

ZONING ORDINANCE CHANGE PETITION REVIEW REPORT

Petition Number: Z14-04

Petitioner: Mr. Scott Paul
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Project Name: Essen Estates Subdivision

Location: 214 and 216 Ries Rd.

Petition Date: 9/18/14

Review Date: 9/21/14

Requested Action: Zoning District Change from R-1 to PSD

Code Section: Zoning Ordinance
Articles IV, XIIA and XXIII

Existing Land Use/Zoning: Single Family / R-1

Surrounding Land Use/Zoning: North – Institutional (church) / R-1
South – Single Family / R-1
East – Single Family / R-1
West – Single Family / R-2

Proposal Description:

Vanderbilt Homes is proposing to change the zoning district classification of this 2.97 acre site from R-1 to PSD. A 7 lot detached single family subdivision with vehicular access from Ries Rd. is proposed.

The site is rectangular in shape with a frontage of approximately 300' along Ries Rd. It runs to a depth of approximately 430' to the east from Ries Rd. The site abuts Ballwin Meadow Subdivision to the east for a distance of 300' and the Rasch Subdivision and the First Missionary Baptist Church to the south and north respectively for distance of 430'.

The high point of the site is near the northernmost corner near Ries Rd. with an elevation of approximately 573'. The lowest point of the site is at the southeast corner with an elevation of approximately 557'. The site slopes consistently and gently and has no defined natural drainage ways. Runoff sheet flows across and off of the site in a generally southern direction. Approximately 25% of the pre development site flows into the adjoining Ballwin Meadows subdivision to the southeast where a substantial portion of the runoff is collected by a swale that feeds an area inlet in the rear of lot 32 of Ballwin Meadows. From there, the water flows southwardly in the Ballwin Meadows stormwater drainage system to a point of discharge into Fishpot Creek approximately 500' east of the Ries Rd. box culvert. Approximately 75% of the pre development site flows into the adjoining Rasch subdivision to the south. This subdivision has no drainage improvements. The stormwater in this subdivision generally surface flows to the south and southeast into Fishpot Creek. Fishpot Creek flows southeastwardly through Ballwin, Manchester and unincorporated St. Louis County and eventually joins with the Meramec River in Valley Park.

Plan Designation:

The proposed 7 lot Essen Estates subdivision has lot sizes that vary from 11,030 to 13,875. The average lot size of 12,287 square feet is well below the 20,000 square foot minimum of the R-1 district and somewhat below the 12,500 square foot minimum of the R-2. These two districts are the only residential zoning classifications within 500' of the site.

The proposed PSD zoning adds some additional developmental criteria such as more extensive landscaping requirements, but it is far more less restrictive and permits much smaller and narrower lots, smaller front and rear setbacks and much higher densities than do the more conventional R-1 and R-2 districts. There is more discussion of this issue in the Zoning Review below.

Planning and Plan Review Considerations

This review report covers the issues of the Planned Single Family Dwelling Development District regulations. This petition has been submitted in conjunction with an accompanying subdivision petition (SUB 14 - 02). Please reference the associated review report for a fuller understanding of the issues of the subdivision proposal.

Zoning Review

The main issue of any rezoning change petition is the question of the appropriateness of the new classification. Are the allowed uses in the new district acceptable within the area proposed for the change, are they consistent with the historic evolution of land uses in the area, are they compatible with surrounding areas and are they consistent with the guidelines of Ballwin's comprehensive plan? There are several points that relate to this determination:

1. WILL THIS CHANGE CREATE AN ISOLATED LAND USE THAT IS ARBITRARILY ASSIGNED AND UNRELATED TO THE ADJACENT DISTRICTS AND DEVELOPMENT PATTERNS? This typically involves the following issues:

(1.) Is this the granting of a zoning classification which allows development that is inconsistent with surrounding development patterns? **The petitioner has proposed to develop this site in a manner that is similar in use to the nearby subdivisions developed in the 1950's and 1960's, but at a higher density and with lots that are of a different character, are much smaller in area and have much smaller front yard setbacks than those in the surrounding neighborhoods. Because the surrounding subdivisions were developed before detention was required and before sanitary sewers were available, the lots were generally larger than the minimum size permitted in the zoning district. This is of particular note in the Hill View subdivision across Ries Rd. which is zoned R-2 but is developed with lots that are consistent in size, and therefore overall density, with subdivisions developed in the R-1 district.**

None of the seven proposed lots meet the minimum area requirements of the R-1 zoning district and only four of the seven meet the minimum area requirements of the R-2 district. Three of the lots are so small that they only meet the minimum area requirements of the R-3 district. The closest R-3 zoning is approximately 2500' south of this site at the south side of the intersection of Ries Rd. / Ramsey Ln. and Ries Bend Dr. The petitioner has requested PSD zoning which would permit these smaller lots and smaller lot characteristics such as much smaller front yard setbacks (20' proposed instead of the 40' of R-1) and a smaller rear yard setback (20' proposed instead of the 25' of R-1).

The proposed development will yield a gross of 2.35 lots per acre. For comparison purposes the Ballwin Meadows subdivision to the east is zoned R-1 and has 97 lots on approximately 45 acres. This is a yield of 2.1 lots /acre. If this comparison density were applied to the Essen Estates site, the lot yield would be about 6.24 lots. The R-2 zoned Ries Heights subdivision slightly to the south of this development across Ries Rd. has 12 lots on 2.9 acres. This is a yield of 4.1 lots per acre. If this comparison density were applied to the Essen Estates site, the lot yield would be about 12.17 lots.

These two subdivisions are generally useful for comparison purposes because of their proximity to the proposed development. They, however, have some limitations for this purpose. Their lot densities reflect set asides for public roadways, but they are so old that they precede any set asides for stormwater detention and water quality requirements. The use of their densities as a benchmarks for evaluating new development needs to be tempered due to the lack of these facilities which would have reduced the overall lot yield by at least one lot in Ries Heights and one to two lots in Ballwin Meadows.

The 2.35 lot/acre yield of the proposed development is approximately 9.32% higher than the 2.15 lots/ acre density of the adjoining R-1 Ballwin Meadows subdivision and 7.8 % higher than the 2.18 lots/acre theoretical gross yield of the 20,000 minimum lot standard of the R-1 district. Similarly this development

proposal's yield is 42.7 % lower in density than the 4.1 lots /acre density of the Ries Heights subdivision and 32.3% lower than the 3.47 lots/acre theoretical yield of the R-2 district with its 12,500 square foot minimum lot size recommendation. This fairly simple computation demonstrates that the proposed density of the Essen Estates Subdivision is much more in keeping with the existing R-1 zoning of this property than it is with the nearby R-2 zoning or any of the other residential zoning districts that allow higher densities. I believe that this development is proposed in a manner that, although not 100% congruent with surrounding developments, is substantially consistent with the density as measured in lots per gross acre and development patterns in the immediately surrounding neighborhoods.

(2.) The granting of a zoning classification which gives an economic advantage to a property owner that is not enjoyed by the owners of similar surrounding properties might suggest that a rezoning is inappropriate. As described above, the density and basic nature of development requested in this petition is in keeping with that of the adjoining Ballwin Meadows, Rasch and Hill View subdivisions. **One could, however, contend that the PSD will grant an economic advantage. More lots will be yielded from this property under this PSD proposal than could be created from the site under more conventional lower density districts designations. This zoning also allows smaller front and rear yards that facilitate a higher density. From the perspective of lot yield as a measure of economic advantage, however, there appears to be a nominal economic gain being granted as a part of this rezoning petition that is not being enjoyed by surrounding properties.**

(3.) The granting of a zoning classification for a property that is inconsistent with the surrounding land use pattern might be appropriate if the site has a unique character or physical / environmental situation that makes its development in a manner that is more consistent with the surrounding land use pattern impossible. No claim has been made that this rezoning is necessary or is in anyway associated with a unique characteristic of the site. This subsection primarily addresses physical and environmental issues like unusual shape, significant topography, creeks, unstable slopes, etc. No information has been provided that this parcel has any unique physical factors that justify the requested zoning under these criteria.

(4)The granting of a zoning classification that is inconsistent with the surrounding development patterns may be appropriate if it is recommended or allowed by the comprehensive plan. **The character of the proposed development, the density proposed for the site, as well as the proposed zoning district classification, appear to be consistent with the density and zoning recommendations of the comprehensive plan. The Low Density Residential classification discussed on page 8:5 of the plan clearly identifies PSD and R-2 zoning as comparable zonings to this classification. Furthermore, as discussed above, the density as measured in lots/acre is not substantially out of keeping with the surrounding neighborhoods. The plan does, however, recommend that lots be no smaller than 12,000 square feet in a low density residential area and this plan proposes 2 lots that fall below this threshold.**

2. IS THERE A JUSTIFICATION FOR THE ZONING DISTRICT CHANGE? Normally,

the only justifications for a change in zoning are (1) an error in the original zoning designation, (2) the occurrence of a change in the general land use pattern of a neighborhood that makes the existing zoning inappropriate, (3) the existence of a significant natural physical characteristic of a site that prohibits the uses allowed in the existing district or (4) the adoption of a community plan that recommends a different land use or density such that a zoning district change is warranted.

(1.) No evidence has been presented to show that there was an error in the establishment of the original zoning pattern in this neighborhood. **The R-1 and R-2 zoning classifications in this part of town date to the 1950's when the properties on the southeast side of Ries Rd. were predominantly large parcels with single houses. The petitioned site and the adjoining lots to the northeast and southwest were all platted in the pattern of 100' wide lots, each with an area of approximately 1 acre. This pattern extended from south of Fishpot Creek northwardly to what is presently the Masonic Temple at 200 Ries Rd. The lots were oversized for the R-1 zoning district, but their widths were compliant with the minimum width of the district. All of these lots were developed under the current zoning. The continued existence of this development pattern in this area for this long period of time supports the argument that there is no fundamental error in the present zoning pattern.**

(2.) There has been some historical change in the general land use patterns in the properties near this petition along the southeast side of Ries Rd. in recent years. This has mostly taken place on the parcels to the north of the petitioned site. The four parcels to the north of this site were occupied by the First Missionary Baptist Church and the Masonic Temple in approximately 2000 when those institutions left the Olde Towne area to allow for the construction of the Olde Towne Plaza. Those institutional uses will probably be long term tenants of these properties and alternative development patterns in this area are unlikely in the near term.

The parcels on either side of Brookside Ln. were resubdivided after 1950 when Rasch Subdivision was originally platted and prior to 1979 when I came to work for Ballwin. I am aware of no record plat for these resubdivisions, so the changes were probably done via deed splits which are no longer allowed. The lots that were created were compliant with the zoning standards of the R-1 district so this did not constitute a significant change in the character of the area. Rather, it was indicative of a city-wide development pattern, that evolved throughout the 60's, 70's, 80's, 90's and 00's, of making smaller lots out of bigger parcels. **Although these changes have not occurred recently, I believe that a fairly persuasive argument can be made that Ballwin has historically granted subdivisions and zoning district changes that have had the impact of gradually changing the character of neighborhoods such as this to ones with somewhat smaller lots. A change to zoning that allows a similar character of development does not, therefore, appear to be an unreasonable or inappropriate request in that it reflects a gradual city-wide change to smaller lots.**

(3.) As stated above in section 1 (3), the petitioner has presented no evidence supporting an argument that there is a significant natural feature or characteristic of this site that makes it undevelopable with its current zoning.

(4.) The 2007 plan recommends low density residential development for this site. This corresponds to a density of no more than 3.5 units per acre with a minimum lot size of 12,000 square feet. The plan also contains language that would allow a maximum density of 125% of that on the surrounding properties in conjunction with an infill development. The proposed subdivision has a gross density of 2.35 units/acre. As discussed earlier in this report, this density is more in keeping with the density allowed in the current R-1 zoning district than it is with the densities allowed in the R-2 or other higher density districts. The proposed density is well below the 3.5 lots /acre maximum theoretically allowed in the plan and the 2.71 lots /acre that would represent a 125% increase over the density of the adjoining R-1 subdivisions. **There are, however, two lots that are smaller than the 12,000 square foot minimum recommendation of the plan. This proposal is not fully compliant with the guidelines of the plan and the subdivision therefore is not fully consistent with the comprehensive plan's recommendations.**

3. IS THE CHANGE CONSISTENT WITH BALLWIN'S COMPREHENSIVE PLAN?

As described in the preceding subsection above, the density proposed by this petition appears to be in compliance with the density recommendations of the Comprehensive Community Plan of 2007, discussed on pages 8:5, 8:14, but two lots fall below the recommended minimum area of 12,000 square feet.

4. IS THE NEW ZONING IN KEEPING WITH THE CONTEXT OF THE NEIGHBORHOOD?

As stated earlier in this report, the proposed development is not identical to that of the adjoining subdivisions but it is similar. Context is more than just raw density as expressed in lots/acre. It also includes issues of character like roadway frontage, setbacks, house size and architecture. These are addressed more completely in the later PSD zoning analysis.

Lot frontage (width) and size are both elements of density. As discussed earlier in this report, the proposed lots are all much smaller than what is permitted in the current R-1 zoning and three of the lots are even smaller than what is allowed in the R-2 district. **Even though consistent lot density comparisons expressed in lots per acre on a gross land area basis may be considered a valid surrogate measure of neighborhood context consistency, lot size comparisons do not support a similar conclusion. Virtually none of the surrounding lots with 500' of this subdivision regardless of zoning district classification are smaller than 20,000 square feet and many of the nearby lots are much bigger than that. This is a large lot neighborhood and this is not a large lot development proposal.**

The issue of building setbacks is a place where the PSD zoning district departs dramatically from R-1 and R-2 districts. These districts both require a 40' front yard and a 25' rear yard. The PSD only requires a 15' front yard and in the case of Essen Estates a 20' rear yard because it is a district perimeter. Given the nature of the surrounding uses and lot size configurations, I do not believe that the change from a 25' rear yard to a 20' rear yard substantially differentiates the character of this proposed subdivision from the character of the surrounding lots although the surrounding lots generally have very large rear yards because the lots are oversized. Most rear yards in this area are not visible as design elements in the neighborhood, and the surrounding

yards are so big that the 5' differences will not be obvious. **The utilization of a 20' front yard, however, is a substantial departure from the norms of the neighborhood. All of the surrounding subdivisions have at least a 40' front yard. Many lots, such as the one immediately to the south, have much larger front yards than that. The front yard building setback is a significant element of a neighborhood's character. It establishes the amount of green space that frames the public roadway and defines a sense of place for the neighborhood.**

To reduce the front yard by 50% in only this 7 lot enclave of a development in the middle of a large cohesive neighborhood of larger front yards will, in my opinion, be a dramatic departure from the norm of the area. I recommend that the front yard setback be adjusted to a minimum of 35'. Front yards of 40' would be even better. All of the surrounding lots in the adjoining subdivisions meet or exceed this requirement. The lots are deep enough to permit a 40' front yard, but the developer wants to provide deeper rear yards to enhance salability. The question to be resolved revolves around whether the shallower front yards proposed for Essen Estates constitutes a sufficient departure from the context of the surrounding subdivisions to qualify as being out of context with the neighborhood. I believe it does.

5. WILL THE REZONING ADVERSELY AFFECT THE VALUE OF SURROUNDING PROPERTIES? This issue is typically central to most zoning change debates.

Depending on one's perspective, convincing arguments can sometimes be made for both sides of the question. Lacking a certified appraiser's study of the impact of the proposed subdivision on the values of nearby existing housing, the decision probably has to be made on the basis of what impact similar developments have historically had on adjoining properties. I am unaware of any similar development in Ballwin that has had a negative impact on surrounding property values. I therefore cannot cite any empirical evidence to support a position that this zoning change will have any substantial negative impact on surrounding property values. **Similar densities, but not development patterns, have been in this neighborhood for years without obvious detriment to the values of surrounding properties. There are no similar development patterns of shallow lots with small setbacks anywhere in this area. Developments with smaller front yards than nearby development, however, have not appeared to negatively impact the values of adjoining or nearby larger setback neighborhoods. The Dickens Trace and David Harrison Farms subdivisions are examples of subdivisions with 20' front yards that have not negatively impacted the values of houses in the adjacent Ballwin Estates subdivision with its 40' front yards.**

6. ARE THERE ADEQUATE SITES, ELSEWHERE IN THE CITY, FOR THE PROPOSED USE IN DISTRICTS WHERE THE USE IS ALREADY ALLOWED? There

are few similarly situated developable sites for any kind of residential development remaining in Ballwin that have the necessary zoning already in place. Most new development is proposed for sites such as this one that are being redeveloped because they are underutilized for the potential of the market.

PSD Regulations

A PSD petition is a two step process. The first step involves the submittal of a preliminary development plan as a part of the zoning change petition. Upon approval by ordinance, the property is rezoned to PSD and the developer has 12 months to submit a final and fully engineered and approved development plan. If the final plan is approved, the project goes forward. If a final plan is not approved within the required time frame, the Board of Aldermen may hold a hearing to change the zoning back to the previous classification. In the case of a single family fee-simple ownership plan such as that proposed in this petition, a subdivision petition will also have to be approved.

Section 1. Purpose:

The purpose of the PSD is to permit greater flexibility in the development of residential areas. **This PSD petition proposes a subdivision that falls somewhere between the R-1 and R-2 districts in terms of the overall density of development, but it does not match the minimum yard setbacks of those districts. The petitioner wants to utilize a 20' front yard setback under the PSD instead of the 40' required in the R-1 and R-2 districts. Since the houses could be pushed back to the 40' line and still built on the proposed lots, there does not appear to be a physical limitation that supports the smaller front yards. It has also been noted in the past that smaller front yards will result in shorter driveways, less impervious surface and less runoff that does not have to be addressed in detention and water quality features. This is a plus from water quality and environmental sustainability perspectives, but the amount of additional runoff that is being eliminated with shorter driveways is so small that I do not see it being much of a reason for the smaller setback. The smaller front yards appears to be wanted mostly from a marketing perspective where the larger rear yards allowed by the smaller front yards are arguably more marketable and translate to higher selling prices. I fully understand that developers build subdivisions to make a profit, but the economic return to the developer should not be a concern to Ballwin. Decisions about allowing development and approving zoning district changes should be base exclusively on the recommendations of the comprehensive community plan and the compatibility of the proposed development with the surrounding developments and the community as a whole.**

A zoning district change should not be based on the economic limitations or constraints of a petition. The existing zoning is valid and appropriate. If a developer cannot make a development work economically under the existing zoning, perhaps some other economic aspect of the development such as land cost is the underlying cause.

Section 3. Use regulations:

Single family attached dwellings are an allowed use in the PSD district.

Section 4. Height Regulations:

The maximum structure height allowed in a PSD development is 35 feet. The submitted architectural elevations suggest that the houses will be in compliance with this section. Bullet point 7 of the Compatibility Standards for Infill, Tear-down & Redevelopment sites on page 8:18 of the 2007 plan recommends that building heights transition to existing nearby buildings. Structure heights should not exceed those of adjoining structures by more than one story at the setback line and heights above that should setback at a rate of one foot vertically for one foot horizontally. The submitted architectural information appears to show compliance with this recommendation of the comprehensive plan.

Section 5. Area Regulations:

(1). A 15' minimum internal front yard is required by the PSD district regulations. As stated earlier in this report, the petitioner has proposed a 20' front yard. **This exceeds the minimum requirements of the PSD district, but as discussed earlier in this report, the front yard setbacks in the adjoining neighborhoods are all 40' and there does not appear to be a reason other than the economics of marketing to allow smaller front yards in this development.**

This section also requires the lots facing Ries Rd. to have a 40' front yard. This requirement has been met.

(2). Per this subsection, no building can be built within 20' of an existing building on an adjacent lot or tract outside of the development. The submitted plan appears to comply with this requirement.

(3). No building can be built within 10' of a rear or side lot line of an adjacent undeveloped tract. There are no undeveloped adjacent tracts so this provision does not apply to this petition.

(4). This subsection requires a 20' minimum building setback to any single family district line. Since this PSD development is envisioned as an island of PSD zoning in this single family neighborhood, this means that a 20' setback is required around the entire perimeter of this site. All proposed lots appear to be of sufficient size to be compliant with this requirement.

(5). This subsection prohibits the construction of any building that is not shown on a PSD plan approved by the Board of Aldermen. This plan appears to be in compliance with this regulation.

Section 6. Parcel Size:

The minimum parcel size that can be considered for PSD zoning is one (1) acre. This parcel exceeds this requirement.

Section 7. Parking:

(1) This subsection requires two parking spaces per dwelling unit. Even with a 20' setback and a front entry garage there will be 21' between the face of the garage door and the sidewalk which is sufficient to legally park a car. Since these houses will have two and three car garages, this petition appears to be in full compliance with this requirement.

(2) - (4) These subsections deal with group parking facilities and do not appear to apply to this development proposal.

(5) This subsection requires the parking areas (driveways) and streets to be paved. **The submitted plans do not address this issue for the driveways, but nobody builds houses of this character and value without paved driveways. I recommend that if this petition is approved the recommendation stipulate that the plan submitted for final approval clearly show paved driveways.**

(6) This subsection addresses the general parking requirements of the zoning ordinance. The information provided meets the minimum requirements cited.

(7) This subsection addresses parking lots and does not apply to this petition.

(8) This section addresses the drainage of parking facilities and other impervious surfaces. It appears as though proper subdivision drainage is proposed. This will be thoroughly reviewed through the subdivision site plan review process and by MSD.

(9) The proposed parking is in compliance with the distance requirements of this subsection.

Section 8. Streets and Traffic Circulation:

The proposed internal roadway will serve less than 100 dwelling units so it is required to be a 26' wide pavement section within a 50' wide right of way. This proposal appears to meet this minimum requirement.

Section 9. Perimeters:

(1) Per this subsection's definition of a PSD perimeter, the entire perimeter of this 2.97 acre parcel is a perimeter.

(2) This subsection requires a 60' structure setback along any perimeter of the site abutting commercial or multiple family uses. This subsection does not apply.

(3) This subsection addresses the 60' buffer for subsection 2 above and does not apply to this petition.

Section 10. Internal Buffers:

This section requires PSD building spacings to be the mean of such spacings allowed in the adjoining residential districts. The R-1 district adjoins most of this site. The building spacing requirement in the R-1 districts is 20' (10' side yard), so the

minimum building spacing in this PSD is 20', which corresponds to a 10' side yard. **The proposed side yard is 10', so the submitted petition meets the minimum requirements of the PSD district and is consistent with the side yard setbacks in the adjoining subdivisions.**

Section 11. Open Space:

Subsection 1 of this section defines the terms open space and usable open space for the purpose of the PSD. Both definitions apply to this petition.

Subsection 2 of this section requires that a minimum of 15% of the site must be dedicated to open space as defined in Subsection 1 of this section. **No information has been provided of the percentage of this site that meets the open space requirement. Given the nature of the proposed development, I believe that the 15% requirement will easily be met. I recommend that any positive recommendation for this petition include a requirement that the final site development plan clearly shows compliance with this ordinance requirement.**

Subsection 2 also requires that one area meeting the definition of useable open space must be provided. It must be at least 6,000 square feet in area and have no dimensions less than 40 feet. Two areas labeled as useable open space are indicated on the submitted plan. **Neither appears to meet the 6,000 square foot requirement.**

Subsection 3 addresses the distribution of useable open space areas around a development. Since this small development only requires one such space, this section does not apply.

Subsection 4 of this section requires that at least 70% of the land dedicated for open space shall have a slope of no more than 8%. **This information has not been provided by the petitioner. I recommend that the petition not be forwarded to the Board with a positive recommendation until the petitioner clearly demonstrates that this requirement has been met.**

Subsection 5 does not apply to this development because no recreational structures are proposed.

Subsection 6 does not apply to this submittal because it addresses buffer zones and no buffer zones are required for this development.

Section 12. Environmental Design:

Subsection 1 requires the submittal of a general landscaping plan. The submitted plans show the placement of street trees in the front yards of each lot along the right-of-way and plantings in the common ground areas. No other plantings in the yards are proposed. **I recommend that the commission require that a model landscaping bed plan be developed for each house. This plan should be required to be incorporated into the final site development plan. This has been common practice for previous PSD subdivisions.**

Subsection 2 addresses FEMA designated floodplains. This section does not appear to apply to this petition as it is nowhere near a designated flood zone.

Subsection 3 requires the submission of a grading plan that, as much as possible, maintains the site's native characteristics. **The submitted plan shows that all trees on the site will be removed as a part of the grading plan. No effort has been made to save any of the large mature specimens on this site. It appears that the 36" tree in lot 7 and the 18" tree in lot 1 could be saved with more creative grading. Additionally, there are 3 large trees in the Ries Rd. right-of-way that will be damaged or lost with the construction of the sidewalk as it is shown in this proposal. I recommend that additional right-of-way or an easement be given to Ballwin along Ries Rd. to allow the sidewalk to be moved back from the roadway enough to permit it to be built and the street trees to be retained.**

Subsection 4 discusses the stabilization of hillsides and limits slopes to a maximum of 3:1. No substantial hillsides have been proposed except for within the detention areas. No mention is made of their protection, but they will be treated in accordance with MSD's requirements for such facilities.

Section 13. Site Plan Approval:

Subsection (2) B 1 of this section requires the submittal of an application form. This has been submitted.

Subsection (2) B 2 of this section requires the submittal of a statement of planning objectives to be achieved by PSD Zoning. **No such document has been provided. I recommend that the preliminary petition not be forwarded to the Board of Aldermen with a positive recommendation until this required document has been provided. This document should address why PSD zoning was chosen over the current R-1 district or perhaps the R-2 district which is also in place nearby.**

Subsection (2) B 3 requires that the petitioner provide the total number and type of dwelling units, parcel size, percentage of site dedicated to each use, gross residential density, amount of open space, the amount of useable open and traffic generation. Much of this required data has been shown on the submitted plans, but the required usable open space area is in question and no traffic generation information has been provided. **I recommend that the preliminary petition not be forwarded to the Board of Aldermen with a positive recommendation until all required documents and information have been provided.**

Subsection (2) C 1 of this section requires that the preliminary site development plan be submitted with 2' topographic contours and that it clearly show, among other things, vegetation cover and trees in excess of an 8" caliper. This information appears to have been provided.

Subsection (2) C 2 of this section requires that the overall preliminary site development plan be submitted. This requirement has been met.

Subsection (2) C 3 of this section requires that the floor area and height of each building is to be provided. **Sample elevations of the proposed houses have been provided, but information on floor area and height is missing.**

Subsection (2) C 4 of this section requires the size and number of all proposed dwellings to be provided. **The number of dwellings is shown but information on the size of these houses is missing.**

Subsection (2) C 5 of this section requires that all useable open space areas are to be shown on the plan. **This information is incomplete and does not appear to meet the requirements of the ordinance.**

Subsection (2) C 6 of this section requires that a circulation system be provided. Since the central roadway and sidewalks are the only elements of the circulation system, this requirement appears to have been met.

Subsection (2) C 7 of this section requires the plans to show the locations, volumes and capacities of all storm water control structures. This issue has been discussed in detail in the accompanying subdivision petition report.

Subsection (2) C 9 of this section requires the plans to show a general landscape plan. **The recommendation to expand the landscape plan that has been provided is discussed earlier in this report.**

Subsection (2) C 10 requires the inclusion of information about the treatment of perimeter areas. No special treatment of the perimeter areas is proposed with this development.

Subsection (2) C 11 of this section requires the submitted plan to show information about adjoining property ownership, lot sizes, structures and circulation on adjoining lands. This information has been provided.

Subsection (2) D of this section states that the preliminary development plan is to provide sufficient information to "...understand the nature, scope and neighborhood impact of the proposal..." **Given the failure to provide the information required in several of the points of this ordinance, there may be some question as to whether sufficient information has been provided to meet the requirements of this subsection.**

Comprehensive Plan Issues:

The Comprehensive Community Plan addresses the land use recommendation for this site most directly on the Future Land Use and Transportation Map. **This map recommends low density residential development intensity for the subject property.** Low density residential is discussed on page 8:5 and 8:14. Essentially this designation recommends a density not to exceed 3.5 single family dwelling units per acre. Lot sizes of no less than 12,000 square feet are recommended as long as they

are in keeping with the surrounding neighborhood character and development patterns. The issue of density was discussed in the Plan Designation and Zoning Review sections earlier in this document. The recommendation of 12,000 square feet as the general minimum lot size guideline for a low density development comes up again. Two of the lots in this proposed subdivision are smaller than 12,000 square feet and therefore not consistent with this general guideline of the plan. These two lots are on the order of 7% - 8% below this the guideline. **From this discussion I believe that a reasonable conclusion can be reached that overall the lot density is in keeping with the guidelines of the comprehensive plan, but the lot sizes of all lots are not consistent with the general recommendations of the comprehensive community plan for a low density residential development. Perhaps the subdivision lot dimensions can be adjusted to make all of the lots compliant with the minimum recommendation of the comprehensive community plan.**

Future residential land uses are discussed beginning on page 8:12 of the plan. Several major points are made in this discussion that are relevant to this petition. Ballwin continues to be a desirable place to live and own a home, but it is running out of land for new development, so redevelopment of outdated and underutilized sites is going to be a common theme. This is directly applicable to this site as the proposal calls for the elimination of two houses on large parcels and their replacement with a higher density of a similar housing type. The plan also observes that infill development will be a common event in the older parts of town, but the plan explores potential issues with infill development proposals. The concern of the plan is that low density residential developments be done in a manner that is "consistent with the surrounding residential neighborhood and blend harmoniously with surrounding land uses with regard to the general characteristics, density, structure height and bulk requirements." It goes on to say that all low density residential development should comply with the Residential Design and Compatibility Standards for Infill, Tear Down and Redevelopment Sites.

Section 2 (Residential Design) of the Future Residential Development Guidelines of the 2007 Comprehensive Community Plan is described on pages 8:16 through 8:18 of the plan:

1. Bullet #1 states that residential buildings should contain street-facing architectural features of human scale to enhance curb appeal and reinforce local building traditions. Architectural features may include, but are not limited to, bay windows, covered porches, balconies, dormers and cupolas. **Architectural elevations are enclosed.**

2. Bullet #2 recommends that the primary façade should be parallel to the street. All single family homes, townhomes and duplexes should have street-oriented entrance and a street facing principal window. A roadway presence should also be retained through the use of front porches and architectural treatments and landscaping that defines the primary entrance. **These recommendations appear to have been met architecturally, and this is why the PSD wants a well-defined landscaped area in the front yard to help enhance and define the entrances.**

3. Bullet #3 recommends against garages dominating the design of the primary façade. Side and rear entry garages are encouraged. No garage wall should be closer

to the street than any other house wall thus precluding snout garages. Garage or door openings facing the street should not exceed 50% of the width of the house façade. Due to the lack of any footprint information it is hard to determine from the architectural elevations provided if these guidelines have been met. All of the proposed house plans appear to include the use of snout garages that project closer to the roadway than other portions or walls of the house and have the garage doors facing the roadway. No side entry or rear entry garages are shown. The petitioner informed me that he is in the process of developing side entry garage designs that will minimize the visibility of the garage doors from the road, but no plans have yet been submitted. None of the houses have garage doors equal to 50% of the total frontage, although one plan gets pretty close, and the doors do take up a significant proportion of the fronts of these houses.

There appears to be a genuine question as to whether these houses meet the intent of this section. They meet some of the designated criteria, but the garage issues are unaddressed as of this writing. Few houses in the adjoining subdivisions, or this part of Ballwin for that matter, have snout or 3 bay garages. Given their overall size and these garage features, these houses are a dramatic departure in the neighborhood from the perspective of character. Side or rear entry garages would be a significant improvement from this perspective.

4. Bullet #4 recommends the use of durable high quality building materials and recommends the use of bright colors and highly reflective surfaces to only accent elements. **Insufficient information has been submitted to evaluate compliance with this recommendation on material quality, but the building code establishes minimum standards for construction materials. Additionally, the existing houses in this part of Ballwin use a variety of exterior building materials. There is no common character, so I do not see this as a significant issue.**

5. Bullet #5 recommends the use of quality exterior materials and the use of architectural details and treatments to all sides of all buildings. I believe the architectural elevations give a sense of the architectural treatments to be utilized.

Section 5 (Compatibility Standards for Infill, Tear-down & Redevelopment Sites) of the 2007 Comprehensive Community Plan is described on pages 8:18 – 8:19 of the plan:

1. Bullet #3 recommends that developments should have “adequate access” to the City’s existing roadway network. **There is no definition of what the term “adequate access” means. At a minimum this could be no more than new houses are to have access to public roads. It could also be viewed as part of the larger issue of overall public welfare. On this basis, the term can be addressing issues such as emergency service provision, snow plowing efficiency, school bus access and safety, trash removal, mail delivery, equitable flow of neighborhood traffic, etc. This ties in pretty closely with Section 25-102 (d) of the subdivision ordinance which requires streets in new developments to be extended to the boundaries of adjoining parcels susceptible to being subdivided. Unfortunately, the ordinance provided no guidance as to what size or configuration of parcel is requisite to meet this description. The parcel abutting to the north is developed with a church and does not appear to be a likely candidate for future subdivision. The parcels to**

the east are small and each is developed with a house so they do not appear to be subject to further subdivision. The parcel abutting to the south is one acre and can be further subdivided but only into about 3 lots unless substantial deviation from local development patterns is permitted. The four remaining southern parcels that lie south of this site and extend the rest of the way to Brookside Ln. might be developed more intensively than they presently are if they are combined, but that requires buying and removing viable houses. The petitioner pointed out that the economics of that happening are not favorable. In his view, the required roadway stub would, in all likelihood become permanent. For this reason, I have not recommended that such a roadway stub be provided, but I believe that matter is one that needs to be thoroughly discussed.

2. Bullet #4 recommends the preservation of natural features such as water features, wooded areas, rock outcrops, viewsheds, etc, by utilizing appropriate site development techniques such as Low Impact Development (LID), clustering and stormwater best management practices (BMP). Traditional clustering can be difficult to make work on a small site in a low density residential area. The petitioner has attempted to use the PSD district to supplement a LID approach. BMP's for storm water control will, however, be required by MSD in the storm water detention and water quality improvements. There are no natural features on this site except mature trees. **Virtually none of these are shown as being retained. As stated earlier in this report, I believe that the 36" tree along the west line of lot 7 and the 18" tree along the west side of lot 1 could both be saved with a little variation in the proposed grading without losing a lot or the ability to build a walkout basement lot on #7.**

3. Bullet #5 addresses the issue of compatibility with the surrounding natural and built environments. "Development should blend with the existing built and natural environment. Densities in excess of the surrounding residential densities may be permitted as in-fill or redevelopment sites to off-set the costs of development and compensate for added site features or other amenities. When developing in or adjacent to established neighborhoods containing larger lots than those proposed, the proposed lot size should best represent the existing neighborhood lot sizes and densities adjacent to the development and transition to smaller lot sizes and/or densities within the interior of the proposed subdivision." **As discussed earlier in this document, I believe that a fairly strong argument can be made to support the lot/acre density of the development, but the lot sizes are a bit of an issue because of the two lots being well below the 12,000 square foot minimum area recommended by the plan. Perhaps the lot designs can be adjusted to redistribute the land area to get all of the lots in excess of this recommended area minimum.**

As stated above, little effort is being made to protect the few natural features (mature trees) on this site. The small size of the parcel and the locations of the biggest trees made the preservation of most of them difficult impossible for this development.

The issue of compatibility with the surrounding developments has been discussed earlier in this report. The major issues arising from that discussion is the two small lots and the reduced front yards.

4. Bullet #6 recommends that new lots within 50' of existing lots should utilize a front yard setback that is within 5' of that of the adjoining properties. **All of the proposed lots in Essen Estates fall into the 50' qualifying criteria. The proposed 20' front yard setback does not come close to meeting this recommendation. It is 20' smaller than the 40' front yard setback that is required under the present R-1 zoning that is extant throughout most of ward 1. I believe that the developer needs to find a way to provide bigger front yard setbacks (35' would be consistent with this subsection of the plan) for these seven lots.**

5. Bullet # 7 discusses the issue of building bulk and height compatibility and side/rear yard setbacks. I believe that the architectural elevations proved the information necessary to evaluate this plan recommendation.

On the basis of this analysis I believe that several arguments have been raised about the compatibility of the proposed subdivision with the surrounding neighborhoods that need to be discussed and resolved by the Commission before a final recommendation can be made.

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