

AGENDA

PUBLIC HEARING

1. Call to Order
2. 2011-07, Conditional Use Permit, Fast Food restaurant, Lot 4, Market at Water Tower Place (lot under construction in front of Wal Mart)
3. Adjourn

REGULAR MEETING

1. Call to order
2. Pledge of Allegiance
3. Roll Call of Commissioners
4. Review and Approval of Agenda
5. Approval of Minutes
 - a. Regular Meeting March 22, 2011
6. Questions from the floor
7. Conditional Use Permit/Commercial Site Plan
 - a. 2011-07, Conditional Use Permit, Fast Food restaurant, Lot 4, Market at Water Tower Place (lot under construction in front of Wal Mart)
8. Staff Report
 - a. Temporary Sign regulations
9. Old Business
10. Commissioners Report
11. Adjournment

PLANNING COMMISSION

CITY HALL

PUBLIC HEARING/REGULAR MEETING

APRIL 26, 2011 / 7:00 P.M.

MINUTES

PUBLIC HEARING

The public hearing was called to order by Chairman Brian McArthur at 7:00 p.m. Mr. McArthur informed those in attendance as to the procedures by which the public hearing would be conducted.

2011-07: CONDITIONAL USE PERMIT, FAST FOOD RESTAURANT, LOT 4, MARKET AT WATER TOWER PLACE (LOT UNDER CONSTRUCTION IN FRONT OF WALMART): Brian McArthur read the staff report.

Matthew Stack, EVP & COO of Koch Development, distributed additional information. Upon approval of this conditional use permit they will sign the lease with Five Guys and Orange Leaf Frozen Yogurt. He also mentioned the grease traps will be put underground.

There being no further questions or comments, the public hearing adjourned at 7:06 p.m.

REGULAR MEETING

The regular meeting of the Arnold Planning Commission was called to order by Chairman Brian McArthur at 7:06 p.m. The Pledge of Allegiance was recited by those in attendance.

ROLL CALL OF COMMISSIONERS: Del Williams, Jeff Fitter, Bryan Wucher, Brian McArthur, Roy Wilde, Ted Brandt (excused), Frank Kutilek, Jeff Campbell, Jim Edwards, Todd Teuscher (excused), Mary Holden, Christie Hull-Bettale, Dan Bish. 8 voting members present, 2 excused.

Brian McArthur welcomed Jim Edwards.

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

APPROVAL OF MINUTES: Motion by Jeff Fitter to approve the minutes from the April 12, 2011 meeting if there are no corrections. Second by Jeff Campbell. Voice Vote – *Unanimously Approved.*

QUESTIONS FROM THE FLOOR: Sue Celeslie-Fribis, 841 Shipwatch Dr., Imperial, MO 63052, questioned if she could request a variance in order to keep the flags up longer. Mary Holden stated she would need to apply for a variance in order to keep them up longer than 6 months. Mary also stated they are recommending changing the height from 10 feet to 12 feet.

Eric Gaffron, 4726 Villa Knoll Dr., St. Louis, MO 63128, Dylan's Sports Bar & Grill, questioned using his temporary sign again. Brian McArthur commented that the last amendment to the sign ordinance no longer allows those signs. It has to be a freestanding sign like an A-Frame.

7a. 2011:07: CONDITIONAL USE PERMIT, FAST FOOD RESTAURANT, LOT 4, MARKET AT WATER TOWER PLACE (LOT UNDER CONSTRUCTION IN FRONT OF WALMART): Frank Kutilek commented that the plan does not show a restroom in the Five Guys Restaurant. Mr. Stack stated that this plan indicates the work that the landlord will do and then the tenant will do the interior completion which will include the restrooms.

Jeff Campbell asked the location of the dumpsters. Mr. Stack stated there will be 2 dumpsters in the back and they will be screened.

Jeff Fitter questioned that they had asked for some improvements to the building as far as the dumpster and the sidewalk and he did not see them on this plan. Mr. Stack stated the plan tonight is the conditional use permit for the fast food restaurants not the site plan for the whole site.

Mary Holden stated that the commercial site plan was approved and all the conditions of approval will apply.

Jeff Fitter questioned if there will be some sort of awning for the outdoor seating. Mr. Stack stated there will be no awning on the patio side but there will be awnings along the storefront.

Jeff Campbell feels these should be two separate conditional use permits instead of both on one.

An additional condition was added that this conditional use permit is for these two restaurants only and any future fast food tenant must submit for their own conditional use permit.

Motion by Del Williams to approve 2011-07, conditional use permit, fast food restaurant, lot 4, Market at Water Tower Place with the two (2) conditions:

1. If grease traps and/or dumpsters are required, they must be provided and screened with a permanent screen.
2. This conditional use permit is for these two restaurants only and any future fast food tenant must submit for their own conditional use permit.

Second by Bryan Wucher. Roll call vote: Del Williams, yes; Jeff Fitter, yes; Bryan Wucher, yes; Brian McArthur, yes; Roy Wilde, yes; Frank Kutilek, yes; Jeff Campbell, yes; Jim Edwards, yes. 8 yeas, 0 nays – *Approved.*

STAFF REPORT: TEMPORARY SIGN REGULATIONS: Mary Holden gave a brief history on the temporary sign regulations as well as the few businesses that have voiced their concerns and given their suggestions. Mary referred to the letter from Donna Flamm of Edible Arrangements and the response from the City Attorney particularly to item #7 of said letter:

“That the City of Arnold EQUALLY enforce said ordinance to ALL businesses in the City and not just those to whom the City or it’s council members have a personal of political issue with due to the raising of objections to the current sign ordinance!! In addition, that the City of Arnold and all of its branches refrain from the harsh, vindictive and threatening tactics it has used in the past and is now using, to harass business owners and their staff.”

Mr. Sweeney feels her accusations are a defamation of character. We will respond via a letter to Ms. Flamm letting her know we do fairly enforce the sign code and we are not corrupt.

Mary went over staff's suggested changes to the sign code:

1. Possibly reducing the fee to \$30.00
2. Exempting professionally made A-frame signs under the following conditions:
 - a) They may not be located farther than ten (10) feet from the primary front door;
 - b) They must be taken in at night;
 - c) They may not block pedestrian access;
 - d) Must be on a sidewalk not in a drive isle and not located on the road or right-of-way.
3. Raise the maximum height to twelve (12) feet.

Jeff Campbell would like to limit the maximum size to 3x3 (9 sq. ft.) per face.

Jeff Fitter feels we need to define "*professionally made.*"

Jeff Fitter also commented that he wants no additional signage hung from the A-frame signs.

Mary Holden stated she would research what industry standard is as far as size.

Discussion on monitoring the A-frame signs as well as placement of them.

Mary Holden suggested there be a one time fee and review for an A-frame sign.

Roy Wilde feels the city needs to work with the businesses during these hard economic times.

Jeff Fitter would like to see the city work with businesses and encourage them to update current signage and make things more visible. Mary Holden stated we do have a façade improvement plan which does include signage. This is a plan where the city buys down their loan.

Jeff Campbell commented that in some areas they have uniform sign plans for different developments. This allows different conditions in different areas.

Eric Gaffron, Dylan's, commented that Phil Amato had brought this façade improvement plan to him 3 years ago but his landlord has never acted on it. Suggested contact be made to the landlords. Eric also asked if there is a time limit on how long the signs can be out. Jeff Fitter stated that when the doors are locked the sign shouldn't be out.

Mary Holden welcomed Jim Edwards and wished Dan Bish a Happy Birthday. Mary also stated she will be looking at updating the penalties for various codes with mandatory fines. Mary reported that Tom Dolson is no longer with Truman Bank therefore; she will have to issue a new citation for Foxwood Estates.

OLD BUSINESS: Brian McArthur commented that Mary had already sent updates on the old issues.

Bryan Wucher would like to revisit storm shelters for mobile home parks. In researching he found there is federal grant money.

Discussion on possible liability issues.

Mary Holden will research the availability of the HUD grant in order to give the information to the park owners.

Jeff Fitter questioned if the city has a plan in the case of a natural disaster. Jeff suggested that as a city, we should communicate these plans with the subdivision trustees.

COMMISSIONERS REPORT: Roy Wilde questioned the bid notice he saw for the beautification of North Jeffco. Christie reported that the city has availability of funds through a HUD grant for streetscape. The location is northern Jeffco Blvd.; very minimal funds (\$74,000); we are currently taking requests for qualifications for design.

Jeff Fitter suggested donating to the food pantry or a local charity if the fines for violations reach a certain dollar amount.

Jeff Fitter is concerned that soon the city will not be able to maintain all the restaurants in town. Need to market retail in order to keep all the restaurants in business. There are so many restaurants to decide from and people will not be eating 24-7.

Jeff Fitter also hopes the city has or will extend an offer of help other communities devastated by the recent tornados and storms.

Del Williams agrees with Jeff regarding all the restaurants, but believes these businesses do research to know whether or not they will make it in the area and with the competition.

Jeff Campbell commented that years ago the city took a stance against another gas station going in and now there is a bank and really nice office development there.

Brian McArthur asked that staff look at the code with regard to the number of different businesses on one conditional use permit.

ADJOURNMENT: Meeting adjourned at 8:40 p.m.

Respectfully Submitted,

Roy Wilde
Planning Commission Secretary

**PLANNING COMMISSION
ROLL CALL SHEET**

DATE: 4/26/2011

CALLED TO ORDER:

PH: 7:00 RM: 7:06

ADJOURNED:

PH: 7:06 RM: 8:40

| | ROLL CALL | 2011-07 - APPROVED | | | | | |
|-----------------------|-----------|--------------------|--|--|--|--|--|
| DEL WILLIAMS | P | Y | | | | | |
| JEFF FITTER | P | Y | | | | | |
| BRYAN WUCHER | P | Y | | | | | |
| BRIAN MCARTHUR | P | Y | | | | | |
| ROY WILDE | P | Y | | | | | |
| TED BRANDT | EXCUSED | | | | | | |
| FRANK KUTILEK | P | Y | | | | | |
| JEFF CAMPBELL | P | Y | | | | | |
| JIM EDWARDS | P | Y | | | | | |
| TODD TEUSCHER | EXCUSED | | | | | | |
| MARY HOLDEN | P | NO VOTE | | | | | |
| CHRISTIE HULL-BETTALÉ | P | NO VOTE | | | | | |
| DAN BISH | P | NO VOTE | | | | | |