



City of Ellisville

PLANNING AND ZONING COMMISSION REGULAR MEETING MINUTES

Meeting Date: April 11, 2018

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 - A. Petition #18-04-01: The Planning and Zoning Commission will discuss and consider the petition of DGB, LLC for (1) for rezoning of the property from the R-1 Single-Family Residential Zoning District to the C-5 Planned Commercial District, (2) for approval of a site development plan, and (3) for approval of a condominium plat for property known and numbered as 206 Old State Road.
 - B. Petition #18-04-02: The Planning and Zoning Commission will discuss and consider the petition of Micaray, LLC for (1) text amendments to Title IV, Land Use, Chapter 400: Zoning Regulations to allow Dog-Care Facilities, including Dog Training and Boarding Kennels as conditional uses in the C-3 Zoning District of the City of Ellisville; and (2) for approval of a Conditional Use Permit to allow the operation of 'Casey Ray Dog Training', a Dog Day-Care Facility, including Dog Training and Boarding Kennel, located at 15622-15626 Manchester Road, within the C-3 Commercial Zoning District.
 - C. Petition #18-04-03: The Planning and Zoning Commission will discuss and consider the petition of Best Pawsible Daycare, LLC for (1) Text Amendments to Title IV, Land Use, Chapter 400: Zoning Regulations to allow Dog Day-Care Facilities and Boarding Kennels as conditional uses in the C-3 Commercial Zoning District of the City of Ellisville; and (2) for approval of a Conditional Use Permit to allow the operation of 'Dogtopia', a Dog Day-Care Facility and Board Kennel, located at 15382-15400 Manchester Road, within the C-3 Commercial Zoning District.
 - D. Petition #18-04-04: The Planning and Zoning Commission will discuss and consider a City-initiated petition for Text Amendments to Title IV, Land Use and Chapter 400: Zoning Regulations pertaining to Craft/Micro Brewery, Cidery, Winery and Distillery uses.
7. ADJOURNMENT

PLANNING AND ZONING COMMISSION MEETING SUMMARY

1. **CALL TO ORDER:** Chairman Boggs called the meeting to order at 7:00 p.m.
2. **PLEDGE OF ALLEGIANCE:** Commissioner Compton led the Pledge of Allegiance.

3. **ROLL CALL**

Present

Linda Reel
Liz Schmidt
Suzanne Gundlach
Sandie McGrath
Mike Roerman
Rob Compton
Curtis Boggs
Cindy Parnell, Asst. City Attorney

Absent

John Ellebrecht
Al Tamulaitis

A quorum was present for the meeting.

Also present were City Planner Hood and Councilmember Pool.

4. **APPROVAL OF AGENDA**

A motion was made by Commissioner Reel to approve the Agenda, as written, and was seconded by Commissioner Roerman. The votes were as follows:

Aye

Linda Reel
Liz Schmidt
Suzanne Gundlach
Sandie McGrath
Mike Roerman
Curtis Boggs

Nay

Abstain

Rob Compton

Absent

John Ellebrecht
Al Tamulaitis

5. **APPROVAL OF MINUTES**

A motion was made by Commissioner Reel to approve the March 14, 2018, Regular Meeting Minutes, as written, and was seconded by Commissioner Ellebrecht. Hearing no questions or discussions, the votes were as follows:

Aye

Linda Reel
Liz Schmidt
Sandie McGrath
Mike Roerman
Curtis Boggs

Nay

Abstain

Suzanne Gundlach
Rob Compton

Absent

John Ellebrecht
Al Tamulaitis

6. PUBLIC HEARING(S)

Petition #18-04-01: The Planning and Zoning Commission will discuss and consider the petition of DGB, LLC for (1) for rezoning of the property from the R-1 Single-Family Residential Zoning District to the C-5 Planned Commercial District, (2) for approval of a site development plan, and (3) for approval of a condominium plat for property known and numbered as 206 Old State Road.

Assistant City Attorney Parnell read the Exhibit List. Planner Hood and the applicants were sworn in.

Planner Hood stated the applicant is requesting to rezone the subject property from R-1 Single Family Residential to C-5 Planned Commercial to allow the construction of four (4) buildings to accommodate multiple condominium units within each building to be sold for use as personal storage, small business and/or hobbyist purposes.

The applicant has indicated that it is not expected that potential owners would include high levels of retail, which would result in high levels of traffic. Additionally, business owners would employ 2 - 4 people per unit. The hours of operation for business are proposed to be 6:00am to 7:00pm. However, there would be no hour restrictions for, "hobbyists, storage, or non-defined business hours of operation (i.e. someone in the facility that happened to work late to meet a customer requirement)."

The applicant has requested to submit the landscape plan and lighting plan for staff review and approval as part of the permit process. The applicant has indicated that the landscape and lighting plan will comply with all City requirements. They are aware that a petition to the City Council will be necessary to waive any landscape or lighting requirement, should the plans not be in compliance.

Mr. Pat Gunn, applicant's attorney, stated there would be bylaws associated with this development, which would include: no residencies allowed, no outside storage, and no auto body or woodworking. He also stated there would be an 8-foot-high fence along the back property line with landscaping.

Chairman Boggs opened the public hearing.

Melodie Donatelli, 128 Covert Lane: The neighborhood slopes with extensive drainage toward our homes. We already have drainage issues. Will RVs be parked there? Need clarity on "hobbyist."

Amelia DeLoach, 16057 Pierside Lane: Boundary for all commercial is 25 feet abutting residential, and must be landscaped. Sounds like the City is changing the requirements?

Chairman Boggs closed the public hearing.

Commissioner Schmidt asked if drainage on the back side of lot could be diverted into the creek rather than yards. Planner Hood stated the site is under one acre, so there are no MSD requirements. There are some water requirements to slow down drainage to avoid sheet flow.

Mr. Tom Weiss stated the preliminary site and grading plans address the runoff. When the landscape plan is developed, it is intended to slow runoff. The intent is not to make runoff worse.

Commissioner Roerman stated he would like to see a fence between buildings, so people can't cut through the development. Mr. Weiss was in agreement that a fence could be constructed from building to building to create a barrier.

Discussions ensued among the Commissioners.

Commissioner Roemeran moved to forward a favorable recommendation to the City Council, subject to the following condition(s):

1. That retail uses are prohibited; and
2. That all Service-Oriented Business operations are limited to operate within the hours of 6AM to 7PM; and
3. That all Service-Oriented Business operations should have no more than 4 employees; and
4. That the Commission decides whether allowing "hobbyists, storage, or non-defined business hours of operation" uses to operate 24-hours per day is acceptable; and
5. That the applicant prepares and submits a landscape plan for staff review and approval. The landscape plan must comply with all landscape requirements, unless a waiver is secured from the City Council; and
6. That all hobbyists, storage, or non-defined business may operate 24 hours per day; and
7. That the applicant prepares a parking plan, including the location of all parking spaces, a table listing the required parking spaces versus the proposed parking spaces, noting ADA compliant and guest parking spaces, for staff review and approval, prior to permit issuance; and
8. That the applicant secures ARB approval; and
9. That the applicant upgrades the sidewalk along Old State Road to 5 feet in width, if not already 5-foot-wide; and
10. That the applicant complies with Section 400.490(l) of the Zoning Code regarding pedestrian accessibility, crosswalks and walkways; and
11. That the applicant provides a drainage area map showing original and proposed topography with drainage areas identified, as part of the permit process. Since there is existing drainage swale erosion just south of the site, it will be necessary to provide storm water quality 'Best Management Practices' including bio retention/rain gardens that capture and temporarily store storm water runoff. Bio retention/rain gardens shall be sized for a 1" rainfall event and may include underdrains and overflow structures. Because of the narrow side/rear yards, it may be necessary to install a combination of bio retention/rain gardens. It may be necessary to provide outlet erosion protection; and
12. That the applicant obtains approval from the St. Louis County Department of Highways & Traffic for all work on Old State Road; and
13. That the applicant obtains approval from Missouri American Water and Metro West Fire Protection District for location of new water main, fire hydrants, etc.; and
14. That the applicant submits a Storm Water Pollution Prevention Plan including providing weekly erosion control inspection reports to the City in an electronic format, as part of the permit process; and
15. That the applicant adds "inverted U" type bike racks, or secures a waiver from the City Council; and
16. That the applicant provide an Engineer's cost estimate of the site improvements (Excel format if possible) as part of the permit process. This document will be used to establish the escrow. Once the cost estimate is approved, the owner will need to establish an escrow via a bond or irrevocable letter of credit.
17. That the applicant installs a perimeter fence to enclose the facility.

The motion was seconded by Commissioner Reel. The votes were as follows:

<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Linda Reel			John Ellebrecht
Liz Schmidt			Al Tamulaitis
Suzanne Gundlach			
Sandie McGrath			
Mike Roerman			
Rob Compton			
Curtis Boggs			

Petition #18-04-02: The Planning and Zoning Commission will discuss and consider the petition of Micaray, LLC for (1) text amendments to Title IV, Land Use, Chapter 400: Zoning Regulations to allow Dog-Care Facilities, including Dog Training and Boarding Kennels as conditional uses in the C-3 Zoning District of the City of Ellisville; and (2) for approval of a Conditional Use Permit to allow the operation of 'Casey Ray Dog Training', a Dog Day-Care Facility, including Dog Training and Boarding Kennel, located at 15622-15626 Manchester Road, within the C-3 Commercial Zoning District.

Assistant City Attorney Parnell read the Exhibit List, and the applicants were sworn in.

Planner Hood stated the applicant is requesting to amend the City's Zoning Code to allow dog daycare facilities, including dog training and boarding kennels. The applicant is also requesting a conditional use permit to allow these operations at the subject site.

Mr. Darryl Yale, architect, stated the proposed location is located at the east end of the building next to the Davis School. The unit is already sound-proof, and will be the future grooming area. The outdoor facility will be fenced in with a proposed 6-foot chain link fence with the bottom 3 feet equipped with privacy slats for the animals, or whatever is required by the City. This is a segregated property as to not interfere with other tenants. It's a destination location, and not advertising like a retail space. Sanitary measures will be put in place relating to pet urine and feces. We would also like to move the ADA ramp, in which case, we may gain 1 - 2 parking spaces.

Commissioners discussed their concern with where the waste would be washed. The applicant stated no solid waste would be washed into the creek. All solid waste would be picked up before washing the area.

Discussions ensued among the Commissioners and applicant.

Commissioner Compton moved to forward a favorable recommendation to the City Council, subject to Exhibit A, and the following condition(s):

1. That the applicant installs a curb and bollards around the perimeter of the outside relief area; and
2. That the outside relief area be limited to 23 feet from the building on the east side, and 6 feet from the building on the south side. Any further expansion of the relief area would restrict the adjacent drive aisles; and
3. That proper striping and signage be installed to adequately route traffic and mitigate a sight distance problem for vehicles using the rear drive aisle; and
4. That all dog waste is properly disposed of, including temporary storage of the waste on days when no trash pick-up is scheduled; and
5. That the property owner (not tenant) installs sidewalk luminaires along Manchester Road; and
6. That the property owner (not tenant), repairs and replaces, as needed, the fence along the entire southern property line; and

7. That the property owner (not tenant), replaces all required landscape buffers (new evergreen trees) along the entire southern property line; and
8. That the property owner (not tenant), repairs the broken and rusted chain link fence directly behind the building; and
9. That the property owner (not tenant), installs bike racks; and
10. That the property owner (not tenant), provides proper access to ADA parking space; and
11. That the property owner (not tenant), repairs the trash enclosure gate and ascertains it is securely closed at times (other than during trash pick-up); and
12. That all new lighting complies with the City's adopted lighting regulations; and
13. That the applicant secures ARB approval for the new fence enclosure; and
14. That the applicant installs an 8-foot-high solid vinyl fence around the outside relief area; and
15. That the applicant remove existing asphalt, replace with gravel, and install a properly draining turf system.

The motion was seconded by Commissioner Reel. The votes were as follows:

Aye

Sandie McGrath
Mike Roerman
Curtis Boggs
Linda Reel
Liz Schmidt
Suzanne Gundlach
Rob Compton

Nay

Abstain

Absent

John Ellebrecht
Al Tamulaitis

(INSERT EXHIBIT A)

Petition #18-04-03: The Planning and Zoning Commission will discuss and consider the petition of Best Pawsible Daycare, LLC for (1) Text Amendments to Title IV, Land Use, Chapter 400: Zoning Regulations to allow Dog Day-Care Facilities and Boarding Kennels as conditional uses in the C-3 Commercial Zoning District of the City of Ellisville; and (2) for approval of a Conditional Use Permit to allow the operation of ‘Dogtopia’, a Dog Day-Care Facility and Board Kennel, located at 15382-15400 Manchester Road, within the C-3 Commercial Zoning District.

Assistant City Attorney Parnell read the Exhibit List, and the applicants were sworn in.

Planner Hood stated the applicant is requesting to amend the City’s Zoning Code to allow dog daycare facilities and boarding kennels. The applicant is also requesting a conditional use permit to allow these operations at the subject site.

The applicant stated they were in agreement to all staff recommendations.

Discussions ensued among the Commissioners.

Commissioner Compton moved to forward a favorable recommendation to the City Council, subject to Exhibit A, and the following condition(s):

1. That the City considers including the waste disposal plan as part of the City’s regulations; and
2. That the applicant secures ARB approval for the new fence enclosure; and
3. That the property owner contacts the owner of the abutting property (Shop N Save center) to secure cross-access.

The motion was seconded by Commissioner Gundlach. The votes were as follows:

<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Linda Reel			John Ellebrecht
Liz Schmidt			Al Tamulaitis
Suzanne Gundlach			
Sandie McGrath			
Mike Roemerman			
Rob Compton			
Curtis Boggs			

(INSERT EXHIBIT A)

Petition #18-04-04: The Planning and Zoning Commission will discuss and consider a City-initiated petition for Text Amendments to Title IV, Land Use and Chapter 400: Zoning Regulations pertaining to Craft/Micro Brewery, Cidery, Winery and Distillery uses.

Assistant City Attorney Parnell read the Exhibit List, and the applicants were sworn in.

Planner Hood stated all text amendments to the land use regulations require a public hearing at the Planning and Zoning Commission level, a recommendation from the Planning and Zoning Commission, a public hearing at the City Council level, and a decision via an ordinance. Staff is proposing to amend the existing language pertaining to micro-breweries and boutique wineries.

Discussions ensued among the Commissioners.

Commissioner Compton moved to forward a favorable recommendation to the City Council, subject to Exhibit A. The motion was seconded by Commissioner Reel. The votes were as follows:

<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Linda Reel			John Ellebrecht
Liz Schmidt			Al Tamulaitis
Suzanne Gundlach			
Sandie McGrath			
Mike Roemerman			
Rob Compton			
Curtis Boggs			

(INSERT EXHIBIT A)

7. ADJOURNMENT

Chairman Boggs adjourned the meeting at 9:25 pm.

Respectfully Submitted,



Angie Shoemate