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## REPORT TO PLANNING COMMISSION

### CITY OF ARNOLD

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**APPLICATION NUMBER:** 2019-04

**APPLICATION NAME:** PLAYFUL PAWS

**APPLICANT NAME:** Philip & Melanie Pieper, Applicants/Tenants  
Playful Paws

**PROPERTY OWNER NAME:** Larry Jones  
531 Hawk Point Dr.  
St Albans, MO 63073

**APPLICANT'S REQUEST:** The applicants are prospective tenants requesting approval of a Conditional Use Permit for a Dog Daycare.

**STREET ADDRESS:** 2160 Tenbrook Rd

**SITE LOCATION:** Southeast of intersection of Jeffco Blvd and Tenbrook Rd, along Tenbrook; Immediately South of Salvation Army, across Muddy Creek

**PARCEL ID:** 01-4.0-20.0-4-001-020.04

**TOTAL SITE AREA:** 1.63 acres

**MEETING DATE:** March 12, 2019

**REPORT DATE:** February 20, 2019

**CASE MANAGER:** Sarah Turner

**RECOMMENDATION:** **APPROVAL WITH CONDITIONS**





# REPORT TO PLANNING COMMISSION

## CITY OF ARNOLD

### DESCRIPTION OF EXISTING SITE CONDITIONS

The 1.63 acre parcel is located South of the intersection of Tenbrook Road and Jeffco Blvd., along Tenbrook Road. The property is developed with a single-occupant commercial building and parking lot. Most of the property is within the 100 year flood zone due to Muddy Creek running near its northern boundary. The property is accessed via Tenbrook Road.

### SITE HISTORY

The site was developed in 1987 with the construction of the existing commercial building and parking lot. Since 1987, the building has housed the Missouri State Employment Office, a Social Security office, and most recently the Shiloh World Outreach Center.

### LAND USE AND ZONING CONTEXT MATRIX

DIRECTION	EXISTING LAND USE	ZONING DISTRICT	COMMENTS
North	Commercial	C-4	Mixed commercial; current location of Playful Paws at 2132 Tenbrook Rd
East	Vacant Commercial	C-4	Vacant and unusable (Flood plain)
South	Commercial and Residential	C-4	One legal non-conforming Residential; Commercial (White & Risse)
West	Residential	R-5	Single family dwellings

### ZONING MAP



# REPORT TO PLANNING COMMISSION

## CITY OF ARNOLD



### ZONING REQUEST/DEVELOPMENT PROPOSAL

The applicants are prospective tenants and have submitted a Conditional Use Permit application to use the property at 2160 Tenbrook Rd as a Dog Daycare. The applicants propose adding a yard adjacent to the existing building where there is currently parking lot (see Exhibit B and/or Exhibit C in Attachments).

### COMPREHENSIVE PLAN CONSISTENCY REVIEW

*A consistency review of the goals, objectives, and policies of the Comprehensive Plan, as they relate to the current request, follows:*

#### GOALS, OBJECTIVES, AND POLICIES:

**LAND USE POLICY 9.1: APPLY COMPATIBLE USES.** COMMERCIAL DEVELOPMENT SHOULD BE COMPATIBLE WITH NEARBY DEVELOPMENT AND ADEQUATELY BUFFERED TO MITIGATE ADVERSE IMPACTS ON RESIDENTIAL NEIGHBORHOODS.

#### CITY PLANNER'S COMMENTS

*Land Use Policy 9.1 is satisfied as follows:*

**Satisfied:** The proposed Conditional Use Permit would allow for a pet daycare on the property, which is compatible with nearby commercial and residential development. There is a potential conflict with a particular adjacent residential use, but the residential use is zoned as commercial. Conditions to the use would mitigate adverse impacts on nearby residents.

#### FUTURE LAND USE MAP:



**Satisfied:** The proposed conditional use aligns with the FLUM designation for the property as commercial within the "New Downtown" node.





# REPORT TO PLANNING COMMISSION

## CITY OF ARNOLD

### BACKGROUND

Playful Paws is a pet daycare that offers optional boarding services. The property is zoned C-4, and the C-4 Development conditionally allows the uses of Pet Daycare and optional Pet Overnight Boarding. The applicants, Philip and Melanie Pieper, opened Playful Paws in October 2018 at 2132 Tenbrook Rd after successfully applying to the City and Planning Commission to re-zone this particular C-4 district to allow for pet daycare use and also for a Conditional Use Permit for said use. According to the applicants, the building Playful Paws is currently in is being sold by the owner so they must relocate. Larry Jones is the owner of both the current and proposed properties and is working with the applicants' needs to create a fenced grass yard and a new door to access the yard at the proposed property (2160 Tenbrook Rd). The materials for the yard's fence will be re-used from their 2132 Tenbrook Rd location.

In February of 2019, the applicants applied for a Conditional Use Permit for the purpose of re-locating their pet daycare at 2160 Tenbrook Rd, a property adjacent to where they are currently located (see Figure 1). The applicants will also be seeking permission to create a fenced yard at the rear of the building, as shown in Exhibit B and/or Exhibit C in Attachments.

**FIGURE 1: PLAYFUL PAWS CURRENT AND PROPOSED LOCATION**



### PLANNING AND ZONING ANALYSIS

*When reviewing applications for Conditional Use Permits, or amendments thereto, the Planning Commission is required to hold a hearing, review, and make recommendations and report to the City Council.*

The applicants seek a Conditional Use Permit to use the property at 2160 Tenbrook Rd. as a pet daycare with optional boarding services. The applicants propose constructing a fenced-in greenspace area at the rear of the building to take pets outside.

# REPORT TO PLANNING COMMISSION

## CITY OF ARNOLD



### PLANNING AND ZONING ANALYSIS - CONTINUED

#### CONSISTENT WITH GOOD PLANNING PRACTICE

The applicants recently applied and successfully re-zoned this particular C-4 Planned Commercial District to allow for the conditional use of a pet daycare. The property is within a mixed use/commercial node on the Future Land Use Map in the Comprehensive Plan. The goals, objectives, and policies of the C-4 Planned Commercial Development Ordinance and Comprehensive Plan are met with this proposal subject to the mitigation of nuisance as provided for in through the conditions contained in Exhibit A in Attachments.

#### DETRIMENT TO PERMITTED DEVELOPMENT AND USES WITHIN THE DISTRICT

As stated previously, the property is within a C-4 zoning district. This specific C-4 district allows for permitted uses from the other three commercial districts (C-1, C-2, and C-3) and allows the conditional uses from C-2 and C-3, in addition to pet daycare and optional pet overnight boarding due to previous efforts by the applicants.

The only concern Staff has regarding development and uses within the C-4 district is the single family dwelling immediately south of the property in question, as seen in Figure 2. 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 feet (30 ft). According to the applicant, pet care will be located inside the building and any outdoor activity will be monitored in the sight-proof fenced yard. The proposed use without conditions could pose injury to this residential use due to the close proximity, despite a six foot (6ft) fence and supervision of animals.

However, Staff also wants to make the distinction that this residential use is a legal non-conforming use and that the Future Land Use Map from the Comprehensive Plan designates this area as commercially-zoned. Despite the current use as legal non-conforming residential

**FIGURE 2: PUBLIC VIEWSHED OF PROPOSED PET DAYCARE'S PROXIMITY TO THE NON-CONFORMING RESIDENTIAL USE, FROM SIDEWALK ALONG TENBROOK RD FACING NORTHEAST**





# REPORT TO PLANNING COMMISSION

## CITY OF ARNOLD

### PLANNING AND ZONING ANALYSIS - CONTINUED

#### **DETRIMENT TO PERMITTED DEVELOPMENT AND USES WITHIN THE DISTRICT—CONTINUED**

south of the proposed Pet Daycare, the Comprehensive Plan calls for such a use disappearing in favor of commercial uses. With the existing non-conforming residential use of the adjacent property continuing, there is potential conflict between the Pet Daycare use and residential enjoyment. Nuisances in the form of noise, odor, or escaped animals can be prevented with sound-proofing, frequent cleaning of droppings, and outdoor leash or crate requirements. Should the Conditional Use Permit to allow a Pet Daycare at 2160 Tenbrook Rd. be approved, Staff has made a number of recommendations to mitigate the previously mentioned nuisances to ensure the enjoyment of the neighborhood by nearby residential uses within and outside of the C-4 district, which can be found in Exhibit A in Attachments on Page 10. Such conditions would make it so that the manner of operation for the proposed Pet Daycare would not be detrimental to permitted developments and uses within the district.

#### **VISUAL COMPATIBILITY WITH PERMITTED DEVELOPMENT AND USES IN SURROUNDING AREA**

The applicants are requesting a Conditional Use Permit to allow for a Pet Daycare and the construction of a sight-proof fenced yard. The Pet Care will be located inside the building. The fence and yard are to be constructed in the rear of the property, with most of the fencing being blocked from public view by the commercial office building. The applicants plan on deconstructing their current six foot (6 ft) privacy fence at 2132 Tenbrook Rd (see "Privacy Fence" photo on Page 15 in Attachments) and re-constructing it at their proposed new location at 2160 Tenbrook Rd. The applicants did not state any intentions of changing the façade of the building. As such, the fence and interior use of the building are visually compatible with the surrounding area.

#### **ESSENTIALNESS OR DESIRABILITY TO THE CITY**

The applicants' current 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. Pet Daycare and optional Overnight Boarding has become a popular service among pet owners. Playful Paws' service does not involve the selling, breeding, or grooming of animals, which distinguishes this business from others and makes it a unique offering in the City. Pet Daycare and Boarding is not essential, but it has shown to be a desirable service to have in the City.

### FINDINGS AND RECOMMENDATION

#### **CONSISTENT WITH GOOD PLANNING PRACTICE**

Staff finds that the proposed use as a Pet Daycare is deemed consistent with good planning practice, subject to the mitigation of noise and odor and other such nuisances provided for in through the conditions contained in Exhibit A in Attachments.

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# REPORT TO PLANNING COMMISSION

## CITY OF ARNOLD



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### FINDINGS AND RECOMMENDATION—CONTINUED

#### **DETRIMENT TO PERMITTED DEVELOPMENT AND USES WITHIN THE DISTRICT**

Staff finds that the proposed use can be developed or operated in a manner that is not detrimental to the permitted developments or uses within the C-4 district subject to conditions contained in Exhibit A in Attachments.

#### **COMPATIBLE WITH PERMITTED DEVELOPMENT AND USES IN SURROUNDING AREA**

Staff finds that the proposed use can be developed or operated in a manner that is visually compatible with the permitted development and uses in the surrounding area.

#### **ESSENTIALNESS OR DESIRABILITY TO THE CITY**

Staff finds that the proposed use is deemed essential or desirable to preserve and promote the public health, safety, and general welfare to the City of Arnold.

#### **RECOMMENDATION**

Staff finds that 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 conditions contained in Exhibit A in Attachments.

A handwritten signature in black ink, appearing to read "Sarah Turner", is written over a horizontal line.

Sarah Turner  
Community Development Planner





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**REPORT TO PLANNING COMMISSION**  
**CITY OF ARNOLD**

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# ATTACHMENTS

**SUPPLEMENTAL LETTERS, MAPS, PLANS, ETC.**

# REPORT TO PLANNING COMMISSION

## CITY OF ARNOLD



### 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.

### EXHIBIT A: STAFF RECOMMENDED CONDITIONS OF USE

2019-04 CONDITIONAL USE PERMIT APPLICATION



# REPORT TO PLANNING COMMISSION

## CITY OF ARNOLD

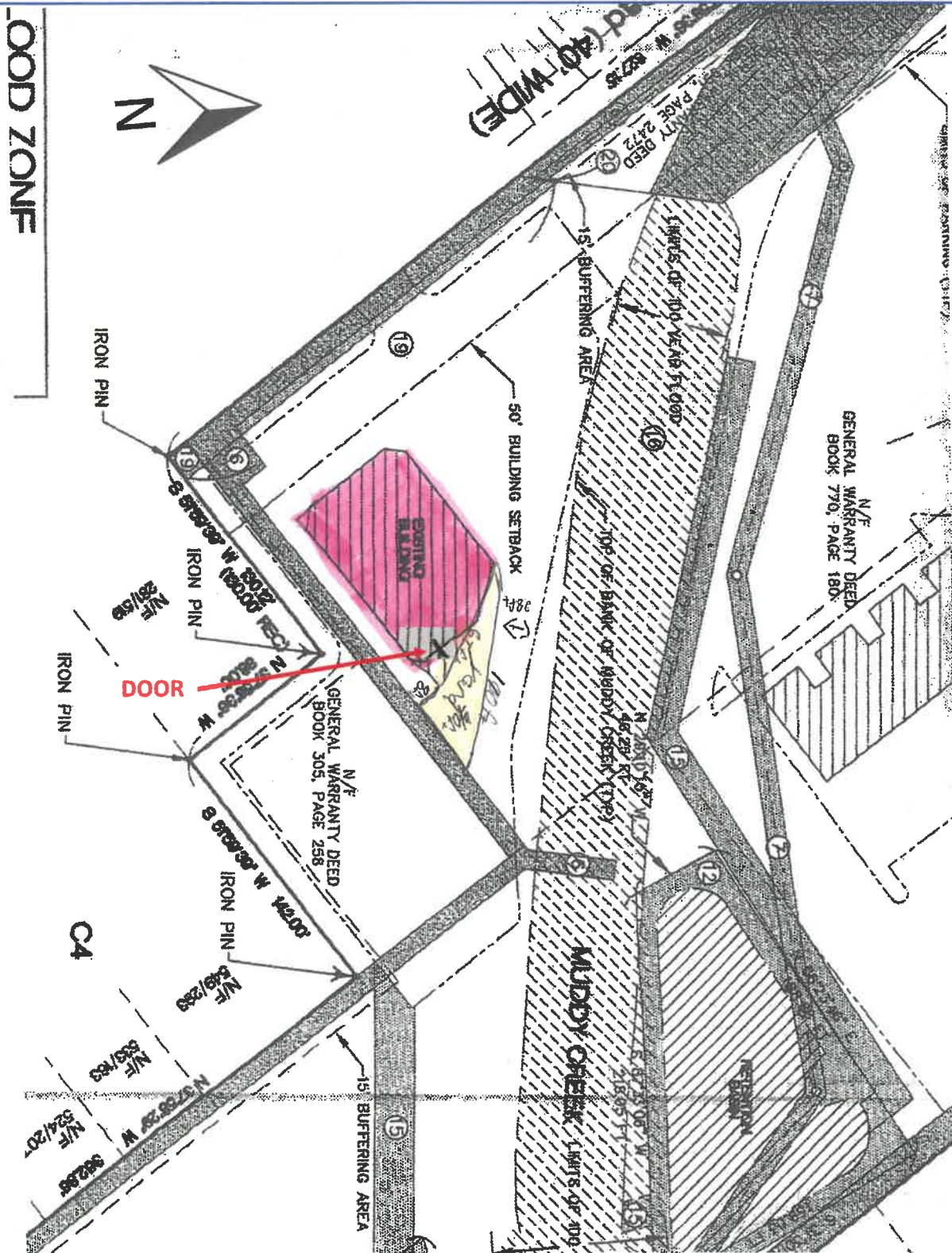


EXHIBIT B: PLAT WITH YARD AND NEW DOOR LOCATION SKETCH



**REPORT TO PLANNING COMMISSION  
CITY OF ARNOLD**



**EXHIBIT C: SATELLITE WITH APPROXIMATE FENCE AND DOOR LOCATION**

2019-04 CONDITIONAL USE PERMIT APPLICATION





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## REPORT TO PLANNING COMMISSION

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### CITY OF ARNOLD

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My name is Melanie Pieper and I am the current owner/operator of Playful Paws. My business is a doggy daycare and boarding facility. We opened here in Arnold, MO November 5<sup>th</sup> of 2018. We are currently at 2132 Tenbrook Road in Arnold and are looking to relocate to 2160 Tenbrook Road. The relocation is due the property owner selling the building and the new owner wanting to occupy the space. The current owner has offered to move us to the new location. The business operations in the new location will continue as they are at our current location. We are planning to construct a yard on the side of the building, making sure we have the proper amount of space required by the city for emergency vehicles to be able to get around the building. Currently, we are in the process of applying for a new conditional use permit for this location.

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**APPLICANTS NARRATIVE**

Playful Paws

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## REPORT TO PLANNING COMMISSION

### CITY OF ARNOLD

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#### Description of Business

My name is Melanie Pieper and I am a current resident of the City of Arnold. I am requesting assistance to open my own business of a pet daycare and boarding service. I am currently interested in a property located at 2136 Tenbrook Rd here in Arnold. I am offering daycare for pets of people who do not have anyone to watch them or do not want to leave them home alone while they are at work or running errands. I will also be offering a boarding service for those who want to take vacations and have no one to stay at home to watch their pets. Inside I will have 4 areas fenced in to allow dogs to play and interact with one another. There will places for them to lie and toys for them to play with. Even the dogs that are boarding will be able to enjoy playing and will not be kenneled until we close and go home for the night which will be 8pm. I am planning to have a closed fenced in area in the back where they can go out regularly for some fresh air. Dogs will be taken out in small groups of 6 to 8 at a time. The business will have set hours of operation from 6:30 am to 8pm, but will be checked on by me after those hours. I want to place this business here in Arnold so that I can be close to it if I should need to be there quickly for anytime of situation that may occur. This is my business and I plan to be there working along with any other staff.



**REPORT TO PLANNING COMMISSION  
CITY OF ARNOLD**



**PRIVACY FENCE AT 2132 TENBROOK RD—PROPOSED RELOCATION TO 2160 TENBROOK RD**

Playful Paws

**REPORT TO PLANNING COMMISSION**  
**CITY OF ARNOLD**



**PUBLIC VIEWSHED OF COMMERCIAL BUILDING FROM TENBROOK ROAD, FACING NORTHEAST**

**2019-04 CONDITIONAL USE PERMIT APPLICATION**





# REPORT TO PLANNING COMMISSION

## CITY OF ARNOLD



VIEW OF BUILDING AND MUDDY CREEK FROM PAVEMENT EDGE, FACING EAST

Playful Paws

**REPORT TO PLANNING COMMISSION**  
**CITY OF ARNOLD**



**VIEW OF NORTHERN BUILDING CORNER FROM PAVEMENT EDGE, FACING EAST**

**2019-04 CONDITIONAL USE PERMIT APPLICATION**





# REPORT TO PLANNING COMMISSION

## CITY OF ARNOLD



**VIEW OF EASTERN BUILDING CORNER FROM PARKING LOT, FACING WEST**

Playful Paws