

AGENDA
MAPLEWOOD CITY COUNCIL MEETING
TUESDAY, JULY 12, 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 Forum
7. Announcements
8. Approval of the June 28, 2016 City Council meeting minutes
9. A Resolution of the City Council of the City of Maplewood, Missouri appointing Bob Harsh to the Civil Service Commission and establishing his term of office as expiring June 30, 2019.
10. A Resolution of the City Council of the City of Maplewood, Missouri appointing Eric Hoffman as an alternate to the Board of Adjustment and Housing Board of Appeals and establishing his term of office as expiring June 30, 2021.
11. An Ordinance of the City Council of the City of Maplewood, Missouri, to re-adopt and to establish and make public a procedure to disclose potential conflicts of interest and substantial interests for certain municipal officials.
12. An Ordinance of the City Council of the City of Maplewood, Missouri authorizing the City of Maplewood to create a special tax lien to recover costs incurred by city staff to abate a proliferation of trash and debris at 2542 S. Big Bend Boulevard.
13. An Ordinance of the City Council of the City of Maplewood, Missouri, granting a Conditional Use Permit to Kara Sullivan of Flavor 360 d/b/a Something Elegant Catering to operate a catering facility at 2200 Yale Avenue.
14. An Ordinance of the City Council of the City of Maplewood, Missouri, granting a Conditional Use Permit to Raising Canes to operate a restaurant facility at 2707 S. Big Bend Boulevard.
15. An Ordinance of the City Council of the City of Maplewood, Missouri, amending Ordinance 5573, as amended, Chapter 56, Zoning, Sec. 56-206, Conditional Uses and Sec. 56-207 Prohibited Uses to allow Craft Beer Stores that meet various requirements within the CB Community Business District as a Conditional Use.

16. An Ordinance of the City Council of the City of Maplewood, Missouri, granting a Conditional Use Permit to Abbie Bolyard to operate a sandwich shop (restaurant) at 2810 Sutton Boulevard.
17. Bill 6021 an Ordinance of the City Council of the City of Maplewood, Missouri, granting a Conditional Use Permit to Dana Huth and Ben Triola of Mauhaus Cat Café and Lounge to operate a café/restaurant facility at 3101 Sutton Boulevard.
18. Discussion of changing the limit on used car licenses.
19. Council Communication
20. Mayor's Report
21. City Attorney's Report
22. City Manager's Report
23. 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.
24. Adjournment

PUBLIC AGENDA NOTES
MAPLEWOOD CITY COUNCIL MEETING
TUESDAY, JULY 12, 2016
7:30 P.M.

The following is a brief description of the Agenda items for Tuesday, July 12, 2016:

ITEM NO. 9, is a resolution appointing Bob Harsh to the Civil Service Commission and establishing his term of office as expiring June 30, 2019. Mr. Harsh is presently a member of the Parks and Recreation Commission where he has been an outstanding member. Mr. Harsh will continue on the Parks and Recreation Commission. Mr. Harsh is replacing Ted Jury who moved out of the city.

ITEM NO. 10, is a resolution appointing Eric Hoffman as an alternate to the Board of Adjustment and Housing Board of Appeals and establishing his term of office as expiring June 30, 2021. Mr. Hoffman resides at 7537 Ellis and previously served on the Design and Review Board for 4 years.

ITEM NO. 11, is an ordinance to re-adopt and to establish and make public a procedure to disclose potential conflicts of interest and substantial interests for certain municipal officials. The City of Maplewood is required to re-adopt a financial disclosure ordinance every two years. The Missouri Municipal League urges all cities to re-adopt the ordinance annually.

ITEM NO. 12, is an ordinance authorizing the City of Maplewood to create a special tax lien to recover costs incurred by the City of Maplewood to abate a proliferation of trash and debris at 2542 S. Big Bend Boulevard. Under Section 34-242 (1) Nuisance abatement procedures of the City Code which states "in cases in which an immediate threat to the public health, welfare or safety is apparent, the city manager may abate or cause the abatement of the nuisance without notice, by any suitable means." In this case, the City Manager deemed this trash and debris an immediate threat/nuisance and city staff cleaned up the trash and debris.

ITEM NO. 13, is an ordinance granting a conditional use permit to Kara Sullivan of Flavor 360 d/b/a Something Elegant Catering to operate a catering facility at 2200 Yale Avenue. This business is in the process of being sold and will continue to do business as Something Elegant Catering but due to the subject property having a change in ownership, a new conditional use permit is required. The Plan and Zoning Commission, at their July 6, 2016 meeting, voted 6 ayes, 0 nays, 1 absent, to approve this request.

ITEM NO. 14, is an ordinance granting a Conditional Use Permit to Raising Canes to operate a restaurant facility at 2707 S. Big Bend Boulevard (formerly Shell Station). The petitioner plans on demolishing the existing structure on site and constructing a Raising Canes facility. The Plan and Zoning Commission, at their July 6, 2016 meeting, voted 6 ayes, 0 nays, 1 absent, to approve this request.

ITEM NO. 15, is an ordinance amending the Zoning Code, Section 56-206 Conditional Use Permits and Section 56-207 Prohibited Uses to allow craft beer stores that meet various requirements within the CB Community Business District as a Conditional Use Permit. Craft Beer Cellars appeared before the Plan and Zoning Commission at their June 6, 2016 commission meeting to see if the commission would consider allowing a craft beer store in the Maplewood Central Business District. The Plan and Zoning Commission enthusiastically endorsed the concept and asked that a formal request be presented to them. If the City Council approves this rezoning, the petitioner would then have to apply for a Conditional Use Permit. The Plan and Zoning Commission, at their July 6, 2016 meeting, voted 6 ayes, 0 nays, 1 absent, to approve this request.

ITEM NO. 16, is an ordinance granting a Conditional Use Permit to Abbie Bolyard to operate a sandwich shop (restaurant) at 2810 Sutton Boulevard in the business known as Bolyard's Meat and Provisions where a butcher shop has operated for a couple of years. Bolyard's has decided to expand their business operations to include serving deli sandwiches. The property is zoned NB Neighborhood Business and restaurants are allowed with a Conditional Use Permit. The Plan and Zoning Commission, at their July 6, 2016 meeting, voted 6 ayes, 0 nays, 1 absent, to approve this request.

ITEM NO. 17, Bill 6021 is an ordinance granting a Conditional Use Permit to Dana Huth and Ben Triola of Mauhaus Cat Café and Lounge to operate a café/restaurant facility at 3101 Sutton Boulevard. Mauhaus will be a café that houses adoptable cats in a lounge. The café and lounge will be two separate areas. Cats will live in the lounge at all times. Mauhaus will not be an adoption facility. All adoptions will be handled by a third party. The Plan and Zoning Commission recommended approval of this Conditional Use petition by a vote of 5 ayes, 0 nays, 2 absent. A public hearing has been held and the bill has been read two times and tabled and is now ready for final Council action.

ITEM NO. 18, is a discussion of a request by the lawyer for Michael Borgard to increase the number of used car licenses allowed.

June 28, 2016

The June 28, 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 Greenberg, Mayor White, Councilmember Wolf and Councilmember Wood.

MOTION TO EXCUSE COUNCILPERSON: Councilmember Wood motioned to excuse Councilmembers Cerven, Dunn, and Faulkingham, duly seconded by Councilmember Greenberg, which motion received the approval of the Council.

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

PUBLIC HEARING TO HEAR CITIZEN'S COMMENTS ON A REQUEST FOR A CONDITIONAL USE PERMIT TO OPERATE A CAFÉ/RESTAURANT (MAUHAUS) AT 3101 SUTTON BLVD.: Andrew Larose, 7367 Elm, Cielo Kriz-Feliciano, 7360 Elm and Karen Arnold, 7363 Elm all had concerns of what impact another business would have on parking. Customers and employees of current businesses, Amber Sky and Evolve Digital, currently park on the residential streets causing residents to park as far as half a block from their homes and occasionally, partially block their driveways making it difficult to enter or leave their driveway. City Manager Corcoran indicated he would look into this matter and if a problem persists, take various actions to improve the situation.

Ben Triola, 3608 Oxford and owner of the proposed Mauhaus Café, said he wanted to have a good relationship with the neighbors and would look into renting parking spaces in several commercial lots further down Sutton, at least for his employees to park.

PUBLIC HEARING TO HEAR CITIZEN'S COMMENTS ON A REQUEST FOR A CONDITIONAL USE PERMIT TO OPERATE A CATERING FACILITY (LACHEF) AND TO HAVE A FULL LIQUOR LICENSE AT 7169 MANCHESTER RD.: No one spoke.

PUBLIC FORUM: None.

ANNOUNCEMENTS: None.

APPROVAL OF THE JUNE 14, 2016 CITY COUNCIL MEETING MINUTES AND CLOSED SESSION MINUTES: Councilmember Wood motioned to approve, duly seconded by Councilmember Greenberg, which motion received the majority approval, by voice vote, of the Council.

PRESENTATION OF PROCLAMATION TO LIEUTENANT MARK GRIFFIN ON THE OCCASION OF HIS RETIREMENT AFTER 31 YEARS OF SERVICE TO THE MAPLEWOOD POLICE DEPARTMENT: Mayor White presented proclamations from the City of Maplewood and the Missouri Senate and Chief Kruse presented a plaque from the Maplewood Police Department.

MOTION TO APPROVE A REQUEST BY JENNIFER PROST OF HART CATERING D/B/A LACHEF LOCATED AT 7169 MANCHESTER AVE. FOR A FULL LIQUOR LICENSE: Councilmember Wood motioned to approve, duly seconded by Councilmember Greenberg, which motion received the approval of the Council.

R16-45, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI APPOINTING JENNIFER SIMS TAYLOR TO THE DESIGN AND REVIEW BOARD AND HISTORIC AND PRESERVATION COMMISSION AND ESTABLISHING HER TERM OF OFFICE AS EXPIRING JUNE 30, 2019 was introduced. It was moved by Councilmember Wood, seconded by Councilmember Greenberg to approve the resolution which motion received the following roll call vote: Ayes, members Greenberg, Mayor White, Wolf and Wood. Nays, none.

R16-46, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI APPOINTING KEVIN SULLIVAN TO THE CIVIL SERVICE COMMISSION AND ESTABLISHING HIS TERM OF OFFICE AS EXPIRING JUNE 30, 2018 was introduced. It was moved by Councilmember Wood, seconded by Councilmember Greenberg to approve the resolution which motion received the following roll call vote: Ayes, members Greenberg, Mayor White, Wolf and Wood. Nays, none.

R16-47, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI AUTHORIZING THE CITY MANAGER TO EXECUTE A MAINTENANCE AGREEMENT WITH THE METROPOLITAN ST. LOUIS SEWER DISTRICT FOR STORM WATER MAINTENANCE FACILITIES FOR THE NEW MAPLEWOOD FIRE STATION was introduced. It was moved by Councilmember Wood, seconded by Councilmember Greenberg to approve the resolution which motion received the following roll call vote: Ayes, members Greenberg, Mayor White, Wolf and Wood. Nays, none.

BILL 6021, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, GRANTING A CONDITIONAL USE PERMIT TO DANA HUTH AND BEN TRIOLA OF MAUHAUS CAT CAFÉ AND LOUNGE TO OPERATE A CAFÉ/RESTAURANT FACILITY AT 3101 SUTTON BOULEVARD: Councilmember Wood motioned to table, seconded by Councilmember Wolf, which motion received the approval of the Council.

BILL 6022, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, GRANTING A CONDITIONAL USE PERMIT TO JENNIFER PROST OF HART CATERING D/B/A LACHEF CATERING TO OPERATE A CATERING FACILITY AT 7269 MANCHESTER ROAD was given its third and final reading. A motion was made by Councilmember Wood that Bill No. 6022 be tabled for the reading of the findings of fact, duly seconded by Councilmember Greenberg, 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 catering facility at 7169 Manchester Road.:

- 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 Grenberg, that the findings of fact be approved, which motion received the following roll call vote: Ayes, members Greenberg, Mayor White, Wolf and Wood. Nays, none.

Councilmember Wood motioned to bring Bill No. 6022 back onto the table, duly seconded by Councilmember Greenberg, which motion received the majority approval; by voice vote, of the Council.

A motion was made by Councilmember Wood, duly seconded by Councilmember Greenberg that Bill No. 6022 be approved which motion received the following roll call vote: Ayes, members Greenberg, Mayor White, Wolf and Wood. Nays, none.

BILL NO. 6022 was approved by the City Council on this 28th day of June, 2016 as **Ordinance number 5817**.

COUNCIL COMMUNICATION: Councilmember Wood announced the Let Them Eat Art event to be held on July 8, 2016.

MAYOR'S REPORT: No report.

CITY ATTORNEY'S REPORT: No report.

CITY MANAGER'S REPORT: Mr. Corcoran stated the Woodside house has been sold and construction on the new fire house has begun.

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 8:00 p.m.

INTEROFFICE MEMORANDUM

TO: Mayor & City Council
FROM: Martin J. Corcoran, City Manager
DATE: July 6, 2016
RE: Civil Service Commission Appointment

Mayor White is recommending that Bob Harsh be appointed to the Civil Service Commission to replace Ted Jury who has moved out of the city. Mr. Harsh presently serves on the Parks Board and has been an outstanding commissioner. Mr. Harsh resides at 7346 Myrtle Ave.

The Civil Service Commission meets very infrequently.

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

Martin J. Corcoran
City Manager

RESOLUTION

R16-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, APPOINTING BOB HARSH TO THE CIVIL SERVICE COMMISSION AND ESTABLISHING HIS TERM OF OFFICE AS EXPIRING JUNE 30, 2019.

WHEREAS, Bob Harsh has agreed to serve on the Civil Service Commission, and

WHEREAS, a vacancy exists on the Civil Service.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI AS FOLLOWS: Bob Harsh is hereby appointed to the Civil Service Commission; and

BE IT FURTHER RESOLVED that his term of office is established as expiring June 30, 2019.

Passed this 12th day of July, 2016

James White, Mayor

Attest:

Karen R. Scheidt, Deputy Clerk

Approved this 12th day of July, 2016

James White, Mayor

Attest:

Karen R. Scheidt, Deputy City Clerk

INTEROFFICE MEMORANDUM

TO: Mayor & City Council

FROM: Martin J. Corcoran, City Manager

DATE: July 6, 2016

RE: Board of Adjustment Alternate Appointment

Mayor White is recommending that Eric Hoffman be appointed as an alternate member to the Board of Adjustment. Mr. Hoffman resides at 7537 Ellis and previously served on the Design and Review Board for 4 years. Mr. Hoffman asked not to be reappointed to the Design and Review Board due to the fact that he and his wife were expecting a baby. He is now ready to get back involved with a board or commission.

If you have any questions in regards to this appointment, please contact Mayor White.

Martin J. Corcoran
City Manager

BOA-Eric Hoffman alternate.docx

RESOLUTION

R16-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, APPOINTING ERIC HOFFMAN AS AN ALTERNATE TO THE BOARD OF ADJUSTMENT AND HOUSING BOARD OF APPEALS AND ESTABLISHING HIS TERM OF OFFICE AS EXPIRING JUNE 30, 2021.

WHEREAS, Eric Hoffman wishes to be appointed as an alternate to the Board of Adjustment and Housing Board of Appeals; and

WHEREAS, a vacancy exists for an alternate on the Board of Adjustment and Housing Board of Appeals.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, AS FOLLOWS: Eric Hoffman is hereby appointed as an alternate to the Board of Adjustment and Housing Board of Appeals; and

BE IT FURTHER RESOLVED that his term of office is established as expiring June 30, 2021.

Passed this 12th day of July, 2016

James White, Mayor

Attest:

Karen R. Scheidt, Deputy City Clerk

Approved this 12th day of July, 2016

James White, Mayor

Attest:

Karen R. Scheidt, Deputy City Clerk

INTEROFFICE MEMORANDUM

To: Mayor & City Council
From: Martin J. Corcoran
Date: July 6, 2016
Subject: Financial Disclosure Ordinance

The City of Maplewood is required to re-adopt a financial disclosure ordinance every two years. The Missouri Municipal League urges all cities to re-adopt the ordinance annually.

A certified copy of the re-adopted financial disclosure ordinance must be forwarded to the Missouri Ethics Commission by September 15, 2016. This ordinance is being resubmitted to you in order to comply with the Missouri state statutes on financial disclosure.

If the city chose not to adopt this ordinance, each individual elected official or department head would be required to file financial disclosure forms with the state of Missouri.

By adopting this ordinance, the only person who files a financial disclosure form is the City Manager.

If you have any questions or need further information, please contact me.

Martin J. Corcoran
MJC/krs

enclosure

BILL NO.**ORDINANCE NO.**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, TO RE-ADOPT AND TO ESTABLISH AND MAKE PUBLIC A PROCEDURE TO DISCLOSE POTENTIAL CONFLICTS OF INTEREST AND SUBSTANTIAL INTERESTS FOR CERTAIN MUNICIPAL OFFICIALS.

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

Section I. Declaration of Policy. The proper operation of municipal government requires that public officials and employees be independent, impartial and responsible to the people; that government decisions and policy be made in the proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals, there is hereby established a procedure for disclosure by certain officials and employees of private financial or other interests in matters affecting the City. Terms used herein shall have the meanings ascribed to them in Section 105.450, R.S. Mo. (S.B. 262, Laws 1991.)

Section II. Conflicts of Interest. The Mayor or any member of the City Council who has a substantial personal or private interest in any bill shall disclose on the records of the City Council the nature of his interest and shall disqualify himself from voting on any matters relating to this interest.

Section III. Disclosure Reports. Each elected official of the City and the City Manager shall disclose the following information by May 1 if any such transactions were engaged in during the previous calendar year:

- a. For such person, and all persons within the first degree of consanguinity or affinity of such person, the date and the identities of the parties to each transaction with a total value in excess of five hundred dollars, if any, that such person had with the City of Maplewood, other than compensation received as an employee or payment of any tax, fee or penalty due to the City of Maplewood, and other than transfers for no consideration to the City of Maplewood; and
- b. The date and the identities of the parties to each transaction known to the person with a total value in excess of five hundred dollars, if any, that any business entity in which such person had a substantial interest, had with the City of Maplewood, other than payment of any tax, fee or penalty due to the City of Maplewood or transactions involving payment for providing utility service to the City of Maplewood, and other than transfers for no consideration to the City of Maplewood.
- c. The City Manager also shall disclose by May 1 for the previous calendar year the following information:
 1. The name and address of each of the employers of the City Manager from whom income of one thousand dollars or more was received during the year covered by the statement;
 2. The name and address of each sole proprietorship that he owned; the name, address

and the general nature of the business conducted of each general partnership and joint venture in which he was a partner or participant; the name and address of each partner or co-participant for each partnership or joint venture unless such names and addresses are filed by the partnership or joint venture with the Missouri Secretary of State; the name, address and general nature of the business conducted of any closely held corporation or limited partnership in which he owned ten percent or more of any class of the outstanding stock or limited partnership units; and the name of any publicly traded corporation or limited partnership that is listed on a regulated stock exchange or automated quotation system in which he owned two percent or more of any class of outstanding stock, limited partnership units or other equity interests;

3. The name and address of each corporation for which the City Manager served in the capacity of a director, officer or receiver.

Section IV. Filing of Reports. The reports, in the attached format, shall be filed with the City Clerk and with the Missouri Secretary of State prior to January 1, 1993, and thereafter with the ethics commission. The reports shall be available for public inspection and copying during normal business hours.

Section V. When Filed. The financial interest statements required to be filed hereunder shall be filed at the following times, but no person shall be required to file more than one financial interest statement in any calendar year:

- a. Each person appointed to office shall file any statement required hereunder within thirty days of such appointment or employment;
- b. Every other person required to file a financial interest statement hereunder shall file the statement annually not later than May 1 and the statement shall cover the calendar year ending the immediately preceding December 31; provided that any member of the City Council may supplement the financial interest statement to report additional interests acquired after December 31 of the covered year until the date of filing of the financial interest statement.

Section VI. Filing of ordinance. The City Clerk shall send a certified copy of this ordinance on to the Missouri Secretary of State's office within ten days of its adoption.

Section VII. Exclusion from Requirements of Sections 105.483 and 105.485, R.S.Mo. As provided in Section 105.485.4, R.S.Mo. (S.B. 262, Laws 1991) by the adoption of this Ordinance the City of Maplewood hereby excludes the City and its officers and employees from the requirements of Sections 105.483 (11) and 105.485.2.

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

Passed this th day of July, 2016

James White, Mayor

Attest:

Karen R. Scheidt, Acting City Clerk

Approved this th day of July, 2016

James White, Mayor

Attest:

Karen R. Scheidt, Acting City Clerk

INTEROFFICE MEMORANDUM



To: Marty Corcoran, City Manager
From: Anthony Traxler, Assistant City Manager/Director of Public Works
Date: July 6, 2016
Subject: Nuisance Abatement – 2542 S. Big Bend Boulevard

The City has conducted numerous nuisance hearings over the past four or five years regarding a variety of offences at 2542 S. Big Bend Boulevard. In several of those instances, trash, debris and even rats were located on the above property. On May 23, 2016, a proliferation of trash and debris was observed on the property and spilling out onto the public sidewalk making it difficult to use the sidewalk and potentially forcing pedestrians into the adjacent street to pass.

Sec. 34-242 (1) Nuisance Abatement Procedures of the City Code which states “in cases in which an immediate threat to the public health, welfare or safety is apparent, the city manager may abate or cause the abatement of the nuisance without notice, by any suitable means.” The city manager deemed this trash and debris an immediate threat/nuisance and city staff cleaned up the trash and debris. The attached ordinance is required in order for the city to file a lien on the property to recover our costs for the clean-up.

Please contact me if you have any questions, comments or concerns on this matter.

BILL NO.

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI AUTHORIZING THE CITY OF MAPLEWOOD TO CREATE A SPECIAL TAX LEIN TO RECOVER COSTS INCURRED BY CITY STAFF TO ABATE A PROLIFERATION OF TRASH AND DEBRIS AT 2542 S. BIG BEND BOULEVARD

WHEREAS, multiple nuisance hearings have been held for 2542 S. Big Bend Boulevard for a variety of reasons including hearings for not picking up trash and debris on-site; and

WHEREAS, on May 23, 2016 trash and debris was scattered throughout the parking area, spilling out onto the adjacent sidewalk forcing pedestrians to walk into S. Big Bend Boulevard's northbound lane of traffic to get around the trash; and

WHEREAS, as per Sec. 34-242 (1) Nuisance Abatement Procedures of the City Code, the City Manager of the City of Maplewood deemed this an immediate threat to the public health and ordered it be cleaned up by city staff, total costs for the cleanup was \$116.02.

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

The City Manager is hereby authorized create a special tax lien in the amount of \$116.02 to recover costs incurred by city staff to abate a proliferation of trash and debris at 2542 S. Big Bend Boulevard on May 23, 2016.

Passed this 12th day of July, 2016

James White, Mayor

Attest:

Karen Scheidt, City Clerk

Approved this 12th day of July, 2016

James White, Mayor

Attest:

Karen Scheidt, City Clerk

City of Maplewood Invoice For:

Grass & Weed Cutting
x Property Clean-Up

Grass & Weed Cutting
Other:

Location: 2524 Big Bend Blvd

Work Performed On: 5/23/2016

PERSONNEL

Man #1	Jason Watkins	@	\$18.00	per hour/	1	#hours	total	\$18.00
Man #2	John Stricker	@	\$16.00	per hour/	1	#hours	total	\$16.00
Man #3	Blake Koppel	@	\$11.00	per hour/	1	#hours	total	\$11.00
Man #4		@		per hour/		#hours	total	\$0.00
Man #5		@		per hour/		#hours	total	\$0.00
Supervisor	John Meyer	@	\$38.00	per hour/	0.5	#hours	total	\$19.00
Clerical	Gina Komerous	@	\$14.04	per hour/	0.5	#hours	total	\$7.02

EQUIPMENT

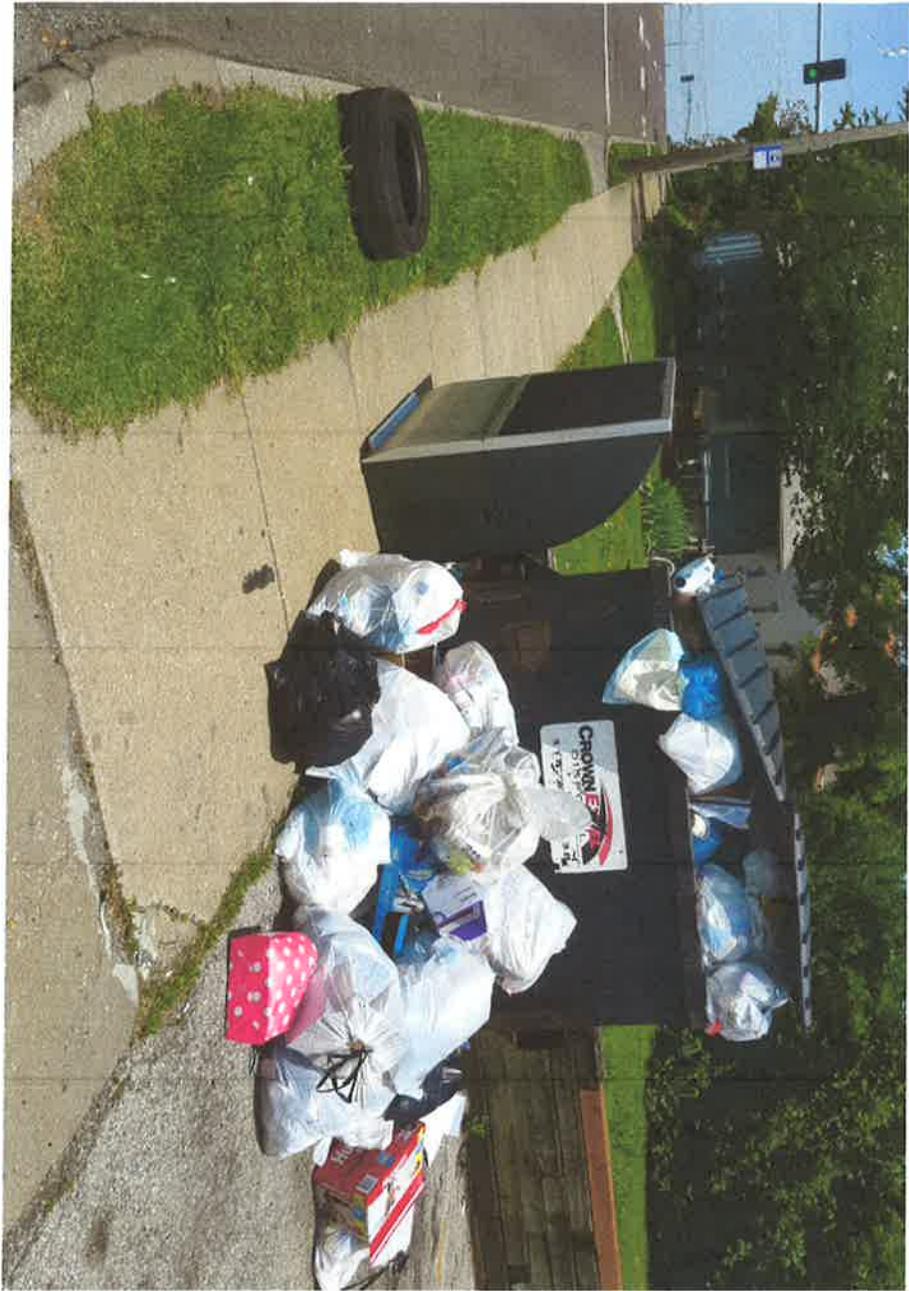
Number of Weedeaters Used	@	\$20.00	per hour/	0	#hours	total	\$0.00
Number of Lawnmowers Used	@	\$20.00	per hour/	0	#hours	total	\$0.00
Number of 1 Ton Truckloads	@	\$30.00	per hour/	1	#hours	total	\$30.00
Backhoe or Tractor Use	@	\$30.00	per hour/	0.5	#hours	total	\$15.00
Chainsaw and Blower Usage	@	\$20.00	per hour/	0	#hours	total	\$0.00

MISCELLANEOUS

@		per item/	0	#items	total	\$0.00
@		per item/	0	#items	total	\$0.00
@		per item/	0	#items	total	\$0.00
@			0	#items	total	\$0.00
@			0	#items	total	\$0.00
@			0	#items	total	\$0.00

TOTAL AMOUNT DUE

\$116.02



INTEROFFICE MEMORANDUM



To: Planning Commission
From: Anthony Traxler, Assistant City Manager/Director of Public Works
Date: June 27, 2016
Subject: **Petition Number #2016-17 – Request for a Conditional Use Permit in the SR Single Family Residential District – Something Elegant Catering**

BACKGROUND

The subject property, 2200 Yale Avenue is located at the southeast corner of Yale Avenue and Bruno Avenue. The site currently supports the business operations of Something Elegant Catering which has been operating on-site via a conditional use permit since 1992. The business is in the process of being sold to Flavor 360 and will continue to do business as Something Elegant Catering at the subject property but because of the change in ownership, a new conditional use permit is required.

The site is in the SR District, therefore the existing use (caterer) would not be permitted in the SR District, however, Section 56-1063, Non-conforming Uses, (l) of the Zoning Code states:

- (l) Nonconforming Residential: Notwithstanding the provisions of section 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, Kara Sullivan, is requesting a Conditional Use Permit on the subject property to allow a catering facility.

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 District which allows catering operations with a Conditional Use Permit. As aforementioned, the business operations on-site will remain as has been since 1992 and the only reason for the conditional use permit is due to a change of ownership.
2. **Parking:** The site has parking to the rear of the building and on-street parking along Yale Avenue.
3. **Impact to Adjacent Properties:** The change in ownership should not impact adjacent or surrounding properties.

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 use is compatible with adjacent and surrounding properties.
- 2) Ample parking is available to support the proposed use.
- 3) The proposed conditional use, at the above location, will contribute to and promote the welfare and convenience of the public by providing catering operations for the community and surrounding area.
- 4) The proposed use is consistent with the design, construction and original intended use of the structure.

City of Maplewood, Missouri
Application for Conditional Use Permit



Applicant Information:

Name: Kara Sullivan

Contact Address/Phone: 5001 Sherburne Dr. St. Louis, MO 63128

Proposed Business Information: 314-706-0687 (cell)

Proposed Business Name: Something Elegant Catering / Flavor 360

Address of Proposed Maplewood Location: 2200 Yate Ave. St. Louis, MO 63143

Address of Existing Location (if Applicable): 2200 Yate Ave. St. Louis, MO 63143

Description of Business Activity: Full service off-site catering services. The business operates a licensed, commercial kitchen to prepare food for catering events.

Anticipated Hours of Operation: 9am-5pm Anticipated Number of Employees: 4

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

Kara Sullivan
Signed this 23 day of June, 2016

Property Information:

Property Owner Name: Kara Sullivan

Property Owner Address/Phone: 5001 Sherburne Dr. St. Louis, MO 63128 314-706-0687

Intended Use of Property: The property is used as a commercially licensed kitchen for a full-service catering business.

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

Kara Sullivan
Signed this 23 day of June, 2016

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



2200 Yale Avenue

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)

BILL NO.

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, GRANTING A CONDITIONAL USE PERMIT TO KARA SULLIVAN OF FLAVOR 360 D/B/A SOMETHING ELEGANT CATERING TO OPERATE A CATERING FACILITY AT 2200 YALE AVENUE

WHEREAS, Kara Sullivan of Flavor 360 d/b/a Something Elegant Catering 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 operate a catering facility at 2200 Yale Avenue; and

WHEREAS, the proposed use is consistent with the design, construction and original intended use of the structure as is required per Section 65-1063 (1) of the Maplewood Code of Ordinances; and

WHEREAS, the Plan and Zoning Commission recommended approval of this proposed Conditional Use Permit at their July 6, 2016 meeting by a vote of ayes, nays; and

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

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

Section I. Kara Sullivan is hereby granted a Conditional Use Permit to operate a catering facility at 2200 Yale 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) A catering facility.
- (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.

INTEROFFICE MEMORANDUM



To: Plan Commission
From: Anthony Traxler, Assistant City Manager/Director of Public Works
Date: June 30, 2016
Subject: **Petition Number 2018-18 – Review and recommendation of a request for a conditional use permit to allow a restaurant facility with drive through at 2707 S. Big Bend Boulevard – Raising Canes**

BACKGROUND

The subject property, 2707 S. Big Bend Boulevard, is located at the corner of Manchester Road and Big Bend Boulevard and also has frontage on Ellis Avenue. The vacant irregularly shaped lot recently supported the business operations of a Shell gasoline station and full service auto repair facility. The site currently has two points of ingress/egress along S. Big Bend Blvd. and one along Manchester Road. The existing parking lot has zero (0) foot setback from the north, south and east property lines. The petitioner plans on demolishing the existing structure on-site and constructing a Raising Canes restaurant facility.

On June 8, 2016, the Maplewood Board of Adjustment unanimously approved the following variances:

Variance Request #1

Sec. 56-233 (c) (1) Minimum right-of-way setback. Requires any motor vehicle parked in the open shall be located not less than 15 feet from any public right-of-way (property line). **The proposed parking lot layout has a five (5) foot setback along Ellis Avenue, S. Big Bend Blvd. and Manchester Road.**

Variance Request #2

Sec. 56-233 (d) Transitional setback. Requires a closed fence at least 6 feet in height and a ten (10) foot landscaped yard between the parking lot and western property line (adjacent to the home at 7517 Ellis). **The proposed side yard setback has a six (6) foot closed fence with a variable setback of between 7.11 and 7.30 feet.**

ZONING REQUEST

The petitioner, Thomas Murphy of Raising Canes Restaurant, is requesting a Conditional Use Permit on the subject property to allow a restaurant facility with drive through.

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 AB Arterial Business District which permits restaurants. However, restaurants with drive through windows require a conditional use permit. The proposed use is ideally suited for the proposed location which is located along two major thoroughfares and has historically supported a gas station with full service auto repair facility.
2. **Parking/Access:** The site has sufficient on-site parking to support the proposed use. The proposal removes the northernmost access along S. Big Bend Blvd. and converted the southernmost access along S. Big Bend Blvd. from full access ingress/egress to right-in/right-out only which should make it easier for residents along Ellis Avenue to turn onto S. Big Bend Blvd. and improve traffic safety along S. Big Bend Blvd. Note the right-in/right-out entrance is currently being reviewed by St. Louis County and may be widened from the current depiction.
3. **Impact to Adjacent Properties:** The proposed use abuts residential property along Ellis Avenue which is a concern. However, the existing parking lot layout currently has a zero (0) foot parking space setback along Ellis Avenue, S. Big Bend Blvd. and Manchester Road and only minimal greenspace on-site. The proposal will significantly increase greenspace on-site and will increase the parking lot setbacks along Ellis Avenue, S. Big Bend Blvd. and Manchester Road to five (5) feet. A six (6) foot sight proof fence will also be erected along Ellis Avenue further screening the parking lot from the street. Additionally, existing topography of the site dictates that a retaining wall be located along the west property line and Ellis Avenue. This wall, along with a proposed six (6) foot sight proof fence, should help screen the restaurant structure from Ellis Avenue. The proposal also includes screening for any roof top mechanical equipment.

The petitioner has indicated that the restaurant will provide mechanical equipment or scrubbers to mitigate the odor produced from cooking and/or direct vents away from Ellis Avenue which should help to minimize the odor from cooking.

Lastly, the conditional use ordinance will require that the volume of the menu boards must be low enough that they cannot be heard from adjacent residential properties.

4. **Lighting:** The conditional use ordinance will limit glare onto adjacent properties to the west and south to .05 foot candles (similar to Tim Horton's lighting plan).

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) The site historically supported a commercial facility.
- 3) Ample off-street parking is available to support the proposed use.
- 4) The proposed conditional use, at the above location, will contribute to and promote the welfare and convenience of the public by providing an additional restaurant for the community and surrounding area.

Anthony Traxler

From: Karen Scheidt
Sent: Friday, June 17, 2016 9:26 AM
To: Anthony Traxler
Cc: Design; Marty Corcoran
Subject: FW: Online Form Submittal: City Of Maplewood Application for Conditional Use Permit

Anthony,

Please see below CUP from Raising Cane's.

Karen Scheidt

From: noreply@civicplus.com [mailto:noreply@civicplus.com]
Sent: Friday, June 17, 2016 9:09 AM
To: Design; Marty Corcoran; Karen Scheidt
Subject: Online Form Submittal: City Of Maplewood Application for Conditional Use Permit

City Of Maplewood Application for Conditional Use Permit

Application for Conditional Use Permit

Applicant Information

Name: Thomas Murphy
Contact Address: 6767 Perkins Road Suite 200 Baton Rouge, LA 70808
Contact Phone: 2257613624

Proposed Business Information

Proposed Business Name: Raising Cane's Restaurant #274
Address of Proposed Maplewood Location: 2707 S. Big Bend Blvd.
Address of Existing Location (if applicable): 2707 S. Big Bend Blvd.
Description of Business Activity: restaurant with drive-thru service

Anticipated Hours of Operation: S-Th: 10:00 AM - 11:00 PM, Fri-Sat: 10:00 AM - 12:00 AM

Anticipated Number of Employees: 12-15 per shift

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

Date: 06/17/2016

Property Information

Property Owner: William Barnes (Nai Desco)

Property Owner Phone #: 314-994-4401

Property Owner Address: 101 S. Hanley Rd. Suite 1900 St. Louis, MO 63105

Intended Use of Property: Restaurant with drive-thru service

As the owner of the above stated property, I hereby verify and agree to the above stated intended use of this property by the applicant. I agree

Date: 06/17/2016

This form will be completed when the payment has been submitted.

Name
Conditional Use Permit

Price
430.00

Quantity 1



2707 S Big Bend Boulevard

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)

BILL NO.

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, GRANTING A CONDITIONAL USE PERMIT TO RAISING CANES TO OPERATE A RESTAURANT FACILITY AT 2707 S. BIG BEND BOULEVARD

WHEREAS, Raising Canes Restaurant 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 operate a restaurant facility with drive through at 2707 S. Big Bend Boulevard.; and

WHEREAS, the Plan and Zoning Commission recommended approval of this proposed Conditional Use Permit at their July 6, 2016 meeting by a vote of ayes, nays; and

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

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

Section I. Raising Canes is hereby granted a Conditional Use Permit to operate a restaurant facility at 2707 S. Big Bend Boulevard.

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 AB Arterial Business District.
 - 2) A restaurant facility with drive through.
- (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.
- (D) Access to the site shall be via a two-way full access curb cut along Manchester Road and a right-in/right-out curb cut along S. Big Bend Boulevard.
- (E) Lighting Requirements:
 - 1) Parking lot lighting shall be designed and installed in accordance with the City of Maplewood standards.
 - 2) Lighting standards shall not exceed thirty-five (35) feet.

- 3) Lighting fixtures mounted to structures must be pole mounted, cut-off fixtures, with shields that divert light from the shielded area. Foot candles cannot exceed .05 onto adjacent residential properties.
- 4) Lighting shall be designed in accordance with Illuminating Engineering Society standards and maintained so that the effects of direct lighting or glare on adjacent properties are prohibited.
- 5) The Director of Public Works may require the review of the lighting plan by a certified lighting engineer to be chosen by the City. The applicant shall incur all costs of plan review by said lighting engineer.

(F) Landscaping Requirements:

- 1) A landscape plan shall be prepared by the applicant for the review and approval of the City of Maplewood.
- 2) Replanting and replacement of existing plant materials must be made on an annual basis as needed.
- 3) The parking lot shall be screened from view from Ellis Avenue to the maximum extent practicable with a combination of plantings, retaining wall and an enclosed fence. The final design and enclosed fencing details (material of fence) shall be subject to the review and approval of the Public Works Director.
- 4) The Public Works Director may require the review of said plan by a certified landscape architect to be chosen by the City. The applicant shall incur all costs of plan review by said landscape architect.

(G) The restaurant must install equipment to mitigate the odor from cooking and/or vent exhaust away from Ellis Avenue and the west property line.

(H) The menu board volume must be adjusted so that it is not audible from adjacent residential properties.

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.

INTEROFFICE MEMORANDUM



To: Planning Commission
From: Anthony Traxler, Assistant City Manager/Director of Public Works
Date: June 28, 2016
Subject: **Petition Number 2016-19 - Amendment to Sec. 56-206. Conditional Uses in the CB Community Business District**

As we discussed at our June Plan Commission meeting, Craft Beer Cellar has requested an amendment to the City Code to allow craft beer operations as a Conditional Use in the CB Community Business District, subject to the below stipulations.

Sec. 56-206. CB District Conditional Uses

(20) Craft Beer Stores that meet the following requirements:

1. Craft Beer Stores that sell only craft beer in bulk and by the drink and specialize in craft beer related items such as craft beer books, barware, bitters, mixers, glassware related to alcoholic beverages, offer classes in craft beer making and offer tastings to customers on-site (in many cases a corkage fee may be associated with this on-site tastings).
2. No hard alcohol can be sold on the premises.
3. No lottery tickets can be sold on the premises.
4. No tobacco products can be sold on the premises.

Please note that Section 56-207. (6) specifically prohibits “package liquor stores.” This section will also be amended to allow for craft beer stores that meet the above requirements while still prohibiting all other types of package liquor stores.

Please review the attached ordinance and contact me with any questions, comments or concerns.

BILL NO.

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, AMENDING ORDINANCE 5573, AS AMENDED, CHAPTER 56, ZONING, SECTION SEC. 56-206 CONDITIONAL USES AND SEC. 56-207 PROHIBITED USES TO ALLOW CRAFT BEER STORES THAT MEET VARIOUS REQUIREMENTS WITHIN THE CB COMMUNITY BUSINESS DISTRICT AS A CONDITIONAL USE

WHEREAS, the Plan and Zoning Commission recommended approval by a vote of _____ ayes, _____ nays of the amendments to the CB Community Business District at their July 6, 2016 meeting; and

WHEREAS, the City Council held a public hearing on August 9, 2016 regarding the proposed amendments to the CB Community Business District.

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

Section I. Section 56-206. Conditional Uses of the Community Business District is hereby amended by adding the following text:

(20) Craft Beer Stores that meet the following requirements:

1. Craft Beer Stores that sell only craft beer in bulk and by the drink and specialize in craft beer related items such as craft beer books, barware, bitters, mixers, glassware related to alcoholic beverages, offer classes in craft beer making and offer tastings to customers on-site (in many cases a corkage fee may be associated with this on-site tastings).
2. No hard alcohol can be sold on the premises.
3. No lottery tickets can be sold on the premises.
4. No tobacco products can be sold on the premises.

Section II. Section 56-207. (6) Prohibited Uses of the Community Business District is amended by deleting the existing text and replacing it with the following text in its stead:

- (6) Package Liquor stores are prohibited, except for Craft Beer Stores that meet the requirements as stipulated in Section 56-206 (20) above.

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

Passed this _____th day of _____, 2016

James White, Mayor

Attest: _____
Karen Scheidt, Acting City Clerk

Approved this _____th day of _____, 2016

INTEROFFICE MEMORANDUM



TO: Plan & Zoning Commission

FROM: Anthony Traxler, Assistant City Manager/Director of Public Works

DATE: June 30, 2016

RE: **Petition #2016-20 – Request for a Conditional Use Permit to operate a sandwich shop/restaurant at 2810 Sutton Blvd. – Bolyard’s Meat and Provisions**

BACKGROUND

The site, 2810 Sutton Boulevard, is part of a complex of buildings that were renovated in 2014 and include businesses such as The Living Room (coffee shop) and Bolyard’s Meat and Provisions. These buildings housed former businesses such as the Black Cat Theatre and Harper’s Pharmacy. This site sits directly across from Sutton Loop Park.

Bolyard’s Meat and Provisions has operated as a butcher shop for a couple of years and has decided to expand its business operations to include serving deli sandwiches.

ZONING REQUEST

The petitioner, Abbie Bolyard, is requesting a Conditional Use Permit to operate a sandwich shop in the NB Neighborhood Business District.

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.

PLAN AND ZONING ISSUES

1. **Proposed Use:** The property is zoned NB Neighborhood Business District which allows restaurants as a conditional use. The proposed use would be an expansion of the existing butcher shop to allow sandwiches to be served to patrons. The petitioner indicated that they plan on adding seating for approximately 15 people. Hours of operation would be 11 a.m. to 7 p.m. daily.

2. **Parking:** Sufficient off-street parking is provided for site on the adjacent large parking lot to the north of the site.
3. **Impact on Adjacent Properties:** There should not be a significant impact on the adjacent properties as this location has historically supported numerous businesses in the past and not caused problems for the surrounding businesses or neighborhood. If anything, the sandwich shop should be a welcomed addition to the neighborhood.

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 56-877B., 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 granting a conditional use permit:

- 1) The scale and intensity for the proposed use will be compatible with adjacent properties and the surrounding area.
- 2) The use will be beneficial to the surrounding community by offering a sandwich shop.
- 3) There is adequate off-street parking to support the proposed use.

City of Maplewood, Missouri
Application for Conditional Use Permit



Applicant Information:

Name: Abbie Bolyard - Bolyards MEAT & PASTRIES
Contact Address/Phone: 2810 Sutton Blvd 314-799-6235

Proposed Business Information:

Proposed Business Name: Bolyards MEAT & PASTRIES
Address of Proposed Maplewood Location: 2810 Sutton Blvd.
Address of Existing Location (if Applicable): 2810 Sutton Blvd.
Description of Business Activity: Butcher Shop - Sandwich Shop

Anticipated Hours of Operation: 11-7 Anticipated Number of Employees: 7

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

Signed this 28 day of June, 2016

Property Information:

Property Owner Name: David Schlafly
Property Owner Address/Phone: 941-0188
Intended Use of Property: Butcher Shop - Sandwich Shop
Add Bar style seating for 15 people

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: _____ Business License received? []
Site plan of building and surrounding area attached? [] Filing fee of \$100.00 received? [✓]
Public Hearing Notice Fee of \$330.00 received? [✓]

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



2810 Sutton Boulevard

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)

BILL NO.

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, GRANTING A CONDITIONAL USE PERMIT TO ABBIE BOLYARD TO OPERATE A SANDWICH SHOP (RESTAURANT) AT 2810 SUTTON BOULEVARD.

WHEREAS, Abbie Bolyard of Bolyard's Meat and Provisions has applied to the City Council of the City of Maplewood, MO for a Conditional Use Permit as provided in Section 56-877 of the Maplewood Code of Ordinances to operate a sandwich shop (restaurant) at 2810 Sutton Blvd.; and

WHEREAS, the Plan and Zoning Commission recommended approval of this proposed Conditional Use Permit at their July 6, 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 August 9, 2016 Council meeting.

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

Section I. Abbie Bolyard of Bolyard's Meat and Provisions is hereby granted a Conditional Use Permit to operate a sandwich shop (restaurant) at 2810 Sutton Blvd.

Section II. The Conditional Use Permit is granted subject to all rules and regulations as 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 NB Neighborhood Business Zoning District.
 - 2) Restaurant (sandwich shop).
- (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 & 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 day of , 2016

James White, Mayor

BILL NO. 6021

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, GRANTING A CONDITIONAL USE PERMIT TO DANA HUTH AND BEN TRIOLA OF MAUHAUS CAT CAFÉ AND LOUNGE TO OPERATE A CAFÉ/RESTAURANT FACILITY AT 3101 SUTTON BOULEVARD

WHEREAS, Mauhaus Cat Café and Lounge 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 operate a café/restaurant facility at 3101 Sutton Boulevard.; and

WHEREAS, the Plan and Zoning Commission recommended approval of this proposed Conditional Use Permit at their June 6, 2016 meeting by a vote of 5 ayes, 0 nays, 2 absent; and

WHEREAS, the City Council held a public hearing on this conditional use permit at their June 28, 2016 Council meeting.

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

Section I. Mauhaus Cat Café and Lounge is hereby granted a Conditional Use Permit to operate a café/restaurant facility at 3101 Sutton Boulevard.

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 NB Neighborhood Business District.
 - 2) A café/restaurant facility.
- (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.
- (D) All cats must be licensed with the City of Maplewood.

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, Deputy City Clerk

Approved this day of 2016

James White, Mayor

Attest:

Karen Scheidt, Deputy City Clerk

FINDINGS OF FACT

The Mayor and City Council make the following findings of fact for the petition for a Conditional Use Permit for a café/restaurant facility at 3101 Sutton 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.

Marty Corcoran

From: Sarah Vatterott <svatterott@vhdklaw.com>
Sent: Friday, July 01, 2016 3:38 PM
To: Marty Corcoran
Cc: 'Bogies motors'
Subject: 2803 S Big Bend / Bogies Auto Detail

Mr. Corcoran,

I represent Michael Borgard, Jr. and Bogies Auto Detail, which operates an auto detailing business and internet wholesale auto sales business office at 2803 S. Big Bend (the "Property") pursuant to a Conditional Use Permit (attached). Mr. Borgard and I previously met with Anthony Traxler and Craig Biesterfeld to discuss a satisfactory resolution to certain zoning issues. Mr. Traxler recommended we contact you directly regarding Mr. Borgard's request for a used automobile operator license.

As you are aware, Maplewood Code § 14-339(a) limits the number of used automobile operator licenses to 1 per every 3,000 inhabitants. It is my understanding that this number was increased from 1,5000 inhabitants in 2012 and a number of businesses have grandfather status. Mr. Borgard does not seek a license to have a drive-by-retail automobile sales operation at the Property and, frankly, he has no desire to operate a traditional used car lot. Rather, Mr. Borgard seeks to continue advertising his vehicles for sale online using his website, eBay and similar sites. By having this license, Mr. Borgard could keep his inventory of vehicles at the Property and meet customers there by appointment to view a particular vehicle advertised online. This would result in increased revenue to Maplewood through the yearly automobile dealership license fee.

If a license is issued, Mr. Borgard would seek to amend the CUP to accommodate this new use. He is agreeable to specific limitations in the CUP to address the unique nature of this business, including, but not limited to, no drive-by-retail automobile sales, no signage advertising automobile sales at the Property, no "for sale" or similar markings on the inventory vehicles, and day/time restrictions.

Additionally, Mr. Borgard would also file an application for a Lot Consolidation of the neighboring lot, 2801 S. Big Bend, into the Property for the purpose of utilizing the parking pad on 2801 S. Big Bend for his inventory vehicles. As part of this application, Mr. Borgard would provide a plan for parking screening, either by a fence or planting, for 2801 S. Big Bend. He also would meet with the adjoining property owner (zoned SR) to discuss planting or fencing along the western property lines that would offer the property owner additional privacy from Big Bend Blvd.

Please let us know what additional information we can provide in support of this application.

Sarah M. Vatterott, Esq.
Vatterott Harris P.C.
2458 Old Dorsett Rd., Ste. 230
St. Louis, MO 63043
Phone: [314-770-2100](tel:314-770-2100)
Fax: [314-770-9330](tel:314-770-9330)
svatterott@vhdklaw.com

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, GRANTING A CONDITIONAL USE PERMIT TO BOGIES AUTO DETAIL TO OPERATE AN AUTO DETAILING BUSINESS AND AN INTERNET WHOLESALE AUTO SALES BUSINESS OFFICE USE AT 2803 S. BIG BEND BOULEVARD

WHEREAS, Michael Borgard Jr. of Bogies Auto Detail 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 operate an auto detail business and an internet wholesale auto sales business office use at 2803 S. Big Bend Boulevard; and

WHEREAS, the Plan and Zoning Commission recommended approval of this proposed Conditional Use Permit at their October 5, 2015 meeting by a vote of 6 ayes, 0 nays, 1 absent; and

WHEREAS, the City Council held a public hearing on this conditional use permit at their October 13, 2015 Council meeting.

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

Section I. Michael Borgard Jr. is hereby granted a Conditional Use Permit to operate an auto detail business and an internet wholesale auto sales business office use at 2803 S. Big Bend Boulevard.

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 AB Arterial Business District.
 - 2) An auto detail business with all detailing operations enclosed in the structure on-site.
 - 3) An internet wholesale auto dealer office use.

- (B) Business Operation Requirements
 - 1) No auto vehicle repair work shall be permitted on-site.
 - 2) No auto body repair work shall be permitted on-site
 - 3) No drive-by-retail auto sales shall be permitted on-site (allowable auto sales shall be via the Internet or telephone).
 - 4) No signage shall be permitted for the wholesale auto dealer on-site.
 - 5) No signage shall be permitted for any vehicles for sale.
 - 6) No more than one (1) vehicle associated with the internet wholesale auto dealer may be parked outdoors at any time.
 - 7) All vehicles associated with the internet wholesale auto dealer must be parked under roof in the principal structure from 9:00 p.m. to 6:00 a.m.
 - 8) Detailing work for the auto detailing business must be performed under roof in the principal structure.
 - 9) A barrier must be installed by the property owner to separate vehicles from the adjacent sidewalk along Woodland Avenue. The type and location of barrier is

subject to the review and approval of the Public Works Director.

- (C) 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.
- (D) 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 27th day of October, 2015

Approved this 27th day of October, 2015

James White, Mayor

James White, Mayor

Attest:

Attest:

Karen Scheidt, Acting City Clerk

Karen Scheidt, Acting City Clerk