

MINUTES
DES PERES BOARD OF ALDERMEN
September 12, 2016
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 commencing at 7:00 PM on Monday, September 12, 2016.

ROLL CALL

The City Clerk took roll with the following board members present: Alderman Gmelich, Alderman Pound, Alderman Raczkiewicz, Alderman Concagh and Alderman Becker. Alderman Kleinschmidt was absent with excuse.

The Mayor Lahr asked those in the audience to have a moment of silence after the Pledge of Allegiance in honor and remembrance of the 15th anniversary of the September 11, 2001 terrorist attacks.

Staff members present included: City Attorney, City Clerk, Assistant City Administrator, Director of Public Works, Director of Public Safety, and Director of Finance. The City Administrator and Director of Parks and Recreation were absent with excuse. At this time the Board of Aldermen, staff and citizens rose for the Pledge of Allegiance.

PUBLIC HEARINGS

1. Mayor Lahr announced the first item of business was a public hearing on the Petition from Coldwell Banker Gundaker for an Outside Sale, Display and Storage Permit to Allow for a Garage Sale at Coldwell Banker Gundaker, 12304 Manchester Road.

The City Clerk entered the following exhibits into the record:

- Publication of Notice of Public Hearing in the St. Louis Countian, a newspaper of general circulation, on August 27, 2016
- Notice of Public Hearing posted on the City Website and at locations in the City of Des Peres
- Resolution #16-3030 Authorizing a Temporary Outside Sale, Display and Storage Permit for a "Garage Sale Benefit" at Coldwell Banker Gundaker, 12304 Manchester Road
- Municipal Code of the City of Des Peres
- All city files pertaining to the application

Al Rosen, Branch Manager with Coldwell Banker Gundaker, was present and provided an overview of the garage sale. Mr. Rosen stated all proceeds from the garage sale benefit the Ronald McDonald House.

Hearing no further comments or questions, Mayor Lahr closed the public hearing.

2. Mayor Lahr announced the second item of business was a public hearing on the Proposed 2016 Real Estate Tax Rate Proposed to be levied at \$0.00.

The Director of Finance gave a presentation.

The City Clerk entered the following exhibits into the record:

- Notice of Public Hearing advertised in the St Louis Countian, a newspaper of general circulation on August 31, 2016
- Notice of Public Hearing posted on the City Website and at locations in the City of Des Peres
- Statement of Assessed Value for all Real and Personal Property for 2016 provided by the Assessor of St Louis County
- Copy of 2016 Budget Projection \$0.00 revenues from property taxes for general or debt service purposes.
- Tax Calculation Worksheets Provided by State Auditor's Office
- Bill 16-2783 Establishing the 2016 Real Estate Tax Rate at \$0.00

Hearing no further comments or questions, Mayor Lahr closed the public hearing.

3. Mayor Lahr announced the third item of business was a public hearing on the combined Petitions for a Master Development Plan for 11781 Manchester Road; A Conditional Use Permit for Operation of a Restaurant by Starbucks; and an amended Conditional Use Permit for Operation of a Bank by Reliance Bank

The City Clerk entered the following exhibits into the record:

- Petition from Reliance Bank for Approval of a Conditional Use Permit for Operation of a Limited Service Restaurant at 11781 Manchester Road Dated December 19, 2014.
- Petition from Reliance Bank for Approval of a Conditional Use Permit for operation of a bank located at 11781 Manchester Road Dated December 19, 2014
- Petition from Reliance Bank to modify the site plan and building at 11781 Manchester Road to provide for a multi-tenant commercial building Dated December 19, 2014
- Bill 15-2732 An Ordinance Approving a Master Development Plan for a 1.2 Acre Tract of Land Located at 11781 Manchester Road
- Bill 15-2733 An Ordinance Granting a Conditional Use Permit for Operation of a Limited Service Restaurant at 11781 Manchester Road to Starbuck's which was defeated by a 5-1 vote on April 13, 2015
- Bill 15-2734 An Ordinance Granting a Conditional Use Permit for Operation of a Bank at 11781 Manchester Road to Reliance Bank and Repealing All Ordinances in Conflict Thereto
- Notice of Public Hearing of March 9, 2015 advertised in the St Louis Countian on the 19th day of February, 2015.
- Notice of Public Hearing notification of March 9, 2015 mailed to property owners located within 200 feet of 11781 Manchester Road
- Agendas and Minutes from the Board of Aldermen meetings held February 23, 2015; March 9, 2015; March 23, 2015; and April 13, 2015 and April 27, 2015
- Findings and Conclusions of the Board of Aldermen and the Agenda and Minutes from the April 27, 2015 Board of Aldermen meeting in which the Board of Aldermen adopted the findings and conclusions
- Report of the Subcommittee Meeting held January 27, 2015
- Reports of the Planning & Zoning Commission including all committee reports and minutes of meetings held February 11, 2015 in which the commission recommended approval of a Master

Development Plan for 11781 Manchester Road and approval of the Conditional Use Permits for operation of a bank and operation of a limited service restaurant

- Traffic Impact Study completed by Crawford, Bunte and Brammeier submitted December 19, 2015
- Order and Judgment from Honorable Judge Goldman of the 21st Judicial Circuit of the St. Louis County Circuit Court stating the Court ruled in favor of the Petitioner Reliance Bank
- Report from Special Master Blitz
- Memo from the City Administrator to the Planning and Zoning Commission dated July 26, 2016 notifying the Commission the Board of Aldermen referred the revised site plan for redevelopment of the Reliance Bank site at 11781 Manchester including a CUP for Starbucks for the Commission's review
- Letter from Mayor Lahr dated July 29, 2016 mailed to residents of Vinetta Drive notifying residents of the new site plan and September 12, 2016 public hearing
- Amended site plan dated August 4, 2016 submitted by Chiodini Architects
- Traffic Report submitted by the Lochmueller Group dated August 8, 2016
- Summary of the Planning and Zoning Commission Meeting of August 10, 2016 in which the Commission recommended approval of the Amended Master Development/Site Plan Approval at 11781 Manchester Road, a Conditional Use Permit for Starbucks with Drive Thru and an Amended Conditional Use Permit for Reliance Bank
- Bill 16-2784 An Ordinance Approving a Master Development Plan for a 1.2 Acre Tract of Land Located at 11781 Manchester Road
- Bill 16-2785 An Ordinance Granting a CUP for Operation of a Bank at 11781 Manchester Road to Reliance Bank and Repealing all Ordinances in Conflict Therewith
- Bill 16-2786 An Ordinance Granting a CUP for Operation of a Restaurant at 11781 Manchester Road to Starbucks
- Notice of Public Hearing of September 12, 2016 advertised in the St. Louis Countian on August 25, 2016
- Notice of Public Hearing of September 12, 2016 posted at City Hall, The Lodge and Des Peres Public Safety
- Notice of Public Hearing of September 12, 2016 mailed to property owners within 200 feet of 11781 Manchester Road and to all residents on Vinetta Drive
- Municipal Code of the City of Des Peres
- All Contents of the City's files and records pertaining to the application

Mayor Lahr opened the public hearing and gave a timeline overview from the date the original application was filed and through the litigation process. Mayor Lahr stated the Circuit Court had ruled in favor of the Petitioner (Reliance Bank). Following the Court's decision, the city was approached by the Petitioner and the Petitioner submitted an amended site plan. The amended site plan was reviewed by the Planning and Zoning Commission and the Commission recommended approval of the plan. The amended site plan is now under consideration by the Board of Aldermen.

Thomas Brouster, CEO of Reliance Bank, thanked the elected officials, those in attendance and supporters of the project. Mr. Brouster stated the amended site plan addressed controversial issues discussed at the previous public hearing and during trial. He stated the new plan is a compromise that best suits the community. Mr. Brouster stated new technology has changed the banking industry and there is no longer a need for large banking space and tellers. For business purposes, it is logical to lease out underutilized space and Mr. Brouster further stated Reliance Bank has had two successful ventures with Tim Hortons at other sites located in the St. Louis region.

Chris Chiodini, Architect, gave a presentation on the revised site plan.

Paul Awry, 2110 East Drive, stated he supported the project and believed the project would maintain a strong business community on Manchester Road.

Tim Hoppmeier, 1115 Bopp, stated he was a shareholder of Reliance Bank and leasing the space is the most logical use of the space as bank traffic has decreased in the past few years.

Glenn Guenther, First Vice President of CBRE, stated he was in charge of leasing the space in the building and spoke in favor of the project.

Paul Litzsinger, 1157 Bopp Road, spoke in opposition of the project and expressed concern regarding traffic.

Mayor Lahr stated the city was speaking with Regions Bank regarding a cross access easement that would be located behind the new Regions Bank development. The easement would be accessible to residents and would allow residents to utilize a traffic signal.

Rich Striler, 12800 Westledge, spoke in favor of the project and stated the bank was trying to compromise with the community and city.

Ben Sansone, 11709 Claychester, spoke in opposition of the project and stated the quick serve restaurant would affect two residential neighborhoods. Mr. Sansone quoted the traffic expert's report regarding the traffic safety levels on Manchester Road. He further stated the Tim Horton's located at the Reliance Bank location on Clayton Road does not have a drive thru. Mr. Sansone offered his law firm's services to the city.

Lynda Chapman, 1312 Bridgecreek Trail, stated she is a former Vinetta Drive resident. Ms. Chapman spoke in opposition of the project and stated traffic would cut through residential areas to avoid the increased congestion on Manchester Road.

Tom O'Toole, 1334 Marlann Drive, spoke in favor of the project and stated this project would not make traffic any worse on Manchester Road. Mr. O'Toole stated he knows many individuals who support this project.

Chris Pelligreen, 13000 Deutschmann Lane, spoke in favor of the project. He stated the project would enhance the community, serve as a place to gather and generate sales tax revenue for the city.

Carol Young, 1532 Breezeridge, spoke in opposition of the project and stated the area is already dangerous for children and young drivers.

Mark Pedroli, 1559 Fawnvalley Drive, stated over 200 homes in Harwood Hills would be affected by this project. He questioned the validity of the traffic study and believed the traffic engineer continued the study over various days in order to receive a more favorable traffic level. Mr. Pedroli asked why the bank needed a drive thru if the bank's goal was to increase traffic inside the bank. He offered his legal services to the city.

Ted Martin, developer of the Shoppes at Tallbrooke in Des Peres, spoke in favor of the project. Mr. Martin stated the Starbucks in Frontenac does not have a drive thru but still generates a high volume of customers.

Holly Graham, 1126 Vinetta, spoke in opposition of the project. She stated the Starbucks in Brentwood is near a residential area and traffic is a concern at that location. Ms. Graham stated The Daily Bread serves as the community's local coffee shop and a Starbucks is already located inside the Dierbergs grocery store.

The City Attorney gave an overview of the litigation. He discussed how the new site plan addressed issues in the Board of Aldermen's Findings and Conclusions.

Hearing no further comments or questions, Mayor Lahr closed the public hearing.

AMENDMENT OF AGENDA

Mayor Lahr asked if there were any additions or changes to the agenda. None were requested.

CITIZEN COMMENTS AND PETITIONS

There were no citizen comments or petitions.

REPORTS OF OFFICERS AND COMMITTEES

The Mayor indicated that there were written reports submitted from the Board of Adjustment Meeting of August 24, 2016; Public Safety Commission Meeting of September 6, 2016 and the Parks and Recreation Commission Meeting of September 8, 2016

Mayor Lahr submitted Darlene Corley, 2188 Padoroyal, for appointment to the Parks and Recreation Commission with a term ending June 30, 2019.

Alderman Becker made a motion to approve the appointment of Darlene Corley to the Parks and Recreation Commission, second by Alderman Concagh. A roll call vote was then taken with the following results: Alderman Gmelich, AYE; Alderman Becker, AYE; Alderman Pound, AYE; Alderman Concagh, AYE; Alderman Kleinschmidt, ABSENT; and Alderman Racziewicz, AYE; Motion passed 5-0.

Mayor Lahr submitted John Wright, 12240 Bent Springs Drive, for appointment to the Planning and Zoning Commission with a term ending June 30, 2018.

Alderman Concagh made a motion to approve the appointment of John Wright to the Planning and Zoning Commission, second by Alderman Becker. A roll call vote was then taken with the following results: Alderman Gmelich, AYE; Alderman Becker, AYE; Alderman Pound, AYE; Alderman Concagh, AYE; Alderman Kleinschmidt, ABSENT; and Alderman Racziewicz, AYE; Motion passed 5-0.

CONSENT AGENDA

Mayor Lahr advised that the Consent Agenda consists of three (3) items. Under the Board Rules, all items on the consent agenda can be approved by a single motion and any item on the warrant list may

be removed prior to the vote at the request of any individual member of the Board of Aldermen. Items on the consent agenda included:

1. Minutes of the August 22, 2016 Meeting of the Board of Aldermen
2. Warrant List Dated September 15, 2016
3. R16-3030 Granting a Temporary Exterior Storage, Sales and Display Permit to Coldwell Banker Gundaker for a Garage Sale Benefitting the Ronald McDonald House on their Parking Lot on September 24, 2016

The Mayor asked if there are any items the board wished removed from the consent agenda. None were offered.

Alderman Raczkiwicz moved to approve the Consent Agenda, second by Alderman Concagh. A roll call vote was then taken with the following results: Alderman Gmelich, AYE; Alderman Becker, AYE; Alderman Pound, AYE; Alderman Concagh, AYE; Alderman Kleinschmidt, ABSENT; and Alderman Raczkiwicz, AYE; Motion passed 5-0.

LEGISLATION – Unfinished

1. **Bill 16-2782** An Ordinance Authorizing an Agreement with The Lochmueller Group for Engineering and Planning Services Relating to Development of a Manchester Road Conceptual Master Plan

Alderman Becker read Bill 16-2782 for a second reading and made a motion to approve, second by Alderman Concagh. A roll call vote was then taken with the following results: Alderman Gmelich, AYE; Alderman Becker, AYE; Alderman Pound, AYE; Alderman Concagh, AYE; Alderman Kleinschmidt, ABSENT; and Alderman Raczkiwicz, AYE; Motion passed 5-0.

2. **Bill 16-2783** An Ordinance Establishing the Annual Rate of Tax Levy for All Funds at \$0.00 per \$100 of Assessed Value on all Real Estate and Personal Property Located Within the City of Des Peres for the Year 2016

Alderman Concagh read Bill 16-2783 for a second reading and made a motion to approve, second by Alderman Becker. A roll call vote was then taken with the following results: Alderman Gmelich, AYE; Alderman Becker, AYE; Alderman Pound, AYE; Alderman Concagh, AYE; Alderman Kleinschmidt, ABSENT; and Alderman Raczkiwicz, AYE; Motion passed 5-0.

LEGISLATION – New Business

1. **Bill 16-2784** An Ordinance Approving a Master Development Plan for a 1.2 Acre Tract of Land Located at 11781 Manchester Road

Alderman Concagh introduced Bill 16-2784.

2. **Bill 16-2785** An Ordinance Granting a Conditional Use Permit for Operation of a Bank at 11781 Manchester Road to Reliance Bank and Repealing All Ordinances in Conflict Therewith

Alderman Becker introduced Bill 16-2785.

3. **Bill 16-2786** An Ordinance Granting a Conditional Use Permit for Operation of a Restaurant at 11781 Manchester Road to Starbucks

Alderman Raczkiewicz introduced Bill 16-2786.

REPORTS OF STAFF

There being no additional business to come before the regular session of the Board of Aldermen, Alderman Gmelich moved to adjourn, second by Alderman Becker at 8:51 PM. A roll call vote was then taken with the following results: Alderman Gmelich, AYE; Alderman Becker, AYE; Alderman Pound, AYE; Alderman Concagh, AYE; Alderman Kleinschmidt, ABSENT; and Alderman Raczkiewicz, AYE; Motion passed 5-0.

Minutes prepared by:

Amanda Foster
City Clerk

These minutes passed and approved this 26th day of September, 2016.

Richard Lahr, Mayor

ATTEST:

Amanda Foster
City Clerk