

PLANNING COMMISSION MEETING TRANSCRIPT

THURSDAY, OCTOBER 11, 2007

The regular meeting of the Planning Commission was held on Thursday, October 11, 2007, at 6:00 p.m. in the Board Chambers at the Hot Springs Municipal Building, 133 Convention Boulevard, with Chairman Gary Threadgill calling the meeting to order at 6:00 p.m.

Chairman Threadgill: I'd like to welcome everybody to the October 11th Planning Commission meeting. I'd like to start the evening out with the invocation given by Wanda Thorp and the Pledge of Allegiance given by John Mory. Please stand.

Invocation

Pledge of Allegiance

Chairman Threadgill: At this time, I would like to call the October 11, 2007, Planning Commission meeting to order. Call the roll, please.

Roll Call

Present: Harriel White, David Campbell, Louis Kleinman, Wanda Thorp, John Mory, Larry Raney, Gary Threadgill

Absent: James Clopton, Lauri Ames

Approval of Minutes

Chairman Threadgill: I need a motion to consider the September 13, 2007, Commission meeting minutes. Do I have a motion?

Commissioner Kleinman: I move that we approve the minutes as submitted, as mailed out.

Chairman Threadgill: Do I have a second?

Commissioner Thorp (?): Second.

Chairman Threadgill: I have a motion and a second. All in favor? <Ayes> Opposed? <None>
Motion passes.

Approval of Agenda

Chairman Threadgill: I need a motion to consider the agenda as-is for tonight. Do we have anything to knock off?

Planning Director Kathy Sellman: No.

Chairman Threadgill: Okay. I need a motion to approve.

Commissioner ?: So moved.

Chairman Threadgill: I have a motion. Do I have a second?

Commissioner Mory (?): Second.

Chairman Threadgill: I have a motion and a second. All in favor? <Ayes> Opposed? <None>
We'll start off the meeting tonight with one item of old business.

OLD BUSINESS

1. Appeal Administrative Decision (AA-07-0170) – Flying Eagle Appeal – an after-the-fact appeal of an administrative decision for outside display of merchandise in a C-1 Zone – 110 Ouachita Avenue – District 2 – C-1

Director Sellman: This is the Flying Eagle appeal of an administrative decision regarding outdoor display of merchandise in a C-1 Zone. The project is located at 110 Ouachita Avenue. It is zoned C-1. It is in District 2. The issue here is that the outside display of merchandise in a C-1 Zone is allowable only with the permission of the Planning Commission. The staff recommendation on this is for approval of small items only with two conditions.

Chairman Threadgill: Before we get started on this one, does this not fall under CDBG? Or CB...?

Director Sellman: CBID?

Chairman Threadgill: Yes. Thank you.

Director Sellman: I don't know the answer to that.

Chairman Threadgill: You know most of the items like this fall in that Central Business group down there. They have their own boards and this building is in that area. Do we have the authority to ...?

Director Sellman: I actually can't answer that. I don't know. Perhaps Rick knows that.

Chairman Threadgill: Rick, would you know if this is under the Central Business District guidelines since it's in their area? This is the last building that's controlled by downtown Central Business.

Mr. Rick Stauder: It was my understanding that CBID No. 3 went over to Market and got the Windows of the World Museum building as well; but nevertheless, I think you're correct that it is in CBID No. 3. They do have their own governing body, but I don't exactly know how to answer it as far as how their rules and regulations might conflict with the Zoning Code, if they work different. I know for a fact in CBID No. 2, there are certain weekends – for example, Fourth of July – where they're allowed to place things out for sidewalk sales for example on very limited weekends.

Chairman Threadgill: In the past, we haven't even looked at any of the items that's in that area. They've handled zoning and everything in their own districts. That's why I was kind of concerned on this one, whether we're jumping the gun and getting into their area or not. Kent? Please come forward and give us your name and address, sir.

City Manager Kent Myers, 125 Oak Street: Since CBID No. 3 ... This is in the CBID No. 3 area. It extends up to Market Street. But since that is a relatively new district, they have not adopted the same regulations as CBID No. 2. They have not actually got into the outside storage regulations, so this would fall under the purview of the Planning Commission at this time.

Chairman Threadgill: Alright, as long as we don't get into anybody's toes here. Thank you, sir. Is the applicant present? Please come forward and give us your name and address, sir.

Mr. Bill Eubanks, owner of Flying Eagle Trading Post, 110 Ouachita: I'm here to ask permission to display some small items outside my building, which will be in the alcove section of my building, which is 18' by 32", which is an alcove section. I'd like to have permission to display small items or whatever in that area which will be neatly displayed and kept clean and everything. But it is like I say in my alcove section of my building.

Chairman Threadgill: Do I have any questions to the applicant from the Commissioners? Commissioner Kleinman?

Commissioner Kleinman: Will you be able to keep all your items within that alcove?

Mr. Eubanks: Oh, yes. Most definitely. It will be kept neatly.

Chairman Threadgill: Any other questions? You may have a seat, sir.

Mr. Eubanks: Thank you.

Chairman Threadgill: Anyone in the audience have anything to say for or against this item? Again, anyone in the audience with anything to say for or against this item? Seeing none, I'll close the public portion. Do I have any questions or comments from the Commissioners?

Male Commissioner: Can I ask a question?

Chairman Threadgill: Yes. Commissioner White, excuse me. Go ahead.

Commissioner White: Thank you. The recommendations from the staff show that the only place that anything can be displayed is within this little enclave here and not really on the sidewalk. Is that right?

Chairman Threadgill: That's correct. There'll be nothing on the sidewalk, just in this alcove. Any other questions? Seeing none, I'll entertain a motion.

Male Commissioner: I move approval requiring that of course the display be kept within the confines of the alcove.

Chairman Threadgill: That will go along with staff's recommendations?

Male Commissioner: Right.

Chairman Threadgill: I have a motion to approve with staff's recommendations. Commissioner <unintelligible>?

Commissioner Kleinman: Does that include both Recommendation No. 1 and No. 2? The terms of hours are also in there.

Male Commissioner: Yes.

Commissioner Kleinman: Thank you.

Chairman Threadgill: I have a motion. Do I have a second?

Commissioner Kleinman: I second.

Chairman Threadgill: I have a motion and a second. All in favor? <Ayes> Opposed? <None> Motion passes. We'll go to Item No. 2 in New Business.

NEW BUSINESS

2. Conditional Use (CU-07-0180) – Lawn Doctor Lawn Care Service – Malvern Overlay Conditional Use request – 2207 Malvern Avenue – District 6 – C-3

Director Sellman: Item No. 2 is a request by Lawn Doctor Lawn Care Service for conditional use approval. This is a business that is located in the Malvern Overlay and is in the C-3 Zone district. It's located in District 6. The staff recommendation is for approval with five conditions.

Chairman Threadgill: Is the applicant present? Please come forward and give us your name and address, sir.

Mr. Rico Harris, Harris Architects: I am representing Lawn Doctor. Mike Ratcliff is the owner.

Mr. Mike Ratcliff: I'm the owner of the property as well as the business located there.

Chairman Threadgill: A little bit of what you're going to do here. You're adding on or what all are we doing here?

Mr. Harris: It's a new building that's on his property and it's actually behind the Bug Man. The Bug Man is in that area that's cut out.

Chairman Threadgill: Right in front of it?

Mr. Harris: Yes, sir. Right there.

Chairman Threadgill: Do I have any questions from the Commissioners to the applicant? Commissioner Campbell?

Commissioner Campbell: I have one. Are you going to tear down all those old buildings that are there?

Mr. Ratcliff: That is the plan to do that with the idea of probably selling the rest of that property at some point in time. It's an old existing business. When I bought the property, St. Joe had an ambulance service there. An old building that's probably 50 years old was there that we used as dry storage. It doesn't represent my business very well, so we're just at the point that we can proceed and build something nice.

Chairman Threadgill: What are you talking about selling the other? We're just discussing Lot 1 here tonight. Right?

Mr. Ratcliff: Correct. That's Lot 2. That's a separate issue.

Chairman Threadgill: Okay. Any other questions or comments from the Commissioners? Larry?

Commissioner Raney: You had mentioned that you were going to tear those buildings down. What's your time frame on that?

Mr. Ratcliff: There's one building that is involved in the lot that we are developing. That would

be torn down during the process of the construction.

Commissioner Raney: And the remaining?

Mr. Ratcliff: The remaining that's on the separate lot, that has not been determined at this point. I am just pretty well looking at that ...the one lot that we're developing and then go from there. If that is an issue, it can be addressed if it was a concern.

Chairman Threadgill: I've got one quick question there. These are already two separate lots. They're surveyed and split in half, so they're ...? And all we're discussing right now is Lot 1. Commissioner Campbell, did you have a question?

Commissioner Campbell: No.

Chairman Threadgill: Larry?

Commissioner Raney: If I revisit that question about the buildings, they're on Lot 2 – the remaining buildings – is that correct?

Mr. Ratcliff: Yes, sir. One building is on Lot 1 and there's another building that's on Lot 2.

Commissioner Raney: That's what I was thinking and that's the building that you haven't quite made a decision about when you're going to take it down.

Mr. Ratcliff: Exactly, because we were just focusing on the development of that Lot 1 and going to deal with the existing business and that other lot once we got the other built and moved into because we are in that building on Lot 2.

Commissioner Raney: Certainly. Right. Well I had some concerns that the building, after you build your new building and move into it, that this building would become auxiliary and become basically just a place for storage. If it wasn't kept up, then it become unsightly and that was my concern about it.

Mr. Ratcliff: That is ...that's not an issue. We're going to move everything. That's where our office is basically. So the office that's part of this building would be moved into that. We would just pretty much keep up what's there until I decided what to do with that second lot.

Commissioner Raney: Very good.

Chairman Threadgill: Any other questions or comments from any of the Commissioners?
Commissioner Thorp?

Commissioner Thorp: Yes.

<TAPE ENDS ABRUPTLY>

3. Conditional Use (CU-07-0182) – National Park Pharmacy – pharmacy located on Lot 19 of Oak Tree Park Commercial Subdivision in the Malvern Overlay – Oak Tree Park Subdivision – District 6 – C-3
4. Conditional Use (CU-07-0177) – Hilltop Manor B&B – conditional use to expand existing bed and breakfast – 2009 Park Avenue – District 1 – R-3

<TAPING RESUMES>

Chairman Threadgill: Alright, our tape's running again? Commissioner Campbell, please continue.

Commissioner Campbell: As I said before the tape broke, the intent of ...my motion that night was to limit you to how many people could stay in your bed and breakfast because of the residential area that it was in. I never had any intent on allowing 125 or 250 as I have read in the past in the newspaper I believe on the story that was there. You got to have some controls in that residential area. You're not down on Park Avenue where those bed and breakfast are down there in a commercial area. You're in a residential area. I have a lot of problems with this. Our parking regulations state that you will have a paved area where you have wheeled traffic. If you're going to have 125 people, you're talking about a minimum of 60 or 70 cars and you've got 20 spaces on here. It looks like to me that six of them are going to go away.

Chairman Threadgill: No, there's 20, not counting the eliminated.

Commissioner Campbell: There's only 20 spaces there, so that's my concern. You want to address that? <laughter>

Female Speaker: Certainly. I will address that. When we purchased this property, I have a hard time seeing this as a residential area when we border across the street the Old Mill Wedding Chapel once again. They do these weddings every weekend – several times on Saturday, several times on Sunday. We get the garbage in our lot. They're also zoned ...they're actually zoned R-1, so they're zoned less than we are at this point. They do not have paved parking for anywhere near the 100 people either. They overflow onto their grass and their gravel back to the fence. That is not an accessory use for them. I have no problem with the Wedding Chapel across the street. That's what we moved into. We knew it was there. I had, to be honest, no idea what it was zoned at that time. Just down the road, we have the National Park on three sides of us and the National Park got up and stated that they had no problem with anything we desire to do on that property as long as it doesn't cross the lot line. Across the street, we've got Mickey's Diner at the corner. So we are not ...we have one neighbor to one side of us as a residential neighbor. That's what we have. So when that <unintelligible> went past and I, as you know I've stated your words many times in past meetings, I have them with me if I need to restate again, but I'm going to assume I don't. There is, whatever your intent was, there is no way that those words and that intent were the same. We've put a lot of capital into improving that property to do these weddings. As you see, we put a lot of parking spots in that we would not need for the five guestrooms or four guestrooms we're looking at. We are on five and a half acres of land. We are very private. We've had no problems with the police department with noise issues. Nobody has ever called. We serve a vital place in this community to do these weddings. People love the outdoor weddings. When Garvan Gardens is booked, they send them our way. We have a high-end clientele. We have not had any of the issues and even from a noise perspective, we keep the controls on our clients so there aren't problems from the City or from our neighbors. We really do try to be a good neighbor. From a screening perspective, actually <unintelligible> and I spoke with our architect. I understand the screening aspect of the parking. We really don't have a problem with it. We talked about fencing. The problem with fencing is we would end up cutting down two large trees, which they neighbors really didn't care for that idea. There are a whole row of bushes already that maybe we can plant in between. We're definitely willing to work with the neighbors on the screening. But back to the weddings, that takes away ...it was approved two years ago. Whatever the intent was, that's not what was stated and we went with what was stated. We've done a lot of improvements along the way to take care of that and it's cost a lot of money to do so. For you to take that back and take those weddings away when I have signed contracts out there right now, I can't even understand how you can legally do that at this point.

Chairman Threadgill: I have one question here. We're right back at the same part. You feel that

we gave you the authority to do the weddings. 250, I mean hey, that's kind of way out there. I don't agree with it, but my major concern now is where are you going to park these people? You're going to have a business that's going to have a wedding chapel, I want paved parking.

Female Speaker: If we're going to have a wedding chapel, that's a different story; because to me right now, we don't have a wedding chapel as far as I understand. Because then my guests wouldn't have to stay with us, correct?

Chairman Threadgill: Pardon me?

Female Speaker: At a wedding chapel, we don't officially have a wedding chapel as far as I understand because ...

Chairman Threadgill interjected: How do you do weddings?

Female Speaker: You're allowed to do weddings here as an accessory use of the bed and breakfast.

Chairman Threadgill: So you're having weddings there?

Female Speaker: I just wanted to make sure. I want to understand perfectly because if we do a wedding chapel, then you're allowing me to have guests there ...

Chairman Threadgill interjected: No, no. I'm asking you ...you stated that you're having weddings at your bed and breakfast.

Female Speaker: Correct.

Chairman Threadgill: And you stated in your advertisement on the internet that you could handle up to 250 people. All I want to know is where the parking is.

Female Speaker: We're on five and half acres of land. That press release was out two years ago when we got the sign release.

Chairman Threadgill: But where is the parking? It's supposed to be paved parking.

Female Speaker: Overflow parking ...

Chairman Threadgill interjected: Not overflow.

Female Speaker: We were never informed of that. Once again, I guess I used the across the street ...

Chairman Threadgill interjected: We were never informed of 250 parking.

Female Speaker: And we've never done 250 people. And as I said ...

Chairman Threadgill interjected: But still you have the advertisement stating ...

Female Speaker: That's not what it says right now. On the internet, it says ...

Chairman Threadgill: Well, I'm stating what ...

Female Speaker: On the internet, it says 125.

Chairman Threadgill: Okay, what was changed recently I'm not aware with, but the one we had at the last meeting that ...

Female Speaker interjected: From my belief two years ago from the newspaper. Absolutely.

Chairman Threadgill: ...apparently <unintelligible> up everything.

Female Speaker: Absolutely. You're right.

Chairman Threadgill: How many people are you going to have?

Female Speaker: When?

Chairman Threadgill: You have a wedding right now. How many guests?

Female Speaker: 125.

Chairman Threadgill: Where's the parking spaces? By Code, they're supposed to be paved parking spaces. That's all I'm saying. Alright.

Female Speaker: Then my question is, it's less than 1%. This came up at the Board meeting. It's less than 1%, so it's really being used as an accessory use of the B&B. We have plenty of parking for the B&B, plus then some.

Chairman Threadgill: Well I thought that was ... <several people are talking at once> ... You have five rooms, three people, 15. You have five extra parking spaces. That'll handle the bride and groom I guess, if their family rides with them. But where are you going to park all the guests? That's just, you know, that's just family and a couple of friends. I'm still with the parking issue.

Male Speaker: Mr. Chairman, may I ask one thing?

Chairman Threadgill: Name and address for the record again, please sir.

Mr. Robert Kempkes, Taylor Kempkes Architects, 210 Central, Hot Springs: I thought the Code read that the paved parking had to be provided as required for the main use of that occupancy. In other words, she's required to provide paved parking for the bed and breakfast use.

Chairman Threadgill: Right.

Mr. Kempkes: There's no requirement for any accessory use.

Chairman Threadgill: Well as a conditional use, there is because we can put that on there. If she's going to have a bed and breakfast, we can state that she has to have the additional parking. I feel that if you're going to have a second business, you have to have ample parking. Now that's my opinion. Commissioners, anybody else have any comments? <several respond at once> Commissioner Raney?

Commissioner Raney: Well I think you have an interesting point because it's a conditional use that brings in a lot more cars. It's not the primary business. I'm wondering, because as you know I'm new to this Board and so I'm not totally familiar with all the regulations, but when you talk about paved parking area, is it possible in an auxiliary type lot to have parking that is not necessarily paved from the standpoint of hot asphalt and concrete, but something more like a gravel area where you have capability of having infiltration of rain water but at the same time you put it in a landscaped area where it becomes parking, but it's also a landscaped area, if you follow what I'm saying. I'm trying to find some means where they can do that business as a

conditional use and still meet that parking obligation without having to necessarily pave over paradise.

Female Speaker: I guess that would be exactly my issue. Do you really want us to do blacktopping so much land that right now is pristine and green? I don't think our neighbors would want us to be doing more blacktop. I know that came up at the City meeting that we went to. They asked about are we doing more blacktopping because then we have water runoff issues and land deterioration issues as well. We're not asking for anything we didn't have before. We got rezoned. We had this before. The only thing we're asking for now really that's different is that we want a building to put my family in. That's really the only difference we're looking for. Nothing else has changed.

Chairman Threadgill: Well, ...Commissioner Kleinman?

Commissioner Kleinman: You asked for the Commissioners to speak and I'd like to speak out for this. I'm very much in favor of this project. I think it's in the middle of a National, surrounded by a National forest. It's a beautiful, pristine area. I think a wedding of any size would be a relatively rare function with a five room bed and breakfast. It's a tremendous asset to the City. I've gone to many a wedding where I've parked out on the yard on grass that you were worried about getting stuck in and you never did fortunately. I don't have any problem with the project the way it's being presented. I think it should be approved.

Female Speaker: Thank you.

Chairman Threadgill: Just read the whole thing? <laughter>

Director Sellman: This is the § 16-2-103(c)(3) of the Zoning Code and has to do with parking:

The City recognizes that due to the peculiarities of any given development, the inflexible application of the parking standards may result in a development either with inadequate parking space or parking space far in excess of its needs. The former situation may lead to traffic congestion or parking violations in the adjacent streets as well as unauthorized parking in nearby private lots. The latter situation wastes money as well as space that could more desirably be used for valuable development or environmentally useful open space. Therefore, the City, through the Board of Zoning Adjustment, may permit deviations from the presumptive requirements of

subsections 1 or 2 above and may require more or less parking as may be deemed appropriate during the process of site plan review. In determining whether or not it is appropriate to allow such deviations, the applicant shall have the burden of supplying evidence that such a change is warranted. This evidence shall include the applicant's experience with the same use in other jurisdictions, alternate standards, and an assessment of their adequacy for the same use in other communities or a suggested standard by a nationally recognized authority in parking such as the Institute of Transportation Engineers, the American Planning Association, and so forth.

Chairman Threadgill: Alright, now staff, where do you think that leaves us?

Director Sellman: Well, I think also you have subsection 4, if I may?

Chairman Threadgill: Go ahead.

Director Sellman:

In situations where the total parking area should not be needed in the immediate future but may be in the longer term, the Planning Commission may require that all of the area be provided and reserved for parking but may suspend or waive the requirement that it actually be paved until such time as the administrative officer determines that it is necessary.

Chairman Threadgill: That answer your question?

Male Speaker: Yes. I think it does. It gives us a lot of flexibility.

Chairman Threadgill: What it does is it leaves it in the hands of staff. If we approve, there again we still have a problem. The back half of the property is R-1. No parking unless we bring that in. That's still a separate parcel, is it not?

Director Sellman: It is not. It's a split zone parcel.

Chairman Threadgill: Are we, everything we do on this one is going to fall back into the second part as well. Is that what you're saying?

Director Sellman: Well, let's see.

Male Speaker: Is parking not allowed on a R-1 Zone?

Chairman Threadgill: No. I'm on a different ...

Male Speaker: I'm sorry.

Chairman Threadgill: I'm in a different. We're trying to ...I want to make sure that we don't fall back and get stuck on something else here that's going cause problems next month.

Director Sellman: The application applies to the portion of the property currently zoned R-3. It does not appear because all of this is on one lot, which is what's zoned, that parking would be absolutely out of the question on the rear portion of the lot because it is the same lot.

Chairman Threadgill: Right.

Commissioner Thorp: Now wait. Say that again because I missed something.

Director Sellman: If this is more than one lot, one of which was zoned R-3 and one was zoned R-1, then parking on the R-1 portion would be on a different lot and that would be prohibited. This is not a separate lot. It's the same one. Again, it does not appear to be prohibited, but you have a decision to make.

Chairman Threadgill: What staff is stating that if we allow her to have an overflow parking, that she would be able to park on the R-1 as well and not having any recourse or problems in the future which is designated.

Director Sellman: But ... Right. You need to locate that on the site plan where that overflow parking is going to be and that's where it will be contained.

Chairman Threadgill: She's stated again that in her weddings, they set up tents and stuff in that back area. Now there again is that not an outdoor display type of situation. Is that allowable in a residential area?

Male Speaker: Excuse me. On that issue, kind of where that back drive is is where the zone split is. So there's quite a bit of area there, a buffer area for tents and things that aren't on the R-1

Zone.

Chairman Threadgill: Well, R-1 or R-2, it's still. R-3 is a different issue.

Male Speaker: I think we're R-3 on this.

Chairman Threadgill: Would they be allowable to set up the tents and still have even more overflow parking? I mean are we going to turn this whole five acres into a parking lot?

Director Sellman: The historic use of the lot, both portions, enter into the picture at this point. They're asking to expand the use on the R-3 portion by creating this residential addition.

Chairman Threadgill: Right.

Director Sellman: If they have been doing this use under their previous conditional use approval that included the R-1, then it would seem that they would be able to continue that use. If that included a tent, then it would include the tent now.

Chairman Threadgill: Okay. Then what you're saying, we need to designate what portion of that entire lot of that five acres that they can use for overflow parking because I don't want the whole five acres to be an overflow parking lot. Commissioner Campbell?

Commissioner Campbell: I don't understand how we can use any of the R-1 because the bed and breakfast is not ... We just got through rezoning this to R-3.

Director Sellman: For the purpose of requesting to expand the structure itself to include a residence for the innkeepers. That's right.

Commissioner Campbell: To make this non-conforming use a conforming use because the bed and breakfast is allowed in the R-3.

Director Sellman: That's right.

Commissioner Campbell: It's not allowed in an R-1, so how are we going to let the non-conforming use go back into the R-1?

Director Sellman: That's why I'm saying that the historic activity on the R-1 portion plays into

your decision. They are not asking to expand in the R-1. The R-1 is non-conforming, yet it does have an approval for a bed and breakfast use at this time. Although it is not zoned for that now, the R-1 does have a conditional use approval that includes a bed and breakfast and the accessory uses.

Male Speaker: It would allow the parking.

Director Sellman: It would include parking, if that's been done in the past.

Commissioner Campbell: Is it going to allow tents?

Chairman Threadgill: The whole thing is what she's saying. It will all be able to flow over into the R-1.

Director Sellman: If it has been there in the past.

Chairman Threadgill: It has.

Director Sellman: And that's why.

Chairman Threadgill: That's why we're where we're at now.

Director Sellman: Right.

Chairman Threadgill: What I'm trying to come up with, I don't want the entire R-1 lot turned into a parking area for 400 or 500 cars or whatever. If we're ...this thing is going to blossom into a nightmare. I'm still not happy with the wedding chapel part or the wedding part of it, but any other questions or comments from any of the Commissioners? You may have a seat. Thank you. Is there anyone in the audience? We did that. <laughter>

Male Commissioner: Where are you now? <laughter>

Commissioner Thorp: I guess I'm confused about what's going on so we don't know how to sort it out.

Chairman Threadgill: What we've got right now, they're wanting a conditional use or permit to expand the residence. Alright? The bed and breakfast is allowed. We already rezoned the

property to R-3 which allows for the bed and breakfast.

Commissioner Thorp: I understand.

Chairman Threadgill: We're good on that. All they're doing now is wanting to expand the building. They brought a site plan in which is a little short of what it's supposed to be, but apparently acceptable. Then we have here an additional page for the required parking. In addition to this, there is an additional item of the wedding brought into play. My concern is we have another business now. We have the property for the bed and breakfast. We have the parking for it and all. She stated that she's going to have weddings. If 125 people ...Rick, how many parking spaces for a wedding of 125 people?

Mr. Stauder: Our off street parking requirements does not list a wedding chapel as a use. We do address residential uses and that's how we calculated for the bed and breakfast. There's also a section of our Code that says for all uses not specifically listed, it shall be up to the administrative officers to determine what an appropriate number of spaces would be.

Chairman Threadgill: Okay, we got 125 people coming to a wedding. At least five people to a car, that's what ... 25 more parking spaces minimum is what I'd look at if you cram five people in a car to go to a wedding. I'm just wondering where the parking spaces are. If we're going to allow a conditional use for the bed and breakfast as a wedding, to hold weddings, my major concern is where's the parking going to be? How much area is going to be designated for the parking? What area is going to be designated for the parking and overflow usage? If they set up the tents, is that going to be in the parking area or is that going to be in an additional area? I'm just ...I want to know how far back into the residential area or next door to this other gentleman we're going to be putting tents and parking spaces. Because that's my whole concern is this is a residential area and we don't need 200 to 300 cars pulling in and out of this area in a residential area. It's just not a conforming use. So I just think if we're going to allow the wedding chapel, we need to set some type of parking, whether it be gravel or whatever, that's up to you guys, a number, an area. What area? Where? We need something. Staff, do you have any comments?

Director Sellman: Yes. I would recommend asking the applicant to outline an area on the site plan that we have where that parking could be. I would think that if we're looking at maybe four people per car, we're looking at 30 spaces – you know, a dimension for that, an approximate location. We can amend the site plan accordingly.

Chairman Threadgill: I tell you what, do you have a storage building back there? Is that what

that little driveway goes to?

Female Speaker: The garage back there. Is that what you're thinking?

Chairman Threadgill: Is that a garage?

Female Speaker: Yes.

Chairman Threadgill: The far back area?

Female Speaker: The far back.

Chairman Threadgill: That's into the R-1, isn't it?

Female Speaker: That <unintelligible>.

Chairman Threadgill: So you have ...the area you've got here marked as overflow between the driveway areas?

Female Speaker: Yes. I've <unintelligible>. That's not really where we planned on <unintelligible>.

Chairman Threadgill: Okay, but what if that's what we tell you can be used for your weddings and your overflow parking?

Female Speaker: Where it's marked right there?

Chairman Threadgill: Yes.

Female Speaker: Or back by the garage?

Chairman Threadgill: No, just this area in between the driveways.

Female Speaker: Well, <unintelligible> ...

Chairman Threadgill: Because if you go beyond that, you're in the R-1 and then we run into another problem.

Female Speaker: Well I thought we could park in R-1.

Chairman Threadgill: Well, not in my opinion, but ... Commissioner Campbell?

Commissioner Campbell: I would like to ask the applicant. I think the applicant wants to come up.

Chairman Threadgill: Please come forward. Name and address again for the record please.

Ms. Faith Cramer, 2009 Park Avenue: I guess I have one question that I'm not sure what the answer is. If this was just a regular residential R-1 lot, would I be permitted to park there? I mean it is my R-1 lot. I mean so it's my house or whatever. I mean, how many parking spaces are you ...? I guess I'm ...

Chairman Threadgill: How many parking spaces do you have to have for a residence, Rick? Two?

Mr. Stauder: Two bedroom or larger, it's two spaces.

Ms. Cramer: But I mean I wouldn't be able to have a party at my house and have overflow parking? Usually when you have a party at your own home, you're going to have more than ...

Chairman Threadgill: I mean I don't want people pulling their cars up into my yard and parking on my grass and stuff. I mean that's you know, but that's a different issue. Everybody's different strokes, but we're talking now ...actually a non-conforming use. The wedding chapel is the whole thing. The wedding parties.

Ms. Cramer: Which is a customary accessory use of the bed and breakfast.

Chairman Threadgill: Right. It's still weddings.

Ms. Cramer: Mmm, hmm. So could we do the overflow parking back by the garage area? There's a grassy area back there. There's plenty of room back there. We've parked cars back there before. Which is in the R-1, but as you said before, it's our land. It's connected. It's not a split lot. It's just a ...

Chairman Threadgill: We're talking about the entire area from the ...

Ms. Cramer: I wasn't really talking the entire area, but back there and it's all bordered by trees. Which I would think would be better for the neighbor than the upfront by the parking areas where he actually could see.

Chairman Threadgill: Alright. Commissioner Raney?

Commissioner Raney: May I address the applicant?

Chairman Threadgill: Yes.

Commissioner Raney: Knowing that it looks like that what we're going to ask for is more parking spaces, where would you like to put them? You've already indicated on this drawing an overflow parking space, but it's not necessarily to say that all of these parking spaces have to be located there. You could have two different overflow areas and put some in what you have marked as overflow and others in some other area, maybe immediately adjacent to the what I would call the North side of the loop, that kind of thing. Here again, I ...

Ms. Cramer: Is that where the neighbor is? The North side. Is that what you're talking about? That's the neighbor's side. That's where we have the parking right now.

Commissioner Raney: The North side of the property as I see it, and it's kind of whompy jawed, would be the garage.

Ms. Cramer: Oh, okay.

Commissioner Raney: At least according to the arrows on the drawing.

Ms. Cramer: Oh really. Yes.

Commissioner Raney: And you have a loop that goes all the way around the bed and breakfast. So the North side of the loop is all of what I'm saying is that would be the area that ...

Chairman Threadgill: Into the R-1?

Commissioner Raney: Right. Into the R-1.

Chairman Threadgill: Alright.

Ms. Cramer: And that's actually ...Does anyone ...? Can I show you on a ...?

Commissioner Raney: You can certainly take a look at this. Here you go.

Director Sellman: Can she use your arrow, Rick, to do it on the screen?

Chairman Threadgill: Rick, let her use your mouse and she can show us all on the screen and that way we can ...

Mr. Stauder: Which one do you want?

Director Sellman: We can pull up the site plan.

Commissioner Raney: Pull up the site plan. I think it's <unintelligible>.

Mr. Stauder: One second. I apologize. I'm not going to be able to rotate this.

Chairman Threadgill: No problem.

Mr. Stauder: But I think we'll get the idea.

Chairman Threadgill: There you go.

Mr. Stauder: Back in this area right here.

Chairman Threadgill: Right. Now this is the point I'm getting into. How much of that area? Are you going to want to allow the entire, from that drive all the way back to the 320' mark on the back end of the North line?

Commissioner Raney: No. That's not my intention. My intention would be to ...They've indicated an overflow area next to the five spaces that immediately serve the bed and breakfast. You could put some additional parking in that area. Landscape it properly. If it's allowed to have gravel as paving as opposed to a solid surface, that would be more acceptable to me personally.

Chairman Threadgill: That's allowable by this Commission.

Commissioner Raney: That's what I ...Okay. And then I was thinking that whatever spaces you can't fit in there, you simply take as angle parking as you see on the portion on the loop next to the next door neighbor and you confine it to that portion of the loop that's North. Here again, you could do the same thing with gravel with landscaping. It basically parrots what you see in a lot of the old historic homes that you go to visit and they're trying to accommodate. They don't know how many people are going to show up at any time, so they accommodate this parking in this fashion.

Chairman Threadgill: It looks like if we kind of go with what Rick has here on the East side, is that the way we're going here? If we just followed that type of parking around to the North side is what you're saying?

Commissioner Raney: Mmm, hmm.

Chairman Threadgill: And give them probably an additional 15 or 20 parking spaces there?

Commissioner Raney: Yeah, you could pick up 15 along there at least.

Chairman Threadgill: Which unpaved would be gravel based or some sort of ...

Commissioner Raney: Or paver blocks that the grass could grow up through. Things like that.

Chairman Threadgill: You understand where we're going there?

Ms. Cramer: I guess I'm not sure exactly where you're talking about because right on that roadway is actually old brick walls and a walkway path. Oh, you're ...that's where the ...

Chairman Threadgill: Here we already have parking.

Ms. Cramer: Correct.

Chairman Threadgill: What we're talking is spinning and putting parking across here.

Ms. Cramer: That's all 100 year old brick walls and a walkway path through the center back

there.

Chairman Threadgill: You're wanting to go way back here?

Ms. Cramer: Exactly. That's where we were hoping to go. <laughter from the group> That's where nobody can see. It's all trees. It's the National Park. It's the National Park and it's all trees. I don't know why when it doesn't bother anyone.

Chairman Threadgill: Commissioner Campbell?

Commissioner Campbell: Where do you put your tents when you do this? What area?

Ms. Cramer: By the house.

Chairman Threadgill: In that overflow area that you have marked there? That inside?

Ms. Cramer: Yes, there's two sections of grassy area back there, so we use that <unintelligible>.

Commissioner Campbell: What is the latest time that these take place to?

Ms. Cramer: We cut off any music, any outdoor music and stuff, at 9:00.

Commissioner Raney: May I ask a question?

Chairman Threadgill: Commissioner Raney?

Commissioner Raney: You indicate that there's an old brick wall along there.

Ms. Cramer: Correct.

Commissioner Raney: What is immediately North of that brick wall? In other words, behind it?

Ms. Cramer: Sure, there's actually ...If I can use the mouse?

Commissioner Raney: Certainly.

Ms. Cramer: There's actually a walkway path right through this center area that's an old brick

wall along the walkway path. Then there is another brick wall here that closes the square off. I believe that there might be one right there that kind of falls into the grass over here. So there's actually several brick walls and that's why we'd like to keep the parking kind of right here where the drive kind of stops. Go back here along – and there's another brick wall back here because that's where we parked them before – and there's no brick walls back in this area.

Commissioner Raney: That gets us way into that R-1 area. I don't think that's what we would like to do.

Chairman Threadgill: Commissioner Mory?

Commissioner Mory: I would like to see this go forward. I'd like the <unintelligible> out there and I'd like to see it go forward. However, I understand all this question that we have about the parking. I think it's a legitimate concern. It's not very often, but it's something we have to address. I also would like to see the meeting move forward and what I would like to see is you to come back with at least one plan of how we can do the parking with 50 parking spaces on the property. Because we can sit here and we're looking at a pretty bare drawing. Like you said, we don't have any idea where walls are. We don't have any idea what has worked in the past, where you've parked people. You do know we don't want people parking out in the R-1 <unintelligible>. You've heard there's going to be some objections to that. But there's other ideas that you can look at. I mean we were able to overflow in the one drawing we had. You can use part of that. As opposed to wrapping parking spaces around the outside of the loop, you can put parking spaces inside the loop. We can toss these ideas back and forth for a long time, but ultimately I would like to see a plan or some ideas submitted by you instead of tossing around ideas in the meeting.

Ms. Cramer: I understand that and I know you're new here. Believe it or not, this is my fourth meeting in a row and it all has to do with exactly the same project. This has never been raised before – all this where are we going to put parking – or we would have been prepared for it. <laughter>

Commissioner Mory: Well, and part of this reason is that last time, because we couldn't because we were talking about a zoning. We can't talk about use of the property. But on a site plan, we need to see more <unintelligible> than you got here. One thing that needs to be delineated in my opinion on a site plan is where the boundary is between the R-1 and the R-3 because we don't know.

Ms. Cramer: We don't know exactly where it is. We always suggested it was the roadway. Correct, Kathy?

Director Sellman: Right. There has been no survey, nor is there any way of knowing where that line was intended to be. It was a drawn line that doesn't appear to relate to any use or feature on her land.

Commissioner Mory: Well then the applicant could use that to their advantage, could they not? I mean they could say that the back of the garage is R-1. You're right. You've got, like I say, we've got options here. I don't know if we need to spend an extra hour and a half going over every one of these possible options because the only place that you have bordered is on the Eastern side.

Chairman Threadgill: If you'll look at the board now, the green area is the R-1.

Commissioner Mory: Okay.

Chairman Threadgill: So we're actually with the roadway.

Commissioner Raney: It's right at the roadway.

Chairman Threadgill: That's with the City's GPS system.

Commissioner Raney: If you were going to allow parking, why not allow it then along that road that runs on a North and South axis West of the garage?

Chairman Threadgill: Well ...

Commissioner Raney: It is a green area, but it's in a green area regardless.

Chairman Threadgill: I don't have a problem with her parking in the R-1. I just want a designated area like Mr. Mory was saying, we need something to show what we're going to do.

Commissioner Raney: John's got a good idea. Maybe we should have a drawing that delineates where these walls are and gives us a more complete picture of what you're dealing with.

Chairman Threadgill: Well then what you're requesting is that we table this until the applicant

brings back a site plan that's feasible.

Commissioner Raney: That's correct.

Chairman Threadgill: Staff? There you go. Staff has brought up a good ideal. Here's a half-way decent site plan. Instead of tabling this, do you want to take this and get with your engineer and we'll put you to the end of the meeting and you can bring us back an altered site plan showing where you want to put the parking and that will be all the parking allowed. Now I mean your overflow area you can use for your tents around the house.

Ms. Cramer: So how much parking are you seeing in those ...?

Chairman Threadgill: 25 to 30 spaces is what I'm looking at.

Mr. Stauder: Can I interject just a second? I did a real quick and kind of crude drawing on a parking lot just to get kind of an idea on how much square footage we're talking about. A parking lot that would comply with City standards to accommodate 30 vehicles, if my math is correct, would be 8500 square feet. Just to let you know that would accommodate 30 vehicles.

Commissioner Raney: How many square feet?

Mr. Stauder: 8500.

Commissioner Raney: Which is roughly a fifth of an acre.

Chairman Threadgill: Hold on. Commissioner Mory?

Commissioner Mory: Are you talking about 30 parking spaces total or in addition to the 20 that are there now?

Chairman Threadgill: In addition to.

Commissioner Mory: Okay. 50 total.

Chairman Threadgill: Right.

Ms. Cramer: Okay. Sure.

Chairman Threadgill: With that being said, we're going to table this one off until the end of the meeting. Which will be after Item No. 11, we'll bring it back for reconsideration. I know this is really going to aggravate everybody, but I'm going to take a ten minute break. Meeting adjourned for ten minutes.

<BREAK TAKEN>

Chairman Threadgill: I'll call the meeting back to order. We'll start off with Item No. 5.

<DISCUSSION RESUMED AT THE END OF THE REGULAR MEETING>

Chairman Threadgill: Is the applicant still present? Please come forward and give us your name and address for the record.

Ms. Faith Cramer, 2009 Park Avenue: Would you like me to start this at one end?

Chairman Threadgill: Yes please. If it's alright, we'll take about a five minute break to let everybody look at it and get an idea about it. Then we'll come back and see what happens.

<BREAK TAKEN>

Chairman Threadgill: I'll call the meeting back to order if everybody's ready. The tape's running? Alright. We have a revised site plan here presented by the applicant and their engineer. Everybody's had a chance to look at it. We'll start with Mr. Raney with your comments and we'll work our way around. How's that sound?

Commissioner Raney: I don't have any real objections to it.

Chairman Threadgill: Mr. Mory?

Commissioner Mory: I don't have any objections either. I do believe that that parking is in the R-1 Zone though.

Commissioner Raney: Oh, it is. It is.

Chairman Threadgill: We are allowing her to park in the R-1.

Director Sellman: She has stated in previous testimony that that is an area where parking has occurred in the past. So it's an extension of a non-conforming use, but they are not expanding the use here.

Commissioner Mory: I don't have an issue with it. I just wanted to ...in case somebody didn't pick that up when they looked at the plan before.

Chairman Threadgill: Wanda Thorp?

Commissioner Thorp: Have we talked about it just being 50? And that's what we have now.

Chairman Threadgill: Yes. Yes.

Commissioner Thorp: I don't have any problems with that.

Chairman Threadgill: She got with Rick and we have adequate parking.

Commissioner Thorp: And that's it.

Chairman Threadgill: That's it.

Commissioner Thorp: Okay.

Commissioner White: I don't have any problems except now we're locking in the number of slots.

Chairman Threadgill: Yes. Commissioner Campbell?

Commissioner Campbell: I don't have a problem with the parking. Are we going to have further discussion?

Chairman Threadgill: Yes.

Commissioner Campbell: I don't have a problem with this plan.

Commissioner Kleinman: I have no problem with the parking.

Chairman Threadgill: Alright.

Director Sellman: Do you want to read into the record the dimension and the number of spaces?

Chairman Threadgill: Yes. We'll get to all that here in just a sec. I have a problem.

Commissioner Thorp: Oh, Lord.

Commissioner Kleinman: Oh, no. <laughter>

Chairman Threadgill: We have the driveway going into this. Right? Straight up in front of the <unintelligible>. Why do we have an exit going out of either end?

Ms. Cramer: Why don't we?

Chairman Threadgill: Why do we?

Ms. Cramer: We don't.

Male Speaker: Those are parking spaces.

Ms. Cramer: That was a little turn around thing right there.

Chairman Threadgill: That little kick out there? Yes.

Ms. Cramer: I think that was just ...

Male Speaker: It was a back up space so when you back out of your parking ...

Chairman Threadgill: Okay, so that won't be exits going out?

Ms. Cramer: No. No. Absolutely not.

Chairman Threadgill: Okay. Okay. The only egress and ingress will be on the main street's that's already existing?

Ms. Cramer: Exactly.

Chairman Threadgill: Well then we don't have a problem. Alright. Now on here, you done away with the overflow area.

Ms. Cramer: Correct.

Chairman Threadgill: Okay. Then I have another problem.

Ms. Cramer: I thought you wanted me to do away with it.

Chairman Threadgill: We need some place, are you going to set the tents up? The canopies or the whatever?

Ms. Cramer: That would be where, in the R-3.

Chairman Threadgill: That will be in the overlay area? Or the overflow area?

Ms. Cramer: It will be in the green grass area, yes.

Chairman Threadgill: So what would we need to do to designate that area behind ...?

Ms. Cramer: It's in the R-3 of the ...?

Director Sellman: Is that in the area that is encircled by the drive?

Chairman Threadgill: Yes.

Ms. Cramer: Yes.

Chairman Threadgill: That's the area you want to put the tents. Right behind the house where you had the first overflow area.

Ms. Cramer: Right behind the house. Exactly.

Chairman Threadgill: Right. Where Rick's ...

Ms. Cramer: There's two kind of grassy areas – there's a walkway path that kind of has the little dots to do a walkway path there. Yes. And basically there's two options there. There's two big areas, open grassy areas.

Chairman Threadgill: Okay so you're saying basically the area between the house and the added parking areas you would use for overflow. What I'm trying to distinguish, we're not going to shoot out behind this parking lot, back up into the back of all the trees and stuff, and start putting up a 100 tents back there and going crazy and ...

Ms. Cramer: Correct. No. In fact, there's no electricity back there.

Chairman Threadgill: We're just trying to get everything straight now so we don't have any problems later.

Ms. Cramer: Okay. <laughter>

Chairman Threadgill: And then there's ...I have a problem reading, but what are these little doodles over here on the corner? There's a bunch of little ...

Ms. Cramer: Those are just circles. That's kind of giving an idea of <unintelligible due to being away from the mic>.

Chairman Threadgill: Okay. Then she's added a little landscaping as well, apparently. <laughter> Alright. We have an area which is adding 30 parking spaces, which is attached to the garage or abuts the garage at the back part of the R-1. The dimensions are 61' by 153'. She wants to use the area between the existing house and the new parking area to be used for any tents or setup of tents for the wedding's use. No parking. The only additional parking will be in the overflow lot, which will be of some surface of which we will determine here in a few minutes. Now that we have the parking area and everybody seems to be happy with that, do we have any other discussions as far as the original plan for the site plan? Commissioner Kleinman?

Commissioner Kleinman: I just have one question of Ms. Cramer. Did you work out with Mr. Murders the problem that he had with lights in his house?

Ms. Cramer: We will be screening on that parking area side.

Commissioner Kleinman: Okay.

Chairman Threadgill: Go ahead, Commissioner Campbell.

Commissioner Campbell: I talked with Mr. Murders during the break and his desire is a privacy fence.

Ms. Cramer: That's fine.

Commissioner Campbell: My other question to you – all of these roads that go around the house and into the new house, go down the side and back out to Park Avenue. Are all of those roads going to be paved?

Ms. Cramer: They're not currently. Those are all existing. Those aren't anything we created. We paved when we did that parking area on the kind of North side, thank you. We did pave the roadway then as well up to the corner, but there is gravel behind the house and then it's paved in front and it's paved on the other side. So it's kind of a mixture. I guess I don't want to say it may not be paved down the line, but at this point, I guess I didn't want to say that it would be paved. That other roadway, that's not in use currently. That's grass currently. The other entrance off of Park. I guess my only comment about the overflow parking would be a plea to keep it in grass for a couple of main reasons: (1) we've only done to date – we've been open for two years – we've only done six weddings of more than 40 people and 40 people can easily be handled by the 20 spots we already have. So six weddings in two years, so we're talking very, very minimal. (2) The other thing is just the look. And obviously if our business grows, you can see our establishment. We have everything looking very nice. If we have problems or if we're parking back there a lot and there's going to be mud, we're going to change it to something else, because we don't want our high end clients to be walking through mud to get to the weddings. We don't want the mud in the house.

Chairman Threadgill: You brought up another question here. You are aware that we're allowing 125 guests at a wedding max.

Ms. Cramer: I wasn't aware of that.

Chairman Threadgill: That's where we came up with the 30 parking spaces.

Ms. Cramer: Alright.

Chairman Threadgill: Because we don't want to go with that 250 and get into a commercial business. That's why we're trying to work up with the additional parking areas and keep it down to a low key, but still give you, like you say, adequate usage.

Ms. Cramer: Okay.

Chairman Threadgill: I mean, you know, there's nothing that says you can't come back in the future and submit for an increase or something like that. But right now, this is where we're kind of going with it.

Ms. Cramer: And that's fine.

Chairman Threadgill: Weddings of 125 people because that's what we have set up for the parking. Okay?

Ms. Cramer: Okay.

Chairman Threadgill: I guess the next issue would be to discuss on this the type of surface. Mr. Raney has stated that he has no problem with leaving it a grass surface or some type of adequate surface. Do I have any comments? Commissioner Mory?

Commissioner Mory: I have. I agree with what Mr. Raney said previously and for a large part of what you said, it's in her best interest to keep a parking lot that is stable and provides adequate access to and from the house for her clientele and everything like that. She has as much motivation to make the parking lot serviceable and appealing, so I don't think we have to worry about it going downhill because of that. I think she has the motivation to keep it up.

Chairman Threadgill: Commissioner Kleinman?

Commissioner Kleinman: I have a comment to make. This is just something for Ms. Cramer to think about. A lot of cities, from what I understand, allow pavers that are basically a piece of tile that you can drive on that has holes so that dirt and grass goes through them, which might be what you're really wanting to do there.

Ms. Cramer: Okay.

Commissioner Kleinman: That's just something to think about because where I've seen it, it

really looks nice and I think it works the way you want to do with your place.

Chairman Threadgill: Those have been requested ... What Commissioner Campbell was pointing at are these six spaces of parallel parking here across from the 15. I think staff has made a recommendation to pull those.

Commissioner Campbell: I was ...have you agreed to take those off?

Ms. Cramer: I could agree to take those off. <laughter>

Chairman Threadgill: I bet you could. <laughter>

Ms. Cramer: How much more can I give here? <laughter>

Chairman Threadgill: Any other comments from any of the Commissioners? Commissioner Raney?

Commissioner Raney: I just want to clarify something. If we move to approve this, that the drawings that are amended to show what we have, and that the parking will be restricted to that area alone.

Chairman Threadgill: Correct.

Commissioner Raney: Okay.

Director Sellman: We have labeled this drawing to represent the Planning Commission approved site plan and this will become regulatory should this be approved tonight.

Commissioner Raney: Thank you.

Chairman Threadgill: I'll even sign it. <laughter> Any other questions or comments from the Commissioners? Commissioner White?

Commissioner White: I have one. Now we've made quite a few changes and there's been some adjustments. Do you understand, do you understand what all has been done?

Ms. Cramer: I'm hoping that I understand it. <laughter> I guess that ...

Chairman Threadgill: Do you want me to run through it?

Ms. Cramer: Sure, if you want to do a quick list of them, that would be super. <laughter>

Commissioner Kleinman: Mr. Chair, may I ...

Chairman Threadgill: Commissioner Kleinman?

Commissioner Kleinman: Might I suggest that when we get our minutes for next month, our agenda for next month, we simply print out the tape recording of this session and mail it out to the Cramers so they could have it in printed copy.

Chairman Threadgill: Okay, but I'm going to go ahead and kind of explain to her what we've got here. Can I get control of my screen back please? I've lost everything here. Let me just, I'm not sure what staff's recommendations were here. Let me run back and see if I can get hold of them here. The changes we've made other than what staff's recommendations were, the only changes we've made is to allow the usage from the house back to this parking area for her set up of tents and all that for the wedding purposes. Now you know if you set up a tent, you have to come to the City and get a permit. Okay? That's not really a part of our problem, but something that you might need to be aware of. The addition of the parking lot is the 30 vehicles and the lot size will be 153' by 61'. Egress and ingress will be on the designated driveway in. The, let me see, I still don't have ...Let me pull up the whole program here. There we are. We're getting there folks. Hold on just a sec. Staff's report ...I'll get over on this screen. Staff had four recommendations: The bed and breakfast is not to contain more than five rooming units. Parallel parking spaces located to the East parking area, that's the six parking spaces, will be eliminated. The accessory use would be the wedding chapel, would be Condition No. 3. The overflow parking is specified by the additional parking that we've done on the site plan revision. First, I'd like an okay from everybody. Thank you. An additional deal, there would be 125 guests max.

Mr. Stauder: And the screening? Do you want to make the screening a condition?

Director Sellman and Chairman Threadgill: Yes.

Mr. Stauder: 6' minimum privacy screening.

Chairman Threadgill: We're getting to that. She's got better notes than I have. And then we

have a privacy fence.

Commissioner Thorp: Fence now.

Chairman Threadgill: Fence.

Commissioner Thorp: Okay.

Chairman Threadgill: Fence. Privacy fence.

Commissioner Thorp: A fence is not a bunch of bushes.

Chairman Threadgill: Which would be the standard 6' privacy fence. And let's see, 125 guests max. That's parking spaces of 30. Then the surface would be allowable as grass or gravel. Am I correct in that?

Director Sellman: Mmm, hmm.

Chairman Threadgill: You understand all those conditions?

Ms. Cramer: I do.

Chairman Threadgill: Any other?

Commissioner Campbell: I would like to add one if it's appropriate.

Chairman Threadgill: We'll discuss it.

Commissioner Campbell: I would like, the applicant has already said that they stop the music at 9:00. I would like all outside activity to be stopped by 10:00. I think our normal noise ordinance is 10:00 till 6:00 I think. That just ...Cease activities after 10:00.

Ms. Cramer: Outdoor?

Commissioner Campbell: Outdoor activities, yes.

Chairman Threadgill: You can party all night long inside. And final, at 10:00 p.m., all outdoor

activities cease other than the kids out there playing around. Any others? Is the applicant good to go on this?

Ms. Cramer: I understand.

Chairman Threadgill: Is there anyone in the audience for or against this item? Seeing no one in the audience, I'll close the public portion. Do I have any questions or comments from the Commissioners? Seeing none, I'll entertain a motion.

Commissioner Campbell: I would like to make the motion. <laughter>

Chairman Threadgill: Knock yourself out.

Commissioner Campbell: No. 1, and first of all, I appreciate your time that you've put in on this. It has been a long drawn out thing. I think we've got a workable product here. I think it will work for you. It will work for the neighborhood. It will work for the City. In saying that, I make a motion that we approve it with the conditions and I will let staff read those conditions.

Chairman Threadgill: We're going to approve it with the existing recommendations by staff.

Director Sellman: Right. Amending No. 4 to show that the site plan that designates the overflow parking is the amended site plan that was submitted at tonight's hearing and becomes a part of the record. Any tents will be put in the area between the original house and the new parking area. There will be a privacy fence, 6' minimum, on the property line with the Murders.

Ms. Cramer: You said the parking area? We're not going all the way to the street.

Commissioner Campbell: That was my ...

Male Commissioner: You have to block this out.

Commissioner Campbell: Just the way the cars come up where the lights begin to shine into that house. That's all we're trying to do is stop the influx of the lights onto him.

Director Sellman: That's a headlight fence. Okay. A maximum of 125 guests. The parking surface in the new area, which is 153' by 61' and contains 30 spaces, shall be grass or gravel. Outdoor activities will cease at 10:00 p.m.

Chairman Threadgill: I have a motion. Do I have a second?

Commissioner Raney: Second.

Chairman Threadgill: I have a motion and a second. Discussion?

Commissioner Campbell: You delineated that area back there for that parking. Do they have to put some kind of physical barrier up back there too? I mean we're just parking out on the grass.

Director Sellman: I imagine that the applicant will want to contain the parking to preserve the area out there. The question would be for the applicant.

Ms. Cramer: We currently direct people out there if we have a wedding of that size. We have people directing traffic so they're not parking all over my yard by no means.

Commissioner Campbell: Okay.

Chairman Threadgill: Any other discussion? Commissioner Mory?

Commissioner Mory: I have two comments. First, on the revised site plan, like I said, I know Gary signed, I think it might be a good idea if the applicant signed it as well. The second comment on the parking, I'm a little leery of the use of the word "shall" there because if they do decide that they need to pave it or do something else out there, then it might be interpreted by somebody else that we have adversely locked them into a surface that we did not mean to.

Director Sellman: So grass or gravel at a minimum?

Commissioner Mory: Yes, something like that. I just say other than the word "shall."

Commissioner Thorp: Other than what?

Commissioner Mory: "Shall".

Commissioner Thorp: Oh, okay.

Chairman Threadgill: Commissioner Raney?

Commissioner Raney: On that paving, I still have a preference toward something that is not solid, something that is permeable that allows the water to penetrate as opposed to concrete or black top. That may put restrictions on them ...

Chairman Threadgill: That's basically where we're at with grass or gravel. There is basically no restrictions. I mean, that's giving it the basics. That's really gone way farther than what I wanted to do, but it's up to you folks.

Commissioner Raney: One additional comment if you would allow me. I think Commissioner Campbell raised a very good point. How do you delineate this particular portion where the parking will be allowed? Perhaps we should require at minimal some sort of fencing, like a rail fence or something like that, so that at least it's contained. It's delineated so that the guests, when they drive into that area to park, they can't go beyond that.

Chairman Threadgill: We have specified. Beyond their parking area?

Commissioner Raney: Beyond the designated area for parking. Follow what I'm saying?

Chairman Threadgill: Yes.

Commissioner Raney: I don't care if they plant live bushes, but some sort of something that keeps it contained. It's just a thought.

Chairman Threadgill: Then we'd need to put that also in the condition is some type of defining boundary on the 153' by 61' parking area.

Commissioner Kleinman: I heard that guests that come and park in the grassed area during overflow had people directing them where to park so they won't damage more of the property. So I think that's covered very well.

Chairman Threadgill: Do you buy that?

Commissioner Raney: That makes sense to me.

Chairman Threadgill: Do I have any other comments? I have a motion and a second. All in favor? <Ayes> Opposed? <None> Motion passes.

Commissioner Kleinman: Is this the longest agenda item we've ever done?

Chairman Threadgill: Oh, it's a short one. Would you come up here real quick and maybe initial this to go along with Mr. Mory's request? Is my pen going to work? You're in luck. <laughter> Thank you. We'll get you a copy of it all.

Director Sellman: Is tomorrow soon enough?

Chairman Threadgill: At this time, I'm going to ask the Director's Report.

5. Site Plan Approval (SPA-07-0186) – Cascades at Spring Street – multiple building site plan for a six building, 40 unit apartment complex – Spring Street – District 2—R-4

Commissioner Mory: Mr. Chairman, I'm going to recuse myself from this item.

Chairman Threadgill: Alright, sir. John Mory recuses himself.

Director Sellman: Item No. 5 is the Cascades at Spring Street. This is the site plan approval for multiple buildings – six buildings including 40 units – as a residential apartment complex. The zoning is R-4. It's in District 2. The recommendation on this project is for approval and there are five recommendations/conditions.

Chairman Threadgill: Is the applicant present? Please come forward and give us your name and address and a little bit of what you've got in store, sir.

Mr. Nick Bonner, Affiliated Engineers: We are representing the owner tonight. He is also here with me. I'll let him speak in just a second if you've got any questions for him. We do have a five unit complex with eight units in each one, so it will be a total of 40 units. There is a leasing office to go along with it. It has some facilities in there – a pool and a complex to go along with that and some barbecue areas and a playground area for the kids. We see it as a great development for this area of town. We seek to have you guys pass our site plan tonight. The owner is here with me, Clifton Phillips.

Mr. Clifton Phillips, on behalf of Unified Housing Foundation.

Chairman Threadgill: Alright, sir. Do I have any questions from the Commissioners to the applicants on this item? None? Alright sir, you may have a seat. Is there anyone in the audience who has anything to say for or against this item? Please come forward and give us your name and address sir.

Mr. John Killough, 634 Vernel Street: I'm just curious whereabouts on Spring Street, because Vernel runs directly off of Spring, where this is going to be located at?

Chairman Threadgill: Let me zoom back here. Rick, can you pan out on that a little bit? Will yours go back out any further?

Mr. Stauder: That's full screen. Let me see. If I just ...

Chairman Threadgill: Right here. Right there.

Director Sellman: The vicinity map.

Mr. Stauder: Oh, okay.

Chairman Threadgill: Look right there. This side over here to ...there you go. That upper left hand corner that's clear is KLH Metal. You aware where they're at?

Mr. Killough: Right.

Chairman Threadgill: So this is the property just next door to KLH.

Mr. Killough: That's where they've been doing the filling and the hilltop is cleared off and all?
<Mr. Killough and Chairman Threadgill and are talking at once.>

Chairman Threadgill: That's the area.

Mr. Killough: Alright, thank you.

Chairman Threadgill: Yes, sir. Thank you, Rick. Is there anyone else in the audience with any questions for or against this item? Again anyone else in the audience with anything to say for or against this item? Seeing none, I'll close the public portion. Do I have any questions or

comments from the Commissioners? Commissioner Campbell?

Commissioner Campbell: The only comment that I would have I would really like to thank the applicant for the packet that was presented because this seems to be an excellent packet. It gives us everything that we need that I can see. It looks like a worthy project for that area.

Chairman Threadgill: Any other questions or comments from the Commission? I have one to the applicant. On your office area, would you please come back to the podium real quick? You have it listed for a leasing facility. That is going to be utilized strictly for this complex and nothing else, right?

Male Speaker: Yes, sir. That's correct.

Chairman Threadgill: You won't be leasing property from somewhere else in town. This will be an office for this area.

Male Speaker: Exactly and just amenities for this particular location.

Chairman Threadgill: That's all I've got. Any other questions or comments? Commissioner Raney?

Commissioner Raney: It is my understanding that all of this is going to be built at one time. It's not phased?

Chairman Threadgill: No. It's one complete project.

Commissioner Raney: Very good. Great.

Chairman Threadgill: Any other questions or comments? Seeing none, I'll entertain a motion.

Commissioner Raney: I move approval subject to staff recommendations.

Chairman Threadgill: I have a motion to approve with staff recommendations. Do I have a second?

Commissioner Kleinman: I'll second.

Chairman Threadgill: I have a motion and two seconds, all in favor? <Ayes> Opposed? <None> Motion passes. Item No. 6.

6. Preliminary Subdivision (PS-07-0184) – Crooked Creek Estates – 5 lot subdivision on Marion Anderson – North side of Marion Anderson between Kyler Terrace and Joy Drive – County –ET

Director Sellman: Item No. 6 is Crooked Creek Estates. This is a preliminary subdivision application to create a five lot subdivision on Marion Anderson from the North side of the street between Kyler Terrace and Joy Drive. It is in the extraterritorial jurisdiction of the City in the unincorporated County area. Let's see what we have here. Recommendation is to approve the preliminary plat with five conditions.

Chairman Threadgill: If you would please, give us your name and address for the record.

Mr. Milton Raabe, 130 Hillside Place, Hot Springs.

Chairman Threadgill: A little bit of what you've got there, Mr. Raabe.

Mr. Raabe: It's a five lot subdivision on Marion Anderson Road. Residential.

Chairman Threadgill: I have one question. You have Lot 6 I guess behind it?

Mr. Raabe: Eventually there's going to be a bigger subdivision behind it.

Chairman Threadgill: Where's the access going to come from?

Mr. Raabe: Off to the right, to the right of these lots.

Chairman Threadgill: You do, there is a ...

Mr. Raabe: Yes. Right.

Chairman Threadgill: We're not making a dead lot <unintelligible>?

Mr. Raabe: No.

Chairman Threadgill: You had me worried when I saw that 6 pop up. Commissioner Campbell?

Commissioner Campbell: The access is going to be off to the right?

Mr. Raabe: To the East of these lots.

Commissioner Campbell: Back toward Joy Drive area?

Mr. Raabe: To Elysian Hills or Jordan Drive I think.

Commissioner Campbell: Okay, right there and I believe these are Lot 5. Is Lot 5 – it's hard to see it – but is Lot 5 the one closest to Joy Drive, that end of Marion Anderson?

Mr. Raabe: Umm, huh.

Commissioner Campbell: Right there is, in looking at the project out there when I drove into it and pulled back out of that driveway, there's a pretty good little rise coming into play there that's going to give some, to me, is going to give some site problems especially if you've got a big subdivision going to go in behind it. Is it not feasible to put that entry on the left side of them and maybe put it in the area that it looks like a street going off of there. I don't know what that street is.

Mr. Raabe: It's not named.

Commissioner Campbell: This street here.

Mr. Raabe: Oh, that's Kyler.

Chairman Threadgill: Kyler Terrace?

Commissioner Campbell: I mean even looking at the project out there, the driveway to 5 itself is going to be a little bit hairy getting in and out because of that rise coming over there.

Mr. Raabe: We haven't done any planning on that one yet.

Chairman Threadgill: You could go either side of the property?

Mr. Raabe: Either side.

Chairman Threadgill: Okay. Any other questions? Commissioner Thorp?

Commissioner Thorp: Mr. Raabe, on that drawing up there, where No. 5 is, is that where that big ditch is when I went out there and looked at that today?

Mr. Raabe: Where the what is?

Commissioner Thorp: It's like a big ditch to me. Right here.

Mr. Raabe: These are pretty level lots along the road.

Commissioner Thorp: <unintelligible> looking to me. Anyway, there's a house right over here. Then there's a big ole place that's cut and then there's clear dirt. Isn't that kind of a ditch down through there?

Mr. Raabe: Uhh, huh. This is off to the right of that.

Commissioner Thorp: Right and then that's going to go on back to that other property?

Mr. Raabe: He owns like 20, 25 acres back there.

Commissioner Thorp: Okay.

Chairman Threadgill: Yes it does. Any other questions? Commissioner Campbell?

Commissioner Campbell: I have one if I can. Milton, you know, you're going to develop the back of it. Why could this not have been developed to where there would have been a road going in and not five driveways coming out onto Marion Anderson?

Mr. Raabe: They want a place to build next year and they're not ready to develop that piece of property.

Commissioner Campbell: Now on Marion Anderson there is a lot of places that the driveway does come back out in there, but that's before there was any regulations out there.

Mr. Raabe: I don't know that anybody's done any planning on the other part yet.

Chairman Threadgill: Any other questions? Commissioner Raney?

Commissioner Raney: I had one. It was along the same lines. The way that I interpreted the drawings was that there really aren't any curb cuts there. It's just all open across the street there. Is that correct?

Mr. Raabe: Correct. There is no curb and gutter there. There will be individual driveways going into it.

Commissioner Raney: Yeah, but I mean there won't be driveways put in, I mean it's like five individual driveways. It will just be ...

Mr. Raabe: Yes.

Commissioner Raney: It will be?

Chairman Threadgill: Yeah, it will be five independent driveways for each piece of parcel, for each lot. That's why they're putting it on Marion Anderson so they can have an access off the main road. This time, that's the only ... Which brings up a question, come to think of it. Is this all one parcel of property? Are we not subdividing?

Mr. Raabe: We're subdividing.

Chairman Threadgill: Did we do five lot splits on one parcel of property?

Mr. Raabe: No.

Chairman Threadgill: They own all 25 acres?

Mr. Raabe: They own all of it.

Chairman Threadgill: This is one big lot and we're just planning out five lots on one big parcel?

Mr. Raabe: We're plotting six lots – one big one and five little ones.

Chairman Threadgill: Oh, okay. Then in the site plan, should we not have an easement or something showed on how to get back to Lot 6 as far as the site plan?

Director Sellman: Lot 6 has road frontage.

Mr. Raabe: Lot 6 has road frontage on both sides.

Chairman Threadgill: I've got a cut up plan there.

Commissioner Campbell: All of this is Lot 6. Rick?

Chairman Threadgill: But how does that work as a subdivision?

Mr. Stauder: Yes, sir.

Chairman Threadgill: It's one big lot.

Director Sellman: The final plat ...

Chairman Threadgill: Do we come back and do a second lot split?

Director Sellman: This will need to be done as a subdivision. They will redivide Lot 6. They will final plat Lots 1 through 5.

Chairman Threadgill: So Lots 1 through 5 will be Phase I. Lot 6 will be Phase II...

Director Sellman: Pretty much.

Chairman Threadgill: ...is the way we need to distinguish this so I know what's going on.

Mr. Raabe: Lot 6 will be another subdivision later on.

Chairman Threadgill: Okay. There we go. Now I understand where we're going. Kind of a funky way about it, but okay.

Mr. Raabe: That's the way we were told to do it.

Chairman Threadgill: Okay. Any other questions? Commissioner Raney?

Commissioner Raney: Lot 6, when it is developed, would it be the same type of development?

Mr. Raabe: It's going to be large homes.

Commissioner Raney: Large homes as opposed to these.

Mr. Raabe: Similar to, they have another subdivision down at Pittman Road, Deer Valley. Same size homes.

Chairman Threadgill: Pretty nice place.

Commissioner Raney: Yes. My concern, well I'll wait till get to ...

Chairman Threadgill: Go ahead.

Commissioner Raney: My concern is you have this opening directly onto the street. I would have preferred to see it with the access along the North boundaries as opposed to the South boundary, which is Marion Anderson. That's my real concern there.

Chairman Threadgill: And another concern is, Marion Anderson is a major highway, whether you believe it or not. It is a highway and we're not supposed to put all these cuts on a highway. As a matter of point, so ... Any other questions or comments from the Commissioners?

Mr. Raabe: But it's not a highway.

Chairman Threadgill: ...to the applicant?

Commissioner Raney: Do we not address the access to the <unintelligible> coming in on the highway at this point? We do later?

Director Sellman: No.

Commissioner Raney: No.

Director Sellman: No. That's done at the time of the building permit.

Chairman Threadgill: There will be just one for each one of those lots. When they bring in the building permit, they'll show where the house is actually going to sit, which is supposedly what this square frame is. But anyway ... Any other questions? Commissioner Campbell?

Commissioner Campbell: All that we are looking at then is approving these five lots.

Director Sellman: We're looking at the division of the giant parcel into six – five of which will be developed immediately. The remainder will come to you as a preliminary plat re-dividing Lot 6 at some point in the future.

Commissioner Campbell: I kind of go along with what Commissioner Raney says. This project to me would be a better project with one entry in and all of the driveways going in on the North side. You know just one street with the driveways back there than it would be emptying out onto Marion Anderson, especially with the site problems there is with that rise out there just to the East of Lot 5.

Chairman Threadgill: Any other questions to the applicant? You may be seated. Is there anyone in the audience with anything to say for or against this item? Again, anyone in the audience with anything to say for or against this item? Seeing none, I'll close the public portion. Any questions or comments from the Commissioners? Commissioner Campbell?

Commissioner Campbell: I have another of staff. This is of staff. Do we have the ability in this project to require that this street be put into the back or the North side of these as an entryway?

Director Sellman: No, no, you don't. You can deny the project.

Commissioner Campbell: Okay.

Commissioner Mory: I have a comment as well.

Chairman Threadgill: Commissioner Mory?

Commissioner Mory: Along Marion Anderson, the very fact that we discussed these driveways is a major concern to me as well. There is another subdivision that is similar to what is proposed here and it's a little farther to the East from Marion Anderson. If we're going this way, we turn back to the North. Along the right, there are I believe it's five homes right there that have one

drive in and one drive out and they have a parallel drive on the front. Even that would be a better scenario than what we have here. More driveways along Marion Anderson is not a good idea in my opinion.

Chairman Threadgill: Any other questions? Then we have a situation where we either approve, deny, or you can even table. At this time, I'll entertain a motion.

Commissioner Raney: I would move that we table the project at this point, requesting a rethink on this access – ingress/egress. I would prefer here again myself to see it along the North side of the property.

Chairman Threadgill: I have a motion to table.

Commissioner Campbell: Second.

Chairman Threadgill: I have multiple seconds. All in favor? <Ayes> Opposed? <None>
Motion is tabled. Item No. 7.

7. Preliminary Subdivision (PS-07-0189) – Shady Oak Cove Subdivision – 17 lot subdivision in the County – off of Treasure Isle Road on Shady Oak Trail – County – ET

Director Sellman: Item No. 7 is Shady Oak Cove Subdivision. This is a request for a preliminary plat for 17 lots. This is located off of Treasure Isle Road on Shady Oak Trail. It is in the City's extraterritorial jurisdiction. It's located in the unincorporated County. The recommendation is for approval and there are six conditions.

Chairman Threadgill: Give us your name and address again, please sir.

Mr. Milton Raabe, 130 Hillside Place.

Chairman Threadgill: A little of what you've got here, Mr. Raabe.

Mr. Raabe: I've got a subdivision on the lake in the County with 17 lots.

Chairman Threadgill: Do I have any questions to the applicants from the Commissioners?
Commissioner Campbell?

Commissioner Campbell: In one of the conditions that staff set forth in this and I'm sure you've seen them, haven't you? Are you intending on improving that street from where it stops as pea seal now.

Mr. Raabe: It will be paved all the way down to this one. This one will be hot mix, curb and gutter.

Commissioner Campbell: And that's the one that goes around the end of those buildings there at Shady Oak Getaway and goes up that hill?

Mr. Raabe: Yes. Right.

Chairman Threadgill: You state you were going to make the one coming in pea seal?

Mr. Raabe: We're going to meet the County standards.

Chairman Threadgill: Yeah. I just wanted to make sure.

Commissioner Campbell: And your internal are going to be to City standards.

Mr. Raabe: The internal one is curb and gutter, hot mix asphalt.

Chairman Threadgill: Any other questions to Mr. Raabe? Commissioner Raney?

Commissioner Raney: A good number of these lots access the lake. But you have also almost an equal number – I guess it's what, seven – that have no lake access. Being that close to the lake, I'm sure they'd like to have lake access, so how do you intend to accommodate that or was that even a consideration?

Mr. Raabe: There is an easement there to get to the lake and there will be a boat dock for it.

Chairman Threadgill: That's your 15'?

Commissioner Raney: Right.

Mr. Raabe: Right. That says "boat access", but you can't get a boat down that thing. It's a

walkway.

Commissioner Raney: That brings me to my next question. Was that intended to be a boat launch?

Mr. Raabe: No. No.

Commissioner Raney: Just access, walkway access?

Mr. Raabe: Right. To the dock.

Chairman Threadgill: Any other questions? Milton, you may have a seat. Is there anyone in the audience with anything to say for or against this item? Again, anyone in the audience with anything to say for or against this item? Seeing none, I'll close the public portion. Do I have any questions or comments from the Commissioners? Seeing none, I'll entertain a motion.

Commissioner Raney: I move approval subject to staff recommendations.

Chairman Threadgill: I have a motion to approve with staff recommendations. Do I have a second?

Male Commissioner: Second.

Chairman Threadgill: I have a motion and a second. All in favor? <Ayes> Opposed? <None> Motion passes. Item No. 8.

8. Preliminary Subdivision (PS-07-0187) – Garland County Habitat Shaw Village – preliminary subdivision for 21 lot Habitat for Humanity Shaw Village Subdivision – intersection of Linden and Ridge Street – District 1 – R-3

Director Sellman: Item No. 8 is Garland County Habitat for Humanity Shaw Village. This is a request for preliminary subdivision to create 21 lots. It's located at the intersection of Linden and Ridge Street. It's zoned R-3 and is located in District 1. On this one, we are recommending approval. There are seven conditions.

Chairman Threadgill: Is the applicant present? Please come forward and give us your name and

address, sir.

Mr. John Rogers, B&F Engineering, 928 Airport Road, Hot Springs.

Chairman Threadgill: Alright, John. A little bit about what you've got on this one, please sir.

Mr. Rogers: Yes, sir. This is a proposed 21 lot subdivision for Garland County Habitat for Humanity. It's 6.44 acres. It's North and West of our location right here. Also this will be an opportunity for Habitat to here locally build our 76th home at the conclusion of this subdivision in the City of Hot Springs and Garland County.

Chairman Threadgill: Do I have any questions to the applicant from the Commissioners? Commissioner Campbell?

Commissioner Campbell: On our conditions, Condition No. 4 is a protective barrier shall be provided. All ya'll going to build that barrier yourself? That's the one on the rear of Lot 8 and a portion of Lot 7.

Mr. Rogers: Yes, sir. Habitat will have an 8' tall chain linked fence constructed behind Lot 8 and Lot 7 to protect from that drop off there. Yes, sir.

Chairman Threadgill: Any other questions to the applicant? Alright, sir. You may have a seat. Is there anyone in the audience with anything to say for or against this item? Please come forward and give us your name and address, sir.

Mr. Mark Toth, 110 Montclair Lane: I live at 110 Montclair Lane, which is I believe one block over from Linden. My only concern is that I know nothing about this project. I haven't been informed. I don't know exactly where it's located. I would like to have the time and the opportunity to look at it and see if it's appropriate for the neighborhood. I know no one in the neighborhood has been informed about it.

Chairman Threadgill: Has staff ...did notifications get sent out?

Mr. Stauder: There is no notification requirement on subdivisions. We did post it in the newspaper as our normal process and there was a sign posted on the property. The gentleman is correct. It's in a secluded place. If you don't really know where to look, you wouldn't know it was back there.

Mr. Toth: I just drove up to the property this, or I think I did, and I didn't see any signs about where it would be. I'm not saying that I'm for it or against it, but I have no idea what's going to be built there or how it's going to impact the area or how close it is to me. I think I'd like to know that before a decision is made. Thank you.

Chairman Threadgill: Thank you, sir. Do I have anyone else in the audience who has anything to say for or against this item? Please come forward, sir.

Mr. Rogers: I would like to add that John Goodman, the Habitat for Humanity Executive Director, is here this evening. I also would like to add that this was a land donation from the Shaw Family and its previous use was an excavation pit. So we're going to bring a real nice subdivision in this area to reclaim it. Thank you.

Chairman Threadgill: Anyone else in the audience with anything for or against? Please come forward and give us your name and address, sir.

Mr. John Goodman, 304 Meadowbrook Street, Hot Springs: I did meet with Director Maruthur and the Whittington Area Property Owners Association to discuss this development. I must admit I must not have done a good enough job getting the word out in the community as to what we were proposing. I feel strongly that this will be an asset to the community. There are no immediate neighbors to this piece of the property on top of the hill which overlooks the Linden Park area. But I will be happy to answer any other questions that anyone might have – any concerns.

Chairman Threadgill: I have one real quick, Mr. Goodman. How quick were you folks planning on starting the development?

Mr. Goodman: Our desire is to start this development after the first of the year – January or February time frame. It depends somewhat on the assistance from the City in the way of Community Development Block Grant monies. The infrastructures of our previous developments have been subsidized by some of the Community Development Block Grant monies. So this \$1.7 million project begins with the street, sewer, water developments and we do rely somewhat on some assistance from the City for the infrastructure work. So depending on what assistance we can get, will depend on whether we start in February or later next summer. We'll have to find the money somewhere. We are a not for profit organization.

Chairman Threadgill: Any other questions or comments? Commissioner Campbell?

Commissioner Campbell: Mr. Goodman, you've been at these projects for a long time now. I would just like to ask you what kind of problems have you seen from the first community up through the ones that are built now. I don't see anything in the paper about what's going on in them. Are you seeing any problems in those areas where you have built them?

Mr. Goodman: Our Habitat homeowners are ordinary people. They are your neighbors and my neighbors. It's not an inferior culture of people we are talking about here. These are people we offer a hand up in life for first time homeowners. They are good people. They must meet all of our criteria in order to even be approved, part of which is their willingness to help build their own house and then make mortgage payments for 20 years. It's not a hand out program. It's a hand up for people to become homeowners. The requirements are for them to apply with this, pass the credit history review, to agree to put in the required sweat equity hours, to attend classes. Since they are first time homeowners, we require a detailed educational program for them to attend classes focused on financial management, budgeting, home maintenance, landscaping care, shopping, grocery shopping – the whole structure of helping them make this jump from being renters all of their life to a new change in life. These are folks who desire and are asking for an opportunity to reach a new quality of life.

Commissioner Campbell: Do you have much of a turnover once they're in there? Do you have much of a turnover rate?

Mr. Goodman: Right now I have 65 mortgages. We have built 65 houses. We have repossessed six over 12 years.

Commissioner Campbell: Thank you.

Chairman Threadgill: Are there any other questions or comments to Mr. Goodman? Mr. Raney?

Commissioner Raney: How ...I don't know quite how to phrase this question, but obviously at some point all of this will be built out. But your experience on the other developments, how long did it take to build out all of the lots?

Mr. Goodman: That's a very good question. We have been averaging eight to ten houses per year. That has been our average. That of course depends on donors and volunteers. It's a totally volunteer program. Our houses are built by volunteers and built by money from the community,

but we've averaged eight to ten houses per year. So I anticipate finishing this Shaw Habitat Village in 2008 and 2009.

Commissioner Raney: Very good. Is this an appropriate time to ask a question of staff?

Chairman Threadgill: Go ahead.

Commissioner Raney: Item No. 5 on staff recommendations was that Lot 17, no construction permit be issued for it until the improvements to Linden Street. I guess I'm just on a learning curve here so, why wouldn't Linden Street just be improved to start off with without waiting until Lot 17 was developed?

Director Sellman: Rick can answer that question for us.

Mr. Stauder: Yes, sir. Let me pull back up the plat. All of the lots in this proposed subdivision, other than Lots 17-21 that I have displayed on the monitors, will access off of the new proposed street with a cul-de-sac. Lots 17, 18, 19, 20, and 21, if approved, would access off of Linden Street. Linden Street is an existing paved improved road. With the exception of basically at this point – I don't know if you can see that on the big screen – it's basically just wooded and undeveloped from this point on. The condition of staff was that before a building permit could be issued on Lot 17, that Linden Street be extended at least to this side property line just to guarantee that we had paved access to that lot.

Commissioner Raney: Thank you.

Chairman Threadgill: Any other questions or comments from the Commissioners? I have one to the applicant real quick. Mr., excuse me, John?

Mr. Goodman: Yes, sir.

Chairman Threadgill: You're aware of what staff's wanting you to do on that one portion of street on 17?

Mr. Goodman: Yes, we are. Our engineers are.

Chairman Threadgill: Sir, give us your name and address again for the record.

Mr. Mark Toth, 110 Montclair Lane: Since they're not going to even start construction until at the earliest February, I would ask the Planning Commission to just table the matter for a month so that I could meet with them. I know other people would like to meet with them and go over the project and see if we feel it would be an asset to our neighborhood. Thank you.

Chairman Threadgill: Thank you. Mr. Goodman, will you please come back up? Not saying you have to, not twisting your arm or anything, but would you consider...?

Mr. Goodman: I need to consult with my engineer here on how it would affect our ...

Chairman Threadgill: It's strictly up to you. What we're looking at is solely a site plan.

Mr. Goodman: The problem we're facing with our goals to be where we need to be in December of next year is to be able to get this infrastructure started as soon as possible. Mr. John Jenkins and his crew does our road preparation. Ridge Street, unless we put in up there the cul-de-sac going into the area has to be put in, the sewer and water lines. Any delay is going to be an issue for us.

Chairman Threadgill: Thank you. Commissioner Mory?

Commissioner Mory: I have a question. The construction that will begin in February of next year is the home construction, is it not?

Mr. Goodman: That's our goal and we have a lot of infrastructure work to do before that can happen.

Commissioner Mory: Right. I agree. I know you do and I think there was a misunderstanding about what construction was going to begin in February. I think it may have been the impression that it may have been infrastructure construction beginning in February, not infrastructure beginning now.

Mr. Goodman: If I may at the same time quickly, I want to say that I don't want to create any perceptions in the community, particularly in the neighborhood, that we're trying to rush this without discussing it with the neighbors. I would love an opportunity to meet with anybody and everybody up there to discuss this further, but would it be necessary to delay this for us to have that discussion?

Chairman Threadgill: Yes, sir. At this time, what we're looking at is a preliminary site plan which this Commission, the only authority we have is to look at the plan and see if it meets City specifications. If it does not, we continue from there. The use of the property is of no concern. We are looking strictly at a primary, excuse me, a preliminary subdivision which, in my opinion, meets all City specifications. It's regretful maybe. It's for Habitat. It doesn't bother me. It's a subdivision is what I'm looking at. That's the issue at hand right now. Mr. Goodman had stated that he had made contact with – what was that group down there?

Director Sellman: Whittington ...

Chairman Threadgill: Thank you. Whittington group. So the contact has been made and effort has been made. The City has made all notifications. The applicant has requested that we not delay, so our decision right now is to approve, to deny, or to table. Okay? So with that being said, is there anyone else in the audience with anything to say for or against this item? Yes, please come forward and give us your name and address.

City Director Peggy Brunner-Maruthur, 133 Circle Drive: I met with Mr. Goodman, took a drive in April, and he gave me his word that he would meet with the neighborhood and I was waiting for notification. He did meet with the Whittington Valley Property Owners about the Wheatley Village, but to my knowledge, he has not met with the neighbors who would be impacted by this development. So I would ask that they be allowed to visit with Mr. Goodman as has been agreed prior to any infrastructure or anything being done. That was the agreement. Thank you.

Chairman Threadgill: Is there anyone else in the audience with anything to say for or against this item? Again, anyone in the audience with anything to say for or against this item? Seeing none, I'll close the public portion. Do I have any questions or comments from the Commissioners? Commissioner Thorp?

Commissioner Thorp: How long a delay are we talking about if we table this? How soon could they get on with their <unintelligible> with the neighbors?

Chairman Threadgill: It could be tabled until the next month's meeting, which would be October ...

Commissioner Thorp: No, November.

Chairman Threadgill: ...November, excuse me. I'm a few months behind. But again, we're looking as a preliminary subdivision...

Commissioner Thorp: I understand.

Chairman Threadgill: The City has given notification. Commissioner Mory?

Commissioner Mory: I'd like to comment. I agree with what you said before. This is a complete site plan. Everything appears to be in order. It is, in essence, a subdivision. We should act accordingly.

Chairman Threadgill: Alright. Any other questions or comments? Commissioner Raney?

Commissioner Raney: Would it be inappropriate to ask for confirmation of the proposed commitment to have the meeting?

Chairman Threadgill: It's really irrelevant to our decision.

Commissioner Raney: It is irrelevant, but I would just like to know.

Chairman Threadgill: Alright. Mr. Goodman.

Mr. Goodman: Yes, sir. As I stated a moment ago, I welcome this kind of discussion and I acknowledge that the Wheatley Habitat Village that we've been working on there adjacent to Weyerhaeuser I guess was the topic of or the subject of our meeting with the Whittington Area Property Owners Association and not the Shaw Village. They're almost adjacent there – Weyerhaeuser and down by Linden Park. So, yes, you have my commitment and I welcome this discussion. I would like that it would have happened earlier. I do promise the neighbors up there that we will have this kind of a meeting. Where and when, I don't know. We can discuss this in a moment I'm sure.

Chairman Threadgill: Any other questions or comments from the Commissioners? Seeing none, I'll entertain a motion.

Commissioner Mory: I move for approval subject to staff's comments.

Chairman Threadgill: I have a motion to approve with staff's recommendations. Do I have a

second?

Commissioner Campbell: Second.

Chairman Threadgill: I have a motion and a second. Call the roll, please.

Mr. Stauder: Harriel White – yes; David Campbell – yes; Louis Kleinman – yes; Wanda Thorp – yes; John Mory – yes; Larry Raney – yes; Gary Threadgill – yes.

Chairman Threadgill: Motion passes.

<END OF TAPE>

9. Final Subdivision (FS-07-0185) – Shadow Peak Homes – lot split in the County on Amity Road – Amity Road – County – ET

Director Sellman: Item No. 9 is Shadow Peak Homes. This is designated a final subdivision. It comes to you as a lot split which could not meet the requirements for administrative approval. It is designated as a final subdivision because it follows generally that procedure. It's located in the City's extraterritorial jurisdiction. It's on Amity Road. The staff recommendation is to approve this request to create two lots with two conditions of approval.

Chairman Threadgill: Is the applicant present? Please come forward and give us your name and address, sir.

Mr. Doug Fellenz, B&F Engineering, 928 Airport Road, Hot Springs.

Chairman Threadgill: What you're requesting is just a basic lot split.

Mr. Fellenz: Absolutely. We're wanting to take one parcel of land and turn it into two tracts – one of which will be an HPR POA and one of which we'll maintain as a residential.

Commissioner Raney: Excuse me. Could I ask the applicant to speak up? I'm having a hard time ...

Chairman Threadgill: Alright.

Mr. Fellenz: I'll have to talk into the mic. <laughter>

Chairman Threadgill: State that again. Tract 1 is what?

Mr. Fellenz: What we want to do is take one parcel of land and we're proposing to divide it into two tracts – one of which is going to be a HPR POA and one of which will remain a residence.

Chairman Threadgill: Do I have any questions to the applicant? Any other questions?
Commissioner Mory?

Commissioner Mory: I have one. The drive is just going to be a private drive?

Mr. Fellenz: Yes, sir.

Commissioner Mory: Up through the middle. You're also carving that out to be a rose
<unintelligible> utility easement. Who is the road easement going to be granted to?

Mr. Fellenz: The road easement?

Commissioner Mory: Yes.

Mr. Fellenz: It will be probably the POA HPR aspect of the next phase after the lot split.

Chairman Threadgill: It'll be a dedicated right-of-way. It will have to be maintained.

Commissioner Mory: Okay. That's my question right there. It's showing an easement and it's also showing a right-of-way. I'd much prefer to see a right-of-way than an easement. Okay? Then also, if that's the case, that kind of precludes the second question. The utility easement I assume will be going to the City. That's kind of where I was going with that. It looked like we had the same easement being donated to two different people.

Mr. Fellenz: Sure.

Commissioner Mory: But if that's going to be a dedicated right-of-way?

Mr. Fellenz: Yes.

Commissioner Mory: Okay. There is going to be a POA that's going to operate and maintain that road?

Mr. Fellenz: Yes.

Commissioner Mory: Okay.

Chairman Threadgill: Any other questions to the applicant? Again, we're looking at a lot split. Commissioner Campbell?

Commissioner Campbell: I have just one. The dedicated right-of-way then assures from now to eternity that there is access to that rear lot, right?

Mr. Fellenz: 100%, yes, sir.

Chairman Threadgill: A 40' right-of-way.

Mr. Fellenz: 40'.

Commissioner Campbell: That's all I have.

Chairman Threadgill: Any other questions or comments to the applicant? Sir, you may be seated. Is there anyone in the audience with anything to say for or against this item? Again, anyone in the audience with anything to say for or against this item? Again, our question is on a lot split. Seeing no other information, I'll entertain a motion.

Commissioner Campbell: I make a motion, Mr. Chairman, that we approve this lot split with the recommendations.

Commissioner Raney: I second the motion.

Chairman Threadgill: I have a motion to approve with staff's recommendation and a second. All in favor? <Ayes> Opposed? <None> Item passes. Move on to Item No. 10.

10. Final Subdivision (FS-07-0178) – Evening Star Subdivision – formerly Butler Properties – lot split on South Moore Road – South Moore Road and Hwy 70 – County – ET

Director Sellman: Item No. 10 is Evening Star Subdivision. This is a final subdivision. Again, essentially a lot split that did not meet the requirements for administrative approval. This is located on South Moore Road, just off of Airport Road. It comes to you with a recommendation for approval and five conditions.

Chairman Threadgill: Is the applicant present? Here you go. Again, give us your name and address for the record, please sir.

Mr. Doug Fellenz, B&F Engineering, 928 Airport Road, Hot Springs.

Chairman Threadgill: Alright, Doug. Phase II we already have in operation? That's where Fred's is I assume?

Mr. Fellenz: Yes, sir.

Chairman Threadgill: Okay, then you're just going to split off the back portion of it.

Mr. Fellenz: Wait a minute. Wait a minute. Let me pull this up so I'm not lying to you. Phase II is actually not Fred's.

Chairman Threadgill: Am I looking at this backwards?

Mr. Fellenz: Yeah.

Chairman Threadgill: Okay.

Mr. Fellenz: The Fred's Department Store actually is on US 70. It is Northwest of Phase II. The piece that you're seeing here of Phase I and Phase II is the tract of land that was the first and only lot split of the original parcel.

Chairman Threadgill: So Fred's is not a portion of this?

Mr. Fellenz: Fred's has nothing to do with this.

Chairman Threadgill: This is where the little house used to sit there on the corner and the rest of it they cleaned up. That was a different portion? Okay. Any questions to the applicant? You

may have a seat. Is there anyone in the audience who has anything to say for or against this item? Again, anyone in the audience with anything for or against this item? Again, we're doing a lot split, Phase I to Phase II. Any questions or comments from the Commissioners? Seeing none, I'll entertain a motion. Again, I'll entertain a motion.

Commissioner Raney: Mr. Chairman, I move that we approve the final subdivision.

Commissioner Mory: Second.

Chairman Threadgill: I have a ...

Commissioner Mory: <unintelligible> lot split.

Chairman Threadgill: I have a motion...

Commissioner Raney: Subject to the <unintelligible>.

Chairman Threadgill: There you go. I have a motion to approve with conditions, do I have a second?

Commissioner Mory: Second.

Chairman Threadgill: I have a motion and a second. All in favor? <Ayes> Opposed? <None> Item No. 11.

11. Re-zoning (RZ-07-0188) – Text amendment SF dwellings – Commissioner request to consider single family dwelling in manufacturing zones

Director Sellman: Item No. 11 is a request to amend the Zoning Code. This is pursuant to the Code's authority to the Planning Commission to initiate a change to the Zoning Code text. Commissioner Gary Threadgill is requesting an amendment to modify the Code in the Table of Permitted Uses with regard to residential uses in manufacturing zones, M-1 and M-2. The staff recommendation that the Board of Directors approve an ordinance ... Well, I don't know where that went, but anyway it is to approve ... The recommendation is to approve a change to the M-1 Zone District to allow residential uses as a permitted use and in the M-2 District to allow residential uses with conditional use approval by the Planning Commission and also to modify the Table of Uses accordingly.

Chairman Threadgill: In real short, I've been requested to make a change so that people who have residential areas in a manufactured areas if the house burns down or if they want to add on or they want to build, they can do so. The way the ordinance is set up right now, in M-1, you can't build a residence. Most of our M-1 area is in a residential type of surrounding. What I would request is that we change the ordinance as Kathy stated to allow staff to make changes to all M-1s if the people come in and they want to build a house. Staff can allow it. M-2 area: it has to come to the Planning Commission for a conditional use. M-2 is a slightly different area that's mostly City owned anyway and we only have what two or three M-2 areas in the City anyway, but those would have to come to Planning. Do I have any questions or comments? Commissioner Mory?

Commissioner Mory: I have one question. So this, in both cases, these will be considered on a case-by-case basis?

Director Sellman: No. The M-1s will be a use that is permitted as it would be if it was another zone district. These are the only districts really that don't allow residential. As our Chair pointed out, we have a number of residential, existing residential areas that after the fact were zoned M and have created a situation where people are unable to reinvest in their homes and are having and could continue to have a very negative effect on those existing residential areas.

Chairman Threadgill: And on that part, the M-1 area, staff has the authority to make the changes. M-2: It will have to be brought back to the Planning Commission.

Commissioner Mory: Right. On the M-1, staff will just be a global sweep and they won't have to come back in if they have to rebuild a house or whatever, they don't have to come back in and get any kind of permit or anything like that, it's ...

Chairman Threadgill: They'll have to get a regular City permits.

Commissioner Mory: Right. They'll have to meet that, but they won't have to go through any conditional use process.

Director Sellman: Right. They'll provide the generalized site plan that's a requirement of a building permit in the City.

Chairman Threadgill: Do I have any questions from anyone in the audience for or against this

item? Please come forward and give us your name and address. You thought I was going to forget you, didn't you? <laughter>

Ms. Sonya Carole Killough, 634 Vernel Street: You're talking about our home. What we had done is, not knowing that we were zoned in an M-1, we didn't know what that was, we have an existing deck that is two layers that we had put a pool in the center of. What we were wanting to do was close that deck in and make a larger dining room and a den area and then put our pool on the outside, on the other side of our yard. That was all we were asking to do is to be able to remodel our home in the way that ...

Chairman Threadgill: With your family growing in size. And right now in the M-1 District, she cannot add on or remodel. You can remodel, of course, but you can't add on to the structure or say if the house burns, you can't rebuild it if it's 60% or more.

Director Sellman: Right.

Chairman Threadgill: You can't even rebuild. So this will allow homeowners such as these folks to add on or again, they might own the lot next door and want to build a house for the grandkids. They can do that as well.

Ms. Killough: Exactly. We've already put about \$25,000 in the house to improve the looks of it for our neighborhood. We're looking at putting in about another \$30,000 just adding on to it to make it better, which will improve our home considerably.

Chairman Threadgill: We've had a couple more already this year in M-1s that have come before us wanting similar items. To resolve this problem, we just decided we would change the ordinance to allow it. That's basically all we're doing.

Ms. Killough: That's all we want to do is to be able to remodel our home, to make improvements.

Chairman Threadgill: Alright, thank you. Is there anyone else in the audience? Please come forward and give us your name and address? I'm sorry. I'm not using the microphone. If you can't hear me, just scream.

Ms. Helen Oliver, 622 Vernel Street: I live next door to the Killoughs. I also was unaware that I was in an M-1 Zone until I had my property reappraised here just a couple of months ago. I did

go around to get this text amendment done. I did go around with a petition to all the people who lived between Raymond Street, Y Street, and Vernel Street which are all houses. I was not getting this signed for people to make it change to just a residential area, because I know there is a couple of ...for instance there's a sheet metal company right up the road. I'm looking to knock people out of their business or anything. As the Killoughs said, we just wanted to be able to improve our homes, reinvest in it if we needed to, that type of thing, so that's what I did. I went and got everybody to sign except for one person who has moved to Missouri and I can't get hold of her. That's all we were asking to do.

Chairman Threadgill: Alright. That will be done if the Commission approves it.

Ms. Oliver: Okay. Thank you.

Chairman Threadgill: Anyone else in the audience? Please come forward and give us your name and address.

Mr. Mike Bates: I represent the R.E. Bates Estate, which was my grandfather. He owned the said property that the Killoughs and the Olivers live in until they died and they decided to sell it off and all this. My main concern – is this going to change the zoning at all because on the other side of the Olivers, we have a large slab where we had a factory at one time? Eventually, I would like to go back and put me a warehouse and a shop back up there and I don't want ...

Chairman Threadgill: The M-1 will stay the same. If that is an M-1 area, you'll be able to build or do whatever is allowable in an M-1. It will not change. All we're doing is allowing the folks that have a home or owns a piece of property and wants to build a house, they can do so. Now if they go in and build a \$200,000 home and you own the property next door and you build a nice looking warehouse, that's your business.

Mr. Bates: Right.

Chairman Threadgill: Okay? All we're doing is allowing the folks in this M-1 that has property if they want to build a house, they can build a house.

Mr. Bates: Okay. That was our only concern.

Chairman Threadgill: Alright, sir. Thank you. Anyone else in the audience? Again, anyone else in the audience with anything for or against this item? Seeing none, I'll close the public portion.

Do I have any questions or comments from the staff or Commission? Commissioner White?

Commissioner White: You said that folks can build a home. Do you mean they can replace their home?

Chairman Threadgill: They can replace or they can build. If they own a parcel of property and they come before staff and request to build a house on the M-1, it will be allowable if we revise this ordinance. Right now, they cannot.

Commissioner White: They cannot ...

Chairman Threadgill: They cannot add on or rebuild if it's over 60% loss or they cannot build period. If they own a piece of the property, they can't even build a house. They can build a commercial warehouse, but they can't build a house. If we revise it, then they will be able to come to staff with the regular request for a house, the site plans, the whole building permit issue and staff will allow it in M-1. In M-2, it will have to come before the Planning Commission.

Commissioner White: Okay.

Chairman Threadgill: But it does not change it. It will still be an M-1 and they can build warehouses or whatever.

Commissioner White: So basically it would be M-1 with a conditional use attachment. How does that work?

Chairman Threadgill: No. It will be an M-1 that will allow residential use, period. Commissioner Mory?

Commissioner Mory: We're simply changing the definition of M-1, correct?

Chairman Threadgill: Yes.

Director Sellman: Right.

Commissioner Mory: Okay.

Chairman Threadgill: All we're doing is changing it to allow residential building there.

Mr. Stauder: Would it help to clear it up if I brought the Permitted Use Table up on your screens?

Chairman Threadgill: Very good.

Mr. Stauder: If I can get my <unintelligible> to work.

Commissioner Raney: Does this mean that you could build a house that looks like a warehouse with <unintelligible>? <laughter>

Male Speaker: You can build a warehouse that looks like a house.

Chairman Threadgill: You could do that if you want. You can build your house inside the warehouse. I could care less.

Mr. Stauder: Does everybody have the Permitted Use Table?

Chairman Threadgill: As long as it meets City standards.

Mr. Stauder: If you see on the left here where my mouse, my cursor, is, single family dwellings detached. Where you see the Ps of course are the zones where they're permitted. Under M-1 and M-2, you can see that there is no option at all. You can't even ask conditionally to do it. That's basically what we're referring to. For example, if I owned a vacant piece of property in M-1, I could not build a house on it if I wanted to. There's no avenue for me to seek approval for that. This amendment would, just to expand on what Gary said, would allow construction of a single family home, would allow structures that were destroyed by fire or tornado or flood to be reconstructed. It would allow them to be built onto. It would not change the zoning. It would just allow homes to be built or expanded in the district.

Chairman Threadgill: Any other questions? Commissioner Campbell?

Commissioner Campbell: Can you scan down that list to manufactured housing?

Mr. Stauder: I may have gone to far here. Manufactured home sales, manufactured homes ...was it under dwellings?

Commissioner Campbell: What's the parks under?

Mr. Stauder: I don't ...

Chairman Threadgill: Look under parks.

Mr. Stauder: Under parks?

Chairman Threadgill: Manufactured home parks.

Mr. Stauder: Oh, okay. Manufactured general, manufactured home sales, under parks, playgroundsI'm not seeing a listing for manufactured housing.

Chairman Threadgill: I'm missing it.

Director Sellman: It's not there because it's only permitted in the overlay.

Mr. Stauder: That's what I was thinking.

Chairman Threadgill: So it wouldn't be a conditional ...You couldn't put a mobile home in an M-1 area.

Mr. Stauder: Unless it was in an overlay.

Chairman Threadgill: Right. It has to be designated an overlay district. That's why it wasn't there because we were looking in the wrong area. Thank you. Did that answer your question?

Commissioner Campbell: No because we, well maybe I'm thinking wrong but we created a bunch of these M-2 Zones, or M-1 Zones down on Spring Street and in the Manufactured Home Ordinance, it was written they were allowed in M-1.

Chairman Threadgill: They're not designated now.

Commissioner Campbell: Okay. I'm thinking too far back.

Chairman Threadgill: Yes. Any other questions from the Commissioners? Mobile homes are not allowed. It has to be an overlay district. I'll entertain a motion to approve by request.

Commissioner Mory: So moved.

Chairman Threadgill: Do I have a second? I have a motion and a second. All in favor? <Ayes> Opposed? <None> Thank you. Motion passes. Now we'll go back to Item No. 4, Conditional Use for Hilltop Bed and Breakfast.

ITEMS FOR DISCUSSION AND ANNOUNCEMENTS

1. PLANNING DIRECTOR'S REPORT

Chairman Threadgill: At this time, I'm going to ask the Director's Report.

Director Sellman: I have nothing to report.

2. COMMENTS FROM THE COMMISSION

Chairman Threadgill: At this time, Gary's got something that I need to request. By the authority of the Board of Directors, they approved that we have the ability to seat two people on the BZA, the Board of Zoning Adjustments. Okay? After the approval, we went kind of dead because nobody has the ability to jump out there and go. So I'd kind of like the input from you folks, if there's two or three of you that would like to have another position and maybe sit on the BZA. Would anybody like to hold another ...? That's where I figured we'd go. Commissioner Campbell?

Commissioner Campbell: I'd consider it.

Chairman Threadgill: I will.

Commissioner Raney: I might consider it, but I'm not that familiar with it so I'd like to study it

and look and see what the time requirements and the responsibilities are.

Chairman Threadgill: But the BZA, well Rick can fill you in, they really don't have that many meetings any more, but they are ...Well go ahead, Rick, tell them. Try to explain a little bit.

Mr. Stauder: First of all, I was going to say that I don't know that a non-City resident can serve on the BZA, can they?

Commissioner Raney: That may be a problem.

Director Sellman: We can check on it.

Chairman Threadgill: I don't know. Now we've done the Planning Commission and gave them the ability as a whole, the same as the Planning Commission. I thought when we did that ...that's something you might have to check on.

Director Sellman: Yes, we can check on it.

Mr. Stauder: The Board of Zoning Adjustment, they also ...they wear two hats. They're also known as the Board of Appeals. What they do, it's a five member body currently. They're all volunteers such as yourself. They typically meet monthly, not every month do you have an application. Their job is to first of all, hear appeals whether it is alleged that there's a wrong interpretation made by staff for example on a Code or a little provision of a Code, Zoning Code in particular. Or they also hear variance requests – setbacks, parking reductions, things like that. They are supposed to view each application on its own merits. There is really supposed to be something unique about the property as far as shape, topography, or the situation in order to bend the rules for them in other words. You just don't hand them out like candy.

Chairman Threadgill: It's supposed to be a real hardship.

Mr. Stauder: Yes.

Director Sellman: Those standards are defined by the Code.

Chairman Threadgill: There is a BZA and like Rick said, they hold two hats – the BAA. But you will only be able to sit on the BZA because you can't sit on more than two commissions if I'm not mistaken.

Mr. Stauder: I'm kind of over my head on that one, but if you did happen to have an item on each meeting, they have it one right after the other, so you wouldn't have to come back on a separate day or anything like that.

Chairman Threadgill: I'm pretty sure that's the way Brian came across when they went with the BAA was that the Planning Commission would sit on the first half, they would adjourn, take in the BAA, and then the Planning Commissioners would step down and go home. That could also be checked on. What I would like is still a couple of names. If you're interested and all, get with me and let me know. We'll see what we can do about getting ... We'll have to have at least two.

Commissioner Raney: I will discuss it with you further.

Director Sellman: I'll check on residency.

Chairman Threadgill: Any other ... Dave?

Commissioner Campbell: I have one comment. I was very disappointed in the Malvern Avenue Overlay and the Park Avenue plans that came to us, especially Park Avenue. I mean, I called and asked for that parking plan. The parking plan should have been in there to begin with, some kind of parking plan, because you mentioned it in the staff report. In your recommendations, you recommended doing away with those and I had no idea where those were at because we had nothing in our packets that henceforth brought an e-mail to me. I don't know who else got the e-mail.

Chairman Threadgill: <unintelligible> got one. I didn't get one.

Director Sellman: Well, it was sent out to everyone.

Mr. Stauder: I sent it.

Chairman Threadgill: You must have my wrong address.

Commissioner Campbell: I think somewhere we need to make some kind of determination or change the ordinance on those signs in that Malvern Avenue. We're having a devil of a time with signs in the Malvern Avenue. I know that our intent, when we wrote that ordinance, was to have

all, as it says, all signs will be ground mounted.

Director Sellman: Right, well...

Commissioner Campbell: Then it turns right around and you've got that other...

Director Sellman: You've made your wishes known on that tonight. Previously, if you did, I was unaware of it. Unfortunately, what the words are on the page is all we can go by. I understand that your intention might have been something different, but if it gets into the book that way, we don't have any way of divining what your intention might have been.

Chairman Threadgill: May I make a request here that Mr. Campbell submit a change in the ordinance to be brought forward to the Planning Commission to revise it so there's no further questions?

Commissioner Campbell: That would be fine.

Chairman Threadgill: Alright. It's a done deal.

Director Sellman: Yes.

Commissioner Campbell: What will it take to get the one changed on the automobile sales that I've talked about several times?

Chairman Threadgill: Same thing. Make a request.

Director Sellman: Go ahead and initiate it.

Chairman Threadgill: Submit it to this Commission and we'll vote on it whether we send it forward to the Board of Directors.

Commissioner Campbell: What it is one place in our auto sales it says it's a conditional use and in another place in there in the Rs, in the C-4 Zoning it says it is a permitted use. So you know, is it permitted or is it conditional?

Director Sellman: The more restrictive applies.

Commissioner Campbell: Well in this case, when an ordinance says all signs will be ground mounted, I think that's pretty strict.

Chairman Threadgill: Make a revision.

Director Sellman: <unintelligible> change it.

Commissioner Campbell: That's the way I read.

Chairman Threadgill: That's the only thing I've got to say. If there's something, which we've been screaming about this, folks, and we need to get back on it, where are we with the parking? Okay, we didn't discuss that. We have the disk which was supplied to us with our packet this month for parking. Anybody find any beefs or anything with that they want to turn in? Did anybody look at it? Does anybody give a flip? <laughter> Apparently not, okay. We got the revised one. The one we turned the complaints in on the last time and we had the little knock down, drag out over it. Then we were supposed to come up with looking at this one and then turning in tonight any additional comments or discussion we have. This is one of the problems we have. We start this and then we don't finish through or I get aggravated and throw the thing in the trash. We've got some of this stuff and we've got to get it finished. We've got a pretty good pileup going right now. We've got the subdivision regs that's sitting out there. We've got to get something done on it because we've asked the City for the money to do a new Comp Plan that we can't even keep what we've got inside the City, we don't need a Comp Plan folks. We sit and we bicker every night about the ordinance says this and it says that. Well, if we don't like what it says, let's send in a request and get it changed to where it is more understandable or at least we're not arguing with staff that ...I don't care how you read it. I read it this way, which I do. The way I read it is right. I don't care what she thinks. <laughter> That's the nature, but hey.

Female Speaker: <unintelligible>

Chairman Threadgill: That's what we've got to stop. We look kind of clowny sitting up here saying "Well, staff, I don't care how you read it, I read it like this." We've got to get on the same page.

Commissioner Campbell: It's just like the Malvern Avenue thing. How can you allow gravel in a driveway? How can you allow a drawing to come forward?

Mr. Stauder: I can answer that.

Commissioner Campbell: How?

Mr. Stauder: Well, here I am going to give my opinion, I guess. Off street parking regulations say that all off street paved parking, or parking required by this section, shall be hard surface paved. In my opinion, he had hard surface paving everywhere that he had to have his required parking. His driveway is paved. His spaces are paved. His back up driveways are paved.

Chairman Threadgill: His driveways were not paved.

Mr. Stauder: He ...

Chairman Threadgill: He had four stall doors there. Those are driveways, whether he says he's going to use them or not. You put a garage door on a front of a house and not put a driveway up to it?

Mr. Stauder: I'm just saying that...

Chairman Threadgill: That's the way that we require it. <Several people are talking at once.>

Commissioner Raney: How do you define driveways?

Director Sellman: I just want to say something here. You asked Rick why and Rick is trying to explain why and then you're telling Rick what he thought or what he didn't think and we're not listening to what Rick's answer is.

Chairman Threadgill: I <unintelligible> that.

Director Sellman: You <unintelligible>.

Chairman Threadgill: Go ahead and finish. Excuse me.

Mr. Stauder: I'm finished.

Commissioner Campbell: I just have one question. Doesn't it also state in there, Rick, that all surfaces subject to wheeled traffic has got to be paved?

Mr. Stauder: That is, I believe to the best of my recollection, is in the § 97 that deals with automobile sales, service, and storage where it says that you have to have the added green space and you've got to have a permanent office. I think it's in there is where it says that all lands or whatever subject to wheeled traffic shall be paved. I mean, I could look real quick.

Commissioner Campbell: I'll look at it.

Chairman Threadgill: All I'm saying is that's an area where we're kind of undefined again, I guess.

Commissioner Kleinman (?): You can have driveways going around a building and then have doors that don't have the necessary paving. The driveway is the entrance to the building. And that's how I think that was being looked at and that's a very reasonable approach.

Chairman Threadgill: Putting gravel?

Commissioner Kleinman (?): Whatever surface that's there. You have a driveway going around your building. You may not necessarily pave it up to the building. You drive, especially with service type, you're going to be running long trucks that probably spend a lot of time off of paved roads.

Chairman Threadgill: I didn't look at it that way. I look at we have four bay doors on this for this item. Right now the owner of the building thinks that he might not use those doors ever. He might sell that building the day after it's built and somebody come in and there's four bay doors and start using them. So I look at it, is it the design? Is it the concept? If it's going to be a garage door, then it should have pavement to it.

Commissioner Kleinman (?): Well, it doesn't say that.

Commissioner Raney: That's a reasonable assumption.

Chairman Threadgill: That's the way I look at it. I mean, ...

Commissioner Raney: But I also understand how gravel would be ...

Chairman Threadgill: It's just like on the Malvern Overlay, we say no curb cuts over 200' apart. If I want to put in a subdivision, then we're circumvented because they want to change because

now, because we allowed them to put a curb here, it's a 100' from that intersection. Well, that's not the site plan that we approved. To me, we're being circumvented and the Code being used against us. If we wanted curb cuts in that subdivision, they should have brought them in and said "well, hey, I'm going to sell these first two lots here, and I want additional driveways," as part of the site plan.

Commissioner Kleinman: <unintelligible> all the time though. We're ...

Chairman Threadgill: That's just ...things are kind of goofy. Everybody gets one opinion and everybody has it different. I'm just stating mine. I mean, there's nine people now that can override me and I have no problem if you want to.

Commissioner Raney(?): I'm on the same page as you are now.

Chairman Threadgill: Any other comments?

ADJOURNMENT
