

City of Arnold, Missouri

Public Hearing
Council Chambers

March 5, 2020
7:00 P. M.

A. Application to Amend Municipal Code Chapter 405 (Zoning) – Commercial Uses.

City Council

Immediately Following the Public Hearing

Agenda

1. Pledge of Allegiance:
2. Opening Prayer: Pastor Tim Gray – City on the Hill
3. Roll Call:
4. Business from the Floor:
5. Consent Agenda:
 - A. Regular Minutes **February 20, 2020**
Special Meeting Minutes **February 13, 2020**
 - B. Payroll Warrant **#1337 in the Amount of \$328,538.93**
 - C. General Warrant **#5757 in the Amount of \$802,256.49**
6. Ordinances:
 - A. **Bill No. 2765:** An Ordinance of the City Council of the City of Arnold, MO. Amending Chapter 405 of the Arnold Code of Ordinances by Establishing and/or Revising Various Permitted and Conditional Commercial Uses.
7. Resolutions:
 - A. **Resolution 20-06:** A Resolution Authorizing the Mayor to Enter into a Contract with Gateway Pyrotechnic Productions.
 - B. **Resolution 20-07:** A Resolution Approving a Service Agreement with Oats for the Jeffco Express Transportation Service.
8. Motion:
 - A. A Motion to Approve the Fireworks Display for the Annual Block Party to

be held on May 8th, 2020 at St. John's Lutheran Church 3517 Jeffco Blvd.

B. 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 March 19, 2020 @ 7:00 p.m.

Next Work Session March 12, 2020 at 7:00 p.m.

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Tuesday, March 3, 2020

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, Seidenstricker, Fleischmann, Cooley, McArthur, Fulbright, Hood, Sullivan, Plunk, Richison, Bookless, Lehmann (excused), Sweeney, Brown, Palasky, Kroupa (excused), Major Carroll.

PRESENTATION

Sharon Holm with AARP presented Mayor Counts and Bill Knittig, Chair of the Aging and Disabilities Commission, with the official certificate designating Arnold as an Age Friendly Community. Arnold is the only municipality in the state of Missouri to receive this designation.

BUSINESS FROM THE FLOOR

Bill McIlwee, 3195 Rosedale – Informed everyone that the 28th annual Clean Stream event will take place on March 7th at 9:00 a.m. They will concentrate on Arnold Park, Strawberry Creek Nature Preserve, the new dog park and Tenbrook Road. Mayor Counts indicated that the City will provide support, as it normally does, with the use of two trucks and drivers.

CONSENT AGENDA

- A. REGULAR MINUTES FEBRUARY 6, 2020 MEETING**
- B. PAYROLL WARRANT NO. 1335 IN THE AMOUNT OF \$370,797.76
PAYROLL WARRANT NO. 1336 IN THE AMOUNT OF \$314,368.53**
- C. GENERAL WARRANT NO. 5756 IN THE AMOUNT OF \$414,388.23**

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

ORDINANCES

BILL NO. 2763 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARNOLD, MO. AMENDING CHAPTER 210, ANIMALS OF THE ARNOLD CODE OF ORDINANCES BY DELETING THE REGISTRATION FEE EXEMPTION FOR SERVICE ANIMALS was read twice by City Clerk Tammi Casey. Roll call vote: Seidenstricker, yes; Fleischmann, yes; Cooley, yes; McArthur, yes; Fulbright, yes; Hood, yes; Sullivan, yes; Plunk, yes; 8 Yeas: **Ordinance passed.**

BILL NO. 2764 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARNOLD, MO. AMENDING CHAPTER 400, COMMISSIONS RELATING TO PLANNING AND ZONING, AS IT RELATES TO THE COMPOSITION OF THE CITY PLANNING COMMISSION was read twice by City Clerk Tammi Casey. Roll call vote: Seidenstricker, yes; Fleischmann, yes; Cooley, yes; McArthur, yes; Fulbright, yes; Hood, yes; Sullivan, yes; Plunk, yes; 8 Yeas: **Ordinance passed.**

RESOLUTIONS

RESOLUTION NO. 20-02- A RESOLUTION AUTHORIZING THE ADOPTION OF THE 2020-2025 ST. LOUIS REGIONAL HAZARD MITIGATION PLAN

Tim Seidenstricker made a motion and so moved to approve Resolution No. 20-02. Seconded by Gary Plunk. Roll call vote: Seidenstricker, yes; Fleischmann, yes; Cooley, yes; McArthur, yes; Fulbright, yes; Hood, yes; Sullivan, yes; Plunk, yes; 8 Yeas: **Motion carried.**

RESOLUTION NO. 20-03 – A RESOLUTION RE-APPOINTING VARIOUS INDIVIDUALS TO SERVE ON DIFFERENT BOARDS WITH DIFFERENT EXPIRATION DATES

Jason Fulbright made a motion and so moved to approve Resolution No. 20-03. Seconded by Brian McArthur. Roll call vote: Seidenstricker, yes; Fleischmann, yes; Cooley, yes; McArthur, yes; Fulbright, yes; Hood, yes; Sullivan, yes; Plunk, yes; 8 Yeas: **Motion carried.**

RESOLUTION NO. 20-04 – A RESOLUTION APPROVING THE PURCHASE OF AGE FRIENDLY RECREATIONAL AND FITNESS EQUIPMENT

EJ Fleischmann made a motion and so moved to approve Resolution No. 20-04. Seconded by Butch Cooley. Roll call vote: Seidenstricker, yes; Fleischmann, yes; Cooley, yes; McArthur, yes; Fulbright, yes; Hood, yes; Sullivan, yes; Plunk, yes; 8 Yeas: **Motion carried.**

RESOLUTION NO. 20-05 – A RESOLUTION RATIFYING THE PURCHASE OF FLOOD PLAIN PROPERTIES USING FEMA GRANT FUNDS

Butch Cooley made a motion and so moved to approve Resolution No. 20-05. Seconded by EJ Fleischmann. Roll call vote: Seidenstricker, yes; Fleischmann, yes; Cooley, yes; McArthur, yes; Fulbright, yes; Hood, yes; Sullivan, yes; Plunk, yes; 8 Yeas: **Motion carried.**

MOTIONS

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

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

REPORTS FROM MAYOR, COUNCIL AND COMMITTEES

Mayor Counts – Informed council that he attended the State of the County Address and breakfast on Monday at Festus High School. Arnold will host the event next year at Fox High School. Mayor Counts stated he met with Oats this week and feels optimistic about the negotiations regarding Jeffco Express. He hopes to bring an agreement back to council after they meet again next week.

Gary Plunk, Ward 4 – Thanked Mayor Counts for hosting the appreciation dinner for the commission members, he thought it was a great event.

Vern Sullivan, Ward 3 – Thanked Mayor Counts and Tim Seidenstricker for their continued negotiation efforts with Oats.

ADMINISTRATIVE REPORTS

Bryan Richison – Thought the State of the County Address and the Mayor's appreciation dinner were both great events.

Tammi Casey – Informed council that Deputy City Clerk, Sharon Ratliff has received her MPCC Certification with the Missouri City Clerks and Finance Officers Association, which is quite an accomplishment.

Bob Sweeney – Also thought the appreciation dinner was a wonderful event.

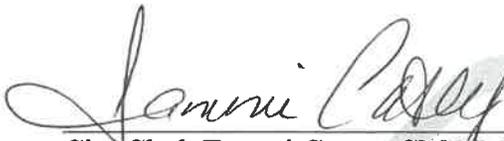
Mayor Counts announced a five-minute recess before going into Closed Session.

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A motion to adjourn the meeting was made by Vern Sullivan. Seconded by EJ Fleischmann.

Voice vote: All yeas.

Meeting adjourned at 7:48 p.m.


City Clerk Tammi Casey, CMC/MRCC-C

CITY OF ARNOLD, MISSOURI

ROLL CALL

MEETING: REGULAR

DATE: 2/20/2020

PAGE: 1

BILL NO - RESOLUTION - MOTION

COUNCIL MEMBERS:

MAYOR RON COUNTS

COUNCIL: TIM SEIDENSTRICKER

COUNCIL: EJ FLEISCHMANN

COUNCIL: BUTCH COOLEY

COUNCIL: BRIAN MCARTHUR

COUNCIL: JASON FULBRIGHT

COUNCIL: MARK HOOD

COUNCIL: VERN SULLIVAN

COUNCIL: GARY PLUNK

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 2763	BILL 2764	RESOLUTION NO 20-02	RESOLUTION NO 20-03
PRESENT					
PRESENT	YES	YES	YES	YES	YES
PRESENT	YES	YES	YES	YES	YES
PRESENT	YES	YES	YES	YES	YES
PRESENT	YES	YES	YES	YES	YES
PRESENT	YES	YES	YES	YES	YES
PRESENT	YES	YES	YES	YES	YES
PRESENT	YES	YES	YES	YES	YES
PRESENT	YES	YES	YES	YES	YES
PRESENT	PARKS DIR:		DICKIE BROWN		PRESENT
PRESENT	PUBLIC WORKS:		TOM PALASKY		PRESENT
PRESENT	TREASURER:		DAN KROUPA		PRESENT
PRESENT	POLICE DEPT.		MAJOR CARROLL		PRESENT
PRESENT					

CITY OF ARNOLD, MISSOURI

ROLL CALL

MEETING: REGULAR

DATE: 2/20/2020

PAGE: 2

BILL NO - RESOLUTION - MOTION

COUNCIL MEMBERS:

MAYOR RON COUNTS

COUNCIL: TIM SEIDENSTRICKER

COUNCIL: EJ FLEISCHMANN

COUNCIL: BUTCH COOLEY

COUNCIL: BRIAN MCARTHUR

COUNCIL: JASON FULBRIGHT

COUNCIL: MARK HOOD

COUNCIL: VERN SULLIVAN

COUNCIL: GARY PLUNK

CITY ADMINISTRATOR BRYAN RICHISON

CITY CLERK TAMMI CASEY

COM DEV DAVID BOOKLESS

FINANCE DIRECTOR BILL LEHMANN

CITY ATTORNEY BOB SWEENEY

RESOLUTION NO 20-04	RESOLUTION NO 20-05	MOTION TO HOLD CLOSED SESSION			
YES	YES	YES			
YES	YES	YES			
YES	YES	YES			
YES	YES	YES			
YES	YES	YES			
YES	YES	YES			
YES	YES	YES			
			PARKS DIR:	DICKIE BROWN	
			PUBLIC WORKS:	JUDY WAGNER	
			TREASURER:	DAN KROUPA	
			POLICE DEPT.	CHIEF SHOCKEY	

Mayor Ron Counts called the special council meeting to order at 8:30 p.m.

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

MOTIONS

A. A MOTION TO HOLD A CLOSED SESSION FOR THE PURPOSE OF DISCUSSING LITIGATION PURSUANT TO RSMO Section 610.021 (1)

Jason Fulbright made a motion and so moved to approve a Closed Session immediately following the special council meeting. Seconded by Gary Plunk. Roll call vote: McArthur, yes; Hood, yes; Fulbright, yes; Seidenstricker, yes; Sullivan, yes; Cooley, yes; Plunk, yes; Fleischmann, yes; 8 Yeas: Motion carried.

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

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Closed Session ended at 8:47 p.m.

A motion to adjourn the meeting was made by Tim Seidenstricker. Seconded by Mark Hood.

Meeting adjourned at 8:47 p.m.


City Clerk Tammi Casey, CMC/MRCC-C

CITY OF ARNOLD, MISSOURI

ROLL CALL

MEETING: SPECIAL COUNCIL MEETING

DATE: 2/13/2020

PAGE: 1

BILL NO - RESOLUTION - MOTION

COUNCIL MEMBERS:

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

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

PUBLIC TRANSIT ALTERNATIVES

Bill Knittig, Chair of the Aging and Disabilities Commission provided council with his analysis of alternative transportation options for residents, if the Arnold Route of the Jeffco Express Bus Service is eliminated by Oats. Mr. Knittig stated that through his research he could not find another city that provided public transportation that did not have to provide some type of subsidy. The options for residents, if the Arnold Route of Jeffco Express is discontinued, would be Uber, Lyft, JC Transit and Oats. It is Mr. Knittigs' opinion that the best option for Arnold residents is for the City is to keep subsidizing the existing services (Jeffco Express), while exploring and developing additional options.

Discussion followed by council. Mayor Counts polled the council to gage their desire to turn this item back over to the Transportation Committee to see if they can either find a solution to the issue or try to renegotiate the contract with Oats. The poll indicated the council's desire to turn this item back over to the Transportation Committee. This will be brought back to the next Work Session for further discussion.

PLANNING & ZONING COMMISSION REQUIREMENTS

Bryan Richison reminded council that city code currently requires that P & Z Commission members must be equally distributed between each of the City's four wards. This can make it difficult to recruit new members, as their homes may not be in the particular ward that has an opening on the Commission. There are no state statutes requiring this, it is a city-imposed requirement. Mr. Richison stated he is seeking guidance from council as to whether or not they are open to changing the code or if they prefer to leave the residence requirements as is. Discussion followed by council, which indicated their desire to find someone from the ward that has an opening, if possible. If that is not possible then make it an "at large" position.

MOBILE HOME PARK LICENSING

David Bookless discussed the health and safety of mobile home parks and how they require a different approach than single family home subdivisions. This new licensing program would require annual inspections as well as inspection fees to be charged and paid by the park owners. This program would focus on items such as streets, lighting and exterior mobile home conditions. The fee structure would need to be enough to recoup the costs of the program incurred by the City, such as our inspectors time spent per inspection and would be charged on a "per unit" basis, making it equally fair to both small and large parks. The proposed fee would be \$25 per manufactured home, in place. The code would be changed to reflect the new program, as well as various housekeeping terminology changes. The mobile home park would be required to obtain a business license and in order to obtain a license would have to meet and maintain standards, as outlined. Procedures and penalties will be set for non-complying parks. Discussion followed by council. Bryan Richison stated that, hearing no major concerns from council, he will instruct staff to move forward with the new program.

GRAVEL DRIVEWAYS

David Bookless informed council that the City's zoning ordinances have two different code sections that are conflicting. One section states that all driveways must be paved and another section states that if the driveway is over 100 feet, only the first 50' needs to be paved. Another section of code states that where there are conflicting issues, the stricter will be enforced. Questions and discussion followed by council.

SERVICE ANIMAL REGISTRATION

David Bookless informed council that a service animal is defined in the City's code as working animals, not pets. Also, service dogs are trained to perform a specific task whereas emotional support animals are not. We require registration and proof of vaccinations for animals, but exempt services animals and government police dogs from paying the registration fee of \$10. ADA prohibits staff from requesting documents from an owner that proves their dog is a service animal. The City can choose to remove the exemption from the code and charge the \$10 registration fee to all animals or it can leave it as is. Discussion followed by council. Mayor Counts polled the council, who indicated their desire to change the code to remove the exemption.

Butch Cooley made a motion and so moved to adjourn the meeting. Seconded by Vern Sullivan.

Voice vote: All Yeas.

Meeting adjourned at 8:25 p.m.



City Clerk Tammi Casey, CMC/MRCC-C

CITY OF ARNOLD, MISSOURI

ROLL CALL

MEETING: WORK SESSION

DATE: 2/13/2020

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BILL NO - RESOLUTION - MOTION

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARNOLD, MISSOURI,
AMENDING CHAPTER 405 OF THE ARNOLD CODE OF ORDINANCES BY ESTABLISHING
AND/OR REVISING VARIOUS PERMITTED AND CONDITIONAL COMMERCIAL USES.

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

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

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

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

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

SECTION 1. Section 405.040(A), Application of District Regulations, of the Arnold Code of Ordinances is amended by adding the following:

“7. *Unlisted uses.* Any use not shown as a use permitted by right, or a conditional use in a zoning district is specifically prohibited in that district. Uses not listed have been determined either not to be appropriate in any district, incompatible with certain existing uses, or sufficiently rare or unexpected as to be incapable of being listed at the time of adoption of these Regulations. Such uses may be authorized in planned districts solely at the discretion of the City Council. Any use not shown as a use permitted by right, a conditional use in any zoning district, but constituting a use that is required to be permitted by law, shall be authorized in the “M-1” or “M-2” or “M-3” Industrial Districts subject to the following conditions:

- a. The use shall be permitted only to the extent required by law to be permitted;
- b. The use shall be approved only as a Conditional Use, except if by law it is required to be permitted by right;
- c. The use shall be located no closer than one thousand (1,000) feet from any residence, residential property, park, school, or church, except as may be modified by the City Council through a Planned District procedure;
- d. The use shall maintain a distance of at least one thousand (1,000) feet from any other such use having the same description;

8. *Motor Vehicle-Oriented Establishments (MVOE).* Otherwise permitted uses meeting the definition of an MVOE, as defined in Section 405.060, are deemed conditional uses and shall be subject to procedures governing such uses contained in Section 405.870

Conditional Use Permits.”

SECTION 2. Section 405.060(A)(2), Definitions, of the Arnold Code of Ordinances is amended by adding the following:

“MOTOR VEHICLE-ORIENTED ESTABLISHMENT (MVOE)

Any establishment which, by design, type of operation, or nature of business, has as one of its functions, the provision of services to a number of motor vehicles or its occupants in a short time span, or the provision of services to the occupants of motor vehicles while they remain in a vehicle. Businesses included in this category shall have one (1) or more of the following facilities: One (1) or more pump islands for retail sale of gasoline; or, one (1) or more drive-through lanes or service windows for distribution of products or other transactions; or more than four (4) parking spaces designated for the distribution of products or other transactions; or, include an automated car wash facility.

OUTDOOR ACTIVITY AREA (DINING OR ENTERTAINMENT)

A porch, patio, deck, walkway, or other area of land, which is not within the interior building walls of the principle use, provided for the use of patrons either (1) to consume purchased food or beverages (i.e. dining); or (2) for purposes of outdoor play or entertainment (e.g. playgrounds, horseshoes, bocce, volleyball, performance, etc.).

STACKING SPACE

A space consisting of twenty-two (22) feet of pavement length specifically designated as a waiting area for vehicles patronizing a “Motor Vehicle-Oriented Establishment” (as defined herein).”

SECTION 3. Section 405.060(A)(2), Definitions, of the Arnold Code of Ordinances is amended by deleting and substituting the definition of “Clinic” as follows:

“CLINIC

A facility operated by one (1) or more physicians, dentists, psychiatrists, psychologists, mental health counselors, optometrists, ophthalmologists, chiropractors, rehabilitation therapists, or other licensed practitioners of the healing arts for the examination and treatment of persons solely on an outpatient basis, including but not limited to diagnostic services, blood donation stations, infusion centers, surgery centers, and urgent care facilities.”

SECTION 4. Section 405.060(A)(2), Definitions, of the Arnold Code of Ordinances is amended by deleting and removing the definition of “Fast-Food Restaurant”.

SECTION 5. Section 405.060(A)(2), Definitions, of the Arnold Code of Ordinances is amended by deleting and substituting the definition of “Restaurants” as follows:

“RESTAURANT

A place where meals are served to the public. An establishment, open to the public, where food and drink are prepared, served, and then consumed on- or off-premise.”

SECTION 6. Section 405.060(A)(2), Definitions, of the Arnold Code of Ordinances is amended by deleting and substituting the definition of “Tobacco, Nicotine, and Other Legal Substance Establishment” as follows:

“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 products, such as cigars, cigarettes, loose leaf tobacco or other substances intended to be smoked, and/or smoking- and/or vapor inhalation-related products, such as pipes, pipe cleaners, lighters, butane, flints, cigar nippers, hookahs, waterpipes, shishas, or narghiles, 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. This definition shall not apply to medical marijuana-related entities (as defined in this Chapter) nor shall it apply to any establishments selling or distributing marijuana or marijuana-infused products (as defined in this Chapter).”

SECTION 7. Section 405.100, “FP” Floodplain, subparagraph (A)(2), of the Arnold Code of Ordinances is amended to add “Outdoor Activities” as a conditional use.

SECTION 8. Section 405.110, “PS” Park and Scenic, subparagraph (A)(2), of the Arnold Code of Ordinances is amended to add “Outdoor Activities” as a conditional use.

SECTION 9. Section 405.290, “R-6” Residence District, subparagraph (A)(1)(o), of the Arnold Code of Ordinances is amended to add “Financial Institution” and “Pharmacy” as permitted uses.

SECTION 10. Section 405.290, “R-6” Residence District, subparagraph (A)(2), of the Arnold Code of Ordinances is amended to add “Clinic (Max. 5% of the gross floor area of the structure)” and “Outdoor Activities” as conditional uses.

SECTION 11. Section 405.310, “C-1” Commercial District, subparagraph (A)(2), of the Arnold Code of Ordinances is amended to add “Financial Institution” and “Outdoor Activities” as conditional uses.

SECTION 12. Section 405.320, “C-2” Commercial District, subparagraph (A)(1), of the Arnold Code of Ordinances is amended to delete “Clinic” as a permitted use.

SECTION 13. Section 405.320, “C-2” Commercial District, subparagraph (A)(2), of the Arnold Code of Ordinances is amended to delete “Fast-Food Restaurants” as a conditional use.

SECTION 14. Section 405.320, “C-2” Commercial District, subparagraph (A)(2), of the Arnold Code of

Ordinances is amended to add “Clinic”, “Motor Vehicle Oriented Establishment (MVOE)”, and “Outdoor Activities” as conditional uses.

SECTION 15. Section 405.330, “C-3” Commercial District, subparagraph (A)(1), of the Arnold Code of Ordinances is amended to delete and replace “Restaurants and restaurants with drive-thru facilities” with “Restaurant” as a permitted use.

SECTION 16. Section 405.330, “C-3” Commercial District, subparagraph (A)(2), of the Arnold Code of Ordinances is amended to delete “Fast-Food Restaurants” as a conditional use.

SECTION 17. Section 405.330, “C-3” Commercial District, subparagraph (A)(2), of the Arnold Code of Ordinances is amended to add “Motor Vehicle Oriented Establishment (MVOE)” and “Outdoor Activities” as conditional uses.

SECTION 18. Section 405.350, “M-1” Commercial District, subparagraph (A)(1), of the Arnold Code of Ordinances is amended to add “Restaurant”, “Financial Institution”, “Pharmacy”, and “Laundry or dry cleaning pickup station or self-service laundry or dry cleaning facility” as permitted uses.

SECTION 19. Section 405.350, “M-1” Industrial District, subparagraph (A)(2), of the Arnold Code of Ordinances is amended to delete “Restaurants” as a conditional use.

SECTION 20. Section 405.350, “M-1” Industrial District, subparagraph (A)(2), of the Arnold Code of Ordinances is amended to add “Clinic”, “Motor Vehicle Oriented Establishment (MVOE)”, and “Outdoor Activities” as conditional uses.

SECTION 21. Section 405.360, “M-2” Industrial District, subparagraph (B), of the Arnold Code of Ordinances is amended to add “Restaurant”, “Financial Institution”, “Pharmacy”, and “Laundry or dry cleaning pickup station or self-service laundry or dry cleaning facility” as permitted uses.

SECTION 22. Section 405.360, “M-2” Industrial District, subparagraph (C), of the Arnold Code of Ordinances is amended to delete “Restaurants” as a conditional use.

SECTION 23. Section 405.360, “M-2” Industrial District, subparagraph (C), of the Arnold Code of Ordinances is amended to add “Clinic”, “Motor Vehicle Oriented Establishment (MVOE)”, and “Outdoor Activities” as conditional uses.

SECTION 24. Section 405.380(D), Use Standards, of the Arnold Code of Ordinances is amended by adding the following:

“D. *Motor Vehicle-Oriented Establishments.* MVOEs, as defined in Section 405.060 of the Zoning Ordinance, shall be subject the following conditions and restrictions:

1. Ingress and egress.

- a. The minimum width of driveways at the right-of-way line shall be twenty-four (24) feet, and shall not exceed forty (40) feet.

- b. The radius used to increase the driveway opening at the curb or pavement edge shall not be less than ten (10) feet nor more than forty (40) feet. The edges of the opening shall not project beyond the side property line extended normal to the pavement.
- c. The number of commercial entrances for each property or site shall be restricted on the basis of traffic requirements as determined by the City. The maximum number of driveway openings shall be limited to one (1) drive per two hundred (200) feet of lot frontage. On a corner lot, one (1) entrance from each street shall be permitted and located as far as possible from the street intersection corner.
- d. The angle and location of driveway intersection with the street shall be based upon reasonable criteria for safe traffic movements and subject to the review and approval of the City Engineer.
- e. MVOEs integrated in a shopping center or cluster of commercial facilities shall use the common access with other business establishments in that center.
- f. Exceptions to the width and/or radius may be required, or allowed with special approval by the City, to insure adequate provisions for large vehicles and/or high traffic volumes.

2. Drive-through lanes standards.

Except as further regulated elsewhere in this section, all drive-through facilities shall be designed to meet the minimum requirements indicated:

- a. *Storage length.* If not specifically specified herein, storage length will be determined by the Community Development Director with the input of the city's engineering staff based upon available data for like uses and the volume of adjacent street traffic.

The City may approve reductions in required storage lengths if the applicant submits a traffic study prepared by a professional traffic engineer, which provides verifiable evidence to allow such reduction.

- b. *Exclusive use.* Drive-through lanes shall be used exclusively for drive-through vehicles commencing at a point not less than sixty-six (66) feet back from the service point of the facility.
- c. *Lane width.* Drive-through lanes must be a minimum of twelve (12) feet in width, except that a ten-foot wide lane will be permitted within the pick-up/service area to guide motorists adjacent to the drive-up facility.
- d. *Pass-by lane provision.* Each drive-through aisle shall be separated from the circulation routes necessary for ingress or egress from the property, or access to a parking space.

- e. *Minimum distance from a public roadway.* When the drive-through lane is oriented parallel to a public roadway, there must be a minimum distance of fifty (50) feet measured between the public road curb or edge of pavement and the nearest curb or edge of the drive-through lane.
- f. *Pedestrian Access and Crossings.* Pedestrian access shall be provided from each abutting street to the primary entrance with a continuous sidewalk or delineated walkway satisfying the minimum requirements of the Americans with Disabilities Act (ADA). Pedestrian walkways should not intersect the drive-through drive aisles, but where they do the walkways shall have clear visibility and shall be delineated requirements of the ADA.
- g. *Automated car washes shall meet the following standards:*
 - 1. *Storage length.* Stacking spaces equivalent to ten (10) times the capacity of the car wash shall be provided at the entrance. A minimum of one (1) stacking space shall be provided at the exit.
 - 2. *Exclusive use.* The drive-through lane shall be used exclusively for drive-through vehicles for a distance equivalent to fifty (50) percent of the required storage length of the car wash.
- h. *Financial institutions shall additionally meet the following standards:*
 - 1. *Storage length.* All drive-through facilities shall contain stacking capacity for vehicles in accordance with the following criteria:
 - a) Drive-up teller windows and remote tellers. See Table 380.1, below, for stacking for drive-up teller lanes.

[INSERT "TABLE 380.1 " HERE – SEE ATTACHMENT 1]
 - b) Drive-up Automatic Teller Machines (ATM). Two (2) stacking spaces (forty-four [44] feet) shall be provided for each ATM.
- i. *Restaurants shall meet the following standards:*
 - 1) *Storage length.* All drive-through facilities shall contain stacking capacity for vehicles from the menu board to the stacking lane entrance in accordance with table 380.2, stacking for drive-through lanes.

[INSERT "TABLE 380.2" – SEE ATTACHMENT 1]
 - 2) *Exclusive use.* The drive-through lane shall be used exclusively for drive-through vehicles from the order board to the pick-up window. The distance between the order board and the pick-up window should be sufficient to store four (4) cars.

3) Delayed pick-up area provision. A pick-up area sufficient to store a minimum of one (1) car shall be provided for each pick-up window.

j. *Auto Filling Stations shall meet the following standards:*

- 1) For four-corner intersections, a maximum of two (2) auto filling stations shall be allowed at such an intersection, provided such establishments are located on diagonally opposite corners
- 2) For "T" intersections, a maximum of one (1) auto filling station shall be allowed at such an intersection.
- 3) The Planning Commission may waive the requirements set forth above when the auto filling station(s) is located in a planned zoning district. The Planning Commission shall, prior to deciding on the request for said waiver, receive and review a report from the City Engineer or City's traffic consultant. The report shall include the impact on existing traffic of the waiver of said requirement along with the traffic consultant's recommendations for the mitigation of said impact through the installation of traffic control devices such as turning lanes, shared access drives, traffic signals, and signage.

k. *Retail pharmacy.* Except as otherwise noted elsewhere in this section, all retail pharmacy drive-through facilities shall be designed to meet the minimum requirements indicated:

- 1) Storage length. Stacking spaces equivalent to three (3) times the capacity of each drive-through window be provided.

l. *Laundry or dry-cleaning pickup station or self-service laundry or dry-cleaning facility.* Except as otherwise noted elsewhere in this section, all laundry or dry-cleaning pickup station or self-service laundry or dry-cleaning drive-through facilities shall be designed to meet the minimum requirements indicated:

- 1) Storage length. Stacking spaces equivalent to two (2) times the capacity of each drive-through window be provided.

3. Site design.

a. Off-street parking:

- 1) All MVOEs shall provide for off-street parking for the underlying use in accordance with the requirements of this Chapter, unless otherwise noted.
- 2) No internal parking stall, cross drive aisle, or loading space shall be located closer to the street right-of-way than twenty (20) feet or within any required side yard setback.

b. Vehicular areas:

- 1) When the rental of equipment, automobiles, trucks, and trailers is to be conducted on an MVOE site, additional land area and paved area shall be provided in addition to the driveway, parking area, and landscape areas required by this section. An additional one thousand (1,000) square feet of site area shall be provided for each five (5) rental units. No parking of rental units shall be permitted on landscaped areas, public or private roadways, including adjacent shoulders. All rental storage areas shall be paved and landscaped as approved by the City. Such rental equipment shall be stored in rear yard or as approved by the Planning Commission, except when being picked up by customers.

c. Performance standards:

1) Outdoor sales and display.

- a) Outdoor display and sales of merchandise may be permitted along the storefront. All other outdoor storage of materials and displays are specifically prohibited.

- b) Area. Said outdoor display shall be limited to twenty-five (25) percent of total store frontage with a maximum of one hundred (100) square feet (inclusive of vending machines).

- c) Height and other dimensions. The height of any outdoor display may not exceed five (5) feet with the exception of vending machines (and their surrounds) which shall not exceed eight (8) feet in height, three (3) feet in depth, or six (6) feet in width.

d) Location.

- i. The placement of said display along the storefront shall be in compliance clear width requirements with the Americans with Disabilities Act and shall not obstruct pedestrian access to the building
- ii. Vending machines shall not be located within three (3) feet of a fire department connection.
- iii. Price signs shall be permitted on outdoor displays. Said price signage shall not exceed two (2) square feet and shall be placed upon the merchandise which it advertises.

- e) Parking. One (1) parking space, in addition to the number of spaces required for the convenience store, shall be provided for video rental, propane gas, and similar vending machines subject to the review and approval of the City.

- 2) The Planning Commission may recommend, and the City Council may require, other conditions which will tend to eliminate or reduce public nuisance caused by noise, heat, odors, smoke, dust, vibration, glare, flooding, and traffic congestion and promote the purpose of this chapter.
- 3) All paved and landscaped areas shall, at all times, be kept in good repair in accordance with this and other ordinances of the city and the continuous maintenance of said areas shall be the responsibility of the owners and lessees of the property.

E. *Outdoor Activity Area (Dining or Entertainment)*. Outdoor Activity Areas, as defined in Section 405.060 of the Zoning Ordinance, may be permitted as an accessory use subject the following exceptions, conditions and restrictions:

1. All outdoor activity areas shall be subject to City review for conformance with occupancy, parking, and other Code requirements.
2. A Conditional Use Permit for Outdoor Activity Areas shall not be required when such areas are provided to patrons of the principle use for the purpose of their consuming food or beverages purchased therein when a maximum of four (4) seats are provided.
3. Where a Conditional Use Permit is required, the Planning Commission may, as a condition of approval, limit the overall capacity including, but not limited to the number of chairs and/or tables provided, restrict hours of operation, limit the provision of amplified, recorded or live entertainment, require screening or buffering of adjacent uses by landscaping, fencing or other means, etc. in order to minimize potential adverse impacts of the use.

SECTION 5. 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 6. 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 7. 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 FEBRUARY 2020.

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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ATTACHMENT 1

(See Page 6)

TABLE 380.1 Stacking for Drive-Up Teller Lanes	
Number of Lanes	Design Storage (Vehicles per Lane)
1 – 3	6 (132 ft.)
4 – 5	4 (88 ft.)
5 or more	3 (66 ft.)

TABLE 380.2 Stacking for Drive-Thru Lanes		
For 1 Drive-Through Lane with 1 Window	For 1 Drive-Through Lane with 2 Windows	For 2 Drive-Through Lanes with 2 Windows
10 vehicles (220 ft.)	8 vehicles (176 ft.)	6 vehicles (132 ft.)



CITY COUNCIL AGENDA ITEM STAFF REPORT

MEETING DATE:	March 5, 2020
TITLE:	PC-2020-01 Commercial Uses (Text Amendment)
DEPARTMENT:	Community Development
PROJECT MANAGER:	David B. Bookless, Community Development Director
REQUESTED ACTION:	Ordinance approval
ATTACHMENTS:	(1) Staff Report to Planning Commission; (2) Draft Planning Commission Meeting Minutes (3) Draft Ordinance

EXECUTIVE SUMMARY:

A City-initiated request to amend Chapter 405, Zoning, of the Code of Ordinances to modify zoning requirements for various permitted and conditional uses.

REVIEW & ANALYSIS:

The Zoning Ordinance distinguishes between permitted land uses and conditional land uses in each of the zoning districts. When uses are notated as permitted, they are allowed “by right” in a particular zoning district. When uses are notated as conditional, they require additional review by the Planning Commission and City Council. The reasoning behind making certain uses conditional is that particular land uses and developments present unique problems with respect to their proper location and relationship to other land uses.

Of particular interest to the Commission and Staff were a number of commonly reviewed uses including restaurants, fast food restaurants, outdoor dining, and establishments that are generally *motor vehicle-oriented*, and thereby warranting additional scrutiny, such as financial institutions, pharmacies, or dry cleaners that include a drive-through, or car washes. Although not necessarily vehicle-oriented, the impact of “clinics” and similar uses has come up in previous discussions, and this was an opportune time to address them as well. Lastly, the Commission looked at the definition of “tobacco, nicotine, & other legal substance establishments” to ensure it satisfied its intended purpose.

The Commission found that a Conditional Use Permit should only be required when the operation of such uses “present unique problems with respect to their proper location, relationship to other land uses and uses” as opposed to a blanket application base upon a broad definition of the use, and recommends revising the Code as such. Further, standards for such facilities are proposed.

RECOMMENDATION:

On February 25, 2020, the Planning Commission, by a vote of 8 to 0, voted to recommend approval of the amendment.



**PLANNING COMMISSION MEETING
CITY HALL COUNCIL CHAMBERS
FEBRUARY 25, 2020**

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 (excused), Frank Kutilek, Jeff Campbell, Andrew Sutton, Chris Ford, Justin Lurk, Phillip Hogan, David Bookless, Sarah Turner (excused), Christie Hull-Bettale (excused), and Bob Sweeney. 9 voting members present, 1 excused.

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

APPROVAL OF MINUTES: Motion by Jeff Campbell to approve the minutes from the January 14, 2020 meeting as presented. Second by Del Williams. Voice Vote - ***Unanimously Approved.***

PUBLIC COMMENT: None

PUBLIC HEARINGS:

a. **PC-2020-01, A city-initiated request to amend Chapter 405, Zoning, of the Code of Ordinances to modify zoning requirements for various permitted and conditional uses:** David Bookless presented the proposed amendments which included restaurants; fast food restaurants, outdoor dining, and establishments that are generally motor vehicle-oriented, and thereby warranting additional scrutiny, such as financial institutions, pharmacies, or dry cleaners that include a drive-through, or car washes. Although not necessarily vehicle-oriented, Staff has included “clinics” and “tobacco, nicotine, and other legal substance establishments” that have come up in previous discussions.

John Tucker questioned if something like acupuncture would be included in the medical facilities.

David Bookless stated that would fall under other licensed practitioners of the healing arts.

Frank Kutilek asked what a restaurant connected to a gas station but they are independent of each other would be considered.

David Bookless stated that this kind of use would normally come in together so therefore, they would be a motor vehicle-oriented establishment by default.

John Tucker referred to the Tobacco, nicotine, and other legal substance establishments and questioned the use of marijuana at those establishments.

David Bookless stated the amendment explicitly prohibits marijuana-related establishments or entities or related products.

Andrew Sutton questioned if our ordinance sufficiently addresses a situation where there is a clinic with a doctor that can provide you with a medical marijuana card.

David Bookless commented that our ordinance covers all the medical marijuana uses as described by

the State which includes a more general description of every other.

Andrew Sutton asked how do we determine a fast/casual restaurant like a Bread Co.

David Bookless stated that would be determined fast food which we are eliminating and making it an issue of does it have a drive-thru, is it motor vehicle oriented.

Andrew Sutton questioned how food trucks will be categorized.

David Bookless stated food trucks have not been addressed in these amendments. It's a little more complicated; he and the attorney have been discussing other issues that have been coming forward related to that. The new trend is a "ghost kitchen" which is where a chain restaurant has a kitchen in an industrial district that has no customers just strictly for delivery services.

Frank Kutilek asked about a clinic/urgent care that also has a pharmacy.

David Bookless stated that the clinic/urgent care needs a conditional use permit. If the pharmacy has a drive-thru, it would need a conditional use permit as well.

b. PC-2020-02, Building and Site Design Standards: A city-initiated request to amend Chapter 405, Zoning, of the Code of Ordinances to modify building and site design standards for various uses:

David Bookless addressed issues of concern which include exposed concrete foundation walls; rooftop sections; facades; residential site design; non-residential architectural and site design. David requested that they keep this hearing open and that the Commissioners consider the concepts and issues discussed and bring their thoughts and comments back to the next meeting.

Justin Lurk referred to the non-residential site design and asked if there was any regulation for drive isle widths for one-way traffic and two-way traffic; does that differ from the width of the access points as well.

David Bookless stated that there are standards but the way that they're written, it's not always clear. For example, we have drive isle widths, but it's not always clear whether it's a one-way drive that clearly cannot be used for two-way traffic. Technically, we require the same width.

Jeff Campbell thinks the city should recommend materials for the exteriors, etc.; give suggestions on a little bit of massing-but the rest should be left to the professionals to design.

OLD BUSINESS: None

NEW BUSINESS:

a. PC-2020-01, Commercial Uses: A city-initiated request to amend Chapter 405, Zoning, of the Code of Ordinances to modify zoning requirements for various permitted and conditional uses:

Motion by Jeff Campbell to approve PC-2020-01, a city-initiated request to amend Chapter 405, zoning of the code of Ordinances to modify zoning requirements for various permitted and conditional uses. Second by Del Williams.

John Tucker referred to page 20, #7. and questioned the meaning of "such uses may be authorized in planned districts solely at the discretion of the City Council."

David Bookless stated that if someone comes forward with a use we don't have covered in the code, in that moment, if it's in a Planned District, the City Council can authorize it.

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

STAFF UPDATE: David Bookless reported that at the City Council meeting, they talked about gravel driveways and the rule of paving the first fifty feet if the driveway is over 100 feet; mobile home parks and requiring yearly inspections of the exterior. To date there are no applications for the first meeting in March so the March 10th meeting might be cancelled.

COMMISSIONERS UPDATE:

John Tucker – No report.

Frank Kutilek – Asked the status on the light at CarX. David Bookless stated that we are working with them to get that fixed. Commented on the issues of cars waiting to get into Tiger Car Wash blocking traffic.

Chris Ford – No report.

Justin Lurk – No report.

Jeff Campbell – No report.

Del Williams – No report.

Phil Hogan – No report.

Andrew Sutton – No report.

Council Liaison: Brian McArthur – Commended David Bookless on the amendments to the Conditional Use Permit. MoDot has approved a stop light at Linderhof.

NEXT SCHEDULED MEETING: March 10, 2020 (tentatively)

ADJOURNMENT: Meeting adjourned at 8:12 p.m.

Respectfully Submitted,

Jeff Campbell
Acting Planning Commission Secretary



REPORT TO PLANNING COMMISSION

CITY OF ARNOLD

APPLICATION #: PC-2020-01

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

APPLICANT: City of Arnold

REQUEST: A City-initiated request to amend Chapter 405, Zoning, of the Code of Ordinances to modify zoning requirements for various permitted and conditional uses.

MEETING DATE: February 11, 2020

REPORT DATE: February 4, 2020

CASE MANAGER: David B. Bookless, AICP

RECOMMENDATION: **APPROVAL**



REPORT TO PLANNING COMMISSION

CITY OF ARNOLD

BACKGROUND

The City's Zoning Ordinance was adopted by the City Council on June 30, 1977. A number of amendments have been approved with the most recent being on October 17, 2019. Periodic revision is essential if the ordinances are to maintain a rational land use pattern. Changes should not be made in an arbitrary manner. Significant updates to the Zoning Ordinance are best undertaken following an update of the Comprehensive Plan. Nevertheless, clarification of information contained in the Zoning Ordinance may be appropriate at any time.

At the November 12, 2019 meeting of the Planning Commission, there was a discussion about potentially revising requirements for conditional use permits for a number of uses, including, but not limited to restaurants, fast food restaurants, outdoor dining, banks, car washes, and clinics.

DISCUSSION/ANALYSIS

The analysis by Staff that follows is intended to allow the Planning Commission 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.

PERMITTED VERSUS CONDITIONAL USES

The Zoning Ordinance distinguishes between permitted land uses and conditional land uses in each of the zoning districts. When uses are notated as *permitted*, they are allowed "by right" in a particular zoning district. When uses are notated as *conditional*, they require additional review by the Planning Commission and City Council. The reasoning behind making certain uses conditional is that particular land uses and developments present unique problems with respect to their proper location and relationship to other land uses.

Examples of such unique problems might be that the land use has the potential to be particularly intensive (which might engender the need for additional parking), the use may have significant visual impacts upon the neighborhood, or there might be the potential for traffic or internal concerns related to drive-through facilities, pedestrian activity, or outdoor storage. The Zoning Ordinance contains criteria, in Section 405.870(A)(1), for reviewing conditional uses that must be satisfied in order for the Commission to recommend approval to the Council, as follows:

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

In approving such conditional uses, the Planning Commission shall impose such conditions as it determines necessary to satisfy the criteria established in this paragraph.

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The conditions that the Commission may impose are intended to mitigate potential adverse impacts as identified in its review. Conditions that the Commission might impose can vary widely, but could include limitations on a number of things such as the allowable square footage of the land use, the hours of operation, any amplified music, the number of seats/tables, whether and/or how outdoor storage is permitted, etc.; or requirements for such things as screening, fencing, landscaping, additional yard setbacks, parking, access, circulation, etc.

USES BEING EXAMINED

Of particular interest to the Commission and Staff were a number of commonly reviewed uses including restaurants, fast food restaurants, outdoor dining, and establishments that are generally *motor vehicle-oriented*, and thereby warranting additional scrutiny, such as financial institutions, pharmacies, or dry cleaners that include a drive-through, or car washes. Although not necessarily vehicle-oriented, Staff has included “clinics” and “tobacco, nicotine, & other legal substance establishments” in the analysis as such establishments have come up in previous discussions, and this is an opportune time to address them as well.

Section 405.060 of the Zoning Ordinance currently defines a number of these uses, although *not all*, as follows:

RESTAURANTS

A place where meals are served to the public.



FAST-FOOD RESTAURANT

Any establishment whose principal business is the sale of foods, frozen desserts or beverages in ready-to-consume individual servings for consumption either within the restaurant building or for carry-out, and where either:

- 1. Foods, frozen desserts or beverages are usually served in edible containers or in paper, plastic, or other disposable containers, and where customers are not served their food, frozen desserts or beverages by a restaurant employee at the same table or counter where the items are consumed, or*



REPORT TO PLANNING COMMISSION

CITY OF ARNOLD

2. *The establishment includes a drive-up or drive-through service facility or offers curb service.*



FINANCIAL INSTITUTION

A State or Federally chartered bank, savings association, credit union, or industrial land company located in a building or portion thereof which provides for the custody, loan, exchange, or issue of money, the extension of credit, or facilitating the transmission of funds, and which may include accessory drive-up units on the same premise. This does not include small loan businesses.



LAUNDRY OR DRY CLEANING PICKUP STATION OR SELF-SERVICE LAUNDRY OR DRY CLEANING FACILITY

A commercial facility where clothes and linens are washed and/or dry cleaned.

CLINIC

The group practice of medicine or dentistry for humans including assistants and laboratories, but not including inpatient care or operating rooms for major surgery.

REPORT TO PLANNING COMMISSION

CITY OF ARNOLD



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.





REPORT TO PLANNING COMMISSION

CITY OF ARNOLD

DISCUSSION

As defined in the Zoning Ordinance, restaurants such as Texas Roadhouse, Syberg's, The Pasta House, and Las Fuentes Mexican Restaurant are permitted ("by-right") uses in the "C-2" and "C-3" Commercial zoning districts (and by reference in the "C-4"). As defined in the Zoning Ordinance, fast-food restaurants such as McDonald's, McAlister's Deli, St. Louis Bread Co., That's a Nice Pizza, and Jimmy John's Gourmet Sandwiches require a Conditional Use Permit.

When considering the impacts of each of the above restaurants and fast-food restaurants, there are operational differences that might better drive the need for a Conditional Use Permit than the definition of the use. It is difficult to make the case that the use of disposable utensils or that staff does not serve the customers their food has a substantial adverse impact on the community at-large; whereas operational differences, such as those that might cause conflicts between pedestrians and motor vehicles, warrant additional scrutiny. This may include establishments that:

- Operate in a manner that is *motor vehicle-oriented*, i.e. has a "drive-through"; or
- Have outdoor activities where there may be conflicts with vehicles such as an outdoor dining or play area.

Staff therefore asks the Commission to consider whether a Conditional Use Permit should only be required when the operation of such uses "present unique problems with respect to their proper location, relationship to other land uses and uses" as opposed to a blanket application base upon a broad definition?

Staff proposes addressing the issue as follows:

- Revising the Zoning Ordinance by deleting fast food restaurants as a use distinct from that of a restaurant;
- Establish a new conditional land use entitled "Motor Vehicle-Oriented Establishment (MVOE)" that includes criteria that determines whether a use *also* fits within the category
 - A restaurant that is *not* an MVOE would simply be a permitted use
 - A restaurant that is an MVOE would be a conditional use
- Establish a new conditional land use entitled "Outdoor Activities" that includes criteria that determines whether a use *also* fits within the category
 - A restaurant without outdoor dining would be a permitted use
 - A restaurant with outdoor dining would be a conditional use
 - Provide exemptions for enclosed outdoor dining or play areas accessed only through the building and for a small number of seats or a bench
- Establish *Use Standards* for Motor Vehicle-Oriented Establishments and Outdoor Activities addressing:
 - Ingress/egress, drive-though, parking & circulation design, pedestrian safety

REPORT TO PLANNING COMMISSION

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- Performance standards (e.g. Outdoor display of merchandise; enclosure and ingress/egress control for outdoor activity areas, etc.)

An advantage to this approach is that it also would be applicable to land uses such as pharmacies, financial institutions, and carwashes without amending those particular uses. Pharmacies and financial institutions with drive-through facilities would also be MVOEs, as would drive-thru (“tunnel”) carwashes. A conditional use permit would be required and Use Standards would apply. Whereas, pharmacies and financial institutions *without* drive-through facilities would be permitted “by right.” This would also provide flexibility should new, as of yet unimagined motor-vehicle-oriented uses, appear in the future.

“Clinics” and “Tobacco, Nicotine, and Other Legal Substance Establishments” have their own unique issues that are distinct from those of Motor-Vehicle Oriented Establishments or Outdoor Dining, and therefore are addressed below.

Currently, *Clinics* are permitted by right in the “C-2” Commercial District and require a conditional use permit in the “C-3” Commercial District (and are permitted by reference in the “C-4”). They are prohibited in all other districts. As the definition calls out establishments that are a *group practice*, it may be inferred that the unique concern about clinics is the intensity of a practice with multiple doctors or dentists; and the impact it might have such as parking and traffic. Staff doesn’t disagree with that concern. In fact, Staff believes the definition should be expanded to reflect current operational practices of clinics, as well as additional practitioners of the healing arts that have similar impacts. It is not unusual for medical and dental practices to have fewer doctors and dentists on staff at any given time. Instead there may be one doctor or dentist and larger staff of nurses, hygienists, para-professionals, etc. And this model may actually result in an intensification of the use by providing service for a larger number of patients thereby having the potential for greater impacts. As defined, clinics only apply to medical or dental practices. As the impacts aren’t substantially different, Staff recommends expanding the definition to include psychiatrists, psychologists, mental health counselors, optometrists, ophthalmologists, chiropractors, rehabilitation therapists, or other licensed practitioners of the healing arts for the examination and treatment of persons solely on an outpatient basis, including diagnostic services, blood donation stations, infusion centers, surgery centers, and urgent care facilities. Additionally, the use should be allowable in both commercial and industrial districts as developments in such districts traditionally include the use.

Tobacco, Nicotine, and Other Legal Substance Establishments were recently defined by the City and authorized by Conditional Use Permit in the “C-1” Commercial District, “C-2” Commercial District, “C-3” Commercial District, and by reference, potentially the “C-4” Commercial District and “M-3” Planned Industrial District. Since that time, Staff has determined some clarification is in order to help ensure the definition speaks to the intended meaning and not to marijuana-related uses. To that end, a refined definition is proposed to explicitly identify tobacco or other substances intended to be smoked, while explicitly prohibiting marijuana-related establishments or entities or related products.



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IMPLICATIONS OF MAKING NO CHANGES TO THE CURRENT REGULATIONS

By maintaining the current zoning regulations relative to uses such as restaurants, fast food restaurants, outdoor dining, car washes, etc., the City may be requiring unwarranted hurdles for business expansion that contributes to a perception of the City is unfriendly to commerce.

Additionally, the intended purpose of the conditional use permit, to provide added scrutiny where "certain land uses and developments present unique problems with respect to their proper location, relationship to other land uses and uses"; but in practice may be missing the mark relative to actual impacts of the use. With respect to proposed changes to definitions, failure to provide clarification may result in unintended consequences for the failure to adequately identify the particular use in question.

FINDINGS AND RECOMMENDATION

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

The Community Development Director finds that the proposed text amendments are warranted by the public necessity and convenience to provide reasonable and fair regulations in the Zoning Ordinance that is not substantially more burdensome than that in other nearby communities.

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

RECOMMENDATION

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

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

David B. Bookless, AICP
Community Development Director



ATTACHMENTS



REPORT TO PLANNING COMMISSION

CITY OF ARNOLD



ESTABLISHMENTS MEETING THE DEFINITION OF RESTAURANTS

**REPORT TO PLANNING COMMISSION
CITY OF ARNOLD**



ESTABLISHMENTS MEETING THE DEFINITION OF FAST-FOOD RESTAURANTS



REPORT TO PLANNING COMMISSION

CITY OF ARNOLD



ESTABLISHMENTS BLURRING LINES

Commercial Uses

REPORT TO PLANNING COMMISSION
CITY OF ARNOLD



ESTABLISHMENTS BLURRING LINES



REPORT TO PLANNING COMMISSION

CITY OF ARNOLD



ESTABLISHMENTS MEETING THE DEFINITION OF FINANCIAL INSTITUTIONS

Commercial Uses

REPORT TO PLANNING COMMISSION
CITY OF ARNOLD



**ESTABLISHMENTS MEETING THE DEFINITION OF LAUNDRY OR DRY CLEANING PICKUP
STATION OR SELF-SERVICE LAUNDRY OR DRY CLEANING FACILITY**



REPORT TO PLANNING COMMISSION

CITY OF ARNOLD



ESTABLISHMENTS COMMONLY DEFINED AS A PHARMACY

Commercial Uses

REPORT TO PLANNING COMMISSION
CITY OF ARNOLD



ESTABLISHMENTS MEETING THE DEFINITION OF CLINICS



REPORT TO PLANNING COMMISSION

CITY OF ARNOLD



ESTABLISHMENTS NOT MEETING THE DEFINITION OF CLINICS

Commercial Uses

REPORT TO PLANNING COMMISSION

CITY OF ARNOLD



PROPOSED AMENDMENTS

Black Text = Existing
Blue Underscore = Added
Red-Strikethrough = Deleted

Section 405.040 Application of District Regulations.

7. Unlisted uses. Any use not shown as a use permitted by right, or a conditional use in a zoning district is specifically prohibited in that district. Uses not listed have been determined either not to be appropriate in any district, incompatible with certain existing uses, or sufficiently rare or unexpected as to be incapable of being listed at the time of adoption of these Regulations. Such uses may be authorized in planned districts solely at the discretion of the City Council. Any use not shown as a use permitted by right, a conditional use in any zoning district, but constituting a use that is required to be permitted by law, shall be authorized in the "M-1" or "M-2" or "M-3" Industrial Districts subject to the following conditions:

- a. The use shall be permitted only to the extent required by law to be permitted;
- b. The use shall be approved only as a Conditional Use, except if by law it is required to be permitted by right;
- c. The use shall be located no closer than one thousand (1,000) feet from any residence, residential property, park, school, or church, except as may be modified by the City Council through a Planned District procedure;
- d. The use shall maintain a distance of at least one thousand (1,000) feet from any other such use having the same description;

8. Motor Vehicle-Oriented Establishments (MVOE). Otherwise permitted uses meeting the definition of an MVOE, as defined in Section 405.060, are deemed conditional uses and shall be subject to procedures governing such uses contained in Section 405.870 Conditional Use Permits.

Section 405.060 Definitions.

MOTOR VEHICLE-ORIENTED ESTABLISHMENT (MVOE)

Any establishment which, by design, type of operation, or nature of business, has as one of its functions, the provision of services to a number of motor vehicles or its occupants in a short time span, or the provision of services to the occupants of motor vehicles while they remain in a vehicle. Businesses included in this category shall have one (1) or more of the following facilities: One (1) or more pump islands for retail sale of gasoline; or, one (1) or more drive-through lanes or service windows for distribution of products or other transactions; or more than four (4) parking spaces designated for the distribution of products or other transactions; or, include an automated car wash facility.

OUTDOOR ACTIVITY AREA (DINING OR ENTERTAINMENT)

A porch, patio, deck, walkway, or other area of land, which is not within the interior building walls of the principle use, provided for the use of patrons either (1) to consume purchased food or beverages (i.e. dining); or (2) for purposes of outdoor play or entertainment (e.g. playgrounds, horseshoes, bocce, volleyball, performance, etc.).



REPORT TO PLANNING COMMISSION

CITY OF ARNOLD

RESTAURANTS

~~A place where meals are served to the public.~~ An establishment, open to the public, where food and drink are prepared, served, and then consumed on- or off-premise.

FAST-FOOD RESTAURANT

~~Any establishment whose principal business is the sale of foods, frozen desserts or beverages in ready-to-consume individual servings for consumption either within the restaurant building or for carry-out, and where either:~~

- ~~1) Foods, frozen desserts or beverages are usually served in edible containers or in paper, plastic, or other disposable containers, and where customers are not served their food, frozen desserts or beverages by a restaurant employee at the same table or counter where the items are consumed, or~~
- ~~2) The establishment includes a drive up or drive through service facility or offers curb service.~~

CLINIC

~~The group practice of medicine or dentistry for humans including assistants and laboratories, but not including inpatient care or operating rooms for major surgery.~~ A facility operated by one (1) or more physicians, dentists, psychiatrists, psychologists, mental health counselors, optometrists, ophthalmologists, chiropractors, rehabilitation therapists, or other licensed practitioners of the healing arts for the examination and treatment of persons solely on an outpatient basis, including but not limited to diagnostic services, blood donation stations, infusion centers, surgery centers, and urgent care facilities.

STACKING SPACE

A space consisting of twenty-two (22) feet of pavement length specifically designated as a waiting area for vehicles patronizing a "Motor Vehicle-Oriented Establishment" (as defined herein).

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 products, such as cigars, cigarettes, loose leaf tobacco or other substances intended to be smoked, and/or smoking- and/or vapor inhalation-related ~~accessories~~ products, such as pipes, pipe cleaners, lighters, butane, flints, cigar nippers, hookahs, waterpipes, shishas, or narghiles, 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. This definition shall not apply to medical marijuana-related entities (as defined in this Chapter) nor shall it apply to any establishments selling or distributing marijuana or marijuana-infused products (as defined in this Chapter).

REPORT TO PLANNING COMMISSION

CITY OF ARNOLD



SECTIONS 405.100-360 (PERMITTED AND CONDITIONAL USES):

LAND USE	Zoning District															
	FP		PS		R-6		C-1		C-2		C-3		M-1		M-2	
	Current	Proposed	Current	Proposed	Current	Proposed	Current	Proposed	Current	Proposed	Current	Proposed	Current	Proposed	Current	Proposed
Restaurant	C	C	C	C	P*	P*	C	C	P	P	P	P	€	€	€	P
Restaurant, Fast-Food									C							
Clinic						C			P	C	C	C				C
Financial Institution						P*		C	P	P	P	P				P
Pharmacy						P*		P**	P	P	P	P				P
Dry cleaning pickup stations						P*		C	P	P	P	P				P
MVOE																
Outdoor Dining (>4 seats, free access)		C														C

*Max. 5% of structure's area

**Not to exceed 2,500 sq. ft. GFA



REPORT TO PLANNING COMMISSION

CITY OF ARNOLD

Section 405.380 Use Standards.

D. Motor Vehicle-Oriented Establishments. MVOEs, as defined in Section 405.060 of the Zoning Ordinance, shall be subject the following conditions and restrictions:

1. Ingress and egress.

- a. The minimum width of driveways at the right-of-way line shall be twenty-four (24) feet, and shall not exceed forty (40) feet.
- b. The radius used to increase the driveway opening at the curb or pavement edge shall not be less than ten (10) feet nor more than forty (40) feet. The edges of the opening shall not project beyond the side property line extended normal to the pavement.
- c. The number of commercial entrances for each property or site shall be restricted on the basis of traffic requirements as determined by the City. The maximum number of driveway openings shall be limited to one (1) drive per two hundred (200) feet of lot frontage. On a corner lot, one (1) entrance from each street shall be permitted and located as far as possible from the street intersection corner.
- d. The angle of driveway intersection with the street shall be based upon reasonable criteria for safe traffic movements and subject to the review and approval of the City Engineer.
- e. MVOEs integrated in a shopping center or cluster of commercial facilities shall use the common access with other business establishments in that center.
- f. Exceptions to the width and/or radius may be required, or allowed with special approval by the City, to insure adequate provisions for large vehicles and/or high traffic volumes.

2. Drive-through lanes standards.

Except as further regulated elsewhere in this section, all drive-through facilities shall be designed to meet the minimum requirements indicated:

- a. Storage length. If not specifically specified herein, storage length will be determined by the Community Development Director with the input of the city's engineering staff based upon available data for like uses and the volume of adjacent street traffic.

The City may approve reductions in required storage lengths if the applicant submits a traffic study prepared by a professional traffic engineer, which provides verifiable evidence to allow such reduction.

- a. Exclusive use. Drive-through lanes shall be used exclusively for drive-through vehicles commencing at a point not less than sixty-six (66) feet back

REPORT TO PLANNING COMMISSION

CITY OF ARNOLD



from the service point of the facility.

- b. Lane width. Drive-through lanes must be a minimum of twelve (12) feet in width, except that a ten-foot wide lane will be permitted within the pick-up/service area to guide motorists adjacent to the drive-up facility.
- c. Pass-by lane provision. Each drive-through aisle shall be separated from the circulation routes necessary for ingress or egress from the property, or access to a parking space.
- d. Minimum distance from a public roadway. When the drive-through lane is oriented parallel to a public roadway, there must be a minimum distance of fifty (50) feet measured between the public road curb or edge of pavement and the nearest curb or edge of the drive-through lane.
- e. Pedestrian Access and Crossings. Pedestrian access shall be provided from each abutting street to the primary entrance with a continuous sidewalk or delineated walkway satisfying the minimum requirements of the Americans with Disabilities Act (ADA). Pedestrian walkways should not intersect the drive-through drive aisles, but where they do the walkways shall have clear visibility and shall be delineated requirements of the ADA.
- f. Automated car washes shall meet the following standards:
 - 1) Storage length. Stacking spaces equivalent to ten (10) times the capacity of the car wash shall be provided at the entrance. A minimum of one (1) stacking space shall be provided at the exit.
 - 2) Exclusive use. The drive-through lane shall be used exclusively for drive-through vehicles for a distance equivalent to fifty (50) percent of the required storage length of the car wash.
- g. Financial institutions shall additionally meet the following standards:
 - 1) Storage length. All drive-through facilities shall contain stacking capacity for vehicles in accordance with the following criteria:
 - a) Drive-up teller windows and remote tellers. See Table 380.1, below, for stacking for drive-up teller lanes.

TABLE 380.1 Stacking for Drive-Up Teller Lanes	
<u>Number of Lanes</u>	<u>Design Storage (Vehicles per Lane)</u>
<u>1 – 3</u>	<u>6 (132 ft.)</u>
<u>4 – 5</u>	<u>4 (88 ft.)</u>
<u>5 or more</u>	<u>3 (66 ft.)</u>



REPORT TO PLANNING COMMISSION

CITY OF ARNOLD

b) Drive-up Automatic Teller Machines (ATM). Two (2) stacking spaces (forty-four [44] feet) shall be provided for each ATM.

g. Restaurants shall meet the following standards:

1) Storage length. All drive-through facilities shall contain stacking capacity for vehicles from the menu board to the stacking lane entrance in accordance with table 380.2, stacking for drive-through lanes.

TABLE 380.2 Stacking for Drive-Thru Lanes		
<u>For 1 Drive-Through Lane with 1 Window</u>	<u>For 1 Drive-Through Lane with 2 Windows</u>	<u>For 2 Drive-Through Lanes with 2 Windows</u>
<u>10 vehicles (220 ft.)</u>	<u>8 vehicles (176 ft.)</u>	<u>6 vehicles (132 ft.)</u>

2) Exclusive use. The drive-through lane shall be used exclusively for drive-through vehicles from the order board to the pick-up window. The distance between the order board and the pick-up window should be sufficient to store four (4) cars.

3) Delayed pick-up area provision. A pick-up area sufficient to store a minimum of one (1) car shall be provided for each pick-up window.

h. Auto Filling Stations shall meet the following standards:

1) For four-corner intersections, a maximum of two (2) auto filling stations shall be allowed at such an intersection, provided such establishments are located on diagonally opposite corners

2) For "T" intersections, a maximum of one (1) auto filling station shall be allowed at such an intersection.

3) The Planning Commission may waive the requirements set forth above when the auto filling station(s) is located in a planned zoning district. The Planning Commission shall, prior to deciding on the request for said waiver, receive and review a report from the City Engineer or City's traffic consultant. The report shall include the impact on existing traffic of the waiver of said requirement along with the traffic consultant's recommendations for the mitigation of said impact through the installation of traffic control devices such as turning lanes, shared access drives, traffic signals, and signage.

i. Retail pharmacy. Except as otherwise noted elsewhere in this section, all retail pharmacy drive-through facilities shall be designed to meet the minimum requirements indicated:

1) Storage length. Stacking spaces equivalent to three (3) times the capacity of each drive-through window be provided.

REPORT TO PLANNING COMMISSION

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i. Laundry or dry-cleaning pickup station or self-service laundry or dry-cleaning facility. Except as otherwise noted elsewhere in this section, all laundry or dry-cleaning pickup station or self-service laundry or dry-cleaning drive-through facilities shall be designed to meet the minimum requirements indicated:

1) Storage length. Stacking spaces equivalent to two (2) times the capacity of each drive-through window be provided.

3. Site design.

a. Off-street parking:

1) All MVOEs shall provide for off-street parking for the underlying use in accordance with the requirements of this Chapter, unless otherwise noted.

2) No internal parking stall, cross drive aisle, or loading space shall be located closer to the street right-of-way than twenty (20) feet or within any required side yard setback.

b. Vehicular areas:

1) When the rental of equipment, automobiles, trucks, and trailers is to be conducted on an MVOE site, additional land area and paved area shall be provided in addition to the driveway, parking area, and landscape areas required by this section. An additional one thousand (1,000) square feet of site area shall be provided for each five (5) rental units. No parking of rental units shall be permitted on landscaped areas, public or private roadways, including adjacent shoulders. All rental storage areas shall be paved and landscaped as approved by the City. Such rental equipment shall be stored in rear yard or as approved by the Planning Commission, except when being picked up by customers.

c. Performance standards:

1) Outdoor sales and display.

a) Outdoor display and sales of merchandise may be permitted along the storefront. All other outdoor storage of materials and displays are specifically prohibited.

b) Area. Said outdoor display shall be limited to twenty-five (25) percent of total store frontage with a maximum of one hundred (100) square feet (inclusive of vending machines).

c) Height and other dimensions. The height of any outdoor display may not exceed five (5) feet with the exception of vending machines (and their surrounds) which shall not exceed eight (8) feet in height, three



REPORT TO PLANNING COMMISSION

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(3) feet in depth, or six (6) feet in width.

d) Location.

- i. The placement of said display along the storefront shall be in compliance clear width requirements with the Americans with Disabilities Act and shall not obstruct pedestrian access to the building
- ii. Vending machines shall not be located within three (3) feet of a fire department connection.
- iii. Price signs shall be permitted on outdoor displays. Said price signage shall not exceed two (2) square feet and shall be placed upon the merchandise which it advertises.

e) Parking. One (1) parking space, in addition to the number of spaces required for the convenience store, shall be provided for video rental and similar vending machines subject to the review and approval of the City.

- 2) The Planning Commission may recommend, and the City Council may require, other conditions which will tend to eliminate or reduce public nuisance caused by noise, heat, odors, smoke, dust, vibration, glare, flooding, and traffic congestion and promote the purpose of this chapter.
- 3) All paved and landscaped areas shall, at all times, be kept in good repair in accordance with this and other ordinances of the city and the continuous maintenance of said areas shall be the responsibility of the owners and lessees of the property.

E. Outdoor Activity Area (Dining or Entertainment). Outdoor Activity Areas, as defined in Section 405.060 of the Zoning Ordinance, may be permitted as an accessory use subject the following exceptions, conditions and restrictions:

1. A Conditional Use Permit for Outdoor Activity Areas shall not be required when such areas are provided to patrons of the principle use for the purpose of their consuming food or beverages purchased therein when a maximum of four (4) seats are provided.
2. Where a Conditional Use Permit is required, the Planning Commission may, as a condition of approval, limit the overall capacity including, but not limited to the number of chairs and/or tables provided, restrict hours of operation, limit the provision of amplified, recorded or live entertainment, require screening or buffering of adjacent uses by landscaping, fencing or other means, etc. in order to minimize potential adverse impacts of the use.

RESOLUTION NO: 20-06

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A
CONTRACT WITH GATEWAY PYROTECHNIC PRODUCTIONS

BE IT RESOLVED, by the Council of the City of Arnold, Missouri, that the Mayor, is hereby authorized to accept Gateway Pyrotechnics' contract addendum for fireworks displays during the 2020 July 4th and Arnold Days celebrations. The agreement terms are fixed at a not-to-exceed amount of seventy-five dollars thousand dollars (\$75,000.00), unless mutually agreed upon by both parties.

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

Presiding Officer of the City Council

Mayor Ron Counts

ATTEST:

TAMMI CASEY, CITY CLERK

Date: _____

CONTRACT

GATEWAY PYROTECHNIC PRODUCTIONS, L.L.C.

This agreement, entered into this 3rd day of February 2020 and between *Gateway Pyrotechnic Productions, L.L.C.*, hereinafter referred to as *Gateway Fireworks*, and the City of Arnold, Missouri of hereinafter referred to as PURCHASER.

WHEREAS, PURCHASER wishes to host a fireworks display; and

WHEREAS, *Gateway Fireworks* is uniquely qualified to manage and exhibit a fireworks display; and

WHEREAS, PURCHASER wishes to engage *Gateway Fireworks* professional services, and *Gateway Fireworks* wishes to provide PURCHASER said services.

NOW, THEREFORE, in consideration of the promises contained herein, the parties hereto agree as follows:

1. *Gateway Fireworks* agrees to furnish PURCHASER, in accordance with terms and conditions hereinafter set forth, fireworks display(s) as defined in Addendum A (Hereto Attached), proposed, accepted and made part hereof, together with the services of a pyrotechnic operator licensed for any necessary state and the local authority having jurisdiction of, and along with sufficient crew to safely discharge the display. Said display is scheduled to be performed on the 4th of July/and Arnold Days as scheduled or other mutually agreed upon dates as defined in Addendum A.. The parties agree that unless a different mutually satisfactory date can be agreed upon, the official postponement date and time for PURCHASER'S display is: A mutually agreed upon date. Upon completion of the Display, *Gateway Fireworks* agrees to clear the Display Area of any live fireworks debris originating from the program.
2. PURCHASER, at it's own expense, agrees to provide to *Gateway Fireworks*:
 - A. A suitable DISPLAY SITE in which to stage the fireworks display, including a firing and a fallout zone acceptable to *Gateway Fireworks* in its sole discretion. Said DISPLAY SITE shall serve as a restricted area the fireworks and fireworks debris may be exhibited; rise and fall safely.
 - B. Policing, guard protection, roping, fencing, and/or other crowd control measures in such force that is determined to be acceptable by *Gateway Fireworks* to prevent the unauthorized access of the public, or it's property onto the DISPLAY SITE.
 - C. The services and cost of standby firemen and/or applicable permit fees as required by state and local statutes, ordinances or regulations.
 - D. For a period of (0) days proceeding and (0) day following the date of the DISPLAY unlimited access by *Gateway Fireworks*, at all times to the DISPLAY SITE to set-up and remove the DISPLAY and all required equipment.
 - E. BMI/ASCAP and/or any other musical rights issues and related fees are the sole responsibility of the PURCHASER.
3. If PURCHASER fails to fully comply with all requirements of A, B, C, D, and/or E set forth above, *Gateway Fireworks* shall have no obligation to perform and the PURCHASER agrees to pay *Gateway Fireworks* liquidated damages in an amount equal to that outlined in Section 7. The time of the breach shall be the date upon which *Gateway Fireworks* reasonably concludes, after providing PURCHASER written notice of PURCHASER'S failure to comply with its obligations under Section 2, that PURCHASER has failed to comply with its obligations under Section 2. In addition to the aforementioned liquidated damages, PURCHASER agrees to reimburse *Gateway Fireworks* any additional expenses incurred because of PURCHASER'S failure.

9. *Gateway Fireworks* reserves the ownership rights and trade names used in or a product of the pyrotechnic display to be performed herein. Any reproduction by sound, video or other duplication or recording process without the express written permission of *Gateway Fireworks* is prohibited.
10. *Gateway Fireworks* agrees to furnish insurance coverage in connection with the display only for the following risk and amounts: bodily injury and property damage, including products liability FIVE Million Dollars naming PURCHASER as an additional insured regarding claims made against PURCHASER for bodily injury or property damage arising from the operations of *Gateway Fireworks* in performing the Display provided for in this Agreement. Such insurance afforded by *Gateway Fireworks* shall not include claims made against PURCHASER for bodily injury or property damage arising from the following:
 - A. Failure of PURCHASER, including through or by its employees, agents, or independent contractors, to perform its legal obligations under this Agreement, including, without limitation, those contained in paragraph 3 of this Agreement:
 - B. Failure of the PURCHASER to provide discretionary spectator and parking areas referred to in paragraph 3 of this Agreement, PURCHASER shall indemnify and hold *Gateway Fireworks* harmless from all claims and suits made against *Gateway Fireworks* for bodily injury or property damage arising from A) and B) of the paragraph.
11. If any legal action is brought to enforce or interpret the terms or provisions of this agreement, the prevailing party shall be entitled to reasonable attorney fees and cost in addition to any other relief to which they may be entitled. This agreement shall be interpreted under the laws of the State of Missouri. It is further agreed that if the courts of the State of Missouri shall have exclusive jurisdiction to adjudicate any disputes arising out of this contract or the performance of the display provided for herein.
12. In the event *Gateway Fireworks* breaches this agreement, or is otherwise negligent in performing the fireworks display provided herein, PURCHASER shall under no circumstances be entitled to recover monetary damages from *Gateway Fireworks* beyond the amount PURCHASER agreed to pay *Gateway Fireworks* under this agreement. PURCHASER shall not, under any circumstances, be entitled to recover any consequential damages from *Gateway Fireworks* including, without limitation, for loss of income, business, or profits. Nothing in the paragraph shall be construed as a modification or limit to the insurance afforded in paragraph 10 above.
13. It is agreed, nothing in this Agreement or in *Gateway Fireworks* performance of the display provided herein, shall be construed as forming a partnership or joint venture between PURCHASER and *Gateway Fireworks*. The parties hereto shall be severally responsible for their own separate debts and obligations and neither party shall be held responsible for any agreements or obligations not expressly provided for herein. All terms of this agreement are in writing and may only be modified by written agreement of both parties hereto. Both parties acknowledge that they have received a copy of said written Agreement and agree to be bound by said terms of written agreement only.

Any notice to the parties required under this agreement shall be given by mailing such notice in the U.S. Mail, postage prepaid, first class, addressed as follows: *Gateway Pyrotechnic Productions, LLC*, PO Box 39327, St. Louis, MO 63139-8327. PURCHASER's: City of Arnold 1695 Missouri State Road, Arnold MO, 63010.

14. If there is more than one PURCHASER, they shall be jointly and severally responsible to perform PURCHASER's obligations under this agreement. This agreement shall become effective after it is executed and accepted by the PURCHASER and then after it is executed by *Gateway Fireworks* at their corporate office in Saint Louis, Missouri. This agreement may be executed in several counter parts, binding upon the parties hereto and upon their heirs, successors, executors, administrators and assigns. PURCHASER recognizes that because of the nature of fireworks, an industry accepted level of 5% of the product used in any display may not function as designed and this level of nonperformance is accepted as full performance of the display and this Agreement.

ADDENDUM A

Gateway Pyrotechnic Productions, LLC/DBA Gateway Fireworks Displays will provide fireworks exhibits in 2020 to the scale regarding quantities and quality that was provided in 2016. This is for three equal programs annually – July 4th and two programs for the Arnold Days weekend.

- \$25,000.00 – June 27, 2020
- \$25,000.00 – September 18, 2020
- \$25,000.00 – September 19, 2020

RESOLUTION NO. 20-07

A RESOLUTION APPROVING A SERVICE AGREEMENT WITH OATS
FOR THE JEFFCO EXPRESS TRANSPORTATION SERVICE.

WHEREAS, the City of Arnold's current service agreement for the Jeffco Express transportation service expired on December 31, 2019; and

WHEREAS, starting in 2020 OATS will be taking over operation of Jeffco Express from the Jefferson County Community Partnership; and

WHEREAS, the proposed new service agreement will reduce the number of loops the Jeffco Express runs each day from five to four, reducing the cost of the service; and

WHEREAS, the City Council desires to continue supporting the Jeffco Express service for a twelve month period to allow more time to further analyze the operation in an effort to reduce costs;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Arnold, Missouri, that:

Section 1. The attached service agreement with OATS for the Jeffco Express transportation service is hereby approved.

Mayor Ron Counts

ATTEST:

City Clerk Tammi Casey

Date: _____



Agreement for Services

G-702
R-4/19

This agreement is entered into by the City of Arnold located at 2101 Jeffco Blvd., Arnold, MO 63010, hereinafter known as the “**Contracting Party**” and OATS, Inc., 2501 Maguire Blvd, Ste 101, Columbia, MO 65201, a general not-for-profit corporation organized under the Laws of the State of Missouri, hereinafter known as OATS Transit.

The Contracting Party and OATS Transit hereby agree as follows:

1. This Agreement becomes effective on 3/ __/2020 and terminates on 3/ __/2021.
2. OATS Transit agrees to operate the *JeffCo Express* bus to transport Arnold residents to and from various destinations for miscellaneous purposes. OATS Transit will provide the Contracting Party with ridership reports every quarter to allow the Council the ability to monitor usage.
3. The Contracting Party shall reimburse OATS Transit for 50% of the net operating costs to be used as match on a Federal Transit Administration Section 5310 funding grant awarded by the East-West Gateway Council of Governments and administered by Metro Transit.
4. In no event shall the total amount reimbursed by the Contracting Party exceed **\$44,800** for the 12-month period of this agreement.
5. Should OATS Transit obtain other sources of matching funds, the Contracting Party’s reimbursement shall be reduced accordingly.
6. The Arnold City Route is a deviated fixed route which operates 9 ½ hours a day, Monday-Friday, 7:00 a.m. – 4:30 p.m. completing four (4) loops with 30 stops.
7. Unless otherwise noted, OATS Transit service will not be provided on the following paid holidays: New Years Day; Martin Luther King, Jr. Day; Presidents Day; Memorial Day; 4th of July; Labor Day; Thanksgiving; the Day After Thanksgiving; and Christmas Day. Should a holiday fall on a Saturday, the preceding Friday is recognized; if a holiday falls on a Sunday, the following Monday is recognized.
8. In cases of inclement weather OATS Transit’s general policy is to use the school bus closings as a guideline; however, the final decision rests with the OATS Transit driver. Should weather, or other unforeseen events, necessitate the cancellation of service, local media will be notified and it will be posted on social media.
9. This Agreement may be terminated by either party by providing thirty (30) days written notice to the other party.
10. Special conditions which apply to this Agreement are as follows (*specify “none” if none apply*):

Contracting Party

OATS, Inc.

By: _____

By: _____

Dorothy Yeager, Executive Director

Date: _____

Date: _____ Regional Director Initials: _____

Special Billing #: _____

Charter: Does this service support OATS program purposes?

Check one: Rural
 Urban

YES – Not considered charter; no further action required.
 NO – Contact Home Office for instruction



St. John's Lutheran – Arnold
Annual Community Block Party Request

Attn: Mayor Counts

January 31, 2020

Arnold City Council
Arnold, MO 63010

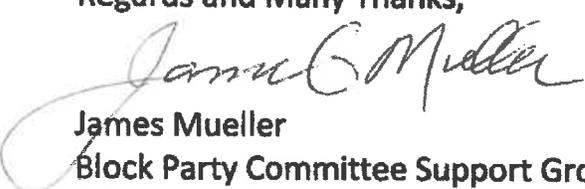
Dear Mayor Counts:

On Friday May 8th, 2020, St. John's Lutheran Church and School - Arnold will once again host their annual Community Block Party. As in past years, we would like to offer our attendees to the event a fireworks display at the end of the event, beginning just before the event's 9 pm scheduled culmination.

With your approval and support, we are cordially seeking the Arnold City Council's permission to display fireworks again this year.

BTW, as always, you and your Counsel & Staff are invited to attend this free community event to be held on our Church's grounds beginning after 6pm.

Regards and Many Thanks,


James Mueller
Block Party Committee Support Group Co-Chair

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Fenton, Mo. 63026

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