



Plan Commission

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

AGENDA PLAN COMMISSION MEETING

Heman Park Community Center
975 Pennsylvania Ave., University City, MO 63130
6:30 pm; Wednesday, August 28, 2019

1. **Roll Call**
2. **Approval of Minutes** – April 24, 2019 & July 24, 2019 Plan Commission meeting
3. **Hearings** - None
4. **Old Business**
 - a. **Conditional Use Permit** – PC 19-03
Applicant: Canine Corner LLC – (Aynsley Wolters)
Request: Approval for a Conditional Use Permit to establish and operate a dog daycare and boarding facility.
Address: 7404 Bland Drive
(VOTE REQUIRED)
5. **New Business**
 - a. **Conditional Use Permit** – PC 19-04
PUBLIC HEARING
Applicant: Brothers Market – Wash U Market & Deli - (Wesam Marar)
Request: Approval for a Conditional Use Permit to establish and operate a Convenience Store.
Address: 883 Kingsland Avenue
(VOTE REQUIRED)
 - b. **Text Amendment** – PC 19-05
Subdivision and Land Development Regulations Text Amendment pertaining to Sections 405.165 & 405.170, Major and Minor Subdivisions providing for an administrative approval process for minor subdivisions.
(VOTE REQUIRED)
6. **Other Business**
 - a. Comprehensive Plan – September 13, 2019 RFP
 - b. Planning Commission Retreat
 - c. Code Committee Reviews - Process

7. Reports

- a. Council Liaison Report

8. Adjournment

PLAN COMMISSION

Heman Park Community Center
975 Pennsylvania Ave., University City, MO 63130
6:30 pm; Wednesday, April 24, 2019

The Plan Commission held their regular meeting at Heman Park Community Center located at 975 Pennsylvania Avenue, University city, Missouri on Wednesday, April 24, 2019. The meeting commenced at 6:35pm and concluded at 7:46pm.

1. Roll Call

Voting Members Present

Judith Gainer
Cirri Moran – Chair
Margaret Holly
Cynthia Head
Ellen Hartz

Voting Members Absent

Michael Miller

Non-Voting Council Liaison

Paulette Carr

Staff Present

Gregory Rose, City Manager
John Mulligan, City Attorney
Clifford Cross, Director of Planning and Development

Public Present

M. Schneider

2. Approval of Minutes - February – 27, 2019 Plan Commission Meeting

Motion was made by Commissioner Holly to approve the February 27, 2019 Plan Commission minutes. The motion was seconded by Commissioner Hartz. The motion carried unanimously.

3. New Business

- a. **Text Amendment** – Amendment to the Zoning Code Sections 400.030, 400.510, 400.570, 400.620, 400.630 and adding Division 15 to Article V of chapter 400 Relating to Medical Marijuana.
VOTE REQUESTED

Mr. Cross explained the proposed text amendments within a power point presentation to the Planning Commission. He provided a quick summary of the intent of the changes and explained the adoption of legislation to regulate medical marijuana, state responsibilities associated with medical marijuana and University City's role in locating the various medical marijuana facilities as well as the amendments associated with the specific zoning ordinance text amendments proposed.

Council Member Carr requested that staff consider an expanded notice distance requirement when notifying property owners to ensure all potentially affected neighbors be notified.

Chairperson Moran requested a clarification of the definition pertaining to a church, school, daycare, that cater to children, would be regulated? Mr. Cross indicated that per the current proposal staff would interpret the regulations based upon the strict definitions of churches, schools, etc.

Chairperson Moran voiced a concern pertaining to the mixed residential uses that are located along the Loop. Her specific concern was various buildings in the loop contained residential dwellings that would prohibit a medical marijuana dispensary because of the 150 foot zoning buffer. Mr. Cross indicated that the buffer pertained to the underlying zoning and not based upon the specific use. He further indicated the use would only be a factor in allowing the medical marijuana business to locate within that particular dwelling. Commission Member Head also requested a clarification of the buffer interpretation of Section 400.1495(6) and if a medical marijuana use could be within the same building that contained a residential unit. Mr. Cross indicated that based upon his interpretation of the International Code Council regulations the inclusion of a medical marijuana use within a mixed use building would be permitted based upon the separation of occupancy classifications.

Mr. Cross further expanded upon the regulations pertaining to the use of medical marijuana cultivation centers, manufacturing centers and testing centers. He specifically indicated that the opportunity for these uses would only be within the General Commercial and Industrial Commercial Districts upon the issuance of a Conditional Use Permit. Mr. Cross further expanded upon the amendment and that the supplementary regulations would further regulate hours of operation, indoor operations only, etc.

Commission Member Hartz voiced a concern in regulating content associated with the signage and would it violate a businesses freedom of speech. Mr. Cross indicated because it would be an agreed upon condition, associated with the use request, he believed it would not.

Council Member Carr had a question as to whether or not a patient who grows plants, within their property, could grow them outside. Mr. Cross indicated that they could not per the state regulations pertaining to qualifying patients or caregivers. She further questioned if the City would be responsible for patient compliance pertaining to the state regulations. Mr. Cross indicated it was his understanding that the state would be responsible. Commission Member Holly questioned who would further regulate the patients who visit a dispensary. Mr. Cross indicated the operations associated with each dispensary would be regulated by the state. He did indicate that he believed we could potentially have another layer of regulation via business license regulations.

Commission Member Holly stated her interpretation of Amendment II and that it specifically pertains to medical marijuana and not recreational. She further indicated that it should be University City's goal to not hinder or have excessive regulations pertaining to medical marijuana uses. Additionally, she questioned how businesses could operate and accept payment because of federal guidelines. Mr. Cross indicated it was his understanding that financial institutions are becoming more accommodating to accept alternate forms of payment and removing the cash only business transactions. City Manager Rose indicated he believed the City's restructuring the policy because 1) we wanted to allow for a location for these business to operate because it could be illegal to prohibit them and 2) the conditional use permit could be utilized to allow for a better evaluation of the impact that these uses may have on the neighborhoods. Attorney Mulligan further supported Mr. Rose's position that we could not prohibit medical marijuana uses. He further indicated that this amendment further relaxed the state guidelines in terms of location, buffering, etc. Additionally, Mr. Mulligan indicated that the conditional use permit process allowed for the opportunity to fine tune each particular request, via conditions, that can be associated with the conditional use permit.

Chairperson Moran asked if we were ready to vote and if there were any other questions. Commission Member Holly made a motion to recommend approval of the amendment, Commission Member Hartz seconded. Commission Member Gainer questioned if we wanted to further restrict the locations next to businesses that cater to children. Mr. Cross indicated that the amendment, as presented, would only restrict locations based upon businesses that are licensed to cater to children. Chairperson Moran further stated that the conditional use permit process would allow an additional opportunity to further notify businesses that cater to children. The discussion was closed and a unanimous vote to recommend approval of the text amendment as proposed.

4. Other Business

a. Election Of Officers

Commission Member Head made a motion to re-elect the officers as they were. Commission Member Gainer seconded the motion which passed by a unanimous vote.

Chairperson Moran identified the elected officials as
1) Moran-Chair 2) Miller –Vice Chair & 3) Holly –Alternate.

5. Reports

a. Council Liaison Report

Council Member Carr reported that the prior proposed parking text amendment passed and thanked the commission for their hard work. She further advised that Council Member Cusick is seeking an appointment for the Planning Commission.

b. Staff Report

Mr. Cross provided the commission an update on the status of the Comprehensive Plan. Mr. Cross indicated that staff has started the process of seeking a consultant to assist in the development of the plan. He further indicated that there would be an upcoming joint study session with the Mayor and Council. Chairperson Moran further stressed the existence of a sub-committee for the comprehensive plan and that the Planning Commission needs to be fully involved throughout the process.

c. Other Discussion

The commission and staff touched on the proposed “Better Together”.

6. Adjournment

The meeting was adjourned at 7:46pm.

PLAN COMMISSION

Heman Park Community Center
975 Pennsylvania Ave., University City, MO 63130
6:30 pm; Wednesday, July 24, 2019

The Plan Commission held their regular meeting at Heman Park Community Center located at 975 Pennsylvania Avenue, University city, Missouri on Wednesday, July 24, 2019. The meeting commenced at 6:30pm and concluded at 9:26 p.m.

1. Roll Call

Voting Members Present

Judith Gainer
Cirri Moran – Chair
Margaret Holly
Ellen Hartz

Voting Members Absent

Michael Miller
Cynthia Head

Non-Voting Council Liaison

Paulette Carr

Staff Present

John Mulligan, City Attorney
Clifford Cross, Director of Planning and Development

Public Present

See Attached

2. Approval of Minutes - April 24, 2019 Plan Commission Meeting

Mr. Cross requested the approval of the minutes be tabled to allow the Planning Commission to make potential edits. Mr. Cross noted that these edits may be necessary because it was difficult to identify the specific Planning Commission members from the recording. The request was to allow Commission members the opportunity to confirm the minutes accurately reflected the specific actions of the members and to request any necessary changes. The approval of the minutes will appear before the Planning Commission at their next regularly scheduled meeting. Motion was made by Commissioner Hartz to table the minutes and seconded by Commissioner Holly. The motion carried unanimously.

3. New Business

a. **Conditional Use Permit – PC 19-03**

Applicant: Canine Corner LLC – (Aynsley Wolters)

Request: Approval for a Conditional Use Permit to establish and operate a dog daycare and boarding facility.

Address: 7404 Bland Drive

(VOTE REQUIRED)

Mr. Cross provided a PowerPoint presentation that identified the specifics associated with a Conditional Use Permit request. Specifically, Mr. Cross provided an initial description of the request that identified the property location, applicant/owner information, the underlying zoning district and associated land uses. Mr. Cross identified the site location as being at the property commonly known as 7404 Bland Drive and that the property was approximately 4,950 square feet in size. He further indicated that the property contained an approximate 1750 square foot structure that was abutted by residential, commercial and vacant uses. He also noted that the property had curb cut access along Bland Drive.

Mr. Cross further identified the underlying zoning district as being General Commercial (GC). Based upon the underlying GC designation Mr. Cross indicated, that per section 400.510, Subsection A(4) of the Zoning Code, a doggy daycare and boarding facility use would be required to obtain a Conditional Use Permit (C.U.P.) prior to establishment and operation. Mr. Cross indicated, that although the doggy daycare was not specifically identified in the zoning code, it was staff's determination that the most similar use was an animal boarding facility and therefore would be required to obtain the Conditional Use Permit. As part of the C.U.P. process Mr. Cross indicated that a public hearing before the Planning Commission was required prior to making a recommendation to City Council who would ultimately approve or deny the request.

In evaluating the criteria during the C.U.P. process Mr. Cross indicated that the applicant is required to ensure that the proposed use complies with the zoning code, that the projected traffic volumes would not be detrimental, the use would not cause undue impacts, there would be adequate utilities, the use would be compatible with the surrounding areas and that the proposed use would not adversely impact historic structures or landmarks.

In addition, to the above, Mr. Cross identified the Land Use identifications of the 2005 Comprehensive Plan. Mr. Cross indicated that the 2005 plan identified the subject property as having a Mixed-Use / Transit Oriented Development designation. With that designation, Mr. Cross identified Table 19 which provided the characteristics associated with the Mixed-Use / Transit Oriented Development designation. Specifically, Mr. Cross clarified that the identified designation characteristics would accommodate a combination of commercial, professional and / or residential uses. He also further stressed the proposed use could include a range of retail, service, commercial, professional, entertainment and other similar uses.

During the presentation Mr. Cross indicated that he had received concerns from neighboring property owners. Specifically, he identified the potential concerns that could be identified as part of the public hearing but further stressed he received various concerns via email or direct contact. These concerns included Traffic/Parking Concerns, Compatibility, Nuisance and Safety Concerns.

After identifying the associated concerns, Mr. Cross reference the Zoning Codes measures for mitigating potential adverse impacts as part of the review process. He indicated that the review criteria identified such measures as 1) the need to improve streets, 2) limitation of vehicular access, potential agreements, 4) additional screening requirements, 5) strategic location of facilities, 6) limiting hours of operation and 7) potential designs to enhance neighborhood compatibility. Mr. Cross also identified the administrative review process that staff would also follow upon an approval of the request.

After providing the aforementioned information Mr. Cross further indicated that the proposed development could significantly alter the traffic along Northmoor and Bland Drive. He further indicated that there was no evidence to identify the potential noise impact of the business but there could be a potential impact to those residents on Northmoor. Lastly, he indicated that the Traffic Commission could be consulted to further evaluate the potential impacts.

Mr. Cross then advised that the Planning Commission had three options. The options he identified was the Commission could 1) Table the Request, 2) Recommend approval with or without conditions and 3) Recommend Denial. However, he stressed that prior to making a recommendation that the Commission should make their recommendation based upon findings of fact. Mr. Cross provided the public hearing requirements, property owner notification requirements and verification that all notices were sent in accordance to the provisions of the Zoning Code. Mr. Cross finished the presentation and Chairman Moran advised that the public hearing was open.

Several members of the public voiced opposition to the request and cited their concerns which included 1) increased traffic flow through the neighborhood, noise concerns associated with the use, safety concerns pertaining to the onsite control of the animals, odor controls from the business and the overall negative impact that the use would have on the neighborhood. The various members that spoke in opposition of the request included Mr. Lawler, Mr. Lowell, Ms. Valerie, Mr. Ciccone, Mr. Faulk, Ms. Lodes,

Mr. Jennings and Ms. Lowell. Two members of the public spoke for the request which included Mr. Purviance and Ms. Hanabaugh.

The applicant, Ms. Wolters, spoke for the request and indicated that the use proposed approximately up to 30 dogs per day. She indicated that the use could vary in that some days there may be more boarding of animals than the dog daycare activities. Ms. Wolters further indicated that there rarely would be a total of 30 dogs per day at the site and that the increase of up to 60 vehicles trips per day would not be a common event. She indicated her business hours would be from 7:00 a.m. to 7:00 p.m..and that the dogs would not be outside all day. Ms. Wolters further indicated that she believed because of the indoor play area and the limited outdoor play area hours that noise would not be a factor. She also indicated she would clean up the dog feces immediately and would be disposed of. She indicated this was a perfect location to accommodate her current clients within the Clayton area and that this location provided an opportunity to expand her commercial business form her residence in Richmond Heights She also indicated she believed this location provided a badly needed service that is not within the geographic area.

Chairman Moran voiced her concerns pertaining to the location, the potential Centene project and the overall parking associated with the site. She specifically indicated that she felt the change in the use would contribute to significant travel pattern increases than the prior office use. Commissioner. Hartz followed up and asked if the applicant would have additional staff. Commissioner Hartz's concern was that if Ms. Wolters and the employee were parking on the site then there would only be 1 parking space available. Ms. Wolters indicated she would potentially have an additional staff member but would not park at the business location because she expected to rent an apartment close to the business.

Commissioner Holly followed up with an additional question pertaining to dog waste disposal. Specifically, she asked if the applicant would be in compliance with the countywide MSD processes. Ms. Wolters indicated she was not aware of that process but would look into it. Commissioner Holly also asked if the applicant would walk the dogs for exercise. Ms. Wolters indicated the dogs would be restricted to the play area. Commissioner Holly also inquired if the use would violate any of the current lease laws or animal control ordinances? Attorney Mulligan indicated approval of this use would not result in a violation of those provisions. Commissioner Holly asked if the applicant carried a APBT certification. Ms. Wolters indicated she did not.

Chairman Moran inquired if the applicant planned on providing fencing. Ms. Wolters indicated that she would provide an 8 foot privacy fence and that the existing vegetation would be kept. She further indicated that the noise associated with the business would not be detrimental because of the existing gas station next to the property.

Council Liaison Carr asked if someone would be on the site 24/7 and if someone there would be monitoring the site. Ms. Wolters indicated that the dogs would have their last light out at 9:00 p.m. and then she would return at 7:00 a.m. Council Liaison Carr further questioned if the fence could be 8 feet. Mr. Cross indicated that was dependent upon the underlying zoning and that supplementary regulations would apply.

Commissioner Holly inquired about parking. Mr. Cross indicated that the requirements changed with recent parking amendments that resulted in a parking ratio of 1 per 200 square feet. Mr. Cross further indicated parking could be reduced as a condition of the C.U.P. request.

Attorney Mulligan referenced code section 215.780 which would prohibit excessive noise that could be heard. He specifically indicated there are no time limits associated with this violation. Commissioner Holly asked if the City has required a berm as opposed to a fence in the past. Mr. Cross indicated he was not aware of it but that it could be a condition of approval as a mitigation measure.

Chairman Moran gave the public an opportunity to ask specific questions. Mr. Lowell asked if the dogs could really expected not to bark? His concern was who monitors the business while she was not there on site? Ms. Wolters responded the dogs would be sleeping and expected no issues. Mr. Beseau asked

how many existing clients does she have and what is the most number of dogs she has had? Ms. Wolters indicated she had been doing this for over 2 years and has over 100 clients and over 100 dogs. She indicated it was dependent upon the schedule of her clients. She further indicated the most she had at one time was 15. Mr. Erker wanted to confirm the accuracy of the application. Ms. Wolters confirmed her business hours were from 7:00 a.m. to 7:00 p.m.

Council Member Hales had a question concerning the windows and if they were single pane or double pane? The owner of the property Mr. Purviance indicated that they purchased the property in 1981 and operated a graphic design business there. He indicated that the property had not operated as a business for a couple of years. He also indicated there are steel doors and relatively new windows.

Mr. Falk had an additional question concerning the future use of the property. His major concern was how the conditional use of the property would pertain to the long term use and the number of dogs. Mr. Cross addressed the question and indicated that uses are associated with the underlying zoning. He further indicated that the underlying zoning allows for the opportunity for the C.U.P. and it would not limit the number of dogs unless specifically identified within the C.U.P.

Chairman Moran asked if any of the Commission members had any questions and opened up discussion. Commissioner Holly indicated that it was her understanding that a major concern of the neighborhood was related to traffic. Specifically she had concerns with the potential on street parking. Mr. Cross indicated that the business would be required to meet their onsite parking requirements per the current code. He indicated the applicant would be required to look into options to address the required parking prior to operation. Commissioner Holly further indicated that the Traffic Commission would be an option to evaluate the request.

Attorney Mulligan indicated that the criteria associated with any request is the responsibility of the applicant. He further indicated that the commission would make a decision based upon findings of fact and could not be subjective.

After considering the request and hearing all the testimony Commissioner Holly made a request to table the request and refer it to the Traffic Commission. Commissioner Hartz seconded the motion. The Planning Commission voted unanimously to table the request and refer it to the Traffic Commission for further evaluation.

4. Other Business

The next order of business was discussion pertaining to the Request for Proposal associated with the Comprehensive Plan. Mr. Cross indicated that during the June Joint City Council / Planning Commission Study Session there was a request to bring it to the Planning Commission for additional review. Chairman Moran indicated that she wanted to confirm that the Community Engagement Process would be completed by the consultant. Mr. Cross indicated the Community Engagement would be directed by the Consultant and the Planning Commission. Chairman Moran further questioned if data compiled from the prior Comprehensive Plan efforts could be used by the City. Mr. Cross indicated that he would further look into the utilization of the prior data but expected that it could.

Council Liaison Carr wanted to better understand the nomenclature. The determination would be that the nomenclature would be something that would be evaluated throughout the process but the years should reflect the beginning through the end. Specifically, the thought was the title would reflect 2020-2040.

Commissioner Hartz recommended additional changes in terms of wording associated with the RFP and a couple of grammatical changes. Mr. Cross indicated he would post the RFP with the Planning Association, Municipal League, Neighborworks, etc. Chairman Moran had an additional question concerning staff's opinion the utilization of a local versus a national consultant. Mr. Cross indicated that there are pros and cons associated with each but his experience was that a regionally located consultant was typically the best option. Commissioner Holly asked when staff expected the contract award. Mr.

Cross indicated that he would expect selection of the consultant by mid-October. He further indicated that the time frame for the entire Comprehensive Plan process would typically be 15-18 months. He expected approval of the Plan around March 2021.

Chairman Moran further indicated that there were two subcommittees. The two subcommittees included the Comprehensive Plan subcommittee and the Code subcommittee. She identified the members of the Comprehensive Plan subcommittee would consist of Commissioner Gainer, Commissioner Hartz, Chairman Moran and the seventh member of the Commission. She further indicated the members of the Code subcommittee would be herself, Commoner Holly, Commissioner Miller and Commissioner Head.

Council Liaison Carr requested that staff include the Liaison report on future agendas. She also clarified the Planning Commission role and how it pertains to the Infill Review Board. She provided an update on the appointment process and that there is the potential for 10 members on the Infill Review Board. Specifically, she indicated that the Planning Commission could appoint 3 additional members to that board. Based upon that fact, and that the Planning Commission would be appointing these additional members as opposed to City Council, she did not think it would be a conflict with City Council rules of appointments. Based upon continued discussion Council Liaison Carr indicated that the Infill Review Board would initially be utilized to address immediate concerns associated with development but a future consideration of an Architectural Review Board may be required. At the completion of the discussion the determination was to partner the Planning Commission with the Infill Review Board in reviewing future infill development per the Infill Review Board ordinance.

At the completion, of all agenda items, the Commission discussed the process of better coordinating future meetings. Specifically, the goal was to work together to verify Commission Members who would or would not be attending the monthly meetings to insure quorums are met.

Council Liaison Carr provided an update on the status of the seventh commission appointment. She indicated that the seat that was held for Ms. Williams is now open due to her non-interest. As a result, the search is ongoing and an appointment will be recommended in the future. However, she did stress that the appointment should be a representative of the 2nd Ward and represent the diversity of the community.

5. Reports

Council Liaison Carr indicated that the in house ambulance service would be reinitiated on August 3rd. She indicated the ceremony would be at 10:00 a.m. at station 1.

She provided an update concerning the judgement pertaining to the Olive/North and South Property. She indicated that there is an appeal period.

6. Adjournment

Commissioner Gainer made a motion to adjourn with a second from Commissioner Hartz. The Commission voted unanimously to adjourn the meeting at 9:26 p.m.



Department of Community Development

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

STAFF REPORT

MEETING DATE: August 28, 2019

FILE NUMBER: PC 19-04

COUNCIL DISTRICT: 2

Location: 883 Kingsland Avenue

Applicant: Brothers Market – Wash U Market & Deli – (Wesam Marar)

Property Owner: M.D. Jones, LLC

Request: Conditional Use Permit (C.U.P.) for a proposed (Convenience Store)

COMPREHENSIVE PLAN CONFORMANCE

Yes No No reference

STAFF RECOMMENDATION

Approval Approval with Conditions in Attachment A Denial

ATTACHMENTS:

- A. Conditions of Approval
- B. Application Documents & Site Plan Drawings

Existing Zoning: IC – Industrial Commercial

Existing Land Use: Commercial

Proposed Zoning: No change – “IC” District

Proposed Land Use: No change – Commercial

Surrounding Zoning and Current Land Use:

North: IC: Commercial, (Commercial - FLU)

East: PDD: PD-R & PD-M (Commercial - FLU)

South: IC: Light Manufacturing (Commercial - FLU)

West: SR: Residential (Single-Family- FLU)

Existing Property

The existing building at 883 Kingsland Avenue consists of an approximate 15,000 square foot commercial building that houses various commercial uses. The building currently houses an approximate 5,000 square foot restaurant, 2,000 square foot nail salon, 5,000 square foot laundromat and an additional 3,000 square feet of vacant commercial space. The parcel is approximately 1.45 acres with an impervious parking area of approximately 25,000 square feet containing approximately 85 parking spaces. The property is zoned Industrial Commercial and abuts manufacturing, commercial and residential uses.





Applicant's Request

The applicant is requesting a Conditional Use Permit for a Convenience Store with an accessory Deli. The proposed use is listed as a conditional use in the Industrial Commercial (IC) District per section 400.630, Subsection A(11): Convenience Stores.

Process – Required City Approvals

Plan Commission. Section 400.2700.C of the Zoning Code requires that C.U.P. applications be reviewed by Plan Commission. The Plan Commission shall make a recommendation to the City Council for their consideration. A public hearing is required at the Plan Commission meeting.

City Council. Section 400.2700.D of the Zoning Code requires that C.U.P. applications be reviewed by City Council for the final decision, subsequent to the public hearing and recommendation from Plan Commission. In conducting its review, City Council shall consider the staff report, Plan Commission's recommendation, and application to determine if the proposed C.U.P. application meets the requirements of the Zoning Code.

Other Processes

Traffic Commission - The review criteria for a C.U.P. includes the impact of projected vehicular traffic volumes and site access with regard to the surrounding traffic flow, pedestrian safety, and accessibility of emergency vehicles and equipment. In its capacity as an advisory commission on traffic related matters as per Section 120.420 of the Municipal Code, the Traffic Commission may be concerned with the parking and traffic impact of the project.

Analysis

The potential "Convenience Store" use would appear to have minimal impact on the surrounding neighborhood and uses. As a result, the use impact of the use itself seems to be minimal because of the existing commercial uses associated with the site. However, hours of operation of the business would need to be identified to further evaluate the potential impact of the new business.

The second potential issue is parking. The site contains approximately 85 parking spaces. The square footage of the business is expected to be approximately 2,000 square feet which would require approximately 10 spaces. The concern, associated with this increase, is that current parking regulations would require approximately 142 spaces for the total site when there are only approximately 85 currently and no additional parking planned. *(Number is based upon the current uses throughout the site)*

Public Works & Parks: NA

Fire Department: NA

Police Department: NA

Public Involvement

A public hearing at a regular Planning Commission meeting is required by the Zoning Code. The public hearing notice for the current proposal was published in the newspaper 15 days prior to the meeting date and was mailed to property owners within 300 feet of the subject property, exceeding the required distance of 185 feet. Signage was also posted on the subject property with information about the public hearing. Any member of the public will have an opportunity to express any concerns by writing in or attending the Planning Commission meeting.

Review Criteria

When evaluating a Conditional Use Permit the applicant is required to ensure that the following criteria is being met in accordance to the provisions set forth in Section 400.2710 of the Zoning Code. The Criteria is as follows;

1. The proposed use complies with the standards of this Chapter, including performance standards, and the standards for motor vehicle oriented businesses, if applicable, as contained in Section **400.2730** of this Article;
2. The impact of projected vehicular traffic volumes and site access is not detrimental with regard to the surrounding traffic flow, pedestrian safety, and accessibility of emergency vehicles and equipment;
3. The proposed use will not cause undue impacts on the provision of public services such as police and fire protection, schools, and parks;
4. Adequate utility, drainage and other such necessary facilities have been or will be provided;
5. The proposed use is compatible with the surrounding area;
6. The proposed use will not adversely impact designated historic landmarks or districts; and
7. Where a proposed use has the potential for adverse impacts, sufficient measures have been or will be taken by the applicant that would negate, or reduce to an acceptable level, such potentially adverse impacts. Such measures may include, but not necessarily be limited to:
 - a. Improvements to public streets, such as provision of turning lanes, traffic control islands, traffic control devices, etc.;
 - b. Limiting vehicular access so as to avoid conflicting turning movements to/from the site and access points of adjacent properties, and to avoid an increase in vehicular traffic in nearby residential areas;
 - c. Provision of cross-access agreement(s) and paved connections between the applicant's property and adjacent property(ies) which would help mitigate traffic on adjacent streets;
 - d. Provision of additional screening and landscape buffers, above and beyond the minimum requirements of this Chapter;
 - e. Strategically locating accessory facilities, such as trash storage, loading areas, and drive-through facilities, so as to limit potentially adverse impacts on adjacent properties while maintaining appropriate access to such facilities and without impeding internal traffic circulation;
 - f. Limiting hours of operation of the use or certain operational activities of the use (e.g., deliveries); and
 - g. Any other site or building design techniques which would further enhance neighborhood compatibility.

Findings of Fact (Section 400.2720)

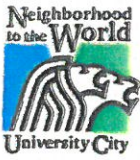
The Plan Commission shall not recommend approval of a conditional use permit unless it shall, in each specific case, make specific written findings of fact based directly upon the particular evidence presented to it supporting the conclusion that the proposed conditional use:

1. Complies with all applicable provisions of this Chapter;
2. At the specific location will contribute to and promote the community welfare or convenience;
3. Will not cause substantial injury to the value of neighboring property;
4. Is consistent with the Comprehensive Plan, neighborhood development plan (if applicable), the Olive Boulevard Design Guidelines (if applicable), and any other official planning and development policies of the City; and
5. Will provide off-street parking and loading areas in accordance with the standards contained in Article **VII** of this Chapter

Staff Recommendation

Based on the preceding considerations, staff is of the opinion that the proposed use of this property would not significantly alter traffic on Vernon or Kingsland. The proposed use is consistent with the existing development and would not impact neighboring properties. The increase in parking demand would not further contribute to an expansion of a legal non-conforming retail use that was previously approved.

Staff has not identified any negative impacts associated with the use and would recommend approval of the Conditional Use Permit per verification of hours of operation.



Department of Community Development

6801 Delmar Boulevard • University City, Missouri 63130 • 314-505-8500 • Fax: 314-862-3168

19-05883
Received
19-05883
JUL 09 2019

Department of Community Development
APPLICATION FOR CONDITIONAL USE PERMIT
Under Article 11 of the Zoning Code of University City, Missouri
University City MO 63130

1. Address/Location of Site/Building: 883 Kingsland

2. Zoning District (check one):

SR LR MR HR HRO GC LC CC IC PA PD

3. Applicant's Name, Corporate or DBA Name, Address and Daytime Telephone: Wesam Marar
883 Kingland University City (314) 285-0834
STL Brothers market - Wash U market and Deli

4. Applicant's Interest in the Property: Owner Owner Under Contract Tenant*
 Tenant Under Contract* Other* (explain):

* Please Note: Zoning Code Section 400.2680 requires that the application may only come from one (1) or more of the owners of record or owners under contract of a lot of record (or zoning lot), or their authorized representative. If you are applying as a tenant, tenant under contract or other, you must attach a letter from the owner stating you are an authorized representative of them and they give you permission to file this application for Conditional Use on their behalf.

5. Owner's Name, Corporate or DBA Name, Address and Daytime Telephone, if other than Applicant:
M.D Jones, LLC (314) 378-1001
410 Silver maple 630210

6. Please state, as fully as possible, how each of the following standards are met or will be met by the proposed development or use for which this application is being made. Attach any additional information to this application form.

a) Complies with all applicable provisions of the University City Zoning Code (e.g. required yards and setbacks, screening and buffering, signs, etc.).
I will be putting a company sign on the building and there will be signs on the window and door, will comply with zoning code of University City

b) At the specific location will contribute to and promote the community welfare or convenience.
my location will be international deli & market my market will be diverse and promote products for many different cultures of people

c) Will not cause substantial injury to the value of neighboring property.

My bussiness will generate new customers therefore increase the value of the neighborhood

d) Is consistent with the Comprehensive Plan, neighborhood development plan (if applicable), and any other official planning and development policies of the City.

NOT Applicable

e) Will provide off-street parking and loading areas in accordance with the standards contained in Article 7 of the University City Zoning Code

There is a parking lot for the bussiness

** Please Note: You should also submit twelve (12) copies of a memo detailing the following information:

1) Description of the proposed Conditional Use, in narrative form. Please include historical information about the applicant, the company and/or the organization. Explain why this particular site was chosen for the proposal, state the number of employees that will be working at the site, state the hours of operation, explain other features unique to the proposed use and submit any other information that will help the Plan Commission and City Council in their decisions. 2) Estimated impact of the conditional use on the surrounding properties and adjacent streets, including, but not limited to, average daily and peak hour traffic generation, existing traffic volumes of adjacent streets, if available, use of outdoor intercoms, and any other operational characteristics of the proposed use that may have impacts on other adjacent or nearby properties. 3) Legal description of the property(s) proposed for the Conditional Use Permit, when the proposed use involves a substantial addition or new construction.

A Public Hearing before the Plan Commission is required by Ordinance. Notice of such Public Hearing must be published in a newspaper of general circulation at least fifteen (15) days in advance. Upon receipt of a Plan Commission Recommendation, the City Council must consider this application and supporting information before a Use Permit may be granted. A fee of \$250 must accompany this application.

July 9, 2019
Date

William Moran Owner
Applicant's Signature and Title

Representing (if applicable)

FOR OFFICE USE ONLY

Application First Received.

Application Fee in the Amount of \$ Receipt #

Application returned for corrections, additional data.

Final complete application received.

File # created.



Department of Community Development

6801 Delmar Boulevard University City, Missouri 63130 Phone (314) 772-1100 Fax (314) 772-1101

Received

AFFIDAVIT OF AUTHORIZATION

JUL 09 2019

Department of Community Development
City of University City
6801 Delmar
University City MO 63130

TO ~~Building Commissioner~~ Community Development
City of University City
6801 Delmar
University City, MO 63130

FROM Name of Licensed Plumber MIKE RIZZO, AGENT FOR OWNER

M.J. JONES, LLC 314 378 1001
Name of Company Address Phone Number
410 SILVER MAPLE, 63026

This is to certify that the following person(s) are employees/officers of the above-named firm or corporation. For the purpose of obtaining permits for plumbing work which is under my personal supervision, they are authorized to sign applications on my behalf.

Signature(s) of authorized person(s) Printed name(s) of authorized person(s)

NOTE: Permit applications must bear the name of the licensee and the full signature of the person authorized to sign for the licensee.

Signature of Licensed Plumber MIKE RIZZO, AGENT FOR OWNER License Number
State of Missouri)

County of St. Louis)

Subscribed and sworn to before me this 9th day of July 20 19
My commission expires 9/3/2022

Notary Seal

Julia G Rizzo
Notary Public

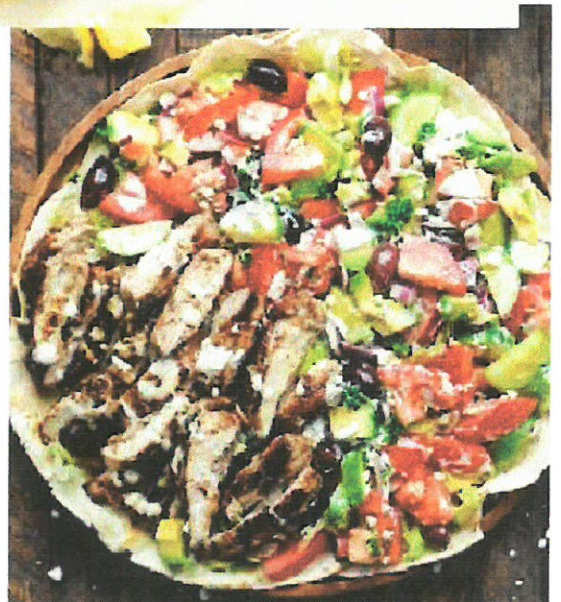
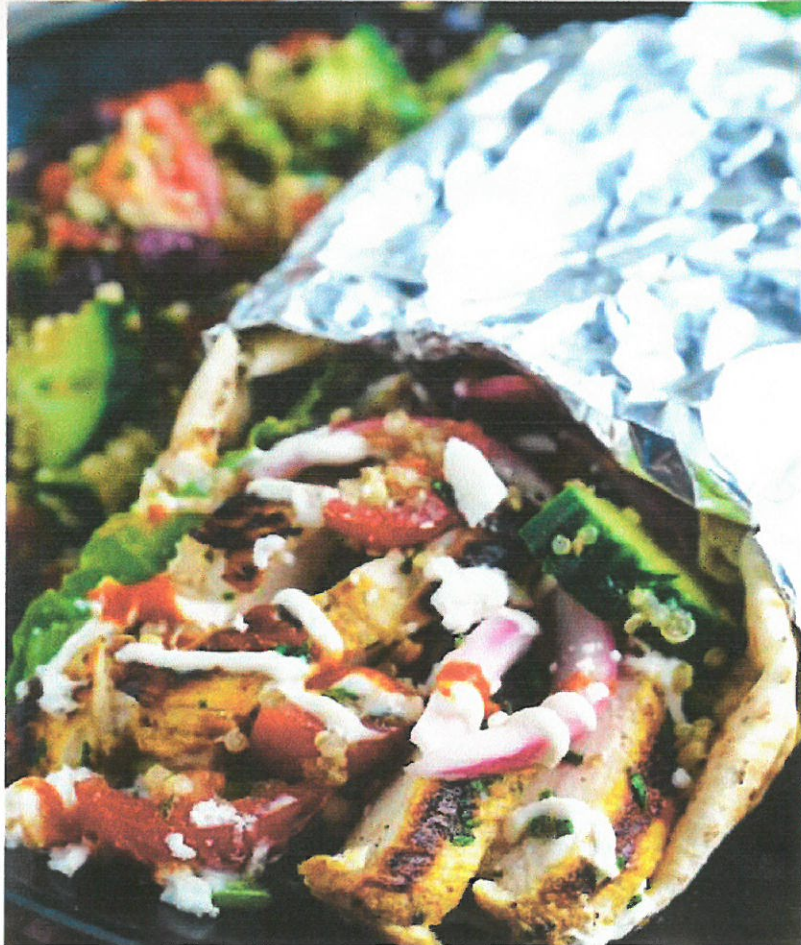
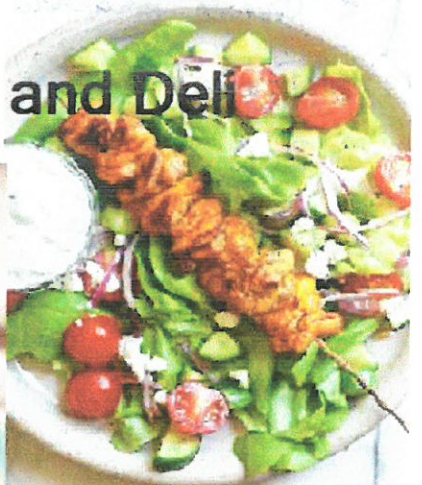
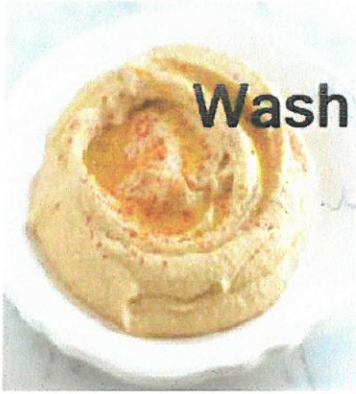
JULIA G RIZZO
Notary Public, Notary Seal
State of Missouri
St. Louis County
Commission # 18239078
My Commission Expires 09-03-2022

Received

JUL 09 2019

Department of Community Development
City of University City
6801 Delmar
University City, MO 63130

Wash U International Market and Deli





Department of Planning and Development

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

MEMORANDUM

TO: Plan Commission Members

FROM: Clifford Cross, Planning Director

DATE: August 28, 2019

SUBJECT: Subdivision Amendments

CC: Gregory Rose, City Manager
John Mulligan, City Attorney

At the upcoming Plan Commission meeting, members will consider a text amendment to the Subdivision and Land Development regulations pertaining to the minor subdivision approval process. Currently, the provisions do not provide for a clearly defined administrative approval process for minor subdivisions as it pertains to lot consolidations and reconfigurations.

This code revision is a proposed solution to allow for an expedited administrative review and approval process that could both address non-conforming situations while providing more administrative flexibility during the permitting process. The proposed amendments are as follows;

Summary of Amendment #1. The first amendment, to Chapter 405, removes the interpretation that any subdivision of lots containing more than 2 acres are defined as a major subdivision and subject to the sketch plat, preliminary plat & final plat review process. The goal of the amendment is to clarify that a consolidation of lots, totaling more than 2 acres in size, can be approved administratively. With this ability staff can address non-conforming commercial properties that have a building on multiple lots and encroach upon setbacks. The intent is that it would ultimately allow staff to better address existing non-conforming structures and better address potential rebuild and compliance issues. The proposed amendment is as follows;

- A. Major subdivisions require the submittal of a sketch plat and approval of a preliminary and a final plat in accordance with the provisions of this Chapter. A major subdivision is a subdivision having any of the following characteristics:
1. The subdivision involves the creation of more than four (4) lots;
 - ~~2. The total area of the tract to be subdivided is greater than two (2) acres in size;~~
 - ~~3-2.~~ There are proposed publicly dedicated streets, alleys, easements, parks or other public lands; or
 - ~~4-3.~~ Any subdivision of a tract of land for which a rezoning is required for all or a portion of the tract, including rezoning to a "PD" district.

Summary of Amendment #2. The second amendment, to Chapter 405, is intended to identify that a minor subdivision can be approved administratively by the Zoning Administrator. This removes the Plan Commission review and City Council Final Plat approval process. The intent, of this amendment, is to remove the Final Plat review process that's purpose is to determine that a final plat is in substantial compliance with an approved preliminary plat. The current minor subdivision process waives the sketch plat and preliminary plat process so the utilization of this step for lot consolidations and reconfigurations would not be applicable. Additionally, this amendment further amends the current provisions in that the City Council and Plan Commission certifications would not be required and the Zoning Administrator certification would be required on the recorded plat. The amendment is as follows;

A minor subdivision is a subdivision that does not have any of the characteristics of a major subdivision as described in Section **405.165**. Minor subdivisions are not required to comply with the sketch plat and preliminary plat provisions of this Chapter. Minor Subdivisions must comply with all provisions of Section 405.380 with the exception to Subsection B (12 &13) in which a "Form of certificate of approval by the Zoning Administrator" shall be incorporated. Minor Subdivisions are not subject to the provisions set forth in Section 405.390.

INTRODUCED BY: _____

DATE: _____

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 405 OF THE MUNICIPAL CODE OF THE CITY OF UNIVERSITY CITY, RELATING TO SUBDIVISION AND LAND DEVELOPMENT REGULATIONS, BY AMENDING ARTICLE III, SECTIONS 405.165 AND 405.170 THEREOF, RELATING TO SUBDIVISION REVIEW AND APPROVAL PROCEDURES; CONTAINING A SAVINGS CLAUSE AND PROVIDING A PENALTY.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF UNIVERSITY CITY, MISSOURI AS FOLLOWS:

WHEREAS, Chapter 405 (Subdivision and Land Development Regulations) of the Municipal Code of the City of University City, Missouri regulates the subdivision process pertaining to land development within the City; and

WHEREAS, Article I, Section 405.020(A) of the Subdivision and Land Development Regulations of the City of University City, was adopted for the purpose of ensuring that the development of land within the City occurs in a manner that protects, provides for and promotes public health, safety, convenience, comfort, and general welfare of the residents of University City; and

WHEREAS, the City of University City Subdivision and Land Development Regulations defines Major and Minor Subdivisions and the review and approval procedure process associated with each; and

WHEREAS, the City of University City Subdivision and Land Development Regulations does not provide an administrative approval process for minor subdivisions pertaining to lot consolidations and reconfigurations ; and

WHEREAS, the City desires to amend the University City Subdivision and Land Development Regulations to clarify the administrative approval process pertaining to minor subdivisions; and

WHEREAS, the City Plan Commission in a meeting held at the Heman Park Community Center located at 975 Pennsylvania Avenue, University City, Missouri on August 28, 2019, at 6:30 pm recommended an amendment of Sections 405.165 and 405.170 of Chapter 405 (Subdivision and Land Development Regulations), and

WHEREAS, due notice of a public hearing to be held by the City Council in the 5th Floor City Council Chambers at City Hall at 6:30 pm, September 23, 2019, was duly published in the St. Louis Countian, a newspaper of general circulation within said City on September 5, 2019; and

WHEREAS, said public hearing was held at the time and place specified in said notice, and all suggestions or objections concerning said amendment of the Zoning Code were duly heard and considered by the City Council

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF UNIVERSITY CITY, MISSOURI, AS FOLLOWS:

Section 1. Chapter 405, of the Municipal Code of the City of University City, Missouri, relating to Subdivision and Land Development Regulations, is hereby amended, by amending Sections 405.165 and 405.170 and leaving all other provisions of Chapter 405 unaltered; and so amended shall read as follows (where applicable underlined text is added text and stricken text is removed);

Article III, Section 405.165

Major Subdivisions

[R.O. 2011 §16.12.010; Prior Code §29-20.1; Ord. No. 6143 §1(part), 1997]

A. Major subdivisions require the submittal of a sketch plat and approval of a preliminary and a final plat in accordance with the provisions of this Chapter. A major subdivision is a subdivision having any of the following characteristics:

- 1.** The subdivision involves the creation of more than four (4) lots;
- ~~**2.** The total area of the tract to be subdivided is greater than two (2) acres in size;~~
- ~~**3.**~~**2.** There are proposed publicly dedicated streets, alleys, easements, parks or other public lands; or
- ~~**4.**~~**3.** Any subdivision of a tract of land for which a rezoning is required for all or a portion of the tract, including rezoning to a "PD" district.

Article III, Section 405.170

Minor Subdivisions

[R.O. 2011 §16.12.020; Prior Code §29-20.2; Ord. No. 6143 §1(part), 1997]

A minor subdivision is a subdivision that does not have any of the characteristics of a major subdivision as described in Section **405.165**. Minor subdivisions are not required to comply with the sketch plat and preliminary plat provisions of this Chapter. Minor Subdivisions must comply with all provisions of Section 405.380 with the exception to Subsection B (12 &13) in which a "Form of certificate of approval by the Zoning Administrator" shall be incorporated. Minor Subdivisions are not subject to the provisions set forth in Section 405.390.

Section 2. This ordinance shall not be construed to so as to relieve any person, firm or corporation from any penalty heretofore incurred by the violation of said Sections mentioned above, nor bar the prosecution for any such violation.

Section 3. Any person, firm or corporation violating any of the provisions of this ordinance, shall upon conviction thereof, be subject to the penalty provided in Title 1 Chapter 1.12.010 of the Municipal Code of the City of University City.

Section 4. This ordinance shall take effect and be in force from and after its passage as provided by law.

PASSED this _____ day of _____, _____.

MAYOR

ATTEST:

CITY CLERK

CERTIFIED TO BE CORRECT AS TO FORM:

CITY ATTORNEY