

RECORD OF PROCEEDINGS

**MINUTES OF THE PLANNING AND ZONING COMMISSION MEETING
CITY OF BALLWIN – 300 PARK DR
August 7, 2017**

The meeting of the Planning and Zoning Commission was called to order by Chairman Weaver at 7:00 p.m. Members in attendance were:

PRESENT

Chairman Mark Weaver
Secretary Lisa Zimmerman
Commissioner Lynn Goetz
Olivia Pieknik
Commissioner Chad Silker
Commissioner Mike Utt
Commissioner Vern Young
Alderman Ray Kerlagon

Assistant City Administrator Andy Hixson
City Attorney Robert E. Jones

ABSENT

Commissioner Tracy Bolte
Mayor Tim Pogue

Approval of Minutes

A motion was made by Commissioner Young and seconded by Alderman Kerlagon to approve the minutes of the July 3, 2017 meeting of the Planning & Zoning Commission as submitted. The motion received unanimous approval from the Commission members present.

SUB 17-01 – Subdivision

Ruppel Farms Subdivision, 255 Reinke Rd, Ballwin MO 63021

Petitioner: Mr. Jeremy Roth, McBride Homes, 16091 Swingley Ridge Rd, Chesterfield MO 63017

Ms. Jennifer Balsley addressed the Planning & Zoning Commission on behalf of the petitioner, requesting approval for the lot split at 255 Reinke Rd. She stated that St. John's Lutheran Church approached the petitioner with an interest in selling a portion of the property on which their cemetery is located. Ms. Balsley said the petitioner investigated and determined that no grave sites were located on the portion of the property proposed for sale. Therefore, McBride is moving forward with the purchase of the property and plans to place one single family home on the proposed lot.

Chairman Weaver asked if that lot will be part of the Ruppel Farms subdivision. Ms. Balsley stated that the developed lot will be contiguous to the subdivision, but will not be subject to the indentures for the Ruppel Farms subdivision because it was not included in the rezoning. It will not be a part of the subdivision's homeowner's association. The remainder of the site will still belong to St. John's cemetery association.

Secretary Zimmerman asked about the proximity of the property lines to the nearest gravesite. Ms. Balsley said the marked gravesites are significantly removed from the property lines.

City Attorney Robert Jones stated that Ballwin does not have a lot split procedure. Because this is a subdivision of 255 Reinke Road, and not Ruppel Farms, the cemetery association should have actually been the applicant, since they own the property. City Attorney Jones said that the petitioner needs to obtain preliminary plat approval for the subdivision plat, and ultimately a record plat approval. City Attorney Jones added

that ordinarily the City would require sidewalks and streetlights in any subdivision; however, since this subdivision consists of less than three lots, it can be exempted from this requirement.

City Attorney Jones said that this proposal is missing the designation of the closest sewer. Ms. Balsley said that will be with the Ruppel Farms development. City Attorney Jones also noted that all subdivisions in Ballwin must have a set of indentures.

Secretary Zimmerman asked if construction on this parcel will be done at the same time as Ruppel Farms. Ms. Balsley said yes, with a similar elevation and price point.

Chairman Weaver said he would like to hear from the cemetery association before opening the public hearing.

Matt Strate, 16830 Crystal Springs Dr, Chesterfield MO, representative of the St. John's Cemetery Association, addressed the Planning & Zoning Commission. Mr. Strate gave the history of the parcel of land, saying that only a small portion of the lot has a cemetery. He feels the lot split will actually enhance the cemetery. The association will erect a fence around the cemetery as well as a monument listing the names of those buried there. In the future, they will use the remainder of the site for burials.

Chairman Weaver opened the public hearing for Petition SUB 17-01, and asked if anyone wished to speak in favor of the petition. No one came forward. Chairman Weaver asked if anyone wished to speak in opposition to the petition.

Tom Mullen, 538 Ries Rd, asked about the results of the ground penetrating system. He has concerns about where the actual graves are. He is also concerned about the loss of mature trees on the site. He feels building on this site is sacrilegious.

Chairman Weaver asked Ms. Balsley if the results of the ground penetration are public. She said she will check with the office and will be in touch with Assistant City Administrator Hixson. Chairman Weaver asked Mr. Strate if he has records of where all the graves are. Mr. Strate said they do not, but believe that the graves are all concentrated in one area.

Secretary Zimmerman asked Mr. Mullen if he has his documentation available. Mr. Mullen showed the Planning & Zoning Commission his data.

Chairman Weaver asked Ms. Balsley about the mature trees on the site. Ms. Balsley said there is one tree that will have to be removed due to grading. She believes the tree Mr. Mullen is referring to is actually on the Ruppel Farms site, and not this site.

No one else came forward, and Chairman Weaver closed the public hearing.

Commissioner Young asked if the Planning & Zoning Commission recommendation could include a provision of showing proof that no graves are located on the site before Board of Aldermen approval. City Attorney Jones said the Commission has to rely on the property owner and petitioner. There is a process to free land from a dedicated cemetery that is very complex, and the attorney general becomes involved. Commissioner Utt asked what would happen if evidence were found during construction that there are graves on the property. City Attorney Jones said construction would be shut down immediately.

Secretary Zimmerman asked if the company that provided the survey has experience in locating grave sites. Ms. Balsley said SCI performed the investigation and has an entire department dedicated to ground penetrating radar surveys, specifically to look for possible gravesites.

Chairman Weaver made a motion to recommend approval of Petition SUB 17-01 to the Board of Aldermen, with the provision that the petitioner provide the soil test. Commissioner Utt seconded the motion, which received unanimous approval from the Commission members present.

Other Business

Commissioner Young noted that Olivia Pieknik has been appointed to the Planning & Zoning Commission. Assistant City Administrator Hixson stated that Ms. Pieknik will be sworn in at the next meeting.

City Attorney Jones said that the next Planning & Zoning Commission meeting falls on Labor Day. Alternate meeting dates were discussed. Assistant City Administrator Hixson will check the boardroom calendar for availability.

Adjournment

Chairman Weaver moved to adjourn the meeting. Commissioner Young seconded the motion, which received unanimous approval from the commission members present. The meeting was adjourned at 7:30 p.m.

Mark Weaver, Chairman
Planning & Zoning Commission

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