



**REGULAR MEETING
AGENDA
CITY OF CREVE COEUR
CITY COUNCIL
300 NORTH NEW BALLAS RD
JULY 11, 2022
7:00 PM**

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

COMMENTS FROM THE GENERAL PUBLIC

ACCEPTANCE OF THE AGENDA

ANNOUNCEMENTS

*The City Council meets the 2nd and 4th Monday of each month
6:00 p.m. - 7:00 p.m. - Work Session
7:00 p.m. - Regular Meeting of the City Council*

CONSENT AGENDA

- 1. Approval of June 27, 2022 City Council Regular Meeting Minutes**
- 2. Bayer CropScience Donation of Used Office Furniture**
Summary: Staff will present information to City Council about used office furniture proposed for donation by Bayer CropScience to the City of Creve Coeur with a total estimated value of more than \$1,500.

BILLS PAYABLE REPORT

For Information Only

Invoices Paid Listing

Summary: For your information and transmittal to the City Council, attached is a list of paid invoices from June 23, 2022 through July 6, 2022 in the amount of \$117,594.59.

UNFINISHED BUSINESS

- 3. Bill No. 6016- an Ordinance Amending Ordinance Number 2003 Authorizing Exterior Alterations to the Restaurant Space for Lion's Choice Located at 12010 Olive Boulevard. Final Reading and Passage.**
Summary: 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



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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 Planning and Zoning Commission recommended approval of the CUP amendment.

NEW BUSINESS

- 4. Bill No. 6017- an Ordinance Repealing Ordinance Number 5250 and Authorizing the Issuance of a New Conditional Use Permit for the Operation of a 10 Screen Movie Theater, 10 Lane Bowling Alley, Ropes Course and Full-Service Dining for B&B Theaters Within the West Park Development Located at 12657 Olive Boulevard. First Reading.**

Summary: Dennis McIntire, of B&B Theaters, has submitted a request to amend the conditional use permit to allow for an interior remodel to add a 10-lane bowling alley and ropes course in the existing movie theater space of the former AMC Theater located within the West Park Center. The property is located at the northeast corner of Olive Boulevard and Whispering Pines Drive, within the West Park Development, and is zoned "CB" Core Business District. The Planning and Zoning Commission recommended approval of the new CUP.

- 5. Bill No. 6018- an Ordinance Approving a Text Amendment to the Conditional Use Standards Within Section 405.470.A.14 of the Zoning Code Pertaining to Food Services and Drinking Places with Drive-Through Services. First Reading.**

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

- 6. Bill No. 6019- an Ordinance of the City Council of the City of Creve Coeur, Missouri Authorizing the Execution of an Stp-Urban Program Agreement with the Missouri Highways and Transportation Commission to Enable the City to Construct the Craig Road Improvements Project.**

Summary: City staff recommends that the City execute an STP-Urban Program Agreement with the Missouri Highways and Transportation Commission (MoDOT) in order to accept federal grant funding assistance for asphalt



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pavement resurfacing, intersection improvements, sidewalk, and pedestrian improvements to Craig Road.

- 7. Resolution No. 1600- a Resolution of the City Council of the City of Creve Coeur, Missouri Authorizing the Issuance of a Purchase Order to Compass Minerals, Under the Cooperative Salt Program, for Purchasing 1100 Tons of Salt for an Amount of \$86,207.00.**

Summary: Public Works is recommending the purchase of 1100 tons of de-icing salt through the Salt Co-op.

APPOINTMENTS

BUSINESS FROM MAYOR AND CITY COUNCIL

- 8. *Council Liaison Reports***

BUSINESS FROM CITY ADMINISTRATOR

- 9. Free Little Art Gallery**

Summary: The Arts Committee is proposing a Free Little Art Gallery be installed at Millennium Park as a way to promote public art.

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

Posted: _____ posted 07/7/2022
Kellie Henke
City Clerk



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MINUTES
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CALL TO ORDER

A regular meeting of the City Council of the City of Creve Coeur was called to order by Mayor Robert Hoffman at the City Council Chamber, 300 North New Ballas Rd, City of Creve Coeur Government Center, Creve Coeur, MO 63141 on Monday, June 27, 2022 at 7:00 PM.

PLEDGE OF ALLEGIANCE

Mayor Hoffman led the Pledge of Allegiance.

ROLL CALL

Council Member, Ward 1 Mark Manlin
Council Member, Ward 1 Heather Silverman
Council Member, Ward 2 Tim Carney
Council Member, Ward 2 Nicole Greer
Council Member, Ward 3 Sari Neudorf
Council Member, Ward 3 David Hoffman
Council Member, Ward 4 Joseph Martinich
Council Member, Ward 4 Dan Tierney
Mayor Robert Hoffman

COMMENTS FROM THE GENERAL PUBLIC

Jaime Cacciabando, resident of 292 Hewlett Court, discussed financial opportunities that could generate additional revenue at the Creve Coeur Ice Arena including advertising, additional rental room fees, and increased ice costs. Ms. Cacciabando stated the ice arena is a good business opportunity for the city as it is in a prime area for St. Louis youth Hockey.

ACCEPTANCE OF THE AGENDA

1. Accept the Agenda as Presented.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Dan Tierney, Council Member, Ward 4
SECONDER:	Heather Silverman, Council Member, Ward 1
AYES:	Manlin, Silverman, Carney, Greer, Neudorf, Hoffman, Martinich, Tierney

The vote on the motion being 8 ayes and 0 nays, motion carried.



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ANNOUNCEMENTS

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6:00 p.m. - 7:00 p.m. - Work Session

7:00 p.m. - Regular Meeting of the City Council

CONSENT AGENDA

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Heather Silverman, Council Member, Ward 1
SECONDER:	Dan Tierney, Council Member, Ward 4
AYES:	Manlin, Silverman, Carney, Greer, Neudorf, Hoffman, Martinich, Tierney

The vote on the motion being 8 ayes and 0 nays, motion carried.

2. Approval of June 13, 2022 City Council Regular Meeting Minutes

BILLS PAYABLE REPORT

For Information Only

Invoices Paid Listing

Summary: For your information and transmittal to the City Council, attached is a list of paid invoices from June 9, 2022 through June 22, 2022 in the amount of \$353,125.14.

UNFINISHED BUSINESS

3. Bill No. 6012- an Ordinance Authorizing a Master Sign Plan for Covenant Theological Seminary Located at 12330 Conway Road, Zoned He-Higher Education District. Final Reading and Passage.

City Clerk read Bill No. 6012 for the final time.



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RESULT:	APPROVED [UNANIMOUS]
MOVER:	Heather Silverman, Council Member, Ward 1
SECONDER:	Dan Tierney, Council Member, Ward 4
AYES:	Manlin, Silverman, Carney, Greer, Neudorf, Hoffman, Martinich, Tierney

The vote on the motion being 8 ayes and 0 nays, motion carried. Bill No. 6012 become Ordinance No. 5785.

4. Bill No. 6013- an Ordinance Amending the Personnel Policy and Procedures Manual of the City of Creve Coeur and Amending Related Ordinances. Final Reading and Passage.

City Clerk read Bill No. 6013 for the final time.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Heather Silverman, Council Member, Ward 1
SECONDER:	Tim Carney, Council Member, Ward 2
AYES:	Manlin, Silverman, Carney, Greer, Neudorf, Hoffman, Martinich, Tierney

The vote on the motion being 8 ayes and 0 nays, motion carried. Bill No. 6013 becomes Ordinance No. 5786.

5. Bill No. 6014- an Ordinance Enacting Section 515.025, Release and Indemnification for Work on Public Property, of the City Code of Ordinances. Final Reading and Passage.

City Clerk read Bill No. 6014 for the final time.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Nicole Greer, Council Member, Ward 2
SECONDER:	David Hoffman, Council Member, Ward 3
AYES:	Manlin, Silverman, Carney, Greer, Neudorf, Hoffman, Martinich, Tierney

The vote on the motion being 8 ayes and 0 nays, motion carried. Bill No. 6014 becomes Ordinance No. 5787.

NEW BUSINESS

6. Bill No. 6016- an Ordinance Amending Ordinance Number 2003 Authorizing Exterior Alterations to the Restaurant Space for Lion's Choice Located at 12010 Olive Boulevard. First Reading.

City Clerk read Bill No. 6016 for the first time.



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City Planner Bethany Moore gave a presentation regarding the Conditional Use Permit amendment and stated the Planning and Zoning Commission recommended approval with conditions at the June 20, 2022 meeting.

Council Member Manlin confirmed twenty-six seats will be removed and asked how many does it currently seat.

Mike Karpowicz, representing Lion's Choice, stated the total seating is seventy-three and it will be reduced to sixty in an effort to open up the seating area.

Council Member Hoffman confirmed no exterior changes will be made to the patio seating area.

RESULT: FIRST READING

Next: 7/11/2022 7:00 PM

7. Resolution No. 1594- a Resolution Authorizing the City Administrator of the City of Creve Coeur to Enter into an Agreement with Winning Technologies for the Purchase of Information Technology Management Services.

City Clerk read Resolution No. 1594.

City Administrator Mark Perkins provided an overview of the agreement and stated this will supplement IT staff.

Council Member Tierney asked if it was possible to sign into an agreement greater than one year, to which IT Systems Coordinator Chris Tumbarello stated yes, however it is easier to add or remove staffing hours if the agreement is only one year in length.

Council Member Martinich asked if Winning Technologies aides in the city's Cyber Security, to which Mr. Tumbarello stated no, however aide from other systems will be coming in the near future.

RESULT: APPROVED [UNANIMOUS]

MOVER: Nicole Greer, Council Member, Ward 2

SECONDER: Dan Tierney, Council Member, Ward 4

AYES: Manlin, Silverman, Carney, Greer, Neudorf, Hoffman, Martinich, Tierney

The vote on the motion being 8 ayes and 0 nays, motion carried.



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8. Resolution No. 1595- a Resolution of the City Council of the City of Creve Coeur, Missouri, Authorizing the Execution of a Contract with H. R. Green, for the Designs to Improve the Roadside Drainage on Hibler Road for the Not-To-Exceed Amount of \$70,673.00.

City Clerk read Resolution No. 1595.

Director of Public Works Jim Heines discussed the recommended contract with H.R. Green for stormwater design work on Hibler Road due to failing roadside drainage. H.R. Green will conceptually look at two potential solutions of either curbing and stormwater collection points or re-establishing roadside ditches. Residents in this area have been notified those solutions are being explored and once a solution has been finalized, residents will be notified of any potential impact to their property.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Joseph Martinich, Council Member, Ward 4
SECONDER:	Heather Silverman, Council Member, Ward 1
AYES:	Manlin, Silverman, Carney, Greer, Neudorf, Hoffman, Martinich, Tierney

The vote on the motion being 8 ayes and 0 nays, motion carried.

9. Resolution No. 1596- a Resolution of the City Council of the City of Creve Coeur, Missouri, Authorizing the Execution of a Contract with H. R. Green, for the Evaluation and Design of Improvements to the Dielmann Recreation Complex Drainage & Golf Course Pond Aeration System for the Not-To-Exceed Amount of \$55,355.00.

City Clerk read Resolution No. 1596.

Director of Public Works Jim Heines discussed the recommended contract with H.R. Green for stormwater design work and evaluation of existing underground pipe systems at the Dielmann Recreation Complex. The drainage surrounding the building is not performing correctly and is causing flooding in the front office and basement.

Council Member Manlin asked if the pipes may be obstructed or undersized, to which Mr. Heines stated potentially. H.R. Green will investigate the pipe to make sure there are no obstructions and also review the current drainage system and to make sure the pipe is large enough to handle the amount of water generated in the drainage area.



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RESULT:	APPROVED [UNANIMOUS]
MOVER:	Nicole Greer, Council Member, Ward 2
SECONDER:	Heather Silverman, Council Member, Ward 1
AYES:	Manlin, Silverman, Carney, Greer, Neudorf, Hoffman, Martinich, Tierney

The vote on the motion being 8 ayes and 0 nays, motion carried.

10. Resolution No. 1597- a Resolution of the City Council of the City of Creve Coeur, Missouri, Authorizing the Execution of a Contract with Spencer Contracting Company for Asphalt Pavement Resurfacing as Part of the 2023 Fiscal Year Pavement Maintenance Program for the Not-To-Exceed Contract Sum of \$319,843.00.

City Clerk read Resolution No. 1597.

Assistant Director of Public Works/ City Engineer Sinan Alpaslan discussed the recommended contract with Spencer Contract for the Asphalt Pavement Resurfacing portion of Fiscal Year 2023 Pavement Maintenance program. Two Bids were sent out, one for the Concrete Pavement Replacement Program and the other for the Asphalt Resurfacing project; only one bid was received for the Concrete Pavement Replacement Project. Since only one bid was received at almost double the engineers estimate, staff recommends the bid to be rejected and the project to be re-bid at a later time. Mr. Alpaslan stated the Asphalt pavement resurfacing received six bids.

Mr. Alpaslan stated the concrete pavement programs prepares some streets for the asphalt program; because the concrete bid is recommended to be rejected, three streets, Hibler Oaks Court, Hibler Oaks Drive and Office Parkway, will need to be removed from the asphalt program and Cross Creek Drive/Falaise Drive from Tempo Drive to Country Glen Lane would be added instead.

Council Member Hoffman asked if Country Forest micro surfacing project will be impacted by these changes, to which Mr. Alpaslan stated no.

Mayor Hoffman asked if we have worked with Spencer Contracting before, to which Mr. Alpaslan stated yes.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Heather Silverman, Council Member, Ward 1
SECONDER:	Nicole Greer, Council Member, Ward 2
AYES:	Manlin, Silverman, Carney, Greer, Neudorf, Hoffman, Martinich, Tierney

The vote on the motion being 8 ayes and 0 nays, motion carried.



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11. Resolution No. 1598- a Resolution of the City Council of the City of Creve Coeur, Missouri, Authorizing the Execution of a Three-Year Contract with Hendel Lawncare to Assist City Staff to Provide Leaf Collection Services for a Set Hourly Rate of \$385.00

City Clerk read Resolution No. 1598.

Director of Public Works Jim Heines discussed the recommended contract with Hendel Lawncare and stated it would supplement the Public Works crew and increase productivity. Mr. Heines confirmed Hendel Lawncare will use our same leaf sites and the city will pay for leaf haul off.

Council Member Carney asked if the four-week schedule can fluctuate based on weather, to which Mr. Heines stated yes, the schedule is flexible.

Council Member Tierney clarified that an enhanced chipper truck should not be purchased, to which Mr. Heines stated yes. A new chipper truck will still be purchased; however, the extra amenities will not be added.

Council Member Manlin asked if Hendel Lawncare provides these same amenities to surrounding cities, to which Mr. Heines stated yes, Olivette, Frontenac, Twin Creek, and University City.

Council Member Neudorf confirmed the resident process will not change.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Nicole Greer, Council Member, Ward 2
SECONDER:	David Hoffman, Council Member, Ward 3
AYES:	Manlin, Silverman, Carney, Greer, Neudorf, Hoffman, Martinich, Tierney

The vote on the motion being 8 ayes and 0 nays, motion carried.

12. Resolution No. 1599- Resolution Authorizing the Purchase of Insurance Coverage for the Year Beginning July 1, 2022

City Clerk read Resolution No. 1599.

Director of Finance Lori Obermoeller discussed the recommend purchase of insurance with St. Louis Area Insurance Trust (SLAIT) and the Thomas McGee Group for fiscal year 2023.

Council Member Tierney asked why cyber liability coverage has increased significantly, to which Ms. Obermoeller stated the number is incorrect as it is based on total revenue instead of general fund operational expenditures. The new amount will be high but not as high as originally quoted.



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City Administrator Mark Perkins provided additional background information on SLAIT and the city's positive experience.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Dan Tierney, Council Member, Ward 4
SECONDER:	Heather Silverman, Council Member, Ward 1
AYES:	Manlin, Silverman, Carney, Greer, Neudorf, Hoffman, Martinich, Tierney

The vote on the motion being 8 ayes and 0 nays, motion carried.

APPOINTMENTS

13. Annual Board, Committee, and Commission Appointments and Reappointments.

To approve the appointments and reappointments as recommended by the Nominating Committee.

Arts Committee

- Lisa Kusmer - appoint filling an unexpired term (exp 06/30/2023)
- Nan Kulkarni - appoint for 3 yr (exp 6/30/2025)

Board of Adjustment

- Robert Mooney- reappoint for 3 yr (exp 6/30/2027)

Building Code Board of Appeals

- Ron Alul - reappoint for 3 yr (exp 6/30/2025)

Economic Development Committee

- Ned Maniscalco - reappoint for 3 yr (exp 6/30/2025)
- Roger Levy - reappoint for 3 yr (exp 6/30/2025)
- Lon Zimmerman - appoint filling an unexpired term (exp 6/30/2023)

Employee Pension

- Carol Lippman- reappoint for 3 yr (exp 6/30/2025)
- Michael Karasick- reappoint for 3 yr (exp 6/30/2025)

Energy and Environment Committee

- Walker Gaffney- appt for 3 yr (exp 6/30/2025)
- Andrew Lowenthal- reappoint for 3 yr (exp 6/30/2025)

Finance Committee

- Ted Armstrong - reappoint for 3 yr (exp 06/30/2025)

Horticulture, Ecology, and Beautification

- Gene Rovak- appt for 3 yr (exp 6/30/2025)
- Mara Berry- reappoint for 3 yr (exp 06/30/2025)
- Fran Cantor- reappoint for 3 yr (exp 06/30/2025)

Parks and Historic Preservation

- Laura Kleffner - reappoint for 3 yr (exp 06/30/2025)
- Nancy Litzinger- reappoint for 3 yr (exp 06/30/2025)



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- Ralph Merola- - reappoint for 3 yr (exp 06/30/2025)
- Teresa Wheeler- appt for 3 yr (exp 06/30/2025)
- Matthew Rizzo- appt for 3 yr (exp 06/30/2025)

Personnel Appeals

- Lisa Williams - reappoint for 3 yr (exp 06/30/2025)
- Joyce Steiger- reappoint for 3 yr (exp 06/30/2025)

Planning and Zoning

- Julie LaBonte - reappoint for 3 yr (6/30/2025)

Police and Safety

- Bob Gale - reappoint for 3 yr (exp 06/30/2025)
- Debra Wiens - reappoint for 3 yr (exp 06/30/2025)

Storm Water

- Bryan Pearl - appt for 3 yr (exp 06/30/2025)
- Meranda Keubler - appoint filling an unexpired term (exp 06/30/2024)
- Peter Wazalaek - appt for 3 yr (exp 06/30/2025)
- Samantha Davies - appt for 3 yr (exp 06/30/2025)

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Heather Silverman, Council Member, Ward 1
SECONDER:	Dan Tierney, Council Member, Ward 4
AYES:	Manlin, Silverman, Carney, Greer, Neudorf, Hoffman, Martinich, Tierney

The vote on the motion being 8 ayes and 0 nays, motion carried.

14.Planning and Zoning Commission Chair

Mayor Hoffman stated per Section 405.1030 (C)- the Mayor shall appoint a Chairman with the consent and approval of the City Council and recommends Julie LaBonte to serve as the Chairman of the Planning and Zoning Commission. Ms. LaBonte is the current Vice-Chair of the Planning and Zoning Commission and is well- qualified to serve as Chair.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Heather Silverman, Council Member, Ward 1
SECONDER:	Tim Carney, Council Member, Ward 2
AYES:	Manlin, Silverman, Carney, Greer, Neudorf, Hoffman, Martinich, Tierney

The vote on the motion being 8 ayes and 0 nays, motion carried.

BUSINESS FROM MAYOR AND CITY COUNCIL

Council Liaison Reports

Council Member Tierney stated the Parks and Historic Preservation Committee recently met and discussed playground equipment and splash pad redesign at Millennium Park; once



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direction is determined the committee will follow-up with a work session with city council for a progress update.

Council Member Silverman stated the Police and Safety Committee met and discussed vehicle theft in Creve Coeur and why they happen; number one reason is leaving keys in the car. Ms. Silverman stated the committee recommends making signs available in common areas, such as gas stations, to post as a reminder. Additionally, subdivisions can purchase flock cameras that immediately notify police in the event of a stolen vehicle. Ms. Silverman stated Creve Coeur Night out is September 27th.

Council Member Carney recapped the Heart-to-Heart Run and stated 213 runners participated and thanked the Police Department, Public Works crews and the Ladue Cheerleaders for their involvement.

16. Local Use Tax

City Administrator Mark Perkins reviewed the April election results across St. Louis County regarding the use tax. Mr. Perkins stated the need to pursue additional revenue sources in the near future is important, however the timing needs to be right. Given the current state of the economy, now might not be the time.

Council Member Manlin stated the revenue generated by the use tax will make a significant impact, however it will be challenging to pass; the environment needs to be conducive for approval. Mr. Manlin agreed with Mr. Perkins and stated the timing not right. Council Member Silverman agreed.

Council Member Tierney also agreed and stated education is key.

Council Member Martinich stated the city encourages small businesses within its limits and without the use tax, Creve Coeur businesses are at a disadvantage. The tax gives brick and mortar local stores a level playing field.

RESULT:	ITEM DISCUSSED
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BUSINESS FROM CITY ADMINISTRATOR

17. Conway Park Water Main Repairs - Update

Director of Public Works Jim Heines provided an update on the Conway Park water main repairs and stated very little progress has been made as there is no urgency from either Missouri American Water or the contractor. The city has continuously asked for the main to be repaired or for a stop valve to be added so water service can be restored. The estimated cost to make repairs and restore water service to the park is \$77,000 and the estimated cost to put in a stop valve is \$7,000-\$10,000, which would be paid for by the city. Currently the city is holding retainer and final payment until the water main is replaced. Mr. Heines confirmed only Missouri American Water can make the repairs.



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Council consensus is to ask for a stop valve to be put in and then charge the contractor so that water can be restored.

Council Member Tierney made a motion, seconded by Council Member Manlin, to put a stop valve in and then charge the contractor.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Dan Tierney, Council Member, Ward 4
SECONDER:	Mark Manlin, Council Member, Ward 1
AYES:	Manlin, Silverman, Carney, Greer, Neudorf, Hoffman, Martinich, Tierney

The vote on the motion being 8 ayes and 0 nays, motion carried.

18. Fernview Sidewalk Concept Plan

Director of Public Works Jim Heines discussed the Fernview Sidewalk Concept Plan and stated the project was separated into two phases. Phase 1 was the sidewalk along Fernview Drive and Phase 2 was to make connections to the sidewalks on all of the side streets. Fernview Drive appears to be an appropriate and effective location for adding a sidewalk.

Council Member Tierney stated adding a sidewalk will help the city become more connected and provide safety for those wanting to walk within the area, to which Council Member Martinich agreed. Mr. Martinich stated he appreciated the changes made to the plan based upon resident feedback.

RESULT:	ITEM DISCUSSED
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Submitted by:

Kellie Henke
City Clerk

Dr. Robert Hoffman
Mayor



City of Creve Coeur

To: Mayor, City Council
 CC: Mark Perkins, City Administrator; Carl Lumley, City Attorney
 From: Sharon Stott, Assistant City Administrator
 Date: July 7, 2022
 Re: Donation Valued Over \$1,500 – Lot of Used Office Furniture

With the upcoming sale of a 95-acre tract of Bayer CropScience, LP west campus property located on Olive Boulevard west of Lindberg Boulevard, excess used office furniture is proposed to be donated to the City of Creve Coeur by Bayer.

According to Scott Smith, US Head of Facilities, Bayer considers the office furniture scrap. The furniture would be disposed of by Bayer if the City did not accept the donation. However, it is reasonable to assume the resale value of the used office furniture would be valued at more than \$1,500; therefore, approval by City Council would be necessary to proceed. There are no outstanding permits or other City business with Bayer which would pose a conflict of interest to the City to accept the donation.

Director of Public Works Jim Heines, Human Resources Generalist Janet Rueschhoff and I visited Bayer's west campus to look at the furniture. It appears to be in good condition and would be used to replace older worn and damaged furniture at the Creve Coeur Government Center and other City facilities.

Below is a list followed by some photos of the furniture Bayer being considered for acceptance which the City could utilize.

Qty.	Description	Proposed Use(s)
300	Guest Chair, Blue Mesh Back w/Black Seat, Brushed Nickel Legs (no arms) – <i>photo</i>	Replace old guest chairs in Council Chamber and/or Multipurpose Room and/or Meeting Rooms
150	Guest Chair w/Armrest, Black with Black Metal Frame – <i>photo</i>	Replace old guest chairs in City Council Chamber or Multipurpose Room and/or Meeting Rooms
30	Rolling Desk Chair w/Armrest, Black Mesh Back/Black Fabric Seat; 1 or 2 have Blue Back/Gray Seat)* - <i>photos</i>	Replace old employee office chairs
8	Rolling Desk Chair w/Armrest, "Y"/"Web" Patterned Plastic Back with Fabric Seat and Adjustable Arms)* - <i>photo</i>	Employee Lounge
1	Full-Size Whirlpool Refrigerator, Brushed Aluminum w/Black Trim* - <i>photo</i>	Replace old refrigerator in Employee Lounge
2	Miniature Glass-Front Refrigerator, Brushed Stainless Steel* - <i>photo</i>	Employee Lounge
2	Rolling White Board* - <i>no photo</i>	Meeting Room(s)

3	Recycling & Trash Dispenser, Gray* - <i>photo included</i>	Public Areas / Employee Lounge
30	Ceramic Dish Set, White (i.e., 1 large serving bowl, 1 small serving bowl, 1 square bowl, 1 plate, 1 serving tray, etc.)* - <i>no photo</i>	Use of employee or City Council events
1	Rolling Kitchen Shelf, Stainless Steel* - <i>no photo</i>	Storage for dishes
1	Round 4-Seat/Ottoman, Yellow* – <i>photo</i>	Employee Lounge
8	Guest Bench, Earth Tone/Circle Pattern Fabric with Brushed Nickel Legs – <i>photo</i>	Employee Lounge or Lobby Areas
4	Free-Standing Corner Privacy Screens – <i>photo</i>	MultiPurpose Room, Meeting Room or Employee Lounge
1	Couch Sectional or Coordinating Couch/Loveseat/Chair – <i>no photo</i>	Employee Lounge

**Bayer is finalizing relocation of some of its furniture to east campus buildings. Some of the aforementioned items may not be available for donation, but are included for City Council consideration in the event they are still available and subsequently donated to the City.*

If City Council accepts the donation, Public Works crews will pick up the items from Bayer during regular business hours at a mutually agreeable time. Please let me know if you have any questions.

Photos of items for donation consideration.





EQUIPMENT DONATION AGREEMENT

From time to time, Bayer CropScience LP ("Bayer") will make donations of various equipment, materials and other assets—often of a used nature—that are deemed to be of no further use by Bayer. This practice is done without attached warranties and subject to suitable release and indemnification.

Bayer is making a donation of the items listed and described on Exhibit A to this Agreement (collectively, such items being the "Equipment") to the individual listed as the Donee in the signature block to this Agreement (the "Donee"). This Agreement is effective as of the Donation Date listed below.

In consideration of Bayer's donation of such the Equipment, Donee hereby indemnifies and holds harmless Bayer, its parent companies, affiliates, and the officers, directors, employees, and agents thereof from any and all claims, demands, suits, causes of action, judgments, liabilities, damages, losses, costs, expenses, attorney's fees or court costs, of whatever kind or nature, whether known or unknown, vested or contingent, which arise out of or are related to the transportation, possession, storage, use, release or disposal of the Equipment donated by Bayer to the Donee.

THE EQUIPMENT PROVIDED TO THE DONEE IS PROVIDED AS IS. THE DONEE AGREES AND ACKNOWLEDGES THAT THERE ARE NO WARRANTIES, EITHER EXPRESSED OR IMPLIED, INCLUDING BUT NOT LIMITED TO ANY WARRANTY AS TO MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE FOR ANY EQUIPMENT OR MATERIALS DONATED TO THE DONEE BY BAYER, AND SPECIFICALLY ACKNOWLEDGES EXCLUSION OF ANY WARRANTIES.

The Donee represents and warrants that it has the power and authority to execute and deliver this Equipment Donation Agreement.

Donation Date: _____

IN WITNESS WHEREOF, the parties as listed below cause this Equipment Donation Agreement to be executed.

DONEE

Print Name: _____

Signature: _____

Bayer CropScience LP

Print Name: _____

Signature: _____

Exhibit A
Equipment

<u>Equipment Type</u>	<u>Description of Equipment</u> <i>(Serial number, date of manufacture, manufacturer/brand, or other identifying information, if applicable)</i>



MEMORANDUM

DATE: July 6, 2022

TO: Mark Perkins, City Administrator

FROM: Lori Obermoeller, Director of Finance

SUBJECT: Invoices Paid Listing

For your information and transmittal to the City Council, attached is a list of paid invoices from June 23, 2022 through July 6, 2022 in the amount of \$117,594.59.



Creve Coeur, MO

Council Report of invoices Paid Listing

By Fund

Payment Dates 6/23/2022 - 7/6/2022

Vendor Name	Purchase Order Number	Payable Number	Payable Date	Description (Item)	Account Number	Payment Number	Amount
Fund: 01 - GENERAL FUND							
ARVEST BANK OPERATIONS INC		PURCHASES MAY 22	05/31/2022	6 PK WIPES FOR LIVESCAN	01-2410	DFT0005271	38.82
ARVEST BANK OPERATIONS INC		PURCHASES MAY 22	05/31/2022	GFOA BANNER-REIMBURSED BY GFOA	01-2844	DFT0005271	144.51
DRAPER AND KRAMER MORTGAGE COR		22BL REFUND	06/13/2022	REFUND OVERPAYMENT BUSINESS LICENSE 0000423	01-4402	64022	9.00
AAA&J REALTY LLC		22BL REFUND	06/16/2022	REFUND OVERPAYMENT BUSINESS LICENSE 0000692	01-4402	64007	15.00
RUNNING TIDE TECHNOLOGIES INC		22BL REFUND	06/21/2022	REFUND OVERPAYMENT BUSINESS LICENSE 0000691	01-4426	64051	65.00
THE WOMENS SAFE HOUSE		DOMVIOL2021 CHECK 2	06/30/2022	7/1-12/31/21 DOMESTIC VIOLENCE SHELTER FUNDS	01-2415	64061	1,190.00
LYDIAS HOUSE INC		DOMVIOL2021 CHECK 2	06/30/2022	7/1-12/31/21 DOMESTIC VIOLENCE SHELTER FUNDS	01-2415	64030	1,190.00
ALIVE		DOMVIOL2021 CHECK 2	06/30/2022	7/1-12/31/21 DOMESTIC VIOLENCE SHELTER FUNDS	01-2415	64010	1,190.00
							3,842.33
							3,842.33
Department: 11 - LEGISLATIVE SERVICES							
Division: 12 - MAYOR AND CITY COUNCIL							
ARVEST BANK OPERATIONS INC		PURCHASES MAY 22	05/31/2022	Council Food- Meeting 5/23/22	01-11-12-6264	DFT0005271	9.98
ARVEST BANK OPERATIONS INC		PURCHASES MAY 22	05/31/2022	Council Food- Meeting 5/9/2	01-11-12-6264	DFT0005271	39.96
ARVEST BANK OPERATIONS INC		PURCHASES MAY 22	05/31/2022	Council Food- Meeting 5/9/2	01-11-12-6264	DFT0005271	53.90
ARVEST BANK OPERATIONS INC		PURCHASES MAY 22	05/31/2022	Council Food- Meeting 5/9/2	01-11-12-6264	DFT0005271	151.87
ARVEST BANK OPERATIONS INC		PURCHASES MAY 22	05/31/2022	Council Food- Meeting 5/23/22	01-11-12-6264	DFT0005271	303.68
ARVEST BANK OPERATIONS INC		PURCHASES MAY 22	05/31/2022	Council Food- Meeting 5/23/22	01-11-12-6264	DFT0005271	-26.31
ARVEST BANK OPERATIONS INC		PURCHASES MAY 22	05/31/2022	Coffee with the Mayor- Donuts	01-11-12-6264	DFT0005271	32.67
ARVEST BANK OPERATIONS INC		PURCHASES MAY 22	05/31/2022	Business Award 2022 Plaque	01-11-12-7306	DFT0005271	342.00

Council Report of invoices Paid Listing

Payment Dates: 6/23/2022 - 7/6/2022

Vendor Name	Purchase Order Number	Payable Number	Payable Date	Description (Item)	Account Number	Payment Number	Amount
MUNICIPAL LEAGUE OF METRO ST. LOUIS		JUN 22 MML	06/22/2022	MML TRAINING SESSION ON 6/23/22 - NEUDORF	01-11-12-6261	64043	20.00
Division 12 - MAYOR AND CITY COUNCIL Total:							927.75
Division: 13 - CITY CLERK							
MUNICIPAL LEAGUE OF METRO ST. LOUIS		JUN 22 MML	06/22/2022	MML TRAINING SESSION ON 6/23/22 - HENKE	01-11-13-6261	64043	20.00
Division 13 - CITY CLERK Total:							20.00
Department 11 - LEGISLATIVE SERVICES Total:							947.75
Department: 12 - ADMINISTRATION							
Division: 11 - ADMINISTRATIVE							
ARVEST BANK OPERATIONS INC		PURCHASES MAY 22	05/31/2022	Pre-Employment Background Checks	01-12-11-6202	DFT0005271	15.25
ARVEST BANK OPERATIONS INC		PURCHASES MAY 22	05/31/2022	Pre-Employment Background Checks	01-12-11-6202	DFT0005271	15.25
ARVEST BANK OPERATIONS INC		PURCHASES MAY 22	05/31/2022	Monthly Credit Reports	01-12-11-6202	DFT0005271	50.91
ARVEST BANK OPERATIONS INC		PURCHASES MAY 22	05/31/2022	Heart to Heart Run Advertising	01-12-11-6260	DFT0005271	9.52
ARVEST BANK OPERATIONS INC		PURCHASES MAY 22	05/31/2022	Heart to Heart Run Advertising - Bellerive	01-12-11-6260	DFT0005271	25.00
ARVEST BANK OPERATIONS INC		PURCHASES MAY 22	05/31/2022	On Line Job Posting Ad - CREDIT	01-12-11-6260	DFT0005271	-40.80
ARVEST BANK OPERATIONS INC		PURCHASES MAY 22	05/31/2022	Heart to Heart Run Advertising	01-12-11-6260	DFT0005271	35.00
ARVEST BANK OPERATIONS INC		PURCHASES MAY 22	05/31/2022	On-line Job Posting (Payroll MWI);City Engineer	01-12-11-6260	DFT0005271	407.39
ARVEST BANK OPERATIONS INC		PURCHASES MAY 22	05/31/2022	On Line Job Posting Ad - CREDIT	01-12-11-6260	DFT0005271	-522.57
ARVEST BANK OPERATIONS INC		PURCHASES MAY 22	05/31/2022	Business E-Newsletter Subscription	01-12-11-6262	DFT0005271	70.00
ARVEST BANK OPERATIONS INC		PURCHASES MAY 22	05/31/2022	MoCCFOA Membership through 4/30/23 - ACA	01-12-11-6262	DFT0005271	15.00
ARVEST BANK OPERATIONS INC		PURCHASES MAY 22	05/31/2022	Wall Street Journal	01-12-11-6262	DFT0005271	6.00
ARVEST BANK OPERATIONS INC		PURCHASES MAY 22	05/31/2022	ICMA-Annual - CA FY23	01-12-11-6262	DFT0005271	1,400.00
ARVEST BANK OPERATIONS INC		PURCHASES MAY 22	05/31/2022	MCMA Spring Conference	01-12-11-6265	DFT0005271	155.40
ARVEST BANK OPERATIONS INC		PURCHASES MAY 22	05/31/2022	MCMA Spring Conf Hotel - ACA	01-12-11-6265	DFT0005271	310.80
MISSOURI POLICE CHIEFS ASSOCIATION		194094	12/16/2021	SGT TESTING & ASSESSMENT SERVICE (APPROX 18 SGTs)	01-12-11-6203	64041	5,000.00
Division 11 - ADMINISTRATIVE Total:							6,952.15

Council Report of invoices Paid Listing

Payment Dates: 6/23/2022 - 7/6/2022

Vendor Name	Purchase Order Number	Payable Number	Payable Date	Description (Item)	Account Number	Payment Number	Amount
Division: 14 - MUNICIPAL COURT							
ARVEST BANK OPERATIONS INC		PURCHASES MAY 22	05/31/2022	COURT RECEIPT BOOKS	01-12-14-7304	DFT0005271	29.89
ENGELMEYER & PEZZANI LLC	PO00415-R1	JUDGE JUN 22	06/28/2022	JUDICIAL SERVICES JUN 22	01-12-14-6201	64023	1.00
ENGELMEYER & PEZZANI LLC	PO00415-R1	JUDGE JUN 22	06/28/2022	JUDICIAL SERVICES JUN 22	01-12-14-6201	64023	1,673.00
Division 14 - MUNICIPAL COURT Total:							1,703.89
Department 12 - ADMINISTRATION Total:							8,656.04
Department: 13 - FINANCE							
Division: 11 - ADMINISTRATIVE							
ARVEST BANK OPERATIONS INC		PURCHASES MAY 22	05/31/2022	REFUND GFOA MEMBERSHIP FOR KRISTA	01-13-11-6262	DFT0005271	-150.00
ARVEST BANK OPERATIONS INC		PURCHASES MAY 22	05/31/2022	TYLER CONFERENCE HOTEL- TRACY BROTHERS	01-13-11-6265	DFT0005271	698.49
ARVEST BANK OPERATIONS INC		PURCHASES MAY 22	05/31/2022	GFOA STATE CONFERENCE HOTEL-LORI OBERMOELLER	01-13-11-6265	DFT0005271	289.80
Division 11 - ADMINISTRATIVE Total:							838.29
Division: 15 - INTERDEPARTMENTAL							
ARVEST BANK OPERATIONS INC		PURCHASES MAY 22	05/31/2022	TONER FOR COPIER	01-13-15-6213	DFT0005271	97.98
ARVEST BANK OPERATIONS INC		PURCHASES MAY 22	05/31/2022	Employee Relations Retirement & EOQ Gifts	01-13-15-6272	DFT0005271	687.85
ARVEST BANK OPERATIONS INC		PURCHASES MAY 22	05/31/2022	Wellness - Boxing gloves/wraps	01-13-15-6272	DFT0005271	150.00
ARVEST BANK OPERATIONS INC		PURCHASES MAY 22	05/31/2022	Outdoor Game Day - Side dishes	01-13-15-6272	DFT0005271	130.20
ARVEST BANK OPERATIONS INC		PURCHASES MAY 22	05/31/2022	Outdoor Game Day - Salad	01-13-15-6272	DFT0005271	55.90
ARVEST BANK OPERATIONS INC		PURCHASES MAY 22	05/31/2022	CAKE FOR GOTTSCHALK RETIREMENT	01-13-15-6272	DFT0005271	50.00
ARVEST BANK OPERATIONS INC		PURCHASES MAY 22	05/31/2022	SLAIT Grant - Yoga Mats + Decorations Wellness	01-13-15-7317	DFT0005271	57.00
CHARTER COMMUNICATION		0215116061622	06/16/2022	996 E RUE DE LA BANQUE PW GARAGE 6/16/22-7/15/2	01-13-15-6255	64015	297.65
CHARTER COMMUNICATION		0215132061622	06/16/2022	ANALOG LINES AND CONNECT PW GARAGE 6/16/	01-13-15-6253	64017	487.76
ODP BUSINESS SOLUTIONS LLC		250399707001	06/27/2022	PAPER STAND, BLANK ID CARDS, SCISSORS	01-13-15-7312	64046	97.76
ODP BUSINESS SOLUTIONS LLC		250517020001	06/27/2022	VELCRO	01-13-15-7304	64046	2.87
ODP BUSINESS SOLUTIONS LLC		250517020001	06/27/2022	WALL CALENDAR	01-13-15-7312	64046	19.19
ODP BUSINESS SOLUTIONS LLC		250517026001	06/24/2022	INK PENS	01-13-15-7312	64046	33.33
ODP BUSINESS SOLUTIONS LLC		250517034001	06/24/2022	FULL PAGE MAGNIFYING GLASS	01-13-15-7312	64046	10.99

Council Report of invoices Paid Listing

Payment Dates: 6/23/2022 - 7/6/2022

Vendor Name	Purchase Order Number	Payable Number	Payable Date	Description (Item)	Account Number	Payment Number	Amount
ODP BUSINESS SOLUTIONS LLC		250524405001	06/24/2022	TONER	01-13-15-7312	64046	737.36
ODP BUSINESS SOLUTIONS LLC		250531629002	06/24/2022	TONER	01-13-15-7312	64046	73.87
ODP BUSINESS SOLUTIONS LLC		250531635001	06/24/2022	TONER	01-13-15-7312	64046	73.87
SCHAEFER AUTOBODY CENTERS INC		717673	06/10/2022	DEDUCTIBLE ON CAR 2406	01-13-15-6220	64053	2,500.00
QUADIENT FINANCE USA INC		INV16699692	05/24/2022	POSTAGE INK CARTRIDGE (PART NUMBER ISINK34)	01-13-15-7304	64049	154.85
OFFICE ESSENTIALS INC		WO-145654-1	06/21/2022	COPY PAPER FOR CITY HALL	01-13-15-7312	64047	827.40
Division 15 - INTERDEPARTMENTAL Total:							6,545.83
Division: 51 - MIS OPERATIONS							
ARVEST BANK OPERATIONS INC		PURCHASES MAY 22	05/31/2022	samsung 870 evo SSD	01-13-51-6213	DFT0005271	69.99
ARVEST BANK OPERATIONS INC		PURCHASES MAY 22	05/31/2022	keyboard speakers blank id cards	01-13-51-6213	DFT0005271	71.60
ARVEST BANK OPERATIONS INC		PURCHASES MAY 22	05/31/2022	epson separation pad for ds- 320	01-13-51-6213	DFT0005271	28.61
ARVEST BANK OPERATIONS INC		PURCHASES MAY 22	05/31/2022	Refund of Fraudulent Charge	01-13-51-7332	DFT0005271	-57.69
ARVEST BANK OPERATIONS INC		PURCHASES MAY 22	05/31/2022	Zoom Meetings for City 5/20/22-6/19/22	01-13-51-7332	DFT0005271	14.99
ARVEST BANK OPERATIONS INC		PURCHASES MAY 22	05/31/2022	Zoom subscriptions 5/18/22- 6/17/22	01-13-51-7332	DFT0005271	129.94
DELL MARKETING LP		10593284755	06/21/2022	DELL OPTIPLEX 5090 DESKTO	01-13-51-7331	64021	924.86
DELL MARKETING LP		10593537096	06/22/2022	DELL LATITUDE 3520 (MAYO	01-13-51-7331	64021	998.33
DELL MARKETING LP		10594272144	06/24/2022	DELL LATITUDE 3520 (ADMIN	01-13-51-7331	64021	901.73
CDW LLC		Z427937	06/10/2022	CANON DR-C225 SCANNER (PW)	01-13-51-7331	64014	334.65
Division 51 - MIS OPERATIONS Total:							3,417.01
Department 13 - FINANCE Total:							10,801.13
Department: 14 - COMMUNITY SERVICES							
Division: 11 - ADMINISTRATIVE							
ARVEST BANK OPERATIONS INC		PURCHASES MAY 22	05/31/2022	West Newsmagazine - Concert Series	01-14-11-6260	DFT0005271	660.00
MCCONNELLS OF ST LOUIS INC		2206-059290	06/22/2022	TENNIS POLE FOR VENABLE PARK	01-14-11-6221	64032	180.00
Division 11 - ADMINISTRATIVE Total:							840.00
Department 14 - COMMUNITY SERVICES Total:							840.00
Department: 16 - MUNICIPAL FACILITIES MAINTENANCE							
Division: 11 - ADMINISTRATIVE							
SPIRE		5003001000 6/14/22	06/14/2022	300 N NEW BALLAS CITY HALL 5/13/22-6/13/22	01-16-11-6252	DFT0005310	66.64

Council Report of invoices Paid Listing

Payment Dates: 6/23/2022 - 7/6/2022

Vendor Name	Purchase Order Number	Payable Number	Payable Date	Description (Item)	Account Number	Payment Number	Amount
NEW SYSTEM CARPET AND BUILDING CARE LTD		094771	04/04/2022	MULTIFOLD TOWEL & TOILET PAPER FOR CITY HALL	01-16-11-6212	64045	269.77
METROPOLITAN ST LOUIS SEWER DISTRICT		264812	06/21/2022	0247372-6: 300 N NEW BALLAS RD 4/30/22-5/31/22	01-16-11-6254	64036	217.98

Division 11 - ADMINISTRATIVE Total: 554.39

Department 16 - MUNICIPAL FACILITIES MAINTENANCE Total: 554.39

Department: 21 - POLICE

Division: 11 - ADMINISTRATIVE

ARVEST BANK OPERATIONS INC	PURCHASES MAY 22	05/31/2022	BACKGROUND CHECK FOR NEW HIRE	01-21-11-6203	DFT0005271	52.00
ARVEST BANK OPERATIONS INC	PURCHASES MAY 22	05/31/2022	BACKGROUND CHECK	01-21-11-6203	DFT0005271	50.00
ARVEST BANK OPERATIONS INC	PURCHASES MAY 22	05/31/2022	BACKGROUND CHECK FOR NEW HIRE	01-21-11-6203	DFT0005271	50.00
ARVEST BANK OPERATIONS INC	PURCHASES MAY 22	05/31/2022	(2) BACKGROUND CHECKS FOR NEW HIRES	01-21-11-6203	DFT0005271	124.00
ARVEST BANK OPERATIONS INC	PURCHASES MAY 22	05/31/2022	REFUND FOR CHIEF'S VEHICLE WINDSHIELD	01-21-11-6210	DFT0005271	-1,353.86
ARVEST BANK OPERATIONS INC	PURCHASES MAY 22	05/31/2022	ANNUAL DOCUSIGN SUBSCRIPTION	01-21-11-6262	DFT0005271	240.00
ARVEST BANK OPERATIONS INC	PURCHASES MAY 22	05/31/2022	LODGING DURING POLICE CHIEF'S CONFERENCE	01-21-11-6265	DFT0005271	376.53
ARVEST BANK OPERATIONS INC	PURCHASES MAY 22	05/31/2022	GAS USED DURING POLICE CHIEF'S CONFERENCE	01-21-11-6265	DFT0005271	51.57
ARVEST BANK OPERATIONS INC	PURCHASES MAY 22	05/31/2022	SHREDDER OIL	01-21-11-7302	DFT0005271	31.17
ARVEST BANK OPERATIONS INC	PURCHASES MAY 22	05/31/2022	(2) SHREDDER OILS	01-21-11-7302	DFT0005271	62.34
ARVEST BANK OPERATIONS INC	PURCHASES MAY 22	05/31/2022	LUNCH FOR LT PROMOTION PROCESS	01-21-11-7306	DFT0005271	25.07
ARVEST BANK OPERATIONS INC	PURCHASES MAY 22	05/31/2022	CAKE FOR GOTTSCHALK RETIREMENT	01-21-11-7306	DFT0005271	33.41
MERCY CORPORATE HEALTH	635625	06/01/2022	PRE-EMPLOYMENT SCREENING FOR POLICE APPLICANT	01-21-11-6271	64034	751.63

Division 11 - ADMINISTRATIVE Total: 493.86

Division: 21 - INVESTIGATION

PATRICIA A MILLER	2561	06/29/2022	(250) POLICE CAR STRESS TOY W/IMPRINT	01-21-21-7314	64048	543.61
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Division 21 - INVESTIGATION Total: 543.61

Division: 22 - PATROL

ARVEST BANK OPERATIONS INC	PURCHASES MAY 22	05/31/2022	UNLIMITED CAR WASHES FOR 24 VEHICLES	01-21-22-6210	DFT0005271	407.76
ARVEST BANK OPERATIONS INC	PURCHASES MAY 22	05/31/2022	SHOE SHINE KIT FOR OFFICERS	01-21-22-7302	DFT0005271	49.95

Council Report of invoices Paid Listing

Payment Dates: 6/23/2022 - 7/6/2022

Vendor Name	Purchase Order Number	Payable Number	Payable Date	Description (Item)	Account Number	Payment Number	Amount
ARVEST BANK OPERATIONS INC		PURCHASES MAY 22	05/31/2022	GLOSS SHOE POLISH	01-21-22-7302	DFT0005271	20.16
ARVEST BANK OPERATIONS INC		PURCHASES MAY 22	05/31/2022	SHOE BRUSH FOR OFFICERS	01-21-22-7302	DFT0005271	15.28
ARVEST BANK OPERATIONS INC		PURCHASES MAY 22	05/31/2022	BOOKS & TOOLS FOR TRAFFIC CRASH RECON	01-21-22-7302	DFT0005271	246.08
ARVEST BANK OPERATIONS INC		PURCHASES MAY 22	05/31/2022	VELCRO	01-21-22-7302	DFT0005271	16.93
ARVEST BANK OPERATIONS INC		PURCHASES MAY 22	05/31/2022	REFRESHMENTS FOR TORCH RUN	01-21-22-7304	DFT0005271	20.97
ARVEST BANK OPERATIONS INC		PURCHASES MAY 22	05/31/2022	ICE FOR TORCH RUN	01-21-22-7304	DFT0005271	5.97
ARVEST BANK OPERATIONS INC		PURCHASES MAY 22	05/31/2022	GAS FOR FLEET GAS PUMPS WENT DOWN	01-21-22-7307	DFT0005271	500.00
DEKA ELECTRO BATTERY MF		126368	06/28/2022	BATTERY FOR CAR 2419	01-21-22-6210	64019	223.78
STARGATE KENNEL INC		29770	06/12/2022	K9 KENNELING, BOARDING, EXERCISE & FEED	01-21-22-6203	64057	84.00
SUNTRUP FORD INC		480286	06/08/2022	(2) TPMS SENSORS	01-21-22-6210	64058	125.42
SUNTRUP FORD INC		480320	06/14/2022	WIPER FLUID FIX ON CAR 2405	01-21-22-6210	64058	17.06
G & J AUTOMOTIVE		6185245/3	06/10/2022	3 OIL CHANGES AND TIRE ROTATIONS	01-21-22-6210	64024	130.00
MOTOROLA SOLUTIONS INC		8281383114	05/21/2022	REPLACEMENT KNOBS FOR #	01-21-22-6211	64042	16.85
MOTOROLA SOLUTIONS INC		8281386446	05/27/2022	REPLACEMENT KNOBS FOR #	01-21-22-6211	64042	32.10
MOTOROLA SOLUTIONS INC		8281387500	05/29/2022	REPLACEMENT KNOBS FOR #	01-21-22-6211	64042	29.90
DEFENDER PRODUCT SOLUTIONS, LLC		DPS-22-130	06/22/2022	RUNNING BOARD LIGHT REPAIR ON CAR 2409	01-21-22-6210	64018	285.00
						Division 22 - PATROL Total:	2,227.21
						Department 21 - POLICE Total:	3,264.68
Department: 31 - PUBLIC WORKS							
Division: 41 - STREET MAINTENANCE							
SPIRE		9717450000 6/14/22	06/14/2022	1030 N LINDBERGH LEAF SITE 5/13/22-6/13/22	01-31-41-6252	DFT0005309	25.06
MIDWESTERN SAFETY EQUIPMENT COMPANY, INC		022782-01	06/16/2022	SQWINCHER HOODIES	01-31-41-7308	64038	99.00
HUMAN RESOURCE STAFFIN		1001069669	06/23/2022	PW TEMPORARY EMPLOYEE W/E 6/19/22	01-31-41-6207	64029	1,156.16
NEW FRONTIER MATERIALS LLC		12566367	06/21/2022	HEZEL PATCH	01-31-41-7305	64044	366.33
NEW FRONTIER MATERIALS LLC		12567304	06/23/2022	HEZEL PATCH	01-31-41-7305	64044	364.51
DEKA ELECTRO BATTERY MF		125701 CREDIT	04/13/2022	212 BATTERY	01-31-41-6210	64019	-13.50
ABSTENENCIA GENTRY		1261-2000012631	06/20/2022	EXCEL- PW TEMP EMPLOYEE W/E 6/19/22	01-31-41-6207	64008	760.72

Council Report of invoices Paid Listing

Payment Dates: 6/23/2022 - 7/6/2022

Vendor Name	Purchase Order Number	Payable Number	Payable Date	Description (Item)	Account Number	Payment Number	Amount
HANSEN'S TREE, LAWN & LANDSCAPING SERVICES	PO00349-R1	187705	06/28/2022	2022 LEAF & LIMB CHIP HAUL OFF	01-31-41-6212	64027	3,484.00
MCCONNELLS OF ST LOUIS INC		2206-059984	06/30/2022	SS1, BRUSHES & TENNIS NET	01-31-41-7305	64032	220.00
VALTEC HYDRAULICS		243301	06/17/2022	PLOW CYLINDER FOR 320	01-31-41-6210	64063	381.44
METROPOLITAN ST LOUIS SEWER DISTRICT		264812	06/21/2022	0549319-2: 1030 N LINDBERGH BLVD 4/30/22-5/31/22	01-31-41-6254	64036	31.86
METROPOLITAN ST LOUIS SEWER DISTRICT		264812	06/21/2022	0473730-0: 996 E RUE DE LA BANQU ST 4/30/22-5/31/2	01-31-41-6254	64036	78.39
THE GREENWOOD GROUP LL	PO00296	27745	06/26/2022	2022 ROW & Grounds Maintenance 5/31-6/26/22	01-31-41-6212	64060	2,917.22
THE GREENWOOD GROUP LL	PO00296	27746	06/26/2022	2022 ROW & Grounds Maintenance 5/31-6/26/22	01-31-41-6212	64060	4,283.21
RUSH TRUCK CENTER		3028282340	06/27/2022	321 BRAKE VALVE	01-31-41-6210	64052	232.50
ARAMARK UNIFORM SERVICES		6170020232	06/28/2022	UNIFORM SERVICE- PW SHO	01-31-41-7308	64012	75.62
SPIRE		7725111000 6/20/22	06/20/2022	996 RUE DE LA BANQUE 5/18/22-6/19/22	01-31-41-6252	DFT0005314	22.69
TERMINAL SUPPLY INC		7965	06/21/2022	FLEET STOCK CONNECTORS	01-31-41-6210	64059	59.74
GRAINGER		9342544351	06/13/2022	SMALL UTILITY PUMP 115VA	01-31-41-7302	64026	135.74
ST LOUIS SAFETY INC		INV607404	06/24/2022	CONSPICUITY TAPE & REFLECTIVE TAPE	01-31-41-6210	64056	88.50
ST LOUIS SAFETY INC		INV607405	06/24/2022	LATEX GLOVES, COLD SPRAY & COLD BUSTER TABLETS	01-31-41-6271	64056	106.60
Division 41 - STREET MAINTENANCE Total:							14,875.79
Division: 43 - PARKS MAINTENANCE							
SPIRE		9717450000 6/14/22	06/14/2022	1030 N LINDBERGH LEAF SITE 5/13/22-6/13/22	01-31-43-6252	DFT0005309	25.06
MIDWESTERN SAFETY EQUIPMENT COMPANY, INC		022782-01	06/16/2022	SQWINCHER HOODIES	01-31-43-7308	64038	33.00
HUMAN RESOURCE STAFFIN		1001069669	06/23/2022	PW TEMPORARY EMPLOYEE W/E 6/19/22	01-31-43-6207	64029	385.38
SITEONE LANDSCAPE SUPPLY HOLDING, LLC		120757507-001	06/24/2022	IRRIGATION PARTS FOR NEW BALLAS	01-31-43-6212	64055	172.76
SITEONE LANDSCAPE SUPPLY HOLDING, LLC		120790522-001	06/27/2022	IRRIGATION PARTS FOR NEW BALLAS	01-31-43-6212	64055	101.94
SITEONE LANDSCAPE SUPPLY HOLDING, LLC		120816597-001	06/27/2022	IRRIGATION PARTS	01-31-43-6212	64055	25.16
DEKA ELECTRO BATTERY MF		125701 CREDIT	04/13/2022	212 BATTERY	01-31-43-6210	64019	-4.50
ABSTENENCIA GENTRY		1261-2000012631	06/20/2022	EXCEL- PW TEMP EMPLOYEE W/E 6/19/22	01-31-43-6207	64008	253.58
AIM TO AMAZE OUTDOOR SERVICES INC		2022-344	06/24/2022	REMOVE UPROOTED TREE AT LAKE SCHOOL PARK	01-31-43-6212	64009	1,325.00
MCCONNELLS OF ST LOUIS INC		2206-059984	06/30/2022	SS1, BRUSHES & TENNIS NET	01-31-43-6212	64032	162.82

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Vendor Name	Purchase Order Number	Payable Number	Payable Date	Description (Item)	Account Number	Payment Number	Amount
VALTEC HYDRAULICS		243301	06/17/2022	PLOW CYLINDER FOR 320	01-31-43-6210	64063	127.15
DEKA SERVICE		25566071	06/15/2022	TAPPMeyer HOUSE AC REPAIR	01-31-43-6224	64020	599.50
SCOTT'S POWER EQUIPMENT INC		260191	06/23/2022	REDMAX TRIMMERS	01-31-43-9503	64054	979.78
SCOTT'S POWER EQUIPMENT INC		260708	06/29/2022	BACKPACK BLOWERS	01-31-43-9503	64054	1,171.48
METROPOLITAN ST LOUIS SEWER DISTRICT		264812	06/21/2022	0783768-5: 902 N MASON RD 4/30/22-5/31/22	01-31-43-6224	64036	37.03
METROPOLITAN ST LOUIS SEWER DISTRICT		264812	06/21/2022	0578184-4: 601 COEUR DE VILLE DR 4/30/22-5/31/22	01-31-43-6254	64036	135.26
METROPOLITAN ST LOUIS SEWER DISTRICT		264812	06/21/2022	0472261-7: 12100 CONWAY RD 4/30/22-5/31/22	01-31-43-6254	64036	31.86
METROPOLITAN ST LOUIS SEWER DISTRICT		264812	06/21/2022	0034325-1: 11370 ST PAUL ST 4/30/22-5/31/22	01-31-43-6254	64036	37.03
METROPOLITAN ST LOUIS SEWER DISTRICT		264812	06/21/2022	0578025-9: 1000 BARNES WEST DR 4/30/22-5/31/22	01-31-43-6254	64036	52.54
METROPOLITAN ST LOUIS SEWER DISTRICT		264812	06/21/2022	0567312-4: 10620 COUNTRY VIEW DR 4/30/22-5/31/22	01-31-43-6254	64036	42.20
RUSH TRUCK CENTER		3028282340	06/27/2022	321 BRAKE VALVE	01-31-43-6210	64052	77.50
ARAMARK UNIFORM SERVICES		6170020232	06/28/2022	UNIFORM SERVICE- PW SHO	01-31-43-7308	64012	25.21
SPIRE		7725111000 6/20/22	06/20/2022	996 RUE DE LA BANQUE 5/18/22-6/19/22	01-31-43-6252	DFT0005314	22.69
TERMINAL SUPPLY INC		7965	06/21/2022	FLEET STOCK CONNECTORS	01-31-43-6210	64059	19.91
ST LOUIS SAFETY INC		INV607404	06/24/2022	CONSPICUITY TAPE & REFLECTIVE TAPE	01-31-43-6210	64056	29.50
ST LOUIS SAFETY INC		INV607405	06/24/2022	LATEX GLOVES, COLD SPRAY & COLD BUSTER TABLETS	01-31-43-6271	64056	106.60
Division 43 - PARKS MAINTENANCE Total:							5,975.44
Department 31 - PUBLIC WORKS Total:							20,851.23
Department: 32 - COMMUNIITY DEVELOPMENT							
Division: 11 - ADMINISTRATIVE							
MCLAUGHLIN COURT REPORTING SERVICES INC		062222-1	06/22/2022	P&Z 22-011 PULIC HEARING ON 6/20/22	01-32-11-6202	64033	83.70
MISSOURI LAWYERS MEDIA		745445154	06/17/2022	PZ 6/17/22 PUBLIC NOTICE - 12657 OLIVE BLVD	01-32-11-6260	64040	46.40
Division 11 - ADMINISTRATIVE Total:							130.10
Division: 61 - BUILDING DEPARTMENT							
ARVEST BANK OPERATIONS INC		PURCHASES MAY 22	05/31/2022	JOHN YORG COMMERCIAL BUILDING INSPECTOR EXAM	01-32-61-6261	DFT0005271	241.00
ARVEST BANK OPERATIONS INC		PURCHASES MAY 22	05/31/2022	JOHN YORG BUILDING PLANS EXAMINER EXAM	01-32-61-6261	DFT0005271	241.00
ARVEST BANK OPERATIONS INC		PURCHASES MAY 22	05/31/2022	SCOTT BOLLS COMMERCIAL BUILDING INSPECTOR EXAM	01-32-61-6261	DFT0005271	230.00

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Vendor Name	Purchase Order Number	Payable Number	Payable Date	Description (Item)	Account Number	Payment Number	Amount
ARVEST BANK OPERATIONS INC		PURCHASES MAY 22	05/31/2022	ADAM BOSHEARS COMMERCIAL BUILDING INSPECTOR EXAM	01-32-61-6261	DFT0005271	241.00
ARVEST BANK OPERATIONS INC		PURCHASES MAY 22	05/31/2022	BUILDING CODE & RESIDENTIAL CODE ESSENTIALS 2015	01-32-61-6261	DFT0005271	75.50
ARVEST BANK OPERATIONS INC		PURCHASES MAY 22	05/31/2022	BUILDING TASK FORCE FORUM FOOD	01-32-61-6264	DFT0005271	132.90
ARVEST BANK OPERATIONS INC		PURCHASES MAY 22	05/31/2022	23/13 HEAVY DUTY STAPLES FOR BRAD HOLMES	01-32-61-7304	DFT0005271	33.14
ARVEST BANK OPERATIONS INC		PURCHASES MAY 22	05/31/2022	23/8 HEAVY DUTY STAPLES FOR BRAD HOLMES	01-32-61-7304	DFT0005271	18.64
MARBECK PRINTING LLC		213093	06/22/2022	INSPECTION REQUEST & CERT. OF OCCUPANCY FORM	01-32-61-7304	64031	1,050.57
Division 61 - BUILDING DEPARTMENT Total:							2,263.75
Department 32 - COMMUNIITY DEVELOPMENT Total:							2,393.85
Fund 01 - GENERAL FUND Total:							52,151.40
Fund: 02 - CAPITAL IMPROVEMENT FUND							
Department: 61 - CIP							
Division: 71 - CIP							
GEORGE L. CRAWFORD & ASSOCIATES INC	PO00540-R1	6	06/23/2022	Lindbergh-Old Olive Design PAY APP #6 THRU 5/31/22	02-61-71-9510	64025	3,049.15
MISSOURI DEPARTMENT OF TRANSPORTATION		PROJECT OVERAGE REPRINT	06/30/2022	INCREASED MOBILIZATION COSTS - SIGNAL ENHANCEMENT	02-61-71-9510	64006	51,947.00
Division 71 - CIP Total:							54,996.15
Department 61 - CIP Total:							54,996.15
Fund 02 - CAPITAL IMPROVEMENT FUND Total:							54,996.15
Fund: 05 - PARK & STORMWATER FUND							
Department: 61 - CIP							
Division: 71 - CIP							
ST LOUIS SAFETY INC		INV607404	06/24/2022	CONSPICUITY TAPE & REFLECTIVE TAPE	05-61-71-9506	64056	12.50
Division 71 - CIP Total:							12.50
Department 61 - CIP Total:							12.50
Fund 05 - PARK & STORMWATER FUND Total:							12.50
Fund: 06 - MUNICIPAL ENTERPRISE FUND							
CALLAWAY GOLF SALES COMPANY		934640084	04/11/2022	GOLF BALLS FOR RESALE	06-1625	64013	60.12
CALLAWAY GOLF SALES COMPANY		934657457	04/13/2022	LADIES GOLF GLOVES FOR RESALE	06-1628	64013	35.38
CALLAWAY GOLF SALES COMPANY		9348211017	05/09/2022	INVOICE# 934821017 GOLF BALLS FOR RESALE	06-1625	64013	122.55

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Payment Dates: 6/23/2022 - 7/6/2022

Vendor Name	Purchase Order Number	Payable Number	Payable Date	Description (Item)	Account Number	Payment Number	Amount
CALLAWAY GOLF SALES COMPANY		934896038	05/23/2022	WOMENS GOLF GLOVES FOR RESALE	06-1628	64013	249.96
CALLAWAY GOLF SALES COMPANY		934953892	06/01/2022	GOLF BALLS FOR RESALE	06-1625	64013	88.14
							556.15
							556.15
Department: 14 - COMMUNITY SERVICES							
Division: 31 - ICE ARENA							
SPIRE		4981701000 6/17/22	06/17/2022	11400 OLDE CABIN RD 5/17/22-6/16/22	06-14-31-6252	DFT0005318	1,055.06
CHARTER COMMUNICATION		0136635052122	06/30/2022	11400 OLDE CABIN 5/21/22- 6/20/22	06-14-31-6255	64016	92.81
METROPOLITAN ST LOUIS SEWER DISTRICT		264812	06/21/2022	1049261-9: 11400 OLDE CABIN RD 4/30/22-5/31/22	06-14-31-6254	64036	190.63
ARAMARK UNIFORM SERVICES		6170017586	06/21/2022	TOWELS AND MOPS DRC	06-14-31-7301	64012	15.27
RHINE PARACO GAS OF ST LOUIS		639739	06/24/2022	OLY PROPANE	06-14-31-7307	64050	147.87
GRAINGER		9344654729	06/14/2022	HAND DRIER ICE DRC WOMENS RESTROOM	06-14-31-6212	64026	371.70
Division 31 - ICE ARENA Total:							1,873.34
Division: 32 - GOLF MAINTENANCE							
HELENA CHEMICAL CO.		235277508	06/21/2022	CELERO HERBICIDE	06-14-32-7303	64028	379.80
AMERENUE		4863142006 6/15/22	06/15/2022	11400 OLDE CABIN GOLF FANS 5/25/22-6/12/22	06-14-32-6250	64011	17.74
Division 32 - GOLF MAINTENANCE Total:							397.54
Division: 33 - PRO-SHOP							
SPIRE		4981701000 6/17/22	06/17/2022	11400 OLDE CABIN RD 5/17/22-6/16/22	06-14-33-6252	DFT0005318	452.17
CHARTER COMMUNICATION		0136635052122	06/30/2022	11400 OLDE CABIN 5/21/22- 6/20/22	06-14-33-6255	64016	39.77
METROPOLITAN ST LOUIS SEWER DISTRICT		264812	06/21/2022	1049261-9: 11400 OLDE CABIN RD 4/30/22-5/31/22	06-14-33-6254	64036	63.54
Division 33 - PRO-SHOP Total:							555.48
Division: 34 - FOOD SERVICES							
ARVEST BANK OPERATIONS INC		PURCHASES MAY 22	05/31/2022	Food Resale	06-14-34-8315	DFT0005271	705.00
ARVEST BANK OPERATIONS INC		PURCHASES MAY 22	05/31/2022	Food Resale	06-14-34-8315	DFT0005271	183.99
ARVEST BANK OPERATIONS INC		PURCHASES MAY 22	05/31/2022	Food Resale	06-14-34-8315	DFT0005271	12.00
ARVEST BANK OPERATIONS INC		PURCHASES MAY 22	05/31/2022	Bev resale	06-14-34-8316	DFT0005271	150.72

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Vendor Name	Purchase Order Number	Payable Number	Payable Date	Description (Item)	Account Number	Payment Number	Amount
ARVEST BANK OPERATIONS INC		PURCHASES MAY 22	05/31/2022	Bev resale	06-14-34-8316	DFT0005271	222.88
ARAMARK UNIFORM SERVICES		6170017586	06/21/2022	SODA TOWELS	06-14-34-7301	64012	11.65
Division 34 - FOOD SERVICES Total:							1,286.24
Department 14 - COMMUNITY SERVICES Total:							4,112.60
Fund 06 - MUNICIPAL ENTERPRISE FUND Total:							4,668.75

Fund: 11 - SEWER LATERAL FUND

Department: 61 - CIP

Division: 93 - SEWER LATERAL

MICHAEL LUCIER		SLR 6/6/22	06/06/2022	SANITARY SEWER LATERAL REPAIR REIMBURSEMENT	11-61-93-9315	64037	2,112.50
Division 93 - SEWER LATERAL Total:							2,112.50
Department 61 - CIP Total:							2,112.50
Fund 11 - SEWER LATERAL FUND Total:							2,112.50

Fund: 19 - PUBLIC SAFETY FUND

Department: 21 - POLICE

Division: 23 - COUNTY PUBLIC SAFETY-PROP P

SPIRE		0076006378 6/14/22	06/14/2022	350 N NEW BALLAS RD 5/13/22-6/13/22	19-21-23-6252	DFT0005320	100.98
ARVEST BANK OPERATIONS INC		PURCHASES MAY 22	05/31/2022	(2) LESS LETHAL INSTRUCTOR TRAINING CLAS	19-21-23-6261	DFT0005271	774.36
ARVEST BANK OPERATIONS INC		PURCHASES MAY 22	05/31/2022	ONLINE TRAINING FOR MANNINGER	19-21-23-6261	DFT0005271	150.00
ARVEST BANK OPERATIONS INC		PURCHASES MAY 22	05/31/2022	ONLINE TRAINING FOR MANNINGER	19-21-23-6261	DFT0005271	150.00
ARVEST BANK OPERATIONS INC		PURCHASES MAY 22	05/31/2022	DWI/TRAFFIC SAFETY CONFERENCE	19-21-23-6265	DFT0005271	178.76
ARVEST BANK OPERATIONS INC		PURCHASES MAY 22	05/31/2022	BREAKFAST DURING FORD POLICE ADV BOARD	19-21-23-6265	DFT0005271	6.98
ARVEST BANK OPERATIONS INC		PURCHASES MAY 22	05/31/2022	LUNCH DURING FORD POLICE ADV BOARD	19-21-23-6265	DFT0005271	17.68
ARVEST BANK OPERATIONS INC		PURCHASES MAY 22	05/31/2022	GAS USED DURING FORD POLICE ADV BOARD	19-21-23-6265	DFT0005271	32.74
ARVEST BANK OPERATIONS INC		PURCHASES MAY 22	05/31/2022	GAS USED DURING FORD POLICE ADV BOARD	19-21-23-6265	DFT0005271	58.21
ARVEST BANK OPERATIONS INC		PURCHASES MAY 22	05/31/2022	GAS USED DURING FORD POLICE ADV BOARD	19-21-23-6265	DFT0005271	56.46
ARVEST BANK OPERATIONS INC		PURCHASES MAY 22	05/31/2022	MULTI-PURPOSE STORAGE RACK	19-21-23-7302	DFT0005271	37.98
ARVEST BANK OPERATIONS INC		PURCHASES MAY 22	05/31/2022	LOGITECH WEBCAM	19-21-23-7331	DFT0005271	79.98
ARVEST BANK OPERATIONS INC		PURCHASES MAY 22	05/31/2022	DOG POOP BAGS	19-21-23-9503	DFT0005271	32.99

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Vendor Name	Purchase Order Number	Payable Number	Payable Date	Description (Item)	Account Number	Payment Number	Amount
METROPOLITAN ST LOUIS SEWER DISTRICT		1225607-9-05-22	06/14/2022	350 N NEW BALLS ROAD 4/30-5/31/22	19-21-23-6254	64035	84.18
MARBECK PRINTING LLC		21311	06/27/2022	2500 K-9 COLLECTOR CARDS	19-21-23-9503	64031	163.80
MISSOURI AMERICAN WATER CO		3905711-05-22	06/17/2022	350 N NEW BALLAS RD 5/17- 6/15/2022	19-21-23-6254	64039	728.19
TIER ONE TACTICAL SOLUTIONS LLC		INVCCPD22	06/23/2022	(2) TRAIN THE TRAINER CLASS ATTENDEES	19-21-23-6261	64062	1,000.00
Division 23 - COUNTY PUBLIC SAFETY-PROP P Total:							<u>3,653.29</u>
Department 21 - POLICE Total:							<u>3,653.29</u>
Fund 19 - PUBLIC SAFETY FUND Total:							<u>3,653.29</u>
Grand Total:							<u><u>117,594.59</u></u>

Report Summary

Fund Summary

Fund	Payment Amount
01 - GENERAL FUND	52,151.40
02 - CAPITAL IMPROVEMENT FUND	54,996.15
05 - PARK & STORMWATER FUND	12.50
06 - MUNICIPAL ENTERPRISE FUND	4,668.75
11 - SEWER LATERAL FUND	2,112.50
19 - PUBLIC SAFETY FUND	3,653.29
Grand Total:	117,594.59

Account Summary

Account Number	Account Name	Payment Amount
01-11-12-6261	EDUCATION & TRAINING	20.00
01-11-12-6264	IN TOWN MEETINGS	565.75
01-11-12-7306	MEMORIALS AND PLAQ	342.00
01-11-13-6261	EDUCATION & TRAINING	20.00
01-12-11-6202	TECHNICAL AND PERSO	81.41
01-12-11-6203	PROFESSIONAL SERVICE	5,000.00
01-12-11-6260	ADVERTISING	-86.46
01-12-11-6262	DUES MEMBERSHIPS &	1,491.00
01-12-11-6265	TRAVEL & CONFERENCE	466.20
01-12-14-6201	LEGAL AND ACCOUNTIN	1,674.00
01-12-14-7304	GENERAL SUPPLIES	29.89
01-13-11-6262	DUES MEMBERSHIPS &	-150.00
01-13-11-6265	TRAVEL & CONFERENCE	988.29
01-13-15-6213	OFFICE EQUIPMENT MAI	97.98
01-13-15-6220	LIABILITY INSURANCE	2,500.00
01-13-15-6253	TELEPHONE	487.76
01-13-15-6255	CABLE TV AND INTERNE	297.65
01-13-15-6272	EMPLOYEE RELATIONS	1,073.95
01-13-15-7304	GENERAL SUPPLIES	157.72
01-13-15-7312	OFFICE SUPPLIES	1,873.77
01-13-15-7317	SLAIT WELLNESS EXPENS	57.00
01-13-51-6213	OFFICE EQUIPMENT MAI	170.20
01-13-51-7331	COMPUTER HARDWARE	3,159.57
01-13-51-7332	COMPUTER SOFTWARE	87.24
01-14-11-6221	VENABLE PARK EXPENSE	180.00
01-14-11-6260	ADVERTISING	660.00
01-16-11-6212	BUILDING AND GROUND	269.77
01-16-11-6252	NATURAL GAS	66.64
01-16-11-6254	WATER AND SEWER	217.98
01-21-11-6203	PROFESSIONAL SERVICE	276.00

Account Summary

Account Number	Account Name	Payment Amount
01-21-11-6210	VEHICLE MAINTENANCE	-1,353.86
01-21-11-6262	DUES MEMBERSHIPS &	240.00
01-21-11-6265	TRAVEL & CONFERENCE	428.10
01-21-11-6271	MEDICAL SUPPLIES	751.63
01-21-11-7302	SMALL TOOLS	93.51
01-21-11-7306	MEMORIALS AND PLAQ	58.48
01-21-21-7314	CRIME PREVENTION SUP	543.61
01-21-22-6203	PROFESSIONAL SERVICE	84.00
01-21-22-6210	VEHICLE MAINTENANCE	1,189.02
01-21-22-6211	EQUIPMENT MAINTENA	78.85
01-21-22-7302	SMALL TOOLS	348.40
01-21-22-7304	GENERAL SUPPLIES	26.94
01-21-22-7307	GASOLINE, PROPANE &	500.00
01-2410	INMATE SECURITY ACCO	38.82
01-2415	DOMESTIC VIOLENCE SH	3,570.00
01-2844	MISC. CLEARING ACCOU	144.51
01-31-41-6207	TEMP PROFESSIONAL SE	1,916.88
01-31-41-6210	VEHICLE MAINTENANCE	748.68
01-31-41-6212	BUILDING AND GROUND	10,684.43
01-31-41-6252	NATURAL GAS	47.75
01-31-41-6254	WATER AND SEWER	110.25
01-31-41-6271	MEDICAL SUPPLIES	106.60
01-31-41-7302	SMALL TOOLS	135.74
01-31-41-7305	STREET & SIDEWALK MA	950.84
01-31-41-7308	WEARING APPAREL AND	174.62
01-31-43-6207	TEMP PROFESSIONAL SE	638.96
01-31-43-6210	VEHICLE MAINTENANCE	249.56
01-31-43-6212	BUILDING AND GROUND	1,787.68
01-31-43-6224	TAPPMAYER HOUSE MAI	636.53
01-31-43-6252	NATURAL GAS	47.75
01-31-43-6254	WATER AND SEWER	298.89
01-31-43-6271	MEDICAL SUPPLIES	106.60
01-31-43-7308	WEARING APPAREL AND	58.21
01-31-43-9503	EQUIPMENT	2,151.26
01-32-11-6202	TECHNICAL AND PERSO	83.70
01-32-11-6260	ADVERTISING	46.40
01-32-61-6261	EDUCATION & TRAINING	1,028.50
01-32-61-6264	IN TOWN MEETINGS	132.90
01-32-61-7304	GENERAL SUPPLIES	1,102.35
01-4402	OCCUPATIONAL LICENSE	24.00
01-4426	OCCUPANCY PERMITS	65.00
02-61-71-9510	STREETS	54,996.15

Account Summary

Account Number	Account Name	Payment Amount
05-61-71-9506	PARK DEVELOPMENT PR	12.50
06-14-31-6212	BUILDING AND GROUND	371.70
06-14-31-6252	NATURAL GAS	1,055.06
06-14-31-6254	WATER AND SEWER	190.63
06-14-31-6255	CABLE TV AND INTERNE	92.81
06-14-31-7301	CHEMICALS & CLEANING	15.27
06-14-31-7307	GASOLINE, PROPANE &	147.87
06-14-32-6250	ELECTRICITY	17.74
06-14-32-7303	HORTICULTURAL SUPPLI	379.80
06-14-33-6252	NATURAL GAS	452.17
06-14-33-6254	WATER AND SEWER	63.54
06-14-33-6255	CABLE TV AND INTERNE	39.77
06-14-34-7301	CHEMICALS & CLEANING	11.65
06-14-34-8315	SANDWICHES AND HOT	900.99
06-14-34-8316	BEER	373.60
06-1625	GOLF BALLS	270.81
06-1628	GOLF - APPAREL	285.34
11-61-93-9315	SEWER LATERAL REIMB	2,112.50
19-21-23-6252	NATURAL GAS	100.98
19-21-23-6254	WATER AND SEWER	812.37
19-21-23-6261	EDUCATION & TRAINING	2,074.36
19-21-23-6265	TRAVEL & CONFERENCE	350.83
19-21-23-7302	SMALL TOOLS	37.98
19-21-23-7331	COMPUTER HARDWARE	79.98
19-21-23-9503	EQUIPMENT	196.79
Grand Total:		117,594.59

Project Account Summary

Project Account Key	Payment Amount
None	62,071.34
0141116221E	180.00
18801E	51,947.00
21022E	12.50
21702E	3,049.15
COVID19E	14.99
ISFE	38.82
K9 UNITE	280.79
Grand Total:	117,594.59

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

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.

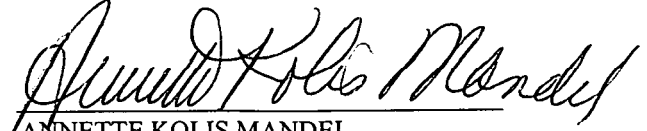
SECTION 3: The City Administrator of the City of Creve Coeur is hereby authorized and directed to issue a Conditional Use Permit in accordance with the provisions of this Ordinance, said permit to expressly provide for the conditions and stipulations hereinabove set out in Section 2 of this Ordinance.

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



city of CREVE COEUR

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

APPLICATION TO PLANNING AND ZONING COMMISSION #22-011: 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

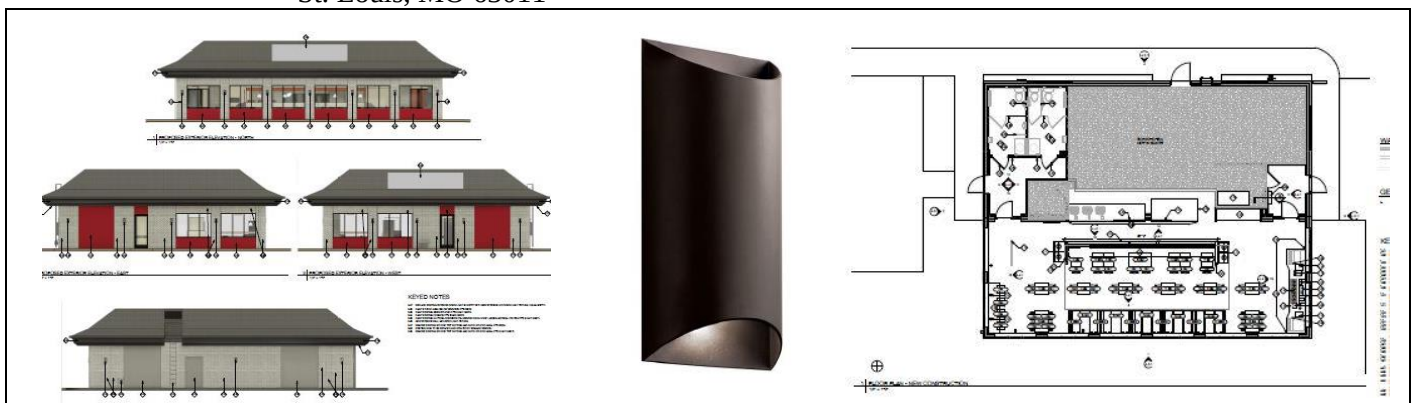
Zoning Code References

- 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.

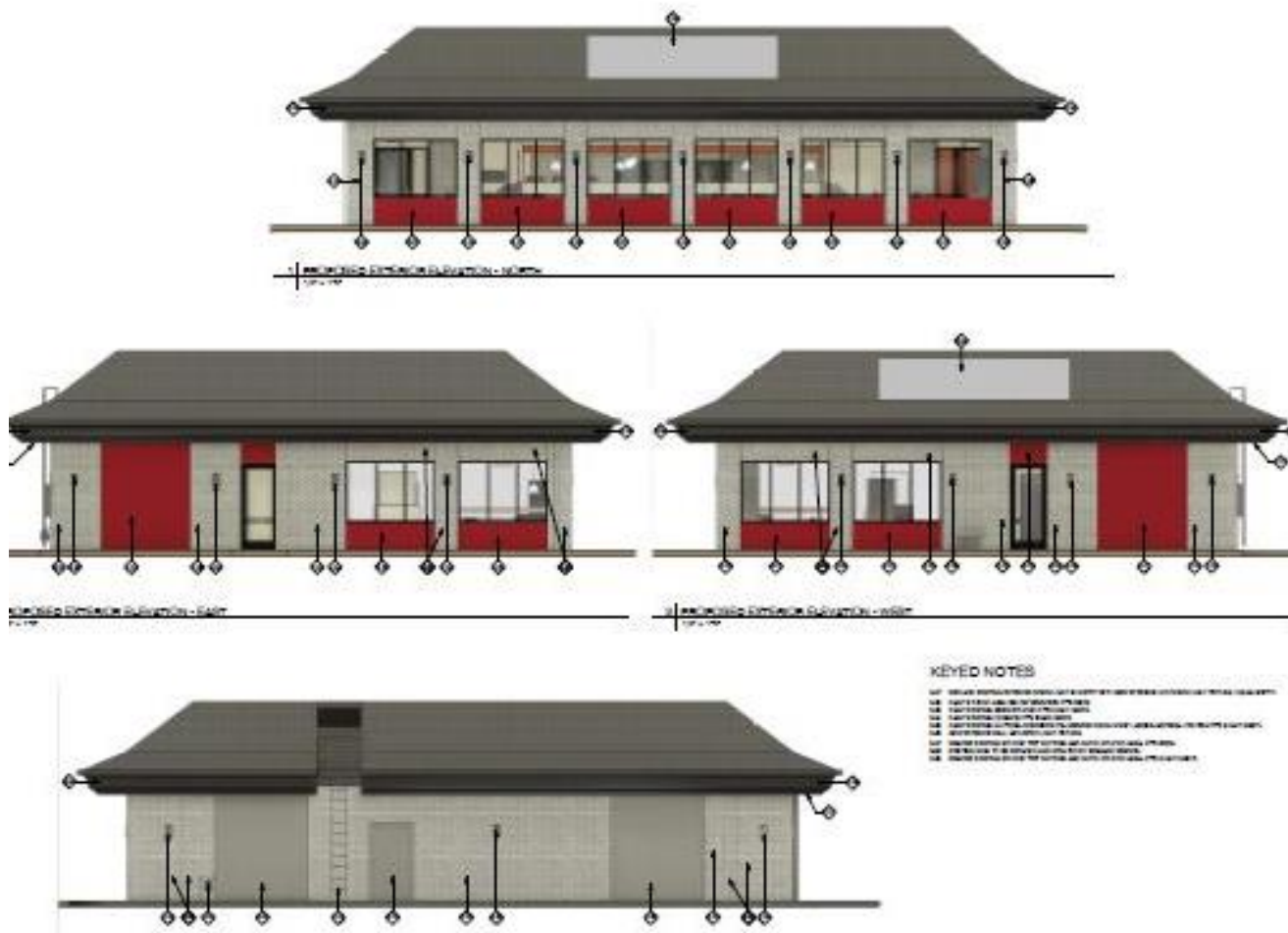


Figure 1: Applicant's Proposed Exterior Alterations. The brick and stucco will both be repainted.

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).

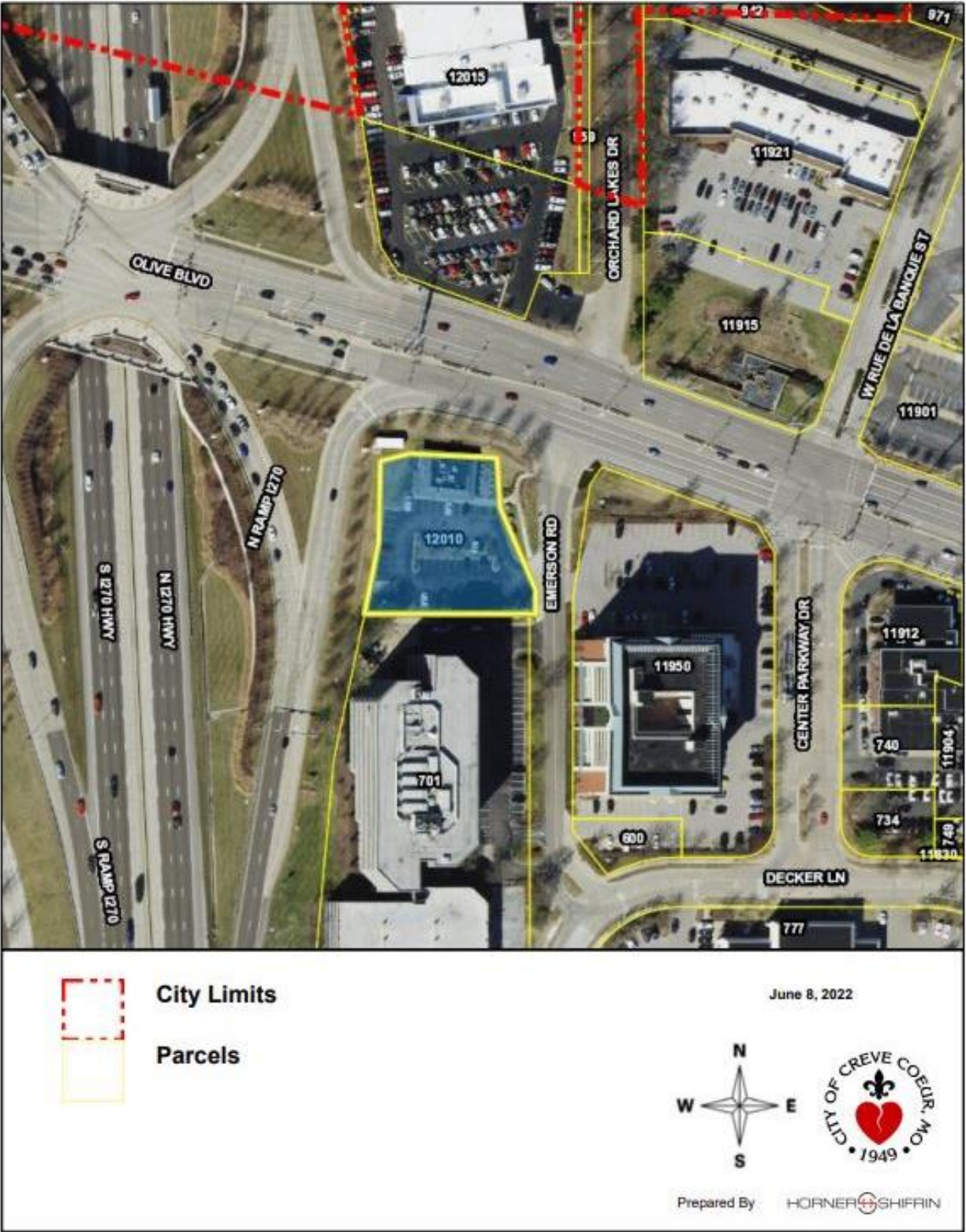
APPENDIX 1: COMPREHENSIVE PLAN, INCLUDING DESIGN GUIDELINES

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



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.



city of CREVE COEUR

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

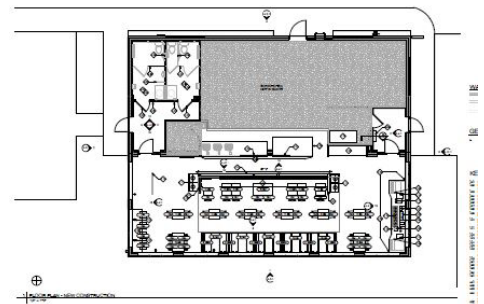
- MU-Mixed Use District
- Design Guidelines

Zoning Code References

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

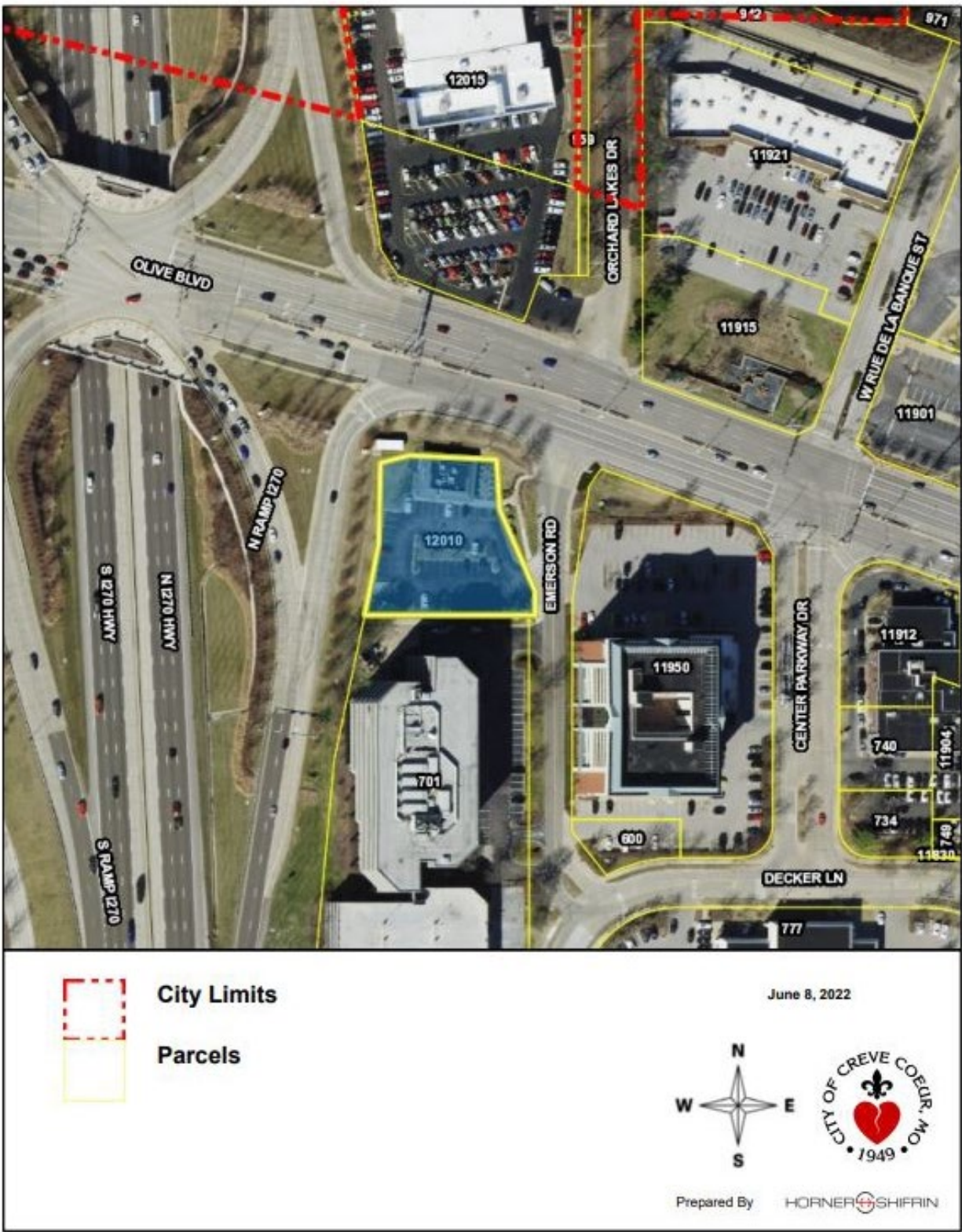
APPLICANT: Danielle Tritt
ANSWERS, Inc
450 Weidman Road
St. Louis, MO 63011

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

Aerial Photo





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
Fax # 314-548-6220	Fax # N/A
Email: jdenbow@lionschoice.com	Email: DanielleT@answersinc.com
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>	Fax #
	Email: dcapps@caplaco.com
	by, 
	<i>Owner's Signature</i>

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

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



Lion's Choice Creve Coeur – Existing Photos





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.

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.

5/19/2022 1:18:45 AM

PS 2015.01



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-2009014379
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

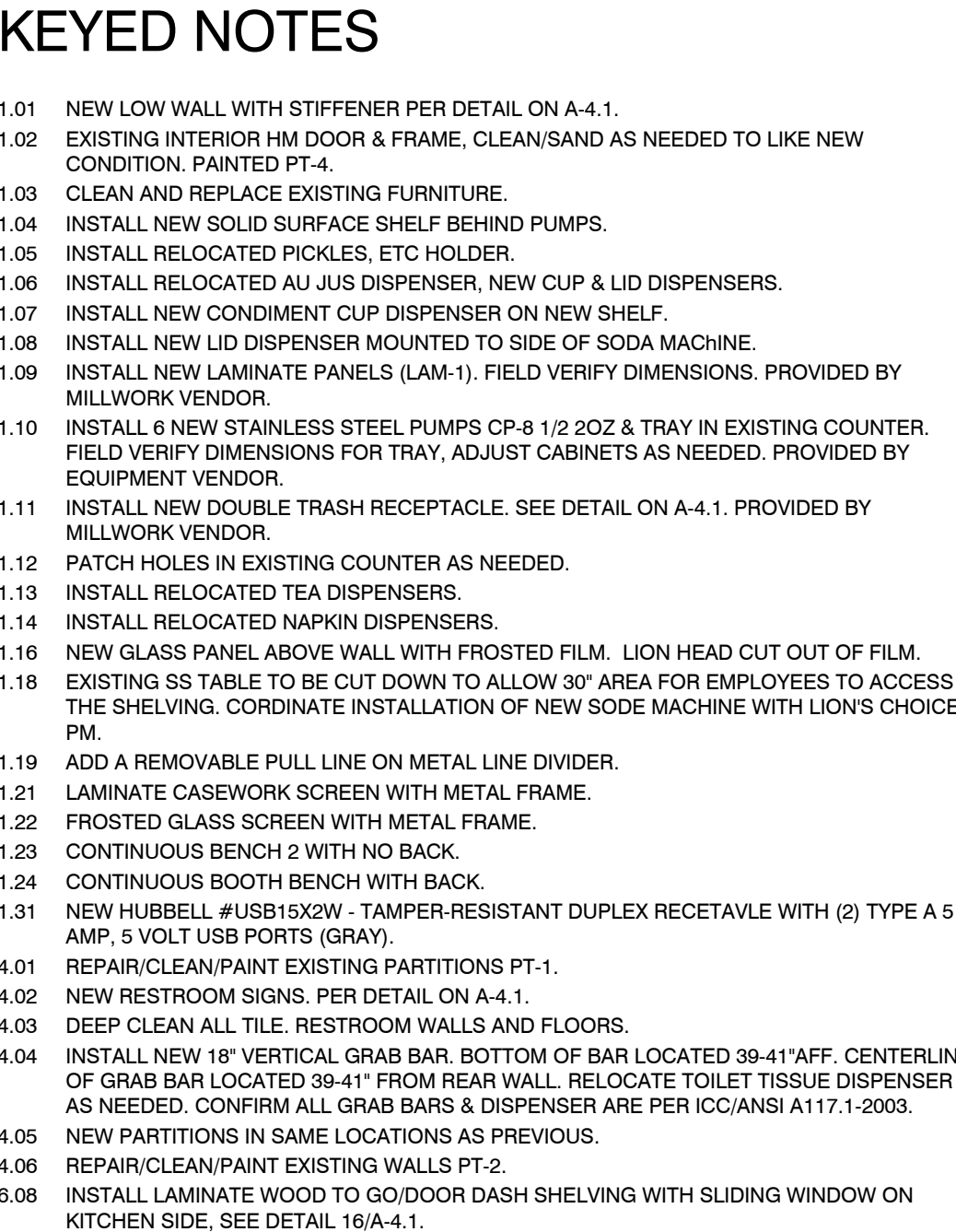
EXTERIOR ELEVATIONS

Project Number: 22043 Sheet Number: A-0.1

Drawn By: DET

Issue Date: 04/18/2022

Professional Seal: 



**FLOOR PLAN - NEW
CONSTRUCTION**

Project Number: _____ Sheet Number: _____

22043 _____

Drawn By: _____

DET _____

Issue Date: _____

A-2.1

04/18/2022

BILL NO. 6016

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 5-0 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

BILL NO. 6016

ORDINANCE NO. _____

district regulations and provisions of this Chapter, unless good cause exists for deviation there from.

5. Will provide, if applicable, erosion control and on-site stormwater detention in accordance with the standards contained in this Chapter.
6. Will be compatible with the surrounding area and thus will not impose an excessive burden or have a substantial negative impact on surrounding or adjacent users or on community facilities or services.

NOW, THEREFORE, be it 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 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 SAID 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 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. 6016

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

1 PLANNING AND ZONING COMMISSION MEETING

2 CITY OF CREVE COEUR, MISSOURI

3 300 NORTH NEW BALLAS ROAD

4 MONDAY, JUNE 20, 2022

5 6:00 P.M.

6
7 PUBLIC HEARING

8 APPLICATION NO. 22-011

9
10 THOSE IN ATTENDANCE:

11 Mr. Gene Rovak, Chairman

12 Ms. Muriel Hall

13 Mr. Larry Potashnick

14 Ms. Rhonda O'Brien

15 Mr. Thomas Buelter

16 Mr. Carl Lumley, City Attorney

17 Mr. Jason Jaggi, Director of Community Development

18 Ms. Bethany L. Moore, City Planner

19 Ms. Megan Waller Administrative Supervisor/Recording
20 Secretary

21 McLaughlin Court Reporting Services, Inc.

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

1 CHAIRMAN ROVAK: Okay. It's 6 p.m., and we can
2 go and open up the Planning Zoning Commission Meeting,
3 City of Creve Coeur, Missouri for Monday, June 20th, 2022.

4 Then we'll start with roll call.

5 Ms. Hall is not here yet.

6 Mr. Potashnick?

7 MR. POTASHNICK: Present.

8 CHAIRMAN ROVAK: Ms. LeBonte? Not here. So she
9 said she wasn't going to be here.

10 Mr. Wang may be late.

11 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: Present.

20 CHAIRMAN ROVAK: Ms. Moore, City Planner?

21 MS. MOORE: Present.

22 CHAIRMAN ROVAK: And, Ms. Waller, Administrative
23 Supervisor/Recording Secretary?

24 MS. WALLER: Present.

25 CHAIRMAN ROVAK: Okay.

1 (Ms. Hall is present.)

2 CHAIRMAN ROVAK: We'll move on. We'll start
3 with New Business.

4 Let's see, first item would be Application
5 22-011: Amendment to the Existing Conditional Use Permit
6 for Lion's Choice located at 121 -- 12010 Olive Boulevard.

7 We have Danielle Tritt here to speak on
8 behalf --

9 MR. MIKE KARPOWICZ: Actually, we have Mike
10 Karpowicz here on Danielle's behalf.

11 CHAIRMAN ROVAK: Okay. I think if you would
12 spell your name, I didn't see it here, so if you would
13 spell your name --

14 MR. MIKE KARPOWICZ: I can. It's
15 K-A-R-P-O-W-I-C, as in cat, Z, as in zebra.

16 And I'm representing Lion's Choice.

17 MR. JAGGI: We do need to be sworn in as this is
18 a public hearing.

19 MR. MIKE KARPOWICZ: Got it.

20 (Jason Jaggi, Bethany Moore and Mr. Mike
21 Karpowicz were sworn in by the court reporter.)

22 MR. MIKE KARPOWICZ: It's a brief presentation.

23 Lion's Choice has been at the corner of 270 and
24 Olive Boulevard for quite a number of years. And the
25 facility, if any of you have been there, which I suspect

1 most of you have been there at some point, has become
2 tired.

3 And Lion's Choice, as a regional brand, is
4 interested in trying to maintain their facilities and stay
5 current, but yet they don't have the resources of the
6 national brands.

7 So with that, they are asking your consideration
8 of a refresh of that facility, specifically on the
9 exterior involving some work there.

10 Part of it are the reasons for this are,
11 basically, maintain market share, increase brand
12 visibility, enhance customer experience and prove
13 financial viability and refresh and update the facility
14 more consistent with what's taking place along Olive
15 Boulevard.

16 So the existing facility, as you can see,
17 it's -- it's dated. There's no other way to say it. The
18 beige is washed out; the brick is dated; the light
19 fixtures are old wrought iron fixtures.

20 What's being proposed is being done at other
21 Lion's Choice in the areas where, basically, the brick is
22 painted a light gray. We actually have samples, if you'd
23 like to see them. There's a new brand accent red, which
24 is used to accent it, and the old wrought iron lights are
25 removed and replaced with a more contemporary fixture.

1 This is an example of one that was completed
2 right before COVID. Shut everything down. Where you can
3 see the masonry's been painted and the lights have been
4 updated.

5 The interior is a refresh also. Minimally, it's
6 really more of a redecoration than anything else.

7 At this point, the only work that's being
8 proposed is, again, replacing the exterior accent lights,
9 using the top color, which is, basically, this gray, on
10 the exterior brick; this red, which is a branded color now
11 by Lion's Choice for the accents. And then this for the
12 cornice, which, if you're familiar with Lion's Choices,
13 their buildings have very heavy cornices, and we're trying
14 to play that down a little bit.

15 So with that, we, basically, open it up for
16 questions to address any questions that you may have.

17 CHAIRMAN ROVAK: Pretty self-explanatory.

18 Anybody on the panel have any questions?

19 Presentation by the city staff.

20 MS. MOORE: All right. Bethany Moore.

21 So, like he mentioned, this is an amendment to
22 the existing conditional use permit for the Lion's Choice
23 located at 12010 Olive Boulevard.

24 And here is the location on the map. It kind of
25 sticks out here. It's -- it's set down a little bit too.

1 It's a little bit difficult to see from the highway, it
2 sets down a little bit.

3 But they do have an existing conditional use
4 permit, Ordinance 2003 from 1999. This would be amending
5 that. It is for the exterior changes that he mentioned;
6 painting the brick the gray color and then the stucco that
7 red color and then adding the new light fixtures on the
8 outside to replace the older ones.

9 The interior alterations will not be adding any
10 additional seating, so they don't need any additional
11 parking.

12 And, again, here on the elevations, and this
13 refresh is in line with the Design Guidelines, because the
14 Design Guidelines do state that buildings that are part of
15 a complex should correspond with colors and materials of
16 the buildings next to them.

17 The buildings behind them and to the side of
18 them have these gray and red colors as well.

19 And here is just a close-up of their light
20 fixtures and then examples of the locations.

21 And just more existing conditions. The picture
22 here on the right, this is the existing parking lot, and
23 one of our conditions is that the parking lot be
24 re-stripped, as you can see the striping has faded.

25 And then our conditions of approval is that the

1 applicant is required to apply for the building permits
2 for the work in conformance with the approved -- the plans
3 that they've submitted, and then that re-striping of the
4 parking lot's lines that I just mentioned.

5 Any questions?

6 CHAIRMAN ROVAK: Anybody have any questions?

7 MR. POTASHNICK: Are -- are you satisfied with
8 the colors?

9 MS. MOORE: We are.

10 CHAIRMAN ROVAK: I think we all like to see
11 things renewed, refreshed occasionally.

12 And I don't think -- speaking for myself, at
13 least, I don't see any issues or problems with this.

14 Apparently, as the staff, you don't either, so.

15 Any comments? Any other questions?

16 Okay. Anybody -- yes. Any members of our
17 audience have any questions or comments about this?

18 MS. MOORE: Did you guys want to see these
19 samples?

20 MR. POTASHNICK: Yes, please.

21 CHAIRMAN ROVAK: Yes, you can pass those around.

22 (Samples were passed to the Commission.)

23 CHAIRMAN ROVAK: Okay. I think at this point I
24 can entertain a motion to pass this.

25 MR. LUMLEY: Page 187.

1 CHAIRMAN ROVAK: Thank you.

2 MR. POTASHNICK: 187? This is what happens when
3 you have a couple of page back.

4 CHAIRMAN ROVAK: I know.

5 MR. POTASHNICK: I'm trying --

6 CHAIRMAN ROVAK: There it is. It's kind of
7 near the --

8 MR. POTASHNICK: 187?

9 CHAIRMAN ROVAK: Yes, 187.

10 You can read.

11 MR. POTASHNICK: All right.

12 I move to recommend approval of a conditional
13 use permit amendment for exterior alterations associated
14 with the limited service restaurant located at 12010 Olive
15 Boulevard subject to the conditions discussed in the staff
16 report and draft ordinance for the meeting of June 20th,
17 2022.

18 CHAIRMAN ROVAK: Do we have a second?

19 MS. HALL: Second.

20 CHAIRMAN ROVAK: Okay.

21 Okay. All in favor?

22 (All responded aye.)

23 CHAIRMAN ROVAK: Chair votes aye.

24 It passes.

25 Thank you very much.

MR. MIKE KARPOWICZ: Thank you very much.

(This ends the Public Hearing.)

oOo

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

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

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

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

BILL NO. 6017

ORDINANCE NO. _____

**AN ORDINANCE REPEALING ORDINANCE NUMBER 5250 AND AUTHORIZING THE
ISSUANCE OF A NEW CONDITIONAL USE PERMIT FOR THE OPERATION OF A 10
SCREEN MOVIE THEATER, 10 LANE BOWLING ALLEY, ROPES COURSE AND FULL-
SERVICE DINING FOR B&B THEATERS WITHIN THE WEST PARK DEVELOPMENT
LOCATED AT 12657 OLIVE BOULEVARD**

WHEREAS, under Section 405.370(C), motion picture theatres, except drive-ins, bowling centers, other amusement and recreation industries, and full-service dining in the “CB”, Commercial zoning district require the issuance of a conditional use permit as provided in Section 405.1070, Conditional Use Permits; and

WHEREAS, conditional use permit ordinance #5250, was approved by the City Council on May 29, 2012, for the operation of a 55,000 sq. ft. 16-screen motion picture theatre with a maximum seating of 1,035; and

WHEREAS, an application was submitted by Dennis McIntire, of B&B Theaters, to amend the conditional use permit to allow for modification to the existing theaters to reduce the movie screens to 10 movie screens, and to accommodate a 10-lane bowling alley, a ropes course and full service restaurant; and

WHEREAS, restaurant use will be for the entertainment patrons only, and therefore does not generate additional customer parking demand; and

WHEREAS, a public hearing was held by the Creve Coeur Planning and Zoning Commission on Tuesday, July 5, 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 6-0 vote, recommended approval of the request, subject to the conditions contained herein, at its meeting on July 5, 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.

BILL NO. 6017

ORDINANCE NO. _____

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 therefrom.
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: Ordinance #5250 is hereby repealed.

Section 2: A Conditional Use Permit is authorized to be issued pursuant to Section 4 hereof for the operation of a 10-screen theater, 10-lane bowling alley, ropes course and full-service dining located at 12657 Olive Boulevard, in the "CB" Core Business zoning district, within the West Park development, whose legal description is as follows:

PARCEL NO.1.

TRACT A: Adjusted Lot IT A of West Park according to the boundary adjustment plat thereof recorded in Plat Book 342, Pages 36 and 37.

TRACT B: Adjusted Parcel 3 of Adjusted Parcels 1, 2 and 3 of U.S. Survey 1923, according to the boundary adjustment plat thereof recorded in Plat Book 344, Page 7 of the St. Louis County Records and survey affidavit recorded in Book 10900, Page 2215.

PARCEL NO.2:

Easement rights appurtenant to Parcel No. 1 under the Restated Declaration of Covenants, Easements and Restrictions recorded on March 27, 1996 as Daily No. 1071, said easement rights being in, through, over and upon the following described property:

EASEMENT TRACT NO.1: Adjusted Lot III A of West Park, according to the boundary adjustment plat thereof recorded in Plat Book 342, Pages 36 and 37.

EASEMENT TRACT NO.2: Lot III B of West Park, according to the plat thereof recorded in Plat Book 284 pages 1 and 2 of the St. Louis County Records, as amended by surveyor's affidavit recorded in Book 8674, page 1811.

EASEMENT TRACT NO.3: Lot II B of West Park, according to the plat thereof recorded in Plat Book 284 pages 1 and 2 of the St. Louis County Records, as amended by Surveyor's Affidavit recorded in Book 8674, Page 1811.

EASEMENT TRACT NO.4: Adjusted Lot 1 of West Park, according to the boundary adjustment plat thereof recorded in Plat Book 342, Pages 36 and 37.

PARCEL NO.3:

Easement rights appurtenant to Parcel No. 1 under Cross Easement and Restriction Agreement recorded in Book 10779, Page 2231, said easement rights being in, through, over and upon the following described property:

EASEMENT TRACT NO.1: Lot 1 of Parkway, according to the plat thereof recorded in Plat Book 73 page 49 of the St. Louis County Records, EXCEPTING THEREFROM that part taken for the widening of Olive Street Road.

EASEMENT TRACT NO.2: Lot 2 of Parkway, according to the plat thereof

BILL NO. 6017

ORDINANCE NO. _____

recorded in Plat Book 73, Page 49 of the St. Louis County Records, EXCEPTING THEREFROM that part conveyed to the State of Missouri, by the instrument recorded in Book 6746, Page 1625. Said Easement Tracts No.1 and 2 now known as Adjusted Lot A of Boundary Adjusted Plat of Lots 1 and 2 of Parkway Subdivision according to the plat thereof recorded in Plat Book 342 page 65, EXCEPTING THEREFROM that part conveyed to St. Louis County by instrument recorded in Book 10807, Page 1963.

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

1. The Conditional Use Permit shall be for the operation of 55,000 square foot 10 screen movie theater, 10 Lane Bowling Alley, Ropes Course and Full-Service Dining for B&B theater at 12657 Olive Boulevard.
2. Maximum theatre seating permitted is limited to 622.
3. Maximum square footage of the kitchen is 1,670 square feet, and bar area (including three beverage stations) is 3,377 square feet.
4. Bar area shall be for ticketed patrons only.
5. Hours of operation shall be 10:00 a.m. to 12:00 a.m. seven days a week.
6. Additional business hours may be permitted with the Zoning Administrator's approval.
7. If the parking lot across Whispering Pines Drive in St. Louis County is removed from the available parking count for the movie theater, an amendment must be made to the Conditional Use Permit to account for the reduced amount of available parking.
8. Off-street parking requirements will be calculated as a hybrid follows:
 - 1 space for every 3 seats, 1 space for each employee at time of busiest shift as indicated at time of the application for the conditional use permit, 1 space per 150 square feet of amusement and recreational floor area, and 5 spaces per bowling lane.
9. All signs and banners shall be in conformance with Article VII, Sign Regulations, of the Zoning Code.
10. The kitchen shall use a tempered makeup air system. Such system shall be regularly cleaned and maintained in order to reduce cooking smells.
11. Any mechanical equipment installed for the site shall be properly screened with approved materials.
12. The floor plan for the theater shall be filed with the Creve Coeur Zoning Administrator showing the type and location of all equipment, furniture and other information which may be requested by the building official.
13. There shall be no outdoor storage or placement of any materials or equipment used in conjunction with the theatre.
14. 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.
15. 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.
16. No conditional use permit granted by the City Council shall be valid for a period longer than one year from the date it grants the conditional use permit, unless within such period:
 - (1) a building permit is obtained and construction is begun; or
 - (2) if a building permit is not required, an occupancy permit is obtained and the use of the building commenced. The

BILL NO. 6017

ORDINANCE NO. _____

City Council may grant extensions to the one (1) year period of not more than one hundred and eighty (180) days each, without notice or hearing, provided that a written request for such extension is filed by the original applicant and approved by the City Council prior to the date the conditional use permit is scheduled to expire.

17. Any transfer of ownership or lease of the property shall include in the transfer or lease agreement a provision that the purchaser or lessee agrees to be bound by the approved Site Development Plan for the property and the conditions herein set forth, and written confirmation thereof signed by the new owner or lessee shall be filed with the City at the time of such transfer or lease. Failure to comply with this provision shall not excuse anyone from these conditions.

Section 4: The City Administrator of the City of Creve Coeur is hereby authorized and directed to issue a Conditional Use Permit in accordance with the provisions of this ordinance, said permit to expressly provide for the conditions and stipulations hereinabove set out in Section 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 5: 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

BILL NO. 5366ORDINANCE NO. 5250

**AN ORDINANCE REPEALING ORDINANCES NUMBER 1612 AND 1707 AND
AUTHORIZING THE ISSUANCE OF A NEW CONDITIONAL USE PERMIT FOR A 16
SCREEN AMC MOTION PICTURE THEATER, WITH IN-THEATER DINING SERVICE
WITHIN THE WEST PARK DEVELOPMENT LOCATED AT 12657 OLIVE BOULEVARD**

WHEREAS, under Section 405.370(C), eating and drinking places and motion picture theatres, except drive-in, in the "CB", Commercial zoning district require the issuance of a conditional use permit as provided in Section 405.1070, Conditional Use Permits; and

WHEREAS, conditional use permit ordinance #1612, was approved by the City Council on November 22, 1993, and ordinance #1707 was approved by the City Council on April 10, 1995, for the operation of a 55,000 sq. ft. 16-screen motion picture theatre with a maximum seating of 2,992; and

WHEREAS, an application was submitted by Tammy Korte, of ArcVision, on behalf of Kevin M. Connor, American Multi-Cinema, Inc., to amend the conditional use permit to allow for in-theater dining and bar service; and

WHEREAS, restaurant use will be for the movie theater patrons only, and therefore does not generate additional customer parking demand; and

WHEREAS, a public hearing was held by the Creve Coeur Planning and Zoning Commission on Monday, April 16, 2012, beginning at 7:00 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 6 - 0 vote, recommended approval of the request, subject to the conditions contained herein, at its meeting on April 16, 2012; and

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

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

1. Will contribute to and promote the community welfare and convenience at the specific location.
2. Will not cause substantial injury to the value of neighboring property.
3. Meets the applicable provisions of the City's Comprehensive Plan and any applicable neighborhood or sector plans and complies with other applicable zoning district regulations and provisions of this Chapter, unless good cause exists for deviation therefrom.

BILL NO. 5366ORDINANCE NO. 5250

4. Will be compatible with the surrounding area and thus will not impose an excessive burden or have a substantial negative impact on surrounding or adjacent users or on community facilities or services.

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

Section 1: Ordinance #1612 and Ordinance #1707 are hereby repealed.

Section 2: A Conditional Use Permit is authorized to be issued pursuant to Section 4 hereof for the operation of a 16-screen theater with full service dining located at 12657 Olive Boulevard, in the "CB" Core Business zoning district, within the West Park development, whose legal description is as follows:

PARCEL NO.1.

TRACT A: Adjusted Lot IT A of West Park according to the boundary adjustment plat thereof recorded in Plat Book 342, Pages 36 and 37.

TRACT B: Adjusted Parcel 3 of Adjusted Parcels 1, 2 and 3 of U.S. Survey 1923, according to the boundary adjustment plat thereof recorded in Plat Book 344, Page 7 of the St. Louis County Records and survey affidavit recorded in Book 10900, Page 2215.

PARCEL NO.2:

Easement rights appurtenant to Parcel No. 1 under the Restated Declaration of Covenants, Easements and Restrictions recorded on March 27, 1996 as Daily No. 1071, said easement rights being in, through, over and upon the following described property:

EASEMENT TRACT NO.1: Adjusted Lot III A of West Park, according to the boundary adjustment plat thereof recorded in Plat Book 342, Page: 36 and 37.

EASEMENT TRACT NO.2: Lot III B of West Park, according to the plat thereof recorded in Plat Book 284 pages 1 and 2 of the St. Louis County Records, as amended by surveyor's affidavit recorded in Book 8674 page 1811.

EASEMENT TRACT NO.3: Lot II B of West Park, according to the plat thereof recorded in Plat Book 284 pages 1 and 2 of the St. Louis County Records, as amended by Surveyor's Affidavit recorded in Book 8674, Page 1811.

EASEMENT TRACT NO.4: Adjusted Lot 1 of West Park, according to the boundary adjustment plat thereof recorded in Plat Book 342, Pages 36 and 37.

PARCEL NO.3:

Easement rights appurtenant to Parcel No. 1 under Cross Easement and Restriction Agreement recorded in Book 10779, Page 2231, said easement rights being in, through, over and upon the following described property:

EASEMENT TRACT NO.1: Lot 1 of Parkway, according to the plat thereof recorded in Plat Book 73 page 49 of the St. Louis County Records, EXCEPTING THEREFROM that part taken for the widening of Olive Street Road.

EASEMENT TRACT NO.2: Lot 2 of Parkway, according to the plat thereof recorded in Plat Book 73, Page 49 of the St. Louis County Records, EXCEPTING THEREFROM that part conveyed to the State of Missouri, by the instrument recorded in Book 6746, Page 1625. Said Easement Tracts No.1 and 2 now known as Adjusted Lot A of Boundary Adjusted Plat of Lots 1 and 2 of Parkway Subdivision according to the plat thereof recorded in Plat Book 342 page 65, EXCEPTING THEREFROM that part conveyed to St. Louis County by instrument recorded in Book 10807, Page 1963.

BILL NO. 5366ORDINANCE NO. 5250

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

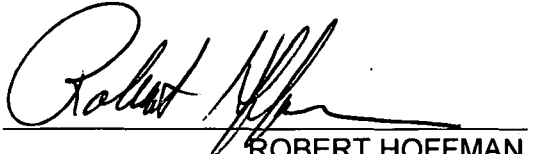
1. The Conditional Use Permit shall be for the operation of 55,000 square foot 16 screen, AMC theater with full service dining, at 12657 Olive Boulevard.
2. Maximum theatre seating permitted is limited to 1035.
3. Maximum square footage of the kitchen is 1,670 square feet, and bar area (including three beverage stations) is 1,425 square feet.
4. Bar area shall be for ticketed patrons only.
5. Hours of operation shall be 9:30 a.m. to 2:30 a.m. seven days a week.
6. Additional business hours may be permitted with the Zoning Administrator's approval.
7. Off-street parking requirements will be calculated as a combination of seating and employees, as follows:
 - 1 space for every 3 seats, and 1 space for each employee at time of busiest shift as indicated at time of the application for the conditional use permit.
8. All signs and banners shall be in conformance with Article VII, Sign Regulations, of the Zoning Code.
9. The kitchen shall use a tempered makeup air system. Such system shall be regularly cleaned and maintained in order to reduce cooking smells.
10. Any mechanical equipment installed for the site shall be properly screened with approved materials.
11. The floor plan for the theater shall be filed with the Creve Coeur Zoning Administrator showing the type and location of all equipment, furniture and other information which may be requested by the building official.
12. There shall be no outdoor storage or placement of any materials or equipment used in conjunction with the theatre.
13. No video games shall be permitted at any location within the theatre.
14. 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.
15. 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.
16. No conditional use permit granted by the City Council shall be valid for a period longer than one year from the date it grants the conditional use permit, unless within such period: (1) a building permit is obtained and construction is begun; or (2) if a building permit is not required, an occupancy permit is obtained and the use of the building commenced. The City Council may grant extensions to the one (1) year period of not more than one hundred and eighty (180) days each, without notice or hearing, provided that a written request for such extension is filed by the original applicant and approved by the City Council prior to the date the conditional use permit is scheduled to expire.
17. Any transfer of ownership or lease of the property shall include in the transfer or lease agreement a provision that the purchaser or lessee agrees to be bound by the approved Site Development Plan for the property and the conditions herein set forth, and written confirmation thereof signed by the new owner or lessee shall be filed with the City at the time of such transfer or lease. Failure to comply with this provision shall not excuse anyone from these conditions.

BILL NO. 5366ORDINANCE NO. 5250

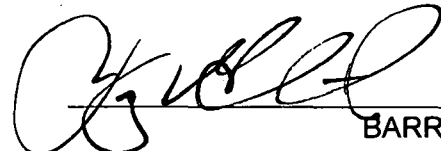
Section 4: The City Administrator of the City of Creve Coeur is hereby authorized and directed to issue a Conditional Use Permit in accordance with the provisions of this ordinance, said permit to expressly provide for the conditions and stipulations hereinabove set out in Section 2 of this ordinance. Exercise of the rights granted pursuant to the issued permit shall constitute acceptance of all conditions and stipulations set forth herein.

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

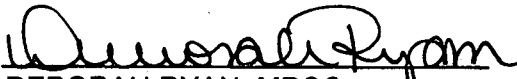
ADOPTED THIS 29th DAY OF May, 2012.


ROBERT HOFFMAN
PRESIDENT OF CITY COUNCIL

APPROVED THIS 29th DAY OF May, 2012.


BARRY GLANTZ
MAYOR

ATTEST:


DEBORAH RYAN, MPCC
CITY CLERK



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

APPLICATION TO PLANNING AND ZONING COMMISSION
#22-013: CONDITIONAL USE PERMIT - TO REPEAL ORDINANCE 5250
AND ISSUE A NEW CUP FOR THE OPERATION OF A 10-SCREEN MOVIE
THEATER, 10 LANE BOWLING ALLEY, ROPES COURSE WITH FULL-
SERVICE DINING FOR B&B THEATERS LOCATED AT 12657 OLIVE
BOULEVARD

FOR THE MEETING OF: July 5, 2022

LOCATION: 12657 Olive Boulevard in the CB Core Business District

REQUEST: Dennis McIntire, of B&B Theaters, has submitted a request to amend the conditional use permit to allow for an interior remodel for a 10-screen movie theater, 10-lane bowling alley and ropes course with full service dining in the existing movie theater space of the former AMC Theater located within the West Park Center. The property is located at the northeast corner of Olive Boulevard and Whispering Pines Drive, within the West Park Development, and is zoned "CB" Core Business District.

ADDITIONAL INFORMATION:

All motion picture theaters and eating and drinking establishments are permitted by issuance of conditional use permit in the "CB" Core Business District per Section 405.370. Ordinance 5250 authorized the conditional use permit to operate a 1,035 seat, 16-screen motion picture theater in the West Park Development and requires that any enlargement, extension, expansion, or alteration in the use of the structure or site must be approved by the City Council upon receipt of the recommendation of the Planning and Zoning Commission.

Key Issues:

- Does the request integrate with the existing use?
- 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?

Creve Coeur 2030 Comprehensive Plan References

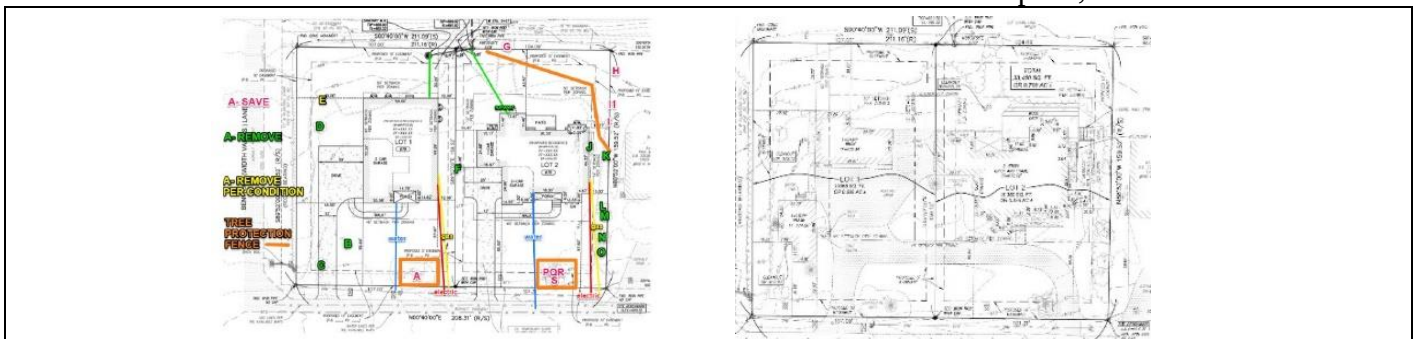
- MU-Mixed Use Type District
- Design Guidelines

Zoning Code References

- Section 405.210 Regulation of Uses
- Section 405.370 "CB" Core Business District
- Section 405.470 Conditional Uses
- Section 405.820 Required Off-Street Parking Spaces

APPLICANTS: Dennis McIntire
B&B Theaters
PO Box 129
Liberty, MO 64069

REPRESENTATIVE: Jim Klausman
Klayton Properties, LLC
3024 SW Wanamaker Road,
Suite 300
Topeka, KS 66614



REPORT PREPARED BY: Bethany L. Moore, City Planner

ATTACHMENTS: Applicant's Materials received June 1, 2022
Draft Ordinance
Ordinance 5250

BACKGROUND AND PROPOSAL REQUEST

In 2012 (Ordinance No. 5250), the City Council authorized a conditional use permit to operate a 16-screen motion picture theatre in the West Park Development, located on the northeast corner of Olive Boulevard and Whispering Pines Drive. Ordinance 5250 repealed Ordinances 1612 and 1707 and authorized the issuance of a new conditional use permit to allow for a 16-screen 55,000 square foot motion picture theater with a maximum of 1,035 seats within the building, alteration of the use to include a 1,670 sq. ft. kitchen, a 400 sq. ft. bar area with a maximum of 20 seats, and three beverage stations for a total of 727 sq. ft., and conversion of the traditional stadium seating into 8 theatres with “Fork & Screen” seating, and 8 theatres with “Cinema Suites” seating for dining services. Only ticket holders for a movie were able to utilize the bar area (with a maximum of 20 seats).

The current proposal is to renovate the existing theater complex for a mix of entertainment uses including a 10-screen movie theater, 10-lane bowling alley, ropes course and full-service dining. 6 of the existing movie theater auditoriums would be removed to make room for the new uses. Auditoriums #15 and #16 will be demolished and reconfigured into a single large auditorium with a 70' screen, 197 heated recliner seats, with upgraded sound and projection, to be branded B&B Grand Screen. Auditoriums #9, #10, #11, #12, #13, and #14 will stay structurally the same but will get new heated recliner seating and upgrades to sound and projection. Auditoriums #6, #7 and #8 seating platforms will be demolished, and a new riser system will be installed to incorporate B & B Theatres concept auditoriums. Those auditoriums would be branded ScreenPlay, Lyric and MX4D and would feature updated seating, sound, and projection. Auditoriums #1, #2, #3, #4 and #5 will be demolished to make room for the entertainment center that will feature bowling, family arcade and overhead ropes course. The removal of 6 theaters and the restructuring of the remaining 10 theaters will reduce the overall movie theater seats from 1,035 approved per Ord. 5250 to 622 seats with the current proposal. As part of the renovation process the existing concession stand will be demolished, and a new concession and bar area will be built as a connection to the new entertainment center. Cosmetic changes to most of the lobby, all restrooms, kitchen, mezzanine, and support areas are also proposed but the overall floor plans for these areas will not change. The applicant is not proposing any changes to the site, or exterior of the building.

Because of the seating changes to the existing movie theater use, the addition of the 10-lane bowling alley, the ropes course recreational area, and the enlargement of the dining and bar area, Staff is recommending a repeal of the existing ordinance and a replacement with a new conditional use permit.

OCCUPANT LOAD - AUDITORIA

AUDITORIA FIXED SEAT COUNTS (FOR REF ONLY)

	AREA NAME	AREA	FUNCTION	SEATS
01	Grand Screen	4488 SF	ASSEMBLY, FIXED SEATS	197
02	Lyric	1466 SF	ASSEMBLY, FIXED SEATS	49
03	Auditorium	1481 SF	ASSEMBLY, FIXED SEATS	45
04	MX4D	1407 SF	ASSEMBLY, FIXED SEATS	49
05	Auditorium	1372 SF	ASSEMBLY, FIXED SEATS	37
06	Screen Play	2042 SF	ASSEMBLY, FIXED SEATS	46
07	Auditorium	2964 SF	ASSEMBLY, FIXED SEATS	81
08	Max Relax	1443 SF	ASSEMBLY, FIXED SEATS	32
09	Auditorium	1390 SF	ASSEMBLY, FIXED SEATS	37
10	Auditorium	1777 SF	ASSEMBLY, FIXED SEATS	49
				622

OCCUPANT LOAD - ENTERTAINMENT CENTER

ENTERTAINMENT CENTER

	AREA NAME	AREA	FUNCTION	SEATS / LANES
103	Bar	1516 SF	ASEMBLY, UNCONCENTRATED	70
105	Lounge	1541 SF	ASEMBLY, UNCONCENTRATED	53
106	Concierge	156 SF	BUSINESS AREAS	NA
107	Bowling	6695 SF	BOWLING CENTERS	10 LANES
108	Arcade	3236 SF	ASEMBLY, UNCONCENTRATED	NA
109	Redemption	280 SF	ASEMBLY, UNCONCENTRATED	NA
109a	Redemption Storage	80 SF	SERVICE SPACE	NA
110	Party Room	320 SF	ASEMBLY, UNCONCENTRATED	22

Figure 1. Individual use information for B&B Theaters proposed uses.

LAND USE AND ZONING OF SURROUNDING PROPERTIES

The adjacent zoning and land uses are as follows:

DIRECTION	USE	ZONED	SEPARATED BY
North	Multi-Family Residential	St. Louis County	N/A
South	Hospital and Office Building	“PH” Planned Hospital District, “CB” Core Business District	Olive Boulevard (hospital)
East	Office Building	“CB” Core Business	NA
West	Retail	St. Louis County	Whispering Pines Drive

COMPREHENSIVE PLAN REVIEW

The subject property is part of the West Olive Corridor in the Mixed-Use District place type. This place type accommodates the suburban development pattern typical of the majority of Creve Coeur’s existing commercial and retail development, while providing public realm enhancements to improve visual character of the Olive Boulevard corridor. Over time, this place type encourages a further diversification of land uses, including multi-family residential and mixed-use development. The proposed expansion of the use to family activities in conjunction with the theatre provides a unique and new amenity to City and County residents. The proposed use is integrated into the existing facility, with no modification to the exterior of the building or

site. Since there are no known concerns with the existing development, it appears that the request meets with the Goals and Objectives of the Comprehensive Plan.

ZONING REVIEW

Theatres are permitted with conditions in the “GC” General Commercial and “CB” Core Business districts, restaurants are permitted with conditions in all commercial zoning districts within the city, bowling centers are conditional uses in “PC” Planned Community “GC” and “CB” districts, and all other amusement and recreation industries are conditional uses in “A”, “B” “C” and “D” Single Family Residential districts, “AR” Attached Single Family Residential district, “PC” “GC” “CB” districts and a permitted use in “LI” Light Industrial district. The current conditional use permit for the theatre requires that any enlargement, extension, expansion, or alteration in the use of the structure 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. As the applicant is not proposing any changes to the site or exterior of the building, the only key zoning discussion point is a review of the required off-street parking.

Parking:

Off-street parking regulations for multi-plex motion picture theaters are discussed under Section 405.820(6)(b):

6. *Motion pictures (SIC Code 78).*
 - b. *Multi-plex motion picture theaters. One (1) space per four (4) seats. Except, however, that such theaters may have their parking modified by the provisions of Section 405.800(G)(3) or for multi-plex theaters located with shopping centers containing over twenty-five thousand (25,000) square feet of floor area which provide at least six (6) parking spaces per one thousand (1,000) square feet of floor area or multi-plex theaters located with shopping centers over fifty thousand (50,000) square feet of floor area which provide at least five (5) parking spaces per one thousand (1,000) square feet of floor area may provide parking according to the following standards:*

Gross Retail Area	Parking Standard
25,000--49,999	1 space per 5 seats
50,000--79,999	1 space per 6 seats
80,000--99,999	1 space per 7 seats
100,000 square feet and larger	1 space per 8 seats

Off-street parking regulations for Other Amusement and Recreation Industries and Bowling Centers are discussed under Section 405.820 (7)(b) and (c):

7. *b. Fitness and recreational sports centers (NAICS 71394), and all other amusement and recreation industries (NAICS 713990). One (1) space per one hundred fifty (150) square feet of floor area.*
- c. Bowling centers (NAICS 71395). Five (5) spaces per lane.*

Parking provided on site includes 214 spaces in the area for the AMC Theater, and 218 spaces on the lot west of Whispering Pines Drive in unincorporated St. Louis County; for a total of 432 spaces. In 1996, the Property owners of West Park Development entered into an agreement for evening-only shared parking with the office and retail developments and the movie theater, as part of the site development plan approval. Taken together, 1,130 spaces are available for the theater in the evening.

The previous conditional use permit for the theatre indicated a total of 1,035 seats. This proposal will reduce the seating to 622 (approximately 60%). Given a parking requirement as a theater at 1 space per 4 seats, the total number of parking spaces required would be 156 spaces.

However, as the proposed concept also includes the use and expansion of the existing full-service restaurant, a review of the parking under the eating and drinking category was also taken into consideration. Parking regulations for restaurants are discussed under Section 405.820(F)(5) Required Off-Street Parking Spaces:

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.

Thus, the required parking would be 49 spaces for the seating total of 145 for the bar, lounge, and party room and 220 spaces for the total building floor area of 55,000 sq. ft., for a total of 269 spaces required. Normally, the inclusion of the floor area in the calculation is to account for the number of employees working, in addition to the patron seating.

However, the restaurant and bar functions completely overlap with the movie theater viewing, so the calculations of the parking needed for both restaurant and theatre seating does not represent an accurate accounting for the proposed concept. The applicant has indicated that the number of employees working during its peak shift will be 50 people, which is not accounted for in the theater requirement and grossly overestimated by the restaurant requirement. Therefore, per the modified parking count used in the previous conditional use permit to address this overlap, Staff recommends that the parking required be based on a hybrid of the seating and number of employees, as follows:

1 space for every 3 seats; and 1 space for each employee at time of busiest shift.

Thus, the total number of parking spaces required is 306 spaces for the movie theater and full-service restaurant uses. Staff also recommends that the required number of spaces for the ropes course/arcade area be calculated using only the square footage required for this use and not the entire square footage of the building. The multiple uses would overestimate the needed parking for a 320 square foot area for the Other Amusement and Recreation Industries use that will be available only to the movie theater patrons who are accounted for in the hybrid parking count for that use. This parking calculation would bring the required parking down from 367 spaces needed under the calculation for 1 space per 150 square feet of floor area for the 55,000 square feet of gross floor space down to 3 spaces for the actual floor space required for the ropes course/arcade of 320 square feet.

The total required parking for all uses using the modified parking count and rounding up would be 360, well within the total number of available parking spots on site of 412 between the 194 parking spaces exclusively for B&B Theaters use and the 218 spaces in the parking lot across Whispering Pines in St. Louis County. Therefore, staff does not anticipate a problem with the parking available for the use. If at any time, the parking lot in St. Louis County across Whispering Pines Drive is removed from use for available parking, the Conditional Use Permit will have to be amended and a parking count for the entire West Park Center will have to be calculated to include the new use and the reduced parking count.

Parking Requirements for B&B Theaters Uses Per Zoning Code			
Use	Size	Parking Regulations	# of spaces
Multi-Plex Motion Picture Theater (NAICS 512131)	55,000 Sq. Ft. Gross	1 space per 4 seats	156
Bowling Centers (NAICS 713950)	10 Lanes	5 spaces per lane	50
Other Amusement and Recreation Industries (NAICS 713990)	55,000 Sq. Ft.	1 space per 150 square feet of floor area	367
Full-Service Restaurant	55,000 Sq. Ft. Gross	1 space per 3 seats AND 1 space per 250 feet of total building floor area	49 AND 220
Total Required Parking Spaces			639

Figure 2. Parking count as totaled per Zoning Code requirement for each individual use.

Parking Requirements for B&B Theaters Uses Per Modified Parking Count			
Use	Size	Parking Regulations	# of spaces
Multi-Plex Motion Picture Theater (NAICS 512131)	55,000 Sq. Ft. Gross	1 space per 3 seats	208
Bowling Centers (NAICS 713950)	10 Lanes	5 spaces per lane	50
Other Amusement and Recreation Industries (NAICS 713990)	320 Sq. Ft.	1 space per 150 square feet of floor area	3
Full-Service Restaurant	55,000 Sq. Ft. Gross	1 space per 3 seats AND 1 space per employee at time of busiest shift	49 AND 50
Total Required Parking Spaces			360

Figure 3. Parking count as totaled per Zoning Code requirement for each individual use.

RECOMMENDATION

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

1. The Conditional Use Permit shall be for the operation of 55,000 square foot 10 screen movie theater, 10 Lane Bowling Alley, Ropes Course and Full-Service Dining for B&B theater at 12657 Olive Boulevard.
2. Maximum theatre seating permitted is limited to 622.
3. Maximum square footage of the kitchen is 1,670 square feet, and the bar area (including lounge and party room) is 3,377 square feet.
4. Bar area shall be for ticketed patrons only.
5. Hours of operation shall be 10:00 a.m. to 12:00 a.m. seven days a week.
6. Additional business hours may be permitted with the Zoning Administrator's approval.
7. If the parking lot across Whispering Pines Drive in St. Louis County is removed from the available parking count for the movie theater, an amendment must be made to the Conditional Use Permit to account for the reduced amount of available parking.
8. Off-street parking requirements will be calculated as a hybrid follows:
 - 1 space for every 3 seats, 1 space for each employee at time of busiest shift as indicated at time of the application for the conditional use permit, 1 space per 150 square feet of amusement and recreational floor area, and 5 spaces per bowling lane.

ACTION

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

Motion

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

"I move to recommend approval of Application #22-013 for a Conditional Use Permit for a 10-screen Movie Theater, 10 Lane Bowling Alley, Ropes Course and Full-Service Dining for B&B Theaters at 12657 Olive Boulevard, subject to the conditions contained in the draft ordinance attached to the staff report for the meeting of July 5, 2022" (conditions may be added, eliminated, or modified by preceding motion).

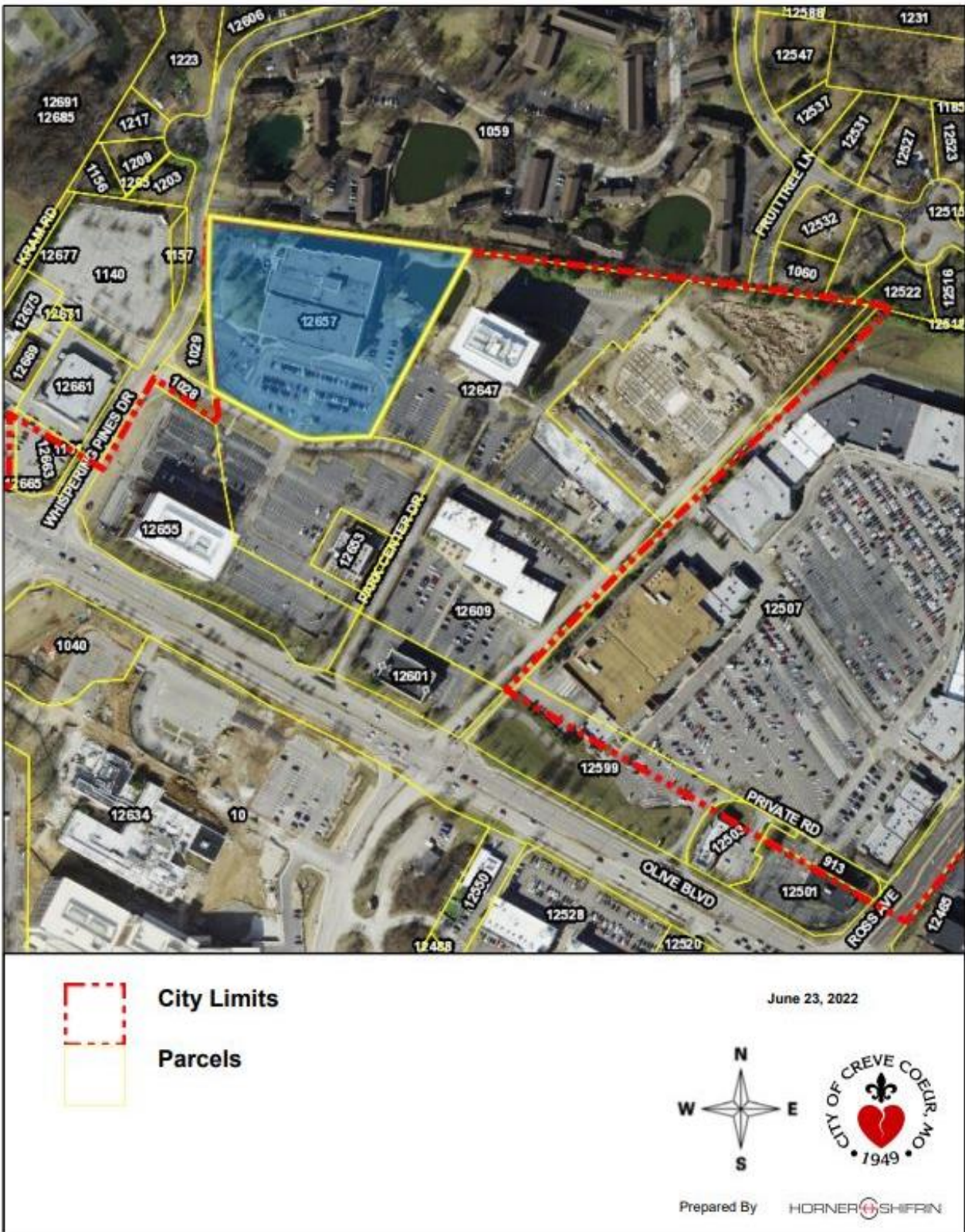
APPENDIX 1: COMPREHENSIVE PLAN

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.

APPENDIX 3: AERIAL PHOTO



APPENDIX 4: SITE PHOTOGRAPHS

Photo Date: 06/24/2022



Description: Parking lot across Whispering Pines Drive in St. Louis County in disrepair.



Description: View of the property looking northeast from the entrance.

OWNER INFORMATION

OWNER:
B&B THEATERS

DEVELOPER ADDRESS:

PROJECT ADDRESS:

FIRE DEPARTMENT: RED OAK FIRE DEPARTMENT

LOCAL JURISDICTION: RED OAK TEXAS BUILDING & STANDARDS COMMISSION

INDOOR OCCUPANCY: 2,114

OUTDOOR OCCUPANCY: 627

TOTAL OCCUPANCY: 2,741

CODE LEGEND

- 101 AREA TAG W/ OCCUPANT LOAD
- XX 1 HOUR RATED
- EXIT ACCESS
- XX EXIT ACCESS LOAD
- EXIT LOAD
- SEMI-RECESSED FIRE EXTINGUISHER CABINET W/ SLB EXTINGUISHER
- FE-K WALL MOUNTED 1.8 GAL TYPE K WET FIRE EXTINGUISHER

CODE ANALYSIS

APPLICABLE CODES:

2015 INTERNATIONAL BUILDING CODE

2015 INTERNATIONAL ENERGY CONSERVATION CODE

2015 INTERNATIONAL MECHANICAL CODE (BY ST. LOUIS COUNTY DEPARTMENT OF PUBLIC WORKS)

2015 INTERNATIONAL PLUMBING CODE (BY ST. LOUIS COUNTY DEPARTMENT OF PUBLIC WORKS)

2014 NATIONAL ELECTRIC CODE (BY ST. LOUIS COUNTY DEPARTMENT OF PUBLIC WORKS)

2010 ADA

2012 NFPA 101 LIFE SAFETY CODE

CHAPTER 3 USE AND OCCUPANCY CLASSIFICATION

ASSEMBLY, GROUP A-1

CHAPTER 4 SPECIAL DETAILED REQUIREMENTS BASED ON USE AND OCCUPANCY

--

CHAPTER 5 GENERAL BUILDING HEIGHTS AND AREAS [TABLE 503, SECTION 506 & SECTION 507]

GROUP A	TYPE IIB
ALLOWABLE HEIGHT / STORIES	75FT / 3 STORIES
ACTUAL HEIGHT / STORIES	35FT 4IN / 2 STORIES
ALLOWABLE AREA	UNLIMITED SF PER 507.11
ACTUAL AREA	62,908 SF

CHAPTER 6 TYPE OF CONSTRUCTION

IIB, FULLY SPRINKLERED

FIRE RESISTANCE RATING REQUIREMENTS FOR BUILDING ELEMENTS [IBC 601]:

BUILDING ELEMENT	RATING
PRIMARY STRUCTURAL FRAME	0 HR
BEARING WALLS	
EXTERIOR	0 HR
INTERIOR	0 HR
NONBEARING WALLS	
EXTERIOR	0 HR
INTERIOR	0 HR
FLOOR CONSTRUCTION AND ASSOCIATED	0 HR
ROOF CONSTRUCTION AND ASSOCIATED	0 HR

FIRE RESISTANCE RATING REQUIREMENT FOR EXTERIOR WALLS BASED ON FIRE SEPARATION DISTANCE [IBC 602]:

GROUP A	10'-X'-30'
	0 HR

CHAPTER 7 FIRE AND SMOKE PROTECTION FEATURES

MAXIMUM AREA OF EXTERIOR OPENINGS [IBC 705.8]

FIRE SEPARATION DISTANCE	DEGREE OF OPENING PROTECTION	ALLOWABLE AREA
10 TO <15'	UNPROTECTED, SPRINKLERED	45%
15 TO <20'	UNPROTECTED, SPRINKLERED	75%
20 TO <25'	UNPROTECTED, SPRINKLERED	NO LIMIT
25 TO <30'	UNPROTECTED, SPRINKLERED	NO LIMIT

CHAPTER 9 FIRE PROTECTION SYSTEMS

AUTOMATIC SPRINKLER SYSTEM PER 903.2.1.1

AUTOMATIC SPRINKLER SYSTEM, COMMERCIAL COOKING OPERATIONS PER 903.2.11.5

FIRE EXTINGUISHERS TO BE PROVIDED IN ACCORDANCE WITH THE IFC

NFPA 10 REQUIRED SMOKE DETECTORS TO BE PROVIDED

EMERGENCY ALARM COMMUNICATION SYSTEM

VOICE SYSTEM REQUIRED PER IBC 907.5.2.2

ALL PROVIDED AND INSTALLED BY GENERAL CONTRACTOR

CHAPTER 10 MEANS OF EGRESS

2 MEANS OF ACCESSIBLE EGRESS PROVIDED FOR ALL ROOMS WITH GREATER THAN 50 OCCUPANTS.

MINIMUM OCCUPANT LOAD TO BE POSTED IN CONSPICUOUS LOCATION.

EGRESS WIDTH PER OCCUPANT SERVED [IBC 1005], WITH SPRINKLER:

STAIRWAYS 2 INCHES PER OCC.

OTHER EGRESS COMPONENTS .15 INCHES PER OCC.

SPACES WITH ONE EXIT OR EXIT ACCESS DOORWAY [IBC 1015]

OCCUPANCY	MAX. OCC. LOAD
A-1	49

EXIT ACCESS TRAVEL DISTANCES [IBC 1016.2]

OCCUPANCY A, WITH SPRINKLER: 250' OR LESS

ASSEMBLY AISLE WIDTH [1028.9.1 ITEM 2]

THIRTY-SIX INCHES FOR AISLE STAIRS HAVING SEATING ON ONLY ONE SIDE.

CHAPTER 29 PLUMBING SYSTEMS - INDOOR

MEN: 564

LAVS 1 PER 200 = 3 REQ'D 8 PROVIDED

WATER CLOSETS 1 PER 125 = 5 REQ'D 8 PROVIDED + 11 URINALS

WOMEN: 564

LAVS 1 PER 200 = 3 REQ'D 8 PROVIDED

WATER CLOSETS 1 PER 65 = 9 REQ'D 20 PROVIDED

DRINKING FOUNTAINS 1 PROVIDED (WATER AVAILABLE UPON REQUEST)

OTHER 1 SERVICE SINK REQ.

OCCUPANT LOAD - FIRST FLOOR

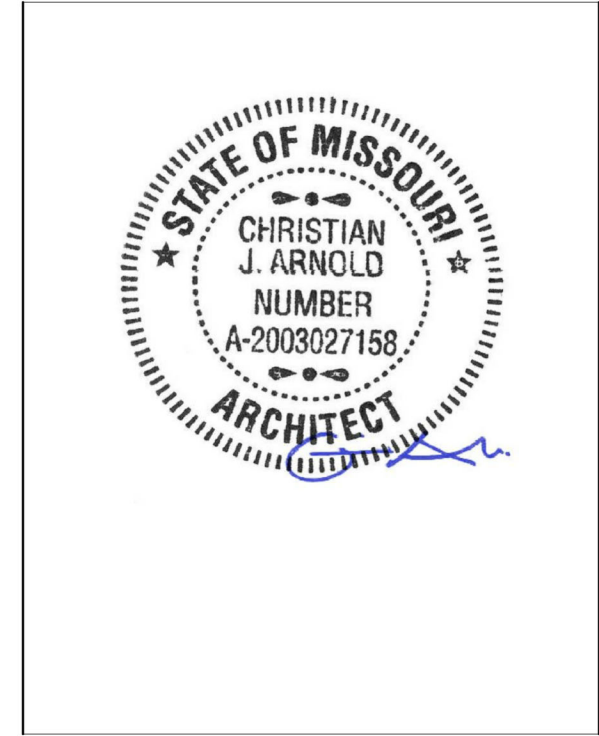
	AREA NAME	AREA	FUNCTION	OCC.
01	Grand Screen	4488 SF	ASSEMBLY, FIXED SEATS	197
02	Lyric	1466 SF	ASSEMBLY, FIXED SEATS	49
03	Auditorium	1481 SF	ASSEMBLY, FIXED SEATS	45
04	MX4D	1407 SF	ASSEMBLY, FIXED SEATS	49
04A	Support	112 SF	ACCESSORY STORAGE, MECH. ROOM	
05	Auditorium	1372 SF	ASSEMBLY, FIXED SEATS	37
06	Screen Play	2042 SF	ASSEMBLY, FIXED SEATS	46
07	Auditorium	2964 SF	ASSEMBLY, FIXED SEATS	81
08	Max Relax	1443 SF	ASSEMBLY, FIXED SEATS	32
09	Auditorium	1390 SF	ASSEMBLY, FIXED SEATS	37
10	Auditorium	1777 SF	ASSEMBLY, FIXED SEATS	49
100	Vestibule	1505 SF	(none)	35
100A	Entry	126 SF	(none)	
100B	Box Office	170 SF	BUSINESS AREAS	2
101	Lobby	3614 SF	ASSEMBLY, UNCONCENTRATED	80
101a	Women	546 SF	(none)	
101b	Men	549 SF	(none)	
102	Concession	335 SF	BUSINESS AREAS	3
103	Bar	1516 SF	ASSEMBLY, UNCONCENTRATED	70
104	Bar Support	462 SF	KITCHENS, COMMERCIAL	2
104A	Liquor	40 SF	ACCESSORY STORAGE, MECH. ROOM	
104B	Star	16 SF	ACCESSORY STORAGE, MECH. ROOM	
105	Lounge	1541 SF	ASSEMBLY, UNCONCENTRATED	53
106	Concierge	156 SF	BUSINESS AREAS	2
107	Bowling	6695 SF	BOWLING CENTERS	80
107A	Exit	113 SF	(none)	
108	Arcade	3236 SF	ASSEMBLY, UNCONCENTRATED	124
109	Redemption	280 SF	ASSEMBLY, UNCONCENTRATED	13
109A	Redemption Storage	80 SF	SERVICE SPACE	
110	Party Room	320 SF	ASSEMBLY, UNCONCENTRATED	22
111	Family	87 SF	(none)	
111a	Jan	12 SF	(none)	
112	Storage	1294 SF	ACCESSORY STORAGE, MECH. ROOM	
112	Existing Kitchen	1606 SF	KITCHENS, COMMERCIAL	9
E113	Corridor	718 SF	(none)	
E114	Corridor	2469 SF	(none)	
E115	Exiting Beverage Station	300 SF	KITCHENS, COMMERCIAL	2
E116	Men	186 SF	(none)	
E117	Women	192 SF	(none)	
E118	Men	199 SF	(none)	
E119	Women	188 SF	(none)	

OCCUPANT LOAD - AUDITORIA

AUDITORIUM FIXED SEAT COUNTS (FOR REF ONLY)				
	AREA NAME	AREA	FUNCTION	SEATS
01	Grand Screen	4488 SF	ASSEMBLY, FIXED SEATS	197
02	Lyric	1466 SF	ASSEMBLY, FIXED SEATS	49
03	Auditorium	1481 SF	ASSEMBLY, FIXED SEATS	45
04	MX4D	1407 SF	ASSEMBLY, FIXED SEATS	49
05	Auditorium	1372 SF	ASSEMBLY, FIXED SEATS	37
06	Screen Play	2042 SF	ASSEMBLY, FIXED SEATS	46
07	Auditorium	2964 SF	ASSEMBLY, FIXED SEATS	81
08	Max Relax	1443 SF	ASSEMBLY, FIXED SEATS	32
09	Auditorium	1390 SF	ASSEMBLY, FIXED SEATS	37
10	Auditorium	1777 SF	ASSEMBLY, FIXED SEATS	49

OCCUPANT LOAD - ENTERTAINMENT CENTER

ENTERTAINMENT CENTER				SEAT
	AREA NAME	AREA	FUNCTION	LANE
03	Bar	1516 SF	ASSEMBLY, UNCONCENTRATED	70
05	Lounge	1541 SF	ASSEMBLY, UNCONCENTRATED	53
06	Concierge	156 SF	BUSINESS AREAS	NA
07	Bowling	6695 SF	BOWLING CENTERS	10 LAN
08	Arcade	3236 SF	ASSEMBLY, UNCONCENTRATED	NA
09	Redemption	280 SF	ASSEMBLY, UNCONCENTRATED	NA
09a	Redemption Storage	80 SF	SERVICE SPACE	NA
10	Party Room	320 SF	ASSEMBLY, UNCONCENTRATED	22





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June 22, 2022

Bethany Moore
City Planner
City of Creve Coeur Missouri
300 N New Ballas Road
Creve Coeur MO 63141

Re: Application #22-013: B&B Theatres Conditional Use Permit

Ms. Moore

Thank you for reviewing B & B Theatres' application and for the comment letter dated June 13. The additional information requested is contained in this response letter and the included supporting documents.

Below is a chart breaking out the various properties that make up the West Park Center Campus. The total campus has approximately 1185 total parking spaces. All six properties entered into a Restated Declaration of Covenants, Easements and Restrictions that was recorded March 27, 1996 as Daily No 1071 in Book 10780, Page 197 according to St. Louis County records. This document includes language for a Passage and Parking easement between all parties that allows theatre customers to park on the adjoining lots. Included as a separate document is a site plan for the West Park Center Campus which hopefully helps to clarify the parking situation.

West Park Center Campus Parking Matrix						
Lot	Use	Parking	Cinema Owned Parking	Cross Access Easement Parking	Cinema & Cinema Adjacent Parking	Cinema & Cinema Adjacent Parking w/o Auxiliary Lot
Parcel 1, Tract I Adjusted Lot IIA	Cinema / Entertainment Main	214	214		214	214
Parcel 1, Tract II Adjusted Parcel 3	Cinema / Entertainment Auxiliary	218	218		218	
Parcel 2, Tract I Adjusted Lot IIIA	Office Buildings	64		64	64	64
Parcel 2, Tract III Lot IIB	Office Buildings	135		135		
Parcel 2 Tract II Lot IIIB	Office Building	0		0		0
Parcel 2, Tract IV Adjusted Lot I	Office Building/Restaurant/Retail	698		698	276	276
		1329	432	897	772	554

Also requested was a total number of theatre seats proposed and that information is below. Since the proposed changes to the facility includes additional concepts (bowling, family arcade, ropes course, lounge), we have also included information for the Entertainment Center. Included as a separate document is a floor plan of the facility with this information included.

OCCUPANT LOAD - AUDITORIA

AUDITORIA FIXED SEAT COUNTS (FOR REF ONLY)

	AREA NAME	AREA	FUNCTION	SEATS
01	Grand Screen	4488 SF	ASSEMBLY, FIXED SEATS	197
02	Lyric	1466 SF	ASSEMBLY, FIXED SEATS	49
03	Auditorium	1481 SF	ASSEMBLY, FIXED SEATS	45
04	MX4D	1407 SF	ASSEMBLY, FIXED SEATS	49
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07	Auditorium	2964 SF	ASSEMBLY, FIXED SEATS	81
08	Max Relax	1443 SF	ASSEMBLY, FIXED SEATS	32
09	Auditorium	1390 SF	ASSEMBLY, FIXED SEATS	37
10	Auditorium	1777 SF	ASSEMBLY, FIXED SEATS	49
				622

OCCUPANT LOAD - ENTERTAINMENT CENTER

	AREA NAME	AREA	FUNCTION	SEATS / LANES
103	Bar	1516 SF	ASEMBLY, UNCONCENTRATED	70
105	Lounge	1541 SF	ASEMBLY, UNCONCENTRATED	53
106	Concierge	156 SF	BUSINESS AREAS	NA
107	Bowling	6695 SF	BOWLING CENTERS	10 LANES
108	Arcade	3236 SF	ASEMBLY, UNCONCENTRATED	NA
109	Redemption	280 SF	ASEMBLY, UNCONCENTRATED	NA
109a	Redemption Storage	80 SF	SERVICE SPACE	NA
110	Party Room	320 SF	ASEMBLY, UNCONCENTRATED	22

To determine the parking requirements for the remodeled building we reviewed Chapter 405 Article VII: Off-Street Parking and Loading Requirements of the City of Creve Coeur. The ordinance clearly specifies requirements for most components of the facility and that chart is shown below. Obviously, Creve Coeur City Staff would determine the exact requirements but we believe we are close in our calculations. Calculations for the theatre, bowling, party room, bar and lounge were straight forward. We were not sure if arcade, redemption store and ropes course should be classified as Food Services and Drinking Places or General Retail Establishments but since the ratios are the same (one parking space per 250 square feet versus 4 parking spaces per 1000 feet) the actual classification may not matter.

Use	Zoning Ordinance	Clasification		Parking Ratio	Parking Spaces Need
Cinema	405.820 (H)(6)(b)	Multi-Plex Motion Picture Theatre	622 seats	1:4 seats	155.50
Bowling Lanes	405.820 (H)(7)(c)	Bowling Center	10 Lanes	5:1 lanes	50
Bar	405.820 (F)(5)(a)	Food Services and Drinking Places	70 seats	1:3 seats	23.33
Bar	405.820 (F)(5)(a)	Food Services and Drinking Places	1516 sq. ft.	1:250 sq. ft	6.06
Lounge	405.820 (F)(5)(a)	Food Services and Drinking Places	53 seats	1:3 seats	17.67
Lounge	405.820 (F)(5)(a)	Food Services and Drinking Places	1541 sq. ft	1:250 sq. ft	6.16
Party Room	405.820 (F)(5)(a)	Food Services and Drinking Places	22 seats	1:3 seats	7.33
Party Room	405.820 (F)(5)(a)	Food Services and Drinking Places	320 sq. ft	1:250 sq. ft	1.28
Redemption Store	405.820 (F)(5)(a)	Food Services and Drinking Places	280 sq. ft	1:250 sq. ft	1.12
Arcade	405.820 (F)(5)(a)	Food Services and Drinking Places	320 sq. ft.	1:250 sq. ft	1.28
Ropes Course	405.820 (F)(5)(a)	Food Services and Drinking Places	320 sq. ft.	1:250 sq. ft	1.28
					271.02
				Rounded To	271*

* This interpretation would be the strictest interpretation of Chapter 405 of the Creve Coeur Zoning Ordinance

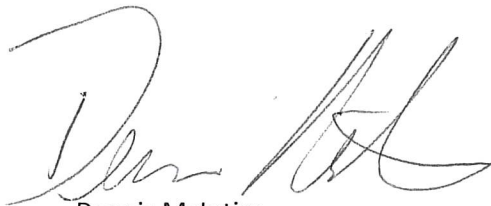
As noted on the chart, we believe that this is the strictest interpretation of the ordinance. Even with the strict interpretation of the requirements however, the parking spaces controlled directly by the theatre exceeds the requirement.

On the request for information, there was a question about information on new exterior mechanical equipment. The existing equipment has been tested and all are in good working condition and so at this time there is no plan for new equipment.

There was also reference to potential sign changes. There are internal conversations about adding additional signage, but no decision has been made. Thank you for including the West Park Master Sign Plan; our sign company is using its design criteria to design potential sign options. It is understood that any changes that exceed the Master Plan criteria will require amending the plan.

Thank you again for your help on this project. Please let me know if there is additional information needed.

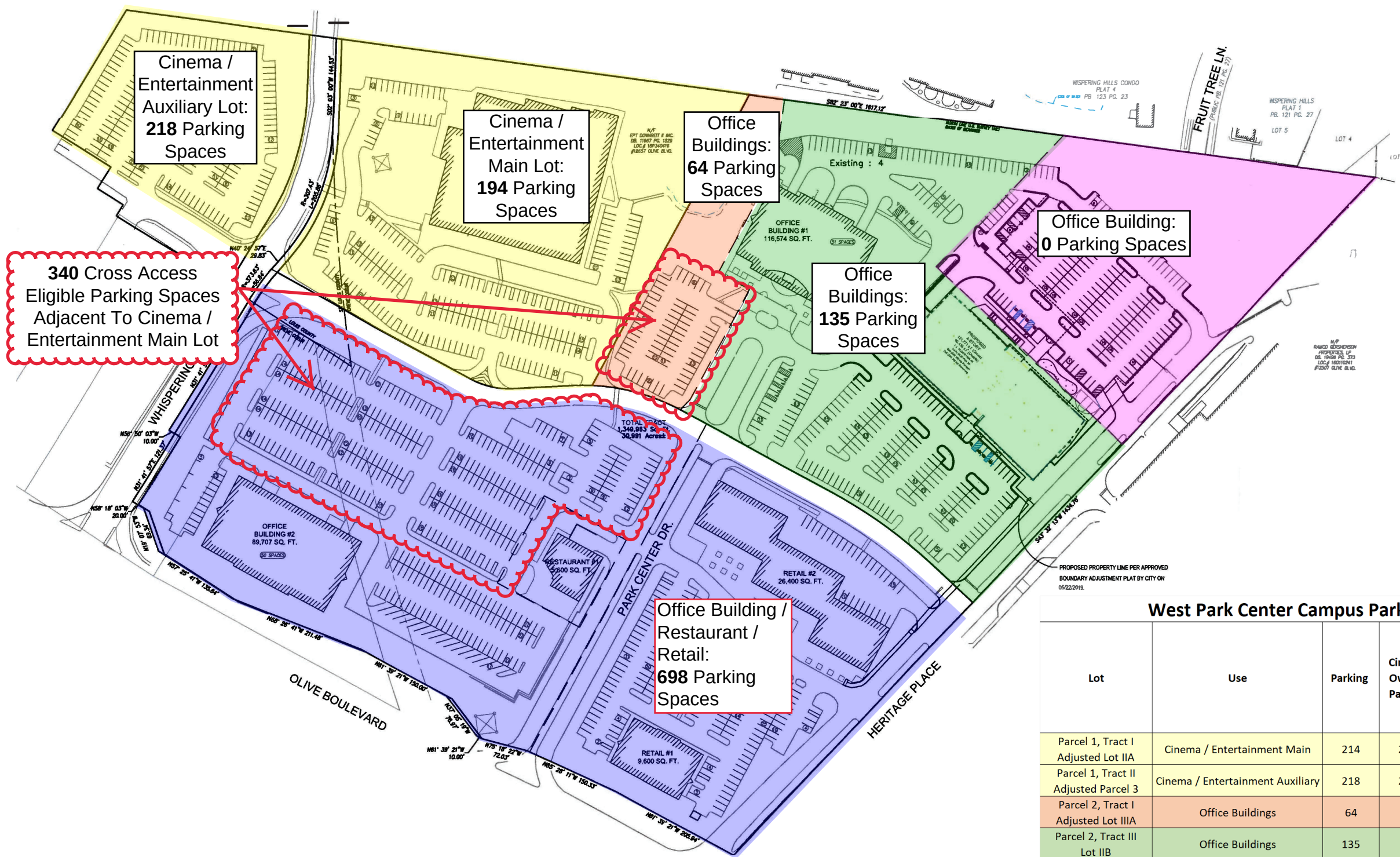
Sincerely

A handwritten signature in black ink, appearing to read 'Dennis McIntire', with a stylized, flowing script.

Dennis McIntire
Executive Director of Strategic Development and Innovation

CAMPUS PLAN FOR WEST PARK CENTER

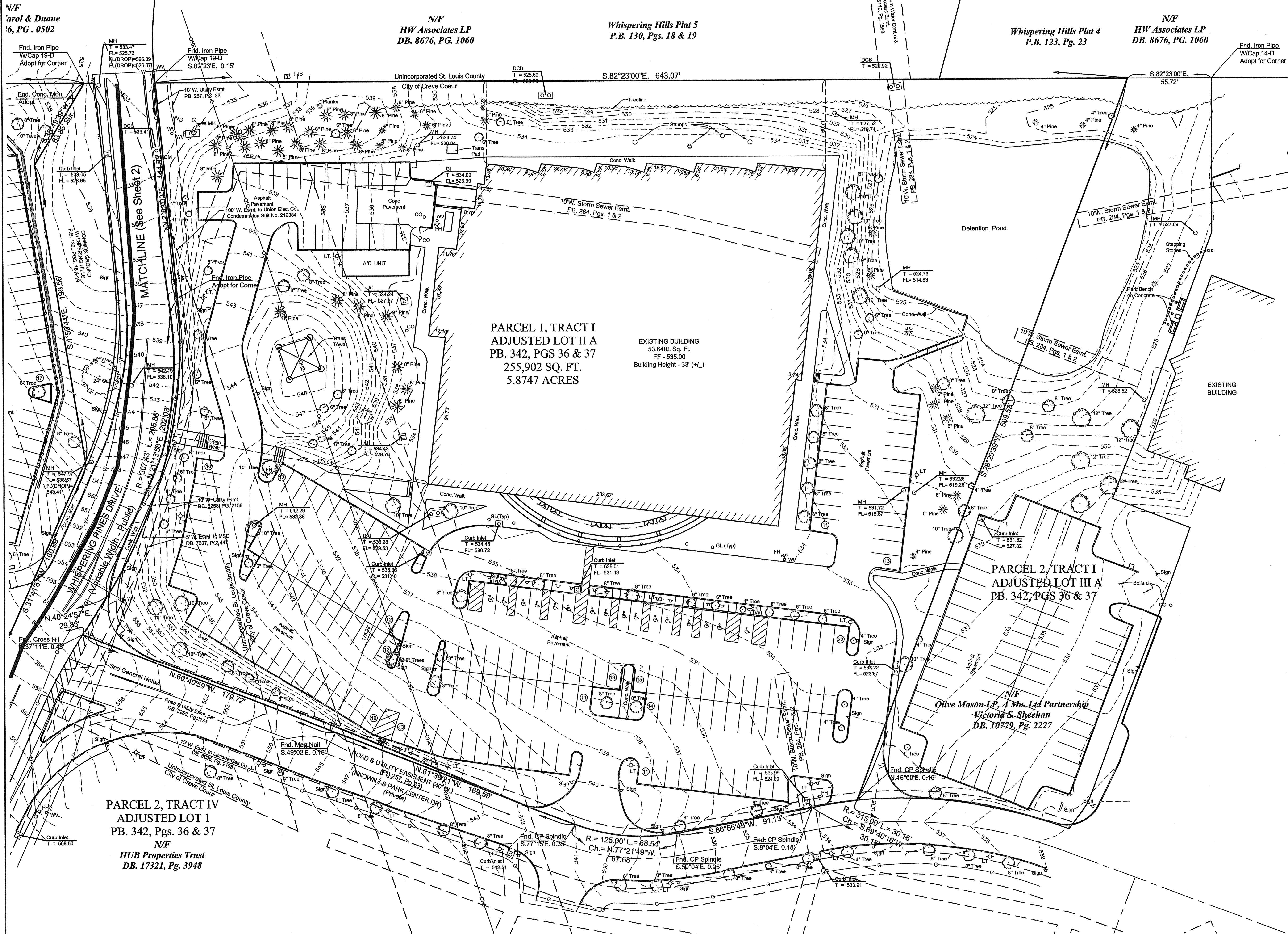
A TRACT OF LAND BEING LOTS IIB, AND IIIB OF WEST PARK AS RECORDED IN PLAT BOOK 284, PAGES 1 AND 2 AND ADJUSTED LOT IIIA OF BOUNDARY ADJUSTMENT PLAT OF LOTS I, IIA, AND IIIA WEST PARK AS RECORDED IN PLAT BOOK 342 PAGE 36, LOCATED IN TOWNSHIP 45 AND 46 NORTH, RANGE 5 EAST OF THE 5TH PRINCIPAL MERIDIAN, CITY OF CREVE COEUR, ST. LOUIS COUNTY, MISSOURI



West Park Center Campus Parking Matrix						
Lot	Use	Parking	Cinema Owned Parking	Cross Access Easement Parking	Cinema & Cinema Adjacent Parking	Cinema & Cinema Adjacent Parking w/o Auxiliary Lot
Parcel 1, Tract I Adjusted Lot IIA	Cinema / Entertainment Main	214	214		214	214
Parcel 1, Tract II Adjusted Parcel 3	Cinema / Entertainment Auxiliary	218	218		218	
Parcel 2, Tract I Adjusted Lot IIIA	Office Buildings	64		64	64	64
Parcel 2, Tract III Lot IIB	Office Buildings	135		135		
Parcel 2 Tract II Lot IIIB	Office Building	0		0		0
Parcel 2, Tract IV Adjusted Lot I	Office Building/Restaurant/Retail	698		698	276	276
		1329	432	897	772	554

WEST PARK

IN U.S. SURVEY 1923, TOWNSHIP 45 & 46 NORTH, RANGE 5 EAST
CITY OF CREVE COEUR, ST. LOUIS COUNTY, MISSOURI



LOCATION MAP
N.T.S.

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ABBREVIATIONS

AI	Area Inlet	L	Length of Curve
Asph	Asphalt	LI	Light
BM	Benchmark	MH	Manhole
CB	Catch Basin	N/F	Now or Formerly
ChB	Chord Bearing	OHE	Overhead Electric
CI	Curb Inlet / Catch Inlet	OHW	Overhead Wires
CL or C	Centerline	OIP	Old Iron Pipe
CO	Cleanout	PG	Page
Conc	Concrete	PB	Plat Book
DB	Dead Book	PL	Property Line
DCB	Double Catch Basin	Pvmt	Pavement
DCI	Double Curb Inlet	R	Radius
EM	Electric Meter	ROW	Right-of-Way
ESMT	Essasment	Sig	Signal/Traffic
EP	Edge of Pavement	SW	Swale
EW	Edge of Water	TC	Top of Curb
Fd	Found	TJB	Telephone Junction Box
FES	Flared End Section	TMH	Telephone Manhole
FF	Finished Floor	Trans	Transformer
FI	Fire Hydrant	Typ	Typical
FL	Flowline/Gutter	UGE	Underground Electric
Fnd	Found	UGT	Underground Telephone
GI	Grate Inlet	UP	Utility Pole
GL	Ground Light	UP/TRANS	Utility Pole w/Transformer
GM	Gas Meter	UP/LT	Utility Pole w/Light
GV	Gas Valve	UMH	Utility Manhole
Gr MH	Grate Manhole	WM	Water Meter
GW	Guy Wire	WMH	Water Manhole
IP	Iron Pipe	WV	Water Valve

LEGEND

— 500 —	- Contour Major
- - - 500 - - -	- Contour Minor
+ 500.00	- Spot Elevation
- OHW -	- Overhead Wires (E, T, C, etc.)
- UGE -	- Underground Electric Line
- UGT -	- Underground Telephone Line
- G -	- Gas Line
- T -	- Telephone Line
- W -	- Water Line
- F -	- Fence Line
- X -	- Utility Pole
○	- Cleanout
○	- Manhole
○	- Sign
○	- Valve/Meter
○	- Fire Hydrant
○	- Light Standard

REVISIONS

NO.	DATE	DESCRIPTION
1	6/04/09	AMH, Misc.

ACUMEN DEVELOPMENT, LLC
4600 S. Syracuse St., Suite 1450
Denver, CO 80237

ALTA/LAND TITLE SURVEY
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St. Louis, MO 63141

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Underground facilities, structures & utilities have been plotted from available surveys, records & information, and therefore, do not necessarily reflect the actual existence, nonexistence, size, type, number of, or location of these facilities, structures, & utilities.

The Contractor shall be responsible for verifying the actual location of all underground facilities, structures, & utilities, either shown or not shown on these plans. The underground facilities, structures, & utilities shall be located in the field prior to any grading, excavation or construction of improvements. These provisions shall in no way absolve any party from complying with the Underground Facility Safety and Damage Prevention Act, Chapter 319, RSMo.

Designed JML/DEO
Checked 06/01/09
Date
Project Number 09056
Sheet Number 1 of 3

WEST PARK
IN U.S. SURVEY 1923, TOWNSHIP 45 & 46 NORTH, RANGE 5 EAST
CITY OF CREVE COEUR, ST. LOUIS COUNTY, MISSOURI

TITLE NOTES

Investigation of recorded easements, restrictions and covenants has been limited to those listed in Stewart Title Guaranty Company, Commitment No. 208100485, having an effective date of: October 27, 2008.

Comments to Schedule B Section 2 Exceptions, as they pertain to matters of survey, are based solely on the property descriptions and/or plats contained in the referenced document. Easements are graphically plotted as accurately as information in referenced document permits. All calls to Deeds and Plats are for those recorded in the St. Louis County Records.

- Easement to Union Electric Company created in Condemnation Suit No. 212384 in the Circuit Court of St. Louis County, Missouri is on subject Parcel 1, Tract I and is shown. Said easement also affects Parcel 2, Tract IV.
- Record plat of West Park recorded in Plat Book 284, pages 1 and 2 pertains to subject Parcel 1, Tract I, easements affecting said Parcel 1, Tract I are shown (no building setback lines are depicted on said plat). Said plat also affects Parcel 2, Tracts I - IV.
- Looped Multi-Feed Water System Use Restriction according to instrument recorded in Book 8051, page 1131 pertains to subject Parcel 1, Tract I, (not plotable). Said Looped Multi-Feed Water System Use Restriction also affects Parcel 2, Tracts I - IV.
- Easement Declaration according to instrument recorded in Book 8119, page 1598 pertains to subject Parcel 1, Tract I, easements created on adjoining property are shown. Said easement also affects Parcel 2, Tracks I - IV.
- Reciprocal Easement, Joint Use, Construction and Maintenance Agreement according to instrument recorded in Book 8461, page 1189 pertains to Parcel 1, Tract I. Said Agreement also affects Parcel 2, Tracks I - IV, easement area is shown.
- Declaration of Covenants, Easements and Restrictions according to instrument recorded in Book 8364, page 1489 pertains to Parcel 1, Tract I. Said Declaration also affects Parcel 2, Tracks I - IV.
- Easement granted Union Electric Company according to instrument recorded in Book 6874, page 594 pertains to Parcel 1, Tract I. Said Agreement also affects Parcel 2, Tracks I - IV, easement area is shown.
- Easements granted Union Electric Company according to instrument recorded in Book 8710, page 1847 pertains to Parcel 1, Tract I (not plotable). Said Agreement also affects Parcel 2, Tracks I - IV.
- Easement granted to The Metropolitan St. Louis Sewer District according to instrument recorded in Book 7207, page 447 is on subject Parcel 1, Tract I and is shown.
- Sanitary Sewer Maintenance Agreement according to instrument recorded in Book 6404, page 1647 affects Parcel 1, Tract II (not plotable).
- Easement for Water Pipe granted to St. Louis County Water Company according to instrument recorded in Book 4840, page 521 is on Parcel 1, Tract II and is shown.
- Easement granted to Fee Fee Truck Sewer, Inc. according to instrument recorded in Book 6404, page 164 is on Parcel 1, Tract II and is shown.
- Easement granted Union Electric Company according to instrument recorded in Book 6410, page 1549 is on Parcel 1, Tract II, and is shown.
- Easements granted to The Metropolitan St. Louis Sewer District according to instrument recorded in Book 8024, page 1471 are on Parcel 2, Tracts II, III & IV and are shown.
- Easement granted Union Electric Company according to instrument recorded in Book 8227, page 1583 is on Parcel 2, Tract IV, and is shown. Said easement has been partially released by Book 8410, page 2155.
- Easement granted Laclede Gas Company according to instrument recorded in Book 8296, page 2103 is on Parcel 2, Tract IV, and is shown.
- Easement granted Union Electric Company according to instrument recorded in Book 8410, page 2145 is on Parcel 2, Tract IV, approximate location shown.
- Easement granted to Heritage Place Limited Partnership according to instrument recorded in Book 8508, page 170 is on Parcel 2, Tract II, and is shown.
- Easement granted to The Metropolitan St. Louis Sewer District according to instrument recorded in Book 9456, page 1036 is on subject Parcel 2, Tract II and is shown.
- Temporary Slope Construction License according to instrument recorded in Book 10273, page 404 is on Parcel 2, Tract IV, and is shown.
- Plat of Parkway recorded in Plat Book 73, page 49 affects Parcel 2, Tract IV, easements have been vacated by. Adjusted Lot A of Boundary Adjustment Plat of Lots 1 & 2 of Parkway recorded in Plat Book 342, page 65 affects Parcel 3, Tracts I & II.
- General Warranty Deeds recorded in Book 6746, page 1625 and Book 6746, page 2322 affect Parcel 3, Tracts I & II.
- Cross-Easement Agreement according to instrument recorded in Book 10807, page 1959 affects Parcel 1, Tract II and Parcel 3, Tract I. Cross Access Easement is shown.
- Development Plan according to plat recorded in Plat Book 342, pages 95 & 96 affect Parcel 1, Tract II (not plotable). Said plat also affects Parcel 3, Tracts I & II.
- Boundary Adjustment Plat Lots I, IIA & IIIA, West Park according to plat recorded in Plat Book 342, pages 36 & 37 affects Parcel 1, Tract I, no new easements or building setback lines are shown on said plat. Said plat also affects Parcel 2, Tract IV.
- Restated Declaration of Covenants, Easements and Restrictions according to instrument recorded in Book 10780, page 197 affects Parcel 1, Tracts I & II (not plotable). Said Declaration also affects Parcel 2, Tracts I - IV.
- Cross-Easement and Restriction Agreement according to instrument recorded in Book 10779, page 2231 affects Parcel 1, Tract I & II (not plotable). Said Agreement also affects Parcel 3, Tracts I & II.
- Reciprocal Construction Easement Agreement according to instrument recorded in Book 10779, page 2258 affects Parcel 1, Tract II (not plotable). Said Agreement also affects Parcel 3, Tracts I & II.
- Development Plan according to plat recorded in Plat Book 344, pages 147 - 149 affect Parcel 1, Tract I (not plotable). Said plat also affects Parcel 2, Tracts I - IV.
- Maintenance Agreement according to instrument recorded in Book 10826, page 148, Book 10844, page 1488 and Book 11185, page 1807 affect Parcel 1, Tract I (not plotable).
- Not reviewed.
- Not reviewed.
- Not reviewed.

GENERAL NOTES

Basis of Bearing: Plat of West Park per Plat Book 284, pages 1 & 2.

Tract 1, Parcels I & II are currently vested in EPT DownREIT II, Inc., by Deed recorded in Book 11667, page 1529 per St. Louis County Assessor Records.

Property located in Creve Coeur is currently zoned as: "CB" Core Business District.
Property located in Un-Incorporated St. Louis County is currently zoned: "C-8"

By graphic plotting only, this property is in Zone "X" (no shading) an area defined as being outside the 100 year flood plain limits of Flood Insurance Rate Map Number 29189C0162-H, (Community Panel Number 290344-0162-H), effective date: August 2, 1995. This note is for the purpose of providing information as indicated on the current Flood Insurance Rate Map for this area, and should not be construed as an indication as to whether flood insurance should, or should not be purchased.

There are currently 208 striped parking spaces on Parcel 1, Tract I of which 16 is marked as ADA accessible and there are currently 218 striped parking spaces on Parcel 1, Tract II.

There appears to be a gap (see hatched area) between the right of way of Whispering Pines Drive and the Roadway and Utility Easement per Deed Book 8258, page 2158. No document listed in the hereon referenced title address's status of said tract.

LEGEND

- | | |
|-----------|----------------------------------|
| — 500 | - Contour Major |
| - - - 500 | - Contour Minor |
| + 500.00 | - Spot Elevation |
| — OHW | - Overhead Wires (E, T, C, etc.) |
| — UGE | - Underground Electric Line |
| — UGT | - Underground Telephone Line |
| — G | - Gas Line |
| — T | - Telephone Line |
| — W | - Water Line |
| - x - | - Fence Line |
| o | - Utility Pole |
| o CO | - Cleanout |
| o | - Manhole |
| o | - Sign |
| o | - Valve/Meter |
| o | - Fire Hydrant |
| o | - Light Standard |

ABBREVIATIONS

- | | | | |
|---------|--------------------------|----------|----------------------------|
| AI | Area Inlet | LI | Light |
| Asph | Asphalt | MH | Manhole |
| BM | Benchmark | NIF | Now or Formerly |
| CB | Catch Basin | OH | Overhead Electric |
| CHB | Chord Bearing | OHW | Overhead Wires |
| CI | Centerline | OIP | Old Iron Pipe |
| CL or G | Centerline / Catch Inlet | PG | Page |
| CO | Cleanout | PB | Plat Book |
| Conc | Concrete | PL | Property Line |
| DB | Deed Book | Pvmt | Pavement |
| DCB | Double Catch Basin | R | Radius |
| DCI | Double Curb Inlet | R/W | Right-of-Way |
| EM | Electric Meter | Sg | Signal/Traffic |
| ESMT | Easement | SNV | Sewer |
| EP | Edge of Pavement | TC | Top of Curb |
| EW | Edge of Water | TJB | Telephone Junction Box |
| FL | Found | T.MH | Telephone Manhole |
| FES | Flared End Section | Trans | Transformer |
| FF | Finished Floor | Typ | Typical |
| FH | Fire Hydrant | UGE | Underground Electric |
| GI | Grate Inlet | UGT | Underground Telephone |
| GL | Ground Light | UP/TRANS | Utility Pole w/Transformer |
| GM | Gas Meter | UP/LT | Utility Pole w/Light |
| GV | Gas Valve | UMH | Utility Manhole |
| Gr MH | Grate Manhole | WM | Water Meter |
| GW | Guy Wire | WMH | Water Manhole |
| IP | Iron Pipe | WV | Water Valve |
| L | Length of Curve | | |

PROPERTY DESCRIPTION

Parcel 1:

Tract I:
Adjusted Lot IIA of BOUNDARY ADJUSTMENT PLAT LOTS I, IIA & IIIA, WEST PARK, according to the plat thereof recorded in Plat Book 342 Pages 36 and 37 of the St. Louis County Records, in St. Louis County, Missouri.

Tract II:
Adjusted Parcel 3 of ADJUSTED PARCEL 1, 2 AND 3 OF U.S. SURVEY 1923, according to the plat thereof recorded in Plat Book 342 Pages 36 and 37 of the St. Louis County Records, and Surveyor's Affidavit recorded in Book 10900, page 2215, in St. Louis County, Missouri.

Parcel 2:

Non-exclusive easement rights appurtenant to Parcel No. 1 under the Restated Declaration of Covenants, Easements and Restrictions recorded on March 27, 1996 in Book 10780 Page 197, as set forth over the following tracts:

Tract I:
Adjusted Lot IIIA of BOUNDARY ADJUSTMENT PLAT LOTS I, IIA & IIIA, WEST PARK, according to the plat thereof recorded in Plat Book 342 Pages 36 and 37 of the St. Louis County Records, in St. Louis County, Missouri.

Tract II:
Lot IIIB of WEST PARK, according to the plat thereof recorded in Plat Book 284 Pages 1 and 2 of the St. Louis County Records, as amended by Surveyor's Affidavit recorded in Book 8674, page 1811, in St. Louis County, Missouri

Tract III:
Lot IIIB of WEST PARK, according to the plat thereof recorded in Plat Book 284 Pages 1 and 2 of the St. Louis County Records, as amended by Surveyor's Affidavit recorded in Book 8674, page 1811, in St. Louis County, Missouri

Tract IV:
Adjusted Lot I of BOUNDARY ADJUSTMENT PLAT LOTS I, IIA & IIIA, WEST PARK, according to the plat thereof recorded in Plat Book 342 Pages 36 and 37 of the St. Louis County Records, in St. Louis County, Missouri.

Parcel 3:

Non-exclusive easement rights appurtenant to Parcel No. 1 under the Cross Easements and Restriction Agreement recorded in Book 10779 Page 2231, as set forth over the following tracts:

Tract I:
Lot 1 of PARKWAY, according to the plat thereof recorded in Plat Book 73 Page 49 of the St. Louis County Records in St. Louis County, Missouri, EXCEPTING therefrom that part taken for the widening of Olive Street Road.

Tract II:
Lot 2 of PARKWAY, according to the plat thereof recorded in Plat Book 73 Page 49 of the St. Louis County Records in St. Louis County, Missouri, EXCEPTING therefrom that part conveyed to the State of Missouri by instrument recorded in Book 6746 Page 1625.

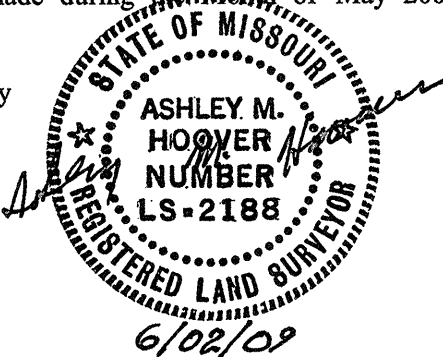
PARCEL NO. 3, Tracts I and II are now know as ADJUSTMENT LOT A OF PARKWAY SUBDIVISION, according to the Boundary Adjustment Plat recorded in Plat Book 342 Page 65 of the St. Louis County Records, in St. Louis County, Missouri, EXCEPTING therefrom that part conveyed to St. Louis County in instrument recorded in Book 10807 Page 1963.

TO: Acumen Development LLC
(Lender)
Stewart Title Guaranty Company

This is to certify that this map or plat and the survey on which it is based were made in accordance with the "Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys" jointly established and adopted by the American Land Title Association and National Society of Professional Surveyors in 2005, and includes Items 1,2,3,4,5,6,7(a)(b)-(j)(c), 8,9,10,11(b),13 & 14 of Table A thereof. Pursuant to the Accuracy Standards as adopted by ALTA and NSPS and in effect on the date of this certification, undersigned further certifies that in my professional opinion, as a land surveyor registered in the State of Missouri, the Relative Positional Accuracy of this survey does not exceed that which is specified therein.

This Survey has also been made in accordance with the current Missouri Minimum Standards for Property Boundary Surveys, established by the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects and meets the accuracy requirements for an Urban Class Survey, as defined therein, and has been made during the month of May 2009, at the request of Acumen Development LLC.

By: The Clayton Engineering Company
Ashley M. Hoover, Mo. L.S.R. #2188
K. Beirne/S. Reynolds, Deputies



0 30 60
SCALE IN FEET
Scale 1" = 30'

N/F
Trsre Olive
DB. 18273, PG. 3191

N/F
Youthbridge Community
Foundation
DB. 17830, PG 1981

N/F
Youthbridge Community
Foundation
DB. 17830, PG 1981

N/F
Langley, Carol & Duane
DB. 10526, PG. 0502

PARCEL 1, TRACT II
ADJUSTED LOT 3
PB. 344, PG. 7
99,126 SQ. FT.
2.2756 ACRES

PARCEL 3, TRACT I

N/F
Walgreens Co.
DB. 11133, PG. 1877

PARCEL 3, TRACT II

PARCEL 2, TRACT IV
ADJUSTED LOT 1
PB. 342, Pgs. 36 & 37

N/F
HUB Properties Trust
DB. 17321, PG. 3948

Underground facilities, structures & utilities have been plotted from available surveys, records & information, and therefore, do not necessarily reflect the actual existence, nonexistence, size, type, number of, or location of these facilities, structures, & utilities.

The Contractor shall be responsible for verifying the actual location of all underground facilities, structures, & utilities, either shown or not shown on these plans. The underground facilities, structures, & utilities shall be located in the field prior to any grading, excavation or construction of improvements. These provisions shall in no way absolve any party from complying with the Underground Facility Safety and Damage Prevention Act, Chapter 319, RSMo.



Call Before you DIG
TOLL FREE
1-800-344-7483

The signed and sealed original of this drawing is on file at the offices of The Clayton Engineering Company, Inc. The signed and sealed original is the official document and shall take precedence over any digital version.

Prepared for:

ACUMEN DEVELOPMENT, LLC
4600 S. Syracuse St., Suite 1450
Denver, CO 80237

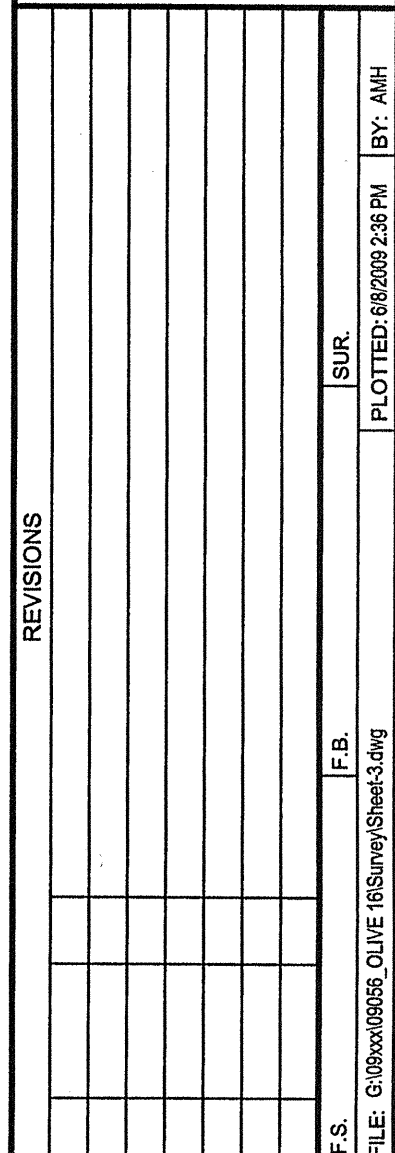
ALTA/LAND TITLE SURVEY

1140 Kram Road
St. Louis, MO 63141

REVISIONS

NO.	DATE	BY	REVISION
1	6/04/09	AMH	Misc.

Designed
JML/DEO
Checked
Date 06/01/09
Project Number 09056
Sheet Number 2 of 3



ACUMEN DEVELOPMENT, LLC
4600 S. Syracuse St. Suite 1450
Denver, Co. 80237

ALTA/ACSM LAND TITLE SURVEY
West Park
St. Louis, Missouri

Prepared for:	
	
Designed _____	
Drawn _____	
Checked _____	
Date _____	
Project Number 09056	
Sheet Number 3 of 3	

CODE REVIEW

OWNER INFORMATION

OWNER:
B&B THEATERS
DEVELOPER ADDRESS:
PROJECT ADDRESS:
FIRE DEPARTMENT: RED OAK FIRE DEPARTMENT
LOCAL JURISDICTION: RED OAK TEXAS BUILDING & STANDARDS COMMISSION
INDOOR OCCUPANCY: 2,114
OUTDOOR OCCUPANCY: 627
TOTAL OCCUPANCY: 2,741

CODE LEGEND

101
XX
AREA TAG W/
OCCUPANT LOAD
1 HOUR RATED
EXIT ACCESS
XX
EXIT ACCESS LOAD
EXIT LOAD
SEMI-RECESSED FIRE
EXTINGUISHER CABINET
W/ SLB EXTINGUISHER
WALL MOUNTED 1.8
GAL TYPE K WET FIRE
EXTINGUISHER
FE-K

CODE ANALYSIS

APPLICABLE CODES:
2015 INTERNATIONAL BUILDING CODE
2015 INTERNATIONAL ENERGY CONSERVATION CODE
2015 INTERNATIONAL MECHANICAL CODE (BY ST. LOUIS COUNTY DEPARTMENT OF PUBLIC WORKS)
2015 INTERNATIONAL PLUMBING CODE (BY ST. LOUIS COUNTY DEPARTMENT OF PUBLIC WORKS)
2014 NATIONAL ELECTRIC CODE (BY ST. LOUIS COUNTY DEPARTMENT OF PUBLIC WORKS)
2010 ADA
2012 NFPA 101 LIFE SAFETY CODE

CHAPTER 3 USE AND OCCUPANCY CLASSIFICATION
ASSEMBLY, GROUP A-1

CHAPTER 4 SPECIAL DETAILED REQUIREMENTS BASED ON USE AND OCCUPANCY
--

CHAPTER 5 GENERAL BUILDING HEIGHTS AND AREAS [TABLE 503, SECTION 506 & SECTION 507]

GROUP A	TYPE IIB
ALLOWABLE HEIGHT / STORIES	75FT / 3 STORIES
ACTUAL HEIGHT / STORIES	35FT 4IN / 2 STORIES
ALLOWABLE AREA	UNLIMITED SF PER 507.11
ACTUAL AREA	62,908 SF

CHAPTER 6 TYPE OF CONSTRUCTION

IIB, FULLY SPRINKLERED

FIRE RESISTANCE RATING REQUIREMENTS FOR BUILDING ELEMENTS [IBC 601]:

BUILDING ELEMENT	RATING
PRIMARY STRUCTURAL FRAME	0 HR
BEARING WALLS	0 HR
EXTERIOR	0 HR
INTERIOR	0 HR
NONBEARING WALLS	0 HR
EXTERIOR	0 HR
INTERIOR	0 HR
FLOOR CONSTRUCTION AND ASSOCIATED	0 HR
ROOF CONSTRUCTION AND ASSOCIATED	0 HR

FIRE RESISTANCE RATING REQUIREMENT FOR EXTERIOR WALLS BASED ON FIRE
SEPARATION DISTANCE [IBC 602]:
GROUP A 10'-X-30' 0 HR

CHAPTER 7 FIRE AND SMOKE PROTECTION FEATURES

MAXIMUM AREA OF EXTERIOR OPENINGS [IBC 705.8]

FIRE SEPARATION DISTANCE	DEGREE OF OPENING PROTECTION	ALLOWABLE AREA
10 TO <15'	UNPROTECTED, SPRINKLERED	45%
15 TO <20'	UNPROTECTED, SPRINKLERED	75%
20 TO <25'	UNPROTECTED, SPRINKLERED	NO LIMIT
25 TO <30'	UNPROTECTED, SPRINKLERED	NO LIMIT

CHAPTER 9 FIRE PROTECTION SYSTEMS

AUTOMATIC SPRINKLER SYSTEM PER 903.2.1.1
AUTOMATIC SPRINKLER SYSTEM, COMMERCIAL COOKING OPERATIONS PER 903.2.11.5
FIRE EXTINGUISHERS TO BE PROVIDED IN ACCORDANCE WITH THE IFC
NFPA 10 REQUIRED SMOKE DETECTORS TO BE PROVIDED
EMERGENCY ALARM COMMUNICATION SYSTEM
VOICE SYSTEM REQUIRED PER IBC 907.5.2.2
ALL PROVIDED AND INSTALLED BY GENERAL CONTRACTOR

CHAPTER 10 MEANS OF EGRESS

2 MEANS OF ACCESSIBLE EGRESS PROVIDED FOR ALL ROOMS WITH GREATER THAN 50 OCCUPANTS.
MINIMUM OCCUPANT LOAD TO BE POSTED IN CONSPICUOUS LOCATION.

EGRESS WIDTH PER OCCUPANT SERVED [IBC 1005]: WITH SPRINKLER:
STAIRWAYS 2 INCHES PER OCC.
OTHER EGRESS COMPONENTS .15 INCHES PER OCC.

SPACES WITH ONE EXIT OR EXIT ACCESS DOORWAY [IBC 1015]
OCCUPANCY MAX. OCC. LOAD
A-1 49

EXIT ACCESS TRAVEL DISTANCES [IBC 1016.2]
OCCUPANCY A, WITH SPRINKLER: 250' OR LESS

ASSEMBLY AISLE WIDTH [1028.9.1 ITEM 2]
THIRTY-SIX INCHES FOR AISLE STAIRS HAVING SEATING ON ONLY ONE SIDE.

CHAPTER 29 PLUMBING SYSTEMS - INDOOR

MEN: 564
LAVS 1 PER 200 = 3 REQ'D 8 PROVIDED
WATER CLOSETS 1 PER 125 = 5 REQ'D 8 PROVIDED + 11 URINALS

WOMEN: 564
LAVS 1 PER 200 = 3 REQ'D 8 PROVIDED
WATER CLOSETS 1 PER 65 = 9 REQ'D 20 PROVIDED

DRINKING FOUNTAINS 1 PROVIDED (WATER AVAILABLE UPON REQUEST)

OTHER 1 SERVICE SINK REQ.

OCCUPANT LOAD - FIRST FLOOR

RESTAURANT	AREA NAME	AREA	FUNCTION	OCC.
01	Grand Screen	4488 SF	ASSEMBLY, FIXED SEATS	197
02	Lyric	1466 SF	ASSEMBLY, FIXED SEATS	49
03	Screen Play	1468 SF	ASSEMBLY, FIXED SEATS	37
04	MX4D	1407 SF	ASSEMBLY, FIXED SEATS	49
04A	Support	112 SF	ACCESSORY STORAGE, MECH. ROOM	
05	Auditorium	1372 SF	ASSEMBLY, FIXED SEATS	37
06	Auditorium	2083 SF	ASSEMBLY, FIXED SEATS	62
07	Auditorium	2964 SF	ASSEMBLY, FIXED SEATS	81
08	Max Relax	1443 SF	ASSEMBLY, FIXED SEATS	32
09	Auditorium	1390 SF	ASSEMBLY, FIXED SEATS	37
10	Auditorium	1777 SF	ASSEMBLY, FIXED SEATS	49
100	Vestibule	1585 SF	(none)	35
100A	Entry	126 SF	(none)	
100B	Box Office	170 SF	BUSINESS AREAS	2
101	Lobby	3614 SF	ASEMBLY, UNCONCENTRATED	80
101a	Women	546 SF	(none)	
101b	Men	549 SF	(none)	
102	Concession	335 SF	BUSINESS AREAS	3
103	Bar	1516 SF	ASEMBLY, UNCONCENTRATED	70
104	Bar Support	462 SF	KITCHENS, COMMERCIAL	2
104A	Liquor	40 SF	ACCESSORY STORAGE, MECH. ROOM	
104B	Stor	16 SF	ACCESSORY STORAGE, MECH. ROOM	
105	Lounge	1541 SF	ASEMBLY, UNCONCENTRATED	53
106	Concierge	156 SF	BUSINESS AREAS	2
107	Bowling	6695 SF	BOWLING CENTERS	80
107A	Exit	113 SF	(none)	
108	Arcade	3239 SF	ASEMBLY, UNCONCENTRATED	124
109	Redemption	280 SF	ASEMBLY, UNCONCENTRATED	13
109a	Redemption Storage	80 SF	SERVICE SPACE	
110	Party Room	320 SF	ASEMBLY, UNCONCENTRATED	22
111	Storage	1294 SF	ACCESSORY STORAGE, MECH. ROOM	
E112	Existing Kitchen	1606 SF	KITCHENS, COMMERCIAL	9
E113	Corridor	718 SF	(none)	
E114	Corridor	2526 SF	(none)	
E115	Existing Beverage Station	300 SF	KITCHENS, COMMERCIAL	2
E116	Men	186 SF	(none)	
E117	Women	192 SF	(none)	
E118	Men	199 SF	(none)	
E119	Women	188 SF	(none)	

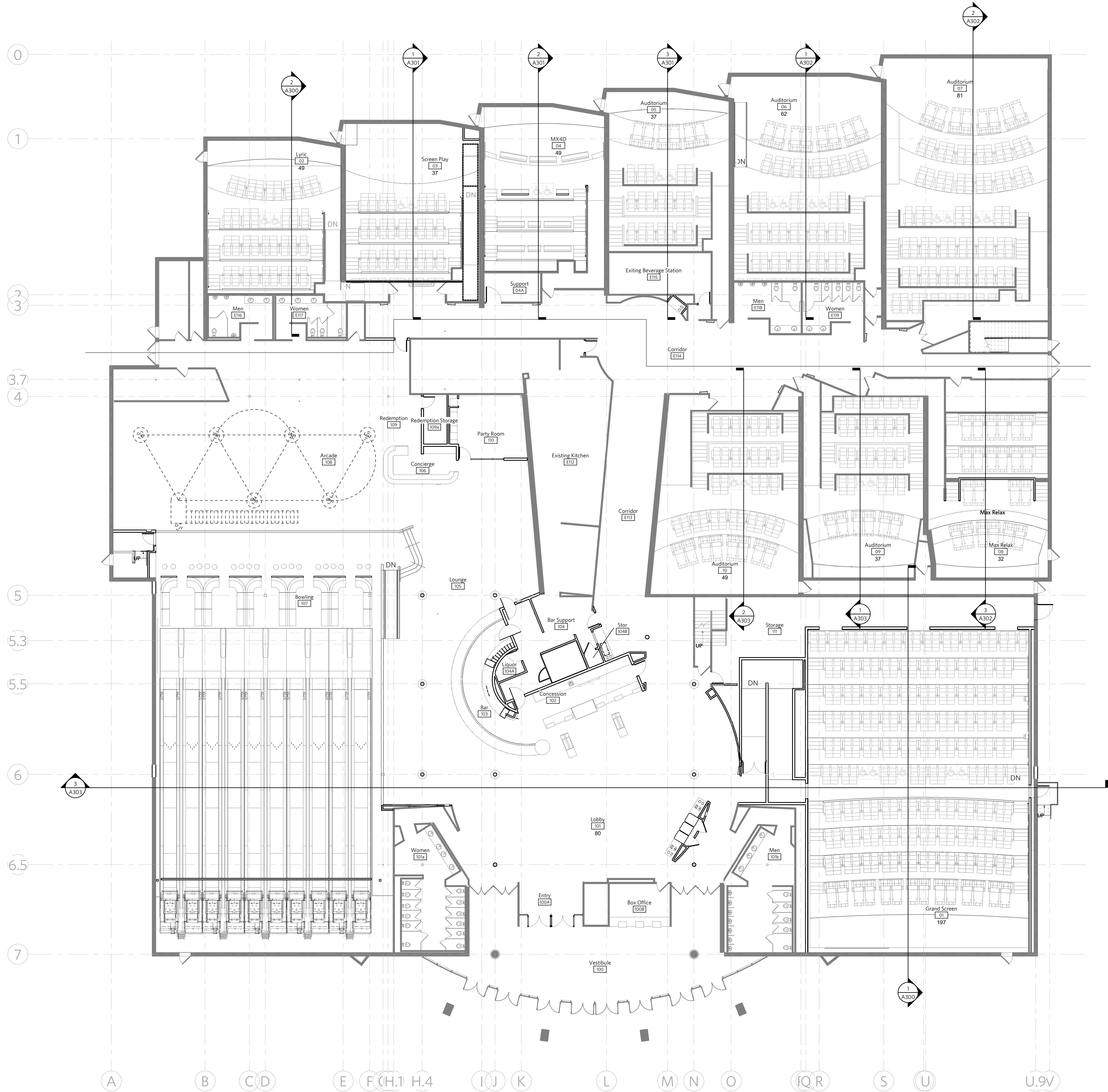
1127

B&B WEST OLIVE

12657 Olive Blvd
Creve Coeur, MO 63141



REV ISSUE DATE
PERMIT SET 05.10.2022



1 Floor Plan
3/32" = 1'-0"

B&B WEST OLIVE

12657 Olive Blvd
Creve Coeur, MO 63141



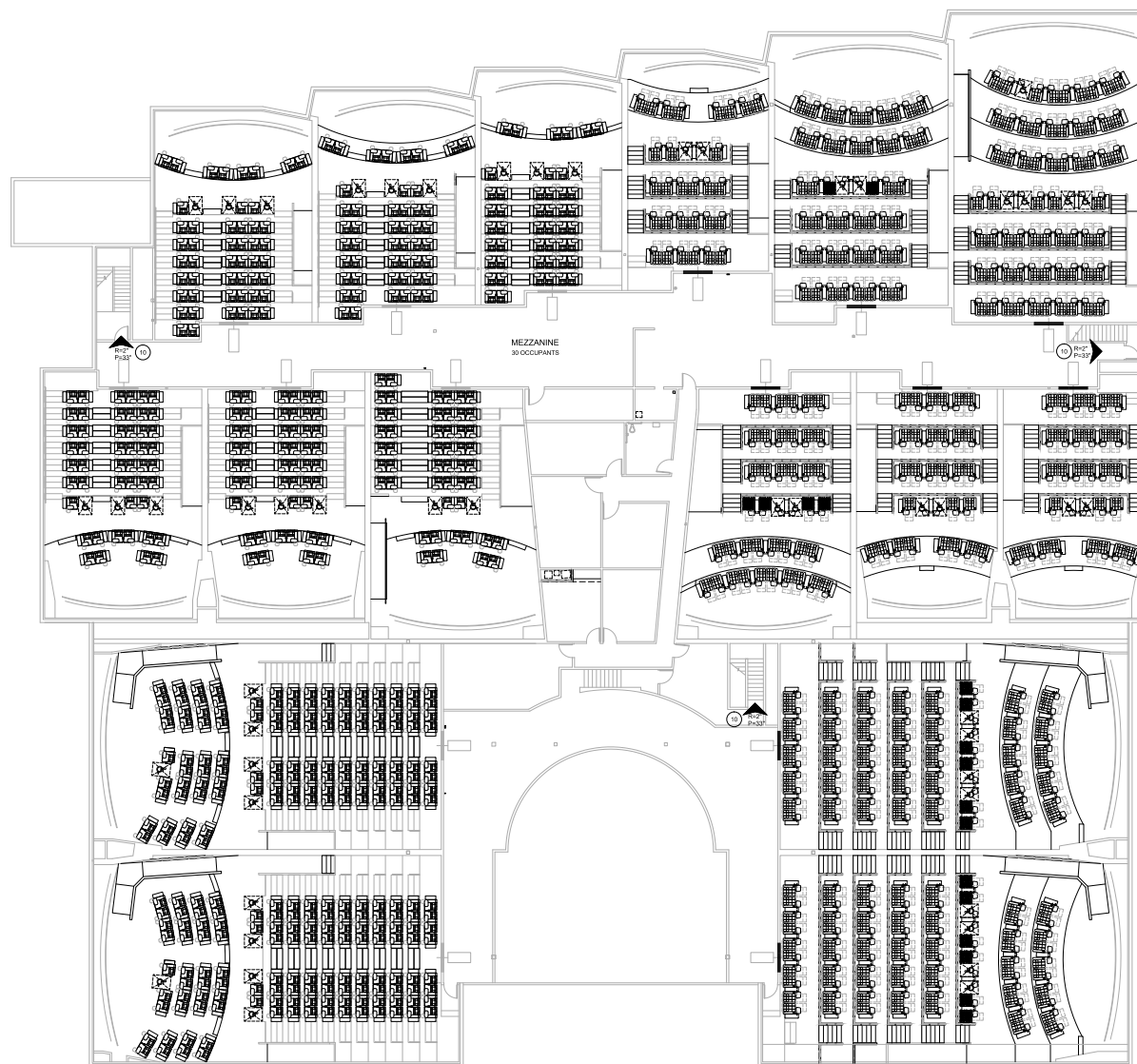
REV	ISSUE	DATE
	PERMIT SET	05.10.2022

OVERALL FLOOR PLAN

A100



SHEET LEGEND	
33	REPRESENTS THE NUMBER OF OCCUPANTS
R = 33"	REPRESENTS REQUIRED EGRESS WIDTH
P = 33"	REPRESENTS PROVIDED EGRESS WIDTH



EGRESS REQUIREMENTS

OCCUPANCY LOAD = (SQUARE FOOTAGE) / (OCCUPANCY LOAD FACTOR)
 OCCUPANCY LOAD FACTOR - REFER TO OCCUPANCY LOAD FACTOR TABLE 106.1.1
 REQUIRED EGRESS WIDTH = (OCCUPANCY LOAD) x (EGRESS WIDTH FACTOR)
 EGRESS WIDTH FACTOR - 4.0 PER TABLE 106.1.1

OCCUPANCY		EGRESS WIDTH		
AREA	AREA SQ FT	OCCUPANCY LOAD	WIDTH FACTOR	REQUIRED WIDTH
MEZZANINE	278,000	30 OCCUPANTS	4.0	120'
TOTAL		30 OCCUPANTS		120'

SHEET LEGEND

- ① REPRESENTS THE NUMBER OF OCCUPANTS
 R = 33' REPRESENTS REQUIRED EGRESS WIDTH
 P = 33' REPRESENTS PROVIDED EGRESS WIDTH

B | R | R
 architecture

CONTRACTOR'S NAME

AMC
WEST OLIVE 16
 12057 OLIVE BLVD
 CREVE COEUR, MO 63141
 PROJECT NUMBER: 02020105

ISSUE BLOCK

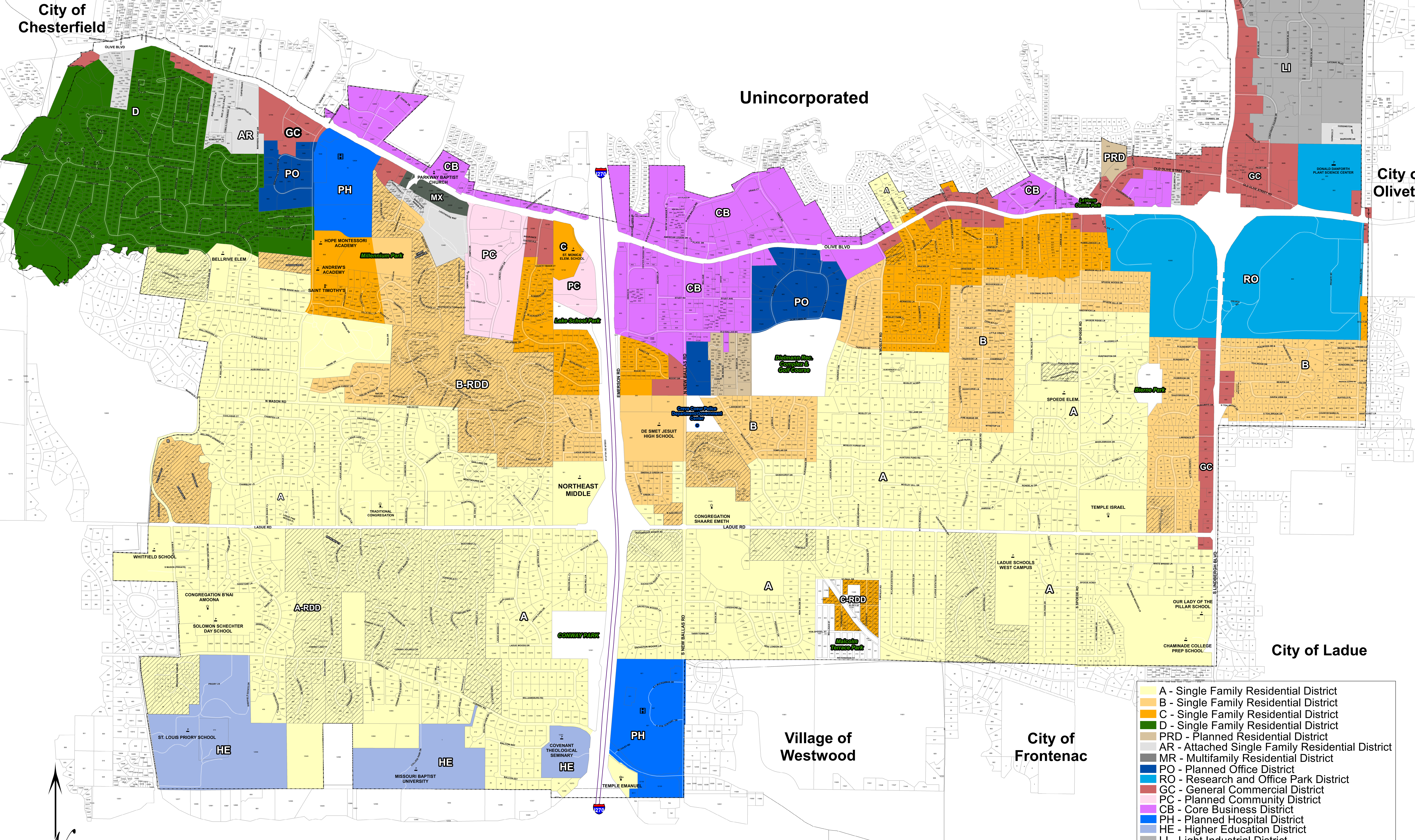
DATE	DESCRIPTION	BY	APP'D
04/27/12	30% SET		
05/01/12	PERMIT BID		

CHECKED BY: CWD
 DRAWN BY: CWD
 DOCUMENT DATE: 05/02/12

MEZZANINE
 EGRESS PLAN

SHEET
N102

City of Creve Coeur, Missouri Zoning Map



City of Chesterfield

City of Olivette

City of Ladue

City of Frontenac

City of Town and Country

Village of Westwood

City of Creve Coeur, Missouri

1949

Prepared By:
HORNER SHIFFRIN
Date: 9/20/2019

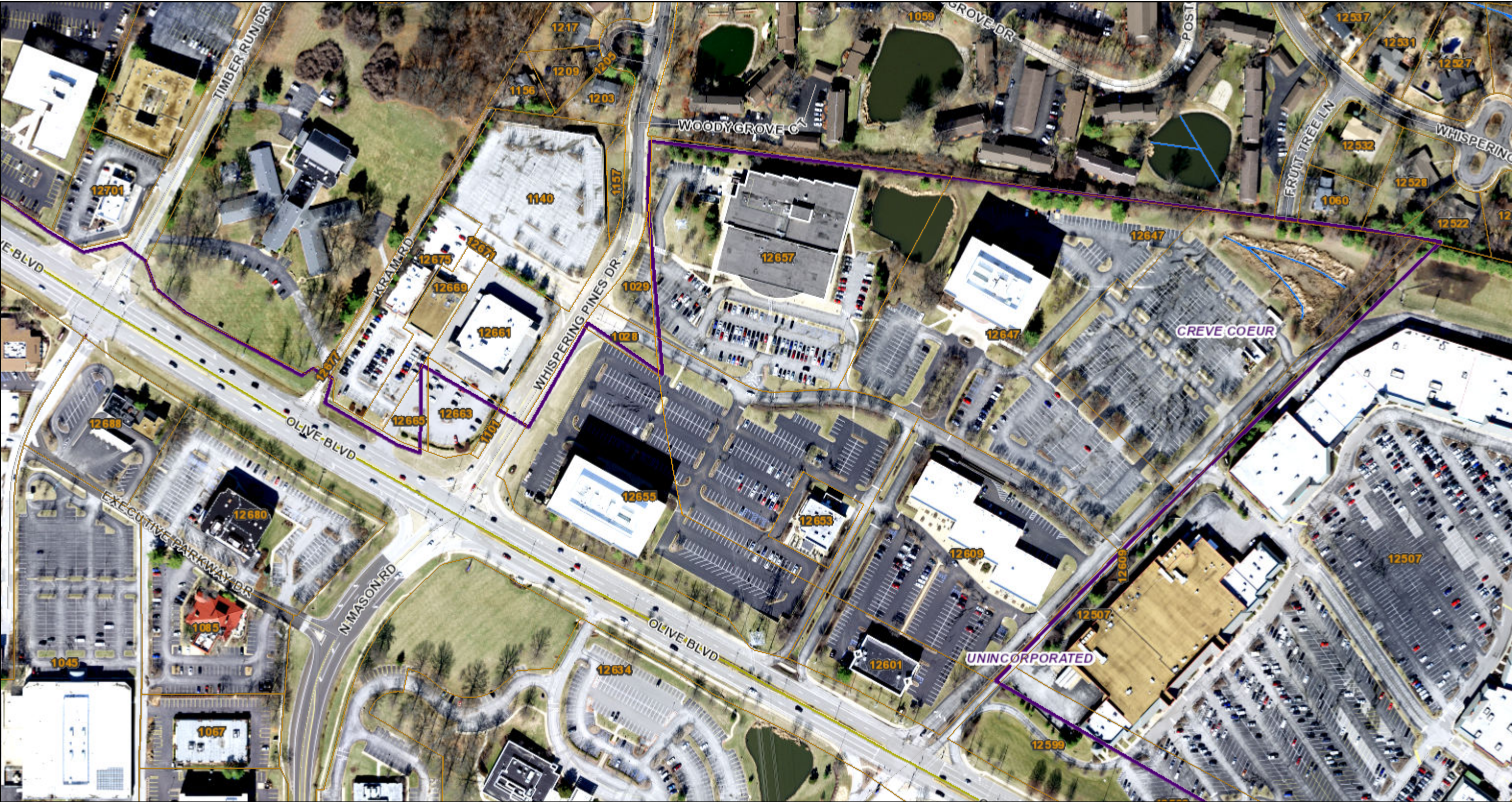
Adopted by the City Council as the official zoning map of the City of Creve Coeur, Missouri
Ordinance No. 5658 Date September 9, 2019

0 750 1,500 2,250 3,000
Feet

SCALE: 1" = 500'

A - Single Family Residential District
B - Single Family Residential District
C - Single Family Residential District
D - Single Family Residential District
PRD - Planned Residential District
AR - Attached Single Family Residential District
MR - Multifamily Residential District
PO - Planned Office District
RO - Research and Office Park District
GC - General Commercial District
PC - Planned Community District
CB - Core Business District
PH - Planned Hospital District
HE - Higher Education District
LI - Light Industrial District
MX - Mixed Use District
A-RDD - Single Family Residential Design Development Procedure
B-RDD - Single Family Residential Design Development Procedure
C-RDD - Single Family Residential Design Development Procedure

St. Louis County Map



5/31/2022, 12:41:33 PM

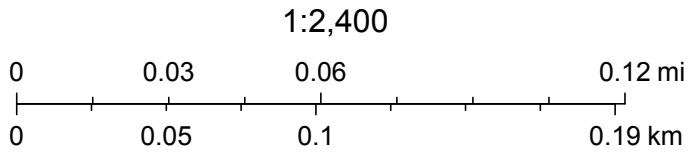
- Image
- Blue: Band_3

Red: Band_1

Green: Band_2

Other Flood Areas (0.2% Annual Chance)

Special Flood Hazard Areas (1% Annual Chance)



St. Louis County GIS Service Center



















1 PLANNING AND ZONING COMMISSION MEETING

2 CITY OF CREVE COEUR, MISSOURI

3 300 NORTH NEW BALLAS ROAD

4 TUESDAY, JULY 5, 2022

5 6:00 P.M.

6
7 PUBLIC HEARING

8 APPLICATION NO. 22-013

9
10 THOSE IN ATTENDANCE:

11 Ms. Julie LaBonte, Chairwoman

12 Ms. Muriel Hall

13 Mr. Larry Potashnick

14 Ms. Rhonda O'Brien

15 Mr. Thomas Buelter

16 Ms. Marjorie Richter

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 CHAIRWOMAN LABONTE: We'll call the meeting to
2 order 6:03.

3 Okay. So we'll take roll call first.

4 Muriel is absent so far.

5 Larry is absent.

6 Mr. Wang, absent.

7 Ms. O'Brien?

8 MS. O'BRIEN: Here.

9 CHAIRWOMAN LABONTE: Mr. Buelter?

10 MR. BUELTER: Here.

11 CHAIRWOMAN LABONTE: Ms. Richter?

12 MS. RICHTER: Here.

13 CHAIRWOMAN LABONTE: Mr. Lumley?

14 MR. LUMLEY: Here.

15 CHAIRWOMAN LABONTE: Mr. Jaggi?

16 MR. JAGGI: Present.

17 CHAIRWOMAN LABONTE: Ms. Moore?

18 MS. MOORE: Present.

19 CHAIRWOMAN LABONTE: And, Ms. Waller?

20 MS. WALLER: Present.

21 CHAIRWOMAN LABONTE: Thank you.

22 Hi, Larry.

23 MR. POTASHNICK: Present.

24 CHAIRWOMAN LABONTE: Thank you.

25 (Ms. Hall is now present.)

1 CHAIRWOMAN LABONTE: We'll move on to New
2 Business.

3 Our first item is Public Hearing Application
4 22-013: Conditional Use Permit to Repeal Ordinance 5250
5 and Issue a New CUP for the Operation of a 10-Screen Movie
6 Theater, Ten Lane Bowling Alley, Ropes Course with
7 Full-Service Dining for B&B Theaters Located at 12657
8 Olive Boulevard.

9 (Mr. Jaggi, Ms. Moore and Mr. Dennis McIntire
10 were sworn in by the court reporter.)

11 MR. MCINTYRE: My name is Dennis McIntire, 912
12 North Forest Lane, Liberty, Missouri, and I am the
13 executive director of Strategic Development and Innovation
14 for B&B Theaters.

15 We are working with the -- the new landowner to
16 remodel the existing West Olive 16. The idea is to -- to
17 gut four of the auditoriums and turn it into a family
18 entertainment center with bowling, arcade, an increased
19 size bar, and then also then along with that two
20 auditoriums will be demo'ed and, basically, turned 90
21 degrees, so that -- so we could -- we could get a bigger
22 auditorium, a bigger screen.

23 And along with that there would be three, I'm
24 99 percent sure, three new concepts added to the building
25 on the movie-going experience.

1 One would be an amusement park ride seat
2 auditorium that has the movie running through the seat, so
3 when a car turns right, the seat turns right, and it gives
4 you this 4D effect.

5 The other one would be a screen play, which is a
6 auditorium that has a playground in it for the kids to get
7 their wiggles out before -- before showtime.

8 And the third is a rentable venue called The
9 Lyric, which dates back to 1924, our first theater in
10 Salsbury, Missouri.

11 B&B Theaters is the fifth largest theater chain
12 in the US, largest privately held, and we operate 56
13 locations across twelve states.

14 In the St. Louis metro area we operate
15 Wentzville, Wildwood and Festus, and excited to have Creve
16 Coeur as our -- as our fourth.

17 So, the reason for the application is the
18 original building was designed to be a movie theater in
19 2012. It was re-imagined as a dine-in movie theater, and
20 so it went through another conditional use permit at that
21 time.

22 Now with us doing a lot of the other work in
23 there, including the family entertainment center, a new
24 conditional use permit was required.

25 And I -- at this point, I -- unless you guys

1 have questions, we'll turn it over to staff for comment.

2 The -- the biggest issue, I guess, biggest issue
3 is the parking requirements. And currently there are 418
4 parking stalls between the two lots; the one directly in
5 the front of the theater and the one across Whispering
6 Pines.

7 Under this new use, staff has calculated it to
8 need 360 spaces, so we can easily capture all of our
9 parking inside of what is existing, and we, obviously,
10 have all of West Park in their -- their 1500 parking
11 spaces available to us under a cross-access easement, so.

12 If there's any questions or -- I'm assuming
13 staff will jump in.

14 CHAIRWOMAN LABONTE: Thank you.

15 MS. MOORE: Bethany Moore for the City of Creve
16 Coeur.

17 This is Application 22-13. It is the
18 conditional use permit to repeal Ordinance 5250, which was
19 the previous ordinance from 2012 for the operation of a
20 10-screen movie theater with ten lane bowling, ropes
21 course and full-service dining for the B&B Theaters
22 located at 12657 Olive Boulevard.

23 And the request is to repeal the existing
24 conditional use permit for a new conditional use permit
25 because there are so many new uses proposed.

1 The -- there's a -- the bowling alley and the
2 ropes course, as well as the existing full-service bar and
3 restaurant.

4 There will be an overall reduction in the number
5 of movie theater seats. Existing there are 1,035. And
6 under the new conditional use permit that will go down to
7 622. They are removing six theaters for the addition of
8 the -- the additional conditional uses. Excuse me.

9 This is in the Core Business District, and there
10 are no exterior alterations proposed with this.

11 And here is a look at the plan. So this one
12 here on your left, this is existing. Here are the 16
13 theaters existing, and then this is the entry area with
14 the kitchen and the bar.

15 And then the plan here on your right, this is
16 the proposed.

17 These are the existing theaters where they will
18 have the -- the concepts that he was discussing for the
19 different kinds of movie experiences.

20 And then this right here is the bigger theater.
21 They combined two of them here for -- into one, so that's
22 why we're down to ten instead of sixteen.

23 And then here is the five-lane bowling alley --
24 or excuse me -- the ten-lane bowling alley.

25 And then this area here is the ropes course and

1 recreation area. And then there is the new bar, kitchen
2 area at the entrance.

3 The other spaces, such as the bathrooms and
4 the -- the hallways and whatnot, those are not being
5 touched in this proposal.

6 And this is the existing parking. This is the
7 parking for the complex as a whole for the West Park
8 Center.

9 These portions here in yellow, those are the
10 ones that we are discussing. Those are the ones that are
11 directly related to the movie theater use. And that is a
12 total of 412 parking spaces available exclusively for
13 B&B's use.

14 That would be the parking directly around the
15 building.

16 And then this parking lot here is across
17 Whispering Meadows, and it is in St. Louis County, but it
18 is included in their parking for a total of 412.

19 And then this is the parking requirement table
20 for the uses. So for the different uses we have the
21 recreation area, the bowling center, the multiplex movie
22 theater and then the full-service bar and restaurant.

23 So, for those uses if we did a -- a -- per the
24 Zoning Code and we combined all those uses on top of each
25 other, the required parking would be 639 spaces, which is

1 much larger than would be needed for a use like this,
2 especially when all those conditional uses would be going
3 on at the same time with the same patrons.

4 So because of this, we have suggested a hybrid
5 of the parking requirements to limit it to one space for
6 every three seats. One space for each employee at the
7 busiest shift, and one space for 150 square feet of
8 recreation area, one space per lane for -- five spaces per
9 lane of bowling, and then one space per three seats and
10 one space -- oh, including the employee busiest shift.

11 So, altogether that hybrid model brings us down
12 to 360 required parking spaces and they have 412, so they
13 are under their parking requirement.

14 And then part of the conditions of approval for
15 their conditional use permit would be that the parking lot
16 across Whispering Pines that is in St. Louis County, if
17 that were ever to be taken out of their parking
18 requirement, they would have to come back to the Planning
19 and Zoning Commission to readjust that parking.

20 They also have an agreement with the West Park
21 complex as a whole to use some of that parking, so then we
22 would have to do calculations to factor that in to make
23 sure they have enough parking for all the various uses
24 there they were to lose that additional parking across
25 Whispering Pines. And then also the off-street parking

1 requirement would be calculated according to that hybrid
2 model that I said.

3 And any questions? No.

4 MS. O'BRIEN: I --

5 MS. MOORE: Yes.

6 MS. O'BRIEN: -- have a question.

7 I was reading some of the detail, and it said
8 when you were factoring your hybrid model that, like, for
9 example, the bar, you would have to have a ticket to the
10 movie, or I wasn't exactly sure --

11 MS. MOORE: The bar and restaurant would be for
12 the patrons of the movie theater, yes.

13 MS. O'BRIEN: Okay.

14 So what if somebody was bowling, would that also
15 be --

16 MS. MOORE: Yes. Sorry. For the --

17 MS. O'BRIEN: Okay.

18 MS. MOORE: -- for the patrons --

19 MS. O'BRIEN: Whoever was using --

20 MS. MOORE: Yes.

21 MS. O'BRIEN: -- the whole facility?

22 MS. MOORE: Yes.

23 MS. O'BRIEN: And what about there's one space
24 that can be rented out. Was there one?

25 MR. MCINTYRE: So there's an auditorium that can

1 be rented out. It will act as a traditional movie theater
2 unless somebody rents that room out.

3 VOICE: Oh.

4 MR. MCINTYRE: So it truly acts like its own
5 theater.

6 There is a birthday party room in the back of
7 the -- of the arcade, as well, that can be rented out.

8 MS. MOORE: So those seats were calculated in
9 the parking.

10 MS. O'BRIEN: And those are factored in as well?

11 MS. MOORE: Yes.

12 MS. O'BRIEN: Okay.

13 MS. MOORE: No more questions?

14 CHAIRWOMAN LABONTE: Any other questions?

15 Do we have a motion?

16 Oh.

17 MR. JAGGI: Members of the public.

18 CHAIRWOMAN LABONTE: Are there any members from
19 the public that would like to speak regarding this topic?

20 MR. LUMLEY: Ready?

21 CHAIRWOMAN LABONTE: Yes.

22 MR. LUMLEY: I'd like to offer the following
23 exhibits into the record of this public hearing;
24 documentation in possession of the City Clerk reflecting
25 the notice that's been provided to the public, the staff

1 report in this matter, the City Code of Ordinances and
2 Charter, the City Comprehensive Plan and the public file
3 regarding this application.

4 (The Public Hearing was closed at 6:56 p.m.)

5 oOo

6
7 STATE OF MISSOURI)
8) SS
9 COUNTY OF ST. LOUIS)

10 I, Deborah K. McLaughlin, Registered
11 Professional Reporter, Missouri Certified Court Reporter,
12 Illinois Certified Shorthand Reporter and Kansas Certified
13 Court Reporter, do hereby certify that I reported the
14 Planning and Zoning Public Hearing stenographically and
15 later reduced to typewriting; and that this is a true and
16 accurate transcript of the public hearing.

17
18
19 Deborah K. McLaughlin, RPR, MO-CCR, IL-CSR, KS-CCR

20 Deborah K. McLaughlin, RPR, MO-CCR, IL-CSR, KS-CCR
21
22
23
24
25

BILL NO. 6018

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 6-0 recommended approval of the subject amendments at its meeting on Monday, June 20, 2022; and,

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

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

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

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

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

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

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

BILL NO. 6018

ORDINANCE NO. _____

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

- (1) Drive-through facilities shall be limited to one (1) restaurant with no more than two (2) service windows, two (2) order facilities and two (2) designated stacking lanes which shall all be located on the rear or one (1) end of a multi-tenant retail building having a continuous structure frontage of at least two hundred (200) feet. Such frontage may include one (1) passageway or arcade (not open on the sides).
- (2) The drive-through order facility and service window shall only be on or adjacent to a wall not facing a the primary street frontage. ~~unless otherwise approved, and~~ If adjacent to single family residential uses, the facility and service window shall be completely screened from the ground-floor level of adjacent residences with a property line wholly or partially within two hundred (200) feet of either the order facility or the service window by means of a solid barrier or topographic change. Vegetation cannot be used to meet this requirement but may be needed to address aesthetic concerns. If adjacent to a street, the drive-thru order facility and service window shall provide visual screening in the form of dense landscaping as deemed appropriate by the Planning and Zoning Commission.
- (3) The drive-thru restaurant shall have no minimum size requirement; however, ~~less than two thousand four hundred (2,400) square feet of gross floor area (area under roof) and a minimum of fifty-five (55) indoor seats and tables for customers shall be provided. Unenclosed outdoor seating areas shall not require additional off-street parking.~~
- (4) The drive-thru order facility and service window shall be no less than fifty (50) feet from any property line of any residential use.
- (5) The designated stacking lane shall be no less than one-hundred ninety (190) feet long [approximately ten (10) cars] excluding the space being served by the window, which shall be no less than nine (9) feet wide by nineteen (19) feet long. The lane shall, at a minimum, provide for vehicular escape prior to the point of the facility order board, which escape route can be shared with the general parking lot circulation.
- (6) The entrance to the designated stacking lane shall be no less than fifty (50) feet from the nearest point on the property line across the nearest vehicular entrance.
- (7) If the designated stacking lane crosses between the building and primary street frontage it shall be screened as provided by Section 405.470.A.14.c.2. ~~The designated stacking lane shall not cross between the building and principal street frontage.~~
- (8) A traffic study shall be submitted by the applicant that demonstrates, to the satisfaction of the City, that the required drive-thru facilities shall not interfere with site circulation or be hazardous to motorists or pedestrians entering, exiting or passing by the site and on adjacent roadways.
- (9) The order facility shall utilize automatic volume control which adjusts outbound volume based on the outdoor ambient noise level.
- (10) An acoustical study shall be submitted demonstrating that the order facility and service windows will not produce sounds exceeding sixty (60) dB as measured at any property line abutting a residential use, up to a

BILL NO. 6018

ORDINANCE NO. _____

height of eight (8) feet above ground at the property line and demonstrating that the order facility and service windows will not increase ambient sound levels at other property lines above the average Monday to Friday midday level.

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

- (1) Drive-thru facilities shall be limited to one (1) restaurant with no more than two (2) service windows, two (2) order facilities and two (2) designated stacking lanes in a coordinated development located on one (1) or more lots totaling three (3) or more acres, with shared access and two (2) or more buildings (including the proposed drive-thru), one (1) of which shall have no less than 10,000 square feet of gross floor area. a continuous structure frontage of at least two hundred (200) feet. Such frontage may include one (1) passageway or arcade (not open on the sides). All buildings shall be designed with similar use of materials and design elements such that the buildings are aesthetically complementary to each other.
- (2) The drive-thru order facility and service window shall only be on or adjacent to a wall not facing a the primary street frontage, unless otherwise approved. If adjacent to a street, the drive-thru order facility and service window shall provide visual screening in the form of dense landscaping as deemed appropriate by the Planning and Zoning Commission.
- (3) The drive-thru restaurant shall have pedestrian-oriented site features. landscape adjacent to the building equivalent in area to fifty percent (50%) of the gross floor area of the entire restaurant use (area under roof). Such features include, but are not limited to, the following: landscaped planting areas adjacent to the building, outdoor seating areas, and pedestrian connections within the site. Unenclosed outdoor seating areas shall not require additional off-street parking.
- (4) If the drive-thru restaurant is freestanding, an eight-foot-wide planted landscape strip shall be adjacent to at least two (2) other sides of the building, exclusive of the pedestrian area.
- (5) If the drive-thru restaurant is freestanding, it shall have no less than two thousand five hundred (2,500) two-thousand (2,000) square feet of gross floor area (area under roof) and a minimum of fifty-five (55) indoor seats for customers.
- (6) Any service areas, including, but not limited to, trash receptacles, compactors, transformers, outdoor cooking or refrigeration equipment and utility connections, must be fully enclosed. Such enclosures shall appear as a part of the restaurant building to the maximum extent as found to be practicable by the City.
- (7) The designated stacking lane shall be no less than one-hundred ninety (190) feet long [approximately ten (10) cars], excluding the space being served by the window, which shall be no less than nine (9) feet wide by nineteen (19) feet long. The lane shall, at a minimum, provide for vehicular escape prior to the point of the facility order board, which escape route can be shared with the general parking lot circulation.

BILL NO. 6018

ORDINANCE NO. _____

- (8) The entrance to the designated stacking lane shall be no less than fifty (50) feet from the nearest point on the property line across the nearest vehicular entrance.
- (9) ~~If the designated stacking lane shall not cross~~ between the building and ~~principal primary~~ street frontage it shall be screened as provided by Section 405.470.A.14.d.2.
- (10) A traffic study shall be submitted by the applicant that demonstrates, to the satisfaction of the City, that the required drive-thru facilities shall not interfere with site circulation or be hazardous to motorists or pedestrians entering, exiting or passing by the site and on adjacent roadways.
- (11) The order facility shall utilize automatic volume control which adjusts outbound volume based on the outdoor ambient noise level.
- (12) An acoustical study shall be submitted demonstrating that the order facility and service windows will not increase ambient sound levels at the property lines above the average Monday to Friday midday level.

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

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

SECTION 405.820.F. REQUIRED OFF-STREET PARKING SPACES

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

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

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

ADOPTED THIS ____ DAY OF _____, 2022.

JOE MARTINICH
PRESIDENT OF CITY COUNCIL

APPROVED THIS ____ DAY OF _____, 2022.

BILL NO. 6018

ORDINANCE NO. _____

DR. ROBERT HOFFMAN
MAYOR

ATTEST:

KELLIE HENKE
CITY CLERK



city of CREVE COEUR

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

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.)



**REGULAR MEETING
AGENDA
CITY OF CREVE COEUR
CITY COUNCIL
300 NORTH NEW BALLAS RD
JULY 11, 2022
7:00 PM**

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

COMMENTS FROM THE GENERAL PUBLIC

ACCEPTANCE OF THE AGENDA

ANNOUNCEMENTS

*The City Council meets the 2nd and 4th Monday of each month
6:00 p.m. - 7:00 p.m. - Work Session
7:00 p.m. - Regular Meeting of the City Council*

PUBLIC HEARING

CONSENT AGENDA

- 1. Approval of June 27, 2022 City Council Regular Meeting Minutes**
- 2. Bayer CropScience Donation of Used Office Furniture**
Summary: Staff will present information to City Council about used office furniture proposed for donation by Bayer CropScience to the City of Creve Coeur with a total estimated value of more than \$1,500.

BILLS PAYABLE REPORT

For Information Only

Invoices Paid Listing

Summary: For your information and transmittal to the City Council, attached is a list of paid invoices from June 23, 2022 through July 6, 2022 in the amount of \$117,594.59.

UNFINISHED BUSINESS

- 3. Bill No. 6016- an Ordinance Amending Ordinance Number 2003 Authorizing Exterior Alterations to the Restaurant Space for Lion's Choice Located at 12010 Olive Boulevard. Final Reading and Passage.**



**AGENDA
CITY OF CREVE COEUR
CITY COUNCIL
300 NORTH NEW BALLAS RD
JULY 11, 2022
7:00 PM**

Summary: 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 Planning and Zoning Commission recommended approval of the CUP amendment.

NEW BUSINESS

- 4. Bill No. 6017- an Ordinance Repealing Ordinance Number 5250 and Authorizing the Issuance of a New Conditional Use Permit for the Operation of a 10 Screen Movie Theater, 10 Lane Bowling Alley, Ropes Course and Full-Service Dining for B&B Theaters Within the West Park Development Located at 12657 Olive Boulevard. First Reading.**

Summary: Dennis McIntire, of B&B Theaters, has submitted a request to amend the conditional use permit to allow for an interior remodel to add a 10-lane bowling alley and ropes course in the existing movie theater space of the former AMC Theater located within the West Park Center. The property is located at the northeast corner of Olive Boulevard and Whispering Pines Drive, within the West Park Development, and is zoned "CB" Core Business District. The Planning and Zoning Commission recommended approval of the new CUP.

- 5. Bill No. 6018- an Ordinance Approving a Text Amendment to the Conditional Use Standards Within Section 405.470.A.14 of the Zoning Code Pertaining to Food Services and Drinking Places with Drive-Through Services. First Reading.**

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

- 6. Bill No. 6019- an Ordinance of the City Council of the City of Creve Coeur, Missouri Authorizing the Execution of an Stp-Urban Program Agreement with the Missouri Highways and Transportation Commission to Enable the City to Construct the Craig Road Improvements Project.**



**AGENDA
CITY OF CREVE COEUR
CITY COUNCIL
300 NORTH NEW BALLAS RD
JULY 11, 2022
7:00 PM**

Summary: City staff recommends that the City execute an STP-Urban Program Agreement with the Missouri Highways and Transportation Commission (MoDOT) in order to accept federal grant funding assistance for asphalt pavement resurfacing, intersection improvements, sidewalk, and pedestrian improvements to Craig Road.

7. Resolution No. 1600- a Resolution of the City Council of the City of Creve Coeur, Missouri Authorizing the Issuance of a Purchase Order to Compass Minerals, Under the Cooperative Salt Program, for Purchasing 1100 Tons of Salt for an Amount of \$86,207.00.

Summary: Public Works is recommending the purchase of 1100 tons of de-icing salt through the Salt Co-op.

BUSINESS FROM MAYOR AND CITY COUNCIL

8. Council Liaison Reports

BUSINESS FROM CITY ADMINISTRATOR

9. Free Little Art Gallery

Summary: The Arts Committee is proposing a Free Little Art Gallery be installed at Millennium Park as a way to promote public art.

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

Posted: _____ posted 07/7/2022
Kellie Henke
City Clerk



**REGULAR MEETING
AGENDA
CITY OF CREVE COEUR
CITY COUNCIL
300 NORTH NEW BALLAS RD
JULY 11, 2022
7:00 PM**

CALL TO ORDER

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ROLL CALL

COMMENTS FROM THE GENERAL PUBLIC

ACCEPTANCE OF THE AGENDA

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Summary: For your information and transmittal to the City Council, attached is a list of paid invoices from June 23, 2022 through July 6, 2022 in the amount of \$117,594.59.

UNFINISHED BUSINESS

- 3. Bill No. 6016- an Ordinance Amending Ordinance Number 2003 Authorizing Exterior Alterations to the Restaurant Space for Lion's Choice Located at 12010 Olive Boulevard. Final Reading and Passage.**



**AGENDA
CITY OF CREVE COEUR
CITY COUNCIL
300 NORTH NEW BALLAS RD
JULY 11, 2022
7:00 PM**

Summary: 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 Planning and Zoning Commission recommended approval of the CUP amendment.

NEW BUSINESS

- 4. Bill No. 6017- an Ordinance Repealing Ordinance Number 5250 and Authorizing the Issuance of a New Conditional Use Permit for the Operation of a 10 Screen Movie Theater, 10 Lane Bowling Alley, Ropes Course and Full-Service Dining for B&B Theaters Within the West Park Development Located at 12657 Olive Boulevard. First Reading.**

Summary: Dennis McIntire, of B&B Theaters, has submitted a request to amend the conditional use permit to allow for an interior remodel to add a 10-lane bowling alley and ropes course in the existing movie theater space of the former AMC Theater located within the West Park Center. The property is located at the northeast corner of Olive Boulevard and Whispering Pines Drive, within the West Park Development, and is zoned "CB" Core Business District. The Planning and Zoning Commission recommended approval of the new CUP.

- 5. Bill No. 6018- an Ordinance Approving a Text Amendment to the Conditional Use Standards Within Section 405.470.A.14 of the Zoning Code Pertaining to Food Services and Drinking Places with Drive-Through Services. First Reading.**

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

- 6. Bill No. 6019- an Ordinance of the City Council of the City of Creve Coeur, Missouri Authorizing the Execution of an Stp-Urban Program Agreement with the Missouri Highways and Transportation Commission to Enable the City to Construct the Craig Road Improvements Project.**



**AGENDA
CITY OF CREVE COEUR
CITY COUNCIL
300 NORTH NEW BALLAS RD
JULY 11, 2022
7:00 PM**

Summary: City staff recommends that the City execute an STP-Urban Program Agreement with the Missouri Highways and Transportation Commission (MoDOT) in order to accept federal grant funding assistance for asphalt pavement resurfacing, intersection improvements, sidewalk, and pedestrian improvements to Craig Road.

7. Resolution No. 1600- a Resolution of the City Council of the City of Creve Coeur, Missouri Authorizing the Issuance of a Purchase Order to Compass Minerals, Under the Cooperative Salt Program, for Purchasing 1100 Tons of Salt for an Amount of \$86,207.00.

Summary: Public Works is recommending the purchase of 1100 tons of de-icing salt through the Salt Co-op.

BUSINESS FROM MAYOR AND CITY COUNCIL

8. Council Liaison Reports

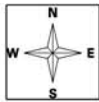
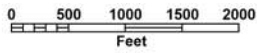
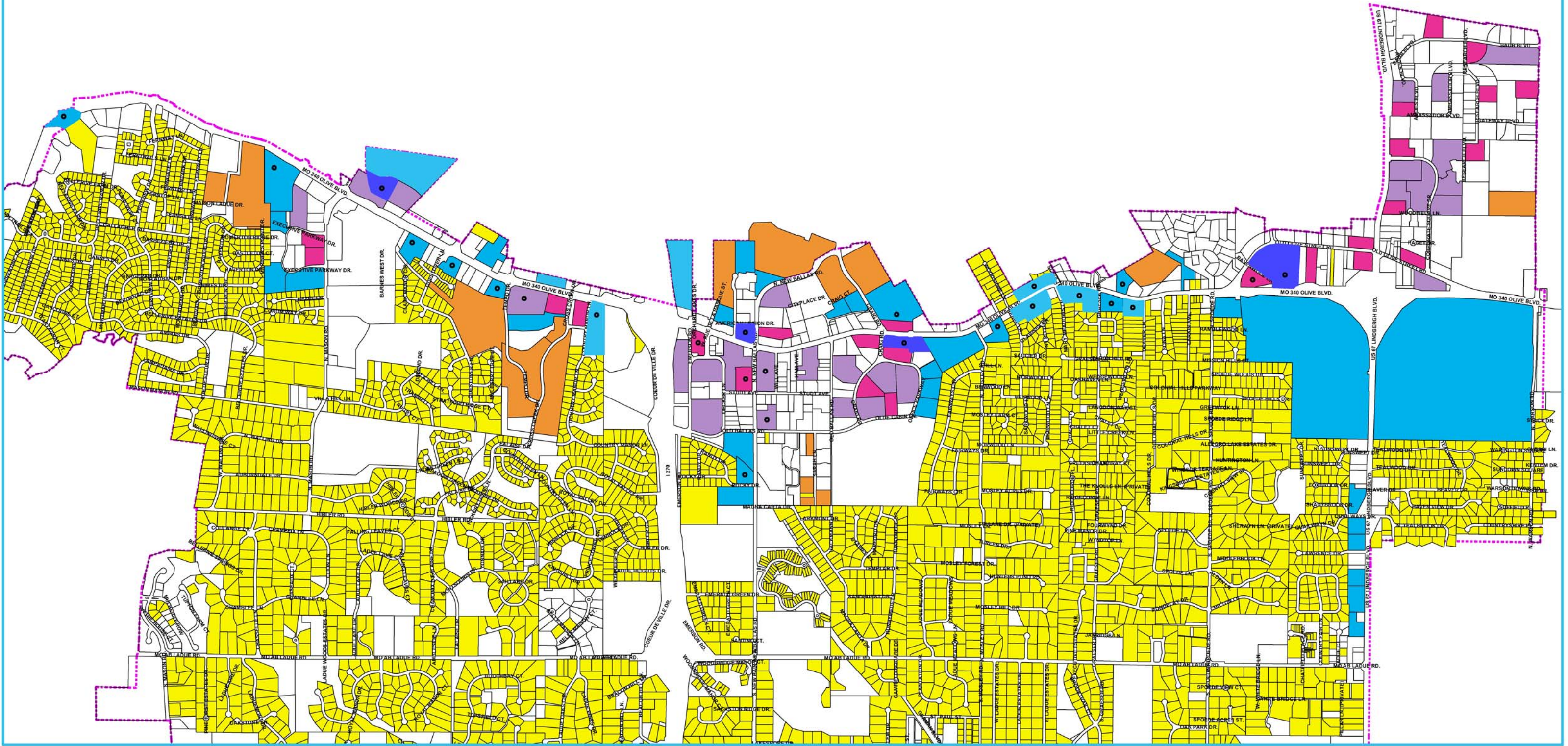
BUSINESS FROM CITY ADMINISTRATOR

9. Free Little Art Gallery

Summary: The Arts Committee is proposing a Free Little Art Gallery be installed at Millennium Park as a way to promote public art.

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

Posted: _____ posted 07/7/2022
Kellie Henke
City Clerk



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 | |



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

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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25

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 

14 _____, RPR, MO-CCR, IL-CSR, KS-CCR
15 Deborah K. McLaughlin, RPR, MO-CCR, IL-CSR, KS-CCR
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APPLICATION TO PLANNING AND ZONING COMMISSION #22-008: TEXT AMENDMENT TO CONDITIONAL USES, SECTION 405.470.A.14 FOOD SERVICES AND DRINKING PLACES WITH DRIVE- THROUGH SERVICES

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

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

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

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

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

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

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

DATE: May 12, 2022

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

Key Issues:

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

Creve Coeur 2030 References

- Chapter 3, Objectives and Strategies

Zoning Code References

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

BACKGROUND

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

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

PROPOSED REVISIONS SINCE THE MAY 16 MEETING

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

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

Adjacent to Residential Uses

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

Adjacent to Non-Residential Uses

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

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

SUMMARY AND CONCLUSION

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

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

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

RECOMMENDATION AND ACTIONS

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

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

APPENDIX 1: COMPREHENSIVE PLAN

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

APPENDIX 2: ZONING CODE

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

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

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

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

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

b. The acreage requirement does not apply to restaurants without drive-thru services in the "CB," "PO," "PC" and "LI" Districts that are located within a retail or office building., [Ord. No. 5626, 2-11-2019]

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 the primary street frontage. 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, (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.

Deleted: provided that such restaurants do not collectively occupy more than forty percent (40%) of the building square footage;

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Deleted: less than two thousand four hundred (2,400) square feet of gross floor area

Deleted: area under roof) and a minimum of fifty-five (55)

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Deleted: The designated stacking lane shall not cross between the building and principal street frontage

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

(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~~.

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

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

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

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(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~~. All buildings shall be designed with similar use of materials and design elements such that the buildings are aesthetically complementary to each other.

Deleted: a continuous structure frontage of at least two hundred (200) feet

Deleted: 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 ~~the primary~~ street frontage. ~~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.~~

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(3) The drive-thru restaurant shall have pedestrian-oriented ~~site features~~. ~~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.~~

Deleted: landscape adjacent to the building

Deleted: equivalent in area to fifty percent (50%) of the gross floor area of the entire restaurant use (area under roof).

(5) If the drive-thru restaurant is freestanding, it shall have no less than 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, must be fully enclosed.

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(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.

Deleted: Such enclosures shall appear as a part of the restaurant building to the maximum extent as found to be practicable by the City.

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

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(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

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

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

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(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.



Planning and Zoning Commission Public Hearing May 16, 2022

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

Jason Jaggi, AICP Director of Community Development

BACKGROUND

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

BACKGROUND

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

COMPREHENSIVE PLAN REVIEW

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

PROPOSED REVISIONS—OVERVIEW

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

EXISTING AND PROPOSED REVISIONS—ABUT RESIDENTIAL

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

EXISTING AND PROPOSED REVISIONS—ABUT RESIDENTIAL

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

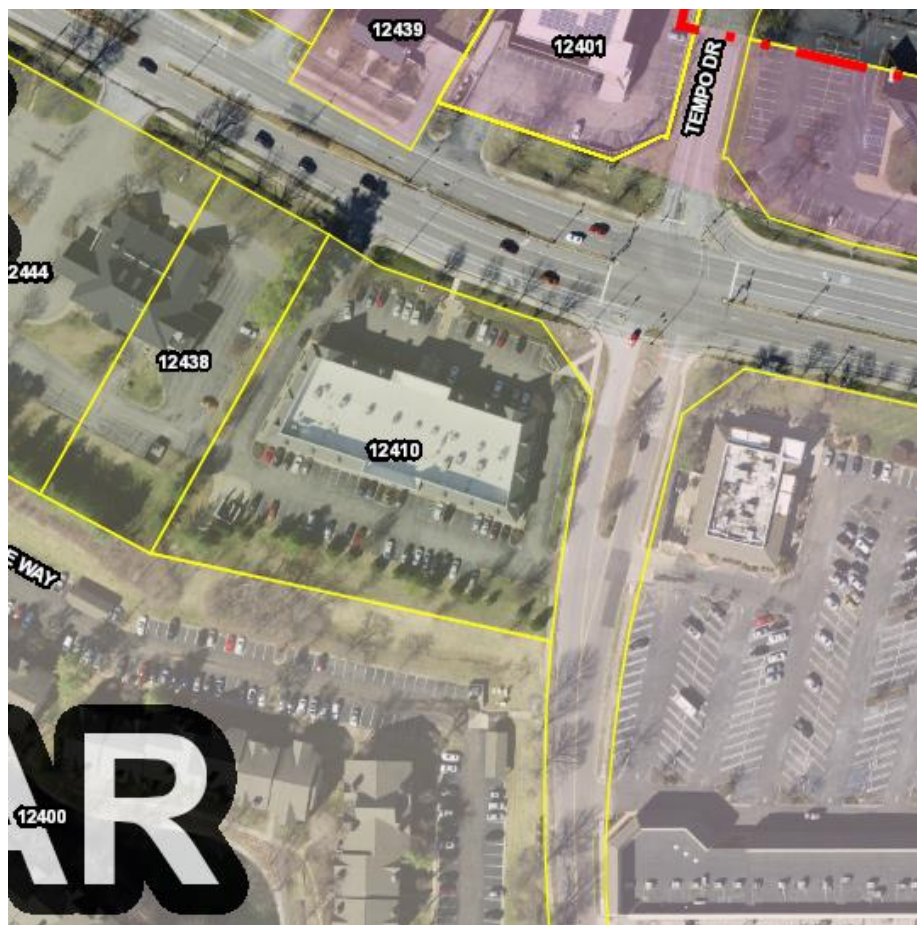
EXISTING AND PROPOSED REVISIONS—ABUT RESIDENTIAL

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

EXAMPLES OF ELIGIBLE LOCATIONS* (EXISTING DEVELOPMENTS)



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



EXISTING AND PROPOSED REVISIONS—ABOUT NON-RESIDENTIAL

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

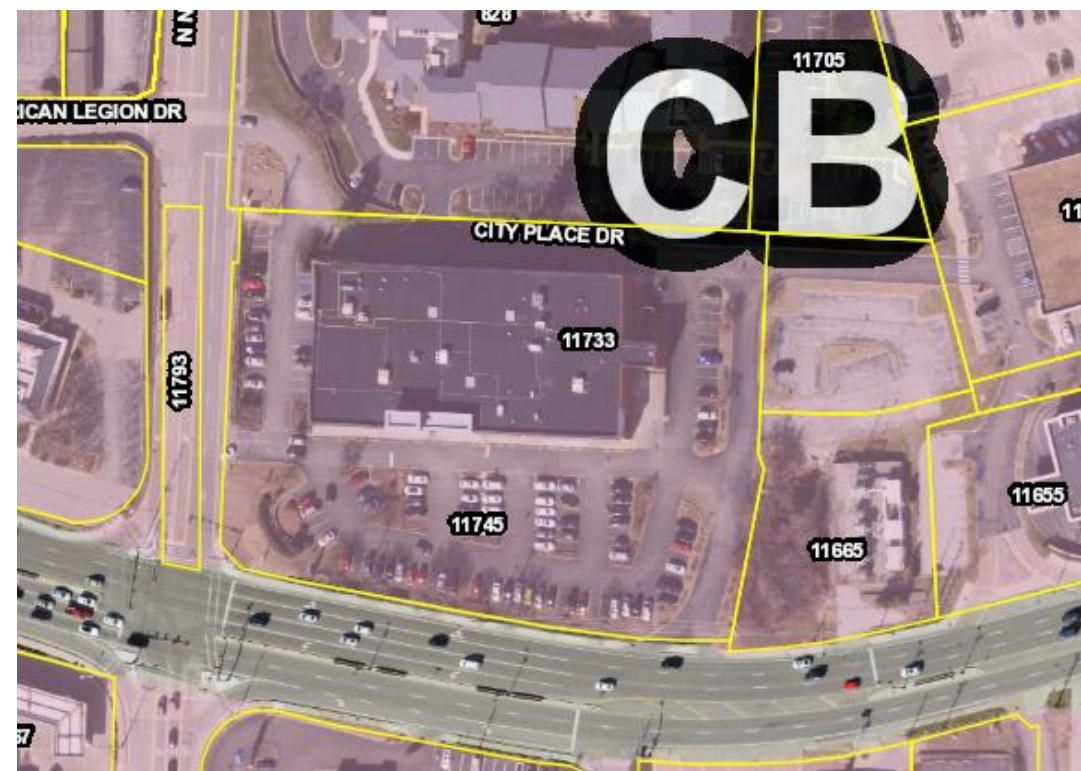
EXISTING AND PROPOSED REVISIONS—ABOUT NON-RESIDENTIAL

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

EXISTING AND PROPOSED REVISIONS—ABUT NON-RESIDENTIAL

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

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



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



SUMMARY AND NEXT STEPS

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

1 PLANNING AND ZONING COMMISSION MEETING

2 CITY OF CREVE COEUR, MISSOURI

3 300 NORTH NEW BALLAS ROAD

4 MONDAY, MAY 16, 2022

5 6:00 P.M.

6
7 PUBLIC HEARING

8 APPLICATION NO. 22-008

9
10 THOSE IN ATTENDANCE:

11 Mr. Gene Rovak, Chairman

12 Mr. Larry Potashnick

13 Ms. Julie LaBonte

14 Mr. AJ Wang

15 Ms. Rhonda O'Brien

16 Mr. Thomas Buelter

17 Mr. Carl Lumley, City Attorney

18 Mr. Jason Jaggi, Director of Community Development

19 Ms. Bethany L. Moore, City Planner

20 Ms. Megan Waller Administrative Supervisor/Recording
21 Secretary

22 McLaughlin Court Reporting Services, Inc.

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

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

3 Begin with roll call.

4 Ms. Hall is absent.

5 Mr. Potashnick?

6 MR. POTASHNICK: Aye. Here.

7 CHAIRMAN ROVAK: Ms. LaBonte?

8 MS. LABONTE: Here.

9 CHAIRMAN ROVAK: Mr. Wang?

10 MR. WANG: Here.

11 CHAIRMAN ROVAK: Ms. O'Brien?

12 MS. O'BRIEN: Here.

13 CHAIRMAN ROVAK: And Mr. Buelter?

14 MR. BUELTER: Here.

15 CHAIRMAN ROVAK: Mr. Lumley --

16 MR. LUMLEY: Here.

17 CHAIRMAN ROVAK: -- City Attorney?

18 Mr. Jaggi, Director of Community Development?

19 MR. JAGGI: Here.

20 CHAIRMAN ROVAK: Ms. Moore, City Planner?

21 MS. MOORE: Here.

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

24 MS. WALLER: Here.

25 CHAIRMAN ROVAK: Okay.

1 Got everybody. Ready to go. Okay.

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

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

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

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

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

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

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

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

18 VOICE: Yes.

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

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

23 MR. JAGGI: Thank you.

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

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

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

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

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

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

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

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

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

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

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

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

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

25 I would just mention, just looking at some of

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 districts in the city.

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

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

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

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

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

1 non-residential uses.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 The drive-through order facility and service

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

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

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

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

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

25 Drive-through restaurants must be a minimum of

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

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

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

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

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

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

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

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

7 MR. BUELTER: One quick question.

8 MR. JAGGI: Yes, sir.

9 MR. BUELTER: The new guy, so.

10 MR. JAGGI: Yeah, please.

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

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

15 MR. JAGGI: Right.

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

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

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

22 MR. BUELTER: Okay.

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

1 restaurants.

2 MR. BUELTER: Okay.

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

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

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

18 MR. BUELTER: Okay. Thank you.

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

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

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

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

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

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

8 MR. JAGGI: Yeah.

9 MR. POTASHNICK: -- so.

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

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

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

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

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

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

11 MR. JAGGI: 2400.

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

13 MR. JAGGI: Yeah.

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

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

21 CHAIRMAN ROVAK: -- is that different item?

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

25 CHAIRMAN ROVAK: Uh-huh.

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

7 CHAIRMAN ROVAK: Okay.

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

12 CHAIRMAN ROVAK: Uh-huh.

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

15 CHAIRMAN ROVAK: Okay. I just --

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

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

19 MR. JAGGI: Yeah.

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

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

24 CHAIRMAN ROVAK: Uh-huh.

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

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

2 CHAIRMAN ROVAK: Right.

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

6 CHAIRMAN ROVAK: Thank you.

7 MR. JAGGI: -- you know.

8 Okay. Moving on here.

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

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

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

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

1 that they need to be separated out from the property line.

2 No change to that.

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

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

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

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

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

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

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

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

22 MR. POTASHNICK: Separate question.

23 MR. JAGGI: Yes, sir.

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

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

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

6 MR. POTASHNICK: What sites would those be?

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

8 MR. POTASHNICK: Thank you.

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

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

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

25 MR. POTASHNICK: Yes.

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

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

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

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

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

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

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

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

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

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

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

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

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

8 MS. LABONTE: Yeah, I was --

9 CHAIRMAN ROVAK: Yes.

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

19 MR. JAGGI: And I think --

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

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

24 MS. LABONTE: Yeah.

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

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

4 MS. LABONTE: Right.

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

7 MS. LABONTE: Well --

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

10 MS. LABONTE: Right. Right.

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

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

13 MR. JAGGI: Uh-huh.

14 MS. LABONTE: -- have popularity.

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

17 MS. LABONTE: Yeah.

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

20 MS. LABONTE: Yeah. Yeah.

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

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

24 MS. LABONTE: Yeah.

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

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

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

8 MR. JAGGI: Right.

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

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

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

13 MR. JAGGI: Yeah.

14 MS. LABONTE: -- that they were.

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

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

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

22 MR. JAGGI: Okay.

23 MS. LABONTE: -- so.

24 MR. JAGGI: Yeah.

25 It'd be interesting to see what type of

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

2 MS. LABONTE: It would be interesting --

3 MR. JAGGI: Yeah.

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

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

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

8 MR. JAGGI: Okay.

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

10 MR. JAGGI: Uh-huh.

11 MR. WANG: Jason --

12 MR. JAGGI: Yes.

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

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

22 MR. WANG: Yeah.

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

25 MR. WANG: That was --

1 MR. JAGGI: -- associated with that.

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

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

5 Okay. Keep moving here.

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

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

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

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

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

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

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

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

1 to address that.

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

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

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

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

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

8 MS. LABONTE: Okay.

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

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

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

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

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

18 MR. JAGGI: Yeah.

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

20 MR. JAGGI: Uh-huh.

21 MS. LABONTE: -- what it is.

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

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

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

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

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

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

1 Yes, sir.

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

5 MR. JAGGI: Yes.

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

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

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

1 toward.

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

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

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

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

15 CHAIRMAN ROVAK: In play.

16 MR. JAGGI: In play, yes.

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

23 CHAIRMAN ROVAK: Okay.

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

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

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

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

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

25 Stacking lane. No change. Same as the other

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 That concludes my remarks and happy --

2 CHAIRMAN ROVAK: Thank you.

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

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

7 Anybody?

8 Oh, we have a speaker card. Okay.

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

11 LINDA REZNY: I'm sorry?

12 CHAIRMAN ROVAK: -- your name and address.

13 LINDA REZNY: Yeah. Okay.

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

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

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

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

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

6 And --

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

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

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

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

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

16 CHAIRMAN ROVAK: Okay. Continue.

17 LINDA REZNY: Okay. Okay. Okay.

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

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

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

25 CHAIRMAN ROVAK: Be a trashcan.

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

3 CHAIRMAN ROVAK: Oh.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6 Thank you.

7 CHAIRMAN ROVAK: Thank you.

8 Do we have any others who wish to speak?

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

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

14 MR. POTASHNICK: I move to continue.

15 CHAIRMAN ROVAK: Second?

16 MS. LABONTE: Second.

17 CHAIRMAN ROVAK: Okay. All in favor?

18 (All responded aye.)

19 Okay.

20 MR. JAGGI: Thank you.

21 MS. LABONTE: Thank you.

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

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

3
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

6/2/22, 9:05 AM

Creve Coeur Mail - Panera on Ballas/ June 6th Hearing

5.k

[11921 Rocky Drive](#)

[St. Louis MO 63141](#)

330-696-8260 office

314-486-5167 cell

jflaherty@cedarwoodd.com



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.

Pete & Debbie Wilhelms

[12950 Ambois Dr.](#)

[Creve Coeur MO 63141](#)

Home Account

pdwilhelms@att.net



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

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



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

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

Date: _____

____ Written Justification



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. 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, (area under roof) 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 principal street frontage it shall be screened in a manner consistent with Section 405.470.A.14.c.2 above.

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

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

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

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

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

(1) Drive-thru facilities shall be limited to one (1) restaurant with no more than two (2) service windows, two (2) order facilities and two (2) designated stacking lanes in a coordinated development located on one (1) or more lots totaling three (3) or more acres, with shared access and two (2) or more buildings (including the proposed drive-thru), one (1) of which shall have a continuous structure frontage of at least one hundred-fifty (150) feet. 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. If adjacent to a street, the drive-thru order facility and service window shall provide visual screening in the form of dense landscaping as approved by the Planning and Zoning Commission.

(3) The drive-thru restaurant shall have pedestrian-oriented site features. 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.

(5) If the drive-thru restaurant is freestanding, it shall have no less than 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, must be fully enclosed.

(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 crosses between the building and principal street frontage it shall be screened in a manner consistent with Section 405.470.A.14.d.2 above, by the applicant that demonstrates, to the satisfaction of the City, that the required drive-thru facilities shall not interfere with site circulation or be hazardous to motorists or pedestrians entering, exiting or passing by the site on adjacent roadways.

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

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

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

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

Section 405.470.A

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

[Ord. No. 5400 §2, 11-10-2014]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



city of **CREVE COEUR**

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MEMO TO CITY ADMINISTRATOR AND CITY COUNCIL

Meeting Date: April 25, 2022

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

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

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

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

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

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

Council Update—April 22, 2022

(Packet Pages 183-184)

Adjacent to Residential Uses

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

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

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

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- **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.~~

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

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

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

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

~~(7) If the designated stacking lane crosses between the building and principal street frontage it shall be screened in a manner consistent with Section 405.470.A.14.c.2 above.~~

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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. 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.

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- **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 site features. These features shall include, but not be limited to, the following: landscaped planting areas adjacent to the building, outdoor seating

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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.**

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

(5) If the drive-thru restaurant is freestanding, it 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.

- **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, must be fully enclosed.

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

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

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

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

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

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

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MEMO TO THE PLANNING AND ZONING COMMISSION

Date: March 1, 2022

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

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

Meeting Date: March 7, 2022

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

Background

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

Proposed Revisions

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

Adjacent to Residential Uses

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

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

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

Adjacent to Non-Residential Uses

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

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

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

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

[Ord. No. 5400 §2, 11-10-2014]

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

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

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

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

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

(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.~~

(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

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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. If adjacent to a street, the drive-thru order facility and service window shall provide visual screening in the form of dense landscaping as approved by the Planning and Zoning Commission.

(3) The drive-thru restaurant shall have pedestrian-oriented site features. 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.

(5) If the drive-thru restaurant is freestanding, it 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.

(6) Any service areas, including, but not limited to, trash receptacles, compactors, transformers, outdoor cooking or refrigeration equipment, must be fully enclosed.

(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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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]

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Jason Jaggi <jjaggi@crevecoeurmo.gov>

changing ordinance

1 message

William C Carr <wmccarr@earthlink.net>

Fri, Jun 17, 2022 at 3:05 PM

To: jjaggi@crevecoeurmo.gov

I understand that Creve Coeur is considering changing the requirement for drive up windows from 3 acre sites to 2 acres sites. This was done a few years ago for the St. Louis Bread Co. on Ballas. I'm one of the three residences (William Carr, 111939 Randy) adjacent to the drive up. Original, I didn't object to this variance, because I and my fellow neighbors were assured that the noise would not be a problem. Having lived with the drive up for several years now, I can say that the noise is noticeable even inside with the windows closed. The problem is not the size of the property, but how close the drive up is located to the adjacent properties. This should be addressed in any change to the current ordinance. Limiting the decibel level isn't useful, since people don't have a sense of what it actually means.

William Carr, 314-692-8700



Jason Jaggi <jjaggi@crevecoeurmo.gov>

Noise Considerations in Creve Coeur

1 message

Brian Heberer <heberer.brian@gmail.com>

Fri, Jun 17, 2022 at 2:23 PM

To: jjaggi@crevecoeurmo.gov

I am the current resident at 11933 Randy Drive, Creve Coeur. Immediately behind my house, there are several businesses, including a drive-thru Saint Louis Bread Company. It has been brought to my attention that Creve Coeur is considering more developments/restaurants very close to residential areas, and I believe this could be very detrimental to the houses immediately surrounding the potential areas.

I am a healthcare worker, and I do not have the typical 9-5 job. I could be asleep at any time of the day, depending on which shift I work. The noises during the day (when I am trying to sleep) have woken me up several times. This would be equivalent to someone being woken up at 3AM due to loud noise. That person, of course, would not tolerate the loud noise. I assume that Creve Coeur has several residents that work in the healthcare field too. I sometimes can hear noises from the workers that park in the back of the businesses, and have heard several very loud arguments that individuals have over the phone behind the businesses. Trash trucks frequently wake me up too. If I work a shift until 2AM, and go to sleep around 3:30AM-4AM, having the noises of a trash truck at 9AM waking me up is quite unpleasant. If a person goes to sleep at 9PM, I am sure they would be unhappy to be woken up at 2AM by a loud noise. I have even heard honking of horns with people in the drive-thru lines, and car alarms go off.

I also recently cleared brush behind my house to extend the functional utility of my back yard. Clearing this brush allowed my back yard to be in full view of anyone going through the Bread Company drive-thru. I, therefore, had to spend several thousand dollars to install a privacy fence so my back yard would not be fully exposed. Putting businesses/restaurants close to houses could easily cause several residents to spend money on a privacy fence like I did.

I moved from the city to Creve Coeur to avoid the loud noises of the city, and unfortunately, it appears that the city noises have followed me to Creve Coeur. Individuals move to Creve Coeur for quiet, tranquil neighborhoods, and having businesses/restaurants very close to Creve Coeur houses should not be allowed.

Please feel free to contact me with any questions.

Brian Heberer



Jason Jaggi <jjaggi@crevecoeurmo.gov>

My major concern about the possible drive-thru restaurant at Sona lane and Deaver Lane

1 message

Xiong, Chengjie <chengjie@wustl.edu>

Fri, Jun 17, 2022 at 2:16 PM

To: "JJaggi@crevecoeurmo.gov" <JJaggi@crevecoeurmo.gov>

Dear Sir/Madam,

I am Mr. Chengjie Xiong, the owner of 15 Sona Lane, Creve Coeur. I have learned about the possible addition of a drive thru fast food or restaurant at Sona and Deaver entrance and exit, and would like to express my major concern about this possibility. My concern is primarily about its major negative effects to our residential neighborhood, and also the major negative effects to our property values. The neighborhood has been enjoying a long tradition of quiet and minimal traffic street, and any drive thru or restaurant at the entrance/exit would simply disrupt the life of all the citizens living in the area.

Hence, I would like to express my strongest objection to any change to Creve Coeur fast food Drive thru or restaurant regulations, specifically to any possible drive thru restaurants by any kind of residential, whether single or multifamily.

Respectfully,

Chengjie Xiong

Owner of 15 Sona Lane, Creve Coeur



Jason Jaggi <jjaggi@crevecoeurmo.gov>

Plan for the future of food service

1 message

L R <lrezny@hotmail.com>

Fri, Jun 17, 2022 at 3:47 PM

To: Jason Jaggi <jjaggi@crevecoeurmo.gov>

Cc: L R <lrezny@hotmail.com>

I realized last night that Planning and Zoning is discussing how to regulate a dinosaur. It is time to discuss the future of food service: Ordering and even paying with an app on your phone, notification by phone when food is ready, drive to window and pick up order.

Ordering on the app **eliminates the order window**, that the neighbor annoying, noisy device. Notification by phone **eliminates the queue**, that waiting line of polluting, gas wasting, noise generating cars. The cars would now arrive at the pick-up window, in time, from afar, or from a waiting place in the lot. The waiting place would be away from the neighbors and the customers who chose to go in the restaurant. The **pick up window** will only need to accommodate **two cars**: the one picking up the current order and one for the person who had a problem with a previous order.

Many restaurants have a cumbersome pick-up service that involves employees walking out a door, in the weather, delivering to cars taking up prime parking spots or going among the cars on the lot. With your help many could add a window out of the weather and the lot traffic. It would be easier to do when there is only a queue of two.

You need to get information from forward looking people in the industry. In 3 min search on my phone last night, I found a service that will write your ordering app, with photos and prices, for pay by phone or on site. I am sure there is competition and evolving services in this field.

I also found advice on how to arrange your parking lot to facilitate pickup for the clumsier delivery outside of the store. I am sure others have advice on configuring a parking for a minimal queue pick up window.

Move into the future. Get advice from experts and share it with the existing and potential restaurants.

AND RESPECT ALL THE RESIDENTS. EVEN WITH THESE IMPROVEMENTS, A RESTAURANT THAT DOES DELIVERY GENERATES MORE TRAFFIC AND MORE STRANGERS INTO NEIGHBORHOODS, ESPECIALLY SIDE STREETS WHEN USED AS ENTRANCES AND EXITS.



Jason Jaggi <jjaggi@crevecoeurmo.gov>

Fast food Drive thru regulations - Please don't open residential areas

1 message

Praneedh Rajapaksha <praneedh@yahoo.com>

Fri, Jun 17, 2022 at 8:11 AM

To: "jjaggi@crevecoeurmo.gov" <jjaggi@crevecoeurmo.gov>

Hi Jason

This is related to changing the regulations for fast-food restaurants in single-family and multi-family neighborhoods. The hearing is on June 20 at 6 PM, at Creve Coeur Government Center.

We like to develop the businesses in the business areas but do not want to add difficulties to the existing residential areas.

1. Adding a drive-through brings a noisy neighborhood, especially for homes adjacent to restaurants. If they operate at night time, the residents will hear the vehicle sound and speaker and window counter-voice, further making disturbed sleep and studies.
2. More vehicles entering the roads will make it busy throughout the day.
3. Making strangers come into the neighborhood brings a security risk to the residents down on the road.
3. Kids will be standing at the entrance of the road waiting for the school bus. This makes safety issues for them due to frequent strangers driving into the road.
4. Stingers and vehicles on the road bring a security risk to children, the elderly, and babysitters who take exercise walks and cycle after school and on weekends on the road.

Therefore I strongly recommend the following,

>>No drive thru restaurants by any kind of residential, whether single or multifamily.

>>At the very least, far stronger protections for by all residential, like a 3 acre minimum and real sound protection.

>>Many of the changes will lead to undesirable proliferation of drive thru including stand alone drive thrus and such changes should be removed

>>No entrance or exit on Sona

Thanks,

Praneedh

Resident of Sona lane.



Jason Jaggi <jjaggi@crevecoeurmo.gov>

No drive-through restaurants/food service abutting residential

1 message

Pam E Wehmueller <wehmueller@sbcglobal.net>

Mon, Jun 20, 2022 at 3:21 PM

To: "JJaggi@crevecoeurmo.gov" <JJaggi@crevecoeurmo.gov>

Please...No drive-through restaurants abutting residential property.

Drive-through anything creates more noise, pollution and trash (odor, blowing trash under and over fencing AND dumpster divers).

Sound easily goes over or through fencing – and deflects over more solid materials.

As current abutters to commercial properties, we have already had to invest thousands of dollars in fencing and landscaping material in an attempt to mitigate noise and provide privacy ... with less than ideal effect.

We appreciation your consideration.

Pam & Bob Wehmueller

Sent from Mail for Windows



Jason Jaggi <jjaggi@crevecoeurmo.gov>

Impact of St Louis Bread Company on residents

1 message

L R <lrezny@hotmail.com>

Mon, Jun 20, 2022 at 4:35 PM

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

Please excuse any CAPS. I am not shouting. My tablet has no provision for the usual markers for emphasis like bold.

Impact of St Louis Bread Company on residents

Hours

St Louis Bread Company in Balmoral Plaza is open 6am to 9 pm seven days a week. These are the extended hours granted after 2014 and several residents volunteered that they noticed and do not appreciate the extended hours

Measuring

There are four houses sharing a property line with Balmoral Plaza.

The St Louis County Property Map has a feature to roughly measure distance and area; it was used to produce the data below.

The Houses

Starting from the house closest to the pick up window for the St Louis Bread Company, there is 11921 Rocky Dr, Angelika Crowe's house. She is livid and says they were lied to about the impact. She shares the house with son-in law Mr Flaherty, who has written Planning and Zoning about the noise and other problems earlier

The property line is about 65 ft from the pick up window and his house is less than 90 ft. NO WONDER HE IS HEARING VOICES. The sound wall on the St Louis bread lot can not to stop noise since the house is on a slope above the parking lot.. The Dumpsters are about 15 ft from his property line, 35ft from his patio and 65 ft from his house. MAYBE CREVE COEUR NEEDS TO REGULATE DISTANCE FOR DUMSTERS SINCE THE GARBAGE COMPANY DOES NOT KEEP THE HOURS PROSCRIBED.

The next house , 11933 Randy Dr. was purchased since the drive thru was built. The resident is a medical professional with different shift assignments He may write you. He said at least it is quieter than his previous residence in the City where he heard gun fire. He has installed a vinyl fence in the rear, but that will not stop noise. The dumpsters are 20- 25 ft from his property line, less than 80 ft from his patio and about 85 ft from his house. EVEN If THE DUMPSTER COLLECTION FOLLOWED THE RULES FOR PICK UP, GIVEN HIS SCHEDULE, HE IS PROBABLY TRYING TO SLEEPING WHEN THEY ARE EMPTIED

William Carr is the resident at 11937 Randy Dr, the third house. The southern end of his property is about 75 ft from the building. He likes to sit in the back of his house, but CAN HEAR THE VOICES FROM THE ORDER AREA OVER 225 FT AWAY, INSIDE HIS DEN WITH THE WINDOWS CLOSED The masonry sound wall that fails to protect Mr Flaherty does not extend down to Mr Carr Mr Carr is a retired engineer and has has written you, including a comment on decibels. HE WONDERES ALOUD, WHY YOU PUT THE DRIVE THRU NEXT TO HIS HOUSE INSTEAD OF ON THE OTHER SIDE OF THE BUILDING IN THE PARKING LOT. I told him PnZ does not like the aesthetics of a queue along the main street. He says he does not appreciate the aesthetics of it in his back yard.

Wanting to be honest, I have to change a previous statement. The Dr. Eggleston lives in the fourth house at 11945 Randy is angled away from Balmoral Plaza and only shares 10 or 15 ft with Balmoral .Linda Rezny previously report that he heard noise from St Louis Bread. On further questioning that was not the case. The resident hears voices, but they are coming from the speakers on a lot owned by a car dealership on Olive and from the DeSmet athletic field. Sound is a funny thing. It seems the regulation of those distant sounds is worse than for the drive thru. Luckily those noises are not as frequent as the noise others are hearing from St Louis Bread.

Trash

Some years ago I heard complaints about trash and food in the lawn from the resident whose property runs down the south side of Rocky. I have not been able to contact the current residents.

Traffic

Balmoral plaza has special problem in that customers regularly miss the entrance and turn in a Rocky. They proceed up the hill to turn around in a residents drive way, or make a U turn in the middle of the street.. This problem is analogous to

the problem on any side street by retail, especially those that have an entrance or exit on to the side street, and especially if the use creates volume. the way a drive thru will.

Dissatisfaction

I have heard people in PnZ say that residents always complain about the same things, but after the development is done, they stop complaining. The implication is that the residents were OK with the situation after it was built.. It is obviously not the case for the St Louis Bread Company drive thru.

THE HOURS, THE VOICES FROM THE DRIVE THRU, THE DUMPSTERS, THE QUEUE BY THE HOUSES, THE TRASH, THE TRAFFIC IN THE NEIGHBORHOOD, ARE ALL A BURDEN ON THE RESIDENTS DESPITE CREVE COEUR'S ATTEMPT TO PROTECT THEM WITH REGULATIONS.

SOLUTION; NO, NO,NO DRIVE THRUS BY ANY KIND OF RESIDENTIAL

BILL NO. 6019

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CREVE COEUR, MISSOURI AUTHORIZING THE EXECUTION OF AN STP-URBAN PROGRAM AGREEMENT WITH THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION TO ENABLE THE CITY TO CONSTRUCT THE CRAIG ROAD IMPROVEMENTS PROJECT.

WHEREAS, the City of Creve Coeur strives to maintain its pavement infrastructure for the sake of its residents; and

WHEREAS, the City has been awarded grant funding under the federal Surface Transportation Program (STP) to assist with the cost of asphalt pavement resurfacing, intersection improvements, sidewalk, and pedestrian improvements to Craig Road between Olive Boulevard and Old Ballas Road; and

WHEREAS, the attached "Exhibit One" is an agreement between the City and the Missouri Highways and Transportation Commission regarding the responsibilities and requirements of the STP-Urban Grant Program.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CREVE COEUR, AS FOLLOWS:

SECTION 1. The STP-Urban Program Agreement, between the Missouri Highways and Transportation Commission and the City, regarding the construction of asphalt pavement, intersection improvements, sidewalk, and pedestrian improvements to Craig Road, attached hereto and referred to herein as the "Program Agreement," is hereby approved and the City Administrator is authorized to execute same on behalf of the City and the City Clerk is authorized and directed to attest thereto. The Agreement as executed shall be substantially in the form of the Program Agreement, with such changes therein as shall be approved by the officers of the City executing same, consistent with the provisions and intent of this Ordinance. The City Administrator and his designated representatives are hereby authorized and directed to take any and all actions necessary, desirable, convenient or proper in order to carry out the intent of this Ordinance, the matters herein authorized, and the rights and duties of the City under the Program Agreement.

SECTION 2. This ordinance shall become effective in accordance with Section 3.11 (g) of the City Charter.

BILL NO. 6019

ORDINANCE NO. _____

ADOPTED THIS ____ DAY OF _____ 2022.

JOE MARTINICH
PRESIDENT OF CITY COUNCIL

APPROVED THIS ____ DAY OF _____ 2022.

DR. ROBERT HOFFMAN
MAYOR

ATTEST:

KELLIE HENKE
CITY CLERK

EXHIBIT ONE

CCO Form: FS11
 Approved: 07/96 (KMH)
 Revised: 03/17 (MWH)
 Modified:

CFDA Number: CFDA #20.205
 CFDA Title: Highway Planning and Construction
 Award name/number: STP-5563(603)
 Award Year: 2024
 Federal Agency: Federal Highway Administration, Department of Transportation

MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION STP-URBAN PROGRAM AGREEMENT

THIS STP-URBAN AGREEMENT is entered into by the Missouri Highways and Transportation Commission (hereinafter, "Commission") and the City of Creve Coeur, St. Louis County, Missouri (hereinafter, "City").

WITNESSETH:

WHEREAS, the Fixing America's Surface Transportation Act (FAST) 23 U.S.C. §133, authorizes a Surface Transportation Program (STP) to fund transportation related projects; and

WHEREAS, the City desires to construct certain improvements, more specifically described below, using such STP funding; and

WHEREAS, those improvements are to be designed and constructed in compliance with the provisions of this Agreement.

NOW, THEREFORE, in consideration of the mutual covenants, promises and representations in this Agreement, the parties agree as follows:

(1) PURPOSE: The purpose of this Agreement is to grant the use of STP funds to the City. The improvement contemplated by this Agreement and designated as Project STP-5563(603) involves:

Resurfacing, full depth pavement repair, and upgrade sidewalks.

The City shall be responsible for all aspects of the construction of the improvement.

(2) LOCATION: The contemplated improvement designated as Project STP-5563(603) by the Commission is within the city limits of Creve Coeur, Missouri. The general location of the improvement is shown on an attachment hereto marked "Exhibit A" and incorporated herein by reference. More specific descriptions are as follows:

Craig Road from Olive Road (MO 340) to Old Ballas Road.

(3) REASONABLE PROGRESS POLICY: The project as described in this agreement is subject to the reasonable progress policy set forth in the Local Public Agency (LPA) Manual and the final deadline specified in Exhibit B attached hereto and incorporated herein by reference. In the event, the LPA Manual and the final deadline within Exhibit B conflict, the final deadline within Exhibit B controls. If the project is within a Transportation Management Area that has a reasonable progress policy in place, the project is subject to that policy. If the project is withdrawn for not meeting reasonable progress, the City agrees to repay the Commission for any progress payments made to the City for the project and agrees that the Commission may deduct progress payments made to the City from future payments to the City.

(4) LIMITS OF SYSTEM: The limits of the surface transportation system for the City shall correspond to its geographical area as encompassed by the urban boundaries of the City as fixed cooperatively by the parties subject to approval by the Federal Highway Administration (FHWA).

(5) ROUTES TO BE INCLUDED: The City shall select the high traffic volume arterial and collector routes to be included in the surface transportation system, to be concurred with by the Commission, subject to approval by the FHWA. It is understood by the parties that surface transportation system projects will be limited to the said surface transportation system, but that streets and arterial routes may be added to the surface transportation system, including transfers from other federal aid systems.

(6) INVENTORY AND INSPECTION: The City shall:

(A) Furnish annually, upon request from the Commission or FHWA, information concerning conditions on streets included in the STP system under local jurisdiction indicating miles of system by pavement width, surface type, number of lanes and traffic volume category.

(B) Inspect and provide inventories of all bridges on that portion of the federal-aid highway systems under the jurisdiction of the City in accordance with the Federal Special Bridge Program, as set forth in 23 U.S.C. §144, and applicable amendments or regulations promulgated thereunder.

(7) CITY TO MAINTAIN: Upon completion of construction of this improvement, the City shall accept control and maintenance of the improved street and shall thereafter keep, control, and maintain the same as, and for all purposes, a part of the City street system at its own cost and expense and at no cost and expense whatsoever to the Commission. Any traffic signals installed on highways maintained by the Commission will be turned over to the Commission upon completion of the project for maintenance. All

obligations of the Commission under this Agreement shall cease upon completion of the improvement.

(8) INDEMNIFICATION:

(A) To the extent allowed or imposed by law, the City shall defend, indemnify and hold harmless the Commission, including its members and the Missouri Department of Transportation (MoDOT or Department) employees, from any claim or liability whether based on a claim for damages to real or personal property or to a person for any matter relating to or arising out of the City's wrongful or negligent performance of its obligations under this Agreement.

(B) The City will require any contractor procured by the City to work under this Agreement:

1. To obtain a no cost permit from the Commission's district engineer prior to working on the Commission's right-of-way, which shall be signed by an authorized contractor representative (a permit from the Commission's district engineer will not be required for work outside of the Commission's right-of-way); and

2. To carry commercial general liability insurance and commercial automobile liability insurance from a company authorized to issue insurance in Missouri, and to name the Commission, and MoDOT and its employees, as additional named insureds in amounts sufficient to cover the sovereign immunity limits for Missouri public entities as calculated by the Missouri Department of Insurance, Financial Institutions and Professional Registration, and published annually in the Missouri Register pursuant to Section 537.610, RSMo. The City shall cause insurer to increase the insurance amounts in accordance with those published annually in the Missouri Register pursuant to Section 537.610, RSMo.

(C) In no event shall the language of this Agreement constitute or be construed as a waiver or limitation for either party's rights or defenses with regard to each party's applicable sovereign, governmental, or official immunities and protections as provided by federal and state constitution or law.

(9) CONSTRUCTION SPECIFICATIONS: Parties agree that all construction under the STP for the City will be constructed in accordance with current MoDOT design criteria/specifications for urban construction unless separate standards for the surface transportation system have been established by the City and the Commission subject to the approval of the FHWA.

(10) FEDERAL-AID PROVISIONS: Because responsibility for the performance of all functions or work contemplated as part of this project is assumed by the City, and the City may elect to construct part of the improvement contemplated by this Agreement with its own forces, a copy of Section II and Section III, as contained in the United States

Department of Transportation Form Federal Highway Administration (FHWA) 1273 "Required Contract Provisions, Federal-Aid Construction Contracts," is attached and made a part of this Agreement as Exhibit C. Wherever the term "the contractor" or words of similar import appear in these sections, the term "the City" is to be substituted. The City agrees to abide by and carry out the condition and obligations of "the contractor" as stated in Section II, Equal Opportunity, and Section III, Nonsegregated Facilities, as set out in Form FHWA 1273.

(11) ACQUISITION OF RIGHT OF WAY: With respect to the acquisition of right of way necessary for the completion of the project, City shall acquire any additional necessary right of way required for the project and in doing so agrees that it will comply with all applicable federal laws, rules and regulations, including 42 U.S.C. 4601-4655, the Uniform Relocation Assistance and Real Property Acquisition Act, as amended and any regulations promulgated in connection with the Act. However, upon written request by the City and the written acceptance by the Commission, the Commission shall acquire right of way for the City. Upon approval of all agreements, plans and specifications by the Commission and the FHWA, the commission will file copies of said plans in the office of the county clerk: and proceed to acquire by negotiation and purchase or by condemnation any necessary right of way required for the construction of the improvement contemplated herein. All right of way acquired by negotiation and purchase will be acquired in the name of City, and the City will pay to grantors thereof the agreed upon purchase prices. All right of way acquired through condemnation proceedings will be acquired in the name of the State of Missouri and subsequently released to the City. The City shall pay into court all awards and final judgments in favor of any such condemnees. The City shall also reimburse the Commission for any expense incurred by the Commission in acquiring said right of way, including but not limited to the costs of surveying, appraisal, negotiation, condemnation, and relocation assistance benefits. Unless otherwise agreed to in writing the Commission shall have the final decision regarding the settlement amount in condemnation.

(12) REIMBURSEMENT: The cost of the contemplated improvements will be borne by the United States Government and by the City as follows:

(A) Any federal funds for project activities shall only be available for reimbursement of eligible costs which have been incurred by City. Any costs incurred by City prior to authorization from FHWA and notification to proceed from the Commission are **not** reimbursable costs. All federally funded projects are required to have a project end date. Any costs incurred after the project end date are not eligible for reimbursement. The federal share for this project will be 80 percent not to exceed \$960,000. The calculated federal share for seeking federal reimbursement of participating costs for the herein improvements will be determined by dividing the total federal funds applied to the project by the total participating costs. Any costs for the herein improvements which exceed any federal reimbursement or are not eligible for federal reimbursement shall be the sole responsibility of City. The Commission shall not be responsible for any costs

associated with the herein improvement unless specifically identified in this Agreement or subsequent written amendments.

(13) PERMITS: The City shall secure any necessary approvals or permits from the Federal Government and the State of Missouri as required to permit the construction and maintenance of the contemplated improvements.

(14) TRAFFIC CONTROL: The plans shall provide for handling traffic with signs, signal and marking in accordance with the Manual of Uniform Traffic Control Devices (MUTCD).

(15) WORK ON STATE RIGHT OF WAY: If any contemplated improvements for Project STP-5563(603) will involve work on the state's right of way, the City will provide reproducible final plans to the Commission relating to such work.

(16) DISADVANTAGED BUSINESS ENTERPRISES (DBEs): At time of processing the required project agreements with the FHWA, the Commission will advise the City of any required goals for participation by DBEs to be included in the City's proposal for the work to be performed. The City shall submit for Commission approval a DBE goal or plan. The City shall comply with the plan or goal that is approved by the Commission and all requirements of 49 C.F.R. Part 26, as amended.

(17) NOTICE TO BIDDERS: The City shall notify the prospective bidders that disadvantaged business enterprises shall be afforded full and affirmative opportunity to submit bids in response to the invitation and will not be discriminated against on grounds of race, color, sex, or national origin in consideration for an award.

(18) PROGRESS PAYMENTS: The City may request progress payments be made for the herein improvements as work progresses but not more than once every two weeks. Progress payments must be submitted monthly. All progress payment requests must be submitted for reimbursement within 90 days of the project completion date for the final phase of work. The City shall repay any progress payments which involve ineligible costs.

(19) PROMPT PAYMENTS: Progress invoices submitted to MoDOT for reimbursement more than thirty (30) calendar days after the date of the vendor invoice shall also include documentation that the vendor was paid in full for the work identified in the progress invoice. Examples of proof of payment may include a letter or e-mail from the vendor, lien waiver or copies of cancelled checks. Reimbursement will not be made on these submittals until proof of payment is provided. Progress invoices submitted to MoDOT for reimbursement within thirty (30) calendar days of the date on the vendor invoice will be processed for reimbursement without proof of payment to the vendor. If the City has not paid the vendor prior to receiving reimbursement, the City must pay the vendor within two (2) business days of receipt of funds from MoDOT.

(20) OUTDOOR ADVERTISING: The City further agrees that the right of way provided for any STP improvement will be held and maintained inviolate for public highway or street purposes, and will enact and enforce any ordinances or regulations necessary to prohibit the presence of billboards or other advertising signs or devices and the vending or sale of merchandise on such right of way, and will remove or cause to be removed from such right of way any sign, private installation of any nature, or any privately owned object or thing which may interfere with the free flow of traffic or impair the full use and safety of the highway or street.

(21) FINAL AUDIT: The Commission will perform a final audit of project costs. The United States Government shall reimburse the City, through the Commission, any monies due. The City shall refund any overpayments as determined by the final audit.

(22) AUDIT REQUIREMENT: If the City expend(s) seven hundred fifty thousand dollars (\$750,000) or more in a year in federal financial assistance it is required to have an independent annual audit conducted in accordance with 2 CFR Part 200. A copy of the audit report shall be submitted to MoDOT within the earlier of thirty (30) days after receipt of the auditor's report(s), or nine (9) months after the end of the audit period. Subject to the requirements of 2 CFR Part 200, if the City expend(s) less than seven hundred fifty thousand dollars (\$750,000) a year, the City may be exempt from auditing requirements for that year but records must be available for review or audit by applicable state and federal authorities.

(23) FEDERAL FUNDING ACCOUNTABILITY AND TRANSPARENCY ACT OF 2006: The City shall comply with all reporting requirements of the Federal Funding Accountability and Transparency Act (FFATA) of 2006, as amended. This Agreement is subject to the award terms within 2 C.F.R. Part 170.

(24) VENUE: It is agreed by the parties that any action at law, suit in equity, or other judicial proceeding to enforce or construe this Agreement, or regarding its alleged breach, shall be instituted only in the Circuit Court of Cole County, Missouri.

(25) LAW OF MISSOURI TO GOVERN: This Agreement shall be construed according to the laws of the State of Missouri. The City shall comply with all local, state and federal laws and regulations relating to the performance of this Agreement.

(26) AMENDMENTS: Any change in this Agreement, whether by modification or supplementation, must be accomplished by a formal contract amendment signed and approved by the duly authorized representatives of the City and the Commission.

(27) COMMISSION REPRESENTATIVE: The Commission's St. Louis District Engineer is designated as the Commission's representative for the purpose of administering the provisions of this Agreement. The Commission's representative may designate by written notice other persons having the authority to act on behalf of the Commission in furtherance of the performance of this Agreement.

(28) NOTICES: Any notice or other communication required or permitted to be given hereunder shall be in writing and shall be deemed given three (3) days after delivery by United States mail, regular mail postage prepaid, or upon receipt by personal or facsimile delivery, addressed as follows:

- (A) To the City:
300 North New Ballas Road
Creve Coeur, MO 63141
- (B) To the Commission:
1590 Woodlake Drive
Chesterfield, MO 63017

or to such other place as the parties may designate in accordance with this Agreement. To be valid, facsimile delivery shall be followed by delivery of the original document, or a clear and legible copy thereof, within three (3) business days of the date of facsimile transmission of that document.

(29) NONDISCRIMINATION ASSURANCE: With regard to work under this Agreement, the City agrees as follows:

(A) Civil Rights Statutes: The City shall comply with all state and federal statutes relating to nondiscrimination, including but not limited to Title VI and Title VII of the Civil Rights Act of 1964, as amended (42 U.S.C. §2000d and §2000e, et seq.), as well as any applicable titles of the "Americans with Disabilities Act" (42 U.S.C. §12101, et seq.). In addition, if the City is providing services or operating programs on behalf of the Department or the Commission, it shall comply with all applicable provisions of Title II of the "Americans with Disabilities Act".

(B) Administrative Rules: The City shall comply with the administrative rules of the United States Department of Transportation relative to nondiscrimination in federally-assisted programs of the United States Department of Transportation (49 C.F.R. Part 21) which are herein incorporated by reference and made part of this Agreement.

(C) Nondiscrimination: The City shall not discriminate on grounds of the race, color, religion, sex, disability, national origin, age or ancestry of any individual in the selection and retention of subcontractors, including procurement of materials and leases of equipment. The City shall not participate either directly or indirectly in the discrimination prohibited by 49 C.F.R. §21.5, including employment practices.

(D) Solicitations for Subcontracts, Including Procurements of Material and Equipment: These assurances concerning nondiscrimination also apply to subcontractors and suppliers of the City. These apply to all solicitations either by competitive bidding or negotiation made by the City for work to be performed under a

subcontract including procurement of materials or equipment. Each potential subcontractor or supplier shall be notified by the City of the requirements of this Agreement relative to nondiscrimination on grounds of the race, color, religion, sex, disability or national origin, age or ancestry of any individual.

(E) Information and Reports: The City shall provide all information and reports required by this Agreement, or orders and instructions issued pursuant thereto, and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Commission or the United States Department of Transportation to be necessary to ascertain compliance with other contracts, orders and instructions. Where any information required of the City is in the exclusive possession of another who fails or refuses to furnish this information, the City shall so certify to the Commission or the United States Department of Transportation as appropriate and shall set forth what efforts it has made to obtain the information.

(F) Sanctions for Noncompliance: In the event the City fails to comply with the nondiscrimination provisions of this Agreement, the Commission shall impose such contract sanctions as it or the United States Department of Transportation may determine to be appropriate, including but not limited to:

1. Withholding of payments under this Agreement until the City complies; and/or
2. Cancellation, termination or suspension of this Agreement, in whole or in part, or both.

(G) Incorporation of Provisions: The City shall include the provisions of paragraph (29) of this Agreement in every subcontract, including procurements of materials and leases of equipment, unless exempted by the statutes, executive order, administrative rules or instructions issued by the Commission or the United States Department of Transportation. The City will take such action with respect to any subcontract or procurement as the Commission or the United States Department of Transportation may direct as a means of enforcing such provisions, including sanctions for noncompliance; provided that in the event the City becomes involved or is threatened with litigation with a subcontractor or supplier as a result of such direction, the City may request the United States to enter into such litigation to protect the interests of the United States.

(30) ACCESS TO RECORDS: The City and its contractors must maintain all records relating to this Agreement, including but not limited to invoices, payrolls, etc. These records must be available at no charge to the FHWA and the Commission and/or their designees or representatives during the period of this Agreement and any extension, and for a period of three (3) years after the date on which the City receives reimbursement of their final invoice from the Commission.

(31) CONFLICT OF INTEREST: The City shall comply with conflict of interest policies identified in 23 CFR 1.33. A conflict of interest occurs when an entity has a financial or personal interest in a federally funded project.

(32) MANDATORY DISCLOSURES: The City shall comply with 2 CFR 200.113 and disclose, in a timely manner, in writing all violations of Federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the Federal award.

IN WITNESS WHEREOF, the parties have entered into this Agreement on the date last written below.

Executed by the City on _____(DATE).

Executed by the Commission on _____(DATE).

MISSOURI HIGHWAYS AND
TRANSPORTATION COMMISSION

CITY OF CREVE COEUR

By _____

Title _____

Title _____

ATTEST:

ATTEST:

By _____

Secretary to the Commission

Title _____

Approved as to Form:

Approved as to Form:

By _____

Commission Counsel

Title _____

Ordinance No:_____

Exhibit A - Location of Project



Exhibit B – Project Schedule

Project Description: STP-5563(603) Craig Road

PROJECT DEVELOPMENT SCHEDULE Note: many stages can occur concurrently.			
Activity Description	Start Date (MM/YYYY)	Finish Date (MM/YYYY)	Time Frame (Months)
Receive notification letter	10/2021	10/2021	1
Execute agreement (project sponsor and DOT)	11/2021	01/2022	3
Engineering services contract submitted and approved*	N/A	N/A	N/A
Obtain environmental clearances (106, CE2, T&E, etc.)	11/2022	03/2023	5
Public meeting/hearing	01/2024	01/2024	1
Develop and submit preliminary plans	08/2022	02/2023	7
Preliminary plans approved	03/2023	04/2023	2
Develop and submit right-of-way plans	04/2023	06/2023	3
Review and approval of right-of-way plans	07/2023	10/2023	4
Submit and receive approval for notice to proceed for right-of-way acquisition (A-Date)*	10/2023	11/2023	2
Right-of-way acquisition	12/2023	05/2024	6
Utility coordination	09/2022	09/2024	24
Develop and submit PS&E	02/2024	07/2024	6
District approval of PS&E/advertise for bids*	07/2024	09/2024	3
Submit and receive bids for review and approval	11/2024	01/2025	3
Project implementation/construction	03/2025	06/2025	4
* Finish date must match fiscal year for each milestone shown in bold text .			

*Note: the dates established in the schedule above will be used in the applicable ESC between the sponsor agency and consultant firm.

**Schedule dates are approximate as the project schedule will be actively managed and issues mitigated through the project delivery process. The Award Date or Planning Study Date deliverable is not approximate and requires request to adjust.

Exhibit C - Required Contract Provisions

REQUIRED CONTRACT PROVISIONS FEDERAL-AID CONSTRUCTION CONTRACTS

- I. General
- II. Nondiscrimination
- III. Nonsegregated Facilities
- IV. Davis-Bacon and Related Act Provisions
- V. Contract Work Hours and Safety Standards Act Provisions
- VI. Subletting or Assigning the Contract
- VII. Safety: Accident Prevention
- VIII. False Statements Concerning Highway Projects
- IX. Implementation of Clean Air Act and Federal Water Pollution Control Act
- X. Compliance with Governmentwide Suspension and Debarment Requirements
- XI. Certification Regarding Use of Contract Funds for Lobbying

ATTACHMENTS

A. Employment and Materials Preference for Appalachian Development Highway System or Appalachian Local Access Road Contracts (included in Appalachian contracts only)

I. GENERAL

1. Form FHWA-1273 must be physically incorporated in each construction contract funded under Title 23 (excluding emergency contracts solely intended for debris removal). The contractor (or subcontractor) must insert this form in each subcontract and further require its inclusion in all lower tier subcontracts (excluding purchase orders, rental agreements and other agreements for supplies or services).

The applicable requirements of Form FHWA-1273 are incorporated by reference for work done under any purchase order, rental agreement or agreement for other services. The prime contractor shall be responsible for compliance by any subcontractor, lower-tier subcontractor or service provider.

Form FHWA-1273 must be included in all Federal-aid design-build contracts, in all subcontracts and in lower tier subcontracts (excluding subcontracts for design services, purchase orders, rental agreements and other agreements for supplies or services). The design-builder shall be responsible for compliance by any subcontractor, lower-tier subcontractor or service provider.

Contracting agencies may reference Form FHWA-1273 in bid proposal or request for proposal documents, however, the Form FHWA-1273 must be physically incorporated (not referenced) in all contracts, subcontracts and lower-tier subcontracts (excluding purchase orders, rental agreements and other agreements for supplies or services related to a construction contract).

2. Subject to the applicability criteria noted in the following sections, these contract provisions shall apply to all work performed on the contract by the contractor's own organization and with the assistance of workers under the contractor's immediate superintendence and to all work performed on the contract by piecework, station work, or by subcontract.

3. A breach of any of the stipulations contained in these Required Contract Provisions may be sufficient grounds for withholding of progress payments, withholding of final payment, termination of the contract, suspension / debarment or any other action determined to be appropriate by the contracting agency and FHWA.

4. Selection of Labor: During the performance of this contract, the contractor shall not use convict labor for any purpose within the limits of a construction project on a Federal-aid highway unless it is labor performed by convicts who are on parole, supervised release, or probation. The term Federal-aid highway does not include roadways functionally classified as local roads or rural minor collectors.

II. NONDISCRIMINATION

The provisions of this section related to 23 CFR Part 230 are applicable to all Federal-aid construction contracts and to all related construction subcontracts of \$10,000 or more. The provisions of 23 CFR Part 230 are not applicable to material supply, engineering, or architectural service contracts.

In addition, the contractor and all subcontractors must comply with the following policies: Executive Order 11246, 41 CFR 60, 29 CFR 1625-1627, Title 23 USC Section 140, the Rehabilitation Act of 1973, as amended (29 USC 794), Title VI of the Civil Rights Act of 1964, as amended, and related regulations including 49 CFR Parts 21, 26 and 27; and 23 CFR Parts 200, 230, and 633.

The contractor and all subcontractors must comply with: the requirements of the Equal Opportunity Clause in 41 CFR 60-1.4(b) and, for all construction contracts exceeding \$10,000, the Standard Federal Equal Employment Opportunity Construction Contract Specifications in 41 CFR 60-4.3.

Note: The U.S. Department of Labor has exclusive authority to determine compliance with Executive Order 11246 and the policies of the Secretary of Labor including 41 CFR 60, and 29 CFR 1625-1627. The contracting agency and the FHWA have the authority and the responsibility to ensure compliance with Title 23 USC Section 140, the Rehabilitation Act of 1973, as amended (29 USC 794), and Title VI of the Civil Rights Act of 1964, as amended, and related regulations including 49 CFR Parts 21, 26 and 27; and 23 CFR Parts 200, 230, and 633.

The following provision is adopted from 23 CFR 230, Appendix A, with appropriate revisions to conform to the U.S. Department of Labor (US DOL) and FHWA requirements.

1. Equal Employment Opportunity: Equal employment opportunity (EEO) requirements not to discriminate and to take affirmative action to assure equal opportunity as set forth under laws, executive orders, rules, regulations (28 CFR 35, 29 CFR 1630, 29 CFR 1625-1627, 41 CFR 60 and 49 CFR 27) and orders of the Secretary of Labor as modified by the provisions prescribed herein, and imposed pursuant to 23 U.S.C. 140 shall constitute the EEO and specific affirmative action standards for the contractor's project activities under

this contract. The provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) set forth under 28 CFR 35 and 29 CFR 1630 are incorporated by reference in this contract. In the execution of this contract, the contractor agrees to comply with the following minimum specific requirement activities of EEO:

a. The contractor will work with the contracting agency and the Federal Government to ensure that it has made every good faith effort to provide equal opportunity with respect to all of its terms and conditions of employment and in their review of activities under the contract.

b. The contractor will accept as its operating policy the following statement:

"It is the policy of this Company to assure that applicants are employed, and that employees are treated during employment, without regard to their race, religion, sex, color, national origin, age or disability. Such action shall include: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship, pre-apprenticeship, and/or on-the-job training."

2. **EEO Officer:** The contractor will designate and make known to the contracting officers an EEO Officer who will have the responsibility for and must be capable of effectively administering and promoting an active EEO program and who must be assigned adequate authority and responsibility to do so.

3. **Dissemination of Policy:** All members of the contractor's staff who are authorized to hire, supervise, promote, and discharge employees, or who recommend such action, or who are substantially involved in such action, will be made fully cognizant of, and will implement, the contractor's EEO policy and contractual responsibilities to provide EEO in each grade and classification of employment. To ensure that the above agreement will be met, the following actions will be taken as a minimum:

a. Periodic meetings of supervisory and personnel office employees will be conducted before the start of work and then not less often than once every six months, at which time the contractor's EEO policy and its implementation will be reviewed and explained. The meetings will be conducted by the EEO Officer.

b. All new supervisory or personnel office employees will be given a thorough indoctrination by the EEO Officer, covering all major aspects of the contractor's EEO obligations within thirty days following their reporting for duty with the contractor.

c. All personnel who are engaged in direct recruitment for the project will be instructed by the EEO Officer in the contractor's procedures for locating and hiring minorities and women.

d. Notices and posters setting forth the contractor's EEO policy will be placed in areas readily accessible to employees, applicants for employment and potential employees.

e. The contractor's EEO policy and the procedures to implement such policy will be brought to the attention of employees by means of meetings, employee handbooks, or other appropriate means.

4. **Recruitment:** When advertising for employees, the contractor will include in all advertisements for employees the notation: "An Equal Opportunity Employer." All such advertisements will be placed in publications having a large circulation among minorities and women in the area from which the project work force would normally be derived.

a. The contractor will, unless precluded by a valid bargaining agreement, conduct systematic and direct recruitment through public and private employee referral sources likely to yield qualified minorities and women. To meet this requirement, the contractor will identify sources of potential minority group employees, and establish with such identified sources procedures whereby minority and women applicants may be referred to the contractor for employment consideration.

b. In the event the contractor has a valid bargaining agreement providing for exclusive hiring hall referrals, the contractor is expected to observe the provisions of that agreement to the extent that the system meets the contractor's compliance with EEO contract provisions. Where implementation of such an agreement has the effect of discriminating against minorities or women, or obligates the contractor to do the same, such implementation violates Federal nondiscrimination provisions.

c. The contractor will encourage its present employees to refer minorities and women as applicants for employment. Information and procedures with regard to referring such applicants will be discussed with employees.

5. **Personnel Actions:** Wages, working conditions, and employee benefits shall be established and administered, and personnel actions of every type, including hiring, upgrading, promotion, transfer, demotion, layoff, and termination, shall be taken without regard to race, color, religion, sex, national origin, age or disability. The following procedures shall be followed:

a. The contractor will conduct periodic inspections of project sites to insure that working conditions and employee facilities do not indicate discriminatory treatment of project site personnel.

b. The contractor will periodically evaluate the spread of wages paid within each classification to determine any evidence of discriminatory wage practices.

c. The contractor will periodically review selected personnel actions in depth to determine whether there is evidence of discrimination. Where evidence is found, the contractor will promptly take corrective action. If the review indicates that the discrimination may extend beyond the actions reviewed, such corrective action shall include all affected persons.

d. The contractor will promptly investigate all complaints of alleged discrimination made to the contractor in connection with its obligations under this contract, will attempt to resolve such complaints, and will take appropriate corrective action within a reasonable time. If the investigation indicates that the discrimination may affect persons other than the complainant, such corrective action shall include such other persons. Upon completion of each investigation, the contractor will inform every complainant of all of their avenues of appeal.

6. **Training and Promotion:**

a. The contractor will assist in locating, qualifying, and increasing the skills of minorities and women who are

applicants for employment or current employees. Such efforts should be aimed at developing full journey level status employees in the type of trade or job classification involved.

b. Consistent with the contractor's work force requirements and as permissible under Federal and State regulations, the contractor shall make full use of training programs, i.e., apprenticeship, and on-the-job training programs for the geographical area of contract performance. In the event a special provision for training is provided under this contract, this subparagraph will be superseded as indicated in the special provision. The contracting agency may reserve training positions for persons who receive welfare assistance in accordance with 23 U.S.C. 140(a).

c. The contractor will advise employees and applicants for employment of available training programs and entrance requirements for each.

d. The contractor will periodically review the training and promotion potential of employees who are minorities and women and will encourage eligible employees to apply for such training and promotion.

7. Unions: If the contractor relies in whole or in part upon unions as a source of employees, the contractor will use good faith efforts to obtain the cooperation of such unions to increase opportunities for minorities and women. Actions by the contractor, either directly or through a contractor's association acting as agent, will include the procedures set forth below:

a. The contractor will use good faith efforts to develop, in cooperation with the unions, joint training programs aimed toward qualifying more minorities and women for membership in the unions and increasing the skills of minorities and women so that they may qualify for higher paying employment.

b. The contractor will use good faith efforts to incorporate an EEO clause into each union agreement to the end that such union will be contractually bound to refer applicants without regard to their race, color, religion, sex, national origin, age or disability.

c. The contractor is to obtain information as to the referral practices and policies of the labor union except that to the extent such information is within the exclusive possession of the labor union and such labor union refuses to furnish such information to the contractor, the contractor shall so certify to the contracting agency and shall set forth what efforts have been made to obtain such information.

d. In the event the union is unable to provide the contractor with a reasonable flow of referrals within the time limit set forth in the collective bargaining agreement, the contractor will, through independent recruitment efforts, fill the employment vacancies without regard to race, color, religion, sex, national origin, age or disability; making full efforts to obtain qualified and/or qualifiable minorities and women. The failure of a union to provide sufficient referrals (even though it is obligated to provide exclusive referrals under the terms of a collective bargaining agreement) does not relieve the contractor from the requirements of this paragraph. In the event the union referral practice prevents the contractor from meeting the obligations pursuant to Executive Order 11246, as amended, and these special provisions, such contractor shall immediately notify the contracting agency.

8. Reasonable Accommodation for Applicants / Employees with Disabilities: The contractor must be familiar

with the requirements for and comply with the Americans with Disabilities Act and all rules and regulations established there under. Employers must provide reasonable accommodation in all employment activities unless to do so would cause an undue hardship.

9. Selection of Subcontractors, Procurement of Materials and Leasing of Equipment: The contractor shall not discriminate on the grounds of race, color, religion, sex, national origin, age or disability in the selection and retention of subcontractors, including procurement of materials and leases of equipment. The contractor shall take all necessary and reasonable steps to ensure nondiscrimination in the administration of this contract.

a. The contractor shall notify all potential subcontractors and suppliers and lessors of their EEO obligations under this contract.

b. The contractor will use good faith efforts to ensure subcontractor compliance with their EEO obligations.

10. Assurance Required by 49 CFR 26.13(b):

a. The requirements of 49 CFR Part 26 and the State DOT's U.S. DOT-approved DBE program are incorporated by reference.

b. The contractor or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the contracting agency deems appropriate.

11. Records and Reports: The contractor shall keep such records as necessary to document compliance with the EEO requirements. Such records shall be retained for a period of three years following the date of the final payment to the contractor for all contract work and shall be available at reasonable times and places for inspection by authorized representatives of the contracting agency and the FHWA.

a. The records kept by the contractor shall document the following:

(1) The number and work hours of minority and non-minority group members and women employed in each work classification on the project;

(2) The progress and efforts being made in cooperation with unions, when applicable, to increase employment opportunities for minorities and women; and

(3) The progress and efforts being made in locating, hiring, training, qualifying, and upgrading minorities and women;

b. The contractors and subcontractors will submit an annual report to the contracting agency each July for the duration of the project, indicating the number of minority, women, and non-minority group employees currently engaged in each work classification required by the contract work. This information is to be reported on [Form FHWA-1391](#). The staffing data should represent the project work force on board in all or any part of the last payroll period preceding the end of July. If on-the-job training is being required by special provision, the contractor

will be required to collect and report training data. The employment data should reflect the work force on board during all or any part of the last payroll period preceding the end of July.

III. NONSEGREGATED FACILITIES

This provision is applicable to all Federal-aid construction contracts and to all related construction subcontracts of \$10,000 or more.

The contractor must ensure that facilities provided for employees are provided in such a manner that segregation on the basis of race, color, religion, sex, or national origin cannot result. The contractor may neither require such segregated use by written or oral policies nor tolerate such use by employee custom. The contractor's obligation extends further to ensure that its employees are not assigned to perform their services at any location, under the contractor's control, where the facilities are segregated. The term "facilities" includes waiting rooms, work areas, restaurants and other eating areas, time clocks, restrooms, washrooms, locker rooms, and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation, and housing provided for employees. The contractor shall provide separate or single-user restrooms and necessary dressing or sleeping areas to assure privacy between sexes.

IV. DAVIS-BACON AND RELATED ACT PROVISIONS

This section is applicable to all Federal-aid construction projects exceeding \$2,000 and to all related subcontracts and lower-tier subcontracts (regardless of subcontract size). The requirements apply to all projects located within the right-of-way of a roadway that is functionally classified as Federal-aid highway. This excludes roadways functionally classified as local roads or rural minor collectors, which are exempt. Contracting agencies may elect to apply these requirements to other projects.

The following provisions are from the U.S. Department of Labor regulations in 29 CFR 5.5 "Contract provisions and related matters" with minor revisions to conform to the FHWA-1273 format and FHWA program requirements.

1. Minimum wages

a. All laborers and mechanics employed or working upon the site of the work, will be paid unconditionally and not less often than once a week, and without subsequent deduction or rebate on any account (except such payroll deductions as are permitted by regulations issued by the Secretary of Labor under the Copeland Act (29 CFR part 3)), the full amount of wages and bona fide fringe benefits (or cash equivalents thereof) due at time of payment computed at rates not less than those contained in the wage determination of the Secretary of Labor which is attached hereto and made a part hereof, regardless of any contractual relationship which may be alleged to exist between the contractor and such laborers and mechanics.

Contributions made or costs reasonably anticipated for bona fide fringe benefits under section 1(b)(2) of the Davis-Bacon Act on behalf of laborers or mechanics are considered wages paid to such laborers or mechanics, subject to the provisions

of paragraph 1.d. of this section; also, regular contributions made or costs incurred for more than a weekly period (but not less often than quarterly) under plans, funds, or programs which cover the particular weekly period, are deemed to be constructively made or incurred during such weekly period. Such laborers and mechanics shall be paid the appropriate wage rate and fringe benefits on the wage determination for the classification of work actually performed, without regard to skill, except as provided in 29 CFR 5.5(a)(4). Laborers or mechanics performing work in more than one classification may be compensated at the rate specified for each classification for the time actually worked therein: Provided, That the employer's payroll records accurately set forth the time spent in each classification in which work is performed. The wage determination (including any additional classification and wage rates conformed under paragraph 1.b. of this section) and the Davis-Bacon poster (WH-1321) shall be posted at all times by the contractor and its subcontractors at the site of the work in a prominent and accessible place where it can be easily seen by the workers.

b.(1) The contracting officer shall require that any class of laborers or mechanics, including helpers, which is not listed in the wage determination and which is to be employed under the contract shall be classified in conformance with the wage determination. The contracting officer shall approve an additional classification and wage rate and fringe benefits therefore only when the following criteria have been met:

(i) The work to be performed by the classification requested is not performed by a classification in the wage determination; and

(ii) The classification is utilized in the area by the construction industry; and

(iii) The proposed wage rate, including any bona fide fringe benefits, bears a reasonable relationship to the wage rates contained in the wage determination.

(2) If the contractor and the laborers and mechanics to be employed in the classification (if known), or their representatives, and the contracting officer agree on the classification and wage rate (including the amount designated for fringe benefits where appropriate), a report of the action taken shall be sent by the contracting officer to the Administrator of the Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor, Washington, DC 20210. The Administrator, or an authorized representative, will approve, modify, or disapprove every additional classification action within 30 days of receipt and so advise the contracting officer or will notify the contracting officer within the 30-day period that additional time is necessary.

(3) In the event the contractor, the laborers or mechanics to be employed in the classification or their representatives, and the contracting officer do not agree on the proposed classification and wage rate (including the amount designated for fringe benefits, where appropriate), the contracting officer shall refer the questions, including the views of all interested parties and the recommendation of the contracting officer, to the Wage and Hour Administrator for determination. The Wage and Hour Administrator, or an authorized representative, will issue a determination within 30 days of receipt and so advise the contracting officer or

will notify the contracting officer within the 30-day period that additional time is necessary.

(4) The wage rate (including fringe benefits where appropriate) determined pursuant to paragraphs 1.b.(2) or 1.b.(3) of this section, shall be paid to all workers performing work in the classification under this contract from the first day on which work is performed in the classification.

c. Whenever the minimum wage rate prescribed in the contract for a class of laborers or mechanics includes a fringe benefit which is not expressed as an hourly rate, the contractor shall either pay the benefit as stated in the wage determination or shall pay another bona fide fringe benefit or an hourly cash equivalent thereof.

d. If the contractor does not make payments to a trustee or other third person, the contractor may consider as part of the wages of any laborer or mechanic the amount of any costs reasonably anticipated in providing bona fide fringe benefits under a plan or program. Provided, That the Secretary of Labor has found, upon the written request of the contractor, that the applicable standards of the Davis-Bacon Act have been met. The Secretary of Labor may require the contractor to set aside in a separate account assets for the meeting of obligations under the plan or program.

2. Withholding

The contracting agency shall upon its own action or upon written request of an authorized representative of the Department of Labor, withhold or cause to be withheld from the contractor under this contract, or any other Federal contract with the same prime contractor, or any other federally-assisted contract subject to Davis-Bacon prevailing wage requirements, which is held by the same prime contractor, so much of the accrued payments or advances as may be considered necessary to pay laborers and mechanics, including apprentices, trainees, and helpers, employed by the contractor or any subcontractor the full amount of wages required by the contract. In the event of failure to pay any laborer or mechanic, including any apprentice, trainee, or helper, employed or working on the site of the work, all or part of the wages required by the contract, the contracting agency may, after written notice to the contractor, take such action as may be necessary to cause the suspension of any further payment, advance, or guarantee of funds until such violations have ceased.

3. Payrolls and basic records

a. Payrolls and basic records relating thereto shall be maintained by the contractor during the course of the work and preserved for a period of three years thereafter for all laborers and mechanics working at the site of the work. Such records shall contain the name, address, and social security number of each such worker, his or her correct classification, hourly rates of wages paid (including rates of contributions or costs anticipated for bona fide fringe benefits or cash equivalents thereof of the types described in section 1(b)(2)(B) of the Davis-Bacon Act), daily and weekly number of hours worked, deductions made and actual wages paid. Whenever the Secretary of Labor has found under 29 CFR 5.5(a)(1)(iv) that the wages of any laborer or mechanic include the amount of any costs reasonably anticipated in providing benefits under a plan or program described in section 1(b)(2)(B) of the Davis-

Bacon Act, the contractor shall maintain records which show that the commitment to provide such benefits is enforceable, that the plan or program is financially responsible, and that the plan or program has been communicated in writing to the laborers or mechanics affected, and records which show the costs anticipated or the actual cost incurred in providing such benefits. Contractors employing apprentices or trainees under approved programs shall maintain written evidence of the registration of apprenticeship programs and certification of trainee programs, the registration of the apprentices and trainees, and the ratios and wage rates prescribed in the applicable programs.

b.(1) The contractor shall submit weekly for each week in which any contract work is performed a copy of all payrolls to the contracting agency. The payrolls submitted shall set out accurately and completely all of the information required to be maintained under 29 CFR 5.5(a)(3)(i), except that full social security numbers and home addresses shall not be included on weekly transmittals. Instead the payrolls shall only need to include an individually identifying number for each employee (e.g., the last four digits of the employee's social security number). The required weekly payroll information may be submitted in any form desired. Optional Form WH-347 is available for this purpose from the Wage and Hour Division Web site at <http://www.dol.gov/esa/whd/forms/wh347instr.htm> or its successor site. The prime contractor is responsible for the submission of copies of payrolls by all subcontractors. Contractors and subcontractors shall maintain the full social security number and current address of each covered worker, and shall provide them upon request to the contracting agency for transmission to the State DOT, the FHWA or the Wage and Hour Division of the Department of Labor for purposes of an investigation or audit of compliance with prevailing wage requirements. It is not a violation of this section for a prime contractor to require a subcontractor to provide addresses and social security numbers to the prime contractor for its own records, without weekly submission to the contracting agency..

(2) Each payroll submitted shall be accompanied by a "Statement of Compliance," signed by the contractor or subcontractor or his or her agent who pays or supervises the payment of the persons employed under the contract and shall certify the following:

(i) That the payroll for the payroll period contains the information required to be provided under §5.5 (a)(3)(ii) of Regulations, 29 CFR part 5, the appropriate information is being maintained under §5.5 (a)(3)(i) of Regulations, 29 CFR part 5, and that such information is correct and complete;

(ii) That each laborer or mechanic (including each helper, apprentice, and trainee) employed on the contract during the payroll period has been paid the full weekly wages earned, without rebate, either directly or indirectly, and that no deductions have been made either directly or indirectly from the full wages earned, other than permissible deductions as set forth in Regulations, 29 CFR part 3;

(iii) That each laborer or mechanic has been paid not less than the applicable wage rates and fringe benefits or cash equivalents for the classification of work performed, as specified in the applicable wage determination incorporated into the contract.

(3) The weekly submission of a properly executed certification set forth on the reverse side of Optional Form WH-347 shall satisfy the requirement for submission of the "Statement of Compliance" required by paragraph 3.b.(2) of this section.

(4) The falsification of any of the above certifications may subject the contractor or subcontractor to civil or criminal prosecution under section 1001 of title 18 and section 231 of title 31 of the United States Code.

c. The contractor or subcontractor shall make the records required under paragraph 3.a. of this section available for inspection, copying, or transcription by authorized representatives of the contracting agency, the State DOT, the FHWA, or the Department of Labor, and shall permit such representatives to interview employees during working hours on the job. If the contractor or subcontractor fails to submit the required records or to make them available, the FHWA may, after written notice to the contractor, the contracting agency or the State DOT, take such action as may be necessary to cause the suspension of any further payment, advance, or guarantee of funds. Furthermore, failure to submit the required records upon request or to make such records available may be grounds for debarment action pursuant to 29 CFR 5.12.

4. Apprentices and trainees

a. Apprentices (programs of the USDOL).

Apprentices will be permitted to work at less than the predetermined rate for the work they performed when they are employed pursuant to and individually registered in a bona fide apprenticeship program registered with the U.S. Department of Labor, Employment and Training Administration, Office of Apprenticeship Training, Employer and Labor Services, or with a State Apprenticeship Agency recognized by the Office, or if a person is employed in his or her first 90 days of probationary employment as an apprentice in such an apprenticeship program, who is not individually registered in the program, but who has been certified by the Office of Apprenticeship Training, Employer and Labor Services or a State Apprenticeship Agency (where appropriate) to be eligible for probationary employment as an apprentice.

The allowable ratio of apprentices to journeymen on the job site in any craft classification shall not be greater than the ratio permitted to the contractor as to the entire work force under the registered program. Any worker listed on a payroll at an apprentice wage rate, who is not registered or otherwise employed as stated above, shall be paid not less than the applicable wage rate on the wage determination for the classification of work actually performed. In addition, any apprentice performing work on the job site in excess of the ratio permitted under the registered program shall be paid not less than the applicable wage rate on the wage determination for the work actually performed. Where a contractor is performing construction on a project in a locality other than that in which its program is registered, the ratios and wage rates (expressed in percentages of the journeyman's hourly rate) specified in the contractor's or subcontractor's registered program shall be observed.

Every apprentice must be paid at not less than the rate specified in the registered program for the apprentice's level of progress, expressed as a percentage of the journeymen hourly

rate specified in the applicable wage determination. Apprentices shall be paid fringe benefits in accordance with the provisions of the apprenticeship program. If the apprenticeship program does not specify fringe benefits, apprentices must be paid the full amount of fringe benefits listed on the wage determination for the applicable classification. If the Administrator determines that a different practice prevails for the applicable apprentice classification, fringes shall be paid in accordance with that determination.

In the event the Office of Apprenticeship Training, Employer and Labor Services, or a State Apprenticeship Agency recognized by the Office, withdraws approval of an apprenticeship program, the contractor will no longer be permitted to utilize apprentices at less than the applicable predetermined rate for the work performed until an acceptable program is approved.

b. Trainees (programs of the USDOL).

Except as provided in 29 CFR 5.16, trainees will not be permitted to work at less than the predetermined rate for the work performed unless they are employed pursuant to and individually registered in a program which has received prior approval, evidenced by formal certification by the U.S. Department of Labor, Employment and Training Administration.

The ratio of trainees to journeymen on the job site shall not be greater than permitted under the plan approved by the Employment and Training Administration.

Every trainee must be paid at not less than the rate specified in the approved program for the trainee's level of progress, expressed as a percentage of the journeyman hourly rate specified in the applicable wage determination. Trainees shall be paid fringe benefits in accordance with the provisions of the trainee program. If the trainee program does not mention fringe benefits, trainees shall be paid the full amount of fringe benefits listed on the wage determination unless the Administrator of the Wage and Hour Division determines that there is an apprenticeship program associated with the corresponding journeyman wage rate on the wage determination which provides for less than full fringe benefits for apprentices. Any employee listed on the payroll at a trainee rate who is not registered and participating in a training plan approved by the Employment and Training Administration shall be paid not less than the applicable wage rate on the wage determination for the classification of work actually performed. In addition, any trainee performing work on the job site in excess of the ratio permitted under the registered program shall be paid not less than the applicable wage rate on the wage determination for the work actually performed.

In the event the Employment and Training Administration withdraws approval of a training program, the contractor will no longer be permitted to utilize trainees at less than the applicable predetermined rate for the work performed until an acceptable program is approved.

c. Equal employment opportunity. The utilization of apprentices, trainees and journeymen under this part shall be in conformity with the equal employment opportunity requirements of Executive Order 11246, as amended, and 29 CFR part 30.

d. Apprentices and Trainees (programs of the U.S. DOT).

Apprentices and trainees working under apprenticeship and skill training programs which have been certified by the Secretary of Transportation as promoting EEO in connection with Federal-aid highway construction programs are not subject to the requirements of paragraph 4 of this Section IV. The straight time hourly wage rates for apprentices and trainees under such programs will be established by the particular programs. The ratio of apprentices and trainees to journeymen shall not be greater than permitted by the terms of the particular program.

5. Compliance with Copeland Act requirements. The contractor shall comply with the requirements of 29 CFR part 3, which are incorporated by reference in this contract.

6. Subcontracts. The contractor or subcontractor shall insert Form FHWA-1273 in any subcontracts and also require the subcontractors to include Form FHWA-1273 in any lower tier subcontracts. The prime contractor shall be responsible for the compliance by any subcontractor or lower tier subcontractor with all the contract clauses in 29 CFR 5.5.

7. Contract termination: debarment. A breach of the contract clauses in 29 CFR 5.5 may be grounds for termination of the contract, and for debarment as a contractor and a subcontractor as provided in 29 CFR 5.12.

8. Compliance with Davis-Bacon and Related Act requirements. All rulings and interpretations of the Davis-Bacon and Related Acts contained in 29 CFR parts 1, 3, and 5 are herein incorporated by reference in this contract.

9. Disputes concerning labor standards. Disputes arising out of the labor standards provisions of this contract shall not be subject to the general disputes clause of this contract. Such disputes shall be resolved in accordance with the procedures of the Department of Labor set forth in 29 CFR parts 5, 6, and 7. Disputes within the meaning of this clause include disputes between the contractor (or any of its subcontractors) and the contracting agency, the U.S. Department of Labor, or the employees or their representatives.

10. Certification of eligibility.

a. By entering into this contract, the contractor certifies that neither it (nor he or she) nor any person or firm who has an interest in the contractor's firm is a person or firm ineligible to be awarded Government contracts by virtue of section 3(a) of the Davis-Bacon Act or 29 CFR 5.12(a)(1).

b. No part of this contract shall be subcontracted to any person or firm ineligible for award of a Government contract by virtue of section 3(a) of the Davis-Bacon Act or 29 CFR 5.12(a)(1).

c. The penalty for making false statements is prescribed in the U.S. Criminal Code, 18 U.S.C. 1001.

V. CONTRACT WORK HOURS AND SAFETY STANDARDS ACT

The following clauses apply to any Federal-aid construction contract in an amount in excess of \$100,000 and subject to the overtime provisions of the Contract Work Hours and Safety Standards Act. These clauses shall be inserted in addition to the clauses required by 29 CFR 5.5(a) or 29 CFR 4.6. As used in this paragraph, the terms laborers and mechanics include watchmen and guards.

1. Overtime requirements. No contractor or subcontractor contracting for any part of the contract work which may require or involve the employment of laborers or mechanics shall require or permit any such laborer or mechanic in any workweek in which he or she is employed on such work to work in excess of forty hours in such workweek unless such laborer or mechanic receives compensation at a rate not less than one and one-half times the basic rate of pay for all hours worked in excess of forty hours in such workweek.

2. Violation; liability for unpaid wages; liquidated damages. In the event of any violation of the clause set forth in paragraph (1.) of this section, the contractor and any subcontractor responsible therefor shall be liable for the unpaid wages. In addition, such contractor and subcontractor shall be liable to the United States (in the case of work done under contract for the District of Columbia or a territory, to such District or to such territory), for liquidated damages. Such liquidated damages shall be computed with respect to each individual laborer or mechanic, including watchmen and guards, employed in violation of the clause set forth in paragraph (1.) of this section, in the sum of \$10 for each calendar day on which such individual was required or permitted to work in excess of the standard workweek of forty hours without payment of the overtime wages required by the clause set forth in paragraph (1.) of this section.

3. Withholding for unpaid wages and liquidated damages. The FHWA or the contracting agency shall upon its own action or upon written request of an authorized representative of the Department of Labor withhold or cause to be withheld, from any moneys payable on account of work performed by the contractor or subcontractor under any such contract or any other Federal contract with the same prime contractor, or any other federally-assisted contract subject to the Contract Work Hours and Safety Standards Act, which is held by the same prime contractor, such sums as may be determined to be necessary to satisfy any liabilities of such contractor or subcontractor for unpaid wages and liquidated damages as provided in the clause set forth in paragraph (2.) of this section.

4. Subcontracts. The contractor or subcontractor shall insert in any subcontracts the clauses set forth in paragraph (1.) through (4.) of this section and also a clause requiring the subcontractors to include these clauses in any lower tier subcontracts. The prime contractor shall be responsible for compliance by any subcontractor or lower tier subcontractor with the clauses set forth in paragraphs (1.) through (4.) of this section.

VI. SUBLETTING OR ASSIGNING THE CONTRACT

This provision is applicable to all Federal-aid construction contracts on the National Highway System.

1. The contractor shall perform with its own organization contract work amounting to not less than 30 percent (or a greater percentage if specified elsewhere in the contract) of the total original contract price, excluding any specialty items designated by the contracting agency. Specialty items may be performed by subcontract and the amount of any such specialty items performed may be deducted from the total original contract price before computing the amount of work required to be performed by the contractor's own organization (23 CFR 635.116).

a. The term "perform work with its own organization" refers to workers employed or leased by the prime contractor, and equipment owned or rented by the prime contractor, with or without operators. Such term does not include employees or equipment of a subcontractor or lower tier subcontractor, agents of the prime contractor, or any other assignees. The term may include payments for the costs of hiring leased employees from an employee leasing firm meeting all relevant Federal and State regulatory requirements. Leased employees may only be included in this term if the prime contractor meets all of the following conditions:

- (1) the prime contractor maintains control over the supervision of the day-to-day activities of the leased employees;
- (2) the prime contractor remains responsible for the quality of the work of the leased employees;
- (3) the prime contractor retains all power to accept or exclude individual employees from work on the project; and
- (4) the prime contractor remains ultimately responsible for the payment of predetermined minimum wages, the submission of payrolls, statements of compliance and all other Federal regulatory requirements.

b. "Specialty Items" shall be construed to be limited to work that requires highly specialized knowledge, abilities, or equipment not ordinarily available in the type of contracting organizations qualified and expected to bid or propose on the contract as a whole and in general are to be limited to minor components of the overall contract.

2. The contract amount upon which the requirements set forth in paragraph (1) of Section VI is computed includes the cost of material and manufactured products which are to be purchased or produced by the contractor under the contract provisions.

3. The contractor shall furnish (a) a competent superintendent or supervisor who is employed by the firm, has full authority to direct performance of the work in accordance with the contract requirements, and is in charge of all construction operations (regardless of who performs the work) and (b) such other of its own organizational resources (supervision, management, and engineering services) as the contracting officer determines is necessary to assure the performance of the contract.

4. No portion of the contract shall be sublet, assigned or otherwise disposed of except with the written consent of the contracting officer, or authorized representative, and such consent when given shall not be construed to relieve the contractor of any responsibility for the fulfillment of the contract. Written consent will be given only after the contracting agency has assured that each subcontract is

evidenced in writing and that it contains all pertinent provisions and requirements of the prime contract.

5. The 30% self-performance requirement of paragraph (1) is not applicable to design-build contracts; however, contracting agencies may establish their own self-performance requirements.

VII. SAFETY: ACCIDENT PREVENTION

This provision is applicable to all Federal-aid construction contracts and to all related subcontracts.

1. In the performance of this contract the contractor shall comply with all applicable Federal, State, and local laws governing safety, health, and sanitation (23 CFR 635). The contractor shall provide all safeguards, safety devices and protective equipment and take any other needed actions as it determines, or as the contracting officer may determine, to be reasonably necessary to protect the life and health of employees on the job and the safety of the public and to protect property in connection with the performance of the work covered by the contract.

2. It is a condition of this contract, and shall be made a condition of each subcontract, which the contractor enters into pursuant to this contract, that the contractor and any subcontractor shall not permit any employee, in performance of the contract, to work in surroundings or under conditions which are unsanitary, hazardous or dangerous to his/her health or safety, as determined under construction safety and health standards (29 CFR 1926) promulgated by the Secretary of Labor, in accordance with Section 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 3704).

3. Pursuant to 29 CFR 1926.3, it is a condition of this contract that the Secretary of Labor or authorized representative thereof, shall have right of entry to any site of contract performance to inspect or investigate the matter of compliance with the construction safety and health standards and to carry out the duties of the Secretary under Section 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 3704).

VIII. FALSE STATEMENTS CONCERNING HIGHWAY PROJECTS

This provision is applicable to all Federal-aid construction contracts and to all related subcontracts.

In order to assure high quality and durable construction in conformity with approved plans and specifications and a high degree of reliability on statements and representations made by engineers, contractors, suppliers, and workers on Federal-aid highway projects, it is essential that all persons concerned with the project perform their functions as carefully, thoroughly, and honestly as possible. Willful falsification, distortion, or misrepresentation with respect to any facts related to the project is a violation of Federal law. To prevent any misunderstanding regarding the seriousness of these and similar acts, Form FHWA-1022 shall be posted on each Federal-aid highway project (23 CFR 635) in one or more places where it is readily available to all persons concerned with the project:

18 U.S.C. 1020 reads as follows:

"Whoever, being an officer, agent, or employee of the United States, or of any State or Territory, or whoever, whether a person, association, firm, or corporation, knowingly makes any false statement, false representation, or false report as to the character, quality, quantity, or cost of the material used or to be used, or the quantity or quality of the work performed or to be performed, or the cost thereof in connection with the submission of plans, maps, specifications, contracts, or costs of construction on any highway or related project submitted for approval to the Secretary of Transportation; or

Whoever knowingly makes any false statement, false representation, false report or false claim with respect to the character, quality, quantity, or cost of any work performed or to be performed, or materials furnished or to be furnished, in connection with the construction of any highway or related project approved by the Secretary of Transportation; or

Whoever knowingly makes any false statement or false representation as to material fact in any statement, certificate, or report submitted pursuant to provisions of the Federal-aid Roads Act approved July 1, 1916, (39 Stat. 355), as amended and supplemented;

Shall be fined under this title or imprisoned not more than 5 years or both."

IX. IMPLEMENTATION OF CLEAN AIR ACT AND FEDERAL WATER POLLUTION CONTROL ACT

This provision is applicable to all Federal-aid construction contracts and to all related subcontracts.

By submission of this bid/proposal or the execution of this contract, or subcontract, as appropriate, the bidder, proposer, Federal-aid construction contractor, or subcontractor, as appropriate, will be deemed to have stipulated as follows:

1. That any person who is or will be utilized in the performance of this contract is not prohibited from receiving an award due to a violation of Section 508 of the Clean Water Act or Section 306 of the Clean Air Act.

2. That the contractor agrees to include or cause to be included the requirements of paragraph (1) of this Section X in every subcontract, and further agrees to take such action as the contracting agency may direct as a means of enforcing such requirements.

X. CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY AND VOLUNTARY EXCLUSION

This provision is applicable to all Federal-aid construction contracts, design-build contracts, subcontracts, lower-tier subcontracts, purchase orders, lease agreements, consultant contracts or any other covered transaction requiring FHWA approval or that is estimated to cost \$25,000 or more – as defined in 2 CFR Parts 180 and 1200.

1. Instructions for Certification – First Tier Participants:

a. By signing and submitting this proposal, the prospective first tier participant is providing the certification set out below.

b. The inability of a person to provide the certification set out below will not necessarily result in denial of participation in this

covered transaction. The prospective first tier participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective first tier participant to furnish a certification or an explanation shall disqualify such a person from participation in this transaction.

c. The certification in this clause is a material representation of fact upon which reliance was placed when the contracting agency determined to enter into this transaction. If it is later determined that the prospective participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the contracting agency may terminate this transaction for cause of default.

d. The prospective first tier participant shall provide immediate written notice to the contracting agency to whom this proposal is submitted if any time the prospective first tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

e. The terms "covered transaction," "debarred," "suspended," "ineligible," "participant," "person," "principal," and "voluntarily excluded," as used in this clause, are defined in 2 CFR Parts 180 and 1200. "First Tier Covered Transactions" refers to any covered transaction between a grantee or subgrantee of Federal funds and a participant (such as the prime or general contract). "Lower Tier Covered Transactions" refers to any covered transaction under a First Tier Covered Transaction (such as subcontracts). "First Tier Participant" refers to the participant who has entered into a covered transaction with a grantee or subgrantee of Federal funds (such as the prime or general contractor). "Lower Tier Participant" refers any participant who has entered into a covered transaction with a First Tier Participant or other Lower Tier Participants (such as subcontractors and suppliers).

f. The prospective first tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.

g. The prospective first tier participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transactions," provided by the department or contracting agency, entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions exceeding the \$25,000 threshold.

h. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any lower tier prospective participants, each participant may, but is not required to, check the Excluded Parties List System website (<https://www.epls.gov/>), which is compiled by the General Services Administration.

i. Nothing contained in the foregoing shall be construed to require the establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of the prospective participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

j. Except for transactions authorized under paragraph (f) of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.

* * * * *

2. Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion – First Tier Participants:

a. The prospective first tier participant certifies to the best of its knowledge and belief, that it and its principals:

(1) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in covered transactions by any Federal department or agency;

(2) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(3) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (a)(2) of this certification; and

(4) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.

b. Where the prospective participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

2. Instructions for Certification - Lower Tier Participants:

(Applicable to all subcontracts, purchase orders and other lower tier transactions requiring prior FHWA approval or estimated to cost \$25,000 or more - 2 CFR Parts 180 and 1200)

a. By signing and submitting this proposal, the prospective lower tier is providing the certification set out below.

b. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department, or agency with which

this transaction originated may pursue available remedies, including suspension and/or debarment.

c. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous by reason of changed circumstances.

d. The terms "covered transaction," "debarred," "suspended," "ineligible," "participant," "person," "principal," and "voluntarily excluded," as used in this clause, are defined in 2 CFR Parts 180 and 1200. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations. "First Tier Covered Transactions" refers to any covered transaction between a grantee or subgrantee of Federal funds and a participant (such as the prime or general contract). "Lower Tier Covered Transactions" refers to any covered transaction under a First Tier Covered Transaction (such as subcontracts). "First Tier Participant" refers to the participant who has entered into a covered transaction with a grantee or subgrantee of Federal funds (such as the prime or general contractor). "Lower Tier Participant" refers any participant who has entered into a covered transaction with a First Tier Participant or other Lower Tier Participants (such as subcontractors and suppliers).

e. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.

f. The prospective lower tier participant further agrees by submitting this proposal that it will include this clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions exceeding the \$25,000 threshold.

g. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any lower tier prospective participants, each participant may, but is not required to, check the Excluded Parties List System website (<https://www.epls.gov/>), which is compiled by the General Services Administration.

h. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

i. Except for transactions authorized under paragraph e of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the

department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

* * * * *

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion--Lower Tier Participants:

1. The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in covered transactions by any Federal department or agency.

2. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

* * * * *

XI. CERTIFICATION REGARDING USE OF CONTRACT FUNDS FOR LOBBYING

This provision is applicable to all Federal-aid construction contracts and to all related subcontracts which exceed \$100,000 (49 CFR 20).

1. The prospective participant certifies, by signing and submitting this bid or proposal, to the best of his or her knowledge and belief, that:

a. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

b. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

2. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by 31 U.S.C. 1352. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

3. The prospective participant also agrees by submitting its bid or proposal that the participant shall require that the language of this certification be included in all lower tier subcontracts, which exceed \$100,000 and that all such recipients shall certify and disclose accordingly.

**ATTACHMENT A - EMPLOYMENT AND MATERIALS
PREFERENCE FOR APPALACHIAN DEVELOPMENT
HIGHWAY SYSTEM OR APPALACHIAN LOCAL ACCESS
ROAD CONTRACTS**

This provision is applicable to all Federal-aid projects funded under the Appalachian Regional Development Act of 1965.

1. During the performance of this contract, the contractor undertaking to do work which is, or reasonably may be, done as on-site work, shall give preference to qualified persons who regularly reside in the labor area as designated by the DOL wherein the contract work is situated, or the subregion, or the Appalachian counties of the State wherein the contract work is situated, except:

a. To the extent that qualified persons regularly residing in the area are not available.

b. For the reasonable needs of the contractor to employ supervisory or specially experienced personnel necessary to assure an efficient execution of the contract work.

c. For the obligation of the contractor to offer employment to present or former employees as the result of a lawful collective bargaining contract, provided that the number of nonresident persons employed under this subparagraph (1c) shall not exceed 20 percent of the total number of employees employed by the contractor on the contract work, except as provided in subparagraph (4) below.

2. The contractor shall place a job order with the State Employment Service indicating (a) the classifications of the laborers, mechanics and other employees required to perform the contract work, (b) the number of employees required in each classification, (c) the date on which the participant estimates such employees will be required, and (d) any other pertinent information required by the State Employment Service to complete the job order form. The job order may be placed with the State Employment Service in writing or by telephone. If during the course of the contract work, the information submitted by the contractor in the original job order is substantially modified, the participant shall promptly notify the State Employment Service.

3. The contractor shall give full consideration to all qualified job applicants referred to him by the State Employment Service. The contractor is not required to grant employment to any job applicants who, in his opinion, are not qualified to perform the classification of work required.

4. If, within one week following the placing of a job order by the contractor with the State Employment Service, the State Employment Service is unable to refer any qualified job applicants to the contractor, or less than the number requested, the State Employment Service will forward a certificate to the contractor indicating the unavailability of applicants. Such certificate shall be made a part of the contractor's permanent project records. Upon receipt of this certificate, the contractor may employ persons who do not normally reside in the labor area to fill positions covered by the certificate, notwithstanding the provisions of subparagraph (1c) above.

5. The provisions of 23 CFR 633.207(e) allow the contracting agency to provide a contractual preference for the use of mineral resource materials native to the Appalachian region.

6. The contractor shall include the provisions of Sections 1 through 4 of this Attachment A in every subcontract for work which is, or reasonably may be, done as on-site work.



DEPARTMENT OF PUBLIC WORKS STAFF MEMORANDUM

DATE: July 6, 2022

TO: Mark Perkins, City Administrator

CC: Jim Heines, Director of Public Works

FROM: Kevin Mulligan, P.E., Civil Engineer

SUBJECT: Recommendation to Execute Program Agreement
Craig Road Improvement Project STP-5563(603)

City staff recommends that the City execute an STP-Urban Program Agreement with the Missouri Highways and Transportation Commission (MoDOT) in order to accept federal grant funding assistance for asphalt pavement resurfacing, intersection improvements, sidewalk, and pedestrian improvements to Craig Road.

Project Summary

The Craig Road Improvement Project will involve asphalt resurfacing, replacement of the sidewalk on the east side of the road, installation of a new sidewalk along the west side of the road, replacement of the rolled curb and gutter with vertical curb and gutter, safety improvements to the intersections at Office Parkway and Olde Cabin Road, and installation of pedestrian crossings at the intersections. Easements and right of way are expected to be necessary along the project limits.

Project Schedule

Projects that follow the process laid out by MoDOT for grant-funded projects generally have three phases: design, right-of-way acquisition, and construction.

- Design (FY2023-FY2025). The design for this project is scheduled to begin during the fall of 2022 and is expected to last through the summer of 2024. This phase of the project will be fully funded by the City.
- Right-of-Way Acquisition (FY2024). Easements appear to be necessary from eight of the twelve properties along the project limits. No right-of-way appears to be necessary. This phase is planned for fall 2023 through summer 2024. The federal grant will reimburse the City up to 80% of the costs associated with easement and right of way acquisition.
- Construction (FY2025). Construction of this project is scheduled for the spring and summer of 2025. The federal grant will reimburse the City up to 80% of the cost to construct the project.

The anticipated schedule for the project is listed in detail in Exhibit B (page 12) of the Program Agreement.

Project Cost and Grant Reimbursement

The program agreement establishes the amount of reimbursement for the project at 80% of right of way/easement acquisition and construction costs, up to an amount of \$960,000.00. The total cost of the project is expected to be \$1.35 million, making the City's share \$390,000, or approximately 29% of the total cost.

The estimated cost of each phase of the project and the amount of grant funding awarded for that phase are outlined below:

<u>Project Stage</u>	<u>Fiscal Year</u>	<u>Total Cost</u>	<u>Grant Funding</u>	<u>City Funding</u>
Design	FY2023-FY2025	\$ 150,000	\$ 0	\$ 150,000
Right of Way	FY2024	\$ 100,000	\$ 80,000	\$ 20,000
Construction	FY2025	\$ 1,100,000	\$ 880,000	\$ 220,000
	Total	\$ 1,350,000	\$ 960,000	\$ 390,000

Recommendation

The City has benefitted from federal grants to improve most of its major roads in the recent past. Staff finds this grant program to be a good opportunity for the City, and recommends that the City enter into the program agreement with MoDOT in order to take advantage of this program for the benefit of Craig Road.

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CREVE COEUR, MISSOURI AUTHORIZING THE EXECUTION OF A STP-URBAN PROGRAM AGREEMENT WITH THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION TO ENABLE THE CITY TO CONSTRUCT THE CRAIG ROAD IMPROVEMENTS PROJECT.

WHEREAS, the City of Creve Coeur strives to maintain its pavement infrastructure for the sake of its residents; and

WHEREAS, the City has been awarded grant funding under the federal Surface Transportation Program (STP) to assist with the cost of asphalt pavement resurfacing, intersection improvements, sidewalk, and pedestrian improvements to Craig Road between Olive Boulevard and Old Ballas Road; and

WHEREAS, the attached "Exhibit One" is an agreement between the City and the Missouri Highways and Transportation Commission regarding the responsibilities and requirements of the STP-Urban Grant Program.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CREVE COEUR, AS FOLLOWS:

SECTION 1. The STP-Urban Program Agreement, between the Missouri Highways and Transportation Commission and the City, regarding the construction of asphalt pavement, intersection improvements, sidewalk, and pedestrian improvements to Craig Road, attached hereto and referred to herein as the "Program Agreement," is hereby approved and the City Administrator is authorized to execute same on behalf of the City and the City Clerk is authorized and directed to attest thereto. The Agreement as executed shall be substantially in the form of the Program Agreement, with such changes therein as shall be approved by the officers of the City executing same, consistent with the provisions and intent of this Ordinance. The City Administrator and his designated representatives are hereby authorized and directed to take any and all actions necessary, desirable, convenient or proper in order to carry out the intent of this Ordinance, the matters herein authorized, and the rights and duties of the City under the Program Agreement.

SECTION 2. This ordinance shall become effective in accordance with Section 3.11 (g) of the City Charter.

ADOPTED THIS ____ DAY OF _____ 2022.

JOE MARTINICH
PRESIDENT OF CITY COUNCIL

APPROVED THIS ____ DAY OF _____ 2022.

ROBERT HOFFMAN
MAYOR

ATTEST:

KELLIE HENKE
CITY CLERK

RESOLUTION NO. 1600

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CREVE COEUR, MISSOURI AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH COMPASS MINERALS AMERICA INC., UNDER THE COOPERATIVE SALT PROGRAM, FOR PURCHASING 1100 TONS OF SALT FOR AN AMOUNT OF \$86,207.00.

WHEREAS, it is necessary to supplement the City's salt reserve in order to keep our streets safe during the winter months; and

WHEREAS, the City provides safe public rights of way for its commercial and residential communities; and

WHEREAS, the City participates in a Cooperative Salt Program with the City of Chesterfield to obtain the lowest price based on high volume purchasing; and

WHEREAS, these goods have been competitively bid per the requirements outlined in the City of Creve Coeur Code of Ordinances.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CREVE COEUR, AS FOLLOWS:

Section 1: The Agreement between Compass Minerals America Inc. and the City of Creve Coeur to purchase 1100 tons of salt for an amount of \$86,207.00 is hereby approved and the execution is hereby authorized. The City Administrator and his designated representatives are hereby authorized and directed to take any and all actions necessary, desirable, convenient or proper in order to carry out the intent of this Resolution, the matters herein authorized, and the rights and duties of the City under the Agreement.

Adopted this 11th day of July, 2022.

Dr. Robert Hoffman
Mayor

Attest:

Kellie Henke
City Clerk



DEPARTMENT OF PUBLIC WORKS OFFICE MEMO

DATE: June 30, 2022

TO: Mark C. Perkins, City Administrator

FROM: Jim Heines, Director of Public Works

SUBJECT: Annual De-icing Salt Purchase from the Salt Co-op Program

For over 25 years, the city has participated in a Salt Co-op group to purchase road salt. The Salt Co-op is a group of cities in the St. Louis area who have joined together to purchase salt in a bulk order to obtain a better pricing. The group is headed by the City of Chesterfield who performs the bidding process as well as managing the program including the accounting and payments for the bulk salt deliveries by barge.

In past years, the City of Chesterfield who manages the Salt Coop Program would bid for salt purchase and then bid for hauling from the depot on the Mississippi to each Coop member's yard. This year they bid the salt purchase with delivery included (see attached letter from the City of Chesterfield). Recent bidding resulted in two bids received, one from Compass Minerals America Inc., and the other from Morton Salt (see attached bid tab). The low bidder to supply and deliver salt was Compass Minerals for \$78.37 per ton.

We plan to purchase 1100 tons of salt which will almost fill our salt dome which holds approximately 2400 tons. We also have 200-300 tons stored in the auxiliary storage building. The cost to purchase 1100 tons of salt for FY23 is \$86,207.00 and delivery included. Based on projected unit costs similar to last year, Staff requested a total of \$115,000 in the FY23 budget for our salt purchase, Ice Ban (liquid pre-wetting agent), and plow related supplies in account number 01-31-41-7310.

Public Works staff recommends approving the purchase of 1100 tons of de-icing salt from the Salt Co-op. Payments are to be made to the Compass Minerals America Inc. for an amount of \$86,207.00 delivery included.



690 Chesterfield Pkwy W • Chesterfield MO 63017-0760
 Phone: 636-537-4000 • Fax 636-537-4798 • www.chesterfield.mo.us

June 8, 2022

Mike Fogg
 City of Creve Coeur
 300 N. New Ballas Road
 Creve Coeur, MO 63141

Re: St. Louis Metro APWA Salt Cooperative (Co-op)
 2022/2023 Order and Explanation of Co-op Changes

Dear Co-op Salt Participant:

As you may know, the City of Chesterfield coordinates the purchase and delivery of deicing salt for all members of the St. Louis Metro APWA Salt Cooperative (Co-op). The Co-op is currently comprised of 49 cities and 8 school districts which combine their purchasing power to obtain the best price possible for deicing salt.

This year there will be a substantial change in the manner in which the Co-op is administered. Previously there were two contracts – one for the salt itself and one for salt delivery. This system recently became problematic as there was only one company willing to bid on salt delivery for the Co-op. Accordingly, after numerous announcements at APWA St. Louis Branch meetings and conferring with several Co-op members, the Co-op has been modified so that there is now only one contract. The contractor who is awarded the bid for salt will now be responsible for delivering that salt to the Co-op members. Therefore, instead of two separate vendors and purchase orders you will now only need to issue one purchase order – directly to the salt vendor.

On behalf of the Co-op, the City of Chesterfield publicly opened bids for the purchase of an estimated 28,000 tons of salt on May 18, 2022. Two companies submitted bids, as detailed in the attached bid tab, with **Compass Minerals submitting the low bid of \$78.37 per ton.** Compass Minerals has provided excellent service and high quality salt to the Co-op for a number of years. Therefore, I recommended that the City of Chesterfield City Council accept the low bid of \$78.37 per ton from Compass Minerals, on behalf of the Co-op. That recommendation was approved by the City of Chesterfield City Council on June 7, 2022.

Similar to previous years, there will be two separate salt orders. The City of Chesterfield must provide the total for the initial order (known as the Fall Order) by August 15. The salt ordered as part of the Fall Order will be delivered to you between October 1 and December 20, in accordance with the contract documents. The City of Chesterfield must provide the total for the second order

(known as the Winter Order) by January 15. The salt ordered as part of the Winter Order will be delivered between February 1 and March 1.

If you desire to participate in the Co-op again in 2022/2023, your agency will need to issue a Purchase Order to Compass Minerals for the amount of salt you wish to order. The cost of your Purchase Order can be determined simply by multiplying the desired amount of salt by \$78.37. **Please note that the minimum order for each agency is 25 tons.** For this winter season the cost for the Fall Order and the Winter Order is the same. Additionally, the cost to each agency is the same - \$78.37 per ton. If you would like to proceed with an order on behalf of your agency, please proceed as follows:

- 1) **Fall Order:** Please generate a Purchase Order to Compass Minerals with the name of your agency, address for delivery, salt tonnage ordered, and total cost. The Purchase Order shall also include contact information (name, title, email address, and phone number) of the person at your agency responsible for your order. **All Purchase Orders must be emailed to the City of Chesterfield and received by noon on August 12, 2022.** Orders received after that date / time will NOT be included in the Fall Order. The Purchase Order must be emailed to Kathy Juergens at kjuergens@chesterfield.mo.us. The Purchase Order must be made out to Compass Minerals – NOT the City of Chesterfield. All purchase orders submitted to the City of Chesterfield will be compiled and forwarded to Compass as part of the Fall Order. Information for Compass Minerals is as follows:

Compass Minerals
9900 West 109th Street, Suite 100
Overland Park, Kansas 66201

- 2) **Winter Order:** Please generate a Purchase Order to Compass Minerals with the name of your agency, address for delivery, salt tonnage ordered, and total cost. The Purchase Order shall also include contact information (name, title, email address, and phone number) of the person at your agency responsible for your order. **All Purchase Orders must be emailed to the City of Chesterfield and received by noon on January 12, 2023.** Orders received after that date / time will not be included in the Winter Order. The Purchase Order must be emailed to Kathy Juergens at kjuergens@chesterfield.mo.us. The Purchase Order must be made out to Compass Minerals – NOT the City of Chesterfield. All purchase orders submitted to the City of Chesterfield will be compiled and forwarded to Compass as part of the Winter Order. Information for Compass Minerals is provided above.

Please be advised that there is no flexibility in the dates provided above. The City of Chesterfield is coordinating this order on behalf of 57 agencies – it is the responsibility of each agency to assign the appropriate personnel and ensure the deadlines are met if they wish to remain a member of the Co-op.

Once each order is placed by the City of Chesterfield (on behalf of the Co-op), your agency will receive confirmation of your order along with the anticipated delivery timeframe and a project contact with Compass Minerals. At that point, all correspondence regarding your order shall be between your agency and the vendor (Compass Minerals). Please do NOT contact the City of Chesterfield to ask about the status of your order. The vendor will contact you a minimum of 36 hours prior to delivery. Once you are contacted, your agency must be prepared to accept the salt

during its scheduled delivery time. This means you must commit to having personnel available to receive salt whenever it is scheduled. This may require premium, overtime or holiday pay. The City of Chesterfield does not control the date of delivery and neither the City of Chesterfield nor the Co-op will pay demurrage.

Please be advised that the City of Chesterfield's role in this process is solely to administer and coordinate the bid. We do not inspect or test the salt and we will NOT do that on your behalf. The purchase of this salt is between your agency and the vendor (Compass Minerals). If you believe the salt does not meet specification, your agency must address that directly with the vendor.

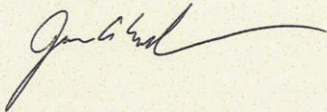
Each year, we remind the participating members that they must commit to receiving salt when it is delivered. It may arrive on a weekend or a holiday and may require overtime. **IF YOU ARE NOT PREPARED TO ACCEPT DELIVERIES WHENEVER THEY ARRIVE, DO NOT ORDER THROUGH THE CO-OP.** The City of Chesterfield and the Co-op have no ability to reschedule or delay deliveries. You must coordinate delivery directly with the vendor, and your agency will be responsible for any additional costs associated with rescheduling the deliveries or demurrage charges.

Finally, if an agency still owes the City of Chesterfield for salt purchased under the prior system they will NOT be able to purchase salt through the Co-op until that bill is paid. Additionally, if Compass notifies the City of Chesterfield that a Co-op member has not paid their bill, that member will not be able to purchase salt through the Co-op until that bill is paid as verified by Compass.

The City of Chesterfield coordinates the Co-op at no cost to the members. We only ask that you adhere to the deadlines and provide timely responses. If you do not want to participate this year, please simply email Kathy Juergens at kjuergens@chesterfield.mo.us. **Please note that no follow-up letters or reminders will be sent. If you want to participate in the Fall Order we need an emailed copy of your Purchase Order by August 12, 2022. If you want to participate in the Winter Order we need an emailed copy of your Purchase Order by January 12, 2023.**

Should you have questions or require additional information, please contact me at jeckrich@chesterfield.mo.us or 636-537-4764.

Sincerely,



James A. Eckrich, P.E.
Public Works Director/City Engineer

Enclosures

BID RESULTS ONLY

ST. LOUIS METRO APWA SALT COOPERATIVE DE-ICING SALT BID
1:00 p.m. Wednesday, May 18, 2022

Compass Minerals 9900 W 109th Street, Suite 100 Overland Park, KS 66210	\$78.37 average per ton
Morton Salt Inc. 444 West Lake Street, Suite 3000 Chicago, IL 60606	\$80.22 average per ton

These are bid tabulations – NOT AWARDS



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.crevecoeurmo.gov

MEMO TO CITY ADMINISTRATOR

Meeting Date: July 11, 2022

Subject: Free Little Art Gallery: Free Community Art Exchange

Memo Prepared by: Melissa Bradford, Public Information Officer and Arts Committee Staff Liaison;
 Arts Committee Members: Lisa Hilton, Sara Friedman Elizabeth Bockius, Scott Saunders and Robert Morrissey

The Arts Committee is proposing to the City Council that a Free Little Art Gallery be installed at Millennium Park as a way to promote public art, brighten the community, inspire creativity, and encourage an appreciation of art.

Free Little Art Galleries are a free art exchange, similar to the popular Little Free Library concept. A Free Little Art Gallery is typically a wooden box installed in a publicly accessible space where visitors can leave their own art or take some art home with them—inspired by the motto “Make Art, Take Art, Love Art!” The Arts Committee proposes installing the Free Little Art Gallery in Millennium Park next to the existing Free Little Library. The Arts Committee recommends this location because it is already established within the community and anchored by the existing Little Free Library, which will help ensure the success of the gallery.

At the beginning of the pandemic, many art galleries and museums were closed. The Free Little Art Gallery concept has been gaining traction since, allowing people to engage with art in a way that is local and accessible to everyone. Free Little Art Gallery is not associated with a nonprofit (unlike Free Little Library) and is a relatively new trend. According to findafreelittleartgallery.com, there are only a handful of Free Little Art Galleries in Missouri, two of which are located in St. Louis City and one in Olivette. Once installed, the gallery is stocked by community members interested in sharing their own art.

Requirements for Installation

Free Little Art Galleries are wooden boxes on a post, often with elements inside such as shelves and magnets to hold the artwork. Pre-made boxes are available for sale on the Little Free Library website for approximately \$350-\$450. If a pre-made box is purchased, Public Works staff time would be required for assembly and installation of the box. Alternatively, the City has received requests from Eagle Scouts in the past to build Little Free Libraries as part of their Eagle Project. For example, the Little Free Library in Venable Park was constructed by an Eagle Scout. This could be an option for construction of a future Free Little Art Gallery.

Examples of Free Little Art Galleries

Below are examples of Free Little Art Galleries in the St. Louis area. The examples below were installed by private citizens on their own property, for their neighborhood to use.

Little Art Gallery Olivette (Olivette, St. Louis County): <https://www.facebook.com/LittleArtGalleryOlivette>



Little Art Gallery STL (Princeton Heights, St. Louis City): www.instagram.com/littleartgallerystl



Free Little Art Gallery (Botanical Heights, St. Louis City): www.instagram.com/botanical_flag



The Arts Committee would appreciate feedback from the City Council on this proposal. If interested in pursuing this project, the City Council would need to consider whether to purchase a pre-made box or solicit a volunteer from the community to construct it, such as an Eagle Scout.