

**CITY OF HAZELWOOD
PLAN COMMISSION MEETING
NOVEMBER 12, 2020**

CALL TO ORDER A meeting of the City Plan Commission was called to order by Chairman Matt Struttmann at 7:02 P.M. on Thursday, November 12th, 2020, via Zoom video and phone conferencing.

ROLL CALL On roll call the following members of the commission were in attendance:

Mark Rodell	Dennis Lammert
John Gatzert	Heidi Ham
Lisa Koziejka	Barb Stogsdill
Matt Struttmann	

Mr. McGhee had an excused absence. Mr. Struttmann declared a quorum was present. Also in attendance were City Planner Kate Crimmins and Project Development Coordinator Nikki Miller.

AGENDA Mr. Gatzert made a motion, seconded by Ms. Stogsdill, to adopt the agenda as written.

APPROVAL OF MINUTES Mr. Lammert made a motion, seconded by Mr. Rodell, to approve the minutes of the October 8th meeting.

NEW BUSINESS – PETITIONS

A. Case #420-20 – R.J. Agee, NorthPoint Development, Inc., 4754 Aubuchon Road, Hazelwood, MO 63042. Located at the southeast corner of Tradeport Drive and Tradeport Court, Ward 7.

- 1. Petition for Subdivision** to divide one 53.5 acre parcel into two parcels, 23.28 acres and 30.22 acres, in a Planned District, Industrial (PDI) Zoning District (Lots 5 and 6).

The site is a portion of the Hazelwood Tradeport Industrial Park, which was developed by NorthPoint Development. The area was formerly agricultural. The rezoning of the area to Planned District, Industrial was first recommended by the Plan Commission in March of 2018. Since then, four industrial warehouse buildings have been completed and have tenants. This subdivision is for the currently vacant southeast section of the industrial park and will divide a 53 acre lot into two parcels; 23 acres and 30 acres. The two lots will hold two additional industrial warehouse buildings. Access to the two lots will be from Tradeport Drive and Tradeport Court. Tradeport Drive is the main road in the industrial park.

The parcel in question is surrounded by PDI zoning district on the north, east, and west sides. On the south side is Park 370, another industrial park, which is zoned I-1 Light Industrial.

The final plat called “Hazelwood Tradeport Plat 3” meets the requirements of the subdivision regulations.

Staff recommends that the Plan Commission approve this subdivision plat called “Hazelwood Tradeport Plat 3”.

Joe Pflieger with Stock & Associates Engineering was available to answer any questions.

Mr. Lammert asked if this subdivision would finish the project or if there are additional lots to be developed.

Mr. Zimmermann responded that this subdivision will allow two buildings to be built and an additional three buildings are scheduled to be built.

Mrs. Ham made a motion, seconded by Mr. Struttman, to approve a petition for subdivision to divide one 53.5-acre parcel into two parcels, 23.28 acres and 30.22 acres, in a Planned District, Industrial (PDI) Zoning District.

A roll call vote as held.

<u>AYE - 7</u>	<u>NAY- 0</u>
Mark Rodell	
John Gatzert	
Lisa Kozieja	
Matt Struttman	
Dennis Lammert	
Heidi Ham	
Barb Stogsdill	

The motion passed, 7-0.

B. Case #421-20 – City of Hazelwood.

1. Petition to Change the Zoning Code Section 405.240 Minimum District Size Planned District, Residential (PDR) from 10 acres to 2.5 acres.

Currently the City’s Zoning Code requires Planned District, Residential zoning districts to be a minimum of 10 acres. This petition from City Staff would amend the Zoning Code to lower the minimum allowable PDR size to 2.5 acres.

The purpose of PDR zoning is, as stated in the code, to “Encourage a mixture of land uses compatible with surrounding uses; create a variety of housing compatible with surrounding neighborhoods in terms of density and types of living environment; promote flexibility by allowing the placement of more than one main or primary building on a single lot or on multiple lots; and encourage planned development”. From a City Staff perspective, PDR is a means for achieving greater flexibility than standard zoning districts, facilitating high quality development that meets the City’s goals, and retaining a greater degree of leverage over new developments.

Unfortunately, the use of PDR on future projects is limited due to the 10 acre minimum and the fact that the City has very little undeveloped land left suitable for residential uses. In fact, per the 2009 Comprehensive Plan's 'Exhibit D – Remaining Undeveloped Land', there are only two remaining undeveloped lots in the City that are over 10 acres and zoned Residential. One of these lots is adjacent to a large business campus and unlikely to be developed in the near future.

With this in mind, City Staff recommends lowering the minimum allowable PDR size to 2.5 acres to allow the use of PDR to be considered when smaller sites become available for residential development. This smaller minimum size is not without precedent, as a number of other St. Louis County municipalities have similar minimums.

This issue was brought back to Staff's attention with the proposal of a new residential development that would not be permitted under R-6 Multi-Family Residential Zoning and whose proposed site would not be eligible to be rezoned to PDR because it is smaller than the current 10 acre minimum. The proposed development, Elm Ridge Senior Apartments, is interested in locating at 3746 Dunn Road, a vacant parcel that is 3.72 acres. The proposed building would have 50 units and be designated for residents 55+ who meet income eligibility guidelines for affordable housing.

Mr. Rodell asked if the minimum acreage has always been 10 acres or if there had previously been a change to the Zoning Code.

Mr. Zimmerman responded that the previous minimum was reduced from 50 acres to 10 acres.

Mr. Gatzert asked if there was a difference between a minimum of 2.5 acres versus 2 acres.

Mrs. Crimmins responded that the minimum of 2.5 acres was not too big or too small.

Mr. Struttmann made a motion, seconded by Mr. Gatzert, to approve a petition to Change the Zoning Code Section 405.240 Minimum District Size Planned District, Residential (PDR) from 10 acres to 2.5 acres.

A Roll Call vote as held.

<u>AYE - 6</u>	<u>NAY- 1</u>
John Gatzert	Mark Rodell
Lisa Kozieja	
Matt Struttmann	
Dennis Lammert	
Heidi Ham	
Barb Stogsdill	

The motion passed, 6-1.

C. Case #422-20 – Michael Duffy, Elm Ridge LP, 3746 Dunn Road, Hazelwood, MO 63042. Located 1,500 feet west of Howdershell Road, Ward 2.

1. Petition for Rezoning to rezone 3.7 acres from R-6 Multi-Family Residential Zoning District to Planned District, Residential.

The subject site is a vacant parcel zoned R-6 Multi-Family Residential, and surrounded by R-6 Multi-Family, C-2 General Commercial, and R-4 Single Family Residential Zoning Districts. Land uses are Tyler Redeeming Christian Church, the rear of Tide Wave car wash and a vacant parcel designated for bio retention for the QuikTrip subdivision, the Finn apartment complex, and single-family homes facing Ville Rosa Lane. Across Dunn Road is Eagles Way Court, a development of attached two-family homes.

The proposed use is a 50 unit, three-story affordable apartment complex for seniors age 55 and over. Each unit is approximately 850 square feet and will have two bedrooms, one bathroom, and in-unit laundry. Two units will be fully handicap accessible. Amenities include an exercise room, computer room, community sitting rooms, a larger community room that can be reserved for residents' meetings or gatherings, and secured access to the building. The management of the project will also offer a variety of social services programs to its residents. The project developers are local to North St. Louis County and have significant experience in developing and managing low income and senior housing projects in the area. Most recently, this team developed a senior apartment complex very similar to this proposed project. That apartment complex, Scott Manor, is located at 2131 Chambers Road in unincorporated St. Louis County.

The proposed project will be partially funded by the State of Missouri's Low Income Housing Tax Credit (LIHTC) program. This is a competitive program and only one out of every five projects that apply for the LIHTC program will receive funding. The developers previously applied for funding for a project at this site with 32 units and did not receive funding. They believe that a change to 50 units instead of 32 will give the project application a greater chance to receive funding. The previous application scored poorly on efficiency, and the larger number of units will help that score.

The increase in the number of units is the main reason the developer has sought a rezoning to Planned District, Residential. Under the current zoning, R-6 Multi-Family Zoning District, the number of units allowed on a parcel is based on the acreage of the parcel. For this 3.7-acre parcel, the maximum number of units allowed is 32. A change to Planned District, Residential zoning would allow the parcel to be regulated by an ordinance written specifically for the district. Planned Districts, in general, allow a greater degree of flexibility for projects that don't necessarily fit into standard zoning districts, but also allow the City a greater degree of leverage in the project. In this case, the Planned District ordinance would be written to allow 50 units.

The Zoning Code also requires two parking spaces for each dwelling unit in an apartment building. In the developer's experience, this exceeds the needs of this type of development. They have found that in their Unincorporated St. Louis County apartment complex, most two bedroom units are occupied by single people, and a significant number of residents do not own personal vehicles. They have proposed a site plan that includes 66 parking spaces, including four ADA accessible spaces. A reduction in the number of required parking spaces would also be allowed in their Planned District ordinance. However, upon discussion with City staff and concerns that there is no option for street parking along Dunn Road, the

developers have agreed to reserve the southern portion of the site for future construction of a parking lot with an additional 45 parking spaces that would be added if the need arose. These future parking spaces are shown on the site plan.

The Land Use Map of the Comprehensive Plan shows this site to be Multi-Family. The rezoning and the proposed project are consistent with the Comprehensive Plan.

Staff recommends that the Plan Commission approve this petition for a Rezoning with the following conditions:

1. That the number of units shall not exceed 50
2. That 66 parking spaces be constructed initially
3. That the City may require the addition of parking spaces at the City's discretion
4. That the site be developed according to the site plan, landscaping plan, and lighting plan submitted by the developer, and that any changes be approved by the City
5. That any aspect of the project not addressed on the approved site plan, landscaping plan, and lighting plan that is not in compliance with City Code shall be prohibited without an amendment to the PDR ordinance

Mike Duffy and Kevin Buchek spoke about the proposed development and financial aspects of the project.

Ms. Stogsdill asked if there is a limit on how many people can live in the apartments and what happens if small children were to move in.

Mr. Buchek responded that the land use restriction agreement for the property will state that only seniors can live in the units for the next 30 years. The lease will stipulate how frequently visitors can visit and how long they can stay and a violation of the lease will result in an eviction.

Ms. Koziejka asked about the incentives for the developers.

Mr. Buchek and Mr. Duffy explained the tax credits process and the individual grants and loans that have been applied for.

Mr. Rodell asked what the setback for green space was for this zoning.

Mrs. Crimmins responded that it is typically a 30-foot setback but the setback also depends on surrounding zoning.

Mr. Rodell asked what the height of the building was.

Mr. Buchek responded that the building would be about 30 feet high.

Mr. Rodell asked if the proposed parking would meet code if the building were an apartment complex and no additional parking was added.

Mrs. Crimmins responded affirmatively.

Ms. Stogsdill asked if the homes across the street were owner occupied condos and if the project would affect the property values of those homes.

Mr. Zimmerman responded that the homes were built and intended to be owner occupied and it appears that most of them are owner occupied.

Mr. Buchek stated that based on local and national studies, affordable senior properties increase property values of surrounding properties at a faster rate than the inflationary rate that most homeowners see.

Mr. Lammert asked if a tie wall would be needed around the walkway due to the drop-off between the back of the building and the rear property line.

Mr. Buchek responded that full engineering has not been completed but there is a possibility that a retaining wall will be needed at the back of the property.

Mr. Gatzert asked if the other facility was completely occupied.

Mr. Buchek responded affirmatively.

Mr. Struttmann made a motion, seconded by Mr. Gatzert, to approve a petition for rezoning to rezone 3.7 acres from R-6 Multi-Family Residential Zoning District to Planned District, Residential.

A Roll Call vote as held.

<u>AYE - 6</u>	<u>NAY- 1</u>
John Gatzert	Mark Rodell
Lisa Kozieja	
Matt Struttmann	
Dennis Lammert	
Heidi Ham	
Barb Stogsdill	

The motion passed, 6-1.

D. Case #423-20 – Josh Wilson, Growing Jobs Missouri, LLC, 6850 Hazelwood Avenue, Hazelwood, MO 63042, Ward 5.

1. Petition for Special Land Use Permit for a Medical Marijuana Cultivation Facility in an I-1 Light Industrial Zoning District.

The company Growing Jobs Missouri, LLC was originally granted a license from the Missouri Department of Health and Senior Services (MO DHSS) to operate a Medical Marijuana Cultivation Facility in the City of St. Louis at 2727 Hamilton Avenue. They have not begun operation at that site. Instead, they have applied for permission from MO DHSS to move their operation to 6850 Hazelwood Avenue. That request is still pending. The site, 6850

Hazelwood Avenue, is currently vacant. They plan to construct a new building at the site and co-locate with another recipient of a Cultivation Facility license, TC AppliCo, LLC.

Their proposed site, 6850 Hazelwood Avenue, is a 12 acre lot zoned I-2 in Ward 5. The parcel to the north is I-1 zoning, to the east is Interstate 170. The areas to the south and west are in the City of Berkeley, with all uses being industrial.

The proposed building will be a 145,000 square foot, single-story building that will contain 90,000 square feet of cultivation space and 4,500 square feet of processing and extraction space. This area will be shared with TC AppliCo and Growing Jobs Missouri. Once in full operation, there will be 80 full time employees in two shifts. The facility will operate Monday to Sunday from 6 A.M. to 6 P.M. There will also be at least one security guard on duty 24 hours a day, seven days a week. The site will be completely surrounded by a 10 foot chain link fence with privacy slats and a security gate to enter the parking area off of Latty Avenue. The site plan includes security lighting, directional and wide angle security cameras. The State of Missouri has extensive regulations regarding security features of the site, which will be required in order for the facility to maintain its license for cultivation. The site will further be screened by the 36 trees proposed to be installed along the perimeter of the site.

In order to meet the State of Missouri's timeline for beginning operations, TC AppliCo and Growing Jobs Missouri have requested that Hazelwood allow cultivation to begin in temporary buildings while the proposed building is being constructed. The two companies are working with a medical marijuana consultant who has successfully done this in other states, and photos from a site in New Jersey using the temporary buildings are included in the packet. In Section 405.365 of the Zoning Code, temporary buildings are permitted in any zoning district, provided they submit an approved site plan, receive a building permit, comply with all zoning, fire and building code regulations, and receive written permission from the Code Enforcement Officer. Per Code, temporary buildings are permitted for a maximum of 30 days unless an extension is granted by Code Enforcement. The temporary buildings used in the photos do not meet Code, which does not permit metal-sided buildings. The applicant has pledged to work with the City to find an acceptable alternative. The temporary buildings would be subject to the same security regulations that a permanent building would be, and the letter accompanying the application details the 10-foot fence, double gated entry, security cameras, lighting, and alarm system with automatic notification to police. There will also be an armed security guard on site 24 hours a day, seven days a week.

Hazelwood Ordinance 4704-19 sets forth regulations for a Medical Marijuana Cultivation Facility. Medical Marijuana Cultivation is only permitted within I-1 and I-2 Industrial zones, with the proposed location currently zoned I-1 Light Industrial. Facilities are restricted from being sited on a property within 1,000 feet of an existing elementary or secondary school, child daycare center, or church. Facilities are also restricted from being sited on a property within 1,000 feet of another Medical Marijuana Facility unless facilities are within the same building. Staff finds that no such uses exist within 1,000 feet driving distance of the site.

The site plan shows 142 parking spaces, with 5 being ADA accessible. The number of required parking spaces is based on the 40 employees on maximum shift. The number of planned parking spaces exceeds the requirement of 29 spaces.

The City is limited by the State to only have regulations that concern time, place and manner of a Medical Marijuana Facility. Staff believes this use is consistent with the surrounding area of the property comprised of industrial uses.

The Land Use Map of the Comprehensive Plan indicates the subject site to be Industrial. The proposed use is consistent with the Comprehensive Plan.

Staff recommends that the Plan Commission approve this Special Land Use Permit for a Medical Marijuana Cultivation Facility in an I-1 Light Industrial Zoning District with the following conditions:

1. That a license for medical marijuana cultivation be maintained and the property remain in compliance with State regulations
2. That the temporary building remain on the property for no longer than nine months without a SLUP extension
3. That the property owner receive an easement for use of the private section of Latty Avenue that is used to access the site

Mr. Lammert asked if driving distance was specifically called out in the regulations.

Mrs. Crimmins responded that the State of Missouri measures by driving distance and their regulations supersede the City's regulations.

Mr. Rodell asked if there is any facility (church, school, daycare, medical marijuana facility) within 1,000 feet of the property boundaries of the proposed site.

Mrs. Crimmins responded that there is a church on N. Hanley Road that is within 1,000 of the property boundaries but driving distance between the properties is greater than 1,000 feet.

Vince Field, Jason Watson, Joy Clarke and Mark Coffelt introduced themselves as partners of the project. Mr. Field spoke about the facility and how both companies would operate in the space. Mr. Field also explained the process of transferring to a new location.

Mr. Struttmann made a motion, seconded by Mr. Rodell, to approve a petition for a special land use permit for a Medical Marijuana Cultivation Facility in an I-1 Light Industrial Zoning District with the staff recommended conditions.

A Roll Call vote as held.

<u>AYE - 6</u>	<u>NAY- 1</u>
Mark Rodell	Barb Stogsdill
John Gatzert	
Lisa Kozieja	
Matt Struttmann	
Dennis Lammert	
Heidi Ham	

The motion passed, 6-1.

E. Case #424-20 – Mark Coffelt, TC AppliCO LLC, 6850 Hazelwood Avenue, Hazelwood, MO 63042, Ward 5.

1. **Petition for Special Land Use Permit** for a Medical Marijuana Cultivation Facility in an I-1 Light Industrial Zoning District.

Mr. Struttmann made a motion, seconded by Mr. Gatzert, to approve a petition for a special land use permit for a Medical Marijuana Cultivation Facility in an I-1 Light Industrial Zoning District with the staff recommended conditions.

A Roll Call vote as held.

<u>AYE - 6</u>	<u>NAY- 1</u>
Mark Rodell	Barb Stogsdill
John Gatzert	
Lisa Kozieja	
Matt Struttmann	
Dennis Lammert	
Heidi Ham	

The motion passed, 6-1.

UNFINISHED BUSINESS - None.

CORRESPONDENCE - None.

MISCELLANEOUS BUSINESS AND ANNOUNCEMENTS - None.

COMMISSION MEETING The next meeting is scheduled for December 10th, 2020.

ADJOURNMENT There being no further business to come before the City Plan Commission, the meeting was adjourned at 8:20 P.M.

Matt Struttmann, Chairman

Nikki Miller, Project Development Coordinator