

**Webster Groves Plan Commission**  
**Meeting Minutes**  
April 1, 2019

|                            |                     |                                    |
|----------------------------|---------------------|------------------------------------|
| <b>Members Present</b>     | Charles Sindel      | PLANNER                            |
|                            | Jeff Smith          | Danny Jendusa                      |
|                            | Steve Hunkins       | DIRECTOR OF PLANNING & DEVELOPMENT |
|                            | Adam Field          | Mara Perry                         |
|                            | Annie Tierney       | CITY ATTORNEY                      |
|                            | Scott Mueller       | Neil Bruntrager                    |
|                            | Christopher Michael | COUNCIL LIAISON                    |
|                            | Pam Bliss           |                                    |
| <b>Members not Present</b> | Brandon Harp        |                                    |
|                            | Anne Tolan          |                                    |

**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 March 4, 2019 meeting. Smith made a motion to approve. Michael seconded the motion. The motion passed 7-0.

3. **PUBLIC COMMENTS:**

There was none.

Perry made mention that there is no petition for Rolling Ridge on the agenda. It has been six months since their last hearing, which makes their project inactive. Once they are ready to resubmit, we will need to be republished in the paper and the neighbors will be notified.

4. **PUBLIC HEARING:**

**a) 19-PC-10 450 Oak Tree Drive (United Cerebral Palsy Heartland):** An application by United Cerebral Palsy Heartland, for a Conditional Use Permit to allow a Residential Care Center use located on a 0.4 acre lot at 450 Oak Tree Drive in an "A4" Seventy-Five Hundred Square Foot Residential District.

Jendusa began with slides of the existing property. The home is in the "A4" residential district and the existing structure was built in 2004. It was designed for a family to serve the needs of a family member with a disability. Jendusa gave the definition of Residential Care Center: *"Residential Care Center" shall mean an accommodation providing lodging, care, treatment or custody, including transient guests, in exchange for compensation. The Center may provide medical, social, educational, rehabilitative or protective services for persons with a disability. "Residential Care Center" does not include "apartment", "Bed and breakfast", "hotel", or "student housing" which are here in separately defined.*

The applicant wants to operate a Residential Care Center for up to eight individuals with disabilities staying on the premise. There will be one to three staff members with day and night shifts. There may be plans for future renovations and repurpose of existing space to provide temporary living accommodations and care for non-related individuals with disabilities. They may also include an apartment residence for a staff member at the property in the future. This request can be integrated into the conditions of the property subject to meeting current sections of the residential zoning code. Jendusa went through hours of operation and special events, which may not include board meetings on the premises. Off-street parking must be available and the applicant has stated that Cornerstone Evangelical Free Church at 951 Edgar Rd. has granted them permission to utilize nineteen parking spaces on their lot.

Jendusa said it should be determine whether the proposed Residential Care Center will not:

1. Substantially increase traffic hazards or congestion.
2. Substantially increase fire hazards.
3. Adversely affect the character of the neighborhood.
4. Adversely affect the general welfare of the community.
5. Overtax public utilities.

Staff recommends approval of the CUP request and if approved by the City Council staff would recommend the following conditions:

1. All provisions of the City Code shall apply except as expressly modified in this Ordinance # \_\_\_\_.
2. Occupancy level of the structure shall be as determined by Section 404 Occupancy Limitations of the code of Webster Groves. Should a portion of the home be designated for a staff apartment residence, the occupancy levels will be reevaluated and may need on site measurements.
3. Any future staff apartment residence is for the use of staff of the center and may not be rented out as a separate dwelling unit.
4. UCP shall provide a copy of a signed agreement for the parking spaces to be used at Cornerstone Church (921 Edgar Road) to be on file with the City. Such agreement shall include the length of time this agreement will be in place. Updated agreements shall be provided to the City should amendments be made by either party.
5. Off-street parking shall be provided for the owner/operator plus any employee and anyone parking for more than two (2) hours. Such parking shall be provided off-street within the existing garage or driveway or on the agreed upon spaces at Cornerstone Church. At all times, the parking should meet the residential parking requirements of the City Code Section 53.182 (a) Dwellings
6. On-street parking spaces in front of the property shall not be used by employees but rather left open for guests or visitors. Guests should be directed to the parking lot across the street at Cornerstone Church should the spaces directly in front of the residential lot

become full. Parking for special events within the facility shall be provided for exclusively using off-street on the property or across the street at Cornerstone Church.

7. Prior to operating the residential care home, the applicant must be approved with the appropriate State licensing.
8. No signage shall be permitted.
9. The primary structure setbacks for any additions or improvements shall be those established in the underlying "A4" Seventy-Five Hundred Square Foot Residence District setbacks.
10. This conditional use permit is personal to the owner and shall not run with the land.

It was noted that on staff's report # 7 should say residential care "center".

Sindel asked about occupancy permits and Perry said they would not be required with this CUP. State regulations require them to log records for occupants.

Hunkins asked about fire inspections. Perry said those would be covered under the state regulations.

Michael asked about ADA conditions for the sidewalks for crossing the street and parking. It was agreed that the corner crossing was already ADA compliant. Bruntrager said they spoke with the applicant to anticipate any issues and so as to not to have to return to amend the CUP.

Gary Feder, Husch, Blackwell Attorney for the applicants said they have expressed their concerns before at the previous meetings concerning group homes. They now have an application for a CUP to operate a Residential Care Center before them tonight. The staff report addressed many issues and they do agree to the recommendations set. They hope to be up and running within six weeks. This property was designed for individuals with disabilities. They appreciate the City's position on occupancy permits.

Sindel asked the typical length of stay for an individual and Feder said it could be as little as three days possibly one month.

Lori Burch, CFO of UCP Heartland said they care for individuals whom cannot care for themselves. This is not for drug or alcohol treatment.

Addie Siefert, 444 Oak Tree Drive, lives next door said she is opposed with the transient nature of the operation. She would prefer the individuals live on site instead of all the numerous people coming and going. They have already trespassed on her property. She has had problems with the installation of lighting which shines into her bedrooms, which has been resolved. She presented photos of current traffic congestion from the school and church and said this will only add to more congestion. She has concerns about the trash generated on the property.

Lori Burch, CFO of UCP Heartland said they would look into expanding trash service if needed.

Sindel asked for a motion to close 19-PC-10. Smith made a motion. Michael seconded the motion. All in favor the motion passed 7-0.

**b)19-PC-04 Zoning Code Text Amendment – Home Occupations:** Proposed amendments include changes to Definitions in Section 53.020 and the Use Charts in Sections 53.100 and 53.159 of the Zoning Ordinance; and adding a new section 53.206 in order to clarify and update regulations for home occupations.

Perry said this is the third continuation of this hearing regarding home occupations. Staff has been gathering information based on recommendations given through this process. The definition of Home Occupation shall mean any occupation, business, profession, or commercial activity carried on by a member or members of a household residing on the premises, which is incidental and subordinate to the use of the residential dwelling. To clarify when someone already has a brick and mortar location, they can work from home and no license is required. If it is the primary location of the business, a license is required.

Perry gave a list of development standards for home occupations:

- a. All home occupations shall have a valid occupancy permit and obtain a business license.
- b. The business shall be owned by a member of the household listed on the occupancy permit.
- c. Other than the household residing within the dwelling, there shall be no more than one (1) full time employee. Applications for more than one (1) full time employee are permitted under requirements specified in Section 53.170 et. seq.
- d. The use of the dwelling unit for a home occupation shall be clearly incidental and subordinate to its use for residential purposes. The home occupation shall be conducted entirely within the residence or accessory structure on the property.
- e. There should be no visible evidence of the home occupation, including but not limited to, alterations to the exterior of the residence which changes the character of the residence, exterior displays or the outdoor storage of materials or equipment used in the home occupation.
- f. The home occupation shall not require the installation of mechanical, electrical or plumbing equipment or service other than that which is typical for domestic or hobby purposes.
- g. Hours of Operation for businesses which have customers, clients, or students coming to the property shall maintain hours of operation of 8:00 am to 7:00 pm. Monday through Saturday.
- h. No more than two (2) customers, clients, or students may be at the property at one time for home occupation purposes. Applications for more than two (2)

customers, clients, or students are permitted under requirements specified in Section 53.170 et. seq.

- i. Larger sales of products or events associated with the home occupation shall follow Section 70.291 Garage, Estate, Moving and Yard Sales.
- j. No traffic shall be generated in greater volume than would normally be expected in a residential neighborhood.
- k. All commercial vehicles or vehicles with commercial signage shall be parked in an enclosed garage on the site.
- l. Off street parking shall be provided under the following in addition to meeting Section 53.182 Off-Street Parking of the City Code:
  1. One (1) off street parking space for employees that do not reside in the dwelling;
  2. One (1) off street parking space for home occupations that have regular customer visits or deliveries of material, supplies or products to the home.

The following is a list of prohibited “home occupations”:

1. Ammunition or Firearm sales
2. Automotive Repair & Services
3. Bed & Breakfast Facility
4. Dancing Academy
5. Day Care Home, Adult which may be required to obtain a CUP under other sections of the Zoning Code
6. Day Care Home, Child which may be required to obtain a CUP under other sections of the Zoning Code
7. Construction Companies (exception for the home office use of the business only)
8. Funeral Homes
9. Landscape Care (exception for the home office use of the business only)
10. Food production or sales
11. Marijuana Dispensary
12. Medical or Dental Offices
13. Restaurants
14. Short Term Rentals
15. Tattoo Parlors
16. Veterinary Clinic
17. Other activities the Director of Planning and Development determines to be substantially similar in character, nature, intensity or impact to the activities listed above.

Sindel asked about no Sunday hours. Perry said that is optional. Sindel asked about noise or odor complaints, Perry said we typically refer to St Louis County.

Michael asked about kennels and Perry said we would be addressing those separately.

Smith asked about taking out the “full time” employee on regulation “c” to say no more than one employee. Perry said yes they could do that.

Pam Bliss stated that regulating whether they have a full time or several part time employees is too restrictive and doesn't make that much more traffic. In addition, Saturday should be a regular business day.

Sindel asked if we have the right to inspect before a license is given. Perry said no.

Smith asked about in home food preparation businesses. Perry said all food preparation is regulated by St. Louis County. We do not currently allow them and they seem to be the ones that we catch doing business most often.

Linda Helton, 201 Elm Valley Ct. wanted more info on traffic complaints for home occupations. If the home business is allowed and has a license and neighbors complain about the traffic and parking whose side will the city be on. Perry said they would need definitive proof of a violation to pursue. She is open for allowing Sunday business also.

Smith made a motion to continue 19-PC-04 until the May 6, 2019 meeting. Tierney seconded the motion. All in favor the motion was passed 7-0.

#### 5. **ADJOURNMENT OF REGULAR SESSION**

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

#### **EXECUTIVE SESSION:**

#### 6. **VOTES:**

7. **a) 19-PC-10 450 Oak Tree Drive (United Cerebral Palsy Heartland)**: An application by United Cerebral Palsy Heartland, for a Conditional Use Permit to allow a Residential Care Center use located on a 0.4 acre lot at 450 Oak Tree Drive in an "A4" Seventy-Five Hundred Square Foot Residential District.

Sindel went through the five factors for determine whether the proposed Residential Care Center will not:

1. Substantially increase traffic hazards or congestion.
2. Substantially increase fire hazards.
3. Adversely affect the character of the neighborhood.
4. Adversely affect the general welfare of the community.
5. Overtax public utilities.

All answered no to the above factors.

Tierney said she believes UCP and staff have worked hard to make this work.

Sindel asked for a motion to approve. Smith made a motion to approve with staff's recommendations and to change # 7 to read Residential Care "Center". Field seconded the

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

Perry said this would go before the next City Council meeting on April 16, 2019.

8. **OTHER BUSINESS:** Perry said she has nothing new on the Rolling Ridge property. She gave an update on the demolition of the YMCA and a list of the new restaurants in the area. Sindel gave an update on his meetings with the City Council about possibly eliminating the need for a second hearing at the city council meeting when it had a hearing at the Plan Commission Meetings. Perry said yes that is something they will be reviewing.

9. **NEXT REGULAR MEETING: May 6, 2019.**

10. **ADJOURNMENT OF THE EXECUTIVE**

Sindel asked for a motion to adjourn. Smith made a motion. Michael seconded the motion. All in favor motion passed 7-0. The meeting adjourned at 8:45.