

MEETING OF THE CITY COUNCIL
CITY HALL, Fifth Floor
6801 Delmar Blvd.
University City, Missouri 63130
Monday, June 14, 2021
6:30 p.m.

On March 20, 2020, City Manager Gregory Rose declared a State of Emergency for the City of University City due to the COVID-19 Pandemic. Due to the ongoing efforts to limit the spread of the COVID-19 virus, the meeting will be in person at City Hall for members of staff and Council. **The public may observe and/or listen to the June 14, 2021 meeting as it has been able to do since on or about March 20, 2020.**

A. MEETING CALLED TO ORDER

At the Regular Session of the City Council of University City held via videoconference, on Monday, June 14, 2021, Mayor Terry Crow called the meeting to order at 6:35 p.m.

B. ROLL CALL

In addition to the Mayor, the following members of Council were present:

Councilmember Stacy Clay
Councilmember Aleta Klein
Councilmember Steven McMahon
Councilmember Jeffrey Hales
Councilmember Tim Cusick
Councilmember Bwayne Smotherson

Also in attendance were City Manager, Gregory Rose; City Attorney, John F. Mulligan, Jr.; Director of Planning and Development, Clifford Cross, and Director of Parks, Recreation & Forestry, Darren Dunkle.

Mayor Crow stated he believes it was today or yesterday that the United States exceeded 600,000 lives that were lost due to COVID. No doubt this weighs heavily on everyone, as reflected in the decisions Council and the City Manager have had to make over the last fifteen months. He stated he is grateful to see all of his colleagues face-to-face and looks forward to seeing the public return to these chambers hopefully in July. He then thanked everyone for their patience.

Mayor Crow stated they are also honored to welcome Councilmember Klein to her first in-chambers meeting.

C. APPROVAL OF AGENDA

Councilmember McMahon moved to approve the Agenda as presented, it was seconded by Councilmember Cusick and the motion carried unanimously.

D. APPROVAL OF MINUTES

1. May 24, 2021, Study Session – RPA 2 Steering Committee was moved by Councilmember Clay, it was seconded by Councilmember Hales, and the motion carried unanimously.
2. May 24, 2021, Regular Meeting was moved by Councilmember McMahon, it was seconded by Councilmember Hales, and the motion carried unanimously.

E. CITIZEN PARTICIPATION

Procedures for submitting comments for Citizen Participation and Public Hearings:

*ALL written comments must be received **no later than 12:00 p.m. the day of the meeting.** Comments may be sent via email to: councilcomments@ucitymo.org, or mailed to the City Hall – 6801 Delmar Blvd. – Attention City Clerk.*

Such comments will be provided to City Council prior to the meeting. Comments will be made a part of the official record and made accessible to the public online following the meeting.

*Please note, when submitting your comments, a **name and address must be provided**. Also, note if your comment is on an agenda or non-agenda item. If a name and address are not provided, the submitted comment will not be recorded in the official record.*

Mayor Crow thanked citizens for taking the time to submit their written comments. All comments meeting the aforementioned guidelines have been made a part of this record.

F. PUBLIC HEARINGS

1. FY22 Annual Budget and CIP

Mayor Crow opened the Public Hearing at 6:37 p.m. All comments received on this topic were acknowledged, and the hearing was closed at 6:38 p.m.

2. Avenir Project

Mayor Crow opened the Public Hearing at 6:38 p.m. All comments received on this topic were acknowledged, and the hearing was closed at 6:38 p.m.

G. CONSENT AGENDA

- 1. Renewal of Audit Services' Contract**
- 2. Westgate Improvements – Additional Reimbursement Grant Opportunity**
- 3. Replacement Police Vehicle**

Councilmember Klein moved to approve Items 1 through 3 of the Consent Agenda, it was seconded by Councilmember McMahan, and the motion carried unanimously.

Mr. Rose introduced the following Assistant City Managers to Council:

- Gabby Macaluso - Economic Development and Communications
- Brooke Smith - Development and execution of the City's Housing Program, and construction activities

H. CITY MANAGER'S REPORT

1. Opening City Facilities Update

- City Hall is now open from 8 a.m. to 5 p.m., Monday through Friday. Residents are being asked to use the front door entrance and adhere to the City's screening process. Residents are encouraged to comply with the CDC's standards related to the wearing of masks.
- Disabled residents seeking entrance to City Hall should call (314) 862-6767 for admission and screening.
- The first in-person meeting for the public is scheduled for July 12th.

Councilmember Clay asked what the City's screening process entailed? Mr. Rose stated it consists of a temperature check to ensure that individuals do not have a fever.

Councilmember Clay asked how long the City anticipated employing this process? Mr. Rose stated the City's actions are based on the policies established by the County, so at this time, it is unknown how long the practice will remain in place.

Mr. Rose asked Mr. Dunkle if he would provide an update on the pool and Centennial Commons.

Mr. Dunkle stated the pool and Centennial Commons have been open for two weeks, which includes three weekends. Turnout has increased with the warmer weather but since the pool can handle up to 900 people there is plenty of capacity.

The health and fitness side of Centennial Commons has not reached its pre-COVID capacity, which could be a result of the limited hours. The gymnasium is very popular from 3 p.m. to close.

Staffing continues to be an issue; however, he is still interviewing and hopes to bring more people on board soon. Mr. Dunkle stated there were a few minor incidents, but overall operations have been fairly smooth.

Mayor Crow asked Mr. Dunkle how many positions were still vacant in his department? Mr. Dunkle stated he's looking to hire one full-time and 11 part-time employees. He stated the problem with filling the part-time positions is associated with the number of hours people are willing to work and his need to fill an entire shift.

Councilmember Clay asked if the City was still operating under the free access incentive for non-members? Mr. Dunkle stated that they were.

Councilmember Clay asked if staff anticipated extending this inducement? Mr. Rose stated staff is considering extending the free access incentive until July 6th, which would allow residents an opportunity to utilize the pool during the holiday. Councilmember Clay questioned whether this was an administrative decision or one that should be made by Council? Mr. Rose stated the decision to extend the free access was an administrative decision. Councilmember Clay asked Mr. Rose if he had a dollar amount for how much this would impact the City's revenue? Mr. Rose stated he would have to provide that information to Council after the meeting since he did not have the numbers in front of him.

Mayor Crow encouraged staff to inform residents about the return to normal operations as soon as possible.

Councilmember Cusick asked if staff had a schedule for when the Community Center would reopen? Mr. Dunkle stated reopening of the Community Center is contingent upon staffing. Currently, his department does not have any staff to take reservations for that facility, and Public Works does not have the custodial staff to perform the work needed to honor reservations. Councilmember Cusick questioned whether this would hinder the City's Boards and Commissions from utilizing the Center for their meetings? Mr. Rose stated the goal is for all Boards and Commission to begin meeting in person on July 1st, so they will make sure the proper arrangements are in place for them to conduct their meetings.

Councilmember McMahon asked whether any of the previous programs were being offered at the pool? Mr. Dunkle stated they are not offering any City-sponsored programs due to staffing. Councilmember McMahon stated Council received an email today detailing some of the disruptions at the pool and his concern is whether there is an interface between the outsourced lifeguards' employer and the City to ensure they are aware of the next steps to take whenever they encounter a problem they are unable to handle? Mr. Dunkle stated the lifeguards' contractual agreement also includes placing managers and assistant managers on-site to assist lifeguards with minor or routine infractions.

The police are to be contacted for anything they are unable to handle on their own, and at that point, his staff will be notified.

Mr. Rose stated today, he and Mr. Dunkle discussed the need to ensure that these facilities provide residents with a safe and enjoyable experience. As a result, Chief Hampton has committed to having an officer posted at both facilities when they open each day.

Councilmember Smotherson stated incidents, where attendees are not compliant with staff's instructions, are also occurring at the gymnasium; which he believes is largely the result of a lack of knowledge about the rules and regulations that apply to each facility. So, he would suggest posting this information in areas where attendees can see exactly what those rules and regulations are.

Mr. Dunkle stated his staff is already addressing this issue, so hopefully, the rules and regulations will be posted in both facilities within the next few days.

2. Special Event Policy

Mr. Rose stated as a result of today's Study Session, staff is recommending that Council forward this policy to the Parks Commission to ascertain their recommendations on how this policy can be strengthened.

Councilmember Hales moved that the Special Event Policy be referred to the Parks Commission for their review and recommendations to Council, it was seconded by Councilmember McMahon.

Councilmember Cusick stated his one area of concern is that the \$1,000 security deposit required for all organizations is a little too steep. So, he would like to ask the Commission to pay particular attention to this aspect of the policy.

Mr. Rose stated both he and Mr. Dunkle have received messages expressing the desire to streamline the process for U City residents. So, Mr. Dunkle will pass all of this information along to the Commission.

Voice vote on Councilmember Hales' motion carried unanimously.

3. Conditional Use Permit – 8630 Delmar - PC 21-08 - Avenir

Mr. Rose stated staff is recommending that Council give consideration to the approval of a Conditional Use Permit (CUP) for the Avenir Project.

Councilmember Clay moved to approve, it was seconded by Councilmember McMahon.

Mr. Cross stated the Avenir Project is a planned mixed-use development located at the intersection of 1-170 and Delmar that requires multiple actions.

- Rezoning from the multiple underlying zoning districts to a PDM District.
 - The Preliminary Site Plan defining the scope of the project has already been approved by Council.

- The Amended Preliminary Site Plan with minor revisions, which is before Council tonight for approval; and
- Several conditions that need to be addressed through the CUP Process
 1. Applicants are required to get a CUP when the floor area ratio exceeds one (1). The final floor area ratio for this development is 1.09. *(The floor area ratio restricts the size, height, and overall scale of a project.)*
 2. The developer is seeking relief from the previous zoning district requirements for setbacks on the north and west property lines. They have requested a reduction of the west side-yard setback from 30 feet to 24 feet, and a reduction in the north property line setback from 30 feet to 20 feet.

The Plan Commission determined that the required setback for the north property line dictates that it cannot be reduced by more than 20 percent or no less than 24 feet. And that the developer must have Quiet Title ownership of the property which is currently owned by St. Louis County. *(The developer is in the process of obtaining a Quiet Title.)*

On May 26th, the Plan Commission recommended approval of both CUP's subject to the following conditions: that the developer obtains ownership of the north right-of-way; that they agree to maintain the green space within that area, and that both actions must take place before the Final Site Plan is approved by Council.

Councilmember McMahon questioned whether the developer's request for a reduction in the setbacks was typical for this type of multi-use development? Mr. Cross stated that it is. Although, one frequent concern about this project is that these setbacks are further in than the required landscape or buffer. However, setbacks are not the same as buffers. Setbacks are predetermined by the specific zoning district and buffers are a part of the supplementary regulations intended to make incompatible uses less incompatible with adjoining properties. And in this instance, in addition to the setbacks, there are public right-of-ways that separate this development from residentially zoned districts.

Councilmember McMahon asked if it was correct to assume; based on the nature of this project, that a reduction in the setbacks would not be as impactful as it might be for a smaller project? Mr. Cross stated that is correct. And the beauty of a Planned Development District is that it gives you the flexibility to move things around in unique situations such as this one.

Councilmember Hales posed the following questions to Mr. Cross:

Q. Did the footprint of the building change?

A. *I am not aware of any changes to the footprint.*

Q. Did the proposed height change?

A. *It did not.*

Q. Could you explain the difference between the previously zoned density and the density for a Planned Development District?

A. *One question that has been raised on numerous occasions is whether the density is consistent with what currently exists and what could potentially be built in this area? And part of staff's task is to determine whether or not this development is consistent with the current zoning to prevent a developer from doing some sort of camouflaged rezoning that increases the density to a greater level than what is allowed. So, while it's obvious that this will have an increased density from what currently exists, it's also important to understand that this development will have multiple properties with multiple zoning classifications; medium density, high density, single-family, and general commercial.*

Staff's initial analysis was to evaluate the square footage for each of the underlying zoning districts and compare that to what would be allowed as a part of the Site Plan. The density within the prior underlying zoning district allows for 49 units per acre, and this development will only have 45 units per acre.

Q. Neighbors to the west of this development expressed a number of concerns and conditions that were addressed by the Plan Commission. Will those conditions be included in the Final Site Plan?

A. The requirements to complete the boundary adjustments; CUP process, and approved engineering and bicycle locations are actually in the Preliminary Plan before Council today. The Final Site Plan requires approval from both the Commission and City Council.

Councilmember McMahon stated the density calculations also include a calculation of the acreage, and since there have been some disputes as to how that is calculated, could you explain how that is achieved? Mr. Cross stated the specific methodology depends on whether it is being used in the Site Plan or Planned Development process. With a planned development the Ordinance requires you to calculate the entirety of the project being proposed by the developer by a 15 percent reduction. So, the calculation; which was utilized in this case, is based on that remaining square footage.

Mr. Cross stated another question that has come up is how can the developer use parking as a part of his total square footage? And the simple answer is that the Ordinance does not prohibit them from using it because the purpose of planned developments is the transfer of density rights. For example, if you have 20 acres of land but only 5 acres are buildable, a planned development allows the flexibility needed to get the highest and best use out of that property. So, in a sense, planned developments are intended to incorporate the entire project and all of the uses incorporated within it.

Councilmember McMahon asked if in this case, the utilization of a Planned Development District would help to alleviate some of the concerns expressed by residents associated with things like parking, traffic, and deliveries? Mr. Cross stated that is exactly correct.

Voice vote on Councilmember Clay's motion carried unanimously.

4. Conditional Use Permit – 1004 Pennsylvania - PC 21-04 – “Sustainability Training & Residency Center”

Mr. Rose stated staff is recommending that Council give consideration to a Conditional Use Permit (CUP) for the Sustainability Training & Residency Center. He noted that the Plan Commission had not provided a recommendation for the approval of this project and that he would concur with that decision.

Mr. Cross stated he would be happy to answer any questions Council might have.

Councilmember Smotherson moved to approve, it was seconded by Councilmember Clay.

Councilmember Smotherson asked if there was an appeals process or anyway this Applicant could resubmit their proposal because he would like to see this project come to fruition? Mr. Cross stated there are various actions that can be taken:

1. The Applicant can voluntarily withdraw this application and resubmit a new one for consideration; or

2. Council can send it back to the Plan Commission for further consideration; or
3. Council can deny the request. (*A denial prohibits the Applicant from resubmitting a new application for one year.*)

Mr. Cross stated this project has been reviewed at three separate Plan Commission meetings and one of their biggest concerns was the defined use; which was never determined.

When staff looked at the components of dormitories and training centers what they found is that while one element could be allowed under the CUP and General Commercial District (GC), the other element was not. As a result, staff determined that the Applicant should be allowed to apply for a CUP since the provisions under the GC states that if there is a use similar in nature but not exactly the same, the Zoning Administrator can recommend that it be submitted to the Plan Commission for review.

Councilmember Hales stated each time this application came before the Plan Commission their deliberations lasted for almost three hours. And each time, their focus was on the building's primary use; what will it be used for, and unfortunately, the Applicant failed to provide a clear purpose.

Councilmember Hales then asked if the motion was to approve this project? Mayor Crow and Councilmember Smotherson both stated that was.

Mayor Crow stated if there is a different pathway; and he is not suggesting that there should be, anyone interested in working with Councilmember Smotherson to determine if there is any way to reach a satisfactory resolution, is encouraged to do so. However, based on his experience, it is rare for the Commission to reach this type of a conclusion; especially after meeting with the Applicant on three separate occasions.

Councilmember Cusick stated the developer had approached him and Councilmember Klein at the beginning of this process, and as much as he would like to see this area developed, there were just too many unanswered questions. The primary one that caused him to have reservations was the fact that no specific population for the use of this sustainability, training, and residency center was ever identified. He stated his understanding is that the application submitted to the Plan Commission also indicated that the developer had received their approval for this project, but that is simply incorrect.

Mr. Cross stated you are required to have a form of recommendation from the Plan Commission, and in this case, their recommendation to deny the request was by default. So, in his opinion, the motion on the floor is to approve the Commission's recommendation and deny the Applicant's request.

Councilmember Smotherson clarified that his motion was not necessarily meant to approve the request but to establish a means for implementing a discussion.

Councilmember Klein concurred with the comments of Councilmember Cusick and stated while initially, she was supportive of the Applicant's desire to help under-served populations, ultimately, she was unable to demonstrate that she was ready to undertake a project of this size and scope. So, she is grateful to the Plan Commission who made every effort to work with the Applicant and explore every option in an attempt to make this a feasible project.

Mayor Crow asked Mr. Mulligan if there was a more appropriate way for the motion to be worded so that everyone has clarity on exactly what it is they are voting on? Mr. Mulligan stated he thinks that procedurally, the motion is appropriate. Council will be voting on whether or not to approve the CUP application, and if Council desires to deny it then the majority would have to vote nay.

Mayor Crow called for a roll call vote.

Roll Call Vote Was:

Ayes: None.

Nays: Councilmember Cusick, Councilmember Smotherson, Councilmember Clay, Councilmember Klein, Councilmember McMahon, Councilmember Hales, and Mayor Crow.

I. UNFINISHED BUSINESS

1. **Bill 9432** – AN ORDINANCE AMENDING CHAPTER 400.070 OF THE MUNICIPAL CODE OF THE CITY OF UNIVERSITY CITY, MISSOURI, RELATING TO THE OFFICIAL ZONING MAP, BY AMENDING SAID MAP SO AS TO CHANGE THE CLASSIFICATIONS OF MULTIPLE PROPERTIES FROM PLANNED DEVELOPMENT – MIXED-USE (PD-M) ZONING TO PLANNED DEVELOPMENT – MIXED-USE (“PD-M”) DISTRICT; AND ESTABLISHING PERMITTED LAND USES AND DEVELOPMENTS THEREIN; CONTAINING A SAVINGS CLAUSE AND PROVIDING A PENALTY. Bill Number 9432 was read for the second and third time.

Councilmember McMahon moved to approve, it was seconded by Councilmember Clay.

Roll Call Vote Was:

Ayes: Councilmember Klein, Councilmember McMahon, Councilmember Hales, Councilmember Cusick, Councilmember Smotherson, Councilmember Clay, and Mayor Crow.

Nays: None.

2. **Bill 9433** - AN ORDINANCE APPROVING A PETITION TO ADD REAL PROPERTY TO THE MARKETS AT OLIVE COMMUNITY IMPROVEMENT DISTRICT AND FINDING THAT SUCH ADDITIONAL PROPERTY IS A BLIGHTED AREA. Bill Number 9433 was read for the second and third time.

Councilmember Smotherson moved to approve, it was seconded by Councilmember Hales.

Roll Call Vote Was:

Ayes: Councilmember McMahon, Councilmember Hales, Councilmember Cusick, Councilmember Smotherson, Councilmember Clay, Councilmember Klein, and Mayor Crow.

Nays: None.

J. NEW BUSINESS

Resolutions

1. **Resolution 2021-9**—Avenir Preliminary Plan Approval Request

Councilmember Cusick moved to approve, it was seconded by Councilmember Klein, and the motion carried unanimously.

Bills

Mr. Rose stated prior to this Bill being introduced he would like to make the following amendments: To strike Fire Marshal under F (4); strike Assistant Fire Chief under F (5) and add Deputy Fire Chief.

Introduced by Councilmember McMahon

2. **Bill 9434** – AN ORDINANCE FIXING THE COMPENSATION TO BE PAID TO CITY OFFICIALS AND EMPLOYEES AS ENUMERATED HEREIN FROM AND AFTER ITS PASSAGE, AND REPEALING ORDINANCE NO. 7143. Bill Number 9434 was read for the first time.

K. COUNCIL REPORTS/BUSINESS

1. Boards and Commission appointments needed
2. Council liaison reports on Boards and Commissions

Councilmember Clay reported that the Library Board is in the throes of preparing for the work that needs to be done for their renovations. As this project progresses, the Board will be communicating any changes, and how they will be handled.

Councilmember Hales stated he would like to express his appreciation for the extraordinary work of the Plan Commission and Director Cross, who have both had to perform herculean tasks as a result of all the new proposed developments.

Councilmember Cusick stated he would like to express his appreciation to the Stormwater Commission, who too have gone above and beyond the call of duty in the last couple of months. Not only have they been working closely with the Army Corps of Engineers to develop a plan, but they have accompanied the Corps to on-site visits throughout the City and parts of Overland. In the near future, Council should be presented with more information on when the three Early Warning Systems will be installed.

3. Boards, Commissions, and Task Force minutes
4. Other Discussions/Business

L. COUNCIL COMMENTS

Councilmember Cusick stated over the last couple of months both he and Councilmember Klein have received numerous emails from concerned residents regarding a variety of issues, and in every case where these concerns were referred to the City Manager and his staff, they have responded in a very professional and expedited manner. So, he would like to express his gratitude to Mr. Rose and his staff for the time and consideration given to addressing the residents of this City.

Mayor Crow welcomed Gabby and Brooke to U City. He stated he hopes they soon discover; as he and his colleagues have, that they are joining a great team.

Mayor Crow stated he had the pleasure of attending the 12th Annual Mannequins in the Loop Awards Ceremony, and it was simply amazing to watch the response they received from the folks who just happened to be walking by. Kudos goes out to Audrey Jones, who continues to do an incredible job of putting this event together.

Mayor Crow thanked everyone who participated in tonight's meeting and encouraged them and their families to go out and help the Ruth Park Golf Course celebrate its 90th Anniversary.

M. EXECUTIVE SESSION

Motion to go into a Closed Session according to Missouri Revised Statutes 610.021 (1) Legal actions, causes of action or litigation involving a public governmental body and any confidential or privileged communications between a public governmental body or its representatives or attorneys.

Councilmember Hales moved to close the Regular Session and go into a Closed Session, it was seconded by Councilmember Cusick.

Roll Call Vote Was:

Ayes: Councilmember Hales, Councilmember Cusick, Councilmember Smotherson, Councilmember Clay, Councilmember Klein, Councilmember McMahon, and Mayor Crow.

Nays: None.

N. ADJOURNMENT

Mayor Crow closed the Regular Session of Council at 7:30 p.m. to go into a Closed Session. The Closed Session reconvened in an open session at 8:32 p.m.

LaRette Reese
City Clerk

From: William Ash (wmash47) <wmash47@gmail.com>
Sent: Saturday, June 12, 2021 10:58 AM
To: Jeff Hales; Steve McMahon; Tim Cusick; Aleta Klein; Stacy Clay; Bwayne Smotherson
Cc: Council Comments Shared
Subject: Regarding the Avenir Development

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear University City Council Members,

We are invited to send comments by Monday at noon to councilcomments@ucitymo.org. The letter says they will be provided to you, the Council members, prior to the meeting, and made part of the official record. It doesn't say WHEN you will receive the comments! Hence I am sending this letter to you directly.

A. Regarding the Avenir Development on the agenda for Monday's meeting, I still object to the double counting of two parking areas already in use by the developer for his adjacent properties, as so clearly pointed out by resident architect Valmik Thakore. In addition, setbacks from the streets, required to be no less than 30 feet, are to be 24 feet on the west, just 20 feet on Delmar, fails to meet the requirements of Section 400.010, "provisions for open areas around buildings and structures necessary to provide adequate light, ventilation and privacy." The reduced setbacks and five-story height will impose itself upon the nearby residential buildings, cut off the view of the skyline and make pedestrian traffic less enjoyable. Traffic will increase by approximately five times the current level—and many times that as the other corners of that intersection of I-170 at Delmar become developed.

B. I realize that, citing wording in regulation 400.720, the Council may "authorize a planned development district when the proposed development . . . warrants greater flexibility, control and density than is afforded under the general regulations . . ." However, also under Sec 400.720, "these planned development regulations are not intended to allow excessive densities, or the development of incompatible land uses, either within the development, or as the development relates to the general neighborhood." And again, Chapter 3 of the Comprehensive Plan Update of 2005, as a general policy states: "The City will strongly support development(s) that promote desirable planning concepts such as neighborhood- serving, mixed uses and transit-oriented development and enhance the pedestrian character of the City." The Avenir project fails to meet the spirit of any of these intents and purposes.

C. There are many subjective claims made by the developer in the meeting agenda attachment without convincing documentation:

a) Request for blighting: These conditions are alleged to all exist for the existing buildings on the 8600 block of Delmar to be developed: Age, obsolescence, physical deterioration, inadequate or outmoded design, inability to pay reasonable taxes, conditions conducive to ill health, transmission of disease, and crime. The developer owns these buildings. Most of these claims are purely subjective. What IS objective is that any deterioration of the buildings have been allowed by the developer himself.

b) Estimated cost of the development: \$80 million. "The current projected rate of return cannot support the required loan." Where is the financial analysis? Please don't allow this!

c) The Avenir Development "will support increases in surrounding housing values." This is purely speculative!

D. If the zoning regulations were generally adhered to, notification of residents within 185 feet (or 500 feet) of proposed developments might suffice.

But with the heavy reliance on Regulation 400.720 currently used to justify increasing the height and size of buildings, occupancy density limits, and reducing buffer areas to curbs, et. al., the entire U-City community needs to be alerted,

and well in advance.

Any variance to standard zoning regulations should require a public justification in writing and specific City Council vote on each variance!

E. Finally, I have great concerns about how these Plan Committee meetings and City Council meets are conducted.

a) I already expressed my concern about the lack of commitment to when public comments are to be shared.

b) submitted concerns from us, the public—and we have sent you many—only become relevant if one or more of you bring up any of the concerns we've expressed.

WE NEED YOU TO ADVOCATE FOR THE GREATER GOOD OF THE U-CITY COMMUNITY, not just follow along with city officials whose interests may, for whatever reason, be aligned with the developer!

c) This whole approval process has occurred during the state of emergency, which so conveniently has made it hard for our voices to be heard. In these zoom and facebook meetings, neither you nor we can see who all is observing the meeting, effectively splintering and effectively eliminating our impact as a community. This meeting could have been opened to the public with safety protocol being instituted.

d) We are not being given the option to speak at this meeting! A procedure should be adopted to allow in-person citizen testimony to open all committee and City Council meetings.

We need you to make motions that promote greater community awareness and citizen testimony in person.

APPROPRIATE ACTIONS: Each time the Avenir project comes to Plan Committee or Council, it has grown from the previous. It should be sent back to the developer with the strong message to resubmit in observance of all zoning regulations.

The developer should provide a full financial projection to justify any tax abatement.. Otherwise it is we citizens who are subsidizing the profits of the developer, and incurring a larger community tax burden that the development should actually provide us for some tax relief as one of its community benefits.

I urge you, in line with your role of representing all U-City residents, that you advocate for adherence to the intents and purposes spelled out in the zoning regulations,

and make the motion that advance notice of upcoming meeting dates and times of all committee and City Council meetings, as well as links to

meeting videos, agendas, motions voted on, and public comments submitted, be published in ROARS, and continue to be mailed to all U-City residents well in advance of such meetings.

Thank you for taking all of the above into your consideration. I do hope it might lead you to scrutinize this project and re-think your role in providing accountability for the benefit of the greater University City community.

William Ash
8690 West Kingsbury Ave.
St. Louis MO 63124

LaRette Reese

From: Ilene Murray <ilenemurray@att.net>
Sent: Saturday, June 12, 2021 5:05 PM
To: Terry Crow; Jeff Hales; Steve McMahon
Cc: Tim Cusick; Bwayne Smotherson; Stacy Clay; Council Comments Shared
Subject: Avenir development and Monday's Council meeting

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Gentlemen,

Due to a previous commitment, I cannot attend the Council meeting scheduled for this Monday evening, 14 June. However, I would like to add my voice, again, to the discussion on the Avenir development at Delmar and Kingdel. I have lived in this western University City neighborhood since 1983, and I've long enjoyed the stability, serenity, and uniqueness of our well-built post-World War II enclave. Although we have had a few in-fill houses, our neighborhood has kept its value due to people caring for their property and protecting the special flavor of our few blocks.

As a neighborhood, we have continuously protested the size and scale of the proposed Avenir development, but the council approved it anyway. Now, in spite of zoning laws already in place, we are seeing the "give me an inch, and I'll take a mile" attitude of the builder being appeased by our elected officials. How disappointing! Just how will easing restrictions on setbacks, increasing the height and density of a massively oversized structure, potentially causing a major traffic problem on Delmar and the side streets around the project, and, most egregious of all, claiming that the buildings standing there now are blighted and must be demolished and replaced by a structure that is not in the slightest bit in keeping with its surroundings do anything positive for our part of the city?

University City has always been a place where history and diversity are supported. Our neighborhood has long been stable and property values have increased steadily over the years. Since the builder has owned those properties on Delmar for quite some time now, if they were truly deteriorating to the point of needing to be blighted, wouldn't the city have taken some action by now? How is it that they have been allowed to become "obsolete"? And what is the justification of allowing a builder to usurp an entire corner of our community to now do whatever it takes to make even more money?

Saying "yes" over and over to this project and rubber stamping it to completion seems to be what is happening here, and when those buildings are destroyed and the hugely inappropriate apartments are built in their place, it will be too late to say "oops." Please let's do the critical thinking ahead of time and be sure everyone understands what is at stake for our part of the city.

Thank you.

Ilene Murray
8724 Teasdale Ave.
St. Louis, MO 63124

LaRette Reese

From: valmik thakore <valmikt@hotmail.com>
Sent: Sunday, June 13, 2021 9:58 PM
To: Council Comments Shared; Jeff Hales; Steve McMahon; Terry Crow; Tim Cusick; Bwayne Smotherson; Aleta Klein; Stacy Clay
Cc: Gregory Rose
Subject: Re: City Council Meeting on Monday, June 14, 2021. On Agenda Comments about Avenir Project on Delmar
Attachments: Emailed comments for the City Council Meeting June 14, 2021-Valmik Thakore.pdf
Importance: High

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

From: Valmik Thakore and Rajul Thakore
Owners of 8727 West Kingsbury Avenue, University City, MO, 63124.

I am attaching a PDF of my public comment on University City Council's Public Hearing Meeting on June 14, 2021, for Agenda Items for Avenir Zoning Map Amendment Request and its related items.

My wife and I own the property at 8727 W Kingsbury Ave, University City, MO, 63124. Our house is in the neighborhood impacted by the proposed Avenir development.

I am also sending these comments directly to City Council Members to give them time to review it before the meeting, and prior to comments are distributed to them by the City.

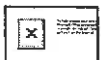
Thank you.

Sincerely,

Valmik Thakore, Master of Architecture & Urban Design, Washington University in St Louis
Retired Architect
8727 W Kingsbury Ave, University City, MO

Attachment is included as part of the public comment:

1. Emailed comments for the City Council Meeting June 14, 2021-Valmik Thakore- (2-page PDF)



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This is a public comment on University City Council's Public Hearing Meeting on June 14, 2021, for Agenda Items for Avenir Zoning Map Amendment Request and its related items.

My wife and I own the property at 8727 W Kingsbury Ave, University City, MO, 63124. Our house is in the neighborhood impacted by the proposed Avenir development.

Number of Units Count & FAR Increase Request:

As an urban designer, planner, and architect with over 46 years of experience in the field, I have major concerns about both items on the agenda and the project's basic details in terms of its Density. The plan is "Double Dipping" into the adjoining property's parking area to inflate allowable Density.

Page 2 of the Staff Report (dated May 24, 2021) to the City Council, clearly states that there are "multiple underlying zoning classifications". Please see the screenshot below:

Surrounding Zoning and Land Use
The subject property is nestled to the south of Delmar Boulevard and between McKnight Place and Kingdel Avenue. The location consists of multiple underlying zoning classifications that include Single Family Residential (SR), Medium Density Residential (MR), High Density Residential Office (HRO) and General Commercial (GC). The

The approximate square footage of these underlying zoned areas included in the Avenir project site was provided to me by Mr. Cross by email on October 22, 2020. Per his email, the square footage for each of the four underlying zoning classifications are as follow (I have added the % of each zone's sq. ft. to the total area of the Avenir site). In brackets, I have also shown allowable number of dwelling or apartment units based on each underlying zone's minimum lot area required per dwelling unit and required 15% reduction of the gross area per Calculation of Density regulations (please see snapshot of the regulation below).

Also, the HRO area of 95,831 square feet shown below includes about 28,000 sq. ft. for Lot 3- "Gatesworth Communities Parking" and about 11,300 sq. ft. for Lot 4- "Parking" included in the Avenir project. As both these parking areas have nothing to do with the Avenir Apartment Building or the Coffee Shop, these areas should be excluded from the density calculations for the Avenir project.

- HRO Zone** = 95,831 sq. ft. = 34% of total site area (Allowable units= 163. If the adjoining DOUBLE DIPPING Lot 3- Gatesworth and Lot 4 parking are excluded, maximum units will be 96).
- MR Zone** = 78,286 sq. ft. = 28% of total site area (Allowable units= 55 units)
- SR Zone** = 80,274 sq. ft. = 28% of total site area (Allowable units= 11 units)
- GC Zone** = 27,442 sq. ft. = 10% of total site area (Residential units not allowed. This area is used for the coffee shop and it's parking- not for the apartment building or it's parking)
- TOTAL SITE= 281,833 sq. ft. = 100%.**
- Per above, Maximum Units should = 162 apartment units** (even with DOUBLE DIPPING, 229 units would be allowed, NOT 265 or 258).

The zoning law clearly states that the density calculations are to be based on the following regulations (screenshot from Section 400.780 of the Zoning Ordinance):

C. *Planned Development — Residential (PD-R).*

1. *Density.* While the district regulations specify upper limits to residential density, density of a planned development may be limited to that which is established in the original residential district or which is consistent and compatible with nearby existing developed areas.
2. *Calculation of density.*
 - a. The computation of density shall be based on dwelling units per net acre for the entire site.
 - b. To compute the number of dwelling units per net acre, fifteen percent (15%) of the gross acreage of the parcel shall be deducted and the net acreage divided by the lowest minimum lot size of the underlying residential district.

Lot 3- "Gatesworth Communities Parking" and Lot 4- "Parking" have nothing to do with the Avenir Apartment Building, these areas should be excluded from the density calculations for the Avenir project. Including these areas to calculate density runs counter to Planned Development regulations. **DOUBLE DIPPING** of the same land area for parking use by the adjoining property *and* Avenir project's density calculations is not in accordance with Zoning regulations or reasonable standards of fairness.

My question to the Council Members is: Can I use my neighbor's property to meet my setback requirements or to consider it for building a larger building? If yes, I should let all commercial developers in University City know to take advantage of this loophole! Allowing "double dipping" would set a dangerous precedent.

Setback Reduction Request:

The Buffer Requirement section of the Planned Development District's Regulations in Section 400.780 C-6 clearly states that "there shall be a minimum thirty (30) foot wide buffer area." Please see the screenshot from that zoning ordinance below. In the same section, Item E says that in a PD-M, PD-R regulations apply for buffers.

So, by law, reduction in setbacks should not be allowed. The word "shall" is used, not "may". There is no provision for further waivers; a Planned Unit Development District is by its nature a series of waivers created to promote development with fewer restrictions. Granting further waivers on top of this materially harms the community.

6. *Perimeter buffer requirements.*
 - a. Where a "PD-R" development proposes residential development along the perimeter of the site, which is higher in density than that of an adjacent residentially zoned property, there shall be a minimum thirty (30) foot wide buffer area. The buffer area shall be kept free of buildings or structures and shall be landscaped or protected by natural features so that all higher-density residential buildings are effectively screened from the abutting lower-density residential property.
- E. *Planned Development — Mixed Use (PD-M).* "PD-M" developments shall incorporate the regulations set forth in both Subsections dealing specifically with "PD-R" and "PD-C" developments. If an unresolved conflict between those regulations occurs (such as between

LaRette Reese

From: valmik thakore <valmikt@hotmail.com>
Sent: Monday, June 14, 2021 10:33 AM
To: Council Comments Shared; Jeff Hales; Steve McMahon; Terry Crow; Tim Cusick; Bwayne Smotherson; Aleta Klein; Stacy Clay
Cc: Gregory Rose
Subject: Re: City Council Meeting on Monday, June 14, 2021. On Agenda Comments about Avenir Project on Delmar

Importance: High

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From: Valmik Thakore and Rajul Thakore
Owners of 8727 West Kingsbury Avenue, University City, MO, 63124.

This is a public comment on University City Council's Public Hearing Meeting on June 14, 2021, for Agenda Items for Avenir Zoning Map Amendment Request and its related items.

My wife and I own the property at 8727 W Kingsbury Ave, University City, MO, 63124. Our house is in the neighborhood impacted by the proposed Avenir development.

This are additional clarifications and comments regarding the proposed Lot 3- "Gatesworth Communities Parking" and Lot 4-"Parking" included in the Avenir project. Areas included in these two Parking Lots are missing from the Existing Land Uses listed in the May 24th, 2021 dated Staff Report to the Council for June 14, 2021 Meeting. These existing land uses for McKnight Place Assisted Living/ Gatesworth Communities related parking is clearly shown in the Appendix, Section-5, of the Avenir's August 2020 Report included in the June 14, 2021 Council Meeting Package. Section 5- Current and Proposed Boundary Plates (pages labeled I-1-94 and I-1-95) shows that part of the "Parcel 13/ Adjusted Lot 4- McKnight Place Assisted Living" with employee parking becomes "Lot/ Parcel 3- Gatesworth Communities Parking" in the Proposed Avenir Project. Existing Parcel 18 with parking used by Gatesworth (on page I-1-94) becomes "Lot/ Parcel 4-Barby Lane Parking".

As you can clearly see, both these parking areas, Lot/Parcel 3- Gatesworth Communities Parking and Lot/Parcel 4-Barby Lane parking are currently being owned and used by Gatesworth related uses and in future will be used by the same non-Avenir Project uses.

As both these parking areas have nothing to do with the Avenir Apartment Building or the Coffee Shop, these areas should be excluded from the density calculations for the Avenir project. Including these areas to calculate density runs counter to Planned Development regulations. **DOUBLE DIPPING** of the same land area for parking use by the adjoining property *and* Avenir project's density calculations is not in accordance with Zoning regulations or reasonable standards of fairness.

I am also sending these comments directly to City Council Members to give them time to review it before the meeting, and prior to comments are distributed to them by the City.

Thank you.

Sincerely,

Valmik Thakore, Master of Architecture & Urban Design, Washington University in St Louis

Retired Architect
8727 W Kingsbury Ave, University City, MO

From: valmik thakore <valmikt@hotmail.com>
Sent: Sunday, June 13, 2021 9:58 PM
To: councilcomments@ucitymo.org <councilcomments@ucitymo.org>; Jeff Hales <halesforucity@gmail.com>; Steve McMahon <steve_mcmahon@att.net>; Terry Crow <mayor@ucitymo.org>; Tim Cusick <cusickward2@gmail.com>; Bwayne Smotherson <bsmotherson@gmail.com>; Aleta Klein <kleinward2@gmail.com>; Stacy Clay <clayucity@gmail.com>
Cc: Gregory Rose <grose@ucitymo.org>
Subject: Re: City Council Meeting on Monday, June 14, 2021. On Agenda Comments about Avenir Project on Delmar

From: Valmik Thakore and Rajul Thakore
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Valmik Thakore, Master of Architecture & Urban Design, Washington University in St Louis
Retired Architect
8727 W Kingsbury Ave, University City, MO

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1. Emailed comments for the City Council Meeting June 14, 2021-Valmik Thakore- (2-page PDF)



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LaRette Reese

From: Kathy Victor <KathyVictor@STLDA.COM>
Sent: Monday, June 14, 2021 11:47 AM
To: Council Comments Shared
Cc: Clifford Cross
Subject: Avenir proposed changes

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Dear Council members,

As a long-time resident of the neighborhood we are asking that you NOT allow the proposed changes to the Avenir project. As a neighborhood, we have continuously protested the size and scale of the proposed Avenir development, but the council approved it anyway. Now, in spite of zoning laws already in place. How will easing restrictions on setbacks, increasing the height and density of a massively oversized structure, do anything positive for our part of the city?

The Avenir project was presented months ago to the public and we voiced our concerns and now you want to consider allowing the development to increase in size. It is our hope that you will take our concerns seriously and not vote through Mr. Deutsch's requests.

University City has in place guidelines on what is acceptable for such a development as Avenir. Why is the density for Avenir being considered for an increase and what additional benefit will that increase bring to our neighborhood?

Lot/Parcel 3- Gatesworth Communities Parking and Lot/Parcel 4- Barby Lane parking are currently being owned and used by Gatesworth related uses and in future will be used by the same non-Avenir Project uses. As both these parking areas have nothing to do with the Avenir Apartment Building or the Coffee Shop, these areas should be excluded from the density calculations for the Avenir project. Including these areas to calculate density runs counter to Planned Development regulations.

In addition, setbacks from the streets, required to be no less than 30 feet, are to be 24 feet on the west, just 20 feet on Delmar, fails to meet the requirements of Section 400.010, "provisions for open areas around buildings and structures necessary to provide adequate light, ventilation and privacy." The reduced setbacks and five-story height will impose itself upon the nearby residential buildings, cut off the view of the skyline and make pedestrian traffic less enjoyable.

This truly feels like city government totally ignoring the citizens of U City. Why do we have code laws if Avenir doesn't have to abide by them? As a neighborhood we came together and expressed our concerns. I don't think our voices will change what you are determined to do. You all are going to do what you want...you are merely giving us lip service. Shame on you!!

Sincerely,
Kathy and Reggie Victor
8739 Washington Ave.
St. Louis, MO 63112
K-314-223-2658
R-314-223-2659

LaRette Reese

From: Asim Thakore <asim.thakore@gmail.com>
Sent: Monday, June 14, 2021 11:57 AM
To: Council Comments Shared
Subject: Public Comment for Jun 14 Council meeting

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Below is a public comment for the Jun 14 Council meeting re the Avenir project.

I am a U City resident. I live at 8727 W Kingsbury.

Thank you,

Asim Thakore

Dear Council,

This is a public comment for the Jun 14th Council Meeting regarding the agenda item covering the Avenir Development on Delmar.

I am a University City resident. I live at 8727 W Kingsbury Ave.

I am writing to urge the Council to vote against the development as a whole and to vote against any modifications requested to expand the current preliminary plan.

Let me be clear: density is good. More housing is good. However, there are a number of (massive) red flags surrounding this development. First, the developer appears to have miscalculated the allowable density by including a parking lot from an adjacent property he owns in the calculation. This parking lot won't be used by the residents of Avenir, and thus, isn't part of the project.

The Council should consult an outside expert to clarify this.

There are myriad other concerns that the Council has failed to address. Chief among these are the financial break-even point for the City. This is, after all, the public's money. Yet it's never been explained to us why giving millions in tax

subsidies to a millionaire is a good bet for citizens. Can you please tell us what the break-even point is? How much tax revenue does the site currently generate, how much do you anticipate it will cost to provide City services to the proposed units, and how do you expect to make up that gap? If the answer is increased sales tax revenue from residents, that doesn't cut the mustard; the developer may claim that the Avenir building will attract "Clayton professionals" (his words), but why would those folks not live in any of the many new apartment buildings going up in Clayton where they can walk to restaurants, grocers, and work?

What guarantees do we have from the developer that this won't become senior housing (which is his area of expertise) or short term rentals (Airbnb, etc).

We have asked for simple concessions to preserve our quality of life and green, pedestrian-friendly neighborhood. We asked that the gate on Kingdel be made exit only to prevent excessive dropoffs/deliveries. We asked that you take into consideration construction noise now that many of us work from home. We asked that you re-do a traffic study that was conducted at a time of unusual traffic patterns (height of the pandemic). We asked that you preserve the trees. We asked that you require the massing to be less on the west and greater on the east side, where there are no pedestrians or homes. These were all waved away, and the developer was repeatedly praised as "U City's biggest taxpayer", as if the size of his bankbook grants him special consideration from the Council.

We have asked these questions and more multiple times, and they've never been answered. Rather, they've been treated dismissively, and at one meeting, the mayor implicitly called us NIMBYs, which couldn't be further from the truth: we're simply asking the questions the Council won't ask for us. You've abrogated your responsibility to the public because you are caught in the grips of a failed economic theory.

Why don't we offer these tax breaks and waivers to poor people and the elderly? Why don't we use it to fund scholarships and facilities and teacher salaries at U City High? Why don't we invest this money north of Delmar instead? Why don't we focus on inclusive, community-centered, grassroots development by granting some tax breaks to small businesses, individual homeowners, and those who really need it?

By what right---and I mean moral, not legal---do you spend the community's money on a handout for a millionaire and ignore the needs of the community? Why on earth should we be compelled to pay this man to degrade our quality of life? What is the value proposition?

Thank you,

Asim Thakore

LaRette Reese

From: Sarah Myers <shmyers4@gmail.com>
Sent: Monday, June 14, 2021 11:56 AM
To: Council Comments Shared
Subject: Avenir Development

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Good morning,

This is Sarah Herstand Myers
8716 West Kingsbury Ave.
St. Louis, MO 63124

I apologize for the last minute submission.

I remain concerned about parking, traffic, reduced setbacks, and density issues with the proposed Avenir development. Also concerned about the tax abatement. I'll mention two issues here:

Fire exits onto Kingdel: One way to help with apartment resident & guest parking concerns on Kingdel is to insure Mr. Deutsch makes the "fire egress" exits truly that -- residents can exit the building, grounds and pool area onto Kingdel, but cannot enter. That's what fire egress is and that's what we've asked for all along. Mr. Deutsch continues to call these fire egress exits, but multiple earlier comment from him residents can use these in both directions. He is using the verbiage needed to appease us, but repeatedly skirts the issue that a fire exit is not supposed to allow entrance, locked or otherwise. I have heard this repeatedly and no one has called him on it from our UCity council or plan commission -- at least not the ones I attended. Please make these true fire exits that lock and cannot be keyed into to enter the Avenir development from Kingdel.

Next, please keep the original setbacks, not the reduced setbacks.

Finally, the density is too high. I'm tired of the back and forth on whether or not the double-counting is legal or not. Either way, the density is too high.

Respectfully submitted.

--

Sarah Herstand Myers