

**Webster Groves Plan Commission**  
**Meeting Minutes**  
March 4, 2019

<b>Members Present</b>	Charles Sindel	PLANNER
	Jeff Smith	Danny Jendusa
	Brandon Harp	DIRECTOR OF PLANNING &
	Steve Hunkins	DEVELOPMENT
	Annie Tierney	Mara Perry
	Anne Tolan	CITY ATTORNEY
	Adam Field	Neil Bruntrager
		COUNCIL LIAISON

**Members not Present** Scott Mueller  
Christopher Michael

**REGULAR SESSION**

**1. MEETING CALLED TO ORDER:**

Sindel opened the meeting at 7:00 p.m.

**2. APPROVAL OF MINUTES:**

Sindel asked for a motion to approve the minutes from the February 4, 2019 meeting. Smith made a motion to approve. Tolan seconded the motion. The motion passed 7-0.

**3. PUBLIC COMMENTS:**

There was none.

**4. PUBLIC HEARING:**

- a) **19-PC-05 Everlove Dayclub**: An application by Stephen Benz, Everlove Dayclub, for a Conditional Use Permit to allow an Adult Day Care Center use located on an 0.81 acre lot at 8969 Watson Rd. in a "PC" Planned Commercial District.

Jendusa began with slides of the existing site, which was constructed in 1985 and until recently occupied by a medical care facility. This is within the "PC" Planned Commercial District, which allows for the uses in the "C" or "D" Commercial Districts. An Adult Day Care is a Conditional Use in either. There are no proposed changes to the building. The site currently has 23 parking spaces. Everlove Dayclub is currently at 524 S. Elm Ave. and intends to provide respite day care for up to 40 adults per day Monday through Saturday. The proposed hours of operation are 7:00AM to 6:00PM Monday through Friday and 9:00AM to 5:00PM on Saturdays. Jendusa went through the five factors for determining whether a Conditional Use Permit should be granted. To recommend approval of a Conditional Use Permit, the Plan Commission will need to determine that the proposed Adult Day 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.

Should the City Council approve of the CUP, staff would recommend the following conditions:

1. All provisions of the City Code shall apply except as expressly modified in this Ordinance No. \_\_\_\_\_
2. All building setbacks established via Haeberlin Subdivision Plat, Deed Book 236 and Page 49, and Chapter 53 of the Municipal Code shall be followed.
3. This conditional use permit shall be personal to the applicant and shall not run with the land.

Sindel asked how this would be affected with the Zoning Code Text Amendment for group residential facilities at City Council. Jendusa said if the City Council were to approve staff's recommended text amendments before the City Council were to vote upon a CUP for Everlove Dayclub, the applicant would be permitted to operate in the proposed location without a CUP and could withdraw their application.

Tolan asked the number of employees and about landscaping and screening for the residents. Perry said there would be four to five employees and there is a landscape plan in place although the property has been vacant and possibly not maintained.

Tierney asked why they are relocating and Perry said there is a new tenant going in their existing space.

Sindel asked if the applicant was present for any comments. No applicant was present. Sindel asked for a motion close 19-PC-05. Smith made a motion to close. Harp seconded the motion. All in favor 19-PC-05 was closed 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 stated these proposed changes have been held from the February 2019 meeting for further staff review and summarization. Staff is requesting this hearing be held open again for further discussion and direction. There are three types of home occupations:

1. Office in home
2. Home crafts
3. In home sale/service

Staff is also creating a list of performance standards to include in the review for home occupations.

1. Size – size of business in relations to size of house.
2. Number of home occupations in a house.
3. Number of employees.
4. Parking
5. Traffic generation
6. Signage
7. Exterior appearance
8. Outdoor storage
9. Hours of operation
10. Uses

Tierney asked if they should go through each of the standards. Commission members agreed to eliminate #1. Members also did not want to limit the number of businesses in a home. For #3 they could limit number of employees based on hours. Options could be to require a CUP based on number of employees. #4 Parking could be based on number of employees and whether they require delivered items. Some homes have room for several vehicles some are limited. If a business expands then what happens. This should also include the owner's commercial vehicle with signage parking overnight on site. All agreed that #5 traffic generation would be hard to enforce. Possible limiting events or customers allowed at certain times. All agreed no signage should be allowed. Exterior appearance needs to be limited to a point at which it is starting to look like a business. Placing items for sale outdoors could be viewed as signage. Could also be installation of equipment for doing the business that you would not normally have in a residential home. This all ties into #8 outdoor storage where maybe buffering may be required. Hours of operation also could be limiting customers and deliveries. Also could follow construction hours. Staff will get a list of potential uses for review. Sindel asked about dog kennels and Perry said yes those would need to be addressed at a later date. Harp asked if there is a limit to the number of business located next to each other. Perry said not currently but it is something they could address.

Council member Laura Arnold stated that there is currently a bill HB473 that prohibits local governments from regulating home-based businesses. Staff and members may want to review and or contact state legislators involved for some input or information.

Sindel asked for a motion to hold the hearing for 19-PC-04 open until the April 1, 2019 meeting. Smith made a motion. Tierney seconded the motion. All in favor 19-PC-04 was held open 7-0.

- c) **19-PC-06 Zoning Code Text Amendment – Medical Marijuana Facilities**: Proposed amendments include changes and additions to Sections 53.020, 53.159, 53.191 and 53.192 of the Zoning Ordinance in order to create regulations for medical marijuana facilities in commercial and industrial districts.

Jendusa said this has come up after the passage of State Constitutional Amendment 2 in which Missouri residents voted to allow for the restricted cultivation, production, transportation, and

administration of marijuana and marijuana-infused products for qualifying patients for medical purposes. The purpose is to restrict medical marijuana facilities to areas that will not negatively impact local educational facilities, places of worship, public parks and to regulate conflicts that could be generated from the concentration of medical-marijuana facilities in commercial and industrial districts. Staff has looked at what other communities are doing as well as participated in a webinar presented by the Missouri Municipal League for further information. They have included new definitions for Marijuana-Infused Products, Medical Marijuana Cultivation Facility, Medical Marijuana Dispensary Facility, Medical Marijuana-Infused Products Manufacturing Facility and Medical Marijuana Testing Facility based upon the state definitions. They also included and updated the definition of Body Piercing Establishment. The city's existing Development Standards in commercial and industrial districts will apply to Medical Marijuana Facilities. The use charts were also updated to include the new uses. Jendusa said there are 1,000 ft distance requirements from day cares, schools and churches. Tolan asked about the distances required as this does limit the locations allowed. Bruntrager said the state says we must give the minimum distance allowed. Harp asked if our ordinance is setting precedence for recreational use, and Bruntrager said no.

Sindel asked for comments from the public, there was none.

Sindel asked for a motion close 19-PC-06. Smith made a motion to close. Tolan seconded the motion. All in favor 19-PC-06 was closed 7-0.

- d) **19-PC-07 Text Amendment- Wireless Telecommunications Facilities:** Proposed amendments include changes to the Wireless Telecommunications Facilities Code regulations in Sections 53.221 through 53.229 and Definitions in Section 53.020.

Jendusa said this is a minor text amendment to the approved changes made back in January 2019 for the Wireless Telecommunications Facilities. Staff noted the discrepancies when reviewing a recent application. Jendusa stated the proposed changes include a requirement that wiring to all disguised support structures as well as towers must be buried underground and an exception from the buffering requirements for disguised support structures.

Sindel asked for a motion close 19-PC-07. Tolan made a motion to close. Smith seconded the motion. All in favor 19-PC-07 was closed 7-0.

## 5. PLATS AND SITE PLANS

- a) **19-PC-08 Pocahontas Park Block 3, Lots 1, 14, 15, 16 and Part of Lot 2 Subdivision Plat:**  
An application by Brian J. Fischer, THD Design Group, Inc.. on behalf of David and Sarah Ringkor and David and Briget Wilke-Grimm to subdivide a 0.52 acre tract of land zoned "A4" Seventy Five Hundred Square Foot Residence District located at 12 S Iola Drive, 16 S Iola Drive, 37 Hart Avenue and 41 Hart Avenue.

Jendusa said the homeowner/applicants are proposing to re-subdivide four (4) existing non-conforming lots into two (2) lots within the "A4" Seventy Five Hundred Square Foot Residence District. The properties are located at 12 S Iola Drive, 16 S Iola Drive, 37 Hart Avenue, 41 Hart

Avenue. There is currently a home on 41 Hart Ave. built in 1955 and a home on 16 S. Iola Drive built in 1936. Jendusa prepared slides of the existing lots as well as slides showing the proposed changes to the lots. With these changes proposed Lot A (41 Hart) would meet the required width and area requirement for the "A4" Residential District. Lot B (16 S. Iola) would not meet the required width and area requirements for the "A4" Residential District. Therefore, staff says the proposed plat is not in compliance with Chapter 50 and 53 of the City Code. The Plan Commission and City Council may vary or modify the regulations applicable to each proposed lot. Also, the existing improvements at 16 S Iola do not meet zoning requirements including setbacks and parking requirements for this zoning district. Should the Plan Commission approve the variances to the plat, Staff would recommend the following conditions:

1. All provisions of the City Code shall apply except as expressly modified in this Ordinance #XXXX.
2. Lot A shall meet the minimum lot width at the front yard setback, minimum average lot width, and minimum area requirements of the existing underlying zoning district.
3. Lot B shall meet a minimum lot width of forty-nine (49) feet at the front yard setback, a minimum average lot width of fifty-three (53) feet, and a minimum lot area of 7,201 square feet.
4. All future development at the subject properties shall meet the existing Municipal Code requirements. The establishment of this plat precludes current and future owners from obtaining variances from the Municipal Code at the subject properties.

Sindel asked why the applicants were doing this. Jendusa stated the applicants' intentions for the re-subdivision were unclear, but that one of the applicants had previously discussed new landscaping features.

#### **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 7-0.

#### **EXECUTIVE SESSION:**

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

- a) **19-PC-05 Everlove Dayclub:** An application by Stephen Benz, Everlove Dayclub, for a Conditional Use Permit to allow an Adult Day Care Center use located on an 0.81 acre lot at 8969 Watson Rd. in a "PC" Planned Commercial District.

Tierney said this was the perfect location.

Sindel went through the five factors for determining whether the proposed Adult Day 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.

Sindel asked for a motion to approve 19-PC-05 with staff's recommendations. Smith made a motion to approve. Tolan seconded the motion. All in favor the motion passed 7-0.

- b) **19-PC-06 Zoning Code Text Amendment – Medical Marijuana Facilities:** Proposed amendments include changes and additions to Sections 53.020, 53.159, 53.191 and 53.192 of the Zoning Ordinance in order to create regulations for medical marijuana facilities in commercial and industrial districts.

Smith asked what happens if approved, and a new daycare/ or home daycare opens within the 1000 feet. Bruntrager said the buffer would only apply from existing daycares, churches, etc.

Tolan stated she questioned whether the 1,000 ft buffer was necessary in the industrial districts. Bruntrager said the Provisions allowing local governments to regulate the time, place, and manner of operation of medical marijuana-related facilities were included within State Constitutional Amendment 2. Therefore, the City could reduce the minimum distance required. Tolan said she is not sure about the necessity of the 1,000 ft buffer in industrial areas but is content with the allowed locations. Sindel agreed.

Sindel asked for a motion to approve 19-PC-06. Tolan made a motion to approve. Smith seconded the motion. All in favor the motion passed 7-0.

- c) **19-PC-07 Text Amendment- Wireless Telecommunications Facilities:** 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 if there were any questions. There was none.

Sindel asked for a motion to approve 19-PC-07. Smith made a motion to approve. Tolan seconded the motion. All in favor the motion passed 7-0.

- d) **19-PC-08 Pocahontas Park Block 3, Lots 1, 14, 15, 16 and Part of Lot 2 Subdivision Plat:**  
An application by Brian J. Fischer, THD Design Group, Inc.. on behalf of David and Sarah Ringkor and David and Briget Wilke-Grimm to subdivide a 0.52 acre tract of land zoned "A4" Seventy Five Hundred Square Foot Residence District located at 12 S Iola Drive, 16 S Iola Drive, 37 Hart Avenue and 41 Hart Avenue.

Perry said if approving the plat they will need to include the variance approvals also.

Sindel asked for a motion to approve 19-PC-0-8. Harp made a motion to approve with staff's recommendations and approval of the variances requested. Tolan seconded the motion. All in favor the motion passed 7-0.

**7. OTHER BUSINESS:**

Perry said at this time Rolling Ridge has not submitted an application. Next meeting will be an application for the Residential Care Center. She gave a list of all the new restaurants that have recently opened. Gerber Chapel has been torn down. The YMCA should be down soon.

**8. NEXT REGULAR MEETING:** April 1, 2019

**9. ADJOURNMENT OF THE EXECUTIVE**

Sindel asked for a motion to adjourn. Smith made a motion. Tolan seconded the motion. All in favor motion passed 7-0. The meeting adjourned at 9:15.