

MEMORANDUM

TO: Mike Geisel, City Administrator

FROM: Justin Wyse, Director of Planning *JW*
James Eckrich, Director of Public Works/City Engineer *JME*

SUBJECT: Planning & Public Works Committee Meeting Summary
Thursday, June 23, 2022



A meeting of the Planning and Public Works Committee of the Chesterfield City Council was held on Thursday, June 23, 2022 in the Council Chambers.

In attendance were: **Chair Dan Hurt** (Ward III), **Councilmember Mary Monachella** (Ward I), **Councilmember Mary Ann Mastorakos** (Ward II), and **Councilmember Merrell Hansen** (Ward IV).

Also in attendance were: Councilmember Michael Moore (Ward III); Chris Graville, City Attorney; Planning Commissioner Steve Wuennenberg; Planning Commissioner Jane Staniforth; Jim Eckrich, Director of Public Works/City Engineer; Justin Wyse, Director of Planning; Mike Knight, Assistant City Planner; Shilpi Bharti, Planner; and Kathy Juergens, Recording Secretary.

The meeting was called to order at 5:30 p.m.

I. APPROVAL OF MEETING SUMMARY

A. Approval of the June 9, 2022 Committee Meeting Summary

Councilmember Mastorakos made a motion to approve the Meeting Summary of June 9, 2022. The motion was seconded by Councilmember Monachella and **passed by a voice vote of 4-0**.

II. UNFINISHED BUSINESS – None.

III. NEW BUSINESS

A. Public Hearing Appeal: P.Z. 07-2021 15201 Conway Road (Chabad at Chesterfield): A request for a zoning map amendment from the "R4" Residential District to "R6" Residential District for 1.01 acres located on the north side of Conway Road (18S330742). (Ward 2)

Chair Hurt explained that once the public hearing is opened, the process will be as follows:

- Staff report/presentation
- Applicant presentation
- Comments from the public
- Response from applicant

Once all comments are received (including any questions from the Committee members), the public hearing will be closed.

Once the hearing is closed, the Committee can deliberate and consider a motion for a recommendation to the City Council on the appeal.

PUBLIC HEARING

STAFF PRESENTATION

Ms. Shilpi Bharti, Planner, stated that the Chabad at Chesterfield is requesting a zoning map amendment from the “R4” Residential District to “R6” Residential District to develop the land for multi-family use.

A Public Hearing was held on April 11, 2022 where two issues were raised regarding: 1) the existing drainage basin on the west side of the property and 2) what the impact would be of rezoning the site to “R6A” or “R6AA” instead of “R6.”

The petition was reviewed by the Planning Commission on May 9, 2022. At that time, the Commission’s recommendation to approve failed by a vote of 0-7.

Ms. Bharti then showed a PowerPoint presentation depicting the zoning districts surrounding the proposed site and delineated policies of the Mixed Residential land use category which the subject site falls within.

Per the Unified Development Code, the applicant has filed an appeal to City Council. The appeal was reviewed by City Council on June 7, 2022 and the Council made a motion to refer the appeal to the Planning & Public Works Committee meeting to conduct a Public Hearing.

PETITIONER’S PRESENTATION

Rabbi Avi Rubinfeld, 137 Brighthurst Drive, Chesterfield, MO

Rabbi Rubinfeld stated that they are currently developing a \$4 million project on the commercial property across the street from their synagogue. This site is catty-corner to the synagogue and is only a five-minute walk.

He explained that observant religious Jews cannot ride or drive to a synagogue on Shabbat or Jewish holidays. They must walk regardless of the weather. If someone has a medical issue and cannot walk, they would be forced to miss service and feel excluded from many of the community events and biblical holidays. He and his family walk two miles each way every Saturday and Jewish holidays on City roads without sidewalks, which is very dangerous. Chesterfield is a diverse growing City that has many different cultures whose needs may differ from what we ourselves know or need for ourselves. Leadership requires us to recognize others’ needs even when they are not our own.

The site is currently zoned “R4” and he is requesting a rezoning to “R6”, which will allow for both a detached and an attached building on the property. The need for the rezoning is clearly related to Shabbos, which is a religious requirement to walk to shul/house of worship.

During the Planning Commission meeting, the two issues expressed were density and the “R6” permitted uses. In a side-by-side comparison of “R4” and “R6” zoning, it was noted that they both allow all the same uses with almost the exact same density, with the exception that “R6” allows for detached and attached dwellings. The subject site is only one acre and most of the “R6” permitted uses would require a minimum of three acres or more, therefore, those uses would not be allowed on the subject site.

Rabbi Rubinfeld believes that the opposition is not really about density. He then proceeded to compare the density on the proposed site with the neighboring properties stating that his property would clearly be the least dense of any of the neighboring properties.

Without any change in the current zoning district, they could build three separate housing units. The only change in zoning to "R6" is that the City would allow them to build additional attached and unattached buildings, which is what they are requesting. He believes that this is not an unreasonable request. This property is catty-corner to their synagogue and this is where housing needs to be so they can walk to the synagogue in a close distance.

Chair Hurt asked the Rabbi if the zoning request was not approved, could the people residing at the property still walk to the synagogue? In response, Rabbi Rubinfeld stated that yes they could still walk to the synagogue. The Rabbi stated that the "R4" zoning will limit the amount of housing that is within walking distance to the Chabad, however, one could still walk to Chabad.

PUBLIC COMMENT

In Favor

James Pollock, 1001 Cambridge Way Drive, Chesterfield, MO

Mr. Pollock felt the need to support the project from a moral point of view. He noted that "more religion in any form provides a positive rudder for society." He cited examples from a Gallop Poll, which indicated that from 1950 to 2020 the number of Americans belonging to a church has dropped from over 70% to 47%. He believes society needs more faith.

Neutral

Lynne Johnson, 15125 Conway Road, Chesterfield, MO

Ms. Johnson stated that she was previously in opposition of the project but after hearing from the Rabbi, her main concern now is the amount of greenspace and density. She feels that three or four housing units, which is allowed, is not unreasonable.

In Opposition

Ryan Bresnahan, 70 Conway Cove, Chesterfield, MO

Mr. Bresnahan expressed concerns regarding the following:

- Density - "R4" zoning allows for the construction of a single-family detached dwelling. "R6" zoning allows for the construction of a single-family attached dwelling and multi-family dwellings with no defined limit on the number of units allowed.
- Conway Cove was developed with many acres of open ground in order to comply with the zoning and to be consistent with the space provided by single-family home construction in the area.
- A multi-family development is not consistent with the single family homes in the area.
- Once a change in zoning is made, there is no going back. What prevents the developer from requesting conditional approval for another use, such as a group home or even a nursing home as this property most recently was owned by Delmar Gardens.
- A one-acre lot is a residential lot and a residential area should not be turned into a multi-family development.
- A multifamily development would diminish the value of adjacent single-family residences.

- A required 10-foot wide strip along Conway Road reduces the size of the lot by over 2,000 square feet and a 12-foot retaining wall would also be required along the west side of the north property line to bring the property up to street level, further reducing the size of the lot.

Ronald Schmidt, Board President of Conway Cove, 12 Conway Cove Drive, Chesterfield, MO

Mr. Schmidt noted his concurrence with Mr. Bresnahan’s comments and expressed the following:

- Density – the Petitioner is trying to fit too much on the one-acre site. One single-family dwelling would be acceptable.
- The proposed development would adversely affect the Conway Cove property values.
- His opposition has nothing to do with religion. He is concerned about their community in which they have tried to maintain throughout the years.

Bob Siemer, 74 Conway Cove Drive, Chesterfield, MO

Mr. Siemer stated that he lives 50 feet to the west of this property and he will be most affected by these changes. The current view from his deck is 200 feet of greenspace. In the future, he will “look at an unknown number of apartment buildings with an unknown number of people doing whatever.” That is going to create a drastic change not only in the neighborhood, but with property values, and his quality of life. That is his motivation and those are the reasons that he is asking the Committee to reject this proposal.

Ann Earley, 74 Conway Gove Drive, Chesterfield, MO

Ms. Early expressed concerns regarding safety issues at the intersection of Conway Road and Chesterfield Parkway East. This intersection is an area of major commercial and vehicle traffic. It is also used regularly by school buses, Bi-State buses, and emergency vehicles going to Delmar Gardens which typically use the entrance to Delmar Gardens off of Conway Road near the subject property. Vehicles are frequently driving too fast and do not stop at the traffic lights at this intersection. This is not a pedestrian friendly intersection even though it is equipped with pedestrian signals. There have been times where she felt that she was taking her life into her own hands to cross these streets while using the pedestrian signals. The proposed plans for this subject site will only increase the dangerous nature of this intersection.

Robin Vogt, 50 Conway Cove, Chesterfield, MO

Declined to speak.

Mirae Bunnell, 1122 Cambridge Cove Court, Chesterfield, MO

Ms. Bunnell expressed the following concerns:

- Her property includes the sewer lateral line which comes in from Conway Cove and meets the line from Cambridge Cove. Since there have been problems with the line, she is concerned that the proposed buildings will be added onto that lateral line and cause further problems.
- Due to the dangerous nature of the Conway Road and Chesterfield Parkway East intersection, she believes that a traffic study should be conducted.
- Density – from a sewer lateral and a traffic perspective this development is too dense.

Judy Arnold, 36 Conway Cove, Chesterfield, MO

Declined to speak stating they had a similar response as to what was previously said.

Joann Meyer, 1116 Cambridge Cove Court, Chesterfield, MO

Declined to speak stating they had a similar response as to what was previously said.

Nancy Burke, 52 Conway Cove Drive, Chesterfield, MO

Not present.

Fran Silver, 1018 Cambridge Way Drive, Chesterfield, MO

Ms. Silver expressed her concern regarding the following:

- Deplorable condition of both Conway Cove Road and Chesterfield Parkway East. There is no shoulder area so it is not safe for pedestrian traffic. This should have been considered before building the synagogue and Chabad.
- The residents have not seen any proposed plans so they don't know what type of housing will be built. She questioned whether it would be similar to an attached villa or more like an apartment complex.

REBUTTAL

Rabbi Rubinfeld stated that he appreciated everyone's comments and responded to them as follows:

1. The plans have not changed from the original concept.
2. Conway Cove is currently zoned "R3" which is less dense than what is allowed in "R4" and less dense than what "R6" allows for. However, currently Conway Cove has many more homes than what an "R3" would allow for today. His property is zoned for more dense usage than "R3" is and "R3" has much more density than what "R4" or "R6" allows. If Conway Cove were to be approved today, it would probably have to be zoned "R6" and would not be allowed in an "R3".
3. Whether the zoning is changed or not, they plan to still build on the property including a single-family dwelling. The only difference between what is already approved in "R4" versus what they are asking for is whether they will be allowed to build two separate houses, or one house and one multi-family building.
4. Based on the City's process, they could not have rezoned the property before purchasing it so this is the procedure they must follow.

They are willing and available to speak to any interested residents about the proposal. He stated that he has made several attempts to reach out to the residents, but no one has ever contacted him to discuss the proposal. He then provided his personal cell number for anyone wishing to contact him.

At this time, Chair Hurt read a closing statement and ended the Public Hearing.

DISCUSSION

In response to Councilmember Hansen's question, Justin Wyse, Director of Planning, clarified that an "R4" zoning district allows for single family detached housing. An "R6" zoning district allows for single family attached, i.e., physically sharing a wall, but they would be physically on separate lots, and multi-family is multiple families living in multiple housing units on one lot.

Councilmember Mastorakos made a motion to forward the P.Z. 07-2021 15201 Conway Road (Chabad at Chesterfield) appeal to City Council with a recommendation to deny. The motion was seconded by Councilmember Monachella and **passed** by a voice vote of 4-0.

Note: One Bill, as recommended by the Planning & Public Works Committee, will be needed for the July 18, 2022 City Council Meeting. See Bill #

[Please see the attached report prepared by Justin Wyse, Director of Planning, for additional information on Public Hearing Appeal: P.Z. 07-2021 15201 Conway Road (Chabad at Chesterfield).]

B. POWER OF REVIEW: Wildhorse Village, Lot 2A-2 (Terraces at Wildhorse Village)

SDSP: A Site Development Section Plan, Landscape Plan, Lighting Plan, Architectural Elevations and Architect's Statement of Design for a 3.6-acre tract of land zoned "PC&R" – Planned Commercial and Residence District located southwest of the intersection of Wildhorse Creek Road and Lakeview Terrace. (Ward 4)

STAFF PRESENTATION

Mike Knight, Assistant City Planner, explained that Lot 2A-2 of Wildhorse Village is the fifth Site Development Section Plan for the development. This proposal is for 70 units within 10 detached buildings. The buildings are all 3 stories in height and all four facades are of the same materials-brick, glass, metal panel and fiber cement. All units have an attached 2-car garage.

The project was reviewed by the Architectural Review Board (ARB) on May 12, 2022. The Board made a motion to forward the project to the Planning Commission with a recommendation to approve with conditions. The applicant has since fulfilled those conditions.

At the June 13, 2022 Planning Commission meeting, the Commission recommended approval of the request by a vote of 6-2.

Governing Ordinance 3161 states that City Council shall have automatic power of review of all section plans.

Modification Request

There are two modifications being requested:

1. Rooftop Mechanical Units – the Governing Ordinance requires rooftop mechanical equipment to be in fully enclosed penthouses that complement the building design. *The applicant is requesting screening only on the rear of the buildings.*
2. First Floor Building Height – the Governing Ordinance states that the first floor building height shall be 12 feet. *The applicant is requesting 10 feet.*

It was noted that ARB was supportive of both of these modification requests.

DISCUSSION

There was extensive discussion regarding the following items:

- The monochromatic color of the building materials – too dark and foreboding.
- The placement of balconies overlooking the alleyway.
- Location of trash containers.
- Lack of parking especially for visitors.

- The Flats' view of Building 7's garages.
- Width of the alleyway.

In response to the Committee's concerns, Michael Hamberg, Developer, The Flats at Wildhorse Village, LLC, addressed the following:

Monochromatic color – Because there were concerns with the brick color of the adjacent development, The Flats, they designed the colors on this project to continue and complement the color that was used on The Flats development. Since the Architectural Review Board requested this façade to be more attractive, brick was added. There are different bands of brick and different colors of garage doors to help break up the façade of the building, which is difficult to discern on the print out of the elevations. This development will be very high-end, luxury units renting for \$4,000 to \$5,000 per month.

Alleyways –These are actually roadways that are 26 feet wide, as required by the Monarch Fire District.

Building 7 that is visible from The Flats – Building 7 was designed to align with the shared roadway of The Flats. The entrance to The Flats' 405-space garage and the trash room are located along that same roadway. The garages for this development are aligned with the entrance of the 405-space garage.

Location of the Balconies –The balconies were added as an element to break up the façade and to provide division between the units. The location was designed in proximity to where the kitchens are located and for potential cooking and eating purposes. It may be possible to relocate some of the balconies to the front of the building but they would have to look into that possibility further. From a renter's perspective, this was the best design.

Parking –Parking for this development is built to accommodate the single-family parking code and is actually over-parked by 29 spaces. The amenities offered at The Flats will also be available to residents of this community, including renting spaces in the parking garage. There are 405 parking spaces in the garage for 266 units at The Flats, which is also over-parked. The parking far exceeds any code requirements or any realistic parking requirement for both of the sites independently.

Trash –Trash will be collected into one centralized trash facility for this development. There will not be trash cans for every single unit nor trash cans stored in the alley. Trash trucks will not be driving through the alleyway three days a week for pickup.

Mr. Hamberg stated that he is willing to work with the Committee to meet their concerns, however, he did express the need for a timely resolution.

After further discussion, it was agreed to postpone voting on the project until Mr. Hamberg had an opportunity to meet with Councilmembers Mastorakos and Monachella, and to then hold a special Planning & Public Works Committee meeting for July 7, 2022 to review the revisions before the project goes to the full City Council for a vote.

Councilmember Monachella made a motion to postpone Wildhorse Village, Lot 2A-2 (Terraces at Wildhorse Village) SDSP until a special meeting of the Planning & Public Works Committee to be held Thursday, July 7, 2022 at 5:30 p.m. The motion was seconded by Councilmember Mastorakos and **passed by a voice vote of 4-0.**

C. ADA Transition Plan

STAFF PRESENTATION

Jim Eckrich, Director of Public Works, stated that as part of a continuous effort to improve the City's sidewalk program and to ensure compliance with the requirements of the Americans with Disabilities Act (ADA), Staff recently performed a detailed review of the City's ADA Transition Plan (Plan). As a result of that review, Staff is recommending several updates.

Specific updates to the Plan include the manner in which curb ramps are inspected and a new Accessibility Condition Index (ACI) which is more understandable and user-friendly. The new ACI correlates closely to the City's Pavement Condition Rating system and assigns a rating between 1 and 10 to each sidewalk and curb ramp in the City.

Mr. Eckrich stated there is no expenditure associated with this request.

Chair Hurt made a motion to forward the revised ADA Transition Plan to City Council with a recommendation to approve. The motion was seconded by Councilmember Hansen and **passed by a voice vote of 4-0.**

Note: One Resolution, as recommended by the Planning & Public Works Committee, will be needed for the July 18, 2022 City Council Meeting. See Resolution #

[Please see the attached report prepared by Jim Eckrich, Director of Public Works/City Engineer, for additional information on the ADA Transition Plan.]

D. Woods Mill Sidewalk Cost Share – St. Louis County Project

STAFF PRESENTATION

Jim Eckrich, Director of Public Works stated that at the request of Senator Jill Schupp, the City Administrator attended a meeting at the Parkway School District administration building regarding the construction of a new sidewalk along Woods Mill, south of its intersection with Olive Boulevard. Senator Schupp explained that she had recently met with St. Louis County regarding the need for the sidewalk and they provided an estimated project cost of \$2.1 million. According to their prioritization protocols, this project was ranked 69th on their priority list.

Senator Schupp indicated that County officials had advised her that the Woods Mill sidewalk project could be accelerated if "others" would commit \$1 million of the project funding. The County would then immediately place the project on their project list for design, easement acquisition and subsequent construction. The project could be completed in five years or less. St. Louis County would own and be responsible for the improvements. There would be no additional or future financial burden for Chesterfield or Parkway School District.

Senator Schupp hopes that the City and the Parkway School District would be willing to collectively contribute to the project, potentially contributing \$500,000 each. Parkway officials were quite interested and after hearing that the City was unlikely to participate, asked whether or not the City would be willing to consider a one-third contribution of \$333,333.

After speaking with County officials about when any financial contribution would be required, it was determined that the very earliest that any significant effort would be expended would be 2023.

Before officially responding to Parkway and the County, Mr. Eckrich requested direction from the Committee relative to the City's willingness to fund up to \$333,333 for the project. If the City were to participate, he would expect the City's share to be funded from the Capital Projects Fund. Mr. Eckrich again stated that there is no financial obligation requested at this time, simply an expression of intent from the Committee to do so in the future.

DISCUSSION

Councilmember Monachella stated that this is a safety issue noting that there is not enough shoulder on Woods Mill for the students to walk safely to the high school and middle school. She believes that a sidewalk should be in front of any school. Although Woods Mill is not a City maintained road, she is in favor of a financial contribution to construct the sidewalk.

Public Comment

Harvey Ferdman, 671 Clovertrail Drive, Chesterfield, MO

Mr. Ferdman thanked the Committee for their concern regarding the discussion on the Wildhorse Village project. He also stated that he hoped the Committee had as much or even more concern for our children to have access to their school. He stated that not only is there no shoulder, there are some places where there is at least a 12-15 foot drop off from the road. He believes the City owes it to the children to have a safe place to walk.

Conclusion

Staff was directed to initiate project discussions and a potential funding agreement with Parkway School District and St. Louis County. Once a project scope is defined by St. Louis County and a funding arrangement is agreed to by all parties, this will be submitted to City Council for approval. The Committee agreed that the City's funding should be limited and, if possible, extended over a multi-year period.

IV. OTHER

V. ADJOURNMENT

The meeting adjourned at 7:46 p.m.