

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, Holloway, Smith, Scheer, Austermann, Siebenman, Leistner and Kiefer.  
Also in attendance was City Administrator Craig Sabo.

Chairman Knapp stated that Item A on the Public Hearing Agenda and Regular Agenda would be discussed consecutively so that the petitioner would not have to remain in attendance for Item B if he so chose.

A. A petition from E.R. Sutter for a Special Use Permit for a private ballfield in an M-2 Zoning District located at 353 Bald Hill Road.

Notice of the Public Hearing was published in The Countian on Tuesday, May 26, 2015 and in The Current on Wednesday, May 27, 2015.

Mr. Sutter stated that he was seeking permission to have a girl's practice ballfield on his property for his daughter's softball team. He stated he had installed a fence as a barrier between the ballfield and the creek which borders the property.

Mr. Scheer inquired as to where the team players would park when at practice.

Mr. Sutter stated that he had obtained permission from Rocky Lupardus, the dentist across the street, for the team members to park on his lot as the practice would be held during non-business hours.

Mr. Scheer inquired as to if there would be sanitary facilities available.

Mr. Sutter stated that they can use the facility at his home which is near the field.

Alderman Sir inquired as to if there would be any organized ball activity at this location.

Mr. Sutter stated that there would not.

Mr. Siebenman inquired as to the number of evenings the practice would be held.

Mr. Sutter replied that practices will be held two (2) evenings per week.

Mr. Siebenman inquired as to if Mr. Sutter was worried about damage from foul balls.

Mr. Sutter stated he was not.

Mr. Siebenman inquired as to the age of the team members.

Mr. Sutter stated that they were fourteen (14) years of age.

Mr. Scheer inquired as to how many years Mr. Sutter planned on using the grounds as a practice field.

Mr. Sutter stated no longer than four (4) years.

Mr. Scheer inquired as to if Mr. Sutter would agree to have the field removed once his daughter no longer participates in softball activity.

Mr. Sutter stated he was agreeable to that condition.

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

The public hearing was closed at 7:04 p.m.

The regular meeting was opened at 7:04 p.m to discuss Item A only.

**NEW BUSINESS:**

A. Consideration of a petition from E.R. Sutter for a Special Use Permit for a private ballfield in an M-2 Zoning District located at 353 Bald Hill Road.

Chairman Knapp stated that he had spoken with Dr. Lupardus and he informed him he had granted permission for the team members to park on his lot.

Chairman Knapp went over the six (6) points of factual determination as required in Municipal Code Section 23-182(d).

The consensus was unanimously favorable on all points.

On motion by Mr. Smith, seconded by Alderman Sir and unanimously passed, approval was recommended for a petition from E.R. Sutter for a Special Use Permit for a private ballfield in an M-2 Zoning District located at 353 Bald Hill Road with the following conditions; (1) The property must be returned to its original state once Mr. Sutter's daughter no longer participates in softball activity and; (2) No competitive activity may take place on the field.

At 7:06 P.M. the Planning and Zoning Commission resumed to the Public Hearing portion of the meeting to discuss Item B on the agenda.

B. A petition from Brewster Road, LLC for rezoning of parcels totaling approximately 293 acres from PC (Planned Commercial) and LLRD (Large Lot Residential District) to PRD (Planned Residential District) located at 764 and 765 Brewster Road and a portion of 4900 Six Flags Road.

Notice of the Public Hearing was published in The Countian on Tuesday, March 31, 2015 and in The Current on Wednesday, April 1, 2015.

Speaking on behalf of Brewster Road, LLC was Ms. Jeannie Aumiller, a representative from McBride & Sons Homebuilders. She stated that she, along with other representatives in attendance from McBride, would like to present an exciting new development for Eureka. Ms. Aumiller stated that McBride is an employee owned company that is currently building in sixty (60) communities. She stated that McBride had constructed Forby Estates and Mirasol, two (2) subdivisions within the area. She stated that the development they were proposing was within 292 acres and that they presently owned half of the property and the other half was under contract to purchase from Six Flags. Ms. Aumiller stated that it would be a signature community with great amenities, was in the Rockwood School District and would preserve the environmental features of the area. She stated that all lots would back to common ground and the homes being offered would attract all age groups. Ms. Aumiller stated that it would bring many new rooftops to Eureka. She stated that in a study McBride commissioned from Development Strategies, the findings were that there would be a demand for villa homes, along with single family dwellings for families. She stated that other findings in the study were that the development would add \$13,100,000.00 in new goods and services to the community which would support existing retail and attract other commercial businesses, the additional sales tax benefits would be between \$131,000.00 to \$262,000.00 annually and the property tax increase estimate was 19.8%.

Ms. Aumiller stated that presently half of the property was zoned Large Lot Residential and the other half was zoned Planned Commercial. She stated that they were asking for a rezoning of both parcels to Planned Residential Development with a Master Plan. She stated that they were currently in talks with the Missouri Department of Transportation to install a traffic light at the intersection of Fifth Street and Workman Road. She stated that there would be a landscaped lane with a center median to the development entrance, an eight (8) foot trail along side of the lane and a lake with a fountain feature at the entrance.

Chairman Knapp inquired as to how large the road would be.

Jeremy Roth, a McBride representative, stated that there were two (2) twenty (20) foot wide lanes and there would be an eight (8) foot trail.

Ms. Aumiller stated that the Rockwood School District would purchase thirteen (13) acres from McBride and construct a new elementary school.

She stated that there would be villas, single-family homes, step-up homes and luxury homes offered in the development. Other amenities would be trails, pavilions within parks with parking, a dog park and detention areas with native landscaping. She stated that in addition to those amenities, there would also be a right-of-way dedication to the City for public trails. She stated there would be an emergency connection to the Villages at Hilltop, but it would never serve as a through street connecting the developments. Ms. Aumiller stated there would be a water tank and well installed

and Brewster Road would be improved and used as a secondary access to the development. She stated that they would be adding a left-turn lane onto Fifth Street at Howerton to alleviate traffic issues. Ms. Aumiller stated that there would be 138 acres of tree preservation with 164 acres of common ground.

Chairman Knapp inquired as to if only certain home types would be offered in phases or would all home types be available at once.

Ms. Aumiller stated that the development would be offered in phases, but they would offer each type of home in those phases.

Chairman Knapp inquired as to the maximum number of homes that could be constructed.

Mr. Roth stated that six hundred and thirty four (634) was the maximum allowed.

Mr. Scheer inquired as to if they requested an additional traffic signal be installed at Howerton Lane and Fifth Street.

Ms. Aumiller stated that they did not.

Chairman Knapp stated that he did not believe MoDOT would install two (2) traffic signals so close together.

Mr. Scheer stated that he thought the traffic would enter and exit the development evenly between the access points with the western homes using the Workman Road entrance and the eastern homes would use the access provided at Howerton Lane.

Ms. Aumiller stated that the price points were as follows; the villas would be in the \$200,000.00 range, the single-family dwellings would be in the mid \$200,000.00 range, the step-up homes would be in the upper \$200,000.00 to low \$300,000.00 range and the luxury homes would be priced starting at \$400,000.00 but could be as high as \$500,000.00 to \$600,000.00. She stated that they would be offering approximately one hundred twelve (112) villa homes, two hundred twenty-six (226) single-family homes, one hundred nineteen (119) step-up homes and seventy-seven (77) luxury homes. She stated that all lots will back to common ground, a new school would be added to support the additional students brought in by the development and over half of the site would remain in its natural state.

Mr. Scheer inquired as to the depth of the lake.

Mr. Roth stated that it was eight (8) to ten (10) feet deep.

Mr. Scheer inquired as to what it would be lined with as he did not want to see this lake end up in the same state as Lake Chesterfield.

Mr. Mike Boerding from Sterling Engineering stated that they would be using higher plastic clays to line the inside of the lake.

Mr. Holloway inquired as to if they could use bentonite to line the inside of the lake.

Mr. Boerding stated only as a last resort as it is cost prohibitive.

Alderman Sir inquired as to if they could make the lake deeper so that it may be used as a fishing lake.

Ms. Aumiller stated that they have not approved the final design of the development yet, so they would be able to research changing the proposed depth of the lake.

Alderman Sir stated that he would rather see a fishable lake than have the fountain installed in the middle of the lake.

Mr. Schindler, a McBride representative, stated that the lake would be of a size that it could potentially be a fishable lake with a water feature also installed.

Mr. Kiefer inquired as to if MoDOT had given approval for the traffic signal.

Ms. Aumiller stated that they are in the process of submitting to them all documentation needed for approval at this time.

Ms. Aumiller stated that the project also meets all open space requirements and they had received a favorable recommendation from the Eureka Park Board.

Mr. Scheer inquired as to if existing property owners would still be able to access Brewster Road with any changes made because of the development.

Mr. Roth stated that all existing property owners would have access.

Mr. Scheer inquired as to if there would be parking provided where the trailheads are marked on the plan.

Mr. Roth stated that they did not provide parking in all access areas, but that some did have parking.

Mr. Scheer stated that he had concerns about people parking in front of a homeowner's property to access the trail.

Ms. Aumiller stated they would have the buyers of those lots sign a disclosure form stating they were aware that hikers could be using those areas for parking.

Mr. Kiefer inquired as to what type of surface the trail would be.

Ms. Aumiller stated that it would be asphalt.

Mr. Scheer inquired as to how wide the trails would be.

Mr. Roth stated that they would be eight (8) foot for the development owned trails and that the City trail dedication would be thirty (30) foot wide.

Mr. Holloway inquired as to who would control equestrian traffic as the City-owned trails would connect to Greensfelder Park.

Ms. Aumiller stated that as that was City right-of-way, it would be up to the City to control activity on the trail.

Alderman Sir stated that he wanted to make certain the emergency access at Hilltop Terrace Drive would be a double gated structure that was as narrow as possible and the surface adequate so that only a fire truck or other emergency vehicles would be able to pass through. He stated that he wanted to make certain no construction traffic access the site through the gate during the development and it never be opened as a public access.

Ms. Aumiller stated that it could included in the subdivision covenants that it never be allowed as a through street.

Mr. Siebenman inquired as to why it was needed.

City Attorney Kathy Butler stated that it had become an issue with other subdivision developments and that during an emergency situation there should be two (2) access areas provided. She stated that any subdivision covenant is not considered binding by a City. She stated that a condition of approval be that a three (3) way binding agreement be entered into between the City, the Hilltop Village Homeowners Association and the Arbors Homeowners Association addressing the emergency access. She stated that the gated access would benefit both subdivisions in case of an emergency situation. She stated that there was an incident where people were not able to get to their homes because the lake at The Forests of Hilltop flooded preventing access to the subdivision. She stated that the agreement would require approval of the City and trustees from both subdivisions, then the measure would be put to a vote and certified by the City and then it would have to be approved by the City's Planning and Zoning Commission and finally the Board of Aldermen. Ms. Butler stated these would be huge hurdles to cross to get the emergency access ever opened for public use. She stated that most people would use Howerton Lane as a secondary access to the subdivision.

Mr. Scheer inquired as to if it would provide access to both subdivisions, if needed.

Ms. Butler stated that it would and that the road would be constructed of some type of material that it would not look like a road.

Speaking in support of the petition was Ms. Katie Graft. Ms. Graft currently resides in Wildwood, but stated that she would like to relocate to Eureka and the subdivision would be a tremendous opportunity for young families looking to move to the Eureka area.

Speaking in support of the petition was Mr. Sean Hannan of 602 Sierra Lane. He stated that development may help impact the future of the area and as long as the concern of the emergency access is properly addressed he supports the development.

Fire Marshal Rich Pallarito stated that the gate will be a rapid key entry system and the only people to have the keys are the police and fire departments.

Speaking in opposition was Laura Wallner who resides at 710 Hilltop Terrace Drive. She inquired as to how the fire trucks would be able to get through Hilltop Terrace because they have trouble getting through the subdivision with all the cars on the streets. She inquired as to why this was being looked at as the only area for access.

Speaking in opposition was Mr. Steve Lee who resides at 733 Hilltop Woods Court. He stated that in addition to the access he also had concerns with water and water run-off issues. He stated that he had concerns that the detention basins will not hold the water they are designed to hold.

Chairman Knapp stated that any detention area would be designed and constructed per Code.

Mr. Lee stated that it was currently proposed to be two hundred (200) feet from his property and inquired as to why the development could not be moved so a detention basin would not be required. He inquired as to who he needed to speak with to address his concerns.

Chairman Knapp stated that it would be Building Commissioner Bill Penney or City Administrator Craig Sabo.

Mr. Lee stated that Hilltop was not designed for this type of traffic and that the developer should look for another emergency access point.

Speaking in opposition was Mr. Michael Niemiec, a representative from Rotometrics. He stated that the company had issues with the additional traffic added to Howerton Road. He stated that they have five hundred (500) employees traveling that road, along with contractors and seventy-five (75) to one hundred (100) trucks. He stated the trucks were very large trucks and that by adding five hundred (500) more homes and a school it would pose significant traffic safety issues.

Speaking in opposition was Ms. Pat Lee who resides at 17000 Elm Trail Drive. She inquired as to if a traffic study had been completed regarding the impact of the development as to traffic issues on Fifth Street.

Speaking in opposition was Ms. Dana St. John of 708 Hilltop Woods Court. She stated that she was advised by McBride that the emergency access connection would not happen. She stated that there appears to be no guarantee that the access will not become a public access street. She stated that she also had concerns about the aesthetics of the gated area. She asked that the emergency access at Hilltop Terrace Drive not be allowed as part of the approved development.

Speaking in opposition was Mr. Ed Kiernan of 4626 Hickory Ridge View Court. He stated that he had previously served on numerous City Commissions and Boards. He stated that Eureka has a poor record of approving poor retention and detention basins. He stated the lake at The Forests has been greatly silted in and that there are issues with the park lake by St. Marks because of Dale Hick's development. He stated that lining the lake in bentonite will work best. He stated that if people are against the development, they should be aware that Planning and Zoning is just a recommending body and that it is a long process.

Speaking in opposition was Mr. Chris Swallow of 17423 Hilltop Ridge Drive. He stated that he was against the emergency access area. He stated that Ordinance 1386 prevented it from becoming a road, but that no matter what it is called it will still be considered a road.

Speaking in opposition was Ms. Stacy Selbert who resides at 723 Hilltop Terrace Drive. She stated that she had concerns regarding the emergency access, the design features, green space area of the development and water issues. She stated that she hopes there is more clarification regarding these issues.

Speaking in opposition was Ms. Julie Merlin of 17261 Hilltop Ridge Drive. She stated that she had an issue with the City Attorney's statement that the lake at The Forests had flooded and prevented

people from getting to their homes. She stated that she had resided at her house for twenty (20) years and that had not happened. She stated that she had issues with McBride in another community. She stated that there were previously water run-off issues and it took Levinson four (4) to five (5) years to fix the issue and she had concerns that water run-off would become an issue again with the new development.

Speaking in opposition was Mr. Mike Vogt of 17439 Hilltop Ridge Drive. He inquired as to who requested the emergency access be provided at Hilltop.

Mayor Kevin Coffey stated that the City had requested it for emergency situations only. Mayor Coffey stated that he was aware that Hilltop Ridge Drive had previously flooded and that the lake had overflowed its banks. He stated there was a four (4) foot underground pipe that could burst and that could potentially flood the road. He stated there is also an older major water main in the area. He said the City's main goal was to make the neighborhood safer and he hoped they never had to use the access for either subdivision. Mayor Coffey stated that he has family that resides in Hilltop and he wanted to make certain they were always safe along with all residents in the community.

City Attorney Kathy Butler stated someone had brought up an ordinance regarding extending Hilltop Terrace Drive. She stated the ordinance only states that the City must provide notice to the public that it would be extending the road. She stated that the three (3) party agreement would mean that all parties would be contractually bound to complete all steps to open the road and that getting all the approvals set forth in the agreement would be almost impossible as it would require approval from both homeowners associations and residents in both subdivisions and then have to receive approval from Planning and Zoning and the Board of Aldermen.

Mr. Vogt inquired as to if there was a traffic study regarding Fifth Street completed.  
Ms. Aumiller stated that it had not been completed.

Mr. Niemiec inquired as to if there was no other way to access the property.

Speaking in opposition was Mr. Chris Burrows of 17469 Hilltop Ridge Drive. He stated that he had property that had an access but McBride did not want to purchase the property.  
Ms. Aumiller stated that there was no feasible way to get them through Six Flags.

Mr. Burrows stated that water run-off had been an issue in the area. He stated that the property is currently zoned Large Lot Residential and by rezoning the property it would change the beauty of the area. He stated that he owned property adjacent to the subject property that it was presently zoned Large Lot Residential. He had submitted plans to construct homes that complied with that zoning classification. He stated that he had a road in the area that McBride could access, but they chose not to use it.

Speaking in opposition was Mr. Bob Zeiser of 17153 Elm Trail Drive. He stated that he was the President of the Hilltop Village Homeowners Association. He stated that from what he heard tonight that people may not be able to access their homes in an emergency if the roads are closed, so would that mean they would open the emergency access gate for vehicles to use. He stated it was his understanding that it would be used for emergency vehicles only and now he is hearing about homeowners using it to get to their houses. He also inquired as to if there were any City parks, ballfields or soccer fields being offered because he has heard no discussion of any of those things.

There being no further matters for discussion, the public hearing was adjourned at 8:34 p.m.

Respectfully submitted,

(Original with signature on file)

---

Barb Griffin, Acting Secretary

The meeting was called to order at 8:34 p.m. by Chairman Knapp.

Present at roll call were: Chairman Knapp and members Alderman Sir, Holloway, Smith, Scheer, Austermann, Siebenman, Leistner and Kiefer.

Also in attendance was City Administrator Craig Sabo.

On motion by Mr. Scheer seconded by Mr. Smith and passed with 7 "YES" votes and 2 "ABSTENTIONS" (cast by members Siebenman and Leistner), the Minutes of May 27, 2015 were approved.

**GUESTS:**

There were no guests present who wished to address the Commission.

**OLD BUSINESS:**

There was no old business to be discussed.

**NEW BUSINESS:**

B. Consideration of a petition from Brewster Road, LLC for rezoning of parcels totaling approximately 293 acres from PC (Planned Commercial) and LLRD (Large Lot Residential District) to PRD (Planned Residential District) located at 764 and 765 Brewster Road and a portion of 4900 Six Flags Road.

Chairman Knapp stated the he understood the concerns of the homeowners, but he thought that the agreement drafted by the City Attorney would address these concerns regarding the access gate. He stated that he had previously worked for McBride and thought they were a good builder. He stated that any detention basin would be designed and constructed to hold water and if there is a problem, McBride would address it. He stated that he thought most of the residents in the subdivision would use the Interstate 44 access at Six Flags-Allenton Road, so that would not pose a traffic problem on Fifth Street. He stated that he hoped MoDOT would approve the traffic signal.

Mr. Siebenman stated that he thought they were constructing everything in the development to minimum standards and wished they would have a less dense development.

Chairman Knapp stated that they were not actually constructing the maximum number of allowed homes for the development.

Mr. Scheer stated that the six (6) foot side yard would actually be twelve (12) feet between homes.

Mr. Siebenman stated that he also had concerns on how it would affect neighboring properties with similar zoning.

Mr. Sir stated that any approval should have conditions regarding the emergency access and the fishing lake.

Mr. Austermann stated that he thought this was a big project and for Eureka to grow this may be the last area where a big project can be constructed. He stated he liked the idea of a mixed community offering different home types to all buyers. He did have concerns regarding the emergency access, but overall he felt it was a great plan.

Ms. Aumiller stated they had owned the property for approximately three (3) years and preservation is what actually drove the lot sizes. She stated they did not maximize the allowed density to preserve the area.

Mr. Siebenman inquired as to how many lots could be in the development if they stayed with a Large Lot Residential zoning classification.

Ms. Aumiller stated that half of the property is zoned Planned Commercial.

Chairman Knapp stated that there would be thirty-three (33) lots if it were to stay Large Lot Residential.

Mr. Siebenman stated he was not certain this would best benefit the citizens.

Ms. Leistner stated that she always hears from residents requesting more commercial businesses. She stated in order for that to happen, the City needed more rooftops. She stated the emergency access gate worked well in Times Beach when she was Mayor so she thinks it will work for this situation, too. She stated that she hoped McBride would address some of the concerns voiced at the meeting. She stated that Eureka was named #1 in the State of Missouri to raise a family and this development would help bring new families to Eureka. Ms. Leistner stated that the project will be completed in phases and that the increase in traffic will not be present on Fifth Street at the onset. She stated she feels good about the project.

On motion by Ms. Leistner, seconded by Mr. Kiefer and unanimously passed, approval was recommended for a petition from Brewster Road, LLC for rezoning of parcels totaling approximately 293 acres from PC (Planned Commercial) and LLRD (Large Lot Residential District) to PRD (Planned Residential District) located at 764 and 765 Brewster Road and a portion of 4900 Six Flags Road with the following conditions; (1) A binding three (3) party agreement between the City, the Hilltop Village Homeowners Association and the Arbors Homeowners Association be entered into regarding the access gate between properties; (2) the access area must be a non-paved surface with a double gated rapid entry key system that only the Eureka Fire Protection District and the Eureka Police Department have keys and only emergency vehicles may pass through the gate which will be no wider than sixteen (16) feet to allow a fire truck to pass through; (3) that the lake specifications be approved by the City Engineer.

**ADDITIONAL BUSINESS:**

There was no additional business to be discussed.

There being no further matters for discussion, on motion by Jim Scheer, seconded by Ms. Leistner and unanimously passed, the meeting was adjourned at 9:03 p.m.

**UPCOMING MEETINGS:**

- June 24, 2015
  - A. Consideration of a petition from Scott Nelson for an amended Special Use Permit for an additional building and two building additions located at 103 Thresher Lane.
  - B. Consideration of a petition from Scott Nelson for a boundary adjustment located at 103 Thresher Lane.
- July 15, 2015

Respectfully submitted,

(Original with signature on file)

---

Barb Griffin, Acting Secretary