



**PLANNING COMMISSION
CITY HALL – COUNCIL CHAMBERS – 2101 JEFFCO BOULEVARD
TUESDAY, APRIL 9, 2019**

MEMBERS: Andrew Sutton (Chair), Frank Kutilek (Second), Alan Bess (Secretary), Jeff Campbell, Justin Lurk, Christopher Ford, John Tucker, Del Williams. **Council Liaison:** Brian McArthur. **Staff:** Robert Sweeney (City Attorney), David Bookless (Community Development Director), Christie Hull-Bettale (Community Development Engineer), Sarah Turner (Community Development Planner).

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

4. APPROVAL OF AGENDA

5. APPROVAL OF MINUTES: March 12, 2019

6. PUBLIC COMMENT

7. PUBLIC HEARING(S):

- **2019-10: CONDITIONAL USE PERMIT, SNO-BALL TRAILER, 754 JEFFCO BLVD.**
- **2019-11: CONDITIONAL USE PERMIT, 360 NUTRITION, #16 FOX VALLEY CENTER**
- **2019-12: A REQUEST FOR A CHANGE OF ZONING FROM “PRD” PLANNED RESIDENTIAL DISTRICT TO “R-2” RESIDENTIAL DISTRICT FOR A PROPERTY LOCATED AT 2209 LONEDELL ROAD TO ALLOW THE CONSTRUCTION OF A SINGLE-FAMILY DWELLING. SUBMITTED BY PRIME PROPERTY INVESTMENTS, OWNER OF THE PROPERTY.**
- **2018-08: A CITY-INITIATED REQUEST TO AMEND CHAPTER 405, ZONING, OF THE CODE OF ORDINANCES, CREATING DEFINITIONS FOR LODGING ESTABLISHMENTS AND EXTENDED STAY LODGING ESTABLISHMENTS AND PROVIDING REGULATIONS THEREFOR.**
- **2019-13: A CITY-INITIATED REQUEST TO AMEND CHAPTER 405, ZONING, OF THE CODE OF ORDINANCES TO MODIFY DEFINITIONS AND REGULATIONS RELATED TO “USED CAR SALES,” AS DEFINED IN THE ZONING ORDINANCE, AND AS RELATED TO NEW CAR, TRUCK, RECREATIONAL VEHICLE, BOAT, TRAILER, OTHER VEHICLE, AND/OR CONSTRUCTION EQUIPMENT SALES.**

8. OLD BUSINESS:

- **2019-01: A REQUEST FOR A CHANGE OF ZONING FOR SEVEN (7) PROPERTIES FROM C-4, R-3 AND C-2 TO ALL C-4 PLANNED COMMERCIAL DISTRICT FOR THE PURPOSES OF OPERATING ASSISTED LIVING APARTMENTS (CEDARHURST) AT 2069 MISSOURI STATE RD.**
- **2019-02: CONSOLIDATION PRELIMINARY RECORD PLAT, CEDARHURST ASSISTED LIVING FACILITY CONSOLIDATE 7 PARCELS INTO ONE LOT, 2069 MISSOURI STATE RD.**

9. NEW BUSINESS:

- **2019-10: CONDITIONAL USE PERMIT, SNO-BALL TRAILER, 754 JEFFCO BLVD.**
- **2019-11: CONDITIONAL USE PERMIT, 360 NUTRITION, #16 FOX VALLEY CENTER**
- **2019-12: A REQUEST FOR A CHANGE OF ZONING FROM “PRD” PLANNED RESIDENTIAL DISTRICT TO “R-2” RESIDENTIAL DISTRICT FOR A PROPERTY LOCATED AT 2209 LONEDELL ROAD TO ALLOW THE CONSTRUCTION OF A SINGLE-FAMILY DWELLING. SUBMITTED BY PRIME PROPERTY INVESTMENTS, OWNER OF THE PROPERTY.**
- **2018-08: A CITY-INITIATED REQUEST TO AMEND CHAPTER 405, ZONING, OF THE CODE OF ORDINANCES, CREATING DEFINITIONS FOR LODGING ESTABLISHMENTS AND EXTENDED STAY LODGING ESTABLISHMENTS AND PROVIDING REGULATIONS THEREFOR.**

- **2019-13: A CITY-INITIATED REQUEST TO AMEND CHAPTER 405, ZONING, OF THE CODE OF ORDINANCES TO MODIFY DEFINITIONS AND REGULATIONS RELATED TO "USED CAR SALES," AS DEFINED IN THE ZONING ORDINANCE, AND AS RELATED TO NEW CAR, TRUCK, RECREATIONAL VEHICLE, BOAT, TRAILER, OTHER VEHICLE, AND/OR CONSTRUCTION EQUIPMENT SALES.**

10. STAFF UPDATE

11. COMMISSIONERS UPDATE

12. COUNCIL LIAISON REPORT

13. NEXT SCHEDULED MEETING: April 23, 2019

14. ADJOURNMENT

The Public is welcome to comment on any item on this agenda following presentations by the Staff and petitioner. Comments concerning items not on the agenda should be made during the Public Comment section of the agenda, near the beginning of the meeting. When you address the Planning Commission, please step to the podium and state your name and address into the microphone. Unless otherwise directed by the Chairperson, individuals may speak for three minutes, while those representing a group may speak for six minutes.



PLANNING COMMISSION MEETING CITY HALL COUNCIL CHAMBERS MARCH 12, 2019

MINUTES

The regular meeting of the Arnold Planning Commission was called to order by Vice Chairman Frank Kutilek at 7:00 p.m. The Pledge of Allegiance was recited by those in attendance.

ROLL CALL OF COMMISSIONERS: Del Williams, John Tucker, Brian McArthur, Alan Bess, Frank Kutilek, Jeff Campbell, Andrew Sutton (excused), Chris Ford (excused), Justin Lurk, David Bookless, Sarah Turner, Christie Hull-Bettale and Bob Sweeney. 7 voting members present, 2 excused.

REVIEW AND APPROVAL OF AGENDA: Jeff asked that on the agenda, Frank Kutilek should replace him as the "Second".

Motion by Jeff Campbell to approve the agenda as amended. Second by Del Williams. Voice Vote – *Unanimously Approved.*

APPROVAL OF MINUTES: Motion by Jeff Campbell to approve the minutes from the February 12, 2019 meeting as presented. Second by Del Williams. Voice Vote - *Unanimously Approved.*

PUBLIC COMMENT: None

PUBLIC HEARINGS:

- **2019-04: CONDITIONAL USE PERMIT, DOG DAYCARE AT 2160 TENBROOK RD:** City Planner, Sarah Turner, gave a brief presentation explaining that Philip and Melanie Pieper are prospective tenants and have submitted a Conditional Use Permit application to use the property at 2160 Tenbrook Rd. as a Dog Daycare with optional boarding services. They propose adding a yard adjacent to the existing building where there is currently parking lot. The property is zoned C-4 and the C-4 Development conditionally allows the uses of Pet Daycare and optional Pet Overnight Boarding. According to the applicants, their current location is being sold by the owner. The property they are looking to relocate to is adjacent to where they are now. They are also proposing to construct a fenced-in green space area at the rear of the building to take pets outside. The only concern Staff has is the single family dwelling immediately south of the property (2168 Tenbrook). The distance between the side of the commercial office building that would be used as a Pet Daycare and the fence of the residential property is thirty (30) feet. However, this residential use is a legal non-conforming use and the Future Land Use Map from the Comprehensive Plan designates this area as commercially zoned. This proposal is nearly identical to the proposal they successfully made in October of 2018 when the applicants initially desired to open a Pet Daycare in the City. Sarah also informed the Commission that since Playful Paws has been open, there have been no complaints of a nuisance. Staff finds the proposed Conditional Use Permit meets the review criteria and further advances the C-4 Planned Commercial Development Zoning Ordinance and the Comprehensive Plan. Based on this finding, Staff requests favorable consideration of the application subject to the ten (10) conditions found in Exhibit in attachments.

Brian McArthur asked if Staff has heard from the homeowner. Sarah Turner stated she has not.

Frank Kutilek questioned if this will be dogs only or dogs and cats.

Melanie Pieper, owner of Playful Paws stated it would be dogs only.

David Foust, renter at 2168 Tenbrook, has a newborn baby, concerned of the potential barking; concerned of the potential danger when his daughter is playing outside; concerned with the foot traffic from the school and the kids wanting to see the dogs.

Melanie Pieper stated there will be two (2) fences between where the dogs will be outside and the residence; they have taken measures to prevent any sounds coming from the interior of the building; with the height of the fences, you shouldn't be able to see the dogs.

Brian McArthur verified that the fence is going on the back side. Mrs. Pieper stated yes it is.

John Tucker asked if the dogs run loose in the yard. Mrs. Pieper stated the dogs are always supervised.

Del Williams feels this is something the City of Arnold needs.

John Tucker asked how tall the fence is at the residence. Sarah Turner stated it was six (6) foot.

- **2019-05: CONDITIONAL USE PERMIT, DERMATOLOGY OUTPATIENT CLINIC AT 3783/3789 VOGEL RD.** City Planner, Sarah Turner, gave a brief presentation on behalf of Meramec Dermatology LLC, who is a prospective tenant requesting approval of a Conditional Use Permit for a Dermatology Outpatient Clinic to be located at 3783-3789 Vogel Rd. This site is in the C-3 Commercial District, which allows for clinics on a conditional basis. Staff is concerned about overnight stays and if there are enough ADA parking spaces to meet the needs of their clients. Staff finds that the proposed Conditional Use Permit meets the review criteria and is in compliance with the Zoning Ordinance and Comprehensive Plan. Based on this finding, Staff requests favorable consideration of the application subject to conditions contained in Exhibit A in Attachments.
- **2019-07: RECORD PLAT/MINOR SUBDIVISION, 12 LOTS, THE ENCLAVE AT STRAWBERRY RIDGE.** Engineer, Christie Hull-Bettale, gave a brief presentation on behalf of Horizon View Development, who is requesting record plat approval for seven (7) lots. The approximately 7.36 acre tract is located at the back portion of Strawberry Ridge Subdivision near the intersection of Strawberry Ridge Dr. and Guardian Ct. They have proposed five (5) lots that contain two-family homes and two (2) lots containing single-family. Commission has already approved the Display House Plat. Staff has reviewed The Enclave at Strawberry Ridge Record Plat and finds the proposed plat to substantially conform to the requirements of RSMo 89.410 and the Subdivision Ordinance of the City of Arnold, subject to the establishment of any required easements, and recommends favorable consideration of the application subject to conditions contained in Exhibit A in Attachments.
- **2019-06: A CITY-INITIATED REQUEST TO AMEND CHAPTER 405, ZONING, OF THE CODE OF ORDINANCES TO MODIFY DEFINITIONS AND REGULATIONS RELATED TO ARTICLE IV TREE PRESERVATION.** City Engineer, Christie Hull-Bettale, gave a brief presentation on the proposed modifications to the Tree Preservation Program that was adopted in 2017. The Tree Preservation Program Ordinance has been in place since May 2014. It was drafted with the intent of limiting the clear cutting of trees, preserving natural wooded areas for benefit with storm water runoff, and reducing the need to plant new trees. The way it is currently written, the program hinders the zoning procedures for some typical land owners. Specifically, those wanting to subdivide land without grading or public improvements and those who want to

build a home on a lot without extensive grading beyond the footprint of the building. There are no exemptions currently in the code and these owners are required to have a Tree Preservation Plan, this is not what was intended. The three (3) main changes are as follows:

- Establish a number of exceptions that address the development of a single-family home, while considering the possibility of future development.
- Clarification of terms are made, changes for consistency throughout the section, and added a statement to clarify intent.
- A Missouri Licensed Landscape Architect is an acceptable professional to prepare a Tree Ordinance Plan.

The Director of Community Development finds that the proposed text amendments meet or exceed review criteria and further advances the intent of Chapter 405. Based on this finding, the Director of Community Development requests favorable consideration of the draft amendments.

OLD BUSINESS: None

NEW BUSINESS:

- **2019-04: CONDITIONAL USE PERMIT, DOG DAYCARE AT 2160 TENBROOK RD:** Jeff Campbell asked if the relocated fencing would have a gap between the bottom of the fence and the pavement and if so, how much.

Sarah Turner stated that from what she knows, they are going to be tearing out the pavement and putting in a grass area but she is not sure if it will be on the grass or on the pavement. If there is a gap it would only be a couple of inches.

Jeff Campbell said his concern is that an animal could get under the fence.

David Bookless stated that when they go through the permit process, Staff will make sure there is no gap large enough that a dog could squeeze under it.

Motion by Jeff Campbell to approve 2019-04, Conditional Use Permit for a Dog Daycare at 2160 Tenbrook Rd. with the following ten (10) conditions:

1. Pet Daycare must be offered as a primary service.
2. Boarding adjacent to Residential zoning:
 - a. For the interior housing and play area, the building will employ the sound-proofing measures of installing wool batt insulation and sound-baffled air intake and discharge to allow for the quiet enjoyment of the surrounding residential properties.
 - b. For the interior housing and play area, no operable windows allowed, and fixed windows (if provided) must be double glazed. Light from non-operable skylights is allowed.

c. Conditional Use Permit — Boarding Option: expiration is one year from approval with possibility for renewal.

3. Exercise in exterior areas is not permitted between the hours of 9:00 pm and 7:00 am.
4. Animals must be supervised at all times by a caregiver in exterior areas.
5. Signs must be posted to instruct pet owners to keep animals on leashes or in crates until they are inside the building or behind security gates and prohibits animals without leashes to be in the parking or driveway areas.
6. All interior and exterior areas must be kept in a sanitary condition and trash pick-up must be scheduled as frequently as necessary to prevent odors and other nuisances to surrounding properties.
7. All fences must be well-maintained and in good condition at all times.
8. Site plan shall be provided and identify the location of exterior area to be used. Sight proof fencing, six foot (6 ft) high, around all exterior yard areas intended for animal use.
9. Conditional Use Permit, Business License, and Occupancy Permit may be revoked if any nuisance is not mitigated to satisfaction of the City.
10. Approval for Conditional Use Permit does not supersede other local, state or federal requirements.

Second by Del Williams. Roll call vote: Justin Lurk, yes; Brian McArthur, yes; Alan Bess, no; John Tucker, yes; Frank Kutilek, yes; Jeff Campbell, yes; Del Williams, yes. 6 yeas, 1 nay – *Motion Approved.*

- **2019-05: CONDITIONAL USE PERMIT, DERMATOLOGY OUTPATIENT CLINIC AT 3783/3789 VOGEL RD:** Brian McArthur is concerned that we are seeing more and more of these clinics going into retail spaces.

David Bookless agreed that we are seeing more and more of these, but feels it's the nature of the market these days.

Motion by Jeff Campbell to approve 2019-05, Conditional Use Permit, Dermatology Outpatient Clinic at 3783/3789 Vogel Rd. with the following four (4) conditions:

1. Overnight stays are prohibited.
2. Allocated parking area as shown in Exhibit C must provide reasonable parking accommodations for persons with disabilities and comply with Federal ADA regulations.
3. Rock Community Fire Protection District requirements:
 - a. Interior finish permits shall be submitted to Rock Community Fire Protection District from all contractors permitting.
 - b. New Occupancy Permit shall be completed by owner.
4. Approval for Conditional Use Permit does not supersede other local, state or federal requirements.

Second by Del Williams. Roll call vote: Justin Lurk, yes; Brian McArthur, yes; Alan Bess, yes; John Tucker, yes; Frank Kutilek, yes; Jeff Campbell, yes; Del Williams, yes. 7 yeas, 0 nays – *Motion Approved.*

- **2019-07: RECORD PLAT/MINOR SUBDIVISION, 12 LOTS, THE ENCLAVE AT STRAWBERRY RIDGE:** Motion by Jeff Campbell to approve 2019-07, Record Plat/Minor Subdivision, 12 Lots, The Enclave at Strawberry Ridge with the following five (5) conditions:
 1. Correct and make necessary changes to the Stormwater Operations & Maintenance Plan, provide for staff review.
 2. Fire District comments must be addressed.
 3. Coordinate with Rock Creek Sewer, Don Daniels, regarding sewer easement.
 4. The existing water easement on Lot 5 requires vacation prior to building permit issuance for this lot.
 5. Owners representative to establish escrow prior to Record Plat signatures:
 - a. For staff review and approval, provide a list and cost estimate for all remaining subdivision improvements, which may include but are not limited to: finish bio-basin, landscape as proposed including street trees and sod within the right of way, sidewalks, street & fire lane signs, street lights, guardrail, etc.
 - b. Execute the agreement Guaranteeing Subdivision Improvements with support funding.

Second by Justin Lurk. Roll call vote: Justin Lurk, yes; Brian McArthur, yes; Alan Bess, yes; John Tucker, yes; Frank Kutilek, yes; Jeff Campbell, yes; Del Williams, yes. 7 yeas, 0 nays – *Motion Approved.*

- **2019-06: A CITY-INITIATED REQUEST TO AMEND CHAPTER 405, ZONING, OF THE CODE OF ORDINANCES TO MODIFY DEFINITIONS AND REGULATIONS RELATED TO ARTICLE IV TREE PRESERVATION:** Justin Lurk commented that under the Premium Trees section, “Zoning Code” is used whereas everywhere else it is “Zoning Ordinance”.

Brian McArthur questioned a couple of the proposed changes which David Bookless addressed.

Motion by Jeff Campbell to approve 2019-06, a City-Initiated request to amend Chapter 405, Zoning, of the Code Ordinances to modify definitions and regulations related to Article IV Tree Preservation. Second by Brian McArthur. Roll call vote: Justin Lurk, yes; Brian McArthur, yes; Alan Bess, yes; John Tucker, yes; Frank Kutilek, yes; Jeff Campbell, yes; Del Williams, yes. 7 yeas, 0 nays – *Motion Approved.*

STAFF UPDATE:

- David Bookless – There is nothing on the Agenda for the March 26th meeting if you would like to cancel it. There will be a meeting on April 9th and Cedarhurst will be on the Agenda. Future projects: medical marijuana related businesses; changing regulations with regard to Hotels.

Frank Kutilek asked if everyone wanted to **cancel the March 26th meeting** – all agreed.

- Sarah Turner – No Report
- Christie Hull-Bettale – No Report

- Bob Sweeney – No Report

COMMISSIONERS UPDATE:

- Del Williams – no report
- John Tucker – no report
- Justin Lurk – no report
- Alan Bess – no report
- Jeff Campbell – no report
- Frank Kutilek – asked for an update on the crosswalk for MOD Pizza. Christie commented that she would follow up with the inspector.

COUNCIL LIAISON REPORT

- Brian McArthur – referred to medical offices/clinics/schools, etc. going into retail spaces and asked if we should change those businesses to a use by right instead of a Conditional Use. David Bookless explained that a Conditional Use Permit allows you to regulate certain things.

NEXT SCHEDULED MEETING: APRIL 9, 2019

ADJOURNMENT: Meeting adjourned at 8:02 p.m.

Respectfully Submitted,

Alan Bess
Planning Commission Secretary

**PLANNING COMMISSION
ROLL CALL SHEET**

DATE:	3/12/2019						
CALLED TO ORDER:	7:00 P.M.						
ADJOURNMENT:	8:02 P.M.						
		ROLL CALL	2019-04 - APPROVED	2019-05 - APPROVED	2019-07 - APPROVED	2019-06 - APPROVED	
CHRIS FORD	EXCUSED						
JUSTIN LURK	P	Y	Y	Y	Y		
BRIAN MCARTHUR	P	Y	Y	Y	Y		
ALAN BESS	P	N	Y	Y	Y		
JOHN TUCKER	P	Y	Y	Y	Y		
FRANK KUTILEK	P	Y	Y	Y	Y		
JEFF CAMPBELL	P	Y	Y	Y	Y		
DEL WILLIAMS	P	Y	Y	Y	Y		
ANDREW SUTTON	EXCUSED						
DAVID BOOKLESS	P	NO VOTE					
SARAH TURNER	P	NO VOTE					
CHRISTIE HULL-BETTALE	P	NO VOTE					
CITY ATTORNEY ROBERT SWEENEY	P	NO VOTE					