

Webster Groves Plan Commission

Meeting Minutes

June 4, 2018

Members Present

Charles Sindel	PLANNER
Jeff Smith	Danny Jendusa
Adam Field	DIRECTOR OF PLANNING & DEVELOPMENT
Steve Hunkins	Mara Perry
Christopher Michael	CITY ATTORNEY
Scott Mueller	Nathan Nickolaus
Annie Tierney	COUNCIL LIAISON
Anne Tolan	Matt Armstrong
Brandon Harp	

Members not Present

REGULAR SESSION

1. Sindel opened the meeting at 7:30 p.m.
2. **APPROVAL OF MINUTES:**
Sindel asked for a motion to approve the minutes from the May 7, 2018 meeting. Harp made a motion to approve. Smith seconded the motion. The motion passed 8-0.
3. **PUBLIC COMMENTS:**
There was none.
4. **PUBLIC HEARING:**
 - a) **18-PC-07 810-816 Bell Ave.:** An application by St. Louis Waldorf Association on behalf of John Kroner c/o Jeksep- IRA Fund, LLC for a Change of Zoning from "B1" Planned Multiple Family Residence District to "A4" Seventy Five Hundred Square Foot Residence District on an approximately 0.27 acre tract of land located at 810- 812 Bell Avenue and 814- 816 Bell Avenue.

Perry informed Commission that the agenda item had been withdrawn by staff. The applicants had sought to do a school expansion in the existing apartment buildings that are close to the rest of their campus. The rest of the area around the site is zoned "A4", including where the main campus is located. According to the city's zoning maps, the subject properties were zoned "B1". However, in researching the history of these properties, staff found the zoning maps were inaccurate dating back to the 1960s. Staff found an ordinance from 1962 which had actually zoned the properties as "C" Commercial. On the 1968 zoning map, staff found the subject properties were marked incorrectly as zoned "B", perhaps due to an error as the result of a misreading of a similar ordinance from around that time which had actually zoned similar properties on another

block in the 1889 Brentwood subdivision plat as “B”. The subject properties remained “C” Commercial. Under the “C” zoning, the first permitted use is “all the uses allowed in the “A4” district”. So the applicants are allowed to convert the existing buildings into elementary classroom use without rezoning because an elementary school use is allowed in “A4”.

Tolan asked whether the other properties in the Brentwood subdivision had been misidentified in the 1968 map. Perry replied that the other properties were correctly identified as “B”, and only the two subject properties and two additional lots to the north were incorrectly identified. No ordinances have made other changes to these properties. Rezoning will not be necessary, but the city will have to address the errors on the map.

- b) **18-PC-01 Zoning Code Text Amendment – Definitions and Uses:** Proposed amendments include changes to Definitions in Section 53.020 and Uses listed in 53.041; 53.051; 53.061; 53.071; 53.111; 53.141; 53.151 of the Zoning Ordinance.

Perry explained the City re-advertised to amend additional sections, including 53.251 and 53.282 as well as the new Use tables in 53.100 and 53.159.

Perry explained City staff is still looking for additional direction and clarification from the Plan Commission on a number of items, continuing from prior hearings on this topic. Staff has received some feedback from the public and Commission that have not yet been integrated into the proposal. Staff would like to gain feedback and consensus from the Commission on making these additional changes and may need to re-advertise to the public to finalize these changes together at a later meeting.

Perry reminded the Commission that we do not want to eliminate any existing uses and we do not want to create any non-conformities. If we were to create any non-conformities, we would need to have a wider process in which we invite those impacted by new nonconforming status to attend the public hearing. We are only trying to update uses from the 1950s to add those that were not previously identified in the code, apply standard planning use language that is used today, and add and clarify definitions and uses that were not previously in the code to provide clarification for staff interpretation. Key items we looked at were definitions of uses, uses allowed in the “A1” through “A4” districts, “C”, “D”, and “E” district, and “B” Planned Districts. We wanted to consolidate these uses into one chart to make them easier to understand for property owners and potential buyers and tenants.

Perry explained there are a dozen or so topics that staff seeks further clarification from the Plan Commission. The first is bike share. At a previous meeting, staff and the Plan Commission discussed whether we wanted to include bike share as a Use. Staff has researched how other communities have dealt with this topic and determined it should be looked at more as a pedestrian amenity such as a bike rack, trash cans, and benches

available for the public. Staff does not feel it should be identified as its own Use and require it in certain locations. We may encourage it in certain locations according to the city walkable and bikeable plan from the Sustainability Commission.

Sindel asked whether the City of St. Louis require bike share facilities and bikes to be located in certain locations and whether Webster Groves would consider that option.

Perry responded that the City of Webster Groves does not have an existing agreement with a bike share company to operate within the City of Webster Groves, but at that time we could negotiate how and where bike share could be utilized.

Nikolaus said the City may consider an ordinance to regulate bicycle parking and biking in the city right of way, but that would not be a zoning issue.

Sindel asked whether we need a definition of bike share in the zoning code.

Perry responded no, bike share does not need to be established as a zoning use.

Perry discussed battery charging stations for electric vehicles as another topic that had been previously discussed, but that would be better dealt with as a separate item from these zoning code use updates. The U.S. Department of Energy provides excellent resources with standard language for how cities can treat these types of activities. This is an extensive discussion that staff recommends we should devote time to separately.

Sindel asked what if someone wants to put a battery charging station in now.

Perry responded nothing would prohibit it at this time, but there is also nothing that explicitly allows it. Staff would want to work with them to locate the facility on private property. Our existing building code does not include requirements on the requirements for battery charging stations. We may want to look at the U.S. Department of Energy language on building code, public right of way code requirements, and zoning code requirements for these types of stations. We may want to see how code requirements would apply on residential private property, public property and possibly a campus like Webster University. We may want to consider adding additional requirements for screening where it is to be located near single family residential districts. We could look at this all now, but it would probably be better treated as its own issue at another time. Perry asked for consent from the Plan Commission members.

The Plan Commission agreed.

Perry re-introduced the prior discussion over whether wholesale bakeries should be allowed as well as retail. Staff looked at the American Planning Association's definitions of bakeries. Due to the nature of wholesale operations with late night operations, large scale deliveries, and little public activity, the American Planning Association recommends

that if wholesale is to be allowed in a walkable commercial district, it should be limited in some way. It could potentially be allowed as a percentage of total sales or production, or only at a certain distance from residential, or as a Conditional Use Permit and we could set the conditions for operation. Setting limitations is recommended because the activity of a wholesale operation can be too much for a walkable district.

Sindel said he knows of wholesale operations working with Straubs. How could a bakery survive without wholesale?

Perry said we could look at allowing wholesale as a percentage of total sales at a retail bakery location. This could make sense at retail locations that might go in Old Orchard or Old Webster that have residential abutting these districts. A bakery with more wholesale operations would not present as much of a concern in areas with lower impact to residential areas, such as Crossroads located next to the highway and railroad tracks. Staff recommends including restrictions if we are going to include wholesale bakery as a Use.

Sindel asked if someone wanted to open a bakery in downtown Webster Groves now, what would you say?

Perry responded she would need to know the percentage of their operations that would be wholesale, because the current definition is for retail bakery. Our current definition includes only retail operations, because wholesale operations are more appropriate in an industrial area due to their scale and the activities around production and shipping, but are too much for a pedestrian-oriented business district.

Tolan asked about the downside of identifying wholesale bakeries as a CUP.

Perry said there would be none. It could allow the city to further refine limitations and standards on hours of operation, required buffers from residential areas, and other things that could be needed. Staff is comfortable with changing the definition to allow a small percentage of wholesale operations at a retail bakery if the Plan Commission wants that.

Harp said he liked the idea of making wholesale a CUP to provide the Commission to establish limitations.

Michael asked if there were current examples of the types of limitations that could be included in the definition to allow for limited wholesale operations in retail bakeries.

Perry responded we have existing limitations on the amount of storage space that a use can have in the walkable commercial districts, because we do not want to have warehouse type activity there.

Sindel asked if staff could bring back a proposal for treating this subject.

Perry asked whether the Plan Commission would like to see a proposal for treating wholesale bakery as a Conditional Use or to establish limitations through the definition on the percentage of the use. The Plan Commission preferred a proposal for a CUP because a percentage would be hard to define.

Perry discussed barbers and beauty shops. There has been some confusion with defining nail salons and other types of uses as barbershops. Staff researched and found that St. Louis County had updated their definition in 2006 to cover these types of uses as Personal Services. Staff used this definition of Personal Services as a “business that provides specialized service specific to an individual which includes barbershops, beauty parlors, day spas, nail salons, tanning salons, and similar services.” This would cover the Commission’s concerns that all of these types of uses were not being covered.

Perry introduced the topic of Group Residential Facility as another item that should be dealt with separately from these changes as a separate amendment. Staff recommends using the proposed definition to match the state’s requirements for Group Residential Facilities, because the state requires this definition, but coming back later to add items to be more comprehensive where we can.

Nickolaus said that the proposed definition is required because of state statute from the 1970s. The problem is that what is required in the state statute definition isn’t how patient care is done anymore. The new model can vary but it often includes a group of about 4 people living independently without a care provider living with them, but receiving external services during the day. We have to have this definition, but we should add to it later down the road.

Harp said we shouldn’t remove this definition as there are a number of these projects underway in St. Louis County operating under this definition.

Perry said we cannot remove this definition without having another definition to replace it. We should update our definition for this use in the future, but will need to keep this one for now.

Tolan said the language in the definition is outdated, and should be updated. And while there are certain models for more independent living, there should also be options for people who require 24hr care.

Nickolaus said the definition is outdated, but this language is in the state statute and is required. We can add to it, but we’ve got to have this basic language.

Tolan asked whether the current definition excludes groups like L’Arche and Rainbow Village and other group homes.

Perry said all of those groups are and have been allowed under the current definition.

Nickolaus said a part of the difficulty in defining this use is determining the definition of single family housing, which is changing and is difficult to define in itself. This definition presents an exception to the City's definition of single family home, allowing more than four unrelated individuals to live together. The single family home definition would not allow four unrelated people to have an apartment together, even though that's the model the state is wanting to pay for. The City probably needs to look at the definition of single family residential.

Mueller asked if the Supreme Court has defined single family housing.

Nickolaus said yes, but it's not one definition that all municipalities and other government entities must follow. Cities still have some latitude. It should be further refined.

Perry said group residential facilities is a topic we can look at separately in the future and asked for the consent of the Plan Commission to move forward. The Plan Commission agreed.

Perry introduced the topic of dog kennels as an item that could be looked at separately. Staff has been looking at this recently because there are innovations in services to take care dogs that our code isn't made for, like services similar to AirBnb where an individual offers to take a dog into their home for limited day care at a residential property or to come to your home. Where someone want to take in more than 4 dogs from other people and run a business out their home, it will present issues. Dog kennels are also already problematic in our code, as it is defined as a Use and included as a type of business license, but not listed anywhere as an allowed or conditional use in any district. Perry recommended not putting a new definition for dog kennel in the code at this time so it can be dealt with separately later.

Harp said he agrees that it needs a greater detailed review at a later time due to the impacts of a dog kennel including noise, waste disposal, outdoor fencing, etc.

Sindel asked if we should take the existing definition for dog kennels out of the zoning code.

Perry said yes, we have no existing dog kennels so removing the definition will not create non-conformities, but we will need to take a more detailed look at how the zoning code should treat dog kennels.

Perry introduced the topic of recreation facilities and athletic fields, and needing to update these definitions. We have a number of existing definitions including community

building or recreation field, athletic fields, athletic facilities, gymnasium (which is supposed to be an accessory use to an existing use like an elementary school), and then a commercial gym. Staff wants to take a closer look at these definitions to make sure we do not create nonconformities. If we say certain commercial gyms are not allowed without a CUP, then that would create a nonconformity. Staff believes some of the impacts we may want to mitigate surrounding recreation fields, athletic facilities, and gyms could be addressed through other areas of the code without creating nonconformities. This could include adding performance standards, such as noise limitations and hours of operation to some districts. Currently the C and E districts have no performance standards for noise and sound, where the D district does. We would need to re-advertise to make these changes to add Performance Standards to other areas of the code.

Another area we could look at is creating a Parks zoning district. Currently many of our Parks are located in areas zoned as residential on the map or in locations that do not have a zoning district. Many communities have created a separate Parks zoning district, which excludes commercial uses and adds certain limitations about operations within parks districts. This would differentiate Parks from athletic facilities being used for schools, commercial facilities, etc.

We would need to re-advertise to make these changes. If we were to require commercial gyms to get a CUP, we would need to advertise to the operators who would be affected and re-advertise for changes to performance standards and a Parks zoning district.

Tolan asked for reminder of the difference between Athletic Fields and Recreation Field currently.

Perry says an Athletic Field is currently a developed recreation area that may contain a playground as well as fields for competitive sports such as baseball, football, or soccer. Temporary bleachers and field equipment may be provided." That definition was done after a CUP for a soccer field at a church.

The city did not have a definition for recreation field . Our recommended definition is "any establishment whose main purpose is to provide the general public with an amusing or entertaining activity. Includes, but not limited to, skating rinks, water slides, miniature golf courses, arcades, tennis courts, swimming pools, billiard halls, and fitness center but not theaters." We recommended that to not interfere with how this use has been utilized in our existing districts and for our rec center. The gymnasium definition of "a building or room designed and equipped for indoor sports, exercise, or physical education that is accessory to a primary permitted use" was intended for gyms included as part of a school. We had not looked at commercial gyms as a separate use. We could do that, but we would have to look at whether our definition would create nonconformities.

Tolan asked what is the difference between Fitness Center and Commercial Gym.

Perry said a fitness center is not a separate use defined in the code. A fitness center was one item included as part of the city's definition for Recreational Facility.

Tolan said we should differentiate between Fitness Center and Commercial Gym. Perry said yes we would need to add to that definition, but would also want to still look at Performance Standards.

Michael asked if the "Parks" zoning district would add another layer of protection for parks. Perry said it could.

Tolan said we should move forward with advertising, pulling out new definition for commercial gym.

Perry asked if the Plan Commission had consensus.

The Plan Commission agreed.

Perry said we will re-advertise with a new use for commercial gyms and notify business who will be affected and advertise for adding Performance Standards for the C and E District. It was decided to discuss a new Parks zoning district to review in more detail later.

Perry introduced the topic of thrift stores. St. Louis County regulates all thrift stores as a conditional use. We don't have many typical thrift stores. I don't see that we have a glut, requiring that we make thrift stores a CUP.

Field asked if thrift stores have become an issue in other communities in St. Louis County that they require it as a conditional use. Perry said she is not aware if thrift stores have become an issue in other communities.

Harp asked if a thrift store is like a dollar store. Tolán said no it would be like a Goodwill store or Salvation Army store.

Tierney asked if it would include a pawn shop. Tolán said no.

Perry said she did not think we would need a definition of thrift store if we don't make it a Conditional Use.

Harp said he thinks we should follow St. Louis County and make it a conditional use.

Perry said if we make it a conditional use, it will create a nonconformity for existing stores.

Armstrong said he thinks it could become a discriminatory issue, determining what is a

thrift store versus what is a vintage store like some of our existing businesses in Old Webster or the Green Goose.

Field said he doesn't think thrift stores create an issue in communities requiring further zoning restrictions.

Harp said Webster Groves isn't just Old Webster. What about on Watson Rd. or other retail locations with lower rents?

Sindel said he does not see that the Commission has a consensus. How do we vote to clarify our position?

Perry said that staff doesn't have the language for a vote. When the time comes for a vote, you'll have the language available to decide upon and make amendments. Staff recommends not putting in a definition for thrift stores and not making it a conditional use. If you disagree during the vote, you'll have the language to make that amendment to staff's recommendation.

Sindel asked what advertising would be needed for potential non-conformities. Should we notify existing thrift stores of a public hearing if we're considering changing it to a conditional use?

Perry said yes we should.

Tolan asked what is the downside of creating a nonconformity?

Perry said existing non-conforming uses could remain, but it would create a deadline of one year after they were to close to re-sell to another operator in which they would need to re-fill the space with the same non-conforming use. After one year of ending the current operation of the non-conforming use, the same type of non-conforming use could not automatically open up in that space without a conditional use permit.

Nickolaus said the existing nonconformities could also not expand their facilities or operations.

Harp said he doesn't want to negatively impact existing stores, but wants protections from operations that could have negative impacts like outside storage.

Nickolaus said we need to examine if we're discussing thrift stores as a zoning issue as a broad use classification that creates conflicts and impacts upon its surrounding area or are the Commission's concerns more relevant to code enforcement.

Hunkins listed off existing operations that might fall under the thrift store use: Euclid Records, Momoderne, Green Goose, etc. There are more than you think.

Perry asked for a recommendation.

Sindel suggested we not add a use definition for thrift stores.

Hunkins said we can look at it again in the future if it becomes an issue.

Perry described additional changes to the definitions, including the removal of the bar definition, made unnecessary by the Drinking Establishment definition, adding further clarification to catering establishing from banquet facility, removal of the duplicate church use from place of worship, removed duplicate definition of office, added drive thru and no drive options for retail sales, amended vehicle repair to automotive repair, retained Group Residential Facility within the chart, and added definition for public safety facilities.

Staff will come back with proposal for wholesale bakery CUP and advertisements for adding commercial gyms as a use and Performance Standards for the C and E districts.

Sindel asked for public comment.

Mark Regina, 306 Clark Ave., said the existing code lists community building and recreational field as a conditional use, but that designation was not carried over into the proposed table with these changes. That designation must be maintained in the updated code. There is also no definition for recreation field, which is needed. Rec facility was covered, but what do you define a recreation facility to be: basically a gymnasium and fields. Why not just allow it to be multiple uses with gymnasium indoor and fields outdoor. They both have much different impacts upon the neighborhood. Indoor activities in a recreational center don't impact the community, but outdoor activities can have greater impacts upon neighbors. Required zoning buffers could mitigate the negative impacts of outdoor recreational activities. Please define uses and not businesses, because some businesses can have multiple uses that can change. I want a commitment that recreational field stays as a conditional use.

Perry said she completely agrees, and the recreational field use will be listed as conditional in the updated code.

Sindel asked for a motion to continue discussion. Smith made a motion to continue public discussion to the July 30th Plan Commission meeting. Harp seconded the motion. All voted in favor. The motion passed 9-0.

- c) **18-PC-08 Zoning Code Text Amendment – “Changes and Amendments” Code Section:** Proposed amendments include changes to actions and procedures in Sections 53.171, 53.172, 53.173, 53.174, 53.178, 53.232, 53.238, 53.242, 53.248, 53.276, 53.277, 53.283,

53.284, 53.285, 53.286, 53.801, 53.802, and 53.803 of the Zoning Ordinance in order to clarify and consolidate procedures for changes in zoning.

Perry said she will review the proposal and recommend holding the public hearing open for discussion to the next meeting.

Perry said each type of zoning public hearing can have slightly different procedures and requirements for public notification. Additionally, they are listed in different places in the code, which can become problematic. The purpose of these amendments is to clarify and consolidate these procedures into one location in the code. So we took the language explaining the procedures for public hearings out of the various zoning sections and directed them into one consolidated location. We started by clarifying when a public hearing is necessary, what items are necessary for submitting a petition that will require a public hearing, clarifying the timeframe for when a petition must have a public hearing, and clarifying by when and how public notification should be made. We also clarified the requirements for changing zoning district boundaries and the required actions for rezoning petitions, including the time limitations on applications and the means of appeal or protest of decisions. There are also Special Procedures for Planned Districts including B1, B2, PC, PEU, MEC, EC1, EC2, and CUPs, which required explanation of additional actions that are required for a petition involving each of these type of districts. We also included the types of limitations that could be placed upon Planned Districts and CUPs. We also included an explanation of the procedures for amending a CUP or Planned District. We included a section outlining the requirements for Development Plans and a section on Appeals and protest of decisions. We did not remove anything, but consolidated all of this information into one location in the code.

Sindel asked how Perry would like to receive feedback. Perry said to send their feedback and questions via email to her and the City Attorney.

Mueller ask why these requirements are in separate places and need to be consolidated.

Perry said these procedures were added over time as each district type was added and amended over the years. So the procedures for requesting changes in each zoning type were included within that zoning type as the zoning categories were added to the code. We are not changing any of these required existing procedures, but we are clarifying and adding some public notification requirements that staff has been applying already.

Sindel requested a motion. Smith made a motion to continue discussion to the July 2nd Plan Commission meeting. Tolan seconded the motion. All voted in favor. The motion passed 9-0.

5. ADJOURNMENT OF REGULAR SESSION

Sindel asked for a motion to close the regular session. Smith made a motion. Tolan seconded the motion. All voted in favor. the motion passed 9-0.

EXECUTIVE SESSION:

6. **VOTES:** There are no items to vote on at this time.

7. **OTHER BUSINESS:**

a) Election of Officers

Sindel asked if anyone else wanted to be Chair.

Hunkins said Sindel was doing a great. Others agreed.

Sindel asked if there were nominations for Vice-Chair and Secretary. Asked if Smith and Tolan would do it.

Hunkins made a motion to nominate Sindel for Chair, Smith as Vice-Chair, and Tolan as Secretary. Harp seconded the motion. All voted in favor. The motion passed 9-0.

b) Plan Commission calendar updates

Perry proposed moving the previously scheduled August 6th meeting to July 30th to allow for more members to attend.

All supported moving the previously scheduled August 6th meeting to July 30th.

c) Development and new business activity

Perry provided updates to the Commission about new business and development activity in the City.

8. **NEXT REGULAR MEETING:** July 2, 2018.

9. **ADJOURNMENT OF THE EXECUTIVE**

Sindel asked for a motion to adjourn. Smith made a motion. Michael seconded the motion. All in favor motion passed 8-0. The meeting adjourned at 8:48 PM.