

THE CITY OF CLAYTON

Board of Aldermen
City Hall – 10 N. Bemiston Avenue
May 28, 2019
7:00 p.m.

Minutes

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

Aldermen: Mark Winings, Joanne Boulton, Ira Berkowitz, and Bridget McAndrew.

Mayor Harris
City Manager Owens
City Attorney O'Keefe

Absent: Rich Lintz

Motion made by Alderman Boulton to approve the May 14, 2019 minutes. Alderman Winings seconded.

Motion to approve the minutes passed unanimously on a voice vote.

PUBLIC REQUESTS AND PETITIONS

None

AN ORDINANCE TO CONSIDER APPROVING AN AMENDMENT TO CHAPTER 410: OVERLAY AND URBAN DESIGN ZONING DISTRICTS BY THE ADDITION OF ONE NEW ARTICLE, ESTABLISHING THE ENTERTAINMENT OVERLAY DISTRICT – 2nd Reading

City Manager Owens reported that on May 14, 2019, the Board of Aldermen considered this amendment to Chapter 410: Overlay and Urban Design Zoning Districts. This is the second hearing to solicit input regarding a proposed amendment to Chapter 410 (Overlay and Urban Design Zoning Districts) related to a new overlay district.

E.P. Brad(?), Ceylon resident, addressed the Board with concerns on how this change would affect the Ceylon building and its residents.

Alderman Berkowitz wanted clarification related to changes in Section 410.860 - *The overlay district shall allow for an entertainment use as an accessory use to the following principal uses with the approval of a conditional use permit: a. Restaurant and b. Hotel.*

Susan Istenes referenced Section 410.855, Definitions, stating that it would not necessarily have to be a restaurant or hotel, a principle entertainment use is also allowable as an accessory use.

Alderman Berkowitz recommended including retail as an allowable accessory use.

In response to Alderman Winings question regarding the definition of entertainment use, Susan Istenes pointed out that it is in Section 410.855, Definitions which has not changed

Alderman McAndrew commented that she understands the ordinance to specify that in order to have an establishment in the entertainment district it is required to have a conditional use permit.

City Attorney O’Keefe confirmed that there is permitted use and then accessory use. The primary use which is an entertainment use and that requires conditional use permit and we would also require a specific conditional use permit to have entertainment as an accessory.

In response to Alderman Boulton’s question regarding a proposed new restaurant, City Attorney O’Keefe stated that two conditional use permits would be required.

City Attorney O’Keefe noted on record that the draft ordinance would require minor clerical discretion “clean-up” due to incorrect numbering of sections.

Motion made by Alderman Winings to amend Bill No. 6727 by the text of Bill No. 6727.1. Alderman Boulton seconded.

Motion passed unanimously on a voice vote.

Motion made by Alderman Berkowitz to amend Bill No. 6727.1 by adding “c. Retail” under Section 410.860 as a permitted use. Alderman Boulton seconded.

Motion passed unanimously on a voice vote.

Alderman Winings introduced Bill No. 6727.1 as amended, to approve an amendment to Chapter 410 to allow for an Entertainment Overlay District to be read for the second time by title only. Alderman Boulton seconded.

City Attorney O’Keefe reads Bill No. 6727, second reading as amended, An Ordinance Amending Title IV “Land Use”, Chapter 410 (Overlay and Urban Design Zoning Districts) of the Municipal Code of the City of Clayton, Missouri, Adding Article XV “Entertainment Overlay District” and Other Actions Related Thereto by title only.

The motion passed on a roll call vote: Alderman Winings – Aye; Alderman Boulton – Aye; Alderman Berkowitz – Aye; Alderman McAndrew – Aye; and Mayor Harris – Aye. The bill, having received majority approval was adopted and became Ordinance No. 6596 of the City of Clayton.

A PUBLIC HEARING (FOR DISCUSSION ONLY) – AN ORDINANCE TO CONSIDER AMENDING TITLE IV “LAND USE”, CHAPTER 405 (ZONING REGULATIONS) OF THE MUNICIPAL CODE OF THE CITY OF CLAYTON, MISSOURI, ARTICLE X “PLANNED UNIT DEVELOPMENT DISTRICT”

Mayor Harris opens the public hearing and requested proof of publication.

City Manager Owens reported that 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.

Jane Matoesian, 119 N. Bemiston, addressed the Board wanting clarification as to the purpose and changes to the Code.

Susan Istenes clarified that the goals (provided in the Board's packet) formats the proposed changes. Primarily, staff wanted to update the Code to provide clarity and make it easier to navigate to avoid confusion on approved uses for PUDs as well as SDDs. What is essentially changed is the format in which the PUD would be approved to mimic how it's structured in the current Code for each of the zoning districts. There would be a small booklet that includes examples (building height, square foot of structures, number of dwelling units, setbacks, etc.) of various instances that is already structured in the current Code therefore there would be no changes to the process, but instead make it much easier for the applicant.

Alderman McAndrew commented that a lot of the purpose to propose the amendment seems to be to have a more identifiable place for the public and for developers to go to and see which makes it more definable.

City Attorney O'Keefe added that one of the goals was to make this more understandable for potential applicants and for the public. To also achieve a consistency in application on the part of staff and the Board so that everyone can appreciate the role, the standards, what is being reviewed, what are the criteria we want to consider, and to make sure that they are articulated well and to provide guidance for the exercise of your judgement, for the public to focus their comments on and for the applicants to focus their application.

Alderman Winings inquired as to when someone needs a CUP now, they would still need a CUP under this proposed amendment, except in the case where there is PUD (rezoned) that will permit it.

Susan Istenes noted that she will be talking with the Plan Commission at its next meeting about remove it. She said that the idea behind the CUP and the elimination of that is basically to say when I'm rezoning to a PUD I'm going to identify all of the uses that are permissible and that's going to be by cross-reference to an underlying zoning district. Within that underlying zoning district there may also be uses that are allowable with the approval of a CUP. Rather than go through the second exercise of having to do a CUP after the PUD has been established they would look at the conditional uses that would be allowable in that PUD and review them against the CUP criteria that is currently in the Code and do an evaluation at the time of the PUD approval.

Alderman Boulton commented that the permitted conditions would still be derived from the underlying zoning and therefore they would still have to go back to that. She would advocate that staff continue doing what we are currently doing so that you can keep going back to the "roots" of where you are which is important.

Alderman Boulton stated that in the purposes they talked about historic preservation, but we didn't make it one of the public benefits and requested to add it.

Alderman Boulton noted that she likes what was added (public benefits) which would have been helpful when she was the representative on the Plan Commission.

Alderman Berkowitz commented that it seems that you are saying that greater public housing density would be considered a public benefit which he feels that this statement was not intended.

Susan Istenes confirmed that it was intended. Planning practice in theory is based around the desire to have the most efficient government services possible while preserving and enhancing environmental features and addressing environmental concerns.

Kathy Beilein, 108 N. Bemiston Avenue, addressed the Board with concerns that the new regulations will allow for more density, more height, or a different kind of product in the area of Hanley to Brentwood.

Susan Istenes confirmed that each PUD would come before the Board on a case by case basis and will have unique development standards on what is being proposed. Those standards would be compared (just like they are now) to the public benefits which are listed in the proposed draft ordinance.

Mayor Harris closed the public hearing.

(FOR DISCUSSION ONLY) AN ORDINANCE TO CONSIDER AMENDING CHAPTER 225 OF THE CLAYTON MUNICIPAL CODE TO PROHIBIT HOUSING DISCRIMINATION ON THE BASIS OF A PERSON'S SOURCE OF INCOME

City Manager Owens reported that this is a draft ordinance for discussion only being presented as one of many ways that can help support more inclusive housing options.

Alderman Berkowitz referenced *Section 225.010, Section 225.010, Purposes of Chapter, (3) To provide a City Commission on Human Rights which is dedicated to the elimination of discriminatory practices made unlawful by Article II of this Chapter* for clarification.

Mayor Harris explained that this currently exists in our ordinances.

Joe Wotka, 640 W. Polo, owns several rental properties in Clayton, addressed the Board with concerns of the wording "...a dangerous and inappropriate potential for landlords..." which feels it is demeaning to landlords and does not portray a good picture of Clayton. He feels that this language should not have been incorporated.

City Manager Owens stated that no intent was made to demean, and staff will review and make changes to reflect it positively.

Fran Berger, 200 S. Brentwood Boulevard, addressed the Board stating that she doesn't understand what this is all about, anyone can move here regardless of who they are or where they come from. Clayton has done amazing things, but to make this a part of its record is "fighting" some of their landlords.

Mayor Harris assured everyone that the City is only adding language to provide assurance, which is probably already done in practices and to align Clayton with regional efforts in terms of segregation stating up front that we believe in equity.

City Manager Owens provided a handout to the Board that shows the published St. Louis County 2019 HUD rate against the current rental rates in Clayton.

Mayor Harris commented that Clayton wants to be a leader in the region, and we can set a good example by continuing to be a leader.

In response to Alderman McAndrew's question regarding the advantages, City Manager Owens stated that there were several reports that talked about the segregation in St. Louis and regionally we are going through a process to be better and this is one of the proposed solutions out of the report, "*Segregation in St. Louis: Dismantling the Divide*" which is creating the discussion and some of the equal housing efforts that are being made in the region are promoting this and other things. The School District is talking about how to get more affordable housing options so that we can have a more diverse community in that way.

City Manager Owens stated that there is no decision to be made tonight and that staff will take Mr. Wotka's comments into consideration and put it in a positive framework.

Alderman Winings pointed out in the proposed ordinance. that the first whereas clause is right on target and captures what we are trying to do, in the second whereas clause he feels does cast a negative aspersion.

Motion made by Alderman Winings to table Bill No. 6733 until staff brings it back to the Board. Alderman Boulton seconded.

The motion passed unanimously by voice vote.

Other

Alderman Winings reported that the CRSWC met and approved the additional expenditures for The Center of Clayton.

Alderman McAndrew complimented Patty DeForrest and staff on getting the pool ready and opened for the season.

Mayor Harris reported that the Chapman Fountain is flowing blue in recognition of the St. Louis Blues are in the finals for the Stanley Cup.

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 Berkowitz seconded the motion.

The motion passed on a roll call vote: Alderman Winings – Aye; Alderman Boulton – Aye; Alderman Berkowitz – Aye; Alderman McAndrew – Aye; and Mayor Harris – Aye.

There being no further regular business the meeting adjourned at 8:10 p.m.

Mayor

ATTEST:

City Clerk