

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, Smith, Austermann, Siebenman, Scheer, Leistner and Kiefer. Mr. Holloway was absent.

Also in attendance was City Administrator Craig Sabo.

A. A petition initiated by the City of Eureka for rezoning of approximately 3.27 acres from C (Commercial) to PC (Planned Commercial) located at 531 Howerton Lane and legally described as a tract of land being part of Lots 2 and 3 of the Calvin M. Christy Subdivision in U.S. Survey 2010, Township 44 North, Range 3 East in St. Louis County, Missouri (Locator No. 29W510368).

Notice of the Public Hearing was published in The Countian on Monday, June 29, 2015 and in The Current on Wednesday, July 8, 2015.

Speaking on behalf of the City was City Attorney Kathy Butler. Ms. Butler stated that the applications before the Commission at this meeting were consistent with previous applications to rezone property within the City. The purpose of the rezoning would be to tie the site development and all uses to the zoning which would require authority from the Board of Aldermen. She stated that there were no proposed developments before the City on any of the parcels at this time.

Ms. Diana Brown, of 537 Abby Lane, inquired as to the difference between a Commercial zoning and a Planned Commercial zoning classification.

Chairman Knapp stated that if a property was zoned Planned Commercial all proposed uses must be approved by the Board of Aldermen.

Ms. Butler stated that an example of the difference was the proposal to allow a Goodwill store on one of the parcels before the City tonight. She stated that one (1) of the parcels in the development was zoned Commercial and the other parcel was zoned Planned Commercial which is why the project needed Board of Aldermen approval.

The public hearing was closed at 7:05 p.m.

The public hearing was opened at 7:05 p.m.

B. A petition initiated by the City of Eureka for rezoning of approximately 1.00 acre from C (Commercial) to PC (Planned Commercial) located at 1421 West Fifth Street and legally described as a tract of land in U.S. Survey 2010, Township 44 North, Range 3 East and in Lot 39 of the Louis Courtois Tract in U.S. Survey 3206 in the County of St. Louis, Missouri (Locator No. 29W620050).

Notice of the Public Hearing was published in The Countian on Monday, June 29, 2015 and in The Current on Wednesday, July 8, 2015.

Ms. Butler stated that the City was proposing the zoning change from Commercial to Planned Commercial so that all site development and uses would be tied to the zoning.

Mr. Siebenman inquired as to why the City was rezoning the properties before the Commission, as he thought it was typically tied to an event.

Ms. Butler stated that was a common misconception. She stated the City has previously been rezoning other properties to Planned Commercial and as an example, a parcel of property her mother owned on Fifth Street was rezoned to Planned Commercial against her mother's wishes, but as she explained to her mother, the City weighs the rights of the property owner to the benefits for the City as a whole and to protect the residents.

Mr. Steve Lechner, realtor for the property owner, read a prepared statement voicing the property owner's opposition to the petition. (copy on file)

Ms. Butler stated that the first case of a Planned Commercial zoning change in Missouri was initiated by St. Louis County and that St. Louis County initiates many Planned Commercial zoning changes. She stated that it is typical for a property owner to never be in favor of a zoning change, but as a Fourth Class City, the City has the right to request the zoning change as governed by the State Statutes.

The public hearing was closed at 7:10 p.m.

The public hearing was opened at 7:10 p.m.

C. A petition initiated by the City of Eureka for rezoning of approximately 1.33 acres from C (Commercial) to PC (Planned Commercial) located at 557 Abby Lane and legally described as part of Lot 39 of the Louis Courtois, Jr. Tract in U.S. Survey 3206 in the County of St. Louis Missouri (Locator No. 29W620676).

Notice of the Public Hearing was published in The Countian on Monday, June 29, 2015 and in The Current on Wednesday, July 8, 2015.

Ms. Butler stated that the City was proposing the zoning change from Commercial to Planned Commercial so that all site development and uses would be tied to the zoning.

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

The public hearing was closed at 7:11 p.m.

The public hearing was opened at 7:11 p.m.

D. A petition initiated by the City of Eureka for rezoning of approximately 40.53 acres from C (Commercial) to PC (Planned Commercial) located at 5400 Fox Creek Road and legally described as All that part of the following described property lying North of Interstate Highway No. I-44, to-wit: A tract of land partly in the Southeast fractional 1/4 of Section 33, Township 44 North, Range 3 East, partly in the Northeast 1/4 of Section 4, Township 43 North, Range 3 East, and partly in U.S. Survey 3064 in the County of St. Louis, Missouri and described as: Beginning at the center of said Section 33; thence Southwardly along the North and South center line of said Section 33, 2697 feet, more or less, to the South line of said Section 33; thence along the South line of said Section 33, South 89 degrees 38 minutes East 795.36 feet to the Northeast corner of property conveyed to Anthony A. Weber and wife by deed recorded in Book 2859 Page 162 of the St. Louis County Records; thence along the East line of said Weber property, South 0 degrees 22 minutes West 580.42 feet to a point in the center line of Fox Creek Road, thence along the center line of said Fox Creek Road, North 84 degrees 12 minutes East 179.61 feet to a point on the Northwest line of U.S. Highway No. 66; thence Northeastwardly along the Northwest line of said Highway line along a curve to the right having a radius of 2914 feet, a distance of 789.76 feet to the West line of a strip of land 75 feet wide conveyed to William John Wolff and wife, by deed recorded in Book 2596 Page 75; thence along the West line of said 75 foot strip conveyed to Wolff as aforesaid, North 8 degrees 30 minutes West 647.77 feet to the Northwest corner of said Wolff's property; thence Northwardly along a straight line to a point in the East and West center line of said Section 33, the position of said last mentioned line to be so fixed so as to embrace within the boundaries of the property herein described the exact quantity of 100 acres; and thence Westwardly along the East and West center line of said Section 33, to the point of beginning. EXCEPTING THEREFROM, that part conveyed to Family Outdoor Recreation Enterprises, Inc., by deeds recorded in Book 6659 Page 1315 and Book 6659 Page 1317 of the St. Louis County Records. ALSO EXCEPTING THEREFROM, that part taken for the establishment of Interstate Highway No. 44 by Condemnation Suit No. 236059, a certified copy of the Report of Commissioner's recorded in Book 4432 Page 513 of the St. Louis County Records. ALSO EXCEPTING THEREFROM, that part conveyed to La Bev Ministries Church by deeds dated September 25, 1996 and recorded in Book 10967 Page 1502, et seq., of the St. Louis County Records. ALSO EXCEPTING THEREFROM, that part conveyed to Robert S. Price and Alane P. Price by deeds dated November 25, 1997 and recorded in Book 11370 Page 292 and Book 11370 Page 295 of the St. Louis County Records.

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Ms. Butler stated that the City was proposing the zoning change from Commercial to Planned Commercial so that all site development and uses would be tied to the zoning.

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

The public hearing was closed at 7:12 p.m.

The public hearing was opened at 7:12 p.m.

- E. A petition initiated by the City of Eureka for rezoning of approximately 61.74 acres from C (Commercial) to PC (Planned Commercial) located at 4901 Six Flags Road and legally described as the following land situated in St. Louis County, Missouri, to-wit: A tract of land being Lots A and B of Signsville Subdivision as recorded in Plat Book 207, Page 31 of the St. Louis County Recorder of Deeds Office, also being part of Sections 33 and 34, Township 44 North, Range 3 East, St. Louis County Missouri, and being more particularly described as follows: Commencing at the point of intersection of the East and West centerline of said Section 33 with the West line of said Section 34; THENCE North 87°44'45" West, 22.53 feet to a point in the West line of Allenton Road, also being the TRUE POINT OF BEGINNING; THENCE continuing North 87°44'45" West, 1061.39 feet, THENCE South 4°00'30" West, 2014.16 feet to an iron pipe in the North line of Interstate 44; THENCE along the North line of Interstate 44 the following courses and distances: North 79°14' East, 984.00 feet; THENCE North 75°39' East, 790.65 feet; THENCE North 74°40' East, 253.90 feet; THENCE North 10°21'45" East, 27.10 feet; THENCE North 26°53' West, 108.00 feet; THENCE North 63°07' East, 16.69 feet to a point in the west line of Allenton Road; THENCE along said west line of Allenton Road the following courses and distances: North 27°23' West, 724.56 feet; THENCE along an arc to the left having a radius of 200.00 feet a distance of 169.67 feet; THENCE North 75°59'20" West, 52.82 feet; THENCE along an arc to the right having a radius of 292.00 feet a distance of 308.33 feet; THENCE along an arc to the right having a radius of 446.39 feet a distance of 111.28 feet; THENCE North 01°12'20" West, 324.11 feet to the TRUE POINT OF BEGINNING and containing 65.0 acres, more or less.

Notice of the Public Hearing was published in The Countian on Monday, June 29, 2015 and in The Current on Wednesday, July 8, 2015.

Ms. Butler stated that the City was proposing the zoning change from Commercial to Planned Commercial so that all site development and uses would be tied to the zoning. She stated that this parcel originally included the property that now has a MotoMart and McDonald's on it and is her understanding the zoning was changed to Planned Commercial during the legislative process of the development. She stated that in addition to allowing the City to have authority on all site development and uses, it would also enable the City to have a voice in developing an area with the very challenging intersection of Interstate 44 and the Allenton exit.

Speaking in opposition to the petition was the property owner, Mr. L.B. Eckelkamp. He stated that he owns the property described in Item E and has an interest in the property described in Item D. He stated that when the property listed in Item E was annexed into the City, part of the agreement between the parties was that the property would remain zoned Commercial. He stated that he is in the process of the searching for the documentation stating such, but he did not appreciate that the City was now backing out of the agreement. He stated that the City has enjoyed the financial benefits of having the Holiday Inn within the City limits.

Mr. Scheer inquired as to Mr. Eckelkamp's concerns regarding the rezoning.

Mr. Eckelkamp stated that with a Commercial zoning classification the Municipal Code states explicitly what one can or can't do and with Planned Commercial it would be totally up to the Board of Aldermen to decide what type of business he may have on his property. He stated that when they agreed to the annexation in the mid-seventies, the property was to be zoned Commercial and now the City wanted to take away his rights as a property owner and the use would be at the whim of someone on the Board of Aldermen deciding what he can or cannot do with the property.

Mr. Scheer stated that a Planned Commercial zoning classification gives the City control over what is to be developed on a parcel and it may protect adjoining property owners from undesirable businesses.

Mr. Eckelkamp stated that in his case, he has an interest in the adjoining property listed in Item D.

Mr. Scheer inquired as to if Mr. Eckelkamp had any indication of what he would not be allowed to do with his property.

Mr. Eckelkamp stated that he would only be allowed to use the property as the City wished him to use it. He said if it was zoned Commercial it clearly states in the Municipal Code what he can or can not do, but if it is changed to Planned Commercial he must have permission for any use whatsoever. He stated that the zoning change takes away an asset of the property so that the City can profit.

Ms. Leistner asked if the City Attorney could respond to Mr. Eckelkamp's concerns and if there is an agreement somewhere between the City and Mr. Eckelkamp, should the item be tabled until such time it is produced for review.

Ms. Butler stated that she was not aware of any agreement. She stated that at the time of the annexation there was not a Planned Commercial zoning classification, therefore Mr. Eckelkamp would have had to abide by Commercial zoning regulations if he had developed the subject property. She stated that it seemed reasonable that the City could ask for a rezoning if uses had changed and how property uses affect the City's Comprehensive Plan. She stated that every property owner would argue it was unreasonable to propose such a zoning change without their approval. Ms. Butler stated that the zoning change is not illegal, but the City must administer the zoning change in a legal way. She stated that by rezoning a property to Planned Commercial, it in essence requires any use have a Special Use Permit which would be beneficial to the general welfare of the community. Ms. Butler stated that she did not know if there was an agreement between Mr. Eckelkamp and the City, but it would be her recommendation for the Commission to proceed on the item and make its recommendation and if there was an agreement, it could be produced for the Board of Aldermen to review and ultimately the Board would make the decision.

There being no further matters for discussion, the public hearing was adjourned at 7:20 p.m.

Respectfully submitted,

(Original with signature on file)

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Barb Griffin, Acting Secretary

The meeting was called to order at 7:20 p.m. by Chairman Knapp.

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

On motion by Ms. Leistner, seconded by Mr. Smith and unanimously passed, the Minutes of June 24, 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:**

A. Consideration of a petition initiated by the City of Eureka for rezoning of approximately 3.27 acres from C (Commercial) to PC (Planned Commercial) located at 531 Howerton Lane.

On motion by Ms. Leistner, seconded by Mr. Smith and passed with seven (7) "YES" votes and one (1) "NO" vote (cast by Mr. Siebenman), approval was recommended for a petition initiated by the City of Eureka for rezoning of approximately 3.27 acres from C (Commercial) to PC (Planned Commercial) located at 531 Howerton Lane.

B. Consideration of a petition initiated by the City of Eureka for rezoning of approximately 1.00 acre from C (Commercial) to PC (Planned Commercial) located at 1421 West Fifth Street.

Mr. Siebenman stated that he still was not certain why the City was rezoning the properties and it seemed to him that it was infringing on the property owner's rights. He stated that if they were rezoning the subject properties before the Commission why were not other properties being rezoned, adding it just appeared inconsistent.

Ms. Butler stated that Mr. Siebenman had the right to make the recommendation to the Planning and Zoning Commission to consider rezoning other parcels of property.

Mr. Siebenman stated that he was stating for the record the reason he was against the rezoning and that property owners know what is best for their property, not the Mayor and Board of Aldermen. He stated that he would be in favor of a blanket change, but was against picking and choosing what was to be rezoned.

On motion by Ms. Leistner, seconded by Mr. Smith and passed with seven (7) "YES" votes and one (1) "NO" vote (cast by Mr. Siebenman), approval was recommended for a petition initiated by the City of Eureka for rezoning of approximately 1.00 acre from C (Commercial) to PC (Planned Commercial) located at 1421 West Fifth Street.

C. Consideration of a petition initiated by the City of Eureka for rezoning of approximately 1.33 acres from C (Commercial) to PC (Planned Commercial) located at 557 Abby Lane.

On motion by Ms. Leistner, seconded by Mr. Smith and passed with seven (7) "YES" votes and one (1) "NO" vote (cast by Mr. Siebenman), approval was recommended for a petition initiated by the City of Eureka for rezoning of approximately 1.33 acres from C (Commercial) to PC (Planned Commercial) located at 557 Abby Lane.

D. Consideration of a petition initiated by the City of Eureka for rezoning of approximately 40.53 acres from C (Commercial) to PC (Planned Commercial) located at 5400 Fox Creek Road.

On motion by Ms. Leistner, seconded by Mr. Smith and passed with seven (7) "YES" votes and one (1) "NO" vote (cast by Mr. Siebenman), approval was recommended for a petition initiated by the City of Eureka for rezoning of approximately 40.53 acres from C (Commercial) to PC (Planned Commercial) located at 5400 Fox Creek Road.

E. Consideration of a petition initiated by the City of Eureka for rezoning of approximately 61.74 acres from C (Commercial) to PC (Planned Commercial) located at 4901 Six Flags Road.

Ms. Leistner stated that she hoped the City would research if there were any documents written years ago regarding an agreement between the property owner and the City.

On motion by Ms. Leistner, seconded by Mr. Smith and passed with seven (7) "YES" votes and one (1) "NO" vote (cast by Mr. Siebenman), approval was recommended for a petition initiated by the City of Eureka for rezoning of approximately 61.74 acres from C (Commercial) to PC (Planned Commercial) located at 4901 Six Flags Road.

**ADDITIONAL BUSINESS:**

There was no additional business to be discussed.

There being no further matters for discussion, on motion by Ms. Leistner, seconded by Mr. Austermann and unanimously passed, the meeting was adjourned at 7:32 p.m.

**UPCOMING MEETINGS:**

- July 29, 2015  
A petition initiated by the City of Eureka to amend the Municipal Code relating to liquid and gaseous nicotine products and body art.
- August 12, 2015

Respectfully submitted,

(Original with signature on file)

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Barb Griffin, Acting Secretary