

ORDINANCE # 8753

AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT FOR EDEN THEOLOGICAL SEMINARY BY RENEWING AND AMENDING ITS EXISTING CONDITIONAL USE PERMITS FOR THE CAMPUS AT 475 E. LOCKWOOD AVENUE IN THE "A1" TWENTY THOUSAND SQUARE FOOT RESIDENCE DISTRICT TO ALLOW CERTAIN USES AND MATTERS RELATED THERETO

WHEREAS, Chapter 53 of the Code of Webster Groves, particularly 53.169 et seq., as amended, provides that the City of Webster Groves may, by conditional use permit, after public hearing, authorize the construction, alteration and use of property for colleges and universities in any residential district within the City; and

WHEREAS, the development of the approximately ~~20.25~~ ~~21.84~~ acre campus at Eden Seminary (the "Applicant") is governed by a series of conditional use permits and the 2000 Master Plan previously approved by the City; and

~~**WHEREAS**, the Eden Seminary campus is defined to include the approximately 21.84-acre property commonly known as 475 E. Lockwood Ave. (Locator #23K540202), 411 E. Lockwood Ave. (Locator #23K540121), 4 Joy Ave. (Locator #23K530430) and 114 Park Rd. (Locator #22K220451), and hereinafter referred to as the "Eden Campus."~~

WHEREAS, the Applicant has applied for a renewed and amended conditional use permit, which is currently based for the most part on Eden's 2000 Master Plan, which was approved in Ordinance No. 8152;

~~_____ **WHEREAS**, the Eden Seminary campus is defined to include the approximately 20.25 ~~21.84~~ acre property commonly known as 475 E. Lockwood Ave. (Locator #23K540202) and hereinafter referred to as the "Eden Campus."~~

~~_____ **WHEREAS**, Applicant has submitted a revised Master Plan, dated April 16, 2012, which calls for three phases of proposed development and/or use that depart significantly from the currently approved 2000 Master Plan for the property located 475 E. Lockwood Avenue, 411 E. Lockwood Avenue, 4 Joy Avenue and 114 Park Road, Eden Campus in the "A1" Twenty Thousand Square Foot Residence District; and~~

~~**WHEREAS**, the City has become aware of additional accessory uses that exist~~

upon the Eden Campus that have not been previously discussed, considered or approved in any prior conditional use permit issued to Eden Seminary; and

WHEREAS, the three phases set forth in the 2012 Master Plan are described generally as: 1) a capital improvement phase estimated to last three years (Phase I); 2) a shifting focus of student apartment living back to the historic quad area of the campus, which is expected to be completed by 2017 (Phase 2); and 3) the sale or lease of approximately 11.8 acres, including approximately 4.3 acres reportedly under some agreement with Webster University and approximately 7.5 acres the southeast quadrant of the campus bordering Lockwood Avenue and Bompert Avenue, in an effort to support the seminary's ongoing education mission by putting to use an "underutilized" portion of the campus ("Phase 3). No time estimate has been placed upon the occurrence of Phase 3; and

WHEREAS, the Zoning Code provides that uses in the A1 Residential District may be used only for those purposes set forth in Section 53.041, which incorporates Section 53.070(e) that includes "colleges and universities" as uses allowed by the issuance of a conditional use permit if a proposed conditional use permit complies with the standards set forth in Section 53.177; and

WHEREAS, Section 53.171 requires that, upon an application for a conditional use permit, or amendment of a conditional use permit, the City Council shall establish setbacks for front, side and rear yards pursuant to standards set forth in that section, and

WHEREAS, the request by Applicant for a renewed and amended conditional use permit was referred to the City Plan Commission, which, after studying the application and the recommendation of the Planning and Development Director, designated the 2012 Master Plan as received, denied a portion of the request and recommended approval of other -portions of the request, subject to certain recommendations and conditions; and

WHEREAS, the City Council gave due notice and held a public hearing on the application at City Hall on June 5, 2012 at 7:30 p.m., where the Council heard and considered comments and suggestions by those present, and continued the public hearing to June 19, 2012, ~~and again to July 17, 2012~~ and again to August 21, 2012, where additional comments, documents and suggestions from those present were heard and received; and

WHEREAS, the City Council also gave due notice and held a public hearing on Bill #8754 at City Hall on June 5, 2012 at 7:30 p.m., where the Council heard and considered comments and suggestions by those present regarding Bill #8754; and

WHEREAS, the City Council has consolidated the public hearings for Bills #8753 and #8754; and

WHEREAS, the City Council has determined in accordance with the provisions of Chapter 53.177 of the Webster Code that the amendment of the Applicant's conditional use permit, as set forth below, 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; or
- e) Overtax public utilities.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WEBSTER GROVES, MISSOURI, AS FOLLOWS:

Section 1. The Eden Master Plan of 2012 is received, but is not approved as submitted for any purpose other than informational. The request for an amended conditional use permit to allow the sale or leasing of approximately 11.8 acres of the Eden Campus for an unspecified use to an unspecified user is denied at this time because there is insufficient evidence or information before the City Council to determine whether future use of that approximately 11.8 acres will comply with any of the standards set forth in 53.177. Eden is granted leave to re-submit a request for an amended conditional use permit regarding that approximately 11.8 acres, or any portion thereof, at such time as a concrete proposal for the use of such property has been developed.

Section 2. The request for an amended conditional use permit to allow the renovation of several of the existing buildings on the Eden Campus is hereby approved as follows and subject to the following conditions:

The primary use of the Eden Campus is hereby approved as a seminary and the Eden Campus may be used for those traditional and customary seminary uses to which Eden Seminary has put the Eden Campus during the past 88 years in those buildings and structures that exist as of the date of this Ordinance, and shall also include limited accessory uses that are directly related to the primary, seminary use and that are both subordinate and customarily incidental to that primary, seminary use, which is more particularly described to include the following:

1. Primary seminary uses:

- a. Classroom, chapel, library reading, archive and book storage, bookstore, administrative and faculty office uses:
 - i. Press Educational Center
 - ii. West Hall
 - iii. Schultz Hall
- b. Assembly use:
 - i. Schroer Commons
- c. Student and faculty housing together with occasional and temporary (not exceeding 12 weeks in any given calendar year), residential use by guests of Eden Seminary:
 - i. West Hall
 - ii. Schultz Hall
 - iii. Schroer Commons
 - iv. North Hall
 - v. Goetsch Hall
 - vi. South Hall
 - vii. 121 Park Road
 - viii. 155 Park Road
 - ix. 159 Park Road
 - x. 119 Bompert Avenue
- d. Residential use:
 - i. 463 E. Lockwood as the home of the Eden Seminary President
- e. Maintenance use to include HVAC power generation and distribution, staff offices and garage uses:
 - i. The building on the north central property line behind the Power House as they currently exist
 - ii. Noise emanating from the Power House at or below 70 decibels at the property lines of any residential properties that abut the Eden Campus
- f. Child Care Center use:
 - i. Schultz Hall (lower level)
 - ii. Enrollment shall be limited to a total of twenty (20) children, at least fifty percent (50%) of whom shall be children of (a) the Eden Seminary community (students, faculty, or staff), (b) Eden Lab faculty or staff, or (c) Webster University faculty, or staff.

- g. Traditional library uses, book and archive storage, and limited classroom uses consistent with prior established and permitted conditional uses:
 - i. Luhr Library
- h. Parking use:
 - i. As currently configured and located as shown on Exhibit A hereto
- i. Traditional open space, recreational and occasional festival uses:
 - i. Southeast quadrant that is currently green space comprising approximately four to five acres
 - ii. The amount of green space on the Eden Campus shall not be diminished below the level that currently exists without an amendment to this conditional use permit pursuant to the standards set forth in the Zoning Code of Webster Groves, as amended at the time of such application.

2. Accessory uses:

a. As an accessory use that is customarily incidental and subordinate to Eden's primary use of its campus for seminary purposes, leasing of not more than a total of 25,000 square feet of the approximately 250,000 square feet available in the existing buildings on the Eden Campus as of the date of this Ordinance and only for administrative or clerical offices for non-commercial purposes by non-profit, institutional entities that are the same or similar to those entities with which Eden Seminary has existing leases as of the date of this Ordinance in Schultz Hall, West Hall, Schroer Commons and the Press Educational Center, subject to the following additional conditions and restrictions:

- 1. No tenant or lessee shall occupy more than 5,000 square feet of space in the aggregate, regardless of the number of leases granted to a given entity or any of its parent, subsidiary or affiliated entities;
- 2. No tenant or lessee shall employ more than 15 employees, provided, however, that the number of employees shall also be controlled by the available parking on the Eden Campus and all such employees shall park on the Eden Campus and shall be counted against the available parking that currently exists as shown and configured on Exhibit A attached hereto and incorporated herein by this reference;

3. Any tenant or lessee that desires or needs space in excess of 5,000 square feet or a number of employees greater than 15 shall require an amendment to this conditional use permit pursuant to the standards set forth in the Zoning Code of Webster Groves, as amended at the time of such application;

4. In no event shall any tenant or lessee be a for-profit person, sole proprietorship, corporation, partnership, limited liability company or any other for-profit entity; and

5. The President of Eden Seminary or his/her designee shall provide a list of such tenants or lessees to the Director of Planning and Development of the City of Webster Groves, together with the square footage leased, the location of the leased space and the number of the employees of such tenants or lessees on an annual basis on January 10, or within five business days after January 10, of each year.

b. Such other and further accessory uses as may be approved by the Director of Planning and Development upon a showing by a preponderance of the evidence that a proposed accessory use is customarily incident to, reasonably necessary to, and subordinate to the primary seminary use. The applicant will be required to notify adjacent property owners within 185 feet of the request for review of the proposed accessory use using a form supplied by the City of Webster Groves.

~~3. Parking shall continue to be provided as currently configured and located as shown on Exhibit B to Ordinance 8152, a copy of which is attached hereto and incorporated herein by this reference.~~

~~4. The amount of green space on the Eden Campus shall not be diminished below the level that currently exists without an amendment to this conditional use permit pursuant to the standards set forth in the Zoning Code of Webster Groves, as amended at the time of such application.~~

3. The relocation of Eden students to the historic buildings on the quadrangle established in 1924 is hereby approved at such time as the renovations contemplated in the section entitled "Executive Summary" of the 2012 Master Plan regarding Capital Improvements and Cost Estimates Condition 1 above is substantially complete and occupancy permits have been issued, and for those uses specified in Condition 1 above.

5.4. The property located at 114 Park Road shall be excluded entirely from the plan as required in Ordinance 8152.

- 6.5. _____ Nothing in this Ordinance shall be deemed to waive or be a grant of approval of any other permit, license or approval that might be required pursuant to other applicable codes of the City of Webster Groves or other governmental entity, such as, but not limited to, the Building Code, the Subdivision Code, the Historic Preservation Code, the regulations of the Metropolitan Sewer District, etc.
- 7.6. _____ This conditional use permit is personal to Eden Seminary and shall not run with the land except to the extent that may otherwise be required by law.
- 8.7. _____ The City reserves the right to require an amendment to this conditional use permit for any new or additional primary or accessory use not expressly set forth herein, pursuant to the process set forth in the Webster Groves Zoning Code, as amended from time to time.

Section 3. Setbacks are hereby established as, and shall not be less than, those shown on the 2000 Campus Master Plan (see Exhibit B to Ordinance 8152, a copy of which is attached hereto and incorporated herein by this reference); provided, however, that any structure demolished and rebuilt or any new structure not identified on Exhibit B will have setbacks as determined through a conditional-use-permit amendment process.

Section 4. Except as expressly amended in this Ordinance all portions of all prior ordinances shall remain in full force and effect.

Section 5. This ordinance shall not be printed in the Code of Webster Groves.

Section 6. This ordinance shall take effect and be in force from and after its passage and approval as provided by law.

PASSED AND APPROVED this _____ day of _____ 2012.

Mayor

ATTEST:

City Clerk

**PHASE 2
PARKING ANALYSIS AND
PLAN**

**Eden Seminary
Off-Street Parking Provided: 270**

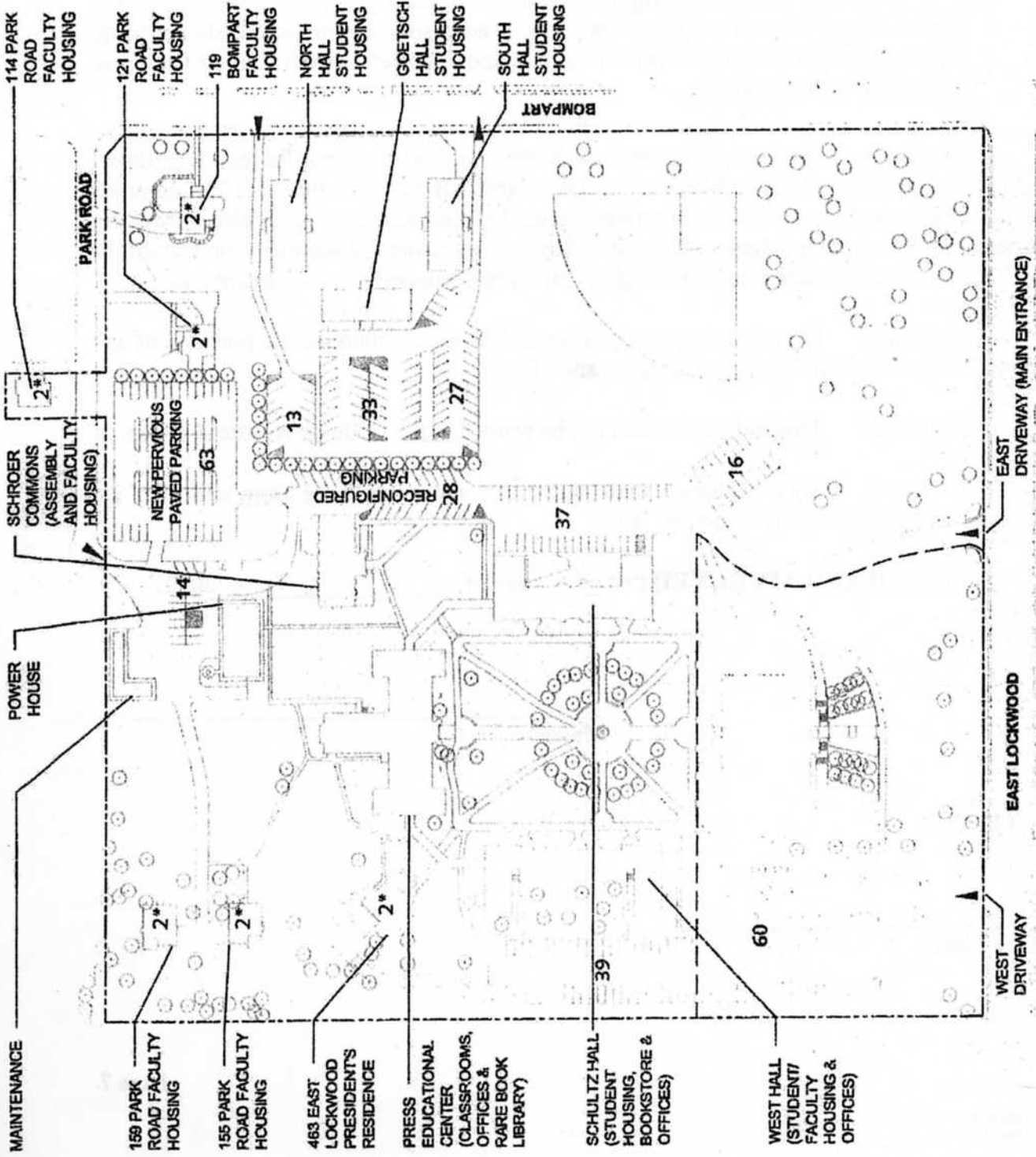
Off-Street Parking Required: 160

- Residential Units (1/unit) - 63
- Commuter Students - 60
- Faculty - 25
- Interfaith Partner Offices - 12

Peak Off-Street Parking Req'd: 168
(5% additional spaces per Webster
Groves City Zoning Code Section
53.256.3.E)

*Parking for Faculty Housing is not
included in counts due to attached
garages provided.

**Exhibit A to
Ordinance #8753**



**PHASE 2 PARKING ANALYSIS AND PLAN
EDEN THEOLOGICAL SEMINARY 2012 MASTER PLAN
04/16/2012**



