

**ZONING ORDINANCE CHANGE PETITION REVIEW REPORT**

**Petition Number:** Z 16-05

**Petitioner:** William Biermann  
William Biermann Company, LLC  
1795 Clarkson Rd., Ste. 190  
Chesterfield, MO 63017  
314-517-4348

**Agent:** Katherine Moore  
McBride Ruppel Farms, LLC  
16091 Swingley Ridge Rd., Ste. 300  
Chesterfield, MO 63017  
314-336-0282

**Project Name:** Ruppel Farms Subdivision

**Location:** 870 Reinke Rd.

**Review Date:** 10/6/16

**Requested Action:** Rezoning from R-3 to PSD  
including a preliminary site  
development plan approval

**Code Section** Zoning Ordinance  
Article VI and XXIII

**Existing Land Use/Zoning:** Single Family Residential / R-3

**Surrounding Land Use/Zoning:** West – Single Family / R-3  
South – Single Family & CG / R-3  
East – Single Family / CG & R-3  
North – Single Family / Ellisville R-2

**Plan Designation:** Medium Density  
Residential (6000-10,000 Sq. Ft. lot  
sizes)

**Proposal Description:**

McBride and Son Homes is requesting a change in the zoning district classification from R-3 Single Family to PSD Planned Single Family Dwelling District for a 12 acre parcel of land at 870 Reinke Rd. This parcel is located between the Castle Pines, Westglen Village and Oakwood Farms Subdivisions with Reinke Woods Subdivision in Ellisville

north of the parcel. The petitioner proposes to develop the property with a single family development.

## **PSD Regulations**

*A PSD petition is a two step process. The first step involves the submittal of a preliminary development plan as a part of the zoning change petition. Upon approval by ordinance, the property is provisionally rezoned to PSD. The developer has 12 months to submit a final and fully engineered and approved development plan. If the final plan is approved, the project goes forward. If a final plan is not approved within the required time frame, the Board of Aldermen may hold a hearing to change the zoning back to the previous classification. In the case of a single family fee-simple ownership plan such as that proposed in this petition, a subdivision will also have to be approved.*

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### **Section 1. Purpose:**

The purpose of the PSD is to permit greater flexibility in the development of residential areas. One common application of this concept is on properties that are constrained under the provisions of conventional zoning due to irregular shape, extreme topography, incompatible adjoining land uses, extreme development intensity differences on opposing sides, etc. The intent is to permit smaller, narrower or irregular lots than would normally be permitted as long as the overall density is not substantially inconsistent with surrounding uses and/or the recommendations of the comprehensive plan.

**This PSD petition is proposing lots that are smaller (32 of the 36), narrower (62' min. instead of 70') than is permitted in the current R-3 Single Family Dwelling District. They are proposing a minimum 20' front yard which is in conformance with the R-3 Zoning. Lot sizes range from as small as 6,842 square feet (lots 8-11) to as large as 22,494 square feet (lot 17). Only 3 of the 36 lots are larger than the minimum size permitted in the existing zoning district and 33 are smaller. The average size of the 36 lots is 8,497 square feet. That is approximately 15% smaller than the 10,000 square foot minimum lot size permitted in the current R-3 zoning. The smallest lot is 32% smaller than the minimum of the current zoning and the largest lot is 125% larger than the minimum permitted.**

**Given that 32 of the 36 proposed lots are narrower than is permitted in the R-3 district and that the average lot size is 15% smaller than is permitted in the present R-3 zoning, the new development can be characterized as being similar in general character but of a slightly higher density of development than would be permitted under the current zoning.**

### **Section 3. Use regulations:**

Single family detached dwellings are an allowed use in the PSD district.

### **Section 4. Height Regulations:**

The maximum structure height allowed in a PSD development is 35 feet. The submitted architectural elevations indicate that the houses will be in compliance with this section. Bullet point 7 of the Compatibility Standards for Infill, Tear-down & Redevelopment sites on page 8:18 of the 2007 plan recommends that building heights transition to existing nearby buildings. Structure heights should not exceed those of adjoining structures by more than one story at the setback line and heights above that should setback at a rate of one foot vertically for one foot horizontally. The surrounding buildings are generally one and two story single family residences. The submitted architectural information appears to show compliance with this provision of the comprehensive plan.

**Section 5. Area Regulations:** The front yard setback has been set at 20', the rear yard at 15', and the side yards at 8'; and no building, accessory building or structure in excess of four feet in height, except fences and screens, may be constructed or erected except as provided in the following subsections.

- (1). This subsection requires a 15' minimum internal front yard building setback. This petition proposes a 20' front yard setback, so it exceeds the minimum requirement of the PSD district.
- (2). Per this subsection, no building can be built within 20' of an existing building on an adjacent lot or tract outside of the development. No structures on adjoining properties or proposed within the site are in close enough proximity to each other to be inconsistent with this ordinance provision.
- (3). No building can be built within 10' of a rear or side lot line of an adjacent undeveloped tract. Undeveloped common ground tracts from the surrounding developments abut this site on all sides. All buildings appear to meet this setback requirement.
- (4). This subsection requires a 20' minimum building setback to any single family district line. All buildings appear to meet this setback requirement.
- (5). This subsection prohibits the construction of any building that is not shown on a PSD plan approved by the Board of Aldermen. There does not appear to be any intent to build structures other than what are proposed on this submitted plan.

## Section 6. Parcel Size:

The minimum parcel size that can be considered for PSD zoning is one (1) acre. This parcel exceeds this requirement.

## Section 7. Parking:

(1) This subsection requires two off street parking spaces per dwelling unit. The submitted plans show at least 2 parking spaces in the driveway of each unit and at least a two-car garage for each unit, so more than adequate parking is proposed.

(2) - (4) These subsections deal with group parking facilities and do not appear to apply to this development proposal.

(5) This subsection requires the parking areas (driveways) and streets to be paved. The submitted plan shows that these areas will be paved. Compliance with Ballwin's minimum paving standards will be reviewed as a part of the subdivision improvement plans review and approval process.

(6) This subsection addresses parking space requirements. As discussed in subsection (1) above, the submitted plan appears to meet the minimum parking provision requirements of the PSD.

(7) This subsection addresses parking lots and does not apply to this petition.

(8) This section addresses the drainage of parking facilities and other impervious surfaces. **It appears that proper drainage has been addressed in the submitted documentation. It is my understanding that the detention/water quality plan has been submitted to MSD for its review and approval. Ballwin will not allow a subdivision development to be built until MSD has approved the drainage plan. If the final plan departs significantly from the plan presented here, the plan will have to be resubmitted to the Commission and Aldermen for review and approval.**

(9) The parking locational requirement of this section does not appear to apply to the development plan submitted with this petition.

## Section 8. Streets and Traffic Circulation:

The proposed extension of Westrun out to Reinke Road serves more than 100 dwellings and would be designated a neighborhood collector. The proposed plan appears to meet the requirement (60' right-of-way & 38' pavement width). The internal local street will serve less than 100 dwelling units so it is required to be a 26' wide pavement section within a 50' wide right-of-way. The submitted plans appear to meet this requirement. Comments by the City Engineer, Gary Kramer, about the intersection of Reinke and Westrun are included at the end of this review.

## **Section 9. Perimeters:**

The site perimeter does not abut any commercial or multiple-family uses and as a result, no buffer zone would be required.

## **Section 10. Internal Buffers:**

This section requires PSD building spacings to be the mean of such spacings allowed in the adjoining residential districts but no less than 12'. The surrounding area is Westglen Village subdivision south and east, Oakwood Farms north and west and Westbrooke Woods and Castle Ridge south and west. All of these subdivisions were approved under St. Louis County before they were annexed into Ballwin. All of these subdivisions have 6' side yards and thus 12' building spacing.

## **Section 11. Open Space:**

Subsection 1 of this section defines the terms open space and usable open space for the purpose of the PSD. Both definitions apply to this petition.

Subsection 2 of this section requires that a minimum of 15% of the site must be dedicated to open space as defined in Subsection 1 of this section. According to a statement on the plan sheet 1.1 of the Ruppel Farms Preliminary Development Plan, 65% of the site is open space.

Subsection 2 also requires that one area meeting the definition of useable open space must be provided for each 100 dwelling units. According to a statement on the plan sheet 1.1 of the development plan, one area meeting the minimum area requirements for useable open space has been provided. Such areas are to have no slope in excess of 6%. The useable open space is located on the far west side of the property adjacent to lots 34, 35 and 36.

Subsection 3 addresses the distribution of useable open space areas around a development. Since this small development only requires one such space, this section does not apply.

Subsection 4 of this section requires that at least 70% of the land dedicated for open space shall have a slope of no more than 8%. According to a statement on the plan sheet 1.1, the open space meets this requirement.

Subsection 5 does not apply to this development because no recreational structures are proposed.

Subsection 6 allows buffer zones to be counted toward the open space requirement. That does not appear to have been done in this case as the plan meets the open space requirements without having to include the internal buffer areas.

## Section 12. Environmental Design:

Subsection 1 requires the submittal of a general landscaping plan. **A general landscape plan has been provided in the preliminary development plan proposing approximate equal numbers of Burr Oak, Hackberry, Swamp White Oak and Thornless Honey Locust trees lining both sides of the streets. All of these trees are on Ballwin's Recommended Street Tree List for Developers.**

Subsection 2 addresses FEMA designated floodplains. This section does not appear to apply to this petition as it is nowhere near a designated flood zone.

Subsection 3 requires the submission of a grading plan that is supposed to maintain the site's native characteristics. **The petitioner has not provided a survey of the existing significant trees or other features on the site and only some general areas are shown as being retained, generally vegetation areas along the perimeters of the site.**

Subsection 4 discusses the stabilization of hillsides and limits slopes to a maximum of 3:1. No substantial hillsides have been proposed except for those related to the detention basin or that already exist naturally on the site, but no slopes on the submitted plan appear to exceed the 3:1 maximum of this subsection. **There is no specific mention made of how site hillsides will be protected, but they will have to be treated in accordance with MSD's and Ballwin's standards for such improvements.**

## Section 13. Site Plan Approval:

Subsection (2) B 1 of this section requires the submittal of an application form. This has been submitted.

Subsection (2) B 2 of this section requires the submittal of a statement of planning objectives to be achieved by PSD Zoning. McBride and Son Homes has submitted a narrative statement that includes a "Justification for the PSD Rezoning".

Subsection (2) B 3 requires that the petitioner provide quantitative data regarding density of development and the percentage of the site dedicated to uses such as dwellings, pavement, open space, etc. **Although the preliminary development plan provides some numbers in terms of acreage or square footage, they do not include percentage figures.**

Subsection (2) C 1 of this section requires that the preliminary site development plan be submitted with 2' topographic contours and that it clearly show, among other things, vegetation cover and trees in excess of an 8" caliper. This information has been provided but does not include locations of 8" plus caliper trees.

Subsection (2) C 2 of this section requires that the overall preliminary site development plan be submitted. This requirement has been met.

Subsection (2) C 3 of this section requires that the floor area and height of each building is to be provided. The floor area information has been provided in the included documentation, but the height information is missing from the submittal. Since houses typical of the construction and development practices that are common throughout Ballwin are proposed, I see no serious problem with this omission. The structure heights are reviewed for code compliance as a part of building permit issuance.

Subsection (2) C 4 of this section requires the size of all proposed dwellings to be provided. As mentioned above, floor area information has been provided.

Subsection (2) C 5 of this section requires that all useable open space areas are to be shown on the plan. This information has been provided **except for the ratio of open space to the whole project.**

Subsection (2) C 6 of this section requires that a circulation system be provided. This requirement appears to have been met.

Subsection (2) C 7 of this section requires the plans to show the locations, volumes and capacities of all storm water control structures. **The preliminary development plan does not contain all this information.**

Subsection (2) C 9 of this section requires the plans to show a general landscape plan. A preliminary landscaping plan has been provided. **A detailed plan will be required for the approval of the final PSD plan approval.**

Subsection (2) C 10 of this section requires the submitted plan to show required perimeters and their treatment. **There appears to be the maintenance of vegetation along the perimeters of the site. Further clarification is needed.**

Subsection (2) C 11 of this section requires that information regarding surrounding properties be provided. This information has been provided.

Subsection (2) D of this section states that the preliminary development plan is to provide sufficient information to "...understand the nature, scope and neighborhood impact of the proposal..." **I believe that the information necessary to evaluate this proposed development has been provided.**

### **City Engineer's Preliminary Site Plan Comments:**

1. Consider a 3-way stop at Westrun and Reinke with a free-flowing right turn lane on Reinke and median for south bound left turn for stop sign.
2. Consider a large roundabout intersection at Westrun and Reinke utilizing the available right-of-way.
3. Traffic volume predictions should be provided for the area.
4. Provide easement for access to cell tower through common ground and lot 7.
5. Extend sidewalk on west side of Westrun and connect to existing sidewalk on west side of Reinke.
6. Existing circle driveway at 245 Reinke is proposed to be eliminated. Is this acceptable to the owner?
7. City of Ellisville approval will be required for Reinke reconfiguration.
8. Show Ballwin and Ellisville City Limits line.
9. Show striping for south bound Reinke for extra lane.
10. The temporary cul-de-sac at the end of the existing Westrun should be removed and the street and curbs restored.
11. The 5' wide easement, subordinate to roadway dedication on Westrun will need to be vacated. Provide copy.
12. Off-site easements may be required for reconnecting driveways at 255, 251&245 Reinke. Provide driveway profiles.
13. Provide a typical section where sidewalk along south side of Reinke is proposed.
14. Demonstrate proper/adequate sight distance for 842 Reinke.
15. Show easement for cell tower.
16. Provide easement vacation at lot 33.
17. What will 8' wide trail be composed of?
18. Show existing sidewalk along north/east side of Reinke
19. Add ADA cut-thru island crossing, free flowing right turn lane connecting to existing sidewalk or north/east sidewalk.
20. Add painted crosswalks on Reinke.
21. Continue Westrun curb and gutter to Oakwood Farms Ln and along right turn lane & south side of Reinke

## **COMPREHENSIVE PLAN ISSUES**



Section 2 (Residential Design) of the Future Residential Development Guidelines of the 2007 Comprehensive Community Plan is described on pages 8:16 and 8:17 of the plan:

1. Bullet #1 states that residential buildings should contain street-facing architectural features of human scale to enhance curb appeal and reinforce local building traditions. **The submitted building elevations appear to meet this requirement.**
2. Bullets #2 – 5 all establish performance criteria for the orientation of dwelling units. **The submitted building elevations appear to meet this requirement.**
3. Bullet #3 recommends limiting garage frontages to no more than 50% of the dwelling's width. **The 3-car garage Nottingham model does not appear to meet this guideline. The garage frontages appear to be wider than 50% of the overall width of the structure.**

#### Pedestrian Access

Bullet #1 recommends that sidewalks be required on both sides of the street, through common ground areas and open spaces in a way that ties walkways together throughout the site. There are sidewalks on both sides of the two proposed public streets. A sidewalk connection to the useable common ground area has been added and a sidewalk has been added along the south side of Reinke. **There is a gap along the west side of Westrun between lot 36 and Reinke Road where no sidewalk is shown.**

Bullets #2 & 3 Encourages development were pedestrian and vehicular forms of transportation function in harmony and connect with adjoining sites. In addition all developments should provide connections to the existing pedestrian and vehicular network. **The preliminary development plan complies with this recommendation by tying into the stubbed end of Westrun Drive which is a collector street and is proposed to connect with Reinke Road on the north end of the development. The plan calls for a 60' right-of-way with a 38' wide street. The plan does not show any changes to the Reinke Road frontage on the north end of the site and the connection and improvement of this road frontage and the filling of the gap in the sidewalk should be addressed.**

#### Open Spaces

Bullet #2 The comprehensive plan recommends preserving natural habitat areas and some areas are shown on the development plan for Ruppel Farm. **These areas should be retained as long as they are not overgrown with noxious or non-Missouri native and invasive plants, which become a burden later on**

**for the homeowners association.**

4. The Future Land Use and Transportation map of the Comprehensive Community Plan 2007 recommends medium density residential development for the petitioned property. Medium Density Residential development is recommended for a density of 3.5 – 8.75 units per acre (page 8:5). The density of this proposed development is 3 units per acre, so it is slightly lower in density than is recommended. The surrounding subdivisions of Oakwood Farms, Castle Ridge, Westbrooke Woods and Westglen Village appear to have similar or higher densities than what is proposed for Ruppel Farms.

On page 8:14 the plan goes onto say that the areas designated for medium density residential development should be developed in keeping with the surrounding neighborhood character and development patterns. No multiple-family configurations of dwelling units other than duplex arrangements are recommended. In-fill and redevelopment of these areas should be consistent with the surrounding residential neighborhood and blend harmoniously with the surrounding land uses with regard to general character, density, structure height and bulk requirements. **I believe that the proposed Ruppel Farms preliminary site development plan complies with all these recommendations.**

***Conclusion: In general I believe that the proposed Ruppel Farm subdivision with a few changes could be developed consistent with the recommendations of the comprehensive plan.***

## **Zoning Review**

The main issue of any rezoning request is the question of the appropriateness of the new classification. Are the allowed uses in the new district acceptable within the area proposed for the change, and are they compatible with surrounding areas and Ballwin's long range plans for the area? There are several points that relate to this determination:

**1. WILL THIS CHANGE CREATE AN ISOLATED DISTRICT UNRELATED TO THE ADJACENT DISTRICTS (SPOT ZONING)?** "Spot zoning" is typically defined as any of the following:

(1.) The granting of a zoning classification which allows development that is not consistent with surrounding development patterns or is not consistent with the community plan could be elements of a spot zoning situation. All of the developments adjoining this site are medium density single-family. This development proposal is for a medium density single family subdivision. As mentioned previously in this report, the Westglen Village, Castle Ridge, Westbrooke Woods and Oakwood Farms subdivisions are all very similar in density to the proposed Ruppel Farms and while it would not be

zoned R-3, it would be very consistent with the surrounding development patterns and density.

(2.) The granting of a zoning classification which gives an economic advantage to a property owner that is not enjoyed by the owners of similar surrounding properties. Since the development densities are similar or only slightly lower than those of the adjoining development, I do not see that this zoning would grant this kind of economic advantage.

(3.) The granting of a zoning classification for a property which is not uniquely applicable due to a special character or physical / environmental situation. No documentation or explanation has been provided suggesting that the requested zoning is necessary due to some unusual characteristic or circumstance of the site.

**2. IS THERE A JUSTIFICATION FOR THE ZONING DISTRICT CHANGE?** Normally, the only justifications for a change in zoning are (1) an error in the original zoning designation, (2) the occurrence of a change in the general land use pattern of a neighborhood since the zoning pattern was put in place, (3) the existence of a significant natural physical characteristic of a site that prohibits the uses allowed in the existing district or (4) the adoption of a comprehensive community plan that recommends a different land use such that a zoning district change is warranted.

**Ballwin's current comprehensive plan was adopted in 2007. This plan considers this property to be desirable as a medium density residential site and recommends a single family residential development. In reviewing this proposed zoning change and preliminary site plan, it appears that whether this site is developed under the R-3 Single Family Residential District regulations or the PSD Planned Single Family Dwelling District regulations would not make much difference. Either zoning will conform to the medium density criteria defined earlier in this report. With this being the case, it does meet justification number (4) for the zoning district change.**

**3. IS THE CHANGE CONSISTENT WITH BALLWIN'S COMPREHENSIVE PLAN?** The comprehensive plan recommends a single family residential development with a density of 3.5 to 8.75 units per acre. (Page 8:5) **The submitted plan shows a slightly lower density but is very close to the low end.**

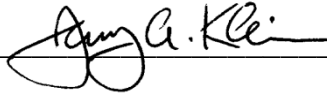
**4. IS THE NEW ZONING IN KEEPING WITH THE CONTEXT OF THE NEIGHBORHOOD?** The neighborhood surrounding the proposed development is was developed in the 1970's and 1980's with very similar medium density single family residential subdivisions. This development should be in keeping with these older developments.

**5. WILL THE REZONING ADVERSELY AFFECT THE VALUE OF SURROUNDING PROPERTIES?** It is unlikely that this development would adversely affect the value of the surrounding properties.

**6. ARE THERE ADEQUATE SITES, ELSEWHERE IN THE CITY, FOR THE PROPOSED USE IN DISTRICTS WHERE THE USE IS ALREADY ALLOWED?** There are virtually no vacant sites of this size anywhere in Ballwin that are available for development.

***Conclusion:***

***The proposed development is essentially the same in both character and density as would be allowed under the present R-3 zoning. If they did not need the design flexibility that the PSD district offered, a zoning change petition would not be necessary and the appropriateness of the development would be beyond the city's review authority. In addition the proposed development is in compliance with the comprehensive plan designation of medium density residential.***

A handwritten signature in black ink, appearing to read "Jerry A. Klein", is positioned above a horizontal line. The signature is fluid and cursive, with the first name "Jerry" and last name "Klein" clearly legible.

Jerry Klein  
Code Enforcement Supervisor