



CITY OF ROCK HILL

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**CITY OF ROCK HILL
MINUTES FOR THE BOARD OF
ALDERMEN MEETING
TUESDAY, June 20, 2017
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. James Killion, Mr. Edward Johnson, Ms. Mary Wofford, Ms. Sabrina Westfall, and Mr. Philip Scherry.
- 3) **Citizens to Address the Board:** Janice Ether, 2516 Golden Gate. Discussed water pipe replacement in Rock Hill with Missouri American Water.
- 4) **Announcements, Presentations, Proclamations, Communications & Invitations:**
- 5) **Public Hearing:** Text amendment to Section 405.590, "Porches, Paved Terraces, etc." of the City code.

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 June 2017, the staff report, the City code, and the City file.

This public hearing is based on a request from Ellington Homes by McBride LLC to allow decks to encroach on the rear yard setback. The City's current regulations do not allow decks to encroach into the rear yard setback. The majority of lots in the City can accommodate new house construction with a deck that does not encroach onto the rear yard setback. The six lots being developed by the petitioner have a shortened lot depth, which makes it difficult to accommodate new house construction and a deck without encroaching into the rear yard setback.

The proposed language would define a deck as a flat, floored platform, not set into, but raised above the ground, having no roof or covering of any kind that is attached to the primary structure and supported by a means other than the primary structure. This is a new definition to the City code. The current code does not define decks.

Second, the regulations would prohibit decks from encroaching into the front, side, and rear yard setbacks, except if a lot has a depth of less than 115 feet, at which point a deck can encroach into the rear yard setback for a distance of not

more than 15feet, and the deck itself cannot occupy more than 30% of the required rear yard. This regulation will accommodate those lots that are atypical.

The Planning and Zoning Commission reviewed this and recommended approval with the addition of the word setback in the first line for clarity.

The Board of Aldermen discussed the proposed text amendment.

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

Hearing no questions, Mayor Mahan closed the Public Hearing at 7:11 p.m.

6) Public Hearing: Request for Special Use Permit for a child care facility at 9420 Litzsinger Road.

Mayor Mahan opened the Public Hearing at 7:12 p.m.

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

The request comes from Brianna Riley of the Vanderwall Montessori Academy. She has submitted an application for a Special Use Permit to operate a child care facility at 9420 Litzsinger Road. Ms. Riley currently resides at 9420 Litzsinger Road and provides child care as a home occupation. She is seeking the Special Use Permit to transition from a home occupation to a business. She currently provides care for up to ten children and wishes to expand to up to 20 children. Several of her current clients desire to send additional siblings to the facility. The facility currently serves children between the ages of two months and six years of age. Ms. Riley intends to keep serving this age range of children under the Special Use Permit. She has named her business Vanderwall Montessori Academy but is not accredited by any of the Montessori Oversight Associations.

The property is zoned "A" Residence District and is located at 9420 Litzsinger Road. In 1998 the Board of Aldermen granted a Special User Permit to the Children's Home Society of Missouri to use as an administrative office only. The Children's Home Society of Missouri vacated the property some time before 2011. In 2011 the property owner, Dan Slavin, submitted a request to rezone the property to "C-1" Commercial District to accommodate a photography studio, but withdrew said request after the public hearing was held. In April of 2011, Lisa and John Nordmann moved into the house and operated Nordmann Photography as a home occupation until 2015. The property is located at the intersection of Litzsinger Road and McKnight Road. The property to the east, 9414 Litzsinger Road, is a vacant lot. The property owner, Dan Slavin, also owns 9420 Litzsinger Road (the subject property), 9410 Litzsinger Road and 9405 Fredric Ct. The northeast corner of the intersection is in the City of Brentwood and is used as a residential care facility for the Children's Home Society of Missouri. The northwest and southwest

corners are located in Ladue and are used as Tilles Park and the Church of Christ-McKnight Road respectively.

The existing building is a three story house and 3,042 square feet in size. There is an existing fenced in play area at the rear of the house. There are nine existing parking spaces in the rear of the property and one "holding" parking spot. The petitioner intends to revise the existing parking stalls to conform to the required parking dimensions and aisle width for 90° parking. The revision is shown on the site plan. The site plan also shows additional parking the petitioner intends to install as part of a 3 year plan.

The property is accessed by a single lane driveway along the east side of the property. To accommodate site circulation, clients sign-up for specific pick up and drop off times between the hours of 7:30am-9:30am and 3:30pm-5:30pm, respectively. The times are spaced ten minutes apart. The petitioner has included a traffic management plan and a traffic flow report for April-December 2016.

The petitioner has a long term plan to extend the driveway to connect to McKnight Road. This would create a one way condition on the driveway; entering from Litzsinger Road and exiting onto McKnight Road.

The petitioner's requested use, nursery school, is specifically listed as a Special Use in any zoning district. The zoning code does not specifically define nursery schools. However, the American Planning Association's Planner's Dictionary does provide several examples of definitions for nursery schools. All of the definitions include the day time instruction of children who are of pre-school age. Additionally, the dictionary references nursery schools as an analogous example when defining child care and day care centers. Based on this information, staff concludes that nursery school is the appropriate use designation for the Vanderwall Montessori Academy.

The petitioner proposes to increase their staff by two people; bringing the total number of staff to five. Hours of operation would be 7:30am-5:30pm and are consistent with the current hours of operation.

Staff suggests the following criteria be added to the Special Use Permit:

1. The changes to the existing parking lot: changing the parking stall length to 18 feet and changing the drive aisle to not less than 25 feet shall be completed prior to the issuance of a Business License.
2. The facility is limited to a maximum of 20 children.
3. If the proposed traffic management plan is inadequate to prevent traffic problems along Litzsinger Road, the city may require additional measures be taken by the petitioner up to and including the construction of the proposed long term improvements, as shown on the submitted site plan, ahead of the petitioner's desired three year plan.

The Planning and Zoning Commission reviewed the request at their June 7th meeting, and recommended approval with the conditions suggested by staff.

Alderman Scherry asked if a separate state license is required to increase the

number of children. Ms. Yackley responded that, after talks with Ms. Riley, the first step is obtaining the Special Use Permit from the City. If that is approved, the licensing process with the State can be expected to take about a year.

Alderman Scherry asked if anyone has had a conversation with St. Louis County about the driveway going through all the way to McKnight, since that is a County road.

Ms. Riley said that she has not, but she has hired architects that have worked with St. Louis County before and they have designed it to avoid any traffic snarls.

Alderman Scherry asked if the State license can be added as a condition of the Special Use Permit.

Ms. Riley responded that she can only apply for the State license if she has received the Special Use Permit.

City Attorney Paul Martin advised that the Special Use Permit can be contingent upon acquisition of the State license.

Ms. Riley addressed the Board of Aldermen and stated that there are a lot of families in the Rock Hill and Brentwood areas that need child care, and that infant care is difficult to find. She presented information on other child care in the area and advised that it is her goal to maintain the integrity of the neighborhood.

Alderman Johnson asked if the property would still be residential and if anyone would be living there.

City Administrator Jennifer Yackley explained that the zoning would not change. The Special Use Permit runs with the entity they are granted to. Once the entity no longer uses the property as the permit was granted, the Special Use Permit is no longer valid. Under the Special Use Permit, there would not be anyone living at the property.

Alderman Westfall asked if the terms of the Special Use Permit prevent her from living in the house.

Ms. Riley responded that the state license does not allow her to live in the house. The Special Use Permit does not preclude her from living there, but once she is granted a state license she will be required to move out.

Alderman Scherry asked about the requirement of the addition of the driveway and what will happen if St. Louis County won't allow it.

City Administrator Jennifer Yackley explained that, if traffic becomes an issue, the City can expedite the long-term driveway plan.

Ms. Riley explained that the one presented is their primary and best site plan,

but they do have a backup plan to widen the driveway if they cannot extend it.

Mayor Mahan advised that he will call speakers up individually and they have 3 minutes to speak.

Blake Thornton, 403 Oak. Spoke in support of the issuance of a Special Use Permit.

Calvin Hwang, 2709-C Laclede Station. Spoke in support of the issuance of a Special Use Permit.

Angie Hwang, 2709-C Laclede Station. Spoke in support of the issuance of a Special Use Permit. She said that traffic is never an issue during drop off or pickup.

William Bunn, 9375 Tilles. Spoke against the issuance of a Special Use Permit due to an increase in traffic and trash and that it would allow the avoidance of paying commercial taxes.

John Deichmann, 9392 Golden Gate. Spoke against the Special Use Permit due to the property being empty at night and the potential storm water issues.

Katherine Spal, 9130 Lawn Ave. Spoke in support of the issuance of a Special Use Permit and advised that the Special Use Permit does not follow Dan Slavin. Has had only one problem with traffic in the past year.

Elizabeth Chang, 47 Provincial Court. Spoke in support of the permit.

Kara Muhle, 9420 Litzsinger. Spoke in support of the permit. Stated she has never experienced any traffic problems and they would fit in with the small community of churches and schools.

Dennis Critzas, 9341 Sutton Ave. Stated that a few more children will not add to traffic, but was concerned that the property would not remain residential.

Tere Keehn, 9393 Golden Gate. Expressed concern that the property will not be residential in the future and that changes to the property and building will make it unable to be a residence after those changes are made.

Kevin Wilde, 9129 Madge Ave. Spoke in support of the permit. Stated that there are waiting lists at every school and that the permit only applies to Brianna and that the property owner would not be able to apply the permit to his other properties. The facility is geared towards teaching children and the high rent would preclude it from being used as a residence. The structure limits the number of children to 20, any more would require a new building.

Trae Halkins, 2912 Victar St. Spoke in support of the permit. Said the work being done at Vanderwall Montessori is a great testament to the community, and that daycares are anchors in communities. Stated that the permit cannot be used for anyone or anything else.

Ms. Riley advised that she understands the community's concern about Dan Slavin trying to turn the property commercial. She stated that she has signed a 10-year lease with Mr. Slavin pending approval of the Special Use Permit and the state licensing, and that she is a keystone to keeping the commercialization of the area from happening because she will be occupying the whole strip of property up to McKnight Road.

Christina Zebrowski, 4435 Shaw Blvd. Spoke in support of the permit. Commutes every day to Vanderwall Montessori and says there is very little affordable childcare available to growing families. Stated that the permit is only valid for Brianna's use and will benefit the community.

Kathleen Navin, 9401 Fredric Ct. Asked for more information about the extension of the driveway.

City Administrator Jennifer Yackley stated that the driveway would not extend to Fredric Ct.

Ms. Navin asked if the permit was for the house or for the land.

Ms. Yackley advised that the permit is for Brianna and her business.

Emily Seitz, 2443 Cecelia Ave. Is on the waiting list for Vanderwall Montessori and said that all the schools in the community have a long waiting list and there is a lack of available childcare in the community. Adding more children would bring more people into the community and make more people want to live there.

Diahne Heyl, 9382 Tilles Dr. Asked if the house would ever be able to revert back to a home if this business would ever leave and asked what would happen to the interior of the house.

City Administrator Jennifer Yackley advised that changes to the interior of the house are controlled by the state licensing for daycare and the Special Use Permit does not dictate how the interior of a house can or cannot be changed.

Janice Ether, 2516 Golden Gate, asked how long Ms. Riley had been renting from Mr. Slavin.

Ms. Riley answered that she has been renting for two years.

Ms. Ether asked if the property extended all the way to Golden Gate.

Ms. Yackley answered no.

Ms. Ether stated that she is worried about the appraisal value of her home and the neighborhood. Asked why they can't choose another location.

Mayor Mahan asked if there were any more comments from the public.

Ken Keehn, 9393 Golden Gate. Is opposed to any more special permits for the

property. Wants more residents in Rock Hill, not more business. Is concerned about the pedestrian traffic and what else will be built on the property.

Hearing no further comments or questions, Mayor Mahan closed the Public Hearing at 8:12 p.m.

City Administrator Jennifer Yackley made a procedural statement that the Board would not be making a decision on the issue this evening. This was only a Public Hearing. The first reading of the ordinance will be on July 18th, which will be the first time the Board will take the issue up.

7) Minutes of Previous Meeting – June 6, 2017. Alderman Scherry moved and Alderman Weider seconded a motion to approve the minutes for the June 6, 2017 meeting. The minutes were approved unanimously by voice vote.

8) Parks and Recreation Commission Report: Parks and Recreation Director Al Hayden reported:

- Met at Hensley Park at June 15th.
- Discussed
- July 20th at Oakhaven Park.

9) Planning and Zoning Commission Report: City Administrator Jennifer Yackley reported:

- Planning and Zoning Commission met on June 7.
- The two items on the agenda were both on for Public Hearings this evening.

10) 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 1942: AN ORDINANCE REPEALING AND REPLACING SECTION 405.770 “SITE PLAN REVIEW” OF THE MUNICIPAL CODE OF THE CITY OF ROCK HILL.**

City Attorney Paul Martin read **Bill No. 1942** for the first time by “title” only.

ITEMS TO BE CONSIDERED FOR SECOND READING AND/OR ADOPTION:

b) **Resolution 17-21: A RESOLUTION OF THE BOARD OF ALDERMEN OF THE CITY OF ROCK HILL, MISSOURI REAPPOINTING DAVID LANCASTER AND LARRY SCHNEIDER TO THE PLANNING AND ZONING COMMISSION EACH FOR A FOUR YEAR TERM.**

City Attorney Paul Martin read **Resolution 17-21** by “title” only.

Alderman Scherry moved and Alderman Weider seconded a motion to approve **Resolution 17-21**.

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The motion to approve **Resolution 17-21** was approved unanimously by voice vote.

- c) **Resolution 17-22: A RESOLUTION ACCEPTING A LOCAL RECORDS PRESERVATION GRANT FROM THE MISSOURI SECRETARY OF STATE'S OFFICE IN THE AMOUNT OF \$2,938.00 FOR THE ARCHIVAL OF PERMANENT CITY RECORDS.**

City Attorney Paul Martin read **Resolution 17-22** by "title" only.

Alderman Scherry moved and Alderman Weider seconded a motion to approve **Resolution 17-22.**

The Board discussed **Resolution 17-22.**

The motion to approve **Resolution 17-22** was approved unanimously by voice vote.

- d) **Resolution 17-23: A RESOLUTION OF THE CITY OF ROCK HILL, MISSOURI TO ENTER INTO AN AGREEMENT WITH STIFEL NICOLAUS THAT OUTLINES THE UNDERWRITER ENGAGEMENT SERVICES THAT THEY WILL PROVIDE FOR THE CITY.**

City Attorney Paul Martin read **Resolution 17-23** by "title" only.

Alderman Scherry moved and Alderman Weider seconded a motion to approve **Resolution 17-23.**

Carl Ramey from Stifel Nicolaus explained **Resolution 17-23.**

The Board of Aldermen discussed **Resolution 17-23.**

The motion to approve **Resolution 17-23** was approved unanimously by voice vote

- e) **Resolution 17-24: A RESOLUTION AUTHORIZING AND DIRECTING THE CITY ADMINISTRATOR TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF ROCK HILL, MISSOURI AND TSI GEOTECHNICAL, INC. FOR CONSTRUCTION MATERIALS TESTING AND SPECIAL INSPECTIONS ON THE MUNICIPAL CENTER CONSTRUCTION PROJECT.**

City Attorney Paul Martin read **Resolution 17-24** by "title" only.

Alderman Scherry moved and Alderman Weider seconded a motion to approve **Resolution 17-24.**

The Board of Aldermen discussed **Resolution 17-24.**

The motion to approve **Resolution 17-24** was approved unanimously by voice vote.

11) Parks and Recreation Department – Parks and Recreation Director Al Hayden Reported:

- Day camp registration is underway.

- Continuing to prepare for Fall Festival.
- Community Garage Sale is September 16th.

12) Public Works Department – Parks and Recreation Director Al Hayden Reported:

- Working on mowing, trimming, and hot patching.
- Tomorrow will be removing the south side fence at Rock Hill Park.
- Getting equipment ready to begin work on Leonard Ave.

13) New and Old Business – Mayor and Board of Alderman: Approval of the 2017-2018 Liquor License Renewals: El Indio-Full Liquor/Sunday; Charcoal House-Full Liquor; The Wine & Cheese Place-Package/Tasting Permit; Trainwreck Saloon-Full Liquor/Sunday; Hacienda-Full Liquor/Sunday; Nachomama's-Full Liquor; Yong China-Malt Liquor By the Drink; Bandana's BBQ-Malt Liquor and Light Wine by the Drink/Sunday; Walgreen's-Package/Sunday; Ami's-Full Liquor/Sunday; CVS/Pharmacy-Package/Sunday/Tasting; Lucky's Farmer's Market-Full Liquor/Sunday; Slider House-Full liquor/Sunday; St. Louis Wing Company-Malt Liquor by the Drink; Lulu Asian Kitchen-Malt Liquor by the Drink; Farotto's Pizzeria-Full Liquor/Sunday; Katie's Pizza and Pasta-Full Liquor/Sunday; Global Brew-Full Liquor/Sunday; 7-Eleven-Package/Sunday.

Alderman Scherry moved and Alderman Weider seconded a motion to approve all liquor licenses for the 2017-2018 year, with a conditional approval for U-Gas upon receipt of all required paperwork.

The motion was approved unanimously by voice vote.

14) City Attorney's Report: Global Brew does not need a special license to sell growlers because they currently have a package license. The Froesel lawsuit was continued for trial to July 25th.

15) City Administrator's Report: Garrett Schlett reported about the street light at Fredric Ct. It will cost about \$2800, and would be added, by the suggestion of the Police Department, at 9404 Fredric Ct. It will cost \$10.31 a month to maintain.

Alderman Wofford moved and Alderman Weider seconded a motion to approve the installation of a street light near 9404 Fredric Ct.

The motion was approved unanimously by voice vote.

City Administrator Jennifer Yackley reminded the Board that the July 4th meeting is cancelled and requested the Board approve the two checks currently due to Tope.

Alderman Scherry moved and Alderman Weider seconded a motion to authorize the release of the two outstanding checks to Tope.

The motion was approved unanimously by voice vote.

Ms. Yackley thanked the CDC members for their help with the employee BBQ on Friday.

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Site work and utility work continues at the new facility site. Once they are finished, they will begin footings and foundation work, permits for which have already been issued. We have issued an RFQ for furniture vendors.

16) Mayor's Report: The Board is invited attend Kirkwood's firework celebration on July 4th and can obtain tickets and parking passes from the Mayor.

17) Citizens to Address the Board: Ron Degreefe, 9335 Fredric. Discussed Dan Slavin and his former plans to buy properties and build condos.

18) Adjournment: The mayor adjourned the meeting at 8:30 p.m.

Attested to:

Edward Mahan, Mayor

Amy Perrin, City Clerk