

MINUTES OF MEETING
FLOOD MANAGEMENT BOARD
Tuesday, March 6, 2018

DOCKET 2018-01

1201 S. Warson Rd.

A meeting of the Flood Management Board was held at 4:25 p.m. on Tuesday, March 6th, 2018 at City Hall.

The following members of the board were present:

Chairman Liza Forshaw
Mr. David Schlafly
Ms. Elizabeth Panke
Ms. Laura Long
Mr. Dan Welsh

Also present were: Roger Stewart, Flood Plain Administrator; Andrea Sukanek, City Planner; Erin Seele, City Attorney; Ashley Quinn, Administrative Assistant; Anne Lamitola, Public Works Director; Mayor Nancy Spewak, and Councilman John Fox.

Chairman Forshaw introduced FMB 2018-01. The Public Notice was as follows:

**NOTICE OF PUBLIC HEARING
FLOOD MANAGEMENT BOARD
CITY OF LADUE, MISSOURI
DOCKET NUMBER 2018-01**

Notice is hereby given that the Flood Management Board (Appeal Board) of the City of Ladue, St. Louis County, Missouri, will hold a public hearing on a petition submitted by the Ladue School District for Ladue High School, 1201 S Warson Road, St. Louis, MO 63124, requesting relief from the requirements of Ordinance 2103, Floodplain Management Ordinance, as amended for the Ladue High School stadium project. The proposed stadium project was denied by the Floodplain Administrator because the proposed project creates a rise in the water surface elevation and causes an increase in flow velocity which are both prohibited by Section F (1) of the Code of Ordinances.

The hearing will be held at 4:00 p.m. on Tuesday, March 6, 2018, at the City Hall, 9345 Clayton Road.

The hearing will be public and anyone interested in the proceedings will be given the opportunity to be heard.

Pursuant to Section 610.022 RSMo., the Flood Management Board could vote to close the public meeting and move to executive session to discuss matters relating to litigation, legal actions and/or communications from the City Attorney as provided under section 610.021 (1) RSMo.

Chairman Forshaw asked the Flood Plain Administrator the reason for denial. Mr. Stewart stated that the proposed athletic facility renovation would cause an increase in base flood elevation (BFE) and flow velocity.

Chairman Forshaw directed that the following items be entered into the record:

Exhibit A - The Flood Management Ordinance of the City of Ladue, Ordinance 2103, as amended;
Exhibit B - The denial letter to the appellant from the Floodplain Administrator dated February 12, 2018;
Exhibit C - The list of residents to whom the notice of public hearing has been sent;
Exhibit D- The entire file pertaining to the application, including all memoranda from staff and consultants to the Flood Management Board and the City of Ladue; and the code of ordinances of the City of Ladue which will not be marked as an exhibit but will be incorporated into the record by reference.

Chairman Forshaw asked any members representing the petitioner to approach and receive the Oath. The Court Reporter administered the Oath to Mr. Brandon Harp and Mr. Mike Vorwerk, engineers from CEDC Inc. Mr. Harp presented the proposed site plan showing the existing conditions and the proposal to move the grandstand and rebuild the track. The proposed improvements would remove the grandstand and almost all of the track from the floodway and the stream buffer. Mr. Harp gave an overview of the proposed site plan, pointing out the cross sections showing a slight rise in BFE. A discussion ensued regarding the application by Ladue High School for CLOMR (Conditional Letter of Map Revision) with FEMA. The school district's engineers stated that the changes in BFE and flow velocity would cause no adverse impact and would be non-erosive.

The Court Reporter administered the Oath to Mr. Paul Reitz, Present of Reitz and Jens, Inc., consulting engineers for the City. Mr. Reitz stated that their firm had reviewed the "Flood Study of Deer Creek for Ladue Horton Watkins High School Stadium Improvements" and feel that it is reasonable and representative of the existing and proposed conditions. He concurs that the proposed improvements will not create any upstream or downstream flooding. A discussion followed about the FEMA models used for the study and their limit in flexibility.

PUBLIC COMMENT

The Oath was administered to the following members of the audience: Mr. David Stokes, Ms. Yhuni Brockman, Ms. Ann Sullins, Ms. Rose O'Donnell and Ms. Ann Carter.

Mr. Stokes, a representative from the Great Rivers Habitat Alliance, was opposed to the proposal and the variance. He spoke about the more frequent and severe flooding over the past decades. He presented a portion of a document from FEMA with guidance for consideration of variances under the NFIP, including a suggestion that no variances should be granted in a floodway. He argued that variances of that nature should not be considered.

The FEMA Floodplain Management Bulletin, pg. 9 & 10 was added to the record as "Exhibit E".

Ms. Brockman stated that she lives adjacent to the creek and has observed significant erosion along the creek bank as it exists now. She believes that MSD has neglected the creek maintenance and that there will be adverse consequences at some point. She would like to know if there is anything that can be done to mitigate the impact and what the costs could be in the long term.

Mr. Harp responded to some of the concerns. He stated that they would be decreasing the amount of water of water leaving the property and they are increasing the green space compared with existing conditions.

Ms. Sullins stated that she was concerned about not only adjacent properties, but also those that are not immediately adjacent but are upstream and downstream from the high school.

Mr. Reitz, who was retained by the City to consult on the plan submitted, commended the proposed project for utilizing good flood management practices. He affirmed that it is a good project being done the right way.

Ms. O'Donnell stated that she lives at 10050 Conway and has lost 12-feet to erosion. The Deer Creek waters have breached the bank recently and she is very concerned about more water and more velocity.

Ms. Carter asked how building in the flood plain impacts the floodway. She provided a layer map from FEMA of the subject property. She felt that the property was already overdeveloped and she was opposed to the variance.

A copy of the FEMA layer map printed 3/5/18 was entered into the file as "Exhibit F".

PUBLIC COMMENT

Closed

Board discussion ensued. The 11 criteria for granting a variance outlined in the Ladue Flood Management Ordinance were reviewed and the proposed project's satisfaction of those criteria was discussed.

Ms. Panke made a motion that on the basis of the evidence presented and considering all relevant factors, the applicant has made a showing of good and sufficient cause for the variance; that a failure to grant the variance would result in a particular hardship to the applicant; that the variance will result in a minimal increase in base flood elevation and flow rate; that the project would cause no additional threat to public safety, or extraordinary public expense, or nuisances, or fraud or victimization of the public, or conflict with existing local laws or ordinances; and that the variance is the minimum necessary, considering the flood hazard, to afford relief; therefore, the decision of the Flood Plain Administrator is reversed and the request for a variance is granted on the condition that the lowest floor elevation be elevated to one foot or more above the base flood level. Ms. Long seconded the motion. The vote was as follows:

Chairman Liza Forshaw	"In favor"
Mr. David Schlafly	"In favor"
Ms. Elizabeth Panke	"In favor"
Ms. Laura Long	"In favor"
Mr. Dan Welsh	"In favor"

There were five (5) votes in favor and zero (0) against, and therefore the variance was granted.

Ms. Long made a motion to adjourn, and Ms. Panke seconded the motion. Meeting adjourned at 5:45 pm.

FMB 2018-01

DATE OF HEARING

March 6, 2018


NAME

Ladue School District for Ladue High School

DESCRIPTION OF PROPERTY

1201 S. Warson Road

CAUSE FOR APPEAL

 relief from the requirements of Ordinance 2103, Floodplain Management Ordinance, as amended, for the Ladue High School stadium project. The proposed stadium project was denied by the Flood Plain Administrator because the proposed project would create a rise in the base flood elevation and cause an increase in flow velocity which are both prohibited by Section F (1) of the Code of Ordinances.

RULING OF THE BOARD

After a discussion of the facts presented, the Board approved the variance for the athletic facility renovation which will violate the requirements of the Code of Ordinances with respect to creating a rise to the base flood elevation and an increase in flow velocity and the decision of the Flood Plain administrator was overturned.



Flood Management
Board Chairman