

ZONING ORDINANCE CHANGE PETITION REVIEW REPORT

Petition Number: Z13-10

Petitioner: James Brennan
McKelvey Homes LLC
218 Chesterfield Towne Center
Chesterfield, MO 63005
636-530-6900
Jbrennan@mckelveyhomes.com

Agent: none

Project Name: Enclave at Lucerne Sub.

Location: 628-630 Kehrs Mill Rd.

Petition Date: 8/23/13

Review Date: 8/28/13

Requested Action: Final PSD Development Plan Approval

Code Section Zoning Ordinance
Article XIIA and XXIII

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

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

Plan Designation: Low Density Residential

Proposal Description:

Mr. Brennan has submitted a final PSD site development plan for the 9 lot Enclave at Lucerne subdivision.

PSD Regulations

A PSD petition is a two step process. The first step is the submittal of a preliminary development plan as a part of the zoning change petition. Upon its approval by ordinance, the property is rezoned to PSD and a 12 month time frame begins in which the petitioner is

required to submit a final development plan. The final plan approval process is similar to the preliminary plan approval process in which the submission goes to the Planning and Zoning Commission and Board of Aldermen for approval. If the petitioner fails to obtain final plan approval within the allotted time, the preliminary approval is deemed revoked.

The preliminary site development plan was approved on July 15, 2013. Engineered plans have been submitted for review and that process is still underway. The plans have now reached sufficient completion to be considered for a final PSD plan consideration by P&Z. This meets the 12 month submittal requirement of the ordinance.

The attached revised plan is functionally the same as the preliminary development plan. The number and arrangement of lots is the same as are their general dimensions. The traffic circulation and utility distribution are not changed. The grading has been adjusted slightly, but the overall drainage pattern of the development is essentially the same as that of the original submitted plan.

Section 3. Use regulations:

Single family detached units are an allowed use in the PSD district.

Section 4. Height Regulations:

The maximum structure height allowed in a PSD development is 35 feet. This issue does not appear to have been addressed on the final site development plan, but this is not typically an issue for single family construction. This subject was touched on with the preliminary PSD approval and is always reviewed as a part of the process of issuing building permits.

Section 5. Area Regulations:

The 20' minimum building setback provision of the PSD district regulations has been exceeded with this proposal. **Lot 6 has a 35' setback, lot 5 has a 30' setback and all of the other lots have a 25' setback. This is in accordance with the preliminary PSD plan. The 30' setback notation on the plan in front of lot 8 is a typographical error. The lots on this side of the street all have 25' setbacks.**

Section 6. Parcel Size:

The minimum parcel size that can be considered for PSD zoning is one (1) acre. This parcel exceeds this requirement.

Section 7. Parking:

All parking is provided in accordance with the minimum provisions of the PSD regulations.

Section 8. Streets and Traffic Circulation:

The proposed internal roadway meets minimum dimensional requirements. The street is shown as a full width concrete pavement with a granular base and underdrains. **The streets and sidewalks regulations require residential streets to be built with a full depth asphalt section with 30" side concrete curbs and gutters on each side. Due to maintenance reliability issues, Ballwin has not permitted full width concrete streets since 2000. This will have to be adjusted for the final improvement plans.**

Section 9. Perimeters:

Subsection 2 of this section requires that all residential structures within a PSD be separated from adjoining commercial and multiple family uses by a minimum of 60'. There are no commercial or multiple family uses adjoining this site.

Subsection 3 of this section requires that buffer zones "be kept free of buildings and structures" and requires that they be "landscaped, screened or protected by natural features so that adverse impacts on surrounding areas are minimized." The perimeter buffer zones are landscaped with either retained trees or new plantings. This is shown on the included landscape sheet.

Section 10. Internal Buffers:

This code section requires that the internal building spacing be the mean of the minimum building spacings in the adjoining zoning districts pro-rated by frontage to the PSD. This is to maintain uniformity with the character of the surrounding neighborhood. The R-1 and R-2 zoning districts abut the perimeter of this PSD. Both districts have a 10' side yard (20' building spacing) requirement. **This final development plan meets this requirement.**

Section 11. Open Space:

Subsection 1 (ii) of this section requires that one area meeting the definition of useable open area must be provided. One area that meets this requirement was shown on the preliminary plan. It has not been shown on the final plan, but since it is not a publically dedicated area or common ground it is of little importance to the approval of the plan.

Subsection 2 of this section requires that a minimum of 15% of the site must be dedicated to open space as defined in Subsection 1 of this section. **This plan is well in excess of this requirement, but the computation should be shown on the cover sheet.**

Subsection 4 of this section requires that at least 70% of the land dedicated for open space shall have a slope of no more than 8%. The preliminary plan showed that this requirement had been met. **This submittal does not appear to include this information. I recommend that the Commission consider recommending approval of this final plan with the stipulation that this information is added to the final plan prior to it being stamped and approved for construction.**

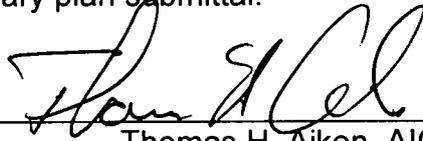
Section 12. Environmental Design:

Subsection 1 requires the submittal of a general landscaping plan. A landscape plan is included with this submittal.

Subsections 2-4 of this section require the delineation of flood plains, and the preservation of a site's native characteristics and hillsides. These matters were discussed and made a part of the preliminary plan submittal. The final plan reflects the accepted preliminary plan in this regard.

Section 13. Site Plan Approval:

This section outlines the process and information submission requirements for consideration and approval. I believe that all of the requirements of this section were met as a part of the preliminary plan submittal.



Thomas H. Aiken, AICP
City Planner/Assistant City Administrator



PSD FINAL SITE DEVELOPMENT PLAN APPROVAL
PETITION

CITY OF BALLWIN	}	FEE:	\$ 1,250.00
	}		
COUNTY OF ST. LOUIS	}	PAID:	<u>8/23/13</u>
STATE OF MISSOURI	}	NUMBER:	<u>2 13 -16</u>

TO THE BOARD OF ALDERMEN
CITY OF BALLWIN

Type of Development Plan: Final Development Plan for a Planned Single Family Dwelling
District Procedure.

Code Section under which Petition is being filed: Zoning Ordinance: Articles IV, VI, XIII and XXIII
Subdivision: Chapter 25, Article II & III

Now comes (*print name of Petitioner*) McKelvey Homes, LLC
and states to the Board of Aldermen:

- I. That he, she, it, they, has (have) the following legal interest in the tract of land and/or premises located within the corporate limits of Ballwin, Missouri, described in Section II of this petition.
 - A. State Legal Interest: Owner Under Contract
 - B. Documentation of Legal Interest must accompany this petition. (See Attached)
- II. That the legal description of the property/premises, for which a subdivision plat is desired, is enclosed.
- III. That a survey or drawing of the property/premises, for which a development plan approval is requested, is enclosed, and said drawing is to a scale of 100 feet or less to the inch.
- IV. That the street address of said property is: 628 & 630 Kehrs Mill Road
- V. That the area (acres or square feet) of said property is: 3.8 acres
- VI. That the present zoning classification of said property is: PSD Planned Single Family Dwelling District
- VII. That the present use of said property is: 2 Single Family Homes
- VIII. That the intended use of said property is: 9 Detached Single Family Homes on individual lots.

- IX. That the proposed development plan does not violate any private deed restrictions on said property.
- X. That all information provided herein is true and a statement of fact.

I, the Petitioner, do hereby request an Ordinance of the Board of Aldermen approving and granting the herein requested Development Plan Approval.

PETITIONER: McKelvey Homes, LLC
 AUTHORIZED SIGNATURE: *J Brennan*
 AUTHORIZED SIGNATURE (PRINTED): JAMES G. BRENNAN
 ADDRESS: 218 Chesterfield Towne Center
 CITY/STATE/ZIP: Chesterfield, Missouri 63005
 TELEPHONE NO: 636-530-6900
 E-MAIL: J.BRENNAN@MCKELVEYHOMES.COM

I, (print name of Petitioner) _____, do hereby designate _____ as my agent for purposes of presenting this petition, negotiating with the City of Ballwin on all issues relative to this petition, and corresponding and communicating with representatives of the City of Ballwin relative to this petition.

AGENT'S SIGNATURE: _____
 AGENT'S NAME (PRINTED): _____
 ADDRESS: _____
 CITY/STATE/ZIP: _____
 TELEPHONE NO: _____
 E-MAIL: _____

Subscribed and sworn before me this 21st day of August, 2013.



LAURA GREEN
 My Commission Expires
 May 9, 2014
 St. Charles County
 Commission #10882498

Laura Green
 Notary Public

My Commission Expires

May 9, 2014