

THE CITY OF CLAYTON

Board of Aldermen
Virtual Zoom Meeting
June 28, 2022
7:03 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, Gary Feder, Mayor Harris, Assistant City Manager Muskopf, City Attorney O'Keefe.

Staff: Anna Krane, Director of Planning

Virtually: Aldermen Ira Berkowitz and Becky Patel

Absent: Alderman Susan Buse, City Manager Gipson, City Clerk Frazier

Motion made by Alderman McAndrew to approve the June 14, 2022, minutes. Alderman Berkowitz seconded.

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

PUBLIC REQUESTS AND PETITIONS

None

A MOTION TO CONSIDER APPROVING A LIQUOR LICENSE FOR BAR LES FRERES, LLC AT 7637 WYDOWN BOULEVARD

Assistant City Manager Muskopf reported that Bar Les Freres LLC is requesting a liquor license to sell all kinds of intoxicating liquor at retail by the drink, including Sundays, at 7637 Wydown Boulevard.

Tara Gallina of Bar Les Freres, LLC addressed the Board to answer questions.

Motion made by Alderman Lintz to approve a liquor license for Bar Les Freres, LLC located at 7637-7639 Wydown Boulevard. Alderman Berkowitz seconded.

The motion passed unanimously on a voice vote.

A PUBLIC HEARING AND A RESOLUTION TO CONSIDER APPROVING A CONDITIONAL USE PERMIT FOR 14 A N. MERAMEC AVENUE D/B/A IVY CAFÉ

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

City Manager Gipson reported that this is a public hearing to consider an application for a Conditional Use Permit submitted by Ashley Morrison and Julie Keane of Abre Enterprises, LLC, restaurant owners, to allow for the operation of a 1,550 square foot restaurant to be known as Ivy Café.

Ashley Morrison and Julie Keane of Abre Enterprises, LLC, restaurant owners, addressed (virtually) the Board to answer questions.

Mayor Harris closed the public hearing

Motion made by Alderman Lintz to approve Resolution No. 2022-12, granting a Conditional Use Permit for 14 A N. Meramec Avenue d/b/a Ivy Café. Alderman Patel seconded.

The motion passed unanimously on a voice vote.

A MOTION CONSIDER APPROVING A LIQUOR LICENSE FOR ARBRE ENTERPRISES, LLC (IVY CAFÉ) LOCATED AT 14 N. MERAMEC UNIT A

City Manager Gipson reported that Arbre Enterprises LLC is requesting a liquor license to sell all kinds of intoxicating liquor at retail by the drink, including Sundays, at 14 N. Meramec Unit A.

Motion made by Alderman Lintz to approve a liquor license for Arbre Enterprises, LLC d/b/a Ivy Café located at 14 A N. Meramec Avenue. Alderman Berkowitz seconded.

The motion passed unanimously on a voice vote.

A PUBLIC HEARING AND A RESOLUTION - TRANSFER OF A CONDITIONAL USE PERMIT FOR 7624 WYDOWN BOULEVARD D/B/A WRIGHT'S TAVERN (FORMERLY I FRATELLINI).

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

City Manager Gipson reported that this is a public hearing to consider an application for a Conditional Use Permit Transfer submitted by Matthew McGuire of Box Hill Group – Wydown, LLC, restaurant owner, to allow for the operation of a 1,100 square foot restaurant to be known as Wright's Tavern. The previous restaurant has been closed for an extended period of time and therefore staff has decided to present the transfer request to the Board of Aldermen for final approval.

Matthew McGuire, owner, addressed the Board to answer questions.

Mayor Harris closed the public hearing

Motion made by Alderman Lintz to approve Resolution No. 2022-13, granting a Conditional Use Permit transfer for Box Hill Group – Wydown, LLC, d/b/a Wright's Tavern located at 7624 Wydown Boulevard. Alderman Berkowitz seconded.

The motion passed unanimously on a voice vote.

A PUBLIC HEARING AND A RESOLUTION - A CONDITIONAL USE PERMIT FOR 7923 FORSYTH BOULEVARD D/B/A GHOST KITCHEN

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

City Manager Gipson reported that this is a public hearing to consider an application for a Conditional Use Permit submitted by Jim Kellogg of Neo Atomic, LLC, restaurant owner, to allow for the operation of a 1,600 square foot restaurant. Ghost Kitchens operate as restaurants, but without on-site dining options. The proposed use will feature three different food categories prepared in a shared kitchen and served through carry-out and delivery services. The only on-site seating provided will be outdoor dining. The restaurant will be open seven days a week from 7:00 a.m. to 9:00 p.m. A liquor license is not being requested.

Jim Kellogg, owners, addressed the Board to answer questions.

Mayor Harris closed the public hearing

Motion made by Alderman Lintz to approve Resolution No. 2022-14, granting a Conditional Use Permit for Neo Atomic, LLC, d/b/a Ghost Kitchen located at 7923 Forsyth Boulevard. Alderman Berkowitz seconded.

The motion passed unanimously on a voice vote.

A PUBLIC HEARING AND A RESOLUTION TO CONSIDER APPROVING A TRANSFER OF A CONDITIONAL USE PERMIT FOR BAR LES FRERES LOCATED AT 7637-7639 WYDOWN BOULEVARD

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

City Manager Gipson reported that this this is a request to consider an application for a Conditional Use Permit Transfer submitted by Tara Gallina of Bar Les Freres, LLC, restaurant owner, to allow for the continued operation of a restaurant known as Bar Les Freres under different ownership. The previous restaurant has been closed for an extended period of time and therefore staff has decided to present the transfer request to the Board of Aldermen for final approval.

Tara Gallina, owner, addressed the Board to answer questions.

Mayor Harris closed the public hearing

Motion made by Alderman Lintz to approve Resolution No. 2022-15, granting a Conditional Use Permit transfer for Bar Les Freres, LLC located at 7637-7639 Wydown Boulevard. Alderman Berkowitz seconded.

The motion passed unanimously on a voice vote.

ORDINANCES TO CONSIDER APPROVING REZONING, A PLANNED UNIT DEVELOPMENT AND A SUBDIVISION PLAT FOR 7808, 7814-7820 FORSYTH BOULEVARD, 4-8, 10, 14-16, 18-22 SOUTH CENTRAL AVENUE

Assistant City Manager Muskopf reported that this request is for rezoning and related Planned Unit Development and subdivision plat for 7807, 7814-7820 Forsyth Boulevard, 4-8, 10, 14-16, and 18-22 S. Central Avenue (as listed on the agenda). The required public hearing was opened and closed during the June 14, 2022 Board of Aldermen meeting. This evening the applicant will be presenting additional renderings following questions from the previous meeting.

Staff recommends the Board approve the rezoning and the Planned Unit Development per the required development commitments set forth in the Ordinance Exhibit C, Forsyth-Central PUD document. Staff recommends the Board approve the subdivision plat with the conditions set forth in the ordinance for adoption.

David Robert, Midas Capital, addressed the Board and provided a presentation (available in the City Clerk's office) on the project and to answer questions.

Alderman Lintz introduced Bill No. 6903, an ordinance to approve a rezoning and a PUD for 7808, 7814-7820 Forsyth Boulevard, 4-8, 10, 14-16, 18-22 S. Central Avenue for a Mixed-Use Development to be read for the second time by title only. Alderman Berkowitz seconded.

City Attorney O'Keefe reads Bill No. 6903, second reading, an Ordinance Providing for the Rezoning of Certain Property Located at 7808, 7814-7820 Forsyth Boulevard, 4-8, 10, 14-16, 18-22 South Central Avenue from HDC High Density Commercial District and Northeast Downtown Overlay District to a Planned Unit Development District to be Known as the Forsyth-Central Mixed-Use 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 by title only.

The motion passed on a roll call vote: Alderman Lintz – Aye; Alderman Berkowitz – Aye; Alderman McAndrew – Aye; Alderman Patel – Aye; Alderman Feder – Aye; and Mayor Harris – Aye. The bill, having received majority approval was adopted and became Ordinance No. 6762 of the City of Clayton.

AN ORDINANCE TO CONSIDER APPROVING A LOT CONSOLIDATION/SUBDIVISION PLAT FOR 7808, 7814-7820 FORSYTH BOULEVARD, 4-8, 10, 14-16, 18-22 SOUTH CENTRAL AVENUE

Assistant City Manager Muskopf reported that this request is for properties 7807, 7814-7820 Forsyth Boulevard, 4-8, 10, 14-16, and 18-22 S. Central Avenue (as listed on the agenda). The required public hearing was opened and closed during the June 14, 2022 Board of Aldermen meeting. She noted that there is an updated copy distributed tonight at each of the dias' that shows revised language. Staff recommends the Board approve the subdivision plat with the conditions set forth in the ordinance for adoption.

City Attorney O'Keefe stated that staff has prepared a revised ordinance identified for these purposes in Bill No. 6904.1 which was distributed to the Board members. A project with several pieces of property and its complexity the closing for the transaction among the parties (developer, sellers) would not be scheduled within 30 days of the proposed adoption of the ordinance tonight. The city's ordinances for the approval of plats as a routine matter require plats to be recorded with the St. Louis County Recorder of Deeds office within 30 days. Obviously, the parties do not wish to record a plat, dedicate property, and/or vacate a public

property until the deal is completed. Suggestion is to revise the text of the plat approval by adding a new Section 3 which slightly changes the language in Section 4:

Section 3. Approval of this Plat is concurrent with and intended solely to facilitate redevelopment of the subject properties as authorized by the Rezoning and Planned Unit Development Approval Ordinance (Ordinance No ___) adopted concurrently herewith, which rezoning and PUD approval is subject to lapse and the time limit specified in the City's Land Use Regulations, Section 405.1460. Accordingly, if the Plat approved hereby is not filed with the St. Louis County Recorder of Deeds prior to the deadline and the time limit applicable to the Rezoning and PUD Ordinance aforesaid the approval and authorization for filing of the Plat shall lapse and this Ordinance shall be of no further force and effect.

Section 4. 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 prior to application for construction or demolition permits for the property as approved under the Rezoning and Planned Unit Development Ordinance.

Alderman Lintz moved to amend Bill No. 6904 by the revised text of Bill No. 6904.1. Alderman Berkowitz seconded.

The motion passed unanimously on a voice vote.

Alderman Lintz introduced Bill No. 6904.1, an ordinance to approve a Lot Consolidation/Plat for 7808, 7814-7820 Forsyth Boulevard, 4-8, 10, 14-16, 18-22 S. Central Avenue for a Mixed-Use Development to be read for the second time by title only. Alderman Berkowitz seconded.

City Attorney O'Keefe reads Bill No. 6904.1, second reading, an Ordinance Providing for the Approval of a Major Subdivision Plat to Consolidate Certain Property Located on Forsyth Boulevard and South Central Avenue and to Relocate a Public Alley in the City of Clayton, Missouri by title only.

The motion passed on a roll call vote: Alderman Lintz – Aye; Alderman Berkowitz – Aye; Alderman McAndrew – Aye; Alderman Patel – Aye; Alderman Feder – Aye; and Mayor Harris – Aye. The bill, having received majority approval was adopted and became Ordinance No. 6763 of the City of Clayton.

OTHER

Alderman Berkowitz provided an update on the following:

- Public Art Advisory Committee - Anna Krane noted that the Committee recommended approval to the Plan Commission for the proposed art for Forsyth Pointe and Chapman Plaza

Alderman McAndrew provided an update on the following:

- CRSWC Finance Committee – recommended approval of the budget; although there is a larger deficit than originally expected the membership numbers are steadily increasing

Alderman Patel provided an update on the following:

- Sustainability Committee – held a meeting, but without a quorum (no action was taken)
- Attended the STL Pride Parade

- While in Florida she noted that the state has a protection enforcement for burrowing owls and found it interesting and wanted to share with the group

Alderman Feder provided an update on the following:

- Community Equity Commission – Housing SubCommittee discussed zoning for duplexes; the CEC welcomed two new members
- Participated in a tour of the city buildings, Police Department, The Center of Clayton, and the Public Works garage

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

The motion passed unanimously on a voice vote.

There being no further business the meeting adjourned at 7:36 p.m.

Mayor

ATTEST:

City Clerk