

**Webster Groves Plan Commission
Meeting Minutes**

April 9, 2018

Members Present	Charles Sindel	PLANNER
	Jeff Smith	Danny Jendusa
	Adam Field	DIRECTOR OF PLANNING & DEVELOPMENT
	Steve Hunkins	Mara Perry
	Christopher Michael	CITY ATTORNEY (Acting)
	Scott Mueller	Harry O'Rourke
	Annie Tierney	
	Anne Tolan	
Members not Present	Brandon Harp	

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 March 5, 2018 meeting. Smith made a motion to approve. Tolan seconded the motion. The motion passed 8-0.
3. **PUBLIC COMMENTS:**
There were none.
4. **PUBLIC HEARING:**
 - a) **18-PC-04 Nurtured Beginnings, LLC**: An application by Michelle Devine-Edmondson, Nurtured Beginnings LLC, to amend a Conditional Use Permit to allow a Child Day Care Home Use located in an "A4" Seventy-Five Hundred Square Foot Residence District at 624 W Kirkham Avenue on a 0.21 acre lot.

Jendusa stated the subject property at 624 W Kirkham Avenue is located within the "A4" Seventy Five Hundred Square Foot Residential District. It is located on a corner lot with street frontage along W Kirkham Ave. and N Iola Dr. It has been zoned "A" residential since the 1930s. In December 2017, the applicant applied for a Conditional Use Permit to operate a Home Day Care Use, requesting to be allowed to serve up to the maximum allowable ten children. The request was approved by the Plan Commission and sent to the City Council for review at that time. On January 2nd, 2018, the City Council approved Ordinance 9008, authorizing a Home Day Care Use at the subject property, but they limited the applicant to serve no more than six children at that time. The CUP also included the condition that the applicant must submit a landscape plan for staff review and must receive an annual license in the State of Missouri and City of Webster Groves.

On January 16th, 2018, the City Council held a hearing to review the license to operate the home day care use at the subject property. The City Council did not approve the license at that time.

Jendusa reviewed photos of the existing conditions of the property and affirmed that the request would conform with the city's Comprehensive Plan.

Jendusa reviewed the five factors the City Council and Plan Commission must consider when reviewing an application for a Conditional Use Permit according to Zoning Code Section 53.173(c). When reviewing a CUP request the City Council and Plan Commission must determine whether the proposed child day care home use 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.

Jendusa also went through the Development Standards for nursery schools, adult or child day care homes, and adult or child day care centers required by Zoning Code Section 53.066. The request must meet the following requirements:

- a. The lot meets the minimum area requirements, minimum width requirements at the front yard setback line and minimum average width requirements for the zone in which it is located.
- b. No new adult or child day care home or center shall be established within a residential district if it is within one thousand two hundred (1,200) feet of an existing child or adult day care home or center that is also located within a residential district. This regulation does not apply to properties within the boundaries of a business district or those properties partially zoned "C" or "D" commercial districts.
- c. No signage is permitted for property within a residential district.
- d. Off-street parking shall be provided for the owner/operator plus any employee and anyone parking more than two (2) hours.
- e. Hours of operation shall not exceed 6:00 a.m. to 8:00 p.m. for property within a residential district.

Jendusa identified the existing building meets the required zoning setbacks of the "A4" zoning district, and because no new buildings or structures are proposed, staff does not recommend additional setback restrictions should be placed upon the subject property. The lot meets the minimum lot area requirements of the "A4" district. The lot meets the minimum lot width at the front setback line and minimum average lot width requirements from the Kirkham frontage, but the lot does not meet the minimum lot width requirement from the front setback line from the Lola frontage. Staff has verified that there is not an existing day care home or day care center within 1,200 square feet of the proposed home day care use. Per the City Code, one parking space is required for

the homeowner, each employee, and anyone parking longer than 2 hours. The existing driveway is sufficient for meeting this requirement for guest instructors and full time employee. However, staff has identified that the driveway has limited visibility from W Kirkham Ave. and that the driveway is not wide enough for vehicles to turn around and drive forward onto the street if multiple vehicles are parked in the driveway. Cars would have to back out onto Kirkham Ave. with limited visibility, bringing potentially hazardous traffic conditions. It is unclear that safe pickup and drop-off can occur with multiple vehicles due to visibility concerns at this location.

Jendusa stated that prior to operating the proposed child day care home, the applicant must receive an annual license to operate from the Missouri Department of Health and Senior services and City of Webster Groves. Staff recommends the hours of operation be limited to 6am to 8pm to match the requirements for child day care centers in residential districts. Signage is not permitted.

Jendusa stated Ordinance #9008 required the applicant to submit a landscape plan to “address screening along the Kirkham frontage” for sound mitigation. The applicant has requested to amend the Conditional Use Permit to remove the requirement of a landscape plan for sound mitigation. City staff does not recommend approval of this amendment, which was put in place by the City Council.

Jendusa stated staff does not recommend approval of the application to amend to Ordinance #9008 as City Council specifically reduced the maximum number of children that would allow to be served at this location to six (6), citing concerns over parking and traffic safety and impact upon the character of the neighborhood. Staff recommends denial of the application, and that Ordinance 9008 should remain as it was approved by City Council.

Sindel asked for clarification upon why the applicants were denied a license. Perry responded that there were only six City Council members voting that night, so it was a vote of 3-3. The CUP ordinance had been approved by a vote of 4-3 with the reduction to six children and with the landscape plan requirement. When the license came back on a separate evening, there were only 6 members, so the vote was 3-3 and did not pass.

Sindel asked for clarification that the request was to go back to ten children and to remove the landscape requirement. Jendusa answered correct.

Tolan asked if there were any substantial changes at the time of the application and Jendusa said no. Conditions have not changed, and therefore the city does not feel that there is any appropriate reason to change the City Council’s determination that six children would be a suitable number at this site.

Smith asked if the applicant could re-apply for the license to operate for six. Perry answered that yes, the applicant had been presented with that option.

Hunkins asked for clarification on whether the City Council had approved four children. Jendusa clarified that the State and City do not require a day care license if you are serving four or less unrelated children.

Sindel asked if staff had any recommendation other than denial and Jendusa said no.

Michelle Devine-Edmondson, the applicant says she has had time to reflect and wants to amend the approved CUP to accommodate ten children. Staff is recommending she find a commercial site. She has a petition with over 200 signatures in support.

Sindel asked if there have been any changes in the situation and the applicant said she is close to obtaining her state license.

Smith asked about the requirement for the landscaping. The applicant said placing a barrier adjacent to the fence would block the view for the children whom enjoy the interaction with the neighborhood.

Tolan asked about changes to the entrance and the applicant said there have been no changes and that her pick up times are typically staggered. There is a possibility that the City of Glendale may be changing the speed limit to match that of Webster Groves at the turn area.

Michael asked how much she has spent on the repairs so far. The applicant said ten to fifteen thousand and that includes the fence.

Tolan asked whether the applicant was serving more than four children prior to making these improvements. The applicant said she worked on making these improvements to meet the requirements.

Sindel asked how long she has operated without a conditional use permit license and the applicant said since 2014.

Sindel asked where the full time and part time employee park. The applicant answered that they park on the driveway and use the convex mirror at the driveway to enter and exit the driveway.

Michael asked when the applicant formed the LLC. The applicant answered it was around the same time she began, in March or February of 2014.

Chelsey Smith says she is a full time employee of Nurtured Beginnings and this is a dream come true.

Rhoda Robin, 25 N. Iola, lives two doors down from the daycare. She has never had any problem with noise or traffic. She is in favor of approval.

Theresa Pawlicki, 6 S. Iola, said she sees the children in the park. She has never seen any issues with the driveway.

Kenneth Robin, 25 N. Iola has never seen any traffic issues. She understands the value of a good day care.

Ralph Hoffsten, 629 W. Kirkham Ave., lives across the street and says he is not against the small operation but does not want to see it go back to ten children. He is unable to enjoy his yard or sitting on the front porch. He believes the visual landscape is a good idea.

Eric Papke, 511 Central Place 63122, said both of his children have attended the daycare and he has never had any issues with traffic.

Andrew Williams, 228 Eldridge Ave., was a stay at home dad until he found the day care. He is in support of the changes.

Michelle Gray, 367 Sidney Place, said Webster residents need good childcare. They had to leave this daycare since the changes and now they pay more in a Kirkwood daycare. Wants to return if given the chance.

Ron Zager, 337 Dobbin Rd., said if it is safe for six, it should be safe for ten. Maybe they could drop off on Iola and there would be no issue. Webster Groves is trying to retain businesses.

Michelle Devine-Edmondson, the applicant said she has twenty-five children on her waiting list. She would be available to talk to any neighbors that may have questions. Dropping off on Iola could be a possibility but would be hard for post-partum mothers with young children.

b)18-PC-05 23 W. Lockwood: An application by Cornerstone Realty for a Change of Zoning from "D" Commercial District to "PC" Planned Commercial District on an approximately 0.79 acre tract of land located at 23 W. Lockwood and 16 W. Moody.

Jendusa said this is a request to rezone 23 W. Lockwood and 18 E. Moody to "PC" Planned Commercial with a proposed fifty three-unit four story multi-family mixed use residential and commercial development. There will be one commercial space on Lockwood Ave. He gave a history of the zoning, which is currently "D" Commercial. The structure was built in 1865 and converted for use as a mortuary in 1928. In 2004, the property was nominated to the National Register of Historic Places. In 2016, the

mortuary closed and in May 2017, a Certificate Appropriateness was granted from the Webster Groves Historic Preservation Commission to demolish the existing structure. Jendusa had slides of the existing conditions.

Jendusa reviewed the application in the context of the Comprehensive Plan. The 1978 Comprehensive Plan is a guiding document for the City of Webster Groves. It provides a roadmap for the City of Webster Groves to advance the community's goals and informs official policy.

The 1978 Comprehensive Plan states that the City's "overriding objective" is the "development and maintenance of a residential community". Beneath that Objective, the first Community Policy the 1978 Plan identifies is "To Maintain Residential Values and Amenities" It states that "Apartments or townhouses should be permitted (or encouraged) adjacent to the three commercial areas (Lockwood-Gore, Elm Avenue, and Old Orchard)". In 2006, the City commissioned a Development Foundation Plan to update and address aspects of key commercial areas within the City, including addressing mixed use development in the Old Webster commercial district. The DFP identifies Old Webster as "the most pedestrian friendly commercial area of the city." It also states to address market gaps it could include alternative housing types, retail service niches and office/employment uses. In 2017, the City Council amended the Comprehensive Plan Map to incorporate much of the objectives of the 2006 Development Foundation Plan maps. The 2017 Comprehensive Plan Map Amendment encourages office use at the subject property. As the intent of the "PC" Planned Commercial District zoning is "to provide for modern shopping and office centers of integrated design", Staff has determined that a "PC" Planned Commercial District incorporating commercial and residential uses at this site would appropriately meet the intent of the Comprehensive Plan.

The "PC" District allows uses from the "C" or "D" districts. The applicant has requested the following as Permitted Uses for the subject property:

1. Multiple family residential, which is a Conditional Use in the "D" Commercial District regulations.
2. Office for the conduct of any lawful business or professional pursuit.
3. Bakery, whose products are sold only at retail on the premises

Staff recommends expanding the uses for potential future occupants of the commercial space to include:

4. Financial institutions, including banks, savings and loans, stockbrokers and title companies. (not including a drive-in or drive thru use)
5. Photograph Gallery
6. Store or Shop for the Conduct of a Retail Business

The proposal includes forty-eight below grade parking spaces with ten exterior surface spots and up to four spots on a half circle drive fronting Lockwood Ave. The "PC"

Planned Commercial District does not include a minimum number of required parking spaces but with fifty-three units proposed, the proposed fifty-eight spots would not meet the minimum 80 spaces recommended by St Louis County requirements. Staff is recommending the applicant provide additional information before the city can determine there would be sufficient parking.

The Public Works Department and Fire Department have expressed concerns about adequate turn around space in the below grade parking structure as well as the setbacks on Moody Ave. to provide access for their trucks and equipment. A tree and landscape plan will be required.

The preliminary plan included the following proposed setbacks:

Front:

- This lot has two front yards, with double frontage along Moody Ave. and W Lockwood Ave. The north front building wall is proposed to be 23.5 feet from the north property line along Moody Ave.
- The south front building wall has multiple setback considerations. The front entrance is proposed to be thirty-four (34) feet from the south front property line along W Lockwood Ave., while the commercial space projects further so that it would be located 26.5 feet from the south front property line along W Lockwood Ave. Additionally, the porte cochere that will extend from the front building entrance is proposed to be approximately two (2) feet from the south front property line.

Side:

- The east side building wall is proposed to be 8.5 feet from the east side property line. This side yard setback will extend approximately one hundred and five (105) feet north of the property line fronting Lockwood, where the side yard setback from the east side property line will increase to approximately forty-one (41) feet.
- The west side building wall will be 7.5 feet from the west side property line.

Jendusa said staff is encouraging the applicant to explore bringing the structure closer to Lockwood to allow a more significant setback for fire department access from Moody, to provide greater driveway width to access the lower garage and to conform with historic district standards that would not agree with a half circle driveway with parking on Lockwood in the Old Webster district. Staff would prefer that the structure be located closer to Lockwood but a full staff recommendation upon the proposed setbacks was not given at this time.

The Preliminary Development Plan includes a four (4) story structure, measured at approximately fifty-one (51) feet in height above the finished grade and fifty-four (54) feet in height above grade at the property line fronting Lockwood Ave. For context, the "D" Commercial District has a height limitation of three (3) stories and forty-five (45) feet in height above grade. The "B2" Planned Multiple Family and Commercial District

does not impose a height restriction. However, the Preliminary Development Plan exceeds the Intensity of Use requirements of the "B2" District. Looking at historic district standards, the "1984 Old Webster Redevelopment Plan recommends that new construction building height should be "within 10% of adjacent buildings if the same on both sides or fitting into the pattern of heights of adjacent facades." The Old Webster Guidelines for Preservation states, "A new building must contribute to the visual rhythm down the street. Whereas the skyline and height may vary between one, two, and three stories, their heights of the first floor storefronts, awnings and entrances should be similar." At this time, city staff cannot fully evaluate the building height of the proposed structure in context of the adjacent buildings. Staff recommends that the applicant provide this information prior to making a staff determination.

The City uses a series of calculations to control the overall intensity of the development on the lot including lot coverage, floor area ratio, and minimum land area. The proposal would exceed the limitations in the "D" and "B2" Districts, but under the minimum land area requirements, not taking into account the other intensity regulations, the range of number of units per the land area that would be allowed in similar zoning districts would be between 23 and 69 units.

Where appropriate within this report, staff has recommended the applicant amend the Preliminary Development Plan or provide more information to allow staff to determine that the proposed development will conform with the historic district standards of the Old Webster National Historic District.

Any building plans will go before the Architectural Review Board.

Jendusa said staff is unable to make a final recommendation at this time due to the additional items needed to complete review of this proposal. In general, staff is in favor of the rezoning once more detail is provided to determine the conditions to put into the ordinance for the site. Staff is recommending the hearing stay open until these and any additional items be addressed.

Tolan thought that getting the height of some of the existing building might be helpful. Perry agreed that would help but hard for staff to obtain.

Sindel asked if staff wants a traffic study and Jendusa said, no the City would like a parking study with more data and evidence-based research showing that sixty -two spots would be sufficient.

Sam Chimento, the applicant with Cornerstone Realty said they are also the owners of the Algonquin Apartments. Typically, the residents are older and have lived in the area already looking for an alternative to assisted living. We usually have a waiting list. It is affordable and walkable and the residents enjoy the area. He went through the height, parking, setbacks and density of the proposed building. Relocation of the porte cochere

is an option that they will look at but they do not want to eliminate it as this is an important aspect for pick up and drop off for the elderly residents. They have met with the Fire Chief and can accommodate their requests.

Smith asked if there will be assigned parking spots and the Chimento said yes.

Sindel asked about reducing the height and the Chimento said we need four stories.

Tolan asked if they had any concerns about marketing the units. If both complexes are in the same price and same demographics. Chitmento said no worries as Webster has less multi-family than most communities.

Smith asked why "PC" over "D" and Chimento said "PC" is more flexible.

Sindel asked if management will live on the property and Chimento said they are not sure at this time.

Barry Nelson, the Architect, said this is a preliminary design, which is a good fit based on experience. It is a traditional building.

Chris Hite, 17 W. Lockwood Ave., Sugar Creek said they want to preserve the egress on parking.

Ben Ellermann, 7601 Big Bend Blvd., did not agree with a demolition of a very significantly documented building. There are circulation problems with inadequate parking. Worried about the scale of the building but realizes this is preliminary.

Sindel asked for a motion to keep the public hearing open for 18-PC-05 until the next meeting on May 7, 2018. Smith made a motion. Tolan seconded the motion. All in favor the motion passed 8-0.

c)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 asked if the Plan Commission would like to postpone 18-PC-01 to the next meeting on May 7, 2018 due to the late hour. All agreed to postpone.

Mark Regina, 306 Clark Ave. said that he had found several inconsistencies in the text amendments. Perry said they are still trying to clear these up and asked that he contact her to discuss.

Sindel asked for a motion to keep the public hearing open for 18-PC-01 until the next meeting on May 7, 2018. Smith made a motion. Tolan seconded the motion. All voted in favor. The motion passed 8-0.

5. ADJOURNMENT OF REGULAR SESSION

Sindel asked for a motion to close the regular session. Hunkins made a motion. Smith seconded the motion. All voted in favor. The motion passed 8-0.

EXECUTIVE SESSION:

6. VOTES:

a) **18-PC-04 Nurtured Beginnings, LLC**: An application by Michelle Devine-Edmondson, Nurtured Beginnings LLC, to amend a Conditional Use Permit to allow a Child Day Care Home use located in an "A4" Seventy-Five Hundred Square Foot Residence District at 624 W Kirkham Avenue on a 0.21 acre lot.

Sindel said he had voted no the last time and doesn't see anything has changed which would cause him to change his vote now. He sees issue in the intensity of use as well as the traffic. The City Council and this Board have gone over this carefully. The City Council also voted and changed from ten to six children. I'm not prepared to say the City Council was wrong.

Smith agreed the intensity of the use is the issue and does not want to reverse what the City Council had approved.

Perry clarified that the City Council had approved the Conditional Use Permit to serve six children. The amendment requested is to serve ten and remove the landscape requirement. The Plan Commission may vote to recommend approval of the amendment to send it to City Council for a vote or the Plan Commission may vote to recommend denial of the amendment and if the City Council decides to still take up the request, they may approve the amendment with a supermajority of their voting members. Previously the Plan Commission voted to recommend approval of the original Conditional Use Permit request to serve ten children in December.

Hunkins believes this will be good for the community and does understand the issues with the noise.

Tolan said the yard is elevated which does not help the noise.

Michael said he does not have concerns about the traffic issue and that parents could drop off from Lola. He would let City Council take up the vote. The owner has put a lot of effort and money into making this work.

Michael asked about City staff's recommendation upon the landscape barrier. Perry answered that the landscape plan requirement was a condition put in by the City Council, and that staff agreed to allow for flexibility in reviewing the plan.

Tolan does not believe the additional landscape will help with the noise but believes it was done with good intention. She is not prepared to reverse the Council's overall decision.

Mueller said he does not see any issues according to the five factors and will vote yes again.

Tierney said she sees the need for daycare and the applicant has done so much to accommodate.

Tolan asked whether neighbors had been notified, because they had heard from additional neighbors who were concerned about the proposal in December and wanted to respect their concerns. Perry replied yes that neighbors were notified. Tolan suggested residents may be fatigued by the issue.

Sindel went through the five factors for determining approval or denial of the amendment to recommend ten children and remove the landscape plan requirement.

Hunkins made a motion to approve the amendment as submitted to allow up to ten children to be served and to remove the landscape plan requirement. Mueller seconded the motion. The vote was as follows:

Sindel-nay, Smith-nay, Tolan-nay.

Mueller-aye, Tierney-aye, Michael-aye, Adam-aye, Hunkins-aye. The motion passed 5-3.

7. **NEXT REGULAR MEETING:** May 7, 2018

8. **ADJOURNMENT OF THE EXECUTIVE SESSION**

Sindel asked for a motion to adjourn. Tolan made a motion. Mueller seconded the motion.

All approved. The meeting adjourned at 10:15.