

MINUTES

RECORDER TURNED ON AT 8:20

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.

2012-38: REZONING FROM R-4 TO C-4, 1757 OLD LEMAY FERRY ROAD, JEFF AND LAURA BROADWAY: Brian McArthur read the staff report.

Laura Broadway (applicant) stated that they have an existing business in Valmeyer, IL. The dogs are kept inside and it's clean. The Arnold location should increase business. Son and family plus parents will live on site.

Randy Lidsall (neighbor) has concerns - the water runoff from the gravel flows into their yard. Kennel will be close to their yard; proposed there be a detention area to collect runoff; daycare rubbish should be removed from the front and back; railroad ties and concrete pushed against the fence.

Paul Canyon (property owner) – son-in-law was nuisance to the city. He is willing to cooperate and clean up the lot.

2012-39: MINOR RECORD PLAT, APPLEBEE'S/CONNECTOR ROAD, 1110 BIG BILL ROAD, B UESCHER DITCH & ASSOC., INC.: No reading and no public comment.

2012-41: CONDITIONAL USE PERMIT, RENT TO OWN AUTO CENTER, 1204 JEFFCO BLVD., RANDY BLOUNT: Brian McArthur read the staff report.

Rich Randileu, Wincrest Subdivision, commented that parking on McClain is an issue for school pick up and drop off. Mary stated parking for the business will be on-site only.

There being no further questions or comments, the public hearing adjourned at 7:27 p.m.

REGULAR MEETING

The regular meeting of the Arnold Planning Commission was called to order by Chairman Brian McArthur at 7:27 p.m. The Pledge of Allegiance was recited by those in attendance.

ROLL CALL OF COMMISSIONERS: Del Williams, Michelle Hohmeier, Cricket Whaley, Brian McArthur, Ralph Sippel, Ted Brandt (excused), Frank Kutilek, Jeff Campbell, Andrew Sutton, Todd Teuscher, Mary Holden, Christie Hull-Bettale, Dan Bish and Bob Sweeney. 9 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 Jeff Campbell to approve the minutes from the November 13, 2012 meeting as presented. Second by Del Williams. Voice Vote – *Unanimously Approved.*

QUESTIONS FROM THE FLOOR: None

7a. 2012-38: REZONING FROM R-4 TO C-4, 1757 OLD LEMAY FERRY ROAD, JEFF AND LAURA BROADWAY: Laura Broadway explained that they are not a kennel. The dog play area will be in the 3-car garage.

Jeff Campbell asked if there was feces disposal.

Cricket Whaley asked what is the expected number of dogs. Laura said 5 in each of the duplex units, so 10 max. They will spend evenings in the house.

Andrew Sutton asked if there should be a limit on the number of dogs. He also questioned at what point does benevolence create a humane society. Will this increase traffic at the blind hill?

Brian McArthur questioned what happens if the business ceases operations since this is a specific use with a C-4 ordinance. Mary stated that a new business would abide by this ordinance or have to come in and modify the ordinance.

Motion by Del Williams to approve 2012-38, rezoning from R-4 to C-4, 1757 Old Lemay Ferry Road with the findings and one (1) condition:

1. The draft C-4 ordinance and restrictions outlined in the ordinance are followed.

Second by Michelle Hohmeier. Roll call vote: Del Williams, yes; Michelle Hohmeier, yes; Cricket Whaley, yes; Brian McArthur, yes; Ralph Sippel, yes; Frank Kutilek, yes; Jeff Campbell, yes; Andrew Sutton, yes; Todd Teuscher, yes. 9 yeas, 0 nays – *Motion Approved.*

8a. 2012-39: MINOR RECORD PLAT, APPLEBEE'S/CONNECTOR ROAD, 1110 BIG BILL ROAD, BUESCHER DITCH & ASSOC., INC.: Motion by Jeff Campbell to approve 2012-39, minor record plat, Applebee's/Connector Road at 1110 Big Bill road with the two (2) conditions:

1. Remove the note dedicating the retaining wall easement to the City of Arnold.
2. Remove the script block vacating right-of-way by resolution and spot for the Mayor's signature.

Second by Cricket Whaley. Roll call vote: Del Williams, yes; Michelle Hohmeier, yes; Cricket Whaley, yes; Brian McArthur, yes; Ralph Sippel, yes; Frank Kutilek, yes; Jeff Campbell, yes; Andrew Sutton, yes; Todd Teuscher, yes. 9 yeas, 0 nays – *Motion Approved.*

9a. 2012-41: CONDITIONAL USE PERMIT, RENT TO OWN AUTO CENTER, 1204 JEFFCO BLVD., RANDY BLOUNT: Todd Teuscher commented that he would like to "table" this until a site plan can be submitted.

Randy Blount stated that he is befuddled. There is no place to add landscape. They have a buffer fence and the parking spaces have been striped at 10'x19'.

Ralph Sippel asked how many cars are going to be placed on site and what kind of landscape there will be. Mary Holden answered – whatever the site can accommodate and in accordance with our codes.

Michelle Hohmeier asked if the fence is where it should be – is 15' required up to the fence?

Mary Holden stated that Windcrest added the fence. All commercial properties must have 15' buffer against residential. Planning Commission cannot waive this requirement; it must go to the Board of Adjustment.

Del Williams stated that the buffer would wipe out a whole row of parking.

Brian McArthur explained the Board of Adjustment to Randy Blount.

Todd Teuscher suggested that a condition be added to extend the sidewalk to Jeffco.

Motion by Del Williams to approve 2012-41, Conditional Use Permit, Rent to Own Auto Center, 1204 Jeffco Blvd. with the findings and five (5) conditions:

1. Parking spaces must be ten feet wide and nineteen feet long.
2. Pull all parking spaces a minimum of fifteen feet from McLain and Jeffco Blvd. or the Board of Adjustment grants a variance to the Zoning Code requirement.
3. Provide a landscape plan for review and approval by Planning Commission to include additional landscape plant material in the buffer if needed or the Board of Adjustment grants a variance to the Zoning Code requirement.
4. Shield all exterior lights. Bare bulbs, flood and spot lights are **prohibited**.
5. Screen the dumpster with like materials of the main building.

Second by Michelle Hohmeier. Roll call vote: Del Williams, yes; Michelle Hohmeier, yes; Cricket Whaley, yes; Brian McArthur, yes; Ralph Sippel, yes; Frank Kutilek, yes; Jeff Campbell, no; Andrew Sutton, no; Todd Teuscher, no. 6 yeas, 3 nays – ***Motion Approved.***

RECORDER NOW ON

STAFF REPORT

- a. **Tree Preservation Discussion:** Brian McArthur stated he has a problem with section 15, removing dead and diseased trees on private property and charging the owner.

Mary Holden explained that the city needs this for safety hazards and timing issues.

Michelle Hohmeier commented that even though this is for public property only, she has a problem with this. City workers or contractors could be harmed, injured or could damage property.

Mary stated that the city has the right to do this now. City notifies residents and gives them 7-14 days. City works with the residents.

Frank Kutilek understands but wording should probably be changed to clarify.

Ralph Sippel feels this is a touchy situation. A dead tree is the owner's problem.

Cricket Whaley commented that we recently discussed Emerald Ash Borer and asked if the city will remove all Ash trees.

Mary commented she will remove Section 15.

Michelle Hohmeier asked clarification on Section 8 (spacing). Michelle also referred to Section 17 (Interference with City Tree Board) and asked is that only to the removing of trees or is it about the planting, cultivating, mulching, pruning and spraying. Dan Bish stated we can take out the trees on private grounds.

Michelle Hohmeier referred to Section 18 (Arborists License and Bond) and questioned if this is the same that we currently require. Mary stated that she would make sure it is.

Ralph Sippel recommends no trees between sidewalks and curbs. Trees buckle sidewalks.

- b. Review of the Planning Commissioner's Handbook, Chapter 3, Preparing for Meetings (page 11):** Mary reviewed.

OLD BUSINESS: Frank Kutilek asked the status of Spruce Up Landscape: Mary stated that the courts gave him more time.

Blackwell Motors: Gone as far as we know.

Foxwood Estates: Have filed a complaint with the FDIC to try and get the Letter of Credit but have not heard back yet.

COMMISSIONERS REPORT: Andrew Sutton has noticed a number of tractor trailers parking in the Walmart parking lot.

Everyone welcomed Ralph Sippel to the Planning Commission.

ADJOURNMENT: Meeting adjourned at 9:02 p.m.

Respectfully Submitted,



Todd Teuscher
Planning Commission Secretary

**PLANNING COMMISSION
ROLL CALL SHEET**

DATE: 12/11/2012 CALLED TO ORDER: 7:00 P.M. ADJOURNMENT: 9:02 P.M.	ROLL CALL	2012-38 - APPROVED	2012-39 - APPROVED	2012-41 - APPROVED				
DEL WILLIAMS	P	Y	Y	Y				
MICHELLE HOHMEIER	P	Y	Y	Y				
CRICKET WHALEY	P	Y	Y	Y				
BRIAN MCARTHUR	P	Y	Y	Y				
RALPH SIPPEL	P	Y	Y	Y				
TED BRANDT	EXCUSED							
FRANK KUTILEK	P	Y	Y	Y				
JEFF CAMPBELL	P	Y	Y	N				
ANDREW SUTTON	P	Y	Y	N				
TODD TEUSCHER	P	Y	Y	N				
MARY HOLDEN	P	NO VOTE						
CHRISTIE HULL-BETTALE	P	NO VOTE						
DAN BISH	P	NO VOTE						
CITY ATTORNEY ROBERT SWEENEY	P							