



REVISED STAFF REPORT  
 AMENDED SITE PLAN DATED JANUARY 25, 2019

APPLICANT/OWNER	Pentrex Development Corporation
LOCATION:	641 N Ballas Road
REQUEST:	<ol style="list-style-type: none"> <li>1. Rezoning approval from “D” Single Family Residential to “PD-R” Planned Development Residential</li> <li>2. <b>Approval of a preliminary plan for construction of an 8-unit subdivision, representing a decrease in 1 lot along Clear Brook.</b></li> </ol>
EXISTING ZONING:	D-Residential (15,000 SF lots)
PARCEL SIZE:	4.85 Acres



**BACKGROUND:**

The Blattner property is a narrow tract of land situated along Ballas Road between Spring Valley and Spring Valley Woods. The site remains largely undeveloped with the exception of a single-family residence located at the eastern stretch of the property accessible from Ballas.

City records obtained from the late-1970s suggest that the Blattner property was intentionally held out by the former owner from residential development to the north (Spring Valley, 1977) and south (Spring Valley Woods, 1981). This holdout led to the configuration of two stub streets along Brook Valley and a dead-end which terminates at Clear Brook. These conditions, according to minutes taken from the Planning Commission at that time, were designed to be temporary and corrected pending future development of the Blattner property. The city’s overall and long-term strategy focused on connecting both subdivisions once the Blattner Property became available and creating a secondary means of access for

each neighborhood. That strategy was further articulated in the 2003 and 2015 comprehensive plans – see attached.

From a zoning standpoint, both Spring Valley (34 lots) and Spring Valley Woods (35 lots) were developed under Alternate Density Zoning, a concept permitted under the subdivision ordinance that offers relief from conventional site standards by reducing minimum lot sizes to 50% of the difference between the underlying zoning district and the next lowest district, provided the average lot size (including common ground) meets the minimum lot size standard for the district.

Use of Alternate Density regulations require that 50% of the difference in area lots shall be set aside in common ground and such common ground shall contain at least 10,000 SF and its maintenance covered by trust indentures. However, the common ground requirements can be waived by the Commission for tracts under 5 acres upon finding that requiring common ground would be a hardship on the developer or future homeowners.

In this instance, “D” Single Family Residential served as the underlying zoning district for both Spring Valley and Spring Valley Woods, but densities permitted under Alternate D zoning (12,500 SF) were applied to encourage common ground to be set aside and greater flexibility for the developer to build around rough terrain or unusual land features (creek) without losing density. Using this approach the average lot size in Spring Valley and Spring Valley Woods was calculated at 15,116 SF including common ground, whereas a lion share of the buildable lots were platted between 10,000-15,000 SF – representing the midpoint between “D” and “E” densities. Staff took the liberty of tabulating the densities below for clarity.

Spring Valley & Spring Valley Woods			
	D District	Alternate D	E District
Lot Size	15,000	12,500	10,000
Average Lot Size Including Common Ground = 15,116 SF			
Average Lot Size for Buildable Lots = 12,512 SF			

In terms of site dimensions, both Spring Valley and Spring Valley Woods were platted using Residential “E” standards for setbacks and frontage requirements in place of “D” to achieve smaller lots and promote the reservation of common ground – another benefit for using Alternate Density zoning.

Dimensions	Lot Width	Front/Rear Setbacks	Side Yard Setbacks
Spring Valley	85'+	30'	10'
Spring Valley Woods	75'+	30'	10'

As an aside, Alternate Density Zoning remains to be an option under Section 420.040 of the subdivision ordinance, as it was never formally removed following passage of the current Zoning Code in January 2017 and the introduction of Planned Development Residential (PD-R), which is largely its modern counterpart. Staff will seek guidance from the Planning Commission on

	its preference for keeping Alternate Density as a vehicle for future residential development.																				
STAFF ISSUES:	EXPLANATION:																				
1. Waiver of 5-Acre Minimum	<p>The obvious and immediate concern for staff focuses on the petition to waive the 5-acre minimum site standard, which if successful, would make the property eligible to rezone to PD-R subject to the amendment procedures outlined in Chapter 404. The zoning code allows a waiver pursuant to the following criteria:</p> <p><i>“These minimum site sizes may be waived by the Board of Aldermen upon report by the Planning and Zoning Commission; if it is determined that the use proposed is desirable or necessary in relationship to the surrounding neighborhood; or, if the Board of Aldermen should determine such waiver to be in the general public interest”.</i></p>																				
2. Rezoning Procedures	The PD designation is not intended to serve as an overlay, but rather as a separate use district attached to a specific parcel of land in which an amendment to the zoning map is required. The procedures for doing so are defined under Section 420.005 of the Zoning Code and generally involve holding a public hearing while notifying every household within 200 feet from the boundaries of the area with the proposed change.																				
3. Density Calculations	<p>The density (# of lots permitted) under PD-R uses “D” Residential as the underlying benchmark for establishing lot sizes. Per the code, the computation of density shall be based on dwelling units per net acre for the entire site. To compute the number of dwelling units per net acre, fifteen (15) percent of the gross acreage of the parcel shall be deducted and the net acreage divided by the lowest minimum lot size (Residential “D” district 15,000 square feet). <b>Under this proposal, the density calculations are compliant with the zoning code for both PD-R and standard “D” Residential – demonstrated below.</b></p> <table border="1"> <thead> <tr> <th>Density Calculation</th> <th>Min. Lot Sizes</th> <th>Max Lots</th> <th>Gross Acreage</th> </tr> </thead> <tbody> <tr> <td>Blattner Proposal</td> <td><del>12,711</del> 18,785</td> <td><del>9</del> 8</td> <td>211,266 SF</td> </tr> <tr> <td>Standard “D” Residential</td> <td>15,000</td> <td>14.1</td> <td></td> </tr> <tr> <td>PD-R Residential</td> <td></td> <td>12.0</td> <td>15% of Gross Acreage</td> </tr> <tr> <td colspan="3">Calculation: (Gross Acreage – 15%) / 15,000 = 12</td> <td>31,689.90 SF</td> </tr> </tbody> </table> <p>It should be noted that the average lot size (<del>22,359 SF</del>) (25,154SF) under the Blattner proposal is generally inconsistent (larger) with the average lot size in the surrounding subdivisions (12,512 SF). This disparity is simply a product of the narrowness of the parcel and the usage of PD-R vs. Alternate Density Zoning.</p>	Density Calculation	Min. Lot Sizes	Max Lots	Gross Acreage	Blattner Proposal	<del>12,711</del> 18,785	<del>9</del> 8	211,266 SF	Standard “D” Residential	15,000	14.1		PD-R Residential		12.0	15% of Gross Acreage	Calculation: (Gross Acreage – 15%) / 15,000 = 12			31,689.90 SF
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4. Minimum Setbacks	Approval of this subdivision hinges on relief from the minimum front and rear yard setbacks mandated under the zoning code and specifically the frontage (lot width) requirements for Residential “D” zoning, all of which are non-conforming under the current proposal before the Planning Commission. <b>It’s important to stress that PD-R enforces minimum setbacks when any side of the new development abuts another residential district. When that happens the underlying setbacks are applied to ensure consistency with the characteristics of the surrounding development.</b> In this instance, Residential “D” zoning will serve as the underlying standard – shown below.																				

	Dimensions	Lot Width	Front Yard Setback	Side Yard Setback	Rear Yard Setback
	Residential "D"	100'	35'	10'	40'
	Proposal	81'-Ballas	30'	10'	30'
	<p>Using this rule and applying dimensional standards enforced under "D" zoning, staff believes that the Planning Commission may recommend waiving these non-conforming features to "facilitate the use of flexible techniques of land development and site design" so long as the development achieves one or more of the following objectives:</p> <ol style="list-style-type: none"> <li>1. <i>Site planning that better adapts to site conditions and its relation to surrounding properties that would not otherwise be possible or would be inhibited under the district regulations applicable to the property;</i></li> <li>2. <i>Functional and beneficial uses of open space areas;</i></li> <li>3. <i>Preservation of natural features of a development site;</i></li> <li>4. <i>Creation of a safe and desirable living environment for residential areas characterized by a unified building and site development program;</i></li> <li>5. <i>Rational and economical in relation to public utilities and services;</i></li> <li>6. <i>Efficient and effective traffic circulation, both within and adjacent to the development site.</i></li> </ol> <p>In making its recommendation the Commission should always refer back to these criteria, as they will help articulate its position to the Board of Aldermen of whether a rezoning to PD-R is desirable or necessary in relationship to the surrounding neighborhoods.</p>				
5. Naming of the Development	<p>The preliminary site plan submitted to staff on October 1 is titled "Blattner Farm". Staff assumes this name represents the working title of the subdivision. <b>The revised plan dated January 25 indicates no change in title.</b></p>				
6. Street Materials/Grades	<p>By ordinance, pavement materials will depend on the grades of the streets. This information has not yet been provided. However, both of the adjoining subdivisions have concrete streets, so it would only make sense for the connections to also be concrete.</p>				
7. Lot Slopes	<p>Contour intervals provided under the preliminary site plan indicate a substantial drop in grade (west to east) on Lot 7 at Clear Brook.</p>				
8. Trees & Site Clearance	<p>A current map has been provided. A more detailed landscaping plan must be submitted at a later date. <b>In terms of site clearance, the developer will consider removing honeysuckle from the site to satisfy concerns about vegetation overgrowth raised by nearby residents, so long as the shrubs are located on the developer's property.</b></p>				
9. Streetlights	<p>Not indicated on preliminary plan. The City will not own or maintain the streetlights. <b>Staff advises that the addition of new streetlights would be unnecessary, as the placement of existing streetlights appears to provide adequate illumination.</b></p>				
10. Street Names	<p>Existing streets will service all new lots under the current proposal. This includes the connection at Brook Valley Road and the extension of Clear Brook Drive via hammerhead cul-de-sac.</p>				

11. Environmental Impact	Staff has fielded a number of complaints about the presence of buried objects under the soil (trees, vehicles, etc...) and the consequences of developing the site without performing an environmental impact study. Staff is not aware of any city ordinance that mandates this type of assessment. However, the developer has agreed to investigate the history of the property and identify what materials exist below the surface and report those findings to the Planning Commission. Based upon the anticipation of fill material, his soils engineers will perform exploratory borings at each home site.
12. Street Frontage	Street frontage will occur along Ballas, the connector street at Brook Valley, and adjacent to the hammerhead cul-de-sac extension at Clear Brook. None of the lots under this proposal meet the 100' minimum frontage requirement and therefore would be subject to a rezoning to PD-R for approval.
13. Cul-de-sac Sizes	A hammerhead or "T-turnaround" has been proposed on Clear Brook at the extension of Clear Brook in lieu of a standard cul-de-sac. The turnaround feature includes a 68' wide base and a 26' access point leading to Clear Brook. The subdivision code states that "where the planned minor street is to terminate in a circular open space, the open space shall have a radius of at least fifty (50) feet. If the circular open space is to contain a landscaped island, the open space shall have a radius of at least sixty (60) feet". <del>The proposed hammerhead with a maximum width of 68' feet clearly does not meet the requirement for a 50' radius (100' diameter) "circular open space" (i.e. cul-de-sac).</del> The developer's justification is that constructing a full-sized cul-de-sac would only allow for two lots rather than three, and that St. Louis County allows these turnarounds in place of a true cul-de-sac. <del>The revised site plan seeking development of two units along Clear Brook instead of three improves the ability for Streets and Public Safety to service the area. The absence of a third lot creates adequate space for street crews to plow snow without blocking driveway access. The Planning Commission will need to make a determination on whether it feels this feature is complaint with the subdivision code. Further, staff believes the Commission has the authority to waive this standard in conjunction with PD-R approval.</del>
14. Subdivision Indentures	Subdivision Indentures are only required if the subdivision has common ground. Since this proposal does not reserve common ground area, indentures are not required. Indeed, many other subdivisions in Des Peres operate without indentures.
15. Stormwater Runoff	Various concerns have been raised about the impact of stormwater runoff and whether the development of new lots would adversely impact nearby homes, specifically those adjacent to the creek which crosses the property (N-S) at the western side. This creek drains a substantial watershed, and the increase in runoff due to this development is de minimis. Each lot will be required to build and maintain a raingarden per MSD requirements. Staff reiterates that MSD maintains jurisdiction over the creek and is ultimately responsible for enforcing development guidelines to mitigate potential flooding. The developer has advised that MSD is currently reviewing the amended site plan and intends to deliver its findings to the city upon completion. Per city ordinance, no subdivision plat may be approved without a permit issued by MSD.
16. Sewer Easements	All 8 lots under the proposal would be serviced by existing sanitary sewer lines to the north and south. In doing so the developer intends to utilize dedicated public easements as a means to extend the infrastructure. This practice is

	<p>universally encouraged to avoid installation of standalone (septic) disposal systems, which should only be considered when public sewers are not reasonably accessible. Further, the developer has verbally expressed a commitment to repair disturbed property (turf, fence) that falls within the dedicated easement, even though the easement language dictates that such improvements were made at the homeowner's risk.</p>
<p>17. Corner Lots &amp; Setbacks</p>	<p>The revised site plan includes modifications to Lot 2 with the goal of alleviating proximity and privacy concerns raised by nearby homeowners who believe only a single unit should be constructed along Ballas. Those changes largely involve replacing the side-entry driveway with a front-entry layout, allowing the garage to face east (Ballas) and creating additional buffer space (15') between Lot 2 and the adjacent properties to the south along Trail Crest. This proposal, as was the previous submittal, is fully compliant with the minimum 10' side yard setback standard.</p>
<p>18. Subdivision Approval Process</p>	<p>State law and court cases establish a clear precedent that subdivision approval is largely a ministerial function and the city has no choice but to approve a subdivision of land if (1) the resulting land use meets the requirements of the underlying zoning district and (2) the development proposed meets the subdivision code. The city would be hard pressed to deny a subdivision that fully conforms with all requirements of the underlying "D" Residential District. Further, the city has no authority to impose "greater" standards on the developer than what is currently established under "D" zoning regulations. City approval of a subdivision under either "Alternate Density Regulations" or "Planned Development Residential" are synonymous to "rezoning" and the city has some discretion in that decision provided that the city consistently applies the regulations in similar properties. As always, the Commission should discuss any issues regarding levels of discretion with the City Attorney.</p>

Submitted January 31, 2019.  
 Scott Schaefer, Assistant City Administrator