



**City Council Meeting
Council Chamber**

**January 19, 2023
7:00 P.M.**

Zoom Link – Internet Audio/Video:

<https://us02web.zoom.us/j/87882791287?pwd=ekxQb2U1VVQ3U1o5bHRSTUVtbXc4QT09>

Dial-in Number: 312 626 6799

Meeting ID: 878 8279 1287

Passcode: 058223

Public Hearing

- A. Manufactured Homes (Text Amendment)
- B. Marijuana Related Uses (Zoning)
- C. Lindwedel Meadows (Record Plat with Vacation)

Regular Meeting

AGENDA

- 1. Pledge of Allegiance and Opening Prayer
- 2. Roll Call
- 3. Business from the Floor
- 4. Consent Agenda
 - A. Regular Council Meeting Minutes from **January 5, 2023**
 - B. Payroll Warrant **#T00372 In the Amount of \$375,301.20**
 - C. General Warrant **#5826 In the Amount of \$603,323.70**
- 5. Ordinances:
 - A. **Bill #2848** An Ordinance of the City Council of the City of Arnold, Missouri, Amending Multiple Sections of Chapter 405 of the Arnold Code of Ordinance as they Relate to Manufactured (Mobile) Homes and Parks.

- B. **Bill #2849** An Ordinance of the City Council of the City of Arnold, Missouri, Amending Chapter 405 of the Arnold Code of Ordinances (*Marijuana Related Uses*).
- C. **Bill #2850** An Ordinance Approving A Record Plat Titled "Lindwedel Meadows"

6. Resolutions:

- A. **Resolution #23-01** A Resolution Authorizing the Mayor to Enter into A Contract with Hurst-Roche, Inc. To Provide Construction Engineering Services for the Muddy Creek Stormwater and Street Project for the City of Arnold.

7. Motions:

- A. A Motion to Approve Liquor License Applications

8. Reports from Mayor and Council

9. Administrative Reports

10. Adjournment

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

Mayor Ron Counts called the meeting to order at 7:00 p.m.

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

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

ROLL CALL

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

BUSINESS FROM THE FLOOR

Lemuel Hester, 1728 Rhythm Lane – Stated he believes the proposed tax question that will be on the April ballot sounds reasonable to him. Mr. Hester also inquired as to whether or not the active shooter training for the police department has taken place yet. Chief Carroll informed him it has.

CONSENT AGENDA

- A. REGULAR COUNCIL MEETING MINUTES FROM DECEMBER 15, 2022**
- B. PAYROLL WARRANT #T00355 IN THE AMOUNT OF \$347,996.12**
- C. GENERAL WARRANT #5825 IN THE AMOUNT OF \$412,087.98**

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

ORDINANCES

BILL NO 2846 – AN ORDINANCE AMENDING CHAPTER 500 (BUILDINGS AND BUILDING REGULATIONS) OF THE ARNOLD CODE OF ORDINANCES BY RELOCATING PROVISIONS CONTAINED IN CHAPTER 520 (OCCUPANCY PERMITS AND INSPECTIONS) AND REFERENCING PROVISIONS CONTAINED IN CHAPTER 220 (GENERAL NUISANCES) TO THE INTERNATIONAL PROPERTY MAINTENANCE CODE was read twice by City Clerk Tammi Casey. Roll call vote: Hood, yes; Mullins, yes; Plunk, yes; Cooley, yes; Seidenstricker, yes; McArthur, yes; Fulbright, yes; Fleischmann, yes; 8 Yeas: **Ordinance passed.**

BILL NO 2847 – AN ORDINANCE AMENDING CERTAIN PROVISIONS OF CHAPTER 220 (GENERAL NUISANCES) OF THE ARNOLD CODE OF ORDINANCES AS THEY RELATE TO DESIGNATED NUISANCES AND THE RESPONSIBILITY OF PROPERTY OWNERS, LESSEES, ETC. was read twice by City Clerk Tammi Casey. Roll call vote: Hood, yes; Mullins, yes; Plunk, yes; Cooley, yes; Seidenstricker, yes; McArthur, yes; Fulbright, yes; Fleischmann, yes; 8 Yeas: **Ordinance passed.**

RESOLUTIONS

NONE

MOTIONS

A. A MOTION TO APPROVE LIQUOR LICENSE APPLICATIONS

Tammi Casey informed council that there were no items to bring forward from the liquor committee tonight.

B. A MOTION TO HOLD A CLOSED SESSION IMMEDIATELY FOLLOWING THE CITY COUNCIL MEETING FOR DISCUSSING REAL ESTATE PURSUANT TO RSMo SECTION 610.021 (2)

Tim Seidenstricker made a motion and so moved to hold a closed session immediately following the city council meeting. Seconded by Brian McArthur. Roll call vote: Hood, yes; Mullins, yes; Plunk, yes; Cooley, yes; Seidenstricker, yes; McArthur, yes; Fulbright, yes; Fleischmann, yes; 8 Yeas: **Motion carried.**

REPORTS FROM MAYOR AND COUNCIL

Dan Kroupa – Thanked officers Clouse and Rogers for their help regarding an issue at his home over the holidays.

Tim Seidenstricker, Ward 2 – Thanked Judy Wagner for her help with a constituent regarding a traffic light issue.

ADMINISTRATIVE REPORTS

Bryan Richison – Reminded council of proper procedure regarding notification of constituent issues.

Tammi Casey – Thanked Deion Christopher for his help in processing the new municipal services billing.

Judy Wagner – Updated council on the Lonedell project and also informed them that East West Gateway has approved the project the City applied for, which resulted in \$800,000 in federal funding.

3
Regular Meeting
January 05, 2023

Dave Crutchley – Informed everyone that the Rec Center is open after the Christmas Eve flooding incident.

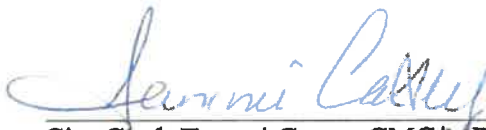
Mayor Counts announced a five-minute recess before going into Closed Session.

.....
Closed Session ended at 7:43 p.m.

A motion to adjourn the meeting was made by Gary Plunk. Seconded by EJ Fleischmann.

Voice vote: All Yeas.

Meeting adjourned at 7:43 p.m.


City Clerk Tammi Casey, CMC/MRCC-S

CITY OF ARNOLD, MISSOURI

ROLL CALL

MEETING: COUNCIL MEETING

DATE: 1/5/2023

PAGE: 1

BILL NO - RESOLUTION - MOTION

		ROLL CALL	CONSENT AGENDA	BILL NO 2846	BILL NO 2847	MOTION TO HOLD CLOSED SESSION	
COUNCIL MEMBERS:							
MAYOR	<u>RON COUNTS</u>	PRESENT					
COUNCIL:	<u>MARK HOOD</u>	PRESENT	YES	YES	YES	YES	
COUNCIL:	<u>RODNEY MULLINS</u>	PRESENT	YES	YES	YES	YES	
COUNCIL:	<u>GARY PLUNK</u>	PRESENT	YES	YES	YES	YES	
COUNCIL:	<u>BUTCH COOLEY</u>	PRESENT	YES	YES	YES	YES	
COUNCIL:	<u>TIM SEIDENSTRICKER</u>	PRESENT	YES	YES	YES	YES	
COUNCIL:	<u>BRIAN MCARTHUR</u>	PRESENT	YES	YES	YES	YES	
COUNCIL:	<u>JASON FULBRIGHT</u>	PRESENT	YES	YES	YES	YES	
COUNCIL:	<u>EJ FLEISCHMANN</u>	PRESENT	YES	YES	YES	YES	
CITY ADMINISTRATOR	BRYAN RICHISON	PRESENT	PARKS DIR:		DAVE CRUTCHLEY		PRESENT
CITY CLERK	TAMMI CASEY	PRESENT	PUBLIC WORKS:		JUDY WAGNER		PRESENT
COM DEV	DAVID BOOKLESS	PRESENT	TREASURER:		DAN KROUPA		PRESENT
FINANCE DIRECTOR	BILL LEHMANN	EXCUSED	POLICE DEPT.		CHIEF CARROLL		PRESENT
CITY ATTORNEY	BOB SWEENEY	PRESENT					



CITY COUNCIL AGENDA ITEM STAFF REPORT

MEETING DATE:	January 19, 2023
TITLE:	PC-2023-02 Manufactured Homes (Text Amendment)
DEPARTMENT:	Community Development
PROJECT MANAGER:	Sarah Turner, Senior Planner
REQUESTED ACTION:	Approval of Ordinance
ATTACHMENTS:	(1) Draft Ordinance (2) Planning Commission Staff Report (3) Draft Planning Commission Meeting Minutes

EXECUTIVE SUMMARY:

This is a City-initiated request to amend multiple sections of Chapter 405, Zoning, of the Arnold Code of Ordinances as they relate to manufactured homes and parks. Manufactured homes, previously known as “mobile homes”, have changed significantly in the time since the City’s incorporation. Arnold’s Zoning Ordinance has seen periodical updates to its manufactured homes chapters and references in the past, but there are some remaining outdated definitions, provisions, and regulations.

ANALYSIS:

The proposed amendments contained in the draft ordinance primarily affect three sections of the Zoning Ordinance with some minor overall terminology updates. The changes are summarized as follows:

- Throughout the Chapter 405, Zoning, replacing all references to “mobile home” with “manufactured home”.
- Removal, addition, and amendments to Definitions related to manufactured homes and parks.
- Adding language to the Non-Conforming chapter to create consistency between all situations involving non-conforming manufactured homes within or outside of a manufactured home park.
- Adding various provisions to the “MHD” Manufactured Home District regulations to clarify existing expectations and to bring the code into compliance with modern state regulations. These changes, in addition to updating all terms and relocating existing provisions within the section, meant it was simpler to replace the “MHD” entirely. Please note that most of the chapter is not being meaningfully altered.

At its January 10, 2023, Planning Commission held a public hearing for this text amendment request. Staff recommended favorable consideration. The Commission did not have any questions or discussion following the presentation of the Staff’s report.

RECOMMENDATION:

On January 10, 2023, the Planning Commission, by a vote of 7 to 0, voted to recommend approval of the draft language as presented to the City Council.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARNOLD, MISSOURI, AMENDING MULTIPLE SECTIONS OF CHAPTER 405 OF THE ARNOLD CODE OF ORDINANCES AS THEY RELATE TO MANUFACTURED (MOBILE) HOMES AND PARKS.

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

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

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

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

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

SECTION 1. Section 405.030 Definitions, paragraph “C”, of the Arnold Code of Ordinances is hereby amended by deleting the existing terms and associated definitions for “House Trailer”, “House Trailer Park”, and “Mobile Home”

SECTION 2. Section 405.030 Definitions, paragraph “C”, of the Arnold Code of Ordinances is amended by adding the following terms:

“MANUFACTURED HOME PARK

An area of land under unified ownership and control on which two or more occupied manufactured homes are harbored, either free of charge or for revenue purposes, and shall include any building, structure, tent, vehicle or enclosed use or intended use as part of the equipment of such manufactured home park.

MANUFACTURED HOME SPACE

Any portion of a manufactured home park designed for the use or occupancy by one manufactured home.

PAD

The portion of a manufactured home site, designated, designed and prepared for the support of a manufactured home consisting of a poured-in-place, rectilinear, concrete slab, as approved by the Building Commissioner, and specifically excluding runner or ribbon foundations.”

SECTION 3. Section 405.030 Definitions, paragraph “C”, of the Arnold Code of Ordinances is amended by deleting and substituting in lieu thereof the following terms:

“DWELLING

Any building, or portion thereof, used primarily for human habitation, except lodging establishments.

MANUFACTURED HOME

A structure, transportable in one or more sections, that in the traveling mode is 8 body feet (2438 body mm) or more in width or 40 body feet (12 192 body mm) or more in length, or, where erected on site, is 320 square feet (30 m2) or more, and that is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation where connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained therein; except that such term shall include any structure that meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary (HUD) and complies with the standards established under this title. For mobile homes built prior to June 15, 1976, a label certifying compliance to the Standard for Mobile Homes, NFPA 501, in effect at the time of manufacture is required. For the purpose of these provisions, a mobile home shall be considered to be a manufactured home.

RESIDENCE

Any building, or portion thereof, which is designed or used primarily for residential purposes, except lodging establishments.”

SECTION 4. The entirety of Chapter 405 Zoning of the Arnold Code of Ordinances is hereby amended by deleting all use of the term “mobile home” and replacing the same with “manufactured home”

SECTION 5. Section 405.070 Non-Conformities, paragraph (G)(1), of the Arnold Code of Ordinances is amended by the addition of the following:

“e. Any nonconforming manufactured home park within an “MHD” Manufactured Home District that ceases operation for a period of sixty (60) days, for any reason (except when government action impeded access to the lands), any subsequent reopening of the manufactured home park shall only be permitted when such operation is in full conformance with the regulations for “MHD” Manufactured Home Districts; provided, that in addition to its normal usage and meaning and for the purposes of this Chapter, a manufactured home park is deemed to be not operating if any required City license or renewed license is not obtained or in effect within sixty (60) days after the licensee is notified in writing by the City to obtain or renew the license. Failing the reopening of the park in full conformance with the regulations for “MHD” Manufactured Home Districts, all manufactured homes shall be removed from the premises in their entirety, to include the removal of all appurtenances and accessory structures, including, but not limited to pads, utility service lines, sheds, drives, parking areas, etc.”

SECTION 6. Section 405.070 Non-Conformities, paragraph (G)(2), subparagraph (d) of the Arnold Code of Ordinances is amended by deleting and substituting in lieu thereof the following:

- “d. Any non-conforming manufactured home park not located in an "MHD" Manufactured Home District that ceases legal operation for sixty (60) days, for any reason (except when government action impeded access to the lands), is shall be deemed abandoned; provided, that in addition to its normal usage and meaning and for the purposes of this Chapter, a manufactured home park is deemed to be not operating if any required City license or renewed license is not obtained or in effect within sixty (60) days after the licensee is notified in writing by the City to obtain or renew the license; and shall not be used thereafter as a manufactured home park; and all manufactured homes, appurtenances, including, but not limited to pads, utility service lines, sheds, etc., shall be removed.”

SECTION 7. Section 405.070 Non-Conformities, paragraph (G)(3), of the Arnold Code of Ordinances is amended by the addition of the following:

- “c. Manufactured homes, which are not located in a manufactured home park existing on the effective date of this Chapter shall not be moved for any reason for any distance whatsoever except for their removal.
- d. Manufactured homes, which are not located in a manufactured home park existing on the effective date of this Chapter that cease to be legally occupied for sixty (60) days, for any reason, shall be deemed abandoned; and shall be removed from the premises in their entirety, to include the removal of all appurtenances and accessory structures, including, but not limited to pads, utility service lines, sheds, drives, parking areas, etc.”

SECTION 8. Section 405.090 Planned Developments, paragraph (E) of the Arnold Code of Ordinances is amended by deleting and substituting in lieu thereof the following:

- “E. "MHD" Manufactured Home District.
 - 1. The "MHD" Manufactured Home District is designed to encourage the creation and maintenance of stable and enduring manufactured home residential neighborhoods by establishing limitations on the use and character of development of land, under an approved Site Plan, so as to take advantage of, or to avoid conflicts with, natural topography, hydrology, existing developments, and arrangements and location of existing or planned community facilities, and social needs of the community. This Subsection contains the district regulations of the "MHD" Manufactured Home District. These regulations are supplemented and qualified by additional general regulations appearing elsewhere in the Chapter which are incorporated as part of this Subsection by reference.
 - a. Permitted Land Uses And Developments.
 - (1) Farming, including the cultivations and sale of any plant crops.
 - (2) Forests and wildlife reservations, and conservation projects.

- (3) Manufactured home parks, including accessory management offices, laundry facilities, storage facilities, clubhouses, pools, recreation facilities, or other accessory uses normally associated with the operation of a manufactured home park.
 - (4) Commercial vegetable and flower gardening, plant nurseries, and greenhouses, not including any structure used as a salesroom.
 - (5) Churches.
 - (6) Public and private not-for-profit parks, parkways, and playgrounds.
 - (7) Deleted.
 - (8) Deleted.
 - (9) Local public utility facilities, provided that any installation, other than poles and equipment attached thereto, shall be adequately screened with landscaping, fencing or walls, or any combination thereof, or shall be placed underground, or shall be enclosed in a structure in such a manner so as to blend with and complement the character of the surrounding area. All plans for screening said facilities shall be submitted to the Planning Commission for review. No building permit or installation permit shall be issued until said plans have been approved by the Planning Commission.
 - (10) Deleted.
 - (11) Fire stations.
 - (12) Municipal buildings.
 - (13) Accessory buildings, land uses and activities customarily incident to any of the above uses.
 - (14) Public and private kindergarten, elementary, secondary, and collegiate schools.
 - (15) Home occupation. (See Chapter **605, Article IV - Home Occupations**)
- b. Conditional land use and development permits issued by the Commission, which may be permitted under the condition and requirements in Section **405.080** of this Chapter.
- (1) All public utilities not otherwise permitted per Section 405.090.E.1.a.
 - (2) Salesrooms for commercial gardens, plant nurseries and greenhouses.
 - (3) Deleted.

- (4) Nursing homes.
 - (5) Not-for-profit private clubs and recreational land uses, including community centers.
 - (6) Dairy farms.
 - (7) Outdoor entertainment facilities. **[Ord. No. 14.550 (2790), 5-20-2021]**
 - (8) Retreats owned and operated by religious, educational or other not-for-profit establishments.
 - (9) Sewage treatment facilities.
 - (10) Hospitals.
 - (11) Foster homes for handicapped children.
 - (12) Specialized private schools.
 - (13) In-home day care.
 - (14) Nursery schools and day nurseries.
- c. Site Plan Review. Development in the "MHD" District shall be subject to the requirements and procedures contained in Section 405.500 Site Plan Review.
- d. Height Limitations For Structures.
- (1) No building or manufactured home within a manufactured home park shall exceed the height of twenty-five (25) feet.
 - (2) No structure, other than a radio, television, public utility or communications tower, shall exceed fifty (50) feet in height above the average finished ground elevation at the perimeter of such structure; except that the height of structures may be further restricted as provided in Section **405.050(B)**.
- e. Street and Frontage Requirements
- (1) Each manufactured home space shall front upon a street accepted by the City or improved to the standards and specifications of the City.
- f. Lot Dimension, Lot Area, And Yard Requirements.
- (1) At least five thousand (5,000) square feet of area shall be provided for each manufactured home space. The minimum depth shall be one hundred (100) feet and the minimum width shall be fifty (50) feet.

- (2) No manufactured home may be located less than twenty (20) feet from another manufactured home or structure.
- (3) Schools shall be situated on tracts of land providing areas not less than as set out in the following table:

<u>Type of School</u>	<u>Minimum Acreage</u>
Nursery or day nursery	21,780 square feet
Kindergarten (separate)	1 acre
Primary	5 acres
Junior High	10 acres
Senior High	20 acres
Collegiate	10 acres

- (4) Deleted.
- (5) Fire stations shall be situated on tracts of land at least one (1) acre in area.
- (6) Public or private not-for-profit libraries shall be situated on tracts of at least one (1) acre.
- (7) All other land uses permitted in this district, except local public utility facilities, shall be situated or conducted on tracts of land at least five (5) acres in area; except as may be clearly indicated otherwise by the context of these regulations.
- (8) Except as otherwise provided in this Subsection, all conditional land uses in this district shall be situated or conducted on tracts of land at least five (5) acres in area, provided, however, that the Planning Commission, when approving a conditional use permit for foster homes for handicapped children, not-for-profit private clubs and recreational land uses, including community centers, may allow the establishment of said foster homes for handicapped children, not-for-profit private clubs and recreational land uses, including community centers, on tracts of land less than five (5) acres where the developments and uses contemplated are deemed consistent with good planning practice; can be operated in a manner that is not detrimental to the permitted developments and uses of the district; can be developed and operated in a manner that is visually compatible with the permitted uses in the surrounding area; are deemed essential or desirable to preserve and promote public health, safety, and general welfare of the City of Arnold; and where the related parking needs, outdoor facilities, size of buildings and potential membership of said developments and uses are deemed consistent with the intensity of land use in the neighborhood of said uses and developments. Provided, however, that the minimum tract area for said conditional developments and uses shall not be less than the minimum tract area for dwelling units permitted in this district.

- (9) No structure other than a permitted directional or information sign, or boundary walls or fences, higher than six (6) feet in height, shall be erected within twenty (20) feet of any roadway right-of-way line or road easement. In the case of corner lots, no structure exceeding thirty-six (36) inches in height may be erected within the triangular area bound by the property lines and a line connecting the two (2) points on the property lines thirty (30) feet from the intersection of the property lines. Likewise, in the case of corner lots, no plant material exceeding a height of thirty-six (36) inches above the elevation of the street pavement may be planted or maintained within the triangular area bound by the property lines and a line connecting the two (2) points on the property lines thirty (30) feet from the intersection of the property lines.
- (10) No structure shall be erected within eight (8) feet of any side property lines; except that this requirement shall not apply to any boundary wall or fence less than six (6) feet in height.
- (11) No structure shall be erected within fifteen (15) feet of a rear property line; except that this requirement shall not apply to any boundary wall or fence less than six (6) feet in height.
- (12) Any non-residential structure permitted in this district, other than a public utility tower authorized by a conditional use permit, which exceed thirty (30) feet in height shall be set back from all property lines at least one (1) additional foot for every foot of height above thirty (30) feet.
- (13) In the event that forty percent (40%) or more of the frontage along one (1) side of a street between two (2) intersecting streets, or for a distance of at least five hundred (500) feet in either direction is developed with buildings set back from such street with a variation in setback of no more than ten (10) feet, a structure may be located so as to approach no closer to the roadway than the average of existing buildings, but in no case shall any building be located closer than fifteen (15) feet from the roadway right-of-way line.
- (14) Specialized private schools may be permitted in any residential district under a conditional use permit providing that they be located on a tract of land containing one (1) acre for every fifteen (15) pupils, but in no case less than five (5) acres, nor more than that required by the public school system land area requirements. Further, no buildings or activity areas should be located closer than the allowable setback from the property line in each given residential district.
- (15) Any part of a lot area not used for buildings or other structures or for parking, loading, or accessways shall be landscaped with grass, ground

cover, trees, shrubs, and pedestrian walks in accordance with the following minimum requirements:

Minimum caliper for deciduous trees: 2 inches

Minimum height for coniferous trees: 6 feet

Tree mix: Maximum of 40% of one species

Distribution: 1 tree per 10 parking spaces with 75% of those trees within the parking area

1 foundation plant (shrub or bush) per 20 feet of street exposed wall area

- (16) All manufactured home parks shall be provided with a plant screening or other screening of at least five (5) feet in height along the property line separating the development and any adjacent zoning district. Said screening must be approved by the Planning Commission.

g. Off-Street Parking And Loading Requirements.

- (1) Two (2) off-street parking spaces shall be provided for each manufactured home.
- (2) Public and private schools shall provide one (1) off-street parking space for each classroom and separate office in such school, plus one (1) space for every four (4) students over the age of sixteen (16) whom the school is designed to accommodate; for the purposes of calculating the number of secondary school pupils to whom this criteria refers, only pupils in the eleventh (11th) and twelfth (12th) grades shall be considered.
- (3) Churches shall provide one (1) off-street parking space for each four (4) seats in the main auditorium of the church.
- (4) Parks and golf course shall provide parking areas equivalent to at least one percent (1%) of the total area of land in such park or golf course, except that parking area available on park roads or private drives may be used to fulfill this requirement.
- (5) Nursing homes, public utility facilities, swimming pools, clubs, recreational and community centers, and retreats shall provide sufficient

parking spaces for employees' or visitors' motor vehicles as to assure that no such vehicles need be parked on any street.

- (6) Hospitals shall provide two and one-half (2.5) parking spaces for each bed in the hospital.
- (7) Public and private not-for-profit libraries shall provide parking areas of three (3) times the gross floor area of the library exclusive of auditoriums, plus one (1) additional parking spaces for each six (6) seats in an auditorium or meeting place accessory to a library.
- (8) Parking areas, including driveways, shall, in this district, be paved.

h. Specific Prohibitions.

- (1) A manufactured home shall not be parked for inspection and sale or repair to the general public within any manufactured home park.
- (2) A recreational vehicle shall not be construed as being a part of a manufactured home park and shall not be occupied as living quarters.”

SECTION 9. If any part of this Ordinance is found to be unconstitutional, invalid or unenforceable by a court of competent jurisdiction, such invalidity shall not affect the validity or effectiveness of the remaining provisions of this Ordinance or any part thereof and said Ordinance shall be read as if said invalid provision was struck therefrom and the context thereof changed accordingly with the remainder of the Ordinance to be and remain in full force and effect.

SECTION 10. All ordinances, resolutions or orders, or parts thereof, which conflict with the provisions of this Ordinance, are, to the extent of such conflict, hereby repealed.

SECTION 11. This ordinance shall be in full force and effect from and after its passage and approval.

[SIGNATURES ON FOLLOWING PAGE]

READ TWO TIMES, PASSED AND APPROVED ON THIS ____ DAY OF JANUARY 2023.

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

Z:\CITYDOCS\ORDINANC\2023\2848 Ordinance Manufactured Home Parks (Zoning Text Amendment) 2023.docx
January 12, 2023



REPORT TO PLANNING COMMISSION

CITY OF ARNOLD

APPLICATION #: PC-2023-02

APPLICATION NAME: Manufactured Homes and Parks (Text Amendment)

APPLICANT: City of Arnold

REQUEST: A City-initiated request to amend multiple sections of Chapter 405, Zoning, of the Arnold Code of Ordinances as they relate to manufactured (mobile) homes and parks.

MEETING DATE: January 10, 2023

REPORT DATE: January 3, 2023

CASE MANAGER: Sarah Turner

RECOMMENDATION: **APPROVAL**



REPORT TO PLANNING COMMISSION

CITY OF ARNOLD

BACKGROUND

Manufactured homes are factory-built structures on a permanent chassis. This form of housing was popular in the 1940s and 50s, originally noted for its mobility and known as ‘house trailers’ or ‘travel trailers’. By the 1960s, these homes were seen as inexpensive housing designed to be left in a location for a long period of time or even permanently installed with a foundation. As these homes grew longer and wider, the mobility of the units was considerably decreased. Modern manufactured homes are seen as an affordable alternative to traditional site-built homes, with the term “mobile home” being a misnomer from the past as these homes are hardly mobile anymore. Additionally, manufactured homes built since June 1976 are required to meet federal HUD certification requirements and attached certification tags.

The purpose of providing the history of manufactured homes is to illustrate how much has changed over time. Our Zoning Ordinance has seen periodical updates to its manufactured homes chapters and references in the past, but there are still some antiquated and outdated references. Staff have found it appropriate at this time to clarify the Zoning Ordinance as detailed in this report.

DISCUSSION/ANALYSIS

Definitions

As noted in the Background section of this report, the terminology for this form of housing has evolved over time. The Federal Housing Administration and the State of Missouri refers to these housing units as “Manufactured Homes”. Arnold’s Zoning Ordinance contains references to mobile homes and house trailers throughout its definitions. There are some features of manufactured homes which would be helpful to add definitions for, such as manufactured home spaces and pads. The attached draft ordinance proposes the following definition updates to modernize the Zoning Ordinance:

- Remove existing references and definitions for “*House Trailer*”, “*House Trailer Park*”, and “*Mobile Home*”
- Add definitions for “*Manufactured Home Park*”, “*Manufactured Home Space*”, and “*Pad*”
- Amend the definitions for “*Dwelling*”, “*Manufactured Home*”, and “*Residence*”

Non-Conforming

Within the Non-Conforming chapter of the Zoning Ordinance are subsections for manufactured home parks in various states of non-conformity, including: (A) non-conforming parks in the proper “Manufactured Home District” (“MHD”), (B) non-conforming parks which are not located in the “MHD”, and (C) non-conforming manufactured homes which are not located in a park or the “MHD”.

The existing non-conforming chapter includes provisions for situations A and B for when a park ceases operation for 60 days. The draft ordinance proposes updating the existing provisions to

REPORT TO PLANNING COMMISSION

CITY OF ARNOLD



modernize the language and include references to any future licensing the City may require of manufactured home park operators. The draft also proposes provisions for situation C where the home must not be moved and be continuously legally occupied or it may lose its non-conforming status.

The remaining changes to this chapter are minor updating of terms from *"mobile"* to *"manufactured"* for homes and parks.

"MHD" Manufactured Home District

Staff proposes the "MHD" regulations be replaced, although most of the chapter is not being amended beyond updating terminology from *"mobile"* to *"manufactured"*. Changes of note include clarifying the need for site plan review, requiring that manufactured home spaces front on a street that meets City standards, clarifying that recreational vehicles are not to be used as residences, and updates to bring the code into compliance with modern state regulations. Some existing provisions are also being relocated within the section.

FINDINGS AND RECOMMENDATION

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

Staff finds that the proposed text amendments are warranted by the public necessity and convenience to provide reasonable and fair regulations in the Zoning Ordinance.

Staff finds that the proposed text amendments are warranted by the need to promote and protect the general welfare by bringing the City's requirements in line with federal and state guidelines, promoting a diverse and inclusive array of housing options for residents, preserving and enhancing the values of property owners and users, promoting the orderly and harmonious development and redevelopment of residential space the City, preserving and promoting the character and stability of the City and its various residential neighborhoods, improving the appearance of the City, and promoting the best use and development of residential land in accordance with the Comprehensive Plan.

RECOMMENDATION

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

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

Sarah Turner
Senior Planner



REPORT TO PLANNING COMMISSION
CITY OF ARNOLD

ATTACHMENTS

(1) Draft Ordinance

BILL NO. _____

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARNOLD, MISSOURI,
AMENDING MULTIPLE SECTIONS OF CHAPTER 405 OF THE ARNOLD CODE OF
ORDINANCES AS THEY RELATE TO MANUFACTURED (MOBILE) HOMES AND PARKS.**

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

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

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

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

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

SECTION 1. Section 405.030 Definitions, paragraph “C”, of the Arnold Code of Ordinances is hereby amended by deleting the existing terms and associated definitions for “House Trailer”, “House Trailer Park”, and “Mobile Home”

SECTION 2. Section 405.030 Definitions, paragraph “C”, of the Arnold Code of Ordinances is amended by adding the following terms:

“MANUFACTURED HOME PARK

An area of land under unified ownership and control on which two or more occupied manufactured homes are harbored, either free of charge or for revenue purposes, and shall include any building, structure, tent, vehicle or enclosed use or intended use as part of the equipment of such manufactured home park.

MANUFACTURED HOME SPACE

Any portion of a manufactured home park designed for the use or occupancy by one manufactured home.

PAD

The portion of a manufactured home site, designated, designed and prepared for the support of a manufactured home consisting of a poured-in-place, rectilinear, concrete slab, as approved by the Building Commissioner, and specifically excluding runner or ribbon foundations.”

SECTION 3. Section 405.030 Definitions, paragraph “C”, of the Arnold Code of Ordinances is amended by deleting and substituting in lieu thereof the following terms:

“DWELLING

Any building, or portion thereof, used primarily for human habitation, except lodging establishments.

MANUFACTURED HOME

A structure, transportable in one or more sections, that in the traveling mode is 8 body feet (2438 body mm) or more in width or 40 body feet (12 192 body mm) or more in length, or, where erected on site, is 320 square feet (30 m²) or more, and that is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation where connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained therein; except that such term shall include any structure that meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary (HUD) and complies with the standards established under this title. For mobile homes built prior to June 15, 1976, a label certifying compliance to the Standard for Mobile Homes, NFPA 501, in effect at the time of manufacture is required. For the purpose of these provisions, a mobile home shall be considered to be a manufactured home.

RESIDENCE

Any building, or portion thereof, which is designed or used primarily for residential purposes, except lodging establishments.”

SECTION 4. The entirety of Chapter 405 Zoning of the Arnold Code of Ordinances is hereby amended by deleting all use of the term “mobile home” and replacing the same with “manufactured home”

SECTION 5. Section 405.070 Non-Conformities, paragraph (G)(1), of the Arnold Code of Ordinances is amended by the addition of the following:

- “e. Any nonconforming manufactured home park within an “MHD” Manufactured Home District that ceases operation for a period of sixty (60) days, for any reason (except when government action impeded access to the lands), any subsequent reopening of the manufactured home park shall only be permitted when such operation is in full conformance with the regulations for “MHD” Manufactured Home Districts; provided, that in addition to its normal usage and meaning and for the purposes of this Chapter, a manufactured home park is deemed to be not operating if any required City license or renewed license is not obtained or in effect within sixty (60) days after the licensee is notified in writing by the City to obtain or renew the license. Failing the reopening of the park in full conformance with the regulations for “MHD” Manufactured Home Districts, all manufactured homes shall be removed from the premises in their entirety, to include the removal of all appurtenances and accessory structures, including, but not limited to pads, utility service lines, sheds, drives, parking areas, etc.”

SECTION 6. Section 405.070 Non-Conformities, paragraph (G)(2), subparagraph (d) of the Arnold Code of Ordinances is amended by deleting and substituting in lieu thereof the following:

- “d. Any non-conforming manufactured home park not located in an "MHD" Manufactured Home District that ceases legal operation for sixty (60) days, for any reason (except when government action impeded access to the lands), is shall be deemed abandoned; provided, that in addition to its normal usage and meaning and for the purposes of this Chapter, a manufactured home park is deemed to be not operating if any required City license or renewed license is not obtained or in effect within sixty (60) days after the licensee is notified in writing by the City to obtain or renew the license; and shall not be used thereafter as a manufactured home park; and all manufactured homes, appurtenances, including, but not limited to pads, utility service lines, sheds, etc., shall be removed.”

SECTION 7. Section 405.070 Non-Conformities, paragraph (G)(3), of the Arnold Code of Ordinances is amended by the addition of the following:

- “c. Manufactured homes, which are not located in a manufactured home park existing on the effective date of this Chapter shall not be moved for any reason for any distance whatsoever except for their removal.
- d. Manufactured homes, which are not located in a manufactured home park existing on the effective date of this Chapter that cease to be legally occupied for sixty (60) days, for any reason, shall be deemed abandoned; and shall be removed from the premises in their entirety, to include the removal of all appurtenances and accessory structures, including, but not limited to pads, utility service lines, sheds, drives, parking areas, etc.”

SECTION 8. Section 405.090 Planned Developments, paragraph (E) of the Arnold Code of Ordinances is amended by deleting and substituting in lieu thereof the following:

- “E. "MHD" Manufactured Home District.
 - 1. The "MHD" Manufactured Home District is designed to encourage the creation and maintenance of stable and enduring manufactured home residential neighborhoods by establishing limitations on the use and character of development of land, under an approved Site Plan, so as to take advantage of, or to avoid conflicts with, natural topography, hydrology, existing developments, and arrangements and location of existing or planned community facilities, and social needs of the community. This Subsection contains the district regulations of the "MHD" Manufactured Home District. These regulations are supplemented and qualified by additional general regulations appearing elsewhere in the Chapter which are incorporated as part of this Subsection by reference.
 - a. Permitted Land Uses And Developments.
 - (1) Farming, including the cultivations and sale of any plant crops.
 - (2) Forests and wildlife reservations, and conservation projects.

- (3) Manufactured home parks, including accessory management offices, laundry facilities, storage facilities, clubhouses, pools, recreation facilities, or other accessory uses normally associated with the operation of a manufactured home park.
 - (4) Commercial vegetable and flower gardening, plant nurseries, and greenhouses, not including any structure used as a salesroom.
 - (5) Churches.
 - (6) Public and private not-for-profit parks, parkways, and playgrounds.
 - (7) Deleted.
 - (8) Deleted.
 - (9) Local public utility facilities, provided that any installation, other than poles and equipment attached thereto, shall be adequately screened with landscaping, fencing or walls, or any combination thereof, or shall be placed underground, or shall be enclosed in a structure in such a manner so as to blend with and complement the character of the surrounding area. All plans for screening said facilities shall be submitted to the Planning Commission for review. No building permit or installation permit shall be issued until said plans have been approved by the Planning Commission.
 - (10) Deleted.
 - (11) Fire stations.
 - (12) Municipal buildings.
 - (13) Accessory buildings, land uses and activities customarily incident to any of the above uses.
 - (14) Public and private kindergarten, elementary, secondary, and collegiate schools.
 - (15) Home occupation. (See Chapter **605, Article IV - Home Occupations**)
- b. Conditional land use and development permits issued by the Commission, which may be permitted under the condition and requirements in Section **405.080** of this Chapter.
- (1) All public utilities not otherwise permitted per Section 405.090.E.1.a.
 - (2) Salesrooms for commercial gardens, plant nurseries and greenhouses.
 - (3) Deleted.

- (4) Nursing homes.
 - (5) Not-for-profit private clubs and recreational land uses, including community centers.
 - (6) Dairy farms.
 - (7) Outdoor entertainment facilities. **[Ord. No. 14.550 (2790), 5-20-2021]**
 - (8) Retreats owned and operated by religious, educational or other not-for-profit establishments.
 - (9) Sewage treatment facilities.
 - (10) Hospitals.
 - (11) Foster homes for handicapped children.
 - (12) Specialized private schools.
 - (13) In-home day care.
 - (14) Nursery schools and day nurseries.
- c. Site Plan Review. Development in the "MHD" District shall be subject to the requirements and procedures contained in Section 405.500 Site Plan Review.
- d. Height Limitations For Structures.
- (1) No building or manufactured home within a manufactured home park shall exceed the height of twenty-five (25) feet.
 - (2) No structure, other than a radio, television, public utility or communications tower, shall exceed fifty (50) feet in height above the average finished ground elevation at the perimeter of such structure; except that the height of structures may be further restricted as provided in Section **405.050(B)**.
- e. Street and Frontage Requirements
- (1) Each manufactured home space shall front upon a street accepted by the City or improved to the standards and specifications of the City.
- f. Lot Dimension, Lot Area, And Yard Requirements.
- (1) At least five thousand (5,000) square feet of area shall be provided for each manufactured home space. The minimum depth shall be one hundred (100) feet and the minimum width shall be fifty (50) feet.

- (2) No manufactured home may be located less than twenty (20) feet from another manufactured home or structure.
- (3) Schools shall be situated on tracts of land providing areas not less than as set out in the following table:

<u>Type of School</u>	<u>Minimum Acreage</u>
Nursery or day nursery	21,780 square feet
Kindergarten (separate)	1 acre
Primary	5 acres
Junior High	10 acres
Senior High	20 acres
Collegiate	10 acres

- (4) Deleted.
- (5) Fire stations shall be situated on tracts of land at least one (1) acre in area.
- (6) Public or private not-for-profit libraries shall be situated on tracts of at least one (1) acre.
- (7) All other land uses permitted in this district, except local public utility facilities, shall be situated or conducted on tracts of land at least five (5) acres in area; except as may be clearly indicated otherwise by the context of these regulations.
- (8) Except as otherwise provided in this Subsection, all conditional land uses in this district shall be situated or conducted on tracts of land at least five (5) acres in area, provided, however, that the Planning Commission, when approving a conditional use permit for foster homes for handicapped children, not-for-profit private clubs and recreational land uses, including community centers, may allow the establishment of said foster homes for handicapped children, not-for-profit private clubs and recreational land uses, including community centers, on tracts of land less than five (5) acres where the developments and uses contemplated are deemed consistent with good planning practice; can be operated in a manner that is not detrimental to the permitted developments and uses of the district; can be developed and operated in a manner that is visually compatible with the permitted uses in the surrounding area; are deemed essential or desirable to preserve and promote public health, safety, and general welfare of the City of Arnold; and where the related parking needs, outdoor facilities, size of buildings and potential membership of said developments and uses are deemed consistent with the intensity of land use in the neighborhood of said uses and developments. Provided, however, that the minimum tract area for said conditional developments and uses shall not be less than the minimum tract area for dwelling units permitted in this district.

- (9) No structure other than a permitted directional or information sign, or boundary walls or fences, higher than six (6) feet in height, shall be erected within twenty (20) feet of any roadway right-of-way line or road easement. In the case of corner lots, no structure exceeding thirty-six (36) inches in height may be erected within the triangular area bound by the property lines and a line connecting the two (2) points on the property lines thirty (30) feet from the intersection of the property lines. Likewise, in the case of corner lots, no plant material exceeding a height of thirty-six (36) inches above the elevation of the street pavement may be planted or maintained within the triangular area bound by the property lines and a line connecting the two (2) points on the property lines thirty (30) feet from the intersection of the property lines.
- (10) No structure shall be erected within eight (8) feet of any side property lines; except that this requirement shall not apply to any boundary wall or fence less than six (6) feet in height.
- (11) No structure shall be erected within fifteen (15) feet of a rear property line; except that this requirement shall not apply to any boundary wall or fence less than six (6) feet in height.
- (12) Any non-residential structure permitted in this district, other than a public utility tower authorized by a conditional use permit, which exceed thirty (30) feet in height shall be set back from all property lines at least one (1) additional foot for every foot of height above thirty (30) feet.
- (13) In the event that forty percent (40%) or more of the frontage along one (1) side of a street between two (2) intersecting streets, or for a distance of at least five hundred (500) feet in either direction is developed with buildings set back from such street with a variation in setback of no more than ten (10) feet, a structure may be located so as to approach no closer to the roadway than the average of existing buildings, but in no case shall any building be located closer than fifteen (15) feet from the roadway right-of-way line.
- (14) Specialized private schools may be permitted in any residential district under a conditional use permit providing that they be located on a tract of land containing one (1) acre for every fifteen (15) pupils, but in no case less than five (5) acres, nor more than that required by the public school system land area requirements. Further, no buildings or activity areas should be located closer than the allowable setback from the property line in each given residential district.
- (15) Any part of a lot area not used for buildings or other structures or for parking, loading, or accessways shall be landscaped with grass, ground

cover, trees, shrubs, and pedestrian walks in accordance with the following minimum requirements:

Minimum caliper for deciduous trees: 2 inches

Minimum height for coniferous trees: 6 feet

Tree mix: Maximum of 40% of one species

Distribution: 1 tree per 10 parking spaces with 75% of those trees within the parking area

1 foundation plant (shrub or bush) per 20 feet of street exposed wall area

- (16) All manufactured home parks shall be provided with a plant screening or other screening of at least five (5) feet in height along the property line separating the development and any adjacent zoning district. Said screening must be approved by the Planning Commission.

g. Off-Street Parking And Loading Requirements.

- (1) Two (2) off-street parking spaces shall be provided for each manufactured home.
- (2) Public and private schools shall provide one (1) off-street parking space for each classroom and separate office in such school, plus one (1) space for every four (4) students over the age of sixteen (16) whom the school is designed to accommodate; for the purposes of calculating the number of secondary school pupils to whom this criteria refers, only pupils in the eleventh (11th) and twelfth (12th) grades shall be considered.
- (3) Churches shall provide one (1) off-street parking space for each four (4) seats in the main auditorium of the church.
- (4) Parks and golf course shall provide parking areas equivalent to at least one percent (1%) of the total area of land in such park or golf course, except that parking area available on park roads or private drives may be used to fulfill this requirement.
- (5) Nursing homes, public utility facilities, swimming pools, clubs, recreational and community centers, and retreats shall provide sufficient

parking spaces for employees' or visitors' motor vehicles as to assure that no such vehicles need be parked on any street.

- (6) Hospitals shall provide two and one-half (2.5) parking spaces for each bed in the hospital.
- (7) Public and private not-for-profit libraries shall provide parking areas of three (3) times the gross floor area of the library exclusive of auditoriums, plus one (1) additional parking spaces for each six (6) seats in an auditorium or meeting place accessory to a library.
- (8) Parking areas, including driveways, shall, in this district, be paved.

h. Specific Prohibitions.

- (1) A manufactured home shall not be parked for inspection and sale or repair to the general public within any manufactured home park.
- (2) A recreational vehicle shall not be construed as being a part of a manufactured home park and shall not be occupied as living quarters.”

SECTION 9. If any part of this Ordinance is found to be unconstitutional, invalid or unenforceable by a court of competent jurisdiction, such invalidity shall not affect the validity or effectiveness of the remaining provisions of this Ordinance or any part thereof and said Ordinance shall be read as if said invalid provision was struck therefrom and the context thereof changed accordingly with the remainder of the Ordinance to be and remain in full force and effect.

SECTION 10. All ordinances, resolutions or orders, or parts thereof, which conflict with the provisions of this Ordinance, are, to the extent of such conflict, hereby repealed.

SECTION 11. This ordinance shall be in full force and effect from and after its passage and approval.

[SIGNATURES ON FOLLOWING PAGE]

READ TWO TIMES, PASSED AND APPROVED ON THIS ____ DAY OF _____ 2023.

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

Z:\Comm Dev Forms and Files\Planning & Zoning Files\PC Projects\PC-2023-02 Manufactured Homes and Parks\XXXX
Ordinance Manufactured Home Parks (Zoning Text Amendment) 2022 DRAFT.docx
December 29, 2022



**PLANNING COMMISSION MEETING
COUNCIL CHAMBERS, CITY HALL, 2101 JEFFCO BLVD.
JANUARY 10, 2023**

MINUTES

REGULAR SESSION

1. **CALL TO ORDER:** The regular meeting of the Arnold Planning Commission was called to order by Chair Andrew Sutton at 7:00 p.m.
2. **ROLL CALL OF COMMISSIONERS:** Andrew Sutton, Alan Bess (Excused), Brian McArthur, Del Williams, Frank Kutilek, Steve Buss (Arrived at 7:16 p.m.), Justin Lurk (Excused), Phil Hogan, Bill Moritz. **STAFF PRESENT:** David Bookless (Community Development Director), Robert Sweeney (City Attorney), Christie Hull-Bettale (Engineer/Planner), Sarah Turner (Senior Planner).
3. **PLEDGE OF ALLEGIANCE:** The Commission and Staff stood and spoke the Pledge of Allegiance.
4. **APPROVAL OF MINUTES:** Motion by Hogan to approve the minutes from the October 25, 2022 meeting. Second by Williams. *Voice vote:* Approved 6-0.
5. **PUBLIC COMMENT:** There was no comment from members of the public present or on Zoom.
6. **PUBLIC HEARINGS:**
 - a. **PC-2023-02 Manufactured Homes (Text Amendment):** Motion by Moritz to open the public hearings portion of the meeting. Second by Hogan. *Voice vote:* Approved 6-0. Ms. Turner presented the Staff Report, recommending favorable consideration of the attached draft language. Moritz asked if there were manufactured homes in the City not located in manufactured home parks. Staff confirmed there are a handful of such homes. McArthur asked if the definition for a manufactured home still includes homes with wheels. Staff clarified that the new definition specifies that a manufactured home has a permanent chassis. There were no additional questions from the Commission. There were no public comments on the request.
 - b. **PC-2023-03 Marijuana-Related Uses (Text Amendment):** Mr. Bookless presented the Staff Report, recommending favorable consideration of the attached draft language. Mr. Sweeney concurred with the Staff's findings and draft language. There were no questions from the Commission. There were no public comments on the request.
 - c. **PC-2023-04 Lindwedel Meadows (Record Plat with Vacation):** Mrs. Hull-Bettale presented the Staff Report, recommending favorable consideration of the attached record plat with conditions of approval. The applicant, Michael Hahn, was present. Williams asked about the status of the paper street and if the land served as access for any other properties. Staff clarified that the City Engineer has stated no intentions to build the street. Properties adjacent to the paper street are accessed by other completed roadways. There were no additional questions from the Commission. There were no public comments on the request. Motion by Williams to close the public hearings. Second by Kutilek. *Voice vote:* Approved 6-0.
7. **OTHER BUSINESS:**
 - a. **PC-2023-01 Ameren Tenbrook Substation (Site Plan and Appeal):** Mr. Sutton introduced the project. Ms. Turner presented the Staff Report, recommending approval of the site plan and appeal with five (5) conditions of approval. The applicant, Ameren Missouri, had two representatives present: Garret Conklin and Jake Hall. Hogan asked about the existing culvert and ditch comment from Public Works. Staff clarified that those features are to remain and not be damaged during construction. Moritz asked when the variance hearing is to be held for the setback issue. Staff said the next evening, January 11th. Sutton asked if there was room for landscaping around the substation. Staff explained the limitations of site and how there was no room for additional landscaping. There were no additional questions from the Commission.

b. **Comprehensive Plan Update:** There was no update for this standing agenda item.

8. **ADJOURNMENT OF REGULAR SESSION:** Motion by Moritz to close the public hearing and move into executive session. Second by Buss. *Voice vote:* Approved 7-0. Session adjourned at 7:23 p.m.

EXCECUTIVE SESSION

9. **OLD BUSINESS:** *None*

10. **NEW BUSINESS:** Mr. Sutton polled the Commission to amend the agenda to move item 10d up to the first item in New Business. *Show of hands vote:* Approved 7-0.

a. **PC-2023-04 Lindwedel Meadows (Record Plat with Vacation):** Motion by Hogan to recommend approval to the City Council of the record plat with vacation of the paper street as presented by Staff. Second by Moritz. There was no additional discussion. *Roll call vote.* Andrew Sutton, yes; Brian McArthur, yes; Del Williams, yes; Frank Kutilek, yes; Steve Buss, yes; Phil Hogan, yes; Bill Mortiz, yes. Approved 7-0.

b. **PC-2023-01 Ameren Tenbrook Substation (Site Plan and Appeal):** Motion by Moritz to approve the site plan and fence appeals with the conditions of approval as recommended by Staff. Second by Kutilek. There was no additional discussion. *Roll call vote.* Andrew Sutton, yes; Brian McArthur, yes; Del Williams, yes; Frank Kutilek, yes; Steve Buss, yes; Phil Hogan, yes; Bill Mortiz, yes. Approved 7-0.

c. **PC-2023-02 Manufactured Homes (Text Amendment):** Motion by Hogan to recommend approval to the City Council of the Zoning Ordinance text amendment as presented by Staff. Second by Williams. There was no additional discussion. *Roll call vote.* Andrew Sutton, yes; Brian McArthur, yes; Del Williams, yes; Frank Kutilek, yes; Steve Buss, yes; Phil Hogan, yes; Bill Mortiz, yes. Approved 7-0.

d. **PC-2023-03 Marijuana-Related Uses (Text Amendment):** Motion by Moritz to recommend approval to the City Council of the Zoning Ordinance text amendment as presented by Staff. Second by Buss. There was no additional discussion. *Roll call vote.* Andrew Sutton, yes; Brian McArthur, yes; Del Williams, yes; Frank Kutilek, yes; Steve Buss, yes; Phil Hogan, yes; Bill Mortiz, yes. Approved 7-0.

11. **DIRECTOR'S REPORT:** The next meeting of the Commission scheduled for January 24th does not yet have an agenda item and may be cancelled if no applications are made in time. After being put on hold due to the COVID-19 pandemic, the Commission will be holding elections for its major roles. Mr. Bookless stated the elections were not going to be held at this meeting, but Commissioners should consider candidates to propose at the February meeting.

12. **COUNCIL LIAISON'S REPORT:** Councilman McArthur had no report.

13. **ANNOUNCEMENTS:** There were no announcements from the Commissioners.

14. **ADJOURNMENT:** Motion by Hogan to adjourn. Second by Buss. *Voice vote:* Approved 7-0. Meeting adjourned at 7:29 p.m.

Respectfully Submitted,

Sarah Turner
Acting Planning Commission Secretary

VOTE RECORD

	Roll Call	Minutes	Open Public Hearings	Close Hearings Close Reg. Open Exec.	Poll: Amendment of Agenda	Vote PC- 2023-04	Vote PC- 2023-01	Vote PC- 2023-02	Vote PC- 2023-03	Adjourn
Andrew Sutton	P	Y	Y	Y	Y	Y	Y	Y	Y	Y
Alan Bess	E	-	-	-	-	-	-	-	-	-
Brian McArthur	P	Y	Y	Y	Y	Y	Y	Y	Y	Y
Del Williams	P	2 nd - Y	Y	1 st - Y	Y	Y	Y	2 nd - Y	Y	Y
Frank Kutilek	P	Y	Y	2 nd - Y	Y	Y	2 nd - Y	Y	Y	Y
Steve Buss	P (7:16 pm)	-	-	-	Y	Y	Y	Y	2 nd - Y	2 nd - Y
Justin Lurk	E	-	-	-	-	-	-	-	-	-
Phil Hogan	P	1 st - Y	2 nd - Y	Y	Y	1 st - Y	Y	1 st - Y	Y	1 st - Y
Bill Moritz	P	Y	1 st - Y	Y	Y	2 nd - Y	1 st - Y	Y	1 st - Y	Y

<i>David Bookless</i>	P
<i>Robert Sweeney</i>	P
<i>Christie Hull-Bettale</i>	P
<i>Sarah Turner</i>	P

CALL TO ORDER	7:00 pm
ADJOURN REGULAR	7:23 pm
ADJOURN EXECUTIVE	7:29 pm



CITY COUNCIL AGENDA ITEM STAFF REPORT

MEETING DATE:	January 19, 2023
TITLE:	Marijuana Related Uses (Text Amendment)
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) Ordinance

EXECUTIVE SUMMARY:

A City-initiated request to amend Chapter 405, Zoning, of the Code of Ordinances to modify definitions and regulations related to marijuana related uses to be consistent with the Missouri State Constitution.

REVIEW & ANALYSIS:

In 2018, Missouri voters approved a Medical Marijuana Amendment to the State Constitution. Subsequently, in 2019, the City Council approved regulations related to Medical Marijuana-related entities. In 2022, Missouri voters approved a Legal (AKA Recreational) Marijuana Amendment to the State Constitution. The amendment revises definitions and allows similar entities as Medical (e.g. dispensaries, manufacturers, etc.) for recreational use purposes. The draft Zoning Ordinance text amendment for “recreational” marijuana-related uses mirrors the existing provisions for medical marijuana-related uses to be consistent with the Missouri State Constitution.

RECOMMENDATION:

At their January 10, 2023 meeting, the Planning Commission, by a vote of 7 to 0, voted to recommend approval of the proposed text amendments to the Zoning Ordinance contained in the attached draft.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARNOLD, MISSOURI,
AMENDING CHAPTER 405 OF THE ARNOLD CODE OF ORDINANCES
(MARIJUANA RELATED USES)**

WHEREAS, an amendment to Missouri's constitution was approved by voters on November 6, 2018 allowing access to Medical Marijuana in Missouri; and

WHEREAS, an amendment to Missouri's constitution was approved by voters on November 8, 2022 allowing access to legal (Commonly referred to as "recreational") Marijuana in Missouri; and

WHEREAS, the Federal Controlled Substance Act, 21 U.S.C. 801 et seq., the use, possession and cultivation of marijuana are unlawful and subject to federal prosecution without regard to a claimed medical need; and

WHEREAS, the United States Department of Justice issued a Memorandum entitled "Guidance for Marijuana Enforcement" on August 29, 2013. The memorandum established eight guidelines for states regarding the federal priorities in determining whether federal enforcement should commence against those engaged in specific activities related to marijuana cultivation and distribution. This ordinance places the highest priority on meeting these guidelines, particularly those related to public safety and health, restrictions on availability to minors, and prevention of illegal trafficking and profiteering; and

WHEREAS, Marijuana plants, as they begin to flower and for a period of two months or more during the growing season, produce an extremely strong odor that is detectable far beyond property boundaries and that can adversely impact the peace and enjoyment of nearby properties; and

WHEREAS, the City Council of the City of Arnold desires to amend Chapter 405 of the Arnold Code of Ordinances; 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 amendments to Chapter 405 of the Arnold Code of Ordinances; and

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

SECTION 1. Section 405.030, Rules and Definitions, of the Arnold Code of Ordinances is hereby amended by the deletion and replacement of paragraph "A", as follows:

"A. For the purpose of this Chapter certain words and phrases are herein defined. Words and phrases defined herein shall be given the defined meaning. Words and phrases which are not defined shall be given their usual meaning except where the context clearly indicates a different or specific meaning. Where words and phrases utilized in this Chapter are associated with the right to legal

access of marijuana, definitions contained in Article XIV of the Missouri Constitutions may be applicable, as determined by the City.”

SECTION 2. Section 405.030, Rules and Definitions, paragraph “A” of the Arnold Code of Ordinances is hereby amended by the deletion of the definition for “**MEDICAL MARIJUANA TESTING FACILITY**”.

SECTION 3. Section 405.030, Rules and Definitions, paragraph “A” of the Arnold Code of Ordinances is hereby amended by the deletion and replacement of certain definitions, as follows:

“CHURCH

A permanent building primarily and regularly used as a place of religious worship.”

DAYCARE

A child-care facility, as defined by section 210.201, RSMo., or successor provisions, that is licensed by the state of Missouri.

MARIJUANA or MARIHUANA

Means Cannabis Indica, Cannabis Sativa, and Cannabis Ruderalis, hybrids of such species, and any other strains commonly understood within the scientific community to constitute marijuana, as well as seed thereof and resin extracted from the marijuana plant and marijuana-infused products. Marijuana does not include industrial hemp, as defined by Missouri statute, or commodities or products manufactured from industrial hemp.

MARIJUANA-INFUSED PRODUCTS

Any product that is infused, dipped, coated, sprayed, or mixed with marijuana or an extract thereof, including, but not limited to, products that are able to be vaporized or smoked, edible products, ingestible products, topical products, suppositories, and infused prerolls, as provided for by the Missouri State Constitution.

MEDICAL MARIJUANA CULTIVATION FACILITY

Any facility licensed by the State of Missouri to acquire, cultivate, process, package, store on site or off site, transport to or from, and sell marijuana, marijuana seeds, and marijuana vegetative cuttings (also known as clones) to a medical dispensary facility, medical marijuana testing facility, medical marijuana cultivation facility, or to a medical marijuana-infused product manufacturing facility. a medical marijuana cultivation facility's authority to process marijuana shall include the production and sale of prerolls, but shall not include the manufacture of marijuana-infused products.

MEDICAL MARIJUANA DISPENSARY FACILITY

Means a facility licensed by the State of Missouri to acquire, process, package, store on site or off site, sell, transport to or from, and deliver marijuana, marijuana seeds, marijuana vegetative cuttings (also known as clones)

marijuana-infused products and drug paraphernalia used to administer marijuana as provided for in this Chapter to a qualifying patient, a primary caregiver, anywhere on the licensed property or to any address as directed by the patient or primary caregiver, so long as the address is a location allowing for the legal possession of marijuana, another medical marijuana dispensary facility, a marijuana testing facility, a medical marijuana cultivation facility, or a medical marijuana-infused projects manufacturing facility. Dispensary facilities may receive transaction orders at the dispensary in person, by phone, or via the internet, including from a third party. A medical marijuana dispensary facility's authority_ to process marijuana shall include the production and sale of prerolls, as defined in the State of Missouri Constitution, but shall not include the manufacture of marijuana-infused products.

MEDICAL MARIJUANA-INFUSED PRODUCTS MANUFACTURING FACILITY

Means a facility licensed by the State of Missouri, to acquire, process, package, store on site or off site, manufacture, transport to or from, and sell marijuana-infused products to a medical marijuana dispensary facility, a marijuana test facility, or to another medical marijuana-infused projects manufacturing facility.

MEDICAL MARIJUANA-RELATED ENTITIES

Any establishment operating or transacting business as a medical marijuana dispensary facility, medical marijuana cultivation facility, medical (marijuana) facility, medical marijuana-infused product manufacturing facility, marijuana testing facility, or other medical marijuana-related entity, as provided for by the Missouri State Constitution.”

SECTION 4.

Section 405.030, Rules and Definitions, paragraph “A” of the Arnold Code of Ordinances is hereby amended by the addition of certain definitions, as follows:

“COMPREHENSIVE (MARIJUANA) FACILITY

A comprehensive marijuana cultivation facility, comprehensive marijuana dispensary facility, or a comprehensive marijuana-infused product manufacturing facility, as provided for in the Missouri State Constitution.

COMPREHENSIVE MARIJUANA CULTIVATION FACILITY

A facility licensed by the State of Missouri to acquire, cultivate, process, package, store on site or off site. transport to or from, and sell medical and non-medical marijuana, marijuana seeds, marijuana vegetative cuttings (also known as clones) to a medical facility, comprehensive facility, or marijuana testing facility, as provided for in the Missouri State Constitution.

COMPREHENSIVE MARIJUANA DISPENSARY FACILITY

A facility licensed by the State of Missouri to acquire, process, package, store on site or off site, sell, transport to or from, and deliver medical and non-medical marijuana, marijuana seeds, marijuana vegetative cuttings (also known as

clones), marijuana-infused products and drug paraphernalia used to administer marijuana, as provided for in the Missouri State Constitution.

**COMPREHENSIVE MARIJUANA-INFUSED PRODUCTS
MANUFACTURING FACILITY**

A facility licensed by the State of Missouri to acquire, process, package, store, manufacture, transport to or from a medical facility, comprehensive facility, or marijuana testing facility, and sell marijuana-infused products to marijuana dispensary facilities, marijuana testing facilities, or other marijuana-infused products manufacturing facilities, as provided for in the Missouri State Constitution.

MARIJUANA FACILITY

A comprehensive facility, as defined in this Chapter, as provided for in the Missouri State Constitution, a marijuana testing facility, a microbusiness wholesale facility, microbusiness dispensary facility, or any other type of marijuana-related facility or business licensed or certified by the State of Missouri pursuant to the Missouri State Constitution, but shall not include a medical (marijuana) facility, as defined in this Chapter.

MARIJUANA TESTING FACILITY

Means a facility certified by the State of Missouri, to acquire, test, certify, and transport marijuana, including those originally licensed as a medical marijuana testing facility.

MEDICAL (MARIJUANA) FACILITY

Any medical marijuana cultivation facility, medical marijuana dispensary facility, or medical marijuana-infused products manufacturing facility, as defined in this Chapter and, as provided for by the Missouri State Constitution.

MICROBUSINESS DISPENSARY FACILITY

A facility licensed by the State of Missouri to acquire, process, package, store on site or off site, sell, transport to or from, and deliver medical and non-medical marijuana, marijuana seeds, marijuana vegetative cuttings (also known as clones), marijuana-infused products, and drug paraphernalia used to administer marijuana, as provided for by the Missouri State Constitution.

MARIJUANA MICROBUSINESS FACILITY

A facility licensed by the State of Missouri as a microbusiness dispensary facility or microbusiness wholesale facility, as defined in this Chapter.

MICROBUSINESS WHOLESALE FACILITY

A facility licensed by the State of Missouri to acquire, cultivate, process, package, store on site or off site, manufacture, transport to or from, deliver, and sell medical and non-marijuana, marijuana seeds, marijuana vegetative cuttings (also known as clones), and marijuana infused products to a microbusiness dispensary facility, other microbusiness wholesale facility, or marijuana testing facility, as provided for by the Missouri State Constitution.”

SECTION 5. Section 405.120, Commercial Districts, subparagraph C.1.b. of the Arnold Code of Ordinances is hereby amended to add the following conditional land uses:

“(36) Comprehensive Marijuana Dispensary Facilities (See Section 405.150(A)).
(37) Microbusiness Dispensary Facilities (See Section 405.150(A)).”

SECTION 6. Section 405.130, Industrial Districts, subparagraph A.1.a. of the Arnold Code of Ordinances is hereby amended to add the following permitted land use:

“(23) Marijuana Facilities, except dispensaries (See Section 405.150(A)).”

SECTION 7. Section 405.130, Industrial Districts, subparagraph B.2. of the Arnold Code of Ordinances is hereby amended to add the following permitted use:

“u. Marijuana Facilities, except dispensaries (See Section 405.150(A)).”

SECTION 8. Section 405.150, Use and Performance Standards. Subparagraph A.1.c., subparagraph “c.” is hereby amended its deletion and replacement, of the following use standard:

"c. Medical Marijuana-Related Entities, Medical (Marijuana) Facilities, and Marijuana Facilities. Medical marijuana-related entities, Medical (Marijuana) Facilities, and Marijuana Facilities, as defined in this Chapter, shall meet the following standards in addition to all other zoning requirements in order to operate within the City of Arnold:

(1) (Reserved)

(2) No person shall cause or permit the establishment of a medical marijuana dispensary facility, Comprehensive Marijuana Dispensary Facility, or Microbusiness Dispensary Facility where such facility is within one thousand (1,000) feet of a parcel of land which is used primarily for any of the following protected uses:

(a) Churches;

(b) elementary or secondary schools; and

(c) Daycares.

Such distances referred to above shall be measured by the methodology established in the Missouri State Constitution.

(3) No person shall cause or permit the establishment of a medical marijuana dispensary facility, comprehensive marijuana dispensary facility, or microbusiness dispensary facility where such facility is within one thousand

(1,000) feet of an alcohol or drug abuse facility as defined by the State of Missouri, Chapter 631, RSMo.

Such distances referred to above shall be measured by the methodology established in Article XIV of the Missouri State Constitution. For the purposes of this measurement, alcohol or drug abuse facilities shall be subject to the proximity criteria for churches, elementary or secondary schools, and daycares.

(4) No person shall cause or permit the establishment of an outdoor medical marijuana cultivation facility, or any outdoor cultivation associated with a comprehensive cultivation facility or microbusiness warehouse facility where such facility is within two hundred fifty (250) feet of a parcel of land which is used primarily for any of the following protected uses:

- (a) Churches;
- (b) Elementary or secondary schools; and
- (c) Daycares.

Such distances referred to above shall be measured by the methodology established in the Missouri State Constitution for medical marijuana-related entities facilities (herein referred to medical (marijuana) facilities) and protected uses.

(5) Medical Marijuana Dispensary Facilities, Comprehensive Marijuana Dispensary Facilities, and Microbusiness Dispensary Facilities, shall provide parking spaces in an amount not below fifteen (15) per one thousand (1,000) square feet gross floor area plus one (1) additional space for each employee on the maximum shift and one (1) space for each vehicle utilized in the day-to-day operation of the business.

(6) Nuisances. No medical marijuana-related entities, (marijuana) facility or marijuana facility, or marijuana microbusiness facility, as defined in this Chapter, shall emit an odor or in any way cause a public nuisance per Chapter 220 of this Code. Appropriate ventilation systems to prevent any odor of marijuana or fumes from leaving the premises or other changes to the facilities can be required if a public nuisance violation occurs.”

SECTION 9.

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

SECTION 10. All ordinances, resolutions or orders, or parts thereof, which conflict with the provisions of this Ordinance, are, to the extent of such conflict, hereby repealed.

SECTION 11. 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 _____ 2023.

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



REPORT TO PLANNING COMMISSION

CITY OF ARNOLD

APPLICATION #: 2023-03

APPLICATION NAME: Marijuana-Related Uses (Text Amendment)

APPLICANT: City of Arnold

REQUEST: A City-initiated request to amend multiple sections of Chapter 405, Zoning, of the Arnold Code of Ordinances as they relate to marijuana-related uses.

MEETING DATE: January 10, 2023

REPORT DATE: January 3, 2023

CASE MANAGER: David B. Bookless, AICP

RECOMMENDATION: **APPROVAL**



REPORT TO PLANNING COMMISSION

CITY OF ARNOLD

BACKGROUND

In 2018, Missouri voters approved a Medical Marijuana Amendment to the State Constitution. Subsequently, in 2019, the Planning Commission recommended and the City Council approved regulations related to Medical Marijuana-related entities. Specifically, Medical Marijuana *Dispensaries* were limited to the “C-3” & “C-4” Commercial Zoning Districts provided they were located at least 1,000 feet from churches, elementary & secondary schools, day-care facilities, and alcohol or drug abuse facilities. All other medical marijuana-related entities were limited to the “M-1”, “M-2”, & “M-3” Industrial Zoning Districts, provided outdoor grow operations were located at least 250 feet from churches, elementary & secondary schools, and day-care facilities. However, no state licenses were granted within Arnold city limits.

In 2022, Missouri voters approved a Recreational Marijuana Amendment to the State Constitution. The amendment revises definitions and allows similar entities as Medical (e.g. dispensaries, manufacturers, etc.) for recreational use purposes. Licenses for such facilities will go to those already granted medical licenses plus an additional 100 “microbusiness” licenses, awarded by lottery statewide. Microbusiness licensees must be majority owned by an individual meeting any of the following:

- Net worth < \$250,000 and income < 250% of the federal poverty level; or
- Have a valid service-connected disability card issued by the U.S. Department of Veterans Affairs; or
- Be a person or a person whose parent, guardian, or spouse has been arrested for, prosecuted for, or convicted of a non-violent marijuana offense (except for a conviction involving a minor or DUI of marijuana; or
- Reside in a ZIP code or census tract area where:
 - ◊ 30% or more of the population lives below the federal poverty level; or
 - ◊ The rate of unemployment is 50% higher than the state average rate of unemployment; or
 - ◊ The historic rate of incarceration for marijuana-related offenses is 50% higher than the state rate; or
 - ◊ Graduated from an unaccredited school district or has lived in a zip code containing an unaccredited school district for 3 of the past 5 years.

DISCUSSION/ANALYSIS

Unless the State increases the number of licenses issued, it seems unlikely the City of Arnold will see a significant number of entities seeking to operate here. Therefore, a reasonable approach from Staff’s perspective is to simply update marijuana-related definitions to reflect the changes at the state-level and to add particular recreational marijuana-related uses to the zoning districts where the equivalent medical marijuana-use is already permitted or conditionally permitted as outlined above.

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 proposed text amendments are warranted by the public necessity and convenience to provide reasonable and fair regulations in the Zoning Ordinance.

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

RECOMMENDATION

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 application.

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

David B. Bookless, AICP
Community Development Director

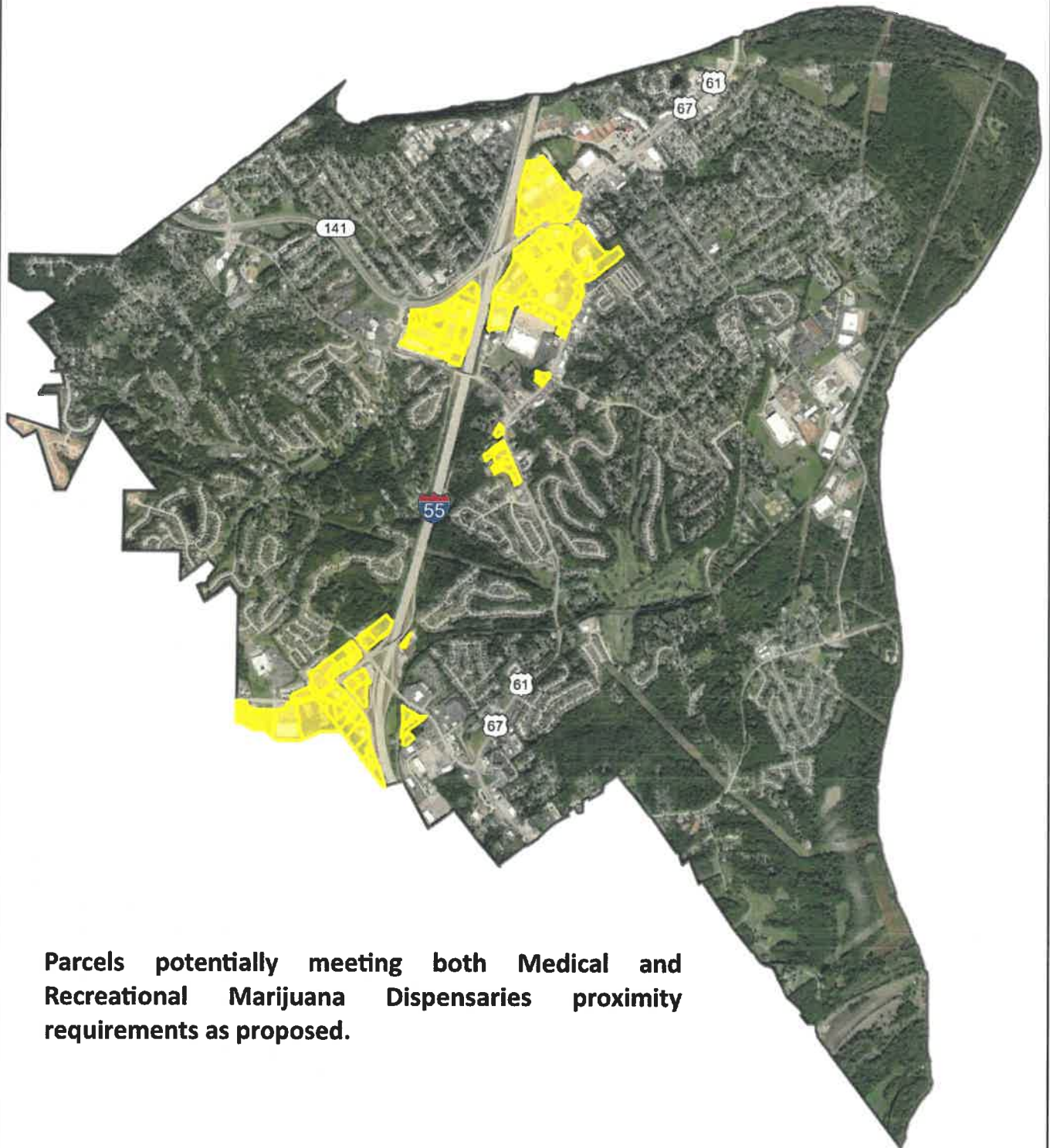


REPORT TO PLANNING COMMISSION
CITY OF ARNOLD

ATTACHMENTS

- 1) Map identifying parcels potentially meeting both Medical and Recreational Marijuana Dispensaries proximity requirements as proposed.**

Note: Due to its length, a PDF version of Amendment 3, as approved by Missouri Voters, has been provided electronically to Commissioners. Anyone seeking a print copy may request one from the Community Development Department by contacting Senior Planner Sarah Turner.



Parcels potentially meeting both Medical and Recreational Marijuana Dispensaries proximity requirements as proposed.



**PLANNING COMMISSION MEETING
COUNCIL CHAMBERS, CITY HALL, 2101 JEFFCO BLVD.
JANUARY 10, 2023**

MINUTES

REGULAR SESSION

1. **CALL TO ORDER:** The regular meeting of the Arnold Planning Commission was called to order by Chair Andrew Sutton at 7:00 p.m.
2. **ROLL CALL OF COMMISSIONERS:** Andrew Sutton, Alan Bess (Excused), Brian McArthur, Del Williams, Frank Kutilek, Steve Buss (Arrived at 7:16 p.m.), Justin Lurk (Excused), Phil Hogan, Bill Moritz. **STAFF PRESENT:** David Bookless (Community Development Director), Robert Sweeney (City Attorney), Christie Hull-Bettale (Engineer/Planner), Sarah Turner (Senior Planner).
3. **PLEDGE OF ALLEGIANCE:** The Commission and Staff stood and spoke the Pledge of Allegiance.
4. **APPROVAL OF MINUTES:** Motion by Hogan to approve the minutes from the October 25, 2022 meeting. Second by Williams. *Voice vote:* Approved 6-0.
5. **PUBLIC COMMENT:** There was no comment from members of the public present or on Zoom.
6. **PUBLIC HEARINGS:**
 - a. **PC-2023-02 Manufactured Homes (Text Amendment):** Motion by Moritz to open the public hearings portion of the meeting. Second by Hogan. *Voice vote:* Approved 6-0. Ms. Turner presented the Staff Report, recommending favorable consideration of the attached draft language. Moritz asked if there were manufactured homes in the City not located in manufactured home parks. Staff confirmed there are a handful of such homes. McArthur asked if the definition for a manufactured home still includes homes with wheels. Staff clarified that the new definition specifies that a manufactured home has a permanent chassis. There were no additional questions from the Commission. There were no public comments on the request.
 - b. **PC-2023-03 Marijuana-Related Uses (Text Amendment):** Mr. Bookless presented the Staff Report, recommending favorable consideration of the attached draft language. Mr. Sweeney concurred with the Staff's findings and draft language. There were no questions from the Commission. There were no public comments on the request.
 - c. **PC-2023-04 Lindwedel Meadows (Record Plat with Vacation):** Mrs. Hull-Bettale presented the Staff Report, recommending favorable consideration of the attached record plat with conditions of approval. The applicant, Michael Hahn, was present. Williams asked about the status of the paper street and if the land served as access for any other properties. Staff clarified that the City Engineer has stated no intentions to build the street. Properties adjacent to the paper street are accessed by other completed roadways. There were no additional questions from the Commission. There were no public comments on the request. Motion by Williams to close the public hearings. Second by Kutilek. *Voice vote:* Approved 6-0.
7. **OTHER BUSINESS:**
 - a. **PC-2023-01 Ameren Tenbrook Substation (Site Plan and Appeal):** Mr. Sutton introduced the project. Ms. Turner presented the Staff Report, recommending approval of the site plan and appeal with five (5) conditions of approval. The applicant, Ameren Missouri, had two representatives present: Garret Conklin and Jake Hall. Hogan asked about the existing culvert and ditch comment from Public Works. Staff clarified that those features are to remain and not be damaged during construction. Moritz asked when the variance hearing is to be held for the setback issue. Staff said the next evening, January 11th. Sutton asked if there was room for landscaping around the substation. Staff explained the limitations of site and how there was no room for additional landscaping. There were no additional questions from the Commission.

- b. **Comprehensive Plan Update:** There was no update for this standing agenda item.
8. **ADJOURNMENT OF REGULAR SESSION:** Motion by Moritz to close the public hearing and move into executive session. Second by Buss. *Voice vote:* Approved 7-0. Session adjourned at 7:23 p.m.

EXECUTIVE SESSION

9. **OLD BUSINESS:** *None*
10. **NEW BUSINESS:** Mr. Sutton polled the Commission to amend the agenda to move item 10d up to the first item in New Business. *Show of hands vote:* Approved 7-0.
- a. **PC-2023-04 Lindwedel Meadows (Record Plat with Vacation):** Motion by Hogan to recommend approval to the City Council of the record plat with vacation of the paper street as presented by Staff. Second by Moritz. There was no additional discussion. *Roll call vote.* Andrew Sutton, yes; Brian McArthur, yes; Del Williams, yes; Frank Kutilek, yes; Steve Buss, yes; Phil Hogan, yes; Bill Mortiz, yes. Approved 7-0.
 - b. **PC-2023-01 Ameren Tenbrook Substation (Site Plan and Appeal):** Motion by Moritz to approve the site plan and fence appeals with the conditions of approval as recommended by Staff. Second by Kutilek. There was no additional discussion. *Roll call vote.* Andrew Sutton, yes; Brian McArthur, yes; Del Williams, yes; Frank Kutilek, yes; Steve Buss, yes; Phil Hogan, yes; Bill Mortiz, yes. Approved 7-0.
 - c. **PC-2023-02 Manufactured Homes (Text Amendment):** Motion by Hogan to recommend approval to the City Council of the Zoning Ordinance text amendment as presented by Staff. Second by Williams. There was no additional discussion. *Roll call vote.* Andrew Sutton, yes; Brian McArthur, yes; Del Williams, yes; Frank Kutilek, yes; Steve Buss, yes; Phil Hogan, yes; Bill Mortiz, yes. Approved 7-0.
 - d. **PC-2023-03 Marijuana-Related Uses (Text Amendment):** Motion by Moritz to recommend approval to the City Council of the Zoning Ordinance text amendment as presented by Staff. Second by Buss. There was no additional discussion. *Roll call vote.* Andrew Sutton, yes; Brian McArthur, yes; Del Williams, yes; Frank Kutilek, yes; Steve Buss, yes; Phil Hogan, yes; Bill Mortiz, yes. Approved 7-0.
11. **DIRECTOR'S REPORT:** The next meeting of the Commission scheduled for January 24th does not yet have an agenda item and may be cancelled if no applications are made in time. After being put on hold due to the COVID-19 pandemic, the Commission will be holding elections for its major roles. Mr. Bookless stated the elections were not going to be held at this meeting, but Commissioners should consider candidates to propose at the February meeting.
12. **COUNCIL LIAISON'S REPORT:** Councilman McArthur had no report.
13. **ANNOUNCEMENTS:** There were no announcements from the Commissioners.
14. **ADJOURNMENT:** Motion by Hogan to adjourn. Second by Buss. *Voice vote:* Approved 7-0. Meeting adjourned at 7:29 p.m.

Respectfully Submitted,

Sarah Turner
Acting Planning Commission Secretary

VOTE RECORD

	Roll Call	Minutes	Open Public Hearings	Close Hearings Close Reg. Open Exec.	Poll: Amendment of Agenda	Vote PC- 2023-04	Vote PC- 2023-01	Vote PC- 2023-02	Vote PC- 2023-03	Adjourn
Andrew Sutton	P	Y	Y	Y	Y	Y	Y	Y	Y	Y
Alan Bess	E	-	-	-	-	-	-	-	-	-
Brian McArthur	P	Y	Y	Y	Y	Y	Y	Y	Y	Y
Del Williams	P	2 nd - Y	Y	1 st - Y	Y	Y	Y	2 nd - Y	Y	Y
Frank Kutilek	P	Y	Y	2 nd - Y	Y	Y	2 nd - Y	Y	Y	Y
Steve Buss	P (7:16 pm)	-	-	-	Y	Y	Y	Y	2 nd - Y	2 nd - Y
Justin Lurk	E	-	-	-	-	-	-	-	-	-
Phil Hogan	P	1 st - Y	2 nd - Y	Y	Y	1 st - Y	Y	1 st - Y	Y	1 st - Y
Bill Moritz	P	Y	1 st - Y	Y	Y	2 nd - Y	1 st - Y	Y	1 st - Y	Y
<i>David Bookless</i>	P									
<i>Robert Sweeney</i>	P									
<i>Christie Hull-Bettale</i>	P									
<i>Sarah Turner</i>	P									

CALL TO ORDER	7:00 pm
ADJOURN REGULAR	7:23 pm
ADJOURN EXECUTIVE	7:29 pm



CITY COUNCIL AGENDA ITEM STAFF REPORT

MEETING DATE:	January 19, 2023
TITLE:	PC-2023-04 Lindwedel Meadows (Record Plat with Vacation)
DEPARTMENT:	Community Development
PROJECT MANAGER:	Christie Hull Bettale, Community Development Engineer
REQUESTED ACTION:	Approval
ATTACHMENTS:	(1) Planning Commission Staff Report (2) Draft Planning Commission Minutes (3) Ordinance and Exhibit A (Record Plat)

EXECUTIVE SUMMARY:

Michael Hahn of Hahn Realty LLC is seeking approval of a Record Plat to vacate a “paper street” at the convergence of Summit Drive and Sun Valley South, approximately 365 feet south of the intersection of Alan Dr.

REVIEW & ANALYSIS:

At its January 10, 2023 meeting, the Planning Commission held a public hearing for the project. Staff found the request consistent with the Record Plat requirements contained in the Subdivision Ordinance. There was no public comment or additional discussion by the Commission.

RECOMMENDATION:

At their January 10, 2023 meeting, the Planning Commission, by a vote of 7 to 0, voted to recommend approval of the proposed record plat with vacation per the attached ordinance and exhibit.

BILL NO. 2850

ORDINANCE NO. _____

AN ORDINANCE APPROVING A RECORD PLAT TITLED "LINDWEDEL MEADOWS"

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 Vacation 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 "Lindwedel Meadows" to the City Council, which is attached hereto as Exhibit A and incorporated herein by reference;

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 "Lindwedel Meadows" with existing street easement to be vacated by this plat as attached hereto as Exhibit A.

SECTION 2. The acceptance and approval of "Lindwedel Meadows" 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. Within sixty (60) days after approval of the record plat identified as "Lindwedel Meadows" 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 4. The approval of the City Council under the hand and seal of the City shall be endorsed upon said plat.

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 ON THIS ____ DAY OF _____ 2023.

[Signatures on following page]

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

EXHIBIT A

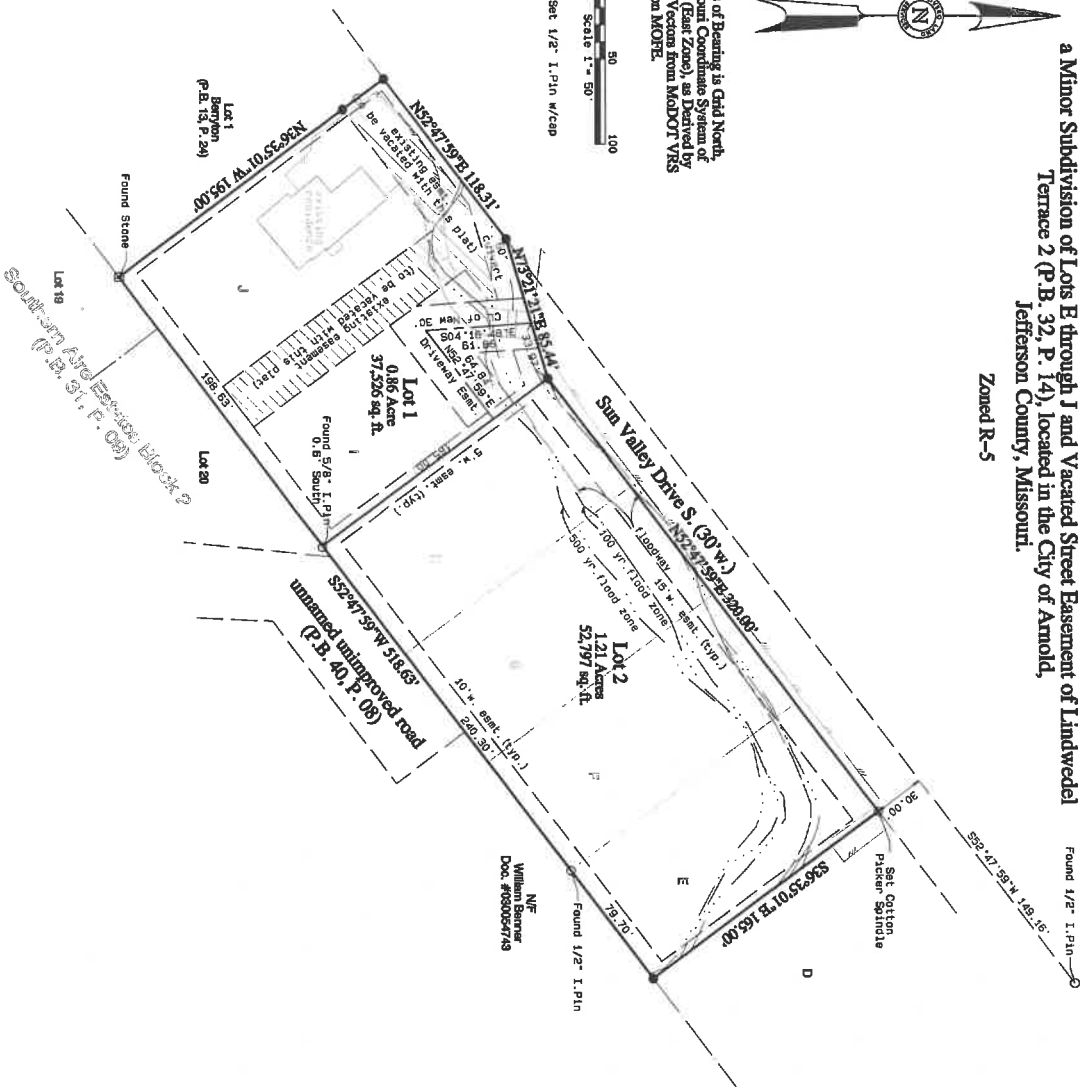
Lindwedel Meadows

a Minor Subdivision of Lots E through J and Vacated Street Easement of Lindwedel Terrace 2 (P.B. 32, P. 14), located in the City of Arnold, Jefferson County, Missouri. Zoned R-5



0 50 100
Scale 1" = 50'
● = Set 1/2" I.P.M. w/cap

Basis of Bearing is Grid North, Missouri Coordinate System of 1983 (East Zone), as Derived by GPS Vectors from MADDOT VRS Station MOF05.



This is to certify that this plat of Lindwedel Meadows was approved by the City of Arnold, Missouri, this ___ day of _____, 2022.

Tammi Casey, City Clerk

This is to certify that this plat of Lindwedel Meadows was approved by the Community Development Director, this ___ day of _____, 2022 and we find from the collection of Revenue in respect that there are no outstanding delinquent 01582501001041.

Grant Brockberg, Community Development Director

OWNER'S CERTIFICATE
The undersigned owner, OWNER'S CERTIFICATE and herein stated and further described in the foregoing surveyor's certificate have caused the same to be surveyed and subdivided in the hereinafter be known Lindwedel Meadows, Missouri shall

All easements and conditions upon this plat, unless designated for other specific purposes, are dedicated to all utilities, corporations and government agencies providing public utility services. Such utilities shall provide underground, but are not limited to electric, gas, telephone, cable tv, water and sewer. The easements for the purpose of construction, maintenance and repairing utility, water, sewer or drainage ground not occupied by improvements for excavation and storage of materials during installation, repair or maintenance of such utility shall be subject to the easements and construction by each utility within the easement should conform to all applicable State and Federal requirements as to such easements.

The 30' wide driveway easement shown herein is dedicated for the existing driveway for the owners of Lots 1 and 2. The easement shall be subject to the same will be the lot owners responsibility.

All lots in this subdivision shall be subject to a five foot (5') wide easement adjoining and parallel with all lot lines, shown on this plat, for utility lines. The easement shall be adjoining and parallel with the subdivision boundary.

IN WITNESS WHEREOF, we have hereunto set our hand and affixed our seal this ___ day of _____, 2022.

Signature _____
Name Printed _____ Title _____

State of Missouri) : SS
County of _____

On this ___ day of _____, 2022, before me personally appeared Mike Hahn, a managing partner in the firm of Hahn & Associates, Inc., a corporation organized under the laws of the State of Missouri, and known to me to be the person described in, and who executed the foregoing instrument, and acknowledged that he executed the same for the purposes and consideration therein expressed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal at my office in _____, Missouri, this ___ day and year first above written.

Notary Public
Name Printed _____
My Commission expires _____

SURVEYOR'S CERTIFICATE
This is to certify, to the best of my belief, knowledge, and ability that the above described plat was prepared and approved by me, based on field information obtained from field personnel under my direction, on a tract of land being a minor subdivision of Lot 2 (P.B. 32, P. 14) located in the City of Arnold, Missouri, as described in Document #0228-018679 of the Land Records of Jefferson County, Missouri.

I also declare that under my supervision and to the best of my ability and professional judgment, the above described plat was prepared and approved by me, based on field information obtained from field personnel under my direction, on a tract of land being a minor subdivision of Lot 2 (P.B. 32, P. 14) located in the City of Arnold, Missouri, as described in Document #0228-018679 of the Land Records of Jefferson County, Missouri.

PROFESSIONAL LAND SURVEYORS AND LANDSCAPE ARCHITECTS, effective June 30, 2017.

IN WITNESS WHEREOF, we hereunto set our firm name at our office in Jefferson County, Missouri, on this ___ day of _____, 2022.

BY DANIEL L. GOVERO, LS#1778
PROFESSIONAL LAND SURVEYOR

GOVERO LAND SERVICES, INC.

5929 OLD STATE ROAD JEFFERSON COUNTY, MISSOURI 64099 www.govero-land.com	DATE PREPARED: 11-11-22	DATE PLOTTED: 11-11-22	CHECKED BY: D.L.G.	DRAWN BY: K.A.O.
	PROJECT NO: 2022-004	DATE PLOTTED: 11-11-22	SHEET #: 1 of 1	JOB #: 22084



PLANNING COMMISSION STAFF MEMORANDUM

MEETING DATE:	January 10, 2023
TITLE:	PC-2023-04 Lindwedel Meadows (Record Plat & Vacation)
REQUEST:	A request for a Record Plat of a 2.04-acre tract of land for 2 residential lots and Vacation of a paper street located within the “R-5” Residential District, as provided in the Arnold Zoning Ordinance.
DEPARTMENT:	Community Development
PROJECT MANAGER:	Christie Hull-Bettale, EIT, Community Development Engineer
ACTION:	Planning Commission Action and Recommendation to City Council
ATTACHMENTS:	(1) Record Plat

HISTORY:

Michael Hahn of Hahn Realty LLC is submitting for approval of a Record Plat to vacate a paper street (i.e., a portion of land platted for a road where the road was never built) at the convergence of Summit Drive and Sun Valley South approximately 365 feet south of the intersection of Alan Dr. The resubdivision of the lots of Lindwedel Terrace No. Two consisted of eleven lots and was recorded in October 1964. Since that time, there was one home built on the tract: 902 Sun Valley South. The other portions of the land have remained vacant.

CURRENT STATUS, AND ANALYSIS:

Michael Hahn originally requested consolidation of this land, which typically only requires Staff review and approval. To allow for the orderly consolidation, a paper street vacation is needed, which requires Commission and Council action. For simplicity, both the consolidation and the vacation have been presented for their approval.

Per ordinance, a Vacation Plat shall:

1. “... be approved by the Planning Commission and City Council in like manner as plats of subdivisions. The City may reject any such instrument which abridges or destroys any public rights in any of its public uses, improvements, streets, or alleys.”
2. “... be executed, acknowledged or approved and recorded or filed in like manner as plats of subdivisions; and being duly recorded or filed shall operate to destroy the force and effect of the recording of the plat so vacated, and to divest all public rights in the streets, alleys, and public grounds, and all dedications laid out or described in such plat.”

RECOMMENDATION:

City staff, including Director of Public Works, have reviewed the request and the applicant has addressed any comments or concerns of note. Staff recommends approval of the plat.



**PLANNING COMMISSION MEETING
COUNCIL CHAMBERS, CITY HALL, 2101 JEFFCO BLVD.
JANUARY 10, 2023**

MINUTES

REGULAR SESSION

1. **CALL TO ORDER:** The regular meeting of the Arnold Planning Commission was called to order by Chair Andrew Sutton at 7:00 p.m.
2. **ROLL CALL OF COMMISSIONERS:** Andrew Sutton, Alan Bess (Excused), Brian McArthur, Del Williams, Frank Kutilek, Steve Buss (Arrived at 7:16 p.m.), Justin Lurk (Excused), Phil Hogan, Bill Moritz. **STAFF PRESENT:** David Bookless (Community Development Director), Robert Sweeney (City Attorney), Christie Hull-Bettale (Engineer/Planner), Sarah Turner (Senior Planner).
3. **PLEDGE OF ALLEGIANCE:** The Commission and Staff stood and spoke the Pledge of Allegiance.
4. **APPROVAL OF MINUTES:** Motion by Hogan to approve the minutes from the October 25, 2022 meeting. Second by Williams. *Voice vote:* Approved 6-0.
5. **PUBLIC COMMENT:** There was no comment from members of the public present or on Zoom.
6. **PUBLIC HEARINGS:**
 - a. **PC-2023-02 Manufactured Homes (Text Amendment):** Motion by Moritz to open the public hearings portion of the meeting. Second by Hogan. *Voice vote:* Approved 6-0. Ms. Turner presented the Staff Report, recommending favorable consideration of the attached draft language. Moritz asked if there were manufactured homes in the City not located in manufactured home parks. Staff confirmed there are a handful of such homes. McArthur asked if the definition for a manufactured home still includes homes with wheels. Staff clarified that the new definition specifies that a manufactured home has a permanent chassis. There were no additional questions from the Commission. There were no public comments on the request.
 - b. **PC-2023-03 Marijuana-Related Uses (Text Amendment):** Mr. Bookless presented the Staff Report, recommending favorable consideration of the attached draft language. Mr. Sweeney concurred with the Staff's findings and draft language. There were no questions from the Commission. There were no public comments on the request.
 - c. **PC-2023-04 Lindwedel Meadows (Record Plat with Vacation):** Mrs. Hull-Bettale presented the Staff Report, recommending favorable consideration of the attached record plat with conditions of approval. The applicant, Michael Hahn, was present. Williams asked about the status of the paper street and if the land served as access for any other properties. Staff clarified that the City Engineer has stated no intentions to build the street. Properties adjacent to the paper street are accessed by other completed roadways. There were no additional questions from the Commission. There were no public comments on the request. Motion by Williams to close the public hearings. Second by Kutilek. *Voice vote:* Approved 6-0.
7. **OTHER BUSINESS:**
 - a. **PC-2023-01 Ameren Tenbrook Substation (Site Plan and Appeal):** Mr. Sutton introduced the project. Ms. Turner presented the Staff Report, recommending approval of the site plan and appeal with five (5) conditions of approval. The applicant, Ameren Missouri, had two representatives present: Garret Conklin and Jake Hall. Hogan asked about the existing culvert and ditch comment from Public Works. Staff clarified that those features are to remain and not be damaged during construction. Moritz asked when the variance hearing is to be held for the setback issue. Staff said the next evening, January 11th. Sutton asked if there was room for landscaping around the substation. Staff explained the limitations of site and how there was no room for additional landscaping. There were no additional questions from the Commission.

- b. **Comprehensive Plan Update:** There was no update for this standing agenda item.
- 8. **ADJOURNMENT OF REGULAR SESSION:** Motion by Moritz to close the public hearing and move into executive session. Second by Buss. *Voice vote:* Approved 7-0. Session adjourned at 7:23 p.m.

EXCECUTIVE SESSION

- 9. **OLD BUSINESS:** *None*
- 10. **NEW BUSINESS:** Mr. Sutton polled the Commission to amend the agenda to move item 10d up to the first item in New Business. *Show of hands vote:* Approved 7-0.
 - a. **PC-2023-04 Lindwedel Meadows (Record Plat with Vacation):** Motion by Hogan to recommend approval to the City Council of the record plat with vacation of the paper street as presented by Staff. Second by Moritz. There was no additional discussion. *Roll call vote.* Andrew Sutton, yes; Brian McArthur, yes; Del Williams, yes; Frank Kutilek, yes; Steve Buss, yes; Phil Hogan, yes; Bill Mortiz, yes. Approved 7-0.
 - b. **PC-2023-01 Ameren Tenbrook Substation (Site Plan and Appeal):** Motion by Moritz to approve the site plan and fence appeals with the conditions of approval as recommended by Staff. Second by Kutilek. There was no additional discussion. *Roll call vote.* Andrew Sutton, yes; Brian McArthur, yes; Del Williams, yes; Frank Kutilek, yes; Steve Buss, yes; Phil Hogan, yes; Bill Mortiz, yes. Approved 7-0.
 - c. **PC-2023-02 Manufactured Homes (Text Amendment):** Motion by Hogan to recommend approval to the City Council of the Zoning Ordinance text amendment as presented by Staff. Second by Williams. There was no additional discussion. *Roll call vote.* Andrew Sutton, yes; Brian McArthur, yes; Del Williams, yes; Frank Kutilek, yes; Steve Buss, yes; Phil Hogan, yes; Bill Mortiz, yes. Approved 7-0.
 - d. **PC-2023-03 Marijuana-Related Uses (Text Amendment):** Motion by Moritz to recommend approval to the City Council of the Zoning Ordinance text amendment as presented by Staff. Second by Buss. There was no additional discussion. *Roll call vote.* Andrew Sutton, yes; Brian McArthur, yes; Del Williams, yes; Frank Kutilek, yes; Steve Buss, yes; Phil Hogan, yes; Bill Mortiz, yes. Approved 7-0.
- 11. **DIRECTOR'S REPORT:** The next meeting of the Commission scheduled for January 24th does not yet have an agenda item and may be cancelled if no applications are made in time. After being put on hold due to the COVID-19 pandemic, the Commission will be holding elections for its major roles. Mr. Bookless stated the elections were not going to be held at this meeting, but Commissioners should consider candidates to propose at the February meeting.
- 12. **COUNCIL LIAISON'S REPORT:** Councilman McArthur had no report.
- 13. **ANNOUNCEMENTS:** There were no announcements from the Commissioners.
- 14. **ADJOURNMENT:** Motion by Hogan to adjourn. Second by Buss. *Voice vote:* Approved 7-0. Meeting adjourned at 7:29 p.m.

Respectfully Submitted,

Sarah Turner
Acting Planning Commission Secretary

VOTE RECORD

	Roll Call	Minutes	Open Public Hearings	Close Hearings Close Reg. Open Exec.	Poll: Amendment of Agenda	Vote PC- 2023-04	Vote PC- 2023-01	Vote PC- 2023-02	Vote PC- 2023-03	Adjourn
Andrew Sutton	P	Y	Y	Y	Y	Y	Y	Y	Y	Y
Alan Bess	E	-	-	-	-	-	-	-	-	-
Brian McArthur	P	Y	Y	Y	Y	Y	Y	Y	Y	Y
Del Williams	P	2 nd – Y	Y	1 st – Y	Y	Y	Y	2 nd – Y	Y	Y
Frank Kutilek	P	Y	Y	2 nd – Y	Y	Y	2 nd – Y	Y	Y	Y
Steve Buss	P (7:16 pm)	-	-	-	Y	Y	Y	Y	2 nd – Y	2 nd – Y
Justin Lurk	E	-	-	-	-	-	-	-	-	-
Phil Hogan	P	1 st – Y	2 nd – Y	Y	Y	1 st – Y	Y	1 st – Y	Y	1 st – Y
Bill Moritz	P	Y	1 st – Y	Y	Y	2 nd – Y	1 st – Y	Y	1 st – Y	Y

<i>David Bookless</i>	P
<i>Robert Sweeney</i>	P
<i>Christie Hull-Bettale</i>	P
<i>Sarah Turner</i>	P

CALL TO ORDER	7:00 pm
ADJOURN REGULAR	7:23 pm
ADJOURN EXECUTIVE	7:29 pm

RESOLUTION NO: 23-01

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A
CONTRACT WITH HURST-ROCHE, INC TO PROVIDE CONSTRUCTION
ENGINEERING SERVICES FOR THE MUDDY CREEK STORMWATER
AND STREET PROJECT FOR THE CITY OF ARNOLD.

BE IT RESOLVED by the Council of the City of Arnold, Missouri, that the Mayor be, and is hereby authorized to enter into a contract with Hurst-Rosche Inc. to provide Construction Engineering Services for the Muddy Creek Stormwater Project for the City of Arnold. The contract is not to exceed \$255,000.

A copy of said contract is attached hereto and made a part hereof reference.

Presiding Officer of the City Council

Mayor Ron Counts

ATTEST:

City Clerk Tammi Casey

Date: _____

Thursday, January 12, 2023



Hurst-Rosche, Inc.
James W. Roth, PE, PLS
President

January 9, 2023

Ms. Judy Wagner, P.E.
Public Works Director
City of Arnold
2900 Arnold Tenbrook Road
Arnold, MO 63010

SUBJECT: Little Muddy Creek Watershed
Stormwater Management Improvements
Contract Proposal for Construction Phase Services

Dear Judy,

Per our recent discussions, we are pleased to submit this contract proposal for engineering services for the referenced project, to provide bidding and construction phase services for the recently designed selective improvements to stormwater management infrastructure in the Little Muddy Creek Watershed and adjacent neighborhood. The services provided by this proposal will be based on standard hourly rates per the attached rate schedule and will not exceed \$255,000.00 without the City's permission. Services concerning any easements needed would be in addition to the above fee at \$1,500.00 each. These services are anticipated to include the following scope:

- Advertise for bids and conduct a pre-bid conference.
- Perform property and utility research, and prepare exhibits, to assist the City with obtaining any easements as needed for construction of the stormwater improvements.
- Open and review bids and provide a bid tabulation and an award recommendation.
- Conduct a pre-construction conference.
- Provide horizontal and vertical control for contractor use in establishing his own construction staking
- Make periodic site visits to observe Contractor's progress and work to determine if the work conforms to the contract documents. Periodic site visits shall be based on engineering technician 40 hours per week for 40 weeks, and project management based on engineer 12 hours per week and senior project manager 4 hours per week both for 40 weeks.
- Review shop drawings submitted by the Contractor.
- Prepare change orders, as necessary, for issuance by the City and assure approvals are completed prior to work being performed.
- Inspect materials and review material certifications furnished by the Contractor.
- Maintain progress and other project records, and review and recommend monthly pay request and final pay request due the Contractor.
- Be present during critical construction operations.

5 Bank Square
East St. Louis, IL 62203
(t) 618.398.0890

If the above should be acceptable to you and the City Council, please sign in the space provided below. If you should have any questions or require additional information, please do not hesitate to contact me.

Sincerely,



James W. Nold
Senior Project Manager

Accepted by: City of Arnold, MO

Name

Date

Title/Position