

City of Arnold, Missouri

**Public Hearing
Council Chamber**

**May 2, 2019
7:00 p.m.**

- A. 2019-02 Cedarhurst of Arnold: A Request to Consolidate Seven (7) Parcels into one 8.32 Acre Parcel Located at the Southwest Corner of Old Lemay Ferry Road and Missouri State Road.
- B. 2019-01 Cedarhurst of Arnold: A Request to Rezone Seven (7) Parcels to Establish a "C-4" Planned Commercial District Located at the Southwest Corner of Old Lemay Ferry Road and Missouri State Road.
- C. Floodplain Management Chapter 420, Amend and Adopt.
- D. 2019-12 2209 Lonedell Road: A Request to Rezone from "PRD" Planned Residential Development to "R-2" Residential for a 11.74 Acre Tract of Land Located at 2209 Lonedell Road.
- E. 2019-13 Vehicle Sales (Text Amendment)
- F. 2019-08 Lodging Establishments (Text Amendment)

City Council

Immediately Following the Public Hearings

Agenda

- 1. Pledge of Allegiance:
- 2. Opening Prayer: Tim Gray – City on the Hill
- 3. Roll Call:
- 4. Business from the Floor:
- 4.5 Organization of the Council:
 - A. Election of Mayor Pro-Tem
 - B. Mayoral Committee Appointments

5. Consent Agenda:

- A. Regular Minutes **April 4th, 2019 (April 18th Meeting was Cancelled)**
- B. Payroll Warrant **#1314 in the Amount of \$278,705.12**
Payroll Warrant **#1315 in the Amount of \$299,575.42**
- C. General Warrant **#5736 in the Amount of \$194,439.67**
General Warrant **#5737 in the Amount of \$479,527.25**

6. Ordinances:

- A. **Bill No. 2732:** An Ordinance Approving a Consolidation Record Plat Titled "Cedarhurst of Arnold, Consolidation Plat"
- B. **Bill No. 2733:** An Ordinance Approving a Rezoning From "R-3" Residential District "C-2" Residential District, and "C-4" Planned Commercial District To "C-4" Planned Commercial District for a Tract of Land Being Part of U.S. Survey 2991, Township 43 North, Range 6 East of the Fifth Principal Meridian, City of Arnold, Jefferson County, Missouri.
- C. **Bill No. 2734:** An Ordinance of the City Council of the City of Arnold, MO. Amending Chapter 420 of the Arnold Code of Ordinances.
(*Floodplain Management*)
- D. **Bill No. 2735:** An Ordinance Approving Rezoning from "PRD" Planned Residential District to "R-2" Residential District for 2209 Lonedell Road, Tracts of Land Located in the Northwest Half of Lot 1 of U.S. Survey 2991 Township 43, Ranges 5 & 6 East, Jefferson County, MO.
- E. **Bill No. 2736:** An Ordinance of the City Council of the City of Arnold, MO. Amending Chapter 405 of the Arnold Code of Ordinances.
(*Vehicle Sales*)
- F. **Bill No. 2737:** An Ordinance of the City Council of the City of Arnold, MO. Amending Chapter 405 of the Arnold Code of Ordinances Creating Definitions for Lodging Establishments and Extended Stay Lodging Establishments and Providing Regulations Therefor.
- G. **Bill No. 2738:** An Ordinance of the City Council of the City of Arnold, MO. Amending Chapter 605 of the Arnold Code of Ordinances with Regard to Definitions and Regulations for General Operation of Lodging Establishments.
- H. **Bill No. 2739:** An Ordinance Amending Chapter 500 Buildings and Building Regulations.
- I. **Bill No. 2740:** An Ordinance Authorizing the City of Arnold to Enter into an Intergovernmental Cooperation Agreement for the Investment of Public Funds through the Missouri Securities Investment Program.

7. Resolutions:

- A. **Resolution No. 19-23:** A Resolution Re-Appointing Ed Zimmermann to the Police Personnel Board for a Two-Year Term.
- B. **Resolution No. 19-24:** A Resolution Approving the Purchase of 6 (Six) New Police Vehicles.
- C. **Resolution No. 19-25:** A Resolution Appointing Nick Ferrario to the Arnold Beautification Commission.
- D. **Resolution No. 19-26:** A Resolution Authorizing the Mayor to Enter into a Lease/Purchase Agreement with John Deere Financial Inc. for a John Deere 8800A TerrainCut Mower.
- E. **Resolution No. 19-27:** A Resolution Authorizing the use of Contractors and Municipal Sweeping Services Inc. for Street Sweeping Services.

8. Motion:

- A. A Motion to Hold a Closed Session Immediately Following the City Council Meeting for the Purpose of Discussing Real Estate Pursuant To RSMo Section 610.021 (2).

9. Reports from Mayor, Council, and Committees:

10. Administrative Reports:

11. Adjournment:

**Next Regular City Council Meeting May 16, 2019 @ 7:00 p.m.
Next Work Session May 09, 2019 at 7:00 p.m.**

The Public Hearing was called to order by Mayor Counts at 7:00 p.m. City Clerk Tammi Casey made note of those in attendance: Mayor Counts, Seidenstricker, Cooley, Sullivan, Hood, McArthur, Fulbright, Plunk, Fleischmann, Richison, Bookless, Lehmann, Sweeney, Brown, Kroupa and Chief Shockey.

**A. 2019-06 APPLICATION TO AMEND MUNICIPAL CODE CHAPTER 405
(ZONING) – TREE PRESERVATION PROGRAM**

David Bookless informed council that this is an amendment to the Tree Preservation Program that has been in place since May 2014. The Planning Commission held a meeting on March 12, 2019 and discussed this issue. They are forwarding a recommendation of approval by a vote of 7-0.


PUBLIC COMMENTS

NONE

COUNCIL COMMENTS

Jason Fulbright asked for verification of the term "Landscape Architect".

The Public Hearing ended at 7:03 p.m.


City Clerk Tammi Casey, CMC/MRCC-C

Mayor Ron Counts called the meeting to order at 7:03 p.m.

The Pledge of Allegiance was recited.

Councilman Jason Fulbright offered the opening prayer.

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

BUSINESS FROM THE FLOOR

Bernie Wilde, 3533 Swan Circle South – Informed everyone that the Arnold Historical Society will be hosting an event on April 8th featuring Oscar Masters. Mr. Masters is 94 years old and will provide a history of his time living in Arnold when he was 17. On April 6th the Boy Scouts from Immaculate Conception will hold a cleanup event at Richardson Road Cemetery. Mrs. Wilde is requesting a police car be present to assist with vehicles leaving the cemetery. Chief Shockey stated he would have a vehicle there.

CONSENT AGENDA

- A. MINUTES FROM MARCH 21, 2019 MEETING**
- B. PAYROLL WARRANT NO. 1313 IN THE AMOUNT OF \$291,675.67**
- C. GENERAL WARRANT NO. 5735 IN THE AMOUNT OF \$283,073.52**

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

Seconded by Vern Sullivan. Roll call vote: Seidenstricker, yes; Cooley, yes; Sullivan, yes; Hood, yes; McArthur, yes; Fulbright, yes; Plunk, yes; Fleischmann, yes; 8 Yeas: **Consent agenda approved.**

ORDINANCES

BILL NO. 2729 – AN ORDINANCE AMENDING CHAPTER 530 VACANT STRUCTURE REGISTRATION PROVIDING FOR REGISTRATION, MAINTENANCE, FEES AND PENALTIES RELATED TO VACANT

BUILDINGS was read twice by City Clerk Tammi Casey. Roll call vote: Seidenstricker, yes; Cooley, yes; Sullivan, yes; Hood, yes; McArthur, yes; Fulbright, yes; Plunk, yes; Fleischmann, yes; 8 Yeas: **Ordinance passed.**

BILL NO. 2730 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARNOLD, MO. AMENDING TITLE II (PUBLIC HEALTH, SAFETY AND WELFARE) OF THE ARNOLD CODE OF ORDINANCES WITH REGARD TO TELEPHONE ACCESS TO EMERGENCY SERVICES was read twice by City Clerk Tammi Casey. Roll call vote: Seidenstricker, yes; Cooley, yes; Sullivan, yes; Hood, yes; McArthur, yes; Fulbright, yes; Plunk, yes; Fleischmann, yes; 8 Yeas: **Ordinance passed.**

BILL NO. 2731 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARNOLD, MO. AMENDING CHAPTER 405 OF THE ARNOLD CODE OF ORDINANCES (TREE PRESERVATION PROGRAM) was read twice by City Clerk Tammi Casey. Roll call vote: Seidenstricker, yes; Cooley, yes; Sullivan, yes; Hood, yes; McArthur, yes; Fulbright, yes; Plunk, yes; Fleischmann, yes; 8 Yeas: **Ordinance passed.**

RESOLUTIONS

RESOLUTION NO. 19-21 – A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH THE N.B. WEST CONTRACTING COMPANY, INC. TO UNDERTAKE THE ULTRA-THIN ASPHALT STREETS OVERLAY PROJECT FOR THE CITY OF ARNOLD, MO

Gary Plunk made a motion and so moved to approve Resolution No. 19-21. Seconded by Butch Cooley. Roll call vote: Seidenstricker, yes; Cooley, yes; Sullivan, yes; Hood, yes; McArthur, yes; Fulbright, yes; Plunk, yes; Fleischmann, yes; **Resolution approved.**

RESOLUTION NO. 19-22 – A RESOLUTION RE-APPOINTING INDIVIDUALS TO THE POLICE PERSONNEL BOARD FOR A TWO-YEAR TERM

Vern Sullivan made a motion and so moved to approve Resolution No. 19-22. Seconded by Gary Plunk. Roll call vote: Seidenstricker, yes; Cooley, yes; Sullivan, yes; Hood, yes; McArthur, yes; Fulbright, yes; Plunk, yes; Fleischmann, yes; 8 Yeas: **Resolution passed.**

MOTIONS

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

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

REPORTS FROM MAYOR, COUNCIL AND COMMITTEES

Mayor Counts – Stated the city is keeping in close contact with the Army Corp of Engineers regarding the flooding issue and the city is ready to take action if needed.

EJ Fleischmann, Ward 1 – Updated council on Bill 584 (council passed a Resolution supporting this Bill at the last council meeting, regarding a fee increase at the DMV). The Bill will be voted out of the house on Monday and will then move to the Senate.

Gary Plunk, Ward 4 – The Ad-Hoc Committee scouting locations for the new Parks and Recreation Building will be bringing their findings forward to council next week.

Butch Cooley, Ward 4 – Informed council that the Liquor Committee met earlier tonight and asked City Clerk Tammi Casey to provide a report.

Mrs. Casey informed council that Las Fuentes Restaurant has requested its annual letter granting permission to sell liquor outdoors at their Cinco de Mayo celebration. This is a letter we provide the restaurant every year for them to take to the State Liquor Commission. The Liquor Committee is forwarding a recommendation of approval by a vote of 3-0. **Butch Cooley made a motion and so move to approve the letter for Las Fuentes Restaurant.** Seconded by Vern Sullivan. Roll call vote: Seidenstricker, yes; Cooley, yes; Sullivan, yes; Hood, yes; McArthur, yes; Fulbright, yes; Plunk, yes; Fleischmann, yes; 8 Yeas: **Motion carried.**

City Clerk Tammi Casey then informed council that Immaculate Conception has applied for a Change In Managing Officer for their liquor license. The Liquor Committee is forwarding a recommendation of approval by a vote of 3-0. **Tim Seidenstricker made a motion and so moved to approve the Change in Managing Officer application for Immaculate Conception.** Seconded by Butch Cooley. Roll call vote: Seidenstricker, yes; Cooley, yes; Sullivan, yes; Hood, yes; McArthur, yes; Fulbright, yes; Plunk, yes; Fleischmann, yes; 8 Yeas: **Motion carried.**

4
Regular Meeting
April 04, 2019

Dan Kroupa – Informed council that he, Bill Lehmann and Bryan Richison met with Stifel Nicolaus regarding the city's bonds and there may be opportunities to save money.

Tim Seidenstricker, Ward 2 – Encourages people to visit places like the Arnold History Museum. Mr. Seidenstricker also stated that the Ad-Hoc Committee is continuing its research on public transportation and will be bringing their findings forward to council soon.

ADMINISTRATIVE REPORTS

Bryan Richison – Thanked The Leineke Group for their work on the new emblem with the city's updated logo which is now displayed in the council chambers.

Dickie Brown – Informed everyone that due to flooding the adult Easter egg hunt has been moved from Arnold City Park to the Rec Center outdoor pool area.

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

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Closed Session ended at 8:15 p.m.

A motion to adjourn the meeting was made by Butch Cooley. Seconded by Vern Sullivan.

Voice vote: All yeas.

Meeting adjourned at 8:15 p.m.



City Clerk Tammi Casey, CMC/MRCC-C

CITY OF ARNOLD, MISSOURI

ROLL CALL

MEETING: REGULAR

DATE: 4/4/2019

PAGE: 1

BILL NO - RESOLUTION - MOTION

		ROLL CALL	CONSENT AGENDA	BILL NO 2729	BILL NO 2730	BILL NO 2731	RESOLUTION NO 19-21
COUNCIL MEMBERS:							
MAYOR	RON COUNTS	PRESENT					
COUNCIL:	TIM SEIDENSTRICKER	PRESENT	YES	YES	YES	YES	YES
COUNCIL:	BUTCH COOLEY	PRESENT	YES	YES	YES	YES	YES
COUNCIL:	VERN SULLIVAN	PRESENT	YES	YES	YES	YES	YES
COUNCIL:	MARK HOOD	PRESENT	YES	YES	YES	YES	YES
COUNCIL:	BRIAN MCARTHUR	PRESENT	YES	YES	YES	YES	YES
COUNCIL:	JASON FULBRIGHT	PRESENT	YES	YES	YES	YES	YES
COUNCIL:	GARY PLUNK	PRESENT	YES	YES	YES	YES	YES
COUNCIL:	EJ FLEISCHMANN	PRESENT	YES	YES	YES	YES	YES
CITY ADMINISTRATOR	BRYAN RICHISON	PRESENT	PARKS DIR:		DICKIE BROWN		PRESENT
CITY CLERK	TAMMI CASEY	PRESENT	PUBLIC WORKS:		-		
COM DEV	DAVID BOOKLESS	PRESENT	TREASURER:		DAN KROUPA		PRESENT
FINANCE DIRECTOR	BILL LEHMANN	PRESENT	POLICE DEPT.		CHIEF SHOCKEY		PRESENT
CITY ATTORNEY	BOB SWEENEY	PRESENT					

CITY OF ARNOLD, MISSOURI

ROLL CALL

MEETING: REGULAR

DATE: 4/4/2019

PAGE: 2

BILL NO - RESOLUTION - MOTION

		RESOLUTION NO 19-22	MOTION TO HOLD CLOSED SESSION	MOTION TO APPROVE LETTER FOR LAS FUENTES RESTAURANT	MOTION TO APPROVE CHANGE IN MANAGING OFFICER FOR IMMACULATE CONCEPTION		
COUNCIL MEMBERS:							
MAYOR	RON COUNTS						
COUNCIL:	TIM SEIDENSTRICKER	YES	YES	YES	YES		
COUNCIL:	BUTCH COOLEY	YES	YES	YES	YES		
COUNCIL:	VERN SULLIVAN	YES	YES	YES	YES		
COUNCIL:	MARK HOOD	YES	YES	YES	YES		
COUNCIL:	BRIAN MCARTHUR	YES	YES	YES	YES		
COUNCIL:	JASON FULBRIGHT	YES	YES	YES	YES		
COUNCIL:	GARY PLUNK	YES	YES	YES	YES		
COUNCIL:	EJ FLEISCHMANN	YES	YES	YES	YES		
CITY ADMINISTRATOR	BRYAN RICHISON			PARKS DIR:	DICKIE BROWN		
CITY CLERK	TAMMI CASEY			PUBLIC WORKS:	-		
COM DEV	DAVID BOOKLESS			TREASURER:	DAN KROUPA		
FINANCE DIRECTOR	BILL LEHMANN			POLICE DEPT.	CHIEF SHOCKEY		
CITY ATTORNEY	BOB SWEENEY						

Those in attendance as noted by City Clerk Tammi Casey; Mayor Pro-Tem Jason Fulbright, Seidenstricker, Cooley, Sullivan, Hood, McArthur, Fulbright, Plunk, Fleischmann (excused), Richison, Bookless, Lehmann (excused), Sweeney, Brown, Kroupa (arrived 7:15) and Major Carroll.

PERFORMANCE CONTRACTING-TRANE

Bryan Richison introduced Tiffany Duncan, Public Sector Team Leader and Jennifer Geen, Public Sector Senior Account Manager with Trane, who recently performed a preliminary facility assessment/energy audit at City Hall/Police Department, Public Works and the Rec Center. They provided a presentation regarding their findings and recommendations for each location. Ms. Duncan informed council of RSMO §8.231, Energy Performance Contracting, which is "a method to pay for facility upgrades by leveraging future guaranteed energy and operational savings over time to cash flow the debt service." This enables a municipality to finance the entire project costs over a fifteen year term instead of piecemealing projects one at a time. According to their findings, depending on the scope of the project there is potential to save and leverage \$35,000 in annual energy savings and \$15,000 in annual maintenance savings. If council would like to continue the next step would be to issue an RFP.

PARKS MAINTENANCE FACILITY

Gary Plunk, speaking on behalf of the Ad-Hoc Committee charged with finding property for a Parks and Rec Maintenance Building, informed council of their progress. After a few weeks of searching, they have decided the best course of action would be to re-work an area at the Public Works Department. The idea is to tear down an old existing three sided storage facility and replace it with one that is large enough for the Parks and Rec Department to have a fabrication shop and storage space. An additional building would also be constructed for Public Works to replace the one being torn down. The current Parks and Rec buildings at Ferd B Lang park that are in poor condition would also be torn down to make additional park space.

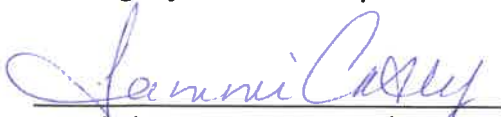
MOSIT

Bryan Richison spoke to council regarding MOSIT (Missouri Securities Investment Program). MOSIT was established in 1991 and is a statewide local government investment program that meets all applicable Missouri investments statutes. MOSIT is not only sponsored by various school board associations, but also by the Missouri Association of Counties and MML. Mr. Richison explained how the investment program works and the different options available. Currently any excess funds are kept at US Bank in CD's and earn very little money for the City. This option may be a way to invest and earn larger returns. To become a member requires a vote from the council. Questions and comments followed by council.

Butch Cooley made a motion and so moved to adjourn the meeting. Seconded by Tim Seidenstricker.

Voice vote: All Yeas.

Meeting adjourned at 7:42 p.m.


City Clerk Tammi Casey, CMC/MRCC-C

MAYORAL

COMMITTEE APPOINTMENTS 2019/2020

Planning Commission – Brian McArthur

Parks and Leisure Service Board – Gary Plunk/Butch Cooley

Police Pension Review Board – Tim Seidenstricker

Tourism Commission – Mark Hood / Vernon Sullivan / Tim Seidenstricker

Commission on Aging & Disabilities – Mark Hood

Liquor Committee – Tim Seidenstricker / Butch Cooley / Gary Plunk

Finance/Budget/Economic Development Committee – Jason Fulbright / Mark Hood

Farmers' Market Committee – E. J. Fleischmann

Veterans Commission – Gary Plunk / Vernon Sullivan

Historic Preservation – Jason Fulbright

Foundation Commission - Mayor Ron Counts / Bryan Richison

Beautification Commission – E. J. Fleischmann / Tim Seidenstricker

The Liaison between the City and the Following Committees will be:

Chamber of Commerce – Bryan Richison

Economic Development of Jefferson County – Bryan Richison/Dave Bookless

Jefferson County Municipal League – City Administrator / Bryan Richison



2732
**CITY COUNCIL
AGENDA ITEM STAFF REPORT**

MEETING DATE:	May 2, 2019
TITLE:	2019-02 Cedarhurst of Arnold: A request to consolidate seven (7) parcels into one 8.32 acre parcel located at the southwest corner of Old Lemay Ferry Rd and Missouri State Rd.
DEPARTMENT:	Community Development
PROJECT MANAGER:	Christie Hull-Bettale, Community Development Engineer
REQUESTED ACTION:	Ordinance approval
ATTACHMENTS:	(1) Staff Report to Planning Commission; (2) Draft Planning Commission Meeting Minutes; (3) Draft Ordinance

EXECUTIVE SUMMARY:

The applicant is seeking to combine seven (7) existing parcels into a single parcel located the southwest corner of Old Lemay Ferry Rd and Missouri State Rd. This project is being submitted in conjunction with the rezoning of the same properties to a new "C-4" Planned Commercial District.

REVIEW & ANALYSIS:

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

- 1) The applicant is to address comments as indicated by Agencies.
- 2) The applicant is to construct improvements and establish escrows as indicated in the separate proposal for the "C-4" Planned Commercial District with Development Plan.

RECOMMENDATION:

On April 9, 2019, the Planning Commission, by a vote of 7 to 1, voted to recommend approval of the Consolidation Plat with the conditions listed above being satisfied prior to recording.



REPORT TO PLANNING COMMISSION

CITY OF ARNOLD

APPLICATION NUMBER: 2019-02

APPLICATION NAME: Consolidation Preliminary Record Plat—Cedarhurst Arnold

APPLICANT NAME: Dover Development LLC (owner under contract)
120 South Central Ave
Suite 150
Clayton, MO 63105

PROPERTY OWNERS NAMES: Jeffery and Laura Broadway
1757 Old Lemay Ferry — (“C-4”, 2.94 Ac)

Mary Nelson
1777 Old Lemay Ferry — (“R-3”, 2.24 Ac)

Robinson Rental Ent LLC
2077 & 1739 Old Lemay Ferry — (“C-2”, 2.14 Ac)

Halbert and Mary Robinson
2069 Missouri State Road — (“C-2”. 1.0 Ac)

APPLICANT’S REQUEST: The applicant is seeking to Consolidate 7 parcels into one lot.

STREET ADDRESS: Indicated above

SITE LOCATION: The southwest corner of Old Lemay Ferry Rd at Missouri State Rd

PARCEL IDs: 01-9.0-30.0-2-003-006, 01-9.0-30.0-4-002-012, 01-9.0-30.0-1-003-027, 01-9.0-30.0-1-003-028 01-9.0-30.0-2-003-003

TOTAL SITE AREA: 8.32 acres

MEETING DATE: April 3, 2019

REPORT DATE: April 9, 2018

CASE MANAGER: Christie Hull-Bettale

RECOMMENDATION: Approve, with Findings and Conditions.



REPORT TO PLANNING COMMISSION

CITY OF ARNOLD

DESCRIPTION OF EXISTING SITE CONDITIONS

The tract of land is located at the southwest corner of Old Lemay Ferry Rd at Missouri State Rd. In total there are 7 parcels, cumulatively 8.32 acres. Each addressed building fronting on Old Lemay Ferry has an individual curb cut. The properties that front on Missouri State Road have one shared curb cut with access via Steckel Lane which is a private road.

LOCATION AND CONSOLIDATION LIMITS MAP



Dover Development Project - Consolidation



REPORT TO PLANNING COMMISSION

CITY OF ARNOLD

REQUEST

The applicant is seeking to combine seven (7) existing parcels into a single parcel located at the southwest corner of Old Lemay Ferry Rd at Missouri State Rd. The consolidated land is proposed for a "C-4" Planned Commercial District, a separate application related to this plat.

SUBDIVISION ORDINANCE POLICY REVIEW

POLICIES:

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

CITY PLANNER'S COMMENTS

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

Satisfied: Review of Consolidation was conducted by appropriate agencies and City departments to ensure available public facilities and improvements exist.

Agency's Letters are in Attachments, Exhibit C.

Satisfied: The Applicant is dedicating Missouri State Road and Old Lemay Ferry Right of Way along with sidewalk easements. Additionally, a combination of City transportation improvements in the form of sidewalk construction, pedestrian accessibility or sidewalk escrow will be provided.



REPORT TO PLANNING COMMISSION

CITY OF ARNOLD

SUBDIVISION ORDINANCE ANALYSIS

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

Staff has reviewed the consolidation plat by Sterling Co. Agency notices have been distributed. Staff finds the proposed plat conforms to the requirements of RSMo 89.410 and the Subdivision Ordinance of the City of Arnold, Missouri.

Staff requests that the Commission act to approve the Consolidation plat herein with the findings and conditions below.

Findings:

- The Consolidation Plat supports the orderly, planned, efficient, and economical development of the municipality of the City of Arnold.
- The Land is of such character that it can be used safely for development and building purposes.
- The proposed public dedication of Right of Way, Easements and planned Pedestrian improvements will conform to and be properly related to the Comprehensive Plan, and the Capital Improvements Program of the City of Arnold.

Conditions:

1. The applicant is to address comments as indicated by Agencies.
2. The applicant is to construct improvements and establish escrows as indicated in the separate proposal for the "C-4" Planned Commercial District with Development Plan.

A handwritten signature in blue ink that reads "Christie Hull-Bettale".

Christie Hull-Bettale, EIT
Community Development Engineer



REPORT TO PLANNING COMMISSION
CITY OF ARNOLD

ATTACHMENTS

SUPPLEMENTAL MATERIALS



REPORT TO PLANNING COMMISSION
CITY OF ARNOLD

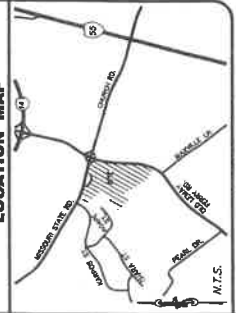
SUBMITTAL OF CONSOLIDATION
PRELIMINARY PLAT

COVER SHEET (PARCEL INDEX)
CONSOLIDATION/EXHIBIT

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EXHIBIT A—CONSOLIDATED PLAT

Dover Development Project - Consolidation



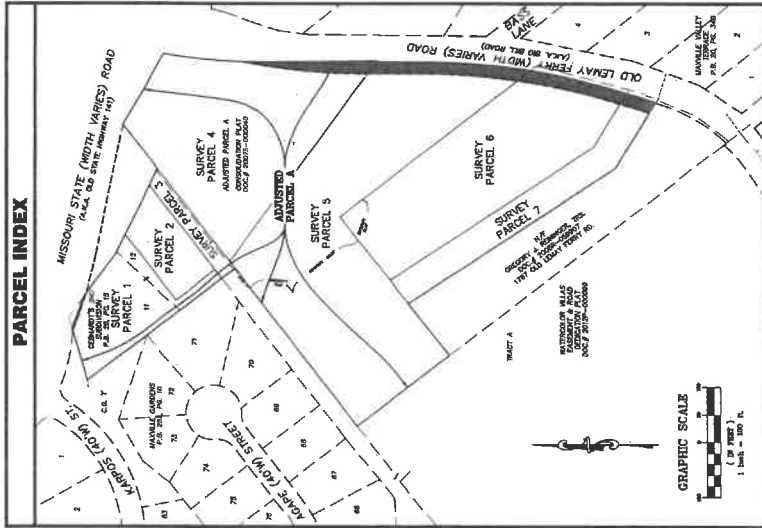
PROPERTY DESCRIPTIONS (RECORD):

SURVEY 1 PARCEL 1: 2.80 AC. (24,000 SQ. FT.) MORE OR LESS, BEING PART OF LOT 12 OF GEBHARDT'S 2ND SUBDIVISION, (P.B. 26, P.G. 15), ALL OF ADJUSTED PARCEL A OF CONSOLIDATION PLAT OF PART OF LOT 17 IN U.S. SURVEY 291 TOWNSHIP 43 NORTH, RANGE 6 EAST, (D.C. NO. 20075-000040) AND PART OF LOTS 16 AND 17 OF U.S. SURVEY 291, ALL LOCATED IN U.S. SURVEY 291 TOWNSHIP 43 NORTH, RANGE 6 EAST OF THE FIFTH PRINCIPAL MERIDIAN CITY OF ARNOLD, JEFFERSON COUNTY, MISSOURI

ADJUSTED PARCEL 1: 2.80 AC. (24,000 SQ. FT.) MORE OR LESS, BEING PART OF LOT 12 OF GEBHARDT'S 2ND SUBDIVISION, (P.B. 26, P.G. 15), ALL OF ADJUSTED PARCEL A OF CONSOLIDATION PLAT OF PART OF LOT 17 IN U.S. SURVEY 291 TOWNSHIP 43 NORTH, RANGE 6 EAST, (D.C. NO. 20075-000040) AND PART OF LOTS 16 AND 17 OF U.S. SURVEY 291, ALL LOCATED IN U.S. SURVEY 291 TOWNSHIP 43 NORTH, RANGE 6 EAST OF THE FIFTH PRINCIPAL MERIDIAN CITY OF ARNOLD, JEFFERSON COUNTY, MISSOURI

CEDARHURST OF ARNOLD CONSOLIDATION PLAT

SEVERAL TRACTS OF LAND BEING PART OF LOT 12 AND ALL OF LOT 13 OF GEBHARDT'S 2ND SUBDIVISION, (P.B. 26, P.G. 15), ALL OF ADJUSTED PARCEL A OF CONSOLIDATION PLAT OF PART OF LOT 17 IN U.S. SURVEY 291 TOWNSHIP 43 NORTH, RANGE 6 EAST, (D.C. NO. 20075-000040) AND PART OF LOTS 16 AND 17 OF U.S. SURVEY 291, ALL LOCATED IN U.S. SURVEY 291 TOWNSHIP 43 NORTH, RANGE 6 EAST OF THE FIFTH PRINCIPAL MERIDIAN CITY OF ARNOLD, JEFFERSON COUNTY, MISSOURI



STATEMENT OF STATE TAX COORDINATE:

THE TAXPAYER HAS RECEIVED THE FOLLOWING STATEMENT OF STATE TAX COORDINATE FOR THE PROPERTY DESCRIBED IN THIS PLAT. THE TAXPAYER IS REQUESTING THAT THE CITY OF ARNOLD, MISSOURI, RECORD THIS STATEMENT OF STATE TAX COORDINATE IN THE PUBLIC RECORDS OF THE CITY OF ARNOLD, MISSOURI.

CURRENT TAX STATUS:

THE PROPERTY DESCRIBED IN THIS PLAT IS CURRENTLY CLASSIFIED AS RESIDENTIAL. THE PROPERTY IS CURRENTLY TAXED AS RESIDENTIAL. THE TAXPAYER IS REQUESTING THAT THE CITY OF ARNOLD, MISSOURI, RECORD THIS STATEMENT OF CURRENT TAX STATUS IN THE PUBLIC RECORDS OF THE CITY OF ARNOLD, MISSOURI.

PARCEL	OWNER I/O/7	RECORDED	ASSESSOR NO.	AREA
1	EMMA M. BROWN	0042	5003	15,871 SQ. FT. (0.36 AC.)
2	EMMA M. BROWN	0043	5004	15,871 SQ. FT. (0.36 AC.)
3	EMMA M. BROWN	0044	5005	15,871 SQ. FT. (0.36 AC.)
4	EMMA M. BROWN	0045	5006	15,871 SQ. FT. (0.36 AC.)
5	EMMA M. BROWN	0046	5007	15,871 SQ. FT. (0.36 AC.)
6	EMMA M. BROWN	0047	5008	15,871 SQ. FT. (0.36 AC.)
7	EMMA M. BROWN	0048	5009	15,871 SQ. FT. (0.36 AC.)
8	EMMA M. BROWN	0049	5010	15,871 SQ. FT. (0.36 AC.)

PARCEL INFORMATION

PARCEL	OWNER I/O/7	RECORDED	ASSESSOR NO.	AREA
1	EMMA M. BROWN	0042	5003	15,871 SQ. FT. (0.36 AC.)
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6	EMMA M. BROWN	0047	5008	15,871 SQ. FT. (0.36 AC.)
7	EMMA M. BROWN	0048	5009	15,871 SQ. FT. (0.36 AC.)
8	EMMA M. BROWN	0049	5010	15,871 SQ. FT. (0.36 AC.)

PROPERTY DESCRIPTIONS (RECORD):

SURVEY 1 PARCEL 1: 2.80 AC. (24,000 SQ. FT.) MORE OR LESS, BEING PART OF LOT 12 OF GEBHARDT'S 2ND SUBDIVISION, (P.B. 26, P.G. 15), ALL OF ADJUSTED PARCEL A OF CONSOLIDATION PLAT OF PART OF LOT 17 IN U.S. SURVEY 291 TOWNSHIP 43 NORTH, RANGE 6 EAST, (D.C. NO. 20075-000040) AND PART OF LOTS 16 AND 17 OF U.S. SURVEY 291, ALL LOCATED IN U.S. SURVEY 291 TOWNSHIP 43 NORTH, RANGE 6 EAST OF THE FIFTH PRINCIPAL MERIDIAN CITY OF ARNOLD, JEFFERSON COUNTY, MISSOURI

LIENHOLDER CERTIFICATE (IF REQUIRE):

I, the undersigned, being duly sworn, depose and say that I am the holder of the lien described in the foregoing plat, and that the same is a valid lien in favor of the holder thereof.

OWNERS CERTIFICATE:

WE, the undersigned owners of the several tracts of land herein divided and described in the foregoing plat, do hereby certify that we are the owners of the several tracts of land herein divided and described in the foregoing plat, and that we have no other claims or interests in the same.

CITY CERTIFICATE:

I, the undersigned, being duly sworn, depose and say that I am the mayor of the City of Arnold, Missouri, and that the foregoing plat has been duly recorded in the Public Records of the City of Arnold, Missouri.

SURVEYOR'S CERTIFICATE:

I, the undersigned, being duly sworn, depose and say that I am a duly licensed surveyor in the State of Missouri, and that I have duly surveyed the several tracts of land herein divided and described in the foregoing plat, and that the same are correctly shown thereon.

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PREPARED BY: THE STERLING CO. ENGINEERS & SURVEYORS
 5055 NEW BALDWIN ROAD
 CLAYTON, MO 63109
 (314) 952-2323
 DOWERCOMPANIES.COM

DOVER DEVELOPMENT, LLC
 120 S. GUNN ST. SUITE 100
 DOVER, MISSOURI
 PREPARED FOR: [REDACTED]

THE STERLING CO. ENGINEERS & SURVEYORS
 5055 NEW BALDWIN ROAD
 CLAYTON, MO 63109
 (314) 952-2323
 DOWERCOMPANIES.COM

CEDARHURST OF ARNOLD CONSOLIDATION PLAT
 SHEET TITLE: [REDACTED]
 SHEET NO.: [REDACTED]
 18-07-221
 M.B.D.
 P.P. NO.
 DATE
 1
 2
 8

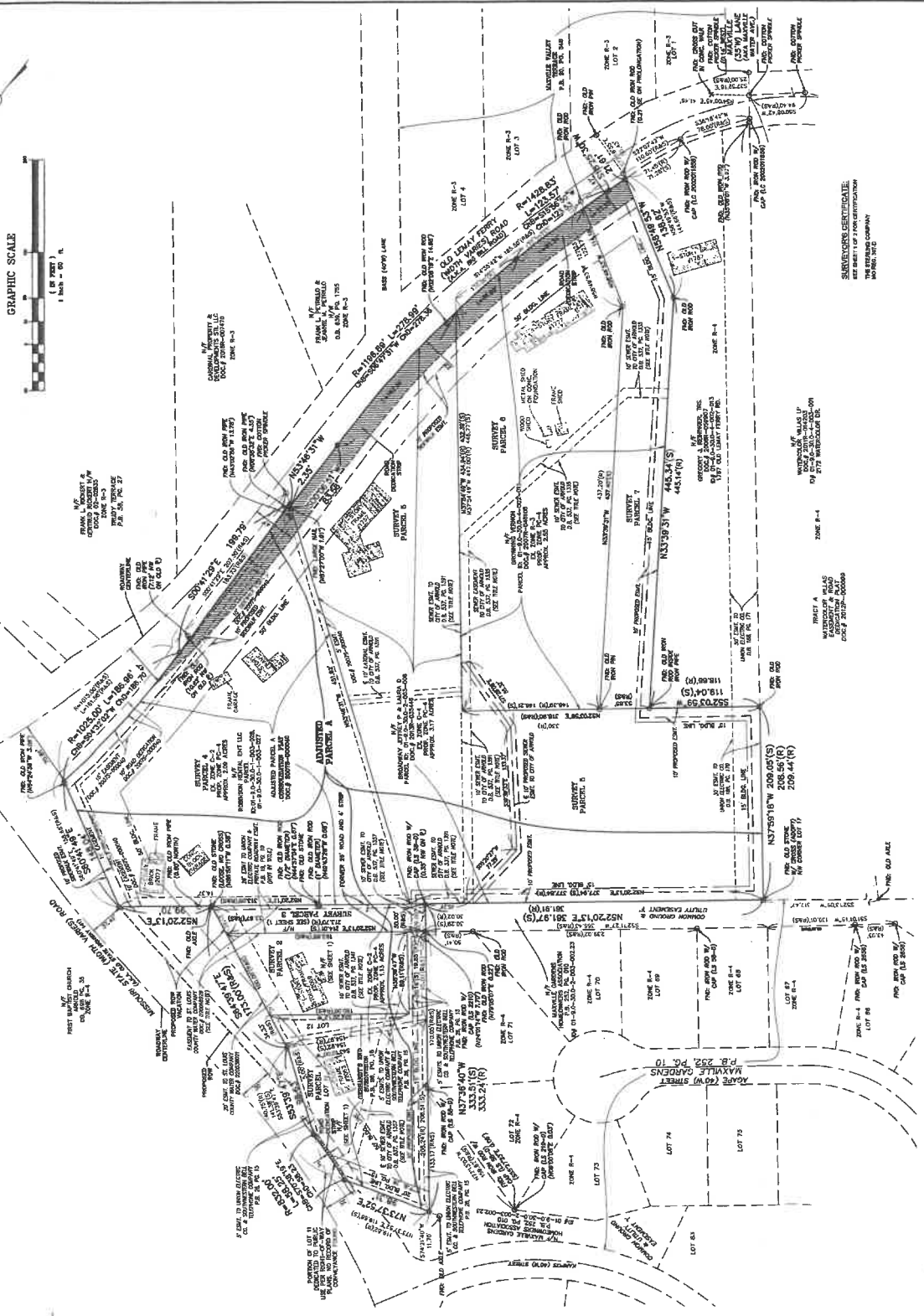
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CEDARHURST OF ARNOLD CONSOLIDATION PLAT



LEGEND

BUILDING

OWNER

EASEMENT

STREET

ABBREVIATIONS:

AS. ASSESSOR'S

BL. BOUNDARY LINE

CD. COMMON CORNER

EN. EASEMENT

FL. FENCE LINE

GL. GROUND LINE

ML. MEASURED LINE

PL. PLAT

SL. S. LINE

NOTES:

1. ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.

2. ALL DIMENSIONS ARE TO CENTER OF LINE UNLESS OTHERWISE NOTED.

3. ALL DIMENSIONS ARE TO CENTER OF ROAD UNLESS OTHERWISE NOTED.

4. ALL DIMENSIONS ARE TO CENTER OF LOT UNLESS OTHERWISE NOTED.

5. ALL DIMENSIONS ARE TO CENTER OF STRIP UNLESS OTHERWISE NOTED.

6. ALL DIMENSIONS ARE TO CENTER OF STRIP UNLESS OTHERWISE NOTED.

7. ALL DIMENSIONS ARE TO CENTER OF STRIP UNLESS OTHERWISE NOTED.

8. ALL DIMENSIONS ARE TO CENTER OF STRIP UNLESS OTHERWISE NOTED.

9. ALL DIMENSIONS ARE TO CENTER OF STRIP UNLESS OTHERWISE NOTED.

10. ALL DIMENSIONS ARE TO CENTER OF STRIP UNLESS OTHERWISE NOTED.

NO. 18-07-221
SHEET 2 OF 2

PROJECT: CEDARHURST OF ARNOLD CONSOLIDATION PLAT

PREPARED BY: THE STERLING CO. ENGINEERS & SURVEYORS
806 N. MISSOURI ST. SUITE 100
ST. LOUIS, MISSOURI 63105
E-Mail: Sterling@sterling-cs.com

PREPARED FOR: DOVER DEVELOPMENT, LLC
120 S. CENTRAL AVENUE
CLAYTON, MO 63105
(314) 822-2352
DOVERCOMPANIES.COM

DATE: 11/10/2010
DRAWN BY: JMM
CHECKED BY: JMM

GRAPHIC SCALE
1 inch = 50 feet

DATE: 11/10/2010

SCALE: 1/8" = 10'

GRAPHIC SCALE

1 inch = 50 feet

NO. 18-07-221
SHEET 2 OF 2

PROJECT: CEDARHURST OF ARNOLD CONSOLIDATION PLAT

PREPARED BY: THE STERLING CO. ENGINEERS & SURVEYORS
806 N. MISSOURI ST. SUITE 100
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DATE: 11/10/2010
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CHECKED BY: JMM



REPORT TO PLANNING COMMISSION

CITY OF ARNOLD



Cedarhurst of Arnold

Below is a description of all the services Cedarhurst of Arnold will provide:

- 63 Assisted Living Apartments and 20 Memory Care Apartments licensed by the Missouri Department of Health and Senior Services. Apartments are available for rent on a monthly basis, with additional levels of care available as needed. These are residential apartments. This building is not a nursing home.
- Professional caregiving staff available 24-hours a day
- On-going assessments and health monitoring by licensed nurses
- Full-service dining provides three healthy, seasonal and fresh home-cooked meals prepared by chefs
- Resident Centered Life-Enrichment Program featuring the following:
 - Activity programs
 - Creation of personalized memory boxes for each resident
 - Intergenerational programs
 - Music therapy and pet therapy
 - Exercise and fitness sessions
 - Social functions and parties
 - Weekly religious services
 - Shopping and errand services
 - Community event participation
 - Bus shuttle for events and activities
- Housekeeping:
 - Trash removal service
 - Weekly apartment cleaning with bed linen and towel service
 - Personal laundry service available
 - Suite repairs
- Physical Therapy, Rehabilitation, and Home Health services provided by EmpowerMe Wellness, a Cedarhurst affiliate.

EXHIBIT B– NARRATIVE OF SERVICES PROPOSED FOR THE LAND CONSOLIDATED

Dover Development Project - Consolidation



REPORT TO PLANNING COMMISSION
CITY OF ARNOLD



Rock Community Fire Protection District

Board of Directors

Ken Baker
 Nathan Smith
 Dan Meyer

3749 Telegraph Road
 Arnold, Missouri 63010
 636-296-2211
 636-467-5793 Fax
www.rockfire-rescue.org

Fire Marshal
 Jeffrey L DeLapp
 (636) 296-2211
 (636) 467-5734 Fax

Fire Chief
 Jeff Broombaugh

"Whatever It Takes"

January 23, 2019

Christie Hull-Bettale
 City of Arnold
 2101 Jeffco Blvd.
 Arnold, MO 63010

Christie,

After reviewing the Preliminary Plat for Cedarhurst, the following items need to be addressed from the 2015 IFC Codes.

1. Fire apparatus access roads shall not exceed 10 percent in grade per section **D103.2**
2. At least 2 fire hydrants shall be placed on site for fire protection.
3. Fire lanes shall be placed accordingly around building for emergency vehicle access.

If you have any questions, please feel free to contact me at 636-296-2211 extension 5748.

Yours in Fire Safety

Jeff DeLapp
 Fire Marshal

EXHIBIT C- AGENCY'S LETTERS

Dover Development Project - Consolidation



REPORT TO PLANNING COMMISSION CITY OF ARNOLD

From: DIEDRICH, DENISE A <dd1635@att.com>
To: Christie Hull-Bettale
Cc:
Subject: CEDARHURST

Sent: Mon 4/1/2019 10:05 AM

Message | CEDARHURST1.png | CEDARHURST2.png

Christie,

I've attached scrubbed copies of AT&T plant in the area of this proposed development.

We have an underground manhole run that is along Mo State and Old Lemay Ferry. On Mo State we have buried cables that come out of an existing manhole to feed customers. We have aerial cables along Old Lemay ferry, that go buried around Bass Ln and Watercolor.

I have no objections to the proposed business, but if the builder would want any AT&T facilities relocated or abandoned, they would need to coordinate that work with me in a timely manner.

Thank you and have a great day!

Denise A. Diedrich

AT&T

Manager OSP Planning & Eng Design

12851 MANCHESTER RD. 2-E-306

ST. LOUIS, MO. 63131

636-402-7074 (Office)

636-541-4879 (Cell)

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EXHIBIT C- AGENCY'S LETTERS

Dover Development Project - Consolidation



**REPORT TO PLANNING COMMISSION
CITY OF ARNOLD**

PAGE 1 OF 1

SPIRE INC. TRANSMITTAL

4118 SHREWSBURY AVE
ST. LOUIS, MISSOURI 63119

TO: Christine Hull-Bettale	DATE: 3/22/19
City of Arnold	RE: Cedarhurst
2101 Jeffco Blvd	
Arnold, MO 63010	

WE ARE SENDING YOU:

(X) NOTIFICATION OF NO GAS MAIN CONFLICT PER INFORMATION PROVIDED

NOTE: POTENTIAL GAS SERVICE LINE CONFLICTS ARE NOT DETERMINED DURING OUR REVIEW. SERVICE LINES MUST BE LOCATED IN THE FIELD TO DETERMINE ACTUAL LOCATION.

COMMENTS:

DRAFTSMAN NMT

Brian Langenbacher
Brian Langenbacher, P.E.
Construction Engineer III
(314).768-7767

EXHIBIT C- AGENCY'S LETTERS

Dover Development Project - Consolidation



REPORT TO PLANNING COMMISSION CITY OF ARNOLD

Christie Hull-Bettale

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

Hi Christie,

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

As far as the Cedarhurst project, we would like to make sure there are utility easements along the entire perimeter of the property if possible...most importantly easements along Old Lemay Ferry and Mo State roads. I have had some preliminary discussion with the developer's representative concerning possible pole relocation work that will be needed at this site. They will need to contact Ameren to formally apply for electric service and/or request relocation work.

If you have any questions or concerns, feel free to contact me.

Thanks,
Mike

Mike Wolf
Energy Services Consultant
Ameren Missouri
Meramec Valley Division
6450 Highway MM
House Springs, Mo 63051
636-671-6127 office
636-671-6110 fax
mwolf@ameren.com

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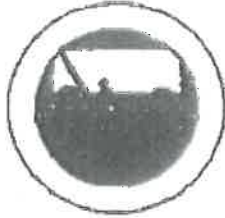
EXHIBIT C- AGENCY'S LETTERS

Dover Development Project - Consolidation

PAGE 12



REPORT TO PLANNING COMMISSION
CITY OF ARNOLD



City of Arnold
2101 Jeffco Blvd.
Arnold, MO 63010
636-282-2378
FAX: 636-282-6677

MEMO

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

From: Christie Hull-Bettale / chullbettale@arnoldmo.org

Date: 1/15/2019

Re: 2019-01: Rezoning/Consolidation Plat - C-4 Planned Commercial
2019-02: Preliminary Plat - 2069 Missouri State Rd. (Cedarhurst)

Please review and return any questions or comments to Christie Hull-Bettale by
January 24, 2019.

There is conduit containing an extremely
large cable under Old Lemay Ferry Rd
from a manhole at 1756 to a Riser Pole
just south of 1757 and conduit under
old MO state rd from a manhole on the north side
of MO state rd to St Eckel Rd

CCP# → AT&T Glen Hogenmiller
636-931-7525

EXHIBIT C- AGENCY'S LETTERS

Dover Development Project - Consolidation



**PLANNING COMMISSION MEETING
CITY HALL COUNCIL CHAMBERS
APRIL 9, 2019**

MINUTES

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

ROLL CALL OF COMMISSIONERS: Del Williams, John Tucker, Brian McArthur, Alan Bess, Frank Kutilek, Jeff Campbell, Andrew Sutton, Chris Ford, Justin Lurk (excused), David Bookless, Sarah Turner, Christie Hull-Bettale and Bob Sweeney. 8 voting members present, 1 excused.

REVIEW AND APPROVAL OF AGENDA: Motion by Jeff Campbell to approve the agenda as revised. Second by Del Williams. Voice Vote – *Unanimously Approved*.

APPROVAL OF MINUTES: Motion by Jeff Campbell to approve the minutes from the March 12, 2019 meeting as presented. Second by Chris Ford. Voice Vote - *Unanimously Approved*.

PUBLIC COMMENT: None

PUBLIC HEARINGS:

- a. **2019-10: CONDITIONAL USE PERMIT, SNOWBALL TRAILER, 776 JEFFCO:** Sarah Turner gave a brief presentation explaining that Joseph Sorg, Jr. is a returning vendor requesting approval for their seasonal Snow Cone Stand located at 776 Jeffco Blvd. This location is in the C-2 Commercial District and a snow cone stand falls under “fast food restaurant” which requires a Conditional Use Permit. He has been previously approved for identical Conditional Use Permit at this location and has been there for many years without complaints. There are no major concerns that have not already been addressed by previous CUP’s. The condition requiring a bathroom facilities agreement between Walgreens and the applicant has been amended to require a new agreement every year of the CUP and to include employees and customers. Staff finds that the application meets all review and recommends the Commission approve the Conditional Use Permit with the conditions.

No public comment.

- b. **2019-11: CONDITIONAL USE PERMIT, 360 NUTRITION, #16 FOX VALLEY CENTER:** Sarah Turner presented Erica Friedmeyer’s request for a Conditional Use Permit to operate a Nutrition Smoothie Bar at #16 Fox Valley Center. The primary business function is to serve meal replacement shakes/smoothies or energy teas. Nutrition Smoothie Bar falls under “fast food restaurant” which is permitted conditionally in a C-2 District. Does not require additional parking or other miscellaneous conditions of use outside of regular permitting for food service vendors. The City lacks this type of health-focused fast-food service and it has shown to be popular in other Jefferson County communities. Staff finds that this application meets the review criteria as proposed and requests favorable consideration.

No public comment.

- c. **2019-12: A REQUEST FOR A CHANGE OF ZONING FROM “PRD” PLANNED RESIDENTIAL DISTRICT TO “R-2” RESIDENTIAL DISTRICT FOR A PROPERTY LOCATED AT 2209 LONEDELL ROAD TO ALLOW THE CONSTRUCTION OF A SINGLE-FAMILY DWELLING. SUBMITTED BY PRIME PROPERTY INVESTMENTS, OWNER OF THE PROPERTY:** Sarah Turner presented Dan Kammerer of Prime Property Investments, request to rezone the property at 2209 Lonedell Rd. from “PRD”

Planned Residential District to “R-2” Residential District. This property was zoned R-2 Residential prior to being rezoned to PRD in 2009 and is surrounded by R-2. Under the PRD, the only use permitted is villas or two-family dwellings. This PRD’s use regulations were crafted for a 22 dwelling development plan that was approved in 2009 and expired in 2013. The approximately 11.74 acre tract is located north of the intersection of Lonedell Rd. and Pomme Rd. The applicant wants to build one (1) single-family home on the graded area setback from Lonedell with a private drive and wants to keep their options open for building two (2) more single-family dwellings with frontage on Lonedell. The two (2) existing homes had sat vacant since 2009 and were just recently demolished by the current owner/applicant. Staff finds that the proposed change of zoning meets the review criteria and further advances the intent of both the Comprehensive Plan and Zoning Ordinance; therefore, based on this finding, Staff requests favorable consideration of this application.

Brian McArthur referred to the possible future two (2) homes and asked if there would be a second road going in.

Dan Kammerer, Prime Property Investments, 5240 U.S. Highway 61/67, Imperial, MO, stated that they would have their own private drive off of Lonedell.

John Tucker asked if the PRD expired in 2013, doesn’t it automatically go back to the original zoning classification?

David Bookless explained that the zoning classification stays in place but the development plan expires. If someone wanted to develop under the PRD they would have to come forward with a new development plan.

- d. **2018-08: A CITY-INITIATED REQUEST TO AMEND CHAPTER 405, ZONING, OF THE CODE OF ORDINANCES, CREATING DEFINITIONS FOR LODGING ESTABLISHMENTS AND EXTENDED STAY LODGING ESTABLISHMENTS AND PROVIDING REGULATIONS THEREFOR:** David Bookless touched on the variety of crimes and adverse conditions that can occur when hotels are not run properly. He went over the crime data pertaining to the four (4) hotels in Arnold as far as the number of calls for service per year and the nature of those calls. Staff is proposing a two-pronged approach to the problem. The first approach is Zoning Amendments: Replace hotel, motel, etc. with Lodging Establishment; new definition: Extended Stay Lodging Establishment and make an Extended Stay Lodging Establishment a Conditional Use and only allowed in the C-3 Commercial District. Additionally, some criteria is being proposed for these establishments including accessory uses associated with it such as minimum acreage requirements; maximum lot coverage requirements and buffering requirements if they abut residential. The second approach is Business Licensing Amendments such as establish a new license category; stay limitation requirements; guest register requirements; prohibitions; maintenance of the guest rooms; prohibiting the consumption of alcohol in public places such as the parking lot, hallways, stairwells, etc. and reiterate the rights that establishments have to refuse and eject persons violating the rules or laws. There will also be an endorsement procedure (based on performance); Police endorsement will be required to get the Business License. Mr. Bookless also briefly went over the list of standards and measures. 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, he requests favorable consideration of the draft amendments.

John Tucker referred to the “calls of service” and asked if there is any reason to be concerned that the hotel would call for service themselves.

David Bookless stated at the last City Council meeting, the Council approved an amendment to the Municipal Code for emergency access via the telephone. You no longer have to dial an access code; you can just dial 911 to

get emergency help. The other part of the change is a hotel cannot tell or put pressure on their guests, employees or anybody else to not call 911 in the event of an emergency. Mr. Bookless stated that he has seen this implemented in other communities and there has been significant reduction in crime statistics and Police calls.

Frank Kutilek asked if lodging facilities included Bed and Breakfast establishments.

David Bookless stated there has to be five (5) or more rooms for these regulations to apply.

Frank Kutilek commented that when he worked in construction, there were times he would be in a location for a year or more and would have a long term agreement with the hotel.

David Bookless replied that he had reached out to a few hotel managers and they all felt six (6) month extended stay was reasonable with a provision that if someone had an emergency such as a fire or flood. People that want to stay a year or more, most of the apartment complexes have shorter term leases available.

- e. **2019-13: A CITY-INITIATED REQUEST TO AMEND CHAPTER 405, ZONING, OF THE CODE OF ORDINANCES TO MODIFY DEFINITIONS AND REGULATIONS RELATED TO "USED CAR SALES," AS DEFINED IN THE ZONING ORDINANCE, AND AS RELATED TO NEW CAR, TRUCK, RECREATIONAL VEHICLE, BOAT, TRAILER, OTHER VEHICLE, AND/OR CONSTRUCTION EQUIPMENT SALES:** David Bookless stated that the City Council expressed concern and directed the Planning Commission to review the regulations for used/new car sales on smaller lots. He then briefly went over the proposed changes. Revise definitions to apply to new and used car sales; require a CUP in C-2, C-3, M-1 and M-2 districts; minimum parcel size in "C" districts of 2 ½ acres; no minimum in "M" districts for internet and specialty sales; abutting residential districts must be screened; a traffic study may be required and pre-existing car sales establishments will be designated legal non-conforming uses. The Director of Community Development finds that the proposed text amendments meet or exceed review criteria and further advances the intent of Chapter 405 and based on this finding, request favorable consideration of the draft amendments.

No public comment.

- f. **2019-01: A REQUEST FOR A CHANGE OF ZONING FOR SEVEN (7) PROPERTIES FROM C-4, R-3 AND C-2 TO ALL C-4 PLANNED COMMERCIAL DISTRICT FOR THE PURPOSES OF OPERATING ASSISTED LIVING APARTMENTS (CEDARHURST) AT 2069 MISSOURI STATE RD.:** Christie Hull-Bettale gave an updated presentation of Dover Development's request to establish a "C-4" Planned Commercial District for seven parcels of land totaling 8.32 acres. The proposed uses would include 63 assisted living apartments, 20 memory care apartments, and senior services. An adjustment was made to the architecture so new renderings were presented. The city hired CBB on behalf of Dover Development to do a traffic study. We asked them to do an assessment to determine the number of trips that would be generated; assess the relative impact of those trips on the adjacent roadways; assess the ability of the motorist to safely enter and exit the site, and if necessary, roadway improvements or traffic control modifications would be recommended to mitigate any impacts from the development. The study focused on weekday peaks A.M and P.M.

David Bookless clarified that CBB was hired and directed by the city and the applicant reimbursed the city for the cost.

Christie Hull Bettale then reviewed the findings and recommendations from the traffic study and addressed the changes the developer has made which include: curb cuts have been modified to make sure sight triangles are addressed going in and out of the access points and also sight distance to the intersection.; sidewalks will be constructed; they will not construct the portion of sidewalk in front of the development on Old Lemay Ferry, but they are going to make a contribution in the form of escrow, to the sidewalk fund for future sidewalk improvements in the future. They will also provide adequate roadway right-of-way for Old Lemay Ferry and Missouri State Road for future potential widening. Additional landscaping has also been added. 1787 Old Lemay Ferry has been left out of the proposal. There has been reasonable effort made but no agreement established. Staff recommends favorable consideration of this rezoning request.

Jeff Campbell commented to Christie that the site plan on her presentation is different than the one in the packet.

Nick Dwyer, Dover Development, 120 South Central Ave., Clayton, MO stated that the site plan on the slideshow is an outdated plan. The plan that is dated 3/26/2019 is the plan the review was based off of.

David Bookless also mentioned a slight shift in the building.

Nick Dwyer explained that an existing water main did not get picked up through the utility locations so the building had to be shifted off the road and part had to be re-adjusted. The drive lane has been shifted.

Brian McArthur commented that a lot of parking was lost with the shift.

Nick Dwyer stated that they lost a few parking spots but they are still one over what is required.

Jeff Campbell asked what kind of vehicle is delivering supplies, food, etc.

Nick Dwyer commented that a small van delivers the food weekly.

Gregory Reininger, 1787 Big Bill Rd., questioned being boxed in by C-4 zoning; building within 15 feet of his property and where are the contractors from and are they union.

Nick Dwyer stated they do not foresee building anything within 15 feet of Mr. Reininger's property and they plan on using as many local subcontractors as they can.

Larry Thomas Jobe, Jr., 1787 Old Lemay Ferry, asked if the detention pond that will be behind their property was intended to hold water and if so, concerned there will be a mosquito issue. Will there be time requirements as to when they can start work; will deliveries be allowed during the construction phase during certain hours; wants a PLA signed to insure that they use union workers.

Bob Sweeney commented that labor agreements are no longer lawful in Missouri.

JD Howell, The Sterling Co., 5055 New Baumgartner Road, St. Louis, MO, commented that the detention basin in question will be dry.

Cort Dietz, 10890 Business 21, Hillsboro, MO, commented that Mr. Reininger is his client and stated that the developer offered \$140,000 Mr. Reininger's property which is considerably less than its worth. The main concern is that this property will be orphaned and lose its value will be greatly reduced. They would like the developer to make better assertive effort.

Bob Sweeney commented that the Planning Commission does not have the authority to direct a developer on their offers. Real Estate Agents are not qualified to provide property appraisals, so if the applicant has evidence of reduced value it would have to be from a licensed appraiser.

Cort Dietz stated he is not trying to establish a value but this development will reduce the value of Reininger's property and feels it is irresponsible to allow them to leave that one property.

- g. **2019-02: CONSOLIDATION PRELIMINARY RECORD PLAT, CEDARHURST ASSISTED LIVING FACILITY CONSOLIDATE 7 PARCELS INTO ONE LOT, 2069 MISSOURI STATE RD.** Christie Hull-Bettale presented this Consolidation Plat stating that the proposed consolidation supports the Comprehensive Plan, it includes proper provision of right-of-way and sidewalk easement dedications and it includes transportation facilities, in the form of sidewalk and pedestrian improvements for Missouri State Road being constructed and escrow in lieu of construction for Old Lemay Ferry sidewalks being established prior to building permit issuance. Staff requests favorable consideration of this proposed Consolidation Plat.

No public comment.

There being no further questions or comments, the public hearing adjourned at 8:20 p.m.

OLD BUSINESS:

- a. **2019-01: A REQUEST FOR A CHANGE OF ZONING FOR SEVEN (7) PROPERTIES FROM C-4, R-3 AND C-2 TO ALL C-4 PLANNED COMMERCIAL DISTRICT FOR THE PURPOSES OF OPERATING ASSISTED LIVING APARTMENTS (CEDARHURST) AT 2069 MISSOURI STATE RD.:** Jeff Campbell commented that he is not comfortable approving this when the background plan is not consistent through the set such as the landscape plan, etc.

Christie Hull-Bettale explained that after she had created the presentation there was a change in the site plan (waterline was found and they had to shift the building). She apologized that the old site plan was in the presentation.

JD Howell referred to the landscaping plan and stated there would be no substantial changes.

David Bookless commented that if the landscape plan varies at all, they will bring it back before the Planning Commission for approval.

Brian McArthur questioned the parking difference between the original plan and the proposed.

Christie Hull Bettale commented that although with the building shift they lost a few spaces they still have more than is required.

Chris Ford expressed his concern for Mr. Reininger.

Andrew Sutton shares Mr. Ford's concerns but does recognize that the applicant has made all efforts to negotiate a fair price with the property owner.

Frank Kutilek made the comment that the existing traffic issues on Missouri State Rd., Church Rd., and Old Lemay Ferry need to be address in the future.

Christie Hull-Bettale commented that Dover has done their part by providing the dedicated right-of-way on both roadways and they are improving the sidewalks in the area to make the connection to Arnold Commons.

Motion by Frank Kutilek to approve 2019-01, A request for a change of zoning for seven (7) properties from C-4, R-3 and C-2 to all C-4 Planned Commercial District for the purposes of operating Assisted Living Apartments (Cedarhurst) at 2069 Missouri State Rd. based on the findings and the 21 conditions found in Attachment A (attached). Second by Del Williams. Roll call vote: Chris Ford, yes; Brian McArthur, yes; Alan Bess, yes; John Tucker, yes; Frank Kutilek, yes; Jeff Campbell, no; Del Williams, yes; Andrew Sutton, yes. 7 yeas, 1 nay – *Motion Approved.*

- b. **2019-02: CONSOLIDATION PRELIMINARY RECORD PLAT, CEDARHURST ASSISTED LIVING FACILITY CONSOLIDATE 7 PARCELS INTO ONE LOT, 2069 MISSOURI STATE RD.** Motion by Del Williams to approve 2019-02, Consolidation Preliminary Record Plat, Cedarhurst Assisted Living Facility consolidation of seven (7) parcels into on lot at 2069 Missouri State Road based on the findings and the following two (2) conditions:

1. The applicant is to address comments as indicated by Agencies.
2. The applicant is to construct improvements and establish escrows as indicated in the separate proposal for the "C-4" Planned Commercial District with Development Plan.

Second by Frank Kutilek. Roll call vote: Chris Ford, yes; Brian McArthur, yes; Alan Bess, yes; John Tucker, yes; Frank Kutilek, yes; Jeff Campbell, no; Del Williams, yes; Andrew Sutton, yes. 7 yeas, 1 nay – *Motion Approved.*

NEW BUSINESS:

- a. **2019-10: CONDITIONAL USE PERMIT, SNO-BALL, 754 JEFFCO BLVD.:** Motion by Jeff Campbell to approve 2019-10, Conditional Use Permit, Sno-Ball, at 754 Jeffco Blvd., with following ten (10) conditions:

1. All structures, tables, trash containers, etc. must be located at least fifty (50) feet from the front property line.
2. The tables, trash containers, etc. may not create an obstruction for vehicle traffic.
3. The area is kept clean of trash and debris that may result from the snow cone stand.
4. A current written agreement is provided to the City regarding the use of restrooms for the employees and customers of the snow cone stand for each year of the Conditional Use Permit.
5. The operation may open March 1 of each year of the Conditional Use Permit.
6. The hours of operation are from 1:00PM to 10:00PM.
7. The trailer is removed on or before October 1, 2019 and 2020.
8. Building permits required for the placement of the stand, electric, etc.
9. Jefferson County Health Department permit required.
10. All necessary permits are issued in conjunction with opening the snow cone stand.
11. The Conditional Use Permit will expire on October 31, 2020.

Second by Del Williams. Roll call vote: Chris Ford, yes; Brian McArthur, yes; Alan Bess, yes; John Tucker, yes; Frank Kutilek, yes; Jeff Campbell, yes; Del Williams, yes; Andrew Sutton, yes. 8 yeas, 0 nays – *Motion Approved.*

- b. **2019-11: CONDITIONAL USE PERMIT, 360 NUTRITION, #16 FOX VALLEY CENTER:** Motion by Jeff Campbell to approve 2019-11, Conditional Use Permit, 360 Nutrition at #16 Fox Valley Center based on the findings. Second by Del Williams. Roll call vote: Chris Ford, yes; Brian McArthur, yes; Alan Bess, yes; John Tucker, yes; Frank Kutilek, yes; Jeff Campbell, yes; Del Williams, yes; Andrew Sutton, yes. 8 yeas, 0 nays – *Motion Approved.*
- c. **2019-12: A REQUEST FOR A CHANGE OF ZONING FROM “PRD” PLANNED RESIDENTIAL DISTRICT TO “R-2” RESIDENTIAL DISTRICT FOR A PROPERTY LOCATED AT 2209 LONEDELL ROAD TO ALLOW THE CONSTRUCTION OF A SINGLE-FAMILY DWELLING. SUBMITTED BY PRIME PROPERTY INVESTMENTS, OWNER OF THE PROPERTY:** Motion by Jeff Campbell to approve 2019-12, a request for a change of zoning from “PRD” Planned Residential District to “R-2” Residential District for a property located at 2209 Lonedell Road to allow the construction of a single-family dwelling based on Staff’s findings. Second by Frank Kutilek. Roll call vote: Chris Ford, yes; Brian McArthur, yes; Alan Bess, yes; John Tucker, yes; Frank Kutilek, yes; Jeff Campbell, yes; Del Williams, yes; Andrew Sutton, yes. 8 yeas, 0 nays – *Motion Approved.*
- d. **2019-08: A CITY-INITIATED REQUEST TO AMEND CHAPTER 405, ZONING, OF THE CODE OF ORDINANCES, CREATING DEFINITIONS FOR LODGING ESTABLISHMENTS AND EXTENDED STAY LODGING ESTABLISHMENTS AND PROVIDING REGULATIONS THEREFOR:** Motion by Jeff Campbell to approve 2019-08, a city-initiated request to amend Chapter 405, Zoning of the Code of Ordinances, creating definitions for lodging establishments and extended stay lodging establishments and providing regulations therefor. Second by Chris Ford. Roll call vote: Chris Ford, yes; Brian McArthur, yes; Alan Bess, yes; John Tucker, yes; Frank Kutilek, yes; Jeff Campbell, yes; Del Williams, yes; Andrew Sutton, yes. 8 yeas, 0 nays – *Motion Approved.*

- e. **2019-13: A CITY-INITIATED REQUEST TO AMEND CHAPTER 405, ZONING, OF THE CODE OF ORDINANCES TO MODIFY DEFINITIONS AND REGULATIONS RELATED TO “USED CAR SALES,” AS DEFINED IN THE ZONING ORDINANCE, AND AS RELATED TO NEW CAR, TRUCK, RECREATIONAL VEHICLE, BOAT, TRAILER, OTHER VEHICLE, AND/OR CONSTRUCTION EQUIPMENT SALES:** Motion by Jeff Campbell to approve 2019-13, a city-initiated request to amend Chapter 405, Zoning, of the Code of Ordinances to modify definitions and regulations related to “Used Car Sales” as defined in the Zoning Ordinance, and as related to new car, truck, recreational vehicle, boat, trailer, other vehicle, and/or construction equipment sales. Second by Frank Kutilek. Roll call vote: Chris Ford, yes; Brian McArthur, yes; Alan Bess, yes; John Tucker, yes; Frank Kutilek, yes; Jeff Campbell, yes; Del Williams, yes; Andrew Sutton, yes. 8 yeas, 0 nays – *Motion Approved.*

STAFF UPDATE:

David Bookless – upcoming agenda items: sign code with respect to temporary signs and medical marijuana. City Council approved: tree preservation amendment; 911 calls, and vacant structure amendment.

Bob Sweeney – no report

Sarah Turner – no report

Christie Hull-Bettale – gave an update on MOD Pizza –they will be striping the crosswalk and taking care of the ADA spaces within the next few weeks.

COMMISSIONERS UPDATE:

Del Williams – no report

John Tucker – asked for an update on the striping in front of the Bedroom Store in Arnold Commons. Christie stated that our Building Inspector was going to contact their maintenance company to take care of it.

Alan Bess – no report

Jeff Campbell – no report

Frank Kutilek – no report

Andrew Sutton – no report

Chris Ford – no report

COUNCIL LIAISON REPORT

Brian McArthur – asked if Harbor Freight had an open house. David Bookless stated that he has not heard of any.

NEXT SCHEDULED MEETING: APRIL 23, 2019

ADJOURNMENT: Meeting adjourned at 8:43 p.m.

Respectfully Submitted,

Alan Bess
Planning Commission Secretary

AN ORDINANCE APPROVING A CONSOLIDATION RECORD PLAT TITLED
"CEDARHURST OF ARNOLD, CONSOLIDATED PLAT"

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

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

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

Section 1. The City of Arnold hereby accepts and approves the consolidation record plat titled "Cedarhurst of Arnold, Consolidated Plat". A copy of said plat is attached to this ordinance.

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

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

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

Section 5. Approval of the Consolidation Plat is hereby granted, subject to the conditions outlined below:

1. The applicant is to address comments as indicated by Agencies.
2. The applicant is to construct improvements and establish escrows as indicated in the separate proposal for the "C-4" Planned Commercial District with Development Plan.

Section 6. The approval of the City Council under the hand and seal of the City shall be endorsed upon said

Section 7. This ordinance shall be in full force and effect from and after its passage and approval by the Mayor and City Council.

READ TWO TIMES, PASSED AND APPROVED THIS _____ DAY OF MAY, 2019.

Presiding Officer of the Council

Mayor Ron Counts

ATTEST:

City Clerk Tammi Casey

1st reading: _____

2nd reading: _____

APPROVED AS TO FORM:

City Attorney Robert Sweeney



2733

**CITY COUNCIL
AGENDA ITEM STAFF REPORT**

MEETING DATE: May 2, 2019

TITLE: 2019-01 Cedarhurst of Arnold: A request to rezone seven (7) parcels to establish a "C-4" Planned Commercial District located at the southwest corner of Old Lemay Ferry Rd and Missouri State Rd.

DEPARTMENT: Community Development

PROJECT MANAGER: Christie Hull-Bettale, Community Development Engineer

REQUESTED ACTION: Ordinance approval

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

EXECUTIVE SUMMARY:

The purpose of the proposed rezoning is to allow for the operation of assisted living apartments, memory care apartments, and senior services. The subject parcels are currently zoned as "C-4" Planned Commercial, "C-2" Commercial, and "R-3" Residential. This proposal would establish a new "C-4" Planned Commercial District, the regulations for which are contained in "Attachment A" of the Draft Ordinance. The proposed zoning and use is consistent with the Comprehensive Plan.

REVIEW & ANALYSIS:

At its February 12, 2019 meeting, the Planning Commission found a number of concerns with the initial proposal. The Preliminary Site Plan was lacking a suitable residential landscaping buffer, had deficient transportation improvements, negative traffic impacts, and needed aesthetic upgrades considering the properties' prominence. A major concern was an orphaned parcel, which would be wedged between two higher density multi-tenant senior facilities and be unlikely to ever develop. The Planning Commission voted to table the proposal and requested that a traffic assessment be completed for the site area.

The next iteration of the proposal came to the April 9, 2019 Planning Commission meeting. The Preliminary Site Plan ("Attachment B") had been modified to include all of the traffic assessment's recommendations, except the applicant requested to escrow the cost of sidewalks in lieu of construction. The Preliminary Site Plan also included suitable transportation improvements and the requested aesthetic upgrades. The residential landscaping buffer was still considered to be lacking by Staff, so an additional buffering tree row was recommended. The owner of the orphaned parcel is aware of the effects of the proposal and is in opposition to the development. However, the applicant made a good faith effort to include the property in the proposal but no agreement was reached.

RECOMMENDATION:

On April 9, 2019, the Planning Commission, by a vote of 7 to 1, voted to recommend approval of the rezoning subject to conditions in "Attachment A".



REPORT TO PLANNING COMMISSION

CITY OF ARNOLD

APPLICATION NUMBER: 2019-01

APPLICATION NAME: Cedarhurst of Arnold

APPLICANT NAME: Dover Development LLC (owner under contract)
120 South Central Ave
Suite 150
Clayton, MO 63105

PROPERTY OWNER(S): Jeffery and Laura Broadway
1757 Old Lemay Ferry — ("C-4", 2.94 Ac)

Mary Nelson
1777 Old Lemay Ferry — ("R-3", 2.24 Ac)

Robinson Rental Ent LLC
2077 & 1739 Old Lemay Ferry — ("C-2", 2.14 Ac)

Halbert and Mary Robinson
2069 Missouri State Road — ("C-2". 1.0 Ac)

APPLICANT'S REQUEST: The applicant is seeking to rezone seven (7) properties to C-4" Planned Commercial District for the purposes of operating Assisted Living Apartments, Memory Care and Senior Services.

STREET ADDRESS: See above

SITE LOCATION: The southwest corner of Old Lemay Ferry Rd and Missouri State Rd

PARCEL IDs: 01-9.0-30.0-2-003-006, 01-9.0-30.0-4-002-012, 01-9.0-30.0-1-003-027, 01-9.0-30.0-1-003-028 01-9.0-30.0-2-003-003

TOTAL SITE AREA: 8.32 acres

MEETING DATE: April 9, 2019

REPORT DATE: April 2, 2018

CASE MANAGER: Christie Hull-Bettale

RECOMMENDATION: Approval with conditions



REPORT TO PLANNING COMMISSION

CITY OF ARNOLD

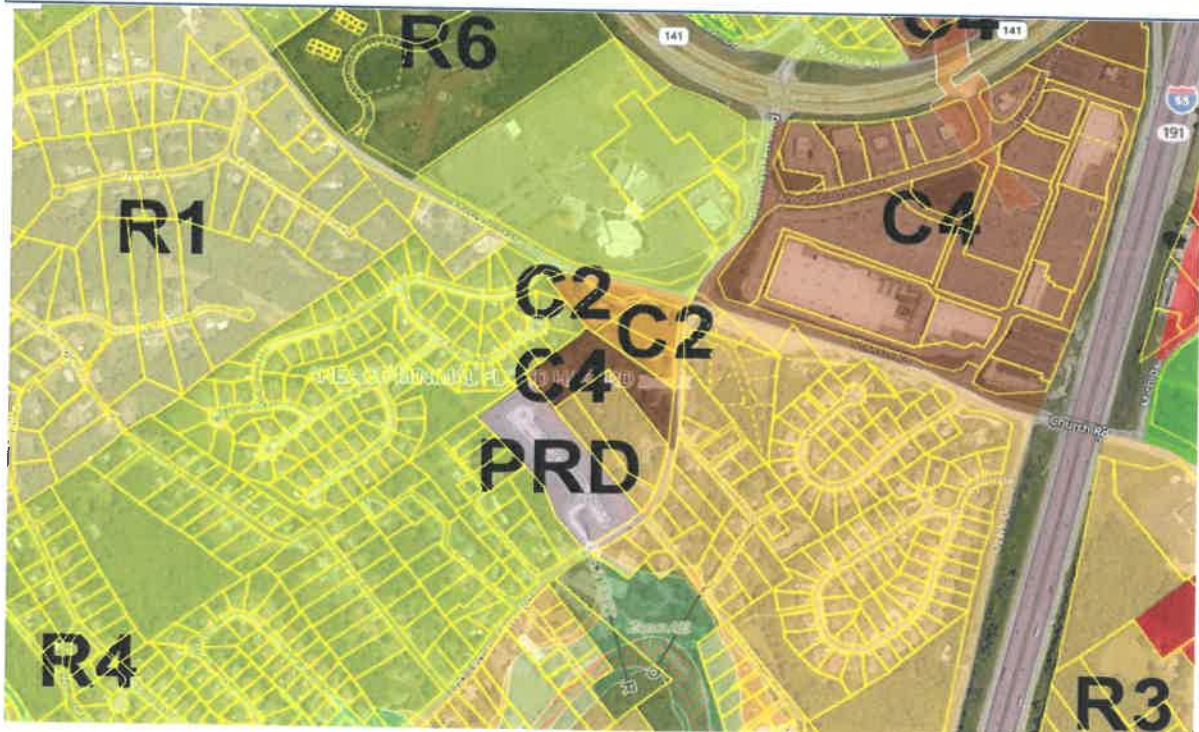
DESCRIPTION OF EXISTING SITE CONDITIONS

The tract is located at the southwest corner of Old Lemay Ferry Rd and Missouri State Rd. In total there are 7 homes and multiple parcels with cumulative 8.32 acres. All the existing structures operate and are used as residential in some form. With exception of the “Dogs in My Home,” which is within the “C-4” zoning district allowing for dog boarding in conjunction with the residential home. Each addressed building fronting on Old Lemay Ferry has an individual curb cut. The properties that front on Missouri State Road have one shared curb cut with access via Steckel Lane which is a private road.

LAND USE AND ZONING CONTEXT MATRIX

DIRECTION	EXISTING LAND USE	ZONING DISTRICT	COMMENTS
North	Residential, Commercial	R-4, C-4	North of Missouri State Road Existing developments and Commercial Structures; Church and Arnold Commons
East	Residential	R-3	East of Old Lemay Ferry Road Single Family Homes
South	Varied Residential	R-3, PRD	One single family home Multifamily, Independent Senior Living
West	Residential	R-4	Single family homes

ZONING MAP



DOVER DEVELOPMENT (CEDARHURST OF ARNOLD)

REPORT TO PLANNING COMMISSION

CITY OF ARNOLD



LOCATION AND REZONING LIMITS MAP



2019-01 APPLICATION TO REZONE



REPORT TO PLANNING COMMISSION

CITY OF ARNOLD

ZONING REQUEST/DEVELOPMENT PROPOSAL

The applicant requests to establish a “C-4” Planned Commercial District for seven parcels of land totaling 8.32 acres. The proposed uses would include: 63 assisted living apartments, 20 memory care apartments, and senior services. The apartments are for rent on monthly basis. This facility will not include a nursing home. As required with “C-4” requests a Preliminary Site Development Plan is included with this application (See Exhibit F).

COMPREHENSIVE PLAN CONSISTENCY REVIEW

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

GOALS, OBJECTIVES, AND POLICIES:

LAND USE POLICIES

LU-2: Promote housing choices for all ages and life stages for existing and future population needs.

LU-9.1: Apply Compatible Uses. Commercial development should be compatible with nearby development and adequately buffered to mitigate adverse impacts on residential neighborhoods.

HOUSINGS & NEIGHBORHOOD POLICIES

NH-3: In existing neighborhoods, a mixture of land use types, housing sizes and lot sizes may be possible if properly mitigated and respectful of neighborhood character. Require careful design wherever land uses are mixed in order to ensure compatibility, accessibility and appropriate transitions between land uses that vary in intensity and scale.

CITY PLANNER’S COMMENTS

LU-2 Substantially Satisfied: The proposed development will providing senior housing and service options. There is a need for senior living.

LU-9.1 Substantially Satisfied: The proposed development use is a combination of residential living and senior related services with other similar uses that are nearby.

The senior housing facility serves as a transition between the intensive commercial development to the northeast and residential development to the south. The application does not include 1787 Old Lemay Ferry Rd, the property directly south of the project. While Staff expressed some concern about the property being left out, the issue was examined and is discussed in staff analysis.

While the proposal includes a landscape buffer easement, the Final Development plan must have an additional buffer tree row planted in the 15’ wide buffer strip to supplement the existing tree mass, which will fulfill this policy.

NH-3.1 Substantially Satisfied: This development and rezoning is suited for the area and can provide a transition in uses from the intensity of the nearby commercial development to a less extreme residential and senior service use.

REPORT TO PLANNING COMMISSION

CITY OF ARNOLD



GOALS, OBJECTIVES, AND POLICIES (CONTINUED):

NH- 3.1: Provide Transitions. Design infill and redevelopment to avoid negative impacts and ensure compatibility and appropriate transitions between land uses.

3.7: Compatible Infill. Encourage infill housing in older residential neighborhoods that is architecturally compatible with surrounding properties.

TRANSPORTATION POLICIES

Policy T-3.5: Access Standards. Implement access control standards to increase efficiency and safety and adopt access management guidelines to reduce conflict between highway traffic and adjacent land uses.

Policy T-3.6: Fair Share. Roadways and right-of-ways along property frontages that serve a development should be improved by the developer and/or complete development. Improvements may consist of driveway improvements, transitional right-of-way expansions, turn lanes, signalized intersections, center turn lanes, lane widening, lane tapers off-site, medians, shoulders, sidewalks, lighting, street lighting, street trees, landscaping, utility modifications, utility relocations, and overhead utility line burials. The improvements may be identified, shown or noted on the adopted City Transportation Master Plan, Improvement District Plan, Development Plan, Preliminary Plat or

NH-3.1 Substantially Satisfied: This development and rezoning is suited for the area and can provide a transition in uses from the intensity of the nearby commercial development to a less extreme residential and senior service use.

NH-3.7 Satisfied: By review of the building rendering plan; the architectural color and material choices of minimal stone veneer, "James Hardie" plank siding and architectural roof seems to aesthetically compliment the theme of nearby newer residential construction. Note: Applicant provided additional architectural treatments to enhance the side and rear of the building. *Further discussion is provided in staff analysis.*

T-3.5 Substantially Satisfied: The Preliminary Development Plan shows support that the proposed driveway curb cuts, their sight distance and proximity to the intersection were considered and are adequate with respect to applicable standards and does not show conflict with Old Lemay Ferry or Missouri State Road.

T-3.6 Substantially Satisfied: The applicants' Rezoning Preliminary Development Plan, makes a proposal to include adequate right of way dedication and sidewalk easement, for Old Lemay Ferry and Missouri State Road as outlined in this Policy and the Transportation Plan.

However, the applicant requests to contribute escrow in lieu of construction for the public sidewalks, so that the funds will go towards sidewalks to built in the future.

Staff suggests to completely satisfy the Policy, A **Conditions of Approval** should be made to require construction for part of the public sidewalks including pedestrian improvements to the intersection and portions of sidewalk not constructed must be escrowed for future sidewalks. *Further discussion in staff analysis.*



REPORT TO PLANNING COMMISSION

CITY OF ARNOLD

GOALS, OBJECTIVES, AND POLICIES (CONTINUED):

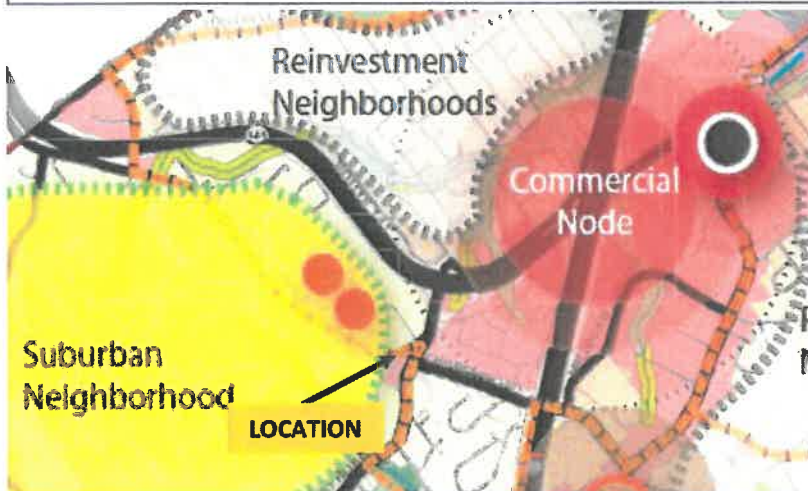
may be required by condition by city staff, Planning Commission or City Council.

Policy T-6: Subdivision applications and other development approvals should be reviewed for adequacy of streets and roadways. Approval may be different, phased in, or conditioned upon the availability of adequate capacity.

T-6 Substantially Satisfied: The "C-4" rezoning request and Preliminary Development Plan proposal, identifies required road right of way dedication and transportation improvements in the form of public sidewalks.

A Traffic Assessment was completed on behalf of the City of Arnold. The assessment included trip generation, ingress and egress management and recommended modifications to mitigate impacts of the development. The Assessment Summary is included as an exhibit, as the Findings and Recommendations are fulfilled, this Policy is satisfied.

FUTURE LAND USE MAP:



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

PLANNING AND ZONING ANALYSIS

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

The applicant requests to establish a "C-4" Planned Commercial District for multiple parcels of land, cumulatively 7 parcels totaling 8.32 acres. The proposed uses would include: 63 assisted living apartments, 20 memory care apartments, and senior services.

PURPOSE OF THE "C-4" PLANNED COMMERCIAL DISTRICT

The "C-4" Planned Commercial District is established in order facilitate the establishment of combinations of developments and uses for which no provision is made in any other single "C" Commercial District or the establishment of commercial developments and uses in locations where it would be appropriate to the area if they were to take place under approved site

REPORT TO PLANNING COMMISSION

CITY OF ARNOLD



plans, and such conditions as to assure said developments and uses would be consistent with good planning practice and operated in a manner compatible with permitted developments and uses in adjoining districts, as necessary to protect the general welfare.

PERMITTED USES

The permitted uses in a "C-4" Planned Commercial District may potentially be any of the uses permitted or conditionally permitted in the "C-1", "C-2" or "C-3"; however, the specific ordinance authorizing the establishment of a particular planned commercial district related to a specific tract of land may further limit the uses permitted on the tract. *Staff finds that the uses proposed by the applicant are appropriate for this planned district subject to the applicant's ability to satisfy infrastructure requirements of the Zoning Ordinance.*

CONSISTENT WITH GOOD PLANNING PRACTICE

The redevelopment of the site for multi-family senior housing purposes advances the goals, objectives, and policies of the Comprehensive Plan and advances the goals of the Zoning Ordinance. The proposal reduces the opportunity for "piece meal" development of properties in the area, however, a parcel was left out of the plan. The properties selected for the rezoning did not include the parcel to the south of the limits, 1787 Old Lemay Ferry, owned by the Reininger Family. From a planning perspective, there was concern that if excluded, there may be adverse impact on the property, wedged between two higher density multi-unit senior facilities. Secondly, staff questioned if adequate opportunity was given to the Reiningers to be included in the project, if they so desired. Mr. Gregory Reininger is aware of the effects of the project, and provided a statement of opposition pertaining to this development (*See Exhibit A*). Since the original report, there has not been any written status update from the owner, however, it is staff's understanding that Mr Reininger and Dover, after good faith efforts, were no able to reach an agreement.

The proposed development uses, as described, are considered generally compatible, however the required landscape buffer strip still must include a planting plan for the area. It doesn't appear that the existing tree mass along this buffer suits the purpose as a barrier. The mass of the building, lighting, and site compared to the typical adjacent residential, will require adequate buffer to mitigate impact. The Final Development plan will come before Commission for approval at a later time, and it must have additional buffering tree row planted in the 15' wide buffer strip to supplement the existing tree mass. *Staff finds that the proposal is substantially consistent with good planning practices.*

Housing and Neighborhood

In reviewing the architectural renderings; colors and material choices, the some use of stone veneer, the primary use of James Hardie plank, and architectural roof. It is not consistent with the large format development across MO State Road or with Arnold Commons across Old Lemay, but it is substantially similar to residential neighborhoods uses of the area.

This location is a primary corner of the city, nearing the top of a hill and is prominently visible, all sides of the building. Since this is a "C-4" Commercial Planned District Zoning application, the applicant did make some upgrade to materials and colors as recommended by Commission. Changes related to the rear and side facades facing the residential area, in order



REPORT TO PLANNING COMMISSION

CITY OF ARNOLD

to break up the building mass. In the past, Cedarhurst projects have been proved successful with these materials for construction and maintenance in their other facilities, as shown in Exhibit B.

Transportation; Roadway and Pedestrian facilities

Over the course of staff review for this development; feedback and comments were provided to the applicant regarding the Preliminary Site Development Plan specific to the rezoning; that additional right-of-way and overall transportation improvements will be required, and the potential need for a traffic study.

As suggested by the staff and directed by the Commission. A Traffic Assessment was completed by CBB Transportation Engineers and Planners on behalf of the City of Arnold. The purpose of the assessment was to determine the number of trips that would be generated by the proposed development, assess the relative impact of those trips on the adjacent roadways, and assess the ability of motorists to safely enter and exit the site. If necessary, roadway improvements and/or traffic control modifications would be recommended to mitigate the impact of the development. The focus of this study was the weekday AM and PM commuter peak hours. The Assessment Summary is included as an Exhibit E(2).

The Preliminary Development Plan, Exhibit F, has been modified to include all the CBB recommendations in the Traffic Assessment, except that Dover has requested to escrow the cost of sidewalks in lieu of construction.

Staff supports the finding of CBB and believes the sidewalk should be constructed by the applicant along the Missouri State Road frontage to provide pedestrian connection between the proposed development and the Maxville subdivision to the existing pedestrian facilities at the Missouri State Road and Old Lemay Ferry Road intersection. A new marked pedestrian crossing and push button would be needed to cross the south leg of the intersection and tie into the existing pedestrian system. This new sidewalk and crossing would connect the Maxville subdivision and the Cedarhurst development to the primary commercial centers in Arnold (i.e., Arnold Commons and Water Tower Place). According to the code, a sidewalk is also required along Old Lemay Ferry, however staff believes this portion of sidewalk is appropriate for a contribution in lieu of construction, and recommends it be a condition of approval.

A handwritten signature in blue ink that reads "Christie Hull-Bettale".

Christie Hull-Bettale, EIT
Community Development Engineer

REPORT TO PLANNING COMMISSION

CITY OF ARNOLD



FINDINGS AND RECOMMENDATION

CONSISTENCY WITH THE COMPREHENSIVE PLAN AND REGULATIONS OF THE CITY

Staff finds that the proposed change of zoning is not substantially inconsistent with the Comprehensive Plan and Regulations of the City of Arnold subject to conditions contained in Attachment A..

CONSISTENT WITH GOOD PLANNING PRACTICE

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

COMPATIBLE WITH PERMITTED DEVELOPMENT AND USE IN ADJOINING DISTRICTS

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

NECESSARY TO THE GENERAL WELFARE

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

EXTENSION OF BOUNDARY

Staff finds the extension of the boundary to be warranted. While one parcel being left out of the proposal, it appears a reasonable effort was made for its inclusion.

SIGNIFICANT CHANGE

Staff finds that significant changes have occurred in the area, including the development of large format residential and commercial development.

MISTAKE IN ZONING MAP

Staff finds there was not a mistake made on the map.

CHANGE IN CLASSIFICATION

Staff finds the map change is consistent with the comprehensive plan.

BEST INTERESTS OF CITY OF ARNOLD

Staff finds that the proposal helps in fulfilling a need for senior housing and services. However, as previously discussed there are a number of issues that must be addressed through conditions of approval and during Final Development Plan approval.

RECOMMENDATION

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



REPORT TO PLANNING COMMISSION
CITY OF ARNOLD

ATTACHMENTS

SUPPLEMENTAL MATERIALS

REPORT TO PLANNING COMMISSION
CITY OF ARNOLD

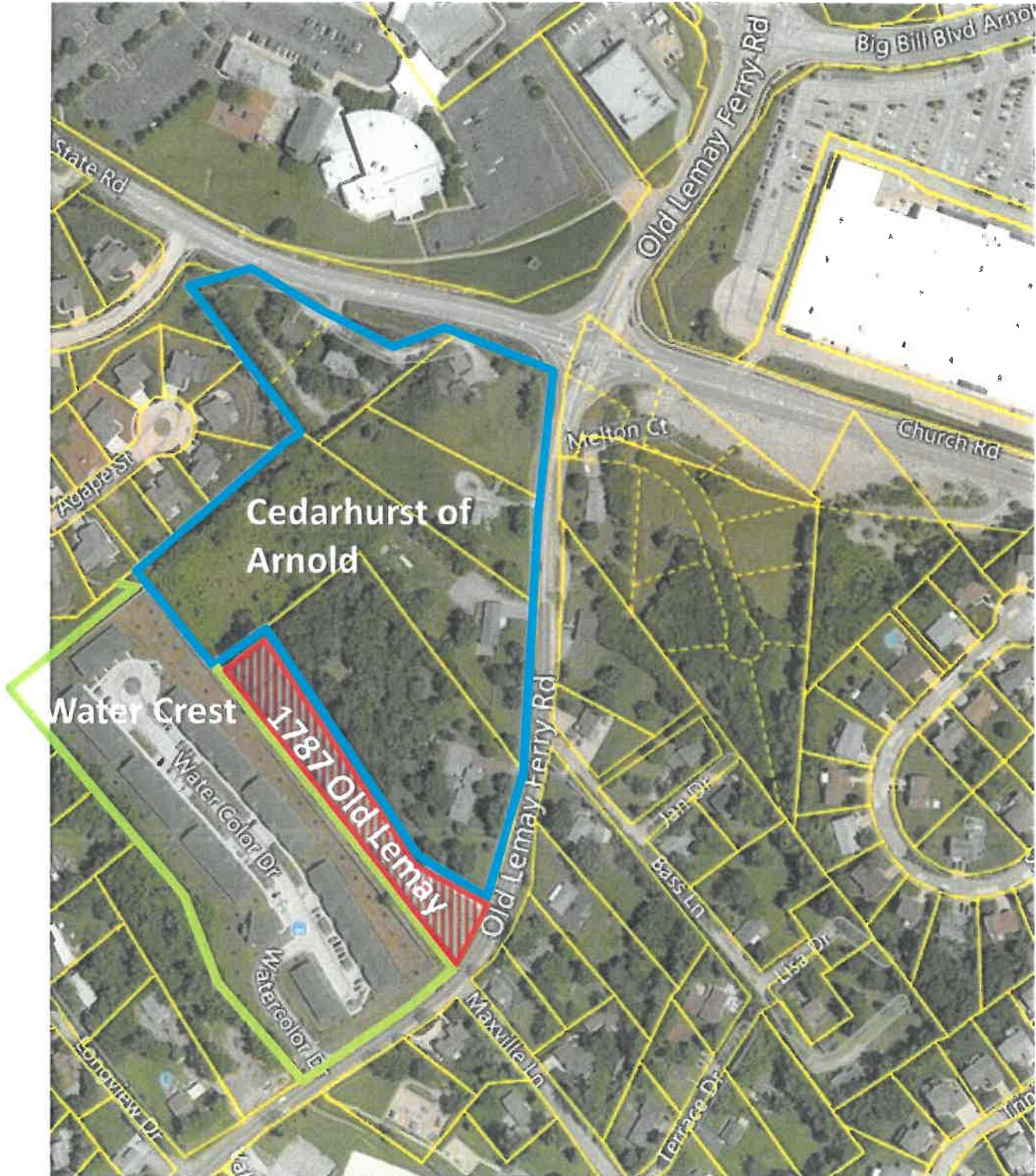


EXHIBIT A: 1787 OLD LEMAY FERRY– REININGER’S PROPERTY AND LETTER

2019-01 APPLICATION TO REZONE



REPORT TO PLANNING COMMISSION CITY OF ARNOLD

1787 BIG BILL ROAD (OLD LEMAY FERRY) - ARNOLD, MO

PUBLIC HEARING - ARNOLD PLANNING COMMISSION - 636-282-2378

TUESDAY, FEBRUARY 12, 2019 , 7:00 PM -- ARNOLD CITY COUNCIL

- 1) 2019-01: REZONING REQUEST, 2069 MISSOURI STATE ROAD; 2077, 1739, 1757 & 1777 OLD LEMAY FERRY RD, C-4 PLANNED COMMERCIAL DISTRICT.
- 2) 2019-02: PRELIMINARY PLAT/CONSOLIDATION PLAT 2069 MISSOURI STATE RD., CEDARHURST ASSISTED LIVING FACILITY.
- 3) MY PROPERTY, LOCATED AT 1787 OLD LEMAY FERRY ROAD, ADJOINING THE PROPERTY KNOWN AS 1777 OLD LEMAY FERRY ROAD, WHICH IS INCLUDED IN THE CEDARHURST REZONING REQUEST. THIS WILL IMPACT THE VALUE OF MY PROPERTY. I WAS INFORMED BY THE ARNOLD PLANNING COMMISSION, THAT AT SOME POINT IN TIME, THAT CEDARHURST COULD IN FACT PLACE A 6 FOOT HIGH WALL AT THE PROPERTY LINE ADJOINING OUR PROPERTY. IF THAT WOULD HAPPEN, I WOULD BE LOOKING AT THE WALL, BEING LOCATED AT THE HOUSE, 9 FEET FROM THE BRICK WALL OF THE HOUSE PRESENTLY THERE. THE WALL COULD BE CONSTRUCTED AT THE STREET, OLD LEMAY FERRY ROAD TO THE REAR OF THE PROPERTY, WHICH IS PRESENTLY 589 FEET LONG. I KNOW THAT PRESENTLY THERE IS NO REQUEST BY CEDARHURST TO CONSTRUCT A WALL THERE. IN THE FUTURE, IT COULD BE BUILT. THE REZONING PLACES OUR PROPERTY BETWEEN 2 - C-4 ZONING AREAS. THE PROPERTY ADJOINING OUR PROPERTY ON THE OTHER SIDE IS CALLED 1803 OLD LEMAY FERRY RD., ALSO KNOWN AS WATER COLOR VILLAS. THIS IS A SENIOR LIVING DEVELOPMENT, WITH 50 HOUSING UNITS, FOR LOWER INCOME PEOPLE.
- 4) I AM AGAINST HAVING A C-4 ZONING ADJOINING BOTH SIDES OF MY PROPERTY.
- 5) THE PROPERTY KNOWN AS 1757 OLD LEMAY FERRY RD. WRAPS AROUND THE BACK SIDE OF MY PROPERTY. THEREFORE THE REZONING TO C-4 AS PRESENTED HERE TODAY, WILL BE ON 3 SIDES OF MY PROPERTY AND THE 4TH SIDE IS OLD LEMAY FERRY ROAD.
- 6) I HAVE BROUGHT SEVERAL PHOTOS WITH ME TO HELP EXPLAIN THE SITUATION.

GREGORY J. REININGER - OWNER

1787 OLD LEMAY FERRY ROAD, ARNOLD, MO.63010

314-974-6884

EXHIBIT A: 1787 OLD LEMAY FERRY- REININGER'S PROPERTY AND LETTER

DOVER DEVELOPMENT (CEDARHURST OF ARNOLD)

REPORT TO PLANNING COMMISSION
CITY OF ARNOLD



**CEDARHURST OF
ARNOLD**

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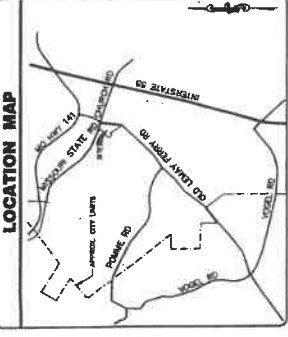
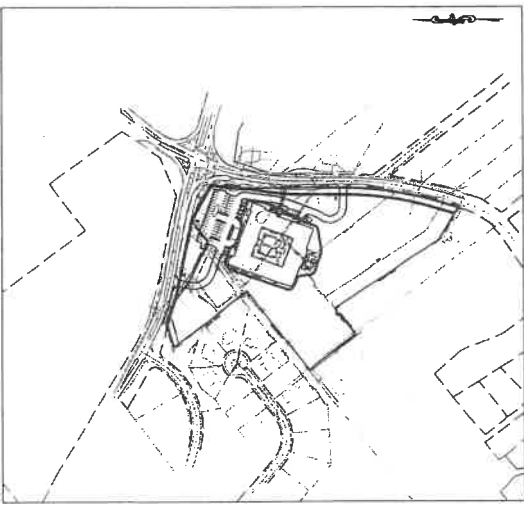
EXHIBIT B

2019-01 APPLICATION TO REZONE

Cedarhurst of Arnold

A TRACT OF LAND BEING ALL OF LOTS 11 AND 12 OF GEBHARDT'S 2ND SUBDIVISION, RECORDED IN PLAT BOOK 26, PAGE 15, ALL OF ADJUSTED PARCELA A OF CONSOLIDATION PLAT OF PART OF LOT 17 IN U.S. SURVEY 2991, TOWNSHIP 43 NORTH, RANGE 6 EAST RECORDED IN DOCUMENT NO. 2007S-000040, AND PART OF LOTS 16 AND 17 OF U.S. SURVEY 2991, ALL LOCATED IN U.S. SURVEY 2991, TOWNSHIP 43 NORTH, RANGE 6 EAST OF THE FIFTH PRINCIPAL MERIDIAN, CITY OF ARNOLD, JEFFERSON COUNTY, MISSOURI

PRELIMINARY DEVELOPMENT PLAN 2069 Missouri State Road



PROJECT ZIP CODE: 63010

CALL BEFORE YOU DIG!
1-800-DIG-RITE

MISSOURI CONSOLIDATION

SHEET INDEX

- 1.1 COVER SHEET
- 2.1 PRELIMINARY SITE PLAN
- 3.1 SITE SECTIONS
- 4.1 PREZONING CONSOLIDATION/ PRELIMINARY EXHIBIT
- 5.1-5.2 SITE DISTANCE STUDY

SITE INFORMATION

LOCATION NUMBER: 04-0-00-00-000-000, 04-0-00-00-000-000, 04-0-00-00-000-000

OWNER: Cedarhurst of Arnold, LLC

DESIGNER: Cedarhurst of Arnold, LLC

PROPOSED USE: Residential Development

APPLICANT: Cedarhurst of Arnold, LLC

DATE: 03/28/19

PROPOSED VARIOUS SPACES REQUIRED:

- 15 CHANGEOVERS
- 15 SPACES FOR USE OF ARTS
- 57 SPACES REQUIRED
- 58 SPACES PROVIDED
- NUMBER OF UNITS PROVIDED: 53 UNITS

CITY OF ARNOLD GENERAL NOTES:

1. ALL PROPOSED IMPROVEMENTS SHALL BE DESIGNED, CONSTRUCTED, TESTED, AND INSPECTED IN ACCORDANCE WITH THE CITY OF ARNOLD STANDARD SPECIFICATIONS FOR ROAD AND SIDEWALK CONSTRUCTION.
2. ALL IMPROVEMENTS SHALL BE IN ACCORDANCE WITH THE CITY OF ARNOLD STANDARD SPECIFICATIONS FOR ROAD AND SIDEWALK CONSTRUCTION.
3. ALL IMPROVEMENTS SHALL BE IN ACCORDANCE WITH THE CITY OF ARNOLD STANDARD SPECIFICATIONS FOR ROAD AND SIDEWALK CONSTRUCTION.
4. ALL IMPROVEMENTS SHALL BE IN ACCORDANCE WITH THE CITY OF ARNOLD STANDARD SPECIFICATIONS FOR ROAD AND SIDEWALK CONSTRUCTION.
5. ALL IMPROVEMENTS SHALL BE IN ACCORDANCE WITH THE CITY OF ARNOLD STANDARD SPECIFICATIONS FOR ROAD AND SIDEWALK CONSTRUCTION.

PROPERTY DESCRIPTION GENERAL - AS SURVEYED:

THE PROPERTY DESCRIBED HEREIN IS A TRACT OF LAND BEING ALL OF LOTS 11 AND 12 OF GEBHARDT'S 2ND SUBDIVISION, RECORDED IN PLAT BOOK 26, PAGE 15, ALL OF ADJUSTED PARCELA A OF CONSOLIDATION PLAT OF PART OF LOT 17 IN U.S. SURVEY 2991, TOWNSHIP 43 NORTH, RANGE 6 EAST RECORDED IN DOCUMENT NO. 2007S-000040, AND PART OF LOTS 16 AND 17 OF U.S. SURVEY 2991, ALL LOCATED IN U.S. SURVEY 2991, TOWNSHIP 43 NORTH, RANGE 6 EAST OF THE FIFTH PRINCIPAL MERIDIAN, CITY OF ARNOLD, JEFFERSON COUNTY, MISSOURI.

2026 Missouri State Road, Arnold, MO 63010
Cedarhurst of Arnold
PRELIMINARY DEVELOPMENT PLAN
COVER

THE STERLING ENGINEERS & SURVEYORS
5002 New Hampshire Road
St. Louis, Missouri 63132
Ph: 314-625-4252
Fax: 314-932-2522

NOT APPROVED FOR CONSTRUCTION
18-07-221
Date: 03/28/19
Drawing No: 1
Revision: 1
Checked by: PRE

MISSOURI CONSOLIDATION
1-800-DIG-RITE

COVER SHEET
PRELIMINARY SITE PLAN
SITE SECTIONS
PREZONING CONSOLIDATION/ PRELIMINARY EXHIBIT
SITE DISTANCE STUDY

18-07-221
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REVISION	DATE	DESCRIPTION
1	03/28/19	ISSUE FOR PERMIT
2	03/28/19	REV PER CITY COMMENTS 2019115
3	03/28/19	REV PER TRAFFIC ATTY 2019051
4	03/28/19	REV PER DESIGN CHANGES 20190208
5	03/28/19	REV PER DESIGN CHANGES 20190208

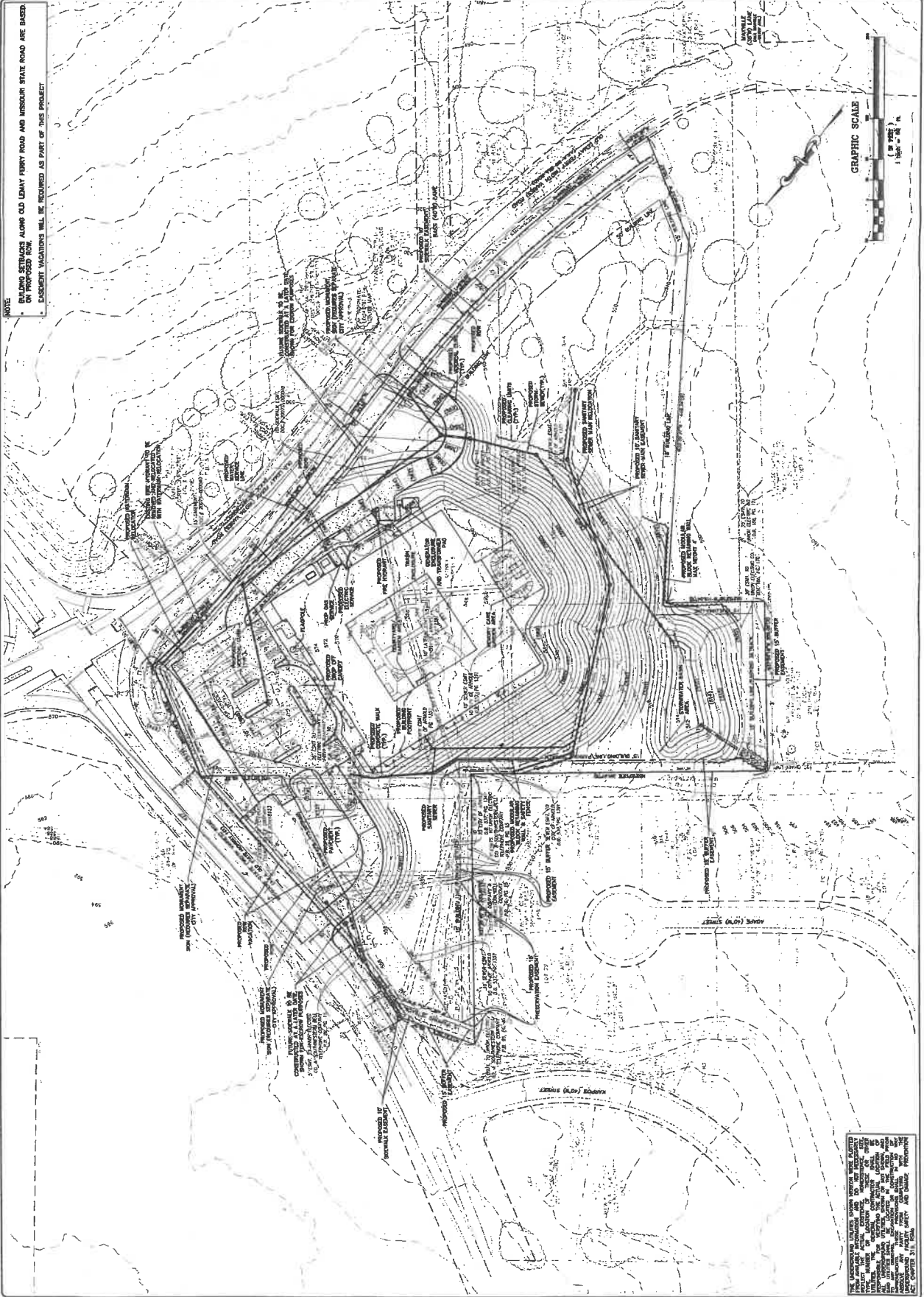
Dover Development
 120 South Central Ave., Suite 1050
 Cayton, Missouri 63105
 Ph. 314-932-2392

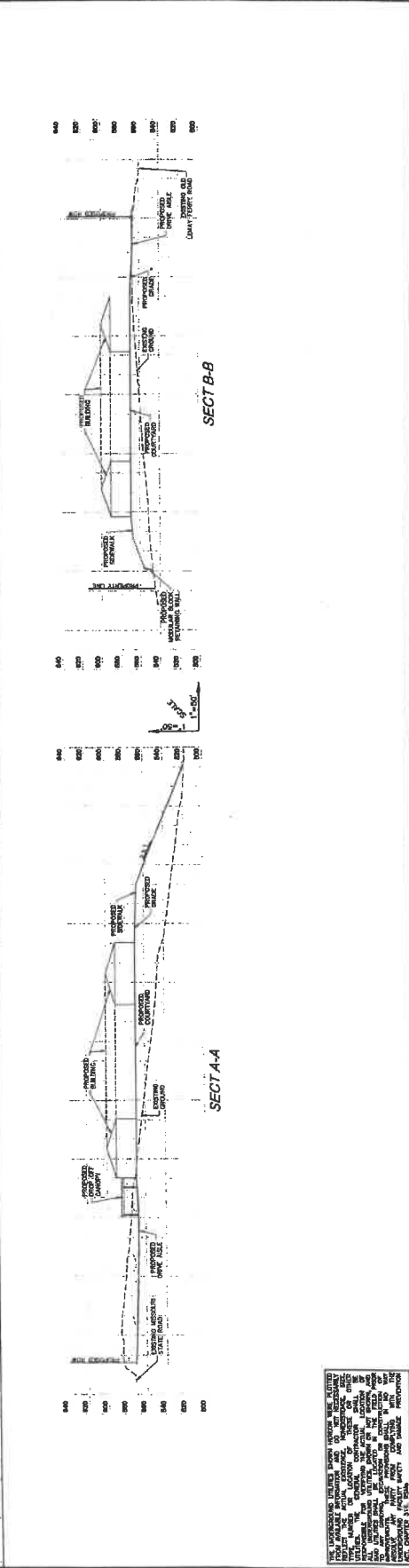
THE STERLING CO.
ENGINEERS & SURVEYORS
 5028 New Banquette Road
 St. Louis, Missouri 63129
 Ph. 314-457-0440 Fax 314-272-9444
 Corporate Offices of Authority 4001344

Cedarhurst of Arnold
 2009 Hancock Street, Arnold, MO 63010
 PRELIMINARY DEVELOPMENT PLAN
 PRELIMINARY SITE PLAN

NOT A PERMIT
 FOR CONSTRUCTION
 18-07-221
 03/28/19
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 PRE

DATE	03/28/19
DESIGNED BY	ST
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DATE	03/28/19





REVISION	DATE	DESCRIPTION
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2	03/28/19	REVISED PER CITY COMMENTS
3	03/28/19	REVISED PER CITY COMMENTS
4	03/28/19	REVISED PER PERMITS DIVISION COMMENTS
5	03/28/19	REVISED PER PERMITS DIVISION COMMENTS

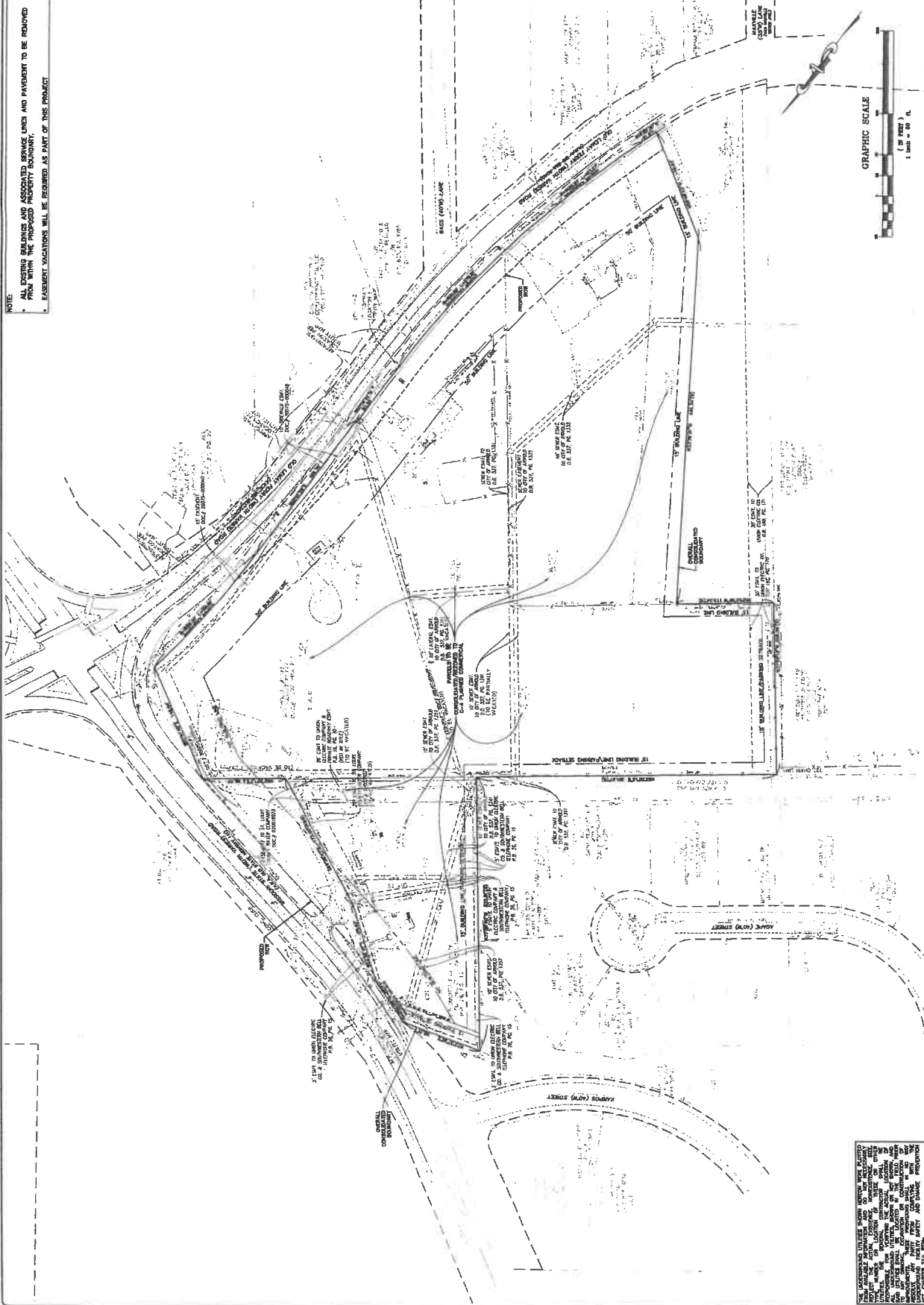
Dover Development
 120 South Center Ave., Suite 1050
 Dover, Missouri 63020
 PH: 314.939.2552

THE STERLING CO.
ENGINEERS & SURVEYORS
 2209 MacArthur Blvd.
 St. Louis, Missouri 63114
 PH: 314.487.4444
 www.sterling-engineers.com
 Corporate Certificate of Authority 000148

Cedarhurst of Arnold
 2209 MacArthur Blvd., Arnold, MO 63010
 PRELIMINARY DEVELOPMENT PLAN
 SITE SECTIONS

10/1/2019
 FOR DAVIS BROOKS
 PROJECT NO. 19-0001
 PROJECT: CEDARHURST OF ARNOLD
 PRELIMINARY DEVELOPMENT PLAN
 SITE SECTIONS

18-07-221
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NOTE:
 ALL EXISTING BUILDINGS AND ASSOCIATED SERVICE LINES AND PAVEMENT TO BE REMOVED FROM WITHIN THE PROPOSED PROPERTY BOUNDARY.
 EASEMENT VARIATIONS WILL BE REQUIRED AS PART OF THIS PROJECT.

THE INFORMATION CONTAINED HEREIN IS FOR GENERAL INFORMATION ONLY AND IS NOT TO BE USED AS A BASIS FOR ANY DECISIONS. THE USER OF THIS INFORMATION SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE USER OF THIS INFORMATION SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE USER OF THIS INFORMATION SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.



<p>FOR APPROVAL ONLY 18-07-221 Date: 09/26/19 Drawn: BT Checked: J Project: 4.1 Sheet: PRE</p>	<p>PRELIMINARY DEVELOPMENT PLAN PRELIMINARY CONSOLIDATION/REZONING EXHIBIT 2008 Missouri State Road, Nevada, MO 63209 Cedarhurst of Arnold</p>	<p>THE STERLING CO. ENGINEERS & SURVEYORS 5000 New Blauvelt Road St. Louis, Missouri 63129 Phone: 314-487-6644 Fax: 314-487-9444 Computer: 314-487-6644</p>	<p>Dover Development 120 South Central Ave., Suite 1050 Clayton, Missouri 63105 Ph: 314-932-2322</p>
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1	INITIAL SUBMITTAL 11-13-18
2	REV PER CITY COMMENTS 2/21/19
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4	REV PER TRAFFIC AND/OR 2/21/19
5	REV PER DESIGN CHANGES 2/21/19
6	REV PER DESIGN CHANGES 2/21/19

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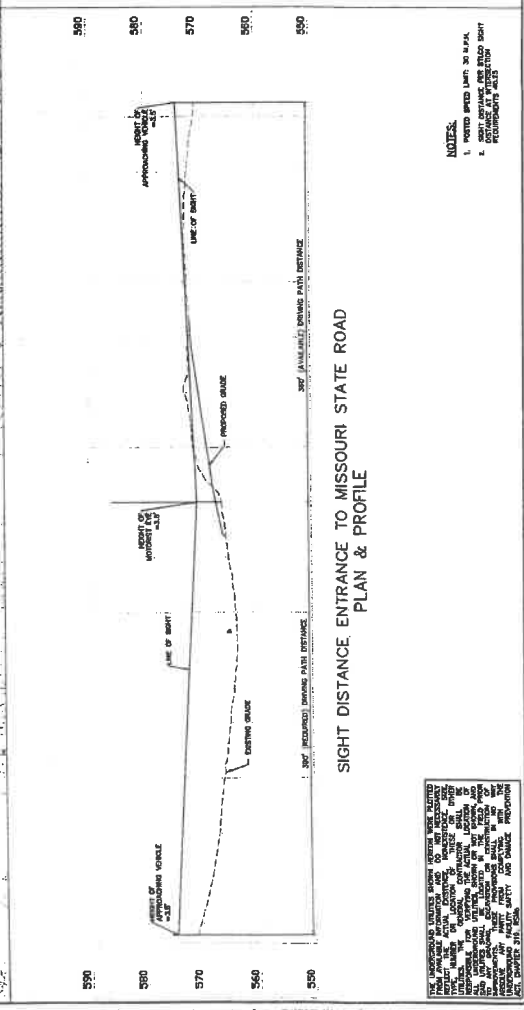
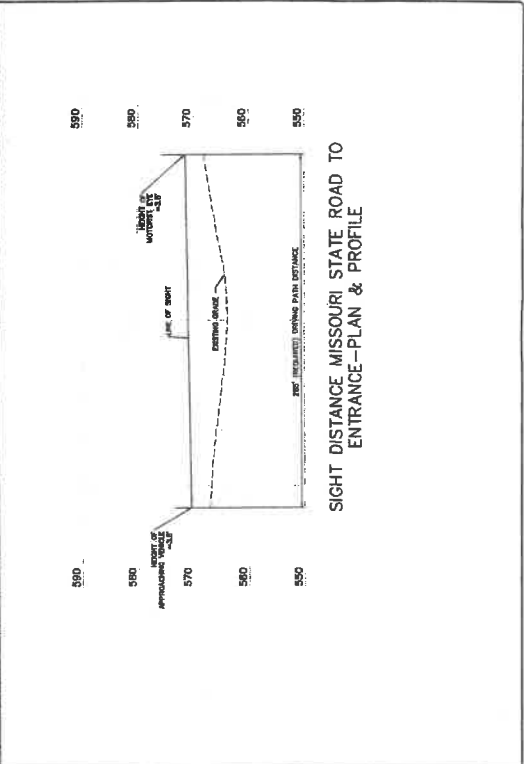
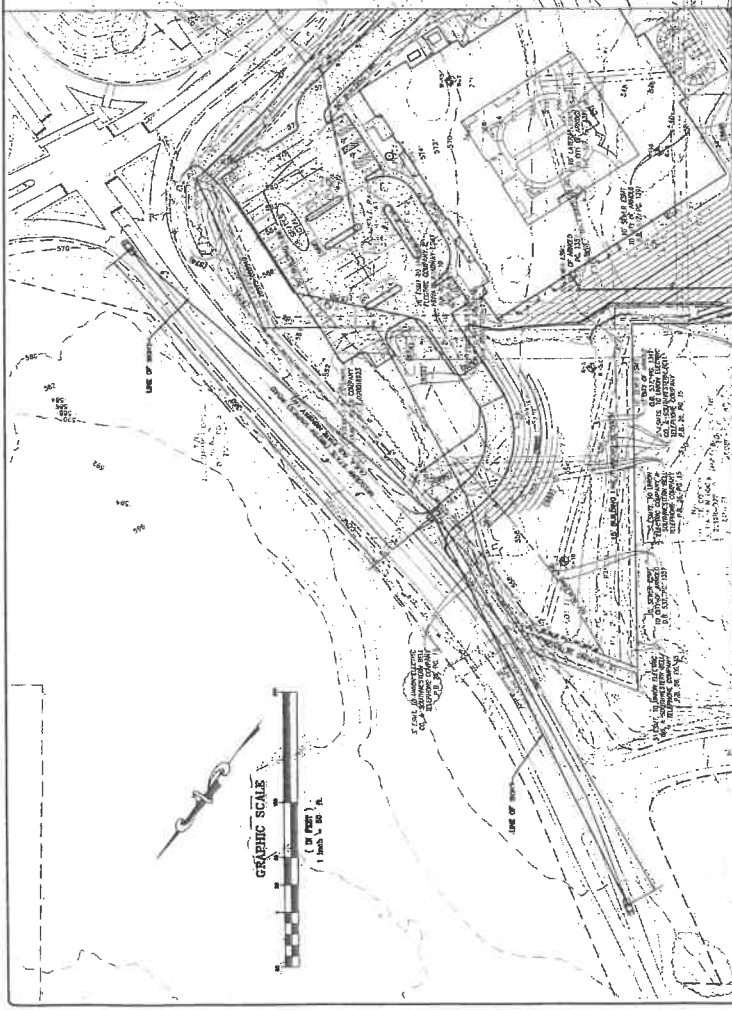
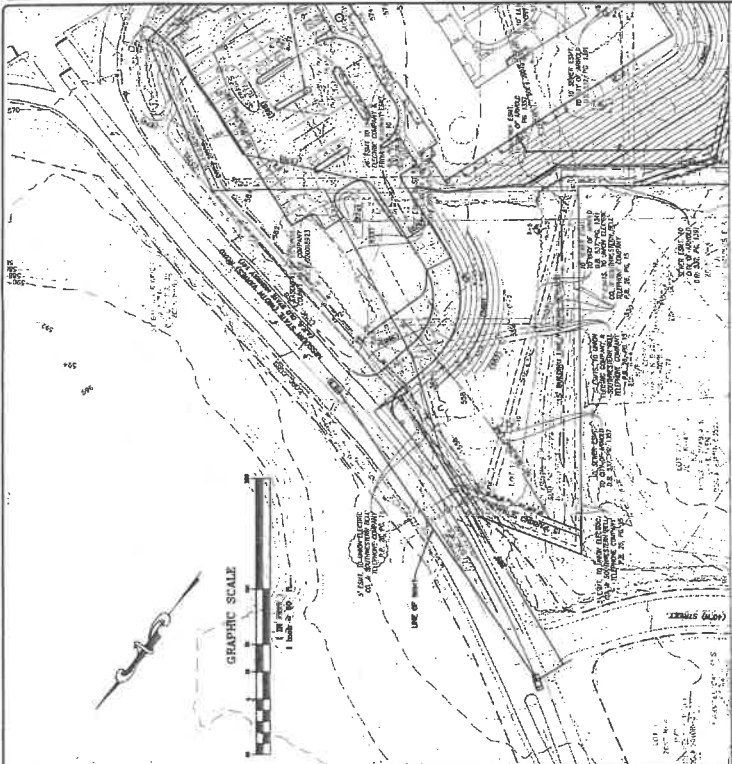
Dover Development
 122 South Center Ave., Suite 1050
 Clayton, Missouri 63105
 PN 314-993-2352

THE STERLING CO.
ENGINEERS & SURVEYORS
 5224 Main Building Road
 St. Louis, Missouri 63112
 Ph 314-872-6400 Fax 314-872-5544
 www.sterling-engineers.com
 Corporate Certificate of Authority 8001343

Cedarhurst of Arnold
 PRELIMINARY DEVELOPMENT PLAN
 2085 Missouri State Road, Arnold, MO 63010
 MISSOURI STATE ROAD SIGHT DISTANCE

FOR THE DEVELOPER
 FOR THE CITY OF ARNOLD
 FOR THE COUNTY OF WARREN, MISSOURI
 Date: 03/26/19
 Drawn: J.D. Beard
 Check: P.T. 5.1
 Project: 18-07-221

18-07-221
03/26/19
J.D. Beard
P.T. 5.1
PRE



- NOTES:**
1. PHOTO SPEED LIMIT 30 M.P.H.
 2. SEE INPLAN FOR DRIVE PAIN DISTANCE
 3. CONSULT WITH MISSOURI DOT FOR RECOMMENDED SIGHT DISTANCE
 4. SEE INPLAN FOR DRIVE PAIN DISTANCE

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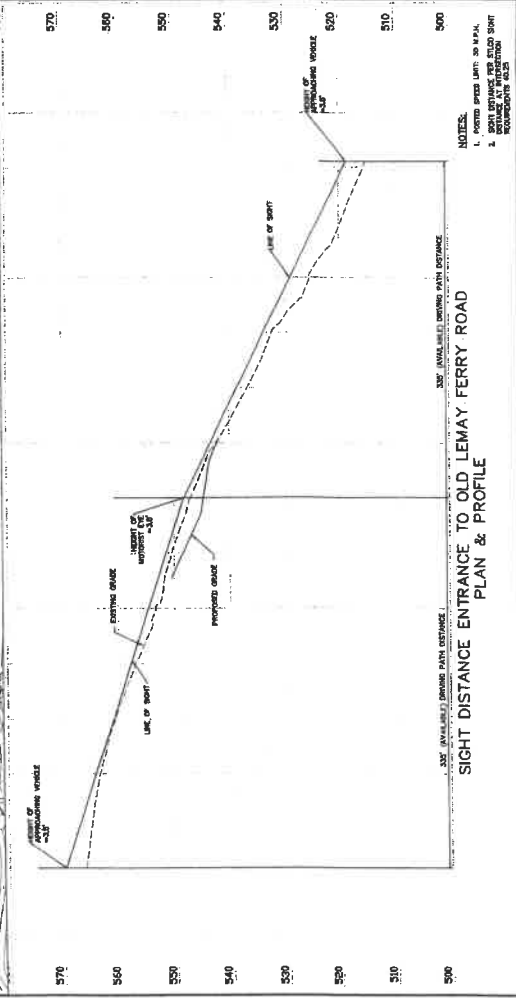
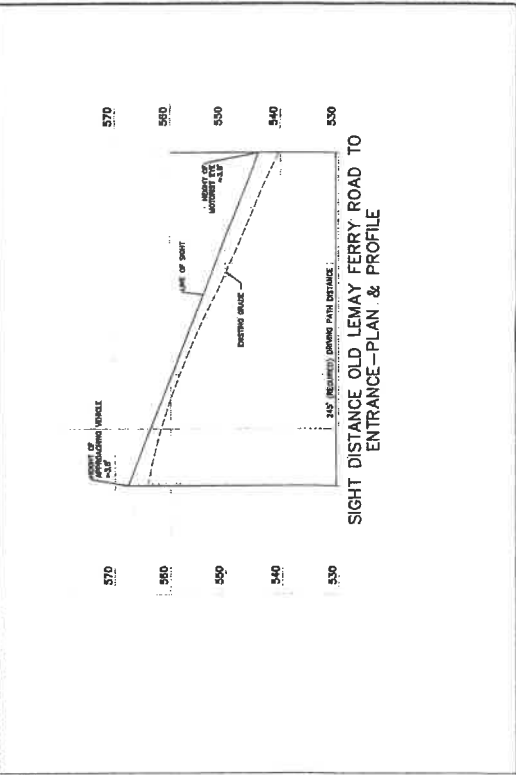
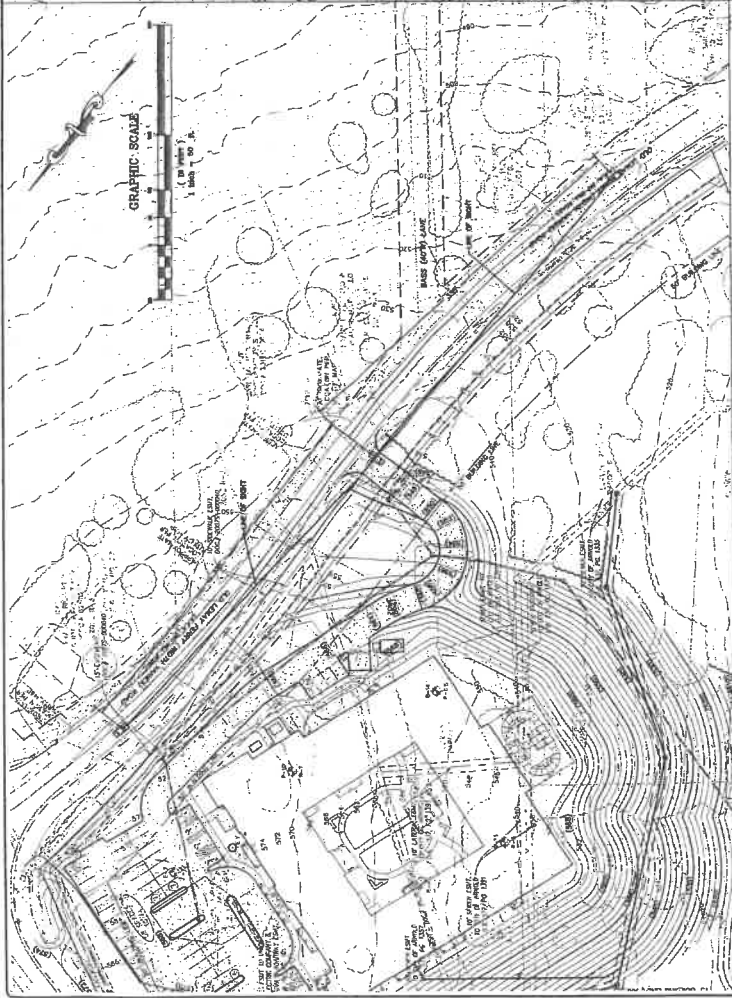
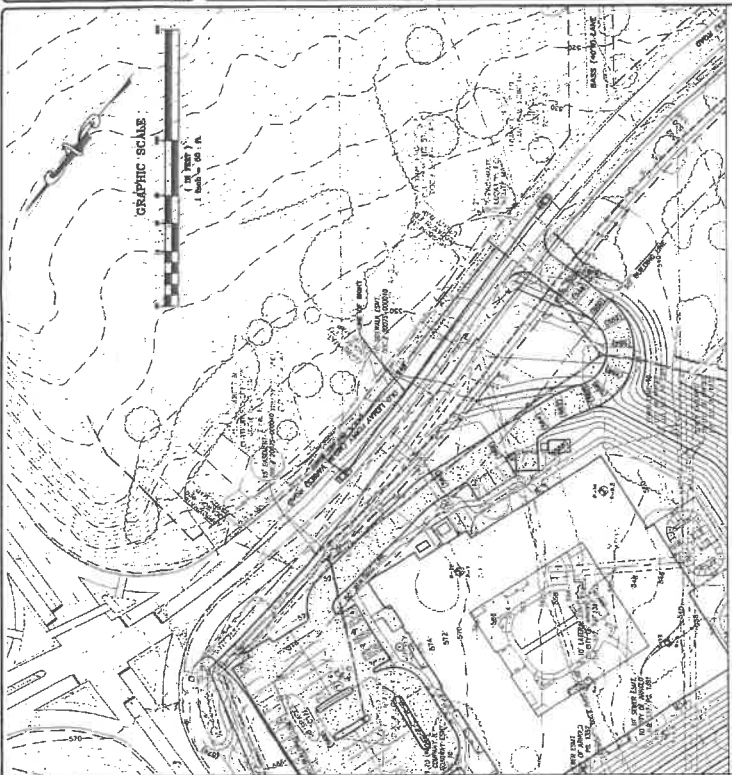
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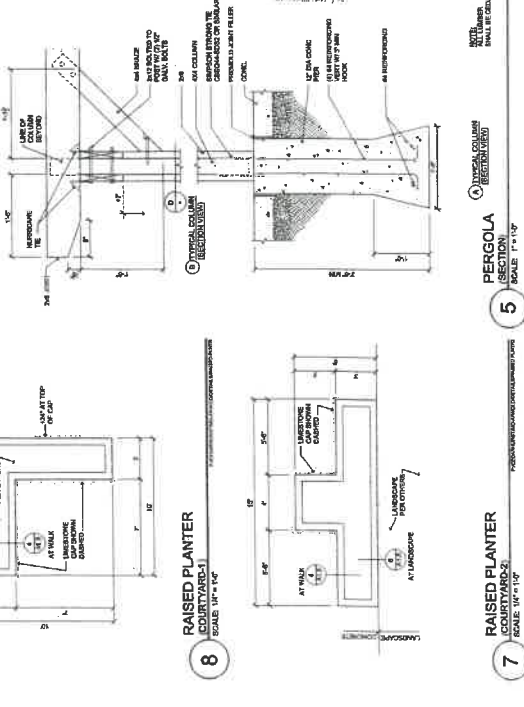
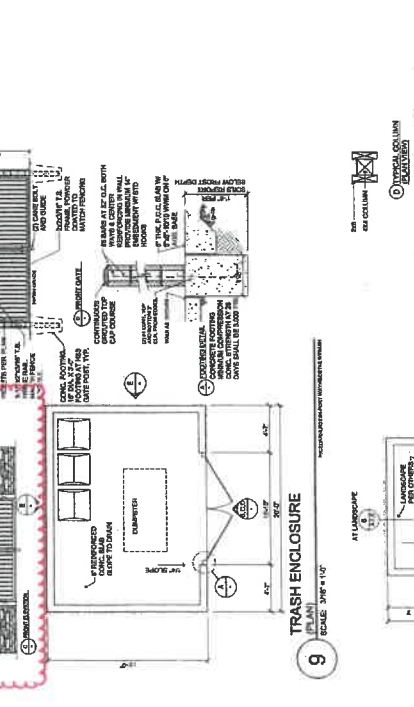
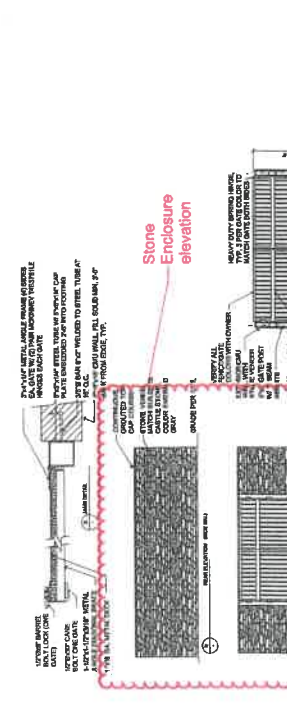
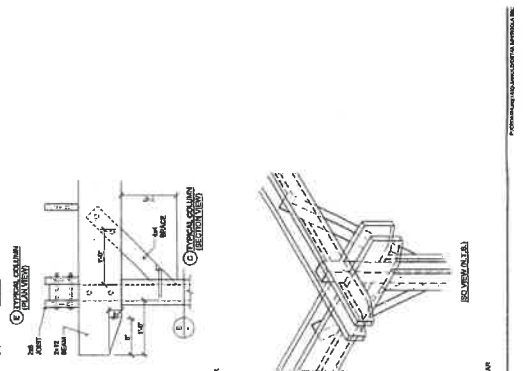
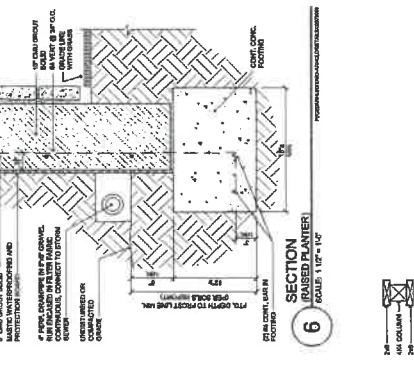
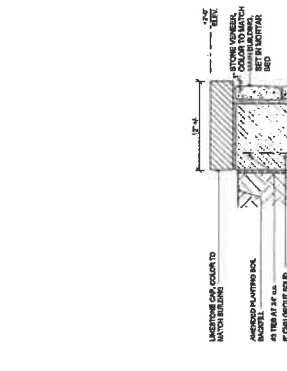
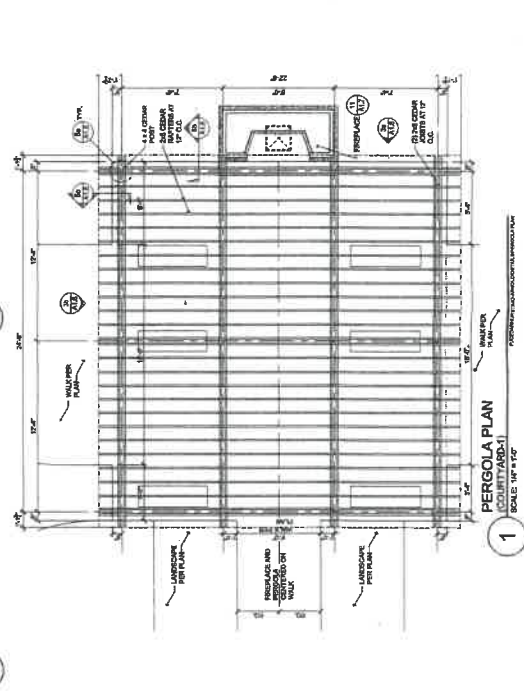
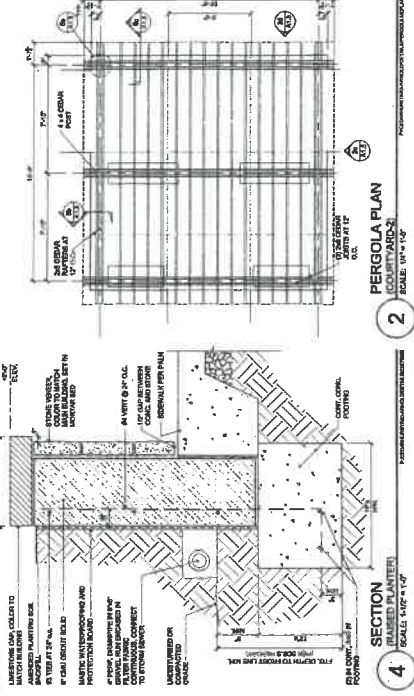
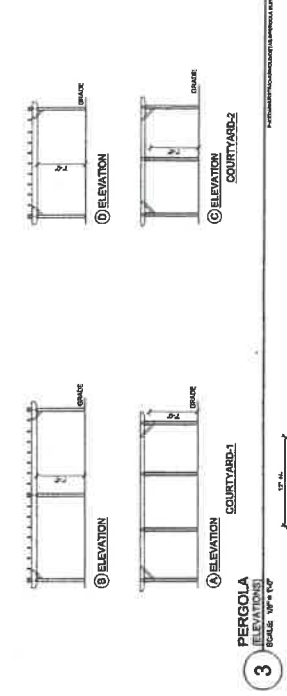
Cedarhurst of Arnold
 PRELIMINARY DEVELOPMENT PLAN
 MISSOURI STATE ROAD SIGHT DISTANCE
 2023 Mount St. Louis Road, Arnold, MO 63010

FOR CONSULTATION ONLY
 NOT TO BE USED FOR CONSTRUCTION
 Date: 03/28/19
 License No. PE 000700001
 License No. PS 000700001
 Professional Engineer

18-07-221
 Date: 03/28/19
 Drawing: 02
 Sheet: 5.2
 Drawn: PT
 Checked: JS
 PRE



NOTES:
 1. SEE PLAN SHEET FOR SIGHT DISTANCE
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Cedarhurst of Arnold

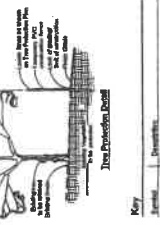
Arnold, Missouri 63010

Tree Preservation Plan
 The purpose of this plan is to provide a detailed description of the existing trees on the site and to provide a plan for their preservation during the construction of the proposed development. The plan includes a site map showing the location of each tree, a tree inventory table, and a tree preservation plan for each tree. The plan also includes a tree preservation ordinance and a tree preservation agreement.

Tree Inventory Table
 This table lists the trees on the site, including their species, size, and location. The table is organized by tree ID and includes columns for tree species, tree size, tree location, and tree preservation status.

Tree Preservation Ordinance
 This ordinance outlines the requirements for tree preservation during construction. It includes provisions for tree removal, tree preservation, and tree replacement. The ordinance also includes a tree preservation agreement and a tree preservation plan.

Tree Preservation Agreement
 This agreement is a contract between the property owner and the tree preservation contractor. It outlines the terms and conditions of the tree preservation plan, including the cost of the plan and the responsibilities of each party.

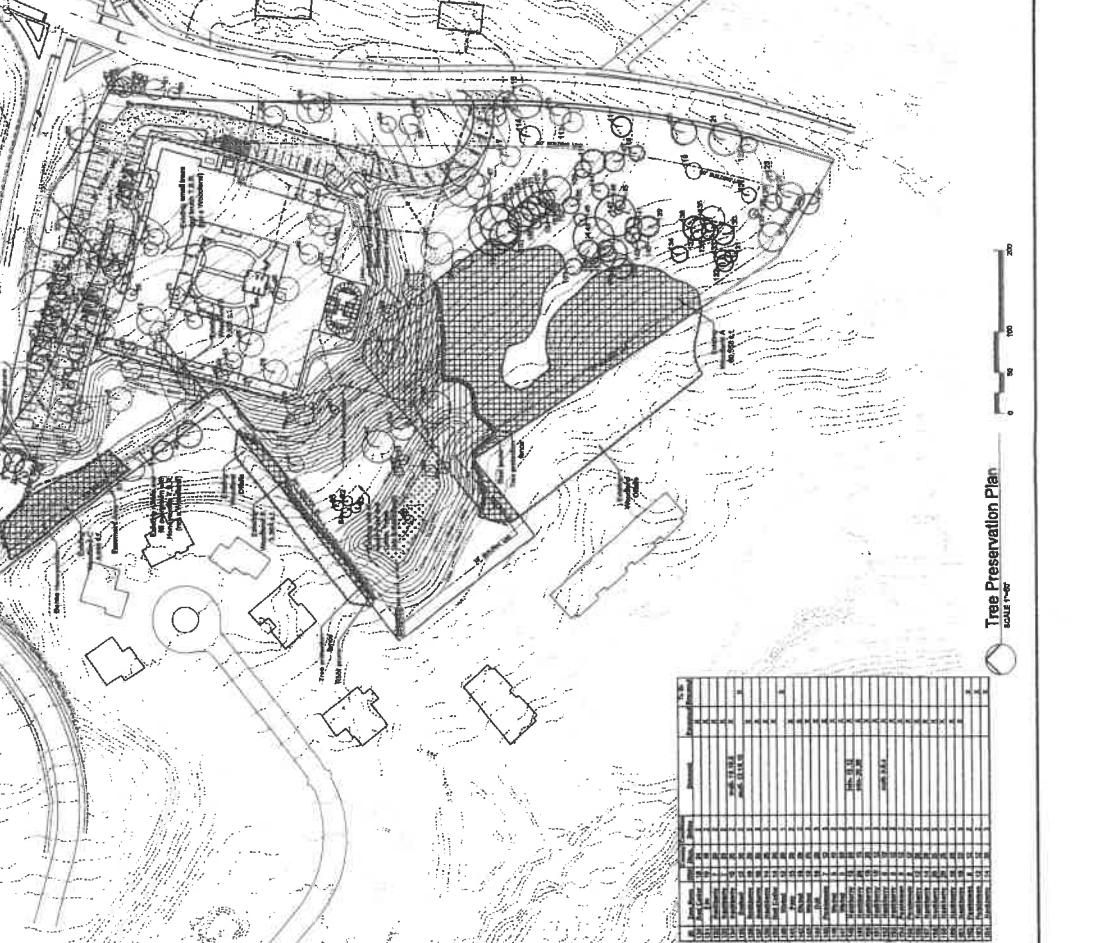


Tree ID	Species	Tree Size	Tree Location	Tree Preservation Status
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Tree Preservation Plan
 This plan provides a detailed description of the existing trees on the site and a plan for their preservation during construction. It includes a site map, a tree inventory table, and a tree preservation plan for each tree. The plan also includes a tree preservation ordinance and a tree preservation agreement.

Tree Preservation Ordinance
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Tree ID	Species	Tree Size	Tree Location	Tree Preservation Status
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Cedarhurst of Arnold

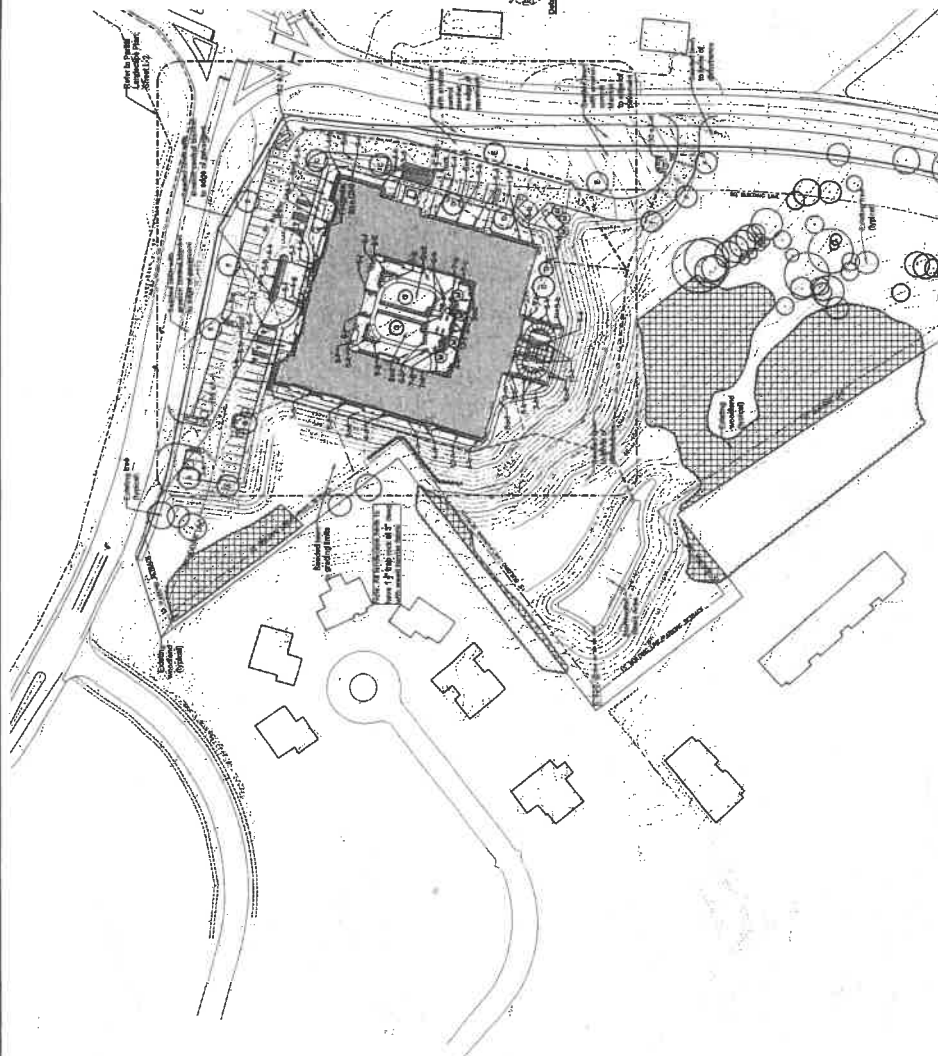
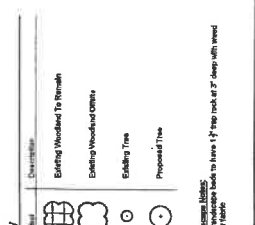
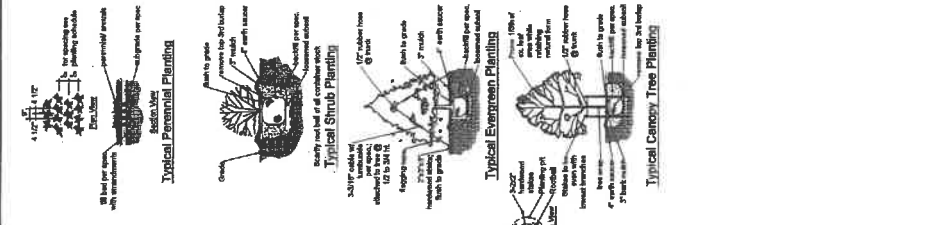
Arnold, Missouri 63010



Revision:	Description:	No.:
Date:	By:	
Checked:	By:	
Drawn:	By:	
Checked:	By:	

1-1
Landscape Plan

Drawn: 2/1/18
Sheet No.: 1-1
Date: 2/1/18
Job #: 1002.001



Planting Schedule	Plant Name	Quantity	Notes
CANOPY, SHADE TREES (TALLER AND SPACED)	1. Red Blazer Maple	2 each	BB1
	2. Acer glabrum 'Pendulum Red Burst'	2 each	BB1
	3. Green Ash	2 each	BB1
	4. Green Ash	2 each	BB1
CANOPY, SHADE TREES (SHORTER AND SPACED)	1. Green Ash	2 each	BB1
	2. Green Ash	2 each	BB1
	3. Green Ash	2 each	BB1
	4. Green Ash	2 each	BB1
UNIVERSITY-COMMERCIAL TREES	1. Green Ash	2 each	BB1
	2. Green Ash	2 each	BB1
	3. Green Ash	2 each	BB1
	4. Green Ash	2 each	BB1
MID-CANOPY TREES (SHORTER AND SPACED)	1. Green Ash	2 each	BB1
	2. Green Ash	2 each	BB1
	3. Green Ash	2 each	BB1
	4. Green Ash	2 each	BB1
SHRUBS (SHORTER AND SPACED)	1. Green Ash	2 each	BB1
	2. Green Ash	2 each	BB1
	3. Green Ash	2 each	BB1
	4. Green Ash	2 each	BB1



Landscape Plan
SCALE: 1/8" = 1'-0"



Cedarhurst of Arnold

Arnold, Missouri 63010

Revisions:	Date:	Description:
150	3/27/14	Landscape Site Plan

Company: J.E. Harris & Associates, Inc.
Project: Cedarhurst of Arnold
Sheet No: L-2
Date: 04/14/14
Job #: 10022501

Typical Pavement Planting

4\" to 6\" deep to grade
with minimum 2\" to 4\"
depth of gravel
to drainage
The Area
See Section 1500 for
typical details
See Section 1505 for
typical details
See Section 1506 for
typical details

Typical Street Planting

4\" to 6\" deep to grade
with minimum 2\" to 4\"
depth of gravel
to drainage
The Area
See Section 1500 for
typical details
See Section 1505 for
typical details
See Section 1506 for
typical details

Typical Shrub Planting

6\" to 8\" deep to grade
with minimum 2\" to 4\"
depth of gravel
to drainage
The Area
See Section 1500 for
typical details
See Section 1505 for
typical details
See Section 1506 for
typical details

Typical Evergreen Planting

6\" to 8\" deep to grade
with minimum 2\" to 4\"
depth of gravel
to drainage
The Area
See Section 1500 for
typical details
See Section 1505 for
typical details
See Section 1506 for
typical details

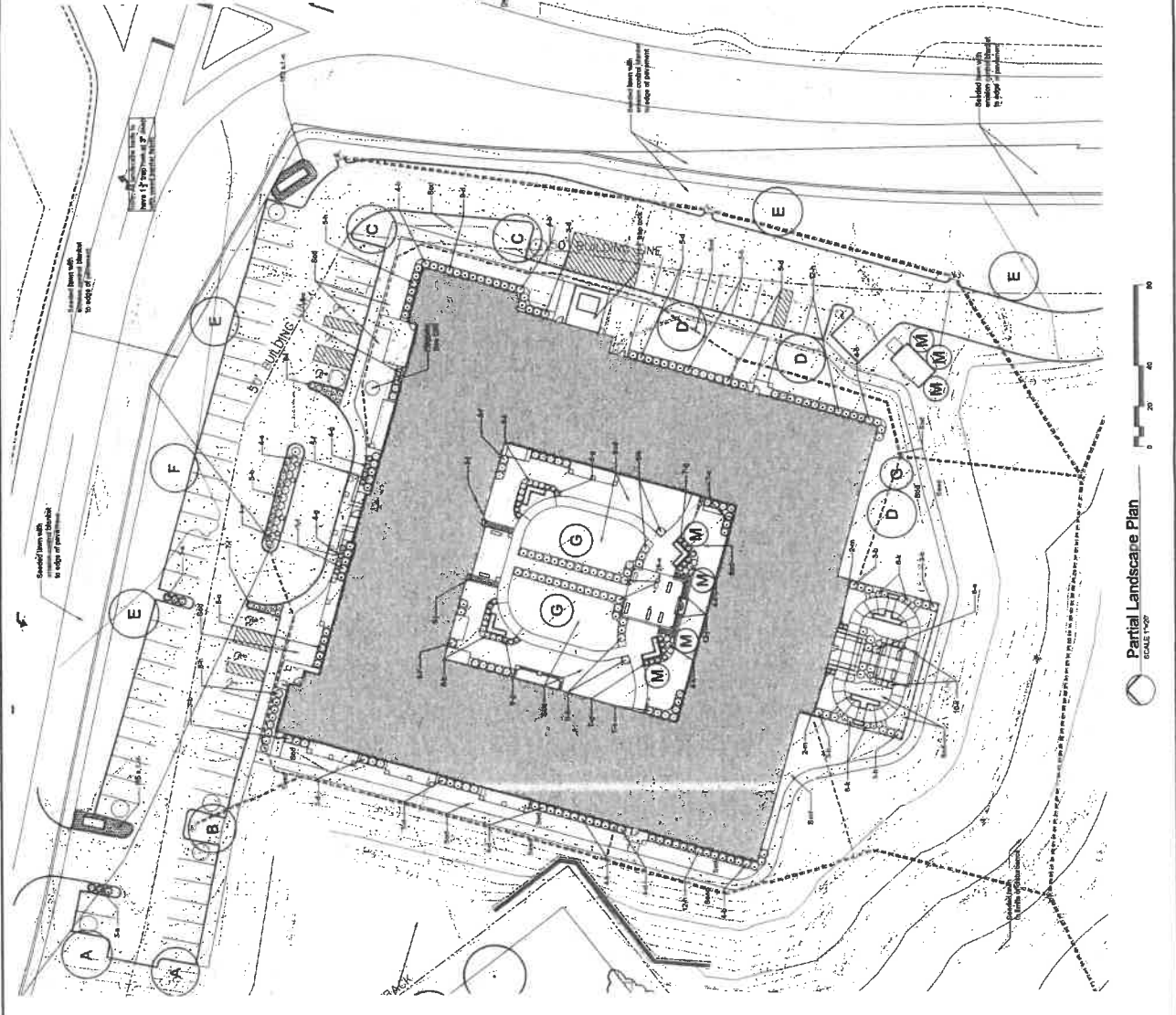
Typical Canopy Tree Planting

6\" to 8\" deep to grade
with minimum 2\" to 4\"
depth of gravel
to drainage
The Area
See Section 1500 for
typical details
See Section 1505 for
typical details
See Section 1506 for
typical details

Key

Symbol	Description
	Existing Woodland To Remove
	Existing Woodland Other
	Existing Tree
	Proposed Tree

Note: Refer to sheet L-1 for overall Landscape Plan and Planting Schedule.



Partial Landscape Plan
SCALE 1/8" = 1'-0"



Cedarhurst of Arnold

Arnold, Missouri 63010



Missouri State Board of Professional Engineers and Surveyors
 License No. 17123
 Expires 08/2021

Revisions	Date	Description	By

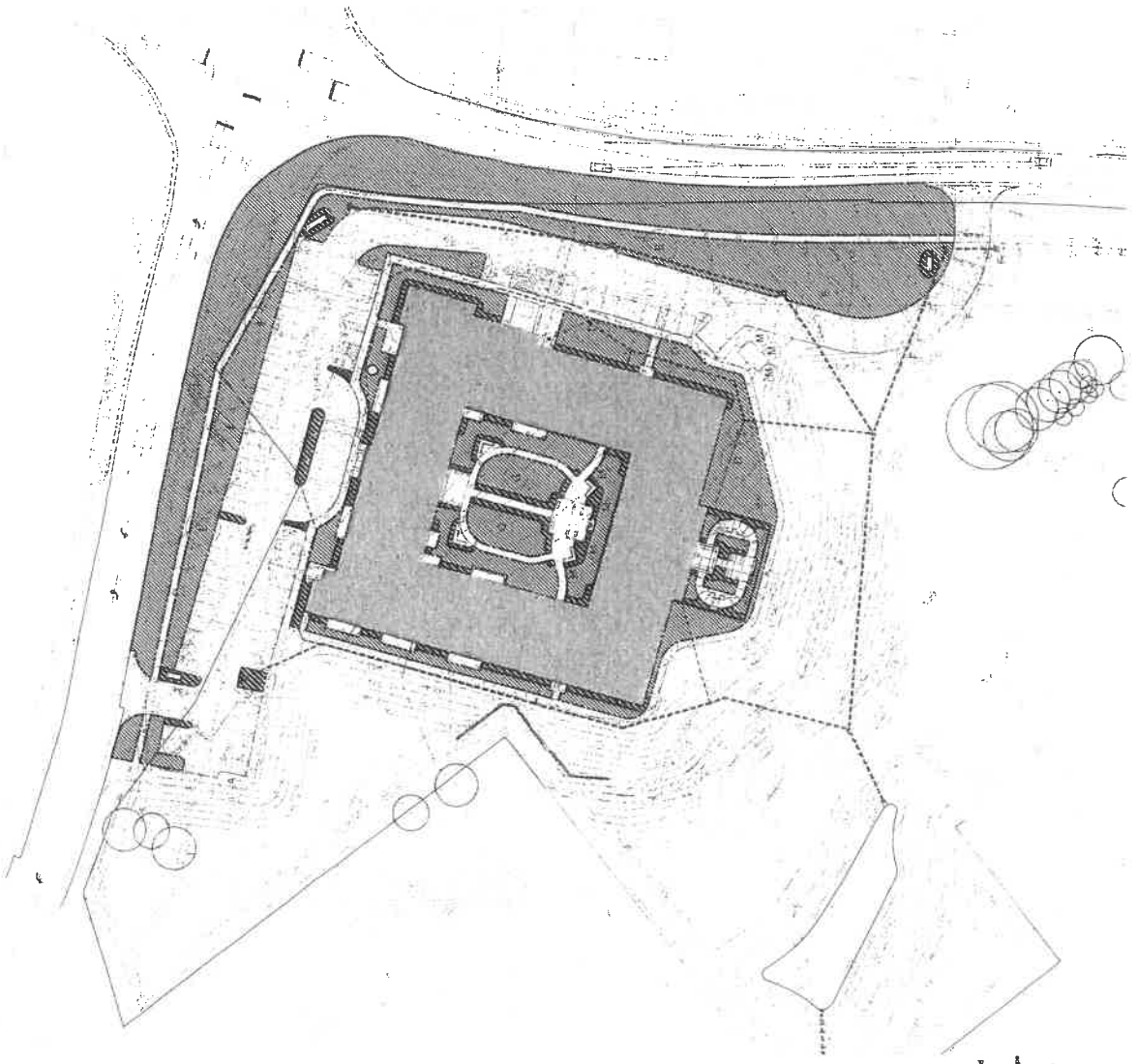
komPASS
 12345 Main Street
 Suite 100
 St. Louis, MO 63101
 Phone: (314) 123-4567
 Fax: (314) 123-4568
 Email: info@kompass.com

Drawn: SP
 Checked: RG
 Title: L-3
 Sheet No.:
 Working Diagram
 Date: 3/7/19
 Job #: 3002300

Key

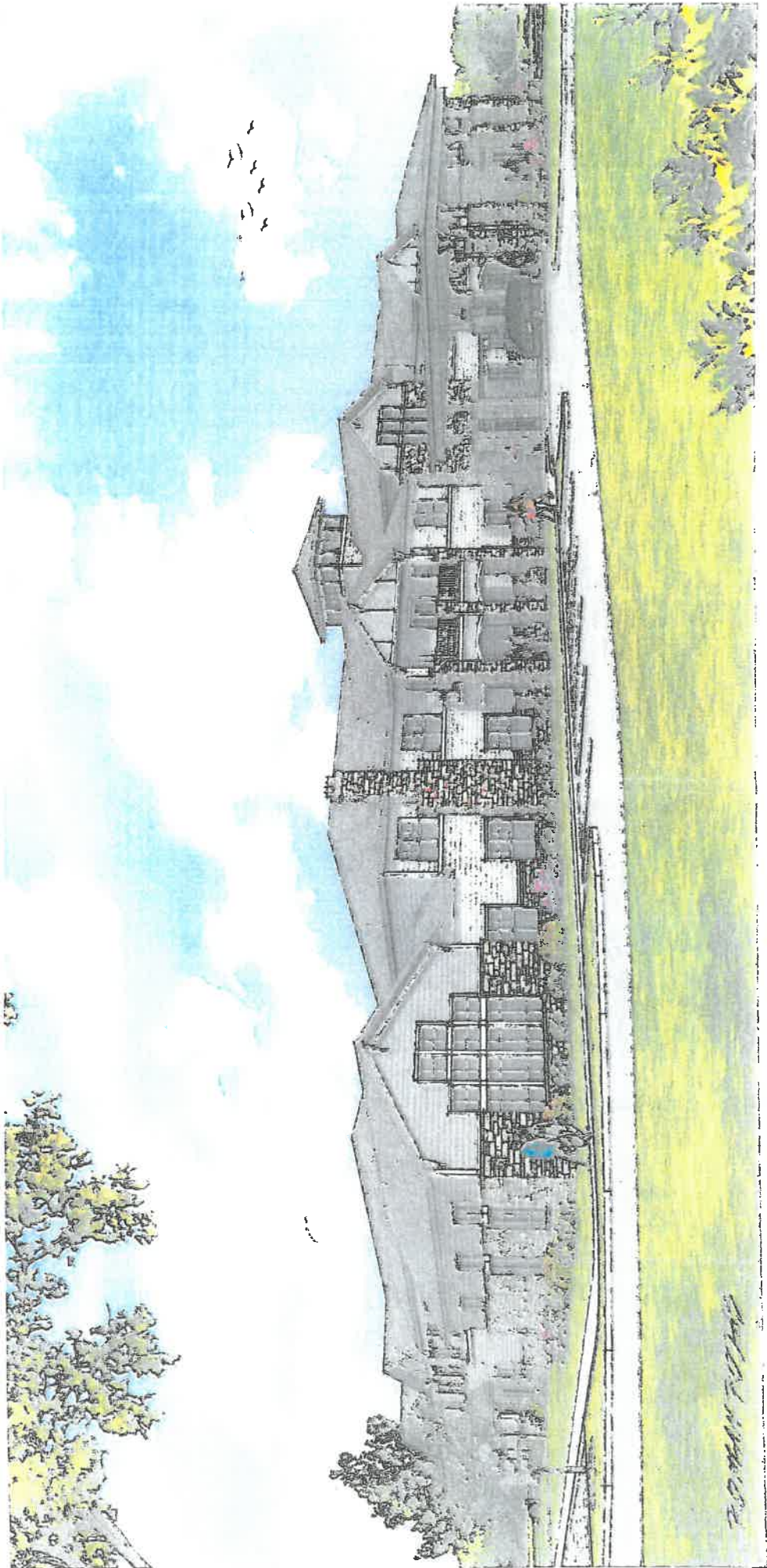
	Proposed finished landscape bank.
	100% coverage with 12" pop-up heads.
	Proposed finished lawn area.
	100% coverage with 12" pop-up heads.

Note: Refer to sheets L-1 and L-2 for Landscape Plans.



Watering Diagram
 SCALE 1"=30'

- Installation Notes:**
- 1) Confirm to be provided in order to be installed. The contractor is responsible for the design and performance of the system, based on the plan. Submit drawings of irrigation system and equipment to the client for approval. Approval is required for all equipment and materials.
 - 2) Show all alarm locations on site drawing for review by Landscape Architect.
 - 3) Irrigation contractor shall be responsible to submit all permits and obtain all necessary approvals and permits in all states. Reporting to the local authority.
 - 4) Civil and utility information shown for reference only. See Civil drawings and field locate utilities prior to start of work.
 - 5) Irrigation contractor is responsible for coordination with Plumbing and Electrical Contractors.
 - 6) Irrigation contractor shall coordinate with other trades and utilities. All work shall be done in accordance with the applicable codes and standards.
 - 7) The watering system personnel (contractors and subcontractors) shall be trained and certified.
 - 8) All materials and all services to be located within property.







REPORT TO PLANNING COMMISSION

CITY OF ARNOLD



Cedarhurst of Arnold

Below is a description of all the services Cedarhurst of Arnold will provide:

- 63 Assisted Living Apartments and 20 Memory Care Apartments licensed by the Missouri Department of Health and Senior Services. Apartments are available for rent on a monthly basis, with additional levels of care available as needed. These are residential apartments. This building is not a nursing home.
- Professional caregiving staff available 24-hours a day
- On-going assessments and health monitoring by licensed nurses
- Full-service dining provides three healthy, seasonal and fresh home-cooked meals prepared by chefs
- Resident Centered Life-Enrichment Program featuring the following:
 - Activity programs
 - Creation of personalized memory boxes for each resident
 - Intergenerational programs
 - Music therapy and pet therapy
 - Exercise and fitness sessions
 - Social functions and parties
 - Weekly religious services
 - Shopping and errand services
 - Community event participation
 - Bus shuttle for events and activities
- Housekeeping:
 - Trash removal service
 - Weekly apartment cleaning with bed linen and towel service
 - Personal laundry service available
 - Suite repairs
- Physical Therapy, Rehabilitation, and Home Health services provided by EmpowerMe Wellness, a Cedarhurst affiliate.

EXHIBIT C: NARRATIVE OF SERVICES

DOVER DEVELOPMENT (CEDARHURST OF ARNOLD)

REPORT TO PLANNING COMMISSION

CITY OF ARNOLD



1236 Central Avenue | Suite 1050 O (314) 932 2352
Clayton, Missouri 63105 F (314) 442 4054 dover@cityofarnold.com

Nick Dwyer, Development Associate
Direct: 314-884-6988
Email: ndwyer@do-ver-development.com

February 1, 2019

VIA EMAIL – chullbettale@arnoldmo.org

Attn: Christie Hull-Bettale
Community Development Engineer
City of Arnold
2101 Jeffco Blvd.
Arnold, MO 63010

RE: ZONING CHANGE - CEDARHURST OF ARNOLD

Ms. Hull-Bettale,

In regard to comment #1 provided by the City of Arnold in their review of our Consolidation Preliminary Plat/Rezoning Exhibit, we have addressed the following questions concerning the rezoning of the property:

- a. The extension of an existing boundary where said change will not be detrimental and where it is shown that such changes are necessary for public convenience or necessity.

The rezoning of the Cedarhurst property would be an extension of the C-4 Planned Commercial zoning of the Arnold Commons Shopping Center across the Old Lemay Ferry and Missouri State intersection.

- b. There has been significant change in the area to warrant a change in zoning classification.

The redevelopment of the property consists of a significant change in the area from single-family residential to senior housing, warranting a change in zoning classification.

- c. It is shown that a mistake was made in the original zoning map.

There were no mistakes made in the original zoning map.

- d. A change that would make the zoning classification reflects the proposed use in the Land Use Plan of the City of Arnold.

The proposed use for this property featured in the Land Use Plan of the City of Arnold shows Residential. While this property will not be zoned



REPORT TO PLANNING COMMISSION CITY OF ARNOLD

residential, Cedarhurst of Arnold will be a residential-style facility for seniors, with architectural features nearly identical to a residential home.

- e. Other changes where it is shown to be in the best interests for the health, safety, and welfare of the citizens of the City of Arnold.

The proposed zoning will allow for this facility to provide any and all services needed by local seniors to ensure their health, safety, and welfare are made top priority.

Based upon the Planning & Zoning Department's recommendation through the development process, and for the reasons stated above, we believe this zoning change is appropriate for the project we are proposing. Please let me know if you have any further questions.

Regards,

A handwritten signature in black ink, appearing to read "Nick Dwyer".

Nick Dwyer

CC: Jordan Dorsey (via email)

REPORT TO PLANNING COMMISSION

CITY OF ARNOLD



21 S. Central Avenue | Suite 1150 • (314) 937-2357
Cloyden, Missouri 63105 F (314) 442-4081 doverdevelopment.com

Nick Dwyer, Development Associate
Direct: 314-884-8968
Email: ndwyer@dover-development.com

March 8, 2019

[VIA EMAIL – chullbettale@arnoldmo.org]

Attn: Christie Hull-Bettale
Community Development Engineer
City of Arnold
2101 Jeffco Blvd.
Arnold, MO 63010

RE: Cedarhurst of Arnold – Planning & Zoning Resubmittal

Ms. Hull-Bettale,

During the Planning & Zoning Commission Meeting held on February 12, the Planning Commission raised three concerns pertaining to our preliminary site plan for Cedarhurst of Arnold. Over the past several weeks we have worked to address all three critical items per the Planning Commission's comments and would like to resubmit with changes to alleviate their concerns and continue to move this project forward. Below is a breakdown of the three items and how we have addressed each one:

1) Traffic Study & Drive Lane Improvements

During our meeting the commission expressed a desire for a traffic study to be completed on the project. Since the meeting we have engaged CBB, a local traffic engineer, to complete a study on our project. The traffic study found our development to have a very minimal impact on the traffic in the area due to the nature of our residents and how our building operates. However, it was determined that in order to prevent stacking on Missouri State Road, it would be beneficial to move our main entrance further back from the intersection to a total distance of 400 feet. We have since made that change and it is reflected on Civil Sheet 2.1 attached.

2) Architectural Updates to Left and Rear Elevations

There was a request in the meeting to make an effort to break up the large mass of material on the rear and left elevations. We have since made changes to both elevations as well as the landscaping plan in order to dress up the sides of the building that will be visible from Old Lemay Ferry Road. Below is a summary of the updates:

Left Elevation (Facing Old Lemay Ferry Road):

Sheet A6.1 (attached):

We have added two architectural features under both gables on the Left Elevation. Each gable will feature a shake Hardie siding accent for the full height of the building in "Slate Gray" accent color. This will greatly dress up that side of the building and provide a change in material and color.

EXHIBIT E - APPLICANT LETTER OF DISCUSSION FOR TRAFFIC STUDY AND PARKING

2019-01 APPLICATION TO REZONE



REPORT TO PLANNING COMMISSION

CITY OF ARNOLD

Sheets A1.8 & A1.9 (attached):

This side also features several stone enclosures for the dumpster and generator enclosure. From the road this will greatly break up the view and provide differentiation in color and material.

Sheet L-1 (attached):

The enclosure facing the road will be landscaped with evergreen trees, and we have added additional trees along the secondary drive lane entrance, featuring a mix of honeylocust trees to provide an increased buffer from the road.

Rear Elevation (Facing South):

Sheet A6.1 (attached):

We have added a shake Hardie board siding accent to the Memory Care Dining courtyard to match the accents we have done on the left elevation.

Sheet L-1 (attached):

We have also added several trees, a redbud and an oak, to the Memory Care courtyard to create additional greenery and buffer from the rear to Old Lemay Ferry and the view to the south.

3) Reininger Parcel

Before the meeting on February 12, we had reached out to Mr. Reininger several times about purchasing his property at 1787 Old Lemay Ferry. We offered him what we felt was fair market value, and actually more than what we have paid for other parcels included in this development. After several weeks of silence, I received a call from Mr. Reininger offering to purchase 0.5 acres from us. I explained we were not able to sell property that we don't already own. He said at that time he was not open to selling his property. After the planning commission meeting, I sent a letter to Mr. Reininger (attached) offering to buy his property once again, this time increasing our offer, and willing to pay over 20% more than what we have paid for similar properties in this development. On February 20, I received a call from John Brown of the law firm Kilo Flynn. He stated he was representing Mr. Reininger and that Mr. Reininger would not accept less than \$250,000 for his property, almost double our previous offers. I told Mr. Brown that seemed unreasonable, and he was going to wait to discuss our offer with Mr. Reininger. I have since tried following up with Mr. Brown but have yet to hear back. We feel we have tried in good faith several times to enter a fair market deal with Mr. Reininger, but at this time it seems they are unwilling to enter into a sale of the property.

Please let us know if there is any further information or clarification needed in order to review this resubmittal. We look forward to continuing our partnership with the City of Arnold, and most importantly appreciate the opportunity to serve the seniors of Arnold and Jefferson County.

Regards,

Nick Dwyer

CC: David Bookless (via email)
CC: JD Howell (via email)
CC: Jordan Dorsey (via email)

EXHIBIT E - APPLICANT LETTER OF DISCUSSION FOR TRAFFIC STUDY AND PARKING

DOVER DEVELOPMENT (CEDARHURST OF ARNOLD)

REPORT TO PLANNING COMMISSION

CITY OF ARNOLD



Traffic Assessment – Proposed Cedarhurst Assisted Living
Arnold, Missouri
March 1, 2019
Page 12

SUMMARY

CBB completed the preceding traffic assessment to evaluate the relative impact of the anticipated site trips on the adjacent roadways and to review the site access associated with the proposed Cedarhurst assisted living development in Arnold, Missouri. The following summarizes the findings and recommendations:

- Considering the trips associated with the existing uses to be removed, the proposed development would result in a net increase of only 6 trips during the AM peak hour and 10 trips during the PM peak hour.
- It is recommended that a STOP sign be installed at each of the proposed drives exiting the development.
- Based on a cursory review of the site, it appears that the sight distance for patrons exiting the site drives could be impacted by the existing vertical profile of the roadways and vegetation. As such, the site civil engineer should provide the intersection sight distance triangles on the plan sheet to confirm that the exiting motorists can safely see to exit the site.
- Based on the eastbound Missouri State Road queues and the conflicting left-turn motorists competing for the same space within the center TWLTL, it is recommended that the proposed site drive on Missouri State Road be shifted a minimum of 135 feet further west to provide 400 feet between the proposed site drive and the traffic signal at Old Lemay Ferry Road.
- A sidewalk should be constructed along the Missouri State Road frontage to provide a pedestrian connection between the proposed development and the Maxville subdivision to the existing pedestrian facilities at the Missouri State Road and Old Lemay Ferry Road intersection. A new marked pedestrian crossing and push button would be needed to cross the south leg of the intersection and tie into the existing pedestrian system. This new sidewalk and crossing would connect the Maxville subdivision and the Cedarhurst development to the primary commercial centers in Arnold (i.e., Arnold Commons and Water Tower Place).
- It is recommended that adequate right-of-way be reserved or dedicated along the Old Lemay Ferry Road frontage and at the intersection with Missouri State Road to facilitate future potential widening (by others).

We trust that this traffic assessment will be useful in your review of the proposed Cedarhurst assisted living development located in the southwest quadrant of the intersection of Old Lemay Ferry Road and Missouri State Road in Arnold, Missouri. Should there be any questions regarding this assessment, please contact me at 314-449-9572 or swhite@cbbrtraffic.com.

Sincerely,

A handwritten signature in blue ink that reads "Susan White".

EXHIBIT E(2)- SUMMARY EXCERPT BY CBB TRAFFIC ASSESSEMENT

2019-01 APPLICATION TO REZONE



REPORT TO PLANNING COMMISSION
CITY OF ARNOLD

**SUBMITTAL OF PRELIMINARY
SITE DEVELOPMENT PLAN**

**COVER SHEET
PRELIMINARY SITE PLAN
CONSOLIDATION/REZONING EXHIBIT
TREE PRESERVATION PLAN
LANDSCAPE PLAN
ARCHITECTURAL RENDERINGS
REDUCED 11 X 17 PLANS ATTACHED
GEOTECHNICAL (NOT INCLUDED WITH THIS REPORT)**

EXHIBIT F—PRELIMINARY SITE DEVELOPMENT PLAN

DOVER DEVELOPMENT (CEDARHURST OF ARNOLD)

REPORT TO PLANNING COMMISSION
CITY OF ARNOLD



**INSERT
ATTACHMENT A
HERE**

EXHIBIT G : ATTACHMENT A

2019-01 APPLICATION TO REZONE

ATTACHMENT A

C-4 PLANNED COMMERCIAL DISTRICT FOR THE CEDARHURST OF ARNOLD

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

I. SPECIFIC CRITERIA

A. PERMITTED USES

1. The uses allowed in this "C-4" Planned Commercial District shall be:
 - a. All uses permitted in the "C-1", "C-2", and "C-3" Commercial Districts, with the **exception** of the following:
 - (i) Hotels, Motels or Extended Stay Facilities
 - (ii) Used car sales;
 - (iii) Pay day and title loan businesses
 - (iv) Consumer installment/small loan businesses.
 - (v) Automotive parking lots and garages, including any storage of wrecked or otherwise damaged and immobilized automotive vehicles.
 - b. Conditional Uses listed in the "C-1", "C-2", and "C-3 shall be granted in accordance with the requirements of the Zoning Ordinance and including:
 - (i) Clinics
 - (ii) Medical Offices
 - c. Conditional Uses shall not be granted for the following:
 - (i) Apartments
 - (ii) Condominiums
 - d. Accessory uses as otherwise permitted in the "C-1", "C-2", and "C-3" Commercial Districts and including:
 - (i) Physical Therapy
 - (ii) Rehabilitation
 - (iii) Home Health Services
 - e. 63 Assisted Living Apartments, 20 Memory Care Apartments- Licensed by the Missouri Department of Health and Senior Services, exception of the following:
 - (i) Nursing Home
2. Hours of operation
 - a. All deliveries and trash pick-up shall be limited to the hours from 7:00 AM to 9:00 PM.

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

1. Floor Area

- a. The total building floor area within this development shall be as approved on the Final Site Development Plan
2. Height
 - a. The development shall adhere to the General Height Regulations of the City of Arnold Code and as restricted by application of regulations of Section 405.650.

C. SETBACKS

1. Structure Setbacks

Setbacks shall be as approved on the Development Site Plan.

2. Parking Setbacks

- a. No parking stall, loading space, internal driveway, or roadway, except points of ingress or egress, will be located within the following setbacks: Fifteen (15) feet from residential boundary of the "C-4" District nor closer than Fifteen (15) feet to the street right-of-way.
- b. Any parking stall directed toward residential shall have screening.

D. PARKING AND LOADING REQUIREMENTS

1. Parking and loading spaces for this development will be as required in the City of Arnold Code.
2. No construction related parking shall be permitted within right of way or on any existing roadways. All construction related parking shall be confined to the development.
3. Provide adequate temporary off-street parking for construction employees. Parking on non-surfaced areas shall be prohibited in order to eliminate the condition whereby mud from construction and employee vehicles is tracked onto the pavement causing hazardous roadway and driving conditions.

E. LANDSCAPE AND TREE REQUIREMENTS

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

F. SIGN REQUIREMENTS

1. Signs shall be permitted in accordance with the regulations of the City of Arnold Code or a Sign Package may be submitted for the planned district. Sign Packages shall adhere to the City Code and are reviewed and approved by the City of Arnold Planning Commission.

G. LIGHTING REQUIREMENTS

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

H. DESIGN REQUIREMENTS

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

I. ACCESS/ACCESS MANAGEMENT

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

J. PUBLIC/PRIVATE ROAD IMPROVEMENTS, UTILITIES, INCLUDING PEDESTRIAN CIRCULATION

1. Construct improvements as depicted on the Development Site Plan and required by the City of Arnold, or the Missouri Department of Transportation (MoDOT), as applicable, as directed by the City.
2. Additional right-of-way and road improvements shall be provided, as required by the City of Arnold or the Missouri Department of Transportation (MoDOT), as applicable.
3. Public sidewalk should be constructed along the Missouri State Road frontage between the proposed development and the Maxville subdivision to the existing pedestrian facilities at the Missouri State Road and Old Lemay Ferry Road intersection. A new marked pedestrian crossing and push button shall be installed cross the south leg of the intersection and tie into the existing pedestrian system. The sidewalk shall be shown on the Development Site Plan to be constructed. A sidewalk is also required along Old Lemay Ferry, this portion of sidewalk is appropriate for a contribution in lieu of construction. If sidewalk is not constructed, a contribution must be made prior to building permit issuance.
4. The developer is advised that utility companies will require compensation for relocation of their facilities within public road right-of-way. Utility relocation cost shall not be considered as an allowable credit against the petitioner's traffic generation assessment contributions. The developer should also be aware of extensive delays in utility company relocation and adjustments. Such delays will not constitute a cause to allow occupancy prior to completion of road improvements.

5. Any request to install a gate at the entrance to this development must be approved by the City of Arnold or the Missouri Department of Transportation (MoDOT), as applicable, and the Rock Fire District. No gate installation will be permitted on public right-of-way.

K. STORM WATER

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

L. SANITARY SEWER

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

M. GEOTECHNICAL REPORT

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

N. MISCELLANEOUS

1. Refer to the Code of Ordinances of the City of Arnold and Section 405.340 "C-4" Planned Commercial District for requirements specific to the "C-4" Zoning District.
2. All utilities will be installed underground.
3. Prior to record plat approval, the developer shall cause, at his expense and prior to the recording of any plat, the reestablishment, restoration or appropriate witnessing of all Corners of the United States Public Land Survey located within, or which define or lie upon, the out boundaries of the subject tract in accordance with the Missouri Minimum Standards relating to the preservation and maintenance of the United States Public Land Survey Corners, as necessary.
4. Prior to final release of subdivision construction deposits, the developer shall provide certification by a registered land surveyor that all monumentation depicted on the record plat has been installed and United States Public Land Survey Corners have not been disturbed during construction activities or that they have been reestablished and the appropriate documents filed with the Missouri Department of Natural Resources Land Survey Program, as necessary.
5. Sidewalk improvements and right-of-way dedication shall be completed prior to the issuance of an occupancy permit. If development phasing is anticipated, the developer shall complete road improvements, right of-way dedication, and access requirements for each phase of development as directed by the City of Arnold or the Missouri Department of Transportation (MoDOT). Delays due to utility relocation and

adjustments will not constitute a cause to allow occupancy prior to completion of said improvements.

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

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

III. COMMENCEMENT OF CONSTRUCTION

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

IV. GENERAL CRITERIA

A. FINAL DEVELOPMENT PLAN (SITE PLAN) SUBMITTAL REQUIREMENTS

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

- 1. Location map, north arrow, and plan scale. The scale shall be no greater than one (1) inch equals one hundred (100) feet.
- 2. Outboundary plat and legal description of property.
- 3. Density calculations.
- 4. Parking calculations, including calculation for all off street parking spaces, required and proposed, and the number, size and location for handicap designed.
- 5. Provide open space percentage for overall development including separate percentage for each lot on the plan.
- 6. A note indicating all utilities will be installed underground.
- 7. A note indicating signage approval is separate process.
- 8. Depict the location of all buildings, size, including height and distance from adjacent property lines and proposed use of each.
- 9. Specific structure and parking setbacks along all roadways and property lines.
- 10. Indicate location of all existing and proposed freestanding monument signs.
- 11. Zoning district lines, subdivision name, lot number, lot dimensions, lot area, and zoning of adjacent parcels where different than site.
- 12. Floodplain boundaries.

13. Depict existing and proposed improvements within one hundred fifty (150) feet of the site as directed. Improvements include, but are not limited to, roadways, driveways and walkways adjacent to and across the street from the site, significant natural features, such as wooded areas and rock formations, and other karst features that are to remain or be removed.
14. Depict all existing and proposed easements and rights-of-way within one hundred fifty (150) feet of the site and all existing or proposed offsite easements and rights-of-way required for proposed improvements.
15. Indicate the location of the proposed storm sewers, detention basins, sanitary sewers and connection(s) to the existing systems.
16. Depict existing and proposed contours at intervals of not more than one (1) foot, and extending one hundred fifty (150) feet beyond the limits of the site as directed.
17. Include a Landscape Plan in accordance with the City Of Arnold Code to indicate proposed landscaping.
18. Include a Lighting Plan in accordance with the City Of Arnold Code to indicate proposed lighting.
19. Comply with all preliminary plat requirements of the City of Arnold Code.
20. Signed and sealed in conformance with the State of Missouri Department of Economic Development, Division of Professional Registration, and Missouri Board for Architects, Professional Engineers and Land Surveyors requirements.
21. Provide comments/ approvals from the Rock Fire District, and other agencies, as applicable.

V. RECORDING

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



**PLANNING COMMISSION MEETING
CITY HALL COUNCIL CHAMBERS
APRIL 9, 2019**

MINUTES

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

ROLL CALL OF COMMISSIONERS: Del Williams, John Tucker, Brian McArthur, Alan Bess, Frank Kutilek, Jeff Campbell, Andrew Sutton, Chris Ford, Justin Lurk (excused), David Bookless, Sarah Turner, Christie Hull-Bettale and Bob Sweeney. 8 voting members present, 1 excused.

REVIEW AND APPROVAL OF AGENDA: Motion by Jeff Campbell to approve the agenda as revised. Second by Del Williams. Voice Vote – *Unanimously Approved*.

APPROVAL OF MINUTES: Motion by Jeff Campbell to approve the minutes from the March 12, 2019 meeting as presented. Second by Chris Ford. Voice Vote - *Unanimously Approved*.

PUBLIC COMMENT: None

PUBLIC HEARINGS:

- a. **2019-10: CONDITIONAL USE PERMIT, SNOWBALL TRAILER, 776 JEFFCO:** Sarah Turner gave a brief presentation explaining that Joseph Sorg, Jr. is a returning vendor requesting approval for their seasonal Snow Cone Stand located at 776 Jeffco Blvd. This location is in the C-2 Commercial District and a snow cone stand falls under “fast food restaurant” which requires a Conditional Use Permit. He has been previously approved for identical Conditional Use Permit at this location and has been there for many years without complaints. There are no major concerns that have not already been addressed by previous CUP’s. The condition requiring a bathroom facilities agreement between Walgreens and the applicant has been amended to require a new agreement every year of the CUP and to include employees and customers. Staff finds that the application meets all review and recommends the Commission approve the Conditional Use Permit with the conditions.

No public comment.

- b. **2019-11: CONDITIONAL USE PERMIT, 360 NUTRITION, #16 FOX VALLEY CENTER:** Sarah Turner presented Erica Friedmeyer’s request for a Conditional Use Permit to operate a Nutrition Smoothie Bar at #16 Fox Valley Center. The primary business function is to serve meal replacement shakes/smoothies or energy teas. Nutrition Smoothie Bar falls under “fast food restaurant” which is permitted conditionally in a C-2 District. Does not require additional parking or other miscellaneous conditions of use outside of regular permitting for food service vendors. The City lacks this type of health-focused fast-food service and it has shown to be popular in other Jefferson County communities. Staff finds that this application meets the review criteria as proposed and requests favorable consideration.

No public comment.

- c. **2019-12: A REQUEST FOR A CHANGE OF ZONING FROM “PRD” PLANNED RESIDENTIAL DISTRICT TO “R-2” RESIDENTIAL DISTRICT FOR A PROPERTY LOCATED AT 2209 LONEDELL ROAD TO ALLOW THE CONSTRUCTION OF A SINGLE-FAMILY DWELLING. SUBMITTED BY PRIME PROPERTY INVESTMENTS, OWNER OF THE PROPERTY:** Sarah Turner presented Dan Kammerer of Prime Property Investments, request to rezone the property at 2209 Lonedell Rd. from “PRD”

Planned Residential District to “R-2” Residential District. This property was zoned R-2 Residential prior to being rezoned to PRD in 2009 and is surrounded by R-2. Under the PRD, the only use permitted is villas or two-family dwellings. This PRD’s use regulations were crafted for a 22 dwelling development plan that was approved in 2009 and expired in 2013. The approximately 11.74 acre tract is located north of the intersection of Lonedell Rd. and Pomme Rd. The applicant wants to build one (1) single-family home on the graded area setback from Lonedell with a private drive and wants to keep their options open for building two (2) more single-family dwellings with frontage on Lonedell. The two (2) existing homes had sat vacant since 2009 and were just recently demolished by the current owner/applicant. Staff finds that the proposed change of zoning meets the review criteria and further advances the intent of both the Comprehensive Plan and Zoning Ordinance; therefore, based on this finding, Staff requests favorable consideration of this application.

Brian McArthur referred to the possible future two (2) homes and asked if there would be a second road going in.

Dan Kammerer, Prime Property Investments, 5240 U.S. Highway 61/67, Imperial, MO, stated that they would have their own private drive off of Lonedell.

John Tucker asked if the PRD expired in 2013, doesn’t it automatically go back to the original zoning classification?

David Bookless explained that the zoning classification stays in place but the development plan expires. If someone wanted to develop under the PRD they would have to come forward with a new development plan.

- d. **2018-08: A CITY-INITIATED REQUEST TO AMEND CHAPTER 405, ZONING, OF THE CODE OF ORDINANCES, CREATING DEFINITIONS FOR LODGING ESTABLISHMENTS AND EXTENDED STAY LODGING ESTABLISHMENTS AND PROVIDING REGULATIONS THEREFOR:** David Bookless touched on the variety of crimes and adverse conditions that can occur when hotels are not run properly. He went over the crime data pertaining to the four (4) hotels in Arnold as far as the number of calls for service per year and the nature of those calls. Staff is proposing a two-pronged approach to the problem. The first approach is Zoning Amendments: Replace hotel, motel, etc. with Lodging Establishment; new definition: Extended Stay Lodging Establishment and make an Extended Stay Lodging Establishment a Conditional Use and only allowed in the C-3 Commercial District. Additionally, some criteria is being proposed for these establishments including accessory uses associated with it such as minimum acreage requirements; maximum lot coverage requirements and buffering requirements if they abut residential. The second approach is Business Licensing Amendments such as establish a new license category; stay limitation requirements; guest register requirements; prohibitions; maintenance of the guest rooms; prohibiting the consumption of alcohol in public places such as the parking lot, hallways, stairwells, etc. and reiterate the rights that establishments have to refuse and eject persons violating the rules or laws. There will also be an endorsement procedure (based on performance); Police endorsement will be required to get the Business License. Mr. Bookless also briefly went over the list of standards and measures. 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, he requests favorable consideration of the draft amendments.

John Tucker referred to the “calls of service” and asked if there is any reason to be concerned that the hotel would call for service themselves.

David Bookless stated at the last City Council meeting, the Council approved an amendment to the Municipal Code for emergency access via the telephone. You no longer have to dial an access code; you can just dial 911 to

get emergency help. The other part of the change is a hotel cannot tell or put pressure on their guests, employees or anybody else to not call 911 in the event of an emergency. Mr. Bookless stated that he has seen this implemented in other communities and there has been significant reduction in crime statistics and Police calls.

Frank Kutilek asked if lodging facilities included Bed and Breakfast establishments.

David Bookless stated there has to be five (5) or more rooms for these regulations to apply.

Frank Kutilek commented that when he worked in construction, there were times he would be in a location for a year or more and would have a long term agreement with the hotel.

David Bookless replied that he had reached out to a few hotel managers and they all felt six (6) month extended stay was reasonable with a provision that if someone had an emergency such as a fire or flood. People that want to stay a year or more, most of the apartment complexes have shorter term leases available.

- e. **2019-13: A CITY-INITIATED REQUEST TO AMEND CHAPTER 405, ZONING, OF THE CODE OF ORDINANCES TO MODIFY DEFINITIONS AND REGULATIONS RELATED TO "USED CAR SALES," AS DEFINED IN THE ZONING ORDINANCE, AND AS RELATED TO NEW CAR, TRUCK, RECREATIONAL VEHICLE, BOAT, TRAILER, OTHER VEHICLE, AND/OR CONSTRUCTION EQUIPMENT SALES:** David Bookless stated that the City Council expressed concern and directed the Planning Commission to review the regulations for used/new car sales on smaller lots. He then briefly went over the proposed changes. Revise definitions to apply to new and used car sales; require a CUP in C-2, C-3, M-1 and M-2 districts; minimum parcel size in "C" districts of 2 ½ acres; no minimum in "M" districts for internet and specialty sales; abutting residential districts must be screened; a traffic study may be required and pre-existing car sales establishments will be designated legal non-conforming uses. The Director of Community Development finds that the proposed text amendments meet or exceed review criteria and further advances the intent of Chapter 405 and based on this finding, request favorable consideration of the draft amendments.

No public comment.

- f. **2019-01: A REQUEST FOR A CHANGE OF ZONING FOR SEVEN (7) PROPERTIES FROM C-4, R-3 AND C-2 TO ALL C-4 PLANNED COMMERCIAL DISTRICT FOR THE PURPOSES OF OPERATING ASSISTED LIVING APARTMENTS (CEDARHURST) AT 2069 MISSOURI STATE RD.:** Christie Hull-Bettale gave an updated presentation of Dover Development's request to establish a "C-4" Planned Commercial District for seven parcels of land totaling 8.32 acres. The proposed uses would include 63 assisted living apartments, 20 memory care apartments, and senior services. An adjustment was made to the architecture so new renderings were presented. The city hired CBB on behalf of Dover Development to do a traffic study. We asked them to do an assessment to determine the number of trips that would be generated; assess the relative impact of those trips on the adjacent roadways; assess the ability of the motorist to safely enter and exit the site, and if necessary, roadway improvements or traffic control modifications would be recommended to mitigate any impacts from the development. The study focused on weekday peaks A.M and P.M.

David Bookless clarified that CBB was hired and directed by the city and the applicant reimbursed the city for the cost.

Christie Hull Bettale then reviewed the findings and recommendations from the traffic study and addressed the changes the developer has made which include: curb cuts have been modified to make sure sight triangles are addressed going in and out of the access points and also sight distance to the intersection.; sidewalks will be constructed; they will not construct the portion of sidewalk in front of the development on Old Lemay Ferry, but they are going to make a contribution in the form of escrow, to the sidewalk fund for future sidewalk improvements in the future. They will also provide adequate roadway right-of-way for Old Lemay Ferry and Missouri State Road for future potential widening. Additional landscaping has also been added. 1787 Old Lemay Ferry has been left out of the proposal. There has been reasonable effort made but no agreement established. Staff recommends favorable consideration of this rezoning request.

Jeff Campbell commented to Christie that the site plan on her presentation is different than the one in the packet.

Nick Dwyer, Dover Development, 120 South Central Ave., Clayton, MO stated that the site plan on the slideshow is an outdated plan. The plan that is dated 3/26/2019 is the plan the review was based off of.

David Bookless also mentioned a slight shift in the building.

Nick Dwyer explained that an existing water main did not get picked up through the utility locations so the building had to be shifted off the road and part had to be re-adjusted. The drive lane has been shifted.

Brian McArthur commented that a lot of parking was lost with the shift.

Nick Dwyer stated that they lost a few parking spots but they are still one over what is required.

Jeff Campbell asked what kind of vehicle is delivering supplies, food, etc.

Nick Dwyer commented that a small van delivers the food weekly.

Gregory Reininger, 1787 Big Bill Rd., questioned being boxed in by C-4 zoning; building within 15 feet of his property and where are the contractors from and are they union.

Nick Dwyer stated they do not foresee building anything within 15 feet of Mr. Reininger's property and they plan on using as many local subcontractors as they can.

Larry Thomas Jobe, Jr., 1787 Old Lemay Ferry, asked if the detention pond that will be behind their property was intended to hold water and if so, concerned there will be a mosquito issue. Will there be time requirements as to when they can start work; will deliveries be allowed during the construction phase during certain hours; wants a PLA signed to insure that they use union workers.

Bob Sweeney commented that labor agreements are no longer lawful in Missouri.

JD Howell, The Sterling Co., 5055 New Baumgartner Road, St. Louis, MO, commented that the detention basin in question will be dry.

Cort Dietz, 10890 Business 21, Hillsboro, MO, commented that Mr. Reininger is his client and stated that the developer offered \$140,000 Mr. Reininger's property which is considerably less than its worth. The main concern is that this property will be orphaned and lose its value will be greatly reduced. They would like the developer to make better assertive effort.

Bob Sweeney commented that the Planning Commission does not have the authority to direct a developer on their offers. Real Estate Agents are not qualified to provide property appraisals, so if the applicant has evidence of reduced value it would have to be from a licensed appraiser.

Cort Dietz stated he is not trying to establish a value but this development will reduce the value of Reininger's property and feels it is irresponsible to allow them to leave that one property.

- g. **2019-02: CONSOLIDATION PRELIMINARY RECORD PLAT, CEDARHURST ASSISTED LIVING FACILITY CONSOLIDATE 7 PARCELS INTO ONE LOT, 2069 MISSOURI STATE RD.** Christie Hull-Bettale presented this Consolidation Plat stating that the proposed consolidation supports the Comprehensive Plan, it includes proper provision of right-of-way and sidewalk easement dedications and it includes transportation facilities, in the form of sidewalk and pedestrian improvements for Missouri State Road being constructed and escrow in lieu of construction for Old Lemay Ferry sidewalks being established prior to building permit issuance. Staff requests favorable consideration of this proposed Consolidation Plat.

No public comment.

There being no further questions or comments, the public hearing adjourned at 8:20 p.m.

OLD BUSINESS:

- a. **2019-01: A REQUEST FOR A CHANGE OF ZONING FOR SEVEN (7) PROPERTIES FROM C-4, R-3 AND C-2 TO ALL C-4 PLANNED COMMERCIAL DISTRICT FOR THE PURPOSES OF OPERATING ASSISTED LIVING APARTMENTS (CEDARHURST) AT 2069 MISSOURI STATE RD.:** Jeff Campbell commented that he is not comfortable approving this when the background plan is not consistent through the set such as the landscape plan, etc.

Christie Hull-Bettale explained that after she had created the presentation there was a change in the site plan (waterline was found and they had to shift the building). She apologized that the old site plan was in the presentation.

JD Howell referred to the landscaping plan and stated there would be no substantial changes.

David Bookless commented that if the landscape plan varies at all, they will bring it back before the Planning Commission for approval.

Brian McArthur questioned the parking difference between the original plan and the proposed.

Christie Hull Bettale commented that although with the building shift they lost a few spaces they still have more than is required.

Chris Ford expressed his concern for Mr. Reininger.

Andrew Sutton shares Mr. Ford's concerns but does recognize that the applicant has made all efforts to negotiate a fair price with the property owner.

Frank Kutilek made the comment that the existing traffic issues on Missouri State Rd., Church Rd., and Old Lemay Ferry need to be address in the future.

Christie Hull-Bettale commented that Dover has done their part by providing the dedicated right-of-way on both roadways and they are improving the sidewalks in the area to make the connection to Arnold Commons.

Motion by Frank Kutilek to approve 2019-01, A request for a change of zoning for seven (7) properties from C-4, R-3 and C-2 to all C-4 Planned Commercial District for the purposes of operating Assisted Living Apartments (Cedarhurst) at 2069 Missouri State Rd. based on the findings and the 21 conditions found in Attachment A (attached). Second by Del Williams. Roll call vote: Chris Ford, yes; Brian McArthur, yes; Alan Bess, yes; John Tucker, yes; Frank Kutilek, yes; Jeff Campbell, no; Del Williams, yes; Andrew Sutton, yes. 7 yeas, 1 nay – *Motion Approved.*

- b. **2019-02: CONSOLIDATION PRELIMINARY RECORD PLAT, CEDARHURST ASSISTED LIVING FACILITY CONSOLIDATE 7 PARCELS INTO ONE LOT, 2069 MISSOURI STATE RD.** Motion by Del Williams to approve 2019-02, Consolidation Preliminary Record Plat, Cedarhurst Assisted Living Facility consolidation of seven (7) parcels into on lot at 2069 Missouri State Road based on the findings and the following two (2) conditions:

1. The applicant is to address comments as indicated by Agencies.
2. The applicant is to construct improvements and establish escrows as indicated in the separate proposal for the "C-4" Planned Commercial District with Development Plan.

Second by Frank Kutilek. Roll call vote: Chris Ford, yes; Brian McArthur, yes; Alan Bess, yes; John Tucker, yes; Frank Kutilek, yes; Jeff Campbell, no; Del Williams, yes; Andrew Sutton, yes. 7 yeas, 1 nay – *Motion Approved.*

NEW BUSINESS:

- a. **2019-10: CONDITIONAL USE PERMIT, SNO-BALL, 754 JEFFCO BLVD.:** Motion by Jeff Campbell to approve 2019-10, Conditional Use Permit, Sno-Ball, at 754 Jeffco Blvd., with following ten (10) conditions:

1. All structures, tables, trash containers, etc. must be located at least fifty (50) feet from the front property line.
2. The tables, trash containers, etc. may not create an obstruction for vehicle traffic.
3. The area is kept clean of trash and debris that may result from the snow cone stand.
4. A current written agreement is provided to the City regarding the use of restrooms for the employees and customers of the snow cone stand for each year of the Conditional Use Permit.
5. The operation may open March 1 of each year of the Conditional Use Permit.
6. The hours of operation are from 1:00PM to 10:00PM.
7. The trailer is removed on or before October 1, 2019 and 2020.
8. Building permits required for the placement of the stand, electric, etc.
9. Jefferson County Health Department permit required.
10. All necessary permits are issued in conjunction with opening the snow cone stand.
11. The Conditional Use Permit will expire on October 31, 2020.

Second by Del Williams. Roll call vote: Chris Ford, yes; Brian McArthur, yes; Alan Bess, yes; John Tucker, yes; Frank Kutilek, yes; Jeff Campbell, yes; Del Williams, yes; Andrew Sutton, yes. 8 yeas, 0 nays – *Motion Approved.*

- b. **2019-11: CONDITIONAL USE PERMIT, 360 NUTRITION, #16 FOX VALLEY CENTER:** Motion by Jeff Campbell to approve 2019-11, Conditional Use Permit, 360 Nutrition at #16 Fox Valley Center based on the findings. Second by Del Williams. Roll call vote: Chris Ford, yes; Brian McArthur, yes; Alan Bess, yes; John Tucker, yes; Frank Kutilek, yes; Jeff Campbell, yes; Del Williams, yes; Andrew Sutton, yes. 8 yeas, 0 nays – *Motion Approved.*
- c. **2019-12: A REQUEST FOR A CHANGE OF ZONING FROM “PRD” PLANNED RESIDENTIAL DISTRICT TO “R-2” RESIDENTIAL DISTRICT FOR A PROPERTY LOCATED AT 2209 LONEDELL ROAD TO ALLOW THE CONSTRUCTION OF A SINGLE-FAMILY DWELLING. SUBMITTED BY PRIME PROPERTY INVESTMENTS, OWNER OF THE PROPERTY:** Motion by Jeff Campbell to approve 2019-12, a request for a change of zoning from “PRD” Planned Residential District to “R-2” Residential District for a property located at 2209 Lonedell Road to allow the construction of a single-family dwelling based on Staff’s findings. Second by Frank Kutilek. Roll call vote: Chris Ford, yes; Brian McArthur, yes; Alan Bess, yes; John Tucker, yes; Frank Kutilek, yes; Jeff Campbell, yes; Del Williams, yes; Andrew Sutton, yes. 8 yeas, 0 nays – *Motion Approved.*
- d. **2019-08: A CITY-INITIATED REQUEST TO AMEND CHAPTER 405, ZONING, OF THE CODE OF ORDINANCES, CREATING DEFINITIONS FOR LODGING ESTABLISHMENTS AND EXTENDED STAY LODGING ESTABLISHMENTS AND PROVIDING REGULATIONS THEREFOR:** Motion by Jeff Campbell to approve 2019-08, a city-initiated request to amend Chapter 405, Zoning of the Code of Ordinances, creating definitions for lodging establishments and extended stay lodging establishments and providing regulations therefor. Second by Chris Ford. Roll call vote: Chris Ford, yes; Brian McArthur, yes; Alan Bess, yes; John Tucker, yes; Frank Kutilek, yes; Jeff Campbell, yes; Del Williams, yes; Andrew Sutton, yes. 8 yeas, 0 nays – *Motion Approved.*

- e. **2019-13: A CITY-INITIATED REQUEST TO AMEND CHAPTER 405, ZONING, OF THE CODE OF ORDINANCES TO MODIFY DEFINITIONS AND REGULATIONS RELATED TO “USED CAR SALES,” AS DEFINED IN THE ZONING ORDINANCE, AND AS RELATED TO NEW CAR, TRUCK, RECREATIONAL VEHICLE, BOAT, TRAILER, OTHER VEHICLE, AND/OR CONSTRUCTION EQUIPMENT SALES:** Motion by Jeff Campbell to approve 2019-13, a city-initiated request to amend Chapter 405, Zoning, of the Code of Ordinances to modify definitions and regulations related to “Used Car Sales” as defined in the Zoning Ordinance, and as related to new car, truck, recreational vehicle, boat, trailer, other vehicle, and/or construction equipment sales. Second by Frank Kutilek. Roll call vote: Chris Ford, yes; Brian McArthur, yes; Alan Bess, yes; John Tucker, yes; Frank Kutilek, yes; Jeff Campbell, yes; Del Williams, yes; Andrew Sutton, yes. 8 yeas, 0 nays – *Motion Approved.*

STAFF UPDATE:

David Bookless – upcoming agenda items: sign code with respect to temporary signs and medical marijuana. City Council approved: tree preservation amendment; 911 calls, and vacant structure amendment.

Bob Sweeney – no report

Sarah Turner – no report

Christie Hull-Bettale – gave an update on MOD Pizza –they will be striping the crosswalk and taking care of the ADA spaces within the next few weeks.

COMMISSIONERS UPDATE:

Del Williams – no report

John Tucker – asked for an update on the striping in front of the Bedroom Store in Arnold Commons. Christie stated that our Building Inspector was going to contact their maintenance company to take care of it.

Alan Bess – no report

Jeff Campbell – no report

Frank Kutilek – no report

Andrew Sutton – no report

Chris Ford – no report

COUNCIL LIAISON REPORT

Brian McArthur – asked if Harbor Freight had an open house. David Bookless stated that he has not heard of any.

NEXT SCHEDULED MEETING: APRIL 23, 2019

ADJOURNMENT: Meeting adjourned at 8:43 p.m.

Respectfully Submitted,

Alan Bess
Planning Commission Secretary

AN ORDINANCE APPROVING A REZONING FROM “R-3” RESIDENTIAL DISTRICT, “C-2” RESIDENTIAL DISTRICT, AND “C-4” PLANNED COMMERCIAL DISTRICT TO “C-4” PLANNED COMMERCIAL DISTRICT FOR A TRACT OF LAND BEING PART OF U.S. SURVEY 2991, TOWNSHIP 43 NORTH, RANGE 6 EAST OF THE FIFTH PRINCIPAL MERIDIAN, CITY OF ARNOLD, JEFFERSON COUNTY, MISSOURI.

WHEREAS, an application to approve a rezoning from “R-3” Residential District, “C-2” Residential District, and “C-4” Planned Commercial District to “C-4” Planned Commercial District for a tract of land being all of Lots 11 and 12 of “Gebhardt’s 2nd Subdivision”, a subdivision according to the plat thereof recorded in Plat Book 26, Page 15 of the Jefferson County, Missouri records, all of Adjusted Parcel A of “Consolidation Plat of Part of Lot 17 of U.S. Survey 2991 Township 43 North, Range 6 East, Jefferson County, Missouri, City of Arnold”, a subdivision according to Document Number 2007S-000040 of said records, and part of Lots 16 and 17 in U.S. Survey 2991, all located in Lots 16 and 17, U.S. Survey 2991, Township 43 North, Range 6 East of the Fifth Principal Meridian, City of Arnold, Jefferson County; and

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

WHEREAS, the Planning Commission has submitted its report and recommendation to the City Council on the proposed rezoning from “R-3” Residential District, “C-2” Residential District, and “C-4” Planned Commercial District to “C-4” Planned Commercial District and the Development Plan herein identified as “Exhibit 2.”

WHEREAS, the proposed change of zoning meets the review criteria and further advances the intent of both the Comprehensive Plan and Zoning Ordinance. There has been significant change in the area to warrant a change of zoning classification, including the construction of large-scale residential and commercial development. There was not a mistake made on the Zoning map. The map change is not substantially inconsistent with the comprehensive plan and the regulations of the City of Arnold. The District supports in fulfilling a need for senior housing and services, and is in the best interest for the health, safety, and welfare of the citizens of the City of Arnold.

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

SECTION 1. The City of Arnold Zoning Ordinance and Official Zoning Map, which are part thereof, are hereby amended by rezoning and establishing a “C-4” Planned Commercial District for 8.941 acres, more or less at intersection of Missouri State Rd and Old Lemay Ferry Rd., and as further described in the attached “Exhibit 1.”

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

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

Signatures on following page

READ TWO TIMES, PASSED AND APPROVED ON THIS _____ DAY OF MAY 2019.

Presiding Officer of the Council

Mayor Ron Counts

ATTEST:

City Clerk Tammi Casey

1st reading: _____

2nd reading: _____

APPROVED AS TO FORM:

City Attorney Robert Sweeney

April 24, 2019

Z:\CITYDOCS\ORDINANC\2733 Ordinance Rezoning to C4- Cedarhurst of Arnold 2019.docx
Friday, April 26, 2019

THE **STERLING** CO

ENGINEERS & SURVEYORS

5055 New Baumgartner Road St. Louis, Missouri 63129
(314) 487-0440 fax: (314) 487-8944

OVERALL PROPERTY DESCRIPTION: Cedarhurst of Arnold

A tract of land being all of Lots 11 and 12 of "Gebhardt's 2nd Subdivision", a subdivision according to the plat thereof recorded in Plat Book 26, Page 15 of the Jefferson County, Missouri records, all of Adjusted Parcel A of "Consolidation Plat of Part of Lot 17 of U.S. Survey 2991 Township 43 North, Range 6 East, Jefferson County, Missouri, City of Arnold", a subdivision according to Document Number 2007S-000040 of said records, and part of Lots 16 and 17 in U.S. Survey 2991, all located in Lots 16 and 17, U.S. Survey 2991, Township 43 North, Range 6 East of the Fifth Principal Meridian, City of Arnold, Jefferson County, Missouri and being more particularly described as follows:

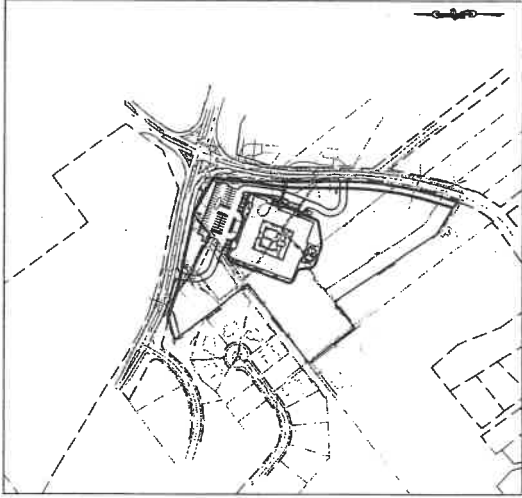
Beginning at an old stone at the northwest corner of above said Lot 17, said corner also being on the southeast line of "Maxville Gardens", a subdivision according to the plat thereof recorded in Plat Book 252 Page 10 of above said records; thence along the northeast line of said Lot 17, said line also being the southeast line of said "Maxville Gardens", North 52°20'13" East, 361.97 feet to the southeast corner of said "Maxville Gardens", from which corner an iron rod with cap bears North 37°36'40" West, 0.35 feet; thence leaving last said line and along the northeast line of said "Maxville Gardens", North 37°36'40" West, 333.51 feet to a point being the northwest corner of above said Lot 11; thence leaving last said northeast line and along the north line of said Lot 11, North 73°37'52" East, 98.31 feet to a point on the south right-of-way line of Missouri State Road (width varies), said point being 32.00 feet radial distance south from the centerline of said Missouri State Road; thence leaving said north line and along said south right-of-way line of Missouri State Road the following courses, distances and curves: along a curve to the left being non-tangential to the previous course, with a radius of 832.00 feet, whose chord bears South 70°38'19" East, 58.23 feet, an arc distance of 58.25 feet to a point; South 53°39'47" East, 98.63 feet to a point on the east line of said Lot 11; South 64°39'47" East, 173.00 feet to old axle on the northwest line of above said Adjusted Parcel A; North 52°20'13" East, 99.70 feet to the northernmost corner of said Adjusted Parcel A; and South 60°41'49" East, 148.04 feet to a point on the west line of Old Lemay Ferry Road (width varies), from which point an old iron pipe bears North 64°24'56" West, 3.08 feet; thence leaving said south right-of-way line of Missouri State Road and along said west right-of-way line of Old Lemay Ferry Road the following courses, distances and curves: along a curve to the left being non-tangential to the previous course, with a radius of 1025.00 feet, whose chord bears South 04°32'02" West, 186.70 feet, an arc distance of 186.96 feet to a point of tangency; South 00°41'29" East, 199.79 feet to the southernmost corner of said Adjusted Parcel A; and North 53°46'31" West, 2.35 feet to a point being 25.00 feet perpendicular distance west of the centerline of said Old Lemay Ferry Road, from which point a large nail bears North 67°27'00" West, 1.91 feet and an old iron pipe bears North 08°38'32" East, 4.35 feet; thence continuing along last said west right-of-way line, being 25 feet west of and parallel and radial to the centerline of Old Lemay Ferry Road as traveled the following courses, distances and curves: South 00°06'51" West, 83.56 feet to a point of curvature; along a curve to the right with a radius of 1196.89 feet, whose chord bears South 06°47'31" West, 278.36 feet, an arc distance of 278.99 feet to a point of continuing curvature; along a curve to the right with a radius of 1428.83 feet, whose chord bears South 15°56'50" West, 123.53 feet, an arc distance of 123.57 feet to a point of tangency; and South 18°25'30" West, 21.61 feet to a point on the northeast line of a tract of land conveyed to Gregory G. Reininger, Trustee of the Gregory J. Reininger Revocable Trust dated October 10, 1996 by document recorded as Document Number 2006R-059907 in said records, from which point an old iron rod bears South 58°49'53" East, 6.24 feet; thence leaving last said west right-of-way line of Old Lemay Ferry Road and along said northeast line of the Reininger Tract, North 58°49'53" West, 138.62 feet to an old iron rod; thence continuing along last said northeast line, North 33°39'31" West, 445.34 feet to an old iron rod set inside an old iron pipe at the northernmost corner of said Reininger Tract; thence leaving last said northeast line and along the northwest line of said Reininger Tract, South 52°03'59" West, 119.04 feet to an old iron rod at the westernmost corner of said Reininger tract, said corner being on the southwest line of said Lot 17 and the northeast line of Tract A of "Watercolor Villas Easement and Road Dedication Plat", a subdivision according to the plat thereof recorded as Document Number 2012P-000099 of said records; thence leaving last said northwest line and along said southwest line of Lot 17, North 37°59'18" West, 209.05 feet to the Point of Beginning and contains 389,484 square feet, or 8.941 acres, more or less, according to a survey performed by The Sterling Company during the month of November, 2018 under order number 18-07-221.

EXHIBIT 1

Cedarhurst of Arnold

A TRACT OF LAND BEING ALL OF LOTS 11 AND 12 OF GEBHARDT'S 2ND SUBDIVISION, RECORDED IN PLAT BOOK 26, PAGE 15, ALL OF ADJUSTED PARCEL 4 OF CONSOLIDATION PLAT OF PART OF LOT 17 IN U.S. SURVEY 2991, TOWNSHIP 43 NORTH, RANGE 6 EAST RECORDED IN DOCUMENT NO. 2007S-000040, AND PART OF LOTS 16 AND 17 OF U.S. SURVEY 2991, ALL LOCATED IN U.S. SURVEY 2991, TOWNSHIP 43 NORTH, RANGE 6 EAST OF THE FIFTH PRINCIPAL MERIDIAN, CITY OF ARNOLD, JEFFERSON COUNTY, MISSOURI

DEVELOPMENT PLAN 2069 Missouri State Road



NO.	DATE	BY	DESCRIPTION
1	03/28/19	JK	PRELIMINARY DEVELOPMENT PLAN
2	03/28/19	JK	PRELIMINARY DEVELOPMENT PLAN
3	03/28/19	JK	PRELIMINARY DEVELOPMENT PLAN
4	03/28/19	JK	PRELIMINARY DEVELOPMENT PLAN
5	03/28/19	JK	PRELIMINARY DEVELOPMENT PLAN

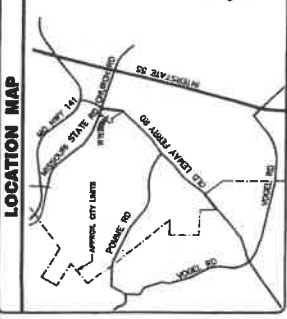
Dover Development
120 South Central Ave, Suite 1000
Clayton, Missouri 63105
Ph. 314-932-2352

THE STERLING CO.
ENGINEERS & SURVEYORS
5005 Hawthorn Road
St. Louis, Missouri 63112
Ph 314-487-9240 Fax 314-487-9544
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Cedarhurst of Arnold
2069 Missouri State Road, Arnold, MO 63010
PRELIMINARY DEVELOPMENT PLAN
COVER

FOR CONSTRUCTION
FOR CONSTRUCTION ONLY

Date: 03/28/19
Drawing ID: Sheet
Drawn: JT
Checked: JD
Scale: 1" = 1'



LOCATION MAP
M.T.S.
PROJECT ZIP CODE: 63010

CALL BEFORE YOU DIG!
1-800-DIG-RITE



- SHEET INDEX**
- 1.1 COVER SHEET
 - 2.1 PRELIMINARY SITE PLAN
 - 3.1 SITE SECTIONS
 - 4.1 PRELIMINARY CONSOLIDATION/REZONING EXHIBIT
 - 5.1-5.2 SITE DISTANCE STUDY

SURVEYOR CERTIFICATION:

I, the undersigned, being a duly licensed Surveyor in the State of Missouri, do hereby certify that the foregoing is a true and correct copy of the original survey as the same appears in my records on file in my office, and that the same was made by me or under my direct supervision and in accordance with the provisions of the laws of the State of Missouri relating to surveys.

THE SURVEYOR COMPANY

ENGINE & SURVEY - THE SURVEYOR
M.T.S. L.A. - 6528

SITE INFORMATION

LOCATION: 2069 MISSOURI STATE ROAD, ARNOLD, MO 63010
OWNER: DOVER DEVELOPMENT
DESIGNED BY: STERLING ENGINEERS & SURVEYORS
PROPOSED USE: RESIDENTIAL DEVELOPMENT
SUBJECT AREA OF SITE: 2069 MISSOURI STATE ROAD, ARNOLD, MO 63010
OWNER'S MAKE CONTRACT: STERLING ENGINEERS & SURVEYORS
CONTRACT NUMBER: 2007S-000040

REQUIRED VARIOUS SETBACKS:

REAR YARD SETBACK: 10' (MINIMUM)
FRONT YARD SETBACK: 10' (MINIMUM)
SIDE YARD SETBACK: 5' (MINIMUM)
REAR SIDE YARD SETBACK: 5' (MINIMUM)
FRONT SIDE YARD SETBACK: 5' (MINIMUM)
STREET SETBACK: 10' (MINIMUM)
UTILITY SETBACK: 5' (MINIMUM)
ADJACENT LOT SETBACK: 5' (MINIMUM)

PROPOSED VARIOUS SETBACKS:

REAR YARD SETBACK: 10' (MINIMUM)
FRONT YARD SETBACK: 10' (MINIMUM)
SIDE YARD SETBACK: 5' (MINIMUM)
REAR SIDE YARD SETBACK: 5' (MINIMUM)
FRONT SIDE YARD SETBACK: 5' (MINIMUM)
STREET SETBACK: 10' (MINIMUM)
UTILITY SETBACK: 5' (MINIMUM)
ADJACENT LOT SETBACK: 5' (MINIMUM)

REQUIRED BUFFER VARS:

REAR YARD BUFFER: 10' (MINIMUM)
FRONT YARD BUFFER: 10' (MINIMUM)
SIDE YARD BUFFER: 5' (MINIMUM)
REAR SIDE YARD BUFFER: 5' (MINIMUM)
FRONT SIDE YARD BUFFER: 5' (MINIMUM)
STREET BUFFER: 10' (MINIMUM)
UTILITY BUFFER: 5' (MINIMUM)
ADJACENT LOT BUFFER: 5' (MINIMUM)

NUMBER OF PARKING SPACES REQUIRED:

TOTAL GROSS FLOOR AREA: 10,000 SQ FT
TOTAL GROSS PARKING REQUIRED: 10 SPACES
TOTAL NET PARKING REQUIRED: 10 SPACES
NUMBER OF SPACES PROVIDED: 10 SPACES
NUMBER OF SPACES PROVIDED: 10 SPACES

NUMBER OF PARKING SPACES PROVIDED:

10 SPACES

FLOOR AREA, NO FLOORPLAN IS SUBMITTED ON THIS PLAN:

THIS SITE IS LOCATED AT THE INTERSECTION OF MISSOURI STATE ROAD AND OLD LEAMY FERRY ROAD. THE SITE IS IN THE UNINCORPORATED AREA OF THE CITY OF ARNOLD, MISSOURI. THE SITE IS IN THE UNINCORPORATED AREA OF THE CITY OF ARNOLD, MISSOURI. THE SITE IS IN THE UNINCORPORATED AREA OF THE CITY OF ARNOLD, MISSOURI.

CITY OF ARNOLD GENERAL NOTES:

1. ALL CHANGES, AMENDMENTS, REVISIONS, AND ADDITIONS SHALL BE IN ACCORDANCE WITH THE CITY OF ARNOLD ORDINANCES.
2. ALL CHANGES, AMENDMENTS, REVISIONS, AND ADDITIONS SHALL BE IN ACCORDANCE WITH THE CITY OF ARNOLD ORDINANCES.
3. ALL PROPOSED IMPROVEMENTS AND FEATURES SHALL BE IN ACCORDANCE WITH THE CITY OF ARNOLD ORDINANCES.
4. ALL IMPROVEMENTS AND FEATURES SHALL BE IN ACCORDANCE WITH THE CITY OF ARNOLD ORDINANCES.
5. ALL IMPROVEMENTS AND FEATURES SHALL BE IN ACCORDANCE WITH THE CITY OF ARNOLD ORDINANCES.
6. ALL IMPROVEMENTS AND FEATURES SHALL BE IN ACCORDANCE WITH THE CITY OF ARNOLD ORDINANCES.
7. ALL IMPROVEMENTS AND FEATURES SHALL BE IN ACCORDANCE WITH THE CITY OF ARNOLD ORDINANCES.
8. ALL IMPROVEMENTS AND FEATURES SHALL BE IN ACCORDANCE WITH THE CITY OF ARNOLD ORDINANCES.
9. ALL IMPROVEMENTS AND FEATURES SHALL BE IN ACCORDANCE WITH THE CITY OF ARNOLD ORDINANCES.
10. ALL IMPROVEMENTS AND FEATURES SHALL BE IN ACCORDANCE WITH THE CITY OF ARNOLD ORDINANCES.

PROPERTY DESCRIPTION (OVERALL AS SURVEYED):

A TRACT OF LAND BEING ALL OF LOTS 11 AND 12 OF GEBHARDT'S 2ND SUBDIVISION, RECORDED IN PLAT BOOK 26, PAGE 15, ALL OF ADJUSTED PARCEL 4 OF CONSOLIDATION PLAT OF PART OF LOT 17 IN U.S. SURVEY 2991, TOWNSHIP 43 NORTH, RANGE 6 EAST RECORDED IN DOCUMENT NO. 2007S-000040, AND PART OF LOTS 16 AND 17 OF U.S. SURVEY 2991, ALL LOCATED IN U.S. SURVEY 2991, TOWNSHIP 43 NORTH, RANGE 6 EAST OF THE FIFTH PRINCIPAL MERIDIAN, CITY OF ARNOLD, JEFFERSON COUNTY, MISSOURI.

EXHIBIT 2 (15 PAGES)

18-07-221
03/26/19
Sheet
2.1
PRE

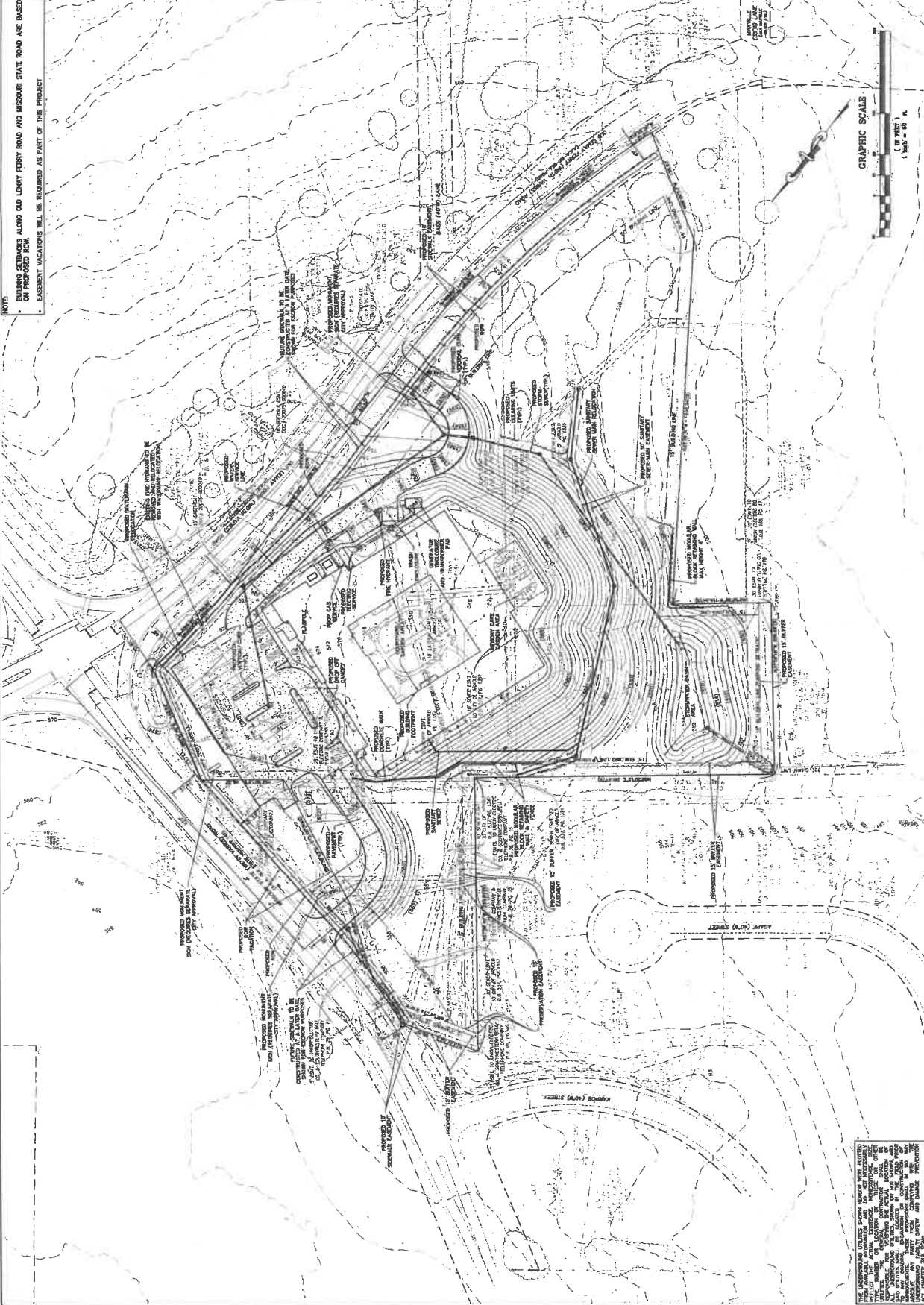
NOT A PROFESSIONAL ENGINEERING DESIGN
FOR CONSTRUCTION
NOT TO BE USED FOR CONSTRUCTION
UNLESS AUTHORIZED BY THE ENGINEER
DATE: 03/26/19
LICENSE NO. 0020000097
Professional Engineer

Cedarhurst of Arnold
PRELIMINARY DEVELOPMENT PLAN
PRELIMINARY SITE PLAN
2008 Hazardous Waste Road, Arnold, MO 63010

THE STERLING CO.
ENGINEERS & SURVEYORS
5055 New Bankers Road
St. Louis, Missouri 63115
Ph: 314-687-6460 Fax: 314-487-9344
www.sterlingco.com
Complete Certificate of Authority #001348

Dover Development
120 South Central Ave., Suite 1000
Clayton, Missouri 63105
Ph: 314-932-2352

REV.	DATE	DESCRIPTION
1	01/15/19	INITIAL SUBMITTAL 01-15-19
2	01/15/19	REV PER CITY COMMENTS 01/15/19
3	02/19/19	REV PER TRAFFIC STUDY 02/19/19
4	03/06/19	REV PER DESIGN CHANGE 03/06/19
5	03/26/19	REV PER DESIGN CHANGE 03/26/19



NOTE: EASEMENTS ALONG OLD LEWIS FERRY ROAD AND MISSOURI STATE ROAD ARE BASED ON PROPOSED ROW. EASEMENT VACATIONS WILL BE REQUIRED AS PART OF THIS PROJECT.

THIS PLAN AND ALL INFORMATION THEREON ARE THE PROPERTY OF THE ENGINEER. NO PART OF THIS PLAN IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF THE ENGINEER. THE ENGINEER ASSUMES NO LIABILITY FOR ANY DAMAGE OR LOSS OF ANY KIND, INCLUDING CONSTRUCTION COSTS, ARISING FROM THE USE OF THIS PLAN OR ANY INFORMATION THEREON, WHETHER OR NOT SUCH DAMAGE OR LOSS IS CAUSED IN WHOLE OR IN PART BY NEGLIGENCE OR OTHERWISE. THE ENGINEER'S LIABILITY IS LIMITED TO THE PROFESSIONAL SERVICES PROVIDED BY THE ENGINEER.

DATE: 18-07-2021
 DRAWN: JI
 CHECKED: JI
 SHEET: 31
 PROJECT: PRE

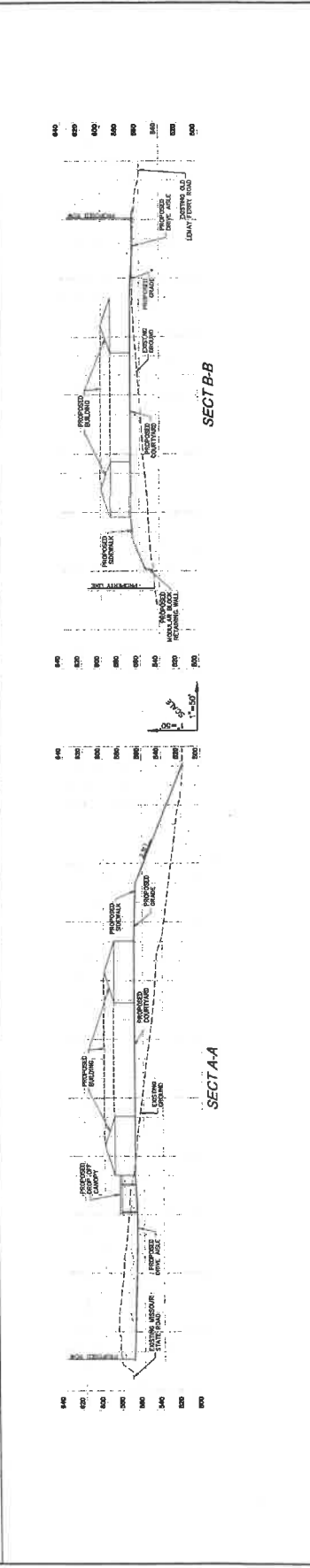
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 2021 THE STERLING CO.
 1000 MARKET STREET, SUITE 100
 WASHINGTON, DC 20004

Cedarhurst of Arnold
 2000 Market Street, Suite 100, Arnold, MO 63010
 PRELIMINARY DEVELOPMENT PLAN
 SITE SECTIONS

THE STERLING CO.
 ENGINEERS & SURVEYORS
 2020 Market Street, Suite 100
 St. Louis, Missouri 63103
 Phone: 314-487-0440 Fax: 314-487-0444
 Website: www.sterling-engineers.com
 Corporate Certificate of Authority: 0001343

Dover Development
 120 South Center Ave., Suite 1050
 Clayton, Missouri 63105
 PH: 314-432-2552

NO.	REVISION
1	INITIAL SUBMITTAL 11-13-18
2	REV PER CITY COMMENTS 03/09/19
3	REV PER CITY COMMENTS 04/09/19
4	REV PER TRAFFIC STUDY 04/09/19
5	REV PER DESIGN CHANGE 07/02/19



THE ENGINEERING UTILITY SHOWN HEREIN WERE PLOTTED FROM THE RECORD DRAWINGS AND FIELD SURVEY DATA. THE ENGINEER HAS CONDUCTED VISUAL INSPECTIONS OF THE UTILITY RECORDS AND FIELD SURVEY DATA AND HAS FOUND THEM TO BE CORRECT AND ACCURATE. THE ENGINEER HAS CONDUCTED VISUAL INSPECTIONS OF THE UTILITY RECORDS AND FIELD SURVEY DATA AND HAS FOUND THEM TO BE CORRECT AND ACCURATE. THE ENGINEER HAS CONDUCTED VISUAL INSPECTIONS OF THE UTILITY RECORDS AND FIELD SURVEY DATA AND HAS FOUND THEM TO BE CORRECT AND ACCURATE.

18-07-221
 Date
 03/26/19
 Date of Issue
 4.1
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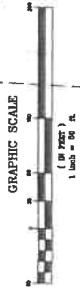
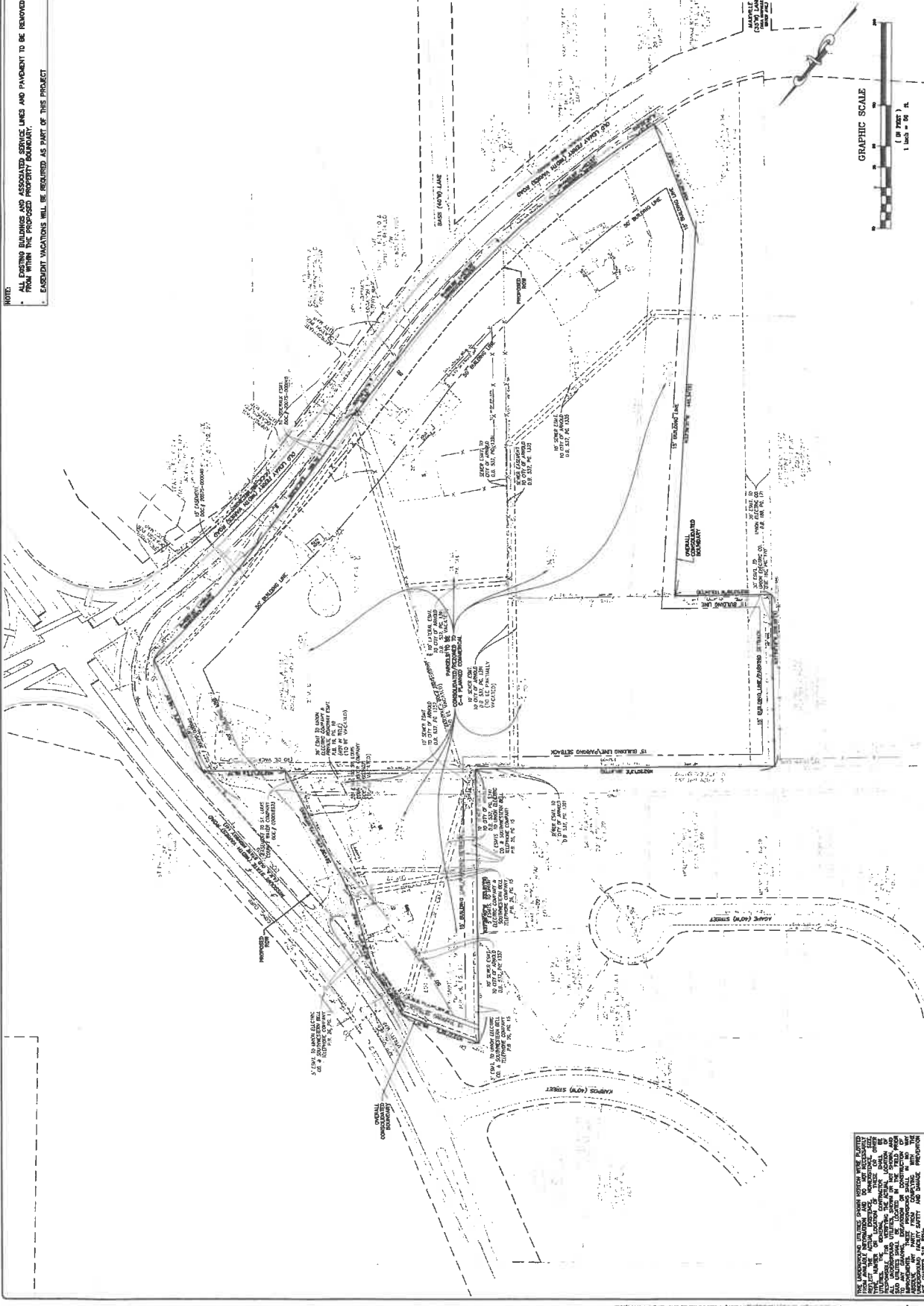
2088 Marshall Street, Annapolis, MD 20701
 PRELIMINARY CONSOLIDATION REZONING EXHIBIT
Cedarhurst of Annapolis
 5055 New Hampshire Road
 Annapolis, MD 20701
 Tel: 410-293-2700
 Fax: 410-293-2701
 License No. PE 2007000201
 Professional Engineer

5055 New Hampshire Road
 Annapolis, MD 20701
 Tel: 410-293-2700
 Fax: 410-293-2701
 License No. PE 2007000201
 Professional Engineer
THE STERLING CO.
 ENGINEERS & SURVEYORS
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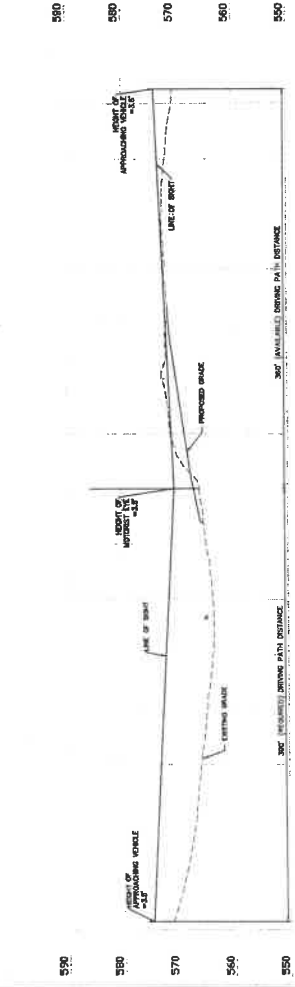
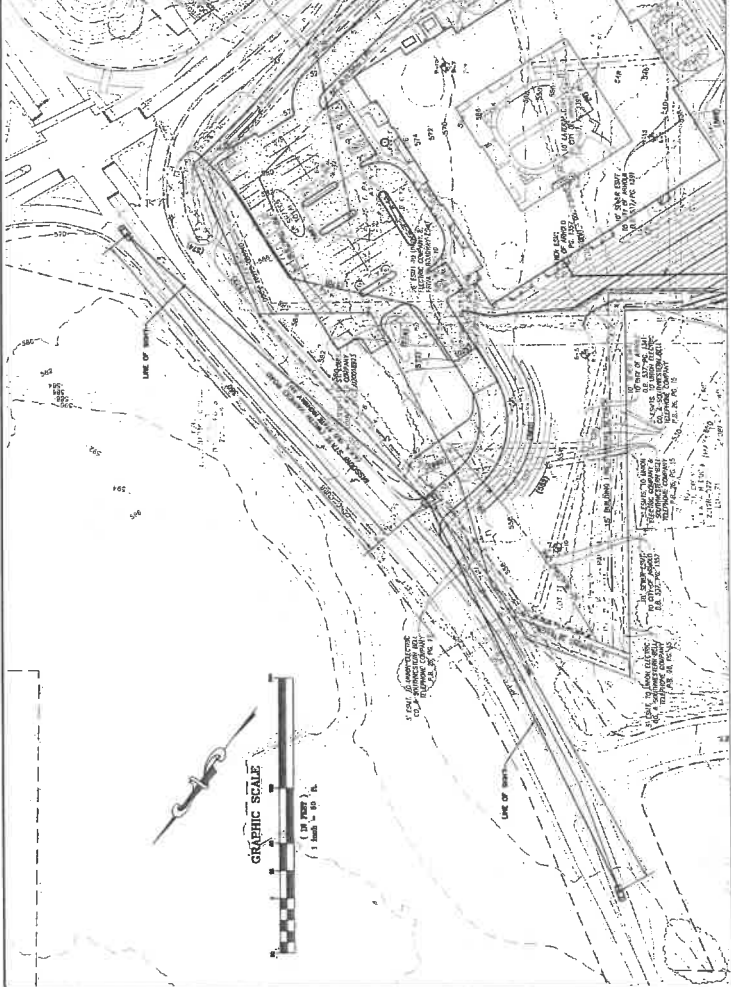
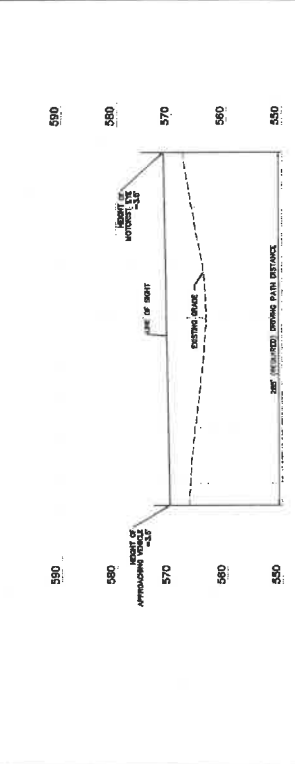
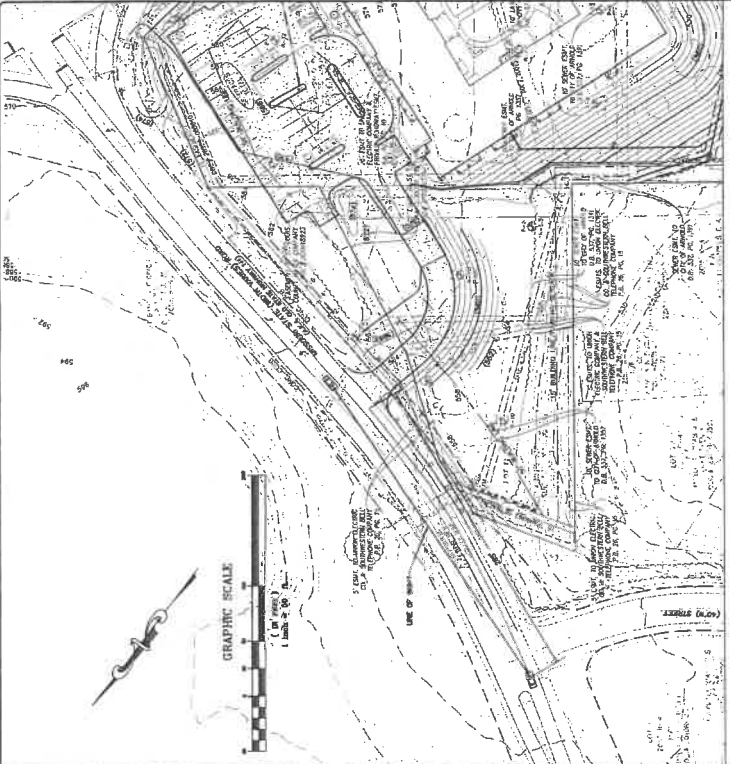
120 South Central Ave., Suite 1050
 Clayton, Missouri 63105
 Ph: 314-922-2522
Dover Development

NO.	REVISIONS
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2	REV PER CITY COMMENTS 02/05/15
3	REV PER CITY COMMENTS 03/18/15
4	REV PER MARKED STUDY 03/18/15
5	REV PER DESIGN CHANGE 05/19/15

NOTE:
 EXISTING UTILITIES AND ASSOCIATED SERVICE LINES AND PAVEMENT TO BE REMOVED
 SHALL BE RELOCATED TO ADJACENT PROPERTY BARRIERS.
 EXISTENT VARIANCES WILL BE REQUIRED AS PART OF THIS PROJECT



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SIGHT DISTANCE MISSOURI STATE ROAD TO ENTRANCE - PLAN & PROFILE

- NOTES:**
1. POSTED SPEED LIMIT: 30 M.P.H.
 2. GRADE SHALL BE AS SHOWN UNLESS OTHERWISE NOTED
 3. EXISTING GRADE IS BASED ON SURVEY DATA
 4. RECOMMENDED ASSES

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NO.	REVISION
1	INITIAL SUBMITTAL 11-13-18
2	REV. PER CITY COMMENTS 01/15/19
3	REV. PER CITY COMMENTS 02/19/19
4	REV. PER TRAFFIC STUDY 02/19/19
5	REV. PER DESIGN CHANGE 02/19/19

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120 South Central Ave., Suite 1050
Cayton, Missouri 63105
Ph. 314-522-2352

THE STERLING CO.
ENGINEERS & SURVEYORS
5605 New Brittany Road
New Brittany, MO 63117
Phone: (314) 487-4344
Fax: (314) 487-4344
Corporate Center of Parkway 1001346

Cedarhurst of Arnold
2605 Bessie L. Tate Road, Arnold, MO 63010
PRELIMINARY DEVELOPMENT PLAN
MISSOURI STATE ROAD SIGHT DISTANCE

18-07-221
Date: 03/26/19
Professional Engineer

Sheet	5.1
Drawn	PT
Checked	JD
Project No.	18-07-221
Scale	

1	INTERNAL COMMENTS 20190118
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3	REV PER CITY COMMENTS 20190201
4	REV PER TRAFFIC STUDY 20190205
5	REV PER DESIGN CHANGE 20190208

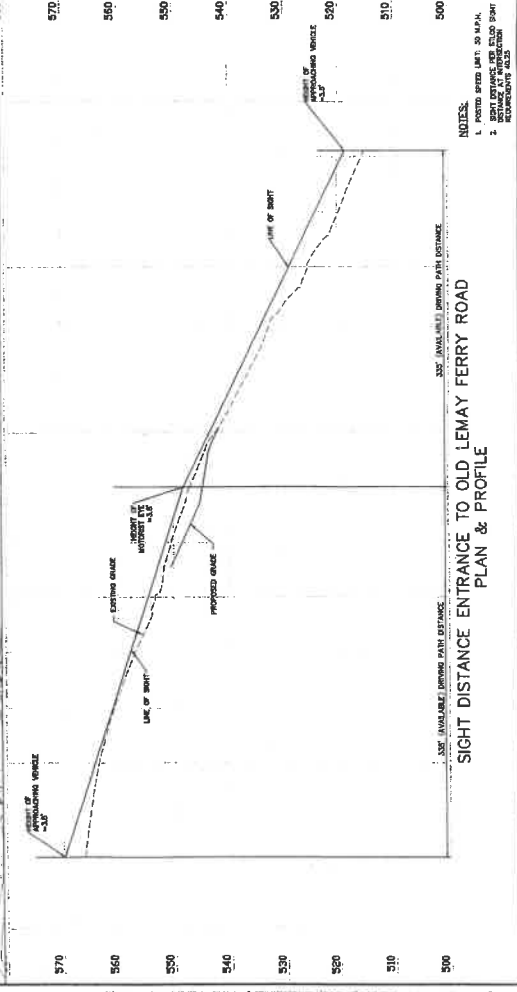
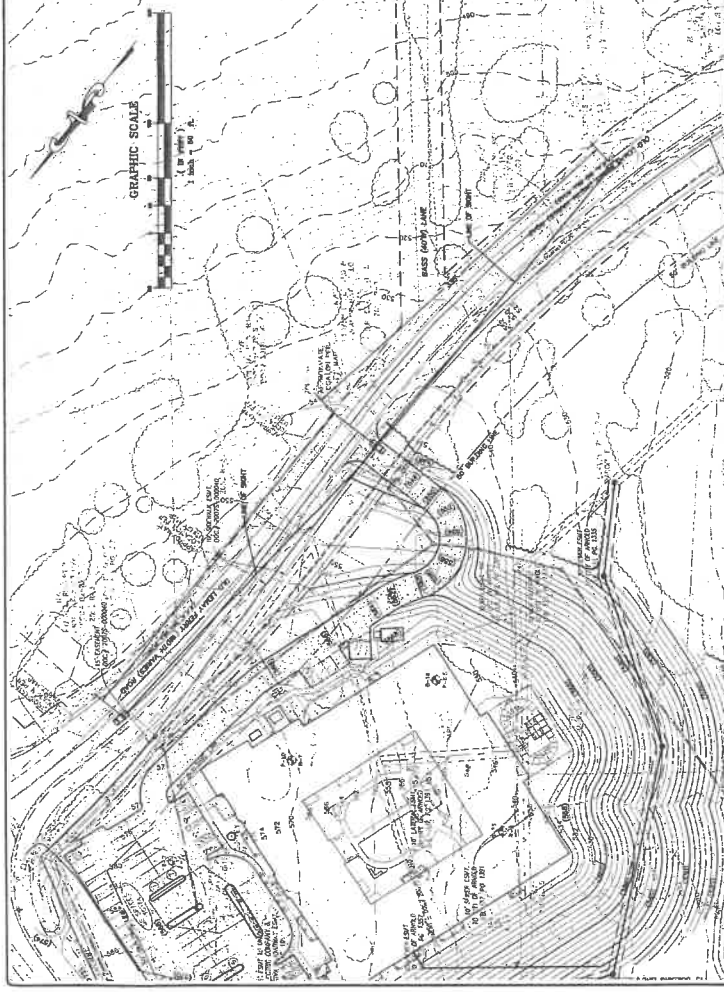
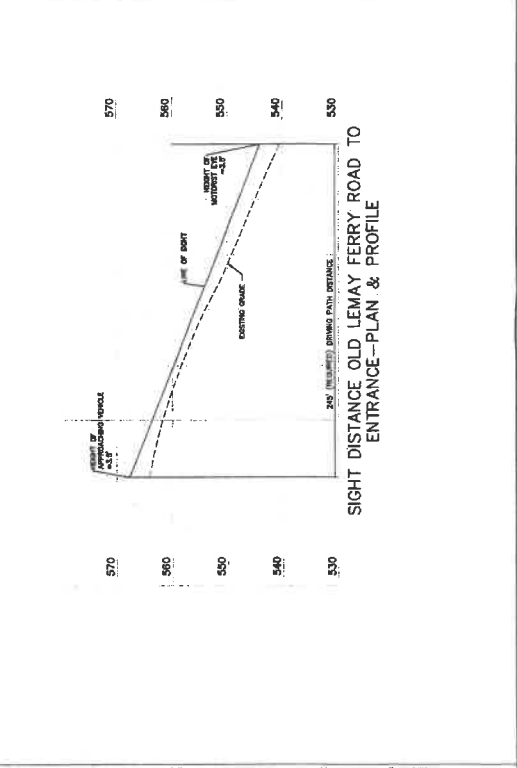
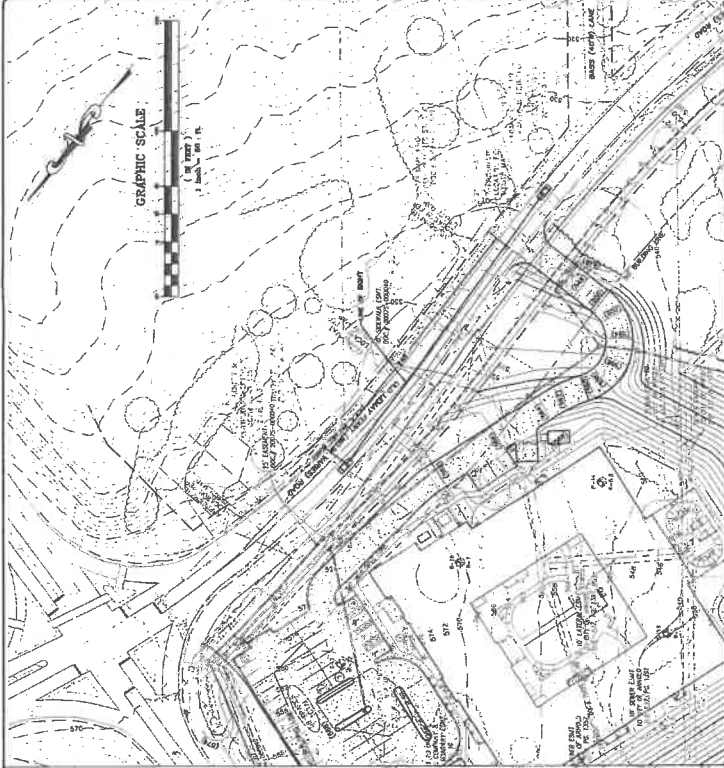
Dover Development
 120 South Central Ave., Suite 1000
 Clayton, Missouri 63105
 Ph. 314-332-2332

THE STERLING CO
ENGINEERS & SURVEYORS
 5055 New Baden Road
 St. Louis, Missouri 63124
 Ph. 314-247-0440 Fax 314-487-8944
 Equal Opportunity Employer
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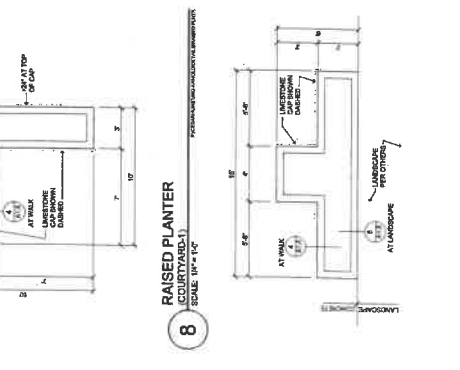
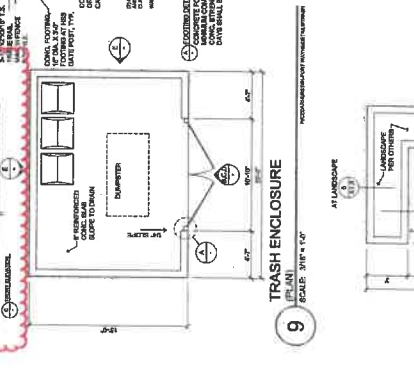
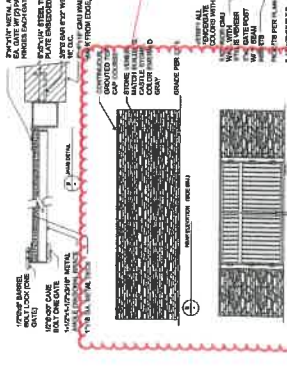
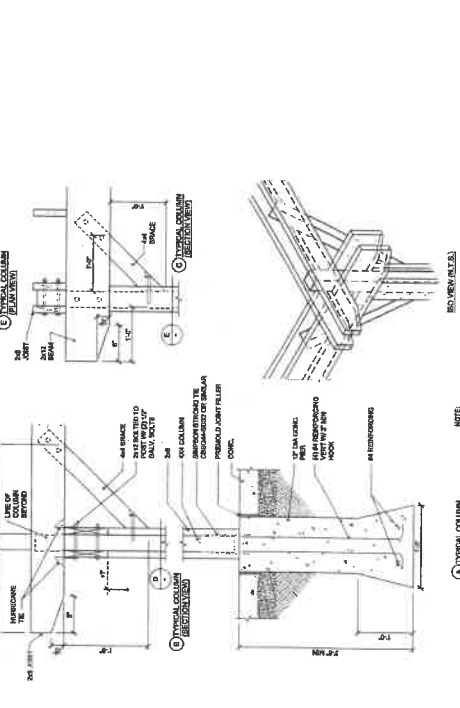
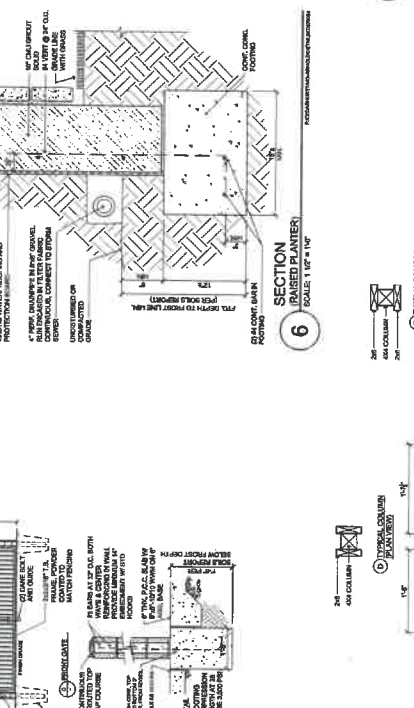
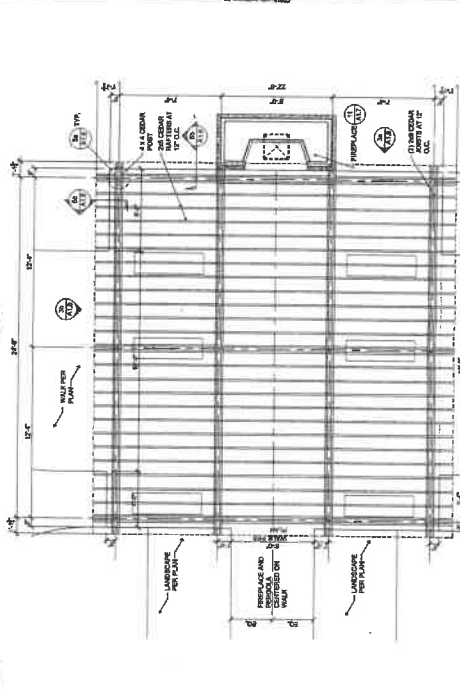
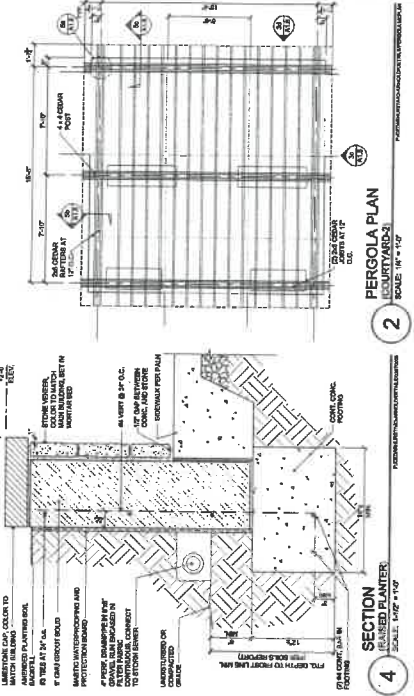
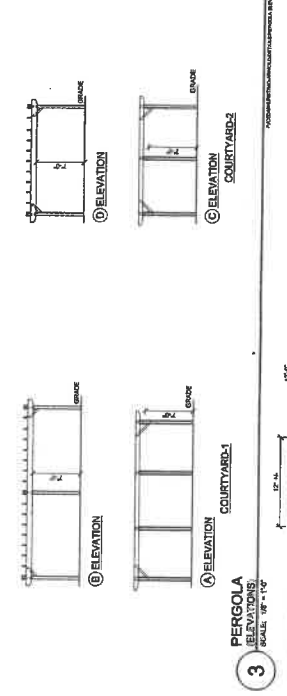
Cedarhurst of Arnold
 2309 Vermont Street, Arnold, MO 63010
 PRELIMINARY DEVELOPMENT PLAN
 MISSOURI STATE ROAD SIGHT DISTANCE

16745 W. Arnold
 P.O. Box 201707
 St. Louis, MO 63120
 Date: 03/26/19
 License No. PE 000000291
 Professional Engineer

JOB NUMBER: 18-07-221
 DATE: 03/26/19
 DRAWING NO.: 18044
 DRAWING: PT 5.2
 C-Number: JD PRE



NOTES:
 1. POSTED SPEED LIMIT: 30 MPH.
 2. SIGHT DISTANCE, SEE ALSO ROAD DESIGN REQUIREMENTS 603.25



1. ALL DIMENSIONS UNLESS OTHERWISE NOTED.
2. ALL MATERIALS SHALL BE AS SHOWN.
3. ALL FINISHES SHALL BE AS SHOWN.
4. ALL CONCRETE SHALL BE 3000 PSI.
5. ALL METAL SHALL BE GALVANNEAL STEEL.
6. ALL WOOD SHALL BE KIDNEY PINE.
7. ALL GLASS SHALL BE 1/2" CLEAR GLASS.
8. ALL LIGHTING SHALL BE AS SHOWN.
9. ALL ELECTRICAL SHALL BE AS SHOWN.
10. ALL MECHANICAL SHALL BE AS SHOWN.



lenty
 2089 MISSOURI STATE ROAD, ARNOLD, MO 63010

CEDARHURST OF ARNOLD
 2089 MISSOURI STATE ROAD, ARNOLD, MO 63010

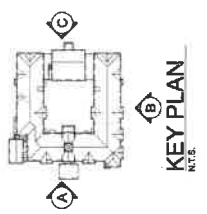
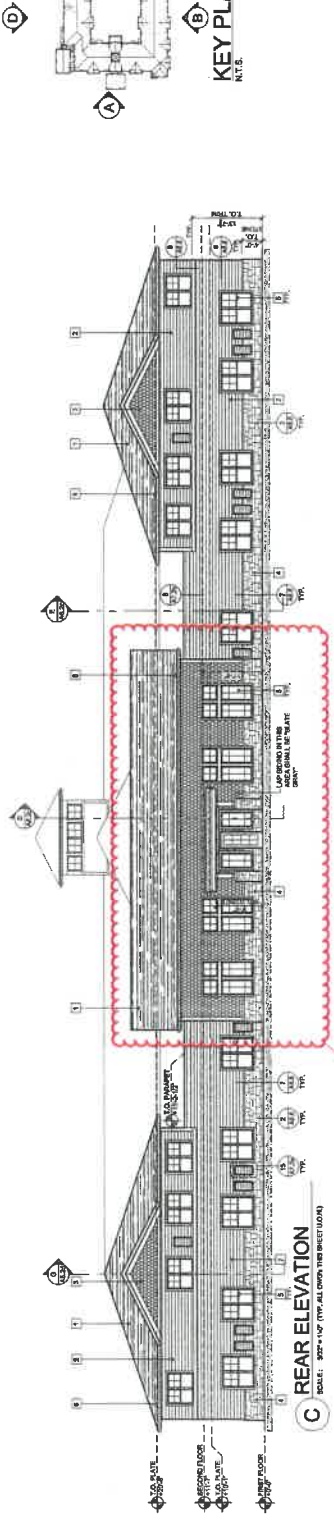
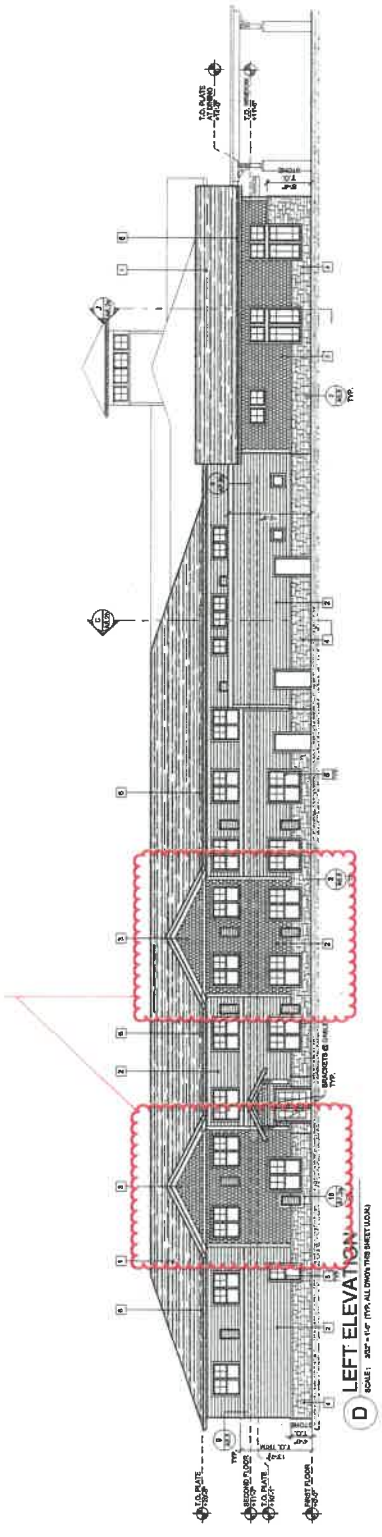
EXTERIOR ELEVATIONS

DATE: 2/6/2019
 REVISIONS:
 SHEET: A6.1a

NEW MATERIALS	
1	WOOD SHAKES
2	WOOD SHAKES
3	WOOD SHAKES
4	WOOD SHAKES
5	WOOD SHAKES
6	WOOD SHAKES
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98	WOOD SHAKES
99	WOOD SHAKES
100	WOOD SHAKES

NOTES:
 1. FINISHES SHALL BE AS SHOWN.

Shake hardie board siding accent added to both gables on Left (Old Lemay Ferry) Elevation



Shake hardie board siding accent added under Memory Care Courtyard on Rear Elevation.



City of Arnold, Missouri
 Planning and Development Department
 10000 Highway 100
 Arnold, Missouri 63010

Project Name: Cedarhurst of Arnold
 Project Location: Arnold, Missouri 63010

City of Arnold, Missouri, Resolution
 Adopted at a regular meeting of the City Council on the 10th day of May, 2010.
 The City Council hereby approves the Tree Preservation Plan for the Cedarhurst of Arnold project, located at the intersection of Highway 100 and Highway 10000, Arnold, Missouri 63010.

Cedarhurst of Arnold

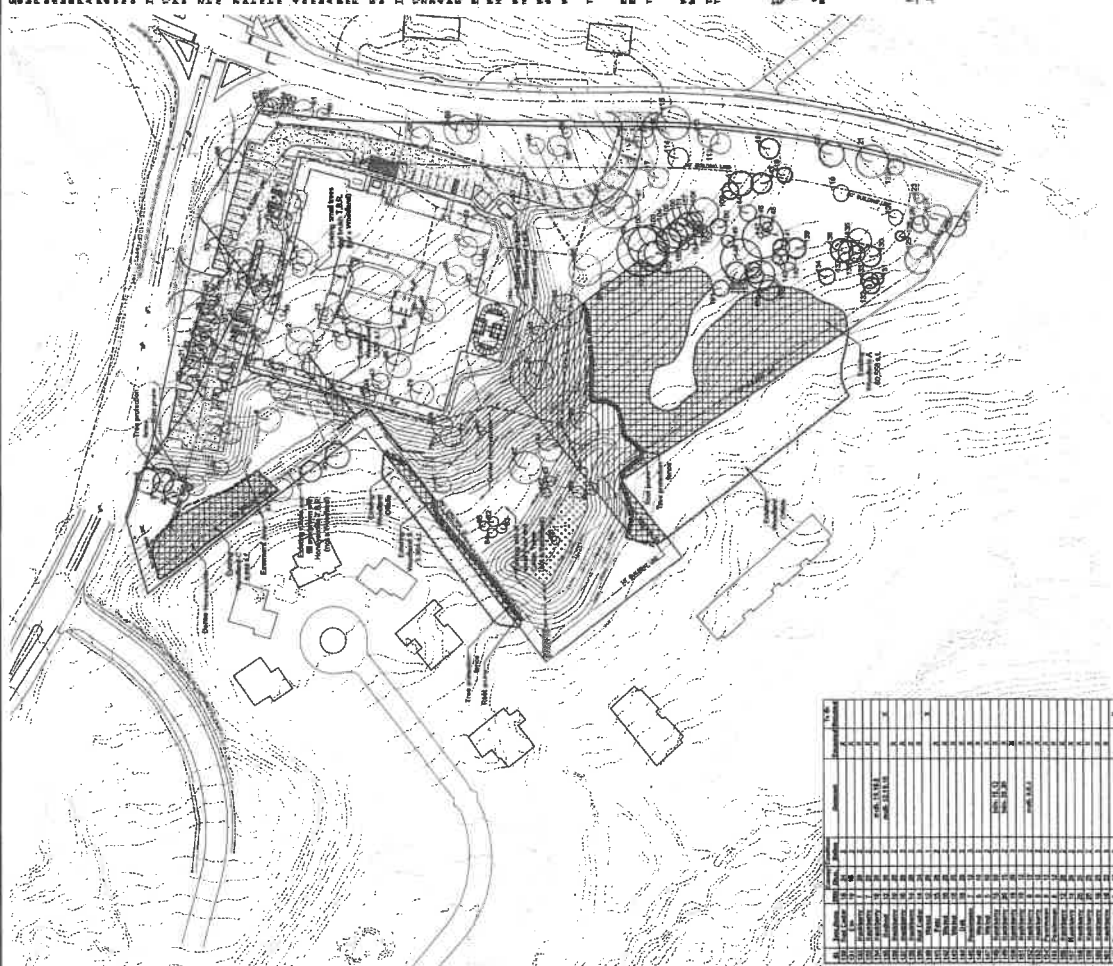
Arnold, Missouri 63010

Tree Preservation Objectives:
 1) Preservation of existing trees to be maintained throughout construction.
 2) Preservation of trees to be removed to be replaced with new trees of similar or greater value.
 3) Preservation of trees to be removed to be replaced with new trees of similar or greater value.

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Tree ID	Species	DBH (in)	Height (ft)	Health	Notes
1	Red Oak	12	25	Good	Preserve
2	White Oak	10	20	Fair	Remove
3	Red Oak	15	30	Good	Preserve
4	White Oak	12	25	Fair	Remove
5	Red Oak	18	35	Good	Preserve
6	White Oak	14	30	Fair	Remove
7	Red Oak	16	32	Good	Preserve
8	White Oak	13	28	Fair	Remove
9	Red Oak	17	33	Good	Preserve
10	White Oak	15	30	Fair	Remove
11	Red Oak	19	38	Good	Preserve
12	White Oak	16	32	Fair	Remove
13	Red Oak	20	40	Good	Preserve
14	White Oak	18	35	Fair	Remove
15	Red Oak	22	45	Good	Preserve
16	White Oak	20	40	Fair	Remove
17	Red Oak	24	50	Good	Preserve
18	White Oak	22	45	Fair	Remove
19	Red Oak	26	55	Good	Preserve
20	White Oak	24	50	Fair	Remove

Tree ID	Species	DBH (in)	Height (ft)	Health	Notes
21	Red Oak	12	25	Good	Preserve
22	White Oak	10	20	Fair	Remove
23	Red Oak	15	30	Good	Preserve
24	White Oak	12	25	Fair	Remove
25	Red Oak	18	35	Good	Preserve
26	White Oak	14	30	Fair	Remove
27	Red Oak	16	32	Good	Preserve
28	White Oak	13	28	Fair	Remove
29	Red Oak	17	33	Good	Preserve
30	White Oak	15	30	Fair	Remove
31	Red Oak	19	38	Good	Preserve
32	White Oak	16	32	Fair	Remove
33	Red Oak	20	40	Good	Preserve
34	White Oak	18	35	Fair	Remove
35	Red Oak	22	45	Good	Preserve
36	White Oak	20	40	Fair	Remove
37	Red Oak	24	50	Good	Preserve
38	White Oak	22	45	Fair	Remove
39	Red Oak	26	55	Good	Preserve
40	White Oak	24	50	Fair	Remove

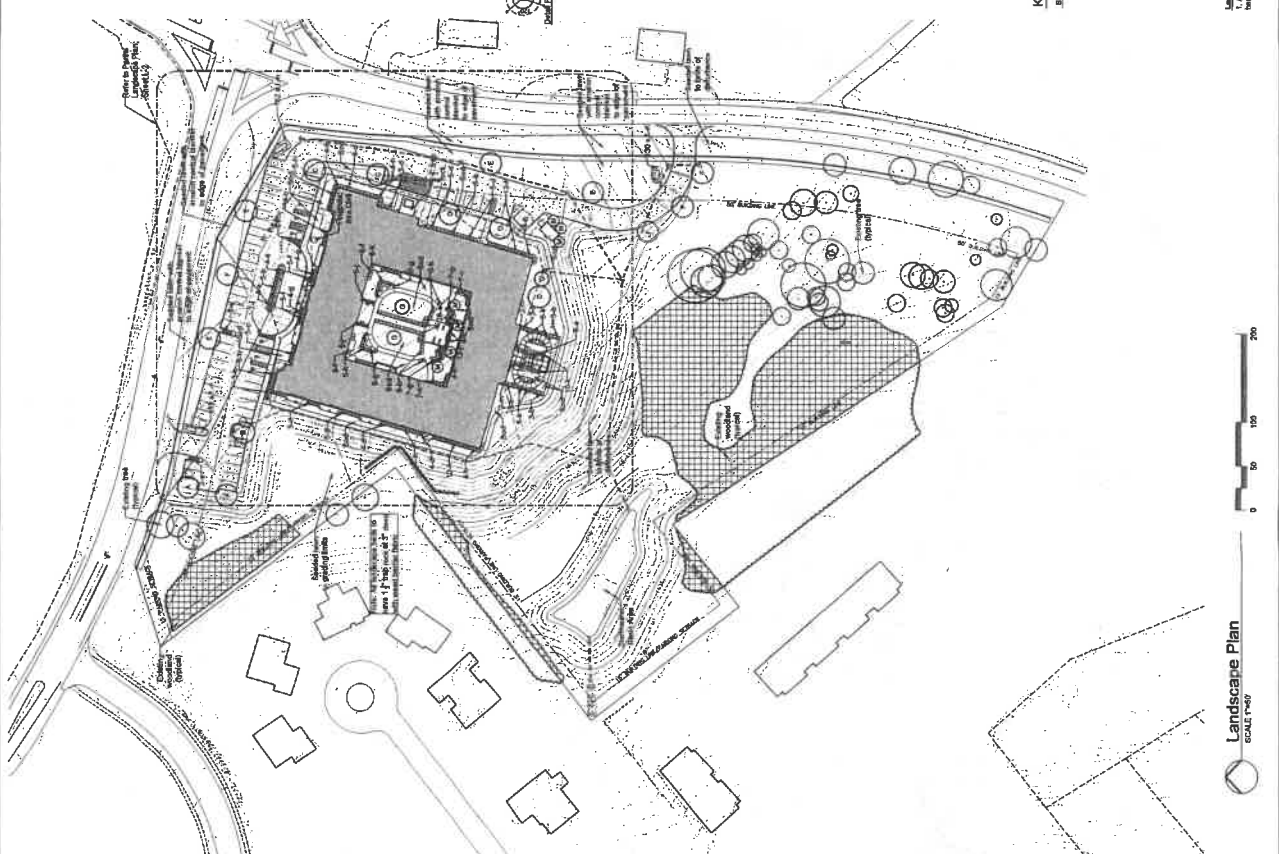
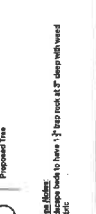
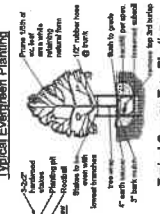
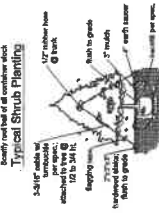
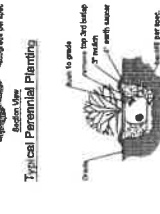
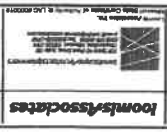
Tree Preservation Plan
 SCALE: 1"=50'
 Date: 05/10/10
 Project: Cedarhurst of Arnold
 Location: Arnold, Missouri 63010



Cedarhurst of Arnold

Arnold, Missouri 63010

Project No.	1002.001
Client	URS
Design	Site Plan
Scale	1" = 100'
Sheet	L-1
Date	1/11/10
Drawn By	JAN R.



Key

Symbol	Description
Circle with crosshairs	Existing Woodland To Retain
Circle with diagonal lines	Existing Woodland Clear
Circle with solid fill	Existing Tree
Circle with dashed outline	Proposed Tree

Landscaping Notes:
 1. All landscape beds to have a 1" top rock at 8" deep with weed barrier fabric.

Planting Schedule	Plant Name	Quantity	Notes
A	Red Emerald Hydrangea	2' x 4'	2
B	Red Emerald Hydrangea	2' x 4'	2
C	Red Emerald Hydrangea	2' x 4'	2
D	Red Emerald Hydrangea	2' x 4'	2
E	Red Emerald Hydrangea	2' x 4'	2
F	Red Emerald Hydrangea	2' x 4'	2
G	Red Emerald Hydrangea	2' x 4'	2
H	Red Emerald Hydrangea	2' x 4'	2
I	Red Emerald Hydrangea	2' x 4'	2
J	Red Emerald Hydrangea	2' x 4'	2
K	Red Emerald Hydrangea	2' x 4'	2
L	Red Emerald Hydrangea	2' x 4'	2
M	Red Emerald Hydrangea	2' x 4'	2
N	Red Emerald Hydrangea	2' x 4'	2
O	Red Emerald Hydrangea	2' x 4'	2
P	Red Emerald Hydrangea	2' x 4'	2
Q	Red Emerald Hydrangea	2' x 4'	2
R	Red Emerald Hydrangea	2' x 4'	2
S	Red Emerald Hydrangea	2' x 4'	2
T	Red Emerald Hydrangea	2' x 4'	2
U	Red Emerald Hydrangea	2' x 4'	2
V	Red Emerald Hydrangea	2' x 4'	2
W	Red Emerald Hydrangea	2' x 4'	2
X	Red Emerald Hydrangea	2' x 4'	2
Y	Red Emerald Hydrangea	2' x 4'	2
Z	Red Emerald Hydrangea	2' x 4'	2



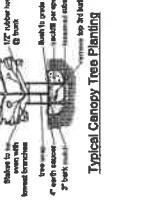
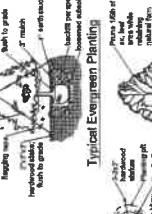
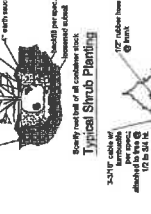
Arnold, Missouri 63010
Cedarhurst of Arnold

Revisions:	Date:	Description:	No.:

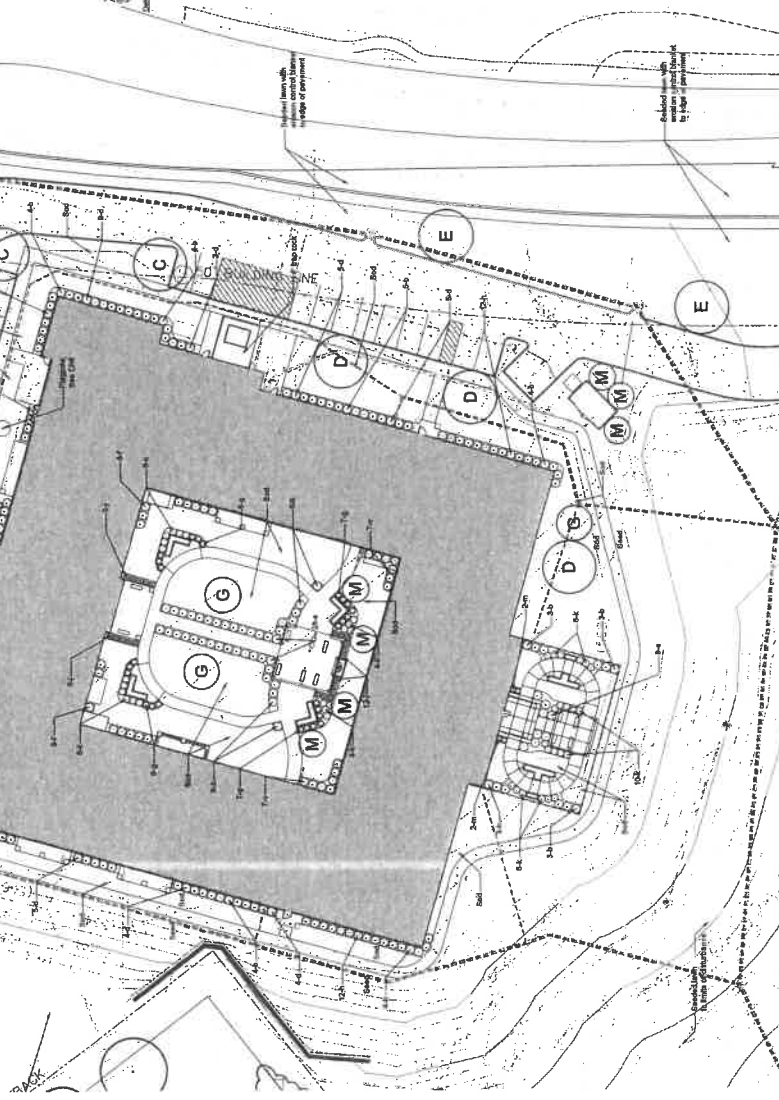
Tomko Associates, Inc.
 Landscape Architecture & Planning
 10000 E. Lake Road
 Suite 100
 Overland Park, MO 66204
 Phone: (913) 241-1100
 Fax: (913) 241-1101
 Email: info@tomko.com

Drawn: RP
 Checked: RP
 Date: 10/20/07

Partial Landscape Plan
 Sheet No. L-2
 Job No. 20719
 Date: 10/22/07



Note: Refer to sheet L-1 for overall Landscape Plan and Planting Schedule.



Partial Landscape Plan
 SCALE 1"=20'



Williams
 Brent G. Williams, P.E.
 1000719
 State of Missouri
 Civil Engineer

Cedarhurst of Arnold

Arnold, Missouri 63010

Revision	Date	Description	No.

Drawn: JGP
 Checked: JGP

Booms/Associates

Professional Seal: Brent G. Williams, No. 1000719, State of Missouri, Civil Engineer

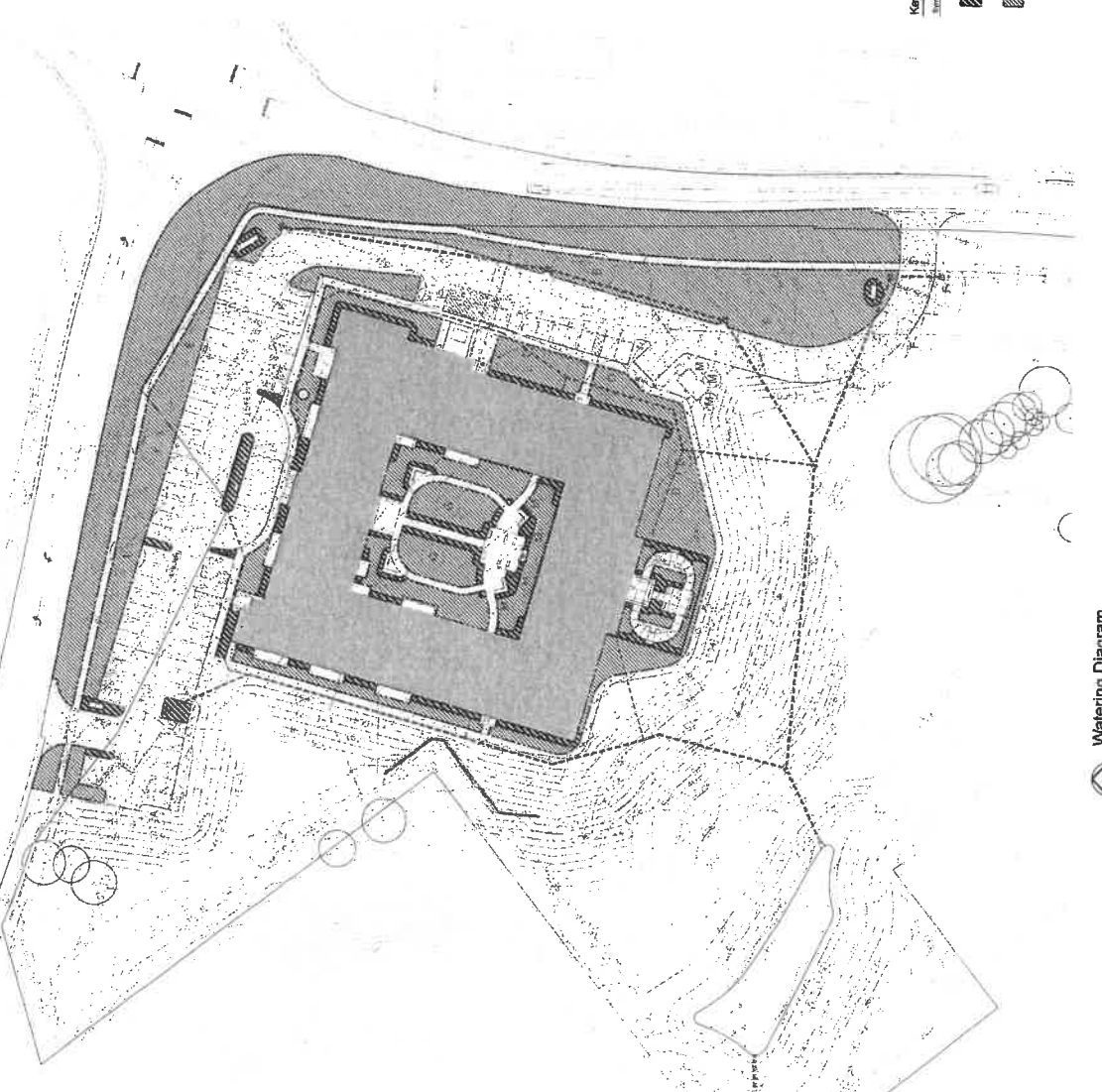
Working Drawing
 Sheet No. **L-3**

Disc: 37719
 Book: 100001

Key

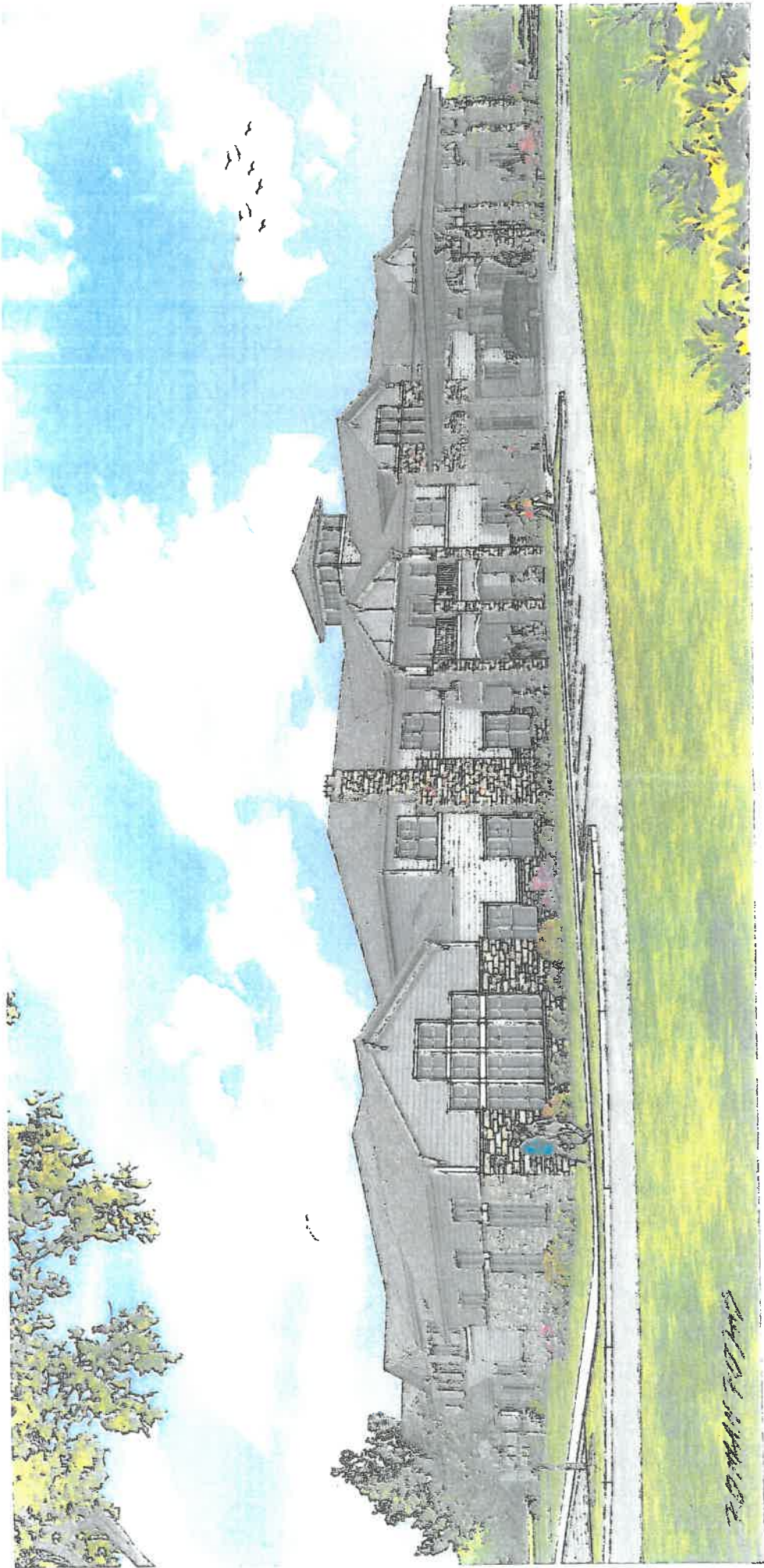
- Proposed lighted landscape base: 100% coverage with 1" pop-up trunk
- Proposed lighted landscape base: 100% coverage with 4" pop-up trunk

Refer: Refer to sheets L-1 and L-2 for Landscape Plan.



Watering Diagram
 SCALE: 1"=30'

- Indication Notes:**
- Cedarhurst to provide a detailed irrigation system. The contractor is responsible for the design and performance of the system. Cedarhurst is responsible for the design and performance of the system. Cedarhurst is responsible for the design and performance of the system. Cedarhurst is responsible for the design and performance of the system.
 - 100' coverage with 1" pop-up trunk
 - 100' coverage with 4" pop-up trunk
 - CME is not liable for information for reference only. See CME change and addendum orders for details. Cedarhurst is responsible for the design and performance of the system. Cedarhurst is responsible for the design and performance of the system. Cedarhurst is responsible for the design and performance of the system.
 - 100' coverage with 1" pop-up trunk
 - 100' coverage with 4" pop-up trunk
 - No watering across pavement (Driveways and Sidewalks)
 - 100' coverage with 1" pop-up trunk



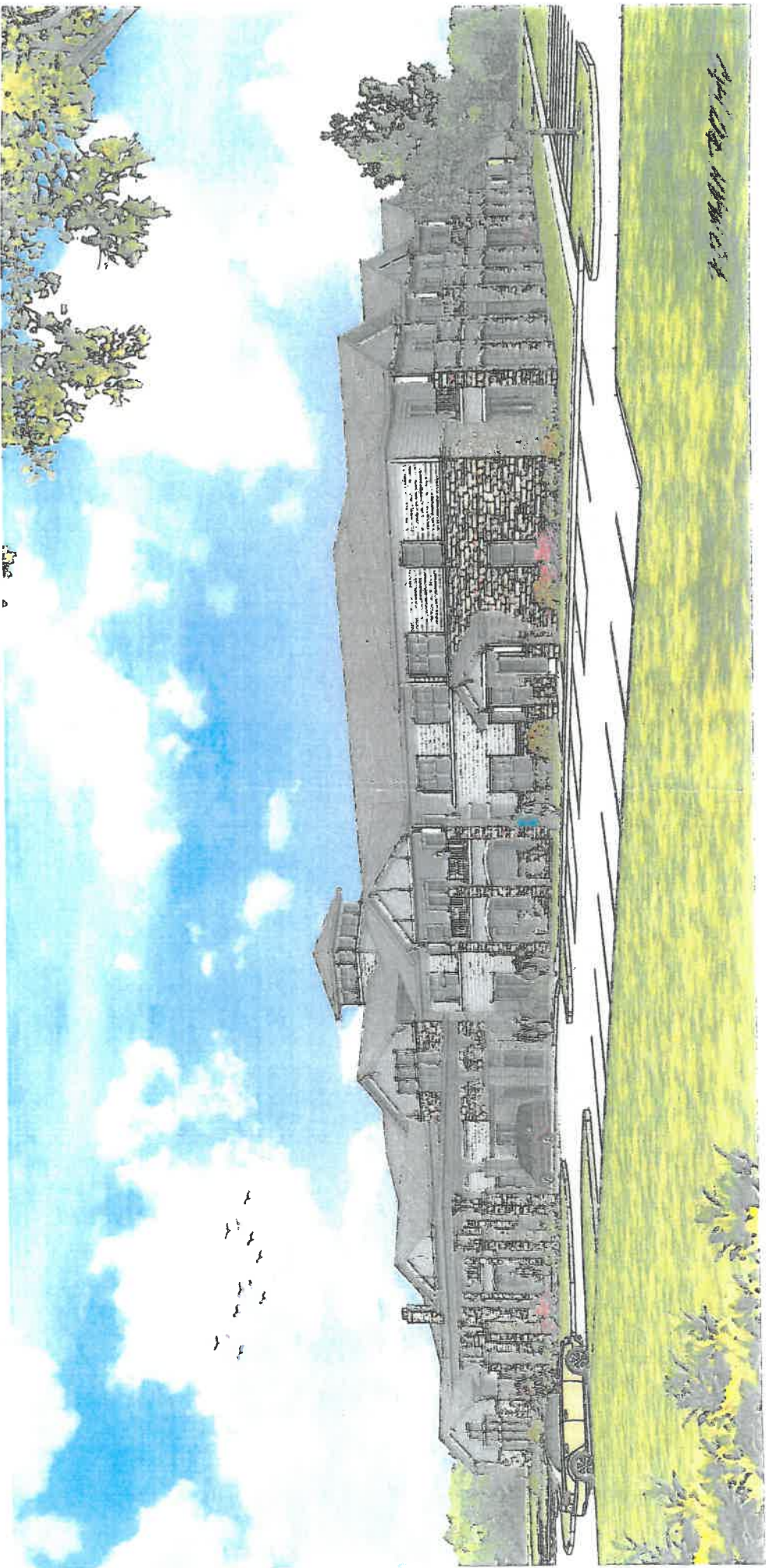


PHOTO ARCHITECT

ATTACHMENT A

C-4 PLANNED COMMERCIAL DISTRICT FOR THE CEDARHURST OF ARNOLD

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

I. SPECIFIC CRITERIA

A. PERMITTED USES

1. The uses allowed in this "C-4" Planned Commercial District shall be:
 - a. All uses permitted in the "C-1", "C-2", and "C-3" Commercial Districts, with the **exception** of the following:
 - (i) Hotels, Motels or Extended Stay Facilities
 - (ii) Used car sales;
 - (iii) Pay day and title loan businesses
 - (iv) Consumer installment/small loan businesses.
 - (v) Automotive parking lots and garages, including any storage of wrecked or otherwise damaged and immobilized automotive vehicles.
 - b. Conditional Uses listed in the "C-1", "C-2", and "C-3 shall be granted in accordance with the requirements of the Zoning Ordinance and including:
 - (i) Clinics
 - (ii) Medical Offices
 - c. Conditional Uses shall not be granted for the following:
 - (i) Apartments
 - (ii) Condominiums
 - d. Accessory uses as otherwise permitted in the "C-1", "C-2", and "C-3" Commercial Districts and including:
 - (i) Physical Therapy
 - (ii) Rehabilitation
 - (iii) Home Health Services
 - e. 63 Assisted Living Apartments, 20 Memory Care Apartments- Licensed by the Missouri Department of Health and Senior Services, exception of the following:
 - (i) Nursing Home
2. Hours of operation
 - a. All deliveries and trash pick-up shall be limited to the hours from 7:00 AM to 9:00 PM.

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

1. Floor Area

- a. The total building floor area within this development shall be as approved on the Final Site Development Plan

2. Height

- a. The development shall adhere to the General Height Regulations of the City of Arnold Code and as restricted by application of regulations of Section 405.650.

C. SETBACKS

1. Structure Setbacks

Setbacks shall be as approved on the Development Site Plan.

2. Parking Setbacks

- a. No parking stall, loading space, internal driveway, or roadway, except points of ingress or egress, will be located within the following setbacks: Fifteen (15) feet from residential boundary of the "C-4" District nor closer than Fifteen (15) feet to the street right-of-way.
- b. Any parking stall directed toward residential shall have screening.

D. PARKING AND LOADING REQUIREMENTS

1. Parking and loading spaces for this development will be as required in the City of Arnold Code.
2. No construction related parking shall be permitted within right of way or on any existing roadways. All construction related parking shall be confined to the development.
3. Provide adequate temporary off-street parking for construction employees. Parking on non-surfaced areas shall be prohibited in order to eliminate the condition whereby mud from construction and employee vehicles is tracked onto the pavement causing hazardous roadway and driving conditions.

E. LANDSCAPE AND TREE REQUIREMENTS

1. The development shall adhere to the Tree Preservation Program of the City of Arnold Code.
2. Landscaping for this development shall adhere to the City of Arnold Code or as depicted on the approved Development Site Plan.
 - a. The landscape plan shall include a combination of durable, site-proof fencing and plant material indicated on the Development Site Plan, consistent with the commercial district landscape material.
 - b. The existing tree mass along the fifteen-foot (15') wide side and rear yard setback that is adjacent to Residential must remain as a landscape buffer. Additional evergreen trees are to be planted to fill gaps and continued maintenance of the buffer area.
 - c. Areas not for access or storage must be finished with vegetative material.

F. SIGN REQUIREMENTS

1. Signs shall be permitted in accordance with the regulations of the City of Arnold Code or a Sign Package may be submitted for the planned district. Sign Packages shall adhere to the City Code and are reviewed and approved by the City of Arnold Planning Commission.

G. LIGHTING REQUIREMENTS

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

H. DESIGN REQUIREMENTS

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

I. ACCESS/ACCESS MANAGEMENT

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

J. PUBLIC/PRIVATE ROAD IMPROVEMENTS, UTILITIES, INCLUDING PEDESTRIAN CIRCULATION

1. Construct improvements as depicted on the Development Site Plan and required by the City of Arnold, or the Missouri Department of Transportation (MoDOT), as applicable, as directed by the City.
2. Additional right-of-way and road improvements shall be provided, as required by the City of Arnold or the Missouri Department of Transportation (MoDOT), as applicable.
3. Public sidewalk should be constructed along the Missouri State Road frontage between the proposed development and the Maxville subdivision to the existing pedestrian facilities at the Missouri State Road and Old Lemay Ferry Road intersection. A new marked pedestrian crossing and push button shall be installed cross the south leg of the intersection and tie into the existing pedestrian system. The sidewalk shall be shown on the Development Site Plan to be constructed. A sidewalk is also required along Old Lemay Ferry, this portion of sidewalk is appropriate for a contribution in lieu of construction. If sidewalk is not constructed, a contribution must be made prior to building permit issuance.
4. The developer is advised that utility companies will require compensation for relocation of their facilities within public road right-of-way. Utility relocation cost

shall not be considered as an allowable credit against the petitioner's traffic generation assessment contributions. The developer should also be aware of extensive delays in utility company relocation and adjustments. Such delays will not constitute a cause to allow occupancy prior to completion of road improvements.

5. Any request to install a gate at the entrance to this development must be approved by the City of Arnold or the Missouri Department of Transportation (MoDOT), as applicable, and the Rock Fire District. No gate installation will be permitted on public right-of-way.

K. STORM WATER

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

L. SANITARY SEWER

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

M. GEOTECHNICAL REPORT

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

N. MISCELLANEOUS

1. Refer to the Code of Ordinances of the City of Arnold and Section 405.340 "C-4" Planned Commercial District for requirements specific to the "C-4" Zoning District.
2. All utilities will be installed underground.
3. Prior to record plat approval, the developer shall cause, at his expense and prior to the recording of any plat, the reestablishment, restoration or appropriate witnessing of all Corners of the United States Public Land Survey located within, or which define or lie upon, the out boundaries of the subject tract in accordance with the Missouri Minimum Standards relating to the preservation and maintenance of the United States Public Land Survey Corners, as necessary.
4. Prior to final release of subdivision construction deposits, the developer shall provide certification by a registered land surveyor that all monumentation depicted on the record plat has been installed and United States Public Land Survey Corners have not been disturbed during construction activities or that they have been reestablished and the appropriate documents filed with the Missouri Department of Natural Resources Land Survey Program, as necessary.

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

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

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

III. COMMENCEMENT OF CONSTRUCTION

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

IV. GENERAL CRITERIA

A. FINAL DEVELOPMENT PLAN (SITE PLAN) SUBMITTAL REQUIREMENTS

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

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

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

V. RECORDING

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



2734

CITY COUNCIL AGENDA ITEM STAFF REPORT

MEETING DATE:	May 2, 2019
TITLE:	Floodplain Management Chapter 420, Amend and Adopt
DEPARTMENT:	Community Development
PROJECT MANAGER:	Christie Hull-Bettale, EIT, Community Development Engineer
REQUESTED ACTION:	Ordinance approval
ATTACHMENTS:	(1) Executive Summary; (2) Draft Ordinance

EXECUTIVE SUMMARY:

FEMA/NFIP initiated a request to amend Chapter 420, Floodplain Management, of the Code of Ordinances, summarized as follows:

- Adoption of the updated Federal Emergency Management Agency, National Flood Insurance Program's Flood Insurance Study (FIS), effective date June 20, 2019.
- Adoption of the updated Federal Insurance Rate Maps (FIRMs) maps panel identification numbers and effective date June 20, 2019.
- Recognition and requirement that substantial improvements remodel or repair requires the structure to be elevated three (3) foot above the base flood elevation.
- Revision of the number of days, from twenty (20) to fifteen (15) days, for publication and notification of public hearing for amendments to this chapter to be consistent with public notice requirements elsewhere in the Code of Ordinances.

PROCESS, REVIEW & ANALYSIS:

In March 2016, SEMA, on behalf of FEMA, conducted informational workshops regarding floodplain mapping updates. City staff participated in the workshops to discuss in order to understand and review the methods used in the ongoing Flood Insurance Study. Staff, along with other stakeholders of the Jefferson County, Mississippi and Meramec River's watershed region, has been working with FEMA's consultant to revise the information and map panels. In August 2017, the Federal Government made a statutory public notification requesting comment and appeals. The updated FIS and FIRMs have been in preliminary status since that time.

As a public service to the citizens of Arnold, the Community Development Department staff held two public meetings in January 2019 to inform the citizens of upcoming changes and provide guidance regarding the next steps that might be taken. Staff has communicated with and assisted nearly 400 residents with respect to map changes, and will continue to support the community through the process.

Amending the Floodplain Management Ordinance to accept the updated study and maps is the final step of the process. For Council's approval tonight are the Floodplain Management amendments to adopt the new Flood Insurance Study and Federal Insurance Rate Maps with effective date of June 20, 2019.

RECOMMENDATION:

Staff recommends the approval of the proposed amendments contained in the attached draft.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARNOLD, MISSOURI,
AMENDING CHAPTER 420 OF THE ARNOLD CODE OF ORDINANCES
(FLOODPLAIN MANAGMENT)**

WHEREAS, the Federal Emergency Management Agency (FEMA) US Department of Homeland Security requires implementation and amendments of floodplain management measures for the City of Arnold to participate in the National Flood Insurance Program (NFIP) ; and

WHEREAS, Federal Emergency Management Agency (FEMA) has determined that certain modifications to the City's Code of Ordinances are warranted; and

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

WHEREAS, the City Council of the City of Arnold desires to amend Chapter 420 of the Arnold Code of Ordinances; and

WHEREAS, the Council finds that these Floodplain Management amendments will not be detrimental and is necessary for compliance with the mandatory requirements of the National Flood Insurance Program (NFIP); and this change is in the best interest of the City of Arnold; and

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

SECTION 1. The Arnold Code of Ordinances is hereby amended by deleting Chapter 420 and substituting the following:

Chapter 420 Floodplain Management

Section 420.010 Statutory Authorization, Findings of Fact and Purposes.

A. *Statutory Authorization.* The Legislature of the State of Missouri, has in Section 77.260, RSMo., delegated the responsibility to local governmental units to adopt floodplain management regulations designed to protect the health, safety, and general welfare. Therefore, the City Council of the City of Arnold, Missouri, ordains as follows.

B. *Findings of Fact.*

1. *Flood losses resulting from periodic inundation.* The special flood hazard areas of the City of Arnold, Missouri, are subject to inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base; all of which adversely affect the public health, safety and general welfare.
2. *General causes of the flood losses.* These flood losses are caused by:

- a. The cumulative effect of development in any delineated floodplain causing increases in flood heights and velocities; and
 - b. The occupancy of flood hazard areas by uses vulnerable to floods, hazardous to others, inadequately elevated, or otherwise unprotected from flood damages.
3. *Methods used to analyze flood hazards.* The Flood Insurance Study (FIS) that is the basis of this Chapter uses a standard engineering method of analyzing flood hazards which consist of a series of interrelated steps.

- a. Selection of a base flood that is based upon engineering calculations which permit a consideration of such flood factors as its expected frequency of occurrence, the area inundated, and the depth of inundation. The base flood selected for this Chapter is representative of large floods which are characteristic of what can be expected to occur on the particular streams subject to this Chapter. It is in the general order of a flood which could be expected to have a one-percent chance of occurrence in any one (1) year as delineated on the Federal Insurance Administrator's FIS, and illustrative materials for Jefferson County dated June 20, 2019, as amended, and any future revisions thereto.
- b. Calculations of water surface profiles are based on a standard hydraulic engineering analysis of the capacity of the stream channel and overbank areas to convey the regulatory flood.
- c. Computation of a floodway required to convey this flood without increasing flood heights more than one (1) foot at any point.
- d. Delineation of floodway encroachment lines within which no development is permitted that would cause any increase in flood height.
- e. Delineation of flood fringe, i.e., that area outside the floodway encroachment lines, but still subject to inundation by the base flood.

C. *Statement of Purpose.* It is the purpose of this Chapter to promote the public health, safety, and general welfare; to minimize those losses described in Section **420.010(B)(1)**; to establish or maintain the community's eligibility for participation in the National Flood Insurance Program (NFIP) as defined in 44 Code of Federal Regulations (CFR) 59.22(a)(3); and to meet the requirements of 44 CFR 60.3(d) by applying the provisions of this Chapter to:

1. Restrict or prohibit uses that are dangerous to health, safety, or property in times of flooding or cause undue increases in flood heights or velocities;
2. Require uses vulnerable to floods, including public facilities that serve such uses, be provided with flood protection at the time of initial construction; and

3. Protect individuals from buying lands that are unsuited for the intended development purposes due to the flood hazard.

Section 420.020 General Provisions.

- A. *Lands To Which Chapter Applies.* This Chapter shall apply to all lands within the jurisdiction of the City of Arnold, Missouri, identified as numbered and unnumbered A Zones and AE Zones, on the Flood Insurance Rate Maps (FIRMs) for Jefferson County on map panels 29099C0108F, 29099C0109F, 29099C0116F, 29099C0117F, 29099C0119F, 29099C0128F, 29099C0129F, 29099C0136F, and 29099C0138F dated June 20, 2019, as amended, and any future revisions thereto. In all areas covered by this Chapter, no development shall be permitted except through the issuance of a floodplain development permit, granted by the City Council or its duly designated representative under such safeguards and restrictions as the City Council or the designated representative may reasonably impose for the promotion and maintenance of the general welfare, health of the inhabitants of the community, and as specifically noted in Section 420.040.
- B. *Floodplain Administrator.* The Community Development Director is hereby designated as the Floodplain Administrator under this Chapter.
- C. *Compliance.* No development located within the special flood hazard areas of this community shall be located, extended, converted, or structurally altered without full compliance with the terms of this Chapter and other applicable regulations.
- D. *Abrogation and Greater Restrictions.* It is not intended by this Chapter to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Chapter imposes greater restrictions, the provisions of this Chapter shall prevail. All other ordinances inconsistent with this Chapter are hereby repealed to the extent of the inconsistency only.
- E. *Interpretation.* In their interpretation and application, the provisions of this Chapter shall be held to be minimum requirements, shall be liberally construed in favor of the governing body, and shall not be deemed a limitation or repeal of any other powers granted by State statutes.
- F. *Warning and Disclaimer of Liability.* The degree of flood protection required by this Chapter is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions or the flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Chapter does not imply that areas outside the floodway and flood fringe or land uses permitted within such areas will be free from flooding or flood damage. This Chapter shall not create a liability on the part of the City of Arnold, any officer or employee thereof, for any flood damages that may result from reliance on this Chapter or any administrative decision lawfully made thereunder.
- G. *Severability.* If any Section, clause, provision, or portion of this Chapter is adjudged unconstitutional or invalid by a court of appropriate jurisdiction, the remainder of this Chapter shall not be affected thereby.

Section 420.030 Administration.

- A. *Floodplain Development Permit (Required)*. A floodplain development permit shall be required for all proposed construction or other development, including the placement of manufactured homes, in the areas described in Section 420.020(A). No person, firm, corporation, or unit of government shall initiate any development or substantial-improvement or cause the same to be done without first obtaining a separate floodplain development permit for each structure or other development.
- B. *Designation of Floodplain Administrator*. The Community Development Director is hereby appointed to administer and implement the provisions of this Chapter.
- C. *Duties and Responsibilities Of Floodplain Administrator*. Duties of the Community Development Director shall include, but not be limited to:
1. Review of all applications for floodplain development permits to assure that sites are reasonably safe from flooding and that the floodplain development permit requirements of this Chapter have been satisfied.
 2. Review of all applications for floodplain development permits for proposed development to assure that all necessary permits have been obtained from Federal, State, or local governmental agencies from which prior approval is required by Federal, State, or local law.
 3. Review all subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, to determine whether such proposals will be reasonably safe from flooding.
 4. Issue floodplain development permits for all approved applications.
 5. Notify adjacent communities and the Missouri State Emergency Management Agency (Mo SEMA) prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).
 6. Assure that the flood carrying capacity is not diminished and shall be maintained within the altered or relocated portion of any watercourse.
 7. Verify and maintain a record of the actual elevation (in relation to mean sea level) of the lowest floor, including basement, of all new or substantially improved structures.
 8. Verify and maintain a record of the actual elevation (in relation to mean sea level) that the new or substantially improved non-residential structures have been floodproofed.
 9. When floodproofing techniques are utilized for a particular non-residential structure, the Community Development Director shall require certification from a registered professional engineer or architect.

D. *Application for Floodplain Development Permit.* To obtain a floodplain development permit, the applicant shall first file an application, in writing, on a form furnished for that purpose. Every floodplain development permit application shall:

1. Describe the land on which the proposed work is to be done by lot, block and tract, house and street address, or similar description that will readily identify and specifically locate the proposed structure or work.
2. Identify and describe the work to be covered by the floodplain development permit.
3. Indicate the use or occupancy for which the proposed work is intended.
4. Indicate the assessed value of the structure and the fair market value of the improvement.
5. Specify whether development is located in designated flood fringe or floodway.
6. Identify the existing base flood elevation and the elevation of the proposed development.
7. Give such other information as reasonably may be required by the Community Development Director.
8. Be accompanied by plans and specifications for proposed construction which provide the following information:
 - a. Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;
 - b. Elevation in relation to mean sea level to which any nonresidential structure has been floodproofed;
 - c. Provide a certificate from a registered professional engineer or architect that nonresidential floodproofed structures meet the floodproofing criteria; and
 - d. Description of the extent to which any watercourse will be altered or relocated as a result of the proposed development.
9. Be signed by the permittee or his/her authorized agent who may be required to submit evidence to indicate such authority.

Section 420.040 Provisions for Flood Hazard Reduction.

A. *General Standards.*

1. No permit for floodplain development shall be granted for new construction, substantial-improvements, and other improvements, including the placement of manufactured homes, within any numbered or unnumbered A Zones and AE Zones, unless the conditions of this Section are satisfied.

2. All areas identified as unnumbered A Zones on the FIRM are subject to inundation of the one-hundred-year flood; however, the base flood elevation is not provided. Development within unnumbered A Zones is subject to all provisions of this Chapter. If Flood Insurance Study data is not available, the community shall obtain, review, and reasonably utilize any base flood elevation or floodway data currently available from Federal, State, or other sources.
3. Until a floodway is designated, no new construction, substantial improvements, or other development, including fill, shall be permitted within any numbered A Zone or AE Zone on the FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community.
4. All new construction, subdivision proposals, substantial-improvements, prefabricated structures, placement of manufactured homes, and other developments shall require:
 - a. Design or adequate anchorage to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
 - b. Construction with materials resistant to flood damage;
 - c. Utilization of methods and practices that minimize flood damages;
 - d. All electrical, heating, ventilation, plumbing, air-conditioning equipment, and other service facilities be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
 - e. New or replacement water supply systems and/or sanitary sewage systems be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and on-site waste disposal systems be located so as to avoid.
 - f. Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, located within special flood hazard areas are required to assure that:
 - (1) All such proposals are consistent with the need to minimize flood damage;
 - (2) All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage;
 - (3) Adequate drainage is provided so as to reduce exposure to flood

hazards; and

- (4) All proposals for development, including proposals for manufactured home parks and subdivisions, of five (5) acres or fifty (50) lots, whichever is less, include within such proposals base flood elevation data.

5. *Storage, material, and equipment.*

a. The storage or processing of materials within the special flood hazard area that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal, or plant life is prohibited.

b. Storage of other material or equipment may be allowed if not subject to major damage by floods, if firmly anchored to prevent flotation, or if readily removable from the area within the time available after a flood warning.

6. *Accessory structures.* Structures used solely for parking and limited storage purposes, not attached to any other structure on the site, of limited investment value, and not larger than four hundred (400) square feet, may be constructed at-grade and wet-floodproofed provided there is no human habitation or occupancy of the structure; the structure is of single-wall design; a variance has been granted from the standard floodplain management requirements of this Chapter; and a floodplain development permit has been issued.

B. *Specific Standards.*

1. In all areas identified as numbered and unnumbered A Zones and AE Zones, where base flood elevation data have been provided, as set forth in Section 420.040(A)(2) following provisions are required:

a. *Residential construction; residential remodel/repair.* [Ord. No. 14.497 (2644) §1, 8-18-2016]

- (1) *Residential construction.* New construction of any residential structures, including manufactured homes, shall have the lowest floor, including basement, elevated to three (3) feet above base flood elevation.

- (2) *Residential remodel/repair.* Substantial improvement of any residential structures, including manufactured homes, shall have the lowest floor, including basement, elevated to three (3) feet above the base flood elevation or higher.

b. *Non-residential construction.* New construction or substantial-improvement of any commercial, industrial, or other non-residential structures, including manufactured homes, shall have the lowest floor, including basement, elevated to three (3) feet above the base flood elevation or, together with

attendant utility and sanitary facilities, be floodproofed so that below the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this Subsection are satisfied. Such certification shall be provided to the Floodplain Administrator as set forth in Section **420.030(C)(9)**.

c. Requirements for all new construction.

- (1) Require, for all new construction and substantial-improvements that fully enclosed areas below lowest floor used solely for parking of vehicles, building access, or storage in an area other than a basement and that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
 - a. A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided; and
 - b. The bottom of all openings shall be no higher than one (1) foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
2. Roadway access shall be provided for all new construction to an elevation at least to the one-hundred-year flood elevation.

C. Manufactured Homes.

1. All manufactured homes to be placed within all unnumbered and numbered A Zones and AE Zones, on the community's FIRM shall be required to be installed using methods and practices that minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement.
2. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.
 - a. Over-the-top ties shall be provided at each of the four (4) corners of the manufactured home, with two (2) additional ties per side at intermediate locations and manufactured homes less than fifty (50) feet long requiring one (1) additional tie per side;

- b. Frame ties shall be provided at each corner of the home with five (5) additional ties per side at intermediate points and manufactured homes less than fifty (50) feet long requiring four (4) additional ties per side;
 - c. All components of the anchoring system shall be capable of a carrying force of four thousand eight hundred (4,800) pounds; and
 - d. Any building or additions to the manufactured home shall be anchored in accordance with this Subsection.
3. Require manufactured homes that are placed or substantially improved within unnumbered or numbered A Zones and AE Zones, on the community's FIRM on sites:
- a. Outside of manufactured home park or subdivision;
 - b. In a new manufactured home park or subdivision;
 - c. In an expansion to an existing manufactured home park or subdivision; or
 - d. In an existing manufactured home park or subdivision on which a manufactured home has incurred substantial-damage as the result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to three (3) feet above the base flood elevation and be securely attached to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
4. Require that manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within all unnumbered and numbered A Zones and AE Zones, on the community's FIRM, that are not subject to the provisions of Section **420.040(C)(3)** of this Chapter, be elevated so that either:
- a. The lowest floor of the manufactured home is at three (3) feet above the base flood level; or
 - b. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six (36) inches in height above grade and be securely attached to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

D. *Floodway*. Located within areas of special flood hazard established in Section **420.020(A)** are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters that carry debris and potential projectiles, the following provisions shall apply:

1. The community shall select and adopt a regulatory floodway based on the principle

that the area chosen for the regulatory floodway must be designed to carry the waters of the base flood without increasing the water surface elevation of that flood more than one (1) foot at any point.

2. The community shall prohibit any encroachments, including fill, new construction, substantial-improvements, and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
3. If Section **420.040(D)(2)** is satisfied, all new construction and substantial-improvements shall comply with all applicable flood hazard reduction provisions of this Section.
4. In unnumbered A Zones, the community shall obtain, review, and reasonably utilize any base flood elevation or floodway data currently available from Federal, State, or other sources as set forth in Section **420.040(A)(2)**.

E. Recreational Vehicles.

1. Require that recreational vehicles placed on sites within all unnumbered and numbered A Zones and AE Zones on the community's FIRM either:
 - a. Be on the site for fewer than one hundred eighty (180) consecutive days;
 - b. Be fully licensed and ready for highway use*; or
 - c. Meet the permitting, elevation, and the anchoring requirements for manufactured homes of this Chapter.

*A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanently attached additions.

F. Nonconforming Structures.

1. A structure or premises which was lawful before the passage or amendment of this Section but is not in conformity with the provisions of this Section may remain subject to the following conditions:
 - a. No substantial improvement of that structure shall be allowed, which increases its nonconformity.
 - b. Structures or adjuncts thereof which are or become nuisances shall not be entitled to continue as nonconforming structures.
2. If any nonconforming structure suffers substantial damage by any means, including

flood, it shall not be reconstructed if the cost is more than fifty percent (50%) of the market value of the structure before damage occurred, except if it is reconstructed in conformity with the provisions of this Section. This limitation does not include the cost of any alteration to comply with existing State or local health, sanitary, building or safety codes or regulations or the cost of any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

3. If any nonconforming structure is damaged by any means including flood, the owner of the property shall be responsible for providing construction estimates from two (2) building contractors licensed by the City that shall certify the accuracy and completeness of the bid to repair all such damage. The construction estimates shall be reviewed by a professional estimator provided by the City unless the repair estimates are determined by the Community Development Director to be less than thirty percent (30%) of the market value of the structure before the damage occurred.
4. Any substantial improvement to a structure shall require the entire structure to conform with the provisions of this Section.

Section 420.050 Floodplain Management Variance Procedures.

- A. *Establishment of Appeal Board.* The Board of Adjustment as established by the City of Arnold shall act as the Appeal Board for the purposes of the Floodplain regulations and will hear and decide appeals and requests for variances from the floodplain management requirements of this Chapter.
- B. *Responsibility of Appeal Board.*
 1. Where an application for a floodplain development permit or request for a variance from the floodplain management regulations is denied by the Community Development Director, the applicant may apply for such floodplain development permit or variance directly to the Board of Adjustment, as defined in Section 420.050(A).
 2. The Board of Adjustment shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the Community Development Director in the enforcement or administration of this Chapter.
- C. *Further Appeals.* Any person aggrieved by the decision of the Zoning Board of Adjustment or any taxpayer may appeal such decision to the Jefferson County Circuit Court as provided in Section 89.110, RSMo.
- D. *Floodplain Management Variance Criteria.* In passing upon such applications for variances, the Board of Adjustment shall consider all technical data and evaluations, all relevant factors, standards specified in other Sections of this Chapter, and the following criteria:

1. The danger to life and property due to flood damage;
2. The danger that materials may be swept onto other lands to the injury of others;
3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
4. The importance of the services provided by the proposed facility to the community;
5. The necessity to the facility of a waterfront location, where applicable;
6. The availability of alternative locations, not subject to flood damage, for the proposed use;
7. The compatibility of the proposed use with existing and anticipated development;
8. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
9. The safety of access to the property in times of flood for ordinary and emergency vehicles;
10. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters, if applicable, expected at the site; and
11. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, streets, and bridges.

E. Conditions for Approving Floodplain Management Variances.

1. Generally, variances may be issued for new construction and substantial-improvements to be erected on a lot of one-half (1/2) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing Subsections **(E)(2)** through **(6)** below have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
2. Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places, the State Inventory of Historic Places, or local inventory of historic places upon determination provided the proposed activity will not preclude the structure's continued historic designation.
3. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
4. Variances shall only be issued upon a determination that the variance is the

minimum necessary, considering the flood hazard, to afford relief.

5. Variances shall only be issued upon:

- a. A showing of good and sufficient cause;
- b. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
- c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

6. *Notification.*

a. A community shall notify the applicant, in writing, over the signature of a community official that:

- (1) The issuance of a variance to construct a structure below base flood level will result in increased premium rates for flood insurance up to amounts as high as twenty-five dollars (\$25.00) for one hundred dollars (\$100.00) of insurance coverage; and
- (2) Such construction below the base flood level increases risks to life and property.

b. Such notification shall be maintained with the record of all variance actions as required by this Chapter.

F. *Conditions for Approving Variances For Accessory Structures.* Any variance granted for an accessory structure shall be decided individually based on a case by case analysis of the building's unique circumstances. Variances granted shall meet the following conditions as well as those criteria and conditions set forth in Subsections **(D)** and **(E)** of this Section. In order to minimize flood damages during the one-hundred-year flood and the threat to public health and safety, the following conditions shall be included for any variance issued for accessory structures that are constructed at-grade and wet-floodproofed.

1. Use of the accessory structures must be solely for parking and limited storage purposes in flood-prone areas only.
2. For any new or substantially damaged accessory structures, the exterior and interior building components and elements (i.e., foundation, wall framing, exterior and interior finishes, flooring, etc.) below highest adjacent grade, must be built with flood-resistant materials in accordance with Section 420.040(A)(2)(b) of this Chapter.
3. The accessory structures must be adequately anchored to prevent flotation, collapse,

or lateral movement of the structure in accordance with Section **420.040(A)(4)(a)** of this Chapter. All of the building's structural components must be capable of resisting specific flood-related forces including hydrostatic, buoyancy, and hydrodynamic and debris impact forces.

4. Any mechanical, electrical, or other utility equipment must be located above highest adjacent grade or floodproofed so that they are contained within a watertight, floodproofed enclosure that is capable of resisting damage during flood conditions in accordance with Section **420.040(A)(4)(d)** of this Chapter.
5. The accessory structures must meet all National Flood Insurance Program (NFIP) opening requirements. The NFIP requires that enclosure or foundation walls, subject to the one-hundred-year flood, contain openings that will permit the automatic entry and exit of floodwaters in accordance with Section **420.040(B)(1)(c)**.
6. Equipment, machinery, or other contents must be protected from any flood damage.
7. No disaster relief assistance under any program administered by any Federal agency shall be paid for any repair or restoration costs of the accessory structures.
8. *Notification.*
 - a. A community shall notify the applicant in writing over the signature of a community official that:
 - (1) The issuance of a variance to construct a structure below highest adjacent grade will result in increased premium rates for flood insurance up to amounts as high as twenty-five dollars (\$25.00) for one hundred dollars (\$100.00) of insurance coverage; and
 - (2) Such construction below highest adjacent grade increases risks to life and property.
 - b. Such notification shall be maintained with the record of all variance actions as required by this Chapter.
9. Wet-floodproofing construction techniques must be reviewed and approved by the community and registered professional engineer or architect prior to the issuance of any floodplain development permit for construction.

Section 420.060 Penalties for Violation.

- A. Violation of the provisions of this Chapter or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with granting of variances) shall constitute an ordinance violation. Any person who violates this Chapter or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than five hundred dollars (\$500.00) and/or imprisoned for up to ninety (90) days, and in addition, shall pay all costs and expenses involved in the case. Each day such violation

continues shall be considered a separate offense.

- B. Nothing herein contained shall prevent the City of Arnold or other appropriate authority from taking such other lawful action as is necessary to prevent or remedy any violation.

Section 420.070 Amendments.

The regulations, restrictions, and boundaries set forth in this Chapter may from time to time be amended, supplemented, changed, or appealed to reflect any and all changes in the National Flood Disaster Protection Act of 1973, provided, however, that no such action may be taken until after a public hearing in relation thereto, at which parties of interest and citizens shall have an opportunity to be heard. Notice of the time and place of such hearing shall be published in a newspaper of general circulation in the City of Arnold. At least fifteen (15) days shall elapse between the date of this publication and the public hearing. A copy of such amendments will be provided to the Region VII office of the Federal Emergency Management Agency (FEMA). The regulations of this Chapter are in compliance with the National Flood Insurance Program (NFIP) regulations.

Section 420.080 Definitions.

Unless specifically defined below, words or phrases used in this Chapter shall be interpreted so as to give them the same meaning they have in common usage and to give this Chapter its most reasonable application.

100-YEAR FLOOD

See "BASE FLOOD."

ACCESSORY STRUCTURE

The same as "APPURTENANT STRUCTURE."

ACTUARIAL RATES

See "RISK PREMIUM RATES."

ADMINISTRATOR

The Federal Insurance Administrator.

AGENCY

The Federal Emergency Management Agency (FEMA).

AGRICULTURAL COMMODITIES

Agricultural products and livestock.

AGRICULTURAL STRUCTURE

Any structure used exclusively in connection with the production, harvesting, storage, drying, or raising of agricultural commodities.

APPEAL

A request for review of the Floodplain Administrator's interpretation of any provision of this

Chapter or a request for a variance.

APPURTENANT STRUCTURE

A structure that is on the same parcel of property as the principal structure to be insured and the use of which is incidental to the use of the principal structure.

AREA OF SPECIAL FLOOD HAZARD

The land in the floodplain within a community subject to a one-percent or greater chance of flooding in any given year.

BASE FLOOD

The flood having a one-percent chance of being equaled or exceeded in any given year.

BASEMENT

Any area of the structure having its floor subgrade (below ground level) on all sides.

BUILDING

See "STRUCTURE."

CHIEF EXECUTIVE OFFICER, CHIEF ELECTED OFFICIAL OR ENFORCEMENT OFFICER

The official of the community who is charged with the authority to implement and administer laws, ordinances, and regulations for that community.

COMMUNITY

Any State or area or political subdivision thereof, which has authority to adopt and enforce floodplain management regulations for the areas within its jurisdiction.

DEVELOPMENT

Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, levees, levee systems, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

ELEVATED BUILDING

For insurance purposes, a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

ELIGIBLE COMMUNITY OR PARTICIPATING COMMUNITY

A community for which the Administrator has authorized the sale of flood insurance under the National Flood Insurance Program (NFIP).

EXISTING CONSTRUCTION

For the purposes of determining rates, structures for which the start of construction commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures."

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION

A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION

The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FLOOD OR FLOODING

A general and temporary condition of partial or complete inundation of normally dry land areas from (1) the overflow of inland; and/or (2) the unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD BOUNDARY AND FLOODWAY MAP (FBFM)

An official map of a community on which the Administrator has delineated both special flood hazard areas and the designated regulatory floodway.

FLOOD ELEVATION DETERMINATION

A determination by the Administrator of the water surface elevations of the base flood, that is, the flood level that has a one-percent or greater chance of occurrence in any given year.

FLOOD ELEVATION STUDY

An examination, evaluation and determination of flood hazards.

FLOOD FRINGE

The area outside the floodway encroachment lines, but still subject to inundation by the regulatory flood.

FLOOD HAZARD BOUNDARY MAP (FHBM)

An official map of a community, issued by the Administrator, where the boundaries of the flood areas having special flood hazards have been designated as (unnumbered or numbered) A Zones.

FLOOD INSURANCE RATE MAP (FIRM)

An official map of a community, on which the Administrator has delineated both the special flood hazard areas and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY (FIS)

An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.

FLOODPLAIN OR FLOOD-PRONE AREA

Any land area susceptible to being inundated by water from any source (see "FLOOD OR FLOODING").

FLOODPLAIN MANAGEMENT

The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and floodplain management regulations.

FLOODPLAIN MANAGEMENT REGULATIONS

Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain and grading ordinances) and other applications of police power. The term describes such state or local regulations, in any combination thereof, that provide standards for the purpose of flood damage prevention and reduction.

FLOODPROOFING

Any combination of structural and nonstructural additions, changes, or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, or structures and their contents.

FLOODWAY OR REGULATORY FLOODWAY

The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

FLOODWAY ENCROACHMENT LINES

The lines marking the limits of floodways on Federal, State and local floodplain maps.

FREEBOARD

A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as bridge openings and the hydrological effect of urbanization of the watershed.

FUNCTIONALLY DEPENDENT USE

A use that cannot perform its intended purpose unless it is located or carried out in close proximity to water. This term includes only docking facilities and facilities that are necessary for the loading and unloading of cargo or passengers, but does not include long-term storage or related manufacturing facilities.

HIGHEST ADJACENT GRADE

The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

HISTORIC STRUCTURE

Any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a State Inventory of Historic Places in States with historic preservation programs which have been approved by the Secretary of the Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - a. By an approved State program as determined by the Secretary of the Interior; or
 - b. Directly by the Secretary of the Interior in States without approved programs.

LOWEST FLOOR

The lowest floor of the lowest enclosed area, including basement. An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access, or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable floodproofing design requirements of this Chapter.

MANUFACTURED HOME

A structure, transportable in one (1) or more sections, that is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "RECREATIONAL VEHICLE."

MANUFACTURED HOME PARK OR SUBDIVISION

A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

MAP

The Flood Hazard Boundary Map (FHBM), Flood Insurance Rate Map (FIRM), or the Flood Boundary and Floodway Map (FBFM) for a community issued by the Federal Emergency Management Agency (FEMA).

MARKET VALUE OR FAIR MARKET VALUE

An estimate of what is fair, economic, just and equitable value under normal local market conditions.

MEAN SEA LEVEL

For purposes of the National Flood Insurance Program (NFIP), the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map (FIRM) are referenced.

NEW CONSTRUCTION

For the purposes of determining insurance rates, structures for which the start of construction commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the start of construction commenced on or after the effective date of the floodplain management regulations adopted by a community and includes any subsequent improvements to such structures.

NEW MANUFACTURED HOME PARK OR SUBDIVISION

A manufactured home park or subdivision for which the construction of facilities for servicing the lot on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by the community.

NFIP

The National Flood Insurance Program (NFIP).

PARTICIPATING COMMUNITY OR ELIGIBLE COMMUNITY

Also known as an "ELIGIBLE COMMUNITY," a community in which the Administrator has authorized the sale of flood insurance.

PERSON

Any individual or group of individuals, corporation, partnership, association, or any other entity, including Federal, State, and local governments and agencies.

PRINCIPALLY ABOVE GROUND

At least fifty-one percent (51%) of the actual cash value of the structure, less land value, is above ground.

RECREATIONAL VEHICLE

A vehicle which is:

1. Built on a single chassis;
2. Four hundred (400) square feet or less when measured at the largest horizontal projections;
3. Designed to be self-propelled or permanently towable by a light-duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

REMEDY A VIOLATION

To bring the structure or other development into compliance with Federal, State, or local

floodplain management regulations; or, if this is not possible, to reduce the impacts of its non-compliance.

REPETITIVE LOSS

Flood-related damages sustained by a structure on two separate occasions during a ten-year period for which the cost of repairs at the time of each such flood event, equals or exceeds twenty-five percent (25%) of the market value of the structure before the damage occurred.

RISK PREMIUM RATES

Those rates established by the Administrator pursuant to individual community studies and investigations which are undertaken to provide flood insurance in accordance with Section 1307 of the National Flood Disaster Protection Act of 1973 and the accepted actuarial principles. "Risk premium rates" include provisions for operating costs and allowances.

SPECIAL FLOOD HAZARD AREA

See "AREA OF SPECIAL FLOOD HAZARD."

SPECIAL HAZARD AREA

An area having special flood hazards and shown on an FHBM, FIRM or FBFM as Zones (unnumbered or numbered) A and AE.

START OF CONSTRUCTION

Includes substantial-improvements, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvements were within one hundred eighty (180) days of the permit date. The "actual start" means either the first placement of permanent construction of a structure on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, any work beyond the stage of excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, the installation of streets and/or walkways, excavation for a basement, footings, piers, foundations, the erection of temporary forms, nor installation on the property of accessory structures, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial-improvement, the "actual start of construction" means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STATE COORDINATING AGENCY

That agency of the State government, or other office designated by the Governor of the State or by State Statute at the request of the Administrator to assist in the implementation of the National Flood Insurance Program (NFIP) in that State.

STRUCTURE

For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. "Structure" for insurance purposes, means a walled and roofed building, other than a gas or liquid storage

tank that is principally above ground and affixed to a permanent site, as well as a manufactured home on a permanent foundation. For the latter purpose, the term includes a building while in the course of construction, alteration or repair, but does not include building materials or supplies intended for use in such construction, alteration or repair, unless such materials or supplies are within an enclosed building on the premises.

SUBSTANTIAL DAMAGE

Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred. The term includes repetitive loss buildings (see definition).

For the purposes of this definition, "repair" is considered to occur when the first repair or reconstruction of any wall, ceiling, floor, or other structural part of the building commences.

The term does not apply to:

1. Any project for improvement of a building required to comply with existing health, sanitary, or safety code specifications which have been identified by the Code Enforcement Official and which are solely necessary to assure safe living conditions, or
2. Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure, or
3. Any improvement to a building.

SUBSTANTIAL IMPROVEMENT

Any combination of reconstruction, alteration, or improvement to a building, taking place during a ten-year period, in which the cumulative percentage of improvement equals or exceeds fifty percent (50%) of the current market value of the building. For the purposes of this definition, an improvement occurs when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. This term includes structures which have incurred repetitive loss or substantial damage, regardless of the actual repair work done.

The term does not apply to:

1. Any project for improvement of a building required to comply with existing health, sanitary, or safety code specifications which have been identified by the Code Enforcement Official and which are solely necessary to assure safe living conditions, or
2. Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure, or
3. Any building that has been damaged from any source or is categorized as repetitive loss.

SUBSTANTIALLY IMPROVED EXISTING MANUFACTURED HOME PARKS OR SUBDIVISIONS

The repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds fifty percent (50%) of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

VARIANCE

A grant of relief by the community from the terms of a floodplain management regulation. Flood insurance requirements remain in place for any varied use or structure and cannot be varied by the community.

VIOLATION

The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required by this Chapter is presumed to be in violation until such time as that documentation is provided.

WATER SURFACE ELEVATION

The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum where specified) of floods of various magnitudes and frequencies in the floodplain.

SECTION 2.

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 3.

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 4.

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

READ TWO TIMES, PASSED AND APPROVED ON THIS _____ DAY OF MAY, 2019.

Presiding Officer of the Council

Mayor Ron Counts

ATTEST:

City Clerk Tammi Casey

First Reading: _____

Second Reading: _____

APPROVED AS TO FORM:

City Attorney Robert Sweeney



2735

CITY COUNCIL AGENDA ITEM STAFF REPORT

MEETING DATE:	May 2, 2019
TITLE:	2019-12 2209 Lonedell Rd: A request to rezone from "PRD" Planned Residential Development to "R-2" Residential for a 11.74 acre tract of land located at 2209 Lonedell Rd.
DEPARTMENT:	Community Development
PROJECT MANAGER:	Sarah Turner, Community Development Planner
REQUESTED ACTION:	Ordinance approval
ATTACHMENTS:	(1) Staff Report to Planning Commission; (2) Draft Planning Commission Meeting Minutes; (3) Draft Ordinance

EXECUTIVE SUMMARY:

The purpose of the proposed rezoning is to allow the construction of one (1) to three (3) single-family dwellings on the property.

REVIEW & ANALYSIS:

The existing "PRD" district, approved in 2009, permits only two-family dwellings. The development plan associated with the "PRD", also approved in 2009, showed twenty-two (22) two-family dwellings on the 11.74-acre site. No significant progress was made on the implementation of the plan, and it expired in 2013. The new owner of the 11.74-acre property intends to build one single-family dwelling for personal use, and potentially build two additional single-family dwellings in the future.

The subject property was zoned "R-2" Residential prior to the establishment of the "PRD" in 2009. The character of surrounding area, also zoned "R-2," is suburban, single-family residences. The proposed zoning and use is consistent with the Comprehensive Plan.

RECOMMENDATION:

On April 9, 2019, the Planning Commission, by a vote of 8 to 0, voted to recommend approval of the rezoning.



REPORT TO PLANNING COMMISSION

CITY OF ARNOLD

APPLICATION NUMBER: 2019-12

APPLICATION NAME: 2209 LONEDELL RD

APPLICANT NAME: Prime Property Investments LLC
Applicant/Owner

PROPERTY OWNER NAME: Dan Kammerer
Prime Property Investments LLC
5240 U.S. Highway 61/67
Imperial, MO 63052

APPLICANT'S REQUEST: The applicant is seeking to rezone the property from "PRD" Planned Residential District to "R-2" Residential District to allow for the construction of one (1) to (3) single-family dwellings.

STREET ADDRESS: 2209 Lonedell Road

SITE LOCATION: North of intersection of Lonedell Rd and Pomme Rd

CURRENT ZONING DISTRICT: "PRD" Planned Residential Development

PARCEL ID: 02-7.0-25.0-2-001-018

TOTAL SITE AREA: 11.74 acres

MEETING DATE: April 9, 2019

REPORT DATE: April 2, 2019

CASE MANAGER: Sarah Turner

RECOMMENDATION: APPROVAL



REPORT TO PLANNING COMMISSION

CITY OF ARNOLD

DESCRIPTION OF EXISTING SITE CONDITIONS

The approximately 11.74 acre tract is located north of the intersection of Lonedell Rd and Pomme Rd. A portion of the property's boundaries serves as the City Boundary. There are two vacant single-family dwellings along Lonedell Rd and a graded area behind the houses, but the rest of the property is undeveloped. The property is accessed via Lonedell Rd.

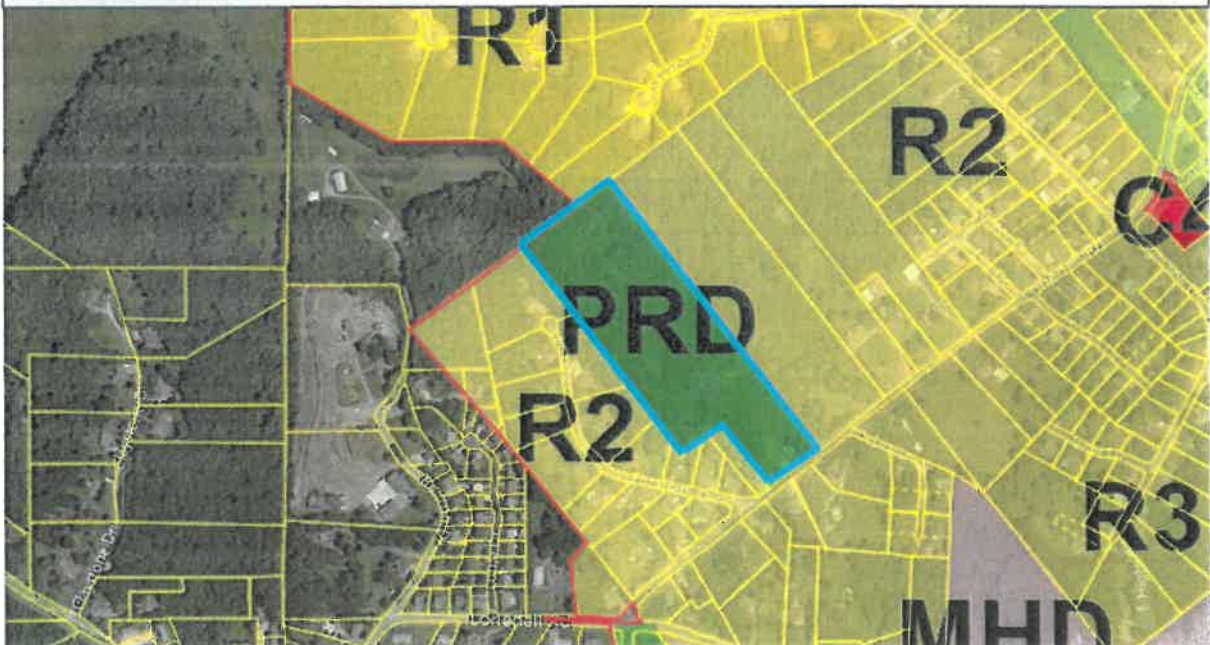
SITE HISTORY

The property was bought by Terry Klammert in 2005. After two failed attempts at rezoning, Klammert successfully rezoned the property to "PRD" Planned Residential Development. The "PRD" development plans expired after extensions in 2013. Prime Property Investments LLC bought the property in October 2018, and subsequently submitted a sketch plan of a proposed development for Planning Commission's feedback. The Commission found the sketch plan favorable at the time.

LAND USE AND ZONING CONTEXT MATRIX

DIRECTION	EXISTING LAND USE	ZONING DISTRICT	COMMENTS
North	Residential	R-1; Not in City	Single-family dwellings; Agricultural
East	Residential	R-2	Single-family dwellings
South	Residential	R-3	Single-family dwellings
West	Residential	R-2	Single-family dwellings

ZONING MAP



2209 Lonedell Rd

REPORT TO PLANNING COMMISSION

CITY OF ARNOLD



ZONING REQUEST/DEVELOPMENT PROPOSAL

The applicant seeks to rezone the property at 2209 Lonedell Rd from "PRD" Planned Residential Development to "R-2" Residential to allow for the construction of single-family dwellings. The applicant intends to construct one large home, as shown on the survey sketch on Page 13. The applicant wants to keep their options open for a possible future subdivision for the construction of two more single family dwellings with frontage on Lonedell.

COMPREHENSIVE PLAN CONSISTENCY REVIEW

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

GOALS, OBJECTIVES, AND POLICIES:

HOUSING & NEIGHBORHOOD POLICIES

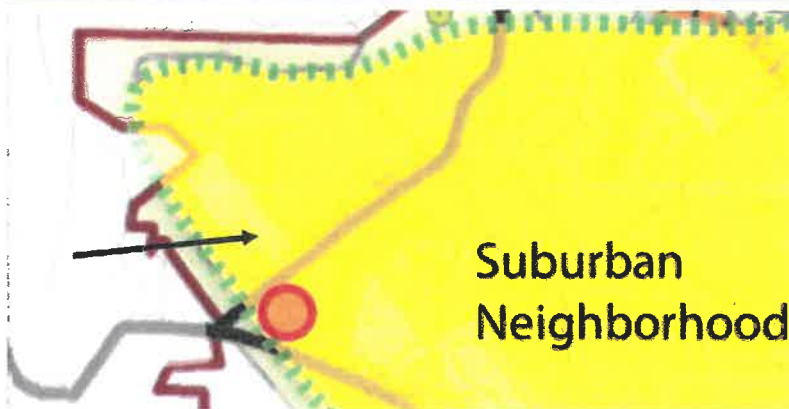
POLICY NH-1 FOSTER THE ROLE OF NEIGHBORHOODS TO ESTABLISH COMMUNITY CHARACTER, PROVIDE SERVICES NEEDED ON A DAY-TO-DAY BASIS, ENCOURAGE COMMUNITY INTERACTION, AND OFFER AMENITIES.

POLICY NH-1.3: PROMOTE GREEN ELEMENTS SMALL PARKS, GREENWAYS, PRESERVED AND RESTORED NATURAL AREAS AND OTHER OUTDOOR SPACES SHOULD BE ELEMENTS OF EXISTING AND FUTURE NEIGHBORHOODS.

CITY PLANNER'S COMMENTS

Housing & Neighborhood Policies 1 and 1.3 are Substantially Satisfied as follows:
Substantially Satisfied: The proposal and subsequent construction would be returning this parcel to a compatible zoning district with its surroundings and promoting the character of the low density suburban neighborhood. Additionally, this proposal will not be disturbing a large portion of the parcel and leaving it to nature.

FUTURE LAND USE MAP:



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



REPORT TO PLANNING COMMISSION

CITY OF ARNOLD

BACKGROUND

The property at 2209 Lonedell Road is mostly undeveloped. The property is zoned "PRD" Planned Residential Development and the relevant use regulations for this "PRD" are included in the Attachments on Page 14. There are two vacant houses on the property, a white home and a brick home built in 1943 and 1955 respectively. These structures have been vacant since 2009. Due to the strict "PRD" use regulations, these structures cannot be used as they are non-conforming and have been vacant for longer than 60 days. The applicant/owner of the property has been issued a demolition permit for these structures. As of the submission of this report, the white home has been demolished. See the end of this report for photographs of the property.

In 2006, the then-owner Terry Klammert applied for a rezoning from "R-2" Residential to "R-4" Residential to develop the property with smaller lots than allowed in the original district. This proposal was denied. Another application to rezone from "R-2" Residential to "R-3" Residential for the same purpose was denied in 2007. In 2009, the property was successfully rezoned from "R-2" Residential to "PRD" Planned Residential Development in May 2009 to allow for a "Villa," or 2-family dwelling, development plan with a sunset date. This plan was never acted upon despite extensions, and expired in 2013.

Prime Property Investments LLC, the applicant for this proposed rezoning, purchased the property in October 2018. In September of the same year, the applicant submitted a sketch plan to the Planning Commission requesting non-binding feedback. The concept polled favorably with the Commission. However, the "PRD" regulations only has "Villa, or two-family dwellings" as a listed use for the property. In March 2019, Prime Property Investments LLC submitted an application to rezone the property back to its original zoning district, "R-2," to allow for the construction of single-family dwellings. The applicant intends construct one large home, as shown in Exhibit C in the Attachments, on Page 13. The applicant wants to keep their options open for a possible future subdivision of the parcel for the construction of two additional single family dwellings.

PLANNING AND ZONING ANALYSIS

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

The applicant is seeking to rezone the property from "PRD" Planned Residential District to "R-2" Residential District. The purpose is to allow for the construction of a single-family dwelling with the possibility of two future homes, as delineated in Exhibit C on Page 13.

"PRD" PLANNED RESIDENTIAL DEVELOPMENT: PURPOSE AND PERMITTED USES

The purpose of the "PRD" designation is "to provide a progressive but controlled, creative zoning procedure... in order to permit flexibility in building types, locations and subdivision

REPORT TO PLANNING COMMISSION

CITY OF ARNOLD



PLANNING AND ZONING ANALYSIS —CONTINUED

"PRD" PLANNED RESIDENTIAL DEVELOPMENT: PURPOSE AND PERMITTED USES—CONTINUED
design." [Section 405.490(A)(1) *Planned Residential Development Procedures*] The development plan that was put in place for this particular property in 2009 was "Villas at Lonedell", a new street with 22 two-family dwellings. No progress was made within the one year period of the plan. The developer cited hardship due to the economic outlook following the 2008 economic crisis and extensions were approved by the Commission. In the end, however, this development plan expired in 2013 and the property is now under new ownership. The new owner/applicant for this proposal intends to construct one new single-family dwelling and private drive, leaving the possibility open for two more future single-family dwellings *at most*. This proposal is significantly less intense than the previously approved "Villas at Lonedell." Under the current zoning designation, the existing vacant structures cannot be used and the applicant/owner cannot build their desired single-family dwellings. The "PRD" document only has one listed use, which is "Villa Type Dwellings (Also known as 2-Family Dwellings)." That unusually-strict use regulation, which was crafted for a specific Villa-style development plan that was initially proposed 10 years ago and has since expired, is the reason for this proposed rezoning.

CONSISTENT WITH GOOD PLANNING PRACTICE

The City's Zoning Ordinance was adopted June 30, 1977. A number of amendments have been approved since then, including the October 2009 rezoning of the subject property at 2209 Lonedell from "R-2" Residential to "PRD" Planned Residential Development. Ordinances approved with the best of intentions sometimes become out of date or unnecessary. On Page 4 of this report is the Future Land Use Map (FLUM) from the Comprehensive Plan of the City of Arnold, which was last updated in 2011. The FLUM shows that the property continues to be used as a "Suburban Neighborhood," which would more accurately fit into the "R-2" Residential District than the more densely-envisioned "Villas at Lonedell" "PRD" Planned Residential Development. This proposal intends to functionally reverse the 2009 "PRD" rezoning and return the subject property to "R-2" Residential, which advances the goals, objectives, and policies of the City of Arnold's Comprehensive Plan and Code of Ordinances. Staff finds that the proposal is substantially consistent with good planning practice.

COMPATIBLE WITH PERMITTED DEVELOPMENT AND USES IN ADJOINING DISTRICTS

As shown on the Land Use and Zoning Context Matrix on Page 4, the properties surrounding the subject property along the north side of Lonedell Rd are "R-2" Residential. The applicant's proposal is to rezone the property from "PRD" to "R-2," which is consistent with the neighborhood character and Future Land Use Map. Additionally, the property has been the site of two single-family dwellings pre-dating the City. This rezoning proposal includes the applicant's intention to construct one to three single-family dwellings, all of which will be located where it is already graded or cleared of trees (Page 13). This proposal is substantially compatible with historic uses and future plans for the property and its adjoining districts. Staff



REPORT TO PLANNING COMMISSION

CITY OF ARNOLD

PLANNING AND ZONING ANALYSIS — CONTINUED

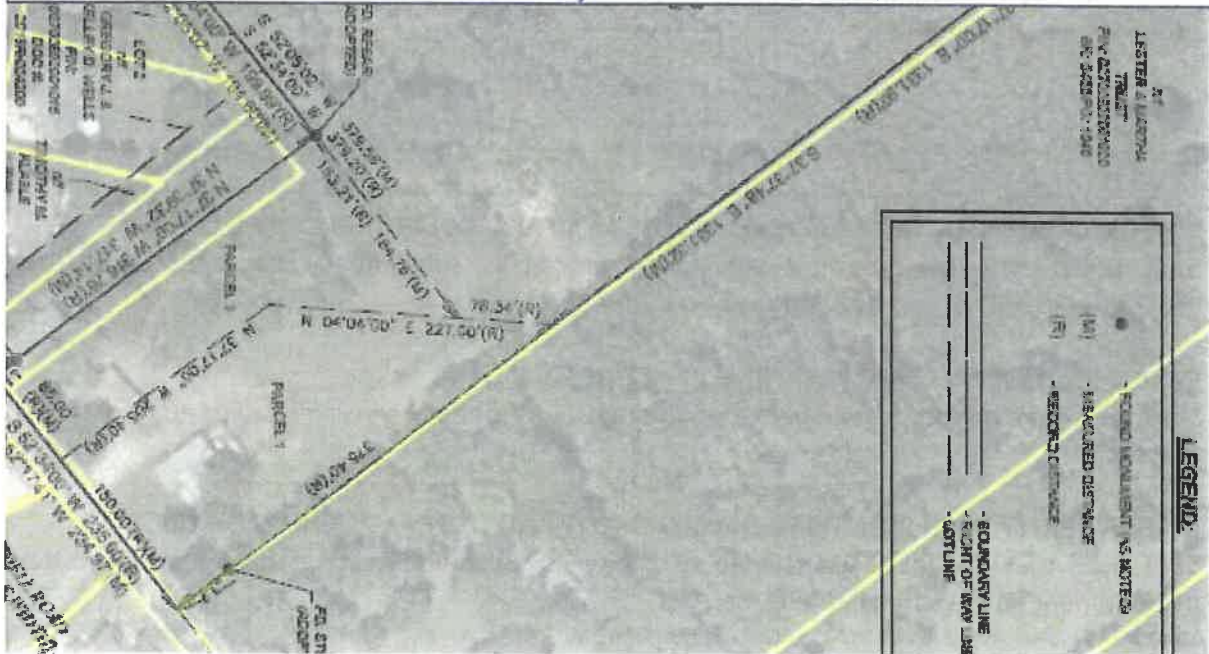
COMPATIBLE WITH PERMITTED DEVELOPMENT AND USES IN ADJOINING DISTRICTS—CONTINUED

had one concern regarding the subdivision possibility and the private drive, which shares little substance with the rezoning proposal but Staff felt should be information that is provided to the Commission. The “lot lines” shown on the boundary survey (Exhibit A, page 11) are not true boundaries recorded with the City or Jefferson County through subdivision. Should the proposal be approved, the applicant has been made aware that any future subdivision would require that the two smaller lots along Lonedell Rd meet lot size and frontage requirements for the “R-2” district. The private drive for the applicant’s intended personal home should be installed in such a way to allow for these minimum frontages. This information has been given to the applicant by City Staff and will be noted on future permit applications submitted to the Community Development Department.

NECESSARY TO THE GENERAL WELFARE

With a change of zoning it is important to make such decisions based primarily on land use issues and not entirely on issues specific to the applicant. The subject property is legally unusable due to the long-term vacancy of the current single-family homes and the strict “PRD” use regulations. The predominant use in this part of the City is suburban, single-family dwellings. The proposal will have no substantial adverse impact on promotion of the health, safety, quality of life, comfort and general welfare of the City. Further, this proposal is necessary to ensure that the owner of this property is able to use it in such a way that is consistent with the current uses of the surrounding area and future goals of the Comprehensive Plan.

FIGURE 1: ZOOM-IN OF BOUNDARY SURVEY, WITH SATELLITE IMAGE



2209 Lonedell Rd

REPORT TO PLANNING COMMISSION

CITY OF ARNOLD



FINDINGS

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

EXTENSION OF BOUNDARY

The extension of the "R-2" Residential District boundary will not be detrimental, and such a change has been shown to be necessary for public convenience or necessity.

SIGNIFICANT CHANGE

There has been significant change in the area to warrant a change in zoning classification, in that the Planned Residential Development for the "Villas at Lonedell" approved by this Commission has expired with little construction. The "PRD" district is no longer necessary.

MISTAKE IN ZONING MAP

The Commission should bear in mind that the "R-2" Residential District, which is the proposed new designation for this parcel, is the subject property's original zoning district as well as the zoning district of adjoining properties.

CHANGE IN CLASSIFICATION

The proposed change, from an expired "PRD" to "R-2," would make the zoning classification reflect the current use and the proposed use in the Future Land Use Plan of the City of Arnold.

BEST INTERESTS OF THE CITY

It is in the best interest for the health, safety, and welfare of the citizens of the City of Arnold to simplify our zoning districts and allow for the consistent use of an area characterized by its suburban neighborhoods.

RECOMMENDATION

CONSISTENCY WITH THE COMPREHENSIVE PLAN AND REGULATIONS OF THE CITY

Staff finds that the proposed change of zoning is substantially consistent with the Comprehensive Plan and Regulations of the City of Arnold.

CONSISTENCY WITH GOOD PLANNING PRACTICE

Staff finds that the proposed change of zoning is substantially consistent with good planning practice.

COMPATIBILITY WITH PERMITTED DEVELOPMENT AND USE IN ADJOINING DISTRICTS

Staff finds that the proposed change of zoning is substantially compatible with permitted development and uses in adjoining districts.



REPORT TO PLANNING COMMISSION

CITY OF ARNOLD

RECOMMENDATION—CONTINUED

NECESSARY TO THE GENERAL WELFARE

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

RECOMMENDATION

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

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

Sarah Turner
Community Development Planner



ATTACHMENTS

SUPPLEMENTAL LETTERS, MAPS, PLANS, ETC.



REPORT TO PLANNING COMMISSION CITY OF ARNOLD

BOUNDARY SURVEY

TRACTS OF LAND LOCATED IN THE NORTHWEST HALF OF LOT 1 OF U.S. SURVEY 2991
TOWNSHIP 43 NORTH, RANGES 5 & 6 EAST,
JEFFERSON COUNTY, MISSOURI

FEDERAL RESERVE BANK, ST. LOUIS, MISSOURI

THIS IS TO CERTIFY THAT THE REQUESTOR OF THIS SURVEY, THE FEDERAL RESERVE BANK OF ST. LOUIS, MISSOURI, HAS CAUSED THE SURVEY TO BE MADE BY THE CITY OF ARNOLD, MISSOURI, IN ACCORDANCE WITH THE CITY CHARTERS AND ORDINANCES AND THE CITY OF ARNOLD SURVEYING DEPARTMENT. THE SURVEY IS MADE FOR THE PURPOSE OF DETERMINING THE BOUNDARIES OF THE TRACTS OF LAND DESCRIBED IN THE ABOVE SURVEY REPORT AND FOR THE PURPOSE OF DETERMINING THE AREA OF THE TRACTS OF LAND DESCRIBED IN THE ABOVE SURVEY REPORT. THE SURVEY IS MADE FOR THE PURPOSE OF DETERMINING THE BOUNDARIES OF THE TRACTS OF LAND DESCRIBED IN THE ABOVE SURVEY REPORT AND FOR THE PURPOSE OF DETERMINING THE AREA OF THE TRACTS OF LAND DESCRIBED IN THE ABOVE SURVEY REPORT. THE SURVEY IS MADE FOR THE PURPOSE OF DETERMINING THE BOUNDARIES OF THE TRACTS OF LAND DESCRIBED IN THE ABOVE SURVEY REPORT AND FOR THE PURPOSE OF DETERMINING THE AREA OF THE TRACTS OF LAND DESCRIBED IN THE ABOVE SURVEY REPORT.

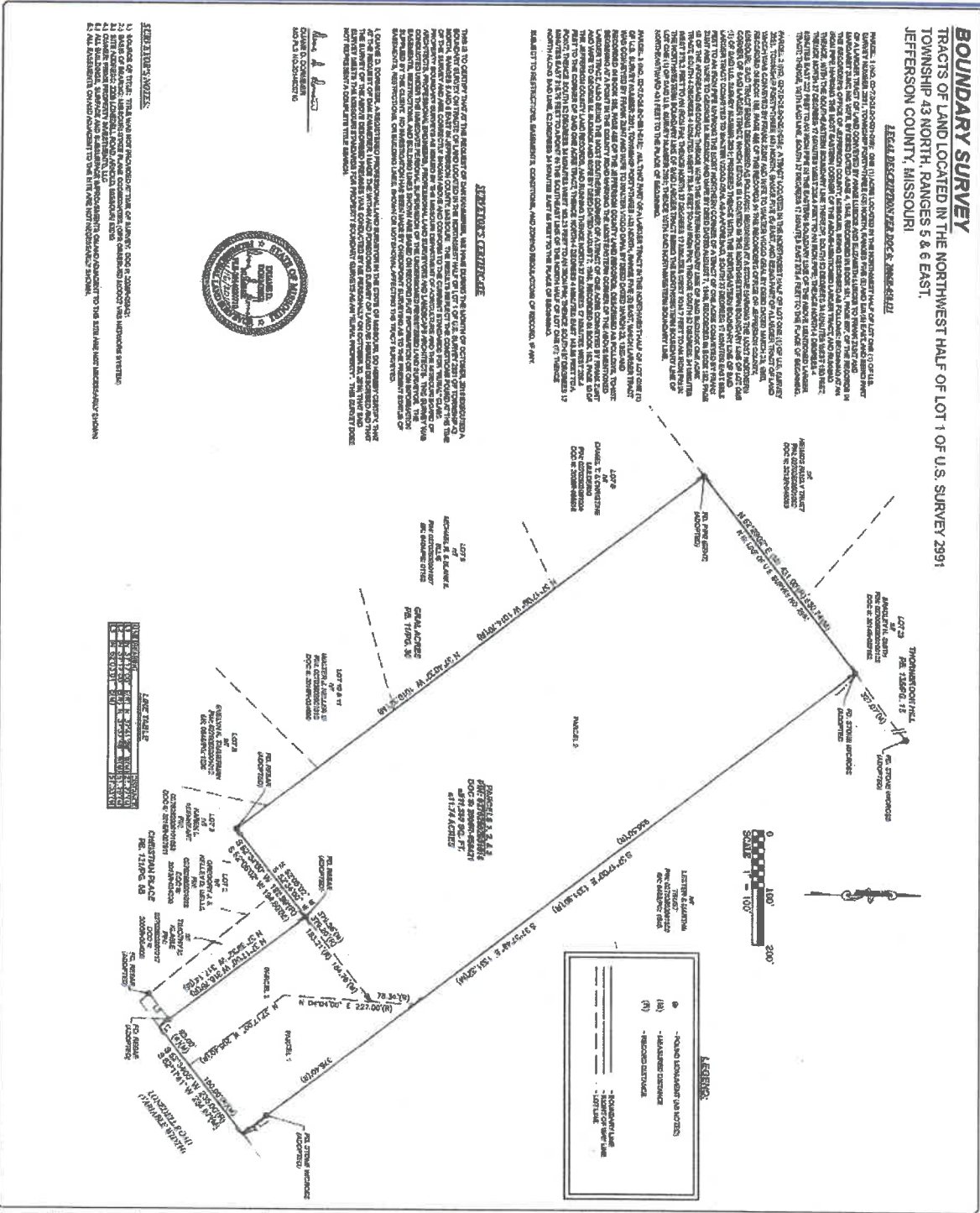
STATE OF MISSOURI

THIS IS TO CERTIFY THAT THE REQUESTOR OF THIS SURVEY, THE FEDERAL RESERVE BANK OF ST. LOUIS, MISSOURI, HAS CAUSED THE SURVEY TO BE MADE BY THE CITY OF ARNOLD, MISSOURI, IN ACCORDANCE WITH THE CITY CHARTERS AND ORDINANCES AND THE CITY OF ARNOLD SURVEYING DEPARTMENT. THE SURVEY IS MADE FOR THE PURPOSE OF DETERMINING THE BOUNDARIES OF THE TRACTS OF LAND DESCRIBED IN THE ABOVE SURVEY REPORT AND FOR THE PURPOSE OF DETERMINING THE AREA OF THE TRACTS OF LAND DESCRIBED IN THE ABOVE SURVEY REPORT. THE SURVEY IS MADE FOR THE PURPOSE OF DETERMINING THE BOUNDARIES OF THE TRACTS OF LAND DESCRIBED IN THE ABOVE SURVEY REPORT AND FOR THE PURPOSE OF DETERMINING THE AREA OF THE TRACTS OF LAND DESCRIBED IN THE ABOVE SURVEY REPORT.

James A. ...
CITY OF ARNOLD



1. The purpose of this survey is to determine the boundaries of the tracts of land described in the above survey report and for the purpose of determining the area of the tracts of land described in the above survey report.
2. The survey is made for the purpose of determining the boundaries of the tracts of land described in the above survey report and for the purpose of determining the area of the tracts of land described in the above survey report.
3. The survey is made for the purpose of determining the boundaries of the tracts of land described in the above survey report and for the purpose of determining the area of the tracts of land described in the above survey report.
4. The survey is made for the purpose of determining the boundaries of the tracts of land described in the above survey report and for the purpose of determining the area of the tracts of land described in the above survey report.
5. The survey is made for the purpose of determining the boundaries of the tracts of land described in the above survey report and for the purpose of determining the area of the tracts of land described in the above survey report.



LEGEND

- - - - - BOUNDARY LINE
- - - - - MONUMENT
- - - - - - MONUMENT
- - - - - - MONUMENT
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1 OF 1 SHEET			BOUNDARY SURVEY TRACTS OF LAND LOCATED IN THE NORTHWEST HALF OF LOT 1 OF U.S. SURVEY 2991, TOWNSHIP 43 NORTH, RANGES 5 & 6 EAST JEFFERSON COUNTY, MISSOURI		Project No. 18-233 Date: 11/15/2018	<p>3010 Arnold 2 Plaza Berkeley, Missouri 63138 Ph: (314) 903-8440 Fax: (314) 202-3006 www.checkpointsurveying.com</p>
			Drawn By: S.I.S. Checked By: D.D.D.	<p>PROFESSIONAL ENGINEERING MISSOURI EXPIRES 05/31/2019 DARRYL B. LUDWIG, P.E. License No. 20046</p>		

EXHIBIT A: BOUNDARY SURVEY OF PROPERTY (NOV. 2018)

2209 Lonedell Rd

**REPORT TO PLANNING COMMISSION
CITY OF ARNOLD**

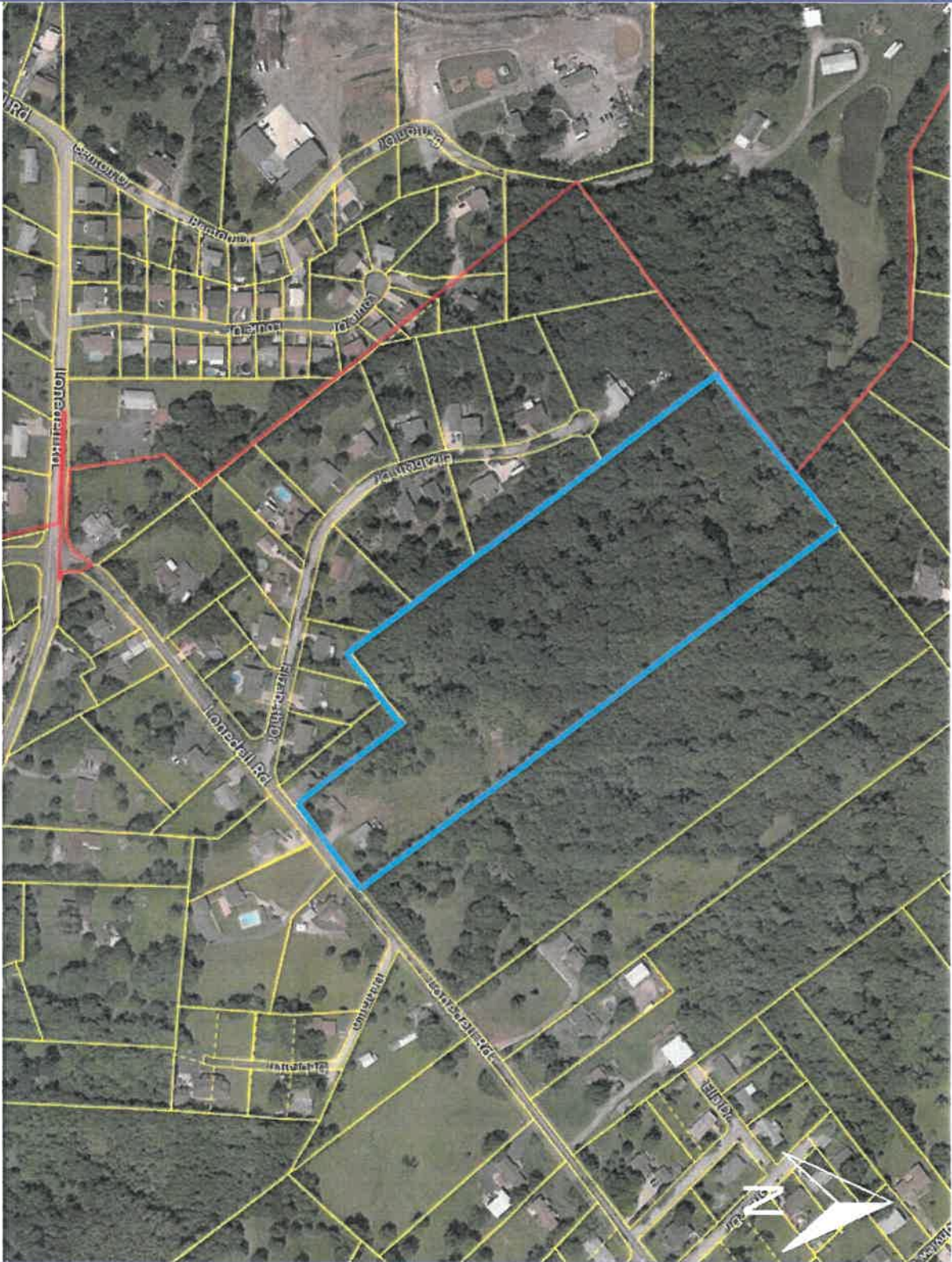


EXHIBIT B: SATELLITE IMAGE OF PROPERTY

2019-12 REZONING



REPORT TO PLANNING COMMISSION

CITY OF ARNOLD

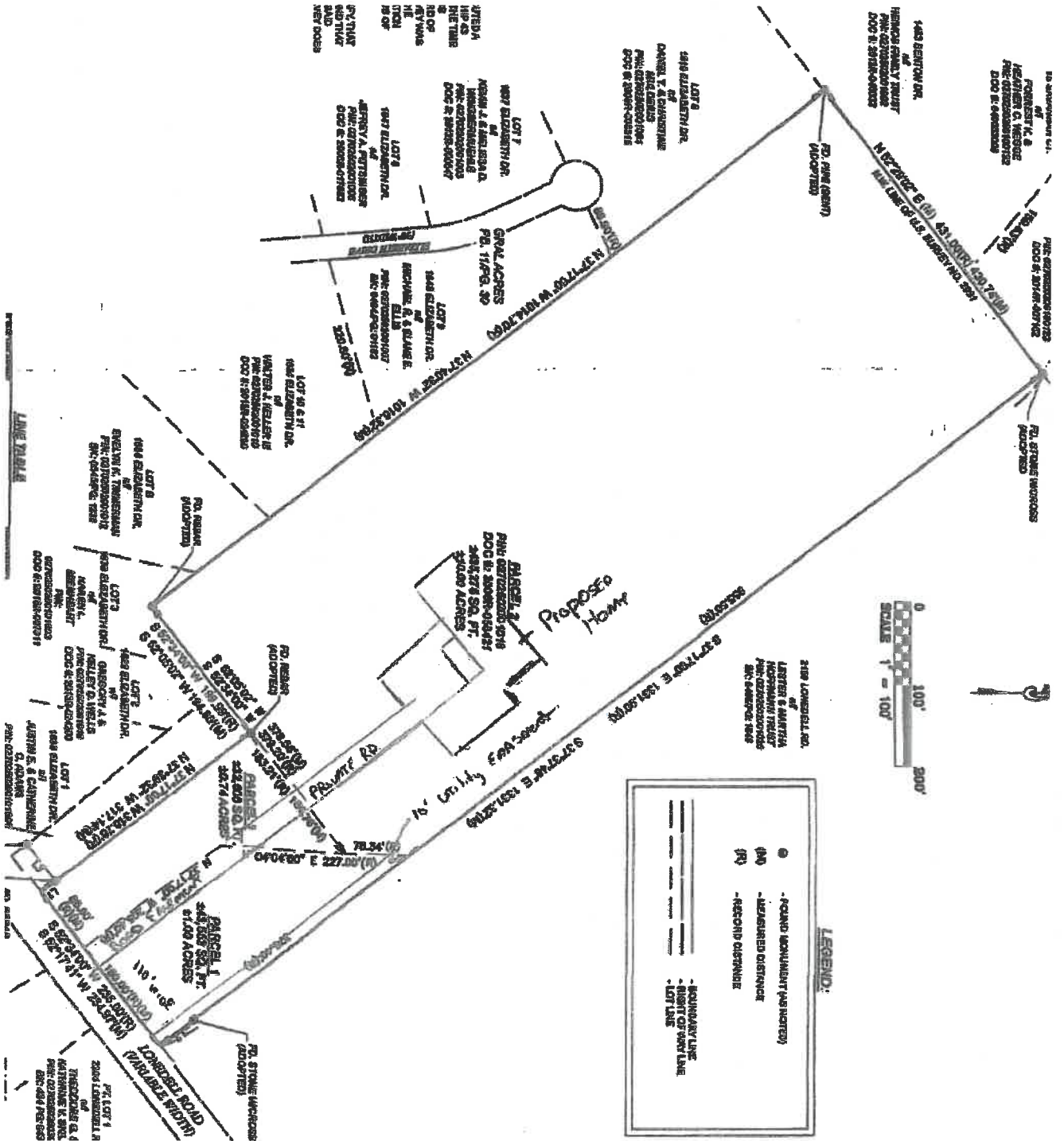


EXHIBIT C: SURVEY WITH SKETCH PLAN

2209 Lonedell Rd

REPORT TO PLANNING COMMISSION

CITY OF ARNOLD



PLANNED RESIDENTIAL DEVELOPMENT (PRD)

The Planned Residential Development (PRD) District is designed to encourage the creation and maintenance of stable and enduring residential neighborhoods by establishing limitations on the use and character of development of land so as to take advantage of, or to avoid conflicts with, natural topography, hydrology, existing developments, and arrangements and location of existing or planned community facilities, and social needs of the community. This section contains the district regulations of the Residence District. These regulations are supplemented and qualified by additional general regulations appearing elsewhere in this Chapter which are incorporated as part of this section by reference. Where these regulations do not address issues, the City Code of Arnold applies.

1. Permitted Land Uses and Developments
 - a. Villa Type Dwellings (Also known as 2 Family Dwellings)
2. Height Limitations for Structures
 - a. No dwelling structure shall exceed 2 ½ stories in height, including any basement dwelling space, or 35 feet in height.
3. Lot Dimension, Lot Area, and Yard Requirements.
 - a. Detached single-family dwellings shall be situated on tracts of land providing at least 15,000 square feet of lot area for each dwelling unit.
 - b. Two-family dwellings shall be situated on tracts of land per plan dated 06/02/2009 and Revised 07/28/2009.
 - c. Set Backs – Front is 25 feet except along Lonedell Road which is 35 feet. Eight (8) foot side set back, and Fifteen (15) foot rear set back this includes boundary walls six (6) foot in height.
 - d. Any part of a lot area not used for buildings or other structures or for parking, or access ways shall be landscaped with grass, ground cover, trees, shrubs and pedestrian walks, in accordance with the following minimum requirements:

Minimum Caliper for Deciduous Trees: 2"

Minimum Height for Coniferous Trees: 6'

Tree Mix: maximum of 40% of one species



REPORT TO PLANNING COMMISSION CITY OF ARNOLD

March 12th, 2019

| std.primeproperty@gmail.com

2209-2217 Lonedell Rd.
Arnold, MO 63010

We are requesting a change of zoning classification to single family residential. The proposed plan is building a single family home on the larger parcel (Parcel 2, per survey) with access for this home granted through an easement from Parcel 1 and Parcel 3 (per survey). This should still easily allow for all setbacks and building code requirements to construct two single family homes on either parcel.

Thank you.

Prime Property Investments, LLC
5240 U.S. Highway 61/67
Imperial, MO 63052
314.600.7272

| 314.600.7272

APPLICANTS NARRATIVE

2209 Lonedell Rd

REPORT TO PLANNING COMMISSION
CITY OF ARNOLD



3D VIEW OF PROPERTY



REPORT TO PLANNING COMMISSION CITY OF ARNOLD



NOV. 2016 GOOGLE STREETVIEW OF 2209 LONEDELL RD, FACING NORTHWEST

2209 Lonedell Rd

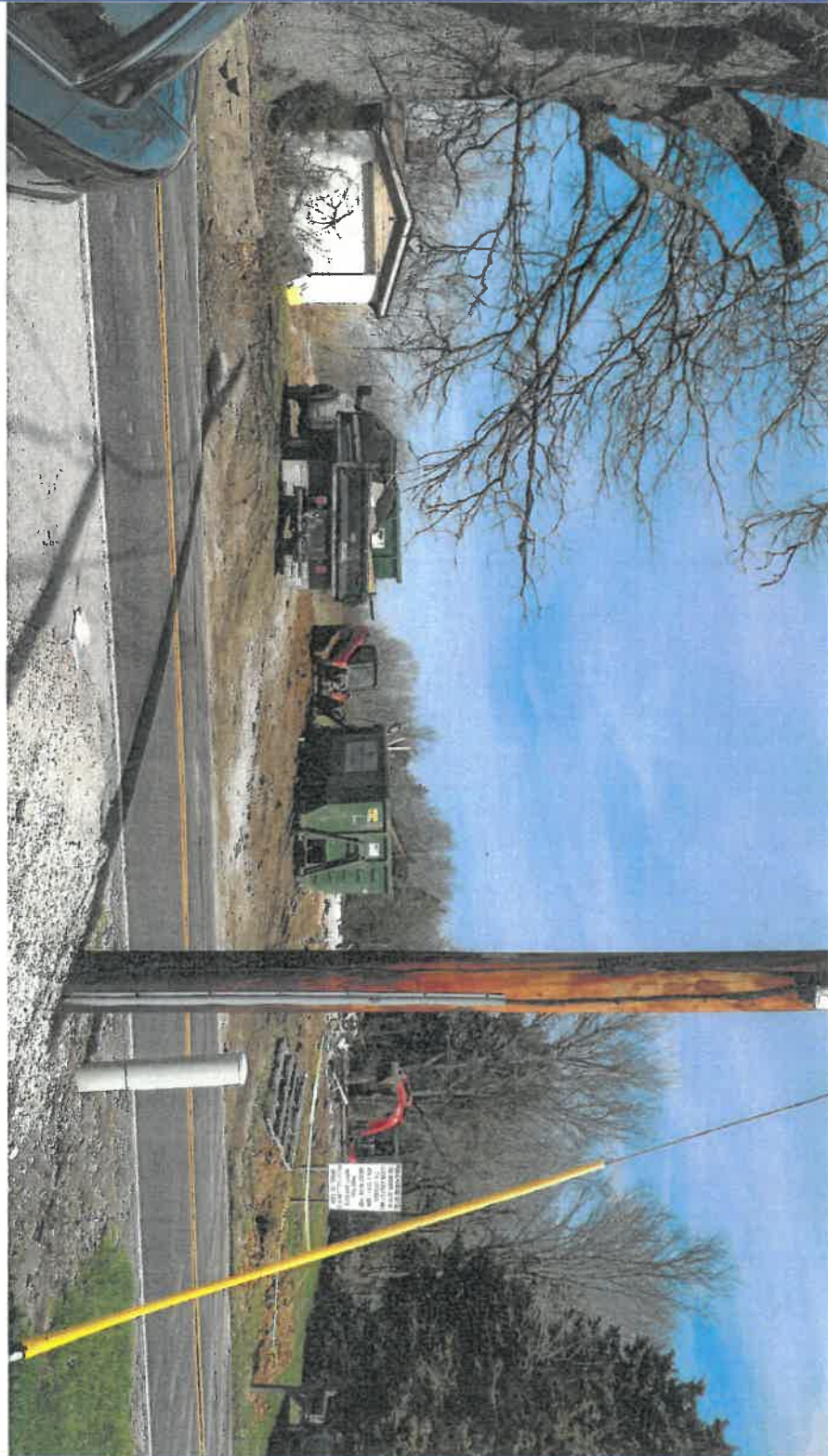
REPORT TO PLANNING COMMISSION
CITY OF ARNOLD



EXISTING BRICK HOUSE ON PROPERTY (4/1/2019)



REPORT TO PLANNING COMMISSION CITY OF ARNOLD



SITE OF WHITE HOUSE ON PROPERTY (4/1/2019)

2209 Lonedell Rd



PLANNING COMMISSION MEETING CITY HALL COUNCIL CHAMBERS APRIL 9, 2019

MINUTES

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

ROLL CALL OF COMMISSIONERS: Del Williams, John Tucker, Brian McArthur, Alan Bess, Frank Kutilek, Jeff Campbell, Andrew Sutton, Chris Ford, Justin Lurk (excused), David Bookless, Sarah Turner, Christie Hull-Bettale and Bob Sweeney. 8 voting members present, 1 excused.

REVIEW AND APPROVAL OF AGENDA: Motion by Jeff Campbell to approve the agenda as revised. Second by Del Williams. Voice Vote – *Unanimously Approved.*

APPROVAL OF MINUTES: Motion by Jeff Campbell to approve the minutes from the March 12, 2019 meeting as presented. Second by Chris Ford. Voice Vote - *Unanimously Approved.*

PUBLIC COMMENT: None

PUBLIC HEARINGS:

- a. **2019-10: CONDITIONAL USE PERMIT, SNOWBALL TRAILER, 776 JEFFCO:** Sarah Turner gave a brief presentation explaining that Joseph Sorg, Jr. is a returning vendor requesting approval for their seasonal Snow Cone Stand located at 776 Jeffco Blvd. This location is in the C-2 Commercial District and a snow cone stand falls under “fast food restaurant” which requires a Conditional Use Permit. He has been previously approved for identical Conditional Use Permit at this location and has been there for many years without complaints. There are no major concerns that have not already been addressed by previous CUP’s. The condition requiring a bathroom facilities agreement between Walgreens and the applicant has been amended to require a new agreement every year of the CUP and to include employees and customers. Staff finds that the application meets all review and recommends the Commission approve the Conditional Use Permit with the conditions.

No public comment.

- b. **2019-11: CONDITIONAL USE PERMIT, 360 NUTRITION, #16 FOX VALLEY CENTER:** Sarah Turner presented Erica Friedmeyer’s request for a Conditional Use Permit to operate a Nutrition Smoothie Bar at #16 Fox Valley Center. The primary business function is to serve meal replacement shakes/smoothies or energy teas. Nutrition Smoothie Bar falls under “fast food restaurant” which is permitted conditionally in a C-2 District. Does not require additional parking or other miscellaneous conditions of use outside of regular permitting for food service vendors. The City lacks this type of health-focused fast-food service and it has shown to be popular in other Jefferson County communities. Staff finds that this application meets the review criteria as proposed and requests favorable consideration.

No public comment.

- c. **2019-12: A REQUEST FOR A CHANGE OF ZONING FROM “PRD” PLANNED RESIDENTIAL DISTRICT TO “R-2” RESIDENTIAL DISTRICT FOR A PROPERTY LOCATED AT 2209 LONEDELL ROAD TO ALLOW THE CONSTRUCTION OF A SINGLE-FAMILY DWELLING. SUBMITTED BY PRIME PROPERTY INVESTMENTS, OWNER OF THE PROPERTY:** Sarah Turner presented Dan Kammerer of Prime Property Investments, request to rezone the property at 2209 Lonedell Rd. from “PRD”

Planned Residential District to “R-2” Residential District. This property was zoned R-2 Residential prior to being rezoned to PRD in 2009 and is surrounded by R-2. Under the PRD, the only use permitted is villas or two-family dwellings. This PRD’s use regulations were crafted for a 22 dwelling development plan that was approved in 2009 and expired in 2013. The approximately 11.74 acre tract is located north of the intersection of Lonedell Rd. and Pomme Rd. The applicant wants to build one (1) single-family home on the graded area setback from Lonedell with a private drive and wants to keep their options open for building two (2) more single-family dwellings with frontage on Lonedell. The two (2) existing homes had sat vacant since 2009 and were just recently demolished by the current owner/applicant. Staff finds that the proposed change of zoning meets the review criteria and further advances the intent of both the Comprehensive Plan and Zoning Ordinance; therefore, based on this finding, Staff requests favorable consideration of this application.

Brian McArthur referred to the possible future two (2) homes and asked if there would be a second road going in.

Dan Kammerer, Prime Property Investments, 5240 U.S. Highway 61/67, Imperial, MO, stated that they would have their own private drive off of Lonedell.

John Tucker asked if the PRD expired in 2013, doesn’t it automatically go back to the original zoning classification?

David Bookless explained that the zoning classification stays in place but the development plan expires. If someone wanted to develop under the PRD they would have to come forward with a new development plan.

- d. **2018-08: A CITY-INITIATED REQUEST TO AMEND CHAPTER 405, ZONING, OF THE CODE OF ORDINANCES, CREATING DEFINITIONS FOR LODGING ESTABLISHMENTS AND EXTENDED STAY LODGING ESTABLISHMENTS AND PROVIDING REGULATIONS THEREFOR:** David Bookless touched on the variety of crimes and adverse conditions that can occur when hotels are not run properly. He went over the crime data pertaining to the four (4) hotels in Arnold as far as the number of calls for service per year and the nature of those calls. Staff is proposing a two-pronged approach to the problem. The first approach is Zoning Amendments: Replace hotel, motel, etc. with Lodging Establishment; new definition: Extended Stay Lodging Establishment and make an Extended Stay Lodging Establishment a Conditional Use and only allowed in the C-3 Commercial District. Additionally, some criteria is being proposed for these establishments including accessory uses associated with it such as minimum acreage requirements; maximum lot coverage requirements and buffering requirements if they abut residential. The second approach is Business Licensing Amendments such as establish a new license category; stay limitation requirements; guest register requirements; prohibitions; maintenance of the guest rooms; prohibiting the consumption of alcohol in public places such as the parking lot, hallways, stairwells, etc. and reiterate the rights that establishments have to refuse and eject persons violating the rules or laws. There will also be an endorsement procedure (based on performance); Police endorsement will be required to get the Business License. Mr. Bookless also briefly went over the list of standards and measures. 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, he requests favorable consideration of the draft amendments.

John Tucker referred to the “calls of service” and asked if there is any reason to be concerned that the hotel would call for service themselves.

David Bookless stated at the last City Council meeting, the Council approved an amendment to the Municipal Code for emergency access via the telephone. You no longer have to dial an access code; you can just dial 911 to

get emergency help. The other part of the change is a hotel cannot tell or put pressure on their guests, employees or anybody else to not call 911 in the event of an emergency. Mr. Bookless stated that he has seen this implemented in other communities and there has been significant reduction in crime statistics and Police calls.

Frank Kutilek asked if lodging facilities included Bed and Breakfast establishments.

David Bookless stated there has to be five (5) or more rooms for these regulations to apply.

Frank Kutilek commented that when he worked in construction, there were times he would be in a location for a year or more and would have a long term agreement with the hotel.

David Bookless replied that he had reached out to a few hotel managers and they all felt six (6) month extended stay was reasonable with a provision that if someone had an emergency such as a fire or flood. People that want to stay a year or more, most of the apartment complexes have shorter term leases available.

- e. **2019-13: A CITY-INITIATED REQUEST TO AMEND CHAPTER 405, ZONING, OF THE CODE OF ORDINANCES TO MODIFY DEFINITIONS AND REGULATIONS RELATED TO "USED CAR SALES," AS DEFINED IN THE ZONING ORDINANCE, AND AS RELATED TO NEW CAR, TRUCK, RECREATIONAL VEHICLE, BOAT, TRAILER, OTHER VEHICLE, AND/OR CONSTRUCTION EQUIPMENT SALES:** David Bookless stated that the City Council expressed concern and directed the Planning Commission to review the regulations for used/new car sales on smaller lots. He then briefly went over the proposed changes. Revise definitions to apply to new and used car sales; require a CUP in C-2, C-3, M-1 and M-2 districts; minimum parcel size in "C" districts of 2 ½ acres; no minimum in "M" districts for internet and specialty sales; abutting residential districts must be screened; a traffic study may be required and pre-existing car sales establishments will be designated legal non-conforming uses. The Director of Community Development finds that the proposed text amendments meet or exceed review criteria and further advances the intent of Chapter 405 and based on this finding, request favorable consideration of the draft amendments.

No public comment.

- f. **2019-01: A REQUEST FOR A CHANGE OF ZONING FOR SEVEN (7) PROPERTIES FROM C-4, R-3 AND C-2 TO ALL C-4 PLANNED COMMERCIAL DISTRICT FOR THE PURPOSES OF OPERATING ASSISTED LIVING APARTMENTS (CEDARHURST) AT 2069 MISSOURI STATE RD.:** Christie Hull-Bettale gave an updated presentation of Dover Development's request to establish a "C-4" Planned Commercial District for seven parcels of land totaling 8.32 acres. The proposed uses would include 63 assisted living apartments, 20 memory care apartments, and senior services. An adjustment was made to the architecture so new renderings were presented. The city hired CBB on behalf of Dover Development to do a traffic study. We asked them to do an assessment to determine the number of trips that would be generated; assess the relative impact of those trips on the adjacent roadways; assess the ability of the motorist to safely enter and exit the site, and if necessary, roadway improvements or traffic control modifications would be recommended to mitigate any impacts from the development. The study focused on weekday peaks A.M and P.M.

David Bookless clarified that CBB was hired and directed by the city and the applicant reimbursed the city for the cost.

Christie Hull Bettale then reviewed the findings and recommendations from the traffic study and addressed the changes the developer has made which include: curb cuts have been modified to make sure sight triangles are addressed going in and out of the access points and also sight distance to the intersection.; sidewalks will be constructed; they will not construct the portion of sidewalk in front of the development on Old Lemay Ferry, but they are going to make a contribution in the form of escrow, to the sidewalk fund for future sidewalk improvements in the future. They will also provide adequate roadway right-of-way for Old Lemay Ferry and Missouri State Road for future potential widening. Additional landscaping has also been added. 1787 Old Lemay Ferry has been left out of the proposal. There has been reasonable effort made but no agreement established. Staff recommends favorable consideration of this rezoning request.

Jeff Campbell commented to Christie that the site plan on her presentation is different than the one in the packet.

Nick Dwyer, Dover Development, 120 South Central Ave., Clayton, MO stated that the site plan on the slideshow is an outdated plan. The plan that is dated 3/26/2019 is the plan the review was based off of.

David Bookless also mentioned a slight shift in the building.

Nick Dwyer explained that an existing water main did not get picked up through the utility locations so the building had to be shifted off the road and part had to be re-adjusted. The drive lane has been shifted.

Brian McArthur commented that a lot of parking was lost with the shift.

Nick Dwyer stated that they lost a few parking spots but they are still one over what is required.

Jeff Campbell asked what kind of vehicle is delivering supplies, food, etc.

Nick Dwyer commented that a small van delivers the food weekly.

Gregory Reininger, 1787 Big Bill Rd., questioned being boxed in by C-4 zoning; building within 15 feet of his property and where are the contractors from and are they union.

Nick Dwyer stated they do not foresee building anything within 15 feet of Mr. Reininger's property and they plan on using as many local subcontractors as they can.

Larry Thomas Jobe, Jr., 1787 Old Lemay Ferry, asked if the detention pond that will be behind their property was intended to hold water and if so, concerned there will be a mosquito issue. Will there be time requirements as to when they can start work; will deliveries be allowed during the construction phase during certain hours; wants a PLA signed to insure that they use union workers.

Bob Sweeney commented that labor agreements are no longer lawful in Missouri.

JD Howell, The Sterling Co., 5055 New Baumgartner Road, St. Louis, MO, commented that the detention basin in question will be dry.

Cort Dietz, 10890 Business 21, Hillsboro, MO, commented that Mr. Reininger is his client and stated that the developer offered \$140,000 Mr. Reininger's property which is considerably less than its worth. The main concern is that this property will be orphaned and lose its value will be greatly reduced. They would like the developer to make better assertive effort.

Bob Sweeney commented that the Planning Commission does not have the authority to direct a developer on their offers. Real Estate Agents are not qualified to provide property appraisals, so if the applicant has evidence of reduced value it would have to be from a licensed appraiser.

Cort Dietz stated he is not trying to establish a value but this development will reduce the value of Reininger's property and feels it is irresponsible to allow them to leave that one property.

- g. **2019-02: CONSOLIDATION PRELIMINARY RECORD PLAT, CEDARHURST ASSISTED LIVING FACILITY CONSOLIDATE 7 PARCELS INTO ONE LOT, 2069 MISSOURI STATE RD.** Christie Hull-Bettale presented this Consolidation Plat stating that the proposed consolidation supports the Comprehensive Plan, it includes proper provision of right-of-way and sidewalk easement dedications and it includes transportation facilities, in the form of sidewalk and pedestrian improvements for Missouri State Road being constructed and escrow in lieu of construction for Old Lemay Ferry sidewalks being established prior to building permit issuance. Staff requests favorable consideration of this proposed Consolidation Plat.

No public comment.

There being no further questions or comments, the public hearing adjourned at 8:20 p.m.

OLD BUSINESS:

- a. **2019-01: A REQUEST FOR A CHANGE OF ZONING FOR SEVEN (7) PROPERTIES FROM C-4, R-3 AND C-2 TO ALL C-4 PLANNED COMMERCIAL DISTRICT FOR THE PURPOSES OF OPERATING ASSISTED LIVING APARTMENTS (CEDARHURST) AT 2069 MISSOURI STATE RD.:** Jeff Campbell commented that he is not comfortable approving this when the background plan is not consistent through the set such as the landscape plan, etc.

Christie Hull-Bettale explained that after she had created the presentation there was a change in the site plan (waterline was found and they had to shift the building). She apologized that the old site plan was in the presentation.

JD Howell referred to the landscaping plan and stated there would be no substantial changes.

David Bookless commented that if the landscape plan varies at all, they will bring it back before the Planning Commission for approval.

Brian McArthur questioned the parking difference between the original plan and the proposed.

Christie Hull Bettale commented that although with the building shift they lost a few spaces they still have more than is required.

Chris Ford expressed his concern for Mr. Reininger.

Andrew Sutton shares Mr. Ford's concerns but does recognize that the applicant has made all efforts to negotiate a fair price with the property owner.

Frank Kutilek made the comment that the existing traffic issues on Missouri State Rd., Church Rd., and Old Lemay Ferry need to be address in the future.

Christie Hull-Bettale commented that Dover has done their part by providing the dedicated right-of-way on both roadways and they are improving the sidewalks in the area to make the connection to Arnold Commons.

Motion by Frank Kutilek to approve 2019-01, A request for a change of zoning for seven (7) properties from C-4, R-3 and C-2 to all C-4 Planned Commercial District for the purposes of operating Assisted Living Apartments (Cedarhurst) at 2069 Missouri State Rd. based on the findings and the 21 conditions found in Attachment A (attached). Second by Del Williams. Roll call vote: Chris Ford, yes; Brian McArthur, yes; Alan Bess, yes; John Tucker, yes; Frank Kutilek, yes; Jeff Campbell, no; Del Williams, yes; Andrew Sutton, yes. 7 yeas, 1 nay – ***Motion Approved.***

- b. **2019-02: CONSOLIDATION PRELIMINARY RECORD PLAT, CEDARHURST ASSISTED LIVING FACILITY CONSOLIDATE 7 PARCELS INTO ONE LOT, 2069 MISSOURI STATE RD.** Motion by Del Williams to approve 2019-02, Consolidation Preliminary Record Plat, Cedarhurst Assisted Living Facility consolidation of seven (7) parcels into on lot at 2069 Missouri State Road based on the findings and the following two (2) conditions:

1. The applicant is to address comments as indicated by Agencies.
2. The applicant is to construct improvements and establish escrows as indicated in the separate proposal for the "C-4" Planned Commercial District with Development Plan.

Second by Frank Kutilek. Roll call vote: Chris Ford, yes; Brian McArthur, yes; Alan Bess, yes; John Tucker, yes; Frank Kutilek, yes; Jeff Campbell, no; Del Williams, yes; Andrew Sutton, yes. 7 yeas, 1 nay – ***Motion Approved.***

NEW BUSINESS:

- a. **2019-10: CONDITIONAL USE PERMIT, SNO-BALL, 754 JEFFCO BLVD.:** Motion by Jeff Campbell to approve 2019-10, Conditional Use Permit, Sno-Ball, at 754 Jeffco Blvd., with following ten (10) conditions:

1. All structures, tables, trash containers, etc. must be located at least fifty (50) feet from the front property line.
2. The tables, trash containers, etc. may not create an obstruction for vehicle traffic.
3. The area is kept clean of trash and debris that may result from the snow cone stand.
4. A current written agreement is provided to the City regarding the use of restrooms for the employees and customers of the snow cone stand for each year of the Conditional Use Permit.
5. The operation may open March 1 of each year of the Conditional Use Permit.
6. The hours of operation are from 1:00PM to 10:00PM.
7. The trailer is removed on or before October 1, 2019 and 2020.
8. Building permits required for the placement of the stand, electric, etc.
9. Jefferson County Health Department permit required.
10. All necessary permits are issued in conjunction with opening the snow cone stand.
11. The Conditional Use Permit will expire on October 31, 2020.

Second by Del Williams. Roll call vote: Chris Ford, yes; Brian McArthur, yes; Alan Bess, yes; John Tucker, yes; Frank Kutilek, yes; Jeff Campbell, yes; Del Williams, yes; Andrew Sutton, yes. 8 yeas, 0 nays – *Motion Approved.*

- b. **2019-11: CONDITIONAL USE PERMIT, 360 NUTRITION, #16 FOX VALLEY CENTER:** Motion by Jeff Campbell to approve 2019-11, Conditional Use Permit, 360 Nutrition at #16 Fox Valley Center based on the findings. Second by Del Williams. Roll call vote: Chris Ford, yes; Brian McArthur, yes; Alan Bess, yes; John Tucker, yes; Frank Kutilek, yes; Jeff Campbell, yes; Del Williams, yes; Andrew Sutton, yes. 8 yeas, 0 nays – *Motion Approved.*
- c. **2019-12: A REQUEST FOR A CHANGE OF ZONING FROM “PRD” PLANNED RESIDENTIAL DISTRICT TO “R-2” RESIDENTIAL DISTRICT FOR A PROPERTY LOCATED AT 2209 LONEDELL ROAD TO ALLOW THE CONSTRUCTION OF A SINGLE-FAMILY DWELLING. SUBMITTED BY PRIME PROPERTY INVESTMENTS, OWNER OF THE PROPERTY:** Motion by Jeff Campbell to approve 2019-12, a request for a change of zoning from “PRD” Planned Residential District to “R-2” Residential District for a property located at 2209 Lonedell Road to allow the construction of a single-family dwelling based on Staff’s findings. Second by Frank Kutilek. Roll call vote: Chris Ford, yes; Brian McArthur, yes; Alan Bess, yes; John Tucker, yes; Frank Kutilek, yes; Jeff Campbell, yes; Del Williams, yes; Andrew Sutton, yes. 8 yeas, 0 nays – *Motion Approved.*
- d. **2019-08: A CITY-INITIATED REQUEST TO AMEND CHAPTER 405, ZONING, OF THE CODE OF ORDINANCES, CREATING DEFINITIONS FOR LODGING ESTABLISHMENTS AND EXTENDED STAY LODGING ESTABLISHMENTS AND PROVIDING REGULATIONS THEREFOR:** Motion by Jeff Campbell to approve 2019-08, a city-initiated request to amend Chapter 405, Zoning of the Code of Ordinances, creating definitions for lodging establishments and extended stay lodging establishments and providing regulations therefor. Second by Chris Ford. Roll call vote: Chris Ford, yes; Brian McArthur, yes; Alan Bess, yes; John Tucker, yes; Frank Kutilek, yes; Jeff Campbell, yes; Del Williams, yes; Andrew Sutton, yes. 8 yeas, 0 nays – *Motion Approved.*

- e. **2019-13: A CITY-INITIATED REQUEST TO AMEND CHAPTER 405, ZONING, OF THE CODE OF ORDINANCES TO MODIFY DEFINITIONS AND REGULATIONS RELATED TO "USED CAR SALES," AS DEFINED IN THE ZONING ORDINANCE, AND AS RELATED TO NEW CAR, TRUCK, RECREATIONAL VEHICLE, BOAT, TRAILER, OTHER VEHICLE, AND/OR CONSTRUCTION EQUIPMENT SALES:** Motion by Jeff Campbell to approve 2019-13, a city-initiated request to amend Chapter 405, Zoning, of the Code of Ordinances to modify definitions and regulations related to "Used Car Sales" as defined in the Zoning Ordinance, and as related to new car, truck, recreational vehicle, boat, trailer, other vehicle, and/or construction equipment sales. Second by Frank Kutilek. Roll call vote: Chris Ford, yes; Brian McArthur, yes; Alan Bess, yes; John Tucker, yes; Frank Kutilek, yes; Jeff Campbell, yes; Del Williams, yes; Andrew Sutton, yes. 8 yeas, 0 nays – *Motion Approved.*

STAFF UPDATE:

David Bookless – upcoming agenda items: sign code with respect to temporary signs and medical marijuana. City Council approved: tree preservation amendment; 911 calls, and vacant structure amendment.

Bob Sweeney – no report

Sarah Turner – no report

Christie Hull-Bettale – gave an update on MOD Pizza –they will be striping the crosswalk and taking care of the ADA spaces within the next few weeks.

COMMISSIONERS UPDATE:

Del Williams – no report

John Tucker – asked for an update on the striping in front of the Bedroom Store in Arnold Commons. Christie stated that our Building Inspector was going to contact their maintenance company to take care of it.

Alan Bess – no report

Jeff Campbell – no report

Frank Kutilek – no report

Andrew Sutton – no report

Chris Ford – no report

COUNCIL LIAISON REPORT

Brian McArthur – asked if Harbor Freight had an open house. David Bookless stated that he has not heard of any.

NEXT SCHEDULED MEETING: APRIL 23, 2019

ADJOURNMENT: Meeting adjourned at 8:43 p.m.

Respectfully Submitted,

Alan Bess
Planning Commission Secretary

AN ORDINANCE APPROVING A REZONING FROM “PRD” PLANNED RESIDENTIAL DISTRICT TO “R-2” RESIDENTIAL DISTRICT FOR 2209 LONEDELL RD, TRACTS OF LAND LOCATED IN THE NORTHWEST HALF OF LOT 1 OF U.S. SURVEY 2991 TOWNSHIP 43, RANGES 5 & 6 EAST, JEFFERSON COUNTY, MISSOURI.

WHEREAS, an application to approve a rezoning from “PRD” Planned Residential District to “R-2” Residential District for 2209 Lonedell Road, tracts of land located in the northwest half of Lot 1 of U.S. Survey 2991 Township 43, Ranges 5 & 6 East, Jefferson County, Missouri; and

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

WHEREAS, the Planning Commission has submitted its report and recommendation to the City Council on the proposed rezoning from “PRD” Planned Residential District to “R-2” Residential District for 2209 Lonedell Road; and

WHEREAS, the extension of the “R-2” Residential District boundary will not be detrimental, and such a change has been shown to be necessary for public convenience or necessity. There has been significant change in the area to warrant a change in zoning classification, in that the Planned Residential Development Plan for the “Villas at Lonedell” approved by this Council has expired with no significant progress toward its construction and that the “PRD” district is no longer necessary. The “R-2” Residential District is the subject property’s original zoning district prior to the “PRD” designation as well as the zoning district of adjoining properties. The “R-2” Residential District designation is consistent with the Future Land Use Map of the City of Arnold. It is in the best interest for the health, safety, and welfare of the citizens of the City of Arnold to simplify its zoning districts and allow for the consistent use of the area as characterized by its suburban neighborhoods.

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

Section 1: The City of Arnold Zoning Ordinance and Official Zoning Map, which are part thereof, are hereby amended by establishing an “R-2” Residential District for 11.74 acres located at 2209 Lonedell Road, and as described as follows:

Tracts of land located in the Northwest Half of Lot 1 of U.S. Survey 2991 Township 43, Ranges 5 & 6 East, Jefferson County, Missouri and being further described as follows:

LEGAL DESCRIPTION PER DOC #: 2006R-058421

PARCEL 1 (NO. 02-7.0-25.0-2-001-019): ONE (1) ACRE LOCATED IN THE NORTHWEST HALF OF LOT ONE (1) OF U.S.SURVEY NUMBER 2991, TOWNSHIP FORTY-THREE (43) NORTH, RANGES FIVE (5) AND SIX (6) EAST, AND BEING PART OF A LARGER TRACT OF LAND CONVEYED BY ANNIE LUECKE AND ELIZABETH LUECKE TO FRANK ZUNT AND MARGARET ZUNT, HIS WIFE, BY DEED DATED JUNE 4, 1946, RECORDED IN BOOK 161, PAGE 597, OF THE RECORDS IN THE RECORDER'S

OFFICE OF JEFFERSON COUNTY, MISSOURI, BEING DESCRIBED AS FOLLOWS: BEGINNING AT AN IRON PIPE MARKING THE MOST EASTERN CORNER OF THE ABOVE-MENTIONED LARGER TRACT, AND RUNNING THENCE, WITH THE SOUTHEASTERN BOUNDARY LINE THEREOF, SOUTH 52 DEGREES 34 MINUTES WEST 150 FEET; THENCE NORTH 37 DEGREES 17 MINUTES WEST 205.4 FEET TO AN IRON PIPE; THENCE NORTH 4 DEGREES 4 MINUTES EAST 227 FEET TO AN IRON PIPE IN THE EASTERN BOUNDARY LINE OF THE ABOVE MENTIONED LARGER TRACT; THENCE, WITH SAID LINE, SOUTH 37 DEGREES 17 MINUTES EAST 375.4 FEET TO THE PLACE OF BEGINNING.

PARCEL 2 (NO. 02-7.0-25.0-2-001-018): A TRACT LOCATED IN THE NORTHWEST HALF OF LOT ONE (1) OF U.S. SURVEY 2991, TOWNSHIP FORTY-THREE (43) NORTH, RANGE FIVE (5) EAST, AND BEING PART OF A LARGER TRACT OF LAND WHICH WAS CONVEYED BY FRANK ZUNT AND WIFE TO WALTER VIGGO GRAL BY DEED DATED MARCH 23, 1950, RECORDED IN BOOK 186, PAGE 456 OF THE RECORDS IN THE RECORDER'S OFFICE OF JEFFERSON COUNTY, MISSOURI. SAID TRACT BEING DESCRIBED AS FOLLOWS: BEGINNING AT A STONE MARKING THE MOST NORTHERN CORNER OF SAID LARGER TRACT, WHICH STONE IS LOCATED IN THE NORTHWESTERN BOUNDARY LINE OF LOT ONE (1) OF SAID U.S. SURVEY NUMBER 2991; PROCEED THENCE WITH THE NORTHEASTERN BOUNDARY LINE OF SAID LARGER TRACT CONVEYED TO WALTER VIGGO GRAL AS A AFORESAID, SOUTH 37 DEGREES 17 MINUTES EAST 955.5 FEET TO AN IRON PIPE MARKING THE MOST NORTHERN CORNER OF A TRACT OF ONE ACRE CONVEYED BY FRANK ZUNT AND WIFE TO GEORGE M. BUDSICK AND WIFE BY DEED DATED AUGUST 7, 1948, RECORDED IN BOOK 182, PAGE 10 OF THE AFORESAID RECORDS; THENCE WITH THE WESTERN BOUNDARY LINE OF SAID BUDSICK ONE ACRE TRACT, SOUTH 4 DEGREES 4 MINUTES WEST 78.34 FEET TO AN IRON PIN; THENCE SOUTH 52 DEGREES 34 MINUTES WEST 379.2 FEET TO AN IRON PIN; THENCE NORTH 37 DEGREES 17 MINUTES WEST 1014.7 FEET TO AN IRON PIN IN THE NORTHWESTERN BOUNDARY LINE OF SAID LARGER TRACT BEING THE NORTHWESTERN BOUNDARY LINE OF LOT ONE (1) OF SAID U.S. SURVEY NUMBER 2991; THENCE WITH SAID NORTHWESTERN BOUNDARY LINE, NORTHEASTWARD 431 FEET TO THE PLACE OF BEGINNING.

PARCEL 3 (NO. 02-7.0-25.0-2-001-018): ALL THAT PART OF A LARGER TRACT IN THE NORTHWEST HALF OF LOT ONE (1) OF U.S. SURVEY NUMBER 2991, TOWNSHIP FORTY-THREE (43) NORTH, RANGE FIVE (5) EAST, WHICH LARGER TRACT WAS CONVEYED BY FRANK ZUNT AND WIFE TO WALTER VIGGO GRAL BY DEED DATED MARCH 23, 1950 AND RECORDED IN BOOK 186, PAGE 456 OF THE JEFFERSON COUNTY LAND RECORDS, DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT IN THE COUNTY ROAD MARKING THE MOST EASTERN CORNER OF THE ABOVE MENTIONED LARGER TRACT, ALSO BEING THE MOST SOUTHERN CORNER OF A TRACT OF ONE ACRE CONVEYED BY FRANK ZUNT AND WIFE TO GEORGE M. BUDSICK AND WIFE BY DEED DATED AUGUST 7, 1948, RECORDED IN BOOK 182, PAGE 10 OF THE JEFFERSON COUNTY LAND RECORDS, AND RUNNING THENCE NORTH 37 DEGREES 17 MINUTES WEST 205.4 FEET TO THE CORNER OF SAID ONE ACRE TRACT; THENCE NORTH 4 DEGREES 4 MINUTES EAST 148.66 FEET TO A POINT; THENCE SOUTH 52 DEGREES 34 MINUTES WEST 183.21 FEET TO AN IRON PIN; THENCE SOUTH 37 DEGREES 17 MINUTES EAST

316.76 FEET TO A POINT IN THE SOUTHEAST LINE OF THE NORTH HALF OF LOT ONE (1); THENCE NORTH ALONG SAID LINE, 52 DEGREES 34 MINUTES EAST 85 FEET TO THE PLACE OF BEGINNING.

SUBJECT TO RESTRICTIONS, EASEMENTS, CONDITIONS, AND ZONING REGULATIONS OF RECORD, IF ANY.

Section 2: The proposed a rezoning from “PRD” Planned Residential Development to “R-2” Residential District for 2209 Lonedell Road has been submitted to the City of Arnold will be developed in accordance with the provisions of this ordinance and other applicable laws of the City of Arnold.

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

READ TWO TIMES, PASSED AND APPROVED ON THIS _____ DAY OF _____, 2019.

[SIGNITURES FOLLOW ON THE NEXT PAGE]

Presiding Officer of the Council

Mayor Ron Counts

ATTEST:

City Clerk Tammi Casey

First Reading: _____

Second Reading: _____

APPROVED AS TO FORM:

City Attorney Robert Sweeney



2736

CITY COUNCIL
AGENDA ITEM STAFF REPORT

MEETING DATE:	May 2, 2019
TITLE:	2019-13 Vehicle Sales (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 definitions and regulations related to “used car sales,” as defined in the zoning ordinance, and as related to new car, truck, recreational vehicle, boat, trailer, other vehicle, and/or construction equipment sales.

REVIEW & ANALYSIS:

The City has been approached by prospective used car dealers about locating “buy here-pay here” car lots at former fast-food restaurants and other relatively small parcels. The use is currently permitted on such properties subject to being granted a Conditional Use Permit. City Council discussed the issue at their March 14, 2019 meeting and directed the Planning Commission to study the issue and propose amendments to the City’s Zoning Ordinance in order to curtail the proliferation of such businesses along the Jeffco Boulevard corridor and elsewhere in the City.

The proposed amendments include a revised definition for vehicle sales to include both new and used car sales, that the use require a Conditional Use Permit in the “C-2”, “C-3” Commercial Districts and the “M-1”, “M-2” Industrial Districts, to establish a minimum lot size for the use in “C” Districts of 2½ acres, with no minimum lot size in “M” Districts, require screening from adjacent residential districts, and to allow for the Community Development Director or Planning Commission to request a traffic study.

RECOMMENDATION:

On April 9, 2019, the Planning Commission, by a vote of 8 to 0, voted to recommend approval of the amendments.



REPORT TO PLANNING COMMISSION

CITY OF ARNOLD

APPLICATION #: 2019-13

APPLICATION NAME: Application to Amend Municipal Code Chapter 405 (Zoning) - New and Used Vehicle Sales

APPLICANT: City of Arnold

REQUEST: A City-initiated request to amend Chapter 405, Zoning, of the Code of Ordinances to modify definitions and regulations related to “used car sales,” as defined in the zoning ordinance, and as related to new car, truck, recreational vehicle, boat, trailer, other vehicle, and/or construction equipment sales.

MEETING DATE: April 9, 2019

REPORT DATE: April 2, 2019

CASE MANAGER: David B. Bookless, AICP

RECOMMENDATION: **APPROVAL**



REPORT TO PLANNING COMMISSION

CITY OF ARNOLD

BACKGROUND

The City's Zoning Ordinance (Ord. No. 14.2) was adopted by the City Council on June 30, 1977. A number of amendments have been approved since that time with the most recent being on February 21, 2019. Even the best ordinances become out of date. Periodic revision is essential if the ordinances are to establish and maintain a rational land use pattern. Changes, however, should not be made in an arbitrary manner. Significant updates to the Zoning and Subdivision Ordinances are best undertaken following an update of the Comprehensive Plan. The rationale for this approach is that the Ordinances are the implementation tools of the Plan and should reflect its goals and policies. Nevertheless, clarification of information contained in the Zoning Ordinance may be appropriate at any time. Occasionally, unforeseen issues may need to be addressed on an ad hoc basis.

The City has been approached by a number of used car dealers about locating "buy here-pay here" car lots at one former fast-food restaurant as well as at a few other relatively small parcels along Jeffco Boulevard. Staff informed the dealer that the use is permitted on the properties subject to the granting of a Conditional Use Permit by the Planning Commission.

Council, aware of the above, discussed the issue at their March 14, 2019 meeting. Concern was expressed over the possibility of such businesses proliferating along the corridor and elsewhere in the City. After discussion, Council directed the Planning Commission to review the regulations for such uses and make recommendations therefor.

DISCUSSION/ANALYSIS

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

CURRENT ZONING REGULATIONS REGARDING NEW AND USED VEHICLE SALES

Chapter 405, Zoning, *does not* speak directly to new car or vehicle sales; however, new car sales could be interpreted to fall within the following, provided it meets district requirements:

Section 405.320. "C-2" Commercial District

Section 405.320.A.1. (Permitted Uses)

- a. Stores; shops; service facilities (excluding those identified as a conditional use permit); markets; offices; recreational facilities; and associated work and storage area required to carry on business operations in which goods and services of any kind are offered for sale or hire to the general public on the premises, provided that the total gross floor area devoted to any business, firm, or services shall not exceed thirty thousand (30,000) square feet in floor area.

REPORT TO PLANNING COMMISSION

CITY OF ARNOLD



Section 405.330. "C-3" Commercial District

Section 405.323.A.1. (Permitted Uses)

- a. *Stores; shops; service facilities, including automatic vending facilities; markets; offices; recreational facilities; and associated work and storage area required to carry on business operations in which goods and services of any kind are offered for sale or hire to the general public on the premises.*

However, Chapter 405, Zoning, does speak directly to used car sales as follows:

Section 405.060. Definitions

USED CAR SALES: *The retail or wholesale of used cars, trucks, recreational vehicles and/or construction equipment as the primary activity on the property.*

Section 405.320. "C-2" Commercial District

Section 405.320.A.2. (Conditional Uses)

- m. *Used car sales.*

Section 405.330. "C-3" Commercial District

Section 405.330.A.2. (Conditional Uses)

- r. *Used car sales.*

Section 405.340.B. "C-4" Planned Commercial District (Permitted Uses)

"In a planned commercial district, the uses permitted shall only be those designated as a permitted use or conditional use in any of the "C" Commercial Districts; however, the specific ordinance authorizing the establishment of a particular planned commercial district related to a specific tract of land may further limit the uses permitted on the tract."

Section 405.370.B. "M-3" Planning Industrial Districts (Permitted Uses)

"In a planned industrial district, the uses permitted shall only be those designated as a permitted use or conditional use in any of the "M" Industrial Districts and "C" Commercial Districts as may be specifically related to a particular industrial activity or complex; however, the specific ordinance authorizing the establishment of a particular planned industrial district related to a specific tract of land may further limit the uses permitted on the tract."

ANALYSIS OF THE CURRENT REGULATIONS

New vehicle sales are permitted by right in the C-2, C-3, and C-4 commercial districts, and in the M-3 industrial district, while used car sales are permitted in the C-2 and C-3 with a



REPORT TO PLANNING COMMISSION

CITY OF ARNOLD

Conditional Use Permit, and in the C-4 and M-3 as authorized in their respective site-specific governing ordinance. In any case, no differentiation is made between the size, type, or scale of operations. Presently, the City has a variety of vehicle sales establishments, including used car dealerships, salvage shops, asset recovery companies, specialty or collector car businesses, and establishments oriented toward internet-based sales. Vehicle sales operations may vary operationally, as well as in size and scale, but are all regulated by the State of Missouri the same way and must meet the same State-mandated standards. As authorized by the State of Missouri, the police power of zoning affords the City the ability to regulate uses in support of the intent and purpose included in the Zoning Ordinance.

Where a Conditional Use Permit (CUP) is required, the CUP approval process requires that the Planning Commission consider the particular use in the context of the following review criteria:

- 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 conditional uses, the Planning Commission may impose such conditions as it determines necessary to satisfy the above criteria. The Council may, by exercising its Power of Review, seek to override Planning Commission action. And while the above does provide useful review criteria, it doesn't necessarily provide adequate reason for denying an application when officials feel such a request should be denied.

IMPLICATIONS OF MAKING NO CHANGES TO THE CURRENT REGULATIONS

By continuing to allow the vehicle sales as permitted in the Zoning Ordinance, the potential for the proliferation of "buy here-pay-here" lots along Arnold's established commercial corridors is not only possible, but likely considering the number of inquiries already received. The likelihood is based on the pattern of development in communities elsewhere in Jefferson County along Highways 61/67 and 21, where development is marked by an abundance of "buy here-pay here" car lots, cash checking stores, pawn/loan shops, etc.

PROPOSED CHANGES TO THE ZONING ORDINANCE

Staff is recommending the Planning Commission consider setting a minimum acreage for vehicle sales establishments in the all "C" commercial zoning districts, while establishing no such minimum in the "M" industrial zoning districts. The reasoning behind this recommendation is that the concern expressed by Council was that "buy here-pay here" lots would proliferate along Arnold's established commercial corridors, which typically have a commercial zoning designation of C-2, C-3, or C-4. A minimum acreage can be established that

REPORT TO PLANNING COMMISSION

CITY OF ARNOLD



would effectively prohibit the kinds of operations that Council feels is out of character with the commercial corridors. By allowing smaller-scale operations to operate in the "M" industrial zoning districts regardless of acreage, the City affords the opportunity for a number of alternative business models to operate. Examples of such alternative business models include internet sales establishments where little or no vehicle stock is stored onsite, establishments that overhaul or customize vehicles for sale, etc. Such operations generally operate out of warehouses and require minimal outside storage of vehicles for sale (Note: Missouri Statute requires dealers to have at least two outdoor spaces for vehicle inventory whether they are utilized that way in practice or not).

The minimum acreage in commercial districts recommended by Staff is two and one-half acres. This figure allows for traditional new car dealerships such as the former Reuther Jeep dealership on Richardson Road, which was on an 8 acre tract. It also allows for used car establishments such as InstaCredit Automart, located at the intersection of Jeffco Boulevard and Telegraph Road in Jefferson County, which is 7.3 acres, and CarMax, located on South Lindbergh in south St. Louis County, which is 7.44 acres. There are 13 licensed vehicle sales establishments in the City, but for the purposes of this analysis two of them (Lowe's and Northern Tool) have been excluded as they sell only the occasional utility trailer. All existing vehicle sales establishments in the City, if for no other reason than their not having a Conditional Use Permit (CUP) in place would be designated nonconforming uses. Nine (9) out of the remaining eleven (11) existing automobile dealers located in the City would also be in nonconformance with the proposed minimum acreage requirement. Nonconforming uses, as defined in the Zoning Ordinance, may continue to operate subject to a number of conditions, but should they cease operations for an established period of time, the nonconformity expires and the use cannot return without an approved Conditional Use Permit. The proposed acreage requirements would therefore make a number of these properties eligible to acquire a CUP in order to re-open as a vehicle sales establishment. The acreage requirements would also prevent vehicle sales establishments from opening at a number of vacant smaller properties such as, but not limited to the former Katie's Custard, located at the northwest corner of Jeffco Boulevard and Hobelman Drive (0.50 ac), the former McDonald's at the northeast corner of Jeffco Boulevard and Telegraph Road (1.49 ac), and the former Checkered Flag Motors at the southwest corner of Jeffco Boulevard and Church Road (1.26 ac).

Whether located in commercial or industrial zoning districts, Staff also recommends a number of minimum performance standards be met for such uses. Such standards could include required buffering from residential zoning districts, the prohibition on vehicle parts and wrecked or dismantled vehicles being stored outdoors, etc. These minimum standards would not supplant the Commissions right to impose additional standards as part of a CUP as appropriate.

ADDITIONAL RELATED USES

While analyzing regulations related to car sales, Staff identified a number of other uses that had some functional overlap with car sales, such as automotive repair facilities, gas stations, and storage yards; and thought it appropriate to address these uses as well. A brief discussion



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CITY OF ARNOLD

of those issues follows; however, these uses will be addressed at a future public hearing.

Automotive repair shops, including major mechanical repair and auto body and paint establishments are known to sell used vehicles from time to time. The volume of such sales typically doesn't result in additional traffic being generated or the need for licensure by the State of Missouri as a dealer. Therefore, Staff will be proposing a new definition for the use and operational standards that allow such limited sales. Additional language will be included to mitigate substantial adverse impacts on the neighborhood and community at large.

Parking lots and garages. There is no definition in the Zoning Ordinance for the use and the term has been utilized for accessory parking serving auto body shops as well as for recreational vehicle storage yards. Additionally, the common definition for such facilities may include multi-story parking structures, commuter parking lots, public parking lots, etc. The breadth of uses covered may be so varied that saying the use should be allowed in one area versus another may lead to unintended consequences. Therefore, Staff is exploring establishing two distinct uses, one for transient or temporary use by automobiles and one for longer-term vehicular storage.

Filling stations. Sometimes referred to in the Zoning Ordinance as Auto Filling Stations, Gasoline Service Stations or Service Stations, only "filling station" is defined in the Zoning Ordinance, and that definition fits no "gas station" in the City of Arnold. Therefore, staff will be proposing a new definition cover contemporary facilities as well as operational standards to mitigate substantial adverse impacts on the neighborhood and community at large.

ZONING ORDINANCE REORGANIZATION

While, Staff intends to conduct a major assessment and reorganization of the Zoning Ordinance in the near future; for purposes of establishing the *use standards* discussed previously, some reorganization of content is proposed. Staff will utilize this new subsection over the coming months and will present additional information about the "big picture" reorganization for Commission review.

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REPORT TO PLANNING COMMISSION
CITY OF ARNOLD



FINDINGS AND RECOMMENDATION

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

The Community Development Director finds that the text amendments contained within application number 2019-13 are warranted by the public necessity and convenience to provide clarification in the enforcement of the Zoning Ordinance.

The Community Development Director finds that the text amendments contained within application number 2019-13 are warranted by the need to promote and protect the general welfare by protecting the economic and tax base of the City, preserving and enhancing the values of property owners and users, promoting the orderly and harmonious development and redevelopment of the City, preserving and promoting the character and stability of the City and its various residential and commercial neighborhoods, improving the appearance of the City, and promoting the best use and development of commercial land in accordance with the Comprehensive Plan.

RECOMMENDATION

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

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

David B. Bookless, AICP
Community Development Director



REPORT TO PLANNING COMMISSION
CITY OF ARNOLD

ATTACHMENTS

REPORT TO PLANNING COMMISSION

CITY OF ARNOLD



Proposed Amendments

Unchanged text in black * Additions are in blue underscored * Deletions are in ~~red-strikethrough~~

CHAPTER 405 ZONING

Section 405.060. Definitions

USED CAR SALES

The retail or wholesale of new or used cars, trucks, motorcycles, recreational vehicles, boat, utility trailers, other motor vehicles, and/or construction equipment as the primary activity on the property. Accessory uses to car sales may include repair services and selling of replacement parts and accessories.

Section 405.320. "C-2" Commercial District

Section 405.320.A.2. (Conditional Uses)

m. Car ~~Used-car~~ sales. (See Section 405.380)

Section 405.330. "C-3" Commercial District

Section 405.330.A.2. (Conditional Uses)

r. Car ~~Used-car~~ sales. (See Section 405.380)

Section 405.350. "M-1" Industrial District

Section 405.350.A.2. (Conditional Uses)

n. Car Sales. (See Section 405.380)

Section 405.360. "M-2" Industrial District

Section 405.360.C. (Conditional Uses)

16. Car Sales. (See Section 405.380)

Article II District and Use Regulations

Section 405.380. Use Standards

These use standards shall apply to permitted, conditional, and accessory uses as otherwise authorized in this Chapter.

A. Car Sales

Establishments providing car sales, as defined in Section 405.060 of the Zoning Ordinance, shall be subject to the following conditions and restrictions:

1. Minimum area:

- a. Car sales establishments located within the C-2, C-3, and C-4 zoning districts shall only be located on parcels, or contiguous parcels, that are at least two and one-half (2½) acres in total area.
- b. Car sales establishments located within the M-1, M-2, and M-3 zoning

DRAFT AMENDMENT LANGUAGE

2019-13 TEXT AMENDMENT



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districts shall have no minimum acreage provided the Planning Commission determines the proposed area is sufficient.

2. Screening. Any outdoor sales shall be visually screened from adjacent property in any "R" Residential District.
3. Traffic Study. A traffic study may be required for establishments which derive from an arterial street, or from a major collector street where the nearest driveway is within five hundred (500) feet of an arterial street, as determined by the Director of Community Development or the Planning Commission. Such studies shall be performed by a qualified firm or individual of the City's choosing from the Missouri Department of Transportation Local Public Agency Consultant's List. The cost of the study shall be borne by the applicant by remittance to the City.

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DRAFT AMENDMENT LANGUAGE—CONTINUED

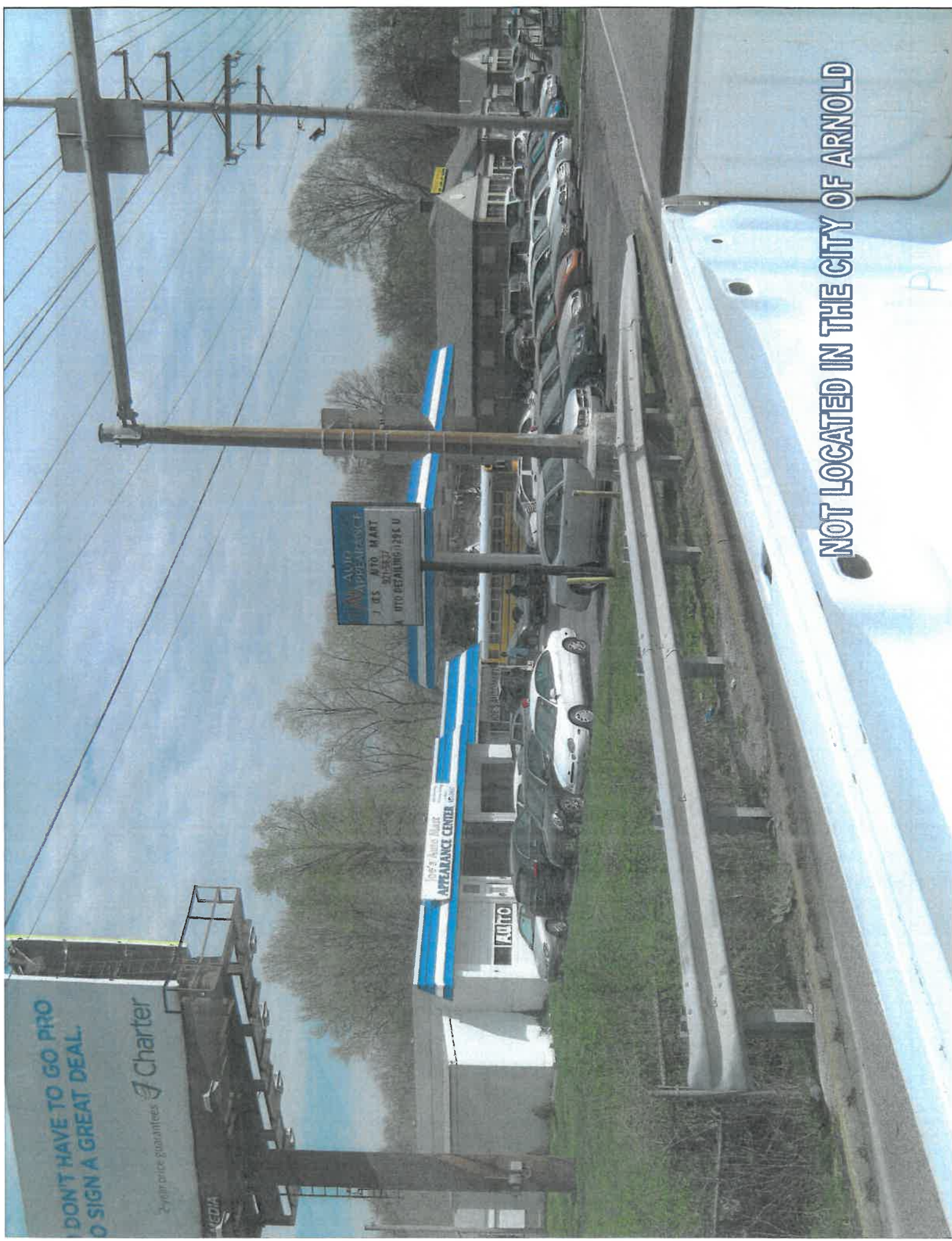
New/Used Vehicles

**REPORT TO PLANNING COMMISSION
CITY OF ARNOLD**

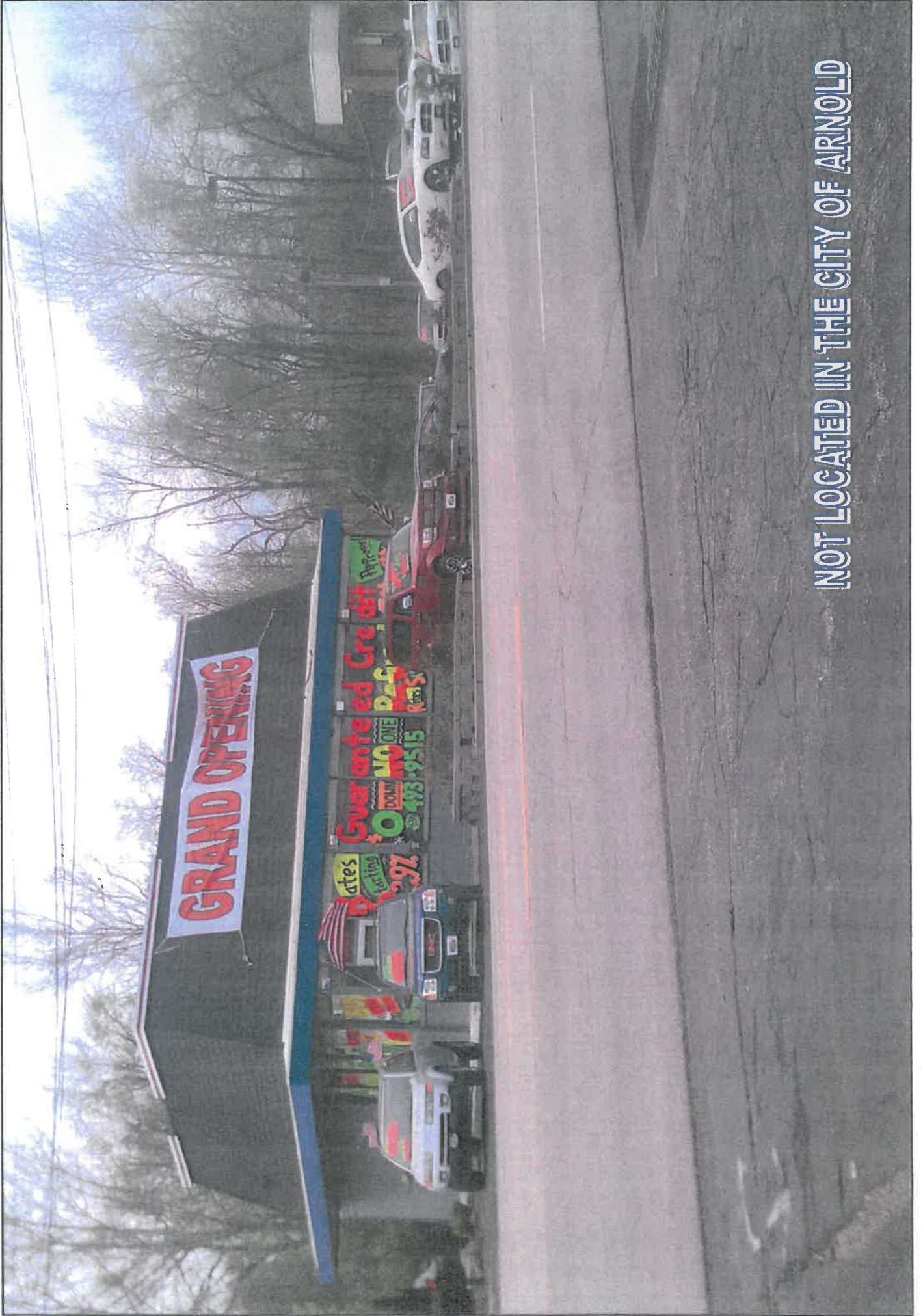


NOT LOCATED IN THE CITY OF ARNOLD

FORMER GAS STATION AS VEHICLE SALES ESTABLISHMENT (USED)



NOT LOCATED IN THE CITY OF ARNOLD



NOT LOCATED IN THE CITY OF ARNOLD

**AMERICAN
AUTO-RAMA**

WE BUY 2531

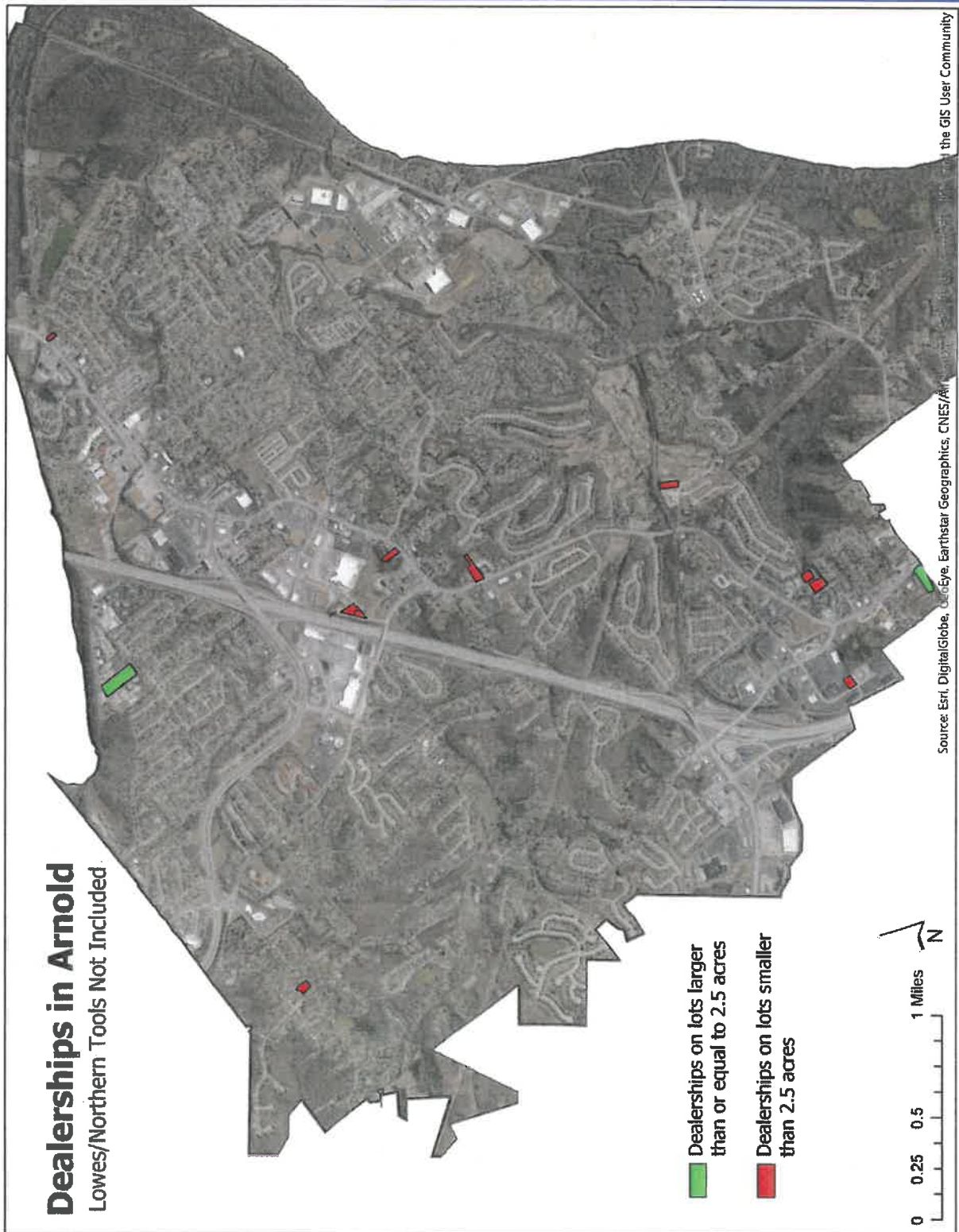
• CARS
• TRUCKS
• MOTORCYCLES
949-7800



NOT LOCATED IN THE CITY OF ARNOLD

REPORT TO PLANNING COMMISSION

CITY OF ARNOLD



EXISTING LICENSED CAR DEALERS AND THEIR CONFORMANCE WITH THE PROPOSED AMENDMENT

2019-13 TEXT AMENDMENT



**PLANNING COMMISSION MEETING
CITY HALL COUNCIL CHAMBERS
APRIL 9, 2019**

MINUTES

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

ROLL CALL OF COMMISSIONERS: Del Williams, John Tucker, Brian McArthur, Alan Bess, Frank Kutilek, Jeff Campbell, Andrew Sutton, Chris Ford, Justin Lurk (excused), David Bookless, Sarah Turner, Christie Hull-Bettale and Bob Sweeney. 8 voting members present, 1 excused.

REVIEW AND APPROVAL OF AGENDA: Motion by Jeff Campbell to approve the agenda as revised. Second by Del Williams. Voice Vote – *Unanimously Approved.*

APPROVAL OF MINUTES: Motion by Jeff Campbell to approve the minutes from the March 12, 2019 meeting as presented. Second by Chris Ford. Voice Vote - *Unanimously Approved.*

PUBLIC COMMENT: None

PUBLIC HEARINGS:

- a. **2019-10: CONDITIONAL USE PERMIT, SNOWBALL TRAILER, 776 JEFFCO:** Sarah Turner gave a brief presentation explaining that Joseph Sorg, Jr. is a returning vendor requesting approval for their seasonal Snow Cone Stand located at 776 Jeffco Blvd. This location is in the C-2 Commercial District and a snow cone stand falls under “fast food restaurant” which requires a Conditional Use Permit. He has been previously approved for identical Conditional Use Permit at this location and has been there for many years without complaints. There are no major concerns that have not already been addressed by previous CUP’s. The condition requiring a bathroom facilities agreement between Walgreens and the applicant has been amended to require a new agreement every year of the CUP and to include employees and customers. Staff finds that the application meets all review and recommends the Commission approve the Conditional Use Permit with the conditions.

No public comment.

- b. **2019-11: CONDITIONAL USE PERMIT, 360 NUTRITION, #16 FOX VALLEY CENTER:** Sarah Turner presented Erica Friedmeyer’s request for a Conditional Use Permit to operate a Nutrition Smoothie Bar at #16 Fox Valley Center. The primary business function is to serve meal replacement shakes/smoothies or energy teas. Nutrition Smoothie Bar falls under “fast food restaurant” which is permitted conditionally in a C-2 District. Does not require additional parking or other miscellaneous conditions of use outside of regular permitting for food service vendors. The City lacks this type of health-focused fast-food service and it has shown to be popular in other Jefferson County communities. Staff finds that this application meets the review criteria as proposed and requests favorable consideration.

No public comment.

- c. **2019-12: A REQUEST FOR A CHANGE OF ZONING FROM “PRD” PLANNED RESIDENTIAL DISTRICT TO “R-2” RESIDENTIAL DISTRICT FOR A PROPERTY LOCATED AT 2209 LONEDELL ROAD TO ALLOW THE CONSTRUCTION OF A SINGLE-FAMILY DWELLING. SUBMITTED BY PRIME PROPERTY INVESTMENTS, OWNER OF THE PROPERTY:** Sarah Turner presented Dan Kammerer of Prime Property Investments, request to rezone the property at 2209 Lonedell Rd. from “PRD”

Planned Residential District to “R-2” Residential District. This property was zoned R-2 Residential prior to being rezoned to PRD in 2009 and is surrounded by R-2. Under the PRD, the only use permitted is villas or two-family dwellings. This PRD’s use regulations were crafted for a 22 dwelling development plan that was approved in 2009 and expired in 2013. The approximately 11.74 acre tract is located north of the intersection of Lonedell Rd. and Pomme Rd. The applicant wants to build one (1) single-family home on the graded area setback from Lonedell with a private drive and wants to keep their options open for building two (2) more single-family dwellings with frontage on Lonedell. The two (2) existing homes had sat vacant since 2009 and were just recently demolished by the current owner/applicant. Staff finds that the proposed change of zoning meets the review criteria and further advances the intent of both the Comprehensive Plan and Zoning Ordinance; therefore, based on this finding, Staff requests favorable consideration of this application.

Brian McArthur referred to the possible future two (2) homes and asked if there would be a second road going in.

Dan Kammerer, Prime Property Investments, 5240 U.S. Highway 61/67, Imperial, MO, stated that they would have their own private drive off of Lonedell.

John Tucker asked if the PRD expired in 2013, doesn’t it automatically go back to the original zoning classification?

David Bookless explained that the zoning classification stays in place but the development plan expires. If someone wanted to develop under the PRD they would have to come forward with a new development plan.

- d. **2018-08: A CITY-INITIATED REQUEST TO AMEND CHAPTER 405, ZONING, OF THE CODE OF ORDINANCES, CREATING DEFINITIONS FOR LODGING ESTABLISHMENTS AND EXTENDED STAY LODGING ESTABLISHMENTS AND PROVIDING REGULATIONS THEREFOR:** David Bookless touched on the variety of crimes and adverse conditions that can occur when hotels are not run properly. He went over the crime data pertaining to the four (4) hotels in Arnold as far as the number of calls for service per year and the nature of those calls. Staff is proposing a two-pronged approach to the problem. The first approach is Zoning Amendments: Replace hotel, motel, etc. with Lodging Establishment; new definition: Extended Stay Lodging Establishment and make an Extended Stay Lodging Establishment a Conditional Use and only allowed in the C-3 Commercial District. Additionally, some criteria is being proposed for these establishments including accessory uses associated with it such as minimum acreage requirements; maximum lot coverage requirements and buffering requirements if they abut residential. The second approach is Business Licensing Amendments such as establish a new license category; stay limitation requirements; guest register requirements; prohibitions; maintenance of the guest rooms; prohibiting the consumption of alcohol in public places such as the parking lot, hallways, stairwells, etc. and reiterate the rights that establishments have to refuse and eject persons violating the rules or laws. There will also be an endorsement procedure (based on performance); Police endorsement will be required to get the Business License. Mr. Bookless also briefly went over the list of standards and measures. 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, he requests favorable consideration of the draft amendments.

John Tucker referred to the “calls of service” and asked if there is any reason to be concerned that the hotel would call for service themselves.

David Bookless stated at the last City Council meeting, the Council approved an amendment to the Municipal Code for emergency access via the telephone. You no longer have to dial an access code; you can just dial 911 to

get emergency help. The other part of the change is a hotel cannot tell or put pressure on their guests, employees or anybody else to not call 911 in the event of an emergency. Mr. Bookless stated that he has seen this implemented in other communities and there has been significant reduction in crime statistics and Police calls.

Frank Kutilek asked if lodging facilities included Bed and Breakfast establishments.

David Bookless stated there has to be five (5) or more rooms for these regulations to apply.

Frank Kutilek commented that when he worked in construction, there were times he would be in a location for a year or more and would have a long term agreement with the hotel.

David Bookless replied that he had reached out to a few hotel managers and they all felt six (6) month extended stay was reasonable with a provision that if someone had an emergency such as a fire or flood. People that want to stay a year or more, most of the apartment complexes have shorter term leases available.

- e. **2019-13: A CITY-INITIATED REQUEST TO AMEND CHAPTER 405, ZONING, OF THE CODE OF ORDINANCES TO MODIFY DEFINITIONS AND REGULATIONS RELATED TO "USED CAR SALES," AS DEFINED IN THE ZONING ORDINANCE, AND AS RELATED TO NEW CAR, TRUCK, RECREATIONAL VEHICLE, BOAT, TRAILER, OTHER VEHICLE, AND/OR CONSTRUCTION EQUIPMENT SALES:** David Bookless stated that the City Council expressed concern and directed the Planning Commission to review the regulations for used/new car sales on smaller lots. He then briefly went over the proposed changes. Revise definitions to apply to new and used car sales; require a CUP in C-2, C-3, M-1 and M-2 districts; minimum parcel size in "C" districts of 2 ½ acres; no minimum in "M" districts for internet and specialty sales; abutting residential districts must be screened; a traffic study may be required and pre-existing car sales establishments will be designated legal non-conforming uses. The Director of Community Development finds that the proposed text amendments meet or exceed review criteria and further advances the intent of Chapter 405 and based on this finding, request favorable consideration of the draft amendments.

No public comment.

- f. **2019-01: A REQUEST FOR A CHANGE OF ZONING FOR SEVEN (7) PROPERTIES FROM C-4, R-3 AND C-2 TO ALL C-4 PLANNED COMMERCIAL DISTRICT FOR THE PURPOSES OF OPERATING ASSISTED LIVING APARTMENTS (CEDARHURST) AT 2069 MISSOURI STATE RD.:** Christie Hull-Bettale gave an updated presentation of Dover Development's request to establish a "C-4" Planned Commercial District for seven parcels of land totaling 8.32 acres. The proposed uses would include 63 assisted living apartments, 20 memory care apartments, and senior services. An adjustment was made to the architecture so new renderings were presented. The city hired CBB on behalf of Dover Development to do a traffic study. We asked them to do an assessment to determine the number of trips that would be generated; assess the relative impact of those trips on the adjacent roadways; assess the ability of the motorist to safely enter and exit the site, and if necessary, roadway improvements or traffic control modifications would be recommended to mitigate any impacts from the development. The study focused on weekday peaks A.M and P.M.

David Bookless clarified that CBB was hired and directed by the city and the applicant reimbursed the city for the cost.

Christie Hull Bettale then reviewed the findings and recommendations from the traffic study and addressed the changes the developer has made which include: curb cuts have been modified to make sure sight triangles are addressed going in and out of the access points and also sight distance to the intersection.; sidewalks will be constructed; they will not construct the portion of sidewalk in front of the development on Old Lemay Ferry, but they are going to make a contribution in the form of escrow, to the sidewalk fund for future sidewalk improvements in the future. They will also provide adequate roadway right-of-way for Old Lemay Ferry and Missouri State Road for future potential widening. Additional landscaping has also been added. 1787 Old Lemay Ferry has been left out of the proposal. There has been reasonable effort made but no agreement established. Staff recommends favorable consideration of this rezoning request.

Jeff Campbell commented to Christie that the site plan on her presentation is different than the one in the packet.

Nick Dwyer, Dover Development, 120 South Central Ave., Clayton, MO stated that the site plan on the slideshow is an outdated plan. The plan that is dated 3/26/2019 is the plan the review was based off of.

David Bookless also mentioned a slight shift in the building.

Nick Dwyer explained that an existing water main did not get picked up through the utility locations so the building had to be shifted off the road and part had to be re-adjusted. The drive lane has been shifted.

Brian McArthur commented that a lot of parking was lost with the shift.

Nick Dwyer stated that they lost a few parking spots but they are still one over what is required.

Jeff Campbell asked what kind of vehicle is delivering supplies, food, etc.

Nick Dwyer commented that a small van delivers the food weekly.

Gregory Reininger, 1787 Big Bill Rd., questioned being boxed in by C-4 zoning; building within 15 feet of his property and where are the contractors from and are they union.

Nick Dwyer stated they do not foresee building anything within 15 feet of Mr. Reininger's property and they plan on using as many local subcontractors as they can.

Larry Thomas Jobe, Jr., 1787 Old Lemay Ferry, asked if the detention pond that will be behind their property was intended to hold water and if so, concerned there will be a mosquito issue. Will there be time requirements as to when they can start work; will deliveries be allowed during the construction phase during certain hours; wants a PLA signed to insure that they use union workers.

Bob Sweeney commented that labor agreements are no longer lawful in Missouri.

JD Howell, The Sterling Co., 5055 New Baumgartner Road, St. Louis, MO, commented that the detention basin in question will be dry.

Cort Dietz, 10890 Business 21, Hillsboro, MO, commented that Mr. Reininger is his client and stated that the developer offered \$140,000 Mr. Reininger's property which is considerably less than its worth. The main concern is that this property will be orphaned and lose its value will be greatly reduced. They would like the developer to make better assertive effort.

Bob Sweeney commented that the Planning Commission does not have the authority to direct a developer on their offers. Real Estate Agents are not qualified to provide property appraisals, so if the applicant has evidence of reduced value it would have to be from a licensed appraiser.

Cort Dietz stated he is not trying to establish a value but this development will reduce the value of Reininger's property and feels it is irresponsible to allow them to leave that one property.

- g. **2019-02: CONSOLIDATION PRELIMINARY RECORD PLAT, CEDARHURST ASSISTED LIVING FACILITY CONSOLIDATE 7 PARCELS INTO ONE LOT, 2069 MISSOURI STATE RD.** Christie Hull-Bettale presented this Consolidation Plat stating that the proposed consolidation supports the Comprehensive Plan, it includes proper provision of right-of-way and sidewalk easement dedications and it includes transportation facilities, in the form of sidewalk and pedestrian improvements for Missouri State Road being constructed and escrow in lieu of construction for Old Lemay Ferry sidewalks being established prior to building permit issuance. Staff requests favorable consideration of this proposed Consolidation Plat.

No public comment.

There being no further questions or comments, the public hearing adjourned at 8:20 p.m.

OLD BUSINESS:

- a. **2019-01: A REQUEST FOR A CHANGE OF ZONING FOR SEVEN (7) PROPERTIES FROM C-4, R-3 AND C-2 TO ALL C-4 PLANNED COMMERCIAL DISTRICT FOR THE PURPOSES OF OPERATING ASSISTED LIVING APARTMENTS (CEDARHURST) AT 2069 MISSOURI STATE RD.:** Jeff Campbell commented that he is not comfortable approving this when the background plan is not consistent through the set such as the landscape plan, etc.

Christie Hull-Bettale explained that after she had created the presentation there was a change in the site plan (waterline was found and they had to shift the building). She apologized that the old site plan was in the presentation.

JD Howell referred to the landscaping plan and stated there would be no substantial changes.

David Bookless commented that if the landscape plan varies at all, they will bring it back before the Planning Commission for approval.

Brian McArthur questioned the parking difference between the original plan and the proposed.

Christie Hull Bettale commented that although with the building shift they lost a few spaces they still have more than is required.

Chris Ford expressed his concern for Mr. Reininger.

Andrew Sutton shares Mr. Ford's concerns but does recognize that the applicant has made all efforts to negotiate a fair price with the property owner.

Frank Kutilek made the comment that the existing traffic issues on Missouri State Rd., Church Rd., and Old Lemay Ferry need to be address in the future.

Christie Hull-Bettale commented that Dover has done their part by providing the dedicated right-of-way on both roadways and they are improving the sidewalks in the area to make the connection to Arnold Commons.

Motion by Frank Kutilek to approve 2019-01, A request for a change of zoning for seven (7) properties from C-4, R-3 and C-2 to all C-4 Planned Commercial District for the purposes of operating Assisted Living Apartments (Cedarhurst) at 2069 Missouri State Rd. based on the findings and the 21 conditions found in Attachment A (attached). Second by Del Williams. Roll call vote: Chris Ford, yes; Brian McArthur, yes; Alan Bess, yes; John Tucker, yes; Frank Kutilek, yes; Jeff Campbell, no; Del Williams, yes; Andrew Sutton, yes. 7 yeas, 1 nay – *Motion Approved.*

- b. **2019-02: CONSOLIDATION PRELIMINARY RECORD PLAT, CEDARHURST ASSISTED LIVING FACILITY CONSOLIDATE 7 PARCELS INTO ONE LOT, 2069 MISSOURI STATE RD.** Motion by Del Williams to approve 2019-02, Consolidation Preliminary Record Plat, Cedarhurst Assisted Living Facility consolidation of seven (7) parcels into on lot at 2069 Missouri State Road based on the findings and the following two (2) conditions:

1. The applicant is to address comments as indicated by Agencies.
2. The applicant is to construct improvements and establish escrows as indicated in the separate proposal for the "C-4" Planned Commercial District with Development Plan.

Second by Frank Kutilek. Roll call vote: Chris Ford, yes; Brian McArthur, yes; Alan Bess, yes; John Tucker, yes; Frank Kutilek, yes; Jeff Campbell, no; Del Williams, yes; Andrew Sutton, yes. 7 yeas, 1 nay – *Motion Approved.*

NEW BUSINESS:

- a. **2019-10: CONDITIONAL USE PERMIT, SNO-BALL, 754 JEFFCO BLVD.:** Motion by Jeff Campbell to approve 2019-10, Conditional Use Permit, Sno-Ball, at 754 Jeffco Blvd., with following ten (10) conditions:

1. All structures, tables, trash containers, etc. must be located at least fifty (50) feet from the front property line.
2. The tables, trash containers, etc. may not create an obstruction for vehicle traffic.
3. The area is kept clean of trash and debris that may result from the snow cone stand.
4. A current written agreement is provided to the City regarding the use of restrooms for the employees and customers of the snow cone stand for each year of the Conditional Use Permit.
5. The operation may open March 1 of each year of the Conditional Use Permit.
6. The hours of operation are from 1:00PM to 10:00PM.
7. The trailer is removed on or before October 1, 2019 and 2020.
8. Building permits required for the placement of the stand, electric, etc.
9. Jefferson County Health Department permit required.
10. All necessary permits are issued in conjunction with opening the snow cone stand.
11. The Conditional Use Permit will expire on October 31, 2020.

Second by Del Williams. Roll call vote: Chris Ford, yes; Brian McArthur, yes; Alan Bess, yes; John Tucker, yes; Frank Kutilek, yes; Jeff Campbell, yes; Del Williams, yes; Andrew Sutton, yes. 8 yeas, 0 nays – *Motion Approved.*

- b. **2019-11: CONDITIONAL USE PERMIT, 360 NUTRITION, #16 FOX VALLEY CENTER:** Motion by Jeff Campbell to approve 2019-11, Conditional Use Permit, 360 Nutrition at #16 Fox Valley Center based on the findings. Second by Del Williams. Roll call vote: Chris Ford, yes; Brian McArthur, yes; Alan Bess, yes; John Tucker, yes; Frank Kutilek, yes; Jeff Campbell, yes; Del Williams, yes; Andrew Sutton, yes. 8 yeas, 0 nays – *Motion Approved.*
- c. **2019-12: A REQUEST FOR A CHANGE OF ZONING FROM “PRD” PLANNED RESIDENTIAL DISTRICT TO “R-2” RESIDENTIAL DISTRICT FOR A PROPERTY LOCATED AT 2209 LONEDELL ROAD TO ALLOW THE CONSTRUCTION OF A SINGLE-FAMILY DWELLING. SUBMITTED BY PRIME PROPERTY INVESTMENTS, OWNER OF THE PROPERTY:** Motion by Jeff Campbell to approve 2019-12, a request for a change of zoning from “PRD” Planned Residential District to “R-2” Residential District for a property located at 2209 Lonedell Road to allow the construction of a single-family dwelling based on Staff’s findings. Second by Frank Kutilek. Roll call vote: Chris Ford, yes; Brian McArthur, yes; Alan Bess, yes; John Tucker, yes; Frank Kutilek, yes; Jeff Campbell, yes; Del Williams, yes; Andrew Sutton, yes. 8 yeas, 0 nays – *Motion Approved.*
- d. **2019-08: A CITY-INITIATED REQUEST TO AMEND CHAPTER 405, ZONING, OF THE CODE OF ORDINANCES, CREATING DEFINITIONS FOR LODGING ESTABLISHMENTS AND EXTENDED STAY LODGING ESTABLISHMENTS AND PROVIDING REGULATIONS THEREFOR:** Motion by Jeff Campbell to approve 2019-08, a city-initiated request to amend Chapter 405, Zoning of the Code of Ordinances, creating definitions for lodging establishments and extended stay lodging establishments and providing regulations therefor. Second by Chris Ford. Roll call vote: Chris Ford, yes; Brian McArthur, yes; Alan Bess, yes; John Tucker, yes; Frank Kutilek, yes; Jeff Campbell, yes; Del Williams, yes; Andrew Sutton, yes. 8 yeas, 0 nays – *Motion Approved.*

- e. **2019-13: A CITY-INITIATED REQUEST TO AMEND CHAPTER 405, ZONING, OF THE CODE OF ORDINANCES TO MODIFY DEFINITIONS AND REGULATIONS RELATED TO “USED CAR SALES,” AS DEFINED IN THE ZONING ORDINANCE, AND AS RELATED TO NEW CAR, TRUCK, RECREATIONAL VEHICLE, BOAT, TRAILER, OTHER VEHICLE, AND/OR CONSTRUCTION EQUIPMENT SALES:** Motion by Jeff Campbell to approve 2019-13, a city-initiated request to amend Chapter 405, Zoning, of the Code of Ordinances to modify definitions and regulations related to “Used Car Sales” as defined in the Zoning Ordinance, and as related to new car, truck, recreational vehicle, boat, trailer, other vehicle, and/or construction equipment sales. Second by Frank Kutilek. Roll call vote: Chris Ford, yes; Brian McArthur, yes; Alan Bess, yes; John Tucker, yes; Frank Kutilek, yes; Jeff Campbell, yes; Del Williams, yes; Andrew Sutton, yes. 8 yeas, 0 nays – *Motion Approved.*

STAFF UPDATE:

David Bookless – upcoming agenda items: sign code with respect to temporary signs and medical marijuana. City Council approved: tree preservation amendment; 911 calls, and vacant structure amendment.

Bob Sweeney – no report

Sarah Turner – no report

Christie Hull-Bettale – gave an update on MOD Pizza –they will be striping the crosswalk and taking care of the ADA spaces within the next few weeks.

COMMISSIONERS UPDATE:

Del Williams – no report

John Tucker – asked for an update on the striping in front of the Bedroom Store in Arnold Commons. Christie stated that our Building Inspector was going to contact their maintenance company to take care of it.

Alan Bess – no report

Jeff Campbell – no report

Frank Kutilek – no report

Andrew Sutton – no report

Chris Ford – no report

COUNCIL LIAISON REPORT

Brian McArthur – asked if Harbor Freight had an open house. David Bookless stated that he has not heard of any.

NEXT SCHEDULED MEETING: APRIL 23, 2019

ADJOURNMENT: Meeting adjourned at 8:43 p.m.

Respectfully Submitted,

Alan Bess
Planning Commission Secretary

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARNOLD, MISSOURI,
AMENDING CHAPTER 405 OF THE ARNOLD CODE OF ORDINANCES
(VEHICLE SALES)**

WHEREAS, the aesthetics of the City of Arnold and the health, safety and welfare of the general public are impacted by the use of new and used car sales; and

WHEREAS, the City Council has reviewed the City’s Code of Ordinances as they relate to new and used car sales; and

WHEREAS, the City Council has determined that certain modifications to the City’s Code of Ordinances are warranted; and

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

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

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

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

SECTION 1. Section 405.060 of the Arnold Code of Ordinances is hereby amended by deleting the definition of “USED CAR SALES” and substituting in lieu the following:

“CAR SALES

The retail or wholesale of new or used cars, trucks, motorcycles, recreational vehicles, boat, utility trailers, other motor vehicles, and/or construction equipment as the primary activity on the property. Accessory uses to car sales may include repair services and selling of replacement parts and accessories.”

SECTION 2. Section 405.320.A.2(m) of the Arnold Code of Ordinances is hereby deleted in its entirety and substituting in lieu the following:

“m. Car sales. *(See Section 405.380)*”

SECTION 3. Section 405.330.A.2(r) of the Arnold Code of Ordinances is hereby deleted in its entirety and substituting in lieu the following:

“r. Car sales. *(See Section 405.380)*”

SECTION 4. Section 405.350.A.2. of the Arnold Code of Ordinances is hereby amended to add the following:

“n. Car sales. (See Section 405.380)”

SECTION 5. Section 405.360.C. of the Arnold Code of Ordinances is hereby amended to add the following:

“16. Car sales. (See Section 405.380)”

SECTION 6. “Article II District Regulations” of Chapter 405 of the Arnold Code of Ordinances is hereby amended to be entitled as follows:

“Article II District and Use Regulations”.

SECTION 7. Article II of Chapter 405 of the Arnold Code of Ordinances is hereby amended to add the following:

“Section 405.380. Use Standards

These use standards shall apply to permitted, conditional, and accessory uses as otherwise authorized in this Chapter.

A. Car Sales

Establishments providing car sales, as defined in Section 405.060 of the Zoning Ordinance, shall be subject to the following conditions and restrictions:

1. Minimum area:

- a. Car sales establishments located within the C-2, C-3, and C-4 zoning districts shall only be located on parcels, or contiguous parcels, that are at least two and one-half (2½) acres in total area.
- b. Car sales establishments located within the M-1, M-2, and M-3 zoning districts shall have no minimum acreage provided the Planning Commission determines the proposed area is sufficient.

2. Screening. Any outdoor sales shall be visually screened from adjacent property in any “R” Residential District.

3. Traffic Study. A traffic study may be required for establishments which derive from an arterial street, or from a major collector street where the nearest driveway is within five hundred (500) feet of an arterial street, as determined by the Director of Community Development or the Planning Commission. Such studies shall be performed by a qualified firm or individual of the City’s choosing from the Missouri Department of Transportation Local Public Agency Consultant’s List. The cost of the study shall be borne by the applicant by remittance to the City.”

SECTION 8. 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 9. 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 10. This ordinance shall be in full force and effect from and after its passage and approval.

READ TWO TIMES, PASSED AND APPROVED ON THIS _____ DAY OF MAY 2019.

Presiding Officer of the Council

Mayor Ron Counts

ATTEST:

City Clerk Tammi Casey

First Reading: _____

Second Reading: _____

APPROVED AS TO FORM:

City Attorney Robert Sweeney

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2737

CITY COUNCIL AGENDA ITEM STAFF REPORT

MEETING DATE:	May 2, 2019
TITLE:	2019-08 Lodging Establishments (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:

At its March 14, 2019 Work Session, the City Council directed Staff to work with the Planning Commission to study the issues and develop an amendment to Chapter 405 (Zoning) as it relates to lodging establishments (i.e. hotels, motels, extended stays, etc.). The purpose of the amendment is to help reduce nuisances, disorder, and criminal activity at hotels and motels by revising definitions and by revising the allowance for such uses as either permitted or permitted with a Conditional Use permit (CUP).

AMENDMENT SUMMARY:

The amendment replaces the definitions of *Hotel* and *Hotel, Motor (Motel)* with *Lodging Establishments* adds a new definition for *Extended Stay Lodging Establishments*, and makes *Extended Stay Lodging Establishments* a Conditional Use in the "C-3" Commercial District. Additionally, standards for *Extended Stay Lodging Establishments* were added addressing lot size, lot coverage, and buffer requirements when adjacent to residential uses.

RECOMMENDATION:

On April 9, 2019, the Planning Commission, by a vote of 8 to 0, voted to recommend approval of the amendment.



REPORT TO PLANNING COMMISSION

CITY OF ARNOLD

APPLICATION #: 2019-08

APPLICATION NAME: Application to Amend Municipal Code Chapter 405 (Zoning) - Lodging Establishments

APPLICANT: City of Arnold

REQUEST: A City-initiated request to amend Chapter 405, Zoning, of the Code of Ordinances to modify definitions and regulations related to lodging establishments, including but, but not limited to hotels and motels.

MEETING DATE: April 9, 2019

REPORT DATE: April 2, 2019

CASE MANAGER: David B. Bookless, AICP

RECOMMENDATION: **APPROVAL**



REPORT TO PLANNING COMMISSION

CITY OF ARNOLD

BACKGROUND

The City's Zoning Ordinance (Ord. No. 14.2) was adopted by the City Council on June 30, 1977. A number of amendments have been approved since that time with the most recent being on February 21, 2019. Even the best ordinances become out of date. Periodic revision is essential if the ordinances are to establish and maintain a rational land use pattern. Changes, however, should not be made in an arbitrary manner. Significant updates to the Zoning and Subdivision Ordinances are best undertaken following an update of the Comprehensive Plan. The rationale for this approach is that the Ordinances are the implementation tools of the Plan and should reflect its goals and policies. Nevertheless, clarification of information contained in the Zoning Ordinance may be appropriate at any time. Occasionally, unforeseen issues may need to be addressed on an ad hoc basis.

A major update to the Comprehensive Plan should occur in the next 1-2 years, followed by related updates to the Zoning and Subdivision Ordinances. However, the purpose of this request is to manage a critical issue facing the City that needs immediate attention.

DISCUSSION/ANALYSIS

The Zoning Ordinance defines a hotel as "A building in which lodging is provided to the public usually on a transient basis." It defines a motel (Motor Hotel) as "A roadside hotel for motorists." There is no specific discussion of how long a member of the public can stay at a hotel or a motorist at a motel. While the Zoning Ordinance states that hotels and motels are neither dwellings nor residences, it does not speak to specific length of time guests can stay at such establishments. Additionally, there is no discussion of "extended stay" versus shorter-term establishments. This is critical, because some of the City's hotels/motels are effectively being operated as residential apartments. From a zoning perspective, the use of hotels/motels this way is inconsistent with both the Comprehensive Plan and the Zoning Ordinance. Additionally, there are Building and Fire Codes-related health and safety concerns as these structures were not constructed for residential purposes and the individual units (i.e. rooms) don't get inspected at change of occupancy the way legal residences do.

Under the current ordinance, hotels are a by-right use in the "C-2" and "C-3" Commercial Districts, and a conditional use in the "R-6" Residence District. While Site Plan approval may be necessary, as a use, a new hotel does not need Planning Commission and Council authorization regardless of whether it is an overnight or extended stay operation. And, as discussed above, because of the current language in the Zoning Ordinance, some hotels are functioning as apartments.

At its January 10, 2019 work session, the City Council recognized these shortcomings and directed Staff to revisit definitions and regulations related to hotels, motels, and other lodging establishments, and return to Council with proposed changes. To this end, Staff will be presenting Council with revisions to multiple sections of the City's Code of Ordinances. While this report, like the Planning Commission's purview, is limited to proposed changes to the Zoning Ordinance, proposed revisions to other chapters of the Code of Ordinances will be presented to the Commission to provide context.

REPORT TO PLANNING COMMISSION

CITY OF ARNOLD



DISCUSSION/ANALYSIS — CONTINUED

The State of Missouri refers to hotels, motels, and similar establishments collectively as “lodging establishments”, and a primary revision to Arnold’s codes reflects a change to this standard terminology. Additional, definitions are included for consistency with State statute and for clarification with other sections of the City’s codes.

The other primary change included is the establishment of “Extended Stay Lodging Establishment” as a conditional use in the “C-3” Commercial District subject to a number of minimum standards being met. (Note: Conditional uses in the “C-3” may potentially be permitted in the “C-4” Planned Commercial District if so approved). As proposed by Staff, the conditional use and minimum standards are as follows:

Extended Stay Lodging Establishment, including accessory dining rooms, lounges, meeting rooms and retail shops, provided that:

- i. There shall be a minimum lot area of two and one-half (2½) acres;*
- ii. The maximum area developed with buildings, off-street parking and loading areas and recreational facilities shall not exceed sixty percent (60%) of the lot area; and*
- iii. There shall be a minimum of fifty (50) foot green space adjacent on interior lot lines to property in any “R” District or occupied by dwelling units or mobile home parks which green space shall be bermed and landscaped so as to afford a visual screen between the hotel/motel development and the lot line.*

The acreage minimum helps assure the property is large enough to accommodate the structure and parking, while providing for adequate green space, buffering, and screening to minimize substantial adverse impacts on adjacent uses and the community at large. Under these stipulations, an extended stay lodging establishment could not simply consist of a building surrounded by a parking lot, i.e. it would need to include a particular amount of landscaped areas and screening between it and adjacent residential development.

Staff proposed these additional requirements for extended stay facilities only, but should the Commission or Council think it is warranted, the requirements could be applied to all lodging establishments as well.

Presently, there is only one lodging establishment (hotel) in Arnold that is equipped and operates as an extended stay facility. That hotel, WoodSpring Suites, would not meet the acreage or lot coverage requirements nor would it have a Conditional Use Permit in place. As the property is not adjacent to any residential zoning district the additional buffering requirements wouldn’t apply. However, as the facility pre-dates any changes to the Zoning Ordinance, it would be permitted to continue operation as a nonconforming use and nonconforming structure. It would therefore be subject to the restrictions on such nonconformities contained in the Zoning Ordinance, including a prohibition on its expanding or intensified, a stipulation that should cease operation for more than sixty (60) days for any



REPORT TO PLANNING COMMISSION

CITY OF ARNOLD

reason other than government action impedes access to the lands, the nonconforming status is lost and the use could not return, and should the property be destroyed or damaged to an extent of more than fifty percent (50%) of the replacement cost at time of destruction, the use could not return. Likewise, were the Commission and Council to apply these standards to all lodging establishments, such restrictions would apply as well.

While the changes discussed above primarily affect any new lodging establishments, the changes being proposed for other sections of the City's Code of Ordinances may impact existing lodging establishments, particularly if they are operating in such a manner as to create a public nuisance that are injurious to the health and welfare of the inhabitants of the City or prejudicial to the morals thereof. Such conditions have, on occasion, resulted in the City expending a disproportionate percentage of its police service on certain lodging establishments. While not discussed in this report, these changes are attached to this report for reference.

FINDINGS AND RECOMMENDATION

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

The Community Development Director finds that the text amendments contained within application 2019-08 are warranted by the public necessity and convenience to provide clarification in the enforcement of the Zoning Ordinance.

The Community Development Director finds that the text amendments contained within application 2019-08 are warranted by the need to promote and protect the general welfare by protecting the economic and tax base of the City, preserving and enhancing the values of property owners and users, promoting the orderly and harmonious development and redevelopment of the City, preserving and promoting the character and stability of the City and its various residential and commercial neighborhoods, improving the appearance of the City, and promoting the best use and development of commercial land in accordance with the Comprehensive Plan.

RECOMMENDATION

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

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

David B. Bookless, AICP
Community Development Director



ATTACHMENTS



REPORT TO PLANNING COMMISSION

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BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARNOLD, MISSOURI, AMENDING CHAPTER 405 OF THE ARNOLD CODE OF ORDINANCES CREATING DEFINITIONS FOR LODGING ESTABLISHMENTS AND EXTENDED STAY LODGING ESTABLISHMENTS AND PROVIDING REGULATIONS THEREFOR.

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 405.060 of the Arnold Code of Ordinances is hereby amended by deleting the definitions of "Hotel" and "Hotel, Motor (Motel)."

SECTION 2. Section 405.060 of the Arnold Code of Ordinances is further amended by adding or amending the following definitions:

"DWELLING

Any building, or portion thereof, used exclusively for human habitation, except lodging establishments, or house trailers.

EXTENDED STAY LODGING ESTABLISHMENT

A Lodging Establishment where any of the guest rooms are rented to Longer-term Guests. It is the intent of this ordinance that Extended Stay Lodging Establishments shall only be permitted uses or permitted uses with conditional use permits in those districts where this Chapter specifically lists "Extended Stay Lodging Establishment" as a permitted use or permitted use with a conditional use permit. In those districts where this Chapter only states that "Lodging Establishments" are permitted uses or permitted uses with a conditional use permit, Extended Stay Lodging Establishments are not permitted."

GUEST ROOM

Any room or unit in a Lodging Establishment where sleeping accommodations are regularly furnished to the public.

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LODGING ESTABLISHMENT

Any building, group of buildings, structure, facility, place, or places of business where five (5) or more guest rooms are provided, which is owned, maintained, or operated by any person and which is kept, used, maintained, advertised or held out to the public for hire and which can be construed to be a hotel, motel, motor hotel, inn, tourist court, resort, tourist home, bunkhouse, dormitory, or other similar place by whatever name called, and includes all such accommodations operated for hire as Lodging Establishments.

LODGING (BOARDING) HOUSE

A building with not more than five (5) guest rooms where lodging is provided for compensation pursuant to previous arrangement, but not open to overnight guests and which is actually occupied by the proprietor of such establishment as his/her residence, exclusive of nursing homes, dormitories or group living facilities licensed or regulated by agencies of the State.

LONGER-TERM GUEST

Any person occupying a guest room or combination of guest rooms in a lodging establishment under any concession, permit, right of access, license, rental or other agreement for living and sleeping purposes for a period (a) in excess of (i) twenty-eight (28) consecutive days; or (ii) twenty-eight (28) nonconsecutive days within any ninety-day period; and (b) not exceeding one hundred eighty-three (183) days or six (6) months, whichever is less. For the purposes of this definition, if there are multiple individuals in a party occupying a guest room in a lodging establishment for the periods stated above, each member of the party shall be considered a longer-term guest regardless of which member or members of the party are registered as renting the guest room(s).

RESIDENCE

Any building which is designed or used exclusively for residential purposes, except lodging establishments and house trailers.

TOURIST HOME

A building with not more than five (5) guest rooms where lodging is provided for compensation pursuant to previous arrangement, and which is actually occupied by the proprietor of such establishment as his/her residence."

SECTION 3.

The following sections of the Arnold Code of Ordinances are amended by replacing the words "hotel" and "hotels" with "Lodging Establishment" and "Lodging Establishments":

- Section 405.290(A)(2)(g)
- Section 405.290(A)(5)(g)
- Section 405.320(A)(1)(i)
- Section 405.330(A)(1)(k)



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SECTION 4. The following sections of the Arnold Code of Ordinances are amended by replacing the words "Hotels, motels" with "Lodging Establishments":

- Section 405.310(A)(5)(n)
- Section 405.320(A)(7)(q)
- Section 405.330(A)(7)(u)

SECTION 5. Section 405.330(A)(2) of the Arnold Code of Ordinances is amended by adding the following as subsection (aa):

- "aa. Extended Stay Lodging Establishment, including accessory dining rooms, lounges, meeting rooms and retail shops, provided that:
- i. There shall be a minimum lot area of two and one-half (2½) acres;
 - ii. The maximum area developed with buildings, off-street parking and loading areas and recreational facilities shall not exceed sixty percent (60%) of the lot area; and
 - iii. There shall be a minimum of fifty (50) foot green space adjacent on interior lot lines to property in any "R" District or occupied by dwelling units or mobile home parks which green space shall be bermed and landscaped so as to afford a visual screen between the lodging establishment development and the lot line."

SECTION 6. This ordinance shall be in full force and effect from and after its passage and approval.

READ TWO TIMES, PASSED AND APPROVED ON THIS _____ DAY OF _____, 2019.

Presiding Officer of the Council

Mayor Ron Counts

ATTEST:

City Clerk Tammi Casey

First Reading: _____
Second Reading: _____

APPROVED AS TO FORM:

City Attorney Robert Sweeney

REPORT TO PLANNING COMMISSION

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NOT UNDER COMMISSION PURVIEW
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BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARNOLD, MISSOURI, AMENDING CHAPTER 605 OF THE ARNOLD CODE OF ORDINANCES WITH REGARD TO DEFINITIONS AND REGULATIONS FOR GENERAL OPERATION OF LODGING ESTABLISHMENTS.

WHEREAS, lodging establishments, unless properly regulated, can become and create public nuisances; and

WHEREAS, municipalities are charged with and responsible for suppressing all nuisances which are, or may be, injurious to the health and welfare of the inhabitants of the City or prejudicial to the morals thereof; and

WHEREAS, the City of Arnold has experienced and documented conditions at certain lodging establishments that have created nuisances and/or prejudiced the morals of the community; and

WHEREAS, the City has, on occasion, expended a disproportionate percentage of its police service on certain lodging establishments; and

WHEREAS, the City Council of the City of Arnold desires to amend Chapter 605 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; and

WHEREAS, the City Council voted to amend Chapter 605 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. That Section 605 of the Arnold Code of Ordinances is hereby amended by the addition thereto of Section 605.380., entitled "Lodging Establishment Business Licensing and License Tax Reporting and Collection", to be read in its entirety as follows:

"Section 605.380. Lodging Establishment Business Licensing and Transient Guest (Hotel/Motel) Tax Reporting and Collection

- A. This Section specifically applies to the business license and taxes for lodging establishments ("lodging establishment license"). The provisions of this Section are in addition to, not in lieu of, other provisions of this Chapter or the code of ordinances. In the case of an inconsistency in this Chapter or code of ordinances, the specific shall control.
- B. No person shall operate a lodging establishment who does not possess a lodging establishment license from the City to operate such lodging establishment. Only a person who complies with the provisions of this Section shall be entitled to receive and retain such a lodging establishment license. The Collector shall approve a lodging establishment license application if:

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2019-08 TEXT AMENDMENT



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- 1. The applicant is not delinquent in payment of business license fees for the prior year at the time of application;
 - 2. The applicant is not delinquent in payment of lodging establishment transient guest taxes at the time of application;
 - 3. The applicant has no other outstanding fines, fees, taxes, or money due the City at the time of application;
 - 4. The applicant demonstrates that it has a valid license required by the State of Missouri pursuant to Sections 315.005 to 315.065, RSMo.; and
 - 5. No other grounds to deny such lodging establishment license exist under the law.
- C. The application for a lodging establishment license shall be made by the owner of the business seeking to operate a lodging establishment and shall state the identity of the owner and the location of its business and shall include such other information as is required by the Collector, including evidence that the owner has the right to occupy the premises where the proposed lodging establishment is to be located.
- D. A lodging establishment license shall be issued for one (1) year and shall be effective from September first (1st), or such later date that it may be issued during the year, until August thirty-first (31st) of such year, subject to revocation as provided herein.
- E. Every licensee shall, by the fifteenth (15th) day of the month following the conclusion of each calendar month, file with the Collector a completed transient guest tax return in such form as may be prescribed by the Collector. The completed return shall state the sum of all fees and charges for sleeping rooms during the period covered by the return, and the licensee shall in the license return calculate the amount of transient guest tax due for the prior month plus any delinquent penalties and interest. The return shall be signed by the licensee or a duly authorized officer or agent of the licensee and by any person who shall prepare such return.
- F. The lodging establishment transient guest tax due for each calendar month shall be paid by the fifteenth (15th) day of the month following the end of each such calendar month based upon the calculation set forth in Subsection (E) above.
- G. Any lodging establishment transient guest tax due pursuant to the provisions of this Section shall be delinquent if not paid by the date such payment is due, and shall be subject to the provisions of this Chapter relating to delinquent taxes.
- H. Definitions. As used in this Section, the following terms shall have these prescribed meanings:

CALL FOR SERVICE

- 1) Any report to the Arnold Police Department from or concerning a lodging establishment in connection with an incident occurring at that lodging establishment;
- or

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- 2) Any on-view incident observed by Police concerning a lodging establishment, which report or on- view incident is responded to by a Police Officer.

COLLECTOR

The City Clerk of the City of Arnold, Missouri.

EXTENDED STAY LODGING ESTABLISHMENT

A lodging establishment where any of the guest rooms are rented to longer-term guests as defined herein.

GUEST ROOM

Any room or unit in a lodging establishment where sleeping accommodations are regularly furnished to the public.

LODGING ESTABLISHMENT

Any building, group of buildings, structure, facility, place, or places of business where five (5) or more guest rooms are provided, which is owned, maintained, or operated by any person and which is kept, used, maintained, advertised or held out to the public for hire and which can be construed to be a hotel, motel, motor hotel, inn, tourist court, resort, tourist home, bunkhouse, dormitory, or other similar place by whatever name called, and includes all such accommodations operated for hire as Lodging Establishments.

LONGER-TERM GUEST

Any person occupying a guest room or combination of guest rooms in a lodging establishment under any concession, permit, right of access, license, rental or other agreement for living and sleeping purposes for a period (a) in excess of (i) twenty-eight (28) consecutive days; or (ii) twenty-eight (28) nonconsecutive days within any ninety-day period; and (b) not exceeding one hundred eighty-three (183) days or six (6) months, whichever is less. For the purposes of this definition, if there are multiple individuals in a party occupying a guest room in a lodging establishment for the periods stated above, each member of the party shall be considered a longer-term guest regardless of which member or members of the party are registered as renting the guest room(s).

OPERATOR

Any person on the premises of a lodging establishment who is authorized to exercise operational control of the business, or who causes to function or who puts or keeps in operations the business. A person may be found to be operating or causing to be operated a lodging establishment regardless of whether the person is an owner, part owner, or licensee of the business.

OWNER

The person who owns the business operating a lodging establishment and who is responsible for obtaining a lodging establishment license and a lodging establishment license endorsement from the City for operating the lodging establishment and for paying all lodging establishment license taxes.

PERSON

Any individual, partnership, corporation, association, organization, firm, or Federal, State, County, City, Village, or Township.

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POLICE

Any authorized agent of the Arnold Police Department or other law enforcement agency having jurisdiction.

RENT OR SUBRENT

The act of permitting a guest room to be occupied for any form of consideration.

I. General Operation.

1. Lodging establishments must have a representative available on the premises at all times.
2. Lodging establishments must comply with Sections 315.005 to 315.065, RSMo.
3. Lodging establishments shall be kept in a clean and sanitary condition, in good repair, and shall be maintained and operated with strict regard to health and safety of the guest.
4. Except for extended stay lodging establishments which are properly zoned as extended stay lodging establishments under Chapter 405, lodging establishments are prohibited from renting any guest rooms to longer-term guests.
5. No guest room in any extended stay lodging establishment shall be rented to any longer-term guest unless such guest room is equipped with a functioning, permanently installed private bathroom (including a bath or shower) and a permanently installed kitchen (including a sink, refrigerator and cooktop).
6. Occupancy limits for each room within a lodging establishment shall be determined by the Fire Marshall and shall be displayed in each room. Occupancy shall not exceed that fixed by the Fire Marshall at any time.
7. No lodging establishment shall rent a guest room or combination of guest rooms in such lodging establishment for more than 28 consecutive days or 28 non-consecutive days in any three-month period to any person. No extended stay lodging establishment shall rent a guest room or combination of guest rooms in such extended stay lodging establishment for more than six (6) consecutive months or 183 non-consecutive days in any nine-month period to any person. It is the intent of this Section that if a guest room is occupied by a party or group of individuals for either of the maximum time periods allowed by this Section, no guest room in that lodging establishment or extended stay lodging establishment may again be rented to the same party or to any individual or person that was a member of said party within the same time period. Maximum stays at both all lodging establishments may be extended by the Community Development Director based on individual hardship, which may include stays resulting from natural disaster or calamity. The decision of the Community Development Director shall be final.
8. Extended stay lodging establishments shall be subject to all of the other provisions of this Chapter that relate to lodging establishments.

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Lodging Establishments

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J. *Guest Registration.*

1. *Guest register.*

- a. Every operator of any lodging establishment in the City shall keep a register for the registration of all guests. A Law Enforcement Officer in the City may request an operator consent to inspect the record as part of the Department's public safety responsibilities. If such request for inspection is refused, the operator shall secure the guest register in the presence of the Officer in a manner directed by the Officer to ensure that no one can tamper with the guest register and the operator shall maintain the security of the guest register until such time as a subpoena, warrant, or court order has been issued or denied.
- b. No person shall alter, deface or erase the record so as to make the information recorded in it illegible or unintelligible, or hinder, obstruct or interfere with any inspection of the record under this section.
- c. Any record maintained in the form of a book shall be permanently bound, each page shall be sequentially numbered and the book shall be the minimum size of eight by ten inches. No page shall be removed from the book. Any record maintained in the form of cards shall be on cards that are the minimum size of two and one-half inches by four inches and numbered consecutively and used in sequence. Any card numbered within the sequence of utilized cards shall be preserved as part of the record even if it is not used for a room rental. The numbers shall be printed or otherwise indelibly affixed to the cards. If maintained electronically, the record shall be printable.
- d. For the purpose of enforcing this chapter, every operator of a lodging establishment shall record the days and dates each guest room in his or her lodging establishment is rented or occupied. The records of guest room occupation or rental shall be kept by the operator within the City of Arnold and shall always be subject to audit by the Collector or by any person (whether or not an employee of the City) designated by the Collector for that purpose at the discretion of the Collector. The records of guest room occupation or rental required to be maintained by this Section shall be maintained for a period of five (5) complete licensing years.

2. *Guests must register.* No operator of any lodging establishment in the City shall rent or subrent or assign for occupancy any guest room in that lodging establishment to any person until after such person shall have registered his/her name and address in the register herein provided to be kept, and thereafter such register shall be made to show correctly the year, month, day and hour of the arrival of such person at the lodging establishment and the number of the guest room rented or assigned to such guest; and such operator of such lodging establishment shall at the time of the departure of each guest endorse upon such register the date of such departure. No person shall erase or alter any name or address written in such register.

3. *Registration information required.*

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- a. The operator of any lodging establishment shall keep a register of the names and home or business addresses of all persons to be accommodated at the lodging establishment with the length of stay indicated. At the time of registration, the operator or his or her employee shall verify the identification of the registrant by requesting to see, and copying onto the registration form any of the following: the registrant's valid driver's license, the registrant's valid military identification, or the registrant's valid passport number and country of issuance.
- b. The operator or his or her employee must also include on the registration forms the make, type and license number of the registrant's automobile, trailer or other vehicle, and the State in which such vehicle is registered and the year of registration for any vehicle that is parked on the premises. Lodging establishments that can demonstrate that they take sufficient reasonable steps to control access to and from parking areas on the premises shall not be required to include this information on registration forms. Such sufficient reasonable steps to control access to and from parking areas shall include, but not be limited to, valet parking, automated access gates, and parking attendants.
- c. Pursuant to Sec. 315.069, RSMo, 2000, lodging establishment operators may make certain requirements for providing accommodations.
 - (1) The lodging establishment operator may require a person seeking the use of a room, accommodations, facilities or other privileges of the hotel to demonstrate his or her ability to pay for such use by cash, credit card or approved check. In addition, the lodging establishment operator may require the parent or guardian of a person under the age of eighteen to:
 - i. *Accept in writing the liability for the cost of the room, accommodations, facilities or other privileges of the hotel used by the person, and the cost of any damages to the room, furnishings in the room or other facilities of the hotel caused by the person while using the room, accommodations, facilities or other privileges of the hotel;*
 - ii. *Provide the hotel operator with one of the following:*
 - (a) *The authority to charge the amount due for the cost of the room, accommodations, facilities or other privileges of the hotel used by the person, and the cost of any damages to the room, furnishings in the room or other facilities of the hotel caused by the person while using the room, accommodations, facilities or other privileges of the hotel to a credit card used by a person under the age of eighteen. The granting of such authority shall be deemed a waiver of any defense based upon the age of such person which may be raised by the minor or the person authorizing the use of the credit card; or*

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An amount sufficient to cover the cost of

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the room, accommodations, facilities or other privileges of the hotel used by the person, and a reasonable amount as a deposit toward the cost of any damages to the room, furnishings in the room or other facilities of the hotel caused by the person while using the room, accommodations, facilities or other privileges of the hotel. A cash deposit for any damages required by the hotel operator shall be promptly refunded to the extent not used to cover the cost of any such damages as determined by the hotel operator following an inspection of the room, accommodations or facilities of the hotel used by the person at the end of his or her stay.

4. *Pre-arrival registration.* In the event that the lodging establishment utilizes a pre-arrival registration or approval procedure that obviates the requirement for an arriving guest to go to the front desk and provide information typically required as part of the lodging establishment's customary registration process, the lodging establishment shall not be required to comply with Subdivision (3) of this Subsection; provided however, that the related information of the type specified in Subdivision (3) is recorded subsequent to guest arrival.
 5. *Illegal registration.* No person shall register at any lodging establishment in the City under the name of any other person, or by any assumed, false or fictitious name. No person recording any information required by this Section shall falsely or inaccurately state such information.
- K. *Registration and occupancy shall not establish domicile.* The act of registering as a guest or occupying a guest room in any lodging establishment is by license and is transient in nature. Such registration and occupancy shall not establish domicile or residency by the guest or any occupants of the room(s).
1. The owner or operator of any lodging establishment shall inform all guests, in writing, of this provision during the guest registration process and as part of any published guest rules.
 2. The owner or operator of any lodging establishment operator shall refuse accommodations to or eject persons from the lodging establishment, as permitted in this chapter, when such persons act to violate or indicate their intent to violate this section.
- L. *Hourly Rental Prohibited.*
1. It shall be unlawful for an owner or operator of any lodging establishment to rent or subrent any room for a rate less than which is charged or accepted for one (1) full day's accommodations within any twenty-four (24) hour period.
 2. It shall be unlawful for an owner or operator of any lodging establishment to rent or subrent the same guest room more than two (2) times within any twenty-four (24) hour period.

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2019-08 TEXT AMENDMENT



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3. No such owner or operator shall advertise that any guest room is available at any hourly rate or for a period less than twenty-four (24) hours.

M. Rental To A Minor Prohibited. It shall be unlawful for an owner or operator of any lodging establishment to rent or subrent any guest room to any individual under the age of eighteen (18) years unless said individual is accompanied by a registered guest who is his or her legal guardian; or when accompanied by an adult over the age of eighteen (18) years who is a registered guest, and who is in possession of expressed written permission of the legal guardian.

N. Usa Of Portable Electrical Or Open-Flame Cooking Devices Prohibited.

It shall be unlawful for an owner or operator of any lodging establishment or for any registrant or guest of a lodging establishment to use, provide or knowingly allow the use of portable electrical or open-flame cooking devices, including, but not limited to, hot plates, electric skillets and grills, propane and charcoal grills, camping stoves, slow cookers, and any similar cooking devices on the premises of a lodging establishment, except as provided in Subdivision (2) below.

1. Kitchens or kitchenettes installed with the approval of the fire district and the City of Arnold and in accordance with applicable building codes; and microwaves and coffee makers that are provided by the owner or operator of the lodging establishment shall be permitted.

O. Maintenance of Lodging Establishments.

1. All rooms arranged, designed, used or intended to be used to provide living and sleeping for guests in lodging establishments must be maintained to standards set forth in Chapter 500, Existing Residential Structures Code, of the City of Arnold Municipal Code, except that individual rooms may be out-of- order for repair and/or remodeling purposes for no more than ninety (90) days within any twelve (12) month period, provided there is a valid building permit issued in conjunction with such repairs and/or remodel.

2. The building and grounds shall at all times be improved, constructed, maintained, and used in strict conformity with the City's Code of Ordinances, including, but not limited to any approved site-specific ordinances, conditional use permits, site plans, landscape plans, lighting plans, and sign packages.

P. Consumption of Alcoholic Beverages In Public Areas Prohibited. It shall be unlawful for an owner or operator of any lodging establishment, or for any registrant or guest of a lodging establishment, to consume or knowingly allow the consumption of alcoholic beverages, as defined in Chapter 600, in any parking lot, hallway, or other publicly accessible area associated with the lodging establishment except in restaurants, bars, lounges, banquet rooms, or other areas specifically authorized by a valid liquor license.

Q. Lodging Establishment Operator May Refuse Accommodations.

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As permitted pursuant to Sec. 315.067, RSMo. 2000, an operator of a lodging establishment may refuse or deny the use of a guest room, facilities or other privileges of the lodging establishment to any of the following:

- a. An individual who is unwilling or unable to pay for the guest room, facilities, or other privileges of the lodging establishment;
- b. An individual who is visibly intoxicated, under the influence of alcohol or other drug, and/or is disorderly so as to create a public nuisance;

An individual who the lodging establishment operator reasonably believes is seeking to use a guest room, facilities or other privileges of the lodging establishment for an unlawful purpose;

An individual who the lodging establishment operator reasonably believes is bringing in anything which may create an unreasonable danger or risk to other persons, including, but not limited to, explosives or the unlawful use of firearms; or

An individual whose use of the guest room, facilities or other privileges of the lodging establishment would result in a violation of the maximum capacity of such lodging establishment.

A lodging establishment operator who reasonably refuses or denies the use of a guest room, facilities or other privileges of the lodging establishment pursuant to this Section shall not be subject to any civil or criminal action or any fine or other penalty based on such reasonable refusal.

Q. Lodging Establishment Operator May Eject Person. Pursuant to Sec. 315.075, RSMo. 2000, an owner or operator of a lodging establishment may eject a person from the lodging establishment and notify the appropriate Police for any of the following reasons:

1. Non-payment of charges incurred by the individual renting, subrenting or leasing a guest room or facility of the lodging establishment when the charges are due and owing;
2. The individual present at the lodging establishment is visibly intoxicated, under the influence of alcohol or other drug and/or is disorderly so as to create a public nuisance;
3. The owner or operator reasonably believes that the individual is using the premises for an unlawful purpose;
4. The owner or operator reasonably believes that the individual has brought something into the lodging establishment which may create an unreasonable danger or risk to other persons, including, but not limited to, unlawful use of firearms or explosives; or
5. The individual is in violation of any Federal, State or local laws or regulations relating to the lodging establishment.

R. Lodging Establishment License Endorsement Required.

1. Lodging establishment license endorsement requirement.

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2019-08 TEXT AMENDMENT



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a. Beginning September 1, 2019, it shall be unlawful for any person to operate a lodging establishment in the City of Arnold without both:

- (1) A lodging establishment license; and
- (2) A lodging establishment license endorsement issued pursuant to this Subsection ("Lodging Establishment License Endorsement").

b. *Initial application.*

- (1) For all lodging establishments which exist and are currently operating prior to April 1, 2019, those lodging establishments shall apply for a lodging establishment license endorsement by September 1, 2019 and, so long as the lodging establishment is qualified to obtain a lodging establishment license, the City shall issue an initial lodging establishment license endorsement to such lodging establishment.
- (2) For those lodging establishments which do not exist as of April 1, 2019 or which begin or resume operations after such date, those lodging establishments shall apply for a lodging establishment license endorsement prior to beginning or resuming operations and, so long as the lodging establishment is qualified to obtain a lodging establishment license, the City shall issue an initial lodging establishment license endorsement to such lodging establishment.

c. *Conditions to deter crime — conditions/requirements.*

- (1) Once a lodging establishment license endorsement is issued, a lodging establishment must comply with additional conditions designed to deter crime in order to obtain or maintain its lodging establishment license endorsement, which additional conditions are based upon an individual lodging establishment's annual calls for service per guest room for the prior year.
- (2) The calls for service and crime statistics for each lodging establishment will be compiled for a twelve (12) month period ending December thirty-first (31st) of each calendar year by the Arnold Police Department.
- (3) Each lodging establishment owner will be notified of its annual number of calls for service per guest room for the prior year no later than March thirty-first (31st) of each calendar year.
- (4) The time between April first (1st) and August first (1st) will allow lodging establishments time to comply with all the conditions of their group level necessary to receive a lodging establishment license endorsement prior to their making application for the issuance/renewal of their lodging establishment license.

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- d. *Renewals.* Each lodging establishment shall demonstrate that it has fulfilled the conditions required by August first (1st). If the lodging establishment has satisfactorily demonstrated that it has fulfilled the conditions required, then the City shall issue a new lodging establishment license endorsement for such lodging establishment for the next calendar year.
 - e. *Form.* The lodging establishment license endorsement required herein shall be made upon a form prepared by the Arnold Police Department upon application by the licensee. The lodging establishment license endorsement form must be presented to the City Clerk by every lodging establishment licensee, as a condition of eligibility for the renewal of a lodging establishment license.
2. *Annual calls for police service less than or equal to 0.25 calls per guest room (including those lodging establishments with no history of calls per service per guest room for the prior year).* Lodging establishments whose annual calls for service are less than or equal to 0.25 calls per guest room shall be entitled to a lodging establishment endorsement without further condition and shall have the option, but not the requirement, to implement the followings measures:
 - a. At the request of such lodging establishment, the Arnold Police Department will provide the lodging establishment with inspection services and advice concerning crime prevention through environmental design standards.
 - b. At the request of such lodging establishment, the Arnold Police Department will provide training for the lodging establishment staff, in cooperation with management, regarding the recognition of criminal behavior.
 - c. At the request of such lodging establishment, the Arnold Police Department will keep the lodging establishment management apprised of police activity that occurs on the property of the lodging establishment to the extent deemed acceptable by the Arnold Police Department.
 3. *Annual calls for police service greater than 0.25 calls per guest room but less than or equal to 1.00 call per guest room.* Lodging establishments whose annual calls for service are greater than 0.25 calls per guest room but less than or equal to 1.00 call per guest room are required to meet the following additional conditions, designed to deter crime, in order to obtain a lodging establishment license endorsement to operate in the City of Arnold:
 - a. The lodging establishment shall contact the Arnold Police Department to coordinate the following requirements:
 - (1) The Arnold Police Department shall provide training for the lodging establishment staff, in cooperation with management, regarding the recognition of criminal behavior.
 - (2) The Arnold Police Department shall keep the lodging establishment management apprised of police activity that occurs on the property of the lodging establishment to the extent deemed acceptable by the

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- b. The lodging establishment must install and operate a surveillance camera (with recorder) in the lobby and all building entry/exit points accessible to guests for twenty-four (24) hours per day, seven (7) days per week. All surveillance recordings shall be stored and maintained in good viewing order for a minimum of thirty (30) days after recording, and shall be made available upon request by any Law Enforcement Officer in the City. Such recordings shall be date and time stamped.
 - c. The lodging establishment must undergo an Arnold Police Department crime prevention assessment of the lodging establishment to be conducted by the Arnold Police Department Crime Prevention Unit using standards from the crime prevention through environmental design (CPTED) program.
4. *Annual calls for Police service greater than 1.00 call per guest room.* Lodging establishments whose annual calls for service are greater than 1.00 call per guest room are required to meet the following additional conditions, designed to deter crime, in order to obtain a lodging establishment license endorsement to operate in the City of Arnold:
- a. The lodging establishment must conform to the conditions set forth in Section 605.130(R)(3).
 - b. The lodging establishment must provide the Arnold Police Department with the names and dates of birth of the owner, or if the owner is an entity, all officers of the owner, and all employees employed at the lodging establishment to allow for background checks. A processing fee (in an amount required to cover costs) may be required as determined by the Arnold Police Department.
 - c. The lodging establishment must hold semi-annual employee training sessions, assisted by the Arnold Police Department.
 - d. The lodging establishment must provide twenty-four (24) hour front desk personnel.
 - e. The lodging establishment must enforce the following guest rules:
 - (1) No guest room may be used for drunkenness, fighting, or breaches of the peace. No guest room may be used if loud noises come from that guest room. Loud noises are those noises that disturb the tranquility of the neighborhood or those noises that would be disturbing to a reasonable person.
 - (2) All adult guests and visitors must present a government issued photo ID at the front desk immediately upon arrival.
 - (3) Registered guests shall re-check-in every seven (7) calendar days.
 - (4) All guests and visitors must be at least twenty-one (21) years old.

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unless accompanied by a parent or legal guardian.

- (5) Only registered guests are allowed in his/her room between 10:00 P.M. and 6:00 A.M.
 - (6) Guests may not prohibit or impede room entry by the lodging establishment, when such entry is for purposes of inspection, cleaning and/or maintenance.
 - (7) The lodging establishment may visually inspect all guest rooms every 24 hours to ensure the well-being of guests and confirm the condition of the room.
- f. The lodging establishment must post house rules in the lobby and guest rooms and each guest and visitor must sign a copy of the house rules. The operator must notify the guests and visitors that their registration information may be shared with the Arnold Police Department.
 - g. Upon registration, full payment shall be collected for stays of seven (7) days or longer.
 - h. The maximum stay of any longer-term guest shall not exceed two (2) months or sixty (60) calendar days, whichever is less.
 - i. The lodging establishment must thoroughly clean each room, to include the provision of clean bed linens, bathing towels, and bathroom tissue, at least one time per week; and a record of cleanings shall be maintained for at least one (1) year.
 - j. The lodging establishment must maintain a daily key log. Each key that is found to be missing must have its corresponding lock re-keyed prior to the guest room being rented or subrented. Each master key that is found to be missing will require the lodging establishment to re-key all corresponding locks.
 - k. The lodging establishment must issue parking passes to all vehicles to be allowed to park on the premises with each pass marked with the license plate number of the vehicle to which it is issued, the date of issuance, and expiration date. Such passes shall be visibly displayed in the vehicle to which it is issued.
 - l. The lodging establishment must participate in the Arnold Police Department "criminal trespass program". Participation shall mean the lodging establishment shall be registered in the "criminal trespass program".
 - m. The lodging establishment must remove all graffiti and repair all vandalism within seven (7) days of occurrence.
 - n. The lodging establishment must permit an annual inspection by the City of Arnold. All records and documents are maintained according

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to all applicable building, fire, and safety codes, including tamper-resistant smoke detectors meeting National Fire Protection Agency (NFPA) standards.

- o. The lodging establishment must follow crime prevention through environmental design (CPTED) standards for landscaping/plant maintenance. These standards will be provided by the Arnold Police Department.
- p. The lodging establishment must install lighting in all common areas with minimum maintained lighting of one and one-half (1.5) foot-candles at ground level.
- q. The lodging establishment must install and operate video monitoring equipment in all parking lots, monitored and recorded at the front desk twenty-four (24) hours per day, seven (7) days per week. All surveillance recordings shall be stored and maintained in good viewing order for a minimum of thirty (30) days after recording, and shall be made available upon request by any Law Enforcement Officer in the City. Such recordings shall be date and time stamped.
- r. The lodging establishment must have a certified law enforcement officer on the premises every day from 6:00 P.M. until 6:00 A.M.
- s. The lodging establishment must submit to scheduled semi-annual audits by the City of Arnold Police Department to verify compliance with the above-referenced conditions.

S. *Revocation of Lodging Establishment License.*

- 1. The Collector may revoke a lodging establishment license as provided in this Section at any time the Collector determines that such lodging establishment is not in compliance with this Chapter. If, at any time, the Collector determines that a lodging establishment is not in compliance with this Chapter of the Arnold Code, the Collector shall notify the owner of the lodging establishment of such alterations or changes as may be deemed necessary to comply therewith and shall state in such notice the amount of time that the owner shall have to bring the lodging establishment into compliance with this Chapter. At the expiration of the period of time allowed by the Collector, the Collector shall review the progress of the owner's attempts to follow this Chapter and may grant additional reasonable periods of time for compliance. If the Collector is not satisfied that the owner has made the lodging establishment compliant with this Chapter, the Collector shall give written notice to the owner stating that the City will consider revocation of the lodging establishment license, setting forth the reasons for the proposed action and fixing the date of a hearing before the City Council. Such public hearing shall be held not less than thirty (30) days from the date of delivery of such notice. The owner shall be entitled to appear with an attorney and may call witnesses as may be desired. If the City Council determines after such hearing that the lodging establishment is not in compliance with the provisions of this Chapter, the City Council may revoke the lodging establishment license. The owner of a lodging establishment may appeal an adverse decision of the City Council.

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in operation during the foregoing process until revocation unless the Collector determines that an imminent health or safety hazard exists.

2. All notices served by the City pursuant to this Section shall be in writing and shall be either delivered to the owner in person or by registered or certified mail.

T. Subsequent Applications for Lodging Establishment License After Revocation — Conditions of Approval.

1. No subsequent application for a lodging establishment license to operate a lodging establishment on the same property following a period of revocation shall be approved unless:
 - a. Sixty (60) days have passed from the date of revocation;
 - b. The owner provides the City with a bond in a form acceptable to the City in the amount of one hundred thousand dollars (\$100,000.00) ("bond"); and
 - c. The applicant presents a corrective action plan, to the reasonable satisfaction of the Chief of Police and the Collector, to assure that the conditions and causes of the prior revocation have been or will be eliminated. Such corrective action plan must, at a minimum, include the following:
 - (1) All employees of the applicant shall be required to attend a four (4) hour crime prevention training class taught by law enforcement personnel; and
 - (2) The lodging establishment property must pass a full "Crime Prevention Through Environmental Design (CPTED)" inspection by law enforcement personnel demonstrating that the property meets minimum security requirements; and
 - (3) The lodging establishment implements the additional conditions described in Section 605.130(R)(4).
2. The bond referenced in Subsection (T)(1) shall run to the City and shall contain such conditions as are required by the City, including the following:
 - a. That the lodging establishment will comply with all of the terms, conditions, provisions, requirements and specifications contained in this Chapter; and
 - b. The bond shall be executed by a surety or guaranty company qualified to transact business in the State of Missouri.

U. Assignment. A valid lodging establishment license may be transferred to a new owner of the lodging establishment upon notification to the City.

V. Violations, Enforcement and Penalties.

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- 1. Remedies cumulative. The remedies provided for herein for failure to comply with this Section shall be cumulative and in addition to any other remedy at law or equity.
2. Continuing annual calls for police service greater than 1.00 call per guest room. It is a violation of this Section if, after imposition of all of the conditions of Section 605.130(R)(4) for a period of one (1) year, the annual calls for service to the lodging establishment continue to be greater than 1.00 per year.
3. Civil infraction. A violation of or failure to comply with this Section is a civil offense and the City may enforce this Section and seek fines and penalties in accordance with the provisions of this Section.
4. Separate offense. Each day upon which a violation of this Section occurs constitutes a separate offense.
5. Nuisance abatement — enforcement by civil action. The City may also seek legal or equitable relief to enjoin any acts or practices and abate any condition which may constitute a nuisance or a violation of this Section.
6. Operating without a lodging establishment license or lodging establishment license endorsement. Any person establishing, conducting, managing or operating a lodging establishment in violation of this Chapter and/or without a lodging establishment license or lodging establishment license endorsement is guilty of a Class B misdemeanor.

SECTION 2. This ordinance shall be in full force and effect from and after its passage and approval.

READ TWO TIMES, PASSED AND APPROVED THIS ____ DAY OF MARCH 2019.

Presiding Officer of the Council

Mayor Ron Counts

ATTEST:

City Clerk Tammi Casey

1st reading:
2nd reading:

APPROVED AS TO FORM:

City Attorney Robert Sweeney

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**PLANNING COMMISSION MEETING
CITY HALL COUNCIL CHAMBERS
APRIL 9, 2019**

MINUTES

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

ROLL CALL OF COMMISSIONERS: Del Williams, John Tucker, Brian McArthur, Alan Bess, Frank Kutilek, Jeff Campbell, Andrew Sutton, Chris Ford, Justin Lurk (excused), David Bookless, Sarah Turner, Christie Hull-Bettale and Bob Sweeney. 8 voting members present, 1 excused.

REVIEW AND APPROVAL OF AGENDA: Motion by Jeff Campbell to approve the agenda as revised. Second by Del Williams. Voice Vote – *Unanimously Approved.*

APPROVAL OF MINUTES: Motion by Jeff Campbell to approve the minutes from the March 12, 2019 meeting as presented. Second by Chris Ford. Voice Vote - *Unanimously Approved.*

PUBLIC COMMENT: None

PUBLIC HEARINGS:

- a. **2019-10: CONDITIONAL USE PERMIT, SNOWBALL TRAILER, 776 JEFFCO:** Sarah Turner gave a brief presentation explaining that Joseph Sorg, Jr. is a returning vendor requesting approval for their seasonal Snow Cone Stand located at 776 Jeffco Blvd. This location is in the C-2 Commercial District and a snow cone stand falls under “fast food restaurant” which requires a Conditional Use Permit. He has been previously approved for identical Conditional Use Permit at this location and has been there for many years without complaints. There are no major concerns that have not already been addressed by previous CUP’s. The condition requiring a bathroom facilities agreement between Walgreens and the applicant has been amended to require a new agreement every year of the CUP and to include employees and customers. Staff finds that the application meets all review and recommends the Commission approve the Conditional Use Permit with the conditions.

No public comment.

- b. **2019-11: CONDITIONAL USE PERMIT, 360 NUTRITION, #16 FOX VALLEY CENTER:** Sarah Turner presented Erica Friedmeyer’s request for a Conditional Use Permit to operate a Nutrition Smoothie Bar at #16 Fox Valley Center. The primary business function is to serve meal replacement shakes/smoothies or energy teas. Nutrition Smoothie Bar falls under “fast food restaurant” which is permitted conditionally in a C-2 District. Does not require additional parking or other miscellaneous conditions of use outside of regular permitting for food service vendors. The City lacks this type of health-focused fast-food service and it has shown to be popular in other Jefferson County communities. Staff finds that this application meets the review criteria as proposed and requests favorable consideration.

No public comment.

- c. **2019-12: A REQUEST FOR A CHANGE OF ZONING FROM “PRD” PLANNED RESIDENTIAL DISTRICT TO “R-2” RESIDENTIAL DISTRICT FOR A PROPERTY LOCATED AT 2209 LONEDELL ROAD TO ALLOW THE CONSTRUCTION OF A SINGLE-FAMILY DWELLING. SUBMITTED BY PRIME PROPERTY INVESTMENTS, OWNER OF THE PROPERTY:** Sarah Turner presented Dan Kammerer of Prime Property Investments, request to rezone the property at 2209 Lonedell Rd. from “PRD”

Planned Residential District to “R-2” Residential District. This property was zoned R-2 Residential prior to being rezoned to PRD in 2009 and is surrounded by R-2. Under the PRD, the only use permitted is villas or two-family dwellings. This PRD’s use regulations were crafted for a 22 dwelling development plan that was approved in 2009 and expired in 2013. The approximately 11.74 acre tract is located north of the intersection of Lonedell Rd. and Pomme Rd. The applicant wants to build one (1) single-family home on the graded area setback from Lonedell with a private drive and wants to keep their options open for building two (2) more single-family dwellings with frontage on Lonedell. The two (2) existing homes had sat vacant since 2009 and were just recently demolished by the current owner/applicant. Staff finds that the proposed change of zoning meets the review criteria and further advances the intent of both the Comprehensive Plan and Zoning Ordinance; therefore, based on this finding, Staff requests favorable consideration of this application.

Brian McArthur referred to the possible future two (2) homes and asked if there would be a second road going in.

Dan Kammerer, Prime Property Investments, 5240 U.S. Highway 61/67, Imperial, MO, stated that they would have their own private drive off of Lonedell.

John Tucker asked if the PRD expired in 2013, doesn’t it automatically go back to the original zoning classification?

David Bookless explained that the zoning classification stays in place but the development plan expires. If someone wanted to develop under the PRD they would have to come forward with a new development plan.

- d. **2018-08: A CITY-INITIATED REQUEST TO AMEND CHAPTER 405, ZONING, OF THE CODE OF ORDINANCES, CREATING DEFINITIONS FOR LODGING ESTABLISHMENTS AND EXTENDED STAY LODGING ESTABLISHMENTS AND PROVIDING REGULATIONS THEREFOR:** David Bookless touched on the variety of crimes and adverse conditions that can occur when hotels are not run properly. He went over the crime data pertaining to the four (4) hotels in Arnold as far as the number of calls for service per year and the nature of those calls. Staff is proposing a two-pronged approach to the problem. The first approach is Zoning Amendments: Replace hotel, motel, etc. with Lodging Establishment; new definition: Extended Stay Lodging Establishment and make an Extended Stay Lodging Establishment a Conditional Use and only allowed in the C-3 Commercial District. Additionally, some criteria is being proposed for these establishments including accessory uses associated with it such as minimum acreage requirements; maximum lot coverage requirements and buffering requirements if they abut residential. The second approach is Business Licensing Amendments such as establish a new license category; stay limitation requirements; guest register requirements; prohibitions; maintenance of the guest rooms; prohibiting the consumption of alcohol in public places such as the parking lot, hallways, stairwells, etc. and reiterate the rights that establishments have to refuse and eject persons violating the rules or laws. There will also be an endorsement procedure (based on performance); Police endorsement will be required to get the Business License. Mr. Bookless also briefly went over the list of standards and measures. 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, he requests favorable consideration of the draft amendments.

John Tucker referred to the “calls of service” and asked if there is any reason to be concerned that the hotel would call for service themselves.

David Bookless stated at the last City Council meeting, the Council approved an amendment to the Municipal Code for emergency access via the telephone. You no longer have to dial an access code; you can just dial 911 to

get emergency help. The other part of the change is a hotel cannot tell or put pressure on their guests, employees or anybody else to not call 911 in the event of an emergency. Mr. Bookless stated that he has seen this implemented in other communities and there has been significant reduction in crime statistics and Police calls.

Frank Kutilek asked if lodging facilities included Bed and Breakfast establishments.

David Bookless stated there has to be five (5) or more rooms for these regulations to apply.

Frank Kutilek commented that when he worked in construction, there were times he would be in a location for a year or more and would have a long term agreement with the hotel.

David Bookless replied that he had reached out to a few hotel managers and they all felt six (6) month extended stay was reasonable with a provision that if someone had an emergency such as a fire or flood. People that want to stay a year or more, most of the apartment complexes have shorter term leases available.

- e. **2019-13: A CITY-INITIATED REQUEST TO AMEND CHAPTER 405, ZONING, OF THE CODE OF ORDINANCES TO MODIFY DEFINITIONS AND REGULATIONS RELATED TO "USED CAR SALES," AS DEFINED IN THE ZONING ORDINANCE, AND AS RELATED TO NEW CAR, TRUCK, RECREATIONAL VEHICLE, BOAT, TRAILER, OTHER VEHICLE, AND/OR CONSTRUCTION EQUIPMENT SALES:** David Bookless stated that the City Council expressed concern and directed the Planning Commission to review the regulations for used/new car sales on smaller lots. He then briefly went over the proposed changes. Revise definitions to apply to new and used car sales; require a CUP in C-2, C-3, M-1 and M-2 districts; minimum parcel size in "C" districts of 2 ½ acres; no minimum in "M" districts for internet and specialty sales; abutting residential districts must be screened; a traffic study may be required and pre-existing car sales establishments will be designated legal non-conforming uses. The Director of Community Development finds that the proposed text amendments meet or exceed review criteria and further advances the intent of Chapter 405 and based on this finding, request favorable consideration of the draft amendments.

No public comment.

- f. **2019-01: A REQUEST FOR A CHANGE OF ZONING FOR SEVEN (7) PROPERTIES FROM C-4, R-3 AND C-2 TO ALL C-4 PLANNED COMMERCIAL DISTRICT FOR THE PURPOSES OF OPERATING ASSISTED LIVING APARTMENTS (CEDARHURST) AT 2069 MISSOURI STATE RD.:** Christie Hull-Bettale gave an updated presentation of Dover Development's request to establish a "C-4" Planned Commercial District for seven parcels of land totaling 8.32 acres. The proposed uses would include 63 assisted living apartments, 20 memory care apartments, and senior services. An adjustment was made to the architecture so new renderings were presented. The city hired CBB on behalf of Dover Development to do a traffic study. We asked them to do an assessment to determine the number of trips that would be generated; assess the relative impact of those trips on the adjacent roadways; assess the ability of the motorist to safely enter and exit the site, and if necessary, roadway improvements or traffic control modifications would be recommended to mitigate any impacts from the development. The study focused on weekday peaks A.M and P.M.

David Bookless clarified that CBB was hired and directed by the city and the applicant reimbursed the city for the cost.

Christie Hull Bettale then reviewed the findings and recommendations from the traffic study and addressed the changes the developer has made which include: curb cuts have been modified to make sure sight triangles are addressed going in and out of the access points and also sight distance to the intersection.; sidewalks will be constructed; they will not construct the portion of sidewalk in front of the development on Old Lemay Ferry, but they are going to make a contribution in the form of escrow, to the sidewalk fund for future sidewalk improvements in the future. They will also provide adequate roadway right-of-way for Old Lemay Ferry and Missouri State Road for future potential widening. Additional landscaping has also been added. 1787 Old Lemay Ferry has been left out of the proposal. There has been reasonable effort made but no agreement established. Staff recommends favorable consideration of this rezoning request.

Jeff Campbell commented to Christie that the site plan on her presentation is different than the one in the packet.

Nick Dwyer, Dover Development, 120 South Central Ave., Clayton, MO stated that the site plan on the slideshow is an outdated plan. The plan that is dated 3/26/2019 is the plan the review was based off of.

David Bookless also mentioned a slight shift in the building.

Nick Dwyer explained that an existing water main did not get picked up through the utility locations so the building had to be shifted off the road and part had to be re-adjusted. The drive lane has been shifted.

Brian McArthur commented that a lot of parking was lost with the shift.

Nick Dwyer stated that they lost a few parking spots but they are still one over what is required.

Jeff Campbell asked what kind of vehicle is delivering supplies, food, etc.

Nick Dwyer commented that a small van delivers the food weekly.

Gregory Reininger, 1787 Big Bill Rd., questioned being boxed in by C-4 zoning; building within 15 feet of his property and where are the contractors from and are they union.

Nick Dwyer stated they do not foresee building anything within 15 feet of Mr. Reininger's property and they plan on using as many local subcontractors as they can.

Larry Thomas Jobe, Jr., 1787 Old Lemay Ferry, asked if the detention pond that will be behind their property was intended to hold water and if so, concerned there will be a mosquito issue. Will there be time requirements as to when they can start work; will deliveries be allowed during the construction phase during certain hours; wants a PLA signed to insure that they use union workers.

Bob Sweeney commented that labor agreements are no longer lawful in Missouri.

JD Howell, The Sterling Co., 5055 New Baumgartner Road, St. Louis, MO, commented that the detention basin in question will be dry.

Cort Dietz, 10890 Business 21, Hillsboro, MO, commented that Mr. Reininger is his client and stated that the developer offered \$140,000 Mr. Reininger's property which is considerably less than its worth. The main concern is that this property will be orphaned and lose its value will be greatly reduced. They would like the developer to make better assertive effort.

Bob Sweeney commented that the Planning Commission does not have the authority to direct a developer on their offers. Real Estate Agents are not qualified to provide property appraisals, so if the applicant has evidence of reduced value it would have to be from a licensed appraiser.

Cort Dietz stated he is not trying to establish a value but this development will reduce the value of Reininger's property and feels it is irresponsible to allow them to leave that one property.

- g. **2019-02: CONSOLIDATION PRELIMINARY RECORD PLAT, CEDARHURST ASSISTED LIVING FACILITY CONSOLIDATE 7 PARCELS INTO ONE LOT, 2069 MISSOURI STATE RD.** Christie Hull-Bettale presented this Consolidation Plat stating that the proposed consolidation supports the Comprehensive Plan, it includes proper provision of right-of-way and sidewalk easement dedications and it includes transportation facilities, in the form of sidewalk and pedestrian improvements for Missouri State Road being constructed and escrow in lieu of construction for Old Lemay Ferry sidewalks being established prior to building permit issuance. Staff requests favorable consideration of this proposed Consolidation Plat.

No public comment.

There being no further questions or comments, the public hearing adjourned at 8:20 p.m.

OLD BUSINESS:

- a. **2019-01: A REQUEST FOR A CHANGE OF ZONING FOR SEVEN (7) PROPERTIES FROM C-4, R-3 AND C-2 TO ALL C-4 PLANNED COMMERCIAL DISTRICT FOR THE PURPOSES OF OPERATING ASSISTED LIVING APARTMENTS (CEDARHURST) AT 2069 MISSOURI STATE RD.:** Jeff Campbell commented that he is not comfortable approving this when the background plan is not consistent through the set such as the landscape plan, etc.

Christie Hull-Bettale explained that after she had created the presentation there was a change in the site plan (waterline was found and they had to shift the building). She apologized that the old site plan was in the presentation.

JD Howell referred to the landscaping plan and stated there would be no substantial changes.

David Bookless commented that if the landscape plan varies at all, they will bring it back before the Planning Commission for approval.

Brian McArthur questioned the parking difference between the original plan and the proposed.

Christie Hull Bettale commented that although with the building shift they lost a few spaces they still have more than is required.

Chris Ford expressed his concern for Mr. Reininger.

Andrew Sutton shares Mr. Ford's concerns but does recognize that the applicant has made all efforts to negotiate a fair price with the property owner.

Frank Kutilek made the comment that the existing traffic issues on Missouri State Rd., Church Rd., and Old Lemay Ferry need to be address in the future.

Christie Hull-Bettale commented that Dover has done their part by providing the dedicated right-of-way on both roadways and they are improving the sidewalks in the area to make the connection to Arnold Commons.

Motion by Frank Kutilek to approve 2019-01, A request for a change of zoning for seven (7) properties from C-4, R-3 and C-2 to all C-4 Planned Commercial District for the purposes of operating Assisted Living Apartments (Cedarhurst) at 2069 Missouri State Rd. based on the findings and the 21 conditions found in Attachment A (attached). Second by Del Williams. Roll call vote: Chris Ford, yes; Brian McArthur, yes; Alan Bess, yes; John Tucker, yes; Frank Kutilek, yes; Jeff Campbell, no; Del Williams, yes; Andrew Sutton, yes. 7 yeas, 1 nay – ***Motion Approved.***

- b. **2019-02: CONSOLIDATION PRELIMINARY RECORD PLAT, CEDARHURST ASSISTED LIVING FACILITY CONSOLIDATE 7 PARCELS INTO ONE LOT, 2069 MISSOURI STATE RD.** Motion by Del Williams to approve 2019-02, Consolidation Preliminary Record Plat, Cedarhurst Assisted Living Facility consolidation of seven (7) parcels into on lot at 2069 Missouri State Road based on the findings and the following two (2) conditions:

1. The applicant is to address comments as indicated by Agencies.
2. The applicant is to construct improvements and establish escrows as indicated in the separate proposal for the "C-4" Planned Commercial District with Development Plan.

Second by Frank Kutilek. Roll call vote: Chris Ford, yes; Brian McArthur, yes; Alan Bess, yes; John Tucker, yes; Frank Kutilek, yes; Jeff Campbell, no; Del Williams, yes; Andrew Sutton, yes. 7 yeas, 1 nay – ***Motion Approved.***

NEW BUSINESS:

- a. **2019-10: CONDITIONAL USE PERMIT, SNO-BALL, 754 JEFFCO BLVD.:** Motion by Jeff Campbell to approve 2019-10, Conditional Use Permit, Sno-Ball, at 754 Jeffco Blvd., with following ten (10) conditions:

1. All structures, tables, trash containers, etc. must be located at least fifty (50) feet from the front property line.
2. The tables, trash containers, etc. may not create an obstruction for vehicle traffic.
3. The area is kept clean of trash and debris that may result from the snow cone stand.
4. A current written agreement is provided to the City regarding the use of restrooms for the employees and customers of the snow cone stand for each year of the Conditional Use Permit.
5. The operation may open March 1 of each year of the Conditional Use Permit.
6. The hours of operation are from 1:00PM to 10:00PM.
7. The trailer is removed on or before October 1, 2019 and 2020.
8. Building permits required for the placement of the stand, electric, etc.
9. Jefferson County Health Department permit required.
10. All necessary permits are issued in conjunction with opening the snow cone stand.
11. The Conditional Use Permit will expire on October 31, 2020.

Second by Del Williams. Roll call vote: Chris Ford, yes; Brian McArthur, yes; Alan Bess, yes; John Tucker, yes; Frank Kutilek, yes; Jeff Campbell, yes; Del Williams, yes; Andrew Sutton, yes. 8 yeas, 0 nays – *Motion Approved.*

- b. **2019-11: CONDITIONAL USE PERMIT, 360 NUTRITION, #16 FOX VALLEY CENTER:** Motion by Jeff Campbell to approve 2019-11, Conditional Use Permit, 360 Nutrition at #16 Fox Valley Center based on the findings. Second by Del Williams. Roll call vote: Chris Ford, yes; Brian McArthur, yes; Alan Bess, yes; John Tucker, yes; Frank Kutilek, yes; Jeff Campbell, yes; Del Williams, yes; Andrew Sutton, yes. 8 yeas, 0 nays – *Motion Approved.*
- c. **2019-12: A REQUEST FOR A CHANGE OF ZONING FROM “PRD” PLANNED RESIDENTIAL DISTRICT TO “R-2” RESIDENTIAL DISTRICT FOR A PROPERTY LOCATED AT 2209 LONEDELL ROAD TO ALLOW THE CONSTRUCTION OF A SINGLE-FAMILY DWELLING. SUBMITTED BY PRIME PROPERTY INVESTMENTS, OWNER OF THE PROPERTY:** Motion by Jeff Campbell to approve 2019-12, a request for a change of zoning from “PRD” Planned Residential District to “R-2” Residential District for a property located at 2209 Lonedell Road to allow the construction of a single-family dwelling based on Staff’s findings. Second by Frank Kutilek. Roll call vote: Chris Ford, yes; Brian McArthur, yes; Alan Bess, yes; John Tucker, yes; Frank Kutilek, yes; Jeff Campbell, yes; Del Williams, yes; Andrew Sutton, yes. 8 yeas, 0 nays – *Motion Approved.*
- d. **2019-08: A CITY-INITIATED REQUEST TO AMEND CHAPTER 405, ZONING, OF THE CODE OF ORDINANCES, CREATING DEFINITIONS FOR LODGING ESTABLISHMENTS AND EXTENDED STAY LODGING ESTABLISHMENTS AND PROVIDING REGULATIONS THEREFOR:** Motion by Jeff Campbell to approve 2019-08, a city-initiated request to amend Chapter 405, Zoning of the Code of Ordinances, creating definitions for lodging establishments and extended stay lodging establishments and providing regulations therefor. Second by Chris Ford. Roll call vote: Chris Ford, yes; Brian McArthur, yes; Alan Bess, yes; John Tucker, yes; Frank Kutilek, yes; Jeff Campbell, yes; Del Williams, yes; Andrew Sutton, yes. 8 yeas, 0 nays – *Motion Approved.*

- e. **2019-13: A CITY-INITIATED REQUEST TO AMEND CHAPTER 405, ZONING, OF THE CODE OF ORDINANCES TO MODIFY DEFINITIONS AND REGULATIONS RELATED TO “USED CAR SALES,” AS DEFINED IN THE ZONING ORDINANCE, AND AS RELATED TO NEW CAR, TRUCK, RECREATIONAL VEHICLE, BOAT, TRAILER, OTHER VEHICLE, AND/OR CONSTRUCTION EQUIPMENT SALES:** Motion by Jeff Campbell to approve 2019-13, a city-initiated request to amend Chapter 405, Zoning, of the Code of Ordinances to modify definitions and regulations related to “Used Car Sales” as defined in the Zoning Ordinance, and as related to new car, truck, recreational vehicle, boat, trailer, other vehicle, and/or construction equipment sales. Second by Frank Kutilek. Roll call vote: Chris Ford, yes; Brian McArthur, yes; Alan Bess, yes; John Tucker, yes; Frank Kutilek, yes; Jeff Campbell, yes; Del Williams, yes; Andrew Sutton, yes. 8 yeas, 0 nays – *Motion Approved.*

STAFF UPDATE:

David Bookless – upcoming agenda items: sign code with respect to temporary signs and medical marijuana. City Council approved: tree preservation amendment; 911 calls, and vacant structure amendment.

Bob Sweeney – no report

Sarah Turner – no report

Christie Hull-Bettale – gave an update on MOD Pizza –they will be striping the crosswalk and taking care of the ADA spaces within the next few weeks.

COMMISSIONERS UPDATE:

Del Williams – no report

John Tucker – asked for an update on the striping in front of the Bedroom Store in Arnold Commons. Christie stated that our Building Inspector was going to contact their maintenance company to take care of it.

Alan Bess – no report

Jeff Campbell – no report

Frank Kutilek – no report

Andrew Sutton – no report

Chris Ford – no report

COUNCIL LIAISON REPORT

Brian McArthur – asked if Harbor Freight had an open house. David Bookless stated that he has not heard of any.

NEXT SCHEDULED MEETING: APRIL 23, 2019

ADJOURNMENT: Meeting adjourned at 8:43 p.m.

Respectfully Submitted,

Alan Bess
Planning Commission Secretary

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARNOLD, MISSOURI, AMENDING CHAPTER 405 OF THE ARNOLD CODE OF ORDINANCES CREATING DEFINITIONS FOR LODGING ESTABLISHMENTS AND EXTENDED STAY LODGING ESTABLISHMENTS AND PROVIDING REGULATIONS THEREFOR.

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 405.060 of the Arnold Code of Ordinances is hereby amended by deleting the definitions of “Hotel” and “Hotel, Motor (Motel).”

SECTION 2. Section 405.060 of the Arnold Code of Ordinances is further amended by adding or amending the following definitions:

"DWELLING

Any building, or portion thereof, used exclusively for human habitation, except lodging establishments, or house trailers.

EXTENDED STAY LODGING ESTABLISHMENT

A Lodging Establishment where any of the guest rooms are rented to Longer-term Guests. It is the intent of this ordinance that Extended Stay Lodging Establishments shall only be permitted uses or permitted uses with conditional use permits in those districts where this Chapter specifically lists “Extended Stay Lodging Establishment” as a permitted use or permitted use with a conditional use permit. In those districts where this Chapter only states that “Lodging Establishments” are permitted uses or permitted uses with a conditional use permit, Extended Stay Lodging Establishments are not permitted."

GUEST ROOM

Any room or unit in a Lodging Establishment where sleeping accommodations are regularly furnished to the public.

LODGING ESTABLISHMENT

Any building, group of buildings, structure, facility, place, or places of business where five (5) or more guest rooms are provided, which is owned, maintained, or operated by any person and which is kept, used, maintained, advertised or held out to the public for hire and which can be construed to be a hotel, motel, motor hotel, inn, tourist court, resort, tourist home, bunkhouse, dormitory, or other similar place by whatever name called, and includes all such accommodations operated for hire as Lodging Establishments.

LODGING (BOARDING) HOUSE

A building with not more than five (5) guest rooms where lodging is provided for compensation pursuant to previous arrangement, but not open to overnight guests and which is actually occupied by the proprietor of such establishment as his/her residence, exclusive of nursing homes, dormitories or group living facilities licensed or regulated by agencies of the State.

LONGER-TERM GUEST

Any person occupying a guest room or combination of guest rooms in a lodging establishment under any concession, permit, right of access, license, rental or other agreement for living and sleeping purposes for a period (a) in excess of (i) twenty-eight (28) consecutive days; or (ii) twenty-eight (28) nonconsecutive days within any ninety-day period; and (b) not exceeding one hundred eighty-three (183) days or six (6) months, whichever is less. For the purposes of this definition, if there are multiple individuals in a party occupying a guest room in a lodging establishment for the periods stated above, each member of the party shall be considered a longer-term guest regardless of which member or members of the party are registered as renting the guest room(s).

RESIDENCE

Any building which is designed or used exclusively for residential purposes, except lodging establishments and house trailers.

TOURIST HOME

A building with not more than five (5) guest rooms where lodging is provided for compensation pursuant to previous arrangement, and which is actually occupied by the proprietor of such establishment as his/her residence.”

SECTION 3.

The following sections of the Arnold Code of Ordinances are amended by replacing the words “hotel” and “hotels” with “Lodging Establishment” and “Lodging Establishments”:

- Section 405.290(A)(2)(g)
- Section 405.290(A)(5)(g)
- Section 405.320(A)(1)(i)
- Section 405.330(A)(1)(k)

SECTION 4. The following sections of the Arnold Code of Ordinances are amended by replacing the words “Hotels, motels” with “Lodging Establishments”:

- Section 405.310(A)(5)(n)
- Section 405.320(A)(7)(q)
- Section 405.330(A)(7)(u)

SECTION 5. Section 405.330(A)(2) of the Arnold Code of Ordinances is amended by adding the following as subsection (aa):

- “aa. Extended Stay Lodging Establishment, including accessory dining rooms, lounges, meeting rooms and retail shops, provided that:
- i. There shall be a minimum lot area of two and one-half (2½) acres;
 - ii. The maximum area developed with buildings, off-street parking and loading areas and recreational facilities shall not exceed sixty percent (60%) of the lot area; and
 - iii. There shall be a minimum of fifty (50) foot green space adjacent on interior lot lines to property in any “R” District or occupied by dwelling units or mobile home parks which green space shall be bermed and landscaped so as to afford a visual screen between the lodging establishment development and the lot line.”

SECTION 6. This ordinance shall be in full force and effect from and after its passage and approval.

READ TWO TIMES, PASSED AND APPROVED ON THIS _____ DAY OF MAY 2019.

Presiding Officer of the Council

Mayor Ron Counts

ATTEST:

City Clerk Tammi Casey

First Reading: _____

Second Reading: _____

APPROVED AS TO FORM:

City Attorney Robert Sweeney



CITY COUNCIL
AGENDA ITEM STAFF REPORT

MEETING DATE:	May 2, 2019
TITLE:	2019-08 Lodging Establishments (Text Amendment)
DEPARTMENT:	Community Development
PROJECT MANAGER:	David B. Bookless, Community Development Director
REQUESTED ACTION:	Ordinance approval
ATTACHMENTS:	(1) City Council Meeting Discussion Item Memo, March 14; (2) Draft Planning Commission Meeting Minutes, April 9; (3) Draft Ordinance

EXECUTIVE SUMMARY:

At its March 14, 2019 Work Session, the City Council directed Staff to study the issues and develop an amendment to Chapter 605 (Business Licensing) as it relates to lodging establishments (i.e. hotels, motels, extended stays, etc.). The purpose of the amendments is to help reduce nuisances, disorder, and criminal activity at hotels and motels by establishing operational standards and requirements that must be satisfied in order to be granted or to renew a business license.

AMENDMENT SUMMARY:

The amendment establishes a new license category for lodging establishments; stay limitation standards; guest register requirements; prohibits certain activities; establishes maintenance requirements for guest rooms; prohibits the consumption of alcohol in public places such as the parking lot, hallways, stairwells, etc.; and restates the rights granted by the State of Missouri for lodging establishments to refuse and eject persons violating the rules or laws. Additionally, the business license process was revised to require an endorsement by the Police Department, based on satisfying certain performance requirements prior to issuance or renewal.

RECOMMENDATION:

On April 9, 2019, the Planning Commission, by a vote of 8 to 0, voted to recommend approval of the amendment.



CITY COUNCIL DISCUSSION ITEM MEMORANDUM

MEETING DATE:	March 14, 2019
TITLE:	Lodging Establishments (Licensing Amendment)
DEPARTMENT:	Community Development
PROJECT MANAGER:	David B. Bookless, Community Development Director
ATTACHMENTS:	Draft Ordinance Amendment

On January 10, 2019, Staff discussed issues related to crime and disorder at hotels and motels in Arnold with the Council. After some discussion, Council directed Staff to proceed with developing ordinance amendments necessary to address the issues. Although this amendment does not require the Planning Commission hold a public hearing, Staff will be presenting it to the Commission in conjunction with the zoning amendment for context. Staff requests Council feedback with regard to the approach that is being proposed.



PLANNING COMMISSION MEETING CITY HALL COUNCIL CHAMBERS APRIL 9, 2019

MINUTES

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

ROLL CALL OF COMMISSIONERS: Del Williams, John Tucker, Brian McArthur, Alan Bess, Frank Kutilek, Jeff Campbell, Andrew Sutton, Chris Ford, Justin Lurk (excused), David Bookless, Sarah Turner, Christie Hull-Bettale and Bob Sweeney. 8 voting members present, 1 excused.

REVIEW AND APPROVAL OF AGENDA: Motion by Jeff Campbell to approve the agenda as revised. Second by Del Williams. Voice Vote – *Unanimously Approved.*

APPROVAL OF MINUTES: Motion by Jeff Campbell to approve the minutes from the March 12, 2019 meeting as presented. Second by Chris Ford. Voice Vote - *Unanimously Approved.*

PUBLIC COMMENT: None

PUBLIC HEARINGS:

- a. **2019-10: CONDITIONAL USE PERMIT, SNOWBALL TRAILER, 776 JEFFCO:** Sarah Turner gave a brief presentation explaining that Joseph Sorg, Jr. is a returning vendor requesting approval for their seasonal Snow Cone Stand located at 776 Jeffco Blvd. This location is in the C-2 Commercial District and a snow cone stand falls under “fast food restaurant” which requires a Conditional Use Permit. He has been previously approved for identical Conditional Use Permit at this location and has been there for many years without complaints. There are no major concerns that have not already been addressed by previous CUP’s. The condition requiring a bathroom facilities agreement between Walgreens and the applicant has been amended to require a new agreement every year of the CUP and to include employees and customers. Staff finds that the application meets all review and recommends the Commission approve the Conditional Use Permit with the conditions.

No public comment.

- b. **2019-11: CONDITIONAL USE PERMIT, 360 NUTRITION, #16 FOX VALLEY CENTER:** Sarah Turner presented Erica Friedmeyer’s request for a Conditional Use Permit to operate a Nutrition Smoothie Bar at #16 Fox Valley Center. The primary business function is to serve meal replacement shakes/smoothies or energy teas. Nutrition Smoothie Bar falls under “fast food restaurant” which is permitted conditionally in a C-2 District. Does not require additional parking or other miscellaneous conditions of use outside of regular permitting for food service vendors. The City lacks this type of health-focused fast-food service and it has shown to be popular in other Jefferson County communities. Staff finds that this application meets the review criteria as proposed and requests favorable consideration.

No public comment.

- c. **2019-12: A REQUEST FOR A CHANGE OF ZONING FROM “PRD” PLANNED RESIDENTIAL DISTRICT TO “R-2” RESIDENTIAL DISTRICT FOR A PROPERTY LOCATED AT 2209 LONEDELL ROAD TO ALLOW THE CONSTRUCTION OF A SINGLE-FAMILY DWELLING. SUBMITTED BY PRIME PROPERTY INVESTMENTS, OWNER OF THE PROPERTY:** Sarah Turner presented Dan Kammerer of Prime Property Investments, request to rezone the property at 2209 Lonedell Rd. from “PRD”

Planned Residential District to “R-2” Residential District. This property was zoned R-2 Residential prior to being rezoned to PRD in 2009 and is surrounded by R-2. Under the PRD, the only use permitted is villas or two-family dwellings. This PRD’s use regulations were crafted for a 22 dwelling development plan that was approved in 2009 and expired in 2013. The approximately 11.74 acre tract is located north of the intersection of Lonedell Rd. and Pomme Rd. The applicant wants to build one (1) single-family home on the graded area setback from Lonedell with a private drive and wants to keep their options open for building two (2) more single-family dwellings with frontage on Lonedell. The two (2) existing homes had sat vacant since 2009 and were just recently demolished by the current owner/applicant. Staff finds that the proposed change of zoning meets the review criteria and further advances the intent of both the Comprehensive Plan and Zoning Ordinance; therefore, based on this finding, Staff requests favorable consideration of this application.

Brian McArthur referred to the possible future two (2) homes and asked if there would be a second road going in.

Dan Kammerer, Prime Property Investments, 5240 U.S. Highway 61/67, Imperial, MO, stated that they would have their own private drive off of Lonedell.

John Tucker asked if the PRD expired in 2013, doesn’t it automatically go back to the original zoning classification?

David Bookless explained that the zoning classification stays in place but the development plan expires. If someone wanted to develop under the PRD they would have to come forward with a new development plan.

- d. **2018-08: A CITY-INITIATED REQUEST TO AMEND CHAPTER 405, ZONING, OF THE CODE OF ORDINANCES, CREATING DEFINITIONS FOR LODGING ESTABLISHMENTS AND EXTENDED STAY LODGING ESTABLISHMENTS AND PROVIDING REGULATIONS THEREFOR:** David Bookless touched on the variety of crimes and adverse conditions that can occur when hotels are not run properly. He went over the crime data pertaining to the four (4) hotels in Arnold as far as the number of calls for service per year and the nature of those calls. Staff is proposing a two-pronged approach to the problem. The first approach is Zoning Amendments: Replace hotel, motel, etc. with Lodging Establishment; new definition: Extended Stay Lodging Establishment and make an Extended Stay Lodging Establishment a Conditional Use and only allowed in the C-3 Commercial District. Additionally, some criteria is being proposed for these establishments including accessory uses associated with it such as minimum acreage requirements; maximum lot coverage requirements and buffering requirements if they abut residential. The second approach is Business Licensing Amendments such as establish a new license category; stay limitation requirements; guest register requirements; prohibitions; maintenance of the guest rooms; prohibiting the consumption of alcohol in public places such as the parking lot, hallways, stairwells, etc. and reiterate the rights that establishments have to refuse and eject persons violating the rules or laws. There will also be an endorsement procedure (based on performance); Police endorsement will be required to get the Business License. Mr. Bookless also briefly went over the list of standards and measures. 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, he requests favorable consideration of the draft amendments.

John Tucker referred to the “calls of service” and asked if there is any reason to be concerned that the hotel would call for service themselves.

David Bookless stated at the last City Council meeting, the Council approved an amendment to the Municipal Code for emergency access via the telephone. You no longer have to dial an access code; you can just dial 911 to

get emergency help. The other part of the change is a hotel cannot tell or put pressure on their guests, employees or anybody else to not call 911 in the event of an emergency. Mr. Bookless stated that he has seen this implemented in other communities and there has been significant reduction in crime statistics and Police calls.

Frank Kutilek asked if lodging facilities included Bed and Breakfast establishments.

David Bookless stated there has to be five (5) or more rooms for these regulations to apply.

Frank Kutilek commented that when he worked in construction, there were times he would be in a location for a year or more and would have a long term agreement with the hotel.

David Bookless replied that he had reached out to a few hotel managers and they all felt six (6) month extended stay was reasonable with a provision that if someone had an emergency such as a fire or flood. People that want to stay a year or more, most of the apartment complexes have shorter term leases available.

- e. **2019-13: A CITY-INITIATED REQUEST TO AMEND CHAPTER 405, ZONING, OF THE CODE OF ORDINANCES TO MODIFY DEFINITIONS AND REGULATIONS RELATED TO "USED CAR SALES," AS DEFINED IN THE ZONING ORDINANCE, AND AS RELATED TO NEW CAR, TRUCK, RECREATIONAL VEHICLE, BOAT, TRAILER, OTHER VEHICLE, AND/OR CONSTRUCTION EQUIPMENT SALES:** David Bookless stated that the City Council expressed concern and directed the Planning Commission to review the regulations for used/new car sales on smaller lots. He then briefly went over the proposed changes. Revise definitions to apply to new and used car sales; require a CUP in C-2, C-3, M-1 and M-2 districts; minimum parcel size in "C" districts of 2 ½ acres; no minimum in "M" districts for internet and specialty sales; abutting residential districts must be screened; a traffic study may be required and pre-existing car sales establishments will be designated legal non-conforming uses. The Director of Community Development finds that the proposed text amendments meet or exceed review criteria and further advances the intent of Chapter 405 and based on this finding, request favorable consideration of the draft amendments.

No public comment.

- f. **2019-01: A REQUEST FOR A CHANGE OF ZONING FOR SEVEN (7) PROPERTIES FROM C-4, R-3 AND C-2 TO ALL C-4 PLANNED COMMERCIAL DISTRICT FOR THE PURPOSES OF OPERATING ASSISTED LIVING APARTMENTS (CEDARHURST) AT 2069 MISSOURI STATE RD.:** Christie Hull-Bettale gave an updated presentation of Dover Development's request to establish a "C-4" Planned Commercial District for seven parcels of land totaling 8.32 acres. The proposed uses would include 63 assisted living apartments, 20 memory care apartments, and senior services. An adjustment was made to the architecture so new renderings were presented. The city hired CBB on behalf of Dover Development to do a traffic study. We asked them to do an assessment to determine the number of trips that would be generated; assess the relative impact of those trips on the adjacent roadways; assess the ability of the motorist to safely enter and exit the site, and if necessary, roadway improvements or traffic control modifications would be recommended to mitigate any impacts from the development. The study focused on weekday peaks A.M and P.M.

David Bookless clarified that CBB was hired and directed by the city and the applicant reimbursed the city for the cost.

Christie Hull Bettale then reviewed the findings and recommendations from the traffic study and addressed the changes the developer has made which include: curb cuts have been modified to make sure sight triangles are addressed going in and out of the access points and also sight distance to the intersection.; sidewalks will be constructed; they will not construct the portion of sidewalk in front of the development on Old Lemay Ferry, but they are going to make a contribution in the form of escrow, to the sidewalk fund for future sidewalk improvements in the future. They will also provide adequate roadway right-of-way for Old Lemay Ferry and Missouri State Road for future potential widening. Additional landscaping has also been added. 1787 Old Lemay Ferry has been left out of the proposal. There has been reasonable effort made but no agreement established. Staff recommends favorable consideration of this rezoning request.

Jeff Campbell commented to Christie that the site plan on her presentation is different than the one in the packet.

Nick Dwyer, Dover Development, 120 South Central Ave., Clayton, MO stated that the site plan on the slideshow is an outdated plan. The plan that is dated 3/26/2019 is the plan the review was based off of.

David Bookless also mentioned a slight shift in the building.

Nick Dwyer explained that an existing water main did not get picked up through the utility locations so the building had to be shifted off the road and part had to be re-adjusted. The drive lane has been shifted.

Brian McArthur commented that a lot of parking was lost with the shift.

Nick Dwyer stated that they lost a few parking spots but they are still one over what is required.

Jeff Campbell asked what kind of vehicle is delivering supplies, food, etc.

Nick Dwyer commented that a small van delivers the food weekly.

Gregory Reininger, 1787 Big Bill Rd., questioned being boxed in by C-4 zoning; building within 15 feet of his property and where are the contractors from and are they union.

Nick Dwyer stated they do not foresee building anything within 15 feet of Mr. Reininger's property and they plan on using as many local subcontractors as they can.

Larry Thomas Jobe, Jr., 1787 Old Lemay Ferry, asked if the detention pond that will be behind their property was intended to hold water and if so, concerned there will be a mosquito issue. Will there be time requirements as to when they can start work; will deliveries be allowed during the construction phase during certain hours; wants a PLA signed to insure that they use union workers.

Bob Sweeney commented that labor agreements are no longer lawful in Missouri.

JD Howell, The Sterling Co., 5055 New Baumgartner Road, St. Louis, MO, commented that the detention basin in question will be dry.

Cort Dietz, 10890 Business 21, Hillsboro, MO, commented that Mr. Reininger is his client and stated that the developer offered \$140,000 Mr. Reininger's property which is considerably less than its worth. The main concern is that this property will be orphaned and lose its value will be greatly reduced. They would like the developer to make better assertive effort.

Bob Sweeney commented that the Planning Commission does not have the authority to direct a developer on their offers. Real Estate Agents are not qualified to provide property appraisals, so if the applicant has evidence of reduced value it would have to be from a licensed appraiser.

Cort Dietz stated he is not trying to establish a value but this development will reduce the value of Reininger's property and feels it is irresponsible to allow them to leave that one property.

- g. **2019-02: CONSOLIDATION PRELIMINARY RECORD PLAT, CEDARHURST ASSISTED LIVING FACILITY CONSOLIDATE 7 PARCELS INTO ONE LOT, 2069 MISSOURI STATE RD.** Christie Hull-Bettale presented this Consolidation Plat stating that the proposed consolidation supports the Comprehensive Plan, it includes proper provision of right-of-way and sidewalk easement dedications and it includes transportation facilities, in the form of sidewalk and pedestrian improvements for Missouri State Road being constructed and escrow in lieu of construction for Old Lemay Ferry sidewalks being established prior to building permit issuance. Staff requests favorable consideration of this proposed Consolidation Plat.

No public comment.

There being no further questions or comments, the public hearing adjourned at 8:20 p.m.

OLD BUSINESS:

- a. **2019-01: A REQUEST FOR A CHANGE OF ZONING FOR SEVEN (7) PROPERTIES FROM C-4, R-3 AND C-2 TO ALL C-4 PLANNED COMMERCIAL DISTRICT FOR THE PURPOSES OF OPERATING ASSISTED LIVING APARTMENTS (CEDARHURST) AT 2069 MISSOURI STATE RD.:** Jeff Campbell commented that he is not comfortable approving this when the background plan is not consistent through the set such as the landscape plan, etc.

Christie Hull-Bettale explained that after she had created the presentation there was a change in the site plan (waterline was found and they had to shift the building). She apologized that the old site plan was in the presentation.

JD Howell referred to the landscaping plan and stated there would be no substantial changes.

David Bookless commented that if the landscape plan varies at all, they will bring it back before the Planning Commission for approval.

Brian McArthur questioned the parking difference between the original plan and the proposed.

Christie Hull Bettale commented that although with the building shift they lost a few spaces they still have more than is required.

Chris Ford expressed his concern for Mr. Reininger.

Andrew Sutton shares Mr. Ford's concerns but does recognize that the applicant has made all efforts to negotiate a fair price with the property owner.

Frank Kutilek made the comment that the existing traffic issues on Missouri State Rd., Church Rd., and Old Lemay Ferry need to be address in the future.

Christie Hull-Bettale commented that Dover has done their part by providing the dedicated right-of-way on both roadways and they are improving the sidewalks in the area to make the connection to Arnold Commons.

Motion by Frank Kutilek to approve 2019-01, A request for a change of zoning for seven (7) properties from C-4, R-3 and C-2 to all C-4 Planned Commercial District for the purposes of operating Assisted Living Apartments (Cedarhurst) at 2069 Missouri State Rd. based on the findings and the 21 conditions found in Attachment A (attached). Second by Del Williams. Roll call vote: Chris Ford, yes; Brian McArthur, yes; Alan Bess, yes; John Tucker, yes; Frank Kutilek, yes; Jeff Campbell, no; Del Williams, yes; Andrew Sutton, yes. 7 yeas, 1 nay – *Motion Approved.*

- b. **2019-02: CONSOLIDATION PRELIMINARY RECORD PLAT, CEDARHURST ASSISTED LIVING FACILITY CONSOLIDATE 7 PARCELS INTO ONE LOT, 2069 MISSOURI STATE RD.** Motion by Del Williams to approve 2019-02, Consolidation Preliminary Record Plat, Cedarhurst Assisted Living Facility consolidation of seven (7) parcels into on lot at 2069 Missouri State Road based on the findings and the following two (2) conditions:

1. The applicant is to address comments as indicated by Agencies.
2. The applicant is to construct improvements and establish escrows as indicated in the separate proposal for the "C-4" Planned Commercial District with Development Plan.

Second by Frank Kutilek. Roll call vote: Chris Ford, yes; Brian McArthur, yes; Alan Bess, yes; John Tucker, yes; Frank Kutilek, yes; Jeff Campbell, no; Del Williams, yes; Andrew Sutton, yes. 7 yeas, 1 nay – *Motion Approved.*

NEW BUSINESS:

- a. **2019-10: CONDITIONAL USE PERMIT, SNO-BALL, 754 JEFFCO BLVD.:** Motion by Jeff Campbell to approve 2019-10, Conditional Use Permit, Sno-Ball, at 754 Jeffco Blvd., with following ten (10) conditions:

1. All structures, tables, trash containers, etc. must be located at least fifty (50) feet from the front property line.
2. The tables, trash containers, etc. may not create an obstruction for vehicle traffic.
3. The area is kept clean of trash and debris that may result from the snow cone stand.
4. A current written agreement is provided to the City regarding the use of restrooms for the employees and customers of the snow cone stand for each year of the Conditional Use Permit.
5. The operation may open March 1 of each year of the Conditional Use Permit.
6. The hours of operation are from 1:00PM to 10:00PM.
7. The trailer is removed on or before October 1, 2019 and 2020.
8. Building permits required for the placement of the stand, electric, etc.
9. Jefferson County Health Department permit required.
10. All necessary permits are issued in conjunction with opening the snow cone stand.
11. The Conditional Use Permit will expire on October 31, 2020.

Second by Del Williams. Roll call vote: Chris Ford, yes; Brian McArthur, yes; Alan Bess, yes; John Tucker, yes; Frank Kutilek, yes; Jeff Campbell, yes; Del Williams, yes; Andrew Sutton, yes. 8 yeas, 0 nays – ***Motion Approved.***

- b. **2019-11: CONDITIONAL USE PERMIT, 360 NUTRITION, #16 FOX VALLEY CENTER:** Motion by Jeff Campbell to approve 2019-11, Conditional Use Permit, 360 Nutrition at #16 Fox Valley Center based on the findings. Second by Del Williams. Roll call vote: Chris Ford, yes; Brian McArthur, yes; Alan Bess, yes; John Tucker, yes; Frank Kutilek, yes; Jeff Campbell, yes; Del Williams, yes; Andrew Sutton, yes. 8 yeas, 0 nays – ***Motion Approved.***
- c. **2019-12: A REQUEST FOR A CHANGE OF ZONING FROM “PRD” PLANNED RESIDENTIAL DISTRICT TO “R-2” RESIDENTIAL DISTRICT FOR A PROPERTY LOCATED AT 2209 LONEDELL ROAD TO ALLOW THE CONSTRUCTION OF A SINGLE-FAMILY DWELLING. SUBMITTED BY PRIME PROPERTY INVESTMENTS, OWNER OF THE PROPERTY:** Motion by Jeff Campbell to approve 2019-12, a request for a change of zoning from “PRD” Planned Residential District to “R-2” Residential District for a property located at 2209 Lonedell Road to allow the construction of a single-family dwelling based on Staff’s findings. Second by Frank Kutilek. Roll call vote: Chris Ford, yes; Brian McArthur, yes; Alan Bess, yes; John Tucker, yes; Frank Kutilek, yes; Jeff Campbell, yes; Del Williams, yes; Andrew Sutton, yes. 8 yeas, 0 nays – ***Motion Approved.***
- d. **2019-08: A CITY-INITIATED REQUEST TO AMEND CHAPTER 405, ZONING, OF THE CODE OF ORDINANCES, CREATING DEFINITIONS FOR LODGING ESTABLISHMENTS AND EXTENDED STAY LODGING ESTABLISHMENTS AND PROVIDING REGULATIONS THEREFOR:** Motion by Jeff Campbell to approve 2019-08, a city-initiated request to amend Chapter 405, Zoning of the Code of Ordinances, creating definitions for lodging establishments and extended stay lodging establishments and providing regulations therefor. Second by Chris Ford. Roll call vote: Chris Ford, yes; Brian McArthur, yes; Alan Bess, yes; John Tucker, yes; Frank Kutilek, yes; Jeff Campbell, yes; Del Williams, yes; Andrew Sutton, yes. 8 yeas, 0 nays – ***Motion Approved.***

- e. **2019-13: A CITY-INITIATED REQUEST TO AMEND CHAPTER 405, ZONING, OF THE CODE OF ORDINANCES TO MODIFY DEFINITIONS AND REGULATIONS RELATED TO “USED CAR SALES,” AS DEFINED IN THE ZONING ORDINANCE, AND AS RELATED TO NEW CAR, TRUCK, RECREATIONAL VEHICLE, BOAT, TRAILER, OTHER VEHICLE, AND/OR CONSTRUCTION EQUIPMENT SALES:** Motion by Jeff Campbell to approve 2019-13, a city-initiated request to amend Chapter 405, Zoning, of the Code of Ordinances to modify definitions and regulations related to “Used Car Sales” as defined in the Zoning Ordinance, and as related to new car, truck, recreational vehicle, boat, trailer, other vehicle, and/or construction equipment sales. Second by Frank Kutilek. Roll call vote: Chris Ford, yes; Brian McArthur, yes; Alan Bess, yes; John Tucker, yes; Frank Kutilek, yes; Jeff Campbell, yes; Del Williams, yes; Andrew Sutton, yes. 8 yeas, 0 nays – *Motion Approved.*

STAFF UPDATE:

David Bookless – upcoming agenda items: sign code with respect to temporary signs and medical marijuana. City Council approved: tree preservation amendment; 911 calls, and vacant structure amendment.

Bob Sweeney – no report

Sarah Turner – no report

Christie Hull-Bettale – gave an update on MOD Pizza –they will be striping the crosswalk and taking care of the ADA spaces within the next few weeks.

COMMISSIONERS UPDATE:

Del Williams – no report

John Tucker – asked for an update on the striping in front of the Bedroom Store in Arnold Commons. Christie stated that our Building Inspector was going to contact their maintenance company to take care of it.

Alan Bess – no report

Jeff Campbell – no report

Frank Kutilek – no report

Andrew Sutton – no report

Chris Ford – no report

COUNCIL LIAISON REPORT

Brian McArthur – asked if Harbor Freight had an open house. David Bookless stated that he has not heard of any.

NEXT SCHEDULED MEETING: APRIL 23, 2019

ADJOURNMENT: Meeting adjourned at 8:43 p.m.

Respectfully Submitted,

Alan Bess
Planning Commission Secretary

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARNOLD, MISSOURI, AMENDING CHAPTER 605 OF THE ARNOLD CODE OF ORDINANCES WITH REGARD TO DEFINITIONS AND REGULATIONS FOR GENERAL OPERATION OF LODGING ESTABLISHMENTS.

WHEREAS, lodging establishments, unless properly regulated, can become and create public nuisances; and

WHEREAS, municipalities are charged with and responsible for suppressing all nuisances which are, or may be, injurious to the health and welfare of the inhabitants of the City or prejudicial to the morals thereof; and

WHEREAS, the City of Arnold has experienced and documented conditions at certain lodging establishments that have created nuisances and/or prejudiced the morals of the community; and

WHEREAS, the City has, on occasion, expended a disproportionate percentage of its police service on certain lodging establishments; and

WHEREAS, the City Council of the City of Arnold desires to amend Chapter 605 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; and

WHEREAS, the City Council voted to amend Chapter 605 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. That Section 605 of the Arnold Code of Ordinances is hereby amended by the addition thereto of Section 605.380., entitled "Lodging Establishment Business Licensing and License Tax Reporting and Collection", to be read in its entirety as follows:

"Section 605.380. Lodging Establishment Business Licensing and Transient Guest (Hotel/Motel) Tax Reporting and Collection

- A. This Section specifically applies to the business license and taxes for lodging establishments ("lodging establishment license"). The provisions of this Section are in addition to, not in lieu of, other provisions of this Chapter or the code of ordinances. In the case of an inconsistency in this Chapter or code of ordinances, the specific shall control.
- B. No person shall operate a lodging establishment who does not possess a lodging establishment license from the City to operate such lodging establishment. Only a person who complies with the provisions of this Section shall be entitled to receive and retain such a lodging establishment license. The Collector shall approve a lodging establishment license application if:

1. The applicant is not delinquent in payment of business license fees for the prior year at the time of application;
 2. The applicant is not delinquent in payment of lodging establishment transient guest taxes at the time of application;
 3. The applicant has no other outstanding fines, fees, taxes, or money due the City at the time of application;
 4. The applicant demonstrates that it has a valid license required by the State of Missouri pursuant to Sections 315.005 to 315.065, RSMo.; and
 5. No other grounds to deny such lodging establishment license exist under the law.
- C. The application for a lodging establishment license shall be made by the owner of the business seeking to operate a lodging establishment and shall state the identity of the owner and the location of its business and shall include such other information as is required by the Collector, including evidence that the owner has the right to occupy the premises where the proposed lodging establishment is to be located.
- D. A lodging establishment license shall be issued for one (1) year and shall be effective from September first (1st), or such later date that it may be issued during the year, until August thirty-first (31st) of such year, subject to revocation as provided herein.
- E. Every licensee shall, by the fifteenth (15th) day of the month following the conclusion of each calendar month, file with the Collector a completed transient guest tax return in such form as may be prescribed by the Collector. The completed return shall state the sum of all fees and charges for sleeping rooms during the period covered by the return, and the licensee shall in the license return calculate the amount of transient guest tax due for the prior month plus any delinquent penalties and interest. The return shall be signed by the licensee or a duly authorized officer or agent of the licensee and by any person who shall prepare such return.
- F. The lodging establishment transient guest tax due for each calendar month shall be paid by the fifteenth (15th) day of the month following the end of each such calendar month based upon the calculation set forth in Subsection (E) above.
- G. Any lodging establishment transient guest tax due pursuant to the provisions of this Section shall be delinquent if not paid by the date such payment is due, and shall be subject to the provisions of this Chapter relating to delinquent taxes.
- H. Definitions. As used in this Section, the following terms shall have these prescribed meanings:

CALL FOR SERVICE

- 1) Any report to the Arnold Police Department from or concerning a lodging establishment in connection with an incident occurring at that lodging establishment;
or

- 2) Any on-view incident observed by Police concerning a lodging establishment, which report or on- view incident is responded to by a Police Officer.

COLLECTOR

The City Clerk of the City of Arnold, Missouri.

EXTENDED STAY LODGING ESTABLISHMENT

A lodging establishment where any of the guest rooms are rented to longer-term guests as defined herein.

GUEST ROOM

Any room or unit in a lodging establishment where sleeping accommodations are regularly furnished to the public.

LODGING ESTABLISHMENT

Any building, group of buildings, structure, facility, place, or places of business where five (5) or more guest rooms are provided, which is owned, maintained, or operated by any person and which is kept, used, maintained, advertised or held out to the public for hire and which can be construed to be a hotel, motel, motor hotel, inn, tourist court, resort, tourist home, bunkhouse, dormitory, or other similar place by whatever name called, and includes all such accommodations operated for hire as Lodging Establishments.

LONGER-TERM GUEST

Any person occupying a guest room or combination of guest rooms in a lodging establishment under any concession, permit, right of access, license, rental or other agreement for living and sleeping purposes for a period (a) in excess of (i) twenty-eight (28) consecutive days; or (ii) twenty-eight (28) nonconsecutive days within any ninety-day period; and (b) not exceeding one hundred eighty-three (183) days or six (6) months, whichever is less. For the purposes of this definition, if there are multiple individuals in a party occupying a guest room in a lodging establishment for the periods stated above, each member of the party shall be considered a longer-term guest regardless of which member or members of the party are registered as renting the guest room(s).

OPERATOR

Any person on the premises of a lodging establishment who is authorized to exercise operational control of the business, or who causes to function or who puts or keeps in operations the business. A person may be found to be operating or causing to be operated a lodging establishment regardless of whether the person is an owner, part owner, or licensee of the business.

OWNER

The person who owns the business operating a lodging establishment and who is responsible for obtaining a lodging establishment license and a lodging establishment license endorsement from the City for operating the lodging establishment and for paying all lodging establishment license taxes.

PERSON

Any individual, partnership, corporation, association, organization, firm, or Federal, State,

County, City, Village, or municipal association or corporation.

POLICE

Any authorized agent of the Arnold Police Department or other law enforcement agency having jurisdiction.

RENT OR SUBRENT

The act of permitting a guest room to be occupied for any form of consideration.

I. *General Operation.*

1. Lodging establishments must have a representative available on the premises at all times.
2. Lodging establishments must comply with Sections 315.005 to 315.065, RSMo.
3. Lodging establishments shall be kept in a clean and sanitary condition, in good repair, and shall be maintained and operated with strict regard to health and safety of the guest.
4. Except for extended stay lodging establishments which are properly zoned as extended stay lodging establishments under Chapter 405, lodging establishments are prohibited from renting any guest rooms to longer-term guests.
5. No guest room in any extended stay lodging establishment shall be rented to any longer-term guest unless such guest room is equipped with a functioning, permanently installed private bathroom (including a bath or shower) and a permanently installed kitchen (including a sink, refrigerator and cooktop).
6. Occupancy limits for each room within a lodging establishment shall be determined by the Fire Marshall and shall be displayed in each room. Occupancy shall not exceed that fixed by the Fire Marshall at any time.
7. No lodging establishment shall rent a guest room or combination of guest rooms in such lodging establishment for more than 28 consecutive days or 28 non-consecutive days in any three-month period to any person. No extended stay lodging establishment shall rent a guest room or combination of guest rooms in such extended stay lodging establishment for more than six (6) consecutive months or 183 non-consecutive days in any nine-month period to any person. It is the intent of this Section that if a guest room is occupied by a party or group of individuals for either of the maximum time periods allowed by this Section, no guest room in that lodging establishment or extended stay lodging establishment may again be rented to the same party or to any individual or person that was a member of said party within the same time period. Maximum stays at both all lodging establishments may be extended by the Community Development Director based on individual hardship, which may include stays resulting from natural disaster or calamity. The decision of the Community Development Director shall be final.
8. Extended stay lodging establishments shall be subject to all of the other provisions of

this Chapter that relate to lodging establishments.

J. *Guest Registration.*

1. *Guest register.*

- a. Every operator of any lodging establishment in the City shall keep a register for the registration of all guests. A Law Enforcement Officer in the City may request an operator consent to inspect the record as part of the Department's public safety responsibilities. If such request for inspection is refused, the operator shall secure the guest register in the presence of the Officer in a manner directed by the Officer to ensure that no one can tamper with the guest register and the operator shall maintain the security of the guest register until such time as a subpoena, warrant, or court order has been issued or denied.
- b. No person shall alter, deface or erase the record so as to make the information recorded in it illegible or unintelligible, or hinder, obstruct or interfere with any inspection of the record under this section.
- c. Any record maintained in the form of a book shall be permanently bound, each page shall be sequentially numbered and the book shall be the minimum size of eight by ten inches. No page shall be removed from the book. Any record maintained in the form of cards shall be on cards that are the minimum size of two and one-half inches by four inches and numbered consecutively and used in sequence. Any card numbered within the sequence of utilized cards shall be preserved as part of the record even if it is not used for a room rental. The numbers shall be printed or otherwise indelibly affixed to the cards. If maintained electronically, the record shall be printable.
- d. For the purpose of enforcing this chapter, every operator of a lodging establishment shall record the days and dates each guest room in his or her lodging establishment is rented or occupied. The records of guest room occupation or rental shall be kept by the operator within the City of Arnold and shall always be subject to audit by the Collector or by any person (whether or not an employee of the City) designated by the Collector for that purpose at the discretion of the Collector. The records of guest room occupation or rental required to be maintained by this Section shall be maintained for a period of five (5) complete licensing years.

2. *Guests must register.* No operator of any lodging establishment in the City shall rent or subrent or assign for occupancy any guest room in that lodging establishment to any person until after such person shall have registered his/her name and address in the register herein provided to be kept, and thereafter such register shall be made to show correctly the year, month, day and hour of the arrival of such person at the lodging establishment and the number of the guest room rented or assigned to such guest; and such operator of such lodging establishment shall at the time of the departure of each guest endorse upon such register the date of such departure. No person shall erase or alter any name or address written in such register.

3. *Registration information required.*

- a. The operator of any lodging establishment shall keep a register of the names and home or business addresses of all persons to be accommodated at the lodging establishment with the length of stay indicated. At the time of registration, the operator or his or her employee shall verify the identification of the registrant by requesting to see, and copying onto the registration form any of the following: the registrant's valid driver's license, the registrant's valid military identification, or the registrant's valid passport number and country of issuance.
- b. The operator or his or her employee must also include on the registration forms the make, type and license number of the registrant's automobile, trailer or other vehicle, and the State in which such vehicle is registered and the year of registration for any vehicle that is parked on the premises. Lodging establishments that can demonstrate that they take sufficient reasonable steps to control access to and from parking areas on the premises shall not be required to include this information on registration forms. Such sufficient reasonable steps to control access to and from parking areas shall include, but not be limited to, valet parking, automated access gates, and parking attendants.
- c. Pursuant to Sec. 315.069, RSMo, 2000, lodging establishment operators may make certain requirements for providing accommodations.
 - (1) The lodging establishment operator may require a person seeking the use of a room, accommodations, facilities or other privileges of the hotel to demonstrate his or her ability to pay for such use by cash, credit card or approved check. In addition, the lodging establishment operator may require the parent or guardian of a person under the age of eighteen to:
 - i. *Accept in writing the liability for the cost of the room, accommodations, facilities or other privileges of the hotel used by the person, and the cost of any damages to the room, furnishings in the room or other facilities of the hotel caused by the person while using the room, accommodations, facilities or other privileges of the hotel;*
 - ii. *Provide the hotel operator with one of the following:*
 - (a) *The authority to charge the amount due for the cost of the room, accommodations, facilities or other privileges of the hotel used by the person, and the cost of any damages to the room, furnishings in the room or other facilities of the hotel caused by the person while using the room, accommodations, facilities or other privileges of the hotel to a credit card used by a person under the age of eighteen. The granting of such authority shall be deemed a waiver of any defense based upon the age of*

such person which may be raised by the minor or the person authorizing the use of the credit card; or

(b) *An advance cash payment sufficient to cover the cost of the room, accommodations, facilities or other privileges of the hotel used by the person, and a reasonable amount as a deposit toward the cost of any damages to the room, furnishings in the room or other facilities of the hotel caused by the person while using the room, accommodations, facilities or other privileges of the hotel. A cash deposit for any damages required by the hotel operator shall be promptly refunded to the extent not used to cover the cost of any such damages as determined by the hotel operator following an inspection of the room, accommodations or facilities of the hotel used by the person at the end of his or her stay.*

4. *Pre-arrival registration.* In the event that the lodging establishment utilizes a pre-arrival registration or approval procedure that obviates the requirement for an arriving guest to go to the front desk and provide information typically required as part of the lodging establishment's customary registration process, the lodging establishment shall not be required to comply with Subdivision (3) of this Subsection; provided however, that the related information of the type specified in Subdivision (3) is recorded subsequent to guest arrival.
5. *Illegal registration.* No person shall register at any lodging establishment in the City under the name of any other person, or by any assumed, false or fictitious name. No person recording any information required by this Section shall falsely or inaccurately state such information.

K. *Registration and occupancy shall not establish domicile.* The act of registering as a guest or occupying a guest room in any lodging establishment is by license and is transient in nature. Such registration and occupancy shall not establish domicile or residency by the guest or any occupants of the room(s).

1. The owner or operator of any lodging establishment shall inform all guests, in writing, of this provision during the guest registration process and as part of any published guest rules.
2. The owner or operator of any lodging establishment operator shall refuse accommodations to or eject persons from the lodging establishment, as permitted in this chapter, when such persons act to violate or indicate their intent to violate this section.

L. *Hourly Rental Prohibited.*

1. It shall be unlawful for an owner or operator of any lodging establishment to rent or subrent any room for a rate less than which is charged or accepted for one (1) full day's accommodations within any twenty-four (24) hour period.

2. It shall be unlawful for an owner or operator of any lodging establishment to rent or subrent the same guest room more than two (2) times within any twenty-four (24) hour period.
3. No such owner or operator shall advertise that any guest room is available at any hourly rate or for a period less than twenty-four (24) hours.

M. *Rental To A Minor Prohibited.* It shall be unlawful for an owner or operator of any lodging establishment to rent or subrent any guest room to any individual under the age of eighteen (18) years unless said individual is accompanied by a registered guest who is his or her legal guardian; or when accompanied by an adult over the age of eighteen (18) years who is a registered guest, and who is in possession of expressed written permission of the legal guardian.

N. *Use Of Portable Electrical Or Open-Flame Cooking Devices Prohibited.*

It shall be unlawful for an owner or operator of any lodging establishment or for any registrant or guest of a lodging establishment to use, provide or knowingly allow the use of portable electrical or open- flame cooking devices, including, but not limited to, hot plates, electric skillets and grills, propane and charcoal grills, camping stoves, slow cookers, and any similar cooking devices on the premises of a lodging establishment, except as provided in Subdivision (2) below.

1. Kitchens or kitchenettes installed with the approval of the fire district and the City of Arnold and in accordance with applicable building codes; and microwaves and coffee makers that are provided by the owner or operator of the lodging establishment shall be permitted.

O. *Maintenance of Lodging Establishments.*

1. All rooms arranged, designed, used or intended to be used to provide living and sleeping for guests in lodging establishments must be maintained to standards set forth in Chapter 500, Existing Residential Structures Code, of the City of Arnold Municipal Code, except that individual rooms may be out-of- order for repair and/or remodeling purposes for no more than ninety (90) days within any twelve (12) month period, provided there is a valid building permit issued in conjunction with such repairs and/or remodel.
2. The building and grounds shall at all times be improved, constructed, maintained, and used in strict conformity with the City's Code of Ordinances, including, but not limited to any approved site-specific ordinances, conditional use permits, site plans, landscape plans, lighting plans, and sign packages.

P. *Consumption of Alcoholic Beverages In Public Areas Prohibited.* It shall be unlawful for an owner or operator of any lodging establishment, or for any registrant or guest of a lodging establishment, to consume or knowingly allow the consumption of alcoholic beverages, as defined in Chapter 600, in any parking lot, hallway, or other publicly accessible area associated with the lodging establishment except in restaurants, bars, lounges, banquet rooms, or other areas specifically authorized by a valid liquor license.

Q. Lodging Establishment Operator May Refuse Accommodations.

As permitted pursuant to Sec. 315.067, RSMo. 2000, an operator of a lodging establishment may refuse or deny the use of a guest room, facilities or other privileges of the lodging establishment to any of the following:

- a. An individual who is unwilling or unable to pay for the guest room, facilities, or other privileges of the lodging establishment;
- b. An individual who is visibly intoxicated, under the influence of alcohol or other drug, and/or is disorderly so as to create a public nuisance;

An individual who the lodging establishment operator reasonably believes is seeking to use a guest room, facilities or other privileges of the lodging establishment for an unlawful purpose;

An individual who the lodging establishment operator reasonably believes is bringing in anything which may create an unreasonable danger or risk to other persons, including, but not limited to, explosives or the unlawful use of firearms; or

An individual whose use of the guest room, facilities or other privileges of the lodging establishment would result in a violation of the maximum capacity of such lodging establishment.

A lodging establishment operator who reasonably refuses or denies the use of a guest room, facilities or other privileges of the lodging establishment pursuant to this Section shall not be subject to any civil or criminal action or any fine or other penalty based on such reasonable refusal.

Q. Lodging Establishment Operator May Eject Person. Pursuant to Sec. 315.075, RSMo. 2000, an owner or operator of a lodging establishment may eject a person from the lodging establishment and notify the appropriate Police for any of the following reasons:

1. Non-payment of charges incurred by the individual renting, subrenting or leasing a guest room or facility of the lodging establishment when the charges are due and owing;
2. The individual present at the lodging establishment is visibly intoxicated, under the influence of alcohol or other drug and/or is disorderly so as to create a public nuisance;
3. The owner or operator reasonably believes that the individual is using the premises for an unlawful purpose;
4. The owner or operator reasonably believes that the individual has brought something into the lodging establishment which may create an unreasonable danger or risk to other persons, including, but not limited to, unlawful use of firearms or explosives; or
5. The individual is in violation of any Federal, State or local laws or regulations relating to the lodging establishment.

R. *Lodging Establishment License Endorsement Required.*

1. *Lodging establishment license endorsement requirement.*

a. Beginning September 1, 2019, it shall be unlawful for any person to operate a lodging establishment in the City of Arnold without both:

(1) A lodging establishment license; and

(2) A lodging establishment license endorsement issued pursuant to this Subsection ("Lodging Establishment License Endorsement").

b. *Initial application.*

(1) For all lodging establishments which exist and are currently operating prior to April 1, 2019, those lodging establishments shall apply for a lodging establishment license endorsement by September 1, 2019 and, so long as the lodging establishment is qualified to obtain a lodging establishment license, the City shall issue an initial lodging establishment license endorsement to such lodging establishment.

(2) For those lodging establishments which do not exist as of April 1, 2019 or which begin or resume operations after such date, those lodging establishments shall apply for a lodging establishment license endorsement prior to beginning or resuming operations and, so long as the lodging establishment is qualified to obtain a lodging establishment license, the City shall issue an initial lodging establishment license endorsement to such lodging establishment.

c. *Conditions to deter crime — conditions/requirements.*

(1) Once a lodging establishment license endorsement is issued, a lodging establishment must comply with additional conditions designed to deter crime in order to obtain or maintain its lodging establishment license endorsement, which additional conditions are based upon an individual lodging establishment's annual calls for service per guest room for the prior year.

(2) The calls for service and crime statistics for each lodging establishment will be compiled for a twelve (12) month period ending December thirty-first (31st) of each calendar year by the Arnold Police Department.

(3) Each lodging establishment owner will be notified of its annual number of calls for service per guest room for the prior year no later than March thirty-first (31st) of each calendar year.

(4) The time between April first (1st) and August first (1st) will allow

lodging establishments time to comply with all the conditions of their group level necessary to receive a lodging establishment license endorsement prior to their making application for the issuance/renewal of their lodging establishment license.

- d. *Renewals.* Each lodging establishment shall demonstrate that it has fulfilled the conditions required by August first (1st). If the lodging establishment has satisfactorily demonstrated that it has fulfilled the conditions required, then the City shall issue a new lodging establishment license endorsement for such lodging establishment for the next calendar year.
 - e. *Form.* The lodging establishment license endorsement required herein shall be made upon a form prepared by the Arnold Police Department upon application by the licensee. The lodging establishment license endorsement form must be presented to the City Clerk by every lodging establishment licensee, as a condition of eligibility for the renewal of a lodging establishment license.
2. *Annual calls for police service less than or equal to 0.25 calls per guest room (including those lodging establishments with no history of calls per service per guest room for the prior year).* Lodging establishments whose annual calls for service are less than or equal to 0.25 calls per guest room shall be entitled to a lodging establishment endorsement without further condition and shall have the option, but not the requirement, to implement the followings measures:
- a. At the request of such lodging establishment, the Arnold Police Department will provide the lodging establishment with inspection services and advice concerning crime prevention through environmental design standards.
 - b. At the request of such lodging establishment, the Arnold Police Department will provide training for the lodging establishment staff, in cooperation with management, regarding the recognition of criminal behavior.
 - c. At the request of such lodging establishment, the Arnold Police Department will keep the lodging establishment management apprised of police activity that occurs on the property of the lodging establishment to the extent deemed acceptable by the Arnold Police Department.
3. *Annual calls for police service greater than 0.25 calls per guest room but less than or equal to 1.00 call per guest room.* Lodging establishments whose annual calls for service are greater than 0.25 calls per guest room but less than or equal to 1.00 call per guest room are required to meet the following additional conditions, designed to deter crime, in order to obtain a lodging establishment license endorsement to operate in the City of Arnold:
- a. The lodging establishment shall contact the Arnold Police Department to coordinate the following requirements:
 - (1) The Arnold Police Department shall provide training for the lodging establishment staff, in cooperation with management, regarding the

recognition of criminal behavior.

- (2) The Arnold Police Department shall keep the lodging establishment management apprised of police activity that occurs on the property of the lodging establishment to the extent deemed acceptable by the Arnold Police Department.
 - b. The lodging establishment must install and operate a surveillance camera (with recorder) in the lobby and all building entry/exit points accessible to guests for twenty-four (24) hours per day, seven (7) days per week. All surveillance recordings shall be stored and maintained in good viewing order for a minimum of thirty (30) days after recording, and shall be made available upon request by any Law Enforcement Officer in the City. Such recordings shall be date and time stamped.
 - c. The lodging establishment must undergo an Arnold Police Department crime prevention assessment of the lodging establishment to be conducted by the Arnold Police Department Crime Prevention Unit using standards from the crime prevention through environmental design (CPTED) program.
4. *Annual calls for Police service greater than 1.00 call per guest room.* Lodging establishments whose annual calls for service are greater than 1.00 call per guest room are required to meet the following additional conditions, designed to deter crime, in order to obtain a lodging establishment license endorsement to operate in the City of Arnold:
- a. The lodging establishment must conform to the conditions set forth in Section 605.130(R)(3).
 - b. The lodging establishment must provide the Arnold Police Department with the names and dates of birth of the owner, or if the owner is an entity, all officers of the owner, and all employees employed at the lodging establishment to allow for background checks. A processing fee (in an amount required to cover costs) may be required as determined by the Arnold Police Department.
 - c. The lodging establishment must hold semi-annual employee training sessions, assisted by the Arnold Police Department.
 - d. The lodging establishment must provide twenty-four (24) hour front desk personnel.
 - e. The lodging establishment must enforce the following guest rules:
 - (1) No guest room may be used for drunkenness, fighting, or breaches of the peace. No guest room may be used if loud noises come from that guest room. Loud noises are those noises that disturb the tranquility of the neighborhood or those noises that would be disturbing to a reasonable person.

- (2) All adult guests and visitors must present a government issued photo ID at the front desk immediately upon arrival.
 - (3) Registered guests shall re-check-in every seven (7) calendar days.
 - (4) All guests and visitors must be at least twenty-one (21) years old, unless accompanied by a parent or legal guardian.
 - (5) Only registered guests are allowed in his/her room between 10:00 P.M. and 6:00 A.M.
 - (6) Guests may not prohibit or impede room entry by the lodging establishment, when such entry is for purposes of inspection, cleaning and/or maintenance.
 - (7) The lodging establishment may visually inspect all guest rooms every 24 hours to ensure the well-being of guests and confirm the condition of the room.
- f. The lodging establishment must post house rules in the lobby and guest rooms and each guest and visitor must sign a copy of the house rules. The operator must notify the guests and visitors that their registration information may be shared with the Arnold Police Department.
 - g. Upon registration, full payment shall be collected for stays of seven (7) days or longer.
 - h. The maximum stay of any longer-term guest shall not exceed two (2) months or sixty (60) calendar days, whichever is less.
 - i. The lodging establishment must thoroughly clean each room, to include the provision of clean bed linens, bathing towels, and bathroom tissue, at least one time per week; and a record of cleanings shall be maintained for at least one (1) year.
 - j. The lodging establishment must maintain a daily key log. Each key that is found to be missing must have its corresponding lock re-keyed prior to the guest room being rented or subrented. Each master key that is found to be missing will require the lodging establishment to re-key all corresponding locks.
 - k. The lodging establishment must issue parking passes to all vehicles to be allowed to park on the premises with each pass marked with the license plate number of the vehicle to which it is issued, the date of issuance, and expiration date. Such passes shall be visibly displayed in the vehicle to which it is issued.
 - l. The lodging establishment must participate in the Arnold Police Department "criminal trespass program". Participation shall mean the lodging

establishment shall be registered in the "criminal trespass program".

- m. The lodging establishment must remove all graffiti and repair all vandalism within seven (7) days of occurrence.
- n. The lodging establishment must permit an annual inspection by the City of Arnold Building Official to ensure that guest rooms are maintained according to all applicable building, fire, and safety codes, including tamper-resistant smoke detectors meeting National Fire Protection Agency (NFPA) standards.
- o. The lodging establishment must follow crime prevention through environmental design (CPTED) standards for landscaping/plant maintenance. These standards will be provided by the Arnold Police Department.
- p. The lodging establishment must install lighting in all common areas with minimum maintained lighting of one and one-half (1.5) foot-candles at ground level.
- q. The lodging establishment must install and operate video monitoring equipment in all parking lots, monitored and recorded at the front desk twenty-four (24) hours per day, seven (7) days per week. All surveillance recordings shall be stored and maintained in good viewing order for a minimum of thirty (30) days after recording, and shall be made available upon request by any Law Enforcement Officer in the City. Such recordings shall be date and time stamped.
- r. The lodging establishment must have a certified law enforcement officer on the premises every day from 6:00 P.M. until 6:00 A.M.
- s. The lodging establishment must submit to scheduled semi-annual audits by the City of Arnold Police Department to verify compliance with the above-referenced conditions.

S. Revocation of Lodging Establishment License.

- 1. The Collector may revoke a lodging establishment license as provided in this Section at any time the Collector determines that such lodging establishment is not in compliance with this Chapter. If, at any time, the Collector determines that a lodging establishment is not in compliance with this Chapter of the Arnold Code, the Collector shall notify the owner of the lodging establishment of such alterations or changes as may be deemed necessary to comply therewith and shall state in such notice the amount of time that the owner shall have to bring the lodging establishment into compliance with this Chapter. At the expiration of the period of time allowed by the Collector, the Collector shall review the progress of the owner's attempts to follow this Chapter and may grant additional reasonable periods of time for compliance. If the Collector is not satisfied that the owner has made the lodging establishment compliant with this Chapter, the Collector shall give written notice to

the owner stating that the City will consider revocation of the lodging establishment license, setting forth the reasons for the proposed action and fixing the date of a hearing before the City Council. Such public hearing shall be held not less than thirty (30) days from the date of delivery of such notice. The owner shall be entitled to appear with an attorney and may call witnesses as may be desired. If the City Council determines after such hearing that the lodging establishment is not in compliance with the provisions of this Chapter, the City Council may revoke the lodging establishment license. The owner of a lodging establishment may appeal an adverse decision of the City Council as provided in Chapter 536, RSMo. A lodging establishment may remain in operation during the foregoing process until revocation unless the Collector determines that an imminent health or safety hazard exists.

2. All notices served by the City pursuant to this Section shall be in writing and shall be either delivered to the owner in person or by registered or certified mail.

T. *Subsequent Applications for Lodging Establishment License After Revocation — Conditions of Approval.*

1. No subsequent application for a lodging establishment license to operate a lodging establishment on the same property following a period of revocation shall be approved unless:
 - a. Sixty (60) days have passed from the date of revocation;
 - b. The owner provides the City with a bond in a form acceptable to the City in the amount of one hundred thousand dollars (\$100,000.00) ("bond"); and
 - c. The applicant presents a corrective action plan, to the reasonable satisfaction of the Chief of Police and the Collector, to assure that the conditions and causes of the prior revocation have been or will be eliminated. Such corrective action plan must, at a minimum, include the following:
 - (1) All employees of the applicant shall be required to attend a four (4) hour crime prevention training class taught by law enforcement personnel; and
 - (2) The lodging establishment property must pass a full "Crime Prevention Through Environmental Design (CPTED)" inspection by law enforcement personnel demonstrating that the property meets minimum security requirements; and
 - (3) The lodging establishment implements the additional conditions described in Section 605.130(R)(4).
2. The bond referenced in Subsection (T)(1) shall run to the City and shall contain such conditions as are required by the City, including the following:
 - a. That the lodging establishment will comply with all of the terms, conditions, provisions, requirements and specifications contained in this Chapter; and

b. The bond shall be executed by a surety or guaranty company qualified to transact business in the State of Missouri.

U. *Assignment.* A valid lodging establishment license may be transferred to a new owner of the lodging establishment upon notification to the City.

V. *Violations, Enforcement and Penalties.*

1. *Remedies cumulative.* The remedies provided for herein for failure to comply with this Section shall be cumulative and in addition to any other remedy at law or equity.
2. *Continuing annual calls for police service greater than 1.00 call per guest room.* It is a violation of this Section if, after imposition of all of the conditions of Section 605.130(R)(4) for a period of one (1) year, the annual calls for service to the lodging establishment continue to be greater than 1.00 per year.
3. *Civil infraction.* A violation of or failure to comply with this Section is a civil offense and the City may enforce this Section and seek fines and penalties in accordance with the provisions of this Section.
4. *Separate offense.* Each day upon which a violation of this Section occurs constitutes a separate offense.
5. *Nuisance abatement — enforcement by civil action.* The City may also seek legal or equitable relief to enjoin any acts or practices and abate any condition which may constitute a nuisance or a violation of this Section.
6. *Operating without a lodging establishment license or lodging establishment license endorsement.* Any person establishing, conducting, managing or operating a lodging establishment in violation of this Chapter and/or without a lodging establishment license or lodging establishment license endorsement is guilty of a Class B misdemeanor.”

SECTION 2. This ordinance shall be in full force and effect from and after its passage and approval.

READ TWO TIMES, PASSED AND APPROVED THIS _____ DAY OF MAY 2019.

Presiding Officer of the Council

Mayor Ron Counts

ATTEST:

City Clerk Tammi Casey

1st reading: _____

2nd reading: _____

APPROVED AS TO FORM:

City Attorney Robert Sweeney



2739

CITY COUNCIL
AGENDA ITEM STAFF REPORT

MEETING DATE:	May 2, 2019
TITLE:	Chapter 500 Buildings & Building Codes (Amendment)
DEPARTMENT:	Community Development
PROJECT MANAGER:	David B. Bookless, Community Development Director
REQUESTED ACTION:	Ordinance approval
ATTACHMENTS:	Draft Ordinance

EXECUTIVE SUMMARY:

Staff is proposing a number of text changes in Chapter 500 Buildings & Building Codes to revise incorrectly identified code documents and obsolete code references.

REVIEW & ANALYSIS:

In April 2017, the City adopted the 2015 International Building Code and 2015 International Property Maintenance Code; however, the adopting ordinance included a scrivener's error that referenced the year 2016. While Staff is empowered to correct such errors administratively, Staff also discovered a number of code citations that referenced obsolete codes (e.g. 1999 BOCA, 2006 International Property Maintenance Code, etc.). Such corrections require Council action.

RECOMMENDATION:

Staff recommends approval of the ordinance amending Chapter 500 Buildings & Building Codes.

BILL NO. 2739

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 500 BUILDINGS AND BUILDING REGULATIONS

WHEREAS, on April 6, 2017, the City Council acted to adopt certain building codes as published by the International Code Council; and

WHEREAS, said codes included the 2015 International Building Code and 2015 International Property Maintenance Code, with amendments; and,

WHEREAS, the ordinance adopting the codes erroneously identified the 2015 International Building Code as the 2016 International Building Code, when no such "2016" code exists; and

WHEREAS, the adoption of said codes required revisions to additional subsections located elsewhere in Chapter 500 in order to accurately reference these adopted codes; and

WHEREAS, a number of such required revisions were erroneously omitted; and

WHEREAS, the amendments contained in this ordinance are necessary to do carry out the purpose and intent of the building codes as adopted by the City of Arnold.

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

Section 1: Section 500.020.A. is hereby amended by deleting and substituting in lieu the following:

"A. International Building Code. A certain code, at least one (1) copy of which is on file in the office of the City Clerk of the City of Arnold, Missouri, being marked and designated as "The International Building Code, 2015 Edition" and Appendices E, G, H and I as published by the International Code Council is hereby adopted as the Building Code of the City of Arnold, Missouri, regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Building Code on file in the office of the City of Arnold are hereby referred to, adopted and made a part hereof, as if fully set out in this Section, unless otherwise modified by this Chapter."

Section 2: Section 500.050.A.1.b. is hereby amended by deleting and substituting in lieu the following:

"b. The construction cost may be a calculation using one hundred percent (100%) of the square footage cost given in the most recent building valuation data report as published by the International Code Council."

Section 3: Section 500.050.A.3.b. is hereby amended by deleting and substituting in lieu the following:

“b. The construction cost may be a calculation using one hundred percent (100%) of the square footage cost given in the most recent building valuation data report as published by the International Code Council. Permit processing, plan review and inspection charges are included in the fee rate. Except for the schedule of miscellaneous permits and fees, the minimum permit fee shall be sixty-five dollars (\$65.00).”

Section 4: Section 500.090.B. is hereby amended by deleting and substituting in lieu the following:

“B. Upon written application of a proposed occupant of any building or structure for which a current certificate of compliance for the entire structure and premises has been issued, except as provided in Subsection (C) of this Section, the Community Development Department shall issue an occupancy permit for such building or structure, or any part thereof, provided that such occupancy meets the requirements of the zoning ordinance and the International Property Maintenance Code 2015.”

Section 5: Section 500.090.G. is hereby amended by deleting and substituting in lieu the following:

“G. No family, as defined in Section 405.060 of this Code, occupying an existing structure at the time of the adoption of the International Property Maintenance Code 2015 shall be required to meet the space requirements of said code for that structure, nor shall any family hereinafter issued an occupancy permit be considered in violation of said code by reason of marriage, births or adoption within a family, by reason of the return of a family member, by reason of other family members moving into the structure nor by the temporary placement of foster children with the family.”

Section 6: 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 7: 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 8: This ordinance shall be in full force and effect from and after its passage and approval.

READ TWO TIMES, PASSED AND APPROVED THIS _____ DAY OF MAY 2019.

Signature Page Follows

Presiding Officer of the Council

Mayor Ron Counts

ATTEST:

City Clerk Tammi Casey

1st reading: _____

2nd reading: _____

APPROVED AS TO FORM:

City Attorney Robert Sweeney

BILL NO. 2740

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE CITY OF ARNOLD TO ENTER INTO AN INTERGOVERNMENTAL COOPERATION AGREEMENT FOR THE INVESTMENT OF PUBLIC FUNDS THROUGH THE MISSOURI SECURITIES INVESTMENT PROGRAM.

WHEREAS, the City of Arnold is a City of the third class and a political subdivision of the State of Missouri, organized and existing under the Constitution and laws of the states; and,

WHEREAS, Article VI, Section Sixteen of the Constitution of Missouri provides that any municipality or political subdivision of the state may cooperate under contract to provide a common service as provided by law; and,

WHEREAS, Sections 70.210 – 70.320 R.S.Mo. provide that political subdivisions, including cities, towns and villages, may jointly exercise their authority to provide a common service so long as the subject and purposes of such contract are within the scope of the powers of each such participating subdivision; and,

WHEREAS, the City Council of the City of Arnold, Missouri, deems it to be in the best interests of the City and its citizens to enter into an intergovernmental cooperation agreement for the investment of public funds through the Missouri Securities Investment Program.

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

Section 1. Authorization of Intergovernmental Cooperation Agreement. The City Council of the City of Arnold hereby authorizes the City to enter into the amended and restated Missouri Securities Investment Program Intergovernmental Cooperation Agreement, in substantially the form attached to this Ordinance and marked Exhibit A (the “Agreement”) submitted to and reviewed by the governing body of the City, a copy of which shall be filed with the minutes of the meeting at which this Ordinance is adopted, with such changes therein as shall be approved by the representatives of the City executing the Agreement, such representatives signatures thereon being conclusive evidence of their approval thereof.

Section 2. Execution of Documents. The Mayor and the Finance Director and the Clerk of the City are hereby authorized and directed to execute and attest, respectively, and deliver the Agreement for and on the behalf of and as the act and deed of the City.

Such officers are further authorized to execute and attest, respectively, such other documents, certificates and instruments and to take and perform such further acts on behalf of the City as may be necessary or desirable to carry out and comply with and give effect to the intent of this Ordinance and the Agreement.

Section 3. Authorization of Investments. The City hereby authorizes the investment and withdrawal of its available funds from time to time in accordance with the terms of the agreement and the following officers are hereby designated as having full power and authority to invest and withdraw invested funds of the City as provided in the Agreement: *[must be the same as section 6 of the Master Account Application]*

<u>Bryan Richison</u> Print Name	<u>City Administrator</u> Title	_____ Signature
<u>Bill Lehmann</u> Print Name	<u>Finance Director</u> Title	_____ Signature
<u>Dan Kraupa</u> Print Name	<u>Treasurer</u> Title	_____ Signature
_____ Print Name	_____ Title	_____ Signature

Section 4. Authorization to Serve as Member of Board of Directors. The members of the City Council and officers of the City are hereby authorized to serve as members of the Board of Directors of the Missouri Securities Investment Program if elected or appointed under the provisions of the Agreement.

Section 5. Further Authority. The City shall, and the officers and agents of the City are hereby authorized and directed to, take such action, expend such funds and execute such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with and perform the duties of the City with respect to the Agreement.

Section 6. Effective Date. This Ordinance shall be in force and effect from and after its passage by the City Council and approved by the Mayor.

Passed by the City Council of the City of Arnold, Missouri, and approved by the Mayor this 2nd day of May, 2019.

(SEAL) _____
Mayor Signature

Print Name

Attest:

City Clerk Signature

Print Name

APPROVED AS TO FORM:

City Attorney Signature

Print Name

AMENDED AND RESTATED
MISSOURI SECURITIES INVESTMENT PROGRAM
INTERGOVERNMENTAL COOPERATION AGREEMENT

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THIS AGREEMENT is entered this _____ day of _____, 19____, by and between each "school district or other eligible political subdivisions" now or hereafter electing to participate in the program created pursuant to this agreement by the adoption of a "resolution, order or ordinance" approving such participation.

WITNESSETH:

WHEREAS, Article 6, section 16 of the Constitution of Missouri provides that political subdivisions may cooperate under contract to provide a common service as provided by law; and

WHEREAS, sections 70.210 to 70.320, RSMo. provide that political subdivisions, including school districts, may jointly exercise their authority to provide a common service so long as the subject and purposes of such contract are within the scope of the powers of each participating political subdivision; and

WHEREAS, section 165.051 authorizes school districts to invest their surplus revenues in certain instruments if not needed for a reasonable period of time for the purposes for which such monies were received; and

WHEREAS, other political subdivisions of the state are also authorized to invest their surplus revenues as contemplated by this agreement; and

WHEREAS, this agreement represents an intergovernmental cooperation agreement between school districts and other eligible political subdivisions established for the purpose of providing a program for the investment of surplus revenues as provided by law; and

WHEREAS, the interest of each participating school district or other eligible political subdivision in such program shall be evidenced by records maintained by the program or its agent, and a board of directors established as further provided by this agreement is authorized by each participant to hold such title as may be necessary to enable such board of directors to execute investment transactions on its behalf,

NOW THEREFORE, all monies, assets, securities, funds and property now or hereafter acquired by the directors, their successors and assigns under this agreement shall be held and managed for the benefit of each school district or other eligible political subdivision that has elected to participate in such program by adopting a resolution implementing this agreement, subject to all of its terms, covenants, conditions, purposes and provisions.

ARTICLE 1

The Program

1.1 Name. The name of the entity created by this Agreement shall be the "Missouri Securities Investment Program" (the "Program") and, so far as may be practicable, the Directors shall conduct the Program's activities, execute all documents and sue or be sued, subject to all applicable immunities, under that name, which name (and the word "Program" wherever used in this Agreement except where the context otherwise requires) shall refer to the Directors in their capacity as Directors, and not individually or personally, and shall not refer to the officers, agents, employees, counsel, advisors, consultants, accountants, or Participants of the Program. Should the Directors determine that the use of such name is not practicable, legal or convenient, they may use such other designation or they may adopt such other name for the Program as they deem proper, and the Program may hold property and conduct its activities under such designation or name.

1.2 Purpose: Only School Districts and Certain Other Political Subdivisions to be Participants. The purpose of the Program is to provide a legal entity through which school districts and other political subdivisions authorized to invest in certain instruments and organized under the laws of the state of Missouri may jointly exercise in accordance with law their authority to invest available funds so as to enhance their investment opportunities. A school district or other eligible political subdivision may place funds in the Program as a Participant and have an interest hereunder only after its Board has duly adopted a resolution authorizing it to become a Participant in the Program by accepting this Agreement.

1.3 Location. The Program shall maintain an office of record in the State of Missouri, and may maintain such other offices or places of business as the Directors may from time to time determine. The initial office of record of the Program shall be: c/o Missouri School Boards Association, 2100 I-70 Drive S.W., Columbia, Missouri 65203. The office of record may be changed from time to time by resolution of the Directors, and notice of such change of the office of record shall be given to each Participant.

1.4 Nature of Program. The Program shall be a separate, legal and administrative entity organized and existing pursuant to sections 70.210 to 70.320, RSMo. The Program is not intended to be, shall not operate as, shall not be deemed to be, and shall not

be treated as, a general partnership, limited partnership, corporation, investment company, joint stock company, trust company, or credit union. The Program is an instrumentality of the participating political subdivisions. The Participants shall have such rights as are conferred upon them by this Agreement.

1.5 Definitions. As used in this Agreement, the following terms shall have the following meanings unless the context otherwise requires:

"Agreement" shall mean this contract as amended, restated or modified from time to time, and as adopted and incorporated by reference by resolution of participants.

"Board" shall mean the school board or governing body of each Participant school district or eligible political subdivision.

"Board of Directors" shall mean the governing body of the Program as provided in Article 7 of this Agreement.

"Certificate of Designation" shall mean a Certificate of Designation adopted by the Directors pursuant to Paragraph (b) of Section 4.1 hereof with respect to a Series of Shares.

"Custodian" shall mean the financial institution required under Article 9 of this Agreement to hold Fund Property on behalf of the Directors.

"Eligible Political Subdivisions" shall include any political subdivision approved by the Board of Directors and authorized by law to invest its funds in all of the permitted investments available to the Directors under this Agreement for the investment of Program Property.

"Program" shall mean the Missouri Securities Investment Program created by this Agreement.

"Program Property" shall mean, as of any particular time, any and all property, real, personal or otherwise, tangible or intangible, which is transferred, conveyed or paid to the Program or the Directors and all income, profits and gains therefrom and which, at such time, is owned or held by, or for the account of, the Program or the Directors.

"Laws" shall mean common law and all ordinances, statutes, rules, regulations, orders, injunctions, decisions or decrees of any government or political subdivision or agency thereof, or any court or similar entity. Any references to statutes include references to them as they may be amended from time to time.

"Participants" shall mean school districts and other eligible political subdivisions which enter into this Agreement.

"Permitted Investments" shall mean the investments referred to in Section 2.2 of this Agreement.

"Person" shall mean and include individuals, corporations, limited partnerships, general partnerships, joint stock companies or associations, joint ventures, associations, companies, trusts, banks, trust companies, land trusts, business trusts, other entities, (whether or not legal entities) governments and agencies and political subdivisions thereof.

"School District" shall mean a Missouri public school district.

"Series" shall mean a category of the Shares authorized by the Directors pursuant to Article 4 hereof.

"Shares" shall mean the shares of interest in the Program (or any Series thereof) as described in Article 4 of this Agreement.

"Directors" shall mean the Board of Directors of the Program.

ARTICLE 2

Powers of the Directors

2.1 General. Subject to the rights of the Participants as provided herein, the Directors shall have, without other or further authorization, full, exclusive and absolute power, control and authority over the Program Property and over the affairs of the Program to the same extent as if the Directors were the sole and absolute owners of the Program Property in their own right, and with such powers of delegation as may be permitted by this Agreement. The Directors may do and perform such acts and things as in their sole judgment and discretion are necessary and proper for conducting the affairs of the Program or promoting the interests of the Program and the Participants. The enumeration of any specific power or authority herein shall not be construed as limiting the general power or authority or any specific power or authority. The Directors may exercise any power authorized and granted to them by this Agreement. Such powers of the Directors may be exercised without the necessity of any order of, or resort to, any court.

2.2 Power to Invest in Permitted Investments. The Directors shall establish a written investment policy, and have full and complete power:

(a) to conduct, operate and provide an investment program for the Participants and to represent the interests of such Participants by Shares; and

(b) to separately invest funds of any individual Participant on behalf of and at the request of such Participant and to maintain separate accounts and records for such purpose; and

(c) With respect to (a) and (b) above, for such consideration as they may deem proper, to subscribe for, invest in, reinvest in, purchase or otherwise acquire, hold, pledge, sell, assign, transfer, exchange, distribute or otherwise deal in or dispose of investment instruments as permitted by law. Permitted Investments shall include the following:

(i) Bonds, redeemable at maturity at par, of the state of Missouri, of the United States, or of any wholly owned corporation of the United States;

(ii) Other short-term obligations of the United States; or

(iii) Any other type of investment permitted by law.

In the exercise of their powers, the Directors shall not be limited, except as otherwise provided hereunder, to investing in Permitted Investments maturing before the possible termination of the Program. The Directors shall have full authority and power to make any and all Permitted Investments within the limitations of this Agreement, that they, in their prudent discretion, shall determine to be advisable and appropriate. The Directors shall have no liability for loss with respect to Permitted Investments made within the terms of this Agreement, even though such investments shall be of a character or in an amount not considered proper for the investment of trust funds by trustees and other fiduciaries.

In furtherance, and not in limitation, of the provisions of Section 2.13 hereof, it is hereby expressly declared that the Directors may, but need not, for the purposes of any Series, delegate the investment powers set forth in this Section 2.2 to the Directors assigned to such Series.

2.3 Legal Title.

(a) Legal title to all of the Program Property shall be vested in the Directors on behalf of the Participants and shall be held by and transferred to the Directors, except that the Directors shall have full and complete power to cause legal title to any Program Property to be held, if permitted by law, in the name of any other Person as nominee (including the Directors of a Series), on such terms, in such manner, and with such powers as the Directors may determine, so long as in their judgment the interest of the Program is adequately protected.

(b) The right, title and interest of the Program in and to the Program Property shall not be affected by changes in the membership of the Board of Directors.

2.4 Disposition of Assets. Subject in all respects to this Agreement, the Directors shall have full and complete power to sell, exchange or otherwise dispose of any and all Program Property free and clear of any and all restrictions, at public or private sale, for cash or on terms, with or without advertisement, and subject to such restrictions, stipulations, agreements and reservations as they shall deem proper, and to execute and deliver any deed, power, assignment, bill of sale, or other instrument in connection with the foregoing. The Directors shall also have full and complete power, subject in all respects to this Agreement and in furtherance of the affairs and purposes of the Program, to give consents and make contracts relating to Program Property or its use.

2.5 Taxes. The Directors shall have full and complete power: (i) to pay all taxes or assessments, of whatever kind or nature, validly and lawfully imposed upon or against the Program or the Directors in connection with the Program Property or upon or against the Program Property or income or any part thereof, (ii) to settle and compromise disputed tax liabilities; and (iii) for the foregoing purposes to make such returns and do all such other acts and things as may be deemed by the Directors to be necessary or desirable.

2.6 Delegation, Committees. The Directors shall have full and complete power, consistent with their continuing exclusive authority over the management of the Program, the conduct of its affairs, their duties and obligations as Directors, and the management and disposition of Program Property, to delegate from time to time to a Committee of one or more of the Directors, or to officers, employees or agents of the Program the doing of such acts and things and the execution of such instruments either in

the name of the Program, or the names of the Directors or as their attorney or attorneys, or otherwise as the Directors may from time to time deem expedient and appropriate in the furtherance of the business affairs and purposes of the Program.

2.7 Collection. The Directors shall have full and complete power: (i) to collect, sue for, receive and receipt for all sums of money or other property due to the Program; (ii) to consent to extensions of the time for payment, or to the renewal of any securities, investments or obligations; (iii) to engage or intervene in, prosecute, defend, compromise, abandon or adjust by arbitration or otherwise any actions, suits, proceedings, disputes, claims, demands or things relating to the Program Property; (iv) to foreclose any collateral, security or instrument securing any investments, notes, bills, bonds, obligations or contracts by virtue of which any sums of money are owed to the Program; (v) to exercise any power of sale held by them, and to convey good title thereunder free of any and all trusts, and in connection with any such foreclosure or sale, to purchase or otherwise acquire title to any property; (vi) to be parties to reorganization and to transfer to and deposit with any corporation, committee, voting Director or other Person any securities, investments or obligations of any person which form a part of the Program Property for the purpose of such reorganization or otherwise; (vii) to participate in any arrangement for enforcing or protecting the interests of the Directors as the owners or holders of such securities, investments or obligations and to pay any assessment levied in connection with such reorganization or arrangement; (viii) to extend the time (with or without security) for the payment or delivery of any debts or property and to execute and enter into releases, agreements and other instruments; and (ix) to pay or satisfy any debts or claims as the Directors shall deem sufficient.

2.8 Payment of Expenses. The Directors shall have full and complete power: (i) to incur and pay any charges or expenses which in the opinion of the Directors are necessary or incidental to or proper for carrying out any of the purposes of this Agreement; (ii) to reimburse others for the payment therefor; and (iii) to pay appropriate compensation or fees from the Program to Persons with whom the Program has contracted or transacted business. The Directors shall fix the compensation, if any, of all officers and employees of the Program. The Directors shall not be paid compensation for their general services as Directors hereunder. The Directors may pay themselves expenses reasonably incurred on behalf of the Program. The Directors may allocate such expenses among various Series in such manner and proportion as appropriate in the discretion of the Directors.

2.9 Investment Program. The Directors shall use their best efforts to obtain a continuing and suitable investment program, consistent with the investment policies and objectives of the Program set forth in this Agreement and the Directors shall be responsible for reviewing and approving or rejecting the investment program. Subject to the provisions of Section 2.6 hereof, the Directors may delegate functions arising under this Section 2.9 to one or more of their number. The Directors shall also have full and complete power to contract or otherwise obtain from or through other qualified Persons for the benefit of, and to make available to, the Participants of the Program from time to time, additional investment and non-investment programs and services distinct from the Program's program of investments measured by Shares, but consistent with the investment goals and objectives of the Program and the general purposes of this Agreement. The Directors shall have the power to review and approve or reject, in their sole discretion, such additional investment and non-investment programs as may be presented to the Directors by any other qualified Persons.

2.10 Power to Contract, Appoint, Retain and Employ.

(a) Subject to the provisions of Section 2.6 hereof with respect to delegation of authority by the Directors, the Directors shall have full and complete power to appoint, employ, retain, or contract with any Person of suitable qualifications and high repute as the Directors may deem necessary, or desirable for the transaction of the affairs of the Program, or the transaction of the affairs of any additional investment programs or services of any nature affiliated with the Program or otherwise contracted for or by the Program, including any Person or Persons who, under the supervision of the Directors, may, among other things: (i) serve as the Program's investment adviser and consultant in connection with policy decisions made by the Directors; (ii) serve as the Program's administrator or co-administrators; (iii) furnish reports to the Directors and provide research, economic and statistical data in connection with the Program's investment; (iv) act as consultants, accountants, technical advisers, attorneys, brokers, underwriters, corporate fiduciaries, escrow agents, depositaries, custodians or agents for collection, insurers or insurance agents, registrars for Shares or in any other capacity deemed by the Directors to be necessary or desirable; (v) investigate, select, and, on behalf of the Program, conduct relations with Persons acting in such capacities and pay appropriate fees to, and enter into appropriate contracts with, or employ, or retain services performed or to be performed by, any of them in connection with the investments acquired, sold, or otherwise disposed of, or committed, negotiated, or contemplated to be acquired, sold or otherwise disposed of; (vi) substitute any

other Person for any such Person; (vii) act as attorney-in-fact or agent in the purchase or sale or other disposition of investments, and in the handling, prosecuting or other enforcement of any lien or security securing investments; (viii) assist in the performance of such ministerial functions necessary in the management of the Program as may be agreed upon with the Directors; and (ix) any of the foregoing as may be agreed upon by the Directors with regard to any additional investment and non-investment programs and services for the benefit of the Participants.

(b) The manner of employing, engaging, compensating, transferring or discharging any person as an employee of the Program shall be subject to Missouri law. For purposes of the preceding sentence, "employee of the Program" shall not include independent contractors such as the Custodian, counsel or independent accounts and their respective employees.

2.11 Insurance. The Directors shall have full and complete power to purchase and pay for, entirely out of Program Property, insurance policies insuring the Program and the Directors, officers, employees and agents, of the Program individually against all claims and liabilities of every nature arising by reason of holding or having held any such office or position, or by reason of any action alleged to have been taken or omitted by the Program or any such Person as Directors, officer, employee and agent, including any action taken or omitted that may be determined to constitute negligence, whether or not the Program would have the power to indemnify such Person against such liability.

2.12 Indemnification. In addition to the mandatory indemnification provided for in Section 3.3 hereof, the Directors shall have full and complete power, to the extent permitted by applicable laws, to indemnify or enter into indemnification agreements with any Person with whom the Program has dealings, including, without limitation, the Directors, the Marketing Agent, the Adviser, the Administrator, and the Custodian, to such extent as the Directors shall determine.

2.13 Further Powers. The Directors, subject to the limitation that the Program cannot exercise powers beyond the scope of the powers of its Participants, shall have full and complete power to take all such actions, do all such matters and things and execute all such instruments as they deem necessary, proper or desirable in order to carry out, promote or advance the interests and purposes of the Program although such actions, matters or things are not specifically mentioned. Any determination as to what is in the best interests of the Program made by the Directors in good faith shall be conclusive. In

construing the provisions of this Agreement, the presumption shall be in favor of a grant of power to the Directors. The Directors shall not be required to obtain any court order to deal with Program Property.

2.14 Series Directors. The Directors shall have full and complete power (consistent with their continuing exclusive authority over the management of the Program, the conduct of its affairs, their duties and obligations as Directors, and the management and disposition of Program Property) to designate one or more of their number to serve as Directors assigned to (i) the official custodianship of the Program Property allocated to a particular Series and (ii) the supervision of the activities of the Program related to a particular Series, all as more fully set forth in Article 4 hereof.

ARTICLE 3

Limitations of Liability

3.1 Liability to Third Persons. No Participant shall be subject to any personal liability whatsoever, in tort, contract or otherwise to any other Person or Persons in connection with Program Property or the affairs of the Program; and no Directors, officer, employee or agent (including, without limitation, the Marketing Manager, Program Coordinator, the Adviser, the Administrator and the Custodian) of the Program shall be subject to any personal liability whatsoever in tort, contract or otherwise, to any other Person in connection with Program Property or the affairs of the Program, except that each shall be liable for his bad faith, willful misconduct, gross negligence or reckless disregard of his duties, for his failure to act in good faith in the reasonable belief that his action was in the best interests of the Program for his willful or negligent failure to take reasonable measures to restrict investments of the Program Property to those permitted by law and this Agreement; and all such other Persons shall otherwise look solely to the Program Property for satisfaction of claims of any nature arising in connection with the affairs of the Program.

3.2 Liability to the Program or to the Participants. No Director, officer, employee or agent (including, without limitation, the Marketing Manager, Program Coordinator, the Adviser, the Administrator and the Custodian) of the Program shall be liable to the Program or to any Participant, Director, officer, employee or agent (including, without limitation, the Adviser, the Administrator and the Custodian) of the Program for any action or failure to act (including, without limitation, the failure to compel in any way any former or acting Director to redress any

breach of trust) except for his own bad faith, willful misfeasance, gross negligence or reckless disregard of his duties or, for his willful or negligent action or failure to act or to take reasonable measures to restrict investments of the Program Property to those permitted by law; provided, however, that the provisions of this Section shall not limit the liability of any agent of the Program with respect to breaches by it of a contract between it and the Program.

3.3 Indemnification.

(a) The Program shall indemnify each of its Directors and officers, and employees against all liabilities and expenses including, without limitation, amounts paid in satisfaction of judgments, in compromise or as fines and penalties, and counsel fees reasonably incurred by him in connection with the defense or disposition of any action, suit or other proceeding by the Program, or any other Person, in which he may be involved or with which he may be threatened, while in office or thereafter, by reason of his being or having been such a Director, officer, or employee, except as to any matter as to which he shall have been adjudicated to have acted in bad faith or with willful misfeasance or reckless disregard of his duties or gross negligence and further provided, however, that as to any matter disposed of by a compromise payment by such Director, officer, or employee pursuant to a consent decree or otherwise, no indemnification either for said payment or for any other expenses shall be provided unless the Program shall have received a written opinion from independent counsel approved by the Directors to the effect that if the foregoing matters had been adjudicated, the defenses that could have been presented on behalf of such Director, officer, or employee were meritorious. The rights accruing to any Director, officer, or employee under the provisions of this Section shall not exclude any other right to which he may be lawfully entitled; provided, however, that no Director, officer, or employee may satisfy any right of indemnity or reimbursement granted herein or to which he may be otherwise entitled except out of the Program Property, and no Participant shall be personally liable to any Person with respect to any claim for indemnity or reimbursement or otherwise. The Directors may make advance payments in connection with indemnification under this Section, provided that the indemnified Director, officer, or employee shall have given a written undertaking to reimburse the Program in the event that it is subsequently determined that he is not entitled to such indemnification.

(b) Any action taken by, or conduct on the part of, an Adviser, Administrator, Director, officer, or employee of the Program, in conformity with this Agreement, or in good faith

reliance upon this Agreement shall not constitute bad faith, willful misfeasance, gross negligence or reckless disregard of his duties.

ARTICLE 4

Interests of Participants

4.1 General. (a) The interest each of the Participants in the Program Property and the earnings thereon, except for the interests of Participants in Program Property separately invested under Section 2.2(b), shall, for convenience of reference, be divided into Shares, which shall be used as units to measure the proportionate allocation of the Program Property to the respective Participants. The number of Shares that may be used to measure and represent the proportionate allocation of Program Property among the Participants is unlimited. Title to the Program Property of every description and the right to conduct any affairs are vested in the Directors on behalf, and for the interest, of the Participants, and the Participants shall have no interest therein other than the interest conferred hereby and measured by their Shares, or other accounts established pursuant to Section 2.2(b), and they shall have no right to call for any partition or division of any property, profits, rights or interests of the Program nor can they be called upon to share or assume any losses of the Program or suffer an assessment of any kind by virtue of the allocation of Shares or other accounts to them, except as provided in Section 8.2 hereof.

The Directors, in their discretion, from time to time, may authorize the division of Shares into two or more Series, or the establishment of two or more Series of Shares, each Series relating to a separate portfolio of investments. All references to Shares in this Agreement shall be deemed to be Shares of any one Series, any one or more Series, or all Series as the context may require.

(b) If the Directors shall divide the Shares into two or more Series, the following provisions shall be applicable:

(i) Pursuant to Section 2.13 hereof, the Directors shall designate one or more of their number to serve as the Directors assigned to each particular Series.

(ii) The number of Shares of each Series that may be used to measure the respective beneficial interests of the Participants in the portfolio of investments to which such Series related shall be unlimited.

(iii) All Shares of a Series shall be of one class representing equal distribution, liquidation and other rights.

(iv) The Directors (or, if so provided in the Certificate of Designation of Series, the Directors assigned to such Series) shall have the power to invest and reinvest the Program Property applicable to each Series in accordance with the investment policies and restrictions set forth in this Agreement, the Bylaws, or otherwise. The Directors may establish more restrictive investment policies and restrictions for any particular Series.

(v) All funds received by the Program from a Participant with respect to a particular Series, together with all assets in which such funds are invested or reinvested, all income, earnings, profits and proceeds thereof, including any proceeds derived from the sale, exchange or liquidation of such assets, and any funds or payments derived from any reinvestment of such proceeds in whatever form the same may be, shall irrevocably belong to that Series for all purposes, subject only to the rights of creditors, and shall be so recorded upon the books of account of the Program. In the event that there are any assets, income, earnings, profits, and proceeds thereof, funds, or payments which are not readily identifiable as belonging to any particular Series, the Directors shall allocate them among any one or more of the Series established and designated from time to time in such manner and on such basis as they, in their sole discretion, deem fair and equitable. Each such allocation by the Directors shall be conclusive and binding upon the Participants of all Series for all purposes.

(vi) The assets belonging to each particular Series shall be charged with the liabilities of the Program in respect of that Series and all expenses, costs, charges and reserves attributable to that Series in such manner and on such basis as the Directors in their sole discretion deem fair and equitable. Any general liabilities, expenses, costs, charges or reserves of the Program which are not readily identifiable as attributable to any particular Series shall be allocated and charged by the Directors to and among any one or more of the Series established and designated from time to time in such manner and on such basis as the Directors in their sole discretion deem fair and equitable. Each allocation of liabilities, expenses, costs, charges and reserves by the Directors shall be conclusive and binding upon the Participants of all Series for all purposes. The Directors shall have full discretion to determine which

assets' items will be treated as income and which as funds placed in the Program by Participants and each such determination and allocation shall be conclusive and binding upon the Participants of all Series.

(vii) The net income of the Program shall be determined separately for each Series and shall be credited to the respective Share account of the Participants in each Series in the manner and at the times provided in Article 8 hereof.

(viii) The terms designated by the Directors with respect to a Series may provide that the Shares of such Series shall only relate to a particular Participant or shall relate to all Participants or otherwise provide for a limitation on the number and identity of the Participants to which the Shares of such Series shall relate.

(ix) The terms designated by the Directors with respect to a Series may provide that such Series shall be established on a particular date and be terminated on a particular date.

(x) The terms designated by the Directors with respect to a Series may provide for limitations of time or otherwise with respect to the ability of the Participants participating in such Series to withdraw funds relating to Shares of such Series from the Program.

(xi) To effect the division of the Shares into one or more Series or to establish a Series, the Directors shall authorize and adopt a Certificate of Designation for each such Series. Such Certificate of Designation shall become effective when (a) executed (i) by any two of the Chairman, the Vice Chairman and the Secretary/Treasurer of the Program or (ii) by such other Directors or officers of the Program as shall be determined by the Directors and (b) lodged in the records of the Program. Any such Certificate of Designation may be filed or recorded pursuant to Article 10 of this Agreement, but no such recordation or filing shall be a condition precedent to the effectiveness of such Certificate of Designation. No Certificate of Designation shall be, or shall be deemed to be, an amendment of this Agreement within the meaning of Article 11 of this Agreement. It shall not be necessary for each Participant to be advised of the adoption of any Certificate of Designation prior to its effectiveness, but the Directors shall take, or shall cause to be taken, such measures as are reasonably intended to notify the Participants on at least a quarterly basis of the

authorization and adoption by the Directors of any Certificate or Certificates of Designation during the preceding quarter.

(xii) A copy of the Certificate of Designation relating to a Series shall be provided to each Participant participating in such Series and to each Director assigned to such Series pursuant to Section 2.13 and Section 6.1(b)(i) hereof. A copy of the Certificate of Designation relating to any Series shall be provided, upon written request therefor, to any Participant whether or not such Participant is participating in such Series.

(xiii) A Certificate of Designation authorized and adopted by the Directors pursuant to this Article 4 shall be in substantially the following form, with the Directors being hereby authorized to make such changes in the form set forth in this subsection xiii as may be necessary from time to time to conform to, or accommodate, changes in law or regulation or the circumstances applicable or pertaining to a particular Series:

MISSOURI SCHOOL SECURITIES
INVESTMENT PROGRAM _____ FUND

Certificate of Designation

The Directors of the Missouri Securities Investment Program _____ Fund (the "Fund") by action taken by them on the ___ day of _____, 19___, pursuant to the authority vested in them by the Participants of the Program in accordance with the Agreement of the Program do hereby adopt this Certificate of Designation authorizing and establishing a Series of Shares of the Program.

The terms of such Series (the "Series") shall be as follows:

1. Nomenclature. The Series shall be known and referred to as _____.
2. Date of Establishment. The Series shall be established as of _____.
3. Duration. The duration of the Series shall be _____.

4. Participant or Participants. The Participant or Participants that may participate (the "Series Participants") in the Series are _____.

5. Investments. The nature of the investments in which funds of the Series Participant or Participants placed in the Program with respect to the Series may be invested is _____.

6. Directors and Custodians. The Directors of the Program designated as the Directors assigned to the Series are _____. Such designated Directors are hereby appointed by each of the Series Participants as the official custodians (within the meaning of Section 564.8 of Title 12 of the Code of Federal Regulations) of the assets of the Series Participants placed in the Program with respect to the Series.

7. Net Asset Value. The method of determining the net asset value of the Series is _____.

8. Other Terms. (Insert a description of any other terms applicable to the Series).

9. Agreement. To the extent not specifically set forth in this Certificate of Designation, the terms of the Series and the rights of the Series Participants shall be governed by the Agreement of the Program of which this Certificate of Designation is deemed to be an integral part.

10. Definitions. Terms and phrases not otherwise defined in this Certificate of Designation shall have the definitions given to them in the Agreement.

IN WITNESS WHEREOF, the Directors of the Program have caused this Certificate of Designation to be executed by the undersigned officers of the Program, such officers having been thereunto duly authorized.

The Directors of the Missouri
Securities Investment Program

Attest
[Program Seal]

Authorized Signatory

Authorized Signatory

(xiv) The Directors assigned to a Series shall be deemed to have been conclusively and fully appointed by the Participants participating in such Series as the official custodians (within the meaning of Section 564.8 of Title 12 of the Code of Federal Regulations) or any similar law or regulation of the assets of said Participants.

(xv) The Directors shall have the power to designate one or more Series in which all Participants shall be deemed to be participants.

(xvi) The provisions of the Certificate of Designation of a Series may be amended by action of the Directors for the purposes of curing any ambiguity or supplying any omission or curing or correcting any defect or inconsistent provision in the Certificate of Designation as are necessary or desirable and are not contrary to or inconsistent with the Certificate of Designation theretofore in effect. The Participants participating in the Series to which the amendment relates shall be given notice thereof.

4.2 Allocation of Shares.

(a) The Directors shall credit a Participant with additional Shares upon receipt of funds, including, without limitation, income from the investment of Program Property for the account of such Participant, based on the net asset value per Share as determined pursuant to Section 8.1 hereof (including, without limitation, if so determined by the Directors with respect to a Series, each business day in accordance with the maintenance of a constant net asset value per Share as set forth in Section 8.1 hereof). In connection with any allocation of Shares, the Directors may allocate fractional Shares. The Directors may from time to time adjust the total number of Shares allocated without thereby changing the proportionate interests in the Program. Changes in the number of allocated Shares may be made in order to maintain a constant net asset value per Share as set forth in Section 8.2 hereof. Shares shall be allocated and redeemed as whole Shares and/or one-hundredths (1/100ths) of a Share or multiples thereof. Each Participant may divide its Shares administratively among more than one account within the Program or Series for such Participant's convenience in accordance with such procedures as the Directors may establish.

4.3 Evidence of Share Allocation. Evidence of Share Allocation shall be reflected in the books and records maintained by or on behalf of the Program pursuant to Section 5.1 hereof, and the Program shall not be required to issue certificates as evidence of Share Allocation.

4.4 Reduction to Maintain Constant Net Asset Value. The Shares of one or more Series of the Program shall be subject to reduction in number pursuant to the procedure for reduction of Shares set forth in Section 8.2 in order to maintain a constant net asset value per Share.

4.5 Redemptions. Payments by the Program to Participants, and the reduction of Shares resulting therefrom, are referred to in the this Agreement as "redemptions". Any and all allocated Shares may be redeemed at the option of the Participant whose interest is measured by such Shares, upon and subject to the terms and conditions provided in this Agreement. The Program shall, upon application of any Participant, promptly pay to such Participant all or a portion of the Shares of such Participant in the Program, and reduce the allocation of Shares to such Participant accordingly; provided, however, that the Directors shall have the power to provide for redemption procedures relating to any particular Series which are consistent with the purpose and intent of this Agreement and consistent with the terms of the Certificate of Designation of such Series and such procedures may, inter alia, establish periods during which funds relating to Shares of such Series may not be withdrawn from the Program.

4.6 Suspension of Redemption: Postponement of Payment. Each Participant, by its adoption of this Agreement, agrees that the Directors may, without the necessity of a formal meeting of the Directors, temporarily suspend the right of redemption or postpone the date of payment for redeemed Shares for all Series or any one or more Series of the Program for the whole or any part of any period (i) during which there shall have occurred any state of war, national emergency, banking moratorium or suspension of payments by banks in the state of Missouri or (ii) during which any financial emergency situation exists as a result of which disposal by the Program of Program Property is not reasonably practicable because of the substantial losses which might be incurred or it is not reasonably practicable for the Program fairly to determine the value of its net assets. Such suspension or postponement shall not alter or affect a Participant's interest as measured by its Shares or the accrued interest and earnings thereon. Such suspension or postponement shall take effect at such time as the Directors shall specify but not later than the close of business on the business day next following the declaration of suspension, and thereafter there shall be no right

of redemption or payment until the Directors shall declare the suspension or postponement at an end, except that the suspension or postponement shall terminate in any event on the first day on which the period specified in clause (i) or (ii) above shall have expired (as to which, the determination of the Directors shall be conclusive).

4.7 Separate Accounts. The interests of Participants in separately maintained investments under Section 2.2 (b) shall be represented in any manner deemed sufficient by the Board to identify such Participants' interests in such accounts, and no other provision of this Article or Articles 5 or 8 relating to share allocation shall be applicable to such accounts, the Directors shall have the same immunities, rights of indemnity, and other rights regarding title and control with respect to such property as for any other Program Property. Participants shall have the right to receive payment of their interests in such accounts in accordance with their Agreements with the Program. The Program may combine the interests of Participants in such separately maintained investments in any manner which they deem necessary to preserve, protect or promote their interests.

ARTICLE 5

Record and Transfer of Shares

5.1 Share Records. The Share Records shall be kept by or on behalf of the Directors, under the direction of the Directors, and shall contain (i) the names and addresses of the Participants, (ii) the number of Shares representing their respective interests and (iii) a record of all allocations and redemptions. Such Share Records shall be conclusive as to the identity of the Participants to which the Shares are allocated. Only Participants whose allocation of Shares is recorded in such Share Records shall be entitled to receive distributions with respect to Shares or otherwise to exercise or enjoy the rights and benefits related to the interest represented by the Shares. No Participant shall be entitled to receive any distribution, nor to have notices given to it as herein provided, until it was given its appropriate address to such officer or agent of the Program as shall keep the Share Records.

5.2 Notices. Any and all notices to which Participants hereunder may be entitled and any and all communications shall be deemed duly served or given if mailed, postage prepaid, addressed to Participants of record at their last known addresses as recorded on the Share Records provided for in this Article.

ARTICLE 6

Participants

6.1 Voting. Each Participant shall be entitled to one vote with respect to each matter regarding which Participants have voting rights as provided in this Article or as the Directors may determine, notwithstanding the number of Shares held by such Participant in relation to the other Participants or the number of Series in which a Participant participates. It shall not be necessary for a Participant to hold any minimum number of Shares on the record date of any meeting in order to be entitled to vote at such meeting. Participants shall not be entitled to vote on a Series by Series basis.

6.2 Meetings of Participants.

(a) Annual Meetings. Annual meetings of the Participants shall be held at such time within 120 days following the end of the fiscal year of the Program and at such place within the state of Missouri as the Directors shall designate. The business transacted at such meeting shall include the election of Directors by ballot, in person or by proxy, and may include the transaction of such other business as Participants may be entitled to vote upon as hereinafter provided in this Article, in person or by proxy.

(b) Special Meetings. Special meetings of the Participants may be called at any time by a majority of the Directors and shall be called by any Director upon written request of not less than twenty-five percent (25%) of the Participants, such request specifying the purpose or purposes for which such meeting is to be called. Any such meeting shall be held within the state of Missouri at such place, day and time as the Directors shall designate.

6.3 Quorum. The number of Participants present in person at a meeting (including participation by conference telephone or similar communications equipment by means of which all Persons participating in the meeting can hear each other) or by proxy shall constitute a quorum at any annual or special meeting.

6.4 Notice of Meetings. Notice of annual meetings or special meetings of the Participants, stating the time, place, and purposes of the meeting shall be mailed to the Participants at least ten (10) days prior to the meeting.

6.5 Participant Action by Written Consent. Any action taken by Participants may be taken without a meeting if permitted by applicable law and if a majority of Participants entitled to

vote on the matter (or such larger proportion thereof as shall be required by any express provision of this Agreement) consent to the action in writing and the written consents are filed with the records of the meetings of Participants. Such consent shall be treated for all purposes as a vote taken at a meeting of Participants.

6.6 Voting Rights of Participants. The Participants shall be entitled to vote as a matter of right only upon the following matters: (a) election of Directors as provided in Section 7.1 and Section 7.3; (b) amendment of the Agreement or termination of this Program as provided in Article XI; and (c) reorganization of this Program as provided in Section 11.2. Except with respect to the foregoing matters specified in this Section, no action taken by the Participants at any meeting shall in any way bind the Directors.

ARTICLE 7

Directors and Officers

7.1 Number and Qualifications.

(a) The number of voting Directors shall initially be nine (9) and shall thereafter be fixed from time to time by resolution of a majority of the Directors then in office. The Missouri Schools Boards Association, the Missouri Association of School Administrators and the Missouri Association of School Business Officials each shall be represented by a permanent member of the Board, who shall be appointed by such association prior to each annual meeting, or at any time such position becomes vacant, and assume office at the same time as elected Directors or when necessary to fill a vacancy.

(b) Any vacancy created by an increase in the number of elected Directors may be filled by the appointment of an individual having the qualifications described in this Section made by a resolution of a majority of the Directors then in office. No reduction in the number of Directors shall have the effect of removing any Director from office prior to the expiration of his term.

(c) Whenever a vacancy in the number of Directors shall occur, until such vacancy is filled the Directors or Director continuing in office, regardless of their number, shall have all the powers granted to the Directors and shall discharge all the duties imposed upon the Directors by this Agreement.

(d) A Director shall be an individual who is not under legal disability and who is (i) a member of the Board of a Participant of the Program; or (ii) a superintendent, administrator, or a business official of a Participant in the Program; or (iii) the duly authorized representative of the Missouri School Boards Association, the Missouri Association of School Administrators or the Missouri Association of School Business Officials; provided, however, that if an organizational Director, other than the Director representing the Missouri School Boards Association, is not an officer or member of the Board, a superintendent or a business official of a Participant, such organizational Director shall resign if the school district or other political subdivision with which he is affiliated does not become a Participant within one hundred twenty (120) days of the date of this Agreement and the vacancy thereby resulting shall be filled in the manner provided in Section 7.6. With the exception of the organizational Directors referred to in Section 7.2 who shall serve until the first election of Directors pursuant to Section 7.4 (except as otherwise indicated in this Section 7.1) or any Directors who become such prior to the first election of Directors pursuant to Section 7.4, there shall be no more than one Director affiliated as a board member, superintendent, administrator or business official with any one Participant; provided, however, that no Director shall be disqualified from serving out an unexpired term by reason of such prohibition.

7.2 Organizational Directors. By the execution of this Agreement, the Participants appoint the following nine (9) individuals to serve as Directors until the first election of Directors pursuant to Section 7.4 and until their successors shall have been elected and qualified.

<u>Name</u>	<u>Address</u>	<u>Affiliation</u>
Dr. Allan B. Crader	518 North Hampton Republic, MO 65738	Superintendent Republic R-III Schools
Mr. Mark Hedrick	Route 2, 22 Russell Drive Bismarck, MO 63624	Board Member Bismarck R-V Schools
Dr. Thomas Hightower	7837 Natural Bridge Road St. Louis, MO 63121	Assistant Superintendent Normandy Schools
Mr. Ed. L Payton	P. O. Box 4288 Springfield, MO 65808	Board Member Springfield R-XII Schools
Dr. J. Dean Phillips	8888 Clifton Jennings, MO 63136	Assistant Superintendent Jennings Schools
Mr. R.T. Porterfield	Route 2 Hopkins, MO 64461	Board Member North Nodaway R-VI Schools
Mr. Troy Smith	1800 Little Woods Drive	Board Member

Trenton, MO 64683

Trenton R-IX Schools

Dr. Carter D. Ward 2100 I-70 Drive Southwest
Columbia, MO 65203

Executive Director
MSBA

Dr. Michael Watkins 10500 E. 60th Terrace
Raytown, MO 64133

Assistant Superintendent
Raytown C-2 Schools

7.3 Term of Office.

(a) In connection with the first election of Directors pursuant to Section 7.4, the elected Directors shall be divided into three classes, as equal in number as practicable, so arranged that the term of one class shall expire on November 1st of each year for the years 1992, 1993 and 1994; provided, however, commencing with the class of Directors whose terms are scheduled to expire in the year 1997 and for each class thereafter, the terms of Directors shall expire, subject to election and qualification of their successors, at the annual election of their successors.

(b) Commencing with the annual election for the year 1997 and at all annual elections of Directors thereafter, the Directors to be elected shall be elected to serve for a term of three (3) years commencing with the first meeting of Directors following such annual election and until their successors shall be elected and qualify.

(c) Any addition made to the number of Directors, except by vote of the Participants, shall be made only for a term expiring at the next annual election of Directors by the Participants or until a successor shall be elected and qualify. At the annual election of Directors by the Participants next following any addition to the number of Directors, or, in the case of any addition to the number of Directors made at an annual election of Directors by the Participants, in connection with such election, the terms of the additional Directors shall be fixed so that, as nearly as shall be practicable, an equal number of terms shall expire each year. Directors may succeed themselves in office.

7.4 Election of Directors.

(a) The Board of Directors shall nominate candidates for membership on the Board of Directors. These nominations shall be announced to the Participants at the annual meeting or by proxy statement prior to the annual meeting. Participants may nominate additional candidates for membership on the Board of Directors at the annual meeting.

(b) Each Participant shall determine its selection upon the candidates nominated. The voting for membership on the Board of Directors may occur by ballot or by proxy. Candidates receiving the highest number of votes for the offices to be filled shall be elected.

(c) In the event of a tie, the results of the election will be determined by lot.

7.5 Resignation and Removal. Any Director may resign (without need for prior or subsequent accounting) by an instrument in writing signed by him and delivered to the Program and such resignation shall be effective upon such delivery, or at the later date according to the terms of the notice. Any of the Directors may be removed (provided that the aggregate number of Directors after such removal shall not be less than the minimum number required by Section 7.1) with cause, by the action of two-thirds (2/3) of the remaining Directors.

7.6 Vacancies.

(a) The term of office of a Director shall terminate and a vacancy shall occur in the event of the death, resignation, adjudicated incompetence or other incapacity to exercise the duties of the office, or removal of a Director. If a Director who is a board member, superintendent, administrator, or business official of a Participant shall no longer be a board member, a superintendent, administrator, or a business official of such or if the Participant with which he was affiliated shall no longer be a Participant, such Person shall, upon the expiration of a sixty (60) day period following the occurrence of such event, no longer be a Director and a vacancy will be deemed to have occurred, unless such Person shall have become a board member, a superintendent, administrator or business official of another Participant within such sixty (60) day period and shall have presented evidence in writing of the granting of an authorization by the Participant with which he is then affiliated as a board member, a superintendent, administrator or business official for him to serve as a Director.

7.7 Bylaws. The Directors shall adopt and, from time to time, amend or repeal Bylaws for the procedures of the Board of Directors, the selection of officers and the business of the Program. Following each annual election, the Board of Directors shall reorganize pursuant to such bylaws.

7.8 Reports. The Directors shall cause to be prepared with respect to any Series at least annually (i) a report of operations containing a statement of assets and liabilities and statements of

operations and of changes in net assets of such Series of the Program prepared in conformity with generally accepted accounting principles and (ii) an opinion of independent certified public accountant on such financial statements based on an examination of the books and records of the Program pertaining to such Series made in accordance with generally accepted auditing standards. A signed copy of such report and opinion shall be filed with the Directors as soon as it becomes available. Copies of such reports shall be made available to all Participants of record within a reasonable period preceding the annual election of Directors. The Directors shall, in addition, make available, at least quarterly an interim report containing an unaudited balance sheet of the Program as at the end of such quarterly period and statements of operations and changes in net assets for the period from the beginning of the then current fiscal year to the end of such quarterly period.

ARTICLE 8

Determination of Net Asset Value and Net Incomes Distributions to Participants

8.1 Net Asset Value. The net asset value per allocated Share of the Program shall be determined once on each business day at such time as the Directors may determine. The method of determining net asset value shall be established by the Directors and shall be set forth in information provided to Participants or in the applicable Certificate of Designation of a Series.. The duty to make the daily calculations may be delegated by the Directors to the Adviser, the Administrator, the Custodian or such other Person as the Directors may designate. The Directors may adopt different methods for the determination of the net asset value of different Series of Shares.

8.2 Constant Net Asset Value Reduction of Allocated Shares.

(a) In furtherance and not in limitation of the provisions of Section 8.1, the Directors may designate that one or more Series shall be governed by the provisions of this Section 8.2. The Directors shall have full and complete power to determine the net income (including unrealized gains and losses on the portfolio assets) of the Series and each Series thereof once on each business day as provided in Section 8.1, and upon each such determination such net income shall be credited proportionately to the accounts of the Participants in such a manner, and with the result, that the net asset value per Share of each Series of the Program shall remain at a constant dollar value. The accounting method used for the determination of the net income of the Program and each Series thereof, and the

crediting of net income proportionately to the respective Share accounts of the Participants shall be determined by the Directors. The duty to make the daily calculations may be delegated by the Directors to the Adviser, the Administrator, the Custodian or such other Person as the Directors may designate. If there is a net loss, the Directors shall first offset such amounts against income accrued to each Participant. To the extent that such a net loss exceeds such accrued income, the Directors shall reduce the aggregate number of the Series allocated shares in an amount equal to the amount required in order to permit the net asset value per Share of the Series to be maintained at a constant dollar value by having each Participant contribute to the Program its pro rata portion of such number of Shares. Each Participant will be deemed to have agreed to such reduction in such circumstances by its investment in the Program and the Series and its adoption of this Agreement. The purpose of the foregoing procedure is to permit the net asset value per Share of the Series to be maintained at a constant dollar value per Share.

(b) The Directors may discontinue or amend the practice of attempting to maintain the net asset value per Share at a constant dollar amount at any time, and such modifications shall be evidenced by information provided to the Participants and may be set forth in the applicable Certificate of Designation of a Series.

ARTICLE 9

Custodian

9.1 Duties. The Directors shall at all times employ a Custodian with authority as its agent, but subject to such restrictions, limitations and other requirements, if any, as may be contained in the Bylaws of the Program to perform the duties set forth in the Custodian Agreement to be entered into between the Program and the Custodian, or as may be imposed by law. The Participants authorize the Directors to enter into any contract(s) and/or agreement(s) on their respective behalf for the purpose of employing the Custodian. The Custodian shall hold all Program Property on behalf of the Directors.

9.2 Agents of Custodian. The Directors may also authorize the Custodian to employ one or more agents from time to time to perform such acts and services of the Custodian and upon such terms and conditions, as may be agreed upon between the Custodian and such agent and approved by the Directors.

9.3 Successors. In the event that, at any time, the Custodian shall resign or shall be terminated pursuant to the

provisions of the Custodian Agreement, the Director shall appoint a successor thereto.

ARTICLE 10

Recording of Agreement

10.1 Recording. This Agreement and any amendment hereto shall be filed by each participant as a document of public record in the office of the Secretary of State of the state of Missouri and with each county recorder of deeds of a county in which a Participant is located unless instructed otherwise by the Program. Each amendment so filed, recorded or lodged shall be accompanied by a certificate signed and acknowledged by the Directors, or a copy of the same, stating that such action was duly taken in the manner provided for herein; and unless such amendment or such certificate sets forth some earlier or later time for the effectiveness of such amendment, such amendment shall be effective upon its filing. An amended Agreement, containing or restating the original Agreement and all amendments theretofore made, may be executed any time or from time to time by a majority of the Directors and shall, upon filing, recording or lodging in the manner contemplated hereby, be conclusive evidence of all amendments contained therein and may thereafter be referred to in lieu of the original Agreement and the various amendments thereto. Notwithstanding the foregoing provisions of this Section, no filing or recording pursuant to the terms of this Section shall be a condition precedent to the effectiveness of this Agreement or any amendment hereto.

ARTICLE 11

Amendment or Termination of Program; Duration of Program

11.1 Amendment or Termination.

(a) The provisions of this Agreement may be amended or altered or the Program may be terminated, by the affirmative vote of a majority of the Participants entitled to vote, such vote being initiated and tabulated as provided in Article VI; provided, however, that the Directors may, from time to time by a two-thirds (2/3) vote of the Directors, and after fifteen (15) days prior written notice to the Participants, amend or alter the provisions of this Agreement, without the vote or assent of the Participants, to the extent deemed by the Directors in good faith to be necessary to conform this Agreement to changes in or to the requirements of applicable laws, but the Directors shall not be liable for failing so to do. Notwithstanding the foregoing, (i)

no amendment may be made pursuant to this Section which would change any rights with respect to any outstanding Shares of the Program by reducing the amount payable thereon upon liquidation of the Program or which would diminish or eliminate any voting rights of the Participants; and (ii) no amendment may be made which would cause any of the investment restrictions contained in Section 2.2 hereof to be less restrictive without the affirmative vote of a two thirds (2/3) of the Participants entitled to vote thereon.

(b) Upon the termination of the Program pursuant to this Section:

(i) The Program shall carry on no business except for the purpose of winding up its affairs;

(ii) The Directors shall proceed to wind up the affairs of the Program and all of the powers of the Directors under this Agreement shall continue until the affairs of the Program shall have been wound up, including, without limitation, the power to fulfill or discharge the contracts of the Program, collect its assets, sell, convey, assign, exchange, transfer or otherwise dispose of all or any part of the remaining Program Property to one or more persons at public or private sale for consideration which may consist in whole or in part of cash, securities or other property of any kind, discharge or pay its liabilities, and do all other acts appropriate to liquidate its affairs; provided, however, that any sale, conveyance, assignment, exchange, transfer or other disposition of all or substantially all of the Program Property shall require approval of the principal terms of the transaction and the nature and amount of the consideration by affirmative vote of not less than a majority of the Participants entitled to vote thereon; and

(iii) After paying or adequately providing for the payment of all liabilities, and upon receipt of such releases, indemnities and refunding agreements, as they deem necessary for their protection, the Directors shall distribute the remaining Program Property, in cash or in kind or partly in each, among the Participants according to their respective proportionate allocation of Shares, and according to any interests of Participants in accounts established under Section 2.2 (b).

(c) Upon termination of the Program and distribution to the Participants as herein provided, a majority of the Directors shall execute and lodge among the records of the Program an instrument in writing setting forth the fact of such termination, and the Directors shall thereupon be discharged from

all further liabilities and duties hereunder, and the right, title and interest of all Participants shall cease and be cancelled and discharged.

(d) A certification in recordable form signed by a majority of the Directors setting forth an amendment and reciting that it was duly adopted by the Participants or by the Directors as aforesaid or a copy of the Agreement, as amended, in recordable form, and executed by a majority of the Directors and any others required by law, shall be conclusive evidence of such amendment.

11.2 Power to Effect Reorganization. If permitted by applicable law, the Directors, by vote or written approval of a majority of the Directors, may select, or direct the organization of a corporation, association, trust or other Person with which the Program may merge, or which shall take over the Program Property and carry on the affairs of the Program, and after receiving an affirmative vote of not less than a majority of the Participants entitled to vote, the notice for which includes a statement of such proposed action, the Directors may effect such merger or may sell, convey and transfer the Program Property to any such corporation, association, trust or other Person in exchange for cash or shares or securities thereof, or interest therein with the assumption by such transferee of the liabilities of the Program; and thereupon the Directors shall terminate the Program and deliver such cash, shares, securities or interest ratably among the Participants of this Program in redemption of their Shares, or other interests established under Section 2.2 (b).

11.3 Duration. The Program shall continue in existence in perpetuity, subject in all respects to the provisions of this Article.

ARTICLE 12

Nature of the Agreement

12.1 Parties to the Agreement. All Participants agree that this Agreement constitutes an Intergovernmental Cooperation Agreement among any and all school districts and other eligible political subdivisions which have or may become a party hereto.

12.2 Entry Into or Resignation From Agreement as Not Constituting Amendment. It is hereby agreed by and between all Participants that the entry or resignation of any Participant into or from this Agreement shall not constitute an amendment or termination of this Agreement. Each Participant agrees that all

Participants executing this Agreement by resolution at any time are equal parties to this Agreement.

ARTICLE 13

Miscellaneous

13.1 Governing Law. This Agreement is executed by the Participants and delivered in the state of Missouri and with reference to the laws thereof, and the rights of all parties and the validity, construction and effect of every provision hereof shall be subject to and construed according to the laws of the State of Missouri.

13.2 Counterparts. This Agreement may be executed in several counterparts, each of which when so executed shall be deemed to be an original, and such counterparts, together shall constitute but one and the same instrument, which shall be sufficiently evidenced by any such original counterpart.

13.3 Section Headings. Any headings preceding the texts of the several Articles and Sections of this agreement and any table of contents or marginal notes appended to copies hereof, shall be solely for convenience of reference and shall neither constitute a part of this Agreement nor affect its meaning, construction or effect.

IN WITNESS WHEREOF, the undersigned on behalf of the named School District or eligible political subdivision as a Participant in the Missouri Securities Investment Program ("Program") and pursuant to the authority granted by law, have caused this Agreement to be duly executed, to become effective the date and year first above written, as of which date this Agreement shall take full force and effect.

Date of Approval: _____

President/Mayor

Attest:

Secretary/City Clerk

School District/Municipality





RESOLUTION NO: 19-23

A RESOLUTION RE-APPOINTING ED ZIMMERMANN TO THE POLICE
PERSONNEL BOARD FOR A TWO-YEAR TERM.

BE IT RESOLVED by the Council of the City of Arnold, Missouri, that Ed Zimmermann is hereby re-appointed to serve on the Police Personnel Board for a two-year term that will expire on April 1, 2021 or until a successor has been appointed and qualified.

Presiding Officer of the City Council

Mayor Ron Counts

ATTEST:

City Clerk Tammi Casey

Date: _____

RESOLUTION NO: 19-24

A RESOLUTION APPROVING THE PURCHASE OF 6 NEW POLICE VEHICLES

WHEREAS, the City of Arnold recognizes the importance of maintaining a safe fleet of police vehicles; and

WHEREAS, the City of Arnold recognizes the importance of maintaining a police fleet that is cost efficient when it comes to maintenance and repairs; and

WHEREAS, the City of Arnold desires to establish a policy that addresses the maintenance, safety, efficiency and economy, in order, in part, to ensure the safety of the city staff and the general public;

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

In order to secure the above-referenced goals, the city shall purchase six (6) new Chevy Tahoe's Police Interceptor Utility Vehicles from Don Brown in the amount of \$216,728.00 which is the state bid contractor for Missouri. This is for the vehicles only and does not include any emergency equipment which will be budgeted for in the police 2020 budget. These vehicles will be purchased at the start of Fiscal Year 2020. In order for the vehicles to be outfitted and packaged by the manufacturer as police package vehicle sufficient time must be given and the order placed before May 30, 2019. Upon delivery of these new vehicles, six (6) old vehicles will be stripped of pertinent police equipment and sold at auction with those funds going back into the General Revenue fund.

Mayor Ron Counts

ATTEST:

City Clerk Tammi Casey

DATE: _____

May 25, 2016

RESOLUTION NO: 19-25

A RESOLUTION APPOINTING NICK FERRARIO TO THE ARNOLD
BEAUTIFICATION COMMISSION

BE IT RESOLVED by the Council of the City of Arnold, Missouri, that Nick Ferrario is hereby appointed to the Beautification Commission to serve the remainder of a two-year term that will expire on April 19, 2020 or until a successor has been appointed and qualified.

Presiding Officer of the City Council

Mayor Ron Counts

ATTEST:

City Clerk Tammi Casey

Date: _____

Mary Ellen Cox

From: Ron Counts <rcounts7746@gmail.com>
Sent: Tuesday, April 23, 2019 2:56 PM
To: Mary Ellen Cox
Subject: Fwd: Resume/bio

Attached is the Nicks resume. I would like to appoint him to the beautification board. Maybe we could get it done at the next regular meeting Thank You
Ron

Sent from my iPhone

Begin forwarded message:

From: Nick Ferrario <yourlastchance2011@gmail.com>
Date: April 22, 2019 at 8:50:36 PM CDT
To: Ron Counts <rcounts7746@gmail.com>
Subject: Resume/bio

My name is Nicholas Ferrario. I am inquiring about the beautification board of Arnold, Missouri. I am a local now of Arnold for 3 years. My 3 children, Samuel (12) Scott (10) and Simon (7) are all enrolled in Fox C6 school district at Lonedell Elementary and Ridgewood Middle School. I am married to a wonderful woman of 14 years.

For the past 12 years I've been employed at The Dean Team located in Ballwin, Missouri. I started at the bottom as a porter and was continued to be moved up to numerous titles and positions until my latest promotion into the parts department. With these years of employment there I was able to organize workers under me, create detailed jobs and processes for each dealership to expedite delivery of purchased vehicles and automotive parts. I developed a standard of how our vehicles were presented. When running parts delivery, I made it a personal goal to change the way our business was seen on the road, as we were the face of our company on the road. I'm a member of Local 618 Teamsters, vested 13 years.

For about 10 years I played music as well. Touring when permitted and eventually signing a deal to further our music. With that venture I was able to tackle unknown skills like marketing (digital and physical) organizing, promotion and outside the box art to capture crowds, investors and business owners. Currently I am also a Committee Member of Troop 450 and serve as Tiger/Lion Den Leader of Pack 450 out of Lonedell Elementary.

Thank you for your consideration,
Nick Ferrario

RESOLUTION NO: 19-26

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A
LEASE/PURCHASE AGREEMENT WITH JOHN DEERE
FINANCIAL INCORPORATE FOR A JOHN DEERE 8800A
TERRAINCUT MOWER

BE IT RESOLVED, by the Council of the City of Arnold, Missouri, that the Mayor, is hereby authorized to accept John Deere Financials agreement for a John Deere 8800A TerrainCut mower. The agreement terms are a 60-month period for fifty-six thousands eight hundred thirty-four dollars and twenty-five cents (\$56,834.25) payable in quarterly installations of three thousand two hundred nine dollars and no cent (\$3,209.00). Agreement terms shall remain in effect, 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: _____

Wednesday, April 24, 2019

Z:\CITYDOCS\RESOLUTN\2019\19-26 Resolution John Deere Financial Incorporated 2019.docx



Quote Id: 19291304

Prepared For:
Arnold Golf Club

Prepared By: **Justin Kreid**

Erb Turf Equipment, Inc.
1017 E Chain Of Rocks Rd
Mitchell, IL 62040

Tel: 618-931-1034

Email: justink@erbturf.com

Date: 03 April 2019

Offer Expires: 30 April 2019

Confidential



Quote Summary

Prepared For:
Arnold Golf Club
IL

Prepared By:
Justin Kreid
Erb Turf Equipment, Inc.
1017 E Chain Of Rocks Rd
Mitchell, IL 62040
Phone: 618-931-1034
justink@erbturf.com

Quote Id: 19291304
Created On: 03 April 2019
Last Modified On: 03 April 2019
Expiration Date: 30 April 2019

Equipment Summary	Selling Price	Qty	Extended
JOHN DEERE 8800A TerrainCut Rough Mower	\$ 56,834.25 X	1 =	\$ 56,834.25
Equipment Total			\$ 56,834.25

Quote Summary	
Equipment Total	\$ 56,834.25
SubTotal	\$ 56,834.25
Total	\$ 56,834.25
Down Payment	(0.00)
Rental Applied	(0.00)
Balance Due	\$ 56,834.25

Salesperson : X _____

Accepted By : X _____



JOHN DEERE

Selling Equipment

Quote Id: 19291304

JOHN DEERE 8800A TerrainCut Rough Mower

Hours:

Stock Number:

				Selling Price
				\$ 56,834.25
Code	Description	Qty	Unit	Extended
1506TC	8800A TerrainCut Rough Mower	1	\$ 75,779.00	\$ 75,779.00
Standard Options - Per Unit				
001A	United States/Canada	1	\$ 0.00	\$ 0.00
0443	All Other Countries (English / Spanish)	1	\$ 0.00	\$ 0.00
Standard Options Total				\$ 0.00
Suggested Price				\$ 75,779.00
Customer Discounts				
Customer Discounts Total			\$ -18,944.75	\$ -18,944.75
Total Selling Price				\$ 56,834.25



JOHN DEERE FINANCIAL

Prepared for:

The City of Arnold, MO dba: Arnold
Golf Club

Comments:

- 5.25% RATE EXPIRES 4/30/2019

Date: 4/11/2019

Dealer: Erb Turf Equipment

Salesperson: Justin Kreid

Quote ID: 19291304

Lease Type: Lease Purchase

Term: 60

Number of Payments: 20

Payment Option: QUARTERLY

State & Zip: MO 63010

NEW/USED	YEAR	MAKE	DESCRIPTION	HOURS/YEAR	QTY	UNIT PRICE	AMOUNT LEASED	BASE PAYMENT
New	2019	John Deere	ROUGH MOWER	N/A	1	\$56,834.25	\$56,834.25	\$3,209.00

Totals:

\$56,834.25

Trade-In:

\$0.00

Net Total:

\$56,834.25

\$3,209.00

Please note:

- *Quote is subject to credit approval
- *Quote assumes first payment due in advance
- *Rates and purchase options are not protected and subject to change
- *Payment per asset assumes financing of full package
- *Tax has been estimated for quoting purposes

Base Lease Payment:

\$3,209.00

Property Tax Estimate:

EXEMPT

Sales Tax Estimate:

EXEMPT

Total Estimated Payment:

\$3,209.00

RESOLUTION NO. 19-27

**A RESOLUTION AUTHORIZING THE USE OF
CONTRACTORS AND MUNICIPAL SWEEPING
SERVICES INC. FOR STREET SWEEPING SERVICES.**

WHEREAS, the City of Arnold currently uses Contractors and Municipal Sweeping Services Inc. for street sweeping services; and

WHEREAS, Contractors and Municipal Sweeping Services Inc. was selected through a competitive bidding process; and

WHEREAS, the City's contract with Contractors and Municipal Sweeping Services Inc. is ending and the company has offered to continue providing street sweeping services in 2019, 2020 and 2021 at the current rate of \$63.00 per hour; and

WHEREAS, the Public Works Department has given the company a positive recommendation;

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

Section 1. The City Council hereby waives the City's purchasing policy and authorizes the use of Contractors and Municipal Sweeping Service Inc. for street sweeping services in 2019, 2020, and 2021 at the rate of \$63.00 per hour. The Mayor and/or City Administrator are authorized to sign any document necessary to complete this transaction.

Presiding Officer of the City Council

Mayor Ron Counts

ATTEST:

City Clerk Tammi Casey

Date: _____

CONTRACTORS & MUNICIPAL SWEEPING SERVICE, INC.

P.O. Box 1621 St. Peters, MO 63376

Phone: (636) 441-7622

www.contractorsweeping.com

April 23, 2019

Mr. Tom Passig
Public Works
City of Arnold
2900 Arnold Tenbrook
Arnold, Mo. 63010

RE: 2019-2021 Street Sweeping

Thom,

This letter is to advise you that Contractors and Municipal Sweeping Service, Inc. will provide Street Sweeping Service for the City of Arnold in 2019, 2020, 2021 at the rate of \$630.00 per day. This is the same rate that was used in 2018.

Thank you for allowing Contractors and Municipal Sweeping Service, Inc. to provide street sweeping for the City of Arnold in recent years. We would like the opportunity to working with you for another three years.

If you have any questions, please feel free to contact me.

Sincerely,

Nancy K Sanders

Nancy K. Sanders
President

nancy@contractorsweeping.com



*Adm. Reports
By Christie*

**CITY COUNCIL
AGENDA ITEM STAFF REPORT**

MEETING DATE:	May 2, 2019
TITLE:	Floodplain Analysis Study (Staff Update)
DEPARTMENT:	Community Development
PROJECT MANAGER:	Christie Hull-Bettale, EIT, Community Development Engineer
ACTION:	No Action Required
ATTACHMENTS:	(1) Executive Summary; (2) Letter from Corp of Engineers with Analysis Summary, January 2019

EXECUTIVE SUMMARY:

The City of Arnold was approached by the St Louis Branch, US Army Corps of Engineers (COE) following the 2015/2016 Flood Event. COE gave details related to various programs that could further support the City relative to flood zones, negative impacts, mitigation and potential resolution for these areas that burden the community. In October 2016, the City was selected to receive services of a Floodplain Analysis Study by the COE paid in full through a federal grant. The COE provided the finalized report January 2019.

The purpose of the Floodplain Analysis Study was to provide a holistic floodplain analysis for the structures and population located within the jurisdictional limits of the City of Arnold.

SUMMARY OF ANALYSIS:

The study identified flood-prone structures and each structure's key characteristics. Economic, social, and environmental considerations were incorporated in the form of analyses in support of a comprehensive floodplain recommendation. The report did not include a detailed economic analysis, but did recommend specific nonstructural mitigation approaches based on flood-prone structure characteristics, such as dry flood proofing, structure acquisition, mobile home relocation, and floodplain restoration. Ultimately, the report will help the City of Arnold hone in on projects with grant funding potential to mitigate and reduce future flood risk for the city and its residents. Aside from the this specific Analysis report, Staff remains involved with the Corp of Engineers with the Continuing Authorities Program to explore options for funding mitigation projects.



DEPARTMENT OF THE ARMY
ST. LOUIS DISTRICT CORPS OF ENGINEERS
1222 SPRUCE STREET
ST. LOUIS, MISSOURI 63103-2833

REPLY TO
ATTENTION OF:

JAN 04 2019

Programs and Project Management Division
Project Management Branch

Mr. David Bookless
Community Development Director
City of Arnold
2101 Jeffco Boulevard
Arnold, Missouri 63010

Dear Mr. Bookless:

The City of Arnold Floodplain Analysis has been completed. It has been a pleasure working with the representatives from the city to provide a holistic floodplain analysis for the structures and population located within the jurisdictional limits of Arnold, Missouri.

This report examines floodprone buildings located within the City of Arnold, many of which have been damaged or threatened by recent floods of record in 2015 and 2017. This report's purpose is to build upon historic efforts in the City of Arnold of acquiring or mitigating structures to reduce the future flood risk for the city and its residents. While the majority of the city is elevated and not at risk of riverine or precipitation-based flooding, there is a large segment of Arnold's floodplain still occupied by residents. Based on 2018 preliminary Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRMs), there are 589 structures at risk from flooding during a 1/500 Annual Chance Exceedance (ACE) flood event. Of those structures, 269 are at risk during a more frequent 1/100 ACE flood event, also known as the Special Flood Hazard Area (SFHA), or AE Zone on FIRM maps.

Enclosed you will find three copies of the final report.

For questions or additional information, please contact the Project Manager, Mr. Hal Graef, at (314) 331-8790 or by e-mail at harold.w.graef@usace.army.mil.

Sincerely,

A handwritten signature in blue ink that reads "Bryan K. Sizemore".

Bryan K. Sizemore
Colonel, U.S. Army
District Commander

Enclosures



**US Army Corps
of Engineers®**

City of Arnold Floodplain Analysis

December 2018

**Prepared by:
U.S. Army Corps of Engineers
St. Louis District
1222 Spruce St
St. Louis, MO 63103**

Executive Summary

The City of Arnold Floodplain Analysis Study provides a holistic floodplain analysis for the structures and population located within the jurisdictional limits of Arnold, Missouri. The scope of the study was to provide an inventory of floodprone structures and determine the cost-effectiveness of various nonstructural mitigation measures that may reduce future flood damages.

While nearly all of the structures located in the floodway have been acquired since the Great Flood of 1993, the City of Arnold still has significant flood risk that was realized during recent floods in 2015 and 2017. The City of Arnold has more than 1,500 parcels that touch either the 1/100 or 1/500 Annual Chance Exceedance (ACE) floodplain. Within the affected parcels, there are 589 structures that are expected to be damaged during the 1/500 ACE flood event according to 2018 preliminary FEMA Flood Inundation Rate Maps (FIRMs).

The study utilized Esri ArcGIS (version 10.3.1) to create an inventory of floodprone structures by identifying key characteristics of each structure. In addition to economic rationale, social and environmental considerations were incorporated in the form of a mobile home relocation analysis (Appendix B) and environmental hub analysis (Appendix C) in support of a comprehensive floodplain recommendation. A detailed economic analysis with individualized benefit-to-cost ratios was not within the scope of this analysis, and instead the cost of nonstructural mitigation was balanced with the frequency of flooding to determine cost-effective flood damage reduction recommendations. The report recommends the following nonstructural mitigation approaches to reduce future flood damages:

- Dry Floodproof 112 structures
- Acquire 23 structures
- Relocate 161 mobile homes
- Restore 53.8 acres of floodplain forest

Of the structures recommended to be floodproofed (either wet or dry), 59% are expected to experience flood damages in the subfloor area of the structure and will therefore only require either sewer check valves or fill placed in the subfloor area to mitigate nearly all of the expected future damages during a 1/100 ACE flood event. The rest of the structures recommended for dry floodproofing require the structure to be rehabilitated with flood resistant veneer and watertight doors as flood depths are expected to exceed the first floor in the structure.

Structure acquisition was limited to structures classified as repetitive loss, actively participating in Arnold's Hazard Mitigation Grant process, or in an EPA designated riparian buffer zone (see Appendix C). The floodprone Starling Mobile Home Park was not recommended to be acquired, and instead relocated given social concern of existing tenants moving back into a floodprone area within the community. Finally, this report recommends extending the existing floodplain forest 53.8 acres into areas of green open space that were formally utilized as residential development or have been recommended for acquisition as part of this report.