

**Plan Commission**  
**January 31, 2018 Meeting Minutes**  
*Approved 2-28-18*

The Plan Commission held their regular meeting (postponed from January 24, 2018) at the Heman Park Community Center located at 975 Pennsylvania Avenue, University City, Missouri on Wednesday, January 31, 2018. The meeting commenced at 6:30 pm.

**1. Roll Call**

**Voting Members Present**

Cirri Moran (Chairperson)  
Michael Miller  
Rosalind Williams  
Ellen Hartz  
Cynthia Head  
Peggy Holly

**Voting Members Absent (excused)**

Judith Gainer

**Non-Voting Council Liaison Present**

Rod Jennings

**Staff Present**

John Mulligan, City Attorney  
Andrea Riganti, Director of Community Development  
Andrew Stanislav, Planner & Zoning Administrator

**2. Approval of Minutes**

**2.a. October 25, 2017 Plan Commission meeting**

A motion was made by Mr. Miller to approve the October 25, 2017 meeting minutes. The motion was seconded by Ms. Holly and carried unanimously.

**3. Public Hearings – None**

**4. Hearings – None**

**5. Old Business – None**

**6. New Business**

**6.a. Minor Subdivision – Final Plat – PC 18-01 – Subdivision of an existing two-family dwelling into two individual attached single-family dwellings on separate lots**

It was noted that agenda item 6.a. had been postponed to a later meeting date.

**6.b. Text Amendment PC 18-02 – Zoning Code Text Amendment pertaining to parking structures**

Prior to addressing the proposed text amendment, Ms. Riganti introduced John Mulligan, City Attorney, to the Plan Commission and public in attendance. Ms. Riganti stated that given the legal implications of the Zoning Code, Mr. Mulligan will be participating in future Plan Commission meetings to facilitate the review process. Ms. Moran also thanked Mr. Mulligan for his involvement this evening and in the future.

Ms. Riganti introduced the proposed text amendment to Section 400.2010.B of the Zoning Code by providing background information. She stated that zoning codes are subject to different interpretations. In particular to the section proposed for amendment, Ms. Riganti stated that she and two former City staff members consulted with an attorney to develop a position on how to proceed with the off-site parking requirements associated with the COCA expansion application under the existing code. She stated that the previously approved parking garage associated with the Castlereagh Building and 560 Music School was to be used to satisfy the parking requirements for COCA. She stated that they discussed and questioned the term "principle use," noting that the previously approved garage was an accessory use for the Castlereagh Building and 560 Music School, which is listed as a permitted use. She further stated that they discussed the succeeding section in relation to cross-access and determined that the term "adjacent" has a different meaning than "adjoining" or "abutting" as she described. Ms. Riganti stated that an oral opinion and conclusion was that the spirit and intent of the code could be met, although it was a gray area. She noted that the cross-access agreement was decided as the way to proceed; however, they would require City Council approval with the Conditional Use Permit (CUP) for the COCA expansion project as opposed to the approval of the Director of Community Development. Ms. Riganti stated that when reviewing the COCA project, this section of the code did not provide the legal assurances to be beyond question. She further noted that discussions occurred involving COCA regarding this project since the fall or winter of 2015, which moved forward with how it was going to precede known to everyone. Ms. Riganti stated that since it was brought to the City's attention that this does not provide the assurances needed to be fully compliant with the code, a text amendment is proposed to ensure complete conformance.

Ms. Riganti stated that the five options presented for this text amendment were drafted in consultation with the City Attorney and that the Plan Commission may propose further options, edits to the five currently proposed options, or other revisions as the Commission sees fit. Ms. Riganti also cautioned Commission members to view this proposal in a way that prevents spot-zoning and to consider other applicable scenarios throughout the City.

Ms. Moran asked Staff procedurally if the Code Review Committee should have been consulted prior to consideration by the Plan Commission. Ms. Riganti stated that this text amendment needs to be in advance of the CUP the Plan Commission will consider for the COCA project. Ms. Moran stated that she had a problem with the expediency of the text amendment as it should be discussed in length by the subcommittee prior to this meeting. Ms. Moran further asked for staff's pros and cons of the five proposed options. Ms. Riganti stated that the City Attorney would be assisting staff in the explanation and discussion.

Some Commission members questioned how the proposed text amendment options read into the existing text. Mr. Mulligan stated that he will provide additional background first and later address the wording of the options.

Mr. Mulligan stated that a Site Plan for the 560 parking garage was approved by City Council on April 10, 2017, which involved a four-story parking structure of 204 parking

spaces on the site of an existing 70 space parking lot. He continued to state that Washington University (which owns the Castlereagh Building and 560 Music School) entered into a lease agreement with COCA for 128 spaces, and the Site Plan was approved as an accessory use although it has been questioned if this garage is truly an accessory use considering 128 parking spaces (more than half) are proposed for use by COCA. He stated that Section 400.2010 of the Zoning Code was reviewed in respect to COCA considering if this garage would be an approved location. He also stated that per the code, the Zoning Administrator has some discretion as to the practical difficulties, in this case being the proposed COCA expansion. The Zoning Administrator at that time also determined that the public safety and convenience would be adequately serviced by the proposed location. Mr. Mulligan explained that subsection "1" of Section 400.2010.B should be satisfied by the long term lease agreement proposed, and that subsection "2" is satisfied by the location not being more than 1,000 feet; however, he stated that there is a problem with the term "principle use," as the intent there is to not have a commercial garage with leased space potentially changing the character of the area. He followed this comment by stating that this subsection does not state "permitted use," and that he does not view Section 400.2010.C as applicable. Mr. Mulligan advised the Commission to not view this text amendment as a benefit solely for the COCA project, but rather to view it broadly as there are other places in the City that could potentially benefit from this additional flexibility. He also stated in regards to the five options presented that there are two applicable scenarios to keep in mind: 1) to amend the code which would now establish criteria citywide for areas other than the two Zoning Districts that currently permit parking as a principle use, and 2) to amend the "PA" – Public Activity District to include parking as a permitted or conditional use.

Mr. Mulligan read through and explained the five proposed text amendment options to the Plan Commission, stating that Washington University's counsel had also suggested a sixth option to make parking a permitted use. He explained that with this text amendment, dependent on the option selected, the COCA project can be considered by the Plan Commission with new authority. He further explained this possibility through the options proposing a Conditional Use Permit. Mr. Mulligan stated that it makes sense for the text amendment to be considered prior to the COCA CUP and that he will prepare a draft ordinance after the Plan Commission's recommendation to City Council.

#### Questions / Comments / Discussion by Plan Commission:

- There was extensive discussion regarding the term "shared parking" and whether the proposed amendment would capture this type of parking use. It was also acknowledged that there is a difference between "shared" structure parking (i.e. COCA having spaces in the 560 Trinity parking structure) versus the shared use of an individual parking space between the two institutions.
- Ms. Williams carried this discussion on the shared parking concept and further stated that it needs to be addressed in the parking requirements. She also stated that parking garages need to be addressed as a principle use and there needs to be provisions for the this CUP in the district itself.
- Mr. Mulligan assured the Commission that this amendment does not apply to parking lots and is specific to parking structures as defined in the Zoning Code.
- It was mentioned that Site Plan Review applicants do not receive review or consideration by the Plan Commission, which was suggested to include Plan Commission review. Mr. Mulligan stated that in order for this to occur the law would need to be changed.

- Why does staff recommend option three? Mr. Mulligan stated that this was a matter of administrative convenience as well as not being any more costly or time consuming for the applicant.
- Some Commission members questioned the grammatical wording of the proposed text amendment to ensure they understood the proposed changes. Mr. Mulligan stated that the Commission members are able to propose any revisions or additions to the proposed language but that the proposed options would be inserted prior to the punctuation mark and the remaining text existing in this section of the Zoning Code would remain unchanged. It was also confirmed by Mr. Mulligan that subsection "C" would not be changed.
- The Commission members agreed that given the size of the actual structure applicable to this text amendment, the project would benefit from additional review under the Conditional Use permit procedure.

#### Public Comments

- 1) Jeff Hales, 7471 Kingsbury Blvd. – stated that he is the Chairperson for the University City Traffic Commission and was speaking on his own behalf. Mr. Hales stated that he was thrilled to see the City Attorney and appreciated his attendance. He stated that it is important for this Commission to be part of the conversation and fully informed on the proposed text amendment. He further stated that this issue may have been recognized by the Commission if the original Site Plan approving the parking garage was reviewed by them prior to City Council, and he referenced past development projects in the City that he believes did not receive enough oversight prior to approval. Mr. Hales questioned a few aspects of the parking structure and continued to state that he was surprised to see a lack of attendance from the City Council liaison to Plan Commission in past meeting minutes. Mr. Hales suggested sending someone from Traffic Commission to Plan Commission meetings in the future regarding similar projects, and he also stated that he was in favor of option five of the proposed text amendments.
- 2) Mark Harvey, 761 Harvard Ave. – stated that he was a trustee representing the University Heights Number One private subdivision. Mr. Harvey stated that he was highly supportive for the need of public parking and that the City needs a comprehensive parking plan for the Loop area. He also referenced a lawsuit between the private subdivision and the City regarding the lot at 601 Trinity Avenue which currently houses the temporary University City Police Department. Mr. Harvey stated that the Loops needs to further development and views this as a great thing as long as it is accomplished comprehensively. He also questioned if the private subdivisions nearby the 560 Trinity parking structure have been notified and stated that University Heights Number One will support a lawsuit, as this is the only way a subdivision's indentures can be enforced. Mr. Harvey also questioned if the project was in compliance with the Civic Complex Historic District regulations as well as what kind of precedent this project will set.
- 3) Paulette Carr, 7901 Gannon Ave. – stated that she is a Second Ward Councilmember for University City. Ms. Carr asked the Commission to take on their authority as parking is the biggest complaint in her experience. She continued to state that the Plan Commission should be there to hear the tensions surrounding parking that currently exist, for example Washington University students who park in the Ames Place private subdivision just south of the COCA project. Ms. Carr stated

that transparency with neighbors is crucial and it is up to the applicant to make their case. She also thanked the Plan Commission members for their work.

Commission members discussed their options for reviewing the proposed text amendment prior to voting, which was decided to be kept an open discussion and mindful of the project's status. It was also mentioned again that a comprehensive parking plan be conducted for the Loop area, which encompasses multiple contributing factors and stakeholders, in an effort to avoid harming all parties involved.

The complexity of the potential consequences of this proposed text amendment were discussed, including whether the proposed amendment should apply solely to the "PA" – Public Activity District or citywide. Mr. Mulligan assured the Commission that this text amendment is "surgical" in an effort to allow the current project to move forward. He further noted that the full off-street parking and loading requirements section of the Zoning Code requires careful study and thought; however, the only aspect proposed to be amended at this time is solely in respect to off-street parking with unique circumstances. Ms. Riganti also noted that restricting the proposed text amendment to only the "PA" District may set the table for a similar situation to what Mr. Harvey spoke of earlier, and she also clarified that the Conditional Use Permit proposed in option five of the proposed text amendment options is only related to the use of the parking structure in off-site parking. Ms. Riganti also address other concerns stating that staff has been working on identifying future potential text amendments related to issues within the entire Zoning Code in order to make it more efficient.

Commission members further discussed the use of the proposed Conditional Use Permit proposed in option five. It was clarified by Mr. Mulligan and Ms. Riganti that the Conditional Use Permit is not addressing the land use of the property but rather the use of the parking spaces. It was also reiterated that this proposed text amendment is a short-term solution prior to addressing concerns with the off-street parking requirements as well as the full Zoning Code.

Commission members decided that the most restrictive option providing additional oversight through the Conditional Use Permit was favored (option five). It was also suggested to decrease the proposed number of parking spaces applicable in option five from 200 parking spaces to 100 parking spaces as this would be more applicable citywide.

A motion was made by Mr. Miller to recommend approval of option five as the Text Amendment with the exception of changing the 200 parking space requirement to 100 parking spaces. The motion was seconded by Ms. Head and passed by a vote of 5-1.

Ms. Moran suggested for a Commission member to make a motion to put forth to City Council a comprehensive parking plan for the Loop area, specifically.

A motion was made by Ms. Williams that City Council considers funding a comprehensive investigation of parking issues in the Loop, Civic Complex, and adjacent neighborhoods with the goal of having a parking management plan. The motion was seconded by Ms. Moran and passed unanimously by a vote of 6-0.

## **7. Other Business**

**7.a. Annual Report for calendar years 2016 – 2017. *Informational Only – No Vote Required***

Ms. Riganti stated that this agenda item was postponed.

**7.b. Public Comments – None**

**7.b. Election of Officers**

Ms. Moran stated that she was asked to stay on the Plan Commission due to the relative newness of other Commission members and nominated Ms. Williams for Chairperson, which was seconded by Ms. Holly. Ms. Moran further nominated Mr. Miller for Vice-Chairperson which was seconded by Ms. Hartz. After explaining the duties of the Designated Alternate, Ms. Moran nominated Ms. Holly. All nominations carried unanimously.

**8. Reports**

**8.a. Code Review Committee Report – None**

**8.b. Comprehensive Plan Committee Report**

Ms. Riganti stated that the new City Manager has postponed the comprehensive plan process.

**8.c. Council Liaison Report – None**

**8.d. Department Report – None**

**9. Adjournment**

The meeting adjourned at 8:33 pm.