

City of Shrewsbury
Plan Commission Public Hearing
April 11, 2013

A meeting of the Plan Commission was held on the 11th day of April, 2013 at the Shrewsbury City Center, 5200 Shrewsbury Avenue, Shrewsbury, Missouri. The meeting was called to order at 6:30 p.m. in the Aldermanic Chambers.

Commissioners Present:	Carol Basler	Commissioner
	Mike McArthur	Commissioner
	Karen Diehl	Commissioner
	Paul Sneed	Commissioner
	Garen Miller	Commissioner
	Wayne Smith	Commissioner
	Tom Craddock	Commissioner

Other City Staff Present:	Jonathan Greever	Director of Administration
	Matt Stoll	Code Enforcement Officer
	Bill Fox	Fire Chief
	Jim Wilder	Building Commissioner
	Carly West	City Clerk

Commissioner Craddock called the meeting to order and City Clerk West commenced with the roll call. Commissioner Loher was absent.

Fence Variance at 7802 Grove Avenue

Mr. Evan Snively was present to request a variance to erect a six foot wooden fence on a corner lot at 7802 Grove Avenue. Mr. Snively explained that his property is on the corner of a very busy intersection right off Wilshusen, and there is a great deal of traffic. He stated that they also have a Great Dane, and the fence needs to be six feet tall to contain him and give him room to run. He also stated that they had plans to start a family and wanted to make sure their yard was safe for children. Elmer Kauffmann expressed his support of the Commission approve the application. Commissioner McArthur made a motion to approve the application. The motion was seconded by Commissioner Craddock and passed unanimously.

Revisions to Title IV: Land Use, Chapter 415 of the Shrewsbury City Code of Ordinances

Commissioner Miller expressed his concern about the fact that this submission was not included in the packet and confirmed that the ordinance had been finalized that day. He asked if there was any specific reason for this ordinance to be rushed through, and Director Greever answered that there was not. Building Commissioner Jim Wilder stated that it had been in the works for some time, but several small changes and revisions had been made along the way.

Mr. Wilder explained that this ordinance was a clarification of "retail floor area" as opposed to "gross floor area" or "net floor area." He explained that gross floor area was the entire floor area, where net floor area would exclude things like elevator shafts or floor space taken up by columns. He stated that currently, an applicant would have to go through zoning review before getting

approval for a parking lot, but that could not take place until the retail floor area was addressed, which came later in the process, making the procedure the reverse of what it actually needed to be. He stated that the definition of retail floor area was included in this ordinance, which would alleviate the concern.

Commissioner Miller questioned the inclusion of "basement floor" on the list of areas that were not considered retail floor area, as some buildings might use the basement floor as retail space. Mr. Wilder answered that it referred to unfinished basement floors that were not being used, and Commissioner Miller noted that the ordinance was not written to specify that. Mr. Wilder answered that it was assumed.

Mr. Wilder clarified that this ordinance was to include the use of a building in the process of getting zoning approval. He further stated that there were many parts of the Code that did not need to deal with retail floor area, and this would not affect those parts.

Commissioner Miller stated that since the Commissioners had received the ordinance immediately before the meeting, they had not had an opportunity to see what the Code currently says, and to compare what was being proposed to what was already in place. He stated that as Chair, he would entertain a motion to table the conversation until such a time as the Commissioners had had more of a chance to review the item.

Director Greever proposed to make available to the Commissioners both the current version and the proposed version, with the changes itemized out so a comparison could be made. Commissioner Smith suggested that Mr. Wilder briefly explain the changes that were being proposed before they adjourn.

Mr. Wilder explained that the issue of "retail floor area" was the issue that started off the revision of this section of the Code, but while he was reviewing it, he also found other parts that need to be updated. Commissioner Miller asked if anyone had discussed with Mr. Wilder the parking lots being mostly empty or if anyone had suggested that a study needed to be done to review parking lot ratios. Mr. Wilder answered that it had not been suggested, but that parking lot ratios had been brought up at other meetings. He again clarified that the inclusion of the definition of "retail floor area" was to ensure that the process for obtaining the correct approvals and permits happened in the correct order. He stated that he was including something from the building code into the zoning code. He reiterated that this only applied to retail space.

Commissioner Miller asked if the parking code and the ratios therein needed to be updated or modernized. Mr. Wilder answered that he reviewed several of the surrounding municipalities, and there was very little difference. He stated that the trend is moving from 5 parking spaces per one thousand square feet of retail floor area to 4.5 spaces, due to the size of cars and the inclusion of compact car parking, which he also included.

Commissioner Miller noted that he was seeing a trend towards 3.5 spaces, with communities trying to force public transportation and reduce large, empty lots. He stated that there were some communities that were going as low as 2 parking spaces. He stated that if the ratio was going to be done, he wondered if a parking study should be done to make sure the ratio was appropriate for Shrewsbury. Mr. Wilder stated that the only change in that section of the code was reducing the five spaces to 4.5 spaces, and including smaller, specifically marked spaces for compact parking.

Commissioner Miller noted that the section dealing with the surface of parking lots had very specific, proprietary specification. He stated that there could be different ways to express the City's expectations, and traffic patterns within a parking lot would necessitate certain specifications. Mr. Wilder stated that he preferred to keep the wording as general as possible, and that the Code should be performance codes. He explained his use of the words "shall" and "may" and how they affect the Code, and his use of the word "may" here puts the onus on the designer or architect.

Commissioner Miller stated that MoDOT already had a good standard in place that could be cited by this code. Mr. Wilder stated that his use of the word "may" means that MoDOT standards could be used. Director Greever asked if Commissioner Miller was suggesting that the first sentence of Section 6 be changed, and Commissioner Miller stated that since there were already changes to be made, that section could be further refined.

Commissioner Sneed noted that different parts of parking lots had different needs based on proximity to the store, whether it was a drive lane or if it was a parking spot, and builders try to capitalize on that to save money. Commissioner Miller stated that as the Plan Commission, they needed to ensure that parking lots were very stable and weren't going to deteriorate over time. He also noted that there was nothing in the Code that addressed what the intent of the community was, and that performance specifications were necessary.

Mr. Wilder stated that the Code does provide performance specifications, stating that the materials needed to be equal to or better than what was listed, and the designer needed to prove it was acceptable. Commissioner Miller stated that he felt it would be easier to include the MoDOT standard as the requirement, and still include the clause about equal or better materials. Mr. Wilder stated that he does not know the MoDOT standards or their review process, and he did not know if there would be some random caveat that allowed for materials that were not appropriate, which is why he preferred to leave it generic. He further stated that MoDOT had to allow for many different kinds of surfaces, but they were strictly referring to parking lots. He further noted that MoDOT standards were written for surfaces that MoDOT had to maintain, but in the Code, the owners of the parking lot would be required to maintain it.

Commissioner Miller noted that MoDOT had engineering-based standards, and Mr. Wilder replied that it would be possible to include a statement that MoDOT standards may be accepted, but he reiterated the importance of the word "may." Commissioner Miller stated that while these parking lots are private property, emergency vehicles and commuters use the parking lot essentially as a street, and it would need to be up to the standards of a MoDOT street.

Mr. Wilder explained that naming MoDOT in the Code would necessitate him finding a MoDOT specialist and paying that person to review plans for him. Commissioner Miller answered that the engineer's stamp on the plans transfers the liability for making sure all standards are met onto the engineer. Mr. Wilder stated that if something in the Code is referenced, the burden is on him to make sure it meets the standards. Commissioner Miller stated that the Code could instead reference the expectations of the City.

Commissioner Sneed asked if there was any other place in the Code that defines what the "compacted crushed stone" and "bituminous surfacing" referenced in the ordinance were. Mr. Wilder answered that they were.

Commissioner Miller agreed that the Code needs to be performance-based and not proprietary, and that it could even be more general. He asked if the first sentence of the proposed Section 6 could

be struck and only the second sentence remain. Director Greever suggested that there could be an intent clause included that does not specifically mention MoDOT, but references it.

Mr. Wilder referred to Section 7, dealing with loading spaces, noting that they were design parameters, and explained that the standards listed were minimum standards, so that buildings were not required to have excessive amounts of loading spaces. He stated that he had included one loading zone for the first 2,000 square feet, one for the next 10,001 feet, and so on. He also clarified that it was a loading zone and not a loading dock, because a small business would only need a space allowing for a delivery truck to park. He reiterated that it was a minimum standard. Commissioner Miller noted that an online company might have a very large building but no need for any loading bays, and that exceptions such as that could come before the Commission. Mr. Wilder agreed, and reiterated that it was not a loading dock, but a loading zone.

Mr. Wilder explained that more general Codes work better, and then exceptions could be dealt with later. He reiterated the use of the words "may" and "shall." He addressed advances in drywall, lighting, and sprinklers, and the fact that those aren't addressed in the current Code. He stated his desire to adopt the 2009 version of the Building Code.

Commissioner Miller referred back to the parking count ratio and mentioned that there are several parking lots around Shrewsbury that are mostly empty most of the time, and the Code could allow for the designer greater flexibility in using spaces as best as they can. Commissioner Craddock noted that if a building were built that was allowed a variance for smaller numbers of parking lots, if that business moved out and another was interested but there was not enough parking, the City might be left with an empty building that couldn't be used. Commissioner Miller stated that the Code could be written in a way to that would require the designer to prove that a variance was appropriate.

Mr. Wilder stated that he thought in terms of generalities in writing codes, and the input of the community in the form of the Plan Commission was vital. He spoke at length about the differences between what the designer and architect would want as opposed to what a code enforcement official would want in a city's building code and how the building code comes about.

Commissioner Miller asked what the reasoning behind changing the parking ratio from five to 4.5. Mr. Wilder answered that he looked at the codes of the surrounding municipalities, and there has been a trend in the past ten years or so to lower it to 4.5. Commissioner Miller stated that he had discussed with citizens the fact that the parking lots in Shrewsbury very rarely, if ever, fill up. He noted that there was a loss of sales tax revenue from these vast stretches of empty pavement, and it is a waste of land in a community that has very little land to offer.

Mr. Wilder noted that the general language of the code should not be changed, and that instances where there are empty parking lots could be dealt with via variance requests instead. He again explained that generalization allowed for the City to approve or disapprove as they see fit.

Commissioner McArthur made a motion to table this item until the April 29th meeting. Commissioner Diehl seconded the motion, and it passed unanimously.

Adjournment

There being no further business to consider, Commissioner McArthur made a motion to adjourn the meeting. Commissioner Craddock seconded the motion, and it was unanimously passed.

The meeting adjourned at 7:10 p.m.

Respectfully Submitted,



Carly West
City Clerk