



NOTICE OF PUBLIC HEARING

**APPLICATION TO PLANNING AND ZONING COMMISSION
#23-013: TEXT AMENDMENT TO MODIFY SECTION 405.390 PLANNED
ZONING DISTRICT OF THE ZONING ORDINANCE**

FOR THE MEETING OF: Monday, May 15, 2023, 6:00 PM.

REQUEST: Jason Jaggi, Director of Community Development on behalf of the City of Creve Coeur, has submitted an application to amend Zoning Ordinance Section 405.390, Planned Zoning Districts. The submitted amendments include reducing the minimum site size for planned zoning districts, modifying the eligibility criteria, establishing a new mixed-use type of planned zoning district, and introducing the requirement for approval of a site concept plan to regulate the overall components of a development. The Planned Zoning Districts procedure provides an alternative approach to the traditional zoning ordinance standards for developments to allow flexibility due to circumstances with project size, phasing, configuration, site conditions or design features in exchange for a public benefit. Planned Zoning Districts have been established to implement the goals of the comprehensive plan, facilitate innovative design, solve problems on difficult sites and promote well-designed redevelopment that cannot be achieved under the traditional zoning and land use regulations.

ADDITIONAL INFORMATION: The Planning and Zoning Commission is scheduled to review this request on Monday, May 15, 2023, at 6:00 p.m., for recommendation to the City Council. Meetings are held in person in the Council Chambers of the Creve Coeur Government Center located at 300 N. New Ballas Road. We encourage you to attend if you have any questions or wish to make a statement. In addition, you can submit written or e-mail comments to Planning staff in advance of the meeting. Additional information regarding this proposal is available at the Government Center, Planning Division offices or on the City's website at www.crevecoeurmo.gov/447/Current-Planning-Projects. You may also call (314) 872-2501 or e-mail blmoore@crevecoeurmo.gov.

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

STAFF CONTACT: Jason Jaggi, AICP, Director of Community Development

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?

Zoning Code References

- Section 405.390
Planned Zoning
Districts



city

of CREVE COEUR

File # 23-013

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 (314) 872-2500/872-2501 • Fax (314) 872-2505 • Relay MO 1-800-735-2966
 www.creve-coeur.org

TEXT AMENDMENT APPLICATION

PLEASE COMPLETE FRONT AND BACK PAGES

<i>Applicant:</i>	<i>Applicant's Representative (if applicable):</i>
Jason Jaggi, Director of Community Development	-Same-
<i>Name</i>	<i>Name</i>
City of Creve Coeur	
<i>Company (If Applicable)</i>	<i>Company (If Applicable)</i>
300 North New Ballas Road	
<i>Address</i>	<i>Address</i>
Creve Coeur MO 63141	
<i>Address</i>	<i>Address</i>
Telephone # <u>314-872-2504</u>	Telephone # _____
Fax # _____	Fax # _____
Email: <u>jjaggi@crevecoeurmo.gov</u>	Email: _____

Applicant's Status (Indicate one):

- City Official (Mayor, City Councilor, Planning Commissioner, Zoning Administrator)
- Private Party (Financial, contractual, or proprietary interest)
- Other Governmental Interest (Jurisdiction: _____)

The undersigned hereby requests to be placed on the Agenda for the Planning and Zoning Commission meeting at 6:30 P.M. on Monday, ~~April 12~~, 2023, 2023.

May 15



Applicant's Signature
 April 12, 2023

 Date

Applicant's Representative's Signature

 Date

Chapter 405 Zoning Ordinance

Article III. Zoning District Regulations

Revised Section 405.390 Planned Zoning Districts

- A. *Purpose.* The purpose of the Planned Zoning District is to allow a development project that is proposed on a single lot or multiple lots to be constructed in one (1) or more phases that is unable to meet the established zoning criteria due to project size, phasing, configuration, site conditions, or particular design features. The Planned Zoning District provides a mechanism to facilitate innovative design, solve problems on difficult sites, meet market niches, encourage housing in different forms and price ranges, promote well-designed developments, and encourage infill and redevelopment within the City.
- B. *Objectives.* Through the flexibility of the Planned Zoning District, the City seeks to achieve the following objectives:
1. Fulfillment of the goals and objectives of the Comprehensive Plan;
 2. Creation of a more desirable environment than would be possible through application of conventional City land use regulations;
 3. Promotion of a creative approach to the use of land and related physical facilities resulting in better design and development including aesthetic amenities;
 4. Combination and coordination of architectural styles, building forms and building relationships;
 5. Preservation and enhancement of desirable site characteristics such as natural topography, vegetation and geologic features, preferably by means of natural erosion control and stormwater control best management practices;
 6. Use of design, landscape or architectural features consistent with the City's design guidelines; and
 7. Mutually desired elimination of obsolete or deteriorated structures or incompatible uses through redevelopment.
- C. *Eligibility.* A development proposal shall be eligible for consideration under the planned zoning district process if the Zoning Administrator finds that it meets the following provisions:
1. Is located on one (1) or more lots totaling at least three (3) acres in size.
 2. Cannot be approved under the provisions of another Zoning District.

3. The subject property is zoned for the eligible type of planned zoning district pursuant to Section 405.390.F. In the event the existing zoning district is not eligible for the requested planned zoning district, an application to rezone to a qualifying zoning district must be submitted in conjunction with the planned zoning district application.
4. The proposed development must substantially comply with the provisions of this Section 405.390 and be generally consistent with the applicable provisions of the City's Comprehensive Plan.

D. Relationship Of Planned Districts to Zoning Map.

1. *A mapped district.* The planned zoning district designation shall not be attached to existing zoning districts as an overlay. The planned zoning districts, as detailed in this Section, are separate zoning districts and applied to a specific parcel or parcels of land following a public hearing and all other requirements of Section 405.1060 Zoning Changes and Text Amendments. Such designation shall be shown on the City Zoning Map.

E. Public Benefit. In connection with obtaining approval of a planned zoning district, public benefits are to be provided as determined by the City Council upon a recommendation of the Planning and Zoning Commission. Such public benefits to the City could include, but are not limited to, the following:

1. Provision of public or quasi-public parking facilities;
2. Provision of on-street and off-street pedestrian facilities linking surrounding business, office and residential uses;
3. Consolidation and/or elimination of overhead utility wires;
4. Inclusion of landscaped gardens, plazas or parks available for public use;
5. Provision of alternative street connections or the dedication of land for additional street right-of-way;
6. Fountains, statuary, public art;
7. Architectural distinction and significance that would make building(s) noteworthy;
8. Extensive use of high-quality building materials that would add to the assessed valuation of the structures.

F. Types of planned zoning districts. There are three (3) types of planned zoning districts:

1. Planned Residential Development (PRD). A Planned Residential Development shall be eligible for properties where the existing zoning district is zoned A, B, C, or D Single Family Residential or AR-Attached Residential.
2. Planned Commercial Development (PCD). A Planned Commercial Development shall be eligible for properties where the existing zoning district is CB-Core Business, GC-General Commercial, PO-Planned Office, or RO-Research Office District.
3. Planned Mixed-Use Development (PMD). A Planned Mixed-Use Development shall be eligible for properties where the existing zoning district is CB-Core Business, GC-General Commercial, PO-Planned Office, or RO-Research Office District.
4. *Planned Residential Development (PRD)*. A "Planned Residential Development" shall mean a development on a plot of land, containing a limited mixture of uses and building types that is predominately residential, which may include single-family houses, clustered housing, townhouses, and multi-family dwellings. Small service-commercial uses that complement the area may be permitted if deemed compatible with the proposed residential uses and will not have a detrimental impact on the adjacent residential uses. Although no particular combination of the aforementioned uses is predetermined, all applications for PRD zoning must contain a clear statement and placement of the specific uses within the district as set forth in Table A. Subsequent requests for additional uses not previously approved shall be treated as amendments to the planned zoning district and subject to all of the original approval criteria.

(a) *Design criteria*. Except to the extent supplemented, modified or superseded by and through the planned zoning district ordinance or site concept plan, an application for PRD zoning shall also be reviewed for conformance with the following design criteria:

- (1) Housing densities expressed as dwelling units per acre for each housing type shall be compatible with the surrounding area.
- (2) The height of all buildings shall be compatible with the surrounding area. In addition, properties adjacent to any single-family residential development shall meet a sky exposure plane requirement. The sky exposure plane will be measured from a line located thirty-five (35) feet above the property line and will have a slope of thirty degrees (30°) rising towards the center of the site.
- (3) Any tract or site abutting or adjoining a single-family residential development shall provide a buffer yard of at least twenty-five (25) feet on all sides that abut the single-family development. The buffer yard shall be landscaped and provided with other screening devices and shall not contain impervious surfaces, with the exception of trails, footpaths, walkways, pedestrian accommodations and/or amenities, retaining walls and/or other screening devices and/or stormwater management systems as deemed appropriate by the Planning and Zoning Commission and City Council.

The required buffer yard may be modified due to unique site characteristics and taking into consideration the proposed uses adjacent to the existing single-family residential developments.

- (4) Balances increased structure densities for the subject property with more cohesive and organized open space.
 - (5) Improves on, or provides for, efficient circulation patterns, access controls and screening of parking facilities.
 - (6) Provides adequate public facilities including streets, bicycle and pedestrian facilities, fire protection, water, storm water control, sanitary sewer and parks and recreation facilities.
 - (7) Utilizes high-quality architectural design, placement, relationship and orientation of structures.
 - (8) Places all utilities serving new projects underground, to the extent feasible, except where specific allowances and design considerations are provided elsewhere in this Section.
 - (9) Provides for appropriate spacing and/or greenspace in or around the separate developments within the PRD.
 - (10) Provides for vehicular mobility in a manner that does not compromise pedestrian safety and mobility.
 - (11) Functionality and aesthetically integrates all proposed storm water collection basins with the surrounding development through undergrounding or innovative design of above ground facilities that is visually commensurate with the surrounding development.
5. *Planned Commercial Development (PCD)*. A "Planned Commercial Development" shall mean a development on a plot of land containing a mixture of commercial, office, lodging, and miscellaneous service activities when acceptable to the area. The purpose of a PCD is to provide sites for the development of a mixture of commercial uses in a manner which is attractive for such uses and compatible with surrounding neighborhoods. The PCD will also encourage the efficient use of land and resources, offer a mix of amenities for the populace of the area and promote greater efficiency in public and utility services. Although no particular combination of the aforementioned uses is predetermined, all applications for PCD zoning must contain a clear statement and placement of the specific uses within the district as set forth in Table A. Subsequent requests for additional uses not previously approved shall be treated as amendments to the planned zoning district and subject to all of the original approval criteria.
- (a) *Design criteria*. Except to the extent supplemented, modified or superseded by and through the planned zoning district ordinance or site concept plan, an

application for PCD zoning shall also be reviewed for conformance with the following design criteria:

- (1) Proposed development adjacent to any single-family residential development shall meet a sky exposure plane requirement. The sky exposure plane will be measured from a line located thirty-five (35) feet above the property line and will have a slope of thirty degrees (30°) rising towards the center of the site.
- (2) Any tract or site abutting or adjoining a single-family residential development shall provide a buffer yard of thirty-five (35) feet on all sides that abut the single-family development. The buffer yard shall be landscaped and provided with other screening devices and shall not contain impervious surfaces, with the exception of trails, footpaths, walkways, pedestrian accommodations and/or amenities, retaining walls and/or other screening devices and/or stormwater management systems as deemed appropriate by the Planning and Zoning Commission and City Council. The required buffer yard may be modified due to unique site characteristics and taking into consideration the proposed uses adjacent to the existing single-family residential developments.
- (3) Allows for and makes efficient use of parking and storage areas including cooperative parking facilities.
- (4) Provides for the more efficient provision of public and private utilities and facilities throughout the development area.
- (5) Provides adequate public facilities including streets, bicycle and pedestrian facilities, fire protection, water, storm water control, sanitary sewer and parks and recreation facilities.
- (6) Incorporates pocket parks, small plazas and places for public art where appropriate.
- (7) Locates buildings in appropriate relation to sidewalks or public parks and plazas.
- (8) Provides for vehicular mobility in a manner that does not compromise pedestrian safety and mobility.
- (9) Utilizes high-quality architectural design, placement, relationship and orientation of structures.
- (10) Places all utilities serving new projects underground, to the extent feasible, except where specific allowances and design considerations are provided elsewhere in this Section.

- (11) Provides appropriate spacing and/or greenspace in or around the separate developments within the PCD.
 - (12) Functionally and aesthetically integrates all proposed storm water collection basins with the surrounding development through undergrounding or innovative design of above ground facilities that is visually commensurate with surrounding development.
6. *Planned Mixed-Use Development (PMD)*. A "Planned Mixed-Use Development" shall mean a development on a plot of land containing a mixture of commercial, residential, office, lodging, and miscellaneous service activities when acceptable to the area. The purpose of a PMD is to provide sites for the development of a mixture of commercial and residential uses in a manner which is attractive for such uses and compatible with surrounding neighborhoods. The PMD will also encourage the efficient use of land and resources, offer a mix of amenities for the populace of the area and promote greater efficiency in public and utility services. Although no particular combination of the aforementioned uses is predetermined, all applications for PMD zoning must contain a clear statement and placement of the specific uses within the district as set forth in Table A. Subsequent requests for additional uses not previously approved shall be treated as amendments to the planned zoning district and subject to all of the original approval criteria.
- (a) *Design criteria*. Except to the extent supplemented, modified or superseded by and through the planned zoning district ordinance or site concept plan, an application for PMD zoning shall also be reviewed for conformance with the following design criteria:
- (1) Proposed development adjacent to any single-family residential development shall meet a sky exposure plane requirement. The sky exposure plane will be measured from a line located thirty-five (35) feet above the property line and will have a slope of thirty degrees (30°) rising towards the center of the site.
 - (2) Any tract or site abutting or adjoining a single-family residential development shall provide a buffer yard of thirty-five (35) feet on all sides that abut the single-family development, except if the abutting or adjoining proposed uses are residential of equal or less density relative to the existing residential uses then such buffer yard shall be twenty-five (25) feet. The buffer yard shall be landscaped and shall not contain impervious surfaces, with the exception of trails, footpaths, walkways, pedestrian accommodations and/or amenities, retaining walls and/or other screening devices and/or stormwater management systems as deemed appropriate by the Planning and Zoning Commission and City Council. The required buffer yard may be modified due to unique site characteristics and taking

into consideration the proposed uses adjacent to the existing single-family residential developments.

- (3) If residential uses are proposed, provides for a mixture of housing types to meet market demands and encourage diversification.
- (4) Allows for and makes efficient use of parking and storage areas including cooperative parking facilities.
- (5) Provides for the more efficient provision of public and private utilities and facilities throughout the development area.
- (6) Provides adequate public facilities including streets, bicycle and pedestrian facilities, fire protection, water, storm water control, sanitary sewer and parks and recreation facilities.
- (7) Incorporates pocket parks, small plazas and places for public art where appropriate.
- (8) Locates buildings in appropriate relation to sidewalks or public parks and plazas.
- (9) Provides for vehicular mobility in a manner that does not compromise pedestrian safety and mobility.
- (10) Utilizes high-quality architectural design, placement, relationship and orientation of structures.
- (11) Places all utilities serving new projects underground, to the extent feasible, except where specific allowances and design considerations are provided elsewhere in this Section.
- (12) Provides for appropriate spacing and/or greenspace in or around the separate developments within the PMD.
- (13) Functionally and aesthetically integrates all proposed storm water collection basins with the surrounding development through undergrounding or innovative design of above ground facilities that is visually commensurate with surrounding development.

G. *Submittal Requirements—Site Concept Plan.* Any application for a rezoning to a Planned Zoning District must be accompanied by a Site Concept Plan submitted in accordance with Section 405.1080 with the information listed below in approximate detail placed either on the plan or on a separate sheet accompanying the plan, unless otherwise approved by the Zoning Administrator. If there is to be a subdivision of property into separate lots, then a preliminary plat showing the property subdivided into separate lots may also be submitted in accordance with Chapter 410 (as

modified by approvals under this Section) in conjunction with the submittal of the Site Concept Plan, but in any event, must be submitted no later than in conjunction with the submittal of the applicable Site Development Plan(s).

- (1) The location of the parcel in relation to all surrounding and adjacent uses, buildings and zoning;
- (2) The location of the parcel in relation to major arterials and/or highways and any roadways or drives connecting the parcel to those major thoroughfares;
- (3) The boundaries, dimensions and area of the parcel;
- (4) The proposed use and development of the parcel including principal and accessory uses;
- (5) The location and size of each existing structure and building on the parcel;
- (6) The footprint of each proposed building or structure on the parcel;
- (7) The proposed setbacks from all perimeter property lines and buffer yards, if applicable;
- (8) The height and number of stories of all proposed buildings and structures;
- (9) The amount of land area covered by all proposed buildings, structures, drives and parking facilities;
- (10) The ratio of floor area to land area (FAR);
- (11) Approximate locations of existing and proposed utility easements and stormwater retention areas;
- (12) Existing and proposed contours at vertical intervals of not more than five (5) feet;
- (13) Two (2) section profiles through the site showing preliminary building form, existing natural and proposed final grade;
- (14) Preliminary plan for sanitation and drainage facilities;
- (15) Drawings shall contain the project name, proposed and existing street names, a reasonable and legible scale, north arrow and the date drawn.
- (16) A timeline showing the current approximation of when the planned development will be constructed in stages or units and a schedule for the development of stages or units stating the approximate beginning and completion time for each stage or unit.
- (17) A non-exhaustive outline of any proposed restrictive covenants that may be recorded with respect to property in the proposed planned zoning district.

- (18) A narrative addressing each of the standards set forth in Section 405.390(I) Review Criteria, Section 405.390(E) Public Benefit, the City's Comprehensive Plan, and such additional standards, if any, as may be applicable under the specific provisions of these planned zoning district regulations. The statement shall explain specifically how the proposed planned zoning district relates to and meets each such standard.
- (19) At the request of the Director of Community Development, a traffic impact analysis prepared by a Missouri registered traffic engineer depicting the project's impact on vehicular and pedestrian traffic along roadways adjacent to the planned zoning district and/or a traffic review focused on the vehicular and pedestrian circulation within the planned zoning district.
- (20) Any other information deemed necessary by the Zoning Administrator to fully understand the proposal.

A Site Development Plan shall then be submitted with applicable fees and escrow, for each specific building or phase within the project, for review and approval by the Planning and Zoning Commission. Such Site Development Plan shall be submitted in advance of or in conjunction with an application for a building permit (and can be submitted concurrently with the Site Concept Plan) for one or more buildings or phases. Of primary importance in the review of a Site Development Plan will be a determination that the plan substantially complies with the Site Concept Plan approved for the total development or project.

- H. *Submittal Requirements—Site Development Plan.* Each Site Development Plan must be submitted in accordance with Section 405.1080 with the information listed below placed either on the plan or on a separate sheet accompanying the plan, unless otherwise approved by the Zoning Administrator. If there is to be a subdivision of property into separate lots, then a final plat must also be submitted in accordance with Chapter 410 (as modified by approvals under this Section).
 - 1. All submissions to the City's Planning and Zoning Commission and City Council shall be properly sealed and signed by a licensed architect, professional engineer or land surveyor registered in the State of Missouri, as applicable, pursuant to laws and regulations established by the Missouri Board for Architects, Professional Engineers and Land Surveyors. An original seal, signature and print date shall appear on each page of one (1) original submittal set as evidence that the submitted material was prepared under the direction of a licensed architect, professional engineer or land surveyor, as applicable. All other submissions shall be copies of the original set.
 - 2. Title block including name of the proposed project, name, address and phone number of preparers and project applicant or owner.
 - 3. The location, dimensions and total area of the site.
 - 4. The location, height, floor area, type of construction and intended use of each proposed building or structure.

5. Architectural elevations depicting size, shape and special design elements proposed as well as proposed exterior finish materials to be used.
 6. A plan of the entire planned zoning district shall be drawn at a scale of 1" = 20' or larger bearing a minimum of two (2) surveyed points located in conformance with the Missouri Coordinate System ("State Plane Coordinates").
 7. Two (2) cross sections at ninety degrees (90°) from each other through the proposed site and building(s).
 8. The number, location and dimensions of parking spaces, surface lot or structures and loading docks, in relation to the applicable parking regulations in Article VII, with means of ingress and egress. Layout of physically disabled parking and accessibility shall be included.
 9. The proposed traffic circulation pattern within the area of the development including the location and description of public improvements to be installed including any streets and access easements.
 10. The location and purpose of any existing or proposed dedication, easement or right-of-way (public or private) within the boundaries of the site.
 11. Location and dimensions of adjacent properties, abutting public rights-of-way and easements and utilities serving the site.
 12. Location of existing and proposed sewage treatment, stormwater runoff collection and detention and preliminary stormwater runoff calculations (amount of detention required and provided).
 13. Existing and proposed contour lines or elevations based on mean sea level datum at two (2) foot intervals and extending one hundred (100) feet beyond the property lines.
 14. Site coverage data in a percentage form of the planned zoning district (a ratio of non-impervious to impervious area).
 15. Ratio of floor area to site area of the planned zoning district (FAR).
 16. Location and height of all light poles and trash enclosures including detailed sketches or cut sheets.
 17. The proposed treatment of open spaces including existing and proposed landscaping.
- I. *Review Criteria.* The Planning and Zoning Commission shall recommend to the City Council approval, approval with conditions or denial of a planned zoning district application primarily based upon satisfaction of Section 405.390(C), Eligibility and meeting the applicable design

criteria in Section 405.390(F), Types of Planned Zoning Districts. Supplemental to these items, every application shall also be reviewed for conformance with the standards set forth below, to the extent applicable:

1. The proposed development is in harmony with the general purpose and intent of this Chapter and is generally compatible with and implements the planning goals and objectives of the City including the Comprehensive Plan.
2. Streets or other means of access to the proposed development are suitable and adequate to carry anticipated traffic and will not overload the adjacent streets.
3. The internal circulation system of the proposed development encourages safe movement for vehicles and pedestrians.
4. Existing or proposed utility services are adequate for the proposed development.
5. Appropriate buffering is provided to protect adjacent land uses from light, noise and visual impacts.
6. Architecture and building materials are consistent with the character of the proposed development and compatible with areas of the City proximate thereto.
7. Landscaping is appropriate for the scale of development and consistent with any applicable City codes, ordinances and standards.
8. The proposed development preserves any significant architectural and environmental features of the property, to the extent reasonably possible.
9. Operating and delivery hours are compatible with the land uses adjacent to the planned zoning district.
10. The proposed uses are compatible with the area surrounding the proposed development and will not have a material net cumulative adverse impact on the surrounding area or the City as a whole.
11. The proposed development complies with all other applicable codes and ordinances.
12. The layout of structures and spaces adequately takes into account the potential for future subdivision of the development.
13. There is a demonstrated level of the public benefit to the City derived from the proposed development, per Section 405.390(E).

J. Review Procedure For A Planned Zoning District.

1. The application for a Planned Zoning District shall be reviewed and decided upon in accordance with the procedures for a zoning change established by Section 405.1060.
2. The Director of Community Development or his/her designee shall notify the applicant of any deficiencies and/or modifications necessary based on their review. The Planning and Zoning Commission may recommend, and the City Council may adopt modifications to the development standards set forth in Chapter 405 and Chapter 410 of the Code of Ordinances, City of Creve Coeur, Missouri, as part of its consideration and approval of the planned zoning district.
3. Approval of the Planned Zoning District is determined solely in the legislative discretion of the City Council which shall be codified within a separate planned zoning district ordinance.
4. Once approved by the City Council, the planned zoning district, including the associated site concept plan and the planned zoning district ordinance replaces all prior zoning regulations on the property and should be noted on the Zoning Map.
5. Any applicable time limitations shall be met, such as those pertaining to proposed wireless communications facilities and support structures under Section 67.5090 RSMo. et seq. and FCC Declaratory Ruling WT Docket No. 08-165, rel. 11-15-2009.1

K. Conditions Of Approval.

1. The City Council shall consider the same criteria as set forth for the Planning and Zoning Commission review (Section 405.390(I), Review Criteria) and may impose such conditions and limitations including, but not limited to, those recommended by the Planning and Zoning Commission, as may be necessary or appropriate to prevent or minimize adverse effects upon other property and improvements in the vicinity of the planned zoning district, upon the City as a whole or upon public facilities and services. These conditions may include, but are not limited to, conditions concerning use, construction, character, location, landscaping, screening, parking, maintenance, operational elements that would impact adjoining land uses and other matters relating to the purposes and objectives of these planned zoning district regulations. Such conditions shall be expressly set forth in the ordinance and depicted, as appropriate, on the associated Site Concept Plan authorizing the planned zoning district.
2. The ordinance approving a Planned Zoning District shall contain a legal description of the subject property, all imposed conditions of approval of the zoning and the approval of the Site Concept Plan. The ordinance and the approved site development plan(s) shall be recorded by the applicant in the office of County Recorder of Deeds. The applicant must present proof to the City of such recording before any permits may be issued.

3. Following planned zoning district approval, the site concept plan and planned district ordinance, rather than any other provision of this Chapter, shall govern the use, parking, loading, sign, bulk, space and yard regulations applicable to the subject property and no other use or development, except temporary uses, shall be permitted within the area of the planned zoning district pursuant to the zoning district regulations otherwise applicable to such area.
- L. *Reapplication.* In the event the City Council denies an application for planned zoning district, no application for the same or substantially similar proposal will be accepted for a period of at least one (1) year from the date of denial by the City Council, unless the City Council affirmatively waives this restriction for good cause.
- M. *Final Building, Construction and Site Improvement Plans.* Once a planned zoning district and its included Site Concept Plan receives final approval by the City Council and the pertinent Site Development Plan has received approval by the Planning and Zoning Commission, further review of the final building, construction and site improvement plans by the Planning and Zoning Commission or the City Council will not be required, provided those final plans are consistent with and in substantial conformance with the approved planned zoning district and the approved site development plan.
- N. *Period of Validity.* The Site Concept Plans approved by the City Council in conjunction with the Planned Zoning District shall be valid for a period of up to eight (8) years from the date of approval. After the eighth year, a site concept plan will no longer be valid unless an extension is granted as set forth below. The City of Creve Coeur may grant a single one-year extension prior to the expiration of the site concept plan upon written request of the applicant submitted to the City at least one hundred eighty (180) days prior to the expiration date and granted prior to the expiration date. Site Development Plans shall be valid for a period of twelve (12) months from the date of approval. Within such period a building permit shall be obtained, and substantial construction commenced. Substantial construction shall be deemed to consist of clearing the site, completion of footings, basement or building slab and inspection of such work. The Planning and Zoning Commission may grant extensions regarding the validity of a site development plan not exceeding twelve (12) months each upon written request of the original applicant prior to the expiration of such period and resubmission of the application if the application as resubmitted is substantially the same as the initially approved application. However, the Commission shall have the power in such cases to attach new conditions to their re-approval or to disapprove the reapplication. The validity of a site development plan cannot be extended if the site concept plan has ceased to be valid.
- O. *Building Permit Issuance.* A copy of the approved planned zoning district, the approved site concept plan, and each approved site development plan shall be retained in the records of the Department of Community Development and all building and occupancy permits issued by the City shall conform to the provisions of the approved planned zoning district, site concept plan, and site development plan.
- P. *Violations.* Failure to comply with any of the conditions and/or provisions of an approved planned zoning district plan shall constitute a violation of this Chapter, punishable as provided in Section 405.1150 of this Chapter. The City may seek judicial remedies to compel compliance.

Q. *Amendments.* No amendments shall be made in the construction, development or use permitted under a planned zoning district except as follows:

1. Minor amendments. During build-out of the planned zoning district, the Zoning Administrator may authorize minor adjustments to the approved site development plan when such adjustments appear necessary in light of technical or engineering considerations provided the project will remain in substantial conformance with the original approval.
2. Major amendments. If the Zoning Administrator determines that the proposed amendment will result in a major change to the site concept plan or site development plan (not in substantial conformance with the original approval) or any change to the list of permitted uses, the matter shall be subject to review as an amendment the Planned Zoning District. Amendments to the Site Concept Plan shall follow the same procedures as a new application under the provisions of these planned zoning district regulations. Amendments to the Site Development Plan shall follow the provisions of Section 405.1080 subject to review and approval by the Planning and Zoning Commission.

Section 405.390. Planned Zoning Districts. [R.O. 2008 §26-46.1 — 26-46.13; Ord. No. 5057 §2, 9-4-2008; Ord. No. 5134 §§1 — 3, 4-26-2010; Ord. No. 5165 §7, 12-13-2010; Ord. No. 5243 §4, 2-13-2012; Ord. No. 5300 §§16 — 17, 4-22-2013]

A. *Definitions Of Terms.* Unless a contrary intention clearly appears, the following words and phrases shall have the meanings given in the following clauses for the purposes of this Section. Where a conflict arises between these definitions and those contained in Section 405.120, Definitions, the wording in this Section shall prevail only to the extent needed to interpret and enforce the regulations of this Section. Further, words and phrases which are not defined by this Section nor Section 405.120, Definitions, shall be given their usual meaning except where the context clearly indicates a different or specific meaning.

PLANNED ZONING DISTRICT — A designed grouping of varied and compatible land uses, such as housing, recreation, commercial centers and industrial parks, all within one (1) contained development or subdivision.

PREDOMINATELY NON-RESIDENTIAL — A descriptive phrase that applies to areas in which less than fifty percent (50%) of the adjoining land area (excluding streets) within five hundred (500) feet is developed as single-family residences, either detached or attached (the latter includes only stand-alone development of four (4) attached units or less).

PREDOMINATELY RESIDENTIAL OR INSTITUTIONAL — A descriptive phrase that applies to areas in which fifty percent (50%) or more of the adjoining land area (excluding streets) within five hundred (500) feet is developed as either:

1. Residential uses, or
2. Institutional uses consisting of non-profit or quasi-public uses, such as a religious institution, library, public or private school, hospital or government-owned or government-operated structure or land used for public purposes.

UTILITIES — All lines and facilities related to the provision, distribution, collection, transmission or disposal of water, storm and sanitary sewage, oil, gas, power, information, video, telecommunication and telephone.

B. *Purpose.* The purpose of the Planned Zoning District is to allow innovative design, solve problems on difficult sites, meet market niches, encourage housing in different price ranges, promote well designed developments and encourage infill and redevelopment within the existing urban area. Through the flexibility of the Planned Zoning District, the City seeks to achieve the following objectives:

1. Fulfillment of the goals and objectives of the Comprehensive Plan;
2. Creation of a more desirable environment than would be possible through application of conventional City land use regulations;
3. Promotion of a creative approach to the use of land and related physical facilities resulting in better design and development including aesthetic amenities;
4. Combination and coordination of architectural styles, building forms and building relationships;
5. Preservation and enhancement of desirable site characteristics such as natural topography, vegetation and geologic features, preferably by means of natural erosion control and stormwater control best management practices;

6. Use of design, landscape or architectural features consistent with the City's design guidelines; and
7. Mutually desired elimination of obsolete or deteriorated structures or incompatible uses through redevelopment.

C. *Eligibility.* A development proposal shall be eligible for consideration under the planned zoning district process if the Zoning Administrator finds that it cannot be approved under any other Zoning District and that the applicant has provided credible evidence that the proposal is an appropriate implementation of the Comprehensive Plan due to the fulfillment of the purpose of this Section, the substantial incorporation of the design criteria for each the applicable district type identified in this Section 405.390 and the provision of a substantial tangible public benefit(s) to the City including, but not limited to, the following:

1. Provision of public or quasi-public parking facilities;
2. Provision of on-street and off-street pedestrian facilities linking surrounding business, office and residential uses;
3. Consolidation and/or elimination of overhead utility wires;
4. Inclusion of landscaped gardens, plazas or parks available for public use;
5. Provision of alternative street connections or the dedication of land for additional street right-of-way;
6. Fountains, statuary, public art;
7. Architectural distinction and significance that would make the building(s) noteworthy;
8. Extensive use of high quality building materials that would add to the assessed valuation of the structures.

It should be noted that the benefits listed may not necessarily satisfy the public benefit requirement as final discretion falls on the City Council, upon receipt of a recommendation of the Planning and Zoning Commission, in determining the level of benefit derived.

D. *Relationship Of Planned Districts To Zoning Map.*

1. *A mapped district.* The planned zoning district designation shall not be attached to existing zoning districts as an overlay. The planned zoning districts, as detailed in this Section, are separate zoning districts and applied to a specific parcel or parcels of land following a public hearing and all other requirements of Section 405.1060 Zoning Changes and Text Amendments.
2. *Types of planned zoning districts.*
 - a. *Planned residential development (PRD).* A "planned residential development" shall mean a development on a plot of land, containing a limited mixture of uses and building types, which may include single-family houses, clustered housing, multi-family dwellings, open space and small service commercial (boutique style business uses) that complement the area. Although no particular combination of the aforementioned uses is predetermined, all applications for PRD zoning must contain a clear statement and placement of the specific uses within the district with the NAICS Designation from Table A. Note that no use which

is listed as a conditional use in the Creve Coeur zoning ordinance shall be considered approved for a PRD unless it is expressly listed in the application and approved. Subsequent requests for additional conditional uses shall be treated as amendments to the zoning district and subject to all of the original approval criteria. The minimum gross area (includes floodplain areas) required for PRD is five (5.0) acres, composed of one (1) parcel or two (2) or more contiguous parcels of land.

Design criteria.

- (1) Adjoining areas should be predominately residential or institutional.
- (2) Housing densities may not exceed six (6) units per acre for new single-family residential nor thirty (30) units per acre for new multi-family residential. For the purpose of calculating density, acreage shall not include areas located in a 100-year floodplain. **[Ord. No. 5333 §1, 9-9-2013]**
- (3) Includes dwelling units (all types) subject to height and development and performance standards substantially similar to surrounding residential development. In addition, properties adjacent to any single-family residential development shall meet a sky exposure plane requirement. The sky exposure plane will be measured from a line located thirty-five (35) feet above the property line and will have a slope of thirty degrees (30°) rising towards the center of the site.
- (4) The floor area ratio (FAR) shall not exceed six-tenths (0.6). However, where a proposed district includes pre-existing buildings that are found to otherwise satisfy the overall purpose and intent of this Chapter, the FAR may be waived so long as the building coverage does not exceed thirty-three percent (33%) of the site area and the sky exposure plane requirement is met. **[Ord. No. 5333 §2, 9-9-2013]**
- (5) Any tract or site abutting or adjoining a single-family residential development shall provide a buffer yard of twenty-five (25) feet on all sides that abut the single-family development. The buffer yard shall not contain any impervious surface and shall be landscaped and provided with other screening devices as deemed appropriate by the Planning and Zoning Commission.
- (6) No new residential building may be located closer than twenty (20) feet to any required buffer yard.
- (7) No new commercial building may be located closer than forty (40) feet to any required buffer yard.
- (8) Balances increased structure densities for the subject property with more cohesive and organized open space.
- (9) Improves on, or provides for, efficient circulation patterns, access controls and screening of parking facilities.
- (10) Provides adequate public facilities including streets, bicycle and pedestrian facilities, fire protection, water, storm water control, sanitary sewer and parks and recreation facilities.
- (11) Utilizes high-quality architectural design, placement, relationship and orientation of structures.

- (12) Places all utilities serving new projects underground, to the extent feasible, except where specific allowances and design considerations are provided elsewhere in this Section. **[Ord. No. 5381 §1, 7-14-2014]**
 - (13) Provides effective landscaping or screening in or around the separate developments within the PRD.
 - (14) Provides for vehicular mobility in a manner that does not compromise pedestrian safety and mobility.
 - (15) Functionality and aesthetically integrates all proposed storm water collection basins with the surrounding development through undergrounding or extraordinary design of above ground facilities that is visually commensurate with the surrounding development.
- b. *Planned commercial development (PCD).* A "planned commercial development" shall mean a development on a plot of land containing a mixture of commercial, office, miscellaneous service activities and multi-family dwellings when acceptable to the area. The purpose of a PCD is to provide sites for the development of commercial retail and office uses in a manner which is attractive for such uses and compatible with surrounding neighborhoods. The PCD will also encourage the efficient use of land and resources, offer a mix of amenities for the populace of the area and promote greater efficiency in public and utility services. Although no particular combination of the aforementioned uses is predetermined, all applications for PCD zoning must contain a clear statement and placement of the specific uses within the district, with the NAICS Designation from Table A. Note that no use which is listed as a conditional use in the Creve Coeur zoning ordinance shall be considered approved for a PCD unless it is expressly listed in the application and approved. Subsequent requests for additional conditional uses shall be treated as amendments to the zoning district and subject to all of the original approval criteria. The minimum gross area (includes floodplain areas) required for PCD is three and one-half (3.5) acres, composed of one (1) parcel or two (2) or more contiguous parcels of land. In addition, a PCD may not be requested for properties described by the Central Business District land use plan.

Design criteria.

- (1) Adjoining areas must be predominantly non-residential as defined for this district and the project shall have primary access, from Olive Boulevard, Lindbergh Boulevard, North New Ballas Road or any street within the "LI" Light Industrial zoning district, and may also have secondary access to a side road or from any street within the "LI" Light Industrial zoning district. **[Ord. No. 5578, 4-9-2018]**
- (2) Proposed development adjacent to any single-family residential development shall meet a sky exposure plane requirement. The sky exposure plane will be measured from a line located thirty-five (35) feet above the property line and will have a slope of thirty degrees (30°) rising towards the center of the site.
- (3) The floor area ratio (FAR) for new developments shall not exceed six-tenths (0.6). However, where a proposed district includes pre-existing buildings that are found to otherwise satisfy the overall purpose and intent of this Chapter, the FAR may be waived so long as the building coverage does not exceed forty percent (40%) of the site area and the sky exposure plane requirement is met.

- (4) Any tract or site abutting or adjoining a single-family residential development shall provide a buffer yard of thirty-five (35) feet on all sides that abut the single-family development. The buffer yard shall not contain any impervious surface and shall be landscaped and provided with other screening devices as deemed appropriate by the Planning and Zoning Commission.
- (5) No new residential building may be located closer than fifteen (15) feet to any property line or any required buffer yard.
- (6) No new commercial building may be located closer than forty (40) feet to any required buffer yard.
- (7) Makes efficient use of parking and storage areas including cooperative parking facilities.
- (8) Provides for the more efficient provision of public and private utilities and facilities throughout the development area.
- (9) Provides adequate public facilities including streets, bicycle and pedestrian facilities, fire protection, water, storm water control, sanitary sewer and parks and recreation facilities.
- (10) Incorporates pocket parks, small plazas and places for public art where appropriate.
- (11) Locates buildings in appropriate relation to sidewalks or public parks and plazas.
- (12) Provides for vehicular mobility in a manner that does not compromise pedestrian safety and mobility.
- (13) Allows for on-street parking and locates surface parking to the side and rear of buildings.
- (14) Utilizes high-quality architectural design, placement, relationship and orientation of structures.
- (15) Places all utilities serving new projects underground, to the extent feasible, except where specific allowances and design considerations are provided elsewhere in this Section. **[Ord. No. 5381 §1, 7-14-2014]**
- (16) Provides effective landscape or screening in or around the separate developments within the PCD.
- (17) Functionally and aesthetically integrates all proposed storm water collection basins with the surrounding development through undergrounding or extraordinary design of above ground facilities that is visually commensurate with surrounding development.

E. *Submittal Requirements.* For a planned zoning district to be accepted for review, the application must be accompanied by a complete site development plan submitted in accordance with Section 405.1080 with the information listed below placed either on the plan or on a separate sheet accompanying the plan, unless otherwise approved by the Zoning Administrator.

1. All submissions to the City's Planning and Zoning Commission and City Council shall be properly sealed and signed by a licensed architect, professional engineer or land surveyor

registered in the State of Missouri, as applicable, pursuant to laws and regulations established by the Missouri Board for Architects, Professional Engineers and Land Surveyors. An original seal, signature and print date shall appear on each page of one (1) original submittal set as evidence that the submitted material was prepared under the direction of a licensed architect, professional engineer or land surveyor. All other submissions shall be copies of the original set.

2. Title block including name of the proposed project, name, address and phone number of preparers and project applicant or owner.
3. The location, dimensions and total area of the site.
4. The location, height, floor area, type of construction and intended use of each proposed building or structure.
5. Architectural elevations depicting size, shape and special design elements proposed as well as proposed exterior finish materials to be used.
6. A plan of the entire planned zoning district shall be drawn at a scale of 1" = 20' or larger bearing a minimum of two (2) surveyed points located in conformance with the Missouri Coordinate System ("State Plane Coordinates").
7. Two (2) cross sections at ninety degrees (90°) from each other through the proposed site and building(s).
8. The number, location and dimensions of parking spaces, surface lot or structures and loading docks, in relation to the applicable parking regulations in Article VII, with means of ingress and egress. Layout of physically disabled parking and accessibility shall be included.
9. The proposed traffic circulation pattern within the area of the development including the location and description of public improvements to be installed including any streets and access easements.
10. The location and purpose of any existing or proposed dedication, easement or right-of-way (public or private) within the boundaries of the site.
11. Location and dimensions of adjacent properties, abutting public rights-of-way and easements and utilities serving the site.
12. Location of existing and proposed sewage treatment, stormwater runoff collection and detention and preliminary stormwater runoff calculations (amount of detention required and provided).
13. Existing and proposed contour lines or elevations based on mean sea level datum at two (2) foot intervals and extending one hundred (100) feet beyond the property line.
14. Site coverage data in a percentage form (a ratio of non-impervious to impervious area).
15. Ratio of floor area to site area (FAR).
16. Location and height of all light poles and trash enclosures including detailed sketches or cut sheets.
17. The proposed treatment of open spaces including existing and proposed landscaping.
18. When the planned development is to be constructed in stages or units, a schedule for the

development of stages or units stating the approximate beginning and completion time for each stage or unit.

19. Copies of any restrictive covenants that are to be recorded with respect to property in the proposed planned zoning district.
20. A narrative addressing each of the standards set forth in Section 405.390(F) Review Criteria and such additional standards, if any, as may be applicable under the specific provisions of these planned zoning district regulations. The statement shall explain specifically how the proposed planned zoning district relates to and meets each such standard.
21. A traffic impact analysis prepared by a Missouri registered traffic engineer depicting the project's impact on vehicular and pedestrian traffic.

F. *Review Criteria.* The Planning and Zoning Commission shall recommend to the City Council approval, approval with conditions or denial of a planned zoning district application primarily based upon satisfaction of Section 405.390(C), Eligibility and meeting the applicable design criteria in Section 405.390(D)(2), Types of Planned Zoning Districts. Supplemental to these items, every application shall also be reviewed for conformance with the standards set forth below:

1. The proposed development is in harmony with the general purpose and intent of this Chapter and is compatible with and implements the planning goals and objectives of the City including the Comprehensive Plan and CBD land use plan.
2. Streets or other means of access to the proposed development are suitable and adequate to carry anticipated traffic and will not overload the adjacent streets.
3. The internal circulation system of the proposed development encourages safe movement for vehicles and pedestrians.
4. Existing or proposed utility services are adequate for the proposed development.
5. Appropriate buffering is provided to protect adjacent land uses from light, noise and visual impacts.
6. Architecture and building materials are consistent with the character of the proposed development and compatible with areas of the City proximate thereto.
7. Landscaping is appropriate for the scale of development and consistent with any applicable City codes, ordinances and standards.
8. The proposed development preserves any significant architectural and environmental features of the property.
9. Operating and delivery hours are compatible with adjacent land uses.
10. The proposed uses are compatible with the area surrounding the proposed development and will not have a material net cumulative adverse impact on the surrounding area or the City as a whole.
11. The proposed development complies with all other applicable codes and ordinances.
12. The layout of structures and spaces adequately takes into account the potential for future subdivision of the development.

13. There is a demonstrated level of the public benefit to the City derived from the proposed development, per Section 405.390(B).

G. *Review Procedure For A Planned Zoning District.*

1. *Finding of eligibility.* The Zoning Administrator shall make a written finding of eligibility under Section 405.390(C), Eligibility, within fifteen (15) days following submittal of a proposal by an applicant.
2. Following a positive finding of eligibility by the Zoning Administrator, an application for approval of a planned zoning district shall be reviewed and presented at a public hearing according to the procedures outlined in Section 405.1060.
3. Once approved by the City Council, the planned zoning district, including the associated site development plan, replaces all prior zoning regulations on the property and should be noted on the Zoning Map.
4. Any applicable time limitations shall be met, such as those pertaining to proposed wireless communications facilities and support structures under Section 67.5090 RSMo. et seq. and FCC Declaratory Ruling WT Docket No. 08-165, rel. 11-15-2009.¹ **[Ord. No. 5381 §1 7-14-2014; Ord. No. 5620, 12-10-2018]**

H. *Conditions Of Approval.*

1. The City Council shall consider the same criteria as set forth for the Planning and Zoning Commission review (Section 405.390(F), Review Criteria) and may impose such conditions and limitations including, but not limited to, those recommended by the Planning and Zoning Commission, as may be necessary or appropriate to prevent or minimize adverse effects upon other property and improvements in the vicinity of the planned zoning district, upon the City as a whole or upon public facilities and services. These conditions may include, but are not limited to, conditions concerning use, construction, character, location, landscaping, screening, parking, maintenance, operational elements that would impact adjoining land uses and other matters relating to the purposes and objectives of these planned zoning district regulations. Such conditions shall be expressly set forth in the ordinance and depicted, as appropriate, on the associated site development plan authorizing the planned zoning district.
2. The ordinance approving a planned zoning district shall contain a legal description of the subject property to the planned zoning district, all imposed conditions of approval and the site development plan. The ordinance and the approved development plan shall be recorded by the applicant in the office of County Recorder of Deeds. The applicant must present proof to the City of such recording before any permits may be issued.
3. Following planned zoning district approval, the development plan, rather than any other provision of this Chapter, shall govern the use, parking, loading, sign, bulk, space and yard regulations applicable to the subject property and no use or development, other than temporary uses, shall be permitted within the area of the planned zoning district pursuant to the zoning district regulations otherwise applicable to such area.

1. Note: Review of an application shall be completed within applicable time limitations including those pertaining to proposed wireless communications facilities and support structures under State and Federal law, which are generally: 45 days for collocation or replacement of wireless facilities or non-substantial modifications of existing facilities, 60 days for small wireless facilities on new poles, and 120 days for other (not small) wireless facilities on new poles or substantial modifications of such existing facilities. See Sections 67.5090, et seq., and 67.5110, et seq., RSMo., and 47 CFR 1.40001 and 1.6003.

- I. *Reapplication.* In the event the City Council denies an application for planned zoning district, no application for the same or substantially similar proposal will be accepted for a period of at least one (1) year from the date of denial by the City Council, unless the City Council affirmatively waives this restriction for good cause.
- J. *Final Building, Construction And Site Improvement Plans.* Once a planned zoning district and its included site development plan receives final approval by the City Council, further review of the final building, construction and site improvement plans by the Planning and Zoning Commission or the City Council will not be required, provided those final plans are consistent with and in substantial conformance with the approved planned zoning district and its included site development plan.
- K. *Building Permit Issuance.* A copy of the approved planned zoning district shall be retained in the records of the Department of Community Development and all building and occupancy permits issued by the City shall conform to the provisions of the approved planned zoning district.
- L. *Violations.* Failure to comply with any of the conditions and/or provisions of an approved planned zoning district plan shall constitute a violation of this Chapter, punishable as provided in Section 405.1150 of this Chapter. The City may seek judicial remedies to compel compliance.
- M. *Amendments.* No amendments shall be made in the construction, development or use permitted under a planned zoning district except as follows:
 - 1. *Minor amendments.* During build-out of the planned zoning district, the Zoning Administrator may authorize minor adjustments to the approved site development plan when such adjustments appear necessary in light of technical or engineering considerations and the project will remain in substantial conformance with the original approval.
 - 2. *Major amendments.* If the Zoning Administrator determines that the proposed amendment will result in a major change to the site development plan (not in substantial conformance with the original approval) or any change to the list of permitted uses, the matter shall be subject to review as a new application under the provisions of these planned zoning district regulations.