

City of Arnold, Missouri

**Public Hearing
Council Chambers**

September 05, 2019

- A. 2019-30 Arnold Animal Hospital Rezoning: A Request to Amend and Replace the Existing "C-4" Planned Commercial District for Commerce Office Park 2 Lot 6B.
 - B. 2019-24 Site Plan Review (Text Amendment)
 - C. 2019-32 Medical Marijuana Dispensary Facilities (Text Amendment)
-

Agenda

- 1. Pledge of Allegiance:
- 2. Opening Prayer: St. John's Lutheran Church – Pastor Jeremy Schultz
- 3. Roll Call:
- 4. Business from the Floor:
- 5. Consent Agenda:
 - A. Regular Minutes **August 15, 2019**
 - B. Payroll Warrant **#1323 in the Amount of \$295,226.59**
 - C. Payroll Warrant **#1324 in the Amount of \$299,357.16**
 - D. General Warrant **#5745 in the Amount of \$646,253.69**
- 6. Ordinances:
 - A. **Bill No. 2751:** An Ordinance Fixing the Annual Rate of Levy for Taxes.
 - B. **Bill No. 2752:** An Ordinance Approving the Amendment and Replacement of the "C-4" Planned Commercial District for Commerce Office Park 2 Lot 6B, A Tract of Land Located in U.S. Survey 2991, Section 24, Township 43 North, Range 5 East, City of Arnold, Jefferson County, Missouri.

- C. **Bill No. 2753:** An Ordinance of the City Council of the City of Arnold, Missouri, Amending Chapter 405 of the Arnold Code of Ordinances Creating Definitions for Site Plans and Providing Regulations Therefor.
- D. **Bill No. 2754:** An Ordinance of the City Council of the City of Arnold, Missouri, Amending Chapter 405 of the Arnold Code of Ordinances.
(Medical Marijuana Dispensaries)

7. Resolutions:

- A. **Resolution No. 19-47:** A Resolution Authorizing the Council to Settle Threatened Litigation by Reconsidering Bill No. 2748.

8.

- A. **Bill No. 2748:** An Ordinance Approving the Amendment and Replacement of the "C-4" Planned Commercial District for 3405 Robinson Road, A Tract of Land Located in U.S. Survey 2991 Pt. 5, Section 31, Township 43 North, Range 6 East, City of Arnold, Jefferson County, Missouri.

9. Motion:

- A. 2019-31 Arnold Animal Hospital CUP: A Request for Approval for a Veterinary Clinic at Commerce Office Park 2 Lot 6B.
- B. A Motion to Hold a Closed Session Immediately Following the City Council Meeting for the Purpose of Discussing Personnel Pursuant to RSMo Section 610.021 (3).

10. Reports from Mayor, Council, and Committees:

11. Administrative Reports:

12. Adjournment:

Next Regular City Council Meeting September 19, 2019 @ 7:00 p.m.
Next Work Session September 12, 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.

Pastor Bill Byrd from First Baptist Church offered the opening prayer.

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

Mayor Counts recognized the following Boy Scouts, who were in the audience working on either their Citizenship in the Community or Communications badges: Craig Vilchis with Troop 892, Alex Bequette with Troop 450, Ben Strong and Steven Strong with Troop 416.

BUSINESS FROM THE FLOOR

John Feikert, 1119 Airglades – Concerned about the rental homes located in Arnold. He believes the owner of the property should be responsible for the upkeep of the homes because not all renters are concerned about the appearance of their rental.

Brian Waldrop, 3237 Telegraph – Informed council and audience that the Operation Clean Stream event, which normally takes place the fourth Saturday in August, will be postponed due to previous flooding. Mr. Richison stated that the city will also put the information on our website.

Mark Paul, Chairman of the Rock Community Township Ambulance District – Read a letter from the Board requesting a meeting with council members to discuss a possible resolution to the ongoing TIF litigation.

Aubrey McMahon, 2214 Tenbrook – Spoke to council regarding the issues he has had regarding his mailbox. He stated it has been hit by motorists four times since the sidewalks have been installed.

CONSENT AGENDA

- A. MINUTES FROM AUGUST 1, 2019 MEETING**
- B. MINUTES FROM THE AUGUST 8, 2019 SPECIAL MEETING**
- C. PAYROLL WARRANT NO. 1322 IN THE AMOUNT OF \$298,622.51**
- D. GENERAL WARRANT NO. 5744 IN THE AMOUNT OF \$577,086.09**

Butch Cooley made a motion and so moved to approve the consent agenda.

Seconded by Vern Sullivan. Roll call vote: Plunk, yes; Fleischmann, yes; Fulbright, (excused); McArthur, yes; Hood, yes; Seidenstricker, yes; Cooley, yes; Sullivan, yes; 7 Yeas: **Consent agenda approved.**

ORDINANCES

BILL NO. 2750 – AN ORDINANCE PROVIDING FOR THE ADOPTION OF THE FISCAL YEAR 2020 BUDGET was read twice by City Clerk Tammi Casey. Roll call vote: Plunk, yes; Fleischmann, yes; Fulbright, (excused); McArthur, yes; Hood, yes; Seidenstricker, yes; Cooley, yes; Sullivan, no; 6 Yeas, 1 Nay: **Ordinance passed.**

RESOLUTIONS

RESOLUTION NO. 19-41 – A RESOLUTION APPOINTING PHILLIP HOGAN SR. TO THE PLANNING COMMISSION TO COMPLETE AN UNEXPIRED TERM

Butch Cooley made a motion and so moved to approve Resolution No. 19-41. Seconded by Tim Seidenstricker. Roll call vote: Plunk, yes; Fleischmann, yes; Fulbright, (excused); McArthur, yes; Hood, yes; Seidenstricker, yes; Cooley, yes; Sullivan, yes; 7 Yeas: **Resolution approved.**

RESOLUTION NO. 19-42 – A RESOLUTION APPROVING AN AGREEMENT WITH INTEGRA INCORPORATED FOR THE FABRICATION AND INSTALLATION OF STORE FRONT WINDOW ASSEMBLIES

Mark Hood made a motion and so moved to approve Resolution No. 19-42. Seconded by Tim Seidenstricker. Roll call vote: Plunk, yes; Fleischmann, yes; Fulbright, (excused); McArthur, yes; Hood, yes; Seidenstricker, yes; Cooley, yes; Sullivan, yes; 7 Yeas: **Resolution approved.**

RESOLUTION NO. 19-43 – A RESOLUTION APPROVING AN AGREEMENT WITH FLEET FEET RACE PRODUCTIONS FOR SERVICES PROVIDED AT THE 2019 TURKEY TROT 5K RUN

Vern Sullivan made a motion and so moved to approve Resolution No. 19-43. Seconded by EJ Fleischmann. Roll call vote: Plunk, yes; Fleischmann, yes; Fulbright, (excused); McArthur, yes; Hood, yes; Seidenstricker, yes; Cooley, yes; Sullivan, yes; 7 Yeas: **Resolution approved.**

RESOLUTION NO. 19-44 – A RESOLUTION ENGAGING HOCHSCHILD, BLOOM & COMPANY LLP AS THE OUTSIDE FINANCIAL AUDITOR FOR THE CITY OF ARNOLD

Tim Seidenstricker made a motion and so moved to approve Resolution No. 19-44. Seconded by Brian McArthur. Roll call vote: Plunk, yes; Fleischmann, yes; Fulbright, (excused); McArthur, yes; Hood, yes; Seidenstricker, yes; Cooley, yes; Sullivan, yes; 7 Yeas: **Resolution approved.**

RESOLUTION NO. 19-45 – A RESOLUTION APPROVING THE PURCHASE OF A BOBCAT 24” PLANER, HIGH FLOW FROM CLARK EQUIPMENT COMPANY DBA BOBCAT COMPANY

Vern Sullivan made a motion and so moved to approve Resolution No. 19-45. Seconded by EJ Fleischmann. Roll call vote: Plunk, yes; Fleischmann, yes; Fulbright, (excused); McArthur, yes; Hood, yes; Seidenstricker, yes; Cooley, yes; Sullivan, yes; 7 Yeas: **Resolution approved.**

RESOLUTION NO. 19-46 – A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE CERTAIN COLLECTIVE BARGAINING AGREEMENTS

Mark Hood made a motion and so moved to approve Resolution No. 19-46. Seconded by Brian McArthur. Roll call vote: Plunk, yes; Fleischmann, yes; Fulbright, (excused); McArthur, yes; Hood, yes; Seidenstricker, yes; Cooley, yes; Sullivan, yes; 7 Yeas: **Resolution approved.**

MOTIONS

A. 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)

Brian McArthur made a motion and so moved to hold a closed session immediately following the city council meeting. Seconded by Mark Hood. Roll call vote: Plunk, yes; Fleischmann, yes; Fulbright, (excused); McArthur, yes; Hood, yes; Seidenstricker, yes; Cooley, yes; Sullivan, yes; 7 Yeas: **Motion carried.**

REPORTS FROM MAYOR, COUNCIL AND COMMITTEES —

EJ Fleischmann, Ward 1 – Enjoyed judging the Salsa Contest at the Farmers Market last Saturday. An employee from the Jefferson County Health Department was in attendance and stated that Arnold Farmers Market is of the highest standard and all other Farmers Market should aspire to be just like it.

Gary Plunk, Ward 4 – Stated that the Park Board held a meeting this week and discussed the upcoming Arnold Days and the possibilities of building a Splash Park.

Butch Cooley, Ward 4 – Informed council that the Liquor Committee met earlier tonight and asked Mrs. Casey to provide a report.

Mrs. Casey stated that she received an application from K1 Sushi for Retail Liquor By The Drink with no Sunday Sales. The committee is forwarding a recommendation of approval by unanimous vote. **Butch Cooley made a motion and so moved to approve the liquor license application for K1 Sushi.** Seconded by Tim Seidenstricker. Roll call vote: Plunk, yes; Fleischmann, yes; Fulbright, (excused); McArthur, yes; Hood, yes; Seidenstricker, yes; Cooley, yes; Sullivan, yes; 7 Yeas: **Motion carried.**

Mrs. Casey stated she has received an application from Chili’s Grill and Bar for a Retail Liquor By The Drink Including Sunday Sales, as the restaurant is going from a franchise location to a corporate location. **Butch Cooley made a motion and so moved to approve the liquor license application for Chili’s Grill and Bar.** Seconded by Vern Sullivan. Roll call vote: Plunk, yes; Fleischmann, yes; Fulbright, (excused); McArthur, yes; Hood, yes; Seidenstricker, yes; Cooley, yes; Sullivan, yes; 7 Yeas: **Motion carried.**

Mark Hood, Ward 3 – Stated that openings are still available for committee members on the Aging and Disabilities Committee. If interested, please contact him.

Tim Seidenstricker, Ward 2 – Informed everyone that he spoke to FEMA representatives at the Farmers Market last week. If anyone needs assistance regarding flood damage they may still contact FEMA.

ADMINISTRATIVE REPORTS

Bryan Richison – Thanked council for their vote in passing the budget. Work began on the budget a few months ago and he believes it is one of the most important things we do as a city. Mr. Richison also thanked the Department Heads and their staff for their hard work in preparing the budget.

Mayor Counts announced a five minute recess before going into Closed Session.

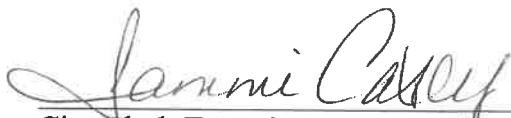
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Closed Session ended at 7:51 p.m.

A motion to adjourn the meeting was made by Mark Hood. Seconded by Brian McArthur.

Voice vote: All yeas.

Meeting adjourned at 7:51 p.m.


City Clerk Tammi Casey, CMC/MRCC-C

CITY OF ARNOLD, MISSOURI

ROLL CALL

MEETING: REGULAR

DATE: 8/15/2019

PAGE: 1

BILL NO - RESOLUTION - MOTION

COUNCIL MEMBERS:

MAYOR RON COUNTS

COUNCIL: GARY PLUNK

COUNCIL: EJ FLEISCHMANN

COUNCIL: JASON FULBRIGHT

COUNCIL: BRIAN MCARTHUR

COUNCIL: MARK HOOD

COUNCIL: TIM SEIDENSTRICKER

COUNCIL: BUTCH COOLEY

COUNCIL: VERN SULLIVAN

CITY ADMINISTRATOR BRYAN RICHISON

CITY CLERK TAMMI CASEY

COM DEV DAVID BOOKLESS

FINANCE DIRECTOR BILL LEHMANN

CITY ATTORNEY BOB SWEENEY

ROLL CALL	CONSENT AGENDA	BILL NO 2750	RESOLUTION NO 19-41	RESOLUTION NO 19-42	RESOLUTION NO 19-43
PRESENT					
PRESENT	YES	YES	YES	YES	YES
PRESENT	YES	YES	YES	YES	YES
EXCUSED	EXCUSED	EXCUSED	EXCUSED	EXCUSED	EXCUSED
PRESENT	YES	YES	YES	YES	YES
PRESENT	YES	YES	YES	YES	YES
PRESENT	YES	YES	YES	YES	YES
PRESENT	YES	NO	YES	YES	YES
PRESENT	PARKS DIR:	DICKIE BROWN			PRESENT
PRESENT	PUBLIC WORKS:	-			
PRESENT	TREASURER:	DAN KROUPA			PRESENT
PRESENT	POLICE DEPT.	CHIEF SHOCKEY			PRESENT
PRESENT					

CITY OF ARNOLD, MISSOURI

ROLL CALL

MEETING: REGULAR

DATE: 8/15/2019

PAGE: 2

BILL NO - RESOLUTION - MOTION

COUNCIL MEMBERS:

MAYOR RON COUNTS

COUNCIL: GARY PLUNK

COUNCIL: EJ FLEISCHMANN

COUNCIL: JASON FULBRIGHT

COUNCIL: BRIAN MCARTHUR

COUNCIL: MARK HOOD

COUNCIL: TIM SEIDENSTRICKER

COUNCIL: BUTCH COOLEY

COUNCIL: VERN SULLIVAN

CITY ADMINISTRATOR BRYAN RICHISON

CITY CLERK TAMMI CASEY

COM DEV DAVID BOOKLESS

FINANCE DIRECTOR BILL LEHMANN

CITY ATTORNEY BOB SWEENEY

RESOLUTION NO 19-44	RESOLUTION NO 19-45	RESOLUTION NO 19-46	MOTION TO HOLD CLOSED SESSION	MOTION TO APPROVE LIQUOR LICENSE FOR K1 SUSHI	MOTION TO APPROVE LIQUOR LICENSE APPLICATION FOR CHILI'S
YES	YES	YES	YES	YES	YES
YES	YES	YES	YES	YES	YES
EXCUSED	EXCUSED	EXCUSED	EXCUSED	EXCUSED	EXCUSED
YES	YES	YES	YES	YES	YES
YES	YES	YES	YES	YES	YES
YES	YES	YES	YES	YES	YES
YES	YES	YES	YES	YES	YES
			PARKS DIR:	DICKIE BROWN	
			PUBLIC WORKS:	-	
			TREASURER:	DAN KROUPA	
			POLICE DEPT.	CHIEF SHOCKEY	

BILL NO. 2751

ORDINANCE NO. _____

AN ORDINANCE FIXING THE ANNUAL RATE OF LEVY FOR TAXES

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ARNOLD, MISSOURI, AS FOLLOWS:

Section 1. Rate. The tax rate hereby levied for the fiscal year beginning September 1, 2019, and ending August 31, 2020 is Thirty-Eight and Thirty Seven Hundredth Cents (\$0.3837) per One Hundred Dollars (\$100.00) assessed valuation.

Section 2. Effective Date. This ordinance shall be in full force and effect upon its passage and approval.

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

Presiding Officer of the City Council

Mayor Ron Counts

ATTEST:

City Clerk Tammi Casey

1st reading: _____

2nd reading: _____

APPROVED AS TO FORM:

City Attorney

**City of Arnold
NOTICE OF PUBLIC HEARING**

A hearing will be held at 7:00 p.m., September 5, 2019, at Arnold City Hall at which citizens may be heard on the property tax rates proposed to be set by the City of Arnold. The tax rates shall be set to produce the revenue for the budget for the fiscal year beginning September 1, 2019, shows to be required from the property tax. This tax rate is determined by dividing the amount of revenue required by the current assessed valuation. The result is multiplied by 100 so the tax rate will be expressed in cents per \$100 valuation.

ASSESSED VALUATION (after Board of Equalization)

Category	Current Tax Year	Prior Tax Year
Real Estate	\$ 300,348,300	\$ 287,687,700
New Construction	1,732,700	2,236,300
Railroad & Utility	<u>9,008,396</u>	<u>7,923,293</u>
	 \$ 311,089,396	 \$ 297,847,293

PROPOSED TAX RATE & REVENUE BUDGETED

	Levy per \$100 Valuation		Amount of Property Tax Revenue	
	FY 2020	FY 2019	FY 2020	FY 2019
General Fund	38.37 cents	39.11 cents	\$ 1,193,650	\$ 1,164,881

Tammi Casey, City Clerk
City of Arnold



PRO FORMA - STATE AUDITOR'S REVIEW OF DATA SUBMITTED

8/26/2019

Summary Page

(2019)

For Political Subdivisions Other Than School Districts Levying a Single Rate on All Property

City of Arnold 09-050-0001 General Revenue
Name of Political Subdivision Political Subdivision Code Purpose of Levy

The final version of this form MUST be sent to the county clerk.

The information to complete the Summary Page is available from prior year forms, computed on the attached forms, or computed on this page. Information on this page takes into consideration any voluntary reduction(s) taken in previous even numbered year(s). If in an even numbered year, the political subdivision wishes to no longer use the lowered tax rate ceiling to calculate its tax rate, it can hold a public hearing and pass a resolution, a policy statement, or an ordinance justifying its action prior to setting and certifying its tax rate. The information in the Informational Data, at the end of these forms, provides the rate that would be allowed had there been no previous voluntary reduction(s) taken in an even numbered year(s).

For Political Subdivision Use in Calculating its Tax Rate

- A. Prior year tax rate ceiling as defined in Chapter 137, RSMo, revised if the prior year data changed or a voluntary reduction was taken in a non-reassessment year (Prior year Summary Page, Line F minus Line H in odd numbered year or prior year Summary Page, Line F in even numbered year) 0.3911
B. Current year rate computed pursuant to Article X, Section 22, of the Missouri Constitution and Section 137.073, RSMo, if no voter approved increase (Form A, Line 18) 0.3837
C. Amount of rate increase authorized by voters for current year if same purpose, adjusted to provide the revenue available if applied to the prior year assessed value and increased by the percentage of CPI (Form B, Line 15)
D. Rate to compare to maximum authorized levy to determine tax rate ceiling (Line B if no election, otherwise Line C) 0.3837
E. Maximum authorized levy the most recent voter approved rate 1.0000
F. Current year tax rate ceiling maximum legal rate to comply with Missouri laws Political subdivisions tax rate (Lower of Line D or E) 0.3837
G1. Less required sales tax reduction taken from tax rate ceiling (Line F), if applicable
G2. Less 20% required reduction 1st class charter county political subdivision NOT submitting an estimated non-binding tax rate to the county(ies) taken from tax rate ceiling (Line F)
H. Less voluntary reduction by political subdivision taken from the tax rate ceiling (Line F) WARNING: A voluntary reduction taken in an even numbered year will lower the tax rate ceiling for the following year.
I. Plus allowable recoupment rate added to tax rate ceiling (Line F) If applicable, attach Form G or H.
J. Tax rate to be levied (Line F - Line G1 - Line G2 - Line H + Line I)
AA. Rate to be levied for debt service, if applicable (Form C, Line 10)
BB. Additional special purpose rate authorized by voters after the prior year tax rates were set, adjusted to provide the revenue available if applied to the prior year assessed value and increased by the percentage of CPI (Form B, Line 15 if a different purpose)

Certification

I, the undersigned, (Office) of (Political Subdivision) levying a rate in (County(ies)) do hereby certify that the data set forth above and on the accompanying forms is true and accurate to the best of my knowledge and belief.

Please complete Line G through BB, sign this form, and return to the county clerk(s) for final certification.

Form with fields for Date, Signature, Print Name, and Telephone.

Proposed rate to be entered on tax books by county clerk

based on certification from the political subdivision: Lines J AA BB

Section 137.073.7 RSMo, states that no tax rate shall be extended on the tax rolls by the county clerk unless the political subdivision has complied with the foregoing provisions of this section.

Form with fields for Date, County Clerk's Signature, County, and Telephone.



PRO FORMA - STATE AUDITOR'S REVIEW OF DATA SUBMITTED

8/26/2019

Form A

(2019)

For Political Subdivisions Other Than School Districts Levying a Single Rate on All Property

City of Arnold 09-050-0001 General Revenue
Name of Political Subdivision Political Subdivision Code Purpose of Levy

The final version of this form MUST be sent to the county clerk.

Computation of reassessment growth and rate for compliance with Article X, Section 22, and Section 137.073, RSMo.

1. (2019) Current year assessed valuation

Include the current state and locally assessed valuation obtained from the county clerk, county assessor, or comparable office finalized by the local board of equalization.

(a) 311,089,396 (Real Estate) + (b) 0 (Personal Property) = 311,089,396 (Total)

2. Assessed valuation of new construction & improvements

2(a) - Obtained from the county clerk or county assessor

2(b) - increase in personal property, use the formula listed under Line 2(b)

(a) 1,732,700 (Real Estate) + (b) 0 (Personal Property) = 1,732,700 (Total)
Line 1(b) - 3(b) - 5(b) + 6(b) + 7(b)
If Line 2b is negative, enter zero

3. Assessed value of newly added territory

obtained from the county clerk or county assessor

(a) 0 (Real Estate) + (b) 0 (Personal Property) = 0 (Total)

4. Adjusted current year assessed valuation

(Line 1 total - Line 2 total - Line 3 total)

309,356,696

5. (2018) Prior year assessed valuation

Include prior year state and locally assessed valuation obtained from the county clerk, county assessor, or comparable office finalized by the local board of equalization.

NOTE: If this is different than the amount on the prior year Form A, Line 1, then revise the prior year tax rate form to recalculate the prior year tax rate ceiling. Enter the revised prior year tax rate ceiling on this year's Summary Page, Line A.

(a) 297,847,293 (Real Estate) + (b) 0 (Personal Property) = 297,847,293 (Total)

6. Assessed value of newly separated territory

obtained from the county clerk or county assessor

(a) 0 (Real Estate) + (b) 0 (Personal Property) = 0 (Total)

7. Assessed value of property locally assessed in prior year, but state assessed in current year

obtained from the county clerk or county assessor

(a) 0 (Real Estate) + (b) 0 (Personal Property) = 0 (Total)

8. Adjusted prior year assessed valuation

(Line 5 total - Line 6 total - Line 7 total)

297,847,293



PRO FORMA - STATE AUDITOR'S REVIEW OF DATA SUBMITTED

8/26/2019

Form A

(2019)

For Political Subdivisions Other Than School Districts Levying a Single Rate on All Property

City of Arnold

09-050-0001

General Revenue

Name of Political Subdivision

Political Subdivision Code

Purpose of Levy

The final version of this form MUST be sent to the county clerk.

Computation of reassessment growth and rate for compliance with Article X, Section 22, and Section 137.073, RSMo.

Information on this page takes into consideration any voluntary reduction(s) taken in previous even numbered year(s). If in an even numbered year, the political subdivision wishes to no longer use the lowered tax rate ceiling to calculate its tax rate, it can hold a public hearing and pass a resolution, a policy statement, or an ordinance justifying its action prior to setting and certifying its tax rate. The information in the Informational Data, at the end of these forms, provides the rate that would be allowed had there been no previous voluntary reduction(s) taken in an even numbered year(s).

For Political Subdivision Use in Calculating its Tax Rate

Table with 2 columns: Description and Value. Rows include: 9. Percentage increase in adjusted valuation... 3.8642%; 10. Increase in Consumer Price Index (CPI)... 1.9000%; 11. Adjusted prior year assessed valuation... 297,847,293; 12. (2018) Tax rate ceiling from prior year... 0.3911; 13. Maximum prior year adjusted revenue... 1,164,881; 14. Permitted reassessment revenue growth... 1.9000%; 15. Additional revenue permitted... 22,133; 16. Total revenue permitted in current year... 1,187,014; 17. Adjusted current year assessed valuation... 309,356,696; 18. Maximum tax rate permitted... 0.3837.

* To compute the total property tax revenues billed for the current year (including revenues from all new construction and improvements and annexed property), multiply Line 1 by the rate on Line 18 and divide by 100. The property tax revenues billed would be used in estimating budgeted revenues.



CITY COUNCIL AGENDA ITEM STAFF REPORT

MEETING DATE:	September 5, 2019
TITLE:	2019-30 Arnold Animal Hospital Rezoning: A request to amend and replace the existing "C-4" Planned Commercial District for Commerce Office Park 2 Lot 6B
DEPARTMENT:	Community Development
PROJECT MANAGER:	Sarah Turner, Community Development Planner
REQUESTED ACTION:	Ordinance approval
ATTACHMENTS:	(1) Staff Report to Planning Commission; (2) Draft Planning Commission Meeting Minutes; (3) Draft Ordinance with Exhibit 1 and Exhibit 2

EXECUTIVE SUMMARY:

The purpose of the proposed rezoning is to allow for the operation of a veterinary clinic. The subject parcel is currently zoned as "C-4" Planned Commercial, but the only permissible use is a "one 2-story office building" as identified on a now-expired development plan. This proposal would establish a new "C-4" Planned Commercial District, the regulations for which are contained in "Exhibit 2" of the Draft Ordinance, and a new development plan (Exhibit 1). The proposed zoning and use is consistent with the Comprehensive Plan and the application satisfies the review criteria as defined in the Zoning Ordinance.

REVIEW & ANALYSIS:

At its August 13, 2019 meeting, the Planning Commission was presented with the Staff Report for this rezoning request and opened the public hearing. The subject property is an undeveloped, double frontage lot in the Commerce Office Park development and is accessed from Municipal Drive. It is surrounded by other "C-4" Planned Commercial Districts and abuts Missouri State Route 141 right-of-way to the south. There are no adjacent residences and the proposed use as a veterinary clinic is consistent with other professional business/offices nearby. The proposal would (i) instate a new development plan, (ii) update the permissible uses to be consistent with other commercial uses in the City, and (iii) reduce the setback to Missouri State Route 141 right-of-way, considering the over 100-foot distance between the subject property line and the edge of pavement.

RECOMMENDATION:

On August 13, 2019, the Planning Commission, by a vote of 7 to 0, voted to recommend approval of the rezoning subject to conditions in "Exhibit 2".

AN ORDINANCE APPROVING THE AMENDMENT AND REPLACEMENT OF THE “C-4” PLANNED COMMERCIAL DISTRICT FOR COMMERCE OFFICE PARK 2 LOT 6B, A TRACT OF LAND LOCATED IN U.S. SURVEY 2991, SECTION 24, TOWNSHIP 43 NORTH, RANGE 5 EAST, CITY OF ARNOLD, JEFFERSON COUNTY, MISSOURI.

WHEREAS, an application to approve the amendment and replacement of the “C-4” Planned Commercial District for a tract of land known as Commerce Office Park 2 Lot 6B, located in U.S. Survey 2991, Section 24, Township 43 North, Range 5 East of the Fifth Principal Meridian, City of Arnold, Jefferson County, State of Missouri; and

WHEREAS, the proper public hearings have been held, pursuant to City Ordinance and the laws of the State of Missouri, and

WHEREAS, the Planning Commission has submitted its report and recommendation to the City Council on the proposed amendment and replacement of the “C-4” Planned Commercial District and the Final Site Development Plan herein identified as “Exhibit 1.”

WHEREAS, the proposed change of zoning meets the review criteria and further advances the intent of both the Comprehensive Plan and Zoning Ordinance.

WHEREAS, the amendment to this particular “C-4” Planned Commercial District is appropriate for the following reasons: (i) has been shown to be necessary for public convenience or necessity; (ii) significant change in the area warrants amendment to this particular “C-4” District, including the expiration of previous development plans, unnecessary setback requirements, and overly strict use regulations; (iii) there was not a mistake made on the Zoning Map; (iv) the “C-4” Planned Commercial District designation is consistent with the Future Land Use Map of the City of Arnold; (v) this amendment supports the consistent use of commercial districts within the City, and; (vi) it is in the best interest for the health, safety, and welfare of the citizens of the City of Arnold.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ARNOLD, MISSOURI, AS FOLLOWS:

SECTION 1. The City of Arnold Zoning Ordinance and Official Zoning Map, which are part thereof, are hereby amended by establishing an amended “C-4” Planned Commercial District for 0.91 acres at Commerce Office Park 2 Lot 6B, located in U.S. Survey 2991, Section 24, Township 43 North, Range 5 East of the Fifth Principal Meridian, City of Arnold, Jefferson County, State of Missouri.

SECTION 2. The proposed rezoning to “C-4” Planned Commercial District as submitted to the City of Arnold shall be developed in accordance with the provisions of this ordinance, the conditions contained in “Exhibit 2,” and other applicable laws of the City of Arnold.

SECTION 3. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor and City Council.

Signatures on following page

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

Presiding Officer of the Council

Mayor Ron Counts

ATTEST:

City Clerk Tammi Casey

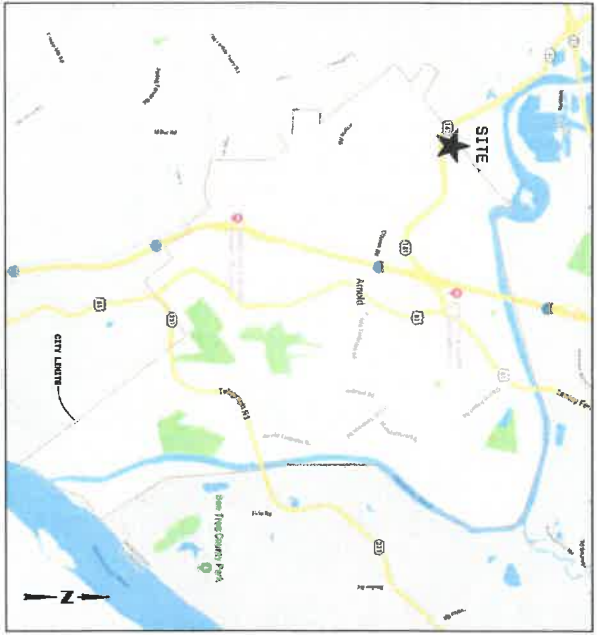
1st reading: _____

2nd reading: _____

APPROVED AS TO FORM:

City Attorney Robert Sweeney

1/2



City Map
NOTE TO SCALE

Final Development Plan

Arnold Animal Hospital

Located in Section 24, Township 43 North, Range 5 East,
City of Arnold, Jefferson County, Missouri

Total Area: 0.91 acres
Current Zone: C4
Proposed Zone: Revised C4



Location Map

- Index of Sheets
1. Cover Sheet
 2. Site Plan



GENERAL NOTES

Parcel ID: 028034040700108

FLOOD STATEMENT: This site is located in the area of 0.1x annual chance flood elevation of 567.5 feet. The site is not in a flood hazard area. Flood Insurance Rate Map Community No. 0219 No. 50002-0100 Effective Date: June 20, 2019

BENCHMARK: SITE BENCHMARKS ARE (NAD83) FOR METERS. ALL BENCHMARKS ARE TO BE SET BY A GPS VECTOR FROM LOCAL VMS SECTION 24 AND 25 IN THE NEIGHBORING TOWNSHIP.

SITE COVERAGE CALCULATIONS:
Building: 2,782 sq ft
Green Space: 0.49 ac
Total: 2,782 sq ft + 0.49 ac

PAVING: VESICATORY CHAIRS AND HOSPITALS
Required: 4 per doctor + 1 per radiology employee
Population: 24 + 18 radiologists = 42 spaces
Standard Spaces = 32 Standard Spaces + 2 Handicap Spaces + 34 Spaces Total Spaces = 67

LANDSCAPING

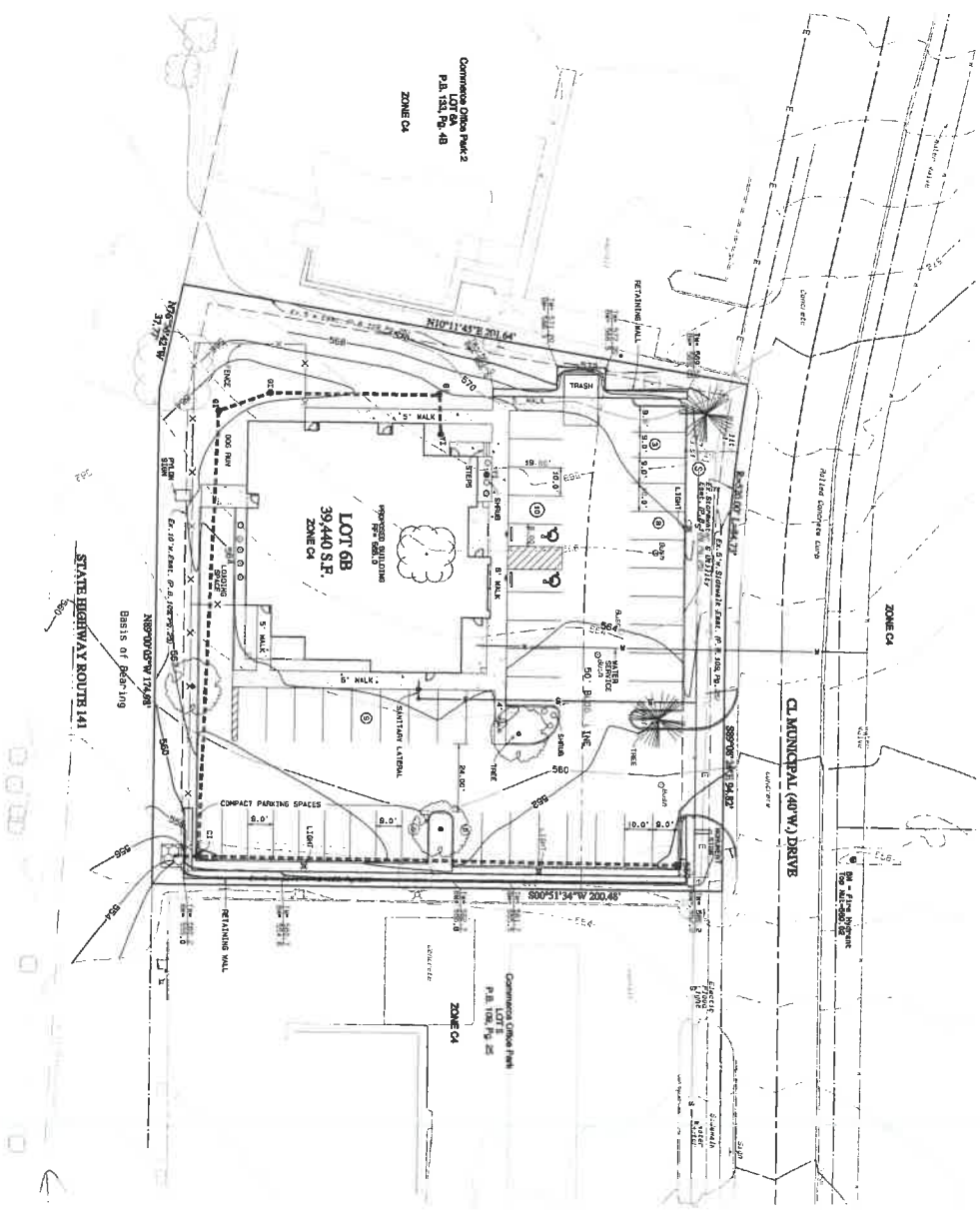
Required trees per 10 parking spaces (trees must be within parking area)
1 - 4" species, 10 - 50 trees of average sized trees
1 - 2" species, 100 trees of average sized trees
Tree and plant species shall be per the City of Arnold Tree and shrub.

ADDRESS:
1055 General Insulation District
3000 S. 20th St.
Arnold, MO 63010
CALL TELEPHONE:
314-281-1111
OWNER:
Arnold Animal Hospital
1501 Arnold Blvd.
Arnold, MO 63010
PROJECT NO. 2019-001
DATE: 07/16/2019
PROJECT LOCATION:
1501 Arnold Blvd.
Arnold, MO 63010
PROJECT TYPE:
REVISION:
DATE:
PROJECT NO. 2019-001
DATE: 07/16/2019
PROJECT LOCATION:
1501 Arnold Blvd.
Arnold, MO 63010
PROJECT TYPE:
REVISION:
DATE:

OWNER/DESIGNER:
Arnold Animal Hospital
Arnold, MO 63010
1501 Arnold Blvd.
Arnold, MO 63010
DESIGNER:
GOVERT ENGINEERING
1501 Arnold Blvd.
Arnold, MO 63010
DATE: 07/16/2019
PROJECT NO. 2019-001
DATE: 07/16/2019
PROJECT LOCATION:
1501 Arnold Blvd.
Arnold, MO 63010
PROJECT TYPE:
REVISION:
DATE:

COVER SHEET

<p>THE PLANS WHICH THE REGISTERED PROFESSIONAL ENGINEER HAS PREPARED OR HAS REVIEWED ARE NOT TO BE USED FOR ANY OTHER PROJECT OR PURPOSE WITHOUT THE WRITTEN CONSENT OF THE ENGINEER. THE ENGINEER ASSUMES NO LIABILITY FOR THE ACCURACY OF THE INFORMATION PROVIDED BY THE CLIENT OR FOR THE CONSTRUCTION OF THE PROJECT. THE ENGINEER'S LIABILITY IS LIMITED TO THE SERVICES PROVIDED BY HIMSELF OR HIS EMPLOYEES OR AGENTS.</p>			
<p>DESIGNED BY: J.G.M./C.J.O.</p> <p>CHECKED BY: D.L.G.</p> <p>DATE: 07/16/2019</p>	<p>GOVERT ENGINEERING LAND SERVICES 2021 OLD STATE RD BERNARD, MO 63014 503-249-1111 www.govert-engineering.com</p>	<p>Final Development Plan Arnold Animal Hospital Municipal Drive Arnold, MO 63010</p>	<p>89170-16A1 1 OF 2</p>



Commercial Drive Phase 2
LOT 6A
P.L. 124, P.S. 48
ZONE CA

LOT 6B
39,440 S.F.
ZONE CA

COMMERCIAL DRIVE

STATE HIGHWAY & ROUTE 141



- Legend of Symbols**
- Barometric
 - Fire Hydrant
 - △ Meter Valve
 - ▽ Meter Valve
 - Meter Manhole
 - Gas Valve
 - Gas Meter
 - Electric Panel
 - Electric Meter
 - Utility Pole
 - Transformer Pole
 - Cable TV Pedestal
 - Street Light
 - Storm Manhole
 - Sewer Manhole
 - Downspout
 - ▲ Flashed End Pipe
 - ▲ Telephone Pedestal/Manhole
 - Signal
 - Electric Sign
 - Gas Line
 - Sewer
 - Storm
 - Water
 - Fire
 - Other

SITE PLAN

DATE	07/16/2019
DRAWN BY	J.G.M.C.J.O.
CHECKED BY	D.L.G.
SCALE	AS SHOWN
PROJECT NO.	89170-16A1
REVISION	2 OF 2

GOVERO LAND SERVICES
SURVEYING & ENGINEERING

509 OLD STATE RD.
MARIETTA, MO 63057

PH: 636-296-3444
F: 636-296-3445
www.govero-land.com

Final Development Plan

Arnold Animal Hospital

Municipal Drive
Arnold, MO 63010

DISCLAIMER

THE PLANS WHICH THE REGISTERED PROFESSIONAL ENGINEER HAS PREPARED OR HAD PREPARED UNDER HIS SUPERVISION AS AUTHORIZED ENGINEER BY HIS SEAL AND OTHER STATUTES ARE LIMITED TO ONLY THE WORK SPECIFIED BY THE ENGINEER FOR SERVICES SET FORTH THEREIN, AND ARE NOT TO BE USED FOR ANY OTHER PURPOSES, INCLUDING CONSTRUCTION AND ELECTRICAL INSTALLATION, OR ANY OTHER WORK NOT SPECIFICALLY IDENTIFIED IN THE PLANS. THE ENGINEER HAS NOT CONDUCTED A VISUAL INSPECTION OF THE SITE OR THE CONSTRUCTION OF THE PROJECT SINCE THE DATE OF THE SIGNATURE AND SEAL OF THE REGISTERED PROFESSIONAL ENGINEER. CONSTRUCTION SHALL BE DONE IN ACCORDANCE WITH THE PLANS, AND ANY REVISIONS UNLESS AUTHENTICATED.

EXHIBIT 2
ATTACHMENT "A"

"C-4" PLANNED COMMERCIAL DISTRICT REGULATIONS

COMMERCE OFFICE PARK 2 LOT 6B, ARNOLD ANIMAL HOSPITAL

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

I. SPECIFIC CRITERIA

A. USES

1. Permitted Uses allowed in this "C-4" Planned Commercial District shall be:
 - a. All uses permitted in the "C-1", "C-2", and "C-3" Commercial Districts, including the following:
 - (i) General offices
2. Conditional Uses allowed in this "C-4" Planned Commercial District shall be:
 - a. Conditional Uses listed in the "C-1", "C-2", and "C-3" shall be granted in accordance with procedures contained in Section 405.870, Conditional Use Permits, of the Zoning Ordinance, including the following:
 - (i) Veterinary clinics and hospitals

B. FLOOR AREA AND HEIGHT REQUIREMENTS

1. Floor Area
 - a. The total building floor area within this development shall be as approved on the Final Site Development Plan attached hereto as Attachment "B".
2. Height
 - a. The development shall adhere to the General Height Regulations of the City of Arnold Code and as restricted by application of regulations of Section 405.650.

C. SETBACKS AND LOT COVERAGE REQUIREMENTS

1. Setbacks
 - a. Setbacks for parking areas and structures shall adhere to the General Lot Area and Yard Requirements of the "C-4" Planned Commercial District of Section 405.340 and as approved on the Final Site Development Plan, including the following:
 - (i) No structures within fifty (50) feet of Municipal Drive right-of-way
 - (ii) No structures within twenty (20) feet of Missouri State Route 141 right-of-way
2. Lot Coverage
 - a. The maximum lot coverage shall be no greater than twenty-five percent (25%) of the total lot area, or twenty percent (20%) of the total lot area in the case of multiple floor buildings.

D. PARKING AND LOADING REQUIREMENTS

1. Parking and loading spaces for this development will be as required in the City of Arnold Code, and as follows:
 - a. Veterinary clinics and hospitals shall provide four (4) spaces per veterinarian and one (1) space per additional employee
2. Except as otherwise provided in this Attachment “A”, the requirements for off-street parking shall be implemented in regard to the minimum dimensions in the Parking Dimensions Table contained in Section 405.330(A)(7)(f), District and Use Regulations of the “C-3” Commercial District, of the Zoning Ordinance.
3. A stall dimension of nine (9) feet by eighteen (18) feet or equivalent may be utilized for off-street parking stalls provided in excess of the minimum requirements set forth when designated for compact car use. Stalls designated for compact use shall be clustered and marked by appropriate signage.
4. No construction related parking shall be permitted within right of way or on any existing roadways. All construction related parking shall be confined to the development.
5. Provide adequate temporary off-street parking for construction employees. Parking on non-surfaced areas shall be prohibited in order to eliminate the condition whereby mud from construction and employee vehicles is tracked onto the pavement causing hazardous roadway and driving conditions.

E. FENCE AND LANDSCAPING REQUIREMENTS

1. Fence
 - a. Continuous, minimum four (4) foot high, fencing, with a minimum three (3) foot wide opening or gate to any street side for emergency access, shall be required to enclose yards intended for exterior play/relief for animals.
2. Landscaping
 - a. Any part of a lot area not used for buildings or other structures or for parking, loading, or access shall be landscaped with grass, ground cover, trees, shrubs, and pedestrian walks in accordance with the following minimum requirements:

Minimum caliper for deciduous trees	2 inches
Minimum height for coniferous trees	6 feet
Minimum size shrub or bush	5 gallon
Tree mix:	Maximum of 40% of one species
Distribution:	1 tree per 10 parking spaces with 75% of those trees within the parking area
	1 foundation plant (shrub or bush) per 20 feet of exposed wall area

- b. The list of allowed plant species is located in Section 405.330 (A)(5)(f), District and Use Regulations of the “C-3” Commercial District, of the Zoning Ordinance.
- c. Minimum landscaping shall be met and properly maintained.

F. SIGN REQUIREMENTS

1. Signs shall be permitted in accordance with the regulations of the City of Arnold Code or a Sign Package may be submitted for the planned district. Sign Packages shall adhere to the City Code and are reviewed and approved by the City of Arnold Planning Commission.

G. LIGHTING REQUIREMENTS

1. Provide a lighting plan and cut sheet in accordance with the City of Arnold Code.

H. DESIGN REQUIREMENTS

1. Architectural elements, construction materials, and colors shall be as depicted on the approved Final Site Development Plan.
2. Trash enclosures: All exterior trash areas will be enclosed with a minimum six (6) foot high sight-proof enclosure complemented by adequate landscaping. The location, material, and elevation of any trash enclosures will be as approved by the City of Arnold on the Final Site Development Plan.

I. ACCESS/ACCESS MANAGEMENT

1. Access to the development shall be as shown on the Final Site Development Plan.

J. STORM WATER AND GRADING

1. Per City regulation, storm water quantity and quality management requirements shall be evaluated for all projects, and specifically, will be required for development and redevelopment projects in this district.
2. On sites of twenty percent (20%) or less existing imperviousness, controls shall be provided and implemented to prevent or minimize water quality impacts by reasonably mimicking pre-construction runoff conditions to the maximum extent practicable by effectively utilizing water quality strategies and technologies. Appropriate BMP measures including but not limited to grass swales, inlet filters, and underground storage chambers should be utilized, as required. This includes but is not limited to the installation of enforced turf mat in lieu of rock blanket at any storm discharge location.
3. Any land disturbance which includes disturbance of root zone, grading or filling, requires a City of Arnold Grading and Storm Water Pollution Prevention Permit.

K. SANITARY SEWER

1. Sanitary sewers shall be as approved by the City of Arnold and Missouri-American Water.

L. MISCELLANEOUS

1. This property shall be developed in conformance with specifications submitted and as approved in the Final Site Development Plan by the Planning Commission and City Council, contained in Attachment "B".
2. All uses shall operate in accordance with the appropriate performance standards contained in the Zoning Ordinance.
3. Refer to the Code of Ordinances of the City of Arnold and Section 405.340 "C-4" Planned Commercial District for requirements specific to the "C-4" Zoning District.

4. All utilities will be installed underground.

II. COMMENCEMENT OF CONSTRUCTION

- A. Substantial construction shall commence within two (2) years of approval of this ordinance and Final Development Plan, unless otherwise authorized by ordinance.
- B. Where due cause is shown by the developer, the City Council may extend the period to commence construction for two (2) additional years.



REPORT TO PLANNING COMMISSION

CITY OF ARNOLD

APPLICATION NUMBER: 2019-30

APPLICATION NAME: ARNOLD ANIMAL HOSPITAL REZONING

APPLICANT NAME: Dan Govero
Govero Land Services
5929 Old State Rd
Imperial MO 63052

PROPERTY OWNER NAME: Kevin Kohne
Markev LLC
3330 Deer Ridge Drive
Festus MO 63028

APPLICANT'S REQUEST: The applicant is seeking to amend and replace the existing "C-4" Planned Commercial District to allow for a veterinary clinic.

STREET ADDRESS: Commerce Office Park 2 Lot 6B near Municipal Drive and Astra Way

SITE LOCATION: Northwestern quadrant of intersection of MO-141 and Astra Way, off Municipal Drive

CURRENT ZONING DISTRICT: "C-4" Planned Commercial District

PARCEL ID: 02-6.0-24.0-4-007-001.06

TOTAL SITE AREA: 0.91 acres

MEETING DATE: August 13, 2019

REPORT DATE: August 6, 2019

CASE MANAGER: Sarah Turner

RECOMMENDATION: **APPROVE WITH CONDITIONS**



REPORT TO PLANNING COMMISSION

CITY OF ARNOLD

DESCRIPTION OF EXISTING SITE CONDITIONS

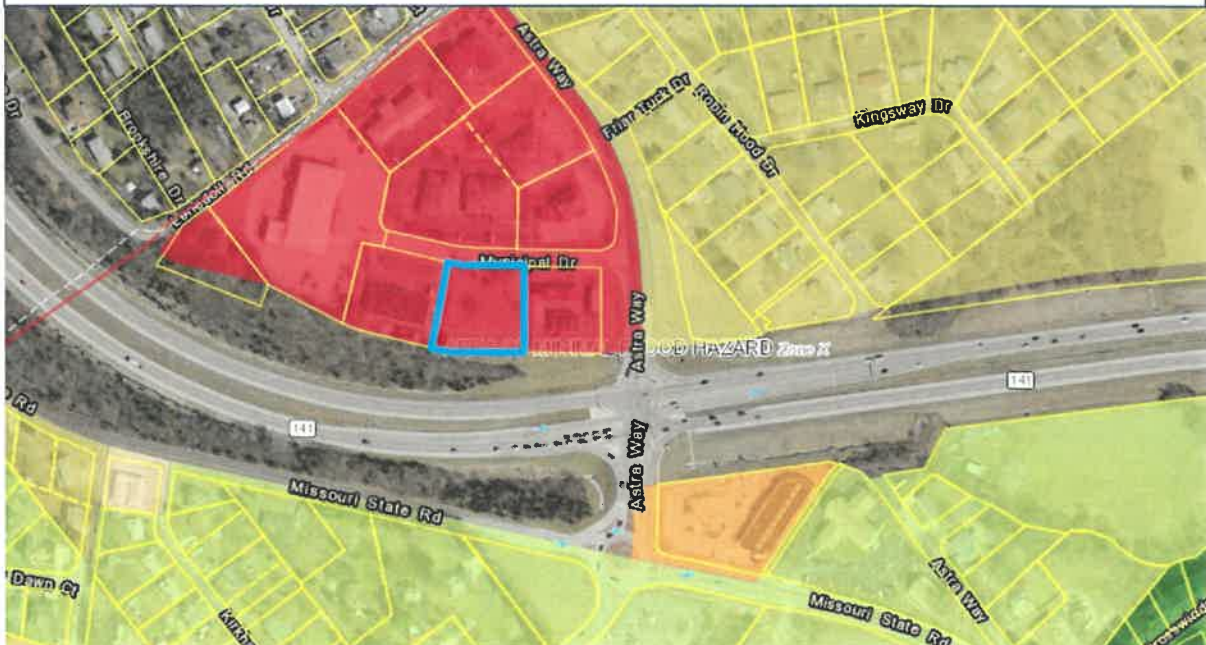
The approximately 0.91 acre tract is located in the northwestern quadrant of intersection of MO-141 and Astra Way, accessed from Municipal Drive. The property has two frontages, one to Municipal Drive and the other to MO-141. The property is undeveloped.

SITE HISTORY

Originally "Singer Office Park", the development has been zoned as "C-4" Planned Commercial since 1985. Municipal Drive was referred to as "Singer Way" in original preliminary plans for the development. Commerce Office Park Lot 6 was subdivided into Lot 6A and Lot 6B in 1998, the former of which is the subject property. Lot 6B is the final remaining undeveloped parcel of Commerce Office Park.

LAND USE AND ZONING CONTEXT MATRIX			
DIRECTION	EXISTING LAND USE	ZONING DISTRICT	COMMENTS
North	Commercial	C-4	Offices, mixed commercial
East	Commercial; Residential	C-4	Gas station
South	Other	N/A	Missouri State Route 141
West	Commercial	C-4	Daycare, COMTREA

ZONING MAP



REPORT TO PLANNING COMMISSION

CITY OF ARNOLD



ZONING REQUEST/DEVELOPMENT PROPOSAL

The applicant is seeking to amend and replace the existing "C-4" Planned Commercial District to allow for a veterinary clinic. The final site development plan, shown in Exhibit A in the Attachments, shows a new building and parking lot.

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 POLICIES

POLICY LU 3 ENCOURAGE, FACILITATE, AND TARGET DEVELOPMENT IN EXISTING WATER AND SEWER SERVICE AREAS AND ON VACANT AND UNDERUTILIZED PARCELS THROUGH INNOVATION, FLEXIBILITY, AND STREAMLINING.

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

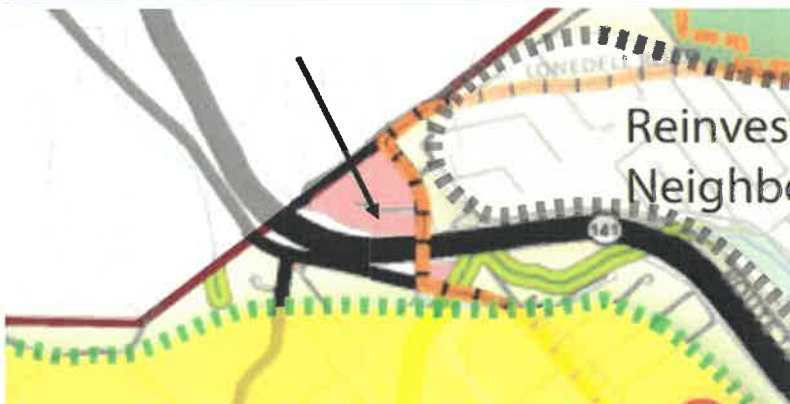
ECONOMIC DEVELOPMENT POLICIES

POLICY ED 4.3.4 DIRECT THE CLUSTERING OF DISTRICT USES TOWARD STRATEGIC INTERSECTIONS, CORRIDORS, AND AREAS ADJACENT TO COMPATIBLE USES.

CITY PLANNER'S COMMENTS

Substantially Satisfied: This rezoning would allow for the applicant to develop the last vacant lot in a planned commercial development.
Substantially Satisfied: A veterinary clinic would be a very compatible fit with the other low-intensity office uses within this development.
Substantially Satisfied: This proposal would allow for a veterinary clinic to be located within the Commerce Office Park with other similar uses near a signalized intersection along the MO-141 corridor.

FUTURE LAND USE MAP:



Substantially Satisfied: This rezoning would not change the zoning designation of the property. Amending the planned commercial district at this location is consistent with the FLUM designation for the property as a commercial area.



REPORT TO PLANNING COMMISSION

CITY OF ARNOLD

BACKGROUND

The subject property, Commerce Office Park 2 Lot 6B, does not have an address as it has not been developed yet. The property is zoned "C-4" Planned Commercial. Govero Land Services is the applicant for this rezoning on behalf of Arnold Animal Hospital, which is a full-service companion animal hospital that was opened in 1970 and has been at its current location (1324 Jeffco Blvd) since 1989. This rezoning proposal would allow for the veterinary clinic to relocate to a larger, more modern building on the subject property.

The Commerce Office Park development has an over-arching "C-4" Planned Commercial District designation, but each lot within the development has separate "C-4" district document that created specific regulations for each lot as it was developed. The "C-4" document for Lot 6B calls out a specific site plan that has since expired. The purpose of this rezoning is to amend the "C-4" to allow for the applicant's proposal and intended use.

In July 2019, Govero Land Services submitted a rezoning application to amend the "C-4" District to allow for a veterinary clinic. This application was submitted in conjunction with a Conditional Use Permit request. The applicant intends to develop the site with a 1-story building and parking lot, as shown in the Final Site Development Plan in Exhibit A in the Attachments. This Staff Report, for project 2019-30, will focus on the compatibility of a veterinary clinic within the zoning district and surrounding areas. The other report for the Arnold Animal Hospital proposal, project 2019-31, will discuss the Final Site Development Plan in detail.

PLANNING AND ZONING ANALYSIS

When reviewing applications for changes in zoning, 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 seeking to amend and replace the existing "C-4" Planned Commercial District at the subject parcel. The purpose is to amend the use and setback regulations to allow for the applicant's proposed veterinary clinic.

"C-4" PLANNED COMMERCIAL DISTRICT: PURPOSE AND PERMITTED USES

The purpose of the "C-4" designation is to facilitate the establishment of development which does not fit within provisions made in any other commercial district. Development in a "C-4" district is to take place under approved site plans with applicable conditions to assure that development is consistent with good planning practice and operated in a manner compatible with adjoining districts, as necessary to protect the general welfare.

The proposed business is Arnold Animal Hospital, which is an existing operation in the City. The location, Lot 6B of Commerce Office Park, has been zoned "C-4" Planned Commercial

REPORT TO PLANNING COMMISSION

CITY OF ARNOLD



PLANNING AND ZONING ANALYSIS —CONTINUED

"C-4" PLANNED COMMERCIAL DISTRICT: PURPOSE AND PERMITTED USES—CONT.

since 1985. Adjacent businesses within the development include a law firm, an insurance company, a daycare, and a chiropractor, which are similar uses to the proposed use as a veterinary clinic. The proximity and visibility from MO-141 is a factor to consider in a subsequent section of this report, but the proposed use would be a compatible fit to nearby commercial uses within this particular "C-4" District.

The Commerce Office Park is a unique situation in that there is an overarching "C-4" District for the entire development, as well as separate "C-4" documents and district regulations for each lot. The 2001 ordinance providing for the "C-4" Planned Commercial District for Lot 6B is contained in this report in Exhibit C in the Attachments. Lot 6B's "C-4" regulations specify the only use as a 2-story office building identified a site plan that has since expired. Additionally, the 50-foot setback requirement would apply to the south property line, as it abuts MO-141 right-of-way, but the edge of pavement is over 100 feet from the subject property boundary. Figure 2 on the next page shows the site plan with a satellite image of the current property, which shows that the proposed building would be closer to the boundary abutting MO-141 right-of-way than surrounding properties. However, considering the large amount of right-of-way and the curve of the boundary, Staff finds the proposed 20-foot setback at the southern boundary line to be acceptable. As such, the applicant is requesting this rezoning to allow for the amendment of this "C-4" Planned Commercial District to establish a new development plan and amend the setback and use regulations of the existing district.

CONSISTENT WITH GOOD PLANNING PRACTICE

The subject property has been zoned commercially for over 30 years and continues to be designated as such on the Future Land Use Map shown on Page 4 from our 2011 Compre-

FIGURE 1: SATELLITE IMAGE OF SUBJECT PROPERTY, 2018





REPORT TO PLANNING COMMISSION

CITY OF ARNOLD

PLANNING AND ZONING ANALYSIS —CONTINUED

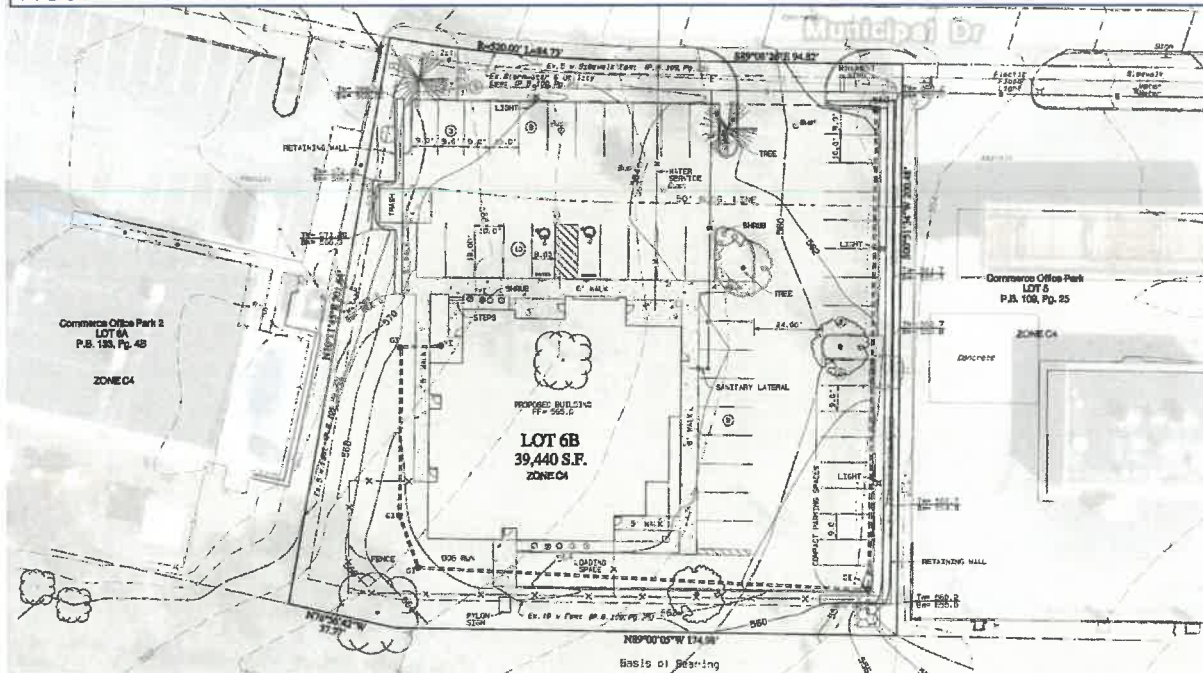
CONSISTENT WITH GOOD PLANNING PRACTICE—CONT.

-hensive Plan. The subject property’s proximity to Missouri State Route 141 and shared access with other commercial properties within the Commerce Office Park development logically leads to the subject property being designated and utilized commercially. For more consistency with other “C” commercial districts in the City, the new Attachment “A” for this property would still require the applicant to obtain a Conditional Use Permit to operate a veterinary clinic. Staff finds this preferable, so that the Planning Commission may enact further conditions of use specific to a particular business should this particular project fall through. The goals, objectives, and policies of the “C-4” Planned Commercial District, the City Zoning Ordinance, and the Comprehensive Plan are met with this requested rezoning. It is wholly consistent with good planning practice to amend the existing “C-4” district to allow for this proposal.

COMPATIBLE WITH PERMITTED DEVELOPMENT AND USES IN ADJOINING DISTRICTS

The subject property is adjacent to other “C-4” designated properties within the Commerce Office Park development, as well as MO-141 right-of-way. The property does not abut residential. The site is undeveloped and vacant, as shown in Figure 1 on the previous page. A veterinary clinic is a compatible use to other businesses within the Commerce Office Park development, which includes a chiropractor, law office, a podiatry clinic, and other office-based uses. A number of minor concerns that Staff has raised regarding the Final Site Development Plan and conditions of use of the property to mitigate any impacts will be discussed in the Staff Report for the requested Arnold Animal Hospital Conditional Use Permit

FIGURE 2: SATELLITE & FINAL SITE DEVELOPMENT PLAN



REPORT TO PLANNING COMMISSION

CITY OF ARNOLD



PLANNING AND ZONING ANALYSIS —CONTINUED

COMPATIBLE WITH PERMITTED DEVELOPMENT AND USES IN ADJOINING DISTRICTS—CONT.

(2019-31). Certain items are addressed through mitigation strategies contained in the “C-4” Attachment “A”, including parking, landscaping, and storm water. Other conditions of use that involve pet waste removal and the fenced outdoor area for animals is addressed in the conditions of use attached to the Conditional Use Permit’s Staff Report. With these in mind, Staff finds that there are mitigation strategies available to allow for the continued enjoyment of property owners within the permitted development as well as passers by on MO-141, subject to the provisions contained within the “C-4” District Attachment “A”.

NECESSARY TO THE GENERAL WELFARE

With a change of zoning it is important to make such decisions based primarily on land use issues and not entirely on issues specific to the applicant. The proximity of the subject property to signalized intersection of MO-141 makes this a desirable commercial property, if not for the strict “C-4” use and setback regulations. It is unlikely that the proposal will have a substantial adverse impact on promotion of the health, safety, quality of life, comfort and general welfare of the City, subject to the provisions contained within the “C-4” District Attachment “A”. Further, this proposal is necessary to ensure that the owner of this property is able to use it in such a way that is consistent with the surrounding Commerce Office Park development and future goals of the Comprehensive Plan.

FINDINGS

Changes in zoning, or amendments thereto, shall only be approved by the Planning Commission under the following conditions:

EXTENSION OF BOUNDARY

The existing district boundary is not proposed to change with this rezoning, thus the change will not be detrimental. It has been shown that this change is necessary for public convenience or necessity, due to the strict use and setback regulations in place in this particular “C-4” District.

SIGNIFICANT CHANGE

The original development plan for Commerce Office Park 2 Lot 6B’s “C-4” Planned Commercial District has expired and there is another developer that is now interested in developing the property. This is a significant change that warrants an amendment to the existing “C-4” District Regulations.

MISTAKE IN ZONING MAP

There is not necessarily a mistake in the Zoning Map, as the “C-4” Planned Commercial District designation is not wrong. This proposal simply seeks to amend the existing “C-4” District Regulations to allow for the proposed use and make changes to the setback regulations.



REPORT TO PLANNING COMMISSION

CITY OF ARNOLD

FINDINGS —CONTINUED

CHANGE IN CLASSIFICATION

The proposed change to amend the “C-4” District Regulations would help the zoning classification reflect the proposed use as commercial within a commercial node as shown in the Future Land Use Plan of the City of Arnold.

BEST INTERESTS OF THE CITY

It is in the best interest for the health, safety, and welfare of the citizens of the City of Arnold to simplify our zoning districts and allow for the consistent use of commercial districts within the City.

This section is intentionally left blank.

REPORT TO PLANNING COMMISSION

CITY OF ARNOLD



RECOMMENDATION

CONSISTENCY WITH THE COMPREHENSIVE PLAN AND REGULATIONS OF THE CITY

Staff finds that the proposed change of zoning is substantially consistent with the Comprehensive Plan and Regulations of the City of Arnold, subject to the provisions contained in Attachment "A".

CONSISTENCY WITH GOOD PLANNING PRACTICE

Staff finds that the proposed change of zoning is substantially consistent with good planning practice, subject to the provisions contained in Attachment "A".

COMPATIBILITY WITH PERMITTED DEVELOPMENT AND USE IN ADJOINING DISTRICTS

Staff finds that the proposed change of zoning is compatible with permitted development and uses in adjoining districts, subject to the provisions contained in Attachment "A".

NECESSARY TO THE GENERAL WELFARE

Staff finds that the proposed change of zoning will have no substantial adverse impact on promotion of the health, safety, quality of life, comfort and general welfare of the city, and further is necessary to promote well-planned development in the City, subject to the provisions contained in Attachment "A".

RECOMMENDATION

Staff finds that the proposed change of zoning meets the review criteria and further advances the intent of both the Comprehensive Plan and Zoning Ordinance. Based on this finding Staff requests favorable consideration of the application, subject to the provisions contained in Attachment "A".

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

Sarah Turner
Community Development Planner



REPORT TO PLANNING COMMISSION
CITY OF ARNOLD

ATTACHMENTS

PHOTOGRAPHS OF SITE

EXHIBIT A: FINAL SITE DEVELOPMENT PLAN

EXHIBIT B: BUILDING ELEVATIONS

EXHIBIT C: 2001 "C-4" ORDINANCE

ATTACHMENT "A"

REPORT TO PLANNING COMMISSION
CITY OF ARNOLD



VIEWSHED OF PROPERTY FROM MUNICIPAL DRIVE FACING WEST, GOOGLE STREETVIEW 8/2018

2019-30 REZONING



REPORT TO PLANNING COMMISSION

CITY OF ARNOLD



VIEWSHED OF PROPERTY FROM MUNICIPAL DRIVE FACING EAST, GOOGLE STREETVIEW 8/2018

Arnold Animal Hospital Rezoning

REPORT TO PLANNING COMMISSION
CITY OF ARNOLD



VIEWSHED OF SUBJECT PROPERTY FROM NORTHBOUND MO-141, GOOGLE STREETVIEW 8/2018



REPORT TO PLANNING COMMISSION
CITY OF ARNOLD



VIEWSHED OF SUBJECT PROPERTY FROM SOUTHBOUND MO-141, GOOGLE STREETVIEW 8/2018

Arnold Animal Hospital Rezoning



PLANNING COMMISSION MEETING CITY HALL COUNCIL CHAMBERS AUGUST 13, 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 (excused), Frank Kutilek, Jeff Campbell, Andrew Sutton, Chris Ford, Justin Lurk (excused), David Bookless, Sarah Turner, Christie Hull-Bettale and Bob Sweeney. 7 voting members present, 2 excused.

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

APPROVAL OF MINUTES: Motion by Brian McArthur to approve the minutes as presented from the July 9, 2019 meeting as presented. Second by Frank Kutilek. Voice Vote - *Unanimously Approved*.

PUBLIC COMMENT: Stephen Hollander, Hollander Architects, introduced himself and stated he was in attendance to answer any questions concerning the site plan for Syberg's.

Eric Skelton, Clayton Engineering, introduced himself and stated he was in attendance to answer any questions concerning the request for appeal from the requirement for Tree Preservation Plan for 4009 & 3993 Jeffco Blvd.

PUBLIC HEARINGS:

- a. **2019-30 Arnold Animal Hospital:** Sarah Turner stated the applicant is seeking to amend and replace the existing "C-4" Planned Commercial District for the property at Commerce Office Park 2 Lot 6B near Municipal Drive and Astra Way to allow for a Veterinary Clinic. Staff finds that the proposed change of zoning meets the review criteria and further advances the intent of both the Comprehensive Plan and Zoning Ordinance. Based on this finding, Staff requests favorable consideration of the application, subject to the provisions contained in Attachment "A" (attached).
- b. **2019-31 Arnold Animal Hospital:** Sarah Turner presented the request for a Conditional Use Permit for a Veterinary Clinic at Commerce Office Park 2 Lot 6B near Municipal Drive and Astra Way. Several issues that Staff reviewed were parking, landscaping, fencing, storm water and noise and found 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 favorable consideration of the application, subject to the following conditions:
 1. When animals are in exterior areas, they must be supervised by a caregiver at all times.
 2. Signs must be posted to instruct pet owners to keep animals on leashes or in crates until to be in the parking lot or driveway areas.
 3. All interior and exterior areas must be kept in a sanitary condition and trash pick-up must be scheduled as frequently as necessary to prevent odors and other nuisances to surrounding properties.
 4. All fences must utilize materials as approved and be in good condition.
 5. Landscaping as approved shall be properly maintained.
 6. Conditional Use Permit, Business License, and Occupancy Permit may be revoked if any nuisance is not mitigated to satisfaction of the City.
 7. Approval for Conditional Use Permit does not supersede other local, state, or federal requirements.

8. Rock Community Fire Protection District compliance requirements per Fire Marshal Jeff DeLapp:
 - a. Section D102 – Required Access
 - b. Grade D103.2 – Grade not to exceed 10%
 - c. Section D105 – Aerial Fire Apparatus Access Roads

Dan Govero, Govero Land Services, commented that they will be able to address all of the conditions.

Del Williams questioned why nine (9) foot parking spaces would be allowed. Mr. Govero explained that in order to have the required landscaping in the parking spaces, they will need to be nine (9) foot. The spaces that will be nine (9) foot are for employees only, which is allowed and will be marked “Employees Only.” All other spaces will be ten (10) foot.

Chris Ford asked about the fence. Mr. Govero stated it will be a flat chain link fence. Mr. Ford commented that his concern is people looking under there. Andrew Sutton encouraged the applicant to consider screening.

- c. **2019-24 Amendment to Site Plan Review:** David Bookless requested this discussion be continued to the August 27, 2019 meeting.

OLD BUSINESS: None

NEW BUSINESS:

- a. **2019-27 St. Louis COG:** Christie Hull-Bettale presented a request for appeal from the requirement for a Tree Preservation plan for 4009 and 3993 Jeffco Blvd. for a rough grading project. 4009 Jeffco encompasses the majority of the project. The existing buildings and related parking are located outside the city. However, toward the rear of this parcel, 4009 Jeffco is bisected by the Arnold – Jefferson County boundary line and a portion of the property is within the city. There is minimal grading planned for 3993 Jeffco. This property is within the city and the building, car lot and parking are at the front of the parcel. 70% of the densely wooded 1.25 acre parcel will remain undisturbed and the disturbed area on the 2.56 acre piece had no trees on it in 2005. Given that variance approval is granted, Staff recommends including the following two (2) conditions:

1. The variance to the Tree Preservation Program is applicable to this individual combined project including *only* 4009 and 3993 Jeffco, as further described in the project plan.
2. Should the project scope and limits change; the Planning Commission review shall be required.

Dell Williams questioned why they don't annex the Jefferson County portion into the City. David Bookless commented that he feels once there is a development plan, there would be a good chance that they annex the property into the city.

Brian McArthur questioned what they mean by rough grading. Wants to make sure they plan on re-seeding and not just leave raw dirt.

Motion by Brian McArthur to approve 2019-27, St. Louis COG, Inc., request for an appeal from the Tree Preservation Ordinance requirements for a property located at 4009 Jeffco Blvd. based on the amended findings (*note: monetary expense is not a valid finding, the Commission considers the city-county boundary bisecting the property is a particular hardship*) and the following two (2) conditions:

1. The variance to the Tree Preservation Program is applicable to this individual combined project including *only* 4009 and 3993 Jeffco, as further described in the project plan.

2. Should the project scope and limits change; the Planning Commission review shall be required.

Second by Del Williams. Roll call vote: Chris Ford, yes; Brian McArthur, yes; John Tucker, yes; Frank Kutilek, yes; Jeff Campbell, yes; Del Williams, yes; Andrew Sutton, yes. 7 yeas – 0 nays – *Motion Approved.*

- b. **2019-29 Syberg's:** Christie Hull-Bettale presented an amendment to the Commercial Site Plan for Syberg's Restaurant to allow for a building addition. The amendment is for a dining room addition in the location of the existing outdoor dining area. Staff recommends the Planning Commission approve the commercial site plan with the condition that landscape be installed as indicated on the plan and to replace, at the direction of Staff, that which is missing or dead on site.

Frank Kutilek addressed the current parking issues and asked if they will meet the parking requirements. Christie stated that since the seating will remain the same they do meet the requirements.

Kurt Syberg commented that the City of Arnold has been very good to them.

Motion by Jeff Campbell to approve 2019-29, Commercial Site Plan amendment to allow for a dining room addition in the location of the existing outdoor dining area at 249 Arnold Crossroads Center (Syberg's) with the condition that landscape be installed as indicated on the plan and to replace, at the direction of Staff, that which is missing or dead on site. Second by Frank Kutilek. Roll call vote: Chris Ford, yes; Brian McArthur, yes; John Tucker, yes; Frank Kutilek, yes; Jeff Campbell, yes; Del Williams, yes; Andrew Sutton, yes. 7 yeas – 0 nays – *Motion Approved.*

- c. **2019-30 Arnold Animal Hospital:** Motion by Jeff Campbell to approve 2019-30, to amend and replace the existing "C-4" to allow for a veterinary clinic at Commerce Office Park 2 Lot 6B near Municipal Drive and Astra Way subject to the provisions contained in Attachment "A". Second by Frank Kutilek. Roll call vote: Chris Ford, yes; Brian McArthur, yes; John Tucker, yes; Frank Kutilek, yes; Jeff Campbell, yes; Del Williams, yes; Andrew Sutton, yes. 7 yeas – 0 nays – *Motion Approved.*
- d. **2019-31 Arnold Animal Hospital:** Brian McArthur asked if some of the nine (9) foot parking spaces would be for customers.

Kevin Kohne, 3330 Deer Ridge Dr., Festus, MO explained that the nine (9) foot parking spaces for the employees will be on the side of the building where there is no entrance. He is not sure how they will be marked but the employees get there before the clients, and will take up those spots. David Bookless commented that Staff will work with them to make sure they are properly marked.

Motion by Jeff Campbell to approve 2019-31, Conditional Use Permit for a Veterinary Clinic at Commerce Office Park 2, Lot 6B near Municipal Drive and Astra Way with the eight (8) conditions:

1. When animals are in exterior areas, they must be supervised by a caregiver at all times.
2. Signs must be posted to instruct pet owners to keep animals on leashes or in crates until to be in the parking lot or driveway areas.
3. All interior and exterior areas must be kept in a sanitary condition and trash pick-up must be scheduled as frequently as necessary to prevent odors and other nuisances to surrounding properties.
4. All fences must utilize materials as approved and be in good condition.
5. Landscaping as approved shall be properly maintained.

6. Conditional Use Permit, Business License, and Occupancy Permit may be revoked if any nuisance is not mitigated to satisfaction of the City.
7. Approval for Conditional Use Permit does not supersede other local, state, or federal requirements.
8. Rock Community Fire Protection District compliance requirements per Fire Marshal Jeff DeLapp:
 - a. Section D102 – Required Access
 - b. Grade D103.2 – Grade not to exceed 10%
 - c. Section D105 – Aerial Fire Apparatus Access Roads

Second by Del Williams. Roll call vote: Chris Ford, yes; Brian McArthur, yes; John Tucker, yes; Frank Kutilek, yes; Jeff *Campbell*, yes; *Del Williams*, yes; *Andrew Sutton*, yes. 7 yeas – 0 nays – ***Motion Approved.***

STAFF UPDATE: David Bookless – Site Plan Review will be on next agenda; the first meeting in September there will be a closed amendment to the Medical Marijuana Ordinance; Cedarhurst development is progressing.

Christie Hull-Bettale – no Report

Sarah Turner – no Report

Bob Sweeney – no Report

COMMISSIONERS UPDATE:

Chris Ford - no report.

John Tucker – no report.

Jeff Campbell – no report.

Del Williams – no report.

Frank Kutilek – no report.

Andrew Sutton – asked if there is a reason the last house has not been demolished yet on the Cedarhurst site. Christie stated she was not sure why.

COUNCIL LIAISON REPORT:

Brian McArthur – new dog park is open; happy the Tree Preservation Ordinance is working as planned.

NEXT SCHEDULED MEETING: August 27, 2019

ADJOURNMENT: Meeting adjourned at 7:55 p.m.

Respectfully Submitted,

Jeff Campbell
Acting Planning Commission Secretary



CITY COUNCIL AGENDA ITEM STAFF REPORT

MEETING DATE:	September 5, 2019
TITLE:	2019-24 Site Plan Review (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 establish definitions and regulations related to “site plan review.”

REVIEW & ANALYSIS:

The Planning Commission regularly reviews *commercial site plans* as required by Section 405.040 of the Zoning Ordinance (Application of District Regulations), which reads:

“Non-residential buildings, structures and/or land (not addressed elsewhere in these regulations) must receive site plan approval from the Planning Commission before they are constructed, reconstructed, moved, erected, enlarged or land altered.”

However, the elements of such plans and the process by which the Commission is to review site plans is unclear. Additionally, Section 405.040 provides for no exceptions thereby causing a hardship for those making minor modifications to existing developments.

The proposed amendments include definitions, requirements, procedures, and fees for site plan reviews.

RECOMMENDATION:

On August 27, 2019, the Planning Commission, by a vote of 8 to 0, voted to recommend approval of the amendments.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARNOLD, MISSOURI, AMENDING CHAPTER 405 OF THE ARNOLD CODE OF ORDINANCES CREATING DEFINITIONS FOR SITE PLANS AND PROVIDING REGULATIONS THEREFOR.

WHEREAS, the City Council of the City of Arnold desires to amend Chapter 405 of the Arnold Code of Ordinances.

WHEREAS, the proper public hearings have been held, pursuant to City Ordinance and the laws of the state of Missouri.

WHEREAS, the Planning Commission has submitted its report and recommendation to the City Council on the proposed amendments to Chapter 405 of the Arnold Code of Ordinances; and

WHEREAS, the City Council voted to amend Chapter 405 of the Arnold Code of Ordinances.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARNOLD, MISSOURI, AS FOLLOWS:

SECTION 1. Section 405.060 of the Arnold Code of Ordinances is hereby amended by adding the following definitions:

“COMMERCIAL SITE PLAN (SEE “SITE PLAN (DEVELOPMENT PLAN)”)

SITE PLAN (DEVELOPMENT PLAN)

A map or graphics prepared to scale depicting the development of a tract of land, including elements such as, but not limited to the location and relationship of existing and proposed structures, streets, curb-cuts, driveways, parking areas, landscaping, natural features, utilities, and other potentially sensitive design issues, all as further delineated in this Chapter. Such plans may be preliminary, final, and other types.”

SECTION 2. Section 405.040(A)(2) of the Arnold Code of Ordinances is hereby amended by its deletion and substitution in lieu thereof the following:

“2. Non-residential buildings, structures and/or land (not addressed elsewhere in these regulations) must receive site plan approval from the Planning Commission before they are constructed, reconstructed, moved, erected, enlarged or land altered. (See Section 405.500 Site Plan Review).”

SECTION 3. Chapter 405 of the Arnold Code of Ordinances is hereby amended by adding the following section:

“Section 405.500. Site Plan Review.

Section 405.500.010. Intent.

This section recognizes the importance to the public health, safety and welfare, the safe movement of traffic, the retention of value of improvements upon the land, the conservation of natural resources and that site improvements will be constructed to advance those and other public interests. The site plan shall demonstrate to the site plan reviewing entity or entities the character and objectives of the proposed development in adequate detail for the reviewers to evaluate the effect it will have upon the community and the public interest. The site plan review regulates the development of structures and sites in a manner that considers the following concerns:

- A. The balancing of landowners' rights to use their land, with the corresponding rights of abutting and neighboring landowners to live without undue disturbances (e.g., noise, smoke, fumes, dust, odor, glare, stormwater runoff, etc.);
- B. The convenience and safety of vehicular and pedestrian movement within the site, and in relation to adjacent areas or roads;
- C. The adequacy of waste disposal methods and protection from pollution of surface water or groundwater;
- D. The protection of historic and natural environmental features on the site under review, and in adjacent areas;
- E. The stability of the built environment, particularly residential neighborhoods, by promoting development that is compatible with clearly identified natural resources;
- F. Consistency with the Comprehensive Plan, Subdivision Ordinance, Zoning Ordinance, and the Municipal Code of Ordinances; and
- G. Impact on existing City infrastructure and public improvements. The proposed development shall not result in undue or unnecessary burdens on the City's existing infrastructure unless arrangements are made to mitigate such impacts.

Section 405.500.020. Site plan; when required.

- A. A site plan for the use or development of property must be approved by the City prior to any of the following events:
 - 1. The grading of any site for development or the issuance of any building permit for the construction or expansion of any principal structure, except as provided for herein.
 - 2. A change in the principal or accessory use of a property that results in additional parking requirements or other site requirements not reflected on any existing approved site plan as determined by the Community Development Director.
 - 3. Any development within the City's "MHD" Manufactured Home District, "C-1" Commercial District, "C-2" Commercial District, "C-3" Commercial District, "C-4" Commercial District, "M-1" Industrial District, "M-2" Industrial District, "M-3" Planned Industrial District, or for land subject to the City's

Planned Residential Development Procedures or Conditional Use Permit procedures, unless otherwise authorized by the City.

4. As otherwise required in Section 405, Zoning, including, but not limited to, requirements contained in Section 405.040 Application of District Regulations, Section 405.490 Planned Residential Development Procedures, Section 405.760 Supplementary District Regulations, and Section 405.870 Conditional Use Permits.

B. Exceptions. A site plan shall not be required in the following situations:

1. When the Director grants an exemption pursuant to subsection C. of this section;
2. The construction or expansion of an individual single-family residential detached dwelling, including associated detached accessory structures.
3. Construction of an accessory commercial structure or addition not exceeding five hundred (500) square feet when such structure or addition is not substantially visible from the public viewshed.
4. Improvements for off-street parking purposes when appurtenant only to existing buildings and where access will be provided by existing driveways, provided such improvement does not provide more than five (5) additional parking spaces.
5. Grading of open area, either by excavation or fill for the sole purpose of bringing the land to a grade compatible with the surrounding area, provided that the removal of existing vegetation does not exceed three (3) acres and the designated city engineer finds on inspection of the site that such grading will have no adverse effect on the land of surrounding property owners, will not encroach on or impair existing drainage channels or floodplains, and will not cause problems of erosion, ponding, and/or silting on adjoining properties.

C. The Community Development Director may waive the requirement that a site plan be submitted when the applicant demonstrates to the Director one (1) of the following:

1. That the proposed development, issuance of a certificate of occupancy, or change in the principal use of property will have no detrimental impact on adjoining properties or otherwise would clearly comply with all regulations of the City without review of the plan and thereby eliminating the necessity for the establishment of, or revision to, a site plan; or
2. That the proposed development will conform in every substantive respect to a site plan previously approved for the same property.

When the Director utilizes this waiver procedure, he shall report such action to the Planning Commission at their next regularly scheduled meeting.

Section 405.500.030. Site plan review procedures.

Site plan review shall be conducted by City staff, however, the City may require, at the expense of the petitioner, site plan reviews conducted by the City's consultant or other professionals.

- A. Any person required to submit a site plan shall initially file the appropriate number of copies and a digital version with the Community Development Director, to include completed application forms furnished by the City, and pay any required filing fee in accordance with Section 405.500.140. Fees.
- B. An initial site plan review shall be completed by the Community Development Director or assigns and all applicable City departments, and other associated jurisdictions and review agencies within thirty (30) days of the date of filing. The City shall provide the applicant with a comment letter delineating all plan deficiencies that need to be addressed prior to proceeding to the Planning Commission. The applicant shall submit a revised plan addressing identified deficiencies. When the Community Development Director determines the plan sufficient for Planning Commission review, the Director or assigns shall prepare a staff report that provides an overview of the project's level of compliance with the City's Comprehensive Plan, applicable review criteria set forth herein, requirements of this Chapter, and other applicable chapters of the City's Code of Ordinances. The report shall consider the input provided by appropriate City departments, and other associated jurisdictions and agencies. The staff report shall contain a written recommendation of approval, approval with specific conditions, or disapproval, made to the Planning Commission for its consideration. A copy of the report shall be provided to the applicant prior to the meeting where the Planning Commission shall conduct its review.
- C. The applicant shall have the opportunity to present the site plan to the Planning Commission and respond to Commission questions prior to the rendering of any decision by the Commission.
- D. The Community Development Director shall provide written notification to the applicant of the Planning Commission's decision within seven (7) days of such decision.
- E. The applicant may appeal any written disapproval to the City Council by written notice of appeal, citing reasons for the appeal, delivered to the City Council within fifteen (15) days of the mailing of the written disapproval. The City Council shall examine the record and decide the appeal within thirty (30) days with or without additional input or argument, and notify the applicant of the appeal decision within seven (7) days of the City Council decision. The applicant may appeal an adverse decision of the City Council as provided in Chapter 536, RSMo.
- F. Building permits shall not be issued for any use of land or proposed construction on a lot in the zoning districts in which site plan review is applicable, unless site plan review approval has been granted.

Section 405.500.040. - Application.

Each application for site plan approval shall be submitted to the City signed by the owner of record or their agent accompanied by the appropriate number of copies and a digital version of the site plan in a format compatible with the City's software. Additional submittal requirements that shall accompany a site plan where applicable, shall include, but are not limited to:

- A. All parking, buffering/screening, lighting, landscape, tree preservation, architectural requirements in accordance with applicable subsections of Section 405, Zoning.
- B. All conditional use application requirements in accordance with Section 405.870.
- C. All planned residential development procedure application requirements in accordance with Section 405.490.
- D. Additional information to be placed on the site plan beyond the requirements listed herein may be required as requested by the Community Development Director, the Planning Commission or City Council in accordance with the requirements of Section 405, Zoning, to include applicable technical studies.
- E. All applicable requirements of the City's Subdivision Regulations as they apply to the development.

Section 405.500.050. - Submission requirements.

- A. The site plan shall be designed and prepared by registered design professionals licensed in the State of Missouri, such as architects, landscape architects or engineers, with the appropriate seal affixed, unless permitted otherwise by the Community Development Director, and shall include the following data, details, and supporting plans which are relevant to the proposal:
 - 1. The site plan shall be of a scale not to be greater than one (1) inch equals fifty (50) feet nor less than one (1) inch equals two hundred (200) feet, and of such accuracy that the Commission can readily interpret the Plan, and shall include more than one (1) drawing if required for clarity.
 - 2. A scale, north arrow, boundary dimensions, natural features such as woodlots, streams, rivers, lakes, drains, existing manmade features such as buildings, structures, easements, high tension towers, pipe lines, existing utilities such as water and sewer lines, etc., excavations, bridges, culverts, and drains, and shall identify adjacent properties within one hundred (100) feet and their existing uses.
 - 3. Name and address of the owner of record, developer, and seal of the engineer, architect, land surveyor or landscape architect.
 - 4. Abutting property owners, names, addresses, zip codes, Jefferson County parcel numbers, and where different, zoning district.

5. The property shall be identified by lot lines and location, including dimensions, angles, and size, correlated with the legal description of said property. All existing lot lines, easements, and rights-of-way shall be shown.
6. Locations and dimensions of all setbacks, including distances between all buildings, between buildings and property lines and between all parking areas and property lines.
7. The location and use of all existing and proposed structures within the development. Include all dimensions of height, ground floor area, gross floor area, and show all exterior entrances and all anticipated future additions and alterations.
8. Depict locations, heights, and intensity of all exterior lighting, including a graphic and catalog reference describing the proposed standards.
9. Delineate and dimension all areas utilized for storage and/or parking equipment, materials and vehicles.
10. For phased developments, depict the various limits and timing of each proposed phase.
11. Location, dimension and area any parcel or property thereof proposed to be set aside for open space, park, playground use or other public/private recreational purposes.
12. Provide the location of all retaining walls, fences, screening, earth berms, and trash enclosure as well as a typical architectural elevation reflecting the proposed finished construction.
13. The location of all present and proposed public and private ways, parking areas, loading areas, driveways, sidewalks, ramps, and curbs. Include calculations for required and proposed parking and loading. Location, type, and screening details for all waste disposal containers shall also be shown.
14. Traffic flow patterns within the site, entrances and exits, loading and unloading areas, curb cuts on the site and within one hundred (100) feet of the site.
15. The location, height, size, materials, and design of all proposed signage.
16. The location of all present and proposed utility systems including, but not limited to:
 - a. Sewage system;
 - b. Water supply system;
 - c. Telephone, cable and electrical systems;
 - d. Storm drainage system including existing and proposed drain lines;

17. Plans to prevent the pollution of surface water or groundwater, erosion of soil both during and after construction, excessive run-off, excessive raising or lowering of the water table, and flooding of other properties, as applicable.
18. Existing topography and finished grade line elevations at two (2) foot contour intervals as well as the proposed finished floor elevation for all structures. All elevations shall refer to the United States Geodetic Survey (USGS) datum. If any portion of the parcel is within the one hundred (100) year floodplain, the area shall be shown, with base flood elevations; and the developer shall present plans for meeting Federal Emergency Management Agency (FEMA) requirements.
19. Architectural elevations. Architectural elevations of all proposed buildings and structures, identifying all materials proposed including color schemes for each. For infill developments the architect shall provide a statement of design intent indicating any design decisions made to make new construction compatible with existing structures.
20. Landscape plan. A landscape plan depicting all existing open space, trees, forest cover and water sources, and all proposed changes to these features including size and type of plant material, and percentage open space with related calculations. Water sources will include ponds, lakes, brooks, streams, wetlands, floodplains, and drainage retention areas.
21. Tree Preservation Plan. Where required per Article IV, Tree Preservation Program, of the City of Arnold Zoning Ordinance, a tree preservation plan satisfying all requirements of the article.
22. Site sections. Schematic or illustrative sections shall be drawn to a scale of 1 foot equals 8 inches or larger, indicating both edge conditions and internal grade changes in relation to principal variations of internal building levels and sight line relations to adjacent residences.
23. Traffic control. The Community Development Director may require a detailed traffic study for mixed use and multi-tenant developments, or for developments in heavy traffic areas.
24. Additional information may be requested to be placed on the site plan beyond the requirements listed above based on a review of the site plan by City staff. Proper approval shall be required, where applicable and appropriate, from all relevant review agencies including, but not limited to, the following: AmerenUE; Missouri-American Water Company; Public Water Supply District 1 of Jefferson County; Laclede Gas Company; Jefferson County Health Department; Missouri Department of Transportation; Missouri Department of Natural Resources; U.S. Army Corps of Engineers; and/or any other agency where applicable and appropriate.

B. Required plan elements may be waived at the discretion of the Community

Development Director.

- C. The applicant shall make notations explaining the reasons the omission of any required element so authorized by the Director.

Section 405.500.060. - Review criteria.

In reviewing a site plan application, the Community Development Director shall identify and evaluate all factors relevant to the application, including whether it complies with all applicable provisions of this title. The applicant shall have the burden of demonstrating that the site plan application meets the application review criteria.

General requirements. The recommendations of the Community Development Director shall be based on the following criteria:

- A. The extent to which the proposal conforms to the previous sections of these regulations.
- B. The extent to which the development would be compatible with the surrounding area.
- C. The extent to which the proposal conforms to the provisions of the City's Subdivision Regulations.
- D. The extent to which the proposal conforms to customary engineering standards used in the City.
- E. The extent to which the location of streets, paths, walkways, and driveways are located to enhance safety and minimize any adverse traffic impact on the surrounding area.

Section 405.500.080. - Amended site plans.

Once a site plan has been approved, changes in the site plan shall be made only after approval by the City.

Section 405.500.090. - Procedure for amended site plan applications.

When an application for an amended site plan is filed, the Community Development Director shall determine whether the amended site plan involves substantial or minor changes, and shall notify the applicant within seven (7) working days of the nature of the requested changes and of the procedure that applies to consideration of the application for an amended site plan. The determination of the Community Development Director may be appealed to the City Council, whose decision shall be final.

Section 405.500.100. – Substantial changes.

Substantial changes, as defined in this section, to the approved site plan may be approved only by the Planning Commission after review and recommendation by the Community Development Director. Approval of substantial changes to the approved site plan shall follow the procedure for original approval of the site plan.

Section 405.500.110. – Minor changes.

Minor changes shall include changes not defined herein as substantial, and may be approved by the Community Development Director provided no more than two (2) amended site plans shall be approved that involve minor changes.

Section 405.500.120. – Definition of substantial changes.

For purposes of this Section 405.500., "substantial changes" to the approved site plan shall mean any of the following:

- A. A change in the number or sequence of phases, if any;
- B. Increases in the density or intensity of residential uses greater than or equal to five (5) percent;
- C. Increases in the total floor area of all nonresidential buildings covered by the plan greater than or equal to ten (10) percent;
- D. Increases of lot coverage greater than or equal to five (5) percent;
- E. Increases in the height of any building greater than or equal to ten (10) percent;
- F. Changes to construction material, color palette, or architectural style as determined by the Community Development Director;
- G. Changes in ownership patterns, stages of construction, or declared use or business that will lead to a different development concept;
- H. Changes in ownership patterns, stages of construction, or declared use or business that will impose substantially greater loads on streets and other public facilities;
- I. Decreases of any setback greater than or equal to five (5) feet or ten (10) percent, whichever is less;
- J. ~~Decreases of areas devoted to open space greater than or equal to five (5) percent, or the substantial relocation of such areas;~~
- K. Changes to the ingress/egress to property or of traffic or circulation patterns that will affect traffic outside of the project boundaries;
- L. Modification or removal of conditions to the site plan approval;
- M. Reconfiguration of building locations where:
 - 1. The reconfiguration substantially increases the density or intensity of uses, total floor area of any nonresidential building, lot coverage, or the height of any buildings; decreases the setbacks, or open space of the development; or changes the architectural style of the project or buildings; or modifies or removes conditions of the approved site plan; and

2. The reconfiguration does not substantially alter the circulation patterns external to the site and/or the ingress and egress on the property;
- N. Changes to the utility plans that substantially impact other elements of an approved site plan as determined by the Community Development Director.
- O. The Community Development Director, at his discretion, may determine and find any other change to an approved site plan that is not otherwise defined in this section as substantial. Such determination and finding may be appealed to the Planning Commission.

Section 405.500.140. – Fees.

A. Site Plan Review (New)

1. Less than 2 acres - \$250.00 for up to 2 plan reviews plus \$125.00 for each review thereafter; or
2. 2 to 10 acres - \$500.00 for up to 2 plan reviews plus \$250.00 for each review thereafter; or
3. Over 10 acres - \$750.00 for up to 2 plan reviews plus \$375.00 for each review thereafter.

B. Site Plan Review (Amendment to an Approved Plan)

1. Minor changes - Fifty percent (50%) of the cost for a “new” review; or
2. Substantial changes - One hundred percent (100%) of the cost for a “new” review.

C. Reimbursement for Additional Costs.

1. When additional costs are incurred by the City for any consultation with the City’s engineers, attorneys, or other professional related to plan review, all additional costs incurred above the application fee for permit review, reimbursement by the applicant shall be required.
2. When such costs are anticipated, the City may require a retainer of no less than \$500.”

SECTION 4. 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 5. 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 6. 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 SEPTEMBER 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



REPORT TO PLANNING COMMISSION

CITY OF ARNOLD

APPLICATION #: 2019-24

APPLICATION NAME: Application to Amend Municipal Code Chapter 405
(Zoning) - Site Plan Review

APPLICANT: City of Arnold

REQUEST: A City-initiated request to amend Chapter 405, Zoning, of the Code of Ordinances to modify definitions and regulations related to site plan review.

MEETING DATE: August 27, 2019

REPORT DATE: August 21, 2019

CASE MANAGER: David B. Bookless, AICP

RECOMMENDATION: **APPROVAL**



REPORT TO PLANNING COMMISSION

CITY OF ARNOLD

BACKGROUND

The City's Zoning Ordinance (Ord. No. 14.2) was adopted by the City Council on June 30, 1977. A number of amendments have been approved since that time with the most recent being on February 21, 2019. Even the best ordinances become out of date. Periodic revision is essential if the ordinances are to establish and maintain a rational land use pattern. Changes, however, should not be made in an arbitrary manner. Significant updates to the Zoning and Subdivision Ordinances are best undertaken following an update of the Comprehensive Plan. The rationale for this approach is that the Ordinances are the implementation tools of the Plan and should reflect its goals and policies. Nevertheless, clarification of information contained in the Zoning Ordinance may be appropriate at any time. Occasionally, unforeseen issues may need to be addressed on an ad hoc basis.

Planning Commission regularly reviews commercial site plans as required by Section 405.040 of the Zoning Ordinance (Application of District Regulations), which reads:

"Non-residential buildings, structures and/or land (not addressed elsewhere in these regulations) must receive site plan approval from the Planning Commission before they are constructed, reconstructed, moved, erected, enlarged or land altered."

However, the elements of such plans and the process by which the Commission is to review site plans is unclear. Additionally, Section 405.040 provides for no exceptions thereby causing a hardship for those making *minor* modifications to existing developments.

DISCUSSION/ANALYSIS

The analysis by Staff that follows is intended to allow the Planning Commission and City Council 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.

ANALYSIS OF THE CURRENT ZONING REGULATIONS REGARDING SITE PLAN REVIEW

There are numerous references in the Zoning and Subdivision Ordinances to *site plans, commercial site plans, preliminary site plans, final site plans, development plans, preliminary development plans, final development plans*, and similar terminology. In some cases, such as they relate to subdivision plats, sign permits, tree preservation plans, and permits for the keeping of backyard chickens, the content and review of such plans are defined. However, in other cases the content and review procedure is either vague or undefined altogether (e.g. Commercial site plans for non-planned commercial and industrial districts).

In addition, Zoning Ordinance Section 405.040, *Application of District Regulations*, states that all "Non-residential buildings, structures and/or land (not addressed elsewhere in these regulations) must receive site plan approval from the Planning Commission before they are constructed, reconstructed, moved, erected, enlarged or land altered." The requirement leaves no room for interpretation as it relates to the size, scale, or nature of the project. For example, as the Code reads should a house of worship seek to construct a storage shed in the

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rear yard of the property, the submission of a site plan for Commission review is required. Likewise, were a commercial or industrial facility seek to construct a small addition that is not visible to the public, doesn't affect traffic, adjacent properties, etc., Commission review and approval is required.

For reasons identified above and numerous other possible examples, Staff recommends the Commission consider revisions to the Zoning Ordinance to provide the development community with clarification and a procedure that is consistent and predictable.

PROPOSED CHANGES TO THE ZONING ORDINANCE

** Unchanged text in black * Additions are in blue underscored * Deletions are in ~~red strikethrough~~ **

Section 405.060 Definitions

Section 405.500.060(A)(2)

COMMERCIAL SITE PLAN (SEE "SITE PLAN (DEVELOPMENT PLAN)")

SITE PLAN (DEVELOPMENT PLAN)

A map or graphics prepared to scale depicting the development of a tract of land, including elements such as, but not limited to the location and relationship of existing and proposed structures, streets, curb-cuts, driveways, parking areas, landscaping, natural features, utilities, and other potentially sensitive design issues, all as further delineated in this Chapter. Such plans may be preliminary, final, and other types.

Section 405.040 Application of District Regulations.

Section 405.040(A)

2. Non-residential buildings, structures and/or land (not addressed elsewhere in these regulations) must receive site plan approval from the Planning Commission before they are constructed, reconstructed, moved, erected, enlarged or land altered. (See Section 405.500 Site Plan Review).

Section 405.500. Site Plan Review.

Section 405.500.010. Intent.

This section recognizes the importance to the public health, safety and welfare, the safe movement of traffic, the retention of value of improvements upon the land, the conservation of natural resources and that site improvements will be constructed to advance those and other public interests. The site plan shall demonstrate to the site plan reviewing entity or entities the character and objectives of the proposed development in adequate detail for the reviewers to evaluate the effect it will have upon the community and the public interest. The site plan review regulates the development of structures and sites in a manner that considers the following concerns:

- A. The balancing of landowners' rights to use their land, with the corresponding rights of abutting and neighboring landowners to live without undue disturbances (e.g., noise, smoke, fumes, dust, odor, glare, stormwater runoff, etc.);



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- B. The convenience and safety of vehicular and pedestrian movement within the site, and in relation to adjacent areas or roads;
- C. The adequacy of waste disposal methods and protection from pollution of surface water or groundwater;
- D. The protection of historic and natural environmental features on the site under review, and in adjacent areas;
- E. The stability of the built environment, particularly residential neighborhoods, by promoting development that is compatible with clearly identified natural resources;
- F. Consistency with the Comprehensive Plan, Subdivision Ordinance, Zoning Ordinance, and the Municipal Code of Ordinances; and
- G. Impact on existing City infrastructure and public improvements. The proposed development shall not result in undue or unnecessary burdens on the City's existing infrastructure unless arrangements are made to mitigate such impacts.

Section 405.500.020. Site plan; when required.

- A. A site plan for the use or development of property must be approved by the City prior to any of the following events:
 - 1. The grading of any site for development or the issuance of any building permit for the construction or expansion of any principal structure, except as provided for herein.
 - 2. A change in the principal or accessory use of a property that results in additional parking requirements or other site requirements not reflected on any existing approved site plan as determined by the Community Development Director.
 - 3. Any development within the City's "MHD" Manufactured Home District, "C-1" Commercial District, "C-2" Commercial District, "C-3" Commercial District, "C-4" Commercial District, "M-1" Industrial District, "M-2" Industrial District, "M-3" Planned Industrial District, or for land subject to the City's Planned Residential Development Procedures or Conditional Use Permit procedures, unless otherwise authorized by the City.
 - 4. As otherwise required in Section 405, Zoning, including, but not limited to, requirements contained in Section 405.040 Application of District Regulations, Section 405.490 Planned Residential Development Procedures, Section 405.760 Supplementary District Regulations, and Section 405.870 Conditional Use Permits.
- B. Exceptions. A site plan shall not be required in the following situations:
 - 1. When the Director grants an exemption pursuant to subsection C. of this section;
 - 2. The construction or expansion of an individual single-family residential detached dwelling, including associated detached accessory structures.

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3. Construction of an accessory commercial structure or addition not exceeding five hundred (500) square feet when such structure or addition is not substantially visible from the public viewshed.
4. Improvements for off-street parking purposes when appurtenant only to existing buildings and where access will be provided by existing driveways, provided such improvement does not provide more than five (5) additional parking spaces.
5. Grading of open area, either by excavation or fill for the sole purpose of bringing the land to a grade compatible with the surrounding area, provided that the removal of existing vegetation does not exceed three (3) acres and the designated city engineer finds on inspection of the site that such grading will have no adverse effect on the land of surrounding property owners, will not encroach on or impair existing drainage channels or floodplains, and will not cause problems of erosion, ponding, and/or silting on adjoining properties.

C. The Community Development Director may waive the requirement that a site plan be submitted when the applicant demonstrates to the Director one (1) of the following:

1. That the proposed development, issuance of a certificate of occupancy, or change in the principal use of property will have no detrimental impact on adjoining properties or otherwise would clearly comply with all regulations of the City without review of the plan and thereby eliminating the necessity for the establishment of, or revision to, a site plan; or
2. That the proposed development will conform in every substantive respect to a site plan previously approved for the same property.

Section 405.500.030. Site plan review procedures.

Site plan review shall be conducted by City staff, however, the City may require, at the expense of the petitioner, site plan reviews conducted by the City's consultant or other professionals.

- A. Any person required to submit a site plan shall initially file the appropriate number of copies and a digital version with the Community Development Director, to include ~~completed application forms furnished by the City, and pay any required filing fee in accordance with Section 405.500.140. Fees.~~
- B. An initial site plan review shall be completed by the Community Development Director or assigns and all applicable City departments, and other associated jurisdictions and review agencies within thirty (30) days of the date of filing. The City shall provide the applicant with a comment letter delineating all plan deficiencies that need to be addressed prior to proceeding to the Planning Commission. The applicant shall submit a revised plan addressing identified deficiencies. When the Community Development Director determines the plan sufficient for Planning Commission review, the Director or assigns shall prepare a staff report that provides an overview of the project's level of compliance with the City's Comprehensive Plan, applicable review criteria set forth herein, requirements of this Chapter, and other applicable chapters of the City's Code of Ordinances. The report shall consider the input provided by appropriate City departments, and other associated jurisdictions and agencies. The staff report shall contain a written recommendation of



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approval, approval with specific conditions, or disapproval, made to the Planning Commission for its consideration. A copy of the report shall be provided to the applicant prior to the meeting where the Planning Commission shall conduct its review.

- C. The applicant shall have the opportunity to present the site plan to the Planning Commission and respond to Commission questions prior to the rendering of any decision by the Commission.
- D. The Community Development Director shall provide written notification to the applicant of the Planning Commission's decision within seven (7) days of such decision.
- E. The applicant may appeal any written disapproval to the City Council by written notice of appeal, citing reasons for the appeal, delivered to the City Council within fifteen (15) days of the mailing of the written disapproval. The City Council shall examine the record and decide the appeal within thirty (30) days with or without additional input or argument, and notify the applicant of the appeal decision within seven (7) days of the City Council decision! The applicant may appeal an adverse decision of the City Council as provided in Chapter 536, RSMo.
- F. Building permits shall not be issued for any use of land or proposed construction on a lot in the zoning districts in which site plan review is applicable, unless site plan review approval has been granted.

Section 405.500.040. - Application.

Each application for site plan approval shall be submitted to the City signed by the owner of record or their agent accompanied by the appropriate number of copies and a digital version of the site plan in a format compatible with the City's software. Additional submittal requirements that shall accompany a site plan where applicable, shall include, but are not limited to:

- A. All parking, buffering/screening, lighting, landscape, tree preservation, architectural requirements in accordance with applicable subsections of Section 405, Zoning.
- B. All conditional use application requirements in accordance with Section 405.870.
- ~~C. All planned residential development procedure application requirements in accordance with Section 405.490.~~
- D. Additional information to be placed on the site plan beyond the requirements listed herein may be required as requested by the Community Development Director, the Planning Commission or City Council in accordance with the requirements of Section 405, Zoning, to include applicable technical studies.
- E. All applicable requirements of the City's Subdivision Regulations as they apply to the development.

Section 405.500.050. - Submission requirements.

- A. The site plan shall be designed and prepared by registered design professionals licensed in the State of Missouri, such as architects, landscape architects or engineers, with the

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appropriate seal affixed, unless permitted otherwise by the Community Development Director, and shall include the following data, details, and supporting plans which are relevant to the proposal:

1. The site plan shall be of a scale not to be greater than one (1) inch equals fifty (50) feet nor less than one (1) inch equals two hundred (200) feet, and of such accuracy that the Commission can readily interpret the Plan, and shall include more than one (1) drawing if required for clarity.
2. A scale, north arrow, boundary dimensions, natural features such as woodlots, streams, rivers, lakes, drains, existing manmade features such as buildings, structures, easements, high tension towers, pipe lines, existing utilities such as water and sewer lines, etc., excavations, bridges, culverts, and drains, and shall identify adjacent properties within one hundred (100) feet and their existing uses.
3. Name and address of the owner of record, developer, and seal of the engineer, architect, land surveyor or landscape architect.
4. Abutting property owners, names, addresses, zip codes, Jefferson County parcel numbers, and where different, zoning district.
5. The property shall be identified by lot lines and location, including dimensions, angles, and size, correlated with the legal description of said property. All existing lot lines, easements, and rights-of-way shall be shown.
6. Locations and dimensions of all setbacks, including distances between all buildings, between buildings and property lines and between all parking areas and property lines.
7. The location and use of all existing and proposed structures within the development. Include all dimensions of height, ground floor area, gross floor area, and show all exterior entrances and all anticipated future additions and alterations.
8. Depict locations, heights, and intensity of all exterior lighting, including a graphic and catalog reference describing the proposed standards.
9. Delineate and dimension all areas utilized for storage and/or parking equipment, materials and vehicles.
10. For phased developments, depict the various limits and timing of each proposed phase.
11. Location, dimension and area any parcel or property thereof proposed to be set aside for open space, park, playground use or other public/private recreational purposes.
12. Provide the location of all retaining walls, fences, screening, earth berms, and trash enclosure as well as a typical architectural elevation reflecting the proposed finished construction.
13. The location of all present and proposed public and private ways, parking areas,



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- loading areas, driveways, sidewalks, ramps, and curbs. Include calculations for required and proposed parking and loading. Location, type, and screening details for all waste disposal containers shall also be shown.
14. Traffic flow patterns within the site, entrances and exits, loading and unloading areas, curb cuts on the site and within one hundred (100) feet of the site.
 15. The location, height, size, materials, and design of all proposed signage.
 16. The location of all present and proposed utility systems including, but not limited to:
 - a. Sewage system;
 - b. Water supply system;
 - c. Telephone, cable and electrical systems;
 - d. Storm drainage system including existing and proposed drain lines;
 17. Plans to prevent the pollution of surface water or groundwater, erosion of soil both during and after construction, excessive run-off, excessive raising or lowering of the water table, and flooding of other properties, as applicable.
 18. Existing topography and finished grade line elevations at two (2) foot contour intervals as well as the proposed finished floor elevation for all structures. All elevations shall refer to the United States Geodetic Survey (USGS) datum. If any portion of the parcel is within the one hundred (100) year floodplain, the area shall be shown, with base flood elevations; and the developer shall present plans for meeting Federal Emergency Management Agency (FEMA) requirements.
 19. Architectural elevations. Architectural elevations of all proposed buildings and structures, identifying all materials proposed including color schemes for each. For infill developments the architect shall provide a statement of design intent indicating any design decisions made to make new construction compatible with existing structures.
 20. Landscape plan. A landscape plan depicting all existing open space, trees, forest cover and water sources, and all proposed changes to these features including size and type of plant material, and percentage open space with related calculations. Water sources will include ponds, lakes, brooks, streams, wetlands, floodplains, and drainage retention areas.
 21. Tree Preservation Plan. Where required per Article IV, Tree Preservation Program, of the City of Arnold Zoning Ordinance, a tree preservation plan satisfying all requirements of the article.
 22. Site sections. Schematic or illustrative sections shall be drawn to a scale of 1 foot equals 8 inches or larger, indicating both edge conditions and internal grade changes in relation to principal variations of internal building levels and sight line relations to adjacent residences.
 23. Traffic control. The Community Development Director may require a detailed traffic study for mixed use and multi-tenant developments, or for developments in heavy

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traffic areas.

24. Additional information may be requested to be placed on the site plan beyond the requirements listed above based on a review of the site plan by City staff. Proper approval shall be required, where applicable and appropriate, from all relevant review agencies including, but not limited to, the following: AmerenUE; Missouri-American Water Company; Public Water Supply District 1 of Jefferson County; Laclede Gas Company; Jefferson County Health Department; Missouri Department of Transportation; Missouri Department of Natural Resources; U.S. Army Corps of Engineers; and/or any other agency where applicable and appropriate.

B. Required plan elements may be waived at the discretion of the Community Development Director.

C. The applicant shall make notations explaining the reasons the omission of any required element so authorized by the Director.

Section 405.500.060. - Review criteria.

In reviewing a site plan application, the Community Development Director shall identify and evaluate all factors relevant to the application, including whether it complies with all applicable provisions of this title. The applicant shall have the burden of demonstrating that the site plan application meets the application review criteria.

General requirements. The recommendations of the Community Development Director shall be based on the following criteria:

A. The extent to which the proposal conforms to the previous sections of these regulations.

B. The extent to which the development would be compatible with the surrounding area.

C. The extent to which the proposal conforms to the provisions of the City's Subdivision Regulations.

D. The extent to which the proposal conforms to customary engineering standards used in the City.

E. The extent to which the location of streets, paths, walkways, and driveways are located to enhance safety and minimize any adverse traffic impact on the surrounding area.

Section 405.500.080. - Amended site plans.

Once a site plan has been approved, changes in the site plan shall be made only after approval by the City.

Section 405.500.090. - Procedure for amended site plan applications.

When an application for an amended site plan is filed, the Community Development Director shall determine whether the amended site plan involves substantial or minor changes, and shall notify the applicant within seven (7) working days of the nature of the requested changes and of



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the procedure that applies to consideration of the application for an amended site plan. The determination of the Community Development Director may be appealed to the City Council, whose decision shall be final.

Section 405.500.100. – Substantial changes.

Substantial changes, as defined in this section, to the approved site plan may be approved only by the Planning Commission after review and recommendation by the Community Development Director. Approval of substantial changes to the approved site plan shall follow the procedure for original approval of the site plan.

Section 405.500.110. – Minor changes.

Minor changes shall include changes not defined herein as substantial, and may be approved by the Community Development Director provided no more than two (2) amended site plans shall be approved that involve minor changes.

Section 405.500.120. – Definition of substantial changes.

For purposes of this Section 405.500., "substantial changes" to the approved site plan shall mean any of the following:

- A. A change in the number or sequence of phases, if any;
- B. Increases in the density or intensity of residential uses greater than or equal to five (5) percent;
- C. Increases in the total floor area of all nonresidential buildings covered by the plan greater than or equal to ten (10) percent;
- D. Increases of lot coverage greater than or equal to five (5) percent;
- E. Increases in the height of any building greater than or equal to ten (10) percent;
- F. Changes to construction material, color palette, or architectural style as determined by the Community Development Director;
- G. Changes in ownership patterns, stages of construction, or declared use or business that will lead to a different development concept;
- H. Changes in ownership patterns, stages of construction, or declared use or business that will impose substantially greater loads on streets and other public facilities;
- I. Decreases of any setback greater than or equal to five (5) feet or ten (10) percent, whichever is less;
- J. Decreases of areas devoted to open space greater than or equal to five (5) percent, or the substantial relocation of such areas;
- K. Changes to the ingress/egress to property or of traffic or circulation patterns that will affect

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traffic outside of the project boundaries;

L. Modification or removal of conditions to the site plan approval;

M. Reconfiguration of building locations where:

- 1) The reconfiguration substantially increases the density or intensity of uses, total floor area of any nonresidential building, lot coverage, or the height of any buildings; decreases the setbacks, or open space of the development; or changes the architectural style of the project or buildings; or modifies or removes conditions of the approved site plan; and
- 2) The reconfiguration does not substantially alter the circulation patterns external to the site and/or the ingress and egress on the property;

N. Changes to the utility plans that substantially impact other elements of an approved site plan as determined by the Community Development Director.

O. The Community Development Director, at his discretion, may determine and find any other change to an approved site plan that is not otherwise defined in this section as substantial. Such determination and finding may be appealed to the Planning Commission.

Section 405.500.140. – Fees.

A. Site Plan Review (New)

1. Less than 2 acres - \$250.00 for up to 2 plan reviews plus \$125.00 for each review thereafter; or
2. 2 to 10 acres - \$500.00 for up to 2 plan reviews plus \$250.00 for each review thereafter; or
3. Over 10 acres - \$750.00 for up to 2 plan reviews plus \$375.00 for each review thereafter.

B. Site Plan Review (Amendment to an Approved Plan)

1. Minor changes - Fifty percent (50%) of the cost for a “new” review; or
2. Substantial changes - One hundred percent (100%) of the cost for a “new” review.

C. Reimbursement for Additional Costs.

1. When additional costs are incurred by the City for any consultation with the City’s engineers, attorneys, or other professional related to plan review, all additional costs incurred above the application fee for permit review, reimbursement by the applicant shall be required.
2. When such costs are anticipated, the City may require a retainer of no less than \$500.



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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 2019-24 are warranted by the public necessity and convenience to provide clarification in the enforcement of the Zoning Ordinance.

The Community Development Director finds that the text amendments contained within application number 2019-24 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



DRAFT

PLANNING COMMISSION MEETING
CITY HALL COUNCIL CHAMBERS
AUGUST 27, 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 (excused), Frank Kutilek, Jeff Campbell, Andrew Sutton, Chris Ford, Justin Lurk, David Bookless, Sarah Turner (excused), Christie Hull-Bettale (excused), and Bob Sweeney. 8 voting members present, 1 excused.

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

APPROVAL OF MINUTES: Motion by Brian McArthur to approve the minutes as presented from the August 13, 2019 meeting as presented. Second by Jeff Campbell. Voice Vote - *Unanimously Approved*.

PUBLIC COMMENT: None

PUBLIC HEARINGS:

- a. **2019-24 Site Plan Review:** David Bookless presented the City-initiated request to amend Chapter 405, Zoning, of the Code of Ordinances to modify definitions and regulations related to site plan review.

Andrew Sutton referred to Section 405.500.020. Site plan; when required, (C) and asked why this decision would be taken out of the purview of the Planning Commission.

David Bookless stated there are circumstances when there are either no significant changes to a site plan or none at all. Currently, the Ordinance provides for no exceptions thereby causing a hardship (unnecessary costs) for those making minor modifications to existing developments.

Bob Sweeney suggested that the Community Development Director subsequently inform the Planning Commission of the use of such waivers.

- b. **2019-32 Medical Marijuana Dispensary Facilities:** David Bookless presented the City-initiated request to amend Section 405.380, Use Standards, of the Zoning Ordinance to revise proximity regulations as they relate to the distance between medical marijuana dispensary facilities. This request is to eliminate the prohibition on the clustering of medical marijuana dispensaries by striking subparagraph 1 of the Use Standards for Medical Marijuana-Related Entities which currently reads:

“No medical marijuana dispensary facility may be located within one thousand (1,000) feet of another medical marijuana dispensary facility except when such other facility is a federally licensed pharmacy. The distance between any two (2) medical marijuana dispensary facilities shall be measured by the methodology established by the methodology established by the Missouri Department of Health and Senior Services Division of Regulation and Licensure.”

Frank Kutilek asked if we can limit the number of these dispensaries like we do pay day loan businesses.

David Bookless explained that in order to do that kind of limitation there has to be substantial evidence that demonstrates that there are secondary adverse impacts. There is no evidence of adverse impacts for these facilities. Rather, available data suggests these may not be any correlation.

E.J. Fleischmann, Ward 1 Councilman, commented that he is looking at this issue from a business perspective. Those seeking a license for a dispensary are entering into a real estate agreement for specific locations for these facilities as part of the application process that they have to submit to the Department of Health of Senior Services. These license seekers are not privy to where others intend to place their facilities which could result in two businesses ending up within 1000 feet of each other.

Further discussion on possible scenarios that could warrant litigation.

OLD BUSINESS: None

NEW BUSINESS:

- a. **2019-24 Site Plan Review:** Motion by Del Williams to approve 2019-24, a City-initiated request to amend Chapter 405, Zoning, of the Code of Ordinances to modify definitions and regulations related to site plan review with the amendment that Planning Commission is informed of any waivers by the Community Development Director. Second by Frank Kutilek. Second by Phil Hogan. Roll call vote: Chris Ford, yes; Justin Lurk, yes; Brian McArthur, yes; John Tucker, yes; Frank Kutilek, yes; Jeff Campbell, yes; Del Williams, yes; Andrew Sutton, yes; Phil Hogan, yes. 9 yeas, 0 nays – *Motion Approved.*
- b. **2019-32 Medical Marijuana Dispensary Facilities:** Motion by Del Williams to approve 2019-32, A City-initiated request to amend Section 405.380, Use Standards, of the Zoning Ordinance to revise proximity regulations as they relate to the distance between medical marijuana dispensary facilities. Second by Phil Hogan. Roll call vote: Chris Ford, yes; Justin Lurk, yes; Brian McArthur, yes; John Tucker, yes; Frank Kutilek, yes; Jeff Campbell, yes; Del Williams, yes; Andrew Sutton, yes; Phil Hogan, yes. 9 yeas, 0 nays – *Motion Approved.*

STAFF UPDATE: David Bookless – Permit for Cedarhurst has been issued. Explained where you can report a violation on the City website.

Bob Sweeney – The Plumbing Supply development will be on the September 5th City Council agenda for re-consideration.

COMMISSIONERS UPDATE:

Chris Ford - No report.

John Tucker – No report.

Jeff Campbell – No report.

Justin Lurk – Will be out of town for the September 10th meeting.

Del Williams – No report.

Frank Kutilek – Finally demolished the last house for the Cedarhurst Development; Furniture store on Jeffco is closed.

Phil Hogan – No report.

Andrew Sutton – No report.

COUNCIL LIAISON REPORT:

Brian McArthur – Will be out of town for the September 10th meeting. Commended David Bookless on updating the ordinances.

NEXT SCHEDULED MEETING: September 10, 2019

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

Respectfully Submitted,

Jeff Campbell
Acting Planning Commission Secretary



CITY COUNCIL AGENDA ITEM STAFF REPORT

MEETING DATE:	September 5, 2019
TITLE:	2019-32 Medical Marijuana Dispensary Facilities (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 Section 405.380, Use Standards, of the Zoning Ordinance to revise proximity regulations as they relate to the distance between medical marijuana dispensary facilities.

REVIEW & ANALYSIS:

On July 18, 2019, the City Council approved Ordinance Number 14.534 (Bill No. 2747) , which established regulations related to medical marijuana-related uses and tobacco, nicotine, and other legal substance establishments. At the meeting, Council member Fleishmann expressed the desire to make a single amendment to the bill, but for sake of expediency did not pursue the amendment at that time. Subsequently, Mr. Fleischmann requested that his amendment be considered by the Planning Commission.

The requested amendment is to eliminate the prohibition on the clustering of medical marijuana dispensaries by striking subparagraph 1 of the Use Standards for Medical Marijuana-Related Entities, which currently reads:

“No medical marijuana dispensary facility may be located within one thousand (1,000) feet of another medical marijuana dispensary facility except when such other facility is a federally — licensed pharmacy. -The distance between any two (2) medical marijuana dispensary facilities shall be measured by the methodology established by the methodology established by the Missouri Department of Health and Senior Services Division of Regulation and Licensure.”

The Commission considered a study by the National Institutes of Health that examined the association between crime and medical marijuana dispensaries. Results suggest that the density of medical marijuana dispensaries may not be associated with violent or property crime rates. Other factors that may relate to this finding are the measures dispensaries take to reduce crime (i.e., doormen, video cameras, etc.), which may deter potential offenders. Based upon available information, it appears that the relationship between crime and the density of medical marijuana dispensaries may not be a cause for concern.

RECOMMENDATION:

On August 27, 2019, the Planning Commission, by a vote of 8 to 0, voted to recommend approval of the amendment.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARNOLD, MISSOURI,
AMENDING CHAPTER 405 OF THE ARNOLD CODE OF ORDINANCES
(MEDICAL MARIJUANA DISPENSARIES)**

WHEREAS, on July 18, 2019, the City Council of the City of Arnold adopted Ordinance 14.534 (Bill No. 2747) amending Chapter 405 of the Arnold Code of Ordinances; and

WHEREAS, the City Council of the City of Arnold desires to strike a certain section of the ordinance relating to the minimum required distance between medical marijuana dispensaries; and

WHEREAS, the proper public hearings have been held, pursuant to City Ordinance and the laws of the state of Missouri; and

WHEREAS, the Planning Commission has submitted its report and recommendation to the City Council on the proposed amendments to Chapter 405 of the Arnold Code of Ordinances; and

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARNOLD, MISSOURI, AS FOLLOWS:

- SECTION 1.** Section 405.380(C)(1) is hereby deleted in its entirety.
- SECTION 2.** All ordinances, resolutions or orders, or parts thereof, which conflict with the provisions of this Ordinance, are, to the extent of such conflict, hereby repealed.
- SECTION 3.** This ordinance shall be in full force and effect from and after its passage and approval.

READ TWO TIMES, PASSED AND APPROVED ON THIS _____ DAY OF SEPTEMBER 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



REPORT TO PLANNING COMMISSION

CITY OF ARNOLD

APPLICATION #: 2019-32

APPLICATION NAME: Medical Marijuana Dispensary Facilities

APPLICANT: City of Arnold

REQUEST: A City-initiated request to amend Section 405.380, *Use Standards*, of the Zoning Ordinance to revise proximity regulations as they relate to the distance between medical marijuana dispensary facilities.

MEETING DATE: August 27, 2019

REPORT DATE: August 20, 2019

CASE MANAGER: David B. Bookless, AICP

RECOMMENDATION: **APPROVAL**



REPORT TO PLANNING COMMISSION

CITY OF ARNOLD

BACKGROUND

On July 18, 2019, the City Council approved Ordinance Number 14.534 (Bill No. 2747) , which established regulations related to medical marijuana-related uses and tobacco, nicotine, and other legal substance establishments. At the meeting, Council member Fleishmann expressed the desire to make a single amendment to the bill, but for sake of expediency did not pursue the amendment at that time. Subsequently, Mr. Fleischmann requested that his amendment be considered. As the ordinance now stands approved, such an amendment requires review by the Planning Commission prior to Council consideration.

DISCUSSION/ANALYSIS

The requested amendment is to eliminate the prohibition on the clustering of medical marijuana dispensaries by striking subparagraph 1 of the *Use Standards for Medical Marijuana -Related Entities*, which currently reads:

“No medical marijuana dispensary facility may be located within one thousand (1,000) feet of another medical marijuana dispensary facility except when such other facility is a federally licensed pharmacy. The distance between any two (2) medical marijuana dispensary facilities shall be measured by the methodology established by the methodology established by the Missouri Department of Health and Senior Services Division of Regulation and Licensure.”

Based on the measurement methodology established by the Missouri Department of Health and Senior Services Division of Regulation and Licensure, the potential impact of the proposed change would be the potential for medical marijuana dispensaries locating on neighboring properties or within in a single shopping center or office building.

The total number of dispensaries that will be located in Arnold is unknown at this time as no licenses have been granted by the State. The State of Missouri intends to issue 24 licenses per Congressional District initially, but there is the potential that number increases in future years as warranted. There is some expectation that most license applicants will be seeking to locate in populated areas with highway access, disposable income, etc.

Arnold is located primarily in District 2, which encompasses most of south, west, mid, and northwestern St. Louis County, a large portion of St. Charles County, and portions of Jefferson County. A very small portion of the City, that is not commercially zoned, falls within District 3, which encompasses much of Jefferson County, portions of St. Charles County, portions of Jefferson County, portions of Camden County, and all of Franklin County, Warren County, Lincoln County, Montgomery County, Gasconade County, Callaway County, Osage County, Maries County, Cole County, and Miller County. (See attached maps).

REPORT TO PLANNING COMMISSION

CITY OF ARNOLD



Staff attempted to research the affects on crime as it relates to the density or clustering of medical marijuana dispensaries. There is one available study¹ from National Institutes of Health that examined the association between crime and medical marijuana dispensaries. Results suggest that the density of medical marijuana dispensaries may *not* be associated with violent or property crime rates. Other factors that the study suggests may relate to this finding are the measures dispensaries take to reduce crime (i.e., doormen, video cameras, etc.), which may deter potential offenders.

It is not unusual for like uses to intentionally locate near each other (e.g. Walgreen's and CVS, AT&T and Sprint, etc.). However, many cities, including Arnold, have in some cases restricted the location of particular uses based on information suggesting clustering has secondary adverse impacts (e.g. check cashing stores, e-cigarette shops, etc.). *Based upon available information, it appears that the relationship between crime and the density of medical marijuana dispensaries may not be a cause for concern.*

1. Kepple, N. J., & Freisthler, B. (2012). Exploring the ecological association between crime and medical marijuana dispensaries. *Journal of studies on alcohol and drugs*, 73(4), 523–530. doi:10.15288/jsad.2012.73.523

FINDINGS AND RECOMMENDATION

It is the opinion of the Community Development Director that the proposed amendment is not substantially inconsistent with Comprehensive Plan, Zoning Ordinance, or good planning practice; however, offers no formal recommendation to that end. The amendment may be better viewed through the lens of it being a policy decision by the City. Regardless of the direction the City takes on the matter, Staff will enforce the Code of Ordinances in a fair, firm, and consistent manner.

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

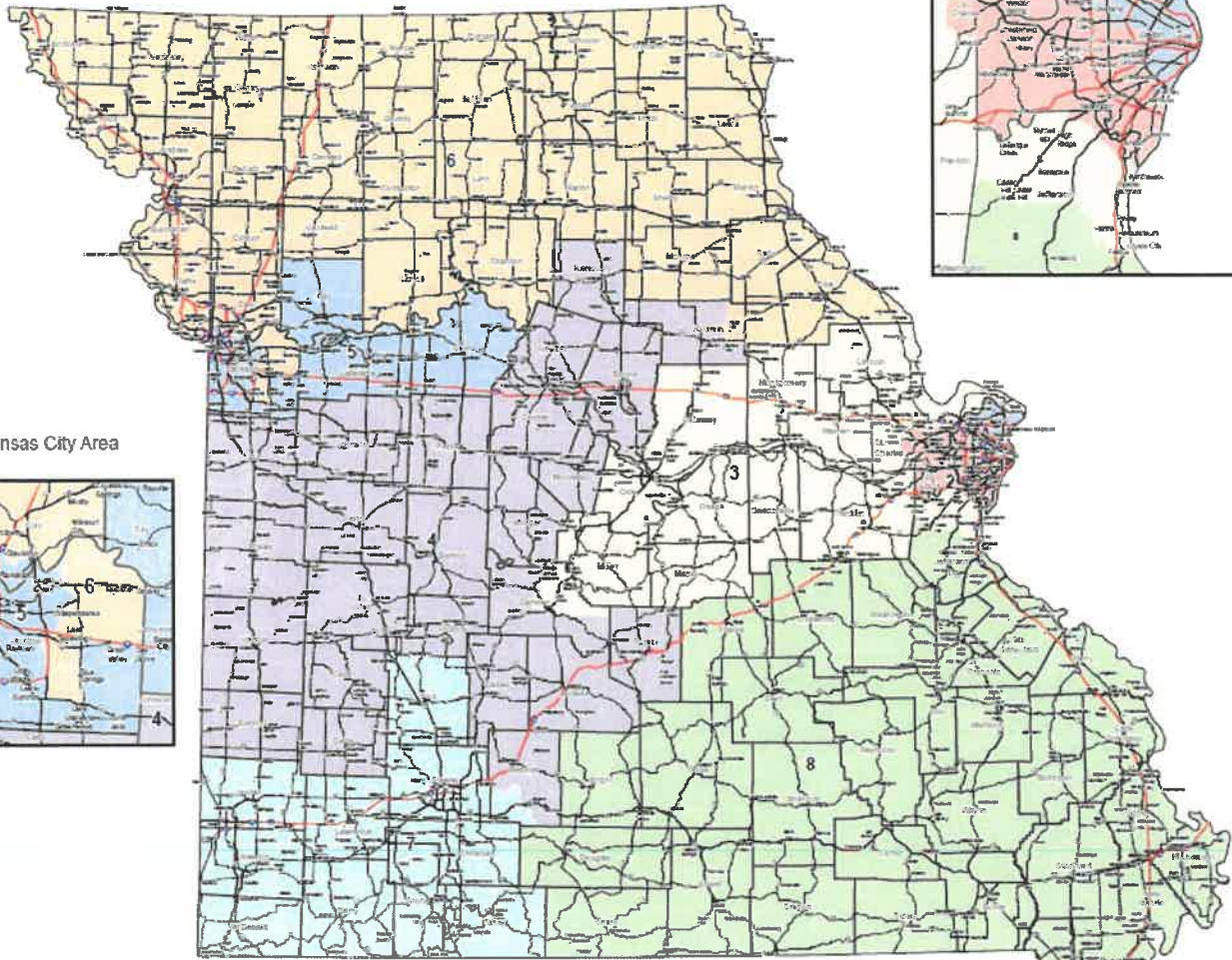
ATTACHMENTS

MISSOURI CONGRESSIONAL DISTRICTS

St. Louis Area

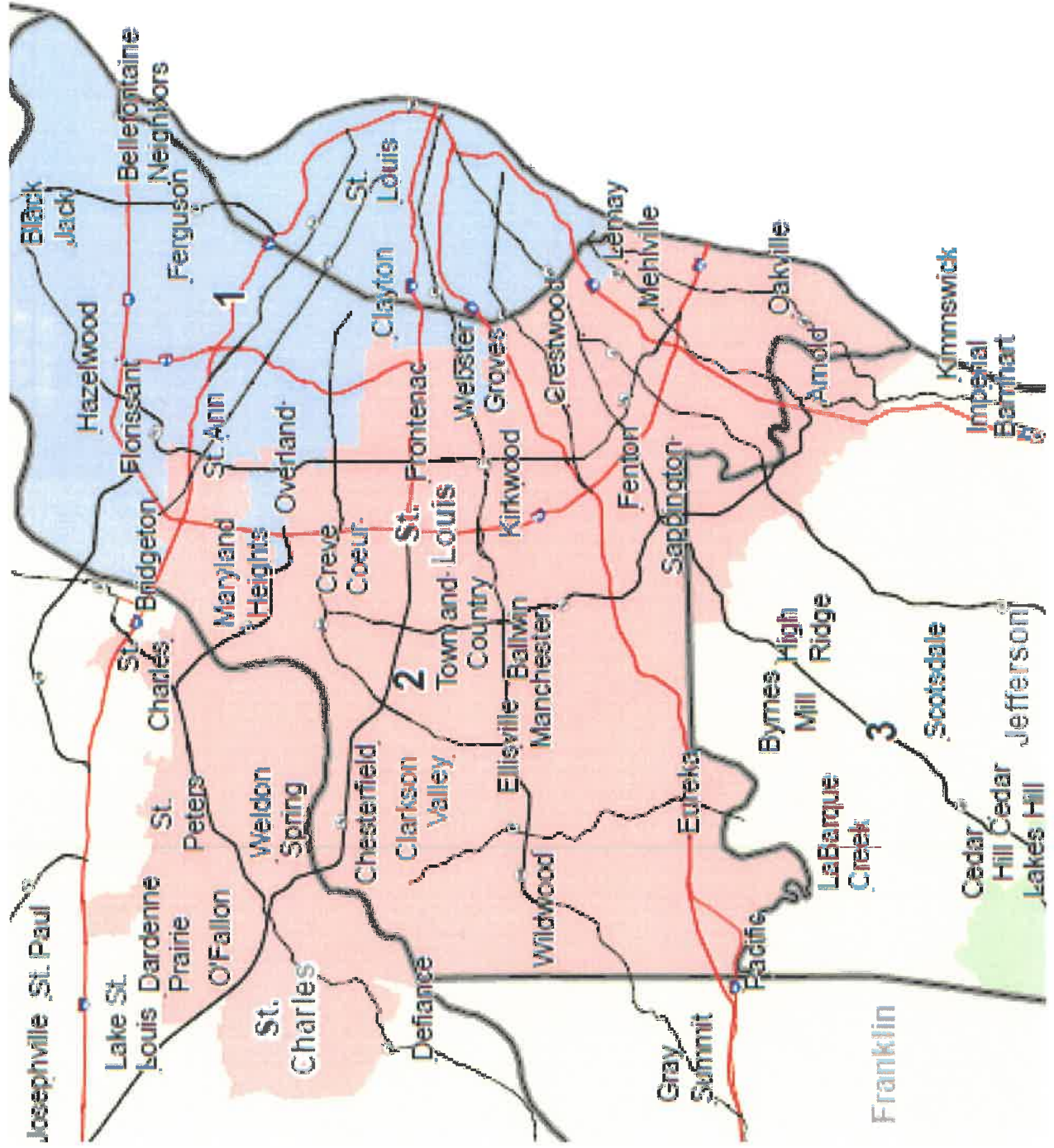


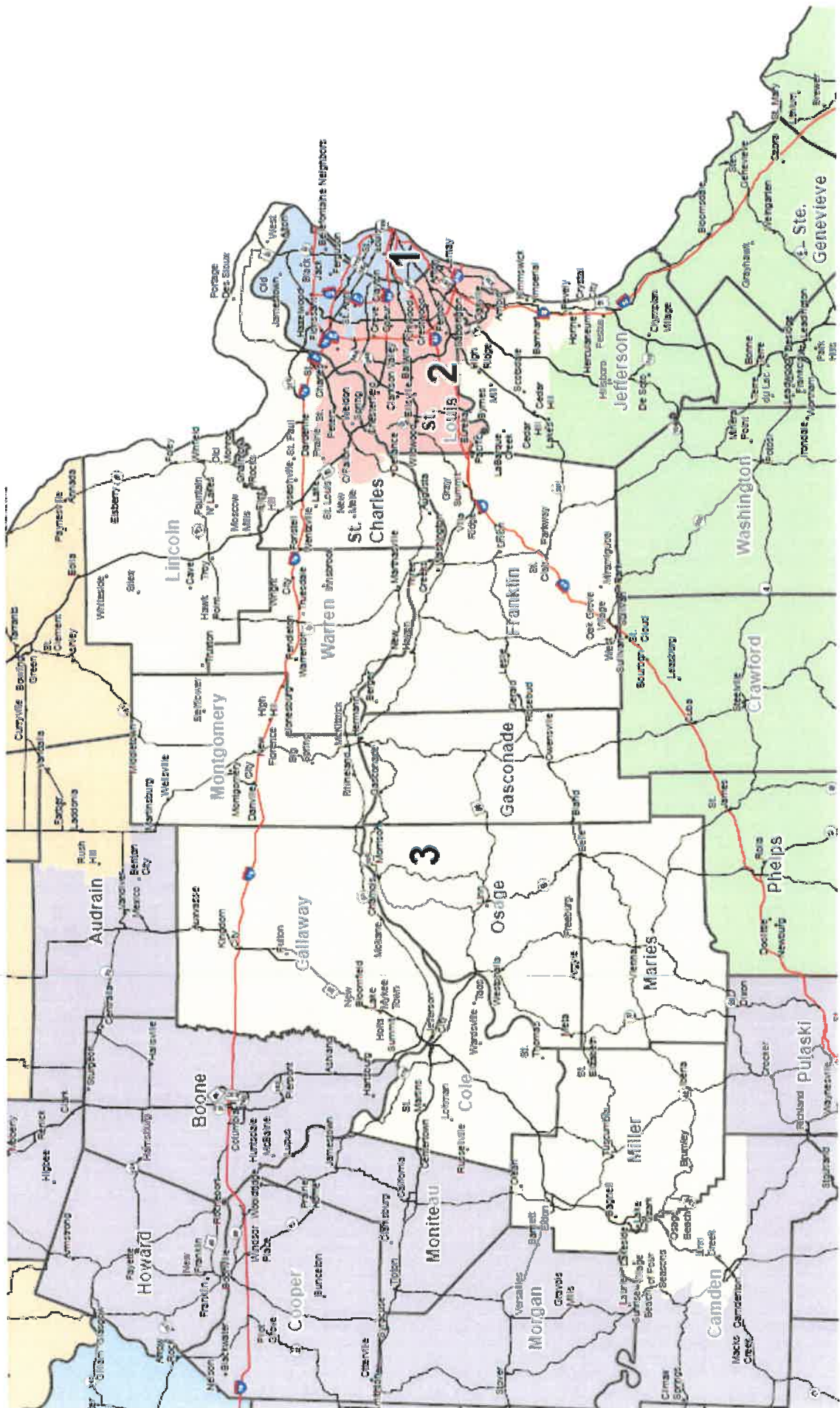
Kansas City Area



- Towns
- MO Highways
- U.S. Highways
- Interstates









DRAFT

PLANNING COMMISSION MEETING
CITY HALL COUNCIL CHAMBERS
AUGUST 27, 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 (excused), Frank Kutilek, Jeff Campbell, Andrew Sutton, Chris Ford, Justin Lurk, David Bookless, Sarah Turner (excused), Christie Hull-Bettale (excused), and Bob Sweeney. 8 voting members present, 1 excused.

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

APPROVAL OF MINUTES: Motion by Brian McArthur to approve the minutes as presented from the August 13, 2019 meeting as presented. Second by Jeff Campbell. Voice Vote - *Unanimously Approved*.

PUBLIC COMMENT: None

PUBLIC HEARINGS:

- a. **2019-24 Site Plan Review:** David Bookless presented the City-initiated request to amend Chapter 405, Zoning, of the Code of Ordinances to modify definitions and regulations related to site plan review.

Andrew Sutton referred to Section 405.500.020. Site plan; when required, (C) and asked why this decision would be taken out of the purview of the Planning Commission.

David Bookless stated there are circumstances when there are either no significant changes to a site plan or none at all. Currently, the Ordinance provides for no exceptions thereby causing a hardship (unnecessary costs) for those making minor modifications to existing developments.

Bob Sweeney suggested that the Community Development Director subsequently inform the Planning Commission of the use of such waivers.

- b. **2019-32 Medical Marijuana Dispensary Facilities:** David Bookless presented the City-initiated request to amend Section 405.380, Use Standards, of the Zoning Ordinance to revise proximity regulations as they relate to the distance between medical marijuana dispensary facilities. This request is to eliminate the prohibition on the clustering of medical marijuana dispensaries by striking subparagraph 1 of the Use Standards for Medical Marijuana-Related Entities which currently reads:

“No medical marijuana dispensary facility may be located within one thousand (1,000) feet of another medical marijuana dispensary facility except when such other facility is a federally licensed pharmacy. The distance between any two (2) medical marijuana dispensary facilities shall be measured by the methodology established by the methodology established by the Missouri Department of Health and Senior Services Division of Regulation and Licensure.”

Frank Kutilek asked if we can limit the number of these dispensaries like we do pay day loan businesses.

David Bookless explained that in order to do that kind of limitation there has to be substantial evidence that demonstrates that there are secondary adverse impacts. There is no evidence of adverse impacts for these facilities. Rather, available data suggests these may not be any correlation.

E.J. Fleischmann, Ward 1 Councilman, commented that he is looking at this issue from a business perspective. Those seeking a license for a dispensary are entering into a real estate agreement for specific locations for these facilities as part of the application process that they have to submit to the Department of Health of Senior Services. These license seekers are not privy to where others intend to place their facilities which could result in two businesses ending up within 1000 feet of each other.

Further discussion on possible scenarios that could warrant litigation.

OLD BUSINESS: None

NEW BUSINESS:

- a. **2019-24 Site Plan Review:** Motion by Del Williams to approve 2019-24, a City-initiated request to amend Chapter 405, Zoning, of the Code of Ordinances to modify definitions and regulations related to site plan review with the amendment that Planning Commission is informed of any waivers by the Community Development Director. Second by Frank Kutilek. Second by Phil Hogan. Roll call vote: Chris Ford, yes; Justin Lurk, yes; Brian McArthur, yes; John Tucker, yes; Frank Kutilek, yes; Jeff Campbell, yes; Del Williams, yes; Andrew Sutton, yes; Phil Hogan, yes. 9 yeas, 0 nays – *Motion Approved.*

- b. **2019-32 Medical Marijuana Dispensary Facilities:** Motion by Del Williams to approve 2019-32, A City-initiated request to amend Section 405.380, Use Standards, of the Zoning Ordinance to revise proximity regulations as they relate to the distance between medical marijuana dispensary facilities. Second by Phil Hogan. Roll call vote: Chris Ford, yes; Justin Lurk, yes; Brian McArthur, yes; John Tucker, yes; Frank Kutilek, yes; Jeff Campbell, yes; Del Williams, yes; Andrew Sutton, yes; Phil Hogan, yes. 9 yeas, 0 nays – *Motion Approved.*

STAFF UPDATE: David Bookless – Permit for Cedarhurst has been issued. Explained where you can report a violation on the City website.

Bob Sweeney – The Plumbing Supply development will be on the September 5th City Council agenda for re-consideration.

COMMISSIONERS UPDATE:

Chris Ford - No report.

John Tucker – No report.

Jeff Campbell – No report.

Justin Lurk – Will be out of town for the September 10th meeting.

Del Williams – No report.

Frank Kutilek – Finally demolished the last house for the Cedarhurst Development; Furniture store on Jeffco is closed.

Phil Hogan – No report.

Andrew Sutton – No report.

COUNCIL LIAISON REPORT:

Brian McArthur – Will be out of town for the September 10th meeting. Commended David Bookless on updating the ordinances.

NEXT SCHEDULED MEETING: September 10, 2019

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

Respectfully Submitted,

Jeff Campbell
Acting Planning Commission Secretary

RESOLUTION NO. 19-47

A RESOLUTION AUTHORIZING THE COUNCIL TO SETTLE THREATENED
LITIGATION BY RECONSIDERING BILL NO. 2748

WHEREAS, the City of Arnold ("City") was presented with Bill No. 2748 at its regular meeting on July 18, 2019; and

WHEREAS, City staff recommended passage of Bill No. 2748; and

WHEREAS, the City Planning and Zoning Commission unanimously recommended passage of Bill No. 2748;

WHEREAS, despite the recommendations of staff and Planning and Zoning Commission, the City Council rejected Bill No. 2748; and

WHEREAS, since its rejection, the City has been presented with a well-reasoned petition challenging the legality of the City's rejection of Bill No, 2748; and

WHEREAS, after further consideration of the facts and circumstances, it is in the best interest of the entirety of the residents of the City of Arnold and the general public to ensure the resolution of this threatened litigation.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Arnold, Missouri, does hereby authorize the reconsideration of Bill No. 2748, a copy of which is attached hereto and made a part hereof.

Presiding Officer of the City Council

Mayor Ron Counts

ATTEST:

City Clerk Tammi Casey

Date: _____



CITY COUNCIL AGENDA ITEM STAFF REPORT

MEETING DATE: July 18, 2019

TITLE: 2019-22 Plumbers Supply: A request to amend and replace the existing "C-4" Planned Commercial District at 3405 Robinson Road.

DEPARTMENT: Community Development

PROJECT MANAGER: Sarah Turner, Community Development Planner

REQUESTED ACTION: Ordinance approval

ATTACHMENTS: (1) Staff Report to Planning Commission; (2) Draft Planning Commission Meeting Minutes; (3) Draft Ordinance with Amended Attachment A & Attachment B

EXECUTIVE SUMMARY:

The purpose of the proposed rezoning is to allow for the operation of a plumbing supply business. The subject parcel is currently zoned as "C-4" Planned Commercial with the only permissible use being a landscaping business. This proposal would establish a new "C-4" Planned Commercial District, the regulations for which are contained in "Attachment A" of the Draft Ordinance. The proposed zoning and use is consistent with the Comprehensive Plan.

REVIEW & ANALYSIS:

At its June 25, 2019 meeting, the Planning Commission was presented with the Staff Report for this rezoning and opened the public hearing. The Preliminary Site Plan ("Attachment B") was the source of most concerns. The parking needs are sufficiently met with the proposal, but Staff recommended creating a deferred parking area to account for any future tenants. Access was another concern, due to a residential stub street that ends near the boundary of the subject property. The subject property is currently and proposed-to-be accessed from Robinson Road, however Staff recommended prohibiting access from the residential stub street Hickory Ridge Trail just in case. Buffer and landscaping was the major concern, due to the adjacent residential subdivision. The Preliminary Site Plan shows the footprint of the building and parking area on the opposite side of the property from the residential district boundary, with most of the area in between untouched. Staff recommended that the applicant be granted the requested relief from the Tree Preservation Plan (TPP). In lieu of the TPP, existing tree masses are to be protected and additional evergreen trees are to be planted on an existing landscape berm. The details of these mitigation strategies, as well as other regulations and conditions of use on the subject property, can be found in the Attachment "A".

Due to concerns raised after the June 25, 2019 Planning Commission meeting, Staff have amended the Attachment "A" to include language restricting the hours in which deliveries can be made to the subject property. See *I. A. 4. Hours of Operation* in the Attachment "A".

RECOMMENDATION:

On June 25, 2019, the Planning Commission, by a vote of 9 to 0, voted to recommend approval of the rezoning subject to conditions in "Attachment A".

AN ORDINANCE APPROVING THE AMENDMENT AND REPLACEMENT OF THE “C-4” PLANNED COMMERCIAL DISTRICT FOR 3405 ROBINSON ROAD, A TRACT OF LAND LOCATED IN U.S. SURVEY 2991 PT 5, SECTION 31, TOWNSHIP 43 NORTH, RANGE 6 EAST, CITY OF ARNOLD, JEFFERSON COUNTY, MISSOURI.

WHEREAS, an application to approve the amendment and replacement of the “C-4” Planned Commercial District for a tract of land at 3405 Robinson Road, located in U.S. Survey 2991 PT 5, Section 31, Township 43 North, Range 6 East of the Fifth Principal Meridian, City of Arnold, Jefferson County, State of Missouri, Document Number 2019R-009377 of said records; and

WHEREAS, the proper public hearings have been held, pursuant to City Ordinance and the laws of the State of Missouri, and

WHEREAS, the Planning Commission has submitted its report and recommendation to the City Council on the proposed amendment and replacement of the “C-4” Planned Commercial District and the Preliminary Site Plan herein identified as “Exhibit 1.”

WHEREAS, the proposed change of zoning meets the review criteria and further advances the intent of both the Comprehensive Plan and Zoning Ordinance. The extent of the “C-4” Planned Commercial District boundary will not change. The amendment to this particular “C-4” Planned Commercial District has been shown to be necessary for public convenience or necessity. There has been significant change in the area to warrant this amendment to this particular “C-4” District, including the sale and intended use of the property beyond that of a landscaping business. There was not a mistake made on the Zoning Map. The “C-4” Planned Commercial District designation is consistent with the Future Land Use Map of the City of Arnold. This amendment supports the consistent use of commercial districts within the City, and is in the best interest for the health, safety, and welfare of the citizens of the City of Arnold.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ARNOLD, MISSOURI, AS FOLLOWS:

SECTION 1. The City of Arnold Zoning Ordinance and Official Zoning Map, which are part thereof, are hereby amended by establishing an amended “C-4” Planned Commercial District for 3.35 acres at 3405 Robinson Road, located in U.S. Survey 2991 PT 5, Section 31, Township 43 North, Range 6 East of the Fifth Principal Meridian, City of Arnold, Jefferson County, State of Missouri.

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

SECTION 3. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor and City Council.

Signatures on following page

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

Presiding Officer of the Council

Mayor Ron Counts

ATTEST:

City Clerk Tammi Casey

1st reading: _____
2nd reading: _____

APPROVED AS TO FORM:

City Attorney Robert Sweeney

July 18, 2019

ATTACHMENT “A”
“C-4” PLANNED COMMERCIAL DISTRICT REGULATIONS
3405 ROBINSON RD, PLUMBERS SUPPLY

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

I. SPECIFIC CRITERIA

A. USES

1. Permitted Uses allowed in this “C-4” Planned Commercial District shall be:
 - a. All uses permitted in the “C-1”, “C-2”, and “C-3” Commercial Districts, except those prohibited by other sections of this document, including the following:
 - (i) Warehouse/showroom, including accessory commercial sales to the public
 - (ii) General office
2. Conditional Uses allowed in this “C-4” Planned Commercial District shall be:
 - a. Conditional Uses listed in the “C-1”, “C-2”, and “C-3”, except those prohibited by other sections of this document, shall be granted in accordance with procedures contained in Section 405.870, Conditional Use Permits, of the Zoning Ordinance.
3. Prohibited Uses in this “C-4” Planned Commercial District shall be:
 - a. Lodging Establishments or Extended Stay Lodging Establishments
 - b. Car sales
 - c. Pay day and title loan businesses
 - d. Consumer installment/small loan businesses.
 - e. Automotive parking lots and garages, including any storage of wrecked or otherwise damaged and immobilized automotive vehicles.
 - f. Medical Marijuana-Related Entities
4. Hours of Operation
 - a. All deliveries and trash pick-up shall be limited to the hours from 6:00 AM to 9:00 PM.

B. FLOOR AREA, HEIGHT, BUILDING AND PARKING STRUCTURE REQUIREMENTS

1. Floor Area
 - a. The total building floor area within this development shall be as approved on the Site Development Plan
2. Height
 - a. The development shall adhere to the General Height Regulations of the City of Arnold Code and as restricted by application of regulations of Section 405.650.

C. SETBACKS

1. Structure Setbacks

- a. No structure shall be located within the following setbacks: Twenty (20) feet from residential boundary of the "C-4" District nor closer than twenty (20) feet to the highway right-of-way, subject to additional provisions contained in Section E, Landscape and Tree Requirements, of this document.
2. Parking Setbacks
 - a. No parking stall, loading space, internal driveway, or roadway, except points of ingress or egress, will be located within the following setbacks: Twenty (20) feet from residential boundary of the "C-4" District, subject to additional provisions contained in Section E, Landscape and Tree Requirements, of this document.
 - b. Any parking stall directed toward residential shall have screening.

D. PARKING AND LOADING REQUIREMENTS

1. Parking and loading spaces for this development will be as required in the City of Arnold Code, and as follows:
 - a. Warehouse/showrooms, including accessory commercial sales to the public shall provide one (1) space per one thousand (1000) square feet of gross floor area
 - b. General offices shall provide four (4) spaces per one thousand (1000) square feet of gross floor area
 - c. One (1) space per employee on the property and one (1) space per vehicle used in the day-to-day operation of the establishment
 - d. In addition to all parking and loading spaces delineated on the preliminary development plan, four (4) spaces shall be provided and identified on the Final Site Development Plan as "Deferred Parking." Such parking need not be constructed until such time as the Community Development Director finds that the four (4) spaces are required for the efficient and safe operation of any establishment utilizing the building or any portion thereof. Upon such finding being made, the four (4) deferred parking spaces shall be constructed at the direction of the City.
 - (i) Appeals to the Community Development Director's finding must be made in writing to the Planning Commission.
2. No construction related parking shall be permitted within right of way or on any existing roadways. All construction related parking shall be confined to the development.
3. Provide adequate temporary off-street parking for construction employees. Parking on non-surfaced areas shall be prohibited in order to eliminate the condition whereby mud from construction and employee vehicles is tracked onto the pavement causing hazardous roadway and driving conditions.

E. LANDSCAPE AND TREE REQUIREMENTS

1. In lieu of adhering to the Tree Preservation Program of the City of Arnold, the development must instead adhere to the following provisions:
 - a. The existing tree masses that are north and south of the proposed detention area on the Preliminary Site Plan and an existing landscaping berm perpendicular to Hickory Ridge Trail that is adjacent to Residential, must remain as a protected landscape buffer.

- b. Evergreen trees are to be planted to fill gaps in the required fifteen (15) foot landscaping buffer on the existing landscaping berm, with adequate spacing to allow for the healthy growth of the trees, and continued maintenance of the buffer area.
- c. The landscape plan shall include a combination of material indicated on the Site Development Plan, consistent with other "C" Commercial District landscape material.
- d. The areas of protected landscape buffer will be accessed from within the development and not Hickory Ridge Trail, to prevent nuisance to adjacent residential.
- e. Areas not for building, parking, or storage must be finished with vegetative material.

F. SIGN REQUIREMENTS

1. Signs shall be permitted in accordance with the regulations of the City of Arnold Code or a Sign Package may be submitted for the planned district. Sign Packages shall adhere to the City Code and are reviewed and approved by the City of Arnold Planning Commission.

G. LIGHTING REQUIREMENTS

1. Provide a lighting plan and cut sheet in accordance with the City of Arnold Code.

H. DESIGN REQUIREMENTS

1. Architectural elements, construction materials, and colors shall be as depicted on the approved Site Development Plan.
2. Trash enclosures: All exterior trash areas will be enclosed with a minimum six (6) foot high sight-proof enclosure complemented by adequate landscaping. The location, material, and elevation of any trash enclosures will be as approved by the City of Arnold on the Site Plan.

I. ACCESS/ACCESS MANAGEMENT

1. No access shall be permitted from Hickory Ridge Trail.

J. STORM WATER

1. The development shall adhere to the Storm Water Design Requirements of Storm Water Drainage Facilities, Rules and Regulations the City of Arnold Code and Best Management Practices and Post Construction Requirements there in.
2. Approval from the Missouri DNR will be required for disturbance greater than 1 acre.
3. Any land disturbance which includes disturbance of root zone, grading or filling, requires a City of Arnold Grading and Storm Water Pollution Prevention Permit.

K. SANITARY SEWER

1. Sanitary sewers shall be as approved by the City of Arnold and Missouri-American Water.

L. GEOTECHNICAL REPORT

1. A geotechnical report, prepared by a registered professional engineer licensed to practice in the State of Missouri, is included with the approved Site Development Plan. The report shall verify the suitability of slopes steeper than 3:1 or for proposed improvements with soil and geologic conditions and address the existence of any potential sinkhole, ponds, dams, septic fields, etc., and recommendations for treatment. A statement of compliance, signed and sealed by the geotechnical engineer preparing the report, shall be included on all Site Plans and Improvement Plans.

M. MISCELLANEOUS

1. Refer to the Code of Ordinances of the City of Arnold and Section 405.340 "C-4" Planned Commercial District for requirements specific to the "C-4" Zoning District.
2. All utilities will be installed underground.

II. TIME PERIOD FOR SUBMITTAL OF FINAL DEVELOPMENT PLAN (SITE PLAN)

- A. The developer shall submit a Final Site Development Plan within eighteen (18) months of City Council approval of the change of zoning.
- B. Failure to comply with these submittal requirements will result in the expiration of the change of zoning and will require a new public hearing.
- C. Said Plan shall be submitted in accordance with the requirements for Final Site Development Plans, identified herein. The submission of Amended Final Site Development Plans by sections of this project to the Planning Commission shall be permitted if this option is utilized.
- D. Where due cause is shown by the developer, the City Council may extend the period to submit said Plan for eighteen (18) months.

III. COMMENCEMENT OF CONSTRUCTION

- A. Substantial construction shall commence within two (2) years of approval of the Final Development Plan, unless otherwise authorized by ordinance.
- B. Where due cause is shown by the developer, the City Council may extend the period to commence construction for two (2) additional years.

IV. GENERAL CRITERIA

A. FINAL SITE DEVELOPMENT PLAN (SITE PLAN) SUBMITTAL REQUIREMENTS

The Final Site Development Plan shall adhere to the above criteria and to the following:

1. Location map, north arrow, and plan scale. The scale shall be no greater than one (1) inch equals one hundred (100) feet.
2. Outboundary plat and legal description of property.
3. Density calculations.
4. Parking calculations, including calculation for all off street parking spaces, required and proposed, and the number, size and location for handicap designed.
5. Provide open space percentage for overall development including separate percentage for each lot on the plan.
6. A note indicating all utilities will be installed underground.
7. A note indicating signage approval is separate process.

8. Depict the location of all buildings, size, including height and distance from adjacent property lines and proposed use of each.
9. Specific structure and parking setbacks along all roadways and property lines.
10. Indicate location of all existing and proposed freestanding monument signs.
11. Zoning district lines, subdivision name, lot number, lot dimensions, lot area, and zoning of adjacent parcels where different than site.
12. Floodplain boundaries.
13. Depict existing and proposed improvements within one hundred fifty (150) feet of the site as directed. Improvements include, but are not limited to, roadways, driveways and walkways adjacent to and across the street from the site, significant natural features, such as wooded areas and rock formations, and other karst features that are to remain or be removed.
14. Depict all existing and proposed easements and rights-of-way within one hundred fifty (150) feet of the site and all existing or proposed offsite easements and rights-of-way required for proposed improvements.
15. Indicate the location of the proposed storm sewers, detention basins, sanitary sewers and connection(s) to the existing systems.
16. Depict existing and proposed contours at intervals of not more than one (1) foot, and extending one hundred fifty (150) feet beyond the limits of the site as directed.
17. Include a Landscape Plan in accordance with the City of Arnold Code to indicate proposed landscaping.
18. Include a Lighting Plan in accordance with the City of Arnold Code to indicate proposed lighting.
19. Comply with all preliminary plat requirements of the City of Arnold Code.
20. Signed and sealed in conformance with the State of Missouri Department of Economic Development, Division of Professional Registration, and Missouri Board for Architects, Professional Engineers and Land Surveyors requirements.
21. Provide comments/ approvals from the Rock Fire District, and other agencies, as applicable.

V. RECORDING

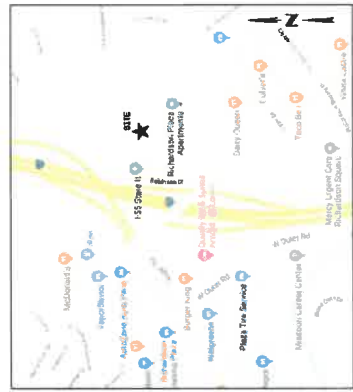
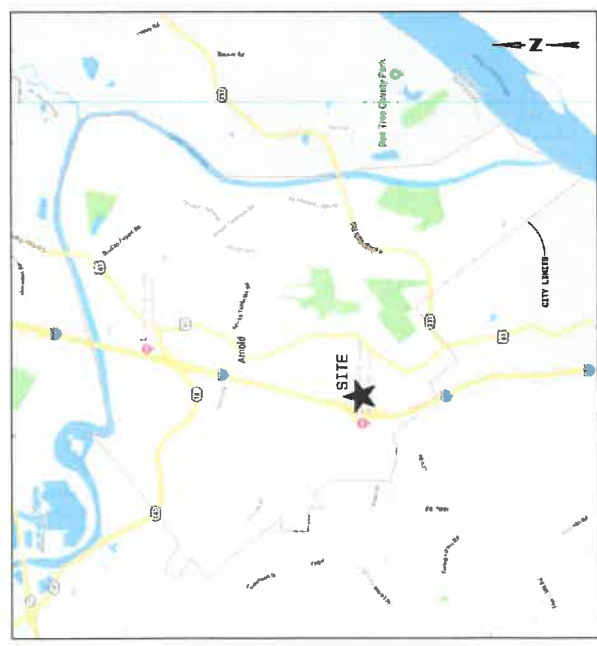
- A. Within sixty (60) days of approval of any development plan by the City of Arnold, the approved Plan will be recorded with the Jefferson County Recorder of Deeds. Failure to do so will result in the expiration of approval of said plan and require re-approval of a plan by the Planning Commission.

Attachment B
1/12

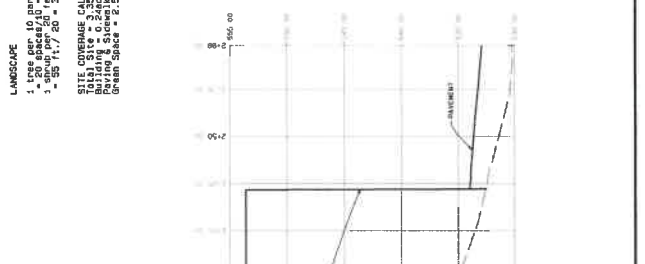
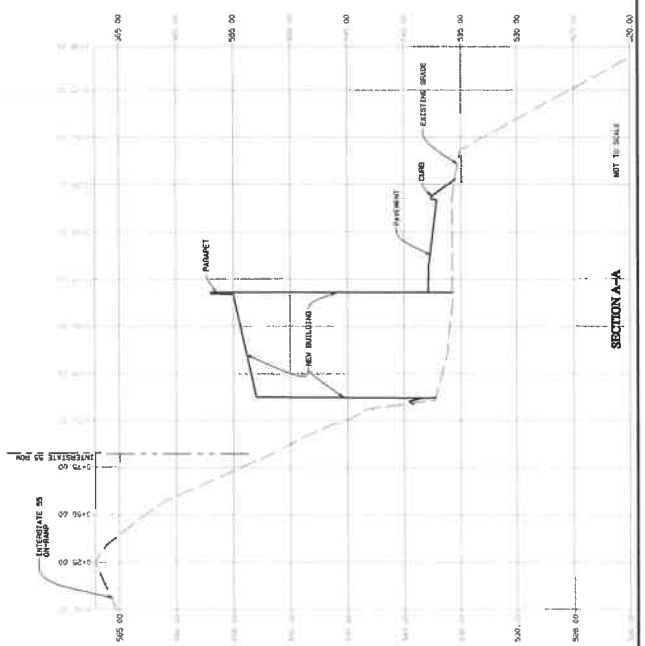
Preliminary Development Plan Plumbing Supply

Located in US Survey 2991 FT 5, Section 31,
Township 43 North, Range 6 East,
City of Arnold, Jefferson County, Missouri.

Total Area: 3.35 Acres
Current Zoning: C4 Planned Commercial
Proposed Zoning: Revised C4 Planned Commercial



- NOTE TO SCALE
1. Cover Sheet
2. Site Plan



THIS SITE IS SERVED BY THE FOLLOWING UTILITIES:

SEWER
Served by the City of Arnold
Sewer Main: 18" Diameter
Sewer Manhole: 48" Diameter
Sewer Service: 12" Diameter

WATER
Served by the City of Arnold
Water Main: 18" Diameter
Water Valve: 4" Diameter
Water Service: 1.5" Diameter

TELEPHONE
Served by AT&T
Telephone Main: 1.5" Diameter
Telephone Valve: 1.5" Diameter
Telephone Service: 1.5" Diameter

POWER
Served by the City of Arnold
Power Main: 18" Diameter
Power Valve: 4" Diameter
Power Service: 1.5" Diameter

STORM SEWER
Served by the City of Arnold
Storm Sewer Main: 18" Diameter
Storm Sewer Valve: 4" Diameter
Storm Sewer Service: 1.5" Diameter

GENERAL NOTES:
Parcel ID = 0190310400100401
Existing Contours are from aerial
topography provided by M. Hendin.
Project Datum is NAVD 86

FLOOD STATEMENT:
The flood plain for this site is located in the area of C-18
and is shown on the Flood Plain map of the City of Arnold.
The flood plain for this site is located in the area of C-18
and is shown on the Flood Plain map of the City of Arnold.

PARKING:
Site Use: Warehouse including commercial sales to the public, General Office
1 space per 1,000 square feet of warehouse area
4 spaces per 1,000 square feet of general office area
Warehouse = 7,840 square feet = 8 spaces
General Office = 2,000 square feet = 2 spaces
Total Parking Spaces = 8 + 2 = 10
Provided 10 parking spaces for 10 spaces

LANDSCAPE:
1 tree per 10 parking spaces (75% must be within parking area)
1 shrub per 20 parking spaces
= 25 11' x 20' = 50 shrubs

SITE COVERAGE CALCULATIONS:
Site Area = 3.35 Acres
Building = 0.2436
Paved = 0.2436
Grass = 0.2436
Gravel = 0.2436

CONTRACTOR:
John DeLong, Inc.
1000 N. Main Street
St. Louis, MO 63101
SURVEYOR - REGISTERED
George J. Landrum, Inc. 3420
S. Brentwood Blvd.
St. Louis, MO 63105
636-404-5000

ENGINEER - Civil / Chem PE 200202014
David L. Green, P.E.
1778
S. Brentwood Blvd.
St. Louis, MO 63105
636-404-5000

Preliminary Development Plan
3405 Robinson Road
Arnold, MO 63010

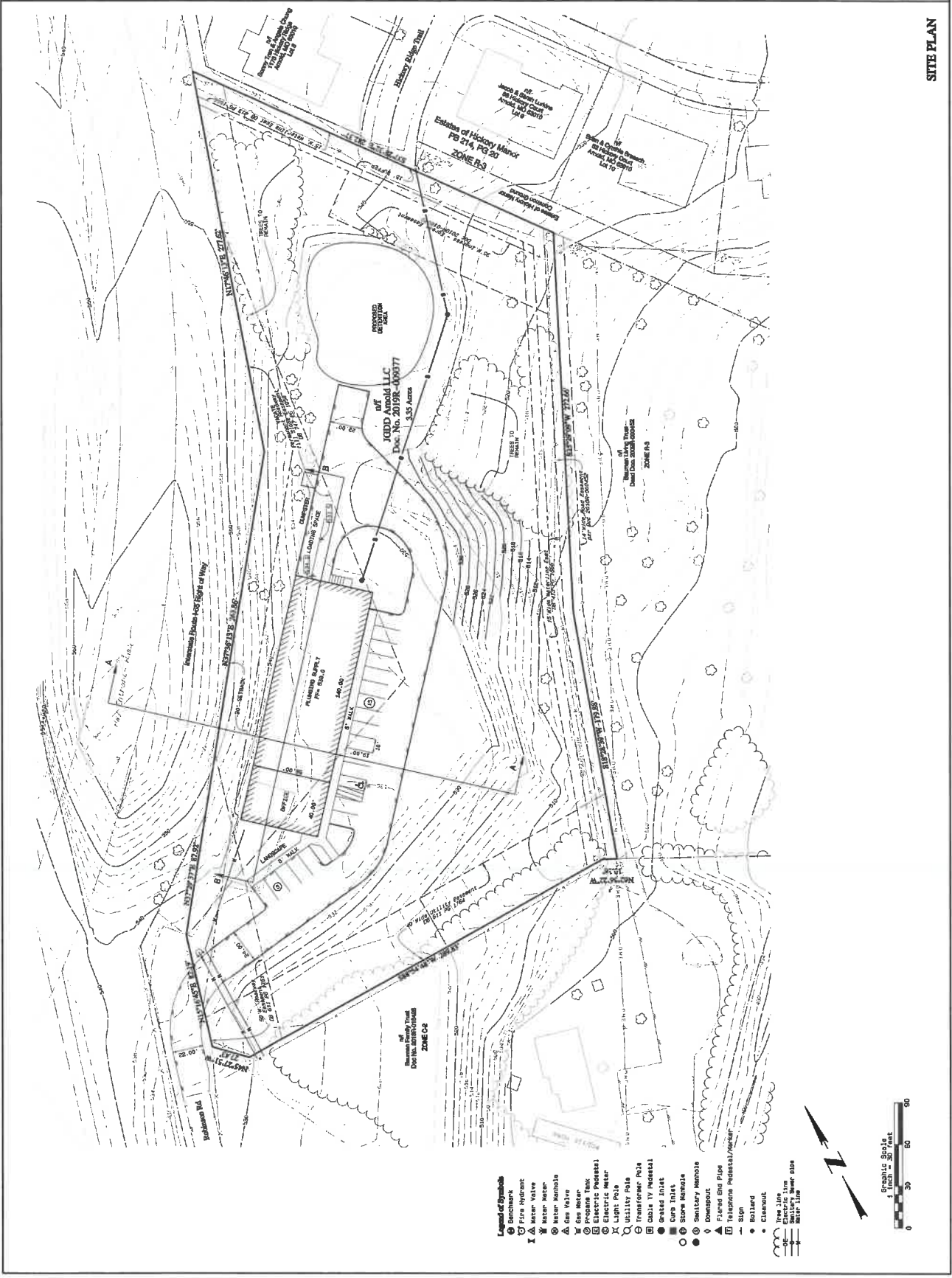
GOVERO
LAND SERVICES
6920 CEDAR ST.
SPRINGFIELD, MO 65714
TEL: 417-881-1100
FAX: 417-881-1101
WWW.GOVERO.COM

REVISION	DATE	BY	DESCRIPTION
1	07/14/2019	GOVERO	ISSUED FOR PERMITS
2	08/01/2019	GOVERO	REVISED PER PERMITS
3	08/01/2019	GOVERO	REVISED PER PERMITS
4	08/01/2019	GOVERO	REVISED PER PERMITS
5	08/01/2019	GOVERO	REVISED PER PERMITS

97105C
1 OF 2
COVER SHEET

Attachment B
212

GOVERRO LAND SERVICES 6929 CANTON RD. SUITE 200 BOWLING GREEN, OHIO 43402 (614) 885-1100 WWW.GOVERRO.COM		DATE: 05/14/2019 DRAWN BY: [REDACTED] CHECKED BY: JLM TITLE: [REDACTED]
Preliminary Development Plan Plumbing Supply 3405 Robinson Road Arnold, MO 63010		
PROJECT NO.: 97105C SHEET NO.: 2 OF 2		



- Legend of Symbols**
- Access
 - △ Fire Hydrant
 - ⊗ Meter Valve
 - ⊗ Meter Manhole
 - ⊗ Gas Valve
 - ⊗ Gas Meter
 - ⊗ Program Tank
 - ⊗ Electric Pedestal
 - ⊗ Light Pole
 - ⊗ Utility Pole
 - ⊗ Transformer Pole
 - ⊗ Cable TV Pedestal
 - ⊗ Cable Inlet
 - ⊗ Curb Inlet
 - ⊗ Storm Manhole
 - ⊗ Sewer Manhole
 - ⊗ Downspout
 - ▲ Flared End Pipe
 - ⊗ Telephone Pedestal/Pole
 - Sign
 - Bollard
 - Cleanout
 - Tree Line
 - Stormwater Line
 - Sewer Line
 - Meter Line

SITE PLAN



REPORT TO PLANNING COMMISSION

CITY OF ARNOLD

APPLICATION NUMBER: 2019-22

APPLICATION NAME: PLUMBERS SUPPLY

APPLICANT NAME: Dan Govero
Govero Land Services
5929 Old State Rd
Imperial MO 63052

PROPERTY OWNER NAME: John Dubuque Jr.
Plumbers Supply
12012 Manchester Rd
St. Louis MO 63131

APPLICANT'S REQUEST: The applicant is seeking to amend and replace the existing "C-4" Planned Commercial District to allow for a plumbing supply business.

STREET ADDRESS: 3405 Robinson Rd

SITE LOCATION: East of the northeast quadrant of the intersection of I-55 and Richardson Rd

CURRENT ZONING DISTRICT: "C-4" Planned Commercial District

PARCEL ID: 01-9.0-31.0-4-001-004.01

TOTAL SITE AREA: 3.41 acres

MEETING DATE: June 11, 2019

REPORT DATE: June 4, 2019

CASE MANAGER: Sarah Turner

RECOMMENDATION: **APPROVE**



REPORT TO PLANNING COMMISSION

CITY OF ARNOLD

DESCRIPTION OF EXISTING SITE CONDITIONS

The approximately 3.41 acre tract is located east of the northeast quadrant of the intersection of I-55 and Richardson Road. The property is undeveloped with a graded and graveled area near the front gate; and is accessed via private street (Robinson Road) that is shared with I-55 Store It. The property sits between Interstate 55 right-of-way and residential.

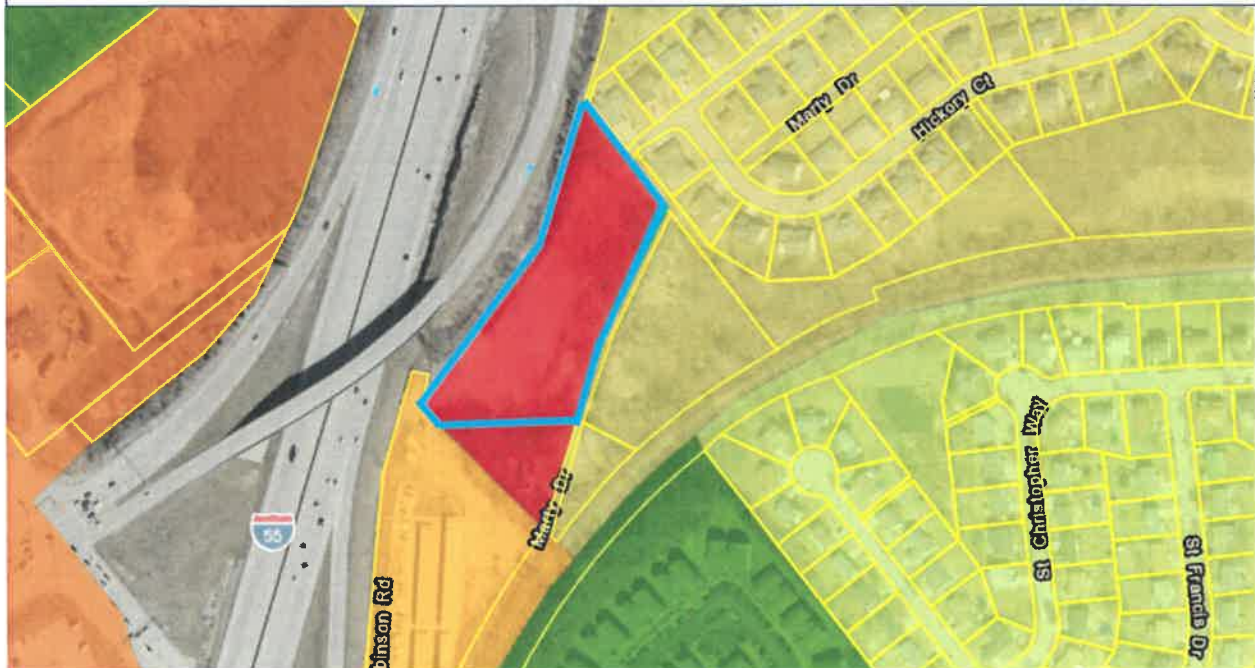
SITE HISTORY

The property was originally zoned as "R-3" Residential and sat undeveloped. In 2009, the property was rezoned to "C-4" Planned Commercial for the purpose of operating a landscape business and associated storage. Substantial progress was not made in the development of the approved site plan, and the site plan expired. Currently, the property has a graded gravel lot and unused outdoor storage bins.

LAND USE AND ZONING CONTEXT MATRIX

DIRECTION	EXISTING LAND USE	ZONING DISTRICT	COMMENTS
North	Residential; Other	R-3; N/A	Single-family dwellings; Interstate 55
East	Residential	R-3	Single-family dwellings
South	Commercial	C-2	I-55 Store It
West	Other	N/A	Interstate 55

ZONING MAP



REPORT TO PLANNING COMMISSION

CITY OF ARNOLD



ZONING REQUEST/DEVELOPMENT PROPOSAL

The applicant is seeking to amend and replace the existing "C-4" Planned Commercial District to allow for a plumbing supply business. The preliminary site plan, shown in Exhibit A in the Attachments, shows a new building and parking lot.

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 POLICIES

POLICY ED 4.3.4 DIRECT THE CLUSTERING OF DISTRICT USES TOWARD STRATEGIC INTERSECTIONS, CORRIDORS, AND AREAS ADJACENT TO COMPATIBLE USES.

HOUSING & NEIGHBORHOOD POLICIES

POLICY NH 3.2 MITIGATE IMPACTS PROTECT THE CHARACTER AND LIVABILITY OF ESTABLISHED RESIDENTIAL NEIGHBORHOODS BY MINIMIZING SPILL-OVER IMPACTS FROM ADJACENT COMMERCIAL AREAS AND INCREMENTAL EXPANSION OF BUSINESS ACTIVITIES INTO RESIDENTIAL AREAS.

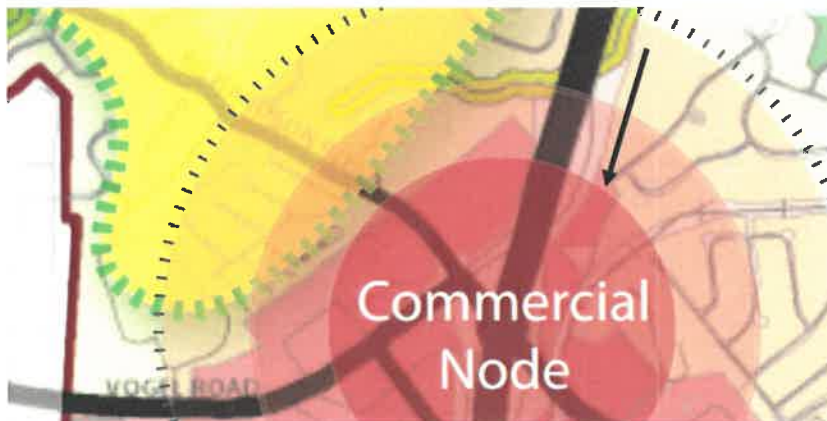
CITY PLANNER'S COMMENTS

Policy ED 4.3.4 and NH 3.2 are Satisfied as follows:

Substantially Satisfied: The proposed rezoning would not change the commercial designation of this property, which is in line with its proximity to the busy Interstate 55-Richardson Rd intersection.

Satisfied: Potential impact to the adjacent residential neighborhood may be mitigated through future landscaping plans and conditions of the rezoning.

FUTURE LAND USE MAP:



Substantially Satisfied: Amending the planned commercial district at this location is consistent with the FLUM designation for the property as a commercial node.



REPORT TO PLANNING COMMISSION

CITY OF ARNOLD

BACKGROUND

The property at 3405 Robinson Road is mostly undeveloped. The property is zoned "C-4" Planned Commercial. There is a graded gravel lot and outdoor storage blocks on the front portion of the property, near Robinson Rd. In 2009, the property was rezoned from "R-3" Residential to "C-4" Planned Commercial by Tim McKeever, for the purpose of opening a landscaping business. McKeever did not develop the property in adequate time, even after a time extension, and the approved development plan expired on September 11, 2012.

Govero Land Services is the applicant for this rezoning on behalf of Plumbers Supply, which is the current owner of the property. Plumbers Supply is a St. Louis-based company that sells plumbing parts and materials to plumbing contractors as well as the general public. Plumbers Supply has 22 locations in eastern Missouri. These other business locations are in pre-existing buildings and parking situations. This proposed Arnold location would be the first newly-constructed Plumbers Supply building and premises. The "C-4" regulations for this property only has a landscape business as a listed, permissible use. In May 2019, Govero Land Services submitted a rezoning application to amend the "C-4" District to allow for their intended use as a plumbing supply store. The applicant intends to construct a building and parking lot, as shown in the Preliminary Site Plan in Exhibit A in the Attachments.

PLANNING AND ZONING ANALYSIS

When reviewing applications for changes in zoning, 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 seeking to amend and replace the existing "C-4" Planned Commercial District. The purpose is to allow for a warehouse/showroom use, for the intended plumbing supply store. The Preliminary Site Plan, shown in Exhibit A, shows a building footprint and parking lot.

"C-4" PLANNED COMMERCIAL DISTRICT: PURPOSE AND PERMITTED USES

The purpose of the "C-4" designation is to facilitate the establishment of development which does not fit within provisions made in any other commercial district. Development in a "C-4" district is to take place under approved site plans with applicable conditions to assure that development is consistent with good planning practice and operated in a manner compatible with adjoining districts, as necessary to protect the general welfare.

The proposed business is Plumbers Supply, a materials supply store whose primary customer base is plumbing professionals or contractors. This type of use is unique and fits within the "C-4" District framework. However, the existing "C-4" District has unusually strict use regulations, which only allows for a landscaping company and no other uses. For any other use to be allowed on the property, Plumbers Supply included, the property would need to be rezoned to have its "C-4" Planned Commercial District regulations amended. The unusually-strict use

REPORT TO PLANNING COMMISSION

CITY OF ARNOLD



PLANNING AND ZONING ANALYSIS — CONTINUED

"C-4" PLANNED COMMERCIAL DISTRICT: PURPOSE AND PERMITTED USES—CONT.

regulation, which was crafted for a specific landscaping business development plan that was initially proposed 10 years ago and has since expired, is the reason for this proposed rezoning to amend the existing "C-4" document.

CONSISTENT WITH GOOD PLANNING PRACTICE

The subject property has been zoned commercially since the 2009 rezoning, which is reflected in the Future Land Use Map shown on Page 4 from our 2011 Comprehensive Plan. It is imperative to understand the proximity of this property to the Interstate 55 and Richardson Road intersection, and that the property has historically been accessed via Robinson Road which is used by adjacent commercial properties. This proximity to a major commercial node and shared access with other commercial property logically leads to the subject property being designated and utilized commercially. An entrance ramp to Interstate 55 is immediately west of the property, which imposes a large slope easement that includes the majority of the proposed building footprint. This is a concern Staff has raised with the applicant. MoDOT has agreed to vacate the easement once the property owner completes the application process, which includes a MoDOT-approved geotechnical report and final grading/drainage plan. See Exhibit D in the Attachments for the correspondence with MoDOT officials and the Vacation of Easement Plat.

The City's Comprehensive Plan Economic Development policies strives to direct commercial development to strategic intersections such as this one, but also to mitigate impact to adjoining districts and uses. Such mitigation can be undertaken through proposed separation distances and landscaping buffers on the preliminary site plan, as well as further landscaping

FIGURE 1: SATELLITE IMAGE OF SUBJECT PROPERTY, 2018





REPORT TO PLANNING COMMISSION

CITY OF ARNOLD

PLANNING AND ZONING ANALYSIS — CONTINUED

CONSISTENT WITH GOOD PLANNING PRACTICE—CONT.

or other requirements included as conditions to this rezoning and future final site development plans. Staff finds this rezoning proposal for the purpose of commercial development on the subject property advances the Comprehensive Plan as well as the purpose and intent of the “C-4” Planned Commercial District.

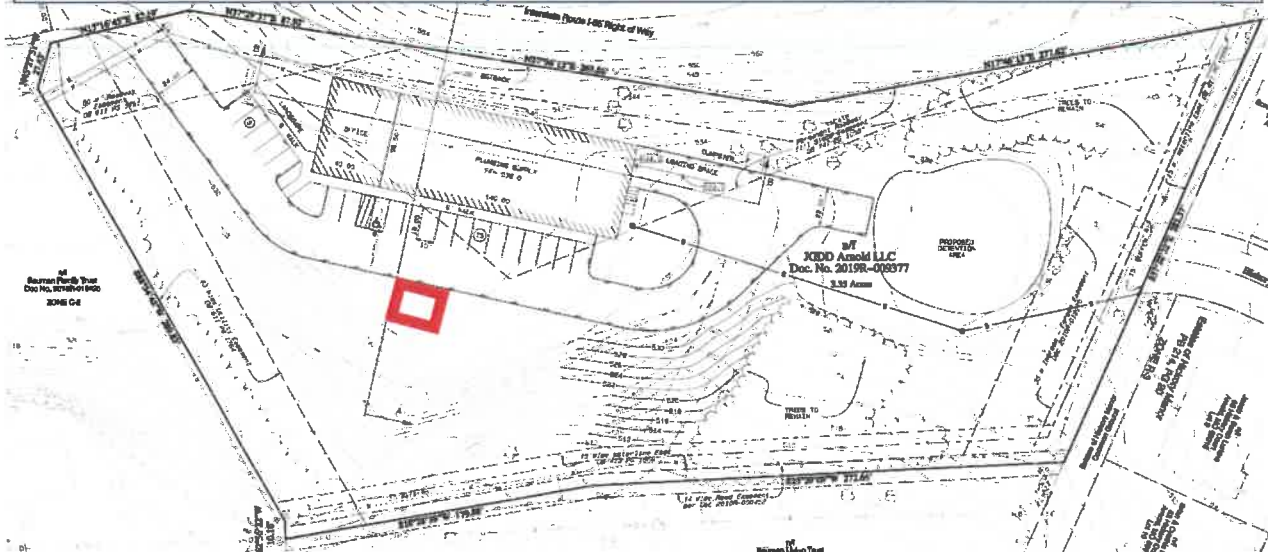
COMPATIBLE WITH PERMITTED DEVELOPMENT AND USES IN ADJOINING DISTRICTS

There are three different land uses surrounding the subject property: Interstate 55 proper and an entrance ramp to northbound I-55 to the north and west, a storage facility business (I-55 Store It) to the south, and single-family residential to the north and east. A graded gravel lot exists currently on the site, as shown in Figure 1 on the previous page. The proposed use and development is not incompatible with these surrounding developments, but special care must be taken to ensure that any substantial adverse impacts are mitigated. A number of concerns that Staff has raised regarding the internal and external developments and uses of this area will be discussed in the following list:

CONCERN 1: PARKING

The City of Arnold’s parking standards for warehousing is 1 space per employee and the standard for office is 4 spaces per 1000 gross square feet. With the calculations provided in the applicant’s Parking Memo (Exhibit C in Attachments), as well as the City’s current standards, the parking need is sufficiently met with the Preliminary Site Plan’s proposed 19 spaces and 1 loading space. Staff recommends the Planning Commission consider requesting the applicant to mark the area noted in red in Figure 2 as deferred parking. This additional parking area would not be constructed immediately, and would only be constructed at a future date where intensity of the development has increased to the point where additional parking is needed. The full language of this Deferred Parking condition is listed in the “C-4” Regulations Document Draft in Exhibit E.

FIGURE 1: PRELIMINARY SITE PLAN, DEFERRED PARKING NOTED IN RED



REPORT TO PLANNING COMMISSION

CITY OF ARNOLD



PLANNING AND ZONING ANALYSIS — CONTINUED

CONCERN 2: BUFFER/LANDSCAPING

The proposed building is to be located over 280 feet away from the property line abutting the single-family homes in Hickory Manor subdivision, and the edge of pavement is roughly 170 feet. This is a *significantly larger* buffer than the 15 feet minimum required in situations where structures in commercial districts abut a residential district. Despite this generous buffer, topography of the site must be considered. The subject property is located in a depression, with most of the surrounding properties being at a higher elevation, including the adjacent residential dwellings. There is existing tree masses near the shared property line, and an existing landscape berm that approximately follows the 15 foot buffer noted on the Preliminary Site Plan (Exhibit A). Some of the plant material that exists currently may be categorized as undesirable, but Staff feels that such plant materials serves its purpose as a buffer. Photographs of the site taken on May 30th are provided in the Attachments. Included is a photograph of the Hickory Manor Common Ground.

Landscaping buffers, structure shielding, and other methods of buffering the commercial use have been considered. The applicant requested relief from the Tree Preservation Plan, in an effort to minimize damage to what is existing and due to their desire to leave much of the property as is. With this in mind, Staff recommends allowing the applicant relief from the Tree Preservation Program if they instead take on landscaping measures that are less intrusive and more considerate to the unique situation of the property. Required measures include protecting existing tree masses and planting additional evergreen trees along an existing landscaping berm, so that there is a year-round vegetation buffer.

CONCERN 3: FUTURE OFFICE

The preliminary plans show a 180 foot by 56 foot building footprint, with a dividing line showing 80% of the footprint for "Plumbing Supply" and the remaining 20% for "Office". City Staff have been told that if Plumbers Supply expands with another location further south in the future, this location would not need all of its warehousing space and that another occupant could move in. Due to the location and private road access, the applicant does not think this property would be suitable for conventional retail and expects to rent the space as general offices. Staff are in agreement, but are concerned with additional parking needs in the future. However, the Deferred Parking clause of the "C-4" District Regulations Document draft found in Exhibit E should mitigate the impact of this possible future occupant.

CONCERN 4: SIGN

In a previous draft of the Preliminary Site Plan, a proposed 55 foot pylon sign was located between the rear of the proposed building and the Interstate 55 entrance ramp right-of-way. Staff had concerns regarding the sign's height, due to the requirement of a Conditional Use Permit and a Variance to allow for the sign they initially proposed. The applicant has removed the sign from the revised Preliminary Site Plan that is included in Exhibit A for the purposes of this rezoning, to prevent any confusion regarding the approval or denial of the sign as it is included in this rezoning application. Any variation from the City's sign regulations will require a separate application.



REPORT TO PLANNING COMMISSION

CITY OF ARNOLD

PLANNING AND ZONING ANALYSIS — CONTINUED

CONCERN 5: DRAINAGE

Staff have received questions and concerns regarding drainage of the proposed development. Staff cannot make storm water determinations from the Preliminary Site Plan. It is recommended that the applicant contact a registered engineer to make sure storm water needs are met within the property.

CONCERN 6: ACCESS

There is a stub street, Hickory Ridge Trail, that offers a potential connection to the subject property. The property is currently, and proposed to be, accessed from Robinson Road. Staff have included a paragraph in the "C-4" District Attachment "A" that prohibits access to the subject property via Hickory Ridge Trail.

COMPATIBLE WITH PERMITTED DEVELOPMENT AND USES IN ADJOINING DISTRICTS—SUMMARY

With the discussions above in mind, Staff finds that there are mitigation strategies available to allow for the continued enjoyment of property owners within the permitted development as well as in adjacent residential and commercial districts, subject to the provisions contained within the "C-4" District Attachment "A".

NECESSARY TO THE GENERAL WELFARE

With a change of zoning it is important to make such decisions based primarily on land use issues and not entirely on issues specific to the applicant. The proximity of the subject property to an Interstate 55 intersection makes this a desirable commercial property, if not for the strict "C-4" use regulations. For the last ten years, the subject property and its respective "C-4" District has only one allowed use: a landscaping business. It is unlikely that the proposal will have a substantial adverse impact on promotion of the health, safety, quality of life, comfort and general welfare of the City, subject to the provisions contained within the "C-4" District Attachment "A". Further, this proposal is necessary to ensure that the owner of this property is able to use it in such a way that is consistent with the surrounding commercial node and future goals of the Comprehensive Plan.

FINDINGS

Changes in zoning, or amendments thereto, shall only be approved by the Planning Commission under the following conditions:

EXTENSION OF BOUNDARY

The existing district boundary is not proposed to change with this rezoning, thus the change will not be detrimental. It has been shown that this change is necessary for public convenience or necessity, due to the strict use regulations in place in this particular "C-4" District.

SIGNIFICANT CHANGE

The current property owner is proposing to use the subject property as something other than

REPORT TO PLANNING COMMISSION

CITY OF ARNOLD



FINDINGS—CONTINUED

SIGNIFICANT CHANGE—CONT.

a landscaping business, which is currently the only permissible use. This is a significant change that warrants an amendment to the existing “C-4” District Regulations.

MISTAKE IN ZONING MAP

There is not necessarily a mistake in the Zoning Map, as the “C-4” Planned Commercial District designation is not wrong. This proposal simply seeks to amend the existing “C-4” District Regulations to allow for the proposed use.

CHANGE IN CLASSIFICATION

The proposed change to amend the “C-4” District Regulations would help the zoning classification reflect the proposed use as commercial within a commercial node as shown in the Future Land Use Plan of the City of Arnold.

BEST INTERESTS OF THE CITY

It is in the best interest for the health, safety, and welfare of the citizens of the City of Arnold to simplify our zoning districts and allow for the consistent use of commercial districts within the City.

This section is intentionally left blank.



REPORT TO PLANNING COMMISSION

CITY OF ARNOLD

RECOMMENDATION

CONSISTENCY WITH THE COMPREHENSIVE PLAN AND REGULATIONS OF THE CITY

Staff finds that the proposed change of zoning is substantially consistent with the Comprehensive Plan and Regulations of the City of Arnold, subject to the provisions contained in Attachment "A".

CONSISTENCY WITH GOOD PLANNING PRACTICE

Staff finds that the proposed change of zoning is substantially consistent with good planning practice, subject to the provisions contained in Attachment "A".

COMPATIBILITY WITH PERMITTED DEVELOPMENT AND USE IN ADJOINING DISTRICTS

Staff finds that the proposed change of zoning is compatible with permitted development and uses in adjoining districts, subject to the provisions contained in Attachment "A".

NECESSARY TO THE GENERAL WELFARE

Staff finds that the proposed change of zoning will have no substantial adverse impact on promotion of the health, safety, quality of life, comfort and general welfare of the city, and further is necessary to promote well-planned development in the City, subject to the provisions contained in Attachment "A".

RECOMMENDATION

Staff finds that the proposed change of zoning meets the review criteria and further advances the intent of both the Comprehensive Plan and Zoning Ordinance. Based on this finding Staff requests favorable consideration of the application, subject to the provisions contained in Attachment "A".

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

Sarah Turner
Community Development Planner



ATTACHMENTS

PHOTOGRAPHS OF SITE
EXHIBIT A: PRELIMINARY SITE PLAN
EXHIBIT B: GENERAL MEMO
EXHIBIT C: PARKING MEMO
EXHIBIT D: MODOT EASEMENT
ATTACHMENT "A"



REPORT TO PLANNING COMMISSION

CITY OF ARNOLD



SATELLITE OF SUBJECT PROPERTY, 2018

Plumbers Supply

REPORT TO PLANNING COMMISSION
CITY OF ARNOLD



PUBLIC VIEWSHED OF SUBJECT PROPERTY, GOOGLE STREETVIEW AUGUST 2018

2019-22 REZONING



REPORT TO PLANNING COMMISSION

CITY OF ARNOLD



VIEW OF SUBJECT PROPERTY FROM EXISTING LANDSCAPING BERM, FACING SOUTHWEST

Plumbers Supply

REPORT TO PLANNING COMMISSION
CITY OF ARNOLD



VIEW OF HICKORY MANOR COMMON GROUND FROM NEAR HICKORY RIDGE TRAIL, FACING SE

2019-22 REZONING



REPORT TO PLANNING COMMISSION

CITY OF ARNOLD



VIEW OF I-55-RICHARDSON RD INTERSECTION FROM SUBJECT PROPERTY, FACING SOUTHWEST

Plumbers Supply

REPORT TO PLANNING COMMISSION
CITY OF ARNOLD



VIEW OF HICKORY MANOR FROM SUBJECT PROPERTY, FACING NORTHEAST

2019-22 REZONING



REPORT TO PLANNING COMMISSION

CITY OF ARNOLD



VIEW OF HICKORY MANOR FROM SUBJECT PROPERTY, FACING NORTHEAST

Plumbers Supply



PLANNING COMMISSION MEETING CITY HALL COUNCIL CHAMBERS JUNE 25, 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, Jeff Campbell, Andrew Sutton, Chris Ford, Justin Lurk, David Bookless, Sarah Turner, Christie Hull-Bettale and Bob Sweeney. 9 voting members present, 2 excused.

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

APPROVAL OF MINUTES: Frank Kutilek asked that the minutes be amended on page two read “Mr. Bookless stated that Colorado being the first state to legalize marijuana, everyone there agreed the numbers might be a little inflated.”

Motion by Frank Kutilek to approve the minutes as amended from the May 28, 2019 meeting as presented. Second by Jeff Campbell. Voice Vote - *Unanimously Approved*.

PUBLIC COMMENT: Brian Braasch, 52 Hickory Court, questioned if the Planning Commission agenda is on the website.

PUBLIC HEARINGS:

- a. **2019-22: ZONING REQUEST TO AMEND AND REPLACE THE EXISTING “C-4” PLANNED COMMERCIAL DISTRICT:** Sarah Turner presented this request stating that the applicant is seeking to amend and replace the existing “C-4” Planned Commercial District to allow for a warehouse/showroom use, for a plumbing supply store. Sarah touched on the proposed future plumbing supply store; access, parking and the buffer/landscaping. MoDot has agreed to vacate a fill-slope easement upon application approval. Based on the findings, Staff recommends the approval of this rezoning application subject to the provisions in Attachment “A”.

Jeff Campbell asked if they have submitted a landscaping plan. Sarah stated the landscaping plan will be part of the final site plan submittal.

Dan Govero, Govero Land Services, 5929 Old State Rd., Imperial, MO, commented that they agree with the landscaping plan. They plan on using the rock that’s already cleared so they don’t have to disturb any trees except where the sewer line has to go which they will replant when done. They will also have additional parking if necessary.

Andrew Sutton expressed his concern as to the width of Robinson Road and if it could withstand the additional traffic. Mr. Govero stated that this use will be a low impact use and the applicant will be responsible for maintaining the road.

Sarah Lurkins, 56 Hickory Ct., referred to a memo from the Homeowners of the Estates of Hickory Manor which outlined their concerns regarding the proposed development.

Paul Wamser, 2444 Arnold Tenbrook, commented that he is still fighting with Harbor Freight and Tiger Car Wash from when they tore out his trees for the sewer line. Everything is gone.

Patricia Peterman, 1169 Hickory Ridge Trail, commented that the pictures are deceiving because in the summertime the trees are full but in the winter, you can see a long way. Concerned about traffic and does not want their lives disrupted by a commercial business. In 2009, when the landscaping company was going to go there, we were assured the property would stay "C-4" with a like for like business moving in.

Jessica Bradshaw, 1145 Hickory Ridge Trail, already hears the traffic noise from the highway and does not want to hear additional noise from this proposed development. Also concerned about the sewer line.

Bruce Berning, 1164 Hickory Ridge Trail, referred to the 280 feet from the property line abutting the residential and asked what will go in there. Andrew Sutton explained that they are giving 280 feet of buffer when they are only required to give 15 feet.

Jake Lurkens, 56 Hickory Ct., concerned about the sewer line.

Dan Govero, Govero Land Services, explained what they will be doing with regard to the sewer line. They will replace the dirt and trees and plan to enhance the buffer area with pine trees and other trees you can't see through.

Brian Braasch, 52 Hickory Ct., asked if any consideration has been given to the wildlife in the area. David Bookless stated that is not part of our criteria.

- b. **2019-23: CONDITIONAL USE PERMIT, CONSTRUCTION OF NEW SINGLE-FAMILY HOUSE IN A "FP" FLOODPLAIN DISTRICT:** Christie Hull-Bettale presented this request explaining that this site is challenged by easements. Easement coordination efforts will be a condition to this permit. The applicant's proposal to build a home and complete the last lot of this subdivision is not essential, but would be desirable to the neighborhood and the City. Staff finds the proposed Conditional Use Permit meets the review criteria and based on the findings, requests favorable consideration subject to the following conditions:

1. Board of Adjustment approves any necessary setback variance(s).
2. Owner to continue coordination efforts with Missouri American Water-Sanitary Sewer, to build a home not in conflict with sewer main or easements.
3. The building is a standard construction home that meets or exceeds minimum building requirements for the City of Arnold.
4. This parcel, proposed development and building are subject to all federal, state and local Floodplain Regulations.

- c. **2019-14: CITY INITIATED ORDINANCE AMENDING CHAPTER 405, ZONING, OF THE CODE OF ORDINANCES, CREATING DEFINITIONS BY ESTABLISHING DEFINITIONS AND REGULATIONS RELATED TO MEDICAL MARIJUANA-RELATED ENTITIES, AS DEFINED BY THE STATE OF MISSOURI, ELECTRONIC CIGARETTE SHOPS, AND TOBACCO SHOPS (CONTINUED FROM MAY 28, 2019 MEETING):** David Bookless went over his memo of the potential revisions to the draft addressing proximity measurement methodology, parking, and proximity to liquor stores.

Discussion on proximity to liquor stores and drug abuse facilities. The potential clustering of medical marijuana facilities and possible future recreational marijuana facilities. The proximity to schools and the definition of school campus.

- d. **2019-24: A CITY-INITIATED REQUEST TO AMEND CHAPTER 405, ZONING, OF THE CODE OF ORDINANCES, TO ESTABLISH DEFINITIONS AND REGULATIONS RELATED TO SITE PLAN REVIEW REQUIREMENTS AND PROCEDURES. (STAFF REQUESTS HEARING BE OPENED AND CONTINUED).** David Bookless commented that presently the zoning code states that non residential buildings,

structures and land must receive site plan approval from the Planning Commission. However, nowhere in the code does it discuss the process or what it should include and there are no exceptions provided. Due to the length of the agenda, Mr. Bookless asked that this discussion be continued at a future meeting. Poll taken to postpone this discussion to a future meeting. 9 yeas, 0 nays.

OLD BUSINESS: None

NEW BUSINESS:

- a. **2019-22: ZONING REQUEST TO AMEND AND REPLACE THE EXISTING “C-4” PLANNED COMMERCIAL DISTRICT:** John Tucker asked that in the future, there be aerial photos to be able to see the proximity of the development to the homes.

Motion by Jeff Campbell to approve 2019-22, Zoning Request to amend and replace the existing “C-4” Planned Commercial District based on the findings and subject to the provisions contained in Attachment “A” (attached). Second by Chris Ford.

Andrew Sutton commented that he does have concerns with the access road and the traffic; interested to see the elevations of the building itself and agrees with Mr. Tucker on the aerial photos.

Jeff Campbell suggested a sight line photo so residents can get an idea of what they will see and have a better understanding.

Roll call vote: Chris Ford, yes; Justin Lurk, yes; Brian McArthur, yes; Alan Bess, yes; John Tucker, yes; Frank Kutilek, yes; Jeff Campbell, yes; Del Williams, yes; Andrew Sutton, yes. 9 yeas, 0 nays – ***Motion Approved.***

- b. **2019-23: CONDITIONAL USE PERMIT, CONSTRUCTION OF NEW SINGLE-FAMILY HOUSE IN A “FP” FLOODPLAIN DISTRICT:** Motion by Jeff Campbell to approve 2019-23, Conditional Use Permit, Construction of new single-family house in a floodplain district with the following four (4) conditions:

1. Board of Adjustment approves any necessary setback variance(s).
2. Owner to continue coordination efforts with Missouri American Water-Sanitary Sewer, to build a home not in conflict with sewer main or easements.
3. The building is a standard construction home that meets or exceeds minimum building requirements for the City of Arnold.
4. This parcel, proposed development and building are subject to all federal, state and local Floodplain Regulations.

Second by Justin Lurk. Roll call vote: Chris Ford, yes; Justin Lurk, yes; Brian McArthur, yes; Alan Bess, yes; John Tucker, yes; Frank Kutilek, yes; Jeff Campbell, yes; Del Williams, yes; Andrew Sutton, no. 8 yeas, 1 nay – ***Motion Approved.***

- c. **2019-14: CITY INITIATED ORDINANCE AMENDING CHAPTER 405, ZONING, OF THE CODE OF ORDINANCES, CREATING DEFINITIONS BY ESTABLISHING DEFINITIONS AND REGULATIONS RELATED TO MEDICAL MARIJUANA-RELATED ENTITIES, AS DEFINED BY THE STATE OF MISSOURI, ELECTRONIC CIGARETTE SHOPS, AND TOBACCO SHOPS (CONTINUED FROM MAY 28, 2019 MEETING):** David Bookless stated the motion should be amended to strike the language to measurement so that it aligns with what the state says; add in the language for parking

requirements; add in language relative to drug abuse facilities and decide if you want to include the proximity to liquor stores.

Motion by Jeff Campbell to approve 2019-14, City initiated Ordinance amending Chapter 405, Zoning, of the Code of Ordinances, creating definitions by establishing definitions and regulations related to medical marijuana related entities as defined by the State of Missouri, Electronic Cigarette Shops, and Tobacco Shops with the amendments discussed and defined. Second by Del Williams.

Brian McArthur clarified that they are removing the proximity to packaged liquor establishments.

Roll call vote: Chris Ford, yes; Justin Lurk, yes; Brian McArthur, yes; Alan Bess, yes; John Tucker, yes; Frank Kutilek, yes; Jeff Campbell, yes; Del Williams, yes; Andrew Sutton, yes. 9 yeas, 0 nays – ***Motion Approved.***

STAFF UPDATE: David Bookless – will not be at next meeting.

Christie Hull-Bettale – addressed the random piece of mail she received and forwarded on to the Commissioners. There was no return address, no cover or transmittal, anonymous sender.

Sarah Turner – stated she would be presenting David’s site plan update as well as a commercial site plan application for an ATM and a fence variance.

Bob Sweeney – no report.

COMMISSIONERS UPDATE: Frank Kutilek – no report.

John Tucker – no report.

Alan Bess – no report.

Jeff Campbell – no report.

Justin Lurk – no report.

Del Williams – no report.

Frank Kutilek – no report.

COUNCIL LIAISON REPORT:

Brian McArthur – City Council meeting for July 4th has been cancelled.

NEXT SCHEDULED MEETING: July 9, 2019

ADJOURNMENT: Meeting adjourned at 8:05 p.m.

Respectfully Submitted,

Alan Bess
Planning Commission Secretary



CITY COUNCIL AGENDA ITEM STAFF REPORT

MEETING DATE: September 5, 2019

TITLE: 2019-31 Arnold Animal Hospital CUP: A request for approval for a veterinary clinic at Commerce Office Park 2 Lot 6B

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

EXECUTIVE SUMMARY:

The purpose of the requested Conditional Use Permit is to allow for the operation of a veterinary clinic. This request is contingent upon the approval of the Arnold Animal Hospital Rezoning application, Project 2019-30. The proposed use is consistent with the Comprehensive Plan.

REVIEW & ANALYSIS:

At its August 13, 2019 meeting, the Planning Commission was presented with the Staff Report for this Conditional Use Permit request and opened the public hearing. Staff's presentation focused on the details of the Final Site Development Plan, as the use as a veterinary clinic was previously demonstrated during the Rezoning proposal (Project 2019-30) to be consistent and compatible with nearby uses. The Commission inquired into the excess compact parking spaces, which would be used primarily by employees and properly marked.

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 August 13, 2019, the Planning Commission, by a vote of 7 to 0, voted to recommend approval of the _____ rezoning subject to conditions in "Exhibit 2".

CONDITIONAL USE PERMIT 2019-31

WHEREAS, Arnold Animal Hospital has requested a Conditional Use Permit to operate a veterinary clinic at Commerce Office Park 2 Lot 6B in Arnold, MO 63010.

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

WHEREAS, on September 5 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 veterinary clinic at Commerce Office Park 2 Lot 6B in Arnold, MO 63010.

This Conditional Use Permit shall be identified as C.U.P. 2019-31 and shall be developed in general conformance with City of Arnold Ordinances and with the following eight (8) conditions:

1. When animals are in exterior areas, they must be supervised by a caregiver at all times.
2. Signs must be posted to instruct pet owners to keep animals on leashes or in crates until they are inside the building or behind security gates, and prohibits animals without leashes to be in the parking lot or driveway areas.
3. All interior and exterior areas must be kept in a sanitary condition and trash pick-up must be scheduled as frequently as necessary to prevent odors and other nuisances to surrounding properties.
4. All fences must utilize materials as approved and be in good condition.
5. Landscaping as approved shall be properly maintained.
6. Conditional Use Permit, Business License, and Occupancy Permit may be revoked if any nuisance is not mitigated to satisfaction of the City.
7. Approval for Conditional Use Permit does not supersede other local, state, or federal requirements.
8. Rock Community Fire Protection District compliance requirements per Fire Marshal Jeff DeLapp:
 - a. Section D102 - Required Access
 - b. Grade D103.2 - Grade not to exceed 10%
 - c. Section D105 - Aerial Fire Apparatus Access Roads

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