



REPORT TO PLANNING COMMISSION

CITY OF ARNOLD

APPLICATION NUMBER: 2019-21

APPLICATION NAME: SPENCER CONTRACTING—APPEAL FROM THE FENCING STANDARDS

APPLICANT NAME: Tim Spencer
3073 Tenbrook Rd
Arnold MO 63010

PROPERTY OWNER NAME: Spencer Contracting
3073 Tenbrook Rd
Arnold MO 63010

APPLICANT'S REQUEST: A request for appeal from the maximum height requirement for a fence on a multiple frontage lot. The purpose of this request is to construct a new fence in the same location as the current one with additional fabric as screening.

STREET ADDRESS: 3073 Arnold Tenbrook Rd

SITE LOCATION: South of intersection of Intagliata Dr and Arnold Tenbrook

PARCEL ID: 01-8.0-33.0-1-001-004.01

TOTAL SITE AREA: 2.21 acres

MEETING DATE: May 17, 2019

REPORT DATE: May 28, 2019

CASE MANAGER: Christie Hull Bettale

RECOMMENDATION: **APPROVAL with findings and conditions**



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DESCRIPTION OF EXISTING SITE CONDITIONS

The 2.21 acre parcel is located south of the intersection of Intagliata Dr and Arnold Tenbrook Rd. The property is developed with a building, parking lot and space for outside storage.

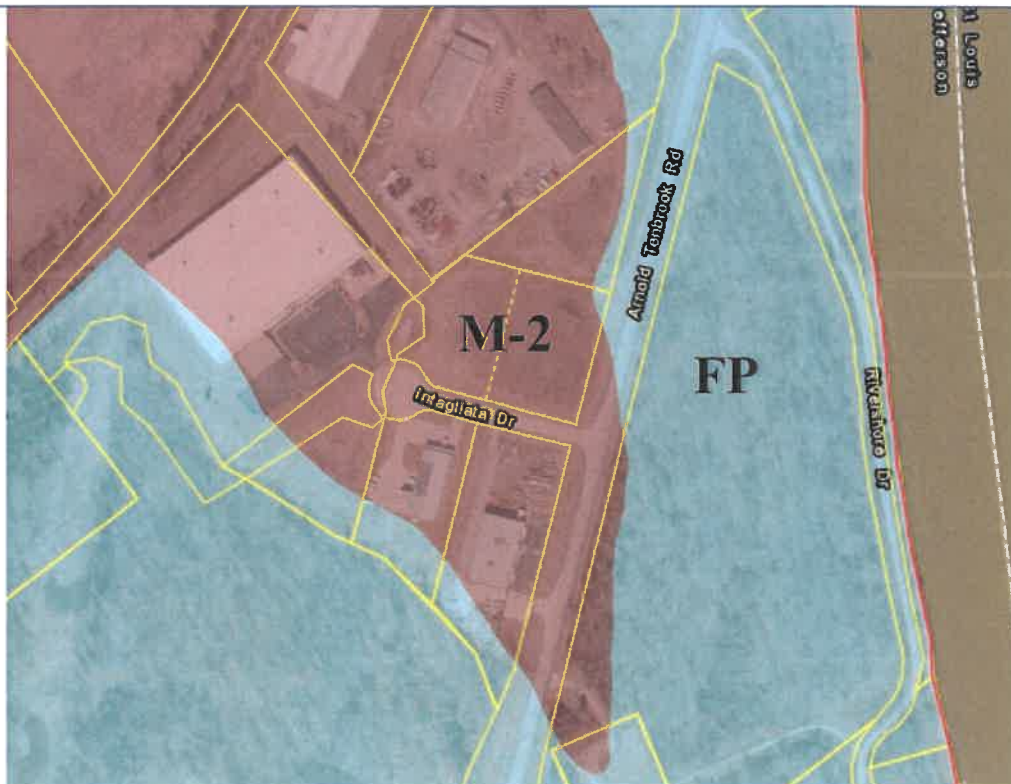
SITE HISTORY

In 2014 Spencer Contracting made a previous variance request, which was approved. The variance permitted relief from the required fence setback on both frontages along Arnold Tenbrook Rd and Intagliata Dr.

LAND USE AND ZONING CONTEXT MATRIX

DIRECTION	EXISTING LAND USE	ZONING DISTRICT	COMMENTS
North	Vacant	M-2/FP	Undeveloped open space
East	City Right of Way	NA	City Street, Arnold Tenbrook Road
South	Floodplain	FP	Wooded, undeveloped
West	Industrial	M-2/FP	Home Health Care Equipment

ZONING MAP





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ZONING REQUEST/DEVELOPMENT PROPOSAL

The applicant has submitted an appeal from the height requirements for fencing on a multiple frontages on this lot in the "M-2" Industrial District. The request is to construct a new 8 foot fence in the same location as the current 6 foot chain link fence which location was approved by a previous variance in 2014. Additionally, fabric will be attached for screening. Photo samples of the fence and fabric can be seen in the Attachment section of this report.

COMPREHENSIVE PLAN CONSISTENCY REVIEW

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

GOALS, OBJECTIVES, AND POLICIES:

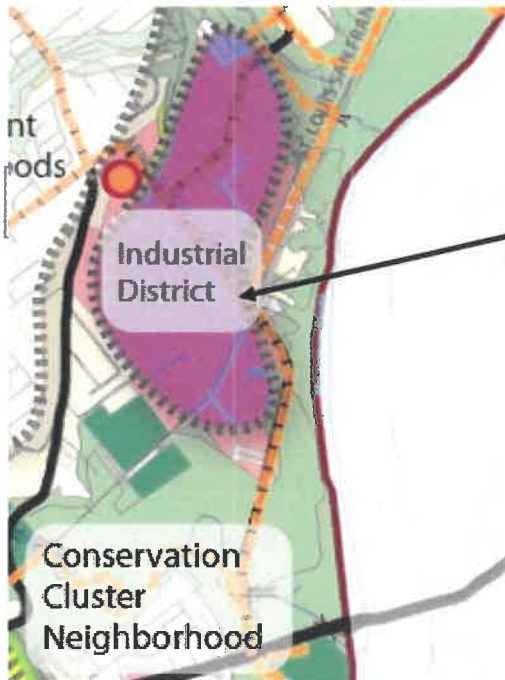
ECONOMIC DEVELOPMENT POLICY 3.0 STRENGTHEN AND REINVEST IN THE COMMERCIAL AND INDUSTRIAL AREAS IN ORDER TO CRATE GREATER VITALITY.

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

CITY PLANNER'S COMMENTS

Economic Development Policies 3.0 and 4.3 are substantially satisfied as follows:

Satisfied: The variance proposed would allow replacement of a fence of inadequate height. The replacement is for the enhancement of the property, to screen the taller storage more completely and added fabric will conceal the contents which the existing plain chain-link does not. This new fence and screening will improve the look; therefore, mitigating the negative visual impact of the



FUTURE LAND USE MAP:

Satisfied: The proposed variance does not affect the FLUM designation for the property as Industrial.



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BACKGROUND

The existing fence we permitted by a variance approved by the Planning Commission in 2014. The property is zoned "M-2" Industrial which permits the contracting company and its outside storage. The property has multiple frontages along its boundaries, including Intagliatia Dr to the north and Arnold Tenbrook to the east allowing the outdoor storage to be very visible.

The Applicant, Tim Spencer, has been asked by neighboring owners, to improve the appearance of the storage yard fence in order to mitigate the visual impact associated with its contents. The Industrial District's screening is not a zoning requirement unless specifically adjacent to residential. However, Mr. Spencer wants to be a good neighbor and business owner in fulfilling the request, leading to this appeal.

PLANNING AND ZONING ANALYSIS

Appeals for variances to the Supplementary District Regulations shall be made to the Planning Commission.

The applicant seeks to construct a new 8 foot high chain-link fence with fabric screening in the same location as the current 6 foot chain-link fence.

ANALYSIS OF APPLICABLE ZONING REGULATIONS

Fencing Standards—Height

Section 405.760. S. 3 c(3)

The maximum heights may be exceeded with the approval of the Planning Commission. The following conditions (at a minimum) shall be established for such requests:

- a) The increase in height shall in no way further obstruct vision for intersection streets, driveways, sidewalks or other traffic areas;
- b) The fence shall be screened on its external side with adequate plants so as to maintain an attractive appearance to said side.

- ◆ *Staff finds that the existing fence no way obstructs the vision for the intersection streets, driveway, sidewalks, or other traffic area. Given this fact, increasing the height will not cause a sight obstruction.*
- ◆ *Staff finds the addition of the fence fabric, in lieu of landscaping, will screen the storage yard more completely to help mitigate the visual impact of the allowed storage.*



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PLANNING AND ZONING ANALYSIS - CONTINUED

DETRIMENT TO PUBLIC SAFETY/HEALTH/WELFARE OR INJURY POSED TO NEARBY NEIGHBORHOODS

The applicant's proposal to construct a new fence in the same place as the current approved fence should not adversely affect public safety, health, welfare or nearby properties, improvements, and neighborhoods. Additionally, the proposed new fence, will screen the storage yard more completely to help mitigate the visual impact of the storage.

UNIQUE CONDITIONS OF THE PROPERTY

The conditions of this site are entirely unique. The parcel is located south of the intersection of Intagliata Dr and Arnold Tenbrook Rd. Also, a third side abuts floodplain; which should this portion be flooded in the future, the corner storage yard is important space for staging of equipment.

HARDSHIP

The hardship encountered by the applicant is caused by the unique conditions of the property listed above. The purpose of this fence, both current and proposed, is to provide screening which is otherwise not necessary within the Industrial district.



**PUBLIC VIEWSHED OF FENCED STORAGE YARD FROM ARNOLD TENBROOK RD,
FACING SOUTHWEST TOWARD THE INTERSECTION AT INTAGLIATA DR**



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FINDINGS, RECOMMENDATIONS AND CONDITIONS

NEIGHBORHOODS

Staff finds that the granting of the variance will not be detrimental to the public safety, health, or welfare or injurious to other property or improvements in the neighborhood in which the property is located.

UNIQUE CONDITIONS OF THE PROPERTY

Staff finds that the conditions upon which the request for a variance is based are unique to the property to which the variance is sought, and are not applicable generally to other property.

HARDSHIP

Staff finds that because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the letter of these regulations are carried out.

RECOMMENDATION

Staff finds that the proposed variance meets the review criteria. Based on the findings listed above, staff requests favorable consideration of the application, with the conditions outlined below.

CONDITIONS

1. The chain-link fence cannot exceed 8 foot in height with fabric attached for screening purposes.
2. The fence and fabric must be maintained in a rust and tear free manner.
3. Two street trees along Intagliata Dr that are dead must be replaced.

A handwritten signature in black ink, reading "Christie Hull Bettale".

Christie Hull Bettale
Community Development Engineer



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ATTACHMENTS

SUPPLEMENTAL LETTERS, MAPS, PLANS, ETC.



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Fence location -----
Key/Code Entry Gate -----

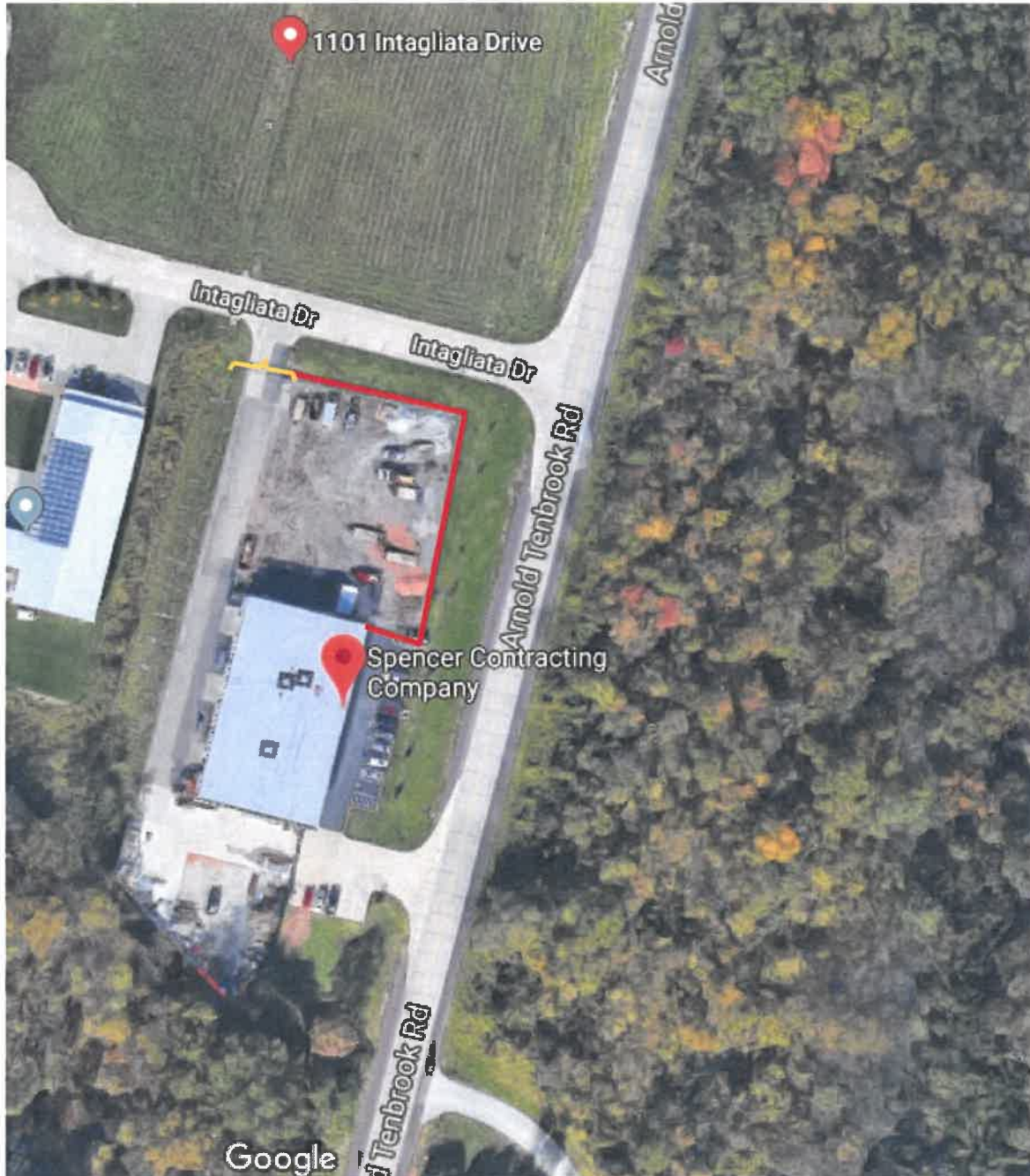


EXHIBIT A: SATELLITE IMAGE WITH FENCE LOCATION SKETCH



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3073 Arnold Tenbrook Road
Arnold, MO 63010
Phone 314-843-5166
Fax 314-843-6106

To: Arnold City Council Members
From: Spencer Contracting
Subject: Request for Variance
Date: May 8, 2019

Spencer Contracting is requesting a variance for our existing fence located on our property at 3073 Arnold Tenbrook Road. We ask the council to review our appeal.

1. The raising of our existing 6' high chain link fencing around our facility to a maximum height of 8' with a fabric screening. The raising of the fence will not interfere with sightlines exiting or entering the industrial court due to the distance of setback from both Arnold Tenbrook road and Intagliata drive.
2. Due to the growth of our business over the last several years Spencer Contracting has acquired several large pieces of equipment. We ask the council to allow us to raise the fence and install a fabric screening to keep our equipment when stored on our property less visible to other businesses in the industrial court, and the general public driving on Arnold Tenbrook.
3. Please see the attached photos showing our existing fencing, and also samples of the look we are trying to achieve.

Thank you for your time and considering this variance for our existing fence


Tom Spencer


Tim Spencer

APPLICANTS NARRATIVE

2019-21 Spencer Contracting—Appeal to the Fence Ordinance



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PROPOSED FENCE MATERIAL OPTIONS

2019-21 Spencer Contracting—Appeal to the Fence Ordinance



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**PUBLIC VIEWSHED OF SPENCER CONTRACTING FROM ARNOLD TENBROOK
FACING NORTHWEST**



**PUBLIC VIEWSHED OF SPENCER CONTRACTING FROM INTAGLIATA
FACING SOUTH EAST**