

Plan Commission Minutes 04 - May 23, 2012

Plan Commission Minutes May 23, 2012

The Plan Commission held their regular meeting in the EOC Room located at City Hall, 6801 Delmar Boulevard, University City, Missouri on May 23, 2012. The meeting commenced at 7:00 pm.

Voting Members Present

Ben Senturia (Designated Alternate)
Lisa Greening
Nova Felton
Cirri Moran
Linda Locke

Voting Members Absent

Ben Halpert (Chairperson)
Deidre Lewis (Vice-Chairperson)

Non-Voting Council Liaison Present

Arthur Sharpe Jr.

Staff Present

Ray Lai, Deputy Director of Economic and Community Development
Zach Greatens, Planner

Approval of Minutes

Mr. Senturia asked for any discussion pertaining to the April 25, 2012 meeting minutes. There being none, he asked for a motion.

Ms. Felton made a motion to approve the April 25, 2012 Plan Commission meeting minutes. The motion was seconded by Ms. Moran. The motion was approved unanimously.

Parkview Gardens Neighborhood Sustainable Development Plan – Discussion

Mr. Senturia, the Designated Alternate, announced that the next agenda item pertained to the Parkview Gardens Plan. He stated that the consultants forwarded a follow-up memo based on the public hearing held in April. Comments were made and issues were raised at the public hearing by the Plan Commission and members of the public. H3 Studio, the project consultants, responded to the issues raised in the follow-up memo. Mr. Senturia asked the Plan Commission members for any comments or questions about the consultant's response.

Ms. Greening stated that on page 8 of the memo from the consultants, it outlined funding sources and uses of the funding. She stated she understood the uses, but it seemed the funding sources were generally stating it would be a combination of those listed previously and they were not sure of the combination yet.

Mr. Lai stated this was a good opportunity for the consultants who prepared the list to provide details and address comments.

John Hoal with H3 Studio stated that Matt Wetli with Development Strategies prepared the economic assessment and H3 Studio developed the costs associated with the proposals. Mr. Hoal added that depending on the funding sources chosen, one would be able to achieve a certain amount of infrastructure components. He stated that the plan did not address dealing with delayed maintenance but only with significant new infrastructure components, for example, extending Enright for a new entrance. In Option A, they tried to match the neighborhood infrastructure to be put in place with the cost.

Matt Wetli with Development Strategies referenced Page 5, parts a, b, and c.

Area A is the heart of neighborhood and the funding sources here could be from Tax Increment Financing (TIF). TIF is an incremental increase in property values brought on by renovations to existing housing and some proposed infill housing. The funding source being utilized in that area would be by TIF money.

In Area B, a combination of funding sources could be utilized. For example, the Market Study showed potential for condominium development. TIF could be utilized here. Along The Loop where there are opportunities for new retail storefronts, Community Improvement Districts (CID) could be put in place which is basically a self-imposed sales tax or increase in sales tax. Those are the primary funding sources; TIF and special assessments such as Transportation Development Districts (TDD) and CIDs.

Ms. Greening asked if a TIF meant an increase in property taxes. Mr. Wetli stated it did not. It captures more of the existing property taxes. Currently taxes go to several places, this allows capturing taxes paid. There is no tax increase to residents, just capturing more taxes currently paid.

Ms. Greening asked if it would come to a vote. Mr. Wetli stated that property owners would have to approve it.

Ms. Felton asked how far west the study area extends and if it included the parking lot behind Ciceros.

Mr. Hoal stated they kept the residential and commercial areas separate.

Ms. Greening asked if the plan would not happen without votes.

Mr. Hoal stated they just wanted to address the options for funding, if this range were selected, etc.

Ms. Moran stated that the Parkview Gardens Plan was a plan and as such, a vision to be used as a tool and guideline for future decisions in this area. It is not an architectural drawing and would not necessarily be built. As a plan, it is like a budget and as we move forward, and as circumstances change it could be refined and tweaked to meet those circumstances.

Mr. Hoal stated that it is a 15 year vision and they have made recommendations for implementation. There are three implementation components. Those would have to be gone through strategically.

Ms. Moran stated that based on the detail, one could have the tendency to say it was set in stone and would happen; but that is not the case, it is a tool.

Mr. Hoal confirmed that it is a tool and the drawing shown reflected the market realities and the aspirations of the community through the public planning process. It's a vision statement that meets market conditions to continue to plan and redevelop the neighborhood.

Mr. Senturia stated that at the last Plan Commission meeting, a formal public hearing was held and the public was notified. In the interim, a desire for additional commentary had been expressed. The Plan Commission Chairperson invited them to speak. Mr. Senturia added that as a commission, there is a need to decide how that affects the process and how to respond and have a transparent process that would allow the public to speak.

Ms. Moran stated that there were sufficient public meetings throughout the year for the public to be heard. To bring up changes now would be after the fact and if we do take comments into consideration there should be a public hearing as an opportunity for rebuttal. Ms. Moran added that a lot of time and effort had gone into the plan. The consultant has done a lot of research. To make changes, numbers would have to be re-crunched.

Ms. Greening asked staff about how the Loop Special Business District was notified.

Mr. Lai stated that the state statute requires a public hearing with publication in a newspaper, which was done. He added that this was the minimum requirement and staff went far beyond that. That goes back 14 months in which time there were public engagement opportunities. There is a project website. Staff has gone to Loop Special Business District meetings to notify them of public meetings. Mr. Lai added that there had been notification of property owners. Signs had been put up for public meetings. He stated that it went far beyond the state requirements. Regarding notification of the Loop Special Business District, announcements were made at meetings.

Ms. Moran mentioned the public engagement section of the Plan and stated that there were invites to stakeholders. She asked if invitations were sent to the Loop Special Business District.

Mr. Lai stated that the consultants had a list of stakeholders that were invited.

Mr. Hoal stated that he did not have the list on him, but he recalled they interviewed Joe Edwards as a representative of The Loop.

Ms. Locke asked what the options were in terms of timing. She asked if the Commission should hear from the Loop Special Business District tonight and give the public an opportunity for rebuttal.

Mr. Senturia asked about the June 27 Plan Commission meeting and if it could be changed.

Mr. Lai stated that it could be adjusted.

Mr. Senturia stated that a second option could be to hold a special meeting before the June 27 Plan Commission meeting and invite the Loop Special Business District and the public. He added that staff could be asked to distribute the comments from tonight and bring them back, but that would mean Loop Special Business District representatives would speak without others from the public in attendance. Mr. Senturia stated that in an ideal world, those with comments should have been at the official public hearing. They missed their opportunity. However, important items and comments should be heard and opportunities should be found to let the public speak, and that without sacrificing the ability for the public to respond, we should let them speak.

Mr. Lai stated that another option could be to hold a public comment session the same night the Plan Commission votes on the Plan.

Mr. Senturia asked if the Plan Commission could have the Loop Special Business District come back to the June meeting.

Ms. Greening asked what the cost would be for re-publishing.

Mr. Lai stated that it was not thousands of dollars but there would be some cost. If it was the desire of the Plan Commission, staff would do that. It would be more than a few hundred dollars.

Mr. Senturia asked about putting off consideration at the June 27 Plan Commission meeting and if that would be okay with staff.

Mr. Lai stated that Kathryn Moore, representing the City's legal counsel was in attendance to answer questions.

Ms. Moore stated that she had not been to a Plan Commission meeting in University City but attended several other municipal meetings. She stated that the current Plan Commission agenda did not include a bullet point for public comments and that was typically included on an agenda. She suggested that the Plan Commission could move to amend the agenda to include public comments on the agenda.

Mr. Senturia stated he was more concerned about the public not being notified to speak at the same meeting.

Ms. Moore stated that the public typically would have an opportunity to comment at public meetings. The public hearing is the formal presentation. She stated they could hold another public hearing, or amend the agenda to include public comment which would allow for more immediate action. Amending the agenda would allow for limited public comment. The fact that the public was not notified would not matter because it would just be public comment.

Mr. Lai stated that the official public hearing was held at the last Plan Commission meeting and any public comments would be made part of the record. Staff would collect comments for the Plan Commission to consider.

Mr. Senturia asked what would happen if consideration was put off until the July meeting.

Mr. Hoal stated that depending on the comments and the Plan Commission's decision, they may have to amend the plan. They would have to decide.

Ms. Moran asked staff what the process was to advertise for public hearings on Plan Commission agendas.

Mr. Lai stated that the agendas get posted on the City's website. Notices get posted in City Hall and in the Public Library. He added that staff has gone above and beyond the requirements for this agenda item.

Ms. Locke added that it may come down to a choice about the expense of a full public hearing or not.

Mr. Lai stated that to be fair to people who spoke at the last meeting, they should be notified.

Ms. Moran asked if the consultants had a list of those who attended the public workshops.

Mr. Lai stated they did and that on the project website there was an email list for those who have expressed interest.

Mr. Senturia stated that for a solution it sounded like there were three suggestions: 1) Hold a public comment session at tonight's meeting, not a hearing, and staff would distribute comments; 2) Schedule an interim meeting between now and June 27 for Loop Special Business District representatives to voice their comments; and 3) Hold a formal public hearing at the June 27 Plan Commission meeting.

Ms. Greening asked about hearing public comments tonight and holding a public hearing on the June 27 meeting agenda and people would be notified that public comments are welcome.

Mr. Lai stated that it would be preferred to allow public comments rather than the full public hearing because it occurred at the April 25 meeting. If public comments were to be allowed tonight, it would be better to have them state their opinions at the next meeting also. They would have an option to wait and state their comments at the next meeting.

Mr. Senturia stated that it sounded like public comments should be accepted tonight; staff would solicit comments between now and the June 27 meeting; and the Loop Special Business District would be invited back to the meeting as well as members of the public.

Mr. Sharpe stated that at most meetings there would be public comments, but with limited time, such as three or five minutes. He added that it was generally always acceptable at all meetings, as long as the time was limited.

Ms. Locked asked if the agenda needed to be amended.

Ms. Greening stated to amend the agenda or ask them to come back next time.

Ms. Moran stated that comments should be allowed.

Ms. Locke added that way comments would become part of the record so their position was known.

Mr. Senturia stated that the agenda should be amended to include public comment. That information would be made known to the public. At the June 27 meeting there would be public comment with limited time.

Ms. Greening asked if a decision should be made to adopt the Plan at the June 27 meeting, or wait until July.

Ms. Moran stated it might depend on what comments are made.

Mr. Lai added that they could always postpone the voting until the next meeting.

Ms. Locke made a motion to amend the May 23, 2012 Plan Commission agenda to include public comments under agenda item 5.a.

The motion was seconded by Ms. Greening.

The motion was approved unanimously.

Mr. Senturia invited members of the public to comment.

Dan Wald, owner of Market in The Loop and the building east of Blueberry Hill, addressed the Plan Commission.

Mr. Wald stated he is the Vice-President of the Parkview Gardens Association. Regarding the Plan, his issue is that it shows in the Plan that the existing surface parking lot (to the north of Delmar, behind Cicero's) is proposed as structured parking and residential development. He added that this issue has come up in the past 10 years. This is not what business owners and property owners want. He stated that the loss of free parking will mean the end of The Loop. He stated he did not attend previous meetings because Mike Geiger, President of the Parkview Gardens Association, attended. He stated that what he is asking for is that the consultants take that portion out of the Plan. He added that he has known about the Plan and it had never been an issue before. If others had known earlier, it would have been addressed. He stated that he would never have developed Market in The Loop if there was not free parking.

Jessica Bueler, President of The Loop Special Business District, addressed the Plan Commission. Ms. Bueler stated that they do support the Plan and would offer support if the offending section was taken out of the Plan. She stated that they hold LSBSD meetings on the first Tuesday of every month and it was never brought to the attention of the LSBSD. If they had known, they would have addressed it earlier. She added that there is no evidence to support the proposal would work.

Frank Ollendorff, resident of 8128 Cornell Court in University City, and former City Manager, addressed the Plan Commission.

Mr. Ollendorff stated that to consider development as shown goes back on promises made to developers on that block. It also goes against urban renewal plans. He stated it violates redevelopment agreements between the Land Clearance Redevelopment Authority, the Plan Commission, and City Council; redevelopment agreements entrusted to the Planning and Development staff to enforce. He stated that he gave his word as City Manager to developers that there would be maintained in perpetuity 290 surface public parking spaces. That is what redevelopment agreements show. The words are not there, but that was the intent, in return for their investment in University City. That particular parking lot was a key portion of development and to violate that now goes against promises made. He stated that he had called City staff to locate copies of the redevelopment agreement and it could not be located. He stated that he did not think staff made those agreements available to the consultants. He added that this subject has come up every few years for the last 10 years and each time City Council has said no; they are committed to maintaining 190 free public surface parking spaces. He stated that three years ago an application was submitted to the City proposing condos at this location and was rejected by stakeholders. Two years ago in the mayoral campaign the subject came up and both candidates agreed that they would not propose building condos on this property. He added that this is not the consultant's fault, staff's fault, or the Plan Commission's fault as none of them were here. He added that it would be a major change in direction that has been repeatedly denied by City officials and would violate promises made to developers and he hopes this section will be deleted from the Plan.

Steven Stone, property owner in The Loop, addressed the Plan Commission. Mr. Stone provided a summary of the properties he and his father had owned and developed. He stated that parking became an issue due to an increase in automobile use. He stated that the parking lot began to turn the area around in addition to the vision of developers. In the late 1990s, the decision was made to stop trying to sell about 2/5s of the north portion of the parking lot. It was offered to Walgreens at one point. Mr. Stone stated that the decision was made to make it parking and to pave it as well as to eliminate Enright, and things began to accelerate with the development of The Loop. The Plan would be the first public document that reflects the aspirations of the community, but it would ignore the history of the development and the lessons learned from it. He added that those who have spoken have knowledge of the history of the area. He does not disagree with the idea that there may be future density that will require additional parking, but there are ways to have additional parking. Structured parking means that even the surface parking will be paid parking. He stated that they will not be able to do structured parking in place of lots and have it not be paid parking. He stated that the parking lot makes the area attractive. The last time this issue came up, the opposition was extraordinary. He stated that he does not want to see a good plan with a lot to offer the area shot down over somebody's view of community aspiration. He stated that he was not contacted about the proposal and there would be a lot of opposition to what would otherwise be a good plan. He added that the offending recommendation should be eliminated.

Ms. Greening asked if Joe Edwards was informed of the parking proposal.

Mr. Stone stated that Mr. Edwards was opposed to it.

Ms. Moran stated that she got the letter from the LSBDD last night and read through the Plan. She stated that she could not find information about all the available parking envisioned in the Plan.

She found on Page 119 what addressed commercial parking lots and proposed parking lots. She stated she thinks it is a good plan whether Area B is included or not. She is concerned about the artificial boundaries that do not take into account what is on the west side of Kingsland Avenue or the south side of Delmar. She asked if there was any way to look at what is going on outside of the boundaries and what else is available in the vicinity. She stated she is concerned about this corner [Delmar and Kingsland] and has seen its development from the beginning. Kingsland is the only north/south corridor that goes to Page and Olive. It is stated within the plan that a Kingsland trolley could be next. Perhaps there are compromises that could be made.

Mr. Hoal stated that the planning boundaries go to the alley south of Delmar.

Ms. Moran stated that it does not go west of Kingsland.

Mr. Hoal stated that the Loop was challenged with parking and that in the Plan they have increased parking.

Ms. Moran stated that the problem sounds like it is structured parking vs. surface parking.

Mr. Lai stated that the appendices addressed the parking study.

Mr. Senturia asked if there were any further public comments or questions. There were none.

Zoning Text Amendment – Proposed amendment to Article 8 of the Zoning Code

Mr. Senturia asked for some background information for Ms. Locke as the new member.

Mr. Lai stated that the proposed Text Amendment dates back to the last election. There were some enforcement issues regarding political signs. It generated some reaction about why the ordinance was enforced in the way it was. Staff had been instructed to look into the ordinance and see if it required an amendment. It went before the Code Review Committee first and then to the Plan Commission. The Code Review Committee met and made a recommendation. It came before the Plan Commission at the last meeting at which time it was referred back to the Code Review Committee for further discussion. The Code Review Committee met and made a recommendation which was provided in the packet. Also provided was the memo staff prepared for the Code Review Committee.

Mr. Lai added that the Plan Commission Chairman indicated on the phone that he supported the recommendation from the Code Review Committee.

Mr. Senturia asked for questions.

Mr. Greatens added that the recommended language was in Attachment B of the memo included in the packet.

Mr. Lai stated that legal counsel was in attendance to answer any questions.

Mr. Senturia asked for clarification about the proposed exemption and the Section it pertained to.

Mr. Greatens stated that the proposed amendment to Section 104.1.4 which pertained to prohibited signs and would include the exemption.

Mr. Senturia asked for questions. There being none, he called for a motion.

A motion was made by Ms. Felton to accept the revised language and approve the Text Amendment. The motion was seconded by Ms. Moran.

The motion was approved unanimously.

Mr. Lai stated that the Text Amendment would be forwarded to City Council and a formal public hearing would be held at the City Council level.

Reports

Code Review Committee Report

Mr. Greatens stated that the Code Review Committee met on May 9 to discuss agenda item 5.b.

Comprehensive Plan Committee Report

None

Mr. Senturia stated that he was on the Joint Redevelopment Implementation Committee (JRIC) and they hired Armstrong Teasdale to draft an intergovernmental agreement.

Council Liaison Report

Arthur Sharpe Jr. stated that the Golf Cart path at Ruth Park Golf Course will be completed this year. Council is currently working for raises for employees. The streets and trees need attention and ways to address them are being discussed as well as the trolley project. The budget is now the main major item to be finalized by June 27. Kingsland Walk is in flux. The five houses being built by Habitat for Humanity are moving forward and should be completed sometime next year.

Ms. Felton asked about 8162 Olive Boulevard which came before the Plan Commission last year. She stated that there were seven cars parked there every morning and it needed to be looked into. She stated she recalled there was not to be any new residential units there.

Mr. Lai stated that there was a request last year for re-use of the property and to change the zoning. He stated that staff would look into the situation there.

Mr. Senturia asked for motion to adjourn.

A motion was made by Ms. Locke to adjourn. The motion was seconded by Ms. Moran. The meeting adjourned at 8:15 pm.

