

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 R-4 Planned Multiple 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 13-03

Petitioner: Fred Schmidt
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Project Name: Westglen Court Sub.

Location: 855 Westglen Village Dr.

Petition Date: 5/24/13

Review Date: 6/6/13

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: North – Multiple Family/R-4 and Recreation/PA
South – Multiple Family / R-4
East – Multiple Family / R-4
West –Recreation/ PA

Plan Designation: High Density Residential

Project Description:

The petitioner proposes to develop a 10 lot single family subdivision on an approximately 3 acre tract at 855 Westglen Village Dr. Please read the petition review report for the Z13-09 petition for a more thorough discussion of the project.

Zoning Ordinance Provisions / R-4 District:

The requirements of the R-4 District are discussed at length in the accompanying Z13-09 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 R-4 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 R-4/rezoning petitions if the R-4 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 south side of the street from the cul-de-sac island to the intersection with Westglen Village Dr. **This ordinance section stipulates that sidewalks are to be built on both sides of the street and completely around the cul-de-sac. The water quality features required by MSD in the right-of-way preclude the construction of any sidewalk on the north side of the roadway. The submitted plan is therefore not compliant with this provision of the subdivision ordinance. The sidewalk should comply as completely as possible, so I recommend that the sidewalk extend all of the way around the cul-de-sac and back in front of lots 1 and 2 and an access ramp return to the roadway at the beginning of the bioretention facility. There should also be an access ramp opposite this return on the south side of the roadway. This would provide a sidewalk in front of every house and complete service to the entire buildable portion of the development. The cost of building the remaining ordinance required sidewalk should be paid to Ballwin's sidewalk fund. A similar approach was utilized in the Governor's Place Subdivision. The sidewalk was only built on 1/2 of the single-loaded cul-de-sac and the builder made a payment to Ballwin's sidewalks fund for the value of the unbuilt sidewalk.**

2. Streetlights Required (Article II, Sec 25-29, 25-29.5): **No streetlight installation is shown on the 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 except the distance across the proposed access roadway where it touches the Westglen Village Dr. right-of-way. It does not scale to 50' as would be expected by the plan notation that the right-of-way is 50' wide.

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 except for the dimensional deviation addressed in #4 above.**

6. Streetlights (Article II, Sec 25-30 (b) (3)): **Streetlight locations have not been shown on the submitted plan in accordance with ordinance requirements.**

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

8. Dedications (Article II, Sec 25-30 (b) (5)): **The plan does not indicate if the proposed roadway is to be within a publically dedicated right-of-way. It has been Ballwin's position that it will not accept a single family subdivision plat that proposes private roadways. History has shown that such roadways are not properly maintained and upon their eventual deterioration it becomes Ballwin's responsibility to repair and take over maintenance. It is better to maintain such streets in proper order from their construction.**

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 submitted 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 have been established in the development. **No internal utility easements have been shown.**

It has been common practice for many years in Ballwin for single family infill sites to provide fifteen foot wide no-grade zones along the perimeter property lines. 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. This is typically predicated on the existence of similarly developed adjoining developments. In this case the adjoining developments are multiple family and common ground and the nearest dwellings are significantly removed from the new houses. The no-grade zone may, therefore, not be in order for this development.

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 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 sign off 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." This does not appear to apply to this petition.

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 5.7%.

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 -e)): These code subsections establish parameters for the location and construction of streets in new subdivisions. The nature of this parcel is such the location of the street cannot be anywhere other than where it is proposed. There is no place for the street to be projected because all of the surrounding parcels are developed or dedicated as common ground.

20. 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 no mention in the petition of how this issue will be addressed. Since no land is shown for park dedication, I can only assume that the petitioner proposes to pay a fee in lieu of dedication. This fee is estimated to be approximately \$4,000/lot, but the exact amount will depend upon the computation methodology chosen and the unimproved value of the site.**

21. 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 R-4 report (Z13-09). There are few such features to save on this site, and no information has been provided about the significant mature trees that are shown on the plan, but some of the perimeter vegetation will be preserved.**

Planning Concerns:

The petition review report for the accompanying zoning petition (Z13-09) 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 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. Since over an acre of land will be disturbed with this development, a DNR Land Disturbance Permit will be required for this development to be authorized.

4. 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.

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