

PLAN COMMISSION

City Hall of University City

6801 Delmar Blvd, University City, MO 63130

6:30pm; Wednesday, November 20, 2019

The Plan Commission held their regular meeting at City Hall located at 6801 Delmar Boulevard, University City, Missouri on Wednesday, November 20, 2019. The meeting commenced at 6:35pm and concluded at 8:55pm.

1. **Roll Call**

Voting Members Present

Michael Miller

Judith Gainer (arrived 6:39pm)

Cirri Moran – Chair

Ellen Hartz

Cynthia Head

Mark Harvey

Margaret Holly

Voting Members Absent

Non-Voting Council Liaison

Paulette Carr

Staff Present

Gregory Rose, City Manager

John Mulligan, City Attorney

Clifford Cross, Director of Planning and Development

Adam Brown, Planner

2. **Approval of Minutes**

Mr. Miller moved approve the minutes of October 23, 2019. Ms. Head seconded. The motion passed unanimously.

3. **New Business**

Text Amendment: PC 19-11, adjusting parking regulations for beauty and nail salons.

Mr. Cross introduced the amendment and gave some background on research comparing University City's regulations to other nearby communities. In the case of beauty salons, nail salons, etc., other communities (such as Clayton, Maplewood, and Creve Coeur) calculate required parking based on square footage of the building instead of by the number of chairs, as University City's code does. The amendment calls for 1 parking space for every 200 square feet of floor area in multi-use buildings or if the business is a secondary use. Mr. Cross also noted that for stand-alone buildings, staff recommends removing the specific requirements other than those applying to a normal retail establishment.

Ms. Holly asked what the basic retail requirement for parking is, and Mr. Cross answered it is 1 space per 200 square feet. Ms. Holly asked why we are calling this out separately, and why it is not included with all other retail uses. Mr. Cross stated that this may have come from trying to regulate beauty schools. There was discussion about stand-alone beauty salons, and although they do exist, there was consensus that they are generally not common in commercial areas. There was discussion about the use of nail salons, and how many people are generally at the salon.

Mr. Mulligan summarized the possible solutions presented for the Kingsland and Vernon site. The first was a shared parking agreement with the site across the street. The second was increasing the maximum site coverage, which would, with a CUP, allow another 7% site coverage which would require a code amendment and could be used to take the green space between the street and the existing parking lot. A third option was purchasing land in University Heights to convert to parking. Another option would be adding back subsection F from the parking ordinance adopted earlier this year, regarding multi-tenant commercial buildings, and the final option was a reduction for the nail salon.

In 2016 code was amended to bring number of spaces down to two spaces per station, however, this was amended back to the original requirement of 3 per station. The ratios would require 36 spaces currently, 24 with the 2016 amendment, and about 9 with the proposed amendment, and this amendment would allow the proposed convenience store to occupy the vacant space in the plaza. There was discussion among the Commission and the Council Liaison about how many spaces are reasonable for a salon with 12 chairs.

There was discussion about the various options for adding more parking. There were concerns from neighbors in the past about the property in the back of the plaza being converted to parking. Mr. Cross also explained that to create more spaces in the front strip (about nine spaces), and the challenges with engineering new parking in that area. The commission discussed the desire not to “spot zone” for this particular property, but to make a code change that would be consistent throughout the community.

Mr. Rose said that we could go back with the developer to see what options there are, and that the developer must come up with a way to meet the parking standards.

Mr. Harvey noted that the business owner feels his customers would come in quickly and leave quickly, and that he would not need as many spaces.

Mr. Mulligan asked if the commission felt that 36 spaces was the right number for a nail salon with 12 stations. The shared parking standards are subject to the CUP process, so these times and standards could be adjusted on a case-by-case basis through the CUP. He said building in flexibility to the parking code may be a good thing to address similar cases to this. Ms. Moran asked what a 1.5 ratio per seat for beauty salons would lead to with the development on Kingsland. Mr. Cross explained he would need to re-calculate the totals based on this change. Mr. Miller said he felt square footage was a better way to calculate parking than number of stations.

Ms. Gainer asked if the shared parking calculations use averages or site-specific classification. Mr. Cross explained that these are based on the schedule of parking. Ms. Hartz pointed out that with the square footage, the City does not need to enforce the number of chairs listed by the business, which could change, but by square footage. Ms. Carr asked about how the industry standards are arrived at, and Mr. Cross explained that his research found industry data referring to the North American Industry Classification System (NAICS) in which beauty salons and similar businesses are classified along with other service businesses. Mr. Cross explained that some communities now do minimum/maximum standards, which could be part of the Code rewrite after the Comp Plan. Ms. Holly asked if permeable pavement could be required as part of the CUP process. Mr. Cross said it could. Ms. Carr pointed out that some of the classifications in the parking code give an either/or such as one space per square footage or spaces per configuration, whichever is greater.

Mr. Mulligan raised the point that transportation is evolving given the shared economy, Uber, etc, and we want to have flexibility in looking forward to the future of parking needs. For big impact projects, a CUP is desired by Council, in order to fine-tune the project and requirements to accommodate good businesses within the code. There is the possibility of further research on this topic if needed. There was a question about whether this was verging on spot zoning, but Mr. Mulligan and Mr. Cross felt this was not a case of spot zoning.

Ms. Hartz moved to approve the text amendment as proposed, 1 space per 200 square feet of floor area that are secondary use, Ms. Gainer seconded. There was discussion about this amendment. This would be a temporary solution (Mr. Miller) as a stopgap measure before the overhaul of the entire zoning code. Mr. Cross confirmed that the Comprehensive Planning

process would most likely address parking, and then a code revision would follow (this would all happen in about a three-year timeframe).

Mr. Mulligan pointed out that the two proposed amendments could be combined to take into account any building type by removing the stand-alone classification. The new language would include 3 spaces for any barber/beauty shop other than secondary use or within a multi-unit building, which would require a space per 200 square feet. There was discussion about the rationale behind distinction between stand-alone buildings and spaces included in multi-unit or secondary use buildings. Mr. Mulligan asked if there was a rationale behind this difference that could justify this difference.

Motion on the floor failed 3-4. The Commission felt that staff should do further research and re-write the amendment. There was discussion about the effect this would have on the Kingsland development. Mr. Harvey looked up the recommended amount of space per nail salon station, which is 8 stations to 1500 square feet, or 35 square feet per station, and the average size nail salon is 1300 square feet.

Ms. Carr stated a possible motion of 1 parking space per 200 square feet, or one space per station, whichever number is greater (more restrictive).

Mr. Harvey moved as stated above, and Ms. Holly seconded. There was no discussion. The motion carried unanimously.

4. **Other Business**

Mr. Miller asked about fire and police response to the Planned Development on Delcrest. Mr. Cross stated that the project is on hold, and if the applicant proceeds, staff will bring that input before the commission.

Mr. Cross updated the Commission on the Comprehensive Plan process. He is working to get the Commission all the materials.

Mr. Cross explained that the Parkview Gardens plan was adopted as an amendment to the Comprehensive Plan update of 2015. Mr. Cross expressed concern over whether the Parkview Gardens (MO state statute 89-360 requires a public hearing at a Plan Commission meeting, which there was no evidence that this ever happened) was adopted legally as part of the 2014 update to the Comprehensive Plan. He also explained that the adoption of form-based code was one of the highest priorities of the plan, and that this was never moved forward on, so the plan could not be implemented. He recommended that legal needed to review and it should not be inappropriately referenced as part of the comp plan. Mr. Rose stated that the intent of staff was to de-couple the Parkview Gardens Plan from the Comprehensive Plan. He expressed concern that there was never a fiscal impact study to implement the plan. Ms. Moran asked if the consultant should have performed a fiscal impact study, Mr. Rose said there is no evidence. Ms. Carr stated that the City would be doing a fiscal impact study, and that a developer should NOT do a fiscal impact study because they are selling a product. Ms. Carr presented a set of issues and challenges from the executive summary. She said the plan is a gentrification plan, and that Washington University sees the Parkview Gardens area as their student housing.

Ms. Carr noted that a plan, although in the past not classified as a policy document, is something to follow when developments come up. She felt that Wash U did not want their students to go north for services like laundry shops, etc. The core commercial district (the Loop) is the City's downtown. The Parkview Gardens plan lumps together the core commercial and residential neighborhoods. Ms. Carr feels that this plan should be reevaluated for what parts are valuable – she feels this plan was to sequester and separate the neighborhood. She calls it a gentrification plan and pointed out that Vernon would be cut off as the gateway to the neighborhood. She pointed out that the original plan and the amended plan were 20 months apart, and there were no public hearings on the plan. She recommends Plan Commission review the plan thoroughly to examine what is good in the plan and what should be left out.

Mr. Cross clarified that the plan was brought to the commission for general discussion. In order to de-couple the plan from the comp plan, Mr. Cross recommends bringing this to the Commission via public hearing next month as a resolution to amend the current Comp Plan to remove the Parkview Gardens plan before considering for fiscal impact and appropriateness. Ms. Moran noted that the Bike/Walkability plan was also adopted without a fiscal study.

Mr. Cross said the staff was shooting for a Plan Commission meeting around the week of December 18th. He also said there will be a joint meeting with Council in early December on the Comprehensive Plan.

Mr. Mulligan noted that the meeting the week of the 18th was to have a public hearing to amend the Comp Plan and sever the Parkview Gardens plan.

Mr. Miller moved to place the item on the agenda for the week of December 18th with a public hearing, and Ms. Holly seconded.

Ms. Holly asked if the City would still own the plan if it was removed from the Comp Plan. Mr. Mulligan said council could adopt the plan as a stand-alone plan. This could be the recommendation of the Plan Commission; it would be a stand-alone plan adopted by the Council to be administered by the City Manager.

Mr. Rose said he didn't see staff making the recommendation to adopt it as a stand-alone plan before a fiscal impact study was done. He said if they were interested in adopting the plan at some point, staff would probably be recommending a fiscal impact study of the plan.

Mr. Harvey asked if Mr. Rose would like the Plan Commission to recommend the fiscal impact study. Mr. Rose said that would be consistent with what he would recommend to Council.

Mr. Mulligan clarified that in effect the plan would be repealed if it was severed from the Comp Plan, pending possible adoption in the future – Mr. Rose clarified that it would be a submitted plan under consideration. Mr. Cross pointed out that the Comprehensive Planning process would include a fiscal analysis. Mr. Mulligan again clarified that this plan would no longer be in effect. If the Council wanted to adopt it again with or without amendments in the future. Ms. Moran asked if other plans that were coupled with the Comp Plan which do not have fiscal impact studies should be reconsidered as well. Mr. Cross explained that these could come before the Plan Commission as well. Ms. Carr explained that by state statute there is a required

public hearing at the Plan Commission. Mr Cross explained that the City, in order to insure it has legally removed the plan from the Comp Plan, would proceed with a Plan Commission hearing. The Plan Commission can adopt a plan without Council approval – Mr. Mulligan said 89.30 (CHECK) this – our charter requires the City Council to approve the plan, but it still makes sense to do the Plan Commission public hearing which will cover City for state statute. This will all be done for extra caution.

Mr. Mulligan stated motion as amended; a Public Hearing will be scheduled at the next Plan Commission date on Dec 18, 2019, 6:30pm (tentatively scheduled), to consider an amendment of the Comprehensive plan by repealing the Parkview Gardens neighborhood plan and recommending this repeal to council. Mr. Miller moved as stated above, Ms. Holly seconded. The motion passed unanimously.

Mr. Miller asked about any action on the Olive and North and South. Mr. Cross said there was no project underway at that location. Mr. Miller asked if there a new payday loan place in the Schnucks plaza? Mr. Cross said he would take a look at that and whether it was a zoning issue or business permit issue.

Mr. Miller said there is a by-phone doctor in U City approving people for medical marijuana and was caught – Mr. Cross said he would take a look at this as well. This would require a home occupation permit.

The meeting was adjourned at 8:55pm.

Prepared by Adam Brown, Planner