

**MINUTES
BOARD OF ALDERMEN
JULY 10, 2023
DES PERES GOVERNMENT CENTER**

The Regular Meeting of the Board of Aldermen of the City of Des Peres, Missouri was held at the Des Peres Government Center, 12325 Manchester Road 63131, commencing at 7:01 P.M. on Monday, July 10, 2023.

ROLL CALL

The City Clerk took roll call with the following elected officials physically present: Alderman Barrett, Alderman Kleinschmidt, and Alderman Osherow. Mayor Becker was also present. Alderman Fitzpatrick was unavailable and attended remotely via zoom.

Alderman Concagh and Alderman Pound were absent with excuse.

Staff members present included the City Administrator, Director of Public Works, Director of Finance, Director of Public Safety, Director of Parks and Recreation, City Clerk and City Attorney.

All present rose for the Pledge of Allegiance.

AMENDMENT TO AGENDA – NONE.

PUBLIC HEARING

**B23-2997 AN ORDINANCE AMENDING SECTION 420.005 OF APPENDIX C -
ZONING OF THE MUNICIPAL CODE TO PROVIDE A PROCESS FOR
PROPOSING TEXT AMENDMENTS TO THE ZONING CODE**

The City Clerk read aloud the following twelve Public Hearing Exhibits:

1. Notice of Public Hearing of July 10, 2023 advertised in the St. Louis Countian and Webster Kirkwood Times on June 21, 2023;
2. Notice of Public Hearing posted at the following locations: (1) Des Peres City Hall, (2) Des Peres Website on June 21, 2023
3. Letter from City Administrator Doug Harms to Mayor and Board of Aldermen relating to the process for submission of request for consideration of "Text Amendments" to the Zoning Code, dated April 10, 2023
4. Letter from Public Works Director to Mark Disper regarding the petition for Site Plan Approval at 2141 Sams Drive
5. Section 420.005 Amendments
6. Planning and Zoning Meeting Minutes Dated May 10, 2023
7. Staff Memo Text Amendment Process
8. Planning and Zoning Subcommittee Meeting Minutes pertaining to Text Amendment Process
9. Planning and Zoning Meeting Minutes Dated June 14, 2023
10. Bill 23-2997 An Ordinance Amending Section 420.005 of Appendix C. Zoning Regulations of the Municipal Code to Provide a Process for Proposing Amendments to the Text of the Zoning Code

11. Notice of Public Hearing advertised in All Things Des Peres in the Webster Kirkwood Times
12. Municipal Code of the City of Des Peres

The twelve Public Hearing Exhibits were received and made a part of the record.

Public Works Director, Steve Meyer gave a quick synopsis on the Text Amendment Process.

Mayor Becker asked if anyone wished to comment. Hearing none, the Public Hearing for B23-2997 closed at 7:06pm

B23-2999 AN ORDINANCE AMENDING SECTION 406.020 OF APPENDIX C - ZONING OF THE MUNICIPAL CODE RELATING TO MAXIMUM SIZE OF ACCESSORY USES AND STRUCTURES IN RESIDENTIAL ZONING DISTRICTS

The City Clerk read aloud the following thirteen Public Hearing Exhibits:

1. Notice of Public Hearing of July 10, 2023 advertised in the St. Louis Countian and Webster Kirkwood Times on June 21, 2023;
2. Notice of Public Hearing posted at the following locations: (1) Des Peres City Hall, (2) Des Peres Website on June 21, 2023
3. Letter from Holly Fesler to Anna Ahrens regarding Des Peres Zoning Regulations
4. Supplemental Drawings on Improvements to 7 Claychester Drive, Des Peres, MO 63131
5. Des Peres Accessory Structure Zoning Code
6. Board of Aldermen Meeting Minutes dated May 8th 2023
7. Planning and Zoning Meeting Minutes dated May 10th 2023
8. Staff Memo Pertaining to Text Amendment – Accessory Structures
9. Subcommittee Meeting Summary pertaining to Accessory Buildings dated June 6, 2023
10. Planning and Zoning Meeting Minutes Dated June 14, 2023
11. Bill 23-2999 An Ordinance Amending Section 406.020 Appendix C. Zoning of the Municipal Code Relating to Maximum Size of Accessory Uses and Structures in Residential Zoning Districts
12. Notice of Public Hearing advertised in All Things Des Peres in the Webster Kirkwood Times on July 8th,
13. Municipal Code of the City of Des Peres

The thirteen Public Hearing Exhibits were received and made a part of the record.

Public Works Director, Steve Meyer provided a slideshow presentation outlining the details of the zoning text amendment pertaining to accessory uses and structures.

Mayor Becker asked if anyone wished to comment. Holly Fesler, owner of 7 Claychester Drive, spoke about the accessory structures proposed for her property compared to the 2.5 acre size of her lot. The proposed accessory structures would be proportionate to the overall residential use of her property.

The Public Hearing for B23-2999 closed at 7:11pm

B23-2998 AN ORDINANCE OF THE CITY OF DES PERES AMENDING SECTION 402.005-DEFINITIONS AND SECTION 404.055-TABLE OF PERMITTED AND CONDITIONAL USES IN THE C-1 DISTRICT

The City Clerk read aloud the following twelve Public Hearing Exhibits:

1. Notice of Public Hearing of July 10, 2023 advertised in the St. Louis Countian and Webster Kirkwood Times on June 21, 2023;
2. Notice of Public Hearing posted at the following locations: (1) Des Peres City Hall, (2) Des Peres Website on June 21, 2023
3. Letter from The Village Bar owner, Mark Disper along with application for occupancy permit for the building located at 2141 Sam's Drive Lot 4 to be utilized as a barrel/whiskey aging and storage facility.
4. Zoning Code Permitted and Conditional Uses
5. Board of Aldermen Meeting Minutes from May 8, 2023
6. Planning and Zoning Meeting Minutes from May 10, 2023
7. Staff Memo from City Planner, Kate Crimmins Requesting an Amendment to the Zoning Code to Allow Storage Facilities
8. Planning and Zoning Subcommittee Meeting Summary
9. Planning and Zoning Meeting Minutes June 6, 2023
10. Bill 23-2998 An Ordinance of the City of Des Peres Amending Section 404.055 of Appendix C. Zoning Related to Conditional Use Permits Providing for Storage of Beer and Spirits as a Conditional Use in the C-1 Commercial District
11. Notice of Public Hearing advertised in All Things Des Peres in the Webster Kirkwood Times on July 8th.
12. Municipal Code of the City of Des Peres

The twelve Public Hearing Exhibits were received and made a part of the record.

Public Works Director, Steve Meyer gave a quick synopsis on zoning text amendments pertaining to storage.

Mayor Becker asked if anyone wished to comment. Mark Disper, petitioner for barrel/whisky aging and storage facility at 2141 Sam's Drive, spoke about his proposed building.

The Public Hearing for B23-2998 closed at 7:20pm.

CITIZEN COMMENTS

No citizens physically present requested to address the board.

Kevin and Jackie Quigley – 1308 Kendon Drive – sent an email prior to the board meeting stating their opposition to Root 66 and requested a 1,000 buffer from any residential property to a comprehensive marijuana facility.

Sam Eversman – 1308 Bansbach Road – sent an email prior to the board meeting requesting multiple residential buffers be considered ranging from 150 feet to 500 feet between a comprehensive marijuana facility and any residentially zoned property.

CONSENT AGENDA

Mayor Becker announced that there were five (5) action items currently under the Consent Agenda. At the request of Mayor Becker, Alderman Osherow read aloud those five (5) items individually:

1. Minutes of the Special Board of Aldermen Meeting of June 22, 2023
2. Minutes of the Regular Board of Aldermen Meeting of June 26, 2023
3. Warrant List Dated July 6, 2023

4. R23-3706 Authorizing Purchase of a 2023 Chevrolet Tahoe from Don Brown Chevrolet for the Department of Public Safety with Trade-in of a 2014 Ford Police Interceptor and Adoption of a Supplemental Appropriation Relating Thereto
5. R23-3707 Granting a Permanent Storm Water Easement to MSD Relating to Improvements to the Des Peres Street Vehicle Maintenance Facility at 942 Des Peres Road

Mayor Becker asked if there were any questions or comments pertaining to the consent agenda. Hearing none, Alderman Kleinschmidt made a motion, seconded by Alderman Osherow to approve the five (5) items on the Consent Agenda as proposed. A roll call vote was taken with the following results: Alderman Barrett, "AYE", Alderman Fitzpatrick. "AYE", Alderman Kleinschmidt, Alderman Osherow, "AYE". Motion passed unanimously 4-0.

REPORTS OF OFFICERS AND COMMITTEES

- **Report of the Mayor**
 - Mayor Becker announced there will be a Special Board Meeting July 17th at 6:00pm to include discussion, consideration of amendments to and vote on B23-2993 (Comprehensive Marijuana Regulations) and any unfinished business from this meeting.
- **Reports of Boards and Commissions**
 - Report of the Audit & Finance Committee Meeting held June 28, 2023

LEGISLATION

UNFINISHED BUSINESS –

- a. B23-2997 An Ordinance Amending Section 420.005 of Appendix C. Zoning Regulations of the Municipal Code to Provide a Process for Proposing Amendments to the Text of the Zoning Code (Introduction, Hold for Public Hearing on July 10, 2023)

Alderman Kleinschmidt read B23-2997 for the second time.

Alderman Kleinschmidt made a motion, seconded by Alderman Osherow to approve B23-2997. A roll call vote was taken with the following results: Alderman Barrett, "AYE", Alderman Fitzpatrick. "AYE", Alderman Kleinschmidt, Alderman Osherow, "AYE". Motion passed unanimously 4-0.

- b. B23-2998 An Ordinance of the City of Des Peres Amending Section 404.055 of Appendix C. Zoning Related to Conditional Use Permits Providing for Storage of Beer and Spirits as a Conditional Use in the C-1 Commercial District (Introduction, Hold for Public Hearing on July 10, 2023)

Alderman Barrett read B23-2998 for the second time.

Mayor Becker asked if there were any questions or comments pertaining to B23-2998.

Alderman Osherow asked what the difference was between warehousing and storage and which of the two options discussed by Planning & Zoning would be the best approach in considering this petition?

City Attorney Chris Graville stated that every retail business has an element of inventory whether you call that use storage or warehousing, For example, Sam's Warehouse has a large element of inventory for sale on site. The distinction that Planning & Zoning was trying to establish is the difference between a self-storage operation in which individuals rent temporary space for storage that you find in a lot of general commercial areas, a general warehousing in which inventory is stored temporarily before being shipped off site to vendors for sale and a very unique and specific storage use - in this case beer and spirits.

Mr. Graville stated that the commission was not objecting to the proposed storage of beer and spirits as proposed for Lot #4 but concerned that they did not want to expose our primary commercial zoning to storage as a general use. Their preference was to consider allowing a limited storage use only in a PD-C district. Doing so which might take longer to accomplish given that Barrett Park Subdivision is currently zoned C-1 and rezoning the development which has multiple lots under different ownership might be cumbersome and require some time to accomplish. Using the limited amendment to allow the use in C-1 as a Conditional Use Permit could be more quickly accomplished and the city still retain substantial discretion through the CUP process.

The City Administrator said as devil's advocate for the other option, it is helpful to understand the history of the zoning of this property in making a decision on the best approach. The property was development under a C-8 master plan approved by the County prior to annexation. After annexation in 1992, the city zoned it C-2 Commercial which at the time was the only zoning classification Des Peres had that used a master plan approval process which we called a CUP as a Planned Business Center. That approval incorporated all of the prior approvals granted by the County which was a condition of the annexation.

He stated that each of the lots, except Lot #4, was eventually developed with individual master site plans approved by Des Peres but within the general parameters of the overall master plan approved by County. Since that time the property has been rezoned to C-5 Special Business District in 2008 and again rezoned to C-1 in 2017 when the revised Zoned Code was adopted but each time preserving the initial master plans adopted when each property was developed.

The revised zoning code included the new Planned Development - Commercial (PD-C) district regulations. Had that zoning tool been in place in 1992, it would have been the most logical zoning for Barrett Park and, with the benefit of hindsight, the large developments along Manchester including Barrett Park should have been rezoned PD-C rather than C-1 when the new code was adopted.

The City Administrator stated that it has been a desire of staff to consider rezoning Barrett Park Subdivision which includes Sam's and Des Peres Pointe Shopping Center PD-C but that effort has been delayed due to the press of other business. Now that we have a City Planner on staff, we had hoped to begin to tackle that project. This request to develop Lot #4 along with a recent request by Sam's for amendments to their master plan creates a good opportunity to initiate that clean up. He stated that the board could initiate that process by referring

rezoning of Barrett Park to PD-C to the Planning & Zoning Commission and by adopting this bill with an amendment to allow the limited storage in the PD-C District.

Either option would require the petitioner to submit a formal petition for the required master site plan and not create delays consideration by Planning & Zoning or the Board of Aldermen if we allow the consideration for rezoning and for the master site plan for Lot #4 under PDC to occur simultaneously.

Alderman Osherow made motion to refer rezoning of Barrett Park from C-1 to PD-C to the Planning and Zoning Commission. After much discussion, there was no second. Alderman Osherow withdrew his motion.

Alderman Kleinschmidt expressed his concern with the precedential impact of allowing this use on the balance of the commercial district and that the bill as written to allow this limited storage use in C-1 goes against the recommendation of the Commission. He would prefer a vote be delayed until the full board is present and can consider the alternative option of using PD-C zoning as the best vehicle as suggested by the Commission.

Since no motion was made to take up Bill23-2998 for a vote and after extended discussion Mayor Becker stated that there appeared to be a consensus that the bill be tabled until the Special Meeting on July 17th when the full board is expected to be present.

- c. B23-2999 An Ordinance Amending Section 406.020 Appendix C. Zoning of the Municipal Code Relating to Maximum Size of Accessory Uses and Structures in Residential Zoning Districts (Introduction, Hold for Public Hearing on July 10, 2023)

Alderman Osherow read B23-2999 for the second time.

Alderman Barrett made a motion, seconded by Alderman Osherow to approve B23-2999. A roll call vote was taken with the following results: Alderman Barrett, "AYE", Alderman Fitzpatrick. "AYE", Alderman Kleinschmidt, Alderman Osherow, "AYE". Motion passed unanimously 4-0.

NEW BUSINESS – NONE

MISCELLANEOUS BUSINESS –

Report of the City Administrator

- 1) City Administrator Harms notified the Mayor and Board on his intention to fill the vacant full-time position for the Assistant City Administrator. Before proceeding with filling the position, the board will be asked to discuss their view on the role of the Assistant City Administrator during the Strategic Planning Meeting on July 31st.
- 2) Work Session on LAGERS Study - Board agreed to schedule this work session for 6:00 PM on Monday, August 7th. The work session will include an educational element on the differences between a defined contribution and defined benefit plan and a presentation on cost estimates of a defined benefit plan through LAGERS.

ADJOURNMENT

Alderman Barrett made a motion, seconded by Aldermen Osherow, to adjourn the Regular Meeting at 7:58 P.M.

Amanda Hurley
City Clerk

Minutes approved by the Board of Aldermen on the 14th day of August, 2023.

Mark Becker, Mayor

ATTEST:

Amanda Hurley
City Clerk

DRAFT