

**Plan Commission
Minutes
November 16, 2010**

The Plan Commission held their regular meeting in the EOC Room located at City Hall, 6801 Delmar Boulevard, University City, Missouri on November 16, 2010. The meeting commenced at 6:30 pm.

Voting Members Present

Ben Halpert
Paulette Carr
Lisa Greening
Deidre Lewis
Ben Senturia

Members Absent

Nova Felton
Tom Byrne

Stephen Kraft, Council Liaison

Staff Present: Andrea Riganti, Acting Director of Community Development; Zach Greatens, Planner

Approval of Minutes

The Chairperson stated that the Commission would consider approval of the minutes from the October 27, 2010 meeting. Ms. Carr moved for approval of the minutes as written, seconded by Mr. Senturia. The motion passed.

Public Hearing: Conditional Use Permit Application – 6504 Delmar Boulevard

The Chairperson announced that a public hearing was scheduled for a conditional use permit application for 6504 Delmar Boulevard to permit a reduction in the right-of-way setback for a proposed addition in the CC – Core Commercial District.

The Chairperson noted the Commission’s procedures and criteria for reviewing conditional use permits and amendments to them (Zoning Code Section 34-132.2). The Chairperson stated that the Plan Commission must consider whether the use: a) Complies with all applicable provisions of the University City Zoning Code; b) At the specific location will contribute to and promote the community welfare or convenience; c) Will not cause substantial injury to the value of neighboring property; d) Is consistent with the Comprehensive Plan, neighborhood development plan (if applicable), and any other official planning and development policies of the City; and e) Will provide off-street parking and loading areas in accordance with the standards contained in Article 7 of the University City Zoning Code.

The applicant and property owner, Mr. Joe Edwards, provided an overview of the proposal. Mr. Edwards is proposing to install a one-story porch on the east side of the building at 6504 Delmar Boulevard, the location of his restaurant and music club, Blueberry Hill. The purpose of

installing the porch is for the use of patrons who smoke. This is due to the St. Louis County smoking ban which takes effect on January 1, 2011. The porch will not have any direct ingress or egress to the outside. It will be designed to match the existing architecture of the building. The applicant is concerned about smokers congregating directly outside the entrance on Delmar. He hopes the new porch will alleviate that.

Questions/comments from the Plan Commission and responses from applicant and/or staff included:

1. Will the porch be entirely closed in? Applicant: Yes. The only entrance will be through the Dart Room in Blueberry Hill.
2. Will the south side be glass? Applicant: Yes.
3. What about the neighborhood to the south, Parkview Subdivision? Were those residents notified? Applicant: They were notified by the Department of Community Development. Staff: Those within 185 feet were notified.
4. Applicant: There is no space available for a larger smoking area.
5. How will this impact the sidewalk on the east side of the building? Applicant: There will be remaining sidewalk. Staff: There will still be 13 feet of sidewalk width remaining.

Staff explained the reason a conditional use permit was required. The right-of-way setback in the CC – Core Commercial District, when there is no parking located between the right-of-way and a building, is 15 feet. In the CC – Core Commercial District, the right-of-way setback may be reduced through the issuance of a conditional use permit. In this case, the request is to reduce the right-of-way setback to zero. Staff also pointed out that Westgate Avenue, the street which runs along the east side of the building where the porch is being proposed, is gated in between the commercial property and residential property. Based on this, impact on vehicular traffic, pedestrian traffic, and the neighborhood to the south, is anticipated to be minimal.

Staff presented the staff report and asked that it be approved with the following conditions:

1. A building permit must be obtained prior to installation of the porch. The applicant must adhere to all requirements of the Building Plans Examiner.
2. The applicant must comply with all applicable requirements of the Public Works Department.
3. Use of the proposed porch shall be limited to that which does not create a nuisance beyond the property lines (see Article 5, Division 34-66 for performance standards).
4. The operator of the business shall regularly police the area adjacent to the addition to remove litter and debris.
5. Any new lighting installed for the addition shall comply with Section 34-93.7 of the Zoning Code, shall be designed to be compatible with surrounding areas, and shall be shaded to direct light downward and away from abutting uses, adjoining properties and streets.
6. A detailed construction traffic control and parking plan should be submitted to the acting director of planning for approval. Said plan shall set forth details pertaining to worker

and resident parking during all phases of the proposed construction. Said plan shall be finalized prior to the issuance of a building permit.

Questions/comments from members of the public in attendance:

Two members of the public were in attendance and addressed the Plan Commission with their concerns regarding the proposal. One was the owner of the property to the east. The other was a tenant of the building to the east. The property owner stated he was in support of the applicant's proposal to install a porch addition. The tenant stated he was opposed to the installation of the porch. His two concerns were the amount of noise that could be generated by patrons in the porch and if the amount of sidewalk width remaining will be sufficient.

The applicant stated there currently is outdoor seating on Delmar.

The Plan Commission members addressed the concerns of the tenant of the building to the east by restating the third condition in the staff report dealing with the performance standards and that the applicant is liable to ensure the performance standards are complied with.

Mr. Senturia motioned that the conditional use permit to allow a decrease in the right-of-way setback be approved with the conditions listed in the staff report. Mr. Senturia requested that special emphasis on the third condition in the staff report concerning Section 34-66 of the Zoning Ordinance, the performance standards, be noted. Ms. Greening seconded the motion. Ms. Greening requested that the consideration of the concerns of the public in attendance be noted. The motion passed.

Hearing: Zoning Text Amendment – Addition of Section 34-41 “JDO” Joint Development Zoning Overlay to Article 4 of the Zoning Ordinance

The Chairperson announced that a hearing was scheduled for a text amendment to the zoning code.

Staff provided a brief explanation. The proposed text amendment is to add Section 34-41 “JDO” Joint Development Zoning Overlay to the University City Zoning Code. The proposed Zoning Overlay is a result of the Joint Redevelopment Task Force goal to explore joint redevelopment initiatives at the I-170 and Olive Boulevard intersection. The establishment of the Joint Development Zoning Overlay District is in accordance with a resolution adopted by the City Councils of University City and the City of Olivette.

Questions/comments from the Plan Commission and responses from staff:

1. Are we sure we want to include the one year expiration? How will it work? Staff: It will be built into the ordinance but not included in the zoning text.

Ms. Lewis motioned that the Zoning Text amendment to add Section 34-41 “JDO” Joint Development Zoning Overlay to Article 4 of the Zoning Ordinance be approved. Ms. Carr seconded the motion. The motion passed.

Other Business

Staff stated there was no staff update prepared for this meeting as in previous meetings. Staff will continue providing reviews of various planning and zoning procedures for the Plan Commission members at upcoming meetings.

Adjournment

There being no further business, the meeting adjourned at 7:30 pm.