

**CITY OF CLAYTON BOARD OF ALDERMEN
DISCUSSION SESSION – 6:15 P.M.
TUESDAY, JULY 11, 2017
CLAYTON CITY HALL – COUNCIL CHAMBERS
10 N. BEMISTON AVENUE**

1. Presentation on the International Training Seminar.
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**CITY OF CLAYTON BOARD OF ALDERMEN AGENDA
TUESDAY, JULY 11, 2017 – 7:00 P.M.
CLAYTON CITY HALL - COUNCIL CHAMBERS
10 N. BEMISTON AVENUE**

ROLL CALL

MINUTES – June 27, 2017

PUBLIC REQUESTS & PETITIONS

Proclamation – Marvin Kosky, French Legion of Honor

PUBLIC HEARING

1. Ordinance – To approve a Special Development Subdistrict Plan, Subdistrict 2B for the Centene Clayton Campus Development. (Bill No. 6618)
 - *To consider approving a plan, Subdistrict 2B located on Forsyth Boulevard, for a corporate-civic auditorium structure.*
2. Ordinance – To approve a modification of Appendix M of the 2015 International Fire Code. (Bill No. 6619)
 - *To approve a modification as it relates to the automatic sprinkler retrofit requirements.*

REPORT FROM THE CITY MANAGER

1. Motion – To approve a liquor license for Pelican Bar
 - *EDLL, LLC d.b.a. Pelican Bar is requesting a liquor license to sell all kinds of intoxicating liquor at retail by the drink, including Sundays, at 30 N. Central Avenue.*
2. Motion – To approve a liquor license for Capital Grille.
 - *The Capital Grille Holdings, Inc. d/b/a, the Capital Grille is requesting a liquor license to sell all kinds of intoxicating liquor at retail by the drink, including Sundays, at 101 S. Hanley Road.*
3. Motion – To appoint to the Boards and Commissions.
4. Motion - To consider an appeal of an Architectural Review Board decision for 6367 Ellenwood Drive.
 - *To consider an appeal submitted by Dennis and Tiffanie Upshaw, owners of 6367 Ellenwood Drive, denying their request to add a circular driveway to the property.*

ADJOURNMENT

EXECUTIVE SESSION

Subject to a motion duly made in open session and a roll call vote pursuant to Section 610.022 the Board of Aldermen may also hold a closed meeting, with a closed vote and record for one or more of the reasons as authorized by Section 610.021(1), (2) and (3) Revised Statutes of Missouri, relating to legal issues, real estate and/or personnel, negotiation of a contract pursuant to Section 610.021(12) RSMO., proprietary information pursuant to Section 610.021(15), and/or information related to public safety and security measures pursuant to Section 610.021(18) and (19) RSMO.

ADL Counterterrorism



Seminar - March 2017

"...TO SECURE JUSTICE AND FAIR TREATMENT TO ALL CITIZENS ALIKE AND TO PUT AN END FOREVER TO UNJUST AND UNFAIR DISCRIMINATION AGAINST AND RIDICULE OF ANY SECT OR BODY OF CITIZENS."

—ADL FOUNDING CHARTER, 1913



Bill Ayub
Assistant Sheriff
Ventura County Sheriff's Office
Ventura, California

Tom Becker
Chief
City of Frontenac Police Department
Frontenac, Missouri

Will Brown
Commander
San Diego Police Department
San Diego, California

Christopher Darcy
Captain
Las Vegas Metropolitan Police Dept.
Las Vegas, Nevada

Sean Duggan
Chief
Chandler Police Department
Chandler, Arizona

Glenn Eidman
Chief
Creve Couer Police Department
Creve Couer, Missouri

Donna Johnson
ADL Leadership
Phoenix, Arizona

Chuck Kaye
Assistant Chief
San Diego Police Department
San Diego, California

Richard Knox
Chief
Olivette Police Department
Olivette, Missouri

Timothy Lowery
Chief
Florissant Police Department
Florissant, Missouri

Lori Luhnow
Chief
Santa Barbara Police Department
Santa Barbara, California

Kevin Murphy
Chief
Clayton Police Department
Clayton, Missouri

Dave Nisleit
Assistant Chief
San Diego Police Department
San Diego, California

Raymond Sweeney
Captain
La Mesa Police Department
La Mesa, California

Charles Thal
Chief
St. Ann Police Department
St. Ann, Missouri

PARTICIPANT



Tammy Gillies
Regional Director,
Anti-Defamation League
San Diego, California

Karen Aroesty
Regional Director,
Anti-Defamation League
Missouri/Southern Illinois



Every year, American law enforcement executives travel to Israel with ADL to study first hand Israel's tactics and strategies to combat terrorism. The National Counter-Terrorism Seminar (NCTS) is an intensive week long course led by senior commanders in the Israel National Police, experts from Israel's intelligence and security services, and the Israel Defense Forces. More than 175 law enforcement executives have participated in 12 NCTS sessions since 2004, taking the lessons they learned in Israel back to the United States.



Example: Ben Gurion International Airport

Incredibly detailed planning to address many contingencies – Gaza rockets can hit Airport 3 minutes from launch

- Choke point, only 2 vehicle entrances to the Airport – All entering vehicles are scrutinized, talked to by security personnel**
- Visible deterrents, security with automatic rifles at vehicle & pedestrian entrances**
- Electronic alarms on all perimeter fences - Exceptional luggage scrutiny**
- Surveillance on all arriving cars, trains, and aircraft**
- Natural gas generators, food, water, supplies for long siege or disaster**
- Questioning of all people coming and going**



BEN GURION INTERNATIONAL AIRPORT

Security Strategy Briefing and Tour

Welcome
Bienvenue

↑
NEW YORK
CLUB

NOT IN USE

15 FOREIGN PASSPORT
ב"מ ב"מ

16 FOREIGN PASSPORT
ב"מ ב"מ

NOT IN USE

18 FOREIGN PASSPORT
ב"מ ב"מ



DEMOGRAPHICS

Population: 8.7 Million

75% Jewish

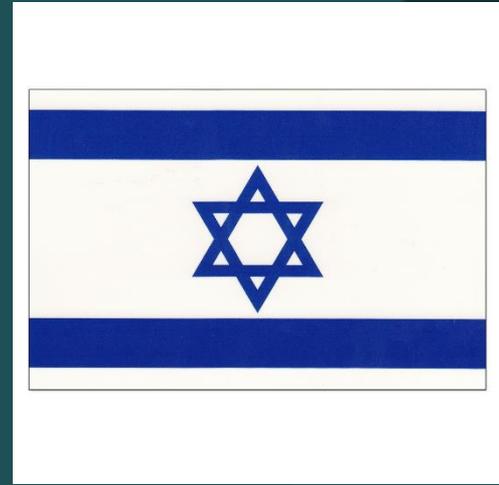
- > Secular
- > Traditional
- > Ultra Orthodox
- > Modern Orthodox

21% Muslim

- > Arabic Speaking

4% Other

- > Christians
- > Druze



4 SURROUNDING NATIONS OF ISRAEL



Israel thrives amidst difficult environment



Tel Aviv

It is the only democracy in the Middle East

**Small country – 300 miles
North to South x 80 miles across**

**Jews, Arab Muslims, Arab Christians, etc.
make up diverse population – inc. refugees**

4 hour drive to Iraq from Eastern border

Hezbollah, Hamas, ISIS all present

**Draft for those 18-22, Male & Female,
normally 28 month commitment**

**28,000 members of the Israeli National
Police Force (Does not include Army)**

**Most sensitive areas, Gaza & West Bank
* 19 Checkpoints in place to control
persons coming from Palestinian areas
into Israel**

**Fences/Checkpoints built in 2003 forward
have helped slow bombings**





Provided us with the
opportunity to visit
with scholars, police
officials, soldiers,
community leaders.

Meetings with:

- Dr. Amichai Magen, Head of the Governance & Political Violence Program
Institute for Counterterrorism Studies
- Ben Gurion International Airport Security Head Roni Tidhar
- Major Jordan Herzberg, Israeli Defense Force (IDF) / Army (Res)
- Supt. Mickey Rosenfeld, Israeli National Police (INP)
- Commander Eitan Menashe, Israeli National Police Academy
- Col. Ala Shalabi, Bethlehem Police, Palestinian Civil Police
- Sgt. Major Ronit Tubul, Intell Analyst, INP, Jerusalem District HQ
- Major Oz Arad, Commander, Qalandiya Checkpoint, West Bank
- Chief Inspector Johnny Kassabri, INP, Jerusalem, Old City
- Dr. Simon Perry & Professor Badi Hasisi, Hebrew University, Criminology Dept.



Dr. Simon Perry



- **Yad Vashem, The World Holocaust Remembrance Center**
- **Colonel Kobi Marom, IDF (Res)**
- **Colonel Eran Fire, Commander, Ofer Prison**
- **Dror Irani, CEO, BriefCam - Video Intelligence Tool**
- **Colonel Ron Gertner, INP former Chief of Operations, West Bank**
- **Professor Omri Yadlin, President, Sapir College, Gaza**
- **Yael Lachyani, Asst. Director, Jewish Federation of San Siego**



Visited:

Tel Aviv, Jerusalem, Bethlehem,

Tiberias, Gaza area, Golan Heights,

West Bank Areas A, B, and C

A = Palestinian Control

B = Palestinian Civil Authority &
Israeli & Palestinian Police

C = Israeli Control

SIGN TO THE RIGHT IS POSTED

AT CHECKPOINTS INTO WEST

BANK AREA "A" ----->

(Most signs posted in Hebrew, Arabic,
and English)





ISRAEL POLICE HEAD QUARTERS



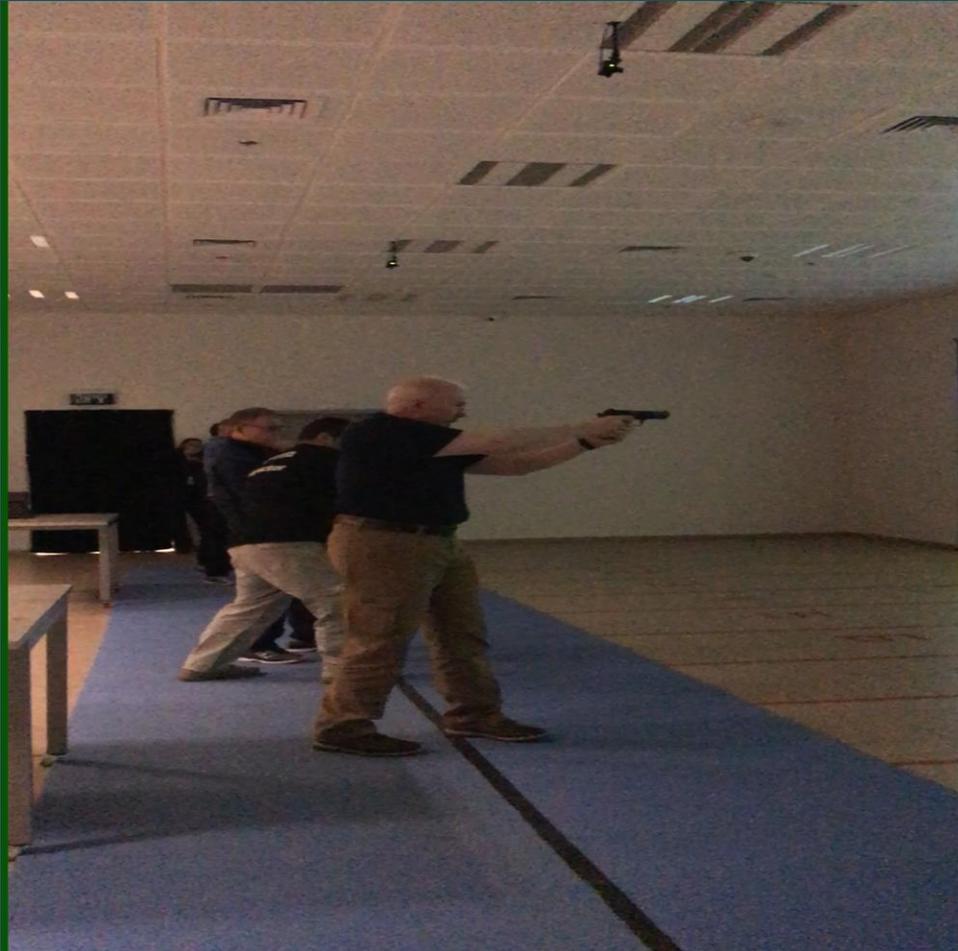
Israelis speak openly about terrorism causes & solutions, and they educate their citizens on counterterrorism. For example, Bomb Squad regularly called out as all citizens know to report any suspicious or unattended objects.

They described Israel as being able to quickly adapt to changing tactics, in contrast to the U.S., where things take time. Comparison of a speed boat (Israel) being able to turn quicker than an aircraft carrier (the U.S.)

Israeli Police Academy



Shooting Simulator



Israeli Police Academy (Range)





Israel's 4 Pillars of Counterterrorism

- 1. Reduce the capacity of enemy to harm you using Technology, Intelligence, and any resources available**
- 2. Reduce the motivation for the enemy to harm you with incentives, sanctions, etc., while still understanding ideology of the enemy (“use stick & carrot approach”)**
- 3. Resiliency – Goal is to have blood off streets, scenes cleared and people moving on within 3 – 5 hours after an attack. Back to normal as quickly as possible**
- 4. Innovation, especially funding solutions**

Lone Offenders



1. Inspired by Group
2. Loner radicalized online
3. Increasing in occurrence

(Always disaffected, lower intelligence)

Examples: *Palestine Liberation Organization - PLO*

Boycott/Divest/Sanctions – BDS – Palestinian Activists

Military and academia study such offenders and present profiles of those likely to commit such acts – and provides interdiction / mitigating suggestions to help prevent and defend against Lone Actor Terrorists.



Opportunities to detect and prevent Lone Attackers

- During their radicalization phase
- During their attack planning & preparation

Most all lone terrorist offenders were previously known to law enforcement, though not necessarily for violent acts.

- By intense analysis of all data for offenders and all attack stages
- Directed deployment of officers/soldiers for prevention of lone actor attacks

Continual Struggle Against Terrorism

Since October, 2015, Israel has had:

- 317 Terrorist Attacks (181 Knife, 97 Shootings, 32 Vehicle, 7 Other)
- 39 Israelis and 2 Tourists have been murdered, with 340 Injured

In addition (since Oct. 2015) 106 Terrorists have been captured, and 198 have been killed. Of that group, the average age was 21 years old, and 28 were female.



Border Crossing



Border Crossing

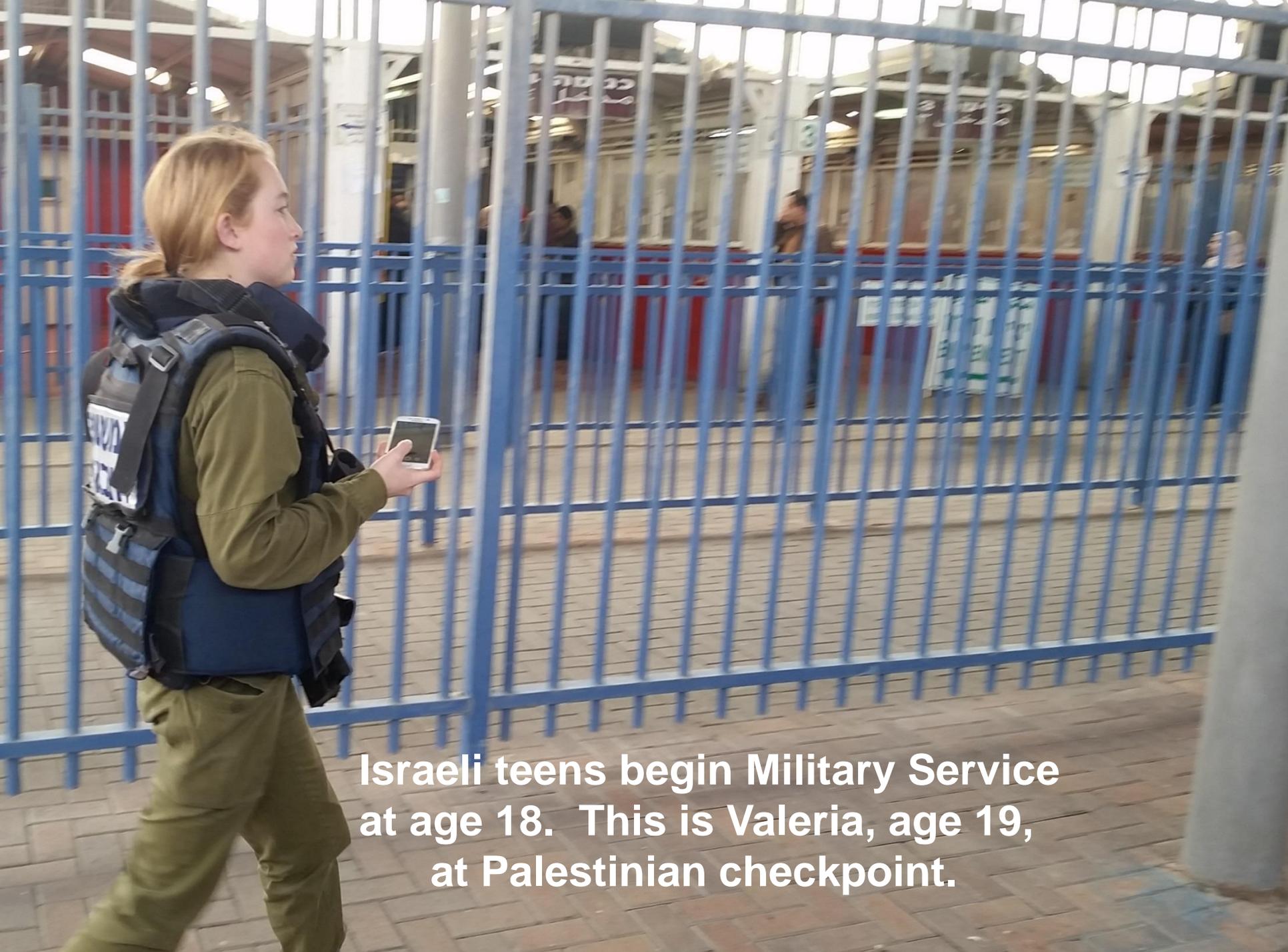


Example of successes against Lone Boarder Run Over Attackers

- Hardened bus stops, pedestrian areas



Steep decline from 2008 – 2016 in # of people injured per attack by target hardening & education of citizens in terrorist methods and prevention



**Israeli teens begin Military Service
at age 18. This is Valeria, age 19,
at Palestinian checkpoint.**



Good Offense & Defense required – Proactive and Reactive Capabilities

-Pro-Intelligence efforts

-Operational Capabilities (Motorcycle SWAT example)

-Excellent cooperation with organizations and units

-Create hostile, non-advantageous “bottleneck” environment for terrorists operations while uprooting them and their infrastructure

-1st Responders are 1st Preventers in Israeli methodology



Area A-Under Palestinian Control



Palestinian Police





4 Areas of Opportunity Required by Lone Attackers

1. Viable Target(s)

2. Available Weapon(s)

3. Tools & Training

4. Facilitating Conditions

(Studies show that Terrorist Organizations go after high-value targets, while Lone Attackers go after “soft” or easy targets – crimes of opportunity - like most criminals)

Shabbat Dinner-Home of Gadi Elias



Kibbutz Nahal Oz-Yael Lachyani



Overview of Gaza



GAZA-Constant Threat of Attack



Gaza Border



THE CITY OF CLAYTON

Board of Aldermen
City Hall – 10 N. Bemiston Avenue
June 27, 2017
7:20 p.m.

Minutes

Mayor Sanger called the meeting to order and requested a roll call. The following individuals were in attendance:

Aldermen: Mark Winings, Joanne Boulton, Alex Berger, Ira Berkowitz, and Michelle Harris

Mayor Sanger
City Manager Owens
City Attorney Karr

Absent: Rich Lintz

Alderman Berger moved to approve the June 13, 2017 minutes. Alderman Boulton seconded.

The motion to approve the minutes passed unanimously on a voice vote.

PUBLIC REQUESTS AND PETITIONS

None

AN ORDINANCE TO CONSIDER AN AMENDMENT TO SECTION 405.3990 OF ARTICLE XXIX "OUTDOOR DINING" – 2nd Reading

City Manager Owens reported that this is an ordinance to consider amending Article XXIX "Outdoor Dining", Section 405.3990, of the City's Zoning Regulations to allow Fire Department approved outdoor heaters in outdoor dining space located on public property.

The purpose of the proposed amendment is to enhance the customer's enjoyment of outdoor dining during cooler weather. Allowing outdoor heaters in dining areas on public property may make it more difficult for restaurant owners to maintain the required Pedestrian Access Route, as the heaters will have to compete with the other furnishings commonly found and already allowed in outdoor dining areas. Because outdoor dining fixtures tend to "migrate" by patron use, they can easily protrude into public access paths challenging accessibility to and usability by pedestrians including those with disabilities; however, the heaters will likely only be used for relatively short periods of time (late fall/early spring).

The Plan Commission considered this request at its June 5, 2017 meeting and voted 6-0 to recommend approval as submitted.

Alderman Berger referenced Ordinance 6352, Section 405.3970, C. ... *continuous pedestrian access route (PAR) meeting at least the minimum requirements of the Americans with Disabilities Act (ADA)*...; he expressed concerns that this may not be enforceable or identified in tonight's ordinance before the Board.

City Manager Owens clarified that the restaurant will be in violation of their license to have outdoor dining if the pedestrian access route is not provided under this and the current ordinance therefore being subject to losing permission to use the outdoor dining.

Alderman Winings introduced Bill No. 6613, an ordinance amending Section 405.3990 of Article XXIX “Outdoor Dining” to be read for the second time by title only. Alderman Boulton seconded.

City Attorney Karr reads Bill No. 6613, an Ordinance Amending Chapter 405 (Zoning Regulations), Article XXIX “Outdoor Dining”, Section 405.3990 to allow Fire Department Approved Heaters in Outdoor Dining Areas that are Located on City/Public Property for the second time by title only.

Alderman Winings – Aye; Alderman Boulton – Aye; Alderman Berger – Nay; Alderman Berkowitz – Aye; Alderman Harris – Aye; and Mayor Sanger – Aye. The bill was adopted and became Ordinance No. 6482 of the City of Clayton.

A PUBLIC HEARING AND AN ORDINANCE TO CONSIDER APPROVING A LOT CONSOLIDATION PLAT 8321 MARYLAND AVENUE

Mayor Sanger opened the public hearing and requested proof of publication.

City Manager Owens reported that this is a public hearing and subsequent ordinance to consider approving a lot consolidation plat which will consolidate two existing lots.

On June 2, 2017, the City of Clayton received an application, plat and supporting documents from Daniel Ehlmann, VP Surveying, Stock & Associates on behalf of Regions Bank, developer/owner under contract, for a lot consolidation plat as part of the development of a new mixed-use project.

The development project for this property was approved by the Plan Commission/Architectural Review Board on March 6, 2017 and includes a freestanding bank (Regions Bank), a remote drive-through facility for the bank, a freestanding retail building and a surface parking lot. Due to restrictions of the Building Code, it has been determined that the lots should be consolidated.

The proposed plat consolidates two existing lots (Lots C and D, Block 14 of Clayton Gardens No.3 and No.4 Subdivision) that have historically been under common ownership and addressed as 8321 Maryland Avenue. The consolidated lot measures 34,888 square feet.

The Plan Commission considered this request at its June 19, 2017 meeting and voted unanimously to recommend approval.

Staff recommends approval of the plat as presented.

Mayor Sanger closed the public hearing.

Alderman Winings introduced Bill No. 6615, an ordinance to consider approving a lot consolidation for 8321 Maryland Avenue to be read for the first time by title only. Alderman Boulton seconded.

City Attorney Karr reads Bill No. 6615, an Ordinance Providing for the Approval of a Plat Consolidating Two Lots Generally Located at 8321 Maryland Avenue in the City of Clayton, Missouri for the first time by title only.

The motion passed unanimously on a voice vote.

Alderman Winings moved that the Board give unanimous consent to consideration for adoption of Bill No. 6615 on the day of its introduction. Alderman Boulton seconded.

The motion passed unanimously on a voice vote.

Alderman Winings introduced Bill No. 6615, an ordinance to consider approving a lot consolidation for 8321 Maryland Avenue to be read for the second time by title only. Alderman Boulton seconded.

City Attorney Karr reads Bill No. 6615, an Ordinance Providing for the Approval of a Plat Consolidating Two Lots Generally Located at 8321 Maryland Avenue in the City of Clayton, Missouri for the second time by title only.

Alderman Winings – Aye; Alderman Boulton – Aye; Alderman Berger – Aye; Alderman Berkowitz – Aye; Alderman Harris – Aye; and Mayor Sanger – Aye. The bill was adopted and became Ordinance No. 6483 of the City of Clayton.

DISTINGUISHED BUDGET PRESENTATION AWARD

City Manager Owens reported that The Government Finance Officers Association (GFOA) established the Distinguished Budget Presentation Awards Program (Budget Awards Program) in 1984 to encourage and assist state and local governments to prepare budget documents of the very highest quality that reflect both the guidelines established by the National Advisory Council on State and Local Budgeting and the GFOA's best practices on budgeting and then to recognize individual governments that succeed in achieving that goal.

The City of Clayton has been recognized for the ninth consecutive year for achieving this goal for FY2017.

AN ORDINANCE TO CONSIDER APPROVING A VACATION OF A PORTION OF AN UNNAMED ALLEY

Alderman Winings recused himself from the meeting at 7:32 p.m.

City Manager Owens reported that Centene Center II, LLC has requested the vacation of a portion of an unnamed fifteen (15) feet wide public alley. A copy of the petition is attached. These vacations are necessary to facilitate the Consolidation Plat for the new Centene development.

The portion of unnamed public alley requested for vacation is no longer needed as an alley. No private rights will be injured or endangered by such vacations, and the public will suffer no loss or inconvenience thereby; however, a utility easement should be reserved to the City within the alley right-of-way, for the purpose of constructing, reconstructing, maintaining, repairing, inspecting, and using utilities, including by way of example, but not limited to, sewer, water, gas, electricity, and telephone. If the utility facilities are removed or relocated in the future, the City may consider releasing the easement at that time.

Recommendation is to approve the ordinance vacating a portion of an unnamed fifteen (15) feet wide public alley, but reserving a utility easement to the City within the alley right-of-way.

Alderman Boulton introduced Bill No. 6616, an ordinance to approve the vacation of a portion of an unnamed alley to be read for the first time by title only. Alderman Berger seconded.

City Attorney Karr reads Bill No. 6616, an Ordinance Providing for the Vacation of a Portion of an Unnamed Alley Within Hanley's Re-Subdivision of Blocks 6, 7, 8, 9 and 20 of Hanley's Addition to Clayton, Located in Township 45 North, Range 6 East of the 5th Principal Meridian City of Clayton, St. Louis County, Missouri Subject to a Utility Easement Within Such Area for the first time by title only.

The motion passed unanimously on a voice vote.

Alderman Boulton moved that the Board give unanimous consent to consideration for adoption of Bill No. 6616 on the day of its introduction. Alderman Berger seconded.

The motion passed unanimously on a voice vote.

Alderman Boulton introduced Bill No. 6616, an ordinance to approve the vacation of a portion of an unnamed alley to be read for the second time by title only. Alderman Berger seconded.

City Attorney Karr reads Bill No. 6616, an Ordinance Providing for the Vacation of a Portion of an Unnamed Alley Within Hanley's Re-Subdivision of Blocks 6, 7, 8, 9 and 20 of Hanley's Addition to Clayton, Located in Township 45 North, Range 6 East of the 5th Principal Meridian City of Clayton, St. Louis County, Missouri Subject to a Utility Easement Within Such Area for the second time by title only.

Alderman Boulton – Aye; Alderman Berger – Aye; Alderman Berkowitz – Aye; Alderman Harris – Aye; and Mayor Sanger – Aye. The bill was adopted and became Ordinance No. 6484 of the City of Clayton.

Alderman Winings rejoined the meeting at 7:35 p.m.

AN ORDINANCE TO CONSIDER APPROVING A CONTRACT WITH NEWSPACE BUSINESS INTERIORS FOR BUNKBED REPLACEMENT IN THE FIRE DEPARTMENT

City Manager Owens reported that The Fire Department is requesting approval of a contract with NewSpace Business Interiors to replace the Fire Department bunkbeds (commonly known as "Murphy" beds).

All bids did not meet the required specifications due to the type of bed and storage closet provided in the bids significantly reduced walking space within the bunkroom. All bidders were invited back to discuss specific needs of the project. Staples and AME Construction could not produce a workable option, with NewSpace producing an option that will meet the fire department's needs. The new option submitted by NewSpace increased their original bid to \$181,491.

The overall bunkroom renovation project will include new flooring, electrical, and painting in addition to the replacement of the bunkbeds.

The Capital Improvement Fund has \$170,635 budgeted for the Murphy Bed replacement in FY2017. No budget was provided for the carpet, painting, or electrical work which as subsequently been found to be necessary in association with this project. A Budget Amendment would be requested for the additional required work.

City Staff recommends approval of the contract with Newspace for the bunkbed replacement.

Recommendation is to approve the ordinance authorizing the City Manager to execute an Agreement with NewSpace in the amount of \$181,491 for bunkbed replacement.

Alderman Winings introduced Bill No. 6617, an ordinance to consider approving a contract with NewSpace Business Interiors for the Fire Station Bunk Room Renovations to be read for the first time by title only. Alderman Boulton seconded.

City Attorney Karr reads Bill No. 6617, an Ordinance Approving a Contract With Newspace for the Fiscal Year 2017 Bunkroom Renovation Project for the first time by title only.

The motion passed unanimously on a voice vote.

Alderman Winings moved that the Board give unanimous consent to consideration for adoption of Bill No. 6617 on the day of its introduction. Alderman Boulton seconded.

The motion passed unanimously on a voice vote.

Alderman Winings introduced Bill No. 6617, an ordinance to consider approving a contract with NewSpace Business Interiors for the Fire Station Bunk Room Renovations to be read for the second time by title only. Alderman Boulton seconded.

City Attorney Karr reads Bill No. 6617, an Ordinance Approving a Contract With Newspace for the Fiscal Year 2017 Bunkroom Renovation Project for the second time by title only.

Alderman Winings – Aye; Alderman Boulton – Aye; Alderman Berger – Aye; Alderman Berkowitz – Aye; Alderman Harris – Aye; and Mayor Sanger – Aye. The bill was adopted and became Ordinance No. 6485 of the City of Clayton.

Other

Alderman Winings reported on the following:

- Joint BOA/CCF meeting tonight went very well.

Alderman Boulton reported on the following:

- Plan Commission/ARB met and considered the Centene Subdistrict 2B Plan; very nice auditorium.

Alderman Berger reported on the following:

- Very positive and well attended Davis Place annual meeting; more than 60 people attended; main topic of concern is safety.
- Distributed over 1,000 “Love it? Lock It!” stickers at The Center and throughout the Wards.
- Social media communications went out today with regard to a couple of incidents.

Alderman Berkowitz reported on the following:

- The Moorlands held its second annual picnic; great event; asked if it is possible to hold/reserve Acorn Park for the next event.
- Chief Murphy was personally handing out and promoting “Love it? Lock It” stickers to the citizens in Wydown Forest.

Alderman Harris reported on the following:

- Chief Murphy was also promoting the stickers in Ward 2 neighborhoods. City Manager Owens also “ran in” to Chief Murphy in Ward 3.

Mayor Sanger reported on the following:

- Attended the *Clayton Times* launch party event at Napoli, very well attended; met with the owner who has a long history of political involvement (past mayor of Poplar Bluff) and is especially interested in Clayton news.
- Fire Department BBQ fundraiser was a great event.
- Attended the St. Louis County Courts dedication ceremony.

Alderman Berger congratulated Mayor Sanger on his new grand-daughter.

Alderman Harris moved that the Board adjourn to a closed meeting, with a closed vote and record, as authorized by Section 610.021(1), (2) and (3) Revised Statutes of Missouri, relating to legal issues, real estate and/or personnel, and to discuss matters related to negotiation of a contract pursuant to Section 610.021(12), RSMo. and/or proprietary information pursuant to Sec. 610.021(15), and/or information related to public safety and security measures pursuant to Section 610.021(18) and (19) RSMO. Alderman Berkowitz seconded the motion.

Alderman Winings – Aye; Alderman Boulton – Aye; Alderman Berger – Aye; Alderman Berkowitz – Aye; Alderman Harris – Aye; and Mayor Sanger – Aye.

There being no further business the meeting was adjourned at 7:50 p.m.

Mayor

ATTEST:

City Clerk



City Manager
10 N. Bemiston Avenue
Clayton, MO 63105

REQUEST FOR BOARD ACTION

TO: MAYOR SANGER; BOARD OF ALDERMEN

FROM: CRAIG S. OWENS, CITY MANAGER
SUSAN M. ISTENES, AICP, DIRECTOR OF PLANNING AND DEV.
SERVICES

DATE: JULY 11, 2017

SUBJECT: PUBLIC HEARING - ORDINANCE ADOPTING A SPECIAL
DEVELOPMENT SUBDISTRICT PLAN TO BE KNOWN AS
SUBDISTRICT 2B FOR THE CENTENE CLAYTON CAMPUS
DEVELOPMENT

BACKGROUND & PROJECT DESCRIPTION

Subdistrict 2B is located on Forsyth Boulevard, directly west of Carondelet Plaza. It is 0.88 acres in size and will be developed with a corporate-civic auditorium structure which includes 1,000 auditorium seats and a multifunctional lobby area. The assembly area of the auditorium is approximately 94,160 gross square feet. Three levels will be located above grade and two levels will be located below grade. The total height of the structure is 74.25 feet (measured from average existing grade to the mean elevation of the slanted roof). The area of building within Subdistrict 2B, including support space, is 110,400 gross square feet.

The individual subdistrict plans provide detailed information related to each specific phase of the development. Each subdistrict requires approval of a Subdistrict Development Plan (by the Board of Aldermen), Site Plan Review (by the Plan Commission), and Architectural Review (by the Architectural Review Board).

Special Development Plan & Public Benefits

The previously approved Special Development Plan (SDD) for the entire multi-phase project includes development standards regarding the use, area, height, and parking associated with the proposed development. The Board of Aldermen has the authority to determine a Subdistrict Development Plan's conformance with the Special Development Plan. Once approved, the Subdistrict Development Plan and ordinance becomes the specific zoning regulations governing the use and development of the property in that subdistrict. The following table lists the applicable development standards from the approved Special Development Plan and staff assessment as to whether the proposed Subdistrict Development Plan complies with each standard.

Development Standard	Requirement/Limitation	Proposed	Complies with Standard
Use	Corporate/Civic Auditorium/Commercial	Corporate/Civic/ Commercial,	Yes
Building area	569,478 gross square feet	110,400 gross square feet	Yes
Building height	No more than 100 feet	74.25 feet	Yes
Parking Spaces	Total allowable for all Subdistricts = 5,800	0 for this subdistrict (required parking provided in Subdistricts 1 and 2A)	Yes

Design & Materials

See detailed analysis, page 5 of attached staff report dated June 19, 2017. According to the City's contracted architect, the proposed project appears to be a generally well-designed, high-quality building that exhibits distinctive and identifiable characteristics. The proposed project will be a significant positive addition to the area and Downtown as a whole.

Landscaping

See detailed analysis, page 3 and 4 of attached staff report dated June 19, 2017.

Stormwater

See detailed analysis on page 6 of the attached staff report dated June 19, 2017. The existing stormwater runoff, according to the MSD 15 year, 20-minute calculation, is 1.50 cubic feet per second (CFS). The proposed runoff is 3.11 CFS, which represents an increase in 1.61 CFS. Stormwater runoff from the site will be piped directly to the public storm sewer system. The Public Works Department has reviewed the site plan and finds the stormwater plan acceptable.

Traffic & Circulation

See detailed analysis page 4 of the attached staff report dated June 19, 2017. Subdistricts 1 and 2A will provide the required parking in support of Subdistrict 2B. Pedestrian circulation in and out of the auditorium will be provided through the main entrance located in the Subdistrict 2A building and a secondary access point along Carondelet Plaza.

Parking & Loading

1. The Special Development Plan requires 250 parking spaces, which are provided in the Subdistrict 2A garage and overflow parking provided in the Subdistrict 1 garage.
2. The Special Development Plan requires four loading spaces and three are proposed underneath the building with access provided off Carondelet Plaza.
3. The Special Development Plan requires 13 bicycle parking racks and 13 are provided. The racks will be distributed between an outdoor location on Carondelet Plaza near the stage door and within the Subdistrict 2A garage.

Downtown Master Plan

Subdistrict 2B is in the Forsyth Village District area identified in the Downtown Master Plan. The vision of the district is to “create a dense, walkable, mixed-use district including a significant new urban residential development oriented around the Forsyth Metrolink Station with appropriate connections to the existing development at Carondelet Plaza and the adjacent neighborhoods”. The plan identifies both Forsyth Boulevard and Carondelet Plaza as pedestrian priority zones. Staff believes the project complies with the vision of the Downtown Master Plan.

PLAN COMMISSION RECOMMENDATION

On June 19, 2017, the Plan Commission voted 5-0 to recommend approval of the Subdistrict Development Plan 2B to the Board of Aldermen with the following conditions:

1. Public Works
 - a. Final streetscape design shall be approved by the City of Clayton Public Works Department.
 - b. Electrical and irrigation systems shall be connected from Subdistrict 2A.
 - c. Remove all material from the streetscape easement that does not conform to city streetscape standards. The sidewalk shall be per City Streetscape Standards.
 - d. Street improvements adjacent to Subdistrict 2B shall be implemented prior to completion of Subdistrict 2B.
 - e. The City’s traffic engineering consultant is updating the TIS to consider the changes made to the site plan, so improvements shall include, but are not limited to the following:
 - i. Forsyth restriping and/or widening to accommodate lane configuration improvements. Provide a westbound left-turn lane on Forsyth Boulevard at the Subdistrict 2A garage entrance.
 - ii. Implement signal re-timing and optimization program. Extent of signals beyond adjacent streets that may need to be optimized is to be determined by the City of Clayton Public Works Department.
2. Other (*Items marked with * indicate that the matter has since been complied with.*)
 - a. Revise page 6 of the Site Plan Review application to list the correct stormwater runoff calculations. *
 - b. Revise page 8 of the Site Plan Review application to correctly label and breakdown building square footage based on the uses in SD2B.*
 - c. Revise sheet S100 to note and outline the limits of SD2B, not SD2A.*
 - d. Revise sheet C100 to note the correct property area for SD2B.*
 - e. Revise the material of the utility screen wall located along Carondelet Plaza to match the honed-stone panels on the building façade. *
 - f. Revise all submission sheets that refer to building height (including applications and plans) to correctly state/depict the maximum proposed height of the building from average existing grade to the mean of the roof slant to be 74.25 feet. *
 - g. The applicant shall provide a landscape plan including a planting schedule for review by the City’s contracted landscape architect prior to the issuing of building

permits. The landscape plan shall address comments and mark-ups from the review letter dated June 12, 2017.

- h. Provide details of the proposed locations and designs of the required bicycle racks.

STAFF RECOMMENDATION

To conduct a public hearing and adopt an ordinance approving the Special Development Subdistrict Plan for Subdistrict 2B pursuant to the following recommendations:

That the property identified as Subdistrict 2B be developed in accordance with the approved plans dated June 30, 2017, as amended pursuant to the conditions listed below and that the project is subject to certain development standards including, but not limited to those identified on Page G001 of the Special Development Subdistrict 2B plans dated June 30, 2017.

1. Final streetscape design shall be approved by the City of Clayton Public Works Department.
2. Electrical and irrigation systems shall be connected from Subdistrict 2A.
3. Remove all material from the streetscape easement that does not conform to city streetscape standards.
4. The sidewalk shall be per City Streetscape Standards.
5. Street improvements adjacent to Subdistrict 2B shall be implemented prior to completion of Subdistrict 2B.
6. The City's traffic engineering consultant is updating the TIS to consider the changes made to the site plan, so improvements shall include, but are not limited to the following:
 - A. Forsyth restriping and/or widening to accommodate lane configuration improvements. Provide a westbound left-turn lane on Forsyth Boulevard at the Subdistrict 2A garage entrance.
 - B. Implement signal re-timing and optimization program. Extent of signals beyond adjacent streets that may need to be optimized is to be determined by the City of Clayton Public Works Department.
7. The applicant shall provide a landscape plan including a planting schedule for review by the City's contracted landscape architect prior to the issuing of building permits. The landscape plan shall address comments and mark-ups from the review letter dated June 12, 2017.
8. The applicant shall provide one additional loading dock space, the location of which shall be approved by the City at or before the time of building permit review.

BILL NO. 6618

ORDINANCE NO.

AN ORDINANCE APPROVING A SUBDISTRICT DEVELOPMENT PLAN FOR SUBDISTRICT 2B OF THE CENTENE CLAYTON CAMPUS SPECIAL DEVELOPMENT DISTRICT AND OTHER ACTIONS RELATED THERETO

WHEREAS, on September 27, 2016, the Board of Aldermen adopted Ordinance Nos. 6444 and 6445, approving a Special Development District (SDD) and Special Development Plan (“SDD Development Plan”) for the area bounded by South Bemiston Avenue on the west, Forest Park Parkway/University City municipal boundary on the east, Forsyth Boulevard on the north and Carondelet Plaza/Carondelet Avenue on the south; and

WHEREAS, the property to which this Ordinance applies is identified in the survey dated December 14, 2016, located on page S101 of the Special Development District and Plan and identified therein as Subdistrict 2B; and

WHEREAS, on December 14, 2016, the City of Clayton’s Planning Department received an application from Robert Clark, CEO, of Clayco, Inc. on behalf of Hanley-Forsyth, LLC, for the development of a 569,478-gross-square-foot building including 560,171 gross square feet of parking, 4,368 gross square feet of retail, and 4,939 gross square feet of mechanical area; and

WHEREAS, as part of the review of an SDD Project, each Phase must be approved separately as a Subdistrict Development Plan; and

WHEREAS, this Board has received the favorable report of the City Plan Commission with respect to the approval of the Subdistrict Development Plan for Subdistrict 2B; and

WHEREAS, all interested parties have been given an opportunity to be heard before this Board with regard to the Project; and

WHEREAS, upon due consideration, this Board of Aldermen has determined that the approval of the plan would be in the best interest of the City and its citizens.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF CLAYTON, MISSOURI, AS FOLLOWS:

Section 1: Findings and Development Plan Approval

- A. The Subdistrict Development Plan for Subdistrict 2B of the Centene Clayton Campus Special Development District development, dated June 30, 2017, as prepared by Clayco,

Inc. on behalf of Hanley-Forsyth, LLC, and on file in the City Clerk's Office ("Subdistrict Development Plan"), as submitted by Clayco, Inc., is hereby approved, this Board having found and determined that the project, as set forth in the aforesaid SDD Development Plan, furthers the following objectives as specified in Article IX "Special Development District", Section 405.1250 "Criteria for Approval-Subdistrict Development Plan":

1. The proposed development is consistent with the SDD Development Plan for this site;
 2. Streets or other means of access to the proposed phase of development meet City of Clayton standards and are suitable and adequate to carry anticipated traffic;
 3. The internal circulation system of the proposed phase encourages safe movement for vehicles and pedestrians and is in compliance with the SDD Development Plan;
 4. Existing or proposed utility services are adequate for the proposed Subdistrict and is in conformance with the SDD Development Plan;
 5. Appropriate buffering is provided to protect adjacent land uses from light, noise and visual impacts;
 6. Architecture and building materials are consistent with the design of the SDD Development Plan, are consistent with other phases, and are compatible with the adjacent neighborhood;
 7. Landscaping is appropriate with the scale of the development and consistent with any applicable City Codes, Ordinances and Standards;
 8. Topography of the property has been preserved in all relevant respects; and any topographic changes are such that they are not expected to adversely impact the flow of drainage on adjacent properties;
 9. A landscape plan depicting all new plantings for the phase has been submitted as part of the plan and approved; screening the development from adjacent properties is neither feasible nor desirable under the SDD Development Plan;
 10. Tree preservation measures comply with all applicable City codes and standards;
 11. The materials, design and uses of the Subdistrict Development Plan are compatible with the neighborhood surrounding the proposed development phase and the City as a whole; and,
 12. The proposed development phase complies with all other applicable codes and ordinances.
- B. The Board of Aldermen finds that the Subdistrict Development Plan provides the following public benefits as referenced in Article IX "Special Development District", Section 405.1190 "Public Benefit":
1. Architectural distinction and significance that make the development noteworthy;

2. Extensive use of high quality building materials that add significant value to the property and benefit adjacent properties;
 3. Provision of new public infrastructure including, but not limited to streets, curbs, sidewalks, sanitary sewers, storm water sewers, lighting, and
 4. Inclusion of street-level landscaping.
- C. The approval of the Subdistrict Development Plan by the Board of Aldermen is hereby subject to the following conditions:

That the property identified as Subdistrict 2B be developed in accordance with the approved plans dated June 30, 2017, as amended in accord with to the conditions listed below and that the project is subject to certain development standards including, but not limited to, those identified on Page G001 of the Special Development Subdistrict 2B plans dated June 30, 2017.

1. Final streetscape design shall be approved by the City of Clayton Public Works Department.
2. Electrical and irrigation systems shall be connected from Subdistrict 2A.
3. Remove all material from the streetscape easement that does not conform to city streetscape standards.
4. The sidewalk shall be per City Streetscape Standards.
5. Street improvements adjacent to Subdistrict 2B shall be implemented prior to completion of Subdistrict 2B.
6. The City's traffic engineering consultant is updating the TIS to consider the changes made to the site plan, so improvements shall include, but are not limited to the following:
 - A. Forsyth restriping and/or widening to accommodate lane configuration improvements. Provide a westbound left-turn lane on Forsyth Boulevard at the Subdistrict 2A garage entrance.
 - B. Implement signal re-timing and optimization program. Extent of signals beyond adjacent streets that may need to be optimized is to be determined by the City of Clayton Public Works Department.
7. The applicant shall provide a landscape plan including a planting schedule for review by the City's contracted landscape architect prior to the issuing of building permits. The landscape plan shall address comments and mark-ups from the review letter dated June 12, 2017.
8. The applicant shall provide one additional loading dock space, the location of which shall be approved by the City at or before the time of building permit review.

Section 2: Implementation

The City Manager is hereby authorized and directed to take all such actions as may be necessary and proper (or to cause the same to be taken) in order to implement the approval of the Subdistrict Plan authorized by this Ordinance.

Section 3: Effective Date

This Ordinance shall be in full force and effect after its passage and adoption by the Board of Aldermen.

Adopted this 11th day of July 2017

Mayor

ATTEST:

City Clerk



City Manager
10 N. Bemiston Avenue
Clayton, MO 63105

REQUEST FOR BOARD ACTION

TO: MAYOR SANGER; BOARD OF ALDERMEN

FROM: CRAIG S. OWENS, CITY MANAGER
PAUL MERCURIO, ASSISTANT FIRE CHIEF/FIRE MARSHAL

DATE: JULY, 11, 2017

SUBJECT: *PUBLIC HEARING - ORDINANCE ADOPTING THE MODIFICATION OF APPENDIX M OF THE 2015 INTERNATIONAL FIRE CODE (*FIRST READING*)

**Although a public hearing is not required to adopt this modification, the City would prefer to conduct the meeting in the same format used for a public hearing for the purposes of allowing the City to accept public comment and testimony on this matter.*

The Board of Aldermen adopted the 2015 International Fire Code on October 13, 2015, with an effective date of January 1, 2016. The most significant change in the new code provides for a greater level of safety for existing high-rise structures.

Section M103.1 requires all existing high-rise buildings complete an automatic sprinkler retrofit within 12 years. Staff is recommending a modification to address high-rise buildings containing residential R-2 dwelling units which are platted and constructed as a condominium pursuant to chapter 448 RSMo. The modification includes the addition of section M 102.1.1 which lists seven conditions of compliance and M103.2 listing a compliance schedule which is unique to this classification only.

STAFF RECOMMENDATION: To approve the ordinance for the first reading only.

BILL NO. 6619

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 205.080 OF THE CLAYTON CITY CODE AMENDING THE FIRE PROTECTION AND PREVENTION E CODE OF THE CITY OF CLAYTON, MISSOURI, REGARDING SPRINKLERS IN HIGH-RISE RESIDENTIAL BUILDINGS.

WHEREAS, Section 67.280, RSMo. Supp. 2009, authorizes the City of Clayton to adopt fire prevention codes by adopting an ordinance which incorporates by reference the provisions of such code or portions thereof and any amendment thereto; and

WHEREAS, the Clayton Fire Marshal has recommended, and the Board of Aldermen wishes to adopt, amendments to the 2015 International Fire Code with respect to certain high-rise residential structures as hereinafter provided; and

WHEREAS, although it is not required, on July 11, 2017, the Board of Aldermen advertised and held a public hearing at which interested parties could be heard as to the amendment hereinafter provided;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF CLAYTON, MISSOURI AS FOLLOWS:

SECTION 1.

Section 205.080 of Article II of Chapter 205 of the Municipal Code of Ordinances of the City of Clayton, Missouri, relating to amendments to the fire prevention code for the City is hereby amended by the addition of two new Amendments to Appendix M to the 2015 International Fire to read as follows:

TITLE II. PUBLIC HEALTH, SAFETY AND WELFARE

CHAPTER 205: FIRE PROTECTION AND FIRE PREVENTION

ARTICLE II. FIRE PREVENTION CODE

SECTION 205.080 AMENDMENTS TO FIRE PREVENTION CODE

[The following numbered Sections and Subsections of the Fire Prevention Code adopted in Section 205.070 are hereby amended by the following additions, insertions, deletions and changes. The Chapter and Section numbering format of the ICC International Fire Code, 2015 Edition, is used herein to enhance the understanding of the code by maintaining a consistent format throughout the code. Each Section or Subsection set out below is to be considered as fully a part of the Fire Prevention Code as adopted. The amended Sections and Subsections shall read as follows:

AMENDMENTS TO THE ICC INTERNATIONAL FIRE CODE, 2015 EDITION.]

[NOTE: Amendments to Sections 101.1 through D103.6.3 are not altered, amended or affected in any way by this amendment and remain in full force and effect. For that reason these amendments are not set forth here in full.]

* * *

Section M102 in Appendix M is amended by the insertion and addition of a new subsection M102.1.1 to read as follows:

[M102.1 High-rise buildings.

An automatic sprinkler system installed in accordance with Section 903.3.1.1 of the International Fire Code shall be provided throughout existing high-rise buildings.

Exceptions:

1. *Airport traffic control towers.*
2. *Open parking structures.*
3. *Group U occupancies.*
4. *Occupancies in Group F-2.]*

M 102.1.1 High-rise residential buildings.

High-rise buildings containing residential R-2 dwelling units which are platted and constructed as a condominium pursuant to chapter 448 RSMo. shall be deemed in compliance with Appendix M when all of the following conditions are met :

1. An approved automatic sprinkler system shall be provided within all common areas on all floors such as; storage rooms, equipment rooms, laundry rooms, assembly areas, stairways, corridors and exits. Automatic sprinkler systems

- shall be installed in accordance with 903.3.1.1 of the International Fire Code and each floor shall be zoned with an independent flow device.
2. The *automatic sprinkler system* installed on each floor of the building in the common areas shall be of sufficient design to support the expansion of the *automatic sprinkler system* to provide coverage throughout the entire area of the floor.
 3. The governing associations or entities of the building shall not prohibit the expansion of the *automatic sprinkler system* into individual residential units.
 4. Smoke alarms complying with section 907.2.11 shall be installed throughout the building including within the dwelling units.
 5. An approved *fire alarm system* complying with section 907.5 shall be installed throughout the building.
 6. All fire rated doors in openings within fire rated assemblies throughout the building shall be provided with self-closing devices in compliance with section 716.5.9 of the 2015 International Building Code.
 7. Appliances such as ranges or cook tops located within dwelling units shall be protected by an *approved labeled* fire suppression device.

Section M103.1 in Appendix M is amended and a new Section M103.2 is inserted to read as follows:

M103.1 Compliance schedule.

Except as provided in Section 103.2, below, building owners shall file a compliance schedule with the fire code official not later than 365 days after the first effective date of this code (October 13, 2015). The compliance schedule shall not exceed 12 years for an automatic sprinkler system retrofit.

M103.2 Compliance schedule High-rise residential buildings.

Those buildings electing to comply with section 102.1.1 shall file a compliance schedule with the Fire Code Official not later than 180 days after adoption of this code amendment (July 11, 2017). The

compliance schedule shall not exceed six years to obtain full compliance with the requirements of section 102.1.1.

SECTION 2.

Nothing in this Ordinance or in the Fire Prevention Code hereby adopted shall be construed to affect any suit or proceeding pending in any Court, or any rights acquired or liability incurred, or any cause or causes of action acquired or existing under any act or Ordinance hereby repealed; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

SECTION 3.

If any Section, subsection, provision, sentence, clause or phrase of this Ordinance is for any reason, held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance or of the Code amended thereby, and the City of Clayton hereby declares that it would have passed the same, even though such portions so held to unconstitutional had not been included therein.

SECTION 4. EFFECTIVE DATE.

This Ordinance shall be in full force and effect both from and after its passage by the Board of Aldermen.

Passed by the Board of Aldermen this 11th day of July, 2017.

Mayor

Attest:

City Clerk

BILL NO. _____
ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 205.080 OF THE CLAYTON CITY CODE AMENDING THE FIRE PROTECTION AND PREVENTION E CODE OF THE CITY OF CLAYTON, MISSOURI, REGARDING SPRINKLERS IN HIGH-RISE RESIDENTIAL BUILDINGS.

WHEREAS, Section 67.280, RSMo. Supp. 2009, authorizes the City of Clayton to adopt fire prevention codes by adopting an ordinance which incorporates by reference the provisions of such code or portions thereof and any amendment thereto; and

WHEREAS, the Clayton Fire Marshal has recommended, and the Board of Aldermen wishes to adopt, amendments to the 2015 International Fire Code with respect to certain high-rise residential structures as hereinafter provided; and

WHEREAS, although it is not required, on July 11, 2017, the Board of Aldermen advertised and held a public hearing at which interested parties could be heard as to the amendment hereinafter provided;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF CLAYTON, MISSOURI AS FOLLOWS:

SECTION 1.

Section 205.080 of Article II of Chapter 205 of the Municipal Code of Ordinances of the City of Clayton, Missouri, relating to amendments to the fire prevention code for the City is hereby amended by the addition of two new Amendments to Appendix M to the 2015 International Fire to read as follows:

TITLE II. PUBLIC HEALTH, SAFETY AND WELFARE

CHAPTER 205: FIRE PROTECTION AND FIRE PREVENTION

ARTICLE II. FIRE PREVENTION CODE

SECTION 205.080 AMENDMENTS TO FIRE PREVENTION CODE

[The following numbered Sections and Subsections of the Fire Prevention Code adopted in Section 205.070 are hereby amended by the following additions, insertions, deletions and changes. The Chapter and Section numbering format of the ICC International Fire Code, 2015 Edition, is used herein to enhance the understanding of the code by maintaining a consistent format throughout the code. Each Section or Subsection set out below is to be considered as fully a part of the Fire Prevention Code as adopted. The amended Sections and Subsections shall read as follows:

AMENDMENTS TO THE ICC INTERNATIONAL FIRE CODE, 2015 EDITION.]

[**NOTE:** Amendments to Sections 101.1 through D103.6.3 are not altered, amended or affected in any way by this amendment and remain in full force and effect. For that reason these amendments are not set forth here in full.]

* * *

Section M102 in Appendix M is amended by the insertion and addition of a new subsection M102.1.1 to read as follows:

[M102.1 High-rise buildings.

An automatic sprinkler system installed in accordance with Section 903.3.1.1 of the International Fire Code shall be provided throughout existing high-rise buildings.

Exceptions:

1. *Airport traffic control towers.*
2. *Open parking structures.*
3. *Group U occupancies.*
4. *Occupancies in Group F-2.]*

M 102.1.1 High-rise residential buildings.

High-rise buildings containing residential R-2 dwelling units which are platted and constructed as a condominium pursuant to chapter 448 RSMo. shall be deemed in compliance with Appendix M when all of the following conditions are met :

1. An approved automatic sprinkler system shall be provided within all common areas on all floors such as; storage rooms, equipment rooms, laundry rooms, assembly areas, stairways, corridors and exits. Automatic sprinkler systems shall be installed in accordance with 903.3.1.1 of the

- International Fire Code and each floor shall be zoned with an independent flow device.
2. The *automatic sprinkler system* installed on each floor of the building in the common areas shall be of sufficient design to support the expansion of the *automatic sprinkler system* to provide coverage throughout the entire area of the floor.
 3. The governing associations or entities of the building shall not prohibit the expansion of the *automatic sprinkler system* into individual residential units.
 4. Smoke alarms complying with section 907.2.11 shall be installed throughout the building including within the dwelling units.
 5. An approved *fire alarm system* complying with section 907.5 shall be installed throughout the building.
 6. All fire rated doors in openings within fire rated assemblies throughout the building shall be provided with self-closing devices in compliance with section 716.5.9 of the 2015 International Building Code.
 7. Appliances such as ranges or cook tops located within dwelling units shall be protected by an *approved labeled fire suppression device*.

Section M103.1 in Appendix M is amended and a new Section M103.2 is inserted to read as follows:

M103.1 Compliance schedule.

Except as provided in Section 103.2, below, Bbuilding owners shall file a compliance schedule with the fire code official not later than 365 days after the first effective date of this code (October 13, 2015). The compliance schedule shall not exceed 12 years for an automatic sprinkler system retrofit.

M103.2 Compliance schedule High-rise residential buildings.

Those buildings electing to comply with section 102.1.1 shall file a compliance schedule with the Fire Code Official not later than 180 days after adoption of this code amendment (July 11, 2017). The compliance schedule shall not exceed six years to obtain full compliance with the requirements of section 102.1.1.

SECTION 2.

Nothing in this Ordinance or in the Fire Prevention Code hereby adopted shall be construed to affect any suit or proceeding pending in any Court, or any rights acquired or liability incurred, or any cause or causes of action acquired or existing under any act or Ordinance hereby repealed; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

SECTION 3.

If any Section, subsection, provision, sentence, clause or phrase of this Ordinance is for any reason, held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance or of the Code amended thereby, and the City of Clayton hereby declares that it would have passed the same, even though such portions so held to unconstitutional had not been included therein.

SECTION 4. EFFECTIVE DATE.

This Ordinance shall be in full force and effect both from and after its passage by the Board of Aldermen.

Passed by the Board of Aldermen this _____ day of _____, 2017.

Mayor

Attest:

City Clerk



City Manager
10 N. Bemiston Avenue
Clayton, MO 63105

REQUEST FOR BOARD ACTION

TO: MAYOR SANGER; BOARD OF ALDERMEN
FROM: CRAIG S. OWENS, CITY MANAGER (CSO)
JANET K. WATSON, DIRECTOR OF FINANCE & ADMINISTRATION
DATE: JULY 11, 2017
SUBJECT: MOTION - A LIQUOR LICENSE FOR EDLL, LLC D.B.A. PELICAN BAR
LOCATED AT 30 N. CENTRAL AVENUE

EDLL, LLC d.b.a. Pelican Bar is requesting a liquor license to sell all kinds of intoxicating liquor at retail by the drink, including Sundays, at 30 N. Central Avenue.

The Police Department has completed its review of the application and supports the issuance of the requested license. The Planning and Development department has also approved the application with no objections.

The applicant has chosen not to submit a petition from surrounding property owners and first floor tenants. As a result, they are aware that this application must have a super majority vote of five Board of Aldermen members in order to be approved. Staff has requested that a representative be in attendance at the meeting.

Staff recommends passing a motion to approve the liquor license to sell all kinds of intoxicating liquor at retail by the drink, including Sundays.



City Manager
10 N. Bemiston Avenue
Clayton, MO 63105

REQUEST FOR BOARD ACTION

TO: MAYOR SANGER; BOARD OF ALDERMEN
FROM: CRAIG S. OWENS, CITY MANAGER (CSO)
JANET K. WATSON, DIRECTOR OF FINANCE & ADMINISTRATION
DATE: JULY 11, 2017
SUBJECT: MOTION - A LIQUOR LICENSE FOR THE CAPITAL GRILLE HOLDINGS, INC.
D.B.A. THE CAPITAL GRILLE LOCATED AT 101 S. HANLEY ROAD., SUITE
120

The Capital Grille Holdings, Inc. d/b/a, the Capital Grille is requesting a liquor license to sell all kinds of intoxicating liquor at retail by the drink, including Sundays, at 101 S. Hanley Road.

The Police Department has completed its review of the application and supports the issuance of the requested license. The Planning and Development department has also approved the application with no objections.

The applicant has chosen not to submit a petition from surrounding property owners and the first floor tenants. As a result, they are aware that this application must have a super majority vote of five Board of Aldermen members in order to be approved. Staff has requested that a representative be in attendance at the meeting.

Staff recommends passing a motion to approve the liquor license to sell all kinds of intoxicating liquor at retail by the drink, including Sundays.



City Manager
10 N. Bemiston Avenue
Clayton, MO 63105

REQUEST FOR BOARD ACTION

TO: MAYOR SANGER; BOARD OF ALDERMEN
FROM: CRAIG S. OWENS, CITY MANAGER
JUNE FRAZIER, CITY CLERK
DATE: JULY 11, 2017
SUBJECT: APPOINTMENTS TO BOARDS AND COMMISSIONS

The following individuals have expressed interest in being appointed to or, as the case may be, continuing to serve as a member of the following Boards or Commissions of the City. Mayor Sanger has reviewed and agrees with the recommendations for appointment or reappointment to the respective Board or Commission and, therefore, submits the following nominations for the Board's consideration.

Charter Task Force

Deborah Grossman Ward 1
Richard Goldberg Ward 2
Gary Feder Ward 3

City Plan Commission/ARB

Brian Maguire Ward 1 (Appointment through June 30, 2019 – *(replacing Josh Corson, term expired 2016)*)

Economic Development Advisory Committee

Charles Brennan Ward 2 (Appointment for a 3-year term through June 30, 2020)

Sustainability Committee

Susan Buse Ward 2 (Appointment for a 3-year term through June 30, 2020)

Recommendation: To consider the appointments.



City Manager
10 N. Bemiston Avenue
Clayton, MO 63105

REQUEST FOR BOARD ACTION

TO: MAYOR SANGER; BOARD OF ALDERMEN

FROM: CRAIG S. OWENS, CITY MANAGER
SUSAN M. ISTENES, AICP, DIRECTOR OF PLANNING & DEV. SERVICES

DATE: JULY 11, 2017

SUBJECT: APPEAL OF ARCHITECTURAL REVIEW BOARD DECISION – 6367
ELLENWOOD AVENUE

This is an appeal submitted by Dennis and Tiffanie Upshaw owners of 6367 Ellenwood Avenue, of the Architectural Review Board's (ARB) June 19, 2017, decision denying their request to add a circular driveway to their property.

The project was originally submitted to the Planning and Development Services Department for review on May 11, 2017. The project received approval on May 18, 2017, by the City Manager through the administrative architectural review process, provided in Section 400.150 of the Land Use Code.

However, after the approval was granted, it was discovered that the R-1 Zoning District Regulations preclude administrative approval of circular driveways in that zoning district. Chapter 405, Zoning Regulations, Article XII. R-1, Large Lot Single Family Dwelling District, Section 405.1730.1(i.), *Setback Requirements*, provides:

Lots in excess of fifteen thousand (15,000) square feet and having one hundred (100) lineal feet of frontage or more may install two drive approaches to accommodate a turnaround, with the written approval from the Director of Public Works and ***subject to Architectural Review Board approval*** (emphasis added) (all other lots shall be limited to one (1) drive approach).

The applicants were then directed to re-apply for Architectural Review Board approval. The ARB approved the applicant's request to replace a knee wall, repaving of the front walk and extension of a front porch, but denied the front yard circle drive.

The applicant applied for an appeal to the Board of Aldermen on June 30, 2017. While the applicants' written appeal alleges that the ARB erred in considering the project for approval when the City Manager had already approved the project pursuant to Section 400.150 (Item A. page 2, June 30, 2017, Upshaw letter) it must be noted that Section 400.150. B. only provides the City Manager with discretion to approve construction projects that do not substantially affect the exterior appearance of the property administratively. In this case the City Manager's discretion was overridden by the requirements of the R-1 Zoning District standards which clearly require ARB approval for circular driveways, provided the property meets the size and permit standards set forth therein.

The appeal letter asserts that “Section 415.600 (C) of the Code governs the construction of circular driveways in R-1 zoning districts” (Item B. page 2, June 30, 2017, Upshaw letter). Section 415.600 (C) is part of the Subdivision Regulations and provides as follows:

C. Location of all access points shall be determined by the Director of Public Works. Residential lots accessed by a residential street (not a collector or arterial street) may install up to two (2) curb cuts to accommodate a circular turnaround, subject to the following criteria:

1. Lot size is in excess of fifteen thousand (15,000) square feet; and
2. At least one hundred (100) lineal feet of street frontage on a single street (corner lots must have at least one hundred (100) lineal feet on any one (1) street frontage); and
3. Written approval from the Director of Public Works.

The purpose of the Subdivision Regulations is to provide for the orderly and efficient development of the City of Clayton by providing rules, regulations and standards to guide land subdivision within the City and is to be administered to insure the proper use of land in accordance with the Clayton Zoning Ordinance. The approval of circular driveways in the R-1 zoning district is granted to the ARB pursuant to the R-1 zoning district standards referenced above and Section 400.110 of the Land Use Code, which sets forth the duties and responsibilities of the ARB to conduct design and material reviews of certain construction projects (as opposed to the division of land which is governed by Section 415.600 which is referenced in the applicant’s grounds for appeal).

The applicant’s appeal also indicates that the ARB erred in denying approval of the circular driveway based on the ARB’s opinion that the project is not compatible with the neighborhood. The June 19, 2017, staff report sent to the ARB for consideration of the driveway project outlines the staff position on the proposed driveway with respect to its compatibility with the neighborhood. The staff concluded that the design and materials of the front drive were compatible with the neighborhood and character of the existing home and recommended approval of the driveway. However, the staff’s recommendation was not supported by the ARB, per the attached minutes of the meeting.

Finally, item D of the appeal letter appears to describe an apparent hardship or unique situation experienced by the applicant with respect to an existing shared driveway. It is noted, however, that an alleged hardship or unique situation is not part of the design review process or ARB’s consideration when reviewing the design and materials of a construction project.

Pursuant to Section No. 400.230 “Appeals”:

an “aggrieved party may, within 15 days of the decision for which redress is sought, file with the Board of Aldermen a written request for reconsideration and appeal of any decision of the Architectural Review Board. The written request must set forth in a concise manner the decision being appealed and all grounds known to the appellant as to wherein and why the decision is allegedly in error.

This appeal of the ARB’s June 19 decision was submitted to the City Clerk on June 30, 2017.

The requirements of Section 400.230 provide that the Board of Aldermen may consider the appeal on the record of the prior decision by the Architectural Review Board or may, at its sole discretion receive additional evidence in such manner as it deems appropriate considering the circumstances

Recommendation: To consider the appellants’ written request for an appeal of the Administrative Architectural Review Board decision. The Board may consider the appeal on the record of the City Manager’s decision, or may, at its sole discretion, receive additional evidence in such manner as it deems appropriate considering the circumstances. The Board shall approve, modify or disapprove the appeal.

MINUTES

CITY PLAN COMMISSION/ARCHITECTURAL REVIEW BOARD

JUNE 19, 2017

CITY HALL COUNCIL CHAMBERS

These meeting minutes do not include the presentation of the proposed Centene Clayton Campus Sub-district 2b or the proposed architectural changes to Sub-district 2a. A court reporter attended this meeting and a transcription prepared.

The City Plan Commission/Architectural Review Board of the City of Clayton, Missouri, met on the above date at 5:30 p.m. Upon roll call, the following responded:

Present:

Chairman Steve Lichtenfeld
Craig Owens, City Manager
Joanne Boulton, Aldermanic Representative
William Liebermann
Scott Wilson

Absent:

Ron Reim
Josh Corson

Also in Attendance:

Susan M. Istenes, AICP, Director of Planning & Development Services
Anna Krane, Planner

Chairman Lichtenfeld welcomed everyone to the meeting and asked that all cell phones be turned off and that conversations take place outside the meeting room. He noted that the agenda for this evening is long and asked that presentations be quick and that comments not be repeated

MINUTES

The minutes of the June 5, 2017 meeting were presented for approval. The minutes were approved, after having been previously forwarded to each member.

LOT CONSOLIDATION PLAT – 8321 MARYLAND AVENUE

Josh Barcus, engineer with Stock & Associates, was in attendance at the meeting.

Susan Istenes explained that the subject property is located on the north side of Maryland Avenue between Crandon Drive and Lancaster Drive. The development plan for this property was approved by the Plan Commission-Architectural Review Board on March 6, 2017. The project consists of a freestanding bank (Regions Bank), a remote drive-through associated with the bank, a freestanding retail building and a surface parking lot. The 2,743-square-foot bank building is located at the southwest corner of the site and the 3,457-square-foot retail building is located at the southeast corner of the site. The bank and retail buildings will measure 21-feet 6-inches to the top of the parapet. The project is currently being reviewed for Building Permits. As originally approved, the bank building and retail building were to be located on separate lots. Due to restrictions of the Building Code, it has been determined that the lots should be consolidated. The proposed plat consolidates two existing lots (Lots C and D, Block 14 of Clayton Gardens No.3 and No.4) that have historically been under common ownership and addressed as 8321 Maryland Avenue. The consolidated lot measures 34,888 square feet. Director Istenes stated that staff believes the lot is consistent with the lots located in the immediate area with regard to size, frontage and arrangement and recommends approval to the Board of Aldermen with the following conditions:

1. That the applicant provide a Mylar for the appropriate City of Clayton signatures per the Subdivision Ordinance requirements after Board of Aldermen approval;
2. That the applicant files the plat with the St. Louis County Recorder of Deeds office and submit proof of filing to the City within 30 days of Board of Aldermen approval.

Mr. Barcus informed the members that they have no issues with staff's recommendations.

Chairman Lichtenfeld noted that this is a simple issue and hearing no comments from the members or audience, a motion was solicited.

Scott Wilson made a motion to recommend approval of the plat to the Board of Aldermen per staff recommendations. The motion was seconded by William Liebermann and unanimously approved by the members.

ARCHITECTURAL REVIEW - EXTERIOR ALTERATIONS TO SINGLE FAMILY RESIDENTIAL PROPERTY – 6367 ELLENWOOD AVENUE

Dennis & Tiffanie Upshaw, owners, were in attendance at the meeting.

City Manager Owens informed the remaining members that he had previously administratively approved this project.

Susan Istenes explained that the proposed project consists of the construction of a new front yard circle drive, repaving and extension of the front patio and a knee wall. She noted that the proposed project was originally submitted to the Planning and Development Services Department for review on May 11, 2017 and it received administrative Architectural Review Board approval on May 18, 2017. The project does not require a Building Permit and therefore, no formal permit was issued. In the R-1 Zoning District, a front circle drive is allowed if the lot has a minimum of 100 feet of linear street frontage, is a minimum of 15,000 square feet in area, with Public Works Department approval for a second curb cut and with Architectural Review Board approval. The subject property meets both the width and area requirements and the Public Works Department approved the request for a second curb cut. Director Istenes continued by stating that there are examples of circle drives or enlarged front paving areas in the vicinity of the property. Some front yard drives feature knee walls or landscaping to screen the driveway or parked cars from the public right of way, while others do not. In the R-1 Zoning District, front yard impervious coverage is limited to 45 percent and total lot impervious coverage is limited to 55 percent. Existing front yard coverage is approximately 11 percent and proposed front yard coverage is approximately 44.5 percent. Existing total lot coverage is 22 percent and proposed total lot coverage is approximately 32.8 percent. With the proposed increase in impervious coverage, the property will still stay below the maximum coverage allowed. The property currently features a shared driveway with the adjoining property to the east, which leads to a detached garage in the rear yard. The applicant is proposing to install a circle drive leading from the existing shared driveway west across the front of the house, then turning south along the property line and connecting back to Ellenwood Avenue. The proposed driveway footprint will be centered between existing trees located in the southwest corner of the property. The proposed material is exposed aggregate, which is an approved driveway material according to the Architectural Review Guidelines. The topography of the lot is generally flat, with a slight slope along the existing driveway edge. Significant regrading is not required to install the driveway. The existing stone retaining wall located near the southeast corner of the house will be extended to support some excavation near the front of the house. It is staff's opinion that the proposed driveway will not cause an increase of storm water runoff to be shed onto adjoining properties. The applicant intends to remove the existing brick walkway leading from the sidewalk to a small patio at the front door. The project proposes to replace the walk and patio with a stamped concrete walkway and enlarged front patio. Stamped concrete is an approved paving material according to the Architectural Review Guidelines. The proposed patio will also feature a brick knee wall with a limestone cap. The proposed wall is similar the existing wall at the southeast corner of the house, which currently displays the property address. The red brick and limestone cap will match the existing house in color and style. The knee wall is less than 48 inches tall and therefore does not require a building permit. Director Istenes concluded by stating that the project as proposed is in conformance with the requirements of the R-1 Single Family Dwelling District and the Architectural Review Guidelines and that staff is of the opinion that the design and materials of the front drive and patio are compatible with the neighborhood and character of the existing house and recommends approval as submitted.

Mr. Upshaw began a PowerPoint presentation. He announced that they've been residents of Clayton for 13 years; their previous home was 21 Arundel Place, which they sold last December for \$1.1 Million. A slide depicting a photo of the addition they constructed to their former home on Arundel Place was shown. Mr. Upshaw commented that they have a history of compliance and quality work.

Slides depicting vehicles parked on Ellenwood Drive were shown; Mr. Upshaw noted that parking is a challenge and informed the members that his property is the only property on Ellenwood with a shared driveway. He stated that his property and the adjacent property are ½ acre each and share a 10-foot wide driveway.

A slide depicting a sit plan of the subject property was presented. Mr. Upshaw stated that a front circular drive will allow for a pick-up and drop-off area and that they have no intention of making this a parking lot.

A slide depicting Clayton's zoning map was shown and a slide depicting two circular drives on Cecil Drive were shown. Mr. Upshaw noted that 30% of the properties zoned R-1 have either a U-shape or circular drive in the front yard.

Material samples of brick, stamped concrete and stone were shown. Mr. Upshaw stated that their proposal meets the Architectural Review Board Guidelines and that they previously received administrative ARB and Public Works Department approval.

Slides depicting photos of the work that has already been completed were shown. Mr. Upshaw stated that the knee wall is nearly complete. He stated that he is aware of the opposition to the circular drive and learned only one week ago that their appearance this evening would be necessary. He stated that he has support from the owners of 6365 & 6357 Ellenwood. Mr. Upshaw asked the members for approval of their proposal so they may proceed with the project.

Chairman Lichtenfeld commented that this is "quite a project" and that he likes to see improvements. He added that the east/west drive section is more like a dual roadway as it is quite wide at 20-feet.

Mr. Upshaw stated that the 20-foot tapers down to 14-foot wide, which would allow for 2 cars side-by-side.

Chairman Lichtenfeld commented that the tree report recommends the removal of two trees.

Mr. Upshaw stated that removing the 2 Ash trees was not their original intent.

Chairman Lichtenfeld asked if one of those two trees is a street tree.

Mr. Upshaw replied "no".

Chairman Lichtenfeld commented that there were six trees on the original application.

Mr. Upshaw stated that they did not denote every tree.

Chairman Lichtenfeld asked if the report that was received today was more accurate.

Mr. Upshaw replied “yes”.

A brief discussion regarding other area properties with front circular drives ensued. Scott Wilson commented that if he lived there he would be concerned about setting a precedent, although he likes the design.

Mrs. Upshaw informed the members that they do not have a small front yard.

Joanne Boulton stated that both Forsyth and Wydown Boulevards are busy roads and her biggest concern and the reason for the opposition is that the front circular drive potentially creates 2 lanes of parking, which is an aesthetic issue. She noted that the two front drives on Cecil that were mentioned earlier are non-conforming.

Mr. Upshaw stated that zoning allows for front circular drives.

Joanne Boulton stated that ARB approval is a needed.

William Liebermann asked about the potential for screening or narrowing the drive as there is no other shared driveway on Ellenwood except this one. He asked if pavement for more parking could be made available at the rear of the house.

Mr. Upshaw commented that the gorgeous architecture would be hidden by shrubs.

Joanne Boulton made reference to the Whittemore House.

Mr. Upshaw stated that a lot of people park on the street.

Mrs. Upshaw stated that many residents park in their own driveways.

Chairman Lichtenfeld commented that the neighborhood area they are looking at here consists of the streets Cecil and Ellenwood and that circular drives are not in the context of the neighborhood. He added that the two circular drives that exist on Cecil would not be approved today. He added that there is also a concern of setting a precedent. He asked about alternatives and informed the Upshaws that the City would like to help them alleviate the parking problem; however, he sees no reason for all this paving in the front yard. He suggested a possibility of widening/adding pavement to the existing shared driveway.

Joanne Boulton stated that the wall and patio are lovely.

Chairman Lichtenfeld commented that he hopes there is another solution to the parking problem.

Mrs. Upshaw informed the members that they entered into this with approval and that she's concerned because they have binding contracts for this work. She questioned who will be paying to put the property back to its pre-work condition if their project is not approved.

Mr. Upshaw indicated that they have counsel. He then assured the members that they do good work and that the project will improve property values.

Chairman Lichtenfeld solicited public comment.

Liza Streett, 6420 Cecil, indicated that there is one other shared driveway on Cecil and properties with expanded pavement behind the houses. She stated that home facades are not enhanced by parked cars and that mature trees can be threatened by this drive. She asked that screening be required if this Board is inclined to approve this project.

Walter Wittenberg, 6434 Cecil, stated he's been a resident here since 1958 and that both circular drives were done back when the subdivision was private. He stated that he agrees that Forsyth is not the same as Cecil and Ellenwood and that the slides the Upshaws presented were an excellent representation of the parking problem, but that their circular drive won't solve it.

Joanne Boulton pointed out that the church-driven parking is short-term.

Mr. Upshaw stated that parking is not just a problem on Sundays.

Mrs. Upshaw stated that their shared driveway is only 10-foot wide.

Mr. Upshaw stated that the earlier suggestion to double the pavement at the driveway is a bad idea and that would create a "sea of concrete". He reminded the members that their immediate neighbors are in favor of their project.

A brief discussion regarding green screening ensued.

Craig Owens asked if the Upshaws would be open to narrowing the drive to less than 20 feet and not visible from the street.

Joanne Boulton commented that in her opinion, it does not fit.

Hearing no further questions or comments, Joanne Boulton made a motion to approve the project minus the circular driveway. The motion was seconded by Scott Wilson. The motion received the

following vote: Ayes: Craig Owens, Chairman Lichtenfeld, Joanne Boulton and Scott Wilson.
William Liebermann abstained.

Having no further business before the Commission this evening, the meeting adjourned at 9:22 p.m.

Recording Secretary

Dennis and Tiffanie Upshaw
6367 Ellenwood Avenue
Clayton, Missouri 63105

June 30, 2017

VIA HAND-DELIVERY

Mayor Harold Sanger
City of Clayton
10 North Bemiston Avenue
Clayton, Missouri 63105

Board of Aldermen
City of Clayton
10 North Bemiston Avenue
Clayton, Missouri 63105

RECEIVED (2nd set)
JUN 30 2017 COPY
#135 J#1175
CITY OF CLAYTON
PLANNING & DEVELOPMENT

**Re: Appeal of the Architectural Review Board's Denial of a Circular Driveway at
6367 Ellenwood Avenue, Clayton, Missouri 63105**

Dear Mayor Sanger and Board of Aldermen:

Please accept this letter as our request for appeal to the Board of Aldermen of an Architectural Review Board's decision denying our request to add a circular driveway to our property, which had already been approved by the City Manager, and recommended for approval by the City's staff to the Architectural Review Board. Simultaneously with this letter, we are submitting an application for appeal, written description of appeal, fourteen copies of the approved plans and a \$135 check.

Should you have any questions, or need any additional information, please let us know.

Respectfully submitted,

Dennis and Tiffanie Upshaw



Dennis and Tiffanie Upshaw
6367 Ellenwood Avenue
Clayton, Missouri 63105

June 30, 2017

RECEIVED
JUN 30 2017
CITY OF CLAYTON
PLANNING & DEVELOPMENT

VIA HAND-DELIVERY

Board of Aldermen
City of Clayton
10 North Bemiston Avenue
Clayton, Missouri 63105

**Re: Appeal of the Architectural Review Board's Denial of a Circular Driveway at
6367 Ellenwood Avenue, Clayton, Missouri 63105**

Dear Board of Aldermen:

We are the owners of 6367 Ellenwood Avenue, Clayton, Missouri 63105. Our property has a zoning designation of R-1 Large Lot Single-Family Dwelling District. We currently have a shared driveway with the adjoining property. When we were considering the purchase of our home, we researched the possibility of installing a circular driveway and confirmed that it was allowed within ordinances for the property's zoning. Shortly after purchasing the property, we decided to pursue the project and we contacted the City's Planning Division and the Public Works Department to determine what approvals were required.

We were initially told that we simply needed to provide drawings, a boundary survey and permeability calculations to the Department of Public Works for the requisite permit in order to begin construction. We provided this information and our contractor received the permit from the Department of Public Works. The City Manager then granted approval of the project. For your consideration, enclosed is a copy of the permit, the project design plans, as approved by the City Manager, email correspondence between us and the City Manager regarding the approval of the project, and a copy of the staff's recommendation to approve the project as submitted.

Relying on the City's approval, we entered into binding agreements with contractors to complete the project. Three weeks after starting construction and incurring significant costs, the City suddenly reversed course and told us that we would need to submit the project to the City's Architectural Review Board (the "ARB") for approval at its next scheduled meeting. Although the project had already been approved by the City Manager, and we had already started construction based on that approval, we agreed to go before the ARB at the June 19, 2017 meeting.

Even though the City had previously approved the project, and despite the fact that the City Staff recommended that the project be approved, the ARB denied our plans to install the driveway,

and only approved the repaving of our front walk and extension of our front patio and the knee wall. We believe that the ARB erred in denying our proposed driveway for numerous reasons.

Grounds for Appeal

A. The ARB Erred in Considering the Project for Approval When the City Manager Had Already Approved the Project

Pursuant to §400.150 of the City Code, the City Manager has the authority to exclude from ARB consideration minor exterior alterations, including but not limited to “surface parking lot expansion (twenty percent (20%) or less of the existing lot size) or reconfiguration and façade changes not effecting the building’s character.” By the express language of the Code, constructions or installations that are administratively approved by the City Manager, pursuant to §400.150, are exempt from consideration by the ARB. Accordingly, the City Manager had the authority to administratively approve the project, without consideration by the ARB. See Code §400.150 (B). Because the City Manager approved the project, it was exempt from consideration by the ARB. Therefore, it was error for the ARB to even consider and review the project for approval.

Additionally, we relied on the City Manager’s approval and representation that we had satisfied all City requirements when we entered into binding agreements with contractors and began construction of the driveway and other aspects of the project. As a result of the City’s sudden about-face regarding its approval, we are now faced with the possibility of having to breach these agreements and incur additional costs to restore the front yard to its original condition. This would be an exceptionally unfair result for us considering the City’s prior approval.

B. The ARB Erred in Denying Approval of Our Circular Driveway Because the Project Meets the Criteria Set Forth in the Code

Section 415.600(C) of the Code governs the construction of circular driveways in R-1 zoning districts. It states as follows:

C. Location of all access points shall be determined by the Director of Public Works. Residential lots accessed by a residential street (not a collector or arterial street) may install up to two (2) curb cuts to accommodate a circular turnaround, subject to the following criteria:

- 1. Lot size is in excess of fifteen thousand (15,000) square feet; and*
- 2. At least one hundred (100) lineal feet of street frontage on a single street (corner lots must have at least one hundred (100) lineal feet on any one (1) street frontage); and*
- 3. Written approval from the Director of Public Works.*

As acknowledged by the City Staff, the driveway meets the requirements of §415.600(C). Our lot size is 22,022 square feet, well in excess of the 15,000 square feet minimum requirement.

Mindesign
subdivision
CRITERIA
NOT
APPLICABLE
SUBDIV
GOVERNED
BY

There is also no dispute that our property has more than 100 lineal feet of street frontage. Lastly, the Public Works Departments has approved the new curb cut, as evidenced by the enclosed permit. Furthermore, all of our proposed materials comply with the Architectural Review Guidelines. Thus, our property and our proposed driveway meet all of the necessary criteria under Code § 415.600(C) regarding the construction of circular driveways in an R-1 zoning district. On this basis alone, the ARB erred in denying our proposed driveway.

C. The ARB Erred in Denying Approval of Our Circular Driveway Based on Their Opinion that the Project is Not Compatible with the Neighborhood as Well as Encouraging Originality, Creativity and Diversity in Design

The ARB seemed to deny approval of our proposed circular driveway because it was supposedly out of character with the neighborhood and the ARB did not want to set a precedent for front yard circular driveways on other properties. However, our planned driveway is consistent with the surrounding neighborhood. As the City Staff acknowledged, there are numerous circular driveways in close vicinity to our property. In particular, a residential home just eight houses east of our home has a circular driveway. There are also two properties with circular driveways on Cecil Avenue, directly southwest of our home. Additionally, approximately a dozen residential homes immediately north of our home, have circular driveways abutting Forsyth Boulevard. Thus, the circular driveway would not be a deviation from the character of the surrounding neighborhood or otherwise negatively impact the surrounding area.

D. The ARB Erred in Denying Approval of Our Circular Driveway Because It Would Enhance the Livability of the Neighborhood and Would have an Appreciating Effect on the Neighborhood

We are in a unique situation for our neighborhood because we currently share a driveway with our neighbor. As a result, neither us, nor our neighbors, can park in the existing driveway without blocking the other from accessing the back of our properties. Furthermore, neither us, nor our neighbors, have turn-around space without utilizing the other's rear parking area and if either is parked in their area, the other cannot turn around. This is the only driveway in the neighborhood with such a dilemma. The problem is compounded by the fact that street parking on the east half of Ellenwood Avenue is rarely available.

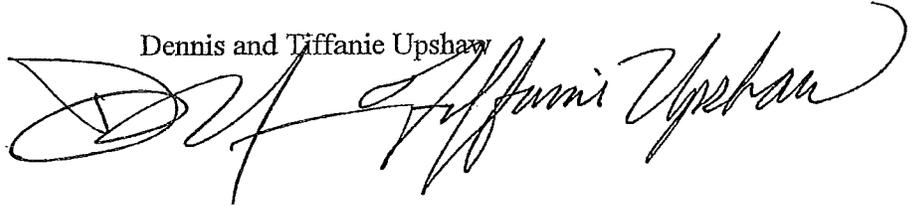
On the occasions that we have guests to our home, they have no option but to park on the street and walk to our home. This is especially problematic for our elderly and disabled visitors and potentially creates a safety issue. The circular driveway would alleviate this problem and would also free up street parking for other residents and visitors of the neighborhood. Therefore, our proposed circular driveway would not only enhance the livability and value of our property, but also the surrounding properties in the neighborhood.

Dennis and Tiffanie Upshaw
June 30, 2017
Page 4 of 4

For all of these reasons, we ask that the Board of Alderman reconsider the ARB's decision and grant our request for approval of the circular driveway at our home.

Respectfully submitted,

Dennis and Tiffanie Upshaw

A handwritten signature in black ink, appearing to read "Dennis and Tiffanie Upshaw", written in a cursive style. The signature is positioned to the right of the typed name.

Enclosures



City of Clayton

10 North Bemiston Avenue
Clayton, Missouri 63105
(314) 290-8453 FAX (314) 863-0296

RECEIVED

JUN 30 2017

CITY OF CLAYTON

PLANNING & DEVELOPMENT

APPEAL TO THE BOARD OF ALDERMEN OF AN ARCHITECTURAL REVIEW BOARD AND/OR PLAN COMMISSION DECISION

Pursuant to Sections 400.230 & 405.1090 "Appeals", an aggrieved party may, within fifteen (15) days of the decision for which redress is sought, file with the Board of Aldermen a written request for reconsideration and appeal of any decision of the Architectural Review Board (ARB) and/or Plan Commission. The written request must set forth in a concise manner the decision being appealed and all grounds known to the appellant as to wherein and why the decision is allegedly in error. The request for reconsideration and appeal must be filed with the City Clerk within the time specified above. A copy of the request and any supporting documents or materials filed by aggrieved party must be served by the aggrieved party on the applicant (if different than the aggrieved party) by certified U.S. mail, return receipt requested, within three (3) days of filing with the City Clerk. Proof of service on the applicant must be filed with the City Clerk within six (6) days of filing of the request. The Board of Aldermen may consider the appeal on the record of the prior decision by the Architectural Review Board or may, at its sole discretion, receive additional evidence in such manner as it deems appropriate in light of the circumstances.

- \$135 (includes \$35 non-refundable processing fee) must accompany this application
- Separate letter addressed to the Mayor & Board of Aldermen requesting appeal must accompany this application
- Fourteen (14) plan sets must accompany this application (if applicable)

Please type or print

Address of project being appealed: **6367 Ellenwood Avenue**

Description of project: **Installation of Front Yard Circular Driveway and Front Yard Wall**

Date of Plan Commission/ARB approval(s): **June 19, 2017**

Specific approval(s) being appealed: **Denial of Request to Install Front Yard Circular**

Driveway

1

October, 2014

AGGRIEVED PARTY

Applicant's name: **Dennis Upshaw and Tiffanie Upshaw**

Complete address: **6367 Ellenwood Avenue, Clayton, MO 63105**

Phone Number/E-Mail: **(314) 378-3197 /tiffanieup@gmail.com;**

dennis.upshaw@interface.com

Interest in Property: **Owners**

Name of Applicant's Agent - if different than above: **N/A**

Complete address: **N/A**

Phone Number/E-Mail: **N/A**

Name of Owner(s) whose property is the subject of this appeal - if different than above: **N/A**

Complete address: **N/A**

Phone Number/E-Mail: **N/A**

DESCRIPTION OF APPEAL

Describe appeal and include Section of applicable Land Use Code governing such appeal:

See Attached Letter Directed to Board of Alderman

Property address & project description that is the subject of appeal (if applicable):

6367 Ellenwood Avenue, Clayton, MO 63105

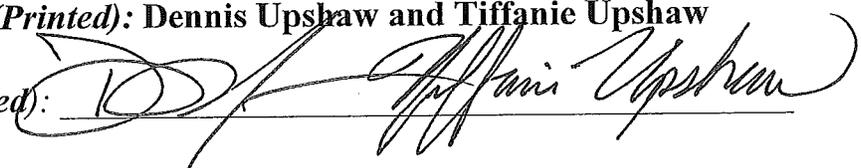
October, 2014

Date Plan Commission/Architectural Review Board rendered decision: **June 19, 2017**

FULL LEGAL NAME IS REQUIRED

Applicant Name (Printed): **Dennis Upshaw and Tiffanie Upshaw**

Signature of Applicant (Required): _____

Handwritten signature of Dennis Upshaw and Tiffanie Upshaw in black ink, written over a horizontal line.

Date application filed with City: **June 30, 2017**

Date owner was notified of appeal (attach proof): **N/A**

Interest in Property (i.e .owner, neighbor, attorney, etc.): **Owners**

This request will be placed on the next available Board of Aldermen meeting date. Please confer with City staff for exact date. Meeting dates can be found on the City's web-site (www.claytonmo.gov)



**REQUEST FOR
ARCHITECTURAL REVIEW BOARD
CONSIDERATION**

RECEIVED

JUN 30 2017

CITY OF CLAYTON
PLANNING & DEVELOPMENT

Date:	June 19, 2017
Owner:	Dennis and Tiffanie Upshaw
Project Address:	6367 Ellenwood Avenue
Item Type:	Architectural Review/Request for Action
Project Type:	Single-Family Alteration – new front drive
Staff:	Anna Krane, Planner
Summary:	Review of the design and materials associated with a new front circle drive and knee wall.

PROJECT DESCRIPTION AND BACKGROUND

The 22,022 square foot site is located on the north side of Ellenwood Avenue, just east of the intersection between Cecil Avenue and Ellenwood Avenue. The property has a zoning designation of R-1 Large Lot Single-Family Dwelling District. The proposed project consists of the construction of a new front yard circle drive, repaving and extension of the front patio and a knee wall.

The project was originally submitted to the Planning and Development Services Department for review on May 11, 2017. The project received administrative Architectural Review Board approval on May 18, 2017. The project does not require a Building Permit and therefore, no formal permit was issued.

CRITERIA FOR REVIEW

Compatibility

In the R-1 Zoning District, a front circle drive is allowed if the lot has a minimum of 100 feet of linear street frontage, is a minimum of 15,000 square feet in area, with Public Works Department approval for a second curb cut and with Architectural Review Board approval. The subject property meets both the width and area requirements. The Public Works Department approved the request for a second curb cut.

There are examples of circle drives or enlarged front paving areas in the vicinity of the property. Some front yard drives feature knee walls or landscaping to screen the driveway or parked cars from the public right of way, while others do not.

In the R-1 Zoning District, front yard impervious coverage is limited to 45 percent and total lot impervious coverage is limited to 55 percent. Existing front yard coverage is approximately 11

percent and proposed front yard coverage is approximately 44.5 percent. Existing total lot coverage is 22 percent and proposed total lot coverage is approximately 32.8 percent. With the proposed increase in impervious coverage, the property will still stay below the maximum coverage allowed.

Driveway

The property currently features a shared driveway with the adjoining property to the east, which leads to a detached garage in the rear yard. The applicant is proposing to install a circle drive leading off of the existing shared driveway west across the front of the house, then turning south along the property line and connecting back to Ellenwood Avenue. The proposed driveway footprint will be centered between existing trees located in the southwest corner of the property. The proposed material is exposed aggregate, which is an approved driveway material according to the Architectural Review Guidelines.

The topography of the lot is generally flat, with a slight slope along the existing driveway edge. Significant regrading is not required to install the driveway. The existing stone retaining wall located near the southeast corner of the house will be extended to support some excavation near the front of the house. It is staff's opinion that the proposed driveway will not cause an increase of stormwater runoff to be shed onto adjoining properties.

Patio and Wall

The applicant intends to remove the existing brick walkway leading from the sidewalk to a small patio at the front door. The project proposes to replace the walk and patio with a stamped concrete walkway and enlarged front patio. Stamped concrete is an approved paving material according to the Architectural Review Guidelines.

The proposed patio will also feature a brick knee wall with a limestone cap. The proposed wall is similar to the existing wall at the southeast corner of the house, which currently displays the property address. The red brick and limestone cap will match the existing house in color and style. The knee wall is less than 48 inches tall and therefore does not require a building permit.

CONCLUSION

The project as proposed is in conformance with the requirements of the R-1 Single Family Dwelling District and the Architectural Review Guidelines. Staff is of the opinion that the design and materials of the front drive and patio are compatible with the neighborhood and character of the existing house.

STAFF RECOMMENDATION

To approve as submitted.



CITY OF CLAYTON
DEPARTMENT OF PUBLIC WORKS
10 NORTH BEMISTON AVENUE
CLAYTON, MISSOURI 63105
314-290-8540

RECEIVED

JUN 30 2017

CITY OF CLAYTON
PLANNING & DEVELOPMENT
RIGHT-OF-WAY ACTIVITY PERMIT

PERMIT NO: RW17-0131
PERMIT TYPE: MAINT/RE
STATUS: ISSUED
JOB ADDRESS: 6367 ELLENWOOD AVE COG
APPLICANT: VEE JAY GEMENT
CONTRACTOR: VEE JAY GEMENT
ADDRESS: 25 BLACK OAK DR
ST LOUIS, MO 63127
CONTACT: SAL VITALE
SUBCONTRACTORS:

APPLIED: 05/08/2017
APPROVED: 05/09/2017
EXPIRES: 06/09/2017

PHONE #: 314-713-9721

PHONE #: 314-713-9721

PHONE #: 314-713-9721

LOCATION:

WORK DESCRIPTION: NEW DRIVEWAY APPROACH

LENGTH OF SAW CUT: 18 FEET

IMPORTANT! PLEASE READ

THE ACTIVITY FOR WHICH THIS PERMIT IS ISSUED SHALL BE PERFORMED ACCORDING TO: (1) THE CONDITIONS OF THIS PERMIT. (2) THE APPROVED PLANS AND SPECS. (3) THE APPLICABLE CITY APPROVAL, ORDINANCES, AND CODES. IT IS NECESSARY THAT YOU CONTACT THE PUBLIC WORKS DEPARTMENT PRIOR TO COMMENCING WORK FOR STREET LIGHT AND TRAFFIC SIGNAL CABLE LOCATES. FAILURE TO CALL FOR INSPECTIONS WILL RESULT IN PUNITIVE ACTION BEING TAKEN!

ISSUED BY: D SCHLERETH

APPLICATION FEE:	\$50.00
DEGRADATION FEE:	\$405.00
ADDITIONAL FEE:	\$0.00
TOTAL PERMIT FEE:	\$605.00
PAYMENTS:	\$200.00
BALANCE DUE:	\$405.00



RE: 6367 Ellenwood Ave
 Craig Owens
 to:
 Dennis.Upshaw@interface.com
 05/18/2017 02:48 PM
 Cc:
 "tiffanieup@gmail.com", Jackie Williams
 Hide Details
 From: Craig Owens <cowens@claytonmo.gov>
 To: "Dennis.Upshaw@interface.com" <Dennis.Upshaw@interface.com>
 Cc: "tiffanieup@gmail.com" <tiffanieup@gmail.com>, Jackie Williams
 <jwilliams@claytonmo.gov>
 History: This message has been replied to.

RECEIVED

JUN 30 2017

CITY OF CLAYTON
PLANNING & DEVELOPMENT

I just signed the administrative approval, so you should be all set. Sorry for the delay. Good luck on the project.

Craig S. Owens
City Manager
City of Clayton

From: Dennis.Upshaw@interface.com [<mailto:Dennis.Upshaw@interface.com>]
Sent: Thursday, May 18, 2017 11:21 AM
To: Craig Owens
Cc: tiffanieup@gmail.com
Subject: 6367 Ellenwood Ave

Hello Craig, I know you are a very busy man so I will keep this as brief as possible.

Anna Krane in Planning has been very helpful assisting me and has sent to you our proposal to modify our front walk and patio as well as add a U shaped drive for our property. I came into the Planning office and specifically asked for ARB review paperwork about 3 months ago. I was directed that for flatwork and walls under 3 ft high that ARB review was not needed. I was given the pages on required materials for Clayton and to simply go to Public Works for apron approval. I did this and Public works informed me that there should be no issues, They said once I had the permit that I would just need to send our permeability study to Anna. They actually ended up asking for it to finish the permit, I supplied it to Anna, which is when she informed me that U-shaped drives need ARB approval which is where we are now. I had my contractors lined up waiting on the Public Works permit which is ready, but needs your approval before they can start.

Our front yard is looking pretty "ugly" right now as we were preparing for the proper excavation over a week ago before hitting this snag.

6367 currently has a shared drive that is only 10 ft wide with 6365. We also have St. Michael's across the street so we often don't have parking for friends, family and visitors in front of our house. I contacted both Public Works and Planning prior to purchasing this property to verify that there were no restrictions keeping us from doing so.

I have been a resident of Clayton for over 12 yrs. If there is anything further you need from us please let us know. I just need some direction to know what to tell my contractors who were expecting to start over a week ago.

Thank you!
Dennis Upshaw

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c 314.378.3197
interface.com
LEEDquestions@interface.com

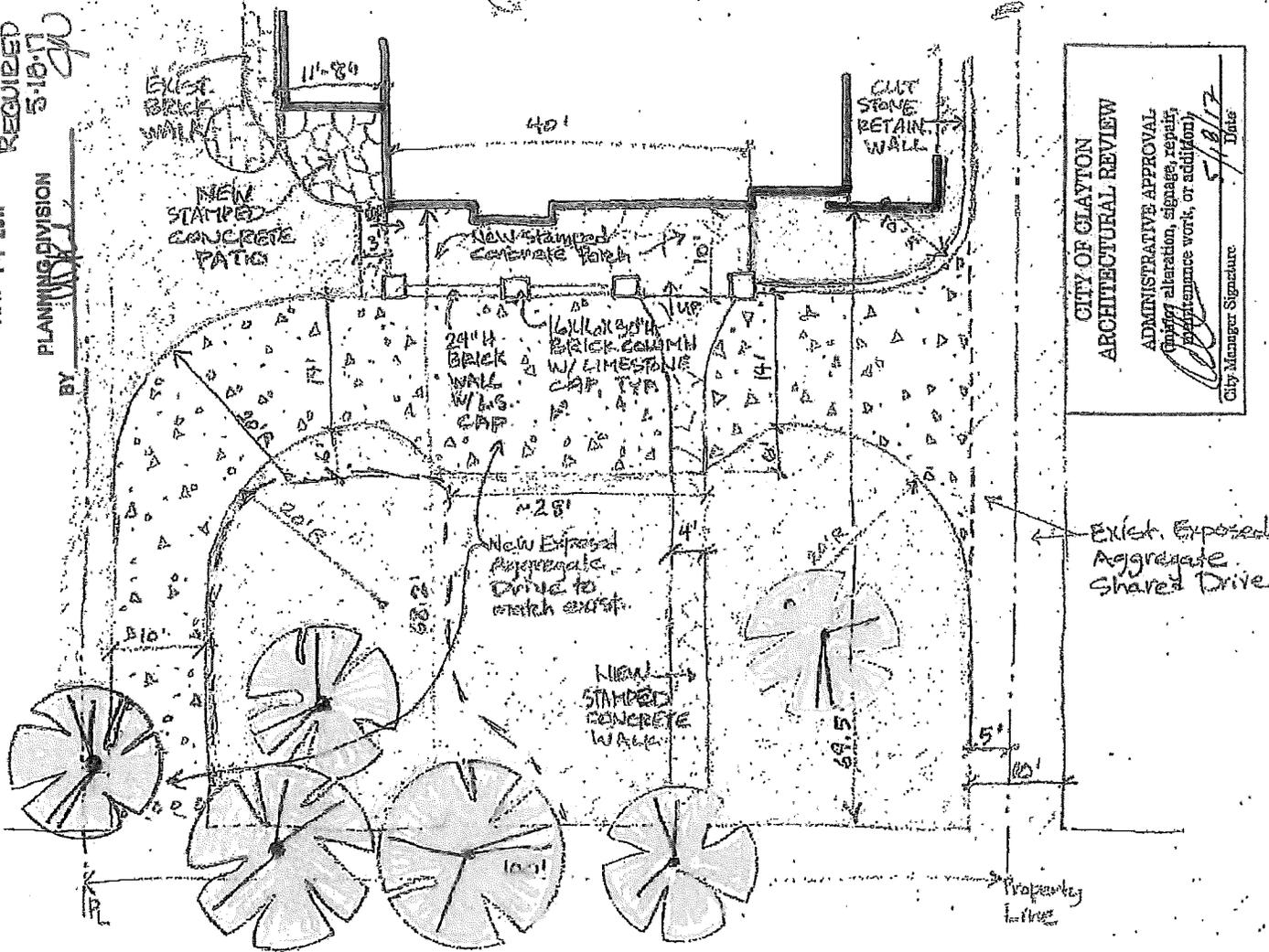
RECEIVED

JUN 30 2017

CITY OF CLAYTON
PLANNING & DEVELOPMENT

REVIEWED AND APPROVED
CITY OF CLAYTON
BUILDING PERMIT
NOT REQUIRED
MAY 11 2017
PLANNING DIVISION
BY: [Signature]

PAD
5-18-17 CH/llw



CITY OF CLAYTON
ARCHITECTURAL REVIEW

ADMINISTRATIVE APPROVAL
Project alteration, signage, repairs,
maintenance work, or addition

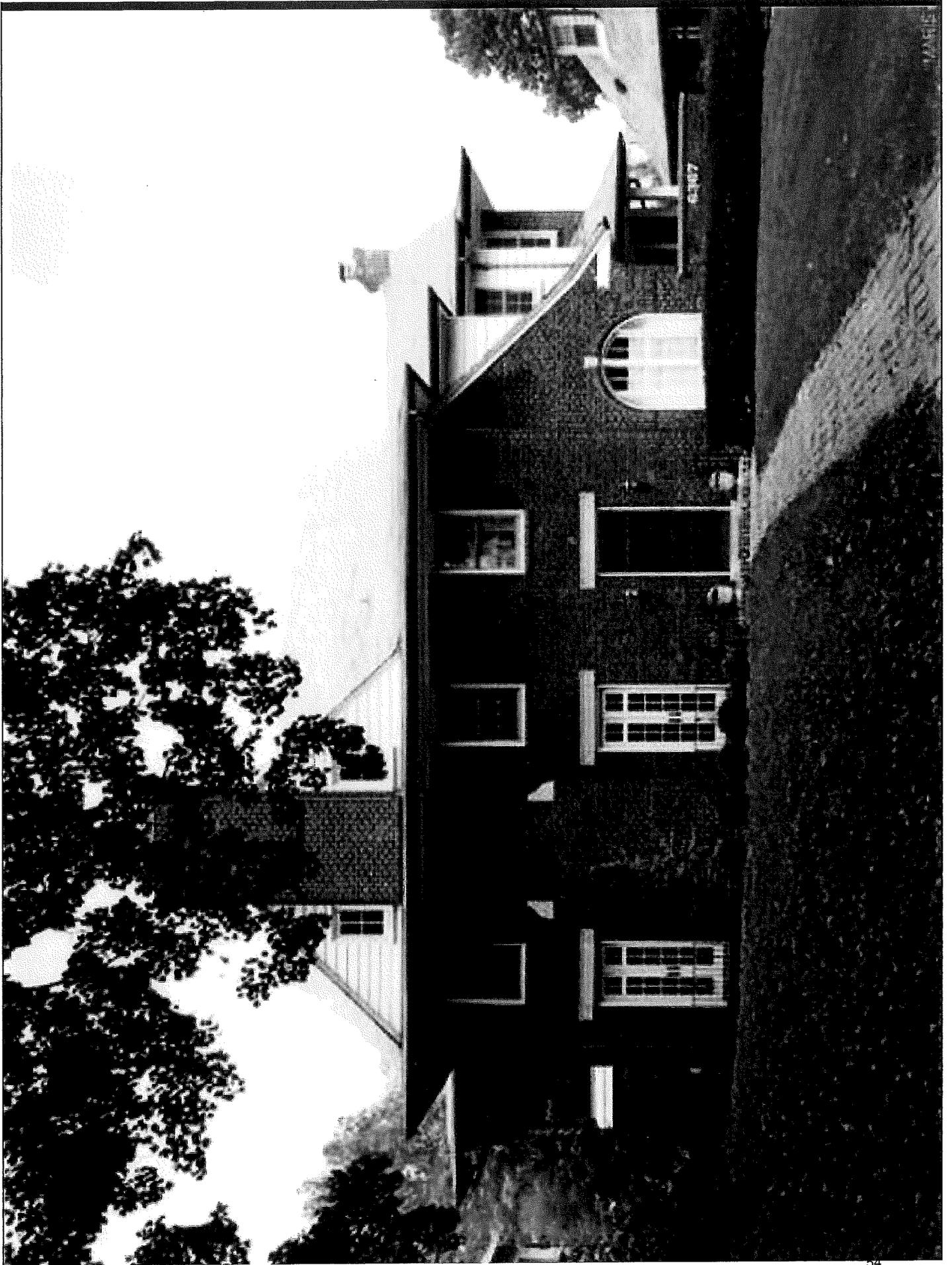
[Signature]
City Manager Signature

5/18/17
Date

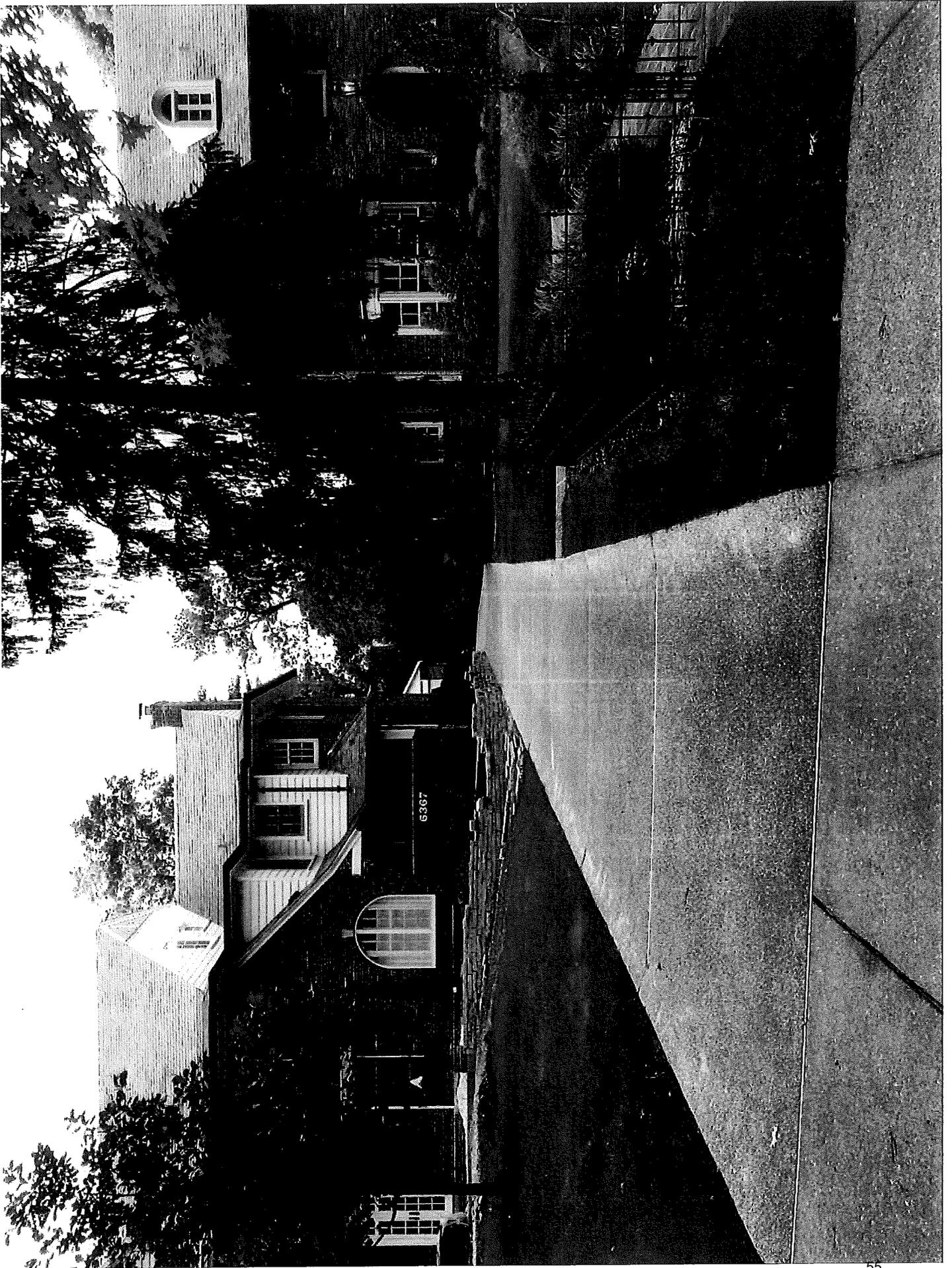
Exist. Exposed Aggregate Shared Drive

UPSHAW RESIDENCE
6367 BELLVIEW DRIVE



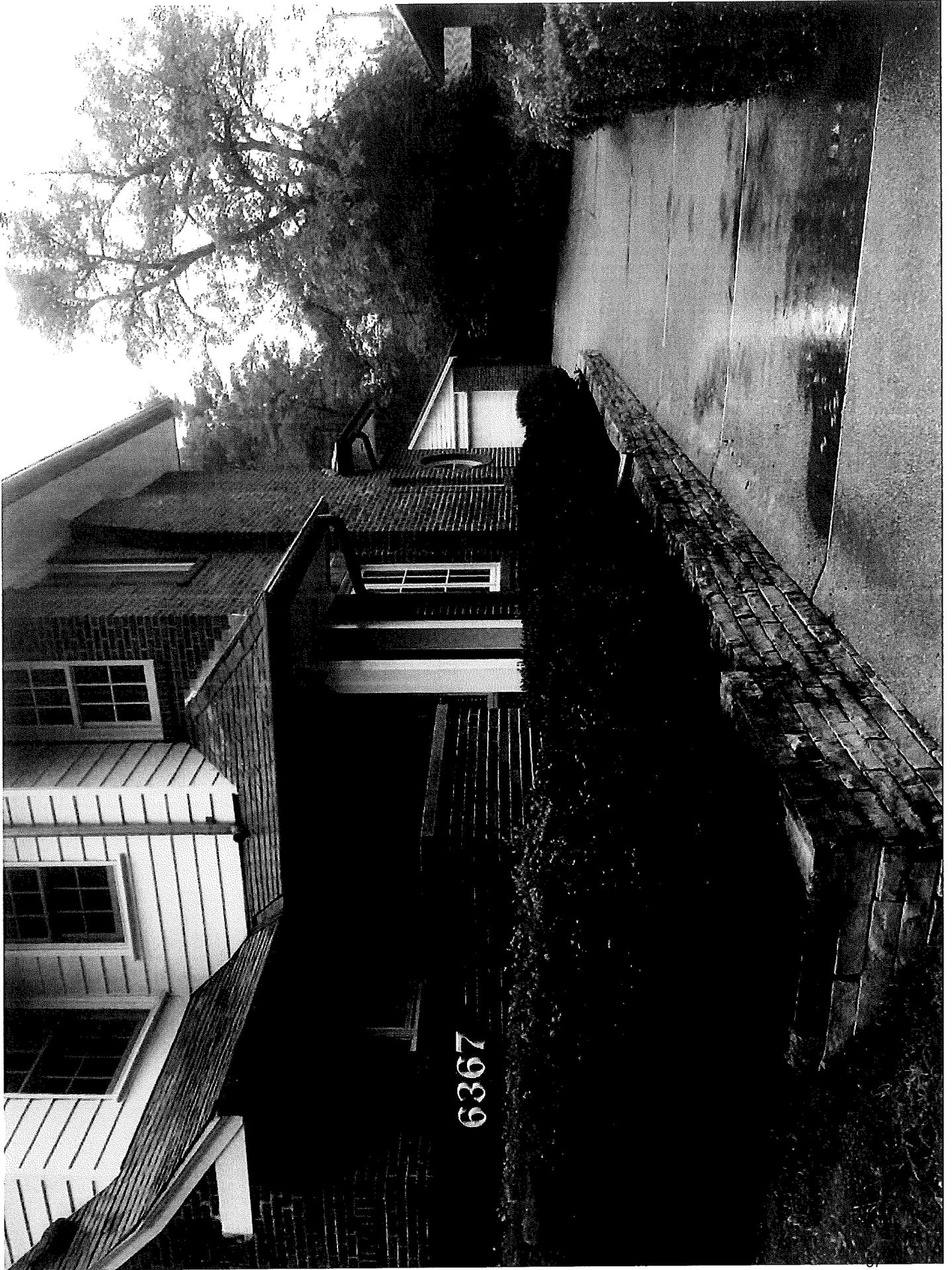


MANSIE



Only Shared Drive on Ellenwood



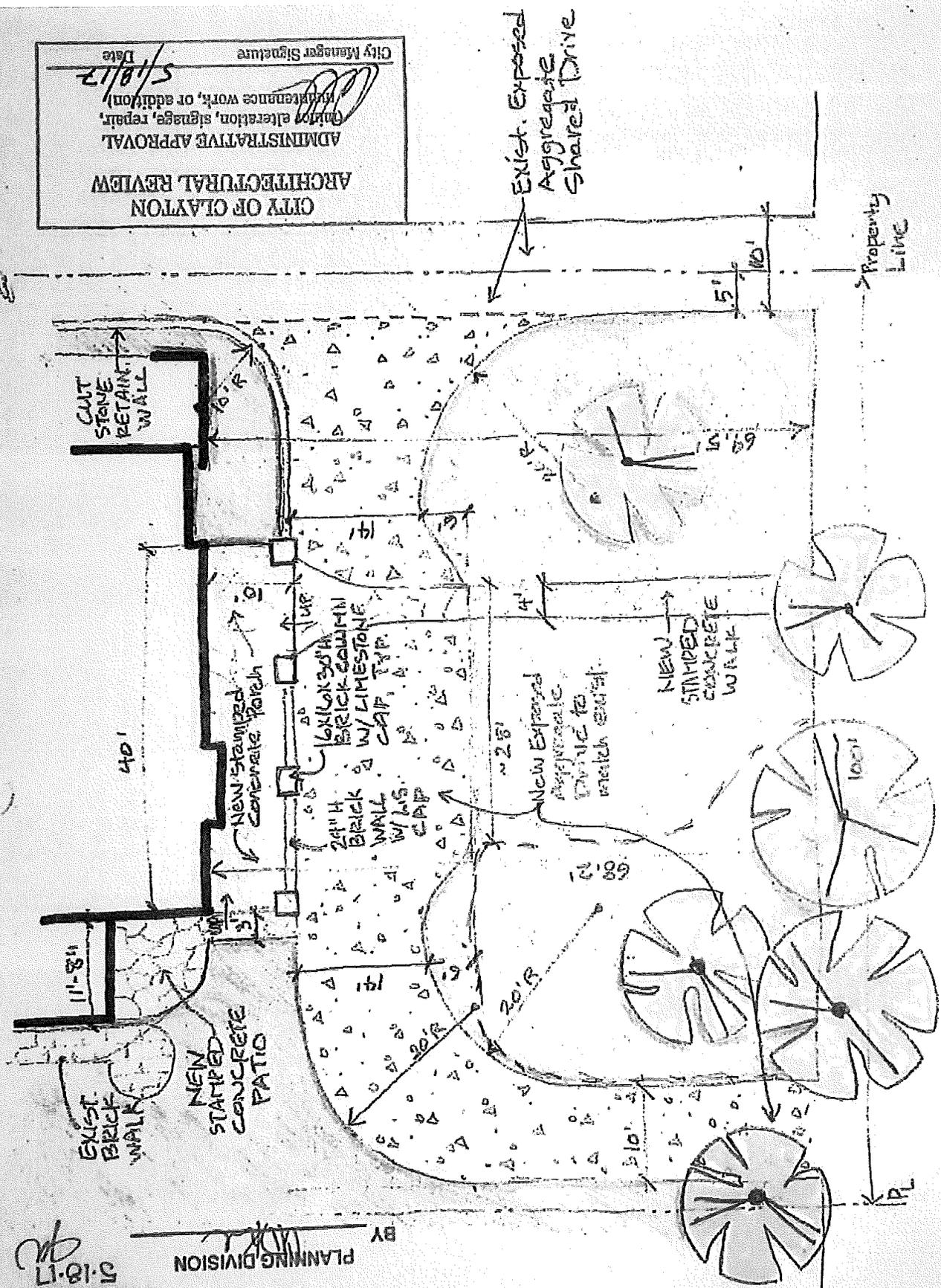


2989

REVIEWED AND APPROVED
CITY OF CLAYTON
MAY 11 2017
BUILDING PERMIT NOT REQUIRED
5-18-17
BY PLANNING DIVISION
5-18-17

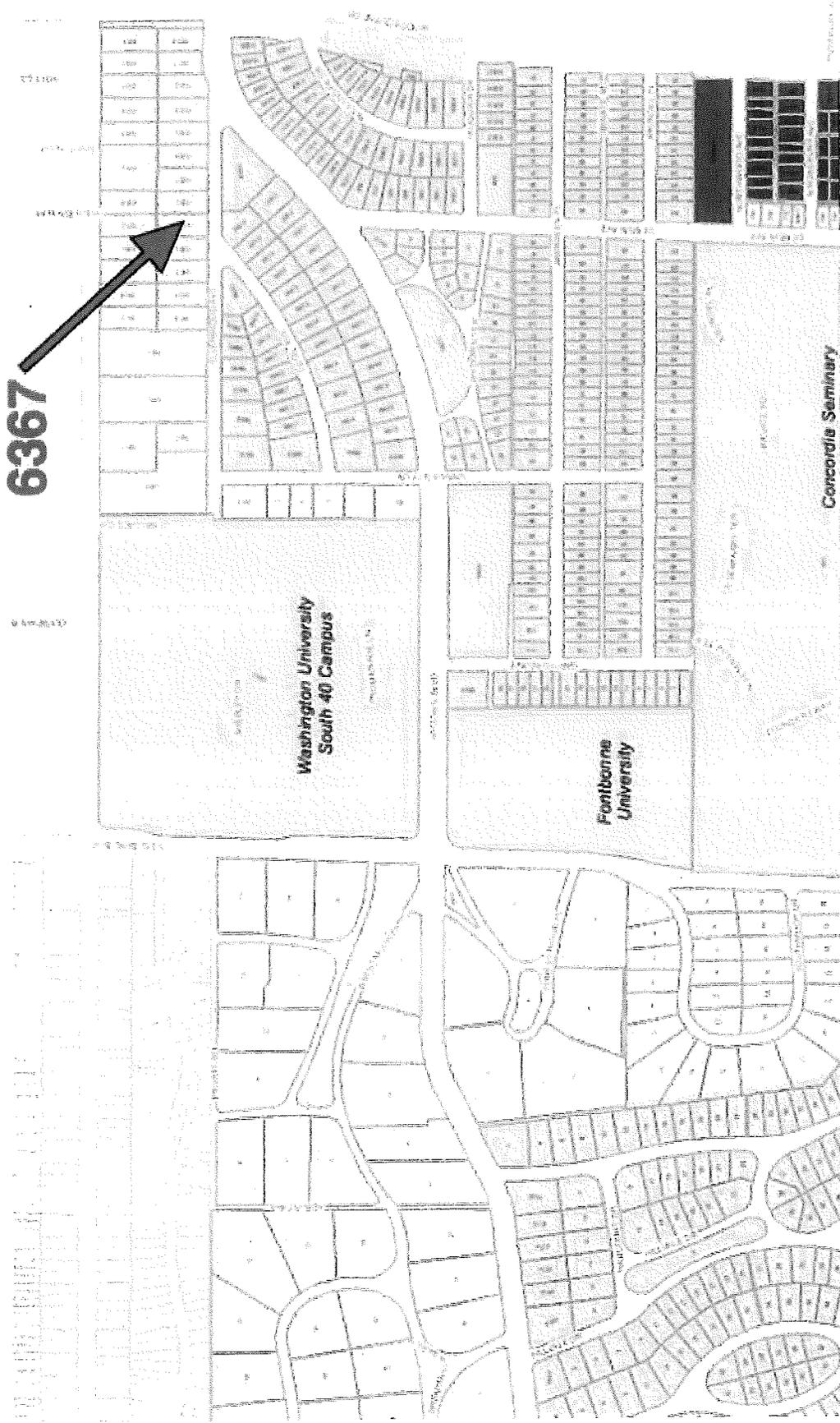
PAID
5-18-17 CH#1144

ADMINISTRATIVE APPROVAL
ARCHITECTURAL REVIEW
CITY OF CLAYTON
Date: 5/18/17
City Manager Signature



UPSHAW RESIDENCE
6367 ELLENWOOD AVE.

Clayton Zoning Map



6367

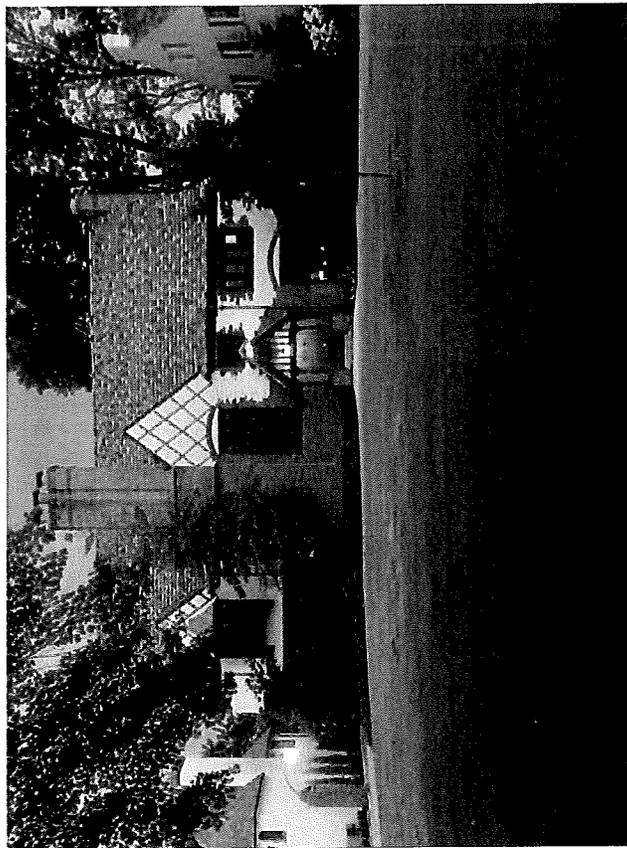
-  R-1 Large Lot Single Family Dwelling District
-  R-2 Single Family Dwelling District

R-2 Existing Circle Drives

6450 Cecil

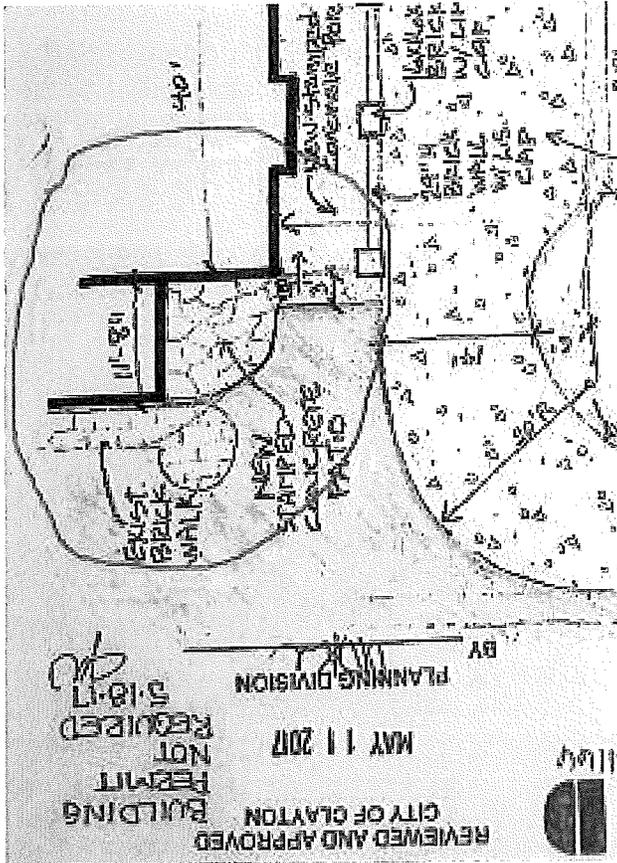
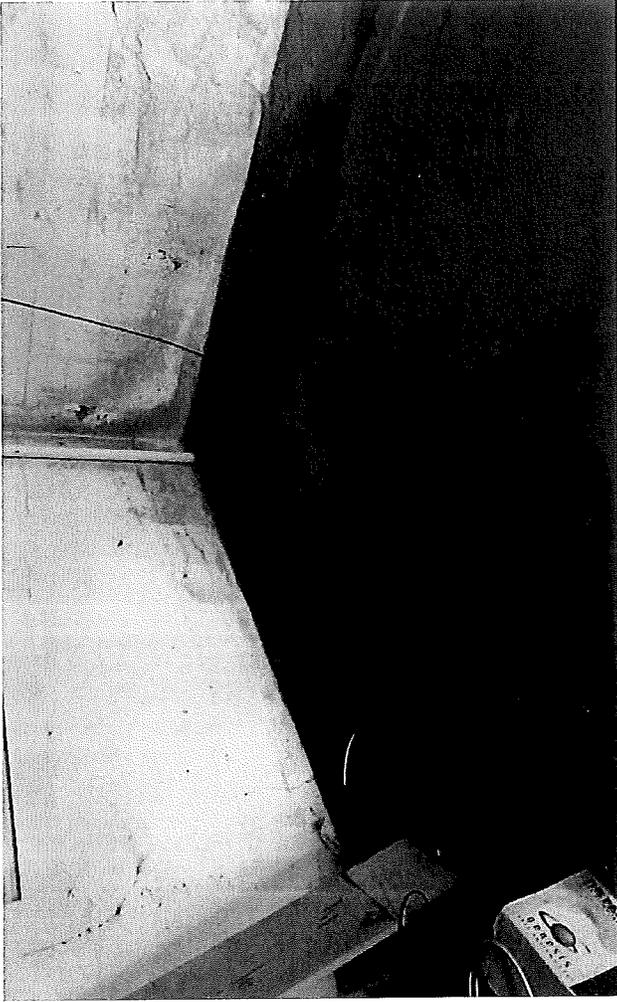


R-1 Existing Circle Drives

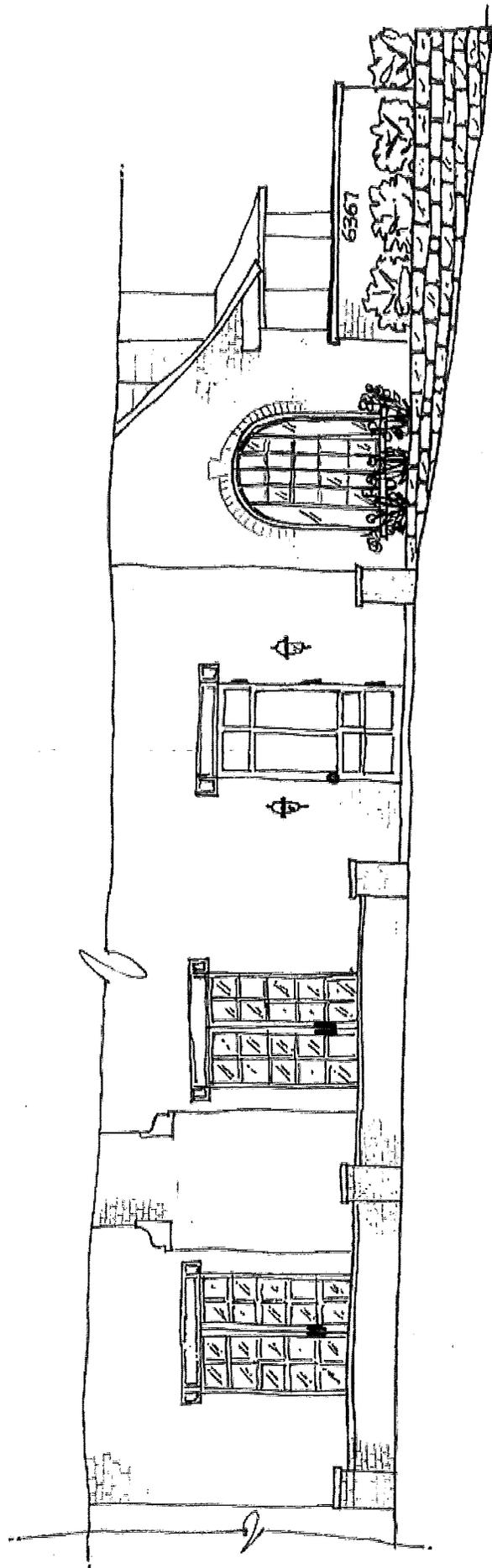


Many Circle Drives









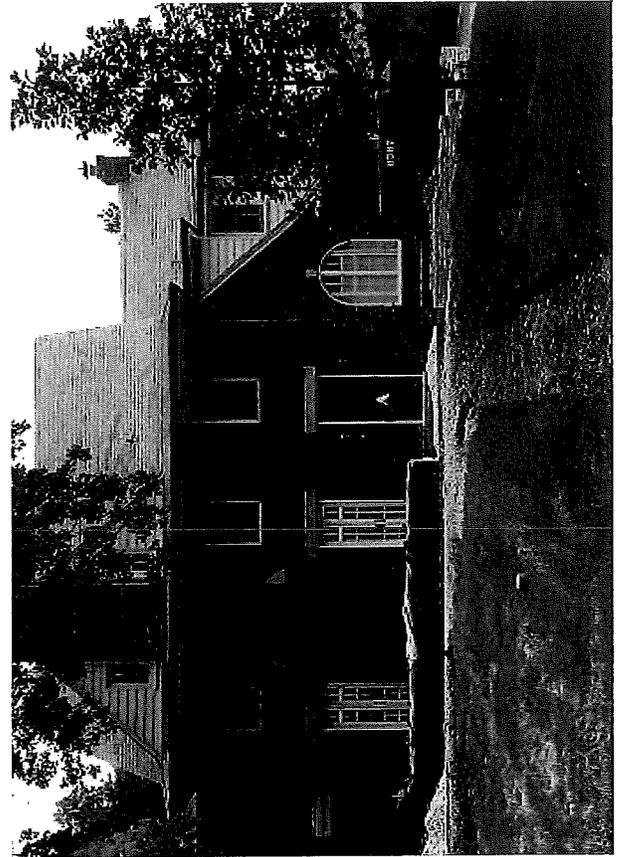
LIPSHAW RESIDENCE
6367 ELLENWOOD AVE.

**CITY OF CHATHAM
ARCHITECTURAL REVIEW**

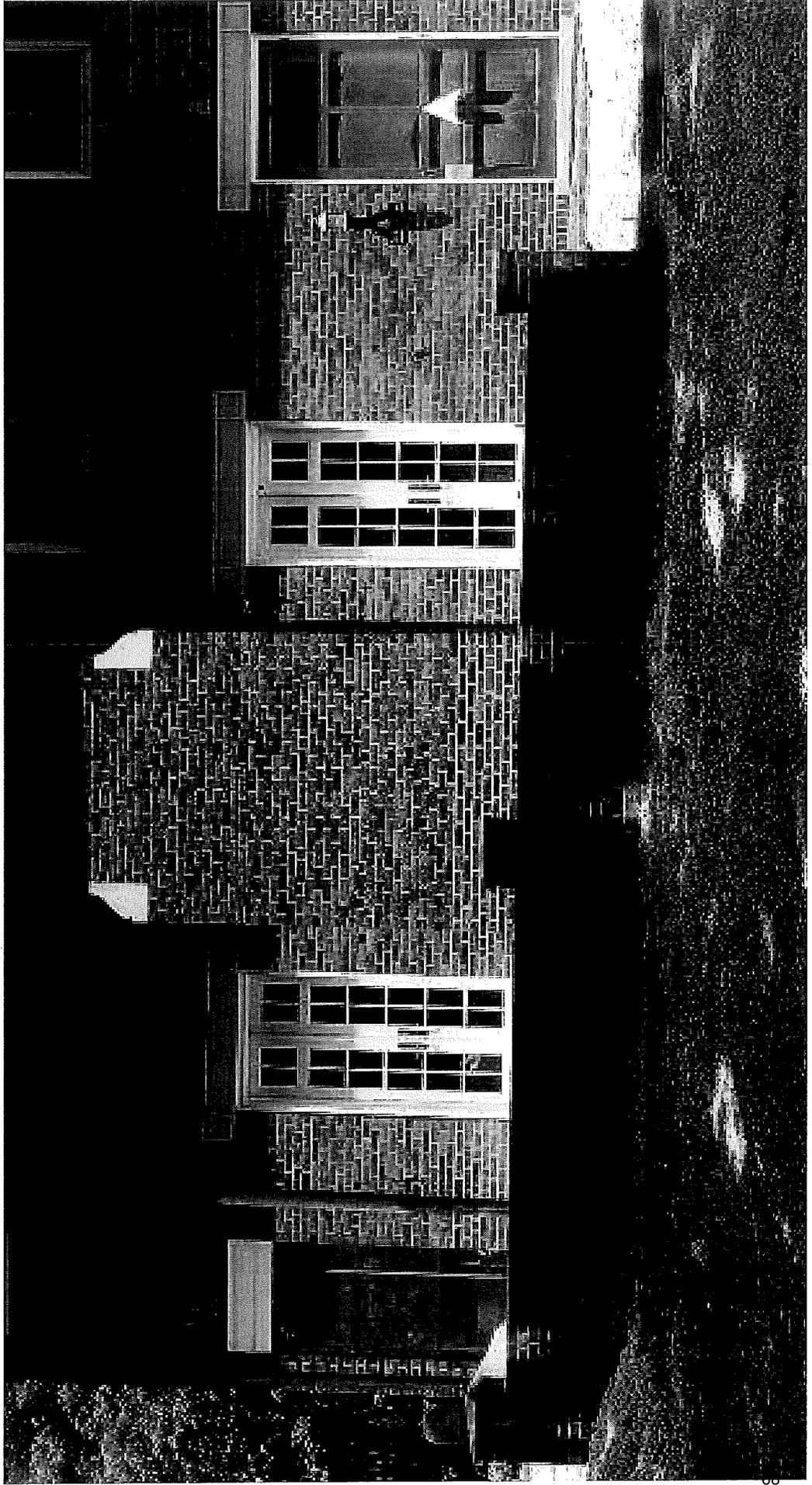
APPROPRIATE SIGNATURE

**APPROVED TO YOUR SATISFACTION
BY THE ARCHITECTURAL REVIEW BOARD**

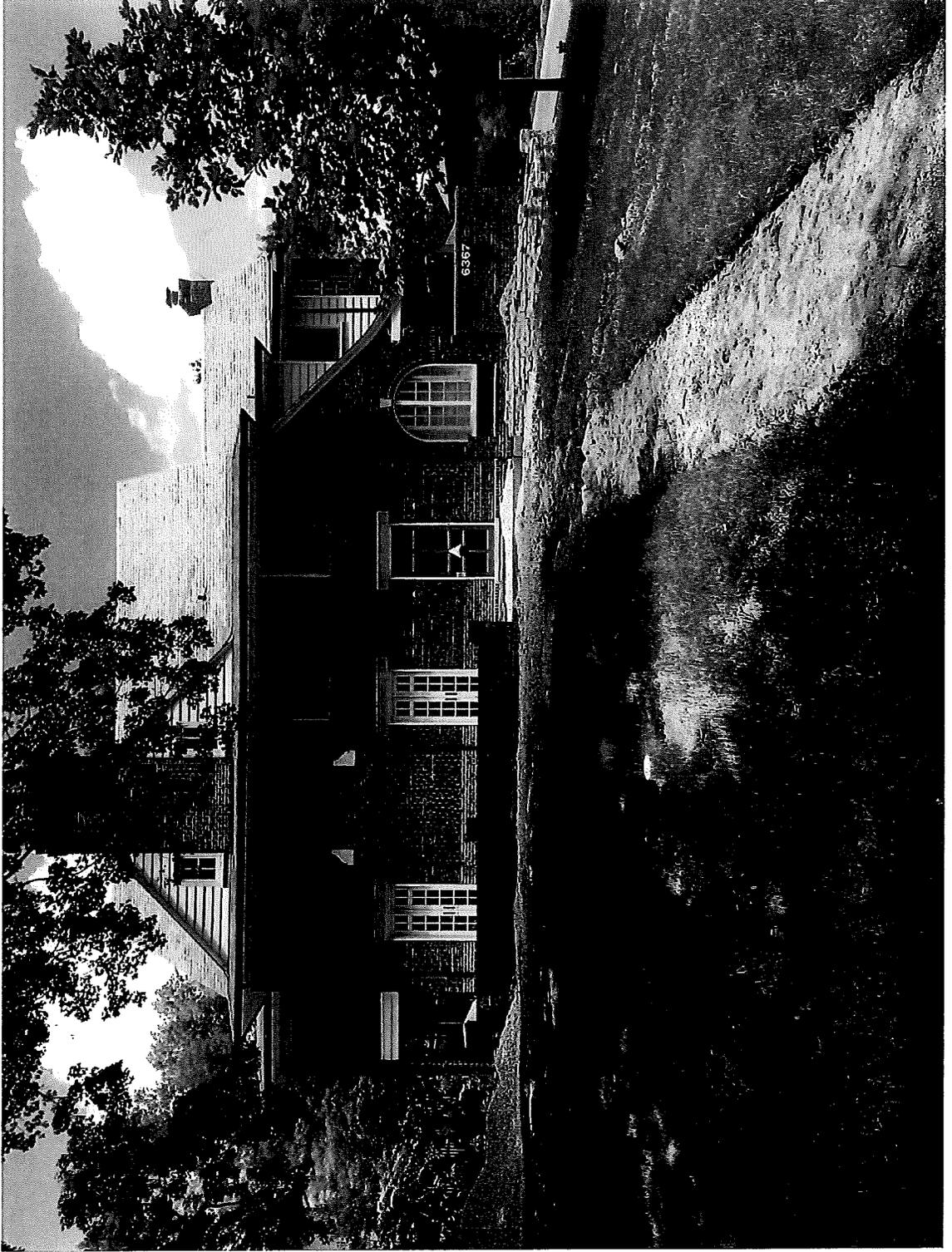
City Manager



Brick Knee Wall Nearly Complete



6367 Ellenwood Current Condition



Work Already Complete

- Drainage has been rerouted to accommodate drive
- Brick Knee wall complete
- Driveway grading begun
- Retaining wall modification begun
- Window wells blocked, waterproofed, drained and back filled
- Front walk removed
- West brick walk removed
- Concrete forms placed for side patio and walk
- Rock delivered and partially filled in forms

June 19, 2017

To whom it may concern,

We are the residents next door to 6367 Ellenwood Ave. This letter is to confirm we have received all of the appropriate documents for the 6367 Ellenwood Ave. driveway project:

- Exterior Drawing and Details
- Landscape Drawing
- Surveyors Statement

After review, we approve of their project.

Regards,



Jennifer & Tom Hixman

Residing at 6383 Ellenwood Ave.
Clayton, MO 63105

June 17, 2017

10:13 AM

* 87%

2 Messages



Marni Dillard

6367 Ellenwood improvement

To: Dennis Upshaw

Yesterday



Details

Dear Dennis,

Bob and I received a copy of the plans for the circular drive at your new home. It looks like it is going to be a lovely and functional improvement. We are so glad that your family and you have moved into the neighborhood. Welcome and good luck with your project.

See you soon...Marni (6357 Ellenwood)

See More



Found in Dennis.Upshaw@interface.com - IBM Lotus Notes Traveler Sent Mailbox

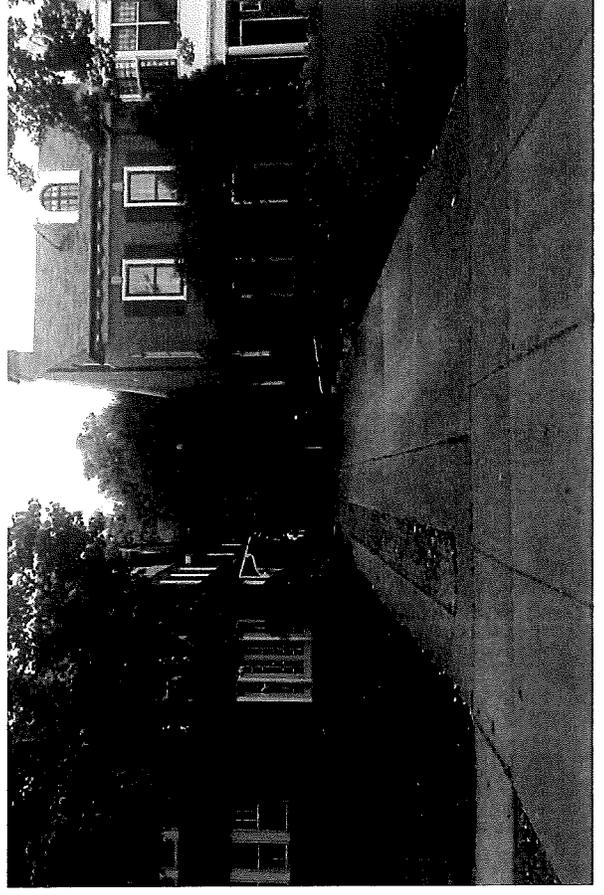
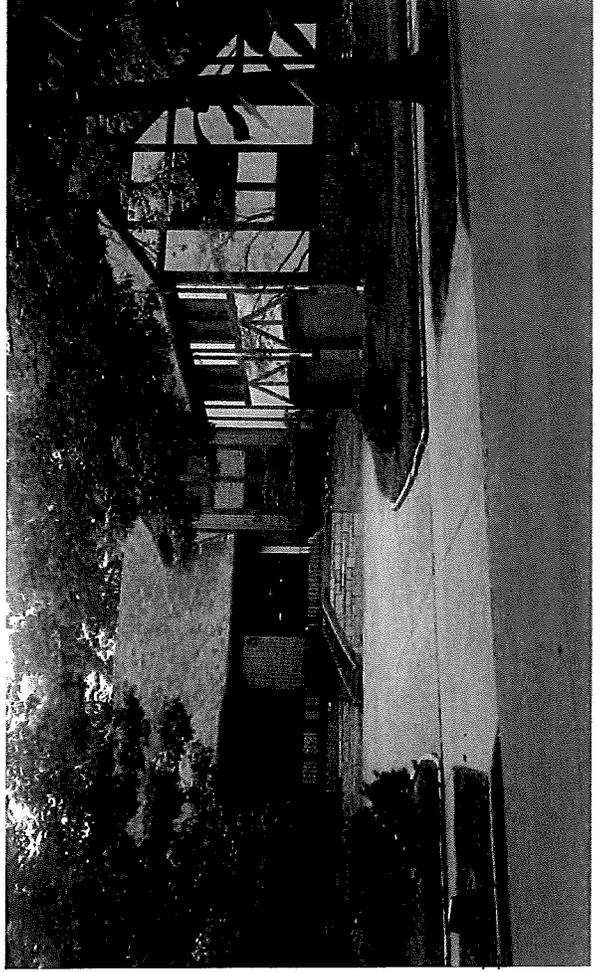
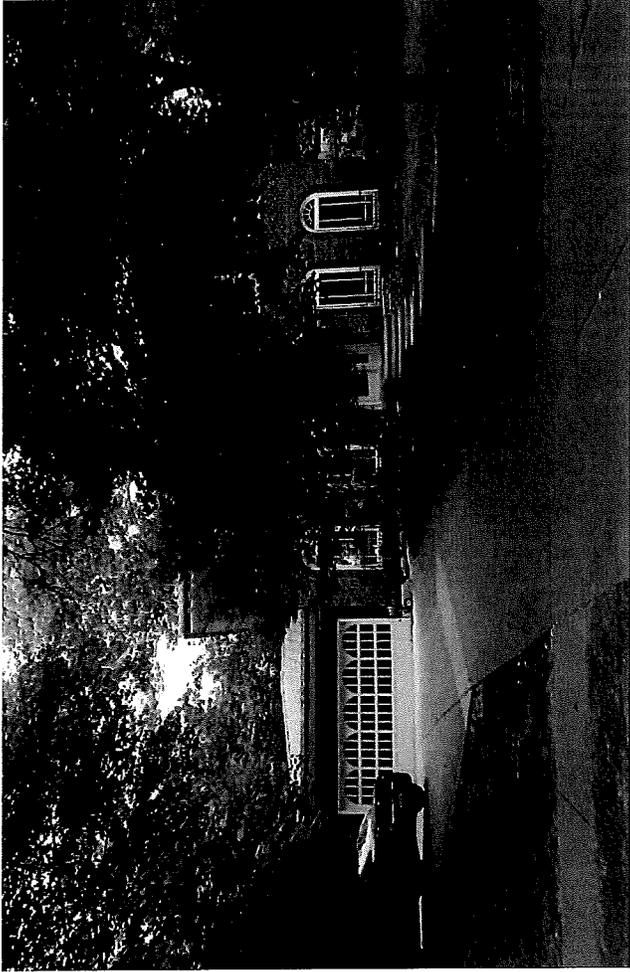


Dennis Upshaw

Yesterday



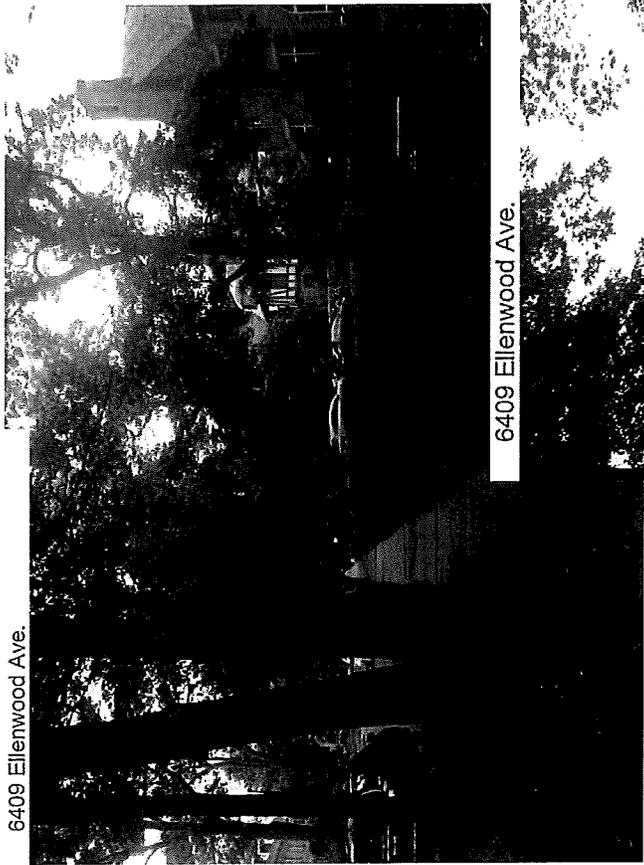
Diversity from Curb



6409 Ellenwood Ave.



6409 Ellenwood Ave.



6409 Ellenwood Ave.



6409 Ellenwood Ave.

6309 Wydown

