

**MINUTES
PLANNING COMMISSION MEETING**

THURSDAY, FEBRUARY 8, 2007

The regular meeting of the Planning Commission was held on Thursday, February 8, 2007, at 6:00 p.m. in the Board Chambers at the Hot Springs Municipal Building, 133 Convention Boulevard, with Chairman Threadgill calling the meeting to order at 6:00 p.m.

Chairman Threadgill: This is the February 8th Planning Commission Meeting. We have quite a bit on the agenda. As you see on the screen, we have some time limits. It will be five (5) minutes for the applicant and three (3) minutes for anyone speaking for or against the item. We appreciate it if you would keep it down to that time limit so everybody can have their fair turn at the conversation. At this time, I would like to start off with the invocation given by Commissioner Wanda Thorp and the Pledge of Allegiance given by Commissioner David Campbell.

Please stand.

Invocation by Commissioner Wanda Thorp: Bow your heads, please. Our most gracious Heavenly Father, we thank You for this day. We ask that You guide us as we go into this business meeting and help us to make the correct decision for the citizens of our City. Guide our leaders and our directors in our City as they make decisions. Keep us always in Thy care. Amen.

Pledge of Allegiance by Commissioner David Campbell.

Chairman Threadgill: Alright, at this time, I'll call the February 8, 2007, Planning Commission Meeting to order. Call the roll, please.

Roll Call

Present: Commissioner Dana Hotho; Commissioner James Clopton; Commissioner David Campbell; Commissioner Wanda Thorp; Chairman Gary Threadgill

Absent: Commissioner Louis Kleinman

Approval of Minutes

Chairman Threadgill: I need a motion to consider the previous minutes.

Commissioner Campbell: So moved.

Commissioner Thorp: Second.

Chairman Threadgill: I have a motion and a second, all in favor. <Ayes.> Opposed? <None>. Minutes pass.

Approval of Agenda.

Chairman Threadgill: I need a motion to consider the agenda.

Commissioner Hotho: So moved.

Chairman Threadgill: I have a motion.

Commissioner Clopton: Second.

Chairman Threadgill: Commissioner Clopton has a second. All in favor? <Ayes> Opposed? <None> We'll start off with Item ..., the Consent Agenda, 1 through 3. Kathy?

CONSENT AGENDA

- 1. Preliminary Subdivision (PS-07-0015) – Central Avenue Retail Park – Preliminary Plat Review for a 4 lot commercial subdivision consisting of 6.078 acres. Previously approved as a 3 lot subdivision – 4560 S Central Ave. – Property located between Arvest Bank and Ryan’s Restaurant on Central Avenue – District 5 – C-4**

Planning Director Kathy Sellman: Thank you. The first item is Central Avenue Retail Park Preliminary Subdivision. This is a preliminary plat review for a four (4) lot commercial subdivision consisting of 6.078 acres. This is previously approved as a three (3) lot subdivision. The location is 4560 South Central Avenue. The property is located between Arvest Bank and Ryan’s Restaurant on Central Avenue. It’s zoned C-4 and it’s located in District 5.

2. Preliminary Subdivision (PS-07-0001) – Wal-Mart Murphy Oil Subdivision – 4019 Central Avenue, Murphy Oil on Buena Vista next to Wal-Mart – District 5 – PD

Director Sellman: The next project is the Wal-Mart Murphy Oil Subdivision. This is a preliminary subdivision. The project is located at 4019 Central Avenue and is where the Murphy Oil project is located on Buena Vista, next to Wal-Mart. It's zoned Planned Development and it is located in District 5.

Chairman Threadgill: Is there anyone in the audience who has anything to say against either one of these items on the agenda? Again, is there anyone in the audience who has anything to say against either item on the Consent Agenda? At this time, I'll close the public portion. I'll entertain a motion to consider the ...or to approve the Consent Agenda.

Commissioner Hotho: So moved.

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

Commissioner Clopton: Second.

Chairman Threadgill: I have a motion and a second. All in favor? <Ayes> Opposed? <None> Motion passes. The Consent Agenda passes. Next is Item 3 on Old Business.

OLD BUSINESS

3. Site Plan Approval (SPA-06-0280) – Catalina Circle Condos Phase II – Review for multi-building condo project under Article II – Catalina Circle, off Catalina Circle – County – ET

Director Sellman: Item 3 is Catalina Circle Condos, Phase II. This is site plan approval. This is a review for a multi-building condominium project under Article II. It's located on Catalina Circle, off Catalina Circle. The current zoning is unzoned. It's in the extraterritorial jurisdiction of the City in the unincorporated area of the County. The comprehensive plan classification is suburban residential.

Chairman Threadgill: Is the applicant present for this item? Please come forward and give us your

name and address for the record, sir.

Rodney Meyers, 161 Villa Point, Hot Springs:

Chairman Threadgill: A little bit about what you've got there, Mr. Meyers.

Mr. Meyers: Sir?

Chairman Threadgill: A little bit about what you're doing...

Mr. Meyers: We're just finishing out a condo project.

Chairman Threadgill: Do I have any questions or comments from the Commissioners to Mr. Meyers? Commissioner Campbell?

Commissioner Campbell: Are you aware of all the recommendations that staff's made?

Mr. Meyers: Yes, sir.

Chairman Threadgill: Any other questions from the Commissioners? Alright, Mr. Meyers, you may have a seat. Is there anyone in the audience who has anything to say for or against this item? 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 Campbell: Mr. Chairman, I make a motion that we approve this site plan with the recommendations of staff.

Chairman Threadgill: I have a motion with staff's recommendations. Do I have a second?

Commissioner Thorp: Second.

Chairman Threadgill: I have a motion and a second. All in favor? <Ayes> Opposed? <Commissioner Hotho (?): Aye> One opposed. Motion passes. New Business – Item 4.

NEW BUSINESS

4. Comprehensive Plan Revision (CPR-07-0012) – Stockton Comp. Plan Revision – Request to Amend Comprehensive Plan for 0.40 acres parcel on Golf Links Road – 247 Golf Links Road – District 5 – R-4

Director Sellman: Item 4 is one of three (3) applications from Mr. Noland Stockton. They will be taken in sequence. The first is the Stockton Comprehensive Plan revision. This is a request to amend the comprehensive plan for 0.4 acres on Golf Links Road at 247 Golf Links. The current zoning is R-4. The current comprehensive plan classification is medium/high density residential. The applicant will propose zoning of commercial transitional should this comprehensive plan amendment be approved. It is located in District 5.

Chairman Threadgill: Is the applicant present? <From the audience: Yes, sir.> Give us your name and address, sir.

Noland Wayne Stockton, 300 Black Cherry, Hot Springs, Arkansas:

Chairman Threadgill: Alright. You are requesting a rezoning of 0.4 acres CTR? Do I have any questions from the Commission to the applicant?

Commissioner Campbell: I don't have one of the applicant. I have one of staff.

Chairman Threadgill: Commissioner Campbell?

Commissioner Campbell: Can staff shine a little light ...I've read your recommendations on this, but I'm just not sure that I agree with it. Can you kind of lay into that a little?

Director Sellman: Sure. This is a proposal that's located in an existing residential neighborhood. The neighborhood is older and very close to existing non-residential uses. Therefore, the neighborhood is considered to be fragile in its condition. Preservation of neighborhoods is one of the goals of the comprehensive plan. Therefore, the request to change the comprehensive plan designation on such a small piece of ground has been recommended for denial. The use that's being proposed, which we'll consider in the next two (2) items, would be conducted in an existing stone house that's there right now, an older house; but once the comprehensive plan designation is changed and once the zoning is changed, the door is open for a variety of other uses. The recommendation is for denial because of the very small size of the piece of ground in question. Does that answer your question?

Commissioner Campbell: Yeah. Thank you.

Chairman Threadgill: Any other questions to the applicant? Commissioner Clopton?

Commissioner Clopton: Mr. Chairman, I have one. Are you aware that if this was approved, that the parking area that you are proposing would have to meet with our parking requirements and probably be paved?

Mr. Stockton: Yes, sir. Yes, sir.

Commissioner Clopton: The reason I bring that up is it's kind of a narrow lot the way you've got it laid in there. It's going to take quite a bit of that area for them to be able to pull in and back up and back around without getting on the neighbor's property.

Mr. Stockton: Yes, sir. If you look at the picture there, the white house to the right there belongs to Mr. Jay Gardner, who is my wife's grandpa, and that fence there – we was planning on taking it down and working ...I previously owned Stockton Shoe Boots and Saddle that sits behind King's and I rent and I purchased this home here to move my shoe shop. I have a small shoe shop here in Hot Springs for six (6) years. I've just seen all the businesses down Golf Links already and we're just two (2) doors down from Blocker Electronics, DJ's Pawn Shop, Morrison Tile, the feed store, Arkansas Tire, and the property across from us used to be the Century 21 home right there. I just really would like to move my shop, move my shop over there. I spoke to Ms. Albright who owns the home beside there and all my neighbors and they, nobody opposes it.

Commissioner Clopton: Thank you.

Chairman Threadgill: Commissioner Campbell?

Commissioner Campbell: I might be speaking out of turn but I think I know the ordinance well enough that if this goes CTR, you may take that fence out but you're going to have to put up a 6' opaque fence on all sides that are adjoining residential. So ...you're not going to be able to use that yard next to you to back out into. I don't ... We couldn't allow you to use it.

Mr. Stockton: The yard is 65' wide and 40' deep there. So it's 40' x 65' and if we pave that, it would give us enough room for turning, turning around. I've been turning around in it and cleaning it up right there in the front yard. I've cleaned out the inside of it. Whenever I first looked at it, to see

where the different machines could go and how we can have a shoe shop there; I don't want to change the neighborhood or nothing. I'm all for the neighborhood, but I bought the home and then I've learned about zoning. I'm new at this. Whenever I met Ms. <unintelligible> that morning, she told me you've got two (2) days to file this; so I got to praying real hard and I got to getting a lot of papers together. I've been trying real hard. All I want to do is work. This is my job. This is what I do to support my family.

Chairman Threadgill: Commissioner Clopton?

Commissioner Clopton: Do you intend to live in the house as well as work out of it?

Mr. Stockton: No, sir. No, sir. I have a home over in Bismarck. I intend on going to work at 9:00 in the morning, work till 5:00 in the evening, and making it a nice place.

Chairman Threadgill: Commissioner Campbell?

Commissioner Campbell: This is a staff ...should this go through ...will this house have to be brought up to commercial codes when he goes in with his machines and stuff like that?

Director Sellman: Yes. Any change to non-residential from residential occupancy in a structure was made for residential use will have to comply with building codes at the commercial level.

Commissioner Campbell: Am I wrong about the fence? This will require a 6' opaque screening on the residential sides, right?

Director Sellman: Should this be rezoned as it is requested, it will create a situation where it is surrounding by residential zoning and the requirement is to provide a solid screen around the perimeter of the non-residential property.

Chairman Threadgill: That would be the East, North, and West sides. The street side would be the only open one. Any other questions or comments to the applicant from the Commission? Alright, sir, you may be seated.

Mr. Stockton: Thank you.

Chairman Threadgill: Is there anyone in the audience who has anything to say for or against this item? Anyone in the audience have anything to say for or against this item? Seeing none, I'll close

the public portion. Questions or comments from the Commissioners? Commissioner Clopton?

Commissioner Clopton: I did a little research on this area and found that on Golf Links Road all the way down to I believe it's Windy Hill, there's only one owner-occupied-for-residential-purposes home on that street – on that North side. There's another owner-occupied, but it is already a commercial building on that side. All the rest of them are non-owner occupied. In looking at what was across the street, and I don't know if that zoning still applies across the street where Century 21 had their Century 21 Real Estate Office or not, or whether or not that was one of those where once they vacated it, it went back.

Chairman Threadgill: That property is still CTR.

Commissioner Clopton: Still CTR? Then you have the other C zoning around it. To me, it is an ideal area to be a commercial transitional area. Although I'm not sure I'm all that thrilled about trying to change it as one piece of property at a time. It looks to me like the entire area all the way up to that corner of Windy Hill would be appropriate for this type of zoning. That's my only comment.

Chairman Threadgill: Any other questions or comments from the Commissioners? Commissioner Campbell?

Commissioner Campbell: I have one other. I think as Planning Commissioners, we are all aware of the plans for Golf Links Road out there to be a connector road from Malvern Road over to Higdon with the building between ...at the end of Golf Links across Central Avenue behind the service station and all of that. I think eventually this is going to be more than CTR eventually, at least from Windy Hill or Ostego on to the West there. So, I think that, myself, I think it's a go.

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

Commissioner Hotho: Move for approval.

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

Commissioner Clopton: I second.

Chairman Threadgill: I have a second. Call the roll please. Dana Hotho – yes; James Clopton – yes; David Campbell – yes; Wanda Thorp – yes; Gary Threadgill – yes. Motion passes. Item No. 5.

5. Re-Zoning (RZ-07-0011) – Stockton Zone Change – Zone Change Request for 0.40 acres on Golf Links Road – 247 Golf Links Road – District 5 – R-4

Director Sellman: Item 5 is the Stockton zone change. This is a zone change request for 0.40 acres on Golf Links Road. The current zoning is R-4. The current comprehensive plan classification is medium/high density residential. The proposed zoning is commercial transitional. It's located in District 5.

Chairman Threadgill: Alright, we've already spoke to the applicant and heard his grounds on it. Is there anyone in the audience who has anything to say for or against this rezoning? Again, is there anyone in the audience who has anything to say for or against this rezoning? Seeing none, I'll close the public portion and ask for comments or questions from the Commissioners. Seeing none, I'll entertain a motion.

Commissioner Hotho: Move for approval.

Chairman Threadgill: I have a motion to approve to rezone. Do I have a second?

Commissioner Thorp (?): Second.

Chairman Threadgill: Second. All in favor? <Ayes> Opposed? <None> Rezoning passes. Item No. 6.

6. Conditional Use (CU-07-0013) – Stockton Boot & Saddle Repair – Conditional Use permit for Boot and Saddle Repair Shop on Golf Links Road – 247 Golf Links Road – District 5 – R-4

Director Sellman: Item No. 6 is the Stockton Boot and Saddle Repair request for conditional use approval for a boot and saddle repair shop at 247 Golf Links Road, currently zoned R-4. The comprehensive plan classification is medium/high density residential, with a proposed rezone to commercial transitional.

Chairman Threadgill: Alright again we've already heard the applicant's proposals. Is there anyone in the audience who has anything to say for or against this conditional use?

Commissioner Campbell: I'd like to have the applicant come back.

Chairman Threadgill: Alright, would the applicant please come back?

Mr. Stockton: Yes, sir.

Commissioner Campbell: You've heard what we've said about this. Do you have any problems with these conditions as far as the 6' fence around it, having to bring it up to commercial codes?

Mr. Stockton: No, sir. I'll build it myself. <laughter in the background.> I just want to work.

Commissioner Campbell: Okay.

Chairman Threadgill: Any other questions or comments for the applicant? Commissioner Thorp?

Commissioner Thorp: Does he know what the recommendations are?

Director Sellman: Yes. He has a copy of the recommendations.

Commissioner Thorp: Okay.

Chairman Threadgill: Alright, you may be seated.

Mr. Stockton: Thank you.

Chairman Threadgill: Again, is there anyone in the audience who has anything for or against this item? Okay, we'll close the public portion. Do I have any other questions or comments from the Commissioners? I'll entertain a motion.

Commissioner Campbell: Mr. Chairman, I make a motion to approve this with the conditions that staff has on here and with our comments we've made concerning the revitalization of the house to commercial standards.

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

Commissioner Clopton: Second.

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

Commissioner Campbell: That's commercial building standards.

Director Sellman: Yes.

Commissioner Campbell: Aye.

Chairman Threadgill: Item No. 7.

Commissioner Campbell: That "aye" was for it too.

7. Comprehensive Plan Revision (CPR-07-0022) – SPA Construction Comprehensive Plan – Comprehensive Plan Revision of 8.5 acres on Spring Street – 1502 Spring Street – District 1 – M-1

Director Sellman: Item 7 is SPA Construction comprehensive plan revision request. The request is to change the classification on the future land use plan for 8.5 acres on Spring Street at number 1502. It is currently zoned M-1, light industrial. The comprehensive plan classification is industrial. It will be proposed for a rezoning to residential, medium/high density R-4 in the next item. It's located in District 1.

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

Steve Fullenwider, 117 Lee Circle, Hot Springs:

Chairman Threadgill: Steve, what do you have in mind here?

Mr. Fullenwider: We're looking to build 40 three (3) bedroom apartments on the site. There will be built using low income housing tax credits. We've chosen this location because it's in a HUD designated difficult to develop area. We feel like it's a good fit. There's certainly a need in the community. As you know, we still have a lot of dispersed or displaced persons from Katrina occupying our housing as well as our two (2) recent motel closings which were basically resident motels. There's certainly a need for this.

Chairman Threadgill: Alright. Any questions from the Commission to the applicant? Commissioner Campbell?

Commissioner Campbell: How many did you say – 40 units?

Mr. Fullenwider: Forty (40) three (3) bedroom units. In addition, it'll be gated. There'll be a community area. There'll be a swimming pool, Jacuzzi, play ground area. The apartments will have three (3) bedrooms, two (2) baths. There'll be a computer desk. It will be a real family-oriented type of a structure.

Commissioner Hotho: But it's low income?

Mr. Fullenwider: Yes.

Commissioner Hotho: With a Jacuzzi and a pool and three (3) bedrooms and two (2) baths?

Mr. Fullenwider: That's right.

Chairman Threadgill: If I may for a minute. All we're doing is a rezoning right now. Okay? So it doesn't matter anything about the apartments. We have to concentrate on going from M-1 to R-4.

Commissioner Hotho: Right, but it just sounded fishy.

Chairman Threadgill: Once we have a zoning designation, then what fits into the R-4 can and will go.

Mr. Fullenwider: It will all be with HUD guidelines when it's completed.

Chairman Threadgill: Any other questions to the applicant? Be seated.

Mr. Fullenwider: Thank you.

Chairman Threadgill: Is there anyone in the audience have anything to say for or against the rezoning of this property? Changing of the comprehensive plan, excuse me, for this property. Again, anyone in the audience have anything to say for or against the changing of the comprehensive plan from M-1 to R-4? 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 Hotho: I move for approval.

Chairman Threadgill: I have a motion to approve the rezoning from M-1 to R-4. Do I have a second?

Commissioner Clopton: Second.

Chairman Threadgill: I have a motion and a second. All in favor? <Ayes> Opposed? <None> The comprehensive plan change is approved. Now we go to Item No. 8.

8. Re-Zoning (RZ-07-0021) – SPA Construction Rezone – Rezoning of 8.5 acres on Spring Street – 1502 Spring Street – District 1 – M-1

Director Sellman: Item 8 is a partner to the previous item. This is a request to rezone the land, 8.5 acres at 1502 Spring Street, currently zoned M-1 light industrial. The proposed rezoning is to residential, medium/high density R-4. It is located in District 1.

Commissioner Threadgill: Again, we've already spoken with the applicant. We understand what he's requesting. Is there anyone in the audience who has anything to say for or against this rezoning? Again, anyone in the audience have anything to say for or against this rezoning? 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 Campbell: I make a motion, Mr. Chairman, to approve the rezoning.

Chairman Threadgill: I have a motion to approve rezoning from M-1 to R-4 ...

Commissioner Clopton: Second.

Chairman Threadgill: ...and a second. All in favor? <Ayes> Opposed? <None> Item passes. Item No. 9.

9. Comprehensive Plan Revision (CPR-07-0018) – Twin Points Coffey – New Annexation – 600 Twin Points Road – County – ET

Director Sellman: Item No. 9 is Twin Points, the Coffey property comprehensive plan revision. This is a new annexation at 600 Twin Points Road in the extraterritorial jurisdiction, that has petitioned and been approved for annexation by the County Judge. The comprehensive plan classification is suburban residential. By way of explanation, on an annexation, there is a requirement for the

Planning Commission to hold a hearing to consider the appropriateness of the comprehensive plan designation and then to recommend a zone of annexation. That is what this hearing is for tonight. The zoning that is being requested by the petitioners for the annexation is R-2, suburban residential. That, believe it or not, is not consistent with the suburban residential future land use designation. The appropriate land use designation for that zoning that they would like is residential/low density. Chairman Threadgill: Is the applicant present? Again, is the applicant present? Seeing none at this time, we'll table this till the end of the meeting to give them a chance to ...

Director Sellman: They will not be present.

Chairman Threadgill: They will not be?

Director Sellman: That's my understanding.

Chairman Threadgill: Have they made contact with staff on why they weren't going to be here?

Director Sellman: They have no plans to be here because they are not located in town. One is in Phoenix and one is in California. They are private individuals who happen to own the land – it's family property – and apparently are not in a position to travel here.

Chairman Threadgill: Commissioner Campbell?

Commissioner Campbell: Mr. Chairman, I'll make a comment on this. I know it's been our way of doing things in the past, but being this is a comprehensive plan revision on a property that is being asked to be annexed or is annexed, I think we should go ahead and hear this. I'm for hearing this.

Chairman Threadgill: Is there anyone in the audience who has anything to say for or against Item No. 9, 600 Twin Points Road? Again, is there anyone here to say anything for or against Item No. 9, 600 Twin Points Road? Seeing none, I'll close the public portion. Any questions or comments from the Commissioners? Commissioner Campbell?

Commissioner Campbell: I have one comment. In light of all the building and expansion in that area along Twin Points and Higdon Ferry, I welcome this to be an R-2 in this area because this will control a little bit of extra added traffic that will be put into that area.

Chairman Threadgill: Any other questions or comments? I will entertain a motion.

Commissioner Hotho: So moved.

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

Commissioner Campbell: Second.

Chairman Threadgill: I have a motion and a second. All in favor of changing the comprehensive plan to make this an R-2 say "aye." <Ayes> Opposed? <None> Motion passes. Item No. 10.

Director Sellman: Yes, to clarify, that was a comprehensive plan change to residential low to enable the next request which is to establish zoning of R-2.

Chairman Threadgill: Okay. Thank you.

10. Re-Zoning (RZ-07-0019) – Twin Points Coffey – Initial zoning for new annexation – 600 Twin Points Road – County – ET

Director Sellman: Twin Points Coffey is the next item. It is a rezoning request for initial zoning for annexation at 600 Twin Points Road. The proposed zoning is R-2, suburban residential. The comprehensive plan classification that you have just recommended is consistent with this request.

Chairman Threadgill: Since the applicant is not present, is there anyone in the audience who has anything to say for or against this item? 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? I have one. Since this is a public hearing, we're just sending a recommendation forward and that's it, right?

Director Sellman: Right. This recommendation will be for the zoning to be established at the time of annexation. This item is on the February 20th Board of Directors Agenda.

Chairman Threadgill: So what we're doing is sending a recommendation forward to the Board of Directors for R-2.

Director Sellman: For R-2 zoning.

Chairman Threadgill: Okay.

Commissioner Clopton: Mr. Chairman, I move that we send the recommendation to approve R-2

zoning for this item.

Chairman Threadgill: I have a motion to approve R-2 zoning. Do I have a second?

Commissioners Hotho and Thorp: Second.

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

11. Re-Zoning (RZ-07-0017) – Richsmith Holdings, LLC – Initial zoning for Richsmith Holdings annexation – 400 Block Lake Hamilton Drive

Director Sellman: Item No. 11 is a request by Richsmith Holdings, LLC for initial zoning on land to be considered for annexation. It's been approved by the County Judge as a voluntary petition for annexation to the City. The project location is the 400 Block of Lake Hamilton Drive. The current plan classification is residential suburban. No, it isn't. This was classified on appeal to the Board. It's classified residential, medium/high. The request here is for initial zoning of R-4, residential medium/high. It is consistent with the comprehensive plan classification on the 14.7 acres.

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

Bryan Reis, my office is at 135 Section Line Road, Hot Springs: Let me first apologize. Under the zoning ordinance, the only meeting at which we could consider this item is this one and the people you know, Mr. Richardson and Mr. Smith and Ms. Nall, are all out of town actually on another matter like this somewhere else. So you are stuck with me. I know you guys have heard about this many times and I know that Ms. Sellman has just told you why we're here, so I won't say anything at all unless you have questions of me.

Chairman Threadgill: Questions or comments to the applicant?

Commissioner Hotho: If we don't rezone it – maybe this is for Kathy – if we don't rezone it, then it comes in as R-1 regardless of what the comprehensive plan says?

Director Sellman: It will come in as R-1, although I believe that the Board of Directors has the alternative to establish another zone.

Commissioner Hotho: Yes, of course, of course. But if we don't, then it's R-1 until the Board of

Directors changes it.

Director Sellman: Unless they establish a different zone, yes.

Chairman Threadgill: Commissioner Clopton?

Commissioner Clopton: We're again just sending forward a recommendation. Is that right?

Director Sellman: This is a recommendation.

Chairman Threadgill: Yes. All we're doing is making a recommendation to rezone it, which the comprehensive plan has already been changed.

Director Sellman: Yes, it has to residential medium/high.

Chairman Threadgill: So we're in the right area.

Commissioner Hotho: On appeal.

Chairman Threadgill: Any other questions to the applicant? Okay, sir, you may be seated.

Mr. Reis: Thank you.

Chairman Threadgill: 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 for the record, sir.

Tim West, 456 Lake Hamilton Drive: I've appeared before you ladies and gentlemen in the past. As you know, the residents of Lake Hamilton Drive have been opposed to this proposed development from the start. You know, I get confused on this issue. We come before the Planning Commission here and the Planning Commission rejects the proposal on the piece of property. Then they go to the City, I guess it is, and get it all approved. I don't really understand what's the function of the Planning Commission if what you ladies and gentlemen approve or reject doesn't seem to have any bearing at all. So, we're opposed to this development. We've been opposed to this development. We don't know what they're going to build. They haven't been able to tell anybody how they're going to handle the traffic. They've made an application to be annexed into the City. I think that's been approved. But how is the ...the City doesn't have a fire department out there. It's the Lake Hamilton Fire Department. They're going to dump 500 or 1,000 cars on an 18' wide street. The

mall has appeared. Their lawyer has appeared here and said that they would not be allowed to use the mall parking lot to enter and exit their property there – that they would not allow that. So, you know, I just want to go on record as being opposed to any further approval of this thing until they've resolved all of these issues on how they're going to drain the property. I pointed this out to ya'll three (3) or four (4) months ago. There's a big drainage ditch through that property there. When they put the mall in there, the mall addressed this issue and they put a large drainage pipe which runs under Central from the Temperance Hill Mall across Central and runs underneath the parking lot and a lot of the buildings there in the mall, but it comes out into an open drainage area into Lake Hamilton behind the mall there. We'd like to see a comprehensive plan from the developer – how they're going to address the issues of draining the property and how they're going to offer fire protection to the property. None of this is ...we don't even really know what they're going to build. We've heard some thoughts that they're going to put high density residential in there, but I don't know how you can approve this if they haven't submitted a comprehensive plan on how they're going to address all of these issues.

Chairman Threadgill: Right now, we're not ...the only thing we're talking about is a rezoning. We're not allowing any building to be done on that parcel. Period. This is just to rezone the area to medium, yeah, R-4 medium/high residential. That's all we're doing. We're not allowing them to build anything on it. There's no plats or anything been brought forward. We're just discussing a rezoning only.

Mr. West: Well, I think I can speak for a major percentage of the homeowners on Lake Hamilton Drive that we would be opposed to any rezoning. Thank you.

Chairman Threadgill: Commissioner Campbell? Hold it, sir.

Commissioner Campbell: Mr. West? Just to answer some of your statements. Some of the actions that this Commission makes are here, like site plan approvals on the other one. They are ours. Any action that we do is appealable to the Board of Directors. A rezoning is just a recommendation from us to the Board of Directors as to whether we recommend them to rezone it or we recommend them to deny that rezoning. That's where these things go from us to the Board of Directors. Either it is only a recommendation of ours or if it is something that stays in house with us, it's appealable to the Board of Directors. I would say to you that anything that the Board of Directors does, you as citizens, I would think would have the right to take that to court.

Mr. West: I'm not sure I understood what you said. Who has the right to take it to court?

Commissioner Campbell: I think even though they are County residents, they still have the right to

take the Board of Directors to court, don't they?

Director Sellman: I think any aggrieved person ...

Commissioner Campbell: Any aggrieved person? I think if you'll check on that I think any action that the Board of Directors does, I think you can take that to court.

Mr. West: I'm not really clear on that, but anyway, I would recommend that you, as you have done in the past, deny this application.

Chairman Threadgill: Alright, sir.

Mr. West: Thank you.

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

Bill Randall, 416 Lake Hamilton Drive: I feel like I've got a season ticket to these meetings and the Board of Directors' and I'd like to say thank you, first of all. This group has always asked a lot of good questions on this particular topic. I feel like we have people who are listening to us on this particular topic. This is the fourth time, I believe, that I've been here and the other three (3), you've seen the facts the same or similar that I have and I appreciate that. For rezoning, I'm opposed. I'm opposed for the same basic reason and that's public safety. Lake Hamilton Drive – we have talked about it every time we come to this meeting. It's a very narrow street. This is a lot of traffic to put on it. The street's becoming even more narrow as a result of a lot of the heavy equipment that's being off loaded. The sides of that road are crumbling. Large pieces are right in front of my house if you'd like to see them. Regardless of what has happened at the City Council chambers, this is not a good idea to put that many people on 14 acres of land where the only access into it or out from it is this narrow street. So I would ask simply from a public safety standpoint, this needs to be put in the do-not-recommend category again for the same reasons you've put it in that category three (3) previous times. But I'd like to bring up two (2) more things, if I could. They're really questions. I think they're questions when you can think of ...if this were to go forward and the population density allowed by R-4 were to take place there, that means the majority of the use of that road would be by citizens in the City limits of Hot Springs. But this is a County road maintained by the County. It's becoming a big concern for me, as I said, as I see this road deteriorating. I would encourage you to go out and look at what's happening to this road right now immediately in front of where the development has been . It is breaking up. It is cracking. It is crumbling on the side. Who's

responsible for that? Is it the County? It's not the ...assuming the annexation goes through, it's the City residents and the developers that are damaging this road. What is our remediation for that? What is our relief? Is there any? By making this R-4, and I'm speaking to the proposed rezoning, by making this R-4, you're going to make that even worse. Who's going to fix it? Who's responsible? I'm guessing silence is "we don't know."

Chairman Threadgill: Right now, it's more or less half and half. Half of the right-of-way of that road will belong to the City once it's annexed and the other half will be the County's.

Mr. Randall: Well, at the second Board of Directors meeting ...

Chairman Threadgill: It will be <unintelligible>...

Mr. Randall: At that second Board of Directors meeting, I pointed out that part of Lake Hamilton Drive is within the City limits and there's a large sign there in between the two (2) areas, entrances to the mall parking lot that say that. During that City Council meeting, Mr. Hudnell stated that the maintenance of that road was through an agreement with the City, the County's responsible. Maybe it is shared. I don't know, but that's what he was saying. But my point is, in a situation like this where you have City limits on one side, County on another, the construction for the development going into an R-4 medium/high density residential area is destroying that road, are they required to fix it? And if not, then why would we allow that road to be destroyed for their profit? I don't mind participating as a tax payer, but I believe the developer should too. And if they can't participate and can't guarantee that, then they should be denied this rezoning. That's the way I think.

Chairman Threadgill: Alright ...

Mr. Randall: One, one ...

Chairman Threadgill: Go ahead.

Mr. Randall: One other question I have for you. Mr. Campbell brought it up. It makes me wonder in talking about the leather shop here going to a different zoning. I'm not sure if that one was R-4 as well, but going to a different zoning, you mentioned opaque fencing and blocking things from view. The driveway of this proposed apartment complex is directly in front of several of the residents here. Myself included. Every time one of these hundreds of cars pulls out of their proposed facility, those headlights are going to sweep across the front of my house. Does this zoning where you would take this R-4 and it is adjacent, directly across the street from me, does this zoning give

me any relief from that?

Chairman Threadgill: No, sir. In the 6' opaque screening portion, that's put into play when you come into commercial residential areas that's adjoining. Like this gentleman you were discussing with the CTR, Commercial Transitional. Any time it's a commercial area and it abuts a residential then there has to be a 6' opaque screening put in between for noise, lights, just a buffer type of situation.

Mr. Randall: But when you change an R-1 suburban, or whatever it is currently, to an R-4, the adjacent citizens have no relief from that situation?

Chairman Threadgill: Correct.

Mr. Randall: Well, that's not right and for that reason, for the reason of the road maintenance and destruction, for reasons of public safety, this road is just too small for this. If you want this type of development, if you want R-4 zoning here, you put the infrastructure in first. We're giving them a blank check. We're opening the doors and saying "do whatever you want" and the citizens, including the people who live in the apartment complex, will pay the price later. They'll pay the price for lack of fire protection. They'll pay the price for hazardous conditions as they get out on the road. They'll pay the price to have the roads fixed ultimately through their taxes, not through the millions of dollars of profit for the developer. This is not right. There's no way in this world that this can be right. Every time we go then to the Board of Directors, they threaten to remove their annexation petition. "We won't join your club" and I say "don't let the screen door hit you in the back on the way out". Sooner or later they'll want water, City water. Sooner or later they'll want on the sewer system. Then let's be a citizen. If you want that, then put the infrastructure in place. Fix the road, widen the road, then come and say "the road is now acceptable for R-4" and I won't be here opposing it. But come in first, get your R-4, make your millions, and then leave me with the problems and the bill to correct the lack of infrastructure. This is wrong. Please recommend not to pass and we'll take our chances again with the Board of Directors, because I think some recent newspaper articles have given them a little heads up on how valuable you are.

Chairman Threadgill: Thank you, sir. <clapping from the audience> Any questions? Hold it down, please. Please, this is a public meeting. Keep it down. Anyone in the audience have anything to say for or against this item? Please come forward and give us your name and address.

Deana Bradshaw, 408 Lake Hamilton Drive: I too want to appreciate the time that you people spend working on this and trying to fix our problems. And there's many and there's many that

haven't been solved and there's many yet to be worked out. Now they say on here, 400 Block of Lake Hamilton Drive. Do you understand where that is?

Chairman Threadgill: Yes, ma'am.

Ms. Bradshaw: The 400 Block starts at the mall and goes all the way down to the crest of the hill before you get to Lakeland Drive. Now is he talking about the 400 Block or 19 acres?

Chairman Threadgill: He's talking ...there's two (2) portions of property there. The portion that was brought in for development last month, where they're going to build the apartments; and then the remaining portion of that lot is the 400 Block.

Ms. Bradshaw: No, 400... Mr. West lives at 456. I live at 408. Are they talking about the 40 acres?

Director Sellman: It's 14 acres. It's between the mall and the approved project called The Peaks. That project is at 431 ...

Ms. Bradshaw interjects: Then why do they call it 400 Block of Lake Hamilton Drive?

Director Sellman: It doesn't have an address.

Ms. Bradshaw: That could mean the 40 acres.

Director Sellman: It could.

Chairman Threadgill: What she's saying is right now, since it's not in the City, there's not an actual address for the property and right now it's being declared as the 400 Block. Now, as she said, The Peaks, which is the part we approved ...

Ms. Bradshaw interjected: He said 431 I believe is what they're calling Peaks.

Chairman Threadgill: Right. That's just an address they've established.

Ms. Bradshaw interjected: And on here, they're asking for 400 Block.

Chairman Threadgill: Yes, ma'am.

Ms. Bradshaw: That's a lot more property than the 4 acres.

Director Sellman: We have a legal description. The legal description encompasses two (2) parcels – one is 4 acres and one is 14.73 acres. We have the boundaries. They don't go any further than that ...

Ms. Bradshaw interjected: Than 431.

Director Sellman: 431 is not the item we are talking about now. We are talking about the 14.73 acres between The Peaks project and the mall.

Ms. Bradshaw: To me, that's confusing that it says 400 Block.

Director Sellman: It's too bad that you were confused. It's on the map that's on the screen right now.

Ms. Bradshaw: I know they're talking supposedly about the 19 acres, but the 14 acres is what they're talking about tonight?

Director Sellman: Yes, ma'am. On this item.

Ms. Bradshaw: Of course, I'm just like everybody else. I'd like to know really what they're going to do. If they're going to widen the road, I think that's what they should do first. Are they going to designate, or they going to give that property to the City for the widening of the road? Will it be donated to the City?

Director Sellman: Yes.

Ms. Bradshaw: Then who will keep it up? The City keep one side up and the County keep one side up?

Chairman Threadgill: It will be a joint effort between the two (2), ma'am.

Ms. Bradshaw: It's just too much that's not clear and I think it should be before they start. Of course, they've got their equipment setting, like Bill said, ready to go to work tomorrow I guess. A crane and a bulldozer, but anyway, I think there's a lot of problems that need to be worked out

before we go any further. I do appreciate you people. I really do, because you do listen and I think you are concerned. Thank you.

Chairman Threadgill: Thank you, Ms. Bradshaw. Anyone else in the audience with anything to say for or against? Please come forward and give us your name and address for the record.

Kathy Randall, 416 Lake Hamilton Drive: I live directly across from the area that's been cleared for this and I don't have any ...just a brief comment. This morning I had the pleasure about 8:15 of watching a company unload a large piece of equipment onto this property that we're discussing. During that time, that 15 to 20 minute period that I stood outside and watched, there were about 25 cars going up and down on the road at that time. You know, there's this big tractor trailer thing with the equipment on it that he had to unhook and then pull his truck up and then back the piece of equipment off, and nobody directing anything, cars stopping at this end. When they came from the one end, they could not see, you know, if there was a car behind that big truck. It was really interesting. I took a few pictures because I was just kind of fascinated by it. But, if you have time and you do go out there and look at the edges of the road, they are absolutely deteriorating. What they have up right now are 3 or 4 of those orange and white, look like upside down trash cans, but they are actually on the road, which eliminates a little bit more of the road. So this really is a concern. It is the traffic and it is the safety. I just, like my husband said, I appreciate that ya'll are listening. I'm sorry you have to be hearing this over and over but we're sorry to keep coming. But this is just current information that I experienced this morning, so thank you for listening.

Chairman Threadgill: Thank you, Ms. Randall. Is there anyone else in the audience with anything to say 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. Any questions or comments from the Commissioners? Commissioner Campbell?

Commissioner Campbell: I have one. As I've stated before, this ...I agree with the people of the area out there about this road. I don't think the road is supportive of this large a development. We're talking about possibly a 100, 168 units there give or take a few equally out to somewhere over 300 people, which would probably be somewhere in the neighborhood of 260, 265 cars. Again, as I've stated in the past, the road is not suitable for it. It's just ...It would be my suggestion to the rest of the Commission that we send a recommendation to the Board not to zone this R-4.

Chairman Threadgill: Commissioner Hotho?

Commissioner Hotho: Umm, I agree with Dave, but I've got a whole list of stuff here.

Chairman Threadgill: Okay, again, remember we're just rezoning here.

Commissioner Hotho: Right.

Chairman Threadgill: There's no comprehensive plan being accepted.

Commissioner Hotho: Yeah. And of course they... you know ... that had to be done by the Board, so now that the comprehensive plan has been amended, the R-4 seems appropriate, because the comprehensive plan has been amended. But since the beginning, and this goes back 3 or 4 months I'm assuming ... Would you agree, Kathy? At the first meeting when The Peaks came, that was the meeting that nobody knew who owned the 14 acres attached to The Peaks. We went 45 minutes on "I don't know who owns it, I don't know who owns it." Well by the end of it, the guy at the podium was the owner. Everybody remembers that. Then they say, "we're not going to put apartments on that one. We don't want apartments on that one" and then they come back last month and they want to change it to medium/high density. Well, duh, what's going there? I mean I think the applicants have been dishonest since the beginning and I think that's wrong, but I don't think it's the reason to deny the project if it goes with the comprehensive plan. The comprehensive plan has been fixed now for their appropriateness, but I agree with Dave that we should not rezone it to R-4 for the same reason we shouldn't have rezoned it to R-4 that I felt like 3 or 4 months ago for The Peaks is because Lake Hamilton Drive is an arterial road and it's an arterial road that doesn't even meet the City standards for an arterial ... I mean it meets the standards, but it doesn't meet the safety standards for an arterial road and you're going to put all these other people on it. I was looking, I still have a traffic report when Ernie Peters was here. Ernie Peters says that the pavement on Lake Hamilton Drive is 20' wide. Now our street ordinance says that the pavement width is 24' wide. Well, I hope it's 24', but are you surprised that the traffic engineers say it's 20' and the City says it's 24'? I mean 4' is a lot when we're talking pavement. That's an extra Volkswagen Beetle on the road. Ernie's ...I was surprised that nobody knew when we had the engineers here and we had the traffic engineer here that nobody knows the radius of that dangerous horizontal curve. And when they estimated it, it didn't meet the safety standards of the City ordinance. And, grant you, it's a County road, but safety has to be an issue. I'm going to vote against this because I want a clear conscience about it. I think it's a dangerous road. We don't need more people on it and I would ask that the Commissioners deny it. If the Board of Directors wants to overturn it on appeal, that's their prerogative, but I just can't do it. It's not safe.

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

Commissioner Campbell: Chairman, I make a motion that we send a recommendation to the Board of Directors not to rezone this R-4.

Chairman Threadgill: Alright, I have a motion to deny. Do I have a second?

Commissioner Hotho: Second.

Chairman Threadgill: I have a motion and a second. Call the roll please. Dana Hotho – yes; James Clopton – yes; David Campbell – yes; Wanda Thorp – yes; Gary Threadgill – yes. Motion fails. Item No. 12.

12. Re-Zoning (RZ-07-0020) – Richsmith Holdings, LLC – Initial zoning for Richsmith Holdings/The Peaks annexation – 431 Lake Hamilton Drive – ET

Director Sellman: Item No. 12 is a request by Richsmith Holdings, LLC for initial zoning on property known as The Peaks Annexation. This is located at 431 Lake Hamilton Drive. The comprehensive plan classification is residential medium/high and the proposed initial zoning is R-4. That is consistent with residential medium/high future land use classification.

Chairman Threadgill: We've already heard from the applicant. Is there anyone in the audience who has anything to say for or against this in addition? Again, anyone have anything to add onto for or against? Yes. Please come forward to the microphone, sir. Give us your name and address again for the record.

Bill Randall, 416 Lake Hamilton Drive: I just wanted to clarify. I don't have anything in addition to say. I just wanted to make sure we understood that nothing's changed. Thank you.

Chairman Threadgill: Okay. Thank you, sir. Please come forward and give us your name and address, sir.

Howard Steen, 448 Lake Hamilton Drive: Kindly bear with my inability to speak. <unintelligible> ... in Viet Nam. <unintelligible> previously, my question is one of zoning <unintelligible> to the Ardmore <unintelligible> and specifically it is your traffic problem. I live at 448. I look out my window from morning until night. I am retired. I'm also here for my wife now. As cars go by, they're going 50 to 70 miles an hour down <unintelligible> the road. Half of the road is in the City and half of us <unintelligible> within the County where we get <unintelligible> and more speed

limits out there. Because I have addressed this with the Sheriff and with you folks in a letter <unintelligible> and nothing happened and it keeps getting worse and worse and worse. <unintelligible> there are many narrow misses coming out of my driveway onto that tiny little 19' or 18' road. <unintelligible> could you answer that question for me? The Sheriff is undermanned and they've quit coming out there. People have been driving 70 miles an hour and have no one. They've had people out there and <unintelligible> and they give you the bird. They just swerve at you and step on the gas. I've seen them accelerating at 70 miles an hour going down the old <unintelligible> right in the middle of it where it's kind of like on the <unintelligible>. They reach max speed about in front of my mailbox. I'm addressing the <unintelligible>. Where is the law enforcement going to come from? If they can't afford it now and you pump another 2,000 cars out there, then what do we have? The Indy 500?

Chairman Threadgill: Well, when this property is annexed, the City police will patrol the area.

Mr. Steen: One-half of the road. <laughter>

Chairman Threadgill: Yes, sir.

Mr. Steen: So the guy going that way is <unintelligible> down to the <unintelligible>, he's alright; but don't <unintelligible> slow <unintelligible>.

Chairman Threadgill: There will be an agreement with the City ...

Mr. Steen interjected: I would also ...that should be in place before anybody ever lets any of this go forward. I'm looking into that now that it's been cleared with heavy equipment in it. There's <unintelligible> with all the trees and so forth and I'm curious why we're seeing that and I'm not sure they've had permission to have done that yet. But I think we've got the cart in front of the horse <unintelligible>. That's all I have to say to you. Thank you very much. I do appreciate your interest on the subject.

Chairman Threadgill: Thank you, sir. Alright, anyone else in the audience have anything to add to the 431 Hamilton Drive, The Peaks. Seeing none, I'll close the public portion. Do I have any questions or comments from the Commissioners? Commissioner Hotho? Again, this portion has already been approved for building.

Commissioner Hotho: Yeah, that's what I was going to say. We've already approved the commercial subdivision. I don't see how we can't give it an R-4. Can I ask a question? The next

development that comes in on that R-4 will have to come before this Commission, will it not?

Chairman Threadgill: Yeah.

Commissioner Hotho: Okay, thank you.

Chairman Threadgill: On the 400 Block.

Commissioner Hotho: Yeah. Okay. I was just going to say, I don't think we can do anything but approve the R-4 because we've already approved it.

Chairman Threadgill: Right.

Commissioner Hotho: So, may I make a motion?

Chairman Threadgill: On the, on the 431 Lake Hamilton, we'll entertain ... Commissioner Campbell?

Commissioner Campbell: I disagree with you. I think we can send a recommendation to deny this. It can go there. It would come in as a legal non-conforming project though, right? If it stayed an R-1. Even though we've already approved it.

Director Sellman: It's unlikely that given the existence of an approved Article II site plan that the Board would decline to zone it to support that site plan because of the comprehensive plan designation that we have.

Commissioner Campbell: I agree with you there, but this Commission could send a recommendation and should that recommendation uphold, then it would come in as a legal non-conforming, right?

Director Sellman: Probably, yeah.

Chairman Threadgill: But my concern is what would that effect? It's already built. It's going to be a medium R-4. I don't see what changing that one lot back to an R-1, or leaving it R-1, would have to do since we've already allowed the structures to be built. Commissioner Clopton?

Commissioner Clopton: I have to agree with my colleague across the aisle. The only purpose of

sending a non-recommendation would be symbolic because it's not going to change. They're going to bring it in as R-4 in my judgment and that's probably where it ought to be since the project is already been approved.

Chairman Threadgill: Any other questions or comments? Seeing none, I'll entertain a motion on the 431 Hamilton Drive, Lake Hamilton Drive, The Peaks, on sending a motion of approval forward with a recommendation of approval of R-4 to the Board of Directors.

Commissioner Clopton: Mr. Chairman, I recommend approval, sending forward a recommendation fo approval to R-4.

Chairman Threadgill: Alright. Do I have a second?

Commissioner Hotho: Second.

Chairman Threadgill: All in favor? <Ayes> Opposed? <Commissioner Campbell: Aye> One opposed. Motion passes. Item No. 13.

13. Preliminary Subdivision (PS-07-0014) – Bell Subdivision – 16 lot subdivision – 307 Restful Ridge on Pogue Lane off of Restful Ridge and Arkridge Road – County

Director Sellman: Item No. 13 is Bell Subdivision. This is a preliminary subdivision, 16 lots. It's located at 307 Restful Ridge on Pogue Lane off Restful Ridge and Arkridge Road. It's in the County in the City's extraterritorial jurisdiction.

Chairman Threadgill: Alright. The applicant is here. Please give us your name and address for the record, Milton.

Milton Raabe, 130 Hillside Place, Hot Springs:

Chairman Threadgill: Alright. A little bit about what's going on there.

Mr. Raabe: We've got a proposed 16-lot subdivision in the County.

Chairman Threadgill: Any questions from the Commission to the applicant? Commissioner Campbell?

Commissioner Campbell: Yeah, I have one. Milton, on the interior street with the cul-de-sac, why

not bring that on out to Restful Ridge Road instead of stopping it in there? Then these lots that are out here on Restful Ridge and everything could be, could exit on and off of that internal street instead of coming, backing out into Restful Ridge and the other street there – Pogue Lane or whatever it is?

Mr. Raabe: Did you go out to the site?

Commissioner Campbell: Yeah.

Mr. Raabe: Not really a crowded area. There's only ...if it was a bigger subdivision, I would probably do that, but its only 7 or 8 lots. I don't think it's going to be a traffic problem and most people would prefer to live on a dead end street than they would on a through street with people cutting through to get from one street to the other.

Commissioner Campbell: Well, I was out there and I kind of disagree with you. I mean there's a lot of building going on out there and I foresee in the future probably a lot more on down ... I guess it's Pogue Lane, isn't it, that goes on down there?

Mr. Raabe: No, Pogue Lane's probably not going to have any more because ...

Commissioner Campbell interjected: It's the one going down the hill to the lake there.

Mr. Raabe: To the North? That's Restful Ridge.

Commissioner Campbell: Okay. Restful Ridge? Yeah.

Mr. Raabe: Pogue Lane dead ends into a ...

Commissioner Campbell interjects: Into that house up there? Yeah. Restful Ridge. It's coming out towards Restful Ridge as it is. Where the cul-de-sac comes out?

Mr. Raabe: No. No. It comes out to Pogue Lane.

Commissioner Campbell: Our map says Restful Ridge.

Mr. Raabe: My map says Pogue Lane.

Commissioner Campbell: No, I'm talking about on the ...

Mr. Raabe interjected: Oh, you mean if the cul-de-sac came on through?

Commissioner Campbell: If the cul-de-sac came on through ...

Mr. Raabe: If it came on through, it would come to Restful Ridge.

Chairman Threadgill: Any other questions to the applicant? Thank you, Milton. Is there anyone in the audience who has anything to say for or against this item? Again, anyone in the audience have anything to say for or against this item? At this time, I'll close the public portion and ask for any questions or comments from the Commissioners? Commissioner Campbell?

Commissioner Campbell: I'd like to ask staff. What are your thoughts on that suggestion? Ya'll have kind of looked at it.

Director Sellman: It would allow enhanced connection and would allow people to back out of their driveways. It's not a requirement of the Code. It could go either way.

Commissioner Campbell: It's really going to effect what the two (2) lots, 14 and 15, am I looking at that right?

Chairman Threadgill: That would be the only two (2) lots that would change from backing out on Restful Ridge.

Commissioner Clopton: 14 and 15.

Chairman Threadgill: Right.

Commissioner Hotho: But 16, 4, 3, and 2 would come out on ...

Chairman Threadgill interjected: They would still back out on the other street.

Commissioner Hotho: On Pogue.

Chairman Threadgill: So you're only gaining two (2) lots from backing out by continuing the street.

Commissioner Hotho: Oh, okay.

Chairman Threadgill: It would only effect those two (2) lots. The other four (4) on the front street would still back out into Pogue Lane, Pogue Road, whatever that is.

Commissioner Campbell: 2, 3, and 4 and possibly 16.

Chairman Threadgill: 2, 3, 4, and 16 would back out somewhere. One of the two (2) roads. So all we'd be gaining by extending the street on through would be 14 and 15 in my ideal. Any other questions or comments from any of the Commissioners? Commissioner Campbell?

Commissioner Campbell: My only other thing on it that I would like to say. Even at that, as far as emergency services or sanitation, mail delivery and all of that, it just looks like it'd be a lot easier if it went on through.

Chairman Threadgill: Well, there again, as far as our DRC Review, they had no objections to the cul-de-sac.

Commissioner Hotho: Well, with the exception of Ms. Morris.

Commissioner Campbell: Yeah, the MPO Director made a comment that it would be nice if it went on through. It would help the traffic flow. I agree with that. It's kind of a toss up.

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

Commissioner Clopton: Mr. Chairman, I move that we approve this.

Chairman Threadgill: I have a motion to approve. Is that with staff's recommendations?

Commissioner Clopton: With staff's recommendations, yes.

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

Commissioner Thorp: Second.

Chairman Threadgill: I have a motion and a second. Call the roll please. Dana Hotho – yes; James

Clopton – yes; David Campbell – yes, reluctantly; Wanda Thorp – yes; Gary Threadgill – yes. Motion passes. Item No. 14.

14. Site Plan Approval (SPA-07-0016) – Split Personality Espresso – Site plan approval for a drive thru espresso kiosk in a C-2 zone – located in the Mowery Wyatt shopping center at the corner of Albert Pike and Airport Road – District 4 – C-2

Director Sellman: Item 14 is Split Personality Espresso. This is a site plan approval for a drive thru espresso kiosk in a C-2 zone. It is to be located in the Mowery Wyatt shopping center at the corner of Albert Pike and Airport Road. The current zoning is C-2. The comprehensive plan classification is linear commercial corridor. It is located in District 4.

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

Tom <unintelligible>, 111 Brenda, Hot Springs:

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

Mr. -: Pardon?

Chairman Threadgill: What are you going to do?

Mr. -: It's going to be a 10' x 20' building, drive thru espresso and lunch.

Chairman Threadgill: And lunch?

Mr. -: Right.

Chairman Threadgill: No eat in, all eat out?

Mr. -: No public access to the building. Just drive thru. There'll be a walk-up window and a drive thru.

Chairman Threadgill: Any questions from the Commissioners to the applicant?

Commissioner Hotho: This is going to be a stick built building, not a portable or anything?

Mr. -: Right. No.

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

Commissioner Campbell: Are they going to have to excavate part of the parking lot to build it to get your foundation and everything in?

Mr. -: Yeah. They're going to pour a footing and put a slab on it and of course to run the sewer and water to it.

Commissioner Campbell: I am not at all happy with the pots that you are going to use for your landscaping.

Mr. -: With the pots? Oh, in the ...

Commissioner Campbell: Yeah, the flower pots that you are going to use for landscaping. We've experienced this same thing in the past and it hasn't worked out. It would be my suggestion to the Commission that we require permanent landscaping in ground.

Mr. -: Could I ask a question here? On the ordinance itself that requires landscaping, so many points for certain sizes, the ordinance reads that this applies to buildings of 1000 square feet or more, so I think isn't what I'm doing actually more than what the requirements are? It's only a 200 square foot building.

Chairman Threadgill: He's right under the Code.

Commissioner Campbell: This is a site plan approval?

Chairman Threadgill: Yes.

Mr. -: So anything I do is in excess of what the Code requires. I've talked to the person that owns Dig This out on Spring Street and we discussed the heat from the parking lot affecting the plants and all. He doesn't seem to think there'll be a problem with the plants that we've selected and the size pots there. And if there is, I can change that in the future, but I'm putting it in because I want the place to look attractive. I'm not going to have a bunch of dead plants sitting around it.

Chairman Threadgill: Alright. Any other questions from the Commissioners to the applicant? You

may be seated, sir. Anyone in the audience with anything to say for or against this item? Again, is there anyone in the audience who has anything to say for or against this item? Seeing none, I'll close the public portion and ask for any questions or comments from the Commissioners. Commissioner Campbell?

Commissioner Campbell: To the Director. Do we have the right to ask that any landscaping that be placed on this property be placed permanent, in ground?

Director Sellman: It would be my opinion that the answer to that is "no" because we don't really have a requirement for landscaping for this project.

Commissioner Campbell: I understand that, but with the site plan, he is showing landscaping. Can we not request ...can we not require that any landscaping provided be placed in a permanent fashion, in ground?

Director Sellman: Yes, certainly.

Chairman Threadgill: The way I understand. He's under limit, so actually he doesn't even have to landscape. So what he's applying is some landscaping above and beyond the call. So to tell him that he's going to have to put it in the ground, in my opinion, he'd have the option to say "I don't want to do it at all." So, what I'm looking at is some flowers are better than no flowers. How does that feel to you? <laughter>

Commissioner Campbell: I don't like it. <laughter>

Chairman Threadgill: Okay. That's why you're here.

Commissioner Campbell: As I say in the past, we've seen the same thing and they've turned out to be plastic flowers.

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

Commissioner Hotho: Motion to approve.

Chairman Threadgill: I have a motion to approve.

Commissioner Campbell: Second.

Chairman Threadgill: And ... can I get staff's recommendations on that?

Commissioner Hotho: Oh, yes, of course. Do you want me to read them?

Chairman Threadgill: Pardon me?

Commissioner Hotho: Do you want me to read them?

Chairman Threadgill: No, no. I just ...

Commissioner Hotho: Yes, staff's recommendations.

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 second from Commissioner Campbell. All in favor? <Ayes> Opposed? <Commissioner Clopton: Aye> One opposed.

Commissioner Clopton: No, no. I was just late on my "aye."

Chairman Threadgill: Oh, okay. Unanimous. It passes, sir. Alright that's the end of our agenda. Now do we have any input from staff?

Commissioner Campbell: Can we take about a five (5) minute break?

Chairman Threadgill: Okay.

Director Sellman: Oh, you need to table Item 15, please, if you would, please.

Chairman Threadgill: Where's Item 15? It's not on here.

Director Sellman: It's not in the packet. It's on the agenda.

Commissioner Clopton: It is on the agenda.

Director Sellman: Yeah. It's only on the agenda.

Commissioner Campbell: I make a motion that we table Item 15.

Commissioners Clopton and Thorp: Second.

Chairman Threadgill: All in favor? <Ayes> Opposed? <None> Where did I miss 15?

Director Sellman: It's on the back of page 2. Sorry. It's that two-sided printing.

15. Site Plan Approval (SPA-06-0297) – SDI Realty – Site plan review for new commercial development under Article II – 1350 Higdon Ferry Road – former fairgrounds location – District 4 – C-4

Tabled.

<BRIEF RECESS TAKEN>

ITEMS FOR DISCUSSION AND ANNOUNCEMENTS

1. COMMENTS FROM COMMISSION

Chairman Threadgill: I call this meeting back to order.

Commissioner Campbell: I have a question for staff before we get started.

Chairman Threadgill: A question for staff from David Campbell.

Commissioner Campbell: With the fact of finding on the denial or the, not the denial, but the recommendation not to rezone to R-4 on that property on, out there ...the fact of findings was clear enough in that the road was not suitable for that zoning? I think I made that point.

Director Sellman: Yes, you did. That's not one of the standards though, but I'll mention it.

Commissioner Campbell: I know we've been asked for fact or finding and that was my reasoning for making that motion in that one.

Director Sellman: Okay. I'll be sure to put that in.

Commissioner Campbell: Thank you.

Commissioner Hotho: Is it question time? So public safety isn't a standard to deny a zoning?

Director Sellman: No. It is ...public safety is but there are other standards that ...if you're going to make findings of fact, you really need to look at all of them and we very rarely do that and we need to begin. Thank you for asking the question.

Commissioner Hotho: We always do that because in the old Zoning Code, we had the facts in the back and public safety was one of the facts. There was like 7 or 11 of them. Remember that, Dave?

Director Sellman: They're still in there.

Commissioner Campbell: We'll have an educational session here.

Commissioner Hotho: It's not easy to find. If you want to get back to us, that's fine.

Director Sellman: Okay. The objectives of zoning are under "Purpose" § 16-2-3 and it lists efficiency and economy in the process of development, appropriate and best use of land, convenience of traffic and circulation of people and goods, safety from fire and other dangers, adequate light and air, the use and occupancy of buildings, helpful and convenient distribution of population, adequate public utilities and facilities, wise use and expenditure of funds. Then there is also another section that looks at a briefer description. I will have a hard time finding that, but it is in here, that talks about consistency with the comprehensive plan and something else. Now, theoretically, in making your comprehensive plan designations, you have looked at those things as well. So that in shorthand, your consistency with the comprehensive plan answers those things we just read.

Commissioner Campbell: If you go back to that, the next to the last one that you said there about public, adequate ...

Director Sellman: ... utilities and facilities.

Commissioner Campbell: Okay. And to me, that's your roadways also.

Director Sellman: So you want me to put it that way in there?

Commissioner Campbell: Yes and it's also the fact that we did not approve the comprehensive plan for this area.

Director Sellman: Right.

Commissioner Hotho: And if you want another finding, it could be the convenience of traffic and the circulation of peoples and goods.

Director Sellman: Okay.

Commissioner Campbell: And, you know, that goes along with the road.

Commissioner Hotho: And that d, safety from fire and other dangers.

Chairman Threadgill: I have one question on that. Due to the fact that this is a new annexation and we're taking over County's roads, which are 9 times out of 10 going to be dilapidated, wore out, we're going to have to set some type of zoning, okay? Medium to high density residential is not a bad deal for that area due to the fact that you have a mall right behind it. It's not going to be \$250,000 homes, okay?

Commissioner Hotho: Right.

Commissioner Clopton (?): Why not?

Chairman Threadgill: So rezoning to an R-4, medium to high density, it's just a rezoning saying that <unintelligible> saying in the future that we think this will be a good area. That's all we were doing. Now when it comes back to the point where we rezoned it, there's no problem with that still. The problem arises when we get the packet on the development itself. Then as part of it, we have to make sure that the fire department and the street and everybody on the DRC Committee follows through and does the improvements that's needed. If the developer doesn't, then the City will. We did it on other areas. No, that's a bad one. We need to talk that one yet.

Commissioner Campbell: We didn't get two (2) on that ...

Commissioner Hotho: I've got a question. So are you saying that tonight, the roads shouldn't be a concern. That's the concern when they come back for the site plan?

Chairman Threadgill: Right. My opinion.

Commissioner Hotho: Oh, okay.

Director Sellman: It could go, it could go either way. The problem is that we have an established standard that make it easy to answer these questions. We have a scheme of transportation in the City that has one set of expectations and then we have County roads that are atrocious.

Commissioner Hotho: Yeah. That's why I'm worried about us going that one mile out.

Director Sellman: Well, it's something to look at. It's a serious issue. You can do the zoning and then say that you have to have concurrent access to adequate facilities and utilities. We don't have that standard. We don't have a concurrency standard.

Commissioner Hotho: Well, we need that.

Director Sellman: Well, we don't have it.

Commissioner Hotho: We have to get it.

Director Sellman: Yeah.

Chairman Threadgill: That's what I'm saying. Right now, in my opinion, we don't have it. I don't see how we can set the standards if we can't rezone this due to the fact that the streets aren't up to standard.

Commissioner Hotho: Well, the thing is, I agree with you. I think R-4 is perfect for it. It's just strictly a safety issue for me. It just kills me that they were so dishonest about it. But again, I said that wasn't a ...

Chairman Threadgill: I know. I sat there and asked him and I was the one that got the run around. But, there again, <Commissioner Hotho interjected: That's not a reason to deny.> that's just

because someone wants to deceive you, that's not what we're looking at. What we were looking at was say The Peaks. When we approved that, part of their approval was to put the widening of the streets from one end to the other on their part of the property. Now the other half is the County's problem the way it sits right now; but they were willing to widen the street to bring it up into the City's standards. They were going to repair the streets and add the other what 20' or 10' feet, was it something like, I forget what it was; but they were going to add that. So the developer was willing to bring it up to meet the City standards.

Commissioner Hotho: Yeah, but I'm talking about the road getting to where the developer is making his improvements. It's the whole issue from 7 South, Lakeland, to the horizontal curve to get to the development.

Chairman Threadgill: There again, you own a lot out here on a piece of property, you want to build a house, do you want the City to make you pave that street all the way from wherever to where your house is? That's what you're telling that developer. Or in my opinion, you're telling him that just because you want to build here, I want you to do 20 miles of street back to town to make it right.

Commissioner Campbell: We just got through making one out off 270 West do that.

Commissioner Hotho: I think on a commercial development, I think that's a good idea. I didn't say it was for a house; but for a commercial development, I think that's a darn good idea.
<Commissioner Campbell interjected: Yeah>

Director Sellman: You can ask the developer to provide improvements that are sufficient to mitigate the direct impact of his development. You cannot ask a developer to mitigate existing deficiencies.
Chairman Threadgill: That's what he did by extending the street in front of his whole portion of property. They met with what, I feel, they should have.

Commissioner Campbell: You're wrong there. He only did that widening from the property where it begins at the back of the mall to the driveway. <Commissioner Clopton interjected: ...to the driveway. He didn't go all the way back.> ... of the other property. They didn't go all the way down the length of their property on that 4 acres. <Commissioner Clopton: No, they didn't go all the way down. They just went from the driveway to the mall.>

Chairman Threadgill: Okay.

Commissioner Campbell: I mean, that was one of the things that ...

Chairman Threadgill: Well, that's where I messed up then, because I thought it went from property line to property line.

Director Sellman: Yes, some right-of-way dedications in the other direction from the property line to the driveway.

Commissioner Clopton: The fact that he's got this right-of-way dedication, but not improvements.

Director Sellman: I think there were some improvements, but he added some in addition to ...
<Commissioner Clopton interjected something unintelligible> ...am I right on that, Rick? He had some additional work that he was doing toward the mall from the driveway.

Mr. Rick Stauder: Well, the way I understood it, he would dedicate the required right-of-way the entire width of the property, but they would only do the street improvements from the driveway to the ... <Commissioner Clopton and Chairman Threadgill interjected: To the mall.> ...where the property line joined with the mall property. They did dedicate the right-of-way necessary for the future widening even to the East side of the drive, but they're only doing the road improvements from the driveway to the mall property is the way I remember it.

<Several people are talking at once.>

Commissioner Campbell: Can you roll that up a little bit more right there at the driveway area?

Mr. Stauder: Yes, sir.

Commissioner Campbell: See that's where I ... that was my contention all along. <Chairman Threadgill interjected: Yeah, you can see it right there in the curve.> ...this thing was going to come down here 30' wide and then right at his driveway, it's going to remain like the 18' wide. That's been that ever since day one.

Male Speaker: That's a little too big. <laughter>

<Several people are talking at once.>

Mr. Stauder: It's going the wrong way. Hang on a second.

Commissioner Thorp: I want to ask a question.

Chairman Threadgill: Go ahead.

Commissioner Thorp: The comment was made that the people were not going to go through the mall. How's the mall going to keep those folks from coming through there?

Director Sellman: There was initially some informal conversation and speculation that there would be an official access way to a different part of that lot from the mall parking lot. And that is now off the table entirely.

Chairman Threadgill: But right now they're using that road to get their equipment in and out.

Commissioner Hotho: But this Commission uncovered that at a meeting if you recall. <Chairman Threadgill: Right.> We uncovered that early in the ball game.

Commissioner Thorp: Because people that live in those ...

Commissioner Campbell: The road is there. <Commissioner Clopton: Yeah, the road's there.> It comes out of the mall and into that property.

Commissioner Clopton: The access ...

Chairman Threadgill: It comes into the 400 Block. It doesn't come into this property.

Commissioner Clopton: <unintelligible> ...this property, into the 14 acres.

Chairman Threadgill: Blow up that map.

Director Sellman and Commissioner Clopton: It comes into the 14 acres, not into The Peaks. Not into The Peaks, into the 14 acres.

Chairman Threadgill: It don't come into The Peaks?

Commissioner Campbell: No, it comes into the 14.

Director Sellman: Gary's talking about The Peaks.

Commissioner Clopton: West of the theater. There is an <unintelligible>.

Chairman Threadgill: When we originally started, we wanted the second access. That was the entire lot. That's when they came back with The Peaks, so ...

Mr. Stauder: I'd like to point out one thing. I think I may have been incorrect. If you'll look at your screen, I think they're indicating that the edge of the existing pavement is right here at this location. So they are, and they are putting their new proposed curb and gutter way back here, so it does look like they are doing the actual road improvement all the way to the property line if I'm looking at that right.

Commissioner Clopton: The way I'm looking at it, they're not.

<END OF TAPE>

Director Sellman: ...and then are still adding some, but less, from that driveway over to the property line.

Chairman Threadgill: Anyway, it's a done deal, but we're back onto the part of the streets being a reason not to rezone. I still think if we want to get that, if he splits it, we need to do something as far as ordinances or then again, legally, we'd probably have to get with Brian and find out just how far it could be pushed into making a developer improve beyond the property. I mean, that's just, I don't know how we could do it legally.

Director Sellman: There are ways, but you have to be able to quantify it absolutely so that the improvement is necessary only because of that development.

Chairman Threadgill: This next development would be a per finding for that fact.

Director Sellman: Well, let me suggest that I can pull together some information on what other jurisdictions do with regard to concurrency. Concurrency means if you want to build your development, then at the time that you begin, not when you end, but when you begin your development, all of the facilities and services are at the level they need to be for your built-out project; not for your first building, or what. So let me pull some of that together. The State of Washington is probably the most far out there and we can give you a range of options for what is required.

Chairman Threadgill: If I might, I've got a real pickle. I hate comprehensive plan changing.

Commissioner Hotho: I hate the comprehensive plan.

Commissioner Clopton: By law, we had to have the comprehensive plan. <Commissioner Hotho responds: I know.> But what kills me, we didn't want this property zoned. We told them they'd have to wait until they were annexed, but then the City went ahead and changed the comprehensive plan to R-4, contrary to what we requested. I come up here and I told them that we weren't sure that was right for the entire area and if we change the comprehensive plan, then later we have to come back in by the comprehensive plan, we are supposed to rezone it. It just don't feel right just because somebody wants to annex. Alright, they want to annex R-4. First off, we change the comprehensive plan. It just don't feel kosher.

Director Sellman: Yes, it's a little weird and the reason that we're seeing a lot of that is because our comprehensive plan is not particularly, how do I want to say this, it doesn't particularly reflect the ...it neither reflects the existing conditions nor what I think we expect of our future conditions.

Commissioner Clopton: I think that's probably the case right there. The comprehensive plan is in trouble to start with.

Director Sellman: Yes.

Chairman Threadgill: Well we budgeted last year to start, if I'm not mistaken, we made it with the Board of Directors to next year to start a revision of the comprehensive plan.

Director Sellman: In '08.

Chairman Threadgill: In '08, that's what I'm saying.

Director Sellman: We will need to request money. We will need to be sure that we have sufficient funds to do it right. We have kind of a hybrid plan, as I understand it, was done by two (2) consultants who obviously each knew what they were doing but didn't ...the work never got put together. So it's two (2) different books and it's really hard to use.

Chairman Threadgill: What I was getting at is when somebody wants to come into the City, say they annex or whatever, what is the problem with them annexing in as R-1, then coming in and asking for a zoning change, which we do anyway, rezone it, and since we've rezoned it R-4, make it part of the rezoning to R-4, an automatic change in the comprehensive plan, take it to R-4?

Director Sellman: Can I answer that?

Chairman Threadgill: Yeah, that's what I'm asking.

Director Sellman: The reason that we do it the way we do, there's two (2) reasons. One is that that's exactly what the Code says to do. That if the zoning that's being requested is not consistent with the comprehensive plan, then the comprehensive plan has to be amended. It says that in here in at least two (2) places. The other reason is that the way that land use planning is supposed to work, there's a hierarchy of documents. You've got your kind of general document that gives you the overall look. You've got some smaller documents that are more specific and then you get a whole bunch of really, really, really specific documents. So the comprehensive plan is that overarching vision for the community's future. Should we be meddling with it? Absolutely not. Should it reflect what we want? Yes, it should. Does it? No, so we're meddling with it on a micro scale. Because the Code says that any zoning changes that are done need to be consistent with the plan, and you have to make the plan consistent so ...and that's what we're doing. It feels silly because it kind of is. The others, lower documents that we have, implement on an even smaller scale and those would be your street specifications, landscape codes, those things. So you've got to document that says, for example, we want to have a strong downtown. We want to have healthy neighborhoods. We want to have commercial nodes. Then you have zoning that says, okay, if I'm in a node, this is the kind of zoning I have, and regulations that say that this is the street in this kind of an area. But it starts with the comprehensive plan and our comprehensive plan has become out of date. We've had a lot of changes in this area in ten (10) years. It's not unusual for a ten (10) year old plan to need some serious work. We've had huge changes, huge changes. <Several people are making comments in the background.> Well, huge changes, well, okay, thank you. It's time to look at it. Most places take a cursory look at their plan on a one or two (2) year basis; a little bit heavier duty look at a three (3) to five (5) year level; and by ten (10) years, it is definitely time. It's the same way when you look in your closet. You may have had some great stuff ten (10) years ago and it really met your needs; but now, you know, where are you going to go in that stuff? <laughter> But it's ...well, it's just like the closet. There are some things that are always going to be okay, but some things aren't. And it's not that they weren't in the first place, but it's time to take another look at them. Change the buttons maybe. But we need a new plan and we need the budget for it. If we want to get the budget for it, the Planning Commission is going to need to be an advocate for that being put into the budget because there's going to be a lot of competition for that money.

Commissioner Campbell: Haven't we talked about a lot of money ...

Director Sellman: We're talking about a lot of money.

Chairman Threadgill: All we have to do is request it. By state law, they have to comply.

Commissioner Clopton: Well, should I retract that statement? <Several people are talking in the background.>

Commissioner Hotho: I think the state law was that they had to write a plan. It doesn't say that they have to revise it and keep it up.

Mr. Stauder: Exactly.

Director Sellman: Mmm, huh.

Commissioner Hotho: And they've already done that. They did that in what, '97?

Director Sellman: Yes. Yes.

Chairman Threadgill: <unintelligible>

Commissioner Hotho: I think that was the beginning of it with '97.

Commissioner Campbell: I have a question while you're looking. On the thing that came up a couple of months ago or a month or so ago about the rezoning out there on Columbia Hills that was missed on the map, should that map not be ...should we not rescind what we did to that map or do we have to have that map? Because just like tonight, we rezoned some property tonight. Does that mean that every time you rezone a piece of property, that map immediately has to be brought back up to date and we're producing new maps once a month?

Director Sellman: That's one of the reasons that we are doing are documents electronically. They get updated as soon as the Board takes its action. It goes over to the mapping people. They make the change electronically, and it stays up to date.

Commissioner Campbell: I have a problem with what happened there in that there was a bunch of items that were missed yet that map overrode a written document that had been in existence since 1976 down there.

Director Sellman: Are you saying that the book had been in place all that time but the map was new

and it changed something?

Commissioner Campbell: No. When we adopted the map in 2003, the changes to those properties out there did not get on that map and we adopted that map.

Director Sellman: Right.

Commissioner Campbell: And I know that we are bound to have more properties all over this City that are the same way.

Director Sellman: It's possible. Yeah.

Commissioner Campbell: I can't see that that map should override an ordinance on the books which those two (2) properties were in ordinance form in the book and we had to go through the rezoning again. Am I wrong and why?

Director Sellman: That map ...

Commissioner Campbell interjected: How does that map override the ordinances?

Director Sellman: That map was intended to override. That map changed some zoning. The problem was that it changed more zoning than was intended. And, you know, that can happen.

Commissioner Campbell: But do you see where I'm coming from?

Director Sellman: Oh, yeah.

Commissioner Campbell: I don't understand how a map can override a signed, written ordinance that's in existence.

Director Sellman: Actually there's an argument that the map is the document. That the ordinance is just something that enables the map. That the map itself is the thing.

Chairman Threadgill: So the next time before we approve a new map, we need to go through every ordinance and make sure everything is right?

Director Sellman: Well you don't want your map to reflect some of those ordinances. You're

changing some of that zoning, typically, when you're adopting a new map. One of the easiest ways to deal with it is to make sure that the map is all over the place. That the map is at the library. That the map is at the mall. That the map is everywhere where people are. The people know they can go there and they go look at their own land and see if it is what they think it should be. That's really the best way to do it.

Commissioner Campbell: And it's real easy to miss it because I ...

Director Sellman: It's real easy to miss.

Commissioner Campbell:within two (2) blocks of my home.

Director Sellman: I know. I know. It happens.

Chairman Threadgill: Alright. Any other questions? What else we got to stir up?

Commissioner Hotho: Do you want to talk about these? The by-laws that got passed out? Why is it that when I make the motion, that it doesn't get on here? You remember when I said the Vice-Chairman needs to take over training the new Commissioner? That's still not on here.

Chairman Threadgill: You want that on the by-laws? I'm sorry. I must have mis.... Did I miss that? Did you get that down?

Female Speaker: I don't think ...was that at the last meeting? Was it in the motion? Was it in January?

Chairman Threadgill: I remember her making the deal.

Commissioner Hotho: It was like one of my first meetings. Or my second meeting.

Chairman Threadgill: Yeah, the second. Yeah. She made a mention that ...I think we just took it as a discussion that you wanted that as a fact but not changed into the by-laws.

Director Sellman: I don't remember it as a motion.

Chairman Threadgill: But if you want it into the by-laws, then we'll do that right now.

Commissioner Hotho: Well, I think it needs to be in the by-laws for the duty of the Chairman.

Doesn't it give you your duties as officers?

Director Sellman: You need to advertise if you're going to change the by-laws. You need to put it on the agenda. We can put it on next month.

Chairman Threadgill: Okay. We hadn't decided to change it yet. That's what we're ...

Director Sellman: If you want to do it though, it has to go on there.

Commissioner Hotho: Well, we saw these a few months ago and I said why don't you add to the officers that the Vice Chairman needs to take on the responsibility of training new Commissioners and mentoring them at least for a year. Everybody seemed agreeable to that. Ya'll remember that?

Commissioner Thorp: Yeah, I do.

Chairman Threadgill: We just took it as a comment.

Commissioner Thorp: Oh, okay. <Several people are talking in the background.>

Commissioner Campbell: I took it that way too that you were saying, that you were kind ofgiven the fact that ...you know, my eight (8) years here, that I had the knowledge to do that; not necessarily for every incoming Vice-Chairman to do that because you might get a Vice-Chairman, you know, the way the thing is structured, that would not have that knowledge to tutor. I would caution you there to put it as a duty.

Commissioner Hotho: Okay. Ya'll can leave it out then.

Chairman Threadgill: You know, I'd made a comment once before that we had during some of these workshops that we have that we actually have training sessions. But a couple shot it down that, Commissioner Hotho, bless him, or not Hotho, Hocutt. I call you ...

Commissioner Thorp: The ones who shot it down are gone, so we need to ...

Chairman Threadgill: Well, I mean, it's was a time that pretty much everyone on there knew what was going on. But every time we change it, I'm lost. Every time we change those ordinances, I'm still back six (6) years ago. I still find myself on the old ordinances. You know, every time someone mentions mobile home, I think we have to put under skirting and two (2) car parking and

you know, all this, that, and the other, and we don't have to touch it. But still, you revert back. I still think we need to have a little training during our workshops.

Commissioner Hotho: Yeah.

Commissioner Campbell: And I think ...

Female Speaker: I was just going to say that at the last meeting where we just changed the by-laws, that wasn't the meeting that you mentioned the training. The only thing that was discussed is the position of having somebody sitting that you don't know if they're ...<Commissioner Hotho interjected: Yeah. Just <unintelligible>> ...because this was ... <Commissioner Hotho speaks over the female speaking: This was like six (6) months ago. It was my second meeting, so it's been awhile.>

Chairman Threadgill: If you want to put something like that in there,

Commissioner Hotho interjects: If ya'll don't want to do it, that's fine.

Chairman Threadgill: We need to know so we can get it on the agenda as Kathy said.

Commissioner Campbell interjected: No. I would like to comment on that real quickly too. And I do, I have been around and I have some of the knowledge, but I think it needs to be a training session done by staff or someone like that really because you're going to get into the FOIA things if you're not careful – you know, two (2) Commissioners meeting, although you're not discussing business, you're discussing Planning Commission. But I appreciate the thought you make. I don't mind trying to tell somebody well, here's what you need to read. Read your book, you know, and stuff like that to become a good Commissioner.

Chairman Threadgill: I think we still do it at the workshop. The FOIA issue is shot because those are publicly announced, right?

Director Sellman: Right.

Commissioner Campbell: But, as she was ...and I had thought about that after you said it. She was kind of appointing one person at that time to do it and that kind of threw the FOIA thing into it.

Chairman Threadgill: Anything else?

Director Sellman: Yes. The Director's Report.

Chairman Threadgill: Go for it.

2. PLANNING DIRECTOR'S REPORT

Director Sellman: The Director would like to report that I'm going to be contacting each of you individually to find out what would be a good time for us to schedule an open house on the subdivision, the changes that we are making. Have some public come in and, after they've reviewed them, give us their comments.

Chairman Threadgill: You talking about a public hearing?

Director Sellman: Yes. A public hearing.

Chairman Threadgill: If I may, we had talked about the first and third Thursday of each month, getting together and doing the work sessions and getting all this stuff up. I see no problem with, at the same time, doing a public hearing.

Commissioner Hotho: Or not do the workshop and do the public hearing, because that may go all night.

Chairman Threadgill: Because all the time, we're not going to have setup for a work session. The drafts aren't going to be ready or whatever. So when we have the drafts ready, get it to us, we'll have the public hearing. Just like next Thursday night, we are supposed to have a meeting. Do we have anything we're?

Director Sellman: No. And I have to tell you, meeting every Thursday night is a demand on staff that may not always work out.

Chairman Threadgill: Well, we've been fighting this well before you came in. One of the issues we have is that they want all these things updated – they want sign ordinances, traffic studies, this, that, and the other done – and then when we get in the gear to do it, they tell us to stop. And then Directors turn around and want to know why we're not getting it done; so, that's why we came up with the deal that we need to go ahead and set the dates and start working on it.

Director Sellman: Well, that's a good idea; but I think there are some ways that we haven't tried yet that we may be able to do. I mean, the purchase of computers was approved Monday night – overshadowed perhaps by other decisions – but it did happen. So we have that. I think there are electronic solutions to people getting together, to people commenting on drafts. That we can have something that people can go to to see what other people have commented and it doesn't mean having to be at a meeting every time. We've done that before.

Chairman Threadgill: The newspaper made a statement to me the other day, if any communication is done over the Internet are FOI.

Director Sellman: Yes, they are.

Chairman Threadgill: And that the newspaper will have full notification of any time you use your Internet, period. If you fire it up and you're going to talk to Dana over the Internet or whatever, you have to notify the paper.

Director Sellman: I'm not suggesting that we do it by Internet. I'm just saying that we can all have a draft and people's comments can be sent in and applied to that draft.

Chairman Threadgill: Well, there we're still communicating over the Internet though.

Commissioner Campbell: That's bad.

Director Sellman: You don't have to communicate over the Internet to do it.

Commissioner Campbell: We're not <unintelligible>. We're not communicating with each other. We're communicating back with staff.

Director Sellman: You get your comments to one central place and we can post them. But that's an excellent, excellent point.

Commissioner Clopton: Speaking of that, how much of our ...to what extent will the ordinances, the zoning laws, everything, be available to put on that computer as a matter of electronic availability?

Director Sellman: We'll have it for you.

Commissioner Clopton: All of it will be there?

Director Sellman: We believe there's enough space on there to load it up.

Commissioner Clopton: There should be, yeah. It shouldn't take up near that much space.

Chairman Threadgill: You talking about the whole Chapter 14 type of ...

Commissioner Clopton: Yeah. It'll all be on the computer. And it can be easily updated with ...

Director Sellman: Whenever there's a change, we'll give you a new diskette and you can reload it.

Commissioner Clopton: That will be so much <unintelligible> than a suitcase full of books.

Commissioner Campbell: It doesn't take a lot of room because I've got almost all City ordinances on my computer at home.

Chairman Threadgill: I've got all the State's.

Commissioner Clopton: You downloaded it from the State?

Chairman Threadgill: Yeah.

Commissioner Clopton: I've got to go online and ...

Director Sellman: There are other alternatives too if you want to load it up on a <unintelligible> drive or do something different. That way, when things change, you can bring in your old one and we'll reload it up and send you on your way. So, I think that will work out well. We started the ordering process Tuesday and we should have some idea with <unintelligible> coming your way. We'll let you know.

Chairman Threadgill: For what?

Director Sellman: In terms of when you'll get it, what it is. <Commissioner Campbell answered: The laptop.> The laptop, yeah.

Chairman Threadgill: Okay. Anything else.

Director Sellman: Is it okay to go ahead and poll everybody tomorrow, Monday about what dates are

good. We can have a Thursday night.

Commissioner Hotho: For a public hearing?

Director Sellman: For public hearing.

Commissioner Campbell: You're talking about a developer invite type thing?

Director Sellman: Yeah, yeah. Open to the public.

Chairman Threadgill: How much notice do you need to give?

Director Sellman: I think we need to give a minimum of a week. You're looking at more like a couple of weeks. People need to plan sometimes and people want to take a look at the documents.

Chairman Threadgill: If you've got a draft ...I mean, I haven't even seen the final draft yet.

Director Sellman: There are pages. We are proofing them at this point.

Chairman Threadgill: What I would like to do, personally, now everybody else fall in if you wish, but I'd like to see it at least a week before we turn it loose to the public, <Director Sellman interjected: You need it way ahead of that.> ...you know, so we can prepare something up here.

Commissioner Hotho: I just thought of something too that I want added to it. So do I tell you now, or do I tell you at the public hearing?

Chairman Threadgill: That's where she said you could e-mail ...

Commissioner Hotho: I wasn't sure if she wanted to wait until we had a public hearing and then we tweak it a little or ...

Director Sellman: No. If you've got something in mind, go ahead and e-mail me.

Chairman Threadgill: If it's like the last time, we'll tweak it several times. How many hearings did we have on the last one? Eight (8)? Seven (7) or eight (8)?

Commissioner Hotho: It was a bunch. Wanda asked me what I had in mind and I think in the

extraterritorial district in the subdivision ordinance, we need to have some kind of provision on the minimum lot size if they have a septic tank. We have those kind of provisions in the Zoning Code, but we don't in the extraterritorial. We're accepting septic tank subdivisions now. It's so weird.

Director Sellman: Does the state have a minimum when they approve the ...?

Chairman Threadgill: The state has a minimum requirement for a septic tank lot.

Commissioner Hotho: Well, the City has one too, so why wouldn't we put that in the extraterritorial in the subdivision ordinance. It's in the subdivision ordinance, then they have to do it in extraterritorial.

Chairman Threadgill: I can check tomorrow and I'll get with Larry and see what they've got.

Commissioner Campbell: You talking about a <unintelligible>?

Chairman Threadgill: No, a subdivision.

Commissioner Campbell: Yeah, but with individual septic tanks.

Chairman Threadgill: <unintelligible> Yeah with individual septic tanks. <Several people are talking in the background.> Because we're already in a pickle now with the pump stations and the septic systems they're putting in. We're binding state law and trying to have City regulations too and they're not working so ...

Commissioner Hotho: See in the Zoning Code, I think the R-2, the minimum lot size is this, but if you have a septic tank, it's got to be this. I think that needs to be addressed in it.

Chairman Threadgill: I forget what that is.

Mr. Stauder: 12,000 with City utilities, 20,000 without.

Commissioner Thorp: Yes.

Chairman Threadgill: That's right. Go ahead.

Commissioner Campbell: Did you give a report?

Director Sellman: Yes, I'm done with my report.

Commissioner Campbell: I have one question. Is the Real Estate Company going to be on our next agenda?

Director Sellman: March, yes.

Chairman Threadgill: Real Estate ...oh.

Commissioner Hotho: By the way, I know that seems to be a hot topic if you will, and since I haven't been on here and I don't know what's going on, maybe I'd like to have the staff run the past. Is that too much to ask?

Female Speaker: On the real estate company? Do you want the minutes?

Commissioner Hotho: Maybe the conditions, maybe the minutes ...I don't know. It just seems to be controversial and I'm just ...sorry.

Director Sellman: Just on that particular item?

Commissioner Hotho: Yeah. And at this point, I'm kind of like, what's the big deal? You know? I think it's because I'm ignorant.

Director Sellman: Well, I don't think we've ...we haven't advertised that we're talking about this item, so I don't think we should be discussing it in any detail.

Chairman Threadgill: No, we're not. She's just ...what I'm saying, I think, from what I've read, you need the minutes and the whole thing.

Director Sellman: We'll get you that.

Commissioner Hotho: If you don't mind. It's just because I haven't been here to know what all has gone on.

Chairman Threadgill: But, that's the only way you're going to know where you're at is to do the whole minutes.

Director Sellman: You can figure out what that is, right? On the Spargo Project?

Chairman Threadgill: Oh, there she is. They need to move you over here. I can't see you hiding over there.

Commissioner Clopton: What have we decided about meetings?

Chairman Threadgill: We haven't yet. That's what I'm fixing to bring back up. Alright. We've got ...we're going to need to get a draft, and today is the 8th, so we've got two (2) weeks actually left in this month, three (3) maybe. Our next meeting is the 8th of March. Do you think you can have us a draft by then?

Director Sellman: Umm, huh.

Chairman Threadgill: Having a draft gave to us at our next meeting the 8th of March, would that be alright with everybody? And then that would start you on the subdivisions.

Director Sellman: We can have it to you by then.

Chairman Threadgill: And then our, <Commissioner Thorp interjected: When is our next luncheon?> ...our next luncheon is Wednesday the 28th, February 28th. And I guess we are going to end the work sessions until further date? We're going to just forget about the every other ...okay? So if we get that on the 8th, give us a couple of weeks to look at it, and maybe have a public hearing around March 29th or somewhere around that date. Is that alright with everybody? That would be on a Thursday, last week of March.

Commissioner Hotho: I might possibly be out of town, but ...I'm taking a vacation that week. We don't know where we're going or when we're going.

Chairman Threadgill: Well. Our next Thursday would be April 5th.

Commissioner Hotho: That would be better for me.

Commissioner Clopton: I can tell you from my situation that that late in the season sits <unintelligible> tough for me to make on a Thursday. In fact, it would have to be a Monday or Tuesday or I'm going to be late.

Chairman Threadgill: Monday or Tuesday. Okay, let me look back here.

Commissioner Clopton: I'm just saying about my situation.

Chairman Threadgill: Okay on Tuesdays, we're going to have the County Planning Commission meeting so I'll be tied up on Tuesdays.

Director Sellman: What if we get the draft to you a week earlier and we do it the last week of February? Does that work better for you?

Commissioner Clopton: Yeah, it would probably work a lot better for us, yes. I might be borderline on getting here.

<Several people are talking at once.>

Chairman Threadgill: The 29th was the last week.

Director Sellman: When do things change for you?

Commissioner Clopton: April 15th. The end of the race meet. The end of the live meet.

Chairman Threadgill: But April 5th, you'll be in good shape, right? Oh, no, you're with the race meet.

Commissioner Clopton: What happens is when the days get longer, they run <unintelligible> races and we don't get out until 6:30.

Chairman Threadgill: Okay, the 12th is our next planning meeting in April. So the following Thursday...Did you say you had problems with Thursday? No? Okay, the following Thursday would be Thursday, April 19th.

Commissioner Clopton: That'll work.

Commissioner Hotho: That's fine with me.

Director Sellman: The 19th.

Chairman Threadgill: That will give you a month, two (2) months ...

Commissioner Campbell: That's plenty of time.

Director Sellman: That gives you plenty of time to look at the stuff, make your comments ...

Chairman Threadgill: We'll get the draft on the 8th and then five (5) weeks later, we'll hold the public hearing.

Director Sellman: And that gives the public plenty of time to take a look too.

Commissioner Clopton: That'll work.

Chairman Threadgill: What did I say, on the 19th, we'll have a public hearing?

Director Sellman: Yeah. Okay.

Chairman Threadgill: And on the 8th, you'll have the draft, of March, at our next meeting, we'll get the draft.

Director Sellman: You'll have a month to look at it.

Chairman Threadgill: Anything else?

Commissioner Campbell: For all of you that don't know that Wanda's retiring tomorrow ...

Director Sellman: I know ...

Commissioner Hotho: Yeah, Wanda!

Chairman Threadgill: Are the microphones off yet? <laughter> Any other questions or comments?

ADJOURNMENT
