

# MEMORANDUM



TO: Michael G. Herring, City Administrator

FROM: Mike Geisel, Director of Public Services

SUBJECT: Planning & Public Works Committee Meeting Summary  
Thursday, January 9, 2014

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A meeting of the Planning and Public Works Committee of the Chesterfield City Council was held on Thursday, January 9, 2014 in Conference Room 101.

In attendance were: **Chair Connie Fults** (Ward IV); **Councilmember Barry Flachsbart** (Ward I); **Councilmember Derek Grier** (Ward II); and **Councilmember Dan Hurt** (Ward III).

Also in attendance were: Mayor Bob Nation; Councilmember Elliot Grissom (Ward II); Councilmember Mike Casey (Ward III); Mike Watson, Planning Commission Chair; Mike Geisel, Director of Public Services; Aimee Nassif, Planning & Development Services Director; Jeff Paskiewicz, Senior Civil Engineer; John Boyer, Senior Planner; and Kathy Juergens; Recording Secretary.

The meeting was called to order at 5:30 p.m.

## I. APPROVAL OF MEETING SUMMARY

### A. Approval of the December 5, 2013 Committee Meeting Summary.

**Councilmember Flachsbart made a motion to approve the Meeting Summary of December 5, 2013.** The motion was seconded by Councilmember Hurt and **passed by a voice vote of 3-0.** (*Councilmember Grier was not present at the time of the vote.*)

Chair Fults stated she had been asked to move the Chesterfield Historical and Landmark Preservation Committee request to the top of the agenda.

## III. NEW BUSINESS

### B. Chesterfield Historical and Landmark Preservation Committee – project request.

Chair Fults asked Lynn Johnson, Chair of Chesterfield Historical and Landmark Preservation Committee, to give a brief update on cataloging of information and then present the current project request. Ms. Johnson stated they have cataloged a lot of the

oral reports as well as pictures and other archived reports. They have made a list of all the items and their location. The goal of the Committee is to present this information to the public and not just keep the information archived. They want permission to periodically write articles highlighting Chesterfield's history and submit them to *West News Magazine*. The first article will be highlighting the Eberwein and Hill families.

**Councilmember Flachsbart made a motion to grant the Chesterfield Historical and Landmark Preservation Committee authority to submit periodic articles to *West News Magazine* regarding Chesterfield's history. Councilmember Hurt seconded the motion and the motion passed by a voice vote of 3-0.**

*(Councilmembers Grier and Grissom arrived at this point in the meeting.)*

Chair Fults asked Ms. Johnson to continue to provide future updates.

## **II. OLD BUSINESS**

- a. **P.Z. 09-2013 Schoettler Grove (2349 Schoettler Rd.):** A request for a zoning map amendment from "NU" Non-Urban District (3 acre) to "R-3" Residence (10,000 sq. ft. lot min.) for 17.0 acres located northwest of the intersection of Clayton Rd. and Schoettler Rd. (20R310137 & 20R220010).
  
- B. **P.Z. 10-2013 Schoettler Grove (2349 Schoettler Rd.):** A request for a zoning map amendment from "R-3" Residence District (10,000 sq. ft. lot min.) to "PUD" Planned Unit Development for 17.0 acres located northwest of the intersection of Clayton Rd. and Schoettler Rd. (20R310137 & 20R220010).

Chair Fults began by summarizing that after the December meeting, the Petitioner, the residents and their Councilmembers from Ward III met for further discussion on both these items and asked for an update.

## **STAFF REPORT**

John Boyer, Senior Planner stated that similar to the last Committee meeting, he will discuss both items together.

The first application is P.Z. 09-2013 which is the rezoning from the existing "NU" Non-Urban District to the requested "R-3" Residence District. One of the concerns discussed by the Committee was whether an "R-3" request was the most appropriate zoning district for this development or whether an "R-2" or "E-1/2" zoning would be more appropriate. After extensive discussion, this was held for further discussion. Staff has not received any direction to change the zoning to "R-2" or "E-1/2", so the petition before the Committee is the same as what was recommended from the Planning Commission, which is to remain at the "R-3" District (10,000 sq. ft. minimum lot size).

The second application, P.Z. 10-2013, is the request to rezone from the “R-3” District to the “PUD” (Planned Unit Development). Associated with this request, extensive discussion centered on two main points; one being the access point between the stub street at Westerly Court and whether or not it should go through. The second item that was discussed revolved around the cemetery as far as who should maintain it.

Staff received a new plan from the Applicant following the December 5 meeting which included the following changes:

- A change to the proposed entrance which now includes a left-turn lane, and
- The proposal of a gate that would separate Westerly Court, which is currently a stub, from the proposed Schoettler Grove development.

As proposed, the streets are still planned to be public. Any type of gate on a public street is contrary to City policy and is not something that Staff would recommend. However, if the Committee elects to recommend the gate, Staff has prepared and provided suggested language for the Attachment A, which includes language related to the function, appearance, maintenance and placement of the gate. With the recent weather events, Staff provided a photo of a gate across a stub street within the City of Chesterfield where plowed snow had been piled up in front of the gate preventing any use of the emergency access.

The second item that was under discussion at the December 5 Committee meeting was the maintenance of the cemetery. Attachment A is a direct result of the November 25 Planning Commission meeting and per Staff’s recommendation, maintenance of the cemetery should be done by the future Homeowners Association. Any private agreements between the Homeowners Association and the Church are not a concern of Staff. If a problem should arise with the maintenance of the cemetery, the City will notify the underlying property owner.

As part of the preliminary plan process, Mr. Boyer presented the tree stand delineation which identifies existing trees on the site.

Mr. Boyer then identified the various items which deviate from the City’s code or policy which are included in the proposed PUD plan and would be approved in conjunction with the PUD approval. No further process or approval would be necessary for these specific items. Mr. Mike Geisel, Director of Public Services, clarified that there is a process during the development process whereby each of these individual items are reviewed, but the “PUD” is a special process where these deviations or variances are granted implicitly in conjunction with the “PUD” as a whole.

- Lot size. This is a fairly standard exception given through “PUDs.” The minimum density must still be met of the initial zoning district, “R-3,” which is a 10,000 square foot minimum, however, the “PUD” allows for the fluctuation of lot size as long as the density is maintained.

- Setback requirements. With the “R-3” zoning, there is a standard setback of a 20 foot front, 8 foot side and a 15 foot rear setback with a minimum lot size of 10,000 square feet. A “PUD” allows some flexibility with the setbacks with the only change being the side yard setback to a 6 foot minimum.
- Street grade. Policy dictates 6% but this can be increased. The Petitioner is requesting 8%.
- Tree preservation. The Petitioner does not have to provide any tree preservation information at this point in the process. Assuming that zoning is approved, that plan would have to be provided during site plan review. According to Code, the tree preservation requirement is 30% of the canopy unless a modification is approved for a special condition. The current tree preservation is well under 30%.

Mr. Boyer also presented slides depicting the two proposed access points along with Staff’s recommendations for the stub street. Currently there is no turn-around provided on the current preliminary plans or any previous preliminary plans, but the City would normally and routinely require that a proper terminus be constructed at the end of the stub street. Mr. Geisel clarified that a gate could be constructed that is acceptable to the Fire District, even with the suggested cul-de-sac.

Associated with Planned Unit Developments, Mr. Boyer stated there are minimum design requirements that have to be met before the plan is reviewed. The minimum requirements are as follows:

- Density Compliant. The proposed “R-3” density is compliant and it would still be compliant with an “R-2” zoning.
- 30% Common Open Space. This requirement is met.
- Minimum 30 Foot Perimeter Buffer. This requirement is being met and exceeded in some areas.
- Consistent with Comprehensive Plan. The Comprehensive Plan requires this area to be residential, with which they are compliant.

In response to a question from Councilmember Flachsbart, Ms. Aimee Nassif, Planning & Development Services Director, explained the submitted preliminary plan would work as far as the density is concerned whether the zoning is “R-2” or “R-3.” Mr. Geisel stated that these are the minimum qualifying requirements to be eligible for “PUD” consideration, and whether it is an “R-2” or “R-3,” they meet all four of these qualifying requirements. Councilmember Flachsbart then asked why the Petitioner would not consider an “R-2” with a “PUD.” Councilmember Hurt stated the Petitioner is willing to do that and he will be discussing it later in the meeting.

Mr. Boyer then presented a listing of “PUD” design features as stated in the “PUD” Ordinance which is used to determine if a plan is an appropriate “PUD” or not.

Councilmember Flachsbart referred to the design feature for *preservation of natural and cultural areas as well as creation of open space* and asked whether a cemetery would

be considered a natural and cultural area. Mr. Boyer confirmed that it could be. He also pointed out that the written narrative provided goes into detail as to whether the Applicant feels they meet the design features.

Mr. Boyer reiterated that there are two Attachment A's in the packet. One of them is an exhibit which is based upon the preliminary plan submitted that includes the gate. The Attachment A of record, as a result of the Planning Commission, is watermarked. If this Committee or City Council were to give Staff direction to move to be compliant with the newly proposed plan with the gate, it would require a green sheet amendment and it would move forward with the language as shown in the exhibit Attachment A.

## **DISCUSSION**

### **P.Z. 09-2013 – Rezoning to “R” District**

Before going into further discussion regarding the “PUD”, Chair Fults recommended the Committee vote on the rezoning application.

**Councilmember Hurt made a motion to approve P.Z. 09-2013.** The motion was seconded by Councilmember Flachsbart and **passed by a voice vote of 4-0.**

Chair Fults then asked if there was a change to the “R-3” zoning request.

**Councilmember Hurt made a motion to change the zoning from “R-3” to “R-2” in P.Z. 09-2013.** The motion was seconded by Councilmember Flachsbart and **passed by a voice vote of 4-0.**

Ms. Nassif stated that a green sheet amendment will be needed for page 1 of the Attachment A that is associated with P.Z. 10-2013.

**Councilmember Hurt made a motion to forward P.Z. 09-2013 Schoettler Grove (2349 Schoettler Rd.), as amended, to City Council with a recommendation to approve.** The motion was seconded by Councilmember Flachsbart and **passed by a voice vote of 4-0.**

**Note: One Bill, as recommended by the Planning & Public Works Committee, will be needed for the January 22, 2014 City Council Meeting.  
See Bill #**

**[Please see the attached report prepared by Aimee Nassif, Planning and Development Services Director, for additional information on P.Z. 09-2013 Schoettler Grove (2349 Schoettler Rd.)].**

### **P.Z. 10-2013 – Rezoning to “PUD”**

**Councilmember Grier made a motion to approve P.Z. 10-2013.** The motion was seconded by Councilmember Hurt and **passed by a voice vote of 4-0.**

Chair Fults stated that amendments could now be made.

### **Left-Hand Turn Lane**

Councilmember Flachsbart made a motion to include a left-turn lane as shown on the plans. The motion was seconded by Councilmember Hurt and **passed** by a voice vote of 4-0.

Councilmember Grier stated for the record that costs associated with the left-hand turn lane improvements will be borne by the Developer and not by the City directly. Mr. Geisel indicated that if included in the City's approval, the improvement is a condition and requirement of the developer to construct.

Councilmember Hurt asked for clarification as to whether there is a cross access easement included in the Attachment A for the parcel located at 2297 Schoettler Road. Ms. Nassif stated that if the property is developed, the City requires that access will not be directly off Schoettler Road - it will be through another internal curb cut. This information is included in Attachment A.

### **Construction Entrance**

In response to a question from Councilmember Hurt, the Petitioner stated the construction entrance would be located at the main entry into the development. Councilmember Hurt wanted to designate that construction traffic is not to come through Gascony or Westerly. Mr. Geisel stated that if this is the consensus of the Committee, it is an issue the City can address. The Committee members then expressed their consensus.

### **Power of Review of the Site Plan and Landscape Plan**

Councilmember Hurt asked for Power of Review for both the Site Plan and Landscape Plan. Ms. Nassif stated that Power of Review is already included in the Attachment A and the Committee will be able to review the lighting plan, landscape plan, tree preservation plan, tree stand delineation and site plan.

### **Tree Delineation/Tree Preservation**

Councilmember Hurt expressed the residents' concern that not all trees being preserved are identified in the tree delineation plan submitted. He stated the plan meets the City's minimum requirements but there are other things they are concerned about. He would like to have ribbons put around the trees being preserved to serve as a visible identification mark that those trees are being preserved. Ms. Nassif stated that during site plan review when the full engineered drawings are submitted, a tree preservation plan is required with all trees clearly marked as to which trees will be preserved.

Mr. Geisel clarified that once the tree preservation plan is approved, the tree manual requires that the Developers mark with snow fencing or construction fencing below the dripline of every tree that is being preserved. It is much more substantial than survey tape so it will be very clear.

Mr. George Stock, Stock & Associates referred to the slide prepared by Staff depicting the tree canopy. He stated that just because a tree is not marked on this plan, he does not want anyone to think they are not preserving it. The 35 foot buffer behind the Johnson property is a “no disturb” area which has been flagged. Recently, an 8-inch walnut tree along the south property line of Gascony was pointed out and now it is going to be preserved. A little further to the west there is another 8-inch hackberry tree, behind Lot 6, that will also be preserved. There is a more updated plan that will be presented at a later date. Everything they talked about being preserved still stands.

Ms. Karen Moculeski, resident of Gascony subdivision, stated it was apparent there are not going to be any trees preserved. She is very disappointed that the zoning is “R-2” and feels that it should have been an “E-1/2” acre so they could have preserved more of the trees. She also commented about the ocular methodology used to do the survey. She stated it was not accurate. It is merely a survey and it does not even pretend to inventory all the trees. It is acceptable for the City but it is not accurate.

Mayor Nation asked Mr. Geisel to respond to the synopsis he sent out a few weeks ago regarding several problems cited, such as tree preservation, lot sizes, setbacks, etc. Mr. Geisel responded that if this were a regular zoning, the Developer would petition the City for variances or special conditions. When you approve a “PUD,” you are approving a specific plan and what Staff had identified were those deviations from the Code. There was lot size, tree preservation, setbacks, some street grade, etc. All of those varied from the Code to different degrees. But the “PUD” Ordinance circumvents the normal process by approving a specific plan, thereby implicitly approving those deviations. The minimum “PUD” design standards allow the plan to be considered for a “PUD” zoning district. The amount of flexibility to deviate from the Code requirements that the City is willing to consider is related to the “PUD” design features. Just because they meet the minimum design standards, does not mean they qualify for, or must be granted, a “PUD.” Ms. Nassif said the minimum design standards are, in a sense, an application for a “PUD,” and if those four criteria are met, then the application can move forward to a planner and engineer for recommendation to the Planning Commission.

*(Mr. Boyer and Mr. Watson left the meeting at this point in order to attend the Architectural Review Board meeting.)*

## **Cemetery**

Councilmember Hurt distributed copies of a *Preserved Area Easement and Trust Agreement* prepared by the Petitioner for a meeting that was held with the residents on January 7, 2014.

Mr. Doster explained that the *preservation area* is the area where gravesites have been identified. The Church is requiring the Petitioner to purchase the entire property; a portion of the property will be used for common stormwater drainage facilities. The cemetery has not been maintained at any level for a long time. They have prepared the Easement and Trust Agreement on the premise that the proposed subdivision would not be responsible for any maintenance of the cemetery.

Under the proposed Agreement, the Developer will close on the ground and then the preservation area will be conveyed and fee simple titled to a trust, subject to an easement in favor of the Church to allow members of the Church access to the gravesites. During the development phase, the area will be cleaned up “to some degree – the gravesites will be cleaned up, some of the bad brush will be cleared but essentially it’s going to be left in its natural state”. Given the low level of maintenance, it is likely that the area will be investigated and maintained only once a year – it will not be mowed or brushhogged; it is anticipated that the site would be weed-whipped, perhaps cleaned around the gravesites, trees inspected to insure they are not hanging over adjoining properties, and fallen trees would either be cut up and left on the property or removed.

An estimate has been obtained from a landscaper for maintenance on an annual basis. The estimate will be utilized to determine the amount needed to fund the Trust upfront.

The Trust will consist of one Trustee appointed by the Developer; one Trustee appointed by the Church; and these two Trustees together will appoint a third Trustee. Under the Trust Agreement, the Trustees will have the ability to appoint their successors. The Circuit Court will be designated as the party of last resort to fill any vacant Trustee positions.

The preserved area would be fenced; there would be no access allowed except for the Church and Trustees – the proposed subdivision would not have access to the preserved area since they will not be maintaining the site.

Chair Fults was under the impression that the cemetery would be cleaned up and maintained to a higher standard. She questioned what the City is getting in exchange for the exceptions being allowed the Petitioner under the PUD. She noted that the Planning Commission expressed the desire that the cemetery be cleaned up and preserved in a more extensive manner than described by the Petitioner.

Planning Chair Watson pointed out that the Planning Commission discussed the cemetery at length and stipulated that the cemetery would be preserved. He does not feel that Mr. Doster’s description of the level of care describes the “preservation” discussed and approved by the Planning Commission. Several of the Commissioners stressed very emphatically that the cemetery should be cleaned up and maintained.

Chair Fults noted that the clean-up of the cemetery was to be done by the Developer - not the residents of the new subdivision. She pointed out that one of the design features of the PUD is the *preservation of natural and cultural areas as well as creation of open space*.

Councilmember Hurt noted that his concern related to *ownership* of the cemetery and felt that Staff should have addressed the issue of how the cemetery should be cleaned up. Ms. Nassif explained that Staff did address this issue and it is stipulated in the

Attachment A that the Developer would be responsible for cleaning and fencing the site with maintenance and preservation of the site being the responsibility of the Homeowners Association (HOA). Chair Watson pointed out that the Commission was shown plans that included pathways and benches.

Councilmember Flachsbart stated that the preserved area is part of the site's open space and if that characteristic is missing, he does not feel that the Petitioner should be able to count the preserved area as part of its open space.

Councilmember Grier asked if this is the appropriate time to add any stipulations or whether such stipulations should be included at the Site Plan stage. Ms. Nassif replied that normally stipulations would happen at the Site Plan stage but in this case, the PUD consideration is predicated on the Petitioner providing a clean and maintained cemetery.

Councilmember Hurt stated that his intention was to resolve the issue of ownership and responsibility of the cemetery – if the level of care does not meet with the Planning Commission's intent, it needs to be addressed. He indicated that the residents are agreeable with the structure of the proposed Agreement.

Mr. Doster then noted that the proposal was made upon the premise that the burden of maintaining the area was not to be on the proposed subdivision. If the preserved area is to be a useable common area for the subdivision, the burden for maintaining it should be on the subdivision – not through a separate Trust.

Councilmember Hurt expressed his opposition to the homeowners being responsible for the preserved area.

Mr. Geisel then explained that if there are any maintenance issues with the site, the underlying land owner would be cited. If there is a Trust set up to maintain the site, the land owner or Homeowners Association will have an action against the Trust – the City has no direct ability to cite a third party Trust.

Councilmember Flachsbart stated that the City has maintenance codes prohibiting tall grass and weeds, which he felt would be an issue with the site if it is kept in its natural state. Mr. Geisel explained that since this is an undeveloped area, the maintenance codes pertaining to height of vegetation would likely not be applicable.

Councilmember Flachsbart then expressed his agreement with rezoning to the "R2" District but at this point, if the cemetery is not preserved and cared for, he is not in agreement with granting the PUD.

Mr. Doster stated that the Petitioner finds the language in Section I.R.3. of the Attachment A acceptable as it pertains to the on-site cemetery; they only proposed the Trust Agreement because they were under the impression that this section of the Attachment A was unacceptable to the City.

Councilmember Hurt indicated that if the current language in the Attachment A is included, which requires the HOA to maintain the preserved area, he would be voting against it.

Chair Fults stated that the Petitioner was being granted the PUD zoning because the preserved area was to be cleaned up and maintained. She feels that if the HOA is not responsible for the maintenance of the site, it could cause extensive delays in getting the site cleaned up if it is not properly maintained because the HOA would have to work with the Trustees of the Trust Agreement.

Councilmember Flachsbart asked if the Developer has provided responses to the list of *PUD Design Features*. Ms. Nassif stated that the Developer's justification for a PUD is provided in their *Narrative Statement*, which is a part of the meeting packet.

It was agreed to discontinue discussion on this issue at this time.

### **Stub Street/Gated Access**

Councilmember Hurt stated that the residents of Westerly Place do not want thru-traffic between their subdivision and the proposed subdivision. He has been informed that the Fire District requires a second access for subdivisions over 30 lots; but the Fire District would accept a street that is gated. He also indicated that Staff wants a thru-street between the two subdivisions. As a compromise, he proposed that the stub street at Westerly Court be connected to the proposed subdivision with the addition of a gate.

Mr. Geisel clarified that at the last Committee meeting, he asked that a cul-de-sac bulb be constructed in the event the stub street is not made a thru-street in order to provide a turn-around. This suggestion has been reviewed by the Petitioner, which would cause them to lose a lot, so they chose not to proceed in that direction.

Chair Fults pointed out that if the cul-de-sac were built, causing the loss of one lot, a thru-street or even a private gate would not be required by the Fire District because the subdivision would then only have 30 lots.

Councilmember Casey questioned whether there have been any written agency comments from the Fire District and questioned whether the stub street could remain if the subdivision has only 30 lots. Mr. Geisel replied that that second access for subdivisions over 30 lots is a requirement of the Fire District – it has nothing to do with the City's requirements. He added that the stub street was always designed and intended to be connected; if it is not connected, Staff recommends that there should be an appropriate turn-around at the end of the street. However, Staff's preference is a public street connection, but if Council ultimately approved a gate, then Staff would prefer a public thru-street with a gate closer to the intersection within the proposed Schoettler Grove development.

Mayor Nation suggested a thru-street with a turn-about cul-de-sac as he feels this would slow down any thru-traffic. Councilmember Hurt advised that a cul-de-sac would affect the buffer area and the detention basin. However, the residents would accept a cul-de-sac without a thru-street.

**Councilmember Hurt made a motion that the stub street at Westerly Court be connected to the proposed subdivision with a gate. Any request to install a gate across any public street within this development must be reviewed and approved by the City of Chesterfield Department of Public Services. Requests for installation shall contain information including, but not be limited to: function, appearance, maintenance and placement. The motion was seconded by Councilmember Flachsbart.**

#### **Discussion on the Motion**

Councilmember Grier stated that he is not in favor of the street being gated. He recognizes that the stub street was intended to be a thru-street and feels that a gated street will be more difficult for the City to maintain and to provide services.

Chair Fults supports the case made by the residents of Westerly Place subdivision in that if the street is a thru-street, it will be used by the residents of the proposed subdivision generating more traffic through Westerly Place and impacting the lives of those residents. She indicated that she will be voting in favor of the gate at this time, but contends that if one lot were removed from the development, a cul-de-sac could be constructed that would forever eliminate a thru-street. She feels that a gated thru-street could potentially have the gate removed so she prefers a cul-de-sac.

**The vote on the motion passed by a voice vote of 3-1 with Councilmember Grier voting “no”.**

#### **Possible Cul-de-Sac**

Councilmember Flachsbart asked City Attorney Heggie how the Committee could place the issue of a cul-de-sac as an alternate to a gated thru-street. City Attorney Heggie advised that the Committee could inform the Petitioner that the PUD will not be approved without the desired cul-de-sac.

**Councilmember Flachsbart made a motion that this Committee is on record that a cul-de-sac or turn-around at the end of Westerly Court is a preferable solution. The motion was seconded by Chair Fults and passed by a voice vote of 3-1 with Councilmember Grier voting “no”.**

#### **Cemetery**

Mr. Geisel suggested that the Committee express its requests for a standard of maintenance and care for the cemetery.

City Attorney Heggie noted that the Petitioner has stated their agreement with the proposed language in the Attachment A regarding the maintenance of the on-site cemetery being the responsibility of the HOA.

Councilmember Hurt stated that if the proposed language is included, he will be voting against it because he does not want the homeowners to be responsible for the cemetery.

Councilmember Flachsbart stated he wants the cemetery well-maintained, but does not have a preference as to whose responsibility this should be.

Mr. Doster stated that the Petitioner is satisfied with the HOA maintaining the cemetery and they are also satisfied with the proposed Easement and Trust Agreement. He explained that the only reason they put forth the proposed Agreement was because they understood that the sentiment was that the HOA should not be responsible for maintenance. They are agreeable with either option but need direction from the Committee on their preference of responsibility and level of care.

Councilmember Flachsbart stated that he is in agreement with the level of care described in the Attachment A.

Councilmember Hurt suggested accepting the Trust Agreement that would put the maintenance responsibility on the appointed Trustees of the Trust Agreement but require the level of care described in the Attachment A. Mr. Doster felt this would be acceptable.

Chair Fults expressed concern that the cemetery would not be well-maintained under the responsibility of the Church.

Mr. Doster stated that the level of care is related to who is responsible for it. If the responsibility goes to the HOA, then they should have access to the cemetery. It is his opinion if they have access to the cemetery, the level of care will be higher. If they don't have access to the cemetery, he feels that the maintenance of the cemetery site will be irrelevant to them.

Chair Fults felt that the only way the cemetery site will be acceptable to the residents of Gascony is that it be maintained by the HOA.

Mr. Stock pointed out that currently there are 5 acres of common ground to be maintained by the HOA, which include the buffers, common ground, and storm water management basins – the preserved area is an additional 1 acre. Since the HOA will need to have a maintenance crew to maintain the 5 acres of common ground, he did not feel the additional 1 acre cemetery site would be an unusual burden on the HOA.

Mr. Geisel suggested asking the Petitioner to develop a written work plan for the clearing and maintenance of the cemetery site, which could go with the petition.

Mr. Doster asked for clarification as to who would be responsible for maintaining the site in the requested written plan.

Councilmember Hurt again noted that if the HOA is responsible for maintaining the site, he will be voting against it.

Chair Fults and Councilmember Flachsbart indicated they would be fine with the Trust maintaining the site if it is maintained at the level discussed at the Planning Commission meeting.

City Attorney Heggie pointed out that maintenance by the Trust may prove difficult because you have to depend on money being available in perpetuity to cover the ongoing maintenance costs.

Instead of a Trust, **Councilmember Grier made a motion requiring the Developer to specify a dollar amount as to what it will take to maintain the site in perpetuity, and then require, as part of the Indentures and By-Laws of the subdivision, a reserve fund to be set up and funded before the subdivision is turned over to the residents with that specified dollar amount. The HOA would control and administer this reserve fund for the maintenance of the cemetery as directed through the language outlined in the Attachment A.**

Councilmember Hurt restated his concern about the HOA taking on this responsibility.

As part of the subdivision plat, Mr. Geisel stated that Staff will review the subdivision indentures.

The motion was seconded by Chair Fults and **passed by a voice vote of 3-1 with Councilmember Hurt voting “no”.**

**Councilmember Grier made a motion to forward P.Z. 10-2013 Schoettler Grove (2349 Schoettler Rd.), as amended, to City Council with a recommendation to approve. The motion was seconded by Councilmember Flachsbart and **passed by a voice vote of 3-1 with Councilmember Hurt voting “no”.****

**Note: One Bill, as recommended by the Planning & Public Works Committee, will be needed for the January 22, 2014 City Council Meeting.  
See Bill #**

**[Please see the attached report prepared by Aimee Nassif, Planning and Development Services Director, for additional information on P.Z. 10-2013 Schoettler Grove (2349 Schoettler Rd.)].**

### **III. NEW BUSINESS**

#### **A. Public Street Acceptance – Mill Ridge Villas Subdivision**

Mr. Geisel stated the streets within the Mill Ridge Villas subdivision located off Creve Coeur Mill Road have been designed and constructed to meet the City's standards for acceptance as public streets. The subdivision is now greater than 80% completed and the following streets are ready to be accepted for City maintenance: Mill Ridge Court, Amiot Court and Ridgemont Court.

**Councilmember Grier made a motion to accept Mill Ridge Court, Amiot Court and Ridgemont Court as City streets.** The motion was seconded by Councilmember Fults and **passed** by a voice vote of 4-0.

**Note: One Bill, as recommended by the Planning & Public Works Committee, will be needed for the January 22, 2014 City Council Meeting.  
See Bill #**

**[Please see the attached report prepared by James Eckrich, Public Works Director/City Engineer for additional information on Public Street Acceptance – Mill Ridge Villas Subdivision.]**

### **IV. PROJECT UPDATES**

Since Ms. Nassif needs to leave to attend the Architectural Review Board meeting, Mr. Geisel stated a project update would be provided to the full City Council.

### **V. ADJOURNMENT**

The meeting adjourned at 7:06 p.m.