



Department of Planning and Development

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MEETING MINUTES (APPROVED)

PLAN COMMISSION

Location: City Hall, 5th Floor Council Chambers (6801 Delmar Blvd) and via Videoconference (Zoom)
Wednesday, December 6, 2023 at 6:30pm

The Plan Commission held its regular session on Wednesday, December 6, 2023 at City Hall in the 5th Floor Council Chambers and via Zoom. The meeting commenced at 6:30 pm and concluded at 9:28 pm.

Call to Order – (6:30 pm) Chairwoman Holly called the meeting to order.

1. Roll Call

Present

Al Fleischer

Ellen Hartz

Margaret Holly

Patricia McQueen

Mark Harvey (via Zoom)

Charles Gascon

Jeff Hales (Council Liaison)

Absent

Tori Gonzalez

Staff Present

John Wagner, Director of Planning & Development

Mary Kennedy, Planner

John Mulligan, City Attorney

2. Approval of Minutes

- a. October 25, 2023 – Unanimously approved with no corrections

3. Public Comments – none

4. Old Business

- a. **TXT-23-04 (Revised)**

Applicant: Subtext Acquisitions, LLC

Request: Text Amendment to sections 400.760, 400.780, 400.1190, **400.2130 (revised)** of the zoning code

VOTE REQUIRED

Ms. Kennedy presented the staff reports for both TXT-23-04 and REZ-23-02 and described the changes that have been made since the October 25, 2023 Plan Commission meeting. She described how the viability of the Preliminary Development Plan associated with REZ-23-02 and the previously recommended text amendment related to off-street parking regulations in 400.2130, had become problematic. Therefore, staff worked with the applicant to revise the plan and text amendment so that parking reductions would be limited to provisions that currently exist in the code. The text amendment was revised to allow parking reductions to be granted through the Planned Development procedure, whereas the current code only allows the parking reductions through the Conditional Use Permit procedure.

Commissioner Fleischer motioned to recommend to City Council the revised TXT-23-04 as presented in the staff report and attachments. Discussion related to both TXT-23-04 and the Preliminary Development Plan for REZ-23-02 ensued:

- Commissioner McQueen asked how many spaces in Municipal Parking Lot #4 have been leased from the City to applicants to meet parking requirements. Dr. Wagner responded that he does not have an exact accounting of this number on hand, but that he could gather that information.
- Commissioner Hartz stated that not allowing this project to proceed due to parking requirements would be tragic for the City.
- Commissioner Gascon stated that he will be voting against the revised text amendment and preliminary development plan because he believes the original plan, which was recommended by the Plan Commission at the October 25 meeting, was a better plan.

The motion failed with 2 ayes and 3 nays. Chair Holly did not vote.

After additional discussion of item 4b below (REZ-23-02 Preliminary Development Plan (Revised)), Commissioner Hartz motioned to reconsider the revised TXT-23-04. The motion passed with 6 ayes and 0 nays.

Commissioner Gascon motioned to recommend to City Council the proposed text amendments to sections 400.760, 400.780, and 400.1190 of the zoning code (a portion of TXT-23-04). The motion passed with 6 ayes and 0 nays.

Commissioner Fleischer motioned to recommend to City Council the proposed text amendment to section 400.2130 (a portion of TXT-23-04).

Additional discussion was had and clarification was provided on the procedural change proposed in 400.2130. Staff also clarified that if the revised TXT-23-04 is approved, the applicant would be required to provide a minimum of 461 parking spaces to accommodate the 329 dwelling units and the retail/restaurant spaces currently proposed. TXT-23-04 would also allow the City to reduce the required parking to 461 spaces through the Planned Development procedure rather than the applicant having to also obtain a Conditional Use Permit.

Commissioner Gascon motioned to amend the revised TXT-23-04 to read:

400.2130(G). Exception For Planned Developments. With the recommendation of the Plan Commission and approval by the City Council, and based on evidence including, but not limited to, industry data or other sufficient evidence and analysis of parking demands for the specific uses, there may be modifications to the off-street parking requirements through the Planned Development (PD) procedure. Exceptions in this Section authorized under the conditional use procedure may be authorized for planned developments under the planned development procedure in Article IV, Division 11 of this Chapter, and the same exception standards shall apply under either procedure and may be adjusted by the City Council to the same extent allowed under Section 400.2700.D.2 for conditional uses.

The motion to amend the revised TXT-23-04 passed with 6 ayes and 0 nays.

Mr. Mulligan stated that this proposed revision would limit the parking reductions to the extents currently allowed in the code; it would not increase flexibility in parking requirements.

Commissioner Gascon motioned to strike the above revised TXT-23-04 and replace it with the language that was recommended by the Plan Commission on October 25, 2023. The motion passed with 6 ayes and 0 nays.

b. REZ-23-02 Preliminary Development Plan (Revised)

Applicant: Subtext Acquisitions, LLC

Request: Consider recommendation of a revised Preliminary Development Plan related to REZ-23-02

Location: 6630-6654 Delmar Boulevard

VOTE REQUIRED

Ms. Kennedy gave a brief overview of the staff report and explained that under the zoning code as currently written, the shared parking exception in the code cannot apply to secured residential parking restricted to residents. Therefore, the shared parking exception can only be used for the commercial spaces and residential visitor parking which are unsecured and can be shared freely.

Mr. Mulligan added that the revised text amendment to 400.2130 (part of TXT-23-04) now contains a provision that parking exceptions can be obtained through the Planned Development procedure. If the Plan Commission and City Council do not approve this text amendment, the applicant would need to come back to the Plan Commission and City Council to obtain a Conditional Use Permit for the parking exceptions.

Commissioner Gascon asked what happened with their previous recommendations from the October 25, 2023 meeting. Mr. Mulligan responded that an open-ended parking exception in 400.2130, which was previously recommended in TXT-23-04, was potentially concerning to the City Manager.

Commissioner Gascon asked how residents would be guaranteed a parking space if all spaces in the development are shared and there aren't spaces set aside and secured for residents only. Ms. Kennedy explained that if the applicants want secured parking for residents, they must provide more spaces to reflect that they cannot obtain the shared parking exception. With all spaces shared among all uses, a total of 461 parking spaces would be required. If residential spaces are secured and reserved only for residents, the applicants would need to provide a total of 498 parking spaces.

Commissioner Fleischer motioned to recommend to City Council approval of the revised Preliminary Development Plan for REZ-23-02 with conditions #1 and #2 in the staff report.

Commissioner Gascon stated that he liked that the previously recommended plan better.

Commissioner Gascon asked why action on the revised Preliminary Development Plan for REZ-23-02 is necessary if the Commission prefers the plan that it recommended on October 25, 2023. Commissioner Harvey stated that would mean effectively a vote of "no" on the revised plan before them this evening, and a re-affirmation of their recommendation to approve the plan that was presented at the October 25, 2023 meeting.

No action was taken on the revised Preliminary Development Plan for REZ-23-02.

5. New Business

a. CUP-23-07

Applicant: Hatchet House, LLC (dba Hatchet Haus Axe Throwing)

Request: Conditional Use Permit (CUP) to allow for an indoor amusement center in the "CC" Core Commercial District

Location: 6662 Delmar Boulevard, Suite C

PUBLIC HEARING, VOTE REQUIRED

Chair Holly read the review criteria for Conditional Use Permits. Ms. Kennedy presented the staff report.

Chair Holly opened the public hearing. No comments were made. The public hearing was closed.

Commissioner Gascon asked about the difference between parking requirements for restaurants/bars and why those parking ratios weren't used for this CUP. Dr. Wagner explained that because the axe throwing is the primary activity, "indoor amusement center" is

the appropriate use classification.

Chair Holly read the staff recommendation with the conditions stated in the staff report.

Commissioner Hartz moved to recommend to City Council approval of CUP-23-07 with the conditions in the staff report. The motion passed with 6 ayes and 0 nays.

b. **CUP-23-08**

Applicant: Civil Engineering Design Consultants, Inc. (attn. Paul Boyer, P.E.)

Request: Conditional Use Permit (CUP) to allow for a day care center in the "IC" Industrial Commercial District

Location: 6779-6773, 6771, 6767 Olive Boulevard

PUBLIC HEARING, VOTE REQUIRED

Ms. Kennedy presented the staff report.

Paul Boyer (applicant's engineer) introduced himself and the Urban Sprouts owners and staff, and provided additional details about the proposed project. Hours of operation for the daycare will be 7:30 am – 5:30 pm, and occasional special events may extend until 9 pm. The café will be open 7:30 am – 8:30 pm.

Chair Holly opened the public hearing at 8:26 pm.

James Crowe (6764 Chamberlain Avenue) stated that he lives right across the alley from the day care center. Mr. Crowe stated there have been traffic issues in the alley during drop-off and pick-up. Parents block the alley while taking their children into the building.

Bwayne Smotherson (1243 Purdue Avenue) stated that as a current Ward 3 Council Member, he will work with the neighboring residents to address the traffic problems resulting from the day care center. He also stated his enthusiastic support for the proposed CUP.

Ellicia Lanier (6757 Olive), founder and owner of Urban Sprouts, stated that they will work with the parents to change drop-off and pick-up traffic flow so that the alley will not be obstructed. She stated that there is an immense need for the expanded day care center; they currently have a waiting list of 405 children.

Chair Holly closed the public hearing at 8:33 pm.

Commissioner Harvey asked whether there are parking spaces on Olive or if there was the ability to provide more parking spaces on-site. Mr. Smotherson responded that no, there is no parking allowed on Olive or on Ferguson Avenue. Ms. Lanier stated that with the proposed redesign, they are maximizing the number of parking spaces that can be fit on-site.

Commissioner Harvey asked if the design can be reconfigured to avoid people using the alley for drop-off. Ms. Lanier explained that drop-off is not supposed to be occurring in the alley, but only in their parking lot which is accessed from Olive.

Commissioners asked additional questions about the existing traffic flow, where parking is allowed, and possible modifications to the site plan that could mitigate parking/drop-off conflicts. The applicants responded to those questions.

Commissioner Gascon suggested restricting the parking spaces in the alley to employees only so that parents would attempt to use the alley. The applicants were open to this suggestion.

Council Member Jeff Hales (Council Liaison) asked how many families are currently served. Ms. Lanier estimated maybe 70 families (some families have just one child enrolled; some families have 2-4 children enrolled). Mr. Hales suggested that the proposed CUP also be presented to the Traffic Commission for their advice and recommendations.

Commissioner McQueen stated her support for the proposed CUP and thinks it will be a beneficial development for this part of the community. She agreed with the suggestion to

have the CUP presented to Traffic Commission.

Commissioner Harvey motioned to recommend to City Council approval of CUP-23-08 with the conditions in the staff report, plus a condition that the CUP be reviewed by the Traffic Commission prior to being presented to City Council.

Commissioner Gascon motioned to amend the motion to add a condition that parking spaces along the alley be restricted for staff only. Additional discussion was had about whether the alley is private or public. Staff and the applicants will explore who owns the alley. Commissioner Gascon's motion to amend the motion passed with 4 ayes and 2 nays.

The amended motion passed with 6 ayes and 0 nays.

c. **SUB-23-03**

Applicant: Civil Engineering Design Consultants, Inc. (attn. Paul Boyer, P.E.)

Request: Major Subdivision – Lot Consolidation

Location: 6779-6773, 6771, 6767 Olive Boulevard

VOTE REQUIRED

Dr. Wagner presented the staff report and explained that the applicants would like to consolidate the four parcels at the addresses listed above into one parcel.

Commissioner Gascon motioned to recommend to City Council approval of the lot consolidation. The motion passed with 6 ayes and 0 nays.

d. **TXT-23-05**

Applicant: City of University City

Request: Approval of Text Amendment to amend Section 400.1260 of the zoning code related to fence materials

VOTE REQUIRED

Dr. Wagner presented the staff report.

Commissioner Gascon asked whether adding a provision to this amendment to require that the finished side of a fence face outward (towards neighbors). However, there was not specific language drafted for the subject amendment, so it was decided that that change could be proposed at a later date as a separate text amendment petition.

Commissioner Gascon motioned to recommend to City Council approval of TXT-23-05. The motion passed with 6 ayes and 0 nays.

6. Other Business

- a. Chair Holly reminded the Plan Commission that they will elect officers at the January 2024 Plan Commission meeting.
- b. Commissioners discussed expected changes to the comprehensive plan which will be discussed at the Monday, December 11 City Council meeting.
- c. 2024 Plan Commission Meeting Dates. The Commission approved the meeting dates included in the agenda, and they decided to keep the April 2024 meeting on April 24, rather than reschedule it to April 17.

7. Reports

- a. Code Review Committee – No updates
- b. Comprehensive Plan Committee – Commissioner Gascon stated that he supports Council Member Fuller's proposed changes to the comp plan related to implementation and metrics.
- c. Council Liaison Report – Council Member Hales shared that First Watch will be opening on Olive on December 18. He also wished the Plan Commissioners happy holidays.

d. Housing & Third Ward Revitalization Task Force – Commissioner McQueen reported that the Task Force voted on the approval of the summary of understanding with the condition that the surveys be kept open until the end of 2023. The Task Force concluded the first phase of the planning process and will now be moving into the second phase of the process. Finally, she reported that the Task Force was able to get a higher response rate from Ward 3 residents for their plan than for the comprehensive plan.

8. Adjournment – The meeting was adjourned at 9:28 pm.