



**Department of Planning and Development**

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## PLAN COMMISSION MEETING

Via Video Conference

6:30 pm; Wednesday April 27, 2022

The Plan Commission held its regular session via video conference on Wednesday, April 27, 2022. The meeting commenced at 6:33 pm and concluded at approximately 7:42 pm.

### 1. Roll Call

#### Present

Margaret Holly  
Mark Harvey  
Al Fleischer Jr.  
Ellen Hartz  
Victoria Gonzalez

#### Absent

Charles Gascon  
Patricia McQueen

#### Staff Present

John Wagner, Acting Director of Planning and Development  
John Mulligan, City Attorney

**Call to Order** – (6:31 pm.) Chairwoman Holly called the meeting to order.

### 2. Approval of Minutes – None

### 3. Public Comments

There were no public comments for non-agenda items from the public

### 4. Old Business – None

### 5. New Business

- a. Comprehensive Sign Plan.  
Applicant: U-City, LLC  
Request: Approval of a Comprehensive Sign Plan for the Market at Olive  
Address: Four (4) PD-C Districts at/near Olive and I-170  
(VOTE REQUIRED)

Dr. Wagner gave the staff report. David Hutkin and Caroline Saunders from U City LLC were present to answer questions.

Ms. Gonzales asked if it was possible to have consistent font on the signs. Mr. Hutkin responded “no”. Logo and trademarks are very guarded and needed by companies.

Mr. Mulligan stated that there are two anchors in addition to Costco in agreement with the sign plan. Both are OK with the size of the signs.

Mr. Hutkin mentioned that anchor “J” may want a message board below their panel. Mr. Mulligan said that the US Supreme Court ruled that a municipality which denies digital signage is not an infringement on free speech rights. It is rather a traffic safety issue and thus can be denied. This issue can be dealt with at another time if it comes before the plan commission.

Mr. Harvey moved that we approve the sign size waiver request as written. As part of the motion that we recommend the traffic condition weigh in on the signage. This appeared to be a super sitting motion and divided the motions. A vote was taken and passed. **The Comprehensive Sign Plan as presented was approved by a vote of 5 – 0.**

Mr. Fleischer recommended we table to send the issue to the traffic commission until the next meeting. The vote was in favor of Mr. Fleischer’s motion.

There was a discussion initiated by Mr. Hutkin to clarify what the votes meant. The waiver of the sign size ordinance was approved. The separate recommendation for traffic commission when is a separate piece and may or not occur before the city Council receives and acts on the sign waiver.

- b. Minor Subdivision – SUB 22-07.  
Applicant: Delmar Harvard, LLC  
Request: Approval of a Major Subdivision from five (5) lots to two (2).  
Address: 711 Kingsland Avenue  
(VOTE REQUIRED)

Dr. Wagner provided a brief summary of the application.

Applicant Thomas Douglas explained the development plans and the need for the subdivision. Mr. Fleisher moved that we approve the subdivision as presented. Mr. Harvey remarks that the office building use is within the indenture of his university Heights neighborhood.

A motion was made to approve the Major Subdivision Plat.  
The plat was approved unanimously: 5 to 0.

## 6. Other Business

- a. None

## 7. Reports

- a. Council Liaison Report – None

b. Committee reports:

- I. Ms. Holly updated us about the city council study session and the two text amendments that we had recommended. They were (1) Notification of residents in addition to building owners when new development is happening and (2) language used in place of "disabled" and the implications of the change. Neither text amendment suggestions moved forward. Dr. Wagner said it is not clerically practical at this time to change notifications.
- II. Dr. Wagner updated us about the comprehensive plan. Planning NEXT contacted him with some questions. A virtual meeting will occur on Thursday, April 28. Ms. Holly was invited to join them. Future IQ is having additional think tank focus groups in mid-June and they are eager to move forward.

**8. Adjournment**

Chairwoman Holly adjourned the meeting at approximately 7:42 pm.