

# PLAN COMMISSION

Heman Park Community Center

975 Pennsylvania Ave., University City, MO 63130

6:30 pm; Wednesday, August 28, 2019

The Plan Commission held their regular meeting at Heman Park Community Center located at 975 Pennsylvania Avenue, University city, Missouri on Wednesday, August 28, 2019. The meeting commenced at 6:33pm and concluded at 7:51pm.

## 1. Roll Call

### **Voting Members Present**

Michael Miller

Judith Gainer

Cirri Moran – Chair

Margaret Holly

Ellen Hartz

### **Voting Members Absent**

Cynthia Head

### **Non-Voting Council Liaison**

Paulette Carr (Absent)

### **Staff Present**

Gregory Rose, City Manager

John Mulligan, City Attorney

Clifford Cross, Director of Planning and Development

Adam Brown, Planner

Mr. Cross proposed a change in the agenda. He noted that the CUP application for Canine Corner LLC (PC 19-03), which was on the agenda for this meeting, was heard by the traffic commission. However, as the owner of the property had withdrawn permission for the application, staff recommended tabling the request.

There was discussion between the City Attorney, staff, and the Commission about the appropriate course of action regarding this CUP. Mr. Mulligan stated that at some point the matter should be brought to closure either by the applicant withdrawing the application, or through vote to deny the application by the Plan Commission.

Mr. Cross advised that should the public hearing be closed, but the case re-opened, staff could send notice for a new public hearing to allow comments. He stated that he agreed with closing the public hearing at this meeting.

Ms. Moran asked if there were any public comments on the matter. Hearing none, Ms. Holly moved to close the public hearing. Ms. Gainer seconded the motion. The Commission voted unanimously to close the public hearing.

Ms. Hartz moved to table the CUP application until the September meeting, and Ms. Gainer seconded the motion. There was no discussion and the motion carried unanimously. CUP case PC 19-03 was tabled.

Mr. Cross then explained that staff is further evaluating the state statutes in regards to administrative approval of minor subdivision, in regards to PC 19-05. Mr. Cross explained that this would speed up the process and that, in effect, the Plan Commission is approving cases they cannot deny. Ms. Moran stated she felt this should be discussed with the Code Committee.

Ms. Gainer moved to submit review of 19-05 to committee for review. Mr. Miller seconded. The motion carried unanimously.

## **2. Approval of Minutes**

Ms Hartz moved to approve the April 24 minutes with corrections submitted by Ms. Holly for staff to make. Mr. Miller seconded. The motion carried unanimously.

Mr. Miller moved to approve the July 24, 2018 minutes with corrections submitted by Ms. Holly. Ms. Gainer seconded. The motion carried unanimously.

## **3. New Business**

### **a. Conditional Use Permit – PC 19-04**

**Applicant:** Brothers Market

**Request:** Approval for a Conditional Use Permit to establish a convenience store

**Address:** 883 Kingsland Avenue

Mr. Cross presented the case and existing conditions. A CUP would be required for the establishment of a convenience store within the Industrial Commercial (IC) zoning district. The

name of the business would change at the request of Washington University. The property at 883 Kingsland is owned by MD Jones LLC. The existing zoning would not change.

The property is a 1.45 acre tract at the intersection of Vernon and Kingsland, which has 15,000 square feet of retail and 85 parking spaces on the front and side of the building. The business proposes to use about 2,000 square feet in a currently vacant suite in the building. The building houses a restaurant, two retail areas (vacant), a nail salon, and a laundromat.

Based on the input from the applicants about their business, Mr. Cross interpreted the use to be a convenience store as stated in section 400.630 of the zoning code.

Mr. Cross reviewed the steps by which a Conditional Use Permit is considered, involving staff review, Plan Commission review and recommendation to Council, and finally Council approval or denial. He also reviewed the six points of criteria on which the review would be based.

Mr. Cross described the proposed use for this property from the Comprehensive Plan update of 2005, which was retail use. He provided Table 19 from the Comprehensive Plan which demonstrated recommended uses in commercial districts. He also reviewed the surrounding land uses which are Commercial, Industrial, Planned Development, and Single-Family Residential.

Mr. Cross stated he had received no concerns from the public. The only staff concern was in regards to peak parking. The land use proposed – continuing a commercial use – is compatible with the current use, and would not be an increase in the intensity of the use. The parking problem during peak hours would be no different for any other proposed business even if it was defined as a by-right use.

Mr. Cross laid out the options for the Plan Commission, and the process of Findings of Fact (section 400.270) on which they should base their recommendation. He stated that properties within 300 feet were duly noticed, this distance being beyond what is required by code.

Ms. Moran clarified that if parking was an issue it would be an issue no matter what went in the space. The options would be for a business to occupy the space or not. Mr. Cross noted that when an existing business goes into a building that was a similar use, the Plan Commission has the option to reduce the parking requirements by 25% through the CUP process.

Ms. Moran asked if there was an opportunity for shared parking or re-striping the lot to accommodate more vehicles. Mr. Cross said staff could look into these options but the lot already appeared to be at capacity.

Ms. Holly asked what the proposed hours of the business would be, and Mr. Cross said that the hours should remain within those that already exist with other businesses in the area. This could be specified in the CUP.

The applicants presented their business idea, which consists of a family-owned market with sandwiches, desserts, candy, juices, tobacco products, and free food delivery. The proposed hours are Sunday through Thursday, 7am to 11pm, and Friday and Saturday, 7am to midnight. The applicants plan to talk to the restaurant and laundromat about reserving a section of parking for the deli, and added that most of their customers would not stay long at the store.

Ms. Moran asked if the sandwiches would be made on site. The applicants said they would. Ms.

Gainer asked if there would be tables, and the applicants said there would be one or two tables, but they would not encourage large numbers of people to stay. Peak times would be between 11am and 1pm, and between 5-7pm. Opening early would be for afternoon prep.

Mr. Miller asked if there would be two dedicated parking spaces. Mr. Cross explained there would be no change in the overall number of spaces for the plaza, and that any arrangement for dedicated spaces would be part of the lease agreement with the building owners.

No alcohol will be sold at this location. The applicants stated the new name would be WattanMart. They said they would carry groceries that would cater to multi-cultural Wash U students. They also plan to carry milk, bread, vegetables, deli meats, eggs, etc.

There was no public comment on this application.

Ms. Gainer said she had heard from residents in the neighborhood about the concern of more trash being generated. Mr. Cross stated that staff would work with the property owner to insure compliance with property maintenance codes, including trash.

Ms. Gainer recommended using recyclable containers, no Styrofoam, and a minimum of hard plastic, and stated that City staff would be willing to work with the business owners to find ways to increase sustainability. This could also be used to help the image of the business with a community that is concerned with sustainability.

Ms. Holly asked about whether this project would conflict with an earlier CUP granted by the Plan Commission for a convenience store located as an extension of the BP gas station on Olive and Kingsland. Mr. Cross said staff would check if this CUP was still active. Ms. Holly recalled the two main issues raised with that CUP being trash and impervious surface being added.

Mr. Rose asked if the applicant could give information on their anticipated food sales as a percentage of total sales. Ms. Holly also asked how the store would differentiate itself from other convenience stores. The applicant responded that food sales would be estimated at 80% or more, and that gas stations have uniform offerings, while their store would offer a variety of ethnic foods. Mr. Rose asked which countries would be represented based on the food, and the applicant responded that Arabic, Greek, Middle Eastern, Chinese, and American food would be offered.

Ms. Gainer moved to approve the request for a CUP. Ms. Holly seconded the motion. The motion carried unanimously. Plan Commission will recommend a CUP in the case of PC 19-04, and Mr. Cross explained that this could be on the Council Agenda for September 9, 2019.

Mr. Miller suggested that the building owner could place trash receptacles outside the store.

#### **4. Other Business**

Mr. Cross updated the Plan Commission on the Request for Proposal for a consultant to assist with the City's comprehensive plan, which will be released on September 13.

Mr. Cross stated that Plan Commission retreat would be in order to meet and discuss issues and general principles going forward. He also said that at the retreat the role of the Code Committee could be discussed.

Mr. Rose said Council had given direction to move forward with a storm water run-off study with the Army Corps of Engineers and Metropolitan St. Louis Sewer District. The September 9 council agenda will contain two items, one extending the study with MSD and one modifying the agreement with the Army Corps of Engineers from 2004.

Mr. Rose also reported that EMS is back in the City's control and that joint agreements with surrounding municipalities for service had been reinstated.

Ms. Hartz asked for an update on the Olive/170 Development. Mr. Rose said it is progressing. Novus Development are in the process of acquiring property, which could take 6-18 months. Mr. Rose stated that he felt Costco would be a good amenity for the community as well as bringing quality jobs.

Ms. Moran asked if any businesses would be relocated within University City. Mr. Rose stated that City Council had approved a relocation process which will try and incentivize those businesses to stay in U City. This process would not begin until Novus has executed contracts for all the property needed for the development. Ms. Hartz asked if City Council had approved eminent domain for the storage facility, and Mr. Rose said this had not happened yet, but is not off the table.

Mr. Miller suggested that Costco may not serve all 3<sup>rd</sup> Ward residents due to the annual membership fee, but suggested perhaps the City could negotiate a lower fee or waiver for City residents. Mr. Rose again highlighted that quality jobs would be made available, with the City strongly encouraging Costco to offer the residents a first chance at these jobs.

Ms. Holly motioned to adjourn the meeting. Mr. Miller seconded. The meeting was adjourned at 7:51pm.

Prepared by Adam Brown, Planner