



## REPORT TO PLANNING COMMISSION

### CITY OF ARNOLD

**APPLICATION NUMBER:** 2019-10

**APPLICATION NAME:** SNO-BALL TRAILER

**APPLICANT NAME:** S&J Snow-Ball Shop Inc.  
Joseph X. Sorg Jr.  
5249 Liberty School Rd  
Hillsboro, MO 63050

**PROPERTY OWNER NAME:** Tenbrook LLC  
Larry Jones  
PO Box 528  
St. Albans, MO 63073

**APPLICANT'S REQUEST:** The applicant is a returning vendor requesting approval of a Conditional Use Permit for a seasonal Snow Cone Stand.

**STREET ADDRESS:** 754 Jeffco Blvd

**SITE LOCATION:** Immediately East of intersection of Jeffco Blvd and Tenbrook Rd, in Walgreens' parking lot

**ZONING DISTRICT:** "C-2" Commercial

**PARCEL ID:** 01-4.0-20.0-4-001-020.01

**TOTAL SITE AREA:** 1.85 acres

**MEETING DATE:** April 9, 2019

**REPORT DATE:** April 2, 2019

**CASE MANAGER:** Sarah Turner

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





# REPORT TO PLANNING COMMISSION

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### DESCRIPTION OF EXISTING SITE CONDITIONS

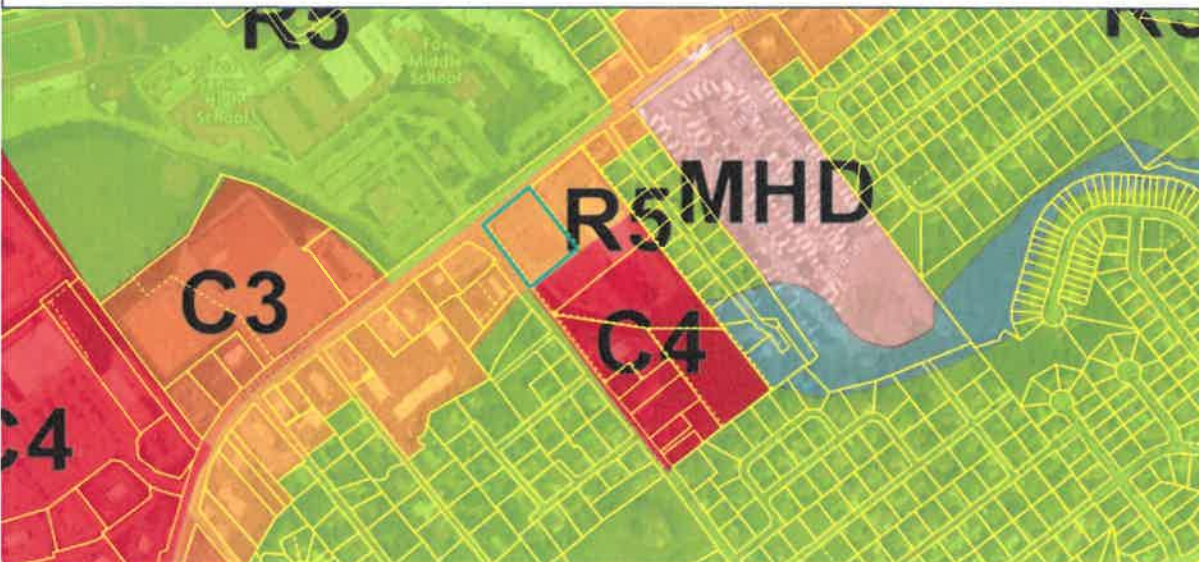
The 1.85 acre parcel is a corner lot East of the intersection of Jeffco Blvd and Tenbrook Rd. The property is zoned "C-2" Commercial and is fully developed with a Walgreens and the Walgreens' parking lot. The property is accessed by both Jeffco Blvd and Tenbrook Rd.

### SITE HISTORY

This site is part of the larger Tenbrook Plaza development, which began in the late 1980's. The current structure and use, Walgreens, was constructed in 1999.

LAND USE AND ZONING CONTEXT MATRIX			
DIRECTION	EXISTING LAND USE	ZONING DISTRICT	COMMENTS
North	Other	R-5	Fox C-6 Schools
East	Commercial	C-2	Mixed commercial retail
South	Commercial; Residential	C-4; R-5	Mixed commercial; Residential vacant
West	Commercial	C-2	Mixed commercial (Car wash, produce stand)

### ZONING MAP



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### ZONING REQUEST/DEVELOPMENT PROPOSAL

The applicant is a returning vendor requesting approval of a Conditional Use Permit for a seasonal Snow Cone Stand at 776 Jeffco Blvd. The applicant's intention is to park a trailer in the Walgreens parking lot during summer months and serve frozen desserts.

### 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 POLICIES

**POLICY LU-6.1 UNIQUE MIXED USE:** THE DOWNTOWN CENTER SHOULD BE A UNIQUE MIXED USE DESTINATION THAT IS MARKET RESPONSIVE AND FLEXIBLE TO ACHIEVE A DESIRABLE COMBINATION OF USES AND ACTIVITIES THAT WILL ENLIVEN THE CENTER THROUGHOUT THE YEAR.

#### CITY PLANNER'S COMMENTS

*Land Use Policy 6.1 is substantially satisfied as follows:*

**Substantially Satisfied:** The proposed Conditional Use Permit would allow for a seasonal Snow Cone Stand, which would enliven the Walgreens parking lot during summer months and promote the area as a more desirable destination.

#### FUTURE LAND USE MAP:



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



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#### BACKGROUND

The property at 776 Jeffco Blvd is fully developed with a Walgreens and parking lot. The property is zoned C-2 Commercial, which allows for this use, or "fast-food restaurants," on a conditional basis. The site of the trailer would be accessed via Jeffco Blvd or Tenbrook Rd.

Joseph X. Sorg Jr., the applicant, has previously been approved for a Conditional Use Permit to operate a Snow Cone Stand at this location, most recently in April of 2017. The business would be keeping its previous hours, which are 7 days a week between mid-March and September, 1:00PM to 10:00PM. That C.U.P. had a sunset date of 2 years and expired on the last day of October 2018. In March of 2019, Mr. Sorg submitted an application and expressed intent to operate the same business as he has in previous summer seasons.

#### 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 applicant seeks a Conditional Use Permit to put a seasonal trailer at 776 Jeffco Blvd to operate a Snow Cone Stand.

#### CONSISTENT WITH GOOD PLANNING PRACTICE

The property where the applicant's proposed Snow Cone Stand is located is within a C-2 Commercial District, which allows for fast-food restaurants on a conditional basis. The applicant's Snow Cone Stand fits the Code's description of a fast-food restaurant: "Any establishment whose principal business is the sale of foods, frozen desserts or beverages in ready-to-consume individual servings for consumption either within the restaurant building or for carry-out, and where... The establishment includes a drive-up or drive-through service facility or offers curb service." In the Future Land Use Map from Arnold's Comprehensive Plan, this area is designated as commercial within the New Downtown Center node. The goals, objectives, and policies of the Zoning Code Ordinance and the Comprehensive Plan are substantially met with this proposal.

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

The C-2 Commercial District's purpose listed in Article II of Section 405.320(A) is "to facilitate the establishment of conditions suitable for the operating of small businesses catering to the general public." This description fits the applicant's proposed use, which will serve frozen desserts to the citizens and visitors of the City. The applicant's business is unique in that it is not a permanent fixture, so potential adverse impacts to existing developments and uses within the district are present. Issues or nuisances that Staff has previously identified



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### PLANNING AND ZONING ANALYSIS - CONTINUED

#### **DETRIMENT TO PERMITTED DEVELOPMENT AND USES—CONTINUED**

includes traffic obstruction, setbacks of all miscellaneous furniture or trash receptacles around the Sno-Ball trailer, and Sno-Ball workers needing restroom facilities while they work. However, the most recent Conditional Use Permit approved by the City Council in April of 2017 successfully mitigated most of these issues and there have been no complaints put in to the City about the Sno-Ball snow cone trailer. It should be mentioned that the surroundings of the proposed site does not abut any parcels that are being used as residences. The site is surrounded by commercial use and the main Fox C-6 Schools campus is across Jeffco Blvd. Staff's remaining concerns pertain to the agreement between the applicant and nearby businesses to allow workers to use restroom facilities. Staff has included in the recommended conditions the requirement that the restroom facilities agreement also allow for customers as well as employees. Additionally, the agreement should be submitted to the City for each year the Conditional Use Permit is valid, instead of just once during the C.U.P. application process. These conditions are intended to prevent nuisance or detriment to nearby uses, and are listed in Exhibit A on Page 9 in the Attachments. As proposed, the snow cone stand satisfies the requirement that it can be operated in a manner that is not detrimental to permitted developments and uses in the district subject to conditions.

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

The proposed Snow Cone Stand would be in the parking lot of the Walgreens along Jeffco Blvd. Figure 1 is an image from Google Streetview from May 2017, showing the S&J Sno-Ball trailer open for business on the proposed location. The property is surrounded by other commercial

**FIGURE 1: VIEW OF S&J SNO-BALL TRAILER ON SITE, GOOGLE STREETVIEW MAY 2017**





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### PLANNING AND ZONING ANALYSIS - CONTINUED

#### **VISUAL COMPATIBILITY—CONTINUED**

or non-residential uses. It is also important to note that a seasonal food stand has been on this particular site for many years without complaint. As such, the proposed use as a Snow Cone Stand meets the requirement for the use to remain visually compatible with permitted development and uses in the surrounding area.

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

Snow cone stands, such as the proposed S&J Sno-Ball, offer the traditional summer treat of shaved ice and sweet syrup. This is a returning business that is familiar and desirable to City residents and the general public. The proposed use substantially meets the review requirement to be a desired addition to the City.

### FINDINGS AND RECOMMENDATION

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

Staff finds that the proposed use as a Snow Cone Stand is deemed consistent with good planning practice .

#### **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 district subject to conditions contained in Exhibit A in the 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 is in compliance with the Zoning Ordinance and 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", written over a horizontal line.

Sarah Turner  
Community Development Planner



# ATTACHMENTS

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





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#### CONDITIONS

1. All structures, tables, trash containers, etc. must be located at least fifty (50) feet from the front property line.
2. The tables, trash containers, etc. may not create an obstruction for vehicle traffic.
3. The area is kept clean of trash and debris that may result from the snow cone stand.
4. A current written agreement is provided to the City regarding the use of restrooms for the employees and customers of the snow cone stand for each year of the Conditional Use Permit.
5. The operation may open March 1 of each year of the Conditional Use Permit.
6. The hours of operation are from 1:00PM to 10:00PM.
7. The trailer is removed on or before October 1, 2019 and 2020.
8. Building permits required for the placement of the stand, electric, etc.
9. Jefferson County Health Department permit required.
10. All necessary permits are issued in conjunction with opening the snow cone stand.
11. The Conditional Use Permit will expire on October 31, 2020.

#### EXHIBIT A: STAFF RECOMMENDED CONDITIONS OF USE

Sno-Ball Trailer

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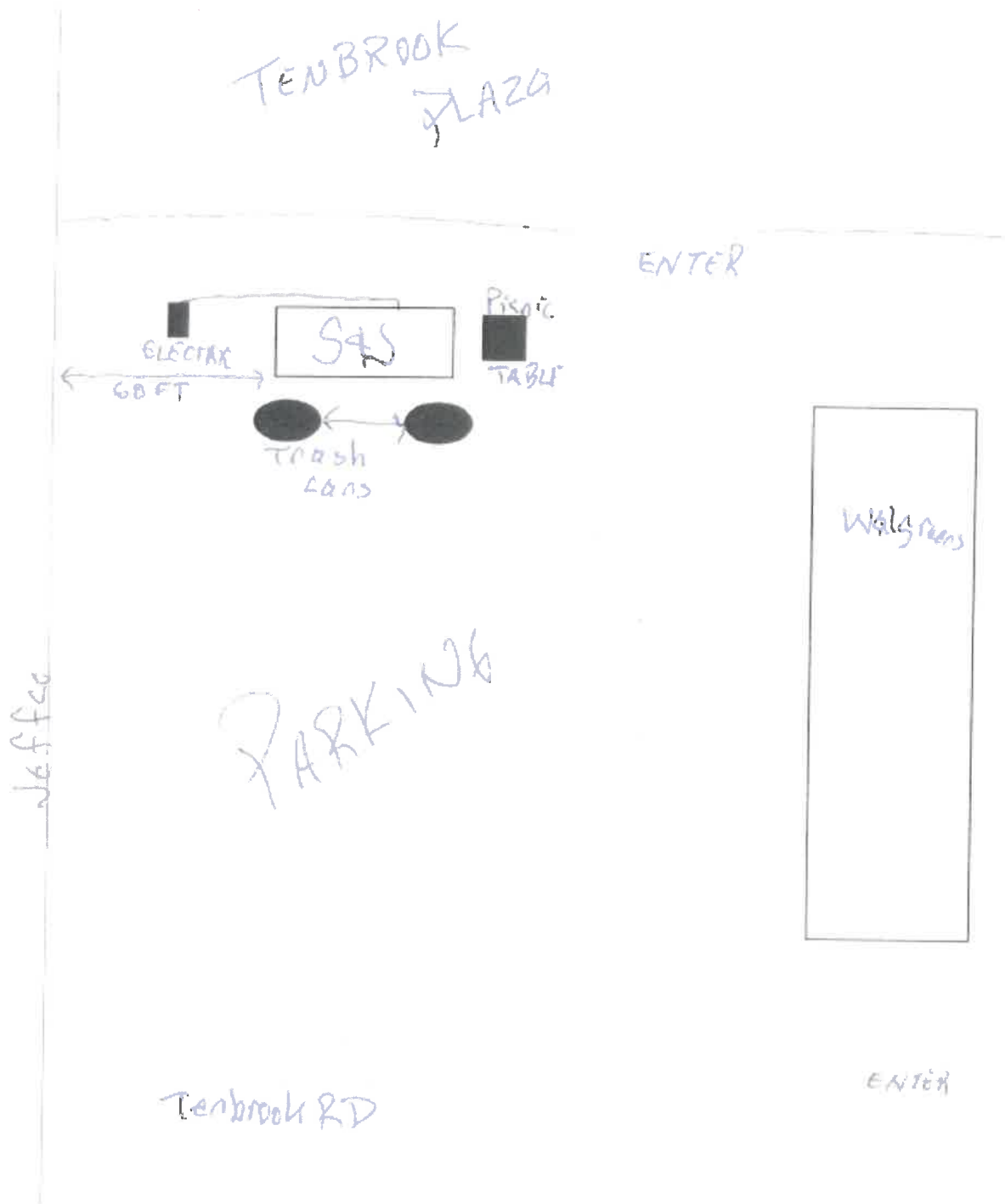


**EXHIBIT B: PROPOSED LOCATION OF S&J SNO-BALL TRAILER**

**2019-10 CONDITIONAL USE PERMIT APPLICATION**



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**EXHIBIT C: APPLICANT'S SITE PLAN SKETCH**

Sno-Ball Trailer

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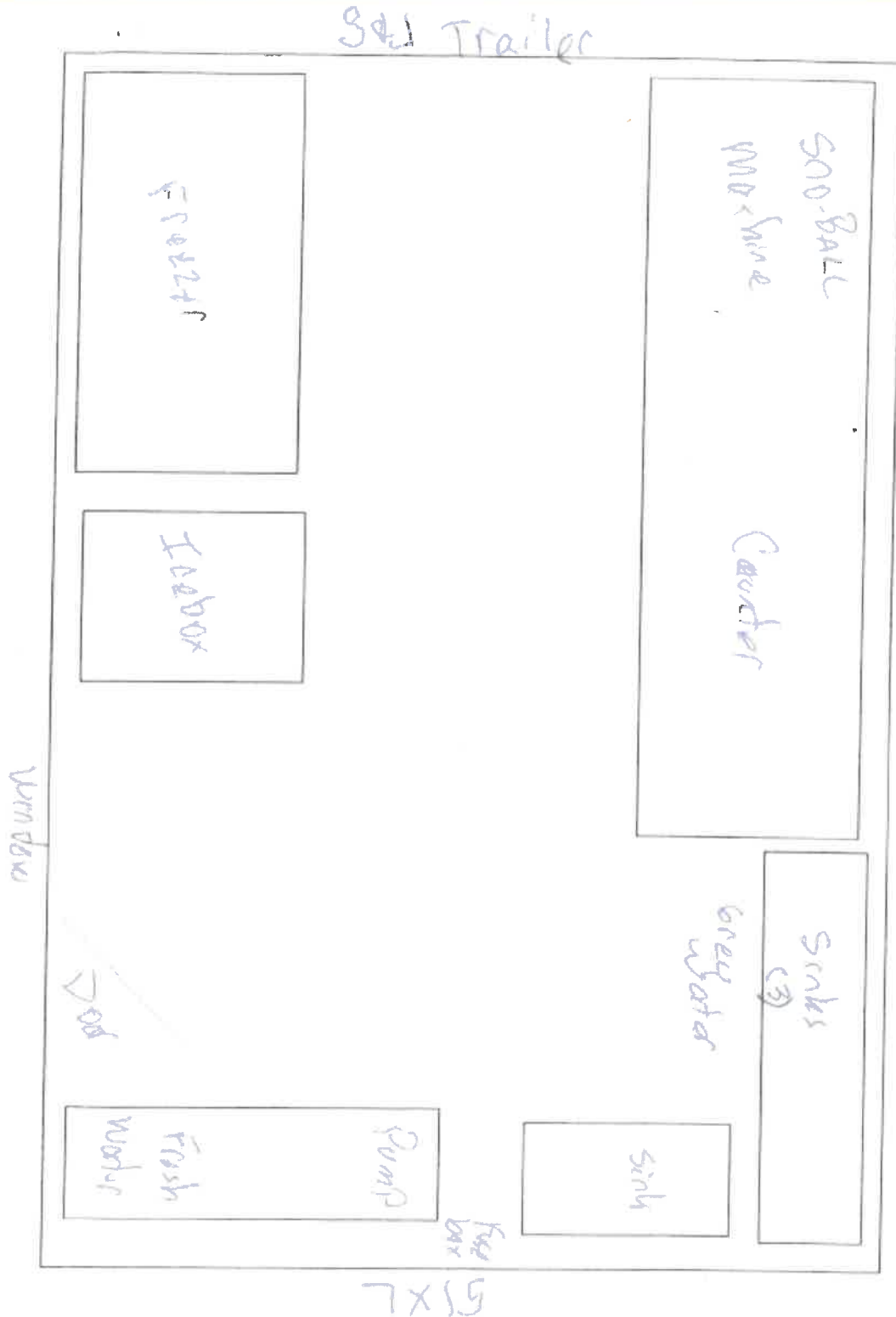


EXHIBIT D: INTERIOR OF TRAILER



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### **PROPOSED BUSINESS**

FAMILY OWNED BUSINESS SINCE 1989. S&J  
SNO-BALL CUSTARD SHOP INC. THIS  
LOCATION WOULD BE USED FOR SNOWCONE  
RETAIL

### **BUSINESS**

OWNER OF BUSINESS

JOSEPH X SORG JR

314 960-3048

SNJ2091@GMAIL.COM

5249 LIBERTY SCHOOL ROAD

HILLSBORO MO 63050

WE HAVE 3 OTHER LOCATIONS. ARNOLD  
(CUSTARD SHOP) OPEN ALL YEAR. 2 MOBILE  
UNITS IN HIGH RIDGE. OPEN ONLY DURING  
SUMMER

### **HOURS OF OPERATION**

OPEN MID MARCH. CLOSE EARLY SEPT. OPEN  
7 DAYS A WEEK 1PM TO 10PM

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#### APPLICANT NARRATIVE

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Sno-Ball Trailer



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#### **MOBILE UNIT (TRAILER)**

##### **TRAILER INFO**

TRAILOR SIZE. 7 FOOT WIDE. 15 FEET LONG.

TO SECURE TRAILER. WE WILL HAVE 4 MOBILE HOME STAKES UNDER TRAILER AND WILL ALSO HAVE BLOCKS UNDER THE WHEELS.

FOR OUR CUSTOMERS WE HAVE 4 LIGHTS. 2 IN THE REAR OF BUILDING AND 2 IN FRONT OF BUILDING.

##### **WATER & GREY WATER**

FOR CLEANING WE WILL BE USING LARGE CONTAINERS OF WATER FROM SAMS. WE HAVE A WATER STORAGE CONTAINER IN TRAILER WITH A HOT WATER HEATER AND A PUMP THAT FEEDS OUR HAND WASHING SINK AND OUR 3 COMPARTMENT SINK. WE HAVE A GREY WATER STORAGE TANK THAT WILL BE PROFFESIONALY DRAINED EVERY OTHER WEEK OR AS NEEDED.

**BUSINESS DETAILS PROVIDED BY APPLICANT**

2019-10 CONDITIONAL USE PERMIT APPLICATION



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To whom this may concern,  
S&J SnoBall Shop Inc employees  
can use Walgreens bathrooms before,  
after or during their shifts.

Thank you,  
Joseph x Sorg Jr  
314 960-3048

A handwritten signature in black ink, appearing to read "Joe Sorg", written over a horizontal line.

Manager on Duty

Walgreens  
776 Jeffco Blvd  
Arnold Mo

**WALGREENS FACILITIES — PREVIOUS WRITTEN AGREEMENT**

Sno-Ball Trailer

# REPORT TO PLANNING COMMISSION

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STREETVIEW OF TRAILER FROM JEFFCO BLVD, FACING SOUTH

2019-10 CONDITIONAL USE PERMIT APPLICATION