

SUBDIVISION PETITION REVIEW REPORT

Petition Number: SUB 13-05

Petitioner: William Kemp, Manager
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dba Kemp Homes
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Agent: Daniel Wind
Wind Engineering
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Project Name: Westglen Court Sub.

Location: 855 Westglen Village Dr.

Petition Date: 12/11/13

Review Date: 12/16/13, 2/7/14

Requested Action: Subdivision approval

Code Section: Chapter 25, Article II & III

Existing Land Use/Zoning: Single Family / R-3

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:

The petitioner proposes to develop a 9 lot single family subdivision on an approximately 3 acre tract at 855 Westglen Village Dr. Petition review report Z13-11 contains a more extensive discussion of the project.

Zoning Ordinance Provisions / PSD District:

The requirements of the PSD District are discussed at length in the accompanying Z13-11 rezoning petition.

Subdivision Ordinance Requirements (Chapter 25)

This resubdivision petition is being submitted in conjunction with an accompanying zoning district change petition (Z13-11). This review has therefore been prepared in light of the PSD Planned Single Family Zoning District regulations as well as the Chapter 25 Subdivision Regulations. Should the zoning district change not be approved, the recommendations and observations of this report may not be valid.

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 the zoning change submittal. It has been Ballwin's practice to not require the submission of a separate preliminary plat document for joint PSD rezoning / Subdivision petitions.

1. Sidewalks (Article II, Sec 25-28, 25 -29.5): Sidewalks are proposed in accordance with the requirements of the subdivision ordinance. **Some grading is required to accommodate the slope requirements for the entry roadway off of Westglen Village Dr. This will lower the area of the entry roadway below the existing grade requiring the construction of a retaining wall along the south side of the roadway and a fairly steep slope on the north side of the roadway. This lowered roadway will require both sidewalks to be pushed against the back of the curb which, in turn, will require the sidewalks to be 5' wide instead of the standard 4' and will require the adjoining curbs to be a 6" vertical design along this section instead of the standard 3" rolled curb. The vertical curb promotes pedestrian safety and minimizes cars parking on the sidewalks. To minimize maintenance difficulties, the retaining wall needs to be moved to the edge of the sidewalk so there is no narrow grass strip to maintain between the wall and the sidewalk. On the north side of the right-of-way the plan calls for a privacy fence behind the adjoining townhouses. This was recommended by the city to minimize the loss of privacy to the residents of these dwelling units. Both the retaining wall and the fence need to be placed in appropriate permanent maintenance easements to the subdivision trustees for these improvements.**

2. Streetlights Required (Article II, Sec 25-29, 25-29.5): **A streetlight is shown on the submitted plan between lots 1 and 2 but this location does not meet the 250' maximum spacing requirement of this section. The existing light on the southeast side of Westglen Village Dr. will illuminate the intersection, but the next light 250' up the roadway should be located in front of lot 9 at the east property line and the third light should be in the island at the end of the cul-de-sac. This provides proper illumination of the street and comes very close to meeting the ideal spacing requirements.**

3. Deed Restrictions (Article II, Sec 25-30(a)): There are no deed restrictions on record in Ballwin's files for 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)): The required information appears to have been provided.

5. Street Lines (Article II, Sec 25-30(b) (2)): The required information appears to have been provided.

6. Streetlights (Article II, Sec 25-30 (b) (3)): Streetlight locations were addressed in number 2 above.

7. Underground Utilities and Structures (Article II, Sec 25-30 (b) (4)): Existing locations of the proposed storm and sanitary sewers and the water line, gas, telephone, cable and electricity in the Westglen Village Dr. right-of-way appear to have been shown.

8. Dedications (Article II, Sec 25-30 (b) (5)): Based upon the general notes on page 2 of the submitted plans, the proposed right-of-way and all improvement are to be built to Ballwin standards

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.

It has been common practice for many years in Ballwin to ask single family infill sites to provide fifteen foot wide no-grade zones along the perimeter property lines. The purpose of the no-grade zones is to preserve the existing screening vegetation in these areas for the eventual owner of the new houses to decide if it should be retained or removed. The vegetation that commonly grows along these property lines frequently provides a significant visual barrier between the adjoining properties. The intent of these zones is not to create a permanent deed restriction; they are only proposed as a limit on the grading plan of the developer to give the owner of the new properties the opportunity to decide if the vegetation should be retained. As is the case on private property anywhere in town, owners may dig or grade anywhere in their yards and remove any vegetation if they choose to do so. **The establishment of such zones is typically predicated on the existence of similar closely-adjoining land uses. In this case, the adjoining developments are multiple family and common ground areas and in most cases the nearest dwellings are significantly removed from the proposed new houses. The only nearby residential structures are the townhouses at the northeast corner of the site. There is very little vegetation to be preserved in this area. In fact, the vegetation along all of the property lines is predominantly mature trees. The area under the trees has generally been cleared and mowed to the property lines. The grading plan calls to preserve the trees along the north side of the north east corner of the site. The vegetated area along the east side of the northeast corner shows some reduction in scope, but the trees that form this vegetated**

area are right on the property line and will probably not be disturbed by the proposed grading. There is very little vegetation screening to preserve anywhere along the perimeter of this site, so establishing no-grade zones may not be in order 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 and preliminary detention computations have been provided. 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. This is typically done as an administrative step prior to the issuance of a subdivision permit as long as the submitted preliminary plans show improvements that are consistent with current design parameters.

A recent development proposal for this same property showed elaborate water quality and detention facilities adjacent to the entry roadway in the right-of-way that were required by MSD that are not shown on this submittal. According to the design engineer, MSD is no longer requiring these facilities, but it has required the use of pervious pavement for the sidewalks along the entry roadway. This kind of pavement requires extensive excavation to accommodate a granular base detention and associated unknown long-term maintenance responsibilities. I recommend that these sidewalks be placed in a permanent easement to the subdivision trustees for the perennial use and upkeep of these facilities.

14. Size of Proposed lots (Article II, Sec 25-30 (b) (11)): 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 reviewed as a part of the final development plan approval. A plan note states that all improvements will be built to Ballwin standards.

17. Grade of Streets (Section 25-92): This section stipulates a target for the longitudinal grade of the street at 6%. Steeper grades are sometimes required due to unusual topographical or physical conditions of a site and may be permitted in such unusual circumstances subject to the review of the city engineer. The 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 appears to comply with this requirement.

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; the location of the street cannot really be anywhere other than where it is proposed without obtaining access from of adjoining property owners. Present development regulations do not require petitioners to explore access options that require the cooperation of adjoining property owners.

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, and the site is so small, it is assumed that the petitioner proposes to pay a fee in lieu of dedication. Based upon formulae in the subdivision ordinance this fee will be \$37,878.48 or \$4,208.72/lot if the recreation operation / development contribution mechanism is used. If the percentage of purchase price mechanism is utilized, the petitioner will have to provide documentation of the purchase price to justify the contribution amount.**

Although nothing has been submitted, the petitioner's representative asked if it could offer the contribution of another parcel of land instead of the land dedication required by section 25-121 of the Subdivision ordinance. The present language of this section states "All subdividers or developers of residential property shall provide for reasonable and adequate amounts of open space parks and recreational facilities with in their developments." The dedication of a parcel not within this development does not meet this ordinance language requirement.

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 PSD report (Z13-11). **There are few such features to save on this site. A few of the mature trees shown on the submitted plans are shown as being saved.**

Planning Concerns:

The petition review report for the accompanying zoning petition (Z13-11) has comments relative to this development and the implications of the 2007 Comprehensive Community Plan. Those review comments are not repeated here, but the issues with the sidewalk, wall and fence construction and the associated maintenance and use easements along the entry roadway need to be clearly addressed in both the record plat and the final development plan.

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 to the preserved vegetation.

2. A land disturbance (grading) permit is required prior to any grading, mining, filling or clearing work. In order to obtain a land disturbance 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 also 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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