



city of CREVE COEUR

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

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

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

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

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

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

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

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

DATE: May 12, 2022

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

Key Issues:

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

Creve Coeur 2030 References

- Chapter 3, Objectives and Strategies

Zoning Code References

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

BACKGROUND

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

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

PROPOSED REVISIONS SINCE THE MAY 16 MEETING

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

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

Adjacent to Residential Uses

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

Adjacent to Non-Residential Uses

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

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

SUMMARY AND CONCLUSION

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

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

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

RECOMMENDATION AND ACTIONS

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

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

APPENDIX 1: COMPREHENSIVE PLAN

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

APPENDIX 2: ZONING CODE

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

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

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

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

b. The acreage requirement does not apply to restaurants without drive-thru services in the "CB," "PO," "PC" and "LI" Districts that are located within a retail or office building, ~~provided that such restaurants do not collectively occupy more than forty percent (40%) of the building square footage;~~ [Ord. No. 5626, 2-11-2019]

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

(1) Drive-thru facilities shall be limited to one (1) restaurant with no more than two (2) service windows, two (2) order facilities and two (2) designated stacking lanes which shall all be located on the rear or one (1) end of a multi-tenant retail building having a continuous structure frontage of at least two hundred (200) feet. Such frontage may include one (1) passageway or arcade (not open on the sides).

(2) The drive-thru order facility and service window shall only be on or adjacent to a wall not facing ~~a the primary street frontage, unless otherwise approved, and if adjacent to single family residential uses, the facility and service window~~ shall be completely screened from the ground-floor level of adjacent residences with a property line wholly or partially within two hundred (200) feet of either the order facility or the service window by means of a solid barrier or topographic change. Vegetation cannot be used to meet this requirement but may be needed to address aesthetic concerns. ~~If adjacent to a street, the drive-thru order facility and service window shall provide visual screening in the form of dense landscaping as deemed appropriate by the Planning and Zoning Commission.~~

(3) The drive-thru restaurant shall have no ~~minimum size requirement; however, less than two thousand four hundred (2,400) square feet of gross floor area (area under roof) and a minimum of fifty five (55) indoor seats and tables~~ for customers ~~shall be provided.~~ Unenclosed outdoor seating areas shall not require additional off-street parking.

(4) The drive-thru order facility and service window shall be no less than fifty (50) feet from any property line of any residential use.

(5) The designated stacking lane shall be no less than one-hundred ninety (190) feet long [approximately ten (10) cars] excluding the space being served by the window, which shall be no less than nine (9) feet wide by nineteen (19) feet long. The lane shall, at a minimum, provide for vehicular escape prior to the point of the facility order board, which escape route can be shared with the general parking lot circulation.

(6) The entrance to the designated stacking lane shall be no less than fifty (50) feet from the nearest point on the property line across the nearest vehicular entrance.

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~~(7) If the designated stacking lane crosses between the building and primary street frontage it shall be screened as provided by Section 405.470.A.14.c.2. The designated stacking lane shall not cross between the building and principal street frontage.~~

(8) A traffic study shall be submitted by the applicant that demonstrates, to the satisfaction of the City, that the required drive-thru facilities shall not interfere with site circulation or be hazardous to motorists or pedestrians entering, exiting or passing by the site and on adjacent roadways.

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

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

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

(1) Drive-thru facilities shall be limited to one (1) restaurant with no more than two (2) service windows, two (2) order facilities and two (2) designated stacking lanes in a coordinated development located on one (1) or more lots totaling three (3) or more acres, with shared access and two (2) or more buildings (including the proposed drive-thru), one (1) of which shall have a continuous structure frontage of at least two hundred (200) feet no less than 10,000 square feet of gross floor area. Such frontage may include one (1) passageway or arcade (not open on the sides). All buildings shall be designed with similar use of materials and design elements such that the buildings are aesthetically complementary to each other.

(2) The drive-thru order facility and service window shall only be on or adjacent to a wall not facing ~~a the primary street frontage, unless otherwise approved. If adjacent to a street, the drive-thru order facility and service window shall provide visual screening in the form of dense landscaping as deemed appropriate by the Planning and Zoning Commission.~~

(3) The drive-thru restaurant shall have pedestrian-oriented ~~landscape adjacent to the building site features, equivalent in area to fifty percent (50%) of the gross floor area of the entire restaurant use (area under roof).~~ Such features include, but are not limited to, the following: landscaped planting areas adjacent to the building, outdoor seating areas, and pedestrian connections within the site. Unenclosed outdoor seating areas shall not require additional off-street parking.

~~(4) If the drive thru restaurant is freestanding, an eight foot wide planted landscape strip shall be adjacent to at least two (2) other sides of the building, exclusive of the pedestrian area.~~

(5) If the drive-thru restaurant is freestanding, it shall have no less than two thousand ~~five hundred (2,0500)~~ square feet of gross floor area (area under roof) and a minimum of fifty-five (55) indoor seats for customers.

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

(7) The designated stacking lane shall be no less than one-hundred ninety (190) feet long [approximately ten (10) cars], excluding the space being served by the window, which shall be no less than nine (9) feet wide by nineteen (19) feet long. The lane shall, at a minimum, provide

for vehicular escape prior to the point of the facility order board, which escape route can be shared with the general parking lot circulation.

(8) The entrance to the designated stacking lane shall be no less than fifty (50) feet from the nearest point on the property line across the nearest vehicular entrance.

(9) ~~If~~ The designated stacking lane ~~shall not cross~~ between the building and ~~principal primary~~ street frontage it shall be screened as provided by Section 405.470.A.14.d.2.

(10) A traffic study shall be submitted by the applicant that demonstrates, to the satisfaction of the City, that the required drive-thru facilities shall not interfere with site circulation or be hazardous to motorists or pedestrians entering, exiting or passing by the site and on adjacent roadways.

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

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

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