



Department of Planning and Development

6801 Delmar Boulevard, University City, Missouri 63130, Phone: (314) 505-8500, Fax: (314) 862-3168

PLAN COMMISSION MEETING

Via Video Conference
6:30 pm; Wednesday, May 26, 2021

The Plan Commission held a regularly scheduled meeting via video conference on Wednesday May 26, 2021. The meeting commenced at 6:30 pm and concluded at approximately 9:59 pm.

1. Roll Call

Present

Margaret Holly
Mark Harvey
Ellen Hartz
Al Fleischer Jr.
Patricia McQueen
Charles Gascon
Victoria Gonzalez
Council Liaison Jeff Hales

Absent

Staff Present

John Mulligan, City Attorney
Clifford Cross, Director of Planning and Development

2. **Call to Order** – (6:30 pm.) Chairwoman Holly called the meeting to order.
3. **Approval of Minutes** – April 28, 2021 & May 6, 2021 – The minutes were approved as printed at 6:35 pm.
4. **Public Comments**
There were no public comments for non-agenda items from the public
5. **Old Business**

a. **Conditional Use Permit – PC 21-04**

PUBLIC HEARING

Applicant: Toni Wade (The HomeQuest Group)
Request: Approval for a Conditional Use Permit for a proposed Sustainability Training & Residency Center.
Address: 1004 Pennsylvania Avenue
(VOTE REQUIRED)

At approximately 6:36 pm. Chairwoman Holly reintroduced the proposal of the Ms. Wade to request a Conditional Use Permit to obtain approval for a Sustainability Training & Residency Center. There were no additional public comments to enter into the record and the public hearing portion of the request was closed. Chairwoman Holly reopened Mr. Harvey's Time to Serve motion at approximately 6:40 pm. The time to serve motion was entered into the record and attached to the minutes. Upon completion, of the re-consideration of the motion, the Commission, Ms. Wade and her Attorney Mr. David Zobel continued discussion pertaining to the request. At approximately 7:31 pm. Commissioner Hartz motioned to call the discussion to question to cease any further discussion and act on the motion. The call to question motion passed by a 6-1 vote. Upon completion of the discussion Mr. Harvey's motion failed to pass by a 3-4 vote.

6. New Business

a. Conditional Use Permit – PC 21-07

PUBLIC HEARING

Applicant: One Family Church (Brent Roam)

Request: Approval for a Conditional Use Permit for a proposed Place of Worship.

Address: 6350 Delmar Boulevard

(VOTE REQUIRED)

Consideration of the proposed request began at approximately 7:47 pm. Mr. Cross indicated that there were a number of public comments that were presented to the Commission and would be incorporated into the minutes. Mr. Cross presented the case via a brief power point presentation. Upon completion of the power point the applicant Mr. Brent Roam addressed the questions of the commission. At approximately 8:21 pm. the public hearing was closed. Mr. Fleischer made a motion to recommend approval of the Conditional Use Permit subject to the recommended conditions that the applicant 1) obtain site plan approval prior to the issuance of an occupancy permit and 2) the parking spaces required would be reduced to 55 spaces contingent upon an agreement with the City to utilize those spaces at a determined peak time. The commission continued discussion and Mr. Gascon made an amended motion to include a third condition which indicated that all existing uses on the property would continue as part of the CUP. The motion passed by a unanimous 6-0 vote.

b. Conditional Use Permit – PC 21-08

PUBLIC HEARING

Applicant: Charles Deutsch and Company

Request: Approval for a Conditional Use Permit to reduce required setbacks and increase Floor Area Ratio (FAR)

Address: 8630 Delmar Boulevard

(VOTE REQUIRED)

After an approximate 5-minute break the Commission began discussion pertaining to the applicants request to obtain a Conditional Use Permit to reduce the required setback and increase the Floor Area Ratio to 1.09. Mr. Cross indicated that all written comments were provided to the Commission and would be incorporated into the minutes. Mr. Cross presented the request as part of a power point presentation to clarify why the applicant was making the request. Upon completion of the presentation Mr. Cross advised there were members of the public who wanted to speak. Mr. William Huckaby, Mr. Asim

Thakore and Mrs. Sarah Myers all requested to speak and were able to ask their questions and present their concerns associated with the request. Upon completion of their comments the Public Hearing was closed. Mr. Charles, Deutsch, Mr. Zack Deutsch and their Attorney Mr. Gerry Greiman addressed the questions of the Commission and public. Upon completion of the discussion Mrs. Hartz made a motion to recommend approval of the Conditional Use Permit subject to the condition that the developer agrees to maintain the north green space and seek ownership of the north strip of ROW. The motion passed by a unanimous 5-0 vote.

7. Other Business

There was no other business to discuss.

8. Reports

Council Liaison Hales updated the Commission pertaining to the reopening of Park and Pool facilities.

Lastly, Mr. Cross advised the Commission that City Boards and Commissions are working towards going back to face-to-face meetings in the near future. He would provide future updates when available.

9. Adjournment

Chairwoman Holly adjourned the meeting at approximately 9:59 pm.

Clifford Cross

From: Kathy Victor <KathyVictor@STLDA.COM>
Sent: Wednesday, May 26, 2021 9:51 AM
To: Clifford Cross
Subject: FW: PC 21-08 Avenir

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

Dear Mr Cross,

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?

What sort of landscaping will be added to make up for the increase? Are there plans to preserve the tall, existing trees along Delmar and Kingdel?

Would you consider an ordinance/signage that allows for local deliveries/local Uber drop offs only....i.e. requiring Avenir deliveries must go to the front door of that building?

Are there plans to require resident parking permits so that those residents do not park in our neighborhood?

What has been decided on the tax abatement that the development will receive?

Mr Deutsch is a powerful developer and he seems to be able to persuade the City of University City to do whatever he wants with no resistance? We hope this is not true.

As a long-time resident of the neighborhood I am asking that you NOT allow this change. 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.

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

Clifford Cross

From: Sarah Myers <shmyers4@gmail.com>
Sent: Wednesday, May 26, 2021 7:45 AM
To: Clifford Cross
Subject: Re: Avenir & 5.26.2021 Planning Committee meeting

Follow Up Flag: Follow up
Flag Status: Flagged

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

Typo in the previous email. Please let the record show I meant to type Trilogy Apartments, not "Trinity" Apartments.

Sarah Herstand Myers
8716 West Kingsbury Avenue
St. Louis, MO 63124

On Wed, May 26, 2021 at 6:56 AM Sarah Myers <shmyers4@gmail.com> wrote:

Hi, Cliff -

A couple more comments that I neglected to include last night regarding the Avenir project. First, I want to emphasize the depth of my concern regarding the proposed reduction in setbacks. The renderings, and Charlie Deutsch's comments at our last virtual get together, showed a decent sized "buffer" of grass and trees on the western border of the project. Those really made a difference in the visual impact of the project on our single-family residential neighborhood. A lot of people felt even that wasn't enough, but as I said last night's email, a lot of us felt better seeing that plan. Same goes for the north side and the plan for landscaping and a reasonable walkable setback.

UCity wants to be a walkable, wonderful city. It's that kind of community, right? Reduced setbacks can negatively affect that and I think they will. (And they will also negatively affect the fantastic and ecologically necessary birds we have around here!) Reduced setbacks plus increased traffic due to ingress, egress, and the retail space will affect walkability and visual appeal further. You can set a precedent now for these kinds of priorities which would be great for the current project, Avenir, and will likely prove useful when FPA Multifamily out in California moves ahead with their plans for the Trinity Apartments they purchased this winter. Please make sure Avenir and projects like it truly benefit University City and its residents, and bolster and improve the kind of community we want to be.

University City's West End could end up a vibrant, walkable part of town with appropriate mixed use (like residential plus coffee shop or small sidewalk cafe). And with appropriate -- rather than grossly extended -- tax abatement it could bolster our schools and other infrastructure with needed tax dollars. Or, the the West End of our city could end up as a crowded and congested area with noise pollution, light pollution, and traffic issues that avoids contributing fully to our tax base.

Back to Avenir and today's immediate concerns -- **I don't think Charlie and his partners will back out if we don't reduce the setbacks and instead keep what would be a more walkable, safer, green, pretty and potentially enticing buffer area.** The more of it, the better.

I'm contemplating trying to change my calendar tonight so I can speak at the meeting. If I'm successful I'll email again before noon to register for that.

Sarah

cell: 314-440-0217

Sarah Herstand Myers
8716 West Kingsbury Ave.
Saint Louis, MO 63124

On Tue, May 25, 2021 at 9:12 PM Sarah Myers <shmyers4@gmail.com> wrote:

Cliff,

I was disappointed to hear the Avenir developers are now interested in reducing the northern and western setbacks for the proposed project. I'm very opposed to this, especially on the western edge of the project that fronts Kingdel. I hope your planning committee will not approve that request. The landscaping (including some green space, mature trees and additional plantings) originally proposed for the western edge of the project was what put some of the residents in our neighborhood slightly more at ease with the proposal, myself included. I am strongly against reducing that setback.

As far as the northern (Delmar) setback, I would prefer the original version. I can't speak more precisely about it because I don't understand fully the visual impact the change would have nor, even more importantly, the possible impact on traffic and/or parking.

I remain very concerned about the loss of (or damage to) the peaceful quality of our neighborhood, and about our property values. I think the setback changes would decrease both even further than the original plan.

About the increased density, I can't figure out if that is just because of the requested setback changes or if there is something else being changed. Regardless, I'm against any increase in proposed density for all the reasons outlined in my previous comments to the city council -- traffic, parking, noise and light pollution, decreased greenery, etc.

I have a conflict Wednesday night and doubt I will be able to attend even part of the meeting. Thanks for considering my comments. I appreciate the opportunity to make them, and the increased "notification area" (I don't know the official term) you and the city utilized for this cycle. You expanded beyond the initial 185 foot rule as discussed several months ago and I appreciate it as do my neighbors.

Finally, do you have any updates for me on where things stand with the requested tax abatement? If not, should I ask Jeff Hale? I had a significant medical "event" (not COVID) since the last round of council meetings on this topic, and lost track of the tax abatement issue, along with the questions regarding what type of tenant could utilize the proposed "coffee shop"/retail space within the Avenir proposal.

Thanks again.

Sincerely,

Sarah Herstand Myers
8716 West Kingsbury Ave.
St. Louis, MO 63124 314-
440-0217

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Sarah Herstand Myers

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Sarah Herstand Myers

This is a public comment on University City Plan Commission Public Hearing Case #PC 21-08 Meeting Agenda Items, “Final Development Plan for Avenir Project” on May 26, 2021.

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.

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 Avenir project is “double dipping” into the adjoining property’s parking area to inflate the allowed density.** I will explain this later in my comments.

Planned Development zoning regulations give the Plan Commission, the City Council, and the City **additional discretionary powers through the formal review and approval process, as well as the responsibility to follow the overall intent of the Zoning Ordinance** included in Section 400.010, items A.1 and A.2. The zoning ordinance also provides more specific Intent for the Planned Development District and its applicable regulations. Please pay your kind attention to the **intent** expressed in Section 400.720, B, including this passage:

“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.”

The letter dated May 10, 2021, from the Plan Commission includes two items under the Conditional Use permit request:

1) Increase in Floor Area Ratio to 1.09: In the 2020-10-26 Council Meeting Packet the Floor Area Ratio table showed 1.0499 for Units, Corridors and Amenity space, with a total of 311,207 sq. ft. This included 258 apartment units and about 424 parking spaces for the apartment’s portion of the project. The requested increase of FAR from 1.0499 in the preliminary plans to 1.09 FAR is about a 4% increase. **Will this increase the number of apartment units from an already excessive density? Will more parking spaces be added?** This is not clear in the letter. Please see more about the project’s excessive, and in my understanding, illegal **“Double Dipped Density”** in my comments below.

2) Reduction in Setback: Sec 400.780 #C, #6., #a., of the Zoning Ordinance states that:
*“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. ”*

The zoning regulation is very clear: NO REDUCTION IN SETBACKS SHOULD BE ALLOWED.

We also have the following concerns about the Density of the project, especially the **“Double Dipping”**.

The Density regulations in Section 400.780, items C.1 and C.2.b (please see the attached PDF entitled **“Density Concerns for Avenir Project”**, which has direct quotes from the regulations for your reference) clearly establish the density regulations applicable to a PD-M district: **both residential and commercial uses within a PD-M need to follow PD-R and PD-C regulations. Calculation of density is supposed to be based on “the lowest minimum lot size of the underlying residential district.”**

The HRO area of 95,831 square foot included for the project’s density calculations incorporates 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 on Lot 1 and the Coffee Shop on Lot 2 of the project, these areas should be, at a minimum, excluded from the density calculations for the Avenir project.** Including these areas to calculate density runs counter to Planned Development regulations.

It is very clear from the attached “Density Concerns” (PDF pages 1 to 3) that per pages 19 & 20 of Avenir’s report and the “Delmar Apartments Parking Study” commissioned by University City that Lot 3 parking is exclusively for existing Gatesworth Communities current parking need, and that Lot 4 parking is required for existing “McKnight Place Assisted Living” parking needs.

Both Lot 3 and Lot 4 should be excluded from the Avenir Project and PD-M Zoning as they do not contribute and are not directly connected to the project. They seem to be included just to increase the density of dwelling units. THIS IS “DOUBLE-DIPPING” and misuse of the Planned Development Zoning Ordinance and its intent.

Simply put, the developer has used adjoining property that is wholly unrelated to the Avenir project to calculate allowable density for this project.

This should be considered an ethical and legal violation of the trust we have placed in you, the City Plan Commission, City Council, City Planning Director and the City Manager.

Thank you.

Sincerely,

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

Attachments are included as part of the public comment:

- 1- Density Concerns- (4 page PDF)

Density Issues:

Lot 3 Parking Lot for Gatesworth use is a Major Issue for Density:

The 63-car parking lot shown on Lot 3 of the project plan is for Gatesworth Parking (per Avenir’s documents), and is not related to the Apartment Building on Lot 1 or the coffee shop on Lot 2. It would appear that Lot 3 has only been included in this project to increase the density/number of additional units in the Apartment Building. Lot 3 is only parking.

The Gatesworth Communities Parking

ENSURING AN ABUNDANCE OF PARKING FOR THE ON-GOING SUCCESS OF THE GATESWORTH CAMPUS
PARCEL 3


Parcel 3 (Lot 3) is 0.643 acres, and will be an abundantly landscaped 63-space parking lot. It is intended that 44 spaces of this parking lot shall serve as Gatesworth Campus employee overflow parking, that 8 spaces shall serve as Brentmoor guest overflow parking, and that 11 spaces shall serve as McKnight Place Assisted Living employee replacement parking. (These 11 spaces will be included in a following description of the proposed relocation of a current 40 space employee parking easement for McKnight Place Assisted Living.)

Use	Spaces
The Gatesworth Communities	44
Brentmoor	8
McKnight Place Assisted Living (11 of the 40 Easement Spaces)	11
Total Parking Spaces	63

The following information is from "*Delmar Apartments Parking Study*", dated Sept. 17, 2020. The Study was commissioned by University City after discussion and comments at the August 26, 2020 U City Plan Commission Meeting regarding parking needs for Gatesworth Communities.

From "Findings and Conclusions Section" on pages 11 and 12 (screenshots):

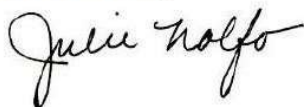
- Two surface lots currently utilized by the Gatesworth Community will be removed in conjunction with the proposed redevelopment. These lots provide a total of 118 parking spaces; 28 spaces within the northern lot designated as Zone A, and 90 spaces within the southern lot designated as Zone B. The loss of these spaces is proposed to be mitigated by the construction of a new 63 space lot within Lot 3 of the proposed redevelopment. In addition, the existing parking lot immediately north of McKnight Place Memory Care/Assisted Living facility, designated as Zone C, will be expanded from its current parking supply of 32 spaces so as to provide a total of 55 parking spaces; a net gain of 23 parking spaces. Assuming that all 63 spaces within proposed Lot 3 are allocated to the Gatesworth Community, a total of 32 parking spaces currently serving the Gatesworth Community would be lost as part of the redevelopment effort.

- Parking is not anticipated to be a concern at the proposed redevelopment for either the apartments or the coffee shop. Furthermore, it is not anticipated that any of the parking demand associated with the apartment or coffee shop would spill over into the Gatesworth Community parking areas, including the 63 spaces within proposed Lot 3. 

We trust that this information will prove useful in evaluating parking at the Delmar Mixed Use Development. As always, please do not hesitate to contact our offices should you have any further questions or a need for clarification.

Sincerely,

Lochmueller Group



Julie M. Nolfo, PE, PTOE
Project Liaison

These screenshots clearly establish that the parking on Lot 3 is for use by the Gatesworth Communities and **not** shared parking with the Avenir project. Therefore, Lot 3 should not be used to calculate the density of the Avenir project.

Similarly, Lot 4 (Barby parking) is also Gatesworth parking and should not be used for density calculations.

Density Calculations for Lot 1 Area after 15% of gross land area reduction as required per Section 400.780, PD-R, Item C.2.b (screenshot):

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.

As seen in the screenshot of the ordinance above, the number of units per each underlying zoning district must be based on a 15% reduction from the gross areas.