

CITY PLAN COMMISSION/ARCHITECTURAL REVIEW BOARD
COUNCIL CHAMBERS – CITY HALL
REGULAR COUNCIL MEETING
MONDAY, MARCH 04, 2019
1730 (05:30 PM)

CALL TO ORDER

The meeting was called to order by Chairman Steve Lichtenfeld at 1730 (05:30 PM).

ROLL CALL

Chairman Steve Lichtenfeld, City Manager Craig Owens, Aldermanic Representative Richard Lintz, William Liebermann, Brian Maguire, answered roll call.

Absent: Carolyn Gaidis

ALSO IN ATTENDANCE

Stephanie Karr, Acting City Attorney
Susan M. Istenes, AICP, Planning Director
Anna Krane, Planner

CHAIRMAN REQUESTS

Chairman Lichtenfeld asked that all cell phones be turned off and that conversations take place outside the meeting room.

Chairman Lichtenfeld also asks that anyone who speaks please spell out their last name.

APPROVAL OF MINUTES

The minutes of the regular meeting of February 19, 2019 were presented for approval.

RON REIM – MOTION TO APPROVE

RICHARD LINTZ – MOTION TO SECOND

MOTION UNANIMOUSLY APPROVED BY THE BOARD

OLD BUSINESS

221 TOPTON WAY – ARCHITECTURAL REVIEW BOARD – ALTERATION/EXTERIOR RENOVATION

Director Susan M. Istenes summarizes the following staff report: “This request was originally on the February 19, 2019, meeting agenda, but was continued at the request of the owners who were unable to attend the meeting.

The 7,528 square foot site is located at the southwest corner of the intersection between Topton Way and Kingsbury Boulevard. The property has a zoning designation of R-2 Single Family Dwelling District and is located in the Clayton Gardens Urban Design District. The proposed project consists of the construction of a 4 foot tall metal fence in the northern corner of the front yard to enclose the patio area.

Section 405.1900 of the Zoning Regulations requires that all fences located in the front yard in single-family zoning districts be approved by the Architectural Review Board prior to installation.

“Front yard masonry garden walls, planting boxes, retaining walls, plantings or ornamental or decorative fences may be erected as part of new construction, up to four (4) feet above the grade level in the front yard, provided such structure is an integral part of the architectural feature of the principal structure, is in compliance with sight distance standards and is approved by the Architectural Review Board.”

The applicant is proposing to install the fence between the existing shrubs and the street. The applicant has stated an intent to then expand the planting bed and install new shrubs between the fence and the street. The proposed design and materials of the fence are consistent with the Architectural Review Board’s preference for ornamental or decorative fencing in front yards. The subject lot has a unique shape resulting in the side yard functioning as a rear yard. The proposed fence will extend toward Kingsbury Boulevard further than the adjacent building faces. Staff is of the opinion that the existing bushes on the inside of the fence along with additional shrubs on the outside of the fence will create a visual buffer that is consistent with neighborhood character.

STAFF RECOMMENDATION IS TO APPROVE WITH THE FOLLOWING CONDITIONS TO BE REVIEWED UNDER THE BUILDING PERMIT SUBMISSION:

1. THE APPLICANT SHALL EXPAND THE LANDSCAPE BED TO INCLUDE A ROW OF EVERGREEN PLANTINGS BETWEEN THE FENCE AND THE STREET.”
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TIM INTAGLIATA (TI) – APPLICANT/OWNER

TI – Addresses Board to answer questions and notes that he agrees to the condition of expanding the landscape bed to include a row of evergreen plantings between the fence and street. It is going to enclose the existing mulch bed and extend the pavement 3-4 feet but doesn’t have the measurements in front of him.

CHAIRMAN LICHTENFELD – WE HAVE A STAFF RECOMMENDATION TO APPROVE WITH CONDITIONS

RON REIM – MOTION TO APPROVE WITH STAFF RECOMMENDATIONS

BRIAN MAGUIRE – SECOND

BOARD – UNANIMOUS YAY

NEW BUSINESS

8100 FORSYTH BOULEVARD – CONCEPTUAL REVIEW – NEW COMMERCIAL

Director Susan M. Istenes summarizes the following staff report: “The approximately 28,065 square foot site is located at the southwest corner of the intersection between Forsyth Boulevard and Parkside Drive. The property has a zoning designation of C-1 Neighborhood Commercial. The site currently contains a small bank building, drive-through ATM, drive-up teller stations and surface parking. Adjacent land uses include multi-family residential to the south and west, Shaw Park to the southeast and office to the north.

The proposed project consists of the demolition of the existing building and drive-through and the construction of a 3,950 square foot bank building with 19 parking spaces. The proposed building will be constructed of stucco, wood siding and stone. A full access curb cut is proposed at the north corner of the property along Forsyth Boulevard. An exit only curb cut is proposed at the south corner of the property along Parkside Drive.

The proposed development would not require a re-zoning and would go before the Plan Commission and Architectural Review Board for site plan and design review. The C-1 Zoning District does not allow drive-throughs for financial institutions and therefore, the existing bank drive-through and teller machines are non-conforming. Once removed, a new drive-through cannot be constructed on the property without approval of a use variance from the Board of Adjustment. The proposed building includes an ATM vestibule and not a drive-through.

The property is located in the Park View District as identified in the Downtown Clayton Master Plan. The vision of the Park View District is to create a “neighborhood along the park that takes advantage of the valuable views of Shaw Park and transforms the urban edge of the park into an active street life environment with sports, cultural and entertainment venues.”

STAFF CONSIDERATIONS:

A project of this scale requires a thorough staff review prior to a public meeting. The project will be reviewed and is subject to comments by the Planning, Public Works, and Fire Departments, and also the City’s contracted consultants for landscaping, stormwater management, traffic and parking. Staff recommends that the Plan Commission/Architectural Review Board consider the proposal and provide input. This is conceptual review only and therefore any comments made in this report or at the meeting, either by the applicant, staff, or the Board/Commission members, are not binding. Staff offers the following comments based on the conceptual plans presented.

1. The proposed building does not maximize the commercial or retail potential of the site. Consider the addition of rentable commercial space.
2. The front door location on Parkside Drive is oriented toward the park views; however, it makes Forsyth Boulevard the secondary frontage, reducing the commercial activity along a main Downtown street.
3. The site layout and design represent more suburban approach that does not fit with the Downtown development to the north or the multi-family development to the southwest.
4. City standard streetscape should be installed.

5. A traffic analysis of the vehicle egress plan may be required.”

JACK AUSTIN (JA) – NELSON ARCHITECTS
BILL MELOCHEY (BILL) – MARYLAND WALK RESIDENT
BOB MCCOOLE (BM) – CENTRAL AVENUE RESIDENT

JA – Addresses Board to answer questions as well as speak to comments made in the staff Report. The bank is a gem on the corner and we recognize that opportunity with the park facing and the street facing. The bank has outlived its era and we would like to go forward with a new facility that expresses the bank as it is not being represented across the country. We would like to face the park and put an edge on the Forsyth side. We are here to make sure we are on the right tract and we recognize the drive-up function is nonconforming and we will not be perusing that use. I know there are those who appreciate the current building, but it not functional for us anymore and is dated.

CHAIRMAN LICHTENFELD – Will there be a drive through at any other Bank of America in Clayton? We know they are going into a new building but we don't think we've seen a drive through proposed for it. I agree with Staff that basically the building is turning its back to Forsyth and that is different from the existing and from how we try to activate our major streets. Even though there are walkways along the building there is no way to get in the building until the east side. It doesn't relate to our street frontage. We understand the no drive through but we would suggest you try and make it fit better with our goals. Where will employees park?

RON REIM – This looks more suburban and does not maximize the commercial retail of the site and that's a concern for me.

JA – I understand where you are coming from and would like to point out this is conceptual, and we are in the very early stages of it. Explains the architecture and the idea of the plan is open with a curved stone wall and a glass openings. In response to the Park side entrance comments, we could look at having two entrances (corner entrances) that would possibly be of interest to them. In the same places as the customers but in the farthest away spots to allow for customers to park close.

RICHARD LINTZ – The entrance on Forsyth requires everyone to walk around since the parking is in the back. It creates an issue but a presence on Forsyth is important, but I wouldn't be opposed to another entrance that made it easier access.

JA – What we are trying to do with the columns is create a user-friendly building. The bank has a preference towards the park side entrance. There would be signage both east and west.

RON REIM – I would encourage you to look at our signage code because that might not be allowed

CRAIG OWENS – Surprised by the lack of density. This will be a single story island of a building. The use of the space is troubling to me and disappointing for the number of year BOA has waited to make an investment in the property. There is so much opportunity and I don't think it meets any of the downtown master plan criteria. This doesn't make sense to me.

JA – I am happy to take these comments to the bank and the building is small based on business traffic. they are looking to improve the site with the same use, actually less use than what they have now. So as for them wanting to be a developer, we did not discuss that. Any comments on the materials used?

CHAIRMAN LICHTENFELD – You will find predominately brick, with glass and stone as accent materials. You may want to relook at your material combinations.

RICHARD LINTZ – As I look at the pillars, it certainly doesn't look inviting to me. It looks like you're putting up a fence. The warm wood is behind it.

CRAIG OWENS – The lines are extremely modern and I don't feel that is the style of this part of the city. Even in the residential area, these are very sharp corners and it is not very reflective of the neighborhood.

PUBLIC COMMENTS

BILL – It is a delightful branch, I have no issues with improving business but the aesthetic does not fit the area. As is lovely and works for me. I don't see anything that would make me want to do business at that branch because it doesn't fit location. It would drive me away.

BM – QUESTION: If an applicant in Clayton applies the highest level of architectural features to the elevation that faces the most predominant streetscape, why does the City care where the entrance is for their clients?

COMMENT: I think with as close as this is to the park a lower massing and less dense use would be more pleasing than a higher denser use of the property.

CHAIRMAN LICHTENFELD – We would leave your question until they come back with a revised conceptual and take it up at that time.

JA – Thank you these comments have been very helpful and I look forward to coming back

CHAIRMAN LICHTENFELD – Than you, we look forward to you coming back as well.

8028 CRESCENT DRIVE – SITE PLAN REVIEW – RESIDENTIAL – WITHDRAWN BY APPLICANT SCOTT MEHLMAN

SCOTT MEHLMAN (SM) – MEHLMAN BROTHERS DEVELOPMENT, LLC

SM – I would like to request to remove this item from the agenda this evening.

CHAIRMAN LICHTENFELD – Ok the item is removed and we will move to the next item.

8034 CRESCENT DRIVE – SITE PLAN REVIEW – RESIDENTIAL

Director Susan M. Istenes summarizes the following staff report: “The 7,200-square-foot site is located on the south side of Crescent Drive, between Oleta Drive and Seminole Place. The property has a zoning designation of

R-2 Single Family Dwelling District. The applicant recently completed construction of a 3,499-square-foot single-family residence.

During construction of the home, changes were made to the site plan that have resulted in more lot coverage than originally approved. Lots in the R-2 zoning district are limited to a maximum of 55 percent total lot coverage. The Plan Commission has the authority to grant an additional five percent of lot coverage per Section 405.1980.B:

In instances where an applicant can demonstrate just cause, the Plan Commission shall have the authority to approve a modification of up to an additional five percent (5%) over the impervious coverage requirement; that is up to fifty percent (50%) in the front yard and up to sixty percent (60%) overall lot coverage; unless the property is located within an urban design district, then the requirements found therein shall apply.

The purpose of the site plan review process is to provide a review of the following criteria listed below:

- 1) *Provisions for storm surface drainage shall be in accordance with the City's design standards. Stormwater drainage shall be connected to a storm sewer whenever one is available as determined by the City. Disposal of storm or natural waters both on and off the site shall be provided in such a manner as not to have a detrimental effect on the property of others or the public right-of-way.*

Impervious Coverage

- >> In the R-2 Zoning District, impervious coverage is limited to 55 percent of the total lot area. The site plan originally approved for the subject property was for 54.5 percent total lot coverage. During construction of the house, two larger window wells were constructed on the east side of the house, the driveway was expanded and the front walk is slightly larger. The applicant is requesting approval of an additional 2.3 percent lot coverage to allow for a total lot coverage of 57.3 percent.
- >> Front yard impervious coverage is limited to 45 percent. The front yard coverage is 23.3 percent.

Stormwater Runoff

- >> The site was constructed per the approved plan with a drywell system located in the rear yard to mitigate the increased runoff generate on site.

In considering and acting upon site plans, landscape plans and other applicable plans, the Plan Commission shall take the following objectives into consideration:

- 1) Creation of a desirable environment.
- 2) Promotion of a creative approach to the use of land and related physical facilities resulting in better design and development, including aesthetic amenities.
- 3) Combination and coordination of architectural styles, building forms and building relationships.
- 4) Preservation and enhancement of desirable site characteristics such as natural topography, vegetation and geologic features and the prevention of soil erosion.
- 5) Preservation of buildings which are architecturally or historically significant or contribute to the character of the City.
- 6) Use of design, landscape or architectural features to create a pleasing environment.
- 7) Inclusion of special features.
- 8) Elimination of deteriorated structures or incompatible uses through redevelopment or rehabilitation

Beginning in 2018, as-built surveys became a submission requirement for getting final approval of a Building Permit for medium and large size building projects. The as-built survey completed for the subject property revealed

that more lot coverage had been constructed than originally approved. Staff understands the revision to add the window wells along the east side of the house. The window well revision was an administratively approved amendment under the Building Permit for the house. The revised pavement for the driveway and front walk were not administratively approved. Most of the new construction projects in the City maximize the impervious coverage allowed, which creates different drainage patterns in neighborhoods. Staff is of the opinion that the sites should be constructed per the approved plans in order to minimize potential drainage impacts to neighboring properties. Small increases of coverage may not make large differences on individual lots; however, as more construction takes place the small increases can add up to larger impacts of neighborhoods. Staff is of the opinion that the southwest corner of the driveway should be removed to match the original site plan. The approximately 73 square foot corner of the driveway would provide a pervious area for water infiltration flowing off of the driveway toward the southern property line.

STAFF RECOMMENDATION IS TO REQUIRE THE REMOVAL OF 73 SQUARE FEET OF DRIVEWAY PAVEMENT AND TO APPROVE AN ADDITIONAL 1.3 PERCENT COVERAGE FOR A TOTAL LOT COVERAGE OF 56.3 PERCENT.”

SCOTT MEHLMAN (SM) – MEHLMAN BROTHERS DEVELOPMENT LLC
DAVE VOLZ (DV) – VOLZ ENGINEERING
JERRY S(?) – CRESCENT DRIVE RESIDENT FROM UP THE ROAD

SM – Addresses Board to answer questions. Scott states that he and his brother, Blair, are requesting less than 2.5 percent of additional square feet in impervious coverage. In this circumstance, the 2.3 increase is common sense to match the neighbors new driveway that was installed prior to the pouring of ours. Our drywell is capable of containing the addition water runoff.

CHAIRMAN LICHTENFELD – I do not think we were aware that your neighbor extended their driveway. My concern is that the driveway runoff is going to the back of the property and to the pie piece colored red that is not where the drywell is located.

SM – Our Civil Engineer is here, for a different project and I feel that is a civil engineer question. The neighbors drive has been there for ~6 months ours has been there ~4 and so we have had significant rain/snow and have had no complaints regarding water issues.

JS – If I lived on Seminole I can tell you that it is probably noticeable. When my neighbors did work it we had a lot of issues with water so this will definitely push water down on Seminole.

DV – I haven't looked at the site plan in about two years, however, we always over detain our drywells. They are a capable of handling of the insignificant (.003 CFS) .5 gallon of water that will be a result of these 73 square feet. The drywell captures all of the roof water. We factor in how much water is leaving the driveway and what is leaving the yard but the roof water is 100% impervious and we catch all of that.

Richard Lintz – You had two houses that had identical driveways and you have paved over identically on both of them and I'm concerned as to why it got there, and I would hate to set precedent about not getting this build the way they were approved.

CHAIRMAN LICHTENFELD – WE HAVE A STAFF RECOMMENDATION TO REQUIRE THE REMOVAL OF 73 SQUARE FEET OF DRIVEWAY AND TO APPROVE THE ADDITIONAL 1.3 PERCENT COVERAGE FOR A TOTAL OF 56.3 PERCENT

RON REIM – MOTION TO APPROVE AS SUBMITTED BY APPLICANT WITH THE 57.3 PERCENT COVERAGE AND NOT REQUIRE THE REMOVAL OF THE 73 SQUARE FEET

WILLIAM LIEBERMAN – SECOND

AYE – STEVE LICHTENFELD, BRIAN MAGUIRE, CRAIG OWENS

NAY – RICHARD LINTZ

339 NORTH CENTRAL AVENUE – SITE PLAN REVIEW – NEW SINGLE FAMILY RESIDENCE

Director Susan M. Istenes summarizes the following staff report: “The 6,545 square foot site is located on the west side of North Central Avenue between Kingsbury Boulevard and the northern city boundary. The property has a zoning designation of R-3 One and Two Family Dwelling District. The proposed project consists of demolition of the existing home and the construction of a 3,880 square foot single-family residence. The height of the proposed residence is 33 feet as measured from the average existing grade to the mean height of the roof.

The purpose of the site plan review process is to provide a review of the following criteria listed below:

- 2) *A project's compatibility with its environment and with other land uses and buildings existing in the surrounding area.*
 - >> The surrounding properties contain single-family homes and low density multiple family buildings. The project meets the setback, height, and impervious coverage requirements of the R-3 Zoning District.
- 3) *The location and screening of a project's air-conditioning units and other associated equipment.*
 - >> The plans show the HVAC units located at the northwest corner of the house with screening provided by a wood fence.
- 4) *The location, adequacy and screening for trash.*
 - >> Trash will be stored in a 45-square-foot trash enclosure located under the front porch and will be accessed from the driveway.
- 5) *Provisions for storm surface drainage shall be in accordance with the City's design standards. Stormwater drainage shall be connected to a storm sewer whenever one is available as determined by the City. Disposal of storm or natural waters both on and off the site shall be provided in such a manner as not to have a detrimental effect on the property of others or the public right-of-way.*

Impervious Coverage

- >> In the R-3 Zoning District, impervious coverage is limited to 55 percent of the total lot area. The existing impervious coverage on site is 53.7 percent. The proposed plans decrease the impervious coverage to 51.4 percent.
- >> Front yard impervious coverage is limited to 45 percent. The proposed front yard coverage is 44.4 percent.

Stormwater Runoff

- >> The existing stormwater runoff, according to the MSD 15 year, 20 minute storm calculation is 0.41 cubic feet per second (CFS). The proposed runoff is 0.39 CFS, which represents a 0.02 CFS decrease. All downspouts will be piped to one of two pop-up emitters in the front yard.
- >> The southern pop-up emitter is located in a narrow landscape strip between the front walk and the southern retaining wall. Staff has concerns that the concentration of water emitted from the pop-up will weaken the retaining wall at a more rapid pace. The runoff will also have little pervious space for natural infiltration leading to more runoff reaching the sidewalk. Drainage is supposed to daylight at least 10 feet from property lines. Given the location of the driveway and entrance, there is not much space left in the front yard to locate the pop-up emitter. Staff recommends that the southern pop-up emitter is moved to the south side of the walk way and that a perforated drywell is installed. The recommended location is closer than 10 feet to the southern property line; however, the proposed grades will keep water from flowing directly onto the adjacent property. The drywell would also slow the pop-up emitter discharge allowing more water to infiltrate into the larger pervious area.

6) *The applicant is required to submit a separate landscape plan showing existing trees, trees to be removed and trees to be replaced by canopy cover, species and condition. Such plans must reflect City of Clayton preservation standards.*

- >> The proposed landscape plan provides an attractive planting design of trees, shrubs, perennials and groundcover. There is one street tree and 4,054 square feet of existing canopy coverage on site with the street tree and 3,877 square feet being removed. The plan provides two street trees and a surplus of 131 square feet of canopy coverage. The plan meets the native tree requirement with 50 percent native.

7) *The site plan must state that all driveways, sidewalks, curbs and gutters are to be installed in accordance with the standards prescribed by the Public Works Department.*

- >> The site plan states that all driveways, sidewalks, curbs and gutters are to be installed in accordance with the standards prescribed by the Public Works Department.

8) *Provision of hookups to public utilities connections shall be installed in accordance with the standards of the Public Works Department. All connections shall be shown on the site plan.*

- >> The location of the gas and water connections from the main to the house are shown underground in the front yard. The electric line will run underground through the rear yard and the sewer connection is in the south side yard. The Public Works Department finds the utilities plan acceptable.

9) *All developments shall provide adequate lighting to assure safety and security. Lighting installations shall not have an adverse impact on traffic safety or on the surrounding area. Light sources shall be shielded and there shall be no spillover onto adjacent properties*

- >> Exterior lighting is proposed at all exterior doors and at the garage. All exterior lights will be 75 watts or less.

In considering and acting upon site plans, landscape plans and other applicable plans, the Plan Commission shall take the following objectives into consideration:

- 9) Creation of a desirable environment.
- 10) Promotion of a creative approach to the use of land and related physical facilities resulting in better design and development, including aesthetic amenities.
- 11) Combination and coordination of architectural styles, building forms and building relationships.

- 12) Preservation and enhancement of desirable site characteristics such as natural topography, vegetation and geologic features and the prevention of soil erosion.
- 13) Preservation of buildings which are architecturally or historically significant or contribute to the character of the City.
- 14) Use of design, landscape or architectural features to create a pleasing environment.
- 15) Inclusion of special features.
- 16) Elimination of deteriorated structures or incompatible uses through redevelopment or rehabilitation.

The height, setbacks and impervious coverage as proposed are in conformance with the requirements of the R-3 One and Two Family Dwelling District. Stormwater will be adequately managed on site and the landscape plan features plantings that are appropriate for the size of the site and character of the neighborhood. Staff is of the opinion that the project meets the criteria for site plan approval.

STAFF RECOMMENDATION IS TO APPROVE WITH THE FOLLOWING CONDITION TO BE REVIEWED AND APPROVED BY STAFF PRIOR TO THE ISSUANCE OF A BUILDING PERMIT:

1. THE SOUTHERN POP-UP EMITTER SHALL BE RELOCATED SOUTH OF THE FRONT WALK AND CONNECTED TO A DRYWELL
 2. TO ENSURE THE FUTURE MAINTENANCE AND OPERATION OF THE DRYWELL, THE APPLICANT SHALL RECORD THE APPROVED SITE PLAN WITH THE ST. LOUIS COUNTY, AND SUBMIT PROOF OF RECORDING TO THE CITY PRIOR TO THE ISSUANCE OF A BUILDING PERMIT.”
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DICK BUSCH (DB) – APPLICANT/ARCHITECT
DAVE VOLZ (DV) – VOLZ ENGINEERING
BOB MCCOOLE (BM) – NEIGHBOR TO THE NORTH OF THE HOME

DB – Addresses Board to answer questions and gives background on home – information stated in the Staff Report.

DV – Speaks to where the water will go with the proposed conditions. There is a reduction in the water runoff because the structure is smaller than the existing structure. We are proposing to move the pop up to the south and closer to the house and using a swale (2” deep) with the 25 feet to go into the ground. So, with that decrease of stormwater and the swale I don’t think we will need to install a drywell.

BM – Concerned with water going into his yard. After the pop up will it be discharged to the front?

DV – Explains that the water will be going directly to the street from the pop up and it well over 10 feet from the property line.

CHAIRMAN LICHTENFELD – WE HAVE A STAFF RECOMMENDATION TO APPROVE WITH CONDITIONS OF APPROVAL

RON REIM – MOTION TO APPROVE WITH THE SOUTHERN POP-UP EMITTER BEING RELOCATED AS PRESENTED.

WILLIAM LIEBERMAN – SECOND

BOARD – UNANIMOUS YAY

339 NORTH CENTRAL AVENUE – ARCHITECTURAL REVIEW BOARD – NEW SINGLE FAMILY RESIDENCE

Director Susan M. Istenes summarizes the following staff report: “The 6,545 square foot site is located on the west side of North Central Avenue between Kingsbury Boulevard and the northern city boundary. The property has a zoning designation of R-3 One and Two Family Dwelling District. The proposed project consists of demolition of the existing home and the construction of a 3,880 square foot single-family residence. The height of the proposed residence is 33 feet as measured from the average existing grade to the mean height of the roof.

The basic massing of the proposed two-story home is articulated on all sides with windows, doors, and architectural details. The surrounding area contains a range of building heights from one and a half to four stories. The existing home to the north (341 North Central Avenue) was constructed in 2010 and is +/- 13 feet shorter than the proposed home (as measured from the mid-point of each roof). The existing home to the south (333 North Central Avenue) is 9 feet taller than the proposed home. The home features variations in the roof line that will help reduce the scale of the massing. The home is similar in height and design to the majority of the new construction homes in the surrounding area.

The surrounding area features many primary building materials including multiple colors of brick, stone, siding and shingles. The primary building material for the proposed home is white painted brick with limestone accents and hardi-board and batten siding. Dark grey wood shutters and black casement windows are proposed. The roof is clad in brown cedar shake shingles and a wood deck is proposed at the rear of the house with a built-in fire place clad in brick. Staff is of the opinion that the proposed home is similar in design to homes in the surrounding area.

An 11 foot wide exposed aggregate driveway is proposed leading to an attached, below grade, front entry garage with a brown carriage style garage door. Retaining walls are proposed on either side of the driveway to create the below grade garage. The southern wall, between the front walk and driveway, is proposed as painted white brick with a metal railing and has a maximum height of 7 feet. The northern wall is proposed as Belgard Celtic versalok and has a maximum height of 4.2 feet. The painted brick wall will match the primary building material of the house. The Belgard Celtic system does conform to the Architectural Guidelines for retaining walls and features at least three different size blocks, a varying color pattern and tumbled edges. Staff is of the opinion that the front elevation would have a more complete and balanced appearance if the front yard retaining walls were constructed of the same material. A Belgard Celtic versalok wall is also proposed along the south property line. Landscape screening is proposed along the face of all retaining walls.

The project as proposed is in conformance with the requirements of the R-3 One and Two Family Dwelling District and the Architectural Review Guidelines. Staff is of the opinion that the house is compatible in terms of mass, height, and design with existing nearby homes.

STAFF RECOMMENDATION TO APPROVE WITH THE FOLLOWING RECOMMENDATION:

1. THE NORTHERN DRIVEWAY RETAINING WALL MATERIAL SHALL BE REVISED TO PAINTED BRICK TO MATCH THE SOUTHERN DRIVEWAY RETAINING WALL.”

DICK BUSCH (DB) – APPLICANT/ARCHITECT
DAVE VOLZ (DV) – VOLZ ENGINEERING
BOB MCCOOLE – NEIGHBOR TO THE NORTH OF THE HOME

DB – Addresses Board to answer questions but has nothing to add to the staff report.

CHAIRMAN LICHTENFELD – Comments on roof height seeming very tall in drawings but notes that after further review the reality of the roof won’t be that high.

BM – Concerned the roof will block his solar panels.

ANNA KRANE – Notes this area homes are allowed to go up to 35 feet and this home is 33 feet.

DB AND BM – Work out his concerns with impacts of the height of the home and his (BM) solar panels.

DB – Speaks on the materials that are being proposed and agrees to paint the northern driveway retaining wall to match the southern driveway retaining wall.

CHAIRMAN LICHTENFELD – WE HAVE A STAFF RECOMMENDATION TO APPROVE WITH ONE CONDITION

RON REIM – MOTION TO APPROVE WITH STAFF RECOMMENDATION

WILLIAM LIEBERMAN – SECOND

BOARD – UNANIMOUS YAY

10 NORTH BEMISTON AVENUE – TEXT AMENDMENT – TEXT AMENDMENT

Director Susan M. Istenes summarizes the following staff report: “This is a public hearing to solicit input regarding a proposed amendment to Chapter 410 (Overlay and Urban Design Zoning Districts) related to a new overlay district. The proposed overlay district is in response to a long term initiative set by the Board of Aldermen to enhance the vibrancy of the Central Business District. During strategic planning discussions there was a re-occurring discussion about different types of destination and entertainment venues. A mixture of venues bringing people into the City at different times creates a vibrant and lively downtown area.

Gary Carter, the City’s Economic Developer, was tasked with generating different ideas to attract businesses that will enhance the destination factor of downtown. Multiple presentations were made to the Board of Aldermen discussing approaches to fostering a vibrant area. Desired businesses that were discussed included small music venues, comedy clubs, small theaters, game rooms and other entertainment venues where food would likely be served, but would not be the primary revenue source. The discussion also covered potential noise impacts and locations throughout the Central Business District. Based on the priorities and desired outcomes voiced during the presentations, staff determined that an Entertainment Overlay District would provide the appropriate avenue for achieving the vibrant downtown goals.

A zoning overlay district creates a concentrated area for the desired businesses to focus and also allows for modifications of code requirements for specific areas. The proposed overlay boundary was chosen based on the existing fabric of the area and the concentration of businesses. The more general language of the overlay is important because the goal is to target a variety of businesses and not be overly-restrictive. Due to the range of possible business characteristics that could be proposed within the overlay, staff recommends that a Conditional Use Permit is required. Under regulations of a Conditional Use Permit (CUP), additional impacts based on the details of the specific business and location can be mitigated on a case by case basis.

Staff consulted multiple resources when writing the proposed overlay regulations and definitions including similar codes in other cities and published planning guides. The North American Industry Classification System (NAICS) is a comprehensive list of definitions for different industries that is commonly referenced by zoning ordinances as a source of business definitions. NAICS publishes multiple definitions that speak to the intent or primary goal of a venue or business. The goal of the overlay district is to attract a variety of entertainment venues, so staff wrote a

proposed definition that includes aspects of NAICS definitions and definitions from other codes. The definition serves to outline business characteristics, but not to regulate business operations. Staff proposes to regulate the business operations through the CUP process.

The proposed overlay district boundaries encompass an area of Downtown that has a high concentration of restaurants and smaller commercial spaces at street level. This area is also mostly commercial, with the exception of the apartments on North Central Avenue completed last year. This location was chosen to minimize potential impacts to residential areas while capitalizing on the existing atmosphere. Property along the north side of Maryland Avenue is not included to protect the existing buffer.

The intent of the proposed overlay district is to attract new businesses that would otherwise have difficulty locating within the Central Business District. Most of the desired businesses discussed as contributing to a vibrant downtown would have less food revenue than restaurants and would likely still have a desire to serve alcohol. The proposed overlay would allow staff, the Plan Commission and the Board of Aldermen, through the CUP process, to evaluate the entertainment component of proposed businesses and approve a reduction in requirements of a liquor license. This would allow venues such as a jazz club, which would likely not get at least 50 percent of its revenue from food sales, to locate in Clayton. The proposed overlay district regulations require that businesses with an outdoor component follow the same regulations as restaurants with outdoor dining areas in terms of design and noise. Staff is of the opinion that the proposed regulations and the CUP process will provide sufficient mitigations of any potential negative impacts based on the specific business proposal.

STAFF RECOMMENDATION

The proposed Entertainment Overlay District will help the City work toward a long-term initiative to create a vibrant downtown. Staff recommends approval of the text amendment creating an Entertainment Overlay Zoning District to the Board of Aldermen as proposed.”

GARY CARTER – DIRECTOR OF ECONOMIC DEVELOPMENT FOR THE CITY OF CLAYTON

GARY CARTER – Gives brief history for how we got here. This dates back to 2017 when the BOA had a retreat and came up with some long-term initiatives – bringing vibrancy to the downtown was one of them. Since Spring of 2017 until September of last year, Staff did numerous presentations on different concepts on those long-term initiatives. One of those we are considering tonight – adding vibrancy through altering the food/beverage ration to essentially a certain portion of downtown. We looked at relaxing that noise and food/alcohol beverage ratio as one of those things that came through since 2017 it is currently 50/50, taverns are prohibited in this district. Outdoor dining and music associated with this legislation there was not any intent to allowed outdoor music past 10pm. Indoor businesses would benefit from this, however, there is no desire to extend beyond 10pm outdoors. We looked at multiple areas and came up with this area which has multiple places that would work in this district.

CHAIRMAN LICHTENFELD – So in this area there are many businesses that could benefit from this and I can see that somewhat, but I still don’t understand why it couldn’t go further west or south. There are other similar businesses and similar opportunities in downtown

GARY CARTER – I don’t want to speak for the Board but we originally approached this as doing spot zoning or having them spread out through downtown and coordinating with existing retail spaces and that became problematic because of locations being next to hotels or being islands by themselves, there was no continuity of foot traffic. We looked at corridors. It was the desire of the Board at that time to concentrate the area and give that a try before expanding further.

CHAIRMAN LICHTENFELD – Oh, so it could be expanded or modified

GARY CARTER – It could be amended in the future depending on how this goes.

CHAIRMAN LICHTENFELD – The Staff Report proposes to regulate this through the CUP process. I didn't see that in the proposed document that it would be regulated by the CUP should that be in there?

ANNA KRANE – It is under the Permitted Uses, Section 410.860 second sentence, first paragraph

RICHARD LINTZ – This would be used for Outdoor Dining.

ANNA KRANE – They will have to go through a CUP and they will also have to go through the same permitting process to get an outdoor dining permit. Even if they are not a restaurant they will still be required to go through the process as if they are a restaurant.

CHAIRMAN LICHTENFELD – So the CUP would regulate the hours of operation outdoors?

ANNA KRANE – Yes, it is similar to what we have now.

RON REIM – Gary you don't see this being a threat to existing restaurants or properties?

GARY CARTER – I don't think so, I communicated with existing businesses directly and did not hear back from them. Any one of them can alter their business and add an entertainment aspect to utilize this new zoning.

CHAIRMAN LICHTENFELD – Should this be similar to any other area in our metro i.e., the loop, CWE, were those looked at as goals of this?

GARY CARTER – No, it is not a matter of competing or wanting to be like someone else. This is a continuation of the 2010 Downtown Master Plan – this is to give people an option for entertainment after the dining experience.

CHAIRMAN LICHTENFELD – Wouldn't you think they would want to draw business from hotels, most of our hotels are on the southside of downtown. There is a proximity issue there it would seem.

GARY CARTER - Hotel would be one target audience, but again, our restaurants receive a lot of business in the early evening and most probably aren't going home after dinner they are going to an entertainment venue that we just don't offer. So, its more building on the restaurants we already have and the activity we already have more so over entertaining hotel guests.

ANNA KRANE – When you create a smaller area that helps build an atmosphere as opposed to getting people kind of spread out throughout the downtown. If we want to build this node, this vibrant center, we can play of that concentration of restaurants and based on conversations with the Board that I've listened to, they aren't targeting large entertainment facilities. They don't want a huge concert hall, they want small businesses like a jazz band or a comedy show on a small scale and this area of downtown has that smaller feel to it already and this will help fill the vacancies. Our downtown in general is very walkable to begin with so this will help create foot traffic from out hotels to this entertainment district.

CHAIRMAN LICHTENFELD – Well, I think the density can certainly reinforce the activity that would seem to go in there but also it does get very close to a residential area also. How do you respond to that?

GARY CARTER – you can see that we have feathered the edges to allow the opposite of the street to take benefit of the zoning with the excepting of Maryland Avenue that is not allowed across the street. I think the factors of limiting the outdoor dining music to the current law of 10pm helps mitigate that in addition the CUP process for each business coming through, mitigating factors can be enforced to allow those on the inside.

CHAIRMAN LICHTENFELD – What we see on our overlay zone location is an alley, is there any thought about creating something special on that alley. Which would be more internal block as opposed to major streets.

GARY CARTER – I'm not aware of that.

RICHARD LINTZ – You can see Judy Goodman smiling, she suggested we do something to enhance our alley's and its difficult because they are used for things other than pedestrian traffic. So, it's problematic.

CHAIRMAN LICHTENFELD – I realize it's problematic, but it's been done successfully in other locations and with Judy's insistence I went further and found several other cities that have excellent alleyway conversions and that would remove some of the extra activity on the streets, especially on Maryland Avenue. So I was wondering if that was considered at all or if that would be left up to individual applicants in the future coming through the CUP process

ANNA KRANE – The alley is included in the zone so that would be up to them, that speaks to why we were specific in some areas and more general in others. Vibrance is an element that is fostered in many different ways so we weren't targeting one aspect of that but we were targeting a specific area for it.

RICHARD LINTZ – What happens to the existing restaurants that are there, can they just automatically decide they are going to change the food alcohol ratio or is that apart of the CUP process

SUSAN ISTENES – Correct, they would have to amend their CUP

PUBLIC COMMENTS

TOM – CLAYSHIRE SUBDIVISION

There are five points he would like to make:

1. Thank you for this idea, it is a terrific idea. Doing something with the alley that makes it a destination is important.
2. Street wall that is about 2 stories high along all of the perimeter is very important for the feel of it.
3. Limit or exclude potential of casino, that should get some thought
4. Would like to save Shanley building

HELEN DIFATE – 131 NORTH BEMISTON

I think the entertainment overlay is a good idea 2 things to think about

1. if you need to change the noise cut off time consider 11 instead of 11:30. It is easier to give them some slack if it is 11 I would wait till 11:05 before calling then give the police some time to respond, when you make it 11:30 you're getting really close to midnight and for many people that is their goodnight.
2. I would like to consider making parking within the district more desirable than the free parking on the surrounding residential streets. Those parking on my street and others don't consider the curb cuts and our driveways are blocked.

AL VAN AMBURG – 119 NORTH BEMISTON

Noise abatement of 500 feet buffer zone, what happens to the buffer zone with this overlay district. They could put fronts on Maryland but when new construction comes in I'm concerned about noise when they start facing buildings towards Maryland

STEPHANIE KARR – what ever you have the is currently existing regarding noise would apply to every property including any new use coming into this overlay district. I would not change unless it went through the process and the BOA would have the final approval. Right now the noise is not proposed to be changed and the Board of Aldermen would have to approve the change. So the existing regulations as is will apply to this district.

JANE MATOESIAN – 119 NORTH BEMISTON

Can hear Café Napoli, Barcelona and other restaurants from their home at night.

The noise level

This going till 11:30 pm is not ok

Didn't receive notification but was made aware by looking at the website but did not receive mail regarding this.

How old are the existing Ords. Are and if they have been updated to consider these types of noise issues.

2017 – was this ever taken up before today?

This block has just been purchased and we don't know what will happen with the block. With new development these restaurants might be gone.

How late can the businesses serve alcohol now and have entertainment now and what will change and what is the noise level that is allowed now. Trading food sales for entertainment is how this was described for us. We live in a residential area and where this is being proposed is closer to the residences as opposed to further south from us.

Why does this district stop further South of Café Napoli?

Very concerned about bringing in the list of items that could be brought in, was a study done asking if the people wanted those types of entertainment in town, because I haven't seen anything.

CHAIRMAN LICHTENFELD – Many of the points you brought up would be handled through the CUP process. Some of those go back to what Gary was saying, the process of bringing it to this point.

GARY CARTER – Just to clarify there wasn't a vibrancy or strategic planning committee in 2017, it was a result of a Board of Aldermen retreat that was a continuation of the themes in the 2010 Downtown Master Plan and included vibrancy and Multifamily housing in downtown. In 2017, the Board came out of their strategic planning meeting with a list of initiatives for staff to explore. So since 2017 Staff has explored this vibrancy and other issues at different times and gotten feed back from the Board and that is how this item tonight was brought fourth

JILL EVANS PETZALL – 139 NORTH BEMISTON

Can also hear Café Napoli and Barcelona and noise from Shaw Park. Noise travels and there is no barrier that can stop it other than putting limits on the time when noise is permitted. I think that is really important to keep in mind. I know you don't like repetition, but I think in this case, the repetitions are important to hear. We are all neighbors who have long standing relationships, investments, and lifestyles in this community. I know the community is changing and there is going to be a lot of rental families moving in so maybe this can move in where they are moving in, which is much further south where Peel is at. There is a lot of opportunity to create the vibrancy around the rental use rather than the long standing residence who really are protesting the possibility of noise, drunk drivers and people on the street. Those kinds of negative dimensions that often happen when you increase your allowed time for restaurants and bars to be open and when you change that percentage as well so ditto what everyone else said.

Claud EVANS – 139 NORTH BEMISTON

Cities are going to have to revisit noise. Noise is a problem. We have noise from establishments and I have had to walk into places and tell them if they don't quiet down ill have the city shut them down. Noise is an issue. Noise in

Old Town is a serious problem. Focusing more on entertainment it needs to go south. Between Maryland and Forsyth is a big mistake. If you have more entertainment you have a different alcohol to food mixture, there are restaurants that would not be comfortable with that. Would like to see more dining on the sidewalk and more restaurants but NOT more music on the sidewalk. Café Napoli is an irritation and adding this is a mistake for the city and for the CBD. More street life south of Forsyth, that could be doable. We will definitely oppose any noise being allowed to go later in the evening and we will mobilize our neighbors. This is not what we moved here for.

RICHARD LINTZ – When you talk about noise you are talking about noise outside and so is everyone else and that we have a process to handle that. Is it better in the wintertime?

Claud Evans – Yes

STEVE MARLOW – 115 NORTH BEMISTON

Noise and parking situation on Bemiston from evens at the church, park etc., someone mentioned driveways get blocked, that happens all the time. The answer might be move one block south and cut Maryland out. I'm a big fan of music as long as limits (timewise) continues the way it is.

JIM KERLEY 139 NORTH CENTRAL

Would like to reiterate what has already been said. Moveable doors (Barcelona) is the worst when the doors are open. Frank has been very good about closing the doors and shutting it down at 10pm, but if not we call him and have him shut it down. More concentration in that 2 block area will make this worse. Moving it a block south from Maryland would be better. The parking will be bad no matter what. A lot of the density in that block will disappear if the development being proposed goes in. Those restaurants will be gone and will have to relocate (Central Bemiston block).

RICHARD LINTZ – Staff, have we had any development proposed from the sale of that block?

SUSAN ISTENES – No we have not received any formal application.

PETER SMITH – 23 Brighton Way

Would like to echo what others have said. During the Art Fair, we have a challenging time sleeping. Has an audio clip from this fall that he would be happy to share regarding noise. Main concern is the impact on crime: disorderly conduct, drunkenness, DWI's – I don't think anyone looking for vibrancy in the Metro Area has an issue finding it (lists examples). The lure of Clayton is safety, quietness, peacefulness. Nothing good comes from more people drinking more booze after midnight. How many members of this commission live in Ward 3 that are within proximity of this overlay district.

CHAIRMAN LICHTENFELD – I don't but I live south of the CBD in Ward 3. We hear parties in the park, art fair, and sometimes from restaurants. It is weather and wind dependent. We should always try to build and enhance our city with proper precautions. I understand all of your points and I feel many if not all will be able to be controlled through the CUP process. I do have a concern with the location as I said before, but anywhere we put an overlay district there will be some complaints. We live in a small area but we have chosen to live here.

PETER SMITH – I moved here from NYC and grew up in midtown Manhattan. I will say everyone who purchased property here prior to this proposed district assumed downtown Clayton was what it is. And the 11:30 limit is very late and the CUP cannot be changed unless the BOA decides to change it so they could rule that amplified music could be allowed until 11:30 some nights of the week.

RICHARD LINTZ – There is nothing in here that sets any limits on time for anything. That is all done by each CUP that gets approved?

STEPHANIE KARR – There is nothing that sets it for individual CUP's you would set that yourselves. However, there is a section under Title II which applies to all properties in Clayton 215.765 and it says that if you are a business within 500 feet of any property used for residential purposes then you cannot have outdoor music after 10pm. That is 10pm to 7 am. So not outdoor music during that timeframe if you are 500 feet from residential. In addition, if you are commercial business and you have indoor music then after midnight indoor music is not supposed to be heard more than 100 feet away. If it is you are in violation of the ordinance. So that section is the one that sets the time limits right now if you are a business within 500 feet of a residential property.

SHERYL MILLER – 130 NORTH CENTRAL

I've only lived here 3 years, so this is my first meeting. My husband and I moved here because we were out in far west county. We chose Clayton because it is walkable to restaurants and because it is convenient to the highways and it is an ideal spot to live. My concern echoes many of the concerns tonight but parking is the biggest one and increased traffic in the area. Bringing in more restaurants is great! We love to walk to eat and we love sitting outdoors, but I do encourage that there be enough infrastructure to handle the increase of people that will want to come to our beautiful community. Many times, we get people parking on our street so they don't have to pay to park downtown and it is not unusual to find trash in front of our house and we don't have places for our guests to park so I am concerned for the parking and increased traffic.

RICHARD LINTZ – What is our process, does this Board vote to take this to the Board of Aldermen?

SUSAN ISTENES – Yes you would consider the amendment and make a recommendation to the Board of Aldermen with approval, with changes, or denial. It is a text amendment so you can suggest wording changes or you could say you aren't ready to vote and you would maybe like to see changes and come back to this.

CHAIRMAN LICHTENFELD – I definitely think that an entertainment overlay zoning district could be good for our city however I am not comfortable with the location. I think that it accentuates the development along the perimeter of the downtown and as you have heard me say for decades now we seem to have a developing donut hole downtown with lack of development towards the center. I would recommend we send this back to Staff. I am currently not comfortable with the boundaries of this district.

RON REIM – I would like to see something in this ordinance that restricts any kind of entertainment venue facing or orienting towards Maryland Avenue. I think the residential area is entitled to some protection from the noise. Right now there is nothing in here that prevent future businesses from facing Maryland. I am assuming if the restaurant does generate traffic and that people are blocking driveways in Old Town more than now that that would be a parking issue and not something we need to add to this right now. Possibly a permit requirement issue. Café Napoli noise level has been discussed, do they have outside music, amplified, are they allowed to go past the 10pm time limit?

ANNA KRANE – I would have to look into that

CRAIG OWENS – They would need to follow our ordinances as Stephanie outlined.

ANNA KRANE – When we speak about an entertainment venue, what are you thinking about? Are you thinking new development venues or existing? That is one point I cannot stress enough, that the existing conditions are why we chose this area. Two blocks south of Forsyth a huge chunk is St. Louis County and the other is already developed office buildings that don't have space for the uses we are talking about. Starting at Forsyth and going two blocks south, does not have the opportunities that are currently where we are proposing this.

RON REIM – I was thinking currently there

CHAIRMAN LICHTENFELD – I was thinking a bit of both. I would rather see it more central but I understand your point Anna about the large office buildings in certain parts of our downtown and as well as the County Government Center that would be off-limits to any development like this. I think a combination of where I see our development should be going, which I already said should not be focused on the periphery of downtown and the relationship of that boundary between business of any type and residential fit into my feeling that we need to look at this a little more. I am not against an entertainment overlay district. I just want to be comfortable that it is in the right place for the right use.

RICHARD LINTZ – Steve, can I ask you what the periphery is to you? When I think of downtown Clayton there is this concentration of restaurants and venues in this area that has been defined as Anna pointed out, if you go further south you have some hotels, office buildings, the old Remy's and Mugs, you have a couple of pockets with restaurants and I guess I'm just trying to understand. At the Board of Aldermen we talked about things about if we could have a central green if you will, that is a meeting place, that would occur at Central and Forsyth and that seems like the center. So I'm trying to understand where you think the center is

CHAIRMAN LICHTENFELD – I agree that Central and Forsyth is probably the center because Forsyth is our only east west through street and Central has a lot of activity. Maryland on the north to the Parkway on the south from Brentwood on the west to Hanley on the east. But if you look at the development we've had in the last decade or so the development has gone east of Hanley, Centene, the Plaza, Crescent, etc., or along the north or the south of the Brentwood corridor. Granted the County owns quite a bit of land in the middle though we have a fair amount of vacant space in there also so that is how I see it when I look from above. I see activity around the edge but I don't see activity in the middle. And if we are talking about vibrancy I think we have to look at the entire city as a whole and where the vibrance is and where it is not and where we want to strengthen it.

CHAIRMAN LICHTENFELD – WE HAVE A STAFF RECOMMENDATION TO RECOMMEND APPROVAL OF THIS TEXT AMENDMENT FOR THE ENTERTAINMENT OVERLAY ZONING DISTRICT TO THE BOARD OF ALDERMEN BUT WE'VE HAD SOME DISCUSSION

CRAIG OWENS – I WOULD TO SUGGEST WE TABLE IT AND LET STAFF REACT TO THE PUBLIC COMMENTS AND THE COMMENTS FROM US. WE WILL DO A RENOTIFICATION WHEN WE ARE READY TO BRING IT BACK? AT LEAST 30 DAYS. I MAKE A MOTION TO TABLE THIS FOR AT LEAST 30 DAYS AND TO RENOTICE IT WHEN WE ARE READY TO BRING IT BACK.

RON REIM – SECOND.

BOARD – UNANIMOUS YAY

HAVING NO FURTHER BUSINESS BEFORE THE COMMISSION, THE MEETING WAS ADJOURNED AT 2030 (08:30 PM)

Recording Secretary