



February 20, 2018

## CITY OF ROCK HILL

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### **CITY OF ROCK HILL MINUTES FOR THE BOARD OF ALDERMEN MEETING TUESDAY, FEBRUARY 20, 2018 7:00 P.M.**

- 1) Mayor Mahan called the meeting to order at 7:00 p.m. and led everyone in the Pledge of Allegiance.
- 2) The Mayor called the roll and the following members of the Aldermanic Board were in attendance: Mr. Robert Weider, Mr. Ed Johnson, Mr. James Killion, Ms. Mary Wofford, Ms. Sabrina Westfall, and Mr. Philip Scherry.
- 3) **Citizens to Address the Board:** none
- 4) **Announcements, Presentations, Proclamations, Communications & Invitations:** none
- 5) **Public Hearing:**
  - a) **2018/2019 Budget**

Mayor Mahan opened the public hearing at 7:02 p.m.

City Treasurer Sandy Stephens spoke on the budget. Staff entered into the record the public hearing notice and the affidavit of publication. The proposed Rock Hill budget for 2018-2019 includes all governmental funds.

Mrs. Stephens asked if there were any questions from the Board.

Mayor Mahan asked if there were any questions from the public or the Board.

Hearing no questions, Mayor Mahan closed the public hearing at 7:05 p.m.

- b) **Hudson Heights Public Hearing: A request to rezone 9841 Hudson Ave., 9839 Hudson Ave., 9837 Hudson Ave., and 1116 Gilbert Ave. (rear) from “A” Residence District to “PD-R” Planned Development – Residential District.**

Mayor Mahan opened the public hearing at 7:06 p.m.

City Administrator Jennifer Yackley entered into the record the public hearing notice, the affidavit of publication, the Planning and Zoning Minutes from January 2017, the staff report, and the City file.

Ms. Yackley explained that James Brennan of McKelvey Homes, LLC has submitted a request for change of zoning for the following parcels: 9841 Hudson Ave., 9839 Hudson Ave., 9837 Hudson Ave., and 1116 Gilbert Ave. (rear) for a total of 2.44 acres. The property is currently zoned “A” Residence District. The petitioner is requesting to rezone the 2.44 acres to “PD-R” Planned Development-Residential.

Both 9841 Hudson Ave and 9839 Hudson Ave are used as single family residences. 9837 Hudson Ave and 1116 Gilbert (rear) are both vacant parcels. The petitioner is seeking to rezone the four parcels to “PD-R” Planned Development-Residential in order to accommodate 10 individual lots each with a single family residence. Single family residences are permitted uses in the “PD-R” Planned Development-Residential District.

The subject area is adjacent to single family residences on the north, west and east sides. Hudson Ave. is on the south side of the area. Across Hudson Ave. to the south are additional single family residences. The proposed project would be an infill development project.

The city’s Planned Development District was enacted to provide developers flexibility in design and zoning regulations in return for innovative and enhanced developments that would not be possible if the property were developed under the city’s conventional zoning districts. The petitioner is requesting relieve from the conventional area regulations in the “A” Residence District due to the irregular shape of the assembled property. The city code allows the petitioner to deviate from conventional area regulations if the proposed development: provides adequate and safe access to the planned development; traffic volumes do not exceed the anticipated capacity of the major street network in the vicinity; does not place an undue burden on public facilities which serve the area; and does not detrimentally impact the surrounding area, not limited to visual pollution.

The Preliminary Plan shows that the petitioner has applied the flexibility allowed for in the Planned Development-Residential District as follows: front yard setback, “A” Residence District 30 feet, Preliminary Plan 20 feet; rear yard setback, “A” Residence District 30 feet, Preliminary Plan 20 feet; side yard setback, “A” Residence District 6 feet, Preliminary Plan 5 feet; minimum lot size, “A” Residence District 7,500 sq. ft., Preliminary Plan 6,250 sq. ft. (average lot size 7,499 sq. ft.)

All of the lots provide 50’ of roadway frontage as required by the city code. Lots 2, 6, & 7 exceed the minimum lot size. Lots 6, 7, 8, & 9 have a depth that would accommodate a 30 foot rear yard setback.

Access to the development will be provided two ways. Lot 1 will front onto Hudson Ave. Lots 2-10 will front onto a new, private roadway which connects to Hudson Ave. and terminates in a cul-de-sac. The roadway will have a paved width of 26 feet within an existing 50’ access easement area. 6 parking spaces are provided on the east side of the cul-de-sac for visitors

to the development.

Three Common Ground Areas are provided as well. These areas are designed to collect storm water runoff from the development. They will be designed to MSD standards and act as bio-retention basins with grass and landscaping per MSD standards.

The Preliminary Landscape Plan provides evergreen trees as screening trees between Lot 1 and 9845 Hudson Ave., between Lots 6&7 and 1120 Gilbert Ave. (rear), the south property line of Lot 2 along Hudson Ave., and the Common Ground area and 9835 Hudson Ave. One deciduous tree is proposed in the front yard of each lot along the roadway. 4 deciduous trees are proposed along the east side of the roadway abutting 9835 Hudson Ave. Lastly, 3 flowering trees are proposed within the cul-de-sac.

As a reminder, the rezoning and preliminary plan is before the Board. If rezoning is successful, each lot would be reviewed as a site plan before P&Z.

The area is designed as Low Density Residential in the Comprehensive Plan. Single family detached dwellings are the primary use called for in Low Density Residential. Low Density Residential is designed for areas having sufficient infrastructure to support urban residential densities. The maximum residential density in these areas will not exceed 6 dwellings per acre. The subject area is 2.44 acres in size. Under this density allotment, the 2.44 acres would be allowed at least 12 houses. The petitioner is requesting 10.

The Planning & Zoning Commission met on Feb. 7<sup>th</sup> to review the petition and hear citizen comments. Based on their review and the comments provided, the P&Z voted to recommend approval with two conditions: work out an arrangement for landscaping and/or fencing with 9835 and 9841 Hudson Ave. prior to final reading of ordinance; install a sidewalk, within the right-of-way along Hudson Ave. along the development's frontage.

Mr. Brennan from McKelvey Homes discussed the proposed development and the footprints of the developments, as well as the implementation of sidewalks and streetlights. Jim Hall from Hall and Associates talked about the particulars of the zoning. He discussed the requested variances on setbacks, the common ground areas, and the storm water runoff.

Alderman Scherry asked about the side yard setbacks, specifically lots 6 & 7 and the raised elevation on the backs of the properties. Mr. Brennan advised that those are designed as walkouts and that they don't plan on doing a great deal of grading.

Alderman Johnson asked about the six parking spaces in the enclave. Ms. Yackley advised that the six spaces are along the side, not in the cul-de-sac. Mr. Johnson expressed concern about having enough parking. Mr. Brennan advised that many of the driveways were very long, and each house also

has a two car garage.

Alderman Weider asked if the homes on lots 3, 4, & 5 would all have the same front setbacks. Mr. Hall advised that each house would have the same setback in the front. If the houses were different sizes, the differences would be reflected in the back yard.

Alderman Scherry asked about the size of the rear yard setbacks of lots 7, 8, and 9. Mr. Hall advised that the rear setbacks with a 1.5 story would be 59, 53, and 53 feet, and with a ranch house would be 47, 41, and 41 feet from the back of the patio or deck.

Alderman Weider asked about the timeline for the project. Mr. Brennan advised that they would like to have the infrastructure complete by end of summer, early fall. The homes will take between 4 and 6 months to build.

Alderman Scherry asked if the city had any enforcement if the private street is not properly maintained. Mr. Brennan advised that the maintenance will fall on the homeowners association and will be part of the indenture.

Alderman Scherry asked if McKelvey has done any other work in Rock Hill. Mr. Brennan stated that they had not done work in Rock Hill, but have done work in the nearby communities.

Alderman Johnson asked if any other areas of Rock Hill had a Homeowners Association. Ms. Yackley advised that, to her knowledge, this would be the first residential Homeowners Association that would be responsible for maintaining their private street. Provided this rezoning goes through and the houses get built, the residents would receive the same police, fire, trash and parks services that all other residents in the City of Rock Hill receive. But because it is a private street, the City would not provide snow plowing and maintenance on their road, nor would the City maintain their common ground.

Alderman Wofford asked who determines if there is a problem with the street. Ms. Yackley advised that the homeowner would go to their trustees. City Attorney Paul Martin advised that the City does have some recourse if the situation cannot be resolved.

Alderman Scherry asked, thirty years from now, what the process would be if they wanted to turn the grounds over to the City. Ms. Yackley advised that they would have to request from the Board of Aldermen that the City take that on.

City Attorney Paul Martin asked about the closeness of Lot 1 to the property to the west. Mr. Brennan advised that they have reached an agreement with the homeowner to put up a fence. The distance between the two homes is about 19 feet between the two structures.

Alderman Westfall asked about Lot 1 being part of the HOA but not having direct access to the private street. Mr. Brennan advised that there are

advantages and disadvantages, and that they would like to make it part of the community.

Ann Spall, 9849 Hudson Ave. Discussed a piece of equipment on a trailer in front of 9841 that has no reflective material and no nearby streetlight shining on it, making it dangerous. Wants the City to consider her request made at P&Z to have a sidewalk not only on the frontage, but also along Hudson due to the increase in traffic. Has had lots of problems with water over the years and has finally had it fixed. Would like it documented that she was told that the water would flow the opposite direction from her house and there would not be a problem. Discussed the loss of trees which will impact the flow of water. Discussed the maintenance of properties that would potentially be foreclosed on.

Diane Madras, 9835 Hudson Ave. Is meeting with the developer to discuss fencing or landscaping. Would like it on record that she would like to have input into the fencing and landscaping, because deciduous trees will be difficult for her to maintain due to a disability. She would like landscaping and a fence.

Gail Abbott, 1110 Gilbert. Stated that the plan is a beautiful plan but not for this area. Does not feel that removing the trees is being a good ambassador for Rock Hill. Does not feel that the City is Homeowners Association material. Is concerned about the extra traffic the development will bring in. Is not in favor of the project.

Camille Luna, 9754 Warson Place. Is in favor of the project. Thinks this will help the area and home values, as well as the school and small businesses.

Mayor Mahan asked if there was anyone else who would like to address the Board.

Mayor Mahan asked if there were any questions from the Board.

Alderman Scherry asked if the City had spoken to the school district for their opinion. City Administrator Yackley advised that she had not, and that the City has not done that with the building of any other new homes.

Mayor Mahan asked if there were any other questions from the Board.

Hearing no further questions from the Board or the public, Mayor Mahan closed the Public Hearing at 7:55 p.m.

- 6) Minutes of Previous Meeting** – February 6, 2018. Alderman Scherry moved and Alderman Weider seconded a motion to approve the minutes for the February 6, 2018 meeting. The minutes were approved unanimously by voice vote.

- 7) Parks and Recreation Commission Report:** City Administrator Jennifer Yackley reported:

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- Commission met the first week of February and discussed the renaming of Greenwood Park. The Commission is supportive but has a couple of questions.

**8) Planning and Zoning Commission Report:** City Administer Jennifer Yackley reported:

- Met February 6<sup>th</sup> and reviewed Hudson Heights and reviewed changes to El Indio's site plan for their outdoor patio. They reviewed two new houses at 1110 N. Rock Hill Rd. and 505 Leonard. And lastly they reviewed the record plat at 519 Leonard, which is on for an ordinance this evening. The Commission recommended approval for that plat.

**9) Bills and Resolutions:** Pursuant to RSMo. 79.130, all bills and resolutions will be read by "title" only. Copies will be available to the General Public at City Hall during regular office hours.

**ITEMS TO BE CONSIDERED FOR FIRST READING:**

- a) **Bill No. 1948:** AN ORDINANCE APPROVING A RECORD PLAT, INCLUDING A BOUNDARY ADJUSTMENT, OF LOT B OF "RESUBDIVISION OF LOT 13 AND PART OF LOT 12 OF N.D. ALLEN'S SUBDIVISION" AND LOT 3 OF "RESUBDIVISION OF ROCK HILL PLACE".

City Attorney Paul Martin read **Bill No. 1948** for the first time by "title" only.

Mayor Mahan advised that the petitioner is requesting a second reading of **Bill No. 1948**.

Alderman Scherry objected to the second reading of **Bill No. 1948**, pending an explanation of the ordinance.

City Administrator Jennifer Yackley explained **Bill No. 1948**.

The Board discussed **Bill No. 1948**.

City Attorney Paul Martin read **Bill No. 1948** for a second time by "title" only.

Alderman Scherry moved and Alderman Weider seconded a motion to approve **Bill No. 1948**.

The Board discussed **Bill No. 1948**.

Members of the Aldermanic Board voting in favor of the motion were: Weider, Killion, Johnson, Wofford, Westfall, and Scherry. Motion passes with a vote of 6-0.

**Bill No. 1948** becomes **Ord. No. 1966**.

**ITEMS TO BE CONSIDERED FOR SECOND READING AND/OR ADOPTION:** none

**10) Parks and Recreation Department – no report**

**11) Public Works Department – no report**

**12) New and Old Business – Mayor and Board of Alderman:** none

**13) City Attorney's Report:** Gave a legislative update and asked for a closed session.

**14) City Administrator's Report:** New pictures are out on the ReImagine Rock Hill page. Drywall should begin soon. Masons were there last week putting the brick up. The building continues to progress.

**15) Mayor's Report:** Nothing to report.

**16) Citizens to Address the Board:** none.

**17) Closed Session:** Alderman Scherry moved and Alderman Killion seconded a motion to hold a closed meeting with closed record and closed voting, pursuant to Subsection (1) of Section 610.021, RSMo, 2004, in order to discuss confidential or privileged communications between a public governmental body and its attorneys.

The members of the Aldermanic Board voting in favor of the motion were: Weider, Killion, Johnson, Wofford, Westfall, and Scherry. Motion passes with a vote of 6-0.

**18) Adjournment:** The mayor adjourned the meeting at 8:11 p.m.

**Attested to:**

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**Edward Mahan, Mayor**

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**Amy Perrin, City Clerk**