

PLAN COMMISSION

Heman Park Community Center

975 Pennsylvania Ave., University City, MO 63130

6:30 pm; Wednesday, October 23, 2019

The Plan Commission held their regular meeting at Heman Park Community Center located at 975 Pennsylvania Avenue, University city, Missouri on Wednesday, October 23, 2019. The meeting commenced at 6:34pm and concluded at 9:42pm.

1. Roll Call

Voting Members Present

Michael Miller

Judith Gainer

Cirri Moran – Chair

Ellen Hartz

Cynthia Head

Mark Harvey

Voting Members Absent

Margaret Holly

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

Ms. Hartz moved to approve minutes (with noted corrections) from Aug 28, seconded by Mike Miller. The motion passed unanimously.

3. New Business

- a. PC 19-06 – CUP for GBG Transportation LLC – request for a used car sales and vehicle service facility at 8550 Olive.

Mr. Cross introduced the application for the CUP at 8550 Olive Blvd, which he explained was two CUPs built into one request (two uses requiring a CUP). The primary proposed use was a vehicle service facility, and the accessory use was for used auto sales. Mr. Cross presented the underlying zoning, the former use (gas station), surrounding zoning, and reviewed the plan commission process and review criteria.

Mr. Cross stated that he had received one verbal concern about the request and its impact, and staff had concerns regarding landscape buffering between the business and the abutting residential properties.

Mr. Cross stated a staff recommendation which noted concerns for outdoor operations and outdoor sales as this was not the design of the original property. Staff did not recommend auto sales without further action to mitigate these activities. Mr. Cross described the Plan Commission's charge to use findings of fact to make their determination about the case.

Ms. Hartz clarified whether two CUPs were needed for this case, and Mr. Cross said they would both be included in a single action. Mr. Harvey asked if there were any businesses that were similar in uses that had been approved through CUP process. Mr. Cross said he was not aware of any that had passed through the process. There was discussion about the ability to recommend only one of the uses. There was discussion of the parking requirements for the two uses. Ms. Moran asked if there would be parking spaces set aside, and Mr. Cross pointed them to the applicant's sketch of the number of spaces. Mr. Cross recommended that if auto sales were approved the CUP could lock the number of cars for sale based on the number of spaces.

George Hopper spoke on behalf of GBG Transportation. Mr. Hopper said that the business would offer minor repairs that would not require overnight storage of vehicles on the lot. He said that the auto sales portion of the business was based on his passion for auto sales.

Mr. Hopper said hours of operation will be from 8-5, 7-4, 8-6, 6 days a week and closed on Sundays. Ms. Moran asked about the auto sales portion and how many cars would be stored on the lot for sale. Mr. Hopper replied that about 10-15 cars would be stored on the lot, and he would be selling 10-15 cars per month, which would generate an

estimated \$10,000 per month in taxes for University City. GBG would be doing emissions and safety inspections. Mr. Hopper said that he is motivated to provide these services to the community. Mr. Hopper stressed that only the kind of repairs that could be completed in one day would be performed. He said that cars for sale could be prepared for sale in the facility.

Mr. Cross pointed out that per code there is a distinction between vehicle service and vehicle repair facilities, and so the code makes a distinction between these uses.

Mr. Hopper described plans to beautify the property, as well as the means by which waste materials would be disposed of. He said any cars that needed to stay overnight would be kept in the bays. He also pointed out that Honest Repairs in University City sells used cars.

Public Hearing

Richard Lacey, 1109 N McKnight Road, spoke on behalf of himself and his wife. They are unhappy with the amount of traffic on McKnight Road in the last ten years. He asked for a vote "no" on the auto sales portion of the business. He felt that traffic would be increased by the auto sales use, due to the tendency to test drive cars fast and loudly.

Roberta Stewart, 1107 Midiron Avenue spoke and expressed concern about increased traffic due to the business. She was specifically concerned about the number of cars on the lot and the size of the lot not allowing for customers to get service on the lot. She said she spoke on behalf of several neighbors, and she believes the tanks are still in the ground because she has not seen any construction.

Donovan Henry, 8441 Crixdale, spoke and said his concern was the TIF and the resulting traffic from that project in addition to this business, and that he also concerned about the stacking of tires on the property, and asked about enforcement of the CUP conditions.

Mubeen Mahmoud, 6800 Olive Boulevard, he stated that because it was a Shell gas station, there is a very good chance the Phase 1, Phase 2 would have been performed and that the disposal for old oil, etc, was most likely there.

Diana Schaefer, 20 Allen Ave, Webster Groves, spoke on behalf of Novus Development. She felt that this use would not be an appropriate, highest and best use for the property, because it would be in the view of the \$200 million development planned for that corner.

Ms. Moran asked, in light of the Novus speaker, how to relate this project to a comp plan from 2005, which did not have the Novus plan involved. Mr. Cross said that the Plan Commission must make a judgement based on the information that is available.

Mr. Miller asked if this had gone before the traffic commission, and Mr. Cross said it has not been. He stated that the Plan Commission could refer this to the Traffic Commission if they wished to.

Mr. Hopper addressed the concerns about test driving. He said in 25 years he has not allowed people to drive alone on a test drive and would not allow people to do anything unsafe in the vehicle. He also noted that his business plans to cut off two of four entrances to the lot to help prevent traffic incidents.

Ms. Moran asked if there was a current buffer between the site and residential properties. Mr. Cross said there was limited buffering in place. Ms. Moran asked what buffer would be required, and Mr. Cross described the traditional buffer. Mr. Cross felt that a proper buffer would be possible based on the layout of the property.

Mr. Miller stated he preferred to state as two separate motions. Mr. Cross stated that this would be a decision between two uses on one lot or a primary and accessory uses.

Ms. Hartz said that used car sales are not always a bad use but asked if the business could do without the Used Car Sales sign. Mr. Hopper stated that they would like to be in for a three-year lease with an option to buy, and Mr. Hopper stated that if they bought this property, they would look into the issues that the Plan Commission brought up.

Mr. Harvey made a motion to separate the CUPs, and Ms. Hartz seconded. Mr. Miller amended the motion to approve the CUP for vehicle repair and deny the vehicle sales portion of the CUP. Mr. Harvey ceded to Mr. Miller's motion. Mr. Cross said he recommended the applicant could withdraw his application for both. Ms. Head asked for clarity about staff's recommendation not to allow the vehicle sales was based on the ordinance that requires new car sales along with used car sales.

Mr. Miller's motion with Ms. Hartz's second was voted on and passed unanimously. The amended CUP is approved unanimously.

- b. PC 19-07 – CUP for Green to Cure, Inc. – a request to open a medical marijuana dispensary at 6800 Olive Blvd.

Green to Cure Inc. requested a CUP for Medical Marijuana Dispensary at 6800 Olive Boulevard. Mr. Cross summarized the application from Mubeen Investment Group. He described the surrounding zoning, noting that the building is multi-tenant, and that surrounding zoning includes residential. He described the property with improvements and included the fact that there are 26 parking spaces, which is the exact number of parking required for retail space of this size. Mr. Cross reviewed the standards for medical marijuana uses adopted by ordinance for University City, which requires 500 feet to church, school, or daycare, and a 150-foot separation from residential properties from entrance of business to lot line of the residential lot.

Staff's primary concern is that the location does not meet buffer requirement for 150 feet to residential property, and Mr. Cross reminded the Commission that a precedent could be set by this case. Staff would consider this as another retail use and would not administratively add landscaping based on the use. He said staff would want to see some mitigation of the 150-foot buffer. Mr. Cross also noted that CUP approval is only

part of the state licensing process, and approval by University City may not lead to the use being approved by the state.

Ms. Gainer asked about buffering – what the intent of buffering would be, whether to physically prevent access or as a visual barrier. Mr. Cross stated that landscaping is used to make incompatible uses less incompatible – it is to separate two incompatible uses.

Takir spoke on behalf of Health to Cure, the applicant. He stated that the reason they are applying here in U City is because the ordinance has been passed. He stated that the medical use of marijuana would improve the community.

There was discussion among the commissioners about the regulations around sale and use, which Mr. Cross explained was clearly regulated as part of the state's regulations.

Public Hearing:

James Jordan, 6809 Vernon Ave, lives within the 150-foot buffer, and said he surveyed some other neighbors, and none of them want this business in the neighborhood. He said that he didn't have a problem with the marijuana, but that the people who frequent that area are thugs and that something bad could happen and the store will get broken into.

The building owner, Mubeen Lamude, 6800 Olive Boulevard, spoke to security concerns, and that the dispensary is highly regulated, and that it is not their job to educate the "thugs", and the dispensary would bring more security than what the area already has (a security guard).

Mr. Cross clarified that the state buffer was 1000 feet between the use and residential properties. 150 feet was University City's requirement. Mr. Harvey asked what the logic of the 150-foot limit was. Mr. Cross stated that the logic on the 150 feet was that it was within the 185-foot public notice area required by ordinance.

Ms. Gainer moved to deny the CUP application, Ms. Head seconded.

Ms. Moran agreed with the motion, and discussed the fact that making an exception on the first application would be inappropriate.

The motion passed unanimously.

- c. PC 19-08 – application by Sprint to install new wireless equipment on an existing facility at 7547 Olive Boulevard.

Mr. Cross described the conditions of the property, and the surrounding zoning uses. Mr. Cross explained that the new antennas would go on the exterior of the flagpole and may change the look of the flagpole. This made it ineligible for the fast track portion and required a CUP.

Staff concerns were matching the color of the pole and whether it affects use of the flagpole. No public input was given to staff. Staff does not feel this would significantly change the look of the flagpole and have no opposition to this request.

Tim Moya, 1339 Palm Ridge, from Sprint, explained that the three new antennas would greatly expand the service to the community. Mr. Miller asked how much the antennas weigh, and Mr. Moya said they are several hundred pounds each. The antennas will be at 75 feet. Mr. Miller's concerns were in high winds and ice. Mr. Moya said poles only fall due to debris from major weather events. Mr. Miller asked about other safety concerns such as radiation. Mr. Moya said the FCC regulates those concerns.

Public Hearing opened and closed with no speakers

Ms. Gainer moved to approve the CUP, seconded by Mr. Miller with condition that no advertising would be on the pole, and paint would match the pole. Ms. Gainer amended the motion to include the conditions. Mr. Harvey seconded the amended motion. Motion carried unanimously.

- d. PC 19-09 – request by ALP Acquisition - CUP to amend map at 8400 Delmar to be rezoned as a Planned Development, and for preliminary site plan approval.

Mr. Cross explained that the applicant needs a zoning verification letter, and reassurance that the plan is being reviewed favorably to obtain property. He described the conditions of the site, three lots that would be consolidated into one lot. He clarified it is a 50,000 square foot office building. He described the surrounding zoning. Mr. Cross explained the process of a rezoning request. The second request is for a resolution by Council for preliminary plan approval.

Mr. Cross outlined the specifics of the proposal in terms of square footage and uses of the buildings, including indoor parking spaces (338 spaces total). He explained again the two actions needed; a zoning map amendment recommended to Council, and recommendation of a preliminary plan review to go to council.

Staff Concerns/Criteria; Mr. Cross stated that the density of the use is in the ball park of the Crown Center. The floor area ratio, for a multi-family district is 2.0, and a waiver would be needed for FAR of 3.68. Staff calculated parking including shared parking ratios, which would be 502 required spaces. Shared parking is about a 10% decrease in parking requirements. A waiver would be needed for the proposed 338 parking spaces. Lot consolidation would be required prior to permitting. Staff also recommends approved engineering plans and landscaping plans as part of plan review process. He reviewed the comprehensive plan intention for this area. This was identified as redevelopment area 9 in the 2005 Comprehensive Plan, which called for mixed use concept (the plan is consistent with the redevelopment area). He described the surrounding zoning for the site.

Mr. Cross concluded that the parking waiver would need to be a 32.5% reduction, the waiver for FAR would be an increase of 1.68, and that lot consolidation required prior to any permits.

Ms. Carr asked about Council's ability to reduce parking, which Mr. Cross said would not be applicable because it is a new use. Ms. Carr clarified that this would have to be a waiver. Mr. Cross explained that the applicant would need to demonstrate the manner by which the parking requirement would be met in some way. Ms. Carr asked if the ordinance could have a contingency based on the project not moving forward. Ms. Carr asked if the landscape buffers between Crown Center and this project could be combined. Ms. Carr asked about storm water run-off. Mr. Cross explained this would be part of the engineering, but this project is actually reducing impervious surface. The applicant has already started a traffic study, and Sinan is working with St. Louis County to get comments. Mr. Miller asked if police and fire have been notified. Mr. Cross said they had, and he has not received comment back. Mr. Cross stated he would seek a positive response from Fire and Police.

Vic Allston spoke on behalf of the applicants. Mr. Allston described the project and why his group had chosen this location in University City. He commented on their reason for the parking ratio based on other developments, and the quality of the hotel as well as the size and typology of the apartments they are seeking to develop.

Mr. Miller asked if the apartments would be purchased or leased. Mr. Allston said they would be leases. Mr. Miller asked about parking – whether one to one is needed. Mr. Allston said about 10% would not have a car, and others who needed a second space could purchase that. Mr. Miller asked about the restaurants, Mr. Allston said they have not decided on the use, but described several options including QSR (quick service restaurants), or a grocer/market, which would be amenities for the development and the neighborhood. There would be parking reserved for the retail. He said there are 30-40 stalls extra on top of the 1 to 1 parking.

Mr. Miller asked if the parking would be paid parking even for retail spaces. Mr. Allston explained that the parking would be monetized one way or another. He said they intend to have parking prices included in hotel and apartment.

Mr. Miller expressed concerns about the ingress and egress to the development based on the proximity to I 170 and to other developments. Ms. Moran reiterated that this would be a preliminary plan approval, but that these questions would be addressed as part of plan review. Mr. Miller suggested that there could be an Uber or taxi bay in the hotel area.

Ms. Gainer asked if it was possible to reduce the number of units to reduce the parking, and the applicant responded that this could make the project financially infeasible.

Mr. Cross stated that staff needed to review exception to parking and the possibility of a waiver needed to be reviewed.

Mr. Harvey asked about the use of the hotel for meetings and what the parking requirements would be for that space, and Mr. Allston stated that it would be used for small presentations, sales meetings, etc, and that the users would be staying in the hotel.

Mr. Allston introduced Lee Cannon with CBB, who will be leading the parking study and traffic study. Mr. Cannon described the parking factors that his company would examine in a

parking study, including peaking hours, as well as traffic conditions that would be examined in collaboration with MODOT, St. Louis County, and University City's Department of Public Works.

Mr. Cross recommended that we table the request in order to clarify the possibility of parking exceptions. Mr. Miller moved to table the request, Mr. Harvey seconded, the motion passed unanimously.

Mr. Mulligan asked Mr. Cannon about when the traffic study would be completed. Mr. Cannon said that may depend on the next meeting. Mr. Cross stated that a meeting in November on the last Wed of the month, and Mr. Cannon stated he could have that study ready before that meeting.

- e. PC 19-10 – a text amendment to strike an amendment in the parking code which allowed new construction to avoid parking requirements.

Ms. Hartz noted a typo in the summary of amendment 2.

Mr. Miller moved to strike amendment, Ms. Gainer seconded, the motion carried unanimously.

4. Other Business

Mr. Cross told the Commission there were four submittals for the Comprehensive Plan Update, and these would be shared with the Commission. He said staff was still evaluating when a Plan Commission retreat would be possible.

Mr. Miller asked about the signatures on applications. Mr. Cross explained that we verify ownership, etc. on these applications. Mr. Miller expressed that it is good to know who has signed. Mr. Cross said staff would look at processes.

5. Council Liaison Report

Ms. Carr noted the City's logo had been changed back to the previous design. There was discussion about progress on the Olive/170 development.

Ms. Moran asked about the Delmar Harvard Building. Ms Carr said it has been purchased by a developer, who is designing what they put in, and they are considering a hotel. She said the consultant completed study on annex and whether a police station could go in the annex. Now a needs analysis is being done for all city buildings. She also noted that EMS has been reinstated in control of the Fire Department.

The meeting was adjourned at 9:42pm.

Prepared by Adam Brown

