

MINUTES OF THE REGULAR MEETING  
OF THE PLANNING AND ZONING COMMISSION  
OF THE CITY OF SUNSET HILLS, MISSOURI

HELD ON Wednesday, APRIL 3, 2019

BE IT REMEMBERED that the Planning and Zoning Commission of the City of Sunset Hills, Missouri met in regular session in the Robert C. Jones Chambers of City Hall, 3939 S. Lindbergh Blvd., in said City on Wednesday, April 3, 2019. The meeting convened at 7:00 P.M.

The meeting began with those present standing for the reciting of the Pledge of Allegiance.



ROLL CALL

<b>Present:</b>	Terry Beiter	-Chairman
	Roger Kaiser	-Member
	Todd Powers	-Member
	Mike Svoboda	-Member
	Brian VanCardo	-Member
	Rich Gau	-Member
	Frank Pellegrini	-Member
	Steve Young	-Member
	Michael Hopfinger	-Member
	Bryson Baker	-City Engineer
	Robert E. Jones	-City Attorney
	Lynn Sprick	-Assistant Planner

**Absent:**



**APPROVAL OF THE MINUTES**

Copies of the minutes of the March 6, 2019 Planning and Zoning Commission meeting were distributed to the members for their review. Mr. Gau made a motion to approve the minutes as submitted. Mr. Young seconded the motion, and it was unanimously approved.



**NEW BUSINESS:**

P-09-19      Petition for an Amended Conditional Use Permit, submitted by Missouri American Water Company, to construct a steel structure to house mechanical equipment at 13190 Gravois Road.

Ms. Sprick stated the building was constructed in 1956. It was annexed to the City in 1996 and has operated as a nonconforming use. In 2015, Missouri American Water applied for a conditional use permit to continue operating as a legal use and to make some structural improvements. The petition was approved and they are asking for a new petition to build a platform for mechanical equipment. It is located in the 100 year floodplain and will have to be elevated accordingly. Staff recommends approval.

Kevin Williamson, with Guarantee Electric, was present and stated they approve of the recommendations made by staff. He presented blue prints for the work to be completed.

Mr. Svoboda stated that the piling driving noise was bothersome for the neighbors in the past and asked if this work would include pile driving.

Mr. Williamson replied no, and they will be following the noise ordinances on times to begin and end work.



Mr. Gau made a motion that P-09-19 Petition for an Amended Conditional Use Permit, submitted by Missouri American Water Company, to construct a steel structure to house mechanical equipment at 13190 Gravois Road be recommended to the Board of Alderman for approval. Mr. Kaiser seconded the motion and it was unanimously approved.



P-01-19 Petition for Amended Conditional Use Permit, submitted by Patches Ellis, to make changes to the approved Conditional Use Permit for Y Bark Alone by increasing the total number of dogs allowed per day from 50 to 120 at an existing dog day care at 10390 Watson Road.

Ms. Sprick stated in 2012 a conditional use permit was applied for to operate a dog day care, which was not in the City ordinance and was denied. In 2013, a new application was filed. Staff determined the day care's use to be a cross between a veterinarian office and a kennel day care. Both uses are listed under the C-1 zoning district, so it was approved with conditions. No dogs could be exercised outside, they were limited to 50 dogs per day, and a parking agreement with the adjoining property would have to be made. In 2014, the petitioner filed a text amendment to allow boarding as a part of the day care definition, which was approved along with an amended conditional use permit to add boarding to their business. The fenced area has increased, therefore reducing parking from 19 spaces down to 10 spaces. Staff is not in favor of the petition to increase the number of dogs to 120.

Patches Ellis, owner of Why Bark Alone, and Amy Jeremias, manager, were present. They stated they would like to increase the number of dogs allowed on the property. In anticipation of the requested increase, they have arranged a parking agreement with the business located across Watson Road, adding 35 parking spaces for employees. Their customers pick up and drop off quickly, so there is no traffic caused by lack of parking. The only time they would have 120 dogs is expected to be during the holidays. If a complaint is received about barking, staff quickly brings the dogs inside. As a business they contribute to the City and work to follow regulations.

Mr. Beiter asked them to elaborate bringing the dogs inside, when they are barking.

Ms. Ellis stated they do not allow dogs to exercise outside.

Mr. Young asked if they have any issues with the neighbors behind them.

Ms. Ellis stated no, they board their dogs at the facility and are supporters.

Mr. Gau stated that the packet information in regards to the square footage per dog does not match what is being presented.

Ms. Jeremias stated that the information that was presented is from The Missouri Department of Agriculture and follows regulations of Missouri standards. The original information was a chart that was found online.

Mr. Beiter inquired of Mr. Baker if there have been any complaints registered.

Mr. Baker responded that the complaints are not too often and are mainly about noise. He does not know what the Police Department has reported.

Ms. Jeremias stated for the eight months she has been employed, she has not experienced a police report being made against the business.

Mr. Baker stated they are not violating noise ordinances. It is more of a nuisance issue.

Mr. Young inquired of staff if the main issue is lack of parking.

Mr. Baker stated that yes, and the amount of dogs being requested is a high volume based on the size of the facility.

Mr. Young stated if the customer does not like the service, then they should not use the business.

Mr. Baker stated the parking does not meet the City's code.

Mr. Beiter stated that the issue with the requested parking is that it is on the other side of Watson Road. Crossing Watson Road could potentially be dangerous.

Ms. Ellis stated that the parking would be for employees and they would move the fence to allow six more spaces.

Mr. Beiter inquired about the fenced in area.

Ms. Sprick explained that most of the area shown is fenced in turf and has doubled in size.

Mr. Gau inquired about the actual amount of dogs they project to have.

Ms. Ellis stated 80 a day would be great, but for the major holidays she would like to be approved for 120. She does not expect to reach the maximum amount of dogs, but would like to be prepared so she does not have to re-apply at a later date.

Ms. Jeremias stated the increase would help them not have to turn away day care or grooming based on the amount of dogs in the business.

Ms. Sprick stated that the Board previously determined that it was appropriate to have one parking space per employee.

Mr. Beiter inquired about the parking agreement with the veterinarian office next door.

Ms. Ellis stated that the veterinarian office has hired new employees and need the spaces.

Mr. Gau asked is it feasible to add in more parking if the fence is moved.

Ms. Sprick stated it would have to be a substantial move to meet requirements.

Mr. Baker stated that they currently have 1 space per 50 dogs. He asked if the Board agrees that 1 space for 120 dogs is appropriate.

Mr. Svoboda inquired about the parking agreement from the business across Watson Road.

Mr. Beiter stated that it solves one issue but it creates another.

Pam Spiros, of 10275 Julius Northway, stated she lives next door to the day care. They have had to call the police and the Mayor about the noise disturbance at least five times. It is not just the dogs barking, but employees are also screaming at the dogs and cursing. Each set of dogs are outside for 20-30 minutes at a time and are being rotated consistently. There was supposed to be a fine given for noise disturbance, but there was no guideline created to do so.

Mr. Bieter inquired of Ms. Sprick in regards to the approval on boarding.

Ms. Sprick stated there was a public hearing and a vote on allowing the dog boarding. A notice was sent out to inform the public prior.

Steve Spiros, of 10275 Julius Northway, stated originally when the 50 dogs were allowed, there was a ratio required for workers per dog. If the number of dogs doubles, then the amount of workers will double, as well. The building is not large enough for 120 dogs.

Megan Mertz, of 10294 Maebern Terrace, stated that she lives across the street from the houses that back up to the daycare. She can hear the barking very clearly. The barking is not the only issue. The employee's screaming is angry and the swearing is disruptive.

Susan Larkin, of 10267 Julius Northway, stated that she lives a few houses down from the daycare. When they have windows open at their home, they hear barking. There are dogs being walked and there are dogs out back. If the number of dogs triples, it will not be sanitary. When the mats are rinsed, the waste drains into the neighbors' yards. She would be extremely concerned about the safety of employees walking across Watson Road.

Mr. Beiter inquired about the drainage system.

Mr. Baker stated that they have a drainage system, but he is unsure if it is compliance.

Patricia Flemming, of 638 Huntwood, stated she is a customer of the business and has been involved with them for six years. She would not take her dog to a business that she did not think was run well. A business that is a dog daycare is a loud business because that is how dogs communicate. A voice needs to be raised at a dog in order to become the leader of the pack. In six years, she has never had a problem with parking. The drop off and pick up is very quick and sometimes employees will even bring the dog out to the car.



Mr. Gau made a motion that P-01-19 Petition for Amended Conditional Use Permit, submitted by Patches Ellis, to make changes to the approved Conditional Use Permit for Y Bark Alone by increasing the total number of dogs allowed per day from 50 to 120 at an existing dog daycare at 10390 Watson Road be recommended to the Board of Aldermen for approval. Mr. Young seconded the motion and it was unanimously denied.



**OTHER MATTERS DEEMED APPROPRIATE**

Ms. Sprick stated that there will be a work session taking place in May to review design standards for the new zoning code.

Mr. Beiter asked if there was a work session on the zoning portion with the Board of Alderman. He requested that a paper draft of the zoning code be provided.

Mr. Baker stated that the work session will be in regards to design guidelines only.



**ADJOURNMENT**

Mr. Gau made a motion to adjourn the meeting at 7:50 P.M. Mr. Young seconded the motion, and it was unanimously approved.

Recording Secretary

A handwritten signature in black ink, appearing to read 'Paige Gruber', written over a large, faint 'DRAFT' watermark.

Paige Gruber