

The meeting was called to order at 7:00 p.m. by Chairman Knapp. The meeting was opened with the Pledge of Allegiance.

Present at roll call were: Chairman Knapp and members Alderman Sir, Svoboda, Kiefer, Schmiedeskamp, Austermann, Siebenman and Scheer. Mr. Smith was absent.

Also in attendance was City Administrator Craig Sabo.

- A. A petition from Tim and Tammy Holladay for rezoning of an approximately .66 acre parcel from PC (Planned Commercial) to R-3 (Single Family Residential) located at 531 Orchard Lane and legally described as a tract of land being part of Lot 65 of the Huey Subdivision in the City of Eureka, located in U.S. Survey 2071, Township 44 North, Range 3 East, St. Louis County, Missouri (Locator No. 29V520236).

Notice of the Public Hearing was published in The Countian on Monday, June 27, 2011 and in the West County Journal on Wednesday, June 29, 2011.

Mr. Holladay stated that he had previously had a contract on his property for a potential buyer to utilize it as commercial, so at that time he had requested that the property be rezoned to Planned Commercial. He stated that there were financing issues and the deal was never closed. He stated that his property had been for sale, but he was not able to sell it due to the economy and that his real estate agent had suggested he have it rezoned back to R-3 and put it back on the market at a later date. He stated that he would also like to improve the property, but it was his understanding that with the Planned Commercial zoning, making any kind of improvements would prove difficult.

Mr. Svoboda inquired as to what type of improvements Mr. Holladay would like to make to the property.

Mr. Holladay stated that he would like to add a garage to the property as he only had a carport at this time.

Mr. Svoboda inquired as to if the neighboring properties to the north of his were a residential zoning classification.

Mr. Holladay stated that they were.

Mr. Scheer inquired as to how many properties have a commercial zoning classification in the area. Mr. Holladay stated that the properties to the southwest, south and west of his were zoned Planned Commercial and that the properties to the northwest and northeast were zoned residential.

Mr. Siebenman inquired as to how long Mr. Holladay had lived at the property.

Mr. Holladay stated that they had resided there since 1994. He stated that when they decided to sell about six (6) years ago the real estate market was booming and it was suggested that he may make more money on his property with a Planned Commercial zoning classification, but then the market crashed and there had been no interest in the property.

Mr. Siebenman inquired as to if the property was located within a subdivision.

Mr. Holladay stated that it was mostly single family residential homes with a couple of duplexes on a single street.

Mr. Siebenman inquired as to if Mr. Holladay was asking for a zoning change because he wished to raise chickens at this location and due to the present zoning he was not able to do so.

Mr. Holladay stated that the zoning change request had nothing to do with chickens.

Mr. Siebenman stated that he thought he had previously read in the Board of Aldermen minutes that Mr. Holladay wished to raise chickens.

Alderman Sir stated that there had been a previous conversation regarding such and when it was discussed at the Board of Aldermen level they had decided that they did not wish to change the Municipal Code to allow for harboring of chickens in a commercially zoned district. He stated that Mr. Holladay had also discussed the matter with the Building Commissioner and that he advised him that his choices were a Code amendment or zoning change.

Mr. Scheer inquired to the City Administrator as to if Mr. Holladay wished to improve his property would he be able to do so with a Planned Commercial zoning classification.

City Administrator Sabo stated that as long as he complied with all building codes and zoning regulations he would be able to do so.

Mr. Scheer stated that according to the City Administrator, Mr. Holladay was able to improve this property with the Planned Commercial zoning that is in place.

Mr. Holladay stated that his real estate agent had recommended that he have it rezoned back to R-3 because it may be easier to sell.

Mr. Austermann inquired as to if it was Mr. Holladay's intention to raise chickens at this location. Mr. Holladay stated that he had no intention to raise chickens at this location and that chickens had nothing to do with his zoning change request.

Alderman Sir inquired as to why the previous zoning change was necessary.

Mr. Holladay stated that he had a buyer for the property and that they requested that he have the property rezoned before they purchased it. He stated that it was to be used as a beauty salon, but the sale fell through due to financing issues.

Mr. Austermann inquired as to if his real estate agent had advised him that the property would be easier to sell if it had a residential zoning classification.

Mr. Holladay stated that was correct.

Mr. Austermann stated that he was a real estate agent and he found it difficult to believe that the property would be harder to sell with the present zoning classification.

Mr. Austermann asked if the property has a residential appearance.

Mr. Holladay stated that it does.

Mr. Scheer inquired as to if the property is presently for sale.

Mr. Holladay stated that his realtor suggested to take it off the market for now and have it rezoned and try to sell it at a later date.

No one spoke in support of or in opposition to the petition.

There being no further matters for discussion, the public hearing was adjourned at 7:11 p.m.

Respectfully submitted,

(Original with signature on file)

Barb Griffin, Acting Secretary

The meeting was called to order at 7:11 p.m. by Chairman Knapp.

Present at roll call were: Chairman Knapp and members Alderman Sir, Svoboda, Kiefer, Schmiedeskamp, Austermann, Siebenman and Scheer. Mr. Smith was absent. Also in attendance was City Administrator Craig Sabo.

On motion by Mr. Svoboda, seconded by Mr. Scheer and passed with 6 "YES" votes and 2 "Abstentions" (cast by Chairman Knapp and member Austermann), the Minutes of March 23, 2011 were approved.

GUESTS:

There were no guests who wished to address the Commission.

OLD BUSINESS:

There was no old business to be discussed.

NEW BUSINESS:

A. Consideration of a petition from Tim and Tammy Holladay for rezoning of an approximately .66 acre parcel from PC (Planned Commercial) to R-3 (Single Family Residential) located at 531 Orchard Lane.

Alderman Sir stated that he had concerns if Mr. Holladay wished to improve his property and the Planned Commercial zoning would make it difficult.

Mr. Scheer inquired to the City Administrator as to if Mr. Holladay would follow residential building codes even if his residence was currently zoned Planned Commercial.

City Administrator Sabo stated that residential utilization in a commercial district is considered a legal non-conforming use, adding that if the commercial standards were to apply, any expansion of the footprint in conjunction with a permitted use would require Planning and Zoning Commission approval. He noted that as long as they conformed with building and zoning regulations the Commission's review would be ministerial and non-discretionary in nature.

Mr. Siebenman stated that it probably should not have been rezoned to Planned Commercial as it looks like a residence.

Mr. Svoboda stated that it is a residence as long as Mr. Holladay is residing there, and as such, he can make any type of improvements to the property under the current zoning.

Alderman Sir stated that he had concerns that Mr. Holladay may have trouble selling it as it is presently zoned.

City Administrator Sabo stated that irrespective of the current use of the property, the Commission should base their recommendation on what they deem to be the most appropriate zoning district classification for the property.

On motion by Mr. Svoboda, seconded by Mr. Siebenman and passed with 5 "YES" votes and 3 "NO" votes (cast by members Scheer, Austermann and Kiefer), approval was recommended for a petition from Tim and Tammy Holladay for rezoning of an approximately .66 acre parcel from PC (Planned Commercial) to R-3 (Single Family Residential) located at 531 Orchard Lane.

B. Consideration of a petition from John Devine for a subdivision of land of approximately 19.91 acres located at 5926 and 5934 Hunters Ford Road to be known as Rock Tree Estates.

Mr. Devine stated that he currently resides on Hunters Ford Road and wished to develop the property that is across the street from him that he also owns. He stated that the property is twenty (20) acres and he would like to develop six (6) three (3) acre lots.

Mr. Scheer inquired as to what variances Mr. Devine wished to obtain in order to develop the property.

Mr. Devine stated that the road was to be twenty-six (26) feet wide with twenty (20) feet of paved road and three (3) foot gravel shoulders. He stated he was also seeking a variance to delete the required sidewalks as the grade of the property was too steep for such and that he wished to have a hammerhead turnaround instead of a cul-de-sac.

Mr. Scheer inquired as to if the center of the hammerheads contained two (2) ten (10) foot easements. Mr. Devine stated that was correct.

Mr. Scheer inquired as to if the driveways of lots five (5) and six (6) would have ingress and egress problems.

Mr. Devine stated that the driveways would extend into the hammerhead.

Mr. Scheer inquired as to why Mr. Devine would not install a cul-de-sac instead of a hammerhead. Mr. Devine stated that a hammerhead would disturb far less property and vegetation and that the grade was very steep and would have to be raised. He stated that a cul-de-sac would have to be ninety (90) feet wide.

Mr. Scheer inquired as to why Mr. Devine was seeking a variance for the roadway with three (3) foot shoulders.

Mr. Devine stated that the roadway bed would be a total of twenty-six (26) feet in width, but he was requesting the three (3) foot graveled shoulders on each side of the twenty (20) foot wide paved road.

Mr. Scheer asked what would keep the gravel in place on the shoulders.

Mr. Devine replied that the shoulders would be maintained.

Mr. Scheer inquired as to how the gravel would be maintained in order for it to stay in place.

Mr. Devine stated that it would be maintained, but that a certain amount of gravel may fall into the drainage ditches.

Mr. Svoboda inquired as to if there would be curbs.

Mr. Devine stated that there would not.

Alderman Sir asked why the entire width of the road would not be paved.

Mr. Devine stated that Hunters Ford Road is only eighteen (18) feet wide and that it seemed extreme for him to pave a twenty-six (26) foot wide road coming off Hunters Ford Road, especially due to the fact that he was only developing six (6) lots where there would be little traffic on the road.

Alderman Sir stated that twenty-six (26) feet is what is required by Code and he wanted to know what the hardship was to grant the requested variance.

Mr. Devine stated that cost was a factor and the road would be much wider than Hunters Ford Road. He stated that twenty (20) feet of pavement could be accepted by Code and the large width is not necessary.

Mr. Schmiedeskamp stated that Hunters Ford Road may be eighteen (18) feet wide, however, it likely once had rock shoulders that have washed away, adding that if St. Louis County and the City couldn't maintain such shoulders, he couldn't see how Mr. Devine would be able to do so. He stated that he also had concerns with the steep grade.

Mr. Devine stated that he believed Hunters Ford Road never had rock shoulders.

Alderman Sir stated that the width or condition of Hunters Ford Road was immaterial to the requested variance.

Mr. Scheer stated that he supported Alderman Sir's assertion that the width of Hunters Ford Road had no bearing on Mr. Devine's request for a variance.

Mr. Siebenman stated that it was a shame that Hunters Ford Road was in poor condition and the City and St. Louis County could not keep it maintained, yet Mr. Devine was being required to do so.

Mr. Kiefer inquired as to why Mr. Devine had not appeared before the Board of Adjustment for the requested variances.

City Administrator Sabo replied that Section 20A-7 of the Municipal Code allows the Board of Aldermen to grant exceptions to the subdivision regulations when the property proposed for development is of a size or shape or is surrounded by unusual conditions that application of the subdivision requirements results in practical difficulties or hardships.

Mr. Kiefer inquired as to who would be maintaining the roadway once it is in place. City Administrator Sabo stated that it is proposed as a private roadway.

Chairman Knapp stated that he had concerns with all the variances that Mr. Devine was requesting. He stated that he also did not think the sidewalk variance should be granted as there were other subdivisions in the City with steep grades and they were required to have sidewalks.

Mr. Scheer asked Fire Marshall Mullins if the proposed roadway was acceptable to the Fire District. Fire Marshall Mullins stated that the road must be a twenty-six (26) foot wide all weather surface roadway, adding that he was not an engineer so he could not make the determination if the road, as proposed, would meet the requirements and that it would be Mr. Devine's responsibility to provide an engineering report stating that what is being proposed is sufficient. He stated that if the requirements could not be met, Mr. Devine would have to seek a variance from the Eureka Fire Protection District Board of Directors.

Mr. Scheer inquired as to if the dry hydrant that was being proposed would be supplied by a lake. Mr. Devine stated that it would, and the lake would contain enough water to provide for the dry hydrant requirements.

Mr. Scheer stated that considering the distance from the dry hydrant to the properties, a tanker would be the only viable option for water supply in fighting a fire, and with the proposed roadway width it would be very difficult for fire personnel to do their jobs.

Mr. Devine stated that although there would be gravel shoulders, it would still be twenty-six (26) feet wide and the dry hydrant would not only be of benefit to the development, but to the entire Hunters Ford Road area.

Mr. Scheer stated that it may be of benefit to others, but it would be difficult for a pumper to access the properties, and a cul-de-sac would be a much better option than a hammerhead turnaround from an emergency vehicle standpoint. He stated that the only variance he would consider would be for the deletion of the sidewalks.

Mr. Devine inquired as to if consideration for the roadway would be given if he were to rezone the property to Large Lot Residential.

Mr. Svoboda stated that he would still be required to have the roadway variance and that emergency vehicle access is an important component in recommending approval of the petition. He stated that he did not think the gravel shoulders were a good idea.

Mr. Devine stated that the dry hydrant was beneficial to the area.

Mr. Scheer stated that may be, but he was still required by Code to have a twenty-six (26) foot wide roadway and a cul-de-sac.

Mr. Devine inquired as to if the other Commission members had concerns with the hammerhead turnaround.

Mr. Scheer stated that a hammerhead offered limited space for driveways and turnarounds as a cul-de-sac offered much more room for turnarounds and access.

Mr. Devine inquired as to if the Commission would like him to increase the size of the hammerhead turnaround.

Mr. Scheer stated that instead of increasing the size of the hammerhead, he should install the required cul-de-sac.

Mr. Svoboda inquired as to how much of the property had already been cleared for the development. Chairman Knapp stated that the property had been in the process of being cleared during the past year.

Mr. Devine stated that he had started clearing the property, but he had been in contact with the City and he was allowed to removed ten (10) percent of the trees per year on the property (without a Land Disturbance Permit).

Mr. Kiefer asked if the Fire District had approved the hammerhead. Fire Marshall Mullins stated that it meets the requirements of the District.

Mr. Kiefer stated that he saw issues with the driveways in the hammerhead and that vehicles at the end of the driveways projecting into the hammerhead could create problems. Mr. Devine replied that the hammerhead meets the requirements of the Fire District.

Chairman Knapp stated that he did not think the Commission should grant the variance for the deletion of the sidewalks.

Mr. Svoboda stated that the development should have sidewalks.

Mr. Devine stated that there would be only six (6) lots in the development and the grade is extreme.

City Administrator Sabo stated that the Park Board had approved his request to pay cash in lieu of providing the required property designated for a park.

Mr. Devine stated that it would be very difficult to install sidewalks on the property and they would not have much use with such a small number of homes.

Chairman Knapp stated that he thought there were too many variances being requested.

Mr. Svoboda stated that as with any new development in the City, all infrastructure requirements should be met.

Mr. Devine asked what his options were regarding his application with respect to the variances.

City Administrator Sabo stated that he could withdraw or refine his application or possibly consider rezoning the property (to Large Lot Residential). He added that the Commission could base their motion on all, some or none of the proposed variances and Mr. Devine could inform the Board of Aldermen as to the extent to which he agreed or disagreed with the basis of the Commission's recommendation.

On motion by Mr. Scheer, seconded by Mr. Austermann and unanimously passed by those members in attendance, approval was recommended without any of the requested variances for a petition from John Devine for a subdivision of land of approximately 19.91 acres located at 5926 and 5934 Hunters Ford Road to be known as Rock Tree Estates.

ADDITIONAL BUSINESS:

There was no additional business to be discussed.

There being no further matters for discussion, on motion by Mr. Scheer, seconded by Mr. Svoboda and unanimously passed, the meeting was adjourned at 8:10 p.m.

UPCOMING MEETINGS:

- July 27, 2011
- August 10, 2011

Respectfully submitted,

(Original with signature on file)

Barb Griffin, Acting Secretary