

ZONING ORDINANCE CHANGE PETITION REVIEW REPORT

Petition Number: Z10-08(2)

Petitioner: Richard Bloomer of
CAP Carpet, Inc.
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316-262-3400

Agent: Steven W. Quigley
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Project Name: CAP Carpet

Location: 14932 - 14940 Manchester Rd.

Petition Date: 11/19/10

Review Date: 1/21/11

Requested Action: Zoning Change (Add Manchester Rd.
Revitalization Overlay Zoning)

Code Section: Zoning Ordinance, Article XIIC, XXIII

Existing Land Use/Zoning: Vacant / C-1 Commercial

Surrounding Land Use/Zoning: West –Retail/ C-1
South – Institutional / C-1
East - Commercial / C-1
North –Commercial/ C-1

Plan Designation: Commercial, Manchester Rd.
Revitalization

Proposal Description:

CAP Carpet, Inc is requesting the application of a Manchester Road Revitalization Overlay district on top of the existing C-1 commercial zoning for the approximately 2.4 acre site commonly known as 14932 – 14940 Manchester Rd. The site is composed of two parcels. The larger eastern parcel is currently occupied by the closed Red Lobster Restaurant. The western parcel is vacant, but was formerly occupied by the Suburban Office Supply business. The properties are intended to be combined into a single parcel to accommodate the construction of approximately 20,887 square feet of retail floor space. The front building will be occupied by a floor covering store. The balance of the floor area

will be occupied by general retail uses.

This 2.4 acre site is completely surrounded by C-1 Commercial zoning and is primarily bounded by commercial uses. The Preiss Cleaners building and the rear portion of the Izsak commercial property which is partially vacant and partially occupied by the batting cages adjoin the site to the east. Adjoining the site to the west is the Schrader Funeral Home. The properties across Manchester Rd. to the north are all commercial. The site adjoins the Ballwin Athletic Association along the south side.

This is a midblock location along the south right-of-way line of Manchester Rd. The site is located approximately 400 feet east of the Holloway Rd. intersection and approximately 200 feet west of the Ballpark Dr. intersection. This site is irregular in shape but can be characterized as an irregular trapezoid with approximately 300 feet of Manchester Rd. frontage. The east property line runs southwestwardly from the Manchester Rd. right-of-way for a distance of approximately 373 feet. The site abuts the Ballwin Athletic Association (BAA) property along its southwestern side for a distance of approximately 346 feet. The western property line is very irregular and is shared with the Schrader Funeral Home property for a distance of approximately 319 feet.

The site drains southwestwardly toward the BAA site. The highest point is along the Manchester Rd. right-of-way at the eastern property line with an elevation of 621 feet. The lowest point of the site with an elevation of 594 feet is at the southwest corner of the property. This yields a total elevation change of 27 feet across the site and an average slope of 5.4%. The slope across the site prior to development is relatively uniform.

The existing building has a footprint of approximately 8,500 square feet. It will be removed and will not be utilized for any part of the envisioned development, nor will any portion of the existing parking lot. Stormwater discharge from the site flows toward the BAA site and much of it enters the BAA the stormwater system which ultimately discharges into Fishpot Creek to the south. Fishpot Creek ultimately flows into the Meramec River near Valley Park.

This report has been prepared pursuant to the submission of a revised site development plan that has been prepared as the result of a 1/10/11 meeting at the Ballwin Government Center by representatives of the petitioner, the adjoining property owners, MoDOT and Ballwin. The submitted plan addresses issues of access management and future vehicular interconnection and stormwater control among the adjoining properties that were not well defined in the original submission.

PLANNING AND PLAN REVIEW CONSIDERATIONS:

This review report covers the C-1 Commercial district, the SUE and the MRD overlay zoning district regulations. This petition had been submitted to utilize the existing C-1 Commercial zoning for this site as the underlying zoning for the MRD. Although the C-1 zoning is in place the existing site will be significantly modified to accommodate the

proposed new development, so establishment of the MRD and reviews of the new site development plan per the C-1 district, the SUE regulations and the MRD are necessary. The nature of the MRD is such that it must be considered jointly with the regulations of an underlying zoning district. The MRD can amend the provisions of the underlying zoning district such that only the passage of the MRD Governing Ordinance will be necessary to approve the site development plan. A separate ordinance approving the C-1 or a special use exception site development plan is not needed.

C-1 DISTRICT REGULATIONS:

This proposal entails the redevelopment of a large commercially zoned site. The MRD (Manchester Road Revitalization District) overlay allows more flexibility in site development than does the C-1 district, but it simultaneously imposes certain more stringent or extensive site development regulations. The MRD regulations may supersede or amend the requirements of the C-1 district. Any regulation not superseded or amended will still apply. The C-1 district issues with the site are as follows:

1. Article IX, Section 2 identifies a list of uses that are allowed by right in the C-1 district. Article XIV of the zoning ordinance establishes additional uses that are allowed by special use exception in the C-1 district.

The MRD Governing Ordinance will include a listing of the only uses allowed in the development. These may only be drawn from the uses allowed by right or by special use exception in the C-1 district. The issue of allowed uses is discussed more thoroughly in the MRD section of this report.

2. Article IX, Section 3 limits the height of structures to a maximum of 45 feet. The submitted architectural elevation shows the height of the parapet coping of the tallest portion of the wall (east end of building) to be 30' above the finished floor elevation. This appears to be well within the maximum height limit of the ordinance. The height of the shorter wall coping (west end of building) appears to be 26'. The overall height of the top of the tallest architectural elements is not indicated. **It is recommended that the governing ordinance establish 45' above the finished floor elevation as the maximum allowable building height for this site development plan. It is also recommended that 25' be established as the minimum building height for parapet walls and major building elements for any primary building or structure by the governing ordinance. This provides sufficient wall height for the screening of rooftop equipment and addresses the issue that will be discussed more extensively in subsequent portions of this report.**
3. Article IX, Section 4. (1) (i) requires buildings fronting on Manchester Rd. to have a minimum setback of 60'. **The proposed building does not meet this requirement but it appears to meet the setback requirements of the MRD so a waiver the C-1 district requirement is being requested via the MRD.** The issue of building setbacks is discussed again in the MRD portion of this report.

4. Article IX, Section 4. (1) (ii) only applies to properties fronting on the south side of Orchard Lane and does not apply to this petition.
5. Article IX, Section 4. (1) (iii) is not a requirement. It is permissive and allows the developer of properties fronting on Manchester Rd. to have front yard setbacks as small as 20 feet for as much as 75% of the roadway frontage if the small front yard areas are utilized for pedestrian circulation and landscaping. This petition appears to meet the requirements of this section.
6. Article IX, Section 4. (1) (iv) requires the provision of a 10' deep landscaped area along all roadway frontages of the site. The submitted plan appears to provide the required 10' greenspace long the entire frontage of Manchester Rd.
7. Article IX, Section 4. (2) requires landscaped "side" yards of 25' depth where commercial sites abut residential uses or residential or recreational zoning classifications in a side yard configuration. This requirement does not apply to this petition.
8. Article IX, Section 4. (3): The section requires the establishment of a 25' rear yard. This requirement has been met.
9. Article IX, Section 4. (3) (i, ii and iii) and (4) do not apply to this petition.
10. Article IX, Sections 4. (3) (iv) requires rear yards that abut commercial or industrial zoning districts to provide screening via a 6' tall fence or landscaping meeting the requirements of subsection ii. The plans indicate that a 6' tall sight proof fence will be placed near the top of the slope across the rear of the lot pursuant to this subsection. The fence meets the requirement of this section, but is somewhat redundant given the plantings proposed for the rear of the site. **I recommend that the landscaping plan be revised pursuant to the elimination of the retaining wall along the rear of the site and in consideration of the screening requirements of the MRD. The relocated planting materials should easily meet the landscaping requirements this section and the generally less desirable fence can be eliminated.**
11. Article IX, Section 5. (1) requires the provision of parking in accordance with the provisions of Article XV. The parking shown does not meet the requirements of the C-1 district. **The C-1 district parking requirements may be amended by the MRD and such a waiver is being requested. This is discussed more thoroughly in the MRD section of the report**
12. Article IX, Section 5. (2) allows a parking reduction in exchange for more landscaping on sites in excess of 100,000 square feet of floor area. The development is not large enough to qualify for this parking adjustment. Parking requirements can be addressed pursuant to the MRD regulations.
13. Article IX, Section 6. requires the submission of the site development plan to MoDOT for its review. **The petitioner's engineer stated in the attached 12/9/10 letter that this site development plan has been submitted to MoDOT for review and comment. No comments from MoDOT have been shared with the city as of the**

preparation of this report. It is recommended that the Commission satisfy itself that MoDOT is in agreement with this curb cut plan prior to the development plan being sent to the Board of Aldermen with a recommendation.

14. Article IX, Section 7. (1) requires that the minimum spacing of curb cuts be 500' between centerlines. **This is to promote access management along Manchester Rd. The minimization of curb cuts is fundamental to access management.** The submitted plan appears to be in accordance with the curb cut standards of this subsection. **The petitioner proposes a single curb cut onto Manchester Rd. to serve the site that is shared with Schrader Funeral Home.**

15. Article IX, Section 7. (2) requires the construction of a 6' wide sidewalk along Manchester Rd. This sidewalk was built by Ballwin in 2005 with 70% funding from a federal transportation grant. **Ordinance 05-39 requires that Ballwin be reimbursed for its 30% of the cost upon the development/redevelopment of the site or transfer of any special use exception associated with any property benefiting from such sidewalk construction. The cost to Ballwin for the sidewalk construction across this property was \$1,924.92.**

15. Article IX, Section 7. (3) requires that a cross access, driveway/parking lot vehicular interconnection easement be established to provide for future parking lot connections to the adjoining properties. **Just like the driveway spacing requirements discussed in Section 7. (2) above, such easements are fundamental to establishing access management along Manchester Rd. They are also part of the Great Streets Plan which recommends that Manchester Rd. access be limited to a relatively small number of points and supplemented by the creation of rear service roadway connections and the interconnection of parking lots wherever possible.**

The establishment of vehicular interconnectivity between the petitioned site and the adjoining properties was a primary reason for the 1/10/11 meeting and the holding of this petition over to the February agenda. The revised plan shows the above mentioned shared curb cut with Schrader Funeral home and a well developed plan for vehicular cross access from Schrader Funeral Home all of the way to Ballpark Dr. It is my understanding that Schrader Funeral Home, the Izsak Trust, owners of the adjoining property to the east and MoDOT are all in agreement in principal with this proposed traffic circulation plan.

SUE Regulations (Article XIV):

1. Sec.1 (1) (14) front yard parking is only allowed by special use exception (SUE) in the C-1 zoning district.

2. Sec. 2 (1) *Minimum Yard Requirements*: The minimum yard requirements of the C-1 District were discussed earlier in the C-1 section of this report.

3. Sec. 2 (2) *Site Illumination*: The submitted photometric plan shows site

illumination provided with 32' tall pole mounted luminaries on the site. The petitioner has submitted references to catalogue notations about the luminaries to be used. The manufacturer is not defined, so I do not really know what the nature of the luminaries will be. Shoebox style luminaries with flat lenses are proposed. The ordinance requires appropriate lighting that does not disturb adjacent properties. Given that the site is not in close proximity to any residential uses, there is a diminished potential of negatively impacting residential uses. **The photometric plan generally shows a 1 lumen illumination level or less at the perimeter of the site.**

It is recommended that the governing ordinance contain provisions that site illumination via wall-mounted luminaries be prohibited. It is further recommended that site illumination be provided via low energy luminaries, such as, but not limited to, LED technology. The metal halide lights proposed may not meet this guideline. All site illumination should be provided via conventional pole mounted fixtures that have only flat lenses and are installed with the lenses parallel to the plane of the ground. Pole heights should be maintained so that luminaries are no more than 35' above grade (this is a typical pole luminary height in intensive commercial applications). It is recommended that light cut-off shields be required for all luminaries to prevent the visibility of any lamp or lens from any nearby properties. Such shields should be affixed at the direction of the City of Ballwin as they are determined to be needed after the luminaries are installation and made operational.

3. Sec. 2 (3) *Greenery and Planting*: This issue is extensively discussed with recommendations in the MRD review section.

4. Sec. 2 (4) *Fencing*: This issue is discussed with recommendation in the MRD review section.

5. Sec 2 (5) *Parking*: This proposed parking is not consistent with the C-1 district guidelines. **A waiver is requested. This issue is discussed with recommendations in the MRD review section.**

6. Sec. 2 (6) *Pavement*: **The plans indicate that all pavements will be built in a manner that meets Ballwin code. It is recommended that the petitioner seriously investigate the use of pervious pavements as a "best management practice" to minimize the need for extensive storm water detention and water quality features.** This issue is also addressed as a part of the final site development plan review.

7. Sec 2 (7) *Storm water runoff control*: **An approach to storm water control has been presented as a part of this submission. The petitioner's representative has stated that the submission meets current MSD and Ballwin requirements. An underground detention basin is proposed. It appears to include vortex separators and/or filters but they are not labeled. The petitioner states that the plans have been submitted to MSD for review and that the proposed improvement meets MSD standards.**

I still have concern that the plans do not meet Ballwin's detention requirements. No information has been provided about runoff quantities or

detention system capacity. Additionally, the submitted plan shows the discharge from the detention facility going into an existing private storm sewer. No information is provided as to the nature of this system downstream nor has any documentation been provided regarding this systems status as private or public. If it is private the system owner must be willing to allow an interconnection.

MSD's detention and water quality standards are much in excess of Ballwin's standards for large sites, so normally there is little purpose served in reviewing the petition's compliance with Ballwin standards. The high impervious percentage of the existing site, however, makes it suspect. MSD may consider this a grandfathered situation. In such a case, Ballwin's detention standards may be higher than MSD's and therefore apply. Ballwin's detention standards do not provide a credit for current imperviousness. All detention has to meet, at a minimum, the differential runoff from the site as proposed for development as compared to the site as a grassy undeveloped field. The applicable standards need to be identified and the resultant computations for detention capacities provided for review. I recommend that the Commission require this information to be provided prior to making a recommendation to the Board of Aldermen so the impact of the stormwater improvements on the site development plan can be fully understood.

Ultimately, MSD approval of the storm water plan will be required prior to the signing of the record plat, the issuance of any development related permits or the commencement of any construction or grading activities on this site. It is also recommended that the governing ordinance require the petitioner to include raingardens in all landscaped areas of the site and thoroughly review, consider and discuss the use of pervious pavements to meet or supplement the stormwater detention and water quality requirements of MSD.

A second issue of discussion at the 1/10/11 property owner meeting was the possibility of developing a shared regional storm water system. Although there was no opposition to doing this, there was no evidence of an advantage to such an approach for these properties. The portion of the Izsak site that was available for this purpose did not benefit the other properties and the Schrader detention facility is so far removed from the petitioned site that it was as expensive to direct storm water there as it was to detain it on their site. The most prudent approach to storm water was to address each site's needs on site.

8. *Sec. 2 (8) Loading docks and facilities:* No loading docks are proposed, but a space for a loading and unloading has been provided.

9. *Sec. 2 (9) Ingress and Egress:* The submitted plans propose a single standard multi-directional curb cut onto Manchester Rd. This replaces five curb cuts that previously provided access to the two parcels and the east side of the Schrader property. This is a definite positive and commendable step in the direction of access management. There was a question as to this being a suitable place for the single curb cut. A representative from MoDOT at the meeting expressed a position that this was an acceptable location for the curb cut as long

as a dedicated left turn lane was not provided for traffic exiting the site. Although an absolute prohibition to left turn movements this close to the Holloway Rd. intersection was not necessary, such movements needed to be discouraged and the absence of a dedicated left turn lane was a way to do this.

10. Sec. 2 (10) *Adequate area for the use*: I see little basis for an argument that there is not sufficient room on the site to accommodate this intended use.

11. Sec. 2 (11) *Dead storage, dismantling and repair of automobiles*: This is regulated by on-going enforcement activities on a case by case basis as needed.

12. Sec. 2 (12) *Rubbish and trash disposal and screening*: A screened dumpster enclosure is shown. It includes a note that it will be architecturally compatible with the building.

13. Sec 4 (6) (1) *Increase traffic hazards*: Experience in Ballwin shows that all development increases traffic. This can be accommodated without the generation of hazardous situations if the site planning is well thought through and adequate for the expected traffic volumes and queuing needs. **No information is provided about the nature of the businesses that will occupy the plaza except the floor covering store. The additional traffic is therefore somewhat of an unknown, but the shared curb cut and the access to Ballpark Dr. combined to provide alternate ingress and egress and make a significant effort at access management. The additional traffic of the development would not be forced to utilize Manchester Rd. under every circumstance. Given this scenario, a reasonable argument can be made that the plaza could significantly increase traffic congestion and hazards, but it will be mitigated by the access management site design.**

14. Sec 4 (6) (2) *Neighborhood character impact*: **The only neighborhood in close proximity to this site is a commercial one. This development is very much in keeping with the character of developments in the area, so the impact of this project on that neighborhood is not likely to be significant. The closest residential properties are hundreds of feet away. Little direct impact would be expected from this project that would not also result from the ballpark and the other existing commercial uses in the area. I do not see a strong basis for an argument to support the position that this development would have a significant negative impact on any surrounding neighborhood.**

15. Sec. 4 (6) (3) *Community general welfare impact*: **The issues discussed above as a part of the neighborhood character impact and the traffic hazards question also fall into this category. I believe that this development could be viewed as having a potential negative impact on the general welfare of the community if it is not properly developed in accordance with best management practices for such improvements. The specific requirements of the zoning ordinance issues such as stormwater and traffic impact and circulation are not well addressed in this petition. If properly designed, however, I believe that one could reasonably conclude that the development of this site will not have a negative impact on the general welfare of the community.**

16. Sec. 4 (6) (4) *Overtax public utilities*: I see a limited potential to argue that the development will overtax public utilities.

17. Sec. 4 (6) (5) *Adverse impacts on public health and safety*: Unless it is discovered by a more thorough traffic analysis that there is an exceptional hazard in this regard coming from the proposed development of this site, I also see a limited potential to argue that the development will have a significant negative impact on public health and safety.

18. Sec. 4 (6) (6) *Consistent with good planning practice*: Ballwin has previously allowed the establishment of commercial development of this nature on similarly situated properties in proximity to residential and commercial developments with similar buffering requirements. **If the issues raised in this review report are satisfactorily resolved, I believe that one could conclude that, as practiced in Ballwin, this is good planning practice.**

19. Sec. 4 (6) (7) *Operated in a manner that is compatible with permitted uses in the district*: **Assuming that the site design and operational questions raised in this review can be adequately resolved through the site planning and approval process, I do not see a significant basis to support the position that this operation would be incompatible with permitted uses in the district.**

20. Sec. 4(6) (8) *Operated in a manner that is visually compatible with the permitted uses in the surrounding area*. There appears to be little basis to support the position that this use, as proposed, would not be visually compatible with permitted uses in the surrounding area. Nearby commercial areas have virtually identical uses and buildings. The proximity of commercial buildings to single family residential uses in this development proposal is common throughout Ballwin and the commercial buildings and uses contained therein appear to operate in a visually compatible manner.

MRD DISTRICT REGULATIONS (Article XIIC):

The MRD (Manchester Road Revitalization Overlay District) cannot stand on its own. It works only as an overlay district amending and supplementing an underlying zoning district. The MRD may retain, amend or waive the regulations of the underlying district and the subdivision ordinance, if applicable. With the exception of allowing multiple family uses in a mixed use configuration, the MRD cannot permit new uses on the property. The uses allowed by right and by special use exception (SUE) in the underlying zoning district are therefore critical and limit the MRD district. The uses proposed with this petition are commercial, so the petitioner has elected not to change the underlying C-1 zoning of the property. As mentioned above, the MRD may allow the waiver or modification of the regulations of the underlying district, but the governing ordinance that adopts the MRD 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 MRD district, which is "... to promote the local economy and mixed use development within the Manchester Road corridor while simultaneously maintaining the functional capacity of the highway." This

section goes on to say that “The preferred land development pattern in the area will offer a pedestrian oriented development with a mix of residential and/or commercial uses that provide high quality services and amenities and that prolong and enhance the shopping, working and living experience. Special effort should be given to tenant mixes and the configuration of tenant spaces to maximize convenience, visibility and aesthetics.”

While evaluating an MRD development proposal, it may be useful to keep in mind that the MRD is envisioned by the comprehensive plan and the zoning regulations as a district that will eventually encompass the entire Manchester Rd. corridor. The Purpose therefore is perhaps best understood on a corridor-wide basis. It may not be consistent with the MRD approach to apply the regulations and guidelines to every individual parcel or development proposal. Parcels will typically be submitted for development and rezoning on an individual basis, but will eventually comprise a portion of the whole as envisioned for the MRD by the comprehensive plan. In a perfect world, every parcel will meet every nuance spelled out in the purpose statement, but in reality some parcels may meet some requirements in a stronger manner than others. Different parcels may fulfill some elements of the Purpose but only meet the overarching intent of the Purpose statement as a part of the aggregate of all parcels comprising the entire corridor.

Section 2, Permitted Uses: This section addresses permitted uses.

The petitioner has not specifically stated what uses are anticipated for this development beyond the floor covering store. On the basis of the information presented, the following uses allowed by right in the C-1 district are recommended for inclusion in the governing ordinance:

- Store for the indoor display and sale of new merchandise, including wholesale and retail sales and including the service and assembly thereof unless otherwise limited, or controlled or permitted by the ordinances of the City of Ballwin.

The following uses allowed by special-use-exception in the C-1 district are recommended for inclusion in the governing ordinance:

- Parking on a paved surface within any front yard for all uses allowed in the MRD Governing ordinance.

Section 3, Intensity of Use: This section discusses allowing relief from, or 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 it achieves the purposes of this ordinance and it is included in the governing ordinance or on the approved site development plan. Any regulation that is not waived or amended by the ordinance or the approved site development plan is still in effect. Additionally, the approval of the overlay district brings some regulations that supersede or enhance the parameters of the underlying zoning. Any waiver of the provisions of the underlying ordinance are identified and discussed within the salient write up and are not relisted here.

Section 4, Height Regulations: This section states that “all development pursuant to

MRD zoning that fronts Manchester Rd. shall include buildings with a minimum height of two (2) stories. This requirement may be reduced on a case by case basis for no more than 50% of the linear building frontage for all roadway fronting buildings in the development if the petitioner can demonstrate that the proposed buildings and site development plan are in accordance with Section 1 of this Article (Purpose) and achieve the purpose of this ordinance or that the existing buildings being incorporated into the plan are structurally incapable of having additional levels added.”

There is a question as to what this section of the code intends to require. The simplest interpretation is that the building has to be two stories tall and there needs to be a second floor for the building but this can be reduced to 50% of the frontage of the building if the petitioner can justify the reduction on a structural basis or under the purpose statement of the ordinance. **The proposed building does not appear to meet this requirement.** This interpretation presents a cost and function conundrum for petitioners and perhaps additional future petitioners for other sites along the corridor as well. There may simply not be a market for second levels on buildings along Manchester Rd. This may be especially true for certain types of buildings like auto dealerships, gas stations, fast food, etc. These buildings may simply not lend themselves very well to offices or residences on the second level.

Based upon the previous MRD petitions, it has been determined that it is best to interpret this section from an urban form perspective in accordance with the purpose statement of the MRD ordinance which is to “prolong and enhance the shopping, working and living experience. Special effort should be given to tenant mixes and the configuration of tenant spaces to maximize convenience, visibility and aesthetics.” This interpretation stresses urban form and promotes buildings that have a height and massing that mimic the feel and look of a two story buildings without actually requiring that exact building form. The overriding purpose here is to prevent the perpetuation of the older approach to retail architecture and site design with its low roof lines and minimal embellishment that has come, in some ways, to characterize the look of the older parts of the corridor and be emblematic of its decline. This change to the character of the commercial design and architecture in the corridor is also driven by the other requirements of the MRD for architecture and site improvements that go well beyond what has historically been common for these types of developments in Ballwin.

It seems very reasonable to interpret the meaning of this ordinance language in this way. It may not be realistic to expect every building like this to provide second floors from the perspectives of function or economics. Clearly, the market has not demanded many such spaces in the corridor and the few spaces that exist seem to have a fairly high vacancy rate. It is also desirable to have more architecturally interesting buildings along the corridor.

My recommended caveat to this interpretation of this ordinance is that if two story buildings are desired, but taller and more substantial looking single story buildings are acceptable as an alternative to a true two story building, they should at least impart the architectural character of two story buildings as discussed in the original ordinance language. Such buildings should incorporate architectural elements of shadow line, dimension, texture and form that give the sense as well as the massing of a second or multiple floors.

If such an interpretation of the ordinance is appropriate, I recommend that the proposed buildings be as tall as a two story building and that they architecturally mimic the look and

character of a two story building. This would include the addition of architectural features that are consistent with a two story building. **The submitted architectural plans have wall heights that meet the two story intent of this approach to the ordinance, but the look, especially of the floor covering store is not characteristic of a two story building. It is not unattractive, and decorations have been added to the east elevation as requested by the Commission, but it does not contain architectural elements such as corbels, cornices, shadow lines and fenestration that impart the feel of a two story building. Since only 50% of the building has to meet this standard per the requirements of this section, this submitted building may be judged appropriate if the petitioner can explain why doing only 50% furthers the purpose of the MRD. No such discussion has been provided.**

Section 5, Parking and Loading Regulations: This section establishes standards for the design, capacity and landscaping of parking facilities. No maximum or minimum parking standards are established. The ordinance clearly wants the petitioner to determine its parking needs and provide only the parking required. This ordinance anticipated the possibility of a variation from the parking requirements of the underlying zoning district (C-1) via the MRD governing ordinance.

The petitioner has proposed a site development plan with 69 parking spaces to accommodate the 20,877 square feet of retail floor area proposed for this site. This corresponds to a yield of 3.2 spaces per thousand square feet of the floor area. The normal parking requirement would be 5 spaces per thousand square feet of floor area or 105 spaces for the site as proposed. This is a reduction of 34.3% (36 spaces) being proposed under the MRD.

The comprehensive plan, the MRD and the Great Streets study all support the concept of only building the parking that is necessary for a development and, hence, not creating excessive impervious surfaces with limited need or use. A letter from the petitioner's engineer, Clayton Engineering, (enclosed) explains that 5 parking spaces per thousand square feet of floor area have been provided for the "speculative" space, but less parking has been provided for the floor covering store due to the nature of the materials sold. Flooring requires significant floor area space, but has higher average dollars per sale and lower traffic than a more traditional retail store. The lesser traffic demand is intended to support the lesser parking.

The former Ballwin Furniture store on the Izsak property at the southwest corner of Ballpark Dr. and Manchester Rd. was built with a similar justification for less parking. Furniture is a high ticket item and requires a lot of floor display space. At the request of the owners, the parking ordinance was amended to reduce the parking requirement for that use, and the site was built with a small parking lot. There is now little room on the site to expand the lot. The furniture store closed and the site now has inadequate parking for many retail uses. There may be additional reasons that this store has stood underutilized for so long, but there is no question in my mind that parking adequacy is among them.

I do not dispute the argument used to justify the smaller lot, and I do not believe that 5 spaces per thousand square feet is needed for large sites, but I also know from experiences in Ballwin that small sites with certain mixtures of tenants can run into parking problems even when full parking is provided. Given the relatively small size

of this site, I recommend that the parking lot be built to provide no less than 4 spaces per thousand square feet of floor area. This is still a 20% reduction in the requirement of the code. The additional 15 spaces could be provided by expanding the paving over the detention basin.

Section 5 (1): On-street parking is recommended where site design and traffic patterns permit. Clearly, due to the nature of the roadway, on-street parking is not feasible on Manchester Rd.

Section 5 (2): No waiver of ADA standards can be granted in the MRD. The parking lot proposes 68 parking spaces for customers and employees. The 3 spaces proposed for the lot meet the standard for accessible parking.

Section 5 (3): This subsection specifies that the provided parking facilities shall be concentrated in areas that are landscaped and buffered to minimize view from major rights-of-way, residential units and adjoining properties. The term parking as defined in the Ballwin Code of Ordinances means the standing of a vehicle whether occupied or unoccupied (except when engaged in loading or unloading), so any facility intended for the standing of a vehicle is a parking facility. This means that all of the pavement on this site is a parking facility and subject to this requirement.

Section 5 (4): This subsection requires that parking not provided within a dedicated right-of-way shall be located behind the primary use, in a parking structure or on a surface lot. The proposed parking plan appears to meet the third recommendation.

Section 5 (5): This subsection requires perimeter landscaped buffers and curbed planting islands in all parking lots of 5 or more spaces. This site development plan requirement appears to have been met.

Subsection 5 (6): This subsection establishes two parking lot screening designs that can be utilized to screen adjoining rights-of-way, public lands or adjacent properties from parking lots. **Due to the design of the site the standards of this section will apply around the entire perimeter of the site except where the building adjoins the property line in the northeast corner.**

The first choice (a.) is a 12' deep (minimum) landscaped strip with 2" caliper deciduous trees and/or 6' evergreen trees on 50' centers with three 5 gallon shrubs per tree. The second choice (b.) is a 5' deep landscaped strip with a metal ornamental fence or masonry wall supplemented with clusters of 3 shrub (2 gallon size) plantings on 30' centers interspersed with 2" caliper trees on 50' centers or a continuous hedge with 2" caliper trees every 50'.

The Manchester Rd. frontage and the eastern margin of the parking lot in the rear of the building appear to be in compliance with the requirements of section "a". The width of the planting area is 12' or more and the spacing of the trees and the numbers of the shrubs are in compliance with the code section.

The planting plan is not consistent with the submitted site development plan along the western, southern and portions of the eastern perimeter edges of the site. The

vehicular interconnections to the adjoining properties are not shown and the planting plan does not reflect the elimination of most of the retaining wall. Although the spacing and numbers of planting materials are generally adequate for the requirements of this subsection, the locations will have to be adjusted to meet the new site plan. Additionally, the suggested elimination of the screening fence along the rear property line will necessitate the relocation of planting materials. The piece of the retaining wall that is still in the plan will have to have a fence along its top. The style and height need to be addressed. Overall the planting plan is not sufficient in light of the revisions to the site plan and should have been redone accordingly. I recommend that the Commission not recommend the approval of this petition until this important element of the plan has been properly submitted and reviewed.

Section 5 (7): This subsection requires a minimum planting effort of one tree per 10 parking spaces. This standard appears to have been met in the submitted plans.

Section 5 (8): This subsection requires all planting areas within or adjacent to the parking lot or vehicular use areas to be irrigated. **Page L-1 of the original submission contained a notation that all landscaped areas will be irrigated. This notation is missing from the revised L-1 sheet in the final submitted plan set so I have to note that this requirement has not been met by this submission.**

Section 5 (9): This subsection requires a vertical concrete curb for all parking lot islands and landscaped areas that are not adjacent to rain gardens. This ordinance requirement appears to have been.

Section 5 (10): This subsection requires tree plantings to be consistent with Ballwin standards for street tree plantings. They appear to meet this requirement.

Section 5 (11): This subsection prohibits surface parking lots from abutting rights-of-way for more than 50% of a site's roadway frontage. This submission appears to be in compliance with this ordinance provision.

Section 5 (12): This subsection requires parking lots to have no more than 20 consecutive parking spaces without an intervening landscaped area. The submitted plans appear to meet this requirement. This section also requires that parking fields be broken into subareas of not more than 100 spaces. The submitted plan has no parking fields of this size.

Section 6, Setbacks: This section establishes **maximum** building setbacks from the right-of-way for new buildings. The purpose of this approach to site design is to move away from the vehicle orientation and large front yard parking lots across the entire frontage of a site that have been common in the Manchester Rd. corridor since the 1960's and encourage new buildings to be sited with less visibly dominating parking lots in a manner that also promotes pedestrian oriented development and a sense of neighborhood in these commercial developments.

Section 6 (1): This subsection recommends placing new structures at a maximum setback of 10' from the right-of-way line. The building does not meet this requirement.

Section 6 (2): This subsection addresses building setbacks for infill sites. This ordinance provision is intended to allow the setback of a new building in an infill situation to match the setback of the buildings on the adjoining properties and therefore better fit into the context of the neighborhood. Infill development is not specifically defined in the Ballwin code. The term was researched in the planning literature and is generally defined as the development of small, vacant or underutilized, economically unusable or out of date sites that are surrounded by established and developed properties. **Given the sites history as being unused fro approximately 9 years and using these definitions, I believe that this site can be characterized as an infill site thus making the proposed building compliant with this section.**

Section 7, Pedestrian Access: This subsection requires that pedestrian access be an integral part of the overall design of the site. Safe and convenient pedestrian access is to be provided throughout, to and from parking areas and shall connect when possible with abutting properties, developments and rights-of-way.

Section 7 (1): This subsection requires an identifiable entrance and a path of entry from the street. I believe that this requirement has been met.

Section 7 (2): This subsection requires sidewalks at least 6' wide along all sides of parking lots that abut rights-of-way or major internal driveways. Also, a 6' sidewalk is to be provided from the public sidewalks to the entrance and to the parking lot sidewalks. **The sidewalk system connects to the Manchester Rd. sidewalk as required, but this site plan does not meet the "all sides" requirement of this ordinance section. The row of parking spaces in the center of the lot is not served by a sidewalk. The row of spaces along Manchester Rd. is not served directly by a sidewalk but the Manchester walk is in fairly close proximity and could be viewed as meeting the spirit of this requirement.**

Section 7 (3): This subsection requires that sidewalks be provided along any façade featuring customer entrances, abutting a parking area or a roadway. Such sidewalks shall be at least 12' wide. This subsection goes on to say that these extra wide sidewalks are required to provide room for sidewalk sales, eating, etc. I believe that this section requires the sidewalk to extend across the Manchester Rd. Frontage of the building. Such a sidewalk is not shown on the submitted plans.

I believe that a technical interpretation of this section requires all of the sidewalks surrounding the building to be 12' wide, but there seems to be little purpose served in the rear and side sidewalks being that wide since these are clearly service areas and will not be utilized for the intended purposes of the ordinance. This interpretation of this ordinance subsection was applied in the U-Gas and Nissan MRD reviews.

Section 7 (4): This subsection requires benches, fountains, artwork, shade structures, pavement enhancements, tables and chairs, illumination and similar amenities and placemaking features to enhance the pedestrian ways. **The petitioner has provided landscaping in the parking lot islands near the building. These islands are parking lot features necessary to delineate the parking spaces and drive aisles. They are not pedestrian amenities. I recommend that amenities such as seating, shade structures, artwork, etc, be added to the site design to comply with this ordinance**

section.

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

Section 8 (1): This subsection prohibits the permanent outdoor storage, sale or display of merchandise, but allows temporary display and the permanent storage, display and sale if allowed by the permitted uses. No outdoor display, storage and sales are specifically recommended to be allowed in section 2.

Section 8 (2): This subsection allows uses permitted by SUE in the underlying district pursuant to the POD/MRD process. The uses intended to be allowed in this development were discussed in Section 2 of this report.

Section 8 (3): This subsection contains regulations governing drive through facilities. No drive through facilities are proposed.

Section 8 (4): This subsection contains regulations governing vehicle wash facilities. No vehicle wash facilities are proposed.

Section 8(5): This subsection requires that the submitted site plan is to clearly show curb cuts and on site vehicle circulation patterns. **I believe that this requirement has been reasonably well addressed since the January 3, 2011 meeting with the accompanying revised site development plan that clearly interconnects to the adjoining properties. The placement of a cross access easement from the curb cut around the building to the southeast corner of the site combined with interconnections also addresses this issue and the requirements of the C-1 district discussed earlier in this report.**

As of this writing it is my understanding that the adjoining property owners have been provided copies of this site plan. These interconnections and the associated traffic flow were discussed at the January 10th meeting. No documentation has been provided demonstrating the adjoining property owners' agreement to the proposed interconnections as shown. I recommend that the Commission satisfy itself that the adjoining property owners are in agreement in principle with this plan, even if a formal written agreement has not yet been executed and that the MRD Governing Ordinance contain language that no construction permits will be issued for any work on the petitioned site until Ballwin is provided documentation that the easements, land ownership adjustments or other formal arrangements that permit or grant cross access and parking lot interconnection to all parties have been agreed upon, executed and recorded.

Section 9, Architectural and Site Design Standards: All new buildings and any building altered more than 50% is required to comply with the requirements of this section.

Section 9 (1): This subsection requires that the minimum of 50% of the exterior area of each wall shall consist of certain materials. The architectural concrete block, stone, brick and EFS materials that are proposed are commonly used for this kind of construction throughout the region, so the materials proposed appear to be acceptable per this

subsection.

Section 9 (2) a: This subsection requires that rooftops and roof-mounted equipment must be architecturally concealed. **The plans state that roof mounted mechanical equipment will be screened. There is a question whether parapet walls extend far enough above the roof deck to completely provide the desired screening. I recommend that the architectural elevations be amended to extend the parapet walls to the recommended minimum height to assure proper screening.**

Section 9 (2) b: This subsection requires that overhanging eaves, recessed entrances or similar architectural treatments shall be included in the building design to protect entrances and walkways from the weather. This requirement appears to have been met.

Section 9 (3): This subsection requires that "...walls in excess of 1500 square feet of exposed exterior area shall avoid treatment with a single color or texture, minimal detailing and lacking architectural treatments. Architectural wall treatments shall be utilized on such walls to create visual interest through the use of texture variations, multiple complementary colors, shadow lines, contrasting shapes, applied features and related architectural devices." The rear, side and perhaps some areas of the front walls are not in compliance with this section. The elevations provided are photographically reduced such that it is not possible to make accurate measurements as to wall areas, but the rear and east wall areas are clearly over the 1500 square foot threshold of this code section. **The plans have been amended to increase the architectural treatment of the east wall as requested at the January 3, 2011 meeting. The balance of the walls appear to meet the ordinance guidelines.**

Section 9 (4): this subsection requires that the overall size, shape and proportion of the building elements and the building's placement on the site is to be consistent with similar buildings in surrounding developments. I believe one can conclude that this building meets this general requirement.

Section 9 (5): This subsection addresses architectural screening devices. The trash container screening is proposed to match the building architecture, but no information as to what this means is provided. A recommendation for roof mounted equipment screening is addressed in section 9 (2) (a) above. **I recommend that the trash enclosure issue be addressed in more detail for the Commission's review prior to any recommendation being made on the overall petition.**

Section 9(6): This subsection establishes additional regulations for large scale developments to further enhance the pedestrian experience and the visual appearance of the building from all sides. Subsection (a) addresses individual users with frontage in excess of 100', so it does not apply to this petition. Subsection (b) deals with building facades in excess of 30'. It requires the incorporation of design features that especially enhance pedestrian oriented areas with features such as raised planters, variations in wall planes, pergolas, artwork, texture, shadow lines, porticos, etc. This appears to have been done for the front portions of the building.

Section 9 (7): This subsection requires the use of landscaping with irrigation and native or acclimatized species to complement and enhance the building's design. A landscaping

plan has been submitted. It is not consistent with the revised site development plan. **I recommend that the landscaping plan be revised to be consistent with the revised site development plan and meet screening and decorative guidelines to include raised planter beds and/or similarly scaled planting areas for flowers and seasonal plantings in the store entrance pedestrian areas, in the front yard area, and adjacent to the Manchester Rd. sidewalk that are scaled to be observed and appreciated by pedestrians.**

Section 9 (8): This subsection addresses issues of screening and landscaping on the site. This issue, with specific recommendations, has been addressed elsewhere in this report. This section goes on to require visual and sound screening from surrounding properties and upper levels of surrounding structures. Given the relative location of the building and site to surrounding uses and buildings, I believe that the requirements of this section have been met.

Section 9 (9): This subsection addresses the issue of the screening of all types of equipment. I believe the issue of screening has been previously discussed in this report.

Section 9 (10): This subsection requires the placement of loading docks, trash enclosures etc. to be incorporated into the submitted site development plan. Such facilities are to be located near the service entrance of the building and be 100% screened from view from adjoining rights-of-way and residential uses with landscaping and/or architectural screening. As discussed above, the equipment will be rooftop mounted and screening has been discussed. The trash facilities are shown on the submitted site plan. **The commission requested that the trash enclosure be relocated closer to the building and away from the greenspace at the rear of the site. This is even more of an issue in light of the revised site circulation plan. The enclosures are now located in very close proximity to what will be a well traveled thoroughfare. A location elsewhere on the site and closer to the rear service areas of the building would be more appropriate from the perspectives of safety and convenience as well as aesthetics.**

Section 9 (11): This subsection encourages, but does not require, community gateway features on all sites and requires them where they are identified on the comprehensive plan. The comprehensive plan does not identify this site for a gateway feature and it is probably not well suited for such a feature due to its central location in the corridor.

Section 10, Urban Design Elements: These urban design guides are to be considered when reviewing any requested relief from the requirements of the underlying zoning.

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. **As applied to this site, I believe that this subsection goes primarily to the issue of the landscaping along Manchester Rd. and along the rear of the site adjacent to the BAA ballpark, but it also applies to the need to make the development and adjoining properties that will be part of future MRD developments a unified whole and not individual lots that just happened to be developed next to each other. This is why the Commission requested a more comprehensive review of the**

issue of site vehicular interconnection. Now that a design that appears to address these planning criteria has been submitted, it is necessary to resolve the legal and access right issues necessary to assure the community that the site will actually happen as envisioned.

I also recommend that the screening and landscaping of the entire rear yard area be carefully evaluated due to its adjacency to the BAA site. This is not a typical rear commercial yard and should not be treated as one. The revised yard with the sloping grassy hillside opens up possibilities that did not exist in the previous design. Screening and buffering are still necessary to minimize the negative impact of the development and improve the edge between the commercial and recreational uses.

Section 10 (2): This subsection addresses streetscape amenities such as lighting, landscaping and pedestrian amenities within 10' of the right-of-way. **The site plan has not incorporated any such amenities into the roadway sidewalks. I have previously recommended landscaping in this area. The addition of a small bench or art feature, perhaps in the front yard area would also be a desirable amenity.**

Section 10 (3): This subsection requires the development of alternative access to the site from rear and side roadways. **The need for such access has been thoroughly discussed in this report and addressed in the revised plan.**

Section 10 (4): This subsection discusses the utilization of access management to interconnect internally among the proposed lots and to the adjoining commercial properties and to allow future interconnections as adjoining properties are developed. **This is discussed in detail elsewhere in this report.**

Section 10 (5): This subsection discusses multi-way roadways as a means of achieving access management. The submitted plan does not address this issue. The Great Streets plan considered such a roadway configuration along Manchester Rd. and does not recommend it. There appears to be little basis to support this roadway design concept to the Manchester Road Revitalization Overlay District.

Section 10 (6): This section encourages but does not require multi story buildings. The petitioner has proposed a building with a general mass and bulk resembling a two story building.

Section 10 (7): This subsection also addresses the landmark feature issue. This site is not recommended for such a feature in the comprehensive plan and is not well suited for a large scale feature due to its central location in the corridor.

Section 10 (7): This subsection encourages the stacking of multiple uses in multi story buildings. The petitioner has not elected to pursue this approach to developing this site.

COMPREHENSIVE PLAN ISSUES:

The recommendations of the comprehensive plan relative to Manchester Rd. Revitalization Overlay District Development are on pages 8:22 – 8:24. Basically, these sections of the plan spell out the form that the overlay district was to take when it was created. They are therefore essentially redundant with the review that has been done in this report.

PLANNING AND ENGINEERING ISSUES:

1. This site development proposes the construction of a retaining wall near the loading area of the building around the perimeter of about 1/2 of the site. At places this wall will be 6' tall. Since no walking surface is within 2' of the top of the wall, the building code does not require the placement of a fence along the top of the wall. **Due to the extreme height of the wall and the close proximity of the BAA facility I recommend that the plan be modified to include the placement of at least a 36" tall decorative fence with openings that will not permit the passage of a 4' diameter ball along the top of the wall everywhere it exceeds 30" in height. Chain link and wire fences are not suitable for this application at this location.**

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