A regular meeting of the Planning and Zoning Commission of the City of Creve Coeur, Missouri was held on Monday, July 16 2007 at the Creve Coeur Government Center, 300 North New Ballas Road. Vice Chair Linda Sher called the meeting to order at 7:05 p.m.

MEMBERS PRESENT:  
Mrs. Linda Sher, Vice Chair  
Mr. Tim Madden  
Mr. Richard Meyer  
Mr. Carl Moskowitz  
Mr. Gene Rovak

OTHERS PRESENT:  
Mr. Carl Lumley, City Attorney  
Mr. Paul Langdon, AICP, Planning Director  
Mr. Michael Hurbert, AICP, City Planner  
Ms. Pat Rosenblatt, Secretary

2. ADDITIONS TO – ACCEPTANCE OF THE AGENDA

Carl Moskowitz made a motion to accept the agenda. Mr. Rovak seconded the motion, which unanimously carried.

3. APPROVAL OF MINUTES OF A REGULAR MEETING OF JUNE 18, 2007

Mr. Moskowitz moved that the Minutes of June 18, 2007 be accepted, as submitted. Mr. Madden seconded the motion, which unanimously passed.

4. PUBLIC COMMENT

None

5. UNFINISHED BUSINESS

06-054 The Crossing at Graeser

Mr. Langdon offered an update on The Crossing at Graeser. He said the applicant presented a lot of new information at the last meeting but were unable to get materials together to be ready for tonight’s meeting, so the applicant has asked that the item be continued to the meeting of August 6. Vice Chair Sher stated she will not be present at that meeting.

Mr. Rovak moved to continue The Crossing at Graeser item until the August 6th meeting. Mr. Moskowitz seconded the motion, which unanimously passed.
6. NEW BUSINESS

07-031 Donald Danforth Plant Science Center
07-032 Donald Danforth Plant Science Center North 8 Site Development Plan
07-033 Creve Coeur Fire Protection District
06-010 McDonald’s Restaurant

07-031 Donald Danforth Plant Science Center
07-032 Donald Danforth Plant Science Center North 8 Site Development Plan

Mr. Howard Beittenmiller, Director of Facilities, requested approval of a Site Concept Plan, Boundary Adjustment Plat, and Greenhouse Phase II Site Development Plan for the Donald Danforth Plant Science Center property at 975 North Warson Road.

The proposed Site Concept Plan involves two areas--a significant development at the north portion of the site and to move the second greenhouse approximately 28 feet to the south in preparation for the possibility of a third greenhouse in the future. The service access will move slightly to the west and the orientation of the entrance to that service area will move to the west as opposed to being from the north.

Mr. Beittenmiller stated they are proposing to build their Phase II Greenhouse just to the west and slightly to the south of the present greenhouse. The structure is a 15,300 gross square feet, which will give them an additional 11,250 square feet of plant growth for the science at the Danforth Center. The structure will be aluminum and acrylic and essentially identical to the original greenhouse, with the building being more rectangular to provide more usable space on the inside. A few changes are planned to the landscape on the west side, along with the new stormwater requirements.

Mr. Moskowitz asked if the greenhouse would be lit, and Mr. Beittenmiller replied that it is sometimes lit in the evening, but not all night. The light will be directed down onto the plants, giving off a significant glow and not a glare.

Mr. Louis Kiang, with Wexford Science and Technology out of Baltimore, Maryland, addressed the Site Concept and Site Development Plan for Phase One. He explained that Wexford is a privately held real estate developer, specializing in research (lab) space for universities, research hospitals, and other non-profit institutions, such as the Danforth Center.

Mr. Bill Gaudreau, President of Gaudreau Architects out of Baltimore, Maryland, stated that they are partnering in assisting Wexford in their overall service and development to the Danforth Center with several local companies, including Mackey Mitchell Associates Architects in St. Louis, Clayton Engineering, Crawford, Bunte Brammeier, and William Tao. He pointed out the three buildings that will form a new part of the campus, framing a new courtyard setting with some landscape features. Each of the three buildings will eventually be developed, with the focus on Building #1, which will be a four-story building of approximately 112,000-115,000 square feet. The entrance will be on the east side of the building, facing Warson. When the second and third buildings come online, a structured parking garage will be built in the northwest corner. Mr. Gaudreau pointed out that the major feature is to create a courtyard where the quality water features will be presented. Some natural pathways will lace through the center courtyard area, leading to the front entrance, as well as the northern entrance. He explained their concept for the exterior and presented several designs.
Mr. Lee Cannon, Crawford, Bunted, Brammeier, highlighted the traffic study, which they just finished a week ago and will present a copy to staff this evening. This site was studied when the Danforth Center was originally constructed and identified some transportation improvements, some of which were accomplished as part of Phase I and some of which remain to be seen. The original plan had an athletic field on this piece of ground. Mr. Cannon stated that the proposal is to share the Danforth entrance in its current location, as well as providing one additional curb cut on the north end. Mr. Cannon stated that, based on their traffic evaluations of the existing conditions, the initial conditions with the first building and the ultimate conditions with the buildout of the site, including the future potential buildout of the Danforth facility, CBB identified some minor improvements for the shared driveway, which are included as recommendations in the traffic impact study. He pointed out that the existing entrance would be able to accommodate the first building with no further improvements to the roadway system or private driveway.

Mr. Lumley offered the following comments about the recommended conditions: He recommended Item 1, regarding the lease agreement, be restated as follows: “Mutual termination of the lease agreement between the City of Creve Coeur and the Danforth Plant Science Center shall be accomplished prior to the release of Site Improvement and Building Permits as directed by the City Administrator. He also recommended that the condition be stated in each of the items so there is no misunderstandings. Mr. Lumley pointed out that there are six conditions under the Site Development Plan and offered the following verbiage for Condition 1: “The applicant shall submit a traffic study for review by the City’s traffic consultant and approved by the Planning Director or the Commission prior to the issuance of Site Improvement or Building Permits.” Mr. Lumley stated if the Planning Director is comfortable with it, that would be sufficient; if he has a concern, then it would have to come back to the Commission. Mr. Langdon, Planning Director, stated that he is comfortable with what he has seen.

Vice Chair Sher inquired as to the number of spaces in the proposed parking garage. Mr. Gaudreau responded that the plan shows 234 cars for the second building, with an increase of an additional 600+ cars for the third building.

Mr. Meyer made a motion to approve the Site Concept Plan for the Danforth Plant Science Center, with conditions listed in Staff’s memo dated July 16, 2007, including the modifications to Condition 1 per the City Attorney. Mr. Rovak seconded the motion, which unanimously carried.

Mr. Moskowitz moved to approve the Boundary Adjustment Plat for the Danforth Plant Science Center, with the conditions listed in Staff’s memo dated July 16, 2007, and the addition of Condition 1 from the Site Concept Plan. Mr. Madden seconded the motion, which unanimously carried.

Mr. Moskowitz moved approval of the Site Development Plan for the Danforth Plant Science Center Greenhouse Phase II, with conditions listed in Staff’s memo dated July 16, 2007 and the carryover of Condition 1 from the Site Concept Plan and the change regarding traffic study per City Counsel. Mr. Rovak seconded the motion, which unanimously carried.

Vice Chair called for the motion pertaining to the North 8 Site Development Plan. Mr. Madden moved approval of the Site Development Plan for the Danforth Plant Science Center North 8 with conditions listed in Staff’s memo dated July 16, 2007, with the correction of item 1 by the City Attorney and including the incorporation of the lease agreement. Mr. Moskowitz seconded the motion, which unanimously carried.

**07-033 Creve Coeur Fire Protection District**

Vice Chair Sher announced that the Creve Coeur Fire Protection District item has been withdrawn from the agenda this evening.
Mr. Langdon presented some background saying that the Fire District wishes to install a sign on the property that does not meet the requirements of the Sign Code. There has been some discussion of the applicability of the Sign Code to a Fire District; that discussion is not resolved. He stated that the initial thought is that as part of a public facility, it would be approved through that process, but it became clear that would not be appropriate with signs being separate from the facility itself. The Fire District has responded that they will be happy to meet with the City and discuss an alternative approach.

06-010  McDonald’s Restaurant

Mr. Bob Polk, Farnsworth Group, represented McDonald’s Corporation in a request for approval of a Site Development Plan Extension for McDonald’s Restaurant at 11521 Olive Boulevard.

Mr. Polk explained the change in the drawing regarding the existing curb versus the future TDD curb line. He pointed out that this plan reflects the existing conditions today on Olive, which McDonald’s will build to and then when CityPlace North completes their widening on Olive, they will modify that entrance by adding a lane on the north side of Olive Boulevard. The request is for a 180 day extension. A brief discussion followed.

Mr. Moskowitz moved to recommend approval of the request for Conditional Use Permit and Site Development Plan Extension, as presented by the applicant and with all the conditions required as part of Ordinance Number 4031. Mr. Rovak seconded the motion, which unanimously carried.

7.  WORK AGENDA

06-044  Downtown Overlay District

In response to the letter from Mr. Hutkin regarding the assertion that rezoning of his property on the southwest corner of Decker and Studt would constitute a taking, Mr. Lumley stated that when there is not an actual physical invasion of the property or regulation that takes away all uses of the property, both of which would be considered per se taking, then you basically have a case-by-case analysis of whether a change in regulation has, in fact, gone so far as to constitute a taking. In a most recent case, the court said a regulatory taking occurs when a regulation enacted by the government goes too far. Mr. Lumley explained that the factors considered are the economic impact of the regulation, extent to which the regulation interferes with distinct investment backed expectations, and the character of the governmental action. In general, Mr. Lumley said he would not expect that the changes being discussed would rise to such a level as to be considered a taking.

Mr. Hurlbert, City Planner, went over the comments he had received and addressed how they are stated in the draft language or how the downtown plan addresses the information. Such comments included concern with the traffic generation, minimum building setback, width of the sidewalk, and minimum and maximum building heights. Mr. Langdon said he was inclined to set a maximum building height. Mr. Meyer agreed with setting a maximum but was uncertain as to what it should be. Mrs. Sher suggested 12 stories, and Mr. Hurlbert pointed out that this is an overlay which allows 12 stories with a Conditional Use Permit. Mr. Hurlbert went on to say that the overlay is different in that it allows six stories without a CUP; whereas, the “CB” District only allows four stories. He explained the step back feature, followed by a brief discussion. Commission members felt the maximum should be something below twelve stories, and Mr. Hurlbert added that it is his opinion that a minimum height of three stories is necessary. He said the reason for the Overlay District, without having to rely on the “CB” District, is because the City is trying to make it easier to create a downtown. Mrs. Sher asked if the minimum requirement could be three stories, with a six-story maximum by right, and up to eight stories with a CUP.
Discussion continued. Mr. Langdon stated that while being eager to please the development community, it is the Commission’s duty to the vision of what the downtown is, which simply is not a big city downtown; it is quaint, historic downtown. Mr. Hurlbert pointed out that the talk has always been about ten stories, which has since been reduced because of pressure from various people. He called for flexibility to allow for diversity in the building height and design. Mr. Hurlbert will add images and graphics to the Overlay District.

Mr. Hurlbert addressed the following concerns of the Creve Coeur/Olivette Chamber of Commerce:

- Specific numbers with reference to the SIC Code.
- Minimum unit size calculations.
- “Stepback” requirements.
- Determination of site coverage contribution.
- Parking structures.
- Distinction between office and mixed use buildings.
- Definition of incompatible use.
- Maximum building height or FAR
- Who pays for Traffic Study.
- Police and Fire District input.

Mr. Moskowitz expressed concern with the Olive/Graeser situation. He asked if a representative from MoDOT could be present at the next meeting. Mr. Langdon referred to MoDOT’s letter with their statement that the traffic signal will not be approved unless the median is installed from Dautel/Graeser to Schulte. It is the developer’s responsibility to meet the requirements. A brief discussion followed.

8. **OTHER BUSINESS**

A. **Planning Department Report**

Mr. Langdon stated that the process has begun in acquiring easements for the first of the TDD roadway work. The Council listened to the notion of splitting the TDD into whether it is two phases or to be done now and to be wished for later. Phase I is what they can actually do now, and Phase II happens under some other scenario. Mr. Langdon said City Council has started the discussion about funding mechanisms to try and make the whole thing happen; with all undergrounding and sidewalk improvements in Phase I. The City has finally entered into a Maintenance Agreement over the Mason and Ladue traffic signals for the Enclave.

Items moving forward are the banners for King’s Landing; annexation; and the hot debate before the Council about the use of City letterhead. Mr. Langdon cautioned the Commission members having a conversation regarding a particular case or giving a preconception about how the Commission will support or not support a request for approval.

Mr. Langdon continued by saying the Phillips 66 at the corner of Ballas and Olive is looking to redevelop the site, remaining as a gas station. They plan to eliminate the service bays and car wash. Mr. Hurlbert stated that Sunrise is looking to take over the last two phases of West Village Condominiums (formerly Summit Lofts).
B. City Attorney Report

Mr. Lumley had no report.

9. ADJOURNMENT

There being no further business to come before the Planning and Zoning Commission, upon motion being made and duly seconded, the meeting was adjourned at 9:10 p.m.

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Linda Sher, Vice Chair

Transcribed by:

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Pat Rosenblatt, Secretary