

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, Siebenman, Leistner, Austermann, Kiefer, Holloway, Smith and Scheer.

Also in attendance was City Administrator Craig Sabo.

A. A petition from Terry Selbert, representing Selbert's Auto Body, for an amended Special Use Permit for a building addition located at 410 West Fourth Street.

Notice of the Public Hearing was published in The Countian on Monday, February 22, 2016 and in The Current on Wednesday, March 2, 2016.

Mr. Selbert stated that he was seeking permission to amend his site plan for a building addition he was adding to his property. He said he was changing the detention area to be underground and moving the curbing on the west side of the property to allow him additional parking.

Mr. Scheer inquired as to the type of tank Mr. Selbert was installing.

Mr. Selbert stated it was a plastic dome that was on top of 18" inches of clean rock and then he would add more clean rock on top of the dome which would allow them to pave over it for parking.

Mr. Scheer inquired as to the size of the tank.

Mr. Selbert stated that it was approximately eighty (80) feet long and thirty (30) feet wide which is bigger than the detention basin that is presently on the property.

Mr. Scheer inquired as to if one would be able to park vehicles or store equipment on top of the underground detention area.

Mr. Selbert stated that such parking and storage would be possible.

Mr. Scheer inquired as to where the detention area would drain.

Mr. Selbert stated that the tank would allow for the water to drain slowly to the creek which is where the existing detention pond drains.

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

The public hearing was closed at 7:02 p.m.

The public hearing was opened at 7:02 p.m.

B. A petition from Sean Flower, representing Flower and Fendler, Inc., for rezoning of approximately 13.57 acres from R-1 (Single-family Residential) and 1A (One Acre Single-Family Residential) to R-1 CUP (Single-family Residential Community Unit Plan) located at 84 and 86 Augustine Road and 333 and 339 Cerny Avenue and legally described as a tract of land in U.S. Survey 2071 Township 43 North, Range 4 East of the 5th P.M., of the City of Eureka, St. Louis County, Missouri as filed for record in Plat Book 7677 Page 874 of the land records of said St. Louis County (Locator Nos. 30V640271, 30V640262, 30U430042 and 30U430060).

Notice of the Public Hearing was published in The Countian on Monday, February 22, 2016 and in The Current on Wednesday, March 2, 2016.

Mr. Flower stated that after the flooding in December he voluntarily requested that his petition be removed for consideration so that he could address issues that may arise with future flooding. He said that the new proposal still has twenty-five (25) lots with one of the major changes to the plan being that the entrance to the development would be relocated out of the one hundred (100) year flood area which would make certain that not only residents in the development would have access in or out of the subdivision during a flood event, but it would also allow Mr. Sharp and the church property have an access point. He stated that the detention area was enlarged to hold 175,000 cubic feet of water, adding that the needs for his site were estimated at between 90,000 and 100,000 cubic feet of water. He said that as a result of enlarging the basin to be larger than his needs it could capture additional storm water from rear neighboring properties which should reduce the frequency

and severity of flash flooding on Augustine Road. He stated that the storm water would be captured by the detention area and metered off slowly toward the creek. He said that the volume of additional storm water his detention basin would be able to capture would approximately fit in an area the size of a basketball court, seventeen (17) feet in height. He added that he also increased the size of the lots in the area adjacent the Villas of Autumn Glen and added trees. He stated that the park area had changed somewhat, and that the road frontage had no houses. He said there will still be no access onto Cerny Avenue, and that he was just subdividing the properties on Cerny Avenue so that he could utilize the rear portions for his development. He stated that he had spoken with City officials and residents in the area about the need for an emergency access area through The Timbers Recreation Center property. He said he was proposing that in lieu of installing a trail he would offer those funds to the City to install a secondary access for emergency situations such as the flood, so that people could get in and out of the area. He stated that he was requesting a zoning change from R-1 to R-1 CUP which would provide the same number of units as an R-1 zoned area, but with the property configuration of the CUP, it would allow him to utilize all the property to address various issues and construct homes. He said he had tried to address all of the concerns, and that this was his last proposal to develop this property. He stated that, in his opinion this was one of the best subdivisions he had ever developed with respect to addressing issues that had been raised. He noted that he is a Eureka resident and wanted to present a development that he considered an asset to the City.

Mr. Austermann inquired as to where the storm water from the detention area would flow.
Mr. Flower stated that it would be metered off slowly into the creek.

Speaking in support of the petition was Pastor Jim Brown of the Eureka Bible Church located at 86 Augustine Road. He stated that he supports the development and that Mr. Flower had addressed the various issues that had arisen regarding flooding in the area, as well as issues with neighboring properties.

Speaking in support of the petition was Ms. Linda Kovich of 333 Cerny Avenue. She stated that Mr. Flower was purchasing one (1) acre in the rear of her property and her son would construct a house on that lot. She stated that she is also a member of the Eureka Bible Church. She stated that Mr. Flower had attempted to address all issues relating to flooding, and that he was a proven builder and a member of the Eureka community.

Chairman Knapp inquired as to how long Ms. Kovich had resided in Eureka.
Ms. Kovich stated that she had resided in Eureka for thirty-three (33) years and had seen a number of floods.

Speaking in opposition to the petition was Mr. Jim Tumminello of 81 Augustine Road. He stated that his concern was with the detention area and how it would affect the value of his property as it was proposed to be located across the street from his residence.

Speaking in opposition to the petition was Mr. Robert Kee of 95 Augustine Road. Mr. Kee stated that the R-1 CUP would allow him to construct considerably more homes than in an R-1 zoning district, and that an R-1 zoned property required that lots be 20,000 square feet. He stated that the area that surrounds the development contained larger lots, and only a few lots in the proposed development were larger lots, with most being half that size. He said that by allowing him to rezone the property the City was allowing him to construct twice as many homes. Mr. Kee stated although Mr. Flower had relocated the entrance to his development to the east, he would still have water challenges and that every new rooftop would increase the amount of water on Augustine Road. He stated the detention pond will serve no purpose if it is underwater and this development would add more water to Augustine Road. He said that while he believes Mr. Flower is a quality developer, he is opposed to the proposed development.

Speaking in opposition to the petition was Mr. Dan Janssen of 55 Grace Rose Court. Mr. Janssen stated that he concurred with Mr. Kee's statements regarding the issues he believed would arise with the construction of this development and that he did not believe a development of this density was compatible with the area.

Speaking in opposition to the petition was Mr. Don Hinkebein of 324 Cerny Avenue. Mr. Hinkebein inquired as to if any of the property on Cerny Avenue would be affected by the development. Mr. Flower stated that there would be no new homes constructed on Cerny Avenue, nor would there be an entrance to the development on Cerny Avenue as he was purchasing only the rear portion of two (2) lots for his development.

Ms. Leistner inquired as to how the Creamer property on Cerny Avenue was included in the development.

Ms. Creamer stated that Mr. Flower was purchasing the rear portion of her lot for his development.

Mr. Hinkebein stated that he believed the development should benefit the area residents and he sees no foreseeable benefit. He stated that he envisioned increased traffic on Augustine Road. He said the owners of the properties being sold would financially benefit from this development and that Mr. Flower would benefit from the approval of this development, but that as a resident he saw nothing beneficial about it.

Speaking in support of the petition was Mr. Gary Bieg of 40 Autumn Way Court. He stated that he was glad to see that Mr. Flower was attempting to address the storm water issues that plague the area. He stated that he was not an expert in hydrology, but that Mr. Flower's presentation depicted a plan to address storm water issues.

Speaking in opposition to the petition was Ms. Andrea Deane of 51 Grace Rose Court. She stated at the last Planning and Zoning meeting all the residents that spoke were in opposition to the petition but the Commission voted in support of the petition which made her question who the Commission was actually representing. She stated that any changes to the creek on the property would require permits or review by the Army Corps of Engineers, the Environmental Protection Agency and Federal Emergency Management Agency. She stated that when she purchased her property which is zoned R-1, she had the right to know that this property would possibly be undergoing a zoning change. She stated that at the last meeting she mentioned that Commission members should follow what was stated in the City's Comprehensive Plan and that most people didn't know what it was. She stated that the Commission members were bound to consider the guidelines set forth in the Comprehensive Plan and the proposed development was not compatible with the adjacent low density development area. She stated the proposed rezoning was arbitrary, capricious, an abuse of discretion, inconsistent with the City's Comprehensive Plan and not beneficial to the general welfare of the community. She stated that this project could possibly be legally challenged in court by adjacent property owners, as adjacent property owners have rights in this consideration. She stated that one of the most important criteria in determining spot zoning is the extent to which disputed zoning is consistent with a municipality's Comprehensive Plan. She stated this could be considered spot zoning if it is just for the benefit of the people who are either making money off of it or benefitting from it like Mr. Flower. She stated that she grew up on Cerny Avenue and her parents have lived on Cerny Avenue for forty-seven (47) years and was very familiar with the area. She stated that Mr. Flower's detention pond would not address the storm water issues in the area and questioned why a developer needed to address storm water issues that plagued the area instead of the City.

Speaking in support of the petition was Ms. Julie Buchanan of 219 Drewel Court. Ms. Buchanan stated that she is a member of the Eureka Bible Church, and the members of the church have a hard time maintaining the property as they are a small church community. She said Mr. Flower had put forth a development that would benefit the entire City which is what should be considered. She stated that he had attempted to address issues that the City and area residents had with the plan. She said he was proposing a detention area that would capture more storm water than required, and is also offering money to help install an emergency access that would benefit the entire Augustine Heights area. She stated that it was the church's intention to have a portion of their property sold and developed, and if this did not get approved something else would be proposed, but that this seemed like the best use for the area. She said that she used to reside on Bald Hill Road and was not happy when The Legends was developed, but acknowledged that such development does happen.

Speaking in opposition to the petition was Mr. Mike Deane of 51 Grace Rose Court. He stated that he was not against development, but it was the density that he was against. He inquired as to if any Commission members had toured the property to become familiar with the challenges of the area. He stated that when his family purchased their house they made an investment in the area. He said when they purchased their property they were familiar with the zoning of the area. He stated that he had reviewed the Comprehensive Plan and this was not compatible with the area. He said anyone who had spoken in support of the petition would financially gain from the project. He stated he and his wife had reviewed the City's Comprehensive Plan so much that they knew as much about it as the Commission members.

Speaking in support of the petition was Ms. Brenda Creamer of 339 Cerny Avenue. She stated that she can't say she is making a lot of money, and added that she wanted to know who owned the property that was adjacent to 347 Cerny Avenue because she never asked for their lights to be shining on her house. Ms. Leistner inquired as to where 347 Cerny Avenue was in connection with Ms. Creamer's property. Ms. Creamer stated that it was two (2) houses south of her property.

Mr. Dan Sharp, of 84 Augustine Road, stated that he wanted to make a clarification for the record that at the crest of the flood in December, he drove a stake into the middle of Augustine Road so that it could be known where the water crested. He stated that Mr. Flower would move the entrance from that point eastward. He stated at the time of the crest, the lowest part of Augustine Road was under eight (8) feet of water.

Ms. Carleen Murray, of 626 Wallach Drive, said that Mr. Flower had contacted her regarding a rumor he had heard that she was coordinating opposition to his petition, which she stated was not true and thanked Mr. Flower for calling her regarding the matter. She stated that she has not made a determination as to whether or not she is in favor of the rezoning but she did have concerns with having the property rezoned to a Community Unit Plan, and that she had been upfront with Mr. Flower regarding such. She said Mr. Flower's development had some positive points including the detention area, trail dedication and funds for an access point at the Timbers Recreation Center. She stated her concern was that in this area of the City, other than the Villas located next to the proposed development, there were no other Community Unit Plans. She said the rest of the City was littered with Community Unit Plans and as a growing City, at what point it was considered enough. She stated the Augustine Heights area is known for large properties and if this were approved, it would open up other properties for the same type of zoning change requests.

There being no further matters for discussion, the public hearing was adjourned at 7:39 p.m.

Respectfully submitted,

(Original with signature on file)

Barb Griffin, Acting Secretary

The meeting was called to order at 7:35 p.m. by Chairman Knapp.

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

Also in attendance was City Administrator Craig Sabo.

On motion by Mr. Scheer, seconded by Mr. Austermann and passed with 7 "YES" votes and 2 "ABSTENTIONS" (cast by Chairman Knapp and Alderman Sir), the Minutes of February 24, 2016 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:

A. Consideration of a petition from Terry Selbert, representing Selbert's Auto Body, for an amended Special Use Permit for a building addition located at 410 West Fourth Street.

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 Alderman Sir, seconded by Mr. Smith and unanimously passed, approval was recommended for a petition from Terry Selbert, representing Selbert's Auto Body, for an amended Special Use Permit for a building addition located at 410 West Fourth Street.

B. Consideration of a petition from Sean Flower, representing Flower and Fendler, Inc., for rezoning of approximately 13.57 acres from R-1 (Single-family Residential) and 1A (One Acre Single-Family Residential) to R-1 CUP (Single-family Residential Community Unit Plan) located at 84 and 86 Augustine Road and 333 and 339 Cerny Avenue.

Chairman Knapp stated that as the development had previously been in front of the Commission members, everyone should be familiar with it. He said the concerns voiced by the opponents at this meeting were very similar to the ones voiced at the previous meeting. He stated that he thought Mr. Flower had done his due diligence with the concerns of the project and had presented a good plan to the Commission.

Chairman Knapp inquired as to how many units Mr. Flower could construct with the current zoning. Mr. Flower stated that if the ground was flat he could construct twenty-five (25) lots, but the Community Unit Plan allows one to shape the lots in accordance with the lay of the land. Chairman Knapp stated that changes were also made to address storm water issues on Augustine Road and that the development would be beneficial to the City.

Chairman Knapp asked Mr. Trevor Hill who resides at 347 Cerny Avenue and is in the business of constructing detention areas if he thought Mr. Flower's plan would address the storm water issues in the area.

Mr. Hill stated that it appeared Mr. Flower's detention area, as depicted, would address the issues.

Alderman Sir stated that he had toured the area after the flood. He stated that Mr. Flower had moved his entrance out of the floodplain and the subdivision and the other properties would not be trapped in the event of a flood. He stated that the proposed detention area appeared to address storm water and flash flooding issues on Augustine Road. He stated that he had no problems with the project.

Mr. Smith stated that he concurred with Alderman Sir.

Chairman Knapp stated that it had been reviewed by engineers and they had determined what would be needed to capture the storm water.

Alderman Sir stated that the engineers that drew up the detention plans also determined what would be needed with the additional rooftops in conjunction with storm water flow.

Ms. Leistner stated that moving the entrance would benefit the church and Mr. Sharp, but the Augustine Heights area residents were still trapped by the water during the recent flood event. She stated that there needed to be another ingress/egress point for residents to use in case of situations like the last flood. She stated that Mr. Flower was an excellent developer, but there were problems. She stated that Flat Creek has always been an issue in the area and the City has attempted previously to alleviate some of the water issues. She stated that she would like to see a development with less density. She said that she doesn't hold it against the church or the residents who benefit from the development, but it appears the residents in the area don't want the development. She stated that with twenty-five (25) additional homes, there would be at least fifty (50) more cars on Augustine Road. She stated that she has always been a proponent of more rooftops if it is properly done, as additional rooftops help attract the types of businesses residents want to see in the City.

Mr. Scheer stated that last year Eureka was named one (1) of the thirteen (13) best communities in the United States in which to raise a family and Eureka was number one (1) in Missouri which is a reason why people want to live in the City. He said every house that is constructed is required to meet all Building and Safety Codes in order to keep the residents safe, and that fire hydrants are also required every six hundred (600) feet. He stated that one of his major concerns when he reviews a new development plan is public safety, and he would like to see two (2) ways in and out of every development and this development does not have that. He said he believes the City should pass an ordinance to require this in all new subdivisions. He stated that he thinks Mr. Flower is an excellent builder, but he cannot support the project since there is only one (1) access road to the subdivision.

Mr. Austermann stated that he had been a resident of Eureka for almost ten (10) years and on the Commission for nearly as long. He stated that he built a home in the Hunter's Green Subdivision and currently resides in Rockwood Parc. Mr. Austermann stated that he understood Mr. Scheer's concerns regarding two (2) entrances to a development, but he thought it should be according to the size of the development. He stated he believed this particular development was of a size where one (1) entrance was sufficient. He said he recognized that the Planning and Zoning Commission was a recommending body and the final decision for a plan would be at the Board of Aldermen level, and was a Commission member the last time the Comprehensive Plan was revised and was very familiar with it. He stated that it should be used as a tool when making determinations, but the Commission should not be bound by the plan or that inflexible when considering new developments. He stated that it is his job as a Commission member to determine if what is presented before the Commission is in the best interest of the City as a whole, not on what an individual wants.

Chairman Knapp stated that he agreed with Mr. Austermann and that this plan would work for the area.

Alderman Sir stated that there were developments around this area that only had one (1) access point.

Ms. Leistner stated that as a condition she would like to make certain that an access road considered through The Timbers property would allow for the weight of a fire truck and pumper.

Alderman Sir stated that it would be the same type of access road that was previously approved for the McBride development between The Arbors and Hilltop and would provide for emergency vehicle weights.

Ms. Leistner stated that she would also like to make certain this development would not contribute to any more storm water issues in an area that is already plagued by such, including Mr. Whalen's Grace Hill development that the City was now responsible for repairing.

Mr. Kiefer stated that people were trapped in the area for two (2) days during the last flood. He stated that the access road should also allow residents the opportunity to come and go during such an event.

Alderman Sir stated that it would be the case which is similar to the access road approved for The Arbors. He stated that if the Fire Chief or Police Chief opened the gate, the public would be able to utilize it for emergency access.

Mr. Kiefer inquired as to if it would be twenty-seven (27) feet wide for two (2) cars to pass.

Alderman Sir stated that it would be considered for emergency use only and was not meant to become a two (2) way street.

On motion by Alderman Sir, seconded by Mr. Smith and passed with six (6) "YES" votes and three (3) "NO" votes, approval was recommended for a petition from Sean Flower, representing Flower and Fendler, Inc., for rezoning of approximately 13.57 acres from R-1 (Single-family Residential) and 1A (One Acre Single-Family Residential) to R-1 CUP (Single-family Residential Community Unit Plan) located at 84 and 86 Augustine Road and 333 and 339 Cerny Avenue. (The roll call vote was as follows: Knapp: "YES"; Sir: "YES"; Holloway: "YES"; Scheer: "NO"; Leistner: "NO"; Siebenman: "YES"; Kiefer: "NO"; Smith: "YES" and Austermann: "YES".)

ADDITIONAL BUSINESS:

Mr. Flower stated that he will request a continuation for Board of Aldermen consideration of his project as he will be out of town for the March 15th meeting and would like it placed on the April 5th agenda.

There being no further matters for discussion on motion by Alderman Sir, seconded by Ms. Leistner and unanimously passed, the meeting was adjourned at 8:23 p.m.

UPCOMING MEETINGS:

- March 23, 2016
- April 13, 2016

Respectfully submitted,

(Original with signature on file)

Barb Griffin, Acting Secretary