

City of Arnold, Missouri

**Public Hearing
Council Chambers**

**October 17, 2019
7:00 P.M.**

- A. Commercial Use Parking (Text Amendment)

City Council

Immediately following the Public Hearing

Amended Agenda

1. Pledge of Allegiance:
2. Opening Prayer: Jason Fulbright - Ward 1 Councilman
3. Roll Call:
4. Business from the Floor:
5. Consent Agenda:
 - A. Regular Minutes **October 3, 2019**
 - B. Payroll Warrant **#1327 in the Amount of \$304,915.16**
 - C. General Warrant **#5748 in the Amount of \$1,140,584.70**
6. Ordinances:
 - A. **Bill No. 2758:** An Ordinance of the City Council of the City of Arnold, Missouri, Amending Chapter 405 of the Arnold Code of Ordinances by Revising Parking Space Requirements for Commercial Uses.
7. Resolutions:
 - A. **Resolution No. 19-56:** A Resolution Authorizing the Vacation of Right of Way Easement.
 - B. **Resolution No. 19-57:** A Resolution Authorizing the Mayor to Enter into an Agreement with Don Brown Chevrolet for the Purchase of a 2020 Chevrolet Equinox AWD.

- C. **Resolution No. 19-58:** A Resolution Approving a Change Order with Spencer Contracting for the Jeffco-Tenbrook Intersection Project.
- D. **Resolution No. 19-59:** A Resolution Recognizing the 10th Anniversary of Jeffco Express.
- E. **Resolution No. 19-60:** A Resolution Extending the Lease at Corridor 55 for a Period of One-Year.
- F. **Resolution No. 19-61:** A Resolution Appointing Chad Miller to the Tourism Commission to Complete a Three-Year Term.
- G. **Resolution No 19-62:** A Resolution Approving the Purchase of Upgrades for the Outdoor Warning Siren System.

8. Motion:

- A. 2019-35 CarX: A Request for Approval of a Conditional Use Permit for an Automotive Repair Shop at 1427 Jeffco Blvd.
- B. 2019-37 Vapor Maven: A Request for Approval of a Conditional Use Permit for a Tobacco, Nicotine, and Other Legal Substance Establishment at 1783 Jeffco Blvd.
- C. A Motion to Hold a Closed Session Immediately Following the City Council Meeting for the Purpose of Discussing Litigation Pursuant to RSMo Section 610.021 (1).

9. Reports from Mayor, Council, and Committees:

10. Administrative Reports:

11. Adjournment:

Next Regular City Council Meeting November 7, 2019 @ 7:00 p.m.
Next Work Session November 14, 2019 at 7:00 p.m.

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

The Pledge of Allegiance was recited.

Father Charlie Ferrarra from St. David's Catholic Church offered the opening prayer.

Mayor Counts asked for a moment of silence in honor of former Arnold City Councilman David Fogelbach who recently passed away.

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

BUSINESS FROM THE FLOOR

Aubrey McMahon, 2214 Tenbrook – Spoke to council regarding his mailbox and was seeking clarification in regards to the letter he received from Bob Sweeney. Mayor Counts and Bob Sweeney informed Mr. McMahon that there is nothing further the City can do.

CONSENT AGENDA

- A. REGULAR MINUTES SEPTEMBER 19, 2019 MEETING**
- B. PUBLIC HEARING MINUTES SEPTEMBER 19, 2019**
- C. PAYROLL WARRANT NO. 1326 IN THE AMOUNT OF \$309,258.23**
- D. GENERAL WARRANT NO. 5747 IN THE AMOUNT OF \$169,830.00**

~~Butch Cooley made a motion and so moved to approve the consent agenda.~~
Seconded by Gary Plunk. Roll call vote: Fulbright, yes; Seidenstricker, yes; Cooley, yes; Hood, yes; Plunk, yes; McArthur, yes; Fleischmann, (excused); Sullivan, (excused); 6 Yeas: **Consent agenda approved.**

ORDINANCES

BILL NO. 2757 – AN ORDINANCE PROVIDING FOR THE AMENDMENT OF THE FISCAL YEAR 2019 BUDGET was read twice by City Clerk Tammi Casey. Roll call vote: Fulbright, yes; Seidenstricker, yes; Cooley, yes; Hood, yes; Plunk, yes; McArthur, yes; Fleischmann, (excused); Sullivan, (excused); 6 Yeas: **Ordinance passed.**

RESOLUTIONS

RESOLUTION NO. 19-52 – A RESOLUTION AUTHORIZING A LEASE/PURCHASE AGREEMENT WITH COMMERCE BANK FOR THE ACQUISITION OF VEHICLES, EQUIPMENT AND STEEL BUILDING

Jason Fulbright made a motion and so moved to approve Resolution No. 19-52.
Seconded by Mark Hood. Roll call vote: Fulbright, yes; Seidenstricker, yes; Cooley, yes; Hood, yes; Plunk, yes; McArthur, yes; Fleischmann, (excused); Sullivan, (excused); 6 Yeas: **Resolution approved.**

RESOLUTION NO. 19-53 – A RESOLUTION APPROVING A PROPOSAL FROM GERSTNER ELECTRIC FOR TRAFFIC SIGNAL AND STREET LIGHTING MAINTENANCE AND REPAIR SERVICE

Tim Seidenstricker made a motion and so moved to approve Resolution No. 19-53.
Seconded by Jason Fulbright. Roll call vote: Fulbright, yes; Seidenstricker, yes; Cooley, yes; Hood, yes; Plunk, yes; McArthur, yes; Fleischmann, (excused); Sullivan, (excused); 6 Yeas: **Resolution approved.**

RESOLUTION NO. 19-54 – A RESOLUTION APPOINTING CHAD MILLER AS AN ALTERNATE TO THE BOARD OF APPEALS FOR A ONE-YEAR TERM

Jason Fulbright made a motion and so moved to approve Resolution No. 19-54.
Seconded by Mark Hood. Roll call vote: Fulbright, yes; Seidenstricker, yes; Cooley, yes; Hood, yes; Plunk, yes; McArthur, yes; Fleischmann, (excused); Sullivan, (excused); 6 Yeas: **Resolution approved.**

RESOLUTION NO. 19-55 – A RESOLUTION EXPRESSING SUPPORT FOR A TASK FORCE TO EVALUATE SCHOOL SAFETY IN THE CITY OF ARNOLD

Tim Seidenstricker made a motion and so moved to approve Resolution No. 19-55.
Seconded by Gary Plunk. Roll call vote: Fulbright, yes; Seidenstricker, yes; Cooley, yes; Hood, yes; Plunk, yes; McArthur, yes; Fleischmann, (excused); Sullivan, (excused); 6 Yeas: **Resolution approved.**

MOTIONS

NONE

REPORTS FROM MAYOR, COUNCIL AND COMMITTEES

Mayor Counts – Welcomed Judy Wagner as the new Public Works Director and encouraged everyone to attend the Farmers Market this weekend.

Butch Cooley, Ward 4 – Informed everyone that the Taste of Arnold will be held on October 8th this year at the VFW, the proceeds benefiting the Arnold Food Pantry.

Tim Seidenstricker, Ward 2 – Stated he is very excited about the task force for school safety. Mr. Seidenstricker also informed everyone that the Arnold Historical Society will be hosting a Trivia Night on October 19th.

Jason Fulbright, Ward 1 – Welcomed Judy Wagner.

ADMINISTRATIVE REPORTS

Bryan Richison – Provided council with an update on the golf course, stating they had the first meeting with Walters Group this morning. The golf course will remain open through October. Mr. Richison also commended the Public Works Department for their work on the erosion issue on the hill in front of City Hall.

Tammi Casey – Welcomed Judy Wagner and informed everyone that the utility rebate applications are available through the month of October.

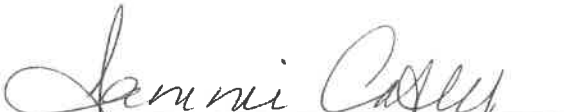
Bill Lehmann – Updated council on the bond refinancing, which provided the city a net present value savings of \$1.2 million and the bonds should be paid off by 2024.

Judy Wagner – Thanked everyone for the warm welcome and commended staff for their hard work in keeping the department running so well over the last year.

A motion to adjourn the meeting was made by Jason Fulbright. Seconded by Mark Hood.

Voice vote: All yeas.

Meeting adjourned at 7:45 p.m.


City Clerk Tammi Casey, CMC/MRCC-C

CITY OF ARNOLD, MISSOURI

ROLL CALL

MEETING: REGULAR

DATE: 10/3/2019

PAGE: 1

BILL NO - RESOLUTION - MOTION

COUNCIL MEMBERS:

| | | ROLL CALL | CONSENT AGENDA | BILL NO 2757 | RESOLUTION NO 19-52 | RESOLUTION NO 19-53 | RESOLUTION NO 19-54 |
|---------------------------|---------------------------|-----------|------------------------|---------------|---------------------|---------------------|---------------------|
| MAYOR | <u>RON COUNTS</u> | PRESENT | | | | | |
| COUNCIL: | <u>JASON FULBRIGHT</u> | PRESENT | YES | YES | YES | YES | YES |
| COUNCIL: | <u>TIM SEIDENSTRICKER</u> | PRESENT | YES | YES | YES | YES | YES |
| COUNCIL: | <u>BUTCH COOLEY</u> | PRESENT | YES | YES | YES | YES | YES |
| COUNCIL: | <u>MARK HOOD</u> | PRESENT | YES | YES | YES | YES | YES |
| COUNCIL: | <u>GARY PLUNK</u> | PRESENT | YES | YES | YES | YES | YES |
| COUNCIL: | <u>BRIAN MCARTHUR</u> | PRESENT | YES | YES | YES | YES | YES |
| COUNCIL: | <u>EJ FLEISCHMANN</u> | EXCUSED | EXCUSED | EXCUSED | EXCUSED | EXCUSED | EXCUSED |
| COUNCIL: | <u>VERN SULLIVAN</u> | EXCUSED | EXCUSED | EXCUSED | EXCUSED | EXCUSED | EXCUSED |
| CITY ADMINISTRATOR | BRYAN RICHISON | PRESENT | PARKS DIR: | DICKIE BROWN | | | PRESENT |
| CITY CLERK | TAMMI CASEY | PRESENT | PUBLIC WORKS: | JUDY WAGNER | | | PRESENT |
| COM DEV | DAVID BOOKLESS | PRESENT | TREASURER: | DAN KROUPA | | | PRESENT |
| FINANCE DIR: | BILL LEHMANN | PRESENT | CHIEF OF POLICE | MAJOR CARROLL | | | PRESENT |
| CITY COUNSELOR | BOB SWEENEY | PRESENT | | | | | |

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

MOBILE HOME PARK LICENSING AND INSPECTION PROGRAM

David Bookless spoke to council regarding the possibility of a new program for the mobile home parks in regards to licensing and inspections. He explained there is a need for a different approach in regards mobile home parks compared to single family homes. Not only are mobile home parks a business but the ownership is different than that of a single-family residence, mobile homes are considered personal property not real estate, mobile homes have a different construction and can be poorly maintained. The City has 12 mobile home parks with a total of approximately 628 mobile homes. Mr. Bookless informed council the proposal would include requirement of a business license (failure to comply would result in loss of non-conforming use), annual exterior inspections and fees to recover the cost of the program. Discussion followed by council, who expressed interest in the further development of this program.

GENERAL NUISANCE CODE

David Bookless informed council that the city's general nuisance code needs to be updated to better address items such as noxious weeds, standing or stagnant water, exposed sewage, infestation of insects, vermin etc., and activities causing loud and obnoxious noise. City staff is working on the updates and will bring this forward to council once complete.

BUILDING CODES

David Bookless stated that staff has found inconsistencies in the building codes. The code will need to be re-adopted with the amendments, but first we are required to provide a 90-day public viewing of the proposed amendments, which began in September.

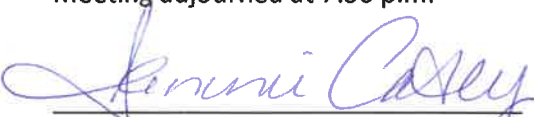
COMPREHENSIVE PLAN

David Bookless informed council that the city's comprehensive plan needs updating, as it has not been done since 2011. The plan serves as a policy guide for the Planning Commission as well as the City Council and also helps to prioritize the city's goals. This will not be a quick process as we will want to include the information contained in the 2020 census, which will not be available until 2021, but there are plenty of items that can begin now. Discussion followed by council.

Tim Seidenstricker made a motion and so moved to adjourn the meeting. Seconded by Mark Hood.

Voice vote: All Yeas.

Meeting adjourned at 7:36 p.m.


City Clerk Tammi Casey, CMC/MRCC



CITY COUNCIL AGENDA ITEM STAFF REPORT

| | |
|--------------------------|--|
| MEETING DATE: | October 9, 2019 |
| TITLE: | Commercial Use Parking (Text Amendment) |
| DEPARTMENT: | Community Development |
| PROJECT MANAGER: | David B. Bookless, Community Development Director |
| REQUESTED ACTION: | Ordinance approval |
| ATTACHMENTS: | (1) Staff Report to Planning Commission; (2) Draft Planning Commission Meeting Minutes (3) Draft Ordinance |

EXECUTIVE SUMMARY:

A City-initiated request to amend Chapter 405, Zoning, of the Code of Ordinances to modify minimum parking requirements for auto repair facilities to be in line with the demonstrated need.

REVIEW & ANALYSIS:

Based upon the history of auto repair establishments in Arnold, the apparent demand based upon *actual field surveys of usage*, and similar requirements for peer communities, the Planning Commission recommends revising the requirement for auto repair facilities to a requirement that reflects actual parking demand and by differentiating between general auto repair and auto body shops with such requirements.

RECOMMENDATION:

At their October 8, 2019 meeting, the Planning Commission, by a vote of 8 to 0, voted to recommend approval of the proposed text amendments to the Zoning Ordinance contained in the attached draft.

SECTION 5. If any part of this Ordinance is found to be unconstitutional, invalid or unenforceable by a court of competent jurisdiction, such invalidity shall not affect the validity or effectiveness of the remaining provisions of this Ordinance or any part thereof and said Ordinance shall be read as if said invalid provision was struck therefrom and the context thereof changed accordingly with the remainder of the Ordinance to be and remain in full force and effect.

SECTION 6. All ordinances, resolutions or orders, or parts thereof, which conflict with the provisions of this Ordinance, are, to the extent of such conflict, hereby repealed.

SECTION 7. This ordinance shall be in full force and effect from and after its passage and approval.

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

Presiding Officer of the Council

Mayor Ron Counts

ATTEST:

City Clerk Tammi Casey

First Reading: _____

Second Reading: _____

APPROVED AS TO FORM:

City Attorney Robert Sweeney



**PLANNING COMMISSION MEETING
CITY HALL COUNCIL CHAMBERS
OCTOBER 8, 2019**

MINUTES

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

ROLL CALL OF COMMISSIONERS: Del Williams, John Tucker, Brian McArthur, Alan Bess, Frank Kutilek (excused), Jeff Campbell, Andrew Sutton, Chris Ford, Justin Lurk (excused), Phillip Hogan, David Bookless, Sarah Turner, Christie Hull-Bettale, and Bob Sweeney. 8 voting members present, 2 excused.

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

APPROVAL OF MINUTES: Motion by Jeff Campbell to approve the minutes from the September 10, 2019 meeting as presented. Second by Del Williams. Voice Vote - *Unanimously Approved*.

PUBLIC COMMENT: None

PUBLIC HEARINGS:

a. **2019-38 Commercial Use Parking:** David Bookless presented this City-initiated request to amend Chapter 405 of the Zoning Ordinance to modify minimum parking requirements for various motor vehicle repair-related uses. The Zoning Ordinance has three (3) uses that relate to motor vehicle repair-related uses: Auto Filling Stations, Auto Repair, and Auto Sales. The City was approached by CarX about locating on a property that did not meet current parking requirements. Staff researched the requirement, found current regulations to be excessive, and is recommending revising the requirement for auto repair facilities by differentiating between general auto repair and auto body shops as follows:

- All references to *Gasoline Service Stations* are to be deleted.
- The parking requirement for "Auto Repair" should be deleted and replaced as follows:
 - **Automotive Repair, general**
1 space for every employee on the maximum shift plus 3 spaces for every service bay plus 1 space for every vehicle customarily used in operation on of the use.
 - **Automotive Repair, body and paint**
4 spaces plus 1 space for every employee on the maximum shift plus 1 space for every vehicle customarily used in operation of the use, all exclusive of screened outdoor storage areas as otherwise authorized by CUP.

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, favorable consideration of the draft amendments is requested.

Brian McArthur commented that this amendment will give the opportunity for more landscaping in the future.

- b. **2019-35 CarX:** Sarah Turner presented the request for a Conditional Use Permit to allow for a general automotive repair business at 1427 Jeffco Blvd. Sarah gave a brief history of this site stating that in the mid-1990's, Jeffco was widened from 3 lanes to 5 lanes which removed some of the paved area from the front of the property, which created setback nonconformities. The subject property which is the old Midas Muffler, predated any type of strict adherence to the code, therefore, was designated as a non-conforming use. When operations ceased in early 2019, this designation was lost. In order for CarX to move in to this location, the property must be brought up to compliance which includes obtaining a Conditional Use Permit. Staff finds that the proposed Conditional Use Permit meets the review criteria and is in compliance with the Zoning Ordinance and Comprehensive Plan, subject to the following conditions:

1. This Conditional Use Permit is null and void unless both of the following criteria are met:
 - a. The applicant successfully securing all required variances from the Board of Adjustment.
 - b. The successful modification of Chapter 405, Zoning, as it relates to minimum parking requirements of general automotive repair uses.
2. The rear access driveway and rear parking lot is restricted to employees only. Appropriate signage and mirrors shall be installed to ensure employee use and safety when using the rear access driveway, as directed by the Community Development Department.
3. Any vehicles used in the operation of this use or stored on the premises shall be stored in the rear parking lot.
4. The six (6) front parking spaces shall be reserved for customer use. All serviced vehicles shall be parked in the rear parking lot and retrieved by employees, unless the customer is present for immediate pick-up.
5. Any parking spaces in excess of the minimum requirement that have non-standard dimensions must have a sign installed to mark the space as compact.
6. No vehicle shall be left unattended in any drive aisle.
7. Plant material along the rear access drive aisle shall be properly maintained.
8. All work and storage of materials must be within the building.
9. Conditional Use Permit, Business License, and Occupancy Permit may be revoked if any nuisance is not mitigated to satisfaction of the City.
10. Approval for Conditional Use Permit does not supersede other local, state, or federal requirements

Brian McArthur questioned why the dumpster pad needed electric run to it. David Bookless stated that it doesn't serve the dumpster, it serves the building, and is being relocated to accommodate access by a trash truck.

- c. **2019-37 Vapor Maven:** Christie Hull-Bettale presented this request for a Conditional Use Permit to operate a retail business to sell e-cigarettes, vapor products and other legal substances at 1783 Jeffco. Christie gave a brief description of the existing site conditions and a site history. The property is zoned "C-3" Commercial which allows for a retail "Tobacco, Nicotine, and other Legal Substance Establishment" on a conditional basis. Staff finds that the proposed Conditional Use Permit meets the review criteria and is in compliance with the Zoning Ordinance and Comprehensive Plan. Based on this finding, Staff requests consideration of the application based on the following conditions:

1. Hours of operation shall be limited to 9:00 a.m. to 9:00 p.m., Monday thru Saturday and 11:00 a.m. to 7:00 p.m. on Sunday.
2. All business transactions and sampling use of product shall be limited to the interior of premise. Ongoing use in the interior or exterior of the premise shall not be permitted.
3. Minors under the age of 18 shall not be permitted to enter this establishment.
4. The retail sale of Medical Marijuana shall not be authorized by this permit.
5. No items identified as drug paraphernalia in Chapter 215 of the Municipal Code shall be displayed or made for sale at the establishment
6. Landscaping and buffering as delineated on the approved site (landscape) plan dated 9/2000 shall be restored and maintained at the direction of Staff.
7. Approval of this Conditional Use Permit shall not supersede other local, state, or federal requirements.
8. If, after the conditional use permit shall have been granted, it shall appear to the Council that the conditions imposed upon the holder of the conditional use permit, or any other ordinance of the City of Arnold, are being violated by such holder, the Council may hold a hearing and act to revoke this Conditional Use Permit.

Corey Strutten, 495 Agnes Dr., Springdale, AR, representing Vapor Maven introduced himself.

Brian McArthur referred to condition #5 and questioned what is considered drug paraphernalia. David Bookless stated that any item knowingly being used or sold for for drug use is considered drug paraphernalia by state statute.

- d. **2019-36 Old Highway 9:** Christie Hull-Bettale presented the request for the release of an existing right of way easement for a previously abandoned road known as Old Highway 9. Staff recommends approval of easement vacation request subject to the following conditions:
 1. Label the property line in-between 1905 and 1895 Richardson Rd.
 2. After City approval, it is the responsibility of the applicant to record the exhibit with Jefferson County Recorder of Deeds and provide 2 recorded copies to the City of Arnold.
 3. Future easements may be granted via separate plat to meet the needs of City or Utilities.

Lenny Meers with Grimes Consulting Engineers, 12300 Old Tesson Rd., introduced himself.

OLD BUSINESS: None

NEW BUSINESS:

- a. **2019-38 Commercial Use Parking:** Motion by Jeff Campbell to approve 2019-38, a City-initiated request to amend Chapter 405 Zoning of the Code of Ordinances to modify minimum parking requirements for various motor vehicle repair-related uses. Second by Chris Ford. Roll call vote: Chris Ford, yes; Brian McArthur, yes; Alan Bess, yes; John Tucker, yes; Jeff Campbell, yes; Del Williams, yes; Andrew Sutton, yes; Phil Hogan, yes. 8 yeas, 0 nays – **Motion Approved.**

b. **2019-35 CarX:** Motion by Jeff Campbell to approve 2019-35, Conditional Use Permit to allow for a general automotive repair business with the following 10 conditions:

1. This Conditional Use Permit is null and void unless both of the following criteria are met:
 - c. The applicant successfully securing all required variances from the Board of Adjustment.
 - d. The successful modification of Chapter 405, Zoning, as it relates to minimum parking requirements of general automotive repair uses.
2. The rear access driveway and rear parking lot is restricted to employees only. Appropriate signage and mirrors shall be installed to ensure employee use and safety when using the rear access driveway, as directed by the Community Development Department.
3. Any vehicles used in the operation of this use or stored on the premises shall be stored in the rear parking lot.
4. The six (6) front parking spaces shall be reserved for customer use. All serviced vehicles shall be parked in the rear parking lot and retrieved by employees, unless the customer is present for immediate pick-up.
5. Any parking spaces in excess of the minimum requirement that have non-standard dimensions must have a sign installed to mark the space as compact.
6. No vehicle shall be left unattended in any drive aisle.
7. Plant material along the rear access drive aisle shall be properly maintained.
8. All work and storage of materials must be within the building.
9. Conditional Use Permit, Business License, and Occupancy Permit may be revoked if any nuisance is not mitigated to satisfaction of the City.
10. Approval for Conditional Use Permit does not supersede other local, state, or federal requirements

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

c. **2019-37 Vapor Maven:** John Tucker provided articles talking about the health issues regarding vaping. Mr. Tucker is aware that Vapor shops are not illegal but feels they need to consider the community.

Del Williams agrees with Mr. Tucker and would like to vote no but realizes that this is a legitimate business and a legal substance. Voting against this would be a violation of their rights.

Brian McArthur agrees with both statements but cautioned the Commissioners to not make a decision based on what's good for the public. That would be a City Council decision.

John Tucker commented that there are some City Councils that have banned the flavored vapors.

Bob Sweeney commented that based on the Staff report and application, if the Commissioners feel this would be detrimental to the health and welfare of the community, they could vote against it.

Motion by Brian McArthur to approve 2019-37, Conditional Use Permit to operate a retail business to sell e-cigarettes, vapor products and other legal substances with the following 8 conditions:

1. Hours of operation shall be limited to 9:00 a.m. to 9:00 p.m., Monday thru Saturday and 11:00 a.m. to 7:00 p.m. on Sunday.
2. All business transactions and sampling use of product shall be limited to the interior of premise. Ongoing use in the interior or exterior of the premise shall not be permitted.
3. Minors under the age of 18 shall not be permitted to enter this establishment.
4. The retail sale of Medical Marijuana shall not be authorized by this permit.
5. No items identified as drug paraphernalia in Chapter 215 of the Municipal Code shall be displayed or made for sale at the establishment
6. Landscaping and buffering as delineated on the approved site (landscape) plan dated 9/2000 shall be restored and maintained at the direction of Staff.
7. Approval of this Conditional Use Permit shall not supersede other local, state, or federal requirements.
8. If, after the conditional use permit shall have been granted, it shall appear to the Council that the conditions imposed upon the holder of the conditional use permit, or any other ordinance of the City of Arnold, are being violated by such holder, the Council may hold a hearing and act to revoke this Conditional Use Permit.

Second by Chris Ford. Roll call vote: Chris Ford, yes; Brian McArthur, yes; Alan Bess, yes; John Tucker, no; Jeff Campbell, no; Del Williams, yes; Andrew Sutton, no; Phil Hogan, no. 4 yeas, 4 nays – Motion failed - the application will be moved onto the City Council for their decision.

d. **2019-36 Old Highway 9:** Motion by Jeff Campbell to approve 2019-36, request for the vacation of right-of-way at Old Hwy. 9 at St. John's Rd. with the following 3 conditions:

1. Label the property line in-between 1905 and 1895 Richardson Rd.
2. After City approval, it is the responsibility of the applicant to record the exhibit with Jefferson County Recorder of Deeds and provide 2 recorded copies to the City of Arnold.
3. Future easements may be granted via separate plat to meet the needs of City or Utilities.

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

e. **2019-39 Arsenal Credit Union:** Christie Hull-Bettale presented Arsenal Credit Union's request for a proposed amendment to a Commercial Site Plan to allow for a 2-story building addition at their 3780 Vogel Rd. location. Christie suggested waiving the Tree-Preservation Plan requirement because they are not removing trees; they are adding more in the proximity of the parking lot. Staff recommends the Planning Commission approve the Commercial Site Plan provided conditions identified in the report are addressed as part of the permit process.

Motion by Jeff Campbell to approve 2019-39, Commercial Site Plan to allow for a 2-story building addition at 3780 Vogel Rd. with the following 6 amended conditions:

1. Parking spaces will be brought into conformance with ADA requirements.
2. Add painted directional arrows at the entrance and exit to clarify the direction.
3. The STOP sign is to be remounted in concrete.
4. Dying landscape, removed shrubs and additional trees are to be planted.
5. Mitigate storm runoff by providing additional volume to the detention basin.
6. Waive Tree Preservation Plan requirement.

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

STAFF UPDATE: David Bookless – explained the confusion a few weeks ago with calling the members to see if they would be in attendance. It was to verify there would be a quorum since there were a few that informed the City with short notice that they were going to be absent.

Christie Hull-Bettale – no report.

Sarah Turner – no report.

Bob Sweeney – no report.

COMMISSIONERS UPDATE:

Chris Ford - No report.

Alan Bess – No report.

John Tucker – No report.

Jeff Campbell – thanked Mr. Tucker for bringing in the articles about vaping.

Del Williams – No report.

Phil Hogan – No report.

Andrew Sutton – No report.

Council Liaison: Brian McArthur – No report.

PAGE SEVEN

PUBLIC HEARING/REGULAR MEETING

OCTOBER 8, 2019

NEXT SCHEDULED MEETING: October 22, 2019

ADJOURNMENT: Meeting adjourned at 7:44 p.m.

Respectfully Submitted,

Alan Bess
Planning Commission Secretary



REPORT TO PLANNING COMMISSION

CITY OF ARNOLD

APPLICATION #: 2019-38

APPLICATION NAME: Application to Amend Municipal Code Chapter 405
(Zoning) - Parking Requirements for Motor Vehicle Repair-Related Uses

APPLICANT: City of Arnold

REQUEST: A City-initiated request to amend Chapter 405, Zoning, of the Code of Ordinances to modify minimum parking requirements for various motor vehicle repair-related uses.

MEETING DATE: October 8, 2019

REPORT DATE: October 1, 2019

CASE MANAGER: David B. Bookless, AICP

RECOMMENDATION: APPROVAL



REPORT TO PLANNING COMMISSION

CITY OF ARNOLD

BACKGROUND

The City's Zoning Ordinance was adopted by the City Council on June 30, 1977. A number of amendments have been approved with the most recent being on September 5, 2019. Periodic revision is essential if the ordinances are to maintain a rational land use pattern. Changes should not be made in an arbitrary manner. Significant updates to the Zoning Ordinance are best undertaken following an update of the Comprehensive Plan. Nevertheless, clarification of information contained in the Zoning Ordinance may be appropriate at any time.

The City has been approached by a motor vehicle repair establishment about locating on a property that formerly housed a like use on Jeffco Blvd that did not meet current parking requirements. Staff researched the requirement and found it more demanding than in nearby communities.

DISCUSSION/ANALYSIS

The analysis by Staff that follows is intended to allow the Planning Commission to reach the most informed decision possible and to facilitate discussion. Such discussion is important to identify and consider any potential unintended consequences of the proposed amendment.

CURRENT ZONING REGULATIONS

Auto Filling Stations, Auto Repair, and Auto Sales are uses in the Zoning Ordinance that relate to motor vehicle repair-related uses., and are each discussed below:

Auto Filling Stations:

"Auto Filling Station" is defined in the Zoning Ordinance as:

"Any structure or premises used for dispensing or sale, at retail, of automotive vehicle fuels or lubricants, including lubrication of motor vehicles and replacement or installation of minor parts and accessories, but not including major repair work such as motor replacement, body and fender repair or spray painting."

As described above, it appears an auto filling station would include "service stations" where one might get tires installed, oil changes, and minor repairs. That said, the above is not the format for any new filling stations and very few of such filling stations remain. Modern filling stations typically include a convenience store, some sort of prepared food sales (e.g. QuikTrip, Circle K, etc.), and sometimes a car wash.



Parking Requirements for Motor Vehicle Repair-Related Uses

REPORT TO PLANNING COMMISSION

CITY OF ARNOLD



Both Auto Filling Stations and car washes require a Conditional Use Permit (CUP). Convenience stores are permitted by right as stand alone store, but in practice they would be reviewed as part of the filling station’s CUP. On-site prepared food are generally considered part of the convenience store use. However, when co-branded with a restaurant (e.g. BP & McDonald’s), the restaurant was allowed by a Conditional Use Permit. As part of the CUP review process, required parking has been calculated for each of the component uses in Table 1 below:

| TABLE 1 | |
|--|---|
| USE | PARKING |
| Auto Filling Station | 1 per employee on the maximum shift |
| Car Wash, except self-service | Reservoir (line-up) parking equal to 5 times the capacity of the car wash |
| Car Wash, self-service | Line-up area for each wash stall of sufficient size to accommodate 4 cars |
| Food markets, under 5,000 square feet gross floor area (convenience store) | 3 1/3 per 1,000 square feet of gross floor area |
| Restaurants, fast-food | 1 per 2 seats plus 2 per 3 employees on the maximum shift, plus reservoir (line-up) parking equal to 6 times the capacity of drive-through facilities |

Example, a filling station with a convenience store would be required to be parked as follows:
3 1/3 spaces per 1,000 sq. ft. of gross floor area of the store plus 1 per space per employee on the maximum shift.

There is a stricter parking requirement for “Gasoline Service Stations” in the Zoning Ordinance, but there is no corresponding permitted use, and based on the definition for *filling station* that includes repair work, it would not apply anyway. Staff speculates that the parking requirement might be an overlooked legacy requirement for a permitted use that was removed from the code at some point.

Auto Repair:

“Auto Repair” is not defined in the Zoning Ordinance. However, it stands to reason that such a facility could include the work conducted at an auto filling station and potentially work that is identified as being excluded from that allowed at an auto filling station.

That said, there are different types of auto repair facilities: those where work is limited to mechanical repairs, accessory installations, and maintenance, including paintless dent repair, and those facilities focused on body and painting work. Most recently, the planned district ordinances governing Christian Brothers Automotive and Five Star Auto Body delineated specific parking requirement for each the sites (*See examples below*).



REPORT TO PLANNING COMMISSION

CITY OF ARNOLD



FORMER FILLING STATION AUTO REPAIR



CONTEMPORARY AUTO REPAIR

Auto Sales:

“Auto sales” is undefined, but commonly understood. Repair work is *sometimes* associated with the use. Generally, new car dealerships and larger format used car dealerships have repair bays for work otherwise associated with auto repair facilities. And there is a parking requirement calculation for the repair component of auto sales establishments that is substantially *less strict* than that for auto repair facilities (See Table 2 below).



NEW CAR SALES - SERVICE FACILITY



USED CAR SALE - SERVICE FACILITY

TABLE 2

| USE | PARKING |
|-------------|---|
| Auto Repair | 4 plus 6 for each bay |
| Auto Sales | 3 1/3 per 1,000 square feet of gross floor area of sales and showroom area, <u>3 spaces for every service bay in repair garage areas</u> , and 1 space for every vehicle used in the operation of this use or stored on the premises. |

*There is no corresponding permitted or conditional use

REPORT TO PLANNING COMMISSION

CITY OF ARNOLD



OTHER AUTO REPAIR ESTABLISHMENTS IN ARNOLD

It appears that the current parking requirement for auto repair establishments was established in 2008, *after* Midas, Dobb's, or Firestone were developed. The change was *prior* to the development of Christian Brothers Automotive and Five Star Auto Body, but as noted previously, Five Star and Christian Brothers were parked per the site-specific ordinances governing the planned district in which they are located rather than by standard code requirements.

PEER COMMUNITY REGULATIONS

As development patterns and demographics in Arnold are not dissimilar from those in the St. Louis area, several comparable examples of parking standards for motor vehicle-related uses are provided below.

| Community | Use | Minimum Parking |
|------------------|------------------------------|---|
| Fenton | Auto Repair - All types - | 1 space for every employee on the maximum shift, 3 spaces for every service bay, 1 space for every vehicle customarily used in operation of the use and 3 spaces for every 1,000 feet of retail sales area. |
| Maryland Heights | Auto Repair - All types - | 1 space per employee on the maximum shift, 2 spaces per service bay, & 1 space per vehicle customarily used in operation of the use. |
| O'Fallon | Auto Repair - All types - | One (1) space per 500 sq. ft. of floor area, minimum of five (5) spaces. |
| St. Louis County | Auto Repair - All types - | 1 space for every employee on the maximum shift, 3 spaces for every service bay, and 1 space for every vehicle customarily used in operation of the use . |

The following table shows parking as provided in a number of auto repair establishments in Arnold, during peak hours, required under a CUP, and required in peer communities.

| Business | Year Built | # of Bays | Spaces Provided | Peak Use | Arnold CUP | St. Louis County | Fenton | O'Fallon | Maryland Heights |
|---------------------|------------|-----------|-----------------|----------|------------|------------------|--------|----------|------------------|
| <i>Former Midas</i> | 1980 | 6 | 28 | - | 40 | 21 | 22 | 8 | 15 |
| Dobb's | 1990 | 8 | 28 | 34 | 52 | 39 | 41 | 15 | 31 |
| Firestone | 1998 | 10 | 34 | 24 | 64 | 39 | 40 | 19 | 29 |
| Plaza Tire | 2003 | 10 | 36 | 22 | 64 | 39 | 40 | 16 | 29 |
| AutoTire | 2005 | 10 | 24 | 19 | 64 | 30 | 33 | 12 | 26 |
| Christian Bros | 2011 | 9 | 30 | 23 | 58 | 33 | 35 | 10 | 24 |



REPORT TO PLANNING COMMISSION

CITY OF ARNOLD

THE QUESTION FOR THE PLANNING COMMISSION

Based upon an informal visual survey, filling station and auto sales parking requirements appear to be appropriately calculated. The question at hand is whether or not the *six (6) spaces for each repair bay* portion of the calculation is appropriate for *auto repair establishments* given their relative usage and the requirements of peer communities. As discussed in the background portion of the report, Staff became aware of the issue when approached by an auto repair establishment looking to locate in Arnold on a property that has significantly fewer parking spaces than required by Code and had been utilized as auto repair establishment dating back to 1980 with no known complaints about parking or traffic safety.

IMPLICATIONS OF MAKING NO CHANGES TO THE CURRENT REGULATIONS

By maintaining the current minimum requirement for parking spaces at auto repair establishments, the City risks such business uses no longer seeing Arnold as a market in which they want to locate. This is particularly true given that other nearby communities have less stringent requirements, thereby putting Arnold at a competitive disadvantage. Should any of the "under parked" existing shops close and nonconforming status be lost, the reuse of such otherwise fully functional properties may prove difficult, resulting in vacancies that could be long-term, and lead to the loss of revenue for the City and convenience to its residents.

PROPOSED CHANGES TO THE ZONING ORDINANCE

Based upon the history in Arnold, the apparent demand based upon actual field surveys of usage, and similar requirements for peer communities, Staff recommends revising the requirement for auto repair facilities by differentiating between general auto repair and auto body shops, as delineated below:

- All references to *Gasoline Service Stations* are to be deleted.
- The parking requirement for "Auto Repair" should be deleted and replaced as follows:
 - **Automotive Repair, general**
1 space for every employee on the maximum shift plus 3 spaces for every service bay plus 1 space for every vehicle customarily used in operation of the use.
 - **Automotive Repair, body and paint**
4 spaces plus 1 space for every employee on the maximum shift plus 1 space for every vehicle customarily used in operation of the use, all exclusive of screened outdoor storage areas as otherwise authorized by CUP.

REPORT TO PLANNING COMMISSION

CITY OF ARNOLD



FINDINGS AND RECOMMENDATION

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

The Community Development Director finds that the text amendments contained within application number 2019-38 are warranted by the public necessity and convenience to provide reasonable and fair regulations in the Zoning Ordinance that is not substantially more burdensome than that in other nearby communities.

The Community Development Director finds that the text amendments contained within application number 2019-38 are warranted by the need to promote and protect the general welfare by protecting the economic and tax base of the City, preserving and enhancing the values of property owners and users, promoting the orderly and harmonious development and redevelopment of the City, preserving and promoting the character and stability of the City and its various residential and commercial neighborhoods, improving the appearance of the City, and promoting the best use and development of commercial land in accordance with the Comprehensive Plan.

RECOMMENDATION

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

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

David B. Bookless, AICP
Community Development Director



REPORT TO PLANNING COMMISSION
CITY OF ARNOLD

ATTACHMENTS

REPORT TO PLANNING COMMISSION

CITY OF ARNOLD



DRAFT AMENDMENTS SUMMARY

Amend Sections 405.310(n) and 405.320(q) by *deleting* the parking requirement for "Gasoline service stations" of "4 plus 6 for each bay."

Amend Section 405.330(u) by *deleting* the parking requirement for "Auto repair" of "4 plus 6 for each bay."

Amend Section 405.330(u) by *adding* the following uses and corresponding parking requirements:

| | |
|---------------------------------|--|
| Automotive Repair, general | 1 space for every employee on the maximum shift plus 3 spaces for every service bay plus 1 space for every vehicle customarily used in operation of the use. |
| Automotive Repair, body & paint | 4 spaces plus 1 space for every employee on the maximum shift plus 1 space for every vehicle customarily used in operation of the use, all exclusive of screened outdoor storage areas as otherwise authorized by CUP. |

RESOLUTION NO. 19-56

A RESOLUTION AUTHORIZING
THE VACATION OF RIGHT OF WAY EASEMENT

BE IT RESOLVED by the Council of the City of Arnold, Missouri, that the Mayor is hereby authorized to execute the vacation of "OLD HIGHWAY 9" Right of Way Easement within a tract of land being part of "TOWNSHIP 42 NORTH, RANGE 6", City of Arnold, Jefferson, County Missouri. A copy of the vacation document and plat exhibit is attached hereto and made a part hereof by reference.

ATTEST:

Mayor Ron Counts

City Clerk Tammi Casey

Date: _____

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CITY COUNCIL AGENDA ITEM STAFF REPORT

| | |
|--------------------------|--|
| MEETING DATE: | October 17, 2019 |
| TITLE: | Old Highway 9 (Vacation Plat, Right of Way Easement) |
| DEPARTMENT: | Community Development |
| PROJECT MANAGER: | Christie Hull-Bettale, Community Development Engineer |
| REQUESTED ACTION: | Review Commissions Recommendation and Action of Approval to City Council |
| ATTACHMENTS: | (1) Resolution (2) Plat Exhibit (3) Planning Commission Staff Report (4) Commission Draft Minutes |

EXECUTIVE SUMMARY:

Grimes Consulting on behalf of St. Johns Evangelical Lutheran Church is requesting release of an existing right of way easement for a previously abandoned road known as Old Highway 9.

REVIEW & ANALYSIS:

The Staff presented the request; it is a ministerial act for Planning Commission to make recommendation to Council for action. Per the Subdivision Ordinance-Section 410.160 Vacation; whereas, a petition for the vacation of a plat has been filed, such instrument shall be approved by the City Council, and such instrument should be executed, acknowledged or approved and recorded to vacate and divest all public rights to the grounds as described on the plat.

Public Hearing was held at October 8, 2019. Planning Commission voted in favor of the Vacation, 8-0.

PLANNING COMMISSION'S RECOMMENDATION:

Recommends approval of easement vacation request subject to conditions identified below:

- Label the property line in-between 1905 and 1895 Richardson Rd.
- After City Approval, it is the responsibility of the applicant to record the exhibit with Jefferson County recorder of Deeds and provide 2 copies to the City of Arnold.
- Future easements may be granted via separate plat to meet the needs of City or Utilities.



PLANNING COMMISSION STAFF REPORT

| | |
|--------------------------|--|
| MEETING DATE: | September 30, 2019 |
| TITLE: | Old Highway 9 (Vacation Plat, Right of Way Easement) |
| DEPARTMENT: | Community Development |
| PROJECT MANAGER: | Christie Hull-Bettale, Community Development Engineer |
| REQUESTED ACTION: | Review and Recommendation of Approval to City Council |
| ATTACHMENTS: | (1) Location Map (2) Letter of Request (3) Plat (4) Utility Exhibits |

EXECUTIVE SUMMARY:

Grimes Consulting on behalf of St. Johns Evangelical Lutheran Church is requesting release of an existing right of way easement for a previously abandoned road known as Old Highway 9. Attached is a location map.

REVIEW & ANALYSIS:

A right of way easement is located along the western side of 3590 St Johns Church Rd, formerly known as “The Keller Farm Property”. To the east of the easement centerline, the easement encumbers St John’s Lutheran Cemetery and 3590 St John Church Rd. To the west of the centerline, the easement encumbers Richardson Square Plat 18-Outlot A-2, Richardson Square Plat 9-Lot 1A (1905 Richardson Rd) and Lot 2A (1895 Richardson Rd). Staff has investigated the request. The City does not have infrastructure located within the easement and there no plans for public improvements in the future at this location.

As part of staff review, plat applications are distributed to local utilities. The Ameren, AT&T and Spire utilities all commented that associated utilities are contained in the easement. Staff wants to clarify, that the City Vacation does not disband the utility rights to the easement. The vacation ONLY removes the City of Arnold’s rights to the easement. Additionally, the applicant will be making application for a consolidation plat. At that time, further easements will be granted, if desired, to meet the needs of any expansions outside the current easement limits. Attached for review and recommendation are the vacation plat and exhibits. Exhibits include follow up letter from the applicant and utility comments.

The Staff brings forth the request; it is a ministerial act for Planning Commission review and make recommendation to Council. Per the Subdivision Ordinance-Section 410.160 Vacation; whereas, a petition for the vacation of a plat has been filed, such instrument shall be approved by the City Council, and such instrument should be executed, acknowledged or approved and recorded to vacate and divest all public rights to the grounds as described on the plat.

RECOMMENDATION:

Staff recommends approval of easement vacation request subject to conditions identified below:

- Label the property line in-between 1905 and 1895 Richardson Rd.
- After City Approval, it is the responsibility of the applicant to record the exhibit with Jefferson County recorder of Deeds and provide 2 copies to the City of Arnold.
- Future easements may be granted via separate plat to meet the needs of City or Utilities.



PLANNING COMMISSION MEETING CITY HALL COUNCIL CHAMBERS OCTOBER 8, 2019

MINUTES

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

ROLL CALL OF COMMISSIONERS: Del Williams, John Tucker, Brian McArthur, Alan Bess, Frank Kutilek (excused), Jeff Campbell, Andrew Sutton, Chris Ford, Justin Lurk (excused), Phillip Hogan, David Bookless, Sarah Turner, Christie Hull-Bettale, and Bob Sweeney. 8 voting members present, 2 excused.

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

APPROVAL OF MINUTES: Motion by Jeff Campbell to approve the minutes from the September 10, 2019 meeting as presented. Second by Del Williams. Voice Vote - ***Unanimously Approved.***

PUBLIC COMMENT: None

PUBLIC HEARINGS:

a. **2019-38 Commercial Use Parking:** David Bookless presented this City-initiated request to amend Chapter 405 of the Zoning Ordinance to modify minimum parking requirements for various motor vehicle repair-related uses. The Zoning Ordinance has three (3) uses that relate to motor vehicle repair-related uses: Auto Filling Stations, Auto Repair, and Auto Sales. The City was approached by CarX about locating on a property that did not meet current parking requirements. Staff researched the requirement, found current regulations to be excessive, and is recommending revising the requirement for auto repair facilities by differentiating between general auto repair and auto body shops as follows:

- All references to *Gasoline Service Stations* are to be deleted.
- The parking requirement for “Auto Repair” should be deleted and replaced as follows:
 - **Automotive Repair, general**
1 space for every employee on the maximum shift plus 3 spaces for every service bay plus 1 space for every vehicle customarily used in operation of the use.
 - **Automotive Repair, body and paint**
4 spaces plus 1 space for every employee on the maximum shift plus 1 space for every vehicle customarily used in operation of the use, all exclusive of screened outdoor storage areas as otherwise authorized by CUP.

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, favorable consideration of the draft amendments is requested.

Brian McArthur commented that this amendment will give the opportunity for more landscaping in the future.

- b. **2019-35 CarX:** Sarah Turner presented the request for a Conditional Use Permit to allow for a general automotive repair business at 1427 Jeffco Blvd. Sarah gave a brief history of this site stating that in the mid-1990's, Jeffco was widened from 3 lanes to 5 lanes which removed some of the paved area from the front of the property, which created setback nonconformities. The subject property which is the old Midas Muffler, predated any type of strict adherence to the code, therefore, was designated as a non-conforming use. When operations ceased in early 2019, this designation was lost. In order for CarX to move in to this location, the property must be brought up to compliance which includes obtaining a Conditional Use Permit. Staff finds that the proposed Conditional Use Permit meets the review criteria and is in compliance with the Zoning Ordinance and Comprehensive Plan, subject to the following conditions:

1. This Conditional Use Permit is null and void unless both of the following criteria are met:
 - a. The applicant successfully securing all required variances from the Board of Adjustment.
 - b. The successful modification of Chapter 405, Zoning, as it relates to minimum parking requirements of general automotive repair uses.
2. The rear access driveway and rear parking lot is restricted to employees only. Appropriate signage and mirrors shall be installed to ensure employee use and safety when using the rear access driveway, as directed by the Community Development Department.
3. Any vehicles used in the operation of this use or stored on the premises shall be stored in the rear parking lot.
4. The six (6) front parking spaces shall be reserved for customer use. All serviced vehicles shall be parked in the rear parking lot and retrieved by employees, unless the customer is present for immediate pick-up.
5. Any parking spaces in excess of the minimum requirement that have non-standard dimensions must have a sign installed to mark the space as compact.
6. No vehicle shall be left unattended in any drive aisle.
7. Plant material along the rear access drive aisle shall be properly maintained.
8. All work and storage of materials must be within the building.
9. Conditional Use Permit, Business License, and Occupancy Permit may be revoked if any nuisance is not mitigated to satisfaction of the City.
10. Approval for Conditional Use Permit does not supersede other local, state, or federal requirements

Brian McArthur questioned why the dumpster pad needed electric run to it. David Bookless stated that it doesn't serve the dumpster, it serves the building, and is being relocated to accommodate access by a trash truck.

- c. **2019-37 Vapor Maven:** Christie Hull-Bettale presented this request for a Conditional Use Permit to operate a retail business to sell e-cigarettes, vapor products and other legal substances at 1783 Jeffco. Christie gave a brief description of the existing site conditions and a site history. The property is zoned "C-3" Commercial which allows for a retail "Tobacco, Nicotine, and other Legal Substance Establishment" on a conditional basis. Staff finds that the proposed Conditional Use Permit meets the review criteria and is in compliance with the Zoning Ordinance and Comprehensive Plan. Based on this finding, Staff requests consideration of the application based on the following conditions:

1. Hours of operation shall be limited to 9:00 a.m. to 9:00 p.m., Monday thru Saturday and 11:00 a.m. to 7:00 p.m. on Sunday.
2. All business transactions and sampling use of product shall be limited to the interior of premise. Ongoing use in the interior or exterior of the premise shall not be permitted.
3. Minors under the age of 18 shall not be permitted to enter this establishment.
4. The retail sale of Medical Marijuana shall not be authorized by this permit.
5. No items identified as drug paraphernalia in Chapter 215 of the Municipal Code shall be displayed or made for sale at the establishment
6. Landscaping and buffering as delineated on the approved site (landscape) plan dated 9/2000 shall be restored and maintained at the direction of Staff.
7. Approval of this Conditional Use Permit shall not supersede other local, state, or federal requirements.
8. If, after the conditional use permit shall have been granted, it shall appear to the Council that the conditions imposed upon the holder of the conditional use permit, or any other ordinance of the City of Arnold, are being violated by such holder, the Council may hold a hearing and act to revoke this Conditional Use Permit.

Corey Strutten, 495 Agnes Dr., Springdale, AR, representing Vapor Maven introduced himself.

Brian McArthur referred to condition #5 and questioned what is considered drug paraphernalia. David Bookless stated that any item knowingly being used or sold for for drug use is considered drug paraphernalia by state statute.

- d. **2019-36 Old Highway 9:** Christie Hull-Bettale presented the request for the release of an existing right of way easement for a previously abandoned road known as Old Highway 9. Staff recommends approval of easement vacation request subject to the following conditions:
 1. Label the property line in-between 1905 and 1895 Richardson Rd.
 2. After City approval, it is the responsibility of the applicant to record the exhibit with Jefferson County Recorder of Deeds and provide 2 recorded copies to the City of Arnold.
 3. Future easements may be granted via separate plat to meet the needs of City or Utilities.

Lenny Meers with Grimes Consulting Engineers, 12300 Old Tesson Rd., introduced himself.

OLD BUSINESS: None

NEW BUSINESS:

- a. **2019-38 Commercial Use Parking:** Motion by Jeff Campbell to approve 2019-38, a City-initiated request to amend Chapter 405 Zoning of the Code of Ordinances to modify minimum parking requirements for various motor vehicle repair-related uses. Second by Chris Ford. Roll call vote: Chris Ford, yes; Brian McArthur, yes; Alan Bess, yes; John Tucker, yes; Jeff Campbell, yes; Del Williams, yes; Andrew Sutton, yes; Phil Hogan, yes. 8 yeas, 0 nays – ***Motion Approved.***

b. **2019-35 CarX:** Motion by Jeff Campbell to approve 2019-35, Conditional Use Permit to allow for a general automotive repair business with the following 10 conditions:

1. This Conditional Use Permit is null and void unless both of the following criteria are met:
 - c. The applicant successfully securing all required variances from the Board of Adjustment.
 - d. The successful modification of Chapter 405, Zoning, as it relates to minimum parking requirements of general automotive repair uses.
2. The rear access driveway and rear parking lot is restricted to employees only. Appropriate signage and mirrors shall be installed to ensure employee use and safety when using the rear access driveway, as directed by the Community Development Department.
3. Any vehicles used in the operation of this use or stored on the premises shall be stored in the rear parking lot.
4. The six (6) front parking spaces shall be reserved for customer use. All serviced vehicles shall be parked in the rear parking lot and retrieved by employees, unless the customer is present for immediate pick-up.
5. Any parking spaces in excess of the minimum requirement that have non-standard dimensions must have a sign installed to mark the space as compact.
6. No vehicle shall be left unattended in any drive aisle.
7. Plant material along the rear access drive aisle shall be properly maintained.
8. All work and storage of materials must be within the building.
9. Conditional Use Permit, Business License, and Occupancy Permit may be revoked if any nuisance is not mitigated to satisfaction of the City.
10. Approval for Conditional Use Permit does not supersede other local, state, or federal requirements

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

c. **2019-37 Vapor Maven:** John Tucker provided articles talking about the health issues regarding vaping. Mr. Tucker is aware that Vapor shops are not illegal but feels they need to consider the community.

Del Williams agrees with Mr. Tucker and would like to vote no but realizes that this is a legitimate business and a legal substance. Voting against this would be a violation of their rights.

Brian McArthur agrees with both statements but cautioned the Commissioners to not make a decision based on what's good for the public. That would be a City Council decision.

John Tucker commented that there are some City Councils that have banned the flavored vapors.

Bob Sweeney commented that based on the Staff report and application, if the Commissioners feel this would be detrimental to the health and welfare of the community, they could vote against it.

Motion by Brian McArthur to approve 2019-37, Conditional Use Permit to operate a retail business to sell e-cigarettes, vapor products and other legal substances with the following 8 conditions:

1. Hours of operation shall be limited to 9:00 a.m. to 9:00 p.m., Monday thru Saturday and 11:00 a.m. to 7:00 p.m. on Sunday.
2. All business transactions and sampling use of product shall be limited to the interior of premise. Ongoing use in the interior or exterior of the premise shall not be permitted.
3. Minors under the age of 18 shall not be permitted to enter this establishment.
4. The retail sale of Medical Marijuana shall not be authorized by this permit.
5. No items identified as drug paraphernalia in Chapter 215 of the Municipal Code shall be displayed or made for sale at the establishment
6. Landscaping and buffering as delineated on the approved site (landscape) plan dated 9/2000 shall be restored and maintained at the direction of Staff.
7. Approval of this Conditional Use Permit shall not supersede other local, state, or federal requirements.
8. If, after the conditional use permit shall have been granted, it shall appear to the Council that the conditions imposed upon the holder of the conditional use permit, or any other ordinance of the City of Arnold, are being violated by such holder, the Council may hold a hearing and act to revoke this Conditional Use Permit.

Second by Chris Ford. Roll call vote: Chris Ford, yes; Brian McArthur, yes; Alan Bess, yes; John Tucker, no; Jeff Campbell, no; Del Williams, yes; Andrew Sutton, no; Phil Hogan, no. 4 yeas, 4 nays – Motion failed - the application will be moved onto the City Council for their decision.

d. **2019-36 Old Highway 9:** Motion by Jeff Campbell to approve 2019-36, request for the vacation of right-of-way at Old Hwy. 9 at St. John's Rd. with the following 3 conditions:

1. Label the property line in-between 1905 and 1895 Richardson Rd.
2. After City approval, it is the responsibility of the applicant to record the exhibit with Jefferson County Recorder of Deeds and provide 2 recorded copies to the City of Arnold.
3. Future easements may be granted via separate plat to meet the needs of City or Utilities.

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

e. **2019-39 Arsenal Credit Union:** Christie Hull-Bettale presented Arsenal Credit Union's request for a proposed amendment to a Commercial Site Plan to allow for a 2-story building addition at their 3780 Vogel Rd. location. Christie suggested waiving the Tree Preservation Plan requirement because they are not removing trees; they are adding more in the proximity of the parking lot. Staff recommends the Planning Commission approve the Commercial Site Plan provided conditions identified in the report are addressed as part of the permit process.

Motion by Jeff Campbell to approve 2019-39, Commercial Site Plan to allow for a 2-story building addition at 3780 Vogel Rd. with the following 6 amended conditions:

1. Parking spaces will be brought into conformance with ADA requirements.
2. Add painted directional arrows at the entrance and exit to clarify the direction.
3. The STOP sign is to be remounted in concrete.
4. Dying landscape, removed shrubs and additional trees are to be planted.
5. Mitigate storm runoff by providing additional volume to the detention basin.
6. Waive Tree Preservation Plan requirement.

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

STAFF UPDATE: David Bookless – explained the confusion a few weeks ago with calling the members to see if they would be in attendance. It was to verify there would be a quorum since there were a few that informed the City with short notice that they were going to be absent.

Christie Hull-Bettale – no report.

Sarah Turner – no report.

Bob Sweeney – no report.

COMMISSIONERS UPDATE:

Chris Ford - No report.

Alan Bess – No report.

John Tucker – No report.

Jeff Campbell – thanked Mr. Tucker for bringing in the articles about vaping.

Del Williams – No report.

Phil Hogan – No report.

Andrew Sutton – No report.

Council Liaison: Brian McArthur – No report.

PAGE SEVEN

PUBLIC HEARING/REGULAR MEETING

OCTOBER 8, 2019

NEXT SCHEDULED MEETING: October 22, 2019

ADJOURNMENT: Meeting adjourned at 7:44 p.m.

Respectfully Submitted,

Alan Bess
Planning Commission Secretary

RESOLUTION NO. 19-57

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO
AN AGREEMENT WITH DON BROWN CHEVROLET FOR THE
PURCHASE OF A 2020 CHEVROLET EQUINOX AWD.

BE IT RESOLVED by the Council of the City of Arnold, Missouri, that the Mayor be, and is hereby authorized to enter into an agreement with Don Brown Chevrolet for the purchase of a 2020 Chevrolet Equinox AWD. This vehicle is being purchased pursuant to the State of Missouri, Department of Transportation's contracted vendor (CC190675004) for Twenty-Two Thousand Two Hundred Sixty-Three Dollars and no Cents (\$22,263.00).

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

Presiding Officer of the City Council

Mayor Ron Counts

ATTEST:

City Clerk, Tammi Casey

Date: _____



2244 S. Kingshighway, St. Louis, Missouri 63110
(314)772-1400 (314)772-1022 Fax
dave@donbrownchevrolet.com

ATTN: David Bookless
City of Arnold

DATE: 09/30/19

QUOTE

| | DESCRIPTION | | TOTAL |
|--------------------|--|-------------|--------------------|
| | Missouri State Contract CC190675004 | | |
| 1 | Line Item 42 - 2020 Chevrolet Equinox AWD 4 Cylinder, Midnight Blue Metallic | \$22,143.00 | \$22,143.00 |
| 1 | Line Item 44 - 3rd Set of Keys/Fob | \$120.00 | \$120.00 |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| GRAND TOTAL | | | \$22,263.00 |

If you should have any questions, please don't hesitate to give me a call. Thank you!

Dave Helterbrand
Fleet Department Manager

This quote is good for 30 days



STATE OF MISSOURI
OFFICE OF ADMINISTRATION
DIVISION OF PURCHASING

NOTIFICATION OF STATEWIDE CONTRACT

April 29, 2019

CONTRACT TITLE: MODEL YEAR 2019 FLEET SPORT UTILITY VEHICLES AND CROSSOVERS

| | | |
|---------------------------------|---|---|
| CURRENT CONTRACT PERIOD: | December 12, 2018 through December 31, 2019 | |
| RENEWAL INFORMATION: | Original Contract Period: | December 12, 2018 through June 30, 2019 |
| | Renewal Options Available: | Roll-Over Extension Available |
| | Potential Final Expiration: | December 31, 2019 |
| BUYER INFORMATION: | Jason Kolks (573) 522-1620 jason.kolks@oa.mo.gov | |

ALL PURCHASES MADE UNDER THIS CONTRACT MUST BE FOR **PUBLIC USE ONLY**.
PURCHASES FOR PERSONAL USE BY PUBLIC EMPLOYEES OR OFFICIALS ARE PROHIBITED.

THE USE OF THIS CONTRACT IS **MANDATORY** FOR ALL STATE AGENCIES.

Local Purchase Authority shall not be used to purchase supplies/services included
in this contract unless specifically allowed by the contract terms.

The entire contract document may be viewed and printed from the Division of Purchasing's **Awarded Bid & Contract Document Search** located on the Internet at <http://oa.mo.gov/purchasing>.

~ Instructions for use of the contract, specifications, requirements, and pricing are attached ~.

| CONTRACT NUMBER | SAM II VENDOR NUMBER/ MissouriBUYS SYSTEM ID | VENDOR INFORMATION | MBE/ WBE | COOP PROCURE -MENT |
|-----------------|---|--|-------------|--------------------------|
| CC190675002 | 4313059400 2 MB00097088 | Capitol Chrysler Jeep Dodge Ram 3201 Missouri Blvd. Jefferson City, MO 65109 (573) 893-5000 (573) 893-8256 fax <u>Contact:</u> Jerry Dunn – jdunn@capitolcitycars.com | No | Yes |

| CONTRACT NUMBER | SAM II VENDOR NUMBER/ MissouriBUYS SYSTEM ID | VENDOR INFORMATION | MBE/WBE | COOP PROCUREMENT |
|-----------------|---|---|---------|------------------|
| CC190675003 | 4405274600 0 / MB00089699 | Putnam Chevrolet Inc. PO Box 168 31304 Highway 87 South California, MO 65018 (573) 796-2131 (573) 796-4206 fax Contact: Beth Tuttle – beth@putnamchevrolet.com | NO | Yes |
| CC190675004 | 4313370020 1 MB00089555 | Don Brown Chevrolet Inc. 2244 South Kingshighway St. Louis, MO 63110 (314) 772-1400 (314) 772-1022 fax Contact: Dave Helterbrand – dave@donbrownchevrolet.com | No | Yes |

STATEWIDE CONTRACT HISTORY

The following summarizes actions related to this Notification of Statewide Contract since its initial issuance. Any and all revisions have been incorporated into the attached document.

| Contract Period | Issue Date | Summary of Changes |
|---|------------|---|
| December 12, 2018 through December 31, 2019 | 4/29/19 | Rollovers and extension for all models except Jeep Compass |
| December 12, 2018 through June 30, 2019 | 3/29/19 | Updated order cutoffs for Dodge and Jeep models. |
| December 12, 2018 through June 30, 2019 | 3/11/19 | Updated order cutoffs for Chevrolet models. |
| December 12, 2018 through June 30, 2019 | 1/15/19 | Revised award of Small/Mid-Size SUV 4x4 4-cylinder to Capitol Chrysler Dodge Jeep Ram. Originally awarded to Landmark Dodge |
| December 12, 2018 through June 30, 2019 | 12/12/18 | Initial issuance of new statewide contract |

**SPORT UTILITY VEHICLES AND CROSSOVERS – 2019 MODEL YEAR
(Statewide)**

GENERAL INFORMATION

SAM 2 User Note: The state agency user will note that not all line item numbers on this notice and on SAM 2 are consecutively numbered. This is because the numbering herein follows the numbering from the RFP, which will also be the numbering the contractor will use for invoicing. For reasons of consistency between the RFP document and the contract, the line items herein follow the RFP even though they are not consecutive. SAM 2 line item numbering should match numbering on this statewide notice.

MissouriBUYS: Catalogs will be established in the near future. Make sure you are using the correct option line for the vehicle being purchased. If using off-catalog, please enter the contract number first and none of the other information first. Otherwise the contract number will be removed by the system and the request will have to be deleted and a new one created so the contract number will be tied to the order.

Vehicle specifications and prices, including options, are included herein.

BRAND AND MODEL

| Contract Number | Line Item Description | Brand/Model Awarded | Contractor |
|------------------------|---|----------------------------|------------------------------------|
| CC190675002 | Small/Mid-Size SUV; 4x4; 4-cylinder | Jeep Compass Sport 4x4 | Capitol Chrysler Dodge Jeep Ram |
| | Standard/Full Size SUV; 4x4; Regular Fuel | Jeep Grand Cherokee Laredo | |
| | Standard/Full Size SUV; 4x4 | Jeep Cherokee | |
| | Standard/Full Size Crossover; AWD; 6-cylinder | Dodge Durango SXT | |
| CC190675003 | Standard/Full Size SUV; 4x4; Alternative Fuel | Chevrolet Tahoe 1FL | Putnam Chevrolet |
| CC190675004 | Small/Mid-Size Crossover; AWD; 4-cylinder | Chevrolet Equinox | Don Brown Chevrolet |

ORDERING

Note to State Agencies: Prior to making a vehicle purchase, the state agency must complete a vehicle pre-approval form and submit to Stan Perkins, Acting State Fleet Manager. The pre-approval form can be found at the following website address:

<http://oa.mo.gov/general-services/state-fleet-management/vehicle-preapproval-process-and-vehicle-credits>

Once the state agency receives approval from the State Fleet Manager, the agency shall issue its own PGQ (Quick Price Agreement) order in SAMII or a requisition within MissouriBUYS. The contractor must not ship until they are in receipt of a hard copy PGQ order.

Cooperative Procurement Members Note: The Vehicle Pre-Approval Form does not apply to cooperative procurement members only to State of Missouri agencies.

SPECIFIC CONTRACTUAL AND PERFORMANCE REQUIREMENTS OF THE CONTRACTORS:

General:

The contractor shall provide Model Year 2019 Fleet Sport Utility Vehicles (SUVs) and Crossovers with all manufacturer standard equipment and any additional equipment required by the State of Missouri on an as needed, if needed basis. The base price on contract shall include all mandatory requirements and specifications presented herein.

All items of standard equipment which are normally provided with each vehicle by the manufacturer shall be furnished unless such items are expressly omitted by the RFP specifications. Conversely, mandatory items that are considered non-standard by the manufacturer shall be provided as specified.

All options and/or accessories stated herein must be manufacturer's original equipment. Aftermarket options and/or accessories shall not be acceptable.

As applicable, all options must be factory installed.

Each vehicle shall be clean, lubricated, serviced and ready for immediate service. This shall include installation of all required options and accessories and removal of all plastic and signage (e.g. window sticker) from the interior and exterior of the vehicle. The window sticker may be left in the "glove box" or included with other documentation.

Corporate Average Fuel Economy (CAFE) Standard Requirement:

The contractor shall only provide vehicles under contract from manufacturers that meet the federal government's Corporate Average Fuel Economy (CAFE) standard as established by the National Highway Traffic Safety Administration (NHTSA) for the respective class of vehicle stated in the RFP.

Single Point of Contact:

The contractor shall act for the state agency or public entity as a "single point of contact" regarding all contract use issues such as ordering, invoicing, delivery, and payment.

As the single point of contact, the contractor/subcontractor must provide a minimum of one (1) customer service representative assigned to the State of Missouri contract. It is highly desirable the contractor provide a back-up representative as well. The contractor's customer service representative and the backup, if provided, must promptly answer questions and resolve problems that arise. The customer service representative must be available to the State during the contractor's regular operating hours. Contract representatives shall be available to the state agencies by phone, fax, or email. The contractor/subcontractor shall provide all contact information to the Division of Purchasing and keep it maintained and updated through the duration of the contract.

Warranty:

The Manufacturer's Standard Factory Warranty shall apply to all vehicles. A properly executed warranty must be delivered with the vehicle. The warranty shall not become effective until the vehicle is delivered to and accepted by the agency.

All warranty service must be performed in Missouri.

Order Documentation Requirement:

Upon request and at no cost to the State of Missouri, the contractor must provide the state agency with a copy of the order documentation submitted to the manufacturer when ordering each vehicle.

Delivery:

Delivery must be made between the hours of 8:00 a.m. and 12:00 Noon or 1:00 p.m. and 4:00 p.m., Monday through Friday, Central Time. Deliveries shall not be made on state holidays.

The contractor shall notify the state agency a minimum of twenty-four (24) hours prior to delivery of the vehicle to the state agency location.

The contractor must understand and plan accordingly that upon delivery the state agency representative must verify the delivered vehicle has all required equipment and options and that nothing was damaged during the delivery of the vehicle. If something is damaged during delivery of the vehicle, the contractor shall address in accordance with the paragraphs below relating to repair or replacement of damaged product.

Each vehicle shall be delivered with the proper form to apply for Missouri title and license including the Manufacturer's Statement of Origin and invoice.

- The invoice/title for all alternative fuel vehicles must clearly indicate the vehicle is alternative fuel (i.e. flex fuel (FFV) or E-85).

Each vehicle shall be delivered with the owner's manual.

The contractor shall comply with the manufacturer's recommended pre-delivery service.

In the event the contractor fails to deliver the vehicle by the stated ARO time, the State of Missouri reserves the right to find the same or similar vehicle from another source, and to charge the contractor the difference for the substitution. In assessing the applicability of this provision, the State of Missouri will consider the degree of contractor responsibility in the delay.

The contractor shall understand and agree that the delivery charges (line items 49 and 50) shall not be applied nor invoiced to vehicles purchased by and delivered to Missouri state agencies. Any delivery charges shall only apply to public entities making purchases through the Missouri Cooperative Procurement Program. The contractor shall be entitled to receive the per mile delivery price (line item 49) or the guaranteed, not-to-exceed total delivery price per vehicle (line item 50) which can only be assessed for delivery of a vehicle to any cooperative entity throughout the State of Missouri. If the contractor proposes both the per mile delivery price and the guaranteed, not-to-exceed total delivery price, the contractor shall understand that the total delivery price assessed by way of the per mile price (line item 49) shall not exceed the guaranteed-not-to-exceed total delivery price per vehicle (line item 50). The lesser of the two prices (line items 49 or 50) shall be charged to the public entity.

Repair or Replacement of Damaged Product:

The contractor shall be responsible for repairing any item or components received in damaged condition at no cost to the State of Missouri. In the event the item cannot be repaired or if the repair would otherwise compromise the integrity of the commodity and the manufacturer warranty, then the contractor must replace the item or component in its entirety at no additional cost to the state. This includes all delivery/transportation costs for returning non-functional items to the contractor for replacement.

Potential Recall or Manufacturer Initiated Customer Service Action/Notification Requirement:

The contractor shall be responsible for accessing potential recall notices from the National Highway Traffic Safety Administration (NHTSA), as well as any manufacturer initiated customer service actions prior to delivering the vehicles to the state agency location. If a recall or customer service action is found for the vehicle being delivered to the state agency, the contractor should, to the best of their ability, complete the necessary action(s) prior to delivery. If the contractor is unable to address the required recall or customer service action(s) prior to delivery, the contractor must inform the state agency of the "open" recall or customer service action upon delivery. The contractor shall then assist the state agency in getting the recall or customer service action(s) completed as quickly as possible.

Financial Responsibility:

The State of Missouri recognizes that dealerships may make financial arrangements that result in a finance company retaining a security interest in vehicles the State of Missouri purchases until such time as the dealership receives payment in full for those vehicles. The contractor shall understand and agree that a separate "Acknowledgement of Security Interest and Assignment" or similar document shall not be necessary and shall not be signed by the State of Missouri.

Substitutions:

The contractor shall not substitute any item(s) that has been awarded to the contractor without the prior written approval of the Division of Purchasing.

In the event an item becomes unavailable, the contractor shall be responsible for providing a suitable substitute item. The contractor's failure to provide an acceptable substitute may result in cancellation or termination of the contract.

Any item substitution must be a replacement of the contracted item with a product of equal or better capabilities and quality, and with equal or lower pricing. The contractor shall understand that the state reserves the right to allow the substitution of any new or different product/system offered by the contractor. The Division of Purchasing shall be the final authority as to acceptability of any proposed substitution.

Any item substitution shall require a formal contract amendment authorized by the Division of Purchasing prior to the state acquiring the substitute item under the contract.

The state may choose not to compel an item substitution in the event requiring a substitution would be deemed unreasonable in the sole opinion of the State of Missouri. The contractor shall not be relieved of substituting a product in the event of manufacturer discontinuation or other reason simply for reasons of unprofitability to the contractor.

NOTE: IF ANY OF THE ABOVE PERFORMANCE REQUIRMENTS ARE NOT MET AND/OR VEHICLE DELIVERED DOES NOT HAVE ALL NECESSARY EQUIPMENT, PLEASE CONTACT JASON KOLKS AT (573) 522-1620 OR jason.kolks@oa.mo.gov.

**SPORT UTILITY VEHICLES AND CROSSOVERS – 2019 MODEL YEAR
(Statewide)**

Contract Number: CC190675002

Contractor: Capitol Chrysler Dodge Jeep Ram

**LINE ITEM 1 – Small / Mid-Size Sport Utility Vehicle; 4x4; 4-Cylinder
UNSPSC Code: 25101507**

MAKE/MODEL: Jeep Compass Sport 4wd

PRICE: \$20,830.00

Order Cutoff 5/2/19

NO ROLLOVER

THIS VEHICLE REQUIRES APPROVAL FROM THE STATE FLEET MANAGER

EQUIPMENT INCLUDED IN PRICE

| | |
|--|--|
| 2.4 Liter, 4 cylinder engine | 103.8 inch Wheelbase |
| 173 inches Overall Length | 8.2 inch Ground Clearance |
| 9 Speed Automatic Transmission | Manufacturer's Standard Air Bags |
| 4,400 GVWR | Manufacturer's Standard Transfer Case |
| Four (4) Wheel Drive | Manufacturer's Standard Rear Axle Ratio |
| 4-Wheel Anti-Lock Brakes | Four (4) Doors |
| Power Steering | All Season Tires with compact spare, tire tools & jack |
| Power Windows, Door Locks & Exterior Mirrors | Manufacturer's Standard Heating and Air Conditioning |
| Manufacturer's Standard Radio | Speed Control and Tilt Wheel |
| Manufacturer's Standard Front and Rear Floor Mats | Two (2) Sets of Keys or Key FOBS |
| Cloth Front and Rear Seats (Manufacturer's Standard) | Daytime Running Lamps |
| Electric Rear Window Defroster | Remote Keyless Entry with Two (2) Transmitters |
| Bluetooth Connectivity | Full Floor Console |

Available Exterior Colors: Billet Silver, Black, Granite, Jass Blue, Laser Blue, Olive Green, Redline, White, Fire Orange, Sting Gray

Available Interior Colors: Black

Manufacturer's Estimated Fuel Mileage: City – 22 Highway – 30 Combined – 25 Fuel Tank Size: 13.5 gallons

AVAILABLE OPTIONS

Line Item 3 – 3rd Set of Keys or Key FOBS with remote keyless entry transmitter \$350.00

PROPANE AND/OR CNG PREP PACKAGE AVAILABLE? NO

DELIVERY: 90 – 120 days ARO – Subject to Delays

WARRANTY: 3 year (36,000 miles) bumper to bumper; 5 year (100,000 miles) on the power train.

**SPORT UTILITY VEHICLES AND CROSSOVERS – 2019 MODEL YEAR
(Statewide)**

Contract Number: CC190675002

Contractor: Capitol Chrysler Dodge Jeep Ram

**LINE ITEM 11 – Standard / Full-Size Sport Utility Vehicle; 4x4; 6-Cylinder
UNSPSC Code: 25101507**

MAKE/MODEL: Jeep Grand Cherokee Laredo 4x4

PRICE: \$26,024.00

roll-over extension until 12/31/19

THIS VEHICLE REQUIRES APPROVAL FROM THE STATE FLEET MANAGER

EQUIPMENT INCLUDED IN PRICE

| | |
|--|--|
| 3.6 Liter, V6 engine | 114.8 inch Wheelbase |
| 189.8 inches Overall Length | 8 Speed Automatic Transmission |
| Four (4) Wheel Drive | 4-Wheel Anti-Lock Brakes |
| Power Steering | All Season Tires with compact spare, tire tools & jack |
| Cloth Front and Rear Seats | Two (2) Sets of Keys or Key FOBS |
| Power Windows, Door Locks & Exterior Mirrors | Manufacturer's Standard Air Bags |
| Manufacturer's Standard Heating and Air Conditioning | Manufacturer's Standard Transfer Case |
| Manufacturer's Standard Radio | Speed Control and Tilt Wheel |
| Manufacturer's Standard Front and Rear Floor Mats | Electric Rear Window Defroster |
| 10.4" Ground Clearance | Remote Keyless Entry with Two (2) Transmitters |
| 1320 Payload | 6500 GVWR |
| Bluetooth Connectivity | Daytime Running Lights |
| Full Floor Console | Privacy Glass |

Available Exterior Colors: Billet Silver, White, Red, Black, Granite, Stone Grey, Brown

Available Interior Colors: Black, Beige

Manufacturer's Estimated Fuel Mileage: City – 18
Highway – 25
Combined – 21
Fuel Tank Size: 24.6 gallons

AVAILABLE OPTIONS

Line Item 13 – 3rd Set of Keys or Key FOBS with remote keyless entry transmitter **\$350.00**

PROPANE AND/OR CNG PREP PACKAGE AVAILABLE? NO

DELIVERY: 90 – 120 days ARO – Subject to Delays

WARRANTY: 3 year (36,000 miles) bumper to bumper; 5 year (100,000 miles) on the power train.

**SPORT UTILITY VEHICLES AND CROSSOVERS – 2019 MODEL YEAR
(Statewide)**

Contract Number: CC190675002

Contractor: Capitol Chrysler Dodge Jeep Ram

**LINE ITEM 31 – Standard / Full-Size Sport Utility Vehicle; 4x4
UNSPSC Code: 25101507**

MAKE/MODEL: Jeep Cherokee 4x4

PRICE: \$22,032.00

roll-over extension until 12/31/19

THIS VEHICLE REQUIRES APPROVAL FROM THE STATE FLEET MANAGER

EQUIPMENT INCLUDED IN PRICE

| | |
|--|--|
| 2.4 Liter, 4 cylinder engine | 106.6 inch Wheelbase |
| 183.1 inches Overall Length | 9 Speed Automatic Transmission |
| Four (4) Wheel Drive | 4-Wheel Anti-Lock Brakes |
| Power Steering | All Season Tires with compact spare, tire tools & jack |
| Cloth Front and Rear Seats | Two (2) Sets of Keys or Key FOBS |
| Power Windows, Door Locks & Exterior Mirrors | Manufacturer's Standard Air Bags |
| Manufacturer's Standard Heating and Air Conditioning | Manufacturer's Standard Transfer Case |
| Manufacturer's Standard Radio | Speed Control and Tilt Wheel |
| Manufacturer's Standard Front and Rear Floor Mats | Electric Rear Window Defroster |
| 8.7" Ground Clearance | Remote Keyless Entry with Two (2) Transmitters |
| 1320 Payload | 6500 GVWR |
| Bluetooth Connectivity | Daytime Running Lights |
| Full Floor Console | Privacy Glass |

Available Exterior Colors: Billet Silver, White, Red, Black, Granite, Grey, Brown, Olive Green, Blue

Available Interior Colors: Black, Beige

Manufacturer's Estimated Fuel Mileage: City – 21 Highway – 29 Combined – 24 Fuel Tank Size: 15.8 gallons

AVAILABLE OPTIONS

Line Item 33 – 3rd Set of Keys or Key FOBS with remote keyless entry transmitter \$350.00

PROPANE AND/OR CNG PREP PACKAGE AVAILABLE? NO

DELIVERY: 90 – 120 days ARO – Subject to Delays

WARRANTY: 3 year (36,000 miles) bumper to bumper; 5 year (100,000 miles) on the power train.

**SPORT UTILITY VEHICLES AND CROSSOVERS – 2019 MODEL YEAR
(Statewide)**

Contract Number: CC190675004

Contractor: Don Brown Chevrolet

Line Item 42 – Small / Mid-Size Crossover Vehicle; AWD; 4-Cylinder

UNSPSC Code: 25101503

MAKE/MODEL: Chevrolet Equinox AWD

PRICE:

\$22,143.00

roll-over extension until 12/31/19

THIS VEHICLE REQUIRES APPROVAL FROM THE STATE FLEET MANAGER

EQUIPMENT INCLUDED IN PRICE

| | |
|--|---|
| 1.5 Liter Turbo 4 Cylinder Engine | 107.3" Wheelbase |
| 183.1" Overall Length | All Wheel Drive |
| 6 Speed Automatic Transmission | 4630 GVWR |
| Power Steering | P225/65R17 All Season Tires plus compact spare, tire tools & jack |
| Manufacturer's Standard Cloth Front Bucket Seats | Manufacturer's Standard Rear Split Folding Seat |
| Manufacturer's Standard Air Bags | Manufacturer's Standard Heating and Air Conditioning |
| Two (2) Sets of Keys or Key FOBS | 7" MyLink Bluetooth – Apple Car Play Radio |
| Power Windows, Door Locks & Exterior Mirrors | Manufacturer's Standard Floor Mats (front & rear) |
| Speed Control and Tilt Wheel | Daytime Running Lamps |
| 4 Wheel Anti-Lock Brakes | Electric Rear Window Defroster |
| Remote Keyless Entry with Two (2) Transmitters | 6.9" Ground Clearance |
| 1165 Payload | USB Port |
| Full Floor Console | Keyless Open |
| Keyless Start | |

Available Exterior Colors: Storm Blue, Sandy Ridge Metallic, Nightfall Gray,
Silver Ice Metallic, Summit White, Mosaic Black

Available Interior Colors: Medium Ash Gray

Manufacturer's Estimated Fuel Mileage: City – 26 Fuel Tank Size: 15.6 gallons
Highway – 32
Combined – 28

AVAILABLE OPTIONS

Line Item 44 – 3rd Set of Keys or Key FOBS **\$120.00**
with remote keyless entry transmitter

Line Item 46 – Blind Spot Warning Feature **\$2,397.00**
Part of an Option Package – options include the following:
2FL Package – 8 Way Power Seat, Rear Park Assist, Rear Cross Traffic Alert,
Lane Change Alert, Blindside Zone Alert, Remote Start, Heated Seats, Power Liftgate

Line Item 49 – Privacy Glass **\$270.00**

Line Item 50 – Front Wheel Drive (FWD) Drivetrain **\$1493.00** (deduct)

PROPANE AND/OR CNG PREP PACKAGE AVAILABLE? NO

DELIVERY: 80 days ARO – Subject to Delays

WARRANTY: 3 year (36,000 miles) bumper to bumper; 5 year (100,000 miles) on the power train.

SPORT UTILITY VEHICLES AND CROSSOVERS – 2019 MODEL YEAR
(Statewide)

Contract Number: CC190675002

Contractor: Capitol Chrysler Dodge Jeep Ram

Line Item 53 – Standard / Full-Size Crossover Vehicle; AWD; 6-Cylinder

UNSPSC Code: 25101503

MAKE/MODEL: Dodge Durango SXT

PRICE: \$26,345.00

roll-over extension until 12/31/19

THIS VEHICLE REQUIRES APPROVAL FROM THE STATE FLEET MANAGER

EQUIPMENT INCLUDED IN PRICE

| | |
|--|--|
| 3.6 Liter V6 Engine | 119.8" Wheelbase |
| 201.2" Overall Length | All Wheel Drive |
| Manufacturer's Standard Automatic Transmission | 6,500 Lbs. GVWR |
| 4 Wheel Anti-Lock Brakes | Power Steering |
| Manufacturer's Standard Front Cloth Seats | 2 nd Row Split Bench Seat |
| 3 rd Row Split Bench Fold Flat Seat | All Season Tires with compact spare, tire tools & jack |
| Manufacturer's Standard Air Bags | Manufacturer's Standard Radio |
| Manufacturer's Standard Heating and Air Conditioning | Two (2) Sets of Keys or Key FOBS |
| Power Windows, Door Locks & Exterior Mirrors | Bluetooth Connectivity |
| Manufacturer's Standard Floor Mats (front & rear) | Speed Control and Tilt Wheel |
| Electric Rear Window Defroster | Full Floor Console |
| Remote Keyless Entry with Two (2) Transmitters | Privacy Glass |

Available Exterior Colors: Blue, Gray, Black, Granite, Red, White

Available Interior Colors: Black

Manufacturer's Estimated Fuel Mileage: City – 18
Highway – 25
Combined – 21

Fuel Tank Size: 26.4 gallons

AVAILABLE OPTIONS

Line Item 54 – Towing Package: Manufacturer's Standard **\$1195.00**

Line Item 55 – 3rd Set of Keys or Key FOBS
with remote keyless entry transmitters **\$350.00**

PROPANE AND/OR CNG PREP PACKAGE AVAILABLE? NO

DELIVERY: 90 - 120 days ARO – Subject to Delays

WARRANTY: 3 year (36,000 miles) bumper to bumper; 5 year (100,000 miles) on the power train.

SPORT UTILITY VEHICLES AND CROSSOVERS – 2019 MODEL YEAR
(Statewide)

The following line item has been awarded to all vendors listed above and may be used for the purchase of miscellaneous options/features for the models specified that are not stated herein.

Line Item 64 – Miscellaneous Options/Features

(Shall be used for the purchase of miscellaneous options/features not specified herein (including upcharges for special exterior paint colors; e.g., metallic). Prior to issuing a purchase order, the state agency shall contact the contractor to obtain the price for the option required.)

COOPERATIVE PROCUREMENT DELIVERY PRICE

The contractor will allow other political subdivisions throughout the State of Missouri to purchase off the contract through the Cooperative Procurement Program. The following is the applicable charges to deliver the vehicle to a cooperative procurement entity:

CC190675001 – Landmark Dodge

Price per Mile \$0.72 (round trip per vehicle)

Guaranteed Not To Exceed Total Delivery Price \$285.00 (per vehicle)

The vehicles will be delivered from Independence, Missouri.

CC190675002 – Capitol Chrysler Jeep Dodge Ram

Price per Mile \$0.99 (round trip per vehicle)

Guaranteed Not To Exceed Total Delivery Price \$150.00 (per vehicle)

The vehicles will be delivered from Jefferson City, Missouri.

CC190675003 – Putnam Chevrolet

Price per Mile \$1.00 (round trip per vehicle)

Guaranteed Not To Exceed Total Delivery Price \$300.00 (per vehicle)

The vehicles will be delivered from California, Missouri.

CC190675004 – Don Brown Chevrolet

Price per Mile \$0.99 (round trip per vehicle)

Guaranteed Not To Exceed Total Delivery Price \$293.00 (per vehicle)

The vehicles will be delivered from St. Louis, Missouri.

**These prices shall not apply to state agencies. It shall apply only to public entities participating in the Cooperative Procurement Program.

**SPORT UTILITY VEHICLES AND CROSSOVERS - 2019 MODEL YEAR
(STATEWIDE CONTRACT)**

**State of Missouri
Office of Administration
Division of Purchasing
Contract Performance Report**

Please take a moment to let us know how this contract award has measured up to your expectations. If reporting on more than one contractor or product, please make copies as needed. This office will use the information to improve products and services available to state agency users. **Comments should include those of the product's end user.**

Contract No.: _____ **Contractor:** _____

Describe Product Purchased (include Item No's., if available): _____

Rating Scale: 5 = Excellent, 4 = Good, 3 = Average, 2 = Poor, 1 = Fails to meet expectations

| Product Rating | Rate 1-5, 5 best |
|---------------------------------------|-----------------------------|
| Product meets your needs | |
| Product meets contract specifications | |
| Pricing | |

| Contractor Rating | Rate 1-5, 5 best |
|------------------------------------|-----------------------------|
| Timeliness of delivery | |
| Responsiveness to inquiries | |
| Employee courtesy | |
| Problem resolution | |
| Recall notices handled effectively | |

Comments: _____

Prepared by: _____ **Title:** _____ **Agency:** _____

Date: _____ **Phone:** _____ **Email:** _____

Address: _____

Please detach or photocopy this form & return by FAX to 573/526-9816, or mail to:

Office of Administration
Division of Purchasing
301 West High Street, RM 630
PO Box 809
Jefferson City, Missouri 65102

**You may also e-mail form to the buyer as an attachment at
jason.kolks@oa.mo.gov**

RESOLUTION NO. 19-58

A RESOLUTION APPROVING A CHANGE ORDER WITH SPENCER
CONTRACTING FOR THE JEFFCO-TENBROOK INTERSECTION
PROJECT.

WHEREAS, the City of Arnold is currently constructing intersection improvements at Jeffco Boulevard and Tenbrook Road; and

WHEREAS, the City's contractor, Spencer Contracting, has submitted a change order due to a price increase on the traffic signal equipment;

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

Section 1. The attached change order is approved. The Mayor and/or Public Works Director are authorized to execute any necessary documents to complete this transaction.

Mayor Ron Counts

ATTEST:

City Clerk Tammi Casey

Date: _____

CHANGE ORDER

Sheet No. 1 of 2

Change Order Number 2
 County Jefferson
 Route MO 61/67
 Project CMAQ-5403(668)

To: Spencer Contracting

You are hereby directed to make the following changes from the contract:

1. Description and Reason for Change (Attach Supplemental Sheets if Required)

Price increase on traffic signal equipment due to delay in the start of construction from the time of bidding (Dec 2018) to NTP (July 1, 2019)

2. Estimate of Cost of work Affected by this Change Order.

| (A) EST. LINE NO. | (B) CONTRACT ITEM NO. | (C) ITEM DESCRIPTION | (D) UNITS PREVIOUSLY PROVIDED FOR | (E) UNITS TO BE CONSTRUCTED | (F) UNITS OVERRUN, UNDERRUN, CONTINGENT | (G) CONTRACT OR AGREED UNIT PRICE | (H) AMOUNT OF OVERRUN OR PLUS CONTINGENT | (I) AMOUNT OF UNDERRUN OR MINUS CONTINGENT |
|----------------------------|--------------------------------|----------------------------|---|--------------------------------------|---|--|--|--|
| | 901-11.15 | BRACKET ARM, 15 FT. | 4 | 0 | 4 | \$ 531.00 | | \$ 2124.00 |
| | 901-13.00 | LUMINAIRE, 150 WATT LED | 4 | 0 | 4 | \$ 407.00 | | \$ 1628.00 |
| | 902-31.25 | POST, TYPE CL, 25 FT. ARM | 1 | 0 | 1 | \$ 5152.00 | | \$ 5152.00 |
| | 902-31.40 | POST, TYPE CL, 40 FT. ARM | 2 | 0 | 2 | \$ 7824.00 | | \$ 15648.00 |
| | 902-31.55 | POST, TYPE CL, 55 FT. ARM | 1 | 0 | 1 | \$ 10638.00 | | \$ 10638.00 |
| | 901-11.15 | BRACKET ARM, 15 FT. | 0 | 4 | 4 | \$ 708.07 | \$ 2832.28 | |
| | 901-13.00 | LUMINAIRE, 150 WATT LED | 0 | 4 | 4 | \$ 427.12 | \$ 1708.48 | |
| | 902-31.25 | POST, TYPE CL, 25 FT. ARM | 0 | 1 | 1 | \$ 6529.37 | \$ 6529.37 | |
| | 902-31.40 | POST, TYPE CL, 40 FT. ARM | 0 | 2 | 2 | \$ 10233.49 | \$ 20466.98 | |
| | 902-31.55 | POST, TYPE CL, 55 FT. ARM | 0 | 1 | 1 | \$ 14230.68 | \$ 14230.68 | |
| | | | | | | TOTALS | \$ 45767.79 | \$ 35190.00 |

3. Settlement for Cost of the above Change to be made at Contract Unit Price Except as Noted:

| | | | |
|--------------------------|--------------|---------------|--|
| 1. CONTRACT AMOUNT | | \$ 607,364.80 | The Terms of Settlement outlined above are hereby agreed to. |
| 2. OVERRUN THIS ORDER | \$ 10,577.79 | | _____ CONTRACTOR |
| 3. OVERRUN PREVIOUS | \$ 0.00 | | |
| 4. TOTAL OVERRUN TO DATE | \$ 10,577.79 | | |
| 5. TOTAL | | \$ 617,942.59 | by: <u>7/05/2019</u> DATE |

SUBMITTED ENGINEER

7/03/2019
DATE

APPROVAL RECOMMENDED LPA (ARNOLD)

10/4/2019
DATE

APPROVED MODOT

DATE

APPROVED MODOT CONSTRUCTION

DATE

June 27, 2019

Pat Buttner
Spencer Contracting Co.
3073 Arnold Tenbrook Road
Arnold, MO 63010

Subject: Mast Arm Pricing Changes
GEI Job Number 3179

Dear Pat,

We are requesting a change order due to our quote having expired after the original bid date. Please see the breakdown below for each line item that has changed.

| Line Item | Original Price | Revised Price | Increase |
|-----------|----------------|---------------|------------|
| 901-11.15 | \$1,721.44 | \$2,308.00 | \$586.56 |
| 901-13.00 | \$1,225.36 | \$1,292.00 | \$66.64 |
| 902-31.25 | \$3,256.32 | \$4,397.00 | \$1,140.68 |
| 902-31.40 | \$11,261.44 | \$15,252.00 | \$3,990.56 |
| 902-31.55 | \$8,139.74 | \$11,115.00 | \$2,975.26 |

Total Increase = \$8,759.70

15% Mark Up = \$1,313.96

Total Change Order Request = \$10,073.66

Please let me know if you have any questions.

Sincerely,

GERSTNER ELECTRIC, INC.



Brian M. Schanuel, PE, PTOE

GERSTNER
ELECTRIC

2400 Cassens Drive, Fenton, MO 63026-2539 P 636.349.5999 F 636.349.2616



QUOTE # GS3LAI18-160881-3

ELECTRICAL SUPPLY CORP.
3900 Washington Blvd
St Louis, MO 63108
314-535-3900 - P
314-535-4206 - F
www.centrexelectric.com

| | |
|----------------|------------------------------|
| TO: ESTIMATING | JOB/PROJECT: JEFFCO/TENBROOK |
| ADDR: | |
| PHONE: | QUOTE DATE: 12/10/2018 |
| EMAIL: | VALID TO: 1/2/2019 |
| ATTN: | QUOTED BY: GUS III |

| QNTY | TYPE | MAN | PART/ DESCRIPTION | UNIT PRICE | UQ | EXTENDED PRICE |
|--------------|------|---------|----------------------------------|------------|----|--------------------|
| 1 | | VAL/STE | MO-CL-A-25-0LMA-AB-HH-GV, 0 CPLG | 3256.32 | | \$3,256.32 |
| 2 | | VAL/STE | MO-CL-A-40-0LMA-AB-HH-GV, 0 CPLG | 5630.72 | | \$11,261.44 |
| 1 | | VAL/STE | MO-CL-A-55-0LMA-AB-HH-GV, 0 CPLG | 8139.74 | | \$8,139.74 |
| 4 | | VAL/STE | 15' LMA-GV | 430.36 | | \$1,721.44 |
| | | | TO MOUNT TO MAST ARM ASSEMBLIES | | | \$0.00 |
| 4 | | LEOTEK | GC1-60F-MV-NW-3-GY-LPCR | 306.34 | | \$1,225.36 |
| | | | LED-A / 120 - 277 VOLT | | | \$0.00 |
| TOTAL | | | | | | \$25,604.30 |

- NOTES: Terms and conditions of sale:
- Centrex T&C can be found at www.centrexelectric.com. * Above prices do not include sales tax. * All quotes subject to final approval. *
 - SUBJECT TO MANUFACTURER'S PUBLISHED TERMS AND CONDITIONS OF SALE
 - ITEMS MAY OR MAY NOT BE USED TOWARD DBE PARTICIPATION GOALS DEPENDENT ON OWNER REGULATIONS
 - COPPER AND STEEL ITEM PRICING MAY CHANGE WITH MARKET PRICES DUE TO THE VOLITILITY OF RAW MATERIALS
 - ALL FIXTURES QUOTED LESS LAMPS UNLESS OTHERWISE NOTED.
 - TERMS: NET30, subject to credit approval
 - FREIGHT:
 - Additional Notes:
VALMONT NOTES:
1.) FINISH IS GALVANIZED ONLY
2.) ANCHOR BOLTS INCLUDED
3.) SIZED PER DB00408, REV H.
4.) SIGN/SIGNAL HANGERS ARE NOT INCLUDED.
5.) FREIGHT IS INCLUDED
6.) LEAD TIME IS 17- 19 WEEKS
 - LEOTEK NOTES:
1.) FINISH: GRAY
2.) LESS PHOTO CONTROL RECEPTACLE
3.) LEAD TIME IS 6 - 8 WEEKS.

RESOLUTION NO. 19-59

A RESOLUTION RECOGNIZING THE 10TH
ANNIVERSARY OF JEFFCO EXPRESS.

WHEREAS, on October 30, 2019, the Jefferson County Community Partnership will host a celebration for the 10th anniversary of Jeffco Express; and

WHEREAS, Jeffco Express provides transportation services that benefit the residents of Arnold and Jefferson County; and

WHEREAS, the City has partnership with Jeffco Express for many years to provide a bus route in Arnold;

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

Section 1. The City Council congratulates the Jefferson County Community Partnership on the 10th anniversary of Jeffco Express.

Mayor Ron Counts

ATTEST:

City Clerk Tammi Casey

Date: _____

RESOLUTION NO. 19-60

A RESOLUTION EXTENDING THE LEASE AT CORRIDOR 55 FOR A
PERIOD OF ONE YEAR.

WHEREAS, the City of Arnold leases space in the Richardson Crossing shopping center to operate Corridor 55; and

WHEREAS, the current lease has expired; and

WHEREAS, the City desires to extend the lease for one year to continue operation of Corridor 55;

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

Section 1. The attached lease amendment extending the lease of Corridor 55 by one year is hereby approved. The Mayor and/or City Administrator are authorized to sign any documents necessary to complete this transaction.

Mayor Ron Counts

ATTEST:

City Clerk Tammi Casey

Date: _____

RICHARDSON CROSSING

LEASE AMENDMENT

This Lease Amendment is made and entered into this 2nd day of October, 2019, by and between Richardson Crossing, LLC, hereinafter called Lessor, and The City of Arnold, hereinafter called Lessee.

Whereas, the parties hereto have entered into a Lease dated July 28, 2014 concerning the leasing of 2,800 square feet at 160 Richardson Crossing Arnold, MO 63010 and any amendments thereto, hereinafter called Lease, and

Whereas, the parties hereto desire to amend said lease;

Now, therefore, in consideration of the mutual premises hereinafter set forth, the parties agree as follows:


1. Lease is hereby extended for an additional twelve (12) months beginning September 1st, 2019 and ending on August 31st, 2020.
2. The leasing payment will be at the base rate of \$28,200.00 per year.
3. It is hereby acknowledged that all other terms and conditions of said Lease and of any previous modifications thereof shall remain unchanged and in full force and effect.

This letter constitutes an amendment to the Lease Agreement which will be binding upon both parties' mutual execution ("Letter Amendment"). Please confirm your agreement to the aforementioned by executing the signature line below.

In witness whereof, the parties have hereunto executed this Lease Amendment this 2nd day of October, 2019.

LESSOR
RICHARDSON CROSSING, LLC

LESSEE
City of Arnold

 10/2/19

RESOLUTION NO: 19-61

A RESOLUTION APPOINTING CHAD MILLER TO THE TOURISM
COMMISSION TO COMPLETE A THREE-YEAR TERM

BE IT RESOLVED by the Council of the City of Arnold, Missouri, that Chad Miller is hereby appointed to the Tourism Commission to serve the remainder of a Three-Year Term that will expire on December 31, 2021 or until a successor has been appointed and qualified.

Presiding Officer of the City Council

Mayor Ron Counts

ATTEST:

City Clerk Tammi Casey

Date: _____

Z:\CITYDOCS\RESOLUTN\2019\19-61 Appointing Chad Miller Tourism Commission 2019.doc
Tuesday, October 15, 2019

Z:\CITYDOCS\RESOLUTN\2019\19-25 Appointing Nick Ferrario to the Beautification Commission 2019.doc
Tuesday, October 15, 2019

Chad Miller

- Experience** 12/11-05/15 Supplement Superstores Springfield, MO
Assistant Manager
- I was responsible for the daily operations and growth of the store
 - My store was awarded 'Story of the Year' two consecutive years
 - I was awarded 'Employee of the Year'
- 08/15-12/17 TRIAD Fitness Supplements Nutrition Oklahoma City, OK
Co-Owner/Operator
- Company was profitable in the first 18 months
 - Sold the company to my business partner to pursue working for the family business
 - Company has grown and is continuing to grow through ownership change
- 08/15-12/17 Define Nutrition Oklahoma City, OK
Co-Owner/Operator
- Company was profitable in the first 18 months
 - Sold the company to my business partner to pursue working for the family business
 - Company has grown and is continuing to grow through ownership change
- 05/17-12/17 Crothall Healthcare Oklahoma City, OK
Operations Manager of Transport Department - OU Medical Center
- Worked at OU Medical Center to have the ability to invest my salary at my businesses back into the business
 - Daily managed 30 employees
 - In charge of payroll, scheduling, hiring and training of employees
- 01/19-Present The Miller Group St. Louis, MO
Co-Owner/Business Development
- Ownership responsibilities of the business
 - Oversee and manage sales, marketing, business development and customer service
 - The Miller Group was awarded the '2019 MSP 501', awarded to the most successful 501 MSP business in the United States.

Objective

I want to get involved in the city and county that I live in. Some of my passions are American history, Constitutional studies and the founding of America. The most effective way I can help combat the deterioration of the fabric of our Country is to get involve in local politics. I am extremely grateful for the opportunity with the Board of Appeals and the ability to have a starting point in local politics.

RESOLUTION NO. 19-62

A RESOLUTION APPROVING THE PURCHASE OF UPGRADES FOR THE
OUTDOOR WARNING SIREN SYSTEM.

WHEREAS, the City's outdoor warning siren system has aged and is in need of upgrading to continue reliable operation; and

WHEREAS, ATI is the sole manufacturer and supplier of equipment and software for the City's outdoor warning siren system; and

WHEREAS, Second Sight Systems is the only company certified by ATI to work on the City's outdoor warning siren system;

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

Section 1. The attached quotes from ATI and Second Sight Systems are hereby approved. The Mayor and/or City Administrator are authorized to sign any documents necessary to complete this transaction.

Mayor Ron Counts

ATTEST:

City Clerk Tammi Casey

Date: _____

COST ESTIMATE PROPOSAL

City of Arnold

MO

October 2nd, 2019

| | DESCRIPTION | QTY | UNIT PRICE | EXTENDED PRICE |
|-------------|---|------------|-------------------|--------------------|
| I. | NEW ATI SOFTWARE - MASSALERT | | | |
| | A. Software Package - Two way communication alarm software platform with graphics screen for control and monitoring. Allows additional CCUs on a system and monitors field sensors. Uses enhanced graphics and incorporates customized map such as Google Earth, GeoBase, or AutoCad similar format showing the basic facility and transportation layers. Identifies and communicates with all outside devices to include HPSS, RTU, ISU, OSU, etc... Provides over 130 configurable events. | LOT | | \$4,803.00 |
| | B. Computer Station - Includes standard Computer, standard 19" monitor, keyboard, mouse, up to date Operating System, Ink Jet Printer, Serial Port and RS232 Cables, and multi-strip power outlet. | 1 | \$1,089.00 | \$1,089.00 |
| II. | SYSTEM ENGINEERING, TESTING AND INTEGRATION FOR THE NEW SOFTWARE | | | |
| | A. System Firmware Engineering. B. System Software Testing. | LOT | | \$10,000.00 |
| III. | START-UP ASSISTANCE AND TRAINING | | | |
| | A. Start-up Assistance (On-Site) \$1,000.00/day * | 3 | \$1,000.00 | \$3,000.00 |
| | B. Operator Training (On-Site) | | | |
| | C. Maintenance Training (On-Site) | | | |
| | NOTE: Airfare, travel and living expenses are included. | | | \$1,950.00 |
| | PROJECT TOTAL | | | \$20,842.00 |

NOTES:

- 1 Shipping and Handling to be charged to customer, Shipping F.O.B. Boston, MA; pre-paid and added to invoice, or freight collect.
- 2 Terms: Net 30 Days from the receipt of an invoice.
- 3 Pricing is valid for 90 days.



7280 Old State Route 21
 Barnhart, MO 63012
 POB 1003, Hillsboro, MO 63050
 M:314.605.7021 | O:636.789.9999
 darick.harvey@ssrf.com

City of Arnold, MO
 Full System Maintenance and Upgrade rev2
 Attention To: Deion Christopher

Quotation

QQ191003DH1
 Expires: 1/1/2020

This quote is for labor, travel, and equipment cost for Second Sight Systems to do a full system maintenance for the ATI Emergency Notification System in Arnold, MO. This work will require the rental of a large bucket truck in order to reach to siren speakers at each of the remote locations. This maintenance will include replacing every bad speaker drivers at all 7 siren locations, as well as replacing te old ACB boards with the newly purchased ones.

| Line | Model | Description | Lead | Qty | Unit | Unit Price | Ext Price | |
|------|-------|--|------|-----|------|------------|----------------------|--------------|
| | | Materials | | | | | | |
| 1 | | New ACB Boards | | 7 | ea | \$1,221.48 | \$8,550.36 | |
| 2 | | 100W Drivers | | 24 | ea | \$273.00 | \$6,552.00 | |
| | | Installation | | | | | | |
| 3 | | Technician on-site labor | | 32 | hr | \$110.00 | \$3,520.00 | |
| 4 | | Bucket truck rental | | 2 | day | \$500.00 | \$1,000.00 | |
| | | | | | | Subtotal | \$19,622.36 | |
| | | Sales Tax - For exemption, tax exempt certificate must be filed with SSS | | TBD | % | | | |
| | | Shipping and Handling | | 1 | ea | TBD | | |
| | | | | | | | Payment Terms | Total |
| | | | | | | | Net 30 Days | TBD |

Unless otherwise stated quotation is valid for 30 days with the exception of cost increases from manufacturers. Quoted price may vary from invoice total due to application of shipping & handling charges, sales tax, and other charges "To Be Determined" (TBD).



CITY COUNCIL AGENDA ITEM STAFF REPORT

| | |
|--------------------------|---|
| MEETING DATE: | October 17, 2019 |
| TITLE: | 2019-35 CarX: A request for approval of a Conditional Use Permit for an automotive repair shop at 1427 Jeffco Blvd. |
| DEPARTMENT: | Community Development |
| PROJECT MANAGER: | Sarah Turner, Community Development Planner |
| REQUESTED ACTION: | No Action, Conditional Use Permit stands approved |
| ATTACHMENTS: | (1) Conditional Use Permit Document (C.U.P. 2019-35) |

EXECUTIVE SUMMARY:

The purpose of the requested Conditional Use Permit is to allow for the operation of an automotive repair shop. This request is contingent upon (i) the successful adoption of City-initiated text amendment 2019-38 related to minimum parking requirements of motor vehicle related uses and (ii) the successful approval of a variance to various setback requirements, per the first condition of use in the attached document. The proposed use is consistent with the Comprehensive Plan.

REVIEW & ANALYSIS:

At its October 8, 2019 meeting, the Planning Commission was presented with the Staff Report for this Conditional Use Permit request and opened the public hearing. The focus of the presentation was on the history and existing condition of the site, which is not proposed to change drastically beyond the modification of the parking striping and the addition of a trash enclosure. Ten (10) conditions of use were recommended by Staff to mitigate any impacts on the public health, safety, and general welfare of the City.

Staff found that this request satisfied the three review criteria for Conditional Use Permits: (i) consistent with good planning practice, (ii) compatible with permitted development and uses in surrounding area, and (iii) an essential or desirable addition to the City.

RECOMMENDATION:

On October 8, 2019, the Planning Commission, by a vote of 7 to 1, voted to recommend approval of the rezoning subject to the conditions of use contained in the attached Conditional Use Permit Document.

CONDITIONAL USE PERMIT 2019-35

WHEREAS, Kent Childs has requested a Conditional Use Permit to allow for the operation of an automotive repair shop at 1427 Jeffco Blvd.

WHEREAS, the Planning Commission has held a Public Hearing pursuant to the laws of the City of Arnold, and

WHEREAS, on October 17 2019, the City Council found the proposed land use not detrimental to the surrounding land uses.

NOW THEREFORE, the City Council hereby issues a Conditional Use Permit to operate an automotive repair shop at 1427 Jeffco Blvd.

This Conditional Use Permit shall be identified as C.U.P. 2019-35 and shall be developed in general conformance with City of Arnold Ordinances and with the following ten (10) conditions:

1. This Conditional Use Permit is null and void unless both of the following criteria are met:
 - a. The applicant successfully securing all required variances from the Board of Adjustment.
 - b. The successful modification of Chapter 405, Zoning, as it relates to minimum parking requirements of general automotive repair uses.
2. The rear access driveway and rear parking lot is restricted to employees only. Appropriate signage and mirrors shall be installed to ensure employee use and safety when using the rear access driveway, as directed by the Community Development Department.
3. Any vehicles used in the operation of this use or stored on the premises shall be stored in the rear parking lot.
4. The six (6) front parking spaces shall be reserved for customer use. All serviced vehicles shall be parked in the rear parking lot and retrieved by employees, unless the customer is present for immediate pick-up.
5. Any parking spaces in excess of the minimum requirement that have non-standard dimensions must have a sign installed to mark the space as compact.
6. No vehicle shall be left unattended in any drive aisle.
7. Plant material along the rear access drive aisle shall be properly maintained.
8. All work and storage of materials must be within the building.
9. Conditional Use Permit, Business License, and Occupancy Permit may be revoked if any nuisance is not mitigated to satisfaction of the City.
10. Approval for Conditional Use Permit does not supersede other local, state, or federal requirements.

Signatures on next page.

Andrew Sutton
Planning Commission Chairman

Date

Before me personally appeared Andrew Sutton known to be the Chairman of the Planning Commission for the City of Arnold, who executed the same on the City of Arnold's behalf.

Notary

Date



CITY COUNCIL AGENDA ITEM STAFF REPORT

| | |
|--------------------------|---|
| MEETING DATE: | October 17, 2019 |
| TITLE: | 2019-37 Vapor Maven: A request for approval of a Conditional Use Permit for a Tobacco, Nicotine, and Other Legal Substance Establishment at 1783 Jeffco Blvd. |
| DEPARTMENT: | Community Development |
| PROJECT MANAGER: | Christie Hull-Bettale, Community Development Engineer |
| REQUESTED ACTION: | Review and action |
| ATTACHMENTS: | (1) CUP 2019-37 (Revised) (2) Staff Report to Planning Commission (3) Draft Meeting Minutes |

EXECUTIVE SUMMARY:

The purpose of the requested Conditional Use Permit is to allow for the operation of a Tobacco, Nicotine, and Other Legal Substance Establishment (e.g. e-cigarettes, vape, etc.) to be known as *Vapor Maven* at 1783 Jeffco Blvd.

REVIEW & ANALYSIS:

At its October 8, 2019 public hearing, Staff presented its report to the Planning Commission. Included in the report were a number of recommended conditions of approval intended to mitigate identified impacts on the public health, safety, and general welfare of the City, should the Commission act in the affirmative. The applicant presented additional detail with regard to the operation of the establishment. The conditions were revised by the Commission, with the consent of the applicant, to limit hours of operation. No members of the public spoke during the hearing.

RECOMMENDATION:

On October 8, 2019, the Planning Commission, by a vote of 4 to 4, failed to make a recommendation of approval or denial. Therefore, the CUP has been forward to the City Council for its review and action. The conditions of use recommended by Staff, as revised by the Commission, have been provided to the Council should they act to approve the Conditional Use Permit.

CONDITIONAL USE PERMIT 2019-37

WHEREAS, Vapor Maven MO, LLC, has requested a Conditional Use Permit to operate a retail business to sell e-cigarettes, vapor products and other legal substances at 1783 Jeffco Blvd., Arnold, MO 63010.

WHEREAS, the Planning Commission has held a Public Hearing pursuant to the laws of the City of Arnold, and

WHEREAS, on October 17, 2019 the City Council found the proposed land use not detrimental to the surrounding land uses.

NOW THEREFORE, the City Council hereby issues a Conditional Use Permit to operate a retail business to sell e-cigarettes, vapor products and other legal substances at 1783 Jeffco Blvd., Arnold, MO 63010.

This Conditional Use Permit shall be identified as C.U.P. 2019-37 and shall be developed in general conformance with City of Arnold Ordinances and with the following eight (8) conditions:

1. Hours of operation shall be limited to 9:00 a.m. to 9:00 p.m., Monday thru Saturday and 11:00 a.m. to 7:00 p.m. on Sunday.
2. All business transactions and sampling use of product shall be limited to the interior of premise. Ongoing use in the interior or exterior of the premise shall not be permitted.
3. Minors under the age of 18 shall not be permitted to enter this establishment.
4. The retail sale of Medical Marijuana shall not be authorized by this permit.
5. No items identified as drug paraphernalia in Chapter 215 of the Municipal Code shall be displayed or made for sale at the establishment
6. Landscaping and buffering as delineated on the approved site (landscape) plan dated 9/2000 shall be restored and maintained at the direction of Staff.
7. Approval of this Conditional Use Permit shall not supersede other local, state, or federal requirements.
8. If, after the conditional use permit shall have been granted, it shall appear to the Council that the conditions imposed upon the holder of the conditional use permit, or any other ordinance of the City of Arnold, are being violated by such holder, the Council may hold a hearing and act to revoke this Conditional Use Permit.

Presiding Officer of the City Council

Mayor Ron Counts

Tammi Casey
City Clerk

Date

§ 405.870(A)(2)

Substantial work or construction under a conditional use permit must be commenced within one (1) year, or the permit shall terminate. Conditional use permits shall be for an unlimited period unless a lesser period shall be provided in a particular permit. Upon the expiration of the time limit specified in a particular permit, the property owner may request that the conditional use permit be reviewed by the Planning Commission which body may extend it for an unlimited period or for an additional period of time. This review and extension may take place without a public hearing and forwarding to City Council.



REPORT TO PLANNING COMMISSION

CITY OF ARNOLD

APPLICATION NUMBER: 2019-37

APPLICATION NAME: VAPOR MAVEN

APPLICANT NAME: Vapor Maven MO LLC
1394 West Sunset Ave
Springdale AR 72764

PROPERTY OWNER NAME: Harmander Third
495 Agnes Dr
Springdale AR 72764

APPLICANT'S REQUEST: The applicant is a prospective tenant requesting a Conditional Use Permit to operate a retail business, to sell e-cigarettes, vapor products and other legal substances.

STREET ADDRESS: 1783 Jeffco Blvd.

SITE LOCATION: Arnold City Centre commercial strip, west side of Jeffco Blvd, north of Hickory Square Parkway.

ZONING DISTRICT: "C-3" Commercial

PARCEL ID: 01-9.0-29.0-3-002-039.01

TOTAL SITE AREA: 2.11 acres

MEETING DATE: October 8, 2019

REPORT DATE: October 1, 2019

CASE MANAGER: Christie Hull Bettale

RECOMMENDATION: APPROVAL with CONDITIONS



REPORT TO PLANNING COMMISSION

CITY OF ARNOLD

DESCRIPTION OF EXISTING SITE CONDITIONS

The 2.11 acre parcel known as Arnold City Centre is commercial strip building, located on the west side of Jeffco Blvd, north of Hickory Square Parkway. The property is zoned "C-3" Commercial and the lot is fully developed. The retail strip, presently contains a variety of service-based businesses and limited retail. However, there are two other smaller strips directly to the south contain retail businesses. The property is accessed by Jeffco Blvd.

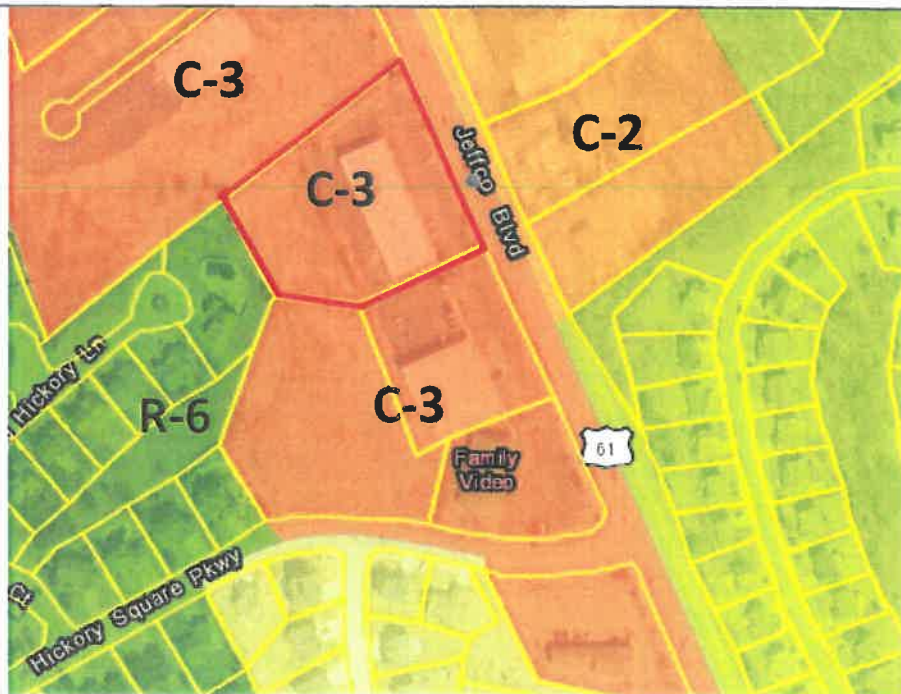
SITE HISTORY

City Centre is a commercial a center; this parcel along with 3 others lots are part of the Hickory Square Commercial Subdivision that was platted in 1997 and subsequently built. The tenant space at 1783 Jeffco Blvd, in City Centre is currently vacant.

LAND USE AND ZONING CONTEXT MATRIX

| DIRECTION | EXISTING LAND USE | ZONING DISTRICT | COMMENTS |
|-----------|-------------------------|-----------------|--|
| North | Commercial; Other | C-3 | The Eagles |
| East | Across Jeffco Blvd | C-2 | Mixed commercial, mainly service related |
| South | Commercial | C-3 | Commercial, retail Jeffco Auto Parts |
| West | Commercial; Residential | R-6 | Single-family dwellings |

ZONING MAP



REPORT TO PLANNING COMMISSION

CITY OF ARNOLD



ZONING REQUEST/DEVELOPMENT PROPOSAL

The applicant is a prospective tenant requesting a Conditional Use Permit to operate a retail business, to sell e-cigarettes, vapor products and other legal substances at 1783 Jeffco Blvd in City Centre. The applicant's intention is to operate a "Tobacco, Nicotine, and Other Legal Substance Establishment".

COMPREHENSIVE PLAN CONSISTENCY REVIEW

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

GOALS, OBJECTIVES, AND POLICIES:

LAND USE 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.

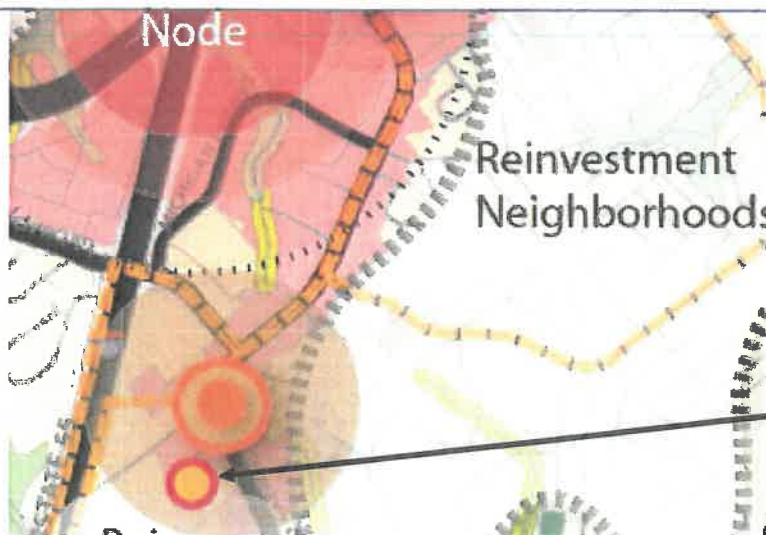
ECONOMIC DEVELOPMENT POLICY 4.3.2: THE SIZE AND SCALE OF USES WITHIN DISTRICTS SHOULD VARY, BUT NEW DEVELOPMENT SHOULD BE ENCOURAGED TO LOCATE AND DESIGN BUILDINGS THAT PROVIDE PEDESTRIAN-ORIENTED SITE DESIGN, AND CONVENIENT, SAFE, AND ATTRACTIVE PARKING.

CITY PLANNER'S COMMENTS

Policies LU-9, LU-9.1, and ED-4.3.2 are substantially satisfied as follows:

Substantially Satisfied: The proposed Conditional Use Permit would allow for "Tobacco, Nicotine, and Other Legal Substance Establishment" (retail) in a commercial development known as City Centre. The strip is buffered (partially) to the residential (behind), and the proposed use has potential to be a desirable to have in walking distance to residences.

ZONING AND FUTURE LAND USE MAP:



Substantially Satisfied: The proposed conditional use aligns with the FLUM designation for the property near neighborhood retail node.





REPORT TO PLANNING COMMISSION

CITY OF ARNOLD

BACKGROUND

The property is fully developed building and parking lot. The property is zoned C-3 Commercial, which allows for a retail "Tobacco, Nicotine, and Other Legal Substance Establishment" on a conditional basis. The tenant space shares a parking lot with other retailers in the strip center and has cross access with the neighboring retail which is accessed by Jeffco Blvd.

USE STANDARDS AND PLANNING AND ZONING ANALYSIS

The applicant seeks a Conditional Use Permit to open a Retail Shop; to operate a retail business, to sell e-cigarettes, vapor products and other legal substances. The proposal includes occupying the existing vacant retail space.

When reviewing specifically "Tobacco, Nicotine, and Other Legal Substance Establishments"; they shall meet the following use standards in order to operate:

1. No tobacco, nicotine, and other legal substance establishment shall be located on a parcel, which is within one thousand (1,000) feet of another tobacco, nicotine, and other legal substance establishment is located, including such establishments located outside of the City limits.
2. No tobacco, nicotine, and other legal substance establishment shall be operated or maintained within two hundred fifty (250) feet of primary or secondary schools, residentially zoned districts or any public park.

The proposed location meets the use standards as outlined above.

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

CONSISTENT WITH GOOD PLANNING PRACTICE

The applicant's proposed business fits the Code's definition of a "Tobacco, Nicotine, and Other Legal Substance Establishment". The applicant's proposed retail store is located within a C-3 Commercial District, which allows for "Tobacco, Nicotine, and Other Legal Substance Establishment" on a conditional basis. In the Future Land Use Map from Arnold's Comprehensive Plan, this area is near the designated as neighborhood retail node. The goals, objectives, and policies of the Zoning Code Ordinance and the Comprehensive Plan are substantially met with this proposal.

DETRIMENT TO PERMITTED DEVELOPMENT AND USES WITHIN THE DISTRICT

The proposed use is a walk-in retail space at 1783 Jeffco Blvd. It should be noted that the primary business type in the building is service, with retail provided in neighboring parcels. At this time; however, the lot is satisfactory for the applicant's proposal due to its size and the number of vacant retail spaces in the strip centers. With no substantially adverse parking

REPORT TO PLANNING COMMISSION

CITY OF ARNOLD



PLANNING AND ZONING ANALYSIS - CONTINUED

impacts or unique circumstances. As proposed, the retail it can be operated in a manner that is not detrimental to permitted developments and uses in the district, given conditions of use are sustained.

VISUAL COMPATIBILITY WITH PERMITTED DEVELOPMENT AND USES IN SURROUNDING AREA

The proposed retail shop would be in City Centre, a single story commercial strip shopping center. Figure 1 is an image from Google Streetview, showing the retail strip with the location of the proposed use outlined in red. The property is in a commercial center and the use will not affect the aesthetics of the center beyond a new signs. The applicant's narrative discusses their plans to keep all signage consistent with other tenants. Further, they do not deal with hazardous material, and any e-liquid disposal is sent to their disposal center. When considering visual compatibility, aesthetics of the building along with overall site landscaping and buffering is considered and reviewed. The City Centre development plan (9/2000) shows and city zoning code requires a 15 ft wide buffer on commercial property adjacent to residential. The existing parcel has remnants of this buffer, along with missing landscape along the building needs to be replanted. Excerpt of the plan is included in the attachments of this report. Staff has recommended this landscape as a condition of use. As such, the proposed use meets the requirement for the use to remain visually compatible with permitted development and uses in the surrounding area, given conditions of use are sustained.

ESSENTIALNESS OR DESIRABILITY TO THE CITY

The proposed use specifically, the retail of "Tobacco, Nicotine, and Other Legal Substance Establishment" is not essential to the City of Arnold nor does it promote public health, safety, and general welfare. One could deduce that it is desirable to the community to fill a tenant retail space that has been vacant for years.

FIGURE 1: PROPOSED SITE, STREETVIEW





REPORT TO PLANNING COMMISSION

CITY OF ARNOLD

FINDINGS AND RECOMMENDATION

CONSISTENT WITH GOOD PLANNING PRACTICE

Staff finds that the proposed use as a Vapor Maven Bar is substantially consistent with good planning practice .

DETRIMENT TO PERMITTED DEVELOPMENT AND USES WITHIN THE DISTRICT

Staff finds that the proposed use can be developed or operated in a manner that is not substantially detrimental to the permitted developments or uses within the district.

COMPATIBLE WITH PERMITTED DEVELOPMENT AND USES IN SURROUNDING AREA

Staff finds that the proposed use can be developed or operated in a manner that is substantially visually compatible with the permitted development and uses in the surrounding area.

ESSENTIALNESS OR DESIRABILITY TO THE CITY

Staff finds that the proposed use is not substantially essential or desirable to preserve and promote the public health, safety, and general welfare to the City of Arnold; however, one could deduce it is desirable to the community to fill a tenant retail space that has been vacant for many years.

RECOMMENDATION

Staff finds that the proposed Conditional Use Permit meets the review criteria and is in compliance with the Zoning Ordinance and Comprehensive Plan. Based on this finding, Staff requests consideration of the application. Should this request be approved, the Conditions of Use identified in attachments apply.

A handwritten signature in cursive script that reads "Christie Hull Bettale".

Christie Hull Bettale, EIT
Community Development Engineer



ATTACHMENTS

SUPPLEMENTAL LETTERS, MAPS, PLANS, ETC.



REPORT TO PLANNING COMMISSION

CITY OF ARNOLD

CONDITIONS

1. Hours of operation shall be limited to __AM to __PM
2. All business transactions and sampling use of product shall be limited to the interior of premise. Ongoing use interior or exterior of the premise shall not be permitted.
3. Minors under the age of 18 shall not be permitted to enter this establishment.
4. The retail sale of Medical Marijuana shall not be authorized by this permit.
5. No items identified as drug paraphernalia in Chapter 215 of the Municipal Code shall be displayed or made for sale at the establishment
6. Landscaping and buffering as delineated on the approved site (landscape) plan dated 9/2000 shall be restored and maintained at the direction of Staff.
7. Approval of this Conditional Use Permit shall not supersede other local, state, or federal requirements.
8. If, after the conditional use permit shall have been granted, it shall appear to the Council that the conditions imposed upon the holder of the conditional use permit, or any other ordinance of the City of Arnold, are being violated by such holder, the Council may hold a hearing and act to revoke the this Conditional Use Permit.

EXHIBIT A: STAFF RECOMMENDED CONDITIONS OF USE

REPORT TO PLANNING COMMISSION
CITY OF ARNOLD

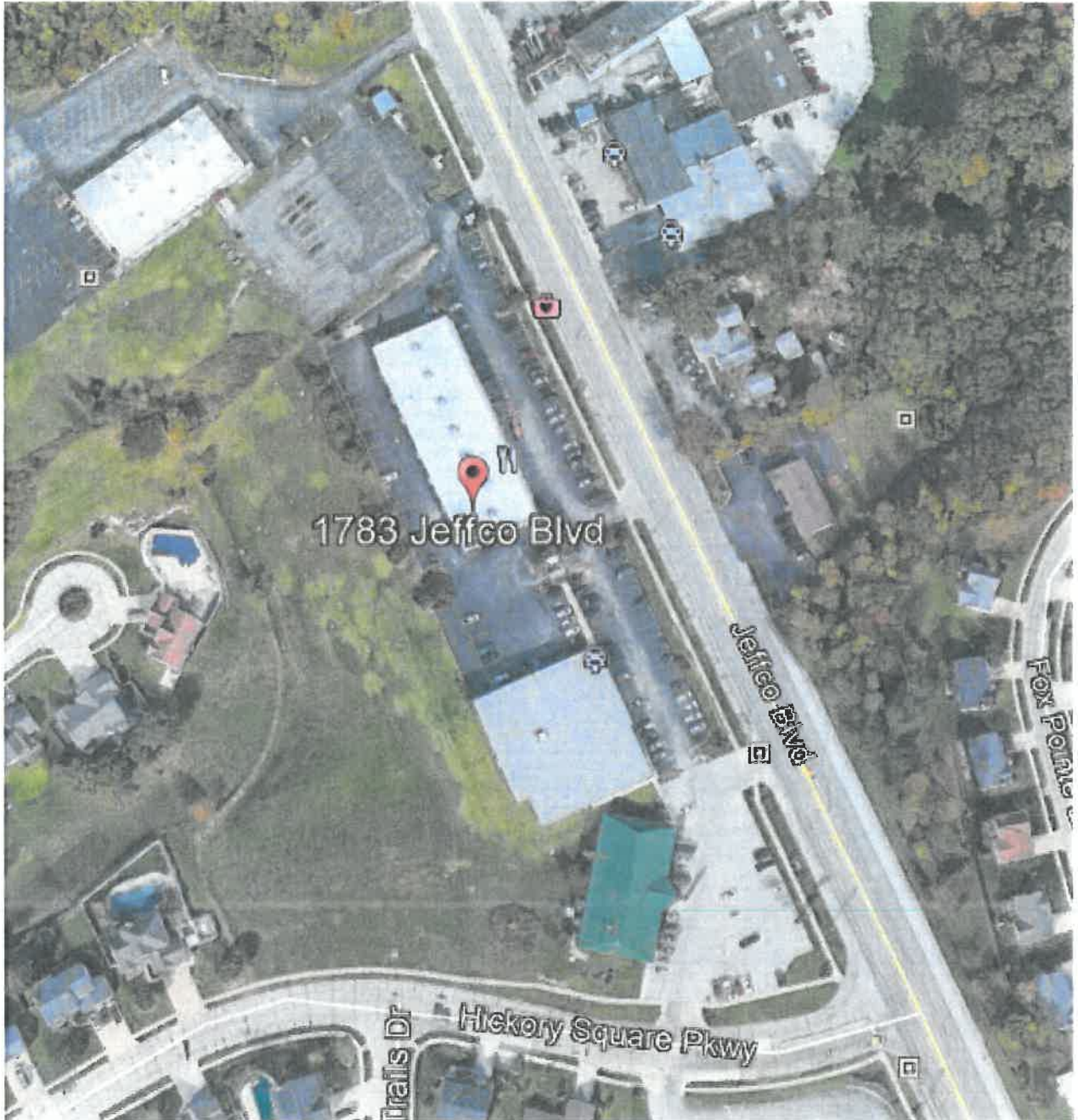


EXHIBIT A: SATELLITE IMAGE OF PROPOSED LOCATION

2019-371 CONDITIONAL USE PERMIT APPLICATION



REPORT TO PLANNING COMMISSION

CITY OF ARNOLD

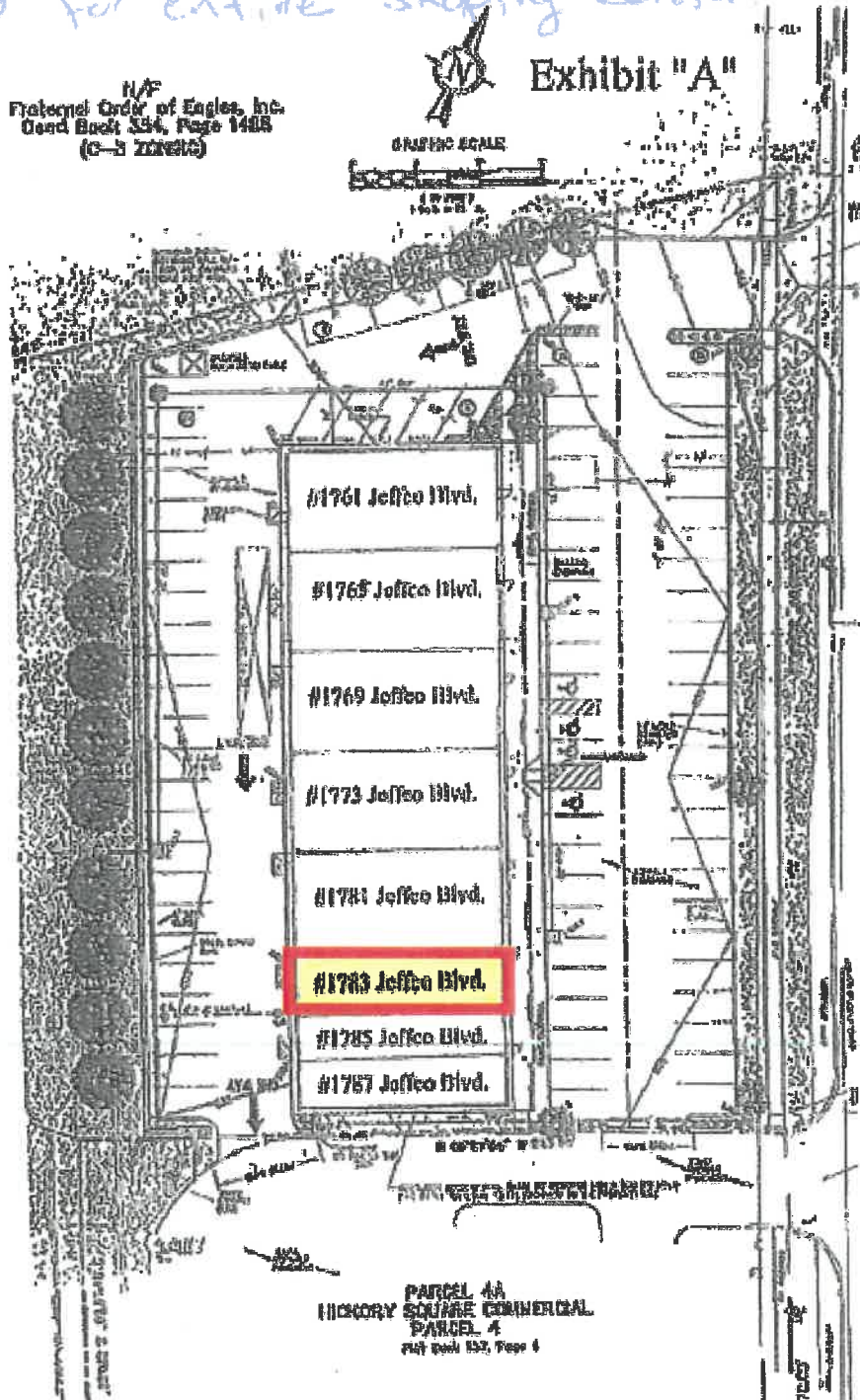
10 parking spots per building
4 handicap for entire shopping center

N/A
Fraternal Order of Eagles, Inc.
Grand Book 334, Page 140B
(C-3 zoning)



Exhibit "A"

GRAPHIC SCALE



PARCEL 4A
HICKORY SQUARE COMMERCIAL
PARCEL 4
747 Book 152, Page 4

EXHIBIT B: SURVEY WITH PROPOSED LOCATION



REPORT TO PLANNING COMMISSION

CITY OF ARNOLD

September 10, 2019



VAPOR MAVEN MO LLC

495 Agnes Dr, Springdale, AR 72762 Phone:(479)317-2040 Fax: (479)756-2490

To whom it may concern:

In reference to our development plans, we will not be modifying the integrity of the structure. We will only be adding slat wall shelves and display cases for our products. The only visual change we will be the business sign in the front of the building. We have attached a sample of the sign for your review. In our type of business, we do not handle, distribute, or dispose of any hazardous material that can lead to the public health in any form. Any E-Liquids we dispose of, we send back to our Corporate Headquarters in Springdale, Arkansas to be disposed of properly.

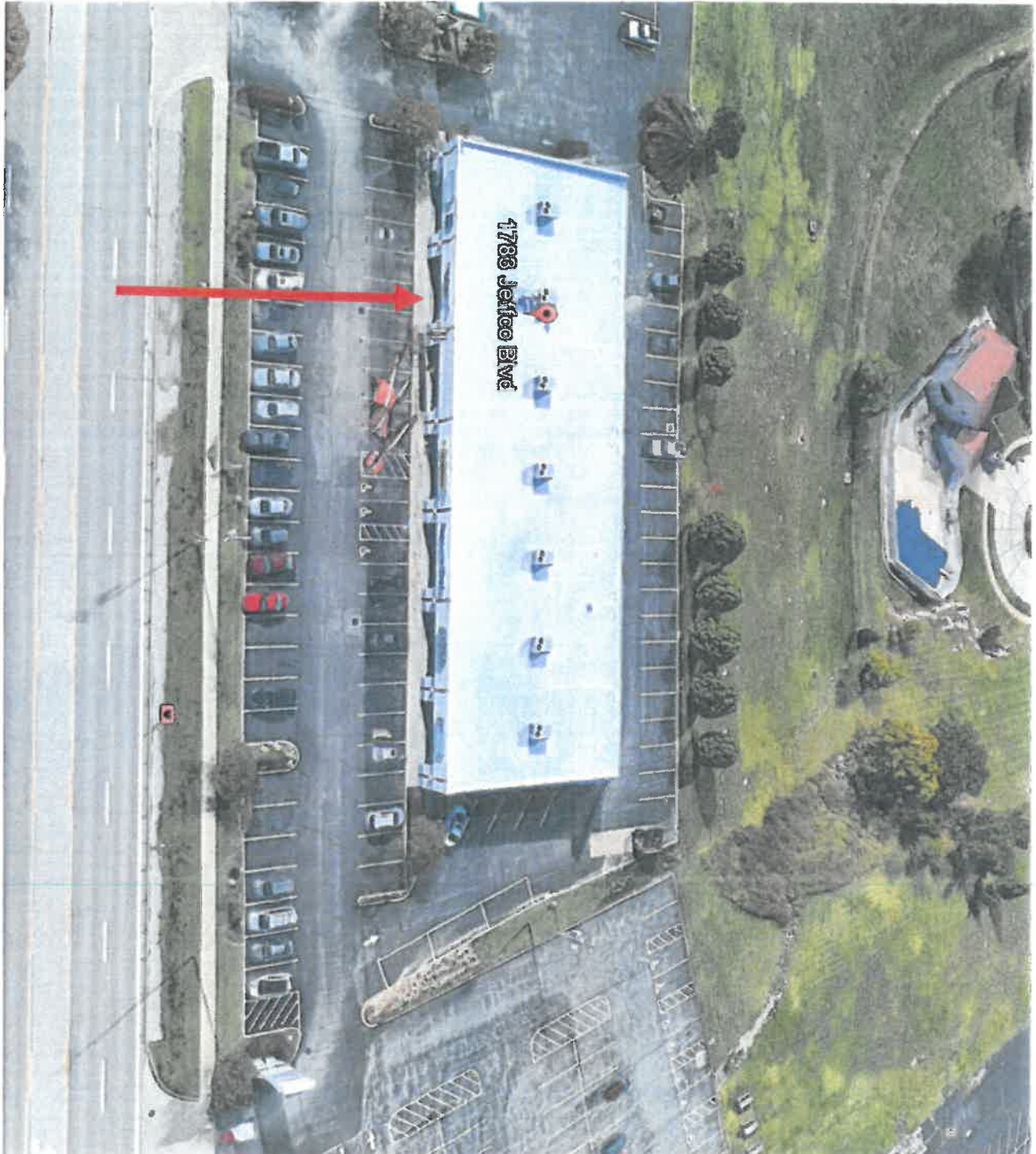
Thank you for your time,

Omar Viveros

APPLICANT NARRATIVE

Vapor Maven

REPORT TO PLANNING COMMISSION
CITY OF ARNOLD



3D VIEW OF PROPOSED LOCATION AND SURROUNDING PROPERTIES

2019-371 CONDITIONAL USE PERMIT APPLICATION



REPORT TO PLANNING COMMISSION
CITY OF ARNOLD



**VAPOR MAVEN—3617 S Noland Rd,
Independence, MO 64055**

Proposed "VAPOR MAVEN" new sign locations; wall sign at retail front and new face on the commercial center sign.



VISUALLY COMPATIBLE

Vapor Maven

b. **2019-35 CarX:** Motion by Jeff Campbell to approve 2019-35, Conditional Use Permit to allow for a general automotive repair business with the following 10 conditions:

1. This Conditional Use Permit is null and void unless both of the following criteria are met:
 - c. The applicant successfully securing all required variances from the Board of Adjustment.
 - d. The successful modification of Chapter 405, Zoning, as it relates to minimum parking requirements of general automotive repair uses.
2. The rear access driveway and rear parking lot is restricted to employees only. Appropriate signage and mirrors shall be installed to ensure employee use and safety when using the rear access driveway, as directed by the Community Development Department.
3. Any vehicles used in the operation of this use or stored on the premises shall be stored in the rear parking lot.
4. The six (6) front parking spaces shall be reserved for customer use. All serviced vehicles shall be parked in the rear parking lot and retrieved by employees, unless the customer is present for immediate pick-up.
5. Any parking spaces in excess of the minimum requirement that have non-standard dimensions must have a sign installed to mark the space as compact.
6. No vehicle shall be left unattended in any drive aisle.
7. Plant material along the rear access drive aisle shall be properly maintained.
8. All work and storage of materials must be within the building.
9. Conditional Use Permit, Business License, and Occupancy Permit may be revoked if any nuisance is not mitigated to satisfaction of the City.
10. Approval for Conditional Use Permit does not supersede other local, state, or federal requirements

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

c. **2019-37 Vapor Maven:** John Tucker provided articles talking about the health issues regarding vaping. Mr. Tucker is aware that Vapor shops are not illegal but feels they need to consider the community.

Del Williams agrees with Mr. Tucker and would like to vote no but realizes that this is a legitimate business and a legal substance. Voting against this would be a violation of their rights.

Brian McArthur agrees with both statements but cautioned the Commissioners to not make a decision based on what's good for the public. That would be a City Council decision.

John Tucker commented that there are some City Councils that have banned the flavored vapors.

Bob Sweeney commented that based on the Staff report and application, if the Commissioners feel this would be detrimental to the health and welfare of the community, they could vote against it.

Motion by Brian McArthur to approve 2019-37, Conditional Use Permit to operate a retail business to sell e-cigarettes, vapor products and other legal substances with the following 8 conditions:

1. Hours of operation shall be limited to 9:00 a.m. to 9:00 p.m., Monday thru Saturday and 11:00 a.m. to 7:00 p.m. on Sunday.
2. All business transactions and sampling use of product shall be limited to the interior of premise. Ongoing use in the interior or exterior of the premise shall not be permitted.
3. Minors under the age of 18 shall not be permitted to enter this establishment.
4. The retail sale of Medical Marijuana shall not be authorized by this permit.
5. No items identified as drug paraphernalia in Chapter 215 of the Municipal Code shall be displayed or made for sale at the establishment
6. Landscaping and buffering as delineated on the approved site (landscape) plan dated 9/2000 shall be restored and maintained at the direction of Staff.
7. Approval of this Conditional Use Permit shall not supersede other local, state, or federal requirements.
8. If, after the conditional use permit shall have been granted, it shall appear to the Council that the conditions imposed upon the holder of the conditional use permit, or any other ordinance of the City of Arnold, are being violated by such holder, the Council may hold a hearing and act to revoke this Conditional Use Permit.

Corey Strutten, 495 Agnes Dr., Springdale, AR, representing Vapor Maven introduced himself.

Brian McArthur referred to condition #5 and questioned what is considered drug paraphernalia. David Bookless stated that any item knowingly being used or sold for for drug use is considered drug paraphernalia by state statute.

- d. **2019-36 Old Highway 9:** Christie Hull-Bettale presented the request for the release of an existing right of way easement for a previously abandoned road known as Old Highway 9. Staff recommends approval of easement vacation request subject to the following conditions:
 1. Label the property line in-between 1905 and 1895 Richardson Rd.
 2. After City approval, it is the responsibility of the applicant to record the exhibit with Jefferson County Recorder of Deeds and provide 2 recorded copies to the City of Arnold.
 3. Future easements may be granted via separate plat to meet the needs of City or Utilities.

Lenny Meers with Grimes Consulting Engineers, 12300 Old Tesson Rd., introduced himself.

OLD BUSINESS: None

NEW BUSINESS:

- a. **2019-38 Commercial Use Parking:** Motion by Jeff Campbell to approve 2019-38, a City-initiated request to amend Chapter 405 Zoning of the Code of Ordinances to modify minimum parking requirements for various motor vehicle repair-related uses. Second by Chris Ford. Roll call vote: Chris Ford, yes; Brian McArthur, yes; Alan Bess, yes; John Tucker, yes; Jeff Campbell, yes; Del Williams, yes; Andrew Sutton, yes; Phil Hogan, yes. 8 yeas, 0 nays – **Motion Approved.**