

CITY PLAN COMMISSION/ARCHITECTURAL REVIEW BOARD
COUNCIL CHAMBERS – CITY HALL
MONDAY, MAY 6, 2019
1730 (05:30 PM)

CALL TO ORDER

The meeting was called to order by Chairman Steve Lichtenfeld at 1738.

ROLL CALL

Chairman Steve Lichtenfeld, City Manager Craig Owens, Aldermanic Representative Richard Lintz, Ron Reim, William Liebermann, Carolyn Gaidis answered roll call.

Absent: Brian Maguire

ALSO IN ATTENDANCE

Kevin O’Keefe, City Attorney
Susan Istenes, AIPC, Planning Director
Anna Krane, AICP, 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 April 15, 2019 were presented for approval.

RON REIM – MOTION TO APPROVE

WILLIAM LIEBERMANN – SECOND

MOTION UNANIMOUSLY APPROVED BY THE BOARD

Chairman Lichtenfeld notes that the public hearings will be moved to the end of the Agenda, after New Business.

OLD BUSINESS

8412 KINGSBURY BOULEVARD – ARCHITECTURAL REVIEW BOARD – ALTERATION/EXTERIOR RENOVATION

Director Susan M. Istenes summarizes the following staff report: “This request was originally presented to the Architectural Review Board (ARB) on March 18, 2019. The ARB voted to continue the request in order to visit locations provided by Chesterfield Fence and Deck of existing fences using the proposed material. Three example fence locations were provided to staff and the members of the ARB. The following staff report is unchanged from the original report.

The approximately 9,583 square foot site is located on the south side of Kingsbury Boulevard, between Gay Avenue and Crandon Drive. The property has a zoning designation of R-2 Single Family Dwelling District and is located in the Clayton Gardens Urban Design District. The applicant is proposing a veka-vinyl fence to replace the existing wood fence around the rear yard. A six foot tall, cayenne color fence is proposed with bronze aluminum caps and spindles on the top to make sections of the fence just over seven feet tall.

In January 2019, the Architectural Review Board (ARB) discussed the proposed veka-vinyl material being used for proposed decks. The ARB determined that the product should be reviewed each time proposed and not added to the list of materials that can be administratively approved. Veka-vinyl is a processed PVC material. Historically, the ARB has not granted approval of vinyl materials. The veka-vinyl product is a composite material that has more favorable product reviews than older vinyl products; however, veka-vinyl is not common in Clayton and therefore, staff is not familiar with how the product ages.

The proposed fence will be more visible from adjacent properties than the decks previously reviewed. The Clayton Gardens Urban Design District (UDD) includes more strict regulations for allowed building materials than base residential zoning districts. The UDD does not have specific regulations for fence materials, but does promote the use of natural materials that are compatible with the primary structure. Staff is of the opinion that a solid wood fence would be more compatible with materials found in the Clayton Gardens neighborhood.

STAFF RECOMMENDATION IS TO DENY THE REQUEST TO USE A VEKA-VINYL PRODUCT.

EMILY ZIAEE (EZ) – APPLICANT AND HOMEOWNER

EZ – Addresses the Board to answer questions and speak to the reasons for choosing a vinyl fence. Applicant presents photos of current fence and notes that it is rotting due to drainage issues despite the installation of French drains. The fence requires staining and sealing every year which is not good for the environment, either. Feels the wood fence looks bad and that the privacy fence will help block out the next-door neighbors ugly property. The water issue has been mitigated as much as possible to help maintain the wooden fence but it is not working, the fence keeps rotting. In the long run this fence will be better.

CHAIRMAN LICHTENFELD – Says he looked at some of the fences and that some looked nice and some didn't.

RON REIM – Says that he knows people who have these fences and they are durable and low maintenance and that they are old enough that they aren't the new version and they still look nice.

CAROLYN GAIDIS – I’m still concerned about the sustainability issue and what happens when this is going to be recycled. With the water issues, it is hard for me to say.

EZ – The wood is treated and stained and creates issues for the environment as well.

RICHARD LINTZ – I went and looked at one and it looked exactly like the fence my neighbor has that I want to put in. I’m not worried about it being viewed from the street.

CHAIRMAN LICHTENFELD –In your neighborhood with the water issues, we should consider those issues as real but I should say if this is approved that every fence that comes in as vinyl and see the context of the fence in terms of water or anything else. I think many of our neighborhoods would not look positively on a vinyl fence.

CAROLYN GAIDIS – When it comes to sustainability, if they are replacing boards all the time, this fence might actually help sustainability wise with the posts not going into the landfill.

CHAIRMAN LICHTENFELD – WE HAVE A STAFF RECOMMENDATION TO DENY

RON REIM – MOTION TO APPROVE AS SUBMITTED

CAROLYN GAIDIS – SECOND

MOTION UNANIMOUSLY APPROVED BY THE BOARD.

7501 MARYLAND AVENUE – ARCHITECTURAL REVIEW BOARD – SIGNAGE

Director Susan M. Istenes summarizes the following staff report: “The proposed signage was originally presented to the Architectural Review Board on April 15, 2019. The request was continued to the next meeting to allow the applicant to make revisions and respond to comments from the Architectural Review Board and the public. The following staff report has been updated based on revisions. New or revised sections of the report are in bold.

The subject property is bounded by Westmoreland Avenue to the north, Jackson Avenue to the east and Maryland Avenue to the south. The property is zoned R-2 Single Family Residential. The existing school building is currently being renovated for Centene University, which will provide training and education space for Centene Corporation and a daycare for Centene employees. The applicant is proposing two monument signs, one wall sign and a flag pole.

A Sign Subdistrict governs the allowed signage for all properties that are included in the phased Special Development District for Centene along Forsyth Boulevard. The subject property is not part of the Special Development District and the applicant is not proposing to include the subject property in the Sign Subdistrict. The applicant is requesting a sign modification to allow for two monument signs on the property.

Section 425.040.A.7.b of the City’s Sign Regulations states:

Schools and other institutions may erect a ground sign up to twenty-five (25) square feet in area. In lieu of a ground sign, a wall sign at the entrance to the school or institutional building may be erected but such sign shall not exceed twelve (12) square feet in area.

The applicant is proposing a 24 square foot sign on the decorative monument wall that is part of the parking lot enclosure. The proposed sign faces the intersection of Maryland Avenue and Jackson Avenue. The monument wall is clad in red brick with a limestone panel where the sign will be located. **The sign will be etched into the limestone and state “Centene University, established 2017.”** Up-lighting is proposed from the landscape base. The proposed sign is considered a ground sign and would count as the one permitted by the Sign Regulations. Staff is of the opinion that the proposed ground sign is consistent with signage found at many schools and universities.

The applicant is proposing a second ground sign located east of the main building entrance walkway along Maryland Avenue. The sign base is proposed as red brick with a concrete cap to match other wall and building designs. An engraved limestone face is proposed. The sign measures 7.5 square feet and will display “Centene University,” the logo and the property address. Up-lighting is proposed. The proposed sign will provide wayfinding assistance for anyone walking to the property from other Centene Buildings to the southwest, who will not pass the decorative monument wall sign at the intersection. As part of the renovations to the existing building the original school entry with the Maryland School sign was restored and reinstalled on the new building façade. The proposed monument sign be will the only sign visible from Maryland Avenue with the correct tenant name. The proposed ground sign would be the second on the property and therefore a sign modification approval by the Architectural Review Board is required. The proposed sign faces south toward a commercial parking lot. Staff is of the opinion that the design and materials are consistent with the subject property and surrounding area. General ground signs are required to be located in a landscape bed. Staff is of the opinion that some perennials should be planted around the based of the proposed ground sign to be consistent with the City’s Sign Regulations.

One flag pole is proposed at the southeast corner of the building. The proposed flap pole will display two flags and have up lighting. The 30 foot tall pole is consistent with the City’s Regulations.

A four square foot wall sign is proposed on the rear of the building at the main daycare entrance. The sign is proposed as powder coated metal with silkscreen graphics and halo lighting. The sign will not be visible from outside of the property and conforms to the City’s Sign Regulations allowing a rear entrance sign measuring a maximum of eight square feet.

The applicant has also provided design information for an embedded seal proposed on the front walkway. The proposed seal will only be visible on the property and is located within a decorative paver area.

The lighting proposed is similar to accent landscape lighting seen throughout Clayton. The subject property will need to conform to the site photometric plan that was approved as part of the construction permits and Conditional Use Permit. At the previous meeting, residents requested that if lighting were to be approved, a time limit is enforced. There are other examples of time limit restrictions being placed on different uses and activities located near residential neighborhoods. The Sign Regulations allow a special lit sign option for live entertainment venues in hotels, but requires that any such sign located within 150 feet of a residential district are turned off by 11:00 p.m. Another example is the City’s noise regulations, which limit outdoor noise generation to 10:00 p.m. within 500 feet of residential. Staff is of the opinion that a time limit for sign lighting is appropriate given the residential neighborhood location and recommends that lighting for signage is set on a timer to automatically turn off at 10:00 p.m.

STAFF RECOMMENDATION IS TO APPROVE THE PROPOSED SIGNS WITH THE FOLLOWING CONDITION:

1. A PERENNIAL LANDSCAPE BED SHALL BE INSTALLED AND MAINTAINED AT THE BASE OF THE GROUND SIGNS
 2. SIGNAGE LIGHTING SHALL BE SET ON A TIMER TO AUTOMATICALLY TURN OFF BY 10:00 P.M.”.
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CHAIRMAN LICHTENFELD – IT APPEARS THE APPLICANT IS NOT PRESENT.

RON REIM – MOTION TO TABLE UNTIL THE NEXT MEETING. (MAY 20, 2019)

CAROLYN GAIDIS – SECOND

MOTION UNANIMOUSLY APPROVED BY THE BOARD.

SCOTT PARTRIDGE – REQUEST THE BOARD HEAR THE RESIDENTS CONCERNS AT THIS MEETING SINCE THEY ATTENDED

CHAIRMAN LICHTENFELD – NO, THE APPLICANT DESERVES TO HAVE A CHANCE TO RESPOND AND YOU’LL SAY THE SAME THING AT THE NEXT MEETING

NEW BUSINESS

33 CRESTWOOD DRIVE – ARCHITECTURAL REVIEW BOARD – ALTERATION/EXTERIOR RENOVATION

Director Susan M. Istenes summarizes the following staff report: “The approximately 10,311 square foot site is located on Crestwood Drive, between Wydown Boulevard and Hillvale Drive. The property has a zoning designation of R-2 Single Family Dwelling District. The applicants are proposing to install a new covered front entry.

The existing front entry does not have a roof feature. The applicants are proposing to install a covered entry with a shape to match the existing porch footprint. White pillars are proposed to support the portico and a wrought iron railing is proposed on the roof to match the design of the existing handrail. The proposed design and materials match existing materials used on the subject property. Staff is of the opinion that the proposed alterations are compatible with neighborhood character.

STAFF RECOMMENDATION IS TO APPROVE AS SUBMITTED.

MS. KAR – LNB ARCHITECTURE

KAR – Addresses Board to answer questions, talk about the project.

BOARD – Thinks it will look very nice and add prominence to the front of the home. Asks about drainage

ANNA KRANE – Notes that will be reviewed when they apply for their building permit.

CHAIRMAN LICHTENFELD – WE HAVE A STAFF RECOMMENDATION TO APPROVE AS SUBMITTED.

RON REIM – MOTION TO APPROVE AS SUBMITTED

CRAIG OWENS – SECOND

BOARD – UNANIMOUS YAY

142 NORTH BEMISTON AVENUE – SITE PLAN REVIEW – NEW SINGLE FAMILY

Director Susan M. Istenes summarizes the following staff report: “The 8,121 square foot site is located on the east side of North Bemiston Avenue between Maryland Avenue and Pershing Avenue. The property has a zoning designation of R-3 One and Two Family Dwelling District and is currently a vacant lot. The applicant is proposing a new, two-story single-family residence measuring 4,606 square feet with an attached, front entry garage. The height of the proposed house is 34 feet 4 inches as measured from existing average grade to the mean slope of the roof.

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

1. *A project's compatibility with its environment and with other land uses and buildings existing in the surrounding area.*
 - >> The surrounding properties are single-family and two family residences. The project meets the setback and height requirements of the R-3 Zoning District.
2. *The location and screening of a project's air-conditioning units and other associated equipment.*
 - >> The proposed HVAC units are located along the northern elevation of the home and screened by bay windows and landscaping.
 - >> Mechanical equipment for the pool is proposed in the southeast corner of the lot. The equipment is located at least five feet from property lines and will be screened by a solid fence and landscaping.
3. *The location, adequacy and screening for trash.*
 - >> Trash will be stored in a 90-square-foot trash enclosure located under the front porch adjacent to the garage.
4. *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

- >> The existing total lot impervious coverage on site is 0 percent. The new plans increase the total lot impervious coverage to 54.98 percent, which is below the maximum allowed impervious coverage of 55 percent. The proposed plans have a front yard coverage of 41.61 percent, which is below the 45 percent maximum allowed for front yard coverage.

Stormwater Runoff

- >> The existing stormwater runoff, according to the MSD 15 year, 20 minute calculation, is 0.374 cubic feet per second (CFS). The proposed runoff is 0.585 CFS, which represents a 0.211 CFS increase. Downspouts from the home will be piped to either the drywell system in the front yard or the drywell system in the rear yard. The stormwater management plan has been reviewed and deemed acceptable.

5. *The applicant is required to submit a separate landscape plan showing existing trees, trees to be removed and trees to be replaced by caliper, species and condition. Such plans must reflect City of Clayton preservation standards.*
 - >> The landscape plan provides an attractive planting design of trees, shrubs, perennials and groundcover. The existing canopy coverage on site is 6,617-square-feet. The proposed plan

provides a surplus of 8,306 square feet of canopy coverage and exceeds the native tree requirement with 50 percent native. One existing street tree is to remain and the second will be removed and replaced for the proposed driveway.

6. *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.
7. *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.*
 - >> All connections to public utilities are shown on the plans to be installed in accordance with the standards of the Public Works Department.
8. *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 doors and 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:

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.

The proposed home is compatible with surrounding homes in the neighborhood. Stormwater will be adequately managed on site and the landscape plan provides for an attractive design with a variety of trees, shrubs and perennials that are suitable for the area. Staff is of the opinion that the project meets the criteria for site plan approval.

STAFF RECOMMENDATION IS TO APPROVE WITH THE FOLLOWING CONDITIONS:

1. TO ENSURE THE FUTURE MAINTENANCE AND OPERATION OF THE DRY WELLS, THE APPLICANT SHALL RECORD THE APPROVED SITE PLAN WITH ST. LOUIS COUNTY, AND SUBMIT PROOF OF RECORDING TO THE CITY PRIOR TO THE ISSUANCE OF A BUILDING PERMIT.
 2. THE DEVELOPER AND ENGINEER OF RECORD ARE RESPONSIBLE FOR MITIGATING SUMP PUMP DISCHARGE IF A FUTURE NUISANCE IS CREATED.”
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PAUL DOERNER (PD) – LAWRENCE GROUP ARCHITECTS
DOUG LEIPZIGER (DL) – CIVIL DESIGN INC – CIVIL ENGINEER

DL – We will be following Clayton and utility company standards for all items. We designed out storm water mitigation to avoid going to the northern properties by splitting our watershed so half goes to the front and half to the rear. We will also be using a dry well. Normal conditions the runoff to the north will be reduced by half.

CAROLYN GAIDIS – I feel that 50% native isn't enough and that people should strive for more than 50% native and that that would help with runoff as well. The species could be changed to have deeper root systems that would help soak up the water more.

STEVE LICHTENFELD – In the pervious coverage calculation, the pool is 50%?

ANNA KRANE – The water area or water features is 50% the pool deck is 100%

CLAUD EVENS – 139 NORTH BEMISTON

CE – The new owners notified the people in the area at the end of 2018 that they were planning to build a new one and we haven't seen any notice regarding these plans and I haven't had time to review the plans. Clayton is supposed to notify by mail the properties not just adjacent but the ones across the street. This is the second time we haven't been notified. I request that we have time to go down to City Hall so we can review the plans.

SUSAN ISTENES – We send out notices as a courtesy, it is not a requirement. They are welcome to also sign up for the pending apps page.

138 BEMISTON – We didn't receive notices either until the Friday before.

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

BRIAN MAGUIRE – MOTION TO APPROVE WITH STAFF RECOMMENDATIONS

WILLIAM LIEBERMANN – SECOND

BOARD – UNANIMOUS YAY

142 NORTH BEMISTON AVENUE – ARCHITECTURAL REVIEW BOARD – NEW SINGLE FAMILY

Director Susan M. Istenes summarizes the following staff report: “The 8,121 square foot site is located on the east side of North Bemiston Avenue between Maryland Avenue and Pershing Avenue. The property has a zoning designation of R-3 One and Two Family Dwelling District and is currently a vacant lot. The applicant is proposing a new, two-story single-family residence measuring 4,606 square feet with an attached, front entry garage.

The height of the proposed residence is 34 feet 4 inches as measured from the average existing grade to the mean height of the roof. The two-story duplex to the south (138 North Bemiston Avenue) was constructed in 1979 and is +/- 6.5 feet shorter than the proposed home (as measured from the mid-point of each roof). The one and a half-story home to the north (144 North Bemiston Avenue) was constructed in 1998 and is +/- 16 feet 9 inches shorter than the proposed home (as measured from the mid-point of each roof). The driveway for the existing house to the north is located between the existing house and the proposed house with a dense existing landscape buffer that is to remain. The proposed house also features variations in the façade and roof line along the north elevation, which will reduce the impacts of the taller structure.

The proposed house features a below-grade, front entry garage. This style of garage is common along North Bemiston Avenue. Knee walls and landscaping are proposed to buffer the driveway and garage from the street. The proposed massing is articulated on all sides with windows, doors and other architectural features including chimneys, soldier window headers and bay windows. Staff is of the opinion that the height and massing of the proposed house are compatible with surrounding neighborhood character.

The primary building material for the proposed home is linen painted brick with secondary materials being siding and cast stone. Hardi-siding is proposed for the bay windows. Cast stone is proposed for the front entry accent and window surrounds. Two blue/grey carriage style garage doors are proposed.

The driveway is proposed as limestone colored exposed aggregate with a decorative joint pattern. Cast stone steps and pavers are proposed for the stairs, front and rear porches and the pool deck.

Brick clad retaining walls with cast stone caps are proposed on both sides of the driveway and along the front stairs and porch. The proposed brick will match the primary building material of the house. A brick retaining wall is also proposed along the east end of the rear screened porch to create a raised planting area.

Decorative, black metal railings are proposed for the balconies, porches and stairs. The applicant is proposing a new six foot tall solid cedar fence with two feet of lattice on top, for a total fence height of eight feet. The proposed fence will enclose the rear yard and extend along portions of the side yards. The applicant is proposing to install the fence against the neighbor's iron fence along the north property line. There is an existing wood fence along the south property line. The applicant has stated an intent to work with the neighbor prior to fence installation to try and avoid locating solid fences back to back.

The proposed house 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 plan is compatible in terms of mass, height and design with surrounding structures.

STAFF RECOMMENDATION IS TO APPROVE AS SUBMITTED.”

PAUL DOERNER (PD) – LAWRENCE GROUP ARCHITECTS

PD – Addresses Board to answer questions and talks about the design of the home.

CHAIRMAN LICHTENFELD – I think the roof pitch is a little steep. On the context elevation it seemed very high

PD – French model typically has steep roofs and that's what we used to design the home.

CHAIRMAN LICHTENFELD – The chimney seems to be overpowering.

PD – So the total height is your issue? We could try to mitigate that. I was quite proud of the chimney and how it looked and was excited to detail it.

RON REIM – I understand what you're saying, I think the height gives it some compositional things there is a house on Wydown I think we should have made them make the pitch steeper. I don't think some modification of the roof will ruin the design and composition of the home.

PD – Could we approve it as drawn and I'll look at it to see if it can be adjusted.

CLAUD EVANS – My entire impression comes from the photo up there and I agree the height is so much higher than the neighbors. The chimney is substantially higher and I absolutely agree the color plays a role. I think the color magnifies the discrepancy of the neighbors. There are some fairly straight forward modification that will keep the integrity of the design.

RICHARD LINTZ – are you painting or white washing

PD – Whitewashing

CHAIRMAN LICHTENFELD – WE HAVE A STAFF RECOMMENDATION TO APPROVE AS SUBMITTED, HOWEVER, I WOULD LIKE TO TABLE IT AND COME BACK IN TWO WEEKS TO LOOK AT THE PITCH AND GIVE THE RESIDENTS TIME TO LOOK AT THE PLANS.

CRAIG OWENS – MOTION TO TABLE UNTIL NEXT MEETING.

RON REIM – SECOND

BOARD – UNANIMOUS YAY

PUBLIC HEARING

10 NORTH BEMISTON AVENUE – TEXT AMENDMENT – PUD REGULATIONS

Director Susan M. Istenes summarizes the following staff report: “This is a public hearing to solicit input regarding a staff-initiated amendment to Chapter 405 (Zoning Regulations) Article X. Planned Unit Development District. Staff and the City Attorney’s office have identified areas of the regulations that are unclear, contradictory to other code required processes and in general, need updating.

The strikethrough - underline format for proposed code changes is usually preferable in order to be able to easily review and understand proposed changes, however given the number of changes, that format would have made it too difficult for the proposed changes be easily understood. The proposal is to repeal the current Article X. and adopt the new, revised code, a copy of which is provided herein. Note – there are other areas of the Land Use Regulations that will need to be amended to be consistent with the proposed changes. Those will follow this amendment, at a future date.

Staff set out the following goals for the amendment, based on advice from the City Attorney and their own experience in trying to apply the existing PUD regulations.

GOALS:

1. Eliminate the requirement to rezone to a specific zoning district in order to be eligible to rezone to PUD.
2. Clearly identify the permitted uses in a PUD district.
3. Eliminate the need to get an additional Conditional Use Permit for those uses that are allowable only by CUP in the zoning districts once they are identified and thus allowable in the PUD zoning district.

4. Ensure that the PUD rezoning, Site Plan and Architectural Review approval processes are separate and distinct. Detailed site plans are reviewed and approved through the site plan review process and the architectural review process against the standards established by the PUD zoning district.
5. Modify provisions in overlays which require PUDs where the minimum site areas can't be established (*not part of this amendment*).
6. Eliminate duplicate references to PUDs in each eligible zoning district (*not part of this amendment*).
7. Separate zoning regulations from process requirements.
8. Clarify the minimum eligibility for commercial building size.
9. Distinguish between residential PUDs and Non-residential PUDs (including mixed use).
10. Enhance public benefits section to bring up to date, include references to sustainable practices. Require that a minimum of 5 categories of public benefits are provided.
11. Establish the requirement for a PUD document which will serve as the text for the newly formed PUD district.
12. Enhance the approval criteria section to more closely align with the purpose.

What's new? (new text or requirements does not include relocated text or combined text or minor changes that did not affect the code)

Page 1, Purpose Statement, Section 405.1360.

Number 3 – new - added reference to more greenspace or natural resource protection

Number 6 – new - added greater mix of housing types and mixed use

Number 7 – new - added creating or contributing to neighborhoods that more pedestrian and public transit oriented

Number 9 – new - added reference to the Clayton Master Plan and Downtown Master Plan

Page 2 and 3 General Requirements, Section 405.1370 (section renamed)

B. Renamed Commercial PUD to Mixed Use PUD. A commercial PUD could include a residential component; therefore, it was confusing to have two districts that could have a residential component while identifying one as commercial PUD and one as residential

D. New - added no single use of a mixed-use PUD can consume more than 80 percent of the gross floor area of the principle structure

E. New - added requirement to identify the allowable uses in the PUD by cross referencing the uses allowable in the underlying zoning district

F. New - added for non-residential uses that require a conditional use permit, the applicant for a PUD may apply for a CUP to allow the use in the PUD at the time of rezoning and not have to repeatedly file separate conditional use permit applications after the PUD is approved

- G. New- added reinforcing language that a PUD must provide public benefits and cannot be used as a method to avoid existing zoning and subdivision regulations.
- H. New – clarified the Board has authority to approve the PUD to alter zoning, subdivision and overlay and urban design zoning districts.

Page 3 and 4 Public Benefit, Section 405.1380

Combined A and B to make public benefits applicable to all properties instead of those specific to the downtown.

- 2. New – added benefit to provide or enhance public parks, and park or trail access.
- 4. Added – language allowing for greater housing density as a benefit
- 5. Enhanced- to identify what is meant by sustainable building design and construction
- 6. Added/enhanced – specific reference to Green Globes and LEED and noted that participation is satisfactory as opposed to achieving a certification.
- 8. New – added identified property dedication as a public benefit
- 11. New – added street level garden or plaza as a public benefit
- 12. New – added access features to public transit facilities as a public benefit.
- 14. New – added open spaces such as patios, grassed areas for the public as a public benefit.

Page 4-6 Application Procedure and Plan Requirements, Section 405.1390

- A. New – added requirement for pre-application conference with City staff.
- B. New – added requirement that applicant hold a community conference prior to application. Also added new Section 405.1400 outlining the requirements for conference.
- C. New – changed way of how the application is submitted and how the development standards and plans are structured.
- D.i. New- enhanced – require applicant coordinate with City at least 6 weeks prior to application for PUD rezoning pursuant to required traffic study.
- D.o. New – clarifies that the application submittal shall be in a form prescribed by the City.
- E. New – added the city will establish a model PUD document and the applicant’s project information shall comply with the format and content established by the model.

Page 7-9 Criteria for PUD Rezoning Approval

Listed criteria were re-written combining some together and eliminating those specific to design standards or review.

- 3. Added- reference to public access to green areas preserved on site.
- 12. New – added requirement to meet at least 5 categories of public benefits as identified in Section 405.1380 (1-14).
- 13. New – added.

Removed references to architecture and building materials (former number 6). Those items are considered in the Architecture Review Board phase of the project review; not the PUD rezoning.

STAFF RECOMMENDATION IS TO RECOMMEND APPROVAL OF THE TEXT AMENDMENT REVISING THE PLANNED UNIT DEVELOPMENT DISTRICT AS PROPOSED.”

SUSAN ISTENES – DIRECTOR OF PLANNING AND DEVELOPMENT SERVICES
ANNA KRANE – CITY’S PLANNER

SUSAN ISTENES – The changes are going to be kind of hard to explain, because not only were there changes, things were combined, eliminated, rearranged, moved, reworded, etc. so your staff report identifies which ones were removed, added or revised. *Reads through the staff report points and asks for questions and input from the Commission.

CHAIRMAN LICHTENFELD – Having read the new document and compared it with the old one, I cannot understand how we operated under the old one. This new one appears to be very straight forwards and easy to understand and I hope our applicants agree. I feel it will be easier for us to apply it up here also. I found it easy to understand. I have a few questions, not in any order.

Section 405.1410 Criteria: I didn’t fully understand the internal circulation in there and access to green areas and open space reserved on the site. Are we recommending or requiring that that open space be maintained or is that brought by the applicant.

SI – This is under the criteria that you are to consider when reviewing PUD – reads criteria. The goal here is if there are green areas and open space we would like them to be publicly accessible. If intended to be public the public should have access.

RON REIM – Preserve onsite for the public, might be a way to make that change. I think it is difficult where we are at I think having open greenfield sites, ours are handled on case by case of the site. Question on Public Benefit – is there a benefit to getting their projects certified that we give?

SI – I think it could be listed as additional consideration. It somewhat makes the other one a weakened position, expect we just aren’t getting anyone doing the LEED Certs. I’m open to working on it/incentivizing it.

CAROLYN GAIDIS – I think the checklist should be filled out and we get to review it as if they were going to get it certified. As a part of the application process they should point out to us and complete the checklist to show us what they are doing.

PUBLIC BENEFIT – how do we define these benefits and the scale of what they should be I think if we could be a bit more descriptive that might help in the judgment of benefits like public art. Ron and Carolyn talk about LEED for Neighborhood Development and how the defined public benefits help with decisions.

RICHARD LINTZ – I would like to clarify that the public engagement is a requirement?

SI – Correct, as drafted it is a requirement. Again, this is something we ask that they do and that it is very important. The conceptual review is usually what the developers choose to do in order to get the feedback before they officially apply. We recommend they go through this process. The public interaction process is something we recommend before they start the conceptual review process.

CRAIG OWENS – There is a reason why we have all these laws and rules and attorney’s everywhere because prices of land are very high and I think it’s a good conceptual idea but understand there could be a time where you require it and they could be bad at public engagement and their neighbors hate it or them and then ask us to do something illegal and so it’s shouldn’t be required. Now were making it a legal requirement that they cannot proceed until they go talk to their neighbors who might have unreasonable requirements. The ones who do well and they get it it helps, there could be some who don’t do it because they are bad at it and it could make this process much worse for them.

CHAIRMAN LICHTENFELD – Would the public like to comment now? Please come up and identify yourself and spell your last name please.

PUBLIC COMMENTS:

Judy Goodman (JG) – Would like to comment on community conference. Is concerned about mandating it, how do you define community conference. How far do you have to send the word, how many people have to attend, what if it is on a day that is convenient for everyone and it has to be done multiple times to meet the requirements. The recommendation is great but would hesitate to make it mandatory and it seems like a slippery slope. How many people have to say yes or no in order for the developers to go forward. How do we define community when it is on Central, and everyone has an investment.

Ron Reim – Have the conference and the feedback is separate from our process where we have feedback that is on the record.

JANE MATOSIAN (JM) – 119 N. BEMISTON – Saw on the agenda what we were going to talk about today and I couldn't figure out what the proposal was and it's very detailed and I'm asking that the staff be better in letting us know what these detailed proposal at and there was no redline and that it's difficult to figure it out but perhaps the staff can let the citizens know a little better what they are trying to propose.

CRAIG OWENS – MOTION TO CONTINUE TO MAY 20, 2019

RICHARD LINTZ – SECOND

BOARD – UNANIMOUS YAY

10 NORTH BEMISTON AVENUE – TEXT AMENDMENT – MEDICAL MARIJUANA REGULATIONS

Director Susan M. Istenes summarizes the following staff report: “This is a public hearing to solicit input regarding proposed amendments to Chapter 405 (Zoning Regulations) related to medical marijuana facilities. In November 2018, voters in the State of Missouri approved Constitutional Amendment 2 to allow for the restricted cultivation, production, transportation, and administration of marijuana and marijuana-infused products for qualifying patients for medical purposes. Provisions allowing local governments to regulate the time, place and manner of operation of medical marijuana-related facilities were included within the state amendment.

The proposed text amendments are intended to promote the general welfare and public safety of the community by allowing medical marijuana facilities in certain non-residential zoning districts which will not negatively impact local educational facilities, places of worship, childcare centers and to regulate conflicts that could be generated from the geographic concentration of medical-marijuana facilities. The proposed amendments have been prepared in accordance with the authority granted to local governments by the State of Missouri.

The constitutional amendment identifies four types of medical marijuana related uses (please see attached copy of amendment).

1. Medical Marijuana Cultivation Facility
2. Medical Marijuana Dispensary Facility
3. Medical Marijuana Infused Products Manufacturing Facility

4. Medical Marijuana Testing Facility

The City of Clayton is comprised of 2.5 square miles of urban area which is primarily built out. Additionally, the City does not have large land areas that could accommodate cultivation and manufacturing facilities. For these reasons, staff believes that dispensary facilities and testing facilities would be the only practical and appropriate medical marijuana related uses that can occur in the City. The existing zoning regulations lend some guidance to where the dispensary and testing facilities would be most appropriate. Specifically, these uses are most appropriate in the commercial zoning districts, C-2 and HDC and in the Service zoning district, S-1. Dispensaries are similar in nature to pharmacies and retail health related establishments, which are allowed in C-2 and HDC. The S-1 zoning district allows related uses such as testing labs, retail, pharmacies and medical offices. The HDC district is the most intense zoning district, located primarily in the center of Downtown Clayton and could accommodate a testing facility with minimal impact to neighboring commercial land uses. Staff suggests neither use be allowable in the C-1 district due to its proximity to single family residential zoning.

The Zoning Table will be amended as follows:

Article XXIV. Zoning Table

Land Use Category	R-1	R-2	R-3	R-4	R-5	R-6	R-7	C-1	C-2	HD C	S1	PUD/S DD
Medical marijuana dispensary facility									<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Medical marijuana testing facility										<u>P</u>	<u>P</u>	<u>P</u>

The proposed amendment outlines some protective measures to mitigate potential impacts to surrounding land uses, including a distance separation requirement from schools, places of worship and child care facilities of 200 feet, which is consistent with the current code requirement limiting the location of liquor stores. It also includes requirements for odor control, visibility of the product from the street, age limits of patrons, packaging and consumption, and limits on the hours of operation. Security plans are required to be submitted for staff review to ensure surveillance is provided, inventory is secured, alarm systems are in place and emergency contacts are provided. There is also a requirement for a facility operator to be licensed by the State of Missouri and the city and upon application for a business license, a requirement to provide operational plans, including floor plans and odor control mechanisms. Given those requirements, staff does not anticipate negative impacts associated with the proposed text amendments. Additional amendments to the City Code (non-land use related) will also be required.

STAFF RECOMMENDATION IS TO RECOMMEND APPROVAL OF THE TEXT AMENDMENTS TO CHAPTER 405 (ZONING REGULATIONS) OF THE CITY’S LAND USE CODE TO THE BOARD OF ALDERMEN AS PROPOSED.”

SUSAN ISTENES – DIRECTOR OF PLANNING AND DEVELOPMENT SERVICES
ANNA KRANE – CITY’S PLANNER

RICHARD LINTZ – Notes that we wouldn’t want odor to leave rented places

CAROLYN GAIDIS – Isn’t it not smoked anymore it’s more capsule so there’s really no odor.

CHAIRMAN LICHTENFELD – Would the public like to comment now? Please come up and identify yourself and spell your last name please.

PUBLIC COMMENTS:

PETER SMITH (PS) – 23 BRIGHTON WAY

Doesn’t like that there are 5 allowed in the area and thinks it would be a bad idea and a mistake. If the City approved all 5 that would be about 3% of all locations approved by the state of MO for the entire state and about 4% of all the MO locations per the UM market study and 20% of the facilities that would be allowed in the congressional district that Clayton is in. It sends the wrong message and would be a mistake to have that many in downtown Clayton. Medical Marijuana is ok but that 5 is too many. We should approach this cautiously and we can always make it easier its harder to make it more difficult. Maybe 1-2 allowed and should be 1000 feet.

DOUG WILLMAN – CEO of local company looking to bring municipal cannabis to St. Louis. Would like to make a statement in support and thank the City for establishing requirements and keeping the City safe. Willman Luther INC. will have a different d/b/a name. The building we are looking at is within the 1000 ft. and we don’t think it’ll be an issue.

KUPER LUTHER – Doug’s partner, would also like to make a statement in support and then ask how will the City decide what five receive a permit and how will you limit it to only 5.

SI – This just identifies the districts its allowed in and the criteria for obtaining a license. I would be a first come first serve. They will need to meet the criteria and have their ducks in a row with all other processes.

ADAM RELEIGH – From St. Louis has worked in other states as consultant for medical marijuana, appreciates the 200 ft rule to mirror alcohol because marijuana is safer than alcohol. You’ll probably only get 1 or 2 due to the rules so a cap on 5 maybe cuts off competition down the road and the other is the smell abatement, everyone stinks, you have a vegan walking down the street and they don’t want to smell a steakhouse, you’ll get people walking up to the door and saying they smell marijuana so I fell it should be within reason for smell abatement. 100% mitigation is excessive. Once it becomes recreational, it be like Starbucks on every corner.

JM – Agrees with PS and urges Board to do 1000 ft. Lives in Old Town and these dispensaries are a concern to us and perhaps we can look in terms of a community of our size as opposed to O’Fallon which is a larger community and a different type of community. I strongly urge you to look at the numbers this is too large in terms of allowed and too small in terms of feel.

WILLIAM LIEBERMANN – What % of Clayton residents voted for this?

UNKNOWN – No

CAROLYN GAIDIS – You need a prescription to get medical marijuana. It's not children going in there and giving a fake something to get medical marijuana, it's folks who have cancer or other ailments who need medical marijuana. My question is – should they be specifically positioned along major corridors for people who need to get to the facilities. This is not a walking condition this is a people need to get their medication. It's not like Colorado where people just sell it wherever to whoever. I would feel the boundaries would be 3-4 locations along the major roads.

AR – These are going to look like Dr. offices. Windows are not see through, there are security measures, there are locked doors, you have to check in, show your license, show your medical card, show your prescription, ect. There are many measures in place that are done all over the united states and regulate med marijuana. It's all cash too so the security measure are insane. There are multiple levels to get into the facility in terms of security, you cannot just walk in the shop and get marijuana.

CHAIRMAN LICHTENFELD – WE HAVE A STAFF RECOMMENDATION TO RECOMMEND APPROVAL TO THE BOARD OF ALDERMEN

RON REIM– MOTION TO TABLE AND CONTINUE THE PUBLIC HEARING.

CRAIG OWENS – SECOND

BOARD – UNANIMOUS YAY

HAVING NO FURTHER BUSINESS BEFORE THE COMMISSION, THE MEETING WAS ADJOURNED AT 20:20 (8:20).

Recording Secretary