

Brinkmann



CONSTRUCTORS

Mr. Thomas Aiken
City of Ballwin
14811 Manchester Road
Ballwin, MO 63011

April 30, 2009

Dear Tom:

We are in receipt of the Zoning Ordinance Change Petition Review Report for petition number Z09-3. We appreciate the effort, which you have put forth in preparing the reports and would like to respond to some of your concerns and conditions within the report prior to our meeting on May 4, 2009.

Spot Zoning

The report in Paragraph I (B) identifies that, "the land use recommendations of the comprehensive plans supersedes a spot zoning argument" as it relates to the property within the NCD portion of the property.

You further stated that we have not advanced a "planning base justification" for expanding the commercial beyond the area recommended. In response, we offer the following.

In the 2007 Comprehensive Community Plan, it does indeed identify the Eastern portion of our project as approximately four acres of Neighborhood Commercial. The actual boundaries of the proposed Neighborhood Commercial District ("NCD") extend quite far South along Henry Avenue. These four acres would be extremely difficult to develop in that the approximate Southern 1-1/2 acres of this parcel are extremely narrow. Additionally, there is a significant grade change from the Northern portion of this site to the Southern most portion of this site of about 20 feet. The combination of these factors make it virtually impossible to develop this parcel into the true mixed-use development that is envisioned by the Comprehensive Plan.

We have attached a site plan highlighted in lime green, which identifies the original four acres anticipated in the NCD. As you can see, the West property line of said four acres extends South approximately 600' from Clayton Road. Thus, a good portion of the NCD is situated adjacent to residential homes.

The Comprehensive Plan, identifies these four acres as Neighborhood Commercial and effectively forces the commercial further down Henry and closer to a residential area. In our planning process, due to the challenges with the site as listed above, we were forced to slightly adjust the configuration of the four acres more to the North along Clayton Road. We believe Clayton to be more commercial in nature and therefore this slight extension of commercial along Clayton to be consistent with the intention of the Comprehensive Plan.

In addition, the rule of thumb in retail development is that you can get 10,000 square feet per acre, or about a 25% coverage. Therefore, the Neighborhood Commercial District would anticipate 40,000 square feet on this four-acre site. We have indeed gone further to the West along Clayton Road, but have only put 40,900 square feet over 4.56 acres. This has allowed us to create a true mixed-use development with large areas of green space and a lake as an amenity instead of dry detention basins.

Additionally, we believe that it would be extremely difficult to develop the two long thin strips to the Western side of our development as a residential development. This is based in large part on the lack of width of these parcels and the fact that these parcels are owned by different owners.

Therefore, we believe the slight extension of the NCD to the West to be non-consequential. Additionally, we are confident that our proposed development will not have any greater impact on the community or the adjoining properties than with the land uses recommended by the Comprehensive Plan for this property.

Neighborhood Context

While our proposal does not specifically comply with the Comprehensive Plan, as outlined above, we think that it would have been very difficult to provide for a neighborhood commercial project on the usable portion of the originally anticipated four acres of neighborhood commercial.

We believe that our plan provides the City with what they wanted on this property; a high end truly mixed-use development that is spread over a larger area with less parking and more green space. We hope that you will view our plan in this way as opposed to merely expanding to the West and not taking into consideration the adjacent residential neighborhood.

Building Height

Your report under this petition describes the 65' building we proposed for the independent living at the South end of the site. Our comments on this issue will be in our response to Petition Z09-4.

Screening Standard

While we do acknowledge that the City does have a requirement for a 100% screening at a height of 6' all along the Western property line, we have attempted to provide an equivalency as follows.

There have been complaints from the neighbors to the West that the natural topography, that exists today, is allowing water to drain onto their property. Our attempt was to create a berm along the West property line to continue the natural occurring slopes in this area. The only difference is that the berm doesn't go

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down, but is being used to channel all of the water from the Southern portion of the site into the lake amenity.

In addition to the heavy planting that we have proposed, we are also proposing an 8' high fence along the entire property line to work in harmony with the proposed berm and the landscaping provided. We are happy to look at potentially increasing the density of the landscaping in some areas. We are confident that we can address this issue to the satisfaction of the City and in turn create the equivalency of the 100% screening.

Traffic Study

It is our understanding that you will be provided with the traffic study in the very near future; but in all instances prior to the Public Hearing. Therefore, we will be able to address any traffic study issues at that time.

Cross Access Driveway

We are in agreement with this recommendation, and will provide cross access on the Southern portion of the site to the adjacent residential site to the South of our project.

In summary, we feel that we have used good planning processes to provide for an equivalent development on this very important corner of the City with aligning the commercial more along Clayton Road and less along Henry Avenue as stated above.

Please contact the undersigned if you have any questions, comments or concerns.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Robert Brinkmann', with a long horizontal line extending to the right.

Robert Brinkmann, P.E.

Attachment

Cc: Bill Biermann, Wm. Biermann Company
Dan Thies, Brinkmann Constructors