

City of Arnold, Missouri

City Council
Council Chamber

January 17, 2019
7:00 p.m.

Agenda

1. Pledge of Allegiance:
2. Opening Prayer: Shiloh World Outreach – Assoc. Pastor Bill Krisher
3. Roll Call:
 - 3.A.
 - A. **Resolution 19-05:** A Resolution Appointing Tim Seidenstricker to the City Council to Complete the Unexpired Term of David Owens.
4. Business from the Floor:
5. Consent Agenda:
 - A. Regular Minutes **January 3rd, 2019**
 - B. Payroll Warrant **#1307 in the Amount of \$302,335.38**
 - C. General Warrant **#5730 in the Amount of \$444,195.51**
6. Ordinances:
 - A. **Bill No. 2718:** An Ordinance Approving a Consolidation Record Plat Titled “Bauman Family Trust”
 - B. **Bill No. 2719:** An Ordinance Approving a Rezoning from C-2 Commercial and C-4 Planned Commercial to a New C-4 Planned Commercial for A 5.27 Acre Tract of Land Located at 3401 Robinson Road. (2018 - 36 I-55 Store It, Inc.)
 - C. **Bill No. 2720:** An Ordinance Establishing a New Section 210.010 (Disposal of Fecal Matter) of the City Code.
 - D. **Bill No. 2721:** An Ordinance Amending Section 210.790 (Biting Prohibited-Procedure in Event of Bite) of the City Code.
 - E. **Bill No. 2722:** An Ordinance Allowing the “2019 Show-Me Green Sales Tax Holiday” to Apply to the Local Sales Tax of the City of Arnold, MO.

Between April 18th and April 24th, 2019.

F. **Bill No. 2723:** An Ordinance Authorizing the Establishment of a Six (6) Month Moratorium on Business Licenses and Occupancy Permits for New Medical Marijuana-Related Entities, Electronic Cigarette Shops, and Tobacco Shops, within the City of Arnold.

G. **Bill No. 2724:** An Ordinance Authorizing Access to Service Animals.

H. **Bill No. 2725:** An Ordinance Approving a Minor Record Platt Titled "King's Trace Re-Subdivision of Lot 1 of Beuhre Acres (P.B. 202, P.3)"

7. Resolutions:

A. **Resolution No.19-04:** A Resolution Appointing Justin Lurk to the Planning and Zoning Board to Complete an Unexpired Term.

8. Motion:

NONE

9. Reports from Mayor, Council, and Committees:

10. Administrative Reports:

11. Adjournment:

**Next Regular City Council Meeting February 7, 2019 @ 7:00 p.m.
Next Work Session February 14, 2019 at 7:00 p.m.**

Mayor Ron Counts called the meeting to order at 7:04

The Pledge of Allegiance was recited.

Councilman Jason Fulbright offered the opening prayer

Those present per roll call taken by City Clerk Tammi Sullivan, Fulbright, Plunk, Hood, Cooley, Fleischman Sweeney, Brown, Kroupa and Chief Shockey.

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BUSINESS FROM THE FLOOR

NONE

CONSENT AGENDA

- A. MINUTES FROM DECEMBER 6, 2018 MEETING**
- B. PAYROLL WARRANT NO. 1305 IN THE AMOUNT OF \$302,441.67
PAYROLL WARRANT NO. 1306 IN THE AMOUNT OF \$282,584.14**
- C. GENERAL WARRANT NO. 5728 IN THE AMOUNT OF \$604,066.88
GENERAL WARRANT NO. 5729 IN THE AMOUNT OF \$68,840.99**

Butch Cooley made a motion and so moved to approve the consent agenda.
Seconded by Mark Hood. Roll call vote: McArthur, yes; Sullivan, yes; Fulbright, yes; Plunk, yes; Hood, yes; Cooley, yes; Fleischmann, yes; 7 Yeas: **Consent agenda approved.**

ORDINANCES

BILL NOS. 2718 AND 2719 WERE PULLED FROM THE AGENDA

RESOLUTIONS

RESOLUTION NO. 19-01 – A RESOLUTION AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT FOR HUMANE EUTHANASIA SERVICES WITH JEFFERSON COUNTY, MO

Jason Fulbright made a motion and so moved to approve Resolution No. 19-01.
Seconded by Vern Sullivan. Roll call vote: McArthur, yes; Sullivan, yes; Fulbright, yes; Plunk, yes; Hood, yes; Cooley, yes; Fleischmann, yes; 7 Yeas: **Resolution approved.**

RESOLUTION NO. 19-02 – A RESOLUTION AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE COUNTY OF JEFFERSON, MO. AND INCORPORATED MUNICIPALITIES FOR THE ONE-HALF OF ONE-PERCENT SALES TAX FOR CAPITAL IMPROVEMENTS TO PUBLICLY MAINTAINED ROADS

Jason Fulbright made a motion and so moved to approve Resolution No. 19-02. Seconded by Butch Cooley. Roll call vote: McArthur, yes; Sullivan, yes; Fulbright, yes; Plunk, yes; Hood, yes; Cooley, yes; Fleischmann, yes; 7 Yeas: **Resolution approved.**

RESOLUTION NO. 19-03 – A RESOLUTION GRANTING A SEWER LINE EASEMENT TO MISSOURI AMERICAN WATER

Mark Hood made a motion and so moved to approve Resolution No. 19-03. Seconded by Jason Fulbright. Roll call vote: McArthur, yes; Sullivan, yes; Fulbright, yes; Plunk, yes; Hood, yes; Cooley, yes; Fleischmann, yes; 7 Yeas: **Resolution approved.**

MOTIONS

- A. A MOTION TO HOLD A CLOSED SESSION IMMEDIATELY FOLLOWING THE CITY COUNCIL MEETING FOR THE PURPOSE OF DISCUSSING LITIGATION, REAL ESTATE AND PERSONNEL PURSUANT TO RSMo SECTION 610.021(1) (2) AND (3)**

Jason Fulbright made a motion and so moved to approve a closed session immediately following the city council meeting. Seconded by Mark Hood. Roll call vote: McArthur, yes; Sullivan, yes; Fulbright, yes; Plunk, yes; Hood, yes; Cooley, yes; Fleischmann, yes; 7 Yeas: **Motion carried.**

REPORTS FROM MAYOR, COUNCIL AND COMMITTEES

Vern Sullivan, Ward 3 – Informed council that the Tourism Commission met last night and there are exciting items coming this year.

Dan Kroupa – Complimented Mayor Counts on his negotiations with Jefferson County in regards to the sales tax agreement share percentage rates. Because of his efforts the City now receives an extra percentage of the proceeds.

ADMINISTRATIVE REPORTS

David Bookless – Announced the dates for the FEMA Open House, which will be held to inform the public regarding the flood map updates, are January 9th and January 15th at City Hall.

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

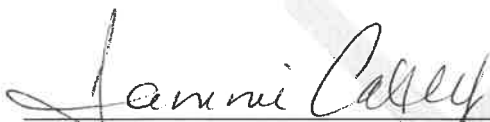
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Closed session ended at 8:30 p.m.

A motion to adjourn the meeting was made by Butch Cooley. Seconded by Vern Sullivan.

Voice vote: All yeas.

Meeting adjourned at 8:30 p.m.


City Clerk Tammi Casey, CMC/MRCC-C

CITY OF ARNOLD, MISSOURI

ROLL CALL

MEETING: REGULAR

DATE: 1/3/2019

PAGE: 1

BILL NO - RESOLUTION - MOTION

		ROLL CALL	CONSENT AGENDA	RESOLUTION NO. 19-01	RESOLUTION NO. 19-02	RESOLUTION NO. 19-03	MOTION TO HOLD CLOSED SESSION	
COUNCIL MEMBERS:								
MAYOR	RON COUNTS	PRESENT						
COUNCIL:	BRIAN MCARTHUR	PRESENT	YES	YES	YES	YES	YES	
COUNCIL:	VERN SULLIVAN	PRESENT	YES	YES	YES	YES	YES	
COUNCIL:	JASON FULBRIGHT	PRESENT	YES	YES	YES	YES	YES	
COUNCIL:	GARY PLUNK	PRESENT	YES	YES	YES	YES	YES	
COUNCIL:	MARK HOOD	PRESENT	YES	YES	YES	YES	YES	
COUNCIL:	BUTCH COOLEY	PRESENT	YES	YES	YES	YES	YES	
COUNCIL:	EJ FLEISCHMANN	PRESENT	YES	YES	YES	YES	YES	
COUNCIL:	*****	**	**	**	**	**	**	
CITY ADMINISTRATOR	BRYAN RICHISON	PRESENT	PARKS DIR:		DICKIE BROWN	PRESENT		
CITY CLERK	TAMMI CASEY	PRESENT	PUBLIC WORKS:		-			
COM DEV	DAVID BOOKLESS	PRESENT	TREASURER:		DAN KROUPA	PRESENT		
FINANCE DIRECTOR	BILL LEHMANN	PRESENT	POLICE DEPT.		CHIEF SHOCKEY	PRESENT		
CITY ATTORNEY	BOB SWEENEY	PRESENT						

The Public Hearing was called to order by Mayor Counts at 7:00 p.m. City Clerk Tammi Casey made note of those in attendance: Mayor Counts, McArthur, Sullivan, Fulbright, Plunk, Hood, Cooley, Fleischmann, Richison, Bookless, Lehmann, Sweeney, Brown, Kroupa and Chief Shockey.

Bryan Richison stated that Mayor Counts has pulled the Bills relative to these items from tonight's City Council meeting agenda. However, since the Public Hearing Agenda has been posted, we will continue with them as scheduled.

**A. 2018-34 CONSOLIDATION RECORD PLAT – I-55 STORE IT 3401
ROBINSON ROAD (INTERSECTION OF I-55 AND RICHARDSON
ROAD, ARNOLD, MO**

David Bookless informed council that the applicant is seeking to combine 5 existing parcels into a single parcel. The Planning Commission reviewed this request at their 12/11/2018 meeting and is forwarding a recommendation of approval by a vote of 9 to 0, with conditions being met as outlined.

**B. 2018-36 REZONING “C-2” COMMERCIAL DISTRICT TO “C-4”
PLANNED COMMERCIAL DISTRICT AND “R-3” RESIDENTIAL
DISTRICT INTO A SINGLE “C-4” PLANNED COMMERCIAL
DISTRICT FOR THE PURPOSE OF OPERATING A MINI-
WAREHOUSE STORAGE FACILITY (EXISTING) TO INCLUDE
OUTDOOR STORAGE**

David Bookless informed council that the Planning Commission reviewed this request at their 12/11/2018 meeting and is forwarding a recommendation of approval by a vote of 8-1 with conditions being met as outlined.

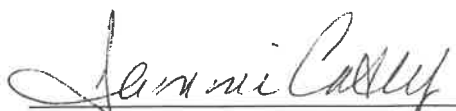
PUBLIC COMMENTS

Dan Govero, representative for Mr. Bauman, spoke to council regarding the intended use of the property by his client.

COUNCIL COMMENTS

NONE

The Public Hearing ended at 7:04 p.m.


City Clerk Tammi Casey, CMC/MRCC-C

Those in attendance as noted by City Clerk Tammi Casey; Mayor Counts, McArthur, Sullivan Fulbright, Plunk, Hood, Cooley, Fleischmann, Richison, Bookless, Lehmann, Sweeney, Brown, Kroupa and Chief Shockey.

SERVICE ANIMALS

Dickie Brown informed council that he will be bringing two Bills forward at the next meeting regarding service animals. The first Bill will provide the definition of service animal and the second will specify which service animals will be allowed at City owned facilities.

CODE ENFORCEMENT

David Bookless provided council with an overview of our current code violations process. He explained that while the goal is to have residential and commercial property owners voluntarily resolve their code violations to ensure Arnold remains safe and clean, we are currently only able to be reactive to these issues. In 2018 the Building Department had 189 cases and the Health Department had 1816. The Building Department also issued 725 permits and conducted 2988 inspections. Discussion has begun regarding the addition of a second judge and court, which would deal specifically with code violations. If this were to take place we would also need to change the part time court clerk position to full time and hire another full time inspector. These changes would allow the city to become proactive instead of reactive to all the code violations that take place. Discussion and questions followed by council who instructed staff to move forward with research and development of this project.

HOTEL/MOTEL REGULATIONS

David Bookless informed council of the many issues the city incurs at its hotels/motels and how they can be conducive to disorder. In 2018 the Police Department responded to 69 calls at Pear Tree Hotel, 86 at the Drury Inn, 61 at the Quality Inn and 168 at Woodspring. Mr. Bookless suggests revising the city code to include such items as "extended stay establishments", amending C-3 districts to make extended stay establishments a conditional use, creating stay limitations, guest register requirements, prohibiting kitchenettes, etc. Updating our code would provide us more stability in dealing with the problems at these businesses. Mr. Bookless informed council that to move forward staff would continue to refine the proposed ordinance, contact hotel management for their input and staff would then return to council with the drafted ordinance for their approval. After questions and discussion from council it was requested that staff move forward.

CONVENTION CENTER STUDY

Bryan Richison informed council that the idea of a Convention Center in Arnold has been brought forward. David Bookless has contacted Johnson Consulting regarding the possibility of them performing a feasibility study. Johnson Controls provided a packet which indicated what their study would include.

The fee would be \$45,000 to complete the study and would require a \$15,000 retainer. If, after the study, it was determined that a convention center was feasible and the council was interested in moving forward the city would shop developers to assess their interest in building and running the center. After discussion from council the decision was made to bring this back to the next work session so that council has time to review Johnson Controls packet.


MEDICAL MARIJUANA REGULATIONS

Bob Sweeney spoke to council regarding the passing of medical marijuana in the last statewide election. Because this is so new our current city code has no regulations, definitions or policies in place regarding this matter. Mr. Sweeney stated that he and city staff will include a Resolution on the next agenda that places a six month moratorium on the acceptance of business license applications for this type of business. This would provide staff with enough time to research and develop regulations and update city code.



Mayor Counts announced a five minute recess before going into the Special Council Meeting.

Meeting adjourned at 8:30 p.m.


City Clerk Tammi Casey, CMC/MRCC-C

CITY OF ARNOLD, MISSOURI

ROLL CALL

MEETING: WORK SESSION

DATE: 1/10/2019

PAGE: 1

BILL NO - RESOLUTION - MOTION

COUNCIL MEMBERS:

MAYOR RON COUNTS

COUNCIL: BRIAN MCARTHUR

COUNCIL: VERN SULLIVAN

COUNCIL: JASON FULBRIGHT

COUNCIL: GARY PLUNK

COUNCIL: MARK HOOD

COUNCIL: BUTCH COOLEY

COUNCIL: EJ FLEISCHMANN

COUNCIL: *****

CITY ADMINISTRATOR BRYAN RICHISON

CITY CLERK TAMMI CASEY

COM DEV DAVID BOOKLESS

FINANCE DIRECTOR BILL LEHMANN

CITY ATTORNEY BOB SWEENEY

IN ATTENDANCE						
PRESENT						
PRESENT						
PRESENT						
PRESENT						
PRESENT						
PRESENT						
PRESENT						
PRESENT						
***	***	***	***	***	***	***
PRESENT	PARKS DIR:	DICKIE BROWN				PRESENT
PRESENT	PUBLIC WORKS:	-				
PRESENT	TREASURER:	DAN KROUPA				PRESENT
PRESENT	POLICE DEPT.	CHIEF SHOCKEY				PRESENT
PRESENT						

Mayor Ron Counts called the special council meeting to order at 8:35 p.m.

Those present per roll call taken by City Clerk Tammi Casey: Mayor Ron Counts, McArthur, Sullivan, Fulbright, Plunk, Hood, Cooley, Fleischmann, Richison, Bookless, Lehmann, Sweeney, Brown, Kroupa and Chief Shockey.

MOTIONS

A. A MOTION TO HOLD A CLOSED SESSION FOR THE PURPOSE OF DISCUSSING PERSONNEL PURSUANT TO RSMO Section 610.021 (3)

Jason Fulbright made a motion and so moved to approve a closed session immediately following the special council meeting. Seconded by Brian McArthur. Roll call vote: McArthur yes; Sullivan, yes; Fulbright, yes; Plunk, yes; Hood, yes; Cooley, yes; Fleischmann, yes; 7 Yeas: Motion carried.

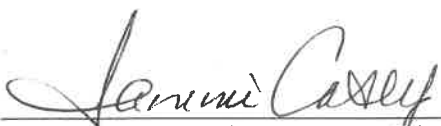
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Closed Session ended at 8:45 p.m. and council reconvened in open session.

Bryan Richison informed council that the Rec Center pool is currently closed. The City received notification from state and county officials that they wanted to test samples of the water, but were extremely vague as to why. After discussion and out of extreme caution it was decided to close the pool until the tests were performed, after which time the staff will perform the normal disinfecting/cleaning process.

A motion to adjourn the meeting was made by Jason Fulbright. Seconded by Mark Hood.

Meeting adjourned at 8:55 p.m.


City Clerk Tammi Casey, CMC/MRCC-C

CITY OF ARNOLD, MISSOURI

ROLL CALL

MEETING: SPECIAL COUNCIL MEETING

DATE: 1/10/2019

PAGE: 1

BILL NO - RESOLUTION - MOTION

		ROLL CALL	MOTION TO HOLD CLOSED SESSION				
COUNCIL MEMBERS:							
MAYOR	<u>RON COUNTS</u>	PRESENT					
COUNCIL:	<u>BRIAN MCARTHUR</u>	PRESENT	YES				
COUNCIL:	<u>VERN SULLIVAN</u>	PRESENT	YES				
COUNCIL:	<u>JASON FULBRIGHT</u>	PRESENT	YES				
COUNCIL:	<u>GARY PLUNK</u>	PRESENT	YES				
COUNCIL:	<u>MARK HOOD</u>	PRESENT	YES				
COUNCIL:	<u>BUTCH COOLEY</u>	PRESENT	YES				
COUNCIL:	<u>EJ FLEISCHMANN</u>	PRESENT	YES				
COUNCIL:	*****	***	***	***	***	***	***
CITY ADMINISTRATOR	BRYAN RICHISON	PRESENT	PARKS DIR:	DICKIE BROWN			PRESENT
CITY CLERK	TAMMI CASEY	PRESENT	PUBLIC WORKS:	-			
COM DEV	DAVID BOOKLESS	PRESENT	TREASURER:	DAN KROUPA			PRESENT
FINANCE DIRECTOR	BILL LEHMANN	PRESENT	POLICE DEPT.	CHIEF SHOCKEY			PRESENT
CITY ATTORNEY	BOB SWEENEY	PRESENT					



CITY COUNCIL AGENDA ITEM STAFF REPORT

MEETING DATE:	January 3, 2019
TITLE:	2018-34 I-55 Store It: A request to consolidate five (5) parcels to create a new 5.27 acre parcel located at 3401 Robinson Road.
DEPARTMENT:	Community Development
PROJECT MANAGER:	David B. Bookless, Community Development Director
REQUESTED ACTION:	Ordinance approval
ATTACHMENTS:	(1) Staff Report to Planning Commission; (2) Draft Planning Commission Meeting Minutes (3) Draft Ordinance (4) Plat

EXECUTIVE SUMMARY:

The applicant is seeking to combine five (5) existing parcels into a single parcel located at 3401 Robinson Road at the northeast corner of the intersection of I-55 and Richardson Rd. This project is being submitted in conjunction with the rezoning of the same properties to a new C-4 Planned Commercial District.

REVIEW & ANALYSIS:

The Planning Commission reviewed the consolidation plat, Staff comments, and agency comments. The Commission found the proposed plat in substantial conformance with the requirements of RSMo 89.410 and the Subdivision Ordinance of the City of Arnold, Missouri, and recommends approval subject to conditions identified below:

- 1) Prior to recording, the proposed single parcel shall be rezoned to a single zoning district.
- 2) Prior to recording, the applicant shall submit a grading permit application, including a complete plan, for review and permit approval by Staff per City Code Section 525.130 - Applications, Escrow Agreements, Permits And Fees and Escrow Amounts and Section 525.150 - Submission Of Grading, Erosion And Sediment Control Plan.
- 3) Prior to recording, the applicant shall provide documentation that the new utility easement satisfied the needs of applicable agencies.

RECOMMENDATION:

The Planning Commission, by a vote of 9 to 0, voted to recommend approval of the consolidation plat with the conditions listed above being satisfied prior to recording.



REPORT TO PLANNING COMMISSION

CITY OF ARNOLD

APPLICATION NUMBER: 2018-34

APPLICATION NAME: Consolidation Record Plat—I55 Store It

APPLICANT NAME: Nik Baumann, Applicant/ Owner
I-55 Store It

PROPERTY OWNER NAME: Bauman Family Trust
6332 Mayville Dr
St. Louis, MO 63129

APPLICANT'S REQUEST: The applicant is seeking to combine five (5) existing parcels into a single parcel.

STREET ADDRESS: 3401 Robinson Rd

SITE LOCATION: Immediately east of the northeast quadrant of the intersection of I-55 and Richardson Rd.

PARCEL ID: 01-9.0-31.0-4-001-006

TOTAL SITE AREA: 5.27 acres

MEETING DATE: December 11, 2018

REPORT DATE: December 4, 2018

CASE MANAGER: Christie Hull-Bettale

RECOMMENDATION: APPROVAL with Conditions



REPORT TO PLANNING COMMISSION

CITY OF ARNOLD

DESCRIPTION OF EXISTING SITE CONDITIONS

The approximately 5.3 acre tract is located immediately east of the northeast quadrant of the intersection of I-55 and Richardson Road. The property is developed with a mini-warehouse facility with a vacant lot at the north side of the tract; and is accessed via private street (Robinson Road). There are 5 parcels; parcel 2 is the existing business,

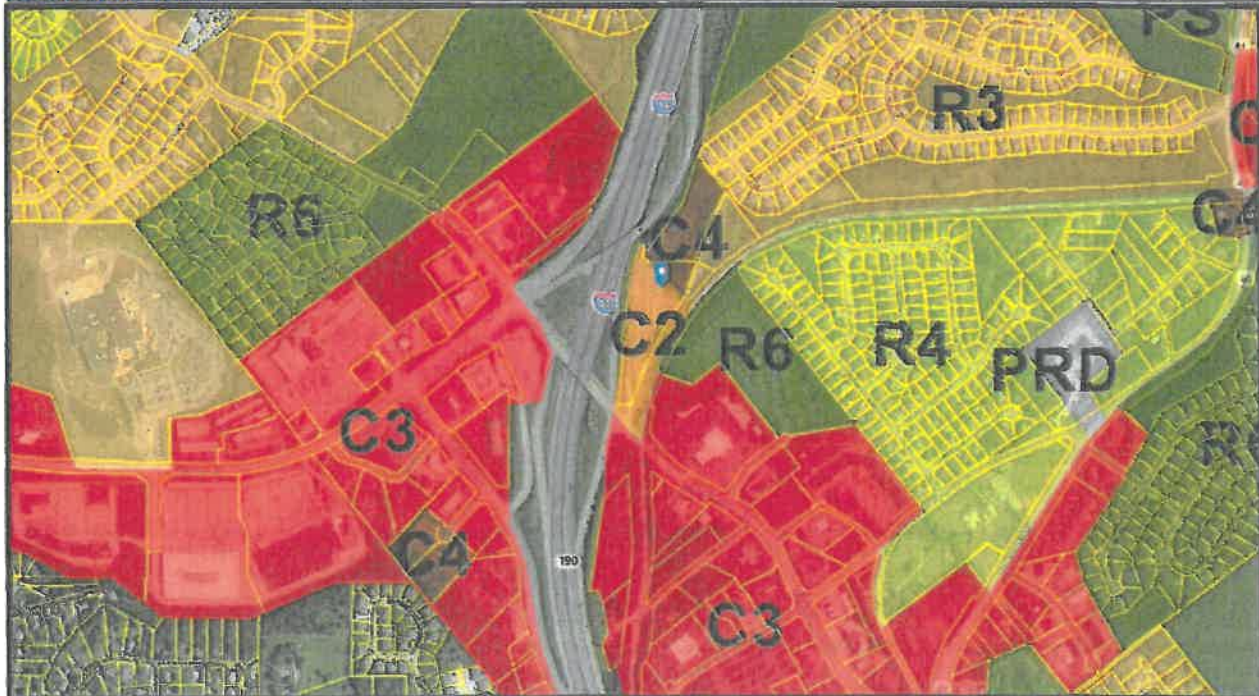
SITE HISTORY

The mini-warehouse facility was constructed in 1995. A single-family home, built in 1955, was demolished in 2018.

LAND USE AND ZONING CONTEXT MATRIX

DIRECTION	EXISTING LAND USE	ZONING DISTRICT	COMMENTS
North	Vacant	C-4	Gravel lot, wooded area
East	Residential, Institutional	R-6, C-3	Across RR tracks: Richardson Place Apartments , Oak Bridge Community Church
South	Commercial	C-3	Mixed commercial
West	Commercial	-	Across I-55: Mixed commercial

ZONING MAP



REPORT TO PLANNING COMMISSION

CITY OF ARNOLD



REQUEST

The applicant is seeking to combine five (5) existing parcels into a single parcel located at 3401 Robinson Road to the northeast of the intersection of I-55 and Richardson Rd.

SUBDIVISION ORDINANCE POLICY REVIEW

POLICIES:

- It is hereby declared to be the policy of the City of Arnold to consider the subdivision of land and the subsequent development of the subdivided plat as subject to the control of the City pursuant to the official Comprehensive Plan of the City for the orderly, planned, efficient, and economical development of the municipality.
- Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, or other menace, and land shall not be subdivided until available public facilities and improvements exist and proper provision has been made for drainage, water, sewerage, and capital improvements such as schools, parks, recreation facilities, transportation facilities, and improvements.
- The existing and proposed public improvements shall conform to and be properly related to the proposals shown in the Comprehensive Plan, and the Capital Improvements Program of the City, and it is intended that these regulations shall supplement and facilitate the enforcement of the provisions and standards contained in building and housing codes, zoning ordinances, Comprehensive Plans, and the Capital Improvements Program of the City of Arnold.

CITY PLANNER'S COMMENTS

Satisfied: The proposed consolidation supports the Comprehensive Plan for orderly, planned, efficient, and economical development by consolidating multiple parcels into a single unit for the purposes of a submitting a unified development plan.

Satisfied: Review of the proposal was conducted by appropriate agencies and City departments to ensure available public facilities and improvements exist and proper provision has been made for drainage, water, sewerage, and capital improvements such as schools, parks, recreation facilities, transportation facilities, and improvements.

Satisfied: No public improvements are proposed. Additional review relative to other City programs and regulations will occur during the review of the development plan.



REPORT TO PLANNING COMMISSION

CITY OF ARNOLD

SUBDIVISION ORDINANCE ANALYSIS

When reviewing applications for the subdivision of land, or amendments thereto, the Planning Commission is required to hold a hearing, review, and make recommendations and report to the City Council. However, where a subdivision plat meets the requirements of city ordinance, the Planning Commission and City Council do not have authority to refuse to approve the subdivision plat. Therefore, it is a ministerial act to approve the plat. State ex rel. Schaefer v. Cleveland, 847 S.W.2d 867 (Mo. App. E.D.)

Staff has reviewed the consolidation plat as received on November 30, 2018 by Govero Land Services. Agency notices have been distributed, and comments accepted. Staff finds the proposed plat to substantially conform to the requirements of RSMo 89.410 and the Subdivision Ordinance of the City of Arnold, Missouri, and recommends approval subject to conditions identified below:

- 1) Prior to recording, the proposed single parcel shall be rezoned to a single zoning district.
- 2) Prior to recording, the applicant shall submit a grading permit application, including a complete plan, for review and permit approval by Staff per City Code Section 525.130 - *Applications, Escrow Agreements, Permits And Fees and Escrow Amounts* and Section 525.150 - *Submission Of Grading, Erosion And Sediment Control Plan*.
- 3) Prior to recording, the applicant shall provide documentation that the new utility easements are adequate per AT&T and Ameren.

**REPORT TO PLANNING COMMISSION
CITY OF ARNOLD**





REPORT TO PLANNING COMMISSION
CITY OF ARNOLD

Christie Hull-Bettale

From: Wolf, Michael J <MWolf@ameren.com>
Sent: Monday, November 19, 2018 2:31 PM
To: Christie Hull-Bettale
Cc: Hovis, James C
Subject: I-55 Store it consolidation plat, and Cedarhurst

Hi Christie,

Thanks for sending us preliminary plans for the above referenced projects. Concerning the I-55 lot consolidation, our only comment is that we need to obtain an easement for the existing overhead line that goes across this lot. This existing overhead line serves Hickory Square subdivision and follows the old Marty Dr road easement. Since this easement and section of road will no longer exist, we'll need a replacement easement. I have been in contact with the property owner to discuss this as well as some other electric service concerns he had.

Memo

To: Jeff DeLapp, Mike Siedler, Christie Hull-Bettale, David Bookless, Tom Palasky, Ameren UE, Laclade Gas, Glen Hogenmiller, Mark Migneco, Brandy Sheehan/Chuck Colson

From: Christie Hull-Bettale / chullbettale@arnoldmo.org

Date: 11/13/2018

Re: 2018-34: Consolidation Record Plat - I-55 Store It - 3401 Robinson Rd.

Please review and return any questions or comments to Christie Hull-Bettale by November 26, 2018.

FYI

AT&T has an existing buried cable that will remain along the old road bed though the Clark property along the south side of the gravel Rd

Glenn Hogenmiller
AT&T
606-931-7524

AN ORDINANCE APPROVING A CONSOLIDATION RECORD PLAT TITLED "BAUMAN FAMILY TRUST"

WHEREAS, the City of Arnold is required by Section 445.030 and Chapter 89 of Missouri Revised Statutes to approve a plat that is to be recorded by the Recorder of Deeds, Jefferson County, Missouri: and

WHEREAS, the Planning Commission of the City of Arnold has reviewed the proposed consolidation record plat, held a public hearing and finds that the plat conforms to the duly enacted ordinances of the City related to subdivision of land and have submitted a report and recommendation for approval of said record plat titled "Bauman Family Trust" to the City Council;

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

Section 1. The City of Arnold hereby accepts and approves the consolidation record plat titled "Bauman Family Trust." A copy of said plat is attached to this ordinance.

Section 2. The acceptance and approval of "Bauman Family Trust" as presented to this City Council in no way relieves the developer of the responsibility of meeting the requirements of any other public or private entity having jurisdiction over such developments, or the requirements of the ordinances of the City of Arnold, Missouri.

Section 3. The acceptance and approval of "Bauman Family Trust" as presented to this City Council is in no way an endorsement of said construction, development or layout, or an acceptance of any publicly dedicated improvements until said improvements have been properly inspected by the Community Development Department and accepted by the City Council as provided by ordinance.

Section 4. Within sixty (60) days after approval of the consolidation record plat identified as "Bauman Family Trust" the approved plat shall be recorded with the Jefferson County Recorder of Deeds. In the event said record plat is not properly recorded, said plat approval shall expire in accordance with Section 36 of the City of Arnold Subdivision Ordinance.

Section 5. The approval of the City Council under the hand and seal of the City shall be endorsed upon said

Section 6. 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 JANUARY, 2019.

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

Bauman Family Trust

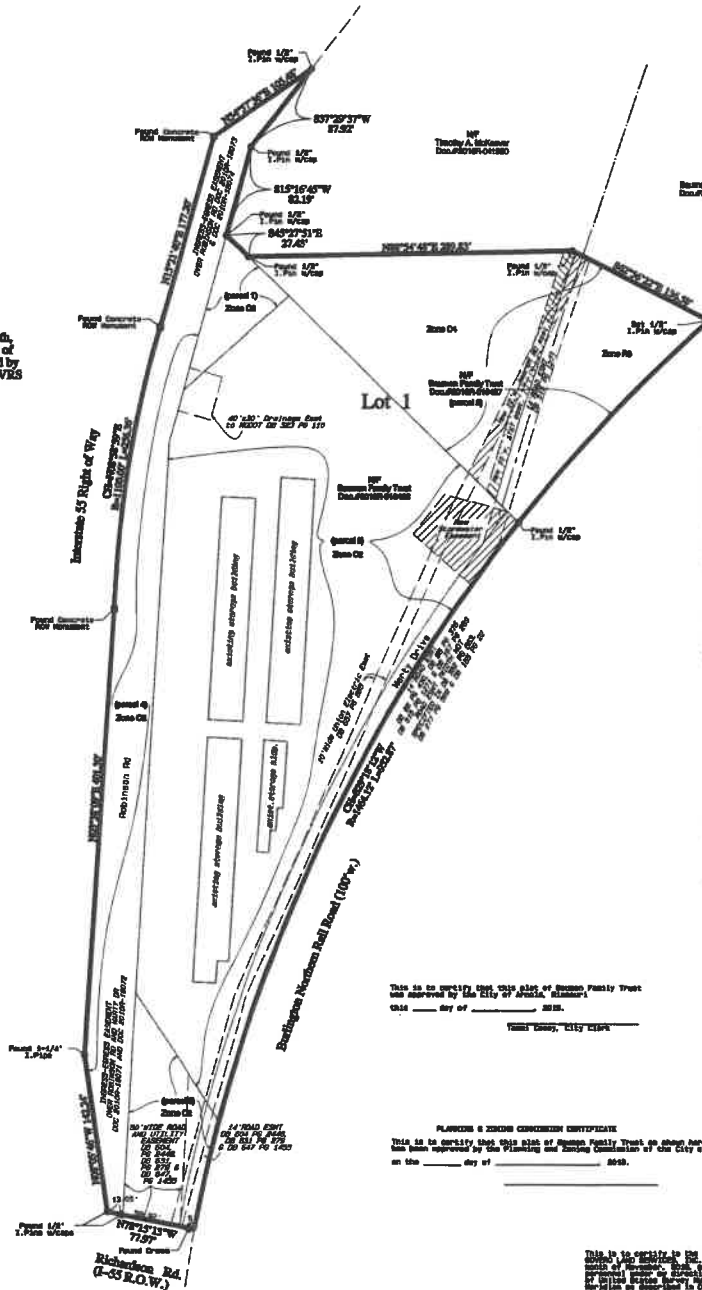
a Consolidation Plat located in Lot 5 of United States Survey Number 2991, Township 43 North,
Range 6 East of the Fifth Principal Meridian, City of Arnold,
Jefferson County, Missouri.

Total Area = 5.27 Acres
22,9490 sq. ft.



Base of Bearing is Old North,
Missouri Coordinate System of
1983 (East Zone), as Derived by
GPS Vectors from MoDOT VRS
Station M05L.

Scale 1" = 50'



Land Description
Part of Lot 5 of United States Survey Number 2991, Township 43 North,
Range 6 East of the Fifth Principal Meridian in the City of Arnold, Jefferson
County, Missouri, and being further described as follows:
... (Detailed description of the land area and easements) ...

This is to certify that this plat of Bauman Family Trust was
approved by the Community Development Director this _____ day of _____ 2018.

Community Development Director

OWNER'S CERTIFICATE
The undersigned owner of the parcel of land herein platting
and having thereon a right of easement or servitude as herein
shown hereby certifies that the platting is in accordance with
the laws of the State of Missouri and the laws of the City of
Arnold, Missouri, and that the same is a true and correct
statement of the facts as shown on the platting.

All easements and servitudes shown on this plat, unless
otherwise stated, shall be subject to a five-foot (5')
wide easement for utility purposes, and shall be subject to
all other easements and servitudes shown on the platting.
The owner of this parcel hereby agrees to pay for the
costs of this platting and the cost of recording the same
in the office of the Recorder of Deeds for Jefferson County,
Missouri, and the cost of recording the same in the office of
the Recorder of Deeds for the City of Arnold, Missouri, and
the cost of recording the same in the office of the Recorder
of Deeds for the State of Missouri.

NOTARIAL PUBLIC

Notary Public
State of Missouri : MO
County of : Jefferson
I, _____, Notary Public,
do hereby certify that _____, the person
whose name appears on the foregoing platting, is the owner
of the parcel of land herein shown, and that the same is a
true and correct statement of the facts as shown on the
platting.
IN WITNESS WHEREOF, I have hereunto set my hand and
affixed my official seal in my office in _____,
Missouri, this _____ day of _____, 2018.

PLANNING & ZONING COMMISSION CERTIFICATE
This is to certify that this plat of Bauman Family Trust was shown before
the Planning and Zoning Commission of the City of Arnold
on the _____ day of _____ 2018.

RECORDING CERTIFICATE
This is to certify that the foregoing platting, and utility that
is shown thereon, has been examined and found to be a
true and correct statement of the facts as shown on the
platting, and that the same is a true and correct
statement of the facts as shown on the platting, and that
the same is in accordance with the laws of the State of
Missouri, and the laws of the City of Arnold, Missouri,
and the laws of the State of Missouri, and that the
same is a true and correct statement of the facts as
shown on the platting, and that the same is in
accordance with the laws of the State of Missouri,
and the laws of the City of Arnold, Missouri, and
the laws of the State of Missouri.

IN WITNESS WHEREOF, I have hereunto set my hand and
affixed my official seal in my office in _____,
Jefferson County, Missouri, on this _____ day of _____, 2018.

GOVERO LAND SERVICES, INC. 260-0
BY _____
RECORDING LAND SERVICES

GOVERO LAND SERVICES, INC. SURVEYING & ENGINEERING 11111 S. BROADWAY ARNOOLD, MISSOURI 63010 PH: 636-303-1234 FAX: 636-303-1235	JOB NUMBER: 2018-001 SHEET NO: 1 OF 1	DATE: 11/15/2018 DRAWN BY: J.S.B.	FILED: Daniel L. Govers	
	PROJECT: Bauman Family Trust ADDRESS: Lot 5, Survey 2991, Arnold, MO	SCALE: AS SHOWN	CHECKED BY: J.S.B.	
	SURVEYED BY: J.S.B. DATE OF SURVEY: 11/15/2018	RECORDING OFFICE: Recorder of Deeds, Jefferson County, MO	RECORDING DATE: 11/15/2018	RECORDING NUMBER: 2018-001
	BY: J.S.B. (Professional Seal) REGISTERED PROFESSIONAL LAND SURVEYOR	STATE OF MISSOURI: 10000	COUNTY OF JEFFERSON: 10000	LICENSE NO.: 10000

DRAFT

PLANNING COMMISSION

CITY HALL

PUBLIC HEARING/REGULAR MEETING

DECEMBER 11, 2018 / 7:00 P.M.

MINUTES

PUBLIC HEARING

The public hearing of the Arnold Planning Commission was called to order by Chairman Andrew Sutton at 7:00 p.m. Mr. Sutton informed those in attendance as to the procedures by which the public hearing would be conducted.

2018-34: CONSOLIDATION RECORD PLAT, I-55 STORE IT, 3401 ROBINSON RD.: David Bookless presented the application explaining that the applicant is seeking to combine five (5) existing parcels into a single parcel. Mr. Bookless stated that Staff reviewed the plans and found that the plat conforms to the requirements of RSMo 89.410 and the Subdivision Ordinance. Staff is recommending approval subject to three (3) conditions.

1. Prior to recording, the proposed single parcel shall be rezoned to a single zoning district.
2. Prior to recording, the applicant shall submit a grading permit application, including a complete plan, for review and permit approval by Staff per City Code Section 525.130 – *Applications, Escrow Agreements, Permits and Fees and Escrow Amounts* and Section 525.150 – *Submission of Grading, Erosion and Sediment Control Plan*.
3. Prior to recording, the applicant shall provide documentation that the new utility easements are adequate per AT&T and Ameren.

2018-36: REZONING TO C-4 PLANNED COMMERCIAL, 3401 ROBINSON RD.: David Bookless presented the application explaining that the applicant is seeking to rezone the properties from C-3 Commercial District, C-4 Planned Commercial District & R-3 Residential District into a single C-4 Planned Commercial District for the purposes of operating a mini-warehouse storage facility (existing) to include outdoor storage. Mini-warehouses are permitted conditionally in the M-1 and M-2 Industrial Districts. A Planned Commercial zoning district is more appropriate and preferred for this location, due to the proximity to other commercial districts and a number of residential districts. Also, a commercial designation would be consistent with the Comprehensive Plan. Overall, Staff supports the rezoning provided any approval is conditioned upon specific improvements being made and subsequent approval of a Final Site Plan by the Planning Commission. When the final site plan is submitted for review, Staff recommends the following issues receive close attention:

- Existing building treatments (e.g. Condition and color of paint, etc.).
- Method by which the tracking out of gravel will be minimized.
- Method by which slopes will be addressed.
- Storm water/detention plans.
- Landscape Plan to address screening of the public view shed to include landscaping and/or sight-proof fencing.
- Sign package to address the need for advertising while considering the public viewshed, visual clutter, and the requirements of the Zoning Ordinance.
- Site grading and erosion control measures.

Dan Govero, Govero Land Services, 5929 Old State Rd., Imperial, MO, briefly addressed some of the issues.

Paul Williams is not in favor of the parking on the gravel and questioned how they will keep grass/weeds from growing up through the rocks.

Nik Baumann, Property Manager, 3401 Robinson Rd., stated that they have True Green come spray twice a year to keep the weeds down.

Sarah Lurkins, 56 Hickory Ct., asked what landscaping or vegetation will be removed.

Dan Govero responded by showing her the area on the map where they will be working and they will not disturb any of the wooded area.

Sarah Lurkins asked if there were any plans to remove any trees or vegetation from the corner house on the right on back.

Dan Govero said no, they wouldn't even be working in that area.

2018-35: PRELIMINARY PLAT, CEDARHURST ASSISTED LIVING FACILITY, 2069 MISSOURI STATE RD.: Withdrawn by applicant.

2018-37: REZONING TO C-4 PLANNED COMMERCIAL, 2069 MISSOURI STATE RD.: Withdrawn by applicant.

There being no more questions or comments, the public hearing adjourned at 7:25 p.m.

REGULAR MEETING

The regular meeting of the Arnold Planning Commission was called to order by Chairman Andrew Sutton at 7:25 p.m. The Pledge of Allegiance was recited by those in attendance.

ROLL CALL OF COMMISSIONERS: Del Williams, John Tucker, Anthony Sofia, Brian McArthur (excused), Alan Bess, Ted Brandt, Frank Kutilek, Jeff Campbell, Andrew Sutton, Chris Ford, David Bookless, Christie Hull-Bettale and Bob Sweeney. 9 voting members present, 1 excused.

REVIEW AND APPROVAL OF AGENDA: Motion by Jeff Campbell to approve the agenda as amended by removing applications 2018-35 and 2018-37. Second by Tony Sofia. Voice Vote – *Unanimously Approved*.

APPROVAL OF MINUTES: Motion by Jeff Campbell to approve the minutes from the November 13, 2018 meeting as presented. Second by Del Williams. Voice Vote - *Unanimously Approved*.

QUESTIONS FROM THE FLOOR: It was asked why Cedarhurst was withdrawn. David Bookless stated it was a corporate decision by Cedarhurst.

7a. 2018-36: REZONING TO C-4, I-55 STORE IT, 3401 ROBINSON RD.: John Tucker confirmed that there will be no extension of the storage units only places to park boats and RV's.

Motion by Jeff Campbell to approve 2018-36, the rezoning to C-4, I-55 Store It, 3401 Robinson Rd. with the seven (7) conditions:

- Existing building treatments (e.g. Condition and color of paint, etc.).
- Method by which the tracking out of gravel will be minimized.
- Method by which slopes will be addressed.
- Storm water/detention plans.
- Landscape Plan to address screening of the public view shed to include landscaping and/or sight-proof fencing.
- Sign package to address the need for advertising while considering the public viewshed, visual clutter, and the requirements of the Zoning Ordinance.
- Site grading and erosion control measures.

Second by Del Williams.

Andrew Sutton expressed his concerns that he doesn't feel this is the right fit for this property; does not agree with the outdoor storage concept; concerned about the gravel.

Roll call vote: Del Williams, yes; John Tucker, yes; Anthony Sofia, yes; Alan Bess, yes; Ted Brandt, yes; Frank Kutilek, yes; Jeff Campbell, yes; Andrew Sutton, no; Chris Ford, yes. 8 yeas, 1 nay – ***Motion Approved.***

8a. 2018-34: CONSOLIDATION RECORD PLAT, I-55 STORE IT, 3401 ROBINSON RD.: Frank Kutilek suggested that condition number three be changed to say "all utilities" instead of just AT&T and Ameren.

Alan Bess commented that there is a 16" transmission main coming from the water tower that runs through that area to Richardson Road.

John Tucker asked if maintaining the grass/weeds on the gravel can be made a condition.

David Bookless stated that under the Subdivision Ordinance you cannot.

Motion by Jeff Campbell to approve 2018-34, Consolidation Record Plat, I-55 Store It, 3401 Robinson Rd. with the three (3) amended conditions:

1. Prior to recording, the proposed single parcel shall be rezoned to a single zoning district.
2. Prior to recording, the applicant shall submit a grading permit application, including a complete plan, for review and permit approval by Staff per City Code Section 525.130 – *Applications, Escrow Agreements, Permits and Fees and Escrow Amounts and* Section 525.150 – *Submission of Grading, Erosion and Sediment Control Plan.*
3. Prior to recording, the applicant shall provide documentation that the new utility easements are adequate per all utilities.

Second by Chris Ford. Roll call vote: Del Williams, yes; John Tucker, yes; Anthony Sofia, yes; Alan Bess, yes; Ted Brandt, yes; Frank Kutilek, yes; Jeff Campbell, yes; Andrew Sutton, yes; Chris Ford, yes. 9 yeas, 0 nays – ***Motion Approved.***

9a. 2018-38: DISPLAY HOUSE PLAT, THE ENCLAVE @ STRAWBERRY RIDGE: Christie Hull-Bettale explained that the applicant is seeking to plat one lot for a display house. It would be on Lot 1, near the intersection of Strawberry Ridge Dr. and Guardian Ct. Staff recommends approval.

Ted Brandt questioned why they need a display house now.

Andrew Sutton stated because it's a new subdivision and they want to sell homes.

Motion by Jeff Campbell to approve 2018-38, Display House Plat, The Enclave @ Strawberry Ridge. Second by Chris Ford.

Ted Brandt asked if the original plat included this lot.

Andrew Sutton stated that it did.

Roll call vote: Del Williams, yes; John Tucker, yes; Anthony Sofia, yes; Alan Bess, yes; Ted Brandt, yes; Frank Kutilek, yes; Jeff Campbell, yes; Andrew Sutton, yes; Chris Ford, yes. 9 yeas, 0 nays – ***Motion Approved.***

10. STAFF REPORT: Bob Sweeney wished everyone a Merry Christmas!

David Bookless briefly addressed the new staff report and agenda format. Mr. Bookless also stated that there will be two (2) applications on the January 8th meeting agenda. One is a Re-subdivision of three (3) lots and the other will be a city initiated request to amend Chapter 405, of the Zoning Ordinance to modify definitions and regulations related to trailers and the non-conforming uses of buildings, structures or land.

Christie Hull-Bettale wished everyone a safe and happy holiday.

11. OLD BUSINESS/COMMISSIONERS REPORT: Frank Kutilek asked about the crosswalk at MOD Pizza. Christie stated it's not in yet and they only have a temporary occupancy until it is.

Mr. Kutilek questioned the furniture store that went in at Church Rd. and Jeffco and questioned that it was vacant for six (6) months; do they need a conditional use permit? Christie stated the building is an existing non-conforming building so once it was vacant they had to go before the Board of Adjustment for variances.

Frank Kutilek asked about the new restaurant at 2202 Michigan Ave. He doesn't remember there being a conditional use permit for it.

The rest of the Commissioners wished each other a Merry Christmas!

ADJOURNMENT: Meeting adjourned at 7:45 p.m.

Respectfully Submitted,

Alan Bess
Planning Commission Secretary

**PLANNING COMMISSION
ROLL CALL SHEET**

DATE:	12/11/2018						
CALLED TO ORDER:	7:00 P M						
ADJOURNMENT:	7:45 P M						
		ROLL CALL	2018-36 - APPROVED	2018-34 - APPROVED	2018-38 - APPROVED		
DEL WILLIAMS		P	Y	Y	Y		
JOHN TUCKER		P	Y	Y	Y		
ANTHONY SOFIA		P	Y	Y	Y		
BRIAN MCARTHUR		EXCUSED					
ALAN BESS		P	Y	Y	Y		
TED BRANDT		P	Y	Y	Y		
FRANK KUTILEK		P	Y	Y	Y		
JEFF CAMPBELL		P	Y	Y	Y		
ANDREW SUTTON		P	N	Y	Y		
CHRIS FORD		P	Y	Y	Y		
DAVID BOOKLESS		P	NO VOTE				
CHRISTIE HULL-BETTALE		P	NO VOTE				
CITY ATTORNEY ROBERT SWEENEY		P	NO VOTE				



CITY COUNCIL AGENDA ITEM STAFF REPORT

MEETING DATE:	January 3, 2019
TITLE:	2018-36 I-55 Store It: A request to rezone from "C-2" Commercial and "C-4" Planned Commercial to a new "C-4" Planned Commercial for a 5.27 acre tract of land located at 3401 Robinson Road.
DEPARTMENT:	Community Development
PROJECT MANAGER:	David B. Bookless, Community Development Director
REQUESTED ACTION:	Ordinance approval
ATTACHMENTS:	(1) Staff Report to Planning Commission; (2) Draft Planning Commission Meeting Minutes (3) Draft Ordinance with Attachment A & Attachment B

EXECUTIVE SUMMARY:

The proposed rezoning is for the purposes of operating an existing mini-warehouse storage facility to include a new accessory use of outdoor storage of boats, trailers, RVs, etc.

REVIEW & ANALYSIS:

The existing mini-warehouse use is not permitted under current "C-2" zoning. The Commission previously polled in favor of rezoning to Planned Industrial in order to accommodate the existing use, however, based on the adjacent residential neighborhoods and visibility from I-270, the Commission determined that Planned Commercial would be more appropriate for the area.

The proposal encompasses property already zoned commercially and that is adequately served by existing infrastructure. The proposal continues existing uses along a commercial corridor, and provides a low-traffic transitional use between higher-traffic volume commercial uses and residential development.

Planned Commercial would also be consistent with the Comprehensive Plan, would allow for the continuation of the existing and proposed uses; and enables the future redevelopment of the site for commercial purposes thereby precluding industrial uses such as manufacturing, processing, fabrication of goods, warehouse distribution, etc. being visible from I-270 and adjacent to two residential neighborhoods.

The conditions contained in "Attachment A" are intended to minimize potential adverse impacts on surrounding properties and the public viewshed, and include limitations on particular uses, landscaping and signage requirements, and methodologies for addressing steep slopes and storm water management. Final Site Plan approval by the Planning Commission will be required subsequent to the approval of this request.

RECOMMENDATION:

The Planning Commission, by a vote of 8 to 1, voted to recommend approval of the rezoning with conditions contained in Attachment A.



REPORT TO PLANNING COMMISSION

CITY OF ARNOLD

APPLICATION NUMBER: 2018-36

APPLICATION NAME: I-55 STORE IT

APPLICANT NAME: Nik Baumann, Applicant/ Owner
I-55 Store It

PROPERTY OWNER NAME: Bauman Family Trust
6332 Mayville Dr
St. Louis, MO 63129

APPLICANT'S REQUEST: The applicant is seeking to rezone the properties from "C-2" Commercial District, "C-4" Planned Commercial District & "R-3" Residential District into a single "C-4" Planned Commercial District for the purposes of operating a mini-warehouse storage facility (existing) to include outdoor storage.

STREET ADDRESS: 3401 Robinson Rd

SITE LOCATION: Immediately east of the northeast quadrant of the intersection of I-55 and Richardson Rd.

PARCEL ID: 01-9.0-31.0-4-001-006

TOTAL SITE AREA: 5.27 acres

MEETING DATE: December 11, 2018

REPORT DATE: December 4, 2018

CASE MANAGER: Christie Hull-Bettale

RECOMMENDATION: APPROVAL with Conditions



REPORT TO PLANNING COMMISSION

CITY OF ARNOLD

DESCRIPTION OF EXISTING SITE CONDITIONS

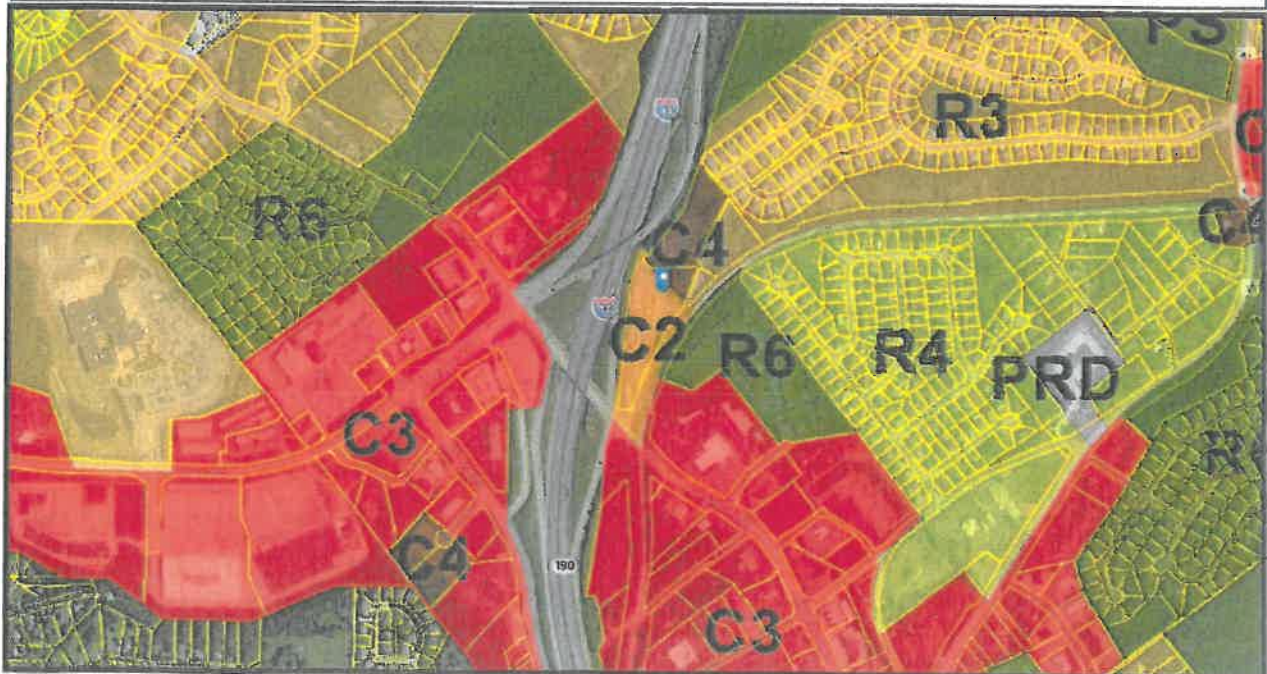
The approximately 5.3 acre tract is located immediately east of the northeast quadrant of the intersection of I-55 and Richardson Road. The property is developed with a mini-warehouse facility with a vacant lot at the north side of the tract; and is accessed via private street (Robinson Road). There are 5 parcels; parcel 2 is the existing business, parcel 1 & 3 are remnants adjacent to business, parcel 4 is roadway, parcel 5 is vacant.

SITE HISTORY

The mini-warehouse facility was constructed in 1995. A single-family home, built in 1955, was demolished in 2018.

LAND USE AND ZONING CONTEXT MATRIX			
DIRECTION	EXISTING LAND USE	ZONING DISTRICT	COMMENTS
North	Vacant	C-4	Gravel lot, wooded area
East	Residential, Institutional	R-6, C-3	Across RR tracks: Richardson Place Apartments , Oak Bridge Community Church
South	Commercial	C-3	Mixed commercial
West	Commercial	-	Across I-55: Mixed commercial

ZONING MAP



REPORT TO PLANNING COMMISSION

CITY OF ARNOLD



ZONING REQUEST/DEVELOPMENT PROPOSAL

The applicant seeks to establish a "C-4" Planned Commercial District at 3401 Robinson Road with permitted uses to include an existing mini-warehouse with proposed accessory outside storage of campers, RVs, boats, trailers, etc., as delineated on the Preliminary Site Plan.

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:

ECONOMIC DEVELOPMENT POLICY 4.3: TARGET DISTRICT PLACEMENT. PROMOTE OPPORTUNITIES FOR DISTRICT DEVELOPMENT IN LOCATIONS SERVED BY EXISTING INFRASTRUCTURE WHEN APPROPRIATE DESIGN ELEMENTS OR LAND USE TRANSITIONS OF LOWER INTENSITY LAND USES CAN BE UTILIZED TO MITIGATE INCOMPATIBLE IMPACTS ON ADJACENT NEIGHBORHOODS.

- ED- 4.3.1: DISTRICTS ARE BEST SUITED IN AREAS WHERE THERE IS EXISTING ZONING FOR IT AND WHERE THERE IS OR SHOULD BE ADEQUATE INFRASTRUCTURE TO SUPPORT IT.
- ED- 4.3.4: DIRECT THE CLUSTERING OF DISTRICT USES TOWARD STRATEGIC INTERSECTIONS, CORRIDORS, AND AREAS ADJACENT TO COMPATIBLE USES.

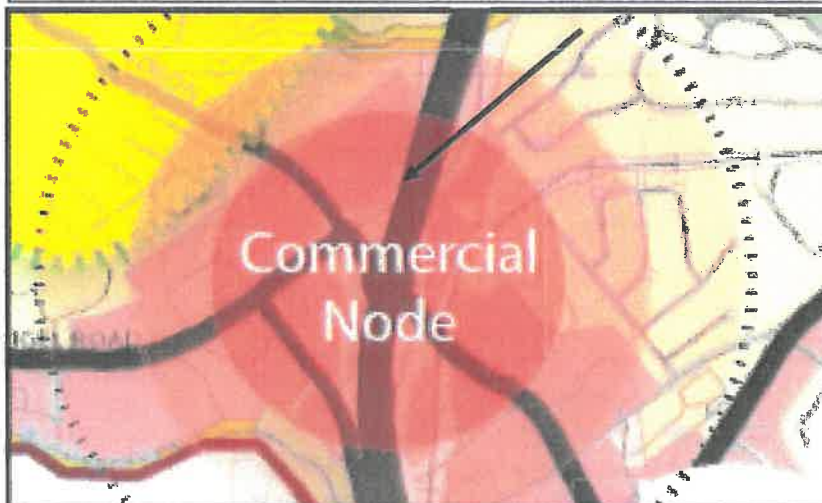
CITY PLANNER'S COMMENTS

Economic Development Policy 4.3 is Substantially Satisfied as follows:

Satisfied: The proposal encompasses property already zoned commercially and is adequately served by existing infrastructure.

Satisfied: The proposal continues existing uses along a commercial corridor, and provides a low-traffic transitional use between higher-traffic volume commercial uses and residential development.

FUTURE LAND USE MAP:



Satisfied: The proposed planned commercial district is consistent with the FLUM designation for the property as a commercial node.



REPORT TO PLANNING COMMISSION

CITY OF ARNOLD

BACKGROUND

The mini-warehouse facility exists as a non-conforming use. The property is zoned C-2 Commercial, which does not allow mini-warehouse as a use by right or conditionally. Additional non-conformities include the use of chain-link fence and gravel in commercial which is not allowed, along with other minor site issues such as the presence of multiple banner signs. Mini-warehouses are permitted conditionally in the M-1 and M-2 industrial districts. Staff has found no record of approvals for the I-55 U Store It, and as such, has been classified as an existing non-conforming use. Records indicate that in 2014, Mr. Bauman was informed that he could seek to rezone the property or go to the Board of Adjustment should he want to expand the use.

In 2014, the applicant submitted a sketch plan to the Commission requesting feedback regarding rezoning the property to Planned industrial. The concept polled favorably with the Commission. However, no rezoning was brought forward.

In 2018, Mr. Baumann met with Staff to again discuss the issue. It was Staff's opinion that rezoning the property to Planned Commercial with specific language authorizing the existing use would be appropriate for several reasons. A Planned Commercial zoning district is more appropriate for this location, due to the proximity to other commercial districts and a number of residential districts. Additionally, a commercial designation would be consistent with the Comprehensive plan. Planned Commercial will allow for the existing business, provide a framework for improving site conditions, and would further position the property for potential redevelopment with commercial uses appropriate to its location. Commercial is preferred over industrial at this location, which abuts I-55, commercial/retail, and residential uses – As opposed to industrial uses such as manufacturing, processing, fabrication of goods, warehousing and wholesaling.

PLANNING AND ZONING ANALYSIS

When reviewing applications for changes in zoning, or amendments thereto, the Planning Commission is required to hold a hearing, review, and make recommendations and report to the City Council.

The applicant seeks to establish a "C-4" Planned Commercial District at 3401 Robinson Road with permitted uses to include an existing mini-warehouse with proposed accessory outside storage of campers, RVs, boats, trailers, etc., as delineated on the Preliminary Site Plan.

PURPOSE OF THE "C-4" PLANNED COMMERCIAL DISTRICT

The "C-4" Planned Commercial District is established in order facilitate the establishment of combinations of developments and uses for which no provision is made in any other single "C" Commercial District or the establishment of commercial developments and uses in locations where it would be appropriate to the area if they were to take place under approved site plans, and such conditions as to assure said developments and uses would be consistent with good planning practice and operated in a manner compatible with permitted developments

REPORT TO PLANNING COMMISSION

CITY OF ARNOLD



PLANNING AND ZONING ANALYSIS - CONTINUED

and uses in adjoining districts, as necessary to protect the general welfare.

PERMITTED USES

The permitted uses in a "C-4" Planned Commercial District may potentially be any of the uses permitted or conditionally permitted in the "C-1", "C-2" or "C-3"; however, the specific ordinance authorizing the establishment of a particular planned commercial district related to a specific tract of land may further limit the uses permitted on the tract. *Staff finds that the uses permitted by right in the "C-1", "C-2" and "C-3", with a few exceptions that should the property redevelop, may not be ideal for the location, are appropriate for this planned district, that conditional uses permitted in the "C-1", "C-2" and "C-3" are appreciate as conditional uses in this planned district, and that the existing mini-warehouse facility with accessory outdoor storage is appropriate for this planned district subject to the applicant's ability to storm water requirements of the Zoning Ordinance.*

CONSISTENT WITH GOOD PLANNING PRACTICE

The continued development of the site for commercial purposes advances the goals, objectives, and policies of the Comprehensive Plan and advances the goals of the Zoning Ordinance. The proposal reduces the opportunity for "piece meal" development of properties in the area and is consistent with contemporary storm water management practices. *Staff finds that the proposal is consistent with good planning practices.*

COMPATIBLE WITH PERMITTED DEVELOPMENT AND USES IN ADJOINING DISTRICTS

The proposal continues existing uses along a commercial corridor, and provides a low-traffic transitional use between higher-traffic volume commercial uses and residential development. *Staff finds that the proposal is consistent with permitted development in adjoining districts.*

NECESSARY TO THE GENERAL WELFARE

The proposal will have no substantial adverse impact on promotion of the health, safety, quality of life, comfort and general welfare of the city, and further is necessary to promote well-planned development in the City provided the public viewshed (i.e. the area visible from public rights-of-way and adjacent properties) is maintained in a manner consistent with the image the City of Arnold wishes to portray. *Staff recommends that all outdoor storage, including that of vehicles or equipment for rent or sale, be fully screened. The visible display of such items not only presents visual clutter, but is also tantamount to additional signage. Such advertising should be limited to permitted signage for the development. Staff has included a condition to this end in the draft Attachment A.*

With a change of zoning it is important to make such decisions based primarily on land use issues and not entirely on issues specific to the applicant. The Commission should bear in mind that once new uses are established in this planned commercial district, future businesses utilizing the site may not be the same as those included in the applicant's proposal, and may have different operational plans.



REPORT TO PLANNING COMMISSION

CITY OF ARNOLD

PRELIMINARY SITE PLAN REVIEW

The plan delineates the existing facility and the proposed outdoor storage area. The storage area is proposed to be served by asphalt drive aisles with the storage spaces being gravel. There are some steep slopes (2:1) proposed on the site.

Gravel storage spaces may be beneficial to have more pervious area to possibly reduce storm water runoff. Gravel can have a negative impact regarding gravel track out on to roads, however, traffic volumes are assumed to be low and the gravel area is a great distance from the public right-of-way. Staff is not comfortable with the steep slopes as Code requires a maximum slope of 3:1. Such a steep slope may result in vegetative surfaces that are visually unappealing.

The existing site has a detention basin; however, the functionality of it is unknown. There is a proposed new basin, but it is unclear if this will be in addition to or in place of the current basin. Currently, there is no landscape onsite. The view of the existing front outdoor storage with the boundary chain-link fencing has over abundance of banners and flag signs, which need removal, as they are not permitted and result in a great deal of visual clutter.

Overall, Staff supports the rezoning provided any approval is conditioned upon specific improvements being made as delineated in the proposed "Attachment A" and subsequent approval of a Final Site Plan by the Planning Commission.

When the Final Site Plan is submitted for review by the Commission, Staff recommends the following issues receive close attention:

- Existing building treatments (e.g. Condition and color of paint, etc.)
- Method by which the tracking out of gravel will be minimized
- Method by which slopes will be addressed
- Storm water/detention plans.
- Landscaping (landscape plan) to address screening of the public viewshed to include landscaping/and or sight-proof fencing.
- Signage (Sign Package) to address the need for advertising while considering the public viewshed, visual clutter, and the requirements of the Zoning Ordinance.
- Site grading and erosion control measures.

REPORT TO PLANNING COMMISSION

CITY OF ARNOLD



FINDINGS AND RECOMMENDATION

CONSISTENCY WITH THE COMPREHENSIVE PLAN AND REGULATIONS OF THE CITY

Staff finds that the proposed change of zoning is not substantially inconsistent with the Comprehensive Plan and Regulations of the City of Arnold.

CONSISTENT WITH GOOD PLANNING PRACTICE

Staff finds that the proposed change of zoning is consistent with good planning practice subject to conditions contained in Attachment A.

COMPATIBLE WITH PERMITTED DEVELOPMENT AND USE IN ADJOINING DISTRICTS

Staff finds that the proposed change of zoning is compatible with permitted development and uses in adjoining districts subject to conditions contained in Attachment A.

NECESSARY TO THE GENERAL WELFARE

Staff finds that the proposed change of zoning will have no substantial adverse impact on promotion of the health, safety, quality of life, comfort and general welfare of the city, and further is necessary to promote well-planned development in the City subject to conditions contained in Attachment A.

EXTENSION OF BOUNDARY

Staff finds the extension of the C-4 boundary will not be detrimental, in fact it will be beneficial providing a framework to bring the site and future improvements in line with the surrounding districts.

SIGNIFICANT CHANGE

Staff finds there has been a change, an increase in demand within the community for RV, camper and boat storage that warrants this change.

RECOMMENDATION

Staff finds that the proposed change of zoning meets the review criteria and further advances the intent of both the Comprehensive Plan and Zoning Ordinance. Based on this finding Staff requests favorable consideration of the application subject to conditions contained in Attachment A.

Christie Hull-Bettale, EIT
Community Development Engineer



REPORT TO PLANNING COMMISSION
CITY OF ARNOLD

ATTACHMENTS

SUPPLEMENTAL LETTERS, MAPS, PLANS, ETC.

REPORT TO PLANNING COMMISSION

CITY OF ARNOLD

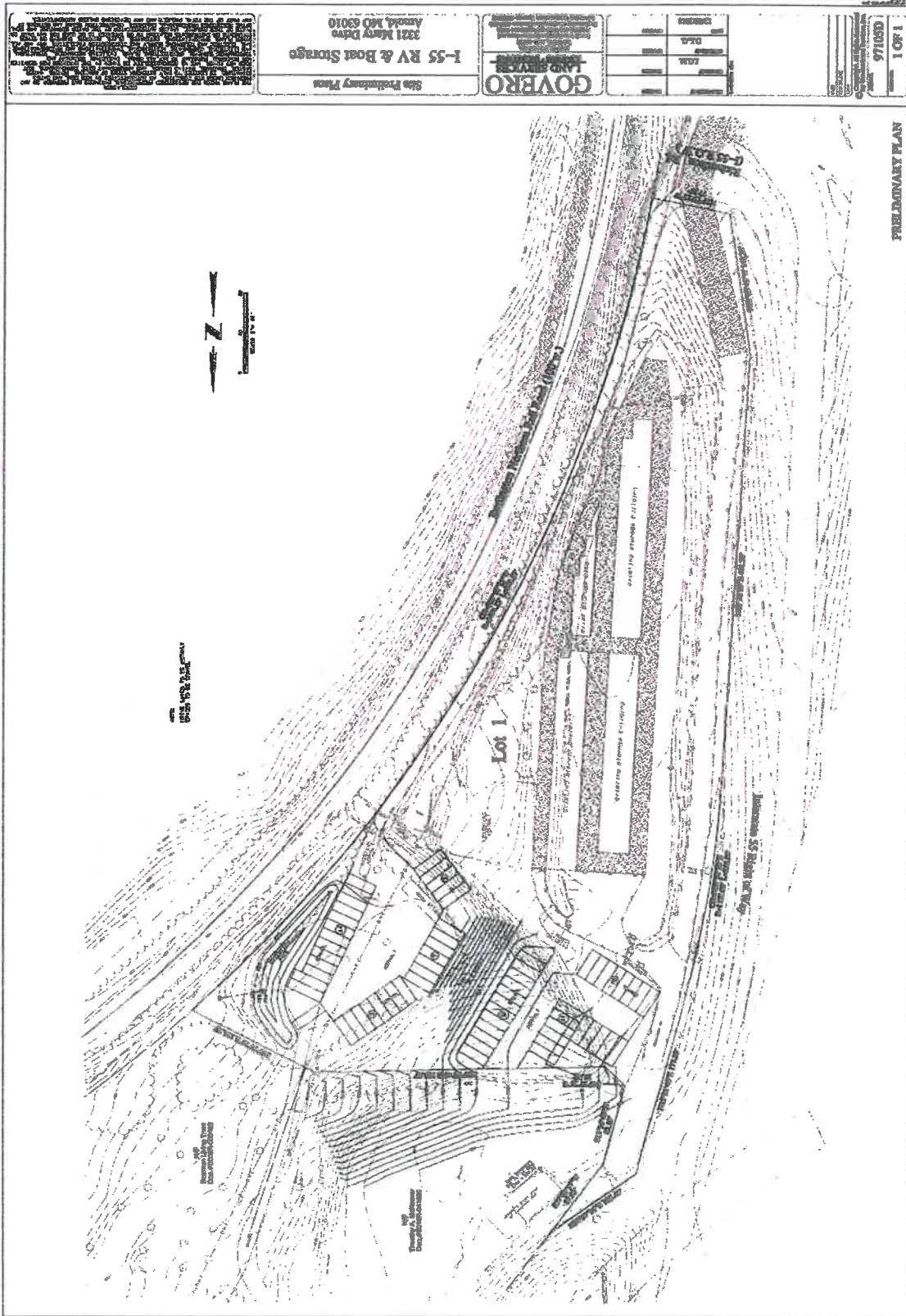


EXHIBIT A: PRELIMINARY SITE PLAN



REPORT TO PLANNING COMMISSION

CITY OF ARNOLD

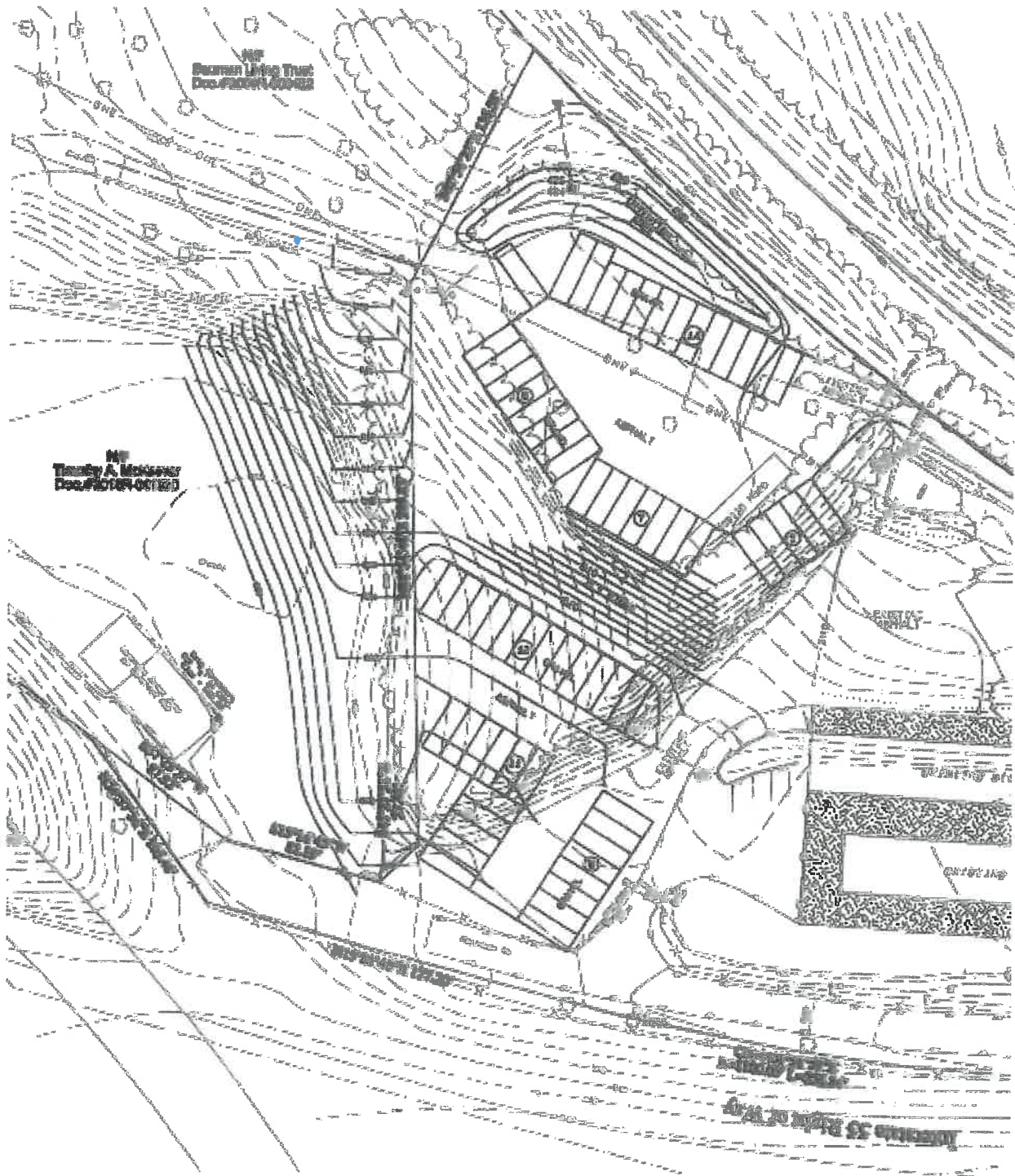


EXHIBIT A1: PRELIMINARY SITE PLAN CONTINUED

REPORT TO PLANNING COMMISSION

CITY OF ARNOLD



I-55 Store It, Inc.
3401 Robinson Road, Arnold, MO 63010

Consolidation Plat & Rezoning
File No. 2018-34 & 2018-36

First off I want to thank you all for taking the time to review and consider all that we are asking for the expansion and improvement of our property.

Consolidation Plat

We are first asking for your consideration and approval to expand our property boundaries as the consolidation plat shows to include our recently purchased property of 1.1 acres known as 3321 Marty Drive to become part of I-55 Store It @ 3401 Robinson Road. This would then make our property a total of about 5.27 acres.

Our plans with the new added property are to expand our outside vehicle storage. We have found a great demand in our community for RV, camper, and boat storage due to the rules and regulations of most all subdivision HOA guidelines. By expanding our facility to allow this type of storage, we feel it would be extremely beneficial to our community's safety, revenue, and appearance.

Rezoning

I-55 Store It, Inc. is currently zoned C2 and is considered a non-conforming zoned property. The 1.1 acres we want to consolidate with is currently zoned C4 and R3. We understand that our zoning, C2, under which the storage business was originally conceived and built no longer allows for self-storage operations. We have learned that M1 or M2 is the zoning in which the storage business now falls.

Due to our location in the City of Arnold and relative proximity to residential communities we did not feel a M1 or M2 zoning would ever be approved. So we requested to have a preliminary meeting with the building department to discuss our plan for development and expansion of our property and what are options were for zoning. We had our meeting on November 1, 2018 and met with Christie Hull Bettale, David Bookless and Brian Richardson. They all seemed to think highly of our purposed plan and all agreed and suggested that the best avenue for rezoning would be C4.

At this time we are not requesting M1 or M2 zoning under in which the storage business now fall, but rather we ask to obtain a zoning of C4 developed plan designation, to include the 1.1 acre parcel being added. We also understand the 1.1 acre parcel we are asking to add has had a confused zoning designation, being zoned both C4 and R3, and this request, if granted, would clarify and resolve this condition as well as our current C2 non-conforming zoned property condition.

As stated before, our plans with the new added property is to expand our outside vehicle storage. We have found a great demand in our community for RV, camper, and boat storage due to the rules and regulations of most all subdivision HOA guidelines. By expanding our facility to allow this type of storage, we feel it would be extremely beneficial to our community's safety, revenue, and appearance. To help with the appearance of the outside parking storage we feel the elevation of the 1.1 acre parcel will act to shield this outside storage area from most passersby and area residents. It is our belief that over all this is the best use for the consolidated property. With an approved C4 zoning this would allow us to develop the 1.1 acres similar to the purposed site plan and to continue to expand and improve the rest of our property and current storage business in the future.

Again I want to thank you all for taking the time to review and consider all that we are asking for the expansion and improvement of our property.



REPORT TO PLANNING COMMISSION

CITY OF ARNOLD



PUBLIC VIEWSHED FROM I-55

I-55 Store It

**REPORT TO PLANNING COMMISSION
CITY OF ARNOLD**



PUBLIC VIEWSHED FROM RICHARDSON ROAD ENTRANCE ONTO ROBINSON DR

2018-36 APPLICATION TO REZONE



REPORT TO PLANNING COMMISSION

CITY OF ARNOLD



PUBLIC VIEWSHED FROM I-55 LOOKING TOWARD THE RICHARSON PLACE APPARTMENTS

I-55 Store It

DRAFT

PLANNING COMMISSION

CITY HALL

PUBLIC HEARING/REGULAR MEETING

DECEMBER 11, 2018 / 7:00 P.M.

MINUTES

PUBLIC HEARING

The public hearing of the Arnold Planning Commission was called to order by Chairman Andrew Sutton at 7:00 p.m. Mr. Sutton informed those in attendance as to the procedures by which the public hearing would be conducted.

2018-34: CONSOLIDATION RECORD PLAT, I-55 STORE IT, 3401 ROBINSON RD.: David Bookless presented the application explaining that the applicant is seeking to combine five (5) existing parcels into a single parcel. Mr. Bookless stated that Staff reviewed the plans and found that the plat conforms to the requirements of RSMo 89.410 and the Subdivision Ordinance. Staff is recommending approval subject to three (3) conditions.

1. Prior to recording, the proposed single parcel shall be rezoned to a single zoning district.
2. Prior to recording, the applicant shall submit a grading permit application, including a complete plan, for review and permit approval by Staff per City Code Section 525.130 – *Applications, Escrow Agreements, Permits and Fees and Escrow Amounts* and Section 525.150 – *Submission of Grading, Erosion and Sediment Control Plan*.
3. Prior to recording, the applicant shall provide documentation that the new utility easements are adequate per AT&T and Ameren.

2018-36: REZONING TO C-4 PLANNED COMMERCIAL, 3401 ROBINSON RD.: David Bookless presented the application explaining that the applicant is seeking to rezone the properties from C-3 Commercial District, C-4 Planned Commercial District & R-3 Residential District into a single C-4 Planned Commercial District for the purposes of operating a mini-warehouse storage facility (existing) to include outdoor storage. Mini-warehouses are permitted conditionally in the M-1 and M-2 Industrial Districts. A Planned Commercial zoning district is more appropriate and preferred for this location, due to the proximity to other commercial districts and a number of residential districts. Also, a commercial designation would be consistent with the Comprehensive Plan. Overall, Staff supports the rezoning provided any approval is conditioned upon specific improvements being made and subsequent approval of a Final Site Plan by the Planning Commission. When the final site plan is submitted for review, Staff recommends the following issues receive close attention:

- Existing building treatments (e.g. Condition and color of paint, etc.).
- Method by which the tracking out of gravel will be minimized.
- Method by which slopes will be addressed.
- Storm water/detention plans.
- Landscape Plan to address screening of the public view shed to include landscaping and/or sight-proof fencing.
- Sign package to address the need for advertising while considering the public viewshed, visual clutter, and the requirements of the Zoning Ordinance.
- Site grading and erosion control measures.

Dan Govero, Govero Land Services, 5929 Old State Rd., Imperial, MO, briefly addressed some of the issues.

Paul Williams is not in favor of the parking on the gravel and questioned how they will keep grass/weeds from growing up through the rocks.

Nik Baumann, Property Manager, 3401 Robinson Rd., stated that they have True Green come spray twice a year to keep the weeds down.

Sarah Lurkins, 56 Hickory Ct., asked what landscaping or vegetation will be removed.

Dan Govero responded by showing her the area on the map where they will be working and they will not disturb any of the wooded area.

Sarah Lurkins asked if there were any plans to remove any trees or vegetation from the corner house on the right on back.

Dan Govero said no, they wouldn't even be working in that area.

2018-35: PRELIMINARY PLAT, CEDARHURST ASSISTED LIVING FACILITY, 2069 MISSOURI STATE RD.: Withdrawn by applicant.

2018-37: REZONING TO C-4 PLANNED COMMERCIAL, 2069 MISSOURI STATE RD.: Withdrawn by applicant.

There being no more questions or comments, the public hearing adjourned at 7:25 p.m.

REGULAR MEETING

The regular meeting of the Arnold Planning Commission was called to order by Chairman Andrew Sutton at 7:25 p.m. The Pledge of Allegiance was recited by those in attendance.

ROLL CALL OF COMMISSIONERS: Del Williams, John Tucker, Anthony Sofia, Brian McArthur (excused), Alan Bess, Ted Brandt, Frank Kutilek, Jeff Campbell, Andrew Sutton, Chris Ford, David Bookless, Christie Hull-Bettale and Bob Sweeney. 9 voting members present, 1 excused.

REVIEW AND APPROVAL OF AGENDA: Motion by Jeff Campbell to approve the agenda as amended by removing applications 2018-35 and 2018-37. Second by Tony Sofia. Voice Vote – *Unanimously Approved.*

APPROVAL OF MINUTES: Motion by Jeff Campbell to approve the minutes from the November 13, 2018 meeting as presented. Second by Del Williams. Voice Vote - *Unanimously Approved.*

QUESTIONS FROM THE FLOOR: It was asked why Cedarhurst was withdrawn. David Bookless stated it was a corporate decision by Cedarhurst.

7a. 2018-36: REZONING TO C-4, I-55 STORE IT, 3401 ROBINSON RD.: John Tucker confirmed that there will be no extension of the storage units only places to park boats and RV's.

Motion by Jeff Campbell to approve 2018-36, the rezoning to C-4, I-55 Store It, 3401 Robinson Rd. with the seven (7) conditions:

- Existing building treatments (e.g. Condition and color of paint, etc.).
- Method by which the tracking out of gravel will be minimized.
- Method by which slopes will be addressed.
- Storm water/detention plans.
- Landscape Plan to address screening of the public view shed to include landscaping and/or sight-proof fencing.
- Sign package to address the need for advertising while considering the public viewshed, visual clutter, and the requirements of the Zoning Ordinance.
- Site grading and erosion control measures.

Second by Del Williams.

Andrew Sutton expressed his concerns that he doesn't feel this is the right fit for this property; does not agree with the outdoor storage concept; concerned about the gravel.

Roll call vote: Del Williams, yes; John Tucker, yes; Anthony Sofia, yes; Alan Bess, yes; Ted Brandt, yes; Frank Kutilek, yes; Jeff Campbell, yes; Andrew Sutton, no; Chris Ford, yes. 8 yeas, 1 nay – ***Motion Approved.***

8a. 2018-34: CONSOLIDATION RECORD PLAT, I-55 STORE IT, 3401 ROBINSON RD.: Frank Kutilek suggested that condition number three be changed to say "all utilities" instead of just AT&T and Ameren.

Alan Bess commented that there is a 16" transmission main coming from the water tower that runs through that area to Richardson Road.

John Tucker asked if maintaining the grass/weeds on the gravel can be made a condition.

David Bookless stated that under the Subdivision Ordinance you cannot.

Motion by Jeff Campbell to approve 2018-34, Consolidation Record Plat, I-55 Store It, 3401 Robinson Rd. with the three (3) amended conditions:

1. Prior to recording, the proposed single parcel shall be rezoned to a single zoning district.
2. Prior to recording, the applicant shall submit a grading permit application, including a complete plan, for review and permit approval by Staff per City Code Section 525.130 – *Applications, Escrow Agreements, Permits and Fees and Escrow Amounts* and Section 525.150 – *Submission of Grading, Erosion and Sediment Control Plan.*
3. Prior to recording, the applicant shall provide documentation that the new utility easements are adequate per all utilities.

Second by Chris Ford. Roll call vote: Del Williams, yes; John Tucker, yes; Anthony Sofia, yes; Alan Bess, yes; Ted Brandt, yes; Frank Kutilek, yes; Jeff Campbell, yes; Andrew Sutton, yes; Chris Ford, yes. 9 yeas, 0 nays – ***Motion Approved.***

9a. 2018-38: DISPLAY HOUSE PLAT, THE ENCLAVE @ STRAWBERRY RIDGE: Christie Hull-Bettale explained that the applicant is seeking to plat one lot for a display house. It would be on Lot 1, near the intersection of Strawberry Ridge Dr. and Guardian Ct. Staff recommends approval.

Ted Brandt questioned why they need a display house now.

Andrew Sutton stated because it's a new subdivision and they want to sell homes.

Motion by Jeff Campbell to approve 2018-38, Display House Plat, The Enclave @ Strawberry Ridge. Second by Chris Ford.

Ted Brandt asked if the original plat included this lot.

Andrew Sutton stated that it did.

Roll call vote: Del Williams, yes; John Tucker, yes; Anthony Sofia, yes; Alan Bess, yes; Ted Brandt, yes; Frank Kutilek, yes; Jeff Campbell, yes; Andrew Sutton, yes; Chris Ford, yes. 9 yeas, 0 nays – ***Motion Approved.***

10. STAFF REPORT: Bob Sweeney wished everyone a Merry Christmas!

David Bookless briefly addressed the new staff report and agenda format. Mr. Bookless also stated that there will be two (2) applications on the January 8th meeting agenda. One is a Re-subdivision of three (3) lots and the other will be a city initiated request to amend Chapter 405, of the Zoning Ordinance to modify definitions and regulations related to trailers and the non-conforming uses of buildings, structures or land.

Christie Hull-Bettale wished everyone a safe and happy holiday.

11. OLD BUSINESS/COMMISSIONERS REPORT: Frank Kutilek asked about the crosswalk at MOD Pizza. Christie stated it's not in yet and they only have a temporary occupancy until it is.

Mr. Kutilek questioned the furniture store that went in at Church Rd. and Jeffco and questioned that it was vacant for six (6) months; do they need a conditional use permit? Christie stated the building is an existing non-conforming building so once it was vacant they had to go before the Board of Adjustment for variances.

Frank Kutilek asked about the new restaurant at 2202 Michigan Ave. He doesn't remember there being a conditional use permit for it.

The rest of the Commissioners wished each other a Merry Christmas!

ADJOURNMENT: Meeting adjourned at 7:45 p.m.

Respectfully Submitted,

Alan Bess
Planning Commission Secretary

**PLANNING COMMISSION
ROLL CALL SHEET**

DATE:	12/11/2018						
CALLED TO ORDER:	7:00 P M						
ADJOURNMENT:	7:45 P M						
		ROLL CALL	2018-36 - APPROVED	2018-34 - APPROVED	2018-38 - APPROVED		
DEL WILLIAMS		P	Y	Y	Y		
JOHN TUCKER		P	Y	Y	Y		
ANTHONY SOFIA		P	Y	Y	Y		
BRIAN MCARTHUR		EXCUSED					
ALAN BESS		P	Y	Y	Y		
TED BRANDT		P	Y	Y	Y		
FRANK KUTILEK		P	Y	Y	Y		
JEFF CAMPBELL		P	Y	Y	Y		
ANDREW SUTTON		P	N	Y	Y		
CHRIS FORD		P	Y	Y	Y		
DAVID BOOKLESS		P	NO VOTE				
CHRISTIE HULL-BETTALE		P	NO VOTE				
JOE TORNEY ROBERT SWEENEY		P	NO VOTE				

AN ORDINANCE APPROVING A REZONING FROM C-2 COMMERCIAL AND C-4 PLANNED COMMERCIAL TO A NEW C-4 PLANNED COMMERCIAL FOR A 5.27 ACRE TRACT OF LAND LOCATED AT 3401 ROBINSON ROAD. (2018- 36 I-55 STORE IT [I-55 STORE IT, INC.]

WHEREAS, an application to approve a rezoning from C-2 Commercial and C-4 Planned Commercial to a new C-4 Planned Commercial for a 5.27 acre tract of land located at 3401 Robinson Road as further described herein; 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 rezoning from C-2 Commercial and C-4 Planned Commercial to a new C-4 Planned Commercial for 3401 Robinson Road; and,

WHEREAS, the Council finds that this zoning request will create one uniform zoning on a parcel with two different zonings designations that's was resultant of the platted consolidation of five parcels that created a new parcel, and help streamline future developments undertaken at the site. No mistake was made in the original zoning map. This zone change will be in the best interest of the City since it eliminated two different zonings on the property.

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

Section 1: The City of Arnold Zoning Ordinance and Official Zoning Map, which are part thereof, are hereby amended by establishing a C-4 Planned Commercial District designation for 5.27 acres located on the north corner of the intersection of I-55 and Richardson Rd., and as described as follows:

Land Description

Part of Lot 5 of United States Survey Number 2991, Township 43 North, Range 6 East of the Fifth Principal Meridian in the City of Arnold, Jefferson County, Missouri and being further described as follows:

Beginning at the Northeast corner of a tract of land described in Deed Document #2018R-018427 of the land records of said County; thence North 88°54'48" East, a distance of 289.83 feet; thence South 62°56'22" East, a distance of 136.58 feet to a point on a curve concave to the southeast having a radius of 1464.12 feet and a central angle of 37°17'20" and being subtended by a chord which bears South 29°18'12" West 936.15 feet, said curve being the West right of way line of the Burlington Northern rail road; thence southwesterly and southerly along said curve, a distance of 952.87 feet; thence leaving said rail road right of way line and traversing the right of way line of Interstate 55 the following courses and distances, North 78°15'13" West, a distance of 77.97 feet; thence North 08°03'46" West, a distance of 142.24 feet; thence North 03°38'09" East, a distance of 401.30 feet to the beginning of a curve concave to the east having a radius of

1100.00 feet and a central angle of 13°21'11" and being subtended by a chord which bears North 08°58'59" East 255.78 feet; thence northerly along said curve, a distance of 256.36 feet; thence North 15°21'40" East, a distance of 177.20 feet; thence North 54°57'36" East, a distance of 105.48 feet; thence leaving said interstate right of way line, South 37°29'37" West, a distance of 87.92 feet; thence South 15°16'45" West, a distance of 82.19 feet; thence South 45°27'51" East, a distance of 27.43 feet to the Point of Beginning. Containing 5.27 ACRES, more or less.

Section 2: The proposed a rezoning from C-2 Commercial and C-4 Planned Commercial to a new C-4 Planned Commercial for 3401 Robinson Road has been submitted to the City of Arnold will be developed in accordance with the provisions of this ordinance and the specific conditions as recommended by the Planning Commission in its recommendation to the City Council, which are set out in the "Attachment A" and the preliminary plan indicated as "Attachment B", which is attached hereto as and made part of, and other applicable laws of the City of Arnold.

Section 3: This ordinance and the requirements thereof are exempt from the warning and summons for violations as set out in the City of Arnold Municipal Code of Ordinances.

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 JANUARY, 2019.

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

1. Architectural elements, construction materials, and colors shall be as depicted on the approved Site Plan.
2. Trash enclosures: All exterior trash areas will be enclosed with a minimum six (6) foot high sight-proof enclosure complemented by adequate landscaping. The location, material, and elevation of any trash enclosures will be as approved by the City of Arnold on the Site Plan.

I. ACCESS/ACCESS MANAGEMENT

1. Access to the development shall be as shown on the Preliminary Plan attached hereto as Attachment B.
2. Adequate sight distance shall be provided as directed by the City of Arnold the Jefferson County Department of Department of Public Works Highway Division, or the Missouri Department of Transportation (MoDOT), as applicable.
3. If adequate sight distance cannot be provided at the access location(s), acquisition of right-of-way, reconstruction of pavement including correction to the vertical alignment and other off-site improvements may be required to provide the required sight distance as required by the City of Arnold and and/or the Jefferson County Department of Department of Public Works Highway Division, or the Missouri Department of Transportation (MoDOT), as applicable.

J. PUBLIC/PRIVATE ROAD IMPROVEMENTS, INCLUDING PEDESTRIAN CIRCULATION

1. Construct improvements as required by the City of Arnold, and/or the Jefferson County Department of Department of Public Works Highway Division, or the Missouri Department of Transportation (MoDOT), as applicable, as directed by the City.
2. Additional right-of-way and road improvements shall be provided, as required by the City of Arnold, the Jefferson County Department of Department of Public Works Highway Division, or the Missouri Department of Transportation (MoDOT), as applicable.
3. The developer is advised that utility companies will require compensation for relocation of their facilities within public road right-of-way. Utility relocation cost shall not be considered as an allowable credit against the petitioner's traffic generation assessment contributions. The developer should also be aware of extensive delays in utility company relocation and adjustments. Such delays will not constitute a cause to allow occupancy prior to completion of road improvements.
4. Any request to install a gate at the entrance to this development must be approved by the City of Arnold, the Jefferson County Department of Department of Public Works Highway Division, or the Missouri Department of Transportation (MoDOT), as applicable, and the Rock Fire District. No gate installation will be permitted on public right-of-way.
5. If a gate is installed on a street in this development, the streets within the development, or that portion of the development that is gated, shall be private and remain private forever.

K. STORM WATER

1. The development shall adhere to the Storm Water Design Requirements of Stormwater Drainage Facilities, Rules and Regulations the City of Arnold Code and Best Management Practices and Post Construction Requirements there in.
2. Approval from the Missouri DNR will be required for disturbance greater than 1 acre.
3. Any land disturbance which includes disturbance of root zone, grading or filling, requires a City of Arnold Grading and Storm water Pollution Prevention Permit.

L. SANITARY SEWER

1. Sanitary sewers shall be as approved by the City of Arnold and Missouri-American Water.

M. GEOTECHNICAL REPORT

1. Prior to Site Plan approval, provide a geotechnical report, prepared by a registered professional engineer licensed to practice in the State of Missouri, as directed by the Department of Community Development. The report shall verify the suitability of slopes steeper than 3:1 or for proposed improvements with soil and geologic conditions and address the existence of any potential sinkhole, ponds, dams, septic fields, etc., and recommendations for treatment. A statement of compliance, signed and sealed by the geotechnical engineer preparing the report, shall be included on all Site Plans and Improvement Plans.

N. MISCELLANEOUS

1. All utilities will be installed underground.
2. Prior to record plat approval, the developer shall cause, at his expense and prior to the recording of any plat, the reestablishment, restoration or appropriate witnessing of all Corners of the United States Public Land Survey located within, or which define or lie upon, the out boundaries of the subject tract in accordance with the Missouri Minimum Standards relating to the preservation and maintenance of the United States Public Land Survey Corners, as necessary.
3. Prior to final release of subdivision construction deposits, the developer shall provide certification by a registered land surveyor that all monumentation depicted on the record plat has been installed and United States Public Land Survey Corners have not been disturbed during construction activities or that they have been reestablished and the appropriate documents filed with the Missouri Department of Natural Resources Land Survey Program, as necessary.
4. If any development in, or alteration of, the floodplain or supplemental protection area is proposed, the developer may be required to submit a Floodplain Study and/or a Floodplain Development Permit/ Application to the City of Arnold for approval. The Floodplain Study must be approved by the City of Arnold prior to the approval of the Site Plan, as directed. The Floodplain Development Permit must be approved prior to the approval of a grading permit or improvement plans. If any change in the location of the Special Flood Hazard Area is proposed, the Developer shall be required to obtain a Letter of Map Revision (LOMR) from the Federal Emergency Management Agency. The LOMR must be issued by FEMA prior to the final release of any escrow held by the City of Arnold for improvements in the development. Elevation Certificates will be required for any structures within the Special Flood Hazard Area or the Supplemental

Protection Area. Consult Article 5 of the Unified Development Code for specific requirements.

5. Road improvements and right-of-way dedication shall be completed prior to the issuance of an occupancy permit. If development phasing is anticipated, the developer shall complete road improvements, right of-way dedication, and access requirements for each phase of development as directed by the City of Arnold and/or the Jefferson County Department of Department of Public Works Highway Division, or the Missouri Department of Transportation (MoDOT). Delays due to utility relocation and adjustments will not constitute a cause to allow occupancy prior to completion of road improvements.

II. TIME PERIOD FOR SUBMITTAL OF FINAL DEVELOPMENT PLAN (SITE PLAN)

- A. The developer shall submit a Final Development Plan within eighteen (18) months of City Council approval of the change of zoning.
- B. Failure to comply with these submittal requirements will result in the expiration of the change of zoning and will require a new public hearing.
- C. Said Plan shall be submitted in accordance with the requirements for Final Development Plans. The submission of Amended Final Development Plans by sections of this project to the Planning Commission shall be permitted if this option is utilized.
- D. Where due cause is shown by the developer, the City Council may extend the period to submit said Plan for eighteen (18) months.

III. COMMENCEMENT OF CONSTRUCTION

- A. Substantial construction shall commence within two (2) years of approval of the Final Development Plan, unless otherwise authorized by ordinance.
- B. Where due cause is shown by the developer, the City Council may extend the period to commence construction for two (2) additional years.

IV. GENERAL CRITERIA

A. FINAL DEVELOPMENT PLAN (SITE PLAN) SUBMITTAL REQUIREMENTS

The Final Development Plan shall adhere to the above criteria and to the following:

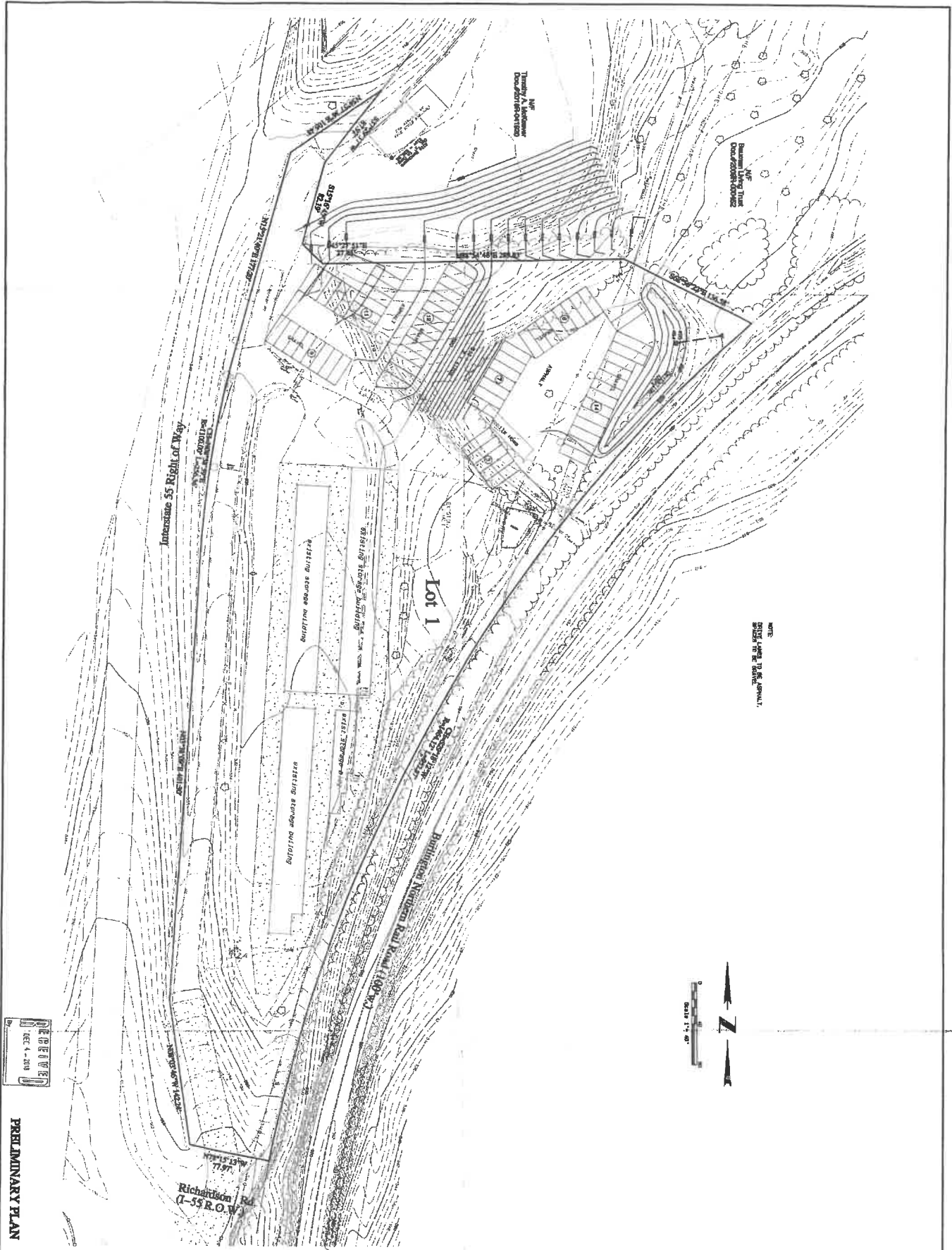
1. Location map, north arrow, and plan scale. The scale shall be no greater than one (1) inch equals one hundred (100) feet.
2. Outboundary plat and legal description of property.
3. Density calculations.
4. Parking calculations, including calculation for all off street parking spaces, required and proposed, and the number, size and location for handicap designed.
5. Provide open space percentage for overall development including separate percentage for each lot on the plan.
6. A note indicating all utilities will be installed underground.
7. A note indicating signage approval is separate process.
8. Depict the location of all buildings, size, including height and distance from adjacent property lines and proposed use of each.

9. Specific structure and parking setbacks along all roadways and property lines.
10. Indicate location of all existing and proposed freestanding monument signs.
11. Zoning district lines, subdivision name, lot number, lot dimensions, lot area, and zoning of adjacent parcels where different than site.
12. Floodplain boundaries.
13. Depict existing and proposed improvements within one hundred fifty (150) feet of the site as directed. Improvements include, but are not limited to, roadways, driveways and walkways adjacent to and across the street from the site, significant natural features, such as wooded areas and rock formations, and other karst features that are to remain or be removed.
14. Depict all existing and proposed easements and rights-of-way within one hundred fifty (150) feet of the site and all existing or proposed offsite easements and rights-of-way required for proposed improvements.
15. Indicate the location of the proposed storm sewers, detention basins, sanitary sewers and connection(s) to the existing systems.
16. Depict existing and proposed contours at intervals of not more than one (1) foot, and extending one hundred fifty (150) feet beyond the limits of the site as directed.
17. Include a Landscape Plan in accordance with the City Of Arnold Code to indicate proposed landscaping.
18. Include a Lighting Plan in accordance with the City Of Arnold Code to indicate proposed lighting.
19. Comply with all preliminary plat requirements of the City of Arnold Code.
20. Signed and sealed in conformance with the State of Missouri Department of Economic Development, Division of Professional Registration, and Missouri Board for Architects, Professional Engineers and Land Surveyors requirements.
21. Provide comments/ approvals from the Rock Fire District, the Jefferson County Public Works Highway Division, and the Missouri Department of Transportation (MoDOT), as applicable.

V. RECORDING

- A. Within sixty (60) days of approval of any development plan by the City of Arnold, the approved Plan will be recorded with the Jefferson County Recorder of Deeds. Failure to do so will result in the expiration of approval of said plan and require re-approval of a plan by the Planning Commission.

ATTACHMENT B



NOTE:
 DRIVE AREA TO BE ASPHALT.



REVISION
 DEC 4, 2018

PRELIMINARY PLAN
 1 OF 1

DESIGNED BY J.G.M.	CHECKED BY D.L.G.	DATE 12/03/2018
REVISION	REVISION	REVISION

GOVERO
 LAND SERVICES
 SURVEYING & ENGINEERING

5009 OLD STATE RD.
 GIBBSFORD, MO 63022
 Phone: 636-251-3333 Fax: 636-251-3334
 Engineering Corporation License #021000
 Surveying License #021000

Site Preliminary Plans
I-55 RV & Boat Storage
 3321 Marty Drive
 Arnold, MO 63010

THE PLANS WITHIN THE REGISTERED PROFESSIONAL ENGINEER HAS PREPARED OR HAS PREPARED UNDER HIS SUPERVISION, AS AUTHORIZED BY THE STATE OF MISSOURI, AND HE IS NOT PROVIDING ANY OTHER SERVICES OR GUARANTEEING THE ACCURACY OF THE INFORMATION PROVIDED HEREIN. THE ENGINEER'S RESPONSIBILITY IS LIMITED TO THE DESIGN AND CONSTRUCTION OF THE PROJECT AS SHOWN ON THESE PLANS AND TO THE EXTENT OF THE INFORMATION PROVIDED TO HIM BY THE CLIENT. THE ENGINEER HAS NO LIABILITY FOR ANY OTHER INFORMATION, INCLUDING BUT NOT LIMITED TO, THE ACCURACY OF THE INFORMATION PROVIDED TO HIM BY THE CLIENT, OR FOR ANY OTHER INFORMATION, INCLUDING BUT NOT LIMITED TO, THE ACCURACY OF THE INFORMATION PROVIDED TO HIM BY THE CLIENT, OR FOR ANY OTHER INFORMATION, INCLUDING BUT NOT LIMITED TO, THE ACCURACY OF THE INFORMATION PROVIDED TO HIM BY THE CLIENT.



CITY COUNCIL AGENDA ITEM STAFF REPORT

MEETING DATE:	January 17, 2019
TITLE:	An ordinance establishing a New Section 210.010 (Disposal Of Fecal Matter) of the City Code.
DEPARTMENT:	Community Development
PROJECT MANAGER:	David B. Bookless, Community Development Director
REQUESTED ACTION:	Ordinance approval
ATTACHMENTS:	Draft Ordinance

EXECUTIVE SUMMARY:

Staff proposes amending the Code to specifically address the accumulation fecal waste for those keeping any dog, cat, or other animal.

REVIEW & ANALYSIS:

Chapter 210, Animals, of the Code of Ordinances is intended to, among other things, protect and enhance the health and safety of the general public within the corporate limits of the City by regulating the keeping of dog, cats or other animals. However, the Code does not specifically address the accumulation of and disposal of fecal waste for those keeping any dog, cat, or other animal. The accumulation of such waste is unsanitary and can negatively impact the health of the general public, the keepers of animals, and the animals producing the waste. Clarifying the language of the Code will help ensure the maintenance of sanitary conditions for the general public, the keepers of animals, and any dog, cat or other animal being kept within the City of Arnold.

RECOMMENDATION:

Staff recommends approval of the ordinance as submitted.

AN ORDINANCE ESTABLISHING A NEW SECTION 210.010 (DISPOSAL OF FECAL MATTER) OF THE CITY CODE.

WHEREAS, Chapter 210, Animals, of the Code of Ordinances (“Code”) is intended to, among other things, protect and enhance the health and safety of the general public within the corporate limits of the City by regulating the keeping of dog, cats or other animals; and

WHEREAS, the Code does not specifically address the accumulation of and disposal of fecal waste for those keeping of any dog, cat, or other animal; and

WHEREAS, fecal waste from dogs, cats or other animals can negatively impact the health of the general public; and

WHEREAS, to the City of Arnold wishes to clarify the language of the Code to ensure the maintenance of sanitary conditions for the general public, the keepers of animals, and any dog, cat or other animal being kept within the City of Arnold;

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

Section 1. A new Article I, Section 210.022 Disposal of Fecal Matter is established as follows:

“Disposal of Fecal Matter.

A. All fecal accumulations in any pen, run, cage, yard, room or dwelling unit where any dog, cat or other animal is kept shall be removed and disposed of in such a manner as to prevent the breeding of flies and creation of offensive, disagreeable or noxious odors or other nuisance conditions. No person shall permit fecal matter to accumulate in any pen, run, cage, yard, room or dwelling unit where a dog, cat or other animal is kept for a period of time longer than twenty-four (24) hours.

B. Any person having physical possession and/or control of any dog, cat or other animal, whether on personal property owned by another or in a public place, including, but not limited to, streets, sidewalks, parking lots, and public parks, shall possess and carry a device, mechanism or container designed for the removal of fecal matter deposited by said dog, cat or other animal and shall, upon such a deposit by said dog, cat or other animal, immediately remove any and all such fecal matter.

C. Fecal matter shall be contained and disposed of as solid waste. No person shall discharge, or cause to be discharged, any fecal matter into any municipal storm drain system or any watercourses, including, but not limited to, creeks, streams, ponds or lakes. No person shall dispose of any fecal matter as yard waste, with yard waste collection or in a home composting plot.”

Section 2. 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 JANUARY, 2019.

Presiding Officer of the City Council

Mayor Ron Counts

ATTEST:

City Clerk Tammi Casey

1st reading: _____

2nd reading: _____

APPROVED AS TO FORM:

City Attorney Robert Sweeney

Z:\CITYDOCS\ORDINANC\2720 Ordinance Disposal Of Fecal Matter 2019.docx
Monday, January 07, 2019



CITY COUNCIL AGENDA ITEM STAFF REPORT

MEETING DATE:	January 17, 2019
TITLE:	An ordinance amending Section 210.790 (Biting Prohibited — Procedure in Event of Bite) of the City Code.
DEPARTMENT:	Community Development
PROJECT MANAGER:	David B. Bookless, Community Development Director
REQUESTED ACTION:	Ordinance approval
ATTACHMENTS:	Draft Ordinance

EXECUTIVE SUMMARY:

Staff proposes amending the Code to formalize protections for other animals from biting by dogs, cats or other animals.

REVIEW & ANALYSIS:

Code of Ordinances Section 210.790, *Biting Prohibited — Procedure in Event of Bite*, prohibits the keeping of any dog, cat or other animal by its owner so as to permit it to bite members of the public. This prohibition has been understood and interpreted to protect both members of the public and other animals, however, the Section does not explicitly identify “other animals” as being protected. Amending the Code to make explicit the protection of other animals would provide clarity and be helpful in the enforcement of this prohibition.

RECOMMENDATION:

Staff recommends approval of the ordinance as submitted.

**AN ORDINANCE AMENDING SECTION 210.790 (BITING PROHIBITED —
PROCEDURE IN EVENT OF BITE) OF THE CITY CODE.**

WHEREAS, the Code of Ordinances (“Code”) prohibits the keeping of any dog, cat or other animal by its owner so as to permit it to bite members of the public; and

WHEREAS, such prohibition has been understood and interpreted to protect both members of the public and other animals; and

WHEREAS, the Code does not explicitly identify “other animals” as being protected; and

WHEREAS, the City of Arnold wishes to clarify the language of the Code ensuring the prohibition against the keeping of any dog, cat or other animal in any way by its owner so as to permit it to bite members of the public or other animals;

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

Section 1. Article I, Section 210.790 Biting Prohibited — Procedure in Event of Bite of the City Code is amended as follows: The current subsection A is deleted.

Section 2. A new subsection A is adopted as follows:

“A. No dog, cat or other animal shall be kept in any way by its owner so as to permit it to bite members of the public or other animal.

1. The owner of any dog, cat or animal kept on the premises which bites any person or other animal, regardless of the circumstances, or irrespective of whether such animal is vaccinated or registered, shall be required to place such animal in the custody of the Health Officer for confinement in a manner satisfactory to the Health Officer and in a manner that will prevent contact with people and other animals for a period of ten (10) calendar days, following the evening of the day of the bite, for the purpose of clinical observation. If such animal develops clinical symptoms suggestive of rabies, it shall be allowed to die a natural death, or, if for any reason, such animal should die while in confinement, its head shall be removed by the veterinarian and submitted to a qualified laboratory. If, at the end of such ten (10) calendar day period, such animal is alive and healthy, it may be released to its owner upon payment of applicable fines. Before an animal confined hereunder shall be returned to the owner, said animal shall be vaccinated as required under and in accordance with the procedures set out in Sections 210.300 and 210.550 of the Code of Ordinances if such animal is not already vaccinated.

2. All animals under clinical observation as the result of biting a person must fulfill all other conditions of this Article prior to release.

3. It shall be the duty of any person bitten by any dog, cat or animal kept on the premises or the parent or guardian of any minor bitten by a dog, cat or other animal to report the same to the City Health Officer immediately. Such report shall contain the name and address of the owner and of the dog, cat or animal, the day and time bitten, and location where bitten, and a

general description of the dog, cat or animal. The person bitten shall also make himself/herself available so as to permit viewing of the wound by the City Health Officer, his/her agents, and all other concerned parties and persons.

4. In any case where a dog, cat or animal kept on the premises has attacked or bitten a person or other animal in a vicious manner, then such dog, cat or animal may be seized and impounded by City enforcement personnel. In addition to any penalties which may be imposed for violation of this Chapter, the Municipal Court may order such animal to be euthanized.”

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 JANUARY 2019.

Presiding Officer of the City Council

Mayor Ron Counts

ATTEST:

City Clerk Tammi Casey

1st reading: _____

2nd reading: _____

APPROVED AS TO FORM:

City Attorney Robert Sweeney

BILL NO. 2722

ORDINANCE NO. _____

AN ORDINANCE ALLOWING THE “2019 SHOW-ME GREEN SALES TAX HOLIDAY” TO APPLY TO THE LOCAL SALES TAX OF THE CITY OF ARNOLD BETWEEN APRIL 18, AND APRIL 24, 2019

Whereas, Section 144.526, RSMo. Establishes the “Show-Me Green Sales Tax Holiday” to exempt purchases of certain qualifying appliances from state sales tax; and

Whereas, Section 144.526.4, RSMo. also provides that political subdivisions in the State may allow the Show-Me Green Sales Tax Holiday to apply to local sales taxes by enacting an ordinance to do so; and

Whereas, the Show-Me Green Sales Tax Holiday encourages the purchase of energy efficient appliances by exempting them from sales tax, thereby effectively reducing the consumer’s cost for such appliances; and

Whereas, incentivizing consumer awareness of and investment in energy efficient appliances can reasonably be expected to reduce energy consumption across the state and have the added benefit of promoting retail sales activity; and

Whereas, the Council finds and believes that the City’s participation in the Show-Me Green Sales Tax Holiday by also exempting qualifying purchases from local sales taxes will enhance the incentive to consumers and further advance the laudable goals the Holiday is intended to accomplish as aforesaid;

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

Section 1. For the purposes of this Ordinance, the following terms shall mean:

- (1) “Appliance”, clothes washers and dryers, water heaters, trash compactors, dishwashers, conventional ovens, ranges, stoves, air conditioners, furnaces, refrigerators and freezers; and
- (2) “Energy star certified”, any appliance approved by both the United States Environmental Protection Agency and the United States Department of Energy as eligible to display the energy star label, as amended from time to time.

Section 2. By enacting this ordinance, the City hereby elects to allow the Show-Me Green Sales Tax Holiday established by Section 144.526, RSMo., to apply to its local sales taxes so that there shall be exempted from local sales taxes all retail sales of any energy star certified new appliance, up to one thousand five hundred dollars (\$1,500.00) per appliance, during a seven-day period beginning at 12:01 a.m. on April 18, 2019 and ending at midnight on April 24, 2019. This provision shall only apply to the 2019 Show-Me Green Sales Tax Holiday and does not enroll the City in subsequent Show-Me Green Sales Tax Holidays.

Section 3. This ordinance shall not apply to any retailer when less than two percent of the retailer’s merchandise offered for sale qualifies for the sales tax holiday. Such retailer shall offer a sales tax refund in lieu of the sales tax holiday.

Section 4. The City Clerk shall take any and all steps necessary to notify the Missouri Department of Revenue not less than forty-five calendar days prior to the beginning date of the sales tax holiday

of the adoption of this Ordinance and the election to allow the Show-Me Green Sales Tax Holiday to apply within the City of Arnold.

Section 5. 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 _____ 2019.

Presiding Officer of the City Council

Mayor Ron Counts

ATTEST:

City Clerk Tammi Casey

1st reading: _____

2nd reading: _____

APPROVED AS TO FORM:

City Attorney Robert Sweeney

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Tuesday, January 08, 2019

AN ORDINANCE AUTHORIZING THE ESTABLISHMENT OF A SIX (6) MONTH MORATORIUM ON BUSINESS LICENSES AND OCCUPANCY PERMITS FOR NEW MEDICAL MARIJUANA-RELATED ENTITIES, ELECTRONIC CIGARETTE SHOPS, AND TOBACCO SHOPS, WITHIN THE CITY OF ARNOLD.

WHEREAS, prior to operating or transacting business as a medical marijuana dispensary facility, medical marijuana cultivation facility, medical marijuana-infused product manufacturing facility, medical marijuana testing facility, or other marijuana-related entity, electronic cigarette shop, or tobacco shop, a person must obtain a license to conduct such businesses;

WHEREAS, prior to occupying a space to operate or transact business in the City of Arnold, a person must obtain an occupancy permit;

WHEREAS, the City Council of the City of Arnold finds that it would be in the best interest of the City to re-examine the way such uses are regulated under the Chapter 405 (Zoning Ordinance) and Chapter 605 (Business Regulations); and

WHEREAS, the City Council of the City of Arnold has determined that use of property for such purposes affects the health and welfare of the community and, therefore, the City intends (i) to study the licensing and zoning issues related to medical marijuana dispensary facilities, medical marijuana cultivation facilities, medical marijuana-infused product manufacturing facilities, medical marijuana testing facilities, or other marijuana-related entities, electronic cigarette shops, and tobacco shops; (ii) to consider potential broad changes to the Municipal Code of Ordinances Chapter 405 and Chapter 605 of the City of Arnold that relate to medical marijuana dispensary facilities, medical marijuana cultivation facilities, medical marijuana-infused product manufacturing facilities, medical marijuana testing facilities, or other marijuana-related entities, electronic cigarette shops, and tobacco shops; and (iii) if such changes are necessary, to revise Chapter 405 (Zoning Ordinance) and Chapter 605 (Business Regulations) to incorporate such broad changes; and

WHEREAS, the health, welfare and safety of the general public and community require that the City study, analyze and evaluate the impact that a medical marijuana cultivation facility, medical marijuana-infused product manufacturing facility, medical marijuana testing facility, or other marijuana-related entity, electronic cigarette shop, or tobacco shop will have on the community, it is necessary and desirable for the City to take the following actions:

Section 1. Establish Moratorium, Procedure/Process/Purpose

1. The City Council of Arnold hereby establishes a six (6) month moratorium on the issuance of business licenses and/or occupancy permits for new medical marijuana dispensary facilities, medical marijuana cultivation facilities, medical marijuana-infused product manufacturing facilities, medical marijuana testing facilities, or other marijuana-related entities, electronic cigarette shops, and tobacco shops within the City of Arnold.

2. The purpose of the moratorium is to allow the City of Arnold (i) adequate time to study the licensing and zoning issues related to medical marijuana dispensary facilities, medical marijuana cultivation facilities, medical marijuana-infused product manufacturing facilities, medical marijuana

testing facilities, or other marijuana-related entities, electronic cigarette shops, and tobacco shops; (ii) adequate time to consider potential broad changes to Chapter 405 (Zoning Ordinance) and Chapter 605 (Business Regulations) that relate to medical marijuana dispensary facilities, medical marijuana cultivation facilities, medical marijuana-infused product manufacturing facilities, medical marijuana testing facilities, or other marijuana-related entities, electronic cigarette shops, and tobacco shops; and (iii) if such changes are necessary, to revise Chapter 405 (Zoning Ordinance) and Chapter 605 (Business Regulations) to incorporate such broad changes.

3. The City Staff may commence research to determine how such medical marijuana dispensary facilities, medical marijuana cultivation facilities, medical marijuana-infused product manufacturing facilities, medical marijuana testing facilities, or other marijuana-related entities, electronic cigarette shops, and tobacco shops should be regulated by the City of Arnold, consider potential broad changes to Chapter 405 (Zoning Ordinance) and Chapter 605 (Business Regulations) that relate to medical marijuana dispensary facilities, medical marijuana cultivation facilities, medical marijuana-infused product manufacturing facilities, medical marijuana testing facilities, or other marijuana-related entities, electronic cigarette shops, and tobacco shops, and if necessary, prepare potential revisions to the Chapter 405 (Zoning Ordinance) and Chapter 605 (Business Regulations) to incorporate such regulations.

Section 2. This Ordinance will be in full force and effect from and after its passage and approval.

Section 3. 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 JANUARY, 2019.

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

AN ORDINANCE AUTHORIZING ACCESS TO SERVICE ANIMALS

WHEREAS, the City of Arnold (“City”) has codified ordinances that govern the operation of City owned buildings, facilities, parks and any other area in the City owned or managed by the City, and

WHEREAS, the City Code of Ordinances does not specifically define or authorize access to the public areas of City facilities to service animals, and

WHEREAS, the City deems it in the best interest of the City, its residents and the general public to adopt an ordinance addressing access, by service animals, to the public areas of City facilities.

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

Section 1: Chapter 210, Article I, Section 210.010, “Definitions”, is hereby amended by adding a definition of the term “Service Animals” to read as follows:

“Service Animals.

Service animals are working animals, not pets. A service animal is trained to provide a service directly related to the person’s disability. A service animal whose sole function is to provide comfort or emotional support does not qualify as a service animal.

Service animals must be harnessed, leashed, or tethered, unless these devices interfere with the service animal’s work or the individual’s disability prevents using these devices. In that case, the individual must maintain control of the animal through voice, signal, or other effective controls.”

Section 1: Chapter 210, Article I, is hereby amended by the addition of a new Section 210.015 to read as follows:

“Section 210.015 Service Animals.

A. Service animals as defined in this Chapter or service animals meeting the definition of “service animal” as provided by Department of Justice regulations shall be permitted in public areas of buildings, facilities or other areas owned or managed by the City;

B. Any animal that does not meet the definition of “service animal” is prohibited from all buildings, facilities or other areas owned or operated by the City, unless otherwise specifically authorized by the City.

Section 2: 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 _____ of 2019.

Presiding Officer of the City Council

Mayor Ron Counts

ATTEST:

City Clerk Tammi Casey

1st reading: _____

2nd reading: _____

APPROVED AS TO FORM:

City Attorney Robert Sweeney

Z:\CITYDOCS\ORDINANC\2724-Ordinance for Service Animals 2019.docx
Monday, January 14, 2019



CITY COUNCIL AGENDA ITEM STAFF REPORT

MEETING DATE:	January 17, 2019
TITLE:	King's Trace Resubdivision (Minor Record Plat)
DEPARTMENT:	Community Development
PROJECT MANAGER:	Christie Hull-Bettale, Community Development Engineer
REQUESTED ACTION:	Ordinance approval
ATTACHMENTS:	(1) Staff Report to Planning Commission; (2) Draft Planning Commission Meeting Minutes (3) Draft Ordinance (4) Plat

EXECUTIVE SUMMARY:

The applicant is seeking to re-subdivide an existing lot to establish 3 new lots and adjust 1 additional lot for property located on Telegraph Road, approximately 1000 ft north of Tenbrook Road. There are no planned public improvements or infrastructure.

REVIEW & ANALYSIS:

The Planning Commission reviewed the minor record plat, Staff comments, and agency comments. The purpose of the re-subdivision is to establish new conforming lots, each with an existing home on them. Presently, there are multiple homes on a single lot. No new homes are being proposed. The Commission found the proposed plat in substantial conformance with the requirements of RSMo 89.410 and the Subdivision Ordinance of the City of Arnold, Missouri, and recommends approval subject to conditions identified below:

- 1) Prior to recording, the applicant shall provide documentation that the new utility easement satisfied the needs of applicable agencies.

RECOMMENDATION:

At their January 8th meeting, the Planning Commission, by a vote of 8 to 0, voted to recommend approval of the minor record plat subject to the conditions listed above.

**AN ORDINANCE APPROVING A MINOR RECORD PLAT TITLED
"KING'S TRACE RESUBDIVISION OF LOT 1 OF BEUHRE ACRES (P.B. 202, P.3)"**

WHEREAS, the City of Arnold is required by Section 445.030 and Chapter 89 of Missouri Revised Statutes to approve a plat that is to be recorded by the Recorder of Deeds, Jefferson County, Missouri: and

WHEREAS, the Planning Commission of the City of Arnold has reviewed the proposed record plat, as presented in "Exhibit A," and finds that the plat conforms to the duly enacted ordinances of the City related to subdivision of land and have submitted a report and recommendation for approval of said record plat titled "King's Trace Resubdivision of Lot 1 of Beuhre Acres" to the City Council;

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

Section 1. The City of Arnold hereby accepts and approves the record plat titled "King's Trace Resubdivision of Lot 1 of Beuhre Acres."

Section 2. The acceptance and approval of "King's Trace Resubdivision of Lot 1 of Beuhre Acres" as presented to this City Council in no way relieves the developer of the responsibility of meeting the requirements of any other public or private entity having jurisdiction over such developments, or the requirements of the ordinances of the City of Arnold, Missouri.

Section 3. The acceptance and approval of "King's Trace Resubdivision of Lot 1 of Beuhre Acres" as presented to this City Council is in no way an endorsement of said construction, development or layout, or an acceptance of any publicly dedicated improvements until said improvements have been properly inspected by the Community Development Department and accepted by the City Council as provided by ordinance.

Section 4. Within sixty (60) days after approval of the record plat identified as "King's Trace Resubdivision of Lot 1 of Beuhre Acres" the approved plat shall be recorded with the Jefferson County Recorder of Deeds. In the event said record plat is not properly recorded, said plat approval shall expire in accordance with Section 36 of the City of Arnold Subdivision Ordinance.

Section 5. The approval of the City Council under the hand and seal of the City shall be endorsed upon said plat.

Section 6. This approval is based on the below conditions:

- 1) All utility easements shall be delineated on the plat prior to recording.

Section 7. This ordinance shall be in full force and effect from and after its passage and approval by the Mayor and City Council.

(SIGNATURES ON NEXT PAGE)

READ TWO TIMES, PASSED AND APPROVED THIS _____ DAY OF JANUARY 2019.

Presiding Officer of the City Council

Mayor Ron Counts

ATTEST:

City Clerk Tammi Casey

1st reading: _____

2nd reading: _____

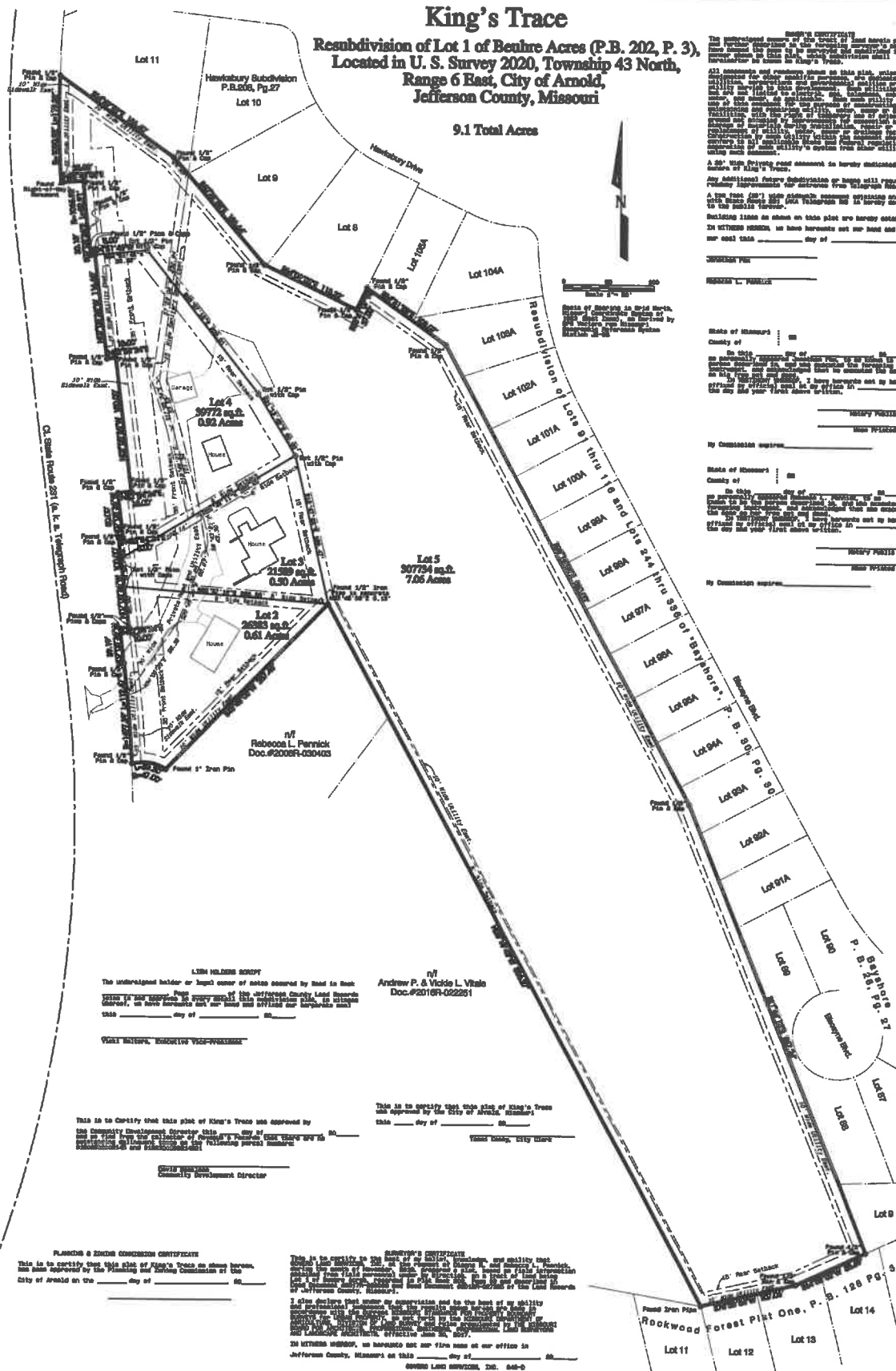
APPROVED AS TO FORM:

City Attorney Robert Sweeney

King's Trace

Resubdivision of Lot 1 of Beuhre Acres (P.B. 202, P. 3), Located in U. S. Survey 2020, Township 43 North, Range 6 East, City of Arnold, Jefferson County, Missouri

9.1 Total Acres



BEFORE ME, the undersigned authority, on this _____ day of _____, 20____, personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

I, the undersigned authority, do hereby certify that _____ is the person whose name is subscribed to the foregoing instrument.

Given under my hand and seal of office on this _____ day of _____, 20____.

Notary Public in and for the State of Missouri

WITNESSES my hand and seal this _____ day of _____, 20____.

Notary Public

State of Missouri _____
County of _____

I, _____, of the County of _____, State of Missouri, do hereby certify that _____ is the person whose name is subscribed to the foregoing instrument, and that he executed the same for the purposes and consideration therein expressed.

Notary Public

By Commission Expires _____

State of Missouri _____
County of _____

I, _____, of the County of _____, State of Missouri, do hereby certify that _____ is the person whose name is subscribed to the foregoing instrument, and that he executed the same for the purposes and consideration therein expressed.

Notary Public

By Commission Expires _____

LSM HOLDERS SOCIETY
The undersigned holder or legal owner of notes covered by deed in that _____
this _____ day of _____, 20____.

n/i
Andrew P. & Vickie L. Vralo
Doc.#2018P-022261

WALSH ENTERPRISE, INCORPORATED

This is to certify that this plat of King's Trace was approved by the Community Development Director this _____ day of _____, 20____.

Community Development Director

This is to certify that this plat of King's Trace was approved by the City of Arnold, Missouri, this _____ day of _____, 20____.

Mayor, City Clerk

PLANNING & ZONING COMMISSION CERTIFICATE
This is to certify that this plat of King's Trace was approved by the Planning and Zoning Commission of the City of Arnold on the _____ day of _____, 20____.

PLANNING & ZONING COMMISSION CERTIFICATE
This is to certify to the _____ of this plat of King's Trace and approved by the City of Arnold, Missouri, this _____ day of _____, 20____.

Jefferson County, Missouri's on this _____ day of _____, 20____.

GOVERO LAND SERVICES, INC. 848-0

GOVERO LAND SERVICES, INC. SURVEYING & ENGINEERING 1100 S. MAIN ST. JEFFERSON, MO. 64034	NO. 000000	DATE	08/01/14
	0000000000	BY	0000000000
	0000000000	DATE	08/01/14
	0000000000	BY	0000000000



REPORT TO PLANNING COMMISSION

CITY OF ARNOLD

APPLICATION #: 2018-40

APPLICATION NAME: Application to Amend Municipal Code Chapter 405 (Zoning) - Trailers

APPLICANT: City of Arnold

REQUEST: A City-initiated request to amend Chapter 405, Zoning, of the Code of Ordinances to modify definitions and regulations related to trailers and the non-conforming uses of buildings, structures, or land.

MEETING DATE: January 8, 2019

REPORT DATE: January 2, 2019

CASE MANAGER: David B. Bookless, AICP

RECOMMENDATION: **APPROVAL**



REPORT TO PLANNING COMMISSION

CITY OF ARNOLD

BACKGROUND

The City's Zoning Ordinance (Ord. No. 14.2) was adopted by the City Council on June 30, 1977. A number of amendments have been approved since that time with the most recent being on April 5, 2018. Even the best ordinances become out of date. Periodic revision is essential if the ordinances are to establish and maintain a rational land use pattern. Changes, however, should not be made in an arbitrary manner. Significant updates to the Zoning and Subdivision Ordinances are best undertaken following an update of the Comprehensive Plan. The rationale for this approach is that the Ordinances are the implementation tools of the Plan and should reflect its goals and policies. Nevertheless, clarification of information contained in the Zoning Ordinance may be appropriate at any time. Occasionally, unforeseen issues may need to be addressed on an ad hoc basis.

A major update to the Comprehensive Plan is anticipated to be completed, and a significant update of the Zoning Ordinances that may include significant policy or regulatory changes would likely follow. However, the purpose of this request is to provide clarification and consistency in interpretations of the Zoning Ordinance.

DISCUSSION/ANALYSIS

The City has received a number of complaints about semitrailers, trailers, and shipping containers being used in commercial districts as though they were storage structures. The City had previously recognized the problem, and in 2017, adopted regulations allowing trailers for "holiday seasonal storage" in commercial districts with the belief that by making them permissible under specific circumstances that they were otherwise not allowed.

However, the City has found semitrailers, etc. being used for long-term storage on a number of commercially zoned properties, issued citations for their removal, and found enforcement through the Court system to be problematic due to a lack of clarity in the ordinance language. A recently conducted survey of the City found approximately 20* such semitrailers, etc. present on five non-industrial properties in the City, many of which may have been in place for quite a few years. Therefore, Staff is proposing additional changes to the Zoning Ordinance to make very clear what is not allowed and how to deal with pre-existing nonconformities.

The Zoning Ordinance references "trailers" a limited number of times. "Trailers" are defined in Section 405.060 of the Zoning Ordinance as:

Any vehicle without motive power designed for carrying property or passengers on its own structure and for being drawn by a self-propelled vehicle, except those running exclusively on tracks, including a semitrailer or vehicle of the trailer type so designed and used in conjunction with a self-propelled vehicle that a considerable part of its own weight rests upon and is carried by the towing vehicle. The term "trailer" shall not include cotton trailers as defined in Subsection (8) of Section 301.010, RSMo., and shall not include manufactured homes as defined in Section 700.010, RSMo.

***NOTE: Staff's inventory was limited to areas visible from the street and publically accessible parking areas; and there for additional semitrailers, etc. may be present in the City.**

Trailers

REPORT TO PLANNING COMMISSION

CITY OF ARNOLD



They are also referenced as being an item that could be present under the definition of a “salvage yard.” “House trailers,” otherwise known as “mobile homes” or “manufactured homes” are defined and regulated separately.

Section 405.100 “FP” Floodplain mentions trailers relative to the need for docks and boat ramps needing sufficient parking area for “motor vehicles, trailers, and trucks associated with boating activity”.

The only other explicit references to trailers is Section 405.760 Supplementary District Regulations, where it discusses “Temporary Structures.” In this context, it directly refers to “construction trailers” and “trailers [used] for holiday storage.” In both cases, there are specific standards that apply to their location, maintenance, and the duration for which they may be present.

While not mentioned directly, their presence is implied where the presence of trucks is allowed as it relates to the permitted uses in the particular zoning district (e.g. Truck terminals, loading docks, delivery, warehousing, used car sales, requirements for the provision of turning radii for truck movement, etc.).

Staff believes the issue can be best approached by making a number of changes to the Code , summarized as follows:

- The definition for trailer can be strengthened to make it clear that they are not buildings (i.e., structures).
- “Holiday seasonal storage” will continue to be permissible; however, this provision will be removed from the regulations governing “temporary structures” and relocated to a section speaking directly to trailers.
- Establish a section that prohibits the use of trailers for storage purposes with several exceptions, including “holiday seasonal storage,” in manufacturing districts, etc.
- Revise the nonconforming uses section of the Zoning Ordinance to specifically reference trailers being used for storage purposes and provide an amortization period for the removal of pre-existing trailers.

Additionally, Staff has included a few other nonconformities to be covered under the amortization language, revised regulations related to non-conforming mobile homes that are not located on properties zoned “MHD” Mobile Home District, and new language addressing portable toilet facilities on job sites and at special events relative to their placement and maintenance.





REPORT TO PLANNING COMMISSION

CITY OF ARNOLD

FINDINGS AND RECOMMENDATION

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

The Community Development Director finds that the text amendments contained within application number 2018-40 are warranted by the public necessity and convenience to provide clarification in the enforcement of the Zoning Ordinance.

The Community Development Director finds that the text amendments contained within application number 2018-40 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

The Director of Community Development finds that the proposed text amendments meet or exceed review criteria and further advances the intent of Chapter 405. Based on this finding the Director of Community Development requests favorable consideration of the draft amendments.

A handwritten signature in black ink that reads "David B. Bookless".

David B. Bookless, AICP
Community Development Director



ATTACHMENTS



REPORT TO PLANNING COMMISSION

CITY OF ARNOLD



TRAILERS BEING USED FOR STORAGE

Trailers

REPORT TO PLANNING COMMISSION
CITY OF ARNOLD

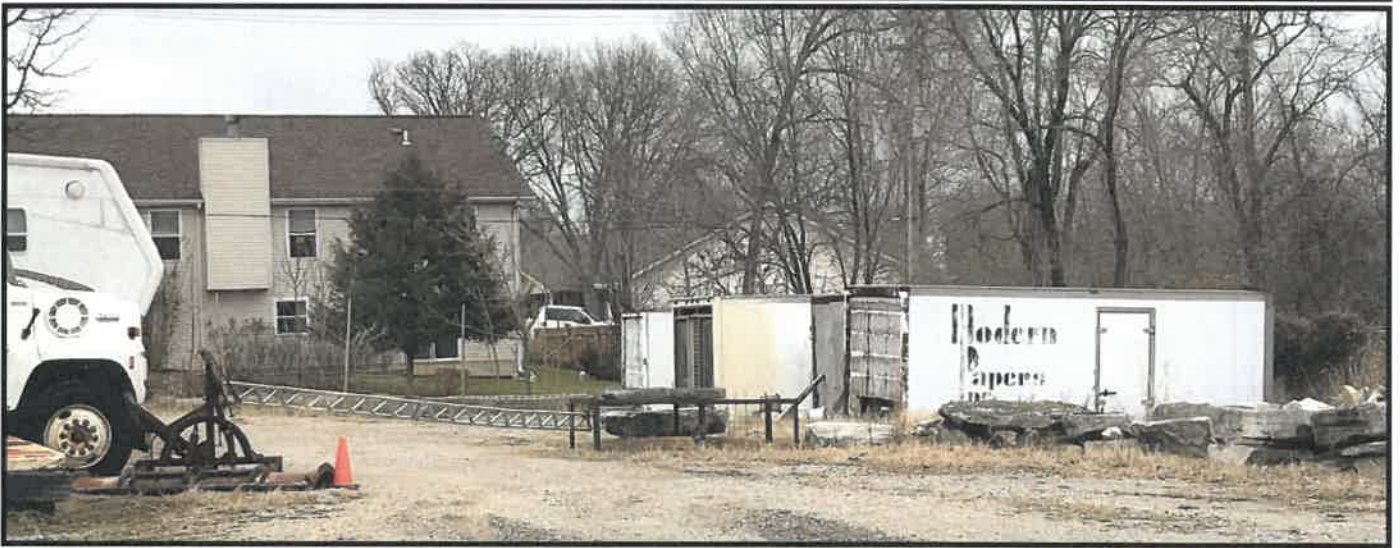


TRAILERS BEING USED FOR STORAGE



REPORT TO PLANNING COMMISSION

CITY OF ARNOLD



TRAILERS BEING USED FOR STORAGE

Trailers

REPORT TO PLANNING COMMISSION

CITY OF ARNOLD



Proposed Amendments

Unchanged text in black

Additions are in blue underscored text

Deletions are in ~~red strikethrough text~~

CHAPTER 405 ZONING

Section 405.060 Definitions

TRAILER

Any vehicle without motive power designed for carrying property or passengers on its own structure and for being drawn by a self-propelled vehicle, except those running exclusively on tracks, including a semitrailer or vehicle of the trailer type so designed and used in conjunction with a self-propelled vehicle that a considerable part of its own weight rests upon and is carried by the towing vehicle, which does not meet Building Code requirements. A permanent foundation shall not change the character of a trailer unless the entire structure is erected in accordance with the City Building Code. The term "trailer" shall not include cotton trailers as defined in Subsection (8) of Section 301.010, RSMo., and shall not include manufactured homes as defined in Section 700.010, RSMo.

Section 405.760 Supplementary District Regulations.

R. Temporary Structures

1. Temporary structures constructed and placed on an individual parcel for thirty-one (31) or more days, whether cumulative or consecutively, per twelve-month period shall require a conditional use permit.
2. Temporary structures may not be constructed or placed on an individual parcel for more than one hundred eighty (180) days, whether cumulative or consecutively, per calendar year.
3. All temporary structures, regardless of duration, shall comply with the respective zone district regulation in which it is placed.
4. *Exception.* Recycle bins and clothing drop boxes for not-for-profit, tax-exempt charities and organizations, construction office trailers, and ~~trailers for holiday seasonal storage portable toilets.~~ However, ~~these~~ such recycle bins/clothing drop boxes, and construction office trailers must meet the setback requirements of the respective zone district.
5. Construction office trailers are governed by the following restrictions:
 - a. Meet applicable setbacks.
 - b. Exterior maintained with no rusting, dents, broken windows, etc.

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- c. The area around the construction trailer will be maintained by cutting grass and keeping free from litter.
- d. The construction trailer will be removed before an occupancy permit (temporary or permanent) is issued.

~~6. Trailers for holiday seasonal storage are governed by the following:~~

- ~~a. Applicable for all "C-2" and "C-3" Commercial Zone district properties.~~
- ~~b. A permit is applied for, showing the below information on a site plan, for review and approval by staff.~~
- ~~c. Trailer(s) may not be placed sooner than November 1 and removed no later than January 31.~~
- ~~d. Trailers may not be located in the right of way.~~
- ~~e. Trailers may not be placed in setbacks required for the zone district, required parking spaces, fire lanes, internal travel lanes, or prominent view from the right of way or access lanes.~~
- ~~f. The exterior of the trailers must be maintained with no rusting, dents or peeling paint.~~

6. Portable toilets are governed by the following restrictions:

- a. Portable toilets shall be provided when adequate toilet facilities are not provided on a site associated with a building or demolition permit or City-authorized special event.
- b. Portable toilets shall be located on the site and not on public property unless expressly authorized by the City when associated with a special event.
- c. Portable toilets shall be located a minimum of fifteen (15) feet from all curb lines, ten (10) feet from side property lines, and at such locations so as to limit public view. The doors to portable toilets shall not face any street or adjacent property line.
- d. Portable toilets shall be serviced at regular intervals to maintain sanitary conditions and minimize odors.
- e. Portable toilets shall be locked and secured from tipping over when no construction, demolition, or special event activity is present.

T. Use of vehicle or trailers for storage prohibited.

Neither vehicles (whether operable or inoperable) nor trailers (whether on or off axles) may be used as storage buildings. This shall apply to all vehicles and trailers, including commercial vehicles, recreational vehicles, panel vans, semi-trailers, railroad box-cars,

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intermodal shipping containers, CONEX boxes, ISO containers, etc., except as follows:

1. Tractor and semi-trailers combinations (i.e. "Tractor-trailers) may be used for temporary storage (e.g. up to 3 months), for businesses located on the same property, where the property is zoned M-1, M-2, or M-3, or as explicitly authorized in property zoned C-4, subject to conditions contained in Section 405.760(T)(2), paragraphs b, c, d, e, f, g, h, and i, below.
2. Trailers, as referenced herein, may be utilized for seasonal storage on property zoned "C-2" or "C-3," or as explicitly authorized in property zoned C-4, between November 1 and January 31, subject to the following:
 - a. A permit must be submitted for review and approval by staff, prior to the placement of seasonal storage trailers, to include an application and support documentation delineating the location on the property where the trailers shall be located, all buildings and structures, drive lanes, parking areas, points of ingress/egress, and all information necessary to demonstrate compliance with this section, as directed by staff.
 - b. Trailers shall not be located in right-of-way, easements, internal drive aisles or roads, required yard setbacks, required parking spaces, fire lanes, in prominent view from rights-of-way or access lanes (i.e. the public viewshed), or so positioned to block access to utilities or public services (e.g., manholes, meters, fire hydrants, fire lanes, etc.).
 - c. The exterior of the trailers must be maintained with no rusting, dents or peeling paint.
 - d. Trailers shall be located on a hardened surface (e.g., concrete, asphalt).
 - e. Trailers shall be located directly on the ground (i.e., stacking of trailers shall not be permitted).
 - f. Trailers shall be prohibited from connecting to utility services, from tapping into the services of the primary facility (i.e., using extension cords to provide electricity, garden hoses to provide water, etc.), or from connecting to peripheral devices such as, but not limited to, air compressors, refrigeration/heating units, generators, etc.
 - g. Trailers shall be prohibited from storing perishable goods.
 - h. Trailers shall be prohibited from storing hazardous or dangerous materials (e.g., chemicals, solvents, propane, explosives, etc.), except when the applicant provides documentation from the appropriate governing authorities (e.g., Building Department, Fire, Police, EPA, MoDNR, etc.) that all required safety and security requirements have been met.
 - i. Failure to satisfy any of the requirements of this section shall be considered

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a separate misdemeanor offense for each trailer where such offense has occurred and is punishable by a fine of two hundred dollars (\$200.00) per offense without further warnings or notices being issued. Each day that the offense(s) shall continue shall be considered a separate violation. For purposes of clarification, each trailer on a property which is in violation of this Section shall be a separate violation, and each day that such trailer remains in violation of this Section shall be a separate violation, such that the fine of two hundred dollars (\$200.00) shall apply per trailer per day.

Section 405.050 Non-Conforming Lots, Non-Conforming Uses of Land, Non-Conforming Structures, Non-Conforming Uses of Structures and Land, and Non-Conforming Characteristics of Use.

A. Intent. Within the districts established by this Chapter or amendments that may later be adopted there exist:

1. Lots,
2. Structures,
3. Uses of land and/or structures, and
4. Characteristics of use, which were lawful before this Chapter was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this Chapter or future amendment. It is the intent of this Chapter to permit these non-conformities to continue, except as delineated herein, until they are removed, cease operation, or damaged beyond fifty percent (50%), but not to encourage their survival. It is further the intent of this Chapter that non-conformities shall not be enlarged upon, expanded, or extended, nor be used as grounds for additions, expansions of operations of the use, and/or adding other structures or uses prohibited elsewhere in the same district.

Non-conforming uses are declared by this Chapter to be incompatible with permitted, or in some situations, conditional uses in the districts involved. A non-conforming use of a structure, a non-conforming use of land, or a non-conforming use of structure and land in combination shall not be enlarged upon, expanded, or extended, nor be used as grounds for additions, expansions of operations of the use, and/or adding other structures or uses prohibited elsewhere in the same district after passage of this Chapter by attachment on a building or lands of additional signs intended to be seen from off the lands, or by the addition of other uses, of a nature which would be prohibited generally in the district involved.

To avoid undue hardship, nothing in this Chapter shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Chapter and upon which actual building construction has been

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carried on diligently. "Actual construction" is hereby defined to include the planning of construction materials in permanent position and fastened in a permanent manner.

5. The existence of any present nonconformity anywhere in the City shall not itself be considered grounds for the issuance of a variance for other property.

B. Non-Conforming Lots Of Record.

For purposes of this Chapter, the terms single ownership and same ownership shall be interchangeable, and shall refer to contiguous lots or parcels owned by single or multiple individuals, trusts, corporations, partnerships, or other parties of interest, and shall include contiguous lots or parcels owned by any combination of husband and/or wife, or other legal spousal relationships pursuant to State statute.

- A. In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Chapter, notwithstanding limitations imposed by other provisions of this Chapter. Such lot must be in separate ownership and not of contiguous frontage with other lots in the same ownership, provided however, that if the said lot is of record in a subdivision of record as of the passage of this Chapter and if said subdivision of record has constructed residences upon seventy percent (70%) or more of its platted lots of record, then single-family residences may be constructed on each of said platted lots as non-conforming lots of record. This provision shall apply even though such lot fails to meet the requirement for area or width, or both, that are generally applicable in the district, provided that yard and dimensions and requirements other than these applying to area or width, or both, of lot shall conform to the regulations for the district in which such lot is located. Variance of yard requirements shall be obtained only through action of the Board of Adjustment.
- B. If two (2) or more lots or combination of lots and portions of lots with contiguous frontage in single ownership are of record at the time of passage or amendment of this Chapter, and if all or part of the lots do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this Chapter, and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this Chapter, nor shall any division of any parcel be made which created a lot with width or area below the requirements stated in this Chapter, provided however, that if the said lots or combinations of lots and portions of lots with contiguous frontage in single ownership are of record in a subdivision of record as of the passage of this Chapter and if said subdivision of record has constructed residences upon seventy percent (70%) or more of its platted lots of record, then platted lots in said subdivision shall be one (1) lot and not an undivided parcel.

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- C. **Non-Conforming Structures.** Where a lawful structure exists at the effective date of adoption or amendment of this Chapter that could not be built under the terms of this Chapter by reason of restrictions on area, lot coverage, height, yard, its location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:
1. No such non-conforming structure may be enlarged or altered in a way which increases its non-conformity, but any structure or portion thereof may be altered to decrease its nonconformity.
 2. Should such non-conforming structure or non-conforming portion of structure be destroyed by any means to an extent of more than fifty percent (50%) of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Chapter.
 3. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulation for the district in which it is located after it is moved.
- D. **Non-Conforming Uses Of Structures, Land, Or Structures And Lands In Combination.** If lawful use involving individual structures with a replacement cost of ten thousand dollars (\$10,000.00) or more, or of structure and lands in combination, exists at the effective date of adoption or amendment of this Chapter, that would not be allowed in the district under the terms of this Chapter, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:
1. No such non-conforming use shall be enlarged, expanded or increased nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Chapter.
 2. No such non-conforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this Chapter.
 3. If any such non-conforming use of a structure, land or structure and land in combination ceases for any reason for a period of more than sixty (60) days (except when government action impeded access to the lands), any subsequent use of such structure, land or structure and land in combination shall conform to the regulations specified by this Chapter for the district in which such structure, land or structure and land in combination is located.
 4. No additional structure or structures shall be erected in connection with such nonconforming use of land.
 5. No existing structure devoted to a use not permitted by this Chapter in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or

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structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.

6. If no structural alterations are made, any non-conforming use of a structure, land or structure and lands may as a special exception be changed to another non-conforming use provided that the Board of Adjustment, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use. In permitting such change, the Board of Adjustment may require appropriate conditions and safeguards in accordance with the provisions of this Chapter.
7. Any structure, land or structure and land in combination, in or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the non-conforming use may not thereafter be resumed.
8. Where non-conforming use status applies to a structure, land or structure and land in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land. "Destruction," for the purpose of this Subsection, is defined as damage to an extent of more than fifty percent (50%) of the replacement cost at time of destruction.

E. Repairs And Maintenance.

1. On any non-conforming structure or portion of a structure containing a non-conforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing, to an extent not exceeding ten percent (10%) of the current replacement cost of the nonconforming structure or non-conforming portion of the structure as the case may be, provided that the cubic content existing when it became non-conforming shall not be increased.
2. If a non-conforming structure or portion of a structure containing a non-conforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance, and is declared by any duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conforming with the regulations of the district in which it is located.
3. Nothing in this Chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

- F. ~~Uses Under Conditional Use Permits Not~~ Non-Conforming Uses Which Otherwise Require A Conditional Use Permit. Any use which is permitted with a conditional use permit in a district under the terms of this Chapter (other than a change through Board of Adjustment action from a non-conforming use to another use not generally permitted in the district)

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shall ~~not~~ be deemed a non-conforming use in such district, ~~but shall without further action be considered a conforming use~~ and will be permitted to continue under the terms for non-conforming uses or until such time as a conditional use permit has been granted by the City under the terms contained in Section 405.870 Conditional Use Permits.

- G. Non-Conforming Mobile Home Parks And Non-Conforming Mobile Homes. All nonconforming mobile home parks and other non-conforming mobile homes lawfully existing at the effective date of the adoption of this Chapter, that would not be allowed in the zoning district or under the terms of this Chapter, may be continued so long as it remains otherwise lawful, subject to the following special provisions:
1. Non-conforming mobile home parks within "MHD" Mobile Home Districts. Mobile home parks located in "MHD" Mobile Home Districts that are non-conforming due to lot size, setback, or other such characteristics shall be subject to the following special provisions:
 - a. Shall not be expanded or modified except in conformance with the guidelines of the "MHD" Mobile Home District.
 - b. Non-conforming mobile home parks or parts thereof that are made to conform with the regulations of the "MHD" Mobile Home District shall thereafter be required to conform and shall not be altered to create a non-conforming use.
 - c. Any non-conforming mobile home park destroyed by any means to an extent of more than fifty percent (50%) of its reconstruction cost at the time of destruction including streets, pads and utilities shall not be reconstructed except in conformance with the provisions of the "MHD" Mobile Home District.
 - d. Notwithstanding other provisions of the "MHD" Mobile Home District regulations to the contrary, mobile home parks that are located within "MHD" Mobile Home Districts that existed at the time of adoption of this Chapter shall meet the following minimum requirements:
 - (1) Mobile homes shall not be located closer than ten (10) feet from any street right-of-way, road easement, or street that is located within the boundaries of the mobile home park. No mobile home shall be located closer than twenty (20) feet from any street right-of-way or road easement that is located outside the boundaries of the mobile home park.
 - (2) Mobile home pads may not be expanded and larger mobile homes may not be placed in the mobile home park.
 - (3) Mobile homes shall be located so that there is a clear space of not less than fifteen (15) feet between it and any other mobile home, building, or structure of any kind, except storage sheds not exceeding ten (10) feet by ten (10) feet in dimension or any required fencing. Any deck, carport, patio cover, or other

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appurtenance that is constructed of combustible material shall be considered to be a part of the mobile home and shall not be located closer than fifteen (15) feet from any other mobile home, building, or structure of any kind.

- (4) For the purposes of this Chapter, the above setback provisions shall be applied without regard to any internal side or rear property lines for lots that are platted within the mobile home park.
2. Non-conforming mobile home parks not located in a "MHD" Mobile Home District. All mobile home parks that are not located within "MHD" Mobile Home Districts are considered as non-conforming uses and as such are subject to the following special provisions:
- a. All mobile home parks or parts of mobile home parks that are not located within "MHD" Mobile Home Districts are prohibited from expanding upon the nonconforming use by adding additional pads, lots, or other facilities to enable the placement of additional mobile homes.
 - b. Notwithstanding other provisions of this Chapter to the contrary, mobile home parks that are not located within "MHD" Mobile Home Districts that existed at the time of adoption of this Chapter shall meet the following minimum requirements:
 - (1) Mobile homes shall not be located closer than ten (10) feet from any street right-of-way, road easement, or road that is located within the boundaries of the mobile home park. No mobile home shall be located closer than twenty (20) feet from any street right-of-way or road easement that is located outside the boundaries of the mobile home park.
 - (2) Mobile home pads may not be expanded and larger mobile homes may not be placed in the mobile home park.
 - (3) Mobile homes shall be located so that there is a clear space of not less than fifteen (15) feet between it and any other mobile home, building, or structure of any kind, except storage sheds not exceeding ten (10) feet by ten (10) feet in dimension or any required fencing. Any deck, carport, patio cover, or other appurtenance that is constructed of combustible material shall be considered as a part of the mobile home and shall not be located closer than fifteen (15) feet from any other mobile home, building, or structure of any kind.
 - (4) For the purposes of this Chapter, the above setback provisions shall be applied without regard to any internal side or rear property lines for lots that are platted within the mobile home park.
 - c. Non-conforming mobile home parks destroyed by any means to an extent of more than fifty percent (50%) of its reconstruction cost at the time of its destruction, to include streets, pads, and utilities, shall not be reconstructed.



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- d. Any non-conforming mobile home parks, not located in a "MHD" Mobile Home District, that is abandoned for sixty (60) days shall not be used thereafter as a mobile home park.
3. Non-conforming mobile homes not located within mobile home parks. All mobile homes lawfully existing at the date of the adoption and approval of this Chapter that are not located within mobile home parks or "MHD" Mobile Home Districts are considered as non-conforming uses and as such are subject to the following special provisions:
 - ~~a. May be replaced as necessary provided that the following guidelines are met:
 - ~~(1) Shall not be replaced with a mobile home having a greater floor area except as may be authorized by the Board of Adjustment.~~
 - ~~(2) May be replaced provided the replacement mobile home is placed upon the tract or lot within fifteen (15) days after the original mobile home is removed.~~~~
 - ~~b. If any non-conforming mobile home is removed but not replaced within fifteen (15) days as authorized in this Section, no mobile home shall thereafter occupy the lot, tract, or pad but shall conform to the zoning district regulations.~~
 - a. Mobile homes which are not located in a mobile home park existing on the effective date of this Chapter may not be replaced with another mobile home; and
 - b. Mobile homes which are not located in a mobile home park existing on the effective date of this Chapter may only be repaired or renovated as permitted in Section 405.050(E) Repairs and Maintenance.

H. Termination And Removal Of Non-Conforming Use.

1. The period of time during which the following non-conforming uses of buildings, structures or land may continue or remain shall be limited to two (2) years from the effective date of the original ordinance, or for two (2) years from any amendment thereto which causes the use to be non-conforming. Every such non-conforming use shall be completely removed from the premises at the expiration of the two (2) year period. Those uses to which the above applies are as follows:
 - a. Any non-conforming building or structure having a fair cash market value not in excess of one thousand dollars (\$1,000.00) on the effective date of this Chapter.
 - b. Any of the following non-conforming structures, vehicles or other outdoor equipment, which are not attached to a building and existed lawfully on the effective date of this Chapter:
 - (1) Non-conforming signs;
 - (2) Billboards;
 - (3) Outdoor advertising structures; and

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- (4) Commercial vehicles, recreational vehicles, panel vans, semi-trailer, railroad box-cars, intermodal shipping containers, CONEX boxes, ISO containers, etc. being utilized for the purpose of storage or as storage buildings, except as expressly allowed in the Zoning Ordinance.
- c. Any non-conforming use of land where no enclosed building is involved, or where the only buildings employed are accessory or incidental to such use, or where such use is maintained in connection with a conforming building other than automobile wrecking yards and junk yards. However, public or private off-street parking lots lawfully established prior to the effective date of this Chapter shall not be affected by this provision.
2. No junk or automobile salvage yard shall be operated or maintained for more than thirty-six (36) months after a zoning change to a use district within which such use is not permitted, except that in an "M-3" Limited Manufacturing District, the City Council may permit, for a specified time, the continued use of an area containing a junk or automobile salvage yard provided that a six (6) foot high masonry wall or durable, decorative, site-proof fence be constructed around such areas.

THIS SECTION INTENTIONALLY LEFT BLANK.

MINUTES

NO RECORDING OF THE MEETING

PUBLIC HEARING

The public hearing of the Arnold Planning Commission was called to order by Chairman Andrew Sutton at 7:00 p.m. Mr. Sutton informed those in attendance as to the procedures by which the public hearing would be conducted.

2018-39: KING'S TRACE, RESUBDIVISION/MINOR RECORD PLAT, 3290 TELEGRAPH RD.: Christie Hull-Bettale presented this application stating the applicant is seeking to re-subdivide three (3) new lots and adjust one (1) additional lot. Each new lot will contain an existing home. The proposed minor record plat, supports the Comprehensive Plan for residential to continue in this vicinity. Further, dividing one (1) lot into three (3) parcels, one for each resident, allows for the order to be maintained with ownership of parcel and structure to be one in the same. Staff finds the proposed plat to substantially conform to the requirements of RSMo 89.410 and the Subdivision Ordinance, subject to the establishment of any required easements and recommends favorable consideration.

Dan Govero, Govero Land Services, 5929 Old State Rd., Imperial, MO, addressed the question of what will go on the larger lot stating that due to the slope, the lot is really not developable.

2018-40: AMENDMENT TO MUNICIPAL CODE CHAPTER 405 (ZONING) – TRAILERS: David Bookless presented this request to amend Chapter 405, of the Zoning Code, to modify definitions and regulations related to trailers and the non-conforming uses of buildings, structures or land. Mr. Bookless stated the purpose of this request is to provide clarification and consistency in interpretations of the Zoning Ordinance. Mr. Bookless touched briefly on the issues/complaints the city has been dealing with and believes they can best be approached by making a number of changes to the Code summarized as follows:

- The definition for trailer can be strengthened to make it clear that they are not buildings (i.e., structures).
- "Holiday seasonal storage" will continue to be permissible; however, this provision will be removed from the regulations governing "temporary structures" and relocated to a section speaking directly to trailers.
- Establish a section that prohibits the use of trailers for storage purposes with several exceptions, including "holiday seasonal storage," in manufacturing districts, etc.
- Revise the nonconforming uses section of the Zoning Ordinance to specifically reference trailers being used for storage purposes and provide an amortization period for the removal of pre-existing trailers.

Additionally, Staff included a few other nonconformities to be covered under the amortization language, revised regulations related to non-conforming mobile homes that are not located in Mobile Home Districts and new language addressing portable toilet facilities on job sites and at special events relative to their placement and maintenance.

Mr. Bookless finds that the proposed text amendments meet or exceed review criteria and further advances the intent of Chapter 405 and based on this, requests favorable consideration of the draft amendments.

Andrew Sutton questioned size limit on donation bins and extensions for temporary storage.

Brian McArthur suggested a maximum size on donation bins be identified and should a larger size be needed, then a 48 hour time limit would be set.

John Tucker questioned how you determine damage beyond 50% on trailers and storage bins.

There being no more questions or comments, the public hearing adjourned at 7:15 p.m.

REGULAR MEETING

The regular meeting of the Arnold Planning Commission was called to order by Chairman Andrew Sutton at 7:15 p.m. The Pledge of Allegiance was recited by those in attendance.

ROLL CALL OF COMMISSIONERS: Del Williams, John Tucker, Anthony Sofia, Brian McArthur, Alan Bess, Frank Kutilek, Jeff Campbell, Andrew Sutton, Chris Ford (excused), David Bookless, Christie Hull-Bettale and Bob Sweeney. 8 voting members present, 1 excused.

REVIEW AND APPROVAL OF AGENDA: Motion by Jeff Campbell to approve the agenda as presented. Second by Del Williams. Voice Vote – *Unanimously Approved.*

APPROVAL OF MINUTES: Motion by Jeff Campbell to approve the minutes from the December 11, 2018 meeting as presented. Second by Tony Sofia. Voice Vote - *Unanimously Approved.*

QUESTIONS FROM THE FLOOR: None

7a. 2018-39: KING'S TRACE/BEUHRE ACRES, RESUBDIISION/MINOR RECORD PLAT, 3290

TELEGRAPH RD: Motion by Jeff Campbell to approve 2018-39 King's Trace/Beuhre Acres, Resubdivision/Minor Record Plat, 3290 Telegraph Rd. Second by Del Williams. Roll call vote: Del Williams, yes; John Tucker, yes; Tony Sophia, yes; Brian McArthur, yes; Alan Bess, yes; Frank Kutilek, yes; Jeff Campbell, yes; Andrew Sutton, yes. 8 yeas, 0 nays – *Motion Approved.*

8a. 2018-40: TEXT AMENDMENT/DEFINITION OF TRAILERS: Motion by Andrew Sutton to table 2018-40, text amendment/definition of trailers. Second by Frank Kutilek. Roll call vote: Del Williams, yes; John Tucker, yes; Tony Sophia, yes; Brian McArthur, yes; Alan Bess, yes; Frank Kutilek, yes; Jeff Campbell, yes; Andrew Sutton, yes. 8 yeas, 0 nays – *Motion Approved.*

9a. 2018-41: COMMERCIAL SITE PLAN – HAAG RD.: Christie Hull-Bettale presented this application for a proposed trucking terminal which is in the M-2 Industrial Zoning District and is a use by right conditioned that zoning and other requirements are met. Christie gave a brief history of the site and stated that this proposal fits within the uses outlined in the district. The proposed is a 2,160 s.f. building containing the office and garage for minor truck repairs. The plan is in conformance with the applicable zoning regulations including the height limitations for the structure; lot area, open area and yard requirements; landscaping and off-street parking and loading requirements. With the exception that the regular spaces are shown at 9' wide; however, 10' x 19' dimensions must be met. Other regulations that apply and are being fulfilled are the tree preservation program and storm water design requirements of storm water drainage facilities, rules and regulations. Staff recommends approval with the following conditions:

1. Employee and customer parking must be striped and 10' x 19' spaces are required.
2. Address other agency and utility comments.

Jeff Campbell asked the width of Haag Road. Christie responded that it is 24 foot.

Mark Ditch, Buescher Ditch & Assoc., Inc., 2 East Fifth St., Washington, MO commented that they working with Missouri American Water as to where to hook the sewer up.

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Frank Kutilek questioned a fence for security.

Tony Sofia questioned the traffic volume. 38 truck spaces.

John Tucker questioned why there is an entrance from Telegraph and not Tenbrook.

Andrew Sutton expressed that he was not a fan of a metal building. He suggested they add more character to the building.

Motion by Jeff Campbell to approve 2018-41, Commercial Site Plan, EJA Trucking Terminal at the end of Haag Road with the following two (2) conditions:

1. Employee and customer parking must be striped and 10' x 19' spaces are required.
2. Address other agency and utility comments.

Second by Del Williams. Roll call vote: Del Williams, yes; John Tucker, yes; Tony Sophia, yes; Brian McArthur, yes; Alan Bess, yes; Frank Kutilek, yes; Jeff Campbell, yes; Andrew Sutton, yes. 8 yeas, 0 nays – ***Motion Approved.***

10. STAFF REPORT: David Bookless commented that Texas Roadhouse will be doing a minor addition.

Christie Hull Bettale – No Report

Bob Sweeney – No Report

11. OLD BUSINESS/COMMISSIONERS REPORT: Frank Kutilek commented on the constant back up on Old Lemay Ferry Rd.

Del Williams commented that a roundabout would help the traffic congestion.

John Tucker wished everyone a Happy New Year!

Tony Sofia commented that he was resigning from the Planning Commission and thanked everyone.

Brian McArthur commented that Public Works is working on synchronizing the light signal at Richardson Rd. and St. John's Crossing.

Alan Bess – No Report

Jeff Campbell commented that Springdale Pool was filled in and he is curious as to what may go there.

Andrew Sutton – No Report

12. ADJOURNMENT: Meeting adjourned at 7:53 p.m.

Respectfully Submitted,

Alan Bess
Planning Commission Secretary

RESOLUTION NO: 19-04

A RESOLUTION APPOINTING JUSTIN LURK TO THE
PLANNING AND ZONING BOARD TO COMPLETE AN UNEXPIRED
TERM

BE IT RESOLVED by the Council of the City of Arnold, Missouri, that Justin P. Lurk is hereby appointed to the Planning and Zoning Commission to serve the remainder of a four-term that will expire on December 31, 2020 or until a successor has been appointed and qualified.

Presiding Officer of the City Council

Mayor Ron Counts

City Clerk Tammi Casey

Date: _____

Justin P. Lurk

3023 Strawberry Ridge Drive, Arnold, MO 63010
573-268-0957 lurk_justin@yahoo.com

SUMMARY OF JOB QUALIFICATIONS

- Nearly fifteen years professional experience in commercial real estate contract negotiation with a focus on ground up development ranging from site selection, entitlement process, city approval processes thru construction commencement.
- Confident self-starter with a passion for delivering excellent client service via process improvement and relationship development
- Proven managerial and leadership experience with multiple teams across various service lines

PROFESSIONAL EXPERIENCE

Cushman & Wakefield** – St. Louis, MO

Feb 2004 – Present

*****Formerly DTZ, Cassidy Turley & Colliers Turley Martin Tucker Companies***

Vice President

Dec 2015 – Present

- ***Development Manager (Chick-fil-A account)***
- Managing on average 50 development projects from entitlement launch thru permit receipt
- Coordination with Civil, Architect, Environmental, Geotechnical & Signage partners
- Responsible for managing overall project schedule
- Leading value engineering efforts to achieve measurable added value to the client
- Representing the client at City meetings (Pre-application, Planning Commission, City Council, Architectural Review Boards, Zoning Board of Appeals, Home Owner Association meetings, etc.)
- Overseeing a team of construction managers that project manage 40-45 new builds per year
- Total investment on projects ranged from \$2.5 – 4.5 Million Dollars each

Associate Vice President

Dec 2011 – Dec 2015

- ***Account Manager (Procter & Gamble account)***
- Managed a team of five professionals ranging from Real Estate Managers, Construction Managers and a Design Manager
- Responsible for National roll out of Tide Dry Cleaners Franchise expansion across the country opening 29 locations in four years
- Managed market analysis, site selection, LOI & Lease/Purchase Agreement negotiations, Due Diligence, City approval processes, closing process, CD review, Bidding process, and also Signage, Construction & Equipment process Tide Dry Cleaners Franchisees
- Total investments of projects ranged from \$1.0 - \$2.5 Million Dollars each

Senior Manager

April 2009 – Dec 2011

- ***Real Estate Manager (Procter & Gamble account)***
- Responsible for National roll out of Mr. Clean Car Wash Franchise expansion across the country opening 3 locations in three years
- Managed market analysis, site selection, LOI & Purchase Agreement negotiations, Due Diligence, City approval processes, closing process, CD review, Bidding process, and also Signage, Construction & Equipment process for Mr. Clean Car Wash Franchisees
- Total investments of projects ranged from \$4.5 - \$5.5 Million Dollars each

Manager

April 2007 – April 2009

- Managed team of nine people responsible for negotiating new lease contracts
- Managed team of nine people responsible for negotiating lease contract extensions and relocations
- Delivered savings to client by negotiating below-market rental rates and improved contract terms
- Coached new team members to become successful lease contract negotiators and administrators

Senior Associate

October 2005 – April 2007

- Responsible for facilitating the opening (completed 86) and relocation (completed 24) of branch offices on behalf of our client across various markets in the US
- Performed market research, contract negotiations, site selection, and project management
- Sourced general contractors for construction of branch offices

Associate

February 2004 – October 2005

- Negotiated and executed lease contract renewals (over 200) on behalf of our client
- Evaluated office relocation opportunities across various markets in the US

Aramark Uniform Services – St. Louis, MO

May 2003 – February 2004

Route Manager

- Managed a team of 5 route drivers
- Responsible for maintaining customer relationships while coaching route drivers on expansion efforts of their individual routes

EDUCATION / AFFILIATIONS

University of Missouri Columbia

1998-2003

- *Bachelors of Science in Business Management (Dec 2002)*
- *Bachelors of Science in Statistics (May 2003)*

Missouri Real Estate Commission

Since 2004

- *Licensed Real Estate Salesperson*

PROFESSIONAL RECOGNITIONS

Turley Award – 2012 Clarence M. Turley Award
 Mark of Excellence – 2008 Manager of the Year
 Whatever It Takes – “WIT” Award Recipient

COMMUNITY LEADERSHIP

United Way – Leadership Giver
 American Heart Association – Team Leader
 Junior Achievement – Volunteer
 Ronald McDonald House – Volunteer
 American Red Cross – Donor / Volunteer / Team Leader
 Supporter of Kidsmart – Push for Pencils

CLIENTS SERVICED

Chick-fil-A
 Procter & Gamble

- Tide Dry Cleaners,
- Mr. Clean Car Wash, and
- MDVIP

 Edward Jones Investments
 Heights Finance Corporation
 Ace Cash Express
 Bruegger’s Bagels
 AutoZone

RESOLUTION NO: 19-05

A RESOLUTION APPOINTING TIM SEIDENSTRICKER TO THE
CITY COUNCIL TO COMPLETE THE UNEXPIRED TERM OF DAVID
OWENS

BE IT RESOLVED by the Council of the City of Arnold, Missouri, that Tim Seidenstricker is hereby appointed to the City Council to represent Ward 2 for the remainder of the unexpired 2018-2019 term of David Owens. This appointment shall commence January 17, 2019 and shall terminate on the date of the swearing in ceremony following the April 2019, election.

Presiding Officer of the City Council

Mayor Ron Counts

City Clerk Tammi Casey

Date: _____

Tim Seidenstricker

3436 Boca Raton Drive • Arnold, MO 63010 • (314) 882-5439 •
timseidenstricker@yahoo.com

PROFESSIONAL SUMMARY

Motivated professional with experience in customer service, fund raising, Healthcare/Patient management, store management and risk management.

BA in Theology with a minor in business

Strong work ethic

Skills in Microsoft Office Suite

WORK EXPERIENCE

Zoll Medical Group, St. Louis, MO (December 2015-current)

Patient Service Representative

- Patient fittings for LifeVest wearable external defibrillators
- Patient education/operation of device
- Weekly phone calls for patient follow-up
- Device monitoring, trouble shooting, and follow up visit

B Loehr Staffing, St. Louis, MO (Various temp office positions) (June 2012-December-2015)

Office Assistant/Patient/Medical Accounts

-General office duties including reception, filing, sorting mail, data entry, copying, scanning, faxing, ordering supplies, vendor invoice processing, scheduling, creating, and attending all staff meetings.

Groupone Healthsource Inc., St. Louis, MO (October 2009-May 2011)

Patient Accounts Representative/Medical Billing.

- Identified problem accounts with payors, investigated and corrected errors, followed-up on missing account information, and resolved past-due accounts
- Answered inquiries by phone regarding past-due accounts and insurance guidelines, and researched incorrect addresses for past-due accounts.

- Contacted responsible party to resolve delinquent accounts; prepared payment plans and monitored adherence to plans by responsible party; and directed accounts to outside collection agencies when necessary.
- Contacted attorneys, employers, physicians, and others necessary to obtain information for resolution of credit and collection matters.
- Prepared reports to identify and resolve accounts receivable and referral problems.

Concordia Seminary, St. Louis, MO (August 2007- August 2009)

Gift-by Phone Coordinator in Department of Philanthropic Support/Development

- Elicited information and responded to inquiries via telephone, correspondence and email.
- Provided research and support services for donor projects overseen by Vice President for Philanthropic and Donor Services and Director of Philanthropic Services
- Maintained donor and fund records.
- Provided oversight to external mailings and communications to donors.
- Compiled reports and materials for presentations, and to update others in the department.

Principal and Planned Gifts/Trip Planning and Administrative Support, (Temporary additional position served concurrently with main position), January 2008-June-2008

- Scheduled visits with donors for the Philanthropic advisors.
- Made "Thank you/Discovery" calls to donors.
- Contacted donors to see if there is potential gift matches through companies and Thrivent Giving Match program.

St. Anthony's Medical Center, St. Louis, MO

Radiology Department Assistant.

- Work closely with the physician to receive guidance and instruction for treating patients.
- Perform direct patient care as instructed by the physician.
- Order and maintain clinical and office supplies and equipment.
- Assist physicians in preparing for minor surgeries and exams.
- Complete appropriate documentation on all patients examined.
- Demonstrate support to other co-workers by offering help.

EDUCATION

Concordia University Wisconsin, Bachelor of Liberal Arts in Theology

Selected Volunteer Work

The Isaac Bruce Foundation, St. Louis, MO

Took donations at Grid Iron Gala. Assisted with silent auction.

Great Rivers Greenway, St. Louis, MO

Assisted at groundbreaking ceremony to kick off the construction of the Central Riverfront CityArchRiver 2015 project.

The Carter Center, Atlanta, GA

Assisted with mailings, copying, filing, answering telephones, faxing, computer work, and basic research.

LCMS National Housing Support Corp. (Lutheran Housing Support) St. Louis, MO

Assisted at ribbon cutting ceremony for Nazareth Homes development in St. Louis' historic College Hill neighborhood.