

**PUBLIC AGENDA NOTES
MAPLEWOOD CITY COUNCIL MEETING
TUESDAY, DECEMBER 13, 2016
7:30 P.M.**

The following is a brief description of the agenda items for Tuesday, December 13, 2016:

ITEM NO. 6, is a public hearing to hear citizenø comments on a request for a Conditional Use Permit to operate a restaurant facility known as Kimcheese at 7405 Manchester Rd. (presently My Happy Place).

ITEM NO. 7, is a public hearing to hear citizenø comments on an amendment to Sec. 56-211 (7) CB1 District Conditional Uses to modify the percentage of retail sales required for day spas and to hear comments on a request by Alfred Schwartz for a conditional use permit to operate a day spa at 7354 Manchester (Loft Studios Salon & Spa).

ITEM NO. 8, is a public hearing to hear citizenø comments on a request by Michelle Jainakoplos to amend PUD ordinance #5724 to amend lot 1 structure setbacks, create a new lot 6 and amend lot uses for lots 5 and 6.

ITEM NO. 9, is a public hearing to hear citizenø comments on a request by Michelle Jainakoplos for a Conditional Use Permit to allow a short-term rental at 7113 South St.

ITEM NO. 13, is a presentation of Green Power Community of the Year Award by Debra Pottinger, Ameren Pure Power.

ITEM NO. 14, is a presentation of Citizenø Academy certificates to Heather Benz, Jessey DeVaney, Jon-Erik Hansen, Heidi Hellmuth, Evan Loveless, Arnav Moudgil, Kathleen Rumme and Linda Webb. There will be a short recess for a reception following the presentation of the certificates.

ITEM NO. 16, is an ordinance authorizing a minor subdivision of 3610-3612 Manhattan Avenue. The present lot contains two structures with separate addresses known as 3610 and 3612 Manhattan. The current code does not allow for more than one structure per lot. The problem was noted during a recent change of ownership. These properties were constructed back in 1927. The Plan and Zoning Commission voted 5 ayes, 0 nays to approve this subdivision.

ITEM NO. 17, is an ordinance granting a Conditional Use Permit to allow a six family apartment in the SR Single Family Residential District at 7263 Zephyr Place. The site is fully developed supporting a 3-story brick building with 6 apartments and an on-street parking lot to the rear of the building. The building was built in 1925 as a 6-unit apartment. The units have been vacant for more than 6 months; therefore, they have lost their grandfathered zoning. The City Council may issue a conditional use permit for a non-conforming use of an existing structure if the proposed use is consistent with the design, construction and original intended use of the structure and the proposed use serves as a community need. The Plan and Zoning Commission voted 5 ayes, 0 nays to approve this petition.

ITEM NO. 18, is an ordinance amending Chapter 10-Animals and Fowl, Section 10-2 ó Raising certain animals prohibited. Staff recently received a request to have a horse within the city limits. After review of our present ordinances, it was determined that the language for animals prohibited within the city limits needs to be strengthened in that horses are not prohibited. This ordinance prohibits farm type animals in the city except for chickens which are governed in Section 10-3.

ITEM NO. 19, Bill 6041 is an ordinance granting a Conditional Use Permit to Tong W. Moon of Kimcheese to operate a restaurant facility at 7405 Manchester Road (formerly My Happy Place). The proposed restaurant has existing locations in Chesterfield and Creve Coeur and will offer fresh prepared Korean, Mexican and American food. The Plan and Zoning Commission recommended approval by a vote of 6 ayes, 0 nays. A public hearing has been held on this matter and the bill has been read two times and tabled and is now ready for final Council action.

ITEM NO. 20, Bill 6042 is an ordinance amending the Maplewood Code of Ordinances, Chapter 56, Zoning, Section 56-211, (7) Conditional Uses of the CB1 Community Business One District to modify the retail sales requirements for day spas in the district. Salon Lofts located at 7354 Manchester is changing ownership. Previously, day spas were not allowed in the CB1 District but they were added to the district's conditional uses when Salon Lofts came to Maplewood and the current language is catered to the original Salon Lofts which was to include a restaurant facility that would generate retail sales of 51%. The original Salon Lofts never put in the restaurant facility and never generated 51% of retail sales. It is unlikely that Salon Lofts can ever meet this retail percentage. However, because such business operations bring in patrons that frequent other businesses and eat at nearby restaurants in the Central Business District, staff has no objections to reduce the required amount of retail sales from 51% to 20%. The Plan and Zoning Commission recommended approval by a vote of 6 ayes, 0 nays. A public hearing has been held on this matter and the bill has been read two times and tabled and is now ready for final Council action.

ITEM NO. 21, Bill 6043 is an ordinance granting a Conditional Use Permit to Alfred Schwartz of Loft Studios Salon and Spa to operate a day spa and salon at 7354 Manchester Avenue. Mr. Schwartz is buying the present Salon Lofts operation. The Plan and Zoning Commission recommended approval by a vote of 6 ayes, 0 nays. A public hearing has been held on this matter and the bill has been read two times and tabled and is now ready for final Council action.

ITEM NO. 22, Bill 6044 is an ordinance amending Planned Unit Development Ordinance No. 5724 to modify the structure setbacks for Lot 1 of the Planned Unit Development and create a new Lot 6. This ordinance creates a new Lot 6 (split of Lot 5) to separate the dilapidated structure that was repaired and converted to a loft unit and art studio common area (Appendix A) and revise the structure footprint and setback for Lot 1. The petitioner has a buyer for Lot 1 and is modifying the proposed townhouse to be built for the buyer (Appendix B). The Plan and Zoning Commission voted 6 ayes, 0 nays to approve this request. A public hearing has been held on this matter and the bill has been read two times and tabled and is now ready for final Council action. This bill will need to be tabled if the city does not receive a professional drawing of the proposed lot changes.

ITEM NO. 23, Bill 6045 is an ordinance granting a Conditional Use Permit to Michele Jainakoplos to allow short term rentals at 7113 South Street. The Planned Unit Development for this property allows short term rentals with a conditional use permit. The Plan and Zoning Commission voted 6 ayes, 0 nays to approve this request. A public hearing has been held on this matter and the bill has been read two times and tabled and is now ready for final Council action.

ITEM NO. 24, Bill 6046 is an ordinance appropriating/transferring \$18,000 from the unappropriated fund balance of the General Fund to the following Sewer Lateral Fund accounts: 2900-00-50330 Repairs/Maintenance and 2900-00-60460 Repairs/Maintenance. The bill has been read two times and tabled and is now ready for final Council action.

AGENDA
MAPLEWOOD CITY COUNCIL MEETING
TUESDAY, DECEMBER 13, 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 for a Conditional Use Permit to operate a restaurant facility at 7405 Manchester Rd.
7. Public hearing to hear citizen's comments on an amendment to Sec. 56-211 (7) CB1 District Conditional Uses to modify the percentage of retail sales required for day spas and to hear comments on a request by Alfred Schwartz for a conditional use permit to operate a day spa at 7354 Manchester (Loft Studios Salon & Spa).
8. Public hearing to hear citizen's comments on a request by Michelle Jainakoplos to amend PUD ordinance #5724 to amend lot 1 structure setbacks, create a new lot 6 and amend lot uses for lots 5 and 6.
9. Public hearing to hear citizen's comments on a request by Michelle Jainakoplos for a Conditional Use Permit to allow a short-term rental at 7113 South St.
10. Public Forum
11. Announcements
12. Approval of the November 22, 2016 City Council meeting minutes
13. Presentation of Green Power Community of the Year Award by Debra Pottinger, Ameren Pure Power
14. Presentation of Citizen's Academy certificates to Heather Benz, Jessey DeVaney, Jon-Erik Hansen, Heidi Hellmuth, Evan Loveless, Arnav Moudgil, Kathleen Rumme and Linda Webb.
15. Short recess

16. An Ordinance of the City Council of the City of Maplewood, Missouri, authorizing a minor subdivision of Lot 10 in Block 24 of Greenwood Subdivision as recorded in Plat Book 3 Page 18 of the St. Louis County, Missouri records.
17. An Ordinance of the City Council of the City of Maplewood, Missouri, granting a Conditional Use Permit to allow a six family apartment in the SR Single Family Residential District at 7263 Zephyr Place.
18. An Ordinance of the City Council of the City of Maplewood, Missouri, amending Chapter 10-Animals and Fowl, Section 10-2 – Raising certain animals prohibited.
19. Bill 6041 an Ordinance of the City Council of the City of Maplewood, Missouri, granting a Conditional Use Permit to Tong W. Moon of Kimcheese to operate a restaurant facility at 7405 Manchester Road.
20. Bill 6042 an Ordinance of the City Council of the City of Maplewood, Missouri, amending Ordinance 5573, as amended, Chapter 56, Zoning, Section 56-211, (7) Conditional Uses of the CB1 Community Business One District to modify the retail sales requirements for day spas in the district.
21. Bill 6043 an Ordinance of the City Council of the City of Maplewood, Missouri, granting a Conditional Use Permit to Alfred Schwartz of Loft Studios Salon and Spa to operate a day spa and salon at 7354 Manchester Avenue.
22. Bill 6044 an Ordinance of the City Council of the City of Maplewood, Missouri, amending Planned Unit Development Ordinance No. 5724 to modify the structure setbacks for Lot 1 of the Planned Unit Development and create a new Lot 6.
23. Bill 6045 an Ordinance of the City Council of the City of Maplewood, Missouri, granting a Conditional Use Permit to Michele Jainakoplos to allow short term rentals at 7113 South Street.
24. Bill 6046 an Ordinance of the City Council of the City of Maplewood, Missouri, appropriating/ transferring eighteen thousand dollars (\$18,000) from the unappropriated fund balance of the General Fund to the following Sewer Lateral Fund accounts: 2900-00-50330 Repairs/Maintenance and 2900-00-60460 Repairs/Maintenance.
25. Council Communication
26. Mayor's Report
27. City Attorney's Report
28. City Manager's Report

29. 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.

30. Adjournment

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*City
of Maplewood*



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PUBLIC HEARING NOTICE

Maplewood City Council will hold a public hearing on 12/13/16 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 for a Conditional Use Permit to operate a restaurant facility at 7405 Manchester Rd.

Ad as appearing in the November 28, 2016 **St. Louis Post-Dispatch**.

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Ad as appearing in the November 28, 2016 **St. Louis Post-Dispatch**.

November 22, 2016

The November 22, 2016 Council meeting was called to order at 7:30 p.m., Deputy Mayor Karen Wood presiding.

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

MOTION TO EXCUSE COUNCILPERSON: Councilmember Cerven motioned to excuse Mayor White, seconded by Councilmember Dunn, which motion received the approval of the Council.

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

PUBLIC HEARING TO HEAR CITIZEN'S COMMENTS ON A REQUEST BY BARRY LARSON OF THE LIVING ROOM LOCATED AT 2808 SUTTON BLVD. FOR A FULL AND SUNDAY LIQUOR LICENSE: Paul Barker, 7382 Hazel Ave., has concerns about hours of operation. Mr. Larson agreed with the stipulation that no liquor sales will be allowed after 10:00 p.m.

PUBLIC FORUM: Ron Gaus, 222 E. Argonne, thanked the Mayor, City Council and city staff for the approval of the Christ Church food truck commissary.

Neil Gilb of Charter Communications informed the council about a new internet assist program.

ANNOUNCEMENTS: None.

APPROVAL OF THE OCTOBER 25, 2016 CITY COUNCIL MEETING MINUTES: Councilmember Cerven motioned to approve, duly seconded by Councilmember Dunn, which motion received the majority approval, by voice vote, of the Council.

MOTION TO APPROVE A FULL AND SUNDAY LIQUOR LICENSE FOR BARRY LARSON OF THE LIVING ROOM AT 2808 SUTTON BLVD.: Councilmember Cerven motioned to add the stipulation that liquor may not be sold after 10:00 p.m., seconded by Councilmember Dunn, which motion received the majority approval, by voice vote, of the Council. Councilmember Cerven motioned to approve with the added stipulation, seconded by Councilmember Dunn, which motion received the majority approval, by voice vote, of the Council.

R16-56, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI HONORING AND COMMENDING MICHAEL "MIKE" CHELLIS ON THE OCCASION OF HIS RETIREMENT AFTER 11 YEARS OF SERVICE WITH THE MAPLEWOOD FIRE DEPARTMENT was introduced. It was moved by Councilmember Cerven, duly seconded by Councilmember Dunn to approve the resolution which motion received the following roll call vote: Ayes, members Cerven, Dunn, Faulkingham, Greenberg, Wolf and Deputy Mayor Wood. Nays, none.

R16-57, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, HONORING AND COMMENDING TIMOTHY “TIM” WISELY ON THE OCCASION OF HIS RETIREMENT AFTER 31 YEARS OF SERVICE WITH THE MAPLEWOOD FIRE DEPARTMENT was introduced. It was moved by Councilmember Cerven, duly seconded by Councilmember Dunn to approve the resolution which motion received the following roll call vote: Ayes, members Cerven, Dunn, Faulkingham, Greenberg, Wolf and Deputy Mayor Wood. Nays, none.

R16-58, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI AUTHORIZING THE CITY MANAGER TO ACCEPT THE BID OF TOPE INCORPORATED FOR THE REPAIR OF RESIDENTIAL SEWER LATERAL PIPES FOR THE CITY’S SEWER LATERAL REPAIR PROGRAM was introduced. It was moved by Councilmember Cerven, duly seconded by Councilmember Dunn to approve the resolution which motion received the following roll call vote: Ayes, members Cerven, Dunn, Faulkingham, Greenberg, Wolf and Deputy Mayor Wood. Nays, none.

R16-59, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI AUTHORIZING THE CITY MANAGER TO ACCEPT THE BID OF TOPE INCORPORATED IN THE AMOUNT OF TWO HUNDRED TEN DOLLARS (\$210) FOR SEWER CABLING, TELEVISION INSPECTION, LOCATING AND MARKING SERVICES FOR THE REPAIR OF DEFECTIVE SEWER LATERAL PIPES FOR THE CITY’S SEWER LATERAL REPAIR PROGRAM was introduced. It was moved by Councilmember Cerven, duly seconded by Councilmember Dunn to approve the resolution which motion received the following roll call vote: Ayes, members Cerven, Dunn, Faulkingham, Greenberg, Wolf and Deputy Mayor Wood. Nays, none.

BILL 6041, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, GRANTING A CONDITIONAL USE PERMIT TO TONG W. MOON OF KIMCHEESE TO OPERATE A RESTAURANT FACILITY AT 7405 MANCHESTER ROAD was given its first reading. It was moved by Councilmember Cerven, duly seconded by Councilmember Dunn that Bill No. 6041 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 Cerven, duly seconded by Councilmember Dunn that Bill No. 6041 be passed to its third and final reading, which motion received the majority approval; by voice vote, of the Council.

BILL 6042, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, AMENDING ORDINANCE 5573, AS AMENDED, CHAPTER 56, ZONING, SECTION 56-211, (7) CONDITIONAL USES OF THE CB1 COMMUNITY BUSINESS ONE DISTRICT TO MODIFY THE RETAIL SALES REQUIREMENTS FOR DAY SPAS IN THE DISTRICT was given its first reading. It was moved by Councilmember Cerven, duly seconded by Councilmember Dunn that Bill No. 6042 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 Cerven, duly seconded by Councilmember Dunn that Bill No. 6042 be passed to its third and final reading, which motion received the majority approval; by voice vote, of the Council.

BILL 6043, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, GRANTING A CONDITIONAL USE PERMIT TO ALFRED SCHWARTZ OF LOFT STUDIOS SALON AND SPA TO OPERATE A DAY SPA AND SALON AT 7354 MANCHESTER AVENUE was given its first reading. It was moved by Councilmember Cerven, duly seconded by Councilmember Dunn that Bill No. 6043 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 Cerven, duly seconded by Councilmember Dunn that Bill No. 6043 be passed to its third and final reading, which motion received the majority approval; by voice vote, of the Council.

BILL 6044, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, AMENDING PLANNED UNIT DEVELOPMENT ORDINANCE NO. 5724 TO MODIFY THE STRUCTURE SETBACKS FOR LOT 1 OF THE PLANNED UNIT DEVELOPMENT AND CREATE A NEW LOT 6 was given its first reading. It was moved by Councilmember Cerven, duly seconded by Councilmember Dunn that Bill No. 6044 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 Cerven, duly seconded by Councilmember Dunn that Bill No. 6044 be passed to its third and final reading, which motion received the majority approval; by voice vote, of the Council.

BILL 6045, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, GRANTING A CONDITIONAL USE PERMIT TO MICHELE JAINAKOPLOS TO ALLOW SHORT TERM RENTALS AT 7113 SOUTH STREET was given its first reading. It was moved by Councilmember Cerven, duly seconded by Councilmember Dunn that Bill No. 6045 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 Cerven, duly seconded by Councilmember Dunn that Bill No. 6045 be passed to its third and final reading, which motion received the majority approval; by voice vote, of the Council.

BILL 6046, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, APPROPRIATING/ TRANSFERRING EIGHTEEN THOUSAND DOLLARS (\$18,000) FROM THE UNAPPROPRIATED FUND BALANCE OF THE GENERAL FUND TO THE FOLLOWING SEWER LATERAL FUND ACCOUNTS: 2900-00-50330 REPAIRS/ MAINTENANCE AND 2900-00-60460 REPAIRS/MAINTENANCE was given its first reading. It was moved by Councilmember Cerven, duly seconded by Councilmember Dunn that Bill No. 6046 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 Cerven, duly seconded by Councilmember Dunn that Bill No. 6046 be passed to its third and final reading, which motion received the majority approval; by voice vote, of the Council.

BILL 6040, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI ADOPTING THE FINAL BUDGET FOR THE CITY OF MAPLEWOOD, MISSOURI, FOR THE FISCAL YEAR BEGINNING JULY 1, 2014 THROUGH JUNE 30, 2015 was given its third and final reading. It was moved by Councilmember Cerven, duly seconded by Councilmember Dunn that Bill No. 6040 be approved, which motion received the following roll call vote: Ayes, members Cerven, Dunn, Faulkingham, Greenberg, Wolf and Deputy Mayor Wood. Nays, none.

BILL NO. 6040 was approved by the City Council on this 22nd day of November, 2016 as **Ordinance number 5836**.

COUNCIL COMMUNICATION: Councilmember Faulkingham wished everyone a Happy Thanksgiving. Councilmember Greenberg reported he attended the National League of Cities Conference and it was a very positive experience.

MAYOR'S REPORT: No report.

CITY ATTORNEY'S REPORT: No report.

CITY MANAGER'S REPORT: City Manager Corcoran updated the Council on the status of the new firehouse reporting that work is about 3 weeks behind schedule.

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 9:05 p.m.

INTEROFFICE MEMORANDUM



To: Mayor and City Council
From: Anthony Traxler, Assistant City Manager/Director of Public Works
Date: November 29, 2016
Subject: **Petition Number 2016-32**
Request for a Minor Subdivision Plat – 3610-3612 Manhattan Avenue

The attached minor subdivision plat subdivides an existing lot that contains 2 structures on it each with a separate address (3610 and 3612 Manhattan Avenue). The current code does not allow for more than one structure per lot, staff noticed this issue due to a recent change of ownership. Simply put this is something that was most likely allowed in 1927 and needs to be addressed now to bring the properties into conformance.

The petitioner received approval from the Board of Adjustment to reduce the lot width from the required 50' to 36', reduce the required lot size from 6,000 to approximately 4,860 per lot and to reduce the front yard structure (s) setback from 25' to approximately 22.7' (see attached Board of Adjustment staff report).

Staff has reviewed the proposed subdivision and it is in conformance with Chapter 44, Subdivisions, of the City Code. Please review the proposed minor subdivision and do not hesitate to contact me if you have any questions, comments or concerns on this manner.

INTEROFFICE MEMORANDUM



To: Board of Adjustment
From: Brian Herr, Building Official/Fire Marshal
Date: October 21, 2016
Subject: Petition Number 2016-11/3610 & 3612 Manhattan Avenue
Request for Variance from Section 56-73 Use Regulations

SITE INVENTORY

The site is within the "SR" Single Family Residential District and is subject to the requirements of Section 56-73 Use Regulations of the Zoning Code. The existing lot which is approximately 9,720 square feet has two 1 ½ story single family residences on it. The petitioner would like to subdivide the lot into two separate lots. Research shows the houses were constructed on one lot in 1927. The houses were recently purchased to be renovated; however, 3612 Manhattan Avenue has been vacant for more than 6 months so it needs to be subdivided to reoccupy.

VARIANCE REQUEST

The petitioner, City Sons, LLC (Fritz McAvoy), is requesting variances from the following sections of the Zoning Code:

Variance Request #1 & #2

Sec. 56-73 (a) Lot Size Standards. Every proposal for the construction of a single-family detached dwelling shall have a lot with a minimum average dimension of 50 feet and a minimum area of 6,000 square feet. **Subdividing the existing lot into two individual lots would leave each lot with a minimum average dimension of approximately 36' and each lot would be approximately 4,860 square feet.**

Variance Request #3

Sec. 56-73 (b) Front yard setback. Every proposal for the alteration or construction of a single-family detached dwelling shall have a front yard setback from a public right-of-way or from a private roadway of not less than 25 feet. **The two homes on the individual lots currently have a front yard setback of approximately 22.7'.**

ANALYSIS

Since a variance has been requested, the petitioner must address the following issues outlined in Section 56-1001, Standards, of the Zoning Code.

- A. The variance requested arises from a condition which is unique to the property in question and which is not ordinarily found in the same zoning district, and is not created by an action or actions of the property owner or the applicant.

- B. The granting of the variance will not adversely affect the rights of adjacent property owners or residents.
- C. The strict application of the provisions of this chapter from which a variance is requested will constitute unnecessary hardship upon the property owner represented in the application.
- D. The variance desired will not adversely affect the public health, safety, order, convenience or general welfare of the community.
- E. Granting the variance desired will not violate the general spirit and intent of the Zoning Code.

REVIEW CONSIDERATIONS:

In deliberating the above referenced "Standards for Variances" the Board of Adjustment should consider the extent to which the petitioner has addressed the following issues set forth in Section 56-1002, Review Considerations, of the Zoning Code:

- A. The particular physical surroundings, shape or topographical condition of the property involved would result in a practical difficulty or unnecessary hardship upon or for the owner, lessee or occupant, as distinguished from a mere inconvenience, if the provisions of this chapter were literally enforced.
- B. The request for a variance is not based exclusively upon the desire of the owner, lessee, occupant or applicant to secure a greater financial return from the property.
- C. The granting of the variance will not be materially detrimental or injurious to other property or improvements in the neighborhood in which the property is located.
- D. The proposed variance will not impair an adequate supply of light or air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety or substantially diminish or impair property values within the neighborhood.

FINDING:

In its deliberation, the Board of Adjustment should consider the following findings:

- 1. The proposed subdivision is simply a map amendment and the existing structures on the site are not changing as a result of the proposed subdivision.
- 2. The structures on the site were constructed in 1927 according to St. Louis County.
- 3. The proposed subdivision is necessary for reoccupancy of 3612 Manhattan Avenue because it has been vacant for more than 6 months.
- 4. The proposed subdivision should not change or impact adjacent or surrounding properties as the houses have existed since 1927.

The Board of Adjustment may, at its discretion:

- A. Approve petition #2016-11 as presented. This would allow the petitioner to subdivide the existing lot into two separate lots which will have the following: (1) a minimum

average dimension of approximately 36', (2) a minimum area of approximately 4,860 square feet and (3) a front yard setback of approximately 22.7'.

B. Deny petition number #2016-11 as presented.



3610 and 3612 Manhattan

BILL NO.

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, AUTHORIZING A MINOR SUBDIVISION OF LOT 10 IN BLOCK 24 OF GREENWOOD SUBDIVISION AS RECORDED IN PLAT BOOK 3 PAGE 18 OF THE ST. LOUIS COUNTY, MISSOURI RECORDS.

WHEREAS, The City of Maplewood is requesting a minor subdivision of Greenwood Subdivision, City of Maplewood, Missouri; and

WHEREAS, The City of Maplewood Board of Adjustment approved variances to reduce the minimum lot width, area and front yard setback for the existing houses at 3610 and 3612 Manhattan Avenue at their October 26, 2016 meeting; and

WHEREAS, the City of Maplewood Director of Public Works determined that the subdivision meets all of the requirements for a minor subdivision; and

WHEREAS, the Plan & Zoning Commission recommended approval of this proposed minor subdivision at their December 5, 2016 meeting.

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

Section I. A minor subdivision of Greenwood Subdivision, City of Maplewood, Missouri as shown on the attached minor subdivision plat is hereby approved.

Section II. The Chairman of the Plan & Zoning Commission, the City Clerk and the Mayor of the City of Maplewood are hereby authorized to sign the attached minor subdivision final plat.

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

Passed this day of , 2017

James White, Mayor

Attest:

Karen Scheidt, Deputy City Clerk

Approved this day of , 2017

James White, Mayor

Attest:

Karen Scheidt, Deputy City Clerk

INTEROFFICE MEMORANDUM



To: Plan & Zoning Commission
From: Anthony J. Traxler, Assistant City Manager
Date: December 1, 2016
Subject: **Petition #2016-33: Review and recommendation of a request for a Conditional Use Permit to Allow a Six Unit Apartment Complex in the SR Single Family Residential District at 7263 Zephyr Place**

BACKGROUND

The subject property, 7263 Zephyr Place, is zoned "SR" Single Family Residential District. The site is fully developed supporting a three-story brick building with six apartments and an on-street parking lot to the rear of the building. The site was built in 1925 as a six unit apartment. The units were vacant for more than six (6) months (at least 6 years) and therefore, because of the SR zoning of the property, the building must revert back to single family. The petitioner, Sid Chakraverty of Alps Acquisition LLC, is going to purchase the structure and rehab the site. The petitioner would like to reestablish the six apartment units. The proposed use (six 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, Sid Chakraverty of Alps Acquisition LLC, is requesting a Conditional Use Permit to allow a six unit structure in the SR Single Family Residential District at 7263 Zephyr Place.

PLAN & ZONING ISSUES

1. **Impact on Adjacent Properties:** This property was constructed in 1925 as a six unit apartment complex and has historically been utilized as such so the impact on adjacent properties should be minimal as this is an existing structure that historically supported six apartment units. The site in question has been vacant for at least 6 years, a reoccupation of the site in question could be beneficial to the neighborhood. The petitioner is planning on a significant rehabilitation of the structure. The site is located adjacent to a single family home.
2. **Parking:** The site contains adequate off-street parking to the rear of the site. 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 to reestablish the historical use of the structure could be compatible with adjacent and surrounding uses.
2. The structure was constructed as a six unit apartment complex, is in good shape and the petitioner is proposing significant improvements.
3. The site has historically supported a six unit apartment complex without complaints from adjacent or surrounding properties.
4. Off-street parking is available to support the six unit structure.

City of Maplewood, Missouri
Application for Conditional Use Permit



Applicant Information:

Name: ALPS ACQUISITION, LLC

Contact Address/Phone: 314.304.3747

Proposed Business Information:

Proposed Business Name: _____

Address of Proposed Maplewood Location: 7263 Zephyr

Address of Existing Location (if Applicable): Yes

Description of Business Activity: rebuild apartment units for rental - 6 existing units, property has been vacant for more than 6 years

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

I, _____, 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 _____ day of _____, 20____

Property Information:

Property Owner Name: Alps acquisition, llc

Property Owner Address/Phone: 1204 dunston dr. 63146

Intended Use of Property: apartment building

I, Mark Williams/Doc, 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? []
Public Hearing Notice Fee of \$330.00 received? []

Received this _____ day of _____, 20____

Maplewood Zoning Administrator



7263 Zephyr Place

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)

PUBLIC HEARING NOTICE

Maplewood City Council will hold a public hearing on 12/27/16 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 Sid Chakraverty for a conditional use permit to allow an apartment complex (existing six-unit building) in the SR zoning district at 7263 Zephyr Place.

BILL NO.

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, GRANTING A CONDITIONAL USE PERMIT TO ALLOW A SIX FAMILY APARTMENT IN THE SR SINGLE FAMILY RESIDENTIAL DISTRICT AT 7263 ZEPHYR PLACE

WHEREAS, Sid Chakraverty of Alps Acquisition, LLC 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 six family apartment in the SR Single Family Residential District at 7263 Zephyr Place; and

WHEREAS, the Plan and Zoning Commission recommended approval of this proposed Conditional Use Permit at their December 5, 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 December 27, 2016 Council meeting.

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

Section I. Sid Chakraverty of Alps Acquisition, LLC is hereby granted a Conditional Use Permit to allow an existing six family apartment in the SR Single Family Residential District at 7703 Jerome Avenue to be reestablished after it had been vacant for more than six months.

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 six 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 six 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 six 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 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

INTEROFFICE MEMORANDUM



To: Mayor and City Council
From: Anthony Traxler, Assistant City Manager/Director of Public Works
Date: December 1, 2016
Subject: Amendment to Chapter 10 – Animals and Fowl, Section 10-2 – Raising Certain Animals Prohibited

Staff recently received a request to have a horse within the city limits. After a review of our ordinances, it was determined that the language for animals prohibited within the city limits needs to be strengthened. The attached ordinance would make the following changes:

Sec. 10-2. - Raising certain animals prohibited.

No person shall raise or keep in the city any **livestock such as horses**, cattle, pigs, sheep, goats **or any other useful animals traditionally kept or raised on a farm or ranch, including miniature versions of the aforementioned animals. No person shall raise in the city any** pigeons, poultry (except as allowed in section 10-3), rabbits or other rodents, unless such animals are raised or kept within biological laboratories, hospitals **or** pet shops ~~poultry dressing establishments, slaughterhouses, stockyards or zoological gardens.~~

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 CHAPTER 10 – ANIMALS AND FOWL, SECTION 10-2. – RAISING CERTAIN ANIMALS PROHIBITED

WHEREAS, additional clarification to the types of animals prohibited from being raised within the city limits is desirable;

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

Section I. Section 10.2 -Raising Certain Animals Prohibited is hereby amended by deleting the existing text and inserting the following text in its stead:

No person shall raise or keep in the city any livestock such as horses, cattle, pigs, sheep, goats or any other useful animals traditionally kept or raised on a farm or ranch, including miniature versions of the aforementioned animals. No person shall raise in the city any pigeons, poultry (except as allowed in section 10-3), rabbits or other rodents unless raised or kept within biological laboratories, hospitals or pet shops.

Section II. 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, Deputy City Clerk

Approved this th day of , 2016

James White, Mayor

Attest: _____
Karen Scheidt, Deputy City Clerk

BILL NO. 6041

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, GRANTING A CONDITIONAL USE PERMIT TO TONG W. MOON OF KIMCHEESE TO OPERATE A RESTAURANT FACILITY AT 7405 MANCHESTER ROAD

WHEREAS, Tong W. Moon of Kimcheese has 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 at 7405 Manchester Road; and

WHEREAS, the Plan and Zoning Commission recommended approval of this proposed Conditional Use Permit at their November 7, 2016 meeting by a vote of 6 ayes, 0 nays; and

WHEREAS, the City Council held a public hearing on this conditional use permit at their December 13, 2016 Council meeting.

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

Section I. Tong W. Moon of Kimcheese is hereby granted a Conditional Use Permit to operate a restaurant facility at 7405 Manchester Road.

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 CB Community Business District.
 - 2) A 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.

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 restaurant facility at 7405 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.

BILL NO. 6042

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, AMENDING ORDINANCE 5573, AS AMENDED, CHAPTER 56, ZONING, SECTION 56-211, (7) CONDITIONAL USES OF THE CB1 COMMUNITY BUSINESS ONE DISTRICT TO MODIFY THE RETAIL SALES REQUIREMENTS FOR DAY SPAS IN THE DISTRICT

WHEREAS, the Plan and Zoning Commission recommended approval by a vote of 6 ayes, 0 nays of the amendment to the CB1 District at their November 7, 2016 meeting; and

WHEREAS, the City Council held a public hearing on December 13, 2016 regarding the proposed amendment to the CB1 District.

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

Section I. Section 56-211 (7), CB1 Community Business One District conditional uses is hereby amended by deleting the existing text and inserting the following text in its stead:

- (7) Day spas: to include hair salons, facials, manicure and pedicure services and massage services from which 30 percent of gross revenue is derived from retail sales generating sales tax and must be open a minimum of five nights per week until 8:00 p.m. No day spa can be located closer than 800 feet to another day spa.

Section II. 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

BILL NO. 6043

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, GRANTING A CONDITIONAL USE PERMIT TO ALFRED SCHWARTZ OF LOFT STUDIOS SALON AND SPA TO OPERATE A DAY SPA AND SALON AT 7354 MANCHESTER AVENUE

WHEREAS, Alfred Schwartz of Loft Studios Salon and Spa has 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 day spa and salon at 7354 Manchester Avenue; and

WHEREAS, the Plan and Zoning Commission recommended approval of this proposed Conditional Use Permit at their November 7, 2016 meeting by a vote of 6 ayes, 0 nays; and

WHEREAS, the City Council held a public hearing on this Conditional Use Permit petition at their December 13, 2016 Council meeting.

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

Section I. Alfred Schwartz of Loft Studios Salon and Spa is hereby granted a Conditional Use Permit to operate a day spa and salon at 7354 Manchester Avenue with the following stipulations:

1. Services must include a hair salon, facial services, manicure and pedicure services and massage services.
2. Day spa must be open a minimum of five days a week.
3. Thirty percent of gross sales must be retail and generate sales tax.

Section II. This Conditional Use Permit is granted subject to all rules and regulations and to conditions set forth by 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 CB1 Zoning Business District.
 - (2) A day spa and salon.
- (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, 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 day spa facility at 7354 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.

BILL NO. 6044

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, AMENDING PLANNED UNIT DEVELOPMENT ORDINANCE NO. 5724 TO MODIFY THE STRUCTURE SETBACKS FOR LOT 1 OF THE PLANNED UNIT DEVELOPMENT AND CREATE A NEW LOT 6

WHEREAS, Planned Unit Development Ordinance No. 5724 was approved by the Maplewood City Council on January 28, 2014; and

WHEREAS, the footprint for the proposed structure on lot 1 has changed due to a buyer's request; and

WHEREAS, lot 5 will be split into a revised lot 5 and newly created lot 6; and

WHEREAS, the Plan and Zoning Commission recommended approval of the amendment at their November 7, 2016 meeting by a vote of 6 ayes, 0 nays; and

WHEREAS, the City Council held a public hearing on the amendment at their December 13, 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. 5724, is hereby amended by amending Section II. Uses, by adding the following text.

F. Lot 6 – The following uses are permitted for the property.

1. Detached single family dwellings.
2. Art studio/gallery for no more than four (4) people in the existing structure to the north of lot 6. Evidence of employee (gallery users) count shall be furnished to the City Clerk annually as part of the studio's business license renewal process.
3. Home occupations as provided in article III., division 3 of the zoning ordinance.
4. Accessory uses as provided in article III., division 4 of the zoning ordinance.

Section II. Planned Unit Development Ordinance No. 5724, is hereby amended by deleting the text in Section III. Use Regulations, Conditions and Standards: B. Building Setbacks, 4. and replacing it with the following text in its stead.

4. Side and rear setbacks for newly created structures (lot 1, 2 and 3) shall be as per the preliminary plan prepared by Frontenac Engineering dated 10/22/13, revised to (___/___/___) and identified as Exhibit A.

Section III. Planned Unit Development Ordinance No. 5724, is hereby amended by deleting the following text in Section II. Uses, E. Lot 5.

3. Art studio/gallery for no more than four (4) people in the existing structure to the north of lot 6. Evidence of employee (gallery users) count shall be furnished to the City Clerk annually as part of the studio's business license renewal process.

Section III. 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

Passed this day of , 2016

James White, Mayor

Attest:

Karen Scheidt, Deputy City Clerk

BILL NO. 6045

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, GRANTING A CONDITIONAL USE PERMIT TO MICHELE JAINAKOPLOS TO ALLOW SHORT TERM RENTALS AT 7113 SOUTH STREET.

WHEREAS, Michele Jainakoplos 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 at 7113 South Street subject to City of Maplewood ordinances #5784 and #5785; and

WHEREAS, the Plan and Zoning Commission recommended approval of this proposed Conditional Use Permit at their November 7, 2016, 2016 meeting by a vote of 6 ayes, 0 nays; and

WHEREAS, the City Council held a public hearing on this conditional use permit at their December 13, 2016 Council meeting.

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

Section I. Michele Jainakoplos is hereby granted a Conditional Use Permit to allow short term rentals at 7113 South Street.

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 Section II. E. for Lot 5 (7113 South Street) of Planned Unit Development District Ordinance #5724.
- 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, 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 to allow a short term rental at 7113 South Street:

- a. The proposed use complies with all applicable provisions of the Zoning/City 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.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, APPROPRIATING/TRANSFERRING EIGHTEEN THOUSAND DOLLARS (\$18,000) FROM THE UNAPPROPRIATED FUND BALANCE OF THE GENERAL FUND TO THE FOLLOWING SEWER LATERAL FUND ACCOUNTS: 2900-00-50330 REPAIRS/MAINTENANCE AND 2900-00-60460 REPAIRS/MAINTENANCE.

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

Section I. Eighteen thousand dollars (\$18,000) is hereby appropriated/transferred from the unappropriated fund balance of the General Fund to the following Sewer Lateral Fund accounts: 2900-00-50330 Repair/Maintenance and 2900-00-60460 Repairs/Maintenance.

Section II. The City Manager hereby certifies that eighteen thousand dollars (\$18,000) is hereby available for appropriation in the unappropriated General Fund balance.

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

Passed this 13th day of December, 2016

James White, Mayor

Attest:

Karen R. Scheidt, Deputy City Clerk

Approved this 13th day of December, 2016

James White, Mayor

Attest:

Karen R. Scheidt, Deputy City Clerk