

AGENDA
MAPLEWOOD CITY COUNCIL MEETING
TUESDAY, MAY 10, 2022 @ 7:30 P.M.
CITY COUNCIL CHAMBERS
(7601 MANCHESTER ROAD)
OR
VIA TELECONFERENCE
(WWW.CITYOFMAPLEWOOD FOR DETAILS)

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 allow short term rentals at 2519 Valley Ave.
7. Public hearing to hear citizen's comments on a request for a liquor license and a conditional use permit to operate a restaurant at 2500 Sutton Blvd.
8. Public Forum
9. Announcements
10. Approval of the April 26, 2022 City Council meeting minutes
11. Motion to approve a Full and Sunday liquor license for Montgomery Gralnick of Sweet Peaz located at 2500 Sutton Blvd.
12. DEI Leadership Alignment Presentation by ConstructNET (Tomàs Leal & Belinda McFeeters)
13. Juneteenth Community Festival Update by Sheila Suderwalla
14. Creation of a 501(c)3 Foundation Update by Josh Kryah

15. A Resolution of the City Council of the City of Maplewood, Missouri authorizing the City Manager to accept the bid of NB West in the amount of one million seven hundred seventeen thousand six hundred ninety-three dollars (\$1,717,693) for improvements to Manchester Road from Big Bend Boulevard to the St. Louis City limits and to sign a contract not to exceed one million eight hundred eighty-nine thousand four hundred sixty-two dollars (\$1,889,462) which includes a ten percent (10%) contingency
16. An Ordinance authorizing the Mayor of the City of Maplewood, Missouri, to execute the Municipal Housing and Community Development Cooperation Agreement of 2021-2023 and Supplemental Agreements thereto with St. Louis County with regard to the Housing and Community Development Act of 1974, as amended
17. An Ordinance of the City Council of the City of Maplewood, Missouri, granting a conditional use permit to Brian Edwards to allow short term vacation rentals at 2519 Valley Avenue
18. An Ordinance of the City Council of the City of Maplewood, Missouri, granting a conditional use permit to allow a café in the SR Single Family Residential District at 2500 Sutton Boulevard
19. Old Business – Ordinance Review Committees
20. Council Communication
21. Mayor’s Report
22. City Attorney’s Report
23. City Manager’s Report
24. Public Forum
25. Motion to hold a Closed Session to discuss matters relating to litigation, legal actions and/or communication from the City Attorney as provided for in Section 610.021(1)RSMO. and/or specifications for competitive bidding under Section 610.021(11) and/or sealed bids and related documents and sealed proposals and related documents under Section 610.021(11) and/or personnel matters under Section 610.021(13)RSMO. and/or employee matters under Section 610.021(3)RSMO. and/or real estate matters under Section 610.021(2)RSMO. and/or documents related to a negotiated contract under Section 610.021(12)RSMO
26. Adjournment



▼

Maplewood City Council will hold a public hearing on **5/10/22 at 7:30 p.m.** in the Council Chambers, 7601 Manchester, Maplewood, MO 63143 to hear citizen's comments on a request for a conditional use permit to allow short term rentals at **2519 Valley Ave.**

As appearing in the Monday, April 25, 2022 edition of the St. Louis Post Dispatch.



▼
Maplewood City Council will hold a public hearing on **5/10/22 at 7:30 p.m.** in the Council Chambers, 7601 Manchester, Maplewood, MO 63143 to hear citizen's comments on a request for a liquor license and a conditional use permit to operate a restaurant at **2500 Sutton Blvd.**

As appearing in the Monday, April 25, 2022 edition of the St. Louis Post Dispatch.

April 26, 2022

The April 26, 2022 City Council meeting was called to order at 7:30 p.m., Mayor Knapper presiding.

ON ROLL CALL, the following members were present: Mayor Knapper, Councilmember Crosley, Councilmember Page, Councilmember Phillips, Councilmember Schmidt and Councilmember Wood.

MOTION TO EXCUSE COUNCILPERSON: Councilmember Schmidt motioned to excuse Councilmember Faulkingham, seconded by Councilmember Page, which motion received the approval of the Council.

APPROVAL OF THE APRIL 12, 2022 CITY COUNCIL MEETING MINUTES AND CLOSED SESSION MINUTES: Councilmember Schmidt motioned to approve, seconded by Councilmember Wood, which motion received the approval of the Council.

R22-28, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, DECLARING THE RESULTS OF THE GENERAL ELECTION FOR COUNCILPERSONS WARDS 1, 2 AND 3 ON TUESDAY, APRIL 5, 2022 AS OFFICIAL was introduced. It was moved by Councilmember Schmidt and seconded by Councilmember Wood to approve the resolution, which motion received the following roll call vote: Ayes, Mayor Knapper, members Crosley, Page, Phillips, Schmidt and Wood. Nays, none.

R22-29, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, THANKING JENNY SCHMIDT FOR HER 4 PLUS YEARS OF SERVICE AS COUNCILMEMBER OF WARD 3 WITH THE CITY OF MAPLEWOOD was introduced. It was moved by Councilmember Schmidt and seconded by Councilmember Wood to approve the resolution, which motion received the following roll call vote: Ayes, Mayor Knapper, members Crosley, Page, Phillips, Schmidt and Wood. Nays, none.

R22-30, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, THANKING KAREN WOOD FOR HER 19 YEARS OF SERVICE AS COUNCILMEMBER OF WARD 1 WITH THE CITY OF MAPLEWOOD was introduced. It was moved by Councilmember Schmidt and seconded by Councilmember Crosley to approve the resolution, which motion received the following roll call vote: Ayes, Mayor Knapper, members Crosley, Page, Phillips, Schmidt and Wood. Nays, none.

MOTION TO RECESS: Councilmember Schmidt motioned to recess, seconded by Councilmember Crosley, which motion received the approval of the Council.

SWEARING IN FOR NEWLY ELECTED OFFICIALS: Honorable Brandi Miller performed the Oath of Office for Shana Jones, Eric Page and Nicholas Homa.

BREAK FOR SHORT RECEPTION: The Council adjourned for a short reception.

RECONVENE COUNCIL MEETING: The Council reconvened.

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

PUBLIC FORUM: No one spoke.

ANNOUNCEMENTS: Councilmember Phillips made the following announcements:

- The Maplewood Market at Schlafly Bottleworks is this Sunday from 11:00 a.m. to 3:00 p.m.
- The SOL Farmers Market season opens Wednesday, May 4. Market hours are from 3:30 p.m. to 6:30 p.m. in the Living Room parking lot.
- Casa Maya is hosting a Cinco de Mayo event on May 5 from noon to 9:00 p.m.
- Stringfest is May 6 from 6:00 p.m. to 9:00 p.m. Participating businesses and a list of performers can be found at www.cityofmaplewood.com/fun.

ELECTION OF DEPUTY MAYOR: Mayor Knapper opened the nominations and nominated Councilmember Faulkingham for Deputy Mayor. No other nominations were heard. Mayor Knapper closed the nominations for Deputy Mayor on a motion by Councilmember Crosley, seconded by Councilmember Phillips and was approved by the Council. The motion to approve Councilmember Faulkingham as Deputy Mayor was approved by the Council.

R22-31, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, APPOINTING ROBERT LUDWIG AND RICHARD KALLAUS AS PROPERTY OWNER REPRESENTATIVES TO THE SUNNEN STATION COMMUNITY IMPROVEMENT DISTRICT AND ESTABLISHING THEIR TERMS OF OFFICE AS EXPIRING SEPTEMBER 26, 2024; AND APPOINTING ALEXIS MILLER AS CITY REPRESENTATIVE TO THE SUNNEN STATION COMMUNITY IMPROVEMENT DISTRICT TO A TERM EXPIRING SEPTEMBER 26, 2024 was introduced. It was moved by Councilmember Crosley and seconded by Councilmember Phillips to approve the resolution, which motion received the following roll call vote: Ayes, Mayor Knapper, members Crosley, Homa, Jones, Page and Phillips. Nays, none.

R22-32, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, AUTHORIZING THE CITY MANAGER TO PURCHASE TWO (2) 800 MHZ APX8000XE MOTOROLA HANDHELD PORTABLE RADIOS, FROM MOTOROLA SOLUTIONS BY MEANS OF THE SAINT LOUIS COUNTY CONTRACT BID IN THE AMOUNT OF THIRTEEN THOUSAND SEVEN HUNDRED FIFTY-THREE DOLLARS AND 92 CENTS (\$13,753.92) was introduced. It was moved by Councilmember Crosley and seconded by Councilmember Phillips to approve the resolution, which motion received the following roll call vote: Ayes, Mayor Knapper, members Crosley, Homa, Jones, Page and Phillips. Nays, none.

OLD BUSINESS-ORDINANCE REVIEW COMMITTEES: Committee updates were given by Councilmember Crosley and Councilmember Phillips.

COUNCIL COMMUNICATION: Councilmember Crosley welcomed Councilmember Homa and Councilmember Jones.

MAYOR'S REPORT: Mayor Knapper congratulated the incoming councilmembers and stated she looks forward to working with everyone on the council as a team. She also recognized that the community development director for US Representative Cory Bush attended tonight's swearing-in ceremony.

Mayor Knapper provided a summary of topics discussed at the Maplewood Housing Symposium that was held on April 23, 2022 including creating affordable workforce housing and senior housing in our community.

CITY ATTORNEY'S REPORT: No report.

CITY MANAGER'S REPORT: City Manager Reese announced the city will once again hold a Citizens Academy this year. The 6-session Academy will be held on Monday evenings beginning October 3 through November 14 from 6:00 p.m.-8:00 p.m. No class will be held on Halloween. This will be advertised through the city's newsletter, email blasts, website and social media.

PUBLIC FORUM: None.

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.

April 13

750.00

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

SECTION 1

DATE: 4/8/22

1. NAME OF ESTABLISHMENT: SweetPeaz

2. ADDRESS OF ESTABLISHMENT: 2500 Sutton BLVD

Maplewood (CITY) MO (STATE) 63143 (ZIP) _____ (PHONE)

3. Is ownership a corporation or partnership? If so, list names and addresses of individuals and their title(s):
Montgomery Gwalneck 10951 Amhurst Ave
Cara Schloss 6951 Amhurst Ave

4. NAME OF OWNER OR MANAGING OFFICER: Montgomery Gwalneck

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

<u>Indicate Type of License Applied For:</u>	<u>Fee</u>
A. <u>STORAGE OF NON-INTOXICATING BEER</u> ____ For beer depot or store room, handling, selling or storing non-intoxicating beer.	\$75.00
B. <input checked="" type="checkbox"/> <u>FULL LIQUOR LICENSE</u> ____ To sell intoxicating liquor in excess of 5% by weight, by the drink at retail for consumption on the premises where sold.	\$450.00
C. <u>PACKAGED INTOXICATING LIQUOR</u> ____ To sell intoxicating liquor in the original package at retail only, and not for consumption on the premises where sold.	\$150.00
D. <u>SUNDAY PACKAGE LIQUOR LICENSE</u> ____ To sell intoxicating liquor in the original package at retail only, and not by the drink, not for consumption on the premises (which shall include the right to sell non-intoxicating beer at retail in the original package) on Sundays between the hours of 9:00 a.m. and 12:00 midnight.	\$300.00
E. <u>MALT LIQUOR BY THE DRINK - 5% OR WINES NOT IN EXCESS OF 14% ALCOHOL BY WEIGHT</u> ____ To sell malt liquor containing alcohol over 3.2% but not more than 5% by weight at retail by the drink for consumption on the premises, where sold (includes light wines.	\$ 52.50

- F. PACKAGED MALT LIQUOR OR LIGHT WINES (5% MALT LIQUOR)
 _____ To sell malt liquor containing over 3.2% but not more than 5% by weight in the original package at retail only, and not for consumption on the premises, where sold. \$ 22.50
- G. ✓ SUNDAY LIQUOR BY THE DRINK
 _____ To sell intoxicating liquor in excess of 5% percent by weight by the drink at retail for consumption on the premises (which shall include the right to sell non-intoxicating beer at retail by the drink for consumption on the premises) on Sundays between the hours of 9:00 a.m. and 12:00 midnight provided all requirements of state law are complied with. \$300.00
- H. MANUFACTURER SOLICITOR'S LICENSE
 _____ To sell intoxicating liquor containing not in excess of twenty-two percent (22%) of alcohol by weight and the privilege of selling to duly licensed wholesalers and soliciting orders for sale of intoxicating liquor containing not in excess of twenty-two percent of alcohol by weight, to, by or through a duly licensed wholesaler on the premises where sold. \$250.00
- I. ORIGINAL PACKAGE TASTING
 _____ To conduct wine, malt beverage and distilled spirit tasting on the licensed premises upon receipt of a special permit. \$ 25.00

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

Montgomery Grahuek
 Printed Name of Applicant

[Signature]
 Signature

4/8/2022
 Date

Technical and Capacity Building for Social and Racial Equity for the City of Maplewood

Overview of the constructNET Consultation

The City of Maplewood contracted with constructNET International to provide consultation to address racial and social equity for the City. The consultation plan has four phases. They are

Phase I: Leadership Alignment for City Leaders

Phase II: Equity Audit for the City

Phase III: Assisting the City Council and Leaders with Writing a Racial Equity Policy

Phase IV: Development of a Five-Year Racial Equity Plan

About Phase I: Leadership Alignment for City Leaders

Seven City leaders participated in three professional development sessions addressing inclusive leadership through a diversity, equity, and inclusion mindset. Each 90-minute session addressed topics and applications to further inclusive diversity thinking and leadership practices.

Topics included inclusive leadership, unconscious biases, and developing skills to address inclusion and equity in the workplace.

About Phase II: Equity Audit for the City

The audit is designed to provide information through surveys and interviews about the climate of the city and how it is experienced by various stakeholders, citizens, and employees, both positively and negatively. Members of the City Council (N=7) will be interviewed for this process. The findings will be used to inform the Racial Equity Policy and the development of a five-year Racial Equity Plan.

About Phase III: Assisting City Council and Leaders with Writing a Racial Equity Policy

The consultants will consult with the City Administrative Leaders to draft the racial equity policy and will have it reviewed by the City Council for approval. The City's Resolution from 2021 to address racial inequities in the City will also be reviewed in this process.

About Phase IV: Development of a Five-Year Racial Equity Plan

The Five-year Racial Equity Plan will be informed by findings from the Equity Audit and samples of plans from other municipalities across the country. The consultants will partner with City Leaders and other designated staff to draft a plan. Interviews with Council members during the equity audit will also inform the plan. The City Council will give final approval to the plan.

Human Services Commission
501(c)(3) Foundation Draft

Name

Maplewood Community Growth Fund

Mission

- A final mission statement of the Foundation will ultimately be determined by the Board in consultation with the HSC. The HSC recommends the following draft:
 - The Maplewood Community Growth Fund serves to enhance the health and well-being of all Maplewood residents, providing assistance and resources to those in need. This fund works to enhance the quality of life for all residents and the vitality of the overall community.

Board

- The Board will be made up of 5 members of whom:
 - each will live and/or work and/or own a business in Maplewood;
 - [the HSC recommends the inclusion of members who may not live in Maplewood but who **work** in Maplewood]
 - [the HSC recommends including **both** large and small business members for the Board; e.g. a member from Sunnen and a member from Artists First]
 - 1 will be a member from the HSC;
 - [chosen/elected by the HSC]
 - and all will be prepared to make decisions based on the integrity and quality of basic human rights.

Priorities

- The Board, in making approval of applications/requests, will be guided by the priorities laid out in Bill No. 6171, Ordinance No. 5966 creating the Human Services Commission:
 - "...City Council recognizes that affordable housing, utilities, food, education, healthcare, transportation, public safety, and high-speed internet are intertwined as basic human needs for all Maplewood residents, whether renters, homeowners, or the unhoused, and that the city aspires to ensure these needs are met for all of its residents..."

Roles

- City: The City will assist in establishing and supporting the foundation by:
 - submitting documentation for the 501(c)(3);
 - budgeting and paying for the application fee (\$650);
 - and performing basic annual reporting.
- HSC: The role of the Commission will be:
 - to intake applications/requests from residents with specific needs;
 - evaluate and then forward applications/requests with recommendations to the Board.
- Board: The Board will be involved in:
 - establishing Foundation rules (e.g. determining how often the Board will meet, how much and how often funds may be awarded to applicants/requests, etc.);

- fundraising, gathering donations, and applying for grants;
 - creating an application/request process in consultation with the HSC;
 - distributing funds to approved applications/requests;
 - and working with the City by providing the necessary documentation for annual reporting.
- Council: The City Council will:
 - create and pass an ordinance establishing the Foundation;
 - select 4 Board members to serve on the Foundation.

INTEROFFICE MEMORANDUM



To: Mayor and City Council
From: Anthony Traxler, Assistant City Manager/Director of Public Works
Date: May 5, 2022
Subject: Manchester Phase 4 Construction Bids

A request for bids was placed in the St. Louis Business Journal for Manchester Phase 4 on April 8, 2022. This is a federally funded roadway enhancement project that will include resurfacing of Manchester Road from Big Bend Blvd. to the St. Louis City Limits and pedestrian crossing and ADA sidewalk intersection improvements. Because municipalities and other governmental agencies across the county have had trouble getting bids for capital projects, City staff and our engineering contractor contacted eight contractors to solicit interest in this project once it was bid. Bids were publicly opened on April 29, 2022 and the following bids were received:

	<u>Bid Price</u>
1) NB West	\$1,717,693
2) Pavement Solutions	\$2,768,761

Given the current bidding environment for capital projects, the bid received from NB West is excellent - especially when the alternative was more than a million dollars higher. Staff has successfully worked with NB West on other capital projects, most recently the Manchester Phase 3 resurfacing project from Big Bend Blvd to Hanley Road in 2016. Therefore, staff recommends the low bid of NB West.

Please see the attached resolution requesting City Council approval of NB West for Manchester Phase 4 improvements. If you have any questions, comments or concerns regarding this matter, feel free to contact me at 646-3635.

RESOLUTION

R22-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI AUTHORIZING THE CITY MANAGER TO ACCEPT THE BID OF NB WEST IN THE AMOUNT OF ONE MILLION SEVEN HUNDRED SEVENTEEN THOUSAND SIX HUNDRED NINETY-THREE DOLLARS (\$1,717,693) FOR IMPROVEMENTS TO MANCHESTER ROAD FROM BIG BEND BOULEVARD TO THE ST. LOUIS CITY LIMITS AND TO SIGN A CONTRACT NOT TO EXCEED ONE MILLION EIGHT HUNDRED EIGHTY-NINE THOUSAND FOUR HUNDRED SIXTY-TWO DOLLARS (\$1,889,462) WHICH INCLUDES A TEN PERCENT (10%) CONTINGENCY

WHEREAS, bids were duly advertised and publicly opened on April 8, 2022 at Maplewood City Hall; and

WHEREAS, two (2) bids were received, both of which were responsive; and

WHEREAS, bids ranged from a high of \$2,768,761 to a low of \$1,717,693; and

WHEREAS, NB West submitted the low bid in the amount of \$1,717,693.

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

The City Manager is hereby authorized to accept the bid of NB West in the amount of one million seven hundred seventeen thousand six hundred ninety-three dollars (\$1,717,693) for improvements to Manchester Road from Big Bend Boulevard to the St. Louis City Limits and to sign a contract not to exceed one million eight hundred eighty-nine thousand four hundred sixty-two dollars (\$1,889,462) which includes a ten percent (10%) contingency.

Passed this 10th day of May 2022.

Nikylan Knapper, Mayor

Attest:

Karen Scheidt, Deputy City Clerk

Approved this 10th day of May 2022.

Nikylan Knapper, Mayor

Attest:

Karen Scheidt, Deputy City Clerk

INTEROFFICE MEMORANDUM

TO: Mayor & City Council

FROM: Anthony Traxler, Assistant City Manager

DATE: May 3, 2022

RE: Municipal Housing and Community Development Cooperation Agreement Ordinance

Attached is an ordinance authorizing the Mayor to execute the Municipal Housing and Community Development Cooperation Agreement of 2021-2023 and supplemental agreements thereto with St. Louis County with regards to the Housing and Community Development Act of 1974, as amended. This ordinance must be approved every three years for municipalities receiving block grant funds.

Please see the attached ordinance requesting City Council approval for the Municipal Housing and Community Development Cooperation Agreement. If you have any questions or comments on this matter, feel free to contact me at 314-646-3635.

BILL NO.

ORDINANCE NO.

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF MAPLEWOOD, MISSOURI, TO EXECUTE THE MUNICIPAL HOUSING AND COMMUNITY DEVELOPMENT COOPERATION AGREEMENT OF 2021-2023 AND SUPPLEMENTAL AGREEMENTS THERETO WITH ST. LOUIS COUNTY WITH REGARD TO THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974, AS AMENDED.

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

Section I. The Mayor of the City of Maplewood, Missouri, is hereby authorized to execute for and on behalf of the City of Maplewood, the Municipal Housing and Community Development Cooperation Agreement of 2021-2023 and Supplemental Agreements thereto as may be required by law with regard to the Housing and Community Development Act of 1974 as amended.

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

Passed this 24th day of May, 2022.

Nikyln Knapper, Mayor

Attest:

Karen Scheidt, Deputy City Clerk

Approved this 24th day of May, 2022.

Nikyln Knapper, Mayor

Attest:

Karen Scheidt, Deputy City Clerk

**MUNICIPAL HOUSING AND COMMUNITY DEVELOPMENT
COOPERATION AGREEMENT
FOR FISCAL YEARS 2021-2023**

THIS MUNICIPAL HOUSING AND COMMUNITY DEVELOPMENT COOPERATION AGREEMENT (hereinafter referred to as the “Agreement”), made and entered into this ____ day of _____, _____, by and between **ST. LOUIS COUNTY, MISSOURI**, (herein referred to as “County”), and the City of Maplewood, Missouri, (herein referred to as “Municipality”).

WITNESSETH:

WHEREAS, the United States Congress enacted the Housing and Community Development Act of 1974, as amended, (herein referred to as the “Act”) providing federal funds to units of local government for the purposes of developing urban communities and improving housing conditions and community services; and

WHEREAS, the Act recognizes that Municipality may enter into cooperation agreements with County in order to undertake community development activities with Municipality as authorized by Section 105 of the Act: and

WHEREAS, County and Municipality have enacted ordinances authorizing their chief executive officer to execute the Agreement and Supplemental Cooperation Agreements, and

WHEREAS, the provisions of Section 70.210 to Section 70.320 R.S.Mo. inclusive empower municipalities or political subdivisions to contract with each other for a common service and Section 2.180 of the 1979 County Charter provides that the

County Council may by ordinance authorize contracts between County and an incorporated area for a common service; and

WHEREAS, County and Municipality desire to undertake a cooperative community development program in accordance with the Act;

NOW, THEREFORE, County and Municipality mutually agree as follows:

1. County and Municipality hereby agree to cooperate to undertake, or assist in undertaking, community renewal, lower income housing assistance and emergency shelter activities, specifically urban renewal, publicly assisted housing and emergency shelters. Such activities are to be carried out by Municipality in accordance with County's Community Development Plan and Comprehensive Housing Affordability Strategy as submitted in County's Consolidated Plan provided to the U.S. Department of Housing and Urban Development (hereinafter referred to as "HUD"). Moreover, Municipality may undertake lower income housing activities authorized pursuant to the National Affordable Housing Act of 1990 (hereinafter referred to as "NAHA") and activities relating to emergency shelters in accordance with County's Consolidated Plan.

These community development, housing and emergency shelter activities will be carried out with funds received by County from annual Community Development Block Grants (hereinafter "CDBG") made pursuant to the Act, annual HOME allocations made pursuant to NAHA, from Emergency Solutions Grants Program funds, and from any program income generated from the expenditure of such funds.

Such funds shall be made available to Municipality for the purpose of undertaking community development activities, this AGREEMENT covering the

CDBG Entitlement Program, the HOME allocations made pursuant to NAHA, and the Emergency Solutions Grants program. Community development activities will be undertaken in accordance with the terms and conditions of the Agreement and Supplemental Cooperation Agreements. HOME funds will be made available through a public solicitation process to nonprofit and for profit development entities who desire to undertake activities as specified in the County's HOME Program Description. County has final responsibility for selecting eligible projects and filing annual Statements and Program Descriptions under the CDBG HOME, and Emergency Solutions Grants programs respectively.

2. Municipality, by the execution of the Agreement, agrees to have its demographic data as defined in Section 106 of the Act, included in the formula allocation of funds to the County. County agrees to include Municipality as a part of its Consolidated Plan to be submitted to HUD under the terms and conditions of the Act.

3. Funds allocated by HUD to County by reason of Municipality's execution of the Agreement shall be deposited with the County Treasurer in accordance with HUD Regulations and may be made available to Municipality for community development programs mutually agreed to by County and Municipality and covered by Supplemental Cooperation Agreements.

4. Municipality agrees to comply with any and all applicable provisions of the Act and any and all applicable regulations including Subpart K of 24 CFR 570 and guidelines pertaining heretofore or hereafter promulgated by HUD.

5. County and Municipality each agree to comply and act in conformance with, as well as, take all actions necessary to assure compliance with, County's

certification required by Section 104 (b) of Title I of the Act, Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968, Section 109 of the Housing and Community Development Act of 1974, and other applicable laws and to affirmatively further fair housing.

By entering into this Agreement, Municipality affirms that it affirmatively furthers fair housing within its own jurisdiction, and further agrees that if Municipality impedes County's actions to comply with any fair housing certification the County may achieve, that County may cease funding for activities in or in support of Municipality under this Agreement. County shall not fund Municipality if Municipality does not affirmatively further fair housing.

6. Whenever Municipality uses CDBG funds in an amount of less than \$25,000 in whole or in part to acquire or improve real property, Municipality shall inform County in a timely manner of any modification or change in use of the real property from that planned at the time of acquisition or improvements by municipality, including property disposition. If Municipality sells or transfers such property, Municipality shall reimburse County in an amount equal to the current fair market value (less any portion thereof attributable to expenditures on non-CDBG funds).

Municipality agrees that any real property under Municipality's control that was acquired or improved in whole or in part with CDBG funds in excess of \$25,000 is either:

- (i) Used to meet one of the national objectives in 570.208 until five years after expiration of the agreement, or such longer period of time as determined appropriate by the County; or
- (ii) Is disposed of in a manner which results in the County being reimbursed in the amount of the current fair market value of the

property less any portion thereof attributable to expenditures of non-CDBG funds for acquisition of, or improvement to, the property. Such reimbursement is not required after the period of time specified in accordance with (i) above.

Any program income generated from the disposition or transfer of property prior to or subsequent to the close-out or change of status, or termination of this Agreement shall be treated according to the provisions for program income applicable to CDBG's set out in the Code of Federal Regulations and the Agreement.

7. County, HUD, Comptroller General of the United States, or any other state or federal agency or their authorized representative shall be allowed the right of access to and the right to examine all books, records, documents, and other supporting documents involving any and all transactions and matters related to this contract at all times during which the provisions of the Agreement and Supplemental Cooperation Agreements are in effect and for such period of time that Municipality is required to preserve such records and documents under the provisions of the Act and all regulations adopted pursuant thereto. County and Municipality shall provide citizens with reasonable access to records regarding the past use of CDBG funds, consistent with applicable State and local laws regarding privacy and obligations of confidentiality.

8. Municipality understands and agrees that all of the said community development activities undertaken by Municipality shall only be funded by monies received by County pursuant to the formula allocation as set forth in Section 106 of the Act, or unless received by special grant as determined by County.

9. Municipality shall inform County of any and all income generated by the expenditure of CDBG funds received by Municipality, from any source whatsoever. Such program income shall be returned to County.

In addition to program income, upon the expiration of this AGREEMENT, MUNICIPALITY shall transfer to COUNTY any accounts receivable attributable to the use of CDBG funds.

County and Municipality agree that County has the responsibility for monitoring and reporting to HUD on the use of any such program income. Accordingly, Municipality shall comply with such record keeping and reporting directions as may be required of Municipality by County for the specific purpose of allowing County to monitor program income and report to HUD concerning use of program income. In the event of a closeout or change in status of Municipality, any program income not yet paid to County, or disbursed to Municipality and on hand or received by Municipality subsequent to the closeout or change in status shall be paid to County.

10. County agrees to assume responsibility for the preparation of the Consolidated Plan in order to secure funds under the Act, and the administration, monitoring, and evaluation of the community development activities stipulated in Supplemental Cooperation Agreements.

11. Municipality certifies that the Community Development Grant as implemented by the Supplemental Cooperation Agreements gives maximum feasible priority to activities which benefit low or moderate income families, aid in the prevention or elimination of slums or blight, or are an urgent community

development need, but that not less than seventy percent (70%) of funds received shall be used for activities that benefit low and moderate income persons.

12. County and Municipality agree to undertake, begin, and complete the community development activities specified in Supplemental Cooperation Agreements in accordance with the Act, the rules, regulations, including subpart K of 24 CFR 570 and guidelines promulgated by HUD both now and in the future and in accordance with the terms and conditions specified in the Agreement and all Supplemental Cooperation Agreements, thereto, to-wit:

- A. Municipality agrees to establish and maintain on a current basis an adequate accrual accounting system in accordance with generally accepted accounting principles and standards.
- B. Municipality agrees to maintain books, records, documents, and other evidence of accounting procedures and practices, records of property purchased, and personnel and financial records, sufficient to reflect properly all direct and indirect costs of whatever nature claimed to have been incurred or anticipated to be incurred during the performance of the Agreement and Supplemental Cooperation Agreements. In addition, Municipality agrees to prepare and maintain such documents and reports as may be required by County for the preparation of reports required by the Act and HUD. Municipality agrees to preserve and make available the records as follows:

- (1) All documents for any program activity for a three year period following the submission of the last expenditure report.

- (2) For such longer period of time, if any, as is required by applicable federal or state statute, by regulation promulgated by HUD, by other clauses of the Agreements and supplemental cooperation agreements, or by (a) or (b) below:
- (a) Records which related to (i) appeals under the disputes clause of this Agreement, or (ii) litigation or the settlement of claims arising out of the performance of this Agreement, or (iii) unresolved audit findings shall be retained until such appeals, litigation, claims or audit proceedings have been concluded.
 - (b) If nonexpendable property has been acquired with the contract funds, the records pertaining to the acquisition of such property shall be retained for three years after its disposition or replacement or transfer. Electronic copies of original records may be kept in lieu of the original documents providing the administering agency has first authorized the substitution of the electronic copies in writing.

C. County will maintain books, records, documents, and other evidence of accounting procedures and practice sufficient to:

- (1) Reflect properly all direct and indirect costs of whatever nature claimed to have been incurred and anticipated to be incurred for the performance of the Agreement and Supplemental Cooperation Agreements.

D. Municipality agrees to conform its record keeping done in conjunction with the activities covered by the Agreement with the requirements of the Single Audit Act of 1984 and OMB A-133.

13. Changes in specific community development activities as outlined in Supplemental Cooperation Agreements may be requested from time to time either County or Municipality and, if mutually agreed upon by and between Municipality and County, shall be incorporated in a written amendment to the Supplemental Cooperation Agreement. If such changes include the undertaking of a new activity, Municipality shall provide citizens with an opportunity to

comment on such changes, consider any comments and, if municipality deems appropriate, modify the changes.

14. Funding available through the Supplemental Cooperation Agreements may be combined with funding from other sources in order to carry out activities stipulated in the Supplemental Cooperation Agreements. An executed contract or equivalent proof of such funding must be provided to and approved by County before disbursements of funds is authorized.

15. Municipality shall not expend or commit to expend program funds in excess of those funds authorized by the Supplemental Cooperation Agreements.

16. None of the work or services covered by the Agreement and Supplemental Cooperation Agreements shall be subcontracted without the prior written approval of County. Any work or services subcontracted hereunder shall be specified by written contract or agreement and shall be subject to each provision of the Agreement and Supplemental Cooperation Agreements.

In the case of any subcontract for work with a private contractor concurred in by County, Municipality shall record and retain for three years from the date of final payment records pursuant to the St. Louis County Community Development Procedures Manual.

County and Municipality agree that County has the right and responsibility and may resolve disputes between Municipality and any contractor which contracts with Municipality for work performed pursuant to this Agreement, when County believes it is in the best interest of the Community Development Block Grant Program. Municipality and any of its contractors will be so informed of the

COUNTY's belief in writing by the Program Director of County's Office of Community Development. All contracts between MUNICIPALITY and any contractor performing work pursuant to this AGREEMENT shall contain a provision in accord with this section, but the failure of any such contracts to include such provision shall not vitiate the right of COUNTY to enforce the provision referred to in this section.

17. Municipality shall not assign any interest in the Agreement or Supplemental Cooperation Agreements and shall not transfer any interest in the same (whether by assignment or novation) without prior written consent of County thereto: provided, however, that claims for money due or to become due the Municipality from County under the Agreement and Supplemental Cooperation Agreements may be assigned to a bank, trust company, or other financial institution with written approval of the County.

Furthermore, County and Municipality may not sell, trade, or otherwise transfer all or any portion of such funds to another such metropolitan city, urban county, unit of general local government, or Indian tribe, or insular area that directly or indirectly receives CDBG funds in exchange for any other funds, credits or non-Federal considerations, but must use such funds for activities eligible under title I of the Act.

18. No member, officer, or employee of Municipality, or its designees or agents, and no other public official of the governing body of the locality in which the program is situated who exercises any functions or responsibilities with respect to the program during his tenure or for one year thereafter, shall have any interest, direct or indirect, in any contract or subcontract, or the proceeds thereof,

for work to be performed in connection with the program assisted under the Agreement and Supplemental Cooperation Agreements. Municipality shall incorporate, or cause to be incorporated, in all such contracts or subcontracts, a provision prohibiting such interest pursuant to the purposes of this section.

19. County and Municipality agree that the Agreement and all Supplemental Cooperation Agreements thereto shall remain in effect until CDBG funds and income received with respect to the three-year qualification period (and any successive qualification periods) are expended and the funded activities completed, and that COUNTY and MUNICIPALITY may not terminate or withdraw from this AGREEMENT while the AGREEMENT remains in effect.

20. Pursuant to 24 CFR 570.501(b), Municipality is subject to the same requirements applicable to subrecipients, including the requirement for a written agreement set forth in 24 CFR 570.503.

21. Municipality hereby agrees that in conducting the program funded under the Act, no part of the program will involve political activities, and Municipality further agrees that neither the program nor the funds provided under the Agreement and Supplemental Cooperation Agreements, nor the personnel employed in the administration of the program shall be in any way or to any extent engaged in the conduct of political activities in contravention of Title 5, Chapter 15 of the United States Code.

22. County and Municipality agree to comply with the provisions of the National Environmental Policy Act of 1969, Executive Order 11988 and 24 CFR Part 52 insofar as the provisions of such act apply to the activities listed in Supplemental Cooperation Agreements. County will assume responsibility for

preparing Environmental Assessments and Environmental Impact Statements as required.

23. Municipality agrees to comply with the relocation requirements of Title II and the acquisition requirements of Title III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and implementing regulations in 24 CFR 42 as they apply to the activities listed in Supplemental Cooperation Agreements.

24. Municipality agrees to comply with 24 CFR Section 570.603: Labor Standards applicable to construction work financed in whole or in part with Community Development Block Grants.

25. The Agreement and Supplemental Cooperation Agreements are entered into subject to compliance by Municipality and County with all provisions of the Constitution and laws of the United States and the State of Missouri and with the Charter and Ordinances of St. Louis County and Municipality as the same shall apply hereunder.

26. Municipality shall comply with all applicable provisions of the Act rules, regulations, including subpart K of 24 CFR 470 and guidelines promulgated by the Secretary of the Department of Housing and Urban Development, and all applicable requirements imposed by HUD concerning special requirements of law, program requirements, and other administrative requirements approved in accordance with Office of Management and Budget Circulars OMB A-87 and OMB A-133 and "Uniform Administrative Requirements For Grants and Cooperation Agreements to State and Local Governments" as are set out at 24 CFR Part 85 as per 570.502(a).

27. Municipality agrees to defend, protect, indemnify, and hold harmless the County from all attorneys' fees, costs, expenses, and damages arising directly and exclusively out of any failure of Municipality to comply with all applicable federal and state laws and regulations enacted in the future as the same may apply to the subject matter of the Agreement and Supplemental Cooperation Agreements and all claims, suits, actions, costs, counsel fees, expenses, damages, judgments or decrees by reason of any injury to persons or property directly and exclusively caused by Municipality, its officers, agents, employees or independent contractors, in the performance of any of the community development activities authorized under the Act; provided, however, County shall notify Municipality in writing, and immediately upon receipt by County of any notice of claim asserted or to be asserted against County, arising out of any of the foregoing matters, and shall tender to Municipality the right to defend or control the defense of such claim, and shall fully cooperate with Municipality in attending hearings and trials, securing evidence, and obtaining the attendance of witnesses and in the conduct of any legal proceedings.

28. County and Municipality agree that should Municipality engage in any activity which leads to a finding by HUD that County make repayments of CDBG funds to HUD, the repayment will be made from the Municipality's allocation.

29. MUNICIPALITY agrees that it shall be the responsibility of MUNICIPALITY to ensure that all goods, services, and/or work procured and/or performed under this AGREEMENT shall conform to and be performed in compliance with the Americans With Disabilities Act of 1990. In any contract

between MUNICIPALITY and any firm, corporation, business or person providing services to MUNICIPALITY using funds emanating from this AGREEMENT or any supplemental agreement hereto, MUNICIPALITY agrees that such contracts shall obligate such firms, corporations, businesses or persons, in case of non-compliance, to replace the service and/or work performed in order to effect such compliance, or pay liquidated damages in the amount required to effect compliance.

30. MUNICIPALITY agrees that during the term of this AGREEMENT MUNICIPALITY shall not apply for grants under the Small Cities or State of Missouri CDBG Program.

MUNICIPALITY further agrees that it shall not participate in a HOME consortium except through COUNTY, regardless of whether COUNTY receives a HOME formula allocation.

MUNICIPALITY further agrees that it will only apply for, and that it will only receive its allocation of HOME Program funds and Emergency Solutions Grant funds, through COUNTY.

31. At the option of COUNTY, this AGREEMENT may be automatically renewed for participation in successive three-year qualification periods, unless MUNICIPALITY provides written notice that it elects not to participate in a new qualification period by the date specified in HUD's urban county qualification notice for the next qualification period, COUNTY shall notify MUNICIPALITY in writing of its right to make such election. Failure by either COUNTY or MUNICIPALITY to adopt such amendment to this AGREEMENT incorporating all changes necessary to meet the requirements for cooperation

agreements set forth in the Urban County Qualification Notice applicable for a subsequent three-year urban county qualification period, and to submit such amendments to HUD as provided in the urban county qualification notice, will void the automatic renewal of such qualification period.

32. MUNICIPALITY hereby affirms that it has adopted and is enforcing:

- i. a policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and,
- ii. a policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstrations within such jurisdictions.

INTEROFFICE MEMORANDUM



To: Planning Commission
From: Anthony Traxler, Assistant City Manager/Director of Public Works
Date: April 28, 2022
Subject: **Petition #2022-5** Request for a Conditional Use Permit to Operate a Short Term Vacation Rental (STVR) in the SR Single Family Residential Zoning District at 2519 Valley Avenue

BACKGROUND

The subject property (2519 Valley Avenue) is an approximately 900 square foot, one story, owner occupied home with a finished basement. The home, including the basement where short term rentals would take place, was recently remodeled. The site supports a two-car detached garage that is accessed via an alley to the rear of the property. The rear yard is completely enclosed by a fence.

On October 13, 2015, the City Council approved ordinance #5785 (copy attached) which allowed for short term vacation rentals in the SR Single Family Residential District with a conditional use permit.

ZONING REQUEST

The petitioner, Brian Edwards, is requesting a Conditional Use Permit on the subject property to allow short term vacation rentals.

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

PLANNING AND ZONING ISSUES

1. **Proposed Use:** The property is zoned SR Single Family Residential District. The petitioner would like to operate a STVR at the subject property. The petitioner has a copy of ordinance #5785 which contains the STVR requirements and indicated meeting these requirements will not be an issue.

2. **Parking:** The site has a two-car detached garage to the rear of the home. STVR patrons can park in the garage, walk through the fenced in rear yard to a rear entrance that leads to the basement where all STVR rentals will take place.
3. **Impact to Adjacent Properties:** Because of the available detached garage, the sight-proof fenced in back yard, and entrance to the lower level where STVR patrons would be staying, a STVR at this location should have minimal impact on 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 based on the has following findings of fact:

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

BILL NO.

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, GRANTING A CONDITIONAL USE PERMIT TO BRIAN EDWARDS TO ALLOW SHORT TERM VACATION RENTALS AT 2519 VALLEY AVENUE

WHEREAS, Brian Edwards 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 vacation rentals at 2519 Valley Avenue subject to City of Maplewood ordinance #5785; and

WHEREAS, the Plan and Zoning Commission recommended approval of this proposed Conditional Use Permit at their May 2, 2022 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 May 10, 2022 Council meeting.

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

Section I. Brian Edwards is hereby granted a Conditional Use Permit to allow short term vacation rentals at 2519 Valley 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 Use - Short term vacation rental 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. The permittee shall, within 30 days, give written acceptance to the terms of this ordinance to the City Council.

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

Passed this day of 2022

Nikylan Knapper, Mayor

Attest:

Karen Scheidt, Deputy City Clerk

Approved this day of 2022

Nikylan Knapper, Mayor

Attest:

Karen Scheidt, Deputy City Clerk



2519 Valley Avenue

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

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

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

Section 14-800 Purpose:

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

Section 14-801 Definitions:

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

Section 14-802 Short Term Vacation Rentals:

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

- (1) The name, address and telephone number of the owner of the short term vacation rental property.
 - (2) Such other information as the city manager or designee deems reasonably necessary to administer this chapter.
- H. Any false statements or false information provided in the application for a short term vacation rental permit shall be grounds for denial of permit, permit revocation or imposition of penalties as outlined in this Code of Ordinances.
- I. A short term vacation rental permit application shall be denied if the owner has had a short term vacation rental permit revoked within the past twelve (12) months for the same or other short term vacation rental property. If a short term vacation rental permit is revoked twice, no short term vacation rental permit shall subsequently be issued for such owner or such short term vacation rental property.
- J. Operational requirement: The owner shall use reasonable, prudent business practices to insure that the short term vacation rental property is used in a manner that complies with all applicable laws, rules and regulations pertaining to the use and occupancy of the short term vacation rental property.
- K. The name, address and telephone number of a local contact person who shall be available 24 hours per day, 7 days per week, for the purpose of responding within 45 minutes to complaints regarding the condition, operation or conduct of occupants of the short term vacation rental unit or their guests, shall at all times be kept on file with the city.
- L. The owner shall post the short term vacation rental permit on the exterior of the short term vacation rental property within plain view for the general public with a 24 hours a day, 7 days a week local contact phone number for complaints. The permit shall be between 8 ½" by 11" and 4" by 5" in size and shall be displayed at all times that the short term vacation rental property is being used for a short term vacation rental.
- M. The owner or local contact shall upon notification that any Transient, occupant or guest of the short term vacation rental property has created unreasonable noise or disturbances, engaged in disorderly conduct or committed violation of any applicable law, rule or regulations pertaining to the use and occupancy of the short term vacation rental property, respond in a timely and appropriate manner to immediately halt or prevent reoccurrence of such conduct. Failure of the owner or local contact to respond to such calls or complaints regarding the condition, operation or conduct of the occupants and/or guests of a short term vacation rental in a timely and appropriate manner shall be grounds for revocation of the short term vacation rental permit and shall subject the owner to all administrative, legal and equitable remedies available to the city.
- N. The owner or local contact shall use reasonably prudent business practices to insure that the occupants and/or guests of the short term rental unit do not create unreasonable noise or disturbances, engage in disorderly conduct or violate any applicable law, rule or regulation pertaining to the use and occupancy of the subject short term vacation rental property.
- O. No amplified or reproduced sound shall be used outside or audible from the property line of any short term vacation rental property between the hours of 10:00 p.m. and 10:00 a.m.
- P. Prior to rental of a short term vacation rental property, the owner shall:
- (1) Obtain the contact information of all Transients, including the name, permanent address, telephone number and emergency contact for each person to occupy the short term rental vacation property.
 - (2) Require the Transient to execute a formal acknowledgement that he or she is legally responsible for compliance by all occupants or guests of the short term vacation rental unit with all applicable laws, rules and regulations pertaining to the use and occupancy of the short term vacation rental unit.
 - (3) Information required in Items (1) and (2) above shall be maintained by the owner for a period of three (3) years and shall be made available upon request to any officer of the city responsible for the enforcement of any provision of the municipal code or any applicable law, rule or regulation pertaining to the use and occupancy of the short term vacation rental property.
 - (4) On-site parking shall be allowed on approved driveway, garage and/or carport areas only.
 - (5) The number of occupants allowed to occupy any short term vacation rental property shall be limited to two (2) people per bedroom and no more than two (2) bedrooms within any short term vacation rental property shall be rented at the same time.
 - (6) The City Manager or designee shall have the authority to impose additional conditions on the use of any short term vacation rental property to insure that any potential secondary affects unique to the subject short term vacation rental unit are avoided or adequately mitigated.

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

Section 14-803 Permit Procedure:

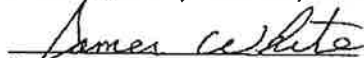
- A. Upon receiving an application for a permit for a short term vacation rental property that complies with the provisions of this chapter, the residents within 200 feet of the property lines of the subject property shall be notified of the application for short term vacation rental permit.
- B. The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

Section 14-804 Penalties and Enforcement:

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

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

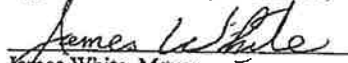
Passed this 13th day of October, 2015


James White, Mayor

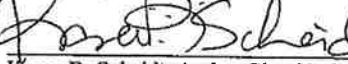
Attest:


Karen R. Scheidt, Acting City Clerk

Approved this 13th day of October, 2015


James White, Mayor

Attest:


Karen R. Scheidt, Acting City Clerk

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

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

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

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

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

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

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

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

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

INTEROFFICE MEMORANDUM



TO: Plan & Zoning Commission

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

DATE: April 28, 2022

RE: **Petition #2022-6 – Request for a Conditional Use Permit to operate a café at 2500 Sutton Boulevard– Sweet Peaz**

BACKGROUND

The site, 2500 Sutton Boulevard, supports a two-story brick building located at the corner of Sutton and Lyndover Place. The site is zoned SR Single Family Residential zoning district and the street level location has historically supported a variety of commercial uses, most recently the Stone Spiral café via conditional use permit #5421 approved in September 2007 (copy attached). Prior to the stone spiral, the site supported a theatre/arts center. The second floor of the building supports apartments.

Stone Spiral is closing and a new café named Sweet Peaz will open at this location. The business operations will be similar to Stone Spiral, with the most noticeable change being menu items and new ownership. The proposed use (café) would not be permitted in the SR District, however, Section 56-1063 (l) of the Zoning Code states:

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, The Good Karma Company, LLC dba Sweet Peaz will continue to operate the café in its present form and are requesting a transfer of the Conditional Use Permit to do so.

PLAN AND ZONING ISSUES

1. Zoning Restrictions: The property is zoned SR Single Family Residential District and a conditional use permit is required in order for commercial uses at this location.
2. The site does not have off-street parking but has approximately ten (10) on-street adjacent parking spaces.
3. Impact on Adjacent Properties: This property was constructed in 1925 as a multi-use (commercial and residential) building and the lower level of 2500 Sutton Boulevard has historically supported retail uses. Therefore, impact on adjacent properties should be minimal. Residents in the area have grown so accustomed to patronizing the café, that when word got out that Stone Spiral would close, the city received numerous phone calls expressing concern at the prospect of losing the neighborhood cafe.

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) A café of similar scale and intensity has operated on-site since 2007. Prior to that, a variety of other commercial uses have operated at this location. Therefore, the proposed use should be compatible with adjacent properties in the surrounding area.
- 2) The conditional use permit is necessary due to a change in ownership, the proposed use café operations should be substantially similar to the prior café (Stone Spiral).

BILL NO.

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, GRANTING A CONDITIONAL USE PERMIT TO ALLOW A CAFÉ IN THE SR SINGLE FAMILY RESIDENTIAL DISTRICT AT 2500 SUTTON BOULEVARD

WHEREAS, the Good Karma Company, LLC dba Sweet Peaz has applied to the City Council of the City of Maplewood, Missouri for a conditional use permit as provided in Section 56-1063 (I) of the Maplewood Code of Ordinances to allow a café in the SR Single Family Residential District at 2500 Sutton Boulevard; and

WHEREAS, the Plan and Zoning Commission recommended approval of this proposed conditional use permit at their May 2, 2022 meeting by a vote of 5 ayes, 0 nays, 2 absent; and

WHEREAS, the City Council will hold a public hearing on this conditional use permit petition at their May 10, 2022 Council meeting.

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

Section I. The Good Karma Company, LLC dba Sweet Peaz is hereby granted a Conditional Use Permit to allow a cafe in the SR Single Family Residential District at 2500 Sutton Boulevard, street level location.

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 Use – a café facility.
 - 1) The City Council reserves the right to restrict the number of seats available to patrons at this location if on-street parking becomes a problem for the residential neighborhood.
- (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.

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

Passed this day of , 2022.

Nikyln Knapper, Mayor

Attest:

Karen Scheidt, Deputy City Clerk

Approved this day of , 2022.

Nikylan Knapper, Mayor

Attest:

Karen Scheidt, Deputy City Clerk



2500 Sutton Boulevard

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, GRANTING A CONDITIONAL USE PERMIT TO DOUG KASSABAUM TO OPERATE A COFFEE HOUSE/ART GALLERY/BOOKSTORE WITH OUTDOOR SEATING AT 2500-2502 SUTTON BLVD.

WHEREAS, Doug Kassabaum has applied to the City Council of the City of Maplewood Missouri for a Conditional Use Permit as provided in Section 905.06 of the Maplewood Code of Ordinances, to operate a coffee house/art gallery/bookstore to include outdoor seating at 2500-2502 Sutton Blvd.; and

WHEREAS, the Plan and Zoning Commission recommended approval of this proposed Conditional Use Permit at their August 6, 2007 meeting by a vote of 7 ayes, 0 nays; and

WHEREAS, the City Council will hold a public hearing on this conditional use permit petition at their September 11, 2007 Council meeting.

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

Section I. Doug Kassabaum is hereby granted a Conditional Use Permit to operate a coffee house/art gallery/bookstore with outdoor seating at 2500-2502 Sutton Blvd.

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 SF Single Family Zoning District.
 - 2) A coffee house/art gallery/bookstore with outdoor seating.
 - (a) The City Council reserves the right to restrict the number of seats available to patrons at this location if on-street parking becomes a problem for the residential neighborhood.
- (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 sight must be approved by the Plan & 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

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)