

# ZONING ORDINANCE PETITION REVIEW REPORT

## Amended Site Development Plan

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**Petition Number:** Z14-02

**Petitioner:** Kenn Grasse  
2187 White Lane Dr.  
Chesterfield, MO 63017  
314-952-6005

**Agent:** None

**Project Name:** Westglen Village Site Plan  
Amendment

**Location:** 903 Quail Terrace

**Petition Date:** 3/19/14

**Review Date:** 3/31/14

**Requested Action:** R-4 Final Site Development Plan  
Amendment

**Code Section:** Zoning Ordinance, Article VII &  
XXIII

**Existing Land Use/Zoning:** Vacant

**Surrounding Land Use/Zoning:** West – Multiple Family / R-4  
South – Single Family / R-3  
East – Single Family / R-4  
North – Multiple Family R-4

### **Proposal Description:**

Kenn Grasse is the owner of the Westglen Village Apartments. He proposes to create two single family lots adjacent to Westglen Village Dr. on an undeveloped portion of the apartment site. Petitions Z14-01 to change the zoning of the two lots from R-4 to R-3 and SUB14-01 to approve the subdivision that creates the two lots preceded this petition. This apartment development was built in the 1970's as a part of the Westglen Village Planned Environmental Unit (PEU) approved by St. Louis County in 1972. This PEU included all of the Westglen developments including the apartments, the townhouses and all of the single family subdivisions.

A PEU is similar in nature to the PSD or MRD processes in Ballwin's zoning ordinance. These planned districts are constructed to allow variations from many of the strict dimensional and use limitations of the underlying zoning as long as the basic density and neighborhood compatibility are not sacrificed. This process is to allow some flexibility in design for properties that are challenging due to topography, shape, adjoining use issues or other similar unique or special circumstances. This zoning approach is how the developer was able to build multiple family buildings in a single family zoned area.

As a part of the process of reviewing the rezoning and subdivision petitions it became apparent that the old PEU approval was an existing deed restriction that potentially prevented the approval of these two petitions. I discussed this matter with the city attorney and it was determined that the PEU had been replaced by the rezoning to R-4 that was undertaken by Ballwin in 1991 following the annexation of this neighborhood into Ballwin. The PEU was no longer applicable, but since R-4 is a planned district, the site development plan for the apartments that was in place on the date of rezoning became the R-4 site development plan for the Westglen Village Apartments. That plan is the one that now has to be amended to permit the creation and rezoning of these two lots. This plan was a 1988 amendment to the original 1972 St. Louis County and is attached to this report

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## **Zoning Ordinance Requirements/ R-4 District Regulations**

**Article VII, Section 1:** This section contains general statements that outline the intent of the R-4 district but does not contain any specific site design requirements specifically reviewable for a site plan amendment.

**Article VII, Section 2:** This section contains provisions for the submission of new petitions for R-4 rezoning and is not applicable to this review.

**Article VII, Section 3:** This section also contains provisions for the submission of new rezoning petitions and does not apply to this review.

**Article VII, Section 4:** This section addresses use regulation in the R-4 district. The existing multiple family and recreation uses are allowed in the R-4 district.

**Article VII, Section 5:** This section limits structures at the location of this petition to a maximum height of 35 feet. **If approved, the land involved in the amendment will be removed from the R-4 district and placed in the R-3 district at which point the R-3 district height regulations will be applicable. This was discussed in petition Z14-01 and will not be repeated in this report. If the existing buildings in the R-4 portion of the development exceed this height limit, they are legally nonconforming and can stay in place.**

**Article VII, Section 6 (1):** This subsection establishes minimum setback requirements for structures from the perimeter of the site and roadways. No building in the R-4 district area will be moved nor will any new structures be built. The existing apartment building #1 will be the closest to the new boundary line created by the proposed change. This subsection requires a minimum setback of 60 feet from single family use or zone. The area proposed for rezoning is approximately 115' from this building so there will be no violation in the area retaining the R-4 zoning.

The buildings built in the portion of the site that will be removed from the R-4 district, if this petition is approved, will no longer be subject to R-4 district regulations. The new buildings will be subject to the R-3 district regulations. This was discussed in more detail in petition Z14-01.

**Article VII, Section 7:** The intensity of use is outlined in this section. A maximum of one dwelling unit per 2000 square feet of land area is allowed. This criterion is applied on the basis of the entire apartment complex, not just the area being proposed for redevelopment. The 17.12 acres site would theoretically permit the construction of 373 units under the R-4 zoning. The removal of approximately 1.46 acres from the proposed subdivision would remove 32 units from this theoretical capacity. The 341 units permitted on the remaining portion of the site are well in excess of the 81 units that are in the Westglen Village Apartment development, so the amendment would not create a nonconforming situation.

Another portion of this section requires that buildings shall have no more than six units in a building and the average number of units in a building shall be no more than 5. The existing building configuration would be legally nonconforming relating to this requirement. Any new apartment buildings built within the R-4 portion of the site would have to meet this requirement, but the housing built on the proposed new lots would be subject to the regulations of the R-3 district if the zoning change is approved.

**Article VII, Section 8:** This section establishes minimum parking requirements on a per dwelling unit basis. The existing parking configuration would be legally nonconforming relating to this requirement. Any new apartment buildings built within the R-4 portion of the site would have to meet this requirement, but the units built on the proposed new lots would be subject to the regulations of the R-3 if the zoning change is approved.

**Article VII, Section 9:** This section contains criteria for the preservation of natural features and the establishment of open space. No less than 40% of the site is to be preserved as open area. The existing site configuration relative to this requirement would be legally nonconforming if it is below this standard. If it is above this standard, then it would theoretically be possible to develop the excess land in a different manner, or remove it from the site, and still meet the minimum open space standard of the R-4 district regulations. My preliminary computations indicate that the present development has approximately 45.2% open space. With the 1.46 acres removed for the creation of the two single family lots, the development would have approximately 41% open space and therefore still be in compliance with the minimum standards of an R-4 district.

If new apartment buildings were built within the R-4 portion of the site, it would have to meet this requirement.

This section also requires the contribution of a recreational fee in accordance with the requirements of Section 25-124 of the Subdivision Ordinance. This is discussed in the review report for petition SUB14-01.

**Article VII, Section 10:** Section 14 of this Article established the process for amending a recorded final development plan. It states that amendment plan petition needs to be submitted pursuant to section 10 and 11 of this article. Section 10 establishes minimum criteria for the amended plan as follows:

(1) (a): Location and height of all buildings and structures on the tract. The submitted plans does not propose to change or amend any of the existing multiple family dwellings on the site. If they do not meet the minimum standards of the R-4 ordinance, they would be legally non nonconforming.

(1)(b): The locations of recreational areas, wooded areas, streets, parking areas, proposed landscaped areas. I believe that all of this is shown on the submitted plan.

**The proposal amendment to the site development plan to create two single family lots fronting on Westglen Village Dr. will eliminate approximately 1.46 acres of the undeveloped wooded portion of the site. This is the major element of the amendment that is being requested to the site development plan. As discussed earlier in this report, the proposed amendment does not appear to increase any of the nonconforming elements of the existing apartment development plan nor does it run afoul of the existing site development regulations of the R-4 District.**

**This issue really goes back to the St. Louis County PEU approval of 1972. I believe that the undeveloped portion of this site was left vacant in exchange for the original developer being allowed to build not just the apartments that are part of this petition, but also the nearby townhouses and approximately 400 single family dwelling units that were allowed to be built on lots that could be as small as 7500 square feet instead of lots that could be no smaller than 10,000 square feet in area under the zoning that was in place. The large undeveloped and common ground areas that were incorporated into the multiple family and single family components of the Westglen Village development were made part of the site plans to offset the higher densities permitted by the use of multiple family and smaller lots without going over the maximum density that would have been permitted by the underlying St. Louis County R-3 zoning. In my view, taking away some of the open space violates the spirit and, more importantly, the intent of the original PEU approval as well as the intent of Ballwin's R-4 zoning ordinance which promotes "...modern and imaginative architectural design, site arrangement and city planning..."**

(1) (c): The facilities for all automobile traffic entering and exiting the site. No changes to these facilities are proposed as a part of the plan amendment request.

(1)(d): The legal property lines, distances and bearings. Most of these are shown on the submitted plan and none of the perimeter property lines of the site will change as a result of the amendment although the perimeter of the R-4 area will change to accommodate the removal of the 1.46 acres for the creation of the two new single family lots.

(1)(e): All utilities, sewers, easements, drainage facilities and site improvements. Only the sewers are shown. None of the other utilities are included on the plan but no changes to any utility locations are proposed as a part of the amendment.

(1)(f): Legal description. The description of the entire site as well as the descriptions of the new lots were provided on the plat information that was provided with the accompanying subdivision petition SUB14-01. They were not replicated in this petition.

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