

NOTE: THE BOARD OF ALDERMEN MEETING WILL BE HELD IN-PERSON AND VIRTUALLY VIA ZOOM (link is below).

Please note, individuals may attend in-person or virtually via Zoom. Doors will open 30 minutes prior to the start of each meeting. Due to the ongoing pandemic, occupancy will be limited to 25 attendees per meeting to accommodate social distancing. While masks are recommended, proof of vaccination will be required for individuals who wish not to wear a mask. Failure to provide proof of vaccination will require a mask to be worn while in City Hall.

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Webinar ID: 889 5929 9236

International numbers available: <https://us02web.zoom.us/j/88959299236>

Persons interested in making their views known on any matter on the agenda should send an email with their comments to the City Clerk at jfrazier@claytonmo.gov. All comments received will be distributed to the entire Board before the meeting.

**CITY OF CLAYTON BOARD OF ALDERMEN
EXECUTIVE SESSION – 6:00 P.M.
TUESDAY, MAY 24, 2022
CLAYTON, MO 63105**

1. Legal issues and negotiation (pursuant to Sections 610.021(1), (9) RSMO

Subject to a motion duly made in open session and a roll call vote pursuant to Section 610.022 the Board of Aldermen may also hold a closed meeting, with a closed vote and record for one or more of the reasons as authorized by Section 610.021(1), (2) and (3) Revised Statutes of Missouri, relating to legal issues, real estate and/or personnel, negotiation of a contract pursuant to Section 610.021(12) RSMO., proprietary information pursuant to Section 610.021(15), and/or information related to public safety and security measures pursuant to Section 610.021(18) and (19) RSMO.

**CITY OF CLAYTON BOARD OF ALDERMEN
TUESDAY, MAY 24, 2022
CITY HALL, 10 N. BEMISTON AVENUE
CLAYTON, MO 63105
7:00 P.M.**

ROLL CALL

MINUTES – May 10, 2022

PUBLIC REQUESTS & PETITIONS

RECOGNITIONS & AWARDS

1. Mayor's Youth Advisory Committee (MYAC)

PUBLIC HEARING

1. Ordinance – Rezoning and a Planned Unit Development (PUD) for 8220-8260 Forsyth Boulevard for a new mixed-use development. (Bill No. 6901)
2. Ordinance – A Lot Consolidation Plat for 8220-8260 Forsyth Boulevard. (Bill No. 6902)

CITY MANAGER REPORT

1. Motion – Liquor license for Posh Nosh, LLC located at 8115 Maryland Avenue.
2. Motion – Appointment of members to the Boards and Commissions.
3. Motion – Aldermanic assignments to the Boards and Commissions.

ADJOURNMENT

Subject to a motion duly made in open session and a roll call vote pursuant to Section 610.022 the Board of Aldermen may also hold a closed meeting, with a closed vote and record for one or more of the reasons as authorized by Section 610.021(1), (2) and (3) Revised Statutes of Missouri, relating to legal issues, real estate and/or personnel, negotiation of a contract pursuant to Section 610.021 (9)(12) RSMO., proprietary information pursuant to Section 610.021(15), and/or information related to public safety and security measures pursuant to Section 610.021(18) and (19) RSMO.

THE CITY OF CLAYTON

Board of Aldermen
Virtual Zoom Meeting
May 10, 2022
7:09 p.m.

Minutes

The meeting was open to individuals to attend in-person and/or virtually via Zoom.

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

In-person: Aldermen: Rich Lintz, Bridget McAndrew, Susan Buse, Becky Patel, Gary Feder, Mayor Harris, City Manager Gipson, and City Attorney O'Keefe.

Virtually: Aldermen Ira Berkowitz.

Motion made by Alderman McAndrew to approve the April 26, 2022 (1st & 2nd meeting), minutes. Alderman Berkowitz seconded.

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

PUBLIC REQUESTS AND PETITIONS

None

A PRESENTATION ON THE FIRE DEPARTMENT EMERGENCY MEDICAL SERVICES

Fire Chief Ernie Rhodes, Fire Medical Director Dr. David Tan, and Fire Lieutenant John Herr provided the Board with a PowerPoint© presentation on the emergency medical services.

AN ORDINANCE TO CONSIDER APPROVING AN AMENDMENT TO TABLE III-A OF THE PARKING REGULATIONS IN TITLE III OF THE CLAYTON CITY CODE

City Manager Gipson reported that the proposed ordinance amends the Title III Traffic Code by revising the parking restrictions to match current schedules for residential leaf collection and street sweeping.

Matt Malick, Director of Public Works, was in attendance to answer questions.

Alderman Lintz introduced Bill No. 6898, to approve an amendment to Table III-A, Parking Regulations to be read for the first time by title only. Alderman Berkowitz seconded.

City Attorney O'Keefe reads Bill No. 6898, first reading, an Ordinance Amending Table III-a of the Parking Regulations in Title III of the Clayton City Code by title only.

The motion passed unanimously on a voice vote.

Motion made by Alderman Lintz that the Board give unanimous consent to consideration for adoption of Bill No. 6898 on the day of its introduction. Alderman Berkowitz seconded.

The motion passed unanimously on a voice vote.

Alderman Lintz introduced Bill No. 6898, to approve an amendment to Table III-A, Parking Regulations to be read for the second time by title only. Alderman Berkowitz seconded.

City Attorney O’Keefe reads Bill No. 6898, first reading, an Ordinance Amending Table III-A of the Parking Regulations in Title III of the Clayton City Code by title only.

The motion passed on a roll call vote: Alderman Lintz – Aye; Alderman Berkowitz – Aye; Alderman McAndrew – Aye; Alderman Buse – Aye; Alderman Patel – Aye; Alderman Feder – Aye; and Mayor Harris – Aye. The bill, having received majority approval was adopted and became Ordinance No. 6757 of the City of Clayton.

AN ORDINANCE TO CONSIDER APPROVING A FUNDING AGREEMENT WITH CRG ACQUISITION, LLC (CRG)

City Manager Gipson reported that CRG has informed the City of its intention to consolidate and redevelop the properties located at 61 Topton Way, 8300 Maryland Avenue, and 8400 Maryland Avenue. The site is currently owned and is the headquarters for Caleres. The proposed development includes office, hotel, commercial, and residential uses.

To offset a portion of the anticipated project costs, CRG is requesting the use of economic development incentives. The request is limited in scope to sales/use tax exemption and the creation of certain special taxing districts such as a Transportation Development District and a Community Improvement District. Real property tax abatement is not being requested. Staff is requesting CRG enter into a funding agreement to pay certain preliminary start-up costs in connection with the City’s consideration of establishing the proposed redevelopment area and economic development incentives. If the initial funds are depleted before execution of a redevelopment agreement, the developer must deposit additional funds with the City.

Doug Rasmussen, Jeff Tegethoff, Jon Grander, Margaret Riter, of Steadfast City, were in attendance (virtually) to answer questions.

Elizabeth Green, #1 Brighton Way, addressed the Board with concerns regarding the City’s financial obligation (and/or loss) as it relates to this specific development.

City Attorney O’Keefe explained that the funding agreement is intended for the developer to pay certain preliminary start-up costs in connection with the City’s consideration of establishing the redevelopment area and economic development incentives. If the initial funds are depleted before execution of a redevelopment agreement, the developer must deposit additional funds with the City. Therefore, the City will not incur any financial obligation as specified in the funding agreement as it relates to this proposed development.

Alderman Lintz introduced Bill No. 6899, to approve a preliminary funding agreement for CRG Acquisitions LLC to be read for the first time by title only. Alderman Berkowitz seconded.

City Attorney O’Keefe reads Bill No. 6899, first reading, an Ordinance Authorizing the City Manager to Execute a Funding Agreement with CRG Acquisition, LLC in Connection with a Proposed Redevelopment Project at 61 Topton Way, 8300 Maryland Avenue, and 8400 Maryland Avenue by title only.

The motion passed unanimously on a voice vote.

Motion made by Alderman Lintz that the Board give unanimous consent to consideration for adoption of Bill No. 6899 on the day of its introduction. Alderman Berkowitz seconded.

The motion passed unanimously on a voice vote.

Alderman Lintz introduced Bill No. 6899, to approve a preliminary funding agreement for CRG Acquisitions LLC to be read for the second time by title only. Alderman Berkowitz seconded.

City Attorney O’Keefe reads Bill No. 6899, second reading, an Ordinance Authorizing the City Manager to Execute a Funding Agreement with CRG Acquisition, LLC in Connection with a Proposed Redevelopment Project at 61 Topton Way, 8300 Maryland Avenue, and 8400 Maryland Avenue by title only.

The motion passed on a roll call vote: Alderman Lintz – Aye; Alderman Berkowitz – Aye; Alderman McAndrew – Aye; Alderman Buse – Aye; Alderman Patel – Aye; Alderman Feder – Aye; and Mayor Harris – Aye. The bill, having received majority approval was adopted and became Ordinance No. 6758 of the City of Clayton.

AN ORDINANCE TO CONSIDER APPROVING A 2ND QUARTER AMENDMENT TO THE FISCAL YEAR 2022 BUDGET

Karen Dilber, Director of Finance, reported that as part of the quarterly budget review, staff is presenting for consideration the second amendment to the Fiscal Year 2022 (FY22) budget. The amendment consists of additional grant revenues in the Capital Improvement Fund, and expenditures relating to capital projects that were delayed from Fiscal Year 2021 (FY21).

Alderman Lintz introduced Bill No. 6900, to approve the FY22 2nd Quarter budget amendment to be read for the first time by title only. Alderman Berkowitz seconded.

City Attorney O’Keefe reads Bill No. 6900, first reading, an Ordinance Amending the Fiscal Year 2022 Budget and Appropriating Funds Pursuant Thereto by title only.

The motion passed unanimously on a voice vote.

Motion made by Alderman Lintz that the Board give unanimous consent to consideration for adoption of Bill No. 6900 on the day of its introduction. Alderman Berkowitz seconded.

The motion passed unanimously on a voice vote.

Alderman Lintz introduced Bill No. 6900, to approve the FY22 2nd Quarter budget amendment to be read for the second time by title only. Alderman Berkowitz seconded.

City Attorney O’Keefe reads Bill No. 6900, second reading, an Ordinance Amending the Fiscal Year 2022 Budget and Appropriating Funds Pursuant Thereto by title only.

The motion passed on a roll call vote: Alderman Lintz – Aye; Alderman Berkowitz – Aye; Alderman McAndrew – Aye; Alderman Buse – Aye; Alderman Patel – Aye; Alderman Feder – Aye; and Mayor Harris – Aye. The bill, having received majority approval was adopted and became Ordinance No. 6759 of the City of Clayton.

FISCAL YEAR 2022 2ND QUARTER FINANCIAL REPORT

Karen Dilber, Director of Finance, provided the Board with a summary of the FY2022 2nd Quarter Financial Report.

OTHER

Alderman Lintz provided an update on the following:

- UERF and NUERF Pension Boards – the gains achieved last year are now lost due to inflation.
- Sustainability Committee – special meeting was held last week held due to a lack of a quorum of its April meeting.

Alderman Berkowitz provided an update on the following:

- Plan Commission/ARB – reviewed the Forsyth Boulevard project (42 unit condominiums) mixed use development.

Alderman McAndrew provided an update on the following:

- Parks & Recreation Commission
 - Oak Knoll Park - pond project is delayed.
 - Maryland Park – the bids received came in at approximately \$180,000 over budget.
 - Dog Park – anticipating a June opening
- CRSWC Finance
 - Discussion on possibility of increasing fees; employee salaries
 - Experiencing an increase in membership due to Wellbridge closing

Alderman Buse provided an update on the following:

- Parks & Recreation Commission
 - Oak Knoll - discussion on placing a cover on the north pad due to increased usage
 - Pickleball – lots of interest
- Clayton community Foundation
 - “All That Glitters” – nice event.

Alderman Feder provided an update on the following:

- Plan Commission/ARB – attended the meeting to hear of the Forsyth project.

Mayor Harris provided an update on the following:

- Clarendale Clayton – attended a ribbon cutting event.

Motion made by Alderman Lintz to adjourn the meeting. Alderman Patel seconded.

The motion passed unanimously on a voice vote.

There being no further business the meeting adjourned at 8:14 p.m.

DRAFT



City Manager
10 N. Bemiston Avenue
Clayton, MO 63105

REQUEST FOR BOARD ACTION

TO: MAYOR HARRIS; BOARD OF ALDERMEN

FROM: DAVID GIPSON, CITY MANAGER
ANNA KRANE, AICP, DIRECTOR OF PLANNING & DEV. SERVICES

DATE: MAY 24, 2022

SUBJECT: PUBLIC HEARING & ORDINANCES – REZONING, A PLANNED UNIT DEVELOPMENT & A SUBDIVISION PLAT (LOT CONSOLIDATION) FOR 8220 – 8260 FORSYTH BOULEVARD.

BACKGROUND

This request is for a public hearing to solicit input regarding the rezoning and related Planned Unit Development for a proposed mixed-use development. The rezoning, Planned Unit Development, and Subdivision Plat are being addressed together in this report, though the plat and the land use elements entail separate ordinances on the Board's agenda. The project received Architectural Review Board approval and Site Plan, Lot Consolidation, Rezoning and Development Plan approval by the Plan Commission on May 2, 2022.

The 50,063 square foot site includes two parcels located southwest of the intersection of Maryland Avenue and Forsyth Boulevard, adjacent to the Straub's building. The properties have a zoning designation of C-1 Neighborhood Commercial District, with the northern parcel also being located in the Maryland Gateway Downtown Overlay District. The site is currently improved with one- and two-story buildings and a surface parking lot. Adjacent land uses include retail, office, and residential.

REZONING & LOT CONSOLIDATION

Planned Unit Developments are a distinct zoning district and therefore, an application to rezone the subject property from C-1 and Maryland Gateway Downtown Overlay District to a Planned Unit Development District (PUD) was filed by the developer. The developer also filed a Subdivision Plat for the consolidation of two lots into one lot to allow for the development of the proposed mixed-use building.

PROJECT DESCRIPTION

The proposed project consists of the demolition of the existing buildings and surface parking lot and the construction of a four-story, 42-unit condominium building with a 1,025 square foot retail space on the ground floor. Off-street parking is provided via 84 spaces in the basement of the building. The building will total 108,130 square feet (excluding parking), and 144,580 square feet including parking. The height of the new structure as measured from the average existing grade to the top of the flat roof is 53 feet and 9 inches.

Access to the parking garage is proposed from Forsyth Boulevard, at the southeastern corner of the site. Pedestrian access is provided from the public sidewalk on Forsyth Boulevard at the northeast corner of the property. A loading dock is proposed along the northern property line, along with the proposed location of the transformer. City standard streetscape will be installed along the project limits on Forsyth Boulevard.

PLANNED UNIT DEVELOPMENT & PUBLIC BENEFITS

The project seeks relief from certain development standards that are set forth in the current zoning district (C-1) and other requirements of the Maryland Gateway Downtown Overlay District. A PUD must provide public benefits to the surrounding neighborhoods and to the City above and beyond what can be reasonably achieved by application of the zoning provisions applicable to the original zoning district. The Board of Aldermen may approve alternatives to the zoning regulations, subdivision regulations, or design standards applicable to the property proposed to be rezoned to a PUD, in exchange for developer provided public benefits, as authorized in Section 405.1380. Section 405.1380(B)(1-15) characterizes those public benefits that are considered approximate examples of benefits and Table 405.1390.1 assigns each listed benefit a maximum point value. All PUDs shall provide at least one (1) public benefit or combination of public benefits that total at least ten (10) points beyond those additional points required for any desired code alternatives, even if no code alternative is requested. Public benefits are not limited to those outlined in Section 405.1380(B)(1-15), and a developer may proposed different public benefits in their application for PUD rezoning per 405.1380(B)(16). The following table represents the developer requested code alternatives that will require a waiver from City regulations or standards. **For this project a minimum of 20 points must be obtained.**

Requested Code Alternatives requiring a Waiver

Development Standard	Requirement	Proposed	Waiver Required	Points Required
<i>Ten points required for all PUD projects.</i>				10
Height (C-1)	3 stories, not to exceed 35 ft above grade	4 stories, 53 ft 9 in above grade	Yes	5
Front yard setback (C-1)	Maintain the average of existing structures along the street frontage	Align with the front setback of the adjacent building to the south (Bank of America) but not with building to north (Straub's)	Yes	5
TOTAL				20

The applicant also requested a modification of the setback required by the Maryland Gateway Overlay District, per Section 410.815. The Plan Commission has the authority to modify or remove the setback requirement for the proposed building outside of the PUD process. Based on characteristics of the site and surrounding area, the Plan Commission voted not to require a setback, therefore, the applicant is not required to provide public benefits for a setback waiver through the PUD process.

POINTS TABLE PER REQUESTED CODE ALTERNATIVES						
CODE SECTION	CODE STANDARD	PUBLIC BENEFIT	PTS SCALE	REQUESTED PTS	STAFF PTS	PC PTS
405.1380(B)(1)	Constructing buildings exhibiting Architectural distinction and significance that would make the development unique.	The design of the building exhibits architectural distinction and significance that makes the development unique.	0-5	5	4	3
405.1380(B)(3)	Provision of new or enhanced public infrastructure, greater than the minimum code requirements, including, but not limited to, the establishment of on-site common areas (exclusive of yards as defined herein), streets, curbs, sidewalks, sanitary sewers, stormwater sewers, landscape buffers, lighting.	Provision of a landscape buffer along the rear of the building; providing enhanced front yard landscaping; and providing a raingarden in the front of the building.	0-2 per enhancement	6	5	4.42
405.1380(B)(5)(a — h)	Sustainable Building Design and Construction.	The development will comply with LEED silver requirements.	0-1 per standard	1	1	1
405.1380(B)(6)	Projects which provide and protect green infrastructure such as planned and managed networks of open spaces (including parks) and features that use natural means such as vegetation to capture, store and infiltrate stormwater runoff (including bioswales, green roofs, and rain gardens).	Provision of a bioswale in the rear yard and a blue roof on top of the building.	0-5	3	4	4.14
405.1380(B)(10)	Inclusion of a below grade parking facility which meets the parking requirements for the project.	100% of the required parking for the development will be located below grade.	0-5	5	5	4.8
405.1380(B)(12)	A significant form of public art in any media that has been planned and executed with the intention of being staged on private property, outside and which is accessible to the public.	Public art will be provided in front of the building along Forsyth Blvd.	0-5	5	3	3
<u>TOTAL</u>				25	22	20.36

Point analysis, for those items that were awarded points by the Plan Commission and includes Plan Commission comments from the May 2 meeting:

- 1) **405.1380(B)(1):** *Constructing buildings exhibiting Architectural distinction and significance that would make the development unique.*

Applicant response: The design of the building exhibits architectural distinction and significance that makes the development unique.

Staff Analysis: The proposed architecture uses high-quality building materials of brick and cast stone, which complement the surrounding properties. The east (front) façade of the building aligns with the curve of Forsyth Boulevard which provides a more pleasing experience for pedestrians following the natural alignment of the sidewalk. The proposed building retains characteristics of the existing mid-century modern building by incorporating architectural cast stone panels with a slight flair around the glazed curtain wall entry.

Plan Commission comments: Plan Commission agrees with the staff analysis, however, felt that the design was not exceptional enough to warrant full points.

- 2) **405.1380(B)(3):** *Provision of new or enhanced public infrastructure, greater than the minimum code requirements, including, but not limited to, the establishment of on-site common areas (exclusive of yards as defined herein), streets, curbs, sidewalks, sanitary sewers, stormwater sewers, landscape buffers, lighting.*

Applicant response: We will be providing a landscape buffer along the rear of the building; providing enhanced front yard landscaping; and providing a rain garden in the front of the building.

Staff Analysis: Staff concurs with the allotment of 2 points per enhancement, with the exception of the front yard landscaping. The landscape buffer will provide visual relief of the long façade along the west property line, adjacent to an existing condominium building, and the rain garden provides interest along the front elevation. However, the front yard landscaping requires some modifications to meet the threshold for 2 points. More trees are needed at the southeast corner of the site to transition from the streetscape to the architecture and the residential scale with privacy at the bedroom windows should be kept in mind. Additionally, the design of the site near the front door needs refinement and coordination with the architecture. The footprint at the front door does not reflect the “picture frame” expression shown in the renderings, and the site stair and planter layout appear arbitrary and not coordinated cohesively into the architectural design.

Plan Commission response: The Plan Commission generally agrees with staff's analysis, expressing that the front yard landscaping and use of hybrid species of trees did not warrant the full allotment of points per enhancement.

- 3) **405.1380(B)(5)(a — h):** *Sustainable Building Design and Construction.*

Applicant response: The development will comply with LEED silver requirements.

Staff Analysis: Staff concurs with the allotment of one point for complying with LEED silver requirements.

Plan Commission response: Agrees with staff analysis and points awarded.

- 4) **405.1380(B)(6):** *Projects which provide and protect green infrastructure such as planned and managed networks of open spaces (including parks) and features that use natural means such as vegetation to capture, store and infiltrate stormwater runoff (including bioswales, green roofs, and rain gardens).*

Applicant response: We will be providing a bioswale in the rear yard and a blue roof on top of the building.

Staff Analysis: Staff believes that the bioswale in the rear yard, along with the blue roof on the building provide a valuable benefit in terms of stormwater mitigation. Additionally, the proposed project reduces the impervious coverage, from the existing 90.6 percent to 79.5 percent. Therefore, Staff has allotted 4 points for the provision of these features.

Plan Commission response: The Plan Commission agrees that the enhanced approach to stormwater and use of a blue roof qualifies for additional points.

- 5) **405.1380(B)(10):** *Inclusion of a below grade parking facility which meets the parking requirements for the project.*

Applicant response: 100% of the required parking for the development will be located below grade.

Staff response: Staff concurs with the applicant's allotment of 5 points for fully underground parking.

Plan Commission response: Agrees with the requested and recommended points.

- 6) **405.1380(B)(12):** *A significant form of public art in any media that has been planned and executed with the intention of being staged on private property, outside and which is accessible to the public.*

Applicant response: Public art will be provided in front of the building along Forsyth Blvd.

Staff response: The inclusion of public art along the façade most readily accessible by pedestrians is a benefit. However, the exact public art is yet to be identified. Staff is of the opinion that an allotment of the full five points for public art can only be granted when the art and artist are fully identified; furthermore, said art must be exceptional in scope and design. Without knowing this information, Staff has allotted three points for this public benefit.

Plan Commission response: Some members of the Plan Commission voiced concern over assigning points to public art without reviewing a more concrete plan. The art concept presented by the applicants included one substantial piece near the main entrance and multiple corresponding pieces along the public sidewalk. Based on this discussion, the recommendation from the Plan Commission includes a condition addressing the art concept and subsequent review of the final plan. The condition requires a final plan to be approved by the Public Art Advisory Committee and then reviewed by the Board of Aldermen to ensure it meets the standards for awarding three points.

CRITERIA FOR APPROVAL

The approval criteria are set forth in Section 405.1410 and are designed to achieve the objectives as set forth in Section 405.1360 of the Zoning Code. The Plan Commission may recommend, and the Board of Aldermen may adopt modifications to the requirements contained in Chapter 405.010 et. seq. titled Zoning Regulations as amended and Chapter 415.010 et. seq. titled Subdivision Regulations as amended, as part of its consideration and approval of a PUD. In considering and acting upon development plans, landscape plans, and other applicable plans, the Board of Aldermen shall take the following objectives into consideration through the PUD process:

Downtown Master Plan

- 1) *The proposed development is in harmony with general purposes and intent of Chapter 405 of the Municipal Code and is compatible with and implements the planning goals and objectives of the City as set forth in the City's Master Plans;*
 - >> The northern parcel is located in the Maryland Gateway as identified in the Downtown Master Plan. The vision for the Maryland Gateway is "to create a lower density mixed use district that provides an iconic gateway into Downtown Clayton while respecting the northern residential neighborhood and the civic uses to the south." The southern parcel is located in the Park View District as identified in the Downtown Master Plan. The vision for Park View is to support 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, culture and entertainment venues." The proposed mixed-use development serves as a transition between commercial uses to the north and residential uses to the west by incorporating a mix of residential and retail. Staff is of the opinion that the proposed development is consistent with the Downtown Master Plan.

Open Space and Landscaping

- 2) *The quality and quantity of public and common open space and landscaping provided are consistent with higher standards of design and amenities expected of a PUD. Common spaces are adequate in size and design to accommodate public use:*
 - >> Criteria met. The landscaping along the rear of the building provides a necessary buffer between the proposed building and the existing residential building, and additional landscaping is provided in the front yard. The impervious coverage on the lot is proposed to be reduced from its existing state.

External Circulation

- 3) *Streets, sidewalks, pedestrian ways, bike paths, off-street parking and loading as appropriate to the planned land uses are provided and meet the City of Clayton standards. They will not unduly interfere with the safety and capacity of adjacent streets, or other means of access to the site.*
 - >> Criteria met. The proposed parking, streets, access points and loading zones are appropriate to the type and extent of development proposed.

Internal Circulation

- 4) *The internal circulation system of the proposed development encourages safe movement for vehicles and pedestrians and provides public access to green areas and open space preserved on site which are designated for public use.*
 - >> Criteria met. The internal circulation system provides for safe movements of pedestrians and vehicles.

Design

- 5) *The PUD represents a more creative approach to the unified planning of development and incorporates a higher standard of integrated design and amenity than could be achieved under otherwise applicable zoning district and subdivision regulations.*
>> Criteria met. The proposed project is compatible with surrounding developments in terms of intensity of land use and makes more efficient use of land than the existing, unused office and space and vacant gas station. The project represents a redevelopment of a large portion of the Forsyth block which allows for integrated design as opposed to redevelopment of individual lots with separate buildings.

Utilities

- 6) *Existing or proposed utility services are adequate for the proposed development.*
>> Criteria met. Adequate utility services are available for the proposed development.

Buffering

- 7) *Appropriate buffering is provided to protect adjacent land uses from light, noise and visual impacts.*
>> Criteria met. Surrounding land uses are similar in nature and scale, with commercial to the north and residential to the west. A landscape buffer is provided between the proposed development and the existing condominium building to the west.

Natural Features

- 8) *The design of the project is as consistent as practical with the preservation of natural features of the site such as stands of mature trees, steep slopes, natural drainage ways, or other area of sensitive or valuable environmental character. The topography of the property is preserved to the greatest extent possible.*
>> Criteria met. The topography of the property is preserved to the greatest extent possible. While existing trees are proposed for removal, there are no large groupings of trees and landscaping is being added to the site.

Site Layout and Land Use

- 9) *The proposed site layout and uses are compatible with the neighborhood surrounding the proposed development and the City as a whole.*
>> Criteria met. The proposed layout of the site and the overall land uses are compatible with the neighborhood and the proposed development and the City as a whole. Adjacent land uses include condominiums, retail, and office.

Compliance with all other applicable codes and ordinances.

The proposed development complies with all other codes and ordinances.

Architectural Preservation

- 10) *The proposed development preserves buildings which are architecturally or historically significant or contribute to the character of the City.*
>> Criteria met. The existing site is not developed with historically significant structures.

Points

11) *The proposed development provides the required number of points to the extent outlined in Section 405.1380.*

>> Criteria met. The developer has achieved the minimum amount of points required by Code.

Public Welfare

12) *The PUD will not be detrimental to the public health, safety or general welfare.*

>> Provided the development is built in accordance with the zoning ordinance, this PUD ordinance, the approved site plan and all applicable building and safety codes, the PUD should not be detrimental to the public health, safety or general welfare.

ZONING AND MASTER PLAN

The properties have a zoning designation of C-1 Neighborhood Commercial District, with the northern parcel also being located in the Maryland Gateway Downtown Overlay District (MGD). Rezoning to a mixed-use PUD is allowed only in areas where the existing zoning designation is non-residential, the proposed building(s) totals fifty thousand (50,000) gross square feet or more and are located in overlay districts requiring PUD designation. The MGD allows for development under a PUD when the development includes ground floor retail or a public restaurant and either office, residential, public parking, or hotel uses.

A mixed-use PUD must contain a reasonable ratio of areas devoted to distinct land use categories as determined by the Board of Aldermen in the exercise of its legislative discretion. In determining the reasonableness of the areas devoted to distinct uses, the Board of Aldermen may take into account the general character of the area within which the project site is located; the overall size of the project; the configuration of the proposed building(s) and the site layout; the need for non-residential services or a category of use in the area; and other factors which the Board finds relevant to such an analysis in a given case. The first floor of any mixed-use building shall include commercial land uses with public entrances to these uses from an adjoining street; non-residential uses are also allowed on other floors of a mixed-use building.

CONCLUSION

The proposed development will revitalize underused parcels and provide a transition between land uses in the area. The MGD requires that ground floor uses be retail in nature. As development has progressed, it has been increasingly evident that a mixture of commercial and residential uses is necessary to transition between fully commercial and fully residential areas. While some amount of retail is necessary, an adequate mixture of uses in keeping with the character of the area, the configuration of the proposed building and site layout, and other factors outlined above are critical in the assessment of permitted uses. Staff is of the opinion that the permitted uses, public benefits, and design of the site and building are compatible with code and the context of the neighborhood.

STAFF RECOMMENDATION

Staff recommends the Board of Aldermen approve the rezoning and Planned Unit Development per the required development commitments set forth in the Ordinance Exhibit C, Forsyth Curve PUD Document.

Staff recommends the Board of Aldermen approve the subdivision plat with the conditions set forth in the ordinance for adoption.

BILL NO. 6901

ORDINANCE NO.

AN ORDINANCE PROVIDING FOR THE REZONING OF CERTAIN PROPERTY LOCATED AT 8220 – 8260 FORSYTH BOULEVARD FROM C-1 NEIGHBORHOOD COMMERCIAL DISTRICT AND MARYLAND GATEWAY OVERLAY DISTRICT TO A PLANNED UNIT DEVELOPMENT DISTRICT TO BE KNOWN AS THE FORSYTH CURVE PLANNED UNIT DISTRICT; PROVIDING FOR THE CHANGE IN THE ZONING MAP OF THE CITY OF CLAYTON, MISSOURI; APPROVING A PLANNED UNIT DEVELOPMENT FOR THE SUBJECT PROPERTY; AND OTHER ACTIONS RELATED THERETO

WHEREAS, Chapter 405, Article X “Planned Unit Development”, Section 405.1360 “Purpose Statement” of the City’s Land Use Code states that “Planned Unit Developments are a distinct zoning district”; and

WHEREAS, on April 11, 2022, a request for the rezoning of assembled property known as 8220 – 8260 Forsyth Boulevard (collectively, the “Site”) from C-1 Neighborhood Commercial District and Maryland Gateway Overlay District to a Planned Unit Development District was received from HDA Architects, David Kehm, and Midas Enterprises, Steve Metherd; and

WHEREAS, Midas Enterprises, (the “Developer”) submitted an application for approval of a mixed-use planned unit development plan on April 11, 2022, and revised on April 28, 2022, (the “Development Plan”) for use of the Site for development of a mixed-use structure. The structure will contain a mix of uses consisting of multi-family residential condominiums along with private parking and commercial space. The mixed-use structure contains approximately one hundred and forty-four thousand five hundred and eighty square-feet (144,580) of floor area, including 42 condominiums, 1,025 square-feet of commercial/retail space, and 82 parking spaces. Parking is provided in a below-grade, integrated parking garage. A separate delivery and loading area are also provided on Site; and

WHEREAS, on May 2, 2022, the Plan Commission recommended that the proposed rezoning and development plan be approved by the Board of Aldermen; and

WHEREAS, after notice required by law and ordinance, a Public Hearing was held before the Board of Aldermen of the City of Clayton on May 24, 2022, to consider the request and recommendation; and

WHEREAS, upon due consideration, this Board of Aldermen finds and determines that good planning practice, those elements of the City’s comprehensive plan applicable to the area in question, and the public health, safety, morals, and general welfare would be best served if the subject Site is rezoned as hereinafter provided and if the development plan referenced below is adopted as hereinafter provided.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF CLAYTON, MISSOURI, AS FOLLOWS:

Section 1. The zoning classification of the property located at 8220 – 8260 Forsyth Boulevard, more fully described in Exhibit A, attached hereto, and incorporated herein by reference, is hereby changed from C-1 Neighborhood Commercial District and Maryland Gateway Overlay District to a Planned Unit Development District.

Section 2. The zoning map described in Chapter 405, Section 405.060. “Zoning Map” of the Code of Ordinances of the City of Clayton is hereby revised to be consistent with the rezoning approved in Section 1 of this Ordinance.

Section 3. Findings and Development Plan Approval

The Development Plan dated April 28, 2022, Exhibit B* attached hereto and incorporated herein by reference and made part of this Ordinance, as submitted by the Developer, and Exhibit C, the Planned Unit Development Document are hereby approved, this Board having found and determined that the Development, as set forth in the aforesaid Development Plan and Document, furthers the following objectives as specified in Section 405.1400:

- The proposed development is in harmony with general purposes and intent of Chapter 405 of the Municipal Code and is compatible with and implements the planning goals and objectives of the City;
- Streets or other means of access to the proposed development meet City of Clayton standards and are suitable and adequate to carry anticipated traffic and will not overload the adjacent streets;
- The internal circulation system of the proposed development encourages safe movement for vehicles and pedestrians;
- Existing or proposed utility services are adequate for the proposed development;
- Appropriate buffering is provided to protect adjacent land uses from light, noise and visual impacts;
- Architecture and building materials are consistent with the design of the development and compatible with the adjacent neighborhood;
- Landscaping is appropriate with the scale of the development and consistent with any applicable City codes, ordinances, and standards.
- The proposed materials, design and uses are compatible with the neighborhood surrounding the proposed development or the City as a whole.
- The proposed development complies with all other applicable codes and ordinances.

In addition, the Board of Aldermen hereby finds and determines that the Developer has satisfied the requirements of Section 405.1380 to provide sufficient public benefits to (a) warrant approval of a planned development and (b) allow alternative standards in lieu of the two following zoning requirements which would otherwise be applicable to the subject property, to wit: the height limitation and building setback requirements of the C-1 District. The Board’s finding as to satisfaction of the requirements of Section 405.1380 is based on the Board’s determination that the Plan is entitled to the following points for the following public benefits:

Code Section	Public Benefit	Points	Comments
405.1380(B)(1)	Architectural Distinction and Significance		The design of the building exhibits architectural distinction and significance that makes the development unique.
405.1380(B)(3)	Public Infrastructure		Provision of a landscape buffer along the rear of the building; providing enhanced front yard landscaping; and providing a raingarden in the front of the building.
405.1380(B)(5)(a-h)	Sustainable Building Design and Construction		The development will comply with LEED silver requirements.
405.1380(B)(6)	Addition of Green Infrastructure		Provision of a bioswale in the rear yard and a blue roof on top of the building.
405.1380(B)(10)	Below-Grade Parking Facility		100% of the required parking for the development will be located below grade.
405.1380(B)(12)	Public Art		Public art will be provided in front of the building at the entrance and along Forsyth Blvd.

Section 4. The approval of the Development Plan by this Board of Aldermen is hereby subject to the development commitments and conditions set forth in Exhibit C, attached hereto and incorporated herein by this reference.

Section 5. Implementation

The City Manager is hereby authorized and directed to take all such actions as may be necessary and proper (or to cause the same to be taken) in order to implement the approval of the Final Development Plan authorized by this Ordinance.

Section 6. Effective Date

This Ordinance shall be in full force and effect from and after the date of its passage and adoption by the Board of Alderman.

Adopted this 24th day of May 2022.

Mayor

ATTEST:

City Clerk

Exhibit A Legal Description

Legal Description of 8230 Property

A TRACT IN U.S. SURVEY 1919, TOWNSHIP 42 NORTH, RANGE 6 EAST, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT IN THE SOUTHWESTERN LINE OF FORSYTH BOULEVARD 80 FEET WIDE AT THE MOST NORTHERN CORNER OF A TRACT OF A TRACT CONVEYED TO PHILLIPS PETROLEUM COMPANY BY DEED RECORDED IN BOOK 2906 PAGE 159 OF THE ST. LOUIS COUNTY RECORDS, THENCE SOUTH 65 DEGREES 36 MINUTES WEST ALONG THE NORTHWESTERN LINE OF TRACT CONVEYED TO PHILLIPS PETROLEUM COMPANY AS AFORESAID 130.02 FEET TO THE MOST WESTERN CORNER OF SAID PHILLIPS TRACT THENCE NORTH 28 DEGREES 15 MINUTES WEST ALONG THE NORTHEASTERN LINE OF LOTS B, C, D AND E OF PARKSIDE, A PLAT OF WHICH IS RECORDED IN PLAT BOOK 37 PAGE 44 OF THE ST. LOUIS COUNTY RECORDS, 112.03 FEET TO A POINT, THENCE NORTH 6 DEGREES 15 MINUTES WEST ALONG THE EASTERN LINE OF LOTS E, F, AND G OF SAID PARKSIDE 111.52 TO THE MOST SOUTHERN CORNER OF A TRACT CONVEYED TO GLICK REAL ESTATE COMPANY, CLAYTON OFFICE, INC., ET AL, BY DEED RECORDED IN BOOK 2847 PAGE 612 OF THE ST. LOUIS COUNTY RECORDS, THENCE NORTH 68 DEGREES 01 MINUTES EAST ALONG THE SOUTHEASTERN LINE OF SAID GLICK TRACT 159.20 FEET TO A POINT IN THE WESTERN LINE OF FORSYTH BOULEVARD, THENCE SOUTH 1 DEGREE 31 MINUTES EAST ALONG SAID WESTERN LINE OF FORSYTH BOULEVARD, 86.45 FEET TO A POINT OF CURVE IN SAID WESTERN LINE OF FORSYTH BOULEVARD, THENCE IN A SOUTHEASTWARDLY DIRECTION ALONG THE SOUTHWESTERN LINE OF FORSYTH BOULEVARD, ON A CURVE TO THE LEFT HAVING A RADIUS OF 290 FEET A DISTANCE OF 134.79 FEET TO THE POINT OF BEGINNING, ACCORDING TO SURVEY BY ELBRING SURVEYING COMPANY, DATED APRIL 10, 1952.

Legal Description of 8260 Property

A TRACT OF LAND IN U. S. SURVEY 1919, TOWNSHIP 45 NORTH RANGE 6 EAST, IN ST. LOUIS COUNTY, MISSOURI, AND DESCRIBED AS FOLLOWS: BEGINNING AT A POINT IN THE SOUTHWEST LINE OF FORSYTH BLVD. 80 FEET WIDE AT THE INTERSECTION OF SAID SOUTHWEST LINE WITH THE SOUTHEASTERN LINE OF LOT "J" OF PARKSIDE, A SUBDIVISION IN U.S. SURVEY 1919, TOWNSHIP 45 NORTH RANGE 6 EAST, AS RECORDED IN PLAT BOOK 37, PAGE 44 OF THE ST. LOUIS COUNTY, MISSOURI, RECORDER'S OFFICE, (SAID POINT BEING ALSO THE POINT OF INTERSECTION OF THE SOUTHWEST LINE OF FORSYTH BLVD. WITH THE NORTHWESTERN LINE OF PROPERTY CONVEYED BY STRATFORD LEE MORTON AND WIFE TO THOMAS W. GARLAND, INCORPORATED BY DEED RECORDED IN BOOK 2636, PAGE 458 OF THE ST. LOUIS COUNTY, MISSOURI, RECORDS, THENCE SOUTH 65 DEGREES 14 MINUTES WEST A DISTANCE OF 140 FEET TO A POINT IN THE EASTERN LINE OF LOT "I" OF SAID PARKSIDE SUBIVISION; THENCE ALONG THE EASTERN LINE OF LOTS "I" AND "H" OF PARKSIDE SUBDIVISION, SOUTH 0 DEGREES 14 MINUTES EAST, A DISTANCE OF 63.76 FEET TO A POINT; THENCE ALONG THE EASTERN LINE OF LOTS "H" AND "G" OF PARKSIDE SUBDIVISION, SOUTH 6 DEGREES 14 MINUTES EAST, A DISTANCE OF 61.24 FEET TO A POINT IN THE EASTERN LINE OF LOT "G" OF PARKSIDE SUBDIVISION; THENCE NORTH 68 DEGREES 01 MINUTE EAST, A DISTANCE OF 159.20 FEET TO A POINT IN THE SOUTHWEST LINE OF FORSYTH BOULEVARD; THENCE ALONG THE SOUTHWEST LINE OF FORSYTH BOULEVARD, NORTH 1 DEGREE 31 MINUTES WEST, A DISTANCE OF 5.10 FEET TO A POINT OF CURVE; THENCE CONTINUING ALONG THE SOUTHWEST LINE OF FORSYTH BOULEVARD, ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 310 FEET A DISTANCE OF 119.90 FEET TO A POINT OF BEGINNING.

* <https://www.dropbox.com/sh/6964kdm9ot5z3js/AACCr5YLkZhAeUGbwsa6Au-Ba?dl=0>

Forsyth Curve
A
PLANNED UNIT DEVELOPMENT (PUD)

REGULATIONS AND SUPPORTING MASTER PLAN GOVERNING FORSYTH CURVE, A PLANNED UNIT DEVELOPMENT PURSUANT TO THE PROVISIONS OF THE CITY OF CLAYTON LAND USE REGULATIONS.

DATE REVIEWED BY PLAN COMMISSION **May 2, 2022**
DATE APPROVED BY BOARD OF ALDERMEN _____
ORDINANCE NUMBER _____

LIST OF SECTIONS

SECTION A	PERMITTED AND ACCESSORY USES
SECTION B	DEVELOPMENT STANDARDS
SECTION C	LEGAL DESCRIPTION (AT TIME OF APPLICATION FOR PUD)
SECTION D	PUBLIC BENEFITS
SECTION E	DEVELOPMENT COMMITMENTS
SECTION F	PUD MASTER DEVELOPMENT PLAN
SECTION G	BOUNDARY SURVEY

SECTION A PERMITTED AND ACCESSORY USES

Forsyth Curve PUD

Consistency Statement:

The property is split between the Maryland Gateway District and the Park View District as identified in the Downtown Clayton Master Plan. The vision of the Maryland Gateway District is to “create a lower density mixed use district that provides an iconic gateway into Downtown Clayton while respecting the northern residential neighborhood and the civic uses to the south.” The vision of the Park View District is to support 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, culture and entertainment venues.” The proposed uses and design will increase pedestrian activity levels and provide an appropriate and necessary buffer or transition from the residential area to the commercial area, consistent with the Downtown Master Plan.

Development of Forsyth Curve Planned Unit Development (PUD) shall be in accordance with the contents of this ordinance and applicable sections of the Land Use Code and City Master Plan in effect at the time of issuance of any development order, such as but not limited to, Subdivision Plat, Site Plan, Demolition Permit, Building Permit, to which such regulations relate. Where these regulations fail to provide developmental standards, then the provisions of the most similar district shall apply.

Permitted Uses Identified in the PUD Plans as Commercial/Retail:

- A. Principal Uses and structures:
 - 1. Pursuant to Section 405.2940 of the City of Clayton Zoning Code, all uses identified as Permitted Uses by right or by Conditional Use Permit for the “C-1” District in effect at the time of building permit application.
- B. Permitted Accessory Buildings or Uses:
 - 1. Any subordinate building or use customarily incidental to and located on the same lot occupied by the main building or use, subordinate in area, extent and purposes to the main building, limited to and contributing to the comfort, convenience or necessity of the occupants of the main building.

Permitted Uses Identified in the PUD Plans as Residential:

- A. Principal Uses and structures:
 - 1. 42 Dwelling Units
- B. Permitted Accessory Buildings or Uses:
 - 1. Any subordinate building or use customarily incidental to and located on the same lot occupied by the main building or use, subordinate in area, extent and purposes to the main building, limited to and contributing to the comfort, convenience or necessity of the occupants of the main building.

SECTION B DEVELOPMENT STANDARDS

All facilities shall be constructed in accordance with the approved Site Plan, Architectural Plans, Subdivision Plat and all applicable State and local laws, codes and regulations applicable to this PUD. Except where specifically noted or stated otherwise, the standards and specifications of the City of Clayton Zoning Regulations and Subdivisions Regulations shall apply to this project. The developer and developer's successors and assigns to title of the subject property shall be responsible for the commitments outlined in this document.

Development Standards

Development Standard	Requirement
Height (maximum)	54 feet from average grade to top of parapet
Setback (rear)	29.28 feet
Setback (front) Forsyth Boulevard	10.49 feet
Setback (front) Maryland Avenue	6 feet from back of sidewalk
Setback (side)	11.61 feet
Parking Minimum (automobile)	82 spaces
Loading (minimum)	1 space
Parking (bicycle)	2 racks
Commercial Space	1,025 square feet
Residential Units	42 dwelling units

SECTION C

LEGAL DESCRIPTION
Forsyth Curve PUD (Prior to rezoning and replat)

TOTAL TRACT

Legal Description of 8230 Property

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Legal Description of 8260 Property

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SECTION D PUBLIC BENEFITS

A PUD must provide public benefits to the surrounding neighborhoods and to the City above and beyond what can be reasonably achieved by application of the zoning provisions applicable to the underlying zoning district. The Developer and any successor property owners have committed to providing the following public benefits:

Code Section	Public Benefit	Comments
405.1380(B)(1)	Architectural Distinction and Significance	Curved shape of building along Forsyth Blvd along with brick pattern details and architectural stone accents.
405.1380(B)(3)	Public Infrastructure	Provision of a landscape buffer along the rear of the building; providing enhanced front yard landscaping; and providing a raingarden in the front of the building.
405.1380(B)(5)(a-h)	Sustainable Building Design and Construction	The development will comply with LEED silver requirements.
405.1380(B)(6)	Addition of Green Infrastructure	Provision of a bioswale in the rear yard and a blue roof on top of the building.
405.1380(B)(10)	Below-Grade Parking Facility	100% of the required parking for the development will be located below grade.
405.1380(B)(12)	Public Art	Public art will be provided in front of the building at the entrance and along Forsyth Blvd.

SECTION E

**DEVELOPMENT COMMITMENTS/CONDITIONS OF APPROVAL:
Forsyth Curve PUD**

The development of this PUD shall be subject to and governed by the following conditions:

1. TRANSPORTATION

- A. Manholes located within the street surface shall be located outside of the wheel path of traveling vehicles.
- B. Two bicycle racks shall be provided on the property.
- C. A temporary bicycle and pedestrian path shall be established and maintained during demolition and construction.

2. ENVIRONMENTAL/LANDSCAPE/PUBLIC WORKS

- A. The concrete steps encroaching on the right-of-way will require a use and maintenance agreement.
- B. The final streetscape design shall be coordinated with the City’s Public Works Department.
- C. The sidewalk subgrade within the public right-of-way shall be either CU Structural Soil or Silva Cells.
- D. All comments from the April 20th, 2022, Intuition & Logic SWPPP Memorandum shall be addressed.

- E. Bollard product and installation type for the three bollards at the loading/drop-off area shall be included in building permit documents.
- F. Remove invasive species and cultivars from the landscape plan and replace them with natives or the non-hybrid species of trees.
- G. All overhead utility lines shall be buried.

3. PLANNING/ZONING

- A. All signage shall comply with Chapter 425. Signage, unless a separate sign district specifically for this project is developed and approved by the Architectural Review Board.
- B. Lighting facilities shall comply with applicable City codes and shall be arranged in a manner which will protect roadways and neighboring properties from direct glare or other interference.
- C. The guardrail material along the northern property line shall be a solid screen of the loading and transformer area.
- D. Public art on the property shall include at a minimum a monumental piece at the entry and several complementary pieces along the front pedestrian walk. A specific plan or rendering of the public art shall be submitted to the Public Art Advisory Committee and the Board of Aldermen for approval. In the event such artwork does not merit 3 points and the applicant does not make timely changes, the PUD development plan shall be reconsidered by the Board of Aldermen.

4. MISCELLANEOUS

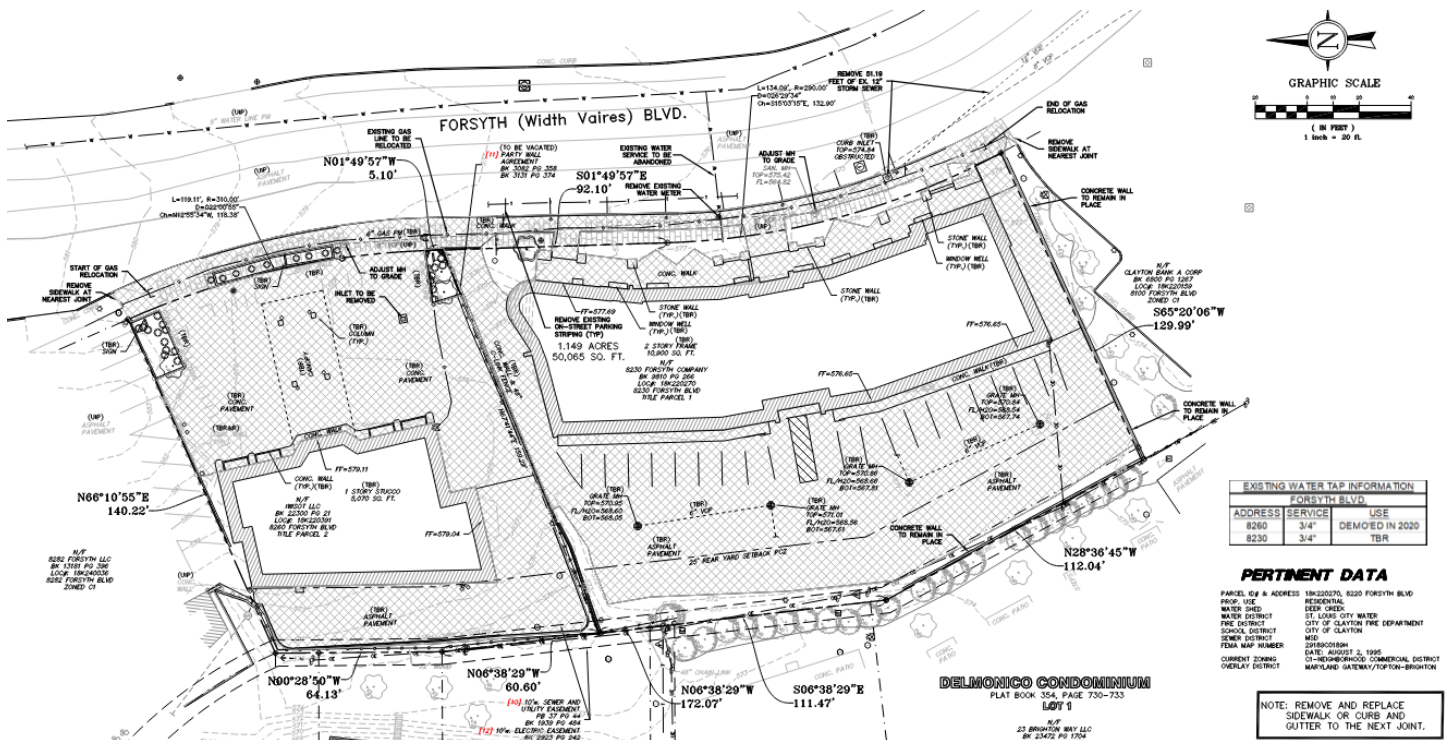
- A. Issuance of a development permit by the City does not in any way create any rights on the part of the applicant to obtain a permit from a local, state or federal agency and does not create any liability on the part of the City for issuance of the permit if the applicants fails to obtain requisite approval or fulfill the obligations imposed by a local, state or federal agency or undertakes actions that result in a violation of local, state or federal law.
- H. All other applicable local, state or federal permits must be obtained before commencement of the development.
- I. The project shall be constructed substantially in accordance with the approved Site Plan and Architectural Plans approved by the Plan Commission and Architectural Review Board, Plan set dated April 28, 2022.
- J. The approved development plan and Planned Unit Development Ordinance shall be recorded with St. Louis County and proof of recording submitted to the City prior to the issuance of a Building Permit.
- K. Section F, below, PUD Master Development Plan illustrates the proposed development and is conceptual in nature. Proposed tract, lot or land use boundaries shall not be construed to be final and may be varied at any subsequent approval phase such as platting or site development plan application.

SECTION F PUD MASTER DEVELOPMENT PLAN (BELOW).



LEVEL 01 - FLOOR / ARCHITECTURAL SITE PLAN
 05 A1-01 1/32" = 1'-0"

SECTION G BOUNDARY SURVEY (BELOW)



ORDINANCE NO. _____

AN ORDINANCE PROVIDING FOR THE APPROVAL OF A PLAT TO CONSOLIDATE CERTAIN PROPERTY LOCATED ON FORSYTH BOULEVARD IN THE CITY OF CLAYTON, MISSOURI.

WHEREAS, there presently exists in the City of Clayton two lots addressed 8220 and 8260 Forsyth Boulevard, more particularly described as follows:

PARTS OF U.S. SURVEY 1919, SECTION 09, TOWNSHIP 45 NORTH, RANGE 6 EAST

WHEREAS, the owner of said property desires to consolidate said lots into one lot, in accordance with the City of Clayton Subdivision Ordinance, and has submitted the plat of said property to the Board of Aldermen of the City of Clayton for approval, which plat is attached hereto, marked "Exhibit A", and made part of this Ordinance.

WHEREAS, the City Plan Commission has considered the plat and recommended approval.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF CLAYTON, MISSOURI, AS FOLLOWS:

Section 1. The consolidation of the above-described property in accordance with the plat attached hereto and marked "Exhibit A" and made part of this ordinance is hereby approved and the plat is authorized to be filed in the office of the Recorder of Deeds.

Section 2. The City Clerk of the City of Clayton is authorized and directed on behalf of the City to sign the original plat of consolidation of the subject property.

Section 3. The owner (applicant) must submit to the City Clerk proof of filing showing the book and page from the St. Louis County Recorder of Deeds Office within 30 days of the approval of said plat by the Clayton Board of Aldermen.

Section 4. The owner (applicant) must provide a mylar for the appropriate City of Clayton signatures per the Subdivision Ordinance requirements after Board of Aldermen approval.

Section 5. This Ordinance shall be in full force and effect from and after its passage by the Board of Aldermen.

Passed this 24th day of May 2022

Mayor

ATTEST:

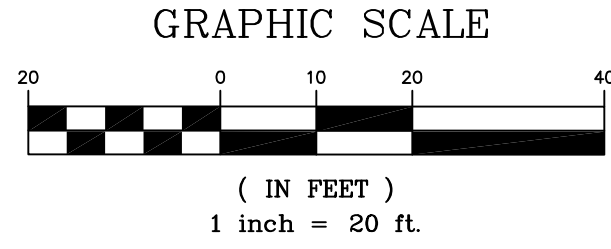
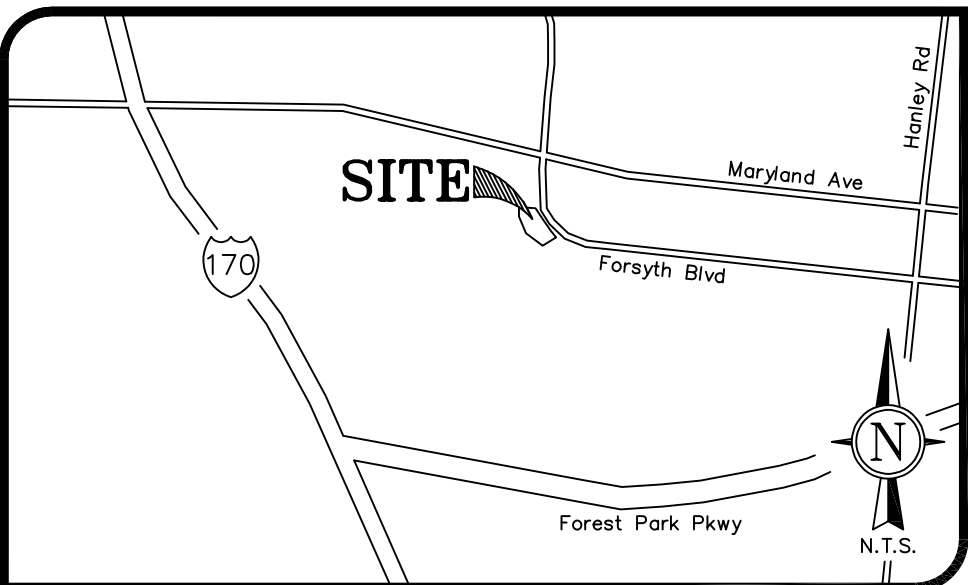
City Clerk

8220-8260 FORSYTH BLVD

A CONSOLIDATION PLAT

PART OF U.S. SURVEY 1919
SECTION 09, TOWNSHIP 45 NORTH, RANGE 6 EAST
CLAYTON, ST. LOUIS COUNTY, MISSOURI

PREPARED FOR:
MIDAS CAPITAL
CONTACT: STEVE METHERD
1804 BORMAN CIRCLE DRIVE
ST. LOUIS, MO 63146
E: smetherd@midashospitality.com



BASIS OF BEARING

MISSOURI STATE PLANE GRID
NORTH FROM STATIC GPS
OBSERVATIONS

LEGEND

- FOUND 1/2" IRON PIPE UNLESS OTHERWISE NOTED
- FOUND 1/2" IRON ROD UNLESS OTHERWISE NOTED
- ⊕ FOUND CUT CROSS
- ⊕ FOUND COTTON PICKER SPINDLE
- ⊕ FOUND RAILROAD SPIKE
- ⊕ FOUND CONCRETE MONUMENT
- ⊕ FOUND STONE
- ⊕ FOUND R.O.W. MARKER
- FOUND AXLE
- SET 1/2" IRON ROD UNLESS OTHERWISE NOTED

ABBREVIATIONS

- N/F NOW OR FORMERLY
- D.B. DEED BOOK
- P.B. PLAT BOOK
- Pg. PAGE
- w/ WITH
- (TYP.) TYPICAL
- P.O.B. POINT OF BEGINNING
- CONC. CONCRETE
- RCP REINFORCED CONCRETE PIPE
- VCP VITRIFIED CLAY PIPE
- CPP CORRUGATED PLASTIC PIPE
- C-LINK CHAIN LINK
- W-IRON WROUGHT IRON
- PCZ PER CURRENT ZONING
- PM PER UTILITY MAP
- (xx) RECORD BEARING AND/OR DISTANCE
- [xx] TITLE COMMITMENT EXCEPTION NUMBER
- BOT BOTTOM OF PIPE

PARKSIDE SUBDIVISION
PLAT BOOK 37, PAGE 44

LOT G
N/F RYAN & KATHRYN DEGRAND
BK 10953 PG 1644
LOC# 18K220346
41 BRIGHTON WAY

[10] 10" W. SEWER AND UTILITY EASEMENT
PB 37 PG 44
BK 1939 PG 484
[12] 10" W. ELECTRIC EASEMENT
BK 2923 PG 242

31 BRIGHTON WAY CONDOMINIUMS
PLAT BOOK 356, PAGE 205-206
LOT 1

N/F ASSESSOR INFORMATION WITHHELD
BK 23102 PG 3561
LOC# 18K21590
31 BRIGHTON WAY

DELMONICO CONDOMINIUM
PLAT BOOK 354, PAGE 730-733
LOT 1

N/F 23 BRIGHTON WAY LLC
BK 23472 PG 1704
LOC# 18K221457
23 BRIGHTON WAY

CONSOLIDATED LOT 1
1.149 ACRES
50,065 SQ. FT.

N/F Midas Acquisition, LLC,
a Missouri limited liability company
BK _____ PG _____
LOC# 18K220270
8220 FORSYTH BLVD

N/F CLAYTON BANK A CORP
BK 6800 PG 1267
LOC# 18K220159
8100 FORSYTH BLVD

--- Property Boundary Description ---

A tract of land situated in the City of Clayton, County of St. Louis, State of Missouri, lying in part of U.S. Survey 1919, Township 45 North, Range 6 East, being all of a tract of land conveyed to Midas Acquisition, LLC, as recorded in Deed Book _____ Page _____ of the St. Louis County land records, and being all of a tract of land conveyed to Midas Acquisition, LLC, as recorded in Deed Book _____ Page _____ of said land records, and being more particularly described as follows:

Beginning at the intersection of the Western right-of-way line of Forsyth Boulevard, variable width, and the Northern line of a tract of land conveyed to Clayton Bank, as recorded in Deed Book 6800, Page 1267 of said land records; thence along said Northern line of Clayton Bank tract, South 65 degrees 20 minutes 06 seconds West, a distance of 129.99 feet to the intersection of said Northern line of Clayton Bank tract and the Eastern line of Lot 1 of Delmonico Condominium, a plat filed for record in Plat Book 354, Pages 730-733 of said land records; thence along said Eastern line of Lot 1, North 28 degrees 36 minutes 45 seconds West, a distance of 112.04; thence continuing along said Eastern line of Lot 1, the Eastern line of Lot 1 of 31 Brighton Way Condominiums, a plat filed for record in Plat Book 356, Pages 205-206 of said land records, and the Eastern line of Lot G of Parkside Subdivision, a plat filed for record in Plat Book 37, Page 44 of said land records, North 06 degrees 38 minutes 29 seconds West, a distance of 172.07 feet to the Northeast corner of said Lot G; thence along said Eastern line of Lots H and I of said Parkside Subdivision, North 00 degrees 28 minutes 51 seconds West, a distance of 64.13 feet to the intersection of said Eastern line of Lot I and the Southern line of a tract of land conveyed to 8282 Forsyth, LLC, as recorded in Deed Book 13181, Page 396 of said land records; thence along said Southern line of 8282 Forsyth, LLC tract, North 66 degrees 10 minutes 55 seconds East, a distance of 140.22 feet to the intersection of said Southern line of 8282 Forsyth, LLC tract, and said Western right-of-way line of Forsyth Boulevard; thence along said Western right-of-way line of Forsyth Boulevard as follows: 119.11 feet along the arc of a curve to the right, having a radius of 310.00 feet, through a central angle of 022 degrees 00 minutes 55 seconds, with a chord that bears South 12 degrees 55 minutes 34 seconds East, a distance of 118.38 feet; South 01 degrees 49 minutes 57 seconds East, a distance of 92.10 feet; 134.09 feet along the arc of a curve to the left, having a radius of 290.00 feet, through a central angle of 026 degrees 29 minutes 34 seconds, with a chord that bears South 15 degrees 03 minutes 15 seconds East, a distance of 132.90 feet to the point of beginning.

Containing 1.149 Acres (50,065 Square Feet), by Grimes Consulting, Inc., LS-343-D, dated April 2022.

--- Owner's Certification ---
(I or We) the undersigned owner(s) of land hereupon platted and further described in the foregoing description, have caused these lots to be consolidated in land area in the manner shown on this plat, which consolidation shall hereafter be known as the "8220-8260 Forsyth Boulevard, a Consolidation Plat".

No easements or setbacks are dedicated by this plat.

The building lines shown hereon are hereby established. This subdivision is subject to the conditions and restrictions contained in an instrument filed for record in Book _____ Page _____, in the land records of St. Louis County, Missouri.

In witness whereof, I have herewith set my hand this _____ day of _____, 2022.

Midas Acquisition, LLC,
a Missouri limited liability company

Print Name, Title

State of Missouri)
County of St. Louis)SS.

On this _____ day of _____, 2022 before me did appear _____ who being by me duly sworn did say that he is the _____ of Midas Acquisition, LLC a limited liability company in the State of Missouri and that said instrument was signed on behalf of said limited liability company and that said _____ acknowledged said instrument to be the free act and deed of said limited liability company.

In testimony whereof, I have herewith set my hand and affixed my official seal in the County and State aforesaid the day and year last above written.

Notary Public My commission expires: _____

--- Lien Holder's Certificate ---

The undersigned holder or legal owner of notes secured by deed recorded in Book _____ Page _____ of the St. Louis County records, for the tract of land described hereon joins in and approves in every detail this consolidation plat.

In witness whereof, I have herewith set my hand this _____ day of _____, 2022.

Bank:

Print name, Title

State of Missouri)
County of St. Louis)SS.

On this _____ day of _____, 2022 before me did appear _____ who being by me duly sworn did say that (s)he is the _____ of _____ (bank name), a corporation in the State of Missouri and that said instrument was signed on behalf of said corporation and that said _____ acknowledged said instrument to be the free act and deed of said corporation.

In testimony whereof, I have herewith set my hand and affixed my official seal in the County and State aforesaid the day and year last above written.

Notary Public My commission expires: _____

--- City Certification ---

I, June Frazier, City Clerk for the City of Clayton, do hereby certify this "Consolidation Plat" was approved by the Board of Alderman of the City of Clayton, Missouri by Ordinance Number _____ on this _____ day of _____, 2022.

June Frazier, City Clerk Michelle Harris, Mayor

--- Surveyor's Certification ---

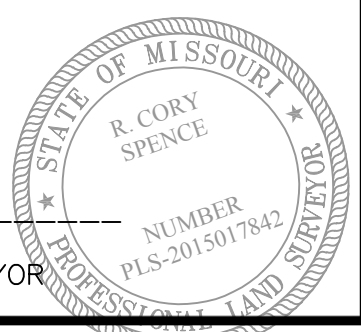
This is to certify to the best of my belief, knowledge, and ability that Grimes Consulting, Inc., at the request of Steve Metherd of Midas Capital, during the month of April, 2022, prepared a consolidation plat, based on field information obtained from field personnel under my direction of A tract of land situated in the City of Clayton, County of St. Louis, State of Missouri, lying in part of U.S. Survey 1919, Township 45 North, Range 6 East, and have consolidated said tract in the manner shown hereon.

I declare that under my supervision and to the best of my professional judgment that this survey and the results shown hereon are made in accordance with the current Standards For Property Boundary Surveys for Urban Class Property as set forth by the Missouri Department Of Agriculture, Land Survey Program, and rules promulgated by The Missouri Board For Architects, Professional Engineers, and Professional Land Surveyors and Professional Landscape Architects effective June 30, 2017.

IN WITNESS WHEREOF, we hereunto set our firm name at our office in St. Louis County, Missouri this _____ day of _____, 2022.

GRIMES CONSULTING, INC. LS-343-D

By R. CORY SPENCE, PLS-2015017842
MISSOURI PROFESSIONAL LAND SURVEYOR



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www.grimesconsulting.com
PE CO#E-1470-D
PLS CO#E-LS-343-D

REV. NO.	DATE	REMARKS

8220-8260
FORSYTH BLVD
PROJECT ADDRESS

CONSOLIDATION
PLAT

SHEET TITLE
JOB NUMBER: 2544B
DRAWN BY: MRL
DATE: 04/08/22
CHECKED BY: RCS
DATE: 04/08/22
SHEET:
1 of 1



City Manager
10 N. Bemiston Avenue
Clayton, MO 63105

REQUEST FOR BOARD ACTION

TO: MAYOR HARRIS; BOARD OF ALDERMEN
FROM: DAVID GIPSON, CITY MANAGER
KAREN DILBER, DIRECTOR OF FINANCE
DATE: MAY 24, 2022
SUBJECT: MOTION - A LIQUOR LICENSE FOR THE POSH NOSH, LLC LOCATED AT
8115 MARYLAND AVENUE

The Posh Nosh, LLC is requesting a liquor license to sell all kinds of intoxicating liquor at retail by the drink, including Sundays, at 8115 Maryland Avenue

The Police Department has completed its review of the application and supports the issuance of the requested license. The Planning and Development department has also approved the application with no objections.

The applicant has chosen not to submit a petition from surrounding property owners and first floor tenants. As a result, they are aware that this application must have a super majority vote of five Board members to be approved. Staff has requested that a representative attend the meeting.

Recommended Action: Staff recommends passing a motion to approve the liquor license to sell all kinds of intoxicating liquor at retail by the drink, including Sundays.



City Manager
10 N. Bemiston Avenue
Clayton, MO 63105

REQUEST FOR BOARD ACTION

TO: MAYOR; BOARD OF ALDERMEN
FROM: DAVID GIPSON, CITY MANAGER
JUNE FRAZIER, CITY CLERK
DATE: MAY 24, 2022
SUBJECT: APPOINTMENTS TO BOARDS AND COMMISSIONS

The following individuals have expressed interest in being appointed to or continuing to serve as a member of the following Boards or Commissions of the City. Mayor Harris has reviewed and agrees with the recommendations for appointment or reappointment to the respective Board or Commission and, therefore, submits the following nominations for the Board's consideration.

Board of Appeals

Helen DiFate Ward 1 (*reappointment for a 5-year term through June 30, 2027*)

City Plan Commission/ARB

Bob Denlow Ward 1 (*reappointment for a 3-year term through June 30, 2025*)
Kami Waldman Ward 3 (*reappointment for a 3-year term through June 30, 2025*)

Economic Development Advisory Committee

Anthony Kirk Ward 1 (*reappointment for a 3-year term through June 30, 2025*)

Public Art Advisory Committee

Sally Pinckard Ward 2 (*new appointment for a 3-year term through June 30, 2025*)

Redistricting/Boundary Commission

Laura Horwitz Ward 1
To be announced Ward 2
Kathleen Gund Ward 3

Sustainability Committee

Bill Chamberlain Ward 2 (*reappointment for a 3-year term through June 30, 2025*)
Jeff Leonard Ward 3 (*reappointment for a 3-year term through June 30, 2025*)

Recommendation: To consider the appointments.



City Manager
10 N. Bemiston Avenue
Clayton, MO 63105

REQUEST FOR BOARD ACTION

TO: MAYOR HARRIS; BOARD OF ALDERMEN
FROM: DAVID GIPSON, CITY MANAGER (DG)
JUNE FRAZIER, CITY CLERK
DATE: MAY 24, 2022
SUBJECT: ALDERMANIC COMMITTEE ASSIGNMENTS

In order to be consistent with the *Charter* requirements all appointments/assignments to the Boards and Commissions requires approval by the Board of Aldermen. The following assignments are proposed by Mayor Harris:

Clayton Century Foundation

Alderman Susan Buse
Alderman Rich Lintz

CRSWC

Alderman Bridget McAndrew
Alderman Becky Patel

Plan Commission/ARB

Alderman Ira Berkowitz

Economic Development Advisory Committee

Alderman Bridget McAndrew
Alderman Gary Feder

Parks & Recreation Commission

Alderman Bridget McAndrew
Alderman Susan Buse

Public Art Advisory Committee

Alderman Ira Berkowitz

Non-Uniformed Employees Retirement Fund Board

Alderman Rich Lintz
Alderman Gary Feder

Uniformed Employees Retirement Fund Board

Alderman Rich Lintz
Alderman Becky Patel

Sustainability Committee

Alderman Becky Patel
Alderman Rich Lintz

Clayton Equity Commission

Alderman Susan Buse
Alderman Gary Feder

Recommendation: To consider the appointments.