

**DRAFT MINUTES OF THE PLANNING AND ZONING
COMMISSION MEETING**

BRENTWOOD CITY HALL VIRTUAL MEETING

**DATE: MAY 13, 2020
6:00 PM**

Chairman Daming called the meeting to order at 6:00 PM and led the pledge of allegiance. John Nuernberger called roll with the following members present Sheri Bilderback, Mike Daming, Mark Favazza, Rebecca Jacobs, Paul Moran, Hart Nelson, John Nuernberger, John Ritter, Lisa Schuering, and Tom Shipley.

APPROVAL OF MINUTES

Meeting Minutes for March 11th were approved by acclamation.

OLD BUSINESS

None

NEW BUSINESS

Case #20-02 – Site Development Plan Approval for Property at 8037-8047 Litzsinger Road (Post Holdings) This application has been withdrawn.

Case #20-03 – Application to Amend Conditional Use Permit Authorized by Ordinance 4132 (P&Z Case #08-06) for an Outdoor Deck at 1921 S Brentwood Blvd - OB Clark's Restaurant.

Chairman Daming asked if the applicant was present and would like to present his request.

Mr. Joe O'Brien and his brother Jim own OB Clark's restaurant, and this July will be their 42nd year in Brentwood. They're looking for the commission's approval to amend their conditional use to put three televisions with no audio on their patio which is going to be limited seating due to COVID 19. Feedback they have received in the restaurant business is that people feel safest outdoors. This patio has been monitored for the last 11 years particularly for noise factors. The request to add 3 wall mounted TV's is to encourage people to come back to the restaurant following the pandemic. The TV's will not have sound, just picture, so it should not contribute noise to adjoining properties.

Chairman Daming asked if Commissioners had questions for the applicant.

Mr. Nelson questioned the location of the units on the patio, are they mounted so that they're facing the parking lot are they going to be facing inward. Mr. O'Brien responded the units would be wall mounted on the west wall of the existing building.

Ms. Bilderback noted she could be considered a neighbor because she lives on Lawn Avenue and stated she feels the restaurant has been a great neighbor. She also stated the deck since it was approved years ago has worked out great and the addition of the TV screens would be beneficial.

Chairman Daming asked Ms. Koerkenmeier for the record if there were residents that raised any questions or issues. Ms. Koerkenmeier stated that correspondence was received by Ms. Catherin Genetti of 8819 Lawn Avenue. Chairman Daming read two emails from Ms. Genetti into the record. Her concern was sound from the TVs would be a problem and a bigger concern is that patrons at a sports bar will not be sitting and watching quietly infringing on the neighborhood.

Ms. Koerkenmeier was asked where Ms. Genetti resides in relation to OB Clarks. Ms. Genetti's residence is the third residence west from OB Clark. The email also cited the City Code Section 400.2530 on how noise is to be controlled.

Ms. Koerkenmeier also noted Mark Eckhardt, owner of Mattress Firm located across the street from OB Clarks, was supportive of the request.

Mr. Moran noted the placement of the TV's and no volume should not disturb the neighborhood, and the TV screens would give patrons another reason to visit the restaurant.

Chairman Daming asked if there were any other questions of the Commission, and if not will someone entertain a motion.

Ms. Bilderback made a motion to recommend approval of this application permitting the installation of the TV sets on the deck.

Ms. Catherine Genetti connected by audio and asked how the noise will be controlled because currently when a sporting event is on inside, she can tell by the roar of the crowd if something has happened in the game.

Chairman Daming addressed Ms. Genetti's question and noted that OB Clarks will be governed by the same noise requirements and regulations that were in place when the original ordinance was passed when OB Clarks was allowed to put up their patio. It will be a matter of code enforcement to the extent there is a nuisance as a result of these TVs. OB Clarks would be subject to the same requirements and the same issues as they would be without having the TVs.

Ms. Genetti restated her concern that noise will not be controlled. If she can currently hear what's going on in OB Clarks, then the codes for noise regulation is not working. To think that people are going to sit out there and watch a sporting event and be quiet is crazy.

Mr. Daming stated that code enforcement is not part of the Planning and Zoning Commission's jurisdiction. If there becomes an issue with violating the noise regulations, then the City's code enforcement department will address those code violations. He stated his support for the application and felt it was a reasonable request from a very good corporate citizen.

Ms. Koerkenmeier noted there was a recommendation included in the staff report to add specificity to the number, size and location of the placement of the TV sets and also to prohibit audio emissions from the sets. The staff recommendation also included a statement that all other terms and conditions of Ordinance No. 3626 and Ordinance No. 4132 shall remain unchanged by the amendment.

Ms. Bilderback amended her motion to reflect staff's recommendation included in the staff report.

Roll Call: – 9 ayes, 0 – nay Bilderback-yes, Favazza– yes, Jacobs– yes, Moran– yes, Nelson– yes, Nuernberger– yes, Ritter– yes, Schuering– yes, and Shipley– yes.

Motion passed.

ALDERMANIC REPORT

None

CITY PLANNER'S REPORT

None

MAY 27th MEETING SITE PLAN REVIEW SUBCOMMITTEE APPOINTMENTS

None

RATIONALE FOR THE BOARD OF ALDERMEN

None

OTHER BUSINESS

None

ADJOURNMENT

Motion to adjourn all in favor; stand adjourned at 6:23p.m.