



**MINUTES  
CITY OF CREVE COEUR  
CITY COUNCIL  
300 NORTH NEW BALLAS RD  
NOVEMBER 10, 2014  
7:00 PM**

**CALL TO ORDER**

A regular meeting of the City Council of the City of Creve Coeur was called to order by Mayor Glantz at the Creve Coeur Government Center, 300 N. New Ballas Road on Monday, November 10, 2014 at 7:00 p.m.

**PLEDGE OF ALLEGIANCE**

Mayor Glantz led the Pledge of Allegiance.

**INVOCATION**

Mayor Glantz gave the invocation acknowledging Veterans' Day.

**ROLL CALL**

Mayor Glantz

Mr. Kreuter	Council Member Ward I
Ms. Kramer	Council Member Ward I
Mrs. Lawrence	Council Member Ward II
Mr. Wang	Council Member Ward II
Mrs. D'Alfonso	Council Member Ward III
Mr. Hoffman	Council Member Ward III
Mr. Kent	Council Member Ward IV
Mr. Saunders	Council Member Ward IV

**COMMENTS FROM THE GENERAL PUBLIC**

(Citizens are asked to limit comments to three minutes and to complete a speaker card)

No one requested to speak.

**ACCEPTANCE OF THE AGENDA**

Council Member Hoffman moved, seconded by Council Member Saunders to accept the agenda as presented.

Mark Perkins requested Item 7, Bill No. 5525 be withdrawn from the agenda as that agreement is no longer necessary with MoDOT and requested to add Item 11, TDD Update under Business from City Administrator.

Mayor Glantz called the question to accept the agenda as amended, with the vote upon such motion

Council Member Saunders – Aye  
Council Member Kent – Aye  
Council Member Wang – Aye  
Council Member Kreuter – Aye  
Council Member Kramer – Aye  
Council Member Lawrence – Aye  
Council Member Hoffman- Aye  
Council Member D'Alfonso – Aye

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



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**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*

**Future Public Hearing - Monday, November 24, 2014 - 7:00 P.M. - Annexation of Property Known as 910 and 912 Woodshire Lane**

**CONSENT AGENDA**

Council Member Hoffman moved, seconded by Council Member Wang to approve the Consent Agenda as presented.

- 1. Council Minutes Dated October 27, 2014**
- 2. Resolution No. 1137 - a Resolution of the City Council of the City of Creve Coeur, Missouri, Authorizing the City to Conduct an Energy and Carbon Pollution Inventory and Develop an Energy Consumption and Carbon Pollution Reduction Plan.**

Mayor Glantz called the question to approve the consent agenda as presented, with the vote upon such motion:

Council Member Saunders – Aye  
Council Member Kent – Aye  
Council Member Wang – Aye  
Council Member Kreuter – Aye  
Council Member D'Alfonso – Aye  
Council Member Hoffman – Aye  
Council Member Lawrence – Aye  
Council Member Kramer – Aye

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

**BILLS PAYABLE REPORT**  
*For Information Only*

**A Report of Bills Payable Dated November 3, 2014 in the Amount of \$306,419.49 Has Been Provided for Council Review. No Vote is Required.**  
**Summary:** A report of bills payable dated November 3, 2014 in the amount of \$306,419.49 has been provided for Council review. No vote is required.



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**UNFINISHED BUSINESS**

**3. Bill No. 5514 - an Ordinance Amending Section 405.470, Conditional Uses, of the Creve Coeur Zoning Ordinance to Allow for Drive-Thru Restaurants on Sites of Two or More Acres with Certain Requirements, and to Correct a Clerical Error. Final Reading and Passage**

City Clerk read Bill No. 5514 for the final time.

Council Member Hoffman moved, seconded by Council Member Kramer to approve Bill No. 5514.

Council Member Saunders moved, seconded by Council Member Hoffman to substitute Bill No. 5514 with amendments that were made at the October 27, 2014 meeting, with the upon such motion:

Council Member Saunders – Aye  
Council Member Ken t- Aye  
Council Member Wang – Aye  
Council Member Kreuter – Aye  
Council Member Kramer – Aye  
Council Member Lawrence – Aye  
Council Member Hoffman – Aye  
Council Member D'Alfonso – Aye

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

Paul Langdon made a presentation regarding this application.

Council Member Lawrence stated some background information on where this legislation came from, Council asked staff and Planning and Zoning Commission to develop an ordinance which allows reasonable development with appropriate limitations, rather than spot zoning or the current ordinance which is unrestricted except as to acreage.

David Caldwell resident of 257 Brooktrail Court read and presented a statement for the record. (Exhibit A)

Linda Rezney resident of 104 Graeser Acres read and presented a statement for the record. (Exhibit B)

Debbie Granick resident of 11060 Graeser Lane stated allowing additional drive thrus will not promote a family friendly environment or encourage pedestrian traffic.

David Hutkin stated retail and commercial development provides revenue which allows the city to provide services iwhich the residents expect and enjoy. Forcing 150' set backs on commercial properties produces a negative defacto prohibition.



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Council Member Kramer stated she ran on a platform of pro business because there are some amazing businesses here, but we also have some amazing residents. Council Member Kramer stated she is from Ward 1 and that area will probably be the most affected. There are already plenty of choices along Page Ave for fast food and as a Council they have already approved plenty of choices by approving food trucks, Fresh Market, outdoor seating and doing everything possible to make sure the daytime population is fed during their lunch hours. People live here and make choices to stay here and dine. We are at a crossroads about what the personality of this community will be and there needs to be a balance of commercial and residential.

Council Member Kreuter stated Ward 1 is going to be the highest impacted by this change and hopes the east end of Olive keeps the current feel and not become a Manchester Road. Council Member Kreuter suggested making a seating requirement of at least 60 indoor seating for any establishment that comes in with a drive thru.

Council Member D'Alfonso stated she wants to make sure there isn't just drive thrus all along Olive Blvd.

Council Member Lawrence asked if outdoor seating can be addressed during the CUP process.

Paul Langdon stated correct.

Council Member Hoffman moved, seconded by Council Member Saunders to require a minimum of 55 indoor seating with a 2,500 sq ft building

Carl Lumley asked for clarification on which part of the ordinance that would need to be placed.

Council Member Lawrence stated D5 in the single building, commercial stand alone.

Council Member Saunders stated for clarification D5 which is the section that discusses drive thru and non residential abutting areas.

Council Member Kreuter stated C3 and C5 also should get amended for the abutting residential requirement.

Carl Lumley stated just as a reminder, when it is abutting residential it has to be in a multi-tenant building with 200 feet frontage and no option of a free standing building. That is why staff had two different standards.

Council Member Saunders stated he felt Council Members from Ward 1 were trying to protect the properties in Ward 1 and East Olive which are going to be the properties that fit into the ordinance regarding resident adjacent.

Mark Perkins stated he would like to remind Council in staff's memo there are only about 1,600 sq ft of eating area in the current Starbucks in Creve Coeur. The building is 2,500 sq ft but they have training rooms and displays. The current Starbucks that are being built are in the 1,800 to 2,200 sq ft range.

Mr. Langdon commented further on sizes of different chain restaurants and potential locations.



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Debbie Granick stated if the city allows more drive thrus then they know what kind of establishment they are going to get. Establishments with drive thrus add nothing to the community.

Debbie Weins resident of 10959 Janeridge stated she is concerned about pedestrian safety and requested Council to keep fast food out of Creve Coeur as they do not add value to the community.

Council Member D'Alfonso indicated if 2400 square feet makes more sense for in-line development, that would be okay.

Council Member Hoffman and Saunders withdrew their motion to require minimum of 55 indoor seating with 2,500 sq ft.

Council Member Hoffman moved, seconded by Council Member D'Alfonso to have a minimum of 2,400 sq ft in subsection C adjacent to residential with a minimum of 55 indoor seats and 2,500 sq ft in subsection D not adjacent to residential with a minimum of 55 indoor seats for free standing buildings.

Council Member Lawrence stated if people are getting nervous about the stand-alone drive thrus, should we go back to three acre requirement for them.

Council Member Kreuter stated he would be agreeable to that, and also limit to just in the commercial district.

Mayor Glantz called the question to amend substitute Bill No. 5514 to require a minimum of 2,400 sq ft for C adjacent to residential with a minimum of 55 indoor seats and 2,500 sq ft for D not adjacent to residential with a minimum of 55 indoor seats for free standing buildings, with the vote upon such motion:

Council Member Kreuter – Aye  
Council Member Wang – Aye  
Council Member Kent – Aye  
Council Member Saunders – Aye  
Council Member D'Alfonso – Aye  
Council Member Hoffman – Aye  
Council Member Lawrence – Aye  
Council Member Kramer – Aye

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

Council Member Kent moved, seconded by Council Member Hoffman to replace Section 405.470, paragraphs c(5) and d(8) to read; "The designated stacking lane shall be no less than one hundred and ninety (190) feet long (approximately ten (10) cars of average length), excluding the space being served by the window, which space 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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Carl Lumley stated in response to a question from Mr. Kreuter this is requiring a minimum, so in the CUP Council could say it needs to be more.

Mr. Langdon confirmed safety can be analyzed.

Mayor Glantz called the question to approve the suggested replacement language for Section 405.470, paragraphs c(5) and d(8), with the vote upon such motion:

Council Member D'Alfonso – Aye  
Council Member Hoffman – Aye  
Council Member Lawrence – Aye  
Council Member Kramer – Aye  
Council Member Kreuter – Aye  
Council Member Wang – Aye  
Council Member Kent – Aye  
Council Member Saunders – Aye

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

Council Member Lawrence moved, seconded by Council Member Kreuter to increase the acreage in commercial areas to three acres.

Mr. Langdon commented in support of the motion and discussed issues regarding pedestrian access and circulation. Mr. Perkins commented on the impact of curb cut limitations.

Mayor Glantz called the question, with the vote upon such motion as follows:

Council Member Saunders – Aye  
Council Member Kent – Aye  
Council Member Wang – Aye  
Council Member Kreuter – Aye  
Council Member D'Alfonso – Aye  
Council Member Hoffman – Aye  
Council Member Lawrence – Aye  
Council Member Kramer – Aye

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

Council member Saunders moved to replace Section 405.470, paragraph d(1) with the proposed language stating, "Drive-thru facilities shall be limited to one restaurant with no more than two service windows, two order facilities and two designated stacking lanes in a coordinated development located on one or more lots totaling three or more acres, with shared access and two or more buildings, one of which shall have a continuous structure frontage of at least two hundred feet (200'). Such frontage may include one passage way 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 complimentary to each other.", Council member Kent seconded. Mayor Glantz called the question, with the vote upon such motion as follows:



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Council Member Saunders – Aye  
Council Member Kent – Aye  
Council Member Wang – Aye  
Council Member Kreuter – Aye  
Council Member Kramer – Aye  
Council Member Lawrence – Aye  
Council Member Hoffman – Aye  
Council Member D'Alfonso – Aye

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

Mayor then called the question to approve the substitute Bill No. 5514 as amended, with the vote upon such motion as follows:

Council Member D'Alfonso – Aye  
Council Member Hoffman – Aye  
Council Member Lawrence – Aye  
Council Member Kramer – Aye  
Council Member Kreuter – Aye  
Council Member Wang – Aye  
Council Member Kent – Aye  
Council Member Saunders – Aye

The vote on the motion being 8 ayes and 0 nays, motion carried. Mayor Glantz thanked everyone involved for the lengthy and constructive consideration of this matter, including staff for their efforts.

Amended Substitute Bill No. 5514 becomes Ordinance No. 5400.

- 4. Bill No. 5522 - an Ordinance for the Holding of a General Election in the City of Creve Coeur, Missouri, on the 7Th Day of April, 2015, for the Election of One Mayor from the City at Large for a Full Three-Year Term, One Council Member from the First Ward for a Full Two-Year Term, One Council Member from the Second Ward for a Full Two-Year Term, One Council Member from the Third Ward for a Full Two-Year Term, and One Council Member from the Fourth Ward for a Full Two-Year Term, for the Conduct of Said Election by the Board of Election Commissioners of St. Louis County, Missouri, and for Other Matters Relating and Pertaining to Such Election. Final Reading and Passage**

City Clerk read Bill No. 5522 for the final time.

\* - Council Member Hoffman left the Council Chambers at 8:20 p.m.

Council Member Saunders moved, seconded by Council Member Lawrence to approve Bill No. 5522, with the vote upon such motion, as follows:



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Council Member Kramer – Aye  
Council Member Lawrence – Aye  
Council Member Hoffman – absent  
Council Member D'Alfonso – Aye  
Council Member Saunders – Aye  
Council Member Kent – Aye  
Council Member Wang – Aye  
Council Member Kreuter – Aye

The vote on the motion being 7 ayes, 1 absent and 0 nays, motion carried. Bill No. 5522 becomes Ordinance No. 5401.

\* - Council Member Hoffman returned to the Council Chambers 8:25 p.m.

**NEW BUSINESS**

**5. Bill No. 5523 - an Ordinance Approving a New Site Concept Plan for the Barnes Jewish West County Hospital Campus and Approving a Conditional Use Permit and Site Development Plan for a Hospice Facility on the Property Addressed as 970 North Mason Road. First Reading**

City Clerk read Bill No. 5523 for the first time.

Council Member Saunders stated for full disclosure, he sees patients at Washington University but does not receive financial gain from the facility.

Council Member Hoffman stated he also sees patients at Barnes Jewish facilities but does not receive financial gain from the facility.

Doug Black, President of BJC West and George Stock, Engineer for the project both made a presentation regarding this application.

Paul Langdon made a brief presentation regarding this application.

**6. Bill No. 5524 - an Ordinance Revising Chapter 235 of the Code of Ordinances Regarding Garbage, Trash and Refuse. First Reading**

City Clerk read Bill No. 5524 for the first time.

Mark Perkins stated the ordinance results from the Council's consensus reached recently to move forward with a new contract for trash and recycling effective July 1, 2015. The ordinance revisions essentially allow the ordinances to be consistent with that contract and the services that we are anticipating within that contract and sets up the fees for the services for residents. It also provides the exemption related to residents who are physically unable to make use of curb side pickup of trash and recycling and providing the fact that verification is required.



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Council Member D'Alfonso requested that the education program on the new services include explanation that bulk items are unlimited and free and that should be relayed to the residents.

- 7. Bill No. 5525 - an Ordinance of the City Council of the City of Creve Coeur, Missouri Authorizing the Execution of a Maintenance Agreement with the Missouri Highways and Transportation Commission for Streetscape Improvements on Olive Boulevard (State 340) Associated with the Olive Boulevard Transportation Development District. First Reading**

Item was withdrawn as it is no longer needed by the city.

- 8. Bill No. 5526 - an Ordinance Amending Provisions of the Municipal Code in Chapter 135 Municipal Court, Section 135.240 Court Costs, Subsection (A)(4) Pertaining to Domestic Violence Shelters, to Change the Amount of Court Costs on Ordinance Violations. First Reading**

City Clerk read Bill No. 5526 for the first time.

**BUSINESS FROM MAYOR AND CITY COUNCIL**

**9. Council Liaison Reports**

Council Member Hoffman stated on December 9, 2014 there will be the quarterly PD recognition in the lobby and immediately following the Police and Safety Committee meeting will take place in the Council Chambers.

Council Member Kent stated on November 12 at 5:30 p.m. the Storm Water Committee will review the I&L options that have been developed under the consulting contract that Council authorized with regard to temporary repairs to the dam project.

**10. City Hall Charging Station for Electric Cars**

Council Member Wang stated Creve Coeur won the renewable energy award last year and he wanted to see what the Council thought about having charging stations. There are different types of stations and thought local businesses could add to their location.

Council Member Hoffman asked how would pay for the electricity because the people that own electric cars don't pay gasoline taxes and they are using the roadways.

Council Member Wang stated that is something to consider. Some stations are solar powered and some have pay as you use stations. This would be something for the new Energy and Environment Committee to look at.

Council Member Kramer stated this is a great idea for the community and we could really take a leadership role in this area.

Council Member D'Alfonso stated this is something that the EDC could get involved with also and begin reaching out to the business community.



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**BUSINESS FROM CITY ADMINISTRATOR**

**11. TDD Update**

Matt Wohlberg stated MoDOT has offered to include construction of a decorative median at TDD cost in their Olive resurfacing project that will begin summer of 2015. This presents an opportunity for the TDD to meet its goals and they are pursuing.

Council Member Hoffman moved, seconded by Council Member Kramer to adjourn at 9:10 p.m., with the vote upon such motion begin as follows to-wit:

Council Member Kreuter – Aye  
Council Member Hoffman – Aye  
Council Member Wang – Aye  
Council Member Kent - Aye  
Council Member Saunders - Aye  
Council Member D'Alfonso - Aye  
Council Member Lawrence – Aye  
Council Member Kramer - Aye

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

Submitted by:

Deborah Ryan  
City Clerk

  
Barry Glantz  
Mayor

DAVID QLOWELL

Thomas Jefferson said, "In matters of style swim with the current. In matters of principle stand like a rock."

What principle do we stand for in this matter? As a zoning matter, the only principle worth standing for is the protection of our residential neighborhoods. Ask yourself-

Are we richer if a single mother from the inner city pays more sales taxes in Creve Coeur?

Are we healthier if our families eat more hamburgers and French fries?

Is our award winning green environment improved if we pump 1000's of tons of more pollution into our atmosphere- less than 50 feet from our back yards?

Are we safer if we have more traffic crossing our sidewalks?

Will we reduce our choices if existing restaurants can't compete?

Is our quality of life better if we are more like Overland or Manchester?

What is there to be gained and what is the risk?

There is another principle of great importance- the consent of the governed. Lawmaking by consent is not the simple translating of majority will into public policy but is the product of settled public reasoning consistent with an understanding of the American first principle of liberty.

There is no settled public reasoning on this matter- quite to the contrary. On the trash subject we heard survey, survey, survey. But on this subject the survey has been quickly passed over and forgotten. Do we govern with the consent of the residents or for special interests? Do we grasp that something as mundane as this is a matter of our liberty- that our government is of the people, by the people, and for the people.

There is no public reasoning in favor of this change. We cannot predict the ramifications. It is an experiment which we can do without and should not undertake.

11/10/14  
Exhibit A

You know many people strongly oppose putting drive-thrus near residential. I propose the remedy is to prohibit them whether abutting or with-in less than 150 ft of residential.

IF you do not want to make that change there are others that are required before you can look the residents in the face and say you made this the best ordinance possible.

You could require at least 3 acres by residential AND a 150 ft minimum distance from the window and the entire drive thru lane.

On properly shaped three acres that separation is possible. Look at the distance Bandana has from residential. Although it is near my house, I have to admit the distance may make it acceptable. If the added traffic on the curve is safe is another matter, but the lot is probably large enough.

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) Shall be located on sites of not less than Three acres.

Amend (4) The drive-thru order facility and service window shall be no less Than 150 feet from any property line of any residential use.

Protect the neighbors from the entire drive lane. The current wording requires sound and visual protection from the service and order window. The drive-line or stack should be added to the wording. This is a performance standard, not a particular remedy that might not fit all circumstances. Don't leave it to the CUP. It is all useless unless there are performance standards to guide the CUP. Without standards you never know what you will get

Some claim that the Drive-lane is not a problem. IF that is so, it should not be a problem to comply and it should not be a problem to make the following changes.

Amend the ordinance to read

(2) adjacent residences with a property line wholly or partially within 200 feet of either the order facility, the service window AND THE DRIVE LANE...

(4) The drive-thru order facility, service window AND DRIVE-LANE shall be no less than 150 ft

11/10/14  
Exhibit B

(10) An acoustical study shall be submitted demonstrating that the order facility, service windows AND DRIVE LANE will not produce sounds .. and demonstrating that the order facility,service windows AND DRIVE LANE will not increase ambient..

Now lets address the ambient sound level in the same section. It is not acceptable that the noise of a noon day on Wed be the limit at night or on the weekend.If these facilities are not a sound problem for the residential neighbors, it would not be a problem to comply all week.

Amend

...demonstrating that the order facility, service windows AND DRIVE LANE will not increase ambient sound levels at other property lines above the average level MEASUREED AT OTHER PROPERTY LINES BEFORE THE DRIVE-THRU WAS CONSTRUCTED, FOR EACH 2 HOUR SEGMENT OF TIME IN THE WEEK.

Traffic is a problem and leaving it to the CUP is not sufficient. A Performance standard needs to be set to guide the CUP.

A traffic study should limit the amount of added congestion that would be allowed. MODOT has "Level of Service" standards (LOS), that could be included. The ordinance should require that the LOS is not degraded by the drive-thru.

Litter is a problem Add an amendment to say that the Drive thru owner shall be responsible to placing and maintaining trash receptacles at all exits of the entire development, at all bus stops with-in 2 blocks and in a safe place near all the intersections with-in 2 blocks. This could be the start for public litter control in Creve Coeur.

On the issues that were questions from the Council or brought up by the Chamber in their private meeting with PnZ

Square footage. Only Indoor area should be counted, not outdoor seating. Rallys exist with only outdoor seating and I suspect that is not what you want.

The area should be increased to 2,500 , not decreased. This makes it more likely the drive-thru will be of the quality you want. Reducing the footage to allow a popular outlier, like Starbucks, is a dangerous policy. For every Starbucks you can attract, how many far less desirable places will you be forced to allow.

