

SUBDIVISION PETITION REVIEW REPORT

Petition Number: SUB 13-01

Petitioner: Fred Schmidt
Tristone Co.
325 N. Kirkwood Rd.
Kirkwood MO., 63122
314-965-3578

Agent: None

Project Name: Motz Estates

Requested Action: Subdivision Approval

Petition Date: 1/18/13

Review Date: 1/28/13

Code Section: Chapter 25, Article II

Location: 615 Kehrs Mill Rd.

Existing Land Use/Zoning: Single Family / R-1

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

Plan Designation: Low Density Residential

Project Description:

The petitioner proposes to subdivide the property at 615 Kehrs Mill Rd. into three lots; each facing the roadway. No new or internal roadways are proposed for this development and each house will have its own curb cut onto Kehrs Mill Rd. The existing house on the site will be retained on one of the lots and renovated. New houses will be built on two new lots. The parcel being subdivided is 1.9 acres (approximately 85,000 sq. ft.) in area. This parcel is on the northeast side of Kehrs Mill Rd. approximately 160' northwest of the Whiteacre Ct. intersection and 120' southeast of White Tree Ln.

intersection with Kehrs Mill Rd. The parcel is presently occupied by a single family residential structure and a small shed.

The site is four sided but irregular in shape. The Kehrs Mill Rd. frontage is approximately 404' long and runs northwestwardly to southeastwardly. The east side is the longest of the four sides, and runs nearly due north and south for a distance of approximately 435'. The north side runs nearly east and west for a distance of approximately 275'. The western side is the shortest of the four with a distance of approximately 144'. It also runs nearly due north and south.

The site is abutted on the north and west by the White Tree subdivision which is zoned R-2. It adjoins the Whiteacre subdivision to the east which shares the same R-1 zoning as the petitioned site. The site adjoins the Kehrs Mill Ridge subdivision zoned R-2 and the Village Park Apartment development zoned R-4 across Kehrs Mill Rd. to the south. All of the adjoining subdivisions were developed in accordance with the zoning presently in place on those properties.

The site is moderately rolling and generally slopes to the northeast toward Whiteacre subdivision. The northern part of the site is a poorly defined drainage-way flowing toward the east that drains not only the southern portion of this site but portions of the adjoining White Tree subdivision to the north and west and properties farther to the west and southwest lying south of Kehrs Mill Rd. Runoff from this site enters the Whiteacre Subdivision storm drainage system via an area inlet near the northeast corner of the petitioned site. The Whiteacre pipe system flows into the Pleasant Grove Subdivision storm water system which eventually discharges into Grand Glaize Creek adjacent to the Ballwin Golf Course. Grand Glaize Creek flows through eastern Ballwin, Manchester and portions of unincorporated St. Louis County and ultimately flows into the Meramec River east of downtown Valley Park.

The high point of the site is slightly higher than 642 feet at the right-of-way line in front of the garage of the existing house. The low point of the site is at the northeastern corner with an elevation of approximately 623'. The total elevation change on the site is therefore approximately 19'. The geography of the site is characterized by a flat area on a ridge where the present house is built that drops as one proceeds toward the north and a parallel draw to the west of the ridge that slopes from Kehrs Mill Rd. to the north where it intersects a larger east/west oriented draw that flows to the east.

Zoning Ordinance Provisions/ R-1 District (Article V):

1. Section 2. Use Regulations:

The proposed single family use is allowed by right in the R-1 District.

2. Section 3. Height Regulations:

The height limit in the R-1 District is 35' or three stories. The existing house is compliant, but no information has been provided about the proposed new houses. This height limitation is not typically an issue with new houses and structure height will be reviewed at the time of building permit issuance.

3. Section 4. Area Regulations:

Subsection (4) of this section stipulates that the lots shall have a minimum area of 20,000 sq. ft., subsection (1) establishes a minimum front yard of 40', subsection (2) establishes a minimum side yard of 10' and subsection (3) establishes a minimum rear yard of 25'. This proposal appears to meet all of the minimum dimensional requirements by these subsections.

Subsection (5) stipulates that all lots shall have a minimum width at the street line (*this term is defined as the right-of-way line in the ordinance*) of 100' except in cases of lots on curved streets (*streets is defined as the entire right-of-way not just the pavement area*) and roads, in which cases such lots shall be at least 100 feet in width at the building line. The right-of-way is not curved in front of lot 1 even though the pavement may be curved. On the basis of this code section and these definitions, lot 1 is not compliant with the R-1 district regulations and the submitted subdivision plat cannot be approved by the Planning and Zoning Commission. It must have a minimum of 100' of frontage on the Kehrs Mill Rd. right-of-way and it only has 51.44 feet of frontage.

Subsections (6) (1 and 2) stipulate the minimum floor areas of new single story and two story dwellings in the R-4 district. No information has been provided about the proposed new dwellings, but the 1,150 square foot minimum footprint for one story dwellings and the 850 minimum square foot footprint for two story dwellings are well below the typical foot print of new dwellings built in Ballwin for many years. This will be reviewed as the time of building permit issuance.

Subdivision Ordinance Requirements (Chapter 25)

- 1. Section 25-26. Plat submission:** This section requires the submission of a preliminary plat for consideration. A preliminary plat is required to show specific information (detailed later in the chapter) that is beyond what is commonly required for a simple record plat. A preliminary plat has been submitted.
- 2. Section 25-28. Sidewalks:** This section requires surety for and the construction of sidewalks. Since a sidewalk already exists along the Kehrs Mill frontage of the site and no internal roadways are proposed, no sidewalks are required by this section.

3. **Section 25-29. Streetlights:** This section requires surety for and the installation of streetlights. Streetlights are already in place along Kehrs Mill Rd. No new lights are necessary to accommodate this subdivision.
4. **Section 25-29.5 Provisions for sidewalks and streetlights not applicable in certain instances.** As the title suggests, this section address circumstances in which sidewalks and streetlights are not required. It applies to small subdivisions of three lots or less. As it turns out, none of the exceptions in this section would have applied to this subdivision, but it was already excepted because these improvements are already in place in this area.
5. **Section 25-30. Deed Restrictions; contents of preliminary plat:**
 - (a) No deed restrictions are known to exist for this property.
 - (b) Preliminary plat information (this information is to be provided on the submitted preliminary plat):
 - (1) All property and special district boundary lines and distances have been provided per this subsection.
 - (2) New streets and alleys are shown per this subsection but no new facilities are proposed.
 - (3) All street light fixtures are shown as required by this subsection.
 - (4) This subsection requires that all underground utilities near or under the tract are to be shown. **Underground water storm sewer and sanitary sewer lines have been shown in the vicinity of this development. The underground electric, gas and communications utilities are not shown as is required by this subsection. Additionally, there is an overhead electric utility along the north property line that is not shown. It should be shown since it will most likely be the source of electric and communications service to the new houses.**
 - (5) Dedications of land are to be shown. No land is proposed or recommended for public dedication.
 - (6) The lines of adjoining lands and streets have been shown as required by this subsection.
 - (7) A lot identification system has been provided as required by this subsection.

- (8) Utility setback lines and proposed easements are to be shown per this subsection. **The proposed building setback lines have been shown, but no utility easements have been shown. At the very least, easements will be required for the proposed sanitary and storm sewer improvements and per this subsection are supposed to be shown on the preliminary plat. Interior utility easements may also be required and should be shown.**
- (9) The subdivision name and legal description of the property have been provided as required by this subsection.
- (10) All submitted preliminary subdivision plats are required to provide a storm water control plan in accordance with the requirements of Article III, Division 2, Section 25-72.

The differential runoff for this site will probably be below the MSD runoff threshold of 2 cfs, so the provision of storm water facilities under MSD's regulations is probably not required. The plan will, I believe, be required to meet MSD's water quality improvement standards because it is over 1 acre in size which is the MSD threshold for water quality. The development will also have to meet Ballwin's storm water criteria. Those criteria were recently put in place via ordinance 11-21 and require that detention and water quality be provided pursuant to MSD standards without any minimum threshold of applicability.

The submitted preliminary plat shows no storm water detention or water quality improvements. When asked about this omission, the design engineer stated that he would submit a letter explaining the approach to be used which he said would meet Ballwin's petitioning requirements. Relying on this discussion, the public hearing was advertised. It was after the advertisement ran that the attached letter was received. The letter seems to say that the construction plans for the subdivision (this is not a term we use, but I assume this is referencing what we call the final development plan) will include best management practices (BMP's) for the standard house/driveway impervious surfaces that will be shown on that drawing. They will also provide a list of BMP's from which the builder can select to enlarge or modify the detention/water quality on a lot by lot basis once the actual impervious surfaces that will be built are understood.

Although this may offer some flexibility for a small site, it is overly complicated, potentially confusing and not consistent with Section 11-34 of the Ballwin storm water code which requires a plan for storm water improvements to be reviewed, stamped and signed by MSD and Ballwin as a condition of subdivision approval. The subdivision ordinance requires

this information to be provided with the preliminary plat and not deferred in a generalized discussion until some point in the future. **The approach proposed by the developer could potentially require each house plan to be submitted to MSD for review. That is an unnecessarily cumbersome approach. This, also, may not properly address runoff from the existing house as permits may not be required for it to be reoccupied. There would be no mechanism to assure plan review and compliance.**

A proper and thorough storm water plan is more of an issue for this site than it might be at another site because there is a known storm water problem in the lower portion of the Whiteacre Subdivision immediately downstream from this development. In heavy storms, water boils up out of an area inlet in that subdivision. MSD has never identified the cause nor corrected the problem. It is not the petitioner's responsibility to correct this problem, but it is the petitioner's responsibility to develop its site in a manner that will not negatively impact that issue.

I do not believe that the suggested open-ended approach is the best way to resolve the runoff and water quality questions. The petitioner needs to design a subdivision-wide detention/water quality approach of sufficient capacity to accommodate all of the differential runoff from the development, including the existing house, and that simultaneously addresses water quality per MSD's standards. This plan needs to be submitted as a part of the preliminary plat review process established by ordinance. Such a plan will ultimately be submitted to MSD for review and approval as required by Section 11-34 prior to the initiation of construction or the recording of a record plat.

- (11) The area in square feet of each lot has been shown as required by this subsection.
6. **Section 25-31 – 25-103:** This petition appears to address all other issues of the subdivision ordinance or they do not apply to this petition.
7. **Sections 25-121 through 25-125:** These sections provide for the dedication of public open space or private recreational facilities in subdivisions or for the payment of a fee in lieu of such dedication. **There is no provision in the subdivision plan for the dedication of park land or recreational space, so the payment of a fee in lieu of such dedication is required.**

The lesser of two formulas described in 25-124 must be used to determine the

fee. The first formula is 5% of the purchase price of the property within the past 12 months. The purchase price has not been shared as of this writing, but the payment per this method will be determined upon the issuance of the subdivision permit.

The second formula is more complicated and is based upon the number of lots in the subdivision, the Parks and Recreation annual budget, the number of dwelling units in Ballwin, the average household size and an ordinance-established value of developable land in Ballwin. As of this writing, this fee is estimated to be approximately \$4,209/lot (\$12,627 total).

8. **Section 25-126:** This section of the subdivision ordinance stipulates that natural features such as trees, hilltops, brooks, views, artificial and natural lakes and ponds and wooded areas are to be preserved. This site is presently developed with one single family residential structure and one small out building. Several large trees are scattered around the site and the northeast corner of the site is wooded with dense undergrowth. Minimal grading is proposed and most of the mature trees will not be impacted by the subdivision process. Some trees may be in the way of the proposed new houses and the storm water facilities may also impact some of this vegetation.

Comprehensive Plan Issues:

The Comprehensive Community Plan graphically addresses the land use recommendation for this site on the Future Land Use and Transportation Map. **This map recommends low density residential development intensity for the subject property.** Low density residential is discussed on pages 8:5 and 8:14 of the plan. Essentially, this designation recommends a density of no more than 3.5 units per acre, lot sizes no smaller than 12,500 square feet, an overall consistency and harmonious blending with regard to surrounding land uses including general character, density, structure height and building bulk. **On the basis of the preliminary plat submitted with this petition one can conclude that the density and general character of the proposed development is consistent on many of these points, but insufficient information has been provided relative to the proposed new houses to determine if they will be similar to the surrounding neighborhood in height or bulk. The history of development and market conditions in Ballwin would suggest, however, that this will probably not be an issue. I recommend that the petitioner provide examples of the architecture of the houses anticipated for construction prior of the Commission making a finding on this petition.**

Future residential land uses are discussed beginning on page 8:12 of the plan. Several major points are made in this discussion that are relevant to this petition. Ballwin continues to be a desirable place to live and own a home, but it is running out of land for new development, so redevelopment of outdated and underutilized sites is going to

be a common theme. This is directly applicable to this site as the proposal calls for the upgrading of a single existing house and the resubdivision of the large site into smaller lots to support a higher density development pattern that is in keeping with the surrounding neighborhood. The plan also observes that infill development will be a common event in the older parts of town, but there is a potential issue with infill development proposals. The concern in the plan is that such development be done in a manner that is respectful of the surrounding development densities and patterns. On pages 8:14 the plan recommends that all low density residential developments comply with the residential design (page 8:16) and compatibility standards (page 8:18) for infill, tear down and redevelopment sites.

Section 2 (Residential Design) of the Future Residential Development Guidelines of the 2007 Comprehensive Community Plan is described on pages 8:16 and 8:17 of the plan:

1. Bullet #1 states that residential buildings should contain street-facing architectural features of human scale to enhance curb appeal and reinforce local building traditions. Architectural features may include, but are not limited to, bay windows, covered porches, balconies, dormers and cupolas. **No architectural information has been provided about the proposed houses to allow evaluation regarding their compliance with these recommendations.**
2. Bullet #2 recommends that the primary façade should be parallel to the street. All single family homes, townhomes and duplexes should have street-oriented entrance and a street-facing principal window. A roadway presence should also be retained through the use of front porches and architectural treatments and landscaping that define the primary entrance. **The orientation of the lots suggests that the houses will meet the street orientation criteria. No architectural or landscaping information has been provided to allow for an evaluation of compliance with the architectural guidelines of this section.**
3. Bullet #3 recommends against garages dominating the design of the primary façade. Side and rear entry garages are encouraged. No garage wall should be closer to the street than any other house wall. Garage or door openings facing the street should not exceed 50% of the width of the house façade. **The lack of architectural elevations prohibits an evaluation of the compliance of this development with these planning guidelines.**
4. Bullet #4 recommends the use of durable high quality building materials and recommends the use of bright colors and highly reflective surfaces only as accent elements. **Insufficient information has been submitted to evaluate compliance with these recommendations on materials and colors.**

5. Bullet #5 recommends the use of quality exterior materials and the use of architectural details and treatments to all sides of all buildings. **Insufficient information has been submitted to evaluate compliance with these recommendations.**

Section 3 (Pedestrian Access) of the Future Residential Development Guidelines of the 2007 Comprehensive Community Plan is described on page 8:17 of the plan:

1. Bullets #1 - #3 are not applicable to this petition.
2. Bullet #4 recommends plantings every 45' along all streets. I believe that this references street trees as other planting types are not appropriate for placement within the public right-of-way. This spacing corresponds to approximately 9 street trees along the Kehrs Mill frontage. **No planting of street trees are proposed on this development. I recommend that the commission recommend in favor of the petitioner meeting this street tree planting recommendation of the plan.**

Section 5 (Compatibility Standards for Infill, Tear Down & Redevelopment Sites) of the 2007 Comprehensive Community Plan is described on pages 8:18 – 8:19 of the plan:

1. Bullets # 1-4 are not applicable to this petition.
2. Bullet #5 addresses the issue of compatibility with the surrounding natural and built environments. It discusses lot size compatibility. As mentioned earlier in this document, I believe that a fairly strong argument can be made to support the lot sizes proposed. There is little in the way of natural features to preserve on this site. The general topography will not be substantially changed and many of the mature trees on the site will not be disturbed for the development.
3. Bullet #6 recommends that new lots within 50' of existing lots should utilize a front yard setback that is within 5' of that of the adjoining properties. Since the zoning of the subdivision will not be changing this recommendation will be followed with this development.
5. Bullet # 7 discusses the issue of building bulk and height compatibility and side/rear yard setbacks. **The lack of any architectural information for the proposed new houses precludes this issue from being resolved. I recommend that some information regarding the nature of the houses that will be built on this site be provided to allow the Commission to adequately evaluate the compatibility of the subdivision with the recommendations of the comprehensive plan.**

On the basis of this discussion I believe that arguments can be made to support the position that the new plan is consistent with many elements of the comprehensive plan, but most architectural issue remain unresolved as of this writing due to the lack of any architectural information.

Planning and Engineering Concerns:

1. A Ballwin grading permit is required prior to any grading, mining, filling or clearing work. In order to obtain a grading permit a detailed grading plan must be provided. The plan must show all siltation control measures and all quantities of material removed, relocated or brought onto the site. The origin/destination of any material transported to or from the site must be identified. The means of transportation, routes followed and size of the anticipated loads must also be provided. Documentation of permission from other jurisdictions may be required if size and/or quantity of materials being transported are judged to present a damage potential to roadways or a nuisance or hazard to the traveling public.

2. Private and public roadways must be maintained in a clean, safe and passable condition at all times during construction and development. Failure of the developer to do so may lead to the establishment of a stop work situation until the problem is completely and permanently corrected. Escrow funds may be used to effectuate any needed cleanup and/or a lien may be placed upon the property to secure repayment of cleanup costs incurred by Ballwin. Additionally, if such problems are recurrent, a manned wash-down location may be required. Any stop work orders will remain in effect until developer demonstrates that the wash down is in place and operational on a permanent basis.

4. **This site is over 1 acre so a Missouri Department of Natural Resources land use permit may be required.** This is not a serious issue for Board and Commission review, but no Ballwin permits for grading or construction will be until this DNR permit or a waiver has been issued.

Thomas H. Aiken, AICP
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