

Webster Groves Plan Commission
Meeting Minutes
December 10, 2018

Members Present

Charles Sindel	PLANNER
Jeff Smith	Danny Jendusa
Scott Mueller	DIRECTOR OF PLANNING & DEVELOPMENT
Annie Tierney	Mara Perry
Christopher Michael	CITY ATTORNEY
Ann Tolan	Neil Bruntrager
	COUNCIL LIASON
	Laura Arnold

Members not Present

Brandon Harp
Steve Hunkins
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. Smith made a motion to approve. Tolan seconded the motion. The motion passed 6-0.
3. **PUBLIC COMMENTS:**
There was none.
4. **PUBLIC HEARING:**
5. **a) 18-PC-17 Rolling Ridge:** An application by McMillian Development LLC for a Change of Zoning from “D” Commercial to “PC” Planned Commercial and to consider a Preliminary Development Plan utilizing existing structures and a proposed new multiple family residential building on an approximately 1.59 acre tract of land located at 60 N. Gore Avenue; 60 A N. Gore Avenue and 75 Marshall Place.
Applicant has requested to continue hearing to January 7, 2019 Meeting.

Sindel stated the applicant has placed the item on hold until the January 7, 2019 meeting. Sindel asked for a motion to hold the public hearing open for 18-PC-17. Tolan made a motion. Michael seconded the motion. All in favor the motion passed 6-0.

b) 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 stated this hearing has been held open from the last meeting and based on feedback-received staff has drafted a series of proposed changes to the code. The city has operated under regulations of 89.020 the revised Missouri State Statutes. Staff did research how other communities handle these types of issues including Columbia, Kansas City and as close as Maplewood. She explained how residential occupancy inspections and permits are obtained and how the occupancy level must be met for all residential homes. A recent code amendment was approved for short-term rentals, which also must meet the occupancy requirements.

The changes proposed are definitions including Adult Day Care Center and Adult Day Care Home and Adult Day Care Program. Changes to the Child Day Care Home and Child Day Care Nursery definitions also. Staff removed the word and definition of Functionally Impaired Adult. They replaced it with Disability and its definition. A new use and definition added was Group Care Home. Also added definitions of Residential Care Center, and transient guest. Staff updated the Group Use Chart to include these changes for clarification. Perry also went through the regulations for the districts. These were General Standards, Adult or Child Day Care Homes, Adult or Child Day Care Centers, Group Care Homes and Residential Care Center for the A1, A2, A3, A4 (Residential). Regulations for the "C" Commercial included General Standards, Adult or Child Day Care Homes, Adult or Child Day Care Centers, Group Care Home and Residential Care Center. In the "D" Commercial are General Standards, Adult or Child Day Care Centers, Group Care Home and Residential Care Center. The "E" Industrial includes General Standards and Adult or Child Day Care Center.

Perry said they want feedback on the definitions as well as developmental regulations and the review of the use chart. Staff is also looking at how the application process for each use will work. The feedback can be in emails or phone calls to staff.

Sindel asked the difference between some of the uses needing a CUP verses not needing and Perry said it has to do with the impact on the community. The same occupants in a home verses the constant changing of occupants. The city council felt that at a certain level a CUP would be required.

Sindel said the definition of disability excludes illegal drug use or addiction at what point. Perry said the intent is we are not operating a home for those particular uses. That would fall under the "C" or "D" with a CUP.

Tierney asked if respite care was included in the definition and Perry said no not specifically. The definitions are as to how long someone stays at the home. Tierney asked if they would be able to have respite care at the 450 Oak Tree home. Perry said they would need to apply for a CUP. These code changes are not based on one particular request but a need to update. It is how to we want these uses to operate thru out the city.

Tolan asked how foster care would fall under these categories. Perry said this would be something they will research and again they will need to stay at the current occupancy level of the home.

Tolan said that under the Residential Care Center it does not exclude drug and alcohol treatment. Perry said they would look at this and clarify.

Gary Feder, Husch Blackwell, representing UCP, which owns a home at 450 Oak Tree Drive. The intent is to open this home as a group home for persons with disabilities. This has come before this board before and we agree with continuing to hold tonight's meeting open but would also like to have a sit down discussion. He spoke of the letter included in staff's packet dated November 28, 2018 and indicated they received no response. They have concerns about the language and definitions submitted as it relates to group homes and persons with disabilities. We want to continue to work with the city as these discussions progress.

Sindel asked for a motion to hold the public hearing open for 18-PC-19 to the January 7, 2019 meeting. Smith made a motion. Michael seconded the motion. All in favor the motion passed 6-0.

c) 18-PC-18 Zoning Code Text Amendment – “Performance Standards” Code Section:
Proposed amendments include changes and additions to Performance Standards in Sections 53.114, 53.144, 53.154 and 53.245 of the Zoning Ordinance in order to clarify and add standards for commercial and industrial uses.

Perry said this was held open from the November meeting for more input and updates. The amendment changes are for performance standards in all of the commercial districts including C, D, E and B2. This is due to concerns for noise, lights and odors coming from businesses adjacent to residential districts. Currently only the “D” Commercial District has standards, which have not had updates in years. Staff wanted to review the St. Louis County Noise codes and has added the maximum volume of sound allowed dB(A) for each district.

Tolan asked about odor complaints and Perry said those are typically addressed by the business should they get a complaint. She also asked if this would address the current noise complaint about a business that has been an issue for some time and Perry said yes.

Mark Regina, 306 Clark Ave., spoke about noise issues from a current business that has yet to be resolved. The business has no air conditioning so in the summer they are on the parking lot. They choose this location knowing they would be outside weather permitting. Winter has driven them inside. Code changes are needed to protect the surrounding residential neighbors from these type of violations.

Sindel asked for a motion to close the public hearing for 18-PC-18. Smith made a motion. Michael seconded the motion. All in favor the motion to close passed 6-0.

d) 18-PC-21 Wireless Code Text Amendment: Proposed amendments include changes to the Wireless Telecommunications Facilities Code regulations in Sections 53.221 through 53.229 and Definitions in Section 53.020.

Perry said many communities are looking at this type of revision due to the new laws regarding wireless facilities. Changes needed are for zoning and the Right-of -Way chapters. The Plan Commission only needs to review the zoning changes and the Right-of-Way will go straight to the City Council. We are in a group with many communities for a model type code to adopt which will address issues and either administratively fast track them through or require a CUP for others. We have until January 2019 to get these addressed and adopted. The purpose of this Wireless Communications Facilities Code (“Wireless Code”) is to regulate the placement, construction, and modification of telecommunications Wireless Communications Facilities to protect the health, safety, and welfare of the public, while at the same time not unreasonably interfering with the development of the competitive wireless telecommunications marketplace in the City of Webster Groves. She went through all of the amended sections.

Sindel asked when they would need a CUP and Perry said there is a chart which separates these out. Most will require staff approval only.

Tolan asked about the maintenance of the compound walls/landscaping on the site because there have been issues in the past. Perry said these changes are for the wireless cell structures not the AT & T boxes. Which we have been working with AT & T on getting the landscape replaced. Landscaping is always included within the permit so maintenance must be done to stay in compliance.

Sindel asked for a motion to close the public hearing for 18-PC-18. Smith made a motion. Tolan seconded the motion. All in favor the motion passed 6-0.

6. ADJOURNMENT OF REGULAR SESSION

Sindel asked for a motion to close the regular session. Smith made a motion. Tolan seconded the motion. All in favor the motion passed 6-0.

EXECUTIVE SESSION:

7. VOTES:

a) 18-PC-18 Zoning Code Text Amendment – “Performance Standards” Code Section: Proposed amendments include changes and additions to Performance Standards in Sections 53.114, 53.144, 53.154 and 53.245 of the Zoning Ordinance in order to clarify and add standards for commercial and industrial uses.

Sindel asked for additional comments, there was none. Sindel asked for a motion to approve. Smith made a motion. Michael seconded the motion. All in favor the motion passed 6-0.

b) 18-PC-21 Wireless Code Text Amendment: Proposed amendments include changes to the Wireless Telecommunications Facilities Code regulations in Sections 53.221 through 53.229 and Definitions in Section 53.020.

Sindel asked for additional comments, there was none. Sindel asked for a motion to approve. Tolan made a motion. Smith seconded the motion. All in favor the motion passed 6-0.

8. **OTHER BUSINESS:** Perry said she would be bringing some proposed text changes for home occupations soon.
9. **NEXT REGULAR MEETING:** January 7, 2019.
10. **ADJOURNMENT OF THE EXECUTIVE**
Sindel asked for a motion to adjourn. Smith made a motion. Tolan seconded the motion. All in favor motion passed 6-0. The meeting adjourned at 8:30.