



**Department of Planning and Development**

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

**MEETING MINUTES (APPROVED)**

**PLAN COMMISSION**

Via Video Conference

6:30 pm; Wednesday, January 25, 2023

The Plan Commission held its regular session via video conference on Wednesday, January 25, 2023. The meeting commenced at 6:31 pm and concluded at approximately 9:30 p.m.

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

**1. Roll Call**

Present

Al Fleischer Jr.  
Charles Gascon  
Ellen Hartz  
Margaret Holly  
Patricia McQueen

Absent

Victoria Gonzalez  
Mark Harvey

Staff Present

John Wagner, Director of Planning and  
Development  
Mary Kennedy, Planner  
John Mulligan, City Attorney  
Jeff Hales, City Council Liaison

- 2. Approval of Minutes** – The minutes from December 14 Plan Commission Meetings were approved with no changes.
- 3. Public Comments** – None
- 4. Old Business** – None
- 5. New Business**

**a. Final Development Plan – FDP-23-01**

Applicant: U-City, LLC

Request: Approval of a Final Development Plan for Lot C and Common Ground 1, Market at Olive North (IV).

Address: Near 8601 Olive Blvd

(VOTE REQUIRED)

Mary Kennedy, Planner, presented the staff report, providing the Plan Commission an update on revisions that have been made since Preliminary Site Plan was presented at the December 14, 2022 meeting.

Commissioner Hartz asked for clarification on the proposed slopes and drainage plan.

Mr. Stock, the Applicant's engineer, addressed Ms. Hartz's question and described the stormwater management system that has been designed for the site. He clarified that most of the stormwater detention will be underground, that detained stormwater will be released at a

slow rate into the Woodson Road storm sewer system, and that the property owner is responsible for maintaining the stormwater system.

Commissioner McQueen asked for clarification on the design of the two-level parking deck. Mr. Stock explained that there will be about an equal amount of parking spaces on each level, in addition to a curb-side pickup area on the west side of the building. Ms. Kennedy explained that the garage design has been in flux but that the City is not recommending any variance from the minimum parking requirements, so as the design of the garage is finalized, it will be required to meet the City's code.

Ms. McQueen asked whether sufficient lighting would be provided for both levels of the parking deck for safety and security. Mr. Stock assured safe lighting will be provided.

Council Member Hales emphasized the importance of providing crosswalk at the intersection of the site's entrance with Woodson Road. Mr. Stock stated that they are still working with the County to get the crosswalk approved.

Commissioner Fleischer motioned to approve the Final Development Plan FDP-23-01 with the conditions stated in the staff report. Ms. McQueen seconded the motion and followed up with an additional question about the condition in the staff report the staff to add sidewalk along the east side of Woodson Road. Ms. Kennedy clarified that the City is requesting the Applicant explore the feasibility of adding sidewalk at this location and that they will coordinate with adjacent property owners if needed.

The motion passed unanimously.

**b. Map Amendment – REZ-22-10**

Applicant: D3 Commercial Realty Group, LLC

Request: Map Amendment to rezone 7.39 acres of land from 8610 to 8660 Olive Boulevard from "IC" Industrial Commercial District to Planned Development Commercial District (PD-C), and to further consider approval of a Preliminary Site Development Plan for the proposed commercial development.

Address: 8610 to 8660 Olive Boulevard

*(VOTE REQUIRED)*

Mary Kennedy, Planner presented the staff report and pointed out some areas of concern that addressed in the report regarding site coverage, buffering requirements, landscaping, pedestrian access, and bicycle parking.

Commissioner Fleischer stated that pedestrian ways, when possible, should be concrete walks rather than simply striped. Ms. Kennedy acknowledged this concern and stated that she will work with the Applicant to address it.

Commissioner Gascon asked whether Great Rivers Greenway (GRG) is still planning a trail extension directly to the south of this site. Lenny Meers, an engineer from Grimes Consulting, who designed Phase II of Market at Olive, explained that they worked with GRG and the City to provide a connection to the Centennial Greenway trail along Olive Boulevard, and that GRG would be responsible for the connection between Olive and the Ruth Park Woods trail. Staff will follow up to confirm GRG's plans.

Commissioner McQueen requested a map showing which three parcels which will be rezoned to PA – Public Activity in relation to the Dierbergs site.

John Mulligan, City Attorney, pointed out an error in the address listed in the staff report. John Wagner, Director of Planning & Development, said they would look into the error and correct the address prior to the Map Amendment and Preliminary Site Plan being introduced to the City Council.

Mr. Fleischer requested that the Applicant stripe pedestrian ways with a different color than parking stalls.

Commissioner Holly corrected the site location in the motion to read “Phase III of Market at Olive” instead of the incorrectly stated address. Mr. Fleischer motioned to recommend the Map Amendment.

Additional discussion was had. Mr. Gason suggested that a condition be added to the motion for the Preliminary Development Plan that the Plan Commission’s recommendation is contingent upon approval of REZ-23-01.

The motion to recommend the Map Amendment REZ-22-10 passed unanimously.

Mr. Fleischer motioned to recommend the associated Preliminary Development Plan with the additional condition that the Plan Commission’s recommendation is contingent upon approval of REZ-23-01. The motion passed unanimously.

**c. Major Subdivision/Consolidation Plat – SUB-23-01**

Applicant: D3 Commercial Realty Group, LLC

Request: Approval of a Major Subdivision from eight (8) lots to one (1).

Address: 8610 to 8660 Olive Boulevard

(VOTE REQUIRED)

Mary Kennedy, Planner, presented the staff report. John Mulligan, City Attorney, pointed out the incorrectly stated address of the site in the staff report.

Commissioner McQueen moved to recommend approval of the plat. The motion passed unanimously.

**d. Map Amendment – REZ-23-01**

Applicant: City of University City

Request: Zoning Map Amendment from Single Family Residential (SR) to Public Activity (PA).

Address: 8637, 8638, and 8641 Mayflower Court

(VOTE REQUIRED)

Mary Kennedy, Planner, presented the staff report and clarified that single-family homes and public utility uses, specifically floodplain, are permitted uses in PA – Public Activity. Therefore, the rezoning would not affect the current uses of the property.

Commissioner Fleischer motioned to recommend approval of the Map Amendment. The motion passed unanimously.

e. **Text Amendment – TXT-23-01**

Applicant: City of University City

Request: Amend §400.2700(D)(1) of the City’s Zoning Ordinance, Conditional Use Permit (C.U.P.) to allow the City of University City more discretion in deciding whether a Conditional Use Permit is appropriate.

(VOTE REQUIRED)

John Wagner, Director of Planning & Development presented the staff report and provided background that the impetus for the text amendment is a case in Creve Coeur where the Creve Coeur Council’s decision to deny a conditional use permit was upheld in the Missouri Supreme Court.

Debate was had about the fairness of denying a CUP even if an applicant has satisfied all criteria for a conditional use permit. There became a general consensus that the language should be inclusive of all actions the Council could take on a conditional use permit, rather than just its authority to “deny”.

The Plan Commission agreed to amend the language to read:

*“The City Council reserves full authority to deny, approve or approve with conditions, any application for a conditional use permit.”*

Commissioner Gascon motioned to recommend TXT-23-01 with the amended language above. The motion passed unanimously.

f. **Text Amendment – TXT-23-02**

Applicant: City of University City

Request: Amend various sections of the City’s Zoning Ordinance to add provisions for recreational marijuana.

(VOTE REQUIRED)

John Wagner, Director of Planning & Development presented the staff report. Mr. Mulligan elaborated on the proposed text amendment, explaining that essentially the provisions which currently apply to medical marijuana will apply to recreational marijuana. These revisions create local regulations for recreational marijuana in response to the recent legalization of recreational marijuana in the State of Missouri.

Debate was had about whether definitions should be consolidated into simply “marijuana dispensary facility” rather than have separate definitions for medical, recreational, or microbusiness. Mr. Mulligan explained the rationale for having separate definitions, which is mostly to be aligned with the State of Missouri’s definitions.

Chris Chesley, an owner of Starbuds Dispensary on Olive, introduced himself, explained that he has been very involved with advocacy and drafting Amendment 3, and was open to answering questions.

Commissioner Hartz asked whether businesses can have both recreational and medical marijuana licenses. Mr. Chesley clarified that there is no license that is just for recreational marijuana—the comprehensive license authorizes them to dispense both recreational and medical.

Commissioner Holly reiterated the time-sensitive nature of the text amendment. Mr. Chesley confirmed and explained the State's license approval timeframe and the discrepancy between the state timeframe and that of the City's local regulations.

Commissioner Fleischer motioned to recommend the text amendment.

Additional discussion was had on the possibility of consolidating definitions, the lapse between the State license approval and the City's text amendment and CUP process.

Commissioner Holly posed the idea of clarifying which residential uses are included in the residential buffer requirement, adding buffers between dispensaries and playgrounds, and adding buffers between dispensaries to prevent clustering of dispensaries. Discussion ensued, questioning the purpose and fairness of such buffer requirements.

Ms. Holly motioned to amend Mr. Fleischer's motion to add a 1,000-foot buffer between dispensary establishments in the City. Mr. Hales stated that additional buffering provisions could be incorporated into the Zoning Ordinance in the future, and that the Commission was not prepared to make such changes to TXT-23-02. Ms. Holly's motion to amend the motion did not pass.

Ms. Hartz then motioned to recommend TXT-23-02 with the provisions as presented in the staff report. The motion passed unanimously.

## 6. Other Business

### a. Election of Plan Commission officers

Commissioner Gason motioned to re-nominate the current Plan Commission officers. The motion passed unanimously. Approved slate of 2023 Plan Commission officers:

Peggy Holly – Chair

Patricia McQueen – Vice Chair

Ellen Hartz – Alternate Chair

- b. **2023 Plan Commission meeting dates** – The Plan Commission accepted the proposed meeting dates for 2023 and decided to hold a combined November/December meeting on Wednesday, December 6, 2023.

## 7. Reports

- a. **Council Liaison Report** – Council Member Hales shared that Council Member Cusik will be resigning at the end of the month—the Council and City Manager will hold interviews soon to replace the position, and a special election will be held in 2024 for the remaining three years. Mr. Hales also suggested including the Traffic Commission in the CUP review process.
- b. **Housing & Third Ward Revitalization Task Force** – Commissioner McQueen updated the Plan Commission on the task force's recent efforts to hire a consultant for a housing and revitalization strategy for the third ward.

8. **Adjournment** – The meeting was adjourned at 9:30 pm.