



WILDWOOD

"Planning Tomorrow Today"

December 5, 2022

The Honorable City Council
The City of Wildwood, Missouri
16860 Main Street
Wildwood, Missouri 63040

Council Members:

The Planning and Zoning Commission has completed its review of the proposed change to the regulation on the timeframe approved Record Plats must be recorded with St. Louis County (Recorder of Deeds Office) and prepared the following recommendation reflecting its action upon them for City Council's consideration. This recommendation was completed in accordance with the requirements of Chapter 89 of Missouri Revised Statutes and those regulations of the City relating to public notice and publications (Chapter 415.560 of the City of Wildwood Zoning Ordinance). This recommendation is as follows:

Petition: P.Z. 10-22
Petitioner: City of Wildwood Planning and Zoning Commission, c/o Department of Planning, 16860 Main Street, Wildwood, Missouri 63040
Request: *A request for the Planning and Zoning Commission to consider potential changes to Chapter 420 Subdivision and Development Regulations of the City of Wildwood's Code of Ordinances, for the purposes of evaluating the current timeframe for recording an approved Record Plat, which is no more than sixty (60) days after final action by the City Council.*
Tract Size: Not Applicable
Zoning Districts: All
Public Hearing:
Date: October 3, 2022
Vote and Date on Information Report: November 7, 2022 – **Approval of the change by a vote of 6 to 0 (Voting Aye: Helfrey, Ward, Kohn, Jackson, Clayton, and Beattie)**
Vote and Date of Action On the Letter of Recommendation: December 5, 2022 – **Approval of the modification to this regulation by a vote of 9 to 0 (Voting Aye: Helfrey, Ward, Kohn, Broyles, Clayton, Deppeler, Bowlin, Brost, and Beattie)**
Wards: All

Report: Attachment A
School District: Rockwood
Fire District: Eureka Fire Protection District, Metro West Fire Protection District, and Monarch Fire Protection District
Police: St. Louis County Police Department - Wildwood Precinct
Recommendation: Approval of the Requested Change to this Platting Requirement

Copies of the City of Wildwood Master Plan, the City of Wildwood Zoning Ordinance, and Charter are all on file with the City Clerk's Office.

Respectfully submitted,

CITY OF WILDWOOD PLANNING AND ZONING COMMISSION

David Beattie, Chair

ATTEST:

Joe Vujnich, Director
Department of Planning

Cc: The Honorable James R. Bowlin, Mayor
Steve Cross, City Administrator
John A. Young, City Attorney
Rick Brown, P.E. and P.T.O.E., Director of Public Works
Melanie Rippetoe, Assistant Director of Planning and Parks
Travis Newberry, Senior Planner

ATTACHMENT A >>> REPORT

INTRODUCTION AND BACKGROUND >>> The Planning and Zoning Commission is recommending the City Council consider a change relating to an item contained in the City's *Subdivision and Development Regulations* regarding Record Plats and how they are recorded with the St. Louis County Recorder of Deeds Office. Specifically, this change involves the timeframe for recording of an approved Record Plat, which is by code no more than sixty (60) days. This sixty (60) day window is intended to ensure an approved platting process is completed and protects the property owner and others from unwanted delays.

However, since COVID-19, the sixty (60) day threshold has become more problematic, with delays relating to closures and reduced staffing at other government offices, financial institutions, and land surveying professionals. These factors have caused the subdivision process to be more protracted and led to the need to expand this time threshold. Given it is a code requirement, the Planning and Zoning Commission and the City Council must act in this regard. Again, the Commission is seeking action on the included recommendation from the City Council relative to this matter.

CURRENT REGULATION OF THE CITY >>> Provided below is the reference in this regard:

Section 420.090 - Record Plat.

[R.O. 1997 § 420.090; Ord. No. 209 § 1005.090, 2-26-1996; Ord. No. 675 §§ 1—2, 1-8-2001]

- E. **The record plat shall be filed with the Recorder of Deeds within sixty (60) days after approval by the City Council. If any record plat is not filed within this period, the approval shall expire.**

ANALYSIS >>> The Planning and Zoning Commission began this ordinance amendment process to address an issue that was first noticed during the pandemic. This issue related to property owners who were submitting plats for the subdivision of lots, which does require their recording with St. Louis County. This recording process follows the authorization and approval action of the City Council of the plat by legislation. Once a plat is authorized and approved, the property owner then has up to sixty (60) days to record it with St. Louis County. This timeframe is intended to ensure the plat remains germane relative to the action of the City Council and the regulations associated with the division of parcels of ground.

This timeframe for the recording of plats has been in place since the City's incorporation in 1995. For all of those years, it was infrequent when the sixty (60) day timeframe exceeded, but as mentioned, delays have been more frequent and appear to be part of the process for the foreseeable future. This situation has led to this consideration and, although there is no penalty for not recording the plat in the required timeframe, it does lead to the property owner and the City Council repeating the platting process, which can be up to a month or more of additional time.

Accordingly, the Planning and Zoning Commission is supporting a change in the regulation that requires the sixty (60) day recording window as part of the City's platting process. At the public hearing that held by the Planning and Zoning Commission on this matter, a question was asked by one (1) of the members about what would be the optimum timeframe, given past experiences and anticipated trends. The Department was asked to research such, with the City Attorney also contributing to the response, which identified that other cities have timeframes as long as six (6) months for this recording requirement. The question and subsequent discussion indicated a variability does exist in this regard.

The Commission had mentioned ninety (90) days as a possible option at the public hearing. Now, however, the Commission would support a new timeframe of one hundred twenty (120) days for this required recording. This timeframe is double the number of months now allowed and should, from the Commission's perspective, address almost all situations relative to this process. The outcome of this change would be a more respectful process to residents and property owners of Wildwood.

SUMMARY AND CONTACT INFORMATION >>> It is important to note, the Commission does not believe the change to be substantive in nature, given that at least a majority of the plats may still be able to accommodate the sixty (60) day requirement, but those submittals that require out-of-town lien holders to sign them or where staff reductions are acute, the change will be welcomed. The Planning and Zoning Commission also holds the change will also offer the Department of Planning additional time to ensure all components of the plat are correct, before final signatures, seals, and releases. Accuracy is key in this aspect of the subdivision process. Accordingly, the Commission is recommending the following change to the current language of this regulation:

Section 420.090 - Record Plat.

[R.O. 1997 § 420.090; Ord. No. 209 § 1005.090, 2-26-1996; Ord. No. 675 §§ 1—2, 1-8-2001]

- E. The record plat shall be filed with the Recorder of Deeds within **one hundred twenty (120)** ~~sixty (60)~~ days after approval by the City Council. If any record plat is not filed within this period, the approval shall expire.

If any of the City Council Members should have questions or comments in this regard, please feel free to contact the Department of Planning at (636) 458-0440. Thank you for your review of this information in preparation of tonight's hearing on this topic.