

## City of Arnold, Missouri

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**Public Hearing  
Council Chambers**

**July 18, 2019**

- A. City-Initiated Ordinance Amending Chapter 405, Zoning, of the Code of Ordinances by Establishing Definitions and Regulations Related to Medical Marijuana-related Entities, as defined by the State of Missouri, Electronic Cigarette, Shops, and Tobacco Shops.
- B. Zoning Request to Amend and Replace the Existing "C-4" Planned Commercial District for Property Located at 3405 Robinson Road.

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**City Council**

**Immediately Following the Public Hearing**

### **Amended 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 **June 20, 2019**
  - B. Payroll Warrant **#1319 in the Amount of \$303,958.35**  
Payroll Warrant **#1320 in the Amount of \$292,789.32**
  - C. General Warrant **#5741 in the Amount of \$379,372.50**  
General Warrant **#5742 In the Amount of \$381,740.58**
- 6. Ordinances:
  - A. **Bill No.2747:** An Ordinance of the City Council of the City of Arnold, Mo. Amending Chapter 405 of the Arnold Code of Ordinances.  
*(Marijuana Related Uses and Tobacco, Nicotine, and Other Legal Substance Establishments)*
  - B. **Bill No. 2748:** An Ordinance Approving the Amendment and Replacement of the "C-4" Planned Commercial District for 3405 Robinson Road, A Tract

of Land Located in U. S. Survey 2991 PT 5, Section 31, Township 43 North, Range 6 East, City of Arnold, Jefferson County, MO.

7. Resolutions:

- A. **Resolution No. 19-35:** A Resolution Authorizing the Mayor to Enter into an Agreement with Midwest Systems Truck Equipment for the Purchase of a New Snowplow and Salt Spreader.
- B. **Resolution No. 19-36:** A Resolution Approving an Agreement with Cochran Engineering for the Old Lemay Ferry Road Project.

8. Motion:

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

9. Reports from Mayor, Council, and Committees:

10. Administrative Reports:

11. Adjournment:

**Next Regular City Council Meeting August 1, 2019 @ 7:00 p.m.  
Next Work Session August 8, 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.

Councilman Tim Seidenstricker offered the opening prayer.

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

### **BUSINESS FROM THE FLOOR**

NONE

Mayor Counts recognized Kevin Dalton from Scout Troop 557 who was in the audience working on his Communications Badge.

### **CONSENT AGENDA**

- A. MINUTES FROM JUNE 6, 2019 MEETING**
- B. PAYROLL WARRANT NO. 1318 IN THE AMOUNT OF \$301,397.46**
- C. GENERAL WARRANT NO. 5740 IN THE AMOUNT OF \$435,072.81**

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

Seconded by Gary Plunk. Roll call vote: McArthur, yes; Plunk, yes; Fleischmann, yes; Fulbright,(excused); Hood, yes; Sullivan, (excused); Seidenstricker, yes; Cooley, yes; 6 Yeas: **Consent agenda approved.**

### **ORDINANCES**

**BILL NO. 2746 – AN ORDINANCE EXTENDING FOR TWO (2) ADDITIONAL MONTHS THE MORATORIUM ON BUSINESS LICENSES AND OCCUPANCY PERMITS FOR NEW MEDICAL MARIJUANA-RELATED ENTITIES, ELECTRONIC CIGARETTE SHOPS AND TOBACCO SHOPS, WITHIN THE CITY OF ARNOLD** was read twice by City Clerk Tammi Casey. Roll call vote: McArthur, yes; Plunk, yes; Fleischmann, yes; Fulbright,(excused); Hood, yes; Sullivan, (excused); Seidenstricker, yes; Cooley, yes; 6 Yeas: **Ordinance passed.**

**RESOLUTIONS**

**RESOLUTION NO. 19-34 – A RESOLUTION AUTHORIZING THE VACATION OF RIGHT OF WAY PARCEL**

**Gary Plunk made a motion and so moved to approve Resolution No. 19-34.** Seconded by EJ Fleischmann. Roll call vote: McArthur, yes; Plunk, yes; Fleischmann, yes; Fulbright,(excused); Hood, yes; Sullivan, (excused); Seidenstricker, yes; Cooley, yes; 6 Yeas: **Resolution approved.**

**MOTIONS**

NONE

**REPORTS FROM MAYOR, COUNCIL AND COMMITTEES**

Tim Seidenstricker, Ward 2 – Informed everyone that he will be sending out an e-mail to try to schedule the next Public Transportation Committee meeting.

**ADMINISTRATIVE REPORTS**

Bryan Richison – Stated that the first meeting in July will be cancelled due to the 4<sup>th</sup> of July holiday. Mr. Richison informed council that he and the Mayor will be meeting with Hurste Rosche next week regarding the Melody Lane project. Also he, along with David Bookless, Tammi Casey, Chief Shockey and two of his officers met today regarding the new hotel/motel regulations and code changes.

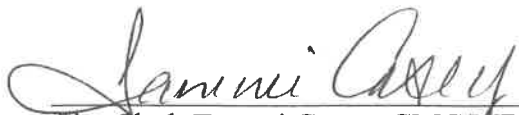
Chief Shockey – Informed council that he and Major Carroll will be out of the office next week to attend a conference.

Bill Lehmann – Stated that he, along with Bryan Richison and Dan Kroupa met with Hilltop Securities this week. They are looking into refinancing the TDD bonds in September, which could potentially save the city approximately \$500,000.

A motion to adjourn the meeting was made by Gary Plunk. Seconded by Brian McArthur.

Voice vote: All yeas.

Meeting adjourned at 7:11 p.m.

  
City Clerk Tammi Casey, CMC/MRCC-C

CITY OF ARNOLD, MISSOURI

ROLL CALL

MEETING: REGULAR

DATE: 6/20/2019

PAGE: 1

BILL NO - RESOLUTION - MOTION

COUNCIL MEMBERS:

MAYOR RON COUNTS

COUNCIL: BRIAN MCARTHUR

COUNCIL: GARY PLUNK

COUNCIL: EJ FLEISCHMANN

COUNCIL: JASON FULBRIGHT

COUNCIL: MARK HOOD

COUNCIL: VERN SULLIVAN

COUNCIL: TIM SEIDENSTRICKER

COUNCIL: BUTCH COOLEY

CITY ADMINISTRATOR BRYAN RICHISON

CITY CLERK TAMMI CASEY

COM DEV DAVID BOOKLESS

FINANCE DIRECTOR BILL LEHMANN

CITY ATTORNEY BOB SWEENEY

ROLL CALL	CONSENT AGENDA	BILL NO 2746	RESOLUTION NO 19-34		
PRESENT					
PRESENT	YES	YES	YES		
PRESENT	YES	YES	YES		
PRESENT	YES	YES	YES		
EXCUSED	EXCUSED	EXCUSED	EXCUSED		
PRESENT	YES	YES	YES		
EXCUSED	EXCUSED	EXCUSED	EXCUSED		
PRESENT	YES	YES	YES		
PRESENT	YES	YES	YES		
PRESENT	PARKS DIR:	DICKIE BROWN			PRESENT
PRESENT	PUBLIC WORKS:	-			
PRESENT	TREASURER:	DAN KROUPA			EXCUSED
PRESENT	POLICE DEPT.	CHIEF SHOCKEY			PRESENT
PRESENT					

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

#### **COCHRAN ENGINEERING**

Bryan Richison introduced Sally Bartnett and David Christianson from Cochran Engineering. Mr. Christianson spoke to council regarding the possibility of their company pursuing STP grant funding through East/West Gateway for road improvements on Old Lemay Ferry. The first phase would include Church Road to Doe Run, they would then apply for a second phase, which would continue the work further down Old Lemay Ferry. The improvements would include widening the pavement, sidewalks, concrete curbs, resurfacing, street striping and street lights. If the grant application is not awarded, Cochran Engineering would refund their fee to the City. Mayor Counts polled the council to assess their interest in moving forward with this project. As there were no objections, a resolution will be placed on the next agenda to enter into an agreement with Cochran Engineering.

#### **BUILDING UPGRADES AT PUBLIC WORKS FACILITY**

Tom Palasky provided an update regarding the search for a new Parks & Rec facility. Mr. Palasky stated the plan is to demolish the old pole barn at the Public Works facility and construct a building for Parks and Rec. They will also demolish an old brick building at Public Works and construct a new lunch room, locker room and storage building for the Public Works department. Cochran Engineering has assisted with the planning of utility placements and costs. The hope is to have the proposal ready for discussion and review by council at the August Work Session, which would allow time for the funds to be placed on next years' budget.

#### **GOLF COURSE AND ARNOLD PARK FLOOD DAMAGE ASSESSMENT**

Mike Peine, Golf Superintendent at Arnold Golf Course provided council with an assessment of the damage caused by recent flooding to the golf course. Sixty percent of the golf course was either under water or unapproachable. Many of the greens were completely devastated. Mr. Peine and Dickie Brown have met with Walters Golf Management to devise a plan to restore the course. Restoration will be extensive. As of yesterday, 9 holes are open and 9 holes are unplayable. Dickie Brown informed council that Arnold City Park also has extensive flood damage. There is currently no grass in the park at all.

#### **MEDICAL MARIJUANA REGULATIONS**

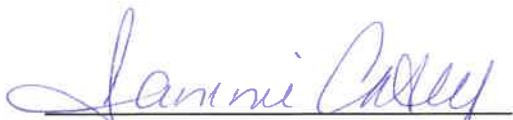
Bryan Richison provided council with an overview of the draft ordinance, which has been through Planning and Zoning, for medical marijuana establishments. The ordinance will be on next week's agenda for council approval. Most of the city's C3 and C4 zoning districts will be eligible for a facility. Mr. Richison asked that council review the ordinance and if they plan on bringing a motion forward to amend the ordinance, please provide an advanced copy in writing so that everything remains orderly. Changing an ordinance of this magnitude orally can get confusing and mistakes can easily be made. Providing everyone with an advanced copy of any potential amendments to the ordinance will ensure a more clear and concise approach.

2  
Work Session  
July 11, 2019

Tim Seidenstricker made a motion and so moved to adjourn the meeting. Seconded by Brian McArthur.

Voice vote: All Yeas.

Meeting adjourned at 7:53 p.m.

  
City Clerk Tammi Casey, CMC/MRCC-C

**CITY OF ARNOLD, MISSOURI**

**ROLL CALL**

**MEETING:** WORK SESSION

**DATE:** 7/11/2019

**PAGE:** 1

**BILL NO - RESOLUTION - MOTION**

**COUNCIL MEMBERS:**

		IN ATTENDANCE					
<b>MAYOR</b>	<u>RON COUNTS</u>	PRESENT					
<b>COUNCIL:</b>	<u>BRIAN MCARTHUR</u>	PRESENT					
<b>COUNCIL:</b>	<u>GARY PLUNK</u>	PRESENT					
<b>COUNCIL:</b>	<u>EJ FLEISCHMANN</u>	PRESENT					
<b>COUNCIL:</b>	<u>JASON FULBRIGHT</u>	-					
<b>COUNCIL:</b>	<u>MARK HOOD</u>	PRESENT					
<b>COUNCIL:</b>	<u>VERN SULLIVAN</u>	PRESENT					
<b>COUNCIL:</b>	<u>TIM SEIDENSTRICKER</u>	PRESENT					
<b>COUNCIL:</b>	<u>BUTCH COOLEY</u>	-					
<b>CITY ADMINISTRATOR</b>	BRYAN RICHISON	PRESENT	<b>PARKS DIR:</b>	DICKIE BROWN		PRESENT	
<b>CITY CLERK</b>	TAMMI CASEY	PRESENT	<b>PUBLIC WORKS:</b>	-			
<b>COM DEV</b>	DAVID BOOKLESS	-	<b>TREASURER:</b>	DAN KROUPA		PRESENT	
<b>FINANCE DIRECTOR</b>	BILL LEHMANN	PRESENT	<b>POLICE DEPT.</b>	CHIEF SHOCKEY		PRESENT	
<b>CITY ATTORNEY</b>	BOB SWEENEY	PRESENT					



**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARNOLD, MISSOURI,  
AMENDING CHAPTER 405 OF THE ARNOLD CODE OF ORDINANCES  
(*MARIJUANA RELATED USES AND TOBACCO, NICOTINE, AND OTHER  
LEGAL SUBSTANCE ESTABLISHMENTS*)**

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

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

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

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

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

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

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

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

**SECTION 1.** Section 405.060 of the Arnold Code of Ordinances is hereby amended to add the following definitions:

**“MARIJUANA OR MARIHUANA**

Means Cannabis indica, Cannabis sativa, and Cannabis ruderalis, hybrids of such species, and any other strains commonly understood within the scientific community to constitute marijuana, as well as seed thereof and resin extracted from the plant and marijuana-infused products. Marijuana does not include industrial hemp containing a crop-wide average tetrahydrocannabinol concentration that does not exceed three-tenths of one percent on a dry weight basis, or commodities or products manufactured from industrial hemp.

**MARIJUANA-INFUSED PRODUCTS**

Any product that is infused with marijuana or an extract thereof and is intended for use or consumption other than by smoking, including, but not limited to, edible products, ointments, tinctures and concentrates.

**MEDICAL MARIJUANA CULTIVATION FACILITY**

Any facility licensed by the State of Missouri to acquire, cultivate, process, store, transport, and sell marijuana to a Medical Dispensary Facility, Medical Marijuana Testing Facility, or to a Medical Marijuana-Infused Products Manufacturing Facility.

**MEDICAL MARIJUANA CULTIVATION FACILITY, INDOOR**

Any medical marijuana cultivation facility, as defined herein, where the cultivation of marijuana occurs within an enclosed structure.

**MEDICAL MARIJUANA CULTIVATION FACILITY, OUTDOOR**

Any medical marijuana cultivation facility, as defined herein, where the cultivation of marijuana occurs outside of an enclosed structure.

**MEDICAL MARIJUANA DISPENSARY FACILITY**

Means a facility licensed by the State of Missouri to acquire, store, sell, transport, and deliver marijuana, marijuana-infused products and drug paraphernalia used to administer marijuana as provided for in this section to a qualifying patient, a primary caregiver, another Medical Marijuana Dispensary Facility, a Medical Marijuana Testing Facility, or a Medical Marijuana-Infused Projects Manufacturing Facility.

**MEDICAL MARIJUANA-INFUSED PRODUCTS MANUFACTURING FACILITY**

Means a facility licensed by the State of Missouri, to acquire, store, manufacture, transport, and sell marijuana-infused products to a Medical Marijuana Dispensary Facility, a Medical Marijuana Test Facility, or to another Medical Marijuana-Infused Projects Manufacturing Facility.

**MEDICAL MARIJUANA TESTING FACILITY**

Means a facility certified by the State of Missouri, to acquire, test, certify, and transport marijuana.

**MEDICAL MARIJUANA-RELATED ENTITIES**

Any establishment operating or transacting business as a medical marijuana dispensary facility, medical marijuana cultivation facility, medical marijuana-infused product manufacturing facility, medical marijuana testing facility, or other medical marijuana-related entity.

**TOBACCO, NICOTINE, AND OTHER LEGAL SUBSTANCE ESTABLISHMENT**

A specialty retail establishment that has, as a substantial or significant portion of its stock in trade, smoking- and/or vapor inhalation-related accessories, such as pipes, pipe cleaners, lighters, butane, flints, cigar nippers, electronic/vapor substance inhalation products, commonly known as "electronic cigarettes," "e-cigarettes," "e-cigars," "e-cigarillos," "e-pipes," "e-hookahs," "electronic nicotine delivery systems," and other similar devices, as well as such cartridges, substances and additives used to experience the sensation of smoking vapors, tobacco and non-tobacco substances, exclusive of items identified as controlled substances or drug paraphernalia in Chapter 215, Article XI of the Municipal Code. Lounges or public rooms where customers or members of the public may inhale vapor, smoke, or otherwise consume such products as identified herein, may only be as allowed when specifically authorized in an approved Conditional Use Permit."

**SECTION 2.** Section 405.310.A.2. of the Arnold Code of Ordinances is hereby amended to add the following:

"j. Tobacco, Nicotine, and Other Legal Substance Establishment (*See Section 405.380*)."

**SECTION 3.** Section 405.320.A.2. of the Arnold Code of Ordinances is hereby amended to add the following:

"aa. Tobacco, Nicotine, and Other Legal Substance Establishment (*See Section 405.380*)."

**SECTION 4.** Section 405.330.A.2. of the Arnold Code of Ordinances is hereby amended to add the following:

"w. Tobacco, Nicotine, and Other Legal Substance Establishment (*See Section 405.380*)."

**SECTION 5.** Section 405.330.A.2. of the Arnold Code of Ordinances is hereby amended to add the following:

"aa. Medical Marijuana Dispensary Facilities (*See Section 405.380*)."

**SECTION 6.** Section 405.340.B. of the Arnold Code of Ordinances is hereby deleted in its entirety and substituting in lieu the following:

"B. *Permitted Land Uses and Developments.*

1. In a planned commercial district, the uses permitted shall only be:
  - a. Those designated as a permitted use in any of the "C" Commercial Districts; and
  - b. Those designated as conditional use in any of the "C" Commercial Districts subject to procedures contained in Section 405.870,

Conditional Use Permits, of the Zoning Ordinance.

2. 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.”

**SECTION 7.** Section 405.350.A.1. of the Arnold Code of Ordinances is hereby amended to add the following:

“o. Medical Marijuana Entities, except dispensaries (*See Section 405.380*)”

**SECTION 8.** Section 405.360.B. of the Arnold Code of Ordinances is hereby amended to add the following:

“13. Medical Marijuana Entities, except dispensaries (*See Section 405.380*)”

**SECTION 9.** Section 405.370.B. of the Arnold Code of Ordinances is hereby deleted in its entirety and substituting in lieu the following:

“B. *Permitted Land Uses and Developments.*

1. In a planned industrial district, the uses permitted shall only be:
  - a. Those designated as a permitted use in any of the "M" Industrial Districts or "C" Commercial Districts as may be specifically related to a particular industrial activity or complex; and
  - b. Those designated as conditional use in any of the M” Industrial Districts or "C" Commercial Districts as may be specifically related to a particular industrial activity or complex subject to procedures contained in Section 405.870, Conditional Use Permits, of the Zoning Ordinance.
2. The specific ordinance authorizing the establishment of a particular planned industrial district related to a specific tract of land may further limit the uses permitted on the tract.”

**SECTION 10.** Section 405.380, *Use Standards*, is hereby amended to add the following:

“B. Tobacco, Nicotine, and Other Legal Substance Establishment. Tobacco, nicotine, and other legal substance establishments, as defined in section 405.060, shall meet the following standards in addition to all other zoning requirements in order to operate within the City of Arnold:

1. No tobacco, nicotine, and other legal substance establishment shall be located on a parcel, which is within one thousand (1,000) feet of another tobacco, nicotine, and other legal substance establishment is located, including such establishments located outside of the City limits.

Such distances referred to above shall be measured by the methodology established by the Missouri Department of Health and Senior Services Division of Regulation and Licensure for medical marijuana-related entities and protected uses. For the purposes of this measurement, tobacco, nicotine, and other legal substance establishments shall be subject to the proximity criteria for medical marijuana-related entities.

2. No tobacco, nicotine, and other legal substance establishment shall be operated or maintained within two hundred fifty (250) feet of primary or secondary schools, residentially zoned districts or any public park.

Such distances referred to above shall be measured by the methodology established by the Missouri Department of Health and Senior Services Division of Regulation and Licensure for medical marijuana-related entities and protected uses. For the purposes of this measurement, tobacco, nicotine, and other legal substance establishments shall be subject to the proximity criteria for medical marijuana-related entities.

- C. Medical Marijuana-Related Entities. Medical marijuana-related entities, as defined in section 405.060, shall meet the following standards in addition to all other zoning requirements in order to operate within the City of Arnold:

1. No medical marijuana dispensary facility may be located within one thousand (1,000) feet of another medical marijuana dispensary facility except when such other facility is a federally licensed pharmacy. The distance between any two (2) medical marijuana dispensary facilities shall be measured by the methodology established by the methodology established by the Missouri Department of Health and Senior Services Division of Regulation and Licensure.
2. No person shall cause or permit the establishment of a medical marijuana dispensary facility where such facility is within one thousand (1,000) feet of a parcel of land which is used primarily for any of the following protected uses:
  - a. Churches, synagogues, mosques, temples, and other houses of worship, and related activities;
  - b. Primary or secondary schools; and
  - c. Day care facilities.

Such distances referred to above shall be measured by the methodology established by the Missouri Department of Health and Senior Services Division of Regulation and Licensure.

3. No person shall cause or permit the establishment of a medical marijuana dispensary facility where such facility is within one thousand (1,000) feet of an alcohol or drug abuse facility as defined by the State of Missouri Chapter 631, RSMo.

Such distances referred to above shall be measured by the methodology established by the Missouri Department of Health and Senior Services Division of Regulation and Licensure for medical marijuana-related entities and protected uses. For the purposes of this measurement, alcohol or drug abuse facilities shall be subject to the proximity criteria for churches, primary or secondary schools; and day care facilities.

4. No person shall cause or permit the establishment of an outdoor medical marijuana cultivation facility where such facility is within two hundred fifty (250) feet of a parcel of land which is used primarily for any of the following protected uses:
  - a. Churches, synagogues, mosques, temples, and other houses of worship, and related activities;
  - b. Primary or secondary schools; and
  - c. Day care facilities.

Such distances referred to above shall be measured by the methodology established by the Missouri Department of Health and Senior Services Division of Regulation and Licensure.

5. Medical Marijuana Dispensary Facilities shall provide parking spaces in an amount not below 15 per 1,000 square feet gross floor area plus one additional space for each employee on the maximum shift and one space for each vehicle utilized in the day-to-day operation of the business.
6. Nuisances. No medical marijuana-related entities, as defined in Section 405.060, shall emit an odor or in any way cause a public nuisance per Chapter 220 of this Code. Appropriate ventilation systems to prevent any odor of marijuana or fumes from leaving the premises or other changes to the facilities can be required if a public nuisance violation occurs.”

## **SECTION 11.**

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

**SECTION 12.** All ordinances, resolutions or orders, or parts thereof, which conflict with the provisions of this Ordinance, are, to the extent of such conflict, hereby repealed.

**SECTION 13.** This ordinance shall be in full force and effect from and after its passage and approval.

*[Signatures on following page]*

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

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

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

ATTEST:

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

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

APPROVED AS TO FORM:

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

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# CITY COUNCIL AGENDA ITEM STAFF REPORT

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<b>MEETING DATE:</b>	July 18, 2019
<b>TITLE:</b>	Marijuana Related Uses and Tobacco, Nicotine, and Other Legal Substance Establishments (Text Amendment)
<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) Staff Memo to the Planning Commission (3) Draft Planning Commission Meeting Minutes (4) Draft Ordinance

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## **EXECUTIVE SUMMARY:**

A City-initiated request to amend Chapter 405, Zoning, of the Code of Ordinances to modify definitions and regulations related to marijuana related uses and tobacco, nicotine, and other legal substance establishments.

## **REVIEW & ANALYSIS:**

On November 6, 2018, Missouri voters approved Amendment 2, which legalized medical marijuana. On January 17, 2019, the City Council approved an ordinance establishing a six (6) month moratorium on the issuance of business licenses and/or occupancy permits for new medical marijuana dispensary facilities, medical marijuana cultivation facilities, medical marijuana-infused product manufacturing facilities, medical marijuana testing facilities, or other marijuana-related entities, electronic cigarette shops, and tobacco shops within the City of Arnold. The purpose of the moratorium was to allow the City of Arnold (i) adequate time to study the licensing and zoning issues related to medical marijuana dispensary facilities, medical marijuana cultivation facilities, medical marijuana-infused product manufacturing facilities, medical marijuana testing facilities, or other marijuana-related entities, electronic cigarette shops, and tobacco shops; (ii) adequate time to consider potential broad changes to Chapter 405 (Zoning Ordinance) and Chapter 605 (Business Regulations) that relate to medical marijuana dispensary facilities, medical marijuana cultivation facilities, medical marijuana-infused product manufacturing facilities, medical marijuana testing facilities, or other marijuana-related entities, electronic cigarette shops, and tobacco shops; and (iii) if such changes are necessary, to revise Chapter 405 (Zoning Ordinance) and Chapter 605 (Business Regulations) to incorporate such broad changes. On June 20, 2019, the City Council extended the moratorium an additional two months to ensure adequate time for the Planning Commission and Council to act.

Staff provided a draft ordinance to the Commission reflecting Amendment 2. The draft requires medical marijuana dispensaries be located in properties zoned "C-3" Commercial or "C-4" Planned Commercial, that minimum parking requirements be satisfied, and that the Planning Commission approves a Conditional Use Permit (CUP). All other medical marijuana related uses would be permitted by-right in





## CITY COUNCIL AGENDA ITEM STAFF REPORT

industrial zoning districts. The draft included language providing minimum distances between medical marijuana entities and a number of protected uses, as provided for in Amendment 2. Additionally, the draft included language including similar restrictions for tobacco, nicotine, and other legal substance establishments such as e-cigarette/vape establishments. After discussion, the Commission requested a number of modifications to the draft for further discussion.

After reviewing new rules issued by the Missouri Department of Health and Senior Services Division of Regulation and Licensure that defined the methodology by which the distance between medical marijuana entities and protected uses are to be measured, the Commission chose to revise the draft to reflect the default distance of **1,000 feet** in place (*see attached graphics illustrating how the methodology might impact protected uses in the City of Arnold.*). Additionally, the Commission recommended including language that requires **1,000 feet between medical marijuana dispensaries and drug abuse treatment facilities.**

An additional change the Commission made to the draft was to parking requirements by adding the requirement of **one additional space for each employee on the maximum shift and one space for each vehicle utilized in the day-to-day operation of the facility.**

Staff presented, and the Planning Commission reviewed, the proposed amendments at their May 28, 2019 meeting and the Commission offered comments. At the Commission's June 25, 2019 meeting, Staff presented revisions to the proposed amendment.

### **RECOMMENDATION:**

At their June 25, 2019 meeting, the Planning Commission, by a vote of 9 to 0, voted to recommend approval of the proposed text amendments to the Zoning Ordinance contained in the attached draft.



# MEMORANDUM

**Date:** June 4, 2019  
**To:** Planning Commission  
**From:** David B. Bookless, AICP DBB  
**Subject:** 2019-14: Medical Marijuana

At the May 28, 2019 meeting of the Planning Commission, project 2019-14, an amendment to Municipal Code Chapter 405 (Zoning) – Medical marijuana, was discussed. Specifically, the Commission requested Staff prepare potential revisions to the draft addressing proximity measurement methodology, parking, and proximity to liquor stores. Additionally, the Commission requested additional proximity maps be prepared.

- The Commission's desire to see a different methodology utilized in measuring the distance between dispensaries and protected uses has been mooted by Missouri Department of Health and Senior Services Division of Regulation and Licensure rules that were issued subsequent to the writing of the Staff report provided at the previous Commission meeting.

A key difference is that while Staff and the Commission were thinking measurements would be "as the crow flies," the State mandates that *"Measurements shall be made along the shortest path between the demarcation points that can be lawfully traveled by foot."* i.e. Measurements are to follow sidewalks, crosswalks, etc.; and not across creeks, over fences, or along "goat paths."

Additionally, how the location of the "demarcation points" are determined varies based on both the type of structure in which the dispensary is located and the type of structure in which the "protected use" is located, and is summarized as follows:

- If both the protected use and the dispensary are located in freestanding buildings, then measurement is from the closest point on the external wall of the dispensary structure to the closest point on the property line of the protected use.
- If the protected use is within a larger structure, such as an office building or strip mall, and the dispensary is located in a freestanding building, then measurement is from the closest point on the external wall of the dispensary structure to the closest entry or exit of the protected use.
- If the protected use is located in a freestanding building and the dispensary is located within a larger structure, such as an office building or strip mall, then measurement is from the property line of the protected use to the to the closest entry or exit of the dispensary.
- If both the protected use and the dispensary are within a larger structure, such as an office building or strip mall, then measurement is from the closest entry or exit of the protected use to the closest entry or exit of the dispensary.

Given the State-mandated measurement criteria, the proposed addition of residences and parks to the list of protected uses is no longer warranted, as access to these particular uses generally far exceed the 1,000 ft. distance.

The State-mandated measurement criteria also makes it difficult to map potential dispensary locations when considering the multitude of potential combinations of existing structures containing protected uses and existing structures located within the "C-3" and "C-4" districts. It is even more difficult to map potential dispensary locations when considering undeveloped properties where no structure, whether freestanding or a larger structure, such as an office building or strip mall has been proposed.

What is certain is that based on the maximum distance allowed by the State, most “C-3” and “C-4” properties in the City of Arnold *could* have a dispensary located on them. However, as is discussed previously and re-emphasized further down in this memorandum, proposed parking requirements may reduce the number of potential locations, and by requiring a Conditional Use Permit, the City is afforded an opportunity to apply additional scrutiny to a particular location where a dispensary might be proposed.

For the Commissions information, attached to this memorandum is a map identifying existing “C-3” and C-4” districts as well as existing “protected uses.” Additionally, there is a series of “zoomed-in” maps depicting particular areas in the City, as identified by the Commission for additional examination.

- Revision (in yellow) to draft ordinance language for parking requirements to reflect the Commission’s discussion may read as follows:

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

- The Commission requested additional draft language limiting dispensary locations relative liquor stores. After discussing the request with the City Attorney, it is Staff’s belief that the addition of this criteria might be problematic, as it is not clear that the two legal uses conflict with each other. However, draft revised language reflecting the request is provided below for your consideration.

*No medical marijuana dispensary facility may be located within one thousand (1,000) feet of an establishment primarily engaged in retailing packaged alcoholic beverages, such as ale, beer, wine, and liquor. The distance between such establishments shall be measured in a straight line, without regard to intervening structures or properties, from the main public entrance of any structure containing a medical marijuana dispensary facility to the main public entrance of any structure containing an establishment primarily engaged in retailing packaged alcoholic beverages, such as ale, beer, wine, and liquor.*

- However, Staff is presenting an additional limitation that appears to have a more direct linkage with respect to the proximity to drug abuse treatment facilities. Please see proposed language reflecting this below in yellow.

*No medical marijuana dispensary facility may be located within one thousand (1,000) feet of an alcohol or drug abuse facility as defined by the State of Missouri Chapter 631, RSMo. The distance between such establishments shall be measured by the same methodology as utilized in the measurement of distance between medical marijuana dispensaries and churches, synagogues, mosques, temples, and other houses of worship, and related activities, primary or secondary schools, and day care facilities.*

- Please consider that in addition to proximity requirements being satisfied, the following additional criteria that must be satisfied before a dispensary could locate on a particular property:

- The property must be zoned “C-3” Commercial or “C-4” Planned Commercial.
- Minimum parking requirements must be satisfied.
- The Planning Commission has approved a Conditional Use Permit (CUP).

Conditional uses warrant an additional level of scrutiny by the Commission. When considering an application for a CUP, the Planning Commission must determine that application satisfied the following criteria:

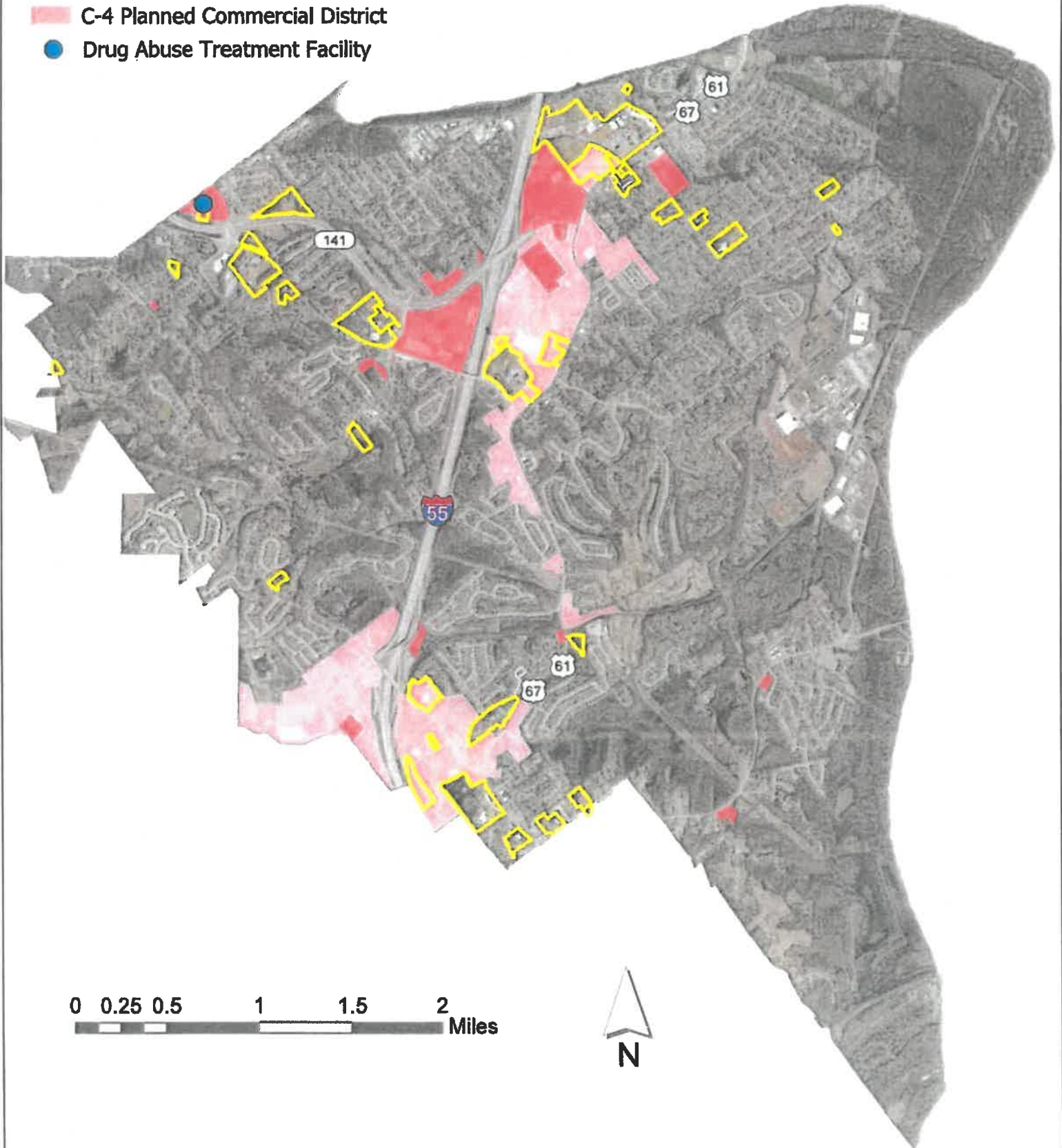
1. Consistent with good planning practice;
2. Can be operated in a manner that is not detrimental to the permitted developments and uses in the district;
3. Can be developed and operated in a manner that is visually compatible with the permitted uses in the surrounding area;
4. Deemed essential or desirable to preserve and promote the public health, safety, and general welfare of the City of Arnold.

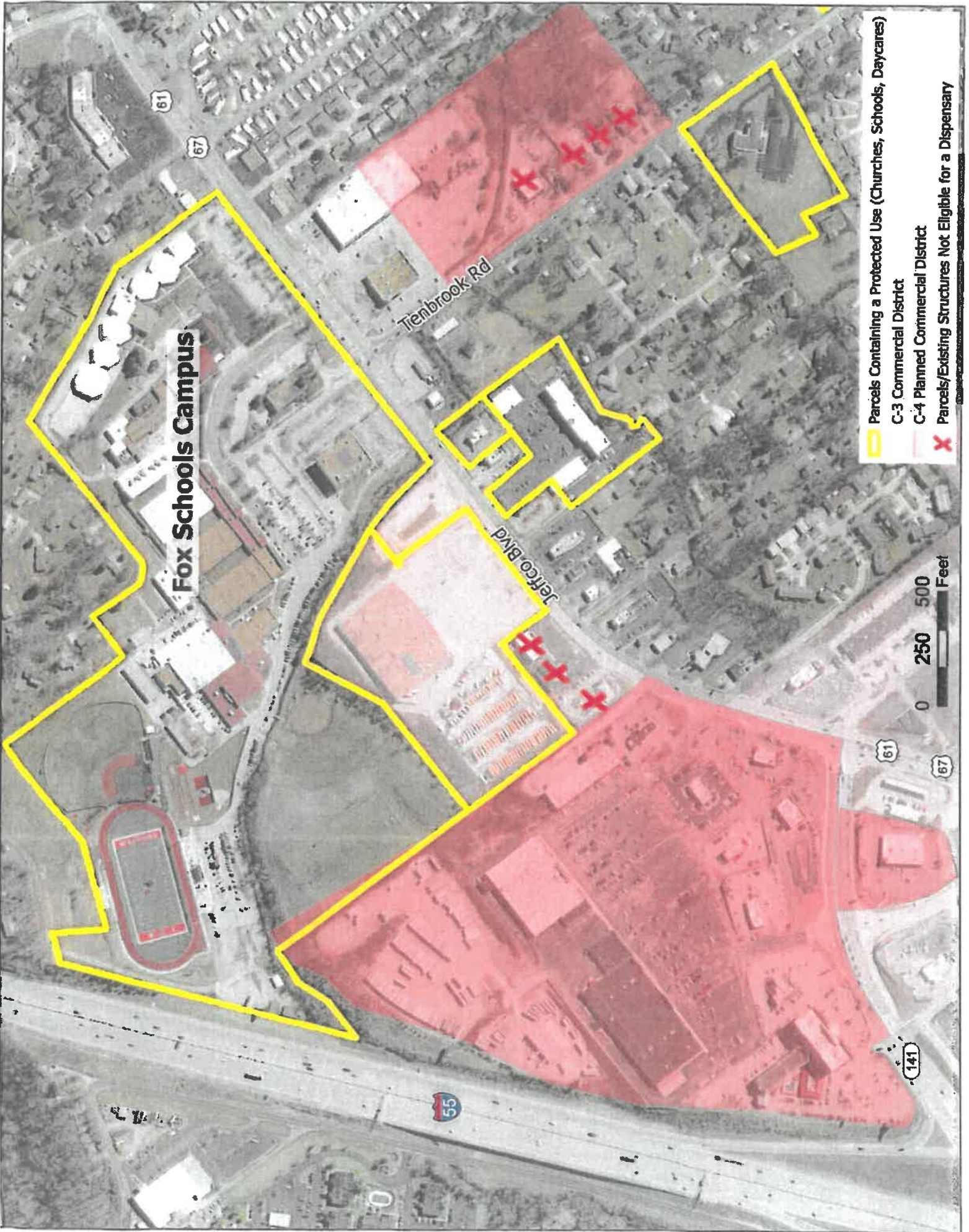
Note: In approving a CUP, the Planning Commission has the authority to impose such conditions as it determines necessary to satisfy the above criteria.

**Please be advised that while the possible revised draft ordinance language and the accompanying discussion above is provided for your consideration, the City Attorney may provide guidance to the Commission before any such changes to the draft are made.**

# Proximity-Sensitive Use Parcels and Locations

- Parcels Containing a Protected Use (Churches, Schools, Daycares)
- C-3 Commercial District
- C-4 Planned Commercial District
- Drug Abuse Treatment Facility





**Fox Schools Campus**

Tienbrook Rd

Jarco Blvd

61





67

55

61

67





141

-  Parcels Containing a Protected Use (Churches, Schools, Daycares)
-  C-3 Commercial District
-  C-4 Planned Commercial District
-  Parcels/Existing Structures Not Eligible for a Dispensary

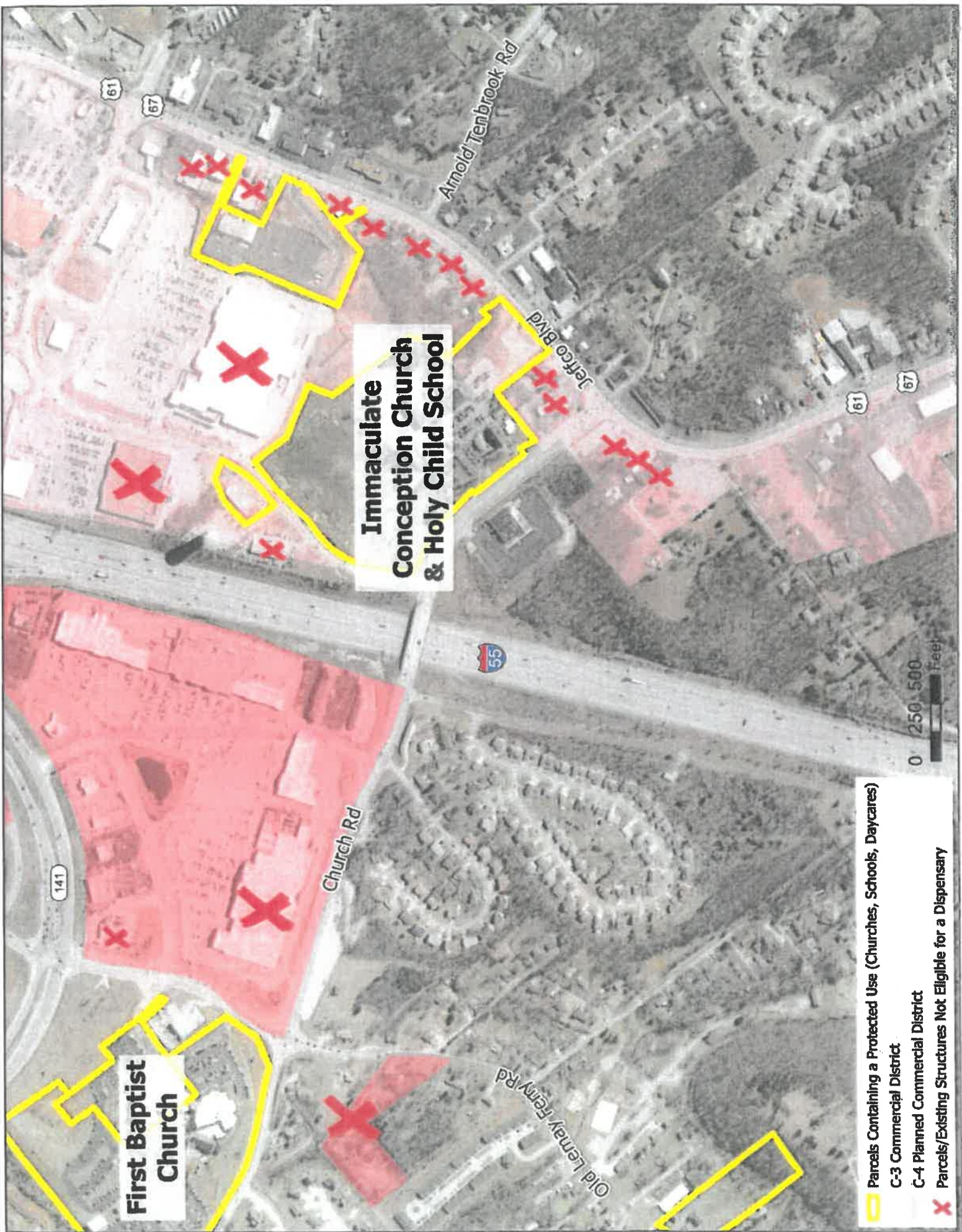


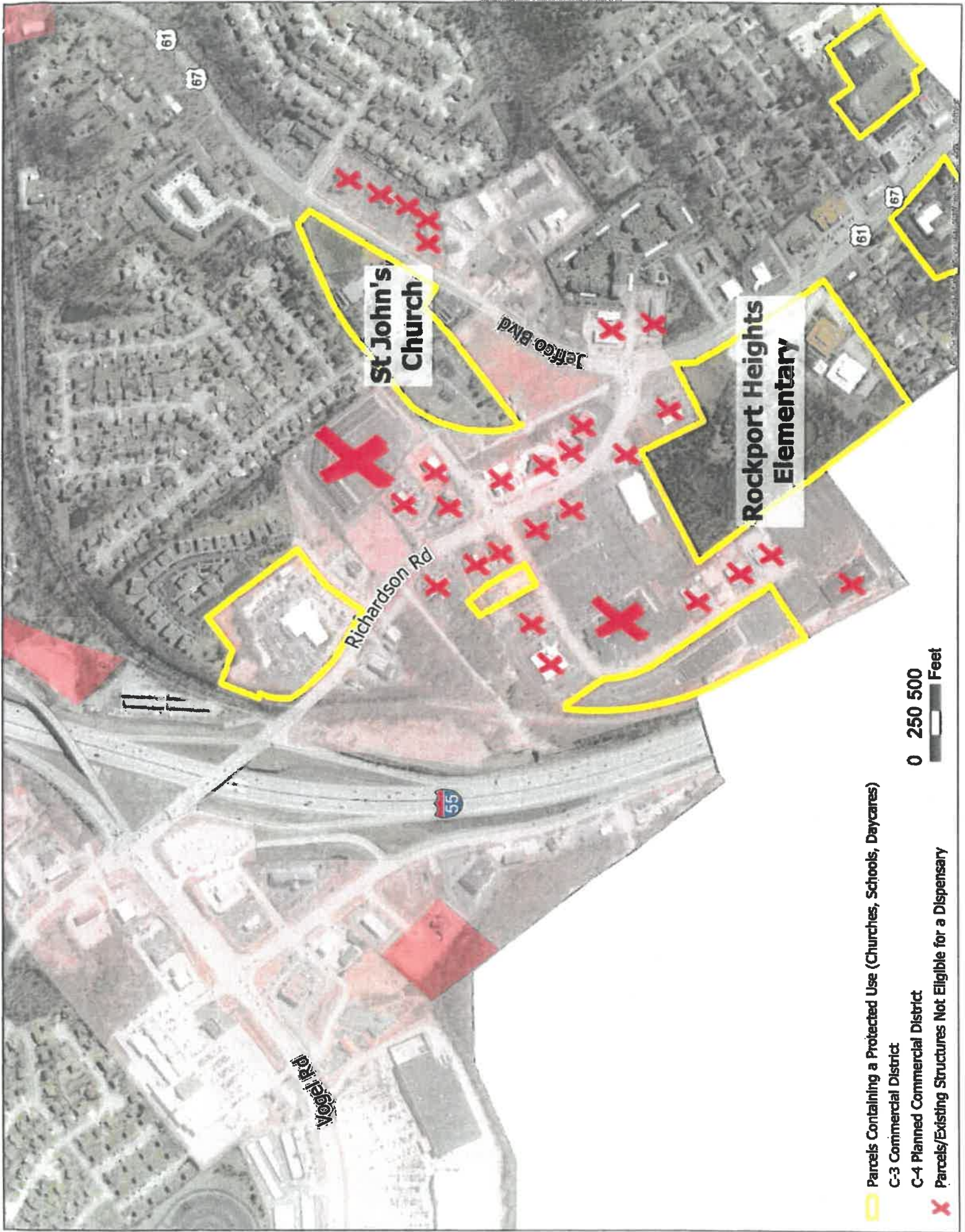
**First Baptist Church**

**Immaculate Conception Church & Holy Child School**

-  Parcels Containing a Protected Use (Churches, Schools, Daycares)
-  C-3 Commercial District
-  C-4 Planned Commercial District
-  Parcels/Existing Structures Not Eligible for a Dispensary

0 250 500 Feet





Parcels Containing a Protected Use (Churches, Schools, Daycares)

C-3 Commercial District

C-4 Planned Commercial District

Parcels/Existing Structures Not Eligible for a Dispensary







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## REPORT TO PLANNING COMMISSION

### CITY OF ARNOLD

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**APPLICATION #:** 2019-14

**APPLICATION NAME:** Chapter 405 (Zoning) - Medical Marijuana-Related Entities, Electronic Cigarette Shops, and Tobacco Shops.

**APPLICANT:** City of Arnold

**REQUEST:** A City-initiated request to amend Chapter 405, Zoning, of the Code of Ordinances establishing definitions and regulations related to medical marijuana-related entities, as defined by the State of Missouri, electronic cigarette shops, and tobacco shops.

**MEETING DATE:** May 28, 2019

**REPORT DATE:** May 28, 2019

**CASE MANAGER:** David B. Bookless, AICP

**RECOMMENDATION:** **APPROVAL**





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## REPORT TO PLANNING COMMISSION

### CITY OF ARNOLD

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#### BACKGROUND

On November 6, 2018, Missouri voters approved Amendment 2, which legalized medical marijuana. The amendment requires the state Department of Health and Senior Services to begin accepting applications for qualifying patients within 180 days after December 6, 2018 (therefore, no later than June 4, 2019), to begin accepting applications for dispensaries no later than 240 days after December 6, 2018 (therefore, no later than August 3, 2019), and to accept or reject applications for dispensaries within 150 days of receiving them. Although Amendment 2 speaks primarily to state requirements and allowances, it includes language relative to the ability of local governments to regulate the location of such facilities, and identifies a maximum proximity distance from a number of protected uses (i.e. 1,000 feet max). It should be noted that the amendment identifies the minimum number of licenses for such entities that must be granted, and although there is a reasonable expectation that the minimum number will be what is granted upon implementation, it is also reasonable to assume that the number will increase in the future. Therefore, it is imperative that the City consider the long-term implications and unintended consequences of the regulations it puts into place for such uses.

On January 17, 2019, the City Council approved an ordinance establishing a six (6) month moratorium on the issuance of business licenses and/or occupancy permits for new medical marijuana dispensary facilities, medical marijuana cultivation facilities, medical marijuana-infused product manufacturing facilities, medical marijuana testing facilities, or other marijuana-related entities, electronic cigarette shops, and tobacco shops within the City of Arnold. The purpose of the moratorium was to allow the City of Arnold (i) adequate time to study the licensing and zoning issues related to medical marijuana dispensary facilities, medical marijuana cultivation facilities, medical marijuana-infused product manufacturing facilities, medical marijuana testing facilities, or other marijuana-related entities, electronic cigarette shops, and tobacco shops; (ii) adequate time to consider potential broad changes to Chapter 405 (Zoning Ordinance) and Chapter 605 (Business Regulations) that relate to medical marijuana dispensary facilities, medical marijuana cultivation facilities, medical marijuana-infused product manufacturing facilities, medical marijuana testing facilities, or other marijuana-related entities, electronic cigarette shops, and tobacco shops; and (iii) if such changes are necessary, to revise Chapter 405 (Zoning Ordinance) and Chapter 605 (Business Regulations) to incorporate such broad changes.

The moratorium included not only medical marijuana-related entities, but a number of other uses that the Council considered worthy of similar consideration due to potential adverse impacts on the general welfare of the community at-large, and children in particular. Specifically, electronic cigarette shops and tobacco shops were included in the moratorium for consideration of applicable zoning ordinance changes.

Since the approval of the moratorium, Staff has researched the amendment and the issues involved, met with representatives of proposed medical marijuana-related entities and

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# REPORT TO PLANNING COMMISSION

## CITY OF ARNOLD

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medical marijuana industry experts. This proposed draft addresses zoning issues only. Any additional regulations relative to business licensing, etc. will be addressed separately.

### **DISCUSSION/ANALYSIS**

The analysis by Staff that follows is intended to allow the Planning Commission and City Council to reach the most informed decision possible and to facilitate discussion. Such discussion is important to identify and consider any potential unintended consequences of the proposed amendment.

### **CURRENT ZONING REGULATIONS**

Chapter 405, Zoning, does not speak directly to any of the uses under consideration. However, dispensaries, electronic cigarette shops, and tobacco shops could be interpreted to fall within the broad “stores, shops, service facilities,” etc. category, thereby permitting such uses by-right in all commercial districts. All cultivation, manufacturing, testing, etc. facilities could fit broadly in all manufacturing districts by right. Outdoor cultivation could be allowed in a variety of districts.

### **AMENDMENT 2 - ZONING REGULATION GUIDANCE**

The approved amendment identifies several uses from which maximum proximity distances are provided. Specifically, such medical marijuana-related entities must be sited at least 1,000 feet from churches, primary and secondary schools, and day care facilities. The state also provides a maximum distance provision between such entities of 1,000 feet. However, local governments may reduce the distances as they see fit. Local governments may also enact additional regulations, provided such regulations are not in conflict with the amendment and not unduly burdensome.

### **IMPLICATIONS OF MAKING NO CHANGES TO THE CURRENT ZONING REGULATIONS**

By allowing the uses to fall within established land use categories with no *proximity to protected use limits*, the City would be at risk to have medical marijuana dispensary facilities, medical marijuana cultivation facilities, medical marijuana-infused product manufacturing facilities, medical marijuana testing facilities, other marijuana-related entities, electronic cigarette shops, and tobacco shops proliferate across the City’s commercial and industrial areas with no regard to the unintended adverse impacts on neighboring uses.

However, Council has indicated that it supports restricting such uses in order to minimize the adverse impact on the general welfare of the community at large.

### **POTENTIAL CHANGES TO THE ZONING ORDINANCE**

After researching the uses and their impacts, Staff suggests approaching retail dispensaries, electronic cigarette shops, and tobacco shops differently from the remaining medical-



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## REPORT TO PLANNING COMMISSION

### CITY OF ARNOLD

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marijuana-related entities, as dispensaries and shops are generally open to the public and may impact neighborhoods differently than the other uses, which are akin to (light) industrial uses that are not open to the public.

Due in part to the limited number of licenses being issued by the State of Missouri, dispensaries will likely attract patrons from within and from outside Arnold. There is the potential for loitering, attracting undesirable elements, petty crime, etc. not only at the establishment's location, but in the surrounding neighborhood. Therefore, to afford some protection to the community at large, Staff recommends that the Planning Commission consider adding residential districts and public parks to the "protected uses" from which medical marijuana dispensaries must maintain separation. However, Staff also recommends *reducing* the distance requirement that dispensaries must maintain from the expanded list of protected uses from 1,000 feet to 250 feet. This figure was reached after conducting a map analysis of a variety of distances between zero and 1,000 feet, and finding 250 feet afforded buffering that was not substantially less than at greater distances. However, Staff recommends maintaining the State's 1,000 foot separation between dispensaries as a way to prevent an undesirable clustering of such uses that might alter the character of the neighborhood or corridor.

Additionally, as dispensaries are expected to serve the broader regional marketplace, Staff recommends permitting dispensaries only in the "C-3" and "C-4" Commercial Zoning Districts by Conditional Use Permit (CUP). Staff's reasoning for directing dispensaries to "C-3" and "C-4" districts is that these two commercial districts are generally utilized for regional shopping facilities as opposed to centers that primarily serve local or neighborhood customers. The CUP provides the City with a persuasive way for ensuring such uses operate in a way that does not substantially affect the neighborhood in an adverse way. The granting of a CUP may include conditions of approval to minimize adverse impacts; and should the entity operate contrary to what was presented to the Commission or so as to adversely impact the neighborhood, the City may act to suspend or revoke the CUP.

Electronic cigarette shops/tobacco shops are fairly commonplace throughout the region, and local establishments likely attract the bulk of their customers from within the Arnold area. Due to the known adverse health effects of the products sold at these shops, and the shared concern about minors accessing such products, Staff recommends such uses be located no closer than 250 feet to primary and secondary schools, residential districts, and public parks. Staff recommends establishing a 1,000 foot separation between electronic cigarette shops/tobacco shops as a way to prevent an undesirable clustering of such uses that might alter the character of the neighborhood or corridor.

Additionally, Staff recommends permitting electronic cigarette shops/tobacco shops in all "C" commercial districts in order to serve local customers as well as regional customers, but also requiring a Conditional Use Permit (CUP). The reasoning for requiring a CUP is that it provides the City with a persuasive way for ensuring such uses operate in a way that does not

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## REPORT TO PLANNING COMMISSION

### CITY OF ARNOLD

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substantially affect the neighborhood in an adverse way. The granting of a CUP may include conditions of approval to minimize adverse impacts; and should the entity operate contrary to what was presented to the Commission or so as to adversely impact the neighborhood, the City may act to suspend or revoke the CUP.

For most of the *non-retail* medical marijuana-related entities, Staff recommends restricting their location to “M” manufacturing districts as a “by-right” use with no proximity limitations. Staff’s reasoning is that these uses are not substantially different from other industrial uses that occur wholly within an enclosed structure with no public access. The City allows a wide variety of manufacturing uses by right, provided such uses don’t include the manufacturing of explosives and flammable gases and liquids. In such cases, those uses require a CUP.

The only non-retail use that Staff recommends including a proximity requirement for is outdoor cultivation facilities. In this case, the use may impact neighbors more than the other manufacturing uses primarily because it may be perceptible from adjacent properties. Therefore, a 250 foot separation from all protected uses is recommended in this case.

Regardless of which zoning district the uses are located in, Staff recommends several additional minimum performance standards for medical marijuana-related entities. Staff recommends that language be included that states that such establishments shall not cause a public nuisance, that appropriate ventilation systems are installed to prevent any odor of marijuana or fumes from leaving the premises, and that the City may require other changes to such facilities if a public nuisance violation occurs.

Additionally, for dispensaries in particular, there is evidence to suggest parking requirements generally associated with retail uses is inadequate. Data collected for medical/recreational dispensaries in Colorado (TripGeneration.org), when compared with that for that for pharmacies and other small size retail operations [Institute of Transportation Engineers’ (ITE) Trip Generation Manual, 9th Edition], suggests that dispensaries generate about 10 times more traffic than a typical retail store and 5 times more than a pharmacy. While this data is for dispensaries offering both medical and recreational marijuana sales, it is anticipated by those in the industry that recreational marijuana sales will be permitted in the next few years. With that in mind, and that parking standards are not something that can be retroactively required, Staff recommends establishing a standard that recognizes this eventuality.

Current parking requirements for retail uses is generally between 3.3 and 5.5 spaces per 1,000 square feet of gross floor area. Staff does not recommend increasing that by 5 to 10 times thereby requiring upwards of 28-55 spaces per 1,000 sq. ft., but to a reasonable figure of 15 spaces per 1,000 square feet gross floor area.

None of the minimum standards recommended by Staff would supplant the Commissions right to impose additional conditions as part of a CUP approval.



## REPORT TO PLANNING COMMISSION

### CITY OF ARNOLD

#### FINDINGS AND RECOMMENDATION

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

The Community Development Director finds that the text amendments contained within application number 2019-14 are warranted by the public necessity and convenience to provide clarification in the enforcement of the Zoning Ordinance.

The Community Development Director finds that the text amendments contained within application number 2019-14 are warranted by the need to promote and protect the general welfare by protecting the economic and tax base of the City, preserving and enhancing the values of property owners and users, promoting the orderly and harmonious development and redevelopment of the City, preserving and promoting the character and stability of the City and its various residential and commercial neighborhoods, improving the appearance of the City, and promoting the best use and development of commercial land in accordance with the Comprehensive Plan.

#### **RECOMMENDATION**

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

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

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David B. Bookless, AICP  
Community Development Director



# ATTACHMENTS

- 1) Pictures of medical marijuana-related entities, electronic cigarette/tobacco shops, etc.**
- 2) Sample news stories related to e-cigarettes, vaping, etc.**
- 3) Amendment 2 as approved by Missouri Voters**
- 4) Draft Ordinance**
- 5) Map identifying parcels currently meeting Medical Marijuana Dispensaries proximity requirements as proposed**



# Indoor Cultivation/Manufacturing Facilities



Indistinguishable from other manufacturing uses



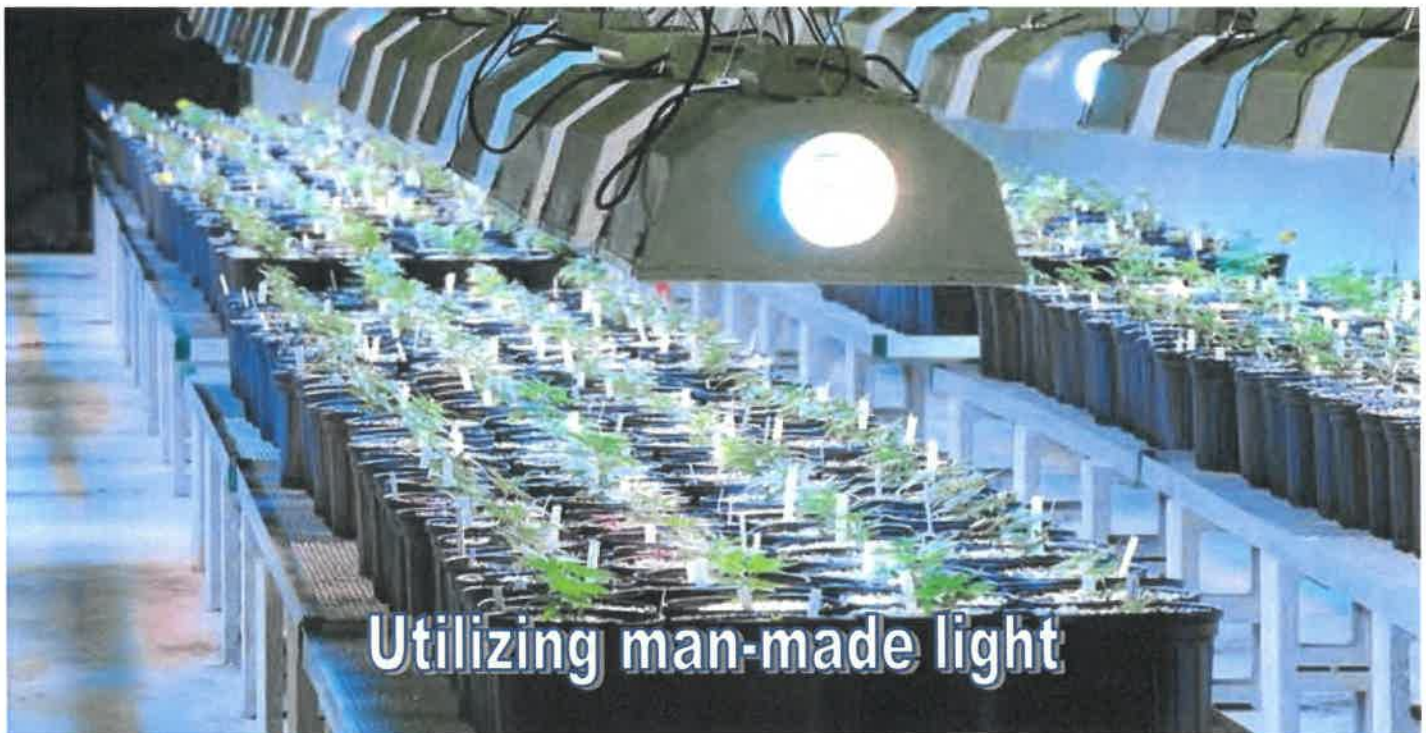
Specialized ventilation systems



# Indoor Cultivation Facilities

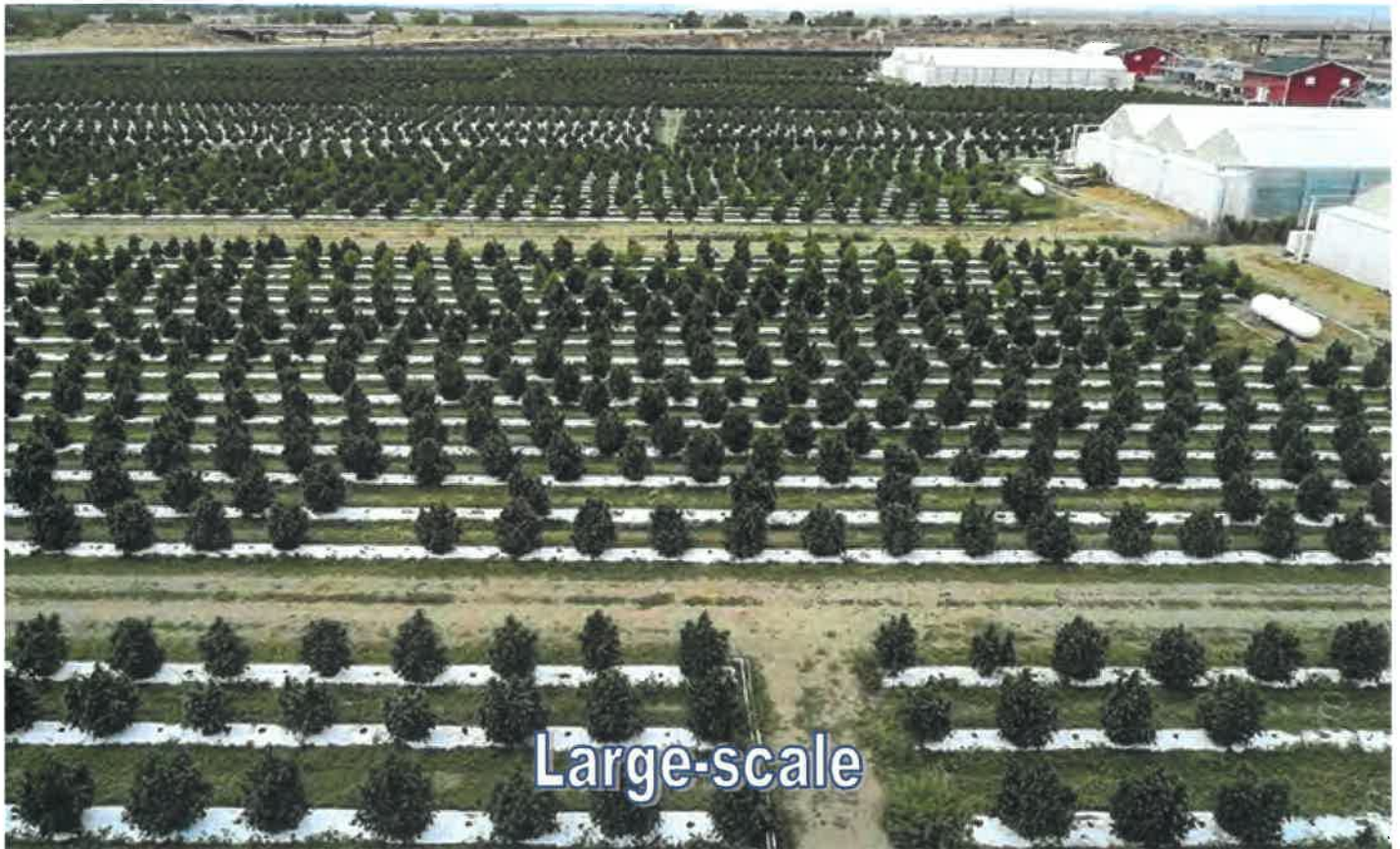


Utilizing natural light



Utilizing man-made light

# Outdoor Cultivation Facilities



Large-scale



Small-scale

# Manufacturing Facilities



# Manufacturing Facilities



# Dispenseries



# Dispenseries



# Dispenseries





# eCigarette/Tobacco Shops

## Parents beware: Here are 5 types of e-cigarettes your teen might be hiding

By [Emma Kate Fitts](#), Indianapolis Star | Published 3:17 p.m. ET May 2, 2015 | Updated 3:26 p.m. ET May 2, 2015

## FDA plans crackdown on e-cigarettes as popularity soars among teens

By [Blythe Bernhard](#) St. Louis Post-Dispatch | Nov 9, 2018

## Teens are vaping nicotine and they don't even realize it, study says

By [Brett Molina](#), USA TODAY | Published 12:02 p.m. ET April 23, 2013 | Updated 12:16 p.m. ET April 23, 2013



Twice as many high school students used nicotine-tipped electronic cigarettes this year compared with last year, an unprecedented jump in a large annual survey of teen smoking, drinking and drug use (Dec. 17) AP

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AN ORDINANCE APPROVING THE AMENDMENT AND REPLACEMENT OF THE “C-4” PLANNED COMMERCIAL DISTRICT FOR 3405 ROBINSON ROAD, A TRACT OF LAND LOCATED IN U.S. SURVEY 2991 PT 5, SECTION 31, TOWNSHIP 43 NORTH, RANGE 6 EAST, CITY OF ARNOLD, JEFFERSON COUNTY, MISSOURI.

**WHEREAS**, an application to approve the amendment and replacement of the “C-4” Planned Commercial District for a tract of land at 3405 Robinson Road, located in U.S. Survey 2991 PT 5, Section 31, Township 43 North, Range 6 East of the Fifth Principal Meridian, City of Arnold, Jefferson County, State of Missouri, Document Number 2019R-009377 of said records; 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 amendment and replacement of the “C-4” Planned Commercial District and the Preliminary Site Plan herein identified as “Exhibit 1.”

**WHEREAS**, the proposed change of zoning meets the review criteria and further advances the intent of both the Comprehensive Plan and Zoning Ordinance. The extent of the “C-4” Planned Commercial District boundary will not change. The amendment to this particular “C-4” Planned Commercial District has been shown to be necessary for public convenience or necessity. There has been significant change in the area to warrant this amendment to this particular “C-4” District, including the sale and intended use of the property beyond that of a landscaping business. There was not a mistake made on the Zoning Map. The “C-4” Planned Commercial District designation is consistent with the Future Land Use Map of the City of Arnold. This amendment supports the consistent use of commercial districts within the City, and is in the best interest for the health, safety, and welfare of the citizens of the City of Arnold.

**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 an amended “C-4” Planned Commercial District for 3.35 acres at 3405 Robinson Road, located in U.S. Survey 2991 PT 5, Section 31, Township 43 North, Range 6 East of the Fifth Principal Meridian, City of Arnold, Jefferson County, State of Missouri.

**SECTION 2.** The proposed rezoning to “C-4” Planned Commercial District has been submitted to the City of Arnold will be developed in accordance with the provisions of this ordinance, conditions contained in “Attachment A,” and other applicable laws of the City of Arnold.

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

*Signatures on following page*

READ TWO TIMES, PASSED AND APPROVED ON THIS \_\_\_\_\_ DAY OF JULY 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

July 18, 2019

**ATTACHMENT “A”**  
**“C-4” PLANNED COMMERCIAL DISTRICT REGULATIONS**  
**3405 ROBINSON RD, PLUMBERS SUPPLY**

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

**I. SPECIFIC CRITERIA**

**A. USES**

1. Permitted 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, except those prohibited by other sections of this document, including the following:
    - (i) Warehouse/showroom, including accessory commercial sales to the public
    - (ii) General office
2. Conditional Uses allowed in this “C-4” Planned Commercial District shall be:
  - a. Conditional Uses listed in the “C-1”, “C-2”, and “C-3”, except those prohibited by other sections of this document, shall be granted in accordance with procedures contained in Section 405.870, Conditional Use Permits, of the Zoning Ordinance.
3. Prohibited Uses in this “C-4” Planned Commercial District shall be:
  - a. Lodging Establishments or Extended Stay Lodging Establishments
  - b. Car sales
  - c. Pay day and title loan businesses
  - d. Consumer installment/small loan businesses.
  - e. Automotive parking lots and garages, including any storage of wrecked or otherwise damaged and immobilized automotive vehicles.
  - f. Medical Marijuana-Related Entities
4. Hours of Operation
  - a. All deliveries and trash pick-up shall be limited to the hours from 6:00 AM to 9:00 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 Site Development Plan
2. Height
  - a. The development shall adhere to the General Height Regulations of the City of Arnold Code and as restricted by application of regulations of Section 405.650.

**C. SETBACKS**

1. Structure Setbacks

- a. No structure shall be located within the following setbacks: Twenty (20) feet from residential boundary of the "C-4" District nor closer than twenty (20) feet to the highway right-of-way, subject to additional provisions contained in Section E, Landscape and Tree Requirements, of this document.

2. Parking Setbacks

- a. No parking stall, loading space, internal driveway, or roadway, except points of ingress or egress, will be located within the following setbacks: Twenty (20) feet from residential boundary of the "C-4" District, subject to additional provisions contained in Section E, Landscape and Tree Requirements, of this document.
- b. Any parking stall directed toward residential shall have screening.

D. PARKING AND LOADING REQUIREMENTS

1. Parking and loading spaces for this development will be as required in the City of Arnold Code, and as follows:

- a. Warehouse/showrooms, including accessory commercial sales to the public shall provide one (1) space per one thousand (1000) square feet of gross floor area
- b. General offices shall provide four (4) spaces per one thousand (1000) square feet of gross floor area
- c. One (1) space per employee on the property and one (1) space per vehicle used in the day-to-day operation of the establishment
- d. In addition to all parking and loading spaces delineated on the preliminary development plan, four (4) spaces shall be provided and identified on the Final Site Development Plan as "Deferred Parking." Such parking need not be constructed until such time as the Community Development Director finds that the four (4) spaces are required for the efficient and safe operation of any establishment utilizing the building or any portion thereof. Upon such finding being made, the four (4) deferred parking spaces shall be constructed at the direction of the City.

- (i) Appeals to the Community Development Director's finding must be made in writing to the Planning Commission.

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.

E. LANDSCAPE AND TREE REQUIREMENTS

1. In lieu of adhering to the Tree Preservation Program of the City of Arnold, the development must instead adhere to the following provisions:

- a. The existing tree masses that are north and south of the proposed detention area on the Preliminary Site Plan and an existing landscaping berm perpendicular to

Hickory Ridge Trail that is adjacent to Residential, must remain as a protected landscape buffer.

- b. Evergreen trees are to be planted to fill gaps in the required fifteen (15) foot landscaping buffer on the existing landscaping berm, with adequate spacing to allow for the healthy growth of the trees, and continued maintenance of the buffer area.
- c. The landscape plan shall include a combination of material indicated on the Site Development Plan, consistent with other "C" Commercial District landscape material.
- d. The areas of protected landscape buffer will be accessed from within the development and not Hickory Ridge Trail, to prevent nuisance to adjacent residential.
- e. Areas not for building, parking, 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.

#### 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 Development 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. No access shall be permitted from Hickory Ridge Trail.

#### J. STORM WATER

1. The development shall adhere to the Storm Water Design Requirements of Storm Water 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.

#### K. SANITARY SEWER

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

L. GEOTECHNICAL REPORT

1. A geotechnical report, prepared by a registered professional engineer licensed to practice in the State of Missouri, is included with the approved Site Development Plan. 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.

M. MISCELLANEOUS

1. Refer to the Code of Ordinances of the City of Arnold and Section 405.340 "C-4" Planned Commercial District for requirements specific to the "C-4" Zoning District.
2. All utilities will be installed underground.

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

- A. The developer shall submit a Final Site 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 Site Development Plans, identified herein. The submission of Amended Final Site 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 SITE DEVELOPMENT PLAN (SITE PLAN) SUBMITTAL REQUIREMENTS

The Final Site 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, and other agencies, 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.

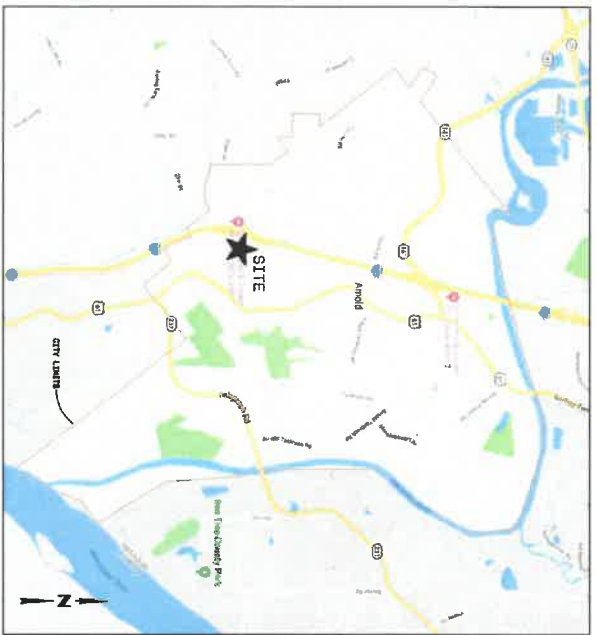


# Preliminary Development Plan

## Plumbing Supply

Located in US Survey 2991 PT 5, Section 31,  
Township 43 North, Range 6 East,  
City of Arnold, Jefferson County, Missouri.

Total Area: 3.35 Acres  
Current Zone: CA Planned Commercial  
Proposed Zone: Revised CA Planned Commercial

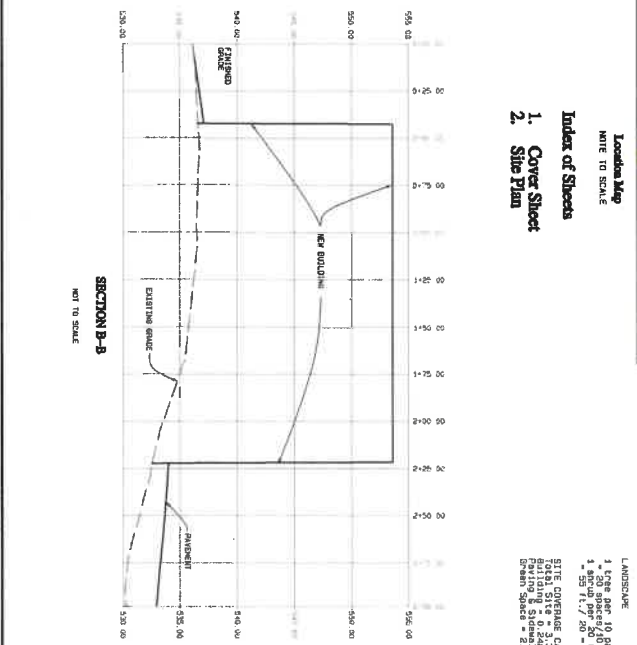
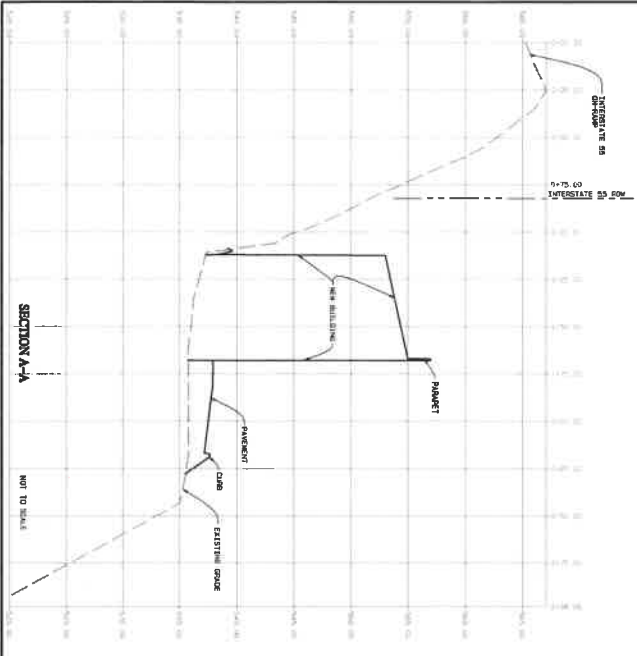


City Map  
NOTE TO SCALE



Location Map  
NOTE TO SCALE

- 1. Cover Sheet
- 2. Site Plan



### Index of Sheets

- Cover Sheet
- Site Plan

THIS SITE IS BOUND BY THE FOLLOWING UTILITIES:  
SEWER  
GAS  
ELECTRIC  
TELEPHONE  
FIRE  
CABLE TELEVISION

**GENERAL NOTES:**  
Parcel ID: 0198304010040  
Existing contours are from aerial photography provided by KJHardin. Project datum is NAVD 88.

**FLOOD STATEMENT:**  
No portion of this site is located in the area of a 1% annual chance flood (100 yr. Flood plain) as shown on the Effective Date April 15, 2008.

**PARKING:**  
Approximate including commercial sales to the public. General office 1 space per 1,000 square feet of warehouse area. 4 spaces per 1,000 square feet of general office area. Approximate = 7,940 square feet = 8 spaces. General Office = 2,000 square feet = 8 spaces. Total Parking Spaces = 8440 - 50 = 8390. Proposed parking area is standard PROPOSED 20' TRUCK PROTECTED STANDING SPACE WITH 7' TRUCK PROTECTIVE STRIP WITH 5' TRUCK PROTECTIVE STRIP.

**LANDSCAPE:**  
1. 1 tree per 10 parking spaces (75% must be within parking area). 1 shrub per 50' feet of street exposed wall area. - 32' (1/2" - 2" shrub).

**SITE CONGRUENCE CALCULATIONS:**  
BUILDING = 60,248 sq. ft.  
PARKING SPACES = 21,542 sq. ft.  
TOTAL SITE AREA = 81,790 sq. ft.

**OWNER/DEVELOPER:**  
John Robinson, Jr.  
3405 Robinson Road  
Arnold, MO 63010

**DESIGNER - ARCHITECT:**  
GUYREYER - BERNDORFER  
3414 St. Louis Street  
St. Louis, MO 63103  
631-467-2390

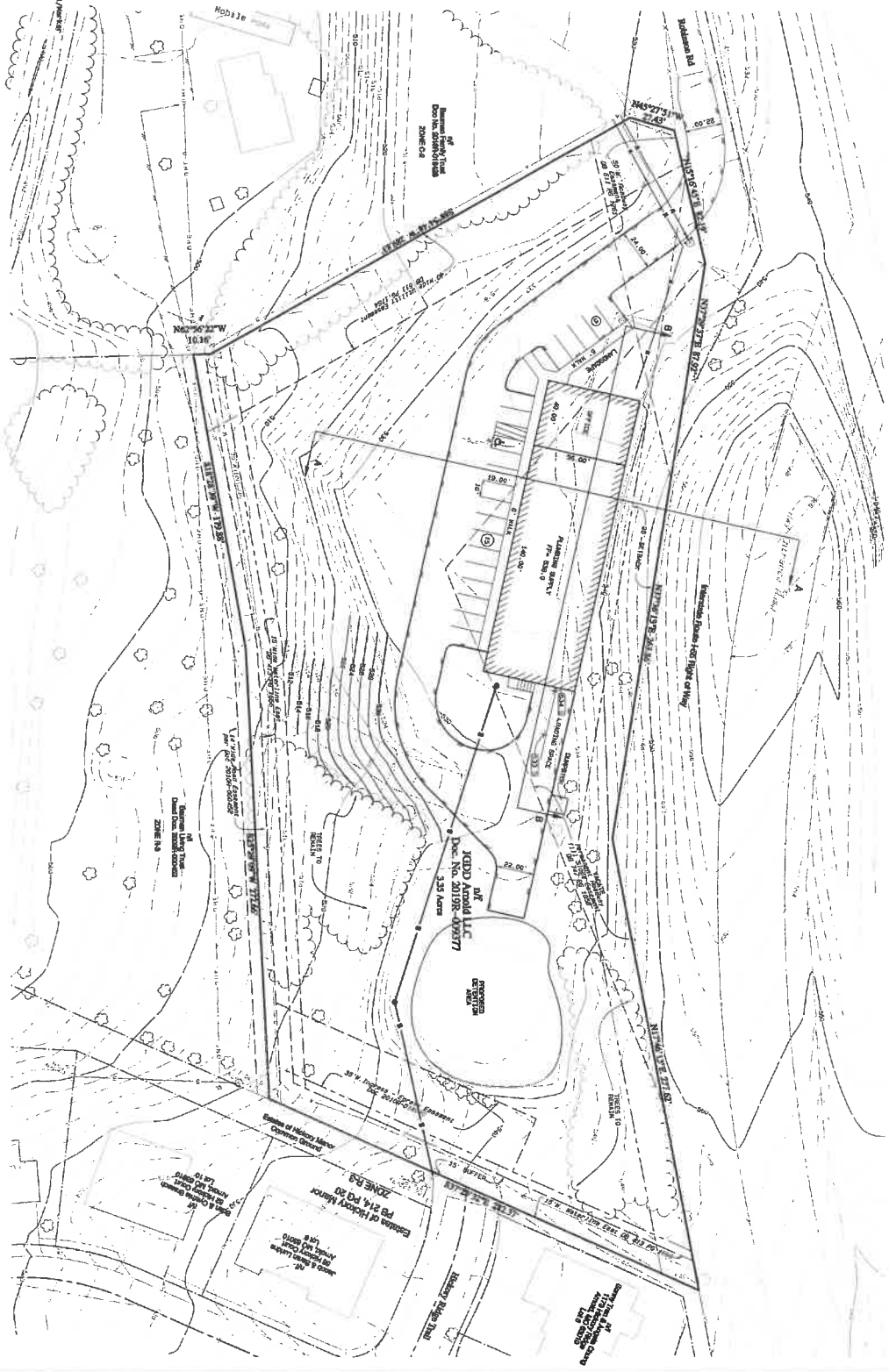
**CONTRACTOR:**  
Staverock - David L. Gorman III - JRM  
20718 Westgate Drive  
Chester, MO 63017  
636-467-2390

**COVER SHEET**

<p><b>GOVERO</b> LAND SERVICES SURVEYING - ENGINEERING</p> <p>3920 CAD CREEK RD. BAPTIST, MO 63009 636-467-2390 PHYSICIAN: 4800 PALM SPRING RD. Engineering Corporation License #053636 Surveying Corporation License #03854</p>	<p>Preliminary Development Plan <b>Plumbing Supply</b> 3405 Robinson Road Arnold, MO 63010</p>	<p>THE PLANS WHICH THE REGISTERED PROFESSIONAL ENGINEER HAS PREPARED OR HAD PREPARED FOR HIMSELF OR FOR ANOTHER REGISTERED PROFESSIONAL ENGINEER ARE LIMITED TO ONLY THOSE PORTIONS OF THE SAME WHICH ARE SPECIFICALLY IDENTIFIED BY THE REGISTERED PROFESSIONAL ENGINEER AND HIS SEAL OR SIGNATURE. THE REGISTERED PROFESSIONAL ENGINEER ACCEPTS NO LIABILITY FOR THE DESIGN OR CONSTRUCTION OF ANY OTHER PORTION OF THE SAME WHICH IS NOT SPECIFICALLY IDENTIFIED BY THE REGISTERED PROFESSIONAL ENGINEER AND HIS SEAL OR SIGNATURE. THE REGISTERED PROFESSIONAL ENGINEER ACCEPTS NO LIABILITY FOR THE DESIGN OR CONSTRUCTION OF ANY OTHER PORTION OF THE SAME WHICH IS NOT SPECIFICALLY IDENTIFIED BY THE REGISTERED PROFESSIONAL ENGINEER AND HIS SEAL OR SIGNATURE. THE REGISTERED PROFESSIONAL ENGINEER ACCEPTS NO LIABILITY FOR THE DESIGN OR CONSTRUCTION OF ANY OTHER PORTION OF THE SAME WHICH IS NOT SPECIFICALLY IDENTIFIED BY THE REGISTERED PROFESSIONAL ENGINEER AND HIS SEAL OR SIGNATURE. THE REGISTERED PROFESSIONAL ENGINEER ACCEPTS NO LIABILITY FOR THE DESIGN OR CONSTRUCTION OF ANY OTHER PORTION OF THE SAME WHICH IS NOT SPECIFICALLY IDENTIFIED BY THE REGISTERED PROFESSIONAL ENGINEER AND HIS SEAL OR SIGNATURE.</p>									
<table border="1" style="width: 100%;"> <tr> <td>REVISION</td> <td>BY</td> <td>DATE</td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </table>	REVISION	BY	DATE							<p>DESIGNED BY: D.L.G./C.L.D.</p> <p>CHECKED BY: D.L.G./C.L.D.</p> <p>DATE: 05/14/2019</p>	<p>PROJECT: 97105C</p> <p>SHEET: 1 OF 2</p>
REVISION	BY	DATE									



- Legend of Symbols**
- ⊕ Elevation
  - ⊖ Fire Hydrant
  - Δ Water Valve
  - W Water Meter
  - ⊗ Water Mains
  - ⊗ Sewer Mains
  - W Gas Meter
  - ⊗ Present Tank
  - ⊗ Electric Meter
  - X Light Pole
  - ⊗ Utility Pole
  - ⊗ Transformer Pole
  - ⊗ Cable TV Pedestal
  - ⊗ Dotted Toilet
  - ⊗ Curb Inlet
  - ⊗ Storm Manhole
  - ⊗ Sanitary Manhole
  - Downspout
  - ▲ Flood Evt. Pipe
  - ⊗ Telephone Pedestal/Wire
  - Stop
  - Bollard
  - Clew
  - New Line
  - Existing Power Line
  - Existing Sewer Line



**SITE PLAN**

DATE	05/14/2019
DRAWN BY	J.Q.M.
CHECKED BY	D.L.G./C.J.O.
PROJECT NO.	97108C
SHEET NO.	2 OF 2

**GOVERO**  
LAND SERVICES  
SURVEYING ENGINEERS

6929 OLD STATE RD.  
MERRILL, MO. 63055  
Phone: 636-446-6666  
Fax: 636-446-6666  
www.govero.com

**Preliminary Development Plan**

**Plumbing Supply**

3405 Robinson Road  
Arnold, MO 63010

NOTES: THE PLANS WHICH THE REGISTERED PROFESSIONAL ENGINEER HAS PREPARED OR HAD PREPARED UNDER HIS DIRECTION, AS AUTHORIZED BY HIS SEAL AND DATED SIGNATURE, ARE LIMITED TO ONLY THOSE ITEMS OF DESIGN, SURVEY, WATER, POND, SEWER, DRAINAGE, PAVING, GRADING, AND APPURTENANCES TO THOSE ITEMS, BUT DOES NOT COVER, AND NO RESPONSIBILITY IS TAKEN BY THE ENGINEER FOR SERVICES NOT SPECIFICALLY INDICATED AND SPECIALLY ORDERED. THE ENGINEER'S PROFESSIONAL AND ELECTRICAL CONSENTS, INVESTIGATIONS AND RECOMMENDATIONS ARE LIMITED TO THE INFORMATION FURNISHED TO HIM BY THE CLIENT AND ALL OTHER PLANS, SPECIFICATIONS, SUBMITTALS, PLANS, REPORTS, SURVEYS OR OTHER DOCUMENTS OR INSTRUMENTS RELATIVE TO THE PROJECT. THE ENGINEER SHALL NOT BE RESPONSIBLE FOR THE ACCURACY OF THE TOTAL PROJECT, AND ANY REVISIONS UNLESS AUTHENTICATED BY HIS SEAL AND SIGNATURE.



# CITY COUNCIL AGENDA ITEM STAFF REPORT

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**MEETING DATE:** July 18, 2019

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**TITLE:** 2019-22 Plumbers Supply: A request to amend and replace the existing "C-4" Planned Commercial District at 3405 Robinson Road.

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**DEPARTMENT:** Community Development

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**PROJECT MANAGER:** Sarah Turner, Community Development Planner

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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 Amended Attachment A & Attachment B

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**EXECUTIVE SUMMARY:**

The purpose of the proposed rezoning is to allow for the operation of a plumbing supply business. The subject parcel is currently zoned as "C-4" Planned Commercial with the only permissible use being a landscaping business. This proposal would establish a new "C-4" Planned Commercial District, the regulations for which are contained in "Attachment A" of the Draft Ordinance. The proposed zoning and use is consistent with the Comprehensive Plan.

**REVIEW & ANALYSIS:**

At its June 25, 2019 meeting, the Planning Commission was presented with the Staff Report for this rezoning and opened the public hearing. The Preliminary Site Plan ("Attachment B") was the source of most concerns. The parking needs are sufficiently met with the proposal, but Staff recommended creating a deferred parking area to account for any future tenants. Access was another concern, due to a residential stub street that ends near the boundary of the subject property. The subject property is currently and proposed-to-be accessed from Robinson Road, however Staff recommended prohibiting access from the residential stub street Hickory Ridge Trail just in case. Buffer and landscaping was the major concern, due to the adjacent residential subdivision. The Preliminary Site Plan shows the footprint of the building and parking area on the opposite side of the property from the residential district boundary, with most of the area in between untouched. Staff recommended that the applicant be granted the requested relief from the Tree Preservation Plan (TPP). In lieu of the TPP, existing tree masses are to be protected and additional evergreen trees are to be planted on an existing landscape berm. The details of these mitigation strategies, as well as other regulations and conditions of use on the subject property, can be found in the Attachment "A".

Due to concerns raised after the June 25, 2019 Planning Commission meeting, Staff have amended the Attachment "A" to include language restricting the hours in which deliveries can be made to the subject property. See *I. A. 4. Hours of Operation* in the Attachment "A".

**RECOMMENDATION:**

On June 25, 2019, the Planning Commission, by a vote of 9 to 0, voted to recommend approval of the rezoning subject to conditions in "Attachment A".



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## REPORT TO PLANNING COMMISSION

### CITY OF ARNOLD

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**APPLICATION NUMBER:** 2019-22

**APPLICATION NAME:** PLUMBING SUPPLY

**APPLICANT NAME:** Dan Govero  
Govero Land Services  
5929 Old State Rd  
Imperial MO 63052

**PROPERTY OWNER NAME:** John Dubuque Jr.  
Plumber Supply  
12012 Manchester Rd  
St. Louis MO 63131

**APPLICANT'S REQUEST:** The applicant is seeking to amend and replace the existing "C-4" Planned Commercial District to allow for a plumbing supply business.

**STREET ADDRESS:** 3405 Robinson Rd

**SITE LOCATION:** East of the northeast quadrant of the intersection of I-55 and Richardson Rd

**CURRENT ZONING DISTRICT:** "C-4" Planned Commercial District

**PARCEL ID:** 01-9.0-31.0-4-001-004.01

**TOTAL SITE AREA:** 3.41 acres

**MEETING DATE:** June 11, 2019

**REPORT DATE:** June 4, 2019

**CASE MANAGER:** Sarah Turner

**RECOMMENDATION:** **APPROVE**





# REPORT TO PLANNING COMMISSION

## CITY OF ARNOLD

### DESCRIPTION OF EXISTING SITE CONDITIONS

The approximately 3.41 acre tract is located east of the northeast quadrant of the intersection of I-55 and Richardson Road. The property is undeveloped with a graded and graveled area near the front gate; and is accessed via private street (Robinson Road) that is shared with I-55 Store It. The property sits between Interstate 55 right-of-way and residential.

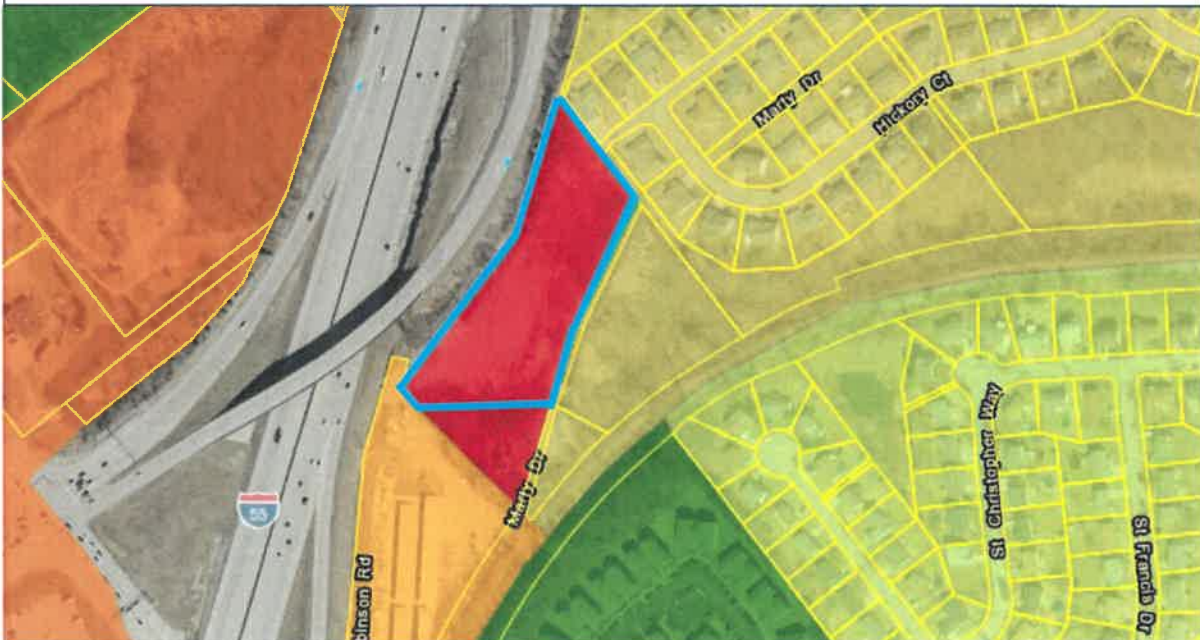
### SITE HISTORY

The property was originally zoned as "R-3" Residential and sat undeveloped. In 2009, the property was rezoned to "C-4" Planned Commercial for the purpose of operating a landscape business and associated storage. Substantial progress was not made in the development of the approved site plan, and the site plan expired. Currently, the property has a graded gravel lot and unused outdoor storage bins.

### LAND USE AND ZONING CONTEXT MATRIX

DIRECTION	EXISTING LAND USE	ZONING DISTRICT	COMMENTS
North	Residential; Other	R-3; N/A	Single-family dwellings; Interstate 55
East	Residential	R-3	Single-family dwellings
South	Commercial	C-2	I-55 Store It
West	Other	N/A	Interstate 55

### ZONING MAP



# REPORT TO PLANNING COMMISSION

## CITY OF ARNOLD



### ZONING REQUEST/DEVELOPMENT PROPOSAL

The applicant is seeking to amend and replace the existing "C-4" Planned Commercial District to allow for a plumbing supply business. The preliminary site plan, shown in Exhibit A in the Attachments, shows a new building and parking lot.

### 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 POLICIES

**POLICY ED 4.3.4** DIRECT THE CLUSTERING OF DISTRICT USES TOWARD STRATEGIC INTERSECTIONS, CORRIDORS, AND AREAS ADJACENT TO COMPATIBLE USES.

##### HOUSING & NEIGHBORHOOD POLICIES

**POLICY NH 3.2** MITIGATE IMPACTS PROTECT THE CHARACTER AND LIVABILITY OF ESTABLISHED RESIDENTIAL NEIGHBORHOODS BY MINIMIZING SPILL-OVER IMPACTS FROM ADJACENT COMMERCIAL AREAS AND INCREMENTAL EXPANSION OF BUSINESS ACTIVITIES INTO RESIDENTIAL AREAS.

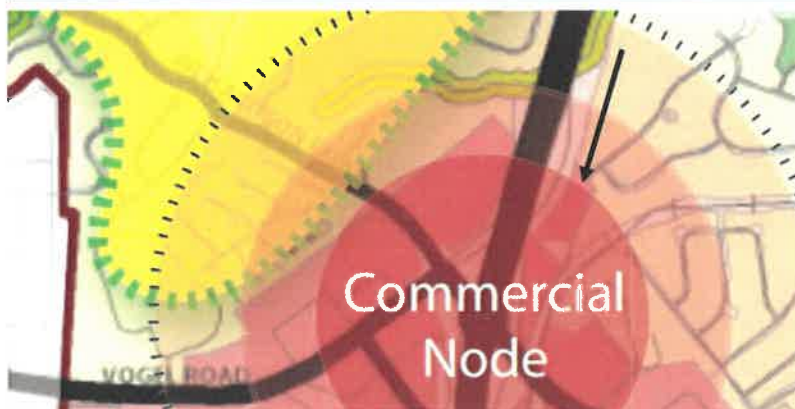
#### CITY PLANNER'S COMMENTS

*Policy ED 4.3.4 and NH 3.2 are Satisfied as follows:*

**Substantially Satisfied:** The proposed rezoning would not change the commercial designation of this property, which is in line with its proximity to the busy Interstate 55-Richardson Rd intersection.

**Satisfied:** Potential impact to the adjacent residential neighborhood may be mitigated through future landscaping plans and conditions of the rezoning.

### FUTURE LAND USE MAP:



**Substantially Satisfied:** Amending the planned commercial district at this location is consistent with the FLUM designation for the property as a commercial node.



## REPORT TO PLANNING COMMISSION

### CITY OF ARNOLD

#### BACKGROUND

The property at 3405 Robinson Road is mostly undeveloped. The property is zoned "C-4" Planned Commercial. There is a graded gravel lot and outdoor storage blocks on the front portion of the property, near Robinson Rd. In 2009, the property was rezoned from "R-3" Residential to "C-4" Planned Commercial by Tim McKeever, for the purpose of opening a landscaping business. McKeever did not develop the property in adequate time, even after a time extension, and the approved development plan expired on September 11, 2012.

Govero Land Services is the applicant for this rezoning on behalf of Plumbers Supply, which is the current owner of the property. Plumbers Supply is a St. Louis-based company that sells plumbing parts and materials to plumbing contractors as well as the general public. Plumbers Supply has 22 locations in eastern Missouri. These other business locations are in pre-existing buildings and parking situations. This proposed Arnold location would be the first newly-constructed Plumbers Supply building and premises. The "C-4" regulations for this property only has a landscape business as a listed, permissible use. In May 2019, Govero Land Services submitted a rezoning application to amend the "C-4" District to allow for their intended use as a plumbing supply store. The applicant intends to construct a building and parking lot, as shown in the Preliminary Site Plan in Exhibit A in the Attachments.

#### 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 is seeking to amend and replace the existing "C-4" Planned Commercial District. The purpose is to allow for a warehouse/showroom use, for the intended plumbing supply store. The Preliminary Site Plan, shown in Exhibit A, shows a building footprint and parking lot.

#### **"C-4" PLANNED COMMERCIAL DISTRICT: PURPOSE AND PERMITTED USES**

The purpose of the "C-4" designation is to facilitate the establishment of development which does not fit within provisions made in any other commercial district. Development in a "C-4" district is to take place under approved site plans with applicable conditions to assure that development is consistent with good planning practice and operated in a manner compatible with adjoining districts, as necessary to protect the general welfare.

The proposed business is Plumbers Supply, a materials supply store whose primary customer base is plumbing professionals or contractors. This type of use is unique and fits within the "C-4" District framework. However, the existing "C-4" District has unusually strict use regulations, which only allows for a landscaping company and no other uses. For any other use to be allowed on the property, Plumbers Supply included, the property would need to be rezoned to have its "C-4" Planned Commercial District regulations amended. The unusually-strict use



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# REPORT TO PLANNING COMMISSION

## CITY OF ARNOLD

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### PLANNING AND ZONING ANALYSIS —CONTINUED

#### "C-4" PLANNED COMMERCIAL DISTRICT: PURPOSE AND PERMITTED USES—CONT.

regulation, which was crafted for a specific landscaping business development plan that was initially proposed 10 years ago and has since expired, is the reason for this proposed rezoning to amend the existing "C-4" document.

#### CONSISTENT WITH GOOD PLANNING PRACTICE

The subject property has been zoned commercially since the 2009 rezoning, which is reflected in the Future Land Use Map shown on Page 4 from our 2011 Comprehensive Plan. It is imperative to understand the proximity of this property to the Interstate 55 and Richardson Road intersection, and that the property has historically been accessed via Robinson Road which is used by adjacent commercial properties. This proximity to a major commercial node and shared access with other commercial property logically leads to the subject property being designated and utilized commercially. An entrance ramp to Interstate 55 is immediately west of the property, which imposes a large slope easement that includes the majority of the proposed building footprint. This is a concern Staff has raised with the applicant. MoDOT has agreed to vacate the easement once the property owner completes the application process, which includes a MoDOT-approved geotechnical report and final grading/drainage plan. See Exhibit D in the Attachments for the correspondence with MoDOT officials and the Vacation of Easement Plat.

The City's Comprehensive Plan Economic Development policies strives to direct commercial development to strategic intersections such as this one, but also to mitigate impact to adjoining districts and uses. Such mitigation can be undertaken through proposed separation distances and landscaping buffers on the preliminary site plan, as well as further landscaping

**FIGURE 1: SATELLITE IMAGE OF SUBJECT PROPERTY, 2018**





# REPORT TO PLANNING COMMISSION

## CITY OF ARNOLD

### PLANNING AND ZONING ANALYSIS —CONTINUED

#### CONSISTENT WITH GOOD PLANNING PRACTICE—CONT.

or other requirements included as conditions to this rezoning and future final site development plans. Staff finds this rezoning proposal for the purpose of commercial development on the subject property advances the Comprehensive Plan as well as the purpose and intent of the “C-4” Planned Commercial District.

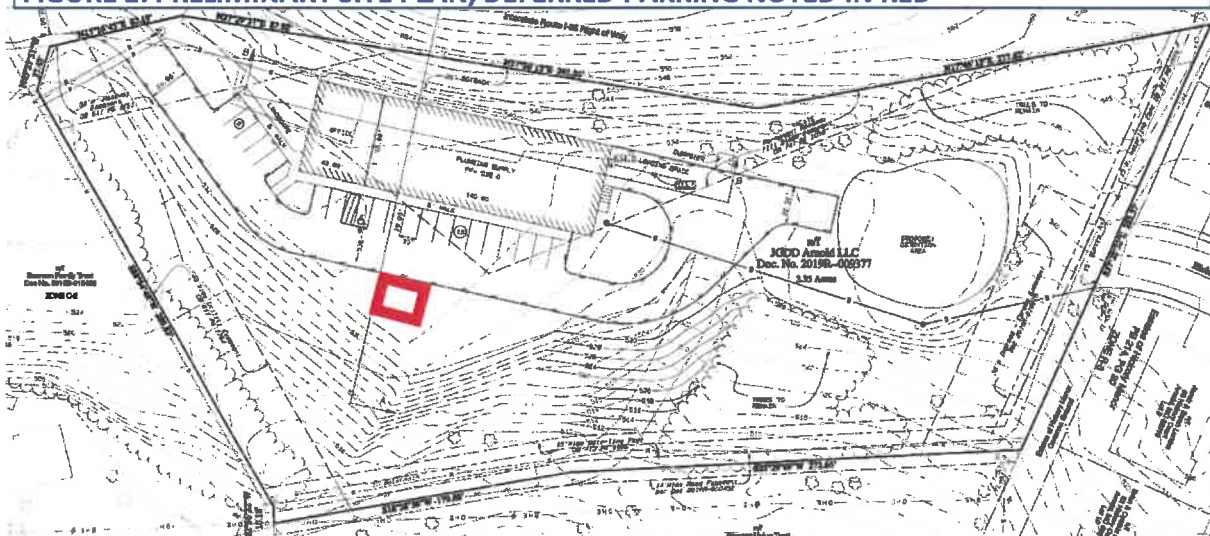
#### COMPATIBLE WITH PERMITTED DEVELOPMENT AND USES IN ADJOINING DISTRICTS

There are three different land uses surrounding the subject property: Interstate 55 proper and an entrance ramp to northbound I-55 to the north and west, a storage facility business (I-55 Store It) to the south, and single-family residential to the north and east. A graded gravel lot exists currently on the site, as shown in Figure 1 on the previous page. The proposed use and development is not incompatible with these surrounding developments, but special care must be taken to ensure that any substantial adverse impacts are mitigated. A number of concerns that Staff has raised regarding the internal and external developments and uses of this area will be discussed in the following list:

#### CONCERN 1: PARKING

The City of Arnold’s parking standards for warehousing is 1 space per employee and the standard for office is 4 spaces per 1000 gross square feet. With the calculations provided in the applicant’s Parking Memo (Exhibit C in Attachments), as well as the City’s current standards, the parking need is sufficiently met with the Preliminary Site Plan’s proposed 19 spaces and 1 loading space. Staff recommends the Planning Commission consider requesting the applicant to mark the area noted in red in Figure 2 as deferred parking. This additional parking area would not be constructed immediately, and would only be constructed at a future date where intensity of the development has increased to the point where additional parking is needed. The full language of this Deferred Parking condition is listed in the “C-4” Regulations Document Draft in Exhibit E.

FIGURE 1: PRELIMINARY SITE PLAN, DEFERRED PARKING NOTED IN RED



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# REPORT TO PLANNING COMMISSION

## CITY OF ARNOLD

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### PLANNING AND ZONING ANALYSIS — CONTINUED

#### **CONCERN 2: BUFFER/LANDSCAPING**

The proposed building is to be located over 280 feet away from the property line abutting the single-family homes in Hickory Manor subdivision, and the edge of pavement is roughly 170 feet. This is a *significantly larger* buffer than the 15 feet minimum required in situations where structures in commercial districts abut a residential district. Despite this generous buffer, topography of the site must be considered. The subject property is located in a depression, with most of the surrounding properties being at a higher elevation, including the adjacent residential dwellings. There is existing tree masses near the shared property line, and an existing landscape berm that approximately follows the 15 foot buffer noted on the Preliminary Site Plan (Exhibit A). Some of the plant material that exists currently may be categorized as undesirable, but Staff feels that such plant materials serves its purpose as a buffer. Photographs of the site taken on May 30th are provided in the Attachments. Included is a photograph of the Hickory Manor Common Ground.

Landscaping buffers, structure shielding, and other methods of buffering the commercial use have been considered. The applicant requested relief from the Tree Preservation Plan, in an effort to minimize damage to what is existing and due to their desire to leave much of the property as is. With this in mind, Staff recommends allowing the applicant relief from the Tree Preservation Program if they instead take on landscaping measures that are less intrusive and more considerate to the unique situation of the property. Required measures include protecting existing tree masses and planting additional evergreen trees along an existing landscaping berm, so that there is a year-round vegetation buffer.

#### **CONCERN 3: FUTURE OFFICE**

The preliminary plans show a 180 foot by 56 foot building footprint, with a dividing line showing 80% of the footprint for "Plumbing Supply" and the remaining 20% for "Office". City Staff have been told that if Plumbers Supply expands with another location further south in the future, this location would not need all of its warehousing space and that another occupant could move in. Due to the location and private road access, the applicant does not think this property would be suitable for conventional retail and expects to rent the space as general offices. Staff are in agreement, but are concerned with additional parking needs in the future. However, the Deferred Parking clause of the "C-4" District Regulations Document draft found in Exhibit E should mitigate the impact of this possible future occupant.

#### **CONCERN 4: SIGN**

In a previous draft of the Preliminary Site Plan, a proposed 55 foot pylon sign was located between the rear of the proposed building and the Interstate 55 entrance ramp right-of-way. Staff had concerns regarding the sign's height, due to the requirement of a Conditional Use Permit and a Variance to allow for the sign they initially proposed. The applicant has removed the sign from the revised Preliminary Site Plan that is included in Exhibit A for the purposes of this rezoning, to prevent any confusion regarding the approval or denial of the sign as it is included in this rezoning application. Any variation from the City's sign regulations will require a separate application.



# REPORT TO PLANNING COMMISSION

## CITY OF ARNOLD

### PLANNING AND ZONING ANALYSIS — CONTINUED

#### **CONCERN 5: DRAINAGE**

Staff have received questions and concerns regarding drainage of the proposed development. Staff cannot make storm water determinations from the Preliminary Site Plan. It is recommended that the applicant contact a registered engineer to make sure storm water needs are met within the property.

#### **CONCERN 6: ACCESS**

There is a stub street, Hickory Ridge Trail, that offers a potential connection to the subject property. The property is currently, and proposed to be, accessed from Robinson Road. Staff have included a paragraph in the "C-4" District Attachment "A" that prohibits access to the subject property via Hickory Ridge Trail.

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

With the discussions above in mind, Staff finds that there are mitigation strategies available to allow for the continued enjoyment of property owners within the permitted development as well as in adjacent residential and commercial districts, subject to the provisions contained within the "C-4" District Attachment "A".

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

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 proximity of the subject property to an Interstate 55 intersection makes this a desirable commercial property, if not for the strict "C-4" use regulations. For the last ten years, the subject property and its respective "C-4" District has only one allowed use: a landscaping business. It is unlikely that the proposal will have a substantial adverse impact on promotion of the health, safety, quality of life, comfort and general welfare of the City, subject to the provisions contained within the "C-4" District Attachment "A". Further, this proposal is necessary to ensure that the owner of this property is able to use it in such a way that is consistent with the surrounding commercial node and future goals of the Comprehensive Plan.

### FINDINGS

*Changes in zoning, or amendments thereto, shall only be approved by the Planning Commission under the following conditions:*

#### **EXTENSION OF BOUNDARY**

The existing district boundary is not proposed to change with this rezoning, thus the change will not be detrimental. It has been shown that this change is necessary for public convenience or necessity, due to the strict use regulations in place in this particular "C-4" District.

#### **SIGNIFICANT CHANGE**

The current property owner is proposing to use the subject property as something other than

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# REPORT TO PLANNING COMMISSION

## CITY OF ARNOLD

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### FINDINGS—CONTINUED

#### **SIGNIFICANT CHANGE—CONT.**

a landscaping business, which is currently the only permissible use. This is a significant change that warrants an amendment to the existing “C-4” District Regulations.

#### **MISTAKE IN ZONING MAP**

There is not necessarily a mistake in the Zoning Map, as the “C-4” Planned Commercial District designation is not wrong. This proposal simply seeks to amend the existing “C-4” District Regulations to allow for the proposed use.

#### **CHANGE IN CLASSIFICATION**

The proposed change to amend the “C-4” District Regulations would help the zoning classification reflect the proposed use as commercial within a commercial node as shown in the Future Land Use Plan of the City of Arnold.

#### **BEST INTERESTS OF THE CITY**

It is in the best interest for the health, safety, and welfare of the citizens of the City of Arnold to simplify our zoning districts and allow for the consistent use of commercial districts within the City.

*This section is intentionally left blank.*



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## REPORT TO PLANNING COMMISSION

### CITY OF ARNOLD

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#### RECOMMENDATION

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

Staff finds that the proposed change of zoning is substantially consistent with the Comprehensive Plan and Regulations of the City of Arnold, subject to the provisions contained in Attachment "A".

##### **CONSISTENCY WITH GOOD PLANNING PRACTICE**

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

##### **COMPATIBILITY 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 the provisions 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 the provisions contained in Attachment "A".

#### 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 the provisions contained in Attachment "A".

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

Sarah Turner  
Community Development Planner



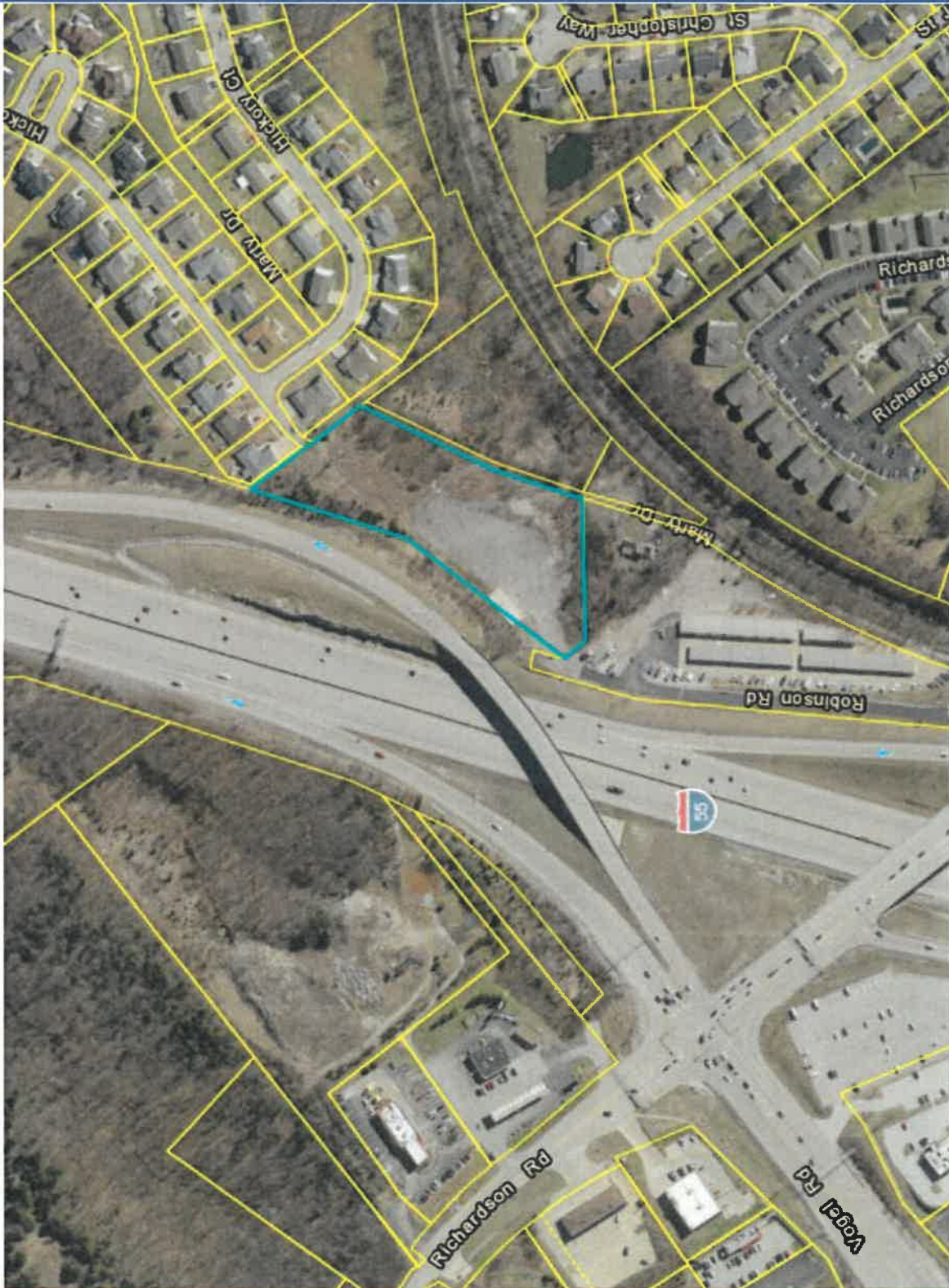
# ATTACHMENTS

**PHOTOGRAPHS OF SITE**  
**EXHIBIT A: PRELIMINARY SITE PLAN**  
**EXHIBIT B: GENERAL MEMO**  
**EXHIBIT C: PARKING MEMO**  
**EXHIBIT D: MODOT EASEMENT**  
**ATTACHMENT "A"**



# REPORT TO PLANNING COMMISSION

## CITY OF ARNOLD



SATELLITE OF SUBJECT PROPERTY, 2018

Plumbing Supply



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



**PUBLIC VIEWSHED OF SUBJECT PROPERTY, GOOGLE STREETVIEW AUGUST 2018**

**2019-22 REZONING**



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## REPORT TO PLANNING COMMISSION

### CITY OF ARNOLD

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**VIEW OF SUBJECT PROPERTY FROM EXISTING LANDSCAPING BERM, FACING SOUTHWEST**

Plumbing Supply

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



**VIEW OF HICKORY MANOR COMMON GROUND FROM NEAR HICKORY RIDGE TRAIL, FACING SE**

**2019-22 REZONING**



# REPORT TO PLANNING COMMISSION

## CITY OF ARNOLD



VIEW OF I-55-RICHARDSON RD INTERSECTION FROM SUBJECT PROPERTY, FACING SOUTHWEST

Plumbing Supply

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



**VIEW OF HICKORY MANOR FROM SUBJECT PROPERTY, FACING NORTHEAST**

**2019-22 REZONING**



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## REPORT TO PLANNING COMMISSION

### CITY OF ARNOLD

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**VIEW OF HICKORY MANOR FROM SUBJECT PROPERTY, FACING NORTHEAST**

Plumbing Supply



**PLANNING COMMISSION MEETING  
CITY HALL COUNCIL CHAMBERS  
JUNE 25, 2019**

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**MINUTES**

The regular meeting of the Arnold Planning Commission was called to order by Chairman Andrew Sutton at 7:00 p.m. The Pledge of Allegiance was recited by those in attendance.

**ROLL CALL OF COMMISSIONERS:** Del Williams, John Tucker, Brian McArthur, Alan Bess, Frank Kutilek, Jeff Campbell, Andrew Sutton, Chris Ford, Justin Lurk, David Bookless, Sarah Turner, Christie Hull-Bettale and Bob Sweeney. 9 voting members present, 2 excused.

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

**APPROVAL OF MINUTES:** Frank Kutilek asked that the minutes be amended on page two read “Mr. Bookless stated that Colorado being the first state to legalize marijuana, everyone there agreed the numbers might be a little inflated.”

Motion by Frank Kutilek to approve the minutes as amended from the May 28, 2019 meeting as presented. Second by Jeff Campbell. Voice Vote - *Unanimously Approved*.

**PUBLIC COMMENT:** Brian Braasch, 52 Hickory Court, questioned if the Planning Commission agenda is on the website.

**PUBLIC HEARINGS:**

- a. **2019-22: ZONING REQUEST TO AMEND AND REPLACE THE EXISTING “C-4” PLANNED COMMERCIAL DISTRICT:** Sarah Turner presented this request stating that the applicant is seeking to amend and replace the existing “C-4” Planned Commercial District to allow for a warehouse/showroom use, for a plumbing supply store. Sarah touched on the proposed future plumbing supply store; access, parking and the buffer/landscaping. MoDot has agreed to vacate a fill-slope easement upon application approval. Based on the findings, Staff recommends the approval of this rezoning application subject to the provisions in Attachment “A”.

Jeff Campbell asked if they have submitted a landscaping plan. Sarah stated the landscaping plan will be part of the final site plan submittal.

Dan Govero, Govero Land Services, 5929 Old State Rd., Imperial, MO, commented that they agree with the landscaping plan. They plan on using the rock that’s already cleared so they don’t have to disturb any trees except where the sewer line has to go which they will replant when done. They will also have additional parking if necessary.

Andrew Sutton expressed his concern as to the width of Robinson Road and if it could withstand the additional traffic. Mr. Govero stated that this use will be a low impact use and the applicant will be responsible for maintaining the road.

Sarah Lurkins, 56 Hickory Ct., referred to a memo from the Homeowners of the Estates of Hickory Manor which outlined their concerns regarding the proposed development.

Paul Wamser, 2444 Arnold Tenbrook, commented that he is still fighting with Harbor Freight and Tiger Car Wash from when they tore out his trees for the sewer line. Everything is gone.

Patricia Peterman, 1169 Hickory Ridge Trail, commented that the pictures are deceiving because in the summertime the trees are full but in the winter, you can see a long way. Concerned about traffic and does not want their lives disrupted by a commercial business. In 2009, when the landscaping company was going to go there, we were assured the property would stay "C-4" with a like for like business moving in.

Jessica Bradshaw, 1145 Hickory Ridge Trail, already hears the traffic noise from the highway and does not want to hear additional noise from this proposed development. Also concerned about the sewer line.

Bruce Berning, 1164 Hickory Ridge Trail, referred to the 280 feet from the property line abutting the residential and asked what will go in there. Andrew Sutton explained that they are giving 280 feet of buffer when they are only required to give 15 feet.

Jake Lurkens, 56 Hickory Ct., concerned about the sewer line.

Dan Govero, Govero Land Services, explained what they will be doing with regard to the sewer line. They will replace the dirt and trees and plan to enhance the buffer area with pine trees and other trees you can't see through.

Brian Braasch, 52 Hickory Ct., asked if any consideration has been given to the wildlife in the area. David Bookless stated that is not part of our criteria.

- b. **2019-23: CONDITIONAL USE PERMIT, CONSTRUCTION OF NEW SINGLE-FAMILY HOUSE IN A "FP" FLOODPLAIN DISTRICT:** Christie Hull-Bettale presented this request explaining that this site is challenged by easements. Easement coordination efforts will be a condition to this permit. The applicant's proposal to build a home and complete the last lot of this subdivision is not essential, but would be desirable to the neighborhood and the City. Staff finds the proposed Conditional Use Permit meets the review criteria and based on the findings, requests favorable consideration subject to the following conditions:

1. Board of Adjustment approves any necessary setback variance(s).
2. Owner to continue coordination efforts with Missouri American Water-Sanitary Sewer, to build a home not in conflict with sewer main or easements.
3. The building is a standard construction home that meets or exceeds minimum building requirements for the City of Arnold.
4. This parcel, proposed development and building are subject to all federal, state and local Floodplain Regulations.

- c. **2019-14: CITY INITIATED ORDINANCE AMENDING CHAPTER 405, ZONING, OF THE CODE OF ORDINANCES, CREATING DEFINITIONS BY ESTABLISHING DEFINITIONS AND REGULATIONS RELATED TO MEDICAL MARIJUANA-RELATED ENTITIES, AS DEFINED BY THE STATE OF MISSOURI, ELECTRONIC CIGARETTE SHOPS, AND TOBACCO SHOPS (CONTINUED FROM MAY 28, 2019 MEETING):** David Bookless went over his memo of the potential revisions to the draft addressing proximity measurement methodology, parking, and proximity to liquor stores.

Discussion on proximity to liquor stores and drug abuse facilities. The potential clustering of medical marijuana facilities and possible future recreational marijuana facilities. The proximity to schools and the definition of school campus.

- d. **2019-24: A CITY-INITIATED REQUEST TO AMEND CHAPTER 405, ZONING, OF THE CODE OF ORDINANCES, TO ESTABLISH DEFINITIONS AND REGULATIONS RELATED TO SITE PLAN REVIEW REQUIREMENTS AND PROCEDURES. (STAFF REQUESTS HEARING BE OPENED AND CONTINUED).** David Bookless commented that presently the zoning code states that non residential buildings,



structures and land must receive site plan approval from the Planning Commission. However, nowhere in the code does it discuss the process or what it should include and there are no exceptions provided. Due to the length of the agenda, Mr. Bookless asked that this discussion be continued at a future meeting. Poll taken to postpone this discussion to a future meeting. 9 yeas, 0 nays.

**OLD BUSINESS:** None

**NEW BUSINESS:**

- a. **2019-22: ZONING REQUEST TO AMEND AND REPLACE THE EXISTING “C-4” PLANNED COMMERCIAL DISTRICT:** John Tucker asked that in the future, there be aerial photos to be able to see the proximity of the development to the homes.

Motion by Jeff Campbell to approve 2019-22, Zoning Request to amend and replace the existing “C-4” Planned Commercial District based on the findings and subject to the provisions contained in Attachment “A” (attached). Second by Chris Ford.

Andrew Sutton commented that he does have concerns with the access road and the traffic; interested to see the elevations of the building itself and agrees with Mr. Tucker on the aerial photos.

Jeff Campbell suggested a sight line photo so residents can get an idea of what they will see and have a better understanding.

Roll call vote: Chris Ford, yes; Justin Lurk, yes; Brian McArthur, yes; Alan Bess, yes; John Tucker, yes; Frank Kutilek, yes; Jeff Campbell, yes; Del Williams, yes; Andrew Sutton, yes. 9 yeas, 0 nays – *Motion Approved.*

- b. **2019-23: CONDITIONAL USE PERMIT, CONSTRUCTION OF NEW SINGLE-FAMILY HOUSE IN A “FP” FLOODPLAIN DISTRICT:** Motion by Jeff Campbell to approve 2019-23, Conditional Use Permit, Construction of new single-family house in a floodplain district with the following four (4) conditions:
1. Board of Adjustment approves any necessary setback variance(s).
  2. Owner to continue coordination efforts with Missouri American Water-Sanitary Sewer, to build a home not in conflict with sewer main or easements.
  3. The building is a standard construction home that meets or exceeds minimum building requirements for the City of Arnold.
  4. This parcel, proposed development and building are subject to all federal, state and local Floodplain Regulations.

**Second by Justin Lurk.** Roll call vote: Chris Ford, yes; Justin Lurk, yes; Brian McArthur, yes; Alan Bess, yes; John Tucker, yes; Frank Kutilek, yes; Jeff Campbell, yes; Del Williams, yes; Andrew Sutton, no. 8 yeas, 1 nay – *Motion Approved.*

- c. **2019-14: CITY INITIATED ORDINANCE AMENDING CHAPTER 405, ZONING, OF THE CODE OF ORDINANCES, CREATING DEFINITIONS BY ESTABLISHING DEFINITIONS AND REGULATIONS RELATED TO MEDICAL MARIJUANA-RELATED ENTITIES, AS DEFINED BY THE STATE OF MISSOURI, ELECTRONIC CIGARETTE SHOPS, AND TOBACCO SHOPS (CONTINUED FROM MAY 28, 2019 MEETING):** David Bookless stated the motion should be amended to strike the language to measurement so that it aligns with what the state says; add in the language for parking

requirements; add in language relative to drug abuse facilities and decide if you want to include the proximity to liquor stores.

Motion by Jeff Campbell to approve 2019-14, City initiated Ordinance amending Chapter 405, Zoning, of the Code of Ordinances, creating definitions by establishing definitions and regulations related to medical marijuana related entities as defined by the State of Missouri, Electronic Cigarette Shops, and Tobacco Shops with the amendments discussed and defined. Second by Del Williams.

Brian McArthur clarified that they are removing the proximity to packaged liquor establishments.

Roll call vote: Chris Ford, yes; Justin Lurk, yes; Brian McArthur, yes; Alan Bess, yes; John Tucker, yes; Frank Kutilek, yes; Jeff Campbell, yes; Del Williams, yes; Andrew Sutton, yes. 9 yeas, 0 nays – ***Motion Approved.***

**STAFF UPDATE:** David Bookless – will not be at next meeting.

Christie Hull-Bettale – addressed the random piece of mail she received and forwarded on to the Commissioners. There was no return address, no cover or transmittal, anonymous sender.

Sarah Turner – stated she would be presenting David’s site plan update as well as a commercial site plan application for an ATM and a fence variance.

Bob Sweeney – no report.

**COMMISSIONERS UPDATE:** Frank Kutilek – no report.

John Tucker – no report.

Alan Bess – no report.

Jeff Campbell – no report.

Justin Lurk – no report.

Del Williams – no report.

Frank Kutilek – no report.

**COUNCIL LIAISON REPORT:**

Brian McArthur – City Council meeting for July 4<sup>th</sup> has been cancelled.

**NEXT SCHEDULED MEETING:** July 9, 2019

**ADJOURNMENT:** Meeting adjourned at 8:05 p.m.

Respectfully Submitted,

Alan Bess  
Planning Commission Secretary

RESOLUTION NO. 19 - 35

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO  
AN AGREEMENT WITH MIDWEST SYSTEMS TRUCK  
EQUIPMENT FOR THE PURCHASE OF A NEW SNOWPLOW  
AND SALT SPREADER

---

BE IT RESOLVED by the Council of the City of Arnold, Missouri, that the  
Mayor be, and is hereby authorized to enter into an agreement with  
Midwest Systems Truck Equipment for the purchase of a new  
snowplow and salt spreader for Twelve Thousand Two hundred three  
dollars and no cent (\$12,203.00).

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

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

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

ATTEST:

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

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

**City of Arnold  
Snowplow and Salt Spreader  
Bid Proposals**

**EXHIBIT A**

**BID FORM**

Please fill out this cost response form so that the City may accurately compare different bids without having to interpret vendor's cost presentations. If desired, attach additional cost data, including itemizations.

Company Name: Reuther Ford Inc.

Date: 6-26-2019

City of Arnold  
2101 Jeffco Boulevard  
Arnold, Missouri 63010

Mayor and City Council Members:

In accordance with the advertisement inviting Bids for Grass Cutting Services for to the City of Arnold, subject to the conditions and requirements of the General Conditions of the contract, the Special Conditions of the Contract, the Product Specifications including Addenda Nos. \_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_, (If applicable) hereto attached, which so far as they relate to the Bid, are made a part of it, the undersigned herewith proposes to complete the specified work within forty-five (45) days after receipt of notice to proceed, for the following unit prices:

**Equipment Specifications:**

Please specify if components are included in the equipment's base price.

**Total cost of all equipment, installation and additional supplemental supplies/material:**

\$ 12,981.40

Snowplow Cost: \$ 5082.80

Manufacture: Western

Model Number: 7.5 Pro Plow

Length: 7.5 ft.

Salt Spreader cost: \$ 7898.60

Manufacture: Western

**City of Arnold  
Snowplow and Salt Spreader  
Bid Proposals**

Model Number: 99035-1  
Length: (Feet) 9'  
Capacity (Yards) 3.0 cy

SIGNATURES ON NEXT PAGE

**City of Arnold  
Snowplow and Salt Spreader  
Bid Proposals**

**EXHIBIT A**

**BID FORM**

Please fill out this cost response form so that the City may accurately compare different bids without having to interpret vendor's cost presentations. If desired, attach additional cost data, including itemizations.

Company Name: Midwest System Truck Equipment

Date: 6-25-19

City of Arnold  
2101 Jeffco Boulevard  
Arnold, Missouri 63010

Mayor and City Council Members:

In accordance with the advertisement inviting Bids for Grass Cutting Services for to the City of Arnold, subject to the conditions and requirements of the General Conditions of the contract, the Special Conditions of the Contract, the Product Specifications including Addenda Nos. \_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_, (If applicable) hereto attached, which so far as they relate to the Bid, are made a part of it, the undersigned herewith proposes to complete the specified work within forty-five (45) days after receipt of notice to proceed, for the following unit prices:

**Equipment Specifications:**

Please specify if components are included in the equipment's base price.

**Total cost of all equipment, installation and additional supplemental supplies/material:**

\$ 12,203<sup>00</sup>

Snowplow Cost: \$ 4413<sup>00</sup>

Manufacture: Western

Model Number: JVTP25

Length: 7 1/2'

Salt Spreader cost: \$ 7790<sup>00</sup>

Manufacture: Western

City of Arnold  
Snowplow and Salt Spreader  
Bid Proposals

Model Number: 99035  
Length: (Feet) 9'  
Capacity (Yards) 3 yard

SIGNATURES ON NEXT PAGE

Option:  
Trade in Plow blade 7 1/2' western - 1300<sup>00</sup>  
Trade in western gas spreader 200<sup>00</sup>  
1500<sup>00</sup> total

RESOLUTION NO. 19-36

A RESOLUTION APPROVING AN AGREEMENT WITH COCHRAN  
ENGINEERING FOR THE OLD LEMAY FERRY ROAD PROJECT.

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BE IT RESOLVED by the Council of the City of Arnold, Missouri, that the attached agreement with Cochran Engineering for the Old Lemay Ferry Road Project is hereby approved and the Mayor and/or City Administrator are authorized to execute a necessary document.

---

Mayor Ron Counts

ATTEST:

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City Clerk Tammi Casey

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





Architecture  
Civil Engineering  
Land Surveying  
Site Development

737 Rudder Road  
St. Louis, Missouri 63026  
Telephone: 314-842-4033  
Fax: 314-842-5957  
E-Mail: david@cochraneng.com

July 15, 2019

Mr. Bryan Richison  
City Administrator  
City of Arnold  
2101 Jeffco Blvd.  
Arnold, MO 63010

**RE: Proposal – Grant Application and Engineering Services  
Old Lemay Ferry Road STP Project**

Dear Mr. Richison:

Thank you for giving Cochran the opportunity to submit this proposal to provide application and professional engineering services for the above referenced project. In accordance with my presentation to City Council last week, we offer the following professional services:

**SCOPE OF SERVICES:**

1. **Application Phase** – we will prepare and submit the application in accordance with the attached cost estimate. The application is a very detailed and involved process; here are some of the questions and information required on the application:
  - a. Project map showing limits of improvements
  - b. Definition and description of roadway characteristics
  - c. Written description of proposed project
  - d. Proposed Cross Section
  - e. Detailed Map showing improvements and connections to transit Routes, activity centers, and schools
  - f. Written project justification – 1) proposed improvement, 2) transportation problem the improvement will address, 3) effect the improvement will have on the problem, and 4) transportation demand management strategies
  - g. Average daily traffic (ADT) counts
  - h. Pavement Condition – PASER Analysis
  - i. Description of bicycle and pedestrian elements
  - j. Detailed cost estimate
  - k. Project implementation schedule
  
2. **Design and Bidding Phase** – we will provide professional services necessary to produce a quality set of construction and bidding documents. The scope will be in accordance with the attached cost estimate. Tasks will include the following:
  - a. Determine the needs of the City by meeting with City officials and representative interest groups.
  - b. Conduct topographic, property and utility surveys sufficient to develop plans for the project.

- c. Develop preliminary plans and cost estimates and recommend to the City the best overall general design.
  - d. Submit four copies of preliminary plans and estimates for review by the City and the Missouri Department of Transportation.
  - e. Based on approvals of preliminary plans, prepare detailed construction plans, cost estimates, specifications and related documents as necessary for the purpose of soliciting bids for constructing the project.
  - f. Ensure compliance with all regulations in regards to noise abatement and air quality, if necessary.
  - g. Provide the City with five sets of completed plans, specifications and cost estimates for the purpose of obtaining construction authorization from the Missouri Department of Transportation.
  - h. Upon receipt of construction authorization from MODOT, make final corrections resulting from reviews by agencies involved and provide plans, specifications, and bid documents to the City.
  - i. Provide the City with a list of qualified area bidders and assist the City in advertising for bids.
  - j. Assist the City in evaluating bids and requesting concurrence in award from MoDOT.
3. **Construction Phase** - we will serve as the City's representative for administering the terms of the construction contract between the City and their Contractor. Cochran will endeavor to protect the City against defects and deficiencies in workmanship and materials in work by the Contractor. However, the furnishing of such project representation will not make Cochran responsible for the construction methods and procedures used by the Contractor or for the Contractor's failure to perform work in accordance with the contract documents. Tasks will include the following:
- a. Provide the City with a list of qualified area bidders and assist in advertising for bids, distributing bid packages, pre-bid conference, addendums, and pre-bid questions from Contractors.
  - b. Assist the City in opening and evaluating bids and requesting concurrence in award from MoDOT.
  - c. Assist the City with a preconstruction conference to discuss project details with the Contractor.
  - d. Make periodic site visits to observe the Contractor's progress and quality of work, and to determine if the work conforms to the contract documents. It is contemplated that survey staking and layout will be accomplished by the contractor's forces. We will accompany MoDOT and FHWA representatives on visits of the project site as requested.
  - e. Check shop drawings and review schedules and drawings submitted by the Contractor.
  - f. Reject work not conforming to the project documents.
  - g. Prepare change orders for issuance by the City as necessary and assure that proper approvals are made prior to work being performed.
  - h. Review wage rates, postings, equal employment opportunity and other related items called for in the contract documents.
  - i. Inspect materials, review material certifications furnished by Contractor, sample concrete and other materials as required, and provide for laboratory testing of samples.
  - j. Maintain progress diary and other project records, measure and document quantities, and prepare monthly estimates for payments due the Contractor.
  - k. Be present during critical construction operations.
  - l. Participate in final inspection, provide the City with project documentation (diaries, test results, certifications, etc.), and provide as-built plans for the City's records.

OWNER'S RESPONSIBILITY:

1. The Owner shall give prompt and thorough consideration to all sketches, drawings, bid documents and other documents laid before him. Prompt decisions will be required if project is to proceed on schedule.
2. Advertisement and receipt of construction bids.
3. The Owner shall consider the bids and determine whether the project shall proceed to the construction phase. If the Owner Board determines that the project shall proceed to the construction phase, the Owner, by action of the Board of Aldermen, shall select the successful bidder. The owner may abandon the Project, at any time and for any reason, in its sole discretion and, in such event, shall give seven (7) days written notice to Cochran.

FEE:

1. The total amount of fee to be paid for the "Application Phase" outlined in this proposal shall be a lump sum fee of \$5,000.00. We offer that if the application is not approved, we will reimburse the entire fee.
2. If the grant application is approved by the EWGCC, the total amount of fee to be paid for the "Design and Bidding Phase" outlined in this proposal shall be a lump sum fee of \$122,032.00.
3. If the grant application is approved by the EWGCC, the total amount of fee to be paid for the "Construction Phase" outlined in this proposal shall be a lump sum fee of \$91,524.00.

PAYMENT:

1. An invoice for progress payments will be submitted monthly during the performance period of this contract for professional services rendered. It is agreed that monthly progress payments for fees earned under this agreement are due and payable within thirty (30) days of submission of invoices. Any invoices remaining unpaid beyond thirty (30) days will accrue interest at the rate of one and one-half (1½%) per month on the unpaid balance.
2. It is further understood that if the project is abandoned, or if any work being performed is suspended in whole or in part prior to the completion of any phase, payment will be due in direct proportion to the amount of work accomplished.
3. In addition, payment will be due for all reimbursable expenses incurred prior to receipt of written notice or such abandonment or suspension.

TIME OF PERFORMANCE:

We will make every effort to complete the project within the Owner's time frame and according to schedule. Cochran will not, however, be responsible for delays caused by events beyond our control.

TERMS AND CONDITIONS:

Attached to this proposal is a copy of the Cochran Standard Terms and Conditions. These terms and conditions shall apply to this proposal for professional services, which can also serve as a letter agreement. This document is enclosed for your review and reference.

GENERAL:

Cochran's reputation is based on understanding and meeting all the project objectives of our clients. We look forward to having an opportunity to demonstrate that responsiveness by providing timely and cost effective professional services.

If you would like to authorize Cochran to perform the professional services outlined in this proposal, please indicate your acceptance of the terms of this letter agreement by signing in the space provided below and returning one (1) copy for our contract files.

If you have any questions or changes regarding this proposal, please contact me at 314-220-7016. Thank you.

THIS CONTRACT CONTAINS A BINDING ARBITRATION PROVISION WHICH MAY BE ENFORCED BY THE PARTIES.

Sincerely,

Acceptance:  
City of Arnold

Dave Christensen, P.E.  
Vice President

By: \_\_\_\_\_

Title: \_\_\_\_\_

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

Attachments – Cochran Standard Terms & Conditions  
Cost Estimate

## COCHRAN STANDARD TERMS AND CONDITIONS

1. Unless expressly stated in the attached proposal letter ("Proposal"), the Proposal must be accepted in writing within thirty days or the Proposal is void and unenforceable.
2. The acceptance of the Proposal is conditioned upon these Terms and Conditions and the terms of the Proposal, which shall be the only terms and conditions applicable to any agreement between Cochran and Client. Requesting performance of the work by Cochran, sending a notice to proceed with the work, or an acknowledgment of the Proposal by the issuance of a purchase order by Client, notwithstanding any terms additional to or different from those contained herein, shall be deemed to be an acceptance of these Terms and Conditions by Client.
3. The Proposal and these Terms and Conditions constitute the entire agreement ("Contract") between Cochran and the Client for the services identified in the Proposal. All prior proposals, negotiations, representations, recommendations, statements or agreements made or entered into prior to or contemporaneously with this Contract, whether oral or in writing, are superseded by this Contract unless they are expressly incorporated herein by reference. Any terms contained in any communication from Client which are inconsistent with the Contract shall not be binding upon Cochran.
4. Cochran may submit invoices on not less than a monthly basis. Cochran's invoices are due and payable within fifteen (15) days of the submission of each invoice. Interest will accrue at the rate of one and one-half percent (1.5%) per month on all unpaid invoices from the date payment was due. In the event that Client disputes an invoice, Client will pay the undisputed portion of the invoice and provide a written explanation to Cochran of the basis for Client's dispute. If Client fails to pay in full any of Cochran's invoices, Cochran may immediately, without waiving any other rights it may have, suspend work pending resolution of the payment dispute. Client's failure to pay any of Cochran's invoices in full shall be considered a material breach of this Contract.
5. Unless specifically stated to the contrary in the Proposal, reimbursable expenses are in addition to the amounts identified for Cochran's fees for basic and additional services. Reimbursable expenses shall include, but are not limited to: Client-authorized out-of-town travel, transportation, and subsistence expenses; fees paid for securing approval of jurisdictional authorities; postage, courier, or other delivery fees; material costs for models, mock-ups, or other presentation media; photographic film and development expenses.
6. This Contract is binding upon the heirs, successors and assigns of the parties hereto and may not be assigned by either party without the prior written consent of the other party.
7. Nothing in this Contract is intended to create any enforceable third party rights against Client or Cochran.
8. Cochran will perform all of its services consistent with that degree of skill and learning ordinarily used under the same or similar circumstances by the members of Cochran's profession working in the same locale.
9. If, and to the extent that Cochran's scope of work includes construction phase services, any such services shall be provided in accordance with and governed by the applicable terms of AIA Document A201 General Conditions of the Contract for Construction, 2007 Edition ("General Conditions") If there is a conflict between the General Conditions and this Contract, this Contract will control.
10. When making any interpretation or decision as required by the General Conditions, Cochran will not show partiality to any party, and shall not be liable for interpretations or decisions rendered in good faith.
11. Cochran has no responsibility or obligation to supervise or direct the work activities of the Client's employees and representatives, or any construction contractors, sub-contractors or any of their employees, or other persons not employed by Cochran.
12. Cochran will abide by any job-site safety programs identified in writing by the Client but will not be responsible for job-site safety of any persons not directly employed by Cochran.
13. Cochran has no responsibility or obligation with respect to the construction means, methods, sequencing or procedures of any construction contractors, sub-contractors or any of their employees.
14. Cochran is not responsible for the failure of any contractor to perform work properly and in accordance with any applicable documents, plans, specifications, codes or standards.
15. Cochran is not responsible for the identification of unsafe conditions, nor for the identification, handling, or removal of hazardous and/or toxic substances found on or brought to the site. Prior to the start of work, the Client shall disclose and identify in writing to Cochran, to the best of Client's knowledge, all hazardous and/or toxic substances located on the site.
16. Cochran will have no obligation to commence its work until receipt of a written notice-to-proceed from Client and all other information required to be provided by Client. Cochran shall complete its work within any time limits identified in the Proposal. Cochran shall be entitled to an extension of time for performance of its work due to any delays that are due to any cause beyond Cochran's reasonable control. In no event will Client be entitled to any costs, losses, expenses or damages (including, but not limited to, claims or damages attributable to home office overhead costs, loss of profits, loss of business opportunities and/or additional financing costs) as a result of any delay caused or attributable to Cochran.
17. Cochran and Client waive any and all claims against each other for consequential, indirect, incidental and special damages arising out of or relating to this Contract, the alleged breach thereof, and/or Cochran's work; including, but not limited to, lost profits, loss of business, financing costs, extended home office overhead and similar types of damages.
18. Provided that written notice of a material breach of this Contract has been provided to the defaulting party and the defaulting party has failed to cure or taken reasonable efforts to cure its default within seven (7) calendar days of its receipt of the notice, the non-defaulting party may terminate this Contract by sending notice of termination to the defaulting party.
19. If the Contract is terminated for any reason not attributable to Cochran, Client will pay for the work performed by Cochran up to the date of termination plus all of Cochran's costs related to the termination (e.g., close-out costs, costs of terminating contracts with consultants, etc.).
20. In the event that there are any changes in applicable laws, codes or regulations after the Contract is executed that result in the need for Cochran to perform additional services and/or incur additional costs, Client shall pay Cochran for said services and costs at the rates set forth in the Proposal.
21. All documents and electronic media produced by Cochran under this Contract ("Instruments of Service") shall be the property of the City.
22. Client and Cochran waive all rights against each other, any contractors and other professionals, and any of their respective consultants, contractors, suppliers, subcontractors, agents and employees, for damages caused by perils to the extent covered by insurance, except such rights as they may have to the insurance proceeds.
23. This Contract and the rights of the parties shall be governed by the laws of the State of Missouri.

24. Any claims, disputes, or other matters in question arising out of or relating to this Contract, the alleged breach thereof, and/or Cochran's work, at Cochran's sole election and discretion, shall be decided by binding arbitration in accordance with the Construction Industry Arbitration Rules of the AAA. A demand for arbitration must be made within a reasonable time, and before the expiration of the applicable statute of limitations. Unless it consents in writing, Cochran may not be joined in any other arbitration involving the same project. The arbitration shall be held where the project is located.
25. In the event of any dispute, claim, arbitration or litigation arising out of or relating to this Contract, the alleged breach thereof, and/or Cochran's work, the prevailing party shall be awarded its attorney's fees, expert witness fees, expenses, arbitration fees and expenses, and court costs at the trial and all appellate levels; including costs and fees related to collection efforts. Determination of which party prevailed shall be made by the judge or arbitrator(s). The determination shall be made by reviewing the claims resolved at trial or arbitration (which excludes any claims resolved prior to the taking of evidence), and then determining which party achieved the greater success by quantifying the amounts awarded the party recovering damages or obtaining relief and comparing that result to the relief and/or damages requested by that party at the trial or arbitration. If that party received less than 50% of the relief and/or damages it sought, then the other party prevailed. If that party receives more than 50% of the relief and/or damages it sought, then it prevailed. The judge or arbitrator(s) may consider the percentage of recovery when determining the amount of fees and expenses to be awarded to the prevailing party. If more than one claim is presented, then the judge or arbitrator(s) may elect to evaluate who is the prevailing party on a claim by claim basis, or in the aggregate as they deem appropriate. In making the determination of which party prevailed, the judge or arbitrator(s) shall take into consideration any settlement offers or demands made prior to trial or arbitration.
26. **THE TOTAL LIABILITY OF COCHRAN AND ANY OF COCHRAN'S CONSULTANTS FOR ANY ACTIONS, DAMAGES, CLAIMS, DEMANDS, JUDGMENTS, LOSSES, COSTS, OR EXPENSES (INCLUDING ATTORNEY'S FEES AND COURT OR ARBITRATION COSTS AND FEES) ARISING OUT OF OR RESULTING FROM COCHRAN'S OR ITS CONSULTANTS' NEGLIGENT ACTS, ERRORS, OMISSIONS OR BREACHES OF CONTRACT IS LIMITED TO THE LESSER OF THE CONTRACT PRICE OR THE AMOUNT OF PROFESSIONAL LIABILITY INSURANCE MAINTAINED BY COCHRAN AND AVAILABLE TO PAY SAID CLAIM. THIS LIMITATION OF LIABILITY IS APPLICABLE TO ALL CLAIMS THAT MAY BE ASSERTED AGAINST COCHRAN OR ITS CONSULTANTS ARISING OUT OF OR RELATING TO THE PROJECT OR THIS CONTRACT, WHETHER THE CLAIMS ARISE IN CONTRACT, TORT, STATUTE, OR OTHERWISE.**

Updated 01/2016

Initials \_\_\_\_\_

# CONSTRUCTION COST ESTIMATE

STP Application - Due February or March, 2020

## City of Arnold - Old Lemay Ferry Road Improvement Project

Item No.	Item Description	Unit	Plan Quantity	Unit Price (\$)	Total (\$)	
1	Removal of Improvements	LS	1	70,000.00	70,000	
2	Linear Grading	STA	26	1,000.00	26,000	
3	Concrete Sidewalk, 6' - one side	SF	16,800	6.00	100,800	
4	Retaining Walls	SF	3,000	32.00	96,000	
5	Pavement Widening	SY	2,133	75.00	160,000	
6	Concrete Curbs	LF	5,600	25.00	140,000	
7	Storm Sewer	LF	800	70.00	56,000	
8	Box Culvert	LF	30	750.00	22,500	
9	Pavement Milling	SY	6,500	2.50	16,250	
10	Asphalt Resurfacing	TON	1,500	80.00	120,000	
11	Pavement Striping	LF	11,200	0.50	5,600	
12	Cobra Head Style - Street Lighting	EA	18	6,500.00	117,000	
13	Restoration	LS	1	25,000.00	25,000	
14	"Bicycles May Use Full Lane" Signs	EA	4	250.00	1,000	
15	Construction Mobilization	LS	1	90,000.00	90,000	
16	Construction Traffic Control	LS	1	15,000.00	15,000	
<b>General Notes:</b>					Construction Totals	1,061,150
1. From Church Road to Doe Run Drive					15% Contingency	159,173
2. Approximate Length = 0.55 Miles					<b>STP Project Total =</b>	<b>1,220,323</b>
3. Construction 2023					<b>Federal Share @ 80% =</b>	<b>976,258</b>
4. Pavement width - existing @ 20', proposed @ 28'					<b>Local Share @ 20% =</b>	<b>244,065</b>
					<b>EWGCC Application Fee (1/2% of Federal Funds Requested) =</b>	<b>4,881</b>
					<b>Cochran Application Fee =</b>	<b>5,000</b>
					<b>Surveying/Design Engineering Services</b>	<b>122,032</b>
					<b>Const. Admin./Inspection/Testing</b>	<b>91,524</b>
					<b>City Expenditure (STP 20% Share + Engineering + Application Fee) =</b>	<b>\$467,502</b>