

ORDINANCE NUMBER 70164

1 BOARD BILL NO. 190 INTRODUCED BY ALDERMAN JOSEPH VOLLMER

2 AN ORDINANCE REPEALING ORDINANCE 69874 AND IN LIEU  
3 THEREOF ENACTING A NEW ORDINANCE PROHIBITING THE  
4 ISSUANCE OF ANY PACKAGE OR DRINK LIQUOR LICENSES FOR  
5 ANY CURRENTLY NON-LICENSED PREMISES WITHIN THE  
6 BOUNDARIES OF THE TENTH WARD LIQUOR CONTROL DISTRICT,  
7 AS ESTABLISHED HEREIN, FOR A PERIOD OF THREE YEARS FROM  
8 THE EFFECTIVE DATE HEREOF; CONTAINING AN EXCEPTION  
9 ALLOWING DURING THE MORATORIUM PERIOD, FOR THE  
10 TRANSFER OF EXISTING LICENSES, UNDER CERTAIN  
11 CIRCUMSTANCES, AND THE ISSUANCE OF A DRINK LICENSE TO  
12 PERSONS OPERATING A RESTAURANT AT A PREVIOUSLY NON-  
13 LICENSED PREMISES AND CERTAIN AREA EXCEPTIONS; AND  
14 CONTAINING AN EMERGENCY CLAUSE.

15 BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:

16 SECTION ONE. Ordinance 69874 is hereby repealed and in lieu thereof the following  
17 provisions are enacted:

18 SECTION TWO. LEGISLATIVE FINDINGS. The existence of alcoholic beverage  
19 establishments appears to contribute directly to numerous peace, health, safety and general  
20 welfare problems including loitering, littering, drug trafficking, prostitution, public drunkenness,  
21 defacement and damaging of structures, pedestrian obstructions, as well as traffic circulation,  
22 parking and noise problems on public streets and neighborhood lots. The existence of such  
23 problems creates serious impacts on the health, safety and welfare of residents of single and  
24 multiple-family within the district, including fear for the safety of children, elderly residents and  
25 of visitors to the district. The problems also contribute to the deterioration of the neighborhood  
26 and concomitant devaluation of property and destruction of community values and quality of  
27 life. The number of establishments selling alcoholic beverages and the associated problems  
28 discourage more desirable and needed commercial uses in the area. In order to preserve the  
29 residential character and the neighborhood-serving commercial uses of the area, there shall be a  
30 moratorium on the issuance of new liquor licenses with the area beginning at the point of  
31 intersection of Chippewa St. and S. Kingshighway Blvd., and proceeding westerly along  
32 Chippewa St. to Brannon Ave., and proceeding northerly along Brannon Ave. to Pernod Ave.,  
33 and proceeding westerly along Pernod Ave. to Macklind Ave., and proceeding northerly along  
34 Macklind Ave. to Fyler Ave., and proceeding westerly along Fyler Ave. to Hampton Ave., and  
35 proceeding northerly along Hampton Ave. to Manchester Ave., and proceeding easterly along  
36 Manchester Ave. to S. Kingshighway Blvd., and proceeding southerly along S. Kingshighway  
37 Blvd. to McCree Ave., and proceeding west along McCree Ave. 407.4 feet, then proceeding in a  
38 southerly direction parallel to S. Kingshighway Blvd. 204 feet, and then proceeding east 413.3  
39 feet to S. Kingshighway Blvd., and then proceeding southerly to Southwest Ave., and proceeding  
40 westerly along Southwest Ave. to Brannon Ave., and proceeding southerly along Brannon Ave.  
41 to Magnolia Ave., and proceeding westerly along Magnolia to Macklind Ave., and proceeding

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1 southerly along Macklind to Arsenal St., and proceeding easterly along Arsenal St. to  
2 Morganford Rd., and proceeding southerly along Morganford Rd. to Miami St., and proceeding  
3 westerly along Miami St. to Alfred Ave., and proceeding southerly along Alfred Ave., to  
4 Tholozan Ave., and proceeding westerly along Tholozan Ave. to S. Kingshighway Blvd., and  
5 proceeding southerly along S. Kingshighway Blvd. to the point of beginning. Such area shall be  
6 known as the Tenth Ward Liquor Control Area.

7 SECTION THREE. The Excise Commissioner is hereby prohibited, for a period of three  
8 years, beginning as of the effective date of this Ordinance, from approving the issuance of a  
9 package or drink liquor license for any premises, not licensed as of the effective date hereof,  
10 which is located within the boundaries of the Tenth Ward Liquor Control District established in  
11 Section Two of this ordinance.

12 SECTION FOUR. Notwithstanding the provisions of Section Three of this Ordinance,  
13 the Excise Commissioner shall have authority to:

14 (1) Approve transfer of an existing license to another premises within the petition  
15 circle of the currently licensed premises, pursuant to the provisions of subsection  
16 (B) of section 14.06.330 of Ordinance 68536; and

17 (2) Issue a drink license for a premises, not licensed as of the effective date of this  
18 Ordinance, which currently is or will be, upon opening, operated as a restaurant,  
19 as such term is defined in section 14.01.390 of Ordinance 68536.

20 (3) Approve the renewal of an existing license under the provisions of Section  
21 14.08.090 of Ordinance 68536.

22 (4) Approve the issuance of package liquor license within the area beginning at a  
23 point on the West Right-of-Way of Kingshighway Boulevard, (100 feet wide),  
24 where it intersects the North Right-of-Way of Fyler Avenue, (70 wide); thence  
25 North 82 degrees 45 minutes 19 seconds West along the North line of said Fyler  
26 Avenue a distance of 338.71 feet to a point in the East line of a parcel conveyed  
27 to RELYF L.L.C. as conveyed by Deed Book 06092008 page 0156 of the Land  
28 Records in the City of St. Louis; thence leaving said Right-of-Way North 08  
29 degrees 55 minutes 36 seconds East along said East line of RELYF L.L.C. parcel,  
30 a distance of 512.86 feet to a point in the South 71 degrees 30 minutes 48 seconds  
31 East, along said Railroad Right-of-Way a distance of 244.03 feet to a point;  
32 thence South 59 degrees 19 minutes 14 seconds East, a distance of 50.95 feet to a  
33 point; thence South 63 degrees 57 minutes 40 seconds East, a distance of 52.95  
34 feet to a point on the West Right of Way line of Kingshighway Boulevard as  
35 previously mentioned; thence leaving said Railroad Right-of-Way South 08  
36 degrees 55 minutes 36 seconds West, along said Kingshighway Boulevard a  
37 distance of 427.93 feet to the point of beginning.

38 (5) Approve the issuance of package liquor license within the area beginning at the  
39 Southwest corner of Neptune Condominium, a subdivision filed for record in Plat

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1 Book 65 at page 12 of the City of St Louis Records, thence South 04 degrees 16  
2 minutes 47 seconds West 125.05 to a point, said point being the common corner  
3 between a tract conveyed to 2150 Hampton Ave LLC by deed recorded  
4 February 15, 2008 Daily Number 94 and a tract conveyed to Glenwood LLC by  
5 deed recorded in Book M1567 at page 1080 being the point of beginning of the  
6 tract to be described: thence South 85 degrees 41 minutes 32 seconds West along  
7 the South line of said 2150 Hampton Ave LLC tract a distance of 219.78 feet to a  
8 point, said point being the common corner of a tract conveyed to DLN  
9 Enterprises, LLC and the Glenwood LLC tract; thence leaving said South line  
10 South 01 degrees 49 minutes 29 seconds East along the West line said DLN  
11 Enterprises tract a distance of 295.04 feet to the North right of way line of  
12 Elizabeth Avenue (50'W); thence leaving said West line North 85 degrees 41  
13 minutes 31 seconds West along the North right of way line of Elizabeth Avenue a  
14 distance of 220.00 feet to a point of curve said point being the East right of way  
15 line of Hampton Avenue (width varies); thence along a curve to the left having a  
16 radius of 2880.00 feet an arc distance of 14.63 feet and a chord bearing and  
17 distance of North 07 degrees 47 minutes 19 seconds West 14.63 feet to a point of  
18 reverse curve; thence along a curve to the right having a radius of 1225.30 feet an  
19 arc distance of 281.03 and a chord bearing and distance of North 01 degrees 21  
20 minutes 49 seconds West 280.41 feet to the point of beginning.

21 SECTION FIVE. EMERGENCY CLAUSE. This being an ordinance for the  
22 preservation of public peace, health and safety, it is hereby declared to be an emergency measure  
23 within the meaning of Sections 19 and 20 of Article IV of the Charter of the City of St. Louis  
24 and therefore this ordinance shall become effective immediately upon its passage and approval  
25 by the Mayor.