

INTRODUCED BY:

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AN ORDINANCE REPEALING ORDINANCE NOS. 2725, 3132, AND 3398, AND AUTHORIZING A NEW CONDITIONAL USE PERMIT AND SITE DEVELOPMENT PLAN FOR AN ADULT DAY CARE FACILITY AND GROUP HOME AT 9445 LITZSINGER ROAD FOR L'ARCHE ST. LOUIS

WHEREAS, the City of Brentwood previously enacted Ordinances 2725, 3132 and 3398 which authorized use of two residential lots located generally at 9441 and 9445 Litzsinger Rd. ("Subject Property") as a children's home; and

WHEREAS, Paula Kilcoyne, of L'Arche St. Louis, has applied for approval of a boundary adjustment to consolidate the two lots comprising the Subject Property into one lot pursuant to Sec. 403.420 of the City Code, and approval of a Conditional Use Permit and Site Plan for an new Adult Day Care Facility and Group Home for the Subject property pursuant to Sec. 400.1330(C)(5) of the B Single Family Residential District zoning regulations; and,

WHEREAS, the boundary adjustment consolidating the two lots of the Subject Property has been administratively approved in accord with Sec. 405.420(A) of the Brentwood City Code; and

WHEREAS, in accord with the applicable ordinances of the City of Brentwood such application was submitted to the Planning and Zoning Commission for its investigation and report, and the Commission recommended the approval of the site plan and conditional use permit as hereinafter provided; and

WHEREAS, pursuant to notice given as provided by law a public hearing on the proposed conditional use permit was duly held by the Board of Aldermen on the 2nd day of January 2024, in the Aldermanic Chambers at Brentwood City Hall in Brentwood, Missouri, at which public hearing all parties of interest and the public were given an opportunity to be heard and were heard; and,

WHEREAS, the Board of Aldermen hereby finds and determines that the conditional use permit contemplated will not:

- a) Substantially increase traffic hazards or congestion
- b) Substantially increase fire hazards
- c) Adversely affect the character of the neighborhood

- d) Adversely affect the general welfare of the community
- e) Overtax public utilities

WHEREAS, the Board of Aldermen further finds and determines that the conditional use permit contemplated:

- f) Complies with all other applicable provisions of the zoning code including performance standards in regard to yard and setbacks, parking and loading areas, screening and buffering, refuse storage and service areas
- g) Will contribute and promote the community welfare and convenience at the specific location,
- h) Will not cause substantial injury to the value of the neighboring property
- i) Complies with the Brentwood Comprehensive Plan or plans for any applicable zoning district regulations and provisions of the zoning chapter
- j) Will provide, if applicable, erosion control and on-site storm water detention in accordance with the standards contained in this ordinance
- k) Will be compatible with the surrounding area and thus will not impose an excess burden or have a substantial negative impact on surrounding or adjacent use or on community facilities or services

NOW, THEREFORE, BE IT ORDAINED, BY THE BOARD OF ALDERMEN OF THE CITY OF BRENTWOOD, MISSOURI, AS FOLLOWS:

SECTION 1. A Conditional Use Permit for operation of an Adult Day Care Center on the Subject Property pursuant to Sec. 400.1330(C)(5) of the Brentwood City Code and a Site Plan for the Subject Property as submitted on November 13, 2023, and revised November 28, 2023, copies of which are attached hereto as **Exhibit A** and **Exhibit B** and incorporated herein by this reference, are hereby approved, subject to the following conditions:

1. The plans for the proposed new group home shall be modified by (a) eliminating the proposed retaining wall along the eastside of the structure and , incorporating that function into the foundation of the building and (b) reducing the slope of the roof of the group home as approved by the Director of Planning and Development to decrease the height of the structure to better conform the exterior appearance of the group home with the general neighborhood standards as required by Section 400.1330(B)(2) of the City Code as illustrated on **Exhibit C** "*L'Arche Cond Use Submittal received November 13, P&Z Comments*" attached hereto and incorporated herein by this reference
2. Eliminate the concrete and parking along Litzsinger Road and narrow the width of the ingress along Litzsinger Road to 12 to 18 feet in width

- as well as other recommendations within the Traffic and Parking Assessment Report provided by CBB Transportation Engineers+Planners dated December 6, 2023 on file with the Director of Planning and Development
3. Maintain the existing Landscaping at the southeast corner of the home at 9445 Litzsinger Road with the exception of (a) installing one of the proposed new parking spaces as shown in the **Parking Revisions Exhibit D**; (b) and eliminate two of the parallel parking spots at the Litzsinger entrance, (c) reduce the proposed parking spaces for van assessable space at the northwest corner of the building near the McKnight exit, and (d) discontinue the use of the space near the area inlet as recommended by CBB analysis and report as presented to the Planning and Zoning Commission and on file with the Director of Planning and Development.
 4. Enclose the area for the AC units to provide screening of the trash receptible and lawn equipment.
 5. Sidewalk ramps on both driveways be upgraded to current PROWAF standards to include property slopes, widths, tactile/visually differentiated warnings, etc.
 6. Upgrade the directional signage to meet with the MUTCD standards, and install a stop sign could at the McKnight Road exit driveway.
 7. The Landscape Plan shall be revised to (a) extend the lawn at the rear of the proposed new home westward by removing excess pavement, and replacing it with sod, and (b) using a smaller variety of Japanese Maple to avoid conflicts with overhead wires at the southwest corner of the new proposed home at 9441 Litzsinger Road and other recommendations of the Planning Design Studio as presented at the Planning and Zoning Commission and within the report dated December 5, 2023 on file with the Director of Planning and Development.
 8. Removal of the existing string and pennants and revie the Site Plan to provide for installation of a more long-term solution to limit cut-through traffic across the Subject Property including compliant traffic control devices as approved by the Director of Planning and Development.
 9. All property maintenance shall be addressed as approved by the Director of Planning and Development prior to occupancy of the Group Home; including (a) removal of the tree stump and restoring the area with landscaping; (b) providing a continuous concrete curb along the parking lot; and (c) resetting the wheel stops to comply with Section 400.1730(A)(12) of the Off-Street Parking and Loading Regulations.
 10. All landscaping shall be permanently maintained in good condition with at least the same quality and quantity of landscaping as initially approved. In order to present a healthy, neat and orderly appearance, landscaped areas shall be provided with adequate irrigation for the


maintenance of grass, shrubs, ground covering and other landscaping by utilizing a sprinkler system, home bibs and/or such other method of providing water, as required under Section 400.1730(A)(10).

SECTION 2. Ordinances Number 2725, 3132 and 3398 which were previously enacted to authorize and regulate children’s home land use on the Subject Property are superseded by this Ordinance and are hereby repealed and of no further force or effect as of the effective date of this Ordinance.

SECTION 3. The Director of Planning and Development shall be charged with the responsibility for the enforcement of this Ordinance.


SECTION 4. This Ordinance shall be in full force and effect from and after the date of its passage and approval by the Mayor.

PASSED BY THE BOARD OF ALDERMEN THIS 16th DAY OF JANUARY 2024.



David A. Dimmitt, Presiding Officer

ATTEST:




Kelle Silvey, Deputy City Clerk

APPROVED BY THE MAYOR THIS 16TH DAY OF JANUARY 2024.



David A, Dimmitt, Mayor

ATTEST:



Kelle Silvey, Deputy City Clerk



1st Reading: January 2, 2024
2nd Reading: January 16, 2024