

City of Arnold, Missouri

**Public Hearing
Council Chambers**

**December 17, 2015
7:00 p.m.**

- A. 2015-23, C-4 Planned Development for the Arnold Food Pantry, 2024 and 2048 Key West Drive.
- B. 2015-25, Rezoning a Portion of Property From R – 4 to M – 2, MCC, 42 Tenbrook Industrial Court.

City Council

Immediately Following the Public Hearing

Agenda

- 1. Pledge of Allegiance:
- 2. Opening Prayer: Mayor Ron Counts
- 3. Roll Call:
- 4. Business from the Floor:
- 5. Consent Agenda:
 - A. Minutes from **December 3, 2015**
 - B. Payroll Warrant **#1227 in the Amount of \$260,998.97**
 - C. General Warrant **#5656 in the Amount of \$470,854.26**
- 6. Ordinances:
 - A. **Bill No. 2627:** An Ordinance Adopting a C-4 Development Plan and Zoning Document for Two Tracks of Land in the City of Arnold, Missouri, Identified as Lots B and C Evergreen, 2024 and 2048 Key West, City of Arnold, Jefferson County, Missouri.
 - B. **Bill No. 2628:** An Ordinance Approving a Rezoning of the Western Portion of Lot 1, Tenbrook Industrial Park and Lot 5, Tenbrook Industrial Park 2, 42 Tenbrook Industrial Court and Further Identified on Exhibit A, City of Arnold Jefferson County, Missouri from R-4 to M-2.
 - C. **Bill No. 2629:** An Ordinance Authorizing the Appropriation of Funds for the Purpose of Defeating the Outstanding Leasehold Revenue Bonds (Pomme Creek Golf Course), Series 2007, of the Arnold, Missouri, Public Facilities Corporation, and Authorizing Certain Other Documents and Actions in Connection with the Defeasance of Said Bonds.

7. Resolutions:
 - A. **Resolution No. 15-65:** A Resolution Authorizing the Mayor to Enter into a Contract with CBB Transportation Engineers & Planners for Engineering Design and Construction Services for the Jeffco Blvd at Tenbrook Road Improvements Federal Project #(CMAQ -5403(668)).
8. Motions:
9. Reports from Mayor, Council and Committees:
10. Administrative Reports:
11. Adjournment:

Next Regular Council Meeting January 7, 2016 at 7:00 p.m.
Next Work Session January 14, 2016 at 7:00 p.m.

December 14, 2015
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Mayor Ron Counts called the meeting to order at 7:05 p.m.

The Pledge of Allegiance was recited.

Ron Lowry from Connect Ministry offered the opening prayer.

Those present per roll call taken by City Clerk Tammi Casey: Mayor Ron Counts, Plunk, Owens, McArthur, Crisler, Amato, Cooley, Freese, Fulbright (excused), Richison, Casey, Holden, Sweeney, Boone (excused), Blattner, Kroupa and Chief Shockey.

Mayor Counts requested a moment of silence for those who lost their lives or were injured in the terrorist attack in San Bernardino, California.

Mayor Counts presented David and Diane West of the Veterans Commission plaques in appreciation of their dedication and hard work with the Veterans Commission. They will be moving out of Arnold and will be leaving the Commission.

Mayor Counts then recognized the following Boy Scouts from Troop 557 that were in the audience working on their Citizenship in the Community badges: Jacob Guebert, Bryan Simpson, Kevin Dalton, Ethan Prichard, Kyler Williams, Eric Schroeter, Jackson Watson, Chris Uding, Luke Stephens and Austin Ellison.

BUSINESS FROM THE FLOOR

Lloyd Rodgers – 861 Morningside Lane – Spoke regarding the Aging and Disabilities Committee and the items they will be discussing on future agendas. He encourages anyone interested to attend the meetings.

CONSENT AGENDA

- A. MINUTES FROM THE NOVEMBER 5**
- B. MINTUES FROM THE NOVEMBER 12, 2015 MEETING**
- C. PAYROLL WARRANT NO. 1225 IN THE AMOUNT OF \$242,807.01**
- D. PAYROLL WARRANT NO. 1226 IN THE AMOUNT OF \$251,538.45**
- E. GENERAL WARRANT NO. 5654 IN THE AMOUNT OF \$841,039.26**
- F. GENERAL WARRANT NO. 5655 IN THE AMOUNT OF \$319,261.66**

Butch Cooley made a motion and so moved to approve the consent agenda.
Seconded by Gary Plunk. Roll call vote: Plunk, yes; Owens, yes; McArthur, yes;
Crisler, yes; Amato, yes; Cooley, yes; Freese, yes; Fulbright, (excused); 7 Yeas:
Consent agenda approved.

ORDINANCES

BILL NO. 2624 – AN ORDINANCE ACCEPTING LANDS KNOWN AS STERLING PINES COURT IN STERLING PINES SUBDIVISION FOR PUBLIC USE OF STREETS AND STORM SEWERS; AUTHORIZING THE MAYOR OF THE CITY OF ARNOLD, MISSOURI, TO EXECUTE A FORMAL ACCEPTANCE THEREOF; AND PROVIDING FOR THE RECORDING OF SAID ACCEPTANCE. A COPY OF SAID FORMAL ACCEPTANCE IS ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE was read twice by City Clerk Tammi Casey. Roll call vote: Plunk, yes; Owens, yes; McArthur, yes; Crisler, yes; Amato, yes; Cooley, yes; Freese, yes; Fulbright, (excused); 7 Yeas: **Ordinance Passed.**

BILL NO. 2625 – AN ORDINANCE ACCEPTING CERTAIN STREETS AND OTHER PUBLIC INFRASTRUCTURE IN THE STRAWBERRY RIDGE SUBDIVISION FOR CITY MAINTENANCE was read twice by City Clerk Tammi Casey. Roll call vote: Plunk, yes; Owens, yes; McArthur, yes; Crisler, yes; Amato, yes; Cooley, yes; Freese, yes; Fulbright, (excused); 7 Yeas: **Ordinance Passed.**

Dan Kroupa left the council chambers at 7:18 p.m. and returned at 7:20 p.m.

BILL NO. 2626 – AN ORDINANCE TO ENABLE THE CITY OF ARNOLD, MISSOURI TO JOIN THE MISSOURI CLEAN ENERGY DISTRICT PURSUANT TO SECTIONS §67.2800 TO §67.2835, INCLUSIVE, RSMo., THE “PROPERTY ASSESSED CLEAN ENERGY ACT,” AND STATING THE TERMS UNDER WHICH THE CITY WILL CONDUCT ACTIVITIES WITHIN THE CITY AS A MEMBER OF SUCH DISTRICT was read twice by City Clerk Tammi Casey. Roll call vote: Plunk, yes; Owens, yes; McArthur, yes; Crisler, yes; Amato, yes; Cooley, yes; Freese, yes; Fulbright, (excused); 7 Yeas: **Ordinance Passed.**

RESOLUTIONS

RESOLUTION NO. 15-61 – A RESOLUTION RE-APPOINTING VERNON SULLIVAN TO THE ARNOLD MISSOURI PUBLIC FACILITIES CORPORATION

Phil Amato made a motion and so moved to approve Resolution No. 15-61.
Seconded by Paul Freese. Roll call vote: Plunk, yes; Owens, yes; McArthur, yes; Crisler, yes; Amato, yes; Cooley, yes; Freese, yes; Fulbright, (excused); 7 Yeas:
Resolution passed.

RESOLUTION 15-62 – A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH WESTPORT POOLS, INC.

Gary Plunk made a motion and so moved to approve Resolution No. 15-62.
Seconded by David Owens. Roll call vote: Plunk, yes; Owens, yes; McArthur, yes; Crisler, yes; Amato, yes; Cooley, yes; Freese, yes; Fulbright, (excused); 7 Yeas:
Resolution passed.

RESOLUTION NO. 15-63 – A RESOLUTION AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE COUNTY OF JEFFERSON, MISSOURI AND INCORPORATED MUNICIPALITIES FOR THE ONE-HALF OF ONE-PERCENT SALES TAX FOR CAPITAL IMPROVEMENTS TO PUBLICLY MAINTAINED ROADS

Gary Plunk made a motion and so moved to approve Resolution No. 15-63.
Seconded by Brian McArthur. Roll call vote: Plunk, yes; Owens, yes; McArthur, yes; Crisler, yes; Amato, yes; Cooley, yes; Freese, yes; Fulbright, (excused); 7 Yeas:
Resolution passed.

RESOLUTION NO. 15-64- A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH ERB TURF EQUIPMENT

Brian McArthur made a motion and so moved to approve Resolution No. 15-64.
Seconded by Paul Freese. Roll call vote: Plunk, yes; Owens, yes; McArthur, yes; Crisler, yes; Amato, yes; Cooley, yes; Freese, yes; Fulbright, (excused); 7 Yeas:
Resolution passed.

MOTIONS

A. A MOTION TO HOLD A CLOSED SESSION IMMEDIATELY FOLLOWING THE CITY COUNCIL MEETING FOR THE PURPOSE OF DISCUSSING LITIGATION PURSUANT TO RSMo SECTION 610.021 (1)

Paul Freese made a motion and so moved to hold a closed session immediately following the City Council meeting. Seconded by Gary Plunk. Roll call vote: Plunk, yes; Owens, yes; McArthur, yes; Crisler, yes; Amato, yes; Cooley, yes; Freese, yes; Fulbright, (excused); 7 Yeas: **Motion carried.**

REPORTS FROM MAYOR, COUNCIL AND COMMITTEES

Mayor Counts – Thanked the Veterans Commission along with Phil Amato and Gary Plunk for all their hard work. Mayor Counts stated he has received many compliments on the Christmas decorations around the City. He is also very pleased with the large turnout for the Gobble Gobble 5K run. There were over 1500 participants and Wal-Mart was a great sponsor of the event. Mayor Counts asked all to keep Jason Fulbright in their thoughts and prayers while he is in the hospital.

Nancy Crisler – Ward 1 – Thanked David and Diane West for their commitment to the Veterans Commission, they will be missed. Ms. Crisler also thanked the Boy Scouts for attending the meeting.

Gary Plunk – Ward 4 – Stated he hates to see David and Diane West go and thanked them for all their hard work.

Paul Freese – Ward 3 – Echoed the previously stated sentiments regarding the West's and the Boy Scouts. Mr. Freese also informed the council that the Liquor Committee held a meeting tonight. Ruby Tuesday's has applied for a Change in Managing Officer and the Liquor Committee is forwarding a recommendation of approval.

Paul Freese made a motion and so moved to approve the Change in Managing Officer application for Ruby Tuesday's. Seconded by Butch Cooley. Roll call vote: Plunk, yes; Owens, yes; McArthur, yes; Crisler, yes; Amato, yes; Cooley, yes; Freese, yes; Fulbright, (excused); 7 Yeas: **Motion Carried.**

Butch Cooley – Ward 4 – Wished David and Diane West the best and thanked the Boy Scouts for attending the meeting.

David Owens – Ward 2 – Echoed the previous comments made regarding the West's and Boy Scouts.

Phil Amato – Ward 3 – Stated the Rec Center and Parks Department have done a great job decorating for Christmas. Mr. Amato informed everyone that the Nutcracker will be performed this Sunday at Rickman Auditorium. He also stated that he can't thank David and Diane West enough for all their hard work. Mr. Amato then called Mike Evans to the microphone who also thanked the West's. Mr. Evans also informed the council that the Veterans Commission has been invited to help with the Holiday Dinner for the Veterans held at the American Legion on 12/12/15.

Brian McArthur – Ward 2 – Thanked the Veterans Commission for their work on the parade and wished David and Diane West the best of luck. He also thanked the Boy Scouts for attending tonight.

ADMINISTRATIVE REPORTS

Bryan Richison – Informed everyone that the new website went "live" today and encouraged everyone to take a look. Mr. Richison also informed the council that Tammi Casey had received her Missouri Registered City Clerk's Certification with the Missouri City Clerk's and Finance Officers Association.

Tammi Casey – Informed everyone that the opening day for candidacy filing will be 12/15/15 for the 4/5/16 General Election. Mrs. Casey also wished David and Diane West the best of luck.

Mary Holden – Informed everyone that the low cost spay and neuter program for low income residents is up and running. They are working with Arnold Animal Hospital for this program. Also, the 2nd training seminar for Home Owners Association Trustee's will be held on Saturday, 1/23/16 from 10:00 to 2:00 in our downstairs meeting room.

6
Regular Meeting
December 3, 2015

Ed Blattner – Stated that the City is out for bid for street repairs on Richardson Road. The work will take place next spring.

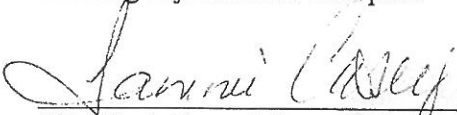
Mayor Counts announced a 10 minute recess before going into closed session.

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Closed session ended at 8:18 p.m.

A motion to adjourn the meeting was made by Nancy Crisler. Seconded by Paul Freese.
Voice vote: All yeas.

Meeting adjourned at 8:19 p.m.



City Clerk Tammi Casey, MRCC

CITY OF ARNOLD, MISSOURI

ROLL CALL

MEETING: REGULAR

DATE: 12/3/2015

PAGE: 1

BILL NO - RESOLUTION - MOTION

		ROLL CALL	CONSENT AGENDA	BILL NO. 2624	BILL NO. 2625	BILL NO. 2626	RESOLUTION NO. 15-61
COUNCIL MEMBERS:							
MAYOR	RON COUNTS	PRESENT					
COUNCIL:	GARY PLUNK	PRESENT	YES	YES	YES	YES	YES
COUNCIL:	DAVID OWENS	PRESENT	YES	YES	YES	YES	YES
COUNCIL:	BRIAN MCARTHUR	PRESENT	YES	YES	YES	YES	YES
COUNCIL:	NANCY CRISLER	PRESENT	YES	YES	YES	YES	YES
COUNCIL:	PHIL AMATO	PRESENT	YES	YES	YES	YES	YES
COUNCIL:	BUTCH COOLEY	PRESENT	YES	YES	YES	YES	YES
COUNCIL:	PAUL FREESE	PRESENT	YES	YES	YES	YES	YES
COUNCIL:	JASON FULBRIGHT	EXCUSED	EXCUSED	EXCUSED	EXCUSED	EXCUSED	EXCUSED
CITY ADMINISTRATOR	BRYAN RICHISON	PRESENT	PARKS DIR:		SUSIE BOONE		EXCUSED
CITY CLERK	TAMMI CASEY	PRESENT	PUBLIC WORKS:		ED BLATTNER		PRESENT
COM DEV	MARY HOLDEN	PRESENT	TREASURER:		DAN KROUPA		PRESENT
CITY ATTORNEY	BOB SWEENEY	PRESENT	POLICE DEPT.		CHIEF SHOCKEY		PRESENT

CITY OF ARNOLD, MISSOURI

ROLL CALL

MEETING: REGULAR

DATE: 12/3/2015

PAGE: 2

BILL NO - RESOLUTION - MOTION

		RESOLUTION NO. 15-62	RESOLUTION NO. 15-63	RESOLUTION NO. 15-64	MOTION TO HOLD CLOSED SESSION	MOTION TO APPROVE RUBY TUESDAY'S CHANGE IN MANAGING OFFICER APPLICATION	
COUNCIL MEMBERS:							
MAYOR	RON COUNTS						
COUNCIL:	GARY PLUNK	YES	YES	YES	YES	YES	
COUNCIL:	DAVID OWENS	YES	YES	YES	YES	YES	
COUNCIL:	BRIAN MCARTHUR	YES	YES	YES	YES	YES	
COUNCIL:	NANCY CRISLER	YES	YES	YES	YES	YES	
COUNCIL:	PHIL AMATO	YES	YES	YES	YES	YES	
COUNCIL:	BUTCH COOLEY	YES	YES	YES	YES	YES	
COUNCIL:	PAUL FREESE	YES	YES	YES	YES	YES	
COUNCIL:	JASON FULBRIGHT	EXCUSED	EXCUSED	EXCUSED	EXCUSED	EXCUSED	
CITY ADMINISTRATOR	BRYAN RICHISON				PARKS DIR:	SUSIE BOONE	
CITY CLERK	TAMMI CASEY				PUBLIC WORKS:	ED BLATTNER	
COM DEV	MARY HOLDEN				TREASURER:	DAN KROUPA	
CITY ATTORNEY	BOB SWEENEY				POLICE DEPT.	CHIEF SHOCKEY	

CITY OF ARNOLD, CITY COUNCIL, DECEMBER 17, 2015 MEETING

TO: THE MAYOR AND CITY COUNCIL
FROM: MARY P. HOLDEN, COMMUNITY DEVELOPMENT DIRECTOR
SUBJECT: 2015-23, C-4 PLANNED DEVELOPMENT FOR THE ARNOLD FOOD PANTRY, 2024 AND 2048 KEY WEST DRIVE, PLANNING COMMISSION RECOMMENDATION
DATE: DECEMBER 9, 2015
CC:

Request

Mr. Vernon Sullivan, Arnold Food Pantry Board member, is requesting approval of a C-4 Planned Development for 2024 and 2048 Key West. Attached is a letter from Mr. Vernon Sullivan, the proposed C-4 zoning document, a rough site plan, a copy of the decision making factors identified in the Comprehensive Plan and aerial of the sites.

Summary and Recommendation of the Planning Commission Meeting

The Planning Commission held a public hearing and considered this request at their December 8, 2015 meeting. No one spoke at the public hearing and there was minimal discussion during the regular meeting. The Planning Commission voted 9-0 to forward a recommendation of approval based on the below findings.

1. The two properties have been zoned C-4 Planned Commercial for some time and have operated as commercial ventures with no detrimental effect on surrounding properties. This amendment brings the existing and future uses of the two properties 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 the Arnold Food Pantry and associated uses identified.
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 the Arnold Food Pantry provides a valuable service to our residents within and outside the City limits.

Analysis

This area of Key West has been zoned C-4 for many years. Only a few of the lots have a C-4 development plan. The Arnold Food Pantry purchased 2048 Key West and when Staff researched the property it was discovered there was no C-4 document for the property or 2024 Key West. As a result, this application is before you tonight.

Overall Staff has no concerns with the request. This is an appropriate use and in keeping with the area. The Arnold Food Pantry worked closely with Staff to develop the document.

The uses specified in the attached document are in keeping with the area and have operated at 2024 Key West with no problems since the food pantry opened.

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. The two properties have been zoned C-4 Planned Commercial for some time and have operated as commercial ventures with no detrimental effect on surrounding properties. This amendment brings the existing and future uses of the two properties into conformance with our City codes.

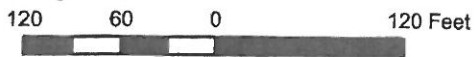
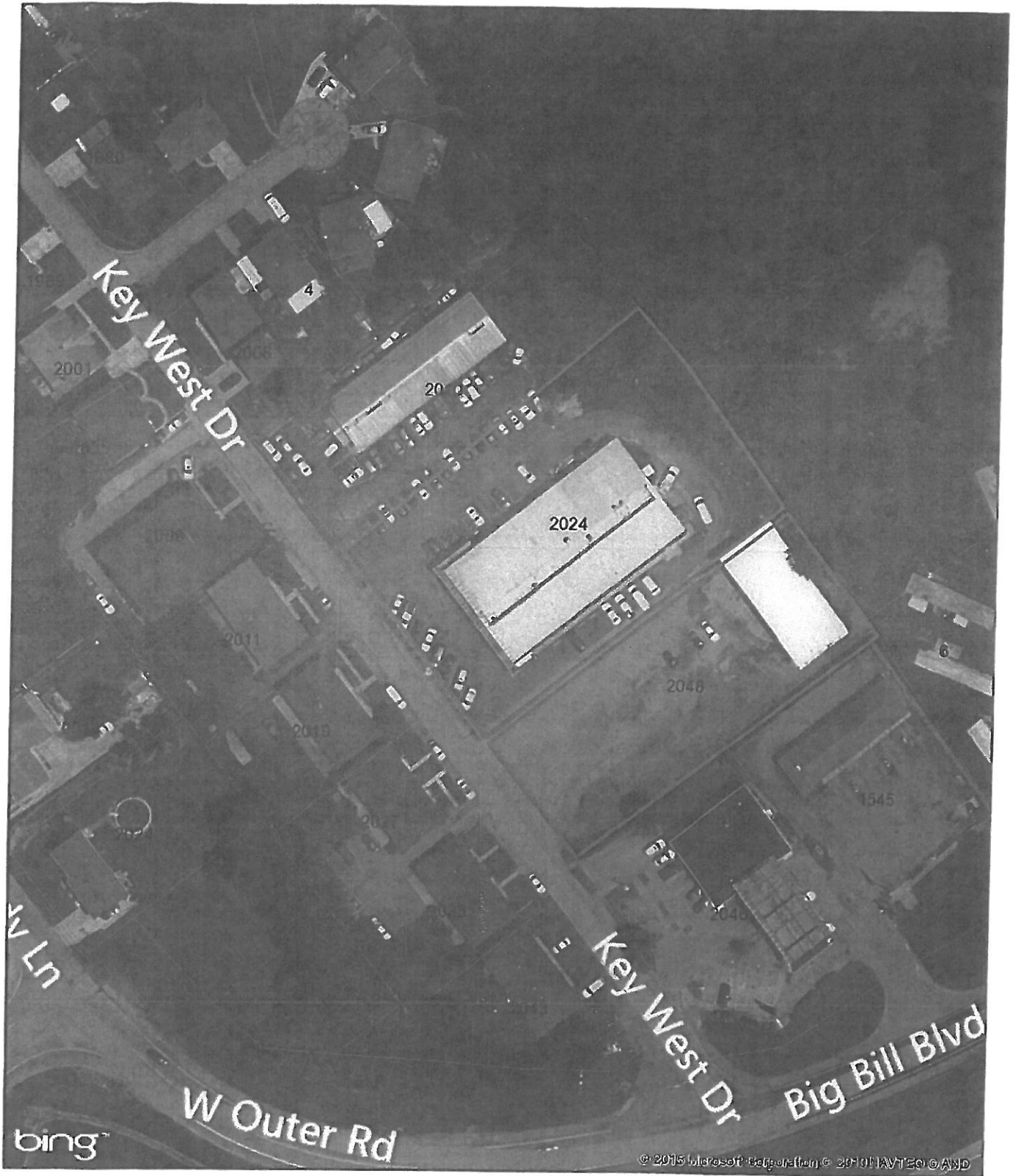
There has been significant change in the area to warrant a change in zoning classification. While this is not a change in the zoning classification, a new development plan is warranted to allow for the Arnold Food Pantry and associated uses identified.

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.

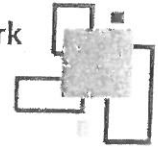
Other changes where it is shown to be in the best interest for the health, safety, and welfare of the citizens of the City of Arnold. Approving the C-4 development plan is in the best interest and welfare of the City of Arnold since the Arnold Food Pantry provides a valuable service to our residents within and outside the City limits.

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.



Legend

 Arnold_Parcels



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:

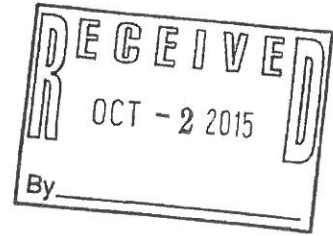
"The future of suburbia appears to lie in focusing on the development of 'villages' that provide cultural, economic, educational and religious sustenance. This will require the evolution of elements-social, institutions, well-planned streets, open spaces, work spaces and housing-that function within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

2015-23

October 2, 2015

Mary Holden
2101 Jeffco Blvd
Arnold, Missouri 63010



Dear Mary

Attached is the plan for the Arnold Food Pantry C-4 Planned Commercial District at 2024 and 2048 Key West Dr, Arnold, Missouri 63010.

Our plan call for about 15% of the lot at 2048 Key West Dr, Arnold, Missouri 63010 to be a green area. The green area will be made up of Oak Trees and Shrubs.

Thank you for your help and guidance in obtaining the C-4 Planned Commercial District.

Sincerely;

A handwritten signature in cursive script that reads "Vernon Sullivan".

Vernon Sullivan
Arnold Food Pantry Board Member
314-954-8096 cell
636-296-1233 home

Bill NO. 2627

Ordinance NO. _____

AN ORDINANCE ADOPTING A C-4 DEVELOPMENT PLAN AND ZONING DOCUMENT FOR TWO TRACTS OF LAND IN THE CITY OF ARNOLD, MISSOURI, IDENTIFIED AS LOTS B AND C, EVERGREEN, 2024 AND 2048 KEY WEST, CITY OF ARNOLD, JEFFERSON COUNTY, MISSOURI

WHEREAS, an application to adopt a C-4 development plan and zoning document for lots B and C, Evergreen, 2024 and 2048 Key West, City Of Arnold, Jefferson County, Missouri 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 C-4 Development Plan and zoning document, and

WHEREAS, the Council finds that this C-4 development plan and zoning document meets the conditions in that the C-4 development plan and zoning document the two properties have been zoned C-4 Planned Commercial for some time and have operated as commercial ventures with no detrimental effect on surrounding properties; this amendment brings the existing and future uses of the two properties into conformance with our City codes; while this is not a change in the zoning classification, a new development plan is warranted to allow for the Arnold Food Pantry and associated uses identified; our Comprehensive Plan indicates this area as a commercial node; and approving the C-4 development plan is in the best interest and welfare of the City of Arnold since the Arnold Food Pantry provides a valuable service to our residents within and outside the City limits.

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

Section 1: The property identified as Lots B and C, Evergreen, 2024 and 2048 Key West, City Of Arnold, Jefferson County, Missouri will be developed in accordance with the provisions of this ordinance, the development plan and zoning document contained in Exhibit A and other applicable laws of the City of Arnold.

Section 2: The property identified as Lots B and C, Evergreen, 2024 and 2048 Key West, City Of Arnold, Jefferson County, Missouri is hereby subject to the rules and regulations as outlined in Exhibit A and shall be the governing document for the two lots. Where rules and regulations are not specified in the Exhibit A, then the codes of the City of Arnold shall govern.

Section 3. 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 DECEMBER 2015.

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

December 1, 2015

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EXHIBIT A

**C-4 PLANNED COMMERCIAL DISTRICT FOR THE ARNOLD FOOD PANTRY AT
2024 AND 2048 KEY WEST, ARNOLD, MO**

1. *Permitted Land Uses:*

- a) Food Pantry
- b) Thrift Store
- c) Associated storage with food pantry and thrift store
- d) Recycle drop off
- e) Permitted uses identified in the C-2 and C-3 Commercial Zone Districts of the most current Zoning Code.

2. *Conditional Land Use and Development Permits Issued by the Commission under conditions and requirements specified in Conditional Use Permits, Section 9 of this Chapter:*

- a) Conditional uses identified in the C-2 and C-3 Commercial Zone Districts of the most current Zoning Code.

3. *Height Limitations for Structures:*

- a) Unless otherwise restricted by application of regulations in Section 7 of this Chapter, the total height of any structure, other than a public utility tower authorized by a Conditional Use Permit, shall not exceed fifty (50) feet above the average finished ground elevation at the perimeter of such structure.
- b) The height limitations contained in this section do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.

4. *Lot Dimension, Lot Area, and Yard Requirements:*

Lot Dimension

- a) Every lot or tract of land shall have an area, exclusive of any area dedicated as a public roadway, comprising not less than eighteen thousand (18,000) square feet. Every lot or tract of land shall have a width, measured along a straight line as nearly parallel as possible to the centerline of the frontage road and averaging sixty (60) feet distance there from, of not less than fifty (50) feet.

Lot Area

- a) Hospitals shall be situated on tracts of at least five (5) acres.
- b) Radio, television, and telecommunication transmissions or relay towers and facilities shall be located on tracts of land providing at least eighteen thousand (18,000) square feet.
- c) Schools shall be situated on tracts of land providing areas not less than as set out in the following table:

Type of School	Minimum Acreage
Nursery or day nursery	21,780 sq. ft.
Kindergarten (separate)	1 acre
Primary	5 acres
Junior High	10 acres
Senior High	20 acres
Collegiate	10 acres

- d) Specialized private schools may be permitted in the C-2 Commercial District under a Conditional Use Permit providing that they be located on a tract of land containing 1 acre for each 15 pupils, but in no case less than 5 acres, nor more than that required by the public school system land area requirements. Further, no buildings or activity areas should be located closer than the allowable setback from the property line.

Lot Coverage

- a) The maximum lot coverage by the structure(s) of the lots in this district shall be no greater than thirty per cent (30%) of the total lot area, including buildings with multiple floor buildings. On every lot there shall be a minimum of 10% open space in the form of planted or landscaped land area. This area can include the placement of required landscape plant material. The required landscape buffer adjacent to a residential district or use cannot be counted as part of the minimum 10% open space requirement.
- b) In any district, more than one structure, housing a permitted or permissible principal use may be erected on a single lot, provided that yard and other requirements of this ordinance, including the lot coverage shall be met for each structure as though it were on an individual lot.

Setback Requirements

- a) No structure other than a permitted directional or information sign, higher than 6 feet in height, shall be erected within 40 feet of any roadway right-of-way line or road easement.
- b) In the case of corner lots, no structure exceeding 36 inches in height may be erected within the triangular area bound by the property lines and a line connecting the two points on the property lines 30 feet from the intersection of the property lines.
- c) Likewise, in the case of corner lots, no plant material exceeding a height of 36 inches above the elevation of the street pavement, may be planted or maintained, within the triangular area bound by the property lines and a line connecting the two points on the property lines 30 feet from the intersection of the property lines.
- d) No structure shall be erected within 15 feet of a property line adjoining property in an "R" Residence District. At a minimum, the fifteen-foot (15') wide setback must be a landscape buffer and shall meet the following minimum requirements:

1. Natural Vegetation

Minimum Species Mixture	100% coniferous
Minimum Species Height	6 feet
Maximum Species Spacing	6 feet on center

2. Should the Planning Commission find a fence is needed in addition to the landscape buffer the following requirements shall be met:

Minimum Height	6 feet
Sight Proofing	<i>Privacy fence consisting of vinyl or wood</i>

3. The Planning Commission may require or allow the use of topographic features or the maintenance of the existing tree mass of a minimum depth of fifteen feet (15') or as required to not encroach on existing tree mass drip line in lieu of fences where such alternatives will achieve comparable effect.

4. All buffering shall be established prior to the issuance of an occupancy permit.

e) Exceptions to setback and yard requirements. Except as may otherwise be regulated by the adopted building codes, every required setback and yard shall remain unobstructed for its required area and full height, except for the following permitted projections. Further, in no instance shall the allowable encroachments exceed 20 per cent of the required area or height.

1. Roof Eaves: Roof eaves, gutters, cantilevered decks or balconies, shall not project more than 3' feet beyond the face of the wall.

2. Steps and architectural features: Steps, window sills, belt courses, quoins, keystones, entablatures, rain leaders, cantilevered chimneys, and similar architectural features shall not project more than 2' feet beyond the face of the wall.

3. Exterior Stairways and Fire Escapes: Outside stairways, smoke proof towers balconies, fire escapes or other required elements of a means of egress, ramps not exceeding 30" inches above finish grade, exclusive of required guards, that are a component of the required handicap accessible route shall not project more than 4' feet beyond the face of the wall.

Open Space/Landscape Plant Material Areas:

a) The required 10% open space for landscape plant material (not including any buffer strip) and any other part of a lot area not used for buildings or other structures or for parking, loading, or accessways shall be landscaped as required below:

Minimum Caliper for Deciduous Trees:	Three inches (3") (Measured from six inches above the ground/finished grade) See below list of preferred trees
Minimum Height for Coniferous Trees:	Six feet (6')
Minimum Size Shrub	Five (5) gallon
Tree Mix	Minimum of 25% evergreen coniferous trees and maximum of 40% of

	one tree species.
Amount of Plant Material:	Minimum of 4 deciduous canopy trees per 10 Parking Spaces
	6 Shrubs per 20 linear feet of perimeter building face, all sides.

- b) 75% of the trees must be placed within the parking area or surrounding the parking area. OR ALL PARKING SPACES SHALL BE WITHIN 60 FEET OF A DECIDUOUS CANOPY TREE.
- c) Landscape plant material should be installed in clusters, so as to create a substantial form of landscaping.
- d) All landscape plant material that dies will be replaced promptly. Consideration may be given to the time of year and in that case an escrow for the replacement amount will be provided to the City of Arnold to insure replacement happens.
- e) All other areas not planted shall be covered with sod or a drought resistant grass that provides full coverage.
- f) List Of Allowed and dis-allowed Trees per the current Zoning Code. h)

5. *Lighting Requirements for structures, site, and landscape plant material:*

- a) The style, color, and design of the fixtures shall be compatible with the overall design and materials for the building.
- b) All lighting shall be shielded such that the source of illumination (filament, frosted bulb or the reflection of those from a shiny surface) is not visible from the property line thereby reducing glare and interference with boundary streets and adjacent properties. Light fixtures near adjacent property may require special shielding devices to prevent light trespass.
- c) All lighting sources (including, but not limited to street, parking lot, security, walkway and building) shall be downcast and fully shielded, with the following exceptions:
 - Holiday lighting.
 - All temporary emergency lighting needed by the Fire and Police Departments, or other emergency agencies.
- d) Floodlights with external shielding can be deflected up to twenty five (25) degrees from a vertical plane as measured through the central axis of the light beam from the luminaire, only if the luminaire does not cause glare or light to shine on adjacent property or public rights-of-way.







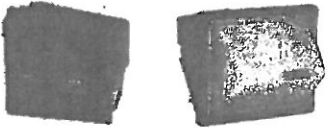


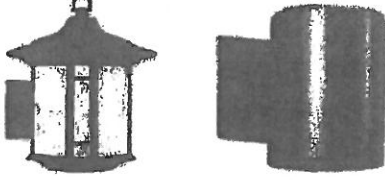


Compliant floodlight angle

- e) Uplighting for flags, address markers, trees, architectural features, and low-voltage landscape lighting provided the luminaire is located, aimed, and shielded so that direct illumination is focused exclusively on the object and away from adjoining properties and the public street right-of-way. Architectural features may be illuminated by uplighting, provided that the light is effectively contained by the structure. In all cases, uplighting must not cause glare or light trespass.
- f) All exterior light fixtures (including, but not limited to, mounted on the building, used for a sign or free standing) shall comply with the following regulations:
 - 1. The bulb of the fixture is not visible;
 - 2. The fixture is opaque utilizing frosted, opalescent, or iridescent glass; and
 - 3. The output is shielded through the architecture of the structure and does not cause glare or light trespass beyond the property.
- g) Temporary (2 days or less) high intensity discharge floodlighting may be used for sports lighting and City sponsored events provided that the lighting be turned off no later than one hour after the event is concluded. The fixtures must be aimed so that their beams are directed and fall within the primary playing or performance area.
- h) All permanent sports and event lighting shall be equipped with a glare control package (louvers, shields, or similar devices) and the fixtures must be aimed so that beams are directed and fall within the primary playing area and light trespass is minimized.



Compliant floodlight angle

- i) Projects shall be required to submit a lighting plan that conforms to the standards outlined herein at the time of commercial site plan approval, a conditional use permit, or building permit. The lighting plan and/or specifications shall show:
- 1) The type and luminous intensity of each light source and wattage (eg. incandescent, halogen, high-pressure sodium);
 - 2) The type of fixture (eg. floodlight, full-cutoff, lantern, coach light);
 - 3) Fixture location and height of all proposed and existing free standing light fixtures;
 - 4) Shielding and all mounting details;
 - 5) Manufacturer cut-sheet and/or specification materials with scaled drawings or photographs including; initial lumen rating, color rendering index, and wattage of each lamp;
 - 6) Any other information deemed necessary by the Community Development Department to document compliance with the provisions of this section.

<i>Unacceptable</i>	<i>Acceptable</i>
<p>Area Floodlights</p>  <p>NO</p>	 <p>YES * Proper aiming is still required to prevent light trespass.</p>
<p>Spotlights</p>  <p>NO</p>	 <p>YES * Proper aiming is still required to prevent light trespass.</p>
<p>Wall Packs</p>  <p>NO</p>	 <p>YES</p>
<p>Decorative</p>  <p>NO</p> <p><input type="checkbox"/> These fixtures may be acceptable if using a low wattage bulb.</p>	 <p>YES</p>
<p>Street Lighting</p>  <p>NO</p>	 <p>YES</p>

Unacceptable and acceptable light fixtures

6. *Access, Trash, Off-street Parking and Loading Requirements:*

- a) Every building hereafter erected or moved shall be on a lot adjacent to a public street or with access to an approved private street, and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection, and required off-street parking.
- b) Lighting for the parking area shall be located to safely light the area while keeping the light from trespassing off onto adjacent property. Light standards shall be no higher than twenty- (20) feet from the finished grade and the light source must be recessed or covered so that there is no bare bulb showing. (See Lighting Standards above.)
- c) Trash receptacles shall be located on site, out of the path of vehicular and pedestrian circulation, and screened by a site proof fence that matches the material of the primary building. When a commercial site is adjacent to residential, the trash receptacle shall not be located adjacent to the residential.
- d) Except as otherwise provided in this subsection, the requirements for off-street parking shall be implemented with regard to the minimum dimensions in the following table:

Parking Dimensions Table

A	B	C	D	E	F	G
45°	10.0'	20.5'	12.5'	14.2'	53.5'	46.5'
60°	10.0'	21.0'	17.5'	11.5'	60.5'	55.5'
90°	10.0'	19.0'	24.0'	10.0'	62.0'	—

A = parking angle

B = stall width

C = stall to curb

D* = aisle width

E = curb length per car

F = curb to curb

G = center to center width of double row with aisle between

*Additional width may be required where the aisle serves as the principal means of access to on-site buildings or structures.

- e) Parking shall comply with the current Americans with Disabilities Act.
- f) In the event that the desired angle is not specified by the above table, the Community Development Department may specify other equivalent dimensions associated with the desired parking angle by interpolating from dimensions listed in the table.
- g) A stall dimension of 9' × 18' or equivalent may be utilized for off-street parking stalls provided in excess of the minimum requirements as set forth in this section when designated for compact car use.
- h) On-site parallel parking stalls shall be 10' × 22' adjacent to a 24' two-way lane or 15' one-way lane.
- i) All parking and loading areas, including driveways, shall be paved. Parking areas must be striped in accordance with the dimensions specified in the above table.
- j) All areas for off-street parking and loading shall be so arranged that vehicles at no time shall be required to back into any street or roadway to gain access thereto, except for cross access easements on the individual lots.
- k) Off-street parking areas shall provide ingress and egress to any public right-of-way only at such location as approved by the Community Development Director.
- l) No unenclosed parking or loading space or internal drive shall be closer than fifteen (15) feet to any adjoining "PS" Park & Scenic or "R" Residence District. Said parking setbacks shall be effectively screened.
- m) No off-street parking space required under this section shall be used for any other purpose except that all seasonal sales area that use designated parking areas, shall not utilize more than 10% of the required parking spaces for that property.
- n) Where an addition is made to an existing use that does not comply with the parking requirements cited for such use, additional parking should be provided in proportion to the addition. However, if it is not feasible and so proven by the applicant and accepted by the Planning Commission, the use may locate in the location.
- o) Where no minimum requirement is specified or when one or more of the parking requirements may be construed as applicable to the same use, lot or building, the final determination of required parking shall be made by the Planning Commission.
- p) All parking spaces required by this subsection shall be located on the same parcel of land as the use to be served, except that parking for one or more uses may be provided on a separate lot from the use or uses to be served when said separate lot is within a commercial zoning district and within 300 feet of the use or uses to be served, as measured along a pedestrian pathway.

Parking Space Requirements

- q) Per the development submitted and approved by the City of Arnold for the Arnold Food Pantry. Any future owners must comply with the then current Zoning Code regarding parking requirements and regulations.

- r) One paved off-street loading space shall be provided on the premises for each fifteen thousand (15,000) square feet, or fraction thereof, of gross floor area in every building. Each such loading space shall measure no less than ten (10) feet by sixty (60) feet and shall have a height clear of obstructions of fourteen (14) feet. Sufficient turning radii shall be provided for truck movement into and out of the property.

7. *Specific Prohibitions:*

Metal used as the primary exterior building material. The exception is for the existing building at 2024 Key West. Metal may be used as an architectural element.

Key West Drive
GREEN AREA + PARKING

