



**City Council Meeting
Council Chamber**

**May 4, 2023
7:00 P.M.**

Zoom Link – Internet Audio/Video:

<https://us02web.zoom.us/j/89241801505?pwd=UWJqSFhvVDJRamo1cGdsQVc2MnhwUT09>

Dial-in Number: 312 626 6799

Meeting ID: 892 4180 1505

Passcode: 176973

Public Hearing

- A. PC-2023-13 Fence Standards (Zoning Ordinance Text Amendment)
- B. Cape Electrical Supply (Zoning Amendment)

Regular Meeting

AGENDA

- 1. Pledge of Allegiance and Opening Prayer
- 2. Roll Call
- 3. Business from the Floor
- 4. Consent Agenda
 - A. Regular Council Meeting Minutes from **April 20, 2023.**
 - B. Payroll Warrant **#T00436 in the Amount of \$330,781.36.**
 - C. General Warrant **#5833 in the Amount of \$275,747.83.**
- 5. Ordinances:
 - A. **Bill #2853** An Ordinance of the City Council of the City of Arnold, Missouri, Amending Chapter 405 (Zoning) of the Arnold Code of Ordinances.
 - B. **Bill #2854** An Ordinance Amending the “C-4” Planned Commercial District for the Arnold Crossroads by Adding Outdoor Storage as Permitted Use and Further Clarifying District Regulations for a Tract of Land Located in Arnold, Missouri.

6. Resolutions:

- A. **Resolution #23-15** A Resolution Re-Appointing an Individual to Serve on the Tourism Commission

7. Motions:

- A. A Motion to Approve Liquor License Applications

8. Reports from Mayor and Council

9. Administrative Reports

10. Adjournment

Upon request, reasonable accommodations will be provided. Contact Tammi Casey, City Clerk, Arnold City Hall, 2101 Jeffco Boulevard, Arnold, Missouri 63010. Phone: 636-296-2100.

Mayor Ron Counts called the meeting to order at 7:00 p.m.

The council meeting was also presented live via Zoom Video Conferencing.

The pledge of allegiance was recited. Councilman Jason Fulbright offered the prayer.

ROLL CALL

Those present per roll call taken by City Clerk Tammi Casey: Mayor Counts, Fulbright, Plunk, Hood, McArthur, Cooley, Moritz, Fleischmann, Mullins, Richison, Bookless, Lehmann, Sweeney, Crutchley, Wagner, Kroupa (excused) Chief Carroll.

BUSINESS FROM THE FLOOR

Phil Amato, 1119 Catskill Lane – Provided council with an update on current state legislation.

ORGANIZATION OF THE COUNCIL

ELECTION OF MAYOR PRO-TEM

Mayor Counts opened the floor to nominations for the position of Mayor Pro-Tem.

Jason Fulbright nominated Gary Plunk. As no other nominations were offered:

Jason Fulbright made a motion and so moved to close the floor to nominations and elect Gary Plunk Mayor Pro-Tem by acclamation. Seconded by Butch Cooley.

MAYORAL COMMITTEE APPOINTMENTS

Mayor Counts provided council with his committee appointments, a copy of which is attached hereto and made part of this record.

Butch Cooley made a motion and so moved to accept the mayoral committee appointments, as presented. Seconded by Gary Plunk. Roll call vote: Fulbright, yes; Plunk, yes; Hood, yes; McArthur, yes; Cooley, yes; Moritz, yes; Fleischmann, yes; Mullins, yes; 8 Yeas: Motion carried.

CONSENT AGENDA

- A. REGULAR COUNCIL MEETING MINUTES FROM APRIL 6, 2023**
- B. PAYROLL WARRANT #T00419 IN THE AMOUNT OF \$342,374.47**
- C. GENERAL WARRANT #5832 IN THE AMOUNT OF \$507,159.06**

Butch Cooley made a motion and so moved to approve the consent agenda. Seconded by Gary Plunk. Roll call vote: Fulbright, yes; Plunk, yes; Hood, yes; McArthur, yes; Cooley, yes; Moritz, yes; Fleischmann, yes; Mullins, yes; 8 Yeas: **Motion carried.**

ORDINANCES

BILL NO 2852 – AN ORDINANCE ACCEPTING LANDS KNOWN AS STONE CREEK SUBDIVISION FOR PUBLIC USE OF STREETS AND STORM SEWERS; AUTHORIZING THE MAYOR OF THE CITY OF ARNOLD, MISSOURI TO EXECUTE A FORMAL ACCEPTANCE THEREOF; AND PROVIDING FOR THE RECORDING OF SAID ACCEPTANCE. A COPY OF SAID FORMAL ACCEPTANCE IS ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE was read twice by City Clerk Tammi Casey. Roll call vote: Fulbright, yes; Plunk, yes; Hood, yes; McArthur, yes; Cooley, yes; Moritz, yes; Fleischmann, yes; Mullins, yes; 8 Yeas: **Ordinance passed.**

RESOLUTIONS

RESOLUTION NO 23-11 – A RESOLUTION APPOINTING A MEMBER TO THE PLANNING COMMISSION

Brian McArthur made a motion and so moved to approve Resolution No 23-11. Seconded by Mark Hood. Roll call vote: Fulbright, yes; Plunk, yes; Hood, yes; McArthur, yes; Cooley, yes; Moritz, yes; Fleischmann, yes; Mullins, yes; 8 Yeas: **Resolution passed.**

RESOLUTION NO 23-12 – A RESOLUTION RATIFYING THE PURCHASE OF FIVE GRANITE BENCHES FROM PG MEMORIALS

Rodney Mullins made a motion and so moved to approve Resolution No 23-12. Seconded by Gary Plunk. Roll call vote: Fulbright, yes; Plunk, yes; Hood, yes; McArthur, yes; Cooley, yes; Moritz, yes; Fleischmann, yes; Mullins, yes; 8 Yeas: **Resolution passed.**

RESOLUTION NO 23-13 – A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH PETERS-EICHLER MECHANICAL

Brian McArthur made a motion and so moved to approve Resolution No 23-13. Seconded by Bill Moritz. Roll call vote: Fulbright, yes; Plunk, yes; Hood, yes; McArthur, yes; Cooley, yes; Moritz, yes; Fleischmann, yes; Mullins, yes; 8 Yeas: **Resolution passed.**

RESOLUTION NO 23-14 – A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE CHANGE ORDER NUMBER 1 TO THE 2023 CONCRETE PROJECT

Gary Plunk made a motion and so moved to approve Resolution No 23-14. Seconded by Brian McArthur. Roll call vote: Fulbright, yes; Plunk, yes; Hood, yes; McArthur, yes; Cooley, yes; Moritz, yes; Fleischmann, yes; Mullins, yes; 8 Yeas: **Resolution passed.**

MOTIONS

A. A MOTION TO APPROVE LIQUOR LICENSE APPLICATIONS

Tammi Casey stated there was no business to bring forward from the Liquor Committee this evening.

B. A MOTION TO APPROVE FIREWORKS AT ICC PICNIC

Bill Moritz made a motion and so moved to approve the fireworks display at the Immaculate Conception Church parish picnic. Seconded by Mark Hood. Roll call vote: Fulbright, yes; Plunk, yes; Hood, yes; McArthur, yes; Cooley, yes; Moritz, yes; Fleischmann, yes; Mullins, yes; 8 Yeas: **Motion carried.**

C. A MOTION TO APPROVE PC-2023-12 ABV BARREL SHOP BAR (CONDITIONAL USE PERMIT)

David Bookless informed council that ABV Barrel Shop has applied for a conditional use permit for a “Bar/Cocktail Lounge” to allow for a members-only bar at 8 Fox Valley Center to be connected to their existing business. The Planning Commission held a public hearing at its April 11, 2023 meeting and is forwarding a recommendation of approval by a vote of 6 to 0. Mr. Bookless informed council that if no action is taken tonight the CUP will stand approved. As no action was taken the CUP stands approved.

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

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

REPORTS FROM MAYOR AND COUNCIL

Mayor Counts – Congratulated the councilmembers who were either elected or re-elected.

EJ Fleischmann, Ward 1 – Echoed the Mayor’s congratulations and thanked Phil Amato for keeping the city updated on current affairs in the state legislature.

Gary Plunk, Ward 4 – Thanked council for their support in electing him Mayor Pro-Tem.

Butch Cooley, Ward 4 – Stated he is very happy to serve another term on the City Council.

Bill Moritz, Ward 2 – Thanked everyone for their support, especially his wife Debbie, Phil Amato and everyone who helped him campaign. Mr. Moritz stated he is excited to get to work.

ADMINISTRATIVE REPORTS

Bryan Richison – Thanked Terri Starwalt and everyone who worked on the reception held earlier this evening.

Chief Carroll – Informed everyone that the police department has reimplemented its chaplain program. Rev. Chris Lybarger has been hired for this position. Chief Carroll thanked First Baptist Church, who graciously donated the necessary funds to pay for the flight and hotel room for Rev. Lybarger to attend training.

Judy Wagner – provided council with an update on existing projects.

Dave Crutchley – Informed council that the City, in partnership with Arsenal Credit Union, will hold a paper shredding event this Saturday at the Rec Center outdoor pool parking lot. There will also be an electronic recycling event on May 20th.

Mayor Counts announced a 5-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 Rodney Mullins. Seconded by EJ Fleischmann.

Voice vote: All Yeas.

Meeting adjourned at 8:15 p.m.



City Clerk Tammi Casey, CMC/MRCC-S

CITY OF ARNOLD, MISSOURI

ROLL CALL

MEETING: COUNCIL MEETING

DATE: 4/20/2023

PAGE: 1

BILL NO - RESOLUTION - MOTION

		ROLL CALL	MOTION TO APPROVE MAYORAL COMMITTEE APPOINTMENTS	MOTION TO APPROVE CONSENT AGENDA	BILL NO 2852	RESOLUTION NO 23-11	RESOLUTION NO 23-12
COUNCIL MEMBERS:							
MAYOR	RON COUNTS	PRESENT					
COUNCIL:	JASON FULBRIGHT	PRESENT	YES	YES	YES	YES	YES
COUNCIL:	GARY PLUNK	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:	BUTCH COOLEY	PRESENT	YES	YES	YES	YES	YES
COUNCIL:	BILL MORITZ	PRESENT	YES	YES	YES	YES	YES
COUNCIL:	EJ FLEISCHMANN	PRESENT	YES	YES	YES	YES	YES
COUNCIL:	RODNEY MULLINS	PRESENT	YES	YES	YES	YES	YES
CITY ADMINISTRATOR	BRYAN RICHISON	PRESENT	PARKS DIR:		DAVE CRUTCHLEY		PRESENT
CITY CLERK	TAMMI CASEY	PRESENT	PUBLIC WORKS:		JUDY WAGNER		PRESENT
COM DEV	DAVID BOOKLESS	PRESENT	TREASURER:		DAN KROUPA		EXCUSED
FINANCE DIRECTOR	BILL LEHMANN	PRESENT	POLICE DEPT.		CHIEF CARROLL		PRESENT
CITY ATTORNEY	BOB SWEENEY	PRESENT					

**Mayor
Ron Counts
636-633-0074**

mayorroncounts@arnoldmo.org

WARD 1

EJ Fleishman
636-375-2644

ejfleischmann@arnoldmo.org

Committee Appointments:

Farmers Market
Aging and Disability
Beautification
Finance

Jason Fulbright
636-464-6748

jfulbright@arnoldmo.org

Committee Appointments:

Historic Preservation
Tourism
Finance

WARD 3

Mark Hood
314-922-1924

mhood@arnoldmo.org

Committee Appointments:

Aging & Disability
Tourism
Finance

Rodney Mullins
636-215-5815

rmullins@arnoldmo.org

Committee Appointments:

Veterans
Liquor
Finance

WARD 2

Brian McArthur
636-789-1704

bmcarthur@arnoldmo.org

Committee Appointments:

Planning and Zoning
Finance

Bill Moritz

636-296-7636

billmoritz57@gmail.com

Committee Appointments:

Liquor
Aging and Disability
Finance

WARD 4

Butch Cooley
314-623-1352

bcooley@arnoldmo.org

Committee Appointments:

Liquor
Parks
Finance

Gary Plunk

314-960-3427

gplunk@arnoldmo.org

Committee Appointments:

Parks
Veterans
Police Pension
Finance



CITY COUNCIL AGENDA ITEM STAFF REPORT

MEETING DATE:	May 4, 2023
TITLE:	Fence Standards (Zoning Ordinance Text Amendment)
DEPARTMENT:	Community Development
PROJECT MANAGER:	David B. Bookless, AICP Community Development Director
REQUESTED ACTION:	Approval
ATTACHMENTS:	(1) Draft Ordinance (2) Planning Commission Staff Memorandum (3) Draft April 25, 2023 Planning Commission Meeting Minutes

EXECUTIVE SUMMARY:

The Zoning Ordinance, generally designates the Board of Adjustment as the body to consider variations from requirements of the Chapter, however, the variances from fence standards are assigned to the Planning Commission. After hearing a number of such fence variance requests, several members of the Planning Commission asked Staff to draft an amendment to designate the Board of Adjustment as the body to hear such requests.

REVIEW & ANALYSIS:

At its April 25, 2023 meeting, the Planning Commission held a public hearing for the Zoning Ordinance Text Amendment. Staff presented its report, the Commission had no questions, and there was no public comment. Council Liaison McArthur provided some background on why the Commission historically heard fence variance requests, but stated that he fully supported the change.

RECOMMENDATION:

On April 25, 2023, the Planning Commission, by a unanimous vote of 9 to 0, voted to recommend approval of the Zoning Ordinance Text Amendment as presented by Staff.

BILL NO. 2853

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARNOLD, MISSOURI, AMENDING CHAPTER 405 (ZONING) OF THE ARNOLD CODE OF ORDINANCES

WHEREAS, the Chapter 405 (Zoning) generally designates the Board of Adjustment as the body to consider variations from requirements of the Chapter; and

WHEREAS, the City Council desires to strike a certain section of the Zoning Ordinance, which designates the Planning Commission as the body to consider variations from fencing standards; 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 amendment 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. Subparagraph 405.050.C.19.c.(9) is hereby deleted in its entirety.

SECTION 2. 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 3. 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 _____ 2023.

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



PLANNING COMMISSION STAFF MEMORANDUM

MEETING DATE: October 25, 2022

TITLE: PC-2023-13 Fence Standards: A City-initiated request to amend Chapter 405, Zoning, of the Code of Ordinances to strike a section designating the Planning Commission as the body to hear requests for variances from the strict application of the Code as it relates to fences.

DEPARTMENT: Community Development

PROJECT MANAGER: David B. Bookless, AICP
Community Development Director

ATTACHMENTS: (1) Draft Ordinance

BACKGROUND & ANALYSIS:

Chapter 405, A.K.A. the Zoning Ordinance, generally designates the Board of Adjustment as the body to consider variations from requirements of the Chapter. However, as currently written, *Section 405.050.C.19.c.(9)* designates the Planning Commission for this role, as follows:

- (9) Appeals to this Subsection must be made in writing to the Planning Commission outlining their reason for appeal that addresses the following criteria:*
- (a) 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.*
 - (b) 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.*
 - (c) 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.*

After hearing a number of such fence variance requests, several members of the Planning Commission asked Staff to draft an amendment to bring fence variance requests in line with all other variance requests by designating the Board of Adjustment, using the same review criteria as above, as the appropriate adjudication body. As the Zoning Ordinance designates the Board to hear all such requests, the only action required is to strike Section 405.050.C.19.c.(9) in its entirety.

REQUESTED ACTION:

Staff recommends that the Planning Commission recommend approval of the attached draft amendment to City Council.



**PLANNING COMMISSION MEETING
COUNCIL CHAMBERS, CITY HALL, 2101 JEFFCO BLVD.
APRIL 25, 2023**

MINUTES

REGULAR SESSION

1. **CALL TO ORDER:** The regular meeting of the Arnold Planning Commission was called to order by Chairman Andrew Sutton at 7:00 p.m.
2. **ROLL CALL OF COMMISSIONERS:** Andrew Sutton, Alan Bess, Brian McArthur, Del Williams, Frank Kutilek, Steve Buss, Justin Lurk, Phil Hogan, Tim Seidenstricker. **STAFF PRESENT:** David Bookless (Community Development Director), Robert Sweeney (City Attorney), Christie Hull-Bettale (Engineer/Planner) (Zoom), Sarah Turner (Senior Planner).
3. **PLEDGE OF ALLEGIANCE:** The Commission and Staff stood and spoke the Pledge of Allegiance.
4. **APPROVAL OF MINUTES:** Motion by Bess to approve the minutes from the April 11th, 2023 meeting. Second by Williams. *Voice vote:* Approved 9-0.
5. **PUBLIC COMMENT:** There was no comment from members of the public present or on Zoom.
6. **PUBLIC HEARINGS:**
 - a. **PC-2023-13 Fencing Standards (Zoning Text Amendment):** Mr. Sutton requested a motion to open the public hearing. Motion by Lurk. Second by Buss. *Voice vote:* Approved 9-0. Mr. Bookless presented the Staff Report, recommending favorable consideration of the text amendment to the City Council. McArthur commented in favor of the amendment. There were no further comments or questions from the Commission. There were no public comments. Mr. Sutton requested a motion to close the hearing. Motion by Seidenstricker. Second by Hogan. *Voice vote:* Approved 9-0.
 - b. **PC-2023-14 Cape Electrical Supply (Zoning Amendment):** Mr. Sutton requested a motion to open the public hearing. Motion by Kutilek. Second by Bess. *Voice vote:* Approved 9-0. Ms. Turner presented the Staff Report, recommending favorable consideration of the amendment to the subject "C-4" Planned Commercial District to City Council. The applicant, Terry Dawdy (Dawdy & Associates, architect on behalf of property owner), introduced himself and was satisfied with Staff's presentation. A representative of the proposed tenant Cape Electrical Supply, Coy Fitzgerald, attended via Zoom for questions. One member of the public was present to speak on the request. Mark R. Loyd (PO Box 305, Arnold MO) stated that he is the owner of the fireworks property to the rear of the subject development. Mr. Loyd supported the proposal and stated that the business will benefit the community. There were no comments from the Commission. Mr. Sutton requested a motion to close the hearing. Motion by Bess. Second by Seidenstricker. *Voice vote:* Approved 9-0.
7. **OTHER BUSINESS:**
 - a. **Comprehensive Plan Update:** Mr. Bookless had no updates for the Commission, but stated that work on the plan update was resuming now that the election season ended.
8. **ADJOURNMENT OF REGULAR SESSION:** Motion by Buss to close regular session and move into executive session. Second by Bess. *Voice vote:* Approved 9-0. Session adjourned at 7:18 p.m.

EXECUTIVE SESSION

9. **OLD BUSINESS:** *None*
10. **NEW BUSINESS:**

- a. **PC-2023-13 Fencing Standards (Zoning Text Amendment):** Motion by Buss to recommend approval of the proposed amendment to the Zoning Ordinance to the City Council as recommended by Staff. Second by Lurk. The Commission had no further discussion. *Roll call vote.* Andrew Sutton, yes; Alan Bess, yes; Brian McArthur, yes; Del Williams, yes; Frank Kutilek, yes; Steve Buss, yes; Justin Lurk, yes; Phil Hogan, yes; Tim Seidenstricker, yes. Approved 9-0.
- b. **PC-2023-14 Cape Electrical Supply (Zoning Amendment):** Motion by Hogan to recommend approval of the proposed amendment to the Arnold Crossroads "C-4" Planned Commercial District to the City Council as recommended by Staff. Second by Bess. McArthur commented in favor and appreciated the cooperation between Staff, the applicant, and other involved parties. Lurk asked about the purpose of the pipe bollards. Ms. Turner explained that they were recommended by the City Engineer to protect the fence. The Commission had no further discussion. *Roll call vote.* Andrew Sutton, yes; Alan Bess, yes; Brian McArthur, yes; Del Williams, yes; Frank Kutilek, yes; Steve Buss, yes; Justin Lurk, yes; Phil Hogan, yes; Tim Seidenstricker, yes. Approved 9-0.
11. **DIRECTOR'S REPORT:** The next meeting of the Commission scheduled for May 9th does not currently have any agenda items and may be cancelled. Mr. Bookless welcomed Tim Seidenstricker to the Commission.
12. **COUNCIL LIAISON'S REPORT:** Councilman McArthur thanked Staff for their code enforcement efforts to clean up the Katie's Custard property.
13. **ANNOUNCEMENTS:** Buss stated the MoDOT sidewalk improvements along Jeffco are going well. Sutton and other Commissioners welcomed Seidenstricker to the Planning Commission. Seidenstricker thanked the Commission and stated that he is looking forward to serve the community on this board. There were no more announcements.
14. **ADJOURNMENT:** Motion by Lurk to adjourn. Second by Bess. *Voice vote:* Approved 9-0. Meeting adjourned at 7:25 p.m.

Respectfully Submitted,

Steven Buss
Planning Commission Secretary

VOTE RECORD

	Roll Call	Min.	PC-2023-13 PH Open	PC-2023-13 PH Close	PC-2023-14 PH Open	PC-2023-14 PH Close	Close Reg. Open Exec.	Vote PC-2023-13	Vote PC-2023-14	Adjourn
Andrew Sutton	P	Y	Y	Y	Y	Y	Y	Y	Y	Y
Alan Bess	P	1 st - Y	Y	Y	2 nd - Y	1 st - Y	2 nd - Y	Y	Y	2 nd - Y
Brian McArthur	P	Y	Y	Y	Y	Y	Y	Y	Y	Y
Del Williams	P	2 nd - Y	Y	Y	Y	Y	Y	Y	Y	Y
Frank Kutilek	P	Y	Y	Y	1 st - Y	Y	Y	Y	Y	Y
Steve Buss	P	Y	2 nd - Y	Y	Y	Y	1 st - Y	1 st - Y	2 nd - Y	Y
Justin Lurk	P	Y	1 st - Y	Y	Y	Y	Y	2 nd - Y	Y	1 st - Y
Phil Hogan	P	Y	Y	2 nd - Y	Y	Y	Y	Y	1 st - Y	Y
Tim Seidenstricker	P	Y	Y	1 st - Y	Y	2 nd - Y	Y	Y	Y	Y

<i>David Bookless</i>	P
<i>Robert Sweeney</i>	P
<i>Christie Hull-Bettale</i>	P (Z)
<i>Sarah Turner</i>	P

CALL TO ORDER:	7:00 pm
ADJOURN REGULAR:	7:18 pm
ADJOURN EXECUTIVE:	7:25 pm



CITY COUNCIL AGENDA ITEM STAFF REPORT

MEETING DATE:	May 4, 2023
TITLE:	Cape Electrical Supply (Zoning Amendment)
DEPARTMENT:	Community Development
PROJECT MANAGER:	Sarah Turner, Senior Planner
REQUESTED ACTION:	Approval
ATTACHMENTS:	(1) Draft Ordinance (2) Planning Commission Staff Report <i>(See Fence Standards packet for minutes)</i>

EXECUTIVE SUMMARY:

Terry Dawdy (of Dawdy & Associates), on behalf of the property owner, requested an amendment to the “C-4” Planned Commercial District for the Arnold Crossroads development to allow for secured outdoor storage for a proposed electrical supply retailer at 237 Arnold Crossroads Center.

REVIEW & ANALYSIS:

At its April 25, 2023 meeting, the Planning Commission held a public hearing for the Zoning Amendment. Staff presented findings that the request satisfies the five Zoning Amendment conditions and that the proposed site plan is site-appropriate, safe, and attractive. One member of the public spoke in support of the amendment. Council Liaison McArthur commended the cooperation between Staff and the applicant. Commissioner Lurk had one question regarding bollards that was answered by Staff.

RECOMMENDATION:

On April 25, 2023, the Planning Commission, by a unanimous vote of 9 to 0, voted to recommend approval of the Zoning Amendment and “Attachment A” as presented by Staff.

AN ORDINANCE AMENDING THE “C-4” PLANNED COMMERCIAL DISTRICT FOR THE ARNOLD CROSSROADS BY ADDING OUTDOOR STORAGE AS A PERMITTED USE AND FURTHER CLARIFYING DISTRICT REGULATIONS FOR A TRACT OF LAND LOCATED IN ARNOLD, MISSOURI.

WHEREAS, an application to approve the amendment and replacement of the site-specific ordinance governing the “C-4” Planned Commercial District for a tract of land known as the Arnold Crossroads [Ord. No. 14.395 (Bill No. 2232), 4-19-2007] and identified further in “Exhibit A” has been submitted to the City of Arnold; 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 amendment and replacement of the “C-4” Planned Commercial District and the Final Site Plan for secured outdoor storage at 237 Arnold Crossroads Ctr herein identified as “Exhibit B”; and

WHEREAS, the proposed change of zoning meets the review criteria and further advances the intent of both the Comprehensive Plan and Zoning Ordinance. The extent of the “C-4” Planned Commercial District boundary will not change. The amendment to this particular “C-4” Planned Commercial District has been shown to be necessary for public convenience or necessity. There has been significant change in the area to warrant this amendment to this particular “C-4” District, including the intended use of this property as a retailer with secured outdoor storage. There was not a mistake made on the Zoning Map. The “C-4” Planned Commercial District designation is consistent with the Future Land Use Map of the City of Arnold. This amendment supports the consistent use of commercial districts within the City, 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 establishing an amended “C-4” Planned Commercial District for the Arnold Crossroads as identified further in “Exhibit A” located within the City of Arnold, Jefferson County, State of Missouri.

SECTION 2. The proposed rezoning to “C-4” Planned Commercial District has been submitted to the City of Arnold and will be developed in accordance with the provisions of this ordinance, conditions contained in “Attachment A,” 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.

Signatures on following page

READ TWO TIMES, PASSED AND APPROVED ON THIS ____ DAY OF _____, 2023.

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

EXHIBIT A

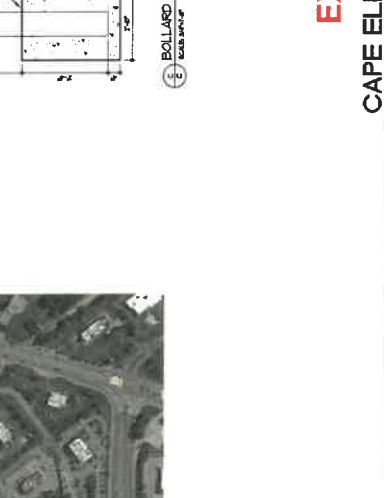
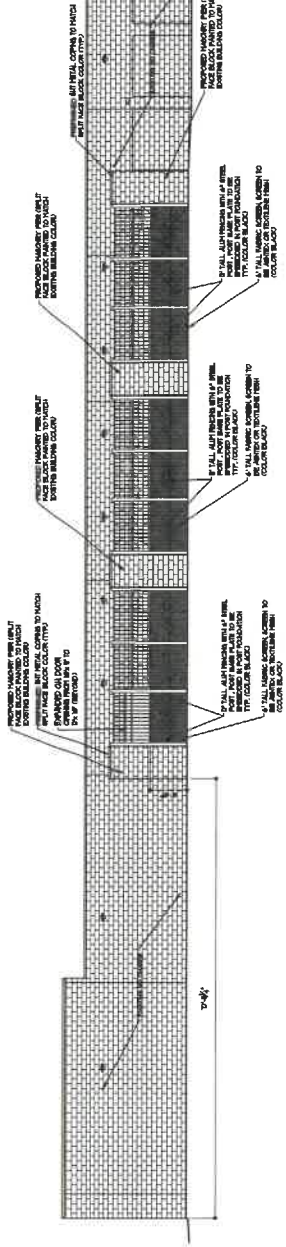
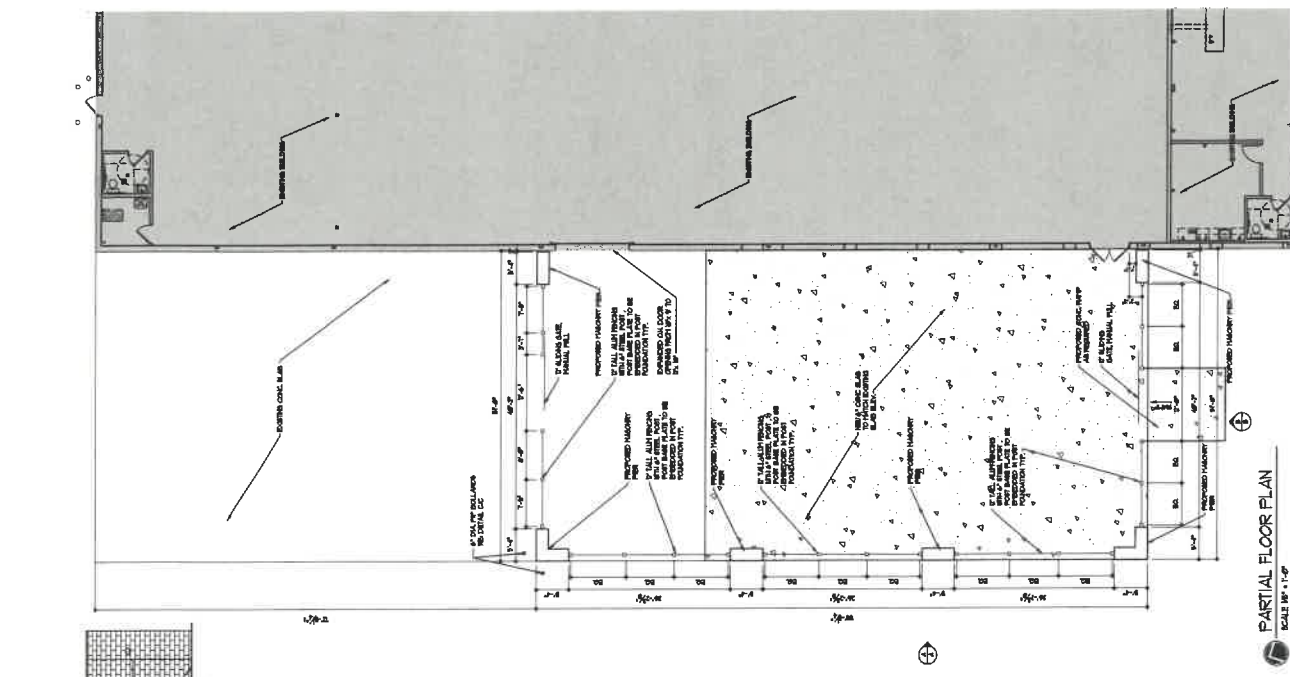
LEGAL DESCRIPTION OF PROPERTY

TOTAL TRACT

A tract of land being part of Lots 29 and 30 of U.S. Survey 2991, Township 43 North, Range 6 East, in the City of Arnold, Jefferson County, Missouri being more particularly described as:

Beginning at a point on the Northern line of Relocated Missouri State Highway 141, variable width, at its intersection with the Southwestern line of said Lot 29; thence along said Southwestern line, North 37 degrees 36 minutes 30 seconds West, 664.50 feet to a point on the Eastern line of Missouri State Highway I-55, variable width; thence along said Eastern line, North 02 degrees 32 minutes 00 seconds East, 103.26 feet to a point 150.00 feet perpendicular distant eastwardly of centerline station 25+00.00; thence North 13 degrees 50 minutes 30 seconds East, 322.25 feet to a point on the Western line of a tract of land conveyed to Atomic Fireworks Inc. of Missouri by Deed recorded in Book 397, Page 19 of the Jefferson County Records; thence along said Western line, South 37 degrees 37 minutes 00 seconds East, 195.07 feet to a point; thence North 52 degrees 22 minutes 30 seconds East, 300.01 feet to a point on the Southwestern line of Tract 2 of "Jennemann Estate", a Subdivision according to the plat thereof recorded in Plat Book 32, Page 13 of the Jefferson County Records; thence along said Southwestern line, North 37 degrees 33 minutes 00 seconds West, 137.04 feet to the Southern corner of Tract 3 of said Subdivision, said point also being a Southern corner of New Tract II of the "Resubdivision of Tract 'E', Zelch Tract and 0.56 Acre Tract", according to the plat thereof recorded in Plat Book 149, Pages 17 and 18 of the Jefferson County Records; thence along the Southern line of New Tract II, North 52 degrees 31 minutes 00 seconds East, 100.00 feet to a point; thence South 37 degrees 34 minutes 00 seconds East, 158.88 feet to a point; thence North 52 degrees 31 minutes 00 seconds East, 330.00 feet to Southern corner of a tract of land conveyed JSZ Estate Corporation by Deed recorded in Book 778, Page 1767 of the Jefferson County Records; thence along the Southwestern line of said tract, North 37 degrees 34 minutes 00 seconds West, 25.00 feet to the Western corner thereof; thence North 52 degrees 31 minutes 00 seconds East, 137.03 feet to the Northern corner thereof; thence South 37 degrees 34 minutes 00 seconds East, 697.44 feet to the *Northern corner of a tract of land conveyed to Smitmart, L.L.C. by Deed recorded in Book 792, Page 1359 of the Jefferson County Records; thence along the Western line of said tract, South 52 degrees 31 minutes 00 seconds West, 125.27 feet to a point; thence South 35 degrees 31 minutes 00 seconds West, 45.00 feet to a point; thence South 05 degrees 00 minutes 00 seconds East, 71.29 feet to a point; thence South 55 degrees 00 minutes 40 seconds East, 68.06 feet to a point on the line between Lots 29 and 30 of U.S. Survey 2991; thence South 38 degrees 12 minutes 00 seconds East, 22.03 feet to a point; thence South 73 degrees 50 minutes 00 seconds East, 104.65 feet to a point on the Northwestern line of Old Highway 141 (also known as Big Bill Road, sixty feet wide); thence along said Northwestern line, North 46 degrees 00 minutes 00 seconds East, 25.71 feet to a*

point; thence North 34 degrees 07 minutes 30 seconds East, 74.86 feet to a point on the Western line of Missouri State Highway 61-67 (also known as Jeffco Boulevard, eighty feet wide); thence along said Western line, Southwestwardly 75.02 feet along a curve to the left, having a radius of 859.00 feet and a chord bearing South 19 degrees 10 minutes 07 seconds West to a point of tangency, said point being 40.00 feet perpendicular distant northwestwardly of station PT 61+37.20 on the centerline of said Highway; thence South 16 degrees 40 minutes 00 seconds West, 322.80 feet to the Northern corner of a tract of land taken for the widening of said Highway by the instrument recorded in Deed Book 878, Page 2116 of the Jefferson County Records, said point being 40.00 feet perpendicular distant northwestwardly of station 64+60.00; thence South 47 degrees 37 minutes 50 seconds West, 23.32 feet to a point 52.00 feet perpendicular distant northwestwardly of station 64+80.00; thence South 16 degrees 40 minutes 00 seconds West, 80.64 feet to a point 52.00 perpendicular distant northwestwardly of station 65+60.64, said point being on the Northern line of Relocated Missouri State Highway 141, as aforementioned; thence along said Northern line, South 54 degrees 10 minutes 20 seconds West, 148.23 feet to a point being 57.50 feet perpendicular distant northeastwardly of station 5+14.17 on the centerline of said Highway 141; thence North 88 degrees 11 minutes 00 seconds West, 85.83 feet to a point 57.50 feet perpendicular distant northeastwardly of station 6+00.00; thence North 84 degrees 10 minutes 45 seconds West, 50.12 feet to a point 61.00 feet perpendicular distant northeastwardly of station 6+50.00; thence North 88 degrees 11 minutes 00 seconds West, 90.55 feet to a point of tangency; thence Southwestwardly 155.60 feet along a curve to the left, having a radius of 1,334.80 feet and a chord bearing South 88 degrees 28 minutes 38 seconds West to a point; thence North 54 degrees 45 minutes 30 seconds West, 102.08 feet to a point; thence South 75 degrees 56 minutes 00 seconds West, 137.74 feet to a point; thence South 29 degrees 32 minutes 07 seconds West, 76.04 feet to a point; thence Southwestwardly 74.49 feet along a curve to the left, having a radius of 1,025.10 feet and a chord bearing South 69 degrees 45 minutes 36 seconds West to a point on the Southwestern line of Lot 29 of U.S. Survey 2991, as aforementioned; thence along said Southwestern line, North 37 degrees 36 minutes 30 seconds West, 54.80 feet to the point of beginning, containing 27.26 acres more or less.



LOCATION MAP
 SCALE: 1/8" = 1'-0"

EXHIBIT B

CAPE ELECTRICAL SUPPLY

237 ARNOLD CROSSROADS CENTER
 ARNOLD, MISSOURI

ATTACHMENT "A"
"C-4" PLANNED COMMERCIAL DISTRICT REGULATIONS
ARNOLD CROSSROADS

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

1. **DEFINITIONS.** All terms contained herein and not defined herein shall have the meanings ascribed to them in Section 405.030, Rules and Definitions, of the Arnold Zoning Ordinance.
2. **PERMITTED USES.** Permitted uses shall include the following:
 - a. All uses designated as a "Permitted Use" in any of the "C" Commercial Districts;
 - b. All uses depicted on the Final Development Plan, page DPS-5;
 - c. Stores, shops, service facilities, including automatic vending facilities, markets, offices, recreational facilities, and associated work and storage areas 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, which within the meaning thereof, shall include out-door sales areas and gardens centers as restricted in this document;
 - d. Restaurants, which within the meaning thereof, shall include eating establishments of all types, including but not limited to, restaurants providing carry out service and restaurants having out-door seating, but specifically excluding fast food restaurants and restaurants with drive-through facilities;
 - e. Clubs and lodges; and
 - f. Financial institutions, which within the meaning thereof shall including financial institutions with drive-through facilities and automated teller machines (ATMs) whether or not located within proximity to a financial institution.
 - g. Secured outdoor storage only as depicted in Exhibit B (Approved Site Plan).
3. **CONDITIONAL USES.** Conditional uses shall include the following:
 - a. All uses designated as a "Conditional Use" in any of the "C" Commercial Districts, provided that such use is not a "Permitted Use in any of the "C" Commercial Districts; and

b. Fast food restaurants and restaurants with drive-through facilities.

4. HEIGHT LIMITATION FOR STRUCTURES. No structure or building, other than authorized utility towers and antennas shall exceed 4 stories or 50 feet in height. The height limitations contained in this section do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys or other appurtenances usually required to be placed above the roof level and not intended for human occupancy, which within the meaning thereof shall include but not be limited to incidental architectural embellishments, canopies, peaks, mechanical equipment, and mechanical equipment screens.

5. LOT AREA AND YARD REQUIREMENTS.

a. No lot or tract of land shall have an area, exclusive of any area dedicated as a public roadway, comprising of less than 21,780 square feet.

b. The building setback along State of Missouri right-of-way shall be fifteen (15) feet. The building setback along City of Arnold right-of-way shall be twenty (20) feet. The parking area setback along State of Missouri right-of-way shall be five (5) feet. The parking area setback along City of Arnold right-of-way shall be ten (10) feet. No parking area or structure shall be permitted within fifteen (15) feet of a property line adjoining property in a "R" Residence District.

c. The maximum lot coverage of any lot shall be no greater than twenty-five percent (25%) of the total lot area, or twenty percent (20%) of the total lot area in the case of lots with multiple-floor buildings. In the case of an integrated shopping center as contemplated by the Final Development Plan, the coverage shall be determined on a consolidated basis with respect to all lots and roadways within the shopping center.

d. Any part of a lot area not used for buildings or other structures or for parking, loading, or access driveways shall be landscaped with grass or ground cover, trees, shrubs, or pedestrians walks, in accordance with the following minimum requirements:

Minimum Caliper for Deciduous Trees:	2 inches
Minimum Height for Coniferous Trees:	6 feet
Tree Mix:	Maximum of 25% of One Species

Distribution:	1 Tree per 7.5 parking spaces with 100% of those trees within the parking area (including the perimeter of the parking area and any roadways adjacent to the parking area)
	1 Foundation plant (shrub or bush) per 15 feet of street exposed wall area

e. A fifteen (15) foot wide buffer shall be required where adjoining properties are zoned for residential use. All buffering shall be established prior to the start of construction. The buffer strip shall meet the following minimum requirements:

i. Natural Vegetation

Minimum Species Mixture	100% Coniferous
Minimum Species Height	6 feet
Minimum Species Spacing	8 feet on center

ii. Fencing.

Minimum Height	6 feet
Sight Proofing	Stockade/slats in cyclone style

The Planning Commission may allow the use of topographic features or the maintenance of the existing tree mass of a minimum depth of fifteen (15) feet or as required to not encroach on existing tree mass drip line in lieu of fences where such alternatives will achieve comparable effect.

f. Off-Street Parking and Loading Requirements.

- i. In the case of an integrated shopping center as contemplated by the Final Development Plan, the parking requirements shall be determined on a consolidated basis with respect to all lots within the shopping center.
- ii. No off-street parking space required under this section shall be used for any other purpose, except for seasonal sales. All seasonal sales areas that use designated parking areas, shall not utilize more than 10% of the required parking spaces for that property.
- iii. The minimum number of parking spaces provided shall be 4.25 per 1,000 square feet of gross floor area.
- iv. One paved off-street loading space shall be provided on the premises for each 18,750 square feet, or fraction thereof, of gross

floor area in every building. Each such loading space shall measure no less than ten (10) feet by sixty (60) feet and shall have a height clear of obstructions of fourteen (14) feet. Sufficient turning radii shall be provided for truck movement into and out of the property.

6. PERFORMANCE STANDARDS.

a. Outdoor Storage.

- i. Outdoor storage of any hazardous materials or products, including but not limited to transformers and switchgear, is prohibited unless the storage area is covered by a sufficient fire suppression system as determined by the Arnold Building Commissioner; and
- ii. Outdoor storage shall be enclosed by security fencing as depicted in Exhibit B (Approved Site Plan).

- b. All other uses shall operate in accordance with the appropriate performance standards contained in Section 405.150, Use And Zoning Performance Standards, of the Arnold Zoning Ordinance.

7. **LIGHTING.** Exterior lighting may utilize poles of up to twenty- eight (28) feet in height plus the height of the concrete pole bases with pole spacing minimum of 100 feet. Each pole may have up to four (4) heads of 1000 watts each. Wall packs and flood lights are prohibited. Alternative light types, pole heights (not to exceed above established height) and separation distances may be submitted for staff approval.

8. **ACCESS.** Access to the Property shall be shown on the Final Development Plan, but subject to modification to the extent required to secure the approval from the City and MoDOT.

9. ROAD IMPROVEMENTS.

- a. A traffic mirror shall be installed as depicted in Exhibit B (Approved Site Plan) and approved by the City Engineer.
- b. Guard rail shall be installed as depicted in Exhibit B (Approved Site Plan) and approved by the City Engineer.
- c. Internal drives, access points, and roadways shall be located in accordance with the Final Development Plan. Internal drives and access points shall be subject to modification to the extent required to secure any necessary approval from the City and MoDOT.

10. SIGNS. The regulation of the use of signs on the Property shall not be governed by the terms of Chapter 415, Signs, of the Arnold Code of Ordinances, but shall, however, be governed by the terms hereof.

- a. One (1) freestanding commercial center sign, located near the Interstate 55 side of the Property, with a ten (10) foot setback from all property lines and extending to no more than forty-eight (48) feet above the elevation of the average finish ground elevation at the location of such sign ("Pylon Sign") shall be permitted on the Property. Such Pylon Sign(s) shall not exceed five hundred sixty (560) square feet in area per facing and shall not be closer than one hundred (100) feet from any other Pylon Sign.
- b. Two (2) freestanding commercial center signs, with one located near the main entrance of the Property near Highway 141 and one located near U.S. 61/67, with a ten (10) foot setback from all property lines and extending no more than forty (40) feet above the elevation of the average finish ground elevation at the location of such sign ("Pylon Sign"). Such Pylon Sign(s) shall not exceed five hundred twenty-eight (528) square feet in area per facing and shall not be closer than one hundred (100) feet from any other Pylon Sign.
- c. Each out-parcel as shown on the Final Development Plan shall be permitted at least one (1) low profile sign regardless of the length of frontage of such out-parcel. Each such freestanding commercial center sign shall not exceed fifty (50) square feet in area per facing; nor exceed a width of eight (8) feet four (4) inches on any side; nor extend more than six (6) feet above the elevation of the average finish ground elevation at the building, whichever is higher. Each low-profile sign will have a ten (10) foot setback from all property lines and a minimum of one hundred (100) feet shall be required between low profile signs for separate out-parcels.
- d. Each business occupying or leasing building space within the Property shall be permitted to have at least one (1) attached wall sign on the two primary facades of the building in which such business is located. The area of each such attached wall sign shall not exceed thirty percent (30%) of the wall or lease space frontage which the sign is attached; provided, however, no such single attached wall sign shall exceed two hundred fifty (250) square feet in area. Attached wall signs of businesses occupying or leasing building space within the Property may be placed on the two primary facades of the building in which the business is located regardless of whether such building is adjacent to publicly owned property, a residential district, or a planned unit development containing a residential use.

11. MISCELLANEOUS. In the event that the Final Development Plan as supplemented by the most recently approved site plan (Exhibit B) conflicts with any of the foregoing restrictions, the conflict shall be resolved in favor of that which

is more restrictive. All other issues not addressed herein shall be governed by applicable city or state code and may be submitted for staff approval.



REPORT TO PLANNING COMMISSION

CITY OF ARNOLD

APPLICATION NUMBER: PC-2023-14

APPLICATION NAME: CAPE ELECTRICAL SUPPLY

APPLICANT(S) NAME: Dawdy & Associates (on behalf of the Property Owner)
Terry Dawdy
1850 Craigshire Rd., Ste. 105
St Louis 63146

PROPERTY OWNER NAME: Arnold Crossroads LLC
PO Box 528
St Albans MO 63073

APPLICANT'S REQUEST: A request to amend the "C-4" Planned Commercial District for the Arnold Crossroads development to allow for secured outdoor storage for a proposed electric supply retailer, as provided in the Arnold Zoning Ordinance.

STREET ADDRESS: 237 Arnold Crossroads Ctr

SITE LOCATION: North of Missouri Route 141, located between Interstate 55 and U.S. Routes 61/67 (Jeffco Blvd)

ZONING DISTRICT: "C-4" Planned Commercial

PARCEL ID(S): 01-4.0-20.0-3-001-003.01, 01-4.0-20.0-3-001-001.01, 01-4.0-20.0-3-001-003.02, 01-4.0-20.0-3-001-005, 01-4.0-20.0-3-001-003.04, 01-4.0-20.0-3-001-003.03, 01-4.0-20.0-3-001-003.05, 01-4.0-20.0-3-001-006

TOTAL SITE AREA: 27.26 acres (Subject parcel: 17.05 acres)

MEETING DATE: April 25, 2023

REPORT DATE: April 19, 2023

CASE MANAGER: Sarah Turner, Senior Planner

RECOMMENDATION: **APPROVAL WITH CONDITIONS**



REPORT TO PLANNING COMMISSION

CITY OF ARNOLD

DESCRIPTION OF EXISTING SITE CONDITIONS

The approximately 17.05 acre subject parcel is located north of Missouri Route 141, nestled between Interstate 55 and Jeffco Blvd (U.S. 61/67). The parcel is part of Arnold Crossroads, a multi-lot commercial development. This particular parcel contains the two largest buildings and associated parking/driving areas. The property is accessed from MO-141 and Jeffco Blvd.

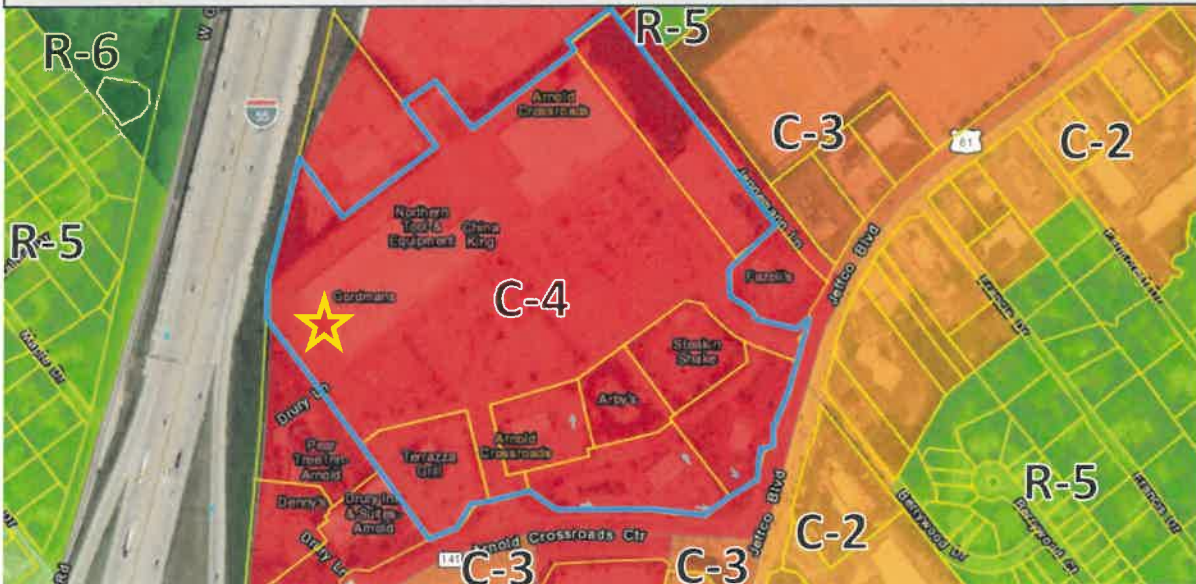
SITE HISTORY

The subject parcel contains the core of the Arnold Crossroads development: two shopping strips built in 1975. The surrounding out-lots were developed afterwards. A number of out-lots were part of a redevelopment approved in 2007. The redevelopment approval established a 27.26 acre "C-4" Planned Commercial District.

LAND USE AND ZONING CONTEXT MATRIX

DIRECTION	EXISTING LAND USE	ZONING DISTRICT	COMMENTS
North	Commercial	C-4	Atomic Fireworks
East	Commercial; Institutional	C-4; C-3	Mixed commercial; Fox Service Center
South	Commercial	C-4; C-3	Mixed commercial
West	Transportation	N/A	Interstate 55

ZONING MAP



Cape Electrical Supply (C-4 Amendment)

REPORT TO PLANNING COMMISSION

CITY OF ARNOLD



ZONING REQUEST/DEVELOPMENT PROPOSAL

A request to amend the "C-4" Planned Commercial District for the Arnold Crossroads development (Bill No. 2232 Ord. No. 14.395, approved April 2007) to allow for secured outdoor storage for a proposed electric supply retailer at 237 Arnold Crossroads Ctr.

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:

Land Use Policy 5: *Reinvest in existing centers by encouraging targeted development, redevelopment, and infill at existing locations so as to channel growth where it will contribute to existing investment and leverage existing infrastructure investments.*

Land Use Policy 9: *Where feasible, commercial development, specifically retail, should not be spread out along major arterials but should be grouped in nodes to share parking and access.*

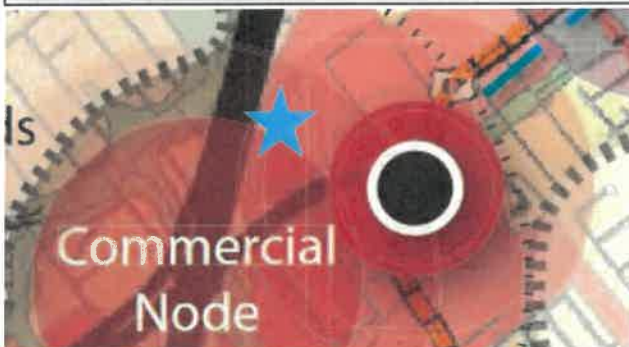
Land Use Policy 9.1 Apply Compatible Uses: *Commercial developments should be compatible with nearby development and adequately buffered to mitigate adverse impacts on residential neighborhoods.*

CITY PLANNER'S COMMENTS

Policies LU-5, LU-9, and LU-9.1 are satisfied as follows:

The proposed space to be occupied by the electric supply retailer appears to have been vacant for nearly 20 years. A specialty electric retailer being located near other services relevant to its customers, such as tool stores, restaurants, and lodging, allows for a grouping of services for the benefit of the community. The proposed outdoor storage is to be located in the location of the former Kmart's outdoor garden center, which should be adequately buffered to mitigate adverse impacts on surrounding property owners.

FUTURE LAND USE MAP:



The property is shown as commercial (pink) and within a Commercial Node (red, center). The proposed amendment would allow for secured outdoor storage for a specialty retailer. Retail and commercial services are a satisfactory use for this area.



REPORT TO PLANNING COMMISSION

CITY OF ARNOLD

SUMMARY OF PLANNING AND ZONING ANALYSIS

The applicant is proposing an amendment to the Arnold Crossroads' existing "C-4" Planned Commercial District to allow for secured outdoor storage at a proposed electric supply retailer at 237 Arnold Crossroads Ctr. This address was a portion of the former Kmart and the store's outdoor garden center. Staff's findings for how the zoning amendment conditions may be met and review of the submitted site plan can be summarized as follows:

- a. The boundary of the "C-4" District is unchanged in the proposal.
- b. The retail landscape has changed significantly since 2007 when the district was first established.
- c. There is no mistake in the Zoning Map.
- d. The use of the property as commercial will continue to reflect the zoning classification on the City's Future Land Use Map. The location of the proposed outdoor storage within a "C-4" planned district allows for more customization for this particular site.
- e. The applicant has carefully crafted a plan showing outdoor storage that is site-appropriate, attractive, and safe for surrounding property owners, which is in the best interest of the City.

Staff finds that the application is substantially consistent with the Zoning Ordinance and the goals and policies of the Comprehensive Plan, subject to the approval of the proposed site plan (Exhibit A) and favorable recommendation of the revised "C-4" governing document (Exhibit B). More detailed analysis of the above is contained in this report from pages 6 through 14.

ARNOLD CROSSROADS, SUBJECT LOCATION @ STAR (OPEN STREET MAP)



Cape Electrical Supply (C-4 Amendment)

REPORT TO PLANNING COMMISSION

CITY OF ARNOLD



BACKGROUND

The proposed area for the electric supply retailer, approximately 15,000 square feet at the western end of the building indicated in Figure 1, has not been occupied since approximately 2003 when Kmart closed. It was separated from the area formerly used by Gordman's by a demising wall.

In late March 2023, Terry Dawdy of Dawdy & Associates submitted two building permits for 237 Arnold Crossroads on behalf of the property owner, Arnold Crossroads LLC. The two permits requested by the applicant were separated into "landlord work" and "tenant work", with the total project scope including an interior buildout for the warehouse and sales areas, exterior doorways, and a fenced outdoor storage area. Under the current district regulations, the fenced outdoor storage component of the proposal could not be approved by Staff. This request for an amendment to the existing "C-4" Planned Commercial District would allow the proposed electric supply retailer to move forward with the two building permit applications.

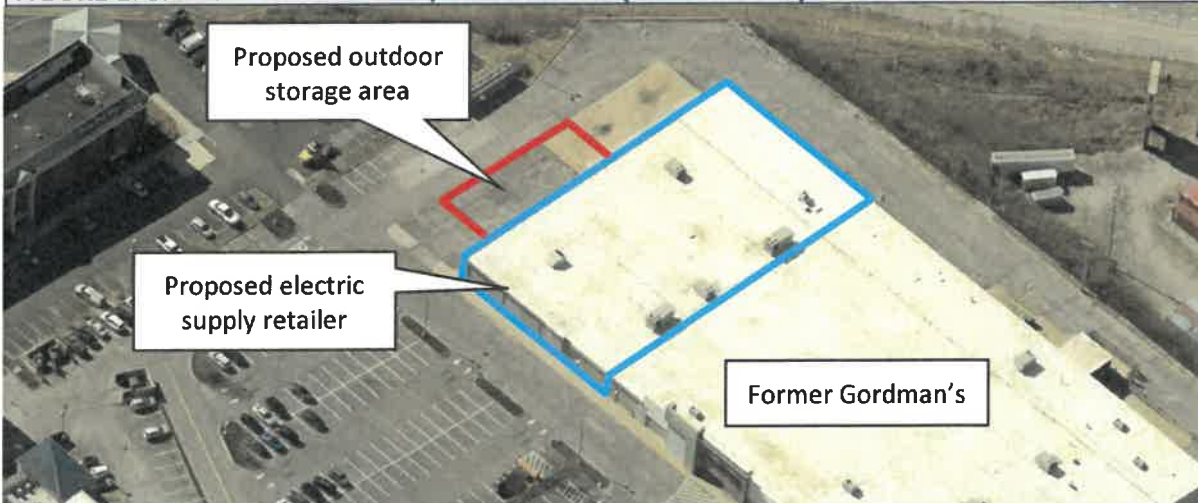
PLANNING AND ZONING ANALYSIS

The regulations, restrictions, and boundaries as set forth in the Zoning Ordinance may be amended, supplemented, changed or repealed by the City Council, or petitioned for a change by the legal owner of the property in question, provided, however, that no such action shall be taken until such proposal has first been reviewed by the Planning Commission and a report and recommendation thereon is made to the City Council.

PROPOSAL & EXISTING CODE

The subject address is located within the "C-4" Planned Commercial District for the Arnold Crossroads development. The ordinance which established this district in April 2007 was Bill No. 2232 Ord. No. 14.395. The governing document for this district (attached, Exhibit D) allows stores, shops, service facilities, etc. and associated work/storage areas, specifying that "outdoor sales areas and garden centers" are included in that allowed use. The proposal is

FIGURE 1: SKETCH OF PROPOSAL, PICTOMETRY (MARCH 2022)





REPORT TO PLANNING COMMISSION

CITY OF ARNOLD

PLANNING AND ZONING ANALYSIS - CONTINUED

showing an electrical supply retailer occupying the space with a mix of front end sales and offices and warehousing in the back. This use is permitted by the "C-4" document. However, the proposal shows an enclosed outdoor storage area that is not generally accessible to the public. The lack of sales or public access led Staff to interpret the proposal is not an outdoor sales area or garden center. Similar to other "C" Commercial districts, storage areas must be indoors unless expressly stated by site plan approval or variance.

The Zoning Ordinance permits outdoor displays of merchandise so long as the merchandise is brought in when the business is closed. For example, Northern Tool and Play It Again Sports are two retailers within the Arnold Crossroads shopping center. These businesses are not permitted outdoor storage, but may bring merchandise out onto the sidewalk in front of the store during hours of operation. Fireworks tents and associated "outdoor" storage are special allowances made for these temporary retailers for only a few weeks out of the year. These examples are provided to help illustrate to the Commission that the proposed electrical supply retailer's permanent, fenced outdoor storage is a separate request from the types of outdoor storage that one could currently find within Arnold Crossroads.

The "C-4" document does not specify fencing regulations; therefore, fencing at the Arnold Crossroads site are governed by the Zoning Ordinance. The maximum height for a fence is 6 ft with decorative posts able to be 6 ft 6 in. The proposal includes a fence made of an acceptable material (aluminum in a wrought iron style) that is 12 feet in height, nearly double the maximum allowable height by code. However, this height is not inconsistent with other secured outdoor areas as shown in Figure 2.

Following the current codes and district regulations in place, outdoor storage is not a permitted use in the Arnold Crossroads development and the proposed security fence exceeds the maximum allowable height. Since the subject location is within a "C-4" Planned Commercial District, the applicant has requested an amendment to the planned district to allow the proposal to move forward.

FIGURE 2: LOWE'S GARDEN CENTER SECURED FENCING, ARNOLD COMMONS (STREETVIEW)



REPORT TO PLANNING COMMISSION

CITY OF ARNOLD



PLANNING AND ZONING ANALYSIS - CONTINUED

ZONING AMENDMENT CONDITIONS

The zoning amendment conditions as provided in Section 405.260, Zoning Changes And Amendments, of the Zoning Ordinance are listed below in *italics*. Full statements from the applicants' narratives (Exhibit C) in response to how this request meets the conditions are quoted in **bold**.

Changes in district boundaries or classifications, or restrictions shall only be approved under the following conditions:

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

Applicant Response (Dawdy): **"Extension of the existing boundary is not required for this request."**

Staff Response: The boundaries of the Arnold Crossroads "C-4" district do not require any changes for the proposed amendment to allow for the proposed secured outdoor storage.

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

Applicant Response (Dawdy): **"The current zoning is C-4 and it will remain C-4. A change in tenant requirements from what was originally planned is what warrants the requested zoning amendment."**

Staff Response: The retail landscape has changed significantly since the Great Recession and the spike in online shopping. These industry shake-ups predate the most recent amendment of the Arnold Crossroads "C-4" in 2007.

- c. *It is shown that a mistake was made in the original Zoning Map;*

Applicant Response (Dawdy): **"No mistake was made in the original zoning as noted above, it is only an amendment to the original text to allow outside storage to meet the new tenant requirements."**

Staff Response: The proposed amendment would not necessarily change the Zoning Map, but it would amend the regulations and requirements of the district as necessary to allow for the requested secured outdoor storage.

- d. *A change that would make the zoning classification reflect the proposed use in the land use plan of the City of Arnold; or*

Applicant Response (Dawdy): **"The original tenant was K-Mart and they had outdoor sales in the where we are requesting the modification. The proposed tenant needs space for material storage in bulk and this provides for their needs."**



REPORT TO PLANNING COMMISSION

CITY OF ARNOLD

PLANNING AND ZONING ANALYSIS - CONTINUED

Staff Response: The proposal does not conflict with the intent of the Future Land Use Map that this property be used commercially. The current site has been vacant for nearly 20 years and this proposal would allow for the space to be occupied by an electric supply retailer. Locating the proposed outdoor storage in a “C-4” Planned Commercial District allows this use to be restricted to only certain areas of the site with only approved security fencing, which helps to mitigate negative impacts.

- 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.*

Applicant Response (Dawdy): **“See attached comments from the tenant.”**

Applicant Response (Cape Electrical Supply): **“We are a current business that is in the city limits of Arnold at 1512 Lonedell Industrial Ct. Due to increased sales, we have outgrown our current location and would like to move our branch to 237 Arnold Crossroads. For us to best utilize this space and continue to serve the community we would like to use the existing concrete pad next to the building as outside storage. We would use this space to store items such as PVC conduit, wooden crossarms, and rolls of conduit. This will be a maintained space of storage and for ease of loading up materials for delivery.”**

Staff Response: The proposed tenant is currently operating the business within a “M-1” Industrial District of the City. Outdoor storage is permitted by right in industrial areas. In areas such as the proposed location within Arnold Crossroads, storage is typically indoors unless there is an outdoor sales and garden center (i.e., Lowe’s lumber yard or Walmart garden center). Cape Electrical Supply has a publicly-accessible retail storefront component, therefore it is permitted for them to locate within commercial areas. The proposed outdoor storage is to be located in the general area of the former Kmart garden center. As detailed in this report, the applicant has carefully crafted a plan showing outdoor storage that is site-appropriate, attractive, and safe for surrounding property owners.

FIGURE 3: CURRENT LOCATION OF CAPE ELECTRICAL SUPPLY (PICTOMETRY, MARCH 2022)



Cape Electrical Supply (C-4 Amendment)

REPORT TO PLANNING COMMISSION

CITY OF ARNOLD



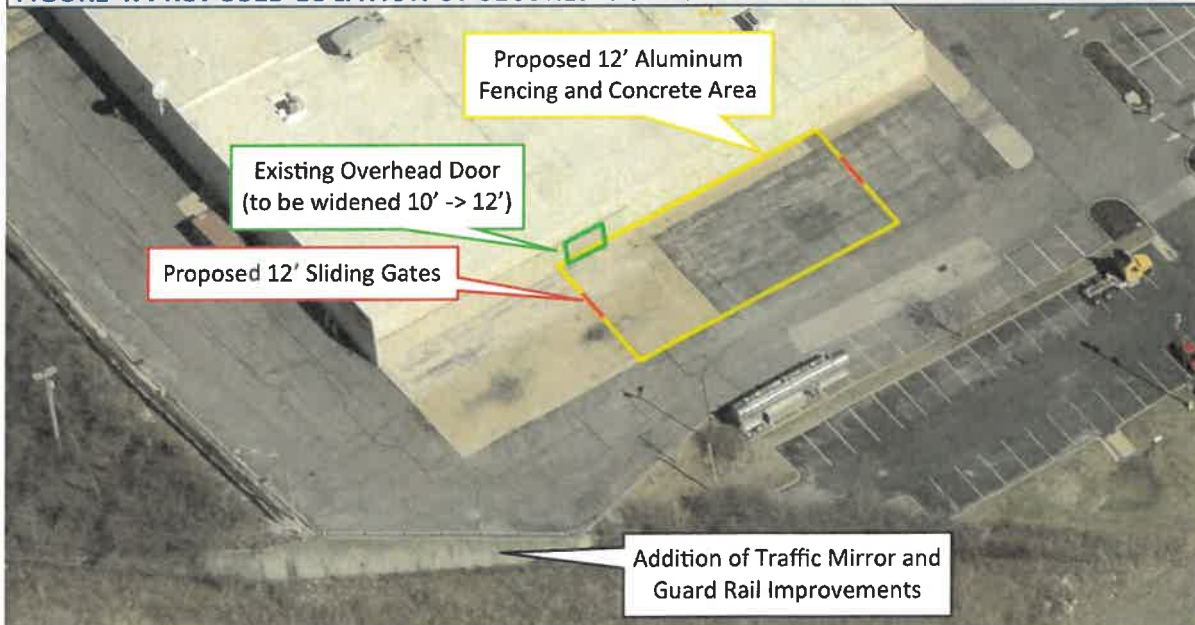
PLANNING AND ZONING ANALYSIS - CONTINUED

DRAFT "C-4" GOVERNING DOCUMENT

Should the Planning Commission find that the zoning amendment conditions are satisfied and recommend favorable consideration of the request to the City Council, Staff have prepared a draft "C-4" governing document, or "Attachment A", for the Commission's review. The proposed draft "Attachment A" showing all changes from the previously approved governing document has been attached to this report (Exhibit B). A summary of changes are as follows:

- Added "Secured outdoor storage only as depicted in Exhibit B (Approved Site Plan)" as a permitted use.
- Both the original and new document states that the Code of Ordinance applies when the "Attachment A" does not specify. Where identical provisions were found between the governing document and the Code of Ordinances, mostly within the Lot Area And Yard Requirements, those sections were removed from the new "Attachment A" to allow for a cleaner document.
- Performance standards were added for outdoor storage specifically. These standards prohibit hazardous materials unless the area is properly covered by fire suppression (ex., sprinklers) and requires security fencing to be installed as approved on the site plan.
- Called out specific improvements for traffic mirrors and guard rails to ensure compliance.
- References to the Code of Ordinances were updated to reflect recent rearrangements of the Zoning Ordinance.
- References to the "Preliminary Development Plan" were changed to "Final Development Plan" since the improvements proposed in 2007 are complete.

FIGURE 4: PROPOSED LOCATION OF SECURED OUTDOOR STORAGE





REPORT TO PLANNING COMMISSION

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PLANNING AND ZONING ANALYSIS - CONTINUED

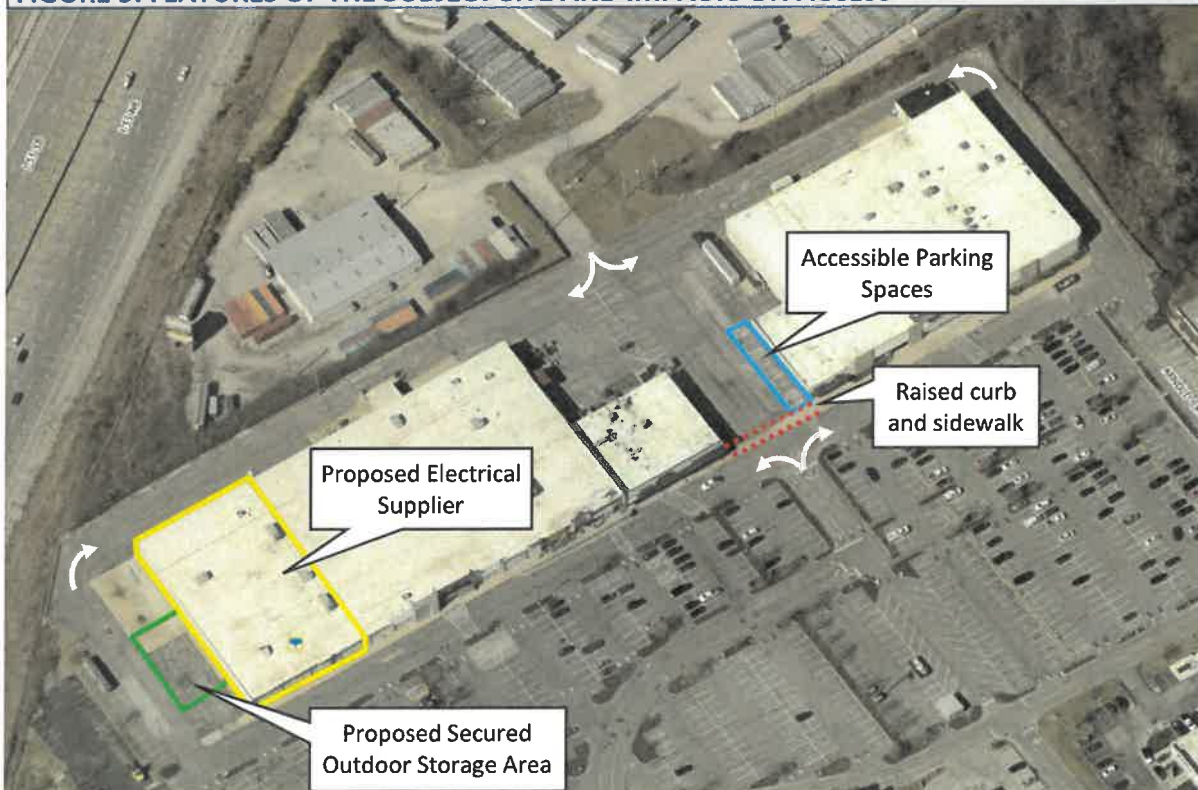
SITE PLAN REVIEW

The City notified other reviewing agencies of this application for a zoning amendment and provided the first iteration of the site plan. There were a number of comments from various groups on this first site plan, including the Building Commissioner, City Engineer, and the Fire Marshal. The applicants were *very* responsive and cooperative with Staff and other reviewing agencies. Staff are pleased to share that all comments were satisfied by the site plan that has been included in this report in Exhibit A.

Access

Due to the unusual configuration of this property and its improvements, the Atomic Fireworks property and various ADA-accessible parking spaces for adjacent commercial businesses within the Arnold Crossroads development are accessed by driving behind the building. Access to the rear for personal vehicles as well as semi truck-trailers was a crucial concern of Staff. In response, the applicant moved the secured outdoor area forward over 72 feet to allow for ample visibility and turning radii. Additionally, the applicant shows safety improvements to the guard rail, bollards to protect the fence structure and piers, and a traffic mirror as recommended by the City Engineer.

FIGURE 5: FEATURES OF THE SUBJECT SITE AND IMPACTS ON ACCESS



Cape Electrical Supply (C-4 Amendment)



REPORT TO PLANNING COMMISSION

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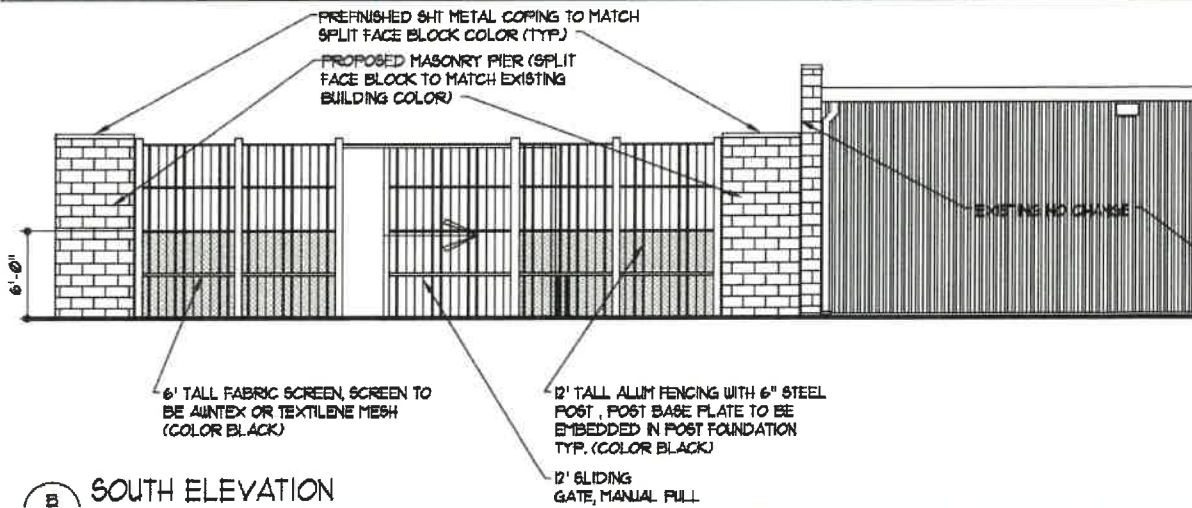
PLANNING AND ZONING ANALYSIS - CONTINUED

Fence

The proposed fencing to surround the outdoor storage area is shown as aluminum rail-style materials. The height is 12 feet tall, which is consistent with the height for fences in other commercial outdoor sales areas and garden centers. The first 6 feet of the fence's height will be screened with black fabric mesh. There will be masonry piers of split face block painted to match the existing building. Overall, the fence's materials and height are attractive and consistent with similar security fences in commercial retail areas.

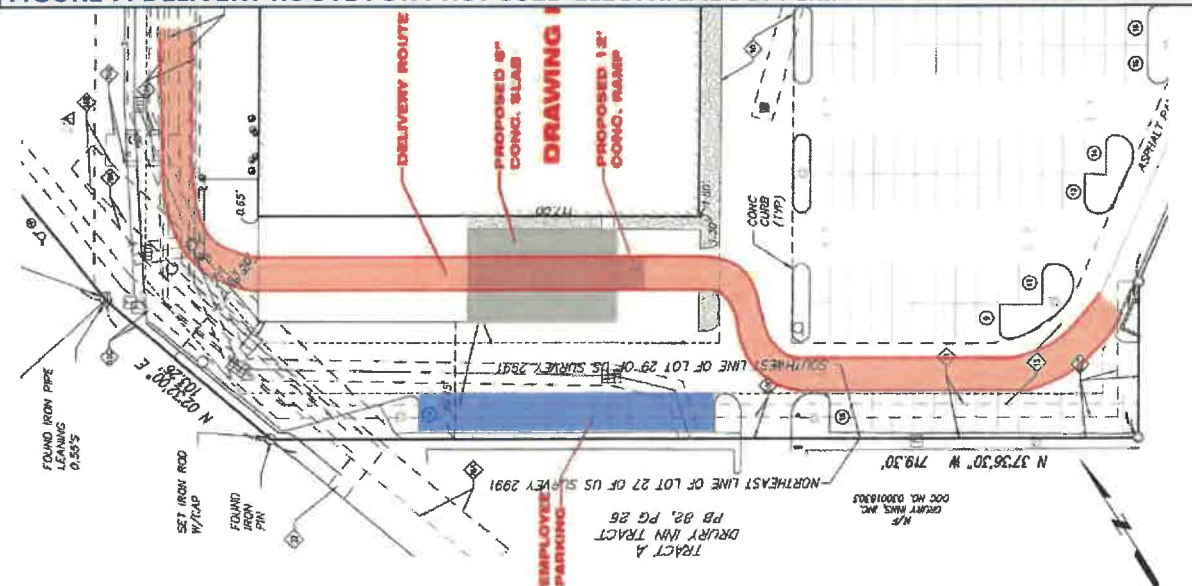
The location of the fence gates allows for a simple flow for deliveries, as shown in the site plan and in Figure 7.

FIGURE 6: FENCE ELEVATION, VIEW FROM FRONT



B SOUTH ELEVATION

FIGURE 7: DELIVERY ROUTE FOR PROPOSED ELECTRICAL SUPPLIER



REPORT TO PLANNING COMMISSION

CITY OF ARNOLD



FINDINGS AND RECOMMENDATION

EXTENSION OF BOUNDARY

Staff finds that the proposed amendment to the Arnold Crossroads "C-4" Planned Commercial District will not be detrimental and is shown to be necessary for public convenience or necessity.

SIGNIFICANT CHANGE

Staff finds that there has been significant change in the area to warrant the proposed zoning amendment.

MISTAKE IN ZONING MAP

Staff finds there is not a mistake in the original Zoning Map, as the boundaries of the existing "C-4" Planned Commercial District are not proposed to change. The amendment proposes to change the district regulations and seeks approval for a site plan for secured outdoor storage.

CHANGE IN CLASSIFICATION

Staff finds that the proposed zoning amendment would make the zoning classification reflect the proposed use in the land use plan of the City of Arnold.

BEST INTERESTS OF CITY

Staff finds that the proposed zoning amendment would allow for other changes that are shown to be in the best interests for the health, safety, and welfare of the citizens of the City of Arnold.

RECOMMENDATION

Staff finds that the proposed amendment to the Arnold Crossroads "C-4" Planned Commercial District meets the review criteria and further advances the intent of both the Comprehensive Plan and the Zoning Ordinance. Based upon these findings, Staff recommends favorable consideration of the application.

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

Sarah Turner
Senior Planner

RESOLUTION NO: 23-15

A RESOLUTION RE-APPOINTING AN INDIVIDUAL TO SERVE ON THE
TOURISM COMMISSION.

BE IT RESOLVED by the Council of the City of Arnold, Missouri, that Andrew Sofia is hereby re-appointed to serve a term of three-years that will expire on December 31, 2025 or until a successor has been duly appointed and qualified.

Presiding Officer of the City Council

Mayor Ron Counts

ATTEST:

City Clerk Tammi Casey

Date: _____