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## Planning and Development Services Division Issues Report

**Meeting Date:** December 12, 2016

**From:** Jessica Henry, Senior Planner

**Location:** South side of South Outer 40 Road east of its intersection with Schoettler Road.

**Petition:** **P.Z. 03-2016 40 West Luxury Living (KU Development, LLC)**: A request for a zoning map amendment from the “R-1” Residence District, “R-2” Residence District, and “NU” Non-Urban District to an “R-6AA” Residence District for a 14.296 acre tract of land located on the south side of South Outer 40 Road east of its intersection with Schoettler Road (19S640668, 19S640657, and 19S640152).

### **Summary**

Stock and Associates Consulting Engineers, Inc., on behalf of KU Development, LLC, has submitted a request for a zoning map amendment from the “NU” Non-Urban District, “R-1” Residence District, and “R-2” Residence District to an “R-6AA” Residence District for a 14.296 acre tract. The Petitioner originally submitted this petition as a request to zone to the “R6” Residential District, but subsequently amended the petition. This request is being made in conjunction with two additional zoning petitions for the proposed 40 West Luxury Living development as detailed in the issues reports for P.Z. 09-2016 and P.Z. 10-2016.




The petitioner is requesting to zone this 14.296 acre area “R-6AA” Residence District as part of a two-step zoning process for ultimate PUD District Zoning. A Public Hearing was held on this request on May 23, 2016.

The “PUD” petition, P.Z. 10-2016, includes not only the 14.296 acre subject site, but also comprises the 6.0 acre site known as P.Z. 09-2016. This report will focus on analysis and review on the 14.296 acre property only. The image with legend on the following page portrays the relationship between these three zoning petitions.



Figure 1: Subject Site



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|---|---|---|
| <b>Step 1:</b><br>"R" District<br>Zoning        |  | P.Z. 03-2016: "NU", "R-1", & "R-2" to "R-6AA" for 14.29 acres. Public Hearing 5/23/2016 |
|   |  | P.Z. 09-2016: "NU" to "R-6A" for 6.0 acres. Public Hearing 9/12/2016                    |
| <b>Step 2:</b><br>Planned<br>District<br>Zoning |  | P.Z. 10-2016: "R-6AA" & "R-6A" to "PUD" for 20.29 acres. Public Hearing 9/12/2016       |

The City Code allows for properties to seek a change of zoning to a conventional “R” residence district designation to establish maximum density for consideration, at the same time that a PUD District zoning request is being made. However, each project or petition must be reviewed and voted upon individually and the Residential District designation must be established first, prior to any vote on a PUD District.

This 14.296 acre tract is currently zoned “NU” Non-Urban District, “R-1” Residence District, and “R-2” Residence District. As the site contains a tract zoned Non-Urban District, and this district is not an active zoning category in Chesterfield, the City Code requires that properties zoned “NU” District are not eligible for PUD District Zoning; they must first zone into a Residential District category. With this particular petition, this means that the action on the request to zone this 14.296 acres to the R-6AA District must occur prior to any vote on the PUD District. It should also be noted, that if this site retains the existing zoning districts, the PUD District request is no longer able to be considered.

**In an effort to implement the necessary sequence of reviews required by Code and to minimize any confusion or misunderstanding of process, each petition relative to the 40 West Luxury Living Development has been provided with its own report, information and analysis.** To minimize repetition when possible, such as site history, we may refer to one of the other reports for this overall project. The site history for this particular 14.296 acres is provided in the PUD District Report (P.Z. 10-2016), however, an image of the surrounding developments and zoning districts is provided for reference.

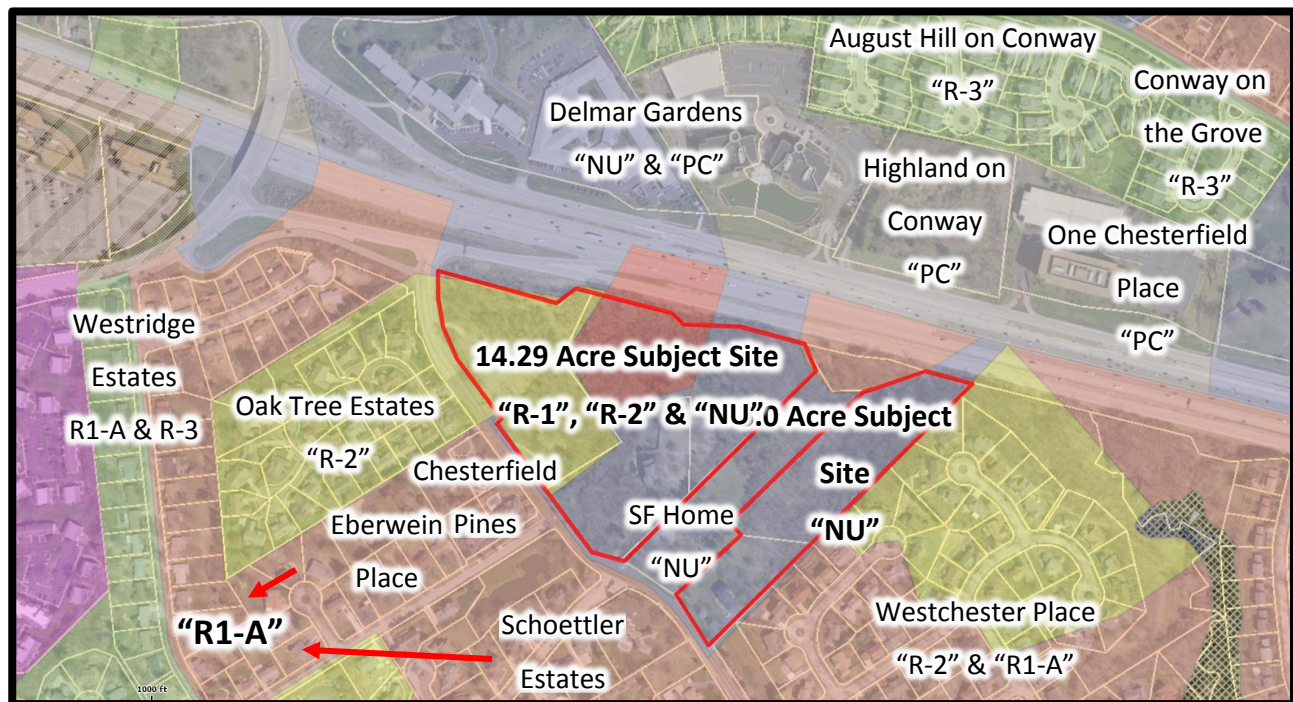


Figure 2: Surrounding Developments & Zoning

### **Comprehensive Plan Analysis**

The subject site is located within Ward 2 of the City of Chesterfield. The City of Chesterfield Land Use Plan indicates these parcels are within the Residential Multi-Family land use designation, as shown in the image below.



**Figure 3: Comp Plan Surrounding Land Use Designation—Residential Multi-Family (brown)**

Although a detailed analysis of the Comprehensive Plan vis-à-vis the 40 West Luxury Living request is included in the Staff report for P.Z. 10-2016, the following policy from the Comprehensive Plan is particularly relevant in evaluating P.Z 03-2016:

- 2.1.8 Transitional Use between Single-Family Detached and Higher Density Development
  - Single-family attached developments should serve as a transitional land use between single-family detached land use and multiple-family residential and commercial land uses.

The subject site falls within the “residential multifamily” conceptual land use category whereas the adjacent residential development to the east is located entirely within the “residential single family” conceptual land use category. The Petitioner is requesting the “R-6AA” District of this 14.296 acre tract; however, no transitional zoning exists or is proposed between the subject site and surrounding single family residential neighborhoods. The subject site, at 14.296 acres in size, currently contains two single family homes and a church.

Further, while this transition does not currently exist outside of the subject site, it is possible for the Petitioner to adhere to this Comprehensive Plan policy by creating such a transition within the boundaries of the subject site as defined by the zoning petition. This has been common practice for developments and dates back to the decades prior to the City’s incorporation and is still encouraged today as it is a policy of the Comprehensive Plan. Further, the two nearest multi-

family developments to the subject site, Schoettler Valley and Village Green, were both zoned as Planned Environment Units (PEU), a zoning density procedure that is a precursor to the current “PUD” Planned Unit Development zoning district. The old PEU zoning districts were set up as overlay districts, which are different from today’s PUD requirements. However, density was established much in the same way, and was based upon the R district that the property was zoned at the time of filing for a PUD. We will not compare or analyze the use of the PUD in this report, instead we want to look at the two closest multi-family developments (Village Green and Schoettler Valley) in the area and their densities and the inclusion of transitional land uses. Following is an in-depth look at how each of these two developments utilized transitional land uses and zoning to buffer the adjacent single family neighborhoods.

### 1. Village Green

This development is located just east of the southern terminus of Schoettler Road where it intersects with Clayton Road. Originally zoned by St. Louis County in the 1960’s, Village Green included single family homes, multiple family units (apartments), townhouse units, and garden type units on a 65.4 acre tract. The zoning granted by St. Louis County Council was “R-2” 15,000 square foot residence district and “R-6” 2,000 square foot residence district with a Planned Environment Unit, which essentially allowed the density to be dispersed across the entire subject site area. Similar to the current “PUD” zoning procedure, the zoning entitlements were granted via a two-step process, with the “R” District zoning being established first and the “PEU” ordinance approved after. Below is an image of this zoning split, with the Village Green area outlined in red.

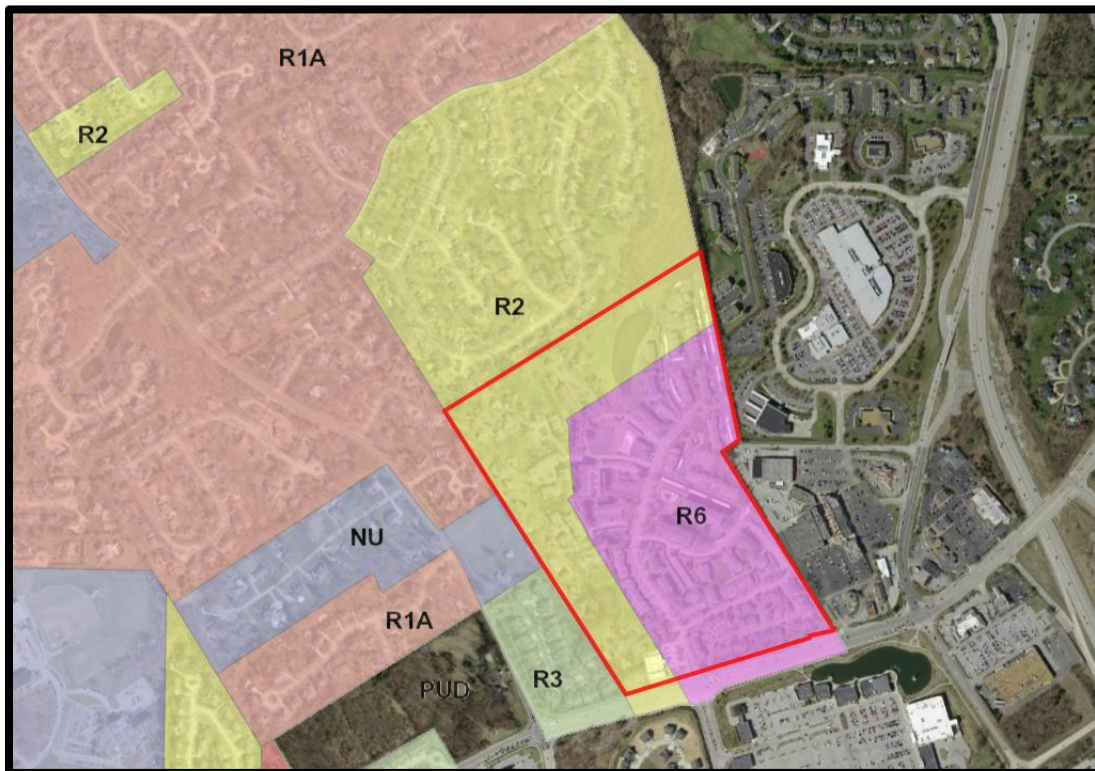


Figure 4: Village Green (red outline) and surrounding zoning

This image clearly depicts the utilization of a single family and multifamily zoning districts to provide a transitional land use that serves as a buffer between the densest portions of the development and surrounding single family land uses. Not only were zoning districts with significantly different densities employed (“R-2” 15,000 square feet and “R-6” 2,000 square feet), the PEU ordinance further clarified this intent by including the following restriction:

**6. No structure other than separate single family dwelling structures and associated common ground under a density development plat shall be permitted along the north and west boundaries of subject tract as shown on the revised preliminary development plan dated December 15, 1969.**

The Comprehensive Plan’s Land Use Map confirms this pattern, although it is interesting to note that this entire tract was previously designated within the “multifamily” land use category and the Comprehensive Plan was revised decades after the development was constructed to more accurately reflect the existing land use. In other words, despite the entire tract falling within the “multifamily” land use designation, the planning principle of providing a transitional land use between the desired multifamily portion of the development and surrounding single family land uses was employed during the initial zoning in 1969. Further, this transition occurs entirely within the limits of the Village Green development.



Figure 5: Comprehensive Plan excerpt Village Green (red outline) and surrounding land use designation

## 2. Schoettler Valley Drive PEU

This development is located directly west of the subject site, across Schoettler Road. Originally zoned by St. Louis County in the 1970's, this 158 acre PEU approved the development of 560 residential units, with a maximum of 300 multi-family units permitted. In 2011, an ordinance amendment was approved to increase the maximum number of multi-family units permitted within the PEU to 303, with the overall number of total units permitted to remain at 560. The zoning granted by St. Louis County Council was "R-1A" 22,000 sq. ft. Residence District, "R-2" 15,000 sq. ft. Residence District, "R-3" 10,000 sq. ft. Residence District, "R-6" 2,000 sq. ft. Residence District, and "R-6A" 4,000 sq. ft. Residence District with a Planned Environment Unit, which essentially allowed the density to be dispersed across the entire subject site area. Similar to the Village Green subdivision discussed above, the zoning districts were established in a manner that transitioned the highest density multi-family portion of the development to the lower density single-family portion of the development. Below is an image of this transitional zoning pattern, with the Village Green area outlined in red.

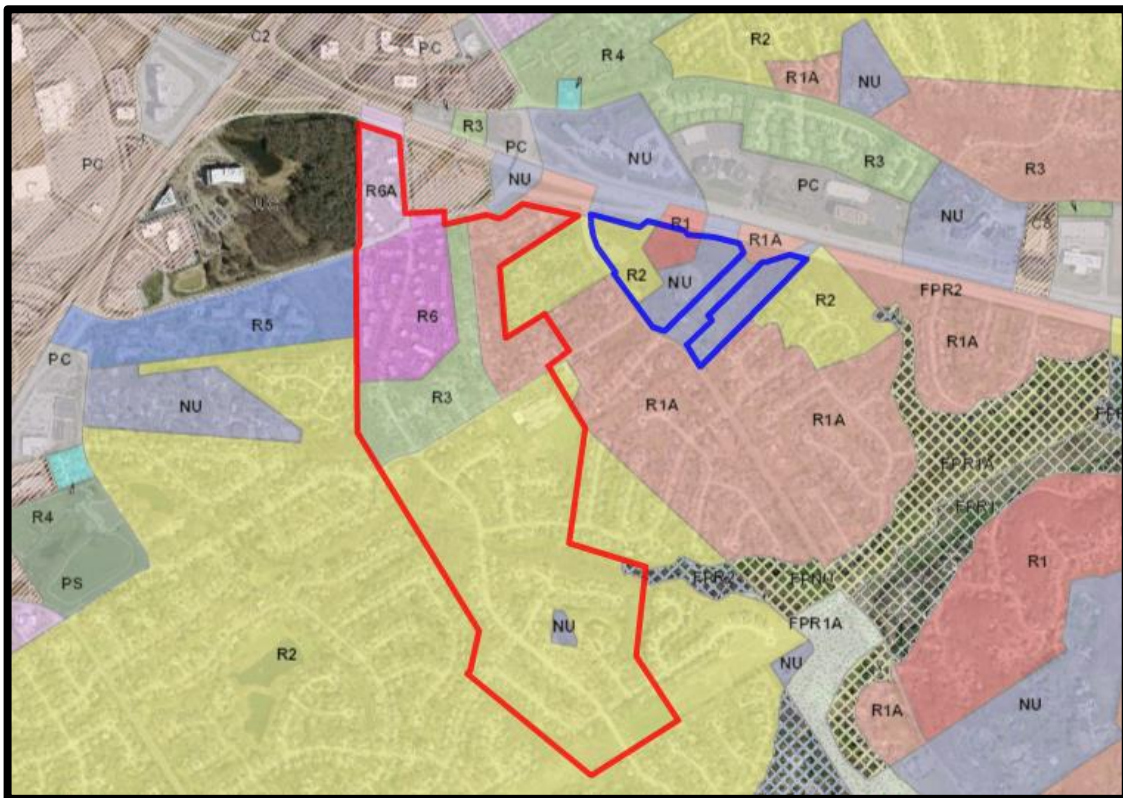


Figure 6: Schoettler Valley Drive PEU (158.2 acres shown in red outline) and surrounding zoning (40 West Luxury Living site outlined in blue)

The Comprehensive Plan’s Land Use Map for the Schoettler Valley Drive PEU area shows the various land use designations that fall within the PEU area. When compared to the zoning map shown on the previous page, the pattern of transition and cohesiveness of the Comprehensive Plan and zoning districts established within this single zoning petition become evident.

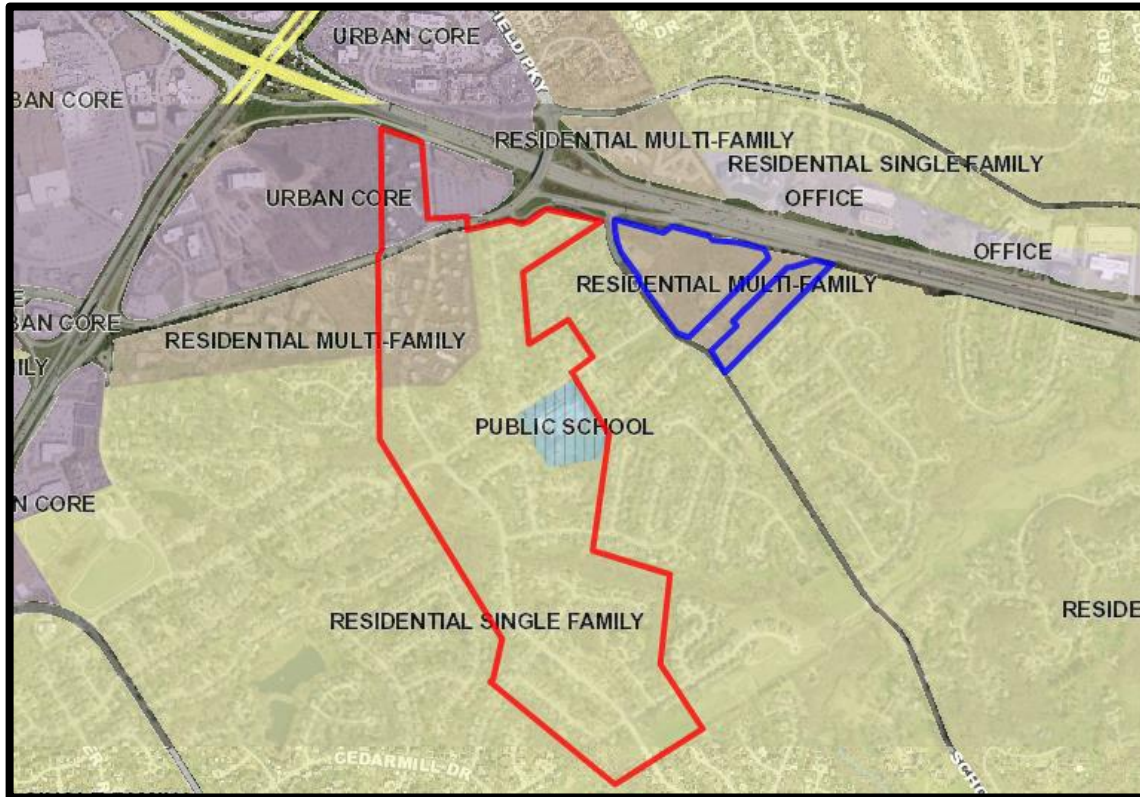


Figure 7: Comprehensive Plan excerpt Schoettler Valley Drive PEU (red outline) and surrounding land use designations

### **R District Analysis**

As this zoning request is for a change to a “straight” (conventional) zoning district, there will be no preliminary plan or Attachment A in accordance with City Code.

If only this “R6-AA” District request is approved and the PUD request is denied, this 14.296 acre tract will have to adhere to the permitted uses and district regulations of the “R-6AA” Residential District. This means that fixed development criteria, such as minimum lot size and building setbacks, would be established by the “R-6AA” Residence District regulations. The “R-6AA” Residence District regulations require a minimum lot size of 3,000 square feet per multi-family dwelling unit; therefore, based on a straight density calculation, the 14.296 acre subject site would be permitted a maximum of 207 units. A maximum height of four stories is established for a dwelling structures and accessory structures. Uses permitted include both multi-family and single-family detached dwelling units among other uses established in Code.



### **Request**

Staff has reviewed the requested zoning map amendment by the Petitioner as it pertains to the “R-6AA” District zoning request and has prepared this report for discussion purposes with the Planning Commission at the Issues Meeting. The goal from the Issues Meeting is for the Planning Commission to communicate with the Petitioner, to provide direction to Staff on the request and to identify any issues that remain open that can be addressed. This information is then used to assist in preparing for the future Vote Meeting.

Even though there is no vote taken at the Issues Meeting, it is important to know the recommendations available to the Planning Commission that can be made at the future Vote Meeting. The recommendation of the Planning Commission is then forwarded to the City Council for review and consideration. These options available to the Planning Commission are as follows:

1. A motion recommending approval of the zoning map amendment as requested to R-6AA; or
2. A motion recommending approval of the zoning map amendment to a different “R” district; or
3. A motion recommending denial of the zoning map amendment. As mentioned previously, if the request to zone to R-6AA District is denied, this parcel is no longer eligible for consideration as a PUD Zoning.

Again, this is an issues meeting only at this time and this meeting serves as a discussion of the issues only.

Finally, all citizen letters of support and opposition, the speaker presentations from the Public Hearings, as well as the signed citizen opposition petition that have been submitted to the City are linked in the Planning Commission Meeting Agenda for your review.

cc: Aimee Nassif, Planning and Development Services Director