

## ZONING ORDINANCE CHANGE PETITION REVIEW REPORT

**Petition Number:** Z13-06

**Petitioner:** Laura Van Gerpen  
Tayco Seven Trails Dr. LLC  
895 Bolger Court  
Fenton, MO, 63026  
636-343-9770

**Agent:** Steve Quigley  
Clayton Engineering  
11920 Westline Industrial Dr.  
St. Louis, MO 63146  
314-692-8888

**Project Name:** U-Gas Site Plan

**Location:** 14803 Manchester Rd.

**Petition Date:** 4/29/13

**Review Date:** 5/28/13

**Requested Action:** Governing Ordinance and Site Plan Amendment

**Code Section:** Zoning Ordinance, Article XIIC, XXIII

**Existing Land Use/Zoning:** Retail / C-1 Commercial

**Surrounding Land Use/Zoning:** West –Governmental / C-1 and PA  
South - Commercial / C-1  
East - Commercial / C-1  
North –Single Family / R-2

**Plan Designation:** Commercial, Manchester Rd.  
Revitalization

### Proposal Description:

**Tayco Seven Trails Dr. LLC is requesting that the approved site development plan of the 3 lot U-Gas subdivision be amended to allow an underground detention and water quality facility in place of the surface facility that was approved per ordinance 10-43.**

---

## PLANNING AND PLAN REVIEW CONSIDERATIONS:

***This report has been prepared with the understanding that petition Z13-05 requesting changes to the site plan and the allowed uses on lot 3 of the U-Gas subdivision including the change to an underground detention facility could be unfavorably received by Ballwin or never comes to fruition. In such a case the owner of the property would like to be able to make the changes to the detention facilities to enhance the development options for the site. If the Z13-05 petition is successful and is developed accordingly, this petition becomes moot since the changes for the detention facilities in both petitions are identical.***

This petition had been submitted with the C-1 district in place as the underlying zoning under an existing MRD overlay. The site development plan amendments are proposed to work with this zoning paradigm. The review of the amended site development plan for compliance with the C-1 district, the SUE regulations and the MRD is necessary. The nature of the MRD is such that it must be considered jointly with the regulations of the underlying zoning regulations and districts. 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.

---

## C-1 DISTRICT REGULATIONS:

This proposal entails the redevelopment of lot "C" of the U-Gas Subdivision. The MRD (Manchester Road Revitalization District) overlay theoretically allows more flexibility in site development than does the C-1 district, but it may simultaneously impose more stringent or extensive site development regulations depending upon the intended land uses. 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 regulations 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. No changes to the uses allowed by ordinance 10-43 are proposed as a part of this petition.
2. Article IX, Section 3 limits the height of structures to a maximum of 45 feet. The height limit is not applicable to the changes proposed with this petition.
3. Article IX, Section 4. (1)(i) requires buildings fronting on Manchester Rd. to have a minimum setback of 60' and buildings on other public roadways to have a minimum setback of 40'. No buildings are part of this petition.
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 permissive and allows the developer of properties fronting

on Manchester Rd. to have smaller front yard setbacks in certain circumstances. This petition does not apply to this subsection.

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 meet this requirement.
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)(i) requires a 25' deep landscaped "rear" yard area where the site abuts residential uses in a rear yard configuration. The landscaping in this area is to provide 100% visual screening to a height of 6'. **Ordinance 10-43 provided for landscaping along the rear property line of the lot and I support this petition's proposal to retain that screening.**
9. Article IX, Sections 4. (3) (ii, iii and iv) and (4) do not apply to this petition.
10. Article IX, Section 5. (1) requires the provision of parking in accordance with the provisions of Article XV. Parking is not an issue applicable to this petition.
11. 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. This subsection is not applicable to this petition.
12. Article IX, Section 6 requires the submission of the site development plan to MoDOT for its review. Since no part of lot "C" touches a MoDOT right-of-way, I do not believe that MoDOT review is necessary for this petition.
13. Article IX, Section 7(1) requires that the minimum spacing of curb cuts be 500' between centerlines. The submitted plan appears to be in accordance with this requirement. No curb cuts are proposed as a part of this petition.
14. Article IX, Section 7(2) requires the construction of a 6' wide sidewalk along Manchester Rd. This subsection does not apply to this petition; the sidewalk has already been built.
15. Article IX, Section 7(3) requires that a cross access, driveway/parking lot vehicular interconnection easement be established for the benefit of the adjoining properties. This issue was addressed per ordinance 10-43. No changes proposed for lot "C" will impact this aspect of the original ordinance.

---

#### **SUE Regulations (Article XIV):**

1. Sec.1 Special use exception uses: no changes to the proposed uses allowed in 10-43 are proposed in this petition.

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 landscaping approved in ordinance 10-43 is proposed to be utilized in this petition with no change.

3. Sec. 2(3) *Greenery and Planting*: This petition proposes to retain the **landscaping adjacent to the residential properties to the north that were included under ordinance 10-43.**

4. Sec. 2(4) *Fencing*: This issue does not appear to apply to this amendment petition.

5. Sec 2(5) *Parking*: No parking is proposed or needed as a part of this petition.

6. Sec. 2(6) *Pavement*: No pavement information is needed with this petition.

7. Sec 2(7) *Storm water runoff control*: **Fundamentally, the approach to storm water control that is proposed as a part of this site development plan amendment petition is not a substantive departure from what had been part of the original approved site development plan. The difference is that the surface detention / water quality system is being replaced with an underground detention and water quality system. Since the designs of the original storm water features assumed a 100% impervious condition on lot "C", the new facility can be the same capacity as the original facility. MSD review and certification of the revised storm water facilities will be required prior to the commencement of any construction or grading activities.**

8. Sec. 2(8) *Loading docks and facilities*: *No loading docks are proposed in the amended plan.*

9. Sec. 2(9) *Ingress and Egress*: No changes to the site access from the adjoining public roadways are proposed with this plan amendment.

10. Sec. 2 (10) *Adequate area for the use*: Nothing in this petition appears to suggest that there is not sufficient room on the site for the 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*: No trash disposal facilities are proposed as a part of this petition.

13. Sec 4(6)(1) *Increase traffic hazards*: No traffic will be created by the proposed undergrounding of the detention facilities.

14. Sec 4(6)(2) *Neighborhood character impact*: No impact to the character of the neighborhood is expected from an underground detention facility.

15. Sec. 4(6)(3) *Community general welfare impact*: No impact to the general

welfare of the community is expected from an underground detention facility.

16. Sec. 4(6)(4) *Overtax public utilities*: I see a limited basis to assess any overtaxing of public utilities.

17. Sec. 4 (6)(5) *Adverse impacts on public health and safety*: I see very little basis for the position that a change to an underground detention facility of the same size as the surface facility will have a negative impact on public health and safety.

18. Sec. 4(6)(6) *Consistent with good planning practice*: Ballwin has previously allowed the establishment of underground detention facilities. There is little basis to support the position that the petitioned detention facility will not be good planning as it is practiced in Ballwin.

19. Sec. 4(6)(7) *Operated in a manner that is compatible with permitted uses in the district*: I do not see how this facility 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*. I do not see how this facility would be incompatible with permitted uses in the surrounding area.

---

### **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, but with the exception of allowing multiple family uses in a mixed use development 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 (or amendment as is the case with this

petition), it is 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 realization of the *Purpose*, therefore, is most appropriately applied on a corridor-wide basis. It may not be in the best interests of the MRD approach to apply every regulation and guideline 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 fulfill all of the overarching intents of the *Purpose* statement only as a part of the aggregate of all parcels comprising the entire corridor.

**Section 2, Permitted Uses:** This section addresses permitted uses. No changes to the uses allowed by ordinance 10-43 are proposed with this petition.

**Section 3, Intensity of Use:** This section describes the MRD regulations that allow the waiver or 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 the underlying zoning. Any waiver of the provisions of the underlying ordinance are identified and discussed in the appropriate portion of the 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. No changes to the minimum or maximum height regulations of ordinance 10-43 are proposed with this petition.

*Section 5(1):* On-street parking is recommended where site design and traffic patterns permit. Clearly, due to the nature of the roadways, on-street parking is not feasible on Manchester Rd. or Seven Trails Dr. Although it is possible to add on-street parking to the interior roadway, the nature of the development proposed with this petition does not really support its development anywhere on the site. **This issue may be considered as a part of any subsequent development petition submitted for this site.**

*Section 5(2):* No waiver of ADA standards can be granted in the MRD. No parking is proposed as a part of this petition.

*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. No parking is proposed as a part of this petition.

*Section 5(4):* This subsection requires that parking is not provided within a dedicated right-of-way (along the roadway) shall be located behind the primary use, in a parking structure

or on a surface lot. No parking is proposed as a part of this petition.

*Section 5(5):* This subsection requires perimeter landscaped buffers and curbed planting islands in all parking lots of 5 or more spaces. No parking is proposed as a part of this petition.

*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. No parking is proposed as a part of this petition.

*Section 5(7):* This subsection requires a minimum planting effort of one tree per 10 parking spaces. No parking is proposed as a part of this petition.

*Section 5(8):* This subsection requires all planting areas within or adjacent to the parking lot or vehicular use areas to be irrigated. No parking is proposed as a part of this petition.

*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. No parking is proposed as a part of this petition.

*Section 5(10):* This subsection requires tree plantings to be consistent with Ballwin standards for street tree plantings. **The proposed plantings appear to meet this standard.**

*Section 5(11):* This subsection prohibits surface parking lots from abutting rights-of-way for more than 50% of a site's roadway frontage. No parking is proposed as a part of this petition.

*Section 5(12):* This subsection requires parking lots to have no more than 20 consecutive parking spaces without an intervening landscaped area. No parking is proposed as a part of this petition.

**Section 6, Setbacks:** This section establishes **maximum** building setbacks from the right-of-way for new buildings. No buildings are proposed as a part of this petition.

*Section 6(1):* This subsection recommends placing new structures at a maximum setback of 10' from the right-of-way line. No buildings are proposed as a part of this petition.

*Section 6(2):* This subsection addresses building setbacks for infill sites. No buildings are proposed as a part of this petition.

**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. No pedestrian circulation is proposed as a part of this petition.

*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. No pedestrian circulation is proposed as a part of this petition.

*Section 7(3):* This subsection requires that sidewalks be provided along any façade abutting a parking area or a roadway and such sidewalks shall be at least 12' wide. No pedestrian circulation is proposed as a part of this petition.

*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. No pedestrian circulation is proposed as a part of this petition.

**Section 8, Use Limitations:** This section outlines special use limitations related to certain specific possible land uses within an MRD. This issue is discussed in section 10(2) as well.

*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 requested or 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 proposed to be allowed in this development were discussed in Section 2 of this report. **This petition proposes no changes to the uses allowed by ordinance 10-43.**

*Section 8(3) (a-d):* These subsections contain regulations governing drive through facilities. There is no drive through facility proposed with this petition.

*Section 8(4) (a-e):* These subsections contain regulations governing vehicle wash facilities. There is no vehicle wash facility proposed with this petition.

*Section 8(5):* This subsection requires that the submitted site plan is to clearly show curb cuts and on site vehicle circulation patterns. No curb cuts or on-site vehicle circulation are proposed as a part of this petition.

**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. No buildings are proposed as a part of this petition.

*Section 9 (2) a:* This subsection requires that rooftops and roof-mounted equipment must be architecturally concealed. No buildings are proposed as a part of this petition. There are no buildings on this site and no buildings are proposed as a part of this petition.

*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. No buildings are proposed as a part of this petition.

*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. No buildings are proposed as a part of this petition.

*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 are to be consistent with similar buildings in surrounding developments. No buildings are proposed as a part of this petition.

*Section 9(5):* This subsection addresses architectural screening devices. No architectural screening is proposed as necessary as a part of this 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. This subsection is not applicable to this petition.

*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 that proposes the same plantings along the adjoining residential properties that were approved in ordinance 10-43.

*Section 9(8):* This subsection addresses issues of screening and landscaping on the site. Given the nature of the improvement proposed with this petition, this section is not applicable.

*Section 9(9):* This subsection addresses the issue of the screening of all types of equipment. No equipment is proposed in this petition.

*Section 9(10):* This subsection requires the placement of loading docks, trash enclosures etc. to be incorporated into the submitted site development plan. No such facilities are proposed in this petition.

*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 the petitioner has elected not to provide such a feature in its submittal. The Manchester/Seven Trails intersection corner has a gateway feature proposed.

**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 landscape screening and buffering between this commercial use**

**and the adjoining residential properties. As discussed earlier in this report, the proposed screening along the adjoining residential properties is that same screening that was approved per ordinance 10-43. No changes to this landscaping screen are recommended.**

*Section 10(2):* This subsection addresses streetscape amenities such as lighting, landscaping and pedestrian amenities within 10' of the right-of-way. This subsection does not appear to be applicable to this petition since no pedestrian generating improvements are proposed.

*Section 10(3):* This subsection requires the development of alternative access to the site from rear and side roadways. There is no option for this kind of site access to this lot.

*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. The recommendations of this subsection have been substantially met with the 3 lot U-Gas development. The proposed utilization of this site does not change the earlier plan's approach to this issue.

*Section 10(5):* This subsection discusses multi-way roadways as a means of achieving access management. 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. No building is proposed as a part of this petition.

*Section 10(7):* This subsection also addresses the landmark feature issue. This site is not recommended for such a feature in the comprehensive plan.

*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.

---

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