

MINUTES

**PUBLIC HEARING**

The public hearing was called to order by Chairman Brian McArthur at 7:03 p.m. Mr. McArthur informed those in attendance as to the procedures by which the public hearing would be conducted.

**2011-28: REZONING, C-4 DEVELOPMENT PLAN, 2116 LONE STAR DRIVE, CVS PHARMACY:** Brian McArthur read the staff report.

Mark Ditch representing Duncan Avenue Properties stated he was in attendance for any questions.

**2011-30: MODIFICATION OF C-4, ARNOLD TRIANGLE, ADDITION OF 10,000 SQUARE FEET:** Brian McArthur read the staff report.

No public comments.

There being no further questions or comments, the public hearing adjourned at 7:11 p.m.

**REGULAR MEETING**

The regular meeting of the Arnold Planning Commission was called to order by Chairman Brian McArthur at 7:11 p.m. The Pledge of Allegiance was recited by those in attendance.

**ROLL CALL OF COMMISSIONERS:** Del Williams, Jeff Fitter, Cricket Whaley, Brian McArthur, Roy Wilde, Ted Brandt, Frank Kutilek, Jeff Campbell, Andrew Sutton, Todd Teuscher, Mary Holden, Christie Hull-Bettale, Dan Bish and Robert Sweeney. 10 voting members present.

Also in attendance: Ken Moss, Ward 4 Rep. and Bill Moritz, Ward 2 Rep.

**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 Campbell to approve the minutes from the November 8, 2011 meeting if there are no corrections. Second by Todd Teuscher. Voice Vote – *Unanimously Approved.*

**QUESTIONS FROM THE FLOOR:** Bob Schnapp, 1798 Pomme Rd., owns property on Lone Star and asked how the roadway would be constructed and to see if his building would be taken. Mary Holden stated his building would not be taken and explained where the proposed road will be.

**7a. 2011-28: REZONING, C-4 DEVELOPMENT PLAN, 2116 LONE STAR DRIVE, CVS PHARMACY:** Mark Ditch representing Duncan Avenue Properties addressed comments #4, 6 and 14.

Ted Brandt questioned the slope of the new roadway (6%); if a new traffic study has been done (*waiting for results*); how much dirt and rock will be removed (*calculations have not been done yet*); who will approve and oversee blasting if needed (*State Fire Marshal*); How will the retaining wall be anchored (*soils report will be done next week*); where will the storm water connect into (*drains down to QT & Funeral Home and will be directed into the storm sewers*).

Jeff Campbell asked if there will be storm water detention (*there is a detention requirement and plans will be forthcoming*); is Applebee's aware of the layout (*David Warner, Duncan Avenue Properties, they have been working with Applebee's, QT and the Funeral Home*); connecting the stairs – feels it would be a liability for the property owners on that steep of a grade.

Brian McArthur questioned the requirement to have the storm water indicated on the preliminary plan. Mary stated that they could add a condition that in addition to the landscape plan, elevation and lighting plan, they also bring back the storm water plan.

Ted Brandt asked what the maximum grade requirement is for handicapped accessibility on a walkway. Christie stated it depends if it is a ramp or sidewalk. Internal sidewalks have to meet ADA requirements; external sidewalks (off site) do not.

Todd Teuscher commented that this property will be prominent as you come into the city and he would like to make sure this is a complete development. He would like to see the sidewalks make a complete connection to Jeffco Blvd., to Ridge and to Rosemont; also paved ramp to QT; guardrails (*there will be something protecting all of the walls*); did the traffic study include Ridge Road, the intersection and people getting off I-55 (*CBB did the traffic study and has analyzed and encompassed the entire area*).

Discussion on whether or not to table this tonight or just approve the rezoning. Brian McArthur argued that the rezoning and preliminary plan has to be approved at the same time as per the procedures for a C-4 Development. Mary commented that CVS is in a time crunch and asked if they could start grading only. Bob Sweeney commented that there is an environmental (Indiana Bat) issue with this project. If the project doesn't move forward (start grading) by a certain time, they have to stop and the project fails per federal regulations. This is a unique situation and if they don't get started the bats may re-inhabit the area.

Jeff Campbell requested that a condition #15 be added to provide storm water plan for review.

Todd Teuscher would like the architectural elevations to include the site walls and also the rock bluff if that is going to remain.

David Warner explained that they are in charge of getting the rezoning and the property cleared. CVS will be involved in getting the landscape plan and will not spend the money for the actual plans until the rezoning is secured. Duncan Avenue Properties' job is to get the property properly zoned and then CVS will move forward with their plans.

Brian McArthur asked Bob Sweeney if they can legally split this up in order to approve the rezoning only. Bob stated they could make it a contingent approval.

Jeff Campbell asked if they could approve this contingent on meeting the C-4 comments and the general comments. Bob Sweeney stated they could but to be specific.

Motion by Jeff Campbell to give contingent approval on the rezoning for file 2011-28, rezoning and C-4 development plan for 2116 Lone Star Drive, CVS Pharmacy with the 15 comments listed and changing #4 to 80 feet:

#### **C-4 Zoning Document Comments**

1. Listing minimum caliper for deciduous trees as 2” while our codes state 3”;
2. Provide a replacement provision for landscape plant material that dies.
3. The document provides for drought resistant natives and LEED plant material and the exemption from automatic irrigation if the drought resistant natives/LEED is installed, but does not provide for automatic irrigation. The requirement for automatic irrigation needs to be added in case drought resistant natives/LEED is not installed.
4. The setbacks for buildings are indicated at 15 feet. However, the plan shows the building 85 feet from Hwy. 141. Since the purpose of the C-4 development plan and document is site specific, please indicate in writing the building setback is 80 feet from Hwy. 141.
5. Adding the phrase “In the event that the Preliminary Development Plan or Final Development plan conflicts with any of the foregoing restrictions, the conflict shall be resolved in favor of that which is more restrictive. All other issues not addressed herein shall be governed by applicable city or state code and may be submitted for staff approval.”
6. D. Off-Street Parking, #5 indicates a nine (9) foot wide by eighteen (18) foot long stalls for parking spaces in excess of the required parking. Please indicate the location of those spaces on the plan.
7. F. Guaranty of Improvements, #2 Staff approves the performance bond/escrow amount, not the Planning Commission.
8. Please change “H. Connector Roads: Applicant may construct . . .” to **“shall”**
9. Comments forthcoming from our City Attorney.

#### **General Comments**

10. A landscape plan must be submitted for review and approval by the Planning Commission.

11. A lighting plan must be submitted for review and approval by the Planning Commission.
12. Architectural elevations must be submitted for review and approval by the Planning Commission.
13. Rezoning of MoDOT property will not be valid until the applicant has ownership of the property in question.
14. Provide suggested sidewalk locations and connectors.
15. A storm water plan is submitted for review and approval by the Planning Commission.

Second by Del Williams. Roll call vote: Del Williams, yes; Jeff Fitter, yea; Cricket Whaley, yes; Brian McArthur, yes; Roy Wilde, yes; Ted Brandt, no; Frank Kutilek, yes; Jeff Campbell, yes; Andrew Sutton, yes; Todd Teuscher, yes. 9 yeas, 1 nay – *Approved.*

**7b. 2011-29/2011-30: MODIFICATION OF C-4 DEVELOPMENT PLAN, ARNOLD TRIANGLE, ADDITION OF 10,000 SQUARE FEET/COMMERCIAL SITE PLAN:** Mary explained that this is a modification (increase) to the footprint only. No document to review.

Motion by Jeff Fitter to approve 2011-29/2011-30, modification of C-4 Development Plan, Arnold Triangle, addition of 10,000 square feet, Commercial Site Plan. Second by Jeff Campbell. Roll call vote: Del Williams, yes; Jeff Fitter, yea; Cricket Whaley, yes; Brian McArthur, yes; Roy Wilde, yes; Ted Brandt, yes; Frank Kutilek, yes; Jeff Campbell, yes; Andrew Sutton, yes; Todd Teuscher, yes. 10 yeas, 0 nays – *Approved.*

**8. ADOPTION OF COMPREHENSIVE PLAN:** Mary Holden explained that the current document has been updated with corrections, updates and suggestions except for the future growth map. Our Planning Consultant is in the process of finding a larger map. Mary stated she would not feel comfortable taking any action on this until the map is in the document. She will schedule this for the first meeting in January.

Motion by Del Williams to table the adoption of the Comprehensive Plan until the first meeting in January 2012. Seconded by Jeff Campbell. Roll call vote: Del Williams, yes; Jeff Fitter, yea; Cricket Whaley, yes; Brian McArthur, yes; Roy Wilde, yes; Ted Brandt, yes; Frank Kutilek, yes; Jeff Campbell, yes; Andrew Sutton, yes; Todd Teuscher, yes. 10 yeas, 0 nays – *Approved.*

**STAFF REPORT:** Merry Christmas!

**OLD BUSINESS:** None

**COMMISSIONERS REPORT:** Frank Kutilek announced he will be retiring as of January 6, 2012 and will forward his new email address.

Ted Brandt questioned the number of vehicles that have been on the Apex lot recently.

Roy Wilde wished everyone a Merry Christmas and welcomed Andrew Sutton.

Todd Teuscher reported that there is some striping on Michigan that is very hard to see. Also, he has seen motorcycles on the asphalt walk in front of Apex.

Andrew Sutton looks forward to working with everyone.

Jeff Fitter welcomed Andrew Sutton and Merry Christmas.

Jeff Campbell welcomed Andrew and wished everyone a Merry Christmas.

Brian McArthur commented he would like to see the full size plans on the table before the meetings.

**ADJOURNMENT:** Meeting adjourned at 8:35 p.m.

Respectfully Submitted,

Roy Wilde  
Planning Commission Secretary