

SUBDIVISION PETITION REVIEW REPORT

Petition Number: SUB 15-02

Petitioner: Christopher C. Blomberg
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Project Name: Resubdivision of Lot 2 of Hill View Plat 1

Requested Action: Subdivision Approval

Petition Date: 1/15/15

Review Date: 2/2/15

Code Section: Chapter 25, Article II

Location: 304 Essen Ln.

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

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

Plan Designation: Low Density Residential

Project Description:

The petitioner proposes to subdivide the property at 304 Essen Ln. into two lots. No new or internal roadways are proposed for this development and each house will have its own curb cut onto Essen Ln. The existing house on the site will be retained on one of the lots. A new house will be built on the new lot. The parcel being subdivided is

26,039 (.597 acres) in area. Both new lots will meet the minimum area of 12,500 square feet required by the existing R-2 single family zoning classification of this site.

This parcel is on the west side of Ries Rd. at the southwest quadrant of the intersection of Ries Rd. and Essen Ln. This is approximately 1/3 of a mile south of Manchester Rd. The parcel is presently occupied by one single family residential structure and a small shed.

The site is generally rectangular in shape with a rounded corner. The Ries Rd. frontage is approximately 95' long and runs essentially north to south along the west side of the Ries Rd. right-of-way. The west side is of similar length with the identical bearing of the east line. Similarly the north and south sides of the lot have identical bearings and are of approximate equal lengths of 275'. The northeast corner of the lot is curved due the rounding that accommodates the right-of-way intersection, so these two adjoining property lines are slightly shorter to accommodate accordingly.

The site is abutted on the north and west by the Hill View subdivision. It adjoins the Ballwin Heights subdivision to the south. The site adjoins the newly approved Essen Court subdivision across Ries Rd. to the east.

The site is zoned R-2 and abuts the same zoning to the north and south. The zoning to the west is R-1 and the zoning across Ries Rd. is recently approved PSD zoning, but this area was previously R-1 for many years.

The site is very flat and drains gently in a sheet flow manner to the south. The high point of the site is along Essen Ln. at the western corner of the site with an elevation of 576 feet. The low point is at the southeast corner of the site with an elevation of 567 feet. The total elevation change on the site is therefore approximately 9 feet. Site drainage sheet flows across the properties to the south and eventually makes its way the Ries Rd. and Ries Ct. stormwater systems. From there the runoff enters Fishpot Creek which flows into the Meramec River in Valley Park.

Zoning Ordinance Provisions/ R-2 District (Article V):

1. Section 2. Use Regulations:

The proposed single family use is allowed by right in the R-1 District.

2. Section 3. Height Regulations:

The height limit in the R-1 District is 35' or three stories. The existing house is compliant. No information has been provided about the proposed new house, but the height limitation is not typically an issue with new houses. Structure heights are reviewed for compliance with setback and height at the time of building permit issuance.

3. Section 4. Area Regulations:

Subsection (4) (1) establishes a minimum front yard of 40'. **This requirement has been met for the new lots.**

Subsection (4) (2) establishes a minimum side yard of 10'. **This requirement has been met for the new lots.**

Subsection (4) (3) establishes a minimum rear yard of 25'. **This requirement has been met for the new lots.**

Subsection (4) (4) of this section stipulates that all lots shall have a minimum area of 12,500 sq. ft. as long as a sanitary sewer connection is available. A sewer development plan has been submitted accompanying the preliminary record plat showing the intent to construct a sanitary sewer to serve the proposed new lot. The proposed lots appear to be fully compliant with this standard.

Subsection (4) (5) stipulates that all lots shall have a minimum width at the street line (*this term is defined as the right-of-way line in the ordinance*) of 100'. **This requirement has been met for the new lots.**

Subsections (6) stipulate the minimum floor areas of new single story and two story dwellings in the R-2 district. **No information has been provided about the proposed new dwellings, but the house footprint on the submitted plat appears to be approximately 1,030 square feet which does not meet the 1,150 square foot minimum footprint for one story dwellings. The floor area of the garage cannot be counted toward this requirement. If the house is two stories tall, then the 850 minimum square foot footprint has been met. The finished floor elevations provided on the preliminary plat do not suggest a second story.**

Subdivision Ordinance Requirements (Chapter 25)

1. Section 25-26. Plat submission: This section requires the submission of a preliminary plat for consideration. A preliminary plat is required to show specific information, detailed throughout this chapter, which is beyond what is commonly required for a simple record plat. A preliminary plat has been submitted.
2. Section 25-28. Sidewalks: This section requires surety for and the construction of sidewalks. A sidewalk already exists along the Ries Rd. and Essen Ln. is served by sidewalks along the north side of the road. No additional sidewalks are required.
3. Section 25-29. Streetlights: This section requires surety for and the installation of streetlights. Streetlights are already in place along Ries Rd. and Essen Ln. No additional sidewalks are required.

4. Section 25-29.5. Provisions for sidewalks and streetlights not applicable in certain instances: As the title suggests, this section address circumstances in which sidewalks and streetlights are not required. It applies to small subdivisions of three lots or less. As it turns out, none of the exceptions in this section would have applied to this subdivision, but it was already excepted because these improvements are already in place in this area.
5. Section 25-30. Deed Restrictions; contents of preliminary plat:
 - (a) No deed restrictions are known to exist for this property.
 - (b) Preliminary plat information (this information is to be provided on the submitted preliminary plat):
 - (1) All property boundary lines and distances have been provided per this subsection. No special district boundaries are known to impact this property.
 - (2) Adjacent streets are shown per this subsection but no new facilities are proposed.
 - (3) The street light at the northwest corner of the site is shown on the submitted drawing. The nearby street light fixtures on the east side of Ries Rd. are not shown.
 - (4) This subsection requires that all underground utilities and sewers near or under the tract are to be shown. Most such utilities appear to be shown.
 - (5) Dedications of land are to be shown. No land is proposed or recommended for public dedication.
 - (6) The lines of adjoining lands and streets have been shown as required by this subsection.
 - (7) A lot identification system has been provided as required by this subsection.
 - (8) Utility setback lines and proposed easements are to be shown per this subsection. The submission appears to show all existing setback lines and all easements necessary to provide utilities to the proposed houses.
 - (9) The subdivision name and legal description of the property have been provided as required by this subsection.

- (10) All submitted preliminary subdivision plats are required to provide a storm water control plan in accordance with the requirements of Article III, Division 2, Section 25-72.

The differential runoff for this site will be below the MSD runoff threshold of 2 cfs, so the provision of storm water facilities under MSD's regulations is not required. The site is also below the 1 acre threshold utilized by MSD for water quality improvements, so no such improvements are likely to be required. **I have had recent experiences where MSD has requested such improvements on smaller parcels. I therefore recommend that the petitioner be required to submit documentation from MSD demonstrating that no such improvements will be required in this subdivision prior to passing this petition to the Board of Aldermen for consideration.**

The submitted plans propose to allow the additional runoff from the new pavement and rooftop to sheet flow onto the adjoining property to the south. Although the differential runoff from this development may be below the MSD threshold, Ballwin's regulations have clearly reserved the right to require detention for developments that are below that threshold if there is a potential for the increased runoff to negatively impacting nearby properties.

This site presently discharges virtually all of its runoff onto the Montgomery Trust property to the south. Additionally, runoff from the front yard area of the Easter property flows across the petitioned property and onto the Montgomery Trust property. The runoff from the proposed new house and driveway will discharge almost directly onto the rear driveway pad of the Montgomery property. No computations have been provided for this additional water or for the current amount of water going in that direction. I believe that it will be enough to create a noticeable and unacceptable difference to the owner of the Montgomery Trust property. **I therefore recommend that the petitioner regrade the rear of lot 2A and approximately half of the rear of lot 2B to create a swale that runs parallel to the south property line and directs runoff from these lots toward Ries Rd. I also recommend that an area inlet be placed behind the Ries Rd. sidewalk, there may be room in the right-of-way, to intercept the flow in this swale and connect the inlet to the storm sewer under the west curb line of Ries Rd.**

- (11) The area in square feet of each lot has been shown as required by this subsection.

6. Section 25-31 – 25-103: This petition appears to address all other issues of the

subdivision ordinance or they do not apply to this petition.

7. Sections 25-121 through 25-125: These sections 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 provision in the submitted subdivision plan for the dedication of park land or recreational space, so the payment of a fee in lieu of such dedication is required.**

The lesser of two formulas described in 25-124 must be used to determine the fee. The first formula is 5% of the purchase price of the property, not including the value of improvements, within the past 12 months. A qualifying purchase price has not been shared as of this writing, but the payment per this method will be determined prior to the issuance of the subdivision permit.

The second formula is more complicated and is based upon the number of lots in the subdivision, the Parks and Recreation annual budget, the number of dwelling units in Ballwin, the average household size and an ordinance-established value of developable land in Ballwin. As of this writing, this fee is estimated to be approximately \$4,209/lot (\$8,418 total).

8. Section 25-126: This section 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 site is presently developed with one single family residential structure and one small out building. With the exception of a cluster of mature trees around the existing house on the site, there are no substantive natural features on this site. The existing house will be retained on lot 2A as will the surrounding trees. There are few trees on lot 2B so the construction of a house on this lot will have minimal impact on the natural features of the site.

Comprehensive Plan Issues:

The Comprehensive Community Plan graphically addresses the land use recommendation for this site on the Future Land Use and Transportation Map. **This map recommends low density residential development intensity for the subject property.** Low density residential is discussed on pages 8:5 and 8:14 of the plan. Essentially, this designation recommends a density of no more than 3.5 units per acre, lot sizes no smaller than 12,500 square feet, an overall consistency and harmonious blending with regard to surrounding land uses including general character, density, structure height and building bulk. **On the basis of the preliminary plat submitted with this petition, one can conclude that the density and general character of the proposed development is consistent on most of these points. The footprint of the house proposed for lot 2B is consistent with the neighborhood, but insufficient information has been provided relative to the architecture of the proposed new house to determine if it will be similar to the surrounding neighborhood in**

character, height or bulk. The history of development and market conditions in Ballwin, however, would suggest that this will probably not be an issue.

Future residential land uses are discussed beginning on page 8:12 of the plan. Several major points are made in this discussion that are relevant to this petition. Ballwin continues to be a desirable place to live and own a home, but it is running out of land for new development, so the redevelopment of outdated and underutilized sites is going to be a common theme. This is directly applicable to this site, as the proposal calls for retaining the existing house and resubdividing the large lot into smaller lots to support a higher density development pattern that is in keeping with the surrounding neighborhood. The plan also observes that infill development will be a common event in the older parts of town, but there is a potential issue with infill development proposals. The concern in the plan is that such development be done in a manner that is respectful of the surrounding development densities and patterns. On pages 8:14 the plan recommends that all low density residential developments comply with the residential design (page 8:16) and compatibility standards (page 8:18) for infill, tear down and redevelopment sites.

Section 2 (Residential Design) of the Future Residential Development Guidelines of the 2007 Comprehensive Community Plan is described on pages 8:16 and 8:17 of the plan:

1. Bullet #1 states that residential buildings should contain street-facing architectural features of human scale to enhance curb appeal and reinforce local building traditions. Architectural features may include, but are not limited to, bay windows, covered porches, balconies, dormers and cupolas. **No architectural information has been provided about the proposed house to allow evaluation regarding their compliance with these recommendations.**
2. Bullet #2 recommends that the primary façade should be parallel to the street. All single family homes, townhomes and duplexes should have street-oriented entrance and a street-facing principal window. A roadway presence should also be retained through the use of front porches and architectural treatments and landscaping that define the primary entrance. **The orientation of the footprint on the preliminary plat suggests a street facing design with a traditionally oriented front door and entry porch. No architectural or landscaping information has been provided to allow for an evaluation of compliance with the architectural guidelines of this section.**
3. Bullet #3 recommends against garages dominating the design of the primary façade. Side and rear entry garages are encouraged. No garage wall should be closer to the street than any other house wall. Garage or door openings facing the street should not exceed 50% of the width of the house façade. **The lack of architectural elevations limits a thorough evaluation of the compliance of this development with these planning guidelines. The footprint, however, clearly shows a large roadway facing garage. Based upon its width, it appears to be a 3 bay garage.**

This seems large for a house this size, but having no architectural information it is difficult to draw any substantial conclusions in this regard. The garage door is, however, still less than the 50% guideline limitation. The footprint shows a “snout garage” that is closer to the road than the front of the main portion of the building. This is contrary to the recommendations of this section of the plan. The architecture of the house may have to be adjusted a little, but there is substantial room on this lot for the construction of a side entry garage that would mitigate some of the concerns of the plan discussed in this subsection of this report.

4. Bullet #4 recommends the use of durable high quality building materials and recommends the use of bright colors and highly reflective surfaces only as accent elements. **Insufficient information has been submitted to evaluate compliance with these recommendations colors. Materials are routinely reviewed for suitability as a part of the building permit review process.**

5. Bullet #5 recommends the use of quality exterior materials and the use of architectural details and treatments to all sides of all buildings. **Insufficient information has been submitted to evaluate compliance with these architectural issues but materials are reviewed as a part of the permit issuance process.**

Section 3 (Pedestrian Access) of the Future Residential Development Guidelines of the 2007 Comprehensive Community Plan is described on page 8:17 of the plan:

1. Bullets #1 - #3 are not applicable to this petition.
2. Bullet #4 recommends plantings every 45' along all streets. I believe that this references street trees as other planting types are not appropriate for placement within the public right-of-way. **This spacing corresponds to approximately 7 street trees along the Essen Ln. and Ries Rd. frontages of the two lots.**

Section 5 (Compatibility Standards for Infill, Tear Down & Redevelopment Sites) of the 2007 Comprehensive Community Plan is described on pages 8:18 – 8:19 of the plan:

1. Bullets # 1-4 are not applicable to this petition.
2. Bullet #5 addresses the issue of compatibility with the surrounding natural and built environments. It discusses lot size compatibility. As mentioned earlier in this document, I believe that the information provided with this supports the lot sizes proposed. The proposed lots are within the minimum allowed by the current zoning and consistent with similar lots that were created several years ago directly across Essen Ln.
3. Bullet #6 recommends that new lots within 50' of existing lots should utilize a front yard setback that is within 5' of that of the adjoining properties. Since the zoning of

the subdivision will not be changing this recommendation will be followed with this development.

5. Bullet # 7 discusses the issue of building bulk and height compatibility and side/rear yard setbacks. The zoning in place for these lots is the same zoning that is presently in place on this property, and this district limits overall structure height to 35' and establishes minimum yard setback standards. I see no reason to impose any different limitation on these two lots.

On the basis of the above review, I believe that arguments can be made to support the position that this subdivision plan is consistent with many elements of the comprehensive plan, but some architectural issues remain unresolved as of this writing due to the lack of any architectural information.

Planning and Engineering Concerns:

1. A Ballwin excavation permit will be required prior to any excavation in a right-of-way. In order to obtain an excavation permit a detailed plan must be provided and proper surety provided. The plan must show all siltation control measures that will be utilized and maintained on site. This is an administrative process that is followed prior to the commencement of site work on the issuance of a building permit.

2. Private and public roadways must be maintained in a clean, safe and passable condition at all times during construction and development. Failure of the builder/owner to do so may lead to the establishment of a stop work situation until the problem is completely and permanently corrected. Surety 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. Any stop work orders will remain in effect until the builder/owner demonstrates that the wash down is in place and operational on a permanent basis.

4. This site is less than 1 acre so no Missouri Department of Natural Resources land use permit may be required.

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