

PLANNING COMMISSION

CITY HALL

PUBLIC HEARING/REGULAR MEETING

JULY 28, 2009 / 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.

**2009-15: PRELIMINARY PLAT FOR FOXWOOD ESTATES, TENBROOK ROAD
(SOUTH OF INTERSECTION OF ARNOLD TENBROOK AND TENBROOK ROAD):**

Brief presentation by Mark Doering of Doering Engineering, Bill Kling with Truman Bank and Leo Turk with Brucker Engineering.

Mel Pourcillie, 1153 Starlight Dr., asked about the fence; concerned about the slope; the street is sinking at the end; raise sanitary manhole; replant/re-vegetate on Starlight.

Joe Fritz, 1159 Starlight Dr., fill in sinking street and beautify Starlight. His biggest concern is making sure his hill is secure.

Tom Deranja, 2802 Rosewood, gully running behind fences due to run off; fence posts are exposed due to the water; questioned if there would be any blasting.

Frank Pointer, 1009 Southgate, storm water concerns; after a significant rain there is a lot of mud on Southcrest; concerned of steep slope.

John Abbott, 1047 Southcrest, feels this plan is better than the last.

William McCloskey, 2834 Rosewood, questioned where they will connect the water pipes at.

Joe Fritz, 1159 Starlight Dr., fears the street will keep sinking. Feels the developer should come out and talk to the residents.

Tom Deranja, 2802 Rosewood, questioned if there will still be an easement behind his house.

There being no further questions or comments, the public hearing adjourned at 7:50 p.m.

REGULAR MEETING

The regular meeting of the Arnold Planning Commission was called to order by Chairman Brian McArthur at 7:50 p.m. The Pledge of Allegiance was recited by those in attendance.

ROLL CALL OF COMMISSIONERS: Del Williams, Jeff Fitter, Norman Moss, Brian McArthur, Roy Wilde, Frank Kutilek, Thomas Kreyling (excused), Jason Connell,

Todd Teuscher (excused), Mary Holden, Christie Hull-Bettale and Robert Sweeney (excused). 7 voting members present, 2 excused.

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

APPROVAL OF MINUTES: Motion by Jason Connell to approve the minutes from the July 14, 2009 there being no corrections. Second by Norm Moss. Voice Vote – Unanimously Approved.

QUESTIONS FROM THE FLOOR: Frank Pointer, 1009 Southgate, thanked the Planning Commission for their quick passage and approval of the Home Town Plan.

Jim Fritz, 1159 Starlight, suggested that Hillsboro put an office here in Arnold in order to pay tax bills.

Mel Pourcelli, 1153 Starlight, asked about Starlight being repaved.

7a. 2009-15: PRELIMINARY PLAT FOR FOXWOOD ESTATES, TENBROOK ROAD (SOUTH OF INTERSECTION OF ARNOLD TENBROOK AND TENBROOK ROAD):

Jeff Fitter expressed his concern that with the grade for the proposed fill being so steep and the lots being so close, the homes will end up mere feet from the wall. Concerned that the detention basin is only 20 feet from where a house would be on Lot 44. Questioned the idea of the homeowners paying a monthly installment for the sidewalks and storm water detention. Recommends that this monthly installment be between the developer and the homeowner, not the city.

Del Williams commented that the residents on Starlight have been promised a wall or fence; this development has destroyed the road – feels this developer needs to repair it.

Mark Doering does not see a need for the fence nor feels it would be aesthetically pleasing.

Norm Moss feels using the existing rock for the rock wall is a good idea but questioned how they will keep it from looking like the VFW mess. Norm also questioned what limitations/restrictions future homeowners will have with regard to the slope. Questioned the depth of the soil on the top of the wall.

Mark Doering commented with regard to the soil on top of the wall - they will get recommendations from a horticulturist. With regard to future homeowners wanting to raise the slope and put in a retaining wall - City could require they hire a geotechnical engineer to say their plan to revise the slope is adequate and safe. Leo Turk also commented that the slopes can be modified as long as the resistance of the retaining wall exceeds the resistance of the ground being cut away.

Roy Wilde questioned the size and construction of the main detention basin.

Frank Kutilek questioned the maintenance responsibility of the swale and detention ponds.

Discussion/clarification on the Neighborhood Improvement District process.

Mark Doering addressed some of the questions and concerns:

- Fence on wall – there is no vertical cut, therefore it is no longer a wall, they respectfully request the fence request be removed and not block the view of the trees.
- Guardrail sinking – Leo Turk is the geotechnical engineer that studied the plan - city may want to ask another engineer for their opinion/recommendation.
- Off site damages – they will be liable for any damages off site.
- Manhole – they will raise the sanitary manhole on Starlight and well as re-vegetate where needed. They will also try and set up a meeting with the residents.
- Gully behind Rosewood – will be a sodded swale when they are done.
- They do not intend to do any blasting.
- Storm water issues in Six Roads South – They will be providing additional detention to help as well as contributing \$52,000.

Discussion on the conditions of approval. In lieu of the new plans (vegetation and trees), a poll was taken to remove the fence requirement. Voice Vote: 7 yeas, 0 naes.

Motion by Jeff Fitter to approve 2009-15, Foxwood Estates preliminary plat, Tenbrook Road with the 10 conditions:

1. The attached agreement is entered into as conditions of approval and 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.
2. Lots 36, 37, and 38 must meet the minimum square footage of 8,000 square feet.
3. The sidewalk as indicated on the plans is priced and that amount by spent by the builder to construct the sidewalk along Tenbrook Road between Sky View and Sun Valley.
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 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.
- 9. The engineered slope be placed in a slope easement and vegetated by a horticulturist.
 - 10. The areas cleared adjacent to Starlight Dr. need to be re-vegetated with landscaping including trees and shrubs; specifically at the intersection of Sunset and at the end of Starlight.

Second by Del Williams. Roll call vote: Del Williams, yes; Jeff Fitter, yes; Norm Moss, yes; Brian McArthur, yes; Roy Wilde, yes; Frank Kutilek, yes; Jason Connell, yes. 7 yeas, 0 naes – *Approved.*

8a. 2009-16: COMMERCIAL SITE PLAN, RESTAURANT BY LOMBARDO'S NEXT TO PROPOSED DRURY HOTEL: Presentation by Gary McGrath, Director of Architecture with Drury Development Corp. Mr. McGrath also presented an alternative elevation (A-2) for review and approval. The development has a stipulation that the elevation cannot exceed 24'. This alternative elevation exceeds the 24' stipulation at the entrance.

Jason Connell asked about the Star Flood Lights.

Mr. McGrath requested approval to add visors to the lights that would direct the light and not let it stray to the adjoining areas.

Motion by Norm Moss to approve 2009-16, commercial site plan, Restaurant by Lombardo's with the one (1) condition:

- 1. Floodlights, wall packs and bare bulbs are prohibited. Please change out the proposed "Star Flood Large" light or eliminate the light.

Second by Del Williams. Roll call vote: Del Williams, yes; Jeff Fitter, yes; Norm Moss, yes; Brian McArthur, yes; Roy Wilde, yes; Frank Kutilek, yes; Jason Connell, yes. 7 yeas, 0 naes – *Approved.*

Motion by Norm Moss to send a recommendation to the Development for elevation plan A-2.

Second by Jeff Fitter. Roll call vote: Del Williams, yes; Jeff Fitter, yes; Norm Moss, yes; Brian McArthur, yes; Roy Wilde, yes; Frank Kutilek, yes; Jason Connell, yes. 7 yeas, 0 naes – *Approved.*

STAFF REPORT: None

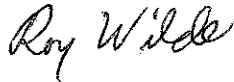
OLD BUSINESS: None

COMMISSIONERS REPORT: None

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ADJOURNMENT: Meeting adjourned at 9:20 p.m.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Roy Wilde".

Roy Wilde
Planning Commission Secretary

**PLANNING COMMISSION
ROLL CALL SHEET**

DATE: 7/28/2009

CALLED TO ORDER:

PH: 7:00 **RM:** 7:50

ADJOURNED:

PH: 7:50 RM: 9:20

	ROLL CALL	2009-15 - APPROVED	2009-16 - APPROVED	A-2 PLAN - APPROVED			
DEL WILLIAMS	P	Y	Y	Y			
JEFF FITTER	P	Y	Y	Y			
NORMAN MOSS	P	Y	Y	Y			
BRIAN MCARTHUR	P	Y	Y	Y			
ROY WILDE	P	Y	Y	Y			
FRANK KUTILEK	P	Y	Y	Y			
THOMAS KREYLING	EXCUSED						
JASON CONNELL	P	Y	Y	Y			
TODD TEUSCHER	EXCUSED						
MARY HOLDEN	P	NO VOTE					
CHRISTIE HULL-BETTALE	P	NO VOTE					
CITY ATTORNEY ROBERT SWEENEY	EXCUSED						