

CITY OF WEBSTER GROVES

April 16, 2019

The City Council met this date in a regular session in the Council Chambers at City Hall at #4 E. Lockwood at 7:34 p.m.

Present at Roll Call: Mayor Gerry Welch
Councilmember Frank Janoski
Councilmember Bud Bellomo
Councilmember Laura Arnold
Councilmember Pam Bliss
Councilmember David Franklin

A quorum was present.

Also present: Mr. Steve Wylie, City Manager
Mr. Neil Bruntrager, City Attorney
Ms. Katie Nakazono, City Clerk

RECOGNITIONS

The Mayor and Council recognized Finance Manager Eileen Meyer on her retirement.

PUBLIC HEARING

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

Mayor Gerry Welch opened the Public Hearing. Mara Perry, Director of Planning and Development, gave a presentation on the application (**See Exhibit A, Pages 1-9, City Clerk's Office**). This is under the recently approved text amendment regarding residential care centers as well as group homes. She reviewed the property and the request (**See Exhibit A, pages 1-3**). The existing dwelling was built in 2004 for a resident who wanted their child to have access due to their disability. So the house itself has a number of improvements like six-foot wide hallways and other elements designed for it to be accessible. She reviewed the Comprehensive Plan Analysis and the Zoning Analysis (**See Exhibit A, page 3-5**). The first thing we looked at was the use (**See Exhibit A, page 5**). The applicant requests that there might be a potential future apartment use for a staff member. If that occurs, it would be integrated into the overall use and would still need to be probably reevaluated and re-measured for its occupancy limitations. The second floor does already have a space that has its own kitchen and bathroom and bedrooms. That would probably be the logical place to put the future apartment use. At this point in time the rooms set aside for the eight individuals with disabilities are all on the first floor. There are four rooms with a shared Jack and Jill bathroom between them and they have permits in to provide a lift that helps get people from those bedrooms into the bathrooms. She reviewed parking (**See Exhibit A, page 6**). There are two parking spaces in the garage, but their application did state that they may want to, in the future, remove those parking spaces and finish off that space as part of the interior garage. If they should do that, it will no longer meet our residential code for a standard residential home, which is having one parking space behind the front line of the house. They would have two options at that time, to provide a driveway to the east edge of the lot around the existing driveway, or they could renovate and still provide at least one space in the garage to meet the intent of the code. The combination of the spaces in the garage, plus the driveway, give six to seven off street

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parking spaces if people are parked in. Many times with uses like this, people don't park each other in. We wanted to look at what the uses would be with three caregivers there, and at shift change you have another three caregivers. There were concerns about on street parking. UCP Heartland worked with the church across the street for an agreement for a number of spaces provided as needed for employee and overflow parking. Staff did an analysis to ensure they were not sharing parking needed for their own space. She reviewed minimum lot area and width, and the dimensional regulations (**See Exhibit A, page 7**). We then looked at a few key things that could be problematic when you have a Conditional Use in a Residential area, including hours of operation, special events, and signage (**See Exhibit A, page 8**).

Councilmember Franklin stated, this is a rather onerous precedent we are setting, isn't it, for the first residential care center. We are pretty much saying, if you don't have a parking lot across the street, don't come here.

Ms. Perry disagreed. I think what we are saying is that I think this is a use that is a little bit different from other group homes. They would have the ability and could provide additional parking should they wish to. They could provide a driveway that goes all the way back on the lot. I think we would require that of any home. If someone wanted to go in on a lot in Tuxedo Park, and were also going to have six employees at a given time, I think we would be concerned about that on some of our smaller residential streets. It is a concern. And I think if there were a smaller amount, or it was a different type of configuration, there would be different ways we could address this. We are looking at the overall community.

Councilmember Franklin stated that is a good question. Does the character of the community change street by street in Webster Groves? Ms. Perry stated that she thinks it does. You have different lot sizes, you have different setbacks, you have different configurations of front entry versus rear garages. So that leads to there are certain streets where you can only park on one side. And that can really cause an additional burden on the neighborhood, if you put in a use that is too intense. We will get complaints and concerns about that.

Ms. Perry reviewed the Staff Recommendations. These were forwarded from the Plan Commission with a unanimous vote. (**See Exhibit A, page 8-9**).

Gary Feder, attorney for the applicant, stated that they are in agreement with all of the conditions from the Plan Commission. I think we began this process nine months ago dealing with your group home legislation. We did apply for a CUP and agree with the conclusions of the staff. We anticipate that the home will be ready for occupancy by roughly May 1, which will hopefully more or less coincide with the approval of the CUP. We have been doing a lot of work to get ready for the occupancy permit. A neighbor who may speak tonight had a couple of concerns over the last couple of weeks, one dealing with the lights from the property coming onto her property. We have ordered some blackout blinds that will be put on the windows, and do not anticipate any lighting problems in the future. I think there was also concern about some noise generated by some power washing, but that was the noise from getting the property ready for occupancy, so I believe we could conform with all of the requirements as Ms. Perry said. We do have an agreement with the church next door. We already have a letter, I believe it is in front of the Council, in which the church, in a letter, agreed to the use of the extra spaces. It was asked by staff and the Commission that we get a written agreement so I drafted one and ran it by your City Attorney. It was apparently acceptable, and is in front of the church, and they will have a board meeting to approve it. We had no objection to having these backup spaces. We appreciate, it has been a

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long haul. We didn't always agree on everything, but in the last couple of months we have been very pleased to have a very good working relationship with both your City Planner and City Attorney in trying to come to a solution that I think is a good one. I think this addition to Webster Groves is a good one for UCP and the City of Webster Groves. We are glad to get to this point and look for your support this evening.

Addie Siefert, 444 Oak Tree Dr., stated that the reason she would be opposed to the CUP is due to the nature of the coming and going 24/7. Any other business has normal business hours; there might be a time when you might not have a van backing up. If you've heard an accessible van, they have very loud beeps and they can happen any time. Here is my backyard; this is how close it is to my house. To have a business just six feet off of my property is bothersome to me. The traffic at the church is extremely full. Their parking lot is full every Sunday and numerous nights during the month. They have a lot of activities. They have I think 99 spaces and loan a bunch at the bottom to a yard company. They even have overflow parking where they have buses take them to another parking lot. So I think, even if they don't give you parking on Sunday, if they do it every other day, you will still need places to park on Sunday. And I would like to be able to park in front of my house once in a while. I know they have a lot of workers there, but it would be nice if I could park in front of my own house that I pay taxes on for 37 years, and they will be tax free, I think, as a charitable foundation. There are a lot of school kids that walk by there every day. The traffic on Edgar Road is so backed up that all these parents park on Oak Tree and all these kids come along there. There is no sidewalk on that side so the kids are always in the street, and something should be addressed about that. If you have to go through with it, I would like to have a big fence so they aren't this close to my windows. Looking right in my windows. If I had bought a house on Jackson or Jefferson, I don't think I'd be having this problem. I don't know why I am having it on Oak Tree, because I am in Webster Groves, and it is a residential area, and I don't think a business ought to be operated there. I think as a group home with people who live there and become members of our community and want to use the library or go to the pool and be residents and reside there and register there, I think that is great and would be wonderful. But just coming and going, and coming and going, I don't agree with. Their garbage, I did see their garbage at their Marlborough Hall place and it was just overflowing and that is a two-bedroom house and they were overflowing their trashcans. So the thought of having extra trash pickups, or more trash trucks, I thought the City went to single pickup so we wouldn't hit everything.

Mr. Bruntrager, entered the following into the public record:

1. Proposed Ordinance No. 9017 approving the application by United Cerebral Palsy Heartland for a conditional use permit at 450 Oak Tree Dr.
2. Planning Commission Staff Report prepared by Danny Jendusa and submitted on April 1, 2019 regarding 450 Oak Tree Dr.
3. Property boundary survey regarding 450 Oak Tree Dr.
4. Floor plans with notes regarding use of 450 Oak Tree Dr.
5. A letter from Cornerstone Church regarding parking.
6. Meeting minutes of April 1, 2019 of the Webster Groves Plan Commission.
7. Director of Planning and Development's PowerPoint before the City Council on April 16, 2019.
8. Chapter 53, the Zoning Code of the City of Webster Groves.
9. Addie Siefert's Photos – Submitted April 16, 2019

Mayor Welch closed the Public Hearing.

BILL #9071 - FIRST AND SECOND READING

Councilmember Bliss introduced **BILL #9071 ENTITLED: AN ORDINANCE APPROVING THE APPLICATION BY UNITED CEREBRAL PALSY HEARTLAND FOR A CONDITIONAL USE PERMIT TO ALLOW A RESIDENTIAL CARE CENTER USE AT 450 OAK TREE DRIVE ZONED “A4” SEVENTY-FIVE HUNDRED SQUARE FOOT RESIDENCE 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

Josh Krakos, Webster University, 470 E. Lockwood, stated that he is the president of Bridge Builders STL. We do exchange programs. This summer our exchange program is with a Native American reservation in South Dakota. This year we are taking eight Webster University students, one Meramec student, and three Affton High School students over to the reservation for a week over the summer. I have come to share with you all and try to get some more community engagement since we are a Webster based organization right now. Our event coordinator, Josephine Phillips, is also in attendance. We have plenty of other students working with our organization as well. We have our launch fundraiser on April 27, the Run for Dupree at Affton High School. I just wanted to share that with you all and leave a flyer and business card.

Dave Buck, 124 S. Elm Ave., read the following statement:

I believe that in life, **little things can make a big difference**. So, as one resident, this shares a few little things I think are important for City Council to consider moving forward:

- Neil, after four months, I 100% supported Council’s wise and smart decision to hire you and I am really glad that you are here, as you are both an outstanding, long-time lawyer and an outstanding, long-time Webster Groves resident. **As such, I am 100% against changing the residency requirement in the City Charter for the City Attorney. I think it would be a big mistake.**
- I wish Council began its regular meetings with the **Pledge of Allegiance**, just as the US Senate, US House of Representatives and Webster Groves School Board do. It takes 15 seconds.
- I have never liked and I wish the name, “Remarks of Visitors” was changed to, **“Remarks for the Good of Our Community.”** Most speakers are residents like me and we are NOT visitors. After all, based on the organization chart of your own creation, Council reports to we the people, your fellow residents.
- I really like your 7 Council goals. **But my suggestion would be to assign one goal to each Council member and report at every work session each goal’s progress and achievement, just like you do your board & commission assignments.** For example, I personally commend you on your goal to promote safe gun use and ownership by enacting legislatively acceptable municipal ordinances. But I am not aware of any progress or achievement that has been made. As Laura said in the work session, it takes personal **accountability and responsibility**. Without it, nothing will likely ever get done.
- **Bring back “Creative Community” as Webster Groves’ brand slogan and identity.** While the Missouri Arts Council bestows this title on a different Missouri city, NO CITY has trademarked it and claimed it for its own. Above all of our other city benefits, features and

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activities, **I believe Webster Groves should overtly, clearly and definitely own and stand for the arts (fine arts, music and performing arts).** For example, the arts are the rich, fertile common ground between Webster Groves, Webster University and the Webster Groves School District which can be cultivated even further for our mutual and collective benefit. **Michael Silverman also suggested, “City of the Arts.” Either way, the opportunity is to own the arts in Webster Groves.**

- I have not heard anything about our **aquatic center inclusion and relationship with Rock Hill** and summer is approaching fast.
- Concerning Better Together/city & county merger, and inspired by a popular movie, I am struck by this new thought: **Webster Groves is not a place. Webster Groves is a people.** I thought about this concept and, to me, however much this place may change via a merger, **we will be alright as long as we the people have faith in each other and stick together.**
- Regarding home-based businesses in Webster Groves, of which I was one for many years but not now, **I equate us to illegal immigrants, as we fly under the radar of detection, yet represent a vital and thriving part of the economy. And, to me, the #1 primary motivation is one word, FREEDOM**, freedom to control your own destiny; freedom from corporate restraints and control, etc. Webster Groves, right or wrong, has a reputation and perception of being a tough place to do business in. **PLEASE do not make it tough and difficult on our many home-based businesses. We need the freedom to FLY!!!**
- Finally, concerning affordable housing, based on my experience working with Beyond Housing in the 24 communities that make up the Normandy School Collaborative, 1) drop the name, “affordable housing” in favor of, **“Affordable Quality Homes”**; 2) decide on and define **who your primary target market is**; and 3) **decide on a clear vision and focused strategy or solution** to meet your primary target market’s needs. One great help is to learn from what other cities are successfully doing. For example, research Austin, TX, and their clear vision and focus on building tiny home communities, of which there are four currently being developed in the city.

Thank you. May the little things add up for the good of our community.

NEW BUSINESS – MAYOR, COUNCILMEMBERS, CITY ATTORNEY, CITY MANAGER

The Mayor and Council recognized Assistant City Manager/Director of Finance and Administration Joan Jadali, on her receipt of the Excellence in Government Award from the Government Finance Officers Association for 2019.

Mayor Welch announced the passage of Proposition F. She read the official results of the April 2, 2019 election.

UNFINISHED BUSINESS

BILL #9064 - FOURTH READING

On motion of Councilmember Bellomo, seconded by Councilmember Janoski **BILL #9064 – ENTITLED: AN ORDINANCE OF THE CITY OF WEBSTER GROVES, MISSOURI, AMENDING CHAPTER 53, “ZONING,” BY AMENDING USES RELATED TO MARIJUANA AND MARIJUANA INFUSED PRODUCTS IN CODE SECTIONS 53.159, 53.191, 53.192 AND**

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DEFINITIONS IN SECTION 53.020 AND MATTERS RELATED THERETO, having been introduced and read twice on March 19, 2019, was taken up its title read a fourth time and placed upon its passage to become Ordinance #9064.

Councilmember Bliss asked if the business districts have met or do the chairpersons know about the amendment passed two weeks ago. Ms. Perry stated that she usually discusses with them, and tells them that if they have any questions about what is being approved or moved forward to discuss it with us. That is how we relay it. I did not get into a lot of detail about exactly where it was moving. They do not know about the newest amendment.

Councilmember Bliss stated that her point of view is that the medical marijuana is a whole new industry for our state and city and I think if we are going to amend the ordinance that those who will be impacted, such as the businesses and business districts, should know about this and we should do our due diligence and have a complete process of communication before we pass an ordinance.

Ms. Perry stated that she feels they have been aware, and those who have had questions and concerns have been directed to the website. I just came back from my national conference and went to training on medical marijuana from cities in California that have been dealing with it for 15 years, and we are completely in line with what they were doing. They have similar distance regulations, CUPs for ones that are close to neighborhoods and have been talking about the odor. They have had more issues with the ones that have 50 acres of crops and greenhouses showing up in their area. It was completely in line with everything else. The CUP we put in with the amendment will give the opportunity that any residents or business owners would have the opportunity to come and speak on the issue. It is pretty hard for them to look at some of these issues when there is a state regulation put on top. Most of them have had no concerns and I have talked with a number of business owners.

Councilmember Franklin asked if there is a rush to pass this. Ms. Perry stated that there is from a certain standpoint. There is an August deadline where all of the people who wish to open one of these dispensaries have to have their application already in, which means they have to have some sort of zoning entitlement. So if there is a location that they want to go into that needs a CUP, there is a process and timeframe that they need to have. If they want to go in automatically, we have been told that pretty much that number is going to be hit with the first group that comes in. If I am remembering correctly, the state has a cap of 850, and we have been told that all 850 will be accounted for by the deadline.

Councilmember Bliss asked what other municipalities have ordinances in place. Ms. Perry stated that she has been working with and reviewing some other cities. Creve Coeur is finishing up theirs. Maryland Heights put theirs in place. Rock Hill is working on theirs. There is a much larger list, but those are the ones I have been working directly with. Maryland Heights put in that there is nothing needed in most general commercial areas on major thoroughfares and in industrial areas. When it is their neighborhood, or mixed use zoning that may have residential impacted, it is a CUP. Creve Coeur's issue was schools, so they lowered the number to 350 feet, but didn't put in a CUP option. Rock Hill is struggling because they have an applicant that wants a dispensary plus indoor growing and production in an industrial park, and there is going to be a lot of issues related to odor. We had a regional conference recently, and they were using ours that they found online as one of the examples that were doing it right, and the MML has already asked me to speak about it in the fall. So I think we are in the same general area as everybody else, and we are all just waiting to see what is going to happen once the first few go in. If we need to lessen the regulations we will be able to do that.

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Councilmember Franklin asked, say this passes tonight, and someone wants to open a dispensary, would they go through the CUP process before the permit has been issued.

Ms. Perry stated that they would if they need a CUP. The ones we have spoken with already are in areas that don't need CUPs and they already have leases in place to ensure they meet the deadline for August.

Councilmember Franklin clarified the timing of the CUP process. Ms. Perry stated that it is similar to a lot of our daycares. We always put it in the CUP that you have to have the state license.

Mayor Welch stated that she thinks the real issue is in the communication to the business districts that there was an amendment that allowed for a CUP. That should have been communicated to the business districts -- it is just that there was an amendment made.

Ms. Perry stated that she can't tell you exactly what she said to Old Webster and the other two districts have not met in these last two weeks.

Mayor Welch called for the vote on Bill #9064.

MEMBERS VOTING:

AYES: JANOSKI, BELLOMO, ARNOLD, BLISS, FRANKLIN, WELCH

NOES: NONE

Mayor Welch stated Bill #9064 was approved.

BILL #9068 - THIRD READING

On motion of Councilmember Janoski, seconded by Councilmember Arnold, **BILL #9068 ENTITLED: AN ORDINANCE PROVIDING FOR A BOUNDARY ADJUSTMENT BETWEEN THE CITIES OF WEBSTER GROVES AND BRENTWOOD**, having been introduced and read twice on April 2, 2019, was taken up its title read a third time and placed upon its passage to become Ordinance #9068.

Councilmember Arnold clarified that the Brentwood issue was approved by the voters.

Mayor Welch called for the vote on Bill #9068.

MEMBERS VOTING:

AYES: BELLOMO, ARNOLD, BLISS, FRANKLIN, WELCH, JANOSKI

NOES: NONE

Mayor Welch stated that Bill #9068 was approved.

BILL #9069 - THIRD READING

On motion of Councilmember Arnold, seconded by Councilmember Janoski, **BILL #9069 ENTITLED: AN ORDINANCE AMENDING THE FIRE PREVENTION CODE, CHAPTER 22, ESTABLISHING A FIRE LANE ALONG E. FRISCO AVENUE**, having been introduced and read twice on April 2, 2019, was taken up its title read a third time and placed upon its passage to become Ordinance #9069.

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Mayor Welch called for the vote on Bill #9069.

MEMBERS VOTING:

AYES: ARNOLD, BLISS, FRANKLIN, WELCH, JANOSKI, BELLOMO

NOES: NONE

Mayor Welch stated that Bill #9069 was approved.

BILL #9070 - THIRD READING

On motion of Councilmember Franklin, seconded by Councilmember Janoski, **BILL #9070 ENTITLED: AN ORDINANCE OF THE CITY OF WEBSTER GROVES, MISSOURI, AMENDING CHAPTER 34, "REGULATIONS OF SOLID WASTE STORAGE, COLLECTION, TRANSPORTATION, DISPOSAL, AND LICENSING", BY REVISING SECTION 34.030.H(3)**, having been introduced and read twice on April 2, 2019, was taken up its title read a third time and placed upon its passage to become Ordinance #9070.

Mayor Welch called for the vote on Bill #9070.

MEMBERS VOTING:

AYES: BLISS, FRANKLIN, WELCH, JANOSKI, BELLOMO, ARNOLD

NOES: NONE

Mayor Welch stated that Bill #9070 was approved.

CONSENT AGENDA

A motion was made by Councilmember Bliss, seconded by Councilmember Janoski, to approve the Consent Agenda.

Mayor Welch called for the vote on the Consent Agenda.

MEMBERS VOTING:

AYES: FRANKLIN, WELCH, JANOSKI, BELLOMO, ARNOLD, BLISS

NOES: NONE

Mayor Welch stated that the Consent Agenda was approved.

The following consent agenda was approved:

- **Approval of Minutes** - April 2, 2019
- **Liquor License** – Application for a Temporary Liquor License for Annunciation Church, 12 W. Glendale Rd., to Sell Beer & Wine by the Drink for Consumption on the Premises Where Sold for Their Parish Picnic May 11, 2019
- **Resolution #2019-12** – Amending the Budget for FY 2019

APPOINTMENTS TO BOARDS AND COMMISSIONS

No Appointments to Boards and Commissions.

EXECUTIVE (CLOSED) SESSION

Councilmember Janoski made a motion, which was seconded by Councilmember Arnold, to go into Executive Closed Session per Real Estate [MO Statute 610.021 (2)].

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

MEMBERS VOTING:

AYES: WELCH, JANOSKI, BELLOMO, ARNOLD, BLISS, FRANKLIN

NOES: NONE

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

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ADJOURNMENT

There being no further business to come before the City Council, the meeting was adjourned at 9:13 p.m. on motion of the Mayor, duly seconded.

PASSED AND APPROVED this 7th day of May 2019.


MAYOR


CITY CLERK