

STUDY SESSION
Architectural Review Board
CITY HALL, Fifth Floor
6801 Delmar Blvd., University City, Missouri 63130
Monday, February 24, 2025
5:30 p.m.

AGENDA

1. MEETING CALLED TO ORDER

At the Study Session of the City Council of University City held on Monday, February 24, 2024, Mayor Terry Crow, called the meeting to order at 5:30 p.m.

In addition to the Mayor, the following members of Council were present:

Councilmember Stacy Clay
Councilmember John Tieman
Councilmember Steven McMahon
Councilmember Lisa Brenner
Councilmember Dennis Fuller
Councilmember Bwayne Smotherson

Also in attendance were City Manager, Gregory Rose; Director of Planning and Development, John Wagner, and City Planner, Noah Chapin.

2. CHANGES TO REGULAR AGENDA

Mr. Rose requested that Bill Number 9566 be removed from the agenda.

3. ARCHITECTURAL REVIEW BOARD

Mr. Rose stated Council is being asked to receive a presentation by Dr. Wagner on the Architectural Review Board.

Dr. Wagner stated he would like to recognize Mary Kennedy, who was unable to be here this evening, for her work on this project.

Recap

Staff presented the following options for the Architectural Review Board (ARB) on August 12, 2024:

- Options for structure/procedures of an ARB
- Differences between ARB and existing Infill Review Board (IRB)
- Examples from peer cities

Council provided the following directions to staff:

- Make the ARB a standalone board that can work with the Plan Commission
- Initially, it should be limited in scope
- Contemplate the questions or burden this would have on developers and property owners
 - **Recommendation:** It would be a worthwhile process for them to go through
- Consider its relationship with private subdivisions
- Replace Infill Review Board with ARB

Overview

- Draft code language highlighting where more discussion is needed
- Started with existing IRB codes; (Chapter 120, Article XVIII)
- Utilized peer city ARB codes to modify and supplement existing code language
- Propose a new article in Chapter 400 (zoning code) for architectural review

Dr. Wagner stated that a total revision of the Zoning Ordinance will occur in the near future.

Proposed Changes to Existing IRB

Mr. Chapin stated they started with the existing IRB Code that was not being utilized and modified Chapter 120; (*Commissions, Authorities, Boards, and Committees*) to reflect the ARB.

The Intent of Section 120.980

- To promote high standards of architectural design, thereby serving the general welfare of the community.
- To enhance these qualities in the City while striving not to impede individual creativity for the sake of conformity.
- That the ARB acts solely in an advisory capacity.
- That it shall have no power to adopt, enforce, or administer any building, subdivision, zoning, or other regulation or ordinance.

Composition; Terms; Removal; Vacancies

- The ARB shall consist of five (5) members.
- Up to two (2) members of the Plan Commission may be appointed by and/or at the discretion of the Chairperson of the Plan Commission.
- All members shall be residents of University City.
- At least one member of the ARB shall be a professional in architecture, landscape architecture, urban design, or a related profession.
- No monetary compensation.
- The ARB may elect from its members a Chairperson and a Vice Chairperson.
- The ARB may adopt such rules of procedure as it deems necessary to effectuate the provisions of this Chapter.
- The Mayor and council members may appoint the first members. Thereafter, all vacancies shall be appointed by the City Council.
- Of those first (1st) appointed, each shall be randomly assigned a one (1), two (2), or three (3) year term, renewable thereafter for three (3) year terms.
- Appointment priority should be given to qualified design reviewers who are competent to interpret proposals and make judgments regarding both design guideline conformance and design quality.
- Members are subject to removal without cause by a two-thirds (2/3) vote of the City Council.

Proposed Article XVI Architectural Review

Division 1 - Applicability

Section 400.XXXX Applicability.

1. No building permit for construction, reconstruction, or other exterior alteration of buildings and structures identified in this section shall be issued without a decision of the Architectural Review Board (ARB) as set forth in this section unless otherwise stated.
2. Architectural review shall be required for the following, when visible from the street, in all zoning districts:
 - a. Construction of new principal structures
 - b. Construction of new accessory structures greater than 200 square feet
 - c. Additions greater than 200 square feet
3. Projects within local historic districts, as described in Article VI of this Chapter, are under the purview of the Historic Preservation Commission and therefore are not subject to architectural review.

Division 2 - Architectural Review Procedures

Section 400.XXXX Application Requirements.

1. An application form for architectural review shall be completed and filed with the Department of Planning and Zoning. Application forms and a list of the required submittal materials are available at the Office of Planning and Zoning during regular business hours and on the city's website.
2. The application document will provide a description of the project and plans, and other pertinent information required for submittal by the applicant as part of the architectural review process.
3. The Director of Planning and Zoning or the ARB may request that the applicant provide exhibits, sketches, examples of materials, renderings, or other documentation to assist in its decision.
4. If the property under review is located in a private subdivision, the applicant shall provide evidence that the subdivision trustees have approved the proposed work. The ARB will not review projects in private subdivisions that have not received approval from their trustees.

Division 3 - Review Criteria

Section 400.XXXX Review Criteria.

Architectural review decisions shall be based on the extent to which proposed projects comply with the Architectural Design Guidelines in Division 5 of this Article.

Division 4 - Period of Validity and Appeals

Section 400.XXXX Time Limit.

1. Within **12 months** of the date the architectural review application is approved, the **applicant shall be required to gain approval of a building permit for the relevant work and have commenced substantial construction**. Failure to comply with this timing shall result in the expiration of the architectural review approval unless an alternative schedule has been approved by the Architectural Review Board.
2. The Architectural Review Board may grant up to two extensions not exceeding 12 months each upon written request submitted no later than 30 days prior to the date such architectural review approval shall expire.

Division 5 - Architectural Design Guidelines

- Design professionals will be contracted to produce the Architectural Design Guidelines.
- The Board should be established first and serve as an advisory committee for the creation of the guidelines.

Next Steps

- Identify undecided procedures or requirements
- Legal review
- Hire design professionals to create guidelines
- Seek community feedback
- Adopt revised code language

Dr. Wagner stated the new zoning ordinance does have a design perspective from the form-based code way of doing things, which could affect some of what the ARB would do.

Councilmember Brenner stated that she lives in a neighborhood where there has been a lot of infill, however, residents were always provided with the plans for these new houses; which this proposal seems to be removing. It's a very emotional situation to go through a tear-down and rebuild on your street, and while she is not suggesting that the public be allowed to express their concerns directly to the ARB, she does think that some type of notification process would be important.

Dr. Wagner stated currently, notices on any public hearing involving a specific property are sent to residents residing within 300 feet of that property. So perhaps, a similar notification could be added to this code.

Councilmember Fuller posed the following questions to Dr. Wagner:

Q. I live in a private subdivision, so are you saying that with this new arrangement, the Trustees cannot make independent decisions without going through this review?

A. We could do it either way. I've asked people applying for a permit to do a small project if their Trustees had reviewed it, and they responded that they had been told to go through the City first.

Q. I understand that an ARB is required for a new build, but what are the architectural requirements for an addition?

A. We could do it either way. However, a Trustee had informed him that even after they developed the guidelines to implement an ARB in their subdivision the residents said they didn't want it. But once it becomes a part of the zoning ordinance it will be required.

Councilmember Clay posed the following questions to Dr. Wagner:

Q. One of the proposed requirements is to have one member be a professional in architecture, landscape architecture, urban design, or a related profession. In the past, it has been a struggle to recruit individuals with these kinds of specific professional requirements to fill Boards. So, would the ARB be able to convene in the absence of that professional?

A. The Historic Preservation Commission requires an attorney, and I think we've met when he was not in attendance. So, I believe that you can, but to be sure, he would like to get Mr. Mulligan's opinion.

Q. What if you simply cannot find an architect?

A. If it's a legal requirement that they attend every meeting that could be burdensome, unless the requirement is to have two instead of one.

Q. So, you think that if there is a circumstance where this individual is unable to be in attendance the process can still move forward?

A. Yes, unless the City Attorney says otherwise.

Mr. Rose stated the reason an architect was added is because of their expertise in this area. However, whether that becomes a requirement will depend on what ultimately gets approved. He stated another option could be to contract with an architect who could advise the Board and staff on issues when the architect is absent. But in that case, they would not be a member of the Board.

Councilmember Clay stated it would be ideal to have more than one design professional on the Board, but the impetus behind his questions is the concern about having to delay projects due to an inability to recruit these professionals.

Dr. Wagner stated typically they are informed in advance of a member's absence, so in the event it could cause a delay they could get their advice on that project ahead of the meeting.

Councilmember Clay stated that he was also curious to know what the process for seeking community feedback would entail.

Councilmember Tieman stated on the other hand, allowing a plan to go through without being reviewed by a professional is worrisome.

Dr. Wagner stated it would be nice to have at least two of the five members be a professional in this area.

Councilmember Smotherson stated Item 2 under Applicability states that *"An architectural review shall be required for the following, when visible from the street, in all zoning districts: (c) additions greater than 200 square feet"*. But he was curious to know whether the 600 square-foot garage that a resident built at 1243 Waldron would override the fact that it is not visible from the street? Dr. Wagner stated the code could be worded to override it by revising it to say, *"greater than 200 square feet regardless of whether it is visible from the street"*. Councilmember Smotherson stated he understands that it would not apply to this structure, but something of this size definitely impacts a neighborhood.

Councilmember McMahon stated he also wanted to follow up on "*visible from the street*" with another example. If he stands in front of his house he can't see the one-story addition that's behind it. But, if he walks 100 feet around the corner he can see a portion of it. Would that be considered visible from the street? And if you transfer that to a corner lot or neighborhoods that are more visible from the street than others, would they need to have different requirements? He stated as a result of that language the ARB could find themselves answering a lot of questions about fairness.

Dr. Wagner stated those are all good points, so perhaps, they should strike that language altogether.

Councilmember McMahon posed the following questions to Dr. Wagner:

Q. How long does someone have to start construction after the issuance of a Building Permit?

A. About a year; which is the same time we've established in this proposal.

Q. But theoretically if you're saying that an applicant will have 12 months to get ARB approval, a Building Permit and commence construction, or it will result in the expiration of the ARB approval, then it no longer seems like the ARB is acting in an advisory capacity?

A. I think that may run with the Building Permit instead of the actual Historic Preservation language. But staff can extend the timeframe of the permit if the applicant is making progress, and we could probably do the same thing here too.

Q. There seems to be a need to kind of work those together because if the ARB is truly advisory someone is going to come back to us and say, "How can the ARB stop me at any point if it's only advisory"?

A. That's a good point.

Councilmember McMahon stated he does not see the inability to have an architect on the Board as being problematic because as it stands today, none of our projects are being reviewed by an architect. So, if we were really concerned about that, then we should have been doing this a long time ago. He stated in his opinion, it's largely going to depend on how the guidelines are written. Are they easy to read? Are they easy to understand? Are there graphic depictions that help the lay members of the Board make decisions? Councilmember McMahon stated something staff might also want to think about is that they are imposing these guidelines on folks who want to build and help develop our community, so they don't want to create a problem that causes delays. Therefore, something to think about is drafting language that says if they've submitted it, it's now been 60 days, and we've not done our job, then they don't need to get this approval. Because at that point, it's not their problem, it's our problem.

Mayor Crow stated he thinks most concerns have been about new construction where folks have either torn down or built something new on a vacant lot that does not necessarily meet the standards that many of us would like to see. And while it may be wishful thinking on his part, he would like to see clarities sooner rather than later, on whether the Trustees or ARB goes first.

He stated while he agrees with Councilmember Clay's comments about the challenges Council has faced with finding specific professionals to fill the City's Boards and Commissions, he also thinks that in this instance, the City Manager's suggestion to contract with an architect would help solve the problem.

Mayor Crow stated there are two things he would like his colleagues to think about. Later this year, Council will probably undergo the process of consolidating some of its Boards and Commissions. So, creating a new standalone Board might fly a little bit in the face of asking some of our other entities to merge. Therefore, some flexibility may be needed as they attempt to move forward with this proposal.

He would also urge his colleagues to have some form of social media presence or send out newsletters to find out whether this is an issue that citizens are even concerned about. So, instead of taking off running, perhaps, it would be a good idea to think about the repercussions this proposal could have in several of our neighborhoods.

Mayor Crow stated as part of this, there is a community engagement component scheduled to occur later on in this process, but it probably would not hurt to start putting little blurbs about this conversation in some of the items staff sends out on Fridays to get a head start on that component. This is a good time for folks to start speaking up because it's early in the process and there may be consequences and other factors that the Council may not be thinking of.

Mayor Crow then posed the following questions to Dr. Wagner:

Q. Have you ever worked in a community that utilized an ARB?

A. Several years ago I helped to staff Chesterfield's Board.

Q. The lessons learned?

A. Their ARB was actually a part of their Site Plan approval process. Applicants had to go through the ARB first, then to the Site Plan Committee, and finally to the Plan Commission where it was voted on. It worked pretty well, but it did add some time to the process. So, it's kind of like comparing apples and oranges to the situation we have here. I don't think we did any additions, and I don't recall doing a tremendous number of homes or infill. Chesterfield had major subdivisions, and our focus was mainly on those areas and commercial buildings.

Councilmember Brenner questioned whether Council's option to utilize a consultant when needed would have to be added to the code? Mr. Rose stated that it would not have to be included because it would simply be viewed as a budget item.

Councilmember Brenner stated that sometimes ARBs can be subjective and become outdated very quickly. So, she would suggest that the guidelines be updated more frequently than every ten or fifteen years because building materials are constantly changing.

Councilmember Smotherson posed the following questions to Dr. Wagner:

Q. How would this proposal affect Habitat for Humanity and some of the other builders that are currently constructing homes in the 3rd Ward?

A. If they are constructing some of the infill that is being done they would have to go through the ARB as well, unless there is a specific exemption for non-profits. However, all of the infill houses he's aware of have elevations that have been presented for review, and most of the homes they've built are almost identical.

Q. Would the two-story house built by Shed fall under this proposal?

A. I don't see where it would be exempt.

Mr. Rose asked Councilmember Smotherson if he was referring to the impact this proposal would have on projects that are already underway or projects occurring after this goes into effect? Councilmember Smotherson stated he was referring to projects after this is adopted because all of the entities he mentioned have expressed interest in building more houses in the 3rd Ward. Mr. Rose stated projects that have a Building Permit and are already underway would typically, be grandfathered in once the code is amended.

Councilmember Clay posed the following questions to Dr. Wagner:

Q. To Councilmember McMahon's point about where this fits into the process, folks interested in doing in-fills would need to obtain a permit, apply to the ARB for approval, and then what happens next?

A. They could go to the ARB first and then apply for a Building Permit, or they could do it the other way around.

Q. So, this component will just be another piece of the process?

A. Yes, one way or the other.

Councilmember Fuller stated the beauty of Habitat for Humanity's program is that they come into a community with existing architectural plans. Do you see a problem with that? Dr. Wagner stated some of the lots in the 3rd Ward are a little bit narrower, so if their plans fit within the neighborhood then there shouldn't be a problem.

Mayor Crow stated Council and staff have talked about this for a very long time, so there's no need to rush. And even though he recognizes that they are going to get a lot of opinions about this, the more they can talk to their constituents the less likely they are going to be to make a mistake. So, he thinks it's wise to get those opinions now rather than later.

Dr. Wagner stated they did not talk about how often the Board should meet, but he would imagine that it should be monthly. Is once a month okay with Council?

Mayor Crow stated while once a month is appropriate, he also would like the option of them being available to meet on an as-needed basis.

Dr. Wagner stated there have been a few instances with the Historic Preservation Commission where they've had to conduct an emergency meeting, so they could implement the same practice with the ARB.

Councilmember Fuller suggested utilizing the Trustees and Boards within the City's private subdivisions to garner their input at ARB meetings because they could help move the process along. And perhaps, if there was a project in one of their subdivisions they could act as ad hoc members of the Board.

Mayor Crow stated he does think that the Trustees should be one of the first groups you reach out to as you go through this process because they probably have some battle scars that you could learn from. However, one of the challenges with utilizing them for anything more than that is that the Board would end up being weighted with folks from the 1st and 2nd Wards, rather than one that is reflective of the entire community.

Dr. Wagner stated considering Councilmember Brenner's suggestion to notify residents, even though they only need 24 hours' notice to request an emergency meeting, he's noticed that it's taking a little bit longer for notifications to reach residents. So that could present a problem.

Mayor Crow asked staff if any thought had been given to developing more than one form of communication so that providing these notices didn't always have to depend on a letter? Because based on the problems everyone is having with the mail, he would hope that the City has started or is continuing to collect more email addresses for residents. Dr. Wagner stated he would be happy to do whatever works.

Councilmember Brenner stated she was more worried about residents being notified about in-fills rather than additions, so she can't imagine that creating an emergency situation.

4. PARKING METER PRESENTATION

Mr. Rose stated due to an illness, he is requesting that this item be rescheduled to March 10th.

5. ADJOURNMENT

Mayor Crow thanked Noah and Dr. Wagner for their presentation and adjourned the meeting at 6:15 p.m.

LaRette Reese, MRCC
City Clerk

