

## MINUTES

### CITY PLAN COMMISSION/ARCHITECTURAL REVIEW BOARD

SEPTEMBER 19, 2016

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

Present:

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

Absent:

Ron Reim

Also in Attendance:

Kevin O'Keefe, City Attorney  
Susan M. Istenes, AICP, Planning Director  
Louis Clayton, AICP, Planner

Chairman Steve Lichtenfeld welcomed everyone to the meeting. He then asked that all cell phones be turned off and that conversations take place outside the meeting room.

## MINUTES

The minutes and transcription of the September 6, 2016 meeting was presented for approval. The minutes and transcription were approved after having been previously forwarded to each member.

### ARCHITECTURAL REVIEW – DRIVEWAY REPLACEMENT – 715 GLENRIDGE

Jeri Crotzer, property owner, was in attendance at the meeting.

Director Istenes explained that the applicant proposes to replace the existing driveway, which is on the Buckingham Drive side, with asphalt. She noted that with respect to driveways, the City's Architectural Review Board Guidelines read as follows:

*To eliminate the appearance of "a sea of concrete", the driveway should be exposed aggregate, brick pavers or stamped concrete. Aprons are to be constructed to the Department of Public Works standards.*

Asphalt is not a permissible material for driveways. Since the adoption of the Architectural Review Board Guidelines in 1996, the city has required new driveways to be constructed of exposed aggregate, brick pavers, or stamped concrete; however, in the not so recent past, the Planning Department had permitted asphalt and other non-conforming driveways to be replaced with the same material as long as the driveway was not being relocated or increased in size. Approximately 3 years ago, after reviewing the driveway/retaining wall replacement practice, it was determined that driveways and retaining walls that were non-conforming to the Architectural Review Board Guidelines, upon reconstruction, widening or extension, could only be replaced in conformance with the architectural standards in place at the time. This is consistent with the non-conforming provisions of the Zoning Regulations which serve to eliminate non-conforming situations over time, taking advantage of the opportunity to bring them up to adopted standards when they are changed to a significant degree. To allow the continuous replacement of a non-conforming driveway would only serve to perpetuate the existence of an undesirable single family residential driveway surface theoretically forever, or until a property owner voluntarily brings the surface up to current standards. Existing non-conforming driveways may be repaired and maintained without being required to upgrade to an approved material. Director Istenes stated that to preserve and enhance the visual appeal of the City's residential neighborhoods, staff is of the opinion that when replaced, non-conforming asphalt driveways should be constructed with an approved material and therefore, recommends denial of the request.

Ms. Crotzer introduced herself to the members and asked that they be allowed to install asphalt; noting that 17 of the 19 driveways off Buckingham are asphalt and only two on her street are not asphalt. She added that the property across the street has an asphalt driveway as does the condominium next door. She stated that they are proposing a total excavation of the existing material and all new asphalt. She stated the cost of using exposed aggregate or pavers is substantially greater and concrete is about twice the cost. She informed the members that their driveway is almost invisible from the street (Glenridge) and that it can barely be seen from Buckingham. She asked if anyone had any questions.

William Lieberman indicated that he had driven by the property and agreed that there are asphalt driveways everywhere and that her driveway can barely be seen from the street.

Josh Corson agreed and stated that other driveways are much more visible.

Ms. Crotzer stated that she knows variances were made previously and that permits are not required. She respectfully requested approval.

Chairman Lichtenfeld stated that he, too, had difficulty finding their driveway.

Scott Wilson asked if the exceptions the applicant was referring to were made after the new ruling pertaining to materials.

Louis Clayton indicated that one the applicant referenced is on Wydown and the others were requested and granted by the Board after the work was already completed

Scott Wilson asked for confirmation that if the driveway were to be patched or overlaid, there would be no need for this Board's review.

Louis Clayton confirmed.

Scott Wilson asked under what circumstances approved materials are required.

Director Istenes referred to new construction. She stated that even though there is no permit required for driveway replacement, there are material standards in place. She added that this is not an uncommon request and that if the Board prefers, the standards could be revised.

Ms. Crotzer commented that it could take a century to get conformity city-wide.

Joanne Boulton stated that she would like to see all asphalt gone. She asked if plain concrete is acceptable.

Director Istenes replied "no; not without treatments".

Ms. Crotzer reiterated that concrete is twice the cost of asphalt and exposed aggregate is even more than that.

Josh Corson asked Ms. Crotzer if they would do the project if their request is denied.

Ms. Crotzer replied "no".

Chairman Lichtenfeld commented that he likes the similarity and that their decision (the ARB's) cannot be based solely on cost, although he does agree with the statement that concrete and exposed aggregate is much more expensive. He stated that asphalt in this case fits in on the street and he is okay with it.

Rick Bliss, Clayton resident, commented that the rules seem a bit "fuzzy" as the ARB Guidelines state the desire to avoid a "sea of concrete" yet stamped concrete is acceptable. He asked how the City defines a "repair", noting that he has no immediate plans to do anything with his asphalt driveway, but will in the future.

Louis Clayton referred to a brochure the Planning Department prepared over the summer that describes what a repair means, noting that if the subgrade is disturbed, that's considered a replacement; however, a thin overlay or patch repair is fine.

Rick Bliss asked if that information is on the City's website.

Louis Clayton replied "yes".

Scott Wilson questioned where the line gets drawn; he agreed the driveway can't be seen. He stated that the decision would be easier if the driveway was off Glenridge and not Buckingham.

Chairman Lichtenfeld stated that may be true; the decision may have been easier. He reiterated that cost is not a factor of consideration by this Board.

Craig Owens noted that here is an applicant coming before us (the ARB) before the project is completed rather than afterwards. He stated that this same discussion took place in 1996 and the ARB had no issue with asphalt; however, there are guidelines in place.

Hearing no further questions or comments, William Lieberman made a motion to approve the driveway as requested (asphalt); the motion was seconded by Josh Corson and received the following vote: Ayes: Chairman Lichtenfeld, Josh Corson, William Lieberman & Scott Wilson; Nays: Craig Owens and Joanne Boulton.

Motion carried; application is approved.

#### ARCHITECTURAL REVIEW – FENCE - #3 CARRSWOLD DRIVE

Scott Wilson (property owner) recused himself and presented the application/request to the Board. He did not vote on this matter.

Susan Istenes explained that the applicant proposes to install an 8.5-foot tall cypress fence behind an existing accessory building to screen and mitigate the noise created by existing mechanical equipment. Director Istenes noted that height limitations of fences, walls and screens (except when located in front yards in residential districts) are addressed in the Building Code. For residential properties, fence height is limited to 6 feet; however, up to eight feet is permitted if the top two feet are lattice or if the property abuts a commercial property. For this project, the allowable fence height is 6 feet unless otherwise approved by the Architectural Review Board. Staff is of the opinion that the proposed fence will be constructed of high quality materials and that the existing mature vegetation between the fence and the adjacent property will mitigate any potential visual impacts and recommends approval as submitted.

Mr. Wilson stated that he was here 10 years ago for the renovation of his pool house and that all the fans on the 20 ton chiller behind the pool house run on hot days. He added that the decibel level at

the property line is 63; with a normal decibel level during the summer at about 47. He indicated that the County requires no more than 50 decibels at the property line. He indicated that he hired a sound engineer and met with his neighbor and they've come up with a solution; this tall fence that will catch the noise of the mechanical equipment. He noted that his house is an "L" shape which funnels and amplifies noise levels. He stated that he does not believe anyone will see this fence, especially during the summer. He informed the members that his neighbor is happy with the proposal.

Joanne Boulton mentioned that her neighbor's AC unit is loud and it is right outside her bedroom window.

Chairman Lichtenfeld commented that having lattice on top of this fence would defeat its purpose. He noted that the fence looks good.

William Lieberman stated that cypress is a nice material.

Hearing no further questions or comments and hearing none from the audience, Joanne Boulton made a motion to approve as submitted. The motion was seconded by Craig Owens and unanimously approved by the Board.

CONDITIONAL USE PERMIT – RESTAURANT EXPANSION – LOUIE'S WINE DIVE –  
14/16 SOUTH BEMISTON AVENUE

Ben VinZant, restaurant owner, was in attendance at the meeting.

Susan Istenes explained that the applicant is proposing an amendment to the Conditional Use Permit to allow the expansion of Louie's Wine Dive into the adjacent tenant space at 14 South Bemiston Avenue, which would result in an additional 1,061 square feet (for a total of approximately 3,531 square feet) and 44 seats (for a total of 123). The hours of operation and all other aspects of the restaurant remain the same. Because the restaurant would be larger than 3,000 square feet and not located in a mixed-use building, off-street parking is required based on the ratio of three parking spaces for every five seats on a pro-rated percentage for all square footage in excess of 3,000 gross square feet. Based on the size and number of seats proposed, 7 parking spaces are required on-site or within 500 feet. No off-street parking spaces are proposed. According to the applicant, there are no available parking spaces for lease in the immediate vicinity. Section 405.3620.17 of the Off-Street Parking and Loading Regulations permits the Board of Alderman to waive or modify the number of required parking spaces through the conditional use process. Director Istenes continued by stating that staff is of the option that the proposed expansion will have minimal impact on adjacent properties and supports waiving the requirement for the seven off-street parking spaces as staff is of the opinion that the combination of nearby on-street and off-street public parking spaces are sufficient to meet any additional parking demands associated with the proposed expansion and therefore, recommends approval as requested.

Chairman Lichtenfeld commented that he understands the parking issue; he questions how the new space will connect with the existing space.

Mr. VinZant explained that it connects at the south behind the jewelry store and that there is a separate entrance to the east. He added that he hopes to make this a private dining area and they plan to wall in the kitchen to provide a service entrance.

Scott Wilson asked if this is the same restaurant this Board recently approved a platform for outdoor dining.

Chairman Lichtenfeld replied “yes”.

Hearing no further questions or comments, Josh Corson made a motion to recommend approval of the amendment to the conditional use permit to the Board of Aldermen as requested. The motion was seconded by Joanne Boulton and unanimously approved by the members.

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Josh Corson stated that with regard to the driveway regulations, he fears that people will only make repairs to them and not replace them.

Susan Istenes indicated that the plan is for the ARB Guidelines to be reviewed and codified; however, with the Centene project and other projects this has been put on hold for now. She stated that the driveway material issue is certainly up for discussion.

Chairman Lichtenfeld asked that this move forward as soon as possible.

Susan Istenes announced that Louis [Clayton] is leaving us. He will be working for Lake St. Louis as their Community Development Director and that tonight is his last meeting. She then informed the members that she just received two planning-related books and offered to lend them to the members to read.

Joanne Boulton asked when Centene would be coming back to this Board.

Louis Clayton stated that the earliest this Board would see Centene (Subdistrict 1) would be October 17<sup>th</sup>.

Chairman Lichtenfeld thanked Louis for his service to the City.

The members were reminded that the October 3<sup>rd</sup> regularly scheduled meeting has been cancelled and that the next meeting is October 17<sup>th</sup>.

Having no further business before this Commission this evening, the meeting adjourned at 6:18 p.m.

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Recording Secretary