

## City of Arnold, Missouri

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**Public Hearing  
Council Chamber**

**January 3, 2019  
7:00 p.m.**

- A. 2018-34 Consolidation Record Plat – I-55 Store It 3401 Robinson Road  
(Intersection of I-55 and Richardson Road, Arnold, MO).
  - B. 2018-36 Rezoning “C-2” Commercial District to “C-4” Planned Commercial  
District & “R-3” Residential District into a single “C-4” Planned Commercial  
District for the purpose of operating a Mini-Warehouse Storage Facility  
(existing) to include outdoor storage.
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**City Council**

**Immediately Following the Public Hearing**

### **Agenda**

- 1. Pledge of Allegiance:
- 2. Opening Prayer: Jason Fulbright – Ward 1 Councilman
- 3. Roll Call:
- 4. Business from the Floor:
- 5. Consent Agenda:
  - A. Regular Minutes **December 6, 2018**
  - B. Payroll Warrant #1305 in the Amount of \$302,441.67  
Payroll Warrant #1306 in the Amount of \$282,584.14
  - C. General Warrant #5728 in the Amount of \$604,066.88  
General Warrant #5729 in the Amount of \$68,840.99
- 6. Ordinances:
  - A. **Bill No. 2717:** An Ordinance Approving a Consolidation Record Plat  
Titled “Bauman Family Trust”
  - B. **Bill No. 2718:** An Ordinance Approving a Rezoning from C-2 Commercial  
and C-4 Planned Commercial to a New C-4 Planned Commercial for A  
5.27 Acre Tract of Land Located at 3401 Robinson Road. (2018 - 36 I-55  
Store It, Inc.)

7. Resolutions:

- A. **Resolution No.19-01:** A Resolution Authorizing an Intergovernmental Agreement for Humane Euthanasia Services with Jefferson County, MO.
- B. **Resolution No. 19-02:** A Resolution Authorizing an Intergovernmental Agreement Between the County of Jefferson, MO. and Incorporated Municipalities for the One-Half of One-Percent Sales Tax for Capital Improvements to Publicly Maintained Roads.
- C. **Resolution No. 19-03:** A Resolution Granting a Sewer Line Easement To Missouri American Water.

8. Motion:

- A. A Motion to Hold a Closed Session Immediately Following the City Council Meeting for the Purpose of Discussing Litigation and Personnel Pursuant to RSMo 610.021 (1) and (3).

9. Reports from Mayor, Council, and Committees:

10. Administrative Reports:

11. Adjournment:

**Next Regular City Council Meeting January 17, 2019 @ 7:00 p.m.**  
**Next Work Session January 10, 2019 at 7:00 p.m.**

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

The Pledge of Allegiance was recited.

Pastor Steven Majdecki from New Hope United Methodist Church offered the opening prayer.

Mayor Counts asked for a moment of silence in honor of President George H.W. Bush.

Those present per roll call taken by City Clerk Tammi Casey: Mayor Counts, Hood, Fleischmann, Cooley, Fulbright, Sullivan, McArthur, Plunk, Owens (excused), Richison, Bookless, Lehmann, Sweeney, Brown, Kroupa and Major Carroll.

Jeff Arp from MIRMA presented Mayor Counts with a safety award plaque and check in the amount of \$1999.80 for security updates completed at city hall.

Mayor Counts recognized three boy scouts, James Burkard, Isaiah Christ and Caleb Sweeney, from Troop 501 that were in the audience working on their Citizenship in the Community Badge.

#### **BUSINESS FROM THE FLOOR**

Mike Selby, 745 Irene – Spoke to the council regarding damaged and overgrown trees he and his neighbors are dealing with from the woods behind his property. He stated that the trees in the retention basin behind his house are dangerous and are going to fall and damage their fences or hurt someone. He also believes people are camping in the woods by the retention basin.

Phil Rimmer, 1931 Fox Pointe – Wanted to compliment the city on the repair of the clock tower at city hall and the work completed on the dog park at Ferd B Lang Park. Mr. Rimmer spoke of the telephone survey the city is currently conducting for the Aging and Disabilities Commission and thought that maybe using the website for surveys would be a better idea. He also thanked council and staff for their civic service.

Keith Suellentrop, Owner and CFO of LMC Industries – Spoke to council regarding the new business license fee structure. He would like to see it reconsidered.

## CONSENT AGENDA

- A. MINUTES FROM NOVEMBER 19, 2018 MEETING
- B. PAYROLL WARRANT NO. 1304 IN THE AMOUNT OF \$299,971.56
- C. GENERAL WARRANT NO. 5727 IN THE AMOUNT OF \$877,397.45

**Butch Cooley made a motion and so moved to approve the consent agenda.**

Seconded by Jason Fulbright. Roll call vote: Hood, yes; Fleischmann, yes; Cooley, yes; Fulbright, yes; Sullivan, yes; McArthur, yes; Plunk, yes; Owens, (excused); 7 Yeas:  
**Consent agenda approved.**

## ORDINANCES

**BILL NO. 2716 – AN ORDINANCE AMENDING SECTION 210.080 (KEEPING OF WILD ANIMALS) OF THE CITY CODE** was read twice by City Clerk Tammi Casey. Roll call vote: Hood, yes; Fleischmann, yes; Cooley, yes; Fulbright, yes; Sullivan, yes; McArthur, yes; Plunk, yes; Owens, (excused); 7 Yeas: **Ordinance passed.**

## RESOLUTIONS

**RESOLUTION NO. 18-58 – A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH DON BROWN CHEVROLET FOR THE PURCHASE OF A 2019 CHEVROLET EQUINOX AWD**

**Vern Sullivan made a motion and so moved to approve Resolution No. 18-58.**

Seconded by Gary Plunk. Roll call vote: Hood, yes; Fleischmann, yes; Cooley, yes; Fulbright, yes; Sullivan, yes; McArthur, yes; Plunk, yes; Owens, (excused); 7 Yeas:  
**Resolution approved.**

**RESOLUTION NO. 18-59 – A RESOLUTION AUTHORIZING THE RELEASE OF EASEMENT**

**Gary Plunk made a motion and so moved to approve Resolution No. 18-59.**

Seconded by EJ Fleischmann. Roll call vote: Hood, yes; Fleischmann, yes; Cooley, yes; Fulbright, yes; Sullivan, yes; McArthur, yes; Plunk, yes; Owens, (excused); 7 Yeas:  
**Resolution approved.**

**RESOLUTION NO. 18-60 – A RESOLUTION APPROVING A SURVEY FOR THE AGE FRIENDLY COMMUNITIES PROJECT**

**Vern Sullivan made a motion and so moved to approve Resolution No. 18-60.**

Seconded by Mark Hood. Roll call vote: Hood, yes; Fleischmann, yes; Cooley, yes; Fulbright, yes; Sullivan, yes; McArthur, yes; Plunk, yes; Owens, (excused); 7 Yeas:  
**Resolution approved.**

## **MOTIONS**

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

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

## **REPORTS FROM MAYOR, COUNCIL AND COMMITTEES**

Mayor Counts – Informed everyone that there probably won't be a work session or a second council meeting this month. Mayor Counts also asked everyone to keep David Owens in their thoughts and prayers.

Gary Plunk, Ward 4 – Asked Parks and Rec to look at the Christmas tree lights at the round-a-bout as they are not working.

Dan Kroupa – Stated he is very pleased with the new Tiger Express Car Wash. Mr. Kroupa is also very happy with the striping work that was completed last year on Old Lemay Ferry, it was been very successful at slowing down speeders in that area.

Mark Hood, Ward 3 – Thanked Bryan Richison and Bob Sweeney for their work and support on the wild animal ordinance.

## **ADMINISTRATIVE REPORTS**

Bryan Richison – Reminded everyone that yesterday was the one year anniversary of the Officer O'Connor shooting. Ryan has far surpassed what anyone thought would be possible.

Dickie Brown – Stated that Parks and Rec is aware of the lighting issue at the Round-A-Bout and they are working on it.

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

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Closed session ended at 8:30 p.m.

A motion to adjourn the meeting was made by Jason Fulbright. Seconded by Vern Sullivan.

Voice vote: All yeas.

Meeting adjourned at 8:30 p.m.

  
City Clerk Tammi Casey, CMC/MRCC-C

Draft



## CITY COUNCIL AGENDA ITEM STAFF REPORT

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

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### **EXECUTIVE SUMMARY:**

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

### **REVIEW & ANALYSIS:**

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

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

### **RECOMMENDATION:**

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



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## REPORT TO PLANNING COMMISSION

### CITY OF ARNOLD

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**APPLICATION NUMBER:** 2018-34

**APPLICATION NAME:** Consolidation Record Plat—I55 Store It

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

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

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

**STREET ADDRESS:** 3401 Robinson Rd

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

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

**TOTAL SITE AREA:** 5.27 acres

**MEETING DATE:** December 11, 2018

**REPORT DATE:** December 4, 2018

**CASE MANAGER:** Christie Hull-Bettale

**RECOMMENDATION:** **APPROVAL with Conditions**





# REPORT TO PLANNING COMMISSION

## CITY OF ARNOLD

### DESCRIPTION OF EXISTING SITE CONDITIONS

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

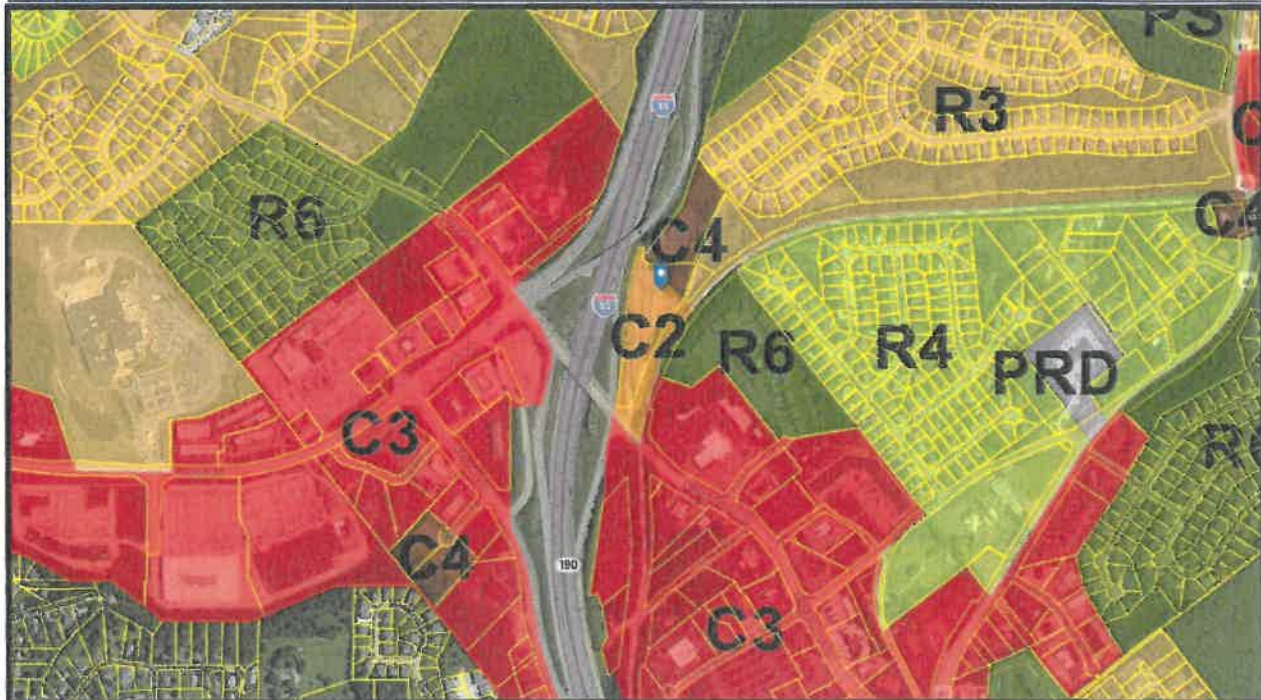
### SITE HISTORY

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

### LAND USE AND ZONING CONTEXT MATRIX

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

### ZONING MAP



# REPORT TO PLANNING COMMISSION

## CITY OF ARNOLD



### REQUEST

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

### SUBDIVISION ORDINANCE POLICY REVIEW

#### POLICIES:

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

#### CITY PLANNER'S COMMENTS

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

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

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



# REPORT TO PLANNING COMMISSION

## CITY OF ARNOLD

### SUBDIVISION ORDINANCE ANALYSIS

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

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

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

# REPORT TO PLANNING COMMISSION CITY OF ARNOLD





## REPORT TO PLANNING COMMISSION CITY OF ARNOLD

### Christie Hull-Bettale

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

Hi Christie,

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

### Memo

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

**From:** Christie Hull-Bettale / [chullbettale@arnoldmo.org](mailto:chullbettale@arnoldmo.org)

**Date:** 11/13/2018

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

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

FYI

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

Glenn Hogenmiller

AT&T

636-931-7524

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

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

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

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

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

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

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

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

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

Section 6. This ordinance shall be in full force and effect from and after its passage and approval by the Mayor and City Council.

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

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

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

ATTEST:

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

1st reading: \_\_\_\_\_

2nd reading: \_\_\_\_\_

APPROVED AS TO FORM:

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





# DRAFT

PLANNING COMMISSION

CITY HALL

PUBLIC HEARING/REGULAR MEETING

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

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## MINUTES

### PUBLIC HEARING

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## REGULAR MEETING

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

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

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

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

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

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

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

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

Second by Del Williams.

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

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

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

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

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

David Bookless stated that under the Subdivision Ordinance you cannot.

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

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

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

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

Ted Brandt questioned why they need a display house now.

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

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

Ted Brandt asked if the original plat included this lot.

Andrew Sutton stated that it did.

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

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

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

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

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

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

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

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

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

Respectfully Submitted,

Alan Bess  
Planning Commission Secretary

**PLANNING COMMISSION  
ROLL CALL SHEET**

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



# CITY COUNCIL AGENDA ITEM STAFF REPORT

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**MEETING DATE:** January 3, 2019

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**TITLE:** 2018-36 I-55 Store It: A request to rezone from “C-2” Commercial and “C-4” Planned Commercial to a new “C-4” Planned Commercial for a 5.27 acre tract of land located at 3401 Robinson Road.

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**DEPARTMENT:** Community Development

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**PROJECT MANAGER:** David B. Bookless, Community Development Director

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**REQUESTED ACTION:** Ordinance approval

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**ATTACHMENTS:** (1) Staff Report to Planning Commission; (2) Draft Planning Commission Meeting Minutes (3) Draft Ordinance with Attachment A & Attachment B

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**EXECUTIVE SUMMARY:**

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

**REVIEW & ANALYSIS:**

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

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

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

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

**RECOMMENDATION:**

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



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# REPORT TO PLANNING COMMISSION

## CITY OF ARNOLD

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**APPLICATION NUMBER:** 2018-36

**APPLICATION NAME:** I-55 STORE IT

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

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

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

**STREET ADDRESS:** 3401 Robinson Rd

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

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

**TOTAL SITE AREA:** 5.27 acres

**MEETING DATE:** December 11, 2018

**REPORT DATE:** December 4, 2018

**CASE MANAGER:** Christie Hull-Bettale

**RECOMMENDATION:** **APPROVAL with Conditions**



# REPORT TO PLANNING COMMISSION

## CITY OF ARNOLD

### DESCRIPTION OF EXISTING SITE CONDITIONS

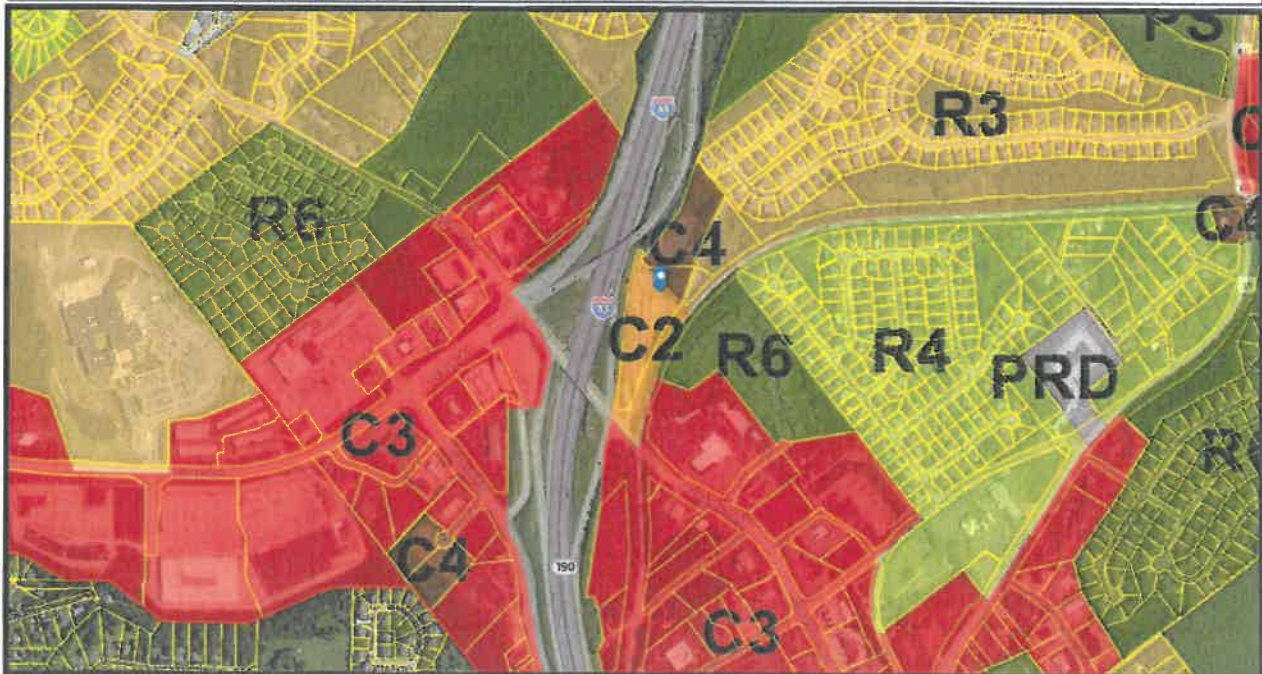
The approximately 5.3 acre tract is located immediately east of the northeast quadrant of the intersection of I-55 and Richardson Road. The property is developed with a mini-warehouse facility with a vacant lot at the north side of the tract; and is accessed via private street (Robinson Road). There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

### SITE HISTORY

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

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

### ZONING MAP





# REPORT TO PLANNING COMMISSION

## CITY OF ARNOLD



### ZONING REQUEST/DEVELOPMENT PROPOSAL

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

### COMPREHENSIVE PLAN CONSISTENCY REVIEW

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

#### GOALS, OBJECTIVES, AND POLICIES:

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

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

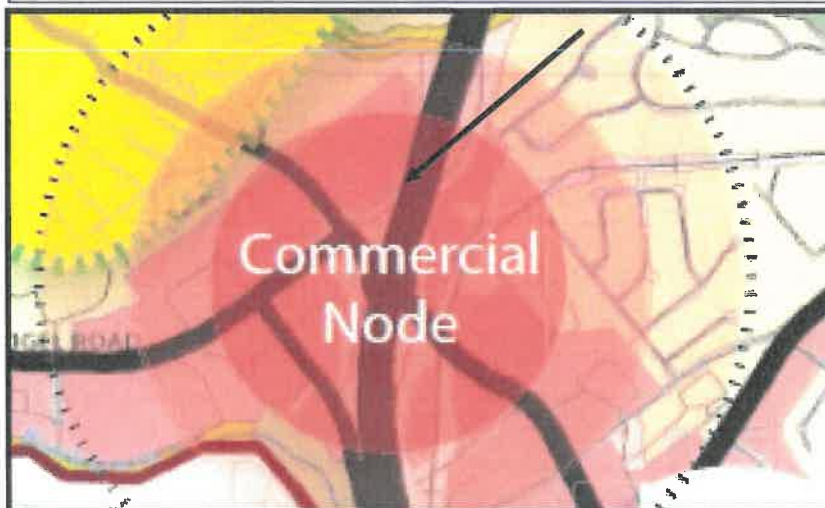
#### CITY PLANNER'S COMMENTS

*Economic Development Policy 4.3 is Substantially Satisfied as follows:*

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

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

#### FUTURE LAND USE MAP:



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



# REPORT TO PLANNING COMMISSION

## CITY OF ARNOLD

### BACKGROUND

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

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

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

### PLANNING AND ZONING ANALYSIS

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

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

#### **PURPOSE OF THE "C-4" PLANNED COMMERCIAL DISTRICT**

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

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# REPORT TO PLANNING COMMISSION

## CITY OF ARNOLD



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### PLANNING AND ZONING ANALYSIS - CONTINUED

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

#### **PERMITTED USES**

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

#### **CONSISTENT WITH GOOD PLANNING PRACTICE**

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

#### **COMPATIBLE WITH PERMITTED DEVELOPMENT AND USES IN ADJOINING DISTRICTS**

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

#### **NECESSARY TO THE GENERAL WELFARE**

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

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



# REPORT TO PLANNING COMMISSION

## CITY OF ARNOLD

### PRELIMINARY SITE PLAN REVIEW

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

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

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

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

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

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

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# REPORT TO PLANNING COMMISSION

## CITY OF ARNOLD



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### FINDINGS AND RECOMMENDATION

#### **CONSISTENCY WITH THE COMPREHENSIVE PLAN AND REGULATIONS OF THE CITY**

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

#### **CONSISTENT WITH GOOD PLANNING PRACTICE**

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

#### **COMPATIBLE WITH PERMITTED DEVELOPMENT AND USE IN ADJOINING DISTRICTS**

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

#### **NECESSARY TO THE GENERAL WELFARE**

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

#### **EXTENSION OF BOUNDARY**

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

#### **SIGNIFICANT CHANGE**

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

#### **RECOMMENDATION**

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

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Christie Hull-Bettale, EIT  
Community Development Engineer



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**REPORT TO PLANNING COMMISSION**  
**CITY OF ARNOLD**

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# ATTACHMENTS

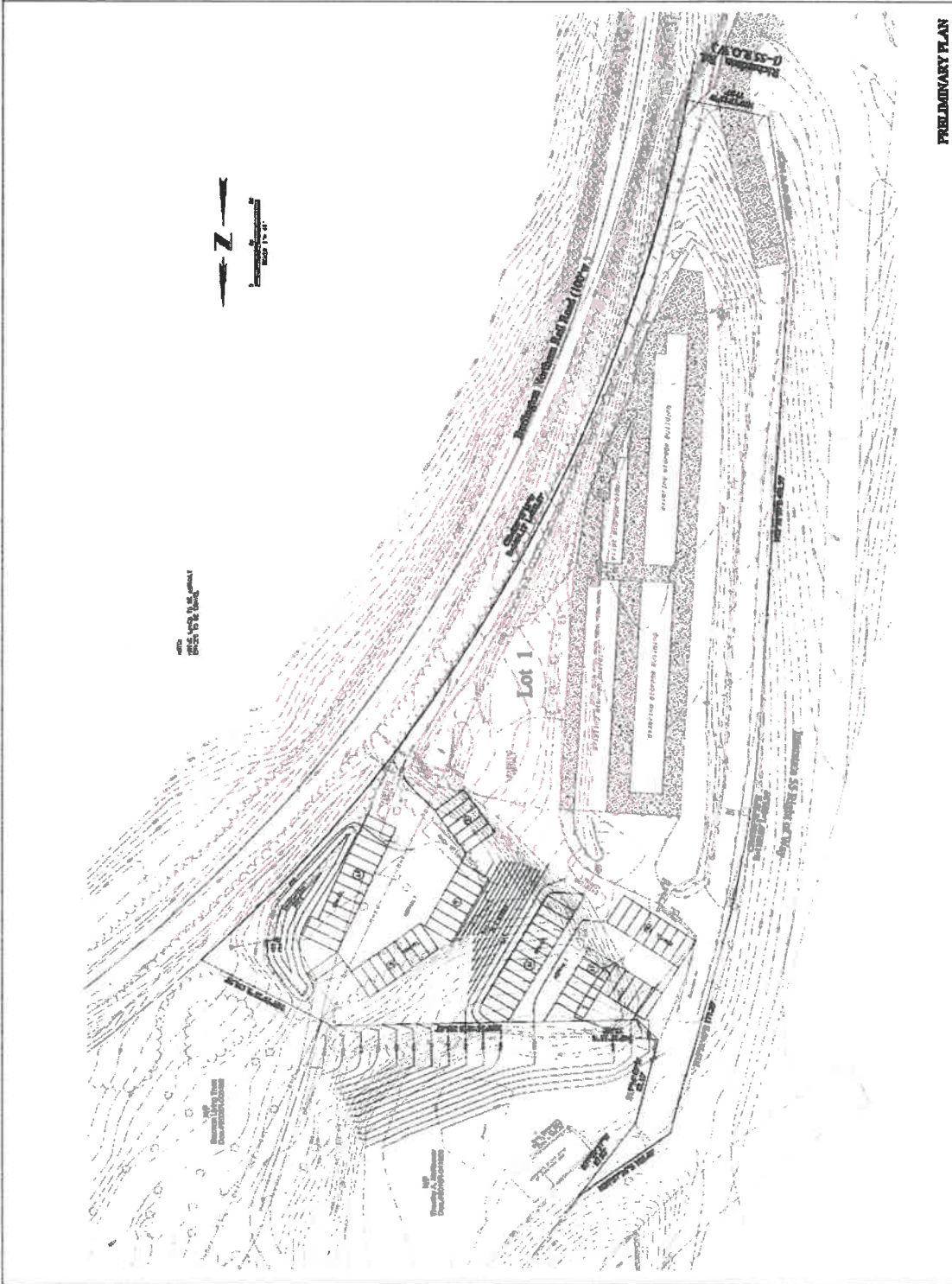
**SUPPLEMENTAL LETTERS, MAPS, PLANS, ETC.**

# REPORT TO PLANNING COMMISSION

## CITY OF ARNOLD



<p>THE CITY OF ARNOLD, MISSOURI, HAS REVIEWED THIS PRELIMINARY SITE PLAN AND HAS FOUND IT TO BE IN ACCORDANCE WITH THE CITY ZONING ORDINANCES AND THE CITY PLANNING COMMISSION'S RECOMMENDATION. THIS REVIEW IS LIMITED TO THE TECHNICAL ASPECTS OF THE SITE PLAN AND DOES NOT CONSTITUTE A GUARANTEE OF THE ACCURACY OF THE INFORMATION PROVIDED HEREON.</p>	<p><b>GOVERRO</b> LAND SERVICES 3321 Mary Drive Arnold, MO 63010</p>	<p><b>1-55 RV &amp; Boat Storage</b> Site Preliminary Plan</p>	<p>DATE: 07/10/2018 TIME: 10:00 AM DRAWN BY: [Name]</p>	<p>PROJECT NO: 18-36 SHEET NO: 1 OF 1</p>
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**EXHIBIT A: PRELIMINARY SITE PLAN**





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# REPORT TO PLANNING COMMISSION

## CITY OF ARNOLD



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

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

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

#### Consolidation Plat

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

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

#### Rezoning

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

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

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

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

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



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# REPORT TO PLANNING COMMISSION

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## CITY OF ARNOLD

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**PUBLIC VIEWSHED FROM I-55**

I-55 Store It

**REPORT TO PLANNING COMMISSION**  
**CITY OF ARNOLD**



**PUBLIC VIEWSHED FROM RICHARDSON ROAD ENTRANCE ONTO ROBINSON DR**

**2018-36 APPLICATION TO REZONE**



# REPORT TO PLANNING COMMISSION

## CITY OF ARNOLD



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

I-55 Store It



# DRAFT

PLANNING COMMISSION

CITY HALL

PUBLIC HEARING/REGULAR MEETING

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

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## MINUTES

### PUBLIC HEARING

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **REGULAR MEETING**

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

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

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

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

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

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

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

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

Second by Del Williams.

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

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

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

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

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

David Bookless stated that under the Subdivision Ordinance you cannot.

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

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

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

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

Ted Brandt questioned why they need a display house now.

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

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

Ted Brandt asked if the original plat included this lot.

Andrew Sutton stated that it did.

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



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

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

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

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

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

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

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

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

Respectfully Submitted,

Alan Bess  
Planning Commission Secretary

**PLANNING COMMISSION  
ROLL CALL SHEET**

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

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

---

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

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

**WHEREAS**, the Planning Commission has submitted its report and recommendation to the City Council on the proposed rezoning from C-2 Commercial and C-4 Planned Commercial to a new C-4 Planned Commercial for 3401 Robinson Road; and,

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

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

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

Land Description

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

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

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

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

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

Section 3: This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor and City Council.

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

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

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

ATTEST:

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

1st reading: \_\_\_\_\_

2nd reading: \_\_\_\_\_

APPROVED AS TO FORM:

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

## ATTACHMENT A

All provisions of the City of Arnold City Code shall apply to this development except as specifically modified herein.

### I. SPECIFIC CRITERIA

#### A. PERMITTED USES

1. The uses allowed in this "C-4" Planned Commercial District shall be:
  - a. All uses permitted in the "C-1", "C-2", and "C-3" Commercial Districts, with the exception of the following:
    - (i) Used car sales;
    - (ii) Pay day and title loan businesses
    - (iii) Consumer installment/small loan businesses.
    - (iv) Automotive parking lots and garages, including any storage of wrecked or otherwise damaged and immobilized automotive vehicles.
  - b. Those uses listed in the "C-1", "C-2", and "C-3" Commercial Districts that require a Conditional Use Permit shall be granted in accordance with the requirements of the Zoning Ordinance.
  - c. Accessory uses as otherwise permitted in the "C-1", "C-2", and "C-3" Commercial Districts.
  - d. Self-service storage facility (mini-warehouse) with accessory outdoor storage
2. Hours of operation
  - a. All deliveries and trash pick-up shall be limited to the hours from 7:00 AM to 11:00 PM.

#### B. FLOOR AREA, HEIGHT, BUILDING AND PARKING STRUCTURE REQUIREMENTS

1. Floor Area
  - a. The total building floor area within this development shall be as approved on the Final Site Development Plan
2. Height
  - a. The development shall adhere to the General Height Regulations of the City of Arnold Code.
3. Building Requirements
  - a. The maximum lot coverage by the structure(s) of any lot in this district shall be no greater than twenty-five percent (25%) of the total lot area, or twenty percent (20%) of the total lot area in the case of lots with multiple floor buildings. There shall be a minimum of fifteen percent (15%) open space in the form of landscape plant material.

#### C. SETBACKS

1. Structure Setbacks

Setbacks shall be as approved on the Final Site Development Plan

2. Parking Setbacks

No parking stall, loading space, internal driveway, or roadway, except points of ingress or egress, will be located within the following setbacks: Fifteen (15) feet from the southern boundary of the "C-4" District.

D. PARKING AND LOADING REQUIREMENTS

1. Parking and loading spaces for this development will be as required in the City of Arnold Code.
2. No construction related parking shall be permitted within right of way or on any existing roadways. All construction related parking shall be confined to the development.
3. Provide adequate temporary off-street parking for construction employees. Parking on non-surfaced areas shall be prohibited in order to eliminate the condition whereby mud from construction and employee vehicles is tracked onto the pavement causing hazardous roadway and driving conditions.
4. Interior access shall be paved.
5. The gravel outside storage lot, as delineated on the Final Site Plan, shall be kept dust free and shall include measures to prevent track-out.

E. LANDSCAPE AND TREE REQUIREMENTS

1. The development shall adhere to the Tree Preservation Program of the City of Arnold Code.
2. Landscaping for this development shall adhere to the City of Arnold Code or as depicted on the approved Site Plan.
  - a. The landscape plan shall include a combination of durable, site-proof fencing and plant material along the Robinson Drive consistent with the commercial district. landscape material.
  - b. Areas not for access or storage must be finished with vegetative material.

F. SIGN REQUIREMENTS

1. Signs shall be permitted in accordance with the regulations of the City of Arnold Code or a Sign Package may be submitted for the planned district. Sign Packages shall adhere to the City Code and are reviewed and approved by the City of Arnold Planning Commission.
2. Installation of freestanding, commercial center, off-site directional, and off-premise signs, if proposed, shall be reviewed by the City of Arnold, and/or the Jefferson County Public Works Highway Division, and or the Missouri Department of Transportation (MoDOT), and approved prior to installation or construction.

G. LIGHTING REQUIREMENTS

1. Provide a lighting plan and cut sheet in accordance with the City of Arnold Code.

H. DESIGN REQUIREMENTS

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

I. ACCESS/ACCESS MANAGEMENT

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

J. PUBLIC/PRIVATE ROAD IMPROVEMENTS, INCLUDING PEDESTRIAN CIRCULATION

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

K. STORM WATER

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

#### L. SANITARY SEWER

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

#### M. GEOTECHNICAL REPORT

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

#### N. MISCELLANEOUS

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



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

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

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

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

## III. COMMENCEMENT OF CONSTRUCTION

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

## IV. GENERAL CRITERIA

### A. FINAL DEVELOPMENT PLAN (SITE PLAN) SUBMITTAL REQUIREMENTS

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

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

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

## V. RECORDING

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

# ATTACHMENT B



NOTE:  
 SHOWN AS IS, NO WARRANTY.



PRELIMINARY PLAN

DATE	12/03/2018
BY	D.L.G.
CHECKED BY	J.G.M.
DESIGNED BY	J.G.M.
PROJECT NO.	97105D
SHEET NO.	1 OF 1

DATE	12/03/2018
BY	D.L.G.
CHECKED BY	J.G.M.
DESIGNED BY	J.G.M.
PROJECT NO.	97105D
SHEET NO.	1 OF 1

**GOVERO**  
 LAND SERVICES  
 SURVEYING & ENGINEERING  
 800 OLD FARM ROAD  
 INFERSAL, MO. 63022  
 PHONE 636-244-9300 FAX 636-244-9305  
 Engineering Corporation License #001086  
 Professional Corporation, Missouri, P.C.001086

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

DISCLAIMER  
 THE PLANS WHICH THIS REGISTERED PROFESSIONAL ENGINEER HAS PREPARED OR HAS PREPARED UNDER HIS SUPERVISION, AND AUTHORITY, IN CONNECTION WITH THIS PROJECT, HAVE BEEN PREPARED AND SUBMITTED TO THE PUBLIC IN FULL KNOWLEDGE OF HIS PROFESSIONAL DUTY AND RESPONSIBILITY. HE DOES NOT GUARANTEE, WARRANT, OR REPRESENT THAT THE PLANS OR INFORMATION CONTAINED THEREIN ARE COMPLETELY ACCURATE, CORRECT, OR FREE FROM ERRORS, OMISSIONS, OR DEFICIENCIES. HE ASSUMES NO LIABILITY FOR ANY DAMAGE, LOSS, OR INJURY, INCLUDING CONSEQUENTIAL DAMAGES, ARISING FROM THE USE OF THE PLANS OR INFORMATION CONTAINED THEREIN, WHETHER OR NOT SUCH DAMAGE, LOSS, OR INJURY IS CAUSED IN WHOLE OR IN PART BY THE NEGLIGENCE OF ANY PARTY TO THE TOTAL PROJECT, AND ANY REVISIONS UNLESS AUTHENTICATED.

RESOLUTION NO. 19-01

A RESOLUTION AUTHORIZING AN INTERGOVERNMENTAL  
AGREEMENT FOR HUMANE EUTHANASIA SERVICES  
WITH JEFFERSON COUNTY, MISSOURI

---

BE IT RESOLVED by the Council of the City of Arnold, Missouri, that the Mayor be, and is hereby authorized, to enter into an Intergovernmental agreement for humane euthanasia services with Jefferson County, Missouri. A copy of said intergovernmental agreement is attached hereto and made a part hereof by reference.

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

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

ATTEST:

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

Date: \_\_\_\_\_

January 3, 2019



# County of Jefferson

## State of Missouri

Administration Center  
729 Maple Street · PO Box 100  
Hillsboro, Missouri 63050

**Ken Waller**

County Executive

---

### DEPARTMENT OF COUNTY SERVICES AND CODE ENFORCEMENT

**Eric Larson – Director**

Web Address: [Jeffco.org](http://Jeffco.org)

Planning Division  
797-5580 / Fax 797-5598

Code Enforcement Division  
797-5310 / Fax 797-5077

Solid Waste Division  
797-5036 / Fax 797-6120

Animal Control Division  
797-5577 / Fax 948-2522

November 27, 2018

City of Arnold  
Attn: City Clerk  
2101 Jeffco Blvd  
Arnold, MO 63010

To whom it may concern:

Enclosed please find a copy of the Intergovernmental Agreement for Animal Control Services with Jefferson County for 2019. This agreement is identical to the agreement entered into between the City and County for 2018. Please cause **3 original copies** of this agreement to be executed by the appropriate parties on behalf of the City and return them to my attention at:

Jefferson County Department of County Services  
Attn: Dennis J. Kehm, Jr.  
PO Box 100  
Hillsboro, MO 63050

Should you have any questions regarding the agreements or the services offered, please contact Carey Renshaw at 636-797-5389.

Sincerely,

Dennis J. Kehm, Jr.  
Assistant Director

County Services and Code Enforcement

## INTERGOVERNMENTAL AGREEMENT FOR HUMANE EUTHANASIA SERVICES

This agreement, made and entered into \_\_\_\_\_, \_\_\_\_\_ between Jefferson County, Missouri, (hereafter, the "County") and the City of Arnold, Missouri (hereafter, the "City"). The County and the City mutually agree as follows:

WHEREAS, the County enacted an Animal Control ordinance applicable to the unincorporated areas of Jefferson County, Missouri, and, as part of the enforcement and administration of the ordinance, maintains a municipal pound (hereafter, the "Facility") duly licensed pursuant to the Animal Care Facilities Act (hereafter, the "ACFA"); and

WHEREAS, the City enacted an ordinance for the control of animals within the incorporated boundaries of the City, but does not have a sheltering facility with humane euthanasia capability; and

WHEREAS, the County and City mutually desire to enter into an agreement where the City may, at their expense, deliver any animals impounded within the limits of the City to the Facility to be boarded and cared for as required by the ACFA until humanely euthanized by means prescribed by the ACFA; and

NOW THEREFORE: The parties mutually agree as follows, to-wit:

1. The City may transport, at the City's expense, animals impounded in accordance with the ordinance of the City and held for the minimum holding periods as required by the ACFA, to the Facility to have the animals humanely euthanized in accordance with the requirements of the ACFA and Facility operations.
2. In the event that City delivers animals to County to be boarded, the County shall receive from the City, and the City shall pay to the County, the amount of Twenty Dollars (\$20.00) per day for each animal boarded and cared for by the County. The number of minimum business days of boarding shall be in accordance with the ACFA and other state statutes and Facility operations, as follows:
  - A. Animals with known owners shall be held by the City and/or County for an accumulated period of not less than ten (10) business days, before being placed up for a disposition as prescribed by the ACFA, unless redeemed by their owner.
  - B. Animals without a current rabies vaccination that are known to have bitten another animal or human within the previous ten (10) calendar days, shall be held in quarantine for a period of not less than ten (10) calendar days from the date of the bite, before being humanely euthanized, unless redeemed by their owner within two (2) calendar days of the completion of the rabies quarantine.

C. Stray animals, without a known owner, and that are not known to have bitten another animal or human, shall be held by the City and/or County for an accumulated period of not less than seven (7) business days, before being placed up for a disposition as prescribed by the ACFA, unless redeemed by their owner.

D. Animals whose ownership rights have been relinquished by their owner or animals determined to be feral by City officials shall be subject to immediate disposition as prescribed by the ACFA.

3. The City authorizes and instructs the County to humanely euthanize any animal having been previously impounded by City for the minimum number of required days and not reclaimed by its owner and determined by the County to be un-adoptable. The City releases any animal not reclaimed by its owner and determined by the County to be adoptable to the County. The County, at the County's expense, will place the adoptable animal up for adoption or rescue for a period of three (3) calendar days. Any animal not rescued or adopted at the end of this period shall be humanely euthanized. The City shall pay the County the amount of Forty Dollars (\$40.00) for each animal euthanized.
4. If an owner claims an impounded animal, the County shall bill its normal boarding fee to the owner and shall retain the boarding fee received and shall not be required to account further to the City.
5. It is agreed that the County shall not be obligated to enforce its ordinances or the ordinance of the City, or pick up animals in the incorporated limits of the City. The County shall have no obligation to pick up any animals that are impounded by the City, in violation of the City's ordinance.
6. City shall indemnify and hold County harmless from and against any and all claims or actions and all expenses and costs (including attorneys' fees) incidental to the defense of any such claims or actions based upon or arising out of damage or injury to persons (including death) or property caused by or sustained in connection with County's performance of this Agreement.
7. The term of this agreement is for one year from the day of its execution. This agreement may be terminated by either party by providing a written notice thirty (30) days in advance.

**City:**

---

Mayor

\_\_\_\_\_  
City Clerk

**JEFFERSON COUNTY, MISSOURI:**

\_\_\_\_\_  
Dennis Gannon, Jefferson County, Missouri, Executive

Attest:

\_\_\_\_\_  
Kenneth B. Waller, County Clerk

By \_\_\_\_\_

Approved as to form:

\_\_\_\_\_  
\_\_\_\_\_, County Counselor



RESOLUTION NO 19-02

**A RESOLUTION AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT  
BETWEEN THE COUNTY OF JEFFERSON, MISSOURI AND  
INCORPORATED MUNICIPALITIES FOR THE ONE-HALF OF ONE-  
PERCENT SALES TAX FOR CAPITAL IMPROVEMENTS TO PUBLICLY  
MAINTAINED ROADS**

---

**WHEREAS**, Jefferson County has a one-half of one-percent ( $\frac{1}{2}$  of 1%) sales tax for road improvements;  
and

**WHEREAS**, Jefferson County desires and agrees to share a portion of the sales tax proceeds with the  
incorporated municipalities within the county;

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

Section 1. The calendar 2019 tax revenue sharing agreement between Jefferson County and the City of  
Arnold is hereby approved.

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

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

ATTEST:

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

Date: \_\_\_\_\_

# TAX REVENUE SHARING AGREEMENT

BY AND BETWEEN JEFFERSON COUNTY, MISSOURI

AND

INCORPORATED MUNICIPALITIES FOR THE ONE-HALF OF ONE-PERCENT  
SALES TAX FOR CAPITAL IMPROVEMENTS TO  
PUBLICLY MAINTAINED ROADS

This Tax Revenue Sharing Agreement of the one-half of one-percent sales tax for capital improvements to publicly maintained roads, dated as of **January 1, 2019**, is entered into by and between Jefferson County, Missouri (hereafter, the “County”), a county of the first classification, and the \_\_\_\_\_, Missouri, an incorporated municipality of Jefferson County, Missouri (hereafter, the “City”).

## RECITALS

The County desires and agrees to share and the City desires and agrees to receive and spend the revenue generated by the imposition of a county-wide sales tax at the rate of one-half of one-percent (1/2 of 1%) for capital improvements to publicly maintained roads, as adopted by the voters of Jefferson County on April 1, 1986 and authorized by the County Commission on April 10, 1986; said original tax to expire fifteen (15) years from the date of its original authorization of September 30, 1986 and subsequently extended twice for two additional fifteen (15) year renewals subsequent to its original date of expiration.

WHEREFORE, for valuable consideration and the mutual promises contained herein, County and City agree as follows:

## SECTION 1: CAPITAL IMPROVEMENTS

1.1 Capital improvements to publicly maintained roads must occur within the right-of-way (prescriptive or dedicated), and/or grading, drainage easements.

1.2 Capital improvements do not include normal road maintenance.

1.3 The following items, but not limited to, are eligible for funding with capital improvement tax monies.

1.3.1 Purchase of equipment used exclusively for road improvements.

1.3.2 Construction of new roads and appurtenances.

1.3.3 Road rebuilding and pavement overlays.

1.3.4 Drainage structures.

1.3.5 Bridges.

1.3.6 Salaries of personnel employed to make and administer road improvements.

1.3.7 Engineering and planning fees for the preparation of plans and specifications.

1.4 The City shall submit to the County Council, by November 30<sup>th</sup> each year, a list of all capital improvements and estimated costs anticipated for the calendar year beginning January 1<sup>st</sup> and ending December 31<sup>st</sup> of the following year.

1.4.1 A brief description of each anticipated road improvement project shall be submitted for eligibility approval prior to commencement of capital improvement roadwork.

1.4.1.1 Additional proposed projects and capital improvements can be submitted to the County at any time.

1.4.2 The County Engineer shall ascertain if the proposed capital improvement and/or project are eligible for reimbursement or direct payment.

1.4.3 Processing of payment requests will be withheld from cities failing to submit a list of all capital improvements with estimated costs until such time that all requested information is submitted.

## SECTION 2: PUBLICLY MAINTAINED ROADS AND FACILITIES

2.1 For use in the tax revenue sharing formula, a publicly maintained road is defined as a throughway maintained by the City or County for at least three (3) years, utilized by vehicular traffic, fronting on residences, businesses, industries and farms; subject to the following limitations:

2.1.1 Alleys, dead-end streets, roads within industrial or municipal parks, drives and parking areas serving government buildings, sidewalks and bike trails shall not be classified as publicly maintained roads.

2.1.2 The existing road surface must consist of one of the following: concrete, asphalt, macadam, crushed stone, or gravel.

2.1.3 Public rights-of-way that have not been improved and surfaced shall not be classified as a publicly maintained road.

2.2 For the purpose of capital improvement funding eligibility, a publicly maintained facility is defined as a transportation improvement maintained by the City or County, utilized by pedestrian or vehicular traffic, not classified as a roadway that is to be included in the tax revenue sharing formula; subject to the following limitations:

2.2.1 Alleys and dead-end streets shall be classified as publicly maintained facilities.

2.2.2 Named streets within industrial or municipal parks shall be classified as publicly maintained facilities.

2.2.3 Named drives, parking areas serving government buildings and public parking lots shall be classified as publicly maintained facilities.

2.2.4 Sidewalks, street lighting and bike trails that are immediately adjacent to any of the capital improvements stated in Sections 2.1 and 2.2 shall be classified as publicly maintained facilities.

### SECTION 3: TAX REVENUE SHARING FORMULA

3.1 The tax revenue sharing formula is established to determine the equitable share that unincorporated Jefferson County and the incorporated Cities within Jefferson County shall receive from the one-half cent sales tax for capital improvements to publicly maintained roads and facilities.

3.2 The formula is based on the following:

3.2.1 Fifty percent of the City/County share on percentage of total road mileage.

3.2.2 Fifty percent of the City/County share on percentage of total population.

3.3 The tax revenue sharing formula is described in the equations printed below:

$$50\% \text{ of Share} = \frac{\text{total tax revenue}}{2} \quad X \quad \frac{\text{individual City or unincorporated County total road mileage}}{\text{total road mileage of Jefferson County}}$$

$$50\% \text{ of Share} = \frac{\text{total tax revenue}}{2} \quad X \quad \frac{\text{individual City or unincorporated County total population}}{\text{population of Jefferson County}}$$

3.4 The sum of the two equations is the total tax received by the City or County.

3.5 Revenue shall be allocated to the City and the County on a monthly basis.

3.6 Total road mileage of Jefferson County is equal to the summation of publicly maintained road mileage in all incorporated and unincorporated areas.

3.7 Total population of Jefferson County is equal to the summation of all population in incorporated and unincorporated areas.

3.8 An incentive bonus program exists for any City that generates a certain share on percentage of the total gross sales within the County for the previous calendar year ending December 31<sup>st</sup>. The bonus shall be received by the City over the course of the following year in monthly increments and funded out of the County portion of the tax sharing allocation. For the avoidance of doubt, any one (1) City may qualify for no more than one (1) of the incentive levels described in Section 3.8 or its sub-sections in any given year. This program is to be effective as of and after January 1, 2016. The following is the gross sales ranges with the associated incentive bonus:

3.8.1 An additional sum total of 1.5% of the total estimated sales tax to be collected shall be allotted to the City when total gross sales rate for the City exceeds 20% of the total gross sales for the entire County.

3.8.2 An additional sum total of 3.0% of the total estimated sales tax to be collected shall be allotted to the City when total gross sales rate for the City exceeds 25% of total gross sales for the entire County.

3.8.3 An additional sum total of 4.5% of the total estimated sales tax to be collected shall be allotted to the City when total gross sales rate for the City exceeds 30% of total gross sales for the entire County.

#### SECTION 4: ROAD MILEAGE

4.1 A newly incorporated City shall submit to the County, the following:

4.1.1 A road map showing the publicly maintained roads within its corporate boundaries. The publicly maintained roads shall be highlighted and named.

4.1.1.1 Roads maintained by the State of Missouri shall not be counted.

4.1.2 A list of all publicly maintained roads and associated road mileage.

4.2 A newly incorporated City shall submit a road map and a list of all publicly maintained roads with associated road mileage in accordance with Section 4.1.1 and 4.1.2 to the County by October 31<sup>st</sup> following the date of incorporation.

4.2.1 Only publicly maintained roads previously inventoried by the County may be inventoried by the City.

4.2.2 The newly incorporated city's share of tax revenue shall become effective October 1<sup>st</sup> following the date of incorporation.

4.2.3 New incorporated cities shall be subject to the same regulations as those cities incorporated before October 31, 1986.

4.3 The summation of all of the road mileage for each City will be utilized in the "Tax Revenue Sharing Formula".

4.4 The City's total mileage of publicly maintained roads may only be updated every 5 years, or the next United States Decennial Census with the following exception:

4.4.1 Publicly maintained road mileage may be increased by annexation of additional area into the incorporated limits of the City. Only publicly maintained roads previously inventoried by the County may be added to the city inventory.

4.4.1.1 A revised road map of publicly maintained roads and a list of all publicly maintained roads with associated road mileage (clearly identifying the publicly maintained roads being added through annexation only) may be submitted yearly, no later than October 31<sup>st</sup>.

4.5 Private Roads accepted for maintenance by the City may not be added to the city's list of Publicly Maintained Roads until the next United States Decennial Census, or five (5) years.

4.6 Redistribution of publicly maintained total road mileage between the City and the County due to annexation of additional areas by the City shall be effective January 1<sup>st</sup> each sales tax year.

## SECTION 5: POPULATION

5.1 The City shall submit to the County Council the total number of its population within its incorporated limits.

5.2 The population shall be established by the most recent United States Decennial Census for the City.

5.3 The population number will be utilized in the “Tax Revenue Sharing Formula”.

5.4 The total population of the City may only be updated by the next United States Decennial Census with the following exceptions:

5.4.1 The City may increase its population by annexing additional area into its corporate limits. The population within the annexed area shall be established by one of the two following methods:

5.4.1.1 Annexation report, if available.

5.4.1.2 Applying the following formula:

Population = persons per dwelling unit x number of dwelling units.

5.5 If the City was incorporated after the most recent Census report, then its population shall be established by one of the two following methods:

5.5.1 Incorporation report, if available.

5.5.2 Applying the following formula:

Population = persons per dwelling unit x number of dwelling units.

5.6 The following terms have the following meanings as apply to Sections 5.4.1.2 and 5.5.2:

5.6.1 “Person per dwelling unit” shall be established by the most current Decennial Census of the United States Census Bureau according to the “Persons Per Dwelling Unit” established for each municipality.

5.6.2 “Number of Dwelling Units” shall be submitted by the municipality.

5.6.3 “Persons per Dwelling Unit” shall be established by the most current Decennial Census of the United States Census Bureau according to the “Person Per Dwelling Unit” established by appropriate census tract.

5.6.4 “Number of Dwelling Units” shall be submitted by the municipality per census tract.

5.7 The City’s population number will be revised (for utilization in the tax revenue sharing formula) if the United States Decennial Census is officially revised by the Census Bureau.

5.7.1 The revised population number will become effective January 1<sup>st</sup> following the official publication of the population revision.

5.7.2 The City will not be eligible to claim from the County Capital Improvement Tax Fund, a retroactive increase in shares of tax revenue due to an increase in population.

5.7.3 The City will not be liable to reimburse the County Capital Improvement Tax Fund for a retroactive decrease in shares of tax revenue due to a decrease in population.

5.7.4 The City shall submit, yearly, no later than October 31<sup>st</sup>, a revised population number if the official Decennial Census was revised.

5.8 The City may submit a revised population number reflecting an increase in population (gained only through annexation), no later than October 31<sup>st</sup> yearly.

5.9 Redistribution of the population numbers between the City and the County due to annexation of additional area shall be effective January 1<sup>st</sup> of each year.

## SECTION 6: COST ACCOUNTING

6.1 The cost of implementing capital improvements shall be accounted for in accordance with the following procedures:

6.2 Interest income earned by the investment of capital improvement money shall be expended only for approved defined road improvements.

6.3 The cost of third party construction and professional contracts plus the cost of administering these contracts by City personnel shall be reimbursable or directly payable.

6.3.1 The cost of administration of construction or professional contracts by City personnel shall be accounted for by the following formula:

6.3.1.1 Total Cost of Administration = Hours actually incurred x direct personnel expenses (DPE) for persons performing administrative tasks.

6.4 The cost of road improvements implemented by the City personnel shall be reimbursable.

6.5 The cost of materials is reimbursable or directly payable.

6.6 The costs of labor, supervision, and administration are reimbursable and shall be calculated based on the following formulas:

6.6.1 Total cost of labor, supervision, and administration is equal to the product of hours actually worked by persons multiplied by direct personnel expenses (DPE).

6.6.1.1 Direct personnel expenses (DPE) is equal to direct salary cost multiplied by 1, plus the fringe benefit burden factor (FBBF)

6.7 The cost of equipment rental from private sources and fuel for rental equipment is reimbursable or directly payable.

6.8 The cost of extraordinary expenses such as the cost of high wear-out ground engaging components, such as hammers, drill bits, teeth, etc., are reimbursable or direct payable.

6.9 The cost of equipment owned and operated by the City (not purchased with capital improvement funds) which is utilized for approved road improvements is reimbursable.

6.10 The cost of equipment and operating expenses shall be calculated based on the following formulas:

6.10.1 In accordance with procedures established by the Missouri Highway and Transportation Commission, the most current "Rental Rate Blue Book", or designated equivalent, shall be utilized to calculate cost recovery (rental rates) and operating cost/hour, (estimated operating cost/hour) for equipment.

6.10.2 Cost recovery (rental rates) is dictated by the "Rental Rate Blue Book," by equipment manufacturer and model. Rates are calculated based on the year each model was discounted and are adjusted for climate and regional costs.

6.11 Fringe Benefit Burden Factor (FBBF) is defined as: total cost of municipal fringe benefits as defined for the municipality's last fiscal year, divided by total Gross Payroll of the municipality for the last fiscal year.

6.11.1 Fringe benefits include: FICA, FUTA, vacation, sick pay, holidays, workman's compensation insurance, health insurance, pension benefits, etc.

6.12 Operating cost/hour shall be calculated based on the actual number of hours a particular piece of equipment is operated.

6.13 Equipment purchased by the City with capital improvement funds shall not be eligible for cost recovery.

6.14 Equipment purchased by the City with capital improvement funds shall be eligible to account for operating cost/hour.

## SECTION 7: TAX REVENUE SHARE ALLOCATION AND DISBURSEMENT PROCEDURE

7.1 The County shall, upon receiving tax revenue from the State of Missouri, deposit the revenue into the County Capital Improvement Fund Account.

7.2 Shares of the fund shall be allocated to each program participating city and the County in accordance with the Tax Revenue Sharing Formula.

7.2.1 Interest accrued in the tax fund shall be credited to each City's account and the County's account

7.2.2 Each program participating City and the County shall receive a monthly tax revenue share statement.



7.3 The City shall submit to the Department of Public Works, payment requests for capital improvements made the previous period.

7.3.1 The City shall submit online payment requests using the following link:  
<https://jeffcomo.seamlessdocs.com/f/PWCityReimburse>.

7.3.1.1 An instructional guide to completing the web-based Reimbursement Request Form shall be provided by the Department of Public Works.

7.3.1.2 Each project or other capital improvement payment request shall provide the County proof that a competitive bidding process was followed by one of the following methods:

(1) For equipment purchases, the City shall provide a copy of an approved form of legislation (i.e. City Ordinance, etc.) supporting the award, or written quotes from two (2) or more vendors/suppliers, and a written explanation for award to the chosen company.

(2) For State or Federally funded infrastructure projects, the City shall provide a copy of an approved form of legislation (i.e. City Ordinance, approved funding agency agreement, etc.) supporting the award. This is only a requirement for the first invoicing of each project milestone (ex. consultant services, right of way acquisition and construction).

(3) For locally funded infrastructure projects, the City shall provide a copy of an approved form of legislation (i.e. City Ordinance, etc.) supporting the award or written quotes from two (2) or more consultants/contractors/etc., and a written explanation for award to the chosen company. This is only a requirement for the first invoicing of each project milestone (ex. consultant services, right of way acquisition and construction).

7.3.2 The County Engineer shall ascertain if the request is eligible for reimbursement.

7.3.3 The County Engineer shall then submit an Ordinance to the County Council for a recommendation of approval or denial of any reimbursement requests received by noon on the Monday prior to the next regular meeting of the County Council.

7.3.4 The City shall submit payment requests only for capital improvements and projects previously submitted to the County and approved for eligibility.

7.3.5 Requests for payment received by noon on the Monday prior to the next County Council regular meeting agenda deadline, as established by the Director of Administration, will be processed for payment upon final execution of the approved Ordinance.

7.3.5.1 Payments shall be made directly to the City.

This Agreement, containing seven (7) sections, represents the complete understanding of the parties to the Agreement. No changes shall be made to this Agreement except in writing and approved by the parties. This Agreement shall be subject to renewal at the end of the sales tax year.

This Agreement shall be in full force and effect after its passage by the Jefferson County, Missouri, Council and the City through **December 31, 2019**, and is subject to renewal thereafter upon mutual agreement of the parties.

Both the County and the City have adopted an appropriate resolution, order or ordinance authorizing the execution of this Agreement.

**JEFFERSON COUNTY, MISSOURI:**

By: \_\_\_\_\_  
Jefferson County, Missouri, Executive

*Attest:*

\_\_\_\_\_  
County Clerk

By: \_\_\_\_\_  
Deputy County Clerk

*Approved as to form:*

\_\_\_\_\_  
County Counselor

**CITY OF \_\_\_\_\_, MISSOURI:**

By: \_\_\_\_\_  
Chief elected official

\_\_\_\_\_  
Title

*Attest:*

\_\_\_\_\_  
Clerk

RESOLUTION NO. 19-03

**A RESOLUTION GRANTING A SEWER LINE EASEMENT TO MISSOURI  
AMERICAN WATER.**

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WHEREAS, Missouri American Water is planning a sewer line project for the Little Muddy Creek Interceptor; and

WHEREAS, Missouri American Water needs an easement from the City of Arnold for the project;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ARNOLD, MISSOURI:

Section 1. The City hereby grants Missouri American Water the attached easement and the Mayor is authorized to execute any documents necessary to the transaction.

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Presiding Officer of the City Council

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Mayor Ron Counts

ATTEST:

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City Clerk Tammi Casey

Date: \_\_\_\_\_

19-03 Resolution Granting Sewer Line Easement  
Wednesday, December 26, 2018

## EASEMENT FOR SEWER PIPE

KNOW ALL MEN BY THESE PRESENTS, on this \_\_\_\_ day of \_\_\_\_\_, 2018, that the undersigned **City of Arnold** a Municipal Corporation of the State of Missouri, (“Grantor”), owner of a tract of land being a part **Lot 36, U.S. Survey 1991, Township 43 North, Range 6 East**, Jefferson County, Missouri, having acquired title to said tract of land by deed recorded in Book 652, Page 1422 (Parcel No.II) of the Jefferson County, Missouri Records, for and in consideration of the sum of One Dollar (\$1.00) to it in hand paid by the **Missouri-American Water Company**, a Missouri corporation with offices located at **727 Craig Road, St. Louis, Missouri, 63141**, (“Grantee”), the receipt of which is hereby acknowledged, and for other good and valuable considerations does by these presents grant, sell, convey, and confirm, unto the Grantee, its successors and assigns, the right and easement to build and maintain any flow control valves, air release valves, pipes and associated above ground structures including any necessary lift and / or pump stations, sewer of sewers, including storm water improvements, ingress and egress, roadway, appurtenances, fencing, grates and necessary service and / or utility lines, on the strip or strips of ground described as shown hachured ///// on the attached **“Easement plat” marked exhibit “A”** which is initialed by Grantor and made a part hereof, and to use commercially reasonable additional space adjacent to the easement(s), including the ability and right of ingress and egress, so granted as may be required for working room during the construction reconstruction, maintenance, or repair of the aforementioned flow control valves, air release valves, pipes, air release valves and any associated above ground structures including any necessary, lift and / or pump stations, sewer of sewers, including storm water improvements, ingress and egress, roadway, appurtenances, fencing gates, and necessary service and / or utility lines. Grantee may from time to time enter upon said premises to construct, reconstruct , replace, maintain, or repair the aforesaid flow control valves, air release valves and any associated above ground structures including any necessary lift and / or pump stations, sewer or sewers, including storm water improvements, ingress and egress, roadway, appurtenances, fencing, gates and necessary service and / or utility lines, and may assign its rights in this easement to the state, county, city or other political subdivisions of the State. Grantee shall also have the right to clear and keep clear brush, trees, shrubbery, roots and other obstructions of which, in Grantees’ judgment, may interfere with the safe, proper and expeditious laying, construction, maintenance, alteration, inspection, repair, replacement, protection, relocation, operation and removal of water pipes and appurtenant facilities.

Grantee, its successors and assigns, to have the right to use and control a line or lines of water pipe for the circulation and distribution of water for public or private use through the above described property for all proper purposes connected with the installation, use, maintenance, and replacement of the line of water pipe, and with the attachment thereto of the service lines of its customers. If the

water pipe to which the service line connection of the Grantor is abandoned the service line and connection will be relocated to another water pipe as directed by Grantee.

Grantor agrees not to obstruct or interfere with the normal use or maintenance of such pipe line or lines and any connections to the pipe line. Grantor also agrees not to erect or cause to be erected any building or structure within the easement area and shall not add or remove any fill or ground cover in the easement area without the prior written approval of Grantee.

Grantor warrant and will defend the title to said easement during its existence with the Grantee for its use and benefit against all parties whomsoever.

This easement is accepted by the Grantee with the understanding and on the condition that whenever it shall make any excavations in the above described property the Grantee shall restore the ground as nearly as practicable to its former condition.

IN WITNESS WHEREOF, this instrument has been executed on this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

**CITY OF ARNOLD**

BY \_\_\_\_\_  
**Ron Counts, Mayor**

ATTEST:

\_\_\_\_\_, Secretary

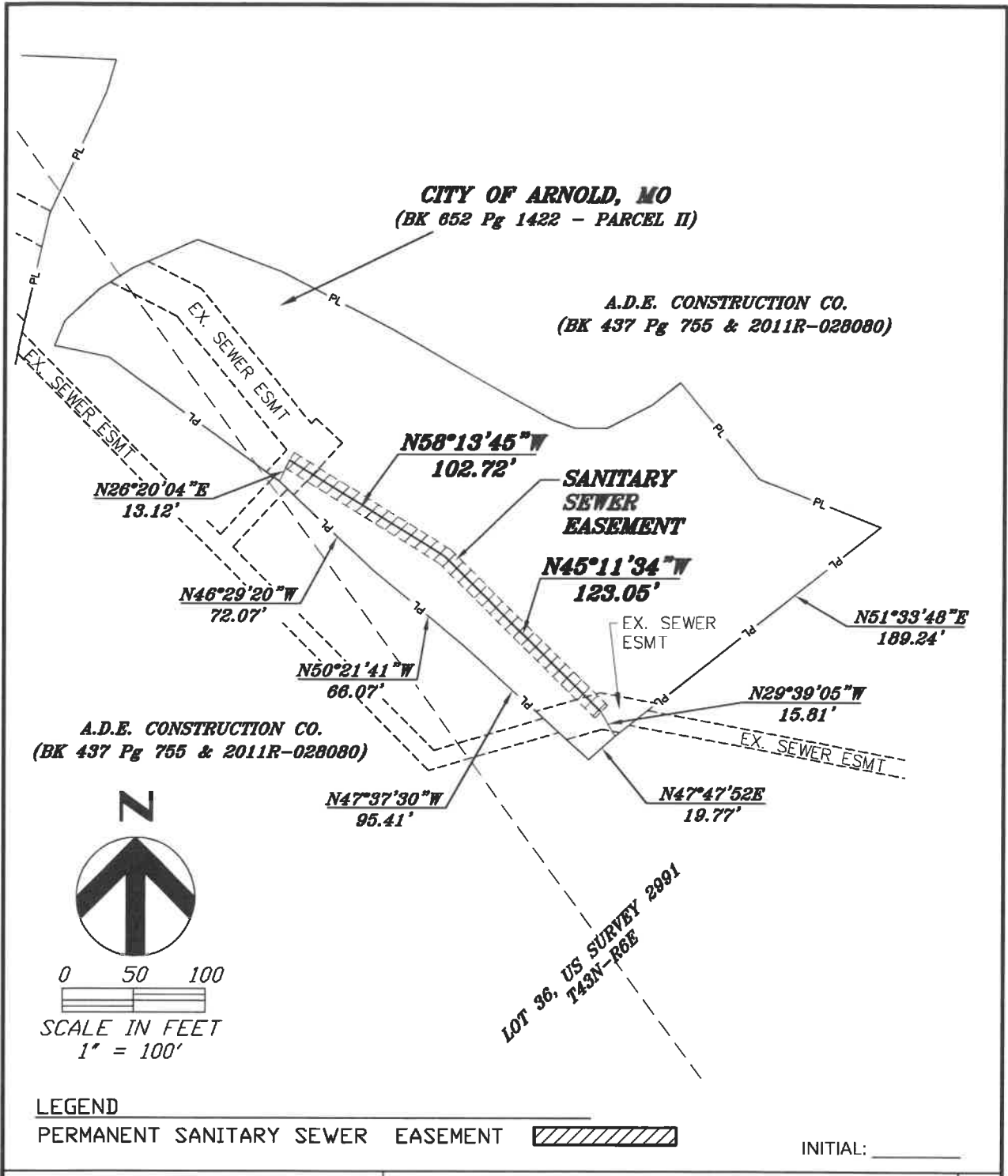
STATE OF MISSOURI                    )  
  ) SS:  
COUNTY OF JEFFERSON            )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2018, before me appeared **Ron Counts** to me known, who, being by me duly sworn did say that he is Mayor of the **CITY OF ARNOLD**, a Municipal Corporation, and that the seal affixed to the foregoing instrument is the corporate seal of said corporation, and that said instrument was signed and sealed in behalf of said corporation by authority of Ordinance No. \_\_\_\_\_, passed, \_\_\_\_\_, 2018.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year last above written.

My commission expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public



**HDR**

HDR ENGINEERING, INC.  
401 SOUTH 18TH STREET, SUITE 300,  
ST. LOUIS, MO 63103 - PH: 314-425-8300  
MISSOURI CERTIFICATE OF AUTHORITY  
LICENSE NUMBER 000856

**EXHIBIT "A"**  
OWNER: CITY OF ARNOLD, MO  
BOOK 652, PAGE 1422 - PARCEL II, JEFFERSON COUNTY, MO

**PERMANENT SANITARY SEWER EASEMENT**  
MISSOURI AMERICAN WATER COMPANY  
PROJECT NAME: LITTLE MUDDY CREEK INTERCEPTOR UPSIZE/RELOCATION  
HDR PROJECT NO: 10132116

1  
OF  
1  
JFJ  
JRY