

## Plan Commission

6801 Delmar Boulevard, University City, Missouri 63130, Phone: (314) 862-6767, Fax: (314) 862-3168

# AGENDA PLAN COMMISSION MEETING

Fifth Floor of City Hall  
6801 Delmar, University City, MO 63130  
6:30 pm; Wednesday, September 12, 2018

1. Roll Call
2. Approval of Minutes – July 25, 2018 Plan Commission meeting
3. Public Hearings – NONE
4. Old Business –
  - a. **Conditional Use Permit (*Amended*)**– FILE NUMBER: 18-05665  
**Applicant:** Matt Hanes, Executive Director  
**Request:** Approval for additional height to the proposed addition to the Church of Scientology – Public Activity District and request approval of office as a conditional use in a Public Activity (PA) District.  
**Address:** 6901 Delmar Boulevard  
(TABLED)
5. New Business
  - a. **Text Amendment** – PC 18-03  
Zoning Code Text Amendment pertaining to Article V Supplementary Regulations (400.1090) – Pertaining to setback exceptions for detached garages and carports  
*VOTE REQUESTED*
  - b. **Zoning Map Amendment** - FILE NUMBER: 18-05774  
**Applicant:** Regina Ruvanova  
**Request:** Zoning Map Amendment from GC – General Commercial District to SR – Single Family Residential.  
**Location:** 1167 Remley Ct.  
*VOTE REQUESTED*
6. Other Business
  - a. **Public Comments** (Limited to 3 minutes for individual's comments, 5 minutes for representatives of groups or organizations)
7. Reports
  - a. Code Review Committee Report
  - b. Council Liaison Report
  - c. Department Report: Update from staff
    - i. Proposed Overlay District regarding non-conforming lots of record in subdivisions platted prior to 1926.
8. Adjournment

**Plan Commission  
July 25, 2018 Meeting Minutes**

The Plan Commission held their regular meeting at the Heman Park Community Center located at 975 Pennsylvania Avenue, University City, Missouri on Wednesday, March 28, 2018. The meeting commenced at 6:41 pm.

**1. Roll Call**

**Voting Members Present**

Margaret Holly  
Michael Miller  
Ellen Hartz  
Cynthia Head  
Judith Gainer  
Cirri Moran

**Voting Members Absent (excused)**

**Non-Voting Council Liaison Present**

Paulette Carr

**Staff Present**

Gregory Rose, City Manager  
John Mulligan, City Attorney  
Rosalind Williams, Acting Director of Community Development  
Adam Brown, Planner  
Colleen Durfee, Planner

**2. Approval of Minutes**

The Commission approved minutes from March 28, 2018.

**3. Public Hearings**

**a. Conditional Use Permit – Matt Hanses, Church of Scientology – Approval of additional height for proposed addition to the Church of Scientology, Public Activities District – 6900 Delmar Boulevard**

Rosalind Williams described several changes made to the staff report and presented materials for The Church of Scientology's request for a Conditional Use Permit.

Matt Hanses, Executive Director of the Church of Scientology, gave a presentation on the proposed addition. The plans had been amended to clarify the amount of disturbed land, and with the addition of a recycling dumpster at the request of Public Worlds. He noted that input from neighbors had been incorporated into the design. The project has been reviewed by Traffic Commission and Historic Preservation Commission, and the goal is to break ground early in 2019.

Chris Connely, Architect for Gensler Architecture, described in greater detail some aspects of the design of the building, the intent to make the original building more accessible, while matching historic character of the district.

Chris Hepler, Landscape Architect for Kimley Moore gave an overview of the landscape design, noting the removal of invasive species, preservation of existing trees, and creation of privacy buffers between the project and neighboring homes.

### **Public Comments**

Sam Blumhoff, 5 Princeton Ave, lives behind the site, expressed concerns that landscaping was not completed after the last major renovation, times of trash pick-up, and water retention on the site.

Cassie Menna, 7033 Camden, a lifelong parishioner of the Church, expressed support for the project.

Susan Heff, 1070 N. Hanley, recently moved to U City to be closer to the Church, expressed excitement about the project.

Adam Heff, 1070 N. Hanley, a parishioner for 15 years, moved his family and business to University City and supports the project.

Scott Von Gland, 6975 Delmar, lived there for 12 years, said Church has had a thoughtful and open process, his concern is over the scale of the project, and how it will effect homes and values on Delmar, where he has seen values declining.

Maryanne Schwartz, 6925 Delmar, is next door to the Church, says they have been good neighbors, but would like more assurance on how construction will effect properties immediately surrounding the project.

Mr. Hartz requested a motion to approve the Conditional Use Permit.

Ms. Williams presented the staff report on the project. Staff recommends the project based on the assumption that the Church's use should be considered a place of worship. The use is permitted and the site plan meets all requirements and standards of the zoning code except for the height. However, the height is consistent with other buildings in the district, and the increased setbacks allow for a height increase. She said the parking calculations were based on the code, counting the most intensive use for a place of worship. She noted that the landscaping plan was required to be completed before the building could be occupied. The design will be reviewed again by the Historic Preservation Commission, and has incorporated input from Public Works.

Mr. Mulligan raised concerns over legal issues with the permit. He was concerned with how the parking is calculated based on the lot being a non-conforming lot and whether the use was determined to be religious or office space. The code allows only for office space to be constructed on a non-conforming lot, but if the new building is counted as office space, the parking requirements go up significantly.

Ms. Williams stated that her interpretation as zoning administrator should be respected by the Plan Commission, and that the proposed text amendment to the code (PC 18-04) would clarify the issue.

Mr. Rose asked the applicant how they define their use, and would like to understand from the applicant their position on the text amendments.

Mr. Hanses responded to concerns, noting that they had changed their plans based on input from staff throughout the process. He emphasized that the Church of Scientology is a Church, legally, and that, like other churches, contains several other uses in support of the church. He described how they calculated their current number of spaces as needing 85 spaces total for most intensive uses of the building for assembly use, plus a concession for extra spaces from administrative use, and the allowed reduction for bike racks and proximity to transit. They currently propose 92 parking spaces. He cited other projects the City has approved with less parking than this project, including CoCa and Our Lady of Lourdes.

Ms. Carr stated that plans reviewed under the past administration should not be considered because they had been reviewed incorrectly, and that she would like to clarify going forward that the code is being interpreted correctly.

Mr. Rose said his concern was the part of the code allowing only office space on a non-conforming lot. Mr. Hanses said the church felt the code was inconsistent with itself. They want to do the project correctly, whatever that process is they will follow it, if a text amendment is needed.

Mr. Miller proposed tabling the CUP permit until a text amendment was considered. There was further discussion about the interpretation of the code. Ms. Williams presented the text amendment to the section of code 400.3080, saying that no "open space" use was defined by the code and that district regulations should apply rather than limiting to open space or office space. Ms. Moran asked if this had gone through the normal procedure of the code committee. Ms. Head moved to postpone the passing of the text amendments as well as the CUP for Church of Scientology. There was discussion about this course of action, Ms. Head revised the motion to exclude the amendment for garages. The Commission voted in favor of postponing the text amendment on 400.3080 and the CUP for Church of Scientology. Ms. Gainor was the only vote against.

**b. Text Amendment – PC 18-03:** Ms. Williams presented the text amendment PC 18-03 pertaining to detached garages. She said the code resulted in a number of variances that were all approved, and therefore needed to be amended. Ms. Holly asked if the amendment was meant to maintain setbacks around the garage or the footprint of the garage. As this was not clear, the Chair suggested the commission vote down the proposed amendment and revisit in code committee. Ms. Holly moved to vote, Ms. Moran seconded, and the vote was unanimously against the amendment.

There was discussion of scheduling a code committee meeting, as well as a special plan commission meeting if possible to speed up the process of the CUP. Mr. Rose said the public hearing could be closed, and a request for vote on CUP could be added to the next agenda.

## **6. Other Business**

Mr. Miller noted the need to vote for a new chair of the Commission. Discussion over the nominations, and Ms. Moran was nominated. The Commission voted unanimously to elect Ms. Moran as the new chair. Ms. Carr proposed to hold the open seat currently vacant for Ms. Williams as her position as Director of Community Development was temporary.

## **7. Reports**

**a. Code Review Committee:** scheduled a meeting for Wed, August 1<sup>st</sup>, at 3pm

**b. Council Liaison Report**

Ms. Carr reported on the upcoming meetings regarding the proposed development at Olive and 170, including two town hall meetings (Aug 8 and 17, 6pm, Heman Park Community Center), a meeting for businesses on Olive (Aug 14, 7:30am, HPCC), and the TIF Commission Public Hearing (Aug 23, 6pm, U City High School). She also noted that Hop Cat in the Loop was opening Saturday.

**c. Update from Staff**

Ms. Williams introduced new staff to the Commission, Colleen Durfee and Adam Brown.

**8. Adjournment**

The meeting was adjourned at 9:15pm.

**STAFF REPORT**  
**University City Department of Community Development**

MEETING DATE: September 12, 2018

SUBJECTS:

- A. Church of Scientology Conditional Use Permit amendment and minimum off-street parking requirements
- B. Zoning Code Text Amendment pertaining *Section 400.1090, Dimensional Regulations for Accessory Structures*
- C. Zoning Map Amendment - PC 18-05774
- D. Proposed Overlay District

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**A. Church of Scientology Conditional Use Permit amendment and minimum off-street parking requirements**

The staff recommended the Church of Scientology amend their original conditional use permit because of the requirements for non-conforming lots of record in non-residential districts (Section 400.3080.2). The requirements restrict uses of such lots to open space or office buildings. Designating the proposed new building's use as "church office" allows the applicant to satisfy the requirements of non-residential non-conforming lots of record. However, because office use is a conditional use in a Public Activity district, the applicant must also obtain a conditional use permit related to the use of the building. Instead of submitting a new conditional use permit application, staff recommended the applicant amend their current conditional use permit.

The Church of Scientology is submitting an amendment to their original Conditional Use Permit to include allow for "church office" use within proposed new building – a conditional use within a Public Activity district. Staff recommends approval of this conditional use permit along with the original related to building height.

The minimum off-street parking required for the Church of Scientology is calculated as follows:

Main Building

Principal Use: Assembly Hall	
Number of seats in assembly hall:	185
Seats per parking space:	3.5
Subtotal parking spaces	53



New Building

Principal Use: Church Office

Net SF:	21,336
SF per parking space:	400
Subtotal parking spaces:	53

SUBTOTAL: 106

Reductions

10% for proximity to transit stop:	-11
1 space per 5 bike parking spaces:	-3

SUBTOTAL: -14

Calculation: 106 -14 = 92 spaces

TOTAL OFF-STREET PARKING REQUIRED: 92

TOTAL OFF-STREET PARKING PROVIDED: 92

DEFICIT: 0

For the purposes of calculating the number of parking spaces required, the existing building's primary use is a place of worship "assembly space" which requires a parking space be provided for every 3.5 seats in the main assembly hall. The proposed new building's primary use is "church office". For office buildings, one parking space is required for every 400 square feet of net floor area. The new building is located within 500 feet of a transit stop, granting a 10% reduction in spaces required and the development will install 15 bike parking spots allowing an additional reduction of 3 spaces. The total spaces required are 92. The applicant is providing 92 off-street parking spaces.

**B. Zoning Code Text Amendment pertaining Section 400.1090**

Upon review of the zoning code, staff determined the previous proposed amendment to Section 400.1090 governing enlargement, repair, and alterations for non-conforming accessory structures was no longer necessary because it would have been redundant due to the presence of Section 400.3090, governing non-conforming structures associated with conforming uses.

*Section 400.3090 Non-Conforming Structures.[R.O. 2011 §34-153.2; Ord. No. 6139 §1(Exh. A (part)), 1997]*

*A. Non-Conforming Structures Associated With Conforming Uses. Any non-conforming structure, which is associated with a conforming use, may remain as a non-conforming structure, subject to the following provisions:*

- 1. Enlargement, repair, alterations. Any such structure may be enlarged, maintained, repaired or remodeled; provided however, that no such enlargement, maintenance, repair or remodeling shall either create any additional non-*

*conformity or increase the degree of existing non-conformity of all or any part of such structure, except as may be permitted under Section 400.3100 of this Article.*

The above section therefore already addresses how the repair, enlargement, remodeling or any such alteration of a non-conforming structure with a conforming use should be treated within the code, making our previous revision discussion moot.

However, staff, in consultation with the code revision committee, recommends adding a requirement for a maintenance easement between the owner of a non-conforming structure and their neighbor to ensure at least five feet of access to a structure undergoing enlargement, repair, or alteration. The proposed provision would be located in Section 400.3090.A.1 as follows:

*Section 400.3090 Non-Conforming Structures.[R.O. 2011 §34-153.2; Ord. No. 6139 §1(Exh. A (part)), 1997]*

*A. Non-Conforming Structures Associated With Conforming Uses. Any non-conforming structure, which is associated with a conforming use, may remain as a non-conforming structure, subject to the following provisions:*

*1. Enlargement, repair, alterations. Any such structure may be enlarged, maintained, repaired or remodeled; provided however, that no such enlargement, maintenance, repair or remodeling shall either create any additional non-conformity or increase the degree of existing non-conformity of all or any part of such structure, and provided there is not less than five feet access for maintenance on all sides, if necessary, by obtaining a recorded maintenance easement to ensure such access, except as may be permitted under Section 400.3100 of this Article.*

**B. Requesting to rezoned from GC – General Commercial District to SR – Single Family Residential, 1167 Remley Court**

**COUNCIL DISTRICT:** 2  
**LOCATION:** 1167 Remley Ct.  
**REQUESTED ACTION:** Approval  
**APPLICANT** Regina Ruvanova  
7843 Olive  
University City, Missouri 63130  
**STATUS:** Property owners

**COMPREHENSIVE PLAN CONFORMANCE**

Yes  No  No reference



**STAFF RECOMMENDATION**

Approval                       Approval with conditions    Denial

**PROJECT DESCRIPTION:**

Existing Zoning: GC-General Commercial District  
Proposed Zoning: SR- Single Family Residential  
Existing Land Use: Vacant Commercial  
Proposed Land Use: Single Family Residential

**Surrounding Zoning and Land Use:**

North: GC – General Commercial	Commercial
East: GC – General Commercial	Commercial
South: SR – Single Family Residential	Single Family Residential
West: SR – Single Family Residential	Single Family Residential

**Process – Required City Approvals**

Plan Commission. Section 400.3180 of the Zoning Code requires that Map Amendment applications be reviewed by Plan Commission after receipt of staff report. The Plan Commission shall report a recommendation to the City Council for their consideration.

City Council. Sections 400.3190 and 400.3200 of the Zoning Code require that a public hearing be held by the City Council before making a final decision, subsequent to receiving a recommendation from Plan Commission.

**Analysis**

Property Information

The subject property is currently zoned GC – General Commercial and is about 5,100 square feet. The parcel contains one building. It is located at the beginning of Remley Court, adjacent to a parking lot and another single family home (see Attachment A) with access to Olive Blvd.

In the past, a dentist’s office occupied 1167 Remley Court, which abuts both GC and SR zoned districts. 1167 Remley was built as a single family home in 1946. At the time, dental offices were permitted under “transitional uses” in single family residential where a property abutted a commercial or industrial zone. Dental offices remained permitted transitional uses in single family residential until 1970 when the ordinance changed to regulate home occupations, prohibiting medical, dental, and physician offices in a single family zoned area.

After 1970, a dentist still operated their business in the building. The current GC – General Commercial zoning of the property likely resulted from a spot zoning to allow for the residence’s previous transitional use to remain

### Current Proposal

The applicant requests that the property be rezoned from GC – General Commercial to SR – Single Family Residential. The intent is to use the property as a single family home. The building footprint will remain the same.

### **Zoning Code Analysis**

Article 14, Section 34-162.2 of the Zoning Code requires that Plan Commission review a request for a map amendment and forward its recommendation to City Council. A public hearing will be conducted at the City Council level.

The purpose of “SR” Single Family Residential districts, as set forth in Section 400.130 of the Zoning Code, is;

*“To protect and conserve areas of predominantly single-family detached dwellings, while at the same time allowing for the construction of new dwelling units if in substantial conformance with the character of surrounding single-family dwellings.”*

Under home occupations prohibited in single family residential (Section 400.130.A) are;

*“Medical or dental offices or clinics, including chiropractors, veterinarians, podiatrists, and similar professions”*

Replacing the transitional uses language, the code now explicitly allows or prohibits various home occupations regardless of their proximity to commercial and industrial districts. Therefore, this property was likely rezoned to accommodate a dentist’s office.

### **Staff Recommendation**

The staff recommends that proposed rezoning of GC – General Commercial to SR – Single Family Residential be granted for the following reasons.

1. While we do not know when the lot was zoned to GC, the fact that the structure matches the size and shape of surrounding residential structures and was built prior to 1950, like the residential structures were, suggests the structure was originally built as a home and not a dentist office.
2. The lot and structure fit the prevailing pattern and character of single family residential on its South and West sides;
3. The rezoning will not cause substantial injury to the value of neighboring properties.
4. The rezoning is consistent with the Comprehensive Plan, the Pearl Heights indentures, and other official planning and development policies of the City.
5. Approving the rezoning would increase consistency in the surrounding zoning district by including a structure originally built as a single family home in the adjacent SR district.

In conclusion, the staff recommend the proposed zoning map amendment be approved by the Planning Commission, and forward its recommendation on the City Council. Please see Attachment A for more details on site location and character.

**ATTACHMENT A**

Map I. Aerial view of 1167 Remley Ct.



Map II. Zoning of and surrounding 1167 Remley Ct.



Image I. Street view of 1167 Remley Ct.



Image II. Street view of adjacent properties to the South (1159 & 1163 Remley Ct.)



Image III. Street view of adjacent property to the North (7700 Olive)

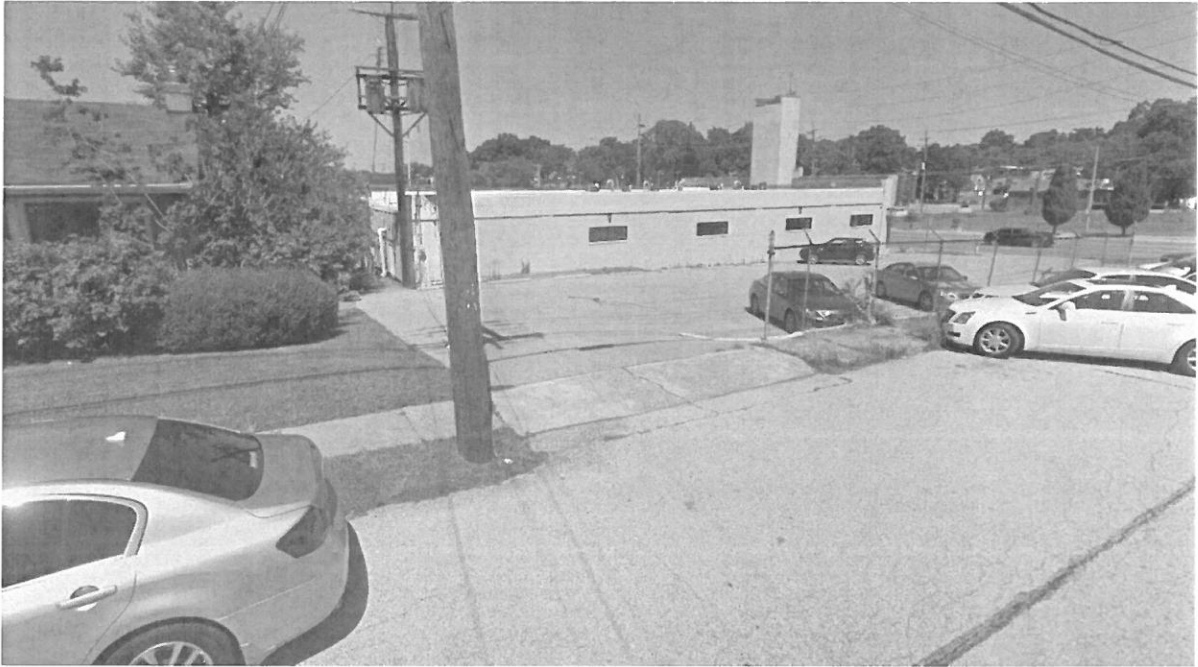
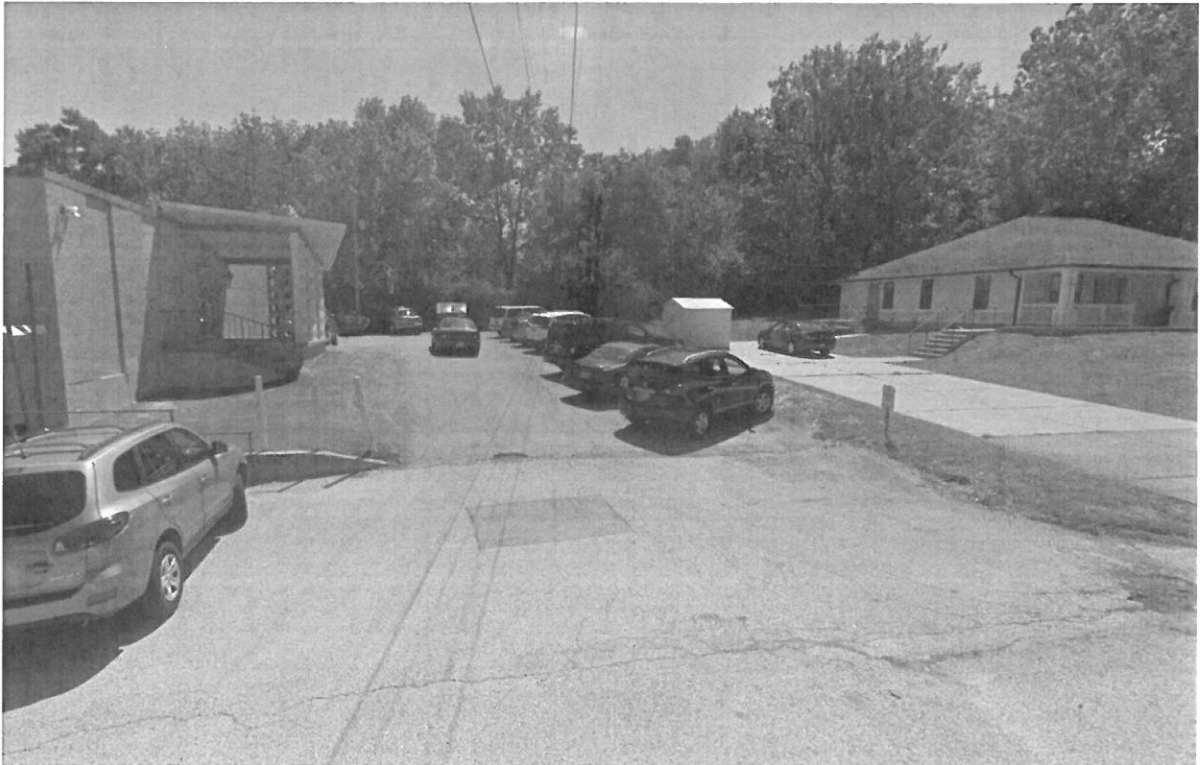


Image III. Street view of adjacent property to the East/across the street (parking for 7586 Olive)





#### **D. Proposed Overlay District**

Because much of University City's residential lots were platted prior to adoption of the City's first zoning code in 1926, non-conforming lots are extremely prevalent in the eastern part of the City. As a result, property owners of adjacent non-conforming lots that wish to return the lots to their original pattern cannot do so because city code does not allow non-conforming adjacent lots under joint ownership to have more than one principle structure.

**Section 400.3080.3** of University City's zoning code states:

3. *In any event, a non-conforming lot of record shall not be used for the development of a freestanding principal structure, unless:*
  - a. *Such lot was owned separately and individually from adjoining tracts of land at a time when the creation of a lot of such size and width at such location would not have been prohibited by the Zoning Code adopted by the City; and*
  - b. *Has remained in separate and individual ownership from adjoining tracts of land continually during the entire time that creation of such lot has been prohibited by the applicable Zoning Code.*

The effect of the restriction in the code is a stifling of private efforts to develop vacant infill lots in established neighborhoods. Recent resident requests include subdividing a 75-foot wide property to create two 37.5-foot wide lots similar in size to the prevailing pattern of the surrounding neighborhood, and a request to build a principle structure on a previously separate vacant lot, also compatible with the prevailing pattern. Both types of requests are not feasible within the current constraints of the code.

To remedy this, the planning staff proposes an Overlay District that would allow for infill development consistent with the prevailing pattern of a neighborhood. Because most non-conforming lots of record were platted prior to 1926, those lots are the most likely to be non-conforming (see Map I).

Map I.

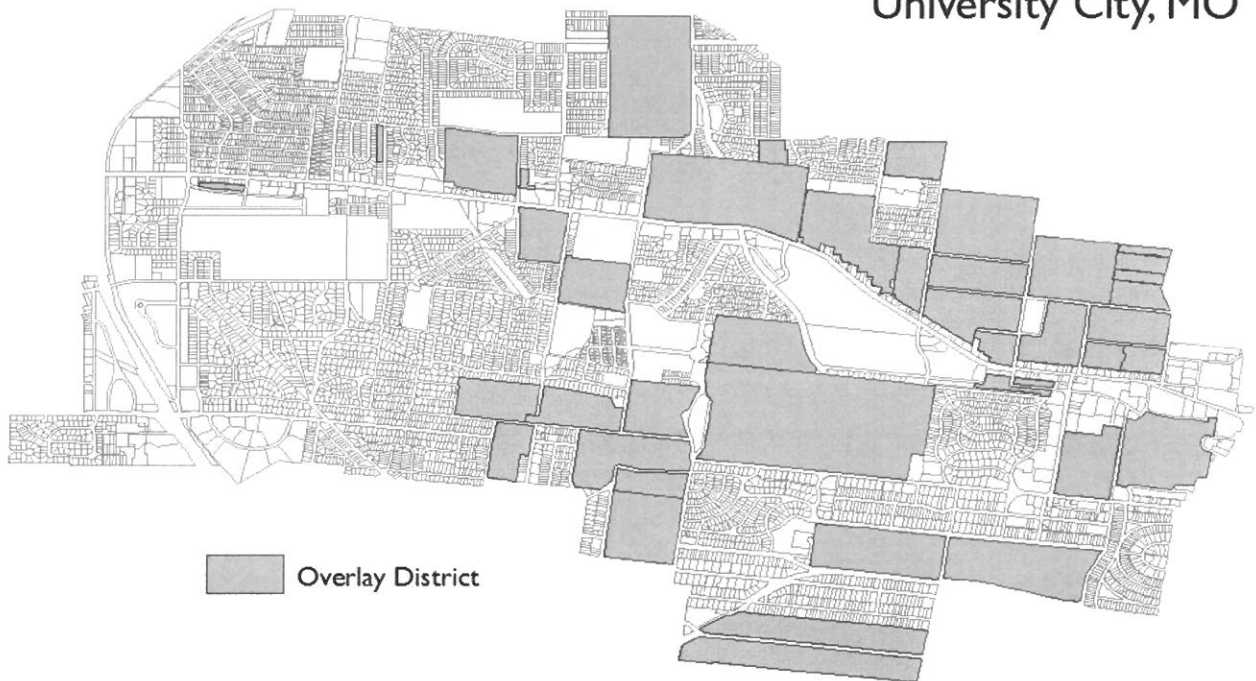
## Residential lots platted prior to 1926 University City, MO



The overlay district was mapped using the dataset of lots platted prior to 1926. The name of the subdivision of each property was treated as the common identifying attribute. Minimum lot widths are determined by the most frequent width occurrence within a subdivision. Minimum areas are determined as one standard deviation from the mean area for lots within a subdivision. Those subdivisions of conforming lot widths and areas are not included in the overlay district (see Map II).

Map II.

## Proposed Overlay District Boundaries University City, MO



The map above shows the proposed overlay district for subdivisions with prevailing patterns (lot widths and areas) that are non-conforming under the current zoning code. In Tables I and II, each subdivision depicted in the proposed overlay district is assigned a minimum lot width and area that applies to the properties it encompasses.

Any lot within a subdivision of the overlay district would still have to go through the Plan Commission and then City Council to allow for a new lot subdivision or boundary adjustment. The proposed overlay would allow property owners to develop on adjacent vacant lots and subdivide properties so long as they are consistent with the neighborhood's prevailing pattern by Table I's minimum lot width and Table II's minimum area guidelines.

A property owner can find their subdivision by searching in the St. Louis County Property Finder and going to the Subdivision attribute. The proposed overlay district would add a section to the zoning code which will include the tables below and applicability of the required area and width minimums to properties within each subdivision. Each residential zoning district section (SR, LR, MR, HR) will refer to this overlay district as a means of determining non-conformity within each district.

Table 1. Subdivisions's Minimum Width

50 feet	45 feet	40 feet	35 feet	30 feet	25 feet
Ames Place Balsion's at Shaftesbury Hts Forsyth Place Gannondale Garden Heights Hafler Place Jackson Park Meridian Musick New Delmar Partridge Heights Richards on Washington Park West Delmar	Alta Dena Harris Place Roth Grove Sutter Estates	Bellemoor Park Darstdale No.3 Delmar Garden Kingsland Place North Parkview Northmoor Olivania Park Olive Street Pearl Heights Pershing Heights Sadler Place Spring Avenue University Park University Terrace West Portland West University No. 3 Mount Olive	Mount Olive	Balsion's at Olive De Soto Place Eastover Olive Heights Rathert Heights Sutter Heights Vernon Place West Lawn	West Chamberlain Park

Table II. Subdivision Minimum Area

Subdivision	Minimum Area (SF)
Alta Dena	4600
Ames Place	5600
Balson's at Olive	3700
Balson's at Shaftesbury Heights	5100
Bellemoor Park	4200
Darstdale No.3	3200
De Soto Place	3200
Delmar Garden	3500
Eastover	4600
Forsyth Place	4900
Gannondale	5100
Garden Heights	4700
Hafner Place	5000
Harris Place	3000
Jackson Park	5200
Kingsland Place	3600
Meridian	5700
Mount Olive	4400
Musick	5600
New Delmar	5500
North Parkview	4000
Northmoor	5000
Olivania Park	4000
Olive Heights	3000
Olive Street	3700
Partridge Heights	5100
Pearl Heights	4000
Pershing Heights	4200
Rathert Heights	3200
Richardson Washington Park	3900
Roth Grove	4000
Sadler Place	5000
Spring Avenue	5300
Sutter Estates	4300
Sutter Heights	3400
University Park	3800
University Terrace	4300
Vernon Place	3400
West Chamberlain Park	2900

West Delmar	5500
West Lawn	4000
West Portland	5100
West University No. 3	4500