

CITY OF HOT SPRINGS PLANNING COMMISSION
THURSDAY MAY 8, 2014
REGULAR MEETING MINUTES

Invocation – Those in attendance were invited to participate in the invocation led by Commissioner Charles Smith.

Pledge of Allegiance – Those in attendance were led in the Pledge of Allegiance by Commissioner Melvin Fecher.

Call to Order – Chairman Larry Raney, welcomed guests and called the meeting to order at 6:02 p.m.

Roll Call of Planning Commission Members -

Present: Chairman Larry Raney, Vice-Chairman Richard McGrew, Commissioner Charles Smith, Commissioner John Lewis, Commissioner John Mory and Commissioner Melvin Fecher.

Not Present: Commissioner Kenneth Anderson, Commissioner Chauncey Taylor and Commissioner Helen Oliver

Minutes of the April 10, 2014 Planning Commission meeting were considered on a motion by Commissioner McGrew, second from Commissioner Smith; Chairman Raney brought up one issues with Item #3 which was Flurry Cove Subdivision (PS-14-0054). The consensus of the commission was to table to matter to the June 12, 2014 meeting to give staff opportunity to research and correct the minutes as necessary; **TABLED** by unanimous voice vote.

Approval of Agenda – Chairman Larry Raney asked for a motion to approve tonight’s Planning Commission agenda. Motion by Commissioner McGrew, second from Commissioner Mory to approve the agenda as presented. Stauder handed the sign in sheet for item #2 “Woolems Sheet Metal” (HOB-14-0076) to Chairman Raney which contained several residents who have signed up to speak. An amended motion was then made by Commissioner McGrew, second from Commissioner Lewis to remove item #2 “Woolems Sheet Metal” (HOB-14-0076) from the consent agenda and place it on the regular agenda. The amended motion was **APPROVED** by unanimous vote.

CONSENT AGENDA

- 1.** SPA-14-0087 – NPMC Emergency and Cardiac Expansion – Article II Large Scale Development site plan review request for NPMC Emergency and Cardiac Department Expansion – 1910 Malvern Avenue – Zoned P.D. and C-3 - District #5.

Chairman Larry Raney asked Director Sellman to introduce Item #1 to the commission. Director Sellman stated Item #1 was a site plan review approval (SPA-14-0087) from National Park Medical Center to expand the emergency room and cardiac expansion. Director Sellman stated this was a large scale development review and the property was located at 1910 Malvern Avenue. Director Sellman stated the recommendation was for approval of this Article II Site Plan SPA-14-0087 because with the recommended conditions it demonstrates compliance with all applicable Hot Springs code requirements:

Conditions :

- 1) The development site shall be constructed/developed in strict accordance with the approved site plan including, but not limited to, location of buildings, drives, parking, landscaping and utilities; and
- 2) Certificate of Occupancy for the structure shall be in-hand prior to any use of the property; and
- 3) Separate permit applications shall be made by applicant to Hot Springs Engineering Department and permits shall be in-hand for stormwater, drainage, and sidewalks, as may be required, prior to any work beginning; and
- 4) All construction and construction activity is to be accomplished in strict accordance with Development Plan and all approval conditions and with the minimum standards, codes, rules, regulations and policies as may now or hereafter be required or enacted by the City of Hot Springs, the State of Arkansas, and /or the United States of America, including the Arkansas Fire Prevention Code, whether or not submitted for staff review or Planning Commission approval.

Chairman Raney asked for a motion and a second regarding item #1 on the consent agenda. Commissioner Smith made a motion to approve the item with the findings and recommendations of the staff; seconded by McGrew.

Roll Call Vote on Motion to Approve; **APPROVED:**

AYES: Chairman Larry Raney, Vice-Chairman Richard McGrew, Commissioner Charles Smith, Commissioner John Mory, Commissioner Melvin Fecher and Commissioner John Lewis.

NAYES: None

ABSENT: Commissioner Kenneth Anderson, Commissioner Helen Oliver and Commissioner Chauncey Taylor.

NEW BUSINESS

2. HOB-14-0076 – Woolems Sheet Metal – Type B Home Occupation request to operate a sheet metal business from an existing accessory structure in the rear yard of this single family residence. – 104 Andover Street - Zoned R-3.

Chairman Larry Raney asked Director Sellman to introduce Item #2 to the commission. Director Sellman stated Item #2 was a Type B Home Occupation request (HOB-14-0076) to operate Woolems sheet metal from the property located at 104 Andover Street. Director Sellman stated the business would be ran from an accessory structure located in the rear yard of this property. Director Sellman stated the applicant and property owner was Mr. Gabe Woolems. Director Sellman state the subject property has a zoning classification of R-3 (Low Density Residential), has a future land use classification of Residential Medium/High and is located in Board of Directors District #4.

Chairman Raney asked for a motion and a second regarding item #2. Commissioner Smith made a motion to approve the item; seconded by McGrew.

Chairman Raney then asked Director Sellman to present the staff report and findings of the staff. Director Sellman the presented the staff report and findings as follows:

“The subject property is located at 104 Andover Street and is the primary residence of the applicant Mr. Gabe Woolems. This lot consists of approximately 11,250 square feet with a single family residential structure built in 1965. This property also contains a shop building and a shed both located in the rear yard. This subject property is located in the Whitfield Subdivision and surrounding and adjacent properties are also zoned R-3 (Low Density Residential). The findings for this item is this property is located at 104 Andover Street and is the primary residence of the applicant Mr. Gabe Woolems. This property is improved with a single family residential structure, a shop building and a shed. The subject property is zoned R-3 (Low Density Residential) and surrounding properties are also zoned R-3. The requested sheet metal business is proposed to be conducted from the shop building in the rear yard and a small office in the residence. According to the applicant the machines used to bend and shape the ductwork pieces is no louder than a running refrigerator. Mr. Woolems states on this application no customers or employees will come to his residence and no signage is being requested as part of this home occupation request. The applicant was consulted about outdoor storage of business related items and agreed outdoor storage would not occur in the future. The proposed business activity should not increase traffic in the area and given the information presented by the applicant this request is not likely to present negative impacts to the surrounding residential neighborhood. The recommendation is for approval with the following conditions because the requirement of H.S.C. § 16-2-102 are met and when applied will reduce the possibility of negative impacts to surrounding properties.

- 1) No sign is either requested or approved;
- 2) The rear of this property shall be free from HVAC related items and materials and there shall be no outdoor storage or display of business-related items on this property in the future;

- 3) Equipment noise levels relating to the construction of ductwork and bending of metal shall not become a nuisance to surrounding properties;
- 4) Mr. Woolems shall obtain and maintain a current business license from the City of Hot Springs for the proposed business; and
- 5) This Type B Home Occupation approval may be revoked upon non-compliance with one or more conditions.”

Chairman Raney opened the public portion of the hearing and asked the applicant if he was present at the meeting.

Speakers:

Mr. Gabe Woolems, Property Owner- 104 Andover Street- Mr. Woolems stated he had cleaned up the HVAC related items that were located in the rear yard and the storage of outdoor items would not occur in the future. Commissioner McGrew asked Mr. Woolems if the metal was being bent and ductwork being put together at the residence. Mr. Woolems stated he was a licensed HVAC ductwork contractor and he would only be bending and shaping the ductwork pieces on the property. Mr. Woolems stated he would then take the ductwork pieces to the jobsite and beat them together and install them into the structure on site. Commissioner McGrew asked the applicant about the noise complaints from some of the neighbors and Mr. Woolems stated he did not believe there was excessive noise coming from his property. Commissioner Smith asked Mr. Woolems what are the proposed hours of operation of the business from the residence and he stated from approximately 7:00 am to approximately 5:00 pm. Mr. Woolems stated he did not use his shop building every day just when he needs to building something for a particular job. Commissioner Mory asked the applicant if he would be opposed to limiting the business hours from the residential property and Mr. Woolems stated he would not be opposed. Commissioner Mory asked if the metal was cut with a saw and Mr. Woolems stated he used snips. Stauder stated a re-inspection of the property was conducted after the commission packet was distributed and updated photos of the condition of the property was being displayed on the monitors for the commissions information.

Chairman Raney stated that a Patricia Carter handed him a note because she was not comfortable speaking in public. Chairman Raney read the note which stated she was opposed to this request because of the business being detrimental to property values, traffic concerns, potential noise levels, waste products and trash and burning of materials on the property.

Chairman Raney also stated three letters of opposition were sent to staff after packet production and asked Director Sellman to summarize the letters to the commission. Mrs. Myers-214 Andover St.-Opposed to the request and a letter from Mrs. Tammy Rhodes-Opposed and stated this business was a nuisance to the neighborhood. Mrs. Bonita Garibrant- Opposed due to noises of a metal fabrication coming from this property, trash on the property and concerns over property values. Mrs. Garibrant also stated this business has been being ran from this property for some time. Chairman Raney stated a copy of all three of these letters of opposition were provided to each commissioner at the meeting.

Joyce Lovett-200 Andover Street- Stated her opposition because of concerns over noise, added traffic and this business is not compatible with a residential neighborhood.

Wayne Roberts – Owns property on Frieda Street which is directly behind the subject property. Mr. Roberts stated he had plans to build several houses in the area and had concerns over the ability to sell them if a business was located in close proximity to them.

Chairman Raney then closed the public portion of the hearing and opened the item up to commission discussion. Chairman Raney asked the commission for their thoughts and observations. Commissioner McGrew stated he had concerns over a sheet metal business in a residential area due to his experience with construction sites and the noise and debris associated with ductwork production. Commissioner Smith stated he thought hours of operation and noise levels should be restricted. Mr. Woolems approached again and addressed the concerns of the neighbors. Commissioner Smith asked the applicant if he understood that any potential approval may be revoked if conditions of approval were not complied with and he stated yes. Mr. Woolems stated he had been operating this business from the property since he purchased the property in 2009 and he was unaware until recently that home occupation approval was required. Mr. Woolems stated he was certainly willing to do whatever the commission deemed appropriate as to not create a nuisance to surrounding properties. Mr. Woolems stated he believed one neighbor stated they had no issues with noise from my property. Stauder confirmed that a phone call was received for an adjacent property owner on Frieda Street who did state they had no complaint about noises coming from the subject property. Commissioner Mory stated he thought a condition should be added to limit the hours of operation. Chairman Raney asked if Commissioner Mory was suggesting days and hours of operation of Monday – Friday from 7:00 am to 5:00 pm and Commissioner Mory stated yes. Chairman Raney asked Mr. Woolems if those days and hours of operation would be acceptable and he stated yes. Commissioner McGrew asked what would happen if the conditions were not complied with and Director Sellman stated the complaint would be investigated and the approval could possibly be revoked for non-compliance. Stauder brought to the commissions attention that this request was a conditional use and not an ordinance and a simple majority of the commissioners present would be necessary to either approve or deny the request. Director Sellman read that portion of the commission by-laws to the commission.

Chairman Raney stated we only had a motion on the floor to approve and if the conditions and findings of the staff were also going to be approve another motion and second would be required. Chairman Raney also stated if a commissioner was going to be voting against the request a finding as to why would be necessary. A motion by Smith, seconded by Mory to add the findings and recommendations of the staff and to add a sixth condition limiting the days and hours of operation from Monday – Friday, 7:00 am to 5:00 pm.

Roll Call Vote on Motion to Amend; APPROVED:

AYES: Chairman Larry Raney, Vice-Chairman Richard McGrew, Commissioner Charles Smith, Commissioner John Mory, Commissioner Melvin Fecher and Commissioner John Lewis.

NAYES: None

ABSENT: Commissioner Kenneth Anderson, Commissioner Helen Oliver and Commissioner Chauncey Taylor.

Chairman Raney then asked Stauder to call the roll on the amended motion to approve with the recommendation and findings of the staff.

Roll Call Vote on Motion to Approve As Amended; APPROVED:

AYES: Commissioner Charles Smith, Commissioner John Mory, Commissioner Melvin Fecher and Commissioner John Lewis.

NAYES: Vice-Chairman Richard McGrew – Does not meet the requirements for a home based business and does not meet the noise requirements

Chairman Larry Raney – Does not comply with H.S.C. § 16-2-102 (2)(b)

ABSENT: Commissioner Kenneth Anderson, Commissioner Helen Oliver and Commissioner Chauncey Taylor.

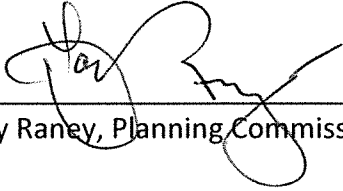
PLANNING DIRECTOR REPORT

Director Sellman stated we had interviewed the new planner candidates and had narrowed the field to three. Director Sellman stated it was an outstanding group of applicants and we hope to have it narrowed down to one candidate within the next several days. Director Sellman also stated the next scheduled work session was scheduled for Thursday, May 15, 2014 at 5:15 pm and the topic of discussion is temporary signs. Director Sellman reminded the commissioners to take photos of temporary signs around town that the commissioners wanted to discuss. Director Sellman also stated there was a work session scheduled for Thursday, June 19, 2014 from 5:15 pm to 6:30 pm.

ADJOURNMENT

With no further business before the commission Chairman Larry Raney asked for a motion to adjourn the meeting. A motion was made by Commissioner Mory and seconded by Commissioner McGrew to adjourn the meeting. The motion carried with a unanimous vote and the Planning Commission meeting was adjourned at 7:03 PM.

These minutes approved by Planning Commission June 12, 2014 as discussed and amended.



Larry Raney, Planning Commission Chairman