

**AGENDA**

**PUBLIC HEARING**

1. Call to Order
2. 2010-05, Conditional Use Permit, Sonic 1907 Richardson Rd., 73 square foot addition
3. 2010-06, Preliminary Plat, Foxwood Estates, Tenbrook Road, elimination of one lot
4. 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 April 13, 2010
6. Questions from the floor
8. Conditional Use Permit
  - a) 2010-05, Conditional Use Permit, Sonic 1907 Richardson Rd., 73 square foot addition
9. Preliminary Plat
  - a) 2010-06, Preliminary Plat, Foxwood Estates, Tenbrook Road, elimination of one lot
10. Commercial Site Plan
  - a) 2010-09, 3611 Richardson Square, addition to existing building
11. Staff Report
12. Old Business
13. Commissioners Report
14. Adjournment

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.

**2010-05: CONDITIONAL USE PERMIT, SONIC, 1907 RICHARDSON RD., 73 SQUARE FOOT ADDITION:** Brian McArthur read the staff report.

No public comment.

**2010-06: PRELIMINARY PLAT, FOXWOOD ESTATES, TENBROOK ROAD, ELIMINATION OF ONE LOT:** Brian McArthur read the staff report.

Mark Doering, Doering Engineering, in attendance to answer any questions.

Joe Fritz, 1159 Starlight, asked which lot was removed. Mary Holden stated it is the lot between 16, 17 and 18. Mr. Fritz recommended that the hill be corrected first before houses are built.

Leo Boyer, 2971 Schneider, concerned about storm water. They were told years ago that a fence would be put up which never was.

Mary Holden commented that the fence was eliminated in 2009 due to the engineering plans that they had proposed. In lieu of the fence they will have to add landscaping. The agreement that they had entered into with a different builder was to clean out the pipe running under Schneider Drive and to clean out the culvert running along Tenbrook from this site to Schneider and this is still part of this agreement that they are bound to as well as a condition of approval. This will be done before construction.

Mel Pourcillie, 1153 Starlight commented that two storm water heads were put in front of his house. The one farthest to the east has developed a hole through the asphalt and most of the water is not going down the water is not going down the storm sewer but is running underneath the road squirting out on both ends. The road is hollowed out underneath – who is responsible to fix. Mr. Pourcillie questioned when the vegetation would be done and would something be planted on the hill. The road has settled down about 1½ foot.

Christie Hull-Bettale stated that upon approval of this application, the city can then proceed with the review of the improvement plans in which these issues will be addressed.

Jeff Fitter asked if in light of the dirt being washed under the road if someone from the city could look at it for any safety concerns. Christie stated she would check it.

Del Williams questioned who will repair Starlight. Christie stated the developer will.

Joe Fritz commented that the below the hill in front of his house the street is sinking.

Mark Doering addressed the concerns of these residents.

There being no further questions or comments, the public hearing adjourned at 7:22 p.m.

### **REGULAR MEETING**

The regular meeting of the Arnold Planning Commission was called to order by Chairman Brian McArthur at 7:08 p.m. The Pledge of Allegiance was recited by those in attendance.

**ROLL CALL OF COMMISSIONERS:** Del Williams, Jeff Fitter, Brian McArthur, Roy Wilde, Ted Brandt, Frank Kutilek, Jeff Campbell, Jason Connell, Todd Teuscher, Mary Holden, Christie Hull-Bettale. 9 voting members present.

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

**APPROVAL OF MINUTES:** Motion by Jeff Campbell to approve the minutes from the April 13, 2010 meeting if there are no corrections. Second by Todd Teuscher. Voice Vote – Approved.

**QUESTIONS FROM THE FLOOR:** Joe Fritz, 1159 Starlight commented that the light is too long when you are making a left off of Arnold Tenbrook onto Jeffco.

**7a. 2010-05:** Motion by Jeff Fitter to approve the conditional use permit for 73 square foot addition to Sonic at 1907 Richardson Road with the nine (9) conditions:

1. Prior to the construction remodel permit, a Building Property Maintenance Inspection is needed, and any compliance issues can be resolved in conjunction with the permit.
2. The existing dumpster enclosure appears durable and is made of material compatible with the main structure. One waste dumpster is in the enclosure; however, a second is outside, and is placed on the only ADA accessible parking space. The enclosure appears to be too small, either enlarge the existing enclosure or remove the additional dumpster.
3. The existing storage shed is not visually aesthetic nor does the exterior coordinate with the main structure. Please enhance the looks of the existing storage shed.
4. Twenty-eight parking spaces are on site - two are required to be ADA compliant one of which needs to be van accessible. Provide a marked driveway crossing across parking aisle.
5. The parking stripes are very worn, please re-stripe the parking spaces. All regular parking spaces dimensions are required to be 10'X19'.
6. The wheel ramp into the building should be verified for ADA compliance. If not compliant, it must be revised with construction remodel permit.
7. Both drive entrances are in disrepair. The curbing is cracked, falling down, and has large gaps. Both approaches have extensive slab cracking. Please repair.
8. At least two locations on the drive aisles have cracked and broken slabs with settlement failure and potholes that need repair.
9. The public sidewalk along street will require repair if crack and settlement is found.

Second by Jeff Campbell. Roll call vote: Del Williams, yes; Jeff Fitter, yes; Brian McArthur, yes; Roy Wilde, yes; Ted Brandt, yes; Frank Kutilek, yes; Jeff Campbell, yes; Jason Connell, yes; Todd Teuscher, yes. 9 yeas, 0 naes – *Approved*.

**8a. 2010-06: PRELIMINARY PLAT, FOXWOOD ESTATES, TENBROOK ROAD, ELIMINATION OF ONE LOT:** Roy Wilde commented that the present retention basin condition is in bad shape.

Jeff Fitter asked if any work has been done on this property at all. Mary Holden stated that the detention was cleaned out and there was some ditch cleaning along Tenbrook.

Jeff Fitter feels the city is not in a position to say no to this application because something has to be done with this site, therefore; he would like to add a condition that upon approval of City Council approval, the applicants have 30 days to start construction on the rock wall and if not, they will be issued a citation that they are in violation of the preliminary plat.

Mark Doering stated that their intention is to start immediately upon issuance of permits.

Del Williams commented that if something doesn't get done, just seed and straw.

Brian McArthur commented that by doing the wall first, that will help the residents.

Ted Brandt wants to make sure the issues of the swale, road and storm water are all coordinated in order to solve these problems.

Motion by Jeff Campbell to approve 2010-06, Foxwood Estates Preliminary Plat, Tenbrook Road, Elimination of One Lot, with the revised 11 conditions:

1. The attached agreement by Jackson Homes with the City of Arnold is entered into as conditions of approval, incorporated, and made a part of this approval including replacing the Allen's driveway at 2922 Tenbrook Road. These must be addressed before construction is started on the subdivision improvements or display house. The exception in the agreement is to add a fence on top of the wall.
2. Lots 36, 37, and 38 must meet the minimum square footage of 8,000 square feet.
3. A sidewalk contribution in the amount of \$60,000 is deposited with the City of Arnold prior to construction of the homes.
4. This approval is not complete until the Board of Adjustment grants a variance to the side-yard setbacks.
5. Grading and Site Improvement plans, review and permits need to be re-reviewed prior to any new work on site.
6. A full geotech study and analysis be done that will provided recommendations for addressing the rear area of lots 1-10. The study must be signed and sealed by a qualified P.E. and any work must be constructed and inspected under their supervision and such observations be provided to Staff.
7. Should subdivision construction cease for 30 days or more, the site must be seeded and strawed.
8. The engineered slope be placed in a slope easement and vegetated by a horticulturist.
9. The areas cleared along Starlight at Sunset and at the end of Starlight must be substantially re-vegetated.

10. Upon City Council approval, construction must start within thirty (30) days on the wall/slope or the owner will be cited into court.
11. The variance to the lot frontage widths is granted based on the findings that:
  - a) The granting of the variance will not be detrimental to the public safety, health or welfare or injurious to other property or improvements in the neighborhood in which the property is located.
  - b) The conditions upon which the request for a variance is based are unique to the property for which the variance is sought, and are not applicable generally to other property;
  - c) Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations are carried out;
  - d) The variance will not in any manner vary the provisions of the zoning ordinance, comprehensive plan, or major street plan.

Second by Ted Brandt. Roll call vote: Del Williams, yes; Jeff Fitter, yes; Brian McArthur, yes; Roy Wilde, yes; Ted Brandt, yes; Frank Kutilek, yes; Jeff Campbell, yes; Jason Connell, yes; Todd Teuscher, yes. 9 yeas, 0 naes – *Approved.*

**9a. 2010-09: COMMERCIAL SITE PLAN, 3611 RICHARDSON SQUARE, ADDITION TO EXISTING BUILDING:** Brian McArthur read the staff report.

Gene Mauer commented that this addition is for Home Land Security. They originally were requesting a 478 square foot addition now to meet the Government's code we have to request 1100 square feet which now creates a few concerns. Now they will be short 2 parking spaces per city code. They do apologize for this change but they just received this information within the last 24 hours.

Brian McArthur commented that in his opinion 2 parking spaces is not a big deal since there is still enough green space and they are not encroaching on anything. It is hard enough to get businesses in.

Motion by Frank Kutilek to approve 2010-09, Commercial Site Plan, 1112 square foot addition to office building at 3611 Richardson Square Drive with the three (3) conditions:

1. The approval is for Homeland Security as a tenant only and will not apply to other tenants.
2. The owner receive approval for the parking deficiency from the Board of Adjustment.
3. Staff must approve the site plan presented to the Commission the night of their meeting.

Second by Del Williams. Roll call vote: Del Williams, yes; Jeff Fitter, yes; Brian McArthur, yes; Roy Wilde, yes; Ted Brandt, yes; Frank Kutilek, yes; Jeff Campbell, yes; Jason Connell, yes; Todd Teuscher, yes. 9 yeas, 0 naes – *Approved.*

**STAFF REPORT:** Mary Holden reported that the picket signs in Arnold Commons are gone. THF has not given them approval to have them their. Mary spoke with Alan Bornstein about the signs that are being anchored by rocks and the dumpster issue.

Ted Brandt asked if the sign ordinance applies to inside Arnold Commons. Mary stated it does and they will now need to get permits.

**OLD BUSINESS:** Frank Kutilek asked the status of sidewalk along Tenbrook. Christie forwarded the concern onto Public Works.

Fence at the Jeffco Smoke Shop. Mary stated that they are coming in with plans.

Coach Mobile Homes – letter was sent giving them 60 days.

**COMMISSIONERS REPORT:** Jason Connell commented that he has asked Mayor Counts to let him continue to be the Council representative on Planning Commission.

Frank Kutilek commented that Matt Reva is receiving a community service award from the Division of Elementary and Secondary Education in Jefferson City. It is a Leadership by Example Award.

Brian McArthur commented that there are about 4 trailers on Telegraph by Wicks Road. Mary stated she would check into this.

**ADJOURNMENT:** Meeting adjourned at 8:12 p.m.

Respectfully Submitted,

Roy Wilde  
Planning Commission Secretary

