

PLAN COMMISSION

Heman Park Community Center
975 Pennsylvania Ave., University City, MO 63130
6:30 pm; Wednesday, July 24, 2019

The Plan Commission held their regular meeting at Heman Park Community Center located at 975 Pennsylvania Avenue, University city, Missouri on Wednesday, July 24, 2019. The meeting commenced at 6:30pm and concluded at 9:26 p.m.

1. Roll Call

Voting Members Present

Judith Gainer
Cirri Moran – Chair
Margaret Holly
Ellen Hartz

Voting Members Absent

Michael Miller
Cynthia Head

Non-Voting Council Liaison

Paulette Carr

Staff Present

John Mulligan, City Attorney
Clifford Cross, Director of Planning and Development

Public Present

See Attached

2. Approval of Minutes - April 24, 2019 Plan Commission Meeting

Mr. Cross requested the approval of the minutes be tabled to allow the Planning Commission to make potential edits. Mr. Cross noted that these edits may be necessary because it was difficult to identify the specific Planning Commission members from the recording. The request was to allow Commission members the opportunity to confirm the minutes accurately reflected the specific actions of the members and to request any necessary changes. The approval of the minutes will appear before the Planning Commission at their next regularly scheduled meeting. Motion was made by Commissioner Hartz to table the minutes and seconded by Commissioner Holly. The motion carried unanimously.

3. New Business

a. Conditional Use Permit – PC 19-03

Applicant: Canine Corner LLC – (Aynsley Wolters)

Request: Approval for a Conditional Use Permit to establish and operate a dog daycare and boarding facility.

Address: 7404 Bland Drive

(VOTE REQUIRED)

Mr. Cross provided a PowerPoint presentation that identified the specifics associated with a Conditional Use Permit request. Specifically, Mr. Cross provided an initial description of the request that identified the property location, applicant/owner information, the underlying zoning district and associated land uses. Mr. Cross identified the site location as being at the property commonly known as 7404 Bland Drive and that the property was approximately 4,950 square feet in size. He further indicated that the property contained an approximate 1750 square foot structure that was abutted by residential, commercial and vacant uses. He also noted that the property had curb cut access along Bland Drive.

Mr. Cross further identified the underlying zoning district as being General Commercial (GC). Based upon the underlying GC designation Mr. Cross indicated, that per section 400.510, Subsection A(4) of the Zoning Code, a doggy daycare and boarding facility use would be required to obtain a Conditional Use Permit (C.U.P.) prior to establishment and operation. Mr. Cross indicated, that although the doggy daycare was not specifically identified in the zoning code, it was staff's determination that the most similar use was an animal boarding facility and therefore would be required to obtain the Conditional Use Permit. As part of the C.U.P. process, Mr. Cross indicated that a public hearing before the Planning Commission was required prior to making a recommendation to City Council who would ultimately approve or deny the request.

In evaluating the criteria during the C.U.P. process, Mr. Cross indicated that the applicant is required to ensure that the proposed use complies with the zoning code, that the projected traffic volumes would not be detrimental, the use would not cause undue impacts, there would be adequate utilities, the use would be compatible with the surrounding areas and that the proposed use would not adversely impact historic structures or landmarks.

In addition to the above, Mr. Cross identified the Land Use identifications of the 2005 Comprehensive Plan. Mr. Cross indicated that the 2005 plan identified the subject property as having a Mixed-Use / Transit Oriented Development designation. With that designation, Mr. Cross identified Table 19 which provided the characteristics associated with the Mixed-Use / Transit Oriented Development designation. Specifically, Mr. Cross clarified that the identified designation characteristics would accommodate a combination of commercial, professional and / or residential uses. He also further stressed the proposed use could include a range of retail, service, commercial, professional, entertainment and other similar uses.

During the presentation Mr. Cross indicated that he had received concerns from neighboring property owners. Specifically, he identified the potential concerns that could be identified as part of the public hearing but further stressed he received various concerns via email or direct contact. These concerns included Traffic/Parking Concerns, Compatibility, Nuisance and Safety Concerns.

After identifying the associated concerns, Mr. Cross referenced the Zoning Codes measures for mitigating potential adverse impacts as part of the review process. He indicated that the review criteria identified such measures as 1) the need to improve streets, 2) limitation of vehicular access 3) potential agreements, 4) additional screening requirements, 5) strategic location of facilities, 6) limiting hours of operation and 7) potential designs to enhance neighborhood compatibility. Mr. Cross also identified the administrative review process that staff would also follow upon an approval of the request.

After providing the aforementioned information, Mr. Cross further indicated that the proposed development could significantly alter the traffic along Northmoor and Bland Drive. He further indicated that there was no evidence to identify the potential noise impact of the business but there could be a potential impact to those residents on Northmoor. Lastly, he indicated that the Traffic Commission could be consulted to further evaluate the potential impacts.

Mr. Cross then advised that the Planning Commission had three options. The options he identified were: 1) table the request, 2) recommend approval with or without conditions, or 3) recommend denial. However, he stressed that prior to making a recommendation that the Commission should make their recommendation based upon findings of fact. Mr. Cross provided the public hearing requirements, property owner notification requirements and verification that all notices were sent in accordance to the provisions of the Zoning Code. Mr. Cross finished the presentation and Chairman Moran advised that the public hearing was open.

Several members of the public voiced opposition to the request and cited their concerns which included: increased traffic flow through the neighborhood, noise concerns associated with the use, safety concerns pertaining to the onsite control of the animals, odor controls from the business, and the overall negative impact that the use would have on the neighborhood. The various members that spoke in opposition of the request included Mr. Lawler, Mr. Lowell, Ms. Valerie, Mr. Ciccone, Mr. Faulk, Ms. Lodes, Mr. Jennings

and Ms. Lowell. Two members of the public spoke for the request which included Mr. Purviance and Ms. Hanabaugh.

The applicant, Ms. Wolters, spoke for the request and indicated that the use proposed approximately up to 30 dogs per day. She indicated that the use could vary in that some days there may be more boarding of animals than the dog daycare activities. Ms. Wolters further indicated that there rarely would be a total of 30 dogs per day at the site and that the increase of up to 60 vehicles trips per day would not be a common event. She indicated her business hours would be from 7:00 a.m. to 7:00 p.m..and that the dogs would not be outside all day. Ms. Wolters further indicated that she believed because of the indoor play area and the limited outdoor play area hours that noise would not be a factor. She also indicated she would clean up and dispose of the dog feces immediately. She indicated this was a perfect location to accommodate her current clients within the Clayton area and that this location provided an opportunity to expand her commercial business from her residence in Richmond Heights She also indicated she believed this location provided a badly needed service that is not within the geographic area.

Chairman Moran voiced her concerns pertaining to the location, the potential Centene project and the overall parking associated with the site. She specifically indicated that she felt the change in the use would contribute to significant travel pattern increases than the prior office use. Commissioner Hartz followed up and asked if the applicant would have additional staff. Commissioner Hartz's concern was that if Ms. Wolters and the employee were parking on the site then there would only be 1 parking space available. Ms. Wolters indicated she would potentially have an additional staff member but would not park at the business location because she expected to rent an apartment close to the business.

Commissioner Holly followed up with an additional question pertaining to dog waste disposal. Specifically, she asked if the applicant would be in compliance with the countywide MSD processes. Ms. Wolters indicated she was not aware of that process but would look into it. Commissioner Holly also asked if the applicant would walk the dogs for exercise. Ms. Wolters indicated the dogs would be restricted to the play area. Commissioner Holly also inquired if the use would violate any of the current leash laws or animal control ordinances. Attorney Mulligan indicated approval of this use would not result in a violation of those provisions. Commissioner Holly asked if the applicant carried a APDT certification. Ms. Wolters indicated she did not.

Chairman Moran inquired if the applicant planned on providing fencing. Ms. Wolters indicated that she would provide an 8 foot privacy fence and that the existing vegetation would be kept. She further indicated that the noise associated with the business would not be any more detrimental than the existing gas station next to the property.

Council Liaison Carr asked if someone would be on the site 24/7 and if someone there would be monitoring the site. Ms. Wolters indicated that the dogs would have their last light out at 9:00 p.m. and then she would return at 7:00 a.m. Council Liaison Carr further questioned if the fence could be 8 feet. Mr. Cross indicated that was dependent upon the underlying zoning and that supplementary regulations would apply.

Commissioner Holly inquired about parking. Mr. Cross indicated that the requirements changed with recent parking amendments that resulted in a parking ratio of 1 per 200 square feet. Mr. Cross further indicated parking could be reduced as a condition of the C.U.P. request.

Attorney Mulligan referenced code section 215.780 which would prohibit excessive noise that could be heard. He specifically indicated there are no time limits associated with this violation. Commissioner Holly asked if the City has required a berm as opposed to a fence in the past. Mr. Cross indicated he was not aware of it but that it could be a condition of approval as a mitigation measure.

Chairman Moran gave the public an opportunity to ask specific questions. Mr. Lowell asked if the dogs could really expected not to bark. His concern was who monitors the business while she was not there on site. Ms. Wolters responded the dogs would be sleeping and expected no issues. Mr. Beseau asked how many existing clients does she have and what is the most number of dogs she has had. Ms. Wolters

indicated she had been doing this for over 2 years and has over 100 clients and over 100 dogs. She indicated it was dependent upon the schedule of her clients. She further indicated the most she had at one time was 15. Mr. Erker wanted to confirm the accuracy of the application. Ms. Wolters confirmed her business hours were from 7:00 a.m. to 7:00 p.m.

Council Member Hales had a question concerning the windows and if they were single pane or double pane. The owner of the property Mr. Purviance indicated that they purchased the property in 1981 and operated a graphic design business there. He indicated that the property had not operated as a business for a couple of years. He also indicated there are steel doors and relatively new windows.

Mr. Falk had an additional question concerning the future use of the property. His major concern was how the conditional use of the property would pertain to the long term use and the number of dogs. Mr. Cross addressed the question and indicated that uses are associated with the underlying zoning. He further indicated that the underlying zoning allows for the opportunity for the C.U.P. and it would not limit the number of dogs unless specifically identified within the C.U.P.

Chairman Moran asked if any of the Commission members had any questions and opened up discussion. Commissioner Holly indicated that it was her understanding that a major concern of the neighborhood was related to traffic. Specifically she had concerns with the potential on street parking. Mr. Cross indicated that the business would be required to meet their onsite parking requirements per the current code. He indicated the applicant would be required to look into options to address the required parking prior to operation. Commissioner Holly further indicated that the Traffic Commission would be an option to evaluate the request.

Attorney Mulligan indicated that the criteria associated with any request is the responsibility of the applicant. He further indicated that the commission would make a decision based upon findings of fact and could not be subjective.

After considering the request and hearing all the testimony Commissioner Holly made a request to table the request and refer it to the Traffic Commission. Commissioner Hartz seconded the motion. The Planning Commission voted unanimously to table the request and refer it to the Traffic Commission for further evaluation.

4. Other Business

The next order of business was discussion pertaining to the Request for Proposal associated with the Comprehensive Plan. Mr. Cross indicated that during the June Joint City Council / Planning Commission Study Session there was a request to bring it to the Planning Commission for additional review. Chairman Moran indicated that she wanted to confirm that the Community Engagement Process would be completed by the consultant. Mr. Cross indicated the Community Engagement would be directed by the Consultant and the Planning Commission. Chairman Moran further questioned if data compiled from the prior Comprehensive Plan efforts could be used by the City. Mr. Cross indicated that he would further look into the utilization of the prior data but expected that it could.

Council Liaison Carr wanted to better understand the nomenclature. The determination would be that the nomenclature would be something that would be evaluated throughout the process but the years should reflect the beginning through the end. Specifically, the thought was the title would reflect 2020-2040.

Commissioner Hartz recommended additional changes in terms of wording associated with the RFP and a couple of grammatical changes. Mr. Cross indicated he would post the RFP with the Planning Association, Municipal League, Neighborworks, etc. Chairman Moran had an additional question concerning staff's opinion regarding the utilization of a local versus a national consultant. Mr. Cross indicated that there are pros and cons associated with each but his experience was that a regionally located consultant was typically the best option. Commissioner Holly asked when staff expected the contract award. Mr. Cross indicated that he would expect selection of the consultant by mid-October. He

further indicated that the time frame for the entire Comprehensive Plan process would typically be 15-18 months. He expected approval of the Plan around March 2021.

Chairman Moran further indicated that there were two subcommittees. The two subcommittees included the Comprehensive Plan subcommittee and the Code subcommittee. She identified the members of the Comprehensive Plan subcommittee would consist of Commissioner Gainer, Commissioner Hartz, Chairman Moran and the seventh member of the Commission. She further indicated the members of the Code subcommittee would be herself, Commissioner Holly, Commissioner Miller and Commissioner Head.

Council Liaison Carr requested that staff include the Liaison report on future agendas. She also clarified the Planning Commission role and how it pertains to the Infill Review Board. She provided an update on the appointment process and that there is the potential for 10 members on the Infill Review Board. Specifically, she indicated that the Planning Commission could appoint 3 additional members to that board. Based upon that fact, and that the Planning Commission would be appointing these additional members rather than to City Council, she did not think it would be a conflict with City Council rules of appointments. Based upon continued discussion Council Liaison Carr indicated that the Infill Review Board would initially be utilized to address immediate concerns associated with development but a future consideration of an Architectural Review Board may be required. At the completion of the discussion the determination was to partner the Planning Commission with the Infill Review Board in reviewing future infill development per the Infill Review Board ordinance.

At the completion, of all agenda items, the Commission discussed the process of better coordinating future meetings. Specifically, the goal was to work together to verify Commission Members who would or would not be attending the monthly meetings to insure quorums are met.

Council Liaison Carr provided an update on the status of the seventh commission appointment. She indicated that the seat that was held for Ms. Williams is now open due to her non-interest. As a result, the search is ongoing and an appointment will be recommended in the future. However, she did stress that the appointment should be a representative of the 2nd Ward and represent the diversity of the community.

5. Reports

Council Liaison Carr indicated that the in house ambulance service would be reinitiated on August 3rd. She indicated the ceremony would be at 10:00 a.m. at station 1.

She provided an update concerning the judgement pertaining to the Olive/North and South Property. She indicated that there is an appeal period.

6. Adjournment

Commissioner Gainer made a motion to adjourn with a second from Commissioner Hartz. The Commission voted unanimously to adjourn the meeting at 9:26 p.m.