

SUBDIVISION PETITION REVIEW REPORT

This resubdivision petition is being submitted in conjunction with an accompanying zoning district change petition (Z13-08 1st Amended Report). 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 (1st Amended Report)

Petitioner: Fred Schmidt
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Project Name: Westglen Court Sub.

Location: 855 Westglen Village Dr.

Petition Date: 5/24/13

Review Date: 7/1913

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:

In this revised petition the petitioner proposes to develop a 10 lot duplex single family subdivision on an approximately 3 acre tract at 855 Westglen Village Dr. Please read the 1st Amended petition review report for the Z13-09 petition for a more thorough description 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 (1st Amended Report) petition review report.

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 preliminary 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 and the petitions are submitted concurrently.

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, around the cul-de-sac and back to the commencement of the water quality features. Access ramps are provided at the terminus of the sidewalk and opposite on the south side to provide full use of the sidewalk by all dwellings in the development. **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 precludes the construction of any sidewalk on the north side of the roadway in this area. The submitted plan is therefore not compliant with this provision of the subdivision ordinance, but it complies as completely as possible given the circumstances. 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 in 1993. The sidewalk was only built on 1/2 of the single-loaded cul-de-sac and the builder made a payment to Ballwin’s sidewalk fund for the value of the unbuilt sidewalk.**

2. Streetlights Required (Article II, Sec 25-29, 25-29.5): **Streetlights have been proposed in accordance with the spacing requirements of the ordinance. I recommend that the light in the cul-de-sac be placed in the middle of the island instead of the fire hydrant. The light is more effective in illuminating the cul-de-sac from this location because it has a 360 degree service radius. The service radius of a fire hydrant is substantially larger (about 600 feet) so it can be located anywhere around the cul-de-sac.**

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. **The proposed right-of-way does not scale to 50' at this location. If it is too narrow, it will be noncompliant to Ballwin's minimum standards for a right-of-way dedication and a variance from the Board of Adjustment may be required. I recommend that this issue be resolved prior to the Commission making a recommendation on this subdivision petition.**

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 been discussed in #2 above.**

7. Underground Utilities and Structures (Article II, Sec 25-30 (b) (4)): Existing locations of the storm sewers and all utilities in the vicinity of the development appear to be shown on the submitted plan.

8. Dedications (Article II, Sec 25-30 (b) (5)): **The plan indicates that the proposed roadway is to be within a publically dedicated right-of-way. As discussed in #4 above, there is a question as to the width of the proposed right-of-way at the intersection with Westglen Village Dr. meeting minimum standards. This question needs to be resolved and the dedication should be hachured on the plan in the conventional manner for such documents.**

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 infill sites to provide fifteen foot wide no-grade zones along the perimeter property lines. The purpose of 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. Additionally some of the new buildings will be**

within the typically recommended no grade zones, and in some locations there is no vegetation to preserve, so no-grade zones may not be appropriate 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. It is my understanding that this plan has been prepared in accordance with applicable MSD regulations and preliminary comments have been received. Ballwin will review for this approval 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 with the possible exception of the question of the right-of-way width at the point of connection to Westglen Village Dr. that was addressed earlier in this report.**

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 that 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 would make sense since the parcel is too small for the land dedication to meet the 2 acre minimum required by the ordinance for a park 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 1st Amended Report). Except for a few large trees, there are few such features to save on this site. The notes on the plans indicate that most of the trees will be removed except for the vegetation preserved in the northwest corner of the site and a little bit around the south and east perimeters of the site.**

Planning Concerns:

The petition review report for the accompanying zoning petition (Z13-09 1st Amended Report) 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.

The disposition of the existing chain link fence around the perimeter of the site is not addressed on these plans. The fence should be shown on the plans, its ownership established and its disposition post-development made clear.

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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