

# ZONING ORDINANCE CHANGE PETITION REVIEW REPORT

**Petition Number:** Z09-2

**Petitioner:** Mr. David G. Fontana for  
Schnuck Markets, Inc.  
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**Project Name:** Schnuck Store

**Location:** 2511 Kehrs Mill Rd.

**Petition Date:** 3/20/09

**Review Date:** 3/23/09

**Requested Action:** Neighborhood Commercial Overlay  
District Approval

**Code Section:** Zoning Ordinance  
Articles IX and XXIII

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

**Surrounding Land Use/Zoning:** West –Commercial / C-3  
South –Single Family / R-1 & R-2  
East - Single Family / R-2  
North – Multi Family / Chesterfield

**Plan Designation:** Medium Density Residential

## Proposal Description:

Schnuck Markets Inc. is proposing to rezone the approximately 4.27 acre site commonly known as 2511 Kehrs Mill Rd. from R-3 single family to C-1 Commercial (petition Z03-1) and obtain Neighborhood Commercial Overlay District (NCD) to allow the construction of an approximately 41,000 square foot grocery store with accompanying parking at grade and with site access from Clarkson Rd. and Kehrs Mill Rd.

A description of the physical characteristics of the site is detailed in the petition review report for petition Z03-1 and is not repeated here.

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## ZONING CHANGE PETITION CONSIDERATIONS:

This review report covers the issues of the NCD overlay zoning district. This petition had been submitted in conjunction with an accompanying rezoning petition (Z09-1) asking for rezoning to C-1 Commercial for this site as the underlying zoning for the NCD. Please reference the associated petition review report for a fuller understanding of the issues of that zoning request and the appropriateness of commercial zoning on this site. Although these are separate zoning change petitions, the nature of the NCD is such that it must be considered jointly with the underlying zoning and the associated regulations of that zoning district. In this case the underlying zoning is proposed for change in conjunction with the application of the NCD overlay zoning district.

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## NCD DISTRICT REGULATIONS (Article XIIF):

*This review is predicated on the regulations of the NCD district. Should the underlying C-1 zoning proposal or the NCD rezonings not be approved, the issues of this review may not be applicable to the development proposal.*

As mentioned above, the NCD (Neighborhood Commercial District Overlay) does not stand on its own. It works only as an overlay amending an underlying zoning district. The NCD may amend or waive the development provisions of the underlying district and related developments, if applicable, but with the exception of allowing multiple family uses in a mixed use commercial development, cannot allow new uses on the property. The uses of the underlying zoning district allowed by right and by SUE are therefore critical to the NCD district. Since the use proposed with this petition is commercial, the petitioner has requested a change in the underlying zoning to C-1 to allow the proposed commercial development. The NCD district may allow the waiver or modification of the regulations of the underlying district and the subdivision ordinance, but the governing ordinance must specifically outline and describe what those changes and waivers are. Any underlying district regulations not superseded or waived will still apply.

**Section 1, Purpose:** This section describes the purpose of the NCD district which is to enhance the economic success of commercial nodes designated in the comprehensive plan for neighborhood commercial development, encourage well-planned, neighborhood oriented, market sensitive commercial and mixed use development that is compatible with the character of the surrounding neighborhood and adjoining uses and consistent with the general goals and recommendations of the comprehensive plan. **In general, successful arguments can probably be put forth to support the position that the proposed development is consistent with some of these purposes. There are problems, however, with the proposal not being consistent with the fundamental land use recommendation of the comprehensive plan for this property. This site is not developed commercially, has never been developed commercially and is not recommended for commercial development of any kind by the comprehensive plan. The proposal is inconsistent with the plan and this code section on these points.**

*Section 1 (1) addresses issue of building scale and intensity/congestion of the use being*

consistent with neighboring residential areas. The building is no taller than what is allowed as the maximum height of houses in the adjoining residential districts, but it is substantially larger and has a higher degree of utilization intensity and vehicular traffic congestion than would be expected from a residential development on the same property. Clearly the nearby high school is also much larger than the surrounding houses and probably generates an intensity of use and traffic congestion that is in excess of that which would be generated from a residential development of similar size. The high school sits on a much larger site that would accommodate a much larger residential development than would the petitioned site.

*Section 1 (2)* encourages neighborhood oriented commercial development. Neither Ballwin's regulations nor the comprehensive plan define the term neighborhood. The dictionary gives a definition that could be interpreted very broadly when speaking in terms of geography. **This store will primarily draw customers from less than a one mile radius and might be considered by some to be a neighborhood oriented commercial development on the basis of this service area.**

*Section 1 (3)* emphasizes low impact development that respects human scale and the proximity of residential land uses. Clearly, most commercial development is going to be larger than most houses. **As mentioned above, the proposed building is no taller than is allowed for a single family house in the surrounding developments, but the floor area and overall volume of enclosed space are much greater than that of a single family residence. This building has been given architectural embellishment on all sides, and it has been placed close to the roadway and away from the nearby residences. The site has also been designed with substantial landscaping amenities, buffers, fencing and has utilized topography in an attempt to mitigate the impacts of the development on adjoining residences. Furthermore, the site has been designed to maximize pedestrian accessibility by connecting to all available surrounding roadway sidewalks including the stub end of Cypress Trace Dr.**

*Section 1 (4)* encourages development that will strengthen the ability of neighborhood-serving businesses to compete in the changing economic environment. It is difficult to translate this concept to zoning. The smoothing of the review process and the reduction of strident and absolute development regulations provided by the NCD helps with this. **The fact that this development is attempting to take advantage of the NCD purpose and accommodate the recommendations for building siting and pedestrian connectivity may be a reflection of this goal.**

**Section 2, Permitted Uses:** This section addresses permitted uses. The petitioner has submitted a list of uses from the C-1 and special use exception regulations that it would like to include in the governing ordinance. The listing is attached to this report.

Item #1 on this listing is a request that the ordinance contain a blanket waiver of all inconsistencies between the C-1 district and the submitted plan. Although the NCD allows the regulations of the C-1 to be waived or amended, it also states that any regulation not waived or amended is still in force. **I believe that the blanket waiver approach is inconsistent with the requirement and intent of this section. It is incumbent upon the petitioner to carefully determine which regulations it wants to amend or waive and list those accordingly. I recommend against the acceptance of a blanket waiver as an**

**inappropriate approach to this approval.**

Item #2 of the attachment lists the uses that the petitioner would like to be included in the governing ordinance. Subsections (a), (e), (f), (g), (i), (k), (l), (m) and (n) if it is in conjunction with the pharmacy function describe uses are logical and typically associated with the operation of a grocery store. **I agree that these should be included in the ordinance with the appropriate code references and any additional regulations that accompany these uses. I also recommend that parking within a front yard as provided by Article XIV, Section 1 subsection 14 also be made an allowed use.**

Subsections (b), (c), (d), (h) and (j) do not appear to be related to the operation of a grocery store and would require the reuse or sublease of all or a portion of the proposed building. These uses could involve different traffic generation and land use characteristics than the proposed grocery store. **I recommend that they not be included in the governing ordinance. Should the petitioner or a future owner of the property desire to allow one of these other potentially allowable uses in the future, this can be accomplished via the submission of a petition to amend the NCD governing ordinance which requires a new public hearing before the Planning and Zoning Commission and the passage of an ordinance amendment by the Board of Aldermen.**

Item #3 on the attachment outlines a series of other uses that the petitioner wants to be specifically prohibited. Some of these uses are listed in the C-1 or SUE regulations and would be prohibited by virtue of not being listed as approved. Some are general nuisance kinds of issues that are prohibited via the nuisance regulations. **I have no fundamental opposition to including these uses as not allowed except that the NCD is not structured to list prohibited uses. It is set up to list the allowed uses. Anything not specifically allowed is prohibited. This question probably needs to be reviewed by the city attorney.**

**Section 3, Intensity of Use:** This section allows the amendment of the regulations of the underlying zoning ordinance (C-1 district) and associated site development regulations. Such relief or amendment is allowed if the petitioner can demonstrate that doing so achieves the purposes of this ordinance. Any regulation that is not waived or amended is still in effect. Additionally, the approval of the overlay district brings some regulations that supersede the underlying zoning. The specific waived or amended provisions will be detailed in the governing ordinance.

**Section 4, Height Regulations:** This section states that the height of new development shall be governed by the regulations of the underlying zoning district (C-1), but may be amended by the NCD governing ordinance. The C-1 district allows structures as tall as 45', but the proposed building is 35' tall. **It is recommended that the Governing Ordinance limit all structure heights to a maximum height of 35' above the finished floor elevation of the primary sales floor.**

**Section 5, Parking and Loading Regulations:** This section establishes standards for the design, placement and landscaping of parking facilities. No maximum or minimum parking standards are established by the NCD. The petitioner is charged with designing a development with no more than the minimum number of parking spaces that are necessary for its business needs. The possibility of a variation from the parking requirements of the

underlying zoning district (C-1) is acknowledged.

**The C-1 district requires 205 spaces (five spaces per 1000 square feet of floor area) for this development. The proposal shows 182 spaces. This is a reduction of 23 spaces (11.22% reduction in total parking) and represents a ratio of 4.45 spaces per 1000 square feet of gross floor area. This reduction percentage and the 182 spaces will need to be specified in the governing ordinance. Generally, experiences in Ballwin show that the ratio of 5 spaces per 1000 square feet is generally well in excess of what most retail stores need. Even the Saturday afternoon before Christmas rarely requires the full parking compliment required by code. I do not oppose the proposed reduction in parking. The petitioner knows how much parking is needed and is not going to reduce parking to a level that will negatively impact its proposed operation.**

*Section 5 (1):* On-street parking is recommended where traffic patterns permit. On-street parking does not appear to be a viable approach to the development of this site. Both Kehrs Mill Rd. and Clarkson Rd. are too heavily traveled to consider on-street parking.

*Section 5 (2):* As required by this subsection, there has been no variance to the ADA standards for accessible parking spaces.

*Section 5 (3):* This subsection specifies that the provided parking spaces be concentrated in a central landscaped area that is buffered from view from rights-of-way and adjoining properties. With the proposed building placement and the proposed site development plan this design parameter has been addressed.

*Section 5 (4):* Perimeter landscaped buffers and curbed planting islands are required by this subsection. This requirement has been met.

*Subsection 5 (5):* This subsection established two parking area buffer screening designs that can be utilized to screen adjoining rights-of-way, public lands or adjacent properties from NCD districts. The first choice requires a 12' deep landscaped strip with a mixture of 2" caliper deciduous trees, 6' evergreen trees and shrubs on 50' centers or a 5' deep landscaped strip with a metal ornamental fence or masonry wall supplemented with clusters of shrubs on 30' centers or a continuous hedge with 2" caliper trees every 50'. **These approaches may be suitable for screening rights-of-way and public lands, and perhaps some adjoining properties in some circumstances. They are, in my view, inadequate and unsuitable for screening to adjoining residential properties in the situation where commercial development is being proposed contrary to the recommendations of the comprehensive plan. I have several recommendations relative to parking lot screening:**

1. In the original site development plan review for this project, I recommended that the perimeter buffer zone be extended to 40' in depth to better isolate the adjoining residences from the development. This was based on a suggestion to eliminate the perimeter parking (19' deep) and reduce the overall parking count on the site. This additional depth of buffer was proposed from the bottom of the Kehrs Mill entrance ramp around the southeast and southwest sides of the site to the Clarkson Rd. ramp. It was acknowledged that adjustment to the depth of the buffer would probably be necessary to accommodate the entrances to

the site. **The petitioner was unwilling to reduce parking and unable to achieve the recommended 40' landscaped buffering space. The petitioner was able to revise the buffer to a depth of approximately 30'. This is illustrated on the accompanying site development plan.**

2. Since virtually no existing trees in the buffer zone will be retained, I recommended that a continuous 4 foot tall berm be placed in the 40' wide buffer with side slopes of between 4:1 and 5:1. This was to provide additional screening enhancement to the adjoining residential properties . **The petitioner was unable to provide a 4' berm within a 30' wide buffer due to the narrower space, the underlying topography and the placement of non-screening improvements such as sidewalks in the buffer zone. The submitted plan generally proposes berms that range from as much as 3' to 0', but other topographic techniques such as elevation change and retaining walls come into play to assist with screening and buffering.**

3. It was recommended that the proposed fence be place at the apex of the berm. **This recommendation was accepted and the fence is shown at the highest point throughout the buffer zone.**

4. **Given the proposal to develop this property in a use and manner that is not consistent with the recommendations of the comprehensive plan, and with the close proximity of the houses on the adjoining residential properties, I recommended that there be no waiver of the 100% screening requirement to a height of 6' above the ground of the underlying C-1 district regulations. Subject to the revised site plan accompanying this report, I have not changed my judgment on this recommendation.**

**The landscaping plan appears to fall short of providing this level of screening. I do not believe that the proposed plantings at the indicated spacings will provide a 100% screening to a height of 6' at the time of planting. It will be several years before the plantings grow to the point of providing this level of screening. The closeness of the plantings suggested by the landscaping plan is misleading. The indicated 8' tall evergreens will not have anywhere near the 15' diameter girth indicated by the planting plan. The plan shows the plantings closer to their mature size rather than the size they will be when planted. Substantially more plantings on a closer spacing will be necessary to provide the required screening. I recommend that the governing ordinance specifically state this screening requirement and that it also specifically address the petitioner's responsibility to maintain of all landscaping areas and materials on both sides of the fence as long as it owns the site and/or operates the store.**

*Section 5 (6):* This subsection requires a minimum planting effort in parking lots. This standard has been significantly exceeded in the submitted plans.

*Section 5 (7):* This subsection requires all planting areas within or adjacent to the parking lot to be irrigated. **The petitioner has verbally indicated its intention to do this but there is no indication on the submitted plans to this effect.**

*Section 5 (8):* A vertical concrete curb is required for all parking lot islands and landscaped area. **The petitioner has verbally indicated its intention to do this but there is no**

**indication on the submitted plans to this effect.**

*Section 5 (9):* This subsection requires tree plantings to be consistent with Ballwin standards for street tree plantings. The submitted plans include some trees that are not on the street tree approval list. This is a minor point that can be adjusted in conjunction with the final landscaping plans.

*Section 5 (10):* This subsection limits surface parking lots abutting rights-of-way without a landscaping strip for not more than 50% of a site's roadway frontage. This site is compliant with this requirement.

*Section 5 (11):* Parking lots shall have no more than 20 consecutive parking spaces without an intervening landscaped area. The submitted plan meets this requirement.

This subsection also requires that large parking lots be subdivided into subareas of not more than 100 parking spaces and that the subareas be separated by a landscaped area of at least 15' in width and meeting the planting requirements of subsection 5a which is on 2" caliper deciduous tree or one 6' evergreen tree and three 5 gallon size shrubs on 50' centers. The submitted plans meet these requirements.

**Section 6, Setbacks:** This section establishes **maximum** building setbacks from the right-of-way. The intent is to orient the building to the roadway and avoid the traditional strip commercial site design with a large open parking lot in the front yard separating the structure from the right-of-way. This submittal has complied with this requirement by placing the building near the roadway intersection and arranging the parking lot to the rear and sides of the site.

*Section 6 (1):* This subsection recommends placing structures at a maximum setback of 10' from the right-of-way line. The structure proposed in this submittal has been set accordingly along the Clarkson Rd. frontage at the southwest corner. The building is set at a similar distance along the Kehrs Mill Rd. frontage. The irregular shape of the site prohibits the entire building from being on the 10' setback lines.

This subsection also provides for up to 20% of a building's roadway frontage to be offset from this setback requirement to allow for architectural interest, doorways, windows, eating areas, etc. The roadway elevations of the building offers architecture to break up what is in reality the back of the building, but there is little adjustment to the actual building line.

*Section 6 (2):* This subsection allows for structures to be set back more than the 10' required in subsection 1 for infill sites. The larger setback is allowed to be equal to the average setback of the adjacent uses up to a maximum of 30'. The adjoining uses in this situation are residential. The house to the south of the site is set back approximately 45' from the Clarkson Rd. right-of-way, and the closest house to the east along Kehrs Mill Rd. is set back approximately 75' from the right-of-way line. The average of these two would be in excess of the 30' maximum provided in this subsection. This subsection was not directly on point for this petition because the proposed building attempts to meet the setback maximum of subsection 1, but I used this subsection to show that the departure from the absolute limits of subsection 1 could be seen as falling into the more generous limits allowed by subsection 2.

*Section 6 (3):* This subsection requires that buildings have an identifiable path of entry from the street or adjoining sidewalk. This plan is in accordance with this requirement by providing a direct connection immediately adjacent to the front entrance to the store and also via an accessible route through the parking lot.

*Section 6 (4):* This section does not apply to this petition.

**Section 7, Pedestrian Access:** This section requires a well developed pedestrian access plan that ties to the pedestrian circulation system serving the adjoining roadways neighborhoods, provides safe and convenient access to parking areas, and connects with abutting properties, surrounding neighborhoods, roadways, developments and transit facilities. Every site will vary as to the applicability of each of these elements

*Section 7 (1):* This subsection requires five foot wide sidewalks along all sides of a parking lot that abut streets and major internal driveways and a similar sidewalk shall be provided from the public sidewalks to the principal customer entrance(s). The required sidewalk connections are included in this submittal.

*Section 7 (2):* This subsection requires that building facades featuring customer entrances or facing roadways and parking lots shall provide a 12' sidewalk. The purpose of this sidewalk is to facilitate sidewalk tables for restaurants, temporary sidewalk sales, special events, etc. Such sidewalks are to be in close proximity to the building facade. Since such a sidewalk on the Clarkson Rd. side of the building will be at the rear of the building, the primary purpose of the wide sidewalk is not likely to be realized. This is especially true since the proposed use of the building is a grocery store which tends to not have sidewalk sales. **It does not make sense to have a 12' wide nonfunctional building sidewalk on the rear of this building. I recommend, therefore, that the 5' wide roadside sidewalk required in the underlying C-1 district be considered as meeting the requirement of this section and that a pedestrian connection to the parking lot pedestrian circulation system along the south side of the building be included in the plan. This is shown on the submitted plans.**

*Section 7 (3):* This subsection stipulates design criteria such as pavement markings, traffic calming, lighting, etc. to minimize pedestrian and vehicle interaction hazards. Steps have been taken in this regard on the submitted site plan.

*Section 7 (4):* This subsection requires landscaping areas, benches, fountains, artwork, shade structures, pavement enhancements, tables and chairs and similar amenities to enhance the pedestrian ways. Landscaping has been included, but none of the other suggested amenities are shown on the plan. **I recommend that consideration be given to incorporate some of the other amenities such as crosswalks that are delineated through pavement enhancements rather than just being painted on. The petitioner has indicated verbally that seating will be provided in front of the store in the sidewalk areas. This is not shown on the submitted plans.**



**Section 8, Use Limitations:** This section outlines special use limitations related to certain specific possible land uses within a NCD.

*Section 8 (1):* This subsection requires that unless specifically provided in the NCD Governing Ordinance, no outdoor display, storage or sales or merchandise, fixtures, vehicles or materials are allowed in the NCD. This does not include temporary sales during business operating hours under certain circumstances. **The sale of plants and related gardening supplies is included in the proposed list of approved uses to be included in the governing ordinance.**

*Section 8 (2):* This subsection allows uses permitted by SUE in the underlying district pursuant to the NCD process. Several special use exception uses are requested or recommended for inclusion in the governing ordinance.

*Section 8 (3):* This subsection contains regulations governing drive through facilities. There are no drive through facilities shown on this site development plan so this section does not apply to this review.

*Section 8 (4):* This subsection contains regulations governing car wash facilities. There are no car wash facilities shown on this site development plan so this section does not apply to this review.

## **Section 9, Architectural and Site Design Standards:**

*Section 9 (1):* The exterior walls of the proposed building are proposed to be of brick. This is consistent with the requirements of this subsection.

*Section 9 (2):* This subsection prohibits blank street level walls. The proposed building has addressed this issue with architectural treatment to the rear and side walls of the proposed building.

*Section 9 (3):* This subsection requires that at least 50% of the ground level wall area of a building shall be devoted to interest creating features such as entrances, awnings, display windows affording a level of transparency and architectural variety. The rear elevation of the proposed building does not offer the specifically listed features, but the term “such as” suggests that other types of architectural embellishment could be viewed as meeting this requirement. Other features including roofline coping, pediments, shadow lines and variations in color and texture have been used to meet this requirement.

*Section 9 (4):* All windows are to include framing architectural elements. The requirement appears to have been met.

*Section 9 (5):* This subsection addresses building entrances facing streets and therefore does not technically apply to this petition, but all proposed building entrances appear to meet these requirements.

*Section 9 (6):* This subsection establishes regulations for the screening of rooftop equipment and the protection of entrances and pedestrian areas of the building facade from the weather. All of these requirements appear to have been met.

*Section 9 (7):* This subsection requires that the characteristics of the building and the building's relationship to other structures, site improvements and the site as a whole are to be consistent with similar characteristics in the surrounding area. The majority of structures in the surrounding area have a single family residential use, so making a large commercial structure and the accompanying illuminated parking lot compatible is a difficult task. **The petitioner has, however, taken steps to minimize the commercial nature of the proposed development. The building is no taller than a house is allowed to be and has been moved away from the residential structures to the greatest degree physically possible on this site. An effort has been made to isolate the incompatible aspects of the commercial site with landscaping, screening and topographic changes. The question then stands as to whether this is sufficient to overcome the fact that the comprehensive plan does not recommend commercial uses on this site.**

*Section 9 (8):* Architectural materials and treatments and the use of screening devices shall be consistent and compatible throughout the site. I believe that the submitted petition meets this requirement.

*Section 9 (9):* This subsection requires the use of landscaping to enhance building and site design. This has been done. This subsection also requires landscaped areas to be irrigated, and requires the use of native and acclimatized plant species. **The petitioner has stated verbally that the planting areas will be irrigated, but I cannot find a notation on the plans to that effect. The proposed plantings appear to meet the requirements.**

*Section 9 (10):* Screening between NCD and adjoining residential properties is addressed in this subsection. **As described earlier in this report, I recommended that the depth of the screening buffer along the southeast and southwest sides of this site be increased to 40', that the buffer zone incorporate a 4' tall berm and that the 100% screening to a height of 6' above the ground that is required in the C-1 underlying district be maintained along this frontage. The petitioner has proposed a 30' deep buffer with smaller berms and a landscaping that does not meet the 100% screening requirement. I believed the additional screening provided by a tall berm and deep buffer zone are important on this site because the proposal is to allow a commercial use to intrude into a residential neighborhood in contradiction of the recommendations of the comprehensive plan. The smaller depth of buffer and the shorter berm reduce the effectiveness of the screening. I believe that the additional screening is important. The fact that the comprehensive plan does not recommend this property for commercial development puts the review of this site plan and rezoning proposal into a different category with higher development standards than a site plan and rezoning proposal for a site that was recommended for commercial development in accordance with the comprehensive plan.**

*Section 9 (11):* This subsection established screening standards for rooftop and ground-mounted equipment and fixtures. A/C equipment will be roof mounted and fully screened by the architecture. The building elevation drawings show the electrical transformer and gas meter along the south wall of the building to be screened with fencing and plantings.

*Section 9 (12):* This subsection states that loading docks, trash enclosures, outdoor storage and sales area and similar facilities and functions shall be incorporated into the overall

design of the building and site, shall be located near the service entrances of buildings and shall be 100% screened with vegetation or structures in a manner this is architecturally compatible with the development. Trash storage and disposal facilities that can be seen from adjoining rights-of-way or residentially zoned or used properties and structures shall be screened 100% from view. The petitioner has utilized structural screening, topography and plantings to provide screening of the loading dock and trash compactor. **It appears as though the proposed planting spacings need to be reduced or the number of plantings increased to provide the required 100% screening.**

## **Section 10, Urban Design Elements:**

*Section 10 (1):* This subsection states that edges (natural such as waterways and ridgelines and man-made such as roadways, fences and property lines) signaling and defining the transitions between adjoining land uses, landmarks and public art shall be used to help define a sense of place for commercial projects, functions and uses within and between developments. **This section is about the treatment of the areas of transition between uses and how those can be used to make noncompatible uses more compatible. The ordinance recognizes that a Neighborhood Commercial District is by its nature sitting in close proximity or even abutting residential and other noncompatible land uses.**

**The ordinance sees edges as critical to softening the transition and assisting the compatibility of the adjoining uses. This is one basis for recommending a substantial (40') landscaped buffer to the rear and side yards of the adjoining single family residential properties. The enhanced distance and landscaping will soften the transition and ease the commercial use into this primarily residential neighborhood.** Similarly, the front yard areas between the building/parking lot and the rights-of-way need to be properly treated to ease the commercial use into the high visibility portions of the neighborhood. I believe that this transition has been well addressed subject to any conflicting needs and concerns of the state and county highway departments.

*Section 10 (2):* This subsection addresses streetscapes. The primary thrust of this section is in relationship to downtown types of streetscape environments and is not applicable to the design of this development.

*Section 10 (3):* This subsection requires the use of landmark features, such as large scale public art, gateways or other significant architectural or landscaping at highly visible locations such as courtyards and development entrances. **The submitted site development plan shows decorative landscaping between the building and the right-of-way lines. I believe that the petitioner is promoting this landscaping as meeting the requirements of this subsection. The proposed landscaping is attractive, but I do not see how it can be viewed as a landmark feature. There are hundreds of similarly landscaped buildings scattered all over West St. Louis County. I recommend that the petitioner consider the placement of a large scale piece of art or perhaps a structure such as a clock tower or other defining feature of sufficient scale to mark this intersection and celebrate the entrance into Ballwin.**

*Section 10 (4):* This subsection recommends the clustering and stacking of uses in a mixed use building as an alternative to one story and strip-type development. The language of this

section appears to be of a recommending nature rather than directorial. The character of this single use proposal does not lend itself well or logically to stacking or clustering.

*Section 10 (5):* This subsection recommends the utilization of outdoor dining and display during operation hours. Again, this language appears to be recommending this use rather than mandating it. **The submitted plans do not show this but the petitioner has stated its intent to have seating in the sidewalk areas adjoining the entrances to the building.**

### **Engineering and Planning Issues:**

**Traffic Impact study:** As of the date of this report a preliminary traffic impact study has been submitted for review. This study has been prepared by Crawford Bunte Brammeier Engineers. **The study recommends the construction of a second southbound left turn lane on Clarkson Rd., the construction of right turn lanes for the northbound Clarkson Rd. approaches to the site entrance and the intersection, the construction of a right turn lane on Kehrs Mill for the approach to the site entrance, the construction of a right turn lane between the Kehrs Mill Rd. exit and Westpar Dr. and associated signal and intersection improvements. This is a substantial amount of off-site road work and will impact the site plan. As it relates to the site these improvements are reflected in the preliminary plans that have been submitted. The locations of the curb cuts appear to be the most appropriate for the context of the site. Since these two adjoining roadways are under the jurisdiction of the state and county, I have deferred any active involvement in the study to their expertise and design standards.**

**Stormwater:** The submitted drawings show that a conventional underground stormwater detention collection, detention and water quality system is proposed. The stormwater system must comply with MSD standards for such facilities. Since MSD standards are more extensive than are Ballwin's, it is recommended that Ballwin defer review to that agency. No final site plan approval or commencement of construction can be given until MSD has approved construction plans. As a part of the final plan review, Ballwin will assure itself that the stormwater collection and detention system meets Ballwin's standards, but Ballwin's standards are more applicable to small developments that fall below the MSD threshold. **It is, however, recommended that the petitioner consider utilizing pervious asphalt pavement in the parking lot design. This technology is fairly new to St. Louis but has been successfully utilized elsewhere for several years. The use of this best practice might even be economically advantageous. Pervious pavement would probably eliminate the water quality control structure, most inlet and pipe structures and some if not all of the detention facility. Additionally, the use of pervious pavement would exempt the development for most of its stormwater runoff surcharge tax.**

### **COMPREHENSIVE PLAN ISSUES:**

Several references to the recommendations of the comprehensive plan are included throughout this petition review report and the accompanying report for petition Z09-1 as they are applicable to the issues being discussed in that section of the report.

The recommendations of the comprehensive plan relative to Neighborhood Commercial

Development are on pages 8:25 – 8:26. The first paragraph describes the NCD development as being small-scale, mixed use and pedestrian oriented. It should include places to live, eat, shop and obtain personal services. The NCD should encourage small, low-impact, boutique-style developments that blend with adjoining residential. **The proposed development approaches some of these criteria, but also fails to meet many. The development is not huge, but it is by no means small. It is exclusively commercial and has no residential component so it is not a mixed use development. It offers places to shop and eat and it is accessible to the surrounding pedestrian circulation system, but it is primarily a vehicle oriented development. The majority of customers will arrive and depart via motor vehicle. If the development utilizes pervious pavement as recommended above and utilizes green building techniques, which the architect says is being done, an effort will have been demonstrated to show low-impact development. I see at best a weak argument that this petition meets most of these criteria and should therefore be considered a NCD development.**

The second paragraph of this section describes the characteristics that the NCD district should have to meet the provisions of the first paragraph. This paragraph does not apply to this review.

The subsequent paragraphs address specific recommendations for specific sites that were identified for NCD development. Since this site was not recommended for this zoning and use it is not addressed in this section.

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Thomas H. Aiken, AICP  
City Planner/Assistant City Administrator