

Plan Commission
August 23, 2017 Meeting Minutes

The Plan Commission held their regular meeting at the Heman Park Community Center located at 975 Pennsylvania Avenue, University City, Missouri on Wednesday, August 23, 2017. The meeting commenced at 6:30 pm.

1. Roll Call

Voting Members Present

Cirri Moran (Chairperson)
Michael Miller
Cynthia Head
Judith Gainer
Ellen Hartz

Voting Members Absent (excused)

Rosalind Williams
Andrew Ruben

Non-Voting Council Liaison Present

Rod Jennings

Staff Present

Andrea Riganti, Director of Community Development
Raymond Lai, Deputy Director of Community Development
Andrew Stanislav, Planner

2. Approval of Minutes

2.a. July 26, 2017 Plan Commission meeting

A motion was made by Mr. Miller to approve the July 26, 2017 meeting minutes. The motion was seconded by Ms. Gainer and carried unanimously.

Before the remaining agenda items were addressed, Chairperson Ms. Moran issued an apology on behalf of the Plan Commission to Dan Wald, property owner of 8400 Delmar Boulevard adjacent to the north of 8348-8350 Delcrest Drive (Crown Center for Senior Living). It was PC #17-07 that was reviewed for a Final Development Plan Amendment at the previous Plan Commission meeting on July 26, 2017. Ms. Moran stated that she was dismayed at the City Council meeting on August 14, 2017, when Mr. Wald stated that he was not notified of the Final Development Plan Amendment agenda item for the July 26, 2017 Plan Commission meeting. Ms. Moran stated that the Plan Commission did not ask the representatives of Crown Center if they had spoken with neighboring properties prior to the meeting and that it is incumbent upon the Plan Commission to make sure they hear all sides of any proposed project. She stated that there was no excuse in their deficiency and hoped Mr. Wald would accept their apology.

3. Public Hearings

3.a. Conditional Use Permit PC 17-10 – 1011 East Park Industrial Drive and 6425 Maple Avenue – Proposal for the manufacturing of sporting firearms with offices and storage and assembly areas in the “IC” – Industrial Commercial District

Ms. Moran provided a brief description of the proposed project and stated that the public hearing notice requirements have been met. She indicated the Findings-of-Fact required for Condition Use Permit consideration. She stated that this is not the final step in the review process, and Plan Commission will forward their recommendation to City Council.

Mr. Lai explained the proposal and showed slides of the site and surrounding properties. The proposal was for a Conditional Use Permit to allow the manufacturing of sporting firearms with offices and storage and assembly areas to occupy a portion of existing space at the Universal Sewing Supply campus in the Cunningham Business Park area of the “IC” Industrial Commercial District.

David Samuels, one of the applicants, provided a background of the proposed project as well as his personal background and experience. He stated that Universal Sewing Supply has been in its current location for 40 years with 48 employees. The proposed conditional use to allow the manufacturing of sporting firearms, along with office, storage, and assembly areas, would occupy existing space within the Universal Sewing Supply campus. Hendrix and Hunter, the company of the proposed project, will manufacture pump action rifles with the intent of selling to collectors for a retail price of approximately \$2,500. They anticipate producing about 100 cases over the next 18 months.

Scot Towner, also an applicant as well as the designer and engineer of Hendrix and Hunter, presented slides that described the typology and quality of firearms the proposed company intended to produce. He stated that their target market includes collectors and enthusiasts, noting the high quality of the product such as hand-finishes and assembly. Mr. Towner further described the products as intended as an art or collectible item versus tactical or security use. Hendrix and Hunter must obtain a license from the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) in which there are specific security measures that must be followed. Mr. Towner stated that the facility has multiple levels of security, including 24/7 off-site monitored cameras. There is good police presence near the facility and access must be given in order to obtain entry. There are no exterior perspectives that allow a view of the interior, and little to no foot traffic is expected since there will not be a retail component at this location. There will also be no on-site testing of the products and no ammunition will be kept at the facility. Mr. Towner further noted that this would be a small business with between five and ten employees. Employees will have the skills of a machinist, artist, or technical background, and they would like to produce 100 rifles within about 18 months which would help the business to determine the market for the product.

Questions / Comments / Discussion by Plan Commission:

- Does “sporting firearm” mean deer hunting or really art to hang in a cupboard? Mr. Towner stated that a number of the rifles are bought with the intention to live in a gun safe or cupboard as an exhibit; however, the rifle is a licensed and regulate firearm with applications

for hunting. Some consumers may occasionally take the rifle to a gun range. He also anticipated about five out of 100 guns would be routinely used with the rest as collectors' items.

- Do the bullets load one at a time? Mr. Towner said yes and illustrated the process of loading the rifle using the presentation slides. He stated that the rifle will hold six rounds per time and that the slide action and level action guns are of 19th Century design. This style of gun became obsolete as military advancements increased the loading capacity in new styles.
- Will there be ammunition at the proposed location and where will you sell your product? Mr. Towner stated that there will be no ammunition at this location as testing the product testing is located at another site outside of the city. He further stated that the products would mostly be sold through a dealer given the regulations on gun sales, noting that each product needs to be serialized per the ATF.
- What are the proposed hours of operation? Mr. Towner stated that the hours of operation would be between 9:00 a.m. and 4 p.m., but noted that this may be adjusted to 6 p.m. The hours between 9:00 a.m. and 4:00 p.m. are the hours that the ATF would perform random inspections.
- Will there be sales on the Internet since there will be no foot traffic at the proposed site? Mr. Towner stated that there may be some visitors to at the proposed site by appointment only; however, there will not be a showroom or retail component at this location. Their intended marketing would be through word-of-mouth.
- Are your sales wholesale or retail? Mr. Towner stated that they intend for their sales to be wholesale and clarified for the Commission that the \$2,300 to \$2,500 price range is the retail and not the wholesale pricing.
- In terms of security, these are not tall buildings but they appear sturdy. Will there be any enhancements on the building's walls? Mr. Towner stated that the building's walls are brick and 30 inches thick. He demonstrated the location of the proposed business in relation to the entire site on an aerial image on the slides.
- Are there skylights on the roof and is the roof secure? Mr. Towner stated that the building has skylights and 20-foot ceilings. He stated that he cannot say that it is burglar proof; however, an internal room of the facility with no external access, functioning similarly to a tool room in a machine shop, serves as a secured area for the business to store their products and equipment in concrete floor-bolted safes. This area does not have a skylight and there is security monitoring this room.
- Who is notified when there is a security issue? Mr. Towner stated that the head of IT, other IT personnel, the building manager, and the police are all notified. He further stated that the facility has excellent existing security due to the owner's history of fine art appreciation.
- Does the security system only consist of cameras? Mr. Towner stated that the entire facility is secure, including the skylights, which will trigger an alarm if breached.
- What do the guns shoot? Mr. Towner stated the similarity to a Smith and Wesson, as the rifle is shorter, it does not hold as much gun powder, and it does not have as long of a range as other guns. He stated that deer and bigger game would be appropriate for this rifle.
- How will your company be branded to the community? Mr. Towner stated that they will not install signage to raise awareness of their identity, especially to passersby, during the infancy of the business but noted that it may become more difficult to hide if the brand becomes successful. If the brand does become that successful, Mr. Towner stated that they would likely invest in a showroom.

- How does Hendrix and Hunter relate to Universal Sewing Supply? Mr. Towner stated that the owner has a strong personal interest in art and views Hendrix and Hunter as an art-related business worth supporting. He further stated that Hendrix and Hunter is essentially renting space from a landlord.
- Explain the business in its totality. Mr. Towner navigated the Universal Sewing Supply facility on an aerial map on a slide for the Commission to understand what uses of Hendrix and Hunter will occupy which existing building space.
- If this business expands, where would you go in the building? Mr. Towner stated that there is plenty of space if expansion is necessary and that the existing uses can be reorganized within the building to increase efficiency.
- Some Commission members voiced concerns regarding security upon personally seeing the subject site as part of individual research prior to this meeting. The building across East Park Industrial Drive has quite extensive fencing and gate systems, but the subject site appears freely open. Mr. Towner stated that the company across East Park Industrial Drive has outdoor storage of tools and materials that require such extensive security measures. The proposed project is entirely within the interior of the existing subject buildings.
- The time lag of the security cameras in relation to outdoor security measures, and possibility of internal theft by employees, still concerned some Commission members. Mr. Towner stated that there will be access only to Hendrix and Hunter and not Universal Sewing Supply.
- Will lead be used in any part of the manufacturing process at this location? Mr. Towner stated that lead will not be used. Stainless steel and wood will be the primary materials for production.
- How will defective products be disposed? Mr. Towner stated that the ATF tracks disposed products as well through documentation of the product's serial number that remains in the company's records.

The Commission asked for advisement on requesting a landscape buffer from the applicant. Ms. Riganti stated that the request for a landscape buffer can be submitted and that staff also views the landscaping as an issue of safety and security as some foliage may aid in hiding unauthorized personnel from being on the premises. Ms. Riganti further stated that the Plan Commission can see the proposed landscaping prior to making a decision as either enacting it as a condition or either postponing the decision.

Ms. Moran asked the public in attendance to identify if they lived within the immediate vicinity of the proposed project. (No one answered). Ms. Moran stated that she drove the subject area the Saturday prior to this meeting and saw only one sign posted along East Park Industrial Drive. She also noted that while the public notification outreach does not seem adequate, she understands staff's burden.

Staff explained to Ms. Moran that three individual signs had been posted on East Park Industrial Drive, Maple Avenue, and Sutter Avenue. A week prior to this meeting the notification signs were checked by staff and the two signs missing along Maple Avenue and Sutter Avenue were replaced. Staff also stated that a map defining the properties within the 200-foot notification radius of the subject property can be shown to the Commission to confirm where notification letters have been sent. Ms. Riganti advised that a motion may be

made later in the meeting following other agenda items regarding public hearing notifications.

- Will there be employee background checks? Mr. Towner stated that there will be background checks as well as tests for substance abuse.
- Where would your potential future showroom be located? Mr. Towner stated that the future showroom size and location would depend on the scale of success of the business, and that ammunition would also not be available in the potential showroom. He also stated that this would never be a retail outlet.
- Will only finished products be stored in the safes and who has access? Mr. Towner stated that there will be four to five six-foot tall safes that will be bolted to floor. As soon as the product is in process it will be stored in the safe, along with tools and other equipment. He further stated that not everyone working for the Hendrix and Hunter will have access codes to the safes and that this secure room that will house the safes is entirely inside the existing secure building.

Public Hearing speakers:

- 1) Naomi Silver, 7434 Wellington Ave. – stated that she is a 3rd Ward resident, west of the proposed location for Hendrix and Hunter. She took issue with the applicants describing the proposed firearm products to be manufactured as fine art. Ms. Silver stated that she appreciated the company's location in the St. Louis area, but the risks outweigh the benefits. She calculated that 100 guns sold at the retail price of about \$2,500 per gun, over 18 months, the business license fee in the second year of operation that city would receive \$7,500. She further stated that the proposed five to ten employees are not guaranteed to be University City residents.
- 2) Kevin Taylor, 3rd Ward Resident, P.O. Box 300530 – questioned where the findings-of-fact document can be located and how it was created. He stated that he toured the proposed facility for Hendrix and Hunter with Councilmembers Smotherson and Jennings prior to this meeting. Mr. Taylor stated that drunk driving and security risk factors were not addressed for the proposed brewery in University City and does not see why the proposed rifle manufacturing business should be reviewed with such scrutiny. He suggested that a potential future police station be located southwest of the subject site along Olive Boulevard, and questioned the Commission if they would view this proposal any differently in his proposed scenario. Mr. Taylor stated that the Plan Commission has to look beyond their morals and determine if the proposed use generates revenue and fits with the City's Comprehensive Plan. He stated that America is made of small businesses and the City should encourage diversity and entrepreneurship in manufacturing. He also questioned if anyone knew what activity or use was ongoing in the subject buildings currently before this meeting and suggested the potential for skilled employees from outside University City to be attracted here because of these unique and diverse opportunities. He suggested the proposal just needed good conditions imposed for regulation purposes.

- 3) John Bierman, 7600 Cornell Ave. – stated that he is an attorney though he does not specialize in land use. He requested clarification as to why a Conditional Use Permit was required in this case given the similarity of the proposed use to other Permitted Uses in the “IC” Industrial Commercial District, such as a machine shop. He stated that if there was no prohibition of firearm manufacturing in the City’s Zoning Code, than it should be approved. He further reiterated the intended use and intent of the rifle to be used by collectors and enthusiasts and is slow in firing and not a high caliber rifle. Mr. Bierman stated that he understands the Commission’s concerns relating to security at the facility; however, the product is highly regulated and will be difficult to access without permission. He encouraged the Commission to recommend this proposal for approval as the City’s Zoning Code does not prohibit the manufacturing of firearms.
- 4) Councilmember Rod Jennings, 1412 Purdue Ave. – Mr. Jennings stated that he is a 3rd Ward resident, gun enthusiast, and he is against the illegal possession of firearms. He and Councilmember Smotherson toured the facility with the property owners for two hours prior to this meeting with Mr. Taylor. He stated that he noticed the presence of security cameras around the facility, the presence of City police at night, and the extremely thick walls of the existing buildings. Mr. Jennings further stated that he observed numerous alarms and a steel cage access to the manufacturing area. The proposed guns are older in style and not what street criminals typically use. Research into the market of firearms shows the heavy regulations, and he does not believe that there will be any negative impacts on the City or the surrounding neighborhood. He stated that Hendrix and Hunter is a responsible and good business, and that gun manufacturing is not new to our area, including Missouri and Illinois. He and City Councilmember Smotherson agreed the proposal is manufacturing and not detrimental.

Questions / Comments / Discussion by Plan Commission continued:

- Would potential expansion of the proposed business include the production of hand guns? Mr. Towner stated that future products would involve the proposed rifle with variations in terms of the raw materials used which would increase the price and quality of the product.
- Do you have a rebuttal to any of the public hearing comments? Mr. Towner stated that he did not have any rebuttals and that only one public hearing comment was in opposition to the proposed use.

Ms. Moran asked for staff’s recommendation. Mr. Lai explained staff’s recommendation for approval of the application, including a highlight description of the proposed conditions in Attachment “A” of the staff report. Mr. Lai stated that the proposed use was compatible with the site and surrounding uses, including the residential uses to the west provided that appropriate conditions are imposed. It would not create a detrimental impact on these properties. The CUP application was circulated through all appropriate City departments for comments, and the applicant had provided responses specifically to the Department of Public Works and Parks and the Police Department. Mr. Lai noted that since no showroom

is proposed, and future showroom proposal would have to be brought back to Plan Commission for review.

Ms. Riganti responded to Mr. Bierman's public hearing comment, stating that the Zoning Code does not explicitly prohibit nor permit the proposed use. She explained that staff determines if the proposed use is "like enough" to the permitted uses of the zoning district. Staff determined that the proposed use could have controversy and was not "like enough" to the permitted uses of the "IC" District, and that such use shall be considered a conditional use if its potential impact is uncertain. It would provide an opportunity for conditions to be imposed before the application moves forward in the approval process.

- Mr. Miller motioned to consider adding an amendment to the conditions for an agreement on the landscaping plan, particularly along Sutter Avenue. Ms. Gainer seconded the motion. By a vote of 1-4, the motion failed.
- Mr. Miller motioned to approve the CUP with conditions in Attachment "A" as proposed by staff. Ms. Hartz seconded the motion which was subsequently passed unanimously.

Mr. Bierman added that he does not think the applicant should be subject to pursuing a Conditional Use Permit because of anticipated controversy. He stated that the proposed use is light manufacturing and machining as a "permitted use," although he has not seen the recommended conditions yet at this time. He appreciated that the community was able to voice their concerns and opinions regarding Hendrix and Hunter's proposal. His client, the applicant, would reserve the right to challenge the need for a CUP later.

4. Hearings – None

5. Old Business – None

6. New Business

6.a. Zoning Map Amendment PC 17-09 – Proposed zoning map amendment from "PD-M" Planned Development-Mixed Use District to "PD-R" Planned Development-Residential District (Assisted Living & Memory Care Facility) – Kingsland Walk Senior Living, LLC (c/o Paul Boyer, Civil Engineering Design Consultants, Inc.) – 6668 Vernon Avenue (at Kingsland Avenue)

Ms. Moran explained that the Commission has previously reviewed the applicant's proposed preliminary sketch plan and reminded the Commission members of the process for approval.

Ms. Riganti explained the significance and procedure associated with the "PD" Planned Development zoning classification through a flow chart. She stated that this zoning classification was designed to allow for flexibility in the site plan and design so the development can better fit a property. Additionally, the "PD" District zoning and the preliminary plan cannot exist without one other.

Ms. Riganti explained the proposal and showed slides of the site and surrounding properties. The proposed rezoning would provide a more appropriate fit for the proposed senior housing development than the property's current zoning.

The applicant, Mr. Paul Boyer with Civil Engineering Design Consultants, Inc., and the project architect, David Mastin, provided a summary of the project. The proposal was for a four-story assisted living and memory care facility with 49 assisted living units. Mr. Boyer explained that a market study had been completed which proved significant unmet demand for this type of service in this area that allows residents to age in place. Mr. Boyer noted the inclusion of Commission suggestions from the July Work Session, including two additional parking spaces to meet the parking requirement. He also noted the potential inclusion of a concrete median along Kingsland Avenue as suggested preliminarily by St. Louis County to prevent south-bound traffic from entering the development. The applicants reviewed drawings and details of the proposed development with a presentation. Mr. Mastin indicated that they will work with the City Forester on proposed landscaping.

Mr. Mastin continued to note the tremendous need in University City for an assisted living facility. He further described some architectural elements of the proposed development, including the location of balconies, façade materials, and landscape plan. He further clarified that the parking requirements in the site plan are correct and are not reflected in the renderings.

Questions / Comments / Discussion by Plan Commission:

- What are the demographics of residents in assisted living facilities? Mr. Mastin stated that the demographics of residents would involve those who need assistance with daily living and are mentally adept. He stated that there is no age restriction.
- Have you contacted the neighbors to the east? Mr. Mastin stated that they have contacted them and had planned to meet with them the following morning. He stated that they are aware of the most important details of these plans and they have no expressed dismay as of yet.
- Would you consider a recreational partnership with the daycare next door? Mr. Mastin stated that they would consider a partnership and agreed that the potential intergenerational activities would be a benefit.
- Have you spoken with Washington University regarding the adjacent property to the south? Mr. Mastin stated that the meeting for the following morning was with Washington University representatives.

Ms. Riganti clarified for the Commission that Washington University owns the properties adjacent to the subject property to the east, which is the daycare facility, and the south.

- Will the access to the site along Vernon Avenue serve as both an entrance and an exit? Mr. Boyer stated that they have not gotten final confirmation from St. Louis County yet as of this time but they would like to keep full access along Vernon if the Kingsland access point will be right-in/ right-out only.

- Will the service entrance be accessible for public use? Mr. Boyer stated that the public can exit from this point but may not enter.
- Can there be a sign along Kingsland that says right-turn only at the entrance to the development? Mr. Boyer stated that they can erect a sign at that location.
- Do you have an agenda for your meeting with Washington University, and are you going to try to get the parcel to the south of the subject site? Mr. Mastin stated that there was no set agenda for the meeting but they would like to discuss opportunities for a better arrangement of property for both parties.
- Will the façade material be brick or a type of faux-brick? Mr. Mastin stated that the brick used for the façade will be conventional brick.

Ms. Riganti stated that staff recommended approval as the proposed “PD-R” District is reasonable and compatible with the surrounding uses. She stated that although the subject site is marginally less than the required one acre lot size for the “PD-R” District, she commended the development team for their ability to incorporate all of the necessary elements, including parking and landscaping. She stated that curb-cuts will be addressed at a later stage in the review process and ultimately it is the jurisdiction of St. Louis County. The development team previously met with the Green Practices Commission and included some recommendations.

The Commission inquired if the acquisition of the adjacent parcel to the south would alleviate the tightness of the proposed development. Ms. Riganti stated that there could be additional landscaping along that side of the development but acquiring that property cannot be made a condition. Mr. Mastin also stated that they would use the additional space, if required, as a landscaping buffer but did not know what the remainder of the site could be used for at this time.

Public Comments – None

A motion was made by Ms. Gainer to recommend approval of the proposed Zoning Map Amendment with the attachments, including the preliminary development plan. The motion was seconded by Mr. Miller and carried unanimously by a vote of 5-0. The recommendation will be forwarded to City Council for a public hearing and consideration of final approval.

Ms. Moran proposed a brain-storming session be held by the Plan Commission regarding public notifications to adjacent property owners and through various channels of notification. She stated that their duty is to hear all sides of a proposal and they need to be creative without increasing the burden on staff. Ms. Head suggested coordinating a strategy via email rather than an extra meeting. Ms. Moran suggested a subcommittee be formed to meet with staff regarding suggestions. Ms. Moran, Ms. Hartz, and Ms. Gainer will be on the subcommittee and agreed to coordinate further following this meeting.

7. Other Business

7.a. Public Comments

There were three speakers:

- 1) Dan Wald, 8420 Delmar Blvd. – Mr. Wald, the owner of the property to the north of Crown Center at 8350 Delcrest Drive, stated that he was unaware of the Crown Center proposal for a Final Development Plan Amendment (PC 17-07) and its review before the Plan Commission in July. He stated that he was concerned for the sightlines of his tenants north of the Crown Center property, given the proposed ten-foot setback from the property line. He stated that he never received notification from Crown Center and they are currently erecting a fence 20-feet from his building for security reasons. He stated that he did not understand what the benefit to the City was from Crown Center since they are tax exempt and are 100 percent occupied by low-income seniors. He further stated that he was concerned he will lose a contract he has to sell his property to a potential hotel developer because of the close proximity of the Crown Center redevelopment. The potential hotel developer and Crown Center were to meet the following day to discuss the issue. Mr. Wald stated that the public notification issue needs to be rectified.
- 2) Ben Senturia, 7031 Waterman – Mr. Senturia stated that he is the Vice Chair of the Comprehensive Plan Advisory Committee (CPAC) in which he serves with Ms. Moran. He described the history of the comprehensive planning process in which a consultant was hired and various iterations of comments have been relayed as a result of their dissatisfaction. He stated that he understand this is not an easy process but it must continue. Mr. Senturia requested that the Plan Commission come to terms with what needs to be done as a next step and to notify them of what the status is, given the amount of hours spent working on this plan update. Ms. Moran stated that she will work with staff on this.
- 3) Councilmember Paulette Carr, 7901 Gannon Ave. – Ms. Carr stated that she is the 2nd Ward Councilmember. She discussed the Crown Center Final Development Plan Amendment in regards to Mr. Wald's notification. She stated that Plan Commission is advisory to City Council. In City Council decisions, she had to consider the law, facts, and her discretion. Something cannot be turned town because of a personal opinion; the law needs to be followed. She stated that Ms. Riganti was perfectly clear of the procedure regarding the Crown Center amendment and it is not a variance request for the Board of Adjustment. Ms. Carr explained a personal example of public notification she experienced in Michigan. She stated to the Commission that when things do not feel comfortable, they had every right to postpone. She stated that no one asked for the Board of Adjustment and only for a landscape plan. Ms. Carr noted that this particular case was for the convenience of Crown Center, and Crown Center owed it to inform the neighboring property owners, and the City should take additional consideration. The Plan Commission should have postponed their decision as this appears to be a taking of Mr. Wald's property. Ms. Carr stated that Ms. Riganti was correct in assuring the law and discretion was considered in this case, but The Commission did not ask for the missing facts to be provided. Ms. Carr further noted that she takes Plan Commission's recommendation seriously.

8. Reports

8.a. Code Review Committee Report – None

8.b. Comprehensive Plan Committee Report

Ms. Riganti stated that staff will meet with Ms. Moran for guidance and suggestions for a process to continue, and to resume bi-weekly or monthly progress updates.

8.c. Council Liaison Report - None

8.d. Department Report

Ms. Riganti announced that Mr. Lai has accepted a position in Decatur, Illinois, and his last day as Deputy Director of Community Development for University City will be September 8, 2017. She thanked him on behalf of the City for his dedication and hard work. Mr. Lai thanked the Commission members, both present and past, and stated that he appreciated the opportunity to work during the past six and a-half years for University City.

9. Adjournment

The meeting adjourned at 8:50 pm.