

THE CITY OF CLAYTON

Board of Aldermen
City Hall – 10 N. Bemiston Avenue
March 26, 2019
7:00 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, Rich Lintz, Ira Berkowitz, Michelle Harris, and Bridget McAndrew.

Mayor Sanger
City Manager Owens
City Attorney O’Keefe

PROCLAMATION

Mayor Sanger presented a proclamation to Max and Erica Protzel in recognition for Protzel’s Deli being ranked as the “Best Jewish Deli” in the State of Missouri.

PUBLIC REQUESTS AND PETITIONS

None

A MOTION TO CONSIDER APPROVING A LIQUOR LICENSE FOR BL HOSPITALITY, LLC D/B/A AKAR AT 7641 WYDOWN BOULEVARD

City Manager Owens reported that BL Hospitality, LLC d.b.a. Akar is requesting a liquor license to sell all kinds of intoxicating liquor at retail by the drink, including Sundays, at 7641 Wydown Boulevard.

Mr. Robert Hu, representative, and Mr. Poh Leng Lee, new chef/owner, addressed the Board to answer questions.

Motion made by Alderman Winings to approve a liquor license for the BL Hospitality, LLC d/b/a Akar located at 7641 Wydown Boulevard. Alderman Boulton seconded.

Motion passed unanimously on a voice vote.

APPEAL – BOARD OF ALDERMEN’S DECISION REGARDING A CONDITIONAL USE PERMIT REQUEST FOR THE MONTESSORI SCHOOL LOCATED AT 6611-6619 CLAYTON ROAD AND A PARKING LOT LOCATED AT 6602 ALAMO AVENUE

City Manager Owens reported that the City has received an appeal of the Board of Alderman regarding the decision of issuing a Conditional Use Permit request for Montessori School located at 6611 – 6619 Clayton road and a parking lot located at 6602 Alamo Avenue.

At the request of Mayor Sanger, City Attorney O’Keefe explained that the issue before the Board is an appeal filed by the applicant. It is an opportunity this evening for the

applicant/representative to summarize the extensive packet of material they had submitted, and the Board has received. Per the City's Ordinance, this is an opportunity for the appellant and the applicant to identify what they assert to have been mistakes or errors on the part of the Board in reaching its prior decision. He explained that it is not the purpose of going back to square one, but that the question before them is their assertion that the Board had made an error - a question of the process on rather it was appropriately carried out. Prior to the beginning of tonight's meeting he spoke with the applicant's attorney who will make a summary to the Board. The issue is whether they can persuade the Board that a mistake in the process was made. He noted that at the conclusion of the presentation the Board will take the matter under submission and they will rule on it in writing at a later date.

Mr. Dan Peters, Attorney, SmithAmundsen, addressed the Board, he echoes Mr. O'Keefe's comments, they are not here to re-present their application. This is a step that is required and that they have a right of judicial review of the decision as discussed with Mr. O'Keefe. He is here tonight to ask the Board to reconsider its decision, they have set forth the reasons extensively in their letter of appeal, but he wanted to emphasize a couple of points. The property is zoned C-2 Commercial and it is subject to the Clayton Road Overlay. He thinks that when analyzing this it should be acknowledged that those districts contemplate commercial development. They (ordinances) are specifically interested in finding commercial uses that compliment and coordinate with the residential neighborhoods around those properties. He doesn't feel that the neighborhoods that are referenced (in the ordinances) are referring to four multifamily units around this (specific) property, but that it's talking about all neighborhoods in Clayton surrounding the property. This Board needs to find a use of this property that compliments and works well with those residential areas recognizing that it is commercial.

Mr. Peters stated that the Board may be missing out on an opportunity to realize that it can limit the number of cars because of this (particular) use. There can only be so many cars resulting from 208 students and so if the Board would approve the proposal, they would have the opportunity to have a finite number of cars by controlling the number of cars coming in which he feels was a benefit the Board overlooked. He feels that the analysis when looking at cars and parking shouldn't be the number of cars from this use versus zero as it is right now, it should be the number of cars from this use versus the number of cars from some other commercial use. In noting other instances of permitted uses (banks, dental office, and retail) he stated that there are a lot of different permitted usage that could go in that location right now. The many cars would be new traffic, new parking, and parking on the street, all uncontrolled from one of those uses. He feels that is the analysis that might have been missed in the contemplation up to this point. He stated that it was set forth in the two traffic studies.

Mr. Peters stated that these are points that they are emphasizing; that it needs to be a commercial use and to also look at the number of cars from this use. A number that is controlled and limited, and that it can't increase. The ordinance would limit the number of students, limit the number of cars, and limit the number of staff people. Therefore, the Board has an opportunity to really control the traffic and parking issues.

Mr. Peters is asking the Board to reconsider the context in what they have already provided to them.

Mayor Sanger clarified to the audience that the Board had received approximately a dozen page appeal and information from the applicant that listed the issues that they considered errors in the Board's decision.

City Attorney O'Keefe thanked Mr. Peters and stated that the Board will take this all under submission and will be in touch.

Other

Alderman Lintz reported on the following:

- Plan Commission/ARB
 - Discussed two items related to fencing and the use of a vinyl material with a faux “wood grain” finish by Veka Inc.

Alderman Berkowitz reported on the following:

- Clayton Century Foundation Major Gifts
 - Discussed conversation with potential stakeholders on possible contributions for the ice rink project.

Alderman Harris reported on the following:

- Clayton Century Foundation Major Gifts
 - Moving forward with an art sculpture from the St. Louis Art Museum that would potentially be in Oak Knoll Park.
- The Municipal League of St. Louis County will be considering a resolution in opposition of Better Together.

Alderman McAndrew reported on the following:

- Clayton Century Foundation Major Gifts
 - Soon to become “Clayton Community Foundation.”
 - Discussed the Shanley building.

Mayor Sanger reported on the following:

- Clayton Chamber of Commerce Power Hour luncheon today – Betsy Cohen, Executive Director, St. Louis Mosaic Project was the speaker.
- Mayor's Youth Advisory Council met on the 13th – tour of the Fire Department.

Motion was made by Alderman McAndrew 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 Harris seconded the motion.

Alderman Winings – Aye; Alderman Boulton – Aye; Alderman Lintz – Aye; Alderman Berkowitz – Aye; Alderman Harris – Aye; Alderman McAndrew, and Mayor Sanger – Aye.

There being no further business the meeting was adjourned at 7:24 p.m.

Mayor

ATTEST:

City Clerk