Patio / City Process – My Thoughts for Now

From: M Bret Blackford (bret_blackford@yahoo.com)

To: sazonstl@hotmail.com; bret_blackford@yahoo.com

Date: Wednesday, September 23, 2026 at 02:56 PM CDT

Christian,

I looked through the latest emails from Dan and the City (attached and below), along with the new October tenant statement. My recommendation at this point is that you can mostly **wait and let Dan move the process forward**, rather than sending another long email right now.

The biggest thing is that Dan has now told the City, with you copied, that the required Certificate of Appropriateness/site-plan materials **will be submitted before Friday**. The City has said that filing needs to be in by **Friday at 5:00 p.m.** to keep the matter on the October 19 Planning & Zoning agenda. Dan's response was simply, "This will be submitted prior to Friday."

So, if it were me, I would wait until **Friday morning**. If you have not seen confirmation by then that the filing was completed, I would send a very short note to Dan and the City just making sure the site-plan application and any required owner parking-plan information have been submitted so the October schedule is preserved. (Text me if you want help with email wording)

I also would **not submit a separate application yourself right now**. The City specifically indicated that the person who owns the contractor plans/drawings should submit the Certificate of Appropriateness, and that the property-wide parking plan should come from the property owner. Dan appears to be taking responsibility for that now.

The rent situation also looks better. Dan's latest email says October will be billed at the reduced rent and that the extra rent paid in September will be applied to November. The new October statement confirms **$3,250 in base rent**, plus the current property tax, CAM and insurance charges, for a total of **$4,090.68 due October 1**. Importantly, the statement shows a **$0 balance forward** and does not include the other amounts Dan previously mentioned.

Assuming those current tax/CAM/insurance charges are the normal lease charges, I would pay the $4,090.68 statement by October 1 and keep a copy of both the statement and Dan's email.

I would **not**, however, respond in a way that agrees everything is now settled or that full rent automatically resumes in November. Dan said approvals "should be completed by that time," but that is his expectation. If approvals are not completed, you have already preserved your position regarding the temporary $3,250 rent and the patio-completion language in the lease.

I also would leave the other claimed charges alone for now. Dan previously mentioned the $2,517 of NNN charges, the electrical-panel contribution, contractor balances and some other items. The new statement does not include any of those and shows no prior balance. I would not ask Dan to clarify or revive those issues. If he later sends a separate invoice or asks for payment, then we can look at each item individually and compare it to the lease and supporting documentation.

Finally, I do not think you need to chase the building permit right now. The City's earlier email indicates that the building permit comes **after** approval of the site plan and amended Conditional Use Permit.

So my recommendation is pretty simple: **wait for now, make sure Dan actually gets the filing in by Friday, pay the October statement when due, and don't reopen the other disputed charges unless Dan does.**

Things seem to be moving in a better direction, and I would avoid creating new issues unless something falls through.

Give me a call/text if you want to talk through any of it.

---- Bret

----- Forwarded Message -----

From: Sazon St Charles <sazonstl@hotmail.com>
To: M Bret Blackford <bret_blackford@yahoo.com>
Sent: Wednesday, September 23, 2026 at 02:02:35 PM CDT
Subject: Fw: 416 S. 5th Street- Patio Permitting and Rent

From: Dan Flaiz <dflaiz@mckelveyproperties.com>
Sent: Wednesday, September 23, 2026 5:23 PM
To: Sazon St Charles <sazonstl@hotmail.com>
Cc: Mario Garcia <marioedgar2687@gmail.com>
Subject: Re: 416 S. 5th Street- Patio Permitting and Rent

Attached reduce rent for October Statement. Not due until 10/1/26. Increased rent in September will be applied to November rent as approvals should be completed by that time.

Daniel Flaiz | McKelvey Properties
Investment Sales & Leasing Broker
17280 N Outer 40 Rd, Suite 201
Chesterfield, MO 63005
Mobile: 314.267.8086
www.McKelveyProperties.com



From: Dan Flaiz <dflaiz@mckelveyproperties.com>
Sent: Tuesday, September 15, 2026 12:16 PM
To: Sazon St Charles <sazonstl@hotmail.com>
Cc: Mario Garcia <marioedgar2687@gmail.com>
Subject: Re: 416 S. 5th Street- Patio Permitting and Rent

NNN's were also supposed to be paid during the free rent period per lease and standard commercial practices. I will send over an invoice with those as well equaling $2,517

Daniel Flaiz | McKelvey Properties
Investment Sales & Leasing Broker
17280 N Outer 40 Rd, Suite 201
Chesterfield, MO 63005
Mobile: 314.267.8086
www.McKelveyProperties.com

From: Dan Flaiz <dflaiz@mckelveyproperties.com>
Sent: Tuesday, 15 September 2026 12:09:05
To: Sazon St Charles <sazonstl@hotmail.com>
Cc: Mario Garcia <marioedgar2687@gmail.com>
Subject: Re: 416 S. 5th Street- Patio Permitting and Rent

I will consider the credit until I get approval from the landmark board if that is the route you would like to proceed. There is still an outstanding balance due to contractors related to work on my building I may need to pay them and charge interest on in order to avoid a lien on my property. I'll also need to send an invoice over for the $1,500 I contributed for the electrical panel that was not in the lease agreement along with any additional items I've contributed outside of the lease agreement (Patio items, moving assistance, electrical for the outdoor lights, etc.)

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From: Sazon St Charles <sazonstl@hotmail.com>
Sent: Tuesday, 15 September 2026 11:58:33
To: Dan Flaiz <dflaiz@mckelveyproperties.com>
Cc: Mario Garcia <marioedgar2687@gmail.com>
Subject: 416 S. 5th Street- Patio Permitting and Rent

Hi Dan

I am writing regarding the patio constructed adjacent to Sazon at 416 S. 5th Street.
The City of St. Charles has now advised us that the patio cannot be used until several approvals are completed. The City identified a Certificate of Appropriateness/site plan, an amendment to the Conditional Use Permit, a parking plan, an amended liquor license, and a building permit for the patio work that has already been completed.
I want to move quickly and cooperatively so that we do not miss the City's upcoming filing deadlines.
Under Section 3(b) of our lease, the reduced $3,250 Base Rent was to continue until Landlord substantially completed construction of the patio, with “Patio Completion” occurring upon Landlord's written notice that the work was substantially complete. The patio construction was undertaken by Landlord, and Section 24 refers to Landlord’s Work/Improvements and specifically recognizes permitting as a potential source of delay.

Sazon is prepared to promptly pursue the amended liquor license and to cooperate fully with the City regarding permits and approvals that relate specifically to our restaurant operation.
However, because the patio was constructed by Landlord and the City is now requiring a building permit for work already completed, along with property/site approvals and a parking plan affecting the entire property, I believe Landlord should take responsibility for those property and construction-related items and provide the owner approvals and information necessary for the applications.
Please confirm as soon as possible that Landlord will:

1. take responsibility for obtaining the building permit and resolving any permitting issues associated with construction of the patio;
2. take the lead on, or fully cooperate with, the Certificate of Appropriateness/site plan and property-wide parking plan;
3. promptly sign or provide any owner authorization required for the Conditional Use Permit amendment; and
4. work with us so that the City's September 21 and September 28 filing deadlines are met.

I would also like to resolve the rent issue. Because the patio cannot legally be used, I am requesting that the temporary $3,250 monthly Base Rent remain in effect until the property/construction approvals necessary to legally use the patio have been completed. I also request a credit for any Base Rent paid above $3,250 per month for the last two months.
Please also provide me with a copy of the written Patio Completion notice referenced in Section 3(b), if one was previously issued.
I want to resolve this quickly and cooperatively. Please let me know today or tomorrow how you would like to coordinate the filings with the City.
Thank you,
Cristian Sanchez Gavier
ALAMOS LLC / Sazon

TenantStatement_10023_20260923 (3).pdf
49.4

Fw_ 416 South 5th Street.pdf
187.3

Fw: 416 South 5th Street

From: Sazon St Charles (sazonstl@hotmail.com)
To: bret_blackford@yahoo.com
Date: Wednesday, September 23, 2026 at 01:58 PM CDT

From: Erin LoRusso <Erin.LoRusso@stcharlescitymo.gov>
Sent: Tuesday, September 22, 2026 6:22 PM
To: 'sazonstl@hotmail.com' <sazonstl@hotmail.com>; 'dflaiz@mckelveyproperties.com' <dflaiz@mckelveyproperties.com>
Cc: Madelyn P. Brown <MadelynP.Brown@stcharlescitymo.gov>; Taylor Moore <Taylor.Moore@stcharlescitymo.gov>
Subject: RE: 416 South 5th Street

Dan & Christian,

The Department of Community Development has received an application to amend the Conditional Use at 416 S. 5th Street to allow for outdoor dining.

In order for this item to be placed on the Planning & Zoning October 19 Agenda, the required Certificate of Appropriateness – Site Plan application must be completed and submitted to the City by **Friday, September 25 at 5:00 p.m.** If not received, the Conditional Use Permit application will be delayed until November 9, 2026. I suggest that whoever paid for the contractor and thus "owns" the plans/drawings, submit for the Certificate of Appropriateness.

Additionally, staff is in receipt of the requested parking plan (see Taylor's email from 9/17). This too, should come from the property owner as it is a multi-tenant retail center.

Erin LoRusso, AICP
Assistant Director/Planning Manager
Department of Community Development
City of Saint Charles
200 North 2nd Street
St. Charles, MO 63301
Main Office 636.949.3200
Direct Phone 636.949.3234
Fax 636.949.3557

From: Taylor Moore <Taylor.Moore@stcharlescitymo.gov>
Sent: Thursday, September 17, 2026 3:45 PM
To: 'sazonstl@hotmail.com' <sazonstl@hotmail.com>; 'dflaiz@mckelveyproperties.com' <dflaiz@mckelveyproperties.com>
Cc: Madelyn P. Brown <MadelynP.Brown@stcharlescitymo.gov>; Erin LoRusso <Erin.LoRusso@stcharlescitymo.gov>
Subject: RE: 416 South 5th Street

Good afternoon,

The Department of Community Development has received your application to amend the existing Conditional Use Permit (CUP) for the expanded outdoor dining use.

The next step will be to submit a Certificate of Appropriateness - Site Plan application to be reviewed by the Landmarks Board. This can be completed by utilizing the Citizen Self Service portal. Once you are in the portal, under the "Plans" section, you will fill out a Certificate of Appropriateness – Site Plan application. This is also where all photographs, site plans, elevations, material examples, and supporting documents can be submitted for the patio space upgrades.

A parking plan will also be required with both applications (the CUP amendment and the Certificate of Appropriateness) to show the modified parking layout and ensure the property remains in compliance with City parking standards. This will include all tenant units of the property, and not just the unit housing Sazon.

I am happy to assist if you have any questions regarding this process.

Thank you,

Taylor R. Moore, MPA
Preservation Planner
Department of Community Development
City of Saint Charles
200 North Second Street
St. Charles, MO 63301
Phone 636.949.3228

From: Taylor Moore
Sent: Wednesday, September 9, 2026 8:20 AM
To: sazonstl@hotmail.com; 'dflaiz@mckelveyproperties.com' <dflaiz@mckelveyproperties.com>
Cc: Madelyn P. Brown <MadelynP.Brown@stcharlescitymo.gov>; Erin LoRusso <Erin.LoRusso@stcharlescitymo.gov>
Subject: 416 South 5th Street

Good morning,

Regarding the patio at 416 S 5th Street, a Certificate of Appropriateness - Site Plan application approved by the Landmarks Board and an amendment to the Conditional Use Permit will be required. The amendment to the Conditional Use Permit will require approval from both the Planning and Zoning Commission and City Council to expand the liquor sales use to the outdoor dining area. A parking plan will also be required with both applications to show the modified parking layout and ensure the property remains in compliance with City parking standards. This will include all tenant units of the property, and not just the unit housing Sazon.

Following approval of the site plan and amended Conditional Use Permit, a building permit submittal will also be required for the work that has already been completed.

The next applicable timeline for approvals will be as follows:

- **September 21st**- Deadline to submit an application to amend the conditional use application
- **September 28th**- Deadline to submit an application for a site plan to the Landmarks Board
- **October 19th**- Planning and Zoning Commission meeting
- **October 26th**- Landmarks Board meeting with final approval of the site plan
- **November 3rd**- City Council meeting with final approval of the amended conditional use application

The referenced applications can be submitted online through our portal, which can be accessed here. Please note that you will need to create an account prior to submitting an application. Both the Conditional Use Permit application and the required Certificate of Appropriateness application will be found under the “Plans” section of the portal.

Please let me know if I can provide any additional information, I am happy to assist.

Thank you,

Taylor R. Moore, MPA
Preservation Planner
Department of Community Development
City of Saint Charles

200 North Second Street
St. Charles, MO 63301
Phone 636.949.3228

TENANT STATEMENT

5th Street Capital Group
524 Old Moray Place
Saint Charles, MO 63301
(314) 267-8086

Prepared For

ALAMOS LLC
416 South 5th Street, Unit 416
Saint Charles, MO 63301

Date: 09/23/2026
Total Due 4,090.68
Unit: 416

Date	Description	Charges	Payments	Balance
10/01/2026	Property Tax Estimate (10/2026)	286.04	0.00	4,090.68
10/01/2026	CAM Estimate (10/2026)	226.74	0.00	3,804.64
10/01/2026	Insurance Estimate (10/2026)	327.90	0.00	3,577.90
10/01/2026	Commercial Rent (10/2026)	3,250.00	0.00	3,250.00
	Balance Forward			0.00

Notes:

0-30 Days	31-60 Days	61-90 Days	Above 90 Days	Amount Due
4,090.68	0.00	0.00	0.00	4,090.68