

AGENDA

PUBLIC HEARING

1. Call to Order
2. 2011-06, Conditional Use Permit, S n J Sno Ball shop, 505-537 Jeffco Blvd
3. 2011-09, Minor Record Plat, 2150 Michigan Ave. (Kohl's area)
4. Adjourn

REGULAR MEETING

1. Call to order
2. Pledge of Allegiance
3. Roll Call of Commissioners
4. Review and Approval of Agenda
5. Approval of Minutes
  - a. Regular Meeting April 26, 2011
6. Questions from the floor
7. Conditional Use Permit
  - a. 2011-06, Conditional Use Permit, S n J Sno Ball shop, 505-537 Jeffco Blvd
8. Minor Record Plat
  - a. 2011-09, Minor Record Plat, 2150 Michigan Ave. (Kohl's area)
9. Commercial Site Plan
  - a. 2011-08, Aldi's, commercial site plan approval, 2150 Michigan Ave.
10. Staff Report
  - a. Minimum lot size for churches
  - b. Temporary Sign regulations
11. Old Business
12. Commissioners Report
13. Adjournment

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**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.

**2011-06: CONDITIONAL USE PERMIT, SNJ SNO CONE STAND AT 505-537 JEFFCO BLVD.:** Brian McArthur read the staff report.

**2011-09: MINOR RECORD PLAT, 2150 MICHIGAN AVE. (KOHL'S AREA):** Brian McArthur read the staff report.

There being no questions or comments, the public hearing adjourned at 7:06 p.m.

**REGULAR MEETING**

The regular meeting of the Arnold Planning Commission was called to order by Chairman Brian McArthur at 7:06 p.m. The Pledge of Allegiance was recited by those in attendance.

**ROLL CALL OF COMMISSIONERS:** Del Williams, Jeff Fitter, Bryan Wucher, Brian McArthur, Roy Wilde, Ted Brandt, Frank Kutilek, Jeff Campbell, Jim Edwards, Todd Teuscher, Mary Holden, Christie Hull-Bettale, Dan Bish and Bob Sweeney. 10 voting members present, 0 excused.

**REVIEW AND APPROVAL OF AGENDA:** Motion by Todd Teuscher to approve the agenda as presented. Second by Jeff Campbell. Voice Vote – *Unanimously Approved.*

**APPROVAL OF MINUTES:** Motion by Jeff Campbell to approve the minutes from the April 26, 2011 meeting if there are no corrections. Second by Jim Edwards. Voice Vote – *Unanimously Approved.*

**QUESTIONS FROM THE FLOOR:** Bill Moritz, 3167 Theodore, Ward 2 Councilman, commented on the sign ordinance. Feels there is no need to change the maximum height to 12', just make a provision for flags. Likes the Clayton Ordinance; 5 ft. minimum pedestrian access route unobstructed; "going out of business" signs should be addressed; need to tighten up our removal at night provision. There is a business in town that is in flagrant violation. There is 2 ft. coming out from the building, 4 ft of landscaping, another 4 ft. out to the curb and the sign is right there. No one with a stroller or in a wheelchair could get through. Just because you don't agree with the sign ordinance does not mean you're not compelled to obey it. Does like the A-frame idea. This sign ordinance has to be to the benefit of the pedestrians, not the business.

**7a. 2011-06 CONDITIONAL USE PERMIT, SNJ SNO BALL SHOP, 505-537 JEFFCO BLVD.:** Joe Sorg, owner of SNJ Sno Ball Shop addressed staff's comments and concerns.

Jim Edwards questioned the signage. Mr. Sorg stated that the only signage will be on the building.

Jeff Campbell concerned about safety due to the proximity to the entrance. Suggested placing 2 to 3 pre-cast concrete planters to act as barriers.

Jeff Fitter questioned what they will use for electricity.

Jeff Campbell asked that the pre-cast planters be added as a condition.

Motion by Jeff Campbell to approve 2011-06, conditional use permit, SNJ Sno Ball Shop at 505-537 Jeffco Blvd. with the seven (7) conditions:

1. The conditional use permit is good for three seasons and will expire on the last day of September 2014.
2. The area is kept clean of trash and debris that may result from the sno cone stand.
3. The hours of operation are from 12:00 p.m. to 10:00 p.m.
4. The trailer is removed on or before September 30 of each year the conditional use permit is valid and the trailer is placed no sooner than May 1 of each year.
5. Provide documentation that the employees of the sno cone stand will have access to a restroom.
6. The stand may not be located within the fifty-foot setback from Jeffco Blvd. and out of interior travel lane.
7. Provide 2-3 pre-cast or equivalent planters to act as barriers and provide planting areas.

Second by Jeff Fitter. Roll call vote: Del Williams, yes; Jeff Fitter, yes; Bryan Wucher, yes; Brian McArthur, yes; Roy Wilde, yes; Ted Brandt, yes; Frank Kutilek, yes; Jeff Campbell, yes; Jim Edwards, yes; Todd Teuscher, yes. 10 yeas, 0 nays – *Approved*.

**8a. 2011-09: MINOR RECORD PLAT, 2150 MICHIGAN AVE. (KOHL'S AREA):** A few members wanted to move the request to after the commercial site plan review and approval but Bob Sweeney stated that procedurally, the minor record plat needs to be reviewed first.

Motion by Jeff Fitter to approve 2011-09, minor record plat, 2150 Michigan Ave. Second by Del Williams. Roll call vote: Del Williams, yes; Jeff Fitter, yes; Bryan Wucher, yes; Brian McArthur, yes; Roy Wilde, yes; Ted Brandt, no; Frank Kutilek, no; Jeff Campbell, no; Jim Edwards, yes; Todd Teuscher, yes. 7 yeas, 3 nays – *Approved*.

**9a. 2011-08: COMMERCIAL SITE PLAN FOR ALDI'S AT 2150 MICHIGAN AVE.:** John Sawyer of Sawyer Engineering was in attendance for any questions.

Jeff Fitter concerned with people making the short cut off Michigan and would like to see the first isle widened.

Jeff Campbell would like a traffic study done. Concerned about public safety.

Mary Holden commented that we can ask the applicant for a traffic study but we cannot require it. This is a use by right and they will be in compliance.

Ted Brandt asked if they could put in a wider driveway with a planter island in at the entrance of the site.

Brian Wucher concerned that another grocery store coming in will hurt some of the existing stores. Also questioned Kohl's being two parking spaces short.

Jim Edwards does not feel the entrance driveway is a detriment to this project.

Del Williams doesn't understand why Aldi's moved out and now wants to come back in but in a different location.

Mr. Sawyer stated that Kohl's had approached Aldi's as a strategic partner that would compliment their business on a corporate basis out of Minnesota. This is the first pilot program they selected. Once this is successful they will be looking at a site in St. Louis County and they have a few sites in Texas and Chicago they will look at.

Todd Teuscher questioned the truck path size.

Todd Teuscher addressed the landscape plan and gave suggestions. Todd asked if we could make it a condition that this plan be looked at by a professional.

Mary Holden commented that you can strongly ask that they have it looked at by a landscape architect or landscape designer; you can reject the current landscape plan and have it brought back.

Todd Teuscher asked that the current landscape plan be rejected and a new one designed by a landscape architect be brought back as a condition of approval.

Brian McArthur questioned the islands, the light standard, the 27' drive lane, fence, retaining wall, possible guardrail...looks tight. Brian also questioned the parking and possible problems.

Jeff Campbell stated his only concern is with the property line, if something were to happen and there be a separation, does Aldi's have the required amount of parking to stand on their own. Mary Holden stated that they do.

Roy Wilde asked the hours of operation. Mr. Sawyer believes it is 9:00 a.m. to 10:00 p.m. during the week and 9:00 a.m. to 6 or 7:00 p.m. on Sunday. They do not stay open past 10:00 p.m.

Jim Edwards questioned the truck parking spots with regard to the location of the dumpster.

Motion by Jeff Fitter to approve 2011-08, commercial site plan for Aldi's at 2150 Michigan Ave. with the three (3) conditions:

1. If there is need for the two parking spaces, the internal pedestrian walkway can be eliminated or revised to accommodate the spaces.
2. All four sides need architectural character to break up the mass of the building.
3. New landscape plan designed by an architect or landscape designer be brought back for approval.

Second by Jeff Campbell. Roll call vote: Del Williams, yes; Jeff Fitter, yes; Bryan Wucher, no; Brian McArthur, no; Roy Wilde, yes; Ted Brandt, yes; Frank Kutilek, no; Jeff Campbell, yes; Jim Edwards, yes; Todd Teuscher, yes. 7 yeas, 3 nays – *Approved*.

**STAFF REPORT: MINIMUM LOT SIZE FOR CHURCHES:** Bob Sweeney addressed the issue of requiring churches to be located on a minimum of 1-acre lots. The issue came about because Shiloh World Outreach Center will be locating in the old furniture store building at Jeffco Blvd. and Church Road. The center will provide more outreach, but holds services on Sunday classifying them as a church. The site is not on 1-acre. In researching this matter it appears our 1-acre requirement is not in keeping with some court rulings since other uses by right do not have the same lot size restriction. As a result, we need to change our zoning code to eliminate the 1-acre requirement since it is not related to safety. Churches and other uses by right cannot be located on a lot if they do not meet setbacks, parking, height, etc. These requirements are safety related. In addition, churches would be subject to the same size requirements as other uses by right.

**TEMPORARY SIGN REGULATIONS:** Mary Holden attached information to the staff report that shows that a few jurisdictions out-right ban A-frame signs while others such as Clayton allow with tight restrictions. Staff suggests we follow Clayton's design criteria or similar that states: "All signage should be constructed from durable materials compatible with the materials of the building housing the enterprise referenced on the sign and present a finished appearance. Wood, metal, and chalkboard are acceptable materials. Plastic is not allowed. Signage shall not be reflective of florescent or have movable parts. "Reader board" signs with movable slide-in letters and stenciled or spray painted signs are not allowed."

Staff suggests the following regulations for A-frame signs:

- a. They must be located on a sidewalk within ten feet of the primary entrance of the business and not on or in interior drive aisles or landscape islands.
- b. Only one A-frame sign may be displayed per business.
- c. They must be taken in at night.
- d. They may not block pedestrian access.
- e. Nothing may be hung from or attached to the A-frame sign.
- f. All signage should be constructed from durable materials compatible with the materials of the building housing the enterprise referenced on the sign and present a finished appearance. Wood, metal, and chalkboard are acceptable materials. Plastic is not

allowed. Signage shall not be reflective of fluorescent or have movable parts. "Reader board" signs with movable slide-in letters and stenciled or spray painted signs are not allowed.

g. They may not exceed five feet in height, or exceed three feet in width.

Bob Sweeney suggested adding a provision "h" that the sign shall not be placed so as to violate the ADA.

Discussion on hours; size/dimensions; allowing some of the plastic materials; flags; 10' versus 12' maximum height.

**OLD BUSINESS:** Frank Kutilek addressed the follow-up list:

Foxwood Estates - Mary Holden stated she is waiting to hear from our Prosecuting Attorney and then she will have to start the process over with the new owner.

Christian Brothers Automotive - Christie Hull-Bettale stated they have been issued their grading permit.

Tower Investments – site plan has been reviewed. Need escrow for their grading permit and they are working with Wal-Mart on an easement for stormwater.

Roy Wilde asked the status of the north Jeffco improvements. Mary stated Christie has been authorized to proceed with negotiations with the firm that has been selected for the landscaping grant.

Bryan Wucher commented that time is running out for Oasis Church and he is concerned they will be back asking for another extension.

**COMMISSIONERS REPORT:** Brian McArthur stated he would like to see full size plans before meetings. He also would like to start requiring that landscape plans be done by a landscape architect.

**ADJOURNMENT:** Meeting adjourned at 9:15 p.m.

Respectfully Submitted,

Roy Wilde  
Planning Commission Secretary

**PLANNING COMMISSION  
ROLL CALL SHEET**

DATE: 5/10/2011

**CALLED TO ORDER:**

PH: 7:00 RM: 7:06

**ADJOURNED:**

PH: 7:06 RM: 9:15

	ROLL CALL	2011-06 - APPROVED	2011-09 - APPROVED	2011-08 - APPROVED			
<b>DEL WILLIAMS</b>	P	Y	Y	Y			
<b>JEFF FITTER</b>	P	Y	Y	Y			
<b>BRYAN WUCHER</b>	P	Y	Y	N			
<b>BRIAN MCARTHUR</b>	P	Y	Y	N			
<b>ROY WILDE</b>	P	Y	Y	Y			
<b>TED BRANDT</b>	P	Y	N	Y			
<b>FRANK KUTILEK</b>	P	Y	N	N			
<b>JEFF CAMPBELL</b>	P	Y	N	Y			
<b>JIM EDWARDS</b>	P	Y	Y	Y			
<b>TODD TEUSCHER</b>	P	Y	Y	Y			
<b>MARY HOLDEN</b>	P	<b>NO VOTE</b>					
<b>CHRISTIE HULL-BETTALE</b>	P	<b>NO VOTE</b>					
<b>JAN BISH</b>	P	<b>NO VOTE</b>					
<b>BOB SWEENEY</b>	P	<b>NO VOTE</b>					