



PLANNING AND ZONING COMMISSION MEETING

1 GOVERNMENT CTR, BALLWIN, MO 63011
MONDAY, NOVEMBER 01, 2021 at 7:00 PM

AGENDA

1. **Call to Order**

2. **Approval of Minutes**

[a.](#) July 6, 2021 Meeting Minutes

3. **Agenda Items**

[a.](#) SUE 21-04 - Amended Special Use Exception

Tim King of Crown Castle, USA, is requesting the Commission review a request for the amendment of a previously approved Special Use Exception to allow for the removal of a flag on a disguised support structure at 884 Woods Mill Rd. The current structure is designed to appear disguised as a flagpole housing four antenna bays. According to the petitioner, Bay 3 cannot house a new antenna intended for Dish Network due to conflict with the flag. The flag is required per Ordinance 02-01 which includes under Exhibit One, (16): "...The flag shall be proportional in size to the flagpole with a size of approximately 20 feet x 30 feet."

[b.](#) Capital Budget 2022

4. **Adjourn**

NOTE: Due to ongoing City business, all meeting agendas should be considered tentative. Additional issues may be introduced during the course of the meeting.

ADA NOTICE: Residents of Ballwin are afforded an equal opportunity to participate in the programs and services of the City of Ballwin regardless of race, color, religion, sex, age, disability, familial status, national origin or political affiliation. If one requires an accommodation, please call (636) 227-8580 V or (636) 527-9200 TDD or 1-800-735-2466 (Relay Missouri) no later than 5:00 p.m. on the third business day preceding the hearing. Offices are open between 8:00 a.m. and 5:00 p.m. Monday through Friday.



**MINUTES OF THE
PLANNING AND ZONING COMMISSION MEETING
1 GOVERNMENT CTR ♦ BALLWIN MO 63011
JULY 6, 2021**

Chairman Weaver called the meeting to order at 7:00 p.m. Members in attendance were:

PRESENT

Chairman Mark Weaver
Secretary Olivia Pieknik
Commissioner Grant Alexander
Commissioner Gary Carr
Commissioner Chad Silker
Commissioner Michael Swain
Commissioner Victoria Winfrey
Commissioner Lisa Zimmerman
Alderman Michael Finley
Mayor Tim Pogue

ABSENT

Planning Technician Shawn Edghill
City Administrator Eric Sterman
Representative for City Attorney Robert E. Jones

Approval of Minutes

A motion was made by Mayor Pogue to accept the minutes of the May 4, 2021 meeting as submitted. Secretary Pieknik seconded the motion, which received unanimous approval from the Commission members present.

SUB 21-02 –Subdivision Consolidation

Z 21-01 – 14811 Manchester Road Rezone

Z 21-02 – Implement MRD Overlay District and Site Plan Approval

Parc Place at Vlasits, 14811 Manchester Road, Ballwin MO 63011

Petitioner: Brent Evans, Landau Group LLC, 4700 S Lindbergh Blvd, St Louis MO 63126

Mr. George Restovich represented the petitioner, requesting approval for the petitions. He described the proposed development and the purpose of the petitions. He introduced the petitioner, Mr. Brent Evans of Landau Group.

Mr. Evans stated that he is a 25-year resident of Ballwin. He feels the proposed development will be an iconic asset to the City of Ballwin and will allow more people to enjoy Vlasits Park.

Mr. Gabe McKee with V3 Studios Architects addressed the Commission, describing the site and the proposed development. There will be two levels of parking and five levels of market-rate apartments. There will be 196 apartment units and 237 parking spaces, as well as a cafe. The two existing curb cuts on Andrews Parkway will be utilized for access to the site. The petitioner is in talks to relocate the cell tower that is currently on the site.

The parcel of land proposed for consolidation that sits along Andrews Parkway is envisioned as an outdoor gathering space with a food truck court. Building construction would consist of brick for the parking garage area, with a combination of brick, wood and neutral fiber cement panels, and metal panels.

Mayor Pogue asked the petitioner to discuss the traffic study. Mr. Scott Goforth of G&W Engineering had oversight of the traffic study and gave a brief overview of the traffic study. Lochmueller Group used existing conditions and traffic data from 2016. Final models showed an acceptable level of C, which is what the engineers are working to achieve. There is continued communication with MoDOT throughout the process. Mayor Pogue noted that the southbound approach has an E rating. Does MoDOT plan to make any adjustment to signal timing to alleviate that? Mr. Goforth said that Manchester Road is a continuous work in progress when it comes to optimizing traffic flow, and MoDOT has a schedule for that. However, when a traffic study is done, that gives MoDOT supplemental information with which to determine if anything needs immediate attention. With regard to the E rating, the total capacity is 71% during peak hours, which equates to only one more vehicle in the queue per traffic cycle.

Commissioner Carr asked about the exit only lane onto Manchester Road, stating that there is a residence there. Mr. Goforth said that the residence would be taken into consideration. Mr. Carr stated that the residence is on a septic system; would the petitioner consider extending their sewer system to include the home? Mr. Sean Ackley of G&W Engineering answered, saying that in MoDOT's review of the plans, it was recommended to provide an easement to that property so the property owner can connect to the proposed development's sewer system in the future if desired.

Chairman Weaver asked about the parking, stating that Ballwin requires 1.5 parking spaces per dwelling unit, leaving the proposed site 57 spaces short. Mr. McKee stated the petitioner used a 1.2 multiplier, which is the market rate for the area. Planning Technician Edghill stated that in the MRD overlay, there is no set minimum requirement for parking. Commissioner Zimmerman asked if there will be dedicated guest parking. Mr. McKee said there will be, and there will be rules that no one is allowed to park in Vlasik Park. Commissioner Silker asked about parking for the included retail use. Mr. McKee said there will be surface parking for the retail area. Planning Technician Edghill said the proposed parking is suitable.

Commissioner Alexander said it is clear that the petitioner has included the single retail space in order to take advantage of the MRD overlay; however, the City is trying to promote mixed use. While he understands there is no minimum requirement for retail space, it would be appealing if there were more of it in the proposed development. Mr. McKee said there are options to create more retail space. Commissioner Alexander asked about shifting the building closer to Manchester Road. Mr. McKee said that the petitioner will be requesting a variance, because the MRD requires buildings to be within 10' of Manchester Road, and there are several issues with that. First is the retaining wall that is actually not on the property, but in MoDOT's easement; the other is the fire lane required by Metro West Fire Protection District, which will require purchase of a portion of the easement from MoDOT. The grade change is also a major factor.

Alderman Finley noted that there is a fire station nearby as well as our police building, and the building materials being used will provide any soundproofing. Mr. McKee said the construction of the walls and windows will provide acoustic sound barriers. Commissioner Winfrey asked if the windows will be tinted. Mr. McKee said that has not been determined.

Mayor Pogue asked if the landscaped areas will be irrigated. Mr. McKee said there it be irrigated, and will include native plants.

Commissioner Zimmerman asked if there is a projected completion date if the project moves forward. Mr. McKee said it would not get started until 2022, with completion approximately 6-8 months after that.

Secretary Pieknik asked if the fire district has the necessary equipment to serve the proposed building. Mr. McKee said the fire district has not raised any concerns in that regard.

Mayor Pogue asked if the developer has any plans to participate in any federal housing plans. Mr. McKee said no, all the units will be market rate.

Chairman Weaver opened the public hearing and asked if anyone wished to speak in favor of the petitions. No one came forward, and Chairman Weaver asked if anyone wished to speak in opposition to the petition.

Mr. Mike Scott, 634 Kehrs Mill Rd, said that he is not opposed to the proposed development, but feels more information should be available to the public.

No one else came forward, and Chairman Weaver closed the public hearing.

Mayor Pogue said that the early models brought to the City showed more retail space. He would like to see more retail space added. Mayor Pogue said that the water runoff should all stay on-site, so that will be an improvement.

Commissioner Swain asked if the sole retail space shown is what makes the proposed development mixed use and not residential. Mr. McKee said yes, there is no minimum standard for retail space in the MRD. There is space for at least two more retail units, but the petitioner doesn't want to increase traffic with additional retail.

Secretary Pieknik asked if the development would offer office space in the future. Mr. McKee said there are plans to provide a business center amenity for residents.

Mayor Pogue asked the petitioner if they have read and agree with the staff recommendations in the petition review reports. The petitioner responded that they have and will comply.

Mayor Pogue made a motion to recommend approval of Petition SUB 21-02 to the Board of Aldermen, contingent upon the granting of a variance from the Board of Adjustment. Commissioner Alexander seconded the motion, which received unanimous approval from the commission members present.

Mayor Pogue made a motion to recommend approval of Petition Z 21-01 to the Board of Aldermen. Commissioner Alexander seconded the motion, which received unanimous approval from the commission members present.

Mayor Pogue made a motion to recommend approval of Petition Z 21-02 to the Board of Adjustment contingent upon staff's recommendation and any needed variance from the Board of Adjustment. Commissioner Winfrey seconded the motion, which received unanimous approval from the commission members present.

Other Business

Recording Secretary Lechner informed the Commission that future meetings packets will be distributed through a portal.

Planning Technician Edghill said that Panera will start building soon. Mayor Pogue noted that the medical marijuana dispensary has begun. Planning Technician Edghill stated that the car wash building permit has been issued and that it appears the Dunkin Donuts has pulled out of the development.

Mayor Pogue thanked Lisa Zimmerman for her service to the Commission. He will make his appointment for her replacement at the next Board of Aldermen meeting.

Adjournment

Secretary Pieknik made a motion to adjourn the meeting. Chairman Weaver seconded the motion, which received unanimous approval from the Commission members present. The meeting was adjourned at 8:30 p.m.

J. Mark Weaver, Chairman
Planning & Zoning Commission

AMENDED SPECIAL USE EXCEPTION REVIEW REPORT

Petition Number: SUE 21-04

Petitioner: Tim King
3025 Highland Pkwy
Downers Grove, IL 60515
630-699-0408

Agent/Engineer: None

Project Name: Woods Mill Cell Tower Amendment

Requested Action: Amendment of Special Use Exception Granted
under Ord. 02-01

Purpose: Removal of Flag for Erection of Antenna

Code Section: Article XIV Sec. 1 (15)
Article XVI, Sec. 4 (B)
Chapter 7.6, Sec. 7.6-3 & 4
Ordinance 02-01

Location: 884 Woods Mill Rd

Existing Zoning/Land Use: C-8 Planned Commercial

Surrounding Zoning/Land Uses: North – Planned Commercial/C-8
South – Planned Commercial/C-8
East – Unincorporated St. Louis County
West – County R-5

Plan Designation: Planned Commercial

Project Description:

Tim King of Crown Castle, USA, is requesting the Commission review a request for the amendment of a previously approved Special Use Exception to allow for the removal of a flag on a disguised support structure at 884 Woods Mill Rd. The current structure is designed to appear disguised as a flagpole housing four antenna bays. According to the petitioner, Bay 3 cannot house a new antenna intended for Dish Network due to conflict with the flag. The flag is required per Ordinance 02-01 which includes under Exhibit One, (16): "...The flag shall be proportional in size to the flagpole with a size of approximately 20 feet x 30 feet."

Zoning Ordinance Requirements/St. Louis County C-8 Planned Commercial District:

1. The C-8 Planned Commercial District for this parcel was established by County Ordinance 14002 in 1998. The height of the structure (140 feet) was considered to go beyond the limit of the Governing Ordinance, designated as "two building levels." The reviewing City Planner, Tom Aiken, believed that the original site development plan did not anticipate towers, flagpoles, or other similarly scaled structures, so no specific height limit was provided. It was this excessive height that required the Special Use Exception in the first place, as normally a disguised support structure does not require an SUE; rather, the item could have been authorized by administrative permit.(Chapter 7.6, Sec. 7.6-5(a).)

Zoning Ordinance Requirements/SUE Regulations Appendix A, Article XIV:

1. **(1) Yard Requirements:** See Art. IX, Sec. 4 (1-3).
2. **(2) Site Illumination:** No changes to the previously approved site illumination are proposed in association with this petition.
3. **(3) Landscaping/ (4) Fencing:** No changes to the previously approved landscaping or fencing are proposed in association with this petition.
4. **(5) Parking:** No dedicated parking spaces are required for the proposed facility
5. **(6) Paving:** No change to these facilities have been proposed outside of the flag removal request.
6. **(7) Sewers:** These proposed improvements do not require sanitary sewer or storm water facilities. The proposal would have no impact on storm water runoff or sanitary sewer needs.
7. **(8) Loading Facilities:** No loading facilities are required for a facility of this nature.
8. **(9) Ingress/Egress:** No changes are proposed.
9. **(10) Required area for the intended use:** No changes are proposed.
10. **(11) Dead storage of automobiles:** There has been no history of this as an issue on these kinds of sites, and I foresee no reason to expect this installation to create such a problem. There are other regulations in place that can be used to address this issue if it occurs.
11. **(12) Trash containers:** Insofar as this site operates without personnel most of the time there is no need for permanent trash containers to be placed on site.

Zoning Ordinance Requirements/Height and Area Regulations (Article XVI)

1. **Section 4 (A) (1-6):** These subsections deal with locating and erecting satellite earth stations and are not applicable to this review.
2. **Section 4 (B):** This subsection addresses tall structures such as church spires, towers, chimneys, etc, and allows such structures to be erected in excess of the height limitations of the zoning district by special use exception.

Communications Facilities Ordinance Requirements (Chapter 7.6)

Section 7.6-1. Purpose

This section explains that the purpose of this chapter of the Ballwin Code of Ordinances is to:

1. Provide for appropriate locations and development of communications facilities serving the city.
2. Minimize adverse visual impacts of facility installations through careful siting, design, screening and camouflaging techniques.
3. Maximize the use of existing support structures to minimize the need for additional facilities.
4. Maximize the use of disguised support structures to insure architectural integrity of the area and scenic quality of protected natural habitats.

Section 7.6-3 General Requirements

All support structures and antenna are required to comply with all provisions of this section.

- (a). *Principal or Incidental Use:* Per this subsection, a support structure is an incidental use because the principal uses in the C-8 District are non-residential.
- (b). *Building Code and Safety Standards:* Compliance with all locally applicable construction code requirements will be reviewed as a part of the building permit review.
- (c). *Regulatory Compliance:* The facility is required to meet all applicable FCC, FAA and other federal and state regulations. As a matter of standard practice, proof of the issuance of all required state and federal permits is required prior to the issuance of any construction permits by Ballwin.
- (e). *Lighting:* Other than illumination for purposes of servicing the equipment, no changes to the lighting of the tower or compound is proposed.
- (f). *Advertising:* No advertising is proposed for this facility.
- (g). *Design:*

(1 - 3): *Finishing:* No changes are proposed to this structure's design beyond the request to remove the section requiring the 20x30 foot flag.

(4) *Landscaping:* This subsection requires that there shall be a landscaped area outside of the security enclosure of no less than 10' in width planted with materials that will provide a visual barrier to a minimum height of 6'. As discussed in the special use exception regulations, no landscaping is proposed.

(5) *Residential Separation*: The code requires that all towers be separated from any off-site single family or multifamily residential structure a distance equal to the height of the tower plus ten (10) feet. No changes are proposed to the height of this structure.

(6) *Ground anchors*: This structure does not require a guyed support structure, as such, this subsection is not applicable.

(7) *Vehicle or Outdoor Storage*: Any vehicle or outdoor storage at this site will be prohibited.

(8) *On-site Parking*: No changes are proposed.

(9) *Underground Wiring*: No changes are proposed.

7.6-6 Special Use Exception Required:

“The applicant shall provide an analysis to demonstrate that no existing towers, structures or buildings within the necessary geographic area for the applicant's tower meet the applicant's necessary engineering requirements considering: (1) height; (2) structural strength; (3) resulting signal interference; (4) feasibility of retrofitting; (5) feasibility of redesigning the applicant's tower network; or (6) other limiting conditions that render existing towers, structures or buildings within the applicant's required geographic area unsuitable.”

As mentioned above, there is no new tower requested through this proposal, simply the request to remove a required flag. Please note the Missouri State Senate Bill passed in 2015, summarized below.

SS/SCS/SB 650 - This act modifies the Uniform Wireless Communications Infrastructure Deployment Act. This act adds broadcast and radio based communications to the Uniform Wireless Communications Infrastructure Deployment Act. This act also modifies the definitions of collocation and substantial modification.

Currently, an authority is not allowed to take certain actions against a wireless communications service provider as set forth in this act. This act requires that for collocation to any certified historic structure, there shall be a 30 day time period before approval of the application, during which public hearing shall be conducted. This act also adds that an authority shall not establish or enforce regulations or procedures for environmental safety inconsistent with a certain bulletin.

Currently, parties aggrieved by the final action of an authority either by application denial or inaction for a new wireless structure, substantial modification of a wireless structure, or collocation may bring an action for review in any court of competent jurisdiction. This act requires that the court be in this state. Further, this act currently requires that an authority perform certain actions relating to an application for substantial modification of a wireless support structure within 90 days. This act extends this to 120 days.

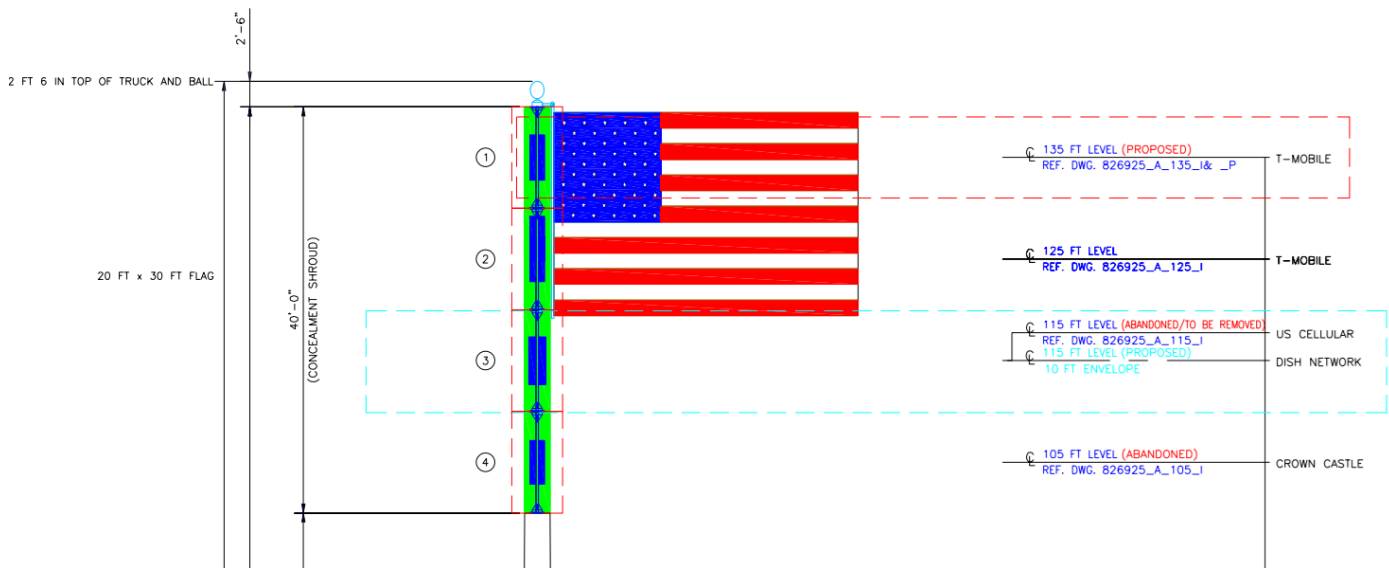
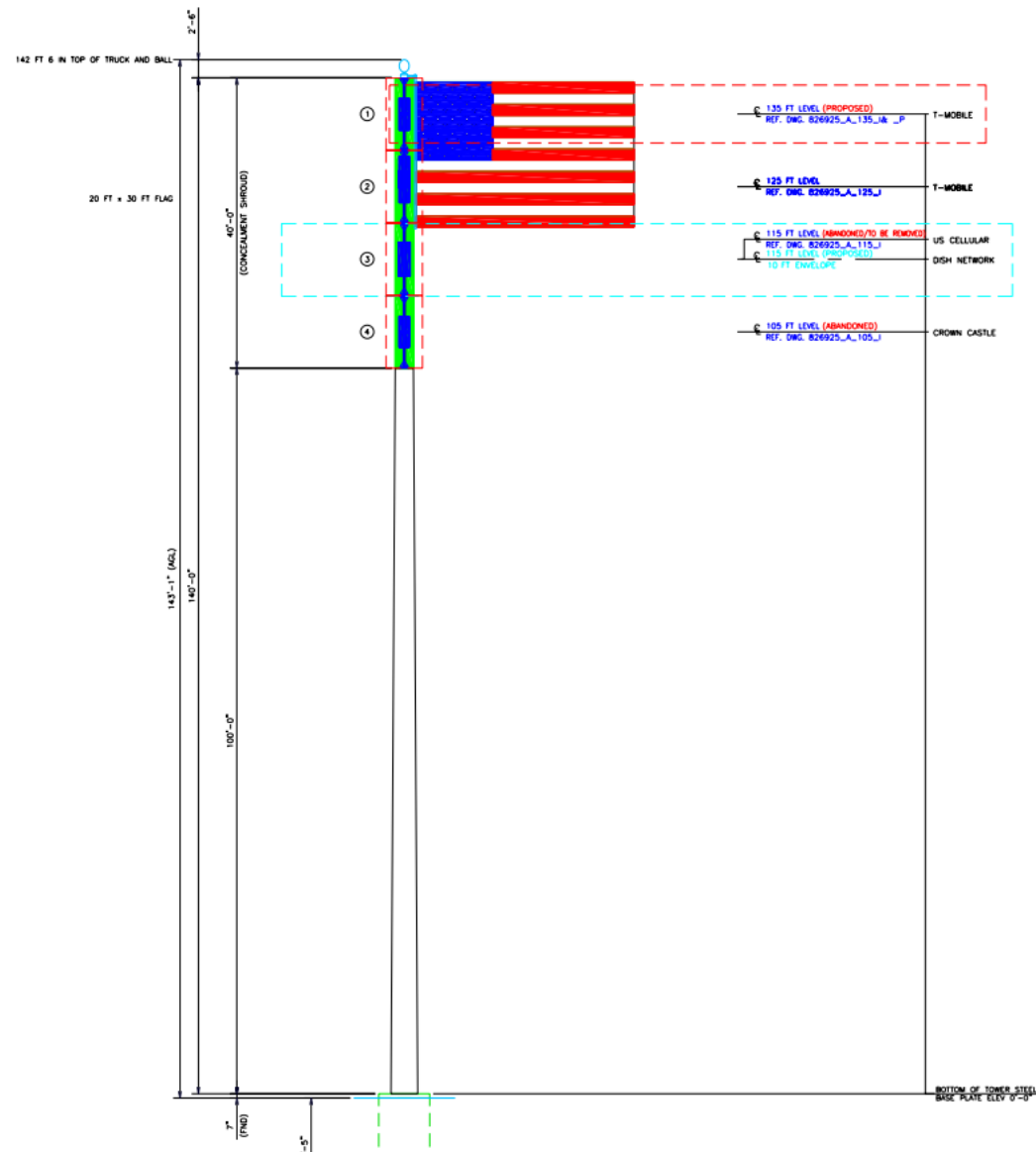
Currently, if a wireless infrastructure provider and an authority disagree on the rental, license, or other fee for locating a wireless support structure on the authority's property, the market rate shall be determined by a panel of three appraisers. This act instead requires that the market rate be determined by a state-certified general real estate appraiser mutually agreed upon by the party's at the applicant's cost. If either party is dissatisfied with the market value determined by the appraiser, such party may bring an action for review in any court of competent jurisdiction, at which the court shall rule on in an expedited manner.

Staff Recommendation:

It is Staff's opinion that the only potential point of contention regarding the removal of the flag from the flagpole is that it would no longer qualify as a "flagpole" as stated in the heading of Ordinance 02-01. That stated, the structure would still technically fall under the designation of a "disguised support structure" under Chapter 7.6 with or without the flag; beyond this, Staff has no objections.

It should be noted that the City of Ballwin has considered and approved a similar request in the past: Ordinance 13-42 resulted in the amendment of the disguised support structure at New Ballwin Park to remove the flag as it did "not fly appropriately".

Shawn Edghill
Planning Technician



2022-2026 CAPITAL IMPROVEMENT PLAN

	2022	2023	2024	2025	2026
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Expenditures/Project By Department**Administration**

TIF Municipal Revenue Funding	\$ 21,285	\$ 15,700	\$ -	\$ -	\$ -
Totals:	\$ 21,285	\$ 15,700	\$ -	\$ -	\$ -

Parks & Recreation

Holloway Park Design/Specs	\$ 10,000	\$ -	\$ -	\$ -	\$ -
Holloway Park Construction	542,600	-	-	-	-
Vlasis Park Construction	-	1,000,000	-	1,000,000	-
Pointe Playground	-	-	300,000	-	-
New Ballwin Design/Specs	-	-	-	30,000	-
New Ballwin Lake Improvements	-	-	-	-	500,000
TIF Municipal Revenue Funding	43,050	32,600	-	-	-
Totals:	\$ 595,650	\$ 1,032,600	\$ 300,000	\$ 1,030,000	\$ 500,000

Police

Police Building - Design	\$ 32,500	\$ -	\$ -	\$ -	\$ -
Police Building Construction	8,546,349	3,424,579	-	-	-
Totals:	\$ 8,578,849	\$ 3,424,579	\$ -	\$ -	\$ -

Public Works

New Ballwin Rd. - Engineering	\$ 57,125	\$ -	\$ -	\$ -	\$ -
New Ballwin Rd. - Construction	816,079	-	-	-	-
Ries Rd. - Engineering	85,577	-	64,183	-	-
Ries Rd. - Construction	-	-	855,773	-	-
Public Works Yard Construction	-	-	-	1,000,000	-
Totals:	\$ 958,781	\$ -	\$ 919,956	\$ 1,000,000	\$ -

Expense Totals: \$ 10,154,565 \$ 4,472,879 \$ 1,219,956 \$ 2,030,000 \$ 500,000

Revenues

Capital Improvement Sales Tax	\$ 165,000	\$ -	\$ -	\$ -	\$ -
Capital Improvement TIF Sales Tax	73,000	-	-	-	-
Park Sales Tax	232,000	-	-	-	-
Park TIF Sales Tax	93,000	-	-	-	-
Public Safety Tax	695,000	-	-	-	-
Federal Project Reimbursement	652,863	-	684,618	-	-
Miscellaneous Park Grants	271,300	525,000	150,000	531,400	475,000

Revenue Totals: \$ 2,182,163 \$ 525,000 \$ 834,618 \$ 531,400 \$ 475,000

Beginning Fund Balance	\$ 242,210	\$ 9,808	\$ -	\$ -	\$ -
Transfers In-Operating Fund Balance	7,740,000	-	-	-	-

Grand totals: \$ 10,164,373 \$ 534,808 \$ 834,618 \$ 531,400 \$ 475,000

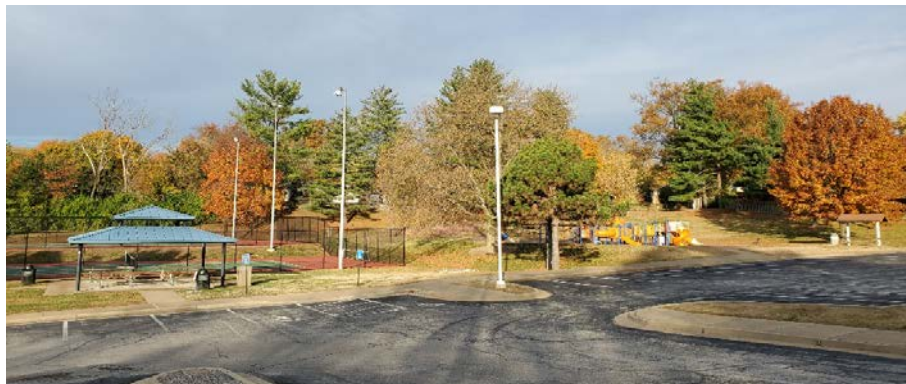
Revenues Over/ (Under) Expenditures: \$ 9,808 \$ (3,938,071) \$ (385,338) \$ (1,498,600) \$ (25,000)

Projects for 2022 - 2026**Administration****TIF Municipal Revenue Funding****\$36,985**

Per TIF indentures, the City is required to pay 35% of their bottom half of TIF revenues up to a cap of \$250,000 each year. This amount correlates to the TIF tax collected from the Capital Improvement sales tax.

Projects for 2022 - 2026**Parks & Recreation****Holloway Park Design, Specification, Construction****\$552,600**

The 2019 Ballwin Parks Master Plan recommendations will be used for planning and design of park elements followed by construction in 2022. These items include but are not limited to: a comfort station for pickleball, tennis and playground users; lower court improvements to transition to a pickleball facility; updated playground to enhance the play value for multiple age groups; a pedestrian path from Holloway Road to the playground; and the addition of new shade structures and or canopy trees to provide shade for the playground.



Projects for 2022 - 2026**Parks & Recreation****Vlasis Park Construction****\$2,000,000**

Based on the new Vlasis park masterplan currently being created, re-develop Vlasis Park based on community recreation need. Improvements could include playground, pond, walking path and pavilion improvements. Implementation would span three years to maximize grant opportunities.

**Pointe Playground****\$300,000**

While this playground is just 20 years old its use of sand as a safety element is messy and degrades the more expensive pour in place surfacing. The staircase is rusted and fenced off to prohibit use. Another element of the playground has resulted in numerous injuries. The City will apply for a Land Water Conservation Fund grant to offset a portion of the cost.



Projects for 2022 - 2026**Parks & Recreation****New Ballwin Park Design, Specification, and Lake Improvements****\$530,000**

Years of sediment build-up have contributed to degraded water quality and unsightly lake conditions in the warm summer months. In order to improve the environmental, habitat, recreational and aesthetic conditions of New Ballwin Lake, staff intends to develop a plan to rehabilitate the lake in New Ballwin Park. Items that will be considered are deepening the lake, removing the sediment, creating a stabilized and improved lake edge treatment, removal of the fishing deck and walkway, and adding a permanent structure for concerts and educational programming near the lake to enhance the park.

**TIF Municipal Revenue Funding****\$75,650**

Per TIF indentures, the City is required to pay 35% of their bottom half of TIF revenues up to a cap of \$250,000 each year. This amount correlates to the TIF tax collected from the Parks sales tax.

Projects for 2022 - 2026**Police****Police Building Replacement****\$12,003,428**

The police department is housed in a building which was originally constructed as a city hall. It has been remodeled and expanded multiple times but has a number of inefficiencies. Detailed design work is nearly completed and construction bids will be solicited in December, 2021. Construction is anticipated to begin in February 2022 and be completed in April 2023. Prop P funds as well as federal grant funds will be used to finance this project.



Projects for 2022 - 2026**Public Works****New Ballwin Rd. Construction (Manchester Rd. to Twigwood)****\$873,204**

New Ballwin Road pavement and curb and gutters have deteriorated. Final engineering and construction will occur in 2022. Benefits include a smoother driving surface, upgraded and more cost efficient street lighting and intersection pedestrian signals.

**Ries Road Engineering and Construction****\$1,005,533**

Ries Road pavement has deteriorated. Engineering will begin in 2022, with construction following in 2024. Benefits include smoother driving surface, upgraded and more cost efficient street lighting and compliance with federal regulations.

Public Works Yard - Reconfiguration**\$1,000,000**

The layout of the yard shared by public works, building maintenance and parks staff is congested and inefficient. Newly replaced vehicles and heavy equipment are exposed to the elements. Design work will be completed as part of the Vlasik Park Master Plan in 2021. Costs for reconfiguration will primarily be to provide covered parking for equipment. This project has been delayed for several years while details associated with the new police building have been solidified. The existing police building is adjacent to the public works yard.

