



# STAFF REPORT

## Board of Aldermen

### A RESOLUTION APPROVING A PRELIMINARY SUBDIVISION PLAT FOR STONE VALLEY ESTATES SUBDIVISION BRANSON, MISSOURI.

**DATE:** MAY 24, 2022

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**Initiated By:** Planning and Development

**Approved By:** *Lisa Westfall*

**Financial Impact:** No Impact/Not Applicable

**Community Plan 2030:** LU-3:Infill & Redevelopment

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#### **FACTS:**

A Subdivision Application has been received from Gregg Richards of LGR Design & Drafting, on behalf of Stone Valley Development, LLC, for a Preliminary Subdivision Plat for Stone Valley Estates in Branson, Missouri. This property is located north of Lakehills Drive, west of Branson Hills Parkway and south of the Branson RecPlex. The portion of the Stone Valley Estates property included in this request is zoned as the Branson Hills Planned Development (PD), is currently undeveloped and contains approximately 1.92 acres, more or less.

More specifically, the applicant is requesting a Preliminary Subdivision plat to create 11 lots, with two lots dedicated to open space. Based on 9 proposed residential units at a rate of three persons per unit, the subdivision is required to provide at least 0.54 acres of open space, with up to half of the required open space being private. While the applicant has proposed approximately 0.38 acres of public open space to fulfill this requirement, they can only take half or 0.27 acres. They have elected to pay the other 0.27 acres as a proposed payment to the park board. Therefore \$4,050.00 will be payable, if accepted at final plat.

Mathematically:

9 lots x 3 people per code = 27 people

27x (20acres/1000 people) = 0.54 acres required

Developer provided 0.38 acres of private which up to half is allowed  $(0.54/2) = 0.27$  acres is the reduction factor.

Therefore, as the developer is choosing (0.54 required -0.27 reduction factor) \*15,000.00=\$4,050.00 will be proposed payment to the Park Board. The 4/19/22 Advisory Park Board meeting was cancelled due to a lack of a quorum. Then the 5/17/22 Advisory Park Board meeting was cancelled due to a lack of a quorum. This item will be presented to the Advisory Park Board during the June, 2022 meeting. The results will then be presented with the Final Plat.

A written agreement regarding maintenance of the open space dedication shall be provided prior to the submission of the final plat. The current repairs to the sewer main shall be made, inspected,

tested, and as-builts provided prior to the submission of the final plat.

Staff recommends approval of the request. The Planning Commission recommended approval of the preliminary plat during the May 3, 2022 meeting with a unanimous vote of 7 Ayes to 0 Nays, as Commissioner Gregg Richards recused himself.

### **DETAILED ANALYSIS:**

Branson Municipal Code Section 94-8 Subdivisions

(d) Major subdivision review.

(1) Generally. All major subdivisions are processed in two stages: 1) the preliminary plat, and 2) the final plat. The final plat can only be filed with the city for review and processing after the preliminary plat has been approved or conditionally approved by the board of aldermen. Specific procedures for preliminary and final plats are outlined below.

(2) Preliminary plat application process.

a. Prior to filing a preliminary plat for review, an applicant may submit the preliminary plat for pre-application review. As far as may be practical on the basis of the preliminary plat, the planning and development director will, in writing, advise the applicant as promptly as possible of the extent to which the proposed subdivision conforms to the design standards in this section, and will discuss possible modifications that may be necessary to secure conformance.

b. An applicant shall be required to submit an application for a preliminary plat on forms available from the planning and development department along with the applicable fee as provided in the city fee schedule. The application shall include a certified preliminary plat and shall be submitted at least 30 days prior to a regular meeting of the planning commission at which consideration is requested.

(3) Preliminary plat application content.

a. Proposed name of subdivision. Names shall not duplicate or too closely resemble names of existing subdivisions.

b. Location of boundary lines in relation to section, quarter section, or quarter-quarter section lines, and any adjacent corporate boundaries comprising a legal description of the property.

c. Names and addresses of the developer and the surveyor, engineer, or landscape architect preparing the preliminary plat.

d. Scale of plat, one inch equals 100 feet, except a scale of one inch equals 200 feet shall be used where the size of the ownership is such that an unwieldy sheet size would be required.

e. Date and north point.

f. Existing conditions on the proposed subdivision site and adjacent to the site within 200 feet of the property lines.

g. Locations, width, and name of each existing or platted street or other public right-of-way, railroad and utility easement, parks and other public open spaces, and permanent buildings within or adjacent to the proposed subdivision.

(i) All existing sewers, water mains, gas mains, culverts, or other underground installations within the proposed subdivision or adjacent thereto, with pipe size, grades, and locations shown.

(ii) Names of adjacent subdivisions and owners of adjacent parcels of unsubdivided land.

(iii) Topography, unless specifically waived, with contour intervals of not more than two feet, refer elevation to United States Geological Survey (USGS) datum; also the locations of watercourses, floodplains, ravines, bridges, lakes, and wooded

areas, approximate acreage, and such other existing features as may be pertinent on the site and adjacent to the proposed subdivision. In areas where grades are gentle, the planning and development director may require a lesser contour interval.

(iv) Special features such as ponds, dams, steep slopes, or unusual geology, or unusual history,

such as former dumps, fill areas, or lagoons, must be identified by the applicant. The applicant will be required to provide professional analysis of these conditions to address questions related to the proposed subdivision.

h. Proposed development:

- (i) The general location, width, and name of proposed streets, roadways, alleys, pedestrian ways, and easements. Street names shall not closely duplicate or resemble names of existing streets.
- (ii) The general location and character of all adjacent existing public utility lines, including sewers (storm and sanitary), water lines, and power lines.
- (iii) The general location, footprint, and volumes of all detention, retention, or low impact development.
- (iv) Layout, number, and approximate dimensions of parcels.
- (v) Location and size of proposed parks, playground, churches, school sites, or other special uses of land to be considered for public use or to be reserved by deed or covenant for the use of all property owners in the subdivision. Off-site impacts of preliminary plats will be evaluated. The applicant may be required to furnish engineering studies or revised layouts in response to identified off-site impacts.

i. A vicinity sketch (location map), at a legible scale to show the relation of the plat to surroundings, shall be shown on the preliminary plat. Utility connections too remote to be shown on the preliminary plat shall be shown on this sketch.

(4) Preliminary plat review and approval.

a. The planning commission will recommend action on preliminary plats to the board based on the planning commissions' review of the following criteria:

- (i) Evidence of substantial compliance with the purpose and intent provisions of these regulations and the zoning code;
- (ii) Consistency with the adopted comprehensive plan;
- (iii) Physical suitability of the land for the proposed development or subdivision;
- (iv) Compatibility of the subdivision design and development intensity with surrounding land uses;
- (v) Whether there are adequate facilities available to serve the development as designed;
- (vi) Evidence of approval by the appropriate utilities, including water and sewer;
- (vii) That the general layout of lots, roads, driveways, sidewalks, utilities, drainage facilities, and other services within the proposed subdivision are designed in a way that minimizes the amount of land disturbance, maximizes the amount of open space in the development, preserves existing trees, vegetation, riparian

areas, and other natural features, protects critical wildlife habitat, and otherwise accomplishes the purposes and intent of these regulations.

(viii) Evidence that provision has been made for a public sewage disposal system.

(ix) Evidence that all areas of the proposed subdivision which may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified by the applicant and that the proposed use of these areas are compatible with such conditions.

(x) Provision has been made for assumption of responsibility for maintaining all roads, open spaces, and other public and common facilities in the subdivision.

(xi) As applicable, the proposed phasing for development of the subdivision is rational in terms of available infrastructure capacity and financing.

b. Approval or disapproval of the preliminary plat will be by board resolution, a copy of which will be conveyed to the applicant in writing after the meeting of the board at which such plat was considered. In case the plat is disapproved, the applicant shall be notified of the reasons for such action and what requirements will be necessary to meet the approval of the board.

c. The approval of the preliminary plat does not constitute an acceptance of the subdivision, but is deemed to be an authorization to proceed with the preparation of the final plat.

## Branson Municipal Code Section 94-119 Open Space Dedication

(a) Purpose. The purposes of open space dedication and the requirements of this section are to:

- (1) Preserve land for open space and recreational opportunities, preferably in a natural or semi-natural state, in perpetuity for the enjoyment of residents and visitors;
- (2) Support the creation of a well-connected, non-vehicular transportation system in order to provide choices for bicyclists and pedestrians;
- (3) Serve environmental, scenic, and agricultural purposes, and provide habitat for wildlife; and
- (4) Ensure that dedicated open spaces are located on suitable and unencumbered land that is not leftover, remnant, or otherwise unusable land that was not appropriate for the overall subdivision design.

(b) Open space dedication required.

(1) All residential subdivisions shall, as part of the final plat process, dedicate land or an equivalent cash-in-lieu payment for open space for public use. This requirement shall apply to newly platted areas as well as areas that are being replatted. Final determinations as to dedication of land, including location thereof, or acceptance of cash-in-lieu thereof, shall be made by the board, upon recommendation by the park board and planning commission.

(2) The provisions of this section are minimum standards. None of the sections previously set out shall be construed as prohibiting an applicant from dedicating or reserving more land for recreational purposes than required by this section.

(c) Open space shown on preliminary plat. Land areas proposed for dedication shall be shown on the preliminary plat for consideration by the city as part of the review and approval process. Dimensions, location, and topographic features of the proposed open space shall be shown on the plat to permit a thorough review and determination of the flexibility and usability of the property. Prior to approval of a preliminary plat proposing the dedication of open space, the park board shall review and make a recommendation on the acceptance of the proposed dedication.

(d) Calculation of required open space.

(1) Public open space. The area of such open space for public use shall be based upon a calculation of the anticipated residential population of the subdivision when fully developed, as follows:

a. The area/population shall be at the rate of 20 acres of park land per 1,000 persons.

b. Such population shall be determined on the basis of three persons per family unit for development on single-family and two-family development, and two persons per family unit in other multiple-family areas.

(2) Private open space.

a. In some cases, private open space may be provided in a proposed subdivision to meet up to half of this requirement. Such space is to be privately owned and maintained by the future residents of the subdivision and such areas shall be termed as open space reservations. Such reservations of open space shall be subject to the following standards:

(i) Yards, court areas, setbacks, and other open areas required to be maintained by the Code shall not be included in the computation of such private open space;

(ii) The private ownership and future maintenance of the open space shall be adequately provided for by written agreement;

(iii) The use of the private open space shall be restricted for park and recreational purposes by recorded covenants which run with the land in favor of the future owners of property within the tract, and which cannot be defeated or eliminated without the consent of the city;

(iv) The proposed private open space shall be reasonably adaptable for use of park and recreational purposes, taking into consideration such factors as shape, topography, geology, access, and location of the private open space land; and

(v) The open space reservation will be applied toward meeting no more than one-half of the dedication requirements as calculated in this section.

b. In order to ensure that the city is protected from future maintenance of such private open space, a copy of the private restrictions is required for future reference by the city and shall be submitted with the final plat or condominium split application. In cases of condominium units, common elements are as defined in this chapter, and include common land (as in residential development), and other parts of the condominium property necessary or convenient to its existence, maintenance, and safety, or normally in common use and described or provided for in the declaration.

(e) Location of required open space. All plats should provide for the dedication of open space at locations designated in the parks and open space element of the comprehensive plan, or any other master plan adopted by the city. Further, the city shall review and evaluate proposed dedication based upon the criteria and standards contained in such document. If a proposed dedication does not meet the criteria and standards, it may be rejected.

(f) Dedication of land or payment of cash in-lieu of dedication.

(1) The dedication of land for public use shall be conveyed by the applicant in fee absolute title by warranty deed to the city. Such land shall be free of liens, special assessments, and other encumbrances, and shall have all taxes paid to the year of dedication. The location of boundaries of such land shall be marked with permanent monuments in accordance with this chapter.

(2) Payment of cash-in-lieu of such dedication shall be at the rate of \$15,000.00 per acre for required park land based upon acreage requirements as calculated by the formula in this section. If this rate is not acceptable to the applicant, the values per acre shall be determined by an appraiser, agreed upon between the applicant and the city, or, failing such agreement, by a real estate appraiser's commission consisting of one appraiser appointed by the applicant, one appraiser appointed by the city, and a third appraiser to be appointed by previously appointed appraisers, which decision by a majority shall be controlling. Reasonable compensation of the appraisers shall be paid by the applicant. The amount so determined shall be paid prior to approval of the final plat.

### **BACKUP DOCUMENTATION:**

Staff Report Exhibit 1 - Subdivision Application

Staff Report Exhibit 2 - Vicinity Maps

Staff Report Exhibit 3 - Park Board Memo

Staff Report Exhibit 4 - Resolution SD22-5

Staff Report Exhibit 5 - Preliminary Plat

Staff Report Exhibit 6 - Ordinance NO 2005-207

Staff Report Exhibit 7 - Ordinance NO 2014-0128