



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

April 30, 2009

Dear Tom:

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

We feel we have provided for a well-planned neighborhood oriented market sensitive commercial and mixed-used development in character with the surrounding neighborhood. We have selected the French Country architecture, as it is reminiscent of Old World residential. This is consistent with the architecture on the North side of Clayton Road and the East side of Henry Road.

Building Scale

Your report provides a well-analyzed issue of the independent living to the South of the project. We are in agreement with your findings and we concur that we can live with a maximum building height of 55' above grades and all of the items enumerated in paragraphs 1-9 of your report under Section I(i). The only caveat is that we would like to make sure that the term "assisted living" is the part of this zoning. It could be interpreted by inference but is not specifically set out.

As you commented at the end of Section I(i), we feel that we have addressed the issue of the expanding commercial district beyond the four-acre corner parcel.

Permitted Uses

Under Section 2, "Permitted Uses", you have made several recommendations concerning the items that were listed under uses under our petition. We are in concurrence with all of your changes enumerated in this section.

Parking and Loading Regulations

I applaud the City and your evaluation of the five spaces per 1,000 square feet of retail, which we had to live with the last 25 years all across this country. I have put in a lot of asphalt parking lots, as you mentioned, which are never used. During my initial review of our plans and your comments to this issue, we labeled the 27 parking spaces in the Southwest portion of the retail center to be optional. These may be required at a later date as a bank use for patrons, which would enter into the back of the smaller building located south of the pergola. What did not get put on the drawings was my comments of taking out the 27 parking spaces

Mr. Thomas Aiken
City of Ballwin
April 30, 2009
Page 2 of 4

along Clayton Road, which we would like to remove from the site plan for this review, but would liked to be allowed to place them back in at a future date in the event that this site is under parked. This would therefore reduce the 227 to 173, thus providing the parking ratio of 4.23 per 1,000. This change would allow for more green area along Clayton Road and to the rear of the site with the parking being installed only in the event that tenants require them.

On the multi-family residential development, we are showing the 124 units for the independent living. The configuration shown, as you know, is not the actual plan. Some of the users, which we are discussion with, allow for parking under the building that would provide for more spaces. The long of short of it is that we feel that we can live with your 125 spaces recommended for the independent living with a reduction from that in the event an assisted living or a different change in use requires less parking.

Right-of-Way Planning

We will amend the landscaping plan to provide the standard with the inclusion of shrubs, low growing plants along the right-of-way.

Buffering

As stated in our previous comments to Petition Z09-3, we feel that we have provided an equivalent of buffering along the West property lines inclusive of the 25' depth adjacent to the one home on Clayton Road. We will provide at the meeting a cross section showing the site lines from this one rental property on Clayton Road through the rear of Building D.

Paragraph 2 under your sub Section V (v) indicates the berm around the West property line. As stated in our previous letter we feel we have provided for the berm in that we have about a 5'-6' berm all along the West property line of the site in a fill condition. The only difference is that we have not gone down on the East side of this proposed berm. I can tell you from an engineering point of view that it is very likely that building E, in the future, would have a depression on that portion of the site, thus making the berm a real berm and would lower the building. Also, the building in this area is probably going to be set back so far from the West property line that it probably makes the berm a moot point in that it would not change the view from the residential lots from the berm and 8' high fence.

Set Backs

We are in agreement with your Section VI (iii) and will provide for a sidewalk on the Eastern side of the internal roadway from Clayton Road to Henry Avenue. Under Section VII (ii) we would take issue with your sidewalk being widened to 12' in this section. The purpose of the sidewalk shown on the East elevation of building C is for pedestrian movements up and down the streets and to the lake. It

is not intended to be the sidewalk as an entrance into the East end of building C, as we will not have any doors along that elevation.

Pavement Marking

We will provide for special pavement marking at the sidewalk to minimize the pedestrian (vehicle) issues. This will be accomplished with stamped asphalt at the crossway and uplighting around the buildings. In conjunction with this, under Section VII, we will provide for benches around the project to be mutually agreed upon between the City and us.

Outdoor Sales

Section VII (i) indicates that we have not made a specific request for outdoor sales. While we would not allow our tenants to have outdoor sales (i.e. in the parking lot, etc.) without special permission from the City, we do have certain tenants that will want to have the ability to place things along the sidewalks around and in front of their stores. This adds to the ambiance of the shopping experience and softens the fronts of the stores.

Architectural and Site Design Standard

Your comments in Section IX (ii) address the addition of stone on the vertical elements. I believe that the new elevations that you will see on May 4th will accomplish that and this was an oversight at the front of the CVS store.

Screening of Rooftops and Protection of Entrances

Your comments under Section IX (vi) indicate that we have shown the rooftop units. All of the rooftop units will be within the mansard roofs around the perimeter of the project.

The entrances are covered for weather protection in that there is an eave of approximately 1' all the way around the perimeter of the building as well as the entrances are inset slightly to provide an architectural detail.

Your recommendations of enclosing the entire 12' area would be undesirable to the architectural style of this project. A big part of our French Country look is the rafter tail sticking out adjacent to the building walls and providing that Country/ Cottage feeling.

Trash Enclosures

Your Section IX (xii) indicates that no details are provided. We will provide them in our meeting on May 4th for your review. The architecture enclosures, which we developed in Chesterfield, later became the standard that was required throughout the Valley.

Mr. Thomas Aiken
City of Ballwin
April 30, 2009
Page 4 of 4

Artwork

From the very beginning, we have treated this site as the entrance to the City of Ballwin. To that end, we have commissioned John Pils to provide for a new cityscape for this corner of the City. I expect to have a mockup of this at our meeting on May 4th for your consideration.

Thank you for your consideration of this Petition Z09-4. We look forward to making our presentation on May 4, 2009

Sincerely,

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

Robert Brinkmann, P.E.

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