

PLANNING COMMISSION

CITY HALL

PUBLIC HEARING/REGULAR MEETING

JUNE 9, 2009 / 7:00 P.M.

MINUTES

PUBLIC HEARING

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

2009-09: CONDITIONAL USE PERMIT FOR A DIGITAL BILLBOARD AT 1998 RICHARDSON ROAD (AUTO ZONE SITE): Brian McArthur read the staff report.

Bill Moritz, 3167 Theodore Dr., questioned the size of the sign. Concerned with the visibility impact and the intensity of the lights shining into nearby homes. This sign will be a definite distraction to motorist coming up the exit ramp and up Vogel Road to Richardson Road.

Joan Valroy, 3356 Bradford Ln., agrees the light from this sign would be a distraction into their homes.

2009-13: ZONING CODE AMENDMENT TO SECTION 9, CONDITIONAL USE PERMIT: Brian McArthur read the staff report.

No public comment.

There being no further questions or comments, the public hearing adjourned at 7:15 p.m.

REGULAR MEETING

The regular meeting of the Arnold Planning Commission was called to order by Chairman Brian McArthur at 7:15 p.m. The Pledge of Allegiance was recited by those in attendance.

ROLL CALL OF COMMISSIONERS: Del Williams, Jeff Fitter (excused), Norman Moss, Brian McArthur, Roy Wilde, Bill Williams (excused), Frank Kutilek, Thomas Kreyling (excused), Jason Connell, Todd Teuscher, Mary Holden, Christie Hull-Bettale and Robert Sweeney. 7 voting members present, 3 excused.

REVIEW AND APPROVAL OF AGENDA: Motion by Del Williams to approve the agenda as presented. Second by Frank Kutilek. Voice Vote – Unanimously Approved.

APPROVAL OF MINUTES: Motion by Todd Teuscher to approve the minutes from the May 26, 2009 there being no corrections. Second by Jason Connell. Voice Vote – Unanimously Approved.

QUESTIONS FROM THE FLOOR: None

7a. 2009-09: CONDITIONAL USE PERMIT FOR A DIGITAL BILLBOARD AT 1998 RICHARDSON ROAD (AUTO ZONE SITE): Fred Berger, Attorney for OOS Investments submitted for the record, 11 exhibits. The proposed billboard substantially complies with all the requirements set forth in the 200-page report. A key benefit is they will provide the city with free messages such as amber alerts, traffic problems, emergency situations, civic events, etc. The height of the sign meets the zoning regulations; there will be two poles not one; the sign is not double sided; with the way the sign faces, there will be no flashing seen from the homes; very low level lighting (LED); variance needed for the distance and for two signs on a single frontage; each display last six seconds.

Jim Neumann of OOS Digital and OOS Investments explained that the backside of the billboard is not digital. The sign actually faces towards the intersection. The sign that faces Richardson would be a static sign (no motion). We are looking to promote and be accepted in the community not be a distraction.

Mary Holden clarified that commercial signage and billboards are two different things. This is a C-3 zoning, billboards are a conditional use and at this point does not comply with our codes. Mary also commented that a lot of the verbal information received tonight is new information; we were not aware that only one side is digital; we have a monopole plan and now they say it will be two poles. The technical information on this specific sign has not been provided.

Bob Sweeney recommended that since staff has not seen any of the exhibits introduced tonight, this application should be "tabled" until they can be reviewed.

Brian McArthur expressed his concern that this sign would be within 1200 feet of a residential area and those residents would definitely see this sign.

Norm Moss disclosed that he met with the landowner and received 27 emails that contained all the reports submitted tonight. Mr. Neumann also purchased merchandise from Arnold Stove and Fireplace therefore, Norm recused himself from voting on this application. Norm commented that staff and the Commissioners need to read all of this information handed out tonight.

Del Williams concerned that the sign is at a red light camera intersection.

Jason Connell would like to see this tabled until they can read the reports.

Todd Teuscher feels a message board sign at an intersection is not good planning. It is a safety issue. A different location might be better. A sign at this location also adds to the visual clutter.

Frank Kutilek agrees this location would be a safety concern.

Roy Wilde also agrees this will be a safety concern.

Motion by Frank Kutilek to "table" 2009-09, conditional use permit for a digital billboard at 1998 Richardson Road (Auto Zone Site) for further review of new information submitted. Second by

Jason Connell. Roll call vote: Del Williams, yes; Norm Moss (recused); Brian McArthur, yes; Roy Wilde, yes; Frank Kutilek, yes; Jason Connell, yes; Todd Teuscher, no. 5 yeas, 1 nay, 1 recused - *Tabled*.

8a. HOME TOWN PLAN, FINAL DOCUMENT FOR REVIEW AND ACTION: Motion by Todd Teuscher to recommend approval and forward the Home Town Plan onto the City Council. Second by Frank Kutilek. Roll call vote: Del Williams, yes; Norm Moss, yes; Brian McArthur, yes; Roy Wilde, yes; Frank Kutilek, yes; Jason Connell, yes; Todd Teuscher, yes. 7 yeas, 0 naes - *Approved*.

9a. 2009-13: ZONING CODE AMENDMENT TO SECTION 9, CONDITIONAL USE PERMIT: Frank Kutilek suggested the wording be changed to "*shall*" revoke the conditional use permit instead of "*can*" revoke.

Motion by Frank Kutilek to approve 2009-13, zoning code amendment to section 9, conditional use permit as amended. Second by Norm Moss. Roll call vote: Del Williams, yes; Norm Moss, yes; Brian McArthur, yes; Roy Wilde, yes; Frank Kutilek, yes; Jason Connell, yes; Todd Teuscher, yes. 7 yeas, 0 naes - *Approved*.

STAFF REPORT: VILLAS AT WINDCREST, REQUEST TO ELIMINATE THE PORTICO CONNECTION: Mary Holden explained that Chesterfield Valley Development is requesting the elimination of the portico requirement.

Roger Cox, representing Chesterfield Valley Development, gave a brief history on this development. He explained that the elimination of the portico requirement will reduce the maintenance and insurance burden on the Home Owner Association. They also believe that removal of the connection will give a more aesthetic appearance.

Brian McArthur questioned if we have the authority to eliminate the requirement or would that need to be done through the Homeowners Association.

Mary Holden asked if the existing porticos would be torn down. Mr. Cox suspects that the existing gates will fail and will either need to be replaced or maintained.

Bob Sweeney stated that even if the city released the developer from putting in the porticos, the indentures state that they are needed.

Del Williams suggested approving this with the condition that it also needs to be approved through the Homeowners Association.

Norm Moss commented that he does not like the porticos and agrees with Del Williams' suggestion of making it contingent on the Homeowners Association's approval.

Discussion: First condition - approval of Homeowners Association to build without porticos.

Second condition – residents wishing to remove existing porticos can as long as the indentures allow for it.

Jason Connell asked for a poll as to do you like the idea and then would like to make a motion to table this until the Homeowner's Association comes back with their approval.

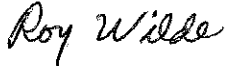
Norm Moss and Del Williams left at 8:40 p.m. leaving the meeting without a quorum.

OLD BUSINESS:

COMMISSIONERS REPORT:

ADJOURNMENT: Meeting adjourned at 8:42 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: 6/9/2009

CALLED TO ORDER:

PH: 7:00 **RM:** 7:15

ADJOURNED:

PH: 7:15 **RM:** 8:42

	ROLL CALL	2009-09 - TABLED	HOMETOWN PLAN	2009-13 - APPROVED			
DEL WILLIAMS	P	Y	Y	Y			
JEFF FITTER	EXCUSED						
NORMAN MOSS	P	RECUSED	Y	Y			
BRIAN MCARTHUR	P	Y	Y	Y			
ROY WILDE	P	Y	Y	Y			
BILL WILLIAMS	EXCUSED						
FRANK KUTILEK	P	Y	Y	Y			
THOMAS KREYLING	EXCUSED						
JASON CONNELL	P	Y	Y	Y			
TODD TEUSCHER	P	N	Y	Y			
MARY HOLDEN	P	NO VOTE					
CHRISTIE HULL-BETTALE	P	NO VOTE					
CITY ATTORNEY ROBERT SWEENEY	P						