

The public hearing was called to order at 7:00 p.m. by Chairman Knapp.

Present at roll call were: Chairman Knapp, Alderman Sir and members Bieg, Barry, Gianino, and Wilton. Members Scheer, Smith and Pacino were absent. Also in attendance was City Administrator Craig Sabo.

- A. A petition from John Heimos, representing Value Plants, Inc., for a Special Use Permit for outdoor display and sales in connection with the operation of a garden center at 1425 West Fifth Street.

Notice of the Public Hearing was published in the Countian on April 9, 2022 and posted on the City's website.

Mr. Heimos stated he was seeking permission to operate his retail plant shop at 1425 West Fifth Street, noting that the Board of Aldermen had granted a moratorium on prosecution to allow him to operate while his Special Use Permit application was under consideration.

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

The public hearing was closed at 7:01 p.m.
The public hearing was opened at 7:01 p.m.

- B. A petition from the City of Eureka to amend the Planned Commercial zoning at 101 East First Street to allow for Special Use Permit consideration of dog daycare, indoor overnight boarding of dogs, outdoor play area between 8:00 AM and 5:00 PM, outdoor kennel runs for use during daylight hours and living quarters.

Notice of the Public Hearing was published in the Countian on April 9, 2022 and posted on the City's website.

City Administrator Sabo stated that the proposed amendment would establish the framework to allow one to receive Special Use Permit consideration for the propose uses.

No one spoke in support of the petition.
No one spoke 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.

- C. A petition from Chris and Rachel Reinhardt for a Special Use Permit for dog daycare, indoor overnight boarding of dogs, outdoor play area between 8:00 AM and 5:00 PM, outdoor kennel runs for use during daylight hours and living quarters at 101 East First Street.

Notice of the Public Hearing was published in the Countian on April 9, 2022 and posted on the City's website.

Mr. Reinhardt stated they were requesting permission for the addition of living quarters, outdoor play area and outdoor kennel runs in conjunction with their proposed dog daycare and boarding facility.

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

The public hearing was closed at 7:03 p.m.
The public hearing was opened at 7:03 p.m.

- D. A petition initiated by the City of Eureka for rezoning of properties located at 119 West North Street, 119 "A" West North Street, 125 West North Street, 125 "A" West North Street, 125 "B" West North Street, 243 Forby Road, 311 Forby Road, 329 Forby Road and 331 Forby Road from R-5B Multiple-family Residential to R-3 Single Family Residential.

Notice of the Public Hearing was published in the Countian on April 9, 2022 and posted on the City's website.

City Administrator Sabo stated that the City would be rezoning the listed properties back to the original zoning classification as the multiple-family component of the proposed development at the site did not move forward. He said if a developer would want to propose to develop the property in the future, they may request rezoning to allow for such.

Speaking in support of the petition was Mr. Joseph Blanner, the attorney for the property owners of 329 Forby Road. He stated that when his clients purchased the property from the developer they were informed that the property would be part of the approved development and that the developer would construct their home. He said that as the development has not moved forward and his clients have been left with an unfinished home, adding that the rezoning would provide the framework for his clients to request a boundary adjustment so that they may move forward with the construction of their residence.

Speaking in opposition to the petition was Mr. Jon Hicks who resides at 119 West North Street. He stated that by rezoning the property to the original zoning, it would limit the options that could be developed on the property and would affect the value of the property. He said the development of the property had not moved forward for multiple reasons, but it did not mean that it was not going to be developed. He added that if the property is rezoned, the homes on the property within the development would be in violation of the zoning codes.

Speaking in opposition to the petition was Mr. Dale Hicks, the developer of Weber Hill Estates. He stated that some of the information that was stated previously in the meeting was not accurate. He said the development of the property had been halted due to a number of unforeseen reasons such as COVID and the economy. He added that the survey that was provided to the Commission members by Wunderlich Surveying was incorrect. He stated that if the zoning was changed, the properties would not be in compliance with the zoning codes. He said that he still owned the properties in the proposed development with the exception of the Jax and Toma properties.

The public hearing was closed at 7:13 p.m.
The public hearing was opened at 7:13 p.m.

- E. A petition initiated by the City of Eureka amending the Municipal Code relating to residential front and side yard regulations (continued from continued 4-13-22).

Notice of the Public Hearing was published in the Countian on April 9, 2022 and posted on the City's website.

City Administrator Sabo stated that pursuant to the proposed ordinance he had distributed to the Commission, the City is proposing changes to some single-family residential district zoning classifications. He said the following front and side yard changes were being proposed:

- R-1 would change from 40 foot to 25 foot front yard setback.
- R-2 would change from 30 foot to 25 foot front yard setback.
- R-3 would change from 30 foot to 25 foot front yard setback.
- R-4 would change from 30 foot to 25 foot front yard setback.
- R-3 would change from 10 foot to 6 foot side yard setback.
- R-4 would change from 10 foot to 6 foot side yard setback under certain conditions.

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

The public hearing was closed at 7:15 p.m.

Respectfully submitted,

(Original with signature on file)

Barb Griffin, Acting Secretary

The meeting was called to order at 7:00 p.m. by Chairman Knapp.

Present at roll call were: Chairman Knapp, Alderman Sir and members Bieg, Barry, Gianino, and Wilton. Members Scheer, Smith and Pacino were absent. Also in attendance was City Administrator Craig Sabo.

On motion by Alderman Sir, seconded by Mr. Bieg and unanimously passed by those members in attendance, the Minutes from April 13, 2022 were approved.

GUESTS:

Ms. Karen Bokan, who resides at 104 Curtis Drive stated that she had concerns about Item A in Old Business. She said she is concerned about becoming landlocked with the proposed development. She added that she was not in favor of the only access to her property being through the church parking lot and that the City should consider installing Huey Drive. She stated that she also had concerns about emergency vehicles and trash trucks accessing her property.

Mr. Kevin Harness who owns the property at 275 West First Street stated that he had met with Mr. Selbert since the previous meeting and they had come to an agreement regarding the street conveyance.

Alderman Sir stated he was glad to hear Mr. Selbert had met with neighbors and addressed their concerns. He added that after the previous meeting, it had been brought to his attention that there is a deeded access easement through the church parking lot for the property owners on Curtis Drive to use, and that Mr. Selbert has to give access and maintain the easement for the property owners on Curtis Drive to use.

OLD BUSINESS:

- A. Consideration of a petition from Selbert's Enterprises, LLC for a Special Use Permit for a motor vehicle service and repair facility expansion at 410 West Fourth Street and 108 Curtis Drive (continued from 4-13-22).

Mr. Selbert stated that he had met with the property owners in the area and had addressed the concerns brought up at the previous meeting. He stated he would be purchasing 102 and 106 Curtis Drive, and he would be giving the property owners at 275 West First Street, 328 Theodore Drive and 327 Theodore Drive half of the street conveyance that was granted by the City. He said he was also hoping to have a proposed plan for access to Theodore Drive.

Chairman Knapp inquired as to if the property owner at 104 Curtis Drive would be able to access Fourth Street through the church parking lot.

Alderman Sir replied that was correct, and that Mr. Selbert would be required to maintain the property including making certain it is cleared during inclement weather.

Mr. Bieg stated his concern was there could be vehicles parked on the easement and Ms. Bokan would not be able to get out.

Mr. Selbert stated that he had no plans at this time for the property other than overflow parking for his body shop, and the area of access would be open for use.

A. CONT'D.

Mr. Bieg stated that he had concerns that emergency vehicles would not be able to access the property.

Chairman Knapp went over the six (6) points of factual determination as required in Municipal Code Section 23-182(d).

Item No. 1: The consensus was unanimous that it WILL NOT adversely affect the character of the neighborhood.

Item No. 2: regarding adversely affecting traffic conditions, the roll call vote was as follows: Knapp: WILL NOT; Bieg: WILL; Gianino: WILL NOT; Sir: WILL NOT; Barry: WILL NOT; Wilton: WILL NOT

Item No. 3: The consensus was unanimous that it WILL NOT adversely affect public utilities.

Item No. 4: The consensus was unanimous that it WILL NOT create a fire hazard.

Item No. 5: The consensus was unanimous that it WILL NOT adversely affect the general welfare of the community.

Item No. 6: The consensus was unanimous that it WILL be an appropriate and compatible use for the subject property.

On motion by Alderman Sir, seconded by Mr. Bieg and unanimously passed by those members in attendance, approval was recommended for a petition from Selbert's Enterprises, LLC for a Special Use Permit for a motor vehicle service and repair facility expansion at 410 West Fourth Street and 108 Curtis Drive with the condition that access be provided to Theodore Drive.

NEW BUSINESS:

A. A petition from John Heimos, representing Value Plants, Inc., for a Special Use Permit for outdoor display and sales in connection with the operation of a garden center at 1425 West Fifth 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 Mr. Barry, seconded by Alderman Sir and unanimously passed by those members in attendance, approval was recommended for a petition from John Heimos, representing Value Plants, Inc., for a Special Use Permit for outdoor display and sales in connection with the operation of a garden center at 1425 West Fifth Street.

B. A petition from the City of Eureka to amend the Planned Commercial zoning at 101 East First Street to allow for Special Use Permit consideration of dog daycare, indoor overnight boarding of dogs, outdoor play area between 8:00 AM and 5:00 PM, outdoor kennel runs for use during daylight hours and living quarters.

B. CONT'D.

On motion by Alderman Sir, seconded by Mr. Barry and unanimously passed by those members in attendance, approval was recommended for a petition from the City of Eureka to amend the Planned Commercial zoning at 101 East First Street to allow for Special Use Permit consideration of dog daycare, indoor overnight boarding of dogs, outdoor play area between 8:00 AM and 5:00 PM, outdoor kennel runs for use during daylight hours and living quarters.

C. A petition from Chris and Rachel Reinhardt for a Special Use Permit for dog daycare, indoor overnight boarding of dogs, outdoor play area between 8:00 AM and 5:00 PM, outdoor kennel runs for use during daylight hours and living quarters at 101 East First 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. Wilton and unanimously passed by those members in attendance, approval was recommended for a petition from Chris and Rachel Reinhardt for a Special Use Permit for dog daycare, indoor overnight boarding of dogs, outdoor play area between 8:00 AM and 5:00 PM, outdoor kennel runs for use during daylight hours and living quarters at 101 East First Street.

D. A petition initiated by the City of Eureka for rezoning of properties located at 119 West North Street, 119 "A" West North Street, 125 West North Street, 125 "A" West North Street, 125 "B" West North Street, 243 Forby Road, 311 Forby Road, 329 Forby Road and 331 Forby Road from R-5B Multiple-family Residential to R-3 Single Family Residential.

On motion by Mr. Barry, seconded by Mr. Scheer and unanimously passed by those members in attendance, approval was recommended for a petition initiated by the City of Eureka for rezoning of properties located at 119 West North Street, 119 "A" West North Street, 125 West North Street, 125 "A" West North Street, 125 "B" West North Street, 243 Forby Road, 311 Forby Road, 329 Forby Road and 331 Forby Road from R-5B Multiple-family Residential to R-3 Single Family Residential.

Mr. Barry stated that he supports the rezoning as it will help the property owners be able to move forward with the construction of their home and if any developer would propose a new community they could request a new rezoning.

City Administrator Sabo noted that any proposed multiple-family lots would be tied to the zoning.

Alderman Sir stated that this property has remained undeveloped for quite some time, and returning it to its original zoning would be for the best as those individuals that have purchased property from the developer need to be able to address issues preventing them to move forward with their home. He stated that if the developer wanted to propose a new plan, it could be rezoned for such at that time.

Chairman Knapp inquired as to if approving the rezoning on the agenda would allow the property owners to complete their home.

City Administrator Sabo stated that it would facilitate boundary adjustments they would need to do so.

Chairman Knapp stated that he has had multiple phone calls previously regarding the state of the property.

D. CONT'D.

Alderman Sir stated that as the property is in the Ward he represents, he has received numerous complaints regarding the condition of the property.

Ms. Gianino inquired as to why it cannot remain as it is presently zoned and the existing property owners proceed with construction under the present zoning.

City Administrator Sabo stated that the issue was based on the manner in which it was developed. He stated the rezoning would allow for property owners to request a boundary adjustment which is a ministerial act, and it would allow for them to clean-up issues with titles and loans. He said a property owner or developer could request rezoning in the future if they chose to do so, which would require another City consideration process

On motion by Alderman Sir, seconded by Mr. Barry and passed with five (5) "YES" votes and one (1) "NO" vote (cast by Ms. Gianino), approval was recommended for a petition initiated by the City of Eureka for rezoning of properties located at 119 West North Street, 119 "A" West North Street, 125 West North Street, 125 "A" West North Street, 125 "B" West North Street, 243 Forby Road, 311 Forby Road, 329 Forby Road and 331 Forby Road from R-5B Multiple-family Residential to R-3 Single Family Residential.

E. A petition initiated by the City of Eureka amending the Municipal Code relating to residential front and side yard regulations.

Ms. Gianino inquired as to why the amendment to the regulations was needed.

City Administrator Sabo stated that it was determined that City property setback regulations needed to be updated to be more consistent with zoning trends and other communities in the area.

On motion by Mr. Wilton, seconded by Alderman Sir and with four (4) "NO" votes and two "YES" votes, a negative recommendation was received for a petition initiated by the City of Eureka amending the Municipal Code relating to residential front and side yard regulations. The roll call vote was as follows: Wilton "YES"; Bieg "NO"; Sir "YES"; Knapp "NO"; Gianino "NO" and Barry "NO".

There being no further matters for discussion, on motion by Mr. Barry, seconded by Ms. Gianino and unanimously passed by those members in attendance, the meeting was adjourned at 7:38 p.m.

UPCOMING MEETINGS:

- May 11, 2022
- May 25, 2022

Respectfully submitted,

(Original with signature on file)

Barb Griffin, Acting Secretary