



AGENDA
PLANNING AND ZONING COMMISSION MEETING
CITY OF CREVE COEUR, MISSOURI
MONDAY, JUNE 20, 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. June 6, 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. 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. This item was continued from June 6, 2022.

NEW BUSINESS**1. PUBLIC HEARING. Application #22-011: Amendment to the Existing Conditional Use Permit for Lion's Choice Located at 12010 Olive Boulevard**

Danielle Tritt, of ANSWERS, Inc, on behalf of Lion's Choice has submitted an application to amend the existing conditional use permit to allow for exterior alterations to the existing building at 12010 Olive Boulevard, Creve Coeur, MO 63141. NAICS 722513 Limited-Service Restaurants require a conditional use permit with review by the Planning and Zoning Commission and approval of an ordinance by the City Council.

2. Application #22-012: Minor Site Plan for a Revised Landscape Plan within the Buffer Yard Behind the Muckerman Garage on the Mercy Campus at 615 South New Ballas Road

Erik Enderling, on behalf of Mercy Hospital, has submitted an application for approval of a revised landscape plan for the 2.5-acre hillside between the Muckerman Garage and the residences of Sackston Woods Lane. A prairie style landscape design with native plantings is proposed along with evergreen tree varieties to be planted toward the top of the hill to shield the lights for the parking garage from the neighbor's view. The purpose of the minor site plan approval procedures is to enable the City to consider potential impacts upon the area in the vicinity of the property, to ensure consistency with good planning practice and to

ensure high standards of site design for the general welfare of the City and its residents. City Council approval is not required for minor site development plans.

WORK AGENDA

(None)

DEPARTMENT REPORTS

Jason Jaggi, Director of Community Development

ADJOURNMENT

Posted: _____

Jason W. Jaggi
Director of Community Development



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

CALL TO ORDER

ROLL CALL

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

The following staff were also present:

Carl Lumley, City Attorney

Jason Jaggi, Director of Community Development

Bethany Moore, City Planner (Virtual)

Megan Waller, Administrative Services Supervisor/ Recording Secretary

ACCEPTANCE OF THE AGENDA

Mr. Wang made a motion to approve the agenda with amendment moving the unfinished business text amendment discussion to after new business. Mr. Potashnick seconded. All in favor.

APPROVAL OF MINUTES

1. May 16, 2022 Planning and Zoning Commission DRAFT Meeting Minutes

Mr. Wang moved to approve the May 16, 2022 meeting minutes. Mr. Potashnick seconded. All in favor.

PUBLIC COMMENT

None.

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

Nathan Fraiser, Landmark Sign Company, presented the proposed master sign plan for Covenant Theological Seminary. He explained that the existing monument signage is in significant decline due to weather, natural wear and tear, and age.

Mr. Fraiser stated that the monument sign will not be moved, it will be replaced in the same location.

Mr. Fraiser stated that the proposed size, lighting, etc. will help to identify the campus.

Mr. Rovak asked if the sign will be facing the same direction. Mr. Fraiser confirmed that it will.

Ms. Bethany Moore, City Planner, thanked the commission for allowing her to present virtually.

Ms. Moore stated that the request is for one monument sign to be replaced as well as design and size guidelines for any future replacement signs throughout the campus.

Ms. Moore stated that the proposed sign is larger than existing but will use materials that are aesthetically pleasing and consistent with designs around the campus and the City.

Ms. Moore stated that staff recommends that the applicant must apply for a sign permit for the low monument sign, The monument sign will need to be setback a minimum 15ft from the adjacent roadway surface and 1ft from the edge of the public right-of-way and must have a landscape plan.

Mr. Potashnick moved to recommend approval subject to staff conditions. Mr. Wang Second. All in favor.

RESULT:	APPROVED [5 TO 0]
AYES:	Wang, O'Brien, Rovak, Hall, Potashnick
ABSENT:	LaBonte, Buelter

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, was sworn in.

Mr. Jaggi presented the continuation of the public hearing for the drive thru text amendment and reviewed changes already suggested to the ordinance adjacent to residential.

Mr. Jaggi stated that the draft ordinance is specific to single family residential in terms of adjacent to residential. He explained that it may need to clarify if adjacent to residential will apply to multi-family properties, typically apartments.

Mr. Jaggi stated that for those that are not adjacent to residential, there must be at least one other building on the site with at least 200ft of building frontage. Mr. Jaggi stated that changing

this to a minimum square footage would simplify the measurements. He also stated that the use of other buildings is not specified in the current ordinance.

Mr. Jaggi stated that freestanding restaurants must have minimum size of 2,500 square feet. He explained that this has been reduced to 2, 000 square feet with 55 indoor seats. Mr. Jaggi questioned if there is a need to keep this requirement in the ordinance.

Mr. Jaggi stated that the proposed ordinance would allow stacking lanes to cross between the building and the street if screening requirements are met.

Mr. Wang asked if the proposed 10,000sqft requirement is for ground floor only. Mr. Jaggi stated it would be for the whole building.

Mr. Rovak asked for clarification as to why should switch from linear square footage of the building vs total square footage of the building. Mr. Jaggi stated that the square footage as a unit of measurement is simpler to measure. Mr. Rovak had concerns that changing this may have a negative impact on traffic. Mr. Jaggi stated that there is no proposed change to the traffic study requirements.

Mr. Potashnick asked where the 10,000 square foot building size requirement came from. Mr. Jaggi stated that he looked at building sizes around the City. Mr. Potashnick had concerns that this may be too restrictive and could be lower.

Mr. Rovak asked if the square footage requirement is simpler to work with from a staff perspective. Mr. Jaggi stated that square footage is easier to understand and apply.

Mr. Wang stated that he would agree to having a lower square footage requirement.

Ms. O'Brien asked for an example of a 6,000sqft building. Mr. Jaggi presented buildings around the City that are smaller than 10,000sqft.

Mr. Rovak had concerns that there will not be any limits of the number of drive thru's within a given area. Mr. Jaggi stated can only be one within a coordinated development with 3 acres.

Mr. Jaggi stated that the ordinance currently does not allow any freestanding drive thru's adjacent to residential. He asked the commission's thoughts on multi-family apartment buildings.

Those speaking to the request were sworn in.

Paul Gada, 847 Larkin Ave, has concerns regarding changes in landscaping and traffic.

Mr. Gada stated that he has driven around other municipalities and compared different businesses in these areas.

Mr. Gada stated that he would prefer to see other businesses in the City rather than drive thru's.

Ms. Linda Rezny, 104 Graeser Acres, asked the commission to avoid drive thru's adjacent to residential. She stated that she believes that the requirements for reducing sound adjacent to residential should be stricter.

Ms. Rezny has concerns with allowing drive thru's adjacent to multi-family residential buildings.

Ms. Rezny referred to emailed comments that she sent and discussed her concerns with the ordinance as it stands and proposed changes. She referred to the map from the 2014 amendment showing where these drive thru's could potentially be.

Mr. Rovak stated that the commission is not ready to make a decision and would like to continue at the next meeting. Mr. Rovak asked for a link to the map from 2014 for the commission to review.

Mr. Carl Lumley, City Attorney, offered the exhibits to the record.

Mr. Rovak closed the public hearing.

Ms. Hall made a motion to continue. Mr. Wang Seconded. All in favor.

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

WORK AGENDA

DEPARTMENT REPORTS

1. BJC West County and Millennium Park Parking Agreements

Mr. Jaggi stated that he has provided historical documentation regarding the agreements for Millennium Park parking shared with BJC as well as other documentation. Mr. Potashnick responded that he has been out of town and will take a look at the documents provided.

Mr. Jaggi stated that there will be three items on the agenda for the June 20th meeting. Mr. Jaggi stated that it appears that there will be three applications for the July 5th meeting.

Mr. Jaggi asked the commission to please check their calendars as soon as possible to confirm a quorum for the July 5th meeting.

ADJOURNMENT

Mr. Wang Moved to adjourn. Ms. Hall seconded. All in favor. Meeting Adjourned at 7:36 PM.



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

MEMO TO PLANNING AND ZONING COMMISSION

Meeting Date: June 20, 2022

Subject: **Application No. 22-008: Text Amendment to Conditional Use Standards for Drive-Thru Restaurants (Sec. 405.470.A.14)**

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

Attachments: Commercial Property Analysis Map (Created September 2014)

At the June 6th meeting, the Planning and Zoning Commission closed the public hearing and voted to continue this item to the June 20, 2022 meeting. The Commission requested a copy of the map that staff prepared in 2014 when the current ordinance was being developed. No additional information from staff was requested by the Commission. The map is included in the packet and provides an analysis of the size of commercial and light industrial zoned properties and the adjacency to residential.

The proposed amendments do not include changes to the site size qualifications; however, at the last meeting staff discussed the possibility of amending the ordinance to specify the form of adjacent residential development as single family. The attached map is helpful in illustrating those properties that are multi-family and those that are single family that would be affected by such a change. As discussed at the last meeting, to apply this requirement, staff would rely on the current definitions for multi-family, single family, and attached single family as found in Section 405.120 as follows:

SINGLE-FAMILY DWELLING

An individual dwelling unit located on the ground, either detached and occupying a subdivided lot or attached by means of a party wall to another single-family dwelling unit and occupying a subdivided lot or in condominium ownership.

ATTACHED SINGLE-FAMILY DWELLING

One (1) of a series of attached dwellings designed for single-family occupancy and located on individually subdivided lots of record or on land owned in common.

MULTI-FAMILY DWELLING

A building or portion thereof designed for occupancy by three (3) or more families living independently of each other, but not including attached single-family dwellings, town houses, patio houses or individually subdivided lots.

MULTI-FAMILY BUILDINGS

A building arranged, intended or designed for residence by more than two (2) families, with the principal access to each dwelling unit by means of an interior lobby or a common enclosed interior stairway and/or elevator.

Staff has reviewed these terms after the last meeting and would like to clarify how they would be applied with such a change. The term “single family” would not apply to a multi-family building that has separate units above the first floor, even if under condominium ownership. Examples of these types of buildings would be the Coeur de Royale Condos on Coeur de Royale Drive, Golfview on the Green Condos on Sarah Lane, and the Summit Lofts on Emerson Road. These are condo units but are within a multi-family building. On the other hand, detached single family homes and attached townhomes that are not “stacked” would meet the definition of single family residential, whether they are on individual lots, or platted as a condominium with common elements and privately owned components.

If the Commission agrees that there should be a distinction among residential uses in the application of these standards, another approach could be to reference single family zoning districts (i.e., A, B, C, and D).

Related to this particular item, staff received the attached public comment from the apartment manager for Westchase Apartments expressing concerns about the changes that would affect multi-family residences.

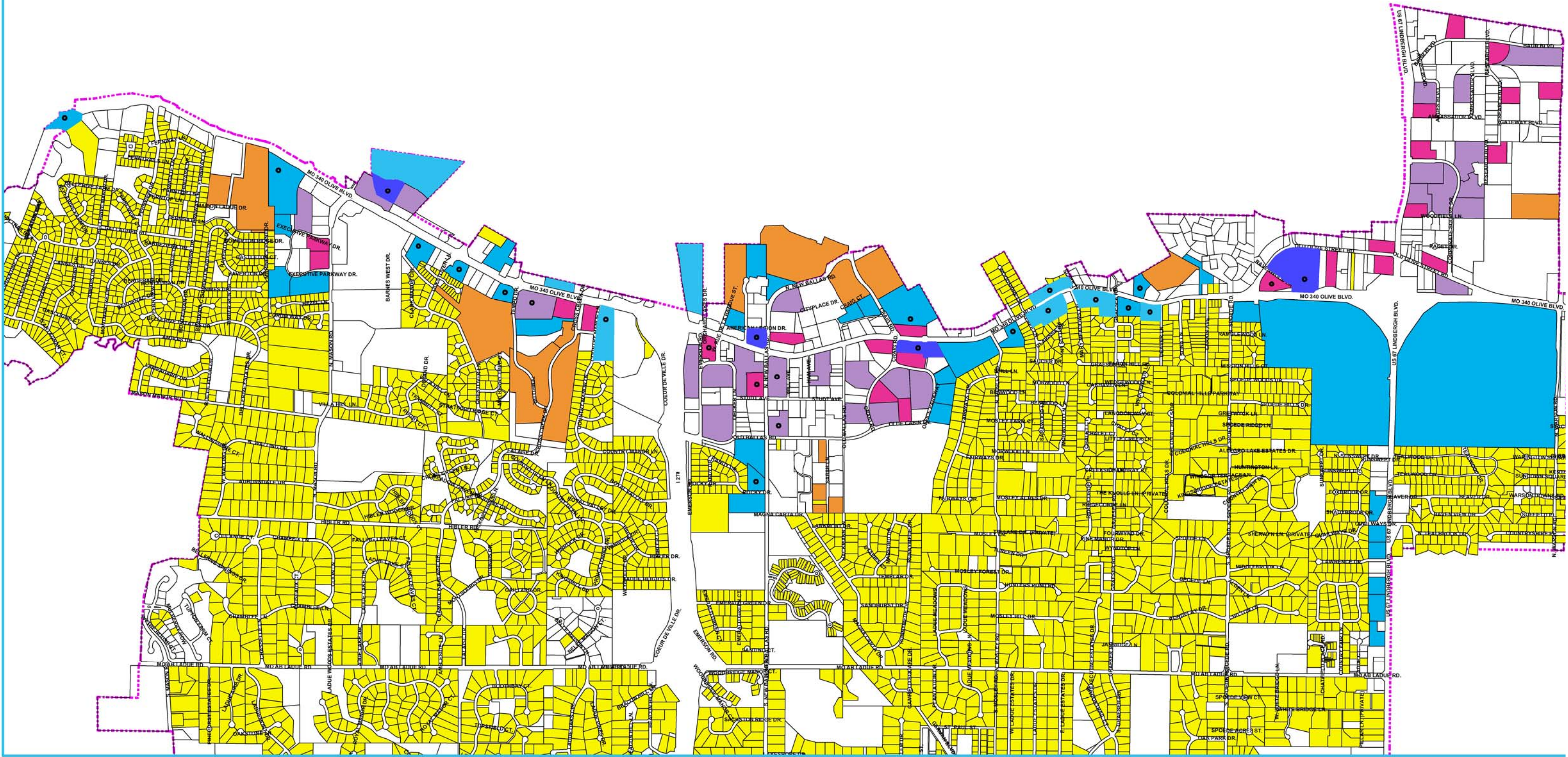
Recommendation

Staff will present a summary of the changes at the meeting to facilitate the Commission’s discussion. Staff recommends that the Commission deliberate the proposed amendments, and discuss any further revisions so that a recommendation can be forwarded to the City Council. The draft ordinance is attached but has not been revised from the June 6th meeting. If this matter must be continued for further review, staff recommends that the Commission outline specific items for further research and that the continuance be made to a future meeting, no earlier than the July 18th meeting due to staff schedules.

Action and Motion

If the Commission believes that the draft ordinance is suitable for final review by the City Council, then a motion on a recommendation should be made and voted upon. An example motion for this purpose is:

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



Legend

Properties 2 to 3 Acres, Not Adjacent to Residential	Single-family Residential
Properties Over 3 Acres, Not Adjacent to Residential	Multi-family Residential
Possible Assemblages Over 2 Acres, Not Adjacent to Residential	
Properties Over 2 Acres, Adjacent to Residential	
Parcel Lines	
City Limit	

Attachment: Comm Lot Size & Adjacency Analysis Map (Drive-Through Restaurants Text Amendments)



Jason Jaggi <jjaggi@crevecoeurmo.gov>

Drive Thru restaurants

1 message

Jamie Rohrich <jrohrich@samapartments.com>
 To: "jjaggi@crevecoeurmo.gov" <jjaggi@crevecoeurmo.gov>

Mon, Jun 6, 2022 at 5:09 PM

Good afternoon Jason;

I am the Property Manager for Westchase Apartments and it has come to my attention that there is a hearing this evening regarding changes being made to open up the possibilities for more drive thru restaurants in Creve Coeur.

It is my understanding that the change includes also categorizing multi-family housing as commercial vs. residential to allow for more drive-thru's to be brought into the area and potentially be on top of RESIDENTIAL multi-family housing, in turn causing quite the disturbance to Creve Coeur residents. Regardless of whether they own single family homes or reside in a multi-family setting, they are still Creve Coeur residents and deserve not to be disturbed by commercial business operations.

I am quite concerned about this but am unable to attend tonight's hearing.

I will be checking the City's website tomorrow for further information and any details that you can send to me on this matter would appreciated as well.

Thank you,



Jamie Rohrich

Property Manager, Cove West & Westchase Apartment Homes

314-878-3000 | 314-432-3700 | jrohrich@samapartments.com

www.covewestapts.com | www.westchasestl.com

12400 Lighthouse Way Dr. | 10871 Chase Park Ln | Creve Coeur,
 MO 63141

Attachment: Citizen Comment JRohrich 6-6-22 (Drive-Through Restaurants Text Amendments)

Attachment: Citizen Comment JRohrich 6-6-22 (Drive-Through Restaurants Text Amendments)

1 PLANNING AND ZONING COMMISSION MEETING

2 CITY OF CREVE COEUR, MISSOURI

3 300 NORTH NEW BALLAS ROAD

4 MONDAY, JUNE 6, 2022

5 6:00 P.M.

6
7 PUBLIC HEARING

8 CONTINUATION FROM MAY 16, 2022 AND CONCLUDED

9 APPLICATION NO. 22-008

10
11 THOSE IN ATTENDANCE:

12 Mr. Gene Rovak, Chairman

13 Ms. Muriel Hall

14 Mr. Larry Potashnick

15 Mr. AJ Wang

16 Ms. Rhonda O'Brien

17 Mr. Carl Lumley, City Attorney

18 Mr. Jason Jaggi, Director of Community Development

19 Ms. Bethany L. Moore, City Planner (via Zoom)

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: Okay. We'll call the meeting
2 to order, Planning Zoning Commission Meeting, City of
3 Creve Coeur for Monday, June 6th, 2022.

4 Okay. We'll start with the roll call.

5 Ms. Hall?

6 MS. HALL: Present.

7 CHAIRMAN ROVAK: Mr. Potashnick?

8 MR. POTASHNICK: Present.

9 CHAIRMAN ROVAK: Ms. LaBonte?

10 Okay.

11 Mr. Wang?

12 MR. WANG: Here.

13 CHAIRMAN ROVAK: Ms. O'Brien?

14 MS. O'BRIEN: Here.

15 CHAIRMAN ROVAK: Mr. Buelter?

16 MR. JAGGI: He is absent.

17 CHAIRMAN ROVAK: All right.

18 Mr. Lumley, our City Attorney?

19 MR. LUMLEY: Here.

20 CHAIRMAN ROVAK: Mr. Jaggi?

21 MR. JAGGI: Present.

22 CHAIRMAN ROVAK: Bethany Moore?

23 MS. MOORE: Present.

24 CHAIRMAN ROVAK: Oh, I'm looking -- okay.

25 And, Megan Waller?

1 MS. WALLER: Present.

2 CHAIRMAN ROVAK: Okay. I've got -- looking the
3 wrong way for everybody.

4 All right.

5 All right. At this point then, we'll go ahead
6 with the Public Hearing, Application 22-008: Text
7 Amendment to the Conditional Use -- Uses, Section
8 405.470.A.14 Food Services and Drinking Places with
9 Drive-Through Services.

10 (Jason Jaggi was sworn in by the court
11 reporter.)

12 MR. JAGGI: Get set up here and then I'll begin.

13 Okay. Jason Jaggi, Director of Community
14 Development with the City of Creve Coeur.

15 This is a continuation of the public hearing to
16 consider revisions to the City's drive-through ordinance
17 for restaurants.

18 The first public hearing was held on May 16, so
19 I'm just going to go through a presentation, and we'll see
20 if there's any questions along the way. Be happy to
21 answer those.

22 Just get that up and running here. Apologize.
23 A little more steps because of the Zoom tonight.

24 Want Bethany to see it, so I'm doing this for
25 Bethany's benefit in her office, but don't want to exclude

1 her, so.

2 Okay. I think -- I think I have it. Let's try
3 and see here.

4 MS. MOORE: I can see it.

5 MR. JAGGI: Perfect.

6 Can you see that okay, Bethany?

7 MS. MOORE: I can. Thank you.

8 MR. JAGGI: Great. Awesome.

9 Okay. So like I said, this is a continuation of
10 the -- the matter that was before you at the last meeting.
11 It's to amend the -- the standards for conditional use
12 standards for restaurants.

13 First meeting -- public hearing was held on
14 May 16th. At the conclusion of that discussion the
15 Commission continued it to tonight, June 6th, so that's
16 why we're here again.

17 I did place -- comments are in your packet for
18 those that have been received after the last meeting, as
19 well as we received some last -- later comments after the
20 packet was generated. Those were placed at your stations
21 for your review. And so I just want to make you aware of
22 that.

23 So what we've done since that time is we
24 provided some additional revisions. We've clarified a few
25 things, and I want to go through that tonight in detail.

1 And then I also have a list that I think would
2 be helpful that I would like to just kind of highlight for
3 your benefit, areas that I would like some discussion on,
4 and just, you know, more significant aspects of the
5 proposed changes for your discussion.

6 I did include a draft ordinance tonight in the
7 event that your -- feel comfortable with -- with calling
8 for a motion and having a vote on it tonight.

9 Of course, any changes that we may want to have
10 this evening, those would need to be amended accordingly,
11 and we can include those in an ordinance that would go to
12 the City Council as part of the next step.

13 So just to kind of get started on this. Some of
14 the revisions we've had. So on 14B, an earlier version
15 listed a maximum limitation of 40 percent of the building
16 area for restaurants.

17 The City approved Ordinance 52 -- 5626 in 2019
18 that removed that restriction. So that no longer applies.

19 The ordinance in front of you removes that
20 altogether. That was done in a different text amendment,
21 so it doesn't even apply, so that's been removed.

22 Site set up on residential uses. Again, I
23 always want to make sure everyone understands this.

24 Is we have requirements for restaurants
25 drive-through facilities that are adjacent to residential

1 and those that are not.

2 So specifically those that are adjacent to
3 residential, the draft before you tonight revises that to
4 specify Single-Family Residential, so it would not apply
5 for Multi-Family Residential. But I want -- I certainly
6 want more discussion and thoughts on that. But that is a
7 change based on the draft in front of you tonight.

8 It would, however, apply to detached, attached
9 single-family dwellings, townhomes and patio homes. All
10 of those are already defined in our ordinance zoning code
11 that way, so multi-family are typically apartments.
12 They're through access points; common corridors, exterior
13 corridors. They're not individual entrances. They're not
14 townhomes, single-family dwellings, attached, detached.
15 So it is a change in there.

16 You can see here, there's some other sections
17 here that are just minor revisions for clarity. I
18 didn't -- we can go back and visit those, but it's really
19 just kind of a clarification, nothing substantive.

20 That's really the extent of all -- any changes
21 that we've looked at those in terms of those that about
22 residential uses.

23 For those that do not about residential uses.
24 Again, we've copied over the single-family adjacency to
25 clarify single-family.

1 And just to touch on that a little bit,
2 actually, the reasons behind that.

3 I did receive a comment, well -- and it was,
4 basically, characterized as this. What if there's an
5 apartment building that's part of a -- part of a
6 development, and there -- and there would be a
7 drive-through facility that would be adjacent to that; how
8 would the city treat that. And I said, well, right now it
9 says adjacent to residential uses, so I don't see how that
10 would be allowed.

11 So to clarify that my thought would be, well, it
12 seems like most of our ordinances we target, you know,
13 adjacent to single-family uses, that seems to be more
14 intent, but we certainly want to talk about that, but
15 that's the reason why maybe there's a need to clarify.

16 If there's not, if the Commission feels like
17 we -- all residential uses should be treated the same,
18 that's okay, we can continue doing what we've done, but it
19 may come up in situations where we have a development
20 proposal that has a buffering component and then a
21 drive-through component, and maybe even another use and
22 how would we treat that, so that's really the crux of --
23 of the revision.

24 Also, on 14D1, that section, looking at changing
25 how we determined the other building. And, again, just to

1 make sure you understand, this is a very complicated
2 ordinance. We're trying to remove some areas, but leave
3 some in place. So when you're not adjacent to residential
4 uses, to qualify for a drive-through restaurant, there has
5 to be at least one other building on the site and part of
6 a coordinated development.

7 One of those buildings, right now the code says,
8 it has to have 200 feet of building frontage for you to
9 qualify for that.

10 If you do, then you get to move on and go
11 through the process and layout and meet all the other
12 requirements.

13 The challenge, I guess, is at 200 feet, it is a
14 -- it is a interesting unit of measurement that only looks
15 at a front of a building; how wide is it. It doesn't look
16 at square footage of a building.

17 So, my feeling is that if we change it to a
18 square footage of building, it's a little bit simpler to
19 regulate. It's simpler to enforce. You're not just
20 looking at a building that -- that is a certain width.

21 So, my -- my thought would be change it to
22 10,000 square feet, and I can talk about what those
23 buildings might look like.

24 So that is a qualifying building. If you have
25 that in place, if it's changed to 10,000 square feet, you

1 could then have a -- a drive-through restaurant on a
2 coordinated site that meets with that requirement. Okay.

3 So we've changed the 200 feet of building
4 frontage, and just changed that to a minimum square
5 footage of building area to 10,000 square feet.

6 And I would also point out that the use of other
7 buildings, our ordinance right now, does not specify what
8 that other building has to be in terms of the use.

9 On the residential side we do. When it's
10 adjacent to residential, it has to be a multi-tenant
11 retail building, and that drive-through facility has to be
12 on the side or rear of a multi-tenant retail building.

13 When you move away from that under this
14 organization, you can have freestanding. So all of that
15 thinking behind there goes away. We allow freestanding
16 drive-through restaurants on sites that are not adjacent
17 to residential.

18 So, I think with that in mind, the ordinance
19 never specified it has to be a certain type of building.
20 It just to be -- has to be of a certain size or -- that's
21 what we might move to, but what we have now is the
22 frontage.

23 You can see here, these are minor
24 clarifications, these little sections. Just did some
25 tweaking of the wording for clarity.

1 14D5, freestanding. The code says if a
2 freestanding restaurant in place it has to have a minimum
3 square footage of 2500 square feet.

4 That has been reduced a little bit to
5 2,000 square feet, given the fact that a lot of
6 restaurants there are a little bit smaller in size.
7 Doesn't change dramatically, but it does -- would allow a
8 smaller freestanding restaurant.

9 Indoor seating has been left at 55. This is
10 another question I have for the Commission, you know, is
11 there a need to keep any of this? If there is, my feeling
12 is maybe we should just lower the -- the freestanding size
13 a little bit to allow a little bit smaller restaurants,
14 but I haven't touched the seating, so.

15 These other sections are being revised, again,
16 just for clarity, nothing really substantive.

17 So those -- that's really the summary of all the
18 changes I've made since the last meeting.

19 So I think, really, this is kind of our list of
20 the -- the real notable requirements of this ordinance,
21 the changes, the cumulative changes to what we have today
22 versus what's the draft is in front of you.

23 And the location of the service windows and
24 order facilities along non-primary street building
25 frontage. These would be allowed. Our ordinance says

1 now, not allowed unless -- not allow -- not allowed unless
2 approved. It doesn't give you any sort of direction.

3 So, this said, yes, they're allowed on a
4 secondary street, but they must be screened. That's what
5 the ordinance says in front of you right now.

6 So on a sidestreet, so all of those on primary
7 street, building frontage, everything is directed toward
8 Olive.

9 You can have a sidestreet that you would be able
10 to have the drive-up window order facilities on a
11 sidestreet, and it could face the street, but not on the
12 primary street. Okay. And that's what this is trying to
13 say.

14 Stacking lanes. Moving to the next ones.
15 Stacking lane allowed to cross the street requires
16 landscaped screening.

17 This prohibition is -- these two are probably
18 the most significant in terms of allowing a little more
19 flexibility for layouts.

20 Mr. Lumley?

21 MR. LUMLEY: I think you meant to say it's
22 allowed to cross between the building and the street.

23 MR. JAGGI: This is, yes.

24 MR. LUMLEY: As opposed to actually crossing the
25 street.

1 MR. JAGGI: Yes. Thank you. That's correct.

2 MR. LUMLEY: Okay.

3 MR. JAGGI: So this -- the stacking lane would
4 be allowed to cross between the building and the street.

5 You could have that stacking lane wrap around
6 the building.

7 If so, though, the ordinance says it must be
8 landscaped. So the idea is to soften that appearance of
9 that stacking lane of a drive-through where we would have
10 a landscape plan that would show, you know, the screening
11 of that -- of those cars parked along the street.

12 Again, the single-family prohibition. If -- if
13 there's -- if there's agreement to specify single-family
14 adjacency, not all residential uses.

15 I would also point out, which I didn't earlier,
16 is that the CB District, for example, our Core Business
17 District, it allows, by right, units of up to 20,
18 multi-family buildings up to 20 units per acre with just
19 approval of a site plan.

20 So, residential is allowed in a commercial
21 zoning district, multi-family residential in the CB
22 District.

23 So, just a little bit of discussion in terms of
24 what are we trying to regulate; how do we apply this. Do
25 we include all residential like today, or do we want to

1 maybe focus it to be single-family.

2 And then this is the definitions related to that
3 that we have right now in our zoning ordinance that --
4 that would apply. So these terms are already defined in
5 our code.

6 You can see how we would classify our
7 multi-family building. It's very specific in terms of
8 what type of building that is. What is a multi-family
9 building. These are kind of interchangeable. And what's
10 a single-family dwelling.

11 And, basically, it means condos. They're
12 subdivided by a lot, they can have duplexes; they can be
13 townhomes. Those are all considered single-family
14 dwellings.

15 So, essentially, it's kind of what you think of
16 as an apartment. That's a multi-family, and a lot of
17 other residential that would fall under single.

18 The other item here again is the change in the
19 building width of frontage from 200 feet when they're
20 adjacent to non-residential to a more simple, it has to be
21 a minimum square footage of a building, in this case I'm
22 proposing 10,000 square feet.

23 Adjacent to non-residential requiring the
24 minimum restaurant size square footage. Do we want to
25 keep putting a minimum square footage with indoor seats or

1 can we lower that a little bit. Is there a little more
2 flexible we can offer to the development community than
3 what we have now.

4 And then also to encourage outdoor dining, which
5 is one of our objectives in our Comprehensive Plan. It
6 creates activity in our -- our Commercial Districts, you
7 know, this would be the opportunity if we wanted to
8 incentivize that, we could remove the additional parking
9 space requirement that we have in the code now, which
10 requires one additional off-street parking space per eight
11 seats.

12 So, again, it's just a little bit of an
13 incentive, zoning incentive, to encourage restaurants to
14 provide outdoor seating without requiring more parking on
15 these sites.

16 That's really the extent of the changes. And
17 would turn it over to any discussion or questions at this
18 point.

19 CHAIRMAN ROVAK: I have one.

20 Go ahead. Okay.

21 MR. WANG: Short one.

22 MR. JAGGI: Yeah.

23 MR. WANG: Is it 10,000 square feet on the
24 ground floor or --

25 MR. JAGGI: It doesn't matter. If it's two

1 stories, it'd be 5,000 per floor or whatever, it would
2 just be an overall 10,000 square feet.

3 And I can -- so what buildings are 10,000 square
4 feet. How do they -- this is not a build -- these are not
5 lists that mean you can have a drive-through there, okay.
6 It's just an idea of what does the building look like and
7 what size is it. It does not -- I'm not trying to say
8 this is a site that you can have a drive-through on. It's
9 just a building size.

10 So the Jersey Mike's where FedEx is. We had a
11 Jersey Mike's proposal, Shoppes at Questover. There's a
12 building there that has a FedEx. And if you know what I'm
13 talking about, it's on the eastern end of it. Then you
14 have restaurants there, you have the --

15 CHAIRMAN ROVAK: Chicken Salad?

16 MR. JAGGI: Yeah, the New Orleans restaurant.

17 CHAIRMAN ROVAK: Oh, yeah.

18 MR. JAGGI: Gulf Shores.

19 It's not those two bigger buildings. That
20 smaller one on the eastern end of it. That is
21 10,240 square feet in size.

22 So that just gives you an idea. That one
23 building, that's the size of building.

24 Imo's. The building where Imo's is, coming east
25 of Olive -- or east of 270 where Imo's is, there's a

1 Sherwin-Williams Paint Store, that little building, that's
2 8,600 square feet. So that would actually be smaller.
3 Would not involve in terms of what size of a building are
4 we talking about.

5 Total Access building where Noodles is, Total
6 Access Urgent Care, again, more on the east side where
7 Noodles is, that building, just for reference, that's
8 8,100 square feet in size. That would be too small. So
9 you need a little bit bigger of a building than these.

10 The building, though, next to it, where the
11 frozen yogurt is; where the BMO Harris Bank is, again, I'm
12 not saying these are all going to be drive-through
13 locations, they're just building sizes, that one is just
14 over 10,000 square feet, so that size would meet the
15 requirement in terms of how big are we talking.

16 CHAIRMAN ROVAK: I've got a question cause --

17 MR. JAGGI: Yes.

18 CHAIRMAN ROVAK: -- I'm trying to get the
19 rationale on the decision to go from the lineal frontage
20 to the square footage of the building, and, to me, it
21 looks like we're looking at a building, and it's this wide
22 and --

23 MR. JAGGI: Uh-huh.

24 CHAIRMAN ROVAK: -- that would have
25 implications, to me, for how traffic's going to go around

1 it, you know, how much is going to be blocked off by the
2 cars and what has -- I -- I don't know that I can get my
3 head around equating that with the concept of the square
4 footage.

5 I mean they are two different things, and
6 they -- but I -- I'm not sure that I understand what the
7 rationale was to go to a square footage from a lineal
8 frontage.

9 MR. JAGGI: From what I can tell, again, the
10 record's very exhaustive on when we looked at this 2014.

11 From what I gleaned is that 200 feet met the
12 requirements of -- of a proposal back then. And because
13 we had that in one section, it was transferred to the
14 sites that don't have residential next to them.

15 I don't -- I mean you could make an argument is
16 200 feet the right number. I mean I actually proposed it
17 to be lower because I think the trend might be for us to
18 have smaller buildings on sites. They may not be as big
19 as what we've had, and -- and so forth.

20 But, to me, it's just when you're trying to
21 administer an ordinance, the square footage as terms of
22 unit of measurement, it's -- it's a simpler process
23 than --

24 CHAIRMAN ROVAK: Well --

25 MR. JAGGI: -- the width of a building, you

1 know, it's an odd -- kind of an odd way to measure a
2 standard.

3 CHAIRMAN ROVAK: Well, I mean either one --
4 yeah, I understand that. I'm -- I'm still looking at what
5 its effect is.

6 I'm not talking about whether it should be
7 200 --

8 MR. JAGGI: Uh-huh.

9 CHAIRMAN ROVAK: -- or 180 or 250 --

10 MR. JAGGI: Yeah.

11 CHAIRMAN ROVAK: -- or 10,000 or 12,000 or
12 6,000. I'm still thinking, to me, it looks like the
13 effect that it has on traffic, and vice versa, traffic has
14 on it, I can more easily align that with this frontage and
15 this lineal dimension, whatever that dimension would be,
16 than the area occupied by the building use.

17 That's -- I guess that's my only point. It's
18 not so much what that number is, as much as what type of
19 number is more applicable for this kind of use. And I
20 would still lean towards that lineal footage as it would
21 affect the cars going around it, et cetera.

22 MR. JAGGI: Now that, just so we're clear, so
23 there is no proposed change to the frontage requirement
24 for sites that are adjacent to residential. That's 200.
25 That's not proposed --

1 CHAIRMAN ROVAK: Okay.

2 MR. JAGGI: -- to be changed. Cause I didn't --
3 I don't want to go in and start --

4 CHAIRMAN ROVAK: No, I --

5 MR. JAGGI: -- heavily having the adjacent
6 residential.

7 CHAIRMAN ROVAK: Right.

8 MR. JAGGI: There's a lot of sensitivity to it
9 as it exists today.

10 CHAIRMAN ROVAK: Sure.

11 MR. JAGGI: And, you know, like I mentioned
12 before, and I think there's a lot of concerns with just
13 allowing, in general, next to residential.

14 CHAIRMAN ROVAK: Uh-huh.

15 MR. JAGGI: We've had a lot of --

16 CHAIRMAN ROVAK: Yeah. No, I --

17 MR. JAGGI: There's a lot of history with that.

18 CHAIRMAN ROVAK: I -- I'm fine with that.

19 MR. JAGGI: So I purposely did not want to go in
20 and start.

21 CHAIRMAN ROVAK: No.

22 MR. JAGGI: But I think -- I think people are a
23 little more understanding that there could be some
24 flexibility for other sites that don't have that -- that
25 adjacency to residential in play.

1 So, this would only apply to those situations,
2 and it would -- it's a qualifying measure that's in the
3 code now. You have to have at least one other building in
4 a coordinated development in place, whether that's newly
5 constructed or existing, and then you can have your
6 freestanding restaurant, you know, as a part of that, or,
7 again, there's nothing that prevents being an end cap
8 within a multi-tenant building too. You can have either
9 one where you're not adjacent to residential.

10 CHAIRMAN ROVAK: Right. And I understand this
11 is for the non --

12 MR. JAGGI: Okay.

13 CHAIRMAN ROVAK: -- resident. And I'm just
14 questioning, you know, what type of measurement --

15 MR. JAGGI: Yeah.

16 CHAIRMAN ROVAK: -- bringing into play, and what
17 the rationale is.

18 MR. JAGGI: I mean, really, it just becomes,
19 look, we have a requirement that says it has to be part of
20 a coordinated development, what does that entail? Well,
21 you got to have another building. Can't be -- coordinated
22 development can't be one building --

23 CHAIRMAN ROVAK: Right.

24 MR. JAGGI: -- by itself.

25 And I think that's the -- that's the rationale

1 between that.

2 Well, then, do we care about what size that
3 other -- what -- what constitutes a coordinated
4 development. Has to be at least one other building, and
5 then, okay, do we care about the use of that building.

6 The former ordinance does not.

7 CHAIRMAN ROVAK: Uh-huh.

8 MR. JAGGI: It doesn't specify that. But it
9 does care about the frontage.

10 But you have a 200-foot wide building and it's
11 an office building, I just -- you know, it does become a
12 little bit how do we, you know, what's the measurement for
13 that. What do want. How do we want to measure that
14 existing building to get you in the -- in the door, at
15 least, for a drive-through.

16 CHAIRMAN ROVAK: Okay.

17 MR. JAGGI: Either way, I will say it's still
18 going to be very restrictive.

19 CHAIRMAN ROVAK: Yeah.

20 (Talking over each other.)

21 MR. JAGGI: We do not have a lot of sites in
22 town --

23 CHAIRMAN ROVAK: No, that wasn't my issue at
24 all.

25 MR. JAGGI: -- that will meet all -- still, all

1 of these requirements.

2 CHAIRMAN ROVAK: Yeah.

3 MR. JAGGI: I'm just looking for ways to
4 simplify some of these areas, so it's a little bit easier
5 to administer. And then maybe is a little more
6 transferable, not just based on one -- one proposal.

7 CHAIRMAN ROVAK: Okay.

8 MR. POTASHNICK: How did you come up with the
9 10,000 as opposed to 6,000?

10 MR. JAGGI: I just went and looked at buildings
11 on -- that we have around town. I listed some of them,
12 well, what -- what would be a reasonable size building.
13 What do we have out there. It's just something I felt
14 like was kind of in the -- in the --

15 MR. POTASHNICK: So if I wanted to suggest that
16 we change it to 6,000, would you have a -- have an
17 objection?

18 MR. JAGGI: I think -- I think 6,000 gets to be
19 a pretty small building based upon some examples I -- I've
20 shown. But it's really what -- what comfort you guys
21 have.

22 MR. POTASHNICK: The concept's already
23 extraordinarily restrictive --

24 MR. JAGGI: Yes.

25 MR. POTASHNICK: -- by suggesting 10,000, it

1 already precludes a bunch of other opportunities. Just --
2 just because of the size measure --

3 MR. JAGGI: Right.

4 MR. POTASHNICK: -- as opposed to giving it at
5 least --

6 MR. JAGGI: I mean you could go --

7 MR. POTASHNICK: -- at least a fair chance if
8 somebody wanted to battle -- battle their way uphill.

9 MR. JAGGI: You could go with -- you know,
10 that's a little bit of the unknown when we start
11 specifying requirements like this. We're speculating.
12 We're using our best available information. But this
13 ordinance is about putting all these pieces together.

14 CHAIRMAN ROVAK: Yeah.

15 MR. JAGGI: It's a -- it's a complex equation
16 when you have all these variables and what comes out at
17 the end --

18 CHAIRMAN ROVAK: Right. Well, from the staff --

19 MR. JAGGI: -- and the site's going to dictate
20 that.

21 CHAIRMAN ROVAK: From a staff viewpoint, is it
22 any easier, simpler, to deal with a square footage
23 requirement than a lineal frontage? That's -- that's
24 where I was coming from. It wasn't the amount of either
25 one.

1 MR. JAGGI: Yeah.

2 CHAIRMAN ROVAK: Or even say in non-residential,
3 not adjacent residential.

4 If you wanted to reduce it from 200 to 150 or
5 something. My only question is how does the square
6 footage make it easier to apply than a frontage, and how
7 does it interact with the things you're, you know, the
8 different balls you're trying to juggle --

9 MR. JAGGI: Yeah.

10 CHAIRMAN ROVAK: -- as far as traffic and
11 layout, things like that, so --

12 MR. JAGGI: I think --

13 CHAIRMAN ROVAK: That was the origin of my
14 question.

15 MR. JAGGI: I think -- I think from a user
16 standpoint, square footage is easier to understand and
17 apply.

18 CHAIRMAN ROVAK: Okay.

19 MR. JAGGI: What is the right square footage,
20 you know, that's something that becomes a little bit of
21 a --

22 CHAIRMAN ROVAK: Uh-huh.

23 MR. JAGGI: -- of a question. You know, are you
24 wanting to -- and it depends on what the city wants to do.
25 How do we want to regulate these. You know, you could

1 have it to where you have a huge building, you know, then
2 it's almost like you just have to have a large shopping
3 center, then you can have one --

4 CHAIRMAN ROVAK: Yeah.

5 MR. JAGGI: -- but, you know --

6 CHAIRMAN ROVAK: Yeah, no, that wasn't --

7 MR. JAGGI: Yeah.

8 CHAIRMAN ROVAK: Again, that wasn't the
9 issue that I was --

10 MR. JAGGI: So you could say we're going to have
11 three buildings on the site, then we don't care about the
12 square footage, you know, it's --

13 CHAIRMAN ROVAK: Okay.

14 MR. JAGGI: -- it's -- it's a challenge. But I
15 think based on what I've seen, I don't know that you would
16 want to go any smaller than that because then it's, you
17 know, then your restaurant size and the existing
18 (inaudible).

19 CHAIRMAN ROVAK: Yeah, well, that's where I was
20 just trying to see --

21 MR. JAGGI: Yeah.

22 CHAIRMAN ROVAK: -- fare it out why -- how one
23 type measurement is easier to deal with than another type
24 measurement.

25 MR. JAGGI: When you use square footage it's --

1 it does allow you more flexibility.

2 CHAIRMAN ROVAK: Okay.

3 MR. JAGGI: You know, we've talked about the
4 floors. Doesn't get into how many floors. Doesn't get
5 into when you have a width --

6 CHAIRMAN ROVAK: Uh-huh.

7 MR. JAGGI: -- it's very specific measurement.

8 CHAIRMAN ROVAK: Yeah.

9 MR. JAGGI: The building must be this wide.

10 CHAIRMAN ROVAK: All right.

11 MR. WANG: That couldn't also be easily
12 subverted into somebody who have an extraneous wall just
13 to meet the 200.

14 MR. JAGGI: Well, and the ordinance says, we --
15 I think there are some maybe questions came up when doing
16 development. What about a passageway --

17 MR. WANG: Yeah.

18 MR. JAGGI: -- or an arcade. So then we kind of
19 carved that out. Said, okay, well, those are fine. In
20 total it's got to be 200, you know, so.

21 MR. WANG: I'm like Larry here, 6,000 square
22 feet, I would entertain that.

23 MR. JAGGI: Going lower than ten?

24 MR. WANG: Yes.

25 MR. JAGGI: So then, yeah, if that's the case

1 then you can have a smaller building, and then this
2 restaurant drive-through could be a part of that, or you
3 could -- that would qualify you for a freestanding
4 restaurant in that same site as part of that same
5 development.

6 CHAIRMAN ROVAK: Anybody else have some
7 questions?

8 It's all on this side of the table.

9 MR. POTASHNICK: Does anybody else feel
10 comfortable with 6,000 instead of 10?

11 MS. O'BRIEN: What would be an example of 6,000?

12 MR. POTASHNICK: Six -- six --

13 MR. JAGGI: I didn't -- I didn't have that
14 research prepared tonight.

15 MS. O'BRIEN: I don't -- I really --

16 MR. JAGGI: What I can do is, I mean if you --
17 if you want, we can see if I can bring up the -- let me
18 just try.

19 I did look -- I did do a lot of --

20 MR. POTASHNICK: The 10,000 precludes a number
21 of buildings along Olive Street Road, though,
22 automatically. That --

23 MR. JAGGI: Well --

24 CHAIRMAN ROVAK: And I think that --

25 MR. JAGGI: I mean I think I told you, you know,

1 some of those buildings are 8600, right --

2 CHAIRMAN ROVAK: Yeah.

3 MR. JAGGI: -- that Imo's building with the
4 paint store, that's 8600, so you'd be smaller than that.

5 The Total Access with the Noodles, that
6 building, was 8100. You'd be smaller than that.

7 And if you want, again, I can try to show you
8 what those look like from an aerial perspective in terms
9 of the size if that kind of gets you a little bit of a
10 flavor for it.

11 CHAIRMAN ROVAK: Well, I'm trying to remember
12 from the 2014 discussions if we had any portion in there
13 that talked about adjacent, you know, how many such
14 businesses could be established per mile or quarter mile.

15 In other words, the one thing about setting a
16 limit that's larger than the bare minimum is that there
17 are fewer of them, but I think that's -- that's part of
18 the rationale, you know, if we said 2500 square feet, and
19 if we don't have any rules about distance between these
20 establishments, then they're going to be everywhere.

21 So, and I don't know, I didn't read the
22 entire -- even the old ordinance to see do we have and
23 what do we have in terms of limits, how many can we have
24 within a given area. And if we don't, I think that is --

25 MR. JAGGI: We don't.

1 CHAIRMAN ROVAK: -- that is -- would be my
2 concern about making the square footage too small is we're
3 just going to be having so many that I think that is going
4 to be a problem in itself.

5 So that would be one where I would favor some
6 kind of limit. I could see, you know, whether, you know,
7 the 10,000 square foot, the fact you pointed out a number
8 of buildings that do --

9 MR. JAGGI: Now, we're --

10 CHAIRMAN ROVAK: -- get that and a number of
11 buildings that don't.

12 MR. JAGGI: Just for reference, again, I don't
13 want people -- this is -- there's residential here, so,
14 but just to give you an idea of what do these buildings
15 look like as a size. This one here, 8100 square feet.
16 This is Total Access with Noodles on the end.

17 This building here, it has a drive-through
18 already, it's just for a bank.

19 CHAIRMAN ROVAK: Right.

20 MR. JAGGI: But it's got a froYo in there, so if
21 you imagine, well, what if this was converted to a
22 drive-through restaurant instead of a bank, well, this --
23 although it's adjacent. This one, though, just for
24 reference, is 10,000 -- almost 10,200 square feet. This
25 building.

1 CHAIRMAN ROVAK: Right. And if -- if --

2 MR. JAGGI: They're not very large.

3 CHAIRMAN ROVAK: No, but, in other words if the
4 other one were allowed, then we could have two
5 drive-throughs that close to one another. And that
6 would -- that's something that I would consider a problem.

7 How many of these are we going to allow as you
8 drive down Olive, for instance?

9 MR. JAGGI: Only one within a coordinated
10 development with one other building, you know.

11 CHAIRMAN ROVAK: Right. But, so, again,
12 that's -- that's --

13 MR. JAGGI: That's almost 3 acres.

14 CHAIRMAN ROVAK: Uh-huh.

15 MR. JAGGI: That coordinated development, by the
16 way, has to total 3 acres --

17 CHAIRMAN ROVAK: Yeah.

18 MR. JAGGI: -- which I -- that's in there now,
19 and I've changed that, but that is another qualifier.

20 CHAIRMAN ROVAK: Uh-huh.

21 MR. JAGGI: The site, either one or two lots or
22 more lots combined within a coordinated development have
23 to total 3 acres. That's another qualification.

24 CHAIRMAN ROVAK: Okay.

25 MR. JAGGI: And -- and, again, just to show you,

1 well, what is the size of other building, now that we have
2 this map up, this is the one I was referring to earlier.
3 It's just the stand-alone building here, Shoppes at
4 Questover.

5 CHAIRMAN ROVAK: Uh-huh.

6 MR. JAGGI: This is -- this is right -- just
7 slightly over 10,000 square feet in size.

8 But I don't think it would qualify with the 200
9 foot if we left that in place, you know, then you're --
10 this might.

11 CHAIRMAN ROVAK: Yeah.

12 MR. JAGGI: But, again, this -- this has
13 residential, so I don't want to -- I'm not trying to mix
14 the two, and just trying to show you the building, what
15 buildings apply --

16 CHAIRMAN ROVAK: Uh-huh.

17 MR. JAGGI: -- to certain sizes.

18 Let's just look at a couple other items here,
19 continue the discussion, if we can.

20 I'm hearing -- I think this is okay with the
21 service window, the stacking lane, I think we're okay
22 here.

23 I would like to bring up this residential.
24 Right now the ordinance does -- does -- does allow any
25 adjacency to residential. I'm not aware of any site right

1 now that you could -- that this would come into play if
2 there were just -- put a restaurant on there, on an
3 existing site, that would have a conflict with -- with an
4 adjacent, you know, apartment building right next to it.
5 Especially within the same development, but, you know, we
6 have to apply this route, the city, and we can't just look
7 at that scenario, we have to look, well, what about
8 existing apartment communities, you know.

9 We do have protections under any scenario that
10 we have to have a sound study and so forth. That is part
11 of it. We can leave -- we could leave it just with
12 residential and be broad about it. But I just wanted to
13 bring up this one area of conflict.

14 MS. O'BRIEN: So, that apartment building that's
15 on, is it Old Olive, that -- near the carwash and all
16 that, so let's just say the carwash left, could there be
17 a -- a drive-through right there, that would be right next
18 to the apartment building, right?

19 MR. JAGGI: Yeah. Let's -- let's look at that,
20 since we have the ability to do that.

21 MR. LUMLEY: It's got residential behind it too,
22 though.

23 MR. JAGGI: It does. It does. Right here.

24 A lot of our sites have residential.

25 MR. LUMLEY: If you remember the apartments that

1 were proposed at Old Olive and Olive.

2 MR. JAGGI: Right here?

3 MR. LUMLEY: It would have precluded a
4 drive-through restaurant in the theater development.

5 MR. JAGGI: We already have one.

6 MR. LUMLEY: But it -- if -- if it came in the
7 opposite order, if there had been apartments there, that's
8 a site where --

9 MR. JAGGI: Yes.

10 MR. LUMLEY: -- it would be precluded.

11 MR. JAGGI: Correct. And that's -- that's one
12 of the situations that was brought to my attention; that
13 there are developments that, you know, people are looking
14 at that sort of a scenario, what I just described.

15 And would that, you know, is that our intention
16 to prohibit something like that.

17 Maybe there's a way we can just word it. If
18 there's concern that we don't want -- you know, we want to
19 treat all residential the same, but if it's within -- if
20 the residential is part of that coordinated development,
21 maybe that's a different look at it, because that's all
22 part of the package, and that's -- maybe there's not --
23 maybe not as need to protect that as much as an existing
24 multi-family that's out there.

25 But to your point, if -- let's just say this

1 wasn't residential, there -- it would preclude that. If
2 this wasn't here, the fact that it's right next to
3 residential, I think today's ordinance would say, no, it's
4 not allowed.

5 MR. POTASHNICK: So those buildings on Olive
6 that were larger than 10,000 square feet, were -- were
7 those all greater than 3 acre sites or were there --

8 MR. JAGGI: I didn't look at that, Larry, I
9 didn't look to see what size the lots they are. No, I'd
10 have to look at that.

11 Because, again, if they're adjacent to
12 residential, it doesn't matter, those can be 2 acres.

13 MR. POTASHNICK: I get -- I get that, yes.

14 MR. JAGGI: But they have to be behind the
15 building and -- yeah.

16 MR. POTASHNICK: Okay.

17 Can I ask a -- cause I hear this from developers
18 all the time. Have we overengineered this?

19 MR. JAGGI: Very extensive.

20 MR. POTASHNICK: I mean it's so -- I mean it's
21 freaking complicated.

22 MR. JAGGI: It is.

23 MR. POTASHNICK: We just -- we just served a
24 death notice, you know, to the community; don't even --
25 don't even think about it, it's not worth it. It's not

1 worth the struggle.

2 MR. JAGGI: It's still very restrictive.
3 Probably one of the most restrictive in the St. Louis area
4 at one time. I believe that.

5 The areas with the stacking lanes, and can you
6 have the service windows on the secondary street, that, I
7 think, allows a lot of the flexibility that we don't have
8 right now. And that -- a lot of that contributed to the
9 Panda -- to the Panda.

10 So those were something that, you know, I wanted
11 us to be sure to look at. But while we're reviewing it,
12 you know, here's some other things that are -- kind of
13 enter the picture as well, because they're very specific
14 in terms of you have to have an 8-foot wide landscape
15 strip adjacent to the two sides of the building.

16 I do believe our ordinance right now is -- it
17 goes further than we need it to. You have to -- we could
18 rely on some things with the site plan for review process
19 as well.

20 So, yeah, my intent was not to, you know, throw
21 it all out the door and start new, but it is -- it still
22 remains very extensive.

23 MR. POTASHNICK: Well, I think you -- you were
24 kind enough to show us maybe that possible sites where
25 this could happen, which are pretty nominal to begin with.

1 MR. JAGGI: And those are -- those, you know,
2 that's a qualifier, and then -- then you got to go through
3 and satisfy all the particular aspects of the site design
4 itself.

5 So it's really like a two or three level of
6 review. One is do I meet the basic requirement; 3 acre
7 site for nonadjacent to residential. Do I have all that,
8 you know. Am I part of coordinated development. Do I
9 have one building that's at least this size. Okay, that
10 allows me to go to step two. And then, you know, there's
11 still a lot of the challenge with how do we lay it all
12 out.

13 And, so, yeah, it is -- it is still a difficult
14 ordinance to get through, but I think some of these are --
15 loosens it up a little bit to allow a little bit more
16 flexibility in the sites.

17 MR. WANG: Hey, Jason. You know, all of these
18 years we've dreamed of a downtown Creve Coeur.

19 MR. JAGGI: Uh-huh.

20 MR. WANG: And, you know, I think there's a
21 segment that wouldn't mind something like this, you know,
22 proximity to fast food restaurant. So, actually, our
23 downtown wouldn't have any -- any -- any drive-throughs.
24 That would be kind of odd cause it would be, by -- by
25 definition, adjacent to residential, right, mixed-use. On

1 the top floor would be residential. So we don't have a
2 caveat for our Downtown District.

3 MR. JAGGI: No, I think that -- that comes in a
4 little bit of why I brought it up.

5 When we say residential, right now it says
6 residential, so that's pretty broad. And that includes a
7 lot of different development scenarios, and we do allow
8 multi-family residential in our CB District, which is our
9 Core Business District right now.

10 So, I mean, you know, a lot of these things come
11 to mind.

12 MR. POTASHNICK: Would it be overreaching to ask
13 for a recap of, say, Olive Street Road to see how many of
14 these properties that you cited were -- were over or under
15 10,000 square feet and over or under 3 -- 3 acres, blah,
16 blah, blah, to see -- to see -- to see have we not really
17 effectively engineered that it's impossible for it to
18 happen?

19 MR. JAGGI: There was a map that's out there
20 from 2014 that showed 3 acre sites, 2 acre sites, are they
21 adjacent to residential, are they not. So there is a map
22 out there.

23 Since I wasn't -- these are not changing that, I
24 didn't provide it. But there is a map that -- that was
25 created back then to show that. It's got every property

1 in the city where those situations exist.

2 MR. POTASHNICK: So, like the, you know, on
3 Olive Street Road where, I guess, it's on the -- the north
4 side, but there's residential across the street, does
5 that -- the mere fact that Olive Street Road between the
6 two, does that -- does that eliminate the -- the
7 approximate to a residential property?

8 MR. JAGGI: I'm not sure I understand the
9 question.

10 But if it's adjacent to residential at all, it
11 would have to follow the adjacent to residential
12 requirements.

13 CHAIRMAN ROVAK: But asking --

14 MR. LUMLEY: He's asking -- he's asking if
15 residential is across the street, does that constitute
16 adjacency?

17 MR. JAGGI: No, I wouldn't think so. It
18 actually says abut. I think it --

19 MR. POTASHNICK: Okay. That's --

20 MR. JAGGI: -- uses the term "abut".

21 MR. POTASHNICK: I was trying to figure out the
22 way to ask that. I didn't -- I couldn't -- I couldn't
23 figure it out, so thank you.

24 MS. O'BRIEN: Well, what's that Starbucks --
25 Starbucks --

1 MR. JAGGI: Yeah.

2 MS. O'BRIEN: -- across from Dierbergs, could
3 that be a drive-through Starbucks?

4 MR. POTASHNICK: Not a 3 acre site.

5 MR. JAGGI: If it's -- if it's coordinated,
6 yeah.

7 I think that could be a site that would -- that
8 could have a drive-through, yes.

9 MS. O'BRIEN: Cause I mean that's in a place
10 where probably wouldn't cause much concern. There's --

11 MR. JAGGI: Correct.

12 MS. O'BRIEN: -- there's good access. There's a
13 light. It would be safe for people to go in and out.

14 MR. JAGGI: Yeah, this site right here, just for
15 reference, so right now, though, it's zoned -- it's zoned
16 PO, Planned Office. It would have to be probably rezoned
17 to take it out of that to be a Core Business like we see
18 here.

19 But, yes, I think this would meet a lot of the
20 requirements of the ordinance to be able to have one here.

21 MR. POTASHNICK: Is it 3 acre site? Probably
22 not.

23 MR. JAGGI: It's more than that.

24 MR. LUMLEY: Have to be -- have to be combined
25 with another building.

1 MR. JAGGI: Yeah, you'd have to have another
2 building on the site, which I think you would cause site's
3 large. It's not going to just going to have a
4 drive-through. It's going to have other stuff in there.

5 And this is, you know, this has been -- we will
6 see development here at some point.

7 MR. LUMLEY: Is that one owner?

8 MR. JAGGI: Yeah, it is.

9 MR. LUMLEY: All of that?

10 MR. JAGGI: Uh-huh.

11 MR. POTASHNICK: So -- so, help me out here. If
12 I bought the Starbucks, and I wanted to convert it to a
13 drive-through, but I only own that building and it's one
14 site, it's not 3 acres, how am I -- how am I going to
15 overcome the ordinance?

16 MR. JAGGI: You would have to -- you would have
17 to rely on the coordinated development for all of these
18 parcels.

19 MR. POTASHNICK: So I'd have to go to all the
20 other owners?

21 MR. JAGGI: I think you would have to -- yeah,
22 you would have to -- it'd have to be part of a larger
23 development --

24 MR. POTASHNICK: Okay.

25 MR. JAGGI: -- that's just one building.

1 MS. O'BRIEN: But that bank, the bank would be
2 part of it or --

3 MR. JAGGI: Yes.

4 MS. O'BRIEN: -- the property behind it, like
5 that Essen (phonetic) Hardware --

6 MR. JAGGI: Yeah, and you can see development
7 over here. Certainly, this is ripe for redevelopment
8 here. This will be -- yeah. You'll get -- we'll get a
9 proposal at some point for this site. I mean it's been
10 contemplated for redevelopment ever since I started here.

11 But, yeah, this is a site where you could have
12 different uses going on at the same time, but it's not
13 adjacent to residential, and -- and I would agree, it has
14 two -- two signals. This is -- it's a -- it's got a lot
15 of things going for it that a lot of sites don't have.
16 Lots of access here.

17 CHAIRMAN ROVAK: Okay.

18 If we have no more questions on the part of the
19 Commissioners, I guess we can ask if we have members of
20 the public like to speak to this?

21 Okay. Linda Rezny and Paul Gada -- Gada.

22 Okay. Will you come forward and speak.

23 Fine with either one of you, just so we know who
24 it is. And then please state your name and your address.

25 VOICE: Sure.

1 MR. LUMLEY: And need to be sworn in because
2 it's a public hearing.

3 (Paul Gada and Linda Rezny were sworn in by the
4 court reporter.)

5 PAUL GADA: I'm Paul Gada. I live at 847 Larkin
6 Avenue.

7 I was surprised to hear about this proposal.

8 Thank you, Linda, for letting me and other
9 neighbors know about it.

10 I'm concerned because of the same concerns that
11 are voiced on numerous other occasions; the fact that
12 we're changing the landscape, as well as the traffic
13 footprint for the community.

14 I was fortunate in preparing for this meeting
15 today to have a -- a couple of days in Clayton at -- at a
16 workshop, a work-related workshop. I did a lot of driving
17 over the weekend. I was up in North County, the
18 Florissant area, and did some driving around the Creve
19 Coeur area. And I was struck by the fact that how the
20 community differs, and -- and then try to align where
21 Creve Coeur falls between -- between the two extremes of
22 Clayton and North County.

23 Clayton is -- is a vibrant, growing metropolis.
24 It's -- it's growing in terms of businesses and
25 skyscrapers, and -- and it has kind of a upbeat feel to

1 it. Whereas, I saw a lot, in Florissant area, a lot of
2 boarded up, shut down businesses, businesses that we were
3 trying to access, et cetera, and a lot of, coincidentally,
4 fast food places, drive-throughs and things of that
5 nature.

6 I think in comparing the two, I found that we're
7 trying to head with this drive-through initiative trying
8 to instill more of that kind of environment as opposed to
9 trying to aspire to something bigger and better and
10 greater. That -- that downtown area that I've been
11 hearing about that Mr. Wang had mentioned here.

12 All I have to do is just look to the Panda
13 Express, I was in there, and drive around and stop at the
14 Freddy's. What a horrible, horrible idea to allow that
15 exception to allow the drive-through, the limited parking
16 and that intersection where cars are trying to go.

17 At one point we were literally frozen for two
18 minutes because one car was trying to turn into the
19 Freddy's, I was trying to get out, and every lane going to
20 and from the -- the AMC was -- had a car in it. They
21 didn't know what to do. So we had to go out in traffic,
22 you go this way, you go that way. That's the kind of
23 scenario that -- that is being encouraged, and there's
24 no -- no thought and no practical application of what
25 we're doing, what's being done for the community by

1 instilling these -- these little boxes of -- of
2 restaurants or shops or whatever.

3 Plus, there's so much -- so many vacant
4 buildings on -- on Olive, the City Place, the office
5 buildings on both sides of Olive.

6 So from a resident perspective, from -- from
7 somebody who lives in community, wants to stay in
8 community, having -- lowering the exceptions for
9 drive-throughs and trying to jam another drive-through
10 with these kind of low opportunity, a pit stop or
11 traffic -- or a truck stop on the way to some other place,
12 or are we trying to build something better here?

13 So I encourage the Board and those in the
14 planning area to think a little bit higher than just
15 focusing on these loading words and trying to cram in
16 another business.

17 So that's what I had to say, so thank you.

18 CHAIRMAN ROVAK: Thank you.

19 Ms. Rezny.

20 LINDA REZNY: I sent an email that referred to
21 this map, but I don't think it went. And so I -- you can
22 read what it says at the bottom, and I won't come to that
23 right away, okay, but if you look at --

24 Jason, when I get near computers they do funny
25 things. Can I just -- can I just close it?

1 MR. JAGGI: Yeah.

2 LINDA REZNY: Okay.

3 MR. JAGGI: Absolutely. You can close it.

4 LINDA REZNY: Or are you going to use it to put
5 that blue map on? Okay.

6 MR. JAGGI: You can close it.

7 LINDA REZNY: Okay. How does it close?

8 MR. JAGGI: Pull it down. Straight down. There
9 you go.

10 LINDA REZNY: Okay.

11 Linda Rezny, 104 Graeser Acres.

12 Okay. I'm with Paul, how much do you want to
13 encourage drive-throughs? It's really not the way you
14 want to go.

15 But, most especially, please, please, no
16 drive-throughs by any kind of residential. Okay.

17 The residential are already handicapped because
18 they only need to have 2 acres, and in other -- when
19 you're not by residential, it's 3 acres. So it makes it
20 easier to find a lot that is a 2-acre lot, so.

21 You already received in your packet a thing
22 about the sound, and you were able, hopefully, to have
23 looked at that previously.

24 So, basically, it says the sound is kind of
25 tricky. And 60 decibels worth of sound, which is what the

1 -- and is this microphone in the right place -- is
2 60 decibels worth of sound, which is what you're supposed
3 to be allowed at the property line for a drive-through by
4 residential.

5 That's conversation, 60 decibels of conversation
6 is something that gets your attention, even if it's
7 quieter than that, your brain tries to listen to it.
8 Which is probably why the people who are behind the -- the
9 Bread Company all complain, all four houses.

10 The guy at the end is an elderly fellow, and I
11 don't even think he's outside of his house, and he is
12 complaining because at 400 feet away he can hear the order
13 window.

14 Your -- your rules for sound are not protecting
15 people. You've already failed the people who live behind
16 this (inaudible) drive-through, and you're proposing to
17 continue the same rules that already did not work.

18 So, that -- that part you had already received
19 and you may have been able to look at it.

20 Now, I know that some other people have promised
21 to write, and was curious if other people had written
22 besides Mr. Flattery (phonetic)?

23 Did you get anything else today?

24 MR. JAGGI: No, I did not.

25 LINDA REZNY: Okay. So -- so, just because

1 these people aren't writing doesn't mean they aren't
2 happy -- I mean they are happy. All right.

3 Mr. Flattery lives in a house with his
4 mother-in-law. This is her house. She is livid. All
5 right. He wrote a letter. She is lived. Okay. That of
6 what happened to her house because of the Panera
7 situation.

8 As an aside, the QT situation, one of the
9 neighbors has already put up his house for sale purely
10 because he thinks QT's coming. Okay. This -- this is a
11 resident on Martin Grove, and he's not even behind -- he's
12 on the opposite side of the street, and he's already
13 selling his house. He may not have told you about it, but
14 he's already selling his house. This is the kind of thing
15 that degrades the neighborhood.

16 Okay. In the stack of papers that you got just
17 today that was not in your packet, there was one that's
18 labeled "Change of definition of residential".

19 Okay. So, Jason has explained that a new change
20 in the rules for drive-through restaurants first came to
21 light in the agenda on June the 3rd that is restricting
22 residential to this issue only to single-family houses.

23 Okay. Now, he has explained that that will
24 cover condos, not just apartments. I wasn't sure of that
25 when I wrote this. But it still impacts a large number of

1 people who have no notice of this issue.

2 This should require a notice in the residents'
3 newsletter, business newsletter, and a continuation of
4 this entire issue until these people have been notified
5 that they're not considered to be worthy of -- they're not
6 being respected. And when you're not respected, when your
7 neighborhood gets noisier, you may not hear it, but the
8 people who have the money move. And who gets left? This
9 is a decline in the neighborhood. It's a decline in the
10 values of the properties because people are unhappy. It
11 doesn't matter whether they're in a single-family house or
12 a apartment building, if their neighborhood deteriorates,
13 they can afford it, they're gone.

14 Okay. Now, you also have a thing from -- that
15 says "map for the June 6 P&Z meeting". And that was the
16 map that I asked Jason if he would be able to put up.

17 Can you put that up, Jason, would that help?

18 MR. JAGGI: Where is the map?

19 CHAIRMAN ROVAK: I think it's here --

20 LINDA REZNY: It's -- no, no, that's -- that's
21 not it.

22 Okay. In the agenda from September the 2nd,
23 2014, okay, this is how I found it, it would be findable
24 by any one of your computers, and I was hoping that you
25 could put it up here. Okay.

1 In the agenda for September the 2nd, 2014, Item
2 No. 6C will -- would be that map.

3 Okay. While he does that I'll --

4 MR. JAGGI: I have to get to the computer.

5 LINDA REZNY: I'm sorry? You need to go get --

6 MR. JAGGI: If you want to just wrap up your
7 comments, then I'll bring it up.

8 LINDA REZNY: Okay. We'll get to that. We'll
9 get to that later.

10 Okay. So the map that you have in front of you
11 was supposed to go with an email that I sent to you that I
12 don't think it went through. All right.

13 And Jason was, coincidentally, talking about the
14 Total Access Urgent Care building, and that parking lot
15 is, basically, in my backyard. Okay.

16 I am literally behind the driveway for the
17 apartments. Okay. But if you look, I'm 104, okay, and I
18 am in the sound ark. I -- I -- I drew a little box on the
19 end of the TAUC building to pretend like they had to make
20 it longer to make it 200 feet and put the -- and put a
21 green X for a -- a window there, and then took 400 feet.
22 We don't know how far this -- this sound is actually
23 going. We only know that people on -- on Rocky Road at
24 400 feet are complaining. We don't know how much further
25 it goes than that.

1 But so I did an ark for 400 feet from the --
2 from the back of that building, and it goes past my house
3 and across the street. Okay. Then I put a little red
4 mark at the front of the building, and then it goes in my
5 backyard and goes through my neighbor's houses. That's
6 what 400 feet does.

7 So, this is -- this is about that particular
8 space.

9 Creve Coeur's revising its drive-through
10 restaurant rules again. They're not proposing a
11 drive-through this -- to the Total Access Urgent Care, but
12 the changes made Total Access Urgent Care lot or the froYo
13 lot a more likely target for fast food drive-throughs.

14 It also impacts many other lots along Olive and
15 some on Lindbergh. If the changes are implemented, we
16 would have no way to stop a later drive-through proposal.
17 The rules require that the drive-through be in the back,
18 in this case, by the houses. The change would be back or
19 side, either one, an intrusion to residents.

20 And then I go about -- I put on the part that I
21 just told you about, the Bread Company people being
22 unhappy.

23 And that 450 feet from the end of a possible
24 building on the TAUC lot is the front door of several
25 houses on the other side of Graeser Road.

1 But now you've got -- you've got the map.

2 The neighbors on Ballas are on a steep hill.
3 They don't have to deal with car lights, blown trash or
4 wandering restaurant patrons.

5 There's also a question in our location about
6 how people would exit. Walgreens shares a drive with TAUC
7 by law. Would people exit out the back of Walgreens?

8 The current restrictions include 2 acres, which
9 TAUC has, and a 200-foot building and a 2,400 square foot
10 restaurant with 55 seats.

11 The proposed new rules drop any reference to the
12 size of restaurant and only requires tables and chairs.
13 Could that be two tables and chairs?

14 Under these rules a developer could put a
15 110-foot addition on the Total Access Urgent Care building
16 and the requirements are met.

17 Even more likely would be if the owners of TAUC
18 and the froYo lot got together, they are old business
19 partners, and use 3 acres with a small addition on the
20 140-foot froYo building.

21 This is not being proposed, but if changes pass
22 there would be no way to stop this. And that's what goes
23 with the map. Okay.

24 And -- okay. Okay. So, are you ready with the
25 map, Jason? I'm not finished yet. I just --

1 And then there was another one that I -- that I
2 sent this afternoon.

3 People are doing more takeouts since COVID. If
4 Creve Coeur wanted to keep the current eateries in
5 business, they would have done something a long time ago,
6 like an order ahead, and then you drive by pick-up window
7 with just a short stacking lane.

8 The changes that are being proposed are to make
9 these sites, which are currently usable for fast food,
10 even more attractive to developers.

11 These are my concerns on places abutting
12 residential.

13 And these are in the order not of what I think
14 is most important, but in the order in which they come in
15 the -- in the changes.

16 A bad change would be to remove the requirement
17 for the 2,400 square foot restaurant.

18 A bad change would be requiring merely tables
19 and chairs, number not given. Making strictly
20 drive-through fast food possible.

21 A bad change is reducing landscaping. That's
22 never a good idea.

23 A bad change would be encouraging outside
24 tables, which would be nice, but not requiring parking for
25 them and not require making no specification about where

1 they're located. It's also not (inaudible).

2 A currently bad thing, they already require a
3 stacking lane long enough for ten cars, 190 feet of cars,
4 and allow two of them. So twenty idling cars are possible
5 right now.

6 Since the window and the order board may be
7 50 feet from a residential property line, that was put in
8 there so that Panera's could do this, the twenty idling
9 cars can be closer than 50 feet from a residential
10 property line. Twenty idling cars.

11 Currently bad. Residents within 200 feet of the
12 order window or the pick-up window get a visual screen.
13 That should be any resident who has a sightline to the
14 entire stacking lane to all of those idling cars and the
15 drive-up window, and it should include a masonry wall for
16 sound screening.

17 Currently bad. The sound study does not take
18 into account that the same noise you might not notice at
19 noon, because it's being compared to noon noises, is very
20 noticeable after supper. Sound studies should compare the
21 new noise to the noise at night, the quiet time, and not
22 the noise at noon. Complaints for all the neighbors
23 abutting St. Louis Bread Company were about noise.

24 A bad change would allow the stacking lane to
25 snake in front of the building. How would customers for

1 any of the businesses in the multi-tenant building get to
2 the doors and what will they see from the windows?

3 Currently bad. You don't require trash
4 receptacles. They're needed, especially at exits, and
5 eateries should be responsible for the litter pick-up, I
6 don't know, put in a number, how many feet beyond their
7 lot. Okay.

8 I -- I have previously got complaints from
9 people that -- about the Panera's that -- that -- the
10 Panera's have a particularly bad situation. People can't
11 find their drive, and so they go up Rocky Road, and they
12 haven't figured out how to get people into their own
13 entrance, and they go up Rocky Road. And some people just
14 go up Rocky Road and leave their trash in the yard and
15 then turn around.

16 And, also, I don't see anything in the by
17 residential to say that outside stuff, like the trash and
18 the cooking part are -- they're supposed to be enclosed,
19 but it doesn't say anything -- let me see -- no, it
20 doesn't even say they need to be enclosed. It says -- it
21 says that on the not by residential, but I don't find it
22 in the by residential section say that these things have
23 to be enclosed.

24 So, that's a rundown of the things that I sent
25 you that you probably didn't have time to read.

1 And Jason was going to show the picture. And
2 I'll (inaudible) myself.

3 MR. JAGGI: Try, yeah.

4 What map would you like?

5 MR. LUMLEY: The same one you were talking with
6 Larry about from 2014.

7 (Inaudible conversation going on away from the
8 microphone.)

9 MR. JAGGI: Okay. Yeah.

10 What year, '14?

11 LINDA REZNY: Yeah.

12 MR. JAGGI: What meeting?

13 LINDA REZNY: September 2nd -- Planning and
14 Zoning, September 2nd, 2014.

15 MR. JAGGI: Still loading.

16 (Inaudible conversation going on away from the
17 microphone.)

18 MR. JAGGI: Here's a map.

19 LINDA REZNY: Yeah. Yeah.

20 MR. JAGGI: Okay.

21 LINDA REZNY: Okay. Can you make it go up
22 there?

23 MR. JAGGI: Okay.

24 LINDA REZNY: I know what it looks like, I want
25 them to know.

1 MR. JAGGI: Sure.

2 Hold on. If we close the book here, we got to
3 re-log back in.

4 LINDA REZNY: Thank you.

5 Okay. So, on this map, and he's not showing you
6 the bottom that gives you the code, but, basically, pale
7 blue are places that are more than 2 acres, okay, and are
8 by residential. Orange is multi-family. Okay. Yellow
9 is -- is single-family. Okay.

10 So -- so, here's the -- here's the Total Access
11 Urgent Care, and here's the apartment complex that's in
12 Creve Coeur. Here's my house in the -- cause they knew
13 that was residential even though they didn't put it on the
14 map. Okay.

15 (Linda Rezny is not at the microphone and it's
16 very hard to hear.)

17 The other colors are things that are not by
18 residential. Okay. And so they are different lot sizes.
19 You can't see the code, but they are different lot sizes,
20 2 acres, 2 to 3 acres and 3 acres are each different
21 colors.

22 Only the 3-acre lots would currently qualify
23 when you're not by residential to have to have 3 acres,
24 and those are these purplish, these kind of gray-purplish.

25 I don't -- I don't remember what the -- the

1 brighter pinky purples are. But these pale blues, all of
2 these pale blues are, and you're not showing over here,
3 there's a row of them on Lindbergh. Okay. There's a row
4 of three of them on Lindbergh, this -- you can't see
5 because -- to show everything. Okay. This -- this is --
6 how far out are we going here? I can't -- I can't tell.

7 You can pull this up. There's a lot of places
8 that are 2 acres, and it's just a matter of do they have,
9 can they put a 200-foot building on it. Okay. If you've
10 got 150 foot -- I'm sorry -- 120-foot building, okay, and
11 you put a 30-foot building on the side of it and a 20-foot
12 roof across the top of it, you've now got a 200-foot
13 building. It's not all that hard to put a little addition
14 on it.

15 We had that rule all this time. But when you
16 take away the big restaurant and only have the tiny
17 restaurants, you make it economically possible to more
18 easily put these places next to peoples' houses, and they
19 don't want to live there. And they will not live there.
20 They will leave, and someone else will move in who doesn't
21 have the money to find a nicer place.

22 Is this what you want?

23 You should not have any drive-through
24 restaurants. The rules that you've made have not
25 protected the people who already have put up with

1 Panera's. They're stuck with it. Do you have to do it
2 again? None of these things anywhere by anybody is
3 residential.

4 Thank you.

5 Anybody have any questions?

6 CHAIRMAN ROVAK: No. Thank you.

7 Jason, do you want to continue this or follow-up
8 or --

9 MR. JAGGI: It's really just -- it's where --
10 where's the Commission at this evening. Are you -- do you
11 need more information from staff that we can provide at an
12 upcoming meeting? Are you satisfied with the draft that's
13 been prepared? If so, you could entertain a motion and
14 it'll go on to City Council. I know they'll be looking at
15 this intently as well.

16 It's really where's the Commission at this
17 evening in terms -- if -- if you're not ready to move
18 forward, that's fine, but what information do you need?

19 CHAIRMAN ROVAK: Well, I can't speak for
20 everybody, but I --

21 MR. JAGGI: Yeah.

22 CHAIRMAN ROVAK: -- don't think we're ready to
23 move forward. I don't think we're ready to move forward.

24 I'd like to see more -- I guess we could all do
25 the search for that map or if you could send a link to it.

1 MR. JAGGI: Yeah, I can produce that.

2 CHAIRMAN ROVAK: Send a link to it, that
3 would --

4 MR. JAGGI: Uh-huh.

5 CHAIRMAN ROVAK: -- help us, cause we'd be able
6 to navigate and pan around, which, of course, we can't do
7 on this display. That would give us some -- some things.

8 But, yeah, I think we -- we can all give this
9 some more thought.

10 MR. JAGGI: Give it some more thought, okay.

11 CHAIRMAN ROVAK: Yeah.

12 MR. JAGGI: Do you want to continue the public
13 hearing to the next meeting?

14 CHAIRMAN ROVAK: If -- if I don't hear any
15 objections, I'd like to ask for a motion to continue this.

16 MR. LUMLEY: Want to continue the hearing or --

17 CHAIRMAN ROVAK: Continue -- well --

18 MR. LUMLEY: -- or close the hearing --

19 CHAIRMAN ROVAK: I don't think we need to
20 continue the hearing. We -- Ms. Rezny came up, spoke --
21 spoke last time and talked about people who had not been
22 included prior, but then I guess that was kind of the call
23 for anybody who was going to speak to continue to speak.
24 So I don't think we need to continue the hearing. But I
25 do think we need to continue the discussion about it.

1 MR. LUMLEY: Do you want me to offer the
2 exhibits then?

3 CHAIRMAN ROVAK: Yeah. Yes, please.

4 MR. LUMLEY: I offer the following exhibits into
5 the record of this public hearing: Documentation in
6 possession of the City Clerk reflecting the public notice
7 that's been provided, the staff reports of both hearing
8 dates, the documents of presenters, including Ms. Rezny's
9 handout, City Code of Ordinances and Charter, the City
10 Comprehensive Plan and the public file regarding this
11 application for text amendment.

12 CHAIRMAN ROVAK: Thank you.

13 So that hearing is closed.

14 MR. LUMLEY: If you say so.

15 CHAIRMAN ROVAK: Yes.

16 (The Public Hearing was closed at 7:25 p.m.)
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1 STATE OF MISSOURI)
2) SS
3 COUNTY OF ST. LOUIS)
4

5 I, Deborah K. McLaughlin, Registered
6 Professional Reporter, Missouri Certified Court Reporter,
7 Illinois Certified Shorthand Reporter and Kansas Certified
8 Court Reporter, do hereby certify that I reported the
9 Planning and Zoning Public Hearing stenographically and
10 later reduced to typewriting; and that this is a true and
11 accurate transcript of the Public Hearing.
12

13 
14 _____

15 Deborah K. McLaughlin, RPR, MO-CCR, IL-CSR, KS-CCR
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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, 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
Revised P&Z Public Hearing June 6, 2022

(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, ~~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 ~~cooling~~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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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~~ 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~~ 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.

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;

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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

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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.

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- (8) The entrance to the designated stacking lane shall be no less than fifty (50) feet from the nearest point on the property line across the nearest vehicular entrance.
- (9) ~~If the designated stacking lane shall not cross~~ 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

Attachment: 22-008.Drive Thru Restaurants Text Amendments.Draft Ordinance.6-22-2022 (Drive-Through Restaurants Text Amendments)



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)



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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.**

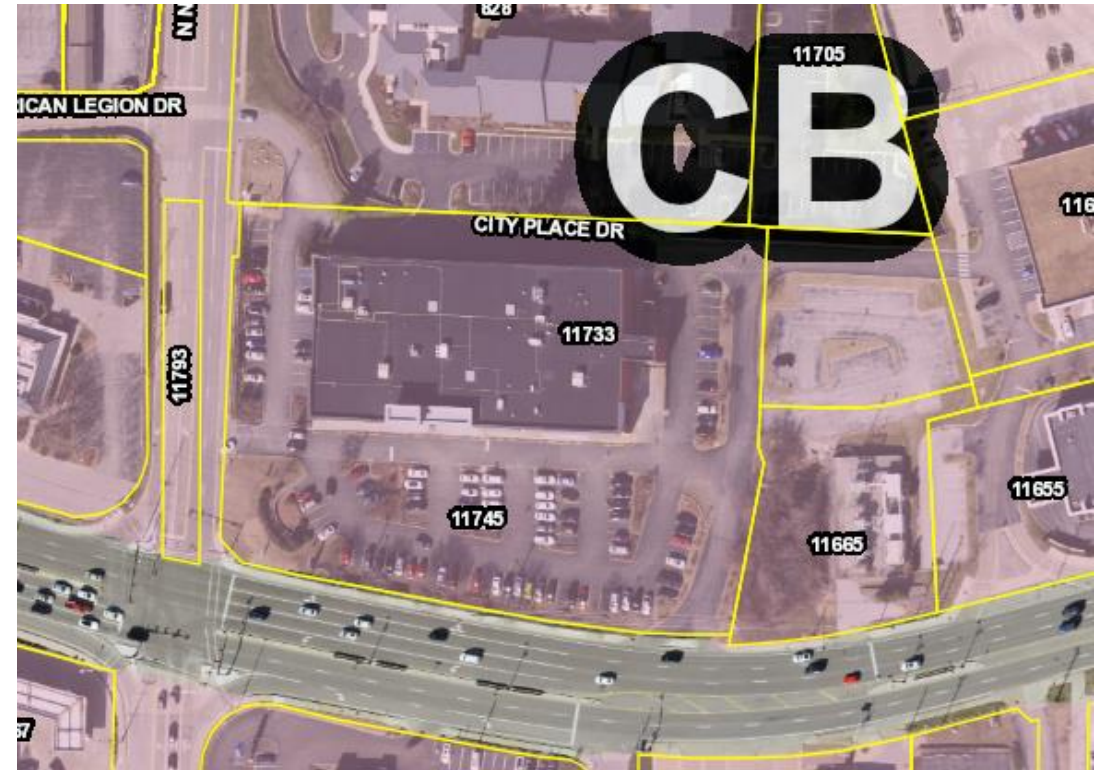
EXISTING AND PROPOSED REVISIONS—ABOUT NON-RESIDENTIAL

- 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



image.png
2358K

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

Office Use Only

____ Proposed Ordinance Language

Received By: _____

____ Fees Paid

____ Written Justification

Date: _____

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



city of CREVE COEUR

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

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

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

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

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

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

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

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

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

DATE: May 12, 2022

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

Key Issues:

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

Creve Coeur 2030 References

- Chapter 3, Objectives and Strategies

Zoning Code References

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

BACKGROUND

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

The current ordinance is highly restrictive compared to many municipalities but has been effective in achieve the outcome desired by the City to limit these uses. Currently, there are three (3) drive throughs in Creve Coeur: McDonald's (11521 Olive Blvd.), St. Louis Bread Company (447 N. New Ballas Rd.), and Panda Express (10445 Olive Blvd.). In addition, a conditional use permit was approved in 2014 for a freestanding Jimmy Johns with a drive-through at 13140 Olive Boulevard; however, that restaurant was never built. Creve Coeur continues to be the subject of interest for additional drive through developments but many have difficulty meeting all of the requirements of the ordinance. More recently, the COVID-19 pandemic and the rise of contactless food service has helped to fuel interest in drive through developments not only in Creve Coeur but in many other cities nationally.

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

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

COMPREHENSIVE PLAN REVIEW

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

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

PROPOSED AMENDMENTS TO THE ZONING CODE

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

Existing Ordinance

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

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

Proposed Revisions

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

Drive-through restaurants adjacent to residential uses

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

The following changes are summarized below:

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

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

Drive-through restaurants adjacent to non-residential uses

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

The following changes are summarized below:

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

SUMMARY AND NEXT STEPS

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

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

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

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

MOTION

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

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

APPENDIX 1: COMPREHENSIVE PLAN

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

APPENDIX 2: ZONING CODE

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

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

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

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

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

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

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

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

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

(3) The drive-thru restaurant shall have no ~~minimum building size requirement; however, less than two thousand four hundred (2,400) square feet of gross floor area (area under roof) and a minimum of fifty-five (55) indoor seats and tables~~ for customers shall be provided. Unenclosed outdoor seating areas shall not require additional off-street parking.

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

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

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

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

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

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

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

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

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(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.

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

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

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

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

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

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(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;

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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 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.

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(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.

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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.

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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 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.

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 (314) 432-6000 • Fax (314) 872-2539 • Relay MO 1-800-735-2966
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MEMO TO CITY ADMINISTRATOR AND CITY COUNCIL

Meeting Date: April 25, 2022

Subject: **Drive Through Restaurant Ordinance Amendments Update**

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

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

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

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

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

Council Update—April 22, 2022

(Packet Pages 183-184)

Adjacent to Residential Uses

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

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

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

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

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

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

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

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

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

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

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

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

Adjacent to Non-Residential Uses

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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MEMO TO THE PLANNING AND ZONING COMMISSION

Date: March 1, 2022

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

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

Meeting Date: March 7, 2022

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

Background

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

Proposed Revisions

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

Adjacent to Residential Uses

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

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

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MEMO TO THE PLANNING AND ZONING COMMISSION

Date: February 3, 2022

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

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

Meeting Date: February 7, 2022

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

Background

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

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

Existing Ordinance

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

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

Proposed Revisions

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

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

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

Objectives

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

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

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

[Ord. No. 5400 §2, 11-10-2014]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



300 North New Ballas Road • Creve Coeur, Missouri 63141
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APPLICATION TO PLANNING AND ZONING COMMISSION
#22-011: AMENDMENT TO THE EXISTING CONDITIONAL USE PERMIT
FOR LION'S CHOICE LOCATED AT 12010 OLIVE BOULEVARD

FOR THE MEETING OF: Monday June 20, 2022

LOCATION: 12010 Olive Boulevard (see attached map). Zoned CB Core Business District.

REQUEST: Danielle Tritt, of ANSWERS, Inc, on behalf of Lion's Choice has submitted an application to amend the existing conditional use permit to allow for exterior alterations to the existing building at 12010 Olive Boulevard, Creve Coeur, MO 63141. NAICS 722513 Limited-Service Restaurants require a conditional use permit with review by the Planning and Zoning Commission and approval of an ordinance by the City Council.

ADDITIONAL INFORMATION: The existing conditional use permit for this address was approved in 1999 by Ordinance 2003. Lion's Choice is proposing a refresh for the building to include an interior remodel that will reduce the current amount of indoor seating from 73 down to 60, where 86 were approved by Ord. 2003, and limited exterior work to include painting, updating the lighting and removal of a small amount of exterior decorative elements. No site work is proposed besides general maintenance.

Key Issues:

- Does the request further the goals and/or implement the Comprehensive Plan?
- Is the request consistent with the required findings for a conditional use permit?
- Does the request follow the Design Guidelines?

Creve Coeur 2030 Comprehensive Plan References

- MU-Mixed Use District
- Central Business District
- Design Guidelines

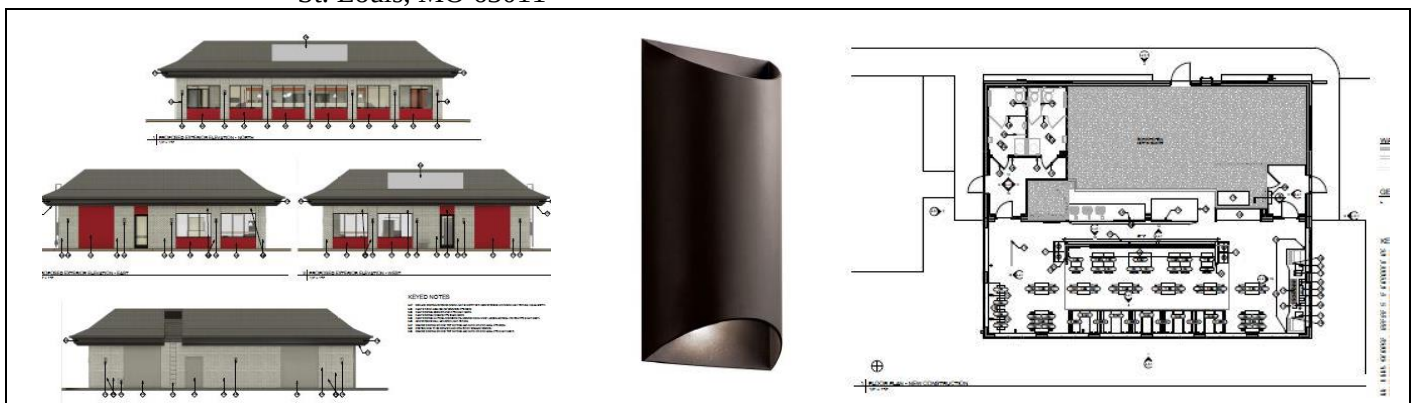
Zoning Code References

- Section 405.370: CB-Core Business District
- Section 405.470: Conditional Use Permit

APPLICANT: Danielle Tritt
ANSWERS, Inc
450 Weidman Road
St. Louis, MO 63011

PROPERTY OWNER:

Caplaco Twenty-Four Inc. et al
PO Box 419121
St. Louis, MO 63141



REPORT PREPARED BY: Bethany L. Moore, City Planner

DATE: 6/15/2022

ATTACHMENTS: Applicant's Materials Received May 20, 2022
Ordinance 2003, DRAFT Ordinance

BACKGROUND

The Applicants are seeking approval to amend the Conditional Use Permit (CUP) originally issued in 1999 to make interior and exterior alterations that will change the overall character of the existing building. As the exterior changes represent an alteration to the existing structure an amendment to the conditional use permit is required. The Planning and Zoning Commission is requested to review the exterior alterations as a component of this CUP request.

PROJECT DESCRIPTION

The applicant has submitted plans to undertake interior and exterior alterations to the existing structure in order to refresh the restaurant space to maintain market share, enhance the customer experience, improve financial viability as a result of improved sales and update the overall facility appearance in keeping with the surrounding environment. The interior will be renovated to reduce the amount of seating to 60, which is 26 less than the 86 seats that were approved under the existing CUP in 1999 with ordinance 2003 and to update the interior finishes.

The exterior changes include painting the existing brown brick a light gray color and the existing cream stucco material a dark red color and removal of the decorative trim elements on the stucco areas. The existing exterior wall light fixtures will be replaced with new light fixtures in a more modern design. The existing signage will be refaced under a separate building permit reviewed by Planning staff.

Attachment: Staff Report (Lion's Choice CUP)

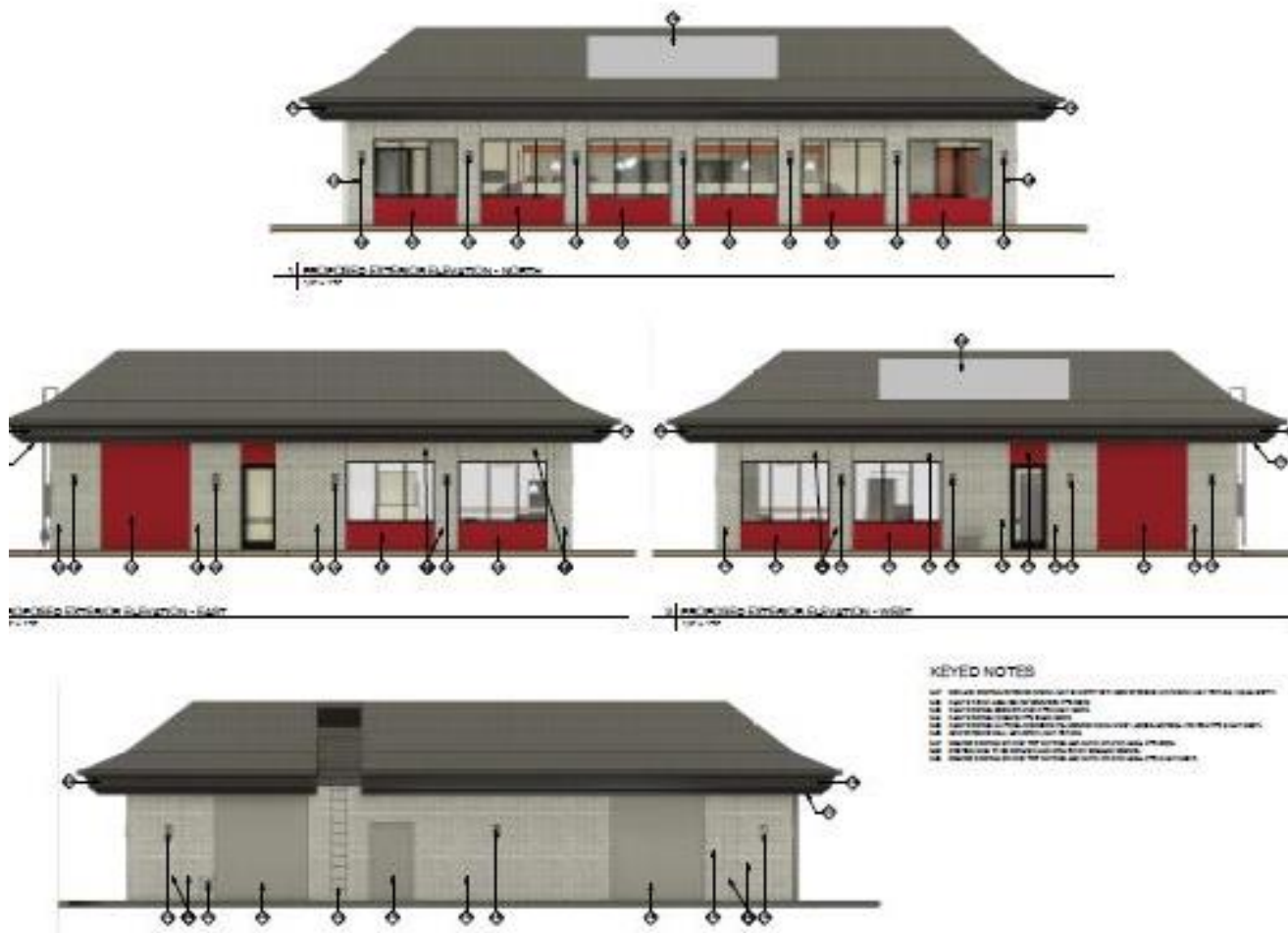


Figure 1: Applicant's Proposed Exterior Alterations. The brick and stucco will both be repainted.

LAND USE AND ZONING OF SURROUNDING PROPERTIES

The adjacent zoning and land uses are as follows:

DIRECTION	USE	ZONED	SEPARATED BY
North	Car Dealership	CB-Core Business District	Olive Boulevard
South	Office Building	CB-Core Business District	N/A
East	Hotel	CB-Core Business District	Emerson Road
West	Residential	C-Single Family Residential	I-270

COMPREHENSIVE PLAN REVIEW

Creve Coeur 2030 Plan

The *Creve Coeur 2030 Plan* includes the overall goal for Placemaking & Community Identity by creating mixed-use, walkable districts (p. 45), and for the long-term Economic Growth & Community Services goal of provide the community services, amenities and experiences necessary to leverage and capture the changing consumer preferences (p. 47). The subject property is located within the Central Business District area, that is intended for a walkable, mixed-use shopping, dining, and entertainment district with gridded street pattern and storefront street level development, for high-intensity, mixed-use development, including dining, retail, office and multi-family residential development with centralized shared-use structured parking located at the interior of the block. Within the CBD area, the existing rear parking area, landscaping, street trees, outdoor seating and pedestrian connectivity are in line with the recommendations in the Comprehensive Plan (p.76-77.) Staff finds this request for exterior alterations to be consistent with the Comprehensive Plan to encourage compliance with its goals when properties are being redeveloped or renovated (p.73.)

DESIGN GUIDELINES REVIEW

The Design Guidelines provide specific guidelines for restaurants which state that free standing restaurant buildings should be compatible in design and color scheme with the surrounding buildings (p.11.) The proposed red and gray color scheme, while part of the franchise/corporate branding, also corresponds to the exterior material colors of the Cornerstone Insurance building and Drury Inn and Suites behind the Lion's Choice building.



Figure 2: Drury Inn and Suites and Cornerstone Insurance building directly behind Lion's Choice.



Figure 3: North elevation drawing showing the location of replacement lighting as an example for the entire building.

ZONING REVIEW

Because this request is limited to the review and approval of exterior alterations, the relevant zoning requirements involve lighting and parking facility maintenance.

Lighting:

Section 405.680.B.7. *Lighting*, requires lighting intended to illuminate building elevations shine directly onto the intended surface. Strips or strings of lights used to call attention to a commercial use or occupancy by outlining property lines, sales area, rooflines, doors, windows, wall edges or other architectural features of a building site are prohibited. The proposed lighting will replace existing exterior fixtures and shine directly onto the building surface to which they are affixed.

Parking Facility Maintenance:

Section 405.810 A.3. *Design and Maintenance Standards* requires All parking spaces shall be marked by durable painted lines at least four (4) inches wide and extending the length of the space or by curbs or other means to indicate individual spaces. Physically disabled parking spaces shall be identified through the use of light blue painted lines (see Section 405.840(B)). Signs or markers located on the surface within a parking facility shall be used as necessary to ensure efficient and safe traffic operation of the facility. The existing parking lot markings have faded and are no longer easily visible. Staff recommends that the parking spaces and accessible spaces be repainted in order to comply with this provision of the Zoning Code.



Figure 4: Lion's Choice parking lot with no visible parking space markings.

SUMMARY AND RECOMMENDED CONDITIONS FOR APPROVAL

Based on the resolution of the above items, the request for an amended conditional use permit appears to meet all of the requirements of the Zoning Ordinance and goals and objectives of the Comprehensive Plan and Design Guidelines. Staff recommends approval subject to the conditions below which are included in the draft ordinance, pending additional amendments as discussed at the meeting:

1. The applicant is required to submit a Building Permit application, as required by Article II of the Building Code. Exterior elevations and floor plans shall be in substantial conformance with the plans submitted for Lion's Choice received May 20, 2022, as bound together and submitted in conjunction with Application #22-011, except as amended by this Ordinance.
2. The applicant is required to restripe the parking lot in conformance with Section 405.810 and Section 405.840 of the Zoning Code.

ACTION

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

MOTION

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

“I move to recommend approval of a Conditional Use Permit amendment for exterior alterations associated with the limited-service restaurant located at 12010 Olive Boulevard, subject to the conditions discussed in the Staff Report and Draft Ordinance for the meeting of June 20, 2022” (conditions may be added, eliminated, or modified by preceding motion).

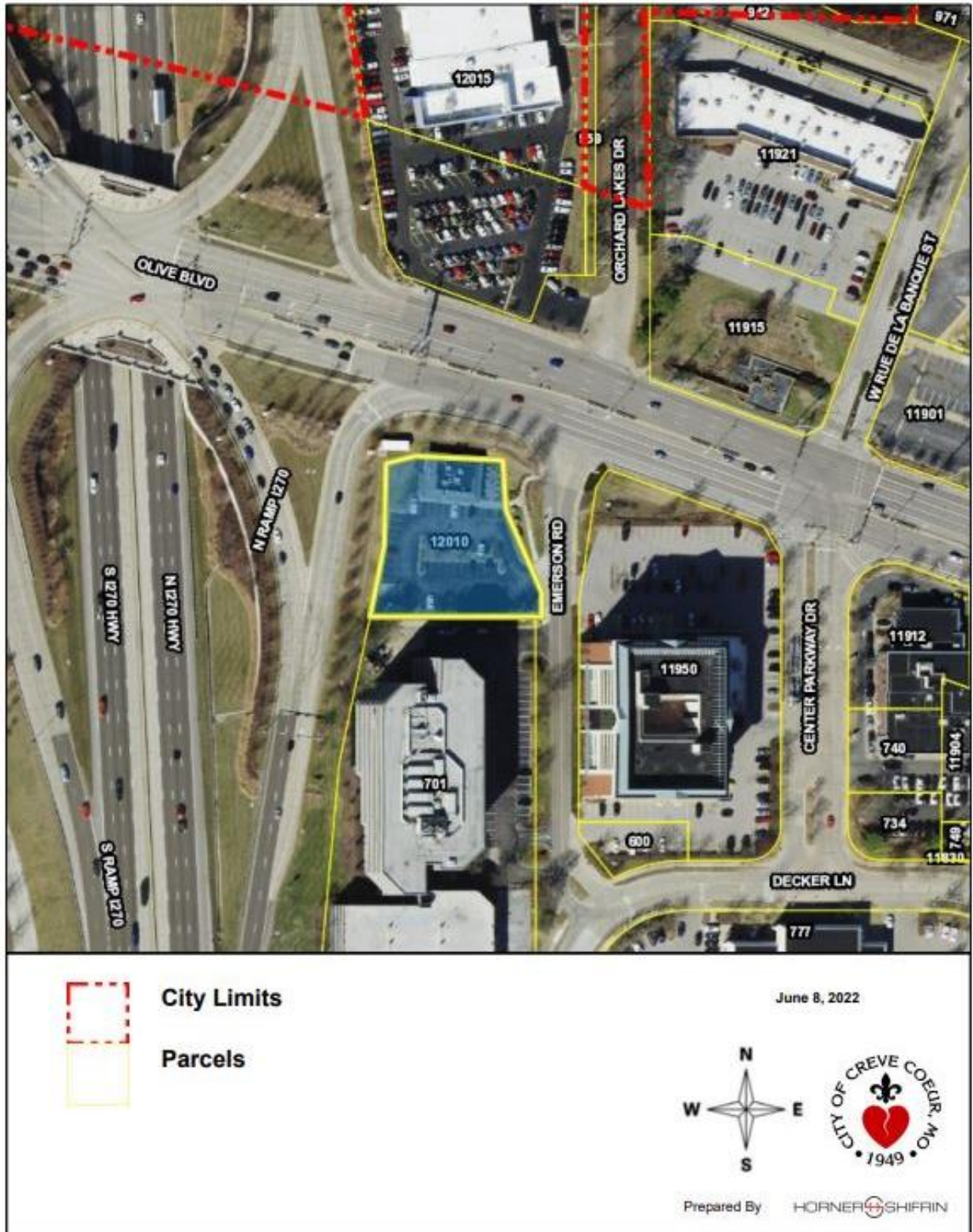
APPENDIX 1: COMPREHENSIVE PLAN, INCLUDING DESIGN GUIDELINES

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

APPENDIX 2: ZONING CODE

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

APPENDIX 3: AERIAL PHOTO



Attachment: Staff Report (Lion's Choice CUP)

APPENDIX 4: SITE PHOTOGRAPHS

Photo Date: 6/8/22



Description:
Parking lot
existing
conditions.
Parking
stripping is worn
off and not
easily visible.



Description:
Existing
landscaping and
outdoor dining.



Description:
Front façade of
Lion's Choice
from Olive
Boulevard.

BILL NO. _____

ORDINANCE NO. _____

**AN ORDINANCE AMENDING ORDINANCE NUMBER 2003 AUTHORIZING
EXTERIOR ALTERATIONS TO THE RESTAURANT SPACE FOR LION'S CHOICE
LOCATED AT 12010 OLIVE BOULEVARD**

WHEREAS, under Section 405.210 Table A, all restaurants in the "CB" Core Business zoning district require the issuance of a conditional use permit as provided in Section 405.1070, Conditional Use Permits;

WHEREAS, Ordinance No. 2003 authorized the issuance of a conditional use permit for a 2,840 square-foot restaurant with a condition that any future enlargement, extension, expansion or alteration in the use of the structures or site must be approved by the City Council upon receipt of the recommendation of the Planning and Zoning Commission as an amendment to the Conditional Use Permit before a Building Permit for the enlargement, expansion or alteration may be issued;

WHEREAS, an application was submitted by Danielle Tritt, of the ANSWERS, Inc., for an amendment to the conditional use permit for interior and exterior alterations; and

WHEREAS, a public hearing was held by the Creve Coeur Planning and Zoning Commission on Monday, June 20, 2022, beginning at 6:00 p.m. or immediately following the close of the previous public hearing, on said application for the conditional use permit as provided by Section 405.1070(D)(2); and

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

WHEREAS, the Planning and Zoning Commission reviewed and, by a ____ vote, recommended approval of the conditional use permit, subject to the conditions contained herein, at its meeting on June 20, 2022; and

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

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

1. Complies with all other applicable provisions of this Chapter including environmental performance standards presented in Section 405.550, the criteria in Section 405.470 and the standards of this Chapter in regard to yard and setback, parking and loading areas, screening and buffering, refuse, storage and service areas and signs.
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.

BILL NO. _____

ORDINANCE NO. _____

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

Section 1: A Conditional Use Permit is authorized to be issued pursuant to Section 3 hereof ~~for an amendment to Ordinance 2003~~ to amend the previous Conditional Use Permit issued by Ordinance 2003 per Section 2 hereof for the operation of a Limited-Service Restaurant at 12010 Olive Boulevard, Creve Coeur, MO, 63141, zoned CB-Core Business District, whose legal description is as follows:

A TRACT OF LAND BEING THAT PART OF PROPERTY CONVEYED TO SIR LION OF CREVE COEUR, INC., BY INSTRUMENT RECORDED IN DEED BOOK 6383, PAGE 1075, OF THE ST. LOUIS COUNTY RECORDS, BEING PART OF LOT 10 OF "THE LAKE HOUSE FARM SUBDIVISION", ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 9, PAGE 74, OF THE CITY OF ST. LOUIS RECORDS, SITUATED IN SECTION 3, TOWNSHIP 45 NORTH, RANGE 5 EAST, CITY OF CREVE COEUR, ST. LOUIS COUNTY. MISSOURI, BEING PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID PROPERTY CONVEYED TO SIR LIONS OF CREVE COEUR, INC., BEING A POINT IN THE WEST RIGHT OF WAY LINE OF EMERSON AVENUE, 40 FT. WIDE, ACCORDING TO THE AFOREMENTIONED PLAT OF THE LAKE HOUSE FARM SUBDIVISION; THENCE NORTHWESTERLY, ALONG THE SOUTH LINE OF THE AFORESAID PROPERTY, N 89° 16' 00" W, 215.21 ft. TO THE SOUTHEASTERN CORNER OF PROPERTY CONVEYED, AS PARCEL 27 .12, TO THE STATE OF MISSOURI FOR THE ESTABLISHMENT OF MISSOURI STATE HIGHWAY 1-270, PER CONDEMNATION SUITE, CAUSE NO. 259493, OF THE CIRCUIT COURT OF ST. LOUIS COUNTY RECORDED IN DEED BOOK 5462, PAGE 161, OF SAD RECORDS; THENCE NORTHEASTERLY, ALONG THE EASTERN LINE OF, N 13° 11' 30" E, 94.59 FT. TO A POINT; THENCE NORTH 03° 15' 30" E, 100.50 ft. TO A POINT; THENCE N 79° 34' 45" E, 36.95 ft. TO THE NORTHEASTERN CORNER THEREOF, THENCE SOUTHWESTERLY, ALONG THE SOUTH LINE OF PROPERTY CONVEYED TO THE STATE OF MISSOURI PER DEED BOOK 5384, PAGE 91, OF SAID RECORDS, S 83° 49' 00" E, 102.92 FT. TO THE NORTHWEST CORNER OF PROPERTY CONVEYED TO THE STATE OF MISSOURI, AS PARCEL 27.11, PER THE AFORESAID CONDEMNATION SUIT, CAUSE NO. 259493; THENCE SOUTHWESTERLY, ALONG THE WESTERN LINE THEREOF, S 04° 54' 00" E, 65.75 FT. TO A POINT; THENCE S 23° 25' 25" E, 109.87 FT TO THE MOST SOUTHERN CORNER THEREOF, BEING A POINT IN THE WEST RIGHT OF WAY LINE OF SAID EMERSON AVENUE; THENCE SOUTHWESTERLY, ALONG SAID WEST RIGHT OF WAY LINE, S 00° 09' 00" W, 24.46 FT. TO THE POINT OF BEGINNING, CONTAINING 0.76 ACRES, MORE OR LESS.

Section 2: The Conditional Use Permit shall be subject to all applicable statutes, ordinances, rules and regulations and the conditions established by governing Ordinance 2003 except as amended as follows:

1. The applicant is required to submit a Building Permit application, as required by Article II of the Building Code. Exterior elevations and floor plans shall be in substantial conformance with the plans submitted for Lion's Choice received May 20, 2022, as bound

BILL NO. _____

ORDINANCE NO. _____

together and submitted in conjunction with Application #22-011, except as amended by this Ordinance.

2. The applicant is required to restripe the parking lot in conformance with Section 405.810 and Section 405.840 of the Zoning Code.

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

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

ADOPTED THIS ____ DAY OF _____, 2022.

JOSEPH MARTINICH
PRESIDENT OF CITY COUNCIL

APPROVED THIS ____ DAY OF _____, 2022.

DR. ROBERT HOFFMAN
MAYOR

ATTEST:

KELLIE HENKE
CITY CLERK

Attachment: DRAFT Ordinance (Lion's Choice CUP)



300 North New Ballas Road • Creve Coeur, Missouri 63141
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www.crevecoeurmo.gov

NOTICE OF PUBLIC HEARING

APPLICATION TO PLANNING AND ZONING COMMISSION #22-011: AMENDMENT TO THE EXISTING CONDITIONAL USE PERMIT FOR LION'S CHOICE LOCATED AT 12010 OLIVE BOULEVARD

FOR THE MEETING OF: Monday, June 20, 2022, 6:00 PM.

LOCATION: 12010 Olive Boulevard (see attached map). Zoned CB Core Business District.

REQUEST: Danielle Tritt, of ANSWERS, Inc, on behalf of Lion's Choice has submitted an application to amend the existing conditional use permit to allow for exterior alterations to the existing building at 12010 Olive Boulevard, Creve Coeur, MO 63141. NAICS 722513 Limited-Service Restaurants require a conditional use permit with review by the Planning and Zoning Commission and approval of an ordinance by the City Council. The existing conditional use permit for this address was approved in 1999 by Ordinance 2003.

ADDITIONAL INFORMATION: The Planning and Zoning Commission is scheduled to review this request on Monday, June 20, 2022, at 6:00 p.m., for recommendation to the City Council. Meetings are held in person in the Council Chambers of the Creve Coeur Government Center located at 300 N. New Ballas Road. We encourage you to attend if you have any questions or wish to make a statement.

In addition, you can submit written or e-mail comments to Planning staff in advance of the meeting. Additional information regarding this proposal is available at the Government Center, Planning Division offices or on the City's website at www.crevecoeurmo.gov/447/Current-Planning-Projects. You may also call (314) 872-2501 or e-mail blmoore@crevecoeurmo.gov.

Key Issues:

- Does the request further the goals and/or implement the Comprehensive Plan?
- Is the request consistent with the required findings for a conditional use permit?
- Does the request follow the Design Guidelines?

Creve Coeur 2030 Plan References

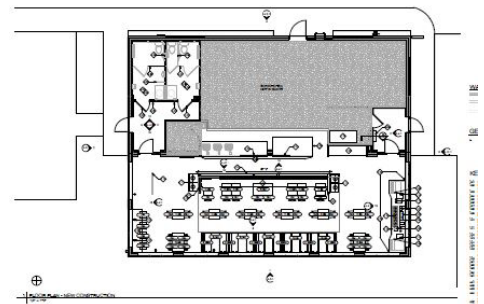
- MU-Mixed Use District
- Design Guidelines

Zoning Code References

- Section 405.370: CB-Core Business District
- Section 405.470: Conditional Use Permit

APPLICANT: Danielle Tritt
ANSWERS, Inc
450 Weidman Road
St. Louis, MO 63011

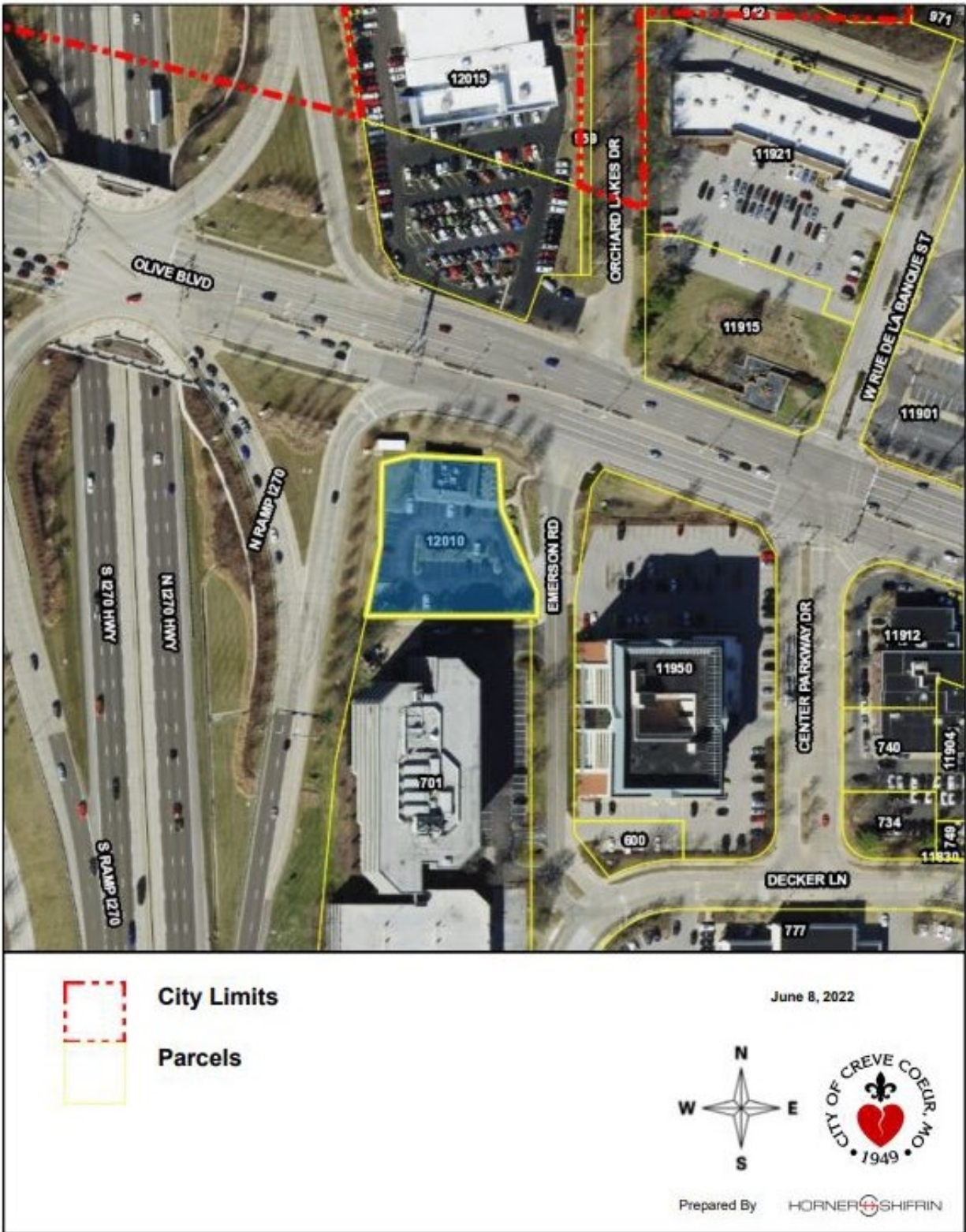
PROPERTY OWNER: Caplaco Twenty-Four Inc. et al
PO Box 419121
St. Louis, MO 63141



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

Attachment: Applicant's Materials (Lion's Choice CUP)

Aerial Photo



Attachment: Applicant's Materials (Lion's Choice CUP)



city
of

CREVE COEUR

PLANNING DIVISION

300 North New Ballas Road, Creve Coeur, Missouri 63141

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

File # _____

PLANNING AND ZONING COMMISSION AGENDA APPLICATION CONDITIONAL USE PERMIT

PLEASE COMPLETE FRONT AND BACK PAGES

<i>Applicant:</i>	<i>Applicant's Representative (if applicable):</i>
Lion's Choice	Danielle Tritt
<i>Name</i>	<i>Name</i>
LC Real Estate, LLC	ANSWERS Inc.
<i>Company (If Applicable)</i>	<i>Company (If Applicable)</i>
12977 N. Forty Drive, Suite 100	450 Weidman Rd
<i>Address</i>	<i>Address</i>
St. Louis, MO 63141	St. Louis, MO 63011
<i>Address</i>	<i>Address</i>
Telephone # 314-821-8665	Telephone # 636.386.6707 ext. 106
<i>Telephone #</i>	<i>Telephone #</i>
Fax # 314-548-6220	Fax # N/A
<i>Fax #</i>	<i>Fax #</i>
Email: jdenbow@lionschoice.com	Email: DanielleT@answersinc.com
<i>Email:</i>	<i>Email:</i>
Jason Denbow	
Digitally signed by Jason Denbow Date: 2022.04.27 11:01:24 -05'00'	
<i>Applicant's Signature</i>	<i>Applicant's Representative's Signature</i>

<i>Property Information:</i>	<i>Owner's Acknowledgement (if different from applicant):</i>
12010 Olive Blvd.	
<i>Address</i>	<i>Name</i>
Creve Coeur, MO 63141	Caplaco Twenty-Four, Inc. and D3 LC-Olive, LLC
<i>Address</i>	<i>Company (If Applicable)</i>
N/A	PO Box 419121
<i>Development Name (if any)</i>	<i>Address</i>
Commercial	St. Louis, MO 63141
<i>Current Zoning</i>	<i>Address</i>
	Telephone # (314) 991-8900
<i>Prior CUP Approvals (if known)</i>	<i>Telephone #</i>
	Fax #
	Email: dcapps@caplaco.com
	<i>Email:</i>
	by, 
	<i>Owner's Signature</i>

Attachment: Applicant's Materials (Lion's Choice CUP)

Description of Requested Use (attach additional sheets as needed)

General Description of Business: Quick Service Restaurant specializing in the sale of prepared roast beef sandwiches.

Gross Floor Area – Existing and Proposed: 2,840

Number of Seats (for restaurant only): Current: 73, Proposed: 60

Number of Employees at the busiest shift: 9

Hours of Operation: 10:00 a.m. -8:30 p.m.

Current or Most Recent Use of the Property: Restaurant

Will the applicant apply for a liquor license: Yes ☐ No ☒

Rationale

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

Submittal Checklist

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

Preferred Public Hearing Date: Monday, June 20, 2022.

****See attached schedule and confirm 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

FLOOR PLAN - NEW CONSTRUCTION

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REMODEL DOCUMENTS
LIONS CHOICE - CREVE COEUR
12010 OLIVE BLVD
ST. LOUIS, MO 63141

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ST. LOUIS, MO 63141

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FURNITURE SCHEDULE

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WALL LEGEND:

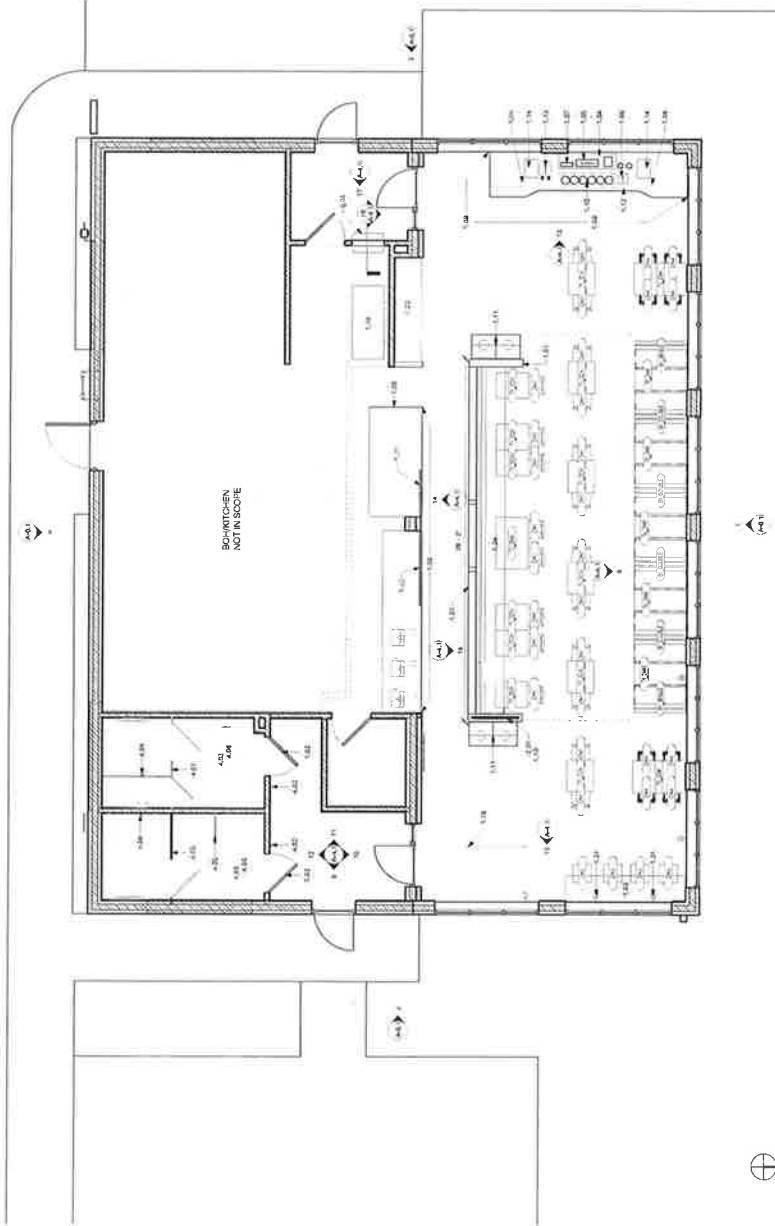
- PARTIAL HEIGHT PARTITION HEIGHT VARIES REFER TO ELEVATIONS ON SHEETS

GENERAL NOTES:

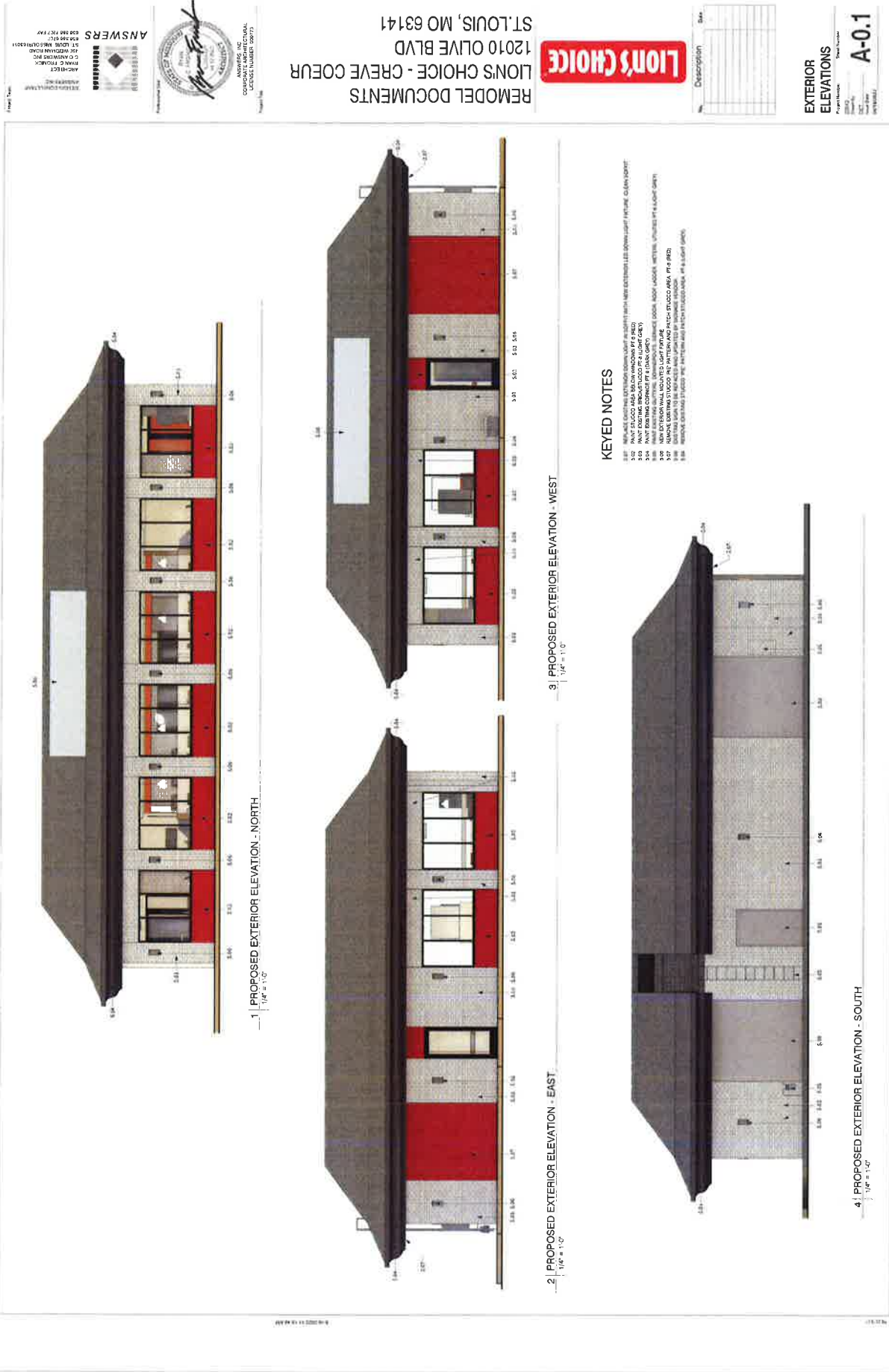
- A. INSTALL SCREW-ON CLEAR PLASTIC BUMPERS 7/16" (2) ON EACH TAIL END THAT ABUTS TO A WALL.

KEYED NOTES

- [illegible]



1 FLOOR PLAN - NEW CONSTRUCTION
1/4" = 1'-0"



REMODEL DOCUMENTS
LION'S CHOICE - CREVE COEUR
12010 OLIVE BLVD
ST. LOUIS, MO 63141

Lion's Choice

ANSWERS

ANSWERS, INC.
CREVE COEUR, MO 63141
LOUISIANA, MO 63141

EXTERIOR ELEVATIONS
A-0.1

SPECIFICATIONS

Certifications/Qualifications

Title 24 Compliant	Yes www.kichler.com/warranty
--------------------	---

Dimensions

Base Backplate	5.50 X 4.25
Extension	4.00"
Weight	3.70 LBS
Height from center of Wall opening (Spec Sheet)	7.00"
Height	13.75"
Width	7.00"

Light Source

Delivered Lumens	700
Dimmable	Yes
Dimmable Notes	This LED is compatible with most standard incandescent dimmers, LED dimmers, and electronic low voltage dimmers. For more information, go to Kichler.com/dimming .
Equivalent Light Source	Incandescent
Expected Life Span (Hours)	40000
Lamp Included	Integrated
Light Source	LED
Max or Nominal Watt	16W
# of Bulbs/LED Modules	2

Mounting/Installation

Interior/Exterior	Exterior
Location Rating	Wet
Mounting Style	Wall Mount
Mounting Weight	3.37 LBS

Photometrics

Color Rendering Index	90
Color Temperature Range	3000
Delivered Efficacy (Lumens/Watt)	90
Kelvin Temperature	3000K

FIXTURE ATTRIBUTES

Housing

Diffuser Description	Clear Tempered Glass With Inside Etch
Primary Material	ALUMINUM

Product/Ordering Information

SKU	49279AZTLED
Finish	Textured Architectural Bronze
Style	Contemporary
UPC	783927458610

Finish Options

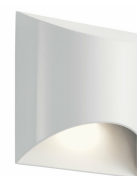
-  Black
-  Platinum
-  Textured Architectural Bronze
-  White



ALSO IN THIS FAMILY



49278BKLED



49278WHLED



49279BKLED



49279WHLED



49278AZTLED



49278PLLED

Attachment: Applicant's Materials (Lion's Choice CUP)

Lion's Choice Creve Coeur – Existing Photos

Attachment: Applicant's Materials (Lion's Choice CUP)



Attachment: Applicant's Materials (Lion's Choice CUP)

Lion's Choice Creve Coeur – Legal Description

Address: 12010 Olive Boulevard

A track of land being that part of property conveyed to Sir Lion of Creve Coeur, Inc., by instrument recorded in Deed Book 6383, Page 1075, of the St. Louis County Records, being part of Lot 10 of "The Lake House Farm Subdivision", according to the plat thereof recorded in Plat Book 0, Page 74, of the City of St. Louis Records, situated in Section 3, Township 45 North, Range 5 East, City of Creve Coeur, St. Louis County, Missouri being more particularly described as follows:

Beginning at the Southwest corner of said property conveyed to Sir Lion of Creve Coeur, Inc., being a point in the West Right of Way Line of Emerson Avenue, 40 ft wide, according to the aforementioned plat of The Lake House Farm Subdivision; thence Northwesterly, along the South Line of aforesaid property, N 89° 16' 00" W, 215.21 ft. to the Southeastern corner of property conveyed as Parcel 27.12, to the State of Missouri for the establishment of Missouri State Highway I-270, per Condemnation Suite, Cause No. 259493, of the Circuit Court of St. Louis County recorded in Deed Book 5462, Page 161, of said records; thence Northeasterly, along the Eastern line thereof, N 13° 11' 30" E, 94.59 ft. to a point; thence North 03° 15' 30" E 100.5 ft. to a point; thence N 79° 34' 45" E, 36.95 ft. to the Northeastern corner thereof, thence Southeasterly, along the South Line of property conveyed to the State of Missouri per Deed Book 5384, Page 91, of said records, S 83° 49' 00" E, 102.92 ft. to the Northwest corner of property conveyed to the State of Missouri, pas Parcel 27.11, per the aforesaid Condemnation Suite, Cause No. 259493; thence Southeasterly along the Western Line thereof, S 04° 54' 00" E, 65.75 ft. to a point; thence S 23° 25' 25" E, 109.87 ft. to the most Southern corner thereof, being a point in the West Right of Way Line of said Emerson Avenue; thence Southwesterly, along said West Right of Way Line, S 00° 09' 00" W, 24.46 ft. to the point of beginning, containing 0.76 acres, more or less.

Attachment: Applicant's Materials (Lion's Choice CUP)

Lion's Choice Creve Coeur – Rationale**May 19, 2022**

Address: 12010 Olive Boulevard

While still dealing with the limited budgets as a result of the COVID Pandemic Lions Choice believes it is important to do what it can on a reduced scale to refresh this facility. The purpose of the refresh is to maintain market share, enhance the customer experience, improve financial viability as result of improved sales and update overall facility appearance in keeping with the surrounding environment. The exterior scope is to paint the exterior and update the lighting. No site work or landscaping with be done beside general maintenance.

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1 | PROPOSED EXTERIOR ELEVATION - NORTH
1/4" = 1'-0"



2 | PROPOSED EXTERIOR ELEVATION - EAST
1/4" = 1'-0"



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



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

KEYED NOTES

- 2.07 REPLACE EXISTING EXTERIOR DOWN LIGHT IN SOFFIT WITH NEW EXTERIOR LED DOWN LIGHT FIXTURE. CLEAN SOFFIT.
- 5.02 PAINT STUCCO AREA BELOW WINDOWS PT-6 (RED).
- 5.03 PAINT EXISTING BRICK/STUCCO PT-8 (LIGHT GREY).
- 5.04 PAINT EXISTING CORNICE PT-9 (DARK GREY).
- 5.05 PAINT EXISTING GUTTERS, DOWNSPOUTS, SERVICE DOOR, ROOF LADDER, METERS, UTILITIES PT-8 (LIGHT GREY).
- 5.06 NEW EXTERIOR WALL MOUNTED LIGHT FIXTURE.
- 5.07 REMOVE EXISTING STUCCO 'PIE' PATTERN AND PATCH STUCCO AREA. PT-6 (RED).
- 5.08 EXISTING SIGN TO BE REFACED AND UPDATED BY SIGNAGE VENDOR.
- 5.09 REMOVE EXISTING STUCCO 'PIE' PATTERN AND PATCH STUCCO AREA. PT-8 (LIGHT GREY).

Project Team:

DESIGN CONSULTANT:
ANSWERS INC
ARCHITECT
RYAN C. FRONICK
C/O ANSWERS INC
450 WEDMAN ROAD
ST. LOUIS, MISSOURI 63011
636.386.7207 FAX

ANSWERS[®]

Professional Seal:

STATE OF MISSOURI
RYAN
C. FRONICK
NUMBER
A-2008013579
04.12.2022
ARCHITECT

ANSWERS, INC.
CORPORATE ARCHITECTURAL
LICENSE NUMBER: 000773

Project Title:

REMODEL DOCUMENTS
LION'S CHOICE - CREVE COEUR
12010 OLIVE BLVD
ST. LOUIS, MO 63141



No.	Description	Date

EXTERIOR
ELEVATIONS

Project Number: 22043 Sheet Number: A-0.1

Drawn By: DET

Issue Date: 04/18/2022

FURNITURE SCHEDULE						
CODE	QTY	DESCRIPTION	MANUF.	Finish	(Back)	(Seat)
B1, DOUBLE	4	DOUBLE BOOTH 48"	VITRO	LC STANDARD	F-1	F-1
B1, SINGLE	2	BOOTH 48"	VITRO	BLACK VINYL	F-1	F-1
BACKLESS BENCH	1	BOOTH 8"		LC STANDARD	F-1	F-1
BENCH 1	1	BOOTH 27"		LC STANDARD	F-1	F-1
CH-1	20	DINING CHAIR - TUCKER SERIES #TUK100	VITRO	LC STANDARD	Walnut	Walnut
CH-3	4	TOLEDO BACKLESS BAR STOOL #641	VITRO	Walnut	N/A	N/A
CH-4	8	COUNTER HEIGHT STOOL	VITRO	Walnut	N/A	N/A
T1_3024	12	30 X 24 TABLE	PL-3	N/A	N/A	N/A
T2_3048	1	30 X 48 TABLE	PL-3	N/A	N/A	N/A
T5_3048	2	30 X 48 TABLE (HIGH TOP)	VITRO	WD-2	N/A	N/A
T6_2448	5	24 X 48 TABLE	VITRO	PL-3	N/A	N/A

Project Team:

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ANSWERS[®]

Professional Seal:

ANSWERS, INC.
CORPORATE ARCHITECTURAL
LICENSE NUMBER: 000773

Project Title:

REMODEL DOCUMENTS
LION'S CHOICE - CREVE COEUR
12010 OLIVE BLVD
ST. LOUIS, MO 63141



No.	Description	Date

FLOOR PLAN - NEW CONSTRUCTION

Project Number: 22043
Drawn By: DET
Issue Date: 04/18/2022

Sheet Number:
A-2.1

WALL LEGEND:

NEW PARTITION, REFER TO PARTITION TYPES ON SHEET

PARTIAL HEIGHT PARTITION, HEIGHT VARIES. REFER TO ELEVATIONS ON SHEETS.

SOFFIT ABOVE, REFER TO REFLECTED CEILING PLAN

GENERAL NOTES:

A. INSTALL SCREW-ON CLEAR PLASTIC BUMPERS 7/8" (2) ON EACH TABLE END THAT ABUTS TO A WALL...

- KEYED NOTES
- 1.01 NEW LOW WALL WITH STIFFENER PER DETAIL ON A-4.1.

1.02 EXISTING INTERIOR HM DOOR & FRAME, CLEAN/SAND AS NEEDED TO LIKE NEW CONDITION. PAINTED PT-4.

1.03 CLEAN AND REPLACE EXISTING FURNITURE.

1.04 INSTALL NEW SOLID SURFACE SHELF BEHIND PUMPS.

1.05 INSTALL RELOCATED PICKLES, ETC HOLDER.

1.06 INSTALL RELOCATED AU JUS DISPENSER, NEW CUP & LID DISPENSERS.

1.07 INSTALL NEW CONDIMENT CUP DISPENSER ON NEW SHELF.

1.08 INSTALL NEW LID DISPENSER MOUNTED TO SIDE OF SODA MACHINE.

1.09 INSTALL NEW LAMINATE PANELS (LAM-1). FIELD VERIFY DIMENSIONS. PROVIDED BY MILLWORK VENDOR.

1.10 INSTALL 6 NEW STAINLESS STEEL PUMPS CP-8 1/2 2OZ & TRAY IN EXISTING COUNTER. FIELD VERIFY DIMENSIONS FOR TRAY, ADJUST CABINETS AS NEEDED. PROVIDED BY EQUIPMENT VENDOR.

1.11 INSTALL NEW DOUBLE TRASH RECEPTACLE. SEE DETAIL ON A-4.1. PROVIDED BY MILLWORK VENDOR.

1.12 PATCH HOLES IN EXISTING COUNTER AS NEEDED.

1.13 INSTALL RELOCATED TEA DISPENSERS.

1.14 INSTALL RELOCATED NAPKIN DISPENSERS.

1.16 NEW GLASS PANEL ABOVE WALL WITH FROSTED FILM. LION HEAD CUT OUT OF FILM. EXISTING SS TABLE TO BE CUT DOWN TO ALLOW 30" AREA FOR EMPLOYEES TO ACCESS THE SHELVING. COORDINATE INSTALLATION OF NEW SODE MACHINE WITH LION'S CHOICE PM.

1.19 ADD A REMOVABLE PULL LINE ON METAL LINE DIVIDER.

1.21 LAMINATE CASEWORK SCREEN WITH METAL FRAME.

1.22 FROSTED GLASS SCREEN WITH METAL FRAME.

1.23 CONTINUOUS BENCH 2 WITH NO BACK.

1.24 CONTINUOUS BOOTH BENCH WITH BACK.

1.31 NEW HUBBELL #USB15X2W - TAMPER-RESISTANT DUPLEX RECETAVLE WITH (2) TYPE A 5 AMP, 5 VOLT USB PORTS (GRAY).

4.01 REPAIR/CLEAN/PAINT EXISTING PARTITIONS PT-1.

4.02 NEW RESTROOM SIGNS. PER DETAIL ON A-4.1.

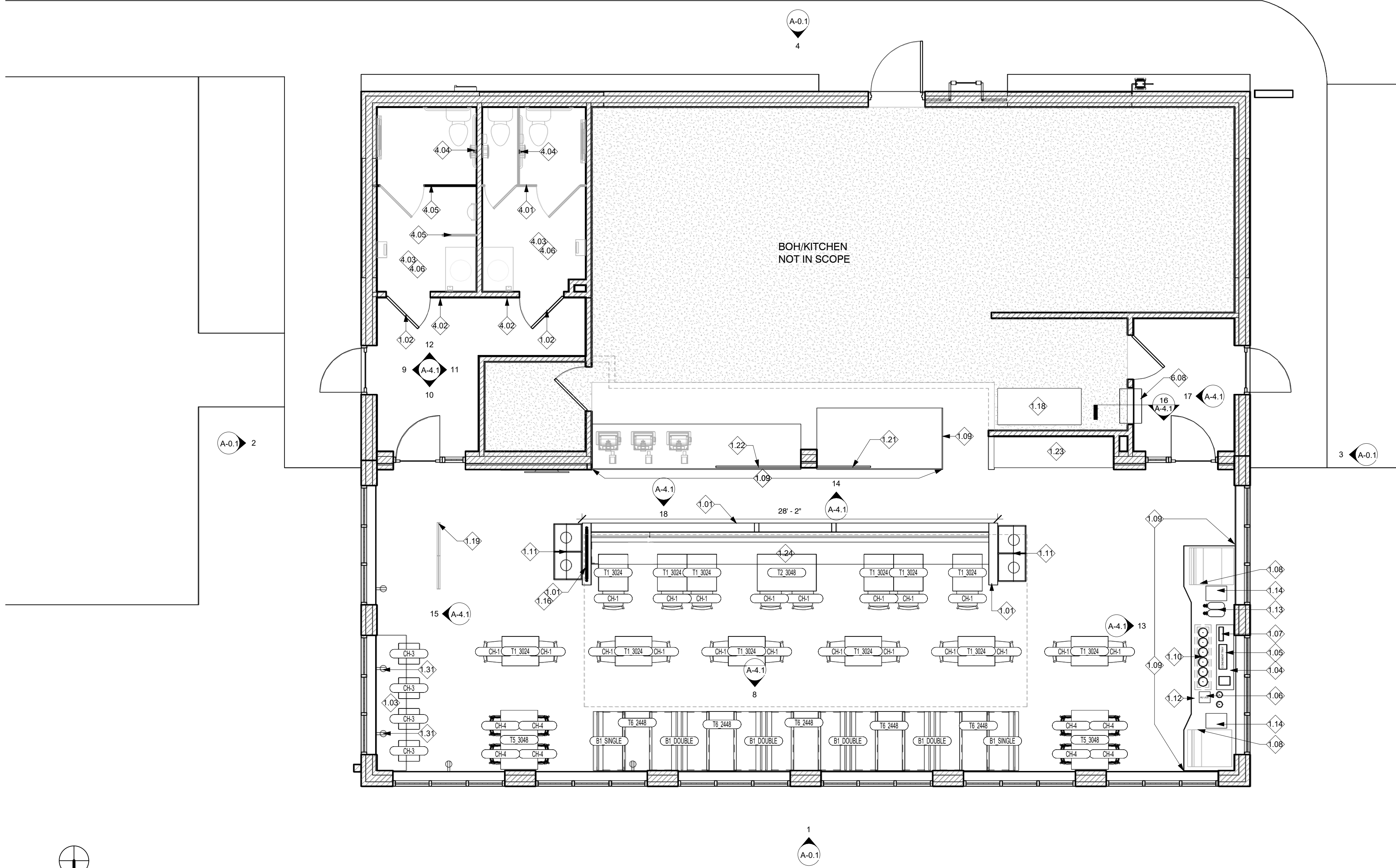
4.03 DEEP CLEAN ALL TILE, RESTROOM WALLS AND FLOORS.

4.04 INSTALL NEW 18" VERTICAL GRAB BAR, BOTTOM OF BAR LOCATED 39-41" AFF. CENTERLINE OF GRAB BAR LOCATED 39-41" FROM REAR WALL. RELOCATE TOILET TISSUE DISPENSER AS NEEDED. CONFIRM ALL GRAB BARS & DISPENSER ARE PER ICC/ANSI A117.1-2003.

4.05 NEW PARTITIONS IN SAME LOCATIONS AS PREVIOUS.

4.06 REPAIR/CLEAN/PAINT EXISTING WALLS PT-2.

6.08 INSTALL LAMINATE WOOD TO GO/DOOR DASH SHELVING WITH SLIDING WINDOW ON KITCHEN SIDE, SEE DETAIL. 16/A-4.1.



1 FLOOR PLAN - NEW CONSTRUCTION
1/4" = 1'-0"

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BILL NUMBER 2064

ORDINANCE NUMBER 2003

**AN ORDINANCE AUTHORIZING THE ISSUANCE OF A
CONDITIONAL USE PERMIT FOR AN EATING ESTABLISHMENT AS
DEFINED IN SECTION 26-52.13 OF ORDINANCE NO. 1903 FOR A
LION'S CHOICE RESTAURANT AT THE PROPERTY ADDRESSED AS
12010 OLIVE BOULEVARD,
ZONED CB, CORE BUSINESS DISTRICT**

WHEREAS, the Red Lion Beef Corp., on December 18, 1999, submitted a request to expand and renovate the existing Lion's Choice Restaurant at the property addressed as 12010 Olive Boulevard, and

WHEREAS, the property is zoned CB, Core Business District and said use is classified as a Conditional Use under Article 3, Section 26-43.3 (g) *Eating and Drinking Places* under Ordinance Number 1903, and requires a recommendation from the Planning and Zoning Commission, and a Public Hearing held before and approval of the City Council, and

WHEREAS, said application to the Planning and Zoning Commission was denied submittal by staff, due to site and structure nonconformities limiting alterations and expansions on legal nonconforming structures as defined under Section 26-70 of Ordinance No. 1903, and

WHEREAS, on Thursday, February 18, 1999, the Board of Adjustment granted the Red Lion Beef Corp., a variance to proceed with the planned renovation and expansion as shown on the application and plans submitted on December 18, 1999, and

WHEREAS, the Planning and Zoning Commission of the City of Creve Coeur, on Monday, April 19, 1999, reviewed the plans dated (Received) April 9, 1999, by the Department of Community Development and unanimously recommended approval of said request.

WHEREAS, pursuant to Article 9, 26-114 *Conditional Use Permits*, a Public Hearing was held by the City Council on Monday, May 24, 1999, at 7:30 PM, or immediately following the close of the previous Public Hearing, and

WHEREAS, at least fifteen (15) days prior to the Public Hearing a public notice indicating the time, place and purpose of said Public Hearing was published in the St. Louis Countian on May 7, 1999, and in the West County Journal on May 10, 1999, newspapers of general circulation in the City of Creve Coeur and after other written notice was given to all according to the provisions of law made and provided for such notices and hearings, 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

Attachment: Lion's Choice CUP.ORD 2003 (Lion's Choice CUP)

for public inspection prior to its consideration by the Council; and this bill having been read by title in open meeting three (3) times before final passage by the City Council, and

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

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

SECTION 1: A Conditional Use Permit is authorized to be issued pursuant to Section 3 hereof for the expansion and renovation of the Lion's Choice Restaurant located at the property currently addressed as 12010 Olive Boulevard in the CB, Core Business District, subject to the hereinafter stated conditions on the following described property:

A tract of land being that part of property conveyed to Sir Lion of Creve Coeur, Inc., by instrument recorded in Deed Book 6383, Page 1075, of the St. Louis County Records, being part of Lot 10 of "The Lake House Farm Subdivision", according to the plat thereof recorded in Plat Book 9, Page 74, of the City of St. Louis Records, situated in Section 3, Township 45 North, Range 5 East, City of Creve Coeur, St. Louis County, Missouri, being more particularly described as follows:

Beginning at the Southwest corner of said property conveyed to Sir Lion of Creve Coeur, Inc., being a point in the West Right Of Way Line of Emerson Avenue, 40 ft. wide, according to the aforementioned plat of The Lake House Farm Subdivision; thence Northwesterly, along the South Line of the aforesaid property, N 89° 16' 00" W, 215.21 ft. to the Southeastern corner of property conveyed, as Parcel 27.12, to the State of Missouri for the establishment of Missouri State Highway I-270, per Condemnation Suite, Cause No. 259493, of the Circuit Court of St. Louis County recorded in Deed Book 5462, Page 161, of said records; thence Northeasterly, along the Eastern Line thereof, N 13° 11' 30" E, 94.59 ft. to a point; thence North 03° 15' 30" E, 100.50 ft. to a point; thence N 79° 34' 45" E, 36.95 ft. to the Northeastern corner thereof, thence Southeasterly, along the South Line of property conveyed to the State of Missouri per Deed Book 5384, Page 91, of said records, S 83° 49' 00" E, 102.92 ft. to the Northwest corner of property conveyed to the State of Missouri, as Parcel 27.11, per the aforesaid Condemnation Suit, Cause No. 259493; thence Southeasterly, along the Western Line thereof, S 04° 54' 00" E, 65.75 ft. to a point; thence S 23° 25' 25" E, 109.87 ft. to the most Southern corner thereof, being a point in the West Right Of Way Line of said Emerson Avenue; thence Southwesterly, along said West Right Of Way Line, S 00° 09' 00" W, 24.46 ft. to the point of beginning, containing 0.76 acres, more or less.

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

1. This Conditional Use Permit shall be for a 399 square foot expansion, and internal and external renovation, for the operation of a 2,829 square foot restaurant to be known as the Lion's Choice Restaurant.
2. Maximum internal seating capacity is for 86 seats and an additional 48 outdoor seats shall be allowed.

3. The hours of operation shall be from 10:30 a.m. to 10:30 p.m. Sunday through Thursday and 10:30 a.m. to 12:00 a.m. Friday and Saturday.
4. The floor plan for the proposed restaurant shall be filed with the City's Zoning Administrator showing the type and location of all equipment, furniture, seating capacity, and other information which may be requested by the Building Official.
5. All signs for the restaurant and property must be in conformance with the variance approved by the Board of Adjustments on February 18, 1999, and permits must be obtained for the erection or modification of any sign on the premises. Banners, pennants, fringe, light pinwheels or other similar devices for attracting attention may be displayed only in conformance with the City's current sign regulations. Exposed neon signs shall only be permitted and used in conformance with the current sign regulations of the City of Creve Coeur.
6. All refuse, waste receptacles or trash containers shall be located and stored within a screened sight-proof storage area with the installation of a hose bibb to service the trash enclosure area. Trash pick-up for the facilities shall only occur between the hours of 8:00 a.m. and 8:00 p.m.
7. There shall be no outdoor storage or placement of any materials or equipment used in conjunction with the restaurant, including storage of outdoor tables, chairs, and umbrellas.
8. Any mechanical equipment installed for the restaurant shall be properly screened with approved materials.
9. All delivery, company, and employee vehicles shall be parked in the rear parking area of the restaurant along the south lot line.
10. Any future enlargement, extension, expansion or alteration in the use of the structures or site must be approved by the City Council upon receipt of the recommendation of the Planning and Zoning Commission as an amendment to the Conditional Use Permit before a Building Permit for the enlargement or alteration may be issued.
11. The seating area must have sufficient proper signs to comply with the "No Smoking" Ordinance Number 1392 and amending Ordinance Number 1548.
12. A copy of all herein attached conditions shall be furnished by the owner or petitioner to the operator(s) or manager(s) including successive operator(s), owner(s) or manager(s) who shall forward to the Zoning Enforcement Officer an acknowledgement that he or she has read and understood each of these conditions and agrees to comply therewith.

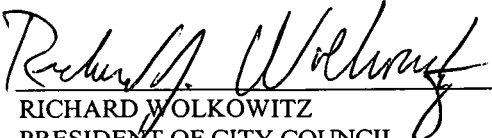
13. All conditions contained within this permit shall be openly posted upon the property in such a manner that it is visible to the public and the operator of said facilities.
14. Failure to comply with any one or all of the conditions of this permit shall be adequate cause for the revocation of said permit by the City Council, provided, however, no permit shall be revoked without prior notice to the owner of the intention of the City Council to revoke this permit and reasonable time granted to the owner to correct or remedy any such breach of conditions, except for repeated breaches or violations.
15. No Conditional Use Permit granted by the City Council shall be valid for a period longer than one year from the date the Conditional Use Permit is granted, unless within such period: (1) a Building Permit is obtained and construction is begun; or (2) if a Building Permit is not required, an Occupancy Permit is obtained and the use of the building commenced. The City Council may grant extensions not exceeding one hundred and eighty (180) days each, upon written application filed and granted prior to the expiration of the Conditional Use Permit period.
16. Any transfer of ownership or lease of the property shall include in the transfer or lease agreement a provision that the purchaser or lessee agrees to be bound by the approved Site Development Plan for the property and the conditions herein set forth.
17. The use of outdoor speakers for the amplification or projection of music or spoken word shall be prohibited.
18. An underground irrigation system shall be installed and maintained to serve all green and/or landscaped areas identified on the Site Development Plan.
19. The restaurant shall be developed and constructed in accordance with plans prepared by Grubbs and Associates in conjunction with Clayton Engineering Company, Inc., with an issue date of 04-07-99 a revision date of 04-08-99 respectively (plans Dated Received 04-09-99 by the Department of Community Development).
20. The Commission requested that the applicant work with staff to reduce the parking lane on the south end of the building and increase the width between the building and the parking lot. With this increase, place additional green space and landscaping on the south side of the building.
21. The evergreen trees provided on the west end extend all the way to the eastern most deciduous ornamental tree and that evergreen shrubs continue the extension up to the eastern most lot line.
22. A new ornamental railing be placed along the west lot line.
23. The applicant coordinate with the State the placement of a sidewalk along the eastern edge of the property as shown on the plans submitted.

24. The dumpster enclosure consists of the same materials as proposed for the primary structure.
25. Remove all chain link fences and replace with either additional landscaping or ornamental fencing.
26. All exterior lighting shall be limited to 24 feet in height, shall be shaded, shielded or directed to prevent direct light from being cast upon any adjacent property and to prevent glare or other objectionable problems to surrounding areas.
27. A formal landscape plan including a list of all species types and sizes must be submitted to the Department of Community Development along with three revised development plans including any conditions placed by the Commission and/or Council prior to the application for Building Permits.

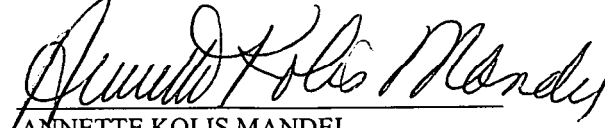
SECTION 3: The City Administrator of the City of Creve Coeur is hereby authorized and directed to issue a Conditional Use Permit in accordance with the provisions of this Ordinance, said permit to expressly provide for the conditions and stipulations hereinabove set out in Section 2 of this Ordinance.

SECTION 4: This ordinance shall become effective at the expiration of fifteen (15) days after adoption by the City Council and the signing thereof by the Mayor.

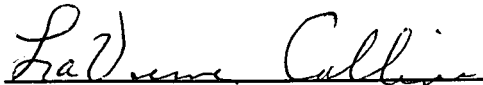
ADOPTED THIS 28 DAY OF June, 1999


RICHARD WOLKOWITZ
PRESIDENT OF CITY COUNCIL

APPROVED THIS 28 DAY OF June, 1999


ANNETTE KOLIS MANDEL
MAYOR

ATTEST:


LAVERNE COLLINS, CMC
CITY CLERK

Attachment: Lion's Choice CUP.ORD 2003 (Lion's Choice CUP)



300 North New Ballas Road • Creve Coeur, Missouri 63141

(314) 432-6000 • Fax (314) 872-2539

APPLICATION TO PLANNING AND ZONING COMMISSION

#22-012: MINOR SITE PLAN FOR A REVISED LANDSCAPE PLAN WITHIN THE BUFFER YARD BEHIND THE MUCKERMAN GARAGE ON THE MERCY CAMPUS AT 615 SOUTH NEW BALLAS ROAD

FOR THE MEETING OF: Monday June 20, 2022

LOCATION: 615 South New Ballas Road (see attached map). Zoned PH
Planned Hospital District.

REQUEST: Erik Enderling, on behalf of Mercy Hospital, has submitted an application for approval of a revised landscape plan for the 2.5 acre hillside between the Muckerman Garage and the residences of Sackston Woods Lane. A prairie style landscape design with native plantings are proposed along with evergreen tree varieties to be planted toward the top of the hill to shield the lights for the parking garage from the neighbor's view.. The purpose of the minor site plan approval procedures is to enable the City to consider potential impacts upon the area in the vicinity of the property, to ensure consistency with good planning practice and to ensure high standards of site design for the general welfare of the City and its residents. City Council approval is not required for minor site development plans.

ADDITIONAL INFORMATION: The existing hillside foliage had become neglected and the hillside was cleared in preparation for the proposed native landscaping plan. The removal was done prior to receiving approval for the new landscaping plan. The previous landscaping plan was approved in 2002 as part of the overall approval for the Muckerman Garage and Cancer Center construction. It does not appear that the landscaping was successfully executed according to the approved plan from 2002.

Key Issues:

- Does the request further the goals and/or implement the Comprehensive Plan?
- Is the request consistent with the goals of a minor site plan?
- Does the request follow the Design Guidelines?

Creve Coeur 2030 Comprehensive Plan References

- CP-Campus Type District
- Design Guidelines

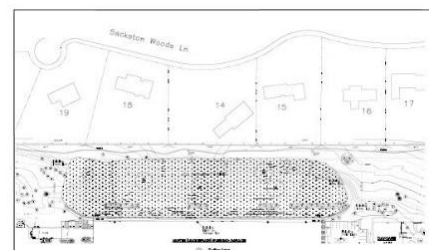
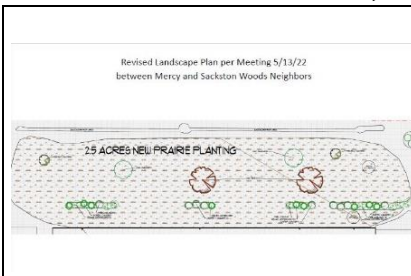
Zoning Code References

- Section 405.310: PH-Planned Hospital District
- Section 405.1080: Site Concept, Site Development and Minor Site Plan Approval

APPLICANT: Erik Enderling
Mercy
615 S. New Ballas Road
Creve Coeur, MO 63141

**PROPERTY
OWNER:**

St. John's Hospital
607 S New Ballas Road
Creve Coeur, MO 63141



REPORT PREPARED BY: Bethany L. Moore, City Planner

DATE: 6/16/2022

ATTACHMENTS: Applicant's Materials Received May 20, 2022

Attachment: Staff Report (Muckerman Garage)

BACKGROUND

The Applicants are seeking approval of a new landscaping plan for the 2.5 acre hillside buffer between the Muckerman Garage and abutting residences of Sackston Woods Lane that back up to the hillside. A landscaping plan for the buffer area was approved as part of the garage approval in 2002. It does not appear that the landscaping was executed successfully according to the approved plan and in the subsequent years the hillside became over grown and neglected. The existing foliage on the hillside was removed in preparation for the new native landscaping plan before the plan was reviewed or approved by staff or the Planning and Zoning Commission. Mercy representatives have since met with adjacent property owners and spoken with the Sackston Woods Trustees and adjacent residents to discuss the plans and address any concerns.



Figure 1: Detail of the landscaping rendering approved in 2002.



Figure 2: Detail of the landscaping plan approved in 2002.

Figures 1&2 are details of the Landscaping Plan that was approved in 2002 as part of the approval for the garage and cancer center project. The details show a large number of trees and tree groupings on the hillside with a concentration along the top of the hill near the garage and at the bottom of the hill near the residences. The plan shows smaller berms topped with tree groupings near the shared border with the residences of Sackston Woods but it does not appear that these berms were ever put in place or that the trees were planted and tended to appropriately to ensure their survival.

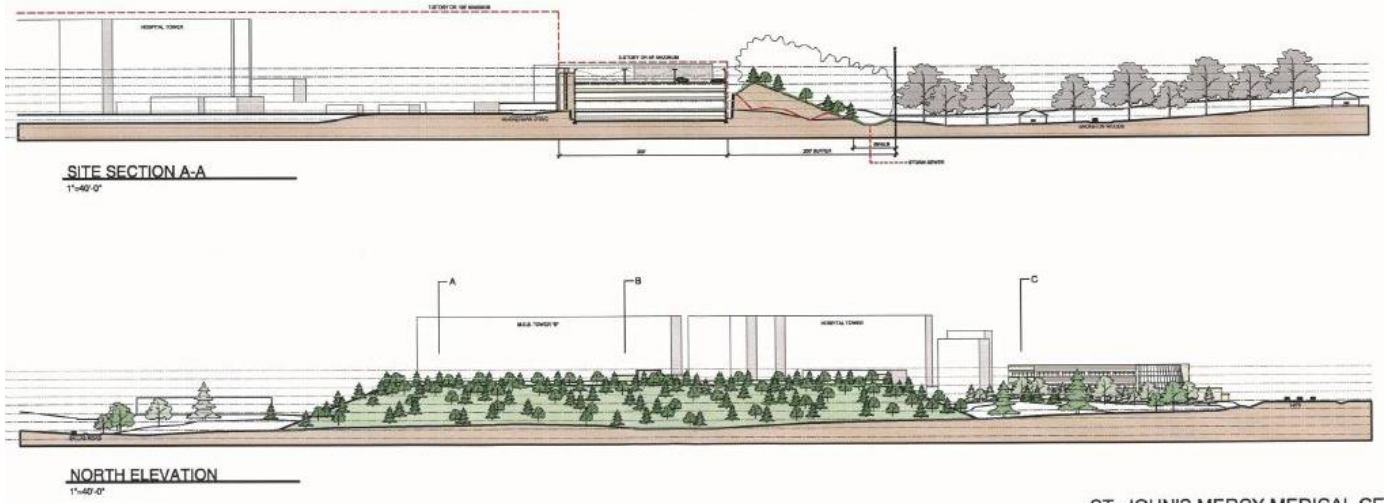


Figure 3: Detail of the site elevations for the Muckerman Garage and buffer approved in 2002.

Figure 3 shows the hill that was built to serve as a buffer between the garage and the Sackston Woods residences. The hill completely covers the bulk of the garage from view of the residences. The residences sit much lower than the garage and only the top of a few of the light poles for the roof level parking area can be seen over the hill as it sits bare today.

PROJECT DESCRIPTION

The applicant proposes to install native plantings to include an initial cover of Oats, then native prairie forbs, grasses, and trees such as Western Red Cedar, Eastern Canaerti Juniper, Pitch/Loblolly Pine, Eastern Redbud, Bur Oak and Chinkapin Oak. Evergreen tree varieties will be planted toward the top of the hill near the parking garage to shield lights from the neighbors view all year round. Other trees will be planted throughout the hillside to create dimension and contrast with the native prairie design. According to the applicant, the proposed native landscaping plan will improve the aesthetic view of the hillside, improve water shedding and create a habitat for wildlife and pollinators. The applicants have also outlined a three-year maintenance plan in order to help the native plantings and trees to thrive and take root on the hillside.

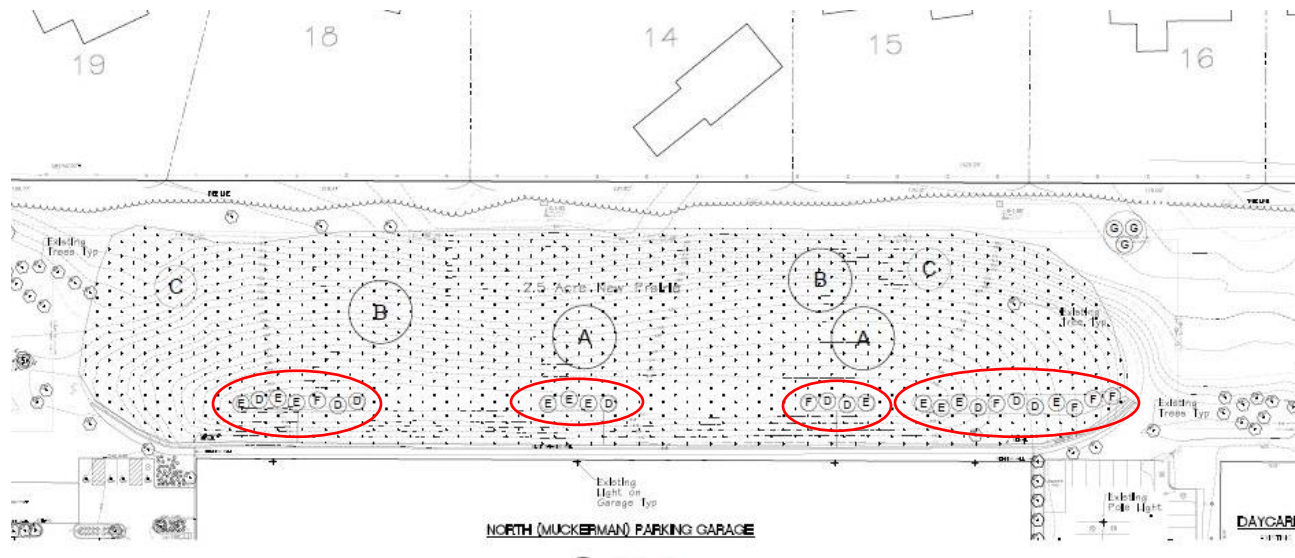


Figure 4: Detail of the proposed landscape plan. Tree groupings corresponding to light poles in red.

Figure 4 is a detail of the proposed landscaping plan for the buffer hillside. The entire area will be covered in native plantings to resemble a prairie landscape with groupings of evergreens along the top of the hill to correspond to the location of the light poles on the rooftop parking area. Shown in Figure 4 in red. Deciduous trees will also be placed throughout the hillside in order to add dimension and additional screening along the hillside.

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	N/A
South	Hospital Campus	PH-Planned Hospital District	R.C. Muckerman Dr
East	Single-Family Residences	Village of Westwood	S. New Ballas Rd
West	Single-Family Residences	A-Single Family Residential	I-270

COMPREHENSIVE PLAN REVIEW

Creve Coeur 2030 Plan

The Muckerman garage on the Mercy campus is part of the Campus District place type in the Comprehensive Plan. The Campus District is intended for the development of multiple large office structures, institutional facilities, research buildings, educational, and healthcare facilities. Campus districts have a minimum size of 10 acres, and are envisioned to regulate the outer “tier” of buildings, fronting perimeter streets, while ensuring maximum flexibility for inner “tiers” of buildings that are not adjacent to perimeter streets. When located in pre-dominantly residential areas, Campus districts should maintain low-intensity, landscape frontages. When located on Olive Boulevard or other high intensity commercial streets, Campus districts should maintain a frontage type that matches the adjacent frontages on that commercial street (p. 58.)

Under the City's current zoning, civic and institutional land uses are addressed as conditional uses within other zoning districts. Due to the Creve Coeur's land use patterns, many of these uses fall within residential areas. This has occasionally resulted in conflicts with neighbors over parking, hours of use, and other issues (p.106.) These districts are also intended to protect established, existing residential neighborhoods from potential negative impacts of non-residential land uses. Furthermore, these districts could be developed as overlay districts to preserve the underlying base district zoning and ensure that, if the civic or institutional use ever vacates the site, that the site reverts to the surrounding zoning (p.106.) The Vision for the Campus district is intended for the development of large, multi-building office structures, institutional facilities, research buildings, educational, and healthcare facilities, deeply set back from site edges and surrounded by beautiful landscape buffers (p.109.) When lots directly abut other lots of a different residential Community Place Type, a landscape buffer, measured horizontally from the lot boundary, should be provided (p.110.) The buffering of the garage with the landscaped hill placed horizontally between the garage and the residences is consistent with the goals of the Comprehensive Plan to create low-intensity, beautifully landscaped buffer area around the perimeter of the campus when adjacent to residential.

DESIGN GUIDELINES REVIEW

The Design Guidelines provide specific guidelines for landscape design which state setbacks should be landscaped in order to act as a buffer between buildings, between the building and the street, and to create a more pleasing view to and from the building. Landscape plans should provide for screening of unfavorable views and accentuate significant views. 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. The natural environment and existing vegetation should be preserved and maintained (p. 15-16.) The applicant's landscaping plan with native plantings and in consideration of the existing berm is in conformance with the landscape design goals of the Design Guidelines.

ZONING REVIEW

Because this request is limited to the review and approval of a new landscape plan on a portion of the large Mercy medical campus, the relevant zoning requirements involve consideration of potential impacts to adjacent residential properties and the required buffer area. .

Lighting:

No additional lighting is proposed for the garage area. Sensors with timers have been added to the existing light poles on the rooftop parking area of the garage to mitigate any light that could be visible to Saxton Woods residents. This was done in response to feedback from the neighborhood. The light timers vary with the longest timer shutting off after 16 minutes. Additionally, groupings of evergreen trees have been added to the plan that correspond to the locations of the light poles in order to block the light year-round.

ADD photo of light sensor as Figure 5.

Buffer Area:

The maintenance of a buffer yard is a requirement for a development in the "PH" Planned Hospital District per Section 405.310 (E)(3)(d) with landscaping according to Section 405.550. The size of the existing hillside serves to almost entirely eliminate any visibility of the existing garage structure from the abutting residences of Sackston Woods. The proposed native forbs and grasses will create a more visually appealing hillside and the evergreen and deciduous trees serve as screening for the light poles of the rooftop parking deck. The Planning and Zoning Commission has the responsibility to determine if the proposed landscaping and screening are appropriate.

SUMMARY AND RECOMMENDED CONDITIONS FOR APPROVAL

The request for a Minor Site Plan to approve a revised landscape plan within this required buffer yard appears to meet all of the requirements of the Zoning Ordinance and goals and objectives of the Comprehensive Plan and Design Guidelines. If the Planning and Zoning Commission believes that the revised landscape plan maintains a sufficient level of screening to the adjacent residences, Staff recommends the approval subject to the conditions below, pending any additional amendments as discussed at the meeting:

1. The applicant is required to submit a final Landscape Plan to staff that shall be in substantial conformance with the plans received May 20, 2022, as bound together and submitted in conjunction with Application #22-012, and including a plant schedule listing the types of native forbs and grasses proposed to achieve the native prairie.
2. 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.
3. The light sensors currently provided on the lighting standards are maintained to reduce the impacts of the parking garage lighting with the adjacent residences.

MOTION

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

“I move to recommend approval of a Minor Site Plan for a revised Landscaping Plan within the required buffer yard located to the rear of the Muckerman Garage at 615 South New Ballas Road, subject to the conditions discussed in the Staff Report for the meeting of June 20, 2022”
(conditions may be added, eliminated, or modified by preceding motion).

APPENDIX 1: COMPREHENSIVE PLAN, INCLUDING DESIGN GUIDELINES

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

APPENDIX 2: ZONING CODE

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

APPENDIX 3: AERIAL PHOTO



Attachment: Staff Report (Muckerman Garage)

APPENDIX 4: SITE PHOTOGRAPHS

Photo Date: 6/14/22



Description:
Buffer
hillside built
up with a
retaining wall
to cover the
full height of
the
Muckerman
garage from
view of the
adjacent
residences.



Description:
View of the
hillside
looking
towards S.
New Ballas
Road with
Saxton
Woods
residences to
the left and
the
Muckerman
garage to the
right.



Description:
Example of
existing light
pole on the
roof level of
the parking
garage.
Timed sensor
is visible.



Description:
View of the
hillside from
the rooftop
parking area
of the garage
looking
towards the
Saxton
Woods
residences.



Description:
View from
the bottom of
the hill, level
with the
residences,
looking
towards the
parking
garage.
Visible light
pole and
corner of
garage circled
in read.



city of CREVE COEUR

300 North New Ballas Road • Creve Coeur, Missouri 63141

(314) 872-2501 • www.crevecoeurmo.gov

PUBLIC NOTICE

APPLICATION TO PLANNING AND ZONING COMMISSION #22-012: MINOR SITE PLAN FOR THE MUCKERMAN GARAGE ON THE MERCY CAMPUS AT 615 SOUTH NEW BALLAS ROAD

FOR THE MEETING OF: Monday, June 20, 2022, 6:00 PM.

LOCATION: 615 South New Ballas Road (see attached map). Zoned PH Planned Hospital District.

REQUEST: Erik Enderling, on behalf of Mercy Hospital, has submitted an application to prepare and relandscape the 2.5 acre hillside between the Muckerman Garage and the residences of Sackston Woods Lane adjacent to the hillside. To cover the hillside, Native plantings are proposed with evergreen tree varieties to be planted toward the top of the hill to shield the lights for the parking garage from the neighbor's view all year round. The purpose of the minor site plan approval procedures is to enable the City to consider potential impacts upon the area in the vicinity of the property, to ensure consistency with good planning practice and to ensure high standards of site design for the general welfare of the City and its residents. City Council approval is not required.

ADDITIONAL INFORMATION: The Planning and Zoning Commission is scheduled to review this request on Monday, June 20, 2022, at 6:00 p.m., for recommendation to the City Council. Meetings are held in person in the Council Chambers of the Creve Coeur Government Center located at 300 N. New Ballas Road. We encourage you to attend if you have any questions or wish to make a statement.

In addition, you can submit written or e-mail comments to Planning staff in advance of the meeting. Additional information regarding this proposal is available at the Government Center, Planning Division offices or on the City's website at www.crevecoeurmo.gov/447/Current-Planning-Projects. You may also call (314) 872-2501 or e-mail blmoore@crevecoeurmo.gov.

Key Issues:

- Does the request further the goals and/or implement the Comprehensive Plan?
- Is the request consistent with the goals of a minor site plan?
- Does the request follow the Design Guidelines?

Creve Coeur 2030 Plan References

- CP-Campus Place Typ District
- Design Guidelines

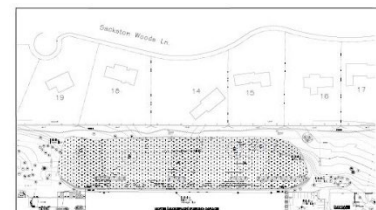
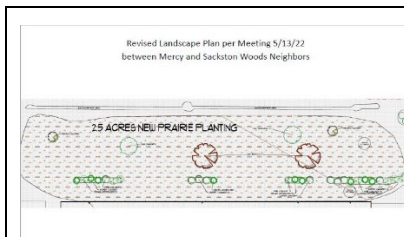
Zoning Code References

- Section 405.310: PH-Planned Hospital District
- Section 405.1080: Site Concept, Site Development and Minor Site Plan Approval

Attachment: Applicant's Materials (Muckerman Garage)

APPLICANT: Erik Enderling
Mercy
615 S. New Ballas Road
Creve Coeur, MO 63141

PROPERTY OWNER: St. John's Hospital
607 S New Ballas Road
Creve Coeur, MO 63141



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

Aerial Photo



Attachment: Applicant's Materials (Muckerman Garage)



city

of

CREVE COEUR

PLANNING DIVISION

300 North New Ballas Road, Creve Coeur, Missouri 63141

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

7.2.b

PLANNING AND ZONING COMMISSION AGENDA APPLICATION

SITE DEVELOPMENT PLAN

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

Title of Project: Mercy Muckerman Garage Site Plan

Location of Project: 615 S. New Ballas Rd Locator # 190610117

Subject for Agenda: Mercy Muckerman Garage Site Plan

Applicant:

Architect ☐ Engineer ☐ Contractor ☐ Agent ☐ Owner ☒

Applicant:	Applicant's Representative (if applicable):
<u>Erik Enderling</u> Name <u>Mercy</u> Company (If Applicable) <u>615 S. New Ballas Rd</u> Address <u>Creve Coeur, MO 63141</u> Address Telephone # <u>314-251-6626</u> Fax # <u>n/a</u> Email: <u>erik.enderling@mercy.net</u> <u>Erik Enderling</u> Applicant's Signature	 Name Company (If Applicable) Address Address Telephone # Fax # Email: Applicant's Representative's Signature

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

Attachment: Applicant's Materials (Muckerman Garage)

Description of Request (attach additional sheets as needed)

General Description: _____

~~See attached sheet~~ _____

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 attached sheet _____

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 20, 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

Form located at: <https://www.crevecoeurmo.gov/DocumentCenter/View/352/SDP-Agenda-Application?bidId=>

General Description:

On the hillside, north of Mercy's Muckerman garage, **we have removed invasive, noxious trees, bushes and plants, mostly honeysuckle.** We propose to install native plantings. Proposed plantings to include an initial cover crop of Oats, then native prairie forbs, grasses, and trees; Western Red Cedar, Eastern Canaerti Juniper, Pitch/Loblolly Pine, Eastern Redbud, Bur Oak and Chinkapin Oak. Evergreen tree varieties will be planted toward the top of the hill to shield lights from neighbors view all year. Other Trees will be planted throughout the hillside to create dimension.

Rationale:

Re-establishing the hillside with native plantings will improve the health of the landscape and environment. The proposed plan aligns with the City of Creve Coeur's Chapter 220 '**Use of Native Plant Communities as an Alternative in Urban Landscape Design**'. The proposed plan of native plants and trees will attract pollinators, keep invasive species from spreading, are low maintenance, reduces water shedding/erosion, and is aesthetically pleasing. Impacts to neighbors such as our exterior lighting will be shielded by evergreen trees. The newly proposed landscape plan will improve the aesthetic view of the hillside, will improve water shedding and it will improve the habitat for wildlife.

Mercy Hospital - St. Louis
615 S. New Ballas Rd.
St. Louis, Missouri 63141

Muckerman Garage Hill Screening

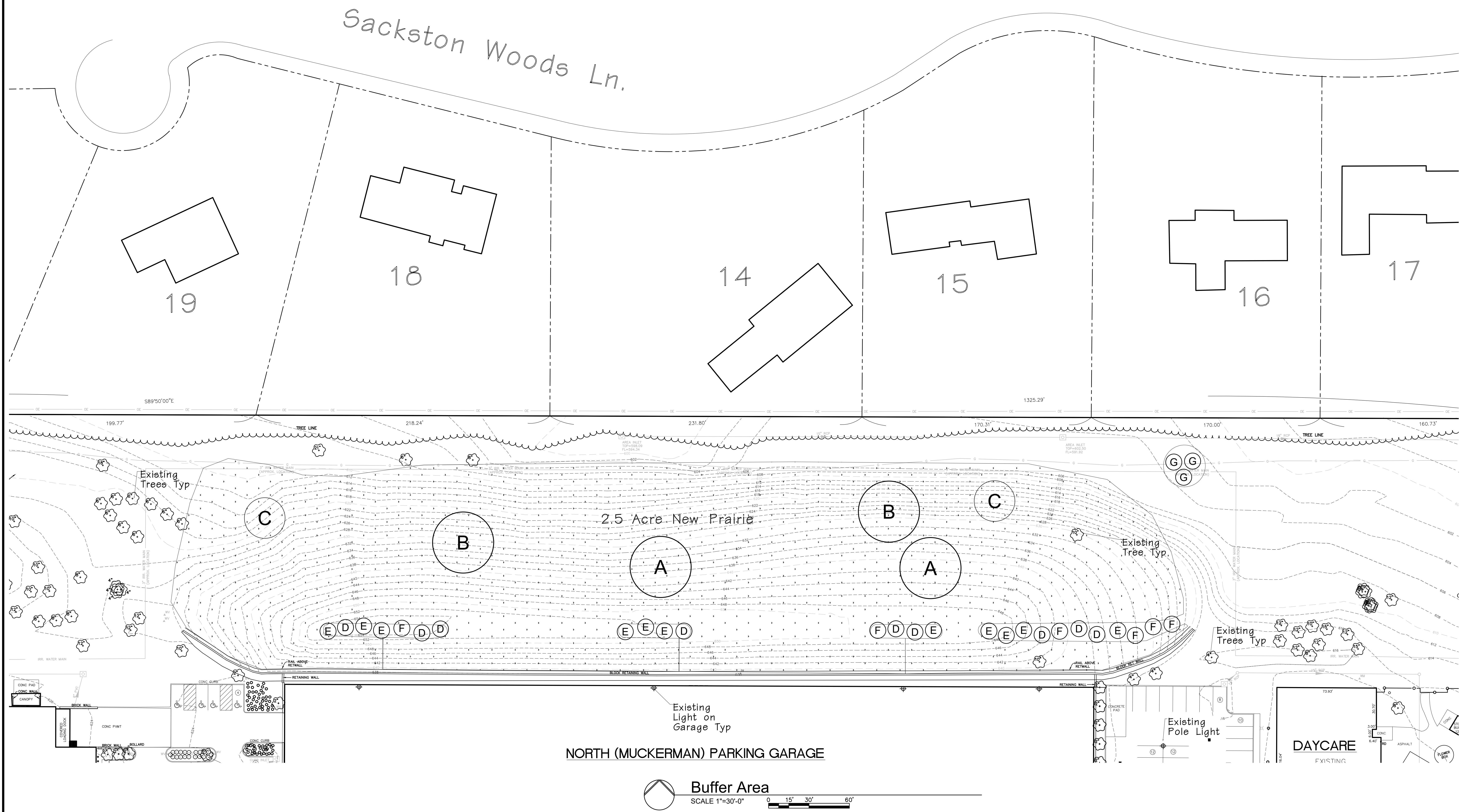
Mercy+

[illegible]

FOCAL POINTE
OUTDOOR SOLUTIONS, INC.

Sheet Title:	Buffer Area Landscape Plan
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Date:	5/19/2022
Job #:	124.037



PLANTING SCHEDULE

SYMBOL	QUANTITY	BOTANICAL NAME	COMMON NAME	SIZE	MATURE HEIGHT	Notes
A	2	<i>Quercus macrocarpa</i>	Bur Oak	2.5"	45'+	B & B
B	2	<i>Quercus muehlenbergii</i>	Chinkapin Oak	2.5"	45'+	B & B
C	2	<i>Cercis Canadensis</i>	Eastern Rebud	2"	45'+	B & B
D	9	<i>Thuja plicata</i>	Western Red Cedar	6-8'		B & B
E	9	<i>Juniperus virginiana</i> 'Canaertii'	Canaertii Juniper	6-8'		B & B
F	8	<i>Pinus taeda</i>	Loblolly Pine	8-10'		B & B
G	3	<i>Ilex opaca</i>	American Holly	8-10'		B & B

Pictures BEFORE





Muckerman Garage Naturalization

Project Breakdown

- Step 1
 - Remove bush honeysuckle and undesirable tree species.
 - Site prep and seed bed prep.
 - Oats cover crop installation. (temporary to hold soil until seeding with Native Plantings in Jan 2023 and to choke out weeds). This will look like a prairie this summer. Seeding to commence week of 5/16. Germination is about 7 days.
- Step 2
 - Monthly non-selective invasive/undesirable species control (spot spray)
- Step 3
 - Native prairie grass and forb seed installation. (Jan/Feb 2023)
- Year 1 Stewardship
 - This includes maintenance necessary to establish the native seed installation. Maintenance includes chemical and mechanical control of weeds and invasive species. Includes overseeding of forb species.
- Year 2 Stewardship
 - This includes maintenance necessary to establish the native seed installation. Maintenance includes chemical and mechanical control of weeds and invasive species. Includes overseeding of forb species.
- Year 3 Stewardship
 - This includes maintenance necessary to establish the native seed installation. Maintenance includes chemical and mechanical control of weeds and invasive species. Includes overseeding of forb species.



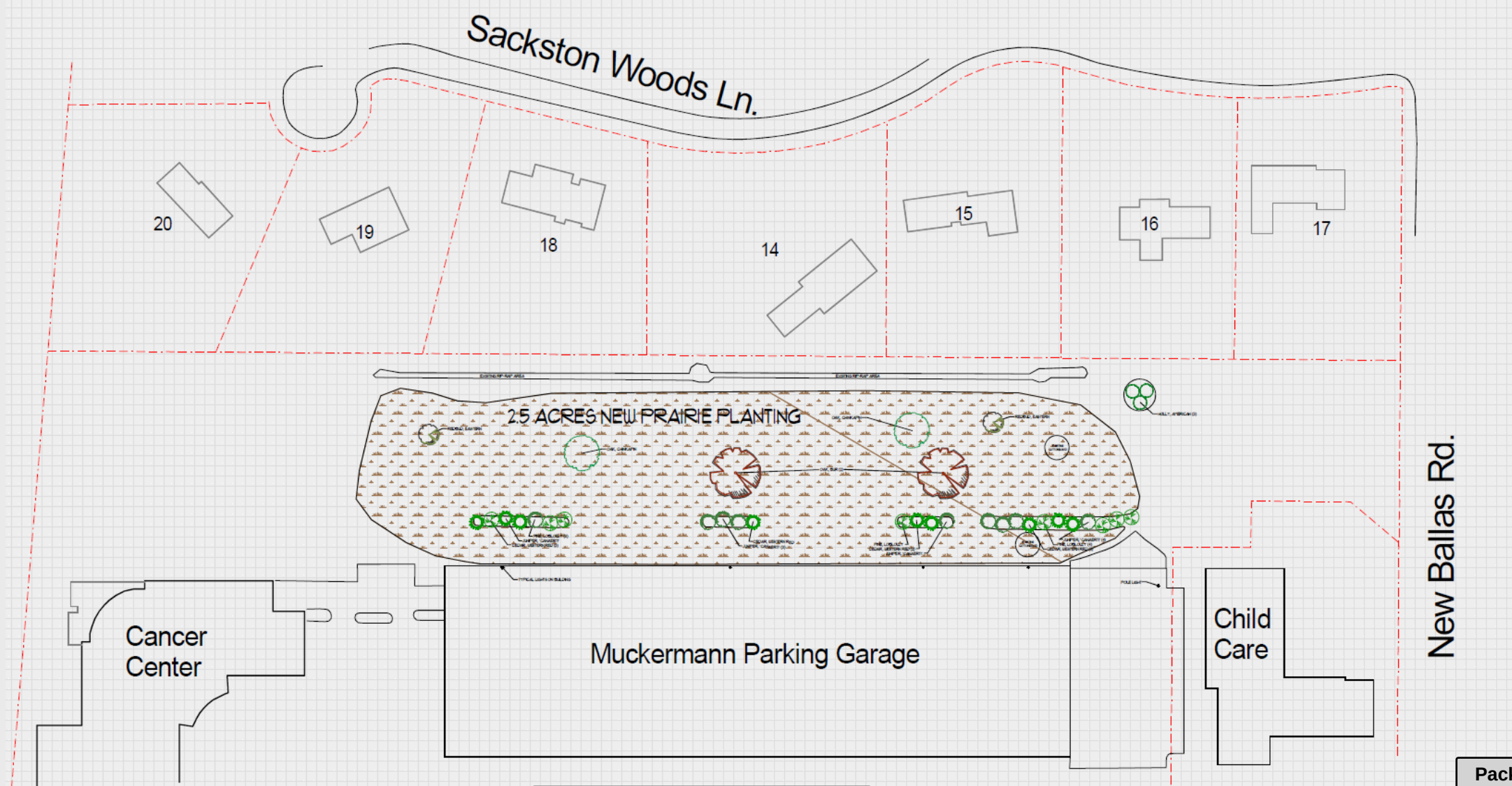


Attachment: Applicant's Materials (Muckerman Garage)



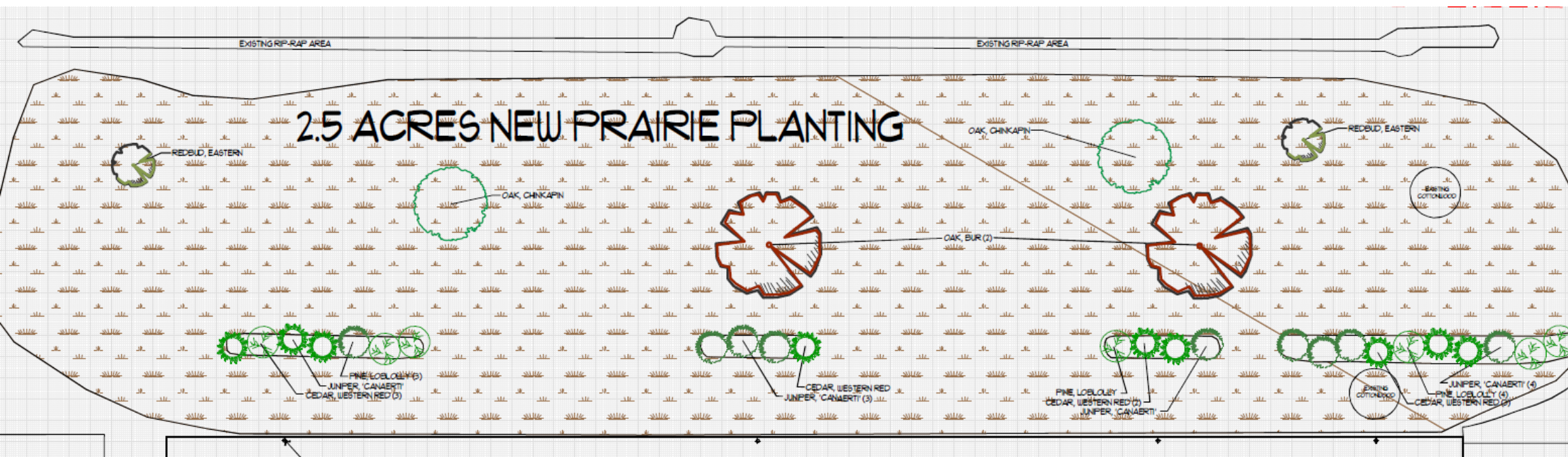
Attachment: Applicant's Materials (Muckerman Garage)

Revised Landscape Plan per Meeting 5/13/22
between Mercy and Sackston Woods Neighbors



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Attachment: Applicant's Materials (Muckerman Garage)





Plant Selections- Grasses

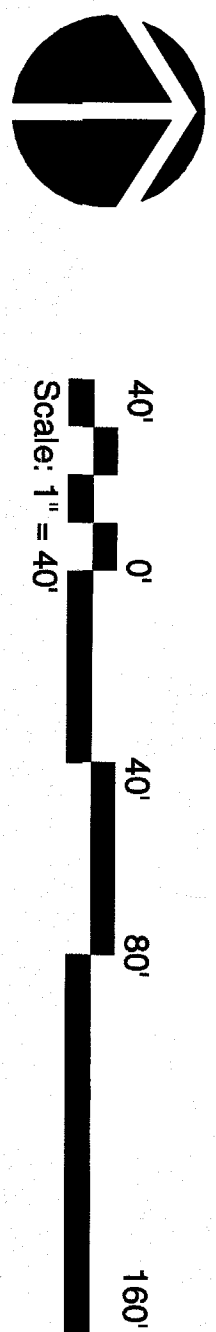
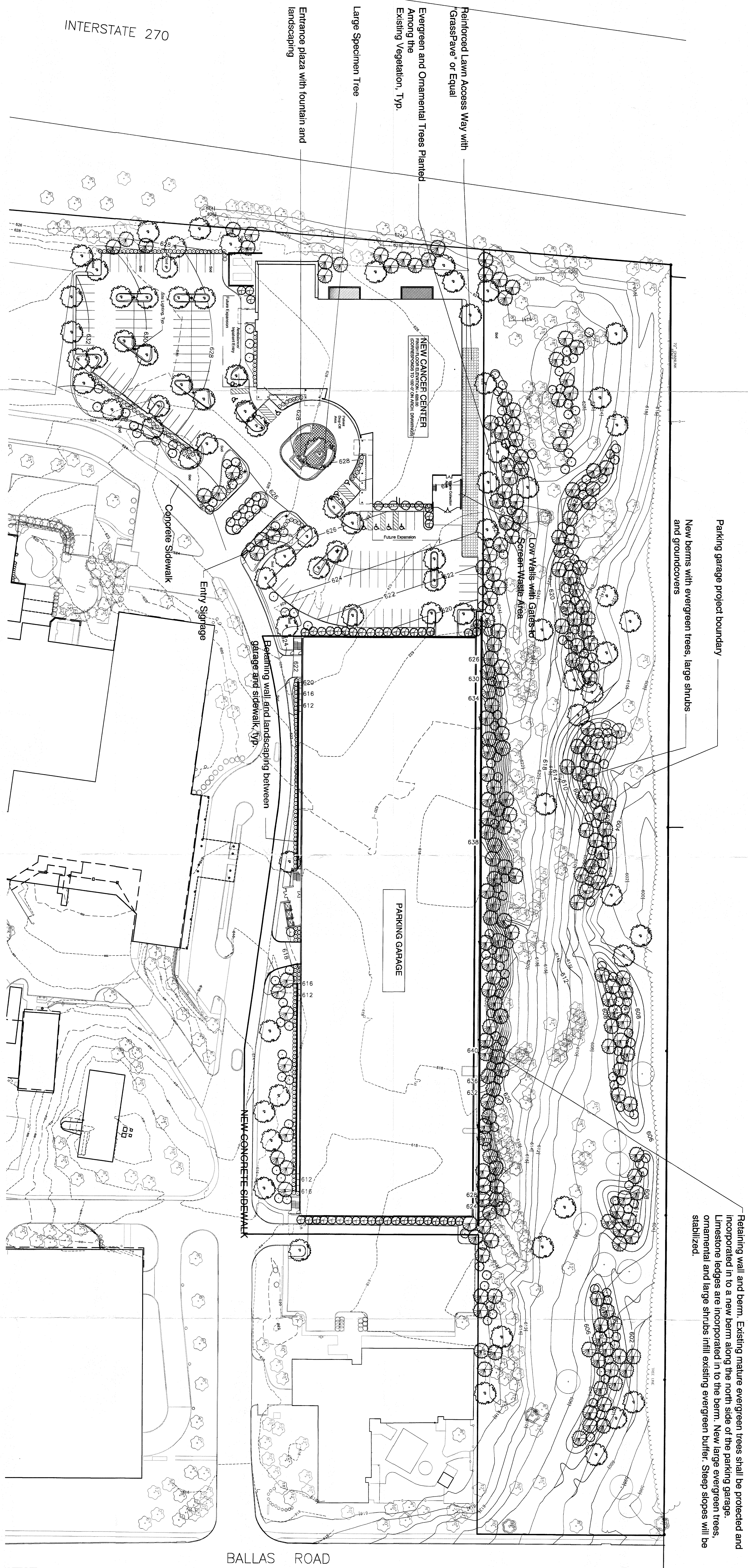
Plant Selections-Forbs

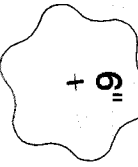
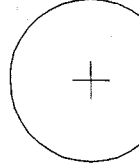
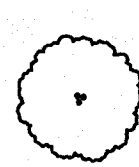
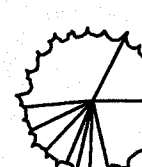
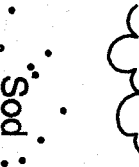
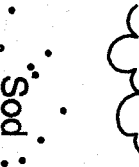


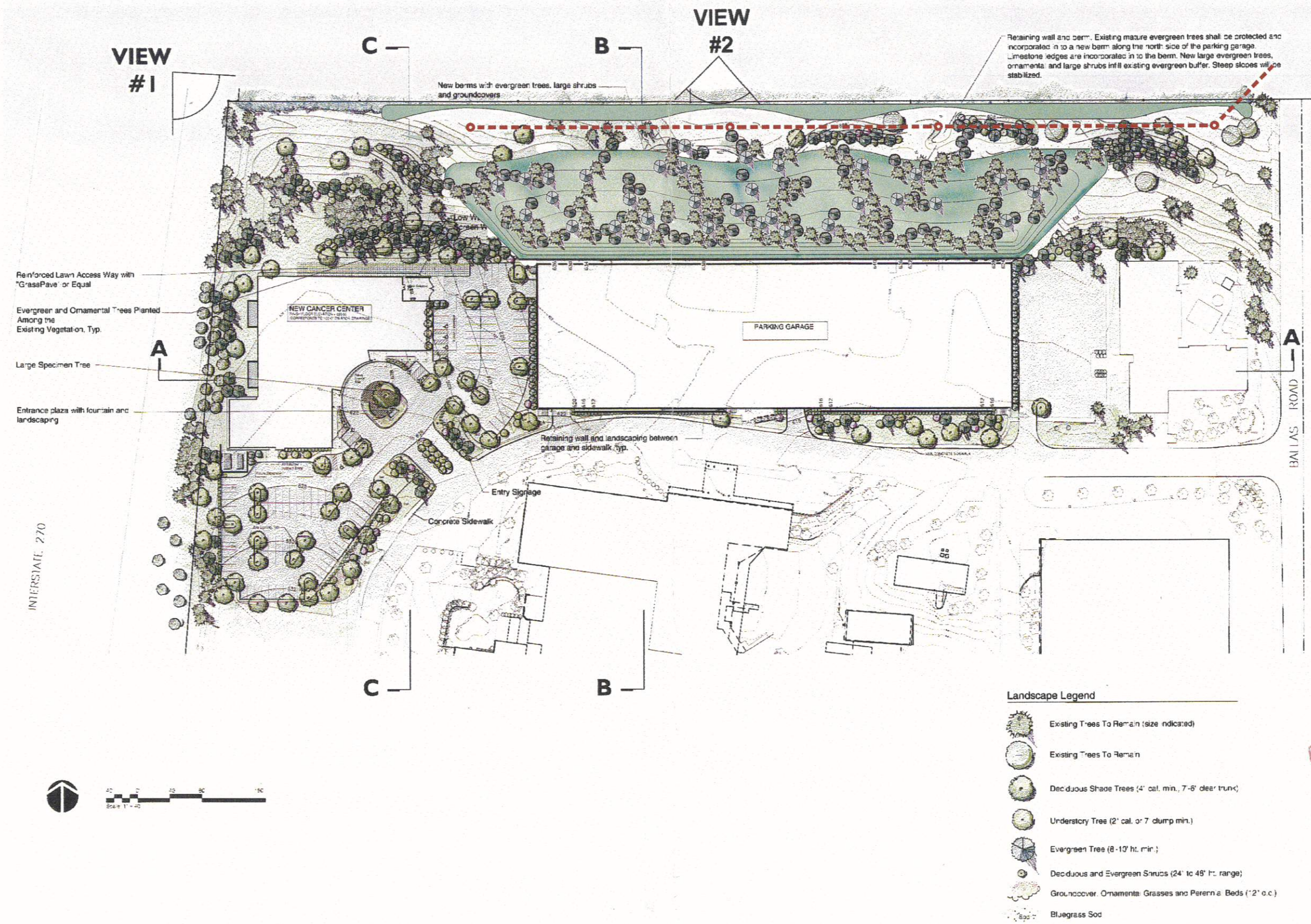
7.2.b



Attachment: Applicant's Materials (Muckerman Garage)



- | | |
|---|---|
|  | Existing Trees To Remain (size indicated) |
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|  | Deciduous Shade Trees (4" cal. min., 7"-6" clear trunk) |
|  | Understory Tree (2" cal. or 7' clump min.) |
|  | Evergreen Tree (8'-10' ht. min.) |
|  | Deciduous and Evergreen Shrubs (24" to 48" ht. range) |
|  | Groundcover, Ornamental Grasses and Perennial Beds (12" o.c.) |
|  | Bluegrass Sod |



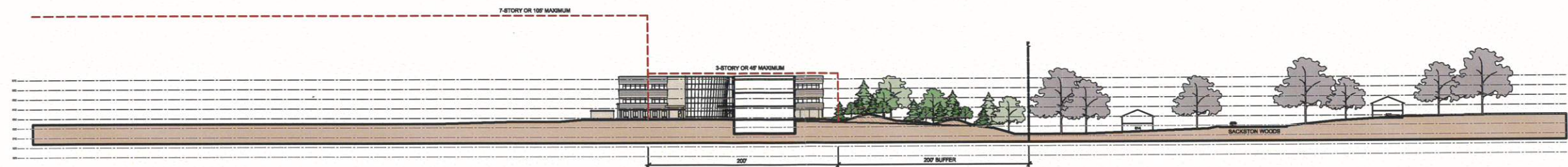
SITE PLAN
1"=40'-0"



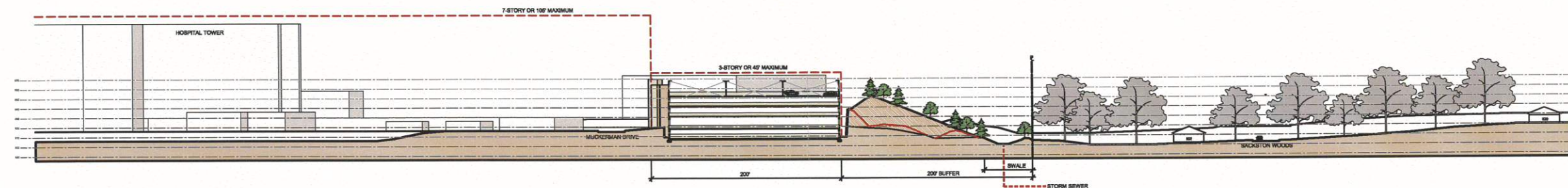
ST. JOHN'S MERCY MEDICAL CENTER

Attachment: 2002 Landscape Plan (Muckerman Garage)

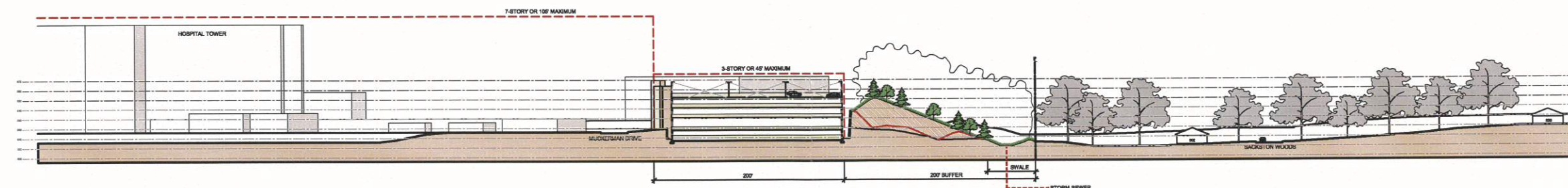
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FEB 15 2002
C.C. COMMUNITY DEVL



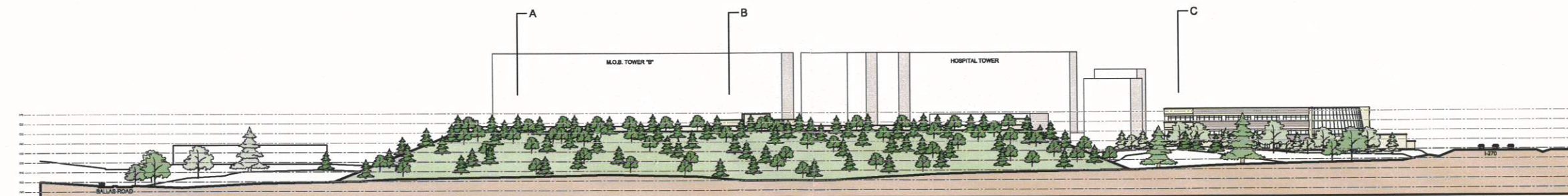
SITE SECTION C-C
1"=40'-0"



SITE SECTION B-B
1"=40'-0"



SITE SECTION A-A
1"=40'-0"



NORTH ELEVATION
1"=40'-0"

