

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, Scheer, Leistner, Siebenman, Holloway and Kiefer.

Also in attendance was City Administrator Craig Sabo.

A. A petition from Sheryl McKinney amending the Municipal Code to allow for a dog daycare facility as a Special Use.

Notice of the Public Hearing was published in The Countian on Monday, August 10, 2015 and in The Current on Wednesday, August 19, 2015.

Ms. McKinney stated that she would like the City to consider amending the Municipal Code to allow consideration of a dog daycare facility as a Special Use.

Mr. Scheer inquired as to if Ms. McKinney would like the Code amendment to only allow for daytime care with no overnight stays.

Ms. McKinney stated that she was seeking an amendment that would allow only daytime care of dogs.

Mr. Scheer inquired as to what type of employees Ms. McKinney would have at her facility.

Ms. McKinney stated that other than caregivers, she may add groomers and trainers.

Mr. Scheer inquired as to if any other services would be offered at the facility.

Ms. McKinney stated that she may have some retail sales.

Ms. Leistner stated that she had health related concerns regarding a statement Ms. McKinney made on her Code Amendment Application that the dogs would relieve themselves inside the building.

Ms. McKinney replied that rubber flooring and artificial turf would be used in those areas, and they would immediately clean up the waste.

Mr. Kiefer inquired as to how Ms. McKinney would address any potential noise problems.

Ms. McKinney stated that she will separate large and small dogs, and the rubber flooring should also cut down on the noise.

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

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

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

B. A petition from Reginald Stockwell amending Lot 16 of the Eagle Pointe Community Unit Plan.

Notice of the Public Hearing was published in The Countian on Monday, August 10, 2015 and in The Current on Wednesday, August 19, 2015.

Mr. Stockwell stated that he was seeking approval to amend the Eagle Pointe Community Unit Plan so he can remedy a situation regarding a small encroachment onto the golf course property. By amending the Community Unit Plan, the property can be conveyed to him pursuant to an agreement he has reached with the homeowner's association.

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

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

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

- C. A petition initiated by the City of Eureka for rezoning of an approximately one-half acre parcel from C (Commercial) to PC (Planned Commercial) located at 15 Dreyer Avenue and legally described as a tract of land being part of Lot No. 23 of the Dreyers Resubdivision in St. Louis County, Missouri as filed for record in Plat Book 02 Page 0114 of the land records of said St. Louis County (Locator No. 29V331102).

Notice of the Public Hearing was published in The Countian on Monday, August 10, 2015 and in The Current on Wednesday, August 19, 2015.

City Administrator Sabo stated that his remarks were applicable to all four (4) City initiated petitions on the agenda. He said that over the course of the last approximately fifteen (15) years, the Board of Aldermen has rezoned three (3) to four (4) dozen properties to Planned Commercial. He stated that proposed conditions in connection with these applications are consistent with those in the past in that all uses and site development plans must be approved by the Board of Aldermen in addition to any required Planning and Zoning Commission consideration. He added that if a future proposal required a Special Use Permit, the consideration process is the same for property zoned Planned Commercial as it is for property zoned Commercial.

Chairman Knapp asked Mr. Sabo if the statements he just made were applicable to all four (4) Planned Commercial applications on the agenda. Mr. Sabo replied that they were. Chairman Knapp stated that the record is to reflect that Mr. Sabo's remarks apply to each application.

Mr. Siebenman inquired as to what was the City's main purpose for rezoning the properties to Planned Commercial.

City Administrator Sabo stated it was to give the City more input on certain uses and site development on the subject properties.

Mr. Siebenman inquired as to if the Board of Aldermen and the Mayor specifically identified these properties for rezoning.

City Administrator Sabo stated that both they and he identified the properties.

Mr. Siebenman stated that he sees no reason for the Planned Commercial rezonings. He said it appears that the City's primary objective is to have control over what businesses operate in the City and that property owners know what is the best use for their property.

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

- D. A petition initiated by the City of Eureka for rezoning of approximately 4.65 acres from C (Commercial) to PC (Planned Commercial) located at 18111, 18155 and 18159 U.S. Highway 66 and legally described as tracts of land in U.S. Survey 2010, Section 34, Township 44 North, Range 3 East in St. Louis County, Missouri as filed for record in Plat Book 05 page 0427 and Page 0412 of the land records of said St. Louis County (Locator Nos. 29W410026, 29W410059 and 29W410048).

Notice of the Public Hearing was published in The Countian on Monday, August 10, 2015 and in The Current on Wednesday, August 19, 2015.

Speaking in opposition to the petition was the property owner, Mr. Randy Long. He inquired as to if the change in the zoning classification would give the City control of what was developed on the property.

Chairman Knapp stated that was correct.

Mr. Long stated that he received a contract for the sale of his property and then received a letter from the City stating they were seeking to change the zoning of the property. He said he was concerned that the zoning change may affect the sale. He inquired as to if the zoning change would require the new property owner to jump through more hoops to operate a business and if any Special Use Permit approved for the property would to be renewed annually.

D. CONT'D.

Based on his familiarity with the party interested in Mr. Long's property, City Administrator Sabo stated that the prospective buyer would be required to obtain a Special Use Permit regardless of whether the property was zoned Commercial or Planned Commercial, so the proposed rezoning would have no impact on their transaction. He added that properties with Special Use Permits are reviewed annually by City staff to ensure compliance with their original authority and to check for any exterior appearance issues that may need to be addressed, but the Special Use Permit authority is not required to be renewed annually.

Mr. Long inquired as to how properties were identified for rezoning.  
City Administrator Sabo stated the focus is usually on vacant or vacated properties.

Mr. Siebenman asked Mr. Long if he was concerned his potential buyer would back out of the deal if the zoning of the property was changed.

Mr. Long replied that based on what the City Administrator had just stated, they will be required to obtain a Special Use Permit regardless of the zoning, so it would likely not impact their deal.

Speaking on behalf of the purchaser of the property was Mr. Charles Dufour, attorney for the party who has a contract for Mr. Long's property. Mr. Dufour inquired as to if the zoning change would require any additional requirements in the Special Use Permit approval process for his client. City Administrator Sabo stated that the approval process would be identical with or without the change in zoning.

Mr. Dufour stated with that being the case, his client had no concerns and looked forward to working with the City in the near future.

E. A petition initiated by the City of Eureka for rezoning of approximately 2.28 acres from C (Commercial) to PC (Planned Commercial) located at 18181 U.S. Highway 66 and legally described as a tract of land in Section 34, Township 44 North, Range 3 East in St. Louis County, Missouri as filed for record in Plat Book 05 Page 0412 of the land records of said St. Louis County (Locator No. 29X620125).

Notice of the Public Hearing was published in The Countian on Monday, August 10, 2015 and in The Current on Wednesday, August 19, 2015.

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

F. A petition initiated by the City of Eureka for rezoning of approximately 4.44 acres from R-5C (Multiple-Family Residential) to PC (Planned Commercial) located at 119 and 121 Hilltop Village Center Drive and legally described as tracts of land situated in the City of Eureka, St. Louis County, Missouri, part of parcels 1, 2, 8, 12, 14, 85 and 89 known as Hilltop Village Center Addition No. 2 as filed for record in Plat Book 01 Page 0052 of the land records of said St. Louis County (Locator Nos. 29V420345 and 29V420323).

Notice of the Public Hearing was published in The Countian on Monday, August 10, 2015 and in The Current on Wednesday, August 19, 2015.

Speaking in opposition to the petition was Ms. Bobbie Baur of 26 Rockwood Place Court. She inquired as to why the zoning was being changed and how it would impact the subject property. Chairman Knapp stated that with no zoning change it is currently a residentially zoned property and if they follow the plan that was initially submitted they could build the condominiums.

Ms. Baur stated that six (6) months ago residents were under the impression condominiums were to be constructed and now it is being changed to a Commercial zoning classification. Chairman Knapp stated that if it is changed, the City will have more input as to the use and site development.

Ms. Baur inquired as to if the property owner had requested the rezoning.  
Chairman Knapp stated that they had not.

F. CONT'D.

Speaking in opposition to the petition was Mr. Will Mura, representative for the Court appointed receiver of the subject property. Mr. Mura stated that rezoning to Planned Commercial would be detrimental to current contracts they have on the property. He said that a possible buyer of the property is seeking incentives and will need to prove the site is approved for the residential use, and a change in zoning could potentially affect the approval process and ultimately the sale of the property. He stated that there were multiple people interested in the property with the present zoning in the last six (6) months and with the location of the property, multiple-family is the highest and best use of the property.

City Administrator Sabo stated that the R-5C Multiple-Family zoning of the property is married to the development plan that was approved by the City several years ago. He said that unless the prospective buyer were to construct the development exactly as approved under the initial plan, any new plan would require rezoning approval from the City. He added that he had met with the prospective buyer, and that which they plan to propose would require City rezoning approval, so the property being zoned Planned Commercial would not affect their consideration process since the proposed plan deviates from that which was approved several years ago.

Chairman Knapp inquired as to if the plan that was originally submitted years ago would meet zoning requirements that are in place at the present time.

City Administrator Sabo stated that any parcel zoned multiple-family must have a specific development plan and the plan is tied to the zoning classification. He stated there is no longer a general multiple-family zoning classification under which one would have inherent development rights as is the case with single-family zoning district classifications.

Mr. Mura stated that if it was to be rezoned to Planned Commercial it could potentially harm their marketing of the property and the paperwork required to be submitted to the State. He stated that if it was to change to commercial it would change the look of the property for potential buyers and hurt the marketing of the property.

Speaking in opposition to the petition was Mr. Dan Barnard of Phoenix Real Estate who is the prospective buyer of the property. He stated that he had met with the City Administrator who explained the process to him, but before they invest any money in the development they need to obtain financing incentives with the Missouri Housing Development Commission that awards monies for multiple-family projects. He stated the original plan that was submitted to the City years ago was for seventy-two condominium units with six (6) twelve (12) unit buildings. He stated that his plan was almost identical to the original plan in that they were proposing seventy-two (72) senior apartments with a small clubhouse amenity which could possibly be used for social services for area seniors since the senior center in the City recently closed. He said he believes any change in zoning would affect the property even it is form over substance, and that they need it to remain R-5C. He stated he would like the City to write a letter in support of the project that can be attached to the application to the State.

Speaking in opposition to the petition was Ms. Erin Grayson of 157A Chatterbird Lane. She inquired as to what the City would like to see located on the property if it were rezoned to Planned Commercial. Chairman Knapp stated that whatever would be located on the property would need to receive approval from the Board of Aldermen.

Ms. Grayson asked if the property would need to be posted if anything was proposed to be located there. City Administrator Sabo stated that under Planned Commercial any proposed Special Use would require posting, but in the case of what would have otherwise been a permitted use under a commercial district, it would require Board of Aldermen approval, but the property would not be posted.

Ms. Grayson inquired as to the total acreage of the property.  
City Administrator Sabo stated that it was 4.44 acres in size.

There being no further matters for discussion, the public hearing was adjourned at 7:29 p.m.

Respectfully submitted,

(Original with signature on file)

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Barb Griffin, Acting Secretary

The meeting was called to order at 7:29 p.m. by Chairman Knapp.

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

Also in attendance was City Administrator Craig Sabo.

On motion by Mr. Scheer, seconded by Mr. Smith and unanimously passed, the Minutes of August 12, 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 from Sheryl McKinney amending the Municipal Code to allow for a dog daycare facility as a Special Use.

Mr. Scheer stated that as our community grows the need for such services will increase.

Alderman Sir inquired as to if a condition should be no overnight stays of pets allowed.

Mr. Scheer stated that Ms. McKinney could seek approval at a later date to allow for overnight stays.

City Administrator Sabo stated that having overnight stays would result in the use constituting a kennel, which is not allowed and would require a separate code amendment application process.

On motion by Alderman Sir, seconded by Mr. Austermann and unanimously passed, approval was recommended for a petition from Sheryl McKinney amending the Municipal Code to allow for a dog daycare facility as a Special Use.

B. Consideration of a petition from Reginald Stockwell amending Lot 16 of the Eagle Pointe Community Unit Plan.

On motion by Mr. Scheer, seconded by Ms. Leistner and unanimously passed, approval was recommended for a petition from Reginald Stockwell amending Lot 16 of the Eagle Pointe Community Unit Plan.

C. Consideration of a petition initiated by the City of Eureka for rezoning of an approximately one-half acre parcel from C (Commercial) to PC (Planned Commercial) located at 15 Dreyer Avenue.

Mr. Siebenman said he believes Planned Commercial zoning hurts future development. He inquired as to what property was rezoned to Planned Commercial where development had taken place. He asked if the reason the Goodwill proposal didn't get approved was because of the Planned Commercial zoning.

Mr. Sabo stated a portion of that property was Planned Commercial.

Mr. Siebenman asked if Goodwill could have developed the property if had been regular commercial zoning.

Alderman Sir stated that it was determined by the Board of Aldermen that it wasn't an acceptable use for the subject property.

Mr. Siebenman stated that by the City rezoning properties to Planned Commercial it gives the appearance that the City holds all the power when it comes to development.

Ms. Leistner stated that Goodwill could have developed on the portion of the property that was zoned Commercial, but opted to not do such.

City Administrator Sabo agreed that Goodwill could have developed their facility in modified form on a portion of the property zoned Commercial, but apparently chose to not pursue it.

**C. CONT'D.**

Speaking to Mr. Siebenman's remark, Mr. Austermann stated that he does not want any power, but rather what is best for the City. He stated that he has held his position on Planning and Zoning for eleven (11) years, adding that he wants what is in the best interest of the City and its citizens.

On motion by Alderman Sir , seconded by Mr. Scheer and passed with eight (8) "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 an approximately one-half acre parcel from C (Commercial) to PC (Planned Commercial) located at 15 Dreyer Avenue.

D. Consideration of a petition initiated by the City of Eureka for rezoning of approximately 4.65 acres from C (Commercial) to PC (Planned Commercial) located at 18111, 18155 and 18159 U.S. Highway 66.

On motion by Mr. Scheer, seconded by Mr. Smith and passed with eight (8) "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 4.65 acres from C (Commercial) to PC (Planned Commercial) located at 18111, 18155 and 18159 U.S. Highway 66.

E. Consideration of a petition initiated by the City of Eureka for rezoning of approximately 2.28 acres from C (Commercial) to PC (Planned Commercial) located at 18181 U.S. Highway 66.

On motion by Mr. Smith, seconded by Mr. Austermann and passed with eight (8) "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 2.28 acres from C (Commercial) to PC (Planned Commercial) located at 18181 U.S. Highway 66.

F. Consideration of a petition initiated by the City of Eureka for rezoning of approximately 4.44 acres from R-5C (Multiple-Family Residential) to PC (Planned Commercial) located at 119 and 121 Hilltop Village Center Drive.

Chairman Knapp stated that he did not want the rezoning to harm the applicant's financing with the State.

Ms. Leistner suggested that in light of the financing question, perhaps this item should be tabled until the City Attorney could be consulted as to whether the rezoning would impact the developer's application for financing.

Chairman Knapp stated that it has been asserted that it would affect their financing.

City Administrator Sabo stated that one thing absent from the discussion is that even as previously approved, the R-5C development plan overlay of the parcel is obsolete and could not be built, with an example of such being that there are new storm water regulations which must now be adhered to as a result of the City reaching a 10,000 population threshold. He added that the rezoning could possibly affect their prospects of qualifying under the financing program depending on how the applicant represents the nature of the existing zoning to the State. Speaking to Mr. Barnard's earlier reference to the City providing a letter of support for their financing application package, Mr. Sabo stated that the City would be not be able to submit a letter to the State in support of a project that has not yet been considered.

Chairman Knapp inquired as to if they would need to rezone the property with both the existing and proposed zoning.

City Administrator Sabo replied that either way the property would need to be rezoned.

**F. CONT'D.**

Alderman Sir moved, and Mr. Smith seconded to recommend approval which passed with six (6) YES votes and three (3) NO votes, for a petition initiated by the City of Eureka for rezoning of approximately 4.44 acres from R-5C (Multiple-Family Residential) to PC (Planned Commercial) located at 119 and 121 Hilltop Village Center Drive. The roll call vote was as follows: Holloway, "NO"; Scheer, "YES"; Smith, "YES"; Austermann, "NO"; Sir, "YES"; Kiefer, "YES"; Leistner "YES"; Knapp, "YES"; Siebenman, "NO".

**ADDITIONAL BUSINESS:**

There was no additional business to be discussed.

There being no further matters for discussion, on motion by Mr. Scheer, seconded by Alderman Sir and unanimously passed, the meeting was adjourned at 7:44 p.m.

**UPCOMING MEETINGS:**

- September 9, 2015
- September 23, 2015

Respectfully submitted,

(Original with signature on file)

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Barb Griffin, Acting Secretary