

AN ORDINANCE OF THE CITY OF VALLEY PARK, MISSOURI APPROVING A REZONING REQUEST OF CERTAIN TRACTS OF LAND COMMONLY KNOWN AS 266 VANCE ROAD AND 2 FRANCIS AVENUE AND FURTHER DEPICTED IN AND ATTACHED HERETO AS EXHIBIT 1 FROM SINGLE FAMILY “R-1” AND NON-URBAN “NU” TO SINGLE FAMILY “R-2” AND AUTHORIZING OTHER ACTIONS RELATED THERETO

WHEREAS, on June 1, 2023, the City of Valley Park received a rezoning request from Yahl Homes LLC complying with Section 405.910 of the Municipal Code of the City of Valley Park pertaining to certain parcels of land known as 266 Vance Road and 2 Francis Avenue and depicted on Exhibit 1; and

WHEREAS, staff had the request reviewed by the city’s planners who provided a favorable report recommending the approval attached hereto as Exhibit 2; and

WHEREAS, pursuant to Section 405.920 of the Municipal Code of the City of Valley Park, the rezoning request was duly noticed and a public hearing was conducted before the Planning & Zoning Commission where public comment was received; and

WHEREAS, the matter was tabled and rescheduled by the Planning & Zoning Commission for an appearance by the Petitioner to answer questions related to the rezoning request; and

WHEREAS, the Planning & Zoning Commission reconvened and voted 3 – 3 on the application which constituted ‘no action taken’; and

WHEREAS, thereafter the sixty-day time limitation for the Planning & Zoning Commission to take action on the request expired pursuant to Title VII, Section 89.380 of the Revised Statutes of Missouri (“RSMo”); and

WHEREAS, the matter was brought to the Board of Aldermen for consideration as an affirmative recommendation by the Planning & Zoning Commission per Title VII, Section 89.380 RSMo; and

WHEREAS, upon due consideration, the Board of Aldermen has determined that the approval of the rezoning request as hereinafter provided and fully described in Exhibits 1 and 2 would be in the best interest of the City and its citizens; and

WHEREAS, since the Planning & Zoning Commission took no affirmative action on the request and the time limitation for action expired and no formal ‘findings of fact’ pursuant to Section 405.930 of the Municipal Code of the City of Valley Park were drafted and approved by the Commission; and

WHEREAS, since no 'findings of fact' were provided by the Planning & Zoning Commission, the Board of Aldermen took the following matters into account and incorporate same as the findings of fact: (1) Section 89.380 RSMo. that states, "The failure of the commission to act within sixty days after the date of official submission to it shall be deemed approval"; (2) The approved Planning & Zoning Commission minutes dated July 10, 2023 and September 11, 2023; and (3) City Planner John Brancaglione's Report recommending approval dated June 2, 2023.

NOW, THEREFORE, BE IT ORDAINED by the Board of Aldermen of the City of Valley Park, Missouri as follows:

Section One: Findings and Development Plan Approval

- A. The rezoning request from "R-1" and "NU" to "R-2" as depicted in the Petitioner's Request and Exhibits 1 and 2 is hereby approved, this Board of Aldermen having found and determined that the request, as set forth, meets the criteria set forth in Article XII of the City Land Use Code.
- B. That the findings of fact and conclusions of law normally required by Section 430.930 of the Municipal Code of the City of Valley Park are satisfied by (1) the failure of the Planning and Zoning Commission to affirmatively act on the Petitioner's submission within sixty days; (2) the approved minutes from the Planning and Zoning Commission meetings dated July 10, 2023 and September 11, 2023; and (3) City Planner John Brancaglione's report dated June 2, 2023.

Section Two: Implementation. The City Administrator is hereby authorized and directed to take all such actions as may be necessary and proper (or to cause the same to be taken) in order to implement the approval of the rezoning request as approved herein and authorized by this ordinance.

Section Three: It is hereby declared to be the intention of the Board of Aldermen that each and every part, section, and subsection of this ordinance shall be separate and severable from each and every other part, section, and subsection hereof and that the Board of Aldermen intends to adopt each said part, section, and subsection separately and independently of any other part, section, and subsection. In the event that any part of this ordinance shall be determined to be or to have been unlawful or unconstitutional, the remaining parts, sections, and subsections shall be and remain in full force and effect.

Section Four: Typographical errors and other matters of a similar nature that do not affect the intent of this ordinance, as determined by the City Administrator and City Attorney, may be corrected with the endorsement of the City Administrator or City Attorney without the need to present the ordinance back before the Board of Aldermen.

Section Five: This ordinance shall take full effect and be in full force upon its passage

by the Board of Aldermen and Approval by the Mayor of the City of Valley Park.

Read two times and passed as read this 20th day of February 2024.

VOTES CAST:

To Approve Bill No. 2024-02

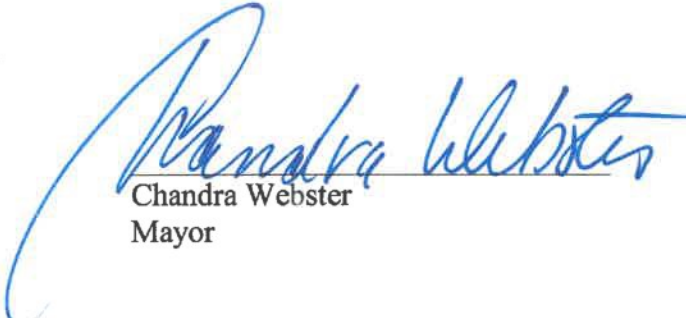
Motion: YOUNG

Second: WHITE


	Yes	No		Yes	No
Reynolds	___	<u>X</u>	Young	<u>X</u>	___
Rose	<u>X</u>	___	Walker	___	___
Bowen	<u>X</u>	___	White	<u>X</u>	___
Halker	<u>X</u>	___	Braswell	___	<u>X</u>

Absent: WALKER

Approved this 20th day of February 2024.

  
Chandra Webster  
Mayor

ATTEST:

  
Nathan Schauf  
City Administrator



City of Valley Park  
 320 Benton Street  
 Valley Park, MO. 63088  
 636-225-5171  
 www.valleyparkmo.org

Zoning Case No. \_\_\_\_\_  
 Application Date \_\_\_\_\_  
 Application Fee \$500.00

**APPLICATION  
 ZONING CHANGE (REZONING)**

We, the undersigned, ask the City of Valley Park, Missouri Board of Aldermen to approve a zoning change as requested in this application on the tract of land described below. We attest to the truth and correctness of all facts and information presented with this application and agree to pay all advertising and mail notification costs for the public hearings as required by the *City of Valley Park*. The City of Valley Park is authorized to prepare and publish all required legal advertising and mail notifications, the cost of which is to be billed to the name listed below for payment.

Present Zoning Classification Urban Requested Zoning Classification R2

Legal Description of Property Requested to be Rezoned (attach additional sheet if needed):

Street Address or Other Common Property Description 2 Francis Ave & 266 Vance Rd Valley Park, MO 63088

Property Owner's Name(s) Yahl Homes, LLC

If corporation, Corporate Official Name and Seal: \_\_\_\_\_

Mailing Address 903 Palm Dr

Telephone Number 636-861-0432 Fax Number \_\_\_\_\_

**PROPERTY OWNER'S SIGNATURE:**

(Not necessary if there is an authorized representative. Authorized representative must sign below).

**AUTHORIZED REPRESENTATIVE:**

I hereby certify that I am authorized to represent all of the property owners of the above described tract in this application. A power of attorney is attached.

Name Robert Yahl Signature

Address 903 Palm Dr Valley Park, MO 63088 Telephone 636-861-0432

**BILL ADVERTISING AND NOTIFICATION COSTS TO:**

Name Yahl Homes, LLC Telephone 636-861-0432

Address 903 Palm Dr Valley Park, MO 63088



**QUESTIONS ON REZONING APPLICATION**

(Attach additional sheets if necessary)

1. What is the current use of the property? **Vacant**  
\_\_\_\_\_  
\_\_\_\_\_
  
2. Why are you requesting a change in zoning? **Development**  
\_\_\_\_\_  
\_\_\_\_\_
  
3. Are there any deed restrictions or restrictive covenants that would affect the use of this property?  
If so, what are they?  
**None that I know of.**  
\_\_\_\_\_  
\_\_\_\_\_
  
4. Has a rezoning ever been requested for this property in the past by the current owner? What  
zoning classification was requested and when?  
**None that I know of.**  
\_\_\_\_\_  
\_\_\_\_\_
  
5. If the rezoning is approved, does the applicant intend to develop the property?  
**Yes**  
\_\_\_\_\_

## APPLICATION CHECKLIST

### ZONING CHANGE (REZONING) City of Valley Park, Missouri

This checklist is provided to help you make sure that you submit everything that is required for a complete rezoning application. The application must be complete and all items listed on the checklist must accompany the application or this case will not be processed. The application must be submitted no later than 4:30 p.m. to the City of Valley Park City Hall, 30 working days prior to the Planning and Zoning Commission public hearing at which the request for rezoning will be heard. Contact the City Clerk Dusty Hosna at 636-861-1385 for filing deadlines and meeting dates.

<b>APPLICATION FORM:</b>	
	List the current zoning classification of the property.
	List the zoning classification you are requesting.
	Provide the legal description of the property to be rezoned. You may attach the legal description on a separate sheet.
	List the current property owner's name, address, and telephone number. If a corporation, list the corporate official and include the corporate seal.
	Current property owner must sign the application unless there is an authorized representative. If authorized representative, include power of attorney.
	List the name and address for billing the legal advertising and mail notices for the public hearings before the Planning Commission and Board of Aldermen.
	Provide an answer to questions 1-5 on the application.
<b>APPLICATION FEE:</b>	
	Include \$500.00 application fee for zoning application. Applicant also responsible for advertising and notification costs for public hearings.
<b>PROPERTY OWNERS NOTIFICATION:</b>	
	Provide a list of property owners' names and addresses within 185 feet of the area to be rezoned.
	Provide an addressed, stamped (not metered) business envelope for every property owner listed on the property owners' list.
<p><b>Note:</b> The Planning and Zoning Commission <u>shall not</u> forward its recommendation to the Board of Aldermen when the applicant or the applicant's agent does not appear at the public hearing to provide evidence regarding the request for a change in zoning classification. Also, final action by the Board of Aldermen shall not be taken until the applicant has reimbursed the City for the costs of advertising and mail notifications to adjacent property owners.</p>	

**Submit Applications To:**  
Valley Park City Hall  
320 Benton Street  
Valley Park, MO  
63088

SECURITY FEATURES: MICR LINE, COLOR PRINTING, METAL INTERACTIVE, WATER-RESISTANT PAPER, VOID PROTECTIVE COATING

**YAH! HOMES, LLC**  
903 PALM DR  
VALLEY PARK, MO 63088  
636-861-0432

MONTGOMERY BANK  
35 MARSHALL ROAD  
VALLEY PARK, MO 63088

80-176815

NUMBER

102

PAY  
TO THE  
ORDER OF

City of Valley Park  
Five hundred and 00/100

DATE 6-1-03

AMOUNT \$500.00



*[Handwritten Signature]*

AUTHORIZED SIGNATURE



Fishport rezoning application

⑈000102⑈ ⑆08151778⑆ ⑆1097724⑆

Security Features Included.



Details on back.



# Receipt

Sold To: Yahl Construction

June 01, 2023

Receipt No. 17917

<u>Payment</u>	<u>Check No.</u>	<u>Subtotal</u>	
Check	102	\$500.00	
<u>Item</u>	<u>Description</u>		<u>Price</u>
Rezoning Deposit	2 Francis Ave and 266 Vance Road		\$500.00
Number of Items: 1		Grand Total:	<b>\$500.00</b>

*Thank you for your business!*  
320 Benton St. Valley Park, MO 63088



Re: Review of a Rezoning Request  
NU & R-1 to R-2  
2 Francis Ave. & 266 Vance Rd.

To: Matt Roskowske, Community  
Development Director  
Planning and Zoning Commission

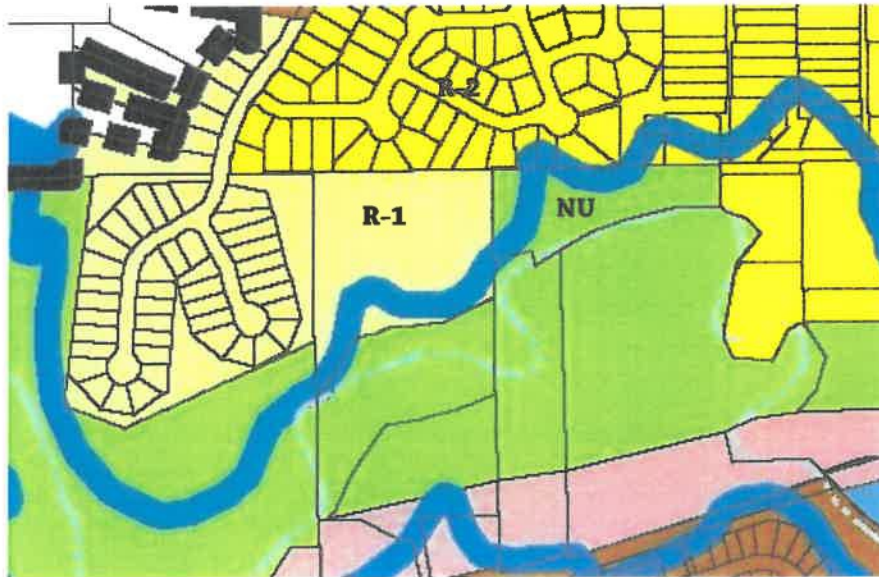
Date: June 2, 2023

From: John Brancaglione

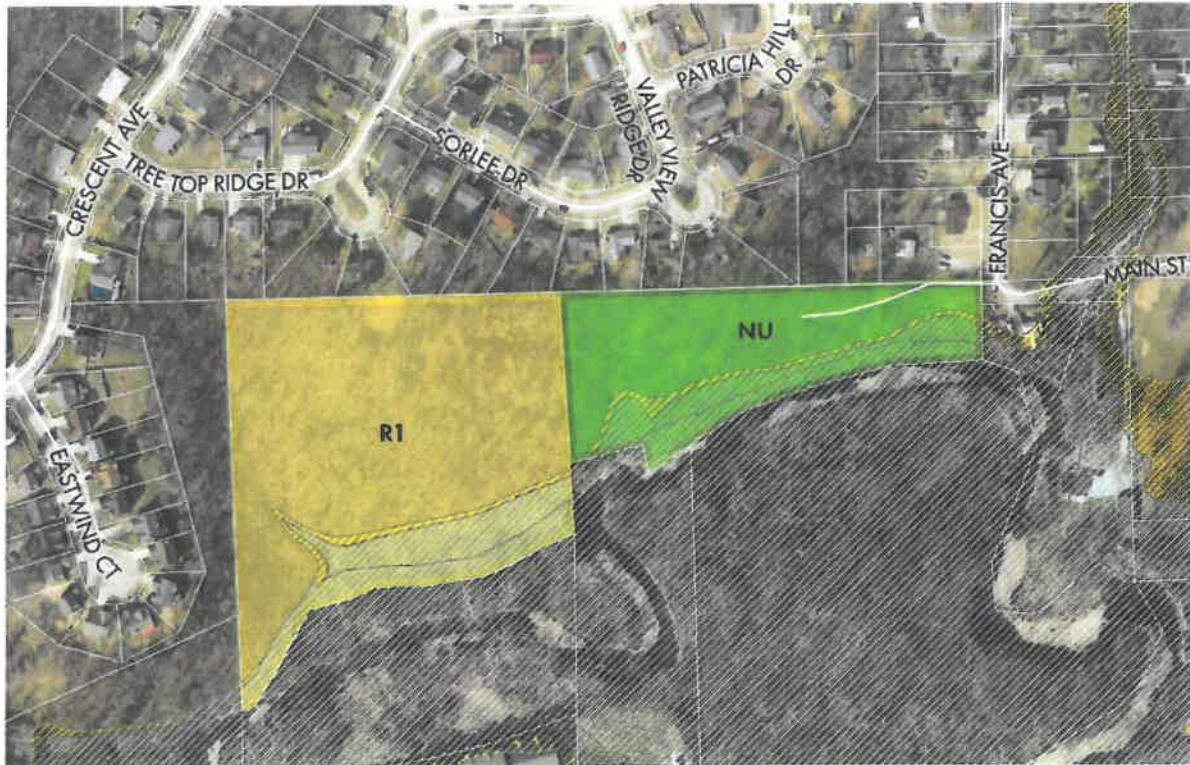
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### Background

The applicant Yahl Homes LLC is the owner of the subject parcels with the intention of constructing development of 24 townhomes attached in two-unit groupings as shown on the preliminary site plan provided later in this document. They are expected to be priced at approximately \$600,000 or greater. The subject parcels, while addressed on different streets, are adjacent to each other and located at the western end of Main Street. The westernmost parcel is zoned R-1 (266 Vance Road) and the easternmost parcel (2 Francis Avenue) is zoned NU. See the existing City zoning map for the area below.



Note that an existing single-family development zoned R-1 is located to the west and an existing single-family development zoned R-2 borders on the north. Also note that the floodplain zones (Zones 1 and 2 combined) indicate that most of the parcel zoned NU is within the flood plain. That is no longer the case. A map of the parcels using the St. Louis County GIS mapping data on the next page shows that the boundaries of the Zone 1 and 2 areas has shrunk considerably and now only impacts the southernmost strip of the 2 Francis Avenue Parcel. These flood zones are based on the latest Federal Emergency Management Administration (FEMA) Flood Insurance Rate Maps (FIRM) designations from about six months ago. The applicant is requesting a review for a rezoning to accommodate the proposed development and that will allow the filing of a preliminary development.



**Yahl Homes Rezoning  
Valley Park, MO**

**Flood Hazard Areas**  
 0.2% Annual Chance  
 1% Annual Chance

0 250 500 US Feet

**PGAV PLANNERS LLC**



**Rezoning Review**

Article XII of the City Land Use Code outlines regulations for submission, review, and approval of a Zoning Amendment. Specific findings of fact required are listed in Section 405.930 to guide the analysis of a requested rezoning. The Zoning Amendment criteria is listed below (1-3) with our analysis of each criterion.

1. *How the proposed amendment would conform to the Comprehensive Plan.*
  - » The subject property is in the “Vance Road Planning Area” of the City’s Comprehensive Plan update of 2008 and the 2010 Comprehensive Plan. The plan for this area recognizes that the Area is largely built out and is primarily residential in character. However, it should be noted that the 2 Francis Avenue parcel was not within the City boundaries in 2008 or 2010 but was annexed sometime prior to the adoption of the revised zoning code in 2013. As noted previously, single-family residential development borders the Area on the north and west. Fish Pot Creek and its associated floodplain borders on the south.



- » The proposed townhome development would allow for development compatible with the surrounding character and would result in productive use of land that has been underutilized for many years.

PGAV believes that the proposed development will provide a residential community that represents a unit type that has market demand and often serves a professionally employed and often older market niche. In addition, the unit type and development density are an appropriate fit with the adjacent existing residential developments on the north and west. This also provide an added and contemporary selection to the Valley Park housing stock.

2. *Why the existing zone district classification of the property in question is inappropriate or improper.*

- » The 266 Vance Road property is currently zoned R-1 for traditional single-family residential development and the 2 Francis Avenue is zoned NU largely because of the floodplain designations in place when the 2013 zoning code was adopted. As noted previously much of this property is now out of the floodplain as a result of the new FIRM mapping.
- » The construction of attached townhome developments, such as the those proposed, has been a growing trend in recent years. The target demographic for single-family home ownership has shifted, and the traditional single-family subdivision, while still in significant demand, is not as desirable for certain demographic sectors. This trend had not yet emerged when the existing Comprehensive Plan was completed.
- » Rezoning of both parcels is required. Single-family attached housing as proposed (see attached site plan) is not permitted in the R-1 District per the City's zoning code. The NU district would not permit more than 1 single-family dwelling unit on the site.

3. *What major economic, physical, or social changes, if any, have occurred in the vicinity of the property in question that were not anticipated by the Comprehensive Plan and have substantially altered the basic character of the area, which make the proposed amendment to the Zoning District Map appropriate:*

- a. *List such changes.*
- b. *Describe how said changes were not anticipated by the Comprehensive Plan.*
- c. *Describe how said changes altered the basic character of the area.*
- d. *Describe how said changes make the proposed amendment to the Zoning District Map appropriate.*

- » The assembly of the 2 parcels involved with the rezoning request for a single project along with the revised floodplain designation has allowed the appropriate use and zoning to be re-evaluated. The current townhome proposal is compatible with the adjacent residential uses and densities. It also offers a development and unit type of that has been in ever increasing demand in the St. Louis market and at a size and quality level that will be an asset to the area. As is the case with

any city, new residents provide support for the retail and service businesses already in Valley Park.

### **Other Considerations**

As shown on the preliminary site plan on the next page, the 2 Francis Avenue parcel serves largely to provide street access to Main Street. Four of the 24 units are at the western end of this property as it widens and adjoins the 266 Vance Road parcel that contains the remaining 20 units. This development will sit along the higher side of the properties but will be below the elevations of the residential developments to the north and west. The development area will be well above the 500-year flood elevation of Fish Pot Creek.

One issue that always causes some concern relates to the development's single access to another roadway. In this case the access road would be more than 1,100 feet long. This means that any traffic incident, or storm event that blocks the intersection at Main Street will not allow the residents and alternate exit. We also know that Main Street east of its connection with Francis Avenue can be inundated in a major flood event. However, history tells us that the flooding only last for a short time and that the northern section of Francis Avenue can act as an alternate way out.

The only connection to another road that can reasonably be made is to Crescent Avenue on the west though a common ground portion of that subdivision. Making this connection would present several issues and likely impediments. To create a permanent roadway would mean acquiring a strip of that common ground thereby making a condition of the development of that subdivision non-conforming. This would place a roadway between the two houses that abut that common ground area which connects to Crescent Avenue. We have seen other instances where "emergency" connections are made that use a pervious gravel connecting road that can be traversed by vehicles if needed but is otherwise gated. This would still mean that the developer would have to acquire an easement. In addition, topography and drainage in this area of the Vance Road parcel might present further issues.

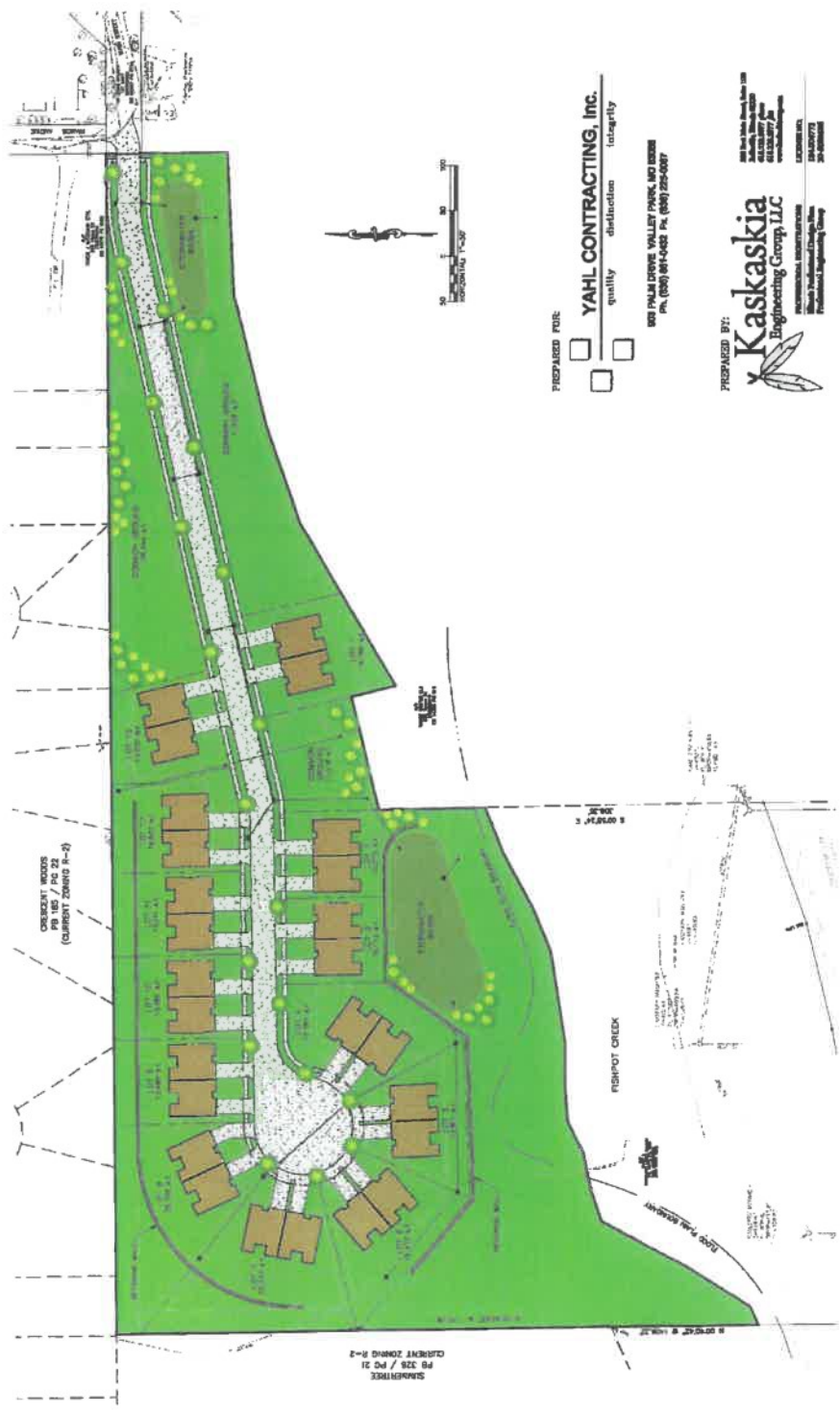
The cost and complexity of providing this connection is an issue that may make the development economically infeasible and that assumes that the homeowners' association of the adjoining subdivision would be a willing participant. In summary, we believe that an alternate roadway connection is not feasible and that the lack of a secondary connection should not prevent the development from proceeding.

PGAV believes that the proposed development is appropriate for the properties involved and the rezoning of the two properties involved is appropriate and will be compatible with the adjoining subdivisions.

# Fishpot Landing

## Preliminary Development Plan

PROJECT BY: YAHIL CONTRACTING, INC.  
 PREPARED BY: KASKASKIA ENGINEERING GROUP, LLC  
 TOWN OF FISH, TOWN OF FISH, ST. LOUIS COUNTY, MISSOURI



PREPARED FOR:  
 YAHIL CONTRACTING, Inc.  
 quality dedication integrity  
 800 PULASKI DRIVE, VALLEY PARK, MO 64686  
 PH. (660) 661-6000 FX. (660) 225-0007

PREPARED BY:  
**Kaskaskia**  
 Engineering Group LLC  
 PROFESSIONAL ENGINEERS  
 12200 N. W. 11th St.  
 Fort Lauderdale, FL 33309  
 954-577-7777  
 954-577-7778