

AGENDA
MAPLEWOOD CITY COUNCIL MEETING
TUESDAY, FEBRUARY 9, 2016
7:30 P.M.

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Motion to Excuse Councilperson
5. Approval of the Council Agenda
6. Public hearing to hear citizen's comments on a request by Cory King of Side Project Brewing located at 7458 Manchester Ave., for a full, Sunday and manufacturer solicitor's liquor license.
7. Public hearing to hear citizen's comments on a request by Michael Zangara for a conditional use permit to allow an apartment complex (existing four-family – corner of Jerome and Bredell) in the SR Single Family Residential District at 7703 Jerome Ave.
8. Public hearing to hear citizen's comments on a request by Nick Deccio and Adelina Mart for a Conditional Use Permit to allow a short-term rental in the SR Single Family Residential District at 7601 Weaver Ave.
9. Public Forum
10. Announcements
11. Approval of the January 26, 2016 City Council meeting minutes
12. Motion to approve a request by Cory King of Side Project Brewing located at 7458 Manchester Ave., for a full, Sunday and manufacturer solicitor's liquor license.
13. A Resolution of the City Council of the City of Maplewood, Missouri, appointing Dan Kopman to the Special Business District Tax Advisory Commission and establishing his term of office as expiring June 30, 2017.
14. A Resolution of the City Council of the City of Maplewood, Missouri, authorizing the City Manager to sign an escrow agreement between Sunco, LLC and the City of Maplewood guaranteeing subdivision improvements for the redevelopment project known as the Sunnen Station Redevelopment Project.

15. A Resolution of the City Council of the City of Maplewood, Missouri, approving a final development plan for Lot F of the Sunnen Station Redevelopment.
16. A Resolution of the City Council of the City of Maplewood, Missouri approving a final development plan for 2750 S. Big Bend Boulevard.
17. An Ordinance of the City Council of the City of Maplewood, Missouri, granting a Conditional Use Permit to Michael Zangara to allow a four family apartment in the SR Single Family Residential District at 7703 Jerome Avenue.
18. An Ordinance of the City Council of the City of Maplewood, Missouri, granting a Conditional Use Permit to Nick Deccio and Adelina Mart to allow short term rentals at 7601 Weaver Avenue.
19. An Ordinance of the City Council of the City of Maplewood, Missouri, amending Planned Unit Development Ordinance NO. 5772 Section VI. 2. To modify the building material requirements for Lot A.
20. Bill 6012 an Ordinance of the City Council of the City of Maplewood, Missouri authorizing the City Manager to execute documents to grant a subterranean easement to the Metropolitan Sewer District to allow a fifty foot (50') subterranean tunnel and sewer line on property located at 3258 Laclede Station Road.
21. Council Communication
22. Mayor's Report
23. City Attorney's Report
24. City Manager's Report
25. Motion to hold a Closed Session, if needed, to discuss matters relating to litigation, legal actions and/or communication from the City Attorney as provided for in Section 610.021(1)RSMO. and/or specifications for competitive bidding under Section 610.021(11) and/or sealed bids and related documents and sealed proposals and related documents under Section 610.021(11) and/or personnel matters under Section 610.021(13)RSMO. and/or employee matters under Section 610.021(3)RSMO. and/or real estate matters under Section 610.021(2)RSMO. and/or documents related to a negotiated contract under Section 610.021(12)RSMO.
26. Adjournment

**PUBLIC AGENDA NOTES
MAPLEWOOD CITY COUNCIL MEETING
TUESDAY, FEBRUARY 9, 2016
7:30 P.M.**

The following is a brief description of the Agenda items for Tuesday, February 9, 2016:

ITEM NO. 6, is a public hearing to hear citizen's comments on a request by Cory King of Side Project Brewing located at 7458 Manchester Ave., for a full, Sunday and manufacturer solicitor's liquor license.

ITEM NO. 7, is a public hearing to hear citizen's comments on a request by Michael Zangara for a conditional use permit to allow an apartment complex (existing four-family ó corner of Jerome and Bredell) in the SR Single Family Residential District at 7703 Jerome Ave.

ITEM NO. 8, is a public hearing to hear citizen's comments on a request by Nick Deccio and Adelina Mart for a Conditional Use Permit to allow a short-term rental in the SR Single Family Residential District at 7601 Weaver Ave.

ITEM NO. 12, is a motion to approve a request by Cory King of Side Project Brewing located at 7458 Manchester Ave., for a full, Sunday and manufacturer solicitor's liquor license. Staff recommends approval.

ITEM NO. 13, is a resolution appointing Dan Kopman to the Special Business District Tax Advisory Commission and establishing his term of office as expiring June 30, 2017.

ITEM NO. 14, is a resolution authorizing the City Manager to sign an escrow agreement between Sunco, LLC and the City of Maplewood guaranteeing subdivision improvements for the redevelopment project known as the Sunnen Station Redevelopment Project.

ITEM NO. 15, is a resolution approving a final development plan for Lot F of the Sunnen Station Redevelopment. The Planned Unit Development requires approval of the preliminary plan and a final development plan. The City Council has previously approved the preliminary development plan. The Plan and Zoning Commission, at their February 1, 2016 meeting, voted 6 ayes, 0 nays, 1 absent, to approve this request.

ITEM NO. 16, is a resolution approving a final development plan for 2750 S. Big Bend Boulevard. The Planned Unit Development requires approval of the preliminary plan and a final development plan. The City Council has previously approved the preliminary development plan. The Plan and Zoning Commission, at their February 1, 2016 meeting, voted 6 ayes, 0 nays, 1 absent, to approve this request.

ITEM NO. 17, is an ordinance granting a Conditional Use Permit to Michael Zangara to allow a four family apartment in the SR Single Family Residential District at 7703 Jerome Avenue. This apartment building has been vacant for at least 10 years. The petitioner is completely rehabbing the site. There is a provision in the Single Family Residential zoning district that allows for this four-family apartment building to be authorized in a single family zoning district. The Plan and Zoning Commission, at their February 1, 2016 meeting, voted 6 ayes, 0 nays, 1 absent, to approve this request.

ITEM NO. 18, is an ordinance granting a Conditional Use Permit to Nick Deccio and Adelina Mart to allow short term rentals at 7601 Weaver Avenue. The Plan and Zoning Commission, at their February 1, 2016 meeting, voted 5 ayes, 1 nay, 1 absent, to approve this request.

ITEM NO. 19, is an ordinance amending Planned Unit Development Ordinance NO. 5772 Section VI. 2. To modify the building material requirements for Lot A. The Maserati dealership is locating on Lot A and will be using similar materials as the BMW dealership used and the Porsche dealership is using. The Plan and Zoning Commission, at their February 1, 2016 meeting, voted 6 ayes, 0 nays, 1 absent, to approve this request.

ITEM NO. 20, BILL 6012 is an ordinance authorizing the City Manager to execute documents granting a subterranean easement to the Metropolitan Sewer District to allow a fifty foot subterranean tunnel and sewer line on property located at 3258 Laclede Station Road (Deer Creek). The tunnel will be located within bedrock and deep enough that it will not be visible or cause any issues for the property. The actual shaft for the tunnel will be located in Brentwood, northwest of the site in question. **This bill needs to be tabled at the February 9, 2016 Council meeting.**

▼
*City
of Maplewood*



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PUBLIC HEARING NOTICE

Maplewood City Council will hold a public hearing on 2/9/16 at 7:30 p.m. in the City Council Chambers, 7601 Manchester, Maplewood, MO 63143, to hear citizen's comments on a request by Cory King of Side Project Brewing located at 7458 Manchester Ave. for a full, Sunday and manufacturer solicitor's liquor license.

Ad as appearing in the January 22, 2016 **St. Louis Post-Dispatch**.

▼
*City
of Maplewood*



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PUBLIC HEARING NOTICE

Maplewood City Council will hold a public hearing on 2/9/16 at 7:30 p.m. in the City Hall Council Chambers, 7601 Manchester Rd., Maplewood, MO 63143, to hear citizen's comments on a request by Michael Zangara for a conditional use permit to allow an apartment complex (existing four-family building – corner of Jerome and Bredell) in the SR Single Family Residential District at 7703 Jerome Ave.

Ad as appearing in the January 22, 2016 **St. Louis Post-Dispatch**.

▼
*City
of Maplewood*



▼

PUBLIC HEARING NOTICE

Maplewood City Council will hold a public hearing on 2/9/16 at 7:30 p.m. in the City Hall Council Chambers, 7601 Manchester Rd., Maplewood, MO 63143, to hear citizen's comments on a request by Nick Deccio and Adelina Mart for a Conditional Use Permit to allow a short-term rental in the SR Single Family Residential District at 7601 Weaver Ave.

Ad as appearing in the January 22, 2016 **St. Louis Post-Dispatch**.

January 26, 2016

The January 26, 2016 Council meeting was called to order at 7:30 p.m., Mayor James White presiding.

ON ROLL CALL, the following members were present: Councilmember Cerven, Councilmember Dunn, Councilmember Faulkingham, Councilmember Greenberg, Mayor White, Councilmember Wolf and Councilmember Wood.

MOTION TO EXCUSE COUNCILPERSON: No need.

APPROVAL OF THE COUNCIL AGENDA: Councilmember Wood motioned to approve the agenda, duly seconded by Councilmember Cerven, which motion received the approval of the Council.

PUBLIC HEARING TO HEAR CITIZEN'S COMMENTS ON AN AMENDMENT TO SEC. 56-232 (41) AB DISTRICT CONDITIONAL USES TO ALLOW DAY CARE CENTERS AS A CONDITIONAL USE: No one spoke.

PUBLIC HEARING TO HEAR CITIZEN'S COMMENTS ON A REQUEST BY CARRIE MCGEE TO OPERATE A DAY CARE FACILITY AT 2305 S. BIG BEND BLVD.: Patrick Richards, 3222 Walter, asked how the 24-hour shifts will be split. Ms. McGee stated the shifts will be split between 3 people and will hire more staff if needed.

PUBLIC HEARING TO HEAR CITIZEN'S COMMENTS ON AN AMENDMENT TO SEC. 56-206 (18) B. MICRO-BREWERIES OF THE CB DISTRICT TO MODIFY THE SQUARE FOOTAGE OF RETAIL SPACE REQUIRED FOR MICRO-BREWERIES: No one spoke.

PUBLIC HEARING TO HEAR CITIZEN'S COMMENTS ON A REQUEST BY CORY KING TO OPERATE A MICRO-BREWERY WITH RETAIL FACILITY AT 7458 MANCHESTER RD.: No one spoke.

PUBLIC HEARING TO HEAR CITIZEN'S COMMENTS ON A REQUEST BY COZAD COMMERCIAL REAL ESTATE TO AMEND SEC. III. B. BUILDING, PARKING AND DRIVE SETBACKS AND USE REGULATIONS OF PUD ORDINANCE #5772 FOR THE SUNNEN STATION DEVELOPMENT BOUND ROUGHLY ON THE NORTH BY SUNNEN PRODUCTS, SUNNEN DR. TO THE SOUTH, METROLINK TO THE EAST AND HANLEY ROAD TO THE WEST: No one spoke.

PUBLIC HEARING TO HEAR CITIZEN'S COMMENTS ON A REQUEST BY COZAD COMMERCIAL REAL ESTATE TO APPROVE A PRELIMINARY DEVELOPMENT PLAN AND FINAL DEVELOPMENT PLANS FOR LOTS A, D AND F OF THE SUNNEN STATION DEVELOPMENT. THE DEVELOPMENT IS ON APPROXIMATELY 18.79 ACRES OF LAND BOUNDED ON THE NORTH BY SUNNEN PRODUCTS CO., WEST BY HANLEY RD., SOUTH BY SUNNEN DR. AND EAST BY THE METROLINK RIGHT-OF-WAY: Patrick Weir, 2855 Laclede Station Rd., asked for details about the development. Mr. Corcoran stated the development so far consists

of a Porsche dealership, Maserati and Alfa Romeo dealership and a 174 unit apartment complex.

PUBLIC FORUM: No one spoke.

ANNOUNCEMENTS: None.

APPROVAL OF THE JANUARY 12, 2016 AND JANUARY 18, 2016 CITY COUNCIL MEETING MINUTES: Councilmember Wood motioned to approve, duly seconded by Councilmember Cerven, which motion received the majority approval, by voice vote, of the Council.

R16-4, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, AUTHORIZING THE CITY MANAGER TO SIGN A SUPPLEMENTAL AGREEMENT TO THE ENGINEERING SERVICES AGREEMENT FOR THE MANCHESTER ROAD PHASE 3 IMPROVEMENT PROJECT – STP (669) was introduced. It was moved by Councilmember Wood, duly seconded by Councilmember Cerven to approve the resolution which motion received the following roll call vote: Ayes, members Cerven, Dunn, Faulkingham, Greenberg, Mayor White, Wolf and Wood. Nays, none.

BILL 6012, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI AUTHORIZING THE CITY MANAGER TO EXECUTE DOCUMENTS TO GRANT A SUBTERRANEAN EASEMENT TO THE METROPOLITAN SEWER DISTRICT TO ALLOW A FIFTY FOOT (50') SUBTERRANEAN TUNNEL AND SEWER LINE ON PROPERTY LOCATED AT 3258 LACLEDE STATION ROAD was given its first reading. It was moved by Councilmember Wood, duly seconded by Councilmember Cerven that Bill No. 6012 be moved to its second reading, which motion received the majority approval; by voice vote, of the Council.

On its second reading, it was moved by Councilmember Wood, duly seconded by Councilmember Cerven, that Bill No. 6012 be passed to its third and final reading, which motion received the majority approval; by voice vote, of the Council.

BILL 6000 (AS AMENDED), AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, AUTHORIZING SUBMISSION TO THE VOTERS IN THE CITY OF MAPLEWOOD AT THE APRIL 5, 2016 ELECTION THE QUESTION OF WHETHER MAPLEWOOD CITY CHARTER SECTION 3.2, PARAGRAPH C DEALING WITH ELECTION AND TERMS FOR CITY COUNCIL MEMBERS SHALL BE AMENDED was given its third and final reading. Councilmember Wood motioned to approve, duly seconded by Councilmember Cerven, which motion received the majority approval; by voice vote, of the Council. It was moved by Councilmember Wood, duly seconded by Councilmember Cerven, that Bill No. 6000 (as amended) be approved, which motion received the following roll call vote: Ayes members Faulkingham, Greenberg, Mayor White, Wolf and Wood. Nays, members Cerven and Dunn.

Bill 6000 (as amended) was approved by the City Council on this 26th day of January, 2016 as **Ordinance No. 5796 (as amended)**.

BILL 6005, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, APPROVING A REVISED PRELIMINARY PLAT AND A RECORD PLAT FOR THE SUNNEN STATION REDEVELOPMENT was given its third and final reading. Councilmember Wood motioned to approve, duly seconded by Councilmember Cerven, which motion received the majority approval; by voice vote, of the Council. It was moved by Councilmember Wood, duly seconded by Councilmember Cerven, that Bill No. 6005 be approved, which motion received the following roll call vote: Ayes members Cerven, Dunn, Faulkingham, Greenberg, Mayor White, Wolf and Wood. Nays, none.

Bill 6005 was approved by the City Council on this 26th day of January, 2016 as **Ordinance No. 5801**.

BILL 6006, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, AMENDING ORDINANCE 5573, AS AMENDED, CHAPTER 56, ZONING, SECTION 56-232, (41), CONDITIONAL USES USE LIMITATIONS TO ALLOW DAY CARE CENTERS AS A CONDITIONAL USE IN THE AB ARTERIAL BUSINESS DISTRICT was given its third and final reading. Councilmember Wood motioned to approve, duly seconded by Councilmember Cerven, which motion received the majority approval; by voice vote, of the Council. It was moved by Councilmember Wood, duly seconded by Councilmember Cerven, that Bill No. 6006 be approved, which motion received the following roll call vote: Ayes members Cerven, Dunn, Faulkingham, Greenberg, Mayor White, Wolf and Wood. Nays, none.

Bill 6006 was approved by the City Council on this 26th day of January, 2016 as **Ordinance No. 5802**.

BILL 6007, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, GRANTING A CONDITIONAL USE PERMIT TO CARRIE MCGEE OF CREATIVE CRAYONS CHILD CARE TO OPERATE A 24-HOUR DAYCARE FACILITY IN THE AB ARTERIAL BUSINESS DISTRICT AT 2305 S. BIG BEND BOULEVARD was given its third and final reading. A motion was made by Councilmember Wood that Bill No. 6007 be tabled for the reading of the findings of fact, duly seconded by Councilmember Cerven, which motion received the majority approval; by voice vote, of the Council.

The Mayor and City Council make the following findings of fact for the petition for a Conditional Use Permit for a daycare facility at 2305 S. Big Bend Blvd:

- a. The proposed use complies with all applicable provisions of the Zoning Code.
- b. The proposed use will contribute to and promote the community welfare and convenience.
- c. The proposed use will not cause substantial injury to the value of neighboring property.
- d. The proposed use does comply with the overall neighborhood development plan and existing zoning provisions.
- e. The proposed use will provide, if applicable, off-street parking and loading areas in accordance with the standards of the Zoning Code.
- f. The proposed use will not substantially increase traffic hazards.
- g. The proposed use will not substantially increase fire hazards.
- h. The proposed use will not overtax public utilities.
- i. The proposed use will not place an undue burden on municipal services.

It was then moved by Councilmember Wood, duly seconded by Councilmember Cerven, that the findings of fact be approved, which motion received the following roll call vote: Ayes, members Cerven, Dunn, Faulkingham, Greenberg, Mayor White, Wolf and Wood. Nays, none.

Councilmember Wood motioned to bring Bill No. 6007 back onto the table, duly seconded by Councilmember Cerven, which motion received the majority approval; by voice vote, of the Council.

A motion was made by Councilmember Wood, duly seconded by Councilmember Cerven, that Bill No. 6007 be approved which motion received the following roll call vote: Ayes, members Cerven, Dunn, Faulkingham, Greenberg, Mayor White, Wolf and Wood. Nays, none.

BILL NO. 6007 was approved by the City Council on this 26th day of January, 2016 as **Ordinance number 5803**.

BILL 6008, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, AMENDING ORDINANCE 5573, AS AMENDED, CHAPTER 56, ZONING, SECTION 56-206, (18) B., CONDITIONAL USES USE LIMITATIONS TO MODIFY THE SQUARE FOOTAGE REQUIREMENTS OF RETAIL SPACE FOR MICRO-BREWERIES IN THE CB COMMUNITY BUSINESS DISTRICT was given its third and final reading. Councilmember Wood motioned to approve, duly seconded by Councilmember Cerven, which motion received the majority approval; by voice vote, of the Council. It was moved by Councilmember Wood, duly seconded by Councilmember Cerven, that Bill No. 6008 be approved, which motion received the following roll call vote: Ayes members Cerven, Dunn, Faulkingham, Greenberg, Mayor White, Wolf and Wood. Nays, none.

Bill 6008 was approved by the City Council on this 26th day of January, 2016 as **Ordinance No. 5804**.

BILL 6009, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, GRANTING A CONDITIONAL USE PERMIT TO SIDE PROJECT BREWING TO OPERATE A MICROBREWERY BUSINESS AT 7458 MANCHESTER ROAD was given its third and final reading. A motion was made by Councilmember Wood that Bill No. 6009 be tabled for the reading of the findings of fact, duly seconded by Councilmember Cerven, which motion received the majority approval; by voice vote, of the Council.

The Mayor and City Council make the following findings of fact for the petition for a Conditional Use Permit for a daycare facility at 2305 S. Big Bend Blvd.:

- a. The proposed use complies with all applicable provisions of the Zoning Code.
- b. The proposed use will contribute to and promote the community welfare and convenience.
- c. The proposed use will not cause substantial injury to the value of neighboring property.
- d. The proposed use does comply with the overall neighborhood development plan and existing zoning provisions.
- e. The proposed use will provide, if applicable, off-street parking and loading areas in accordance with the standards of the Zoning Code.
- f. The proposed use will not substantially increase traffic hazards.
- g. The proposed use will not substantially increase fire hazards.
- h. The proposed use will not overtax public utilities.

- i. The proposed use will not place an undue burden on municipal services.

It was then moved by Councilmember Wood, duly seconded by Councilmember Cerven, that the findings of fact be approved, which motion received the following roll call vote: Ayes, members Cerven, Dunn, Faulkingham, Greenberg, Mayor White, Wolf and Wood. Nays, none.

Councilmember Wood motioned to bring Bill No. 6009 back onto the table, duly seconded by Councilmember Cerven, which motion received the majority approval; by voice vote, of the Council.

A motion was made by Councilmember Wood, duly seconded by Councilmember Cerven, that Bill No. 6009 be approved which motion received the following roll call vote: Ayes, members Cerven, Dunn, Faulkingham, Mayor White, Wolf and Wood. Nays, none. Abstain, member Greenberg.

Bill 6009 was approved by the City Council on this 26th day of January, 2016 as **Ordinance No. 5805**.

BILL 6010, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, AMENDING PLANNED UNIT DEVELOPMENT ORDINANCE NO. 5772 SECTION III. B. TO MODIFY BUILDING, PARKING AND DRIVE SETBACKS was given its third and final reading. Councilmember Wood motioned to approve, duly seconded by Councilmember Cerven, which motion received the majority approval; by voice vote, of the Council. It was moved by Councilmember Wood, duly seconded by Councilmember Cerven, that Bill No. 6010 be approved, which motion received the following roll call vote: Ayes members Cerven, Dunn, Faulkingham, Greenberg, Mayor White, Wolf and Wood. Nays, none.

Bill 6010 was approved by the City Council on this 26th day of January, 2016 as **Ordinance No. 5806**.

BILL 6011, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI APPROVING A PRELIMINARY DEVELOPMENT PLAN FOR APPROXIMATELY 18.79 ACRES OF LAND BOUNDED ON THE NORTH BY SUNNEN PRODUCTS COMPANY, ON THE WEST BY HANLEY ROAD, ON THE SOUTH BY SUNNEN DRIVE AND ON THE EAST BY THE METROLINK RIGHT OF WAY AND APPROVING A FINAL DEVELOPMENT PLAN FOR LOT D was given its third and final reading. Councilmember Wood motioned to substitute the revised bill, duly seconded by Councilmember Cerven, which motion received the majority approval; by voice vote, of the Council. It was moved by Councilmember Wood, duly seconded by Councilmember Cerven, that Bill No. 6011 be approved, which motion received the following roll call vote: Ayes members Cerven, Dunn, Faulkingham, Greenberg, Mayor White, Wolf and Wood. Nays, none.

Bill 6011 was approved by the City Council on this 26th day of January, 2016 as **Ordinance No. 5807**.

COUNCIL COMMUNICATION: The Mayor and Council wished City Manager Corcoran a happy birthday.

MAYOR'S REPORT: No report.

CITY ATTORNEY'S REPORT: No report.

CITY MANAGER'S REPORT: Mr. Corcoran stated that he and Mayor White will not be in attendance at the February 9, 2016 City Council meeting. They will be attending the Missouri Municipal League Legislative Conference in Jefferson City.

MOTION TO HOLD A CLOSED SESSION, IF NEEDED, TO DISCUSS MATTERS RELATING TO LITIGATION, LEGAL ACTIONS AND/OR COMMUNICATION FROM THE CITY ATTORNEY AS PROVIDED FOR IN SECTION 610.021(1)RSMO. AND/OR SPECIFICATIONS FOR COMPETITIVE BIDDING UNDER SECTION 610.021(11) AND/OR SEALED BIDS AND RELATED DOCUMENTS AND SEALED PROPOSALS AND RELATED DOCUMENTS UNDER SECTION 610.021(11) AND/OR PERSONNEL MATTERS UNDER SECTION 610.021(13)RSMO. AND/OR EMPLOYEE MATTERS UNDER SECTION 610.021(3)RSMO. AND/OR REAL ESTATE MATTERS UNDER SECTION 610.021(2)RSMO. AND/OR DOCUMENTS RELATED TO A NEGOTIATED CONTRACT UNDER SECTION 610.021(12)RSMO: No need.

There being no further business before the Council, the meeting adjourned at 8:03 p.m.

INTEROFFICE MEMORANDUM

TO: Mayor & City Council

FROM: Martin J. Corcoran, City Manager

DATE: February 5, 2016

RE: Side Project Brewery Liquor License

Attached is an application from Cory King for a liquor license to operate Side Project Brewery at 7458 Manchester Ave. Mr. King is requesting a full liquor license, a Sunday liquor license by the drink and a manufacturer's license. Staff recommends approval.

If you have any questions, please contact me.



Martin J. Corcoran
City Manager

Enclosure

public hearing
fee P&L

PETITION FOR LIQUOR LICENSE
CITY OF MAPLEWOOD
7601 Manchester Road
Maplewood, MO 63143
(314) 645-3600

SECTION 1

DATE: 10/23/15

1. NAME OF ESTABLISHMENT: Fermented Projects LLC aka Side Project Brewing

2. ADDRESS OF ESTABLISHMENT: 7458 Manchester Ave.

Maplewood MO 63143 573-450-5725
(CITY) (STATE) (ZIP) (PHONE)

3. Is ownership a corporation or partnership? If so, list names and addresses of individuals and their title(s):

4. NAME OF OWNER OR MANAGING OFFICER: Cory King

5. Type of license requested - separate license shall be obtained for each of the following classes of sales: (Please check each classification that applies)

Indicate Type of License Applied For:

Fee

A. STORAGE OF NON-INTOXICATING BEER

_____ For beer depot or store room, handling, selling or storing non-intoxicating beer. \$75.00

B. FULL LIQUOR LICENSE

_____ To sell intoxicating liquor in excess of 5% by weight, by the drink at retail for consumption on the premises where sold. \$450.00

C. PACKAGED INTOXICATING LIQUOR

_____ To sell intoxicating liquor in the original package at retail only, and not for consumption on the premises where sold. \$150.00

D. SUNDAY PACKAGE LIQUOR LICENSE

_____ To sell intoxicating liquor in the original package at retail only, and not by the drink, not for consumption on the premises (which shall include the right to sell non-intoxicating beer at retail in the original package) on Sundays between the hours of 9:00 a.m. and 12:00 midnight. ~~\$300.00~~

E. MALT LIQUOR BY THE DRINK - 5% OR WINES NOT IN EXCESS OF 14% ALCOHOL BY WEIGHT

_____ To sell malt liquor containing alcohol over 3.2% but not more than 5% by weight at retail by the drink for consumption on the premises, where sold (includes light wines.

\$ 52.50

F. PACKAGED MALT LIQUOR OR LIGHT WINES (5% MALT LIQUOR)

_____ To sell malt liquor containing over 3.2% but not more than 5% by weight in the original package at retail only, and not for consumption on the premises, where sold.

\$ 22.50

G. SUNDAY LIQUOR BY THE DRINK

_____ To sell intoxicating liquor in excess of 5% percent by weight by the drink at retail for consumption on the premises (which shall include the right to sell non-intoxicating beer at retail by the drink for consumption on the premises) on Sundays between the hours of 9:00 a.m. and 12:00 midnight provided all requirements of state law are complied with.

\$300.00

H. MANUFACTURER SOLICITOR'S LICENSE

_____ To sell intoxicating liquor containing not in excess of twenty-two percent (22%) of alcohol by weight and the privilege of selling to duly licensed wholesalers and soliciting orders for sale of intoxicating liquor containing not in excess of twenty-two percent of alcohol by weight, to, by or through a duly licensed wholesaler on the premises where sold.

\$250.00

I. ORIGINAL PACKAGE TASTING

_____ To conduct wine, malt beverage and distilled spirit tasting on the licensed premises upon receipt of a special permit.

\$ 25.00

Applicant hereby agrees that if a license is granted upon this petition, that applicant or any officer, agent, employee, or servant of applicant will not violate any provision of said Ordinance No. 4121 or of any amendments hereafter made to said ordinance, or any law of the State of Missouri or other ordinance of the City of Maplewood while in and upon the premises of the applicant herein described or knowingly allow any other person so to do.

Cary King
Printed Name of Applicant

[Signature]
Signature

10/23/15
Date

RECORD OF ARREST

A. Have you ever been arrested or indicted for the violation of any Federal, State, or City Laws?

NO

If so, give details: _____

B. Have you ever been convicted for the violation of any city ordinance, State or Federal Laws relating to liquor, gambling, immorality, peace disturbance?

NO

If so, give details: _____

I, Cory King, hereby authorize the City of Maplewood Police Department to perform a police check on the information I have submitted. And I am willing to submit to fingerprinting and photographing, if requested.

Date: 10/23/15 Signature of Applicant: _____

Results of Police Check:

NO RECORD

Stephen M. Kruse
Signature: Chief of Police

1-15-16

INTEROFFICE MEMORANDUM

TO: Mayor & City Council

FROM: Martin J. Corcoran, City Manager

DATE: January 28, 2016

RE: Special Business District Tax Commission Appointment

Mayor White is recommending that Dan Kopman be appointed to the Special Business District Tax Advisory Commission to replace Susan Haberer. Susan Haberer was an employee of Schlafly Bottleworks but has moved on. Dan Kopman has indicated that he would be willing to serve on the Special Business District Tax Advisory Commission.

If you have any questions about this appointment, please contact Mayor White.



Martin J. Corcoran
City Manager

SBD-Dan Kopman.docx

RESOLUTION

R16-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, APPOINTING DAN KOPMAN TO THE SPECIAL BUSINESS DISTRICT TAX ADVISORY COMMISSION AND ESTABLISHING HIS TERM OF OFFICE AS EXPIRING JUNE 30, 2017.

WHEREAS, Dan Kopman is an owner of Schlafly Bottleworks within the Special Business District; and

WHEREAS, Dan Kopman desires to be appointed to the Special Business District Tax Advisory Commission

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, AS FOLLOWS: Dan Kopman is hereby appointed to the Special Business District Tax Advisory Commission; and

BE IT FURTHER RESOLVED that his term office is established as expiring June 30, 2017.

Passed this 9th day of February, 2016

James White, Mayor

Attest:

Karen R. Scheidt, Acting City Clerk

Approved this 9th day of February, 2016

James White, Mayor

Attest:

Karen R. Scheidt, Acting City Clerk

INTEROFFICE MEMORANDUM

TO: Mayor & City Council

FROM: Martin J. Corcoran, City Manager

DATE: February 5, 2016

RE: Escrow Resolution – Sunnen Station Redevelopment Project

Attached is a resolution authorizing the City Manager to sign an escrow agreement between Sunco, LLC and the City of Maplewood guaranteeing subdivision improvements for the redevelopment project known as the Sunnen Station Redevelopment Project.

If you have any questions, please contact me.


Martin J. Corcoran
City Manager

Enclosure

RESOLUTION

R16-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, AUTHORIZING THE CITY MANAGER TO SIGN AN ESCROW AGREEMENT BETWEEN SUNCO, LLC AND THE CITY OF MAPLEWOOD GUARANTEEING SUBDIVISION IMPROVEMENTS FOR THE REDEVELOPMENT PROJECT KNOWN AS THE SUNNEN STATION REDEVELOPMENT PROJECT.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, AS FOLLOWS: The City Manager is hereby authorized to sign an escrow agreement between Sunco LLC and the City of Maplewood pursuant to which Sunco guarantees subdivision improvements for the Sunnen Station Redevelopment project.

Passed this 9th day of February, 2016

James White, Mayor

Attest:

Karen R. Scheidt, Acting City Clerk

Approved this 9th day of February, 2016

James White, Mayor

Attest:

Karen R. Scheidt, Acting City Clerk

AGREEMENT GUARANTEEING SUBDIVISION IMPROVEMENTS

THIS AGREEMENT ("Agreement") is made and entered into this 21st day of January, 2016, by and between SUNCO, LLC, a Missouri limited liability company, ("Developer") and the CITY OF MAPLEWOOD, MISSOURI (the "City").

WITNESSETH:

WHEREAS, Developer has undertaken to redevelop the area of land described on Exhibit A (the "Development Area");

WHEREAS, Developer has submitted preliminary subdivision plans for the Development Area, and the Council of the City has approved said preliminary subdivision plans;

WHEREAS, the Director of Public Works has estimated and determined that the cost of construction, installation and completion of the subdivision improvements in the Development Area as required by the ordinances of the City, and those as shown in the subdivision plat Developer has submitted for the Development Area or in the plans for said improvements filed with the City accompanying said plat (collectively the "Subdivision Improvements"), will be in the sum of \$1,608,546.00;

WHEREAS, the ordinances of the City require that, before the final plat of any subdivision shall be approved and recorded in the Office of the Recorder of Deeds of St. Louis County, the subdivider must make and install all required subdivision improvements, or post a performance bond or enter into an escrow agreement with the City to guarantee the construction and completion of said subdivision improvements; and

WHEREAS, Developer wishes to secure approval and recordation of its final subdivision plat for the Development Area prior to completing the Subdivision Improvement by posting a performance bond.

NOW, THEREFORE, in consideration of the covenants, promises and agreements herein provided, it is mutually agreed as follows:

1. Developer has caused to be issued a Performance Bond in the form attached hereto as Exhibit B (the "Performance Bond") in the amount of \$1,608,546.00, dated, December 29, 2015, issued by Liberty Mutual Insurance Company payable to the City as sole obligee to guarantee the construction, installation and completion of the Subdivision Improvements in accordance with the approved plat of the Development Area, the plans thereof approved by the City and the ordinances of the City pertaining thereto.

2. (A) In the event the Director of Public Works shall at any time determine that the face amount of the Performance Bond shall become insufficient to complete said subdivision improvements, the Director of Public Works shall give notice to Developer advising of such insufficiency and shall state the additional sum the Director of Public Works has determined to be required for the completion of said improvements. Within ten (10) days after receipt of said notice, Developer shall provide evidence to the City of the existence of an additional

performance bond in such form and issued by such institution acceptable to the City in its sole and absolute discretion and in such amount as the Director of Public Works has determined, and such additional performance bond shall be administered in accordance with the provisions to this Agreement. Any determinations made by the Director of Public Works from time to time of an additional sums required for completion of the Subdivision Improvements shall be final and binding on Developer.

(B) In the event that at any time the surety of the Performance Bond shall become insolvent, shall be placed under a receivership, or shall revoke or repudiate any performance bond issued by it pursuant to this Agreement, or in the event that the City, in its sole and absolute judgment, shall for any reason determine itself to be financially insecure as to the funding for the construction, installation and completion of the Subdivision Improvements, the City shall give notice to Developer advising of such event. Within ten (10) days after the receipt of such notice, Developer shall deposit with the City a replacement performance bond in such form and issued by such institution acceptable to the City in its sole and absolute discretion in the face amount of the original Performance Bond (as increased by any determination by the Director of Public Works pursuant to Paragraph 2(A) hereof), or, at the City's option, a cash escrow in such amount to be deposited with the City or a third party escrow agent as may be designated by the City (in which case this Agreement shall be modified to add such escrow agent as a party hereto), and such replacement performance bond or cash escrow shall be administered and drawn on in accordance with the provisions of this Agreement. In the event a cash escrow shall be required by the City, such cash shall be deposited in an interest bearing account or accounts and with an institution both approved by City, and all interest earned on such account(s) shall become part of the cash escrow. A determination made by the City as to such insolvency, receivership, revocation or repudiation, or financial insecurity shall be final and binding on Developer.

(C) Developer shall pay all fees, costs, expenses and charges incurred in connection with the issuance of the Performance Bond (or any replacement thereof) or in connection with the establishment of any cash escrow to be established, and City shall have no liability for any such items, and Developer or the escrowee may not charge any such items to the escrow sum.

3. Developer guarantees that the Subdivision Improvements will be installed, constructed and completed in accordance with the approved plans within two years after approval of the final record subdivision plat of the Development Area.

4. In the event Developer does not within ten (10) days after notification pursuant to paragraphs 2(A) or 2(B) provide acceptable evidence of such additional replacement performance bond or deposit such cash escrow as required in this Agreement, or shall cease work on the Subdivision Improvements or shall fail to complete the Subdivision Improvements in accordance with the approved plans therefor by January 26, 2018, the City, acting by and through the City Manager or his deputies, in addition to any other legal remedies available, may pursue any or all of the following remedies:

(a) The City may make arrangements for the completion of the Subdivision Improvements, for the account of Developer, and in connection therewith the City may

immediately make a claim under the Performance Bond or draw down the full amount of the cash escrow, or draw down such lesser amount (including periodic draws for progress payments) which the City determines to be sufficient to reimburse City, or others designated by the City, for all costs of any kind or nature incurred in completing such Subdivision Improvements or in enforcing its rights hereunder.

(b) The City may revoke all building permits issued to Developer in the City of Maplewood, and may refuse to issue any further building permits to Developer.

(c) The City may order the termination of any further work by Developer in the City of Maplewood.

(d) The City may deny an occupancy permit for any building in the subdivision for which an occupancy permit was not theretofore issued and may file with the Recorder of Deeds a notice that no occupancy permits will be issued for any building in the subdivision.

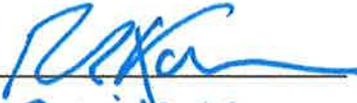
(e) The City may sue Developer for any additional cost of completing the Subdivision Improvements not recovered from the Performance Bond or cash escrow.

5. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, successors and assigns.

(Remainder of page left blank intentionally.)

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals on the day and year first above written.

SUNCO, LLC.
a Missouri limited liability company

By: 
Name: Richard S. Kallaus EVP
Date: 1/21/2016

CITY OF MAPLEWOOD, MISSOURI

(Seal)

By: _____
Name: Martin J. Corcoran
Date: City Manager

Attest:

Karen Scheidt, Acting City Clerk

Exhibit A
Legal Description of Redevelopment Area

PROPERTY DESCRIPTION

SUNNEN STATION REDEVELOPMENT

A tract of land being all of Lot 4A of the "Sunquad Subdivision Seventh Amended Plat" as recorded in Plat Book 360, Page 373 of the St. Louis County Records, part of the "Resubdivision of Block 5 of Maplewood Heights" as recorded in Plat Book 7, page 94, Part of Lots 22 – 24 of "C.S. Rannel's Subdivision" as recorded in Deed Book 485, Page 396, Part of Lots 1 and 5 of "Boenecke's Subdivision" as recorded in Plat Book 8, Page 13, part of "Hyatt's Subdivision" as recorded in Plat Book 2, Page 67, part of "F.W. Hinterthuer's Subdivision" as recorded in Plat Book 1, Page 82, part of "Laclede's Subdivision" as recorded in Plat Book 7, Page 83 (City of St. Louis records) and part of "Resubdivision of Blocks 1, 2, 3 & 4 of Maplewood Heights" as recorded in Plat Book 7, Page 9, all being part U.S. Surveys 2844 and 2939 and part of Fractional Section 27 in Township 45 North, Range 6 East of the Fifth Principal Meridian, City of Maplewood, St. Louis County, Missouri and being more particularly described as follows:

BEGINNING at the intersection of the Western right-of-way line of Laclede Station Road with the Northern right-of-way line of Sunnen Drive; thence along said Northern right-of-way line of Sunnen Drive the following: North 60 degrees 54 minutes 26 seconds West, 151.93 feet to a point; thence along a curve to the left having a radius of 386.00 feet, an arc length of 301.69 feet, the chord of which bears North 83 degrees 17 minutes 52 seconds West, a chord distance of 294.07 feet to a point; thence along a curve to the right having a radius of 110.00 feet, an arc length of 163.26 feet, the chord of which bears North 63 degrees 10 minutes 11 West, a chord length of 148.68 feet to a point on the Eastern right-of-way line of South Hanley Road; thence along said Eastern right-of-way line of South Hanley Road North 20 degrees 39 minutes 03 seconds West, 523.41 feet to a point; thence along a curve to the right having a radius of 886.64 feet, an arc length of 68.31 feet, the chord of which bears North 18 degrees 26 minute 38 seconds West, a chord length of 68.29 feet to a point; thence South 89 degrees 55 minutes 28 seconds West, 9.89 feet to a point; thence in a Northerly direction along a curve to the right having a radius of 914.30 feet, and arc length of 335.10 feet, the chord of which bears North 05 degrees 08 minutes 27 seconds West, a chord length of 333.22 feet to a point; thence leaving said Eastern right-of-way line of South Hanley Road North 84 degrees 08 minutes 05 seconds East, 37.65 feet to a point; thence North 72 degrees 42 minutes 40 seconds East, 411.62 feet to a point; thence in a Northerly direction along a curve to the right having a radius of 390.00 feet, an arc length of 75.10 feet, the chord of which bears South 05 degrees 44 minutes 29 seconds West, a chord length of 74.98 feet to a point on the Western line of Bartold Avenue; thence along said Western right-of-way line North 11 degrees 15 minutes 28 seconds East, 146.26 feet to a point; thence leaving said Western right-of-way line South 78 degrees 44 minutes 32 seconds East, 50.00 feet to the Northwest corner of Lot 1 of "Resubdivision of Blocks 1, 2, 3 & 4 of Maplewood Heights", a subdivision filed for record in Plat Book 7, Page 9 of the St. Louis County Records; thence along the Northern line of said subdivision South 89 degrees 45 minutes 18 seconds East, 381.21 feet to a point on the Western line of the former St. Louis Belt and Terminal Railroad right-of-way; thence along said Western line the following: in a southerly direction along a curve to the right having a radius of 1382.70 feet, an arc length of 136.58 feet, the chord of which bears South 03 degrees 21 minutes 18 seconds West, a chord length of 136.52 feet to a point; thence South 06 degrees 11 minutes 05 seconds West, 295.12 feet to a point; thence along a curve to the left having a radius of 1482.69 feet, an arc length of 706.73 feet, the chord of which bears South 07 degrees 28 minutes 14 seconds East, a chord length of 700.05 feet to a point on the Western right-of-way line of the aforesaid Laclede Station Road; thence along said Western right-of-way line of Laclede Station Road South 28 degrees 53 minutes 29 seconds West, 102.58 feet to a point; thence South 60 degrees 56 minutes 44 seconds East,

4.41 feet to a point; thence South 28 degrees 53 minutes 29 seconds West, 204.46 feet to the Point of beginning and containing 925,977 square feet or 21.257 acres more or less as per calculation by Stock & Associates Consulting Engineers, Inc. during April, 2015.

Exhibit B

(“Performance Bond”)



Interchange Corporate Center
450 Plymouth Road, Suite 400
Plymouth Meeting, PA 19462-1644
Ph. (610) 832-8240

SUBDIVISION BOND

Bond Number: 285052034

KNOWALL MEN BY THESE PRESENTS, that we Clayco, Inc., 2199 Innerbelt Business Center Dr., St. Louis, MO 63114

Clayco, Inc., as principal (the "Principal"), and Liberty Mutual Insurance Company, a Massachusetts stock insurance company, as surety (the "Surety"), are held and firmly bound unto

City of Maplewood, 7601 Manchester Road, Maplewood, MO 63143, as Obligee (the "Obligee"), in the penal

sum of One Million Six Hundred Eight Thousand Five Hundred Forty Six and 00/100 Dollars (\$ 1,608,546.00),

for the payment of which sum well and truly to be made, the Principal and the Surety, bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, the Principal has proposed to make certain improvements (the "Contract") described as follows:

Infrastructure Improvements and Grading for Sunnen Station, MO

WHEREAS, the Obligee has approved said improvements upon the execution and delivery of this bond.

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION IS SUCH, if the Principal shall promptly and faithfully complete said improvements in accordance with the present standard specification of the Infrastructure Improvements and Grading for Sunnen Station, MO, as per

plans prepared by Stock & Associates dated December 18, 2015

then this obligation shall be null and void; otherwise, it shall remain in full force and effect.

PROVIDED AND SUBJECT TO THE CONDITIONS PRECEDENT:

1. No right of action shall accrue upon or by reason hereof, to or for the use or benefit of any person other than the Obligee named herein; furthermore, this Bond cannot be assigned absent the express written consent of the Surety.
2. The Surety hereby waives notice of any alteration or extension of time made by the Obligee.
3. Any claims must be presented in writing to Liberty Mutual Insurance Company to the attention of The Surety Law Department at the address indicated above.

DATED as of this 29th day of December, 2015.

WITNESS / ATTEST:

Rene Butler

Clayco, Inc.

(Principal)

By: [Signature] (Seal)

Name: KEVIN HEWINGFIELD

Title: CONTROLLER

LIBERTY MUTUAL INSURANCE COMPANY

(Surety)

By: [Signature] (Seal)

Attorney-in-Fact

Catherine L. Geimer

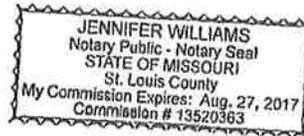
ACKNOWLEDGEMENT BY SURETY

STATE OF MISSOURI
COUNTY OF ST. LOUIS

On this 29th day of December, 2015, before me, Jennifer Williams, a Notary Public, within and for said County and State, personally appeared Catherine L. Geimer to me personally known to be the Attorney-in-Fact of and for Liberty Mutual Insurance Company and acknowledged that she executed the said instrument as the free act and deed of said Company.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, at my office in the aforesaid County, the day and year in this certificate first above written.

Jennifer Williams
Notary Public in the State of Missouri
County of St. Louis



THIS POWER OF ATTORNEY IS NOT VALID UNLESS IT IS PRINTED ON RED BACKGROUND.

This Power of Attorney limits the acts of those named herein, and they have no authority to bind the Company except in the manner and to the extent herein stated.

Certificate No. 7110665

American Fire and Casualty Company
The Ohio Casualty Insurance Company

Liberty Mutual Insurance Company
West American Insurance Company

POWER OF ATTORNEY

KNOWN ALL PERSONS BY THESE PRESENTS: That American Fire & Casualty Company and The Ohio Casualty Insurance Company are corporations duly organized under the laws of the State of New Hampshire, that Liberty Mutual Insurance Company is a corporation duly organized under the laws of the State of Massachusetts, and West American Insurance Company is a corporation duly organized under the laws of the State of Indiana (herein collectively called the "Companies"), pursuant to and by authority herein set forth, does hereby name, constitute and appoint, Catherine L. Geimer; Christina Baratti; Eric D. Sauer; Jeannette M. Davis; Jennifer Williams; Salena Wood; Susan R. Schwartz; Thomas U. Krippene

all of the city of St. Louis, state of MO, each individually if there be more than one named, its true and lawful attorney-in-fact to make, execute, seal, acknowledge and deliver, for and on its behalf as surely and as its act and deed, any and all undertakings, bonds, recognizances and other surety obligations, in pursuance of these presents and shall be as binding upon the Companies as if they have been duly signed by the president and attested by the secretary of the Companies in their own proper persons.

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Companies and the corporate seals of the Companies have been affixed thereto this 10th day of September, 2015.



American Fire and Casualty Company
The Ohio Casualty Insurance Company
Liberty Mutual Insurance Company
West American Insurance Company

By: David M. Carey
David M. Carey, Assistant Secretary

STATE OF PENNSYLVANIA
COUNTY OF MONTGOMERY

On this 10th day of September, 2015, before me personally appeared David M. Carey, who acknowledged himself to be the Assistant Secretary of American Fire and Casualty Company, Liberty Mutual Insurance Company, The Ohio Casualty Insurance Company, and West American Insurance Company, and that he, as such, being authorized so to do, execute the foregoing instrument for the purposes therein contained by signing on behalf of the corporations by himself as a duly authorized officer.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my notarial seal at Plymouth Meeting, Pennsylvania, on the day and year first above written.



COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Teresa Pastella, Notary Public
Plymouth Twp., Montgomery County
My Commission Expires March 28, 2017
Member, Pennsylvania Association of Notaries

By: Teresa Pastella
Teresa Pastella, Notary Public

Not valid for mortgage, note, loan, letter of credit, currency rate, interest rate or residual value guarantees.

To confirm the validity of this Power of Attorney call 1-610-832-8240 between 9:00 am and 4:30 pm EST on any business day.

This Power of Attorney is made and executed pursuant to and by authority of the following By-laws and Authorizations of American Fire and Casualty Company, The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company which resolutions are now in full force and effect reading as follows:

ARTICLE IV - OFFICERS - Section 12. Power of Attorney. Any officer or other official of the Corporation authorized for that purpose in writing by the Chairman or the President, and subject to such limitation as the Chairman or the President may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Corporation to make, execute, seal, acknowledge and deliver as surely any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact, subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Corporation by their signature and execution of any such instruments and to attach thereto the seal of the Corporation. When so executed, such instruments shall be as binding as if signed by the President and attested to by the Secretary. Any power or authority granted to any representative or attorney-in-fact under the provisions of this article may be revoked at any time by the Board, the Chairman, the President or by the officer or officers granting such power or authority.

ARTICLE XIII - Execution of Contracts - SECTION 5. Surety Bonds and Undertakings. Any officer of the Company authorized for that purpose in writing by the chairman or the president, and subject to such limitations as the chairman or the president may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Company to make, execute, seal, acknowledge and deliver as surely any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Company by their signature and execution of any such instruments and to attach thereto the seal of the Company. When so executed such instruments shall be as binding as if signed by the president and attested by the secretary.

Certificate of Designation - The President of the Company, acting pursuant to the Bylaws of the Company, authorizes David M. Carey, Assistant Secretary to appoint such attorneys-in-fact as may be necessary to act on behalf of the Company to make, execute, seal, acknowledge and deliver as surely any and all undertakings, bonds, recognizances and other surety obligations.

Authorization - By unanimous consent of the Company's Board of Directors, the Company consents that facsimile or mechanically reproduced signature of any assistant secretary of the Company, wherever appearing upon a certified copy of any power of attorney issued by the Company in connection with surety bonds, shall be valid and binding upon the Company with the same force and effect as though manually affixed.

I, Gregory W. Davenport, the undersigned, Assistant Secretary, of American Fire and Casualty Company, The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company do hereby certify that the original power of attorney of which the foregoing is a full, true and correct copy of the Power of Attorney executed by said Companies, is in full force and effect and has not been revoked.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seals of said Companies this 29th day of December, 20 15.



By: Gregory W. Davenport
Gregory W. Davenport, Assistant Secretary

INTEROFFICE MEMORANDUM



To: Plan & Zoning Commission
From: Anthony Traxler, Assistant City Manager/Director of Public Works
Date: January 28, 2016
Subject: Petition #2016-6: Approval of a Final Development Plan for Lot F of the Sunnen Station Development

Attached is a copy of the final development plan for Lot F (apartment complex). Building elevations will still be subject to the review and approval of the Design and Review Board. The attached resolution contains language giving the City of Maplewood future approval of a Landscape Plan, Photometric Plan and building elevations to allow the City of Maplewood authority to require changes to said plans.

Please review the attached final development plan for Lot F (Apartments) and do not hesitate to contact me at 304-0098 if you have any questions, comments or concerns.

RESOLUTION

R16-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI APPROVING A FINAL DEVELOPMENT PLAN FOR LOT F OF THE SUNNEN STATION DEVELOPMENT

WHEREAS, the City of Maplewood approved a preliminary development plan which included Lot F of the Sunnen Station development on January 26, 2016; and

WHEREAS, Frontenac Engineering prepared a final development plan for Lot F of the Sunnen Station development dated 1/27/16; and

WHEREAS, additional modifications to the landscape plan, photometric plan and building materials may be required by the City of Maplewood to the aforementioned final development plan prepared by Frontenac Engineering dated 1/27/16.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI AS FOLLOWS:

A final development plan for Lot F of the Sunnen Station development dated 1/27/16 is hereby approved.

Passed this 9th day of February, 2016.

James White, Mayor

Attest:

Karen Scheidt, Acting City Clerk

Approved this 9th day of February, 2016.

James White, Mayor

Attest:

Karen Scheidt, Acting City Clerk

INTEROFFICE MEMORANDUM



To: Plan & Zoning Commission
From: Anthony Traxler, Assistant City Manager/Director of Public Works
Date: January 28, 2016
Subject: Petition # 2016-9: Approval of a Final Development Plan for 2750 S. Big Bend Boulevard (Tim Hortons)

Attached is a copy of the final development plan for the Tim Hortons site which is fully developed and operational. The PUD ordinance requires the final development plan be approved and recorded. The attached resolution approves the final development plan and contains language giving the City of Maplewood the ability to modify the Landscape Plan and/or Photometric Plan to allow the City of Maplewood authority to require changes to said plans if necessary (i.e. landscaping becomes overgrown or needs to be replaced, lighting cast glare on adjacent properties).

Please review the attached final development plan Tim Hortons and do not hesitate to contact me at 304-0098 if you have any questions, comments or concerns.

RESOLUTION

R16-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI APPROVING A FINAL DEVELOPMENT PLAN FOR 2750 S. BIG BEND BOULEVARD

WHEREAS, the City of Maplewood approved a preliminary development plan for Tim Hortons restaurant on November 11, 2014; and

WHEREAS, Premier Civil Engineering prepared a final development plan for Tim Hortons restaurant dated 8/31/15; and

WHEREAS, additional modifications to the landscape plan and photometric plan may be required by the City of Maplewood to the aforementioned final development plan prepared by Premier Civil Engineering dated 8/31/15.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI AS FOLLOWS:

A final development plan for 2750 S. Big Bend Boulevard for Tim Hortons restaurant dated 8/31/15 is hereby approved.

Passed this 9th day of February, 2016.

James White, Mayor

Attest:

Karen Scheidt, Acting City Clerk

Approved this 9th day of February, 2016.

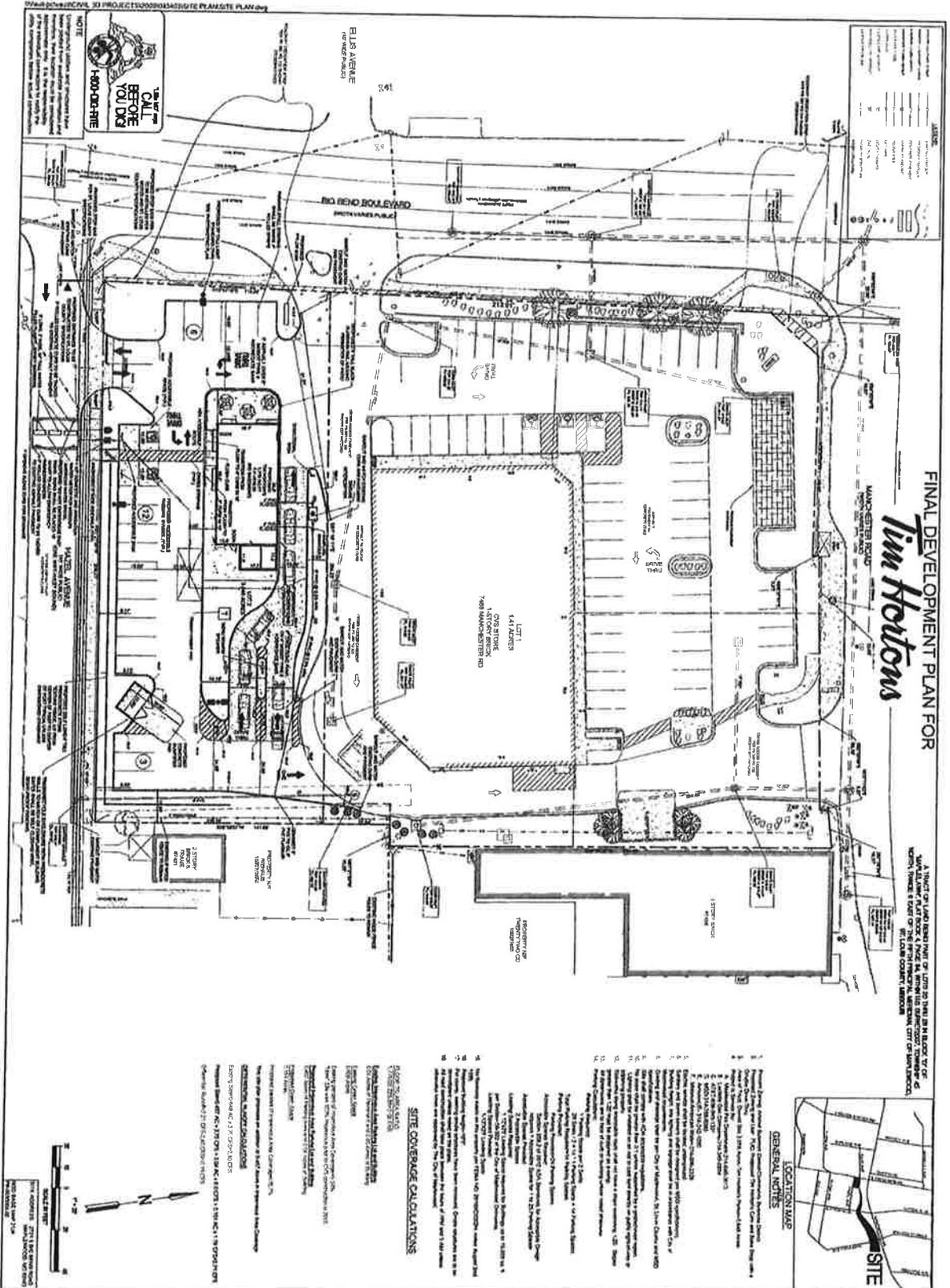
James White, Mayor

Attest:

Karen Scheidt, Acting City Clerk

FINAL DEVELOPMENT PLAN FOR *Tim Hortons*

A TRACT OF LAND BEING PART OF LOT 20 SHALL BE IN BLOCK 'C' OF
 2771 LINDEN ROAD, WITHIN THE UNINCORPORATED TOWNSHIP OF
 CROWN POINT, TOWN OF CROWN POINT, COUNTY OF STURGEON, DISTRICT OF
 BRANT, PROVINCE OF ONTARIO.



- GENERAL NOTES**
1. General Notes: Refer to the General Notes attached to this plan.
 2. Survey: The site is surveyed and shown on the attached plan.
 3. Easements: The site is subject to the easements shown on the attached plan.
 4. Utilities: The site is shown with the utilities shown on the attached plan.
 5. Access: The site is shown with the access shown on the attached plan.
 6. Parking: The site is shown with the parking shown on the attached plan.
 7. Landscaping: The site is shown with the landscaping shown on the attached plan.
 8. Construction: The site is shown with the construction shown on the attached plan.
 9. Other: The site is shown with the other shown on the attached plan.

SITE COVERAGE CALCULATIONS

1. Total Site Area: 1.41 Acres
 2. Building Footprint: 0.15 Acres
 3. Parking: 0.10 Acres
 4. Landscaping: 0.05 Acres
 5. Other: 0.11 Acres

<p>4150 Tuller Road, Suite 206 Dublin, OH 43017 Phone: (614) 791-4208</p>	<p>DESIGNER: Show Me Hospitality, LLC 1600 Commercial Enterprise Parkway St. Louis, MO 63005 Phone: (314) 984-1000</p>	<p>CONSULTANT: Premier Civil Engineering 308 TOWN Court Lees Summit, MO 65067 Phone: (314) 952-1144 Fax: (314) 952-1151</p>	<p>ARCHITECT: SHEMSHOCK 10000 N. Lincoln Ave. Suite 100 Overland Park, KS 66213</p>	<p>DRAWING BY: S. REED DATE: 8/31/2015 TITLE: FINAL DEVELOPMENT PLAN SHEET NUMBER: FDP-1 COMMENTS: NOT RELEASED FOR CONSTRUCTION</p>
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INTEROFFICE MEMORANDUM



To: Plan & Zoning Commission
From: Anthony J. Traxler, Assistant City Manager
Date: January 28, 2016
Subject: **Petition #2016-7: Review and recommendation of a request for a Conditional Use Permit to Allow a Four Unit Apartment Complex in the SR Single Family Residential District at 7703 Jerome Avenue**

BACKGROUND

The subject property, 7703 Jerome, is zoned "SR" Single Family Residential District. The site is fully developed supporting a two-story brick building with four large apartments and an on-site parking lot. The site was built in 1950 as a four unit apartment. The units were vacant for more than six (6) months (at least 10 years) and therefore, because of the SR zoning of the property, the building must revert back to single family. The petitioner, Michael Zangara, purchased the structure and is in the process of completely rehabbing the site. The petitioner would like to reestablish the four apartment units. The proposed use (four unit) would not be permitted in the SR District, however, Section 56-1063 (l) of the Zoning Code states:

- (l) Nonconforming Residential: Notwithstanding the provisions of 56-848 and subsections (h) and (i) of this section, upon the recommendation of the Plan and Zoning Commission, the Council may issue a conditional use permit for a nonconforming use of an existing structure, if, following a public hearing, the City Council shall determine that:
 - (1) The proposed use is consistent with the design, construction and original intended use of the structure; and
 - (2) The proposed use serves a community need, and no detrimental effect will be made upon the character of the zoning district in which the conditional use is proposed.

The Council may limit the term of the Conditional Use Permit. The granting of a Conditional Use Permit shall not be construed as continuing the nonconforming use beyond the term of the permit, nor extended to any other nonconforming use nor to any other occupant or use.

ZONING REQUEST

The petitioner, Michael Zangara, is requesting a Conditional Use Permit to allow a four unit or four family structure in the SR Single Family Residential District at 7703 Jerome Avenue.

PLAN & ZONING ISSUES

1. **Impact on Adjacent Properties:** This property was constructed in 1950 as a four unit apartment complex and has historically been utilized as such. The site in question has been vacant for at least 10 years, a reoccupation of the site in question should be beneficial to the neighborhood. The petitioner is planning on a significant rehabilitation of the structure that should cost approximately \$100,000. The site is located adjacent to a couple of single family homes and across the street from the Salvation Army. An old corner confectionary used as an office/workshop is also located nearby so the impact on adjacent properties should be minimal as this is an existing structure that historically supported four apartment units.
2. **Parking:** The site contains adequate off-street parking. Therefore, there should be minimal impact on adjacent properties or the surrounding neighborhood.

CONDITIONAL USE PERMIT STANDARDS FOR APPROVAL

In presenting any application for a Conditional Use Permit, the petitioner must demonstrate that the proposed conditional uses meet the "Standards for Approval" criteria set forth in Section 56-877., Procedures for a conditional use permit, of the Zoning Code (copy attached).

FINDING:

Staff recommends approval of granting the conditional use permit:

1. The scale and intensity of the proposed use will be compatible with adjacent and surrounding uses.
2. The structure was constructed as a four unit apartment complex, is in good shape and the petitioner is proposing significant improvements.
3. The site has historically supported a four unit apartment complex without complaints from adjacent or surrounding properties.
4. Parking is available, both off-street and on-street, to support the four unit structure.

BILL NO.

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, GRANTING A CONDITIONAL USE PERMIT TO MICHAEL ZANGARA TO ALLOW A FOUR FAMILY APARTMENT IN THE SR SINGLE FAMILY RESIDENTIAL DISTRICT AT 7703 JEROME AVENUE

WHEREAS, Michael Zangara has applied to the City Council of the City of Maplewood, Missouri for a Conditional Use Permit as provided in Section 56-1063 (1) of the Maplewood Code of Ordinances to allow a four family apartment in the SR Single Family Residential District at 7703 Jerome Avenue; and

WHEREAS, the Plan and Zoning Commission recommended approval of this proposed Conditional Use Permit at their February 1, 2016 meeting by a vote of ayes, nays, absent; and

WHEREAS, the City Council will hold a public hearing on this conditional use permit petition at their February 9, 2016 Council meeting.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, AS FOLLOWS:

Section I. Michael Zangara is hereby granted a Conditional Use Permit to allow a four family apartment in the SR Single Family Residential District at 7703 Jerome Avenue.

Section II. The Conditional Use Permit is granted subject to all rules and regulations and conditions set forth for the property described in Section I as follows:

- (A) Permitted and Conditional Uses: The uses permitted in this Conditional Use Permit shall be as follows:
 - 1) All permitted land uses in the SR Single Family Residential Zoning District.
 - 2) A four family apartment complex.
- (B) Architectural Standards/Sign Requirements: Any exterior changes to the building must be approved by the Design and Review Board prior to the issuance of a building permit.
- (C) Exterior Storage of Materials: No outside storage of materials will be permitted.
- (D) The City Manager may grant an extension of time for renovations should the renovations require the four family apartment complex to be vacant for a period of time not to exceed one (1) calendar year.
- (E) The City Manager may grant an extension of time for renovations if time between the leasing of different tenants require the four family apartment

complex to be vacant for a period of time not to exceed one (1) calendar year. In deciding whether or not to grant an extension, the City Manager will consider whether or not the property owner is making a good faith attempt to lease the vacant unit (s).

Section III. Any expansion or alteration of use, structure or site must be approved by the Plan & Zoning Commission prior to the issuance of a building permit.

Section IV. This ordinance shall be in full force and effect fifteen (15) days after its passage and approval.

Passed this 23rd day of February, 2016.

James White, Mayor

Attest:

Karen Scheidt, Acting City Clerk

Approved this 23rd day of February, 2016.

James White, Mayor

Attest:

Karen Scheidt, Acting City Clerk

Anthony Traxler

From: Michael Zangara <mzangara@mo-apartmentadvisors.com>
Sent: Thursday, January 28, 2016 1:34 PM
To: Anthony Traxler
Subject: 7703 Jerome

Anthony,

Per our discussion; I'm purchasing 7703 Jerome Ave and plan to complete a high end renovation. The total renovation will be approximately \$100,000 and the project will begin mid February. Also, I do not see parking to be an issue because I have budgeted capital to update parking pad and stripe.

Call me with any questions.

Thanks,



Michael Zangara | Director Multifamily Properties
7751 Carondelet Ave, Ste. 800 | St. Louis MO 63105
Direct 314.716.2213 | Mobile 314.517.0903 | Fax 314.666.8306
mzangara@mo-apartmentadvisors.com
mzangara@mo-multifamily.com

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7703 Jerome Avenue

2016-7
JAN 12 2016
BY

City of Maplewood, Missouri
Application for Conditional Use Permit



Applicant Information:

Name: Michael Zangara, Soci Investments, LLC
Contact Address/Phone: 7751 Cavendish Ave, St. Louis MO 63105
Stc 800

314-517-0903

Proposed Business Information:

Proposed Business Name: Soci Investments LLC
Address of Proposed Maplewood Location: 7703 Jerome Ave STL MO 63143
Address of Existing Location (if Applicable): _____
Description of Business Activity: Real Estate Holdings for apartment
Units

Anticipated Hours of Operation: _____ Anticipated Number of Employees: 0

I, Michael Zangara, as applicant and/or business owner of the above stated business, hereby verify and certify that all of the information stated above is accurate.

[Signature]
Signed this 12th day of January, 2016

Property Information:

Property Owner Name: Lynn Alan Jenkins 314.574.9266
Property Owner Address/Phone: 320 W. Old Watson Rd STL MO 63119
Intended Use of Property: Real Estate Holdings

I, _____, as owner of the above state property, hereby verify and agree to the above-stated intended use of the property by the applicant.

Signed this _____ day of _____, 20____

Office Use Only

Current Zoning Designation of Property: _____
Site plan of building and surrounding area attached? []

Business License received? []
Filing fee of \$100.00 received? [X]
Public Hearing Notice Fee of \$330.00 received? [X]

Received this _____ day of _____, 20____

Maplewood Zoning Administrator

Sec. 56-877. - Procedures for conditional use permit.

(a) *Applications.* Applications for a conditional use permit shall include a site plan and necessary descriptive material relating to the intensity and extent of use and such other information as shall be required by the zoning administrator. An application for a conditional use permit may be filed only by the owner of the property in question or by a tenant, with the owner's permission.

(b) *Standards for conditional use permit approval.* The zoning administrator shall post the property and mail notices to inform the public of the date, time and place of the plan and zoning commission meeting at which the conditional use permit application shall be considered, and of the date, time and place of the public hearing on such application to be held by the city council pursuant to this division. The zoning administrator shall refer the application to the plan and zoning commission to investigate and make a report and recommendation as to whether the following criteria are true with respect to the proposed conditional use:

- (1) Complies with all applicable provisions of this chapter;
- (2) At the specific location will contribute to and promote the community welfare or convenience;
- (3) Will not cause substantial injury to the value of neighboring property;
- (4) Complies with the overall neighborhood development plan and existing zoning district provisions;
- (5) Will provide, if applicable, off-street parking and loading areas in accordance with the standards contained in this chapter;
- (6) Will not substantially increase traffic hazards;
- (7) Will not substantially increase fire hazards;
- (8) Will not overtax public utilities; and
- (9) Will not place an undue burden on municipal services.

(c) *Report and recommendation.* Without unreasonable delay, and in all cases within 40 days after the first meeting at which the proposed conditional use is considered, the plan and zoning commission shall render to the city council a written report and recommendation on the proposed conditional use.

(d) *Hearing.* Upon receipt of the report and the recommendation of the plan and zoning commission, the city council shall hold a public hearing on the application and shall give notice of the date, time and place thereof by causing a notice thereof to be published at least one time, 15 days before the date of the hearing, in a newspaper of general circulation in the city.

(e) *Authorization.* After such hearing, the city council shall, by majority vote, make a determination as to whether the proposed conditional use satisfies the criteria listed in subsection (b) of this section for the plan and zoning commission report and recommendation. If the city council makes an affirmative determination as to all of the criteria, a conditional use permit shall be granted. If the city council makes a negative determination as to any of the criteria, a conditional use permit shall not be granted.

(f) *Conditions.* The plan and zoning commission may recommend and the city council may provide such terms, conditions or restrictions upon the construction, location and operation of the conditional use, as the plan and zoning commission or the city council may determine in order to further the general objectives of this division and to minimize the possibility of injury to the value of property in the neighborhood.

(Ord. No. 4062, § 905.06(3), 10-14-1980; Ord. No. 4258, § 2, 6-10-1986; Ord. No. 4524, § 1, 3-24-1992; Ord. No. 4560, § 1, 11-10-1992; Ord. No. 4646, § 1, 5-24-1994)

INTEROFFICE MEMORANDUM



To: Planning Commission
From: Anthony Traxler, Assistant City Manager/Director of Public Works
Date: January 29, 2016
Subject: Petition Number #2016-8- Request for a Conditional Use Permit to Operate a Short Term Rental in the SR Single Family Residential Zoning District – 7601 Weaver Avenue

BACKGROUND

The subject property, 7601 Weaver Avenue is a 1,200 square foot, two bedroom bungalow that was built in 1950. The site has a driveway but does not have a garage.

On October 13, 2015, the City Council approved ordinances # 5784 and #5785 which allowed for short term vacation rentals in the SR Single Family Residential district with a conditional use permit. Copies of the ordinances are attached.

ZONING REQUEST

The petitioners, Nick Deccio and Adelina Mart, are requesting a Conditional Use Permit on the subject property to allow short-term rentals.

Approval of this request, if granted by the Plan and Zoning Commission and the City Council, would bring this property into conformance with the Zoning Code of the City of Maplewood.

PLANNING AND ZONING ISSUES

1. **Proposed Use:** The property is zoned SR Single Family Residential District which allows short term rentals with a conditional use permit provided they meet all requirements in the attached ordinance #5785. The petitioners have copies of these requirements and have indicated meeting these requirements will not be an issue.
2. **Parking:** The site has a driveway on the west side of the structure that if stacked, could fit approximately four vehicles. Weaver Avenue is a narrow road so there is no on-street parking on the north side of the street, which is the same side as the site in question.

3. **Impact to Adjacent Properties:** The proposed use should not significantly impact adjacent and surrounding properties. However, because the driveway is one-way only, it is likely the petitioner's will have to park their vehicles across the street in front of their neighbor's homes.

CONDITIONAL USE PERMIT STANDARDS FOR APPROVAL

In presenting any application for a Conditional Use Permit, the petitioner must demonstrate that the proposed conditional use meets the "Standards for Approval" criteria set forth in Section 56-877, Procedures for a Conditional Use Permit, of the Zoning Code (copy attached).

FINDING:

Staff recommends approval, subject to the conditions contained in the attached draft ordinance, based on the following findings of fact:

- 1) The scale and intensity for the proposed use should be compatible with adjacent and surrounding properties.
- 2) Stacked off-street parking is available on-site.
- 3) The proposed conditional use, at the above location, will contribute to and promote the welfare and convenience of the public by providing short term rental units in the community and surrounding area.

BILL NO.

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, GRANTING A CONDITIONAL USE PERMIT TO NICK DECCIO AND ADELINA MART TO ALLOW SHORT TERM RENTALS AT 7601 WEAVER AVENUE

WHEREAS, Nick Deccio and Adelina Mart applied to the City Council of the City of Maplewood, Missouri for a Conditional Use Permit as provided in Section 56-877 of the Maplewood Code of Ordinances, to allow short term rentals subject to City of Maplewood ordinance #5784 and #5785 at 7601 Weaver Avenue; and

WHEREAS, the Plan and Zoning Commission recommended approval of this proposed Conditional Use Permit at their February 1, 2016 meeting by a vote of ayes, nays; and

WHEREAS, the City Council held a public hearing on this conditional use permit at their February 9, 2016 Council meeting.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, AS FOLLOWS:

Section I. Nick Deccio and Adelina Mart are hereby granted a Conditional Use Permit to allow short term rentals at 7601 Weaver Avenue.

Section II. The Conditional Use Permit is granted subject to all rules and regulations and to conditions set forth for the property described in Section I. as follows:

- (A) Permitted and Conditional Uses: The uses permitted in this Conditional Use Permit shall be as follows:
 - 1) All permitted land uses in the SR Single Family Residential District.
 - 2) Short term rentals as per the requirements of the City of Maplewood Codes and Ordinances.
- (B) Architectural Standards/Sign Requirements: Any exterior changes to the building and/or signage must be approved by the Design and Review Board prior to the issuance of a building permit. All non-conforming signage must be removed prior to the issuance of an occupancy permit/business license.
- (C) Exterior Storage of Materials: No outside storage of materials will be permitted.

Section III. Any expansion or alteration of use, structure or site must be approved by the Plan and Zoning Commission prior to the issuance of a building permit.

Section IV. The permittee shall, within 30 days, give written acceptance to the terms of this ordinance to the City Council.

Section V. This ordinance shall be in full force and effect fifteen (15) days after its

passage and approval.

Passed this day of 2016

James White, Mayor

Attest:

Karen Scheidt, Acting City Clerk

Approved this day of 2016

James White, Mayor

Attest:

Karen Scheidt, Acting City Clerk

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, AMENDING ORDINANCE 5573, AS AMENDED, CHAPTER 56, ZONING, SECTION 56-72 SR SINGLE FAMILY RESIDENTIAL DISTRICT PERMITTED USES TO ALLOW SHORT TERM VACATION RENTALS IN THE SR DISTRICT AS A CONDITIONAL USE.

WHEREAS, the Plan and Zoning Commission recommended approval by a vote of 6 ayes, 0 nays of the amendment to the SR District at their July 6, 2015 meeting; and

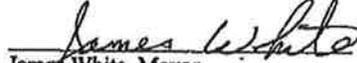
WHEREAS, the City Council held a public hearing on October 13, 2015 regarding the proposed amendment to the SR District.

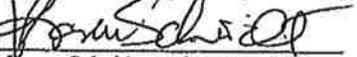
NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, AS FOLLOWS:

Section I. Section 56-72, Permitted Uses, (4) Conditional Uses, is hereby amended by adding a new subsection (e) Short term vacation rentals that meet the requirements of article XIII, division 3, sections 14-800 to 14-804, short term vacation rentals of the city code.

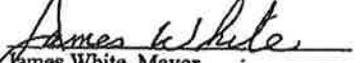
Section II. This ordinance shall be in full force and effect fifteen (15) days after its passage and approval.

Passed this 13th day of October, 2015


James White, Mayor

Attest: 
Karen Scheidt, Acting City Clerk

Approved this 13th day of October, 2015


James White, Mayor

Attest: 
Karen Scheidt, Acting City Clerk

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, AMENDING ORDINANCE 5573, AS AMENDED, CHAPTER 14, BUSINESS AND BUSINESS REGULATIONS, BY ADDING ARTICLE XIII, DIVISION 3, SECTIONS 14-800 TO 14-804, SHORT TERM VACATION RENTALS, ESTABLISHING REGULATIONS GOVERNING SHORT TERM VACATION RENTALS.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, AS FOLLOWS:

Section I. Ordinance 5573, as amended, Chapter 14, Business and business regulations, is hereby amended by adding the following:

Section 14-800 Purpose:

- A. The purpose of this chapter is to establish regulations for short term vacation rentals in order to safeguard the peace, safety and general welfare of neighborhoods within the City of Maplewood by minimizing negative secondary affects related to short term vacation rentals including excessive noise, disorderly conduct, illegal parking, overcrowding, and excessive accumulation of refuse.
- B. This chapter is not intended to provide any owner of residential property with the right or privilege to violate any deed restriction or private conditions, governance or restrictions applicable to the property's owner that may prohibit the use of such owner's residential property for short term vacation rentals as defined in this chapter. Short term vacation rentals are not permitted in dwelling units that have deed restrictions for affordable housing purposes or other city imposed conditions of approval or restrictions would prohibit the use of such dwelling as a short term vacation rental as defined herein.

Section 14-801 Definitions:

- A. *Owner* means the person or entity that holds legal and equitable title to a short term vacation rental property and who resides there as the legal residence of such person.
- B. *Owner occupied* means the owner (or person controlling any entity that is the owner) resides in said short term vacation rental property as the owner's (or such controlling person's) legal residence.
- C. *Short term vacation rental* means a rental of any legally permitted dwelling unit, or a portion of such a legally permitted dwelling unit, located in a single family zoning district as defined by Section 56-71 to 56-73 of this code for a period of less than 30 consecutive calendar days, in compliance with the terms of this Ordinance Sections 14-800 to 14-804.
- D. *Short term vacation rental property* means the property in which a short term vacation rental is located.
- E. *Transient* means any person who occupies any rooms or accommodations within a short term vacation rental property for a period of less than thirty (30) continuous days.

Section 14-802 Short Term Vacation Rentals:

- A. Short term vacation rentals shall be permitted only in owner occupied single family residences within the SR Single Family Residential Zoning District and as permitted as provided in the zoning ordinance.
- B. Short term vacation rentals shall be subject to and shall comply with all requirements of the city and state building, fire, safety and occupancy codes and limits.
- C. The owner of the short term vacation rental shall spend the night on-site at the short term vacation rental property at all times during the term of any short term vacation rental.
- D. Not more than two (2) rooms in any dwelling unit may be rented at the same time as a short term vacation rental.
- E. The owner of any short term vacation rental shall be required to apply for and obtain a short term vacation rental permit and business license from the city before renting or advertising the availability of the short term vacation rental.
- F. A short term vacation rental permit shall be valid from July 1 and shall expire on the following June 30.
- G. Obtaining and renewing a short term vacation rental permit: The owner of the short term vacation rental property shall adhere to the following conditions and shall submit the following information on a short term vacation rental permit application form provided by the city, which shall include, at a minimum, the following information:

- (1) The name, address and telephone number of the owner of the short term vacation rental property.
 - (2) Such other information as the city manager or designee deems reasonably necessary to administer this chapter.
- H. Any false statements or false information provided in the application for a short term vacation rental permit shall be grounds for denial of permit, permit revocation or imposition of penalties as outlined in this Code of Ordinances.
- I. A short term vacation rental permit application shall be denied if the owner has had a short term vacation rental permit revoked within the past twelve (12) months for the same or other short term vacation rental property. If a short term vacation rental permit is revoked twice, no short term vacation rental permit shall subsequently be issued for such owner or such short term vacation rental property.
- J. Operational requirement: The owner shall use reasonable, prudent business practices to insure that the short term vacation rental property is used in a manner that complies with all applicable laws, rules and regulations pertaining to the use and occupancy of the short term vacation rental property.
- K. The name, address and telephone number of a local contact person who shall be available 24 hours per day, 7 days per week, for the purpose of responding within 45 minutes to complaints regarding the condition, operation or conduct of occupants of the short term vacation rental unit or their guests, shall at all times be kept on file with the city.
- L. The owner shall post the short term vacation rental permit on the exterior of the short term vacation rental property within plain view for the general public with a 24 hours a day, 7 days a week local contact phone number for complaints. The permit shall be between 8 1/2" by 11" and 4" by 5" in size and shall be displayed at all times that the short term vacation rental property is being used for a short term vacation rental.
- M. The owner or local contact shall upon notification that any Transient, occupant or guest of the short term vacation rental property has created unreasonable noise or disturbances, engaged in disorderly conduct or committed violation of any applicable law, rule or regulations pertaining to the use and occupancy of the short term vacation rental property, respond in a timely and appropriate manner to immediately halt or prevent reoccurrence of such conduct. Failure of the owner or local contact to respond to such calls or complaints regarding the condition, operation or conduct of the occupants and/or guests of a short term vacation rental in a timely and appropriate manner shall be grounds for revocation of the short term vacation rental permit and shall subject the owner to all administrative, legal and equitable remedies available to the city.
- N. The owner or local contact shall use reasonably prudent business practices to insure that the occupants and/or guests of the short term rental unit do not create unreasonable noise or disturbances, engage in disorderly conduct or violate any applicable law, rule or regulation pertaining to the use and occupancy of the subject short term vacation rental property.
- O. No amplified or reproduced sound shall be used outside or audible from the property line of any short term vacation rental property between the hours of 10:00 p.m. and 10:00 a.m.
- P. Prior to rental of a short term vacation rental property, the owner shall:
- (1) Obtain the contact information of all Transients, including the name, permanent address, telephone number and emergency contact for each person to occupy the short term rental vacation property.
 - (2) Require the Transient to execute a formal acknowledgement that he or she is legally responsible for compliance by all occupants or guests of the short term vacation rental unit with all applicable laws, rules and regulations pertaining to the use and occupancy of the short term vacation rental unit.
 - (3) Information required in Items (1) and (2) above shall be maintained by the owner for a period of three (3) years and shall be made available upon request to any officer of the city responsible for the enforcement of any provision of the municipal code or any applicable law, rule or regulation pertaining to the use and occupancy of the short term vacation rental property.
 - (4) On-site parking shall be allowed on approved driveway, garage and/or carport areas only.
 - (5) The number of occupants allowed to occupy any short term vacation rental property shall be limited to two (2) people per bedroom and no more than two (2) bedrooms within any short term vacation rental property shall be rented at the same time.
 - (6) The City Manager or designee shall have the authority to impose additional conditions on the use of any short term vacation rental property to insure that any potential secondary affects unique to the subject short term vacation rental unit are avoided or adequately mitigated.

- Q. The owner shall post the current short term vacation rental permit number on or in any advertisement appearing in any written publication or any website that promotes the availability or existence of a short term vacation rental property.

Section 14-803 Permit Procedure:

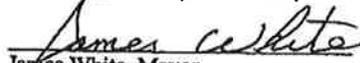
- A. Upon receiving an application for a permit for a short term vacation rental property that complies with the provisions of this chapter, the residents within 200 feet of the property lines of the subject property shall be notified of the application for short term vacation rental permit.
- B. The fee for a short term vacation rental permit shall be \$75 annually.

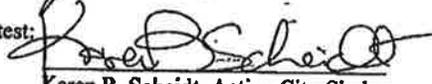
Section 14-804 Penalties and Enforcement:

- A. Upon request by the City Manager or designee, owners shall provide access to the short term vacation rental property and to any records related to the use and occupancy of the short term vacation rental property during normal business hours for the purpose of determining compliance with this chapter.
- B. Any person violating any of the provisions in this chapter shall be deemed guilty of a misdemeanor punishable pursuant to Section 1-11, General Penalty; Continuing Violations.
- C. In addition to any penalty imposed pursuant to Section 1-11 of this code, the City Manager or his designee may impose additional conditions on the use of any short term vacation rental permit pursuant to Section (P) (6) - Permits.
- D. Except as otherwise expressly provided in Sections 14-800 to 14-804, enforcement of Sections 14-800 to 14-804 is at the sole discretion of the city. Nothing in this chapter shall create a right of action on any person against the city or its agents for damages or to compel public enforcement of the provisions of Sections 14-800 and 14-804 against private parties.
- E. Pursuant to Chapter 1-11(c) of this code, each and every day during any portion of which a violation of this code or any other ordinance of this city is committed, continued or permitted, shall be a separate offense.

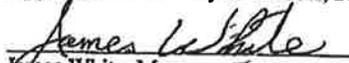
Section II. This ordinance shall be in full force and effect fifteen (15) days after its passage and approval.

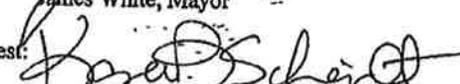
Passed this 13th day of October, 2015


James White, Mayor

Attest: 
Karen R. Scheidt, Acting City Clerk

Approved this 13th day of October, 2015


James White, Mayor

Attest: 
Karen R. Scheidt, Acting City Clerk

December 28, 2015

Maplewood Property Owner

Re: Short Term Rentals within the City of Maplewood

To Whom it May Concern:

Please be advised that you are receiving this letter because a property you own in the City of Maplewood has shown up as previously or presently being used for short term rentals. The majority of home owners receiving this letter had homes on the Air BNB or VRBO websites. If you do not have or participate in a short term rental operation please disregard this letter and I apologize for any inconvenience this may have caused you. Note, we have homes in Maplewood where tenants have listed properties they do not own as a short term rental without the knowledge of the property owners. This is very likely why you may be receiving this letter. As a property owner, you are ultimately responsible for any business being conducted on your property so please check with your tenants if you are unsure.

If you do have a short term rental, please be advised that any short term rental in the City of Maplewood must be licensed and operate via a conditional use permit. Attached are copies of the most recent City of Maplewood ordinances regarding short term rentals and the specific requirements under which short term rentals must operate. If you are still operating or plan to operate a short term rental in the City of Maplewood, please review the attached ordinances and contact me via email a-traxler@cityofmaplewood.com or by phone (314) 646-3635 to discuss the approval process. I can assist you through this process but there are fees and the process will take approximately 45 to 60 days.

Because of this, we are not conducting enforcement of the short term rental ordinance until April 2, 2016. This should provide adequate time for you to discuss the specific requirements with me and help make your decision on whether or not you wish to continue or proceed with short term rentals. It should also give you time in case you have already accepted reservations for short term rentals to keep this obligations should you decide not to continue to use short term rentals after the April 2nd deadline.

Please review the attached and do not hesitate to contact me if you have any questions, comments or concerns regarding this matter.

Sincerely,

Anthony J. Traxler
Assistant City Administrator/
Director of Public Works
City of Maplewood



7601 Weaver Avenue

Petition 2016-26

City of Maplewood, Missouri
Application for Conditional Use Permit



Applicant Information:

Name: Nick Deccio and Adelina Mart

Contact Address/Phone: 7601 Weaver Ave 425-829-6854 (A) 314-201-8900 (N)

Proposed Business Information:

Proposed Business Name: Modern STL Oasis

Address of Proposed Maplewood Location: 7601 Weaver

Address of Existing Location (if Applicable): 7601 Weaver

Description of Business Activity: Short term vacation rental of a portion of the home in which we reside..

Anticipated Hours of Operation: 24hrs Anticipated Number of Employees: 0

I, Adelina Mart, as applicant and/or business owner of the above stated business, hereby verify and certify that all of the information stated above is accurate.

Adelina Mart
Signed this 10 day of December, 2015

Property Information:

Property Owner Name: Nick Deccio and Adelina Mart

Property Owner Address/Phone: 7601 Weaver

Intended Use of Property: Short-term rental, in addition to being our primary residence.

I, Adelina Mart, as owner of the above state property, hereby verify and agree to the above-stated intended use of the property by the applicant.

Adelina Mart
Signed this 10 day of December, 2015

Office Use Only

Current Zoning Designation of Property: _____
Site plan of building and surrounding area attached? []

Business License received? [✓]
Filing fee of \$100.00 received? [✓]
Public Hearing Notice Fee of \$330.00 received? [✓]

Received this _____ day of _____, 20____
Maplewood Zoning Administrator

Sec. 56-877. - Procedures for conditional use permit.

(a) *Applications.* Applications for a conditional use permit shall include a site plan and necessary descriptive material relating to the intensity and extent of use and such other information as shall be required by the zoning administrator. An application for a conditional use permit may be filed only by the owner of the property in question or by a tenant, with the owner's permission.

(b) *Standards for conditional use permit approval.* The zoning administrator shall post the property and mail notices to inform the public of the date, time and place of the plan and zoning commission meeting at which the conditional use permit application shall be considered, and of the date, time and place of the public hearing on such application to be held by the city council pursuant to this division. The zoning administrator shall refer the application to the plan and zoning commission to investigate and make a report and recommendation as to whether the following criteria are true with respect to the proposed conditional use:

- (1) Complies with all applicable provisions of this chapter;
- (2) At the specific location will contribute to and promote the community welfare or convenience;
- (3) Will not cause substantial injury to the value of neighboring property;
- (4) Complies with the overall neighborhood development plan and existing zoning district provisions;
- (5) Will provide, if applicable, off-street parking and loading areas in accordance with the standards contained in this chapter;
- (6) Will not substantially increase traffic hazards;
- (7) Will not substantially increase fire hazards;
- (8) Will not overtax public utilities; and
- (9) Will not place an undue burden on municipal services.

(c) *Report and recommendation.* Without unreasonable delay, and in all cases within 40 days after the first meeting at which the proposed conditional use is considered, the plan and zoning commission shall render to the city council a written report and recommendation on the proposed conditional use.

(d) *Hearing.* Upon receipt of the report and the recommendation of the plan and zoning commission, the city council shall hold a public hearing on the application and shall give notice of the date, time and place thereof by causing a notice thereof to be published at least one time, 15 days before the date of the hearing, in a newspaper of general circulation in the city.

(e) *Authorization.* After such hearing, the city council shall, by majority vote, make a determination as to whether the proposed conditional use satisfies the criteria listed in subsection (b) of this section for the plan and zoning commission report and recommendation. If the city council makes an affirmative determination as to all of the criteria, a conditional use permit shall be granted. If the city council makes a negative determination as to any of the criteria, a conditional use permit shall not be granted.

(f) *Conditions.* The plan and zoning commission may recommend and the city council may provide such terms, conditions or restrictions upon the construction, location and operation of the conditional use, as the plan and zoning commission or the city council may determine in order to further the general objectives of this division and to minimize the possibility of injury to the value of property in the neighborhood.

(Ord. No. 4062, § 905.06(3), 10-14-1980; Ord. No. 4258, § 2, 6-10-1986; Ord. No. 4524, § 1, 3-24-1992; Ord. No. 4560, § 1, 11-10-1992; Ord. No. 4646, § 1, 5-24-1994)

INTEROFFICE MEMORANDUM



To: Plan Commission
From: Anthony Traxler, Assistant City Manager/Director of Public Works
Date: January 28, 2015
Subject: Petition Number #2016-10 – Amendment to Planned Unit Development Ordinance #5772

Attached is Section VI. Building Materials, 2. of Planned Unit Development Ordinance #5772 for the Sunnen Station Development. This language has previously been modified to allow for building materials other than brick for the proposed Porsche auto dealership on Lot D of the Sunnen Development. This request is to allow the same for the Maserati auto dealership on Lot A. This request would require approval from the Design and Review Board and would mirror other adjacent and surrounding commercial properties.

Please review the attached materials. Feel free to contact me at 646-3635 if you have any questions, comments or concerns regarding this matter.

Existing Language for Ordinance #5772 VI. Building Materials

Section I. Building Materials.

1. All building materials must receive the approval of the Design and Review Board.
2. Building materials must be of brick construction on all four sides for Lots A, B, C, E and F of the Sunnen Station Redevelopment Preliminary Development Plat prepared by George Stock dated 4/21/15. Building materials for Lot D of the aforementioned plat shall be subject to the review and approval of the Design and Review Board..
3. All mechanical equipment on the surface of the buildings for Lot E shall be provided with a sound baffling enclosure which must make noise inaudible to the adjacent residential area to the east.

BILL NO.

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, AMENDING PLANNED UNIT DEVELOPMENT ORDINANCE NO. 5772 SECTION VI. 2. TO MODIFY THE BUILDING MATERIAL REQUIREMENTS FOR LOT A

WHEREAS, Planned Unit Development Ordinance No. 5772 was approved by the Maplewood City Council on May 26, 2015; and

WHEREAS, structures adjacent and near the proposed Maserati dealership will not be constructed of brick on four sides; and

WHEREAS, the Plan and Zoning Commission recommended approval of the amendment at their February 1, 2016 meeting by a vote of ayes, nays; and

WHEREAS, the City Council held a public hearing on the amendment at their February 23, 2016 Council meeting.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI AS FOLLOWS:

Section I. Planned Unit Development Ordinance No. 5772, is hereby amended by amending Section VI., Building Materials, 2. by deleting the existing text and inserting the following text in its stead:

- 2. Building materials must be of brick construction on all four sides for Lots B, C, E and F of the Sunnen Station Redevelopment Preliminary Development Plat prepared by George Stock dated 4/21/15. Building materials for Lot A and D of the aforementioned plat shall be subject to the review and approval of the Design and Review Board.

Section II. This Ordinance shall be in full force and effect fifteen (15) days after its passage and approval.

Passed this _____, 2016

James White, Mayor

Attest:

Karen Scheidt, Acting City Clerk

Passed this _____, 2016

James White, Mayor

Attest:

Karen Scheidt, Acting City Clerk

BILL NO. 6012

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI AUTHORIZING THE CITY MANAGER TO EXECUTE DOCUMENTS TO GRANT A SUBTERRANEAN EASEMENT TO THE METROPOLITAN SEWER DISTRICT TO ALLOW A FIFTY FOOT (50') SUBTERRANEAN TUNNEL AND SEWER LINE ON PROPERTY LOCATED AT 3258 LACLEDE STATION ROAD.

WHEREAS, Metropolitan Sewer to install a subterranean easement at 3258 Laclede Station Road to allow for the construction of a 19' diameter tunnel and sewer line to be used during severe storms; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, AS FOLLOWS:

The City Manager is hereby authorized to execute subterranean easement documents with Metropolitan Sewer District for city property located at 3258 Laclede Station Road. A copy of the easement documents are attached to the ordinance.

Passed this 9th day of February, 2016

James White, Mayor

Attest:

Karen Scheidt, Acting City Clerk

Approved this 9th day of February, 2016

James White, Mayor

Attest:

Karen Scheidt, Acting City Clerk