

City of Shrewsbury
Plan Commission Public Hearing
January 30, 2013

A meeting of the Plan Commission was held on the 30th day of January, 2013 at the Shrewsbury City Center, 5200 Shrewsbury Avenue, Shrewsbury, Missouri. The meeting was called to order at 6:30 p.m. in the Aldermanic Chambers.

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| Commissioners Present: | Carol Basler | Commissioner |
| | Mike McArthur | Commissioner |
| | Karen Diehl | Commissioner |
| | Paul Sneed | Commissioner |
| | Garen Miller | Commissioner |
| | Wayne Smith | Commissioner |
| | Tom Craddock | Commissioner |

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| Commissioners Absent: | Steve Loher | Commissioner |
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| Other City Staff Present: | Jonathan Greever | Director of Administration |
| | Matt Stoll | Code Enforcement Officer |
| | Bill Fox | Fire Chief |
| | Jim Wilder | Building Commissioner |
| | Carly West | City Clerk |

Commissioner Miller called the meeting to order and City Clerk West commenced with the roll call.

Richard Gaffney Variance Request

Commissioner Miller read item one on the agenda.

Patrick Gaffney, the contractor who would be erecting the fence, approached the podium and stated that they would like to put up a 6' fence along Laclede Station Road halfway down the property. He stated that he believed section 535.050 allowed for the variance.

Commissioner Sneed asked if Mr. Gaffney owned the retaining wall, and Mr. Gaffney stated that they did. Commissioner Sneed asked if the wall was maintained by St. Louis County and if they had a retaining wall easement done when they widened the right-turn lane at that corner. Mr. Gaffney answered yes, and Commissioner Sneed further clarified that the County built the retaining wall on Mr. Gaffney's property, but Mr. Gaffney owns the wall. Commissioner Sneed requested verification on that point, as asked if Mr. Gaffney still had the paperwork from when that was done. Mr. Gaffney answered that he did not.

Commissioner Sneed asked about the "No Parking" sign currently on the wall as the plan mentions a 4x4 clip angle along the existing pipe support. Mr. Gaffney answered that they would use the existing pipe supports and add some 4x4s to clip on. Commissioner Sneed clarified that they weren't going to be re-anchoring, just using the existing supports.

Commissioner Basler asked if they were going to be extending the fence beyond where the existing chain link fence is, and Mr. Gaffney answered that was correct and they are going to be replacing the chain link fence.

Commissioner Sneed asked if it was going to be a solid fence or if there would be gates installed. Mr. Gaffney answered that there would not be any gates.

Commissioner Sneed asked about the height of the retaining wall and the height of the sidewalk, and Mr. Gaffney stated it was about 6" different. Commissioner Sneed asked if it would be possible to make the entire fence be 6', so that the part of the fence on top of the retaining wall would be 5'6". Mr. Gaffney answered that it would not be a problem to do that.

Building Commissioner Wilder read his report and clarified that while the fence is in the back of Mr. Gaffney's house, from a zoning standpoint, it is along the front property line and requires a variance for that reason.

Commissioner Miller asked if anyone from the public would like to speak on the matter. Mr. Elmer Kauffmann stated that the corner is extremely busy and noisy, and he supported Mr. Gaffney building the fence.

Commissioner McArthur made a motion to allow Mr. Richard Gaffney to install a fence and grant a variance as requested. Commissioner Craddock seconded, and the motion passed unanimously.

Kenrick Plaza Re-Subdivision and Trianon Parkway Drive Vacation

Commissioner Miller read item two on the agenda.

Brian Noland with Carmody McDonald approached the podium to present the preliminary subdivision plat for the Kenrick Plaza lots 2 & 3. He stated that the plat had been updated since the initial submission to address two issues raised by the Building Commissioner. Director Greever clarified that the updated plat was submitted on January 24th.

Mr. Noland stated that the re-subdevelopment plat was consistent with the site plan previously presented to the Commission and approved the previous night at the Board of Aldermen meeting. He stated that they would like to consolidate the six existing parcels in Upper Kenrick and re-draw the lot lines so there would be four lots instead.

Mr. Noland stated that after the Building Commissioner reviewed their submission, two points needed to be clarified, the first of which was the new entrance point would be a private road instead of a public road. He stated that all of the parcels would have access to Watson Road via that private road. The second item was an area on the back of the site which would be dedicated to the City for public use, and this includes the cul-de-sac at the end of Trianon Parkway and the buffer zone between the residential area and the development site. Mr. Noland clarified that the cul-de-sac would be right-of-way.

Commissioner Miller asked if there were any changes in the boundaries from the initial submission, and Mr. Noland answered that all of the lot lines are consistent with the site plans. Commissioner Miller clarified that the plans are still considered preliminary. Mr. Noland confirmed and stated that he would be requesting that the Plan Commission approve the preliminary plat, which would then go to the Board of Aldermen, and pursuant to the code, would then be finalized and come back to

the Plan Commission for final approval before going back before the Board of Alderman for final approval.

Commissioner Craddock asked about the cul-de-sac and wall at the back of the site mentioned. Mike Boerding with Sterling Engineering was present and answered that the wall that would be constructed would create the elevation between the development site and Trianon Parkway. Commissioner Craddock asked if they were not going to be changing the elevation of the road, and Mr. Boerding answered that they were not.

Commissioner Sneed asked if the wall would be built on private property and not on the right-of-way. Mr. Noland answered that it would. Commissioner Sneed asked Chief Fox if he knew what the turning radius minimum was for the fire truck. Chief Fox answered that 54' was required.

Commissioner Smith asked who would be responsible for the public dedication area. Mr. Noland answered that it would be the City's responsibility. Director Greever clarified that according to the redevelopment agreement, the tree replacement provision would extend to this portion of the site, but that ongoing maintenance such as mowing the grass would be the City's responsibility. Mr. Noland stated that he believed that was correct, and the developer would put the initial landscaping in. Director Greever asked if that would include tree replacement, and Mr. Noland answered that it did. Commissioner Miller asked why that was the agreement. Director Greever answered that for the final, he would like to clarify this issue with provisions in the redevelopment agreement for tree replacement, which should be incumbent upon the developer for the replacement of the TIF. Commissioner Sneed asked why the City would be maintaining private property and why the developer wouldn't maintain this as their fronting although it is in the back. He stated that it should be the responsibility of the developer to maintain the grass.

Commissioner Sneed noted that on the plans, the radius of the cul-de-sac was 50 feet, but on one of the other site plans, the cul-de-sac has a sidewalk around it, and he asked for confirmation that it would be wide enough. Mr. Noland and Mr. Boerding approached the dais and Commissioner Sneed discussed his concerns regarding the width of the cul-de-sac and the width of the sidewalk. He stated that he would like to see on the final plans that those concerns were addressed. He also stated his concern regarding the placement of the cul-de-sac in relation to the retaining wall, the private property, and the right-of-way.

Commissioner Sneed revisited the issue of maintenance, and asked if the developer was going to be expecting MODOT to maintain the area along Watson Road, and as they are not, he would expect the area adjacent to the wall in the back would also be maintained by the developer. He further discussed the area around the transmission tower and guy wires and the fact that the owner of the transmission tower property was required to maintain their own property also.

Commissioner Craddock asked Chief Fox if the 54' radius he mentioned earlier excludes the sidewalk. Chief Fox answered that that was correct. Commissioner Miller asked if they would go over a roll curb if it were there, and Chief Fox answered no, that it had to be clear pavement and that the sidewalk wouldn't take the weight of the truck. Commissioner Basler asked if there was a center island in the cul-de-sac. It was clarified that there was a center island. Commissioner Craddock clarified that there must be 54' excluding the sidewalk for the fire truck.

Commissioner Sneed asked about the different variances and the smaller areas that were shown on the Weis Design submission due to the street vacation. Mr. Boerding answered that those small areas went away because the vacation is all the way up and the right-of-way is being re-dedicated.

Building Commissioner Wilder addressed the Commission, stating that they were not there to address the special use permit, and clarified that they should be considering not the building, but the re-subdivision of the 6 lots currently on the Kenrick Plaza development area. He explained that the Commission would decide whether to approve the re-subdivision, and then the preliminary plan would go before the Board of Aldermen for consideration of approval. The final plans would then come to the Plan Commission, and they would consider them for approval before they went back to the Board of Aldermen for final approval. Once final approval is giving, the developer has 30 days to record the new platting with St. Louis County. He further explained that exhibit A, which is the street vacation exhibit, must exist in conjunction with the re-platting; neither can happen without the other happening also. Director Greever made a point of order that items 2 and 3 on the agenda would henceforth be considered together as one item.

Commissioner Miller read item three on the agenda.

Building Commissioner Wilder further clarified that the street vacation and re-subdivision plat had to be approved together, in part because all of the lots under consideration would need access to the streets as they would be re-structured. He stated that the multiple drawings they had received were all conceptual and had changed as the plans evolved. He stated that the final drawing was exhibit A.

Commissioner Diehl asked if this could be changed later on, and Mr. Wilder answered that they could, at any point, make a new petition to the Plan Commission to change the platting, but it's highly unlikely that they would do that once the development is built as it would be expensive and difficult to do. Commissioner Diehl asked if the Plan Commission was going into too much depth with their lines of questioning. Mr. Wilder answered that they were not.

Commissioner Miller stated that the Commission should be looking at a complete document, and Mr. Wilder answered that after the preliminary approval was done, at that point, the Commission would be considering the final draft, and it would have everything that would be needed to be recorded as a legal boundary adjustment. He further stated that the Commission was looking at all of the angles they needed to be looking at, and the Board of Aldermen would be doing so as well.

Commissioner McArthur requested that the petitioner approach with the site plan again, and asked about the bridge that connects Upper Kenrick to Lower Kenrick. He stated that his understanding was that there would be an access easement, and he requested that Mr. Boerding show him where the easement would be to connect the two areas. Mr. Noland reiterated that they were simply asking to re-subdivide the property and that it was last done approximately 35 years ago. Commissioner McArthur stated that the easements should be submitted along with site and plat plans. Mr. Wilder answered that was not necessarily the case, and that would be presented on the development plans. Commissioner Miller stated that there were easements shown on the plan as being vacated, and Mr. Wilder responded that they had to be. Commissioner Miller noted that only the easements being vacated were shown on the plans. Mr. Wilder again explained that the purpose of this meeting was to consider the creation of 4 lots instead of the 6 that are currently there. He further explained that lot 2 needed to have access to Watson Road according to ordinance. Commissioner Miller noted that vacating the easements affects the Lower Kenrick shopping area. Mr. Noland refuted that, saying that there are existing access easements for Lower Kenrick over Upper Kenrick, and those are not being eliminated. Commissioner Miller pointed out that the plans said one of them was to be vacated, and Mr. Noland replied that he was referring to a specific area that needed to be vacated because the roadway is changing.

Commissioner Sneed asked for further clarification regarding the easements being vacated and access to the bridge. Commissioner Miller stated that when the plat for the flag lot is presented, it would need to show an easement, and that there is a concern about a piece of property that has existing cross-access easements to Watson Road, as all of those easements are being vacated in the plat presented, and there are no easements being re-drawn. Commissioner Miller asked why those easements can't be shown on the plan submitted. Mr. Boerding answered that he did not know what the contractual arrangement was for the parcel, although he does understand there is something in place, he does not know what those easements would be. He stated that there would not be a landlocked piece, and it was still being designed and the lines were still being discussed. Commissioner Miller stated that the Commission had heard testimony from the developer that residents and the fire department were promised that they can cross that bridge and have access to Watson Road. Mr. Noland stated that they are not trying to cut off access for Lower Kenrick.

Commissioner McArthur noted that only the ingress easements that currently exist were shown, and further asked about the utility easements in place along the road that is being vacated, and stated they may be on the City of Shrewsbury's public right-of-way. Mr. Boerding answered that they were currently petition for the vacation of the utility easements from each individual utility company as needed for re-adjustment. He stated that any water mains or gas mains would have to be terminated and possibly moved and then if any further buildings were put on the site, the utilities would have to be addressed per the permit process. Commissioner McArthur asked if the final plans would show where utility easements would need to be established, and Mr. Boerding answered that they would.

Commissioner Miller asked if there would need to be a fire hydrant up near the building. Chief Fox answered that the codes would address hydrant placement. Chief Fox stated that the main has to stay in place, and Commissioner Sneed asked if the main would be public or private. Chief Fox answered that it would be public, and Commissioner Sneed asked if it would remain public or become private. Mr. Boerding answered that part of it would be private as it would flow through to private property, and that the internal service lines would be private. Chief Fox clarified that it would be public up to the property line and then private from then on. He stated that anything along the roadway would be public.

Commissioner Miller asked if the water line under Trianon Parkway would remain in place. Mr. Boerding answered that it would need to be relocated due to the elevation of the property and the depth of the cuts that would need to be made. It would need to be cut in such a way as Kenrick Meadow Lane is still getting their access and he stated that looking that far ahead, the problem would become the backfeed pressure, and everything from the facility is going to be coming out at a certain place because of the grade differences. Chief Fox clarified that they are still in the design phase, and these questions would all be addressed in the building plans.

Commissioner Sneed asked about fire protection and what would be controlled by the City up to the building, and clarified that the pressure would be the developer's responsibility. He stated that they may want to build a loop system to keep the pressure even and so they wouldn't have to lose water to the whole building. Mr. Noland stated that he believed there was already a loop system in place.

Mr. Noland stated that the current covenant of record for access between Upper Kenrick and Lower Kenrick allows for a change in the drive lane, but Lower Kenrick still has access to Watson Road, and they are not trying to cut off access.

Commissioner Sneed asked Mr. Wilder if the vacation of the street would be contingent upon the sale or start of the development. Mr. Wilder answered that once it is vacated, it is recorded as such

and the City no longer has control over it. Commissioner Sneed asked if something were to go away, would the developer be required to maintain that street, or it would have the right to block it off. Commissioner Miller stated that for St. Louis County, when a street is vacated, there is a final end process where the Board of Public Services comes out after all of the construction is completed, and certify that the street is vacated properly, and that certification signals the recording of the vacation. He stated that the City does not have that step in place, but when the final plan is adopted that step needed to be in place.

Mr. Noland asked if Commissioner Miller were proposing that they do construction on a public right-of-way that had not been vacated, and it was vacated when the project was complete. Commissioner Miller answered that it was something they would have to work out, but in St. Louis County, they do work on un-vacated parcels and then get certification at the end. He stated that construction could happen on a public right-of-way as long as the appropriate plat were in place and the Board had given approval with that caveat included. He further stated that if the project were not completed for some reason or any conditions were not met, the right-of-way would not be vacated. Mr. Noland agreed, but wanted to make sure that would work with the plat and re-drawing of the lot lines. Commissioner Sneed noted that the final vacating wouldn't happen until the final building is signed off on, and the grade on Trianon Parkway would be gone, so the City would not be able to go back on that. He stated that it seemed they needed to have Director Greever and Mr. Wilder do some research to see what could be done to make this process smooth and advantageous to both parties.

Director Greever clarified that there would be caveats put into the ordinance that would build its final passage upon its marriage with the subdivision plat certification with the county and in the absence of the proper completion of that process, the street vacation would be null and void. Mr. Noland stated that the developer did not want to close down the road until it was necessary for construction.

Commissioner Miller opened the floor to the public.

Dee Wiecher, 5322 Kenrick View Drive, approached the podium and stated that she appreciated that the Commission was taking this process very seriously. She stated that as Alderman of Ward 2, she had received many calls from people upset at the closing of their access to Watson Road. She reminded the Commission that just because the request had been made and the plans presented, they weren't required to approve the request. Furthermore, she stated that many of the owners of homes in the subdivision behind the development purchased those homes because of easy access to Watson Road. She stated that she would have never purchased a home there if she had ever thought her access to Watson would be so impaired. Ms. Wiecher stated that she had heard from someone that the closing of Trianon Parkway would impose an undue burden on the residents of that area, as it is 1.8 miles extra travel to go around on Laclede Station instead of driving in front of Wal-Mart. She stated that this amounts to a hidden tax of \$100 for those residents. She enumerated the residents of the different housing developments behind the development, all of whom currently have access to Watson Road. She stated that the name of the road would be changed to Cardinal Glennon. She asked that the members of the Commission remember that they were asking the citizens of Shrewsbury who happen to live close to the development to bear the cost of closing this road. She further reminded the Commissioners that the original design did not include the closing of Trianon Parkway, and she did not believe it was necessary. Ms. Wiecher also mentioned the businesses in Lower Kenrick that would be affected, and stated that their access would be severely impacted, as the only direct access would mean they would have to drive in front of Wal-Mart. She stated that access is currently practically a road and is unimpeded. She stated that residents have

been told their access to Watson Road would be through Lower Kenrick and the Wal-Mart parking lot, and she stated that the owner of Lower Kenrick has stated he did not want them doing that, and residents would have to drive across private property. She stated that she believed the developer was granting access across private property that he did not own. She stated her appreciation to the Commissioners, and again reminded them that they did not have to approve the vacation of Trianon Parkway.

Commissioner Sneed noted that there were no residents from the condos, the Villas, Triwoods, and no tenants from Lower Kenrick present to speak.

Commissioner Miller closed the public hearing portion of the meeting.

Commissioner McArthur made a motion to approve the preliminary subdivision plat and attached street vacation (exhibit A) with the additional comments registered for record during the course of this meeting for inclusion within the final submission. Commissioner Sneed seconded the motion, and it passed unanimously.

Old Business

None

New Business

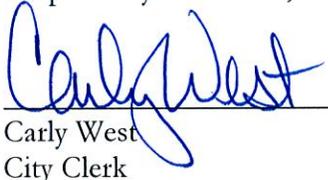
None

Adjournment

There being no further business to consider, Commissioner McArthur made a motion to adjourn the meeting. Commissioner Basler seconded the motion, and it was unanimously passed.

The meeting adjourned at 7:30 p.m.

Respectfully Submitted,



Carly West
City Clerk