



**MINUTES OF THE
PLANNING AND ZONING COMMISSION MEETING
1 GOVERNMENT CTR ♦ BALLWIN MO 63011
JANUARY 3, 2022**

Chairman Weaver called the meeting to order at 7:00 p.m. Members in attendance were:

PRESENT

Chairman Mark Weaver
Secretary Olivia Pieknik
Commissioner Grant Alexander
Commissioner Derek Beiter
Commissioner Gary Carr
Commissioner Chad Silker
Alderman Michael Finley
Mayor Tim Pogue

ABSENT

Commissioner Mike Swain
Commissioner Victoria Winfrey

Planning Technician Shawn Edghill
City Attorney Robert E. Jones

Swearing in of Commissioner

Mr. Derek Beiter (Ward 2) was sworn in by Planning Technician Shawn Edghill. Mr. Beiter replaces Ms. Lisa Zimmerman, who resigned from the Commission.

Approval of Minutes

A motion was made by Mayor Pogue to accept the minutes of the December 6, 2021 meeting as submitted. Secretary Pieknik seconded the motion, which received unanimous approval from the Commission members present.

SUE 21-05 – Sale of Alcohol in the Lower Level by the Drink for Consumption on the Premises and by the Package for Carryout

Brewery at The Wolf Café, 15480 Clayton Rd

Petitioner: Mr. Robert Biribin, 15480 Clayton Rd, Ballwin MO 63011

Chairman Weaver stated that he has done work for the petitioner. City Attorney Jones said that Mr. Weaver should abstain from voting, but could take part in the discussion of the petition.

Mr. Biribin, owner of The Wolf Café, addressed the Commission, requesting approval for the special use exception to serve alcohol in the lower level. Mr. Biribin said this will only be available in the evening hours (4:00 until as late as midnight on the weekend) to alleviate the parking concerns. He said that the parking lot for the building is underutilized during the evening hours. Commissioner Alexander asked if Mr. Biribin has plans for overflow parking should it be necessary. Mr. Biribin stated that he has an “unofficial” agreement with UMB Bank to allow parking.

Alderman Finley asked about the proposed hours for the brewery. Mr. Biribin said that it would be closed on Sunday, Monday, and for now, Tuesday. Wednesday through Saturday the hours will be 4:00 pm until 10:00. Midnight would be the latest it would be open on Friday and Saturday. Chairman Weaver asked how late the café is open. Mr. Biribin said the café closes at 8:00, so there will be some overlap with the brewery during the week.

Mayor Pogue asked if the café hours would be expanded as well. Mr. Biribin said that the café currently closes at 4:00 on Saturday, but that may change to be open later (until 8:00 pm), depending on staffing. Mayor Pogue asked about reopening on Sunday and Monday. Mr. Biribin said that will not happen.

Commissioner Beiter noted that the petitioner said that their carryout business has increased, which alleviated some of the parking concerns, and asked what the Mr. Biribin's plan is if that situation were to reverse. Is there street parking available on Clayheath Ct.? Mr. Biribin said there are a few parking spots on Clayheath Ct.

Secretary Pieknik asked about staff parking. Mr. Biribin said that a lot of staff park on the street. He said that the staff for the brewery would be limited to two people. Most of the staff leave after lunch, which is around 2:00 pm.

Mayor Pogue stated that the Ballwin Police Department did a parking study in September and October. Their findings concur with what Mr. Biribin is saying; that the parking lot for the building has plenty of spaces to accommodate parking for the brewery.

Chairman Weaver opened the public hearing and asked if anyone wished to speak in favor of the Petition SUE 21-05. No one came forward, and Chairman Weaver asked if anyone wished to speak in opposition to the petition.

Mr. Gary Ross, 922 Claybend Dr, voiced his concerns regarding intoxicated individuals trespassing on the neighboring homeowners' property.

Mr. Tim Bambenek, 309 Clayheath Ct, is concerned about vehicular safety with cars parking on Clayton Ridge Dr. He said that it's a problem for school buses and emergency vehicles.

Ms. Melissa Murphy, 910 Claybend Dr, is also concerned about the safety of allowing cars to park on Clayton Ridge Dr. She feels it is a dangerous situation.

Mr. Mike Scott, 634 Kehrs Mill Rd, said that he feels that parking is insufficient for the additional seating capacity.

No one else came forward, and Chairman Weaver closed the public hearing.

Alderman Finley noted that both the property owner and the City put up stop signs (on Clayton Ridge Dr at Clayheath Ct, and coming out of the parking lot at Clayheath Ct) to allay the traffic concerns. He feels that the problem is drivers speeding and not cars being parked on Clayton Ridge Dr.

Mayor Pogue stated that he and Alderman Stallmann have met with trustees of the neighboring subdivisions, including Ms. Murphy, several times. Mr. Jason Riegelsberger, the property manager for the site, and Mr. Biribin also attended one of these meetings. Mayor Pogue feels that the stop signs will help with traffic safety, regardless of parking on Clayton Ridge. A lot of the drivers on the street will use it as a cut-through to avoid the traffic light.

Commissioner Silker asked about the circumstances that led to parking being allowed on Clayton Ridge Dr in 2019. Mayor Pogue said the initially, parking wasn't allowed going back to issues when the Enigma Lounge was in business. After the Enigma Lounge closed, the property owner approached the Board of Aldermen requesting that parking be allowed on Clayton Ridge Dr again.

City Attorney Jones said that the current restrictions on Clayheath Ct. are as follows:

- Clayheath Court, on its west side beginning at Clayton Road and ending at 447 Clayheath Court, no parking between the hours of 5:00 p.m. and 2:00 a.m.
- Clayheath Court, on its west side, approximately 70 feet south of Clayton Road there is a sign stating "No Parking From Here To Corner."
- Clayheath Court, on its west side at the south end, there are posted signs stating "No Parking Between Signs."

Alderman Finley said that in his assessment, the behavior noted by Mr. Ross was more from the Enigma Lounge, a bar open until 1:00 am and frequented by young adults in their 20s. He said the clientele of The Wolf Café is more mature. Alderman Finley said there have not been any complaints regarding any of their patrons or The Wolf Café misusing their liquor license. When a business has demonstrated responsibility in this regard, he is inclined to allow an expansion.

Secretary Pieknik asked about returning Clayton Ridge Dr to "no parking." Mayor Pogue said the concern of the Planning & Zoning Commission with this petition is to determine if parking is sufficient as it stands. The Commission does not have the authority to change whether parking is allowed on Clayton Ridge Dr. City Attorney Jones noted that the Planning & Zoning Commission's recommendation to the Board of Aldermen can include verbiage requiring the petitioner to obtain a cross parking agreement per the staff review report.

Commissioner Silker made a motion to recommend approval of Petition SUE 21-05 to the Board of Aldermen, with the provision that the petitioner secure offsite parking of no less than seven parking spaces. Commissioner Alexander seconded the motion, which received unanimous approval from the Commission members present. Chairman Mark Weaver abstained.

City Attorney Jones stated that City Administrator Sterman suggested that he prepare an ordinance for consideration by the Board of Aldermen at the next meeting (Monday, January 10). Mayor Pogue asked that the item to be held over to allow the petitioner to continue the dialog with the neighborhood trustees and the development.

Adjournment

Mayor Pogue made a motion to adjourn the meeting. Commissioner Alexander seconded the motion, which received unanimous approval from the Commission members present. The meeting was adjourned at 7:55 p.m.

J. Mark Weaver, Chairman
Planning & Zoning Commission