

**CITY OF FENTON
625 NEW SMIZER MILL ROAD, FENTON, MO 63026
MINUTES OF THE BOARD OF ALDERMEN COMMITTEE MEETING
THURSDAY, APRIL 14, 2022
7:00 P.M.**

CALL TO ORDER

Board President Joe Maurath called the Board of Aldermen Meeting of the City of Fenton, St. Louis County, Missouri to order at 7:00 p.m. on Thursday, April 14, 2022. The meeting was held at Fenton City Hall and via Zoom Videoconference (RSMo 610.015).

PLEDGE OF ALLEGIANCE

Board President Joe Maurath led the Pledge of Allegiance.

ROLL CALL

City Clerk Jane Hungler called the roll:

Alderman Ralph Cruets - *Present*
Alderman Robin Huels - *Present*
Alderman Tom Heard - *Present*
Alderman Joe Maurath - *Present*

Alderman Chris Clauss - *Present - via video conference*
Alderman Brian Wisbrock - *Absent*
Alderman Susan Jokerst - *Present*

Six Aldermen were present at the opening of the meeting.

CITY OFFICIALS PRESENT:

City Attorney Erin Seele, Esq.
City Administrator Andrea N. Finkbiner
City Clerk Jane Hungler
Public Works Director Dan Howard - *via video conference*
St. Louis County Police Precinct Captain Kevin Lawson

MAYOR'S COMMENTS

Board President Joe Maurath shared that Mayor Bob Brasses had informed the Board in previous meeting that he sold his property and at the April 7th Committee meeting the Mayor resigned at the beginning of the meeting. Board President Joe Maurath announced Ward 1 Alderman Kevin Yarbrough's resignation that the Board had just received by email, his resignation is due to his extensive travel for his work, effective today April 14th.

PUBLIC COMMENTS

Phil VanCleve, 1112 Cornita Way, Fenton MO 63026 shared the tree in front of his house was removed four (4) years ago when it fell over, and he was informed another tree could not be planted there. In recent discussion with the Public Works Department, he inquired about having another tree planted. He heard back from Alderman Jokerst about the matter, and she suggested public comments. He feels street trees are very important. He is advocating for an Ordinance to be passed to allow for a tree program sponsored by the City and by volunteers. He shared a copy of types of trees used in other cities for street trees and the City of Kirkwood tree program with their own arborist for review. He feels trees add to the neighborhood and the environment.

Margaret Riter, Vice President and Northeast Region Leader with Steadfast City, 4 Chessfield Lookout, Fairport NY, representing J.F. Electric, shared currently J.F. Electric is headquartered in Edwardsville, Illinois, and J.F. Electric seeks to open a new facility in St. Louis County to be more strategically located near its clients and workforce. The company has identified 800 South Highway Drive as the preferred project site and plans to make a significant capital investment to transform this nuisance property into an asset for the Fenton community. We are respectfully requesting that the City of Fenton support St. Louis County providing the necessary incentives and tax abatements to support turning this project into a reality through a resolution.

Presently, the proposed site is home to the Stratford Inn which closed in 2018 and has been vacant since that time. By definition, this is a blighted property. It is not well maintained and has received citations deeming it unsafe and a nuisance to the community. Due to the deteriorated and hazardous nature of the property, J.F. Electric would incur extraordinary costs to move forward with the project. An estimated \$900,000 in extraordinary costs will be required for the demolition of the current building as well as the subsequent environmental clean-up, asbestos removal, and relocation of utilities.

The property has advantages: close proximity to Interstate 44 and the St. Louis region's entire interstate system and available land for the creation of a "Show Up Yard" and parking lots to serve the office and warehouse space, and nearby amenities. The site also offers great visibility to promote the business and increased security while also providing a location that is relevant to the company's customers and workforce.

Prior to focusing on 800 South Highway Drive, J.F. Electric identified other potential sites for their expansion project in Valley Park as well as an additional site in Fenton. These locations were not ideal due to a number of factors, including potential flooding risks due to their proximity to the Meramec River. Additionally, these sites were more secluded, increasing the security risk and making them more difficult to access. These properties were smaller, lacked amenities close to the site, and had existing environmental issues.

To cover the extraordinary costs related to the development of this site, they are respectfully requesting a partial real estate property tax relief. Additionally, they respectfully request a sales tax exemption on construction materials.

Hamel Patel, Infinity Hospitality, owner of the property at 800 South Highway Drive, Fenton MO 63026 expressed he would like to comment later under the topic he is present for.

Mike Abbott, 1526 Bent Oak Ridge Drive, Fenton MO 63026, shared the Board should consider approving to provide the pavilion for the Boy Scouts with a safe access. The far pavilion's pathway is washed out and closed.

Jim VonderHardt, stated he would like to comment later under the topic he is present for.

Alderman Huels made a motion to move the consideration of a request by Boy Scout Troop 708 regarding rental of the Bud Weil Pavilion next on the agenda. The motion was seconded by Alderman Heard. Upon a vote being taken, the motion passed unanimously by the Board of Aldermen.

▪ **Consideration of a request by Boy Scout Troop 708 regarding rental of the Bud Weil Pavilion.**

Boy Scout Troop 708 is requesting the Board waive the rental fee for the Bud Weil main Pavilion for their use on Monday evenings at 6:45 p.m. – 8:30 p.m. from April 18, 2022 through September 12, 2022. The typical cost to rent the pavilion (for a day) is \$40 for residents and \$75 for non-residents.

Rich Jennings, 1208 Pequeno Lane, Fenton MO and Tonya Stagner 1353 Point Mariner Drive, Fenton MO from the 708 troop were present.

Alderman Jokerst inquired if there were other pavilion options if the main pavilion would be rented out. Mr. Jennings stated they could utilize the pavilion on the hill if the main pavilion is unavailable and requested a call to inform them of the change.

Alderman Maurath inquired on material availability to repair the pavilion path entrance. Public Works Director Dan Howard stated he could get material there to correct the wash out concerns caused by rain.

Following discussion, Alderman Huels made a final motion to approve the request by Boy Scout Troop 708 regarding rental of the Bud Weil main Pavilion and waive the rental fee with the condition if the pavilion is rented, they will utilize the pavilion on the hill and be notified of the change. The motion was seconded by Alderman Jokerst. Upon a vote being taken, the motion passed unanimously by the Board of Aldermen.

Alderman Heard made a motion to move the consideration of a request by Steadfast City for City support regarding St. Louis County providing incentives and tax abatements for the redevelopment of 800 S. Highway by J.F. Electric after the Planning and Zoning topics related to that property. The motion was seconded by Alderman Jokerst. Upon a vote being taken, the motion passed unanimously by the Board of Aldermen.

Alderman Jokerst made a motion to move the Health/Safety next on the agenda. The motion was seconded by Alderman Huels. Upon a vote being taken, the motion passed unanimously by the Board of Aldermen.

HEALTH/SAFETY – *Ald. Jokerst, Chairman (Yarbrough, Wisbrock, Clauss)*

• **Discussion regarding street trees.**

Alderman Jokerst shared after speaking with Mr. VanCleve, she reviewed why the ordinance was put in place. She assumes tree removal was due to roots causing streets to break up and sidewalks becoming uneven. Mr. VanCleve had found specific trees that do not cause that type of disruption. Alderman Jokerst inquired if it could be researched and consider amending the ordinance to allow street safe trees.

Alderman Huels shared there is a program called “Missouri Relief”, they work with municipalities to replace trees, some trees are free and there are others for a small cost. Alderman Huels suggested reviewing the program and consider partnering with them.

Alderman Clauss added Public Works has to trim the trees and some residents have submitted complaints that they do not like the aesthetic look of the trimmed tree. Alderman Maurath shared when the program was eliminated, there were a number of issues considered, did not plant the correct trees, limbs grow out into the streets causing the Fire Department issues, and felt it was in the best interest to eliminate the program and asked Public Works Director Dan Howard to speak to issue. Public Works Director Dan Howard shared trees are typically trimmed in the fall and improper trees were planted causing damage to sidewalks. He stated he has a long list from residents requesting street tree removal. Public Works Director Dan Howard expressed if the ordinance is amended, that it consider trees that will not damage streets, sidewalks, or cause hazards.

Following discussion, Alderman Jokerst made a motion to authorize Staff to research street friendly trees and consider amending the Ordinance to allow planting of street friendly trees. The motion was seconded by Alderman Clauss. Upon a vote being taken, the motion passed unanimously by the Board of Aldermen.

PLANNING & ZONING COMMISSION MEETING APRIL 6, 2022 – UPDATE/DISCUSSION

Ald. Maurath, Liaison

All recommendations from the Planning and Zoning Commission will be forwarded to the next Board Meeting for approval unless otherwise noted.

- **Announcements for the Planning and Zoning Commission Meeting:**
 - **No announcements.**

- **The Planning and Zoning Commission recommended the following:**
 - **Approval with conditions, of CASE 2022-SUP-02:** A Petition by Matthew Cragun on behalf of Chase Bank for a Special Use Permit for a Freestanding ATM at 190 Gravois Bluffs Circle. The property is zoned “C-1” Commercial District
Conditions of Approval:
 1. This Special Use Permit is solely for J.P. Morgan Chase Bank to locate a freestanding ATM with a drive-through at 190 Gravois Bluffs Circle, as indicated on plans dated February 10, 2022.
 2. Three (3) parking spaces immediately adjacent to the drive-through facility exit shall be striped for “no parking”.
 3. Compliance with all other applicable City of Fenton Codes and Ordinances.

Alderman Maurath shared this is the prior O’Charleys location and have obtained a permit for interior restructure. They will use 3,199 square-feet for the SUP and met all requirements. Alderman Heard inquired if there will be an interior bank as well. Alderman Maurath replied yes, and the remaining portion of the building will be for a future tenant.

- **Approval with conditions, of CASE 2022-SPR-01:** A Petition by US Capital Development for Site Plan Review of a new Retail/Commerce Building. The property is addressed as 750 Assembly Parkway and is zoned “PID” Planned Industrial Development.
Conditions of Approval:
 1. The site plan shall be amended as follows:
 - a. The legal description of the property on Sheet C1.0 shall be amended to reference Amended Fenton Logistics Plat Five.
 - b. Required building and landscape setbacks shall minimally be indicated on Sheet C2.0.
 - c. To indicate the proposed trash enclosure material in compliance with Section 425.210(B)(4)(b) of the Code.

- d. To provide a minimum of one (1) loading space, in compliance with Section 430.130 of the Code.
- e. To provide safety signage and a crosswalk related to the drive-through service.
The above will be reviewed by the Community Development Director for compliance with the Code and conditions of this approval.
2. Elevation plans shall be amended to indicate the height of the building and provide details regarding building materials, in compliance with Amended Ordinance 4002.
3. A separate Subdivision application will be required for any future lot split.
4. All future tenants within the building will require an Occupancy Permit, at which time the proposed tenant use will be reviewed for compliance with the permitted uses within the “PID”, as provided for in Section 4 – Development Uses, Item #2(A) of Amended Ordinance 4002.
5. Landscaping shall be minimally provided as indicated on the landscape plan submitted with the application. Proposed landscaping within bio-retention areas will require review and approval by MSD and may be subject to MSD maintenance agreements.
6. Any proposed storm water control for the site will require review and approval by Metropolitan Sewer District (MSD).
7. Review and approval of the development will be required by the Fenton Fire Protection District (FFPD).
8. Any needed changes based on MSD or FFPD review may be administratively reviewed and approved by the Community Development Director.
9. In addition to a Building Permit, a Major Land Disturbance Permit will be required before any construction will be permitted.
10. Compliance with all other applicable City of Fenton Codes and Ordinances.

Alderman Maurath shared the petitioner is proposing to construct a new 12,733 square-foot retail spec building in Fenton Logistics Park located west of Fenton Logistics Park Boulevard, east of private collector drive, and south of Assembly Parkway. The proposed site is referenced as a 13.526-acre lot for “Future Development” on Amended Fenton Logistics Plat Five.

Scott Halley, US Capital Development, 7911 Forsyth Boulevard, St Louis MO, shared he feels there is a lot of exciting growth on the front of the logistic park, and will help support their development and also support visitors and residents. They appreciate the support of the City and expect to be back in the next few months with exciting news.

Alderman Heard inquired on the anticipated type of future tenants. Mr. Halley replied it will be a variety such as food, services, and other retail; the strip could house eight (8) smaller tenants or one (1) depending on the tenant’s request and a drive thru is already included in the site plan.

- **Approval with conditions, of CASE 2022-REZ-01:** A Petition by Infinity Hospitality, LLC/FTN Investment, LLC to rezone a 1-acre portion of a tract of land described as being part of Lot 4 of Breck Industrial Court and part of Breck Industrial Plat No. 3 from “HP-1” Hospitality Park to “BP-3” Business Park. The property is addressed as 800 S. Highway Drive

Conditions of Approval:

1. This approval is strictly to rezone a one-acre, portion of a tract of land described as being part of Lot 4 of Breck Industrial Court and part of Breck Industrial Plat No. 3 from “HP-1” Hospitality Park to “BP-3” Business Park. The property is addressed as 800 S. Highway Drive. The rezoning is contingent on the approval of the corresponding Boundary Adjustment Plat and the one-acre portion of the Property shall remain “HP-1” if the Boundary Adjustment Plat is denied by the Board of Aldermen.
2. Compliance with all other applicable City of Fenton Codes and Ordinances.

Alderman Maurath shared the property contains a total of 9.861-acres, improved with a commercial building formerly occupied by a hotel use (Stratford Inn). The property is bounded by Larkin Williams Road and a commercial property zoned “HP-1” to the west, S. Highway Drive to

the north, Mraz Lane and a commercial parcel zoned “BP-3” to the west, and commercial properties zoned “BP-3” to the south.

The property owner of 800 S. Highway Drive (Infinity Hospitality, LLC) also has ownership (as FTN Investment, LLC) in a property adjacent to the subject property, addressed as 1850 Larkin Williams Road and zoned “BP-3”. Currently, Infinity Hospitality is under contract to sell 800 S. Highway Drive to Fowler Development Company but would like to retain a 1-acre portion of the parcel adjacent to 1850 Larkin Williams Road to provide expanded parking for the 1850 Larkin Williams Parcel.

In conjunction with the Boundary Adjustment Plat request, the Petitioner is seeking to rezone the 1-acre portion of 800 S. Highway Drive from “HP-1” to “BP-3” so that the entire proposed 2.361-acre parcel addressed as 1850 Larkin Williams Road will be zoned “BP-3”.

Alderman Jokerst inquired if this is only contingent to the rezoning request REZ-02 is approved. Alderman Maurath replied no it is separate petition. Alderman Jokerst inquired about the boundary adjustment request. City Attorney Erin Seele explained the boundary adjustment is coming up later on the agenda and if approved that would move the lot line for the one (1) acre lot and this request would change the zoning to match the zoning at 1850 Larkin Williams parcel. Alderman Jokerst inquired if Infinity Hospitality had requested a change in buffering already to allow additional parking. City Administrator Nikki Finkbiner shared that 800 S. Highway Drive received a variance that allowed for the existing parking lot to remain encroaching the line along Larkin Williams Road and Mraz Lane. However, they did seek variance for this property line and that request will be mute if the boundary adjustment is approved. City Administrator Nikki Finkbiner explained if the boundary adjustment plat is approved it will still be contingent upon an approval from the Board of Adjustment for landscaping buffers. As the property sits currently, regardless of what is proposed for future developments to meet the requirements, if the line is moved, it would not meet the landscaping buffer requirements. Both petitioners intend to redevelop both lots in compliance with the code, but in order for that to occur, they would need to seek a variance. Additionally, with the boundary adjustment plat they are seeking the rezoning specifically if the lot line is moved, they will not have a portion of the lot in the “HP-1” District and the remaining part of the lot in the “BP-3” District. Before the boundary adjustment plat could be recorded and before the City could execute it, the necessary variances would have to be obtained for the landscape buffers along the northern and eastern property lines. Alderman Jokerst inquired if this request sets a precedence. City Attorney Erin Seele replied no, each case is reviewed for reasoning and criteria for the rezoning, whether or not the area meets the purposes of the District and if the current zoning is reasonable.

Alderman Heard shared he recently attended the repair shop at 1850 Larkin Williams and stated their parking is limited and feels the request for the boundary adjustment and rezoning is reasonable. Alderman Maurath noted the Planning and Zoning Commission felt the same way.

Gary Ploesser, President for St. Louis County Surveying, 4809 Twin Ridge Road, House Springs 63051, he prepared the plats.

Shared he agrees about the parking, all the parking just north of this building is people already parking on Stratford property to do business at 1850 Larkin Williams. That is the whole reason for the boundary adjustment is to get more parking for 1850 Larkin Williams.

- **2022-REZ-02:** A Petition by Johnathan Fowler of Fowler Development Company, LLC to rezone an 8.9-acre portion of a tract of land described as being part of Lot 4 of Breck Industrial Court and part of Breck Industrial Plat No. 3 from “HP-1” Hospitality Park to “BP-3” Business Park. The property is addressed as 800 S. Highway Drive. Roll call vote of a motion to approve the subject

rezoning request resulted in a tie vote (4 in favor and 4 in opposition of the motion, (with the Chairperson declining to break the tie)).

Conditions of Approval:

1. This approval is strictly to rezone an 8.9-acre portion of a tract of land described as being part of Lot 4 of Breck Industrial Court and part of Breck Industrial Plat No. 3 from “HP-1” Hospitality Park to “BP-3” Business Park. The property is addressed as 800 S. Highway Drive. The rezoning is contingent on the approval of the corresponding Boundary Adjustment Plat and the 8.9-acre portion of the Property shall remain “HP-1” if the Boundary Adjustment Plat is denied by the Board of Aldermen.
2. Compliance with all other applicable City of Fenton Codes and Ordinances.

Alderman Maurath noted in conjunction with the Boundary Adjustment Plat request, the Petitioner is seeking to rezone the remaining 8.861-acre portion of 800 S. Highway Drive from “HP-1” to “BP-3” in order to build a future office/warehouse building for J.F. Electric Company. Per the City’s Land Use Matrix, said office/warehouse use is not permitted in the “HP-1” District, but is a permitted use in the “BP-3” District. The purpose of the “BP-3” District is to provide a mix of office, light industrial, retail, and service uses in a business park setting. Because portions of the “BP-3” District are adjacent to Residential District and Uses, the District provided for appropriate small-scale uses that complement and provide a Buffer Area to the surrounding Residential Uses.

Alderman Heard clarified topic is for rezoning and not permits connected with development of the property. City Attorney Erin Seele replied yes, when reviewing rezoning, even with a specific purpose for rezoning, the rezoning to the property has to be reviewed and remove reviewing a user. Review is to determine if the request for the rezoning is appropriate for the land, once rezoned any allowed uses for that zoning would be allowed on the property.

Alderman Jokerst shared she believes as the property fronts Highway 44 and is the front door to the City, changing to “BP-3” would allow uses that may not be desirable for the visibility of the property. Alderman Cruts shared if rezoned to “BP-3” he is leery of additional requests for rezoning of other “HP-1” properties and that it is important to preserve the City’s HP-1 buffer. Alderman Huels shared as Mr. Halley expressed earlier, the importance of frontage on Highway 44 and believes giving up the “HP-1” reasoning for retail and hospitality would be detrimental to the City. Alderman Clauss state she agreed with Alderman Cruts and Alderman Jokerst.

Hamel Patel, Infinity Hospitality, owns the property at 800 S. Highway Drive, Fenton MO 63026 shared a packet with the Board. Mr. Patel stated he knew and understood there were easements on the property and feels challenges have prevented furthering development of the property and the building has its own challenges such as asbestos. With the Covid pandemic it has been difficult to obtain financing for hotel developments and retail. They have been before the City prior requesting rezoning; they have not had anyone approach for hotel development due to the lack of financing and the market. He believes the property needs to be redeveloped and current company’s request is an opportunity. He further shared his family is in process of another hotel development a few properties down from this location on South Highway Drive as that property has less easement and challenges for development. Across the highway Mr. Halley’s U.S. Capital properties, in a TIF and PID district, there are two (2) proposed sites for hotel development that poses challenges to develop a hotel without incentives.

Alderman Heard inquired clarification for the rights of way and easements on the 800 S. Highway Drive property. Mr. Patel explained they are large multiple easements for Metropolitan Sewer District (MSD) and overhead and underground electric lines. The Strafford building was built over the easement. City Attorney Erin Seele expressed it depends how the easement is defined whether or not the easement can be built on at the owner’s risk or prohibits building on the easement. City Attorney Erin Seele inquired if the easements were relevant to the rezoning request and stated really only relevant if the easements prohibit all allowed uses in the “HP-1” District but allows

uses within the “BP-3” District and she is not hearing that be said. City Attorney Erin Seele advised the rezoning is for determining if uses for “HP-1” are appropriate as currently zoned or if “BP-3” is appropriate. City Administrator Nikki Finkbinder suggested the easement discussion would be more appropriate under the Finance topic for the requested redevelopment. Alderman Clauss inquired if the easement conditions were new or existing. Mr. Patel replied he believes yes, existing.

Jim VonDerHaar, Commercial Broker, had been trying to market/develop the property for two (2) years. Has not had interest on the hospitality usage but has had interest for storage units and sport type venues. He has had difficulty finding users that fit within the hospitality zoning. It was noted the sport type venue described does fit HP-1 zoning.

Randy Green, Innovative Consulting Group, 1860 Larkin Williams Road, Fenton MO, shared he is in the construction business and over the last five (5) years he has built five (5) hotels in the area. He stated that it is difficult to obtain financing for these types of projects. He believes the building is in bad shape and needs to be demolished and does not see the hotel business returning in the near future as hotel construction is not being financed. He believes the Board should consider other options for the property. Alderman Maurath stated hotel use is not the only use allowed in “HP-1” District.

Alderman Heard shared after serving five (5) years as a member on the Planning and Zoning Commission before becoming an alderman, it is hard to decline an opportunity to rezone the property for development as it is in bad shape. But at the same time, he recognizes once a structure is allowed to be built, the result is lived with the for a long time. Additionally, he is concerned if approved there is no guarantee this particular company will build there and could open opportunities for different structures or uses on the property. He shares the opinion that property is the City’s front door and highly visible from interstate. He has hope with the surrounding development, there will be interest in the property due to its location.

- **Approval with conditions, CASE 2022-TXT-01:** A Petition by Michael Marschuetz of STL Athletic Center, LLC to amend the definition for "Indoor, Unlimited Recreation Facility" under Section 400.030 of the Zoning Code to allow for outdoor activities related to the primary use in the principal building by adding the bolded language:

RECREATIONAL FACILITY, INDOOR UNLIMITED — An establishment primarily engaged in operations and activities contained within large-scale gymnasium-type facilities such as for tennis, basketball, swimming, indoor soccer, indoor hockey, volleyball, or bowling.
Indoor Recreational Facilities may include outdoor activities related to the Principal Use of the Principal Building.

Alderman Maurath noted this is in conjunction with the next case. The petitioner wants to put in a soccer field on the south side of the building. Alderman Jokerst inquired on environmental concerns of chemicals used on fields in relation to location near the Meramec River.

Mike Marschuetz, 2300 Hitzert Court, Fenton MO 63026, the property is out of the floodplain, no concern. Alderman Clauss shared if the outside facilities are like the inside, she welcomes the addition. Alderman Maurath echoed her comment.

- **Approval with conditions, of CASE 2022-SUP-03:** A Petition by Michael Marschuetz of STL Athletic Center, LLC to amend an existing Special Use Permit, approved via Ordinance 3907, for an Indoor, Unlimited Recreational Facility located at 2300 Hitzert Court to expand the Special Use Permit to include an outdoor soccer field. The property is zoned “IP-1” Industrial Park.

Conditions of Approval:

1. The Special Use Permit is solely for STL Athletic Center, LLC to expand the existing Indoor Unlimited Recreation Facility at 2300 Hitzert Court to provide an outdoor soccer field as indicated on the site plan submitted with the application, dated March 7, 2022.
2. Parking on site shall be/remain sufficient for the overall use of the property.
3. Minimally, a Minor Land Disturbance Permit will be required, which may require review and approval by MSD.
4. Compliance with all other applicable City of Fenton Codes and Ordinances.

- **Other items from the Planning and Zoning Department:**

- **Consideration of a Petition by Infinity Hospitality/FTN Investment for a Boundary Adjustment Plat for Part of Lot 4 of Breck Industrial Court and Part of Breck Industrial Court Plat No. 3. The parcels are addressed as 800 S. Highway Drive (zoned “HP-1”) and 1850 Larkin Williams Road (zone “BP-3”).**

The subject properties are addressed as 800 S. Highway Drive and 1850 Larkin Williams Road and are legally described as Part of Lot 4 of Breck Industrial Court and Part of Breck Industrial Court Plat No. 3. The property addressed as 800 S. Highway Drive contains 9.861 acres, is developed with a commercial building formerly occupied by Stratford Hotel and is zoned “HP-1”. The property addressed as 1850 Larkin Williams Road, contains 2.361 acres, is developed with two (2) commercial building occupied with office/warehouse uses and an automotive repair shop and is zoned “BP-3”.

The Petitioner is the owner of both 800 S. Highway Drive (Infinity Hospitality, LLC) and 1850 Larkin Williams Road (FTN Investment, LLC). Currently, Infinity Hospitality is under contract to sell 800 S. Highway Drive to Fowler Development Company but would like to retain a 1-acre portion of the parcel adjacent to 1850 Larkin Williams Road to provide expanded parking for the 1850 Larkin Williams (shown as “Acquisition Parcel” on the subject Plat).

Additionally, the FTN Investment LLC is requesting to rezone the 1-acre portion of 800 S. Highway Drive (“Acquisition Parcel”) from “HP-1” to “BP-3” so that the entire proposed 2.361-acre parcel addressed as 1850 Larkin Williams Road will be zoned “BP-3”. Furthermore, Fowler Development Company seeking to rezone the remaining 8.861-acre portion of 800 S. Highway Drive from “HP-1” to “BP-3” in order to build a future office/warehouse building for J.F. Electric Company. The noted rezoning requests will be considered under separate applications (see Cases 2022- REZ-01 and 2022-REZ-02). *Both rezoning cases are contingent upon the approval of the requested Boundary Adjustment Plat.*

It is also noted that in 2019, via Case 2019-V-07, the Board of Adjustment approved a variance request to allow for the existing parking area at 800 S. Highway Drive to encroach the required buffer areas along the property lines adjacent to Larkin Williams Road and Mraz Lane (front lot lines) and to encroach the required buffer areas alongside property line (adjacent to 870 S. Highway Drive). This request was in conjunction with a site plan for a future proposed hotel and recreation center to be constructed on the property. Although the proposed redevelopment of the property did not occur, the approved variances still follow the land.

As indicated above, the current request is for a Boundary Adjustment Plat for Part of Lot 4 of Breck Industrial Court and Part of Breck Industrial Court Plat No. 3 for 800 S. Highway Drive (zoned “HP-1”) and 1850 Larkin Williams Road (zone “BP-3”). *Noting that the above discussed rezoning cases are contingent upon the Boundary Adjustment Plat approval, the Plat was reviewed to comply with the “BP-3” regulations and was reviewed in conjunction with the approved Variance (Case 2019-V-07).*

In review of the “BP-3” District regulations under Section 415.160 of the Zoning Code, the proposed lots meet and/or exceed the required minimum one (1) acre lot area, are under the maximum allow lot coverage by the principal building of sixty-five percent (65%) of the lot area

and are allowed to have more than one (1) Principal Building per Lot. However, in review of the required Setbacks and Buffer Areas, along with the approved Variance noted above, the following encroachments were noted:

1850 Larkin Williams Road

1. Building encroachment of the required 50' (building) setback along Larkin Williams Road;
2. Parking Area encroachment of the required 15' buffer area along Larkin Williams Road (front property line); and
3. Parking Area encroachment of the required 10' buffer area along the north, east, and south rear/side property lines.

800 S. Highway Drive

1. Parking Area encroachment of the required 10' buffer area along the south and west rear/side property line adjacent to 1850 Larkin Williams Road; and
2. Parkin Area encroachment of the required 10' buffer area along the rear property line adjacent to properties addressed 731 and 769 Larkin Williams Road.

In review of the proposed Boundary Adjustment Plat for compliance with Section 440.060 – Boundary Adjustment Plat of the Zoning Code, it was noted that Subsection B(3) requires that adjusted lot must meet all applicable requirements of the Zoning Code. Noting the encroachments above, the plat does not meet this requirement.

Based on the above, the Board could consider approval of the proposed Plat, with a condition that a Variance must obtain a Variance through the Board of Adjustment before execution by the City or the Board could continue the request until a variance is obtained or all applicable requirements are adhered to.

Alderman Maurath inquired as this is contingent on rezoning cases would it be beneficial to continue until after heard by the Board of Adjustment. City Administrator Nikki Finkbiner stated as discussed earlier variances will be needed for landscaped buffers and setbacks. If the Board feels comfortable approving the boundary adjustment plat contingent receiving the variances it could be moved forward or continue until variances are approved. Alderman Maurath suggested continuing until variances are approved. There were no objections.

FINANCE – *Ald. Heard, Chairman (Cruts, Maurath, Huels)*

- **Consideration of a request by Steadfast City for City support regarding St. Louis County providing incentives and tax abatements for the redevelopment of 800 S. Highway by J.F. Electric.**

Steadfast City is seeking support from the City for J.F. Electric to apply for incentive and tax abatement through St. Louis County.

Alderman Heard asked Ms. Riter what was the action they are requesting from the City based on her public comment. Ms. Riter stated they are requesting support from the City for the County to provide assistance for economic incentives for the development such as a resolution. City Administrator Nikki Finkbiner expressed she feels they are requesting a letter of support, similar to what the City did for Grey Eagle. Ms. Riter stated it would be a Chapter 100, a property tax abatement and sales and use tax exemption for the building materials only and negotiations would be with County on what the abatements would be such as 95% abatement on new taxes added for five (5) years and 50% for another five (5) years. City Administrator Nikki Finkbiner shared it would be abatement at County level as Fenton does not have real estate tax and the Fire District is exempt from abatement.

Alderman Maurath expressed whether the the Board was getting ahead of itself since it has not voted on the rezoning cases. After discussion, Alderman Heard suggested continuing the consideration until decision is received from the Board of Aldermen for rezoning. Alderman Clauss agreed with Alderman Heard. There were no objections.

Greg Fowler, Fowler Development Company and President/CEO for J.F. Electric, 100 Lakefront Parkway, Edwardsville IL, explained Fowler Development is owned by the family, it owns all the property J.F. Electric operates from. Fowler Development is requesting the zoning change and building the facility if approved.

- **2021 Amended Budget.**

A summary of the proposed budget amendment to close out the fiscal year 2021 and the details by fund were available for review.

Alderman Maurath inquired on the monthly financial reviews delay. City Administrator Nikki Finkbiner shared the delay is due to year-end and audit and will be forthcoming. Alderman Heard expressed four (4) months is a long time to go without updates and feels updates should still be provided to the Board through audits.

After discussion, Alderman Heard made a motion to forward to the April Board of Aldermen meeting the 2021 amended budget. The motion was seconded by Alderman Cruts. Upon a vote being taken, the motion passed unanimously by the Committee.

- **Request to continue utilizing Amazon Business Prime.**

In February of 2020, the Board approved a request by Staff to create an Amazon Business account for the City under a Government Account, which limits the number of users on the account (who can use the account), controls what can be purchased, provides a cost savings on co-op purchases, and allows the City to make tax-exempt purchases under the Amazon Tax Exempt Program (ATEP).

On May 27, 2021, the Board approved the City upgrading the account to a Prime Account for \$179 per year but requested that this matter be brought back in a year to decipher if the annual fee is cost effective.

It is noted that Amazon is frequently used by Staff to purchase supplies online as supplies are sometimes available at a lower cost, the online account provides an efficient way to make purchases with our tax-exempt status, allows the account administrators to track purchases and invoices, and the online ordering does not require staff leaving the offices to make the purchases. Additionally, the Prime account does not require a minimum purchase and has one (1) and two (2) day deliveries. Furthermore, it is also noted that due to recent supply chain issues, Staff has found that they are able to purchase supplies on Amazon that they are not able to purchase through local vendors.

Based on the above, Staff is requesting that the Board consider allowing the City to continue upgrading the City's membership to a Prime Account for the annual cost of \$179.

After discussion, Alderman Heard made a motion to forward to the April Board of Aldermen meeting the request to continue utilizing Amazon Business Prime. The motion was seconded by Alderman Huels. Upon a vote being taken, the motion passed unanimously by the Committee.

PARKS & RECREATION COMMITTEE MEETING APRIL 4, 2022 – UPDATE/ DISCUSSION

Ald. Huels, Liaison

All recommendations from the Parks and Recreation Committee will be forwarded to the next Board Meeting for approval unless otherwise noted.

- **Announcements from the Parks and Recreation Committee meeting:**

- **The April 4, 2022, Parks and Recreation Committee Meeting was cancelled.**

- **Other items from the Parks and Recreation Department:**

- **Consideration of a request to adopt a policy regarding Geocaching in City.**

Staff has received a request for the City to adopt a policy regarding Geocaching in the City Parks. For reference, an example of a policy adopted by St. Louis County was available for review.

City Administrator Nikki Finkbinder explained Geocaching is an outdoor treasure-hunting activity that uses GPS-enabled devices. They look for a container containing items, then record the cache's coordinates. Captain Lawson stated they have not encountered any issues with Geocaching.

Alderman Jokerst suggested an environmentally friendly container be required.

Following discussion, Alderman Huels made a motion to forward to the April Board of Aldermen meeting the request to adopt a policy regarding Geocaching in the City with a requirement to use environmentally friendly container when possible. The motion was seconded by Alderman Jokerst. Upon a vote being taken, the motion passed unanimously by the Board of Aldermen.

MISCELLANEOUS

- **Discussion regarding proposed signage for the RiverChase Facility related to the pending management contract with the YMCA.**

City Administrator Nikki Finkbinder stated it will be presented to the Board when received.

EXECUTIVE SESSION

At 8:48 p.m., Alderman Clauss made a motion to enter into Executive Session pursuant to Section 610.021: (1) Legal actions, causes of action or litigation, and (13) Individually identifiable personal records, performance ratings or records pertaining to employees and or applicants for employment. The motion was seconded by Alderman Cruts.

Upon the roll being called, the Board of Aldermen voted as follows:

Alderman Cruts	<i>Aye</i>	Alderman Clauss	<i>Aye</i>
Alderman Huels	<i>Aye</i>	Alderman Heard	<i>Aye</i>
Alderman Wisbrock	<i>Absent</i>	Alderman Jokerst	<i>Aye</i>
Alderman Maurath	<i>Aye</i>		

It was announced that the motion was passed unanimously by the Board of Aldermen.

ADJOURNMENT

At 9:10 p.m. Alderman Maurath reconvened the meeting at which time, with no other business before the Board, Alderman Heard made a motion to adjourn. The motion was seconded by Alderman Cruts. Upon a vote being taken, it was announced that the motion was passed unanimously by the Board of Aldermen.

Respectfully submitted,

Jane Hungler
City Clerk
City of Fenton