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**Public Hearing  
Council Chamber**

**August 4, 2022  
7:00 P.M.**

**A. Various Commercial Uses (Zoning Text Amendment)**

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**Zoom Link – Internet Audio/Video:**

<https://us02web.zoom.us/j/89961966808?pwd=azloeG1Oc3U5dWNxOVkweU1aUDJzdz09>

**Dial-in Number: 312 626 6799**

**Meeting ID: 899 6196 6808**

**Passcode: 646251**

**AGENDA**

1. Pledge of Allegiance and Opening Prayer
2. Roll Call
3. Business from the Floor
4. Consent Agenda
  - A. Regular Council Meeting Minutes from **July 21, 2022**
  - B. Payroll Warrant **#T00279 In the Amount of \$324,587.11**
  - C. General Warrant **#5815 In the Amount of \$511,782.51**
5. Ordinances:
  - A. **Bill # 2834** An Ordinance of the City Council of the City of Arnold, Missouri, Amending Chapter 405 of the Arnold Code of Ordinances by Defining and Establishing “Amusement Center/Arcades”, “Motor Vehicle Rental Establishments” and “Heavy Vehicle Rental Establishments” as Permitted and Conditional Commercial Uses.
6. Resolutions:
7. Motions:
  - A. A Motion to Approve Liquor License Applications

8. Reports from Mayor and Council
9. Administrative Reports
10. Adjournment

Upon request, reasonable accommodations will be provided. Contact Tammi Casey, City Clerk, Arnold City Hall, 2101 Jeffco Boulevard, Arnold, Missouri 63010. Phone: 636-296-2100

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

The council meeting was also presented live via Zoom Video Conferencing.

The pledge of allegiance was recited. Councilman Jason Fulbright offered the prayer.

### **ROLL CALL**

Those present per roll call taken by City Clerk Tammi Casey: Mayor Counts, Plunk, McArthur, Fleischmann (via Zoom), Cooley, Fulbright, Hood, Seidenstricker, Mullins (via Zoom), Richison, Bookless, Lehmann (excused), Sweeney, Crutchley, Wagner, Kroupa and Chief Carroll.

### **MAYOR APPRECIATION AWARD**

Mayor Counts presented the award to Kenneth Wally Lionberger, in appreciation for his tireless volunteerism throughout the City of Arnold.

### **BUSINESS FROM THE FLOOR**

None

### **CONSENT AGENDA**

- A. REGULAR COUNCIL MEETING MINUTES FROM JULY 7, 2022**
- B. PAYROLL WARRANT #T00278 IN THE AMOUNT OF \$328,949.98**
- C. GENERAL WARRANT #5814 IN THE AMOUNT OF \$288,791.74**

**Butch Cooley made a motion and so moved to approve the consent agenda. Seconded by Jason Fulbright. Roll call vote: Plunk, yes; McArthur, yes; Fleischmann, yes; Cooley, yes; Fulbright, yes; Hood, yes; Seidenstricker, yes; Mullins, yes; 8 Yeas: Motion carried.**

### **ORDINANCES**

**BILL NO 2830 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARNOLD, MISSOURI, AMENDING CHAPTER 405 OF THE ARNOLD CODE OF ORDINANCES UPDATING RESIDENTIAL STANDARDS AND PROVIDING NON-CONFORMING REGULATIONS THEREFOR** was read twice by City Clerk Tammi Casey. Roll call vote Plunk, yes; McArthur, yes; Fleischmann, yes; Cooley, yes; Fulbright, yes; Hood, yes; Seidenstricker, yes; Mullins, yes; 8 Yeas: **Ordinance passed.**

**BILL NO 2831 – AN ORDINANCE AMENDING TITLE V (BUILDINGS AND CONSTRUCTION) OF THE ARNOLD CODE OF ORDINANCES AND PROVIDING FOR THE ADOPTION OF THE CURRENT INTERNATIONAL CODE COUNCIL’S (ICC) FAMILY OF I-CODES AND THE NATIONAL ELECTRICAL CODE (NEC); ADOPTING ALL APPENDICES AND STANDARDS THAT ARE REFERENCED OR A PART OF THESE TECHNICAL CODES AS APPLICABLE TO THE CITY OF ARNOLD, MISSOURI** was read twice by City Clerk Tammi Casey. Roll call vote: Plunk, yes; McArthur, yes; Fleischmann, yes; Cooley, yes; Fulbright, yes; Hood, yes; Seidenstricker, yes; Mullins, yes; 8 Yeas: **Ordinance passed.**

**BILL NO 2832 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARNOLD, MISSOURI, AMENDING MULTIPLE CHAPTERS OF THE ARNOLD CODE OF ORDINANCES BY THE ADDITION, DELETION, RELOCATION, AND RENUMBERING OF VARIOUS ARTICLES AND SECTIONS THEREIN** was read twice by City Clerk Tammi Casey. Roll call vote: Plunk, yes; McArthur, yes; Fleischmann, yes; Cooley, yes; Fulbright, yes; Hood, yes; Seidenstricker, yes; Mullins, yes; 8 Yeas: **Ordinance passed.**

**BILL NO 2833 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARNOLD, MISSOURI, AMENDING CHAPTER 115 (DEPARTMENTS, BOARDS AND COMMISSIONS) OF THE ARNOLD CODE OF ORDINANCES BY RELOCATING PROVISIONS RELATED TO THE BOARD OF APPEALS** was read twice by City Clerk Tammi Casey. Roll call vote: Plunk, yes; McArthur, yes; Fleischmann, yes; Cooley, yes; Fulbright, yes; Hood, yes; Seidenstricker, yes; Mullins, yes; 8 Yeas: **Ordinance passed.**

## **RESOLUTIONS**

**RESOLUTION NO 22-44 – A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH GALLO PAINTING, INC. FOR THE CITY HALL INTERIOR PAINTING PROJECT**

**Tim Seidenstricker made a motion and so moved to approve Resolution No 22-44.** Seconded by Mark Hood. Roll call vote: Plunk, yes; McArthur, yes; Fleischmann, yes; Cooley, yes; Fulbright, yes; Hood, yes; Seidenstricker, yes; Mullins, yes; 8 Yeas: **Resolution Passed.**

**RESOLUTION NO 22-45 – A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A TASK ORDER WITH INTUITION & LOGIC TO PROVIDE STORM WATER SERVICES FOR THE CITY OF ARNOLD**

**Butch Cooley made a motion and so moved to approve Resolution No 22-45.** Seconded by Gary Plunk. Roll call vote: Plunk, yes; McArthur, yes; Fleischmann, yes; Cooley, yes; Fulbright, yes; Hood, yes; Seidenstricker, yes; Mullins, yes; 8 Yeas: **Resolution Passed.**

## MOTIONS

### A. A MOTION TO APPROVE LIQUOR LICENSE APPLICATIONS

City Clerk Tammi Casey informed council that the Liquor Committee met earlier this evening. ABV Barrel Shop has applied to upgrade their liquor license from an Original Package/Original Package Sunday Sales/Tasting license to a Retail By The Drink/Sunday By The Drink/Tasting license. The committee is forwarding a recommendation of approval by unanimous vote.

**Butch Cooley made a motion and so moved to approve the liquor license application for ABV Barrel Shop.** Seconded by Tim Seidenstricker. Roll call vote: Plunk, yes; McArthur, yes; Fleischmann, yes; Cooley, yes; Fulbright, yes; Hood, yes; Seidenstricker, yes; Mullins, yes; 8 Yeas: **Motion carried.**

## REPORTS FROM MAYOR, COUNCIL AND COMMITTEES

Mayor Counts – Informed everyone that the Farmers Market set a record for attendance last Saturday. He thanked Dave Crutchley and staff for their hard work and Rodney Mullins for volunteering.

Gary Plunk – Met with the new Post Commander at the VFW and she is looking forward to working with the City.

Butch Cooley – Encouraged everyone to attend the Po Rambling Boys concert this Saturday at Rickmann Auditorium, which benefits the Arnold Food Pantry. The concert is sponsored by Arnold Tourism.

Dan Kroupa – Complimented the Directors on their hard work and dedication to the City.

Mark Hood – Stated that if any of the council receives a call from their constituents regarding the passing of Bill No 2830 to encourage them to contact their insurance agent, who will be very helpful in that situation.

Tim Seidenstricker – Thanked staff for their work on the Pomme Park fence that separates the park from the resident's homes.

Brian McArthur – Stated he also appreciates getting the fence installed. Mr. McArthur also thanked staff for making the adjustments to Bill No 2830 before bringing it to council for a vote.

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Regular Meeting  
July 21, 2022

### **ADMINISTRATIVE REPORTS**

Bryan Richison – Echoed the comments on the fence installation at Pomme Park. Mr. Richison encouraged everyone to attend the many events taking place on August 6<sup>th</sup> from the Farmers Market to the Public Works Open House to the picnic and fireworks show that evening. Also, this year, the annual budget review workshops will be July 28<sup>th</sup> and August 2<sup>nd</sup> in the council chambers.


Chief Carroll – Informed everyone he is hosting a “Coffee with a Cop” event on August 26<sup>th</sup> at Chick-Fil-A. Both he and Major Wooldridge will be there.

David Bookless – Thanked the council for working together with staff so well, it makes it a pleasure to work with them. Mr. Bookless informed council that FEMA has completed the 1<sup>st</sup> draft update to the flood map. Also, the Comprehensive Plan survey post cards will be mailed to residents next week.

Judy Wagner – Informed council that Spencers Contracting completed their last concrete pour this week and the wash pit will be completed next week.

A motion to adjourn the meeting was made by Jason Fulbright. Seconded by Tim Seidenstricker. Voice vote: All Yeas.

Meeting adjourned at 7:38 p.m.

  
City Clerk Tammi Casey, CMC/MRCC-S

**CITY OF ARNOLD, MISSOURI**

**ROLL CALL**

**MEETING:** COUNCIL MEETING

**DATE:** 7/21/2022

**PAGE:** 1

**BILL NO - RESOLUTION - MOTION**

		ROLL CALL	CONSENT AGENDA	BILL NO 2830	BILL NO 2031	BILL NO 2832	BILL NO 2833
<b>COUNCIL MEMBERS:</b>							
<b>MAYOR</b>	<u>RON COUNTS</u>	PRESENT					
<b>COUNCIL:</b>	<u>GARY PLUNK</u>	PRESENT	YES	YES	YES	YES	YES
<b>COUNCIL:</b>	<u>BRIAN MCARTHUR</u>	PRESENT	YES	YES	YES	YES	YES
<b>COUNCIL:</b>	<u>EJ FLEISCHMANN</u>	VIA ZOOM	YES	YES	YES	YES	YES
<b>COUNCIL:</b>	<u>BUTCH COOLEY</u>	PRESENT	YES	YES	YES	YES	YES
<b>COUNCIL:</b>	<u>JASON FULBRIGHT</u>	PRESENT	YES	YES	YES	YES	YES
<b>COUNCIL:</b>	<u>MARK HOOD</u>	PRESENT	YES	YES	YES	YES	YES
<b>COUNCIL:</b>	<u>TIM SEIDENSTRICKER</u>	PRESENT	YES	YES	YES	YES	YES
<b>COUNCIL:</b>	<u>RODNEY MULLINS</u>	VIA ZOOM	YES	YES	YES	YES	YES
<b>CITY ADMINISTRATOR</b>	<u>BRYAN RICHISON</u>	PRESENT	<b>PARKS DIR:</b>		<u>DAVE CRUTCHLEY</u>		PRESENT
<b>CITY CLERK</b>	<u>TAMMI CASEY</u>	PRESENT	<b>PUBLIC WORKS:</b>		<u>JUDY WAGNER</u>		PRESENT
<b>COM DEV</b>	<u>DAVID BOOKLESS</u>	PRESENT	<b>TREASURER:</b>		<u>DAN KROUPA</u>		PRESENT
<b>FINANCE DIRECTOR</b>	<u>BILL LEHMANN</u>	EXCUSED	<b>POLICE DEPT.</b>		<u>CHIEF CARROLL</u>		PRESENT
<b>CITY ATTORNEY</b>	<u>BOB SWEENEY</u>	PRESENT					





AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARNOLD, MISSOURI, AMENDING CHAPTER 405 OF THE ARNOLD CODE OF ORDINANCES BY DEFINING AND ESTABLISHING “AMUSEMENT CENTER/ARCADES”, “MOTOR VEHICLE RENTAL ESTABLISHMENTS” AND “HEAVY VEHICLE RENTAL ESTABLISHMENTS” AS PERMITTED AND CONDITIONAL COMMERCIAL USES.

**WHEREAS**, the City Council of the City of Arnold desires to amend Chapter 405 of the Arnold Code of Ordinances.

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

**WHEREAS**, the Planning Commission has submitted its report and recommendation to the City Council on the proposed amendments to Chapter 405 of the Arnold Code of Ordinances; and

**WHEREAS**, the City Council voted to amend Chapter 405 of the Arnold Code of Ordinances.

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

**SECTION 1.** Section 405.030(C), Definitions, of the Arnold Code of Ordinances is amended by adding the following:

**“AMUSEMENT CENTER/ARCADE**

A place of business within a building or outdoor structure or any part of a building having more than twenty (20) amusement vending devices, whether operated mechanically, electronically or by any other means, which are used for the purpose of public entertainment through the operation, use, or play of any table game or other device or system , including any electronic game which is operated by placing therein any coin, plate, card, disc, slug, key, or token of value by payment of a fee.

**HEAVY VEHICLE RENTAL ESTABLISHMENT**

Any establishment which, by type of operation or nature of business, has as one (1) of its functions the provision of vehicles for rent on a regular basis, including recreational vehicles, heavy-duty trucks and heavy equipment for a specific period of time. This use is inclusive of on-site storage and incidental parking of vehicles for rent and facilities for the repair and service of the vehicles.

**MOTOR VEHICLE RENTAL ESTABLISHMENT**

Any establishment which, by type of operation or nature of business, has as one (1) of its functions the provision of vehicles for rent on a regular basis by the general public, including passenger automobiles, light-duty trucks, medium-duty trucks which do not require a CDL license to operate, box trucks, light trailers, vans, and motorcycles for a specific period of time.”

**SECTION 2.** Section 405.120(B), “C-2” Commercial District, subparagraph (1)(b), of the Arnold Code

of Ordinances is amended to add the following as conditional uses:

“(34) Amusement Center/Arcade  
(35) Motor Vehicle Rental Establishment”

**SECTION 3.** Section 405.120(C), “C-3” Commercial District, subparagraph (1)(b), of the Arnold Code of Ordinances is amended to add the following as conditional uses:

“(34) Amusement Center/Arcade  
(30) Motor Vehicle Rental Establishment”

**SECTION 4.** Section 405.130(A), “M-1” Industrial District, subparagraph (1)(a), of the Arnold Code of Ordinances is amended to add the following as conditional uses:

“(21) Motor Vehicle Rental Establishment  
(22) Heavy Vehicle Rental Establishment”

**SECTION 5.** Section 405.130(B), “M-2” Industrial District, subparagraph (2), of the Arnold Code of Ordinances is amended to add the following as conditional uses:

“s. Motor Vehicle Rental Establishment  
t. Heavy Vehicle Rental Establishment”

**SECTION 6.** Section 405.150(A), Use and Zoning Performance Standards, of the Arnold Code of Ordinances is amended by adding the following:

- i. *“Amusement Center/Arcade.* Amusement Center/Arcades, as defined in Section 405.030 of the Zoning Ordinance, shall be subject the following conditions and restrictions:
  - (1) Conditional use permit and associated site plan approval shall address adequacy of facility parking, loading, and circulation; traffic impacts in the vicinity of the facility; location of all uses, buildings and structures; fire hydrants and emergency access, location and adequacy of bathroom facilities; signage; noise; days/hours of operation; landscaping; and the screening and buffering of adjacent uses.
  - (2) For purposes of providing adequate off-street parking, required parking for an “Amusement Center/Arcade” shall be calculated at the same ratio as “Commercial service facilities and retail sales”.
- j. *Vehicle Rental Establishments.* Heavy and Motor Vehicle Rental Establishments, as defined in Section 405.030 of the Zoning Ordinance, shall be subject the following conditions and restrictions:
  - (1) Site plan approval granted by the Planning Commission shall address that the site is consistent with good planning practice, the vehicle rental establishment can be operated in a manner that is not detrimental to permitted developments

and uses within the district, and can be developed and operated in a manner that is visually compatible with permitted uses in the surrounding area.

- (2) Accessory uses may be the on-site storage and outdoor display of rental vehicles. Accessory repair services which would require a Conditional Use Permit shall not be accessory to this use by right.
- (3) The provision of parking of motor vehicles available for rent on-site shall be in addition to parking required for associated offices. When a vehicle rental establishment is located on a lot with any other use(s) permitted by this Chapter, the parking provided shall be in addition to that required by the other use(s).
- (4) The location of all motor vehicles available for rent on-site shall be indicated on a site plan approved by the Planning Commission.”

**SECTION 7.** If any part of this Ordinance is found to be unconstitutional, invalid or unenforceable by a court of competent jurisdiction, such invalidity shall not affect the validity or effectiveness of the remaining provisions of this Ordinance or any part thereof and said Ordinance shall be read as if said invalid provision was struck therefrom and the context thereof changed accordingly with the remainder of the Ordinance to be and remain in full force and effect.

**SECTION 8.** All ordinances, resolutions or orders, or parts thereof, which conflict with the provisions of this Ordinance, are, to the extent of such conflict, hereby repealed.

**SECTION 9.** This ordinance shall be in full force and effect from and after its passage and approval.

READ TWO TIMES, PASSED AND APPROVED ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2022.

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

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

ATTEST:

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

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

APPROVED AS TO FORM:

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



## CITY COUNCIL AGENDA ITEM STAFF REPORT

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<b>MEETING DATE:</b>	August 4, 2022
<b>TITLE:</b>	Various Commercial Uses (Zoning Text Amendment)
<b>DEPARTMENT:</b>	Community Development
<b>PROJECT MANAGER:</b>	Sarah Turner, Senior Planner
<b>REQUESTED ACTION:</b>	Ordinance Approval
<b>ATTACHMENTS:</b>	(1) Planning Commission Staff Report (2) July 26, 2022 Planning Commission Meeting Minutes (3) Draft Ordinance

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### **EXECUTIVE SUMMARY:**

A City-initiated request to amend Chapter 405, Zoning, of the Code of Ordinances to modify zoning requirements for various permitted and conditional uses.

### **REVIEW & ANALYSIS**

Amusement vending devices (e.g. arcade games, etc.) are defined and licensed in the City's Business Regulations, but are not mentioned in the Zoning Ordinance at this time. Vehicle rental in its many forms is also an unlisted use. Both of these commercial uses have potential adverse impacts on surrounding areas including, but not limited to impacts on parking, loitering, and the public view. The Commission researched these uses and found additional regulation to be necessary.

The draft language proposes to create definitions for these uses, one for "*Amusement Center/Arcade*" and two for vehicle rental: "*Motor Vehicle Rental Establishment*" for automobiles and moving trucks for the general public and "*Heavy Vehicle Rental Establishment*" for heavy trucks and equipment. Amusement centers and motor vehicle rental are proposed as conditional uses in commercial districts to allow for additional review and oversight. Both vehicle rental uses will be permitted in industrial districts. In addition to Conditional Use Permit and site plan approval requirements of new development, various performance standards are proposed to further mitigate adverse impacts of amusement centers and vehicle rental.

### **RECOMMENDATION:**

On July 26, 2022, the Planning Commission, by a vote of 9 to 0, voted to recommend approval of the amendment.



**PLANNING COMMISSION MEETING  
COUNCIL CHAMBERS, CITY HALL, 2101 JEFFCO BLVD.  
JULY 26, 2022**

**MINUTES**

**REGULAR SESSION**

1. **CALL TO ORDER:** The regular meeting of the Arnold Planning Commission was called to order by Chair Andrew Sutton at 6:58 p.m.
2. **ROLL CALL OF COMMISSIONERS:** Andrew Sutton, Alan Bess, Brian McArthur, Del Williams, Frank Kutilek, Steve Buss, Justin Lurk, Phil Hogan, Bill Moritz. **STAFF PRESENT:** David Bookless (Community Development Director), Robert Sweeney (City Attorney), Christie Hull-Bettale (Engineer/Planner) (Zoom), Sarah Turner (Senior Planner).
3. **PLEDGE OF ALLEGIANCE:** The Commission and Staff stood and spoke the Pledge of Allegiance.
4. **APPROVAL OF MINUTES:** Motion by Hogan to approve the minutes from the June 28, 2022 meeting. Second by Williams. Voice vote: Approved 8-0. Moritz abstained due to absence.
5. **PUBLIC COMMENT:** No members of the public present in-person or on Zoom.
6. **PUBLIC HEARINGS:**
  - a. **PC-2020-24 Building and Site Design Standards (Zoning Text Amendment):** Mr. Sutton introduced the project and stated that the hearing was already open from previous discussions. Mr. Bookless explained that this hearing has been open for over a year through various discussions. Staff recommend closing the hearing and re-advertising a new hearing for new discussion topics after a month or so. Mr. Sutton and Mr. Sweeney agreed to close this hearing with the other public hearing on the agenda.
  - b. **PC-2022-15 Commercial Uses (Zoning Text Amendment):** Mr. Sutton introduced the project. Ms. Turner presented the Staff Report, recommending approval of draft language establishing regulations for amusement centers/arcades and vehicle rental. There were no members of the public present to comment. Mr. Sutton stated the Commission will discuss in executive session.
7. **OTHER BUSINESS:** None.
8. **ADJOURNMENT OF REGULAR SESSION:** Motion by Moritz to close both public hearings and move into executive session. Second by Buss. Voice vote: Approved 9-0. Session adjourned at 7:08 p.m.

**EXECUTIVE SESSION**

9. **OLD BUSINESS:** None
10. **NEW BUSINESS:**
  - a. **PC-2022-15:** Moritz asked how existing amusement center businesses would be impacted. Staff explained that businesses that would need a CUP but do not have one would become legal non-conforming and would be able to continue operations under those provisions. McArthur requested clarification on the scope of the draft language. Clarification provided by Mr. Sweeney. The Commission commented generally on the Staff's research on existing businesses with amusement areas and clarified that the language can be amended in the future. Mr. Sutton requested a motion and second to recommend approval to the City Council of the proposed draft language as presented by Staff. Motion by Lurk. Second by Williams. *Roll call vote.* Andrew Sutton, yes; Alan Bess, yes; Brian McArthur, yes; Del Williams, yes; Frank Kutilek, yes; Steve Buss, yes; Justin Lurk, yes; Phil Hogan, yes; Bill Moritz, yes. Approved 9-0.
11. **DIRECTOR'S REPORT:** Mr. Bookless announced that Chad Miller has resigned from the Commission due to moving outside of the City. The August 9<sup>th</sup> meeting will have two Conditional Use Permits: a Chase Bank proposal that was



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## REPORT TO PLANNING COMMISSION

### CITY OF ARNOLD

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**APPLICATION #:** PC-2022-15

**APPLICATION NAME:** Application to Amend Municipal Code Chapter 405 (Zoning) - Commercial Uses

**APPLICANT:** City of Arnold

**REQUEST:** A City-initiated request to amend Chapter 405, Zoning, of the Code of Ordinances to modify zoning requirements for various permitted and conditional uses.

**MEETING DATE:** July 26, 2022

**REPORT DATE:** July 19, 2022

**CASE MANAGER:** Sarah Turner

**RECOMMENDATION:** **APPROVAL**



# REPORT TO PLANNING COMMISSION

## CITY OF ARNOLD

### BACKGROUND

The City's Zoning Ordinance was adopted by the City Council on June 30, 1977. A number of amendments have been approved with the most recent being an amendment for residential driveways on May 19, 2022. Periodic revision is essential if the ordinances are to maintain a rational land use pattern. Changes should not be made in an arbitrary manner. Significant updates to the Zoning Ordinance are best undertaken following an update of the Comprehensive Plan. Nevertheless, clarification of information contained in the Zoning Ordinance may be appropriate at any time.

In recent months, the Community Development Department has fielded questions from the public regarding a number of commercial uses which are currently not explicitly defined in the code. This Staff Report is a discussion about potentially revising requirements for two commercial uses: amusement centers/arcades and vehicle rental.

### DISCUSSION/ANALYSIS

*The analysis by Staff that follows is intended to allow the Planning Commission to reach the most informed decision possible and to facilitate discussion. Such discussion is important to identify and consider any potential unintended consequences of the proposed amendment.*

#### **CURRENT CODES AND ISSUES**

***Amusement Centers and Arcades.*** This description can encompass a wide variety of establishments and scale. See page 4 of this report for examples of the use. "Amusement vending devices" are defined and licensed through the City's Business Regulations, but amusement centers and arcades are not mentioned in the Zoning Ordinance at this time. There are no definitions or thresholds for what falls under this use, or is considered incidental gaming machines in another use. Should a prospective business owner approach Staff about any number of amusement vending devices, the use would typically fall under a recreational facility which is permitted by right in most of the City's commercial districts. These businesses can range from having only a few machines to having over one hundred. The Community Development Department has fielded questions regarding large-scale amusement centers, and there are a number of concerns with such facilities including parking and loitering. The Planning Commission should keep potential adverse impacts in mind when considering where large-scale amusement center/arcades are going to be located in the future.

***Vehicle Rental Establishments.*** A business which rents vehicles can fall under many different categories depending on the type of machinery available including passenger automobiles, box trucks for moving, heavy truck and equipment rental. See page 5 for examples of this use. Currently, the Zoning Ordinance does not define vehicle rental, does not list the use as permitted or conditional in any district, or have related performance standards. The additional parking and outdoor storage burdens of this unlisted use has created issues for Staff in the enforcement of code, as it has been up to best judgement and interpretation for each case.

**REPORT TO PLANNING COMMISSION  
CITY OF ARNOLD**



**GAMES IN MOVIE THEATERS**



**GAMES IN BAR/RESTAURANT**



**GAMES IN A LARGE SCALE FACILITY (EX. DAVE AND BUSTERS)**





# REPORT TO PLANNING COMMISSION

## CITY OF ARNOLD



DIFFERENT TYPES OF VEHICLE OR EQUIPMENT RENTAL

Commercial Uses

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# REPORT TO PLANNING COMMISSION

## CITY OF ARNOLD

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### DISCUSSION/ANALYSIS, CONT.

#### PROPOSED DRAFT ORDINANCE

The proposed draft ordinance defines “Amusement Center/Arcades” as any business which contains more than twenty (20) amusement vending/gaming devices. The draft language continues by placing this newly defined use as a Conditional Use in the “C-2” and “C-3” Commercial Districts. Staff also proposes performance standards for “Amusement Center/Arcades” to ensure site plans are satisfactory and to provide adequate parking.

The 20 unit threshold is set to accommodate existing facilities and is based on Staff research in the Arnold area. For instance, the Marcus Arnold Cinema has 17 amusement vending devices in its arcade area. In many cases, such as with the movie theater, the primary use is already parked with the consideration that movie goers will spend at least two hours at the theater. However that parking situation is not always the case, and as a business decides to add more amusement vending machines, Staff see a need for there to be additional oversight in the form of a Conditional Use Permit.

For vehicle rental, Staff proposes two new uses to add to the Zoning Definitions. “Motor Vehicle Rental Establishment” is the more ubiquitous type of vehicle rental to the general public, which includes passenger automobiles, light-duty trucks (box trucks), light trailers, vans, and motorcycles. The other definition, “Heavy Vehicle Rental Establishment”, is for renting heavy equipment and heavy-duty trucks, including semi-trucks or farming/construction equipment. This heavy vehicle rental definition includes accessory repair and service.

The draft language shows the general “Motor Vehicle Rental Establishment” use would be conditional in “C-2” and “C-3” Commercial Districts. This would allow for Planning Commission’s review for all future vehicle rental businesses in Arnold’s commercial corridors. Both “Motor” and “Heavy Vehicle Rental Establishments” would be permitted by right in “M-1” and “M-2” Industrial Districts.

In addition to the above, Staff proposes language that will create a series of performance standards for vehicle rental uses. The first is a general standard to ensure satisfactory site plans for all vehicle rental establishments. The second details allowed accessory uses as on-site storage and outdoor display, but only repair or service in “M” Industrial Districts. The third standard will ensure that rental establishments are not taking up parking spaces that should be open for employees and customers of the office and any other uses that may be located on the same parcel. The fourth and final performance standard requires that on-site storage of vehicles be marked on an approved site plan. This provision has many benefits, including that existing vehicle rental will need to come through for site plan approval to expand and future vehicle rental will indicate on their plans where vehicles are to be parked to reduce adverse impacts on surrounding properties.



## REPORT TO PLANNING COMMISSION

### CITY OF ARNOLD

#### FINDINGS AND RECOMMENDATION

#### **SUCH AMENDMENT IS REQUIRED BY PUBLIC NECESSITY AND CONVENIENCE AND GENERAL WELFARE**

Staff finds that the proposed text amendments are warranted by the public necessity and convenience to provide reasonable and fair regulations in the Zoning Ordinance that is not substantially more burdensome than that in other nearby communities.

Staff finds that the proposed text amendments are warranted by the need to promote and protect the general welfare by protecting the economic and tax base of the City, preserving and enhancing the values of property owners and users, promoting the orderly and harmonious development and redevelopment of the City, preserving and promoting the character and stability of the City and its various residential and commercial neighborhoods, improving the appearance of the City, and promoting the best use and development of commercial land in accordance with the Comprehensive Plan.

#### **RECOMMENDATION**

Staff finds that the proposed text amendments meet or exceed review criteria and further advances the intent of Chapter 405. Based on this finding, Staff requests favorable consideration of the application.

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

Sarah Turner  
Senior Planner

**THIS SECTION INTENTIONALLY LEFT BLANK**