

ZONING ORDINANCE CHANGE PETITION REVIEW REPORT

Petition Number: Z14-06

Petitioner: Ms. Susan Moriconi
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Project Name: Ballwin Grove Plaza Site Plan Amendment

Location: 14404 Clayton Rd.

Petition Date: 11/21/14

Review Date: 12/4/14

Requested Action: NCD Governing Ordinance Amendment
(Site Development Plan Change)

Code Section: Zoning Ordinance Articles IX, XXIII, XII

Existing Land Use/Zoning: Retail / C-1 and NCD

Surrounding Land Use/Zoning: West - Single Family / R-2 (County)
South – Single Family / R-2 (County)
East - Single Family / PSD
North – Commercial / C-1 and NCD

Plan Designation: Neighborhood Commercial &
Neighborhood Residential

Proposal Description:

The Mason Olive Central Associates, LLLP is requesting an amendment to ordinances 09-20 and 12-28 which, respectively, granted and amended a Neighborhood Commercial Overlay district with an associated site development plan for the approximately 11.64 acre property at the southwest corner of Clayton Rd. and Henry Ave. Ordinance 09-20 approved the development of approximately 40,000 square feet of commercial floor area including the CVS pharmacy and the associated Ballwin Grove Plaza and authorized the retention of an approximately 4.5 acre parcel fronting on Henry Ave in the southern part of the site for the future development of an independent care / assisted living residential facility. Ordinance 13-28 amended the Ballwin Grove Plaza site development plan by permitting the construction of permanent covers over the exterior patios behind the Circle Seven and Mia Sorella restaurants. The site was developed in accordance with ordinance 09-20, but the patio covers permitted per ordinance 13-28 were never built.

This petition proposes to amend the amended site development plan per ordinances 09-20 and 13-28 by changing the nature of the patio covers from structural additions to the plaza building that utilize the architectural style of the commercial building to nondescript fabric-covered metal frame structures that offer little in the way of visual interest and are not consistent in architectural character with the existing plaza. This is why the previous owner proposed the elegant structures approved per Ordinance 13-28. The plan also proposes to erect a similar fabric structure as a vestibule for the front door on the parking lot side of the building. Its lack of architectural character is even more of an issue as a vestibule for the front door than it is for the patio covers in the rear.

The area of the patios will not be increased nor will the amount of seating be increased.

PLANNING AND PLAN REVIEW CONSIDERATIONS:

This review report covers issues of a petition to amend the NCD overlay zoning district approved per Ordinance 09-20 and amended per Ordinance 13-28. This petition had been submitted pursuant to the current circumstance of the C-1 district in place as the underlying zoning under an approved MRD overlay. The proposed site development plan amendments are intended to work within this zoning paradigm.

A review of the amended site development plan for compliance with the NCD and the underlying C-1 district and the SUE regulations is necessary. The NCD can amend the provisions of the underlying zoning district such that only the passage of the NCD Governing Ordinance will be necessary to approve the site development plan.

C-1 DISTRICT REGULATIONS:

As referenced earlier in this report, this petition proposes to eliminate the patio cover structures approved under ordinance 13-28 and substitute an alternative design for these covers. The construction of patio covers entails a minor amendment to the site development plan for the Ballwin Grove Plaza portion of the site approved by ordinance 09-20. The NCD (Neighborhood Commercial Overlay 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 NCD regulations may supersede or amend the requirements of the C-1 district. Any regulation not superseded or amended will still apply. The C-1 district regulations are as follows:

1. Article IX, Section 2 identifies a list of uses that are allowed by right in the C-1 district. Article XIV of the zoning ordinance establishes additional uses that are allowed by special use exception in the C-1 district. No changes to the uses allowed by ordinance 09-20 are proposed as a part of this petition.
2. Article IX, Section 3 limits the height of structures to a maximum of 45 feet. The height limit will not be amended by this petition.
3. Article IX, Section 4. (1)(i) requires buildings fronting on Manchester Rd. to have a minimum setback of 60' and buildings on other public roadways to have a minimum setback of 40'. No changes to any building setbacks are part of this petition.
4. Article IX, Section 4. (1)(ii) only applies to properties fronting on the south side of Orchard Lane so it 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 subsection has not been utilized in this petition.
6. Article IX, Section 4. (1)(iv) requires the provision of a 10' deep landscaped area along all roadway frontages of the site. The proposed plan amendment does not involve any changes to the landscaping plan approved via ordinance 09-20.
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'. This requirement does not apply to this petition.
9. Article IX, Sections 4. (3) (ii, iii and iv) and (4) address other rear yard or use situations that 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. **There will be no increase in seating at the restaurant associated with this structure, so there will be no increase in the parking demand in the development.**
11. Article IX, Section 5(2) allows a parking reduction in exchange for more landscaping on sites in excess of 100,000 square feet of floor area. This subsection is not applicable to this petition.
12. Article IX, Section 6 requires the submission of the site development plan to MoDOT for its review. Since Clayton Rd. is no longer under MoDOT's authority and no changes to the curb cuts are involved with this petition, this subsection is not applicable to this petition.
13. Article IX, Section 7(1) requires that the minimum spacing of curb cuts be 500' between centerlines. No change to the curb cut plan approved via ordinance 09-20 and 13-28 is proposed as a part of this petition.
14. Article IX, Section 7(2) requires the construction of a 6' wide sidewalk along Manchester Rd. This subsection does not apply to this petition.
15. Article IX, Section 7(3) requires that a cross access, driveway/parking lot vehicular interconnection easement be established for the benefit of the adjoining properties. This issue was addressed per ordinance 09-20. No changes to that element of the approved plan are proposed as a part of this petition.

SUE Regulations (Article XIV):

The changes proposed pursuant to this petition do not address any use permitted or regulated by the special use exception regulations.

NCD DISTRICT REGULATIONS (Article XIIF):

The NCD (Neighborhood Commercial District Overlay) does not stand on its own. It works only as an overlay amending an underlying zoning district. The NCD may amend or waive the development provisions of the underlying zoning district and the subdivision ordinance, if applicable, or allow a multiple family use in conjunction with a mixed use commercial development, but it does not otherwise bring new uses to the property. The uses allowed in the underlying zoning district are therefore critical and limiting to the NCD district. The underlying zoning district to the Ballwin Grove Plaza development is the C-1 district. The NCD district may allow the waiver or modification of the regulations of the underlying district and the subdivision ordinance, but the governing ordinance must specifically outline and describe what those changes and waivers are. Any underlying district regulations that are not superseded or waived will still apply.

Section 1, Purpose: This section describes the purpose of the NCD district, which is to "... enhance the continuity of economic success of designated commercial nodes that are outside of the Manchester Rd. corridor by encouraging and promoting well-planned, neighborhood-oriented, market sensitive commercial and mixed use development scenarios. All development shall be compatible with the character of the surrounding neighborhood and adjoining land uses and consistent with the general goals and recommendations of the City's comprehensive plan."

Section 1 (1) addresses issues of building scale and the intensity/congestion of the use being consistent or blending with neighboring residential areas. **The proposed patio roof structures that were approved via ordinance 13-28 were designed to match the architectural character of the existing plaza building including the use of matching timbers, stone and coordinating stone fireplaces. It is my understanding that this approach has been rejected as too expensive. The structures now proposed are fabric covered metal frame enclosures not unlike the temporary tent erected for special events in parks and yards. A long term local example of this kind of structure is at Annie Gunn's restaurant in Chesterfield Valley. A fabric covered metal frame structure has been in use at this upscale restaurant for several years, although it is nestled into the site's landscaping better than what will happen here. There is also a similar structure at the Corner Pub restaurant at the intersection of Clayton Rd. and Clarkson Rd. This installation, with its minimal screening landscaping, is more in character with what is proposed for Ballwin Grove Plaza.**

Section 1 (2) encourages neighborhood oriented commercial development. **No fundamental changes to the buildings, the uses or the site design as a whole are proposed as a part of this petition.**

Section 1 (3) emphasizes low impact development that respects human scale and the proximity of residential land uses. In the original approved site plan the petitioner made an attempt to address the issue of blending this development with the surrounding residential neighborhoods with a design and character that attempts to minimize the impact on the community, ties into the circulation and land use patterns of the neighborhood and addresses the goal of a low impact development. The extensive perimeter landscaping of the Ballwin Grove development will not be changed. **The focus of the change will be in the rear of the main building in the existing patio eating areas and at the main entrance on the parking lot side of the unit associated with the Circle 7 Ranch restaurant.**

Section 1 (4) encourages development that will strengthen the ability of neighborhood-serving businesses to compete in the changing economic environment. **The improvements may allow this part of the restaurant to be open through poor weather conditions and throughout much of the year which were not previously options. This could be viewed as an enhancement for the competitiveness of this business. It may also extend the period of parking inadequacy in the plaza through the winter season, but this was true of the structures approved via ordinance 13-28.**

Section 2, Permitted Uses: This section addresses permitted uses. No changes to the uses permitted in ordinance 09-20 are proposed as a part of this petition.

Section 3, Intensity of Use: This section allows relief from or the amendment of the regulations of the underlying zoning ordinance (C-1 district) and associated site development regulations through the passage of a governing ordinance. Such relief or amendment is allowed if the petitioner can demonstrate that it achieves the purposes of this ordinance. Any regulation that is not waived or amended is still in effect.

No relief to the underlying regulations that was not originally granted per ordinance 09-20 is being sought per this petition.

Section 4, Height Regulations: No changes to height of the buildings are proposed as a part of the petition.

Section 5, Parking and Loading Regulations: **No changes to the parking or loading facilities already approved for this site are being sought per this petition. As stated elsewhere in this report, there will be no increase in floor area or seating in this restaurant that would require an increase in parking under the requirements of the Ballwin Zoning regulations.**

Section 5 (1): On-street parking is recommended where traffic patterns permit. This subsection is not applicable to this petition.

Section 5 (2): No waiver of ADA standards is allowed. A parking lot of 165 spaces is required to have 5 accessible parking spaces. The current lot meets the accessibility parking requirements, so no additional accessible spaces will be required.

Section 5 (3): This subsection specifies that the provided parking spaces shall be concentrated in areas that are landscaped and buffered from view from rights-of-way and adjoining properties. This design requirement was addressed in the landscaping treatment of the original Ballwin Grove landscape plan per ordinance 09-20 and no changes to the landscaping plan are proposed as a part of this petition.

Section 5 (4): Perimeter landscaped buffers and curbed planting islands are required by this subsection. No changes to the landscaping plan approved per ordinance 09-20 and amended per ordinance 13-15 are proposed as a part of this petition.

Subsection 5 (5): This subsection addresses parking lot screening designs for developments. No changes to the approved landscape buffer zones adjacent to the parking lots are proposed as a part of this petition.

Section 5 (6): This subsection requires a minimum planting effort in parking lots of 1 tree for every 10 spaces. No changes to the approved landscape buffer zones adjacent to the parking lots are proposed as a part of this petition.

Section 5 (7): This subsection requires all planting areas within or adjacent to the parking lot to be irrigated. No changes to the approved landscape plan are proposed as a part of this petition.

Section 5 (8): A vertical concrete curb is required for all parking lot islands and landscaped areas that are not adjacent to rain gardens. No changes to the approved landscape plans are proposed as a part of this petition.

Section 5 (9): This subsection requires tree plantings to be consistent with Ballwin standards for street tree plantings. No changes to the approved landscape plans are proposed as a part of this petition.

Section 5 (10): This subsection prohibits surface parking lots from abutting rights-of-way for more than 50% of a site's roadway frontage without appropriate landscaping buffers. This aspect of the site development plan has not been amended by this petition.

Section 5 (11): Parking lots shall have no more than 20 consecutive parking spaces without an intervening landscaped area. This aspect of the site development plan has not been amended by this petition.

Section 6, Setbacks: This section establishes maximum building setbacks from the right-of-way.

Section 6 (1)-6(2): These subsections recommend placing structures relative to the right-of-way line. No changes to the buildings or their locations are proposed by this petition.

Section 6 (3): This subsection requires that buildings have an identifiable entry and path of entry from the street or adjoining sidewalk. No changes to the buildings, their locations or their access are proposed by this petition.

Section 6 (4): This subsection requires buildings that are set back from the street to have a strong pedestrian connection to the street sidewalk to promote connectivity to the existing pedestrian network. No changes to the buildings, their locations or their access are proposed by this petition.

Section 7, Pedestrian Access: This section requires a well developed pedestrian access plan that is an integral part of the design of the NCD, ties to the pedestrian circulation system serving the adjoining roadways and neighborhoods, provides safe and convenient access to parking areas throughout the development and connects with abutting properties, surrounding neighborhoods, roadways, developments and transit facilities. **The only pedestrian circulation related element of the proposed plan amendment will be the addition of a vestibule for the front door of the restaurant. This addition does not appear to fundamentally change the pedestrian amenities or circulation patterns, but this improvement will have to meet fire code and ADA accessibility standards. Building permits will be required.**

Section 7 (1): This subsection requires five foot wide sidewalks along all sides of a parking lot that abut streets and major internal driveways and a similar sidewalk shall be provided from the public sidewalks to the principal customer entrance(s). No changes to the buildings, their locations or their access are proposed by this petition.

Section 7 (2): This subsection expands on subsection 1 by requiring that building facades featuring customer entrances or facing roadways and parking lots shall provide a 12'

sidewalk. **It is my understanding that no changes to the sidewalks in front of the plaza are proposed, but no information about the dimensions of the new vestibule has been provided, so any impact on pedestrian circulation cannot be evaluated.**

Section 7 (3): This subsection stipulates the use of design criteria such as pavement markings, traffic calming, lighting, etc. to minimize pedestrian and vehicle interaction hazards. This petition does not propose any changes to these aspects of the pedestrian circulation plan.

Section 7 (4): This subsection requires landscaping areas, benches, fountains, artwork, shade structures, pavement enhancements, tables and chairs, illumination and similar amenities to enhance the pedestrian ways. This petition does not propose any changes to these aspects of the site development plan.

Section 8, Use Limitations: This section outlines special use limitations related to certain specific possible land uses within a NCD.

Section 8 (1): This subsection requires that unless specifically provided in the NCD Governing Ordinance, no outdoor display, storage or sales of merchandise, fixtures, vehicles or materials are allowed in the NCD. No changes to the plan relative to this subsection are proposed as a part of this petition.

Section 8 (2): This subsection allows uses permitted by SUE in the underlying district pursuant to the NCD process. No changes to the uses permitted per ordinance 09-20 are proposed as a part of this petition.

Section 8 (3): This subsection contains regulations governing drive through facilities. No changes to the drive through facilities approved per ordinance 09-20 are proposed in this petition.

Section 9, Architectural and Site Design Standards:

Section 9(1) - 9(8): No changes to any of the architecture approved per ordinance 09-20 subject to these subsections are proposed as a part of this petition. **This petition, however, takes back the architecture of the patio covers approved per Ordinance 13-28 and proposes replacing them with a fabric covered frame structure for Circle 7 Ranch only. Mia Sorella will not be erecting such a facility. Where the architecture of the structures approved per ordinance 13-28 was of the same materials and character as that of the plaza, the structures proposed in this petition are essentially devoid of any architectural character. They have the appearance of temporary structures. Furthermore, nothing has been done to otherwise work them into the site or make them appear to be part of the overall development and not a low-cost after thought. This is particularly important as it relates to the proposed front vestibule. The front door is the façade of the plaza that displays the greatest architectural design. A temporary cloth covered vestibule structure with a sleek contemporary look does not appear to be consistent with the original design theme of the plaza or the intent of the NCD.**

Perhaps there is an alternative approach to providing the weatherproof enclosures desired by the petitioner that does a better job of blending with the architecture of the plaza.

Section 9 (9): This subsection requires the use of landscaping to enhance building and site design. The landscaping approved per ordinances 09-20 and 13-15 will not be modified as a part of this petition.

Section 9 (10): Screening between commercial and adjoining residential properties was addressed in the original petition and is not part of this proposed plan amendment.

Section 9 (11): This subsection establishes screening standards for rooftop and ground-mounted equipment and fixtures. No changes to the rooftop equipment screening that is already in place are proposed as a part of this plan amendment petition.

Section 9 (12): This subsection states that loading docks, trash enclosures, outdoor storage and sales areas and similar facilities and functions shall be incorporated into the overall design of the building and site, shall be located near the service entrances of buildings and shall be 100% screened with vegetation or structures in a manner that is architecturally compatible with the development. No changes to these features of the buildings are proposed as a part of this plan amendment petition.

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 addresses edges such as waterways, ridgelines, roadways, fences, etc. These site features define transitions between uses. Landmarks such as “public art” are to be used to help “define a sense of place and scale” for commercial uses within and between developments to accentuate and define the edges. No changes to these aspects of the approved site development plan are proposed as a part of this petition.

Section 10(2): This subsection recommends that the streetscape be enhanced with “lighting, landscaping, and pedestrian amenities such as benches, surface texture/color variations, small spaces, business and information kiosks, art, etc.” No changes to these aspects of the approved site development plan are proposed as a part of this petition.

Section 10(3): This subsection recommends the “utilization of landmark features such as large scale public art, gateways or other significant architectural or landscaping at highly visible locations.” No changes to these aspects of the approved site development plan are proposed as a part of this petition.

Section 10(4 and 5): These subsections are not applicable to this petition.

ENGINEERING AND PLANNING ISSUES:

Traffic Impact: Since this petition does not propose to increase the floor area or the

seating of the restaurants, there is no expectation that there will be any traffic impact from the proposed plan changes. No additional traffic analysis appears to be necessary.

Stormwater: There will be no impact on stormwater resulting from the proposed plan amendments.

COMPREHENSIVE PLAN ISSUES:

The recommendations of the comprehensive plan relative to Neighborhood Commercial Development are on pages 8:25 – 8:26. All of the comprehensive plan recommendations were incorporated into the POD regulations when they were written and have been covered in the preceding report.

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