

Webster Groves Plan Commission
Meeting Minutes
January 7, 2019

Members Present	Charles Sindel	PLANNER
	Brandon Harp	Danny Jendusa
	Steve Hunkins	DIRECTOR OF PLANNING & DEVELOPMENT
	Scott Mueller	Mara Perry
	Annie Tierney	CITY ATTORNEY
	Anne Tolan	Neil Bruntrager
	Christopher Michael	COUNCIL LIAISON
		Matt Armstrong
Members not Present	Jeff Smith	
	Adam Field	

REGULAR SESSION

1. Sindel opened the meeting at 7:00 p.m.
2. **APPROVAL OF MINUTES:**
Sindel asked for a motion to approve the minutes from the December 10, 2018 meeting. Tolan made a motion to approve. Michael seconded the motion. The motion passed 7-0.
3. **PUBLIC COMMENTS:**
There was none.
4. **PUBLIC HEARING:**

18-PC-19 Zoning Code Text Amendment – Group Residential Facilities: Proposed amendments include changes and additions to Sections 53.020, 53.046, 53.056, 53.066, 53.076, 53.100, 53.116, 53.145, 53.156 and 53.159 of the Zoning Ordinance in order to create regulations for group residential facilities in all districts.

Perry said based on feedback from the November and December meetings staff has continued to clean and update the language for these proposed changes. They did research other cities in the state as well as our current occupancy permit requirements and some of the recent allowed changes to those. The definitions changes included replacing “person” to “householder”. Under Adult Day Care Program, “the State of Missouri” replaced Department of Social Services Division of Aging. Under the Child Day Care sections, the wording was clarified for the number of children to state who are not “members of the householder’s immediate family”. The definition of disability was changed to have the same meaning as the definition of “handicap” in the Fair Housing Act. A Group Care Home was

changed from a home to a “dwelling” that is occupied on a permanent basis as opposed to a transient guest. “Residential Care Center” does not include “apartment”, “Bed and breakfast”, “hotel”, or “student housing” which are separately defined was added to the definition of Residential Care Center. These definitions carry throughout A1, A2, A3, A4, C, D and E zoning districts where applicable. The chart was also updated by the removal of “Group Residential Facility” from the Use Table for Residential Districts which was carried over from an old draft and conflicted with the new changes. This draft will move on to City Council and there will need to be additional changes for business licensing and Adult Day Care regulations as well. Foster children can be added to the current occupancy permit as a member of the household or if someone chooses to house a large number of unrelated foster children this could be defined under a residential care center.

Tierney asked about respite care and Perry said that it would fall under the Residential Care Center. Sindel said which would require a CUP and Perry said yes.

Tolan asked about the requirement under Adult or Child Day Care Home in which at no time shall medical care, therapy, or other services, which require the presence of on site of an additional care provider or specialist who is not the householder, be provided even if the state license allows the provision of such services. Perry said if the care is at that level it probably needs to be more of a commercial care. Tolan asked if this would include therapy dog or special art activities. Perry said those could be part of their regular program and are different from providing medical services. Perry said it would be based on the intensity of the service. Some would require more staff therefore more parking, more activity for the neighborhood. Perry said if a home day care wanted more than what is permitted they would apply for a CUP. Harp and Michael discussed and agreed there could be other ways to amend this section. Tolan asked if they could approve the proposal with the intent of further revision by staff for changes to section b #3 for all districts. Within the changes to include wording for four or less in care to get a CUP with additional services and four to ten in care can request this in their CUP. Perry agreed for staff to draft these changes before passing the proposed changes to City Council.

Tierney asked where the definition of respite care was located, and Perry said we did not define respite care. Respite care can cover multiple things including short term or long term. This proposed change is based on the amount of time someone is living in a space, which defines if they need to be on the occupancy permit as a permanent resident or someone that is transient.

Addie Siefert, 444 Oak Tree, prefers that the house next door at 450 Oak Tree, which is currently owned by UCPH, remain as a residential home. She does not want an increase in activity and wants to know whom is living in the house.

Gary Feder, Husch, Blackwell representing UCPH stated they have expressed before that the proposed changes do not address their concerns. We would hope there is no vote tonight so that the discussions can continue. We have tried numerous times to meet with city staff.

Short-term rentals do not apply to persons with disabilities. Respite care is not defined in these changes. Respite care is for families who want to be in a home not a facility.

Tierney asked about the comment made by Gary Feder requesting to meet and discuss the changes. Perry said we do not let one applicant guide the code changes for the entire City. We look at issues and see how the changes affect the entire community. This is the public hearing and everyone has the ability to get feedback into the record. This particular issue is for a use in a residential home that may have impacts on the traffic and the character of that neighborhood therefore a CUP should be required.

Sindel asked for a motion to close the public hearing for 18-PC-19. Mueller made a motion. Michael seconded the motion. Tolan abstained from the motion. Tierney said no. Sindel, Harp, Hunkins, Michael, Mueller said yes. The motion passed 5-1 with one abstention.

PLATS AND SITE PLANS

a) **19-PC-01 Regions Bank (23 W Lockwood and 16 W Moody):** An application by Brandon Harp, P.E., Civil Engineering Design Consultants on behalf of DCM Management Group for approval of a Final Development Plan for a 0.79 acres tract of land zoned "PC" Planned Commercial District located at 23 W. Lockwood Avenue and 16 W. Moody Avenue.

Harp and Mueller both recused themselves from the discussion for 19-PC-01.

Jendusa provided slides of the existing site and gave some history of the current building. In 2016, the mortuary closed and in 2017, the owner received a Certificate of Appropriateness to apply for a demo permit for demolition. In September, the applicant was approved for a change of zoning to "PC" Planned Commercial and in October 2018 their Preliminary Development Plan was approved.

Jendusa went through setbacks, height, Intensity of use, parking as well as access and circulation. The bank site is a one-story 2,700 square foot building and the retail building is a one story with 3,550 square feet. Tree preservation and landscape permit will be required. Jendusa said staff recommends the approval of the Final Development Plan.

Robert Goltermann, DCM, said they have not marketed the second tenant space. They will use the list they city has provided for an approved use.

b) **19-PC-02 Webster Groves, Part of Lots 3, 4, and 5 of Original Lot 51 Subdivision Plat:** An application by Vance Engineering, Inc. on behalf of Pentrex Development Corporation to subdivide a 1.31 acre tract of land zoned "A3" Ten Thousand Square Foot Residence District located at 139 and 155 Parsons Avenue

Jendusa said the applicant has proposed to subdivide two existing residential lots into three lots for the purpose of three single-family dwellings. The two lots 139 Parsons, was demolished in 2015 and 155 Parsons was demolished in 2018.

Staff recommends approval of the subdivision plat titled “Webster Groves, Part of Lots, 3, 4, and 5 of Original Lot 51 Subdivision Plat”, dated December 20, 2018.

5. **ADJOURNMENT OF REGULAR SESSION**

Sindel asked for a motion to close the regular session. Michael made a motion. Harp seconded the motion. All in favor the motion passed 7-0.

EXECUTIVE SESSION:

6. **VOTES:**

18-PC-19 Zoning Code Text Amendment – Group Residential Facilities: Proposed amendments include changes and additions to Sections 53.020, 53.046, 53.056, 53.066, 53.076, 53.100, 53.116, 53.145, 53.156 and 53.159 of the Zoning Ordinance in order to create regulations for group residential facilities in all districts.

Tierney said that staff is going to rewrite the b3 for all districts which will allow for special services be available under their CUP. Sindel agreed staff could do this before it goes to City Council.

Sindel asked for a motion to approve 18-PC-19 and with staff to revise b # 3 as discussed for all districts before it goes to city council. Harp made a motion. Mueller seconded the motion. Sindel, Hunkins, Michael and Tierney all voted yes. Tolan abstained from the vote. The motion passed 6-0.

a) **19-PC-01 Regions Bank (23 W Lockwood and 16 W Moody):** An application by Brandon Harp, P.E., Civil Engineering Design Consultants on behalf of DCM Management Group for approval of a Final Development Plan for a 0.79 acres tract of land zoned “PC” Planned Commercial District located at 23 W. Lockwood Avenue and 16 W. Moody Avenue.

Sindel asked for a motion to approve 19-PC-01. Tolan made a motion. Hunkins seconded the motion. Harp and Mueller abstained from the vote. Sindel, Michael and Tierney voted yes. The motion passed 5-0.

b) **19-PC-02 Webster Groves, Part of Lots 3, 4, and 5 of Original Lot 51 Subdivision Plat:** An application by Vance Engineering, Inc. on behalf of Pentrex Development Corporation to subdivide a 1.31 acre tract of land zoned “A3” Ten Thousand Square Foot Residence District located at 139 and 155 Parsons Avenue

Sindel asked for a motion to approve 19-PC-02. Harp made a motion. Michael seconded the

motion. All in favor the motion passed 7-0.

7. **OTHER BUSINESS:** Perry said staff would send out information about the Rolling Ridge project as soon as they hear anything. They will have a CUP for a cell tower next meeting. She did give a reminder about ethics for the PC Members. Items should be discussed in the meetings only. Harp asked about the YMCA project and Perry said they are working on their tree preservation.
8. **NEXT REGULAR MEETING:** February 4, 2019.
9. **ADJOURNMENT OF THE EXECUTIVE**
Sindel asked for a motion to adjourn. Mueller made a motion. Michael seconded the motion. All in favor motion passed 7-0. The meeting adjourned at 8:30 PM.