

MINUTES OF REGULAR MEETING

ST. CHARLES COUNTY PLANNING AND ZONING COMMISSION

DATE: OCTOBER 21, 2020
TIME: 7:00 P.M.
PLACE: COUNTY EXECUTIVE BUILDING
300 N. THIRD ST.
THIRD FLOOR COUNCIL CHAMBERS
ST. CHARLES, MO 63301

MEMBERS PRESENT: Tracy Boehmer; Diane Salle; Kevin Cleary; Craig Frahm; Tom Kuhn; Roger Ellis; Robert McDonald (Via WebEx); and Terry Hollander, County Councilman

MEMBERS ABSENT: None

STAFF PRESENT: Robert Myers, Director of Planning and Zoning; Megan Murray, Assistant County Counselor; and Mariza Almstedt, Recording Secretary

SPEAKERS: **CUP20-10:** Jennifer Gettman, property owner, 3 Rainer Ct., O'Fallon, MO, 63366; and Arnie C. Dienoff, P.O. Box 1535, O'Fallon, MO, 63366

CALL TO ORDER

Chairman Roger Ellis called the meeting to order at 7:00 PM. Following the Pledge of Allegiance, Chairman Ellis welcomed the audience; explained the procedures for speakers; and explained the functions of the Planning and Zoning Division, the Planning and Zoning Commission and the County Council. He explained to the audience that the Planning & Zoning Commission will make a recommendation on applications heard during the meeting, which will then be submitted to the St. Charles County Council for their final decision.

Chairman Ellis introduced the following documents into the record: The Unified Development Ordinance of St. Charles County (UDO), including zoning maps; and the 2030 Master Plan for St. Charles County, which includes the 2030 Future Land Use Plan Map.

PUBLIC HEARINGS

I. CONDITIONAL USE PERMIT AMENDMENT REQUEST - 35 LILLIAN DRIVE, 43 DAVID DRIVE, & 54 LILLIAN DRIVE

Application No:	CUP20-10
Applicant:	Harvester Residential Care
Property Owner:	Randall J. Gettman and Jennifer Gettman Trust
Property Zoning:	R1E, Single Family Residential District
Conditional Use Request:	Amending CUP No. 670 to add an addition to the existing building
Parcel Size:	Approximately 1.50 acres
Location:	On the northwest corner of Lillian Drive and David Drive
Council District:	7
Account No.:	502740A000, 499560A000, & 499530A000

Robert Myers, Planning and Zoning Division Director, described the subject property, the zoning, and the surrounding land uses. The applicant is requesting to amend the conditions of Conditional Use Permit No. 670 to expand an existing nursing home and assisted living facility. Expansion would include a 2,555 square foot building addition with no additional beds being added to the facility. A concept plan has been submitted showing the current and proposed use of the property. They are not requesting to expand the footprint of the campus or proposing to expand the existing parking area. This is a type of residential use that is not fundamentally at odds with the existing Single-Family Residential zoning of the property. The existing facility has been in operation since approximately 1969 when a nursing home was a permitted use in this Zoning District. The County's Zoning Regulations were subsequently amended such that institutions such as nursing homes became a conditional use within the R1E, Single Family Residential District. In 2006, the owners of the subject properties received a conditional use permit (CUP No. 670) to convert an adjoining residence into a nursing home use and incorporated that building into the nursing home property. The ordinance granting CUP No. 670 was issued with two conditions. The first condition was the requirement for an updated site plan, and the second condition was a requirement that the applicants petition the County to vacate the excess street right-of-way (semicircular area of the property) fronting Lillian Drive. The updated site plan was submitted and approved. The applicants only recently applied to vacate the excess street right-of-way, and that separate application is concurrently being processed by the County Counselor's office. The facility has been granted two variances from the zoning regulations. The first variance was granted to vary the County's minimum lot size for nursing homes from 5 acres to 0.55 acres. A second variance was granted that reduced the County's minimum 50-foot front and side yard setbacks to 15 feet. The proposed building addition will meet the 15-foot front yard setback. Based on the number of patient beds, no additional parking would be required.

Staff has reviewed the conditional use permit criteria relative to the subject site and finds that the proposed use to be in conformance with the County's criteria. Despite its location within an existing residential subdivision, the facility addition can be expected to have no adverse land use impacts on the use and enjoyment of residential uses in the vicinity or Zoning District. The building's expansion would face away from the existing residence to the west of the property, and the overall site is not expanding. The driveways and parking lots would remain the same.

County staff recommends that the Planning and Zoning Commission recommend that Ordinance No. 06-14 for Conditional Use Permit No. 670 be amended with the following conditions:

1. A site plan substantially complying with the attached concept plan shall be submitted to and approved by the St. Charles County Community Development Department prior to the conditional use becoming active.
2. The owner must petition for the vacation of the bubble turn-around on Lillian Drive through the County Highway Department.
3. No conditional use shall be in active use until such time all conditions of approval have been met.

For the record, staff did not receive any written communications regarding this conditional use permit request.

Chairman Ellis asked if the Commission had any questions for the Planning & Zoning staff. There were none.

Chairman Ellis opened the public hearing and asked the applicant, or their representative to come forward.

Jennifer Gettman, the property owner, was sworn in. Mrs. Gettman stated that she and her husband purchased this property in 2007 in its current state. She stated that the facility being run from the property is not a skilled nursing facility but is similar to an assisted living facility. All of the residents of the facility are Seniors over the age of 65 except for one person. They are requesting to expand the existing facility in order to improve the quality of life for the residents. They are currently certified to operate with 38 residential care facility beds, and they do not anticipate applying for certification for any additional beds. Most of the residents of this facility are currently housed within semi-private rooms that are approximately 14 x 14 in size. They would like to expand the facility in order to be able to eliminate these semi-private rooms and create private rooms for the residents.

Chairman Ellis asked if there were any questions for the applicant.

Kevin Cleary asked if the proposed building addition will contain more individual rooms, and if there is a recreational room on the property.

Jennifer Gettman responded that they are planning to add private rooms with the proposed building addition. Since the facility was built in the 1960's, they are trying to update it and give each resident access to their own bathroom. There is a recreational room on the property, but COVID-19 has made it difficult for that room to be safely used due to its small size.

Kevin Cleary stated that in looking at the concept plan and floor plans, it appears that they plan to add 8 to 10 more rooms to the facility.

Mrs. Gettman responded in the affirmative.

There being no further questions for the applicant, Chairman Ellis asked if anyone from the audience wished to make public comments on this application.

Arnie C. Dienoff was sworn in. Mr. Dienoff stated that this property was granted a variance back in 1983 to vary the County’s minimum lot size for nursing homes from 5 acres to 0.55 acres. He stated that the existing building is small and takes up a lot of the green space on the property. He stated that building code requirements have changed dramatically since this building was constructed, and he would like for the Commission to consider requiring that the existing building be brought up to meet the current requirements of the International Building Code. He has concerns regarding the amount of additional stormwater runoff and the amount green space the proposed building addition will take up. Mr. Dienoff stated that with the addition of 10 rooms, he believes that additional parking will be necessary. He questioned if their current parking plan will meet County requirements with the addition of a 2,500 square foot living area. Mr. Dienoff stated that he is opposed to this application to amend the conditions of the existing CUP, and he does not believe it would be a good fit for the surrounding residential neighborhood.

There being no further audience speakers, Chairman Ellis asked the applicant if they wished to come back to the podium.

Jennifer Gettman came back to the podium.

Kevin Cleary stated that he would like for Mrs. Gettman to address the parking concerns stated by Arnie Dienoff.

Jennifer Gettman stated that she understands Mr. Dienoff’s concerns. She and her husband believe that adding this building addition is going to be of benefit to the neighborhood. The existing driveway and parking area is small. Currently, when ambulances or other vehicles enter and exit the property, they are forced to go down David Drive and then onto Lillian Drive. None of the residents of this facility drive their own vehicles. The parking area is used by staff and family members only and has always been adequate. The only time the street has been used for parking is during the holidays. The current parking will remain where it is currently located but vehicles will no longer be using that to cut through onto other streets. The driveway is going to be redone, and some curbs will be likely added to help address stormwater runoff.

There being no further speakers, Chairman Ellis closed the public hearing and called for discussion from the Commission. There was no discussion from the Commission.

Craig Frahm made a motion to recommend approval of Application No. CUP20-10, subject to staff recommended conditions. Tracy Boehmer seconded the motion.

The vote on the motion was as follows:

Diane Saale	- Yes	Tom Kuhn	- Yes	Roger Ellis	- Yes
Tracy Boehmer	- Yes	Terry Hollander	- Yes	Kevin Cleary	- Yes
Robert McDonald	- Yes	Craig Frahm	- Yes		

Application No CUP20-10 was recommended for **APPROVAL** with conditions.

The Vote Count was 8 Yeas, 0 Nays and 0 Abstentions.

TABLED AND/OR CONTINUED ITEMS

NONE

APPROVAL OF THE MINUTES FROM THE SEPTEMBER 16, 2020 REGULAR MEETING

Chairman Ellis asked for a motion to approve the minutes from the September 16, 2020 regular meeting.

Terry Hollander made such motion, and the motion was seconded by Kevin Cleary.

The minutes were approved by unanimous voice acclamation.

OTHER BUSINESS

I. PLANNING & ZONING DIVISION UPDATES

- 1) Robert Myers stated that there will likely be a work session before next week's scheduled County Council meeting where the County Council will discuss the proposed changes to County's Post-Construction Stormwater Management Standards that were presented to the Planning & Zoning Commission during the September 16, 2020 meeting. He stated that the County Council at their discretion may come forward in November or December with an Ordinance incorporating those proposed changes.
- 2) The Minor Subdivision Plat process that was recently adopted by the County Council is a simpler platting process for subdivisions with parcels of at least 5-acres in size, which are often located within rural areas having no public infrastructure. The Minor Subdivision Plat process is subject to County Planning & Zoning staff approval and it requires conformance with very basic standards and requirements. The Minor Subdivision Plat process requires only one plat to be submitted for review. There are no requirements for internal streets, and no subdivision improvement plans are required to be submitted.
- 3) St. Charles County is likely to be a recipient of a Community Development Block Grant for Disaster Recovery. The State Emergency Management Agency is applying to the Department of Housing and Urban Development for a grant for the long-term recovery from flooding in 2019, which flooded approximately 90,000 acres of property within St. Charles County. The County could receive approximately \$15 million dollars in grant funding to assist with voluntary flood buyouts and housing relocation assistance for persons who lost their homes due to the 2019 flooding event.

- 4) The Federal Emergency Management Agency (FEMA) will be requiring that St. Charles County adopt revised Flood Insurance Rate Maps which will go into effect in 2021. Only two map panels are subject to change, and most of the areas are within the City of St. Charles. Only five parcels are located within unincorporated St. Charles County.

ADJOURNMENT OF MEETING

Kevin Cleary made a motion to adjourn the meeting. The motion was seconded by Tracy Boehmer and was approved by unanimous acclamation.

The meeting adjourned at 7:27 PM.

Respectfully submitted by:

Roger Ellis, Chairman

Tom Kuhn, Secretary