



PLANNING COMMISSION
TELEPHONIC COMMISSION MEETING
TUESDAY, AUGUST 11, 2020

MEMBERS: Andrew Sutton (Chair), Frank Kutilek (Second), Alan Bess (Secretary), Jeff Campbell, Justin Lurk, John Tucker, Del Williams, Phillip Hogan, Brian McArthur (Council Liaison). **STAFF:** Robert Sweeney (City Attorney), David Bookless (Community Development Director), Christie Hull-Bettale (Engineer), Sarah Turner (Planner).

REGULAR SESSION

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF MINUTES: *July 14, 2020*
4. SITE PLANS, PLATS, OTHER BUSINESS:
 - a. **PC-2020-17 Lonedell Acres:** A request for approval of a variance from the requirements of the Tree Preservation Program for a 4-acre tract located on the south side of Lonedell Road approximately 1,200 feet northeast of the Pomme Road.
5. ADJOURNMENT OF REGULAR SESSION

EXECUTIVE SESSION

6. NEW BUSINESS:
 - a. **PC-2020-17 Lonedell Acres:** *The Planning Commission may vote on this item tonight.*
7. ADJOURNMENT OF EXECUTIVE SESSION

*In response to the COVID-19 concerns, all members of the Planning Commission will be participating in the hearing by telephone as permitted by state statute and city resolution. To allow for public comment, in-person attendance at the hearing is permitted, but social distancing protocols will be in place. The City is offering listen-only capabilities to the public via telephone dial-in. At the time of the hearing, call **(636) 282-6682 and use conference code 0777894 when prompted**. If you have any questions or would like to submit comments for the Commission to consider, please call staff planner Sarah Turner at 636-282-2378.*



PLANNING COMMISSION MEETING CONDUCTED VIRTUALLY JULY 14, 2020

MINUTES

Due to Federal, state, county, and municipal emergency orders related to the coronavirus (COVID-19) pandemic, this meeting was conducted virtually in compliance with applicable regulations.

REGULAR SESSION

1. **CALL TO ORDER:** The regular meeting of the Arnold Planning Commission was called to order by Chairman Andrew Sutton at 7:00 p.m.
2. **ROLL CALL OF COMMISSIONERS:** Phillip Hogan, Justin Lurk, John Tucker, Jeff Campbell, Frank Kutilek, Del Williams, Brian McArthur, Alan Bess, Andrew Sutton. All members were participating telephonically. **STAFF PRESENT:** David Bookless (Community Development Director), Sarah Turner (Planner), Christie Hull-Bettale (Engineer), Robert Sweeney (City Attorney). All staff were participating telephonically.
3. **APPROVAL OF MINUTES:** Motion by Jeff Campbell to approve the minutes from the February 25, 2020 and April 14, 2020 with an attendance correction made by Mr. Hogan. Second by Del Williams. *Roll call vote:* Phillip Hogan, yes; Justin Lurk, yes; John Tucker, yes; Jeff Campbell, yes; Frank Kutilek, yes; Del Williams, yes; Brian McArthur, yes; Alan Bess, yes; Andrew Sutton, yes. 9 yeas, 0 nays – Motion Approved.
4. **SITE PLANS, PLATS, OTHER BUSINESS:**
 - a. **PC-2020-15 1801 Ozark Dr:** A request for approval of an appeal to the fencing materials regulations in order to allow for a garden fence constructed with deer/wildlife netting and wooden pallets at 1801 Ozark Drive.

Sarah Turner presented the Staff Report. Ms. Turner stated that the applicant has since contacted her to state that pallets would be limited to the rear of the fenced-in area, and her recommendation has been modified based on that information. She concluded her presentation by stating that should the Commission be inclined to approve the request that staff has provided three recommended conditions of approval:

- 1) Wire mesh (with the exception of wildlife/deer screening) are prohibited fencing materials.
- 2) The garden fence must be relocated so that it is fully behind the front building line, as shown on the site plan.
- 3) This appeal decision expires three (3) years after approval.

Applicant Rebecca Vollmer-Kelly stated she had no additional information to add to Ms. Turner's report.

The Commissioners sought clarification about the proposed fence. They asked where exactly the pallets would be placed, what the applicant meant in their application by the fence being "temporary", and were they ok with the conditions of approval recommended by Staff. Additionally, the majority of the Commissioners indicated they would like to see the expiration period be extended to five years, and that that they would like to see the pallets remain natural looking and not be painted, and that only new pallets be installed.

Ms. Vollmer-Kelly stated the pallets would be on the rear plane of the fence and would be limited to one or two sections between posts. By temporary, she meant that the fence would come down if they stopped gardening or if they moved or sold the house. As they intend to grow winter crops, the fence would likely be up year-round though. She thinks the conditions are reasonable. She also agreed to not painting the pallets and stated that while the pallets are used, they are replacing worn pieces of wood and sanding the entire pallet to be in “new condition”. The Commission was generally satisfied by her responses, but suggested the pallets could be treated or sealed as long as they maintain a natural color.

5. ADJOURNMENT OF REGULAR SESSION: Adjourned by Mr. Sutton at 7:18 p.m.

EXECUTIVE SESSION

6. NEW BUSINESS:

- a. **PC-2020-15 1801 Ozark Dr:** Motion by Mr. Williams to approve *PC-2020-15 1801 Ozark Drive* with conditions contained in the Staff Report, but modified to reflect a 5-year renewal period, that any pallets be limited to the rear section of the fenced-in area, and that the pallets only be finished or treated in a way to maintain a natural wood color. Second by Mr. Campbell.

Roll call vote: Phillip Hogan, yes; Justin Lurk, yes; John Tucker, yes; Jeff Campbell, yes; Frank Kutilek, yes; Del Williams, yes; Brian McArthur, yes; Alan Bess, yes; Andrew Sutton, yes. 9 yeas, 0 nays – Motion Approved.

- 7. ADJOURNMENT:** Motion by Mr. Campbell to adjourn. Second by Mr. Williams. Voice Vote – Unanimously approved. Meeting adjourned at 7:26 p.m.

Respectfully Submitted,

Alan Bess
Planning Commission Secretary



REPORT TO PLANNING COMMISSION

CITY OF ARNOLD

APPLICATION NUMBER: PC-2020-14

APPLICATION NAME: Lonedell Acres (Tree Preservation Plan Variance)

APPLICANT NAME: Dan Govero
Govero Land Services
5929 Old State Road
Imperial MO

PROPERTY OWNER NAME: Staloch LLC
C/O David Staloch
9983 Column Drive
Hillsboro MO 63050

APPLICANT'S REQUEST: The applicant is requesting approval of a variance from Section 405.560 Tree Preservation Plan Required paragraph B(a)(2) .

STREET ADDRESS: 2162 Lonedell Road

SITE LOCATION: The south side of Lonedell Road approximately 1,200 feet northeast of Pomme Road.

ZONING DISTRICT: "R-3" Residential District

PARCEL ID: 02-7.0-25.0-2-003-008 and 02-7.0-25.0-2-003-009

TOTAL SITE AREA: ± 3.95 acres

MEETING DATE: August 11, 2020

REPORT DATE: August 5, 2020

CASE MANAGER: Christie Hull Bettale

RECOMMENDATION: **APPROVAL WITH CONDITIONS**



REPORT TO PLANNING COMMISSION

CITY OF ARNOLD

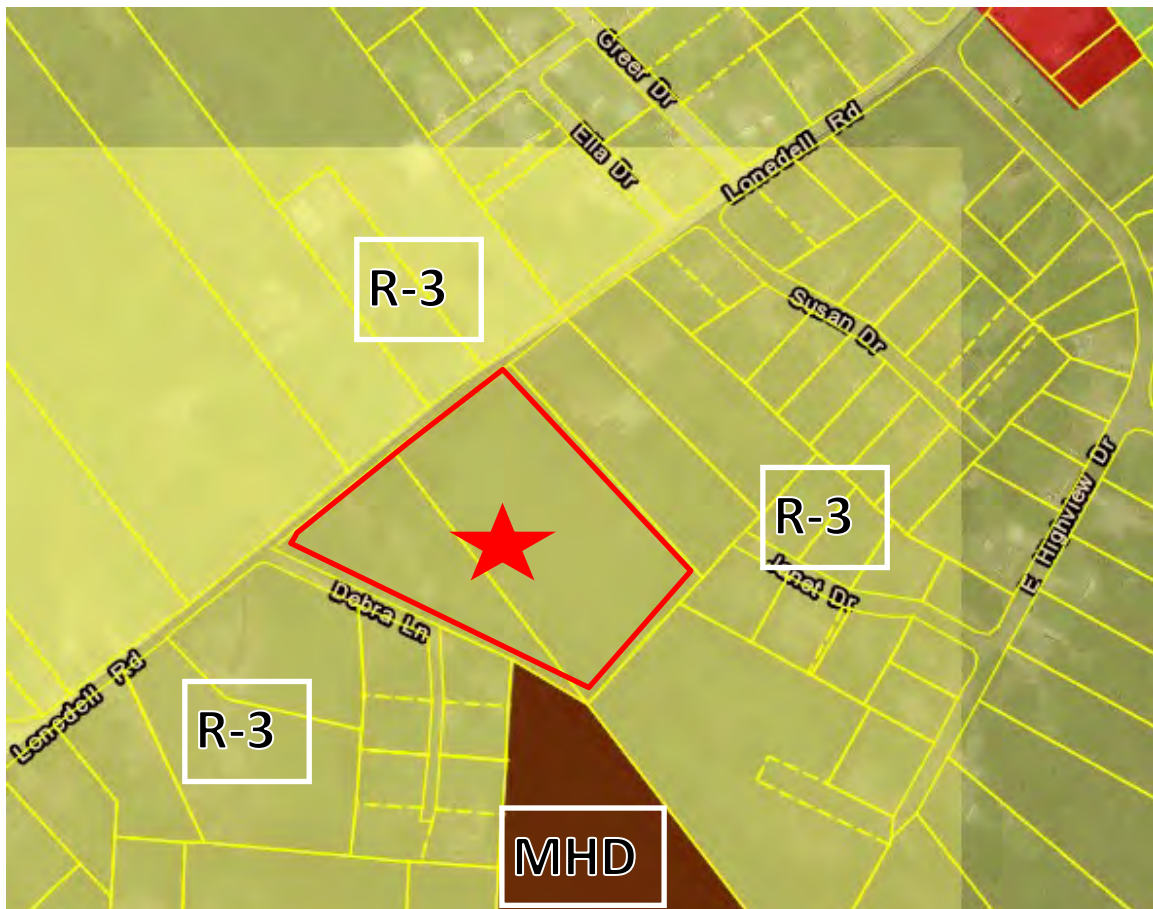
DESCRIPTION OF EXISTING SITE CONDITIONS

The parcels are located on Lonedell Rd. Both of the parcels combined are 3.95 acres and have a preliminary plat approval for a subdivision known as "Lonedell Acres". The property is zoned "R-3" Residential. Each of the four residential lots will access on Lonedell Road.

LAND USE AND ZONING CONTEXT MATRIX

DIRECTION	EXISTING LAND USE	ZONING DISTRICT	COMMENTS
North	Residential	R-3	Low density single-family dwellings
East	Residential	R-3	Low density single-family dwellings
South	Residential/Mobile Home	R-3/MHD	Single-family dwellings / Mobile homes
West	Residential	R-3	Low density single-family dwellings

ZONING MAP



REPORT TO PLANNING COMMISSION

CITY OF ARNOLD



REQUEST FOR VARIANCE

The applicant is requesting for approval of a variance from Section 405.560.B(a)(2) of the Tree Preservation Program Plan , which requires the preparation of the plan by a certified arborist.

BACKGROUND

Govero Land Services is the engineering representative for David Stolach and the Loendell Acres subdivision plan. Currently the project is undergoing staff review of the improvement plans, which includes the grading and storm water design and the storm water pollution prevention plan.

The subdivision has 4 lots proposed for the 3.95+ acre site. The site is fairly open, resembling a green field and does not have any large masses or groupings of existing trees. The trees are sparse and mainly located around the perimeter areas of the tract. Towards the rear of the site, it is bisected with a drainage way which provides a stormwater route for all the upstream properties as well drainage for this parcel. Along this drainage swale area is the existing sanitary sewer main and easements (**SEE ATTACHMENT 1**).

Per the Tree Preservation Program, all sites of three acres or more require a tree preservation plan. Requirements are that thirty-five percent (35%) of the existing trees must be preserved by the owner/developer of the site.

The applicant has indicated that they share the desire to preserve the quality an appearance of the property and want to keep with the intent of the Tree Preservation Program by developing the site into larger one-acre residential lots. The larger lots minimize the area of grading thus reducing the number of tree impacted.

As required by the Tree Preservation Program, an existing trees plan is provided **SEE ATTACHMENT 2 & 3**). Additionally, the surveyor, Doering Engineering, provided a list of existing trees (**SEE ATTACHMENT 4**). The applicant is requesting that this be sufficient identification, and that an International Society of Arboriculture (ISA) certified Arborist's plan not be required.

ANALYSIS

A variance is being requested to waive the requirement of the preparation of the plan by a certified arborist because 17 of the 26 existing trees are located within the Lonedell dedication strip, utility and sidewalk easements. The trees within the easements will be removed or trimmed when in conflict with proposed utilities, if dead, and for proposed driveways approaches. That being said, this unique situation poses no future for trees in this specific transportation and utility corridor. Delineated by a red line on **Attachment 2**, it is apparent that many of the trees are along the existing street, sidewalk and utility easements.

There are a total of 26 existing trees on site as delineated on the plan and table. Seventeen



REPORT TO PLANNING COMMISSION

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ANALYSIS

(17) of the trees are within easements along Lonedell Road and Debra Lane. Trees within easements are not be counted toward the allowable 65% removable per Section 405.570.B of the Tree Preservation Program.

Nine (9) of the trees are outside of the easements. At least two (2) of the 26 trees are dead. The improvement plan anticipates removal of a total of eleven (11) trees. The tree removal includes two (2) dead trees for safety, three (3) trees by the existing building, one (1) tree for grading, and five (5) trees within the easements (The remaining trees within the easements will be maintained).

Four of the eight remaining live trees, or 50%, will remain and will be protected on site during construction. This plan meets the requirements of the tree preservation of preserving 35% of the existing trees. The applicant intends to fulfill all other requirements of the Tree Preservation Program.

The applicant is requesting approval of a variance from Section 405.560 Tree Preservation Plan Required paragraph B(a)(2) which requires the plan be prepared by an International Society of Arboriculture (ISA) certified Arborist.

REVIEW CRITERIA

The appeal/variance review criteria as provided in Section 405.600: Variances, of the Tree Preservation Program are listed below in *italics*. Full statements from the applicant's narrative in response to how this request meets the criteria are quoted in **bold**.

Appeals to this Section must be made in writing to the Planning Commission outlining their reason for appeal that addresses the following criteria:

1. The granting of the variance will not be detrimental to the public safety, health, or welfare or injurious to other property or improvements in the neighborhood in which the property is located.

Applicant Response (1): **The removal of dead trees and trees adjacent to the road will reduce the number of fallen limbs entering the storm system or falling on the Lonedell Road. The City regulations include the creation of an easement around the existing trees. An easement to protect trees within easements for utilities and sidewalks, or within land dedicated for future right-of-way is not practical. For safety concerns, trees should not be located under overhead power lines or adjacent to streets. Tree limbs can fall and knock out power or block the road.**

2. The conditions upon which the request for a variance is based are unique to the property to which the variance is sought, and are not applicable generally to other property.

REPORT TO PLANNING COMMISSION

CITY OF ARNOLD



Applicant Response (2): **The property is unique, as 17 of the 26 existing trees are located within easements and can be removed at any time for installation of utilities or sidewalks, maintenance of utilities, or widening of Lonedell Road. Many of these trees are adjacent to Lonedell Road.**

3. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the letter of these regulations are carried out.

Applicant Response (3): **The physical shape and topographical conditions of the property limit the possibilities of development. The proposed lot configuration is beneficial as the amount of impervious area is greatly decreased as the lots have access to an existing road, instead of building a new street. Construction of a new street would disturb more land and require more trees to be removed.**

PHOTO 1 -OVERHEAD PHOTO , GOOGLE EARTH—Showing grassy field, drainage way and perimeter trees



REPORT TO PLANNING COMMISSION

CITY OF ARNOLD

FINDINGS AND RECOMMENDATION

DETRIMENT TO PUBLIC SAFETY/HEALTH/WELFARE OR INJURY POSED TO NEARBY NEIGHBORHOODS

The granting of the variance does not appear to be substantially detrimental to the public safety, health, or welfare or injurious to other property or improvements in the neighborhood in which the property is located, subject to conditions.

UNIQUE CONDITIONS OF THE PROPERTY

The conditions upon which the request for a variance is based appear to be unique to the property, and are not applicable generally to other properties, subject to recommended conditions.

HARDSHIP

Because of the lack of substantial tree masses, the presence of utility easements, and the otherwise compliance with the Code, a particular hardship to the owner may result if the letter of these regulations are carried out.

RECOMMENDATION

Staff recommends favorable consideration of the request for variance from Section 405.560.B. (a)(2) of the Tree Preservation Plan , subject to the following condition:

- The builder or developer shall be required to provide at least one (1) planted tree in the front yard of each of the residential lots prior to the occupancy of each home.

A handwritten signature in cursive script that reads "Christie Hull Bettale".

Christie Hull Bettale, EIT
Community Development Engineer



ATTACHMENTS

SITE PLAN
GOVERO DESCRIPTION AND TREE TABLE
GOVERO DETAILED NARRATIVE
DAVID STALOGH'S REQUEST



REPORT TO PLANNING COMMISSION

CITY OF ARNOLD



ATTACHMENT 1 - AERIAL PHOTOGRAPH

Lonedell Acres

REPORT TO PLANNING COMMISSION

CITY OF ARNOLD



Table 1: Existing Tree Summary

Tree Species	Tree Diameter (inches)	Quantity	Remove	Within Easement
Maple	24	1	No	Yes
Oak	24	1	No	Yes
Cedar	10	1	No	Yes
White Pine	18	1	Yes	Yes
Red bud	16	1	No	No
Oak	12	1	Yes, grading	No
Oak	18	1	No	Yes
Oak	24	1	Yes	Yes
Cedar	16	1	No	Yes
Cedar	16	1	Yes	Yes
Cedar	24	1	Yes	Yes
Oak	16	1	No	Yes
Redbud	12	1	No	Yes
Cedar	12	1	Yes, Dead	Yes
Unknown	Unknown	3	Yes, by existing house	No
Elm	24	1	Yes, dead	No
Hickory	8	1	No	Yes
Cedar	12	1	Yes	Yes
Redbud	12	1	No	Yes
Redbud	24	1	No	Yes
Elm	24	1	No	Yes
Elm	21	1	No	No
Elm	30	1	No	No
Hickory	15	1	No	No

ATTACHMENT 4 - TREE SUMMARY TABLE



REPORT TO PLANNING COMMISSION

CITY OF ARNOLD

Dear Arnold Planning and Zoning,

Staloch L.L.C. is Developing the 4 acre site at 2162 Lonedell Road Arnold MO 63010, we have decided this property would make a great large lot subdivision and are going to save every tree possible. There are five dead trees that will be removed.

Staloch L.L.C. is asking for a variance to the Article IV Tree Preservation Program due to the fact we are not removing any tree that can be saved. There are very few trees on this site.

Thanks,
David Staloch
636-337-HOME (4663)

David Staloch

ATTACHMENT 5 - APPLICANT'S REQUEST

Lonedell Acres

REPORT TO PLANNING COMMISSION

CITY OF ARNOLD



GOVERO Land Services

SURVEYING * ENGINEERING
5929 Old State Road
Imperial, MO 63052
(636) 464-9380

To: City of Arnold
Date: July 10, 2020
Project: Lonedell Acres
GLS Job No. 20023

The purpose of the City of Arnold tree preservation standards is to promote the public health, safety and general welfare of the residents of the City of Arnold. Per City code, "the standards represent an ongoing effort to enhance the quality and appearance of developed properties... The overall goal of the preservation plan is to preserve as many trees as possible..." A tree preservation plan is required per Code for the redevelopment of 4 acres of property for Lonedell Acres, a four (4) lot residential development. A variance to the Tree Preservation plan for the proposed development is requested because of the uniqueness of the property and proposed development as further described below.

Granting the variance for Lonedell Acres is not detrimental to the public safety, health, or welfare or injurious to other property or improvement in the neighborhood. The removal of dead trees and trees adjacent to the road will reduce the number of fallen limbs entering the storm system or falling on the Lonedell Road.

The property is unique, as 17 of the 26 existing trees are located within easements and can be removed at any time for installation of utilities or sidewalks, maintenance of utilities, or widening of Lonedell Road. Many of these trees are adjacent to Lonedell Road.

The physical shape and topographical conditions of the property limit the possibilities of development. The proposed lot configuration is beneficial as the amount of impervious area is greatly decreased as the lots have access to an existing road, instead of building a new street. Construction of a new street would disturb more land and require more trees to be removed.

The City regulations include the creation of an easement around the existing trees. An easement to protect trees within easements for utilities and sidewalks, or within land dedicated for future right-of-way is not practical. For safety concerns, trees should not be located under overhead power lines or adjacent to streets. Tree limbs can fall and knock out power or block the road.

This project meets the intent and purpose of the tree preservation of preserving four (4) of the eight live existing trees located outside of easements.



REPORT TO PLANNING COMMISSION

CITY OF ARNOLD

GOVERO Land Services

SURVEYING * ENGINEERING
5929 Old State Road
Imperial, MO 63052
(636) 464-9380

To: City of Arnold
Date: April 27, 2020
Project: Lonedell Acres
GLS Job No. 20023

The City of Arnold tree preservation standards promote the public health, safety and general welfare of the residents of the City of Arnold. Per City code, "the standards represent an ongoing effort to enhance the quality and appearance of developed properties,....The overall goal of the preservation plan is to preserve as many trees as possible and avoid having developers and builders spend extra funds to plant new tree." The developer of Lonedell Acres shares that desire by developing the site into one-acre residential lots with driveway access from Lonedell Road. The larger lots minimizing the area of grading for developments while reducing the number of trees impacted by the development. A variance is being requested for the preparation of the plan by a certified arborist because 17 of the 26 existing trees are located within easements. The trees within the easements will be removed when in conflict with proposed utilities, if dead, and for proposed driveways. Of the nine (9) remaining trees, one (1) is dead and is not counted as part of the trees needing protection. Four of the eight remaining live trees, or 50%, will remain and shall be protected on site during construction. This plan meets the requirements of the tree preservation of preserving 35% of the existing trees.

Proposed Improvements

The proposed Lonedell Acres is a minor subdivision located at 2162 Lonedell Road and the adjacent undeveloped parcels in the City of Arnold, MO. Four lots are proposed on the 4-acre site; therefore, the development requires a tree preservation plan. Grading activity will occur on the north part of each lot, near Lonedell Road, to construct a driveway and building pad. Each driveway is designed to have on turnaround area on site because traffic volumes on Lonedell Road are high enough to make backing out onto Lonedell Road difficult and dangerous. Each building will be served by utilities extending from existing utilities on or near the site. The existing sanitary sewer bisects the site and water is adjacent to Lonedell Road. No new streets are proposed with the development. Please see the site improvement plans for the development.

Existing Conditions

The existing conditions plan sheet with information provided by Doering Engineering indicate the trees listed in Table 1 are on site. The trees are generally located along Lonedell Road (north/west property line) and Debra Lane (west/south property line). The trees adject to Londell Road are located near or under overhead utility lines and have been trimmed around the utility lines. Trees adjacent to the house are proposed to be removed due to concerns of damage inflicted on the trees during demolition. The dripline is unknown.

ATTACHMENT 7 - TREE SUMMARY REPORT (FULL)

REPORT TO PLANNING COMMISSION

CITY OF ARNOLD



Table 1: Existing Tree Summary

Tree Species	Tree Diameter (inches)	Quantity	Remove	Within Easement
Maple	24	1	No	Yes
Oak	24	1	No	Yes
Cedar	10	1	No	Yes
White Pine	18	1	Yes	Yes
Red bud	16	1	No	No
Oak	12	1	Yes, grading	No
Oak	18	1	No	Yes
Oak	24	1	Yes	Yes
Cedar	16	1	No	Yes
Cedar	16	1	Yes	Yes
Cedar	24	1	Yes	Yes
Oak	16	1	No	Yes
Redbud	12	1	No	Yes
Cedar	12	1	Yes, Dead	Yes
Unknown	Unknown	3	Yes, by existing house	No
Elm	24	1	Yes, dead	No
Hickory	8	1	No	Yes
Cedar	12	1	Yes	Yes
Redbud	12	1	No	Yes
Redbud	24	1	No	Yes
Elm	24	1	No	Yes
Elm	21	1	No	No
Elm	30	1	No	No
Hickory	15	1	No	No

A total of 26 trees are listed as existing on site. Seventeen (17) of the trees are within easements along Lonedell Road and Debra Lane. Nine (9) of the trees are outside of the easements. At least two (2) of the 26 trees are dead.

The improvement plan anticipates removal of a total of eleven (11) trees. The trees removal includes two (2) dead trees for safety, three (3) trees by the existing building, one (1) tree for grading, and five (5) trees within the easements. Trees within easements shall not be counted toward the allowable 65% removable. (per Section 405.570.B of the City Code). The developer would like to retain the remaining existing trees within the easements on site as those trees are already being managed to minimize interference with the overhead utility lines.

A total of nine (9) trees exists outside of existing/proposed easements. One tree is dead, three (3) trees are by the existing buildings, one (1) tree will be impacted by grading, and four (4) trees will be protected. Fifty percent (50 %) of the live trees will be protected. Please see the site improvement plans for additional information.