



**PLANNING COMMISSION
CITY HALL – COUNCIL CHAMBERS – 2101 JEFFCO BOULEVARD
TUESDAY, JULY 9, 2019**

MEMBERS: Andrew Sutton (Chair), Frank Kutilek (Second), Alan Bess (Secretary), Jeff Campbell, Justin Lurk, Christopher Ford, John Tucker, Del Williams. **Council Liaison:** Brian McArthur. **Staff:** Robert Sweeney (City Attorney), David Bookless (Community Development Director), Christie Hull-Bettale (Community Development Engineer), Sarah Turner (Community Development Planner).

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**
4. **APPROVAL OF AGENDA**
5. **APPROVAL OF MINUTES:** June 25, 2019
6. **PUBLIC COMMENT**
7. **PUBLIC HEARING(S):**
8. **OLD BUSINESS:** None
9. **NEW BUSINESS:**
 - a. 2019-25: COMMERCIAL SITE PLAN APPLICATION FOR AN ATM MACHINE AT 3880 STATE RTE. 141.
 - b. 2019-26: VARIANCE REQUEST, SETBACK FOR A FENCE AT 749 VERA DR.
10. **STAFF UPDATE**
11. **COMMISSIONERS UPDATE**
12. **COUNCIL LIAISON REPORT**
13. **NEXT SCHEDULED MEETING:** July 23, 2019
14. **ADJOURNMENT**

The Public is welcome to comment on any item on this agenda following presentations by the Staff and petitioner. Comments concerning items not on the agenda should be made during the Public Comment section of the agenda, near the beginning of the meeting. When you address the Planning Commission, please step to the podium and state your name and address into the microphone. Unless otherwise directed by the Chairperson, individuals may speak for three minutes, while those representing a group may speak for six minutes.



DRAFT

PLANNING COMMISSION MEETING CITY HALL COUNCIL CHAMBERS JUNE 25, 2019

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 4th has been cancelled.

NEXT SCHEDULED MEETING: July 9, 2019

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

Respectfully Submitted,

Alan Bess
Planning Commission Secretary

**PLANNING COMMISSION
ROLL CALL SHEET**

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|---|-----------|------------------|---------------------------|---------------------------|---------------------------|--|--|
| DATE: | 6/25/2019 | | | | | | |
| CALLED TO ORDER: | 7:00 P.M. | | | | | | |
| ADJOURNMENT: | 8:05 P.M. | | | | | | |
| | | ROLL CALL | 2019-22 - APPROVED | 2019-23 - APPROVED | 2019-14 - APPROVED | | |
| CHRIS FORD | | P | Y | Y | Y | | |
| JUSTIN LURK | | P | Y | Y | Y | | |
| BRIAN MCARTHUR | | P | Y | Y | Y | | |
| ALAN BESS | | P | Y | Y | Y | | |
| JOHN TUCKER | | P | Y | Y | Y | | |
| FRANK KUTILEK | | P | Y | Y | Y | | |
| JEFF CAMPBELL | | P | Y | Y | Y | | |
| DEL WILLIAMS | | P | Y | Y | Y | | |
| ANDREW SUTTON | | P | Y | N | Y | | |
| | | | | | | | |
| DAVID BOOKLESS | | P | NO VOTE | | | | |
| SARAH TURNER | | P | NO VOTE | | | | |
| CHRISTIE HULL-BETTALE | | P | NO VOTE | | | | |
| CITY ATTORNEY ROBERT SWEENEY | | P | NO VOTE | | | | |
| | | | | | | | |

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

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



Basis of Bearing is State Plane Grid North,
Missouri Coordinate System (East Zone)
of 1983, as derived by GPS Vectors from
MoDOT VRS Station MOSI.

0 100 200
Scale 1" = 100'

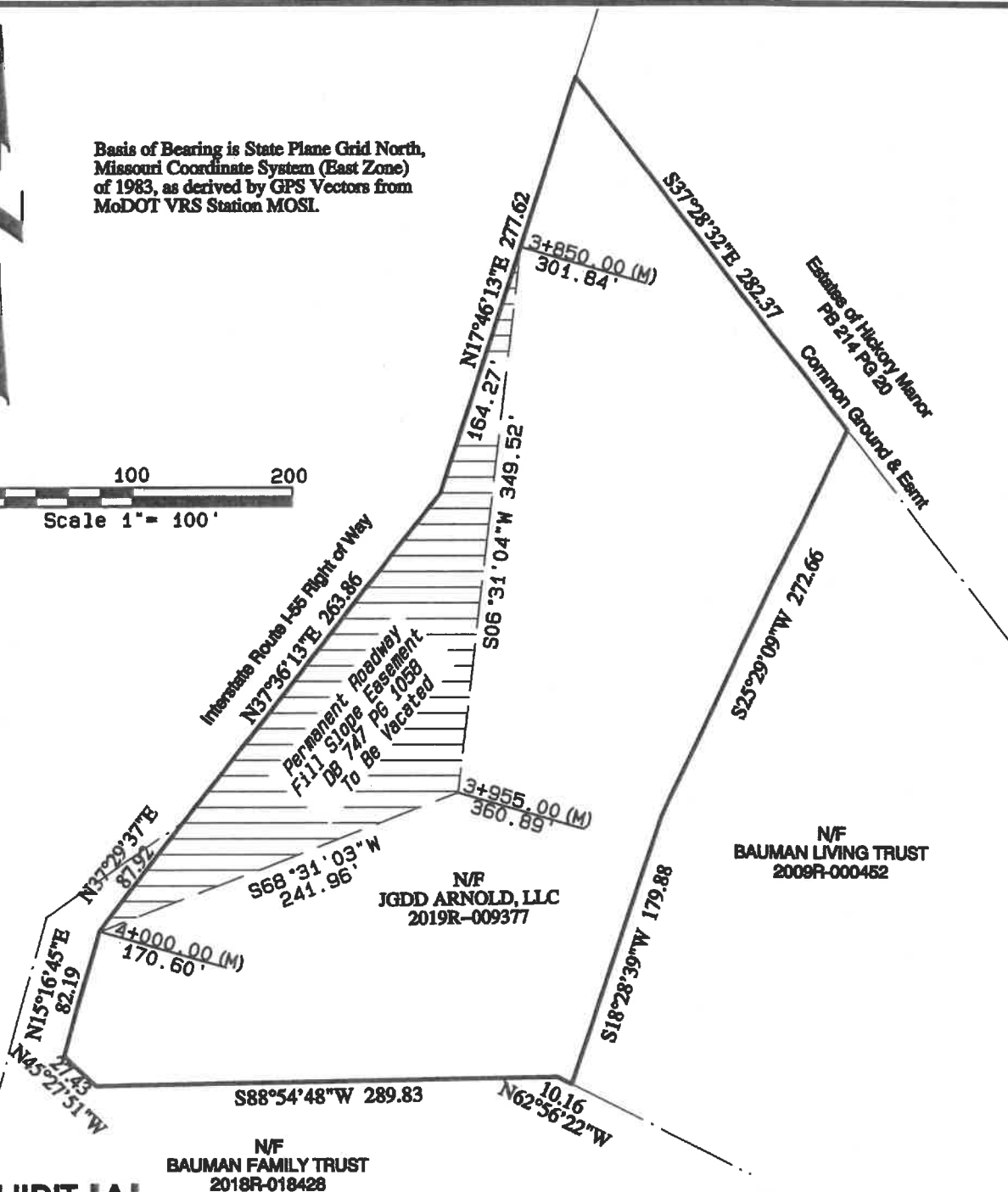


EXHIBIT 'A'

INITIAL:

VACATION OF EASEMENT PLAT

Located in Lots 5 and 10 of U.S. Survey 2991, Townships 42 and 43 North,
Range 5 and 6 East, in the city of Arnold, Jefferson County, Missouri

GOVERO
LAND SERVICES
SURVEYING * ENGINEERING

5929 OLD STATE ROAD
IMPERIAL, MO. 63052
PH: (636) 464-9380
FAX: (636) 464-9626

| | |
|------------|--------|
| DRAWN BY | sch |
| CHECKED BY | dlg |
| JOB NO. | 97105a |

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.