

**PETITIONING HANDBOOK
PLANNING AND ZONING COMMISSION
CITY OF BALLWIN**

**Procedures for the Submission, Review and Approval of All
Petitions Requiring Approval from the Planning and Zoning Commission,
and/or the Board of Aldermen of the City of Ballwin**

Revised 1 / 2008

Notice: The following time frames are approximate. They are based upon set meeting dates and typical review times for such petitions. Time frames and meeting dates are subject to change without notice. No promise or guarantee is made or implied that any petition will be reviewed, placed upon any agenda or approved in accordance with the stated meeting dates, times and time frames. It is recommended that any real estate purchase or lease agreements or similar issues outside of Ballwin's review process include sufficient time to allow for the review and approval process. Ballwin will not be responsible for the expiration of any such agreement due to a petition not having been considered within the anticipated time.

In order to minimize review time, multiple petitions related to the same land or project (for example a zoning district change and an associated subdivision plat) may be submitted simultaneously. These are separate petitions with separate filings and separate fees, procedures and requirements, but for purposes of simplicity they may be combined into a single public hearing and discussed simultaneously. There will be an individual vote on each petition.

Multiple special use exceptions (for example a restaurant with the sale of alcoholic beverages and entertainment) may be combined on a petition with a single filing on a single petition form. The special use exceptions will then be considered jointly and approved or denied accordingly.

General time frames for the review, and approval of development and zoning related petitions to the City of Ballwin.

Significant Dates and Times:

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| 1. Planning and Zoning Commission Meeting: | 1 st Monday of month, 7:00 P. M. |
| Agenda Closes: * | Friday preceding the 6 th Monday before the meeting at 5:00 P.M. |
| 2. Board of Adjustment Meeting: | 3 rd Tuesday of Month, 7:00 P.M. |
| Agenda Closes: * | Wednesday preceding the 2 nd Tuesday before the meeting at 5:00 P.M. |
| 3. Board of Aldermen Meeting: | 2 nd and 4 th Mondays of Month, 7:00 P.M. |
| Agenda Closes: * | Wednesday preceding meeting at 5:00 P.M. |

* All agenda closing dates and times are absolute. Failure to submit a complete proposal in accordance with the minimum requirements of the applicable ordinances, plans and established procedures of the City of Ballwin may result in a petition not being placed on the desired agenda. Submittal in advance of the agenda closing date and time does not guarantee that a petition will be placed on the desired agenda.

General process for the submittal and review of petitions for Special Use Exceptions (SUE), Subdivision Plats and Zoning Ordinance or Zoning District Changes (except planned districts):

Note: Most petitions will take about 90 days to progress through the petitioning process. It sometimes takes longer. Due to the uncertainty of public hearing issues and the completeness of petition submissions, there is no way to accurately predict the time that will be necessary for a petition to complete this process. This 90 day time frame estimate begins upon the agenda closing date of the Planning and Zoning Commission and does not include any preliminary meetings with staff or any preparation time for submittals by the petitioner or its agents and contractors. It also assumes that all submittals are complete and meet all minimum applicable submittal requirements for the type of petition. Please note that submission requirements vary for the different kinds of petitions. It is the petitioner's responsibility to review all applicable ordinances, procedures, plans and regulations in addition to this document to be familiar with all submittal requirements.

Typical Chronology for these types of petitions:

1. Meet with staff to determine the applicable plan, ordinance and procedural requirements (comprehensive plan, zoning, subdivision, licensing, etc.) associated with the proposed development or petition.
2. Submit a site development plan or preliminary subdivision plat sketch plan. It is recommended that this be done in advance of a formal submittal. Staff will provide its reaction.
3. Formally submit petition submission package including petitioning form, site development plan or preliminary subdivision plat (as defined in the subdivision ordinance), petitioning fee, legal description, proof of legal interest in the property, architectural elevations and all other minimum submittal information and documentation required by applicable ordinance(s) and the comprehensive plan or as outlined in this document. At this stage, only one (1) copy of the plan or plat needs to be submitted. *(Please note that submitting a petition in advance of an agenda closing does not guarantee placement on that agenda.)*
4. Staff will conduct a review of the submittal package and prepare a preliminary petition report or letter to the petitioner related to the requirements of the applicable Ballwin ordinances, regulations and procedures. All efforts will be made to complete petition review reports in as expeditious a manner as possible. Please note, however, that the time necessary for the completion of this review is subject to the volume of petitions received and the overall work load of the department. Submission of a petition in accordance with the time frames discussed in this document, therefore, does not guarantee placement on any specific agenda. Ordinance stipulated time frames for petition review commence upon the petition being considered by the Planning and Zoning Commission, not upon the submission of a petition application and accompanying documentation.

If the submittal is complete and there are no deficiencies, failure to meet minimum submission requirements or other serious issues, the petition will be scheduled for the next available Planning and Zoning (P&Z) Commission Agenda. The petitioner will be notified and must

provide twenty five (25) copies of the site development plan or preliminary subdivision plat prior to the close of business on the Friday preceding the Monday four (4) weeks before the Planning and Zoning Commission meeting. This is to allow the necessary time to advertise the public hearing. The petition cannot be advertised or the staff review report finalized until the 25 copies of the final site plan or preliminary plat are received. A copy of final petition review report and the agenda will be sent to the petitioner approximately one (1) week prior to the meeting.

If the submittal is incomplete or not in compliance with the requirements of the applicable ordinances, comprehensive plan or petitioning procedures, the petitioner will be notified accordingly in writing with an outline of the deficiencies and be asked to resubmit. When the petition is resubmitted and meets the minimum submission requirements, it will be processed as provided above according to the meeting calendar at that time.

5. The public hearing held before the Planning and Zoning Commission will be advertised by the City of Ballwin for the required 15 day period prior to the hearing.

6. The Planning and Zoning Commission will review the petition and conduct the public hearing. The Commission may hold a petition over to a subsequent meeting to allow time for additional consideration or for the submission of additional information, or it may vote on findings and send the petition to the Board of Aldermen. The findings may be negative, positive or positive with conditions. The petitioner or its agent should attend the meeting and present the petition. The failure to attend the hearing could lead to a negative finding.

7. A petition upon which the P & Z has voted findings will normally be placed on the aldermanic agenda for the fourth Monday of the month in which the Planning and Zoning Commission held its hearing. (*This scheduling is subject to variation due to holiday conflicts, cancelled meetings, unusual extenuating circumstances, etc.*)

8. The Board of Aldermen may, at its discretion, determine that a second public hearing is needed. Such a hearing must be advertised for the 15 days required by ordinance. The petition will be delayed to a subsequent aldermanic meeting allowing sufficient time for the second hearing's public notice. The petitioner or its agent shall present the plan to the Board at the hearing. The petitioner will be notified at the aldermanic meeting or in writing in the event that a second hearing will be held.

9. The Board of Aldermen will review all petitions on its agenda. The Board has several options as to how a petition will be considered:

- A. The Board may decide to hold a petition over to a subsequent meeting to provide time for additional consideration or for the submission of additional information.
- B. The Board may hold a second hearing as outlined above.
- C. The Board may deny the petition.
- D. The Board may approve the petition as submitted or approve it subject to specific conditions.

The decision of the Board of Aldermen is final.

General process for the submittal and review of petitions for preliminary approval* of Planned Single Family (PSD), Planned Multiple Family (R-4), Planned Infill Multiple Family (R-5), and Planned Limited Commercial (C-3) Developments:

Note: The minimum theoretical time frame for the preliminary development plan approval phases of these procedures is about 90 days. It sometimes takes longer. Due to the uncertainty of public hearing issues and the completeness of petition submissions, there is no way to accurately predict the time that will be necessary for a petition to complete this process. This 90 day time frame estimate begins upon the agenda closing date of the Planning and Zoning Commission and does not include any preliminary meetings with staff or any preparation time for submittals by the petitioner or its agents and contractors. It also assumes that all submittals are complete and meet all minimum applicable submittal requirements for the type of petition. Please note that submission requirements vary for the different kinds of petitions. It is the petitioner's responsibility to review all applicable ordinances, procedures, plans and regulations in addition to this document to be familiar with all submittal requirements.

1. Meet with staff to determine the applicable plan, ordinance and procedural requirements (comprehensive plan, zoning, subdivision, licensing, etc.) associated with the proposed development or petition.
2. Submit a site development or preliminary subdivision plat sketch plan. It is recommended that this be done in advance of the formal submittal. Staff will provide its reaction.
3. Formally submit petition submission package including petitioning form, site development plan or preliminary subdivision plat (as defined in the subdivision ordinance), petitioning fee, legal description, proof of legal interest in the property, architectural elevations and all other minimum submittal information and documentation required by applicable ordinance(s) and the comprehensive plan or as outlined in this document. At this stage, only one (1) copy of the plan or plat needs to be submitted. *(Please note that submitting a petition in advance of an agenda closing does not guarantee placement on that agenda.)*
4. upon formal submittal staff will conduct a review of the submittal package and prepare a preliminary petition report or letter to the petitioner related to the requirements of the applicable Ballwin ordinances, regulations and procedures. Please note that the time necessary for the completion of this review is subject to the volume of petitions received and the overall work load of the department. Submission of a petition in accordance with the time frames discussed in this document does not guarantee placement on any specific agenda. Ordinance stipulated time frames for petition review commence upon a matter being considered by the Planning and Zoning Commission, not the submission of a petition application and accompanying documentation.

If the submittal is complete and there are no deficiencies, failure to meet minimum submission requirements or other serious issues, the petition will be scheduled for the next available Planning and Zoning (P&Z) Commission Agenda. The petitioner will be notified and must provide twenty five (25) copies of the site development plan or preliminary subdivision plat prior to the close of

business on the Friday preceding the Monday four (4) weeks before the Planning and Zoning Commission meeting. This is to allow the necessary time to advertise the public hearing. The petition cannot be advertised or the staff review report finalized until the 25 copies of the final site plan or preliminary plat are received. A copy of final petition review report and the agenda will be sent to the petitioner approximately one (1) week prior to the meeting.

If the submittal is incomplete or not in compliance with the requirements of the applicable ordinances, comprehensive plan or petitioning procedures, the petitioner will be notified accordingly in writing with an outline of the deficiencies and be asked to resubmit. When the petition is resubmitted and meets the minimum submission requirements, it will be processed as provided above according to the meeting calendar at that time.

5. The public hearing held before the Planning and Zoning Commission will be advertised by the City of Ballwin for the required 15 day period prior to the hearing.

6. The Planning and Zoning Commission will review the petition and conduct the public hearing. The Commission may hold a petition over to a subsequent meeting to allow time for additional consideration or for the submission of additional information, or it may vote on findings and send the petition to the Board of Aldermen. The findings may be negative, positive or positive with conditions. The petitioner or its agent should attend the meeting and present the petition.

7. A petition upon which the P & Z has voted findings will normally be placed on the aldermanic agenda for the fourth Monday of the month in which the Planning and Zoning Commission holds its hearing. (*This scheduling is subject to variation due to holiday conflicts, cancelled meetings, extenuating circumstances, etc.*)

8. The Board of Aldermen may, at its discretion, determine that a second public hearing is needed. Such a hearing must be advertised for the 15 days required by ordinance. The petition will be delayed to a subsequent aldermanic meeting allowing sufficient time for the second hearing's public notice. The petitioner or its agent shall present the plan to the Board at the hearing. The petitioner will be notified at the aldermanic meeting or in writing in the event that a second hearing will be held.

9. The Board of Aldermen will review all petitions on its agenda. The Board has several options as to how a petition will be considered:

- A. The Board may decide to hold a petition over to a subsequent meeting to provide time for additional consideration or for the submission of additional information.
- B. The Board may hold a second hearing as outlined above.
- C. The Board may deny the petition.
- D. The Board may approve the petition as submitted or approve it subject to specific conditions.

The decision of the Board of Aldermen is final.

* *Each of these procedures involves a second or final development approval phase. This process will be similar to that of the preliminary approval phase but with the exclusion of items 1 and 2. **A final site development plan is a fully engineered plan bearing the seal of a licensed engineer or architect that addresses all issues of design***

and construction. *The time frames for the approval of the final development plan phases of these petitions may vary according to the type of petition. It is recommended that no less than 90 days be anticipated for these final approvals. It can take longer. The Board of Aldermen cannot approve a final plan that varies substantially from the preliminary plan or one that is incomplete. It is the petitioner's responsibility to review all applicable ordinances, plans, procedures and regulations in addition to this document to be familiar with all submittal parameters for this phase of these processes.*

Submittal checklist for the following types of petitions: Special Use Exceptions, Preliminary Subdivision Plats, Zoning Ordinance Text Changes, Zoning District Changes for Planned Single Family, Planned Multiple Family, Planned Infill Multiple Family, Planned Limited Commercial and all POD petitions.

1. Fully completed petition form with signatures, addresses, telephone numbers, e-mail addresses and agent designation.
2. Twenty five (25) sealed site development plan sets or preliminary plats (if a site development plan submission is appropriate for the petition) on maximum of 24" x 36" paper folded to approximately 8 1/2" x 11" size showing the following:
 - A. Parcel out boundary lines with dimensions and bearings
 - B. Dedications and easements (if any)
 - C. Building setback lines
 - D. Site illumination and streetlights including pole heights
 - E. Existing deed restrictions
 - F. Lot and block identification system
 - G. Nearby utility locations and lateral locations
 - H. Landscaping plan showing plantings and the extent of impervious and planted areas
 - I. Any site fences, guardrails, retaining walls or similar structures
 - J. Paved areas showing dimensioned parking spaces, curbs, gutters, section, etc.
 - K. Storm water collection and detention facilities for site development plans including a preliminary review by MSD.
 - L. All information required per Section 25-74 of the subdivision ordinance (Chapter 25) for subdivision preliminary plats.
 - M. All specific site development plan requirements of the zoning district that is being requested
 - N. Pre and post development drainage area map(s)
 - O. Loading/unloading facilities
 - P. Curb cuts and site access
 - Q. Sidewalks
 - R. Trash receptacle locations and details of the enclosures.
 - S. Pre and post development topography (2' intervals)
 - T. Plan scale no smaller than 1:50
3. Petition Fee (check payable to the City of Ballwin)
4. Proof of legal interest in the property that is the subject of the petition. This may be a deed if the petitioner is the owner, an executed contract for purchase showing the petitioner as purchaser and a copy of the current deed, a lease agreement showing the petitioner as a lessee and a copy of the current deed, a letter from the owner of the property granting permission for the petitioner to submit the petition and a copy of the current deed or other similar proof of legal interest.
5. A legal description of the property.

6. Architectural elevations of the proposed structures showing proposed building materials, building heights, floor areas, and related information.
7. Storm water runoff calculations for the site per the computational standards of MSD and those of Ballwin if the MSD method falls below the MSD thresholds for detention and/or water quality.
8. A statement signed by the petitioner requesting a waiver of the storm water detention requirement if no detention is proposed.

Submittal checklist for final development plan approval for Planned Single Family, Planned Multiple Family, Planned Infill Multiple Family, and Planned Limited Commercial petitions:

1. Fully completed petition form with signatures, addresses, telephone numbers, e-mail addresses and agent designation.
2. Twenty five (25) sealed site development plan sets on maximum of 24" x 36" paper folded to approximately 8 1/2" x 11" size showing the following:
 - A. Parcel being developed with all out boundary lines and including dimensions and bearings
 - B. All land and easement dedications (if any) with accompanying dedication and recording documents ready for signature.
 - C. All site improvements including construction and materials details
 - D. Building setback lines
 - E. All site illumination and streetlights including photometric plans of the site
 - F. Existing and proposed deed restrictions or subdivision indentures if applicable
 - G. Lot and block identification system
 - H. All nearby utility locations, new and relocated distribution system locations and service lateral locations (must be underground)
 - I. A detailed landscaping plan showing all plantings by location, type and size
 - J. Any site fences, guardrails, retaining walls or similar structures including construction details
 - K. Paved areas showing all parking spaces, drives, roadways, curbs and gutters and showing all construction details for each
 - L. Storm water collection and detention facilities designed in accordance with Ballwin and MSD standards and including all information required per Section 25-74 of the subdivision ordinance (chapter 25)
 - M. A detailed grading and SWPP plans including pre and post development drainage area map(s)
 - N. Loading/unloading facilities
 - O. Curb cuts and site access including MoDOT approval if applicable
 - P. Sidewalks
 - Q. Trash receptacle enclosures including construction details
 - R. Pre and post development topography (2' intervals)
 - S. Plan scale no smaller that 1:50
 - T. Architectural elevations of all structures showing height, materials and colors
3. Petition Fee (check payable to the City of Ballwin)
4. Proof of legal interest in the property that is the subject of the petition. This may be a deed if the petitioner is the owner, an executed contract for purchase showing the petitioner as purchaser and a copy of the current deed, a lease agreement showing the petitioner as a lessee and a copy of the current deed, a letter from the owner of the property granting permission for the petitioner to submit the petition and a copy of the current deed or other similar proof of legal interest.

5. A legal description of the property.
6. Architectural elevations of the proposed structures showing proposed building materials, building heights, floor areas, and related information.
7. Storm water runoff calculations for the site showing the differential runoff according to Ballwin's computational standards and those of MSD if greater than Ballwin's standards.
8. A statement signed by the petitioner requesting a waiver of the storm water detention requirement if no detention is proposed.
9. ***A final site development plan is a fully engineered plan set bearing the seal of a licensed engineer or architect that fully addresses all issues of design and construction for all site improvements.***

The following policy sets forth guidelines for the submittal, resubmittal or supplementation of site development plans and associated, required and requested information, documentation, studies, forms and payments related to the petitions that are placed or are proposed for placement on the agenda of the Ballwin Planning and Zoning Commission.

1. Initial submittals of all petition forms, plans, studies and documentation required by the ordinances, plans, policies and practices of the city shall be submitted in accordance with the time frames established by ordinance. Under no circumstances shall such submittals be later than 5:00 p.m. local time on the Friday preceding the Monday six (6) weeks before the Planning and Zoning Commission meeting.
2. The City Planner shall withhold the placement of a petition from the agenda of the Planning and Zoning Commission if it is not submitted in a timely manner and shall notify the petitioner or the petitioner's designated agent that the petition has not been placed on an agenda.
3. The City Planner may withhold the placement of any petition from the agenda of the Planning and Zoning Commission, whether received in a timely manner or not, if it is determined that the submittal is in any manner incomplete or fails to meet minimum submittal requirements spelled out in the ordinances, plans, policies or practices of the City of Ballwin. The City Planner shall notify the petitioner or the petitioner's designated agent that the petition has not been placed on an agenda and shall outline the specific deficiencies that have resulted in the petition not being placed on an agenda.
4. The City Planner may waive the time frame deadline for petition submittal if the City Planner determines, in his/her sole judgment, that the waiver will not negatively impact the quality, thoroughness or substance of any petition review report, the timeliness of any required public announcement or the process of receiving and certifying the petition and accompanying documentation for completeness.
5. If a petitioner or a petitioner's agent requests in writing that a submitted petition not be placed on an agenda, and the request is submitted before the public hearing notice has been advertised, the City Planner is authorized to withhold the matter from the agenda and not place the advertisement for the public hearing. No advance or expressed permission of the Planning and Zoning Commission is required.
6. If a petitioner or a petitioner's agent requests that a submitted petition not be heard by the Planning and Zoning Commission, and the public notice has already been advertised, such request must be made in person by the petitioner or its agent to the Planning and Zoning Commission at the advertised hearing date and time.

7. If a petitioner or a petitioner's agent appears before the Commission at an advertised public hearing and requests a time extension before the public hearing is conducted, or the continuance of a public hearing already commenced, the Commission shall, at its sole discretion, depending upon the merits of the request, consider granting such an extension or continuance. If granted, such an extension or continuance shall be to a regularly scheduled meeting of the Commission not less than two months from the meeting at which the extension or continuance is requested and with the provision that any new or revised petition forms, plans, studies and/or documentation required by the commission or the ordinances, plans, policies and practices of the city that will be submitted for the Commission's review and consideration is submitted to the City Planner prior to the extended or continued hearing in accordance with the submittal schedule described in #1 above.
8. Generally, no public hearing will be held if the documents and/or information submittal is not made within the required time frame. If the additional or amended information is not submitted in accordance with #7, however, the Commission will convene the hearing as scheduled and determine if another extension/continuance is in order, or the Commission may hold the hearing and consider the petition on the merits of the information previously provided.
9. The Commission reserves the right to conduct a hearing whenever it is advertised regardless of any requests for continuances or extensions from any party including the petitioner or its agent or the failure of a petitioner to provide the required or requested information.
10. If the Commission determines, during a hearing or discussion, that additional information or documentation is necessary relative to any petition, the Commission may continue the matter to a subsequent meeting to provide the petitioner with sufficient time to collect and submit the additional information and/or documentation. A continuance or extension under such circumstances may be to the next following regularly scheduled Commission meeting if it is determined that the additional information is of such a nature that it can be provided to the City by the Monday two weeks prior to the meeting and be adequately reviewed and reported upon by the professional staff in time for inclusion in the meeting packet. If it is determined by the Commission that this time frame does not work, the matter shall be set for a future meeting in accordance with the provisions of #7. If the additional information is not provided within the time frame required, the Commission will convene the continued hearing as scheduled and determine if another extension or continuance is in order or the Commission may consider the petition on the merits of the information previously provided.
11. Nothing in this policy guarantees that an extension or a continuance will be granted to any petitioner.
12. Nothing in this policy prohibits any petitioner from withdrawing a petition at any time. Such a withdrawal must be done in writing.