

SUBDIVISION PETITION REVIEW REPORT

This resubdivision petition is being submitted in conjunction with an accompanying zoning district change petition (Z15-08). 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 15-03

Petitioner: Jeannie M. Aumiller
Associate General Counsel
Ellington Homes by McBride LLC
16091 Swingley Ridge Rd.
Chesterfield, MO, 63017
314-336-0209

Agent: None

Project Name: The Arbors at Churchill Sub.

Location: 265 Churchill Ln.

Petition Date: 2/18/15

Review Date: 3/18/15

Requested Action: Subdivision approval

Code Section: Chapter 25, Article II & III

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

Surrounding Land Use/Zoning: North – County Single Family / R-2
West – County Single Family / R-2
East – County Single Family / R-2
South – Ballwin Single Family / R-2

Plan Designation: Low Density Residential

Project Description:

The petitioner proposes to develop a 6 lot single family subdivision on an approximately 3.5 acre

tract at 265 Churchill Ln. Please read the petition review report for the Z15-05 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 Z15-05 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 sidewalks are proposed along both sides of the roadway but have not been projected around the cul-de-sac rounding as is required in Ballwin's regulations. **The petitioner maintains that grading makes this difficult and it would be necessary to build a retaining wall to continue the sidewalk around the rounding. Ellington Homes by McBride is requesting that it not be required to build sidewalks around the cul-de-sac rounding for the following reasons:**

A. Since there are no sidewalks on the older part of Churchill Ln. to connect this new subdivision's sidewalks with those along Kehrs Mill Rd. and the rest of the community, all of the sidewalks in this subdivision are marginally useful.

B. The additional cost of extending the sidewalk around the cul-de-sac rounding is not justified because of the small number of houses being served by this sidewalk.

C. It would require the construction of a retaining wall to build the sidewalk around the cul-de-sac rounding. The additional cost to standard sidewalk construction is not justified due to the small number of the houses being served by this sidewalk.

Section 24-11 of Chapter 24 (Streets and Sidewalks) of the "Ballwin Code of Ordinances requires sidewalks on all sides of all new streets and around all cul-de-sacs. It also allows the Board to accept payment to the city in lieu of building sidewalks if it determines that there is a justifiable reason not to build the sidewalks at this time. If the cul-de-sac rounding is waived it might be more logical to waive the sidewalks altogether.

2. Streetlights (Article II, Sec 25-29, 25-29.5): **No streetlight locations have been shown on the PSD plan in accordance with ordinance requirements. There is an existing streetlight**

at the end of Churchill Ln. adjacent to the entrance to Arbors at Churchill. A minimum of two streetlights will be needed to meet the 250' maximum spacing requirements of this section. I recommend one at the end of the cul-de-sac and a second one between lots 2 and 3.

3. Deed Restrictions (Article II, Sec 25-30(a)): No information has been provided that there are any 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, etc. appear to have been shown on the preliminary plat submittal. **The line separating the Downing Square Sub. from the Arbors at Churchill Sub. is the line between the Rockwood and Parkway school districts. Downing Square is in Rockwood and Arbors at Churchill will be in Parkway. Busses picking up the children in the new subdivision will be forced to exit the Parkway district and drive down Kehrs Mill Rd. and Churchill Ln. through the Rockwood district to pick up the Parkway students. Presently no busses drive down Churchill Ln., but with the new cul-de-sac, there may be both Rockwood and Parkway busses driving down Churchill.**

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)): **As mentioned in Section 2 above in this report, no accommodation has been made for the installation of streetlights.**

7. Underground Utilities and Structures (Article II, Sec 25-30 (b) (4)): Existing locations of most utilities in the vicinity of the development have been shown.

8. Dedications (Article II, Sec 25-30 (b) (5)): **The plan shows the proposed roadway but it does not actually state that it will be a publically dedicated. This should have been made clear on this plan and 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 appear to have been met or exceeded.

It is recommended that all of the trees proposed for preservation be placed in no-grade zones and those zones be protected by a construction fence erected prior to the commencement of grading and maintained throughout the grading and construction phases of this project. 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 and root zones in these areas for the future owner to decide if the vegetation should be retained or removed. On the private lots 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. It is further recommended, however, that the preserved trees in the common ground area be placed in a permanent preservation easement with the subdivision trustees responsible for their preservation, maintenance and replacement.

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 sign off 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." This regulation 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%. The steepest grade on the proposed roadway is approximately 6%.

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 comprehensive community 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 (Z15-05). Given the relationship of the stub of Churchill Ln. there is no other roadway alignment possible for the development of this subdivision.

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.” Again, given the nature of the stub of Churchill Ln., this is the only possible roadway alignment for this subdivision.

There is an existing temporary cul-de-sac at the end of Churchill Ln. in the Downing Square subdivision. With the extension of Churchill Ln. this temporary feature needs to be removed and a conventional roadway section built in its place. This is standard procedure whenever temporary cul-de-sacs are built in anticipation of future roadway projections. The new subdivision is responsible for the elimination of the temporary cul-de-sac and its replacement with a section of standard roadway. This just happens to be a little bit older temporary facility than most. The most recent example of this being required was on Stoney Creek Ct. when the Estates at Hallmark Place subdivision was built and Stony Creek Ct. was extended. In the past this was also required on Kehrs Mill Ridge Dr. when it was extended and on Pine Hollow Ct. when it was extended.

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. The land locked nature of this site precludes this code section from being applicable to this petition.

22. Street Relationship (Section 25-102(d)): This subsection address the design of street stubs for future roadway projections. Due to the geography of this property this subsection is not applicable to this petition.

23. Street Relationships (Section 25-102(e)): This subsection requires the construction of cul-de-sacs and all street termini. The submitted preliminary plat meets this requirement.

24. 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. **No information has been provided from the petitioner relative to its plans under this subsection, but since the plan shows no dedication of recreational land it is assumed that a fee in lieu of dedication is proposed. Two formulas are provided for the computation of this fee. The first formula is based upon the purchase price of the property. For PSD zoning, the**

fee is 10.5% of the purchase price. The second formula is an algorithm involving the number of lots, the annual budget for recreation, the established national guidelines for per capita recreational land and an ordinance fixed average land value. Based upon the current budget, the fee per this formula is \$4,214.99/lot.

25. 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). **An effort is being made to save many large trees around the perimeter of the site and along the creek on the north line of the site.**

Planning Concerns:

The petition review report for the accompanying zoning petition (Z15-05) 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 accidentally 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.

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