

PLANNING COMMISSION

CITY HALL

PUBLIC HEARING/REGULAR MEETING

MARCH 27, 2012 / 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.

2012-14: AMEND/REPEAL BILL NO. 2359, ORD. NO. 14.444, SPRUCE UP LANDSCAPE, END OF ROBINSON ROAD: Brian McArthur read the staff report.

Pat Peterman, 1169 Hickory Ridge Trail thanked the city for doing this.

Peggy Allen, 1154 Hickory Ridge Trail commented that the owner didn't even show up for this hearing and expressed that if she is ever in violation of an ordinance, she will expect the city to give her two and a half years to comply.

Bruce Berning, 1164 Hickory Ridge Trail questioned the revision for the ingress and egress. Christie explained that it is not a variance they are requesting, but if they choose to amend the ordinance, we are specifying a requirement as a condition that they have to pave the entrance.

There being no further questions or comments, the public hearing adjourned at 7:10 p.m.

REGULAR MEETING

The regular meeting of the Arnold Planning Commission was called to order by Chairman Brian McArthur at 7:10 p.m. The Pledge of Allegiance was recited by those in attendance.

ROLL CALL OF COMMISSIONERS: Del Williams, Jeff Fitter (excused), Cricket Whaley, Brian McArthur, Roy Wilde, Ted Brandt, Frank Kutilek, Jeff Campbell, Todd Teuscher (excused), Mary Holden, Christie Hull-Bettale, Dan Bish and Robert Sweeney. 8 voting members present, 2 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: Jeff Campbell asked that the minutes be amended under 7a. to strike his name from the line that reads Jeff Campbell and Ted Brandt and add the following before it. *“Jeff Campbell complemented Metal Container for keeping suck a nice looking property. Then asked if they would consider providing an evergreen buffer along the building as a good neighbor gesture understanding that they may already meet or exceed the city's landscaping requirements.”*

Motion by Jeff Campbell to approve the minutes from the March 13, 2012 meeting as amended. Second by Del Williams. Voice Vote – *Unanimously Approved.*

QUESTIONS FROM THE FLOOR: None

7a. 2012-14: AMEND/REPEAL BILL NO. 2359, ORD. NO. 14.444, SPRUCE UP LANDSCAPE, END OF ROBINSON ROAD: Mary Holden explained that Christie had put together the timeline for this project (attached). Mary added that it also took a while to get his business license.

Christie stated that Dan Govero brought in a site improvement and development plan; additional building plans were never submitted; Mr. McKeever claims he has them but we have not received them.

Dan Govero, Govero Land Services explained he was not involved until last fall. Mr. McKeever thought all he needed was a plot plan at the time. He has been struggling; no money. No way he will be able to order and get this building up by July 13th.

Del Williams shared a story of an acquaintance of his who had a very lucrative civil engineering business that had run into hard times with the economy and recently committed suicide. He shared this story to make the point that although everyone is upset with Mr. McKeever, people do fall on hard times. Del asked do we create a situation he cannot possibly meet due to the economy - he would like a little consideration of the situation given when making our decisions.

Jeff Campbell concerned that he only does enough to drag out the timeline further. Jeff commented that he is sympathetic to the economic times we are in but on the other hand if he is trying to put in a business, he should be sympathetic to the surrounding residents and at least stand behind the landscaping that he put up on the berms. The residents have put up with this site too long. Jeff commented that when this was approved, he thought this business would be perfect for this site.

Andrew Sutton commented that in reviewing the timeline he noted at least seven attempts to communicate with Mr. McKeever. He feels the lack of communication and the time this has drug out is very disrespectful to the residents.

Cricket Whaley commented that a non responsive business owner at any scale is usually a failed business. She feels this has gone on long enough.

Frank Kutilek can understand the man is working and trying to make a living but does not understand the lack of communication on Mr. McKeever's part.

Roy Wilde agrees with Del Williams. Small businesses have a harder time making it.

Brian McArthur understands he is a struggling business but he could still pick up a phone. We cannot continue to allow him to use open storage without a building. If he doesn't need a building it would be in his best interest for him to go to unincorporated area where he could have open storage.

Del Williams commented that knowing he will not be able to get the building up by July, we should go ahead and repeal this because this will only upset us further. It probably would be in his best interest to go to an unincorporated area.

Bob Sweeney commented that the July date was a random date put down because everyone was aggravated. Bob suspects Mr. McKeever has recently put a good amount of money into hiring Dan Govero and BBL to do architecturally sealed plans. While he completely agrees he should have called, in his opinion he feels Mr. McKeever, being a small business, may be embarrassed admitting failure. Bob agrees with Jeff Campbell that when this project was proposed we all thought this is the best thing for that site. There is ample reason to legally repeal this and the residents have suffered long enough. Another option would be if the time frame could be set that there has to be some substantial effort at construction by July or then we take action.

Cricket Whaley commented that as a real estate appraiser, she would advise Mr. McKeever that this is not the best use for this site. If he doesn't need a building he should find something cheaper in the unincorporated area.

Frank Kutilek doesn't feel if Mr. McKeever could not come up with the money in two years, why would we expect him to get it in the next four months.

Brian McArthur commented that it would have been nice if Mr. McKeever would have shown up tonight to answer questions.

Motion by Jeff Campbell to repeal Bill No. 2359, Ordinance No. 14.444, the rezoning of a parcel of land off Robinson Drive at Richardson Road and I-55 behind I-55 Store It, sighting that it is not in the best interest for the health, safety and welfare of the citizens of Arnold; the following three findings and adopting the report of the staff:

1. The repeal of Bill No. 2359, Ord. No. 14.444, and the site vacated of the operation will not be detrimental to the public and is necessary due to repeated non-compliance with Bill No. 2359, Ord. No. 14.444.
2. The repeal of Bill No. 2359, Ord. No. 14.444 will reflect our Comprehensive Plan and zoning Code by the removal of a non-compliant use.
3. The repeal of Bill No. 2359, Ord. No. 14.444 will be in the best interest and welfare of the citizens since it will remove a non-compliant use.

Second by Ted Brandt. Roll call vote: Del Williams, no; Cricket Whaley, yes; Brian McArthur, yes; Roy Wilde, no; Ted Brandt, yes; Frank Kutilek, yes; Jeff Campbell, yes; Andrew Sutton, yes. 6 yeas, 2 nays – *Approved*.

STAFF REPORT: NEIGHBORHOOD AREAS: Mary Holden stated she would send out an email to set up meeting one on one.

OLD BUSINESS: Ted Brandt asked the status of the hill eroding at Foxwood Estates. Mary Holden clarified that it was actually the netting rolling back and stated they have been notified and will be repairing it.

Jeff Campbell questioned the water drainage ditch at the second entrance of the First Baptist Church. Mary Holden stated they actually poured concrete for the wall today.

Frank Kutilek asked if the driveways will remain to the houses that were demolished. Mary Holden stated she did not know.

COMMISSIONERS REPORT: Andrew Sutton thanked Mary for her help earlier in the week. He also asked Christie if she could come to Strawberry Ridge and make sure they have enough sewers.

Jeff Campbell commented that on Spruce Up Landscaping he was concerned about extending this out again for another year or two.

Roy Wilde stated he was at a town hall meeting and Councilman Amato stated that permit fees were set by the State and asked if that was true. Mary stated she will find out what Councilman Amato actually said and let him know.

Frank Kutilek stated there was no follow-up list.

ADJOURNMENT: Meeting adjourned at 7:51 p.m.

Respectfully Submitted,



Roy Wilde
Planning Commission Secretary

Timeline for Project file 2009-23 and 2012-14
AKA as Spruce Up Landscape/ McKeever Property:

- 10/13/2009 Public Hearing for Rezoning at Planning Commission
- 11/10/2009 Public Hearing for Rezoning at Planning Commission (addressed concerns, resubmitted and recommendation of approved)
- 12/03/2009 Public Hearing for Rezoning at City Council
- 06/18/2010 Letter to Tim McKeever reminding him of conditions of rezoning.
- 08/10/2010 Phone conversation with McKeever, he said: Ragsdale would be contractor to come in for permits week of 8/10, Berm and sod by week of 8/24, Building plans app and grading app permit by week of 10/24. He stated, wanted to be under roof by winter.
- 9/23/2010 Letter to McKeever from Diane Waller about operating business without a license.
- 9/24/2010 No work had been done, or plan/app made. Mary and Christie met on site with Tim McKeever to discuss lack of progress, and his plan of action.
- 9/27/2010 Received letters from Tim McKeever: one letter promising the berm with trees 10/11/2010, a second promising plans by 10/11/2010 for permitting, and estimated 4-6 weeks to construct.
- 9/??/2010 Began installing berm and trees (wrong species).
- 10/01/2010 Request to Commission to use different trees for berm area.
- 10/4/2010 Letter to McKeever discussing that 6' white pine or approved substitute is required. He can keep the others installed but he needs to add the large evergreen species.
- 10/11/2010 All trees were install along the berm.
- 10/19/2010 McKeever requested a new location for the Phase I building, and Commission approved location. Informational letter was sent out to public hearing residents.
- 01/25/2011 Email about inquiry from Diane Waller about lack of business license. Clerk to follow through as needed about operating without a business license.
- 4/06/2011 Building plan and application for Construction permit submitted by BBL Building for McKeever.
- 4/12/2011 Review letter sent, no response by applicant or owner. Application was abandon.
- 9/2011 Staff spoke with Dan Govero, he was hired by owner to proceed with Site Development plans. Estimated plans by October.
- 10/14/2011 Staff inquired about plans. Govero emailed that plans will be ready in the next few weeks.
- 11/10/2011 Meeting with Govero to was set to discuss site. Govero said, plans will be ready soon.
- 12/12/2011 Staff inquired about status. Govero replied McKeever to review and submit plans week of 12/19/2011.
- 1/12-2/12 McKeever was non-sponsive, Staff found Govero was no longer proceeding with plan preparation.
- 2/22/2012 Letter sent to McKeever about Repeal or Amend. Also stated, in order to stop repeal, McKeever to submit development and building plans by 3/5/2012, Contractors to sign off by 3/16 to issue permit, Phase I construction to begin by 3/23/2012. No response from McKeever.
- 3/9/2012 Advertisement, Public hearing sign posted, and letters mailed to residents within 185'.

- 2/27/2012 Govero called to see what is required for submittal.
- 3/12/2012 Site development plans submitted, no building plans submitted. Since submittals were incomplete and late, a cursory review was complete, until staff receives direction from Commission and Council.