

**City of Arnold, Missouri**

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**Public Hearing  
Council Chambers**

**July 20, 2017  
7:00 P. M.**

- A. 2017-09, C-4 Planned Development, Approval of a Development Plan for 2190 Tenbrook Road, Chiropractic Office.**

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**City Council**

**Immediately Following the Public Hearing**

**Agenda**

1. Pledge of Allegiance:
2. Opening Prayer: Rockport Baptist Church – Pastor Scott Lee
3. Roll Call
4. Business from the Floor:
5. Consent Agenda
  - A. Regular Minutes from **July 06, 2017.**
  - B. Payroll Warrant **#1268 in the Amount of \$271,451.10**
  - C. General Warrant **#5693 in the Amount of \$483,223.71**
6. Ordinances:
  - A. **Bill No. 2669:** An Ordinance Approving a Development Plan for 2190 Tenbrook Road, Zoned C - 4 Planned Commercial, to Allow for a Chiropractic Clinic.
7. Resolutions:
  - A. **NONE**
8. Motion:
  - A. A Motion to Hold a Closed Session Immediately Following the City Council Meeting for the Purpose of Discussing Personnel Pursuant to RSMo Section 610.021 (3).

9. Reports from Mayor, Council, and Committees:

10. Administrative Reports

11. Adjournment

**Next Regular City Council Meeting August 3, 2017 @ 7:00 p.m.  
Next Work Session August 10, 2017 at 7:00 p.m.**

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Mayor Ron Counts called the meeting to order at 7:01 p.m.

The Pledge of Allegiance was recited.

Associate Pastor, Michelle Shoger from New Hope United Methodist Church offered the opening prayer.

Those present per roll call taken by City Clerk Tammi Casey: Mayor Counts, McArthur, Hood, Plunk (excused), Fulbright, Cooley (excused), Fleischmann, Owens, Sullivan, Richison, Holden, Sweeney, Brown, Blattner, Kroupa and Major Carroll.

### **BUSINESS FROM THE FLOOR**

Mike Evans – 509 Hannah Way – Spoke to council regarding the idea of a food pantry for area veterans.

### **CONSENT AGENDA**

- A. MINUTES FROM JUNE 15, 2017 MEETING**
- B. PAYROLL WARRANT NO. 1267 IN THE AMOUNT OF \$265,737.41**
- C. GENERAL WARRANT NO. 5693 IN THE AMOUNT OF \$606,733.04**

**Vern Sullivan made a motion and so moved to approve the consent agenda.** Seconded by EJ Fleischmann. Roll call vote: McArthur, yes; Hood, yes; Plunk, (excused); Fulbright, yes; Cooley, (excused); Fleischmann, yes; Owens, yes; Sullivan, yes; 6 Yeas: **Consent agenda approved.**

### **ORDINANCES**

**BILL NO. 2668 – AN ORDINANCE APPROVING A PRELIMINARY PLAT TITLED “THE ENCLAVE AT STRAWBERRY RIDGE”** was read twice by City Clerk Tammi Casey. Roll call vote: McArthur, yes; Hood, yes; Plunk, (excused); Fulbright, yes; Cooley, (excused); Fleischmann, yes; Owens, yes; Sullivan, yes; 6 Yeas: **Ordinance passed.**

## **RESOLUTIONS**

### **RESOLUTION NO. 17-36 – A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH MIDWEST POOL MANAGEMENT**

**Jason Fulbright made a motion and so moved to approve Resolution No. 17-36.**  
Seconded by Mark Hood. Roll call vote: McArthur, yes; Hood, yes; Plunk, (excused); Fulbright, yes; Cooley, (excused); Fleischmann, yes; Owens, yes; Sullivan, yes; 6 Yeas:  
**Resolution approved.**

### **RESOLUTION NO. 17-37 – A RESOLUTION RE-APPOINTING ROSS McCUTCHEN TO THE PARKS AND LEISURE SERVICE COMMISSION**

**Jason Fulbright made a motion and so moved to approve Resolution No. 17-37.**  
Seconded by Vern Sullivan. Roll call vote: McArthur, yes; Hood, yes; Plunk, (excused); Fulbright, yes; Cooley, (excused); Fleischmann, yes; Owens, yes; Sullivan, yes; 6 Yeas:  
**Resolution approved.**

### **RESOLUTION NO. 17-38 – A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH SPENCER CONTRACTING COMPANY FOR CONSTRUCTION WORK ON THE ARCHERY PARK ARNOLD, MO**

**Brian McArthur made a motion and so moved to approve Resolution No. 17-38.**  
Seconded by EJ Fleischmann. Roll call vote: McArthur, yes; Hood, yes; Plunk, (excused); Fulbright, yes; Cooley, (excused); Fleischmann, yes; Owens, yes; Sullivan, yes; 6 Yeas: **Resolution approved.**

### **RESOLUTION NO. 17-39 – A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH McCANN CONCRETE PRODUCTS FOR THE ARCHERY PARK BATHROOM ARNOLD, MO**

**EJ Fleischmann made a motion and so moved to approve Resolution No. 17-39.**  
Seconded by Vern Sullivan. Roll call vote: McArthur, yes; Hood, yes; Plunk, (excused); Fulbright, yes; Cooley, (excused); Fleischmann, yes; Owens, yes; Sullivan, yes; 6 Yeas:  
**Resolution approved.**

## MOTIONS

### **A. 2017-06 CONDITIONAL USE PERMIT: FAST FOOD 1901 RICHARDSON ROAD**

Mary Holden informed council that this conditional use permit was for a donut shop. The Planning Commission discussed this and held a Public Hearing at its June 13, 2017 meeting. The Planning Commission is recommending approval by a vote of 9-0. Ms. Holden reminded council that if no action is taken tonight, the motion stands approved. **No action was taken, therefore, motion stands approved.**

### **B. 2017-07 CONDITIONAL USE PERMIT FOR COMMERCIAL CENTER SIGN AT 3901 VOGEL ROAD**

Mary Holden informed council that this conditional use permit was for a commercial center sign. The Planning Commission discussed this and held a Public Hearing at its June 13, 2017 meeting. The Planning Commission is recommending approval by a vote of 9-0. Ms. Holden reminded council that if no action is taken tonight, the motion stands approved. **No action was taken, therefore, motion stands approved.**

### **C. A MOTION TO HOLD A CLOSED SESSION IMMEDIATELY FOLLOWING THE CITY COUNCIL MEETING FOR THE PURPOSE OF DISCUSSING REAL ESTATE PURSUANT TO RSMo SECTION 610.021 (2)**

**Jason Fulbright made a motion and so moved to hold a closed session.** Seconded by EJ Fleischmann. Roll call vote: McArthur, yes; Hood, yes; Plunk, (excused); Fulbright, yes; Cooley, (excused); Fleischmann, yes; Owens, yes; Sullivan, yes; 6 Yeas:  
**Motion carried.**

## REPORTS FROM MAYOR, COUNCIL AND COMMITTEES

**Mayor Counts** – Thanked Dickie Brown and staff for a job well done with the July 4<sup>th</sup> celebration at the park. Mayor Counts encouraged everyone to attend the Farmers Market this Saturday for the annual Peach Pie contest. He also congratulated Vern Sullivan for his appointment to the Fox C6 School Board as well as Jason Fulbright for being selected to serve on the East West Gateway Council.

**EJ Fleischmann – Ward 1** – Thanked Dickie Brown and staff for their hard work with the July 4<sup>th</sup> celebration.

**Vern Sullivan – Ward 3** – Thought the July 4<sup>th</sup> celebration was fantastic.

**Mark Hood – Ward 3** – Thought the fireworks were great this year.

**Jason Fulbright – Ward 1** – Commended Dickie Brown and staff along with the police department for their work with the July 4<sup>th</sup> celebration. Mr. Fulbright also thanked Mayor Counts for the recommendation to Ken Waller for the East West Gateway Council position.

### ADMINISTRATIVE REPORTS

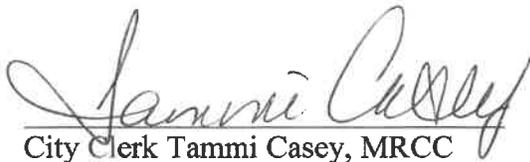
**Bryan Richison** – Informed council that while during the wide spread power outage last week that included city hall, the generator did not turn on. The current generator is old and though it is manually tested every couple of months, it did not work when we needed it. If this had been an emergency situation we would have been dead in the water. He has instructed staff to research a newer generator and will bring the findings to council as soon as they are available.

Mayor Counts announced a 5 minute recess before going into Closed Session.

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Closed session ended at 7:34 p.m.

A motion to adjourn the meeting was made by Jason Fulbright. Seconded by Vern Sullivan. Voice vote: All yeas.

Meeting adjourned at 7:34 p.m.

  
City Clerk Tammi Casey, MRCC

**CITY OF ARNOLD, MISSOURI**

**ROLL CALL**

**MEETING:** REGULAR

**DATE:** 7/6/2017

**PAGE:** 1

**BILL NO - RESOLUTION - MOTION**

		ROLL CALL	CONSENT AGENDA	BILL NO. 2668	RESOLUTION NO. 17-36	RESOLUTION NO. 17-37	RESOLUTION NO. 17-38
<b>COUNCIL MEMBERS:</b>							
<b>MAYOR</b>	RON COUNTS	PRESENT					
<b>COUNCIL:</b>	BRIAN MCARTHUR	PRESENT	YES	YES	YES	YES	YES
<b>COUNCIL:</b>	MARK HOOD	PRESENT	YES	YES	YES	YES	YES
<b>COUNCIL:</b>	GARY PLUNK	EXCUSED	EXCUSED	EXCUSED	EXCUSED	EXCUSED	EXCUSED
<b>COUNCIL:</b>	JASON FULBRIGHT	PRESENT	YES	YES	YES	YES	YES
<b>COUNCIL:</b>	BUTCH COOLEY	EXCUSED	EXCUSED	EXCUSED	EXCUSED	EXCUSED	EXCUSED
<b>COUNCIL:</b>	EJ FLEISCHMANN	PRESENT	YES	YES	YES	YES	YES
<b>COUNCIL:</b>	DAVID OWENS	PRESENT	YES	YES	YES	YES	YES
<b>COUNCIL:</b>	VERN SULLIVAN	PRESENT	YES	YES	YES	YES	YES
<b>CITY ADMINISTRATOR</b>	BRYAN RICHISON	PRESENT	<b>PARKS DIR:</b>	DICKIE BROWN			PRESENT
<b>CITY CLERK</b>	TAMMI CASEY	PRESENT	<b>PUBLIC WORKS:</b>	ED BLATTNER			PRESENT
<b>COM DEV</b>	MARY HOLDEN	PRESENT	<b>TREASURER:</b>	DAN KROUPA			PRESENT
<b>CITY ATTORNEY</b>	BOB SWEENEY	PRESENT	<b>POLICE DEPT.</b>	MAJOR CARROLL			PRESENT

CITY OF ARNOLD, MISSOURI

ROLL CALL

MEETING: REGULAR

DATE: 7/6/2017

PAGE: 2

BILL NO - RESOLUTION - MOTION

COUNCIL MEMBERS:

MAYOR RON COUNTS

COUNCIL: BRIAN MCARTHUR

COUNCIL: MARK HOOD

COUNCIL: GARY PLUNK

COUNCIL: JASON FULBRIGHT

COUNCIL: BUTCH COOLEY

COUNCIL: EJ FLEISCHMANN

COUNCIL: DAVID OWENS

COUNCIL: VERN SULLIVAN

CITY ADMINISTRATOR BRYAN RICHISON

CITY CLERK TAMMI CASEY

COM DEV MARY HOLDEN

CITY ATTORNEY BOB SWEENEY

RESOLUTION NO. 17-39	MOTION TO HOLD CLOSED SESSION				
YES	YES				
YES	YES				
EXCUSED	EXCUSED				
YES	YES				
EXCUSED	EXCUSED				
YES	YES				
YES	YES				
YES	YES				
		PARKS DIR:	DICKIE BROWN		
		PUBLIC WORKS:	ED BLATTNER		
		TREASURER:	DAN KROUPA		
		POLICE DEPT.	CHIEF SHOCKEY		

The Public Hearing was called to order by Mayor Counts at 7:00 p.m. City Clerk Tammi Casey made note of those in attendance: Mayor Counts, McArthur, Hood, Plunk (excused), Fulbright, Cooley (excused), Fleischmann, Owens, Sullivan, Richison, Holden, Sweeney, Brown, Blattner, Kroupa and Major Carroll.

**A. 2017-08 PRELIMINARY PLAT – THE ENCLAVE AT STRAWBERRY RIDGE, 8 LOTS (16 UNITS)**

Mary Holden informed council that this preliminary plat is for building 8 – 2 family condo units in the currently vacant 7.36 acres of the Strawberry Ridge subdivision. The Planning Commission held a Public Hearing at its June 13, 2017 meeting. There were no comments during the Public Hearing.

The Planning Commission is forwarding a recommendation of approval by a vote of 9-0.

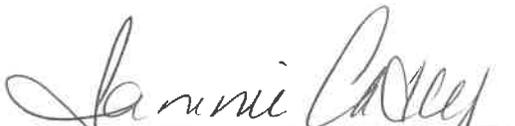
**PUBLIC COMMENTS**

NONE

**COUNCIL COMMENTS**

NONE

The Public Hearing ended at 7:01 p.m.

  
City Clerk Tammi Casey, MRCC

Mayor Pro-Tem Jason Fulbright called the meeting to order at 7:00 p.m. Those in attendance as noted by City Clerk Tammi Casey; Jason Fulbright, McArthur, Hood, Plunk, Cooley (excused), Fleischmann, Owens, Sullivan, Richison, Holden, Sweeney (excused), Brown, Blattner, Kroupa (excused), Chief Shockey.

### **PRE-QUALIFY BIDDERS**

Bryan Richison informed council that he and Jason Fulbright had discussed the possibility of developing a pre-qualified bidders list. The City would establish a list of qualifications required for a company to be able to bid a project and once that information is accepted by the city the company would be placed on a qualified bidders list. This would ensure that the bidders have all the qualifications the city requires for a company performing work here. Ed Blattner stated that most of our bidders are already on MoDot's approved bidders list. Discussion followed by council. Mr. Richison stated that he and staff will look at MoDot's list and their specific requirements to see if they are stringent enough for us and will bring his findings back to council.

### **LEASH LAW PERTAINING TO CATS**

Mark Hood reminded council of a resident who spoke at a recent council meeting regarding a cat leash law. Mr. Hood suggested the possibility of changing the ordinance to omit "except cats" in Chapter 210 Section 210.040.A. Bryan Richison informed council that he has spoken to Bob Sweeney regarding the wording of Section 210.040 and Mr. Sweeney believes that items B, C and D already applies to cats, therefore no changes are necessarily needed. Discussion followed by council, who then asked Mr. Richison to further discuss this issue with Mr. Sweeney and bring their findings back to them before any changes are made to the code.

### **PROJECT UPDATES**

Bryan Richison stated that since the end of our fiscal year is quickly approaching, he wanted to provide council with updates on current projects.

**ENTRANCE SIGN:** Mary Holden informed council that she has met with Warren Signs on site. We are waiting on a bid from them to proceed. The old signs will be removed before the new sign is installed.

**MAXVILLE NID:** Bryan Richison reminded council that the Maxville Subdivision developer had filed bankruptcy and the streets have never reverted to the city. The residents are asking for an NID to complete the roadwork and have the city take over the streets. Mr. Sweeney has developed the NID documents. The subdivision will need 2/3 of the residents' signatures to move forward.

**REC TRACK:** Dickie Brown stated that he has certain staff members dedicated to nothing other than data entry into Rec Track. However, the golf course is up and running with Rec Track and they are experiencing issues. Mr. Brown would like to have all issues resolved before going live at the Rec Center, as issues there could have major implications. Therefore he prefers to move a little more cautiously.

**LASER FICHE:** Bryan Richison informed council that staff has had their first meeting with R & D Development regarding the document management system. This system is cloud based and will index every word scanned making all documents much easier to find and available more quickly to the public. Disaster recovery will be off site.

**PHONE SYSTEM:** Mr. Richison indicated we are getting close to bringing a contract to council for approval. He stated that Deion Christopher has done an excellent job with this project and has found different ways to save the city money moving forward.

**GOLF COURSE SUPERINTENDENT:** Dickie Brown stated that Tim Schwierjohn has entered into a short term interim contract for the superintendent position. That way we have a pro at the golf course until the full time superintendent is hired. Mr. Brown thanked Gary Plunk for his assistance in this matter.

**PAY PLAN STUDY:** Bryan Richison stated that the RFP is completed and the ad will appear in this week's edition of The Countian. He has sent the RFP directly to six vendors. The deadline for a response is next Friday. He will put together a panel to assist in interviewing the responding vendors.

**TENBROOK SIDEWALKS:** Mary Holden informed council that the notice to proceed was sent to Spencer Contracting. We will receive a construction update after they start work.

**JEFFCO/TENBROOK INTERSECTION:** Ed Blattner stated we still have two properties with easement issues. Once that is rectified we will have MoDot review. Ameren has a major high voltage pole in place, which we hopefully won't have to move as it would be very costly. According to the grant we have nine months left to get under contract with this project. Bryan Richison stated that there have been some issues come up on this project from other sources and the staff has done an excellent job working through them.

**ARCHERY PARK:** Dickie Brown informed council that the contracts that were approved at the last council meeting were mailed the following day, but we have not received them back from the contractors yet. As soon as we receive the fully executed contracts we will be able to move forward.

3  
Work Session  
July 13, 2017

Mark Hood made a motion and so moved to adjourn the meeting. Seconded by Brian McArthur.

Voice vote: All yeas.

Meeting adjourned at 8:00 p.m.



City Clerk Tammi Casey, MRCC

**CITY OF ARNOLD, MISSOURI**

**ROLL CALL**

**MEETING:** WORK SESSION

**DATE:** 7/13/2017

**PAGE:** 1

**BILL NO - RESOLUTION - MOTION**

**COUNCIL MEMBERS:**

**MAYOR**            RON COUNTS

EXCUSED

**COUNCIL:**        BRIAN MCARTHUR

PRESENT

**COUNCIL:**        MARK HOOD

PRESENT

**COUNCIL:**        GARY PLUNK

PRESENT

**COUNCIL:**        JASON FULBRIGHT

PRESENT

**COUNCIL:**        BUTCH COOLEY

EXCUSED

**COUNCIL:**        EJ FLEISCHMANN

PRESENT

**COUNCIL:**        DAVID OWENS

PRESENT

**COUNCIL:**        VERN SULLIVAN

PRESENT

**CITY ADMINISTRATOR**        BRYAN RICHISON

PRESENT

**PARKS DIR:**            DICKIE BROWN

PRESENT

**CITY CLERK**                    TAMMI CASEY

PRESENT

**PUBLIC WORKS:**        ED BLATTNER

PRESENT

**COM DEV**                        MARY HOLDEN

PRESENT

**TREASURER:**            DAN KROUPA

EXCUSED

**CITY ATTORNEY**                BOB SWEENEY

EXCUSED

**POLICE DEPT.**            CHIEF SHOCKEY

PRESENT

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**CITY OF ARNOLD, CITY COUNCIL, JULY 20, 2017 MEETING**

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**TO:** THE MAYOR AND CITY COUNCIL  
**FROM:** MARY P. HOLDEN, COMMUNITY DEVELOPMENT DIRECTOR  
**SUBJECT:** 2017-09, C-4 PLANNED DEVELOPMENT, APPROVAL OF A DEVELOPMENT PLAN FOR 2190 TENBROOK ROAD, CHIROPRACTIC OFFICE, PLANNING COMMISSION RECOMMENDATION  
**DATE:** JULY 14, 2017  
**CC:**

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**Request**

Mrs. Dale Clark, owner of 2190 Tenbrook Rd., has submitted on behalf of Diana Toler, a C-4 Development Plan to operate a chiropractic clinic in the detached garage behind the residence. The proposal is to remodel the detached garage into a chiropractic office. They currently reside in the house. Since the property is zoned C-4 Planned Commercial WITHOUT a development plan, this application is establishing the development plan while maintaining the C-4 Planned Commercial designation. Attached are the application, written correspondence, plans and aerials of the site.

**Summary and Planning Commission Recommendation**

The Planning Commission held a public hearing and considered this request at their July 11, 2017 meeting. No one spoke during the public hearing. During the regular meeting, the Commission verified with Staff no one had commented negatively about the request. After the brief discussion, the Commission voted 7-2 to forward a recommendation of approval for the development plan with the below findings:

1. Technically, this is not a zone change since the property is and will remain C-4 Planned Commercial. Approval of the development plan with a low impact use will bring the property into conformance with our City codes.
2. While this is not a change in the zoning classification, a new development plan is warranted to allow for a chiropractic office to operate in the rear remodeled garage at 2190 Tenbrook.
3. Our Comprehensive Plan indicates this area as a commercial node.
4. Approving the C-4 development plan is in the best interest and welfare of the City of Arnold since it removes any question of what could operate on the property and a chiropractic office is a low intense use and good transition from commercial to residential.

**Analysis**

This site, along with the others in the area, was zoned C-4 Planned Commercial at some point in the past without a development plan. The request is to approve a development plan to accompany the existing C-4 Planned Commercial zoning designation.

The proposed remodel and use of the rear garage for a chiropractic office is low impact and a good use for this area as it transitions from commercial to residential. It maintains a residential appearance with low impact on the nearby residential homes.

Overall, Staff has no serious concerns with the development plan presented or the written document. Typically commercial driveway width are 24', with such minimal use and clear sight distance from the rear to the street, a minimum width of 15' minimum (one-way) wide drive is acceptable but must be paved. Future or different uses at this location or adjacent may require a 2-way drive of 24'.

The attached ordinance reflects what they have presented, in addition, we added setbacks as shown, addressed the commercial driveway issue and added the caveat that where not addressed in the ordinance, the City codes will prevail.

A few of Staff concerns are of a technical nature and as follows:

1. The current access drive appears to be expanding and when the new access drive is recorded, a copy must be provided to the City.
2. A building permit is required for remodeling the garage. At that time, the applicant must coordinate with all utilities for potential new service lines.
3. Jefferson 911 will need to provide an address for the business.

When considering a zoning amendment, the below criteria is used to review the amendment.

**The extension of an existing boundary where said change will not be detrimental and where it is shown that such change is necessary for public convenience or necessity.** Technically, this is not a zone change since the property is and will remain C-4 Planned Commercial. Approval of the development plan with a low impact use will bring the property into conformance with our City codes.

**There has been significant change in the area to warrant a change in zoning classification.** While this is not a change in the zoning classification, a new development plan is warranted to allow for a chiropractic office to operate in the rear remodeled garage at 2190 Tenbrook.

**It is shown that a mistake was made in the original zoning map.** No mistake was made in the original zoning document.

**A change that would make the zoning classification reflect the proposed use in the Land Use Plan of the City of Arnold.** Our Comprehensive Plan indicates this area as a commercial node.

**Other changes where it is shown to be in the best interest for the health, safety, and welfare of the citizens of the City of Arnold.** Approving the C-4 development plan is in the best interest and welfare of the City of Arnold since it removes any question of what could operate on the property and a chiropractic office is a low intense use and good transition from commercial to residential.

In addition to the above criteria, we look to our Comprehensive Plan for additional guidance (attached) and the example decision-making factors. Please review them.

cc-7/12/17

Community Development Department  
City of Arnold  
2101 Jeffco Blvd.  
Arnold, MO 63010  
636-282-2378  
636-282-6677 Fax

7/11/17  
mtg



2017-09

**ZONING / REZONING APPLICATION**

File Number 2017-09

\$400.00 Fee - Paid 6/13/17

**APPLICANT/CONTRACT PURCHASER**

**Dale Clark/Diana Toler**

Name

2190 Tenbrook Rd, Arnold, MO 63010

Address, City, State, Zip

574-875-1243/636-282-8333

Telephone Number

NA

Facsimile Number

2190 Tenbrook Rd, Arnold, MO 63010

Property Address (or nearest intersection)

**OWNER**

**Dale Clark**

Name

2190 Tenbrook Rd, Arnold, MO 63010

Address, City, State, Zip

574-875-1243

Telephone Number

NA

Facsimile Number

**C4**

Zoning of Property

**C4**

Proposed Zoning

**Adjacent Zoning**

**C4**

North

**6/13/2017**

Date of Application

*Dale E Clark*

Signature of Applicant

*Dia Toler*

**R2**

South

**C4**

East

**C4**

West

**7/11/2017**

Meeting Date Targeting

*Dale E Clark*

Signature of Owner

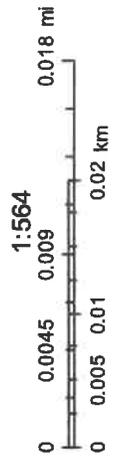
# City of Arnold MO Property and Zoning Records Viewer



July 6, 2017

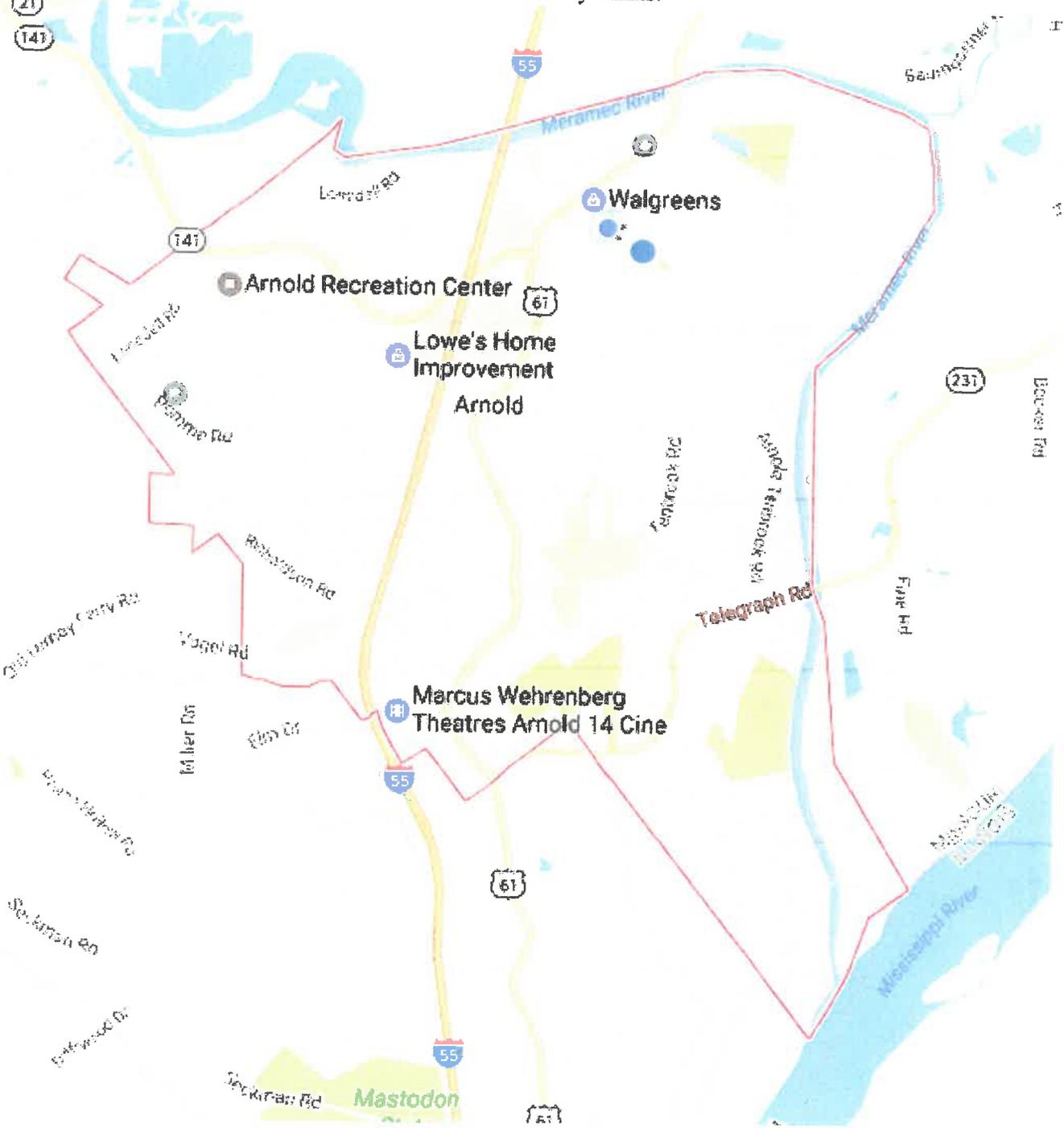
Jefferson County Parcels - Property

----- Jefferson County Lot Lines - Lot Lines



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City of Arnold Community Development

Exhibit A. The location of the tract in relation to the city limits.



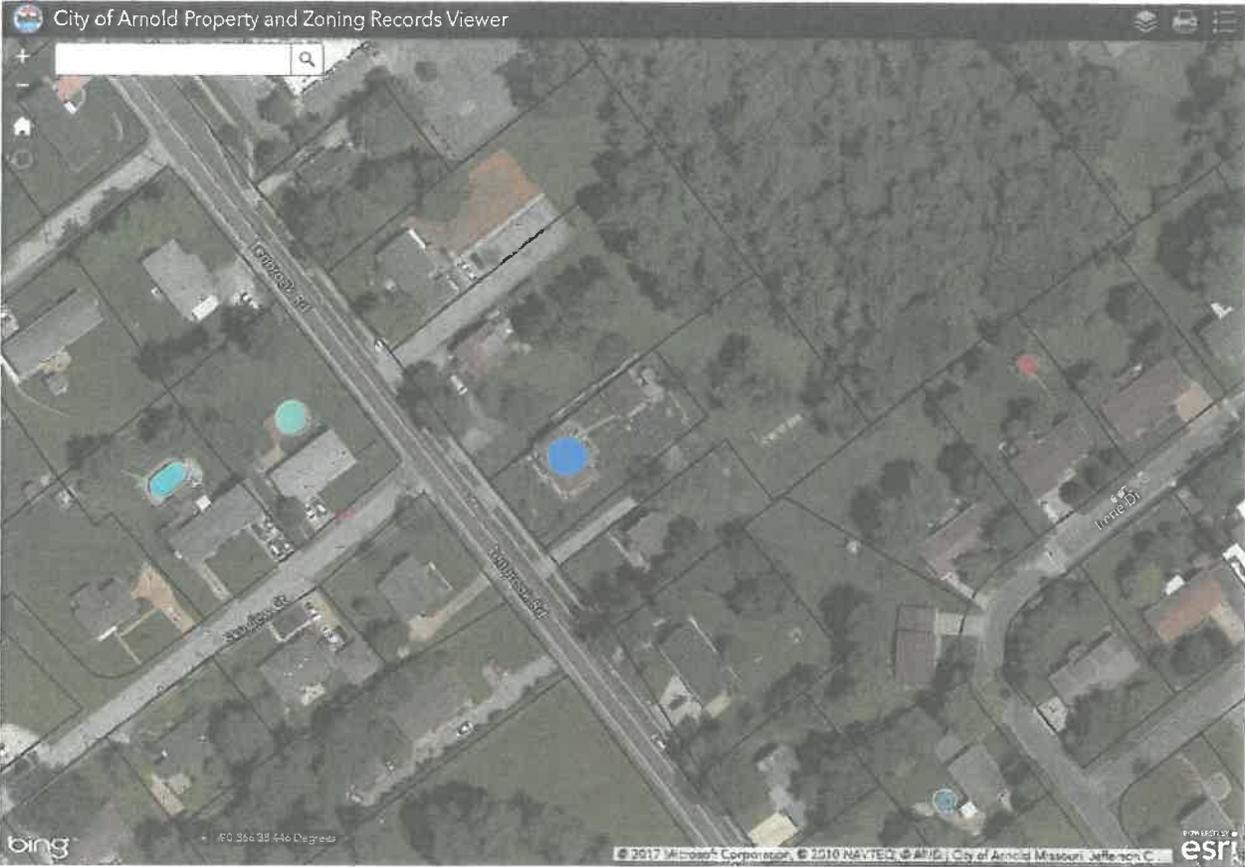
● Indicates location of property 2190 Tenbrook Rd., Arnold, MO

**Exhibit B. The location of the tract in relation to the surrounding area.**

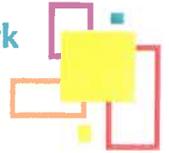


● Indicates location of property 2190 Tenbrook Rd., Arnold, MO

Exhibit C. The approximate location of all existing structures and wooded areas within the site.



● Indicates location of property 2190 Tenbrook Rd, Arnold, MO



### Example Decision-making Factors:

Example decision-making factors to consider include:

1. **Zoning, uses and character of the neighborhood:** Factual description of the application area and surrounding property as to existing zoning, land uses, general condition, age of structure, etc.
2. **Suitability of the subject property for the uses to which it has been restricted:** How is the property currently zoned and what uses are allowed on the property? Are these uses suitable given surrounding zoning and site criteria? Are the current allowed uses the only ones which might be appropriate for this property?
3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** Can the uses allowed in the requested district be good neighbors to existing development? This is a subjective question. The focus should be on facts, not fears, and should be based on issues that zoning can address (e.g., allowed uses, minimum lot sizes, height, setbacks, traffic, etc.)
4. **Length of time subject property has remained vacant as zoned:** Factual information, but its importance can be somewhat subjective. A property might be vacant because the current zoning is unsuitable, but there may be other reasons not related to zoning. Some examples might be a glut of available property of the same zoning district, financing problems, speculation, lack of available services or other development problems.
5. **Relative gain to public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant:** The protection of public health, safety and welfare is the basis for zoning. The relationship between the property owner's right to use and obtain value from their property and the City's responsibility to its citizens should be weighed.
6. **Conformance of the requested change to the adopted or recognized Comprehensive Plan:** Does the request agree with the adopted plan recommendations? If not, is the plan out-of-date or are there mitigating circumstances which speak to the nonconformity?
7. **Impact of the proposed development on community facilities:** Are water and sewer available for extension? How are roads impacted? Can other community facilities (e.g. police, fire, parks, libraries, schools) handle the increased development? Should be based on factual information referencing standards used to make the determination.
8. **Opposition or support of neighborhood residents:** This is just one of the factors to be considered and by itself is not sufficient reason to approve or deny a request.
9. **Recommendation of professional staff:** Should be based on the preceding eight factors, adopted plans and policies, other technical reports (e.g., Capital Improvement Programs, facility master plans, etc.) which speak to the topic and staff's best professional judgment.

### *The Future of Suburbia:*

"The future of suburbia appears to lie in focusing on the development of 'villages' that provide cultural, economic, educational and religious sustenance. This will require the evolution of elements-social, institutions, well-planned streets, open spaces, work spaces and housing-that function within the context of an existing or new community.

Future suburbs will succeed by utilizing the land efficiently and by providing a complete range of alternatives to accommodate varying life stages. In this manner, individual suburbs can fill critical niches not only for individual cities, but entire regions."

- The Planning Center.

AN ORDINANCE APPROVING A DEVELOPMENT PLAN FOR 2190 TENBROOK ROAD,  
ZONED C-4 PLANNED COMMERCIAL, TO ALLOW FOR A CHIROPRACTIC CLINIC

**WHEREAS**, an application to approve a development plan for 2190 Tenbrook Road, Three Hundred Three Thousandths (0.303) of an acre being part of a larger tract of land in Lot Thirty-seven (37) of U.S. Survey No. 2991, Township 43 North, Range 6 East, City Of Arnold, Jefferson County, Missouri and zoned C-4 Planned Commercial has been submitted to the City of Arnold, and

**WHEREAS**, the proper public hearings have been held, pursuant to City Ordinance and the laws of the State of Missouri, and

**WHEREAS**, the Planning Commission has submitted its report and recommendation to the City Council on the proposed development plan for 2190 Tenbrook Road, and

**WHEREAS**, the Council finds that this development plan approval meets the conditions in that this is not a zone change since the property is and will remain C-4 Planned Commercial. Approval of the development plan with a low impact use will bring the property into conformance with our City codes. A new development plan is warranted to allow for a chiropractic office to operate in the rear remodeled garage at 2190 Tenbrook. Our Comprehensive Plan indicates this area as a commercial node. Approving the C-4 development plan is in the best interest and welfare of the City of Arnold since it removes any question of what could operate on the property and a chiropractic office is a low intense use and good transition from commercial to residential.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ARNOLD, MISSOURI, AS FOLLOWS:**

Section 1: The proposed development plan for the property identified as 2190 Tenbrook Road, Three Hundred Three Thousandths (0.303) of an acre being part of a larger tract of land in Lot Thirty-seven (37) of U.S. Survey No. 2991, Township 43 North, Range 6 East, City Of Arnold, Jefferson County, Missouri and zoned C-4 Planned Commercial, will be developed in accordance with the provisions of this ordinance, Exhibit A and other applicable laws of the City of Arnold.

Section 2. The applicant shall have until the date, which is two years following the effective date of this Ordinance, to complete the project. Upon completion and occupancy permit issued, the plan shall become final.

Section 3. Approval of the development plan, in accordance with Section 405.340, C-4 Planned Commercial District of the City's Zoning Code, is hereby granted for 2190 Tenbrook Road, Three Hundred Three Thousandths (0.303) of an acre being part of a larger tract of land in Lot Thirty-seven (37) of U.S. Survey No. 2991, Township 43 North, Range 6 East, City Of Arnold,

Jefferson County, Missouri, subject to the conditions, rules, regulations and restrictions as set forth below:

1. The uses allowed shall be a residence in the structure adjacent to Tenbrook Road and a chiropractic office in the rear remodeled garage.
2. Setbacks are as shown on the attached site plan.
3. Parking stalls provided shall be three (3) for the chiropractic office. Should a different use occupy the space, parking needs will be assessed at that time.
4. Landscape plant material requirements are met by the existing landscape plant material. Dead plant material must be replaced immediately or as soon as possible due to weather conditions.
5. Commercial driveway width are 24', with such minimal use and clear sight distance from the rear to the street, a minimum width of 15' minimum (one-way) wide drive is acceptable but must be paved. Future or different uses at this location or adjacent may require a 2-way drive of 24'
6. Where rules and regulations are not specified in this ordinance, then the codes of the City of Arnold shall govern.

Section 4 This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor and City Council.

READ TWO TIMES, PASSED AND APPROVED THIS \_\_\_\_\_ DAY OF JULY 2017.

\_\_\_\_\_  
Presiding Officer of the Council

\_\_\_\_\_  
Mayor Ron Counts

ATTEST:

\_\_\_\_\_  
City Clerk Tammi Casey

1st reading: \_\_\_\_\_

2nd reading: \_\_\_\_\_

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney Robert Sweeney

July 6, 2017

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## Rezoning Plan

Dale Clark, owner of 2190 Tenbrook Road, Arnold (the "Property"), requests rezoning of the Property from C-4 Planned Commercial District to C-4 Planned Commercial District with permitted Residential use for the purpose of operating a business, Family Care Chiropractic Center, owned and operated by Diana Toler (the "Business"), and for the purpose of the residence of Dale Clark and Diana Toler.

The Property contains two structures. One structure is a residential structure that will remain as a residence. The other structure is an oversized detached garage that will be renovated for the Business. There will be no extension of an existing boundary and there has been no significant change in the area. This rezoning reflects a proposed use in the Land Use Plan of the City of Arnold. According the Land Use Plan, the current location is zoned C-4 and a rezoning of the Property would reflect the proposed use of the property. The rezoning of the Property will not detrimentally impact the surrounding area, as operating hours of the Business are limited to daytime hours, 8 AM – 7 PM, mostly during weekdays with occasional weekend use. The nature of the Business as a chiropractic office and clinic with Diana Toler as the sole practitioner requires one-on-one time with individual clients meaning there will usually not be multiple individuals on site at one time.

Note there will be no changes to the structures or the property other than to remodel the interior of the existing garage, replace the existing garage door with a handicap accessible entry and window, replace an existing exterior door with paneling to match the exterior, and install a handicap accessible restroom which will require plumbing to tie into the existing residential plumbing. All remodeling of the garage structure will be performed in accordance with current City of Arnold Ordinances and Building Codes.

In accordance with the minimum submittal requirements for rezoning, following are:

- a) The location of the tract in relation to the city limits. See Exhibit A.
- b) The location of the tract in relation to the surrounding area. See Exhibit B.
- c) The approximate location of all existing structures and wooded areas within the site. See Exhibit C.
- d) All existing streets, roads, easements, wet and dry weather watercourses, water bodies, streams, areas subject to inundation by storm water, other pertinent features such as sinkholes, railroad, parks, cemeteries, drainage ditches, bridges and other significant physical features within the tract. See the accompanying Site Plan by MB Engineering, Inc., dated June 13, 2017 (the "Site Plan").
- e) A north arrow and graphic scale. See the Site Plan.
- f) Direction of and approximate distance to the nearest existing major street intersection. The nearest existing major street intersection is Tenbrook Road and Jeffco Blvd. to the northwest at 0.2 miles.

g) The following names, addresses, and telephone numbers:

- The record owner or owners of the tract.

Dale E. Clark  
2190 Tenbrook Rd.  
Arnold, MO 63010  
636-282-8333

- The party who prepared the plat.

MB Engineering, Inc.  
Michael A. Buescher  
768 Glen Mor Drive  
Belleville, IL 62221  
314-368-3040

for

Edward M. Stevens Architects, LLC  
734 Westport Plaza, Suite 275  
St. Louis, MO 63146  
314-586-6156

- The party for whom the plat was prepared

Diana Toler  
2190 Tenbrook Rd.  
Arnold, MO 63010  
636-282-8333

- The engineer and the land surveyor who surveyed the tract

Marler Surveying Company, Inc.  
11402 Gravois Road, Suite 200  
St. Louis, MO 63126  
314-729-1001

h) The location of the property by U.S. Survey, Township, Range, survey lot, and county.

IN THE COUNTY OF Jefferson, STATE OF Missouri, DESCRIBED AS FOLLOWS:  
Three Hundred Three Thousandths (0.303) of an acre being part of a larger tract of land in Lot Thirty-seven (37) of U.S. Survey No. 2991, Township 43 North, Range 6 East, which larger tract was conveyed by Pauline Clark to Milton F. Noll and Edna E. Noll, his wife, by deed dated November 9, 1946, recorded in Book 170 at page 44 of the Records in the Recorder's Office of Jefferson County, Missouri, said Three Hundred Three thousandths (0.303) of an acre being described as follows: Beginning at a point in the County Road located North 37 degrees 30 minutes West 91.9 feet distant from the most Southern corner of the above mentioned larger tract and running thence with the southwestern boundary line of said larger tract, North 37 degrees 30 minutes West 71.9 feet; thence North 52 degrees 33 minutes East 184 feet to an iron pin; thence South 37

degrees 30 minutes East 71.65 feet to an iron pin; thence South 52 degrees 29 minutes West 184 feet to the place of beginning, according to survey of the Jefferson County Surveying Company executed August 9, 1973.

i) The approximate area of the tract stated in tenths of an acre.

Three Hundred Three Thousandths (0.303) of an acre, rounded to three-tenths of an acre.

j) The location and dimension of all boundary lines of the tract.

Beginning at a point in the County Road located North 37 degrees 30 minutes West 91.9 feet distant from the most Southern corner of the above mentioned larger tract and running thence with the southwestern boundary line of said larger tract, North 37 degrees 30 minutes West 71.9 feet; thence North 52 degrees 33 minutes East 184 feet to an iron pin; thence South 37 degrees 30 minutes East 71.65 feet to an iron pin; thence South 52 degrees 29 minutes West 184 feet to the place of beginning.

k) Sufficient contour data to indicate the slope and drainage of the tract and the high and low points thereof. See the accompanying Topographical Survey prepared by Marler Surveying Company, Inc., 11402 Gravois Road, Suite 200, St. Louis, MO 63126, 314-729-1001.

#### Parking

The parking space requirement for C-4 zoning is described in Code Section 405.340(E), "Off-Street Parking And Loading Requirements." The minimum off-street parking and loading requirements for any use or building in a planned commercial district shall not be reduced below that required for the same use in any other "C" Commercial District, except where the Planned Commercial District includes two (2) or more uses, then the Planning Commission may recommend and the City Council may approve a total reduction of combined required parking and off-street loading space by not more than twenty percent (20%) where it has been demonstrated by study of the combined uses and customary hours of operation or peak use, that adequate parking would be so provided."

As a "medical office or clinic" the minimum number of parking spaces for this planned district would be 5 per 1,000 square feet of gross floor area. Sections 405.310 (A)(5)(n) (C-1 District), 405.320(A)(7)(q) (C-2 District), 405.330(A)(7)(u) (C-3 District). The gross floor area of the proposed clinic is approximately 672 square feet. Therefore, the minimum number of parking spaces could be 4. Applicant proposes 3 parking spaces, for the following reasons.

First, there is usually only one client at a time. Therefore, 3 parking spaces are sufficient. Second, this planned district includes a residence. The residence will be occupied by the proprietor of the clinic, and therefore all 3 parking spaces will be available for clients. Third, the residence has space in front to park at least 3 vehicles. The residence space will be available if more than 3 parking spaces are needed at the clinic. Fourth, 672 square feet could require 3.36 parking spaces. That can be rounded to 3 and the allowed 20% reduction would result in 2.688 spaces, which can be rounded to 3.

## Landscaping

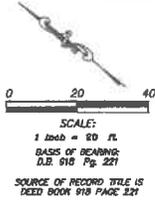
The landscaping requirement for C-4 zoning is described in Code Section 405.340(D)(5). Properties in C-4 are required to have a minimum of 1 tree per 10 parking spaces that are a minimum of 6 feet tall (coniferous) or a minimum caliper of 2 inches if deciduous. It also requires 1 foundation plant (shrub or bush) per 20 feet of street exposed wall area.

The property currently has (1) 4" caliper deciduous tree, (1) 6" caliper deciduous tree, at least 6 shrubs, and various other small plantings and vegetation. As the proposed improvements will have less than 10 parking spaces, and approximately 55 feet of street exposed wall area, the existing landscaping satisfies the zoning requirement.

## Other

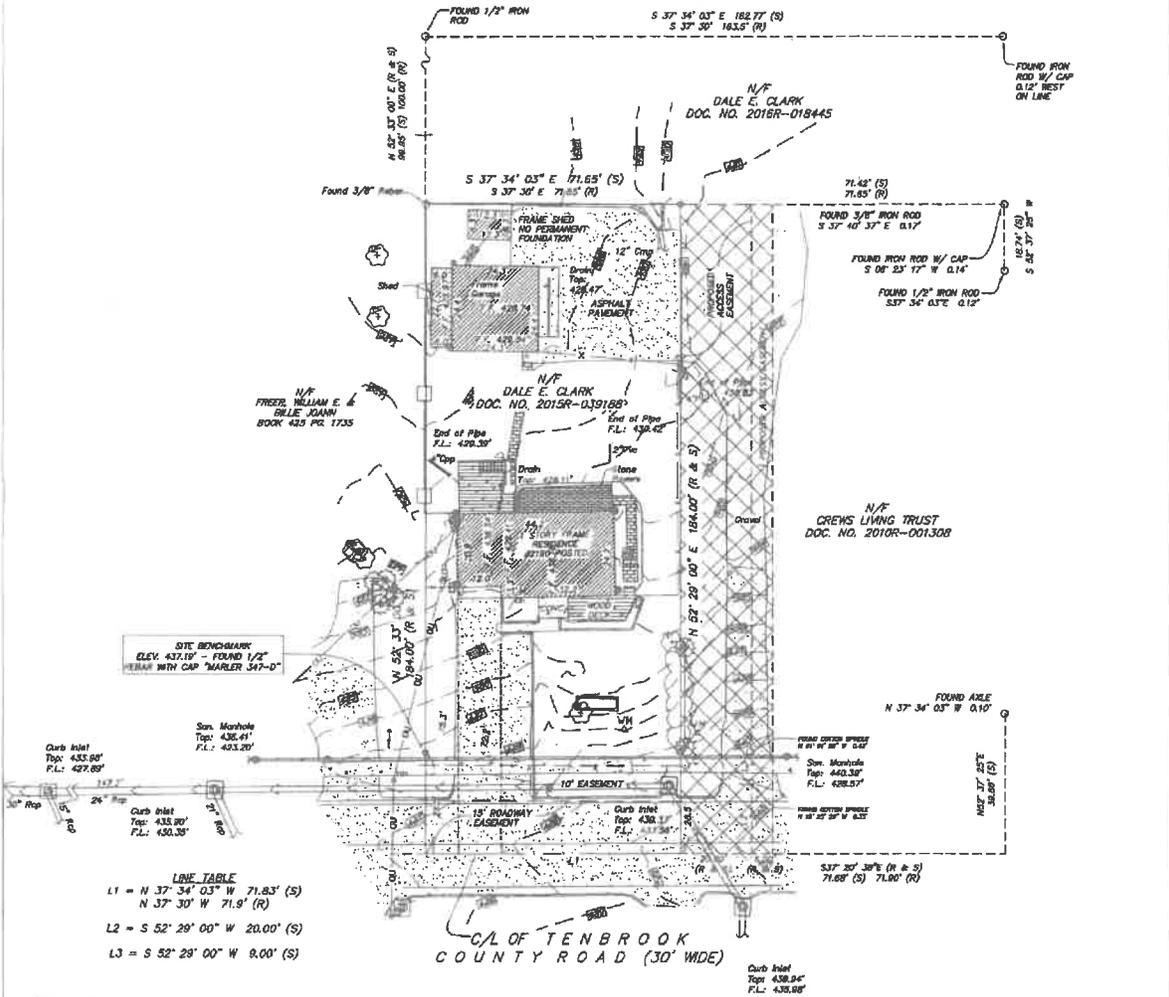
The Site Plan provides the information required by Code Section 405.340(G)(1)(a)-(e). For (f) (A preliminary plan for provision of sanitation and drainage facilities), the Business will utilize the city sewer already provided to the residence by Missouri American Water, city water already provided by Arnold Public Water District 1, and municipal trash services already provided to the residence. The Business is not expected to generate trash in an amount requiring a dumpster.

TOPOGRAPHIC SURVEY  
**A TRACT OF LAND BEING PART OF LOT 37 OF**  
**U.S. SURVEY NO. 2991**  
 JEFFERSON COUNTY, MISSOURI



LEGEND

<ul style="list-style-type: none"> <li>○ UTILITY POLE</li> <li>○ GUY WIRE</li> <li>○ LIGHT STANDARD</li> <li>○ ELEC. PAID LIGHT</li> <li>○ GAS METER</li> <li>○ GAS VALVE</li> <li>○ FIRE HYDRANT</li> <li>○ WATER METER</li> <li>○ DOWNSPOUT</li> <li>○ MANHOLE</li> <li>○ CLEAN-OUT</li> </ul>	<ul style="list-style-type: none"> <li>(R. &amp; S.) RECORD and SURVEYED</li> <li>D.B. DEED BOOK</li> <li>Pg. PAGE</li> <li>N/F NOW OR FORMERLY</li> <li>— TELEPHONE LINE</li> <li>— GAS LINE MARK</li> <li>— UNDERGROUND ELEC.</li> <li>— OVERHEAD UTILITY</li> <li>— WATERLINE</li> <li>○ TREE WITH SIZE</li> <li>○ WATER MANHOLE</li> <li>○ WATER SHUTOFF VALVE</li> <li>○ BORE LOCATION</li> </ul>
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**LINE TABLE**

L1 =	N 37° 34' 03" W	71.83' (S)
	N 37° 30' W	71.9' (R)
L2 =	S 52° 29' 00" W	20.00' (S)
L3 =	S 52° 29' 00" W	9.00' (S)

**BENCHMARK**  
 NAVD 88 using the Trimble R-6 RMC.

**SITE BENCHMARK**  
 Desc. - 437.19' - Top of 1/2" rebar with cap stamped 'Marler 347-D'

Existing boundary information is shown from a previous Boundary Retrospection Survey performed by Marler Surveying Company Inc. during September 2013. #1505-085  
 At the request of the client, the proposed course comments have been noted from annotated but unrecorded documents.

THIS IS TO CERTIFY AT THE REQUEST OF DIANA TOLLE, WE HAVE DURING THE MONTH OF JUNE 2017, PERFORMED A TOPOGRAPHIC SURVEY ON PART OF LOT 37 IN U.S. SURVEY NO. 2991, IN JEFFERSON COUNTY, MISSOURI, AND THE RESULTS OF SAID SURVEY ARE REPRESENTED ON THIS DRAWING. THIS MAP COMPLIES WITH THE MAP ACCURACY STANDARDS, CLASS II.  
 IN WITNESS WHEREOF, I HAVE SIGNED AND SEALED THE FOREGOING THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2017.



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MARLER SURVEYING COMPANY, INC.  
 MISSOURI CORP. INC. L.S. 347-D

By: **MARTY L. MARLER**  
 MISSOURI P.L.S. 2501

JOB NO. 1804-153  
 DRAWN BY: D.J.M.

**MARLER**  
 SURVEYING COMPANY, INC.  
 11402 CRAWFORD RD., STE. 200 ST. LOUIS, MO 63128 (314) 723-1001 PH. (314) 729-1044 FAX  
 402 EAST SPRINGFIELD ROAD, BULLIVANT, MO (573) 465-8584 PH. (573) 650-8006 FAX  
 email: marler@marlersurveying.com

DEPUTY:           S.R.F.            
 CHECK BY:           M.L.M.          

REV: 6/28/2017  
 REV: 8/11/2017



