

ZONING ORDINANCE CHANGE PETITION REVIEW REPORT

Petition Number: Z 15-03

Petitioner: Steve Nolan
Nolan Real Estate Interests LLC
45641 Belair Drive South, Suite 100
Fort Worth, TX 67109
817-735-9996

Agent: None

Project Name: Dunkin Donuts/EZ Storage

Location: 14918 Manchester Rd.

Petition Date: 12/19/14

Review Date: 1/26/15, 2/9/15

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:

Nolan Real Estate Interests LLC is requesting the application of a Manchester Road Revitalization Overlay district on top of the existing C-1 commercial zoning for the approximately 1.49 acre site commonly known as 14918 Manchester Rd. The site is currently occupied by two buildings. The front building, which is the former home of Ballwin Furniture, is presently unoccupied. The rear building is presently occupied by the Bullpen Brothers indoor batting cages business. Both buildings will be razed and replaced with new construction that will house a Dunkin Donuts restaurant on the front portion of the subdivided site and an EZ Storage indoor self-storage building on the rear portion of the site.

This 1.49 acre site is completely surrounded by C-1 Commercial zoning which is primarily developed in commercial uses. The Preiss Cleaners building and the rear

portion of the CAP Carpet commercial property adjoin the site to the west. Adjoining the site to the east is Olde Towne Plaza across Ballpark Drive. The properties across Manchester Rd. to the north are all commercial. The site also adjoins the Ballwin Athletic Association property along the south side.

This is a corner location at the southwest quadrant of the Manchester Rd. / Ballpark Dr. intersection. This site has approximately 358 feet of frontage on Ballpark Dr., 210 feet of frontage along the Ballwin Athletic Association property and 222 feet of frontage with the CAP Carpet Plaza property. The site is "L" shaped around the Preiss Cleaner property with 104' of adjacency along the rear of the cleaner's site and abuts for 176 feet along the east side of the cleaner's property. The petitioned site also has approximately 93' of frontage on the south side of the Manchester Rd. frontage.

The site drains southwardly toward the BAA site. The highest point is along the Manchester Rd. right-of-way at the intersection with an elevation of about 626 feet. The lowest point of the site with an elevation of 600 feet is at the southwest corner of the property. This yields a total elevation change of 26 feet across the site.

The existing buildings have a combined footprint of approximately 25,000 square feet. They 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 enters the BAA private stormwater system and the Ballpark Dr. stormwater system. Both systems ultimately discharge into Fishpot Creek to the south, and Fishpot Creek ultimately flows into the Meramec River near Valley Park.

This report has been prepared pursuant to the submission of an accompanying zoning and subdivision petitions (Z 15-02 and SUB15-01) that will make self-storage a use that is permitted by special use exception. The subdivision petition will separate the two uses onto separate parcels to permit independent ownership. Presently self-storage is not a permitted use in any of Ballwin's zoning districts. This report has been prepared pursuant to the assumption that Z 15-02 will be approved. The failure of that petition will invalidate this report and any recommendations herein.

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 tallest elements of the Dunkin Donuts building to be approximately 28' and the parapet to be about 19' above floor level. The tallest elements of the EZ Storage building appear to be about 50' tall with the parapet wall to be about 39' above first floor elevations. With the exception of the tower element of the storage building which exceeds the 45' height limit, the proposed buildings appear to be within the maximum height limit of the ordinance. **The height limits of the C-1 district can be amended by the MRD overlay. This will be necessary and is recommended as a part of the MRD governing ordinance to accommodate the proposed buildings. The governing ordinance should establish the tallest height of the storage building as the maximum allowable building height for this site development plan. It is also recommended that 20' be established as the minimum building height for parapet walls on major building elements for all primary buildings or structures on the site. This should provide sufficient wall height for the screening of rooftop equipment and addresses the building height 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' and buildings along other roadways are to have a minimum setback of 40'. **The proposed Dunkin Donuts building does not meet the Manchester Rd. setback requirement. Both buildings meet the side street setback requirement. The buildings appear to meet the setback requirements of the MRD so a waiver to the C-1 district requirements for setback will be needed in the MRD governing ordinance for this proposal to be approved.** 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. and along the Dunkin Donuts frontage of Ballpark Dr. The EZ Storage use frontage along Ballpark only meets the 10' greenspace requirement south of the curb cut. It is not compliant north of the curb cut. **The MRD governing ordinance can waive this requirement, but it imposes its own greenspace requirements. This is discussed more fully in the MRD section of this report.**
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 not been met for either parcel in this development. This requirement is proposed for waiver in the MRD Governing Ordinance.
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 do not show a fence anywhere in the rear yards in this development so this plan is not compliant with the minimum requirements of this subsection. **This requirement is also being proposed to be waived via the MRD process. This issue is discussed more thoroughly in the MRD section of this report.**
11. Article IX, Section 5. (1) requires the provision of parking in accordance with the provisions of Article XV. This section does not address parking for the self-storage use. The petitioner maintains that the development has sufficient parking based upon its previous experiences in developing these facilities in other locations. Parking appears to be adequate for the Dunkin Donuts use. **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.

13. Article IX, Section 6. requires the submission of the site development plan to MoDOT for its review. **MoDOT has reviewed this proposed change to the Manchester Rd. curb cut configuration and has given preliminary approval pursuant to final design review.**
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. and adjoining roadways. Limiting curb cuts is fundamental to access management. The submitted plan does not meet the spacing requirement. The petitioner is proposing that the requirement be waived or amended by the MRD governing ordinance.**
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 \$231.02.**
16. 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. (1) 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 easement between and across the CAP Carpet Plaza property to the adjoining Izsak property was a condition of the approval of the CAP Carpet Plaza. This easement was granted to Ballwin. This plan proposes to make a parking lot and access connection to this easement to allow vehicular traffic to flow from the CAP Carpet Plaza property to Ballpark Dr.

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. **This will be covered by the MRD Governing Ordinance site development plan.**

2. Sec. 2 (1) *Minimum Yard Requirements*: The minimum yard setback requirements of the C-1 District were discussed in the C-1 section of this report. **The submitted plan does not meet all of these requirements, but they can be waived through the MRD process.**

3. *Sec. 2 (2) Site Illumination:* **No site illumination information has been provided. Since there are no nearby residential properties to be concerned with, it is recommended that a site illumination plan be provided that offers sufficient illumination to minimize any public safety and property security issues.** Pole mounted luminaries should be no higher than 30'. These should be of a design that have flat lenses mounted parallel to the ground below the fixture. No sag lenses or other sideways shining luminary designs should be incorporated. Wall mounted luminaries should be of a downward or upward facing variety. Outward facing wall pack style lights are not recommended. It is further recommended that site illumination be provided via low energy luminaries, such as, but not limited to, LED technology. 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 installed and made operational.

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

4. *Sec. 2 (4) Fencing:* This issue is discussed with recommendations in the MRD section of this report.

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 in the C-1 section of this report and again with recommendations in the MRD review section.**

6. *Sec. 2 (6) Pavement:* No information is provided in the submitted plans relative to pavement design. It is premature to be discussing pavement design at this juncture. Final approved construction plans will have to comply with Ballwin's standards for commercial parking lot pavement design.

7. *Sec 2 (7) Storm water runoff control:* **An approach to storm water control has been presented as a part of this submission. MSD has issued a letter of conceptual review approval provided that certain minimum requirements have been met. The submitted plan appears to meet or be able to meet these requirements. Ultimately, MSD approval of the final storm water plan will be required prior to the issuance of any development related permits or the commencement of any construction or grading activities on this site.**

8. *Sec. 2 (8) Loading docks and facilities:* No loading docks are proposed. Such facilities are generally not required for restaurants and the self-service use has interior loading facilities.

9. *Sec. 2 (9) Ingress and Egress:* The submitted plans propose a right in only curb cut from Manchester Rd. allowing only eastbound Manchester Rd. to directly access the site and no exiting traffic to access Manchester Rd. A new standard two-way curb cut is proposed on Ballpark Dr. to provide multi-directional ingress and egress to the Dunkin Donuts portion of the site. The existing curb cut on Ballpark Dr. opposite the entrance to Olde Towne Plaza will be retained to serve the EZ Storage use as well as provide through-access to CAP Carpet Plaza.

A fast food restaurant of this nature can generate significant traffic. A traffic study that analyzes the traffic generated by the uses proposed in this development, the turning movements resulting from these uses at all curb cuts and at the Manchester Rd. / Ballpark Dr. intersection and the queuing that will result at the drive through window and at the intersection has been provided. A level of service analysis was also conducted for the adjoining roadway curb cuts, and adjoining roadway intersections.

On pages 9 - 11 the traffic study discusses the methodology utilized to estimate the number of vehicular trips that the proposed development will generate. The trip generation numbers in this study are based upon information collected and published by the Institute of Traffic Engineers (ITE) in its Trip Generation Manual. Table 2 on page 11 of the study shows the trip generation estimated for the combined uses on the site. In the A.M. peak hour the site will generate 190 trips (95 in and 95 out). In the P.M. peak hour this amount is estimated to be 100 (50 in and 50 out) trips. Although this is not an insignificant number of trips, the trips actually added to the traffic on the adjoining roadway is significantly less because it is estimated that 75% of the trips will be drawn from existing roadway traffic. This assumption for this use is based upon the ITE Recommended Practice handbook. The “coffee/donut shop” use is well studied in the literature. The increase in trips on the adjoining roadways does not significantly change the Levels of Service (LOS) in the adjoining roadways. This is more fully discussed later in this report.

10. Sec. 2 (10) *Adequate area for the use*: Based on the information provided about parking, stormwater, traffic queueing and other site related issues there does not appear to be a serious or substantive issue in this regard 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*: A screened dumpster enclosure is shown on the fast food restaurant portion of the site and an internal dumpster is proposed for the self-storage use.

13. Sec 4 (6) (1) *Increase traffic hazards*: **This is an issue that is well addressed in the traffic study. The study looks at the increase in traffic at the Manchester Rd. / Ballpark Dr. intersection and on the Dunkin Donuts site as it relates to queueing at the drive through window.**

Level of Service (LOS) Analysis

The traffic study looked at the Level of Service (LOS) at the adjoining intersections and curb cuts. This is shown in Table 3 on page 15 of the study. A LOS rating is expressed in an A to F grading scheme with each level representing an increase in the delay experienced by vehicles expressed in seconds per vehicle. This is described in Table 4 on page 16 of the study. The analysis was done for the roadway A.M. and P.M. peak hours and reflects the change in LOS

created by the additional traffic generated by the proposed development. Only the eastbound approach to Ballpark Dr. for the existing curb cut that will be utilized by the EZ Storage business shows a letter change (B to C) in the LOS, but this is because the approach is at the maximum vehicle delay to be considered a B. The delay only increases by .4 seconds, but that change pushes it over into the C rating. The northbound Ballpark Dr. approach to Manchester Rd. increases by 7.4 seconds in the A.M. peak hour. This is still within the E LOS rating. This is a minor increase in the delay for this traffic. It is important to understand that the E rating is substantially related to MoDOT's decision to limit green time on side streets entering Manchester Rd. to maximize Manchester Rd. capacity.

In my view, the central issue to understanding any LOS analysis is the question of whether the traffic increase changes the LOS letter grade for any roadway segment or intersection movement. Virtually every new business will have some kind of impact on the seconds-per-vehicle delay at adjoining intersections and curb cuts, but from my perspective, any traffic increase that causes a lower LOS letter grade is generally unacceptable. In the case of this proposed development, there is only one letter grade change in all of the approaches together that is attributable to this development proposal and this change is minor in terms of additional delay but just happens to push the LOS into a lower category.

Queueing Analysis:

A queueing analysis was done for the Manchester Rd. / Ballpark Drive intersection and the drive through lane at Dunkin Donuts. The queue lengths at the intersection are described in table 4 and discussed on page 17 of the report. The report states that the current maximum A.M. peak period queue length (95% percentile) for this movement is 105' long which hold it well short of the 156' distance takes to the proposed new curb cut location. This queue length is expected to be 165 feet after construction. This (5% of all queues) will occasionally block the curb cut. The P.M. peak hour has a worse situation with the pre-development 95th percentile queue length being 165' and the post development 95th percentile queue length being 190'.

On page 18 of the study the author has suggested that MoDOT increase the green time for northbound Ballpark Dr. traffic by 5 seconds. This would reduce the A.M. 95% percentile queue to 130' and the P.M. 95% percentile queue to 170'. The author has also suggested that the Dunkin Donuts curb cut be moved south 30 to 50 feet to provide more queuing room on Ballpark Drive before the curb cut is blocked. The submitted plan has relocated the curb cut in accordance with this recommendation. I recommend that the petitioner approach MoDOT about changing the green time allocation for the northbound Ballpark Dr. approach to Manchester Rd., but I am not optimistic that there will be any agreement with this proposal.

The queueing study of the drive through window is discussed on page 22 of the traffic study. An analysis of several Dunkin Donut establishments in the

metro area (the locations were not provided) revealed that the maximum queue was 9 vehicles for the A.M. peak hour. The average queues were in the range of five to six vehicles. The site can easily accommodate 10 vehicles and there is room for an additional 3 or 4 vehicles, but that will congest the area of the Manchester Rd. curb cut on the lot.

14. Sec 4 (6) (2) *Neighborhood character impact*: The only neighborhood in close proximity to this site is a commercial one. This development appears to generally be in keeping with the character of other commercial developments in the area.

15. Sec. 4 (6) (3) *Community general welfare impact*: **The issues discussed as a part of the traffic study also fall into this category. I believe that this development could be viewed as having a minor potential negative impact on the general welfare of the community due to the small increased delay and queue lengths for the northbound approach to Manchester Rd for Ballpark Dr.**

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*: I see a limited basis to maintain 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 on similarly situated properties in proximity to commercial developments. If the issues raised in this review report are satisfactorily resolved, I believe that one could conclude that, as exercised 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 similar uses and virtually identical buildings. There is little proximity of commercial buildings to single family residential uses in this development proposal. The commercial buildings and uses contained therein appear to be visually compatible with the nearby commercial uses and buildings.

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 to the same degree. 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 best 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 stated that the only uses anticipated for this development are a restaurant with a drive through window and a self-storage facility. Presently the self-storage use is not permitted in the C-1 district or by special use exception. Petition Z 15-02 that accompanies this petition proposes a text amendment to the zoning district regulations to permit the self-storage use in the C-1 district under certain conditions. That proposal is discussed more thoroughly in the review report for that petition. This petition cannot receive a positive recommendation from the Commission if petition Z 15-02 has not previously been approved. This petition can be provisionally recommended if petition Z 15-02 has been recommended for approval. 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:

- None

The following uses allowed by special-use-exception or proposed to be allowed by special use exception per petition Z 15-02 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.
- Shop where food is served for consumption on the premises on which prepared or to be consumed at a place other than on the premises on which prepared including the use of a drive-up window for pickup purposes.
- On-site facility manager's residence.(Allowed per MRD regulations)
- Self-service storage facilities. (This use is subject to the approval or recommendation for petition Z 15-02)

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 associated 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.”

Based upon the previous MRD petition approvals, 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 building 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 higher vacancy rates. It is also desirable to have more architecturally interesting buildings along the corridor.

My recommended interpretation of this ordinance is that if two story buildings cannot be built for economical or functional reasons, a taller and more substantial single story building should be acceptable as an alternative to a true two story building if it imparts the architectural character of a two story building 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. Ballwin accepted this interpretation of the ordinance as appropriate in several previous petitions.

The preliminary architectural elevations for the EZ Storage building clearly show it to be a two story building recommended by this subsection of the MRD ordinance. The architectural elevations of the Dunkin Donut building reflect an effort made to also meet this design requirement of this subsection. The entire Manchester Rd. frontage of the building has utilized design and texture to have the appearance of a two story building as does a portion of the Ballpark Dr. frontage.

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 may be anticipating a variation from the parking requirements of the underlying zoning district (C-1) via the MRD governing ordinance process.

The petitioner has proposed a site development plan with 15 parking spaces to accommodate the restaurant and spaces to accommodate the storage building. **The 1800 square foot floor area of the restaurant would require 9 parking spaces by code. In the alternative seating-based parking formula for restaurants, the 15 spaces would correspond to a seating capacity of 60 patrons. It is my understanding that the actual seating will be below this threshold. Representatives of Dunkin Donuts have stated that the proposed parking is well within the corporate requirements. The traffic study only looked at Ballwin's parking requirements and determined that the proposal is compliant. I do not believe at this time that parking for Dunkin Donuts will be a significant issue.**

Since Ballwin's code has no parking standard for a self-service storage use, the parking study looked at the ITE Parking Generation Manual for parking demand. The results of that review are discussed on page 20 of the traffic study and reflected in table 6. The 14 proposed spaces are midway between the average parking demand and the 95% percentile demand for parking that came from the ITE manual.

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.

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. or Ballpark Dr.

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 spaces proposed for the lots meet the standards 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 pavements on this site are parking facilities 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 surface lot recommendation.

Section 5 (5): This subsection requires perimeter landscaped buffers and curbed planting islands in all parking lots of 5 or more spaces. A landscaping plan has been provided that appears to meet this requirement.

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 both the Dunkin Donuts and the EZ Storage sites.

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 submitted plan employs the (a) screening formula.

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

Section 5 (8): This subsection requires all planting areas within or adjacent to the parking lot or vehicular use areas to be irrigated. The landscaping plan appears to be compliant with this standard.

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. There is no conflict with Ballwin's street tree planting guidelines.

Section 5 (11): This subsection prohibits surface parking lots from abutting rights-of-way for more than 50% of a site's roadway frontage. **The submitted plan is out of compliance with the requirements of this subsection. Virtually the entire roadway frontage of the site (both parcels) is adjacent to a parking lot. I see no way to reconfigure the lot to place the parking facilities in compliance with this subsection, so it may be necessary to appeal to the Board of Adjustment for a variance to this subsection requirement for a hardship related to the unique physical characteristics of this site which prohibit an otherwise allowed use.**

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.

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. Neither building meets this requirement but the regulations governing infill sites in subsection 6(2) below appear to apply.

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 this site's history as being vacant or underutilized for an extended period and using these definitions, I believe that this site can be characterized as an infill site thus making the proposed building setbacks compliant with this section. The adjoining building to the west sits approximately 80' from the right-of-way line and the closest building to the south has a setback similar to that of the proposed buildings as they relate to Ballpark Dr.**

Section 7, Pedestrian Access: This section 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 for the Dunkin Donuts and the EZ Storage uses **although the EZ Storage walk appears to be 4' wide and the ordinance requires it to be 6' wide.**

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 principal entrance. **The spaces in the Dunkin Donuts parking lot are not served directly by a perimeter sidewalk. The closest proximity sidewalk to this parking is across the parking lot adjacent to the building.**

The EZ Storage portion of the site does not meet the "all sides" requirement of this ordinance section either, but its only exterior parking is adjacent to the building near the entrance. There appears to be little reason to have perimeter sidewalks along portions of parking lots that are only for internal traffic circulation and not at a location that would commonly be utilized for pedestrians. The Manchester Rd. and Ballpark Dr. sidewalks are 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 theoretically requires such sidewalks to extend around the entire perimeter of the Dunkin Donuts building and along the east and south edges of the EZ Storage building. All such sidewalks are not shown on the submitted plans, but there are sidewalks for pedestrian access to the building. Although a technical interpretation of this section requires all of the sidewalks surrounding the building to be 12' wide, there seems to be little purpose served in 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 previously approved 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. **No such features appear to have been included in the submitted plans. There may be little purpose served in a self-storage use having such features, but a stronger argument could be made that such amenities would not be inappropriate on the large western sidewalk of restaurant use like Dunkin Donuts.**

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 in this report.

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.

Section 8 (3) (a): This subsection requires that drive through facilities have sufficient queuing room for 15 vehicles to stack from the order pickup location so that they do not block public rights-of-way or driveway areas and an escape lane must be provided. This development proposes the creation of a drive through window. **There appears to be sufficient queuing space for 10 cars before the queue congests the parking lot drive aisles and room for 14 cars before congestions potentially impacts Manchester Rd. The traffic study revealed a likely need for only a 10 car queue. Given that more than 10 spaces are probably not needed for this queue and congestion resulting from a longer queue would mostly impact on-site circulation and not public roadways, although not perfect from a congestion avoidance perspective, the plan probably meets the technical requirements of the section.**

Section 8 (3) (b): This subsection requires that order boxes and pick up windows shall be located 75 feet from any residentially zoned property. The locations that would be considered an order box or a pickup windows for the purposes of this subsection are well in excess of this required setback.

*Section 8(3) (c):*This subsection establishes minimum screening requirements between any property used for a drive-through facility and an adjoining residentially zoned or occupied property. The screening requires a 100% visual screen to a height of 6' and a 25' wide landscaped area. The landscaping is required to meet or exceed the parking lot screening requirements of subsection 5(6). This issue does not apply here since there are no adjoining residential properties.

Section 8 (3) (d): This section requires the petitioner to submit a traffic impact assessment study for the drive through unless the assessment is waived by the Director of Planning. The submitted traffic study addressed the drive through window and the issue of queuing was discussed in subsection 8 (3) above.

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 well addressed.

Section 9, Architectural and Site Design Standards: All new buildings and any building altered more than 50% are 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 EIFS 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 submitted architectural elevations do not indicate that rooftop equipment will be visible. **The question of whether parapet walls extend far enough above the roof deck on both buildings to completely provide the desired screening is not clear in these drawings. It appears the west view of the EZ Storage building will reveal the rooftop equipment. A taller parapet wall or screening will be required from this elevation. The Dunkin Donuts elevations do not indicate the height of the finished roof, so it is impossible to determine if the roof-mounted equipment is appropriately screened, but the petitioner said at the 3/4/15 meeting that the equipment will be screened.**

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 for the EZ Storage building, but the Dunkin Donuts elevations do not appear to provide such overhangs. The architect for the building agreed to add such features at the 3/4/15 meeting but they are not shown on the provided building elevation drawings.**

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 for the EZ Storage building appear to have done a thorough job of addressing this requirement around the entire perimeter of the building. The west elevation is a little skimpy in this regard, but it faces a parking lot and is not generally visible from nearby highways or residential properties. **The Dunkin Donuts building has extensive architectural treatment on its Manchester frontage and on portions of the Ballpark Dr. and west elevations. The balance of the building offers less abundant architectural embellishment.**

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. 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 for Dunkin Donuts is not described and no information is provided relative to the screening of roof-mounted equipment. The petitioner said at the 3/4/15 meeting that the trash dumpster enclosure design would be amended to blend architecturally with the building. The issue of the screening of rooftop equipment was addressed as part of the parapet wall design earlier in this report.

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. The requirements of this subsection appear to have been addressed.

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. No landscaping plan has been submitted. Notations are included on the landscaping plan regarding the installation of an irrigation system.

Section 9 (8): This subsection addresses issues of screening and landscaping on the site. Landscaping screening has been previously addressed in this report.

Section 9 (9): This subsection addresses the issue of the screening of all types of equipment. The issue of this kind 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. No dedicated exterior loading docks or spaces are proposed as a part of this plan and such facilities are not commonly necessary for restaurants. Interior loading areas are part of the design of the self-storage building.

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 Ballpark Dr., 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. I believe that the landscaping plan address this issue.

Section 10 (2): This subsection addresses streetscape amenities such as lighting, landscaping and pedestrian amenities within 10' of the right-of-way. **The landscaping plan has incorporated many such amenities into the roadway frontage areas of the site. Additionally an art feature has been incorporated in the vicinity of the intersection. This is a desirable amenity.**

Section 10 (3): This subsection requires the development of alternative access to the site from rear and side roadways. This issue has been well addressed in this submittal.

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 issue has also been well addressed in this submittal.

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, bulk and look resembling two story buildings. Some thoughts on the rear portion of the Dunkin Donuts building were expressed earlier in this report.

Section 10 (7): This subsection also addresses the landmark feature issue such as public art or significant architectural or landscaping elements. This site is not recommended for a gateway feature as recommended in the comprehensive plan, but the intersection of Manchester Rd. and Ballpark Dr. is nearly the geographic center of Ballwin and it is the center of the Town Center area of the Great Streets Plan. The petitioner has shown the placement of an art feature on the corner at the intersection.

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 retaining walls at several locations on the site. Wall heights vary. Some walls show fences along the top others do not. **Due to the height of these walls 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 walls separating the Dunkin Donuts and EZ Storage sites.**

Given the abundance of chain link fencing in use on the BAA site to the south, similar fencing is probably appropriate along the retaining walls in this part of the development. I recommend that this fencing be black rather the galvanized metal to differentiate ownership and maintenance responsibilities and because it is more

aesthetically pleasing

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