



CITY COUNCIL AGENDA ITEM

To: Mayor Graham and City Council
From: Ted Shekell, Planning Director
Walter Denton, City Administrator
Date: December 22, 2005
Subject: 1) Ordinance No. ____: An Ordinance Annexing the Territory Known as Heritage Knolls Subdivision (2nd Reading)
2) Ordinance No ____: An Ordinance Zoning the Heritage Knolls Subdivision (2nd Reading)
3) Resolution No ____: Authorizing the Mayor to Sign an Annexation Agreement
4) Resolution No ____: Approving the Preliminary Plat of Heritage Knolls Subdivision.

List of committees that have reviewed: At its meeting on December 12, 2005, the Community Development Committee reviewed and unanimously recommended approving the zoning and annexation of this subdivision. A draft annexation agreement was provided to the Council at its Dec 19 meeting, although a vote on the annexation agreement and preliminary plat was not tentatively scheduled until Jan 3, 2006.

Background: At the two CD meetings prior to the Dec 12 meeting, concerns were raised by property owners living near the proposed development. These concerns involved the location of certain portions of the development over their private access easements and driveways, as well as their private water service lines. The developer was unable to reach accommodation with the neighbors through their original proposal, so the developer revised the subdivision plans to accommodate the existing private driveways by placing them in outlots and in proposed street rights of way. The private water service lines are apparently not located within any easements so they would be relocated out of the developer's property, with O'Fallon water service being provided through the subdivision to them at no cost. At the meeting on Dec 12, the residents stated they had no outstanding concerns given the redesign of the subdivision, although they did question the drainage plan for the subdivision and how it would work. They were told the City's stormwater requirements would be enforced in the subdivision, and the outlots shown in the development would be used for detention.

At the Council meeting on December 19, 2005, Jack Holshouser, resident near Heritage Knolls, asked the Council to consider approving an alternate park dedication plan that would move the park from being centrally located within the development to the far western edge of the proposed development near the homes of the objecting residents. This had actually been proposed by the developer initially and rejected by City staff planning, park, and engineering staff. The City's park dedication ordinance requires parks be centrally located within a development, which this did not meet. The developer subsequently redesigned their subdivision around the park, using it as a centerpiece for the development. With its location it will also have the potential to become a much larger park as the area north of Heritage Knolls develops.

The City has also created language for the Annexation Agreement (Paragraph 13 of the agreement) that gives the City authority to enforce maintenance of all common areas, including detention ponds, in the event of a default in their maintenance by the Homeowners Association. It includes authority to establish an SSA for the purpose of paying for such maintenance.

At the last Council meeting, there was also some discussion regarding the applicability of the City's Comprehensive Plan to this area. While the land use map itself shows the area to be rural residential/agriculture, the text of the Plan

addresses the possible change of the land use in this area if sewer suddenly becomes available through Caseyville Township Sewer District. **The following excerpt is from Section 8.5.3 from the 2001 Comprehensive Plan:**

"The land between Porter and Simmons Road, Fairwood Hills, and Oberneufmann Road is largely suitable for low-density single-family residences. This is due to the close proximity to the existing corporate limits, existing water and sewer utilities, quick access to I-64, and ease of providing public safety services. The (area) to the west of Porter-Simmons Road should remain primarily rural residential land use, at least for the immediate future. The area is in the Caseyville Township Sewer District facility planning area; however, there is no sewer service available. Providing sewer service in this area is currently cost prohibitive without developer participation. This is shown in more detail in the sewer services section of the Plan. If sewer becomes available in this area, then low-density residential would be recommended from Porter/Simmons to Old Collinsville Road, north past Milburn School Road."

It should be remembered that development in this area is subject to Village of Caseyville water, Caseyville Township Sewer, and County Zoning, along with our 1.5 mile subdivision review authority.

Legal Considerations, if any: None

Budget Impact: The annexation fee of \$ 2,250 per lot x 407 units = \$ 915,750. The applicant has a park obligation of 6.9 acres, 5.9 acres which will be dedicated as a City park, with the remaining balance of one acre being taken care of through a fee in-lieu of in the amount of \$51,000. These two fees will, at build-out, total \$ 966,750.

To reconstruct Pausch Road off-site from the development parcel south toward Bluffs at Ogle Creek, the developer has proposed to reconstruct that portion of Pausch for annexation fee credits. As of the date of this memo, we have not received an estimate from the developer's engineer, TWM, for this reconstruction. This estimate is expected well before the Council meeting on Jan 3.

Staff recommendation: Tentative Approval of the Annexation Agreement and Preliminary Plat, and the 2nd Readings approving the zoning and annexation of the land. We are still waiting on two items from the developer – 1) preliminary plans showing the realignment for Pausch Road (Exhibit E in the Agreement), and 2) cost estimate for Pausch Road reconstruction. If we do not receive these in a timely manner, we will recommend pushing the vote on the Annexation Agreement and Preliminary Plat off until Jan 16.