



REPORT TO PLANNING COMMISSION

CITY OF ARNOLD

APPLICATION NUMBER: 2019-03

APPLICATION NAME: ST. JOHN'S LUTHERAN SCHOOL

APPLICANT NAME: David Necker, Applicant/Contractor
Edwin Remodeling

PROPERTY OWNER NAME: St John's Evangelical Lutheran Church
3517 Jeffco Blvd.
Arnold, MO 63010

APPLICANT'S REQUEST: The applicant is requesting a variance to the setback and height requirements for a fence on a multiple frontage lot. The purpose of this request is to construct a new fence in the same location as the current one with additional new fencing around an outdoor seating area.

STREET ADDRESS: 3511 Jeffco Blvd.

SITE LOCATION: North of intersection of Jeffco Blvd and Richardson Rd;
Immediately West of The Parc at Linderhof

PARCEL ID: 01-9.0-32.0-3-002-006

TOTAL SITE AREA: 11.00 acres

MEETING DATE: February 12, 2019

REPORT DATE: February 4, 2019

CASE MANAGER: Sarah Turner

RECOMMENDATION: APPROVAL



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DESCRIPTION OF EXISTING SITE CONDITIONS

The 11.0 acre parcel is located North of the intersection of Richardson Road and Jeffco Blvd., along Jeffco Blvd. The property is developed with a church, school, play yard, cemetery, and parking lot. The property's North boundary line is St Johns Church Road and the East boundary line is partially Jeffco Blvd., both of which serve as access.

SITE HISTORY

St John's Lutheran has operated a church and school on site since 1848. The oldest surviving structure dates from 1927. Additions to the 1927 building as well as new

LAND USE AND ZONING CONTEXT MATRIX			
DIRECTION	EXISTING LAND USE	ZONING DISTRICT	COMMENTS
North	Residential; Planned Residential	R-4; PRD	St John's Crossing neighborhood; Richardson Ridge Villas Senior Apartments
East	Commercial	C-3	The Parc at Linderhof, mixed commercial and office space
South	Commercial	C-3	Mixed commercial, one dwelling (Keller property)
West	Commercial	C-3	Richardson Crossing retail strip, mixed commercial

ZONING MAP



St John's Lutheran School

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ZONING REQUEST/DEVELOPMENT PROPOSAL

The applicant has submitted a variance request to the setback and height requirements for a fence on a multiple frontage lot. The request is to construct a new decorative aluminum fence in the same location as the current chain link fence, with an extension to the fence that can be seen in Exhibit A.

COMPREHENSIVE PLAN CONSISTENCY REVIEW

A consistency review of the goals, objectives, and policies of the Comprehensive Plan, as they relate to the current request, follows:

GOALS, OBJECTIVES, AND POLICIES:

HOUSING & NEIGHBORHOOD POLICY 1.6: COMMIT TO MAINTAIN. EXISTING AND FUTURE NEIGHBORHOODS SHOULD BE MAINTAINED AND ENHANCED THROUGH PLANNING, ASSISTANCE, AND SUPPORTIVE REGULATORY TECHNIQUES.

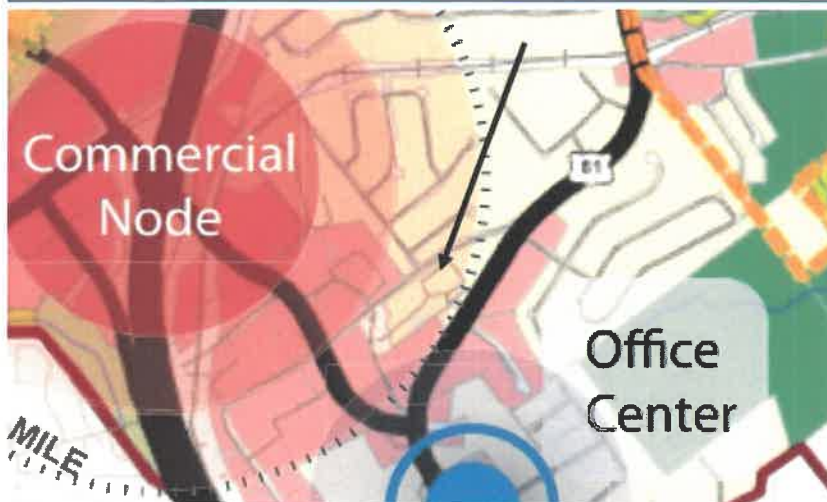
HOUSING & NEIGHBORHOOD POLICY 3.5: PROPERTY MAINTENANCE. CONTINUE TO SUPPORT ADOPTED EXTERIOR BUILDING MAINTENANCE STANDARDS ENSURING THE UP-KEEP OF EXISTING NEIGHBORHOODS.

CITY PLANNER'S COMMENTS

Housing & Neighborhood Policies 1.6 and 3.5 are substantially satisfied as follows:

Satisfied: The proposed variance's purpose is to replace an aging fence. Such a replacement is for the maintenance and enhancement of the property, which satisfies the policies laid out in Arnold's Comprehensive Plan.

FUTURE LAND USE MAP:



Satisfied: The proposed variance does not affect the FLUM designation for the property as residential.



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BACKGROUND

St. John's Lutheran School's current fence exists as a non-conforming structure. The property is zoned R-4 Residential, which permits the church and school by right. The property has multiple frontages along its boundaries, including St Johns Church Road to the north, Jeffco Blvd to the south, and the intersection of the two serves as an additional frontage. The current chain link fence abuts these two streets and surrounds the school's play yard and soccer field. The current fence does not meet setback requirements for the zoning district.

The applicant, David Necker, is donating the services of Edwin Remodeling to the church for the purpose of replacing the fence and putting in additional fencing around the school's side yard facing Jeffco Blvd and the church's parking lot. In January 2019, the applicant submitted a permit application to replace the fence and shortly thereafter submitted a variance request to complete said work.

PLANNING AND ZONING ANALYSIS

Appeals for variances to the Supplementary District Regulations shall be made to the Planning Commission.

The applicant seeks to construct a new decorative aluminum fence in the same location as the current chain link fence, as well as a new portion of fencing around the school's side yard, at the St. John's Lutheran School on 3511 Jeffco Blvd.

ANALYSIS OF APPLICABLE ZONING REGULATIONS

Fencing Standards—Setbacks

The property is zoned R-4 Residential, which allows fences to be within the twenty five (25) foot front yard setback only on lots with more than one (1) street frontage, but the fence may project up to ten (10) feet into the required front yard setback [Section 405.760. S. 3 b(1)(b)]. The fence in question does not meet this fifteen (15) foot setback along its full length. As an additional non-conformity, portions of the fence in question are directly on the property line, which is not permitted on a street yard [Section 405.760. S. 3 b(1)(c)].

Fencing Standards—Height

The proposed new fence is to be sixty inches (60 in), or five feet (5 ft) in height. Section 405.760. S. 3 c(1) states that a fence of maximum four (4) feet may be permitted within a frontage yard with approval by the Planning Commission. The new fence's height is one foot above the maximum that is provided.

Staff finds that the existing fence is non-conforming with the setback requirements of the Fencing Standards listed in the Code of Ordinances. Additionally, the proposed fence would be non-conforming with the setback and height requirements of the Fencing Standards listed in the Code of Ordinances.

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PLANNING AND ZONING ANALYSIS - CONTINUED

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

The applicant's proposal to construct a new fence in the same place as the current non-conforming fence should not adversely affect public safety, health, welfare or nearby properties, improvements, and neighborhoods. The current fence is "deteriorating and becoming unsafe for the younger children", according to the applicant's narrative. Replacing said fence with a new, taller fence will prevent unauthorized access from outside the play yard and improve the safety of children playing within the school's play yard. The new fence as proposed should not obstruct the vision of drivers any more than the current fence. Additionally, the proposed new section of fence, around the side yard along Jeffco Blvd, provides protection to an outdoor seating area that was not previously fenced (see Figure 1 and/or Exhibit A in Attachments).

UNIQUE CONDITIONS OF THE PROPERTY

The conditions of this site are entirely unique. St John's use of the property pre-dates the incorporation of the City of Arnold. The triangular portion of the lot currently in use as a children's play yard and its position relative to the other buildings and structures of the property is not found elsewhere in the City.

HARDSHIP

The hardship encountered by the applicant is one of safety, caused by the unique conditions of the property listed above. The purpose of this fence, both current and proposed, is to provide children with a safe place to play at the school. The triangular segment of the property where the school yard and current non-conforming fence are located is flanked by St Johns



FIGURE 1: GOOGLE STREETVIEW FROM JEFFCO BLVD FACING SCHOOL, SIDE YARD



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PLANNING AND ZONING ANALYSIS - CONTINUED

HARDSHIP—CONTINUED

Church Road and Jeffco Blvd., both seeing regular traffic at oft-times high speeds. The intersection of these two streets is at the northern corner of the fenced play area. These various frontages pose a major safety risk to the children if the fence were not in place. Additionally, the applicant says in their narrative that St John’s Lutheran School is looking to expand their Pre-K classes and the current fence is a “concern to new parents wishing to send their children to [St John’s].”

FINDINGS AND RECOMMENDATION

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

Staff finds that 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.

UNIQUE CONDITIONS OF THE PROPERTY

Staff finds that 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.

HARDSHIP

Staff finds that 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.

RECOMMENDATION

Staff finds that the proposed variance meets the review criteria. Based on the findings listed above, staff requests favorable consideration of the application.

Sarah Turner
Community Development Planner



ATTACHMENTS

SUPPLEMENTAL LETTERS, MAPS, PLANS, ETC.



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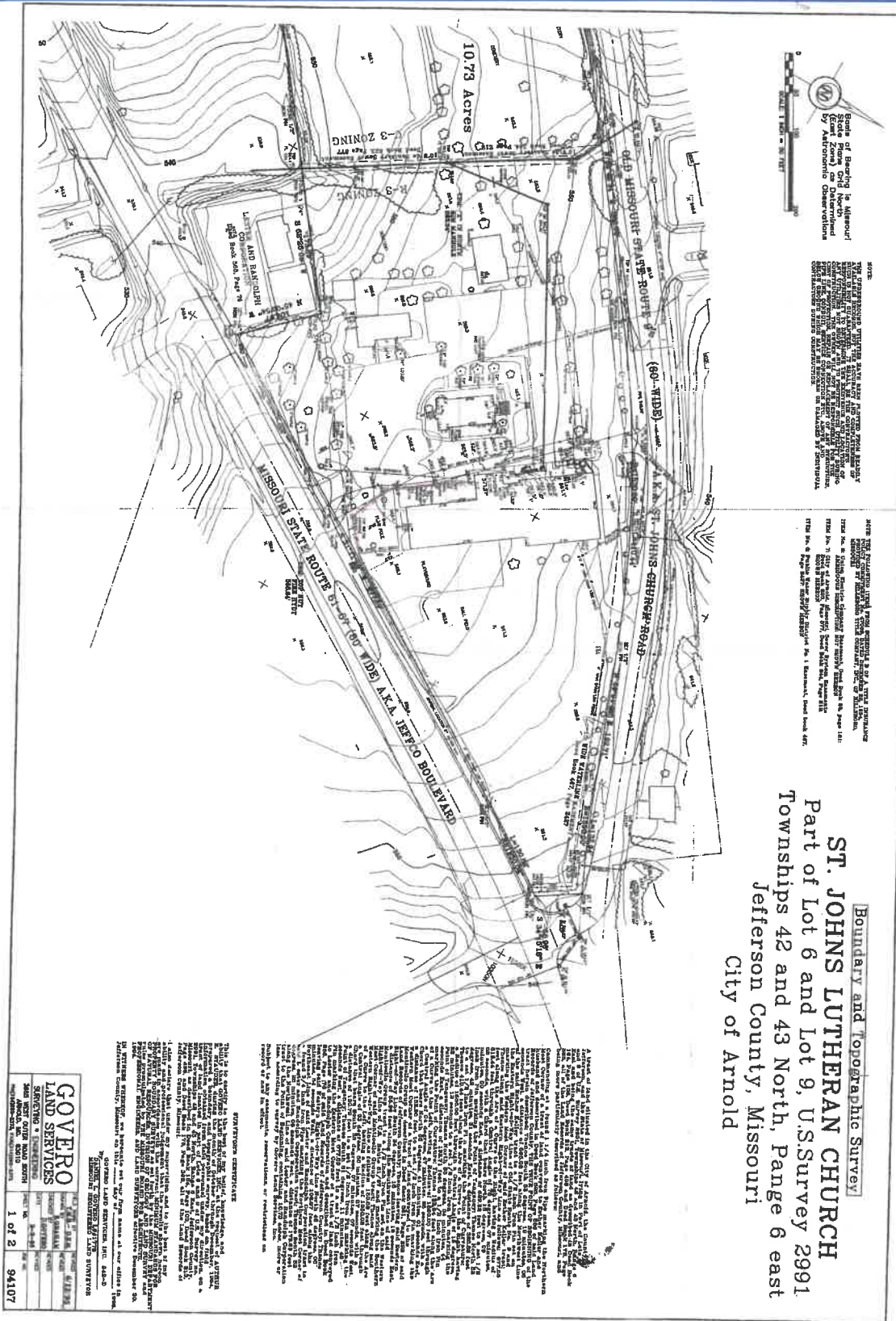


EXHIBIT A: SATELLITE IMAGE WITH FENCE LOCATION SKETCH

St John's Lutheran School

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Scale of Boundary in Missouri State Plane and Horizontal Scale of Accuracy of Observations

NOTE: THE PLANNING COMMISSION HAS REVIEWED THIS SURVEY AND HAS DETERMINED THAT THE SURVEY IS ACCURATE AND THAT THE BOUNDARY IS CORRECTLY LOCATED. THE SURVEYOR HAS PROVIDED A TRUE AND CORRECT COPY OF THE SURVEY TO THE CITY OF ARNOLD. THE SURVEYOR HAS ALSO PROVIDED A TRUE AND CORRECT COPY OF THE SURVEY TO THE PLANNING COMMISSION. THE SURVEYOR HAS ALSO PROVIDED A TRUE AND CORRECT COPY OF THE SURVEY TO THE CITY OF ARNOLD. THE SURVEYOR HAS ALSO PROVIDED A TRUE AND CORRECT COPY OF THE SURVEY TO THE PLANNING COMMISSION.

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ST. JOHNS LUTHERAN CHURCH
 Boundary and Topographic Survey
 Part of Lot 6 and Lot 9, U.S. Survey 2991
 Townships 42 and 43 North, Range 6 east
 Jefferson County, Missouri
 City of Arnold

GOVERO LAND SERVICES
 SURVEYING AND MAPPING
 10101 W. 101st St., Suite 100
 Overland Park, MO 66214
 Phone: (913) 666-1111
 Fax: (913) 666-1112
 Email: info@govero.com
 Website: www.govero.com

DEVIATIONS CERTIFICATE
 This is to certify that the survey was conducted in accordance with the provisions of the Missouri Surveying and Mapping Act, Chapter 456, RSMo. The survey was conducted by the undersigned, a duly licensed Professional Surveyor in the State of Missouri. The survey was conducted on the premises of St. Johns Lutheran Church, located in the City of Arnold, Missouri. The survey was conducted for the purpose of determining the boundary and topographic features of the premises. The survey was conducted on the premises of St. Johns Lutheran Church, located in the City of Arnold, Missouri. The survey was conducted for the purpose of determining the boundary and topographic features of the premises. The survey was conducted on the premises of St. Johns Lutheran Church, located in the City of Arnold, Missouri. The survey was conducted for the purpose of determining the boundary and topographic features of the premises.

EXHIBIT B: PLAT WITH FENCE LOCATION



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COMMERCIAL ALUMINUM FENCE SYSTEM

MODEL 4230 POOL (54" Height §)

MODEL 4230
3 RAIL - FLAT TOP
Heights: 48", 54"[§], 60" & 72"
Length: 8' Sections

MODEL 4233
3 RAIL - FLAT TOP WITH ALTERNATING SPEARS
Heights: 48", 54"[§], 60" & 72"
Length: 8' Sections

§ Meets National Pool Code Requirements for Height and Spacing. Check Local Pool Code Requirements.

PROPOSED FENCE MATERIALS

St John's Lutheran School

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We currently have a fence around the playground and soccer field and are in need to replace it. The current fence is deteriorating and becoming unsafe for the younger children.

-The granting of this variance will not effect other properties around us in any way.

-This property is a school for children and needs to stay protected with a fence to keep from children running in the nearby roads.

- We are working to expand our pre-K classes and this is a concern to new parents wishing to send their children to our school.
- As I'm sure you are aware Our school and church are a great benefit to the surrounding community.

THANKS

David Necker

Edwin Remodeling Inc

314 732 5259



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GOOGLE STREETVIEW OF PLAYGROUND FROM JEFFCO BLVD, FACING NORTH

St John's Lutheran School

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PUBLIC VIEWSHED OF SOCCER FIELD AND FENCE FROM JEFFCO BLVD, FACING NORTHWEST

2019-03 VARIANCE APPLICATION



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PUBLIC VIEWSHED OF PLAY YARD FROM ST JOHN'S CHURCH ROAD, FACING FORTUNE BANK

St John's Lutheran School