

ZONING ORDINANCE CHANGE PETITION REVIEW REPORT

Petition Number: Z 15-04

Petitioner: Mr. Jeannie Aumiller
Associate General Counsel
McBride KMP,LLC
16091 Swingley Ridge,
Suite 300
Chesterfield, MO 63017
314-336-0209

Agent: None

Project Name: Kehrs Mill Place Sub.

Location: 413 Kehrs Mill Rd.

Petition Date: 1/9/15

Review Date: 1/30/15

Requested Action: MXD final site development plan
amendment approval

Code Section: Zoning Ordinance

Existing Land Use/Zoning: Single Family / MXD

Surrounding Land Use/Zoning: North –Multiple Family / R-4
South – Commercial / C-1
East - Multiple Family / R-4
West – Single Family / R-2

Plan Designation: High Density Residential

Proposal Description:

This review report involves the issues of the Mixed Use Development district (MXD) regulations. The mixed use district was originally created in the early 1980's to promote the development of the Old Town portion of Ballwin. Historically Old Town was an underutilized commercially zoned area of approximately 70 acres that lay south of Manchester Rd. between what is today Ries Rd. and the east property line of Schrader Funeral Home. The 1981 comprehensive plan identified Olde Town (note the spelling change) as the properties on both sides of Manchester Rd. from Ries Rd. on the east to Holloway Rd. on the west. The northern boundary of this area was Vlasis Park and the southern boundary was Jefferson Rd. and the Ballwin Athletic Association property. The MXD district was created and this entire area was rezoned to the new MXD district.

Mixed use development in a suburban area was a new idea in the St Louis at the time and combining an untried zoning with the other physical development issues on the Olde Town site did not generate any interest in the desired development. Several years later most of the Olde Town area was zoned back to C-1 commercial. There were, however, a few properties that were not rezoned and upon which the MXD still exists. The property involved in this petition is one such property. When Olde Town was zoned to C-1 the MXD district was revamped into what we see today in the zoning regulations as the PSD district. The MXD regulations no longer appear in the zoning ordinance. A copy of those regulations is enclosed with this report.

The final site development plan for Kehrs Mill Place subdivision, a 5 unit attached residential development on .64 acres was approved in 2005. The subsequent economic downturn has prevented the development from going forward ever since. McBride KMP LLC a subsidiary of McBride Homebuilders has an agreement to purchase the property and proceed with the development in a manner that is essentially the same as the original 2005 approved plan. The MXD regulations do not contain a sunset clause for approved developments, so this plan can essentially be picked up and developed as originally authorized with no additional approvals. The passage of time has, however, resulted in the establishment of more stringent storm water and water quality facilities that were not part of the review process in 2005. MSD is requiring water quality facilities be added to the 2005 site plan for the development to move forward. The petitioner is asking for the approval of an amended final site development plan to accommodate the required water quality improvements. Essentially, the underground detention that was originally envisioned will be replaced with a surface detention basin that will contain water quality enhancements such as amended soils to promote water infiltration. The original and the amended development plans have both been created in accordance with the regulations of the MXD Mixed Use Development zoning district that has been in place on this property since the 1980's. The development proposal is to remove the existing single family structure on the site to allow for development of five attached single family residences. These will have driveway access from Kehrs Mill Bend Dr.

The site is rectangular in shape with the long sides running generally north - south. The site fronts along Kehrs Mill for a distance of about 113' feet and along Kehrs Mill Bend for a distance of about 245'. The site adjoins Kehrs Mill Crossing Condominium development on the north and east.

The high point of the site is around the existing house at an elevation of about 662'. The low point on the site is in the extreme northeast corner of the site at about 653'. There are no natural drainageways on the site and it drains via a sheet flow from the high point in all directions. This puts about 2/3 of the site draining into the adjacent Kehrs Mill crossing Condominium development to the northeast. Runoff from this site presently flows directly through the condominiums into the adjoining roadway storm water system. The storm water ultimately enters a south tributary of Grand Glaize Creek behind the Seven Trails Apartments. Grand Glaze Creek flows into the Meramec River near Valley Park.

ZONING REVIEW

This parcel, along with the surrounding properties that are now the Kehrs Mill Crossing Condominium development was zoned MXD in the early 1980's as a part of Ballwin's efforts at the time to bring about a mixed use development in the Olde Towne Area. When the properties that became the condominiums were assembled, this site was not available and was not included in that plan. The condominiums were ultimately rezoned to R-4 multiple family leaving this parcel, as it is today, with the MXD zoning but no approved development plan.

Since there was no change to the zoning district in 2005 when the site development plan was approved (nor today with the proposed amendment) there was no basis to discussion of the appropriateness of the zoning district. All that was left was to review the site development plan for compliance with the provisions of the MXD regulations.

MXD Regulations

An MXD petition is a two step process. The first step in this case involves the submittal of a development plan for preliminary plan approval. Upon its approval by ordinance, the developer has 12 months to submit a final development plan. If the final plan is approved, the project goes forward. If a final plan is not submitted within the required time frame, or it is not approved by the Board, the approval of the preliminary plan is deemed revoked. **The 2005 petition went all of the way through the final site development plan approval. It was at that point that it died. As a result it is an approved plan that is theoretically to go. This petition is to amend the approved final site development plan to accommodate the MSD required water quality improvements.**

Section 3. Use regulations:

Multiple family dwellings are an allowed use in the MXD district.

Section 4. Height Regulations:

The maximum structure height allowed in a MXD development is 60 feet. The proposed structures are well within this height limit.

Section 5. Area Regulations:

The minimum building location provisions of the MXD district regulations have all been met in this proposal:

- A. Proximity to neighborhood street: 15' min.
- B. Proximity to collector street: 40' min.
- B. Within 20' of any building on an adjacent tract
- C. Within 10' of an adjacent undeveloped tract

D. Within 20' of the perimeter of the MXD district

Section 6. Parcel Size:

The minimum parcel size that can be considered for MXD zoning is one (1) acre. This parcel is legally non-conforming relative to the minimum parcel size issue.

Section 7. Parking:

All parking is provided in accordance with the minimum provisions of the MXD regulations.

Section 8. Streets and Traffic Circulation:

There are no new roadways being built to accommodate this development.

Section 9. Perimeters:

This plan meets the minimum requirements for perimeter buffer zones.

Section 10. Internal Buffers:

No internal buffer is required per this section with this plan because there is no commercial use in the development.

Section 11. Open Space:

Subsection 2 of this section requires that a minimum of 15% of the site must be open space as defined in Subsection 1 of this section. The 2005 plan met the requirement and the plan amendment has not changed this element of the plan.

Subsection 4 requires that one area meeting the definition of useable open space must be provided. The 2005 plan met the requirement and the plan amendment has not changed this element of the plan.

Subsection 5 of this section requires that at least 70% of the land dedicated for open space shall have a slope of no more than 8%. The 2005 plan met the requirement and the plan amendment has not changed this element of the plan.

Section 12. Environmental Design:

Subsection 1 requires the submittal of a general landscaping plan. The amended plan has the same landscaping that was approved in 2005.

Subsection 2 deals with issues of floodplains. The site is not in a designated floodplain and the grading issues have been addressed in the development plan.

Subsection 3 deals with the issue of submitting a grading plan and the issue of preserving a site's native characteristics. This site is essentially flat; there are no natural

water features. Several mature trees exist around the perimeter of the site and they will be preserved.

Subsection 4 deals with preserving and ensuring the stability of hillsides. There are no hillsides on this site and no slopes in excess of 3:1 are proposed.

Engineering/Planning

The only change to the approved 2005 final site development plan is the replacement of the underground detention facility with a surface facility. This is being done to accommodate the provision of water quality improvements which were not a requirement in 2005. This site is so small that minimal detention is required. The water quality feature is primarily amended soils and plantings to facilitate infiltration in the bottom of the basin adjacent to the wall. This site falls below the 2 cfs increase threshold utilized by MSD for detention. The detention being provided was required by Ballwin due to the age and capacity of the Kehrs Mill Crossing condominium development detention basin that the runoff from this site enters. Going to a surface facility combines the water quality improvements with the required detention without needlessly duplicating facilities.

The petitioner has been in communication with the trustees of Kehrs Mill Crossing condominiums regarding the excavation in easements on its property for the installation of the sanitary and storm sewer connections. Efforts are being made to protect the large trees in the area and the lost vegetation will be replaced in kind.

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