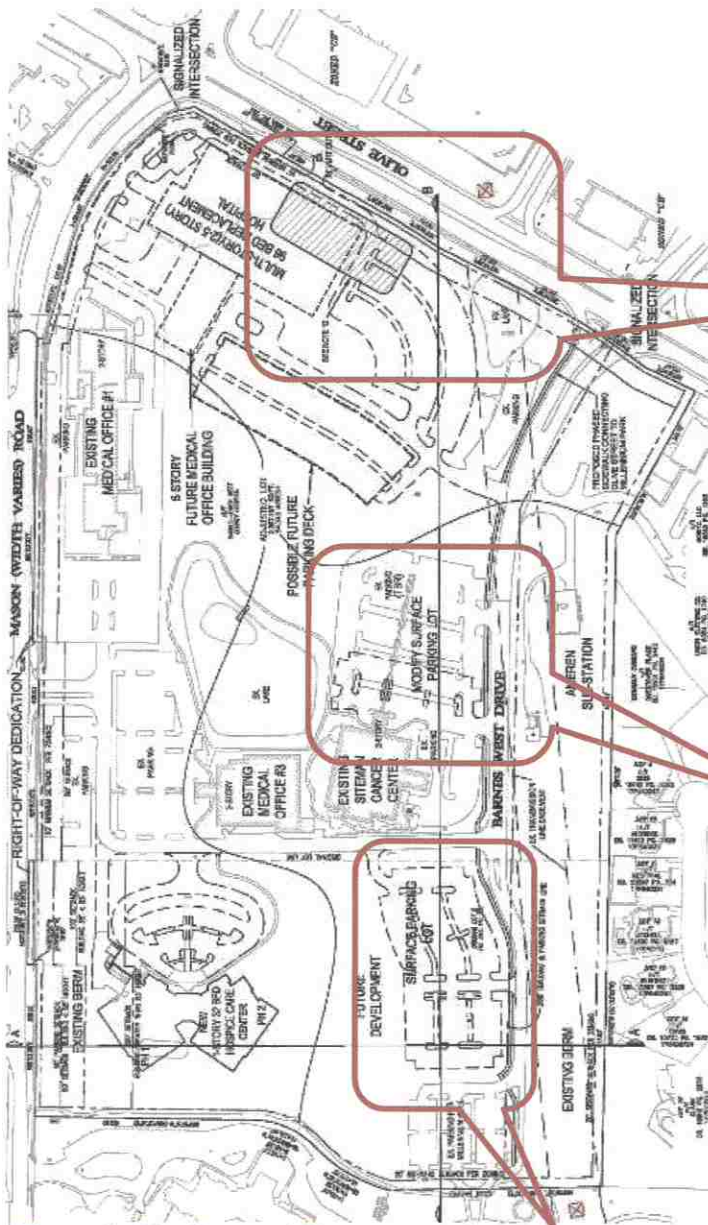


Figure 3: Site Concept Plan; see next page for close-up of the proposed new parking Lot

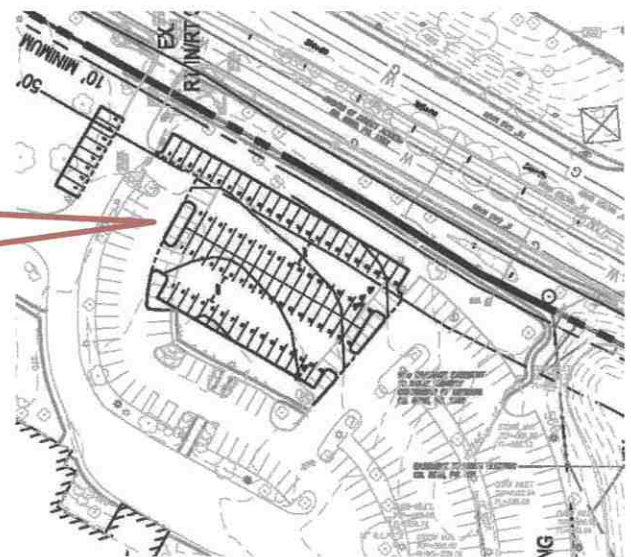


Figure 1: Close-up of Site Development Plan for temporary parking lot filling in existing space

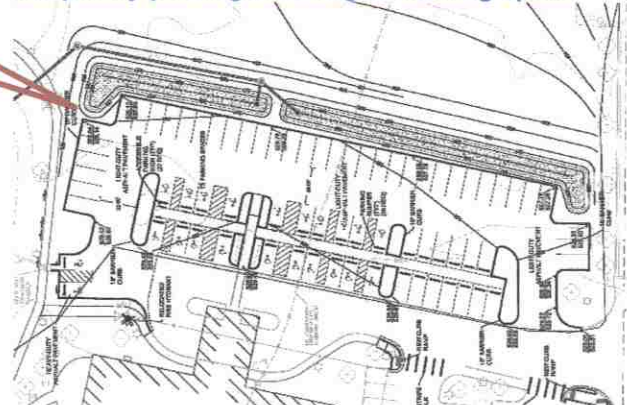


Figure 2: Close-up of the Site Development Plan for the reduction of the existing parking lot at Siteman Cancer Center

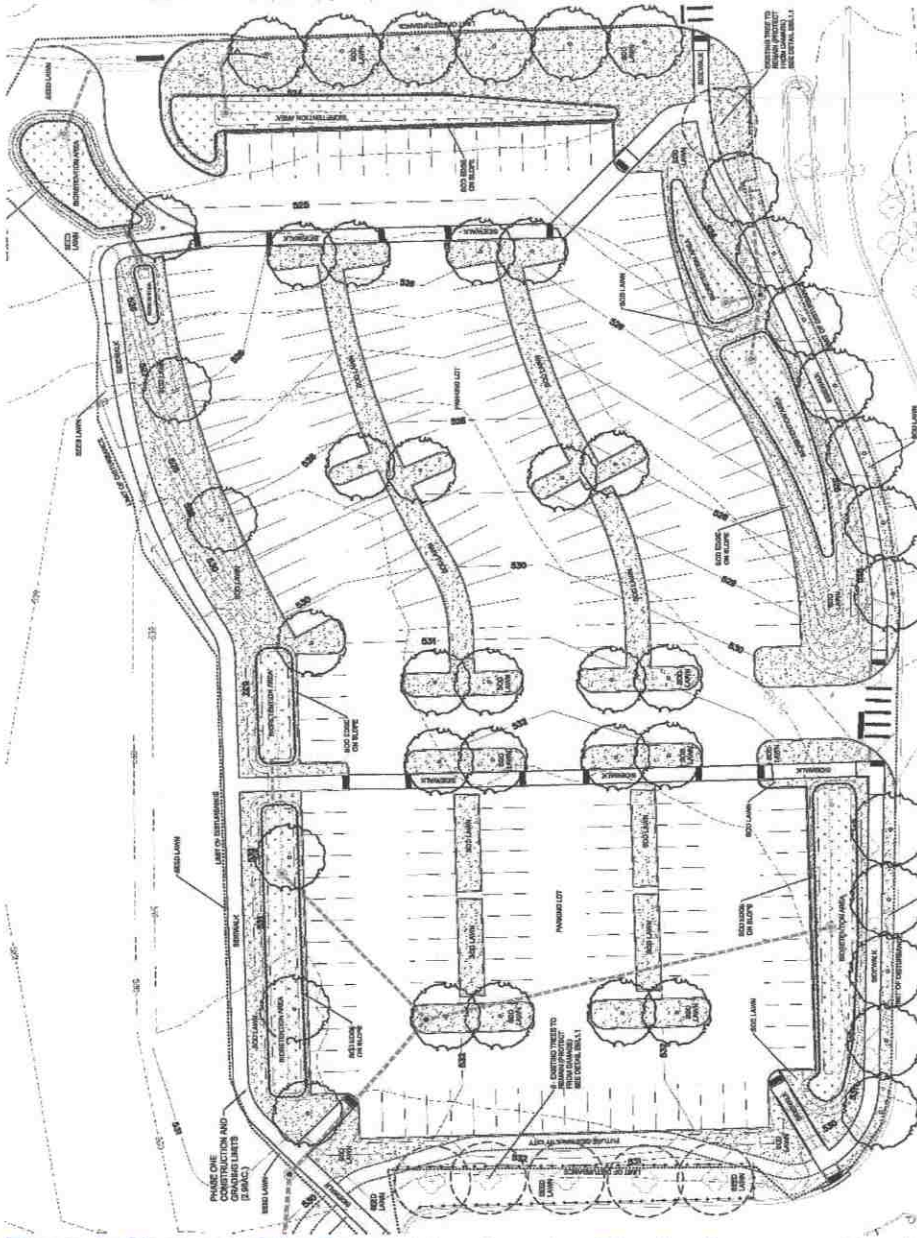


Figure 4: Close-up of the Concept Landscaping Plan for the new parking lot

LAND USE AND ZONING OF SURROUNDING PROPERTIES

The adjacent zoning and land uses are as follows:

DIRECTION	USE	ZONED	SEPARATED BY
North	Office, Retail, Restaurant	CB Core Business District	Olive Boulevard
South	School, Park	C Single Family Residential	N/A
East	Office, Retail / Residential	GC General Commercial District / AR Attached Single Family & B Single Family Residential Districts	N/A
West	Retail, Restaurant / Office / Residential	GC General Commercial District / PO Planned Office District / D Single Family Residential District	Mason Road

The subject property is located within the West Olive Corridor Action Area that has a vision to include a high-quality, contained business area that connects with and co-exists in a compatible fashion with the adjacent single-family neighborhoods. Open spaces and pedestrian facilities will be increased with pedestrian connections between residential and commercial areas. The Subject Property is specifically addressed as Key Property 4, where it is envisioned to continue to develop and expand as a hospital campus, and where special attention should be given to any negative impacts associated with site development, building design and materials, landscaping access, signage, parking lot locations and lighting, as well as other impacts.

As discussed in the 2014 review of the Site Concept plan, the Comprehensive Plan does call for a “green line” park along Olive Boulevard and the existing parcel for the hospital campus has an inconsistent right-of-way along Mason Road, where little room for street trees are provided. Therefore a condition of approval at that time included that future site development plans include landscaping to meet with the “green line” park goal along Olive Boulevard and for the dedication of a consistent right-of-way along Mason Road. It is anticipated that the Hospital will be seeking an entirely new site concept plan for the Campus, and site development plan for the replacement hospital within the near future. Therefore, they are asking that these conditions be carried forward until that time with the submitted plans noting the future right-of-way dedication. The proposed parking lot addition (filling in of the greenspace area of the existing parking lot) in front of the existing hospital will be on a temporary basis and a greater review of a landscape plan for the hospital will come with future site development plans. However, Staff recommends that additional plantings be included at this time to provide screening of the parking from Olive Boulevard and that a condition of approval include the temporary lot shall be for a maximum time of two years to coincide with the construction of the new hospital. Therefore, the focus of review will be on the new parking lot south of the Siteman Cancer Center (just north of the City’s Millennium Park) and the modification of the lot north of the Siteman Cancer Center. At the request of the City, the new south parking lot has been re-oriented in a north-south fashion to facilitate overflow parking for events that occur in the park. Additional sidewalks have been included for greater pedestrian connections between the hospital and park, in furtherance of the recommendations of the Comprehensive Plan.

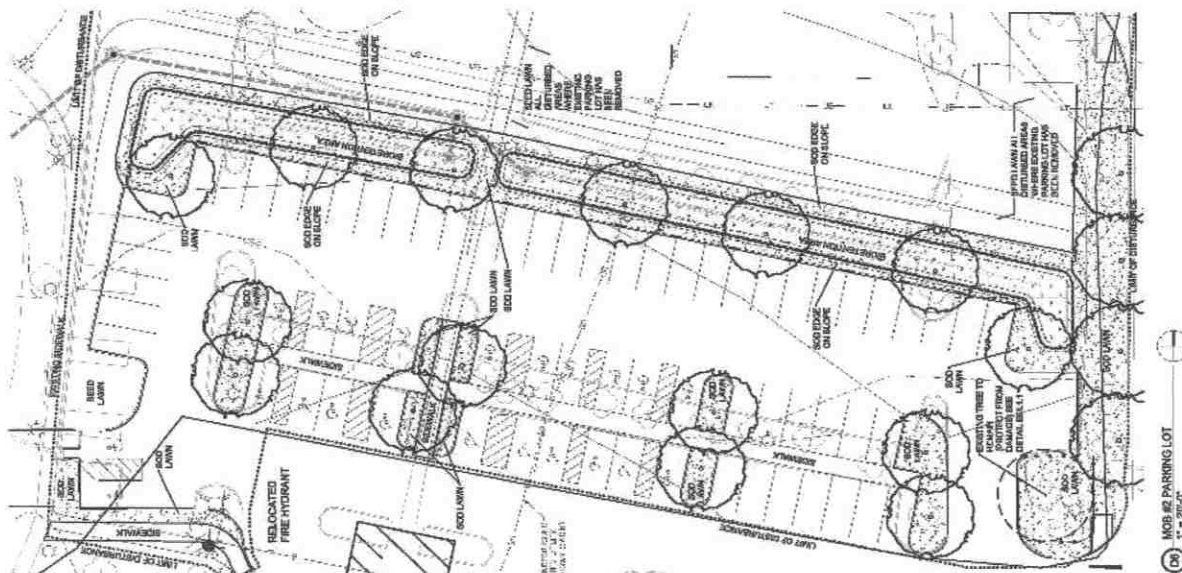


Figure 5: Concept Landscape Plan for the north Siteman Cancer Center parking lot

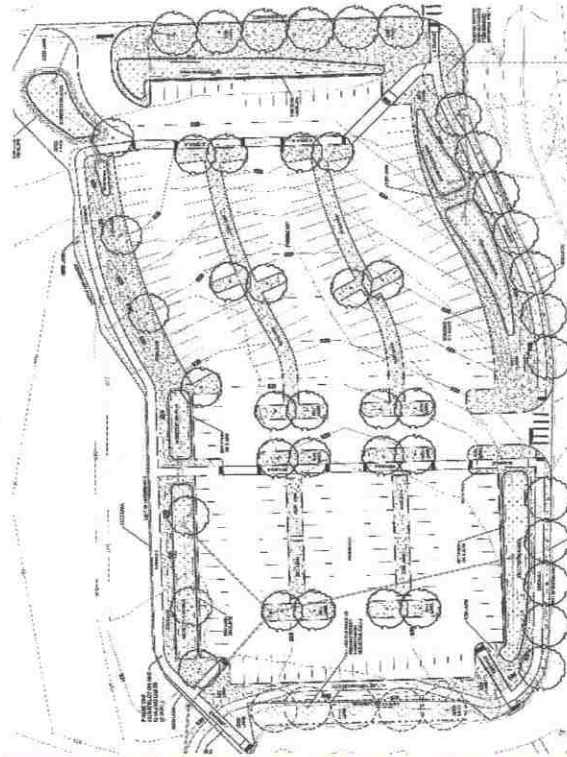


Figure 6: Concept Landscape Plan for the south Siteman Parking lot

Design Guidelines

The City's Design Guidelines discuss locating parking areas to the side or rear of buildings, limiting visual impact of large number of cars and using decorative elements such as fences, plantings or topographic features to screen parking and loading areas. They also call for pedestrian access routes that are buffered from the street, vehicular traffic and parking areas, with the use of greenspace and landscaping as a buffering element (p.6). Further, the Design Guidelines recommend that parking areas, traffic-ways and parking structures are to be enhanced with landscaped spaces containing trees, tree groupings and shrubbery or other landscape enhancements including berms (p. 15), and landscaped parking islands should be incorporated, with parking islands at the beginning and end of all parking aisles as well as every 8-10 parking stalls or other landscape breaks to large parking areas (p. 19). The Zoning Code, discussed further below also provides for shade trees for every 100 lineal feet of a parking row. The new parking lot is interior to the site along Barnes West Drive and new detached, pedestrian connections are provided throughout the site. The Site Concept plan also includes future pedestrian connections for the City's existing Millennium Parking Lot to be completed by the City when funds are available. A new separated sidewalk is shown on the Site Concept plan on the west side of Barnes West Drive that will provide a pedestrian connection from Olive Boulevard through the campus and on to Millennium Park.

The proposed site development for the north and south Siteman Center parking lots includes significant new trees surrounding the parking lots, and a landscaped median is included for between the parking rows and the drive areas, that provide sufficient breaks in the overall design of the parking lot. However, several areas include parking stalls that are in excess of 20 stalls, along the edges to allow for the flow of stormwater to the adjacent landscaped detention basins.

ZONING REVIEW

As discussed earlier, Section 405.310(D) of the Zoning Code states that site concept and site development plan approval by the Planning and Zoning Commission and the City Council shall be required for the total area comprised by the "PH" Planned Hospital District for all proposed developments or revisions to existing site concept or site development plans within the "PH" Planned Hospital District. Section

405.1080 requires site development plan review for any new impermeable surfaces of over 5,000 square feet. The new south parking lot provides for 87,500 square feet of new pavement area, thus requiring an amendment to the Site Concept Plan and Site Development for the Hospital. The campus is 54.34 acres and maximum site coverage for the campus is limited to 63% site coverage for Campus Districts of 30.0 to 55.0 acres, per Section 405.310(E)(2)(b). With the addition of the new parking lot to the existing campus plan, the proposed site coverage is 36.7%.

Landscaping:

Section 405.540 Landscaping of the Zoning Ordinances requires a minimum of 10 square feet of interior landscaping for each 350 square feet of parking spaces and driving aisles, and such landscaping shall be in one or more areas to minimize the size of parking areas, and there shall be at least one shade tree for each landscaped area, and a minimum of two shade trees, within and up to, every 100 linear feet of parking for each parking row. Such trees shall be spaced evenly around the perimeter, and the ends of parking rows abutting a circulation aisle shall be defined by interior landscaped areas whenever feasible. As discussed earlier, the Design Guidelines recommend a landscaped break for every 8 to 10 parking spaces. The proposed parking layout does not comply with the recommendations of the Design Guidelines, where the outside rows of parking stalls exceed 20 spaces in several areas. The Applicant has indicated that this is to allow for flow of storm water to the adjacent BMPs. However, sufficient landscaping and number of shade trees have been provided within the interior medians, where on the north Siteman lot 1,770 square feet of interior landscaping is required and 5,600 square feet is provided. The south Siteman lot shows that 2,500 square feet of interior landscaping is required and 11,123 square feet is provided. The applicant is requesting a waiver of the additional landscaped islands as called for in the Design Guidelines in consideration of the additional landscaping provided elsewhere on the parking lots.

Subsection (F)(5) of the Landscaping requirements allows - in the instance of a planned development which occupies a site in excess of three acres, which has an overall site coverage of less than 40% and which provides additional landscaping elsewhere on the site in compensation for that which otherwise would be located in required interior landscaped areas in parking lots - the Planning and Zoning Commission may waive the required interior landscaping. Therefore, Staff finds that the intent of the Design Guidelines have been met. If the Commission finds that the landscaping provided meets with the intent of the Ordinance and Design Guidelines above and given that the overall site coverage is less than 40% at 36.7%, the Commission may approve the plan as proposed.

Section 405.540(F)(10) requires that all landscaping shall be permanently maintained in good condition with at least the same quality and quantity of landscaping as initially approved. And an underground irrigation system shall be installed, operated and maintained to meet with the intent of this Section. The drawings do not clearly indicate that a system is in place, therefore a condition of approval includes providing for an irrigation system for the new landscaped areas to meet with the requirements of the ordinance.

Parking:

Parking was reviewed for the site development plans for each of the specific buildings on the campus. The proposed south lot will add an additional 219 spaces; 121 spaces are adjacent to the Siteman Center, and 60 additional temporary spaces will be provided along Olive Boulevard. Staff recommends that a condition of approval include that with the future Site Concept Plan an overall Parking Study must be provided for the entire campus.

In addition to the landscape section, Section 405.810(A)(5) of the Off-Street Parking and Loading Regulations requires that all parking adjoining a residential use or public right-of-way, except for those associated with single-family and two-family residences, shall be screened from view by an earth berm, solid wall, decorative fence, evergreen planting of equivalent visual density or other effective means of a minimum of 18 inches, and an average of three feet in height. [Section 405.540(F)(7) also requires that no landscaped hedge shall be less than two feet in height and two feet in spread at time of installation.] The

additional parking along Olive Boulevard is included on a temporary basis while the new hospital is under construction, and the "green line" park landscaping will be reviewed at the appropriate time, and Staff has included a condition of approval that additional plantings be provided to screen the lot during the interim.

Sidewalk

The proposal includes new 6 foot wide pedestrian connections throughout the new parking areas that are in compliance with Section 405.730 below.

Section 405.730 Sidewalks

A. The following standards shall apply to all internal sidewalks in non-residential developments within the City of Creve Coeur:

- 1. Sidewalks shall be safe, clearly defined and direct:*
 - a. Sidewalks shall be buffered from the street, vehicular traffic and parking areas by a minimum three (3) foot greenspace or landscape area.*
 - b. All non-residential developments requiring site concept plan and/or site development plan approval must provide safe, clearly defined and direct access between buildings and from the principal building's entrance to the public sidewalk.*
 - c. Sidewalks shall be designed to avoid conflicts between vehicular, bicycle and pedestrian traffic. Pedestrian circulation and the placement of sidewalks shall take precedence over vehicular circulation. In order to emphasize conflict points and improve pedestrian safety and visibility, the use of textured or tinted materials for pedestrian crossings shall be utilized where pedestrian circulation paths cross a vehicular route as determined by the Planning and Zoning Commission.*
- 2. The minimum width of internal sidewalks in non-residential developments shall be at least six (6) feet or eight (8) feet if used as a curb stop.*

The south parking lot will provide a high level of pedestrian connectivity from the lot to Millennium Park and the Siteman Building. In addition, a continuous sidewalk is shown on the Site Concept plan to provide a pedestrian connection on the campus from Millennium Park to Olive Boulevard.

Lighting

The Applicant's photometric plan indicates that no direct light will be leaving the property, and should meet with the illumination requirements below:

SECTION 405.810: DESIGN AND MAINTENANCE STANDARDS

- 4. Lighting. Any off-street parking or loading area used between 6:00 P.M. and 6:00 A.M. shall contain a system of lighting to provide an adequate standard of at least one (1) foot-candle of illumination over the area of the parking area to be used. All lighting shall be arranged to deflect, shade and focus lights away from adjacent properties, shall be designed so as not to create more than one (1) foot-candle of illumination at any property boundary abutting a residential zoning district and shall comply with all provisions of Section 405.680. Any land use which utilizes an off-street parking or loading area between 6:00 P.M. and 6:00 A.M. an average of less than four (4) days per month may be exempted from this requirement by the Planning and Zoning Commission.*

SUMMARY AND RECOMMENDATION

The proposal represents a change to the existing Site Concept Plan, that will lead to a revised future Site Concept Plan for the Campus. However, the proposed parking lot improvements would appear to meet with the intent of the Comprehensive Plan and Design Guidelines and, for the south parking lot, will have the secondary benefit of providing additional parking for visitors to Millennium Park. Below is a summary

of Staff's recommended conditions of approval in addition to usual and customary conditions regarding process, conformance with plans and development quality:

Concept Plan

- Site development plan approval is required for all future development of the site depicted on the Site Concept Plan, in accordance with Section 405.1080 of the Zoning Ordinance.
- Subject to approval by St. Louis County Department of Highways and Traffic, all applicable site development plans shall include the dedication of land to the public to form a consistent right-of-way along Mason Road with adequate width for sidewalks and landscaping to meet with Section 405.540 Landscaping, including street trees.
- All site development plans shall provide adequate landscaping along Olive Boulevard to meet with the intent of the landscaping requirements and the "green line park" goal of the Comprehensive Plan. Any landscaping to be located within the Olive Boulevard right-of-way will require prior approval from the Missouri Department of Transportation.
- Any future Site Concept Plan should provide for a parking study for the entire site that may allow for a reduction in surface parking in furtherance of the Comprehensive Plan.
- Any future Site Concept Plan shall provide for an overall pedestrian connectivity plan throughout the entire Campus for implementation as projects develop.

Parking Lot Site Development Plans

- The applicant is required to submit Grading Plans, showing all exterior improvements, for all new construction to the Division of Planning for review, as required by Section 410.380 of the Subdivision and Land Development Regulations (Subdivision Code). The Grading Plans shall be in substantial conformance with the "Site Development Plans," and the "Landscape Plans" submitted on August 11, 2016 as bound together and submitted in conjunction with Application #16-022 by Stock and Associates, and as amended below.
- The temporary parking addition along Olive Boulevard shall be allowed in anticipation of the construction of the new Hospital and shall be removed within two years.
- The Landscape Plan shall be amended to provide additional screening along Olive Boulevard for the temporary parking lot addition taking into account the future plans.
- An underground irrigation system shall be installed as required under Section 405.540(10). All landscaping shall be maintained per the approved Landscape Plan and any vegetation that is totally or predominantly dead and/or disfigured due to disease or injury shall be replaced as needed and in a prompt and workmanlike manner as dictated by accepted horticultural standards.

ACTION

If the Planning and Zoning Commission finds the proposed amendment to the Site Concept Plan and Site Development Plans to be in conformance with the purposes and regulations of the Comprehensive Plan and Zoning Code, it may vote on a recommendation to the City Council. Any changes to the draft resolution should be discussed and made by separate actions.

MOTION

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

"I move to recommend approval of Application #16-022 for the amendment to the Site Concept Plan for the Barnes Jewish West County Hospital Campus and approval of the Site Development Plans for the new parking lot improvements, subject to the conditions contained in the draft resolution accompanying the staff report for the meeting of August 15, 2016" (conditions may be added, eliminated, or modified by preceding motion).

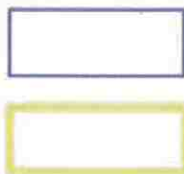
APPENDIX 1: COMPREHENSIVE PLAN

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

APPENDIX 2: ZONING CODE

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

APPENDIX 3: AERIAL PHOTO



Property lines

Barnes Jewish West County Hospital Campus,
12634 Olive Boulevard



APPENDIX 4: SITE PHOTOGRAPHS	Photo Date: 8/12/2016
	Description: View looking north from the entrance of the City's Millennium Park.
	Description: View looking south at the City's parking lot for Millennium Park.
	Description: View looking west from Barnes West Drive of the Siteman Center.

	Description: View looking south from the east-west access drive at the proposed new parking lot area.
	Description: View looking south from Olive Boulevard at the area between the existing parking in front of the hospital that is proposed to be filled in on a temporary basis during construction of a new hospital.

RESOLUTION NO. 1238

A RESOLUTION APPROVING AN AMENDED SITE CONCEPT PLAN AND SITE DEVELOPMENT PLAN FOR NEW PARKING LOT ADDITIONS AND MODIFICATIONS TO EXISTING PARKING LOTS FOR BARNES JEWISH WEST CAMPUS HOSPITAL

WHEREAS, Section 405.310(D) of the Zoning Code states that site concept and site development plan approval by the Planning and Zoning Commission and the City Council shall be required for the total area comprised by the "PH" Planned Hospital District for all proposed developments or revisions to existing site concept or site development plans within the "PH" Planned Hospital District, as provided for in Section 405.1080; and

WHEREAS, an application was submitted by George Stock, of Stock and Associates, on behalf of Barnes West County Hospital at 12634 Olive Boulevard, for an amendment to the site concept plan and site development plan to modify existing parking lots and adding a new 87,500 square foot surface parking lot south of the Siteman Cancer Center building; and

WHEREAS, the Planning and Zoning Commission reviewed and, by a 5-0 vote, recommended approval of the request, subject to the conditions contained herein, at its meeting on August 15, 2016; and

WHEREAS, all parties desiring to be heard, either for or against said application, were given an opportunity to be heard, and a copy of the proposed resolution has been made available for public inspection prior to its consideration by the Council; and

WHEREAS, the City Council finds that the application and evidence presented clearly indicate that the proposed Site Development Plan, when subject to certain conditions set forth herein:

1. Complies with all other applicable provisions of this Chapter including Section 405.1080 Site Concept, Site Development, and Minor Site Plan Approval.
2. Will contribute to and promote the community welfare and convenience at the specific location.
3. Will not cause substantial injury to the value of neighboring property.
4. Meets the applicable provisions of the City's Comprehensive Plan and any applicable neighborhood or sector plans and complies with other applicable zoning district regulations and provisions of this Chapter, unless good cause exists for deviation there from.
5. Will provide, if applicable, erosion control and on-site stormwater detention in accordance with the standards contained in this Chapter.
6. Will be compatible with the surrounding area and thus will not impose an excessive burden or have a substantial negative impact on surrounding or adjacent users or on community facilities or services.

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

Section 1: The amendment to the Site Concept Plan is approved subject to the following conditions:

1. Site development plan approval is required for all future development of the site depicted on the Site Concept Plan, in accordance with Section 405.1080 of the Zoning Ordinance.

RESOLUTION NO. 1238

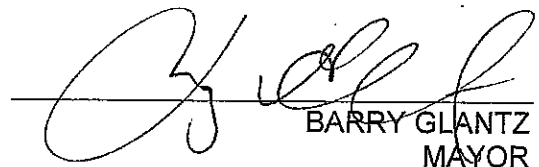
2. Subject to approval by St. Louis County Department of Highways and Traffic, all applicable site development plans shall include the dedication of land to the public to form a consistent right-of-way along Mason Road with adequate width for sidewalks and landscaping to meet with Section 405.540 Landscaping, including street trees.
3. All site development plans shall provide adequate landscaping along Olive Boulevard to meet with the intent of the landscaping requirements and the "green line park" goal of the Comprehensive Plan. Any landscaping to be located within the Olive Boulevard right-of-way will require prior approval from the Missouri Department of Transportation.
4. Any future Site Concept Plan should provide for a parking study for the entire site that may allow for a reduction in surface parking in furtherance of the Comprehensive Plan.
5. Any future Site Concept Plan shall provide for an overall pedestrian connectivity plan throughout the entire Campus as projects develop.

Section 2: The Site Development Plans for the parking lot improvements are approved subject to the following conditions:

1. The applicant is required to submit Grading Plans, showing all exterior improvements, for all new construction to the Division of Planning for review, as required by Section 410.380 of the Subdivision and Land Development Regulations (Subdivision Code). The Grading Plans shall be in substantial conformance with the "Site Development Plans," and the "Landscape Plans" submitted on August 11, 2016 as bound together and submitted in conjunction with Application #16-022 by Stock and Associates, except that the western sidewalk along the new Siteman Center parking lot shall not be required other than at the southwest corner, and as amended below.
2. The temporary parking addition along Olive Boulevard shall be allowed in anticipation of the construction of the new Hospital and shall be removed within two years.
3. The Landscape Plan shall be amended to provide additional screening along Olive Boulevard for the temporary parking lot addition taking into account the future plans.
4. An underground irrigation system shall be installed as required under Section 405.540(10). All landscaping shall be maintained per the approved Landscape Plan and any vegetation that is totally or predominantly dead and/or disfigured due to disease or injury shall be replaced as needed and in a prompt and workmanlike manner as dictated by accepted horticultural standards.

Section 3: This resolution shall become effective upon approval.

ADOPTED THIS 22nd DAY OF August, 2016.


 BARRY GLANTZ
 MAYOR

ATTEST:


 DEBORAH RYAN, MPCC
 CITY CLERK

DETENTION POND AGREEMENT

This Detention Pond Agreement ("**Agreement**") is entered into as of the 11th day of November, 1999 by and between Barnes-Jewish West County Hospital, a Missouri nonprofit corporation ("**Barnes-Jewish**"), and The City of Creve Coeur, Missouri, a municipal corporation of the State of Missouri ("**City**").

WHEREAS, simultaneous with the execution and delivery of this Agreement, Barnes-Jewish has acquired that certain property located in the City of Creve Coeur, County of St. Louis, more particularly described on Exhibit "A" attached hereto ("**Barnes-Jewish/Hope Property**"); and

WHEREAS, simultaneous with the execution of this Agreement and the purchase of the Barnes/Jewish/Hope Property by Barnes-Jewish, the City has acquired from Barnes-Jewish that certain property more particularly described on Exhibit "B" attached hereto ("**Park Property**"); and

WHEREAS, Barnes-Jewish is also the owner of that certain property adjacent to the Barnes/Jewish/Hope Property, which property is more particularly described on Exhibit "C" attached hereto ("**Existing Barnes-Jewish Property Including MOBTAP Property**"); and

WHEREAS, that portion of the Barnes/Jewish/Hope Property which is not included within the Park Property and the Existing Barnes-Jewish Property Including MOBTAP Property are collectively referred to as the "**Hospital Campus**"; and

WHEREAS, Barnes-Jewish contemplates making additional improvements to the Hospital Campus, and the City contemplates constructing a public park ("**Park**") on the Park Property; and

WHEREAS, in order to satisfy the legal requirements of the Hospital Campus and the Park Property (which includes the disposition of stormwater flowing onto the Hospital Campus and Park Property from the adjacent Questover Place Subdivision ("**Questover**")) for stormwater drainage and detention, the parties hereto have agreed that a dry detention pond on the southern portion of the Park Property (which along with the associated pipes and conduits, are referred to as the "**Detention Pond**") generally as depicted on Exhibit "D" hereto, and Barnes-Jewish shall be granted an easement to locate underground pipes and conduits as are reasonably necessary from the Hospital Campus to the Detention Pond to obtain access to the Detention Pond; and

WHEREAS, the parties intend to equitably share the costs of the design, construction, maintenance and repair of the Detention Pond as more particularly described hereinafter; and

WHEREAS, in conjunction with the execution of this Agreement, the City and Barnes-Jewish executed that certain Agreement Regarding Property Restrictions and Right of First Refusal of even date herewith and recorded simultaneously with this Agreement ("**Restriction Agreement**"), for their mutual benefit and for the benefit of a group defined as the "Concerned Citizens"; and

WHEREAS, in conjunction with the execution of this Agreement, the City and Barnes-Jewish have executed that certain Access Agreement of even date herewith and recorded simultaneous with this Agreement ("**Access Agreement**").

NOW, THEREFORE, in consideration of the mutual covenants and conditions contained herein, the parties hereto agree as follows:

1. Design of Detention Pond.

a. The City and Barnes-Jewish acknowledge that simultaneously with the execution of this Agreement, Barnes-Jewish has executed an agreement with Stock & Associates Consulting Engineers, Inc. ("**Engineer**") to be engaged by Barnes-Jewish to perform engineering services to assist the City and Barnes-Jewish in preparing plans for the construction of a Detention Pond and the underground pipes and conduits to and from the Detention Pond ("**Plans**") on the Park Property that will satisfy:

- (i) the reasonably anticipated stormwater requirements for the Park Property, taking into account the construction of the Park as contemplated by the City on the Park Property and the stormwater flowing from Questover onto the Park Property,
- (ii) the reasonably anticipated stormwater requirements for the Hospital Campus, taking into account the construction of the maximum contemplated improvements on the Hospital Campus by Barnes-Jewish and including stormwater flowing from Questover onto the Hospital Campus, and
- (iii) all current requirements of the Metropolitan Sewer District ("**MSD**") and the requirements of any currently applicable governmental laws, regulations and other requirements regarding the handling of stormwater ("**Stormwater Requirements**"). The Plans shall provide that no stormwater shall be diverted to the sinkholes currently located on the Hospital Campus.

As used herein the parties' Percentage Shares shall be:

- (a) 95% for Barnes-Jewish; and
 - (b) 5% for the City.
- b. (i) Upon the completion of the Plans, the parties shall work together in order to assure that the construction of the Detention Pond is begun and completed in sufficient time to service any new improvements on either the Hospital Campus or the Park Property requiring the use of the Detention Pond. Barnes-Jewish shall provide to the City, for its approval, the names of three (3) prospective contractors ("**Prospective Contractors**") from which Barnes-Jewish desires to seek bids to construct the Detention Pond. The City agrees that it shall not unreasonably

withhold or delay its approval of such Prospective Contractors by Barnes-Jewish. If the City does not approve the three (3) proposed Prospective Contractors, the parties shall work together in good faith to identify three (3) prospective contractors which are acceptable to both parties. Barnes-Jewish shall request written proposals to perform the work in accordance with the Plans prepared by the Engineer from each of the Prospective Contractors and shall select the Prospective Contractor with the lowest responsive bid ("Contractor"). The parties agree that Barnes-Jewish shall be responsible for supervising the construction and completion of the Detention Pond in accordance with the Plans prepared by the Engineer and agreed to by Barnes-Jewish and the City. Barnes-Jewish agrees to indemnify and hold the City harmless from and against any and all claims, losses, expenses or damage to any person or property in or upon the Park Property arising directly out of the design, construction, and use of the Detention Pond by Barnes-Jewish caused by Barnes-Jewish. Such indemnification shall not include any claims, losses, expenses or damage caused by Park visitors, the City or any other third party, other than Barnes-Jewish and its agent, employees and contractors.

(ii) Barnes-Jewish agrees that it shall endeavor to complete construction of the Detention Pond including the connecting underground pipes and conduits in an expeditious manner. In particular, after the agreement of the City and Barnes-Jewish as to the Plans, Barnes-Jewish shall undertake the following:

- (A) Promptly seek bids from Prospective Contractors;
- (B) Promptly after receipt of bids from Prospective Contractors, coordinate with the City to pick the Contractor and obtain permits for the work;
- (C) Promptly after picking a Contractor, enter into a binding construction contract with the Contractor to undertake the improvements for the Detention Pond in an expeditious manner;
- (D) Undertake good faith efforts to enforce the Contractor's obligation to complete the Detention Pond as set forth in such construction contract; and
- (E) Barnes-Jewish agrees that it shall provide status reports to the City from time to time as may be reasonably requested concerning the timing and estimated completion date of the work.

(iii) The City agrees that it shall cooperate with Barnes-Jewish so as to avoid any delay in the design, approval and construction of the Detention Pond. The City acknowledges and agrees that in order to undertake the construction of the Detention Pond, it may be necessary for the City to place gravel or rock or other suitable base material to create the access

road connecting the Park to Mason Road (“**Construction Easement Road**”), as provided in the Access Agreement. Within sixty (60) days after written notice from Barnes-Jewish to the City, the City agrees that the City shall place gravel or rock or other suitable material to create the Construction Easement Road so that it is in sufficient condition to support truck traffic providing construction equipment and materials to the Detention Pond construction site. The City further agrees that it shall promptly review any and all requests for permits or licenses submitted by Barnes-Jewish and/or its Contractor for work on the Detention Pond so as not to unduly delay issuance of permits for the construction thereof.

c. The parties agree that they shall share the reasonable costs of the Engineer for the design of the Plans and all costs for the construction of the Detention Pond (including pipes and conduits) in accordance with each party’s respective Percentage Share. Barnes-Jewish shall be responsible for supervising the contracts with the Engineer and with the Contractor and shall provide written notice to the City of the City’s Percentage Share of such Detention Pond related expenses, as well as reasonable back-up paper documentation for such expenses. The City shall pay to Barnes-Jewish the City’s Percentage Share of such expenses within thirty (30) days after receipt of such invoice unless (i) the City reasonably requests additional documentation to verify the appropriateness of the invoice, in which case the time period for paying such invoice shall be tolled one day for each day it takes Barnes-Jewish to provide such documentation, or (ii) the City reasonably disputes the invoice, in which case the time period for paying such invoice shall be delayed until such time as the dispute is resolved; provided, the City must remit the undisputed portion of the invoice within the thirty (30) day time period; provided further, the unpaid, disputed portion of the invoice shall bear interest at a rate of nine percent (9%) per annum from the date due until paid in the event the dispute is resolved in favor of Barnes-Jewish. Barnes-Jewish shall be responsible for paying the invoices to the Contractor and Engineer directly.

d. In the event that Barnes-Jewish fails to comply with its obligations to construct the Detention Pond in accordance with the time requirements set forth in Section 1(b), the City may send written notice to Barnes-Jewish of such failure and if Barnes-Jewish does not begin to take reasonable and substantial efforts to cure such failure within thirty (30) days thereafter and diligently pursue such cure to completion, the City may remedy such failure and Barnes-Jewish shall reimburse the City for Barnes-Jewish’s Percentage Share of the costs incurred by the City to remedy the default of Barnes-Jewish within thirty (30) days after receipt of an invoice. If Barnes-Jewish does not pay such sum as is due to the City within such thirty (30) day period, any delinquent sums shall bear interest at the rate of nine percent (9%) per annum from the date due until paid.

e. At the City’s option, the City may hire the Engineer to seek the approval of MSD and any other appropriate governmental agencies to permit the stormwater currently flowing from Questover onto the Hospital Campus to be diverted to existing stormwater pipes located under Mason Road to the west of the Hospital Campus (“Questover Stormwater Diversion”). Barnes-Jewish will give the Engineer access to the portion of the Hope Property retained by Barnes-Jewish to conduct engineering tests for the Questover Stormwater Diversion. All engineering work for the Questover Stormwater Diversion shall be done at the City’s

expense. In the event that the Engineer and the City are able to obtain the approval of MSD and any other required governmental approvals to effect the Questover Stormwater Diversion, Barnes-Jewish shall not unreasonably withhold its consent to allow the City to undertake such work, at the City's expense, so long as the Questover Stormwater Diversion facilities do not materially impair the future development of the Hospital Campus nor materially delay the completion of the Detention Pond. If the City and Barnes-Jewish agree to effect the Questover Stormwater Diversion, the size of the Detention Pond shall be reduced proportionately to reflect the reduction in stormwater to be serviced by the Detention Pond stormwater capacity. Barnes-Jewish agrees to cooperate with the City in the City's efforts to reduce the size of the Detention Pond so long as such reduction does not result in any additional cost to Barnes-Jewish, materially impair the future development of the Hospital Campus nor materially delay the completion of the Detention Pond.

f. In the event that either the City or Barnes-Jewish desire to further expand the capacity of the Detention Pond after its initial construction, either party shall be free to do so at its sole cost and expense and shall provide the other party with copies of any engineering reports, studies or plans as may be requested by the other party verifying the improvements to be made to the Detention Pond, the costs thereof, as well as the increased usage of the Detention Pond by the party requesting such expansion. Upon completion of any such expansion, the respective Percentage Shares of the parties shall be recalculated based on the expanded size of the Detention Pond and the anticipated percentage use thereof by each party. Notwithstanding the above, Barnes-Jewish may not expand the perimeter of the Detention Pond if such expansion increases the total surface area of the Detention Pond. The party performing the expansion of the Detention Pond agrees to indemnify and hold the other party harmless from and against any and all claims, losses, expenses or damage to any person or property arising out of such expansion of the Detention Pond.

g. The parties agree that Barnes-Jewish shall be responsible for the repair and maintenance of the Detention Pond including pipes from the Hospital Campus to the Detention Pond on a day-to-day basis after the initial construction (but not including lawn responsibilities described below or landscaping). All reasonable out-of-pocket costs and expenses of Barnes-Jewish for the maintenance and repair of the Detention Pond ("**Maintenance Expenses**") shall be shared by the parties in accordance with their Percentage Shares as may be adjusted pursuant to Section 1(f) above. Barnes-Jewish shall provide invoices to the City no more often than four (4) times per year, nor less often than once per year notifying the City of its Percentage Share for such Maintenance Expenses, as well as reasonable supporting documentation for such Expenses. The City shall pay all such invoices to Barnes-Jewish within thirty (30) days after receipt thereof unless (i) the City reasonably requests additional documentation to verify the appropriateness of the invoice, in which case the time period for paying such invoice shall be tolled one day for each day it takes Barnes-Jewish to provide such documentation, or (ii) the City reasonably disputes the invoice, in which case the time period for paying such invoice shall be delayed until such time as the dispute is resolved; provided, the City must remit the undisputed portion of the invoice within the thirty (30) day time period; provided further, the unpaid, disputed portion of the invoice shall bear interest at a rate of nine percent (9%) per annum from the date due until paid in the event the dispute is resolved in favor of Barnes-Jewish. The City shall be responsible at its cost for all landscaping and lawn mowing within and surrounding the Detention Pond. The City shall mow the grass within the Detention

Pond and provide such care for the grass within the Detention Pond as is provided by the City to other areas of grass within the Park.

h. The City hereby grants to Barnes-Jewish and to the employees, agents, contractors, and professionals of Barnes-Jewish an irrevocable, non-exclusive access easement to enter upon the Park Property to perform the engineering, construction, maintenance and repair rights granted and obligations imposed on Barnes-Jewish hereunder. The City hereby further grants to Barnes-Jewish and its successors and assigns an irrevocable easement for the construction, location, repair, use and maintenance of the Detention Pond on the Park Property to be located generally in the area depicted on Exhibit "D" hereto and the construction, maintenance, repair, use and replacement of underground conduits and pipes under the surface of the Park Property at locations to be approved by the City, whose approval shall not be unreasonably withheld or delayed, as reasonably necessary to transport stormwater from the Hospital Campus to the Detention Pond from time to time. All construction, maintenance and repair work shall be conducted in such a fashion as to not unreasonably interfere with the use of the Park Property by the City and its residents. Barnes-Jewish shall restore the Park Property to its original condition upon the completion of its construction, repair, maintenance and/or replacement of underground conduits and pipes. The easements granted by the City to Barnes-Jewish hereunder shall be appurtenant to the Hospital Campus, shall be for the benefit of Barnes-Jewish and its successors and assigns and shall burden the City and its future successors and assigns as owners of the Park Property.

i. So long as this Agreement is in effect, the City shall maintain at its sole cost and expense, general liability insurance with an initial amount of \$1,000,000 per occurrence, \$3,000,000 general aggregate. Said insurance shall be placed with a company reasonably acceptable to Barnes-Jewish and shall name Barnes-Jewish as a named insured. Further, such policy shall provide coverage reasonably acceptable to Barnes-Jewish to provide insurance coverage over any potential claims, suits or actions as a result of drowning or other bodily injury and property damage that may take place in or around the Detention Pond or which are the direct or indirect result of the maintenance obligations of Barnes-Jewish. Upon the completion of the Detention Pond and on the first day of each year thereafter, the City shall provide Barnes-Jewish with a copy of an insurance certificate confirming such insurance coverage. The parties agree that at the beginning of each fifth calendar year after the date hereof, the parties shall review the dollar amount for such liability coverage and make appropriate increases in such coverage to reflect a commercial reasonable amount of insurance coverage over such risks.

j. Barnes-Jewish and the City currently anticipate that there may be excess soil available on the Park Property after the completion of the construction of the Detention Pond and the grading of the Park Property for the development of the Park ("Excess Soil"). The parties agree that they will instruct the engineers preparing the grading plans for the Park and the Detention Pond to design the cut and fill to provide for Excess Soil sufficient to satisfy the "Minimum Soil Uses" (as defined below) so long as such design does not materially increase the cost or materially impair the usage of the Detention Pond or the Park. The "Minimum Soil Uses" are the following:

- (1) soil necessary to construct berming to the east of the City Access Road (as defined in the Access Agreement) as the costs thereof are allocated under the Access Agreement;

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- (2) soil necessary to construct any berms to be located around the northern or eastern perimeter of the Park Property, to be done at the City's expense;
- (3) soil necessary to fill in the existing detention ponds currently located on the Hospital Campus, to be done at Barnes-Jewish's expense; and
- (4) soil for the construction of a berm immediately to the east of Mason Road on the portion of the Barnes-Jewish/Hope Property retained by Barnes-Jewish ("16-Acre Parcel"), to be done at Barnes-Jewish's expense.

k. Barnes-Jewish and the City agree that Excess Soil shall be utilized first for the Minimum Soil Uses in the order listed in Paragraph j above. So long as the parties reasonably anticipate that there will be sufficient reserves of Excess Soil for the Minimum Soil Uses numbered 1 and 2 above, Barnes-Jewish shall be permitted to use any Excess Soil from the construction of the Detention Pond to fill its existing detention ponds on the Hospital Campus, at the expense of Barnes-Jewish. The City agrees that it shall cooperate and work with Barnes-Jewish and permit the temporary storage of Excess Soil on the 16-Acre Parcel pending the use of such Excess Soil for the Minimum Soil Uses.

l. In the event that the City has Excess Soil after the allocation for the Minimum Soil Uses, the City, at its option may transport such Excess Soil, at the City's expense, to a location away from the Hospital Campus and the Park Property.

m. In the event that the City has Excess Soil after the Minimum Soil Uses have been satisfied and the City desires to move such Excess Soil onto the 16-Acre Parcel ("Soil Relocation"), the City may request the permission of Barnes-Jewish to do so in writing by providing to Barnes-Jewish the following information:

- (i) the volume of the Excess Soil to be moved to the 16-Acre Parcel;
- (ii) confirmation that the Excess Soil to be moved is environmentally clean; and
- (iii) a copy of the grading plans and schedule.

Barnes-Jewish agrees it will not unreasonably withhold approval of the Soil Relocation so long as the Soil Relocation satisfies the following requirements:

- (A) the soil is environmentally clean;
- (B) the grading plans provide for an acceptable finished grade;
- (C) subsequent to the completion of the grading Barnes-Jewish will be able to continue farming of the 16-Acre Parcel until it is ready for the development;
- (D) the grading plans provide for adequate drainage of the 16-Acre Parcel;

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- (E) the Soil Relocation shall be done at the expense of the City; and
- (F) the grading plans will not adversely affect the potential future development of the 16-Acre Parcel by Barnes-Jewish.

n. Barnes-Jewish and the City acknowledge and agree that the City is the owner of the Detention Pond and that the City, as owner of the Detention Pond, is entitled to use the Detention Pond for any purpose not inconsistent with the rights granted to Barnes-Jewish herein, including for recreational purposes. The City acknowledges and agrees that any and all use of the Detention Pond by the City and its residents shall be at the risk of the City and its residents.

o. So long as this Agreement is in effect, the Barnes-Jewish shall maintain at its sole cost and expense, general liability insurance with an initial amount of \$1,000,000 per occurrence, \$3,000,000 general aggregate. Said insurance shall be placed with a company reasonably acceptable to City and shall name City as a named insured. Further, such policy shall provide coverage reasonably acceptable to City to provide insurance coverage over any potential claims, suits or actions as a result of drowning or other bodily injury and property damage that may take place in or around the Detention Pond which are the direct or indirect result of the obligations of Barnes-Jewish hereunder. Upon the completion of the Detention Pond and on the first day of each year thereafter, the Barnes-Jewish shall provide City with a copy of an insurance certificate confirming such insurance coverage. The parties agree that at the beginning of each fifth calendar year after the date hereof, the parties shall review the dollar amount for such liability coverage and make appropriate increases in such coverage to reflect a commercial reasonable amount of insurance coverage over such risks. Notwithstanding the above, Barnes-Jewish may, at its option, provide for such insurance coverage through a system of self-insurance.

2. Notices. All notices, requests and other communications under this Agreement shall be in writing and shall be delivered in person, overnight courier (e.g. Federal Express or Airborne Express) or sent by certified mail, return receipt requested, addressed as follows:

If intended for City:

City Hall
300 North New Ballas Road
Creve Coeur, MO 63141
Attention: City Administrator

with copies to:

Curtis, Oetting, et al
130 S. Bemiston
Suite 200
Clayton, MO 653105
Attention: Steve Garrett

Behr, Mantovani, McCarter & Potter
7777 Bonhomme Avenue
Suite 1810
St. Louis, MO 63105
Attention: Dudley McCarter

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If intended for Barnes-Jewish:

Barnes-Jewish West County Hospital
c/o BJC Health System
4444 Forest Park Boulevard
Suite 500
St. Louis, MO 63108
Attention: Director of Legal Services

with copies to:

BJC Risk Management/Legal Services
9890 Clayton Road
Suite 100
St. Louis, MO 63124
Attention: Barbara Gillam

Sonnenschein Nath & Rosenthal
One Metropolitan Square, Suite 3000
St. Louis, MO 63102
Attention: Daniel R. Wofsey

or at such other address, and to the attention of such other person, as the parties shall give notice as herein provided. All such notices, requests and other communications shall be deemed to have been sufficiently given for all purposes hereof on the date deposited in the mail and shall be deemed received on the fifth business day after the date of the mailing thereof, if sent by U.S. Postal Service or deemed given the next business day if sent by overnight courier.

3. Miscellaneous. This Agreement constitutes the entire agreement between the parties hereto in respect of the subject matter hereof, and may be modified only by a written document executed by all parties hereto. This Agreement shall be governed by the internal laws of the state of Missouri, without regard to such state's conflict of laws' principles. If any provision of this Agreement is found to be or is rendered unenforceable or invalid, then such unenforceable or invalid provision shall be deemed severed from this Agreement and shall not affect the remaining terms of this Agreement. This Agreement may be executed in counterparts, which together shall constitute but one and the same instrument.

4. Payment for Park Improvements. Upon the completion of the Detention Pond as provided hereunder, Barnes-Jewish shall provide to the City a payment of Thirty Thousand Dollars (\$30,000.00) which the City agrees shall be utilized to pay for a portion of the improvements to the Recreational Area Facilities (as defined in the Restriction Agreement) within the Park. Such Thirty Thousand Dollar (\$30,000.00) payment may be made by Barnes-Jewish in full or in part as a credit to the City against the payments owed by the City to Barnes-Jewish for the City's Percentage Share of the Detention Pond costs.

5. Parking Lot. Barnes-Jewish agrees that the City may construct a parking lot on the southeast corner of the 16 Acre Parcel encompassing approximately one (1) acre of land ("Parking Lot"). The City and Barnes-Jewish agree that such Parking Lot shall be located immediately adjacent to the Park Property notwithstanding any applicable set back line requirements. Promptly after the recording of this Agreement, the parties shall negotiate and execute an agreement regarding the Parking Lot that includes the following provisions:

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- a. The Parking Lot shall be used by the City for visitors to the Park;
- b. The City shall pay for the design, construction, maintenance and repair of the Parking Lot;
- c. Prior to constructing the Parking Lot, the City shall provide Barnes-Jewish with copies of the Parking Lot plans for approval by Barnes-Jewish, which approval shall not unreasonably withheld;
- d. The City shall provide reasonable insurance coverage and indemnification of Barnes-Jewish for risks resulting from the use of the Parking Lot;
- e. At such time as Barnes-Jewish desires to develop any improvements on the 16 Acre Parcel, Barnes-Jewish shall have the right to relocate the Parking Lot and provide a comparable number of alternative parking spaces on the 16 Acre Parcel for Park visitors. In the event Barnes-Jewish relocates the parking spaces, it shall take reasonable efforts to provide such alternative parking spaces in a location reasonably close to the Park Property;
- f. The Parking Lot or any substitute parking spaces provided by Barnes-Jewish shall be used on a non-exclusive first come first served basis by the City and Barnes-Jewish; and
- g. At such time as Barnes-Jewish develops the 16 Acre Parcel, the fact that the City is allowed to utilize a portion of the parking spaces to be located on the Hospital Campus shall not be deemed to increase the number of parking spaces required under the City's ordinances for any development on the Hospital Campus over the number that would be required if the City were not using the parking spaces on the Hospital Campus.

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BP12367/0034

IN WITNESS WHEREOF, the undersigned have executed this Agreement as of the date and year first above noted

THE CITY

THE CITY OF CREVE COEUR, MISSOURI, a municipal corporation of the State of Missouri

By: [Signature]
Name: Mark C. Perkins
Title: City Administrator

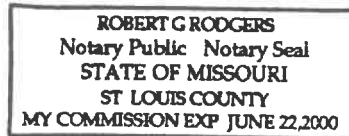
STATE OF MISSOURI)
)
COUNTY OF ST. LOUIS) S.S.

On the 29th day of November, 1999, before me appeared Mark C. Perkins, to me personally known, who, being by me duly sworn did say that he/~~she~~ is the City Administrator of The City of Creve Coeur, Missouri, a municipal corporation of the State of Missouri, and that the attached instrument was signed on behalf of said municipal corporation and by authority of its City Council and said Mark C. Perkins acknowledged said instrument to be the free act and deed of said municipal corporation.

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

Notary Public: [Signature]

My commission expires: _____



Attachment: Detention Pond Agreement - BJC - 11-24-99 (BJC West County Hospital and Millennium Park Parking Documents)

BP12367/0035

BARNES-JEWISH:

BARNES-JEWISH WEST COUNTY HOSPITAL,
a Missouri not-for-profit corporation

By: [Signature]
Name: William M. Behrendt
Title: President

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

On the 29 day of NOVEMBER, 1999, before me appeared WILLIAM M. BEHRENDT, to me personally known, who, being by me duly sworn did say that he/~~she~~ is the President of Barnes-Jewish West County Hospital, a Missouri nonprofit corporation, and that the attached instrument was signed on behalf of said corporation and by authority of its board of directors, and said William M. Behrendt acknowledged said instrument to be the free act and deed of said corporation.

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

Notary Public: Noreen B. Bourn
NOREEN B. BOURN

My commission expires: 4/4/02



Attachment: Detention Pond Agreement - BJC - 11-24-99 (BJC West County Hospital and Millennium Park Parking Documents)

BP12367/0036

Exhibit "A" – Barnes-Jewish/Hope Property

Exhibit "B" – Park Property

Exhibit "C" – Existing Barnes-Jewish Property Including MOBTAP Property

Exhibit "D" – Detention Pond

Attachment: Detention Pond Agreement - BJC - 11-24-99 (BJC West County Hospital and Millennium Park Parking Documents)

BP1236 7/0037

EXHIBIT A

(Legal description of Barnes-Jewish/Hope Property)

Lot 2 of BARNES-JEWISH WEST COUNTY HOSPITAL SUBDIVISION, according to the plat thereof recorded in Plat Book 347 page 751 of the St. Louis County Records.

BP12367/0038

EXHIBIT B

(Legal description of Park Property)

Lot 3 of BARNES-JEWISH WEST COUNTY HOSPITAL SUBDIVISION, according to the plat thereof recorded in Plat Book 347 page 751 of the St. Louis County Records.

BP1236710039

EXHIBIT C

Existing Barnes-Jewish Property Including MOBTAP Property

PRIOR HOSPITAL CAMPUS:

A tract of land being part of Lot 3 of the John Hezel Estate, in U.S. Survey 1923, Township 45 North - Range 5 East, St. Louis County, Missouri, and being more particularly described as:

Beginning at a point in the East line of Mason Road, being 15.00 feet East of the original centerline of Mason Road; said point being distant North 01 degree 03 minutes 30 seconds East 215.32 feet from the intersection of said East line of Mason Road with the North line of property conveyed to Hope Educational & Research Center by deed recorded in Book 6923, Page 1292 of the St. Louis County Records; thence along said East line of Mason Road North 01 degree 03 minutes 30 seconds East 456.88 feet to a point; thence South 88 degrees 55 minutes 58 seconds East 261.50 feet to a point; thence North 01 degree 52 minutes 39 seconds East 208.07 feet to a point; thence North 00 degree 51 minutes 07 seconds East 494.05 feet to a point; thence North 59 degrees 03 minutes 39 seconds West 178.23 feet to a point; thence along a curve to the right whose radius point bears South 75 degrees 14 minutes 25 seconds East 60.00 feet from the last mentioned point, a distance of 92.34 feet to a point; thence North 12 degrees 56 minutes 24 seconds East 50.00 feet to a point; thence along a curve to the right whose radius point bears South 12 degrees 56 minutes 24 seconds West 110.00 feet from the last mentioned point, a distance of 50.88 feet to a point; thence South 50 degrees 33 minutes 30 seconds East 25.00 feet to a point; thence along a curve to the left whose radius point bears North 39 degrees 26 minutes 30 seconds East 100.00 feet from the last mentioned point, a distance of 143.12 feet to a point; thence North 47 degrees 26 minutes 30 seconds East 41.94 feet to a point; thence North 86 degrees 06 minutes 00 seconds East 74.38 feet to a point; thence North 29 degrees 40 minutes 18 seconds East 119.83 feet to the Southwest right-of-way line of Missouri State Highway Route 340, as widened, by deed recorded in Book 6850, Page 1352 of the St. Louis County Records; thence along said Southwest right-of-way line of Missouri State Highway Route 340 the following courses and distances: South 60 degrees 18 minutes 36 seconds East 225.44 feet, South 57 degrees 26 minutes 51 seconds East 100.12 feet, South 63 degrees 10 minutes 20 seconds East 200.25 feet, South 60 degrees 18 minutes 36 seconds East 150.00 feet, South 54 degrees 35 minutes 57 seconds East 150.75 feet, and South 65 degrees 16 minutes 45 seconds East 115.44 feet to the West line of property conveyed to Raymond H. Rogers and wife by deed recorded in Book 6849, Page 498 of the St. Louis County Records; thence along said West line of Raymond H. Rogers property and the West line of

BP12367/0040

property conveyed to Union Electric Company by deed recorded in Book 6354, Page 1740 (Tract No. 13) of the St. Louis County Records South 29 degrees 45 minutes 38 seconds West 342.72 feet to a point; thence continuing along a West line of said Union Electric Company property, the West line of property conveyed to Donald J. Allman and wife by deed recorded in Book 6863, Page 1536 of the St. Louis County Records, and the West line of property conveyed to Fred W. Tappmeyer and wife by deed recorded in Book 5878, Page 35 of the St. Louis County Records South 01 degree 33 minutes 02 seconds West 679.43 feet to a point; thence North 89 degrees 53 minutes 59 seconds West 1202.46 feet to the point of beginning.

Excepting therefrom the following described parcel:

Beginning at the Southwest corner of property conveyed to Raymond H. Rogers and wife by deed recorded in Book 6849, Page 498 of the St. Louis County Records, said point being distant South 29 degrees 45 minutes 38 seconds West 286.86 feet from the Southwest right-of-way line of Missouri State Highway Route 340, as widened, by deed recorded in Book 6850, Page 1352 of the St. Louis County Records; thence South 29 degrees 45 minutes 38 seconds West 55.86 feet to a point; thence South 01 degrees 33 minutes 02 seconds West 86.52 feet to a point; thence North 33 degrees 45 minutes 22 seconds West 154.77 feet to a point; thence North 30 degrees 05 minutes 22 seconds West 201.91 feet to a point; thence North 24 degrees 48 minutes 22 seconds West 259.89 feet to a point; thence North 20 degrees 54 minutes 22 seconds West 146.73 feet to said Southwest right-of-way line of Missouri State Highway Route 340; thence South 63 degrees 10 minutes 20 seconds East 148.68 feet along said Southwest line of Missouri State Highway Route 340 to a point; thence South 20 degrees 54 minutes 22 seconds East 33.30 feet to a point; thence South 24 degrees 48 minutes 22 seconds East 251.87 feet to a point; thence South 30 degrees 05 minutes 22 seconds East 194.09 feet to a point; thence South 33 degrees 45 minutes 22 seconds East 56.05 feet to the point of beginning.

EXHIBIT C (cont'd)

BP12367/0041

MOBTAP Property

A tract of land being part of Lot 3 of the John Hezel Estate, in U.S. Survey 1923, Township 45 North - Range 5 East, St. Louis County, Missouri, and being more particularly described as:

Beginning at the intersection of the Southwest right-of-way line of Missouri State Highway Route 340, as widened, by deed recorded in Book 6850 page 1352 of the St. Louis County Records, with the Southeast line of property conveyed to the State of Missouri by deed recorded in Book 6850, page 1352 of the St. Louis County Records for the relocation of Mason Road; thence along said Southwest right-of-way line of Missouri State Highway Route 340 South 60 degrees 18 minutes 36 seconds East 259.86 feet to a point; thence South 29 degrees 40 minutes 18 seconds West 119.83 feet to a point; thence South 86 degrees 06 minutes 00 seconds West 74.38 feet to a point; thence South 47 degrees 26 minutes 30 seconds West 41.94 feet to a point; thence along a curve to the right whose radius point bears North 42 degrees 33 minutes 30 seconds West 100.00 feet from the last mentioned point, a distance of 143.12 feet to a point; thence North 50 degrees 33 minutes 30 seconds West 25.00 feet to a point; thence along a curve to the left whose radius point bears South 39 degrees 26 minutes 30 seconds West 110.00 feet from the last mentioned point, a distance of 50.88 feet to a point; South 12 degrees 56 minutes 24 seconds West 50.00 feet to a point; thence along a curve to the left whose radius point bears South 12 degrees 56 minutes 24 seconds West 60.00 feet from the last mentioned point, a distance of 92.34 feet to a point; thence South 59 degrees 03 minutes 39 seconds East 178.23 feet to a point; thence South 00 degrees 51 minutes 07 seconds West 494.05 feet to a point; thence South 01 degree 52 minutes 39 seconds West 208.07 feet to a point; thence North 88 degrees 55 minutes 58 seconds West 261.50 feet to the East line of Mason Road, being 15.00 feet East of the original centerline of Mason Road; thence along said East line of Mason Road North 01 degree 03 minutes 30 seconds East 630.57 feet to the South line of aforementioned property conveyed to the State of Missouri by deed recorded in Book 6850 page 1352 of the St. Louis County Records for the relocation of Mason Road; thence along said State of Missouri property South 88 degrees 56 minutes 30 seconds East 15.00 feet to a point; thence along the East and Southeast right-of-way line of relocated Mason Road the following courses and distances: North 15 degrees 35 minutes 37 seconds East 177.81 feet, along a curve to the right whose radius point bears South 75 degrees 13 minutes 36 seconds East 512.96 feet from the last mentioned point, a distance of 294.65 feet, North 47 degrees 41 minutes 07 seconds East 70.88 feet, and North 76 degrees 46 minutes 06 seconds East 63.96 feet to the point of beginning, according to calculations by Volz Engineering & Surveying, Inc. on October 30, 1989.

11/29/99

JOB NO. 95-882

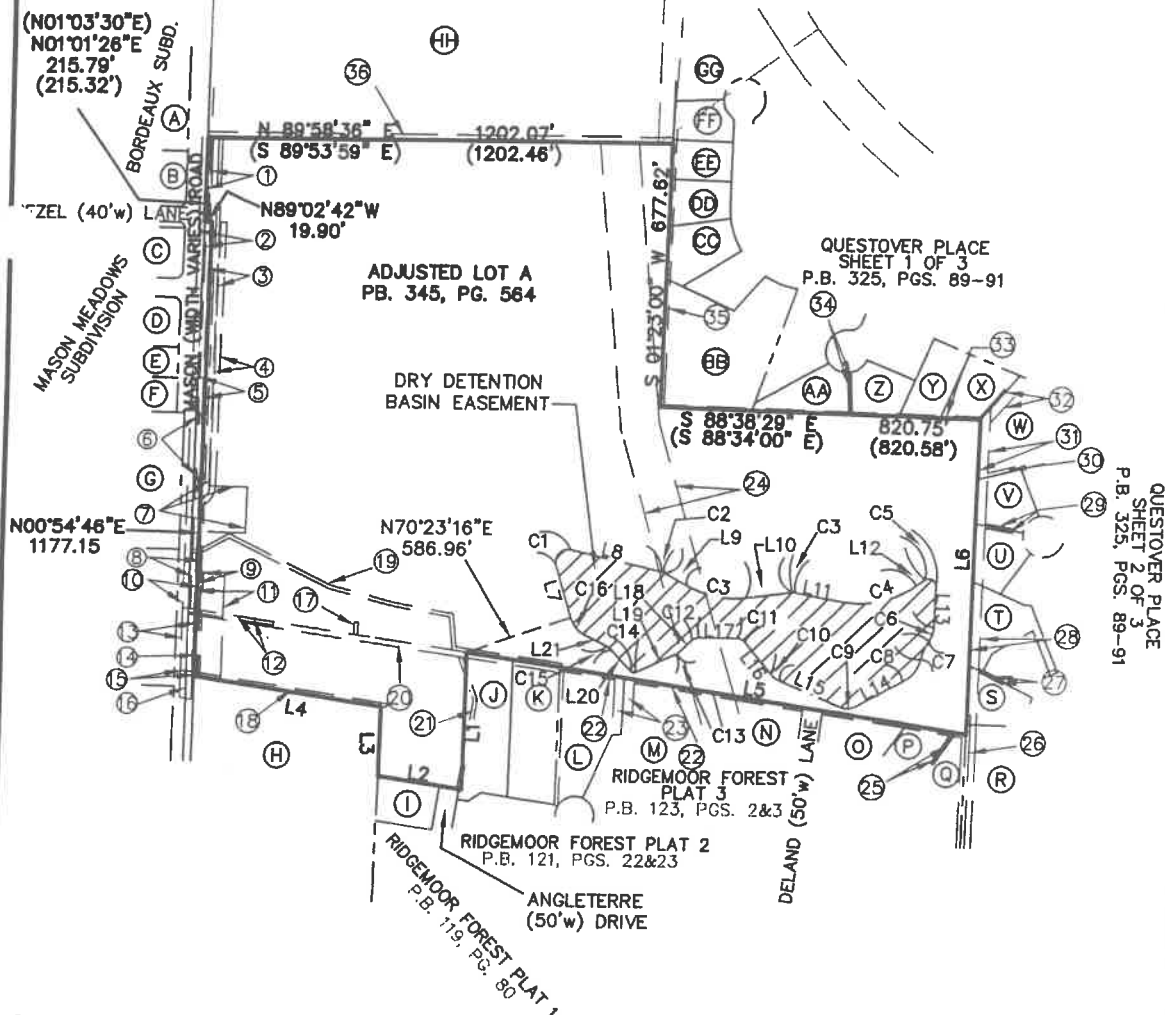
EXHIBIT "D"

TO DETENTION POND AGREEMENT

SCALE
1"=400'

NOTE: LOCATION OF DRY DETENTION BASIN EASEMENT IS SUBJECT TO ACTUAL FIELD SURVEYS, DESIGN AND APPROVALS FROM ALL GOVERNING AUTHORITIES, INCLUDING BUT NOT LIMITED TO THE METROPOLITAN ST. LOUIS SEWER DISTRICT, THE UNITED STATES ARMY CORP OF ENGINEERS, THE MISSOURI DEPARTMENT OF NATURAL RESOURCES AND THE CITY OF CREVE COEUR.

THE EASEMENT AREA DESCRIBED SHOWS THE APPROXIMATE LOCATION OF A DRY DETENTION BASIN INCLUDING THE GRADING AND BERMING SURROUNDING THE BASIN. THE SURFACE AREA OF THE WATER IN THE BASIN WHEN FULL IS EXPECTED TO BE APPROXIMATELY 3.09 ACRES.



PAGE 1 OF 3)

INITIAL:

EASEMENT PLAT

A TRACT OF LAND BEING PART OF ADJUSTED LOT A OF A BOUNDARY ADJUSTMENT PLAT OF LOT 3 AND 4 OF THE SUBDIVISION OF THE JOHN HEZEL ESTATE, AS RECORDED IN PLAT BOOK 345 PAGE 564, LOCATED IN U.S. SURVEY 1923, TOWNSHIPS 45 & 46 NORTH, RANGE 5 EAST OF THE 5TH PRINCIPAL MERIDIAN CITY OF CREVE COEUR, ST. LOUIS COUNTY, MISSOURI

11/24/99

JOB NO. 95-882

- ① 10'W. R.O.W. DEDICATION TO ST. LOUIS COUNTY DB. 6065 PG. 315
- ② 20'W. R.O.W. DEDICATION TO ST. LOUIS COUNTY D.B. 9135, PG. 2478
- ③ 25'w WATER ESMT. DB. 9337 PG. 467
- ④ 15'W. ESMT. TO MSD D.B. 10543, PG. 2376
- ⑤ 15'W. ROAD ESMT. TO ST. LOUIS COUNTY D.B. 6726, PG. 1587
- ⑥ EASEMENT TO M.S.D. DB. 8784 PG. 300 (VARIABLE WIDTH)
- ⑦ TEMPORARY SLOPE CONSTRUCTION LICENSE DB. 9135 PG. 2478
- ⑧ 25'w TEMPORARY SLOPE CONSTRUCTION LICENSE DB. 9135 PG. 2478
- ⑨ 15'w EASEMENT TO M.S.D. DB. 8652 PG. 125
- ⑩ 35' R.O.W. DEDICATION TO ST. LOUIS COUNTY D.B. 8603, PG. 429
- ⑪ 70'w TEMPORARY SLOPE CONSTRUCTION LICENSE DB. 8603 PG. 426
- ⑫ 10'w EASEMENT TO UNION ELECTRIC CO. DB. 4617 PG. 360
- ⑬ 35'w RIGHT OF WAY DEDICATION DB. 8603 PG. 429
- ⑭ 10'w TEMPORARY SLOPE CONSTRUCTION LICENSE DB. 8603 PG. 429
- ⑮ AREA OF EASEMENT TO SUBORDINATE DB. 8663 PG. 263
- ⑯ UTILITY & DRIVEWAY EASEMENT DB. 8612 PG. 1528
- ⑰ 10'w EASEMENT TO M.S.D. DB. 8652 PG. 131
- ⑱ 10'w EASEMENT TO UNION ELECTRIC DB. 2433 PG. 50
- ⑲ 10'w EASEMENT TO M.S.D. DB. 9138 PG. 296
- ⑳ 15'w EASEMENT TO FEE FEE TRUNK SEWER INC. DB. 5909 PG. 623
- ㉑ 10'w EASEMENT TO FEE FEE TRUNK SEWER INC. DB. 5909 PG. 623
- ㉒ 10' ESMT. P.B. 123, PGS. 2&3
- ㉓ 25'W. ESMT P.B. 123, PGS. 2&3
- ㉔ 100'w UNION ELECTRIC CO. ESMT. DB. 3550 PG. 104
- ㉕ 5'w ESMTS. P.B. 123, PGS. 2&3
- ㉖ 10'w SEWER ESMT. D.B. 6491, PG. 1809
- ㉗ 5'w ESMTS. P.B. 325, PGS. 89-91
- ㉘ P.B. 325, PGS. 89-91 25'w ESMT.
- ㉙ 6'w ESMTS. P.B. 325, PGS. 89-91
- ㉚ 10'w ESMTS. P.B. 325, PGS. 89-91
- ㉛ 25'w ESMT. P.B. 325, PGS. 89-91
- ㉜ 25'w S.W.B.T. ESMT. D.B. 4164, PG. 5
- ㉝ 6'w ESMT. P.B. 325, PGS. 89-91
- ㉞ 5'w ESMTS. P.B. 325, PGS. 89-91
- ㉟ 10'w ESMT. P.B. 325, PGS. 89-91
- ㊱ 15'w ESMT. TO UNION ELECTRIC CO. DB. 8910 PG. 431

L1 S00°57'04"W 354.77'
(S01°03'30"W)

L2 N81°34'56"W 216.43'
(N81°28'30"W)

L3 N00°57'04"E 179.77'
(N01°03'30"E)

L4 N81°34'56"W 488.53'
(N81°28'30"W 489.00')

L5 S89°02'56"E 453.61'

L6 S74°46'37"E 67.96'

L7 S88°49'29"W 70.84'

L8 N89°02'56"W 453.60'

L9 S89°02'56"E 228.99'

L10 S87°50'35"E 182.36'

L11 S79°07'25"E 150.75'

L12 S01°10'31"E 5.00'

L13 S88°49'29"W 50.00'

L14 N01°10'31"W 5.00'

L15 N79°07'25"W 169.39'

L16 N87°50'35"W 182.36'

L17 N89°02'56"W 257.17'

L18 S01°23'00"W 515.63'

C1 R=201.50' L=158.95'

C2 R=313.50' L=169.20'

C3 R=333.50' L=180.00'

C4 R=181.50' L=143.17'

C5 R=15.00' L=16.65'

C6 R=75.82' L=85.77'

C7 R=135.95' L=179.74'

C8 R=35.20' L=41.18'

C9 R=44.02' L=59.89'

C10 R=94.02' L=127.92'

C11 R=15.00' L=16.04'

C12 R=185.95' L=227.16'

C13 R=125.82' L=118.39'

C14 R=15.00' L=13.80'

C15 R=177.00' L=74.90'

C16 R=223.00' L=93.98'

PAGE 2 OF 3

INITIAL:

EASEMENT PLAT

A TRACT OF LAND BEING ALL OF ADJUSTED LOT A
OF A BOUNDARY ADJUSTMENT PLAT OF LOT 3 AND 4 OF THE
SUBDIVISION OF THE JOHN HEZEL ESTATE, AS RECORDED IN PLAT BOOK 345
PAGE 564, LOCATED IN U.S. SURVEY 1923, TOWNSHIPS 45 & 46 NORTH,
RANGE 5 EAST OF THE 5TH PRINCIPAL MERIDIAN
CITY OF CREVE COEUR, ST. LOUIS COUNTY, MISSOURI

(A) 17P630420	(R) LOT 33 170410278
(B) LOT 1 17P630622	(S) LOT 32 170410289
(C) LOT 1 17P630497	(T) COMMON GROUND 170410333
(D) LOT 21 17P610103	(U) LOT 26 170410344
(E) LOT 20 17P610125	(V) LOT 25 170410355
(F) LOT 19 17P610136	(W) LOT 23 170410377
(G) 17P610056	(X) LOT 22 170410388
(H) 17P340383	(Y) LOT 21 170410399
(I) LOT 7 17P340350	(Z) LOT 19 170410410
(J) 17P620191	(AA) LOT 18 170410421
(K) 17P620047	(BB) LOT 15 17P620223
(L) LOT 15 17P620025	(CC) LOT 13 17P640201
(M) LOT 26 17P620014	(DD) LOT 12 17P640210
(N) LOT 27 170410047	(EE) LOT 11 17P640221
(O) LOT 28 170410036	(FF) LOT 10 17P640232
(P) LOT 29 170410025	(GG) LOT 9 17P640243
(Q) LOT 30 170130204	(HH) 17P640177

(PAGE 3 OF 3)

INITIAL:

EASEMENT PLAT

A TRACT OF LAND BEING ALL OF ADJUSTED LOT A
OF A BOUNDARY ADJUSTMENT PLAT OF LOT 3 AND 4 OF THE
SUBDIVISION OF THE JOHN HEZEL ESTATE, AS RECORDED IN PLAT BOOK 345
PAGE 564, LOCATED IN U.S. SURVEY 1923, TOWNSHIPS 45 & 46 NORTH,
RANGE 5 EAST OF THE 5TH PRINCIPAL MERIDIAN
CITY OF CREVE COEUR, ST. LOUIS COUNTY, MISSOURI



* 1 9 9 9 1 1 3 0 0 0 7 4 7 *

DANIEL T. O'LEARY
RECORDER OF DEEDS
ST. LOUIS COUNTY MISSOURI
41 SOUTH CENTRAL
CLAYTON, MO 63105

RECORDER OF DEEDS DOCUMENT IDENTIFICATION & CERTIFICATION SHEET

TYPE OF INSTRUMENT	GRANTOR	TO	GRANTEE
AGMT	BARNES JEWISH WEST COUNTY HOSPITAL ETAL		

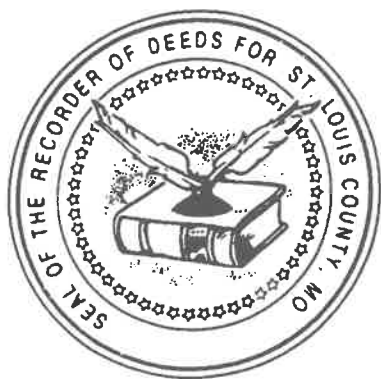
PROPERTY DESCRIPTION: BARNES JEWISH WEST COUNTY HOSPITAL SUB LOT 2 W/O/P

Lien Number	Notation	Document Number 747	Locator
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STATE OF MISSOURI)
SS.
COUNTY OF ST. LOUIS)

I, the undersigned Recorder of Deeds for said County and State, do hereby certify that the following and annexed instrument of writing, which consists of 22 pages, (this page inclusive), was filed for record in my office on the 30 day of November 1999 at 12:39 PM and is truly recorded in the book and at the page shown at the top and/or bottom of this page.

In witness whereof I have hereunto set my hand and official seal the day, month and year aforesaid.



Daniel T. O'Leary
Recorder of Deeds
St. Louis County, Missouri

Frank J. Kriasky
Deputy Recorder

RECORDING FEE \$78.00

(Paid at the time of Recording)

- ___ N.P.
- ___ N.P.C
- ___ N.N.C.
- ___ N.N.I.

Mail to

AGREEMENT REGARDING PROPERTY RESTRICTIONS AND RIGHT OF FIRST REFUSAL

This Agreement Regarding Property Restrictions and Right of First Refusal ("Agreement") is entered into as of the 11th day of November, 1999 by and between BARNES-JEWISH WEST COUNTY HOSPITAL, a Missouri not-for-profit corporation ("Barnes-Jewish"), and THE CITY OF CREVE COEUR, a municipal corporation of the State of Missouri ("City").

WHEREAS, simultaneous with the execution and delivery of this Agreement, Barnes-Jewish has acquired that certain property located in the City of Creve Coeur, County of St. Louis, more particularly described on Exhibit "A" attached hereto ("**Hope Property**"); and

WHEREAS, Barnes-Jewish also owns certain property contiguous to the Hope Property located in the City of Creve Coeur, County of St. Louis, more particularly described on Exhibit "B" attached hereto ("**Existing Barnes-Jewish Property**"); and

WHEREAS, simultaneous with the execution of this Agreement and the purchase of the Hope Property by Barnes-Jewish, the City has acquired from Barnes-Jewish that certain portion of the Hope Property more particularly described on Exhibit "C" attached hereto ("**Park Property**"); and

WHEREAS, Barnes-Jewish has retained title to a portion of the Hope Property more particularly described on Exhibit "D" attached hereto ("**Barnes-Jewish/Hope Property**"); and

WHEREAS, pursuant to the terms of that certain Agreement of Purchase and Sale dated as of August 30, 1999, ("**BJ/City Agreement**") by and between Barnes-Jewish and the City, the City agreed to grant Barnes-Jewish a right of first refusal with respect to the Park Property and to execute and record certain restrictions against the Park Property for the benefit of the owner of the Barnes-Jewish/Hope Property and the Existing Barnes-Jewish Property; and

WHEREAS, pursuant to the terms of that certain Barnes-Jewish/Concerned Citizens Agreement, dated February 22, 1999 ("**BJ/CC Agreement**") by and between Barnes-Jewish and a group of residential subdivisions and the residents of such subdivisions which are party to Cause No. 96CC000857 currently pending in the Circuit Court for St. Louis County, Missouri in the action styled DeBellis. et al. v. City of Creve Coeur, et al. (the "**Concerned Citizens**"), Barnes-Jewish agreed to execute and record certain restrictions against the Barnes-Jewish Hope Property, for the benefit of the residents and trustees/homeowner associations in Bordeaux, Mason Meadows, Ridgemoor Forest and Questover Place subdivisions in St. Louis County, Missouri; and

WHEREAS, pursuant to the terms of that certain City/Concerned Citizens Agreement, dated as of February 22, 1999 ("**City/CC Agreement**") by and between the City and the Concerned Citizens, the City agreed to execute and record certain restrictions against the Park Property for the benefit of the Subdivisions and Barnes-Jewish; and

WHEREAS, the City and Barnes-Jewish have executed an Access Agreement of even date herewith regarding certain easements and the access to and from the Park Property ("**Access Agreement**").

NOW, THEREFORE, in consideration of the mutual covenants and conditions contained herein, the parties hereto agree as follows:

1. Park Restrictions.

a. The Park Property shall be used for the construction and operation of a public park ("**Park**") and for no other purpose except for changes pursuant to a Modification Consent (as defined below) in accordance with Section 1(a)(ii) hereof; provided, if a Modification Consent is entered into, then the Park Property or any part thereof may be used for single family residential homes and for no other purpose. The City agrees that the operation of the Park Property shall be subject to the following restrictions ("**Park Restrictions**"):

- (i) Any lighting erected on the Park Property shall be designed in a way to minimize the emission of light from the Park Property onto the Barnes-Jewish/Hope Property and neighboring residential subdivisions. Prior to erecting any lighting on the Park Property, the City shall provide a copy of the lighting plan to Barnes-Jewish for its review and approval, which approval shall not be unreasonably withheld or delayed ("**Park Lighting**"). All permitted Park Lighting shall be extinguished no later than ten o'clock each evening.
- (ii) Notwithstanding anything else to the contrary, no Park Lighting, other than for safety purposes, shall be permitted in the Park Property east of the easement recorded in Book 3550, page 104 in the office of the Recorder of Deeds of St. Louis County, Missouri ("**Ameren UE Easement**"). No lighting shall be provided or installed for any ballfields in the Park Property. The City shall be permitted to light or provide lighting for such non-ballfield athletic or recreational facilities that are located west of the Ameren UE Easement provided that such lighting shall not remain on past 9:15 p.m., and shall be shut off by an automatic shut-off which may not be turned back on manually. Such lights shall be fully shielded and full cutoff lights. East of the Ameren UE Easement the dirt surface shall be limited to an area equivalent to the infields of two regulation size baseball fields, but there shall be no other limitation on any other athletic fields or uses except as expressly provided herein.
- (iii) No permanent buildings or structures shall be erected on the Park Property other than picnic pavilions, restroom facilities, playgrounds, drinking fountains, gazebos, ball fields, water features, tennis courts, basketball courts and other park amenities or athletic or recreational facilities of similar size and scope; provided, the City shall have the right to relocate the Tappmeyer House (a historic home) onto the Park Property. In the event the City relocates the Tappmeyer House onto the Park Property and Barnes-Jewish exercises its Refusal Right (as hereinafter defined) with respect to the portion of the Park Property on which the Tappmeyer House is then located, then the City shall relocate such Tappmeyer House to a new site at the sole cost and expense of the City. No outdoor pool, ice rink or city center will be located (or relocated) in the Park Property,

however an indoor pool may be located on the west side of the Ameren UE Easement. The City shall build a recreational area in the Park Property as soon as reasonably practical, which recreational area shall include one or more of the following features: picnic pavilion, water feature, wading pool or small lake, or playgrounds (the "**Recreational Area Facilities**") which shall be determined by the City in its discretion. Barnes-Jewish has pledged \$30,000.00 for the Recreational Area Facilities which shall be used by the City solely for such purposes, and evidence thereof shall be provided to the Subdivisions upon request.

- (iv) The City will cause the construction and maintenance, pursuant to a Detention Pond Agreement between the City and Barnes-Jewish of even date herewith, of a dry detention pond within the Park ("**Detention Pond**").
- (v) The City will require and install sidewalks along only one side of Mason Road (subject to any required approval of St. Louis County which, if required, the City shall diligently pursue), and within the Bicycle/Sidewalk Path Property, as defined in the Access Agreement of even date herewith executed by the City and Barnes-Jewish. The City shall pursue a program to continue the sidewalks along Mason Road from the Bicycle/Sidewalk Path Property south to Belle Coeur subdivision as and when reasonably possible. If the residents of Belle Coeur subdivision bordering Mason Road will grant the necessary easements, the City will construct sidewalks along the Belle Coeur subdivision border with Mason Road. The City will in good faith actively re-evaluate and consider traffic alleviation measures for Belle Coeur Subdivision. In this regard, the City Council of the City will agree to meet with the trustees of Belle Coeur subdivision to discuss this matter on or before December 31, 1999.
- (vi) The City, at its sole cost and expense, shall install chain link fences along the residential borders of the Park Property as desired by the affected residents no later than the opening of the Park, except where unnecessary due to the existence of the detention pond or unusual topography. The City shall construct berms and plant trees along the northern and eastern perimeters of the Park Property no later than the opening of the Park; provided, the City shall not be obligated to expend more than \$100,000.00 in constructing such berms and planting such trees. The hiring of contractors and the location, configuration, size and type of the trees and berms shall be determined by a committee of five (5) individuals, two (2) of which shall be appointed by the City Council of the City, two (2) of which shall be selected by the Questover Place homeowner's association, and the last of which shall be Annette Mandel. If Annette Mandel shall be unable or refuse to serve in such capacity, the remaining members of the committee shall select her replacement. Any replacement or removal of either or both of the individuals selected by the Questover Place homeowner's association may only be made with the prior written approval of Questover Place homeowner's association. Copies of all paid

bills and invoices for such berms and trees shall be provided to all committee members upon request. All residents along the northern and eastern perimeters of the Park Property shall have the right to plant additional trees in the Park Property along or near such perimeters at their sole cost and expense, subject to the reasonable approval of the aforesaid committee. The City shall not be required to plant trees or construct berms along the southern perimeter of the Park Property adjacent to Ridgemoor Forest subdivision due to the existing trees along and near such perimeter; provided, the City shall not be permitted to cut down or remove any of such trees along the southern and southeastern perimeters of the Park Property, except as necessary in order to construct the Detention Pond, for fencing or where substitute landscaping will be constructed. Except as is required under the Access Agreement, the City shall not be required to construct berms or plant trees on the west side of the Park Property toward Mason Meadows and Bordeaux Subdivisions. All landscaping provided pursuant to this Section 1(a)(vi) shall be maintained by the City in a manner which is consistent with the maintenance of the other Park Property landscaping.

- (vii) Set backs between the residential borders and any ballfield or other recreational areas or structures in the Park Property shall be a minimum of one hundred twenty-five feet (125') other than the Detention Pond. All jogging/walking paths on the Park Property shall be at least fifty feet (50') from residential areas.
- (viii) The City shall ensure and provide adequate parking for the customary use of the Park Property facilities. Parking areas shall be a minimum of one hundred twenty-five feet (125') from residential areas and any parking lighting shall not exceed sixteen feet (16') in height, shall be low lighting impact and appropriately shielded with full cut-off, and shall be turned off no later than 10:00 p.m. each evening.
- (ix) The City shall actively review and pursue the possibility of a landscape median along Mason Road north of the Andrews Academy site up to Olive Street Road; provided, such median will provide adequate access for continued use of all existing curb cuts.

b. The provisions of Section 1(a) may be modified (a "**Modification Consent**") only if the City, and the Trustees/Association (as defined below) of two (2) out of three (3) of the Subdivisions agree in writing (Bordeaux and Mason Meadows shall be considered one Subdivision for such purposes). Any Modification Consent involving Park Lighting, however, shall also require the written consent of Barnes-Jewish.

c. The Park Restrictions are intended to run to the benefit of the Subdivisions, the Trustees/Associations and their residents ("**Residents**") and the owners of the Barnes-Jewish/Hope Property and the Barnes-Jewish Property. If any of the Park Restrictions are violated or if Barnes-Jewish, the trustees or homeowner's association of one or more of the Subdivisions (the "**Trustees/Associations**"), and/or any resident of one or more of the

Subdivisions has reason to believe that such Restrictions will be violated, then Barnes-Jewish, the Trustees/Associations, and/or Residents shall, at its option, have the right to seek and obtain equitable relief from any court of competent jurisdiction by way of specific performance, injunctive relief or any other equitable remedy, in addition to its right to seek appropriate monetary damages.

2. Right of First Refusal.

a. The City hereby irrevocably grants to Barnes-Jewish a right of first refusal to purchase the Park Property pursuant to the terms contained herein. Should the City enter into a sale contract or other agreement to sell, convey or lease (for a term of two years or greater, including options to renew, if any) all or any part of the Park Property (the "**Sale Contract**") to an unrelated and unaffiliated third party ("**Purchaser**"), the City shall provide a full and complete copy of the Sale Contract to Barnes-Jewish notifying Barnes-Jewish that the Sale Contract is being submitted pursuant to the terms of this Agreement ("**Refusal Right**"). Barnes-Jewish shall have thirty (30) days after its receipt of such Sale Contract in which to give written notice to the City of Barnes-Jewish's intent to exercise its right to purchase or lease the Park Property or the applicable portion thereof pursuant to the terms hereof; provided, however, if the transaction contemplated by the Sale Contract does not close within one hundred eighty days (180) days following Barnes-Jewish's failure to exercise its Refusal Right, Barnes-Jewish's Refusal Right shall continue in full force and effect and shall apply to subsequent Sale Contracts to purchase or lease the Park Property or any portion thereof. Any changes or modifications to the Sale Contract shall be deemed a new Sale Contract and subject to all the terms and provisions of this Section. In the event the Park Property or any part thereof is sold or leased to any person or entity owned or controlled by the City or if the transaction is a lease, the Refusal Right shall continue in full force and effect. For information purposes only, the City shall provide a copy of the Sale Contract to the Trustees/Associations simultaneously with the delivery of the Sale Contract to Barnes-Jewish.

b. In the event the Refusal Right is exercised by Barnes-Jewish, the basic "Economic Terms" shall be deemed accepted by Barnes-Jewish, subject to the terms contained herein. The basic "Economic Terms" shall include, but not be limited to, the purchase price (or rent) contained in the Sale Contract, any purchase money financing provided by the City, and the value of any other consideration to be provided by the Purchaser or the City to one another that is directly related to the portion of the Park Property being sold or leased. In the event that Barnes-Jewish exercises its Refusal Right, Barnes-Jewish shall have a period of time equal to the greater of (i) sixty (60) days, or (ii) the period of time for the investigation of contingencies as set forth in the Sale Contract (the "**Due Diligence Period**"), in order to investigate and review the following items:

- (i) Title to the Park Property;
- (ii) A survey for the Park Property;
- (iii) The environmental condition of the Park Property;
- (iv) Zoning for the Park Property;

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- (v) The physical condition of the Park Property, including all buildings and improvements located thereon; and
- (vi) Compliance of the Park Property with all applicable laws, regulations and statutes.

c. Barnes-Jewish shall notify the City, in writing, on or before the last day of the Due Diligence Period (i) of any conditions regarding the Park Property which in Barnes-Jewish's reasonable opinion renders the Park Property unsuitable for purchase or lease by Barnes-Jewish, or (ii) confirm that the Park Property is acceptable to Barnes-Jewish ("**Due Diligence Notice**").

d. In the event Barnes-Jewish agrees to purchase the Park Property pursuant to its Due Diligence Notice, the closing therefor shall take place at a date, time and place in St. Louis County designated by Barnes-Jewish in writing not later than thirty (30) days after the end of the Due Diligence Period. If Barnes-Jewish, in its Due Diligence Notice, notifies the City that the Park Property is in unacceptable condition, such notice shall constitute a waiver of the Refusal Right with respect to such Sale Contract and the City shall be free to convey the Park Property pursuant to the Sale Contract free and clear of the Refusal Right.

e. If Barnes-Jewish fails to exercise its Refusal Right within the required time period, the City shall be free to proceed with the closing of the sale of the Park Property pursuant to the terms of the Sale Contract free of the Refusal Right as to that transaction.

3. Restrictions on Property Owned by Barnes-Jewish.

a. Barnes-Jewish agrees that the Barnes-Jewish/Hope Property shall be subject to the following restrictions ("**Barnes-Jewish/Hope Property Restrictions**"):

- (i) In conjunction with the construction of the first building on the Barnes-Jewish/Hope Property and prior to occupancy thereof, a fifty foot (50') wide area ("**Landscape/Berm Area**") shall be established and maintained on the western side boundary of the Barnes-Jewish/Hope Property in which berming, landscaping and a sidewalk shall be installed and maintained by Barnes-Jewish. The berm of the Landscape/Berm Area must be a minimum of seven feet (7') high with landscaping thereon which shall consist of mature evergreen trees of six to eight feet in height and mature bushes and which shall be established to provide reasonable screening of the improvements to be located on the Barnes-Jewish/Hope Property from the residences on the west side of Mason Road. There shall be no obligation to extend the Landscape/Berm Area onto other Barnes-Jewish properties.
- (ii) Any lighting on the Barnes-Jewish/Hope Property shall be installed with light standards of a maximum height of sixteen feet (16') within two hundred feet (200') of Mason Road and the eastern residential areas, and up to twenty-four feet (24') otherwise on other portions of the Barnes-Jewish/Hope Property, with reasonable shielding with full cutoff and light

levels to minimize the light emitted from the Barnes-Jewish/Hope Property to adjacent homes.

- (iii) The maximum height of buildings on the Barnes-Jewish/Hope Property shall be seven (7) stories, but not to exceed one hundred five feet (105') (excepting therefrom roof screenings, roof penetration, elevator equipment or structures ("**Height Exceptions**")).
- (iv) The Barnes-Jewish/Hope Property shall be subject to the following setback restrictions:
 - (a) Two hundred foot (200') building and parking setback on the eastern boundary;
 - (b) The western boundary shall maintain:
 - (1) Fifty foot (50') building setback for all buildings which are fifty-five feet (55') or less in height (excluding Height Exceptions);
 - (2) Fifty foot (50') parking setback line;
 - (3) One hundred foot (100') building setback for all buildings which are greater than fifty-five feet (55') in height (excluding Height Exceptions) but less than or equal to eighty-five feet (85') in height (excluding Height Exceptions); and
 - (4) Two hundred foot (200') building setback for all buildings which are greater than eighty-five feet (85') in height (excluding Height Exceptions).
- (v) All trash and emergency services associated with new buildings located on the Barnes-Jewish/Hope Property shall be located on the north or south side of such buildings, unless required by the applicable fire marshal to be at a different side of the building.
- (vi) No mirrored glass shall be used on the east or west side of buildings over three-stories high which are located on the Barnes-Jewish/Hope Property.
- (vii) Subject to Sections 3(a)(iv)(a) and 3(a)(iv)(b)(2), none of the foregoing setback lines shall apply to parking lots, walkways, roads or improvements other than buildings.

b. Before May 1, 2000, Barnes-Jewish shall plant and maintain additional mature evergreen trees of six to eight feet in height and mature bushes for landscaping at the southwest corner of the Existing Barnes-Jewish Property along Mason Road to provide additional screening from the view of residences on the west side of Mason Road.

c. The Barnes-Jewish Restrictions contained in this Section 3 are intended to run to the benefit of the Subdivisions, the Residents and the Trustees/Associations and no other person or entity. Neither the City nor any third party other than the Residents and Trustees/Associations shall have the right, legal standing or authority to enforce the Barnes-Jewish/Hope Property Restrictions. If any of the Barnes-Jewish/Hope Property Restrictions contained in this Section 3 are violated or the Subdivisions, Trustees/Associations or Residents have reason to believe that such Property Restrictions will be violated, the Subdivisions, Trustees/Associations or Residents shall, at their option, have the right to seek and obtain equitable relief from any court of competent jurisdiction by way of specific performance, injunctive relief or any other equitable remedy, in addition to their right to seek appropriate monetary damages. If any suit or action is brought by the Subdivisions, Trustees/Associations or any Resident against Barnes-Jewish or any subsequent owner of the Barnes-Jewish/Hope Property or the Existing Barnes-Jewish Property, as the case may be, the prevailing party shall be entitled to receive from the non-prevailing party all reasonable attorneys fees or expenses incurred by the prevailing party in such action.

d. The Access Agreement contains certain "Berming and Landscaping Requirements" (as set forth on Exhibit "M" of the Access Agreement and attached hereto as Exhibit "E"). If Barnes-Jewish or the City fails to comply with the Berming and Landscaping Requirements, the Subdivisions, Trustees/Associations or Residents shall, at their option, have the right to seek and obtain equitable relief from any Court of competent jurisdiction by way of specific performance, injunctive relief or any other equitable remedy in addition to their right to seek appropriate monetary damages.

e. Barnes-Jewish agrees that it shall not construct any buildings or parking areas on the Existing Barnes-Jewish Property within 200' of Lot 9 of the Questover Place Subdivision.

f. Barnes-Jewish agrees that in the event that it submits any request for modification of the zoning or concept plan for the Barnes-Jewish/Hope Property and the existing Barnes-Jewish property, to increase the permitted number of square feet of improvements on the property to exceed one million square feet, Barnes-Jewish shall send notice to the Trustees/Associations of such intention. Such notice shall be sent to the Trustees/Associations not less than thirty (30) days prior to any meeting of the City's Planning and Zoning Commission.

4. Notices. All notices, requests and other communications under this Agreement shall be in writing and shall be delivered in person, overnight courier (*e.g.* Federal Express or Airborne Express) or sent by certified mail, return receipt requested, addressed as follows:

If intended for City:

City Hall
300 North New Ballas Road
Creve Coeur, MO 63141
Attention: City Administrator

with copies to:

Curtis, Oetting, et al
130 S. Bemiston
Suite 200

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Clayton, MO 653105
Attention: Steve Garrett

Behr, Mantovani, McCarter & Potter, P.C.
7777 Bonhomme Avenue
Suite 1810
St. Louis, MO 63105
Attention: Dudley McCarter

If intended for Barnes-Jewish:

Barnes-Jewish West County Hospital
% BJC Health System
4444 Forest Park Boulevard
Suite 500
St. Louis, MO 63108
Attention: Director of Legal Services

with copies to:

Barbara Gillam
BJC Health System
9890 Clayton Road, Suite 100
St. Louis, MO 63124

Sonnenschein Nath & Rosenthal
One Metropolitan Square, Suite 3000
St. Louis, MO 63102
Attention: Daniel R. Wofsey

If intended for Trustees/Associations, to the trustees as listed on the most current listing of trustees for the Subdivisions as maintained by the City,

With a copy to:

Jenkins & Kling, P.C.
10 South Brentwood
Suite 200
St. Louis, MO 63105
Attention: Stephen L. Kling, Jr.

or at such other address, and to the attention of such other person, as the parties shall give notice as herein provided. All such notices, requests and other communications shall be deemed to have been sufficiently given for all purposes hereof on the date deposited in the mail and shall be deemed received on the fifth business day after the date of the mailing thereof, if sent by U.S. Postal Service or deemed given the next business day if sent by overnight courier.

5. Restrictions to Run with the Land. This Agreement shall be binding upon and shall inure to the benefit of the parties hereto, the Residents, Subdivisions and Trustees/Associations and their respective heirs, successors and assigns, and the covenants and restrictions contained herein shall be deemed covenants and restrictions running with the land. The Residents, Trustees/Associations and the Subdivisions are intended beneficiaries of this Agreement.

Attachment: Property Restrictions Agreement (BJC West County Hospital and Millennium Park Parking Documents)

6. Authority of Trustee/Homeowner's Associations. Unless otherwise provided in this Agreement, whenever in this Agreement any action is either permitted or required to be performed on the part of the Residents, Trustees/Associations and/or the Subdivisions, such action shall be required to be taken by the Trustees/Associations of one or more of such Subdivisions.

7. Miscellaneous. This Agreement constitutes the entire agreement between the parties hereto in respect of the subject matter hereof, and, except for the provisions of Section 2 hereof, (which may be amended at any time without the necessity of consent of the Trustees/Associations, Residents or Subdivisions), may be modified only by a written document executed by the party or parties whose rights or obligations are being modified. Any consent to a modification of this Agreement requiring the approval of the Residents or Trustees/Associations, may be accomplished by and only by the prior written consent of the Trustees/Associations of two out of three of the Subdivisions (Bordeaux and Mason Meadows shall be considered one Subdivision for purposes of this Section 7). This Agreement shall be governed by the internal laws of the State of Missouri, without regard to such state's conflict of laws' principles. If any provision of this Agreement is found to be or is rendered unenforceable or invalid, then such unenforceable or invalid provision shall be deemed severed from this Agreement and shall not affect the remaining terms of this Agreement. This Agreement may be executed in counterparts, which together shall constitute but one and the same instrument.

8. Barnes-Jewish Contribution. Barnes-Jewish agrees to make \$30,000.00 available to the City for the Recreational Area Facilities pursuant to the terms of the Detention Pond Agreement.

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BP12367/0056

IN WITNESS WHEREOF, the undersigned have executed this Agreement as of the date and year first above noted

THE CITY

THE CITY OF CREVE COEUR, MISSOURI, a municipal corporation of the State of Missouri

By: [Signature]
 Name: Mark C. Perkins
 Title: City Administrator

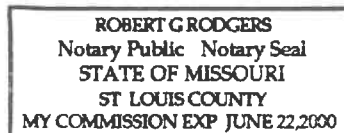
STATE OF MISSOURI)
)
 COUNTY OF ST. LOUIS) S.S.

On the 29th day of November, 1999, before me appeared Mark C. Perkins, to me personally known, who, being by me duly sworn did say that he/~~she~~ is the City Administrator of The City of Creve Coeur, Missouri, a municipal corporation of the State of Missouri, and that the attached instrument was signed on behalf of said municipal corporation and by authority of its City Council and said Mark C. Perkins acknowledged said instrument to be the free act and deed of said municipal corporation.

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

Notary Public: [Signature]

My commission expires: _____



Attachment: Property Restrictions Agreement (BJC West County Hospital and Millennium Park Parking Documents)

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BARNES-JEWISH:

BARNES-JEWISH WEST COUNTY HOSPITAL,
a Missouri not-for-profit corporation

By: [Signature]
Name: William M. Behrendt
Title: President

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

On the 29 day of NOVEMBER, 1999, before me appeared WILLIAM M. BEHRENDT, to me personally known, who, being by me duly sworn did say that he/~~she~~ is the President of Barnes-Jewish West County Hospital, a Missouri nonprofit corporation, and that the attached instrument was signed on behalf of said corporation and by authority of its board of directors, and said William M. Behrendt acknowledged said instrument to be the free act and deed of said corporation.

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

Notary Public: Noreen B. Bourn
NOREEN B. BOURN

My commission expires: 4/4/02

- Exhibit "A" – Hope Property
- Exhibit "B" – Existing Barnes-Jewish Property
- Exhibit "C" – Park Property
- Exhibit "D" – Barnes-Jewish/Hope Property
- Exhibit "E" – Berming and Landscaping Requirements

BP12367/0059

EXHIBIT A

(Legal description of Hope Property)

Lot 2 and 3 of BARNES-JEWISH WEST COUNTY HOSPITAL SUBDIVISION,
according to the plat thereof recorded in Plat Book 347 page 751 of the St.
Louis County Records.

Attachment: Property Restrictions Agreement (BJC West County Hospital and Millennium Park Parking Documents)

BP12367/0060

Exhibit "B"
Existing Barnes-Jewish Property

A tract of land being part of Lot 3 of the John Hezel Estate, in U.S. Survey 1923, Township 45 North - Range 5 East, St. Louis County, Missouri, and being more particularly described as:

Beginning at a point in the East line of Mason Road, being 15.00 feet East of the original centerline of Mason Road; said point being distant North 01 degree 03 minutes 30 seconds East 215.32 feet from the intersection of said East line of Mason Road with the North line of property conveyed to Hope Educational & Research Center by deed recorded in Book 6923, Page 1292 of the St. Louis County Records; thence along said East line of Mason Road North 01 degree 03 minutes 30 seconds East 456.88 feet to a point; thence South 88 degrees 55 minutes 58 seconds East 261.50 feet to a point; thence North 01 degree 52 minutes 39 seconds East 208.07 feet to a point; thence North 00 degree 51 minutes 07 seconds East 494.05 feet to a point; thence North 59 degrees 03 minutes 39 seconds West 178.23 feet to a point; thence along a curve to the right whose radius point bears South 75 degrees 14 minutes 25 seconds East 60.00 feet from the last mentioned point, a distance of 92.34 feet to a point; thence North 12 degrees 56 minutes 24 seconds East 50.00 feet to a point; thence along a curve to the right whose radius point bears South 12 degrees 56 minutes 24 seconds West 110.00 feet from the last mentioned point, a distance of 50.88 feet to a point; thence South 50 degrees 33 minutes 30 seconds East 25.00 feet to a point; thence along a curve to the left whose radius point bears North 39 degrees 26 minutes 30 seconds East 100.00 feet from the last mentioned point, a distance of 143.12 feet to a point; thence North 47 degrees 26 minutes 30 seconds East 41.94 feet to a point; thence North 86 degrees 06 minutes 00 seconds East 74.38 feet to a point; thence North 29 degrees 40 minutes 18 seconds East 119.83 feet to the Southwest right-of-way line of Missouri State Highway Route 340, as widened, by deed recorded in Book 6850, Page 1352 of the St. Louis County Records; thence along said Southwest right-of-way line of Missouri State Highway Route 340 the following courses and distances: South 60 degrees 18 minutes 36 seconds East 225.44 feet, South 57 degrees 26 minutes 51 seconds East 100.12 feet, South 63 degrees 10 minutes 20 seconds East 200.25 feet, South 60 degrees 18 minutes 36 seconds East 150.00 feet, South 54 degrees 35 minutes 57 seconds East 150.75 feet, and South 65 degrees 16 minutes 45 seconds East 115.44 feet to the West line of property conveyed to Raymond H. Rogers and wife by deed recorded in Book 6849, Page 498 of the St. Louis County Records; thence along said West line of Raymond H. Rogers property and the West line of

property conveyed to Union Electric Company by deed recorded in Book 6354, Page 1740 (Tract No. 13) of the St. Louis County Records South 29 degrees 45 minutes 38 seconds West 342.72 feet to a point; thence continuing along a West line of said Union Electric Company property, the West line of property conveyed to Donald J. Allman and wife by deed recorded in Book 6863, Page 1536 of the St. Louis County Records, and the West line of property conveyed to Fred W. Tappmeyer and wife by deed recorded in Book 5878, Page 35 of the St. Louis County Records South 01 degree 33 minutes 02 seconds West 679.43 feet to a point; thence North 89 degrees 53 minutes 59 seconds West 1202.46 feet to the point of beginning.

Excepting therefrom the following described parcel:

Beginning at the Southwest corner of property conveyed to Raymond H. Rogers and wife by deed recorded in Book 6849, Page 498 of the St. Louis County Records, said point being distant South 29 degrees 45 minutes 38 seconds West 286.86 feet from the Southwest right-of-way line of Missouri State Highway Route 340, as widened, by deed recorded in Book 6850, Page 1352 of the St. Louis County Records; thence South 29 degrees 45 minutes 38 seconds West 55.86 feet to a point; thence South 01 degrees 33 minutes 02 seconds West 86.52 feet to a point; thence North 33 degrees 45 minutes 22 seconds West 154.77 feet to a point; thence North 30 degrees 05 minutes 22 seconds West 201.91 feet to a point; thence North 24 degrees 48 minutes 22 seconds West 259.89 feet to a point; thence North 20 degrees 54 minutes 22 seconds West 146.73 feet to said Southwest right-of-way line of Missouri State Highway Route 340; thence South 63 degrees 10 minutes 20 seconds East 148.68 feet along said Southwest line of Missouri State Highway Route 340 to a point; thence South 20 degrees 54 minutes 22 seconds East 33.30 feet to a point; thence South 24 degrees 48 minutes 22 seconds East 251.87 feet to a point; thence South 30 degrees 05 minutes 22 seconds East 194.09 feet to a point; thence South 33 degrees 45 minutes 22 seconds East 56.05 feet to the point of beginning.

EXHIBIT C

(Legal description of Park Property)

Lot 3 of BARNES-JEWISH WEST COUNTY HOSPITAL SUBDIVISION, according to the plat thereof recorded in Plat Book 347 page 751 of the St. Louis County Records.

BP12367/0063

EXHIBIT D

(Legal description of Barnes-Jewish/Hope Property)

Lot 2 of BARNES-JEWISH WEST COUNTY HOSPITAL SUBDIVISION, according to the plat thereof recorded in Plat Book 347 page 751 of the St. Louis County Records.

Attachment: Property Restrictions Agreement (BJC West County Hospital and Millennium Park Parking Documents)

EXHIBIT E**Berming and Landscaping Requirements**

Berming/Landscaping requirements for eastern 200' of Barnes-Jewish/Hope Property ("200' Area").

1. Berming and landscaping to be placed generally in the locations shown on either:
 - (a) The location immediately to the east of the City Access Road as depicted on Exhibit "E" to the Access Agreement between the City and Barnes-Jewish dated as of November 11, 1999 (the "**Access Agreement**"); or
 - (b) If AmerenUE will not permit the berming and landscaping at the location referred to in (a), it shall be located further to the east at a location referred to as the "Alternative Landscaping and Berming Site"
2. Berm to be seven (7) foot high and approximately forty (40) feet wide.
3. Trees and shrubs in berm area shall be evergreens with a mixture of white pines, preserving where possible existing trees along the Questover Place Subdivision property line.
4. Additional trees to be planted and maintained along the City Access Road if the Section 1(b) Alternative Berming and Landscaping Site is used.
5. City shall maintain berm area and all landscaping in the 200' Area.
6. These berming and landscaping requirements are subject to any prohibition or restriction of AmerenUE. Should AmerenUE not permit any requirement herein, Barnes-Jewish and the City will diligently pursue a reasonable alternative to provide visual and sound screening for the residential area to the east of the park roadway.
7. Construct the berming to reasonably limit drainage onto Questover Place Subdivision.
8. No parking shall be permitted in the 200' Area.
9. Any lighting standard along the City Access Road within the 200' Area shall be no taller than 16', be low lighting impact and appropriately shielded with full cut-off and turned off no later than 10:00 p.m.
10. The City Access Road (with the adjoining maintenance easement) shall be constructed along the western boundary of the 200' Area.
11. Speed limit signs of twenty miles per hour (20 m.p.h.) shall be posted along the City Access Road.

BUYER(S) FINAL CLOSING STATEMENT

Prepared by
 US TITLE GUARANTY COMPANY, INC.
 COMMERCIAL DEPARTMENT
 8135 FORSYTH
 CLAYTON, MO 63105
 TEL: (314) 727-2900 FAX: (314) 727-9763

Buyer(s): City of Creve Coeur
 Seller(s): Barnes-Jewish West County Hospital
 Lender:
 Property: 858 N MASON RD. (& OTHERS) 000000
 Closing date : 11/30/1999 Proration date: 11/30/1999
 Escrow Officer: ROBERT G. RODGERS
 File Number: 99014018

	DEBIT	CREDIT
SALES PRICE	6,000,000.00	
DEPOSITS:		
Earnest Money		34,400.00
MISCELLANEOUS ADJUSTMENTS:		
Reimburse Seller 1/2 survey cost	9,038.15	
Reimburse Seller 1/2 Environmental Audit	1,992.50	
OTHER CHARGES:		
Owner Title Policy	5,400.00	
Liability amount (OTP) \$6,000,000.00		
Settlement or closing fee	250.00	
RECORDING FEES/TRANSFER CHARGES:		
1/2 Detention Pond Agreement	37.50	
1/2 Agreement Property Restriction	37.50	
1/2 Access Agreement	69.00	
Special Warranty Deed	30.00	
	SUBTOTALS: 6,016,854.65	34,400.00
	BALANCE DUE FROM BUYER:	5,982,454.65
	TOTALS: 6,016,854.65	6,016,854.65

EXECUTION BELOW IS AN ACKNOWLEDGMENT BY THE UNDERSIGNED THAT THIS CLOSING STATEMENT HAS BEEN EXAMINED BY, EXPLAINED TO AND APPROVED BY THE UNDERSIGNED AND REPRESENTS A COMPLETE AND FINAL COMPLIANCE WITH ALL AGREEMENTS PERTAINING TO THIS TRANSACTION, AND U.S. TITLE GUARANTY COMPANY, INC. IS AUTHORIZED TO COMPLETE THAT TRANSACTION AND DISBURSE FUNDS AS SET FORTH ABOVE.

U.S. TITLE GUARANTY COMPANY, INC. SHALL BE UNDER NO DUTY TO INVEST OR REINVEST ANY DEPOSITS AT ANY TIME HELD BY IT UNLESS WRITTEN INSTRUCTIONS ARE PROVIDED. U.S. TITLE GUARANTY COMPANY, INC. MAY USE ANY PART OF SUCH FUNDS WITHOUT OBLIGATION TO ANY PARTY FOR INTEREST OR EARNINGS DERIVED THEREBY.

City of Creve Coeur

BY 

BUYER(S) FINAL CLOSING STATEMENT

Prepared by
US TITLE GUARANTY COMPANY, INC.
 COMMERCIAL DEPARTMENT
 8135 FORSYTH
 CLAYTON, MO 63105
 TEL: (314) 727-2900 FAX: (314) 727-9763

Buyer(s): City of Creve Coeur
 Seller(s): Barnes-Jewish West County Hospital
 Lender:
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	TOTALS:	6,016,854.65

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City of Creve Coeur

By: 

Attachment: Property Restrictions Agreement (BJC West County Hospital and Millennium Park Parking Documents)



* 1999113000748 *

DANIEL T. O'LEARY
RECORDER OF DEEDS
ST. LOUIS COUNTY MISSOURI
41 SOUTH CENTRAL
CLAYTON, MO 63105

RECORDER OF DEEDS DOCUMENT IDENTIFICATION & CERTIFICATION SHEET

TYPE OF INSTRUMENT	GRANTOR	TO	GRANTEE
AGMT	BARNES JEWISH WEST COUNTY HOSPITAL ETAL		

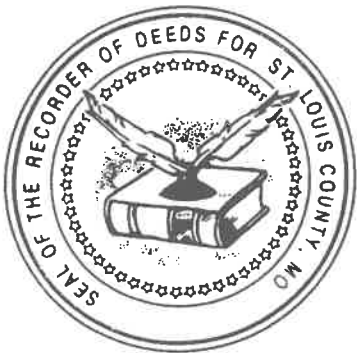
PROPERTY DESCRIPTION: BARNES JEWISH WEST COUNTY HOSPITAL SUB LOT 2 & 3 W/O/P

Lien Number	Notation	Document Number 748	Locator
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STATE OF MISSOURI)
SS.
COUNTY OF ST. LOUIS)

I, the undersigned Recorder of Deeds for said County and State, do hereby certify that the following and annexed instrument of writing, which consists of 20 pages, (this page inclusive), was filed for record in my office on the 30 day of November 1999 at 12:39 PM and is truly recorded in the book and at the page shown at the top and/or bottom of this page.

In witness whereof I have hereunto set my hand and official seal the day, month and year aforesaid.



Daniel T. O'Leary
Recorder of Deeds
St. Louis County, Missouri

Frank J. Kriesky
Deputy Recorder

RECORDING FEE \$72.00

(Paid at the time of Recording)

___ N.P.
___ N.P.C.
___ N.N.C.
___ N.N.I.

Mail to

--

B-12367 P-0045/0064

Destination code: 21 P Do Not Remove This Page