

City of Troy, Missouri
Regular Board of Aldermen Meeting
Monday, March 16, 2020
6:30 P.M.

Present for the Regular Board of Aldermen Meeting were Aldermen Detert, Curt, Walker, Norman, Anderson and Mayor Sconce. Alderman Grimstead was not present. Also present were Public Works Superintendent Cunningham, Police Chief Taylor, Building Official Lindsey, Parks Director Howell, Jared Comer, Woodard & Curran, Treasurer Flinn, City Attorney Granneman and City Clerk Schneider.

Mayor Sconce opened the Public Hearing for citizen comments at 6:30 p.m. Brad Goss, applicant on behalf of 363 South Lincoln, LLC and the Margaret Wright Clare Living Trust, was requesting rezoning from "R-1" Single Family Residential District to "R-3 PD" Multiple Family Residential District, for the property located at 363 South Lincoln Drive, Troy, Missouri 63379.

Brad Goss, Esq., Beth Lum, Esq., Doug Tiemann and Karl Schoenike, engineers of Pickett, Ray & Silver, represented the Developer and handed out a presentation and visual aids for the public hearing. Mr. Goss pointed out the location of the property using an aerial view of its location and showed the neighboring residential, commercial, industrial and park properties along with the zoning classifications of all those properties.

Goss relayed that the Developer proposed to re-zone to R-3PD (Residential-3, Planned Development) which gives the City a lot of control over what the Developer does and when it happens. Goss said the Developer brought answers today to questions that arose during the Planning & Zoning Commission public hearing held March 5, 2020. In response to the issue of one point of access, the plans were changed to include two points of access onto Lincoln Drive to Phase 1 of the project consisting of three apartment buildings with eighteen units each which totaled 54 units.

There were questions raised on the development of the balance of the site in Phase 2 with 3-story apartment buildings of similar type totaling 324 units in total for both phases. Goss relayed that his client was open to doing something else (e.g., townhouses) in Phase 2. There was a request for the Developer to stay out of treed areas and two water courses with trees around it on the site and the Developer revised its plans to leave streams and touching trees alone and also provided for larger detention basins to capture storm water from the parking lot.

There was a concern that the access point driveway to the West comes out in-between two residential homes. In order to address this concern, the Developer proposed a fence

on either side of the driveway as a screen/barrier and planting arborvitae trees in front of the fence.

Goss spoke to traffic concerns and said that tenants making a right turn onto Lincoln heading towards the roundabout to get onto Highway 61 traveled 0.83 miles and would not be interacting with the high school traffic at Monroe/South Lincoln. Goss continued that some traffic will go north but the majority impact of the traffic would head south. Goss pointed out the average daily traffic counts collected by the City revealed the highest count was 800 cars an hour and that was 25% of capacity for Lincoln Drive based on the Highway Department's standard rating of 3,400 cars per day capacity. Goss proposed if the property was rezoned as R-3PD that one condition the City could require before Phase 2 would be for the developer to conduct a traffic study that would reveal if items such as sight and widening of the road needed to be changed. As it is zoned R-1 today, the Developer could place sixty-plus houses onto the property whereas Phase 1 proposed 54 units of housing and would not move beyond that number until the City was satisfied. Both expansion and traffic could be put in the planned development ordinance.

In regard to the City's sanitary sewer system, Goss relayed that both the City and the EPA confirmed that there was no more capacity for sewerage flows until the project to modernize the plant had been completed. Goss suggested that as part of the planned development ordinance that the City put in a condition that the Developer is not allowed to hook on until the City can provide and upgrade the plant which possibly may take one to two years. Goss relayed that the Developer was comfortable in waiting. Goss stated that 54 units multiplied by \$4,000 tap fee totaled \$216,000 that could help pay for sewer plant improvements.

Goss tried to contact the Troy R-III School Superintendent to discuss the impact of this development on the school system without success. Goss continued that the Fort Zumwalt School Superintendent offered an opinion that apartment buildings do not put kids in school like single family housing.

Goss offered that the tax revenue derived by this development as compared to single family housing was neutral. Goss said that the target demographics were millennial/young people with no money for down payment, military and seniors who prefer no home maintenance.

Fred Granneman said that he understood how a community zoned R-1 is positive but did not understand how this development would be positive for the community. Granneman said that he is a stakeholder. He had lived all his life here and has supported growth in the community. He said certainly R-1 is good growth. Tax revenue for a single-family home is \$2,000 a piece but this development would struggle to bring excess of \$120,000 in taxes to feed back to the community. Pointing to the visual aids, Mr. Granneman said

this is all proposed and that was a problem. The community does not know the unknowns and there is proof of how this type of development goes. Construction is very important. When asked what type of rents would be charged, the answer was market rents. Construction needs to be a certain type to command better rents. We do not know the Developer and his process. There are traffic concerns. Safety is also a concern with clusters of folks. Clusters of folks bring trouble and issues. Troy is a bedroom community and we would like industry. This type of housing does not bring supporting stakeholders to the community at all and certainly with no kids enrolled in the schools. Granneman said he was not against improvement but not this proposed development. Construction for this type of development drives who will come to it. High demand in rents for decent places but market rents may not command high demand. It may not drive the professional to the community based on its construction. Large clusters of folks are detrimental to the police department or the owner to manage 300 apartments with 600-800 people. The law of average dictates a real issue. Single family homes can be controlled and managed better than large clusters to drive community spirit.

Larry Chartrand and his wife are the owners of Troy Tire Center. He said there were a lot of unanswered questions on Phase 1 on the 54-unit proposal and the Developer wants to do 324 units total which is a lot more than 54 units. Chartrand said he had more to gain than anyone from the development yielding 600+ cars but said it was not good for Troy. The Developer would get his money and his business [Troy Tire Center] pays more in taxes than someone owning a rental company.

Mr. Chartrand said what about school buses and increased traffic with the 600+ cars from Phase 2. Chartrand already sits and waits ten minutes from the traffic coming from Travis Blvd./Bodine to get to work. The Developer keeps talking proposed stuff. Chartrand cannot believe 11-70 kids would be all of the impact as stated by Ft. Zumwalt school superintendent. Chartrand said the proposed 3-story apartment building would take away the Park view from Troy. Chartrand said what are these kids going to do in a small area. The kids may be busting into cars and busting down tombstones at the cemetery. Chartrand said he was not opposed but this location is not the right place. Concerning the traffic, he said once it is rezoned R-3PD, it is rezoned and then it is done. In response to traffic counts showing 800 cars an hour, he said but what about the businesses on Lincoln Drive with cars pulling in-and-out, and the buses to-and-from the school which stop-and-start. Chartrand said buses stop the traffic flow all the way back to Travis Blvd. Chartrand said the two points of access on the development will yield twice as much traffic on the road. Chartrand said they say they can wait for sewer but we do not know who their client [Developer] is that wants to build and what else does their client [Developer] have out there. Their client [Developer] may make it low income. My son lives nearby low-income housing and it is a mess and Troy could be asking for trouble. This location is in a 100-year flood plain and what are they doing to do about it.

The rain flows down the road and the ditches cannot handle the rain now. It will back-up. There are better places to do this. I am against this and think it is bad for Troy.

Sherry Chartrand has fears and they make it sound rosy but believes there are lots of thorns in this rose bush. She and her husband owned their business for 23 years and before them it was Jean Chapman for 28 years. That is a lot of sales taxes paid. She worries about safety in the area and not enough patrol and ambulance for that many in a concentrated area. The citizens did not pass the ambulance/emergency tax ballot to support it. She worries about nearby Elliott Flooring and the youth group of Journey Church.

Mark Cross said it is true that we do not know who the Developer is or other buildings the Developer is associated but it is not right to assume that he will build junk. We should find out. It may not attract low income. Developers pay property taxes and commercial property is taxed higher than R-1. The City's sewer plant improvement project has a \$3-million-dollar shortfall and this development would bring in \$1.3 million dollars in tap fees of all 324 units. The sewer improvements are going in to handle these types of housing developments. This type of development must work if you just look at the Hwy 364 Page Extension corridor. Cross is not convinced that ne'er-do-wells will be tearing up the neighborhood and it should not be assumed. Troy needs more businesses here and part of it is population before business will come. This development is an opportunity to bring people who will spend money here, maybe not all, but a step towards it. There is one other place zoned for planned development in Troy but the current owner is not interested in developing it. The development will bring singles and young married couples to Troy. The cost of development will cause rents that will need to be higher. At Planning & Zoning, the Developer heard traffic concerns and this evening, the Developer is trying to work with the City to resolve those traffic concerns. The school will get additional taxes to pay its bills. There may be questions to be answered but to say that Troy is not interested is not a good idea either. Cross would like to see further discussion to make it a better idea.

Fred Granneman said to properly sell a concept, the Developer would not have anything hidden. We want transparency and yet everything is in the dark. We do not know how they will handle this development. If a decision is based on this presentation here, we do not have all the answers yet. Granneman said if the Developer wanted an R-3PD, then all plans would have been lined out better to the Board of Aldermen to make an educated decision.

Alderman Anderson asked if there were amenities in Phase 1. Goss said a bus stop was in Phase 1 but no other amenities. Goss said that they were open to it though.

Goss said the Developer would like to continue to work with the City but did not want to give his name since he had given his name in the past and received phone calls at 11:00 p.m. and doesn't need that again. Goss continued that other projects by this Developer included Park Place Apartments and Quail Run Apartments in Moscow Mills. Goss said Moscow Mills Police said it is a nice project and the trailer park next door causes problems but not this project. Goss reiterated all of the different zoning up and down South Lincoln in response to the question whether the development was in the wrong place. Goss said the Developer was happy to give more information and answer any questions if not a positive vote and asked that the City work with the Developer. Goss said there would be tax revenue and agreed that business development needed rooftops and population growth. There are 324 apartments overall with Phase 2 but if the City decided not to go that way in the second phase, then townhouses could be developed instead. The Developer had not done a layout but will come back with layout for a townhouse development. The City had another planned development application with dense single-family homes and the access was no better but that property owner was not interested in developing it.

Doug Tiemann said existing zoning on South Lincoln is R-1 residential and it would back up to industrial zoning and it would be hard to gain interest to any developer due to noise and building use. Tiemann pointed to the traffic configuration of Phase 1 that school buses would enter on the North side and exit to the South entrance picking up children in the apartment parking lot.

Mayor Sconce said traffic counts would drop from a free-flow of 3,400 cars to half when considering the number of driveways and stop signs on Lincoln Drive. Tiemann said that 800 cars was 25% of capacity and 1,700 for one lane but typically 2,000 per lane with shoulder is capacity but a traffic study would answer the question. Tiemann cited that nationwide statistics in an urban school district show apartment dwellers yield 19 students per 100 units and 21 students per 100 garden units.

Alderman Walker was concerned with traffic and questioned why the Developer was willing to wait two years for sewer improvements before starting the development. Walker questioned why wait until the end of Phase 1 to do a traffic study observing that when school lets out now, the four-way stop intersection was a nightmare. Walker noted that based on speculation on the type of tenants, these tenants may not be what we want to draw to the area.

Sherry Chartrand was a bus monitor on the South Lincoln route and was aware of cars not stopping for stop signs. She writes down the make and license number when they do not stop and was concerned with more traffic causing greater risk for kids to get hit.

Alderman Walker said there are a lot of questions and it did not help that the Developer was not present at the meeting.

Goss said that market rates would be charged at these apartments and would not be low-income units. Goss said if the Developer had brought sixty single-family residential homes to the Board, it would have to be approved and would generate more kids in the schools, and traffic. The Developer did not want to spend \$15,000-\$20,000 on a traffic study now if planned development was not approved but would defer it to later and then be bound by it. Goss said that you do know who the Developer is and I told you his other properties.

Alderman Detert said questions arose at the Planning & Zoning meeting on who the Developer was, his history, what is the tenant history, and what guaranty would be given that the development would stay this way and not be sold to become Section 8. The traffic speed on Lincoln Drive is forty miles per hour and at that speed, cars travel one-hundred thirty-two feet per second which is one vehicle every 2.5 seconds. Cars cannot get out. Also, the landscaping in front of the six-foot fence may die of bag worms. There are lots of unanswered questions.

Goss stated that this is a buy-and-hold Developer who wants to command rents and will replace a tree if it dies. Goss said the Developer's projects are completed, built with quality construction and the Developer holds his projects.

Fred Granneman questioned what type of tenant lives in a three-story unit apartment complex or townhome and stated that it is not a senior citizen. Granneman pointed out the cost versus return on three-story stairs/no elevator complex. The cost was known on 18 ground floor units of \$2.1 million dollars. The price point on townhomes was unknown.

Larry Chartrand said his son's building was poor quality and the doors are not lined up and cannot be shut.

Mayor Sconce closed the Public Hearing.

Mayor Sconce called the Regular Board of Aldermen Meeting to Order at 7:45 p.m., announced a Quorum present and led in the Pledge of Allegiance.

Mayor Sconce presented a Certificate of Appreciation for Years of Service to Karen Curt, Alderman-Ward 1.

Alderman Detert made a motion, seconded by Alderman Walker to Approve the Consent Agenda. Vote: Detert aye, Walker aye, Curt aye, Norman aye, Anderson aye.

*Approved the Minutes of Regular Board of Aldermen Meeting dated Tuesday, February 25, 2020 and Monday, March 2, 2020

Tony and Shelly St. John were not present.

*Approved Reports of Park, Planning & Zoning/Board of Adjustment, Historic Preservation Commission, Troy Convention and Visitors Bureau

*Approved Reports of Police, Public Works, Wastewater, Finance, Building Inspection, Parks and Administration Departments

*Approved Payment of Regular Monthly Bills

Alderman Anderson made a motion, seconded by Alderman Detert to Table Item 6(A) until the Board's Regular Monthly Meeting on Monday, April 20, 2020. Vote: Anderson aye, Detert aye, Walker aye, Norman aye, Curt aye.

*Approved Miscellaneous Budget Amendments dated March 16, 2020 presented by Treasurer Flinn

Alderman Detert made a motion, seconded by Alderman Walker to Approve Rezoning Request by Brad Goss, applicant on behalf of 363 South Lincoln Drive, LLC and the Margaret Wright Clare Living Trust, for rezoning from "R-1" Single Family Residential District to "Re-3 PD" Multiple Family Residential District, for the property located at 363 South Lincoln Drive, Troy, Missouri 63379.

Mayor Sconce relayed to the Board that if the motion is approved, the approval would be to rezone the entire piece as-is with planned development as presented to Planning & Zoning without stipulating conditions such as a traffic study after Phase 1, timeline change attributable to sewer improvement project and sewer hook-ups which may push beyond a R-3PD timeline, and what R-3PD looks like and how it may be different than Phase 1. Mayor Sconce commented that the City may have to step back and look at it again. Alderman Anderson would like to continue to work with the Developer but was not into social engineering nor hearing statements like the wrong kind of people moving in. Anderson continued that the population needs to grow and wants to encourage more to live and work in Troy. Anderson stated the Developer did himself a disservice by not attending and keeping cloudy his other projects. Vote: Detert nay, Walker nay, Curt nay, Norman nay, Anderson nay. Motion failed 0-5.

Alderman Detert made a motion, seconded by Alderman Curt to Approve and Authorize Mayor to Sign Supplemental Design Engineering Agreement with HR Green in the amount as written under Article VII-Compensation to Add Lighting Element to Villa Drive Pedestrian Access Improvements Project TAP-9900(391). Vote: Detert aye, Curt aye, Anderson aye, Norman aye, Walker aye.

Alderman Detert made a motion, seconded by Alderman Anderson to Award 2020 Concrete Slab Replacement Program as recommended by George Butler Associates to Sweetens Concrete in the amount of \$598,598.98. Vote: Detert aye, Anderson aye, Norman aye, Curt aye, Walker aye.

Alderman Walker made a motion, seconded by Alderman Curt to Go Into Closed Session in compliance with 610.021 of RSMo., for the purposes of discussing Legal and Personnel. Vote: Walker aye, Curt aye, Detert aye, Anderson aye, Norman aye.

Alderman Curt made a motion, seconded by Alderman Anderson to Accept the Resignation of Sgt. Stephen Dyer from the Police Department. Vote: Curt aye, Anderson aye, Norman aye, Detert aye, Walker aye.

Alderman Anderson made a motion, seconded by Alderman Norman to Post the vacant Sergeant position for the Police Department internally for seven days and Authorize Mayor to Hire upon Chief's Recommendation. Vote: Anderson aye, Norman aye, Walker aye, Detert aye, Curt aye.

Alderman Detert made a motion, seconded by Alderman Walker to Authorize Mayor to Immediately Post vacant Patrol Officer position Upon Hiring a Police Sergeant In-House and Hire upon Chief's Recommendation. Vote: Detert aye, Walker aye, Norman aye, Curt aye, Anderson aye.

City Attorney Granneman advised the Board on Legal matters.

Alderman Curt made a motion, seconded by Alderman Anderson to Go Out of Closed Session. Vote: Curt aye, Anderson aye, Detert aye, Norman aye, Walker aye.

Alderman Curt made a motion, seconded by Alderman Detert to Adjourn the meeting. Vote: Curt aye, Detert aye, Anderson aye, Norman aye, Walker aye. Meeting adjourned at 8:30 p.m.

ATTEST:

City Clerk

Mayor Ron Sconce

*Approved on Consent Agenda