

CITY OF WEBSTER GROVES

May 17, 2016

The City Council met this date in a regular session in the Council Chambers at City Hall at #4 E. Lockwood at 7:36 p.m.

Present at Roll Call: Mayor Gerry Welch
Councilmember Toni Hunt
Councilmember Greg Mueller
Councilmember Ken Burns
Councilmember Matt Armstrong
Councilmember Frank Janoski
Councilmember Bud Bellomo

A quorum was present.

Also present: Mr. Steve Wylie, City Manager
Mr. Helmut Starr, City Attorney
Ms. Katie Nakazono, City Clerk

RECOGNITIONS

The Mayor and Council recognized Fire Captain Marty McLaughlin on his retirement and thanked him for his years of service.

PUBLIC HEARING

Webster Professional Group Accessory Parking: An Application by Webster Professional Group LLC (Steven Bumbera) for a Conditional Use Permit to Allow an Accessory Use Parking Area Located on a 3,500 Square Foot Lot at 27 Denver Place in the "A4" Seventy Five Hundred Square Foot Residence District

Mayor Welch opened the public hearing. Mara Perry, Director of Planning and Development, gave a presentation on the application (**See Exhibit A, pages 1-6 in the City Clerk's Office**). Ms. Perry showed a map and aerial photo of the property and explained the five factors and existing conditions (**See Exhibit A, pages 1-3**). The property is very narrow and used to have a single-family home. The only thing on it now is a driveway. There is a property on the corner that is zoned "C" Commercial that has a single-family home on it. She explained the Comprehensive Plan Analysis (**See Exhibit A, page 3**). This is in compliance with the Comprehensive Plan. The requested use is essentially to provide a driveway. We had to do it as an accessory use parking area because of the way the Code is written. What is being requested is that this parking area here, it is pretty difficult to get cars in and out, the request is to make this parking area a one-way and the driveway would continue and come out in the location where the driveway was previously. The request is basically to put a driveway through. It is not wide enough to put parking in but will make the connection to the commercial parking lot and provide a flow of traffic. She reviewed site access (**See Exhibit A, page 4**). The access is currently impeded. The proposal would allow for the parking area that is currently there to be configured better. We did an analysis of the setback and buffer requirements (**See Exhibit A, page 5**). One resident has concerns with not adding additional stormwater as well as an existing tree. In the review of the tree preservation, as well as the plans for the permits, both should be addressed and in some cases might be made better. The driveway is now on her property. There is still a six foot requirement, but we have a slight difference in how the code requires it when you are putting commercial parking next to a

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residential zoning. This is a residential district to a residential district, and in that case it is a ten foot buffer requirement. Because it is not commercial to residential, staff was recommending a seven foot buffer be put in place. That allows the ability to put a fence in as well as landscaping required in the landscape code. She reviewed other staff recommendations (**See Exhibit A, page 6**). We also had in the ordinance a “Do Not Enter” sign shall be installed at the exit of the driveway on Denver Place as directed by the Director of Public Works. That was added by the Plan Commission.

Councilmember Mueller asked if in paragraphs 3 and 4 there has been a meeting of the minds regarding what a vegetative buffer is. I just want to make sure the City and the applicant understand. Ms. Perry stated that they have had conversations with the applicant that it would be a mix of materials we have talked through. We are going to require a mix that will provide screening in all seasons. Tall, thin, columnar evergreens will probably be what is required. There was discussion about smaller bushes along the northern property line because the code does not require any landscaping to the commercially zoned property, but we wanted to include some within that buffer too.

Mayor Welch asked about the six foot high fence being required. Is this something the neighbors actually want? Ms. Perry stated that it is in the Code. The neighbors who came to the meeting from that side of the property had stated that there were some concerns that as cars start turning, they are kind of in their backyard. So this fence will provide for that. They shouldn't be driving around in the evening. The hours of this business are typical hours that end early. But the residents did not have an opposition to the fence and the buffer at the Plan Commission meeting.

Mr. Starr stated that it is a solid sight-proof fence that prevents the lights from the cars from shining in people's homes.

Councilmember Janoski stated that there is a business there now, but there is also a space available. Is there a limitation on types of businesses that could be located there? Ms. Perry stated that it is “C” Commercial. “C” Commercial doesn't have a limitation on hours and is pretty broad in the types of uses. Any type of retail use or something that would require additional parking would not be able to be accommodated on the site. The owner is the owner of one of the primary businesses and the other office space would probably be leased to office-type uses.

Councilmember Janoski stated that we heard from 31 Denver Place. Have we heard from 23? Ms. Perry stated that they came to the Plan Commission meeting and spoke. They were concerned about pedestrians and the sidewalk configuration because a lot of people walk down to the park. They were concerned about making sure this was a one way, and sight distance. We would ensure that the fence did not go so far as to impede sight distance and we would require landscaping to be lower as it got to the curb cut.

Councilmember Burns asked about the existing driveway. Ms. Perry stated that it is a driveway left from the previous residence.

Councilmember Burns clarified that this will be creating a new traffic pattern.

Councilmember Armstrong asked if the Code dictates the type of material the driveways be made of. Ms. Perry stated that in this case, because they are asking for an accessory use parking area it does. It requires that they pave it with bituminous concrete or equivalent surfaces. It cannot be gravel.

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Councilmember Janoski stated that there is green space now, and the driveway. Are you saying the green space will stay there or be moved? Ms. Perry stated that the green space would be reduced because the driveway has to slide slightly to the south so it is on its own property. That would be the location where the additional landscaping and fence would be placed.

Councilmember Bellomo asked about the tree at 31 Denver Place. Ms. Perry stated that they do require a review for tree preservation. In this case, any trees within ten feet of the property line need to be insured for how they are going to be protected. Essentially this is probably the only tree that will be impacted based on that. We have already been speaking with the City Arborist. In the case of this, a retaining wall on top of it could cause some issues to the root system. The driveway itself won't necessarily cause issues but we will make sure to protect the tree itself and look at ways to minimize any damage.

Councilmember Burns stated that he assumed we'd be hearing from the neighbor who wrote the letter. Ms. Perry stated that she didn't see her. She believed she wrote the letter because she could not be in attendance tonight. We recommended she get a letter to us with her concerns so it was on the record.

Mr. Starr stated that because this is the first Conditional Use Permit the new Council has heard, he wanted to remind them that they sit here in a quasi-judicial capacity, in an administrative capacity and if you look at the elements on the first page of the ordinance itself, those five factors govern whether you do or do not grant a Conditional Use Permit. Neighbors have an important say in the matter, but can't be the only consideration that you have.

Steven Bumbera, applicant, stated that he owns the building at 602 W. Kirkham. I also own the property behind it at 27 Denver Place. 27 Denver was in disrepair when I purchased it, we have done a lot of renovation to it to make it look nicer. It had a house on it that was demolished prior to the purchase. It is 25 feet wide which makes it unusable to put a house on it. He stated that many of his customers are elderly and retired and their safety is his main concern. I deal with many of them on the phone and may have one or two appointments a day. 50% of my clients are out of state, so that limits the amount of traffic. My major concern is the safety factor. Kirkham has that sharp corner. Not only that but we are downhill so the speed is not always adhered to. I have had some close calls in the past. The solution I believe is a win-win for everyone involved. Allowing clients to back out of their parking space and drive forward through the driving area I do not believe will impact the welfare of the community at all. If anything I think it will make it look nicer than it does now. The pavement is in rough shape and the terrain used to be a garden and has a lot of holes. It will not increase traffic to the area. Some of the concerns the neighborhood had is that it was listed as an auxiliary parking area, I went to the neighbors and relieved them of that concern. It is just the terminology they had to choose. The codes she had mentioned (regarding the setbacks) are roughly the same size and just centering the driveway. The traffic will be in one direction only and shouldn't impact the neighbors negatively. Some of the concerns brought to my attention were the one-way sign, water runoff, I was hoping we could have a curb there, another concern was pedestrians walking down the sidewalk that cars might not see, but with the fence being back far enough that shouldn't be an issue. The tree roots were also brought up, the existing tree there now, the pavement, I couldn't attest to how long it has been there. There are virtually no cracks so it is not lifting up on the pavement and there shouldn't be an impact going forward. My intent foremost is safety. Safety of my clients backing out onto Kirkham and safety for pedestrians and citizens of Webster Groves. My house is two blocks away, I am involved in the community. This building was a great fit for my business. I anticipate staying here permanently. I have

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three boys in the neighborhood, so I understand the importance. I think this is a good fit for everyone. I look forward to working with the neighbors.

Councilmember Burns asked about the grades. Mr. Bumbera stated that if you look at the grade of the lot on the left, from their driveway it is down about a foot and a half, 20 feet back. So there would have to be a retaining wall to maintain that. My intent was to put a retaining wall there with low shrubs to take care of that.

Councilmember Burns asked about the grade of the drive behind the house on the corner. Mr. Bumbera stated that it is 13 inches at one point and 19 on the other. So there is a slight grade. He clarified that there would be a retaining wall on both sides of the entrance.

Councilmember Burns clarified that the Planning Director will have control over the drainage patterns and everything so we will keep an eye on that and make sure there is no additional hazard for 31. 23 is above it anyway.

Councilmember Janoski asked about the fence on the south side, headlights won't be going into the windows at 23, right? Ms. Perry stated that is the intent of the fence at that point.

Mr. Bumbera stated that the corner of the building there is a streetlight so the whole area is well-lit. I don't think a headlight would have any impact.

Councilmember Mueller asked if Mr. Bumbera was aware of and in agreement with the conditions set by the City. Mr. Bumbera stated that he is not aware of all of the stipulations, but is willing to work with Mara to meet those.

Ms. Perry stated that it is the same as at Plan Commission. Mr. Bumbera stated that in that case, he is.

Councilmember Mueller clarified that it will improve traffic flow and conditions, and won't increase fire hazards, and he is going to improve the lot. Mr. Bumbera agreed.

Connie Govero, 31 Denver Place, stated that she is concerned about her tree. It is pretty close to the driveway he is wanting to build. My concern is that the old asphalt driveway is going to have to be taken off and the tree sits really close to that. So to me it is going to do something to the root system. At the last meeting they said they would send out an arborist. I just need to know that is going to happen. And my understanding was that they were going to build some kind of a green wall to block my residence from this driveway. He said short ones. I was under the impression it would cover the whole thing.

Councilmember Burns asked what she would like. A hedge of four feet? Ms. Govero stated that she has no clue. He is kind of making an alley instead of just a driveway. I've been there since 1996, this is the third business in that building. The first one cleaned air ducts, so they had service trucks. If he rents to someone like that, are these trucks going to come through there. It depends on who he is leasing to. I was told anyone can move in there, because it will increase traffic. Larson Park is at the end of the street. There is traffic lined up for ball games and everything else. There is no crosswalk. Kirkham is like a raceway. I understand wanting to get the traffic off there, but I think it is going to make more congestion on the other part.

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Mayor Welch asked Ms. Perry to respond to those issues. Ms. Perry stated that going back to the tree and landscape buffer, we want to make sure the plants planted there are ones that can survive. It is a six foot, so we will work with Yvonne on the types of plantings that can grow. You want to start them out a little smaller, so they are going to start smaller for them to grow. If you plant something large, they die quicker. We will do that on both sides. We will also work with stormwater issues and the arborist will work with the tree and how it can best be protected through the construction.

Mayor Welch asked if there is any way to prohibit trucks. Ms. Perry stated that she doesn't think so. If a FedEx truck comes, it is a one-way. We had the discussion about hours. Limiting the hours for just this drive. If someone happened to pull in there because they are lost and on Kirkham limiting when they can come through is hard to monitor.

City Manager Steve Wylie asked when this was zoned commercial. Ms. Perry stated she doesn't remember but it has been a long time.

Councilmember Janoski asked how many parking spaces are going to be on the side. Ms. Perry stated that there are eight right now. If it goes to a 45 degree angle configuration they could get as many as ten. I can't see any more than that. We did not go in and reconfigure the parking on this existing lot.

Councilmember Hunt stated that Mr. Bumbera operates on the first floor. Does anyone lease the second? Ms. Perry stated that there are tenants there now. Their lease is up soon. He will be leasing to new people.

Mr. Starr asked how many square feet. Mr. Bumbera stated that he has the front half of the first floor. There are three offices in the back and the second floor. The second floor is roughly 1,500 square feet. The back offices are professionals. Not a service industry or anything of that sort.

Councilmember Hunt stated that this CUP is for his use. So if he sells they will have to come back in for another CUP to use this.

Councilmember Janoski stated that lessees will not.

Mr. Starr stated that it is for the property.

Ms. Perry stated that the "C" Commercial district has no limitation on hours. It is just zoned straight "C". Councilmember Hunt is correct, this CUP is for this property owner. If he sells the property a new CUP would be needed for this drive. It is also correct that as a tenant comes in, if it is something that requires additional parking we would discuss whether they could come in or not. For 1,500 square feet the parking there now is grandfathered in because it is office use. If someone came in and wanted to do a catering use, we'd look at it and say it needs additional parking and could not go in because they don't have the parking on the site. It has been offices the whole time and will be able to continue to be parked as it is.

Councilmember Janoski clarified that an accountant could, during tax season, have clients in there until 9 or 10 at night. Ms. Perry stated that he was correct. Mr. Starr stated that he could do that now without a CUP. This is about the lot allowing the accessory parking.

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Councilmember Mueller asked if the City has a history of success of preserving trees in construction areas. Ms. Perry stated that they do. We have tried to work very carefully to preserve existing trees.

Councilmember Mueller clarified that the City arborist will work with this property and Ms. Perry feels comfortable moving forward with preserving the tree. Ms. Perry stated that she did.

Councilmember Burns stated to Ms. Govero that he appreciates that this coming in behind your house raises concerns on your part. I just want to make the comment that I think if this drive is put in properly in the direction it seems to be going in, I think you are going to pick up an additional six foot buffer. Currently the drive that serves the house is right on your property line or on your property. I think this may end up being an improvement. I am very empathetic to the concerns. Ms. Govero stated that she agrees but is concerned about the tree and runoff.

Mr. Starr entered the following into the Public Record:

1. Application – April 11, 2016
2. Staff Recommendation to the Plan Commission – May 2, 2016 with Photos of the Site, Zoning Map, and Aerial Photo of the Neighborhood
3. Site Plan – April 25, 2016
4. Elevation – April 25, 2016
5. Minutes of the Plan Commission – May 2, 2016
6. Letter from Connie Govero

Mayor Welch closed the Public Hearing.

BILL #8931 – FIRST & SECOND READING

Councilmember Bellomo introduced **BILL #8931 – ENTITLED: AN ORDINANCE APPROVING THE APPLICATION BY PROFESSIONAL GROUP LLC (STEVEN BUMBERA) FOR A CONDITIONAL USE PERMIT TO ALLOW AN ACCESSORY USE PARKING AREA LOCATED AT 27 DENVER PLACE ON A 3,500 SQUARE FOOT LOT ZONED “A4” SEVENTY FIVE HUNDRED SQUARE FOOT RESIDENCE ZONING DISTRICT**, and at the Councilmember’s request, the Bill was read twice, first and second times by title only, and placed on the agenda for future consideration of the Council.

REMARKS OF VISITORS

Jennifer Grotpeter, 1443 Lanvale, stated that she had hoped to address some neighbor concerns over a rash of car break-ins. However, I woke this morning to find myself the owner of a new latrine, deposited in my yard by unknown parties. This is about the fourth or fifth woman who has woken in the morning to find a strange object or vandalism decorating their homes. We have not had much luck with law enforcement taking us very seriously. After looking at what we have in common, the thing that came to us was that we are very outspoken women, and in a community venue, such as our Facebook group. I was fortunate that Captain Nelson did come to my house and offered to remove the toilet. We see this as an effort to shush us up and we will not go silently into that. I just wanted to make sure you were aware this was going on.

Police Chief Dale Curtis stated that regarding the incidents they did take Police reports. We understand the quality of life issues and concerns about the conversations on the Community Connect but we are limited as to what we can do by the law. So if we don’t have a reasonable suspicion of probable cause to develop a lead on some person we are limited in what we can do. We were only aware of two

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incidents. The others were not reported until this morning. We do what we can, it is unfortunate, but I respectfully disagree that law enforcement doesn't care or hasn't taken a report. We do take it seriously but are limited in what we can do. We are willing to work with them on that. In terms of the Community Connect and the conversations that take place there, we have little control over that. Unless we can develop a suspect which can be hard to do in those venues, there is little we can do.

Mr. Starr clarified that the Community Connect is not a City-sponsored website.

Dave Buck, 124 S. Elm Ave., stated the following: This is not a criticism. But an opportunity. I have been going through the draft budget, which is terrific. But I now believe more than ever that there is a big need and opportunity for Webster Groves to develop a **strategic plan** to help define and guide how the city moves forward in the future.

Strategic plans have been used in business for years, but they are now also being used in other types of organizations and institutions, including city government. For example, the City of Clayton has a strategic plan, which can be accessed online and is impressive, and the City of Des Peres, as reported by the W-K Times, just initiated a formal strategic planning process using an outside firm.

To me, Webster lives and is governed by several essential documents, like its long-time mission statement; the annual budget for operations, the City Charter for organization, and its comprehensive master plan for land use.

But the vital and unique benefit of adding a strategic plan is that it addresses three simple, fundamental questions:

1. Where are we now?
2. Where do we want to be?
3. How do we get there?

As such, a plan addresses things like vision; key opportunities, problems and issues; specific and quantifiable goals and setting priorities; and the key strategies to achieve them.

To me, the closest thing we have to a strategic plan are the visional directions buried back on page 425 of the appendix of the annual budget. I don't think residents have any idea what they are.

What better time than now to think through and develop such a plan with the new Council. Plus, what a great opportunity and sign of unity to reach out and gather community input in developing a plan that impacts everyone.

NEW BUSINESS - MAYOR, COUNCILMEMBERS, CITY ATTORNEY, CITY MANAGER
No New Business.

UNFINISHED BUSINESS
BILL # 8923 – THIRD READING

A motion was made by Councilmember Armstrong, seconded by Councilmember Bellomo, to table **BILL #8923 – ENTITLED: AN ORDINANCE AUTHORIZING THE CITY MANAGER TO**

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EXECUTE, ON BEHALF OF THE CITY OF WEBSTER GROVES, A PURCHASE AND MAINTENANCE AGREEMENT BETWEEN AND AMONG OWEN RIDGE ASSOCIATES, LLC, THE GREAT RIVERS GREENWAY DISTRICT, AND THE CITY AND MATTERS RELATED THERETO.

Mr. Starr stated that he just can't predict when we might know for certain that a No Further Action letter is coming from DNR on the property. I don't think Great Rivers Greenway or the City want to accept that property with potential to have cleanup issues.

Mayor Welch called for the vote to table Bill #8923.

MEMBERS VOTING:

AYES: HUNT, MUELLER, BURNS, ARMSTRONG, JANOSKI, BELLOMO, WELCH

NOES: NONE

Mayor Welch stated that Bill #8923 was tabled until we get the information we need.

NEW BUSINESS

BILL #8927 – FIRST & SECOND READING

Councilmember Mueller introduced **BILL #8927 – ENTITLED: AN ORDINANCE OF THE CITY OF WEBSTER GROVES, MISSOURI, AMENDING CHAPTER 56, "ARCHITECTURAL REVIEW BOARD," BY REVISING SECTIONS 56.050 ET. SEQ. TO AMEND THE PROCEDURES FOR REVIEW OF SIGNS BY THE ARCHITECTURAL REVIEW BOARD AND TO CLARIFY PROCEDURES IN THE CHAPTER**, and at the Councilmember's request, the Bill was read twice, first and second times by title only, and placed on the agenda for future consideration of the Council.

Ms. Perry gave a brief presentation on the proposed changes (**See Exhibit A, pages 7-9**). Staff is recommending a series of changes to Chapter 56, primarily to address signs. She gave a brief summary of the changes (**See Exhibit A, page 7-9**).

Councilmember Janoski asked about the definition of "Structure." Ms. Perry clarified.

Councilmember Burns stated that being an architect and having dealt with the ARB over decades, there has been a slow, steady progression of things they get into. There was a point in time where even a detached garage was not dealt with by them. Anything regarding signs, fences, replacement of windows if they are in like kind, garages, and even minor changes, anything that can facilitate moving projects forward in a legitimate sense and avoiding going through the ARB process is something the businesses and residents of the City appreciate and enjoy and is a constructive way to go at things. Any other ways you can streamline the process, feel free to bring up to us, and I think you'd find my support for that.

Councilmember Mueller stated that the amendments seem like a reasonable change for the benefit of our business owners and taxpayers.

BILL #8932 – FIRST & SECOND READING

Councilmember Hunt introduced **BILL #8932 – ENTITLED: AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE, ON BEHALF OF THE CITY OF WEBSTER GROVES, A CO-OPERATION AGREEMENT WITH THE METROPOLITAN PARK AND RECREATION DISTRICT, D/B/A THE GREAT RIVERS GREENWAY DISTRICT AND**

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MATTERS RELATED THERETO, and at the Councilmember's request, the Bill was read twice, first and second times by title only, and placed on the agenda for future consideration of the Council.

Councilmember Burns stated that there were a lot of financial considerations on the prior bill. Are there no financial considerations on this one?

Mr. Starr stated that the City is not spending any money to acquire any trails to my knowledge on this one. It is merely committing to maintain and operate. It is fairly standard proceeding with GRG. They don't want to maintain and operate these trails. They want to build them.

CONSENT AGENDA

A motion was made by Councilmember Burns, seconded by Councilmember Hunt, to approve the Consent Agenda.

Mayor Welch called for the vote on the Consent Agenda.

MEMBERS VOTING:

AYES: MUELLER, BURNS, ARMSTRONG, JANOSKI, BELLOMO, WELCH, HUNT

NOES: NONE

Mayor Welch stated that the Consent Agenda was approved.

The following Consent Agenda was approved.

- **Approval of Minutes** – May 3, 2016
- **Set Public Hearing Date for Fiscal Year 2017 Proposed Budget** – June 7, 2016 – 7:30 P.M. in the Council Chambers at City Hall

APPOINTMENTS TO BOARDS AND COMMISSIONS

- Thomas Waltz was appointed to the Board of Adjustment.
- Heather Maranan, Kim Simon, and Carol Evans were appointed to the Farmers Market Commission.
- Robert Hart was appointed to the Library Board
- John Ahearn was reappointed to the Arts Commission.
- Tim Eichholz, Pam Niehaus, and Mike Pincus were reappointed to the Business Development Commission.
- Patricia LaPresta was reappointed to the Sustainability Commission.
- Greg Haug was reappointed to the Traffic Advisory Commission.

EXECUTIVE (CLOSED) SESSION

Councilmember Janoski made a motion, which was seconded by Councilmember Hunt, to go into Executive Closed Session per Attorney-Client Privileged Communications [MO Statute 610.021(1)].

Mayor Welch called for the vote to go into Executive (Closed) Session.

MEMBERS VOTING:

AYES: WELCH, HUNT, MUELLER, BURNS, ARMSTRONG, JANOSKI, BELLOMO

NOES: NONE

Mayor Welch stated that they would go into Executive (Closed) Session.

ADJOURNMENT

There being no further business to come before the City Council, the meeting was adjourned at 8:58 p.m. on motion of the Mayor, duly seconded.

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PASSED AND APPROVED this 7th day of JUNE 2016.


MAYOR


CITY CLERK

