



# REPORT TO PLANNING COMMISSION

## CITY OF ARNOLD

**APPLICATION NUMBER:** 2019-35

**APPLICATION NAME:** CARX

**APPLICANT NAME:** Kent Childs  
15 Forest Ridge  
Springfield, IL

**PROPERTY OWNER NAME:** McGoff Muffler Shops Inc.  
1427 Jeffco Blvd.  
Arnold, MO 63010

**APPLICANT'S REQUEST:** The applicant is requesting a Conditional Use Permit to allow for a general automotive repair business.

**STREET ADDRESS:** 1427 Jeffco Blvd.

**SITE LOCATION:** Immediately west of intersection of Jeffco Blvd and Arnold Tenbrook Rd, on Jeffco Blvd.

**ZONING DISTRICT:** "C-3" Commercial

**PARCEL ID:** 01-9.0-29.0-2-002-063

**TOTAL SITE AREA:** 0.82 acres

**MEETING DATE:** October 8, 2019

**REPORT DATE:** October 1, 2019

**CASE MANAGER:** Sarah Turner

**RECOMMENDATION:** **APPROVAL WITH CONDITIONS**





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### DESCRIPTION OF EXISTING SITE CONDITIONS

The 0.82 acre parcel is immediately west of the intersection of Jeffco Blvd and Arnold Tenbrook Rd, on Jeffco Blvd. The property is zoned "C-3" Commercial and is mostly developed with a former 6-bay motor vehicle repair shop and parking lot. The undeveloped portion of the property is a wooded slope in the rear. The property is accessed from Jeffco Blvd.

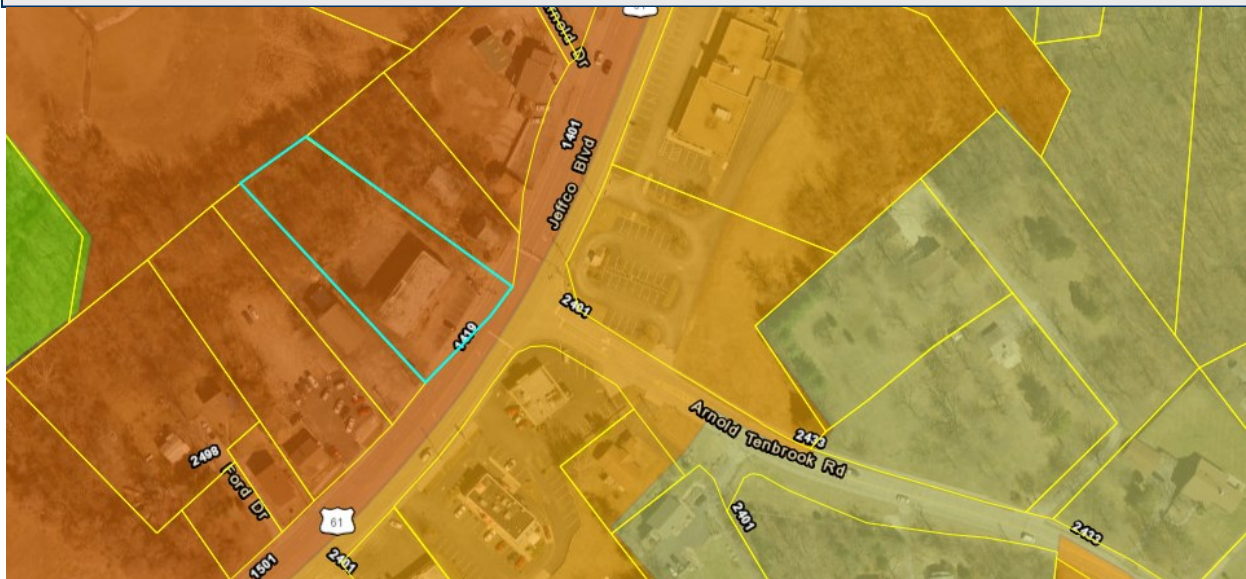
### SITE HISTORY

This site was developed in 1979 as a motor vehicle repair shop, which was owned and operated by McGoff Muffler Shop. The building itself has not changed since its construction. In the mid-1990s, Jeffco Blvd was widened from 3 lanes to 5 lanes, which removed some of the paved area from the front of the property. Midas took over the operation of the shop in 2007. Midas ceased operations in January of 2019.

### LAND USE AND ZONING CONTEXT MATRIX

DIRECTION	EXISTING LAND USE	ZONING DISTRICT	COMMENTS
North	Commercial	C-3	Mixed commercial
East	Commercial	C-2	Jeffco Blvd, Mixed commercial
South	Commercial	C-2; C-3	Mixed commercial; Jeffco Blvd
West	Commercial	C-3	Undeveloped land (Walmart); Mixed commercial

### ZONING MAP



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### ZONING REQUEST/DEVELOPMENT PROPOSAL

The applicant is requesting a Conditional Use Permit to operate a general automotive repair shop at 1427 Jeffco Blvd.

### COMPREHENSIVE PLAN CONSISTENCY REVIEW

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

#### GOALS, OBJECTIVES, AND POLICIES:

**ECONOMIC DEVELOPMENT POLICY 4.3.1:** DISTRICTS ARE BEST SUITED IN AREAS WHERE THERE IS EXISTING ZONING FOR IT AND WHERE THERE IS OR SHOULD BE ADEQUATE INFRASTRUCTURE TO SUPPORT IT.

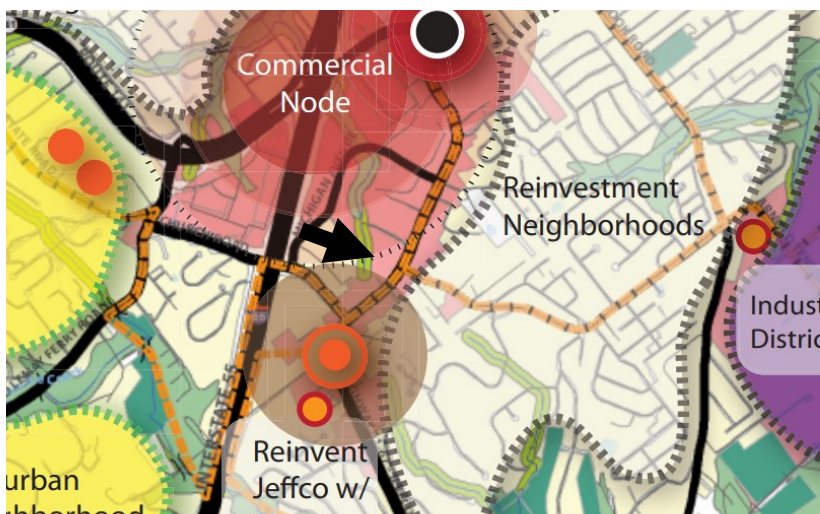
**ECONOMIC DEVELOPMENT POLICY 4.3.4:** DIRECT THE CLUSTERING OF DISTRICT USES TOWARD STRATEGIC INTERSECTIONS, CORRIDORS, AND AREAS ADJACENT TO COMPATIBLE USES.

#### CITY PLANNER'S COMMENTS

*ED Policies 4.3.1 and 4.3.4 are satisfied as follows:*

Substantially Satisfied: This proposed Conditional Use Permit would allow for the use as a general automotive repair shop to continue in conformance with the Zoning Ordinance. There have not been reports of negative impacts on surrounding areas due to the former automotive repair shops at this site.

#### FUTURE LAND USE MAP:



Substantially Satisfied: The proposed conditional use aligns with the FLUM designation for the property as commercial.



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### BACKGROUND

The subject property was developed as a general automotive repair shop in 1979. Two separate parties—McGoff Muffler Shop and Midas Muffler Shop—have operated similar businesses at 1427 Jeffco Blvd from its development until 2019. The property is zoned C-2 Commercial, which allows for “auto repair” on a conditional basis.

Kent Childs, the applicant, previously operated the Midas Muffler Shop at this location and is the current leaseholder. On February 4th 2019, the building at 1427 Jeffco Blvd was marked as temporarily closed and operations were no longer taking place. On April 5th 2019, 60 days after the City was first notified, the use lost its non-conforming status. Mr. Childs is seeking to sublease the property to other general auto repair shops, more specifically CarX. To allow for the continuation of this use, Mr. Childs submitted an application for a Conditional Use Permit in September 2019.

In addition to this request for a Conditional Use Permit, there are two other applications that pertain to this property. The first application is a request for a Variance to the building, parking, and freestanding sign setbacks by Mr. Childs, as the locations of these features are currently encroaching in the front yard/street yard setback. The second application is a City-initiated request to modify the minimum parking requirements for motor vehicle repair commercial uses. Both the variance and the code amendment are necessary for the site to conform to the Code of Ordinances.

### PLANNING AND ZONING ANALYSIS

*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.*

The applicant is requesting a Conditional Use Permit to operate a general automotive repair shop at 1427 Jeffco Blvd.

### CONSISTENT WITH GOOD PLANNING PRACTICE

The subject property is zoned as “C-3” Commercial, which conditionally allows for “auto repair” use. The general automotive repair shop at the subject property had started in 1979 and ceased in 2019, assumedly without any pause in daily operations in-between. 1979 does not predate the City’s Zoning Ordinance (1977), but likely predated any type of strict adherence to the Code. As such, the subject property did not obtain a Conditional Use Permit and had been designated as a non-conforming use. When operations ceased in early 2019, this designation was lost. However, there are other features of this property that do not conform to the Code of Ordinances. These features, such as the site’s various setbacks, access, parking, and enclosures—which will be discussed in detail later in this Report—, also lost their non-

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### PLANNING AND ZONING ANALYSIS - CONTINUED

#### **CONSISTENT WITH GOOD PLANNING PRACTICE—CONT.**

conforming statuses. The Code states [§405.050(A)(2)]:

*It is the intent of this Chapter to permit these non-conformities to continue, except as delineated herein, until they are removed, cease operation, or damaged beyond fifty percent (50%), but not to encourage their survival.*

As the subject property has lost its non-conforming status, it may no longer operate as it did before without first acquiring a Conditional Use Permit and making efforts to address the other non-conforming features.

The subject property is within a “C-3” Commercial District, which allows for “auto repair” with a Conditional Use Permit. In the Future Land Use Map from Arnold’s Comprehensive Plan, this area is designated as commercial. The goals, objectives, and policies of the Zoning Code Ordinance and the Comprehensive plan are met with this proposal, subject to conditions contained in Exhibit A.

#### **DETRIMENT TO PERMITTED DEVELOPMENT AND USES WITHIN THE DISTRICT**

The subject property is adjacent to other non-conforming uses and structures in the “C-3” Commercial District along the Jeffco Blvd corridor. The proposed use is not incompatible with other permitted development and uses within the zoning district and surrounding area, but special care must be taken to ensure that any adverse impacts of the proposed site plan as shown in Exhibit B are properly mitigated. A number of topics that Staff or other reviewing agencies have raised related to possible impacts are discussed in this section. Some issues are further addressed in other applications that are to be reviewed by either the Planning Commission or the Board of Adjustment.

#### **ISSUE 1: SETBACKS**

In the “C-3” Commercial District, the zoning designation of the subject property, there are various setback requirements that the subject property does not meet. As the non-conforming designation was lost, the property must either be brought into compliance with these setback requirements or obtain a variance. The applicant of this Conditional Use Permit proposal has requested a variance from the Board of Adjustment to the following:

- Building setback (existing 39 ft., required 50 ft.) §405.320(A)(5)(e)(2)
- Parking setback (existing 0 ft., required 15 ft.) §405.320(A)(7)(n)
- Freestanding sign setback (existing 0.7 ft., required 10 ft.) §415.140(A)(2)

The hardship claimed by the applicant—and backed up through documentation—is that a front portion of the property was acquired by MoDOT in 1992 to widen Jeffco Blvd from 3 lanes to 5 lanes. This widening created the non-conformity. The Board of Adjustment is the





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### PLANNING AND ZONING ANALYSIS - CONTINUED

#### ISSUE 2: PARKING—CONT.

Beyond the minimum number of spaces being met, there is one other parking-related concern: the non-standard parking space. To allow for the full 24-foot, two-way access aisle between the building and the front parking spaces, the northern-most parking space in the front is not a standard-sized space (10 ft. x 17.7 ft. instead of 10 ft. x 19 ft.). With the code amendment from 2019-38 as written, the site is exceeding the minimum parking requirement by 1 space. The Code allows for excess spaces to be of a compact size (9 ft. x 18 ft.) or *equivalent*. Staff finds this non-standard space acceptable, with the condition that it be appropriately marked as a compact space.

#### ISSUE 3: ACCESS

The subject site has a front parking area, a rear parking area, and a single rear access driveway on the northern side of the property (See Figure 2). There are various access and traffic flow-related issues with this proposal:

- All of the parking spaces shown on the proposed site plan are 90°. The parking dimensions table from the “C-3” Commercial District regulations requires 24-foot aisle width for 90° parking spaces, which is not met on the existing site. The proposed site plan shows the removal of a handful of parking spaces and modified parking striping to allow for 24-foot aisle widths in the front and rear parking areas, which also resulted in the compact space as discussed above.
- Since there is only one internal driveway to access the rear, it should be 24 feet wide to allow for two-way traffic. The site plan shows the rear driveway as approximately half that, around 13 to 15 feet wide. A solution that both the applicant and Staff found agreeable was to recommend various conditions of use that restrict the rear access driveway to employees and require safety measures such as signs and mirrors to give employees a

FIGURE 2: SATELLITE IMAGE OF SITE







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### PLANNING AND ZONING ANALYSIS - CONTINUED

#### ISSUE 3: ACCESS—CONT.

safe driving situation when using the driveway. Staff recommend another condition of use that the trees and other plant material along the rear access driveway be properly maintained or cut back to allow for safe driving conditions.

- The southern-most parking space in the front is oriented in such a way (See Figure 1 on Page 7) to allow for trash pick-up to the dumpster as well as to provide ample space between the parking space and the curb cut to Jeffco Blvd. The issue with this southern-most parking space is that there is a risk of users of the site to park in the adjacent 15.6-foot access aisle. A condition has been included in Exhibit A to prohibit leaving vehicles unattended in any drive aisle on site.

#### ISSUE 4: TRASH ENCLOSURE

In the "C-3" Commercial District, dumpsters are to be: located on site, out of the path of vehicles or pedestrians, and screened by a sight-proof fence. During the previous operation of the subject property, the dumpster was not enclosed and set in the front asphalt parking area (See Figure 3 below). The proposed site plan (Figure 1 on page 7, or in Exhibit B) shows the dumpster and trash enclosure is to be tucked along the southern side of the building, enclosed, and located on a concrete pad. Ameren Missouri notified Staff of a conflict with this proposal, as there are utility services at the location of the trash enclosure. The applicant and Ameren Missouri have resolved this conflict by relocating the utility services.

#### ISSUE 5: LANDSCAPING

The existing site has very little, if any at all, manicured landscaping. There are some trees on the south side of the property near the rear parking lot, a grassy lawn area on top of the retaining wall in the rear, and a line of trees that are along the rear access driveway. The back third of the lot is a natural, wooded area. The proposed site plan does not add or modify any landscaping or other plant materials on the site. It is up to the Planning Commission to determine whether the existing landscaping is sufficient.

**FIGURE 3: 1427 JEFFCO BLVD, SEPTEMBER 2018 STREETVIEW**



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### PLANNING AND ZONING ANALYSIS - CONTINUED

#### DETRIMENT TO PERMITTED DEVELOPMENT AND USES WITHIN THE DISTRICT—CONCLUSION

With the above discussions in mind, Staff finds that there are mitigation strategies available to satisfy the requirement that an automotive repair shop at the subject location can be operated in a manner that is not detrimental to permitted developments and uses within the district, subject to the conditions of use contained in Exhibit A. Reviewing agencies that were not addressed directly in this report either did not respond to the request for comment or did not have any comments.

#### VISUAL COMPATIBILITY WITH PERMITTED DEVELOPMENT AND USES IN SURROUNDING AREA

As an automotive repair shop, the proposed use and business would be very visible from Jeffco Blvd. The use involves customers coming and going, vehicles being brought in to or out of the service bays, which may or may not be open during the service itself depending on weather. However, it should be noted that this type of use and visual impact has been typical of this site for 40 years and there are not any complaints in the City's digital record system. The applicant's narrative (Exhibit D) states, "If approved, CarX will make further improvement [s] inside and outside. [The applicant and CarX] both want the building and the property to be as attractive as possible for all those who drive by and to the customers." Examples of proposed signage for CarX are shown in Figure 4 and in Exhibit C. The proposed CarX signage is consistent with, if not a slight improvement over, the general aesthetics of the former Midas. As such, the proposed use as an automotive repair shop meets the requirement for the use to remain visually compatible with permitted development and uses in the surrounding area.

FIGURE 4: EXISTING MIDAS SIGNAGE (TOP) AND PROPOSED CARX SIGNAGE (BOTTOM)





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### PLANNING AND ZONING ANALYSIS - CONTINUED

#### ESSENTIALNESS OR DESIRABILITY TO THE CITY

The City of Arnold has a fair amount of automotive repair shops, with one or two of them being relatively close to the subject property (i.e., Dobbs). The proposed use is one that previously existed at this location, 1427 Jeffco Blvd, for 40 years as McGoff Muffler Shop and then as Midas Muffler Shop. This Conditional Use Permit request is a part of an effort to allow for that use to continue at the subject property despite the loss of its non-conforming status earlier this year. In the applicant’s narrative, Mr. Childs states: “Automotive repair is important to the safety of the citizen[s] of Arnold and the surrounding communities. As a Midas, it repaired well over 100,000 vehicles in [its] 28 years. CarX is a very well-run company and will do the same.” Staff note that Midas began operations at this location in 2007—which was only 12 years ago—and that the 100,000 vehicles serviced figure would mean that Midas serviced an average of 22 vehicles per day for all 12 of those years. Nevertheless, Staff agree that automotive repair is important service for the residents of Arnold and nearby communities. Keeping cars in operational and safe condition is in the best interest for the public health, safety, and general welfare to the City and meets the review requirement to be an essential or desired addition to the City.

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### FINDINGS AND RECOMMENDATION

#### **CONSISTENT WITH GOOD PLANNING PRACTICE**

Staff finds that the proposed use as an automotive repair shop is deemed consistent with good planning practice, subject to conditions contained in Exhibit A.

#### **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 detrimental to the permitted developments or uses within the district, subject to conditions contained in Exhibit A.

#### **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 visually compatible with the permitted development and uses in the surrounding area, subject to conditions contained in Exhibit A.

#### **ESSENTIALNESS OR DESIRABILITY TO THE CITY**

Staff finds that the proposed use is deemed essential or desirable to preserve and promote the public health, safety, and general welfare to the City of Arnold, subject to conditions contained in Exhibit A.

#### **RECOMMENDATION**

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 conditions contained in Exhibit A. Based on this finding, Staff requests favorable consideration of the application.

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

Sarah Turner  
Community Development Planner



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**REPORT TO PLANNING COMMISSION**  
**CITY OF ARNOLD**

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# ATTACHMENTS

**EXHIBIT A: CONDITIONS OF USE**

**EXHIBIT B: SITE PLAN**

**EXHIBIT C: SIGNAGE**

**EXHIBIT D: APPLICANT NARRATIVE**  
**PHOTOGRAPHS OF SITE**



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### 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.

### EXHIBIT A: STAFF RECOMMENDED CONDITIONS OF USE



# REPORT TO PLANNING COMMISSION

## CITY OF ARNOLD

EXISTING



PROPOSED

### EXHIBIT C: SIGNAGE

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# REPORT TO PLANNING COMMISSION

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## CITY OF ARNOLD

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ARNOLD, MO-Conditional Use Permit Application Information for 1427 Jeffco Blvd

Thank you all for considering this Conditional Use Permit for the Midas building located at 1427 Jeffco Blvd. The building is owned by McGoff Muffler Shops, Inc whom operated this building as a Midas Muffler Shop beginning in 1979. In 2007, they sold the business and leased the building to MAC Associates (Kent Childs) until the business closed in January of 2019. MAC Associates plans to sublease the building to CarX owned by Brex, Inc (John Keeley) assuming a Conditional Use Permit can be obtained.

MAC Associates will complete all necessary repairs and improvement as soon as possible. It is their goal to make sure the property is in good condition. If approved, CarX will make further improvement inside and outside. We both want the building and the property to be as attractive as possible for all those who drive by and to the customers. We are working diligently with Sarah Turner, Christie Hull Bettale, and David Bookless to overcome issues that will make this building acceptable to the City of Arnold.

Automotive repair is important to the safety of the citizen of Arnold and the surrounding communities. As a Midas, it repaired well over 100,000 vehicles in it's 28 years. CarX is a very well-run company and will do the same.

We appreciate your time and your help.

Sincerely,

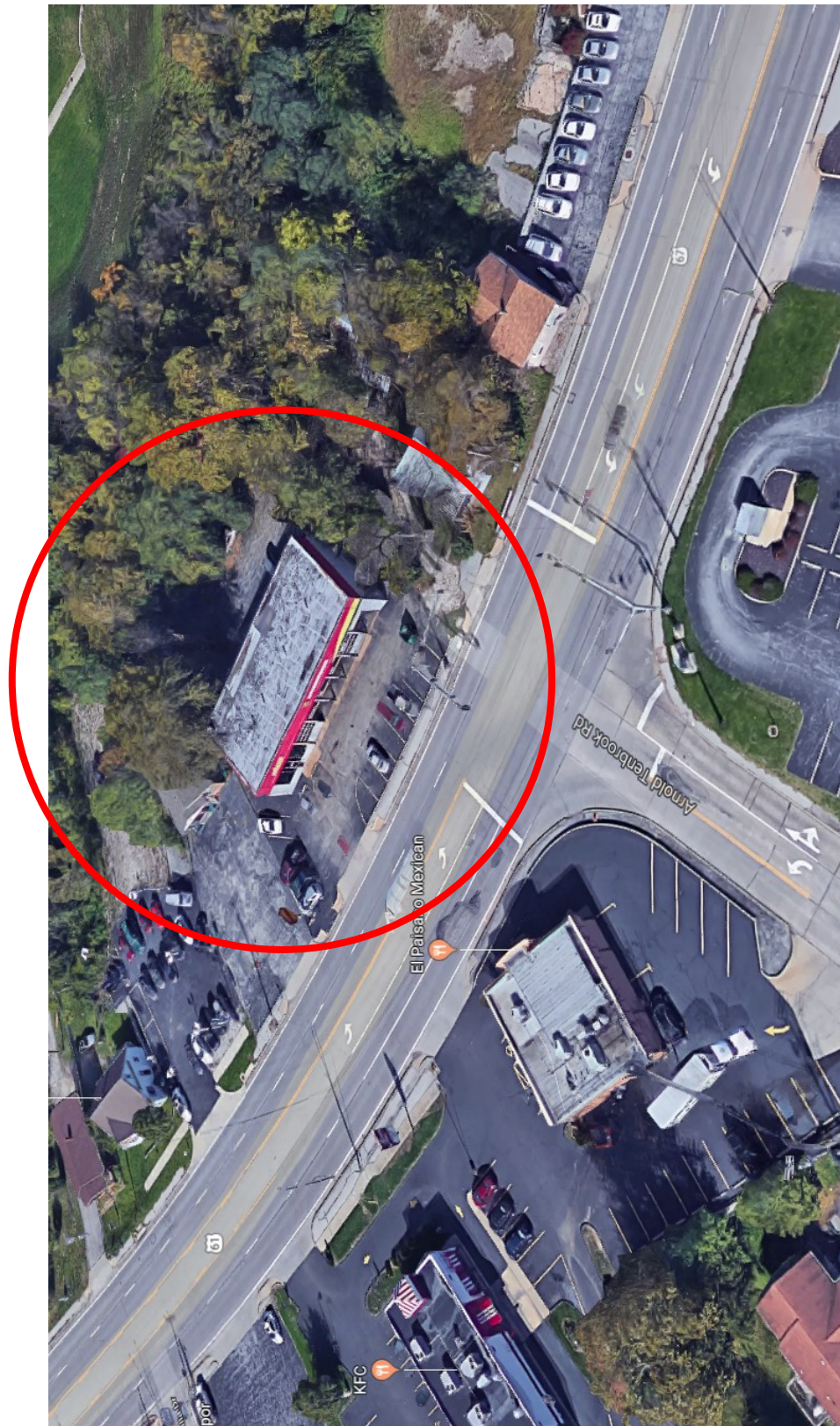
Kent Childs





# REPORT TO PLANNING COMMISSION

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3D VIEW OF EXISTING SITE AND SURROUNDING PROPERTIES, FACING WEST

CarX



**REPORT TO PLANNING COMMISSION**  
**CITY OF ARNOLD**



**GOOGLE STREETVIEW OF SITE, FACING SOUTH (SEPT. 2018)**





# REPORT TO PLANNING COMMISSION

## CITY OF ARNOLD



GOOGLE STREETVIEW OF SITE, FACING NORTH (SEPT. 2018)

CarX