

## **\*\*ZONING ORDINANCE CHANGE PETITION REVIEW REPORT**

**Petition Number:** Z13-05

**Petitioner:** John Henderson  
Hindo LLC  
15531 Manchester Rd  
Ballwin, MO, 63011  
636-527-1839

**Agent:** None

**Project Name:** American Arms Site Plan

**Location:** 14803 Manchester Rd.

**Petition Date:** 4/18/13

**Review Date:** 5/7/13

**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:**

**Mr. Henderson is requesting that the allowed uses specified in the MRD Governing Ordinance (10-43) addressing this site be amended to include an indoor shooting range and retail sales and that the approved site development plan of the 3 lot U-Gas subdivision (approved per ordinance 10-44) be amended to accommodate the new uses on lot 3 of the subdivision. This petition is being submitted with the knowledge and concurrence of Tayco Seven Trails Drive LLC, the present owner of the property.**

**The MRD Governing ordinance 10-43 approved the site development plan for the three commercial lots in the U-Gas Subdivision at the northeast corner of Seven Trails Dr. and Manchester Rd. and stipulated the uses that would be permitted on each lot. The corner lot (1.42 acres) is being developed by U-Gas with a facility for**

motor fuel sales, a 24 hour convenience store and a car wash. This is consistent with ordinance 11-42 that amended ordinance 10-43 for Wendy's. The second lot (.88 acres) has been developed as a Wendy's fast food restaurant with a drive through window. This use is also consistent with the provisions of ordinance 10-43. The third lot is the subject of this petition. The uses permitted for this lot per ordinance 10-43 were business and professional offices, parking lots and front yard parking. The petitioner wishes to change the allowed uses to retail and the new use of an indoor shooting range. The parking lot, front yard parking and office uses would be retained.

The new development is seen as having an approximately 16,750 square foot retail/office building to house the proposed shooting range and associated retail and office functions. The original site plan was designed to accommodate an approximately 20,000 square foot office building with associated parking. The site development plan revisions would also allow the replacement of the surface detention facility that serves all 3 lots of the subdivision with an underground facility. These changes would have to meet all MSD standards of design and function.

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#### **PLANNING AND PLAN REVIEW CONSIDERATIONS:**

***This report has been prepared on the assumption that the zoning ordinance change requested per petition Z13-05 is approved and shooting ranges are a use allowed by special use exception in the C-1 district. If this rezoning petition fails, the analysis in this report is moot.***

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 an 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.

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#### **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.

**The MRD Governing Ordinance amendment will include a listing of the 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 maximum height proposed for the American Arms building is 20'6" above finished floor. This is well below the maximum allowed height in the C-1 district of 45'. **It is recommended that the governing ordinance establish 45' above the finished floor elevation as the maximum allowable building height for the buildings on this site development plan. It is also recommended that 18' be established as the minimum building height for all facades of all primary buildings or structures by the governing ordinance. These recommendations fit with the MRD regulations and Comprehensive Plan guidelines that follow in this report and maintain a consistency with the buildings that have been / are being erected on lots "A" and "B" of this subdivision. They also provide screening of the unspecified rooftop mounted ventilation equipment called out on the plans. This issue 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 on other public roadways to have a minimum setback of 40'. The proposed new building is in conformance with this regulation. 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 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 does not appear to provide the required 10' green space between the parking lot and the line of the interior roadway. It appears that the parking lot could be pushed northward sufficiently to meet this requirement without negatively impacting the parking count or accessibility.**
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'. **A 25' landscaped area has been shown adjacent to the residential properties to the north. This appears to meet the 25' minimum dimensional requirement of the C-1 district. The Ordinance also requires that this buffer area be heavily landscaped to provide a sight proof visual barrier to a height of 6'. The landscaping approved in the original site development plan met this requirement, but the 30' spacing of evergreens of indeterminate size proposed for the landscaping in this amended plan does not appear to meet the minimum screening requirement of this subsection. I recommend that the landscaping proposed in the original plan for this area be retained in the amended plan. This matter is discussed more extensively later in this report.**
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. **Unfortunately Article XV does not address shooting ranges and I have not been able to locate an authority that has a parking standard for this kind of facility. The petitioner has suggested an allocation of one space per shooting lane. This would correspond to 15 spaces for the 70' x 100' building. Presumably, this is based on the assumption that only one person can shoot in a lane at one time. This is probably a valid assumption because shooting is an individual sport, but even if several people arrive separately to shoot and take turns sharing a lane, there will be additional parking spaces in the lot from the retail that will probably offset the occasional extra load arising from a busy shooting night.**

The parking requirement for the proposed and future retail and office uses plus the 16 shooting lanes comes to 55 spaces. The plan easily meets this with 59 spaces.

Since a building of this nature can easily be converted to conventional retail (which is the highest parking demand use), and a use that has a lower parking requirement is proposed, I typically look at the ability of a site to accommodate parking based upon a possible full retail future occupancy of the site. Based upon this scenario 95 parking spaces would be needed. Although the petitioner does not need to provide this many spaces for his proposed uses, it is desirable that he demonstrate that the site is sufficiently large to accommodate the additional 41 spaces. With the current site plan design, I do not believe that the site is large enough for this additional parking.

This scenario of future alternate higher parking demand is not an unreasonable or impossible scenario. One of the reasons that the vacant retail store at the southwest corner of Manchester Rd. and Ballpark Dr. remains unrented is that it has insufficient parking for the retail floor area that is available. It was a furniture store which has a much lower parking requirement than does a conventional retail store. Little room on the site was reserved for additional parking for

**subsequent users when the furniture store eventually went away. Now the site is under-parked and unoccupied and there is very little opportunity to add additional parking.**

**For this reason I recommend that the petitioned site be designed in a manner that provides sufficient room to allow the future construction of additional parking that meets a 100% retail occupancy standard for the floor area proposed.**

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. The development is not large enough to qualify for this parking adjustment. Parking requirements can be addressed pursuant to the MRD regulations.
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. The petitioner intends to have a single curb cut onto the internal roadway.
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. The ordinance allows this requirement to be waived for topographic or site design reasons, and it can be waived as a part of the MRD approval process. This issue was addressed per ordinance 10-43. No changes proposed for lot "C" will impact this aspect of the original ordinance.

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

1. Sec.1 (1) Shooting ranges are only allowed by special use exception (SUE) in the C-1 zoning district. (This is based upon the assumption that petition Z13-04 accompanying this petition is successful.)

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

3. Sec. 2(2) *Site Illumination*: The submitted site development plan shows site illumination for the parking lot areas. Post mounted LED units appear to be proposed. No information is provided as to the nature of the luminaries, or the heights of the poles and bases. The petitioner has also submitted a photometric plan of the site which references a manufacturer's nomenclature about the luminaries. I am not familiar with these codes, so I do not really know what the nature of the luminaries will be. No information is provided about the design or orientation of the luminaries. The ordinance requires appropriate lighting that does not disturb adjacent properties. Given that the

lights are not in close proximity to any residential uses, there is a diminished potential of negatively impacting nearby residential uses.

**It is recommended that the petition include details about the site luminaries that will be used and that the governing ordinance amendment contain provisions that site illumination via wall-mounted luminaries is prohibited from the north, east and west sides of the buildings. It is further recommended that site illumination be provided via low energy luminaries, such as, but not limited to, LED technology. Site illumination should be provided via conventional pole mounted fixtures that have only flat lenses and are installed with the lenses parallel to the plane of the ground. Pole and base heights should be maintained so that luminaries are no more than 20' above grade (this is a common commercial pole luminary height). It is recommended that light cut-off shields be required for all luminaries to prevent any visibility of any lamp or lens from any adjoining residential property. Such shields should be affixed at the direction of the City of Ballwin as they are deemed to be needed after the luminaries are installed and made operational.**

**Since an extensive effort was made in the design and construction of lots "A" and "B" to provide matching luminaries on each site and along Seven Trails Dr. on the interior roadway, I recommend that the same parking lot luminaries be utilize on this site too.**

3. *Sec. 2(3) Greenery and Planting:* **Recommendations pursuant to this issue are discussed in the MRD review section.**

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

5. *Sec 2(5) Parking:* This proposed parking is consistent with the C-1 district guidelines. This issue is discussed in #10 under the discussions of the C-1 district regulations above.

6. *Sec. 2(6) Pavement:* No information is provided about the proposed pavement sections, but the Ballwin ordinances require the petitioner to meet City construction standards for commercial parking lots and roadways so this is not a serious problem. **It is recommended that the petitioner seriously consider the use of pervious pavements as a "best management practice" to minimize the need for extensive conventional storm water detention and water quality features.** This issue is also addressed as a part of the final site development plan review.

7. *Sec 2(7) Storm water runoff control:* **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*: **The only issue I see that may question the adequacy of the site to accommodate the proposed improvements is parking if a future 100% retail occupancy occurs in the proposed buildings. As discussed above in the C-1 review comments, there does not appear to be sufficient room on the site to provide the additional parking that would be necessary if the proposed buildings are converted to all retail uses in the future. Since retail sales will be a permitted use under the new governing ordinance, Ballwin should consider a long term view of this issue. The possibility of such a change is not unrealistic. I recommend that the petitioner be required to demonstrate that the required additional parking could be built on the site in such an eventuality.**

11. Sec. 2(11) *Dead storage, dismantling and repair of automobiles*: This is not allowed by the intended use and is regulated by on-going enforcement activities and a case by case basis as needed.

12. Sec. 2(12) *Rubbish and trash disposal and screening*: A screened dumpster enclosure that architecturally matches the building is shown.

13. Sec 4(6)(1) *Increase traffic hazards*: Ballwin has no experience with the traffic generation associated with this use. As with parking, I have not been able to find a resource that addresses the traffic generation of this use. **Given the nature of the use and the size of the facility, however, it seems reasonable to believe that a shooting range with 15 lanes will be at most a moderate traffic generator not unlike a racquetball, tennis , bowling or other similar athletic facility with a limited number of facilities available for use. Given this assumption, it is very reasonable to believe that the traffic generated from such a facility would be well within the capacity of the roadway and site-access improvements installed in conjunction with this subdivision to accommodate the U-Gas and Wendy's uses. If substantially more assurance is needed regarding the traffic impact of this development, the only approach I am aware of is to have a traffic impact study conducted. Such a study would look at overall traffic generation, resultant on-site and off-site congestion and parking demand.**

14. Sec 4(6)(2) *Neighborhood character impact*: The adjoining residential properties are the most likely to be impacted by this commercial development. It should be noted, however, that this site has been in commercial use since at least the early 1970's. This weakens claims that the presence of commercial uses and the associated activities are particularly harmful or disruptive to the adjoining residential properties. One can make a strong argument that the owners of adjoining properties knew, or should have known, that this site could be more intensely developed than it has been

for the past 35 or more years. Redevelopment is a possibility with any commercial site.

**The orientation of the proposed buildings is such that there will be little activity in the rear. There are no roadways or service access in this area. There is a legitimate concern about noise from the shooting range use having a negative impact on the adjoining residential properties. This is why the recommendations in petition Z13-04 include the requirement that the use be inaudible at the property line. This is to apply to both the sound of shooting and the sound associated with the operation of the ventilation equipment. The compliance of this site with this requirement should be via a sealed certification from an acoustical engineer that the requirement has been met. This certification should be provided at the time of building permit application and again prior to commencement of operations.**

15. Sec. 4(6)(3) *Community general welfare impact*: **The issues discussed above as a part of the neighborhood character impact can also fall into this category. I believe that this development could be viewed as having a potential negative impact on the general welfare of the community if it is not properly developed in accordance with the specific requirements of the zoning ordinance. If properly designed, built and operated, however, it is reasonable to believe that the development of this site will not have a negative impact on the general welfare of the community. I believe that the issue of noise from shooting and ventilation equipment is potentially the primary issue here. Compliance with recommendations of the zoning ordinance is primary**

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 also see very little basis for the position that the development will have a significant negative impact on public health and safety. **A properly built indoor shooting range has virtually no opportunity for stray rounds escaping into the community. As long as the potential sound issues can be controlled there should be little other avenue for an adverse impact on 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 with similar proximity to residential and commercial developments with similar buffering requirements. **As of this writing, a shooting range is a proposed new special use. Presumably, whatever controls and regulations that are deemed necessary for this use to fit into Ballwin's C-1 commercial district will be set as a part of establishing shooting ranges as special uses. If the petition meets all of the established criteria, there will be little basis to support the position that the development 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*: Assuming that the minimum criteria of the establishment and operation of an indoor shooting range are met by this petition, I do not see how this operation would be incompatible with permitted uses in the district.

20. Sec. 4(6)(8) *Operated in a manner that is visually compatible with the permitted uses in the surrounding area.* **There appears to be little basis to support the position that this use, as proposed, would not be visually compatible with permitted uses in the surrounding area. Nearby commercial areas have virtually identical buildings and grounds and the nearby residential areas will be substantially screened per the recommendations and requirements the applicable zoning ordinance and the comprehensive plan. The proximity of commercial buildings to single family residential buildings in this development proposal is common throughout Ballwin.**

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## **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.

**The uses allowed by right in the C-1 district that are associated with this MRD ordinance amendment and being requested for inclusion in the governing ordinance are as follows:**

1. Parking lots, not including multiple-level parking facilities, as an accessory use to an existing or proposed adjacent use which is allowed by right or by special use exception in the C-1 district on the same property as the primary use or as part of an approved multiple parcel master development in which the parking use is shared by multiple primary uses when conforming to the standards and requirements specified in Article XIV and Article XV of the zoning ordinance.
2. Store for the indoor display and sale of new merchandise, including wholesale and retail sales and including the service and assembly thereof unless otherwise limited, or controlled or permitted by the ordinances of the City of Ballwin.
3. Store for the sale of used merchandise in conjunction with the sale of new merchandise, provided that the sale of used merchandise:
  1. is accessory and subordinate to the sale of new merchandise;
  2. is limited to a maximum of 25 percent of the gross floor area of the store:  
and
  3. is limited to 25 percent of the annual gross receipts of such store. The business shall provide proof of compliance with this requirement at the time of annual business license renewal.
4. Business offices

The uses allowed by special-use-exception in the C-1 district that are associated with this petition that are being requested for inclusion in the governing ordinance are as follows:

1. Parking on a paved surface within any front yard for all uses allowed in the C-1 district as provided on the approved site development plan.
2. Indoor shooting ranges as allowed and limited by the applicable provisions of the Ballwin Code of Ordinances.

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

There is a question as to what this section of the code intends to require. The simplest interpretation is that the building has to be two stories tall and there needs to be a second floor for at least 50% of the frontage of the building. The proposed building does not meet this requirement. This presents a cost and function conundrum for this petitioner and perhaps additional future petitioners for other sites along the corridor as well. There may simply not be a market for second levels on buildings of this nature along Manchester Rd. This may be especially true for certain types of buildings like auto dealerships, gas stations, fast food, etc. These buildings may simply not lend themselves very well to offices or residences on the second level. Perhaps, in the areas proposed as Town Centers in the Great Streets plan with their higher intensities of use and densities of occupancy, there would be a stronger basis for second stories.

**There is also a question as to whether this proposed building is subject to this subsection. The language of the ordinance says that all development pursuant to MRD zoning that fronts on Manchester Rd. shall be built to these height requirements. This is a development being done pursuant to MRD zoning and the overall development that was authorized by the governing ordinance (10-43) fronts on Manchester Rd., but this specific building does not front on Manchester Rd. I believe that one could probably make a good case to interpret this subsection’s applicability to this petition either way.**

**As has been the case with previous MRD petitions, to determine how best to apply this subsection of the ordinance it may be best to go back to the purpose of the MRD 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 ordinance language addresses the issue from an urban form perspective. It wants buildings to have a height and massing that mimics the feel of a two story building. It does not say that a building has to have two or more functional floors. Both approaches prevent the construction or perpetuation of the older approach to designing retail structures and strip centers with minimal architectural embellishment and low-slung roof lines that have come, in some ways, to characterize the look of the older parts of the corridor and to be emblematic of its decline. This intent to change the character of the architecture in the corridor is supported by the additional 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.**

There may be a legitimate basis to interpret the meaning of this ordinance language in more than one way. It may not be realistic to expect buildings like this to provide second floors from the perspective of function and economics. Clearly, the market has not historically demanded second level spaces in the corridor, and the few spaces that exist seem to have a higher vacancy rate. It is, conversely, very desirable to have more architecturally interesting buildings along the corridor.

**My recommendation in previous petitions has been to allow single story buildings that have the architectural character and height of a two story building that incorporates architectural elements that give the sense as well as the massing of a second or multiple floors.**

**As applied to this petition, I recommend that the proposed building be as tall as a two story building and that it contain architectural elements that reflect the character of a two story building. This would include the addition of fenestration, belt courses, corbels, cornices, quoins, porticoes, lintels, colonnades and/or other architectural elements that are commonly used on buildings with a height commensurate with that of a two story building. Based upon the height of the buildings approved for the Wendy's and U-Gas sites, the minimum wall height of the building on any side should be no less than 18' above grade and the tallest elements should be no less than 30' in height above grade. The submitted architectural plans are substantially shorter with the rear exterior wall being only 12' tall and the tallest fascia being only 26' tall. The proposed building has the long low and plain strip commercial look that the MRD is attempting to discourage. The proposed building does not have the height and massing that is required. It is not unattractive, but it does not contain architectural elements and scale that impart the look of a two story building.**

**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 have been established. The ordinance clearly, therefore, anticipates the possibility of a variation from the parking requirements of the underlying zoning district (C-1) via the MRD governing ordinance. The petitioner has proposed a site development design with 59 spaces. This is 4 spaces more than the minimum parking that the C-1 district requires for this facility. **The MRD, the comprehensive plan and the Great Streets plan support the concept of only building the parking capacity that is necessary. All three documents oppose creating excessive impervious surfaces with limited need or use. The issue of the parking demand of future alternative uses of the site has been discussed earlier in this report. I recommend that the petitioner be allowed to build the proposed parking lot but demonstrate that the site can accommodate sufficient parking for a retail utilization of 100% of the building floor area.**

*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.

*Section 5(2):* No waiver of ADA standards can be granted in the MRD. The parking lot proposes 59 parking spaces for customers and employees. The 3 spaces proposed for the lot meet the standard for accessible parking.

*Section 5(3):* This subsection specifies that the provided parking facilities shall be concentrated in areas that are landscaped and buffered to minimize view from major rights-of-way, residential units and adjoining properties. The term parking as defined in the Ballwin Code of Ordinances means the standing of a vehicle whether occupied or unoccupied (except when engaged in loading or unloading), so any facility intended for the standing of a vehicle is a parking facility. This means that all of the pavement on this site is classified a parking facility and subject to this requirement. Parking is concentrated in a lot between the roadway and the building. The building separates and screens the parking area from the adjoining residential properties to the north. **The landscaping plan for areas between the parking lot and the building is well-developed, but the landscaped areas between the parking lot and the adjoining roadways have little landscaping and do not appear to meet the minimum standards of this section. This is discussed in more detail later in this report.**

*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. The proposed parking plan appears to meet the third requirement.

*Section 5(5):* This subsection requires perimeter landscaped buffers and curbed planting islands in all parking lots of 5 or more spaces. **The submitted site development plan does not appear to have met either of the two permitted screening options outlined below.**

*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 nature of this site development plan, the entire frontage of the parking lot along both Seven Trails Dr. and the interior roadway are subject to this subsection.**

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 accented with 2" caliper trees every 50'. **The petitioner does not appear to have chosen to utilize either of these allowed screening techniques. The spacing of the trees is well in excess of the maximum allowed and there are no shrubs planted within either roadway frontage areas. I recommend that the parking lot be pushed back away from the retaining wall and that the intervening space be planted in accordance with screening option (a). It may also be possible to utilize the (b) screening approach in this area, but I do not believe that the retaining wall can substitute for the masonry wall called for in this option.**

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

*Section 5(8):* This subsection requires all planting areas within or adjacent to the parking lot or vehicular use areas to be irrigated. **The landscaping plan contains a notation that all landscape bed areas will be irrigated. This should be expanded to include all landscaped areas in proximity to the parking lot.**

*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 met and is agreed to in the petitioner's letter.

*Section 5(10):* This subsection requires tree plantings to be consistent with Ballwin standards for street tree plantings. **The proposed plantings have not been designated by species; only their general character and size have been established. I recommend that the landscaping plan be expanded to provide this level of detail prior to the Commission approving the MRD amendment petition.**

*Section 5(11):* This subsection prohibits surface parking lots from abutting rights-of-way for more than 50% of a site's roadway frontage. **This submission fails to meet this requirement of the ordinance. Virtually 100% of the Seven Trails Dr. frontage of the site and perhaps 70% of the interior private roadway frontage of this site are fronted by a parking lot.**

The original site plan for the U-Gas development had a similar problem. The nature of the uses provided few options for the alternate placement of the parking lot to get away from this limitation on the design of the site. In September of 2010 the Ballwin Board of Adjustment granted U-Gas a variance to this requirement and allowed it to develop the site per the submitted plan as it related to the issue of parking lots being adjacent to rights-of-way. Unfortunately that plan did not anticipate the development being proposed per this petition. **To meet the ordinance requirements this site plan must be revised to place the parking differently on the site to minimize the front yard parking lots or the petitioner must appeal to the Board of Adjustment for a variance to this provision of the regulations if it can demonstrate that the requirement constitutes a hardship that is imposed by an unusual characteristic of the site. The plan cannot be approved as it has been submitted.**

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

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

*Section 61):* **This subsection recommends placing new structures at a maximum**

**setback of 10' from the right-of-way line. The main building is set significantly in excess of 10' from the internal roadway and Seven Trails Dr., so it does not meet this siting requirement. It is recommended that the site plan be reconsidered in light of this zoning regulation.**

*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. Using these definitions, it is difficult to characterize this as an infill development scenario, so the associated larger setback does not seem to be appropriate.

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

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

*Section 7(2):* This subsection requires sidewalks at least 6' wide along all sides of parking lots that abut rights-of-way or major internal driveways. Also, a 6' sidewalk is to be provided from the public sidewalks to the entrance and to the parking lot sidewalks. **The parking lot and site seem to be adequately served by sidewalks pursuant to this subsection. The walks are shown as being 5' wide. They need to be widened to 6' to meet the minimum standards of this subsection.**

*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 facades abut parking areas as described herein so this subsection does not appear to apply to 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. **Other than a flagpole the petitioned plan has no such amenities.**

**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.

*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. I believe that this requirement has been reasonably well addressed.

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

*Section 9(1):* This subsection requires that the minimum of 50% of the exterior area of each wall shall consist of certain materials. The pre-cast concrete panels and brick 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. **The western and northern elevations propose some clapboard siding. The material from which it is made is not specified. Although non-masonry materials may be consistent with this subsection, the Ballwin building code prohibits anything but masonry materials for the exterior walls of commercial structures. If the clapboards are cementitious, they are ok; if they are wood or vinyl, an alternative material needs to be found.**

*Section 9 (2) a:* This subsection requires that rooftops and roof-mounted equipment must be architecturally concealed. **Notes on the site plan indicate that screening of rooftop equipment will be provided. If the taller parapet walls are provided to meet the recommended height of the building, the parapet walls will probably provide the requisite screening.** This screening issue will be reviewed again as a part of the building permit application process.

*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 with canopies over the doors.

*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 large blank walls of the north and south elevations fail to meet this requirement. They have no or minimal architectural treatment and are all the same color and general texture. Additional architectural enhancements are recommended for these walls.**

*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. **None of the nearby buildings are of a similar character to what is proposed in this petition. The other building in the development and taller and offer more architectural interest. Even other larger buildings in the city that are low in height relative to their length, such as Hobby Lobby, Target, Elco Chevrolet, Olde Towne Plaza, Central Plaza and Ballwin Plaza, have more architectural interest (at least on the front) than has been incorporated in the design of this building.**

*Section 9(5):* This subsection addresses architectural screening devices. The trash container screening is proposed to match the building architecture. The roof mounted equipment screening was addressed in section 9 (2) above.

*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. **By the standards of the typical retail development in Ballwin, I believe that this approximately 15,000 square foot building qualifies as a large scale development and is subject to this section.**

*Section 9(6)(a):* **This subsection directs that long facade walls (over 100 linear feet) in length shall incorporate secondary access points or improvements that physically express internal functions and/or break up the architectural massing of long, tall and blank walls. Perhaps some architectural treatment at the eastern end of the front wall would address this issue.**

*Section 9(6)(b):* This subsection directs that facades in excess of 30 linear feet shall incorporate design features such as specially enhanced pedestrian oriented areas, generous landscaping, retaining walls and raised planters, variations in building wall planes, materials and color, towers, monuments, pergolas, artwork, entablatures, porticos, texture, shadow lines, and other features that help define the human scale. Long tall continuous wall planes should be avoided.

*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 for lot "A" that is not in compliance with the landscaping requirements of this ordinance. Some recommended adjustments to the landscaping plan have been made elsewhere in this report. The use of native or acclimatized species cannot be confirmed because no species information has been provided as part of the landscape plan.**

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

*Section 9(9):* This subsection addresses the issue of the screening of all types of

equipment. I believe the issue of screening has been addressed by the petitioner or previously discussed in this report.

*Section 9(10):* This subsection requires the placement of loading docks, trash enclosures etc. to be incorporated into the submitted site development plan. Such facilities are to be located near the service entrance of the building and be 100% screened from view from adjoining rights-of-way and residential uses with landscaping and/or architectural screening. As discussed above, the equipment will be rooftop mounted and screening will probably be provided via the building design. The trash facilities are shown on the submitted site plan and located as required.

*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, 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 happen to be next to each other.**

**As discussed earlier in this report, the proposed screening along the adjoining residential properties does not appear to meet the requirements of the MRD regulations. I recommend that the original landscape screening plan for this area be retained as a part of this plan. I also discussed specific deficiencies in the landscaping plan for the roadway frontages of this site. I recommend that this landscaping be upgraded to meet the minimum ordinance requirements as discussed earlier in this report.**

*Section 10(2):* This subsection addresses streetscape amenities such as lighting, landscaping and pedestrian amenities within 10' of the right-of-way. **The submitted site plan has not incorporated any such amenities into any of the roadway sidewalks. The area adjacent to the intersection of the roadway sidewalk and the entry sidewalk connecting to the front door would be an excellent location for a small plazas and/or landscaped areas with pedestrian amenities such as benches, fountains, public art, etc.**

*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.

*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 plans 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. **The petitioner has not proposed a multi-story building. A building with a general mass and bulk resembling a two story building was addressed as a part of the discussion of building massing earlier in this review report.**

*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.

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