



**WORK SESSION MEETING
AGENDA
CITY OF CREVE COEUR
CITY COUNCIL
300 NORTH NEW BALLAS RD
SEPTEMBER 12, 2022
6:00 PM**

CALL TO ORDER

ROLL CALL

DISCUSSION ITEMS

- 1. Approval of August 22, 2022 City Council Joint Work Session Minutes**
- 2. Restaurant Drive-Through Regulations**
Summary: Continued discussion of the proposed restaurant drive-through amendments as requested by the City Council.

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.

If you need special accommodations to attend a meeting, services may be arranged by contacting the Office of the City Administrator in advance.

Posted: _____ posted 09/8/2022
Kellie Henke
City Clerk



**JOINT WORK SESSION
MINUTES
CITY OF CREVE COEUR
CITY COUNCIL
300 NORTH NEW BALLAS RD
AUGUST 22, 2022
6:00 PM**

CALL TO ORDER

A joint work session of the City Council of the City of Creve Coeur with the Parks and Historic Preservation Committee 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, August 22, 2022 at 6:00 PM.

II. ROLL CALL

Council Member, Ward 1 Mark Manlin
Council Member, Ward 1 Heather Silverman
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
Council Member, Ward 2 Tim Carney -- **Absent**

Parks and Historic Preservation Committee (PHP) Members Present: Nancy Litzinger, Ralph Merola, Matthew Rizzo, Nanci Allen, and Joseph Harrison.

Staff Present: City Administrator Mark Perkins, City Attorney Carl Lumley, Director of Community Development Jason Jaggi, Director of Finance Lori Obermoeller, Director of Public Works Jim Heines, Assistant Director of Public Works/ City Engineer Sinan Alpaslan, Director of Recreation Jason Valvero, Chief Jeff Hartman, IT Systems Coordinator Chris Tumbarello, and City Clerk Kellie Henke.

III. DISCUSSION ITEMS

1. Approval of August 8, 2022 City Council Work Session Meeting Minutes

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

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

2. Historical Preservation and Millennium Park Update

PHP Member Joseph Harrison gave a presentation regarding the Lake School building within Lake School Park and discussed the repairs and maintenance needed.



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Council Member Hoffman asked when the Lake School Building was last painted, to which Director of Public Works Jim Heines stated approximately 15 years ago. Mr. Heines stated lead abatement or encapsulation would be required.

Council Member Silverman confirmed a previous structural evaluation was performed on the Lake School Building. Mr. Heines recommended obtaining an updated evaluation as it is now approximately five to six years old.

City Administrator Mark Perkins stated renovation or restoration of the building should be determined prior to any repairs and maintenance.

Mayor Hoffman asked about the grading of the building and inquired what would be needed to correct the drainage issue, to which Mr. Heines stated a drain system could be used to funnel water away from the building and into a nearby detention area.

Council Member Manlin stated the proposed use of the building needs to be determined as this could lead to specific building code requirements and may impact costs.

Consensus was to obtain new structural evaluation and bids for renovation, not restoration.

Director of Recreation Jason Valvero gave a presentation regarding Phase One of the Millennium Park Master Plan project.

Council Member Martinich stated there seems to be a high proportion of children ages 2-5 that use this playground, and we should consider making sure there is enough equipment for this age bracket.

Mr. Perkins stated there should be a large emphasis placed on the functionality of the playground.

Council Member Tierney asked if there will be any tree removal for the new bandstand, to which Mr. Heines stated yes, however some of these trees were already scheduled to be removed due to disease.

RESULT:	ITEM DISCUSSED
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IV. ADJOURN

Adjourn



**MINUTES
CITY OF CREVE COEUR
CITY COUNCIL
300 NORTH NEW BALLAS RD
AUGUST 22, 2022
6:00 PM**

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

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

The meeting adjourned at 6:50 PM.

Submitted by:

Kellie Henke
City Clerk

Robert Hoffman
Mayor



city of CREVE COEUR

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MEMO TO CITY ADMINISTRATOR AND CITY COUNCIL

Meeting Date: September 12, 2022

Subject: Drive-Through Restaurant Ordinance Amendment (#22-008)—Work Session

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

Attachments: Revised Draft Ordinance (Substitute Bill 6018)

Staff reviewed the proposed revisions to the drive through ordinance at the August 8th City Council work session. The City Council requested a follow up work session to continue the discussion. Staff has prepared a revised ordinance to facilitate this discussion. The revisions to the prior draft are summarized below.

Staff has prepared additional information to assist in the City Council's review. Each topic is discussed in greater detail below.

Large Properties Abutting Single Family Residential

Staff has included a provision for properties that are 10 acres or larger in size and abut single family residential, allowing drive through facilities located at least 200-feet from any residential property line. This provision has been included to address large sites that are technically adjacent to residential but where the drive through use is located at a significant distance from the property line.

Escape Lane and Number of Drive-Through Lanes

The current ordinance requires an escape lane prior to the order facility and limits the number of drive-through lanes to two. Both of these requirements have been eliminated to allow greater site design flexibility.

Abutting Single-Family Residential

The prohibition on the stacking lane crossing between the building and primary street frontage has been retained for drive-throughs adjacent to single-family residential. Because drive-throughs can only be located on the side or rear of a multi-tenant building, when adjacent to single-family residential, it is improbable that the stacking lane will cross the primary frontage.

Conclusion

Staff will review the proposed revised ordinance at the meeting. The substitute bill has also been included on the regular meeting agenda for further discussion and direction based on the discussion at the work session.

SUBSTITUTE 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;

c. For the purposes of this Section, the term "abut" or "abutting" means having a shared property line not separated by a street.

SUBSTITUTE BILL NO. 6018

ORDINANCE NO. _____

d. Drive-through services on sites located on one (1) or more lots totaling less than ten (10) acres in the "MX," "GC," "CB," "PO," "PC," and "LI" Districts that abut 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 ~~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 single-family 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.
- (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 and on adjacent roadways.
- (9) The order facility shall utilize automatic volume control which adjusts outbound volume based on the outdoor ambient noise level.
- (10) An acoustical study shall be submitted demonstrating that the order facility and service windows will not produce sounds exceeding sixty (60) dB as measured at any property line abutting a residential use, up to a height of eight (8) feet above ground at the property line and demonstrating that the order facility and service windows will not increase ambient sound levels at other property lines above the average Monday to Friday midday level.

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Deleted: 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: 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, ...

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SUBSTITUTE BILL NO. 6018

ORDINANCE NO. _____

e. Drive-thru services on sites in the "MX," "GC," "CB," "PO," "PC," and "LI" Districts that do not abut single family residential uses, and drive-thru services on sites located on one (1) or more lots totaling ten (10) acres or more in the "MX," "GC," "CB," "PO," "PC," and "LI" Districts that abut 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 and two (2) order facilities 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.

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- (2) For drive-thru restaurants on sites located on one or more lots totaling ten (10) acres or more, the drive-thru order facility and service window shall be no less than two hundred (200) feet from any property line of any single family residential use.

- (3) 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.

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- (4) 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.

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- (5) 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.

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- (6) 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.

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

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- (8) The designated stacking lane shall be no less than one-hundred ninety (190) feet long [approximately ten (10) cars], excluding the space being

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SUBSTITUTE BILL NO. 6018

ORDINANCE NO. _____

served by the window, which shall be no less than nine (9) feet wide by nineteen (19) feet long.

(9) 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.

(10) 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.

(11) 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.

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

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

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f. "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.

| SUBSTITUTE BILL NO. 6018

ORDINANCE NO. _____

ATTEST:

DR. ROBERT HOFFMAN
MAYOR

KELLIE HENKE
CITY CLERK



City Council Work Session August 8, 2022

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

Jason W. Jaggi, AICP Director of Community Development

OBJECTIVES FOR TONIGHT

- **Understand components of the existing ordinance**
- **Review of proposed amendments (presented at 7/11/22 meeting)**
- **Review focus areas that are outlined in the staff memo**
- **Provide general direction to staff on proposed amendments**
- **Staff to incorporate any additional changes and present a Substitute Bill for Council consideration at September 12th meeting.**

EXISTING AND PROPOSED REVISIONS—OVERVIEW

- Allowed in **MX, GC, CB, PO, PC** and **LI** zoning districts with a **Conditional Use Permit (Sec. 405.470.A.14)**. **No change**
- Maintains two separate standards: **Adjacent to residential** and **not adjacent to residential**. Changed: **Single Family Residential**

EXISTING AND PROPOSED REVISIONS—ABUT SINGLE FAMILY RESIDENTIAL

- **Changed: Amended to apply only to abutting Single Family 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 one end of multi-tenant retail building with a building frontage of 200-feet**

EXISTING AND PROPOSED REVISIONS—ABUT SINGLE FAMILY RESIDENTIAL

- 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 SINGLE FAMILY 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 SINGLE FAMILY 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**

- **Questions on Abutting to Single Family Residential Section**

EXISTING AND PROPOSED REVISIONS—ABOUT NON-SINGLE FAMILY RESIDENTIAL

- **Changed: Applies to abutting Single Family Residential only**
- **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. Changed: minimum size of other building to 10,000 square feet.**
- **One drive-through restaurant per site. No more than 2 service windows, 2 order facilities, 2 stacking lanes. No change.**
- **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.**

EXISTING AND PROPOSED REVISIONS—ABOUT NON-SINGLE FAMILY RESIDENTIAL

- 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 such as: landscaping adjacent to building, outdoor seating areas, and pedestrian connections within 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-SINGLE FAMILY RESIDENTIAL

- Minimum size of restaurant is 2,500 square feet with min. 55 indoor seats. **Changed: Reduced min. size to 2,000 SF. 55 seats min. seats remain.**
- 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: Simplify 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—ABOUT NON-SINGLE FAMILY 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**

- **Questions Not Abutting Single Family Residential Section**

SUMMARY

- **Summary of significant amendments (as presented 7/11/22):**
 - **Abutting residential only applies to Single Family Residential**
 - **Allows drive-through stacking lanes to cross in between building and primary street frontage with landscaped screening**
 - **Allows order facilities on secondary frontages with landscaped screening**
 - **Eliminates requirement for additional off-street parking for outdoor seating**
 - **For sites not abutting to Single Family Residential:**
 - **Clarified one existing building in addition to the drive through.**
 - **Changed qualifying building from 200-feet of frontage to min. 10,000 square feet.**
 - **Reduced min. size of restaurant from 2,500 SF to 2,000 SF.**

- **Topics for Further Discussion**

NOISE IMPACTS

■ Existing Ordinance (abutting residential)

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.

■ Existing Ordinance (not abutting residential)

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.

NOISE IMPACTS

- **St. Louis County Noise Control Ordinance**
 - **Applies County-wide, including incorporated areas**
 - **Residential noise levels apply within all residential areas regardless of source of noise**
 - **Noise standards are scalable based upon duration of emitted noise.**

NOISE IMPACTS

St. Louis County Noise Ordinance— Residential Properties	
Noise Level (dB)	Allowable Duration (within 1 hour)
55 and below	No limit
56-58	30 minutes
59-61	15 minutes
62-64	8 minutes
65-67	4 minutes
68-70	2 minutes
71 or greater	0 (not permitted)

NOISE IMPACTS

- **Sound readings from St. Louis Bread Co. (8-1-22)**
 - **Taken in the AM**
 - **Key findings:**
 - **Noise level from the speaker registered above 55 decibels for a total of 5 minutes out of an hour**
 - **At no time did the noise level from the speaker reach 60 decibels or above.**
 - **No violation to County Noise Ordinance; under 60dB limit**

ABUT DEFINITION

- **Not defined in ordinance**
- **Suggested definition:**
Abut or Abutting. Having a shared property line not separated by a street.
- **Most common condition is a shared property line without intervening ROW.**
- **GIS Examples (HBE site, Country Manor)**

DEFINING RESIDENTIAL AS SINGLE FAMILY

- **CB District allows multi-family uses by right**
- **Multi-family developments are transitional land uses most commonly located within and adjacent to commercial zoning districts**
- **Standards for multi-family living are not the same as single family**
- **Ordinance maintains requirement for all drive-throughs to submit a traffic study and acoustic study for review of impacts.**
- **GIS Mapping Examples**

DISTANCE FROM RESIDENTIAL

- **Current ordinance: Order facility and window, 50-feet minimum from any residential property line.**
- **Could be increased to provide additional protections (100-feet).**
- **Current ordinance requires screening if within 200-feet of a residence.**
- **Adjacent to residential with intervening buildings**
- **GIS Examples**

TIME LIMITS WHEN ABUTTING RESIDENTIAL

- **Could limit hours of operation (10:00 PM to 7:00AM).
Option for City Council modification based on site characteristics and distance to residential uses.**

OTHER CONSIDERATIONS

- **Need to continue the limit on number of drive through lanes (remove limitation—review as part of CUP/site plan)**
- **Escape lanes (eliminate provision—review as part of CUP/site plan)**
- **Location of order facilities and service windows. Prohibition between building and primary street. Share examples (Ellisville, City of St. Louis, Olivette)**

CONCLUSION

- Questions and Discussion



city of CREVE COEUR

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MEMO TO CITY ADMINISTRATOR AND CITY COUNCIL

Meeting Date: August 8, 2022

Subject: Drive-Through Restaurant Ordinance Amendment (#22-008)—Work Session

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

Attachments: Current Draft Ordinance Amendments (Bill 6018)
 St. Louis Bread Co., 447 North New Ballas, Noise Reading Report from St. Louis County

At the July 11th City Council meeting, the drive-through text amendment was continued to the September 12th meeting. Prior to that scheduled meeting, the City Council requested that this item be brought back in a work session format to discuss several elements of the ordinance.

Staff has prepared additional information to assist in the City Council's review. Each topic is discussed in greater detail below.

Noise Impacts

When abutting residential uses, the current ordinance limits the sound levels of drive-through facilities as follows:

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.

Staff has reached out to St. Louis County to better understand the Countywide noise ordinance. As a public health matter, the County noise ordinance applies throughout the County, including within municipalities. The County informed staff that the residential noise standards apply within all residential areas, even when the source of the noise is located on a nearby commercial property. As such, any noise at a level of 55 decibels or less within a residential area is permissible. Noises above this level are permitted but are measured based on the *duration* of the noise. The following table provides this information.

St. Louis County Noise Ordinance—Residential Properties	
Noise Level (dB)	Allowable Duration (within 1 hour)
55 and below	No limit
56-58	30 minutes
59-61	15 minutes
62-64	8 minutes
65-67	4 minutes
68-70	2 minutes
71 or greater	0 (not permitted)

As part of the discussions with the County staff, they agreed to take sound measurements on the site of the St. Louis Bread Company (447 North New Ballas) to determine if there were violations to the County's noise ordinance. Readings were taken in the morning on Monday, August 1st. The key findings from this one-time noise measurement as stated in the report is that the noise level from the speaker registered above 55 decibels for a total of 5 minutes out of an hour and at no time did the noise level from the speaker reach 60 decibels or above. The County staff concluded that the noise levels at the property line did not violate County noise ordinance standards and also were under the 60 dB limit established by the City's drive-through ordinance. The County report and noise levels are attached for further review.

Residential Impacts

At the July 11th meeting, the City Council was particularly interested in the impacts to residential properties.

“Abut” Definition

The current ordinance utilizes the term “abut” to determine whether a site is near residential uses and therefore, must follow those requirements. However, the City does not define this term which can lead to varying degrees of interpretation. It is recommended to define this term to avoid differing interpretations. An example of an appropriate definition for the purposes of this ordinance would be as follows:

***Abut or Abutting.** Having a shared property line not separated by a street.*

This definition would not apply to residential areas that are across a street from a subject site, only those that share a property line. A cursory review of the City's zoning map shows that it is not common to have a single-family residential use across the street from a commercial use. The common configuration is that single family homes are located behind commercial uses and have a shared property line. As discussed previously, multi-family uses are more commonly integrated into commercial areas or immediately border them given the widely accepted view of these land uses as transitional.

Staff will show examples of these conditions using the City's computer mapping system at the meeting for the Council's review.

Defining Residential as Single Family

As previously discussed at the last meeting, staff has proposed the option of applying the abutting residential use standards to only single-family residential uses. A significant reason is that multi-family uses are a permitted use within the CB-Core Business District and that noise levels from commercial

uses are inherent in a commercial district. Applying a broad standard to all residential uses may be unintentionally restrictive. If the Council is concerned with this approach, the ordinance could be modified to exempt lawful residential uses within a commercial, mixed-use or planned development district.

Distance Requirement from Residential

The current ordinance states that the order facility and service window cannot be closer than 50-feet from any residential property line. If the desire of the Council is to further restrict these uses when abutting single family residential, this distance could be increased.

Another item for discussion is to include an exemption for large commercial sites (10 acres or greater) that are adjacent to residential but have intervening commercial buildings where a freestanding drive-through within an “outlot” adjacent to the street would no impact residential areas. An example of this condition is West Oak Shopping Center.

Staff will provide examples of the 50-foot distance and increases such as 100-feet from the shared property line and large commercial sites that share borders with residential uses.

Time Limit on Hours When Abutting Residential

Based on internet research, Staff has found that at least two cities (San Jose, CA and Elk Grove, CA) expressly limit the hours of drive-throughs when adjacent to residential uses. The common allowable hours of operation for the drive through are from 7:00 am to 10:00 pm. These hours could then be modified through the conditional use permit process based on unique site characteristics such as distance from the shared residential property line or topographical considerations.

Other Considerations

In further review of the ordinance requirements, staff would like discussion and feedback on the following provisions of the ordinance.

Limit on Number of Drive Through Lanes When Abutting Non-Residential

The current ordinance limits drive through lanes to no more than two. Staff suggests allowing flexibility on the number of lanes in order to provide for the best site plan layout and efficiency. By limiting the lanes to two, the lanes may need to be longer and would not provide for the best site design.

Escape Lanes

The current ordinance requires an escape lane prior to the order facility which can significantly limit site design options and also create additional conflict points. It is recommended that this requirement be eliminated.

Location of Drive Through Service Facilities

The current draft ordinance prohibits order facilities (menu boards, speakers, and canopies) to be placed between the building and the primary street. These facilities are permitted along secondary streets but must have landscaped screening to soften the view from the street. Staff will share examples of various drive through sites at the meeting that will show the visual impacts of these facilities along the primary street frontages.

Conclusion

Staff will present this information as well as a refresher of the current proposed ordinance at the meeting. At the conclusion of the work session, staff will prepare any revisions based on Council's direction for formal review at the September 12th City Council meeting.

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;

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ORDINANCE NO. _____

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

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

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.

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

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

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

SECTION 405.820.F. REQUIRED OFF-STREET PARKING SPACES

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

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

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

ADOPTED THIS ____ DAY OF _____, 2022.

JOE MARTINICH
PRESIDENT OF CITY COUNCIL

APPROVED THIS ____ DAY OF _____, 2022.

BILL NO. 6018

ORDINANCE NO. _____

DR. ROBERT HOFFMAN
MAYOR

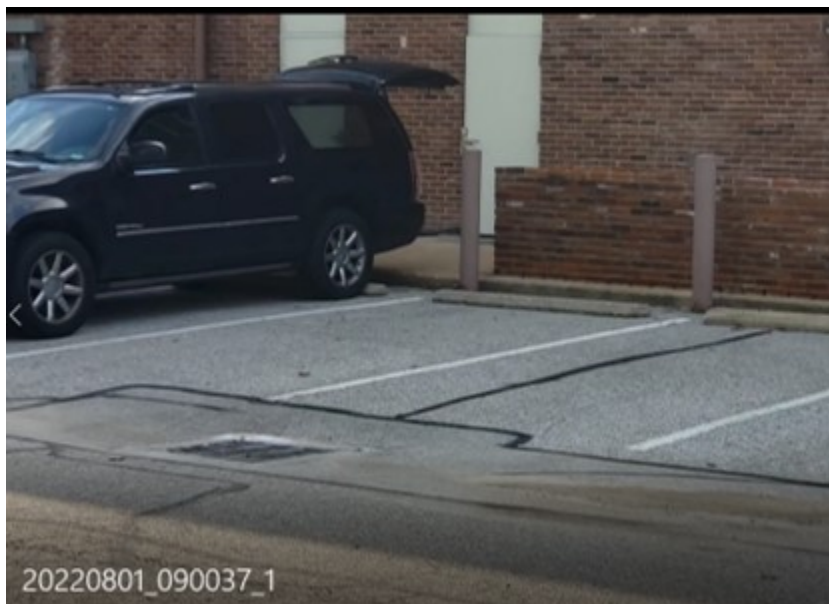
ATTEST:

KELLIE HENKE
CITY CLERK

I began recording sound at 7:43 AM on August 1, 2022, just behind the upper brick wall on top of the retaining wall and slightly off-center from the drive-through speaker. The microphone was slightly above the top of the wall.



From 7:46 AM until 8:49 AM, the only noise present was from the constant background hum of HVAC and other electrical equipment on and around the building, as well as intermittent noise from the drive-through speaker. At 8:49, an additional, louder background hum began originating from unit 465 in the building. A black truck was backed up to the back door and the back door was slightly open with a large hose leading outside from the crack in the door.



At 8:52, a Waste Management garbage truck drove onsite and emptied the dumpster which is located by the retaining wall just outside of the St. Louis Bread Co. drive through window. The truck was onsite from 8:52 until 8:57 AM. During that time the noise increased to over 65 decibels from the loud engine and banging of the dumpster and moving parts of the truck.



The noise from the speaker was sometimes louder than other times. There were times when I was surprised by how much louder the speaker was than what I normally experience at drive-throughs, and there were other times where I struggled to hear the noise from the speaker at all.

The key findings are that the noise was only recording above 55 decibels for 10 minutes out of an hour-and-a-half of recording, and only for 9 minutes maximum out of any one-hour period. 5 minutes out of that 9 was from the garbage truck. When the speaker alone was the only noise present, the noise was above 55 decibels for only 2 minutes out of an hour. When the speaker and the unit 465 equipment noise were the only two sounds present, the noise was above 55 decibels for 3 minutes out of an hour. At no time did the speaker cause the noise level to increase at or above 60 decibels. The speaker from the drive-through can be attributed to a total of 5 minutes out of an hour of noise above 55 decibels. There was no violation of the County Noise ordinance.



city of CREVE COEUR

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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 20, 2022.” (Conditions may be added, eliminated, or modified by preceding motion.)

Session Report

8/1/2022

Information Panel

Name S00119_SE40212822_01082022_094938

Comments

Start Time 8/1/2022 7:42:19 AM

Stop Time 8/1/2022 9:19:41 AM

Run Time 01:37:22

Serial Number SE40212822

Device Name SE40212822

Model Type Sound Examiner

Device Firmware Rev R.11F

Company Name

Description

Location

User Name

Summary Data Panel

Description	Meter	Value	Description	Meter	Value
Leq	1	55.4 dB			
Exchange Rate	1	3 dB	Weighting	1	A
Response	1	SLOW	Bandwidth	1	OFF

Logged Data Table

Date/Time	Lapk-1	Lasmn-1	Lasmx-1	Leq-1
8/1/2022 7:43:19 AM	90.2	52.4	60.1	53.9
7:44:19 AM	87	52.2	61.4	53.3
7:45:19 AM	73	51.3	56.5	53.1
7:46:19 AM	71.6	51.9	54.7	52.9
7:47:19 AM	69.9	51.8	54.8	52.9
7:48:19 AM	80.6	51.9	54.8	53.1
7:49:19 AM	69	52.8	55	53.5
7:50:19 AM	70.7	52.9	56	53.8
7:51:19 AM	85.6	52	60.3	53
7:52:19 AM	92.9	52.8	66.4	57.8
7:53:19 AM	68.6	51.9	54.2	52.4

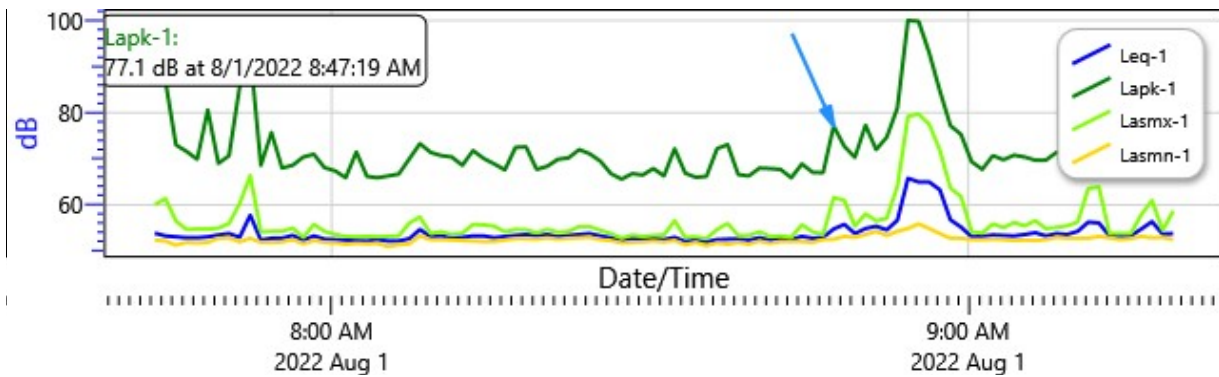
7:54:19 AM	75.7	51.9	54.3	52.8
7:55:19 AM	68	52	54.3	52.8
7:56:19 AM	68.6	52.5	55	53.4
7:57:19 AM	70.4	51.6	53	52.4
7:58:19 AM	71	52.3	55.8	53.3
7:59:19 AM	68.1	51.9	54.3	52.6
8:00:19 AM	67.4	51.8	53.6	52.5
8:01:19 AM	65.9	51.5	53.2	52.4
8:02:19 AM	71.5	51.7	53.1	52.3
8:03:19 AM	66.2	51.6	53.2	52.2
8:04:19 AM	65.9	51.7	53.1	52.5
8:05:19 AM	66.3	51	53.2	52.2
8:06:19 AM	66.7	51.4	53.3	52.2
8:07:19 AM	70	51.6	56.1	52.7
8:08:19 AM	73.3	53.3	57.4	54.7
8:09:19 AM	71.4	52.5	53.8	53.1
8:10:19 AM	70.7	52.5	54.2	53.3
8:11:19 AM	70.4	52.4	53.6	52.9
8:12:19 AM	68.6	52.3	53.9	53
8:13:19 AM	71.8	52.2	55.8	53.3
8:14:19 AM	70.1	52.1	55.7	53.3
8:15:19 AM	68.9	52.1	55.4	52.9
8:16:19 AM	67.6	52.4	54.2	53.2
8:17:19 AM	72.5	52.7	54.7	53.4
8:18:19 AM	72.6	52.7	54.6	53.6
8:19:19 AM	67.7	52.6	54	53.3
8:20:19 AM	68.4	52.9	54.7	53.6
8:21:19 AM	69.9	52.6	54.1	53.1
8:22:19 AM	70.2	52.8	54.3	53.4
8:23:19 AM	72	52.9	55.3	53.6
8:24:19 AM	71.1	53	55.3	53.8
8:25:19 AM	69.5	52.5	54.5	53.3
8:26:19 AM	66.8	52.3	53.8	52.9
8:27:19 AM	65.6	51.8	52.8	52.3
8:28:19 AM	66.8	51.9	53.5	52.7
8:29:19 AM	66.5	52	53.2	52.6
8:30:19 AM	67.9	52.2	53.4	52.8
8:31:19 AM	66.3	52	53.5	52.5
8:32:19 AM	72.2	52.3	56.6	53

8:33:19 AM	66.9	51.4	53	52.1
8:34:19 AM	66	51.9	53.1	52.5
8:35:19 AM	66.2	51.2	52.7	52
8:36:19 AM	72.2	51.8	54.7	52.5
8:37:19 AM	73.1	51.5	56	52.6
8:38:19 AM	66.6	51.9	53.4	52.6
8:39:19 AM	66.3	51.5	53.4	52.4
8:40:19 AM	68	52.2	54.2	52.9
8:41:19 AM	67.9	51.7	53.2	52.4
8:42:19 AM	67.7	52.1	53.3	52.7
8:43:19 AM	65.9	52.1	53	52.5
8:44:19 AM	68.9	52.1	55.7	53.2
8:45:19 AM	67.1	51.9	54.2	52.8
8:46:19 AM	67	52.5	53.6	53
8:47:19 AM	77.1	52.6	61.6	54.8
8:48:19 AM	72.7	53.2	61	55.8
8:49:19 AM	70.3	53	55.4	53.8
8:50:19 AM	77.3	53.6	58.1	54.9
8:51:19 AM	72	54.3	56.6	55.4
8:52:19 AM	74.7	53.4	57.1	54.6
8:53:19 AM	81	54.3	64	56.7
8:54:19 AM	100	54.9	79.2	65.8
8:55:19 AM	99.8	55.9	79.7	65
8:56:19 AM	93	54.9	77.5	65
8:57:19 AM	84.8	53.8	71.9	63.3
8:58:19 AM	77.2	52.8	63.7	56.8
8:59:19 AM	75.3	52.8	61.8	55.2
9:00:19 AM	69.4	52.5	54.2	53.1
9:01:19 AM	67.7	52.5	53.9	53.2
9:02:19 AM	70.7	52.6	55.9	53.5
9:03:19 AM	69.8	52.5	55.1	53.4
9:04:19 AM	70.8	52.3	56.2	53.3
9:05:19 AM	70.4	52.4	55.5	53.6
9:06:19 AM	69.7	52.3	56.6	54
9:07:19 AM	69.7	52.5	54.9	53.3
9:08:19 AM	71.4	53	55.1	53.8
9:09:19 AM	71	52.8	55.5	53.6
9:10:19 AM	75	52.8	56.3	54.3
9:11:19 AM	78.1	52.8	63.6	56.3

9:12:19 AM	78	53.2	63.9	56.1
9:13:19 AM	67.2	52.9	53.8	53.3
9:14:19 AM	68.2	52.5	53.8	53.3
9:15:19 AM	68	52.7	53.8	53.3
9:16:19 AM	73.8	53.2	57.9	54.8
9:17:19 AM	76.7	52.9	61	56.4
9:18:19 AM	70.3	53	54.5	53.7
9:19:19 AM	77.4	52.5	58.7	53.8

Logged Data Chart

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city of CREVE COEUR

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

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

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

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

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

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

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

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

DATE: May 12, 2022

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

Key Issues:

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

Creve Coeur 2030 References

- Chapter 3, Objectives and Strategies

Zoning Code References

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

BACKGROUND

The Planning and Zoning Commission conducted a 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 wouldn't 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, 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 because they 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 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 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.



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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.

Key Issues:

- Are the changes consistent with the purposes of the Zoning Code?
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Creve Coeur 2030 References

- Chapter 3, Objectives and Strategies

Zoning Code References

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

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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.

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

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