

SUBDIVISION PETITION REVIEW REPORT

This resubdivision petition is being submitted in conjunction with an accompanying zoning district change petition (Z13-08). This review has therefore been prepared on the basis of the PSD Planned Single Family Zoning District regulations. Should the zoning district change not be approved, the recommendations and observations of this report may not be valid.

Petition Number: SUB 13-02

Petitioner: Timothy Martin of
McKelvey Homes, Inc.
218 Chesterfield Towne Center
Chesterfield, MO, 63005
636-530-6900

Agent: None

Project Name: The Enclave at Lucerne Sub.

Location: 628 – 630 Kehrs Mill Rd.

Petition Date: 5/24/13

Review Date: 5/31/13

Requested Action: Subdivision approval

Code Section: Chapter 25, Article II & III

Existing Land Use/Zoning: Single Family / R-1/R-2

Surrounding Land Use/Zoning: Northwest – Single Family / R-2
Southwest – Single Family / R-2
Southeast – Single Family / R-2
Northeast – Single Family / R-1

Plan Designation: Low Density Residential

Project Description:

The petitioner proposes to develop a 9 lot single family subdivision on an approximately 3.8 acre tract at 628 – 630 Kehrs Mill Rd. Please read the petition review report for the Z13-08 petition for a

more thorough discussion of the project.

Zoning Ordinance Provisions / PSD District:

The requirements of the PSD District are discussed at length in the accompanying Z13-08 rezoning petition.

Subdivision Ordinance Requirements (Chapter 25)

The subdivision ordinance requires the submission of a preliminary plat showing the proposed subdivision plan and other development related information. Given the nature of the PSD site development plan requirements, much of the plat information is also required in that submittal. It has been Ballwin's practice to not require the submission of a separate preliminary plat document for joint PSD/rezoning petitions if the PSD plan also shows all of the required preliminary subdivision plat information.

1. Sidewalks (Article II, Sec 25-28, 25 -29.5): Sidewalks are shown on the site development plan. Please note that a sidewalk is proposed along the northwest side of Lucerne Place Dr. from the intersection with the Log Hill Ln. extension to the sidewalk along Kehrs Mill. This section Of Lucerne Place Dr.is considered part of the subdivision for the purposes of this section.

2. Streetlights (Article II, Sec 25-29, 25-29.5): Streetlight locations have been shown on the PSD plan in accordance with ordinance requirements.

3. Deed Restrictions (Article II, Sec 25-30(a)): I am aware of no existing deed restrictions on the property involved in this petition and none have been submitted by the petitioner.

4. Boundary Lines, Bearings and Distances (Article II, Sec 25-30(b) (1)): All required boundary lines, bearings, distances, district lines, etc. appear to have been shown on the preliminary plat submittal.

5. Street Lines (Article II, Sec 25-30(b) (2)): The requirement for delineating streets and sidewalks with their widths and names appears to have been met.

6. Streetlights (Article II, Sec 25-30 (b) (3)): Streetlight locations have been shown on the PSD plan in accordance with ordinance requirements.

7. Underground Utilities and Structures (Article II, Sec 25-30 (b) (4)): Existing locations of the water, gas and sewer utilities in the vicinity of the development have been shown. **No indication is made regarding telephone, cable or electricity.**

8. Dedications (Article II, Sec 25-30 (b) (5)): **The plan shows the proposed roadway as hachured but it does not actually state that it will be a publically dedicated roadway. This must be made clear in the final PSD site development plan and on the subdivision record**

plat.

9. Lines of Adjoining Lands (Article II, Sec 25-30 (b)(6)): The lines of all adjoining lands and streets have been shown as required in the PSD Plan.

10. Identification System (Article II, Sec 25-30 (b) (7)): All lots have been given proper identification numbers.

11. Building Lines and Easements (Article II, Sec 25-30 (b) (8)): The building and setback lines required by the provisions of the PSD Zoning District have been met or exceeded. **Utility easements have been shown.**

It is recommended that fifteen foot wide no-grade zones be provided along the common property lines shared with Log Hill and Lucerne Place subdivisions. This has been common practice for many years in Ballwin for infill sites. The purpose of the no-grade zones is to preserve the existing vegetation in these areas for the owner to decide if it should be retained or removed. It is not intended to be a deed restriction; it is only proposed as a restriction on the grading plan for the developer. Any subsequent owner of the property may dig or grade in this area and remove any vegetation if they choose to do so.

12. Subdivision name, legal description, property owner and presentation details (Article II, Sec 25-30 (b) (9)): These issues appear to have been addressed on the PSD plan or through the accompanying petitioning forms.

13. Storm Water Control (Article II, Sec 25-30 (b) (10)): All submitted preliminary subdivision plats are required to provide storm water control information in accordance with the requirements of Article III, Division 2, Section 25-72. A detention facility is shown. No computations have been provided as to its capacity, but the recently revised language of this code section only requires that Ballwin shall not signoff of on improvement plans until they have been reviewed and approved by MSD. This is done as an administrative step prior to the issuance of a subdivision permit.

14. Size of Proposed lots (Article II, Sec 25-30 (b) (11)): As required by this subsection, all lot sizes have been shown on the submitted plan.

15. Lot platting (Section 25-36): This section requires that new subdivisions laid out adjacent to existing residential development shall be "arranged, laid out, or platted in a manner that the side yard of any new lot abutting and contiguous to the rear yard of an existing approved, platted and recorded lot in an adjacent contiguous subdivision, shall have a side yard setback of not less than 15' regardless of a permitted smaller minimum side yard setback requirement of the zoning district in which the new lot is located." **The only lot to which this regulation could apply is lot #1 and it appears to be compliant with this requirement.**

16. Street Construction Sections 25-91(a-d)): These subsections stipulate construction

standards for the roadway. This information is not necessary for inclusion in the preliminary plat submittal, but will be a review requirement for the final development plans.

17. Grade of Streets (Section 25-92): **This section stipulates a target for the longitudinal grade of the street at 6%, but steeper grades are common due to topographical conditions and may be permitted subject to the review of the city engineer. The steepest grade on the proposed roadway is approximately 7%.**

18. Width of Streets (Section 25-93): This subsection requires that all streets be a minimum of 26' wide within a 50' wide right-of-way. The submitted plan complies with this requirement.

19. Street Relationship (Section 25-102(a)): This code subsection states that "the arrangement, character, extent, width, grade, and location of all streets shall conform to the official map and master plan and shall be considered in their relationship to existing and planned streets, to topographical conditions, to public convenience and safety, and in their relation to the proposed uses of the land to be served by such streets. Where not shown on an official map or master plan, the arrangement and other design standards of streets shall conform to the provisions found in this division." **There is no master plan for streets and the master plan (comprehensive plan) does not specifically direct street alignment of future streets in such situations.**

The standards otherwise found in this division are the physical design criteria discussed previously in this report. This takes us to the "relationship to the existing and planned streets" and to "public convenience and safety" as the issues that are particularly salient to this petition.

These issues were addressed in the comprehensive plan section of the accompanying zoning report (Z13-08). Given the relationship of the stub of Log Hill Ln. at one end of the proposed development and the immediate adjacency of Lucerne Place Dr. at the other end of the development, I believe that a strong case can be made that the submitted subdivision plan propose the most logical street relationship. It connects to the planned projection of Log Hill Ln. and to the existing Lucerne Place Dive. It provides maximum connectivity to the subdivision and enhances the provision of emergency and day to day services.

Because of the changes to the internal subdivision traffic patterns that will arise from the new access to Kehrs Mill Rd., some property owners in the Log Hill Estates subdivision may experience increased traffic in front of their homes and residents in Lucerne Place will experience some additional traffic on the upper part of their street. Conversely, there will be some property owners in Log Hill subdivision that will experience a reduction in the traffic volume in front of their homes.

20. Street Relationship (Section 25-102(b)): This subsection requires the street pattern in a new subdivision to "make provisions for the continuation of the existing streets in adjoining areas." **Given the nature of the stub street in Log Hill Estates, I believe that this subsection clearly requires the extension of the stub into the Enclave at Lucerne. There is no purpose for a stub but to be extended. The argument is not as strong, but I believe that a similar**

argument could be made for connection to Lucerne Place Dr. The proposed development is a corner property fronting on Lucerne Place. No special design or unusual roadway alignments are necessary to make the connection. It is simply an extension of the adjoining roadway pattern.

21. Street Relationship (Section 25-102(c)): This subsection requires the projection of streets to the property line where adjoining properties are subject to future subdivision. This is the code section that required the creation of the Log Hill Ln. street stub when Log Hill Estates was developed.

22. Street Relationship (Section 25-102(d - e)): These subsections address the design of street stubs and cul-de-sacs. Neither of these is applicable to this petition.

23. Sections 25-121 through 25-125 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 a notation on the submitted plan that states that the developer plans to pay a fee in lieu of land dedication relative to these subsections. This fee is estimated to be approximately \$4,000/lot, but the exact amount will depend upon the unimproved value of the site.**

24. Section 25-126 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 was addressed in the PSD report (Z13-08). There are few of such features to save on this site, but an effort is being made to preserve and enhance the perimeter vegetation.**

25. **Ordinance 11-50 passed on October 24, 2011 requires the owners of property fronting on Kehrs Mill Rd. that had sidewalks built under the Federal Surface Transportation Program shall be responsible to reimburse Ballwin for its 20% share of the cost of such sidewalk construction when the subject property is redeveloped or subdivided. For 628-630 Kehrs Mill this reimbursement will be \$5,289.96.**

Planning Concerns:

The petition review report for the accompanying zoning petition (Z13-08) has comments relative to this development and the implications of the 2007 Comprehensive Community Plan. I will not repeat those review comments here.

Engineering Concerns:

1. A temporary construction fence protecting and preserving the no-grade zones and the portions of the site not to be graded must be erected prior to any grading or construction activities on the site. This will assure that these areas are not disturbed and there is no root zone damage.

2. A 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.

3. 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. I recommend that any approval be contingent upon the requirement that all construction traffic coming to and leaving the site does so from Kehrs Mill Rd. via the residential driveways already on Kehrs Mill Rd. serving the residences that will be torn down, This access limitation should be lifted after the first house is residentially occupied at which point Log Hill Ln. must be opened up to public traffic.

Thomas H. Aiken, AICP
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