



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.

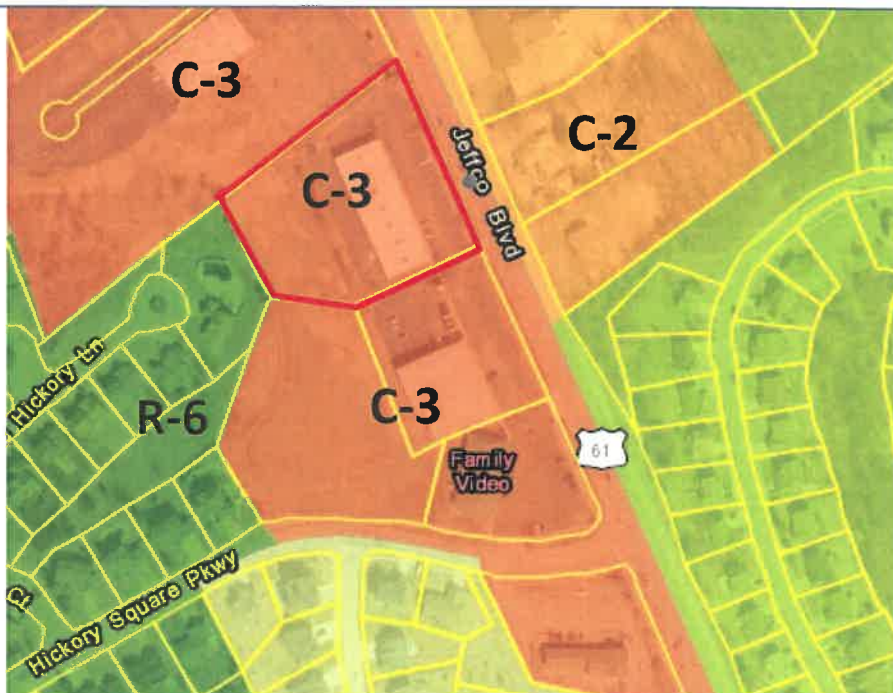
SITE HISTORY

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.

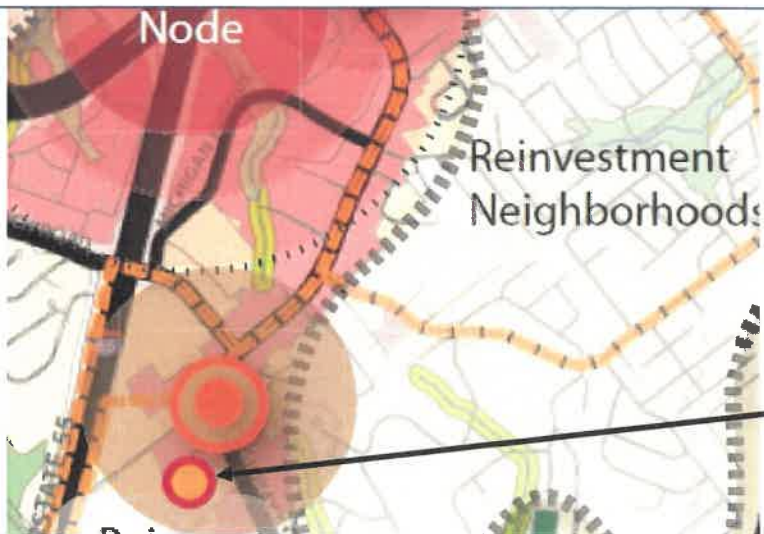
LAND USE POLICY 9.1 APPLY COMPATIBLE USES: COMMERCIAL DEVELOPMENTS SHOULD BE COMPATIBLE WITH NEARBY DEVELOPMENT AND ADEQUATELY BUFFERED TO MITIGATE ADVERSE IMPACTS ON RESIDENTIAL NEIGHBORHOODS.

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 is 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

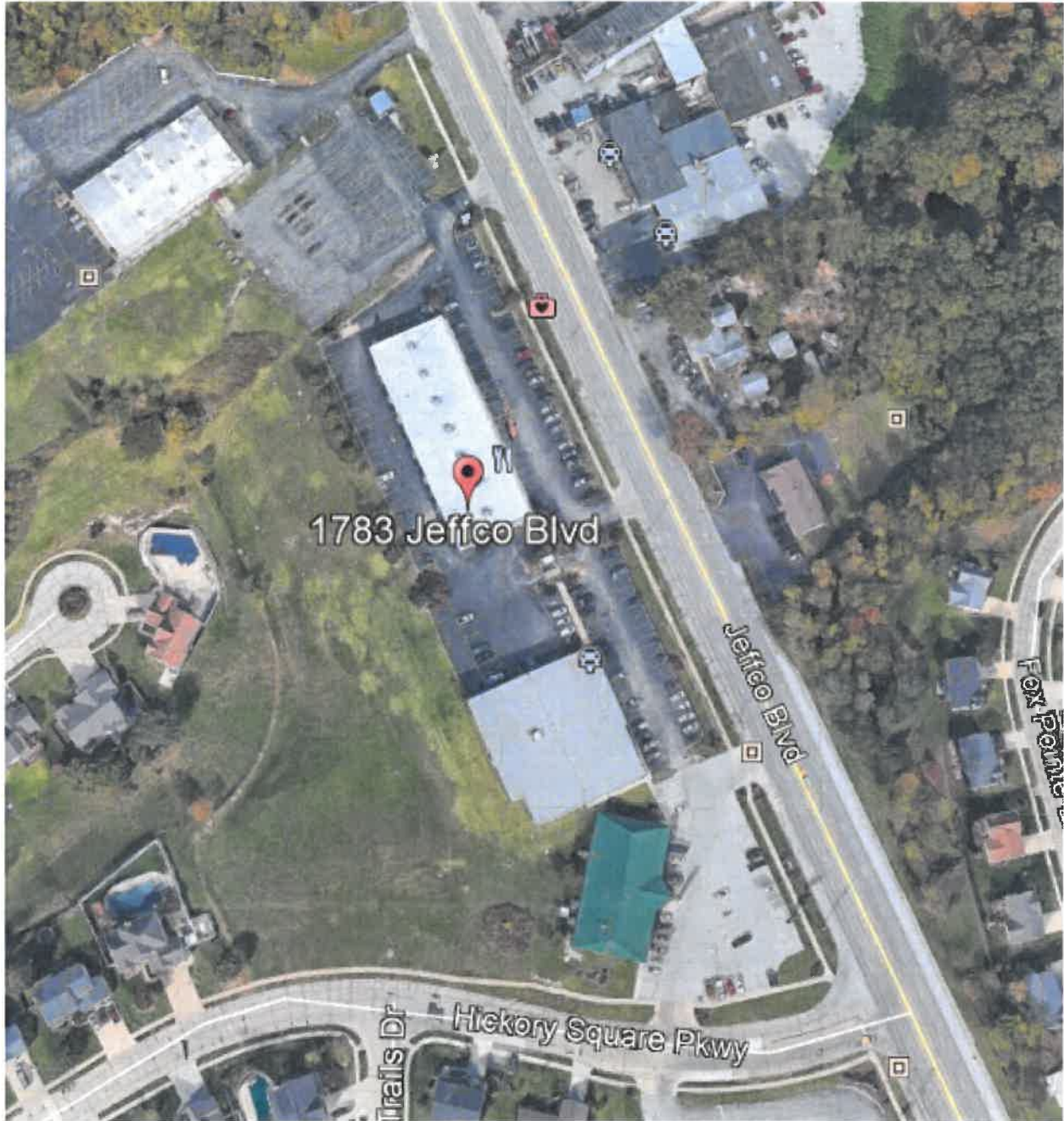


EXHIBIT A: SATELLITE IMAGE OF PROPOSED LOCATION

2019-371 CONDITIONAL USE PERMIT APPLICATION



REPORT TO PLANNING COMMISSION

CITY OF ARNOLD

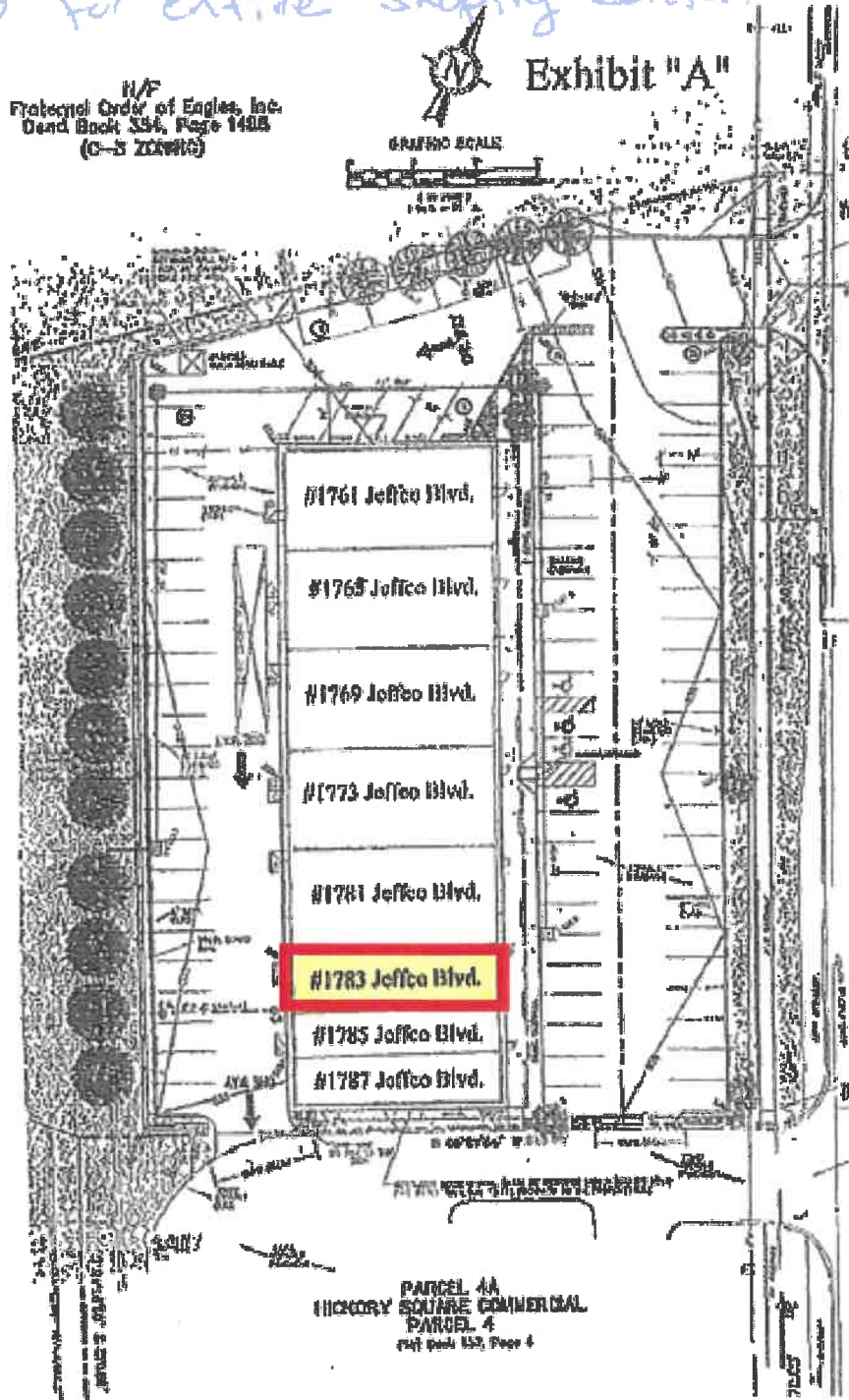
10 parking spots per building
 4 handicap for entire Shopping center.

N/A
 Fraternal Order of Eagles, Inc.
 Ord. Book 334, Page 149B
 (C-3 ZONING)



Exhibit "A"

GRAPHIC SCALE



PARCEL 4A
 HICKORY SQUARE COMMERCIAL
 PARCEL 4
 Ord. Book 334, 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)347-2040 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.

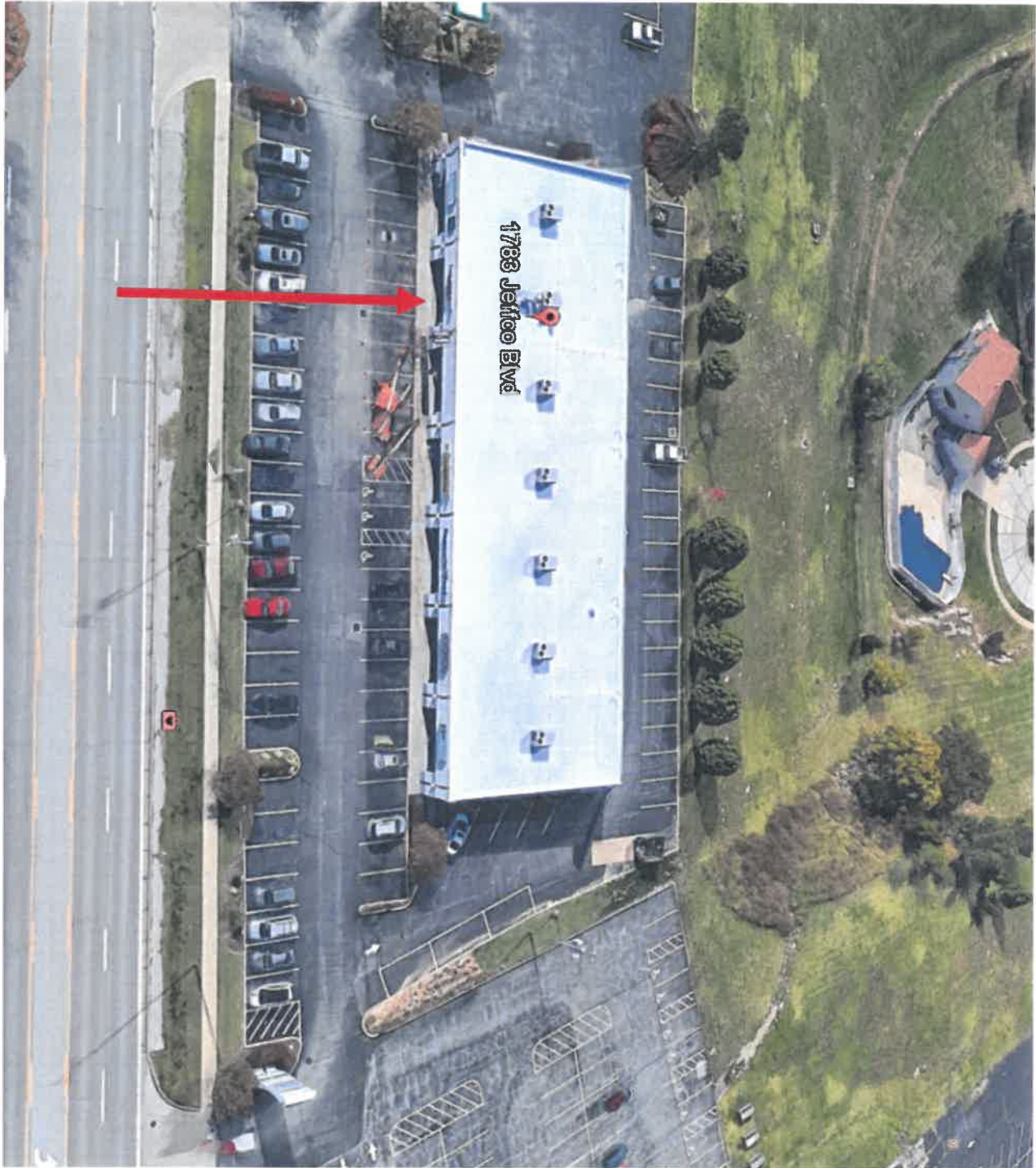
Thank you for your time,

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