



## CITY OF DES PERES TRANSMITTAL

**TO: Mayor and Board of Aldermen  
City Administrator**

**FROM: Scott Schaefer, Assistant City Administrator**

**CC: Planning & Zoning Commission**

**DATE: December 26, 2022**

**RE: Zoning Text Amendments  
Planned Development Mixed (PD-MXD)  
Multi-family Housing Considerations**

### **SUMMARY**

The Planning & Zoning Commission at its regular meeting held December 14<sup>th</sup> voted unanimously (9-0) in favor of recommending changes to our Zoning Code that, if approved by the Board of Aldermen, would recognize “multi-family” as a permitted land-use category within the Planned Development Mixed (PD-MXD) zoning district – attached to this transmittal for your review. This recommendation was preceded by twelve (12) months of meticulous study including a corresponding [amendment to the Comprehensive Plan](#) (approved September 2022) which expresses a desire to introduce multi-family developments in Des Peres BUT ONLY on commercially-zoned properties located west of Ballas Road.

For purposes of this amendment, multi-family uses are those **defined as developments “containing multiple residential units that may be owner or renter-occupied but not used for transient accommodations or short-term rentals”**. In simple terms, this amendment would effectively legalize apartment developments in Des Peres under tightly controlled conditions. The following memorandum attempts to summarize what those conditions are and how they function in the context of PD-MXD.

### **PLANNED DEVELOPMENT REGULATIONS**

Des Peres first adopted planned development or “PD” regulations in 2017 as part of a broader rewrite of the Zoning Code. Unlike conventional zoning regulations which strive for uniformity using hardline standards, planned developments offer expanded flexibility by allowing the city to negotiate virtually all aspects of the development to achieve a mutually beneficial project. This technique, in theory, allows the city to overcome challenging site conditions by tailoring zoning regulations around the unique characteristics of the property.

Des Peres currently has three (3) different types of planned development districts on the books:

1. **Planned Development Residential (PD-R):** intended to encourage moderate density, single-family households on predetermined sites in accordance with the Comprehensive Plan with a specific reference to the Oats property along Ballas Road and the Blattner Farms subdivision which was rezoned to PD-R in 2018. This district was originally created, in part, to accommodate “horizontal living” spaces which are generally characterized as low-rise townhomes, villas and condominiums. The code currently allows for freestanding homes or attached units with a stipulation for owner-occupied units on sites no less than 5 acres.
2. **Planned Development Commercial (PD-C):** created to promote flexibility in the development of larger tracts (5+ acres) of commercially-zoned properties along the Manchester Road corridor with a specific focus on retail and office uses. The city proactively rezoned the Olympic Oaks property, Schnucks and Dierbergs to PD-C as part of the 2017 Zoning Code redraft.
3. **Planned Development Mixed (PD-MXD):** intended to encourage mixed-use projects featuring some combination of residential uses and limited commercial activities on large tracts of ground (10+ acres) with mandatory frontage to Manchester Road. This district has the potential to usher in “vertical living” spaces on the condition that all residential units remain owner-occupied. Such a development is best characterized as a medium-rise condominium development with shared walls, floors, amenities and parking arrangements. There are currently no properties in Des Peres with PD-MXD zoning status.

In practice, planned developments are utilized as freestanding zoning districts tied to a specific tract of land – unlike traditional overlays which are supplemental to the base district. All rezoning petitions for planned developments must accompany a site plan detailing why that particular property (and proposed land-uses) justify the flexibilities afforded under PD status. Assuming the project is mutually agreeable, the City would then adopt an ordinance spelling out the various rules and regulations which ultimately govern the development. **Conversely, a project that fails to meet the expectations of the city can simply be rejected at face value, as the Board of Aldermen has clear legislative discretion over rezoning decisions.**

In terms of process, Planned Development Districts are typically authorized and applied using a two-step legislative sequence – both of which require public hearings:

1. **Preliminary Site Plan:** conceptual overview of the development including proposed land-uses, building characteristics, project density, site coverage, parking arrangements, traffic impact, and other high-level details. This preliminary stage is largely intended to flush out whether the Board is conceptually comfortable with the project before spending additional time on the smaller details of the development which are often costly and time consuming.

2. **Final Development Plan:** reserved for “in the weeds” deliberations which typically focus on landscaping design, uniform signage, construction phasing, etc... This secondary phase allows the development to advance conceptually offering additional time to negotiate and finalize the micro aspects of the project.

Unlike a master development plan which creates expanded flexibility to customize a development within the parameters of the base zoning, planned development districts can extend beyond those underlying standards to achieve a specific project goal. This may involve density waivers, setback encroachments, or any other reasonable form of zoning relief. On the other hand, the City may also impose more restrictive zoning standards than what the underlying zoning district requires – expanded buffers, enhanced landscaping, mandatory cross-access to adjacent properties, below-grade parking accommodations, and the like.

## WHAT THE AMENDMENT DOES?

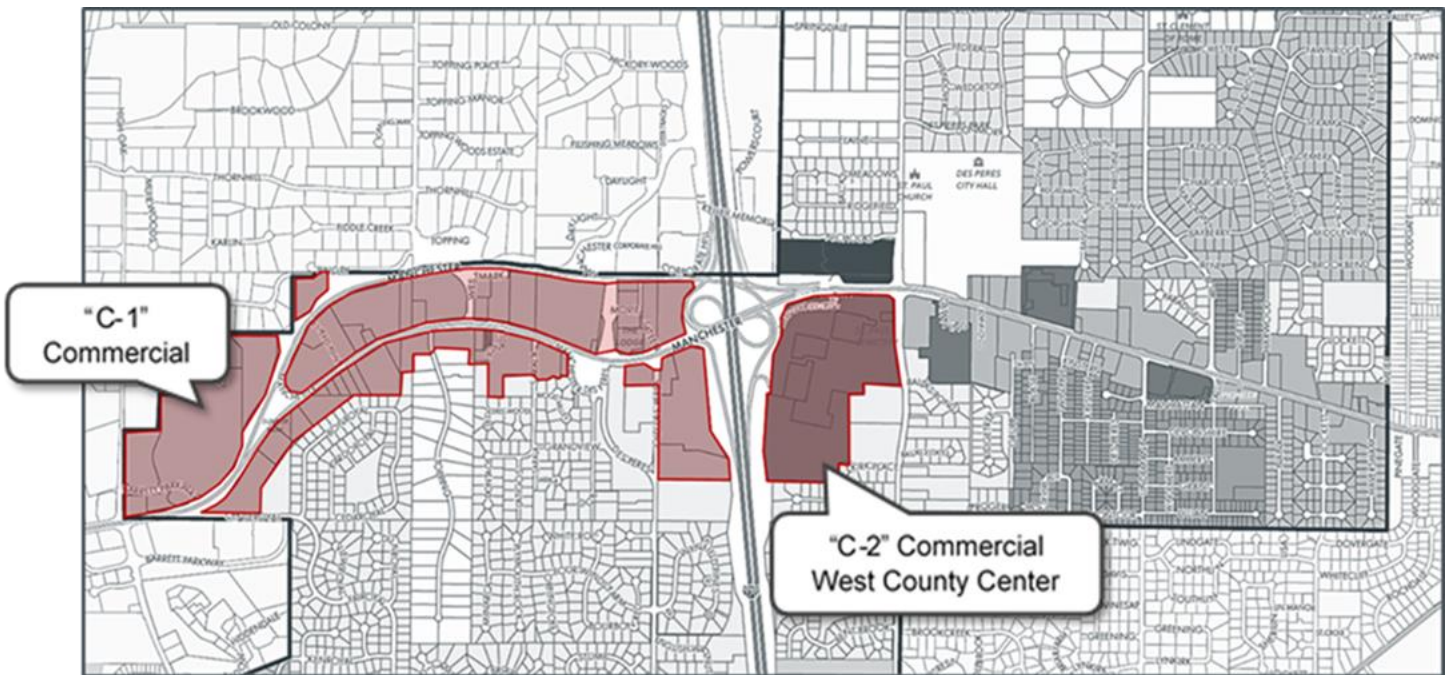
The proposed zoning amendment is structured to authorize a repeal and reinstatement of Section 404.050 which focuses entirely on planned development districts. This was the preferred approach given the substantial amount of text amendments captured as part of this recommendation.

As noted previously, the core purpose of this amendment is to provisionally allow multi-family uses as a component of PD-MXD. However, the amendment also features a handful of companion changes which are intended to supplement that broader goal. Staff took the liberty of spelling out those various changes below to help clarify what is being recommended to the Board. In addition, staff has prepared a redlined version of the proposed amendment to help distinguish how existing codes fair up against the proposed legislation.

- **Definitions:** Defines multi-family residences as those “containing multiple residential units that may be owner or renter-occupied but is not used for transient accommodations or short-term rentals”. The section goes on to clarify that “a multi-family building or development may be mixed-use in nature combining retail, service, or office uses within the structure”. **Our existing codes are completely silent on multi-family uses (including apartments) making them prohibited by default.**
- **Minimum Residential Leases:** Establishes a minimum lease agreement of one (1) year for residential occupancy purposes involving PD-MXD developments.
- **Minimum Acreage:** Establishes a minimum acreage requirement of 5 acres for PD-MXD zoning representing a 5-acre reduction from our existing code. Maintains a waiver clause in which the Board of Aldermen, upon recommendation by the Planning & Zoning Commission, may utilize if circumstances dictates. This would effectively streamline our minimum site requirements for all planned development regulations including PD-C and PD-R – both of which are currently 5 acres.
- **Land-Use Matrix:** Modifies our land-use matrix to include “multi-family dwellings” as a permitted use ONLY AFTER a successful rezoning to PD-MXD. Doing so would require a property that meets the various eligibility requirements discussed below.

LAND USE TYPE	A	AA	B	D	E	F	C-1	C-2	C-3	PD-R	PD-C	PD-MXD
<b>Residential</b>												
Dwelling, single-family attached										P		P
Dwelling, single-family detached	P	P	P	P	P	P				P		
<b>Dwelling, multi-family</b>												<b>P</b>
Nursing Homes							C			P	P	P
Retirement Homes							C			P	P	P
C*=Use is conditional and subject to additional requirements related to the specific use.												

- Site Limitations:** Limits PD-MXD zoning to the C-1 and C-2 districts with mandatory frontage to Manchester Road. Further limits PD-MXD zoning eligibility to properties located west of Ballas Road ONLY IF the development features multi-family – shown below.



- Inclusion of Commercial Tenant Space:** Encourages but DOES NOT REQUIRE dedication of ground-level commercial tenant space as part of future multi-family projects. Standalone multi-family concepts are technically allowed but not openly encouraged.
- Parking Stipulations:** Encourages BUT DOES NOT REQUIRE that all multi-family projects include parking accommodations that are primarily below-grade or within an

attached structure that is enclosed. Revisions allow for surface parking as necessary with limitations relative to drop-off, delivery, and waiting areas.

- **Maximum Density:** Raises our minimum density threshold from 18 dwellings per acre to 30 for PD-MXD. Sustains a waiver provision which can be modified as part of the Master Site Plan approval process. Staff completed a [benchmarking analysis of neighboring communities](#) to determine appropriate densities for multi-family projects. That study demonstrated consistent results with the recommendation currently before the Board.
- **Residential Setbacks:** Establishes a 200 foot setback requirement separating any future multi-family project and the adjacent single-family residential district if applicable.
- **Adjacent Community Safeguards:** Expands our PD-MXD regulations by ensuring that all future developments adhere to our various zoning standards irrespective of whether the surrounding properties fall within Des Peres city limits. For example, the proposed zoning revisions establish a 200 foot minimum setback requirement separating any future multi-family project and the adjacent single-family residential district if applicable. This change would expand that provision to apply to adjacent municipalities that share a boundary with Des Peres – limited to Town & Country, Kirkwood and potentially Manchester assuming their annexation proposal is ultimately approved.
- **Maximum Buildable Height:** Modifies our code by establishing a maximum height restriction of 5 stories measured from the first floor of the building for tenant occupancy at the adjacent grade – on sloping sites, a parking garage under the first floor of the building would not count in determining building height. Building heights for proposed projects with frontage to I-270 may exceed this limitation if ultimately approved by the Planning and Zoning Commission as part of the site plan approval process. Our current height limitation is 35 feet unless waived by the Board of Aldermen – Edward Jones, West County Center Mall, BMO Harris Bank, etc...
- **Minimum Parking:** Establishes a minimum off-street parking ratio of 1.5 spaces per unit for multi-family projects with additional stipulations for parking studies to ensure adequate parking is provided.
- **Design Expectations:** Includes a generic statement that all PD projects shall “promote the use of high-quality building materials for all structures and use types, employs architectural design compatible with the surrounding area, and avoids the use of design or color elements that are garish.
- **Miscellaneous Code Corrections:** General clean-up of the zoning code to address various concerns raised by the Commission – typos, grammar, inaccurate density calculations, etc...