



**PLANNING COMMISSION  
CITY HALL – COUNCIL CHAMBERS – 2101 JEFFCO BOULEVARD  
TUESDAY, MAY 28, 2019**

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

- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE**
- 3. ROLL CALL**
- 4. APPROVAL OF AGENDA**
- 5. APPROVAL OF MINUTES:** April 9, 2019
- 6. PUBLIC COMMENT**
- 7. PUBLIC HEARING(S):**
  - a. 2019-14: A CITY-INITIATED ORDINANCE AMENDING CHAPTER 405, ZONING, OF THE CODE OF ORDINANCES, CREATING DEFINITIONS BY ESTABLISHING DEFINITIONS AND REGULATIONS RELATED TO MEDICAL MARIJUANA-RELATED ENTITIES, AS DEFINED BY THE STATE OF MISSOURI, ELECTRONIC CIGARETTE SHOPS, AND TOBACCO SHOPS.
- 8. OLD BUSINESS:** None
- 9. NEW BUSINESS:**
  - a. 2019-14: A CITY-INITIATED ORDINANCE AMENDING CHAPTER 405, ZONING, OF THE CODE OF ORDINANCES, CREATING DEFINITIONS BY ESTABLISHING DEFINITIONS AND REGULATIONS RELATED TO MEDICAL MARIJUANA-RELATED ENTITIES, AS DEFINED BY THE STATE OF MISSOURI, ELECTRONIC CIGARETTE SHOPS, AND TOBACCO SHOPS.
  - b. 2019-20: COMMERCIAL SITE PLAN FOR 1101 INTAGLIATA RD.
  - c. 2019-21: VARIANCE REQUEST, APPEAL TO THE FENCING STANDARDS WITH REGARD TO THE HEIGHT, 1101 INTAGLIATO.
- 10. STAFF UPDATE**
- 11. COMMISSIONERS UPDATE**
- 12. COUNCIL LIAISON REPORT**
- 13. NEXT SCHEDULED MEETING:** June 11, 2019
- 14. ADJOURNMENT**

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



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

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**MINUTES**

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

**ROLL CALL OF COMMISSIONERS:** Del Williams, John Tucker, Brian McArthur, Alan Bess, Frank Kutilek, Jeff Campbell, Andrew Sutton, Chris Ford, Justin Lurk (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

## 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.

