

**MINUTES
PLANNING COMMISSION MEETING**

THURSDAY, MARCH 8, 2007

The regular meeting of the Planning Commission was held on Thursday, March 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: If I can have everybody's attention, I would like to get things underway here. We'll start off with the invocation given by Mr. John McCallum and the Pledge of Allegiance given by Wanda Thorp. Please stand.

Invocation by Mr. John McCallum: Let's pray. Thank You, Father, for these folks who have assembled here to hear the requests from citizens who have new ideas about ways to improve their lives and improve our City. We pray for wisdom on the part of the panel as they decide these requests. Thank You for Your guidance and we ask these things in Christ's name. Amen.

Pledge of Allegiance by Commissioner Wanda Thorp.

Chairman Threadgill: Alright, at this time, I'd like to call the meeting to order. Call the roll, please.

Roll Call

Present: Commissioner Dana Hotho; Commissioner Lori Ames; Commissioner David Campbell; Commissioner Wanda Thorp; Chairman Gary Threadgill

Absent: Commissioner James Clopton; Commissioner Louis Kleinman

Chairman Threadgill: One thing before we get started, I'd like to introduce Lori Ames, which is our new Planning Commissioner. This is her first meeting set in on, so give her a little slack.

Commissioner Ames: Thank you.

Chairman Threadgill: A little. <laughter>

Approval of Minutes

Chairman Threadgill: I need to consider the minutes for the previous agenda and we had two (2). I would like to hold up on the February 26th and have a discussion on it afterwards, so we'll go ahead and approve the Thursday, February 8th agenda. Do I have a motion?

Commissioner Campbell: So moved.

Commissioner Thorp: Second.

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

Approval of Agenda.

Chairman Threadgill: Alright I need to consider the previous, the agenda as-is tonight with Item 2 of Old Business being pulled. Do I have a motion?

Commissioner Campbell: So moved.

Chairman Threadgill: Do I have a second? I have a motion and a second, all in favor? <Ayes> Opposed? <None> Alright, we'll start off with Item No. 1, Old Business.

OLD BUSINESS

1. Miscellaneous (MISC-06-0170) – The Real Estate Company – parking lot variance for existing commercial establishment – 129 Henderson Street – District 3 – C-TR

Director Kathy Sellman: Item No. 1 is a request by The Real Estate Company for a parking lot variance for an existing commercial establishment at 129 Henderson Street. The area is zoned C-TR and it's in District 3.

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

Stevie Spargo, 400 Prichard:

Chairman Threadgill: A little bit about what you've got lined out, Ms. Spargo.

Ms. Spargo: I am requesting a change that we back into these parking places and that because of the hard surface that we have available to us there from <unintelligible> parking, I'd like to not have to do any additional paving.

Chairman Threadgill: Do I have any questions from any of the Commissioners to the applicant? Seeing none, have a seat. 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? Seeing none, I'll close the public portion. Do I have any questions or comments from the Commissioners? Commissioner Campbell?

Commissioner Campbell: I have one. I think that the ordinance that states that you can't back out into a street stands on its own merit and I think the writer of that ordinance was looking out for the safety and well-being of the public. To me, this is kind of a play on words as far as backing in. You'd have to come down that street, pull across the opposing lane, and then back into this yard. This is the third time, I believe, that we've seen this. We had a first proposal back in February of 2006 to allow, I believe it was six (6) spots in front of the house. The applicant came back to us and said that six (6) wouldn't fit and brought us a drawing at that time of sort of a semi-circle driveway where they could go in and out; and now it seems that doesn't work. In light of all of this, I would like the Commission to consider just taking all of the parking out from in front of this building. There's parking on both sides – the West and the East. The West side is almost ground level to the front porch, which would make it convenient for the customers. The parking on the East side is a little harder to get to. That could be the employee parking. Should the Commission agree with that, I think both areas should be paved. We're looking at ten (10) spaces here and I think that we should expect ten (10) spaces on the East and West divided up however they fit.

Chairman Threadgill: Alright, any other questions or comments from the Commissioners?
Commissioner Hotho?

Commissioner Hotho: I have. My question might be for the applicant, because she obviously has a lot of racetrack parking there. Why is parking in front important to the applicant?

Chairman Threadgill: Please come back forward.

Ms. Spargo: The parking that has been on the front has always been that way for the seasonal parking. One thing I might point out from that, and I appreciate being able to readdress it, is that since 1999, there has been one accident in this street. Now seasonal parking has always been there. There's been parking in front of this building for over thirty (30) years that I know of, because I've had the building that long. The parking is hard paved there. According to your own Zoning Code, it appears to me that I can have a surface resistant to erosion. This has already proved itself to be that. It does drain, <unintelligible> to prevent damage from the abutting properties, and I maintain it properly. So, I am really somewhat confused by not being allowed to park this way. The backing in is something that I was taught in Southwestern Bell when I retired from them is that if you think that there is safety issue, at least you have a firm look at the situation that you are pulling into and then back into it rather than backing out. And so, I'm trying to do what's <unintelligible> and what works well for my business too.

Chairman Threadgill: Any other questions or comments?

Commissioner Hotho: Well, I wasn't here when she was here before; so I kind of agree how the circle drive thing won't work, because that is the only green space in this whole entire property because of the seasonal parking. I don't, I'm kind of like Dave, the backing into it is almost as dangerous as backing out. This is Henderson. I mean it's full of seasonal parking. My husband and I patronize Rocky's Pizza all the time. We are constantly backing out onto Henderson, not 50' from here, and I think what she's doing is fine. She deserves the variance, just from the other area businesses that back out and the seasonal parking people that back out. I think she's got a unique thing here. If there wasn't a real estate company in this building, I'm not sure what else would go there considering location. We're lucky to even have her there and I think we should grant her the variance.

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

Commissioner Hotho: I move that we grant her a variance to park in front.

Chairman Threadgill: As staff recommends?

Commissioner Hotho: As staff recommends, if that's the way you guys want to do it.

Chairman Threadgill: Alright. Do I have a second?

Director Sellman: May I mention something?

Chairman Threadgill: Yeah.

Director Sellman: This isn't actually a variance. This would be the revised parking plan for the conditional use.

Commissioner Hotho: Okay. I'm sorry. I'm playing off the applicant's words of variance. I recommend the parking that she can back in only to her parking spaces in front.

Chairman Threadgill: Alright, I have a motion. Do I have a ...? Comment?

Commissioner Campbell: I was going to wait for a second to comment.

Chairman Threadgill: Do I have a second?

Commissioner Thorp: I make a second.

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

Commissioner Campbell: Okay. Staff's recommendations says that all spaces will be striped and posted to that effect. Is that, are we going to stay with what the ordinance says that all areas subject to wheeled traffic will be paved?

Director Sellman: I believe what the applicant is asking for is to maintain the existing surface. If I understood her testimony, she is saying that this is an erosion resistant surface, that there is not damage, that it is sufficient to prevent damage to the adjacent public street, and that she will maintain it in this condition.

Commissioner Campbell: Am I wrong in that our ordinance says that all areas subject to wheeled traffic shall be paved?

Director Sellman: It says that it will be paved, but it also says that it must do those three (3) things.

Commissioner Hotho: So if it already does that, does that mean that it doesn't have to be paved?

Director Sellman: I don't know.

Commissioner Hotho: Because I would <unintelligible> see her pave it when that's her only green area around the entire building.

Director Sellman: The Code is a little odd in that way. It says pave but then it says and these three (3) things must result.

Commissioner Hotho: And that's the only green area because of her seasonal parking which has been there forever.

Director Sellman: I think it's a determination that you need to make.

Chairman Threadgill: Any other comments? Call the roll, please.

Dana Hotho – aye; James Clopton <Should I just skip the people who are not here?>; Lori Ames – aye; David Campbell – abstain; Louis Kleinman; Wanda Thorp – aye; Gary Threadgill – I abstain due to the fact that I feel that staff's recommendation to allow parking to be backed in is a play of words, so I abstain.

Chairman Threadgill: What is the vote, please?

Female Speaker: Three (3) ayes, two (2) abstain.

Chairman Threadgill: I believe the motion passes.

Director Sellman: Yes.

Chairman Threadgill: The motion passes. Item No. 2 has been tabled, correction, has been pulled, so we'll go to Item No. 3 on New Business.

2. Site Plan Approval – (SPA-06-0297) – SDI Realty – site plan review for new commercial development under Article II – THIS ITEM HAS BEEN TABLED BY THE APPLICANT – 1350 Higdon Ferry Road, former fairgrounds location – District 4 – C-4

NEW BUSINESS

3. Home Occupation Type B – (HOB-07-0043) – Shepard’s Construction, DBA – Type B Home Occupation – 211 Woodmere – District 1 – R-3

Director Sellman: Item No. 3 is Shepard’s Construction, DBA, a Home Occupation Type 3 request at 211 Woodmere. The zoning is R-3 and it’s located in District 1.

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

Robert Shepard, 211 Woodmere:

Chairman Threadgill: Alright, Mr. Shepard, a little bit of what you’re going to do for your home occupation.

Mr. Shepard: I’m just going to make my yard kind of look nice and be able to show my trailers and equipment for personal use and stuff. I don’t operate my business from home. I just carry my equipment home because it’s safe there. I’m going to do a gravel driveway and you know, kind of make it match the front yard that’s already done and kind of make it look real nice, you know.

Chairman Threadgill: Alright. Do I have any questions to the applicant from the Commission? Commissioner Campbell?

Commissioner Campbell: I have one. Do you have the hand drawn picture in your packet?

Mr. Shepard: Yes, sir.

Commissioner Campbell: What is, what I’m looking for is the area, the setback from the back of that building back there, it was on the previous.

Mr. Shepard: Uhh, yeah. It is 67' to the back of the lot from where that building is.

Commissioner Campbell: From the back of that building to the property line?

Mr. Shepard: Yes, sir.

Commissioner Campbell: Not from the ...well, I'm saying the back of it. I'm talking about the North side of that building to the property line.

Mr. Shepard: I believe it's about 125'.

Commissioner Campbell: Okay.

Mr. Shepard: I'm set way back on the property.

Commissioner Campbell: You're saying ...is this ...I thought it was close to the property line back there.

Mr. Rick Stauder: Are you referring to on the rear side of the accessory building that's being constructed?

Commissioner Campbell: Yeah, on the rear side, not from Woodmere but the other street.

Mr. Shepard: St. George?

Commissioner Campbell: Yeah, looking at it from St. George to the back of it. Where's the property line? Which would be behind what we're looking at right here.

Mr. Stauder: Yeah, the building is set at least 60' off of St. George. What I'm not sure of is where the property line to the rear would be.

Mr. Shepard: 67' from the back of the building.

Mr. Stauder: I'll bring up the map just to show you what is all under his ownership. He owns several lots right there. I guess my assumption is the building will be placed somewhere in this location on this drawing. So evidently he's talking about this additional lot probably.

Commissioner Campbell: We can't look at the additional lot. It has to be the lot that it's setting on. Right?

Mr. Stauder: Well, I think that's a matter of interpretation. All of the lots are under one parcel number.

Chairman Threadgill: It's all one parcel number. It's all one lot.

Commissioner Campbell: Okay.

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

Commissioner Hotho: What exactly, what kind of construction are we talking? Backhoes and bulldozers?

Mr. Shepard: No, ma'am. Most everything I have are hand crafted tools – saws, Skill saws, stuff that fits in that white trailer and that black trailer and I got a few ladders and once in awhile I come home with a little left over debris or building material; but due to my wife <unintelligible>, I don't keep it on the property very long.

Chairman Threadgill: Understandable.

Commissioner Hotho: If <unintelligible> we grant his home occupation, since he's a construction company, if he goes and buys those items as he grows and becomes a builder, I mean, is he going to have to come back or are we giving him a green light for anything that pertains to his construction company?

Chairman Threadgill: What we're giving him right now, under item or article or type II, get this straight here, he's allowed to have a building. Would you like to take that?

Director Sellman: Yeah. What he will be approved to have is what appears on his site plan and no more than that. Additional structures would need to be approved.

Commissioner Hotho: Okay. It's not so much the structures that I was talking about equipment – like backhoes, bulldozers.

Chairman Threadgill: Well, that would come under the area of Item 4 – if any of the above conditions or other conditions set forth by the Planning Commission are violated, this home occupation permit shall be revoked.

Commissioner Hotho: So when we make a motion, we must specifically say it's trailers and this building. Okay.

Chairman Threadgill: Yeah. We need to state as submitted. Commissioner Campbell?

Commissioner Campbell: One of the recommendations of staff is that there's some type of screening be placed. What do you intend on doing?

Mr. Shepard: Well, sir, on the front of my property I have a stone wall that was started and it was never finished. I was going to continue that stone wall and you can't see it because the flower beds, well, it's right in front of the van there in the picture, and it was intended to have a nice stone, flagstone fence type thing put down there. I thought later on that I would run that stone fence down, gate it off, you know, kind of make it look residential but high. I would continue that down all the way down the whole property because I do not intend to sell or partition any of it.

Commissioner Campbell: What is later on?

Mr. Shepard: When I can <unintelligible> come up with my finances to do it.

Chairman Threadgill: Any other questions?

Mr. Shepard: As far as everything else that is in the picture right now, my idea in the next, before probably the end of summer, was to get the building completed, my little <unintelligible> work in the diagram, and then the trailers would be pointing vertical so they could not be seen from the street, behind kind of a, you know, carport looking area that disguises it – makes it look like a really nice garage.

Chairman Threadgill: One thing we've done in the past to try to screen it is maybe you could throw up a 6' privacy fence just along the edge of it or something temporarily to just block it from the street so that if somebody does look that way, instead of seeing all this clutter, you see some type of fence or screen or something that blocks it from public view.

Mr. Shepard: Okay, I understand.

Chairman Threadgill: We have a problem with that. People in your neighborhood, they're not going to want to sit and stare at all the trash and the trailers and the, you know.

Mr. Shepard: I understand that. I also, that picture doesn't do it justice. It's actually really, really nice down there when the spring or summer starts rolling around. It looks kind of desolate right now, but I usually park up in the back. We have found that we have some drainage problems on that property on that lower lot and I cannot park my trailers in the back until I fix my gravel and

contour the land, which at this moment, I'm applying to become a dirt remover, or whatever that license is that you're required to have.

Chairman Threadgill: Alright. Were you aware of the recommendations that staff put on this?
Mr. Shepard: Yes, sir, I've read it.

Chairman Threadgill: Alright. Do I have any other questions or comments from Commissioners?
Commissioner Campbell?

Commissioner Campbell: Have you obtained your building permit for that building yet?

Mr. Shepard: No, sir. I waited until tonight to figure out what was going to go on.

Commissioner Hotho: Mr. Chairman?

Chairman Threadgill: Commissioner Hotho?

Commissioner Hotho: I have a question for staff and it's just a clarification. I might be getting confused because I've been on this Commission under another Zoning Code. But it was my understanding on a home occupation, if it required an additional building, it was ineligible. I don't see that in the ordinance now. Am I just, is that in another part of the Zoning Code?

Director Sellman: I believe it's ineligible under Type A.

Commissioner Hotho: Okay.

Chairman Threadgill: Under Type B, we allow an auxiliary building.

Commissioner Hotho: Okay.

Chairman Threadgill: Under Type A, it is not.

Commissioner Hotho: I'm just getting it confused then. Okay.

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

Mr. Shepard: Thank you.

Chairman Threadgill: 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? Seeing none, I'll close the public portion. Do I have any questions or comments from the Commissioners? Commissioner Campbell?

Commissioner Campbell: I have one of staff. It appears that this is going to be a long, drawn out process. What kind of time frame is staff, would ya'll be comfortable with in completing the building or the screening?

Director Sellman: You raised a good issue. I think probably it would be helpful both to the City and to the applicant to establish some time targets so that we'll know that we're progressing along with this. You might want to query the applicant as to what he believes his time line is – three (3) months, six (6) months, something like that; but it is very reasonable to establish that time line.

Commissioner Campbell: Okay I tried, attempted that, but if the applicant would come back up, I would...

Chairman Threadgill: Please come back forward, sir. Commissioner Campbell?

Commissioner Campbell: Can you give us a reasonable time frame that you can complete your building and get some type of screening?

Mr. Shepard: Yes, sir. August 30th it will be completed.

Commissioner Campbell: Thank you.

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

Commissioner Campbell: I make a motion that we approve this with staff's recommendations and as stated by the applicant, that the shed and the screening will be completed, I believe, August the 30th I believe he said.

Mr. Shepard: Yes, sir.

Chairman Threadgill: Alright, so the fifth item will be that the structure and screening will be

completed by August 30th of 2007. Correct?

Commissioner Campbell: Right.

Chairman Threadgill: Alright. Do I have a second?

Commissioner Thorp: Second.

Chairman Threadgill: All in favor? <Ayes> Opposed? <Aye> One opposed. Motion passes, sir. Hotho. Item No. 4.

4. Home Occupation Type A – (HOA-07-0030) – Rudy’s Maintenance Repair – maintenance and repair of small appliances in a home occupation – 1045 Shady Grove Road – District 6

Director Sellman: Item No. 4 is Rudy’s Maintenance Repair. This is a request for Home Occupation Type B approval for maintenance and repair of small appliances. It will be located at 1045 Shady Grove Road. It is currently zoned R-2 and it’s in District 6.

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

Rudy Weidema, 1045 Shady Grove Road:

Chairman Threadgill: Alright. A little bit of what you have set up for us, sir.

Mr. Weidema: I just want to do some maintenance supply, maintenance repairs on washers and dryers.

Chairman Threadgill: Alright, are these appliances going to be brought to your property?

Mr. Weidema: No, they are not.

Chairman Threadgill: It’s all going to be done off site.

Mr. Weidema: They’re all going to be done, everything’s going to be done on site, yes.

Chairman Threadgill: I might ask a question of staff. Why is this one a Type B? Could this not

go under a Type A since there will be no on site?

Director Sellman: The activity is not confined to the primary structure or home.

Mr. Weidema: My office is in the house.

Director Sellman: Do we not have vehicles?

Mr. Weidema: I have one vehicle, a pickup, that the parts are going to be on – I mean my tools. I won't have any parts.

Director Sellman: Is the shop areas not being used for tools?

Mr. Weidema: No, they will not be.

Chairman Threadgill: I mean if we ...

Director Sellman: Office only.

Mr. Weidema: Yeah, it's an office.

Chairman Threadgill: That's what I was getting at, if it was going office only, then we have in the backyard, we have two (2) shops. I don't know if we approve the site plan, are we going to be, are we approving the shops as a usable item under a B too? <unintelligible>

Mr. Weidema: The shops <unintelligible> be used.

Director Sellman: Okay, I believe our understanding was incorrect then. We understood that the shops were a part of the activity. If they're not ...

Mr. Weidema: They're not.

Director Sellman: ...then ...

Chairman Threadgill: We make a change to Type A or do we leave it as Type B and in the future, he'll be able to use them?

Director Sellman: It should probably be Type A. We will issue a refund for the difference in fee.

Chairman Threadgill: Okay. Commissioner Campbell?

Commissioner Campbell: I think that this may have just been an oversight on staff's part, but you've got the project description as maintenance and repair of small appliances. I think these are more large appliances.

Director Sellman: These are large, yeah.

Commissioner Campbell: That might want to be corrected also.

Chairman Threadgill: Well, they'll be all off site repairs, so we'll take it to Type A.

Commissioner Campbell: One comment too – you know, if this is allowed, you are not to do the work at your house.

Mr. Weidema: No, it's not going to be done at my house, no.

Commissioner Campbell: You understand that?

Mr. Weidema: Yeah, I understand that.

Chairman Threadgill: Commissioner Hotho?

Commissioner Hotho: Umm, what if you go ...I'm assuming your doing refrigerators and washers and dryers, correct? What if you go to a residence and the washer is going to cost more to repair than it is to replace it and they want you ... do you take those washers? Do you take them back ...?

Mr. Weidema interjects: I won't take them. No.

Commissioner Hotho: So, they'll just have to ...

Mr. Weidema interjects: They'll have to dispose of them theirself.

Commissioner Hotho: Because if we approve this, you're not allowed to take them and resell them ...

Mr. Weidema interjects: ...I don't want none of that stuff around my house.

Commissioner Hotho: Okay. Okay.

Chairman Threadgill: Alright, any other questions to the applicant? Sir, you may have a seat. Is there anyone in the audience who has anything to say for or against this item? Again, anyone in the audience with anything to say for or against this item? Seeing none, I'll close the public portion. Do I have any questions or comments from the Commission?

Commissioner Campbell: We are changing this to a Type A?

Director Sellman: Type A.

Chairman Threadgill: Yes. It's going to be a Home Occupation Type A. That's what we'll be approving and the staff's recommendations will remain the same.

Commissioner Hotho: Mr. Chairman, I move that we approve this Home Occupation Type A for Rudy's Appliance, excuse me, Rudy's Maintenance Repair.

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

Commissioner Campbell: Second.

Chairman Threadgill: All in favor? <Ayes> Opposed? <None> Motion passes, sir. Item No. 5.

5. Conditional Use – (CU-07-0045) – C The Difference – interior design and personal shopper business in one-half of a duplex – 1011 West Grand Avenue – District 1 – C-TR

Director Sellman: Item No. 5 is C the Difference, a conditional use request for interior design and personal shopper business in one-half of a duplex located at 1011 West Grand Avenue. It's zoned C-TR and it's located in District 1.

Chairman Threadgill: Yes, ma'am. Give us your name and address for the record. You can pull that down there.

Cindy Faulk, 1011 West Grand: They don't have it for short people, do they?

Chairman Threadgill: Alright, Cindy, a little bit of what your plans are for the building.

Ms. Faulk: Well, I do interior design and personal shopping and so I wanted to operate that business out of my home. I, let' see, I'll show you a little bit of what I do <unintelligible>.

Chairman Threadgill: Alright.

Ms. Faulk: This is <unintelligible>

Chairman Threadgill: Can you step over to the microphone too, please, so everybody can hear?

Ms. Faulk: This is a proposal for an animal clinic and so it has a little bit of what I do. We check out fabrics, furnishings ... this particular one had to be ADA compliant, so you know you want to make sure you always keep that in mind with your design; and basically you do the same thing for homes. About anything that goes into a home is the sort of things I assist people in making choices and as a personal shopper, which is an extension of the interior design, I will do that for you with more personal items. If Aunt Fanny's got a birthday and you don't know what to get her because she's 94, just call me and I'll make those choices for you. I will have clients stopping by the home on occasion because I have more sources there. It's a good way for them to actually see what I have.

Chairman Threadgill: Alright, do I have any questions to the applicant from the Commissioners? Alright, you may have a seat.

Ms. Faulk: Oh, good.

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

Commissioner Hotho: Just a comment ...I think being on West Grand, that's an arterial road, and I think it's a good use for the property and I move for approval.

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

Commissioner Thorp: Second.

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

Director Sellman: That would be with staff recommendations?

Chairman Threadgill: Yes.

Director Sellman: Thank you.

Commissioner Hotho: With staff's recommendations.

Chairman Threadgill: Thank you. Sorry.

Commissioner Hotho: No, I'm sorry.

Chairman Threadgill: Item No. 6.

6. Conditional Use – (CU-07-0039) – First Baptist Church – conditional use permit for addition to existing church – 2350 Central Avenue – District 5 – R-3

Director Sellman: Item No. 6 is First Baptist Church, a conditional use application for an addition to the existing church. This is at 2350 Central Avenue. It's currently zoned R-3 and it is located in District 5.

Chairman Threadgill: Alright, please give us your name and address for the record.

Milton Raabe, 130 Hillside Place, Hot Springs:

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

Mr. Raabe: We've got a church there since 1962 and we're going to have to tear the existing auditorium down and rebuild it with a 1,000' auditorium.

Chairman Threadgill: Alright, any questions from the Commissioners?

Commissioner Hotho: I'm sorry. Auditorium sanctuary?

Mr. Raabe: Uhh, huh.

Commissioner Hotho: Wow.

Chairman Threadgill: They're going to tear down the existing sanctuary and build a new one.

Commissioner Hotho: Awesome.

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

Commissioner Campbell: We have a memo here concerning the sign. Is that in with this?

Director Sellman: Yes. That was <unintelligible> regarding the sign.

Commissioner Campbell: There's been a lot of concern about another sign up further out Central Avenue. Just looking at staff's recommendations, it looks like this one's going to be limited somewhat compared to what that one is.

Director Sellman: Yes. This is an attempt to try and address the impact of those signs, particularly to the neighborhoods surrounding it – through hours of operation being limited and also to avoid any traffic impact that is negative because of distraction.

Commissioner Campbell: Thank you.

Chairman Threadgill: Any other questions or comments? Thank you, Mr. Raabe.

Commissioner Hotho: You're referring to the new sign?

Chairman Threadgill: Yes.

Commissioner Hotho: Okay. Okay.

Chairman Threadgill: 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 Thorp: I make a motion for approval.

Commissioner Hotho: Second.

Chairman Threadgill: I have a motion. Did I get a second?

Commissioner Hotho: Yes, sir.

Chairman Threadgill: And a second ... all in favor? <Ayes> Opposed? <None> Motion passes.

Director Sellman: Would that be with staff ...?

Chairman Threadgill: I need staff recommendations. Sorry.

Commissioner Thorp: Oh, with staff's recommendations, and ya'll are aware of that. Everybody?

Chairman Threadgill: Alright.

Director Sellman: Including the limitations on the sign.

Chairman Threadgill: Please remind me, folks. Item No. 9.

7. Preliminary Subdivision – (PS-07-0036) – Melia Gardens Phase II – Phase 2 Lots 15-25 – on Palos Verde Drive off of San Carlos Point – County – ET

Director Sellman: Item No. 9 is Melia Gardens Phase II preliminary subdivision. This is Phase II, Lots 15-25, and is located on Palos Verde Drive off of San Carlos Point. It's located in the extraterritorial jurisdiction of the City, and as such is in the unincorporated area of the County.

Chairman Threadgill: Give us your name and address for the record, sir.

Bill Malone, 130 Hobson is my business address; 2300 Central Avenue is my residence:

Chairman Threadgill: Alright, Bill, are you wanting to do what here now?

Mr. Malone: We want, we're asking for preliminary plat approval for the second phase of Melia Gardens, basically consisting of ten (10) lots. I'm sure most of you have already been on that site before. It's a ...the streets are in, been there about ten (10) years, and water and sewer facilities are in place.

Chairman Threadgill: Mr. Malone, how many more phases are going to go into this area? Do you have any idea yet or was this ...I mean, I know there's already a subdivision there, but apparently it's by metes and bounds?

Mr. Malone: There was a subdivision that went through the Planning Review, but they never did file a plat. They built the facilities for the subdivision, but they didn't file a plat. In Melia Gardens Phase I, we took those large lots and divided them and made smaller lots and this is just a continuation of it. You were asking a question ...we've got the owners here tonight. They might ...

Chairman Threadgill: What happened on like the Lots 1-14? What happened to the back half of those lots that were on the original plat? Are those going to come in under another phase or ...? That's what I'm getting at. We show a ...what I think is a large development subdivision that's just like you said, that's never been platted and we're doing it piece by piece. I'd just kind of like to know where we're going with it or what's going to happen.

Mr. Malone: Ultimately, there's a possibility of a road, another street to the North there, because there's enough land, but it's very steep.

Chairman Threadgill: Yeah, I see that.

Mr. Malone: So, I don't know what the final outcome will be on that.

Chairman Threadgill: Give us your name and address for the record, Mr. Tucker. There you go.

Larry Tucker, 324 Bratton Drive, Hot Springs:

Chairman Threadgill: Are you going to ... like the other half of those first fourteen (14) or whatever, are you going to set up some kind of subdivision in that or <unintelligible> ? I'm wondering, are we going to go Phase II, Phase III, or are we going to get an entire design or ...?

Mr. Tucker: No, sir. Gary, what we're going to do is probably go ahead and develop the rest and probably sell lots in that front part where you come in the gates. Me and my partner, Mike Malloy, we've talked about going ahead and getting it developed before we, where we don't get caught like this.

Chairman Threadgill: Okay. That's what I wanted to know is what, are you going to go ahead and get this ... <Mr. Tucker is talking at the same time.>

Mr. Tucker: ...We got them built and everything but the plumbing in them and we're kind of on a hold right now.

Chairman Threadgill: Alright, do I have any questions from any of the Commissioners to the applicants? Commissioner Campbell?

Commissioner Campbell: Yeah, just a clarification. You said there was ten (10) lots or eleven (11)? I'm counting eleven (11).

Chairman Threadgill: It's showing eleven (11), but ...

Commissioner Campbell: It is eleven (11)? Okay.

Mr. Tucker: My <unintelligible>. That system has got an 8" water line that stops there at the T-intersection for future loop through; so as far as water goes, it's well served. They could do whatever they needed to back there.

Chairman Threadgill: Alright. Any other questions to the applicant? You may have a seat, sir. Is there anyone in the audience who has anything to say for or against this item? Again, anyone in the audience with anything to say for or against this item? Seeing none, I'll close the public portion. Do I have any questions or comments from the Commissioners? Commissioner Campbell?

Commissioner Campbell: I just have one of staff. If this is approved, will this be immediate? Can they go ahead with their ...and finish their buildings?

Director Sellman: They will need to file a final plat, which I believe they are prepared to do tomorrow.

Commissioner Campbell: Okay.

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

Commissioner Campbell: Mr. Chairman, I would make a motion that we approve this with staff's recommendations.

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

Commissioner Hotho: Second.

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

8. Preliminary Subdivision – (PS-07-0041) – Shady Heights Apartment Homes – duplex subdivision – off of Shady Heights Road – County – ET

Director Sellman: Item No. 8 is Shady Heights Apartments Homes preliminary subdivision. This is a duplex subdivision located off Shady Heights Road in the extraterritorial jurisdiction of the City.

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

Bill Malone, 130 Hobson Avenue, Hot Springs:

Chairman Threadgill: Alright, Bill, a little bit about what you have got on this one.

Mr. Malone: This is a ...what we're asking for is approval for a preliminary plat for Phase I of a three (3) phase development for duplex homes to be built in this area. There's like thirty-two (32) lots in Phase I, roughly thirty (30) in each ...the other ...in the second and thirty (30) in the third, roughly.

Commissioner Hotho: I'm sorry. How many total?

Mr. Malone: Close to a 100 lots – 100, 102, something like that.

Commissioner Hotho: Duplexes?

Mr. Malone: Yes.

Commissioner Hotho: I have one question about this. When I was driving out there, is this across the street from the 300 Block? It's kind of wooded but it's sort of been cleared. Is this where this is going? Okay? I couldn't figure out where it was going.

Mr. Malone: Yes. Yes.

<Chairman Threadgill and Mr. Malone begin speaking at once.>

Mr. Malone: Go ahead.

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

Commissioner Campbell: This piece of property is a parcel that we approved a subdivision on about a year ago, I think, maybe a little longer than that. My only comment on it is going out there and looking at it, it is a terribly steep ... and I would like for Mr. Malone to come back up. In configuring that road coming into it from Shady Grove down into it, are ya'll going to be able to ...is that the hook in it to get away from some of that steep elevation?

Mr. Malone: Exactly. That's to make it a little bit longer in order to cut the grade down.

Commissioner Campbell: Is that going to meet the City's requirements of grade?

Mr. Malone: Yes it will.

Commissioner Campbell: ...Without having a variance on it?

Mr. Malone: Right. It will.

Commissioner Campbell: Okay.

Chairman Threadgill: Any other questions or comments?

Commissioner Hotho: <unintelligible>

Chairman Threadgill: Pardon me?

Commissioner Hotho: This backs right up to the City limits, doesn't it?

Chairman Threadgill: Yes, it does.

Commissioner Hotho: I would encourage annexation.

Mr. Stauder: It's actually a requirement.

Director Sellman: It will be a requirement.

Commissioner Hotho: Oh, good. Good, good, good. Thank you.

Mr. Malone: My office prepared an application for annexation today.

Commissioner Hotho: Good, thank you.

Commissioner Campbell: Mr. Malone, I have one other question. I'll wear you out walking back and forth.

Chairman Threadgill: Commissioner Campbell?

Commissioner Campbell: In some past projects we've looked at that bordered the City, we required that they be annexed prior to development. Would your owners have a problem with that?

Mr. Malone: They planned the annexation of course, they're going to do that; but I think they want to go ahead immediately with their construction without doing this – to build the initial thirty-two (32) buildings.

Male Speaker: I want to be recognized.

Chairman Threadgill: Give us your name and address for the record, sir.

Travis Morrissey: I'm one of the counsel for the developers of this project. What issues we've had is I've spoken to Bee Albright, the City Attorney, regarding this issue of annexation. The only problem with it is this is kind of <unintelligible> kind of deal where the property is being acquired pursuant to an option. The individual who owns this, if this was for whatever reason not be approved by the Commission or the Board, would not want to be annexed, would undertake a different type of development of it. So, I spoke with Mr. Albright and told him that the developer would be happy to escrow a Petition to Annex and that simultaneous to the approval, he would then be able to close on the property and would be able to file the annexation petition. Mr. Albright indicated that made sense to him, but he said the Commission, you know, could pass that with a condition.

Chairman Threadgill: Alright. Does that answer your question?

Commissioner Campbell: Yeah.

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

Commissioner Hotho: I move for approval. I think it's a good development and Lakeside School District really needs more rentals; and they're going to annex. Motion to approve.

Commissioner Campbell: I would second that by adding this Condition 6 that's in our memo concerning the Shady Heights right-of-way that's proposed 70', that they leave that room up there for that. You agree with that?

Commissioner Hotho: Yes, sir. I agree.

Commissioner Campbell: Understand that, staff?

Commissioner Hotho: No gravel turnaround – must be hard surfaced.

Director Sellman: Hard surface turnaround?

Mr. Stauder: I believe the condition he's referring to is the late memo that we put out regarding the reservation of the required right-of-way along the front of this property that fronts of Shady Heights. The comprehensive plan, I believe if I recall, is calling for a 70' right-of-way of Shady Heights. We would ask that they measure 35' from the center line and then dedicate any portion

of their property that falls within that area as dedicated right-of-way. Actually we did receive a revised plat late yesterday, I believe it was, that actually already shows that. So, they're addressing it.

Director Sellman: Okay, so we're addressing Condition 6 consistent with the memo.

Chairman Threadgill: Great.

Commissioner Campbell: And one further discussion point. This will be paved streets in this – curb and gutter and paved streets to City standards?

Director Sellman: Yes.

Commissioner Campbell: Okay. Then I second with those conditions – staff's original recommendations plus Condition No. 6 from the memo.

Chairman Threadgill: Alright, all in favor? <Ayes> Opposed? <None> Motion passes. Item No....

Commissioner Thorp: Didn't we have recommendations?

Chairman Threadgill: Pardon me?

Commissioner Thorp: I don't know recommendations at all.

Female Speaker: Mine doesn't have a memo.

<Several people are speaking very low in the background.>

Chairman Threadgill: Alright, Item No. 9.

9. Preliminary Subdivision – (PS-07-0044) – Red Pine Subdivision – new 60 lot subdivision in the County – off of Red Oak Drive – County – ET

Director Sellman: Item No. 9 is Red Pine Subdivision. This is a preliminary subdivision for a new sixty (60) lot subdivision in the County, located off Red Oak Drive. It's in the County area within the City's extraterritorial jurisdiction.

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

Milton Raabe, 130 Hillside Place, Hot Springs:

Chairman Threadgill: Alright, a little about what they're going to do on this one, Milton.

Mr. Raabe: It's a proposed sixty (60) lot subdivision on forty (40) acres on the South side of the lake, near Garvan Gardens and Red Oak Ridge.

Chairman Threadgill: The only question I have – what are we going to do on the phasing? You know, say we do Phase I A and Phase IV, are we going to have some type of cul-de-sac until the others ...?

Mr. Raabe: There's been a note added. Yeah. A temporary cul-de-sac will be paved, without curb and gutter.

Chairman Threadgill: Yeah. There it is. Can you see that one? Okay. Duh. <laughter> Any other questions or comments for Milton? Commissioner Campbell?

Commissioner Campbell: On your phasing, you got IA and I. What are you going to do? You going to build Phase I and IA at the same time?

Mr. Raabe: Probably start some of the homes in IA. They're going to be much larger homes than , ...it won't be ...he'll probably sell those lots.

Commissioner Campbell: Pretty area out there.

Mr. Raabe: Yeah.

Commissioner Campbell: That's all I had.

Chairman Threadgill: Alright. On this ...your Lot 58, 59, and 60. What is that street they're coming off on?

Mr. Raabe: Red Oak Drive.

Chairman Threadgill: Is that Red Oak Drive? Okay. Any other questions or comments from

any of the Commissioners? Thank you, Milton. Anyone in the audience have anything to say for or against this item? Again, anyone in the audience with anything to say for or against this item? Seeing none, I'll close the public portion. Do I have any questions from the Commissioners? Seeing none, I'll entertain a motion.

Commissioner Hotho: Move for approval.

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

Commissioner Hotho: <applause and horn honking outside the building> Apparently somebody won.

Chairman Threadgill: I have a motion. Was there a second?

Commissioner Thorp: I seconded it.

Chairman Threadgill: We have a second.

Commissioner Campbell: Is that with conditions?

Chairman Threadgill: Yes. I have a motion with staff's recommendations and a second. All in favor? <Ayes> Opposed? <None> Motion passes. Item No. 10.

10. Site Plan Approval – (SPA-06-0269) – Baldwin Court – site approval for nine (9) building individual detached units HPR – 115 & 117 Baldwin Court, off Thornton Ferry Road to Beach Haven Road – County – ET

Director Sellman: Item 10 is Baldwin Court site plan approval. This is a request for site plan approval for a nine (9) building with individual detached units, horizontal property regime, to be located at 115 and 117 Baldwin Court off Thornton Ferry Road to Beach Haven Road. This is in the City's extraterritorial jurisdiction.

Chairman Threadgill: Please give us your name and address for the record, ma'am.

Stephanie White, 928 Airport Road: Kathy, actually this is only going to be seven (7) units now.

Director Sellman: Seven (7), yes.

Ms. White: It's been changed. Basically we've got a site plan with seven (7) individual homes with a POA to maintain paving and common areas. We propose to connect to City water and City sewer via a pump station. I think we've worked out all our issues of landscaping and screening, so ...and the Fire Department. So I think everything is a go as far as that goes.

Chairman Threadgill: Alright. Commissioner Thorp?

Commissioner Thorp: You do have everything worked out with the Fire Department because it didn't look like you could get a fire truck ...

Commissioner Hotho interjected: I thought that.

Commissioner Thorp: ...that's not good.

Ms. White: No, I talked to Nate yesterday. Did he call you? Okay. There was a ...it was approved, but then it said underneath, it was a little misleading, but he said everything's good and he was going to call Planning and I guess he didn't.

Chairman Threadgill: Did staff get any confirmation on that?

Director Sellman: We'll get confirmation on that.

Mr. Stauder: I talked to him yesterday on two (2) or three (3) other projects. I don't recollect this one. I'm not swearing to that though. I get them confused. We have so many going at once, but I can confirm that if you want to make that a condition.

Chairman Threadgill: Alright, let's make it part of the condition <unintelligible> if that's alright with you.

Commissioner Thorp: Uhh, huh.

Chairman Threadgill: I'm asking you. You made it.

Commissioner Hotho: No, I didn't make a motion.

Chairman Threadgill: I mean you made the comment. I'm letting ...

Commissioner Thorp: No, I did.

Chairman Threadgill: Oh, sorry.

Commissioner Hotho: Look at him accuse me.

Chairman Threadgill: Alright, you made the comment. Do you want to make it part of a motion?

Commissioner Thorp: Yes, I do. I want to make sure that that's ...because going down there, it's going to be real difficult to me in my opinion to get a fire truck around there and back up and out.

Chairman Threadgill: Commissioner Hotho?

Commissioner Hotho: Before we make a motion, I think there are so many denials on this Development Review Committee, I would like to table it until they get all their ducks in a row.

Chairman Threadgill: Alright, I have a motion to table. Do I have a second? <unheard second> I have a motion and a second. All in favor? <Ayes> Opposed? <None> Item is tabled. Item No. 11.

11. Site Plan Approval – (SPA-07-0042) – Pinehill Triplex – multiple building project – 173 Pinehill Road – County – ET

Director Sellman: Item No. 11 is Pinehill Triplex site plan approval. This is a multiple building project at 173 Pinehill Road in the City's extraterritorial jurisdiction.

Chairman Threadgill: Please give us your name and address for the record, sir.

Wayne Kelso, office is 4760 Central Avenue:

Chairman Threadgill: Alright, Mr. Kelso, I think we've all been out and seen what we've got there. You have any intentions of building any more on that same parcel?

Mr. Kelso: No. That's the final.

Chairman Threadgill: Thank you. I think since our agenda was typed up, has staff made additional comments on fire proofing and such the building, Rick?

Mr. Stauder: Yeah, that was an additional memo, supplemental packet passed out prior to the meeting tonight. Mr. Kelso did come into the office after the DRC Meeting and met with me and Building Official, Mike Scott, to discuss the various options that he had, if any, to try and rectify this separation problem. As I'm sure you're aware, these two (2) buildings are only 2' 9" apart, do not have any provisions as far as exterior coverings that would provide a fire separation that's required by the International Building Code, so Mr. Kelso was very cooperative. He left the office with the intent of drawing new plans showing how he intended on complying. He returned to the office a couple of days later with the plans. If I can get to them, this is basically his proposal on how to bring both structures into compliance. This building to the right is the existing triplex. This would be the one that's currently under construction. Basically, what he is proposing to do is cut the eaves or overhangs off of both of these buildings flush with the building line. At that time, he would build a 2' parapet wall, or pony wall as someone might call it, above the roof line; do a one hour fire rating material on the exterior of the building and do that to both structures; and then also, that one hour fire proofing would have to wrap around the corners of those buildings to a point that was at least 6', I mean, excuse me, 10' from each other. In addition to that, he's also proposed to install a dedicated fire lane, which is 70' in length by 20' in width. That is going to cause him to do some excavation and to construct about a 4' retaining wall here. Also, he's adding an additional fire hydrant directly across the street from the driveway. Both of these, all of this revision was ran by the Fire Marshall and the Chief Building Official, both of which said if it was done this way, it would be in compliance with the 2000 IBC.

Chairman Threadgill: Alright, any questions to the applicant from the Commission?
Commissioner Campbell?

Commissioner Campbell: I have one. Mr. Kelso, you've been in this business for a long time. Can you explain to me why you built these this way to begin with?

Mr. Kelso: Well, the people that was to the 7 South of me when I designed off my site plan, they <unintelligible> of their property, the top part of it was the end of my property, I lost some land; so I had to move in to the one. But it's 2' 9" on that one front in corner and it's 10' at the back of the building, so it's constantly getting further apart. It's not, which I think you've been out there, it wasn't 2' 1/2" near all the way done. It was actually showing <unintelligible> and I had

already had my loan commitment and rather than going through a complete loan process again, I did move in on that. But we also decided <unintelligible> that wall, we used 5/8" fire guard sheetrock on the inside of those walls and the ceilings and everything. So, it's an additional ... but I do, I guess, beg pardon for being in the business a long time and doing that.

Commissioner Campbell: Well, what are you ...what material are you going to use on the end of those buildings?

Mr. Kelso: One, we could use a hardi-plank that's approved and I may end up using that. It's a cement-based siding. I'm looking also at the no-burn product that would be in addition to that – that they spray the sheeting and everything with, because I would rather have the extra insurance myself.

Commissioner Campbell: Thank you.

Chairman Threadgill: Can I ask, Rick, when I talked to Mr. Scott, he made mention that both buildings would be brick all the way up under parapets and all. Is that so, or just whatever makes a one-hour burn period?

Mr. Stauder: That's the bottom line. We did discuss brick with the applicant and at one time, he may have mentioned that he was going to do brick, but actually what the Code states is it just has to be a one-hour fire rated exterior wall and that can be accomplished through several different methods.

Chairman Threadgill: Okay. So we're just working on the one-hour burn wall per building.

Mr. Stauder: Exactly.

Chairman Threadgill: Commissioner Hotho?

Commissioner Hotho: What about the engineering comment? Retaining walls over 4' require an Arkansas Professional Engineer stamp design and he's got retaining walls that are 6'. What does engineering say about that?

Mr. Kelso: No, the new drawing <unintelligible> it's a 4' wall.

Commissioner Hotho: Excuse me.

Mr. Kelso: The new drawing, with the excavation that would be done, that is a 4' wall and maybe less.

Commissioner Hotho: Okay. Okay. I didn't see a PE stamp on it.

Mr. Kelso: No, not on a 4' wall.

Commissioner Hotho: Yeah, you're right. I'm sorry. You're right.

Chairman Threadgill: Any other questions or comments to the applicant? Alright, sir, you may have a seat.

Mr. Kelso: Thank you.

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

Commissioner Thorp: So we're to go with the new recommendations?

Chairman Threadgill: Commissioner Thorp?

Commissioner Thorp: To go with the new recommendations on this?

Director Sellman: The updated recommendations, yes.

Chairman Threadgill: Alright. Commissioner Hotho?

Commissioner Hotho: I just want to verify that the fire and building code people, their's have all been corrected and the engineering thing's been corrected. Right?

Chairman Threadgill: Yes.

Commissioner Hotho: Okay.

Mr. Stauder: Well, in theory. I mean, it isn't installed on the buildings. We're just approving the

plan, basically. They're saying if it in fact is constructed in accordance with these revised plans, then it would meet the Code.

Chairman Threadgill: Yeah.

Mr. Stauder: It's not done that way at this time, but ...

Chairman Threadgill interjected: For him to move in, those things have to be done.

Mr. Stauder: Before we would release or permit water.

Chairman Threadgill <speaking at the same time as Mr. Stauder>: Right.

Commissioner Hotho: Okay.

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

Commissioner Campbell: Yeah, I have one. How long does the applicant have to get this done?

Chairman Threadgill: Probably put a time frame on him.

Director Sellman: Well, he will be unable to get water until this is done.

Commissioner Campbell: That includes the new fire hydrant and the whole works, right? Okay.

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

Commissioner Hotho: Umm, I'm not making a motion, let me just throw this out here. Maybe if the same thing with the previous thing, why we don't we let him get his ducks in a row and then approve it. Since it's only in theory ...

Chairman Threadgill: Well, the way it sits right now, there is no theory. This has to be done or it will not get water. This is staff's ...what I understand, this is staff's recommendations and they've discussed it with him that he has to do this or he won't be in compliance with the 2000 International Building Code and at that point, if he's not in compliance, he will not get utility – water.

Commissioner Hotho: Okay. Since it's already constructed, that would be the best thing.

Chairman Threadgill: Right. So, without water, he can't occupy them so he's stuck either way.

Commissioner Hotho: Okay.

Chairman Threadgill: Alright, where was I? Do I have a motion yet?

Commissioner Campbell: I've got a question.

Chairman Threadgill: You have a comment?

Commissioner Campbell: I agree with what Commissioner Hotho said. I think that...you know, it's been built this way and I'm just not comfortable approving it until it is corrected, all of it – you know, the fire plug and all of that in place. Even with the threat of not getting water, I just, myself, I think it all needs to be done and then we talk about approving it. And I would make that motion that we table this until those things that are deficient are corrected.

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

Commissioner Hotho: Second.

Chairman Threadgill: I have a motion and a second. All in favor? <Ayes> Opposed? <Yes, by Chairman Threadgill> Item No. 14.

Mr. Kelso: <unintelligible> I'd like to add something too <unintelligible> for approval <unintelligible>. I'll have to quit construction for three (3) weeks to pay for this.

Chairman Threadgill: You'll have to get with staff on that, sir. Right now, it's been tabled until you come into compliance, which means you can continue to work. You'll just have to get with staff.

Mr. Stauder: Can I add one thing to that?

Chairman Threadgill: We've already closed it.

Mr. Stauder: Okay, sorry.

Chairman Threadgill: Item No. 14.

Commissioner Thorp (?): How about 12?

Commissioner Campbell: 12.

Chairman Threadgill: Am I that far ahead?

Commissioner Thorp: 12, yes.

Chairman Threadgill: I'm trying to get out of here. Item No. 12 then.

12. Site Plan Approval – (SPA-07-0046) – Section Line Plaza – multiple building site plan review – Abbott Drive, Southwest corner of the intersection of Section Line Trail and Abbott Drive – District 5 – C-3

Director Sellman: Item 12 is Section Line Plaza. This is a site plan approval on a multi-building site plan review at Abbott Drive, at the Southwest corner of the intersection with Section Line Trail. This is zoned C-3. It is located in District 5.

Chairman Threadgill: Give us your name and address for the record, sir.

Mark Shirley, 124 Waterview Drive:

Chairman Threadgill: Alright, Mark, a little bit about what you've got here.

Mr. Shirley: I'm going to have a twelve (12) unit strip center. It will be a combination of <unintelligible> and retail.

Chairman Threadgill: Alright. Do I have any questions for Mr. Shirley from the Commission? You may have a seat, sir. Is there anyone in the audience with anything to say for or against this item? Again, anyone in the audience with anything to say for or against this item? Seeing none, I'll close the public portion. Do I have any questions or comments from the Commissioners? Commissioner Hotho?

Commissioner Hotho: I just want a quick clarification from staff. I'm not questioning what you did. Just explain to me why something like this is a conditional use in a C-3. I would think it would fit. I'm just a little confused on that. Just educate me.

Director Sellman: I think Rick can answer that.

Mr. Stauder: It's not actually a conditional use since there are two (2) separate structures that falls under the Article II multiple building site plan review section of our subdivision ordinance.

Commissioner Hotho: Thank you. I'm sorry.

Chairman Threadgill: Any other questions or comments? None? Commissioner Campbell?

Commissioner Campbell: I have one to ask. Is there already the right-of-ways spoken for on Section Line or are we looking at an increase in that street? We've been addressing that on most of the projects and it doesn't seem to be addressed here.

Mr. Stauder: I don't know. I didn't actually do this write-up, but I could check right now and tell you what the book shows; but I wouldn't be able to tell you what is existing on the ground now. If you give me one second, I'll try to find that.

Commissioner Campbell: <unintelligible> I think a motion could be made to implement that portion of it should it ...

Director Sellman: To provide for a right-of-way consistent with the comprehensive plan.

Commissioner Campbell: Right.

Director Sellman: Yes.

Chairman Threadgill: Would that not fall under the master street plan?

Director Sellman: Yes.

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

Commissioner Campbell: Mr. Chairman, I make a motion to approve this site plan, with the staff's recommendations and with the addition that if there is a wider right-of-way out there that this come in compliance with it.

Chairman Threadgill: Alright, I have a motion. Everybody understand? Do I have a second?

Commissioner Hotho: Second.

Chairman Threadgill: I have a motion and a second. All in favor? <Ayes> Opposed? <None>
Motion passes. Item No. 13.

13. Site Plan Approval – (SPA-07-0029) – A Storage Park – Article II review for a new building in a storage park – 239 Amity Road – County – ET

Director Sellman: Item 13 is A Storage Park site plan approval. This is an Article II review for a new building, well to modify conditions for a building in A Storage Park. There is a correction to the staff report. Building A is 4800 square feet, not 5600 square feet as is indicated in the report. It's at 239 Amity Road in the County, in the City's extraterritorial jurisdiction.

Chairman Threadgill: Please give us your name and address for the record, sir.

Jonathan Jones, 225 Woodbine Street: I am counsel for A Storage Park. Very simply put, ladies and gentlemen, what my client has been able to do is we have a 0', a 5', and a 10' setback on I guess it would be every side of this property that is off of Amity Road. What we're looking at is we are in full compliance on every side except for the West side. We've had a concrete slab poured. Instead of being 10', there was a mistake on that gentleman's part. It is 3' away from that line. Very simply put, we are asking for a variance just on the West side to give us a little more room. Instead of it being 10' off that line, we're asking for it to be 3'. In addition to that, we've got a letter, which I think should be in the file, from County Judge Larry Williams. The adjoining landowners have also submitted this and their approval on that West side; and we've gotten fire approval as well.

Director Sellman: If I could address a couple of things. This is not a request for a variance. This is a request for a change to an approved site plan and we did not receive any correspondence on this application from Judge Williams.

Mr. Jones: I've got that now if we can, if I can submit that too. Thank you. I apologize.

Chairman Threadgill: Give that to Commissioner Hotho there, please.

Mr. Jones: Okay.

Commissioner Hotho: I don't see anything on the neighbors either.

Mr. Jones: I can submit that as well.

Chairman Threadgill: Please do. We have no comments whatsoever.

Mr. Jones: We can fix that. Give me just one second.

Chairman Threadgill: Now, if I might while we're discussing this freshen the Commission's memory, when this item first came before us, he requested 0' lot line setbacks all the way. The Commission denied and recommended 10' setbacks all the way around. The motion was passed and 10' went through. The applicant sat until the end of the meeting and then asked if he could come back up and speak again. At which time, the Commission gave his 0' clearance on the street side, I guess it's Building No. 2, 5' on Building No. 3 which abuts his property as well, and then 10' on Building 1 that ties into an additional parcel of property owned by Eddie's Drywall. At which time, it was approved to give him the variances for 0', 5', and 10'. After which, he filed an appeal with the Board of Directors to have the decision overturned so he could get the 0' lot lines and the Board of Directors did not overturn our decision; so it stayed with 0', 5', and 10'. At which time, apparently a couple of days later, they started pouring the slabs. I noticed the slab was being poured. I contacted staff and notified them and it was continued to be poured. And now we're to the point that the applicant's requesting that we again change it to a 3'. At this time, do I have any questions or comments to the applicant? Commissioner Campbell?

Commissioner Campbell: I just have one comment to back up what you said about them starting to pour that. This was a watched process that went on out there. Just from not going on the property but driving by the property when the forms were in place, I myself, like you, went out and saw that and made a call to staff that it was fixing to be poured and it appeared real close to the line, which it ended up 3'.

Commissioner Hotho: Are you done?

Chairman Threadgill: Commissioner Hotho?

Commissioner Hotho: <unintelligible> ...just one building is 3', because I wasn't here when he was, I was not on the Commission at that point, is this the only building that's in violation?

Male Speaker: Yes.

Commissioner Hotho: That's the only one? And if this building that is at 3' was supposed to be 10' per the Commission?

Male Speaker: Yes.

Commissioner Hotho: Per the City Board?

Male Speaker: Yes.

Commissioner Hotho: Okay.

Mr. Jones: If I could, what we're looking at at this time is, once again we've got the 0', 5', and 10', and what my client is hoping to do, is that slab has been poured but in good faith to the Commission, construction has stopped on that. They're different buildings and these are slabs underneath them. What has happened since then is we stopped anything ongoing on that, hoping that we could get this change in that setback so that we can go ahead. Effectively what we've got is a slab that we've had to pay for that was incorrectly poured and now we've got this there and of course with having a 0' setback or getting that before, my client's position is well, you know, if we've got a 0' on one side, we've got fire, we basically have Fire Department and adjoining landowner approval, it would be kind of silly to have a slab of concrete, albeit encroaching 7' over what is already there. He'd just like to be able to use it.

Commissioner Hotho: Or, since you're an attorney, you could file a claim against the concrete workers' liability who poured it wrong.

Mr. Jones: Well that may be something we have to do. Of course, we're hoping that we can do that and of course, rationality when I first heard of this, it made sense to me that if we've got a 0' on one side and a 5' which we're in compliance, means the 0' side, he's not even 0' on it. We're 3' off, just to give a little bit of room. All we're looking for on this side is just the 3' and we just want it on that one side and try to get this thing done and off everybody's table.

Chairman Threadgill: Commissioner Campbell?

Commissioner Campbell: And this is for the benefit of Commissioner Hotho and our new

Commissioner – the one side that is at 0' was granted because there is a street that runs next to that, which we granted him that to give him the room that he needed because a fire truck could get down that side and get to it. My thoughts on this is Mr. Gingrich thumbed his nose at the City after we told him I think three (3) times that he had to have 10' over there. And as a Commissioner, I think that this Commission should stay with that 10'. He can either slice that concrete up or use it as a walk behind it.

Chairman Threadgill: Any other comments or questions to the applicant? None? Something you care to add, sir?

Male Speaker: Oh, no. I just didn't know if the Commission had any more questions for me.

Chairman Threadgill: <unintelligible> questions or comments? Alright, sir, you may be seated.

Male Speaker: Thank you. I appreciate it.

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

Commissioner Campbell: I have an additional comment. Again, you know, it's been stated, there's at least two (2) and I think more of us that saw that slab prior to being poured from the road – knew that it was not where it needed to be and I'm sure that the applicant himself had to be aware that it was not 10' from the property line.

Chairman Threadgill: Alright. I have one for the applicant. Would you please come forward, sir? State your name and address for the record.

Vernon Gingrich, 158 Echo Valley Road, Hot Springs.

Chairman Threadgill: Mr. Gingrich, what's these buildings going to be used for? I mean, is it...

Mr. Gingrich: Storage. Just simply storage buildings.

Chairman Threadgill: They're going to be 16' by 50' wide bays.

Mr. Gingrich: 16' wide, 50' deep, yes, sir.

Chairman Threadgill: Is there a reason they have to be 50' deep? I mean, to meet this, you could drop that building width down to, you know, have your stall width 16' by 43' and still come into compliance with what we originally asked you to do it as a developer. You know, and due to the fact that this has City water and utilities in this building, that's what brought you into the City in the first place.

Mr. Gingrich: Well originally now, Mr. Threadgill, I was told by Lance Hudnell when I first called and started the project that I would have a 0' lot line all the way around, no problem, you're in the County, go ahead. After I got going, I found out there was quite a few changes on that and Lance and Robin Wise admitted that they made a mistake and they were, you know, let's work this out and then the job changed from Lance and everything seemed to change. You know, my original plan I started with, I went down and bought the buildings. I talked to them around July 1st. I went down and ordered my buildings and got the excavation all done and to be honest with you, my concrete guy did the same thing on the East side building, Building No. 2, as he did on the West side building, No. 1. If you guys had seen that, then it was like that, I wish you would have said something.

Chairman Threadgill: I did. I made comments to City staff.

Mr. Gingrich interjected: You never called me. I just, I just, nobody every notified me that there was a problem. I mean, I'm not trying to get by with anything, but ...

Chairman Threadgill: Well, I know when they formed that ...

Mr. Gingrich interjected: It happened so quick ... Go ahead. I'm sorry.

Chairman Threadgill: Do I have any other questions or comments to the applicant?

Commissioner Hotho?

Commissioner Hotho: Building No. 2 is not in compliance either with what the Commission at the time and the Board requested?

Chairman Threadgill: Yes, it is.

Commissioner Hotho: Oh, it is.

Chairman Threadgill: Building 2 and Building 3 are in compliance. They are built.

Commissioner Hotho: The slab is what's in question.

Chairman Threadgill: Building A – they already have the slab poured. It's been poured for a couple of months now and the best I can remember, the form was done probably two (2) weeks before it was ever poured. So ...

Mr. Gingrich: No, sir. Excuse me. The slab was ...the form was formed and poured. They poured it the next day. I mean ...

Commissioner Campbell(?): No.

Chairman Threadgill: No. Okay. Any other questions or comments?

Commissioner Ames(?): I have a question of him. I'm really just repeating a question because I am not real satisfied with the answer. What is to prevent you from putting a building there that is 47' versus, I'm sorry, 43' versus the 50'?

Mr. Gingrich: It's going to be a financial hardship to do that.

Chairman Threadgill (?): Why?

Commissioner Hotho: It's smaller.

Mr. Gingrich: You can't put a concrete building down after you cut the slab off and they put an 1½" overlay on the back of the slab in order for water drainage on the back. So, I would have to cut the whole slab down in order to ...otherwise all the buildings would leak on that side.

Commissioner Hotho: Okay. Gary, you're in construction, is that true?

Chairman Threadgill: Well, you'd have to put a cut in the slab for sure. But I mean, I've done that many a time. Driveways, you know, leaking into houses, you cut them. Not a major problem. But that's not a decision for me to make. Whatever this Commission decides is what it is, I'm not going to make a call that he needs to cut a slab or cut an end of it off or whatever. I just make a recommendation that the slab could be altered to 43' and meet the 10' setback which was required by Planning and the Board of Directors. Do I have any questions or comments?

Commissioner Campbell?

Commissioner Campbell: Did I hear you say that you already had your steel bought for this building?

Mr. Gingrich: I purchased all of the buildings about July 25th of last year.

Commissioner Campbell: What would be wrong with adding the 7' on the front of it and make your cut on the back like he was talking about?

Mr. Gingrich interjected: Okay. You take a look at the driveway and the way the slope of the driveway because of the ...from Amity Road down to the drive is very steep. I cut off one stall on the front of that particular building to go along with the easement you needed on the front in case they widen Amity Road, so I took off one stall. And now, I'd have to take off another stall because it wouldn't fit. You couldn't use the front stall if I brought it 7' forward.

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

Carroll Weatherford, 103 Ironwood: Looking at that site plan, when he came before the Planning Commission and the Board of Directors, and he was not approved for that site plan, did he not have to revise his site plan because that still says 50' by 96'?

Chairman Threadgill: That's what he intends on building right now.

Director Weatherford: Oh, I know, but he wasn't allowed to do that, so wouldn't he have had to revise that site plan?

Chairman Threadgill: Well, what he's doing is bringing this site plan back in and all he's asking is a variance of 3'. He wants to keep that slab where it's poured now.

Director Weatherford: But did he not turn in another site plan after this one wasn't approved? That's what I'm asking.

Director Sellman: This is the site plan that was provided for this application and

Director Weatherford interjected: Originally?

Director Sellman: This is what he brought us four (4) weeks ago.

Director Weatherford: But that's the same one we got six (6) or eight (8) months ago, isn't it?

Director Sellman: I think it's pretty close. Yes.

Chairman Threadgill: Pretty close.

Director Weatherford: But didn't he have to revise it and turn in another one back in after he was denied by the Planning Commission and the Board of Directors?

Mr. Stauder: Can I answer that?

Chairman Threadgill: That's what he's doing now.

Director Weatherford: No, I mean where it would say 43' by 96'.

Chairman Threadgill: He's not asking for that. He wants to leave it right where it is.

Director Weatherford: I know, but is there a site plan that says 43' by 96'?

Chairman Threadgill: No. No. That's a request that I'm making that he could cut it down to 43'. He's wanting to stay with the 16' or actually the 96' by 50' building. He doesn't want to alter it at all. Does that answer your question, sir?

Director Weatherford: Yes.

Chairman Threadgill: Any other questions or comments from anyone in the audience?

Commissioner Ames(?): I mean I think that if I can make sure that I understand what he's asking and what's being answered, when it came originally, the request was for 0' setbacks all around. Was there a revised site plan once that was denied that was submitted to the City or ...?

Chairman Threadgill: No.

Mr. Stauder: Can I answer that?

Director Sellman: Yes, Rick will have to answer because I wasn't here.

Mr. Stauder: Yes, once the Planning Commission made their decision on the 0' on Building 2, 5' on Building 3, and 10' on Building 1, before I released his plumbing permit to construct, we required him to submit us a site plan that was in compliance with those setback requirements. His plan looked very, very similar to this one, but it did indicate where this one is showing 3' side yard, it actually showed 10', which was in compliance with what was approved. That, however, was not what got constructed.

Chairman Threadgill: We never got that plan though.

Mr. Stauder: No, it's in the file. It's in the file and I required it before we released the plumbing permit.

Chairman Threadgill: What happened was, when it came to us, we had two (2) meetings the same night on this. One he wanted 0' clearance on all buildings, and the Commission voted no. He stayed around diligently till the last person and I recalled him. I asked the Planning Commission's permission. We recalled it and heard it again. The Commission gave him a variance on the one side due to the fact that it is on a road, so fire vehicles could reach it. The back side is actually his property as well, where the 5' setback was. And then the other building abuts another commercial business and you can see the other building, Eddie's Drywall, is ...when he built his, being a single building, he didn't have to come before a Code. He just built it. The original owner built a garage on his property. Now he came through under an Article II development and we've told him on the final end that he had to have 10' setback on that end. Then the slab was poured at 3' and we're at where we are now. Staff caught it. With the revised plan that he gave them, he didn't meet the 10'. So, any other questions? Commissioner Campbell?

Commissioner Campbell: There is also the required screening that was supposed to be in place too, wasn't it?

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

Commissioner Campbell: Mr. Chairman, I would make a motion that we deny this site plan, that that building either be brought to where it is 10' from the property line, which would make it I

believe 43' in depth <Chairman Threadgill interjected: Correct.> or if the applicant desires to stay with the 50', he can put that on the front of the building or the East side.

Chairman Threadgill: Alright, your recommendation is that the 10' building setback remain.

Commissioner Campbell: Right.

Chairman Threadgill: Do I have a second?

Commissioners Hotho and Ames(?): Second.

Chairman Threadgill: I have a tie on the second. All in favor? No comments from <unintelligible>. Pardon me?

Commissioner Hotho: We're voting to deny?

Chairman Threadgill: Yes.

Commissioner Hotho: Okay, ready.

Chairman Threadgill: Any other comments?

Commissioner Campbell: No comments.

Chairman Threadgill: I have a motion and a second. To vote "yes" is to deny. All in favor? <Ayes> Opposed? <None> It passes.

Director Sellman: Can I clarify?

Chairman Threadgill: Yes, go ahead.

Director Sellman: The requirements of the earlier site plan are in place.

Chairman Threadgill: Thanks. Item No. 14.

14. Wireless Communication Facility – (WCF-06-0274) – Didicom, LLC – telecommunications tower to be located at Rod's Pizza – 3350 Central Avenue – District 5 – C-4

Director Sellman: Item 14 is Didicom, LLC, wireless communication facility. This is an application for a telecommunications tower to be located at Rod's Pizza, 3350 Central Avenue. It is zoned C-4 and located in District 5.

Chairman Threadgill: Please give us your name and address for the record, sir.

Joel Taylor, Didicom, 6315 Old Harrison Lane, Fort Smith, Arkansas:

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

Mr. Taylor: We're asking for a tower use permit to construct a 145' monopole cell tower. Alltel will be our anchor tenant on this and this is to help Alltel expand their coverage, but also relieve some capacity issues they're encompassing with their network now.

Chairman Threadgill: Right. Do I have any questions to the applicant from the Commission? Commissioner Hotho?

Commissioner Hotho: Are there are no other towers closer there that you can co-locate on?

Mr. Taylor: No, there isn't. We're on all the adjacent three (3) towers there that are that far apart. The driving point of this, the intersection at 7 and the bypass is maxed out at capacity for that tower down there so we're trying to relieve that plus provide additional coverage.

Commissioner Hotho: But when you construct this at this point, it's just an Alltel tower but other companies will have to relocate on it.

Mr. Taylor: Yes. It's a multi-use tower. Alltel is just our ... <Commissioner Hotho interjected: That's what I wanted to make sure.> ...they're just our first anchor tenant for the tower.

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

Commissioner Thorp: What about the one that's down on...are you familiar with Files' Road, Files Road? Do you know where that is? There's a tower down there. Can you ...?

Mr. Taylor: These questions came up at our DCR meeting and we <unintelligible> attention there for Alltel provided some documentation and maps showing the existing coverages and we

...

Commissioner Thorp: Do I take that as a “no”?

Mr. Taylor: Yes, ma’am, but I’m not exactly sure of the name of the street that you’re talking about.

Commissioner Thorp: It’s down there behind the new Elkhorn Bank and across from Cavanaugh Motor Company. There’s a cell tower there. That’s the best I can help you with. David, can you help more?

Commissioner Hotho: Like a quarter of a mile maybe?

Commissioner Thorp: Well, I’m not real good with mileage, but...

Commissioner Hotho: Would you agree, Dave?

Commissioner Campbell: Yeah, it’s right along, if you’ve got any familiarity, the Resort Ford, Riser Ford?

Mr. Taylor: If you can show me on the map.

Commissioner Thorp: Rick, can you show him on this map that we have there?

Mr. Stauder: You’re talking about the tower on Files Road?

Commissioner Thorp: Yes I am.

Mr. Stauder: Give me one second. I may can pull it up here. Hang on one second.

Chairman Threadgill: I’m lost out here. What’s the pertinence of the cell tower?

Commissioner Thorp: He said he couldn’t co-lo...co-mingle with somebody else and I wondered why he can’t co-mingle with that one.

Chairman Threadgill: Okay.

Commissioner Thorp: Because it’s not ...what’s in the staff’s recommendation here says that it’s Highway 7 and 270. Well that’s a long ways before you get ... as Dana says, educate me. Am I

not talking right?

Chairman Threadgill: Alright.

Mr. Stauder: I believe I have the location of the cell tower in question right here. Let me readjust the screen here and I may can show you how close it is to the proposed location. I can almost get there.

Commissioner Ames (?): Is it the one on the map where it says existing SBA Towers too close to the existing Alltel Tower? It's only half a mile away.

Mr. Stauder: I think that's correct.

Commissioner Ames(?): Okay.

Mr. Stauder: Anyway, this is the location of the Files Road Tower and I don't think I'm going to be able to zoom out far enough to get an accurate measurement, but you know, we're looking at 3,000 feet probably.

Mr. Taylor: That's ...well, we call that the SBA Tower, excuse me, but that was on part of our ...

<END OF TAPE, SIDE A>

Commissioner Hotho: The red area?

Mr. Taylor: This red area is all coming from one sector antenna and that SBA Tower sitting right there put out ...

Chairman Threadgill: We need to make this so we can direct the comments to everyone, please, for the public's benefit.

Commissioner Campbell: In a ... just in a minute, I want you to go back to that picture just previous to this.

Mr. Stauder: Okay.

Chairman Threadgill: Again, sir, can you just kind of hold that up and explain?

Mr. Taylor: We have a tower just a little bit South of that SBA Tower that she's talking about. This sector for this tower that is pointing North toward that intersection and up Central Avenue, Highway 7, is at maximum capacity. We've got what we call four (4) carriers, four (4) channels on it, and we've reached our maximum capacity on it. So we need to get above that intersection and shoot back down with another sector of antennas to relieve that capacity so that ...and that is the reason we can't be located South of the interstate because that doesn't really relieve any capacity and you've got to be at the other end shooting back and ...

Chairman Threadgill <speaking over the Male Speaker>: Alright, that color chart's where your coverage area is?

Mr. Taylor: ...That's where the color chart here.

Chairman Threadgill: Alright, just pass that around real quick here. Commissioner Hotho?

Commissioner Hotho: Answer this when you get back to the mic, but is a tower, can it only have four (4) companies on it? We rarely get those wireless towers before us like we used to. Is that the max? Why can't we put ten (10) companies on a tower?

Mr. Taylor: You can if the tower was tall enough, you could put that many on there. Ya'll have a maximum height ordinance of 150' in town and we need about a 20' separation in between carriers. Once it gets below about 80', not many people ...it's not real attractive because you can't get the coverage area.

Commissioner Hotho: So in Hot Springs, there's probably on each of our towers four (4) companies that are co-locating on one tower and that's about it? Maybe, just to make a note, we might need to address that in our ordinance, staff. Do you have that?

Director Sellman: For the height?

Commissioner Hotho: Yeah. We might need to relook at that if we're keeping it to where only four (4) people can be on a location.

Director Sellman: That might be something to look at. I would direct you though to the FAA comments that because of proximity to the airport, we have to come down actually from the 150' on this one.

Commissioner Hotho: Yeah, okay. Okay.

Mr. Taylor: That's like a big part in your town too – the airport.

Chairman Threadgill: Alright, any other questions or comments to the applicant? Sir, you may have a seat. Is there anyone in the audience who has anything to say for or against this item? Come forward and give us your name and address, sir.

Ray Owen, 110 Lee Circle, City: My comment would be that I don't think that Alltel would want to be signing up on something like this if they didn't desperately need it. I think that's the reason why they've selected ...they need another tower. They need another site and they sure wouldn't be signing up for a long-term commitment if they didn't absolutely need it. I can tell you that. That's just a business decision that they've made. They've got to have that additional capacity for that purpose.

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

Commissioner Campbell: I have. In seeing that it appears this thing meets all of the requirements and we've been through this before, I don't have a problem with it being there. I don't like the idea of it ...just a metal pipe sticking up there. And looking at the picture that was up there prior to this, there is a lot of trees around it. I would like for somebody to explain to me why this can't be a pine tree <unintelligible> design as the one we've got out near the airport?

Commissioner Hotho interjected: I agree.

Commissioner Campbell: ...because the ...

Chairman Threadgill interjected: Will the applicant please come back?

Commissioner Campbell: ...a bunch of trees.

Chairman Threadgill: In regards to stealth.

Mr. Taylor: Well, by doing the stealth capacity, that does reduce our capacity, cause we're only

able to put one antenna per sector, whereas over the platform, we can put up to four (4) antennas per sector. So we've tried to be as stealth as we can, and that's why we did the tri-color painting of the tower to go from darker to light to tone it down. Those are color swatches there. I have actual photos of simulations of this site that would...

Chairman Threadgill interjected: What is this – three (3) varieties that you have?

Mr. Taylor: Right.

Chairman Threadgill: Okay.

Mr. Taylor: We wanted to match the compound fence with the color of Rod's Pizza Cellar. I will submit these pictures of some photo simulations of the tower – what it would look like with the <unintelligible> shading of the brown.

Chairman Threadgill: Any other questions? Commissioner Campbell?

Commissioner Campbell: Yeah, one question. They do make a stealth design pine that tall, don't they – 145'?

Mr. Taylor: I'm not sure. I've ordered some 90' and 105', but I haven't asked for the 145'.

Commissioner Campbell: The one there across from the airport, or near the airport, is very unobtrusive in its design. If you don't know it's a tower, it looks like a pine tree.

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

Commissioner Hotho: I want the pine tree too. I want the pine tree too. Can we require that?

Chairman Threadgill: Staff?

Director Sellman: You can make that a condition; but going back to the question that we asked about the number of providers that can be on one tower, I think I heard the applicant say that if you have the pine tree, that limits you to one provider per tower. Is that what you said?

Mr. Taylor: Not exactly, but it does limit us to about three (3).

Chairman Threadgill: I was going to say that the one out behind the old Firestone Building has

about three (3) or four (4) rays on it. It looks similar to the setup of this one with the little outriggies on it there. Not quite as fat, but ...

Commissioner Hotho: I guess maybe a question that the Commission would say. Would ya'll rather have more pine trees that have three (3) companies on it or ...around the City, more or those or one of these stealth looking ones that's got four (4)? I think I would rather have the pine trees. Not to mention, they have to lease that property from people in Hot Springs so that's always a benefit – economic development within the City.

Mr. Taylor: But then, <unintelligible> use on the stealth pine trees reduce our capacity from four (4) to one (1).

Commissioner Hotho: Okay, while ago, you said three (3). So is it one or is it three (3)?

Mr. Taylor interjected: You can put three (3) separate carriers, but each carrier, instead of being able to have four (4) antennas per sector, would be reduced to one. So instead of me being able to maybe handle 165 simultaneous phone calls out of a sector, I can do forty-two (42) or forty-three (43) and so there that causes me to have to go build more towers every so often and split these differences just because of capacity. When this original infrastructure was built here in Hot Springs ten (10) years ago, about 5% of the population had a telephone. Now 75% does and our capacity with the video and text messaging is just, is twenty (20) fold from what we even fathomed ten (10) years ago and we're just having to ... This intersection, we get 10,000 calls an hour at peak times and we're doing, we're handling 10,000 calls, you know, with a system that can do 165 a second and it just...It's getting ready to max out, and when it maxs out, it just quits. It doesn't slow down, it just quits when it reaches maximum capacity. We're not the only carrier with this problem. The other carriers are reaching this and every site we've done this year, someone would call an in-fill site, which would come back into the heart of the City and have had to add capacity because the network is just strained.

Chairman Threadgill: Hold on just a second, Rick. Let me get Dave here first and then Rick. Commissioner Campbell?

Commissioner Campbell: Okay. I will say that we did allow a stealth one out on Grand, on East Grand, up behind Coy's, up in that area, that was supposed to be stealth in design. If you go by there, it sticks out like a sore thumb.

Chairman Threadgill: That's my recollection was that pole wasn't stealth. That pole was to be

painted brown. That was what our recommendations were. That it had to be stealth in color. And that's basically what his recommendation here is, is to ...We made him do some kind of vegetation color so it blended with the pine trees and the oaks behind it. It didn't have the ...we didn't require it to have the pine tree type. It was just stealth in color, best I remember.

Commissioner Campbell: Right and what stands up there is very obvious.

Chairman Threadgill: Oh, yeah.

Commissioner Ames: Do we know, do you have an idea of how tall the trees are that are around there?

Mr. Taylor: The trees are probably 30', 35' feet. As the hillside goes up a little bit, it ...I've a ...Here's a picture of one that we just completed ... <walked away from the microphone while speaking>.

Chairman Threadgill: You have any other comments, Ms. Ames?

Commissioner Ames: No.

Chairman Threadgill: Commissioner Hotho?

Commissioner Hotho: I just got a question on how this tower co-location works. I know you have to co-locate. You don't have a choice, but the tower belongs to Alltel, correct?

Mr. Taylor: The tower belongs to Didicom, LLC.

Commissioner Hotho: Okay. Then you sell it to Alltel and Sprint and Cingular.

Mr. Taylor: That's correct. Our business just owns and operates towers.

Commissioner Hotho: Okay. Okay. So they're contracted with you. So if you get a stealth, you get four (4) contracts but if you put a pine tree, you get two (2) or three (3). So it would be to your advantage to have a stealth.

Mr. Taylor: I don't follow that logic, but ...

Commissioner Hotho: Well, if you can get four (4) people to contract with you on a stealth, and

you can only get three (3) or maybe two (2) on a pine tree, it would be, you know, better for your company to build a stealth and get four (4) companies on that tower.

Mr. Taylor: True. Yes.

Chairman Threadgill: Okay, Rick. Sorry.

Mr. Stauder: As part of the research on this, I did a quick search on the Internet for different types of stealth design because it is pretty much an in-your-face location, if you will, right in the middle of town, close proximity to Central Avenue. I was just going to inquire of the applicant if he has ever installed... What I found on the Internet was some communities choose to do a flag pole, for example, and some of them were, in my opinion, fairly attractive. I just wanted you to talk about capacity on that type of a tower and if you had ever did any of those in any other location.

Mr. Taylor: Yes, we have and I just recently completed one in Conway. But it has ...the tower was much shorter than this and you have the same problem with the trees, where you have to put your antennas inside the cylinder of the power and so you reduce your maximum capacity by doing that. So, and sometimes flag poles are more obvious than just a pole, because they are very large flags that hang off that. In this area with the backdrop being a mountain, as far as Central Avenue has its fair share of large utility poles going down the road and we've gone to some extra expense enhancing the compound with an awning, making it ...trying to look just like Rod's and blend in with Rod's Pizza Parlor. We thought that would be sufficient.

Chairman Threadgill: Alright. Commissioner Campbell?

Commissioner Campbell: One question and I'll shut up. I don't have my magnifier. How far is this from Central Avenue?

Mr. Taylor: How far?

Commissioner Campbell: Yeah.

Chairman Threadgill: Roughly 150'.

Mr. Stauder: Hang on one second and I can probably tell you pretty close. Let me get my bearings. I've got to move it up a little bit more.

Chairman Threadgill: While we're waiting on that, do we have any other questions or comments to the applicant?

Mr. Stauder: It looks like the tower itself would be about 260' off Central Avenue.

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

Commissioner Hotho: I, I agree that cell phones, everybody's got them now, where ten (10) years ago, only a select few. I think these wireless towers are going to be coming to us again. It seemed like there for awhile, five (5), six (6) years ago, we were getting them quite often. It kind of tapered down. Wouldn't you guys agree, I don't know the last time you guys had one. I think they're going to come back. I think they're probably needed. Everybody's got a cell phone. My fourteen (14) year old's got a cell phone. Kids are getting them. Grownups have them. I'd like to see us set a precedent right now of what we want. I don't, the stealth just doesn't look like stealth to me. I know it's there and I'd like to see us do the pine tree looking, because I don't think this is going to be the last one.

Chairman Threadgill: Alright. So what you're requesting is that we make a ...

Commissioner Hotho: That we move for, I would move to approve it with the pine tree design.

Chairman Threadgill: The applicant has already stated that that design wouldn't work with what he's requesting. So, are you making a motion to deny the tower?

Commissioner Hotho: No, he said it would work. He just can't put four (4) companies on it.

Chairman Threadgill: Will the applicant please come back forward, sir, and explain a little bit of that so we make sure what we're doing here.

Mr. Taylor: My client, the anchor tenant for this tower, is not, hasn't agreed to being able to, they think they're going to have a forty (40) year lease with maximum capacity and so, before I agree to the tree, I would have to table. That's actually, that's a serious dilemma for us right now. It's not just "hey, I want a tree, let's swap it out." There's a lot more thought that went

into this. Since capacity is the driving force behind this, agreeing to something that's going to reduce our capacity by 75% is ... You can make it plain and simple. Do you want to spend a half a million dollars and get something that you can get forty-five (45) calls a second out of or do you want to spend a half a million and get 165? It's a 4-to-1 ratio. That leaves our company out. Our company's only concern was selling vertical space up; but the companies that fill that up, they're concerned with how much capacity they're going to have. The comment about the influx of towers that are going to come back in, it's not going to be the barrage ya'll got ten (10) years ago. I was with <unintelligible> eighteen (18) years ago and ATT. I did eight (8) or ten (10) or twelve (12) towers in this area and it's not going to be that barrage. There's a few hot spot capacity sites that are going to have to be looked at and hopefully, we're taking care of one of those sites now. Like I say, we'll co-locate the Cingulars and the Sprints, co-locate on our towers too. This is a ... This is needed. It's been a long time since ... We knew we wanted to be up and running the first of January. We've gone from being deferred from the first hearing to a two (2) month delay and we've made some modifications on that ...

Chairman Threadgill interjected: Let me ...Commissioner Campbell you have ...?

Commissioner Campbell: Just exactly what area is this going to hit from this site?

Mr. Taylor: It's going to go from the Highway 7 intersection to just past Oaklawn and it's going to do about a 1.3 mile circle there. That is ...

Commissioner Campbell: The highway, highway ...

Mr. Taylor: I'm saying the highway – the bypass, which is where that tower is you were talking about. So this antenna sector that's pointing down 7 is going to reach just past that intersection and it will relieve that capacity. And going North, we have one at Oaklawn, but ...

Commissioner Campbell: Have you looked at the possibility of locating in ...there's a church that's high up on a peak down there? Are there any towers on top of St. Joe Hospital? Have you looked at locating on top of that building?

Mr. Taylor: Well, I can't make it back up the hill going North on 7. That's part of my ...because the road goes down and back up and that would keep me from connecting back North. It would handle that intersection, but that's all it would do.

Chairman Threadgill: Commissioner Thorp?

Commissioner Thorp: My question was going to be why did you choose that site? Why there?

Mr. Taylor: Because we have ... we're on the three (3) towers that are in the three (3) different directions from there and we chose that site to relieve the pressure off those other three (3) sites. Plus, we had a little problem with coverage between the bypass and where Rod's is because it goes down and then back up, so one of the pictures in there was an RF map showing our coverage enhancement. So it just serves as a two-fold purpose.

Chairman Threadgill: Commissioner Campbell?

Commissioner Campbell: One other. Under the pine tree design, can you get enough antennas to satisfy your Alltel ...and I take it that Alltel is your main customer? Can you get enough antennas on a pine tree to satisfy your Alltel needs?

Mr. Taylor: I don't think so. I just don't think so. I don't know what I'd do if I couldn't. I'm sure it would be ripping the site up and needing two (2) locations or three (3) locations. That's kind of a catch-22 in there since instead of having a great big tower, you shrink the towers down; but then you need more because you can't get the coverage. Like I say, they're expensive to build and operate and we're not just doing it for the fun. <unintelligible> building towers to aesthetically ruin a town. We're doing it to provide public service and we consider public service <unintelligible> the wireless industry now. Alltel has been a long-term provider in your town. They're No. 1 and No. 2 carrier and ...

Chairman Threadgill interjected: Alright. Let me ask one question <unintelligible> when you were talking, you made the comment that you would need to discuss this with the carrier and you mentioned ...Now don't let me put words in your mouth. You mentioned maybe tabling it and getting with them and talking about it and then you turn around and you said the cost would be out of line to hold off any longer. Do you have ...I mean, what are you, where do you want to take this stealth? I think that's kind of the way that the Commission is leaning – to try to get some kind of stealth put into this. You know we don't want to force you into making any decisions that might come back and bite you later.

Mr. Taylor: Well I just don't think this ...

Chairman Threadgill interjected: Ray, would you like to come back forward, please? Excuse me, sir.

Mr. Owen: I think the concern that he has is that if you were to adopt a motion that would

require the stealth and that turns out that that would not be something that would be useful as far as the overall picture is concerned from a technical standpoint, because the engineers have to get involved with this sort of stuff as well; if it doesn't really solve the problem and relieve the congestion, the airway congestion that's there now, that we would want to be able to come back next month and ask you to review your decision. It may be better...if you're absolutely dead set on requiring a pine tree approach, which is going to substantially inhibit the capacity of this particular tower, then we would certainly want the opportunity – correct me if I'm wrong – to bring all the technical people in here and explain why it's ...there's an advantage to using the approach that's been selected. It may in fact require three (3) more towers in addition to this one. Even though they look like pine trees, then there might be ...at some point in time you get too much of a cluster effect of that. So I guess what I would say, in putting words in his mouth, and he can correct me if I'm wrong, is if you're going to – and I understand, looking again at the situation, if you think there's going to be ...because there was a bunch of them that came in a number of years ago and then all of a sudden we're seeing an in-fill type requirement because of under capacity in that area, that you may feel that this may be coming again pretty soon with other folks and you kind of want to set a precedent; and that was a good comment to make – but the concern that I have is that may not be the ultimate precedent that you want to set if you're going to be bringing in a cluster of four (4) to replace one that would otherwise be in place. If you're dead set on doing that, I think we would like the opportunity to bring in the technical folks to explain why we think this is a good approach and is the best approach and the best reasoned approach to be able to solve this particular problem and still be compatible with the uses within the City. But again, I don't want to have you do it one way this time and we come back a month from now and say “oh, please”. It won't work and that's what I'm afraid of.

Chairman Threadgill: Alright. Commissioner Hotho?

Commissioner Hotho: I give up. If ya'll ...I would go with the stealth ... Oh, well. I think they've got some really good arguments.

Chairman Threadgill: Commissioner Campbell?

Commissioner Campbell: I disagree with that because we went through this same thing if memory serves me right and I think our minutes would prove it out with the one that's located out on Airport Road. When it went out there, they just had to have that location and we made them put the pine tree there. You know, and my feeling is, and I'm not making a motion, but I feel like we need to table this and let them go back and take a look at it and come back and convince us that they can't. Because what I'm hearing out of him, “well I don't think we can” or

“I think we might” or “I don’t know if we can”, so I hate to throw up what I saw in that picture 200' off Central Avenue because it’s just going to be another steel pipe sticking up there.

Chairman Threadgill: Commissioner Ames?

Commissioner Ames: I would definitely support them coming back. I’m not really convinced that the pine tree, because it’s so high, I mean, I think I see it the other way. Because this pole is so high and it’s already visually a very busy area with the utility lines and the added poles that you see in the picture, that the pine tree itself might stand out more. So, without seeing a picture of it, right now, I support this; but I also would support having them coming back and if they’re willing to look at other stealth devices that we can see some pictures of it too because it may stand out more as a sore thumb.

Chairman Threadgill: Did we not get some pictures a minute ago with the mock up of the antenna in front of Rod’s? There we go. You can pretty much see by that how much disarray will be <unintelligible>. And as a lone pine tree, I think it is going to be an obvious – seeing this towering three (3) or four (4) times higher than the closest tree.

Commissioner Hotho: I already gave up. <laughter>

Chairman Threadgill: I just can’t see a way that you can stealth anything that’s going to be that much above the nearest structure around. I mean, I’m with the rest of you, I’d like to see these things hidden, but in some circumstances, it’s not going to, not going to work. Commissioner Campbell, did you have something? Commissioner Hotho? Commissioner Ames?

Commissioner Hotho: Commissioner Ames is probably right. There’s a lot of visual activity in this area. I’m going to make a motion that we approve it, with the conditions, with staff recommendations.

Chairman Threadgill: Alright, I have a motion to approve with staff’s recommendations.

Commissioner Ames: Second.

Chairman Threadgill: I have a second. All in favor? <Ayes> Opposed? <Commissioner Campbell: No.> One opposes. Motion passes.

Commissioner Thorp(?): Do you want you pictures back?

Chairman Threadgill: We'll keep those for staff. Put it in the packet. Item 15.

15. Miscellaneous – (MISC-07-0052) – First Step substantial change – § 16-2-11(6) request by First Step for Planning Commission to find a substantial change in condition sufficient to enable rehearing of a rezone request denied less than one year ago

Director Sellman: Item 15 is First Step substantial change. This comes under the miscellaneous category. This is a § 16-2-11(6) request by First Step for the Planning Commission to find a substantial change in condition sufficient to enable rehearing of a rezone request denied less than twelve (12) months ago. This is an item that the Planning Commission needs to decide. Your decision would enable a request to come to you to rezone this area. Otherwise, the applicant will be required to wait until twelve (12) months has elapsed.

Chairman Threadgill: Everybody understand? We're just making a motion whether there is enough change to the item to have them bring it back or make them wait the twelve (12) months.

Commissioner Hotho: We're not actually rezoning it right now?

Chairman Threadgill: No, no. They're just requesting that they bring the portion back to us next month.

Director Sellman: And you are required to make that finding of substantial change. That is the decision that is required on this item.

Commissioner Campbell: Mr. Chairman?

Chairman Threadgill: Commissioner Campbell?

Commissioner Campbell: In the staff's report, they're making the statement that they're no longer requesting that Lots 4 and 5 be used as the auto repair shop and in my way of seeing this, I think that is a substantial change because that's where the hangup got into it before is that they were going to put the auto garage right next to that owner-occupied, residential house. I think it was considered owner-occupied at the time. So that is a substantial change as far I'm concerned.

Chairman Threadgill: Alright.

Commissioner Hotho: I would agree with him, Commissioner Campbell.

Chairman Threadgill: Wanda?

Commissioner Thorp: Yes.

Chairman Threadgill: Ms. Ames?

Commissioner Ames: Yes.

Chairman Threadgill: Alright, I think the ... Do we need to vote on that?

Director Sellman: Yes. Yes you do. You need a formal motion and ...

Chairman Threadgill: I need a motion to approve that we have substantial change in the First Step ...

Director Sellman: Situation. <laughter at his loss of words>

Commissioner Hotho: So moved.

Commissioner Campbell: Second.

Chairman Threadgill: And a second. All in favor? <Ayes> Opposed? <None> Alright, it passes.

Commissioner Campbell: <unintelligible> all that time for that. <laughter> That everything you got? That's the end of it, staff.

Director Sellman: We ...

Chairman Threadgill: Hold on. Yes, ma'am.

Female Speaker: I just would like to re-bring up the project about Baldwin Court on Hamilton Peak. After hearing the DRC comments, everything has been addressed. I believe that the comments have not been updated.

Chairman Threadgill: Alright, let me ...to bring this back, I'm going to have to have somebody

on the <Director Sellman interjected: Prevailing> prevailing side make a motion to bring it back.

Commissioner Hotho: Do we have documentation that they've been addressed?

Female Speaker: I can provide them first thing in the morning. I mean I have written documentation.

Director Sellman: If I could comment. Having a condition that you are able to meet at 8:00 in the morning is not ...I don't see the ...actually the difference.

Female Speaker: Sure. I understand that, but I mean that I have a revised plan here that was dated and submitted to the Planning Department for review and the date's on the actual DRC comments that were released with my letter. They haven't been addressed and everything has been approved, so I hate to put my developer off for another month based on that condition. Everybody wants to go home.

Commissioner Campbell: What was the date of that?

Female Speaker: <unintelligible> comments were made on February 21st. I have a revised plan that was submitted on February 23rd which was the deadline for a revised, for addressing comments from DRC.

Chairman Threadgill: Staff have that?

Mr. Stauder: It does appear that that is the case. Now <unintelligible> the revised plans submitted. The comments were dated on the 21st. It may be something that's

Chairman Threadgill: Hold up just a sec. I think if we're going to discuss this, we're going to have open it back up for discussion.

Commissioner Hotho: Well, I made the motion and I'm not willing to do that because the revised plans haven't gone before DRC.

Female Speaker: They don't have to ...<unintelligible>.

Director Sellman: Revised plans are intended to address the DRC comments.

Chairman Threadgill: Let's just go ahead and open it back up. Anybody make a motion? No

motion? Going once. Alright. We can't do it. Motion fails. Staff, any comments?

ITEMS FOR DISCUSSION AND ANNOUNCEMENT

1. PLANNING DIRECTOR'S REPORT

Director Sellman: I had one comment and that was, after discussing the quality of the images on the CD, we are going to be consulting someone who can assist us in getting images that you can read when you increase the size. I saw the prints that you made in there – incomprehensible. That's not the idea, so we'll work on that and probably begin to request our applicants to provide an electronic copy of any graphics that they are providing. That should assist us, but we'll seek advice.

Commissioner Campbell: Don't we have that requirement in our Zoning Code already, that they are supposed to provide electronics?

Chairman Threadgill: Yep.

Mr. Stauder: I believe that's at the final plat level. I believe that's the way it's written.

Chairman Threadgill: I know it's in their somewhere. I read it that they're supposed to submit electronic copies.

Mr. Stauder: It's not something that we've actually been requiring since I've been in this position, but it is in there; but I believe it is under the final plat section.

Director Sellman: I think you're right. I do think that it is in the revised, in the new subdivision requirements that we will be bringing forth for public comment over the next month, with our public hearing on April 19th. I think that is in there.

Commissioner Campbell: This ...what our Chairman was talking about has been in there since the revised ordinance was written in 2003.

Director Sellman: The final plat requirement.

Commissioner Campbell: I'm not sure on where it's at, but I know that it's supposed to be submitted in CAD2000 or something. It spells out exactly what it's supposed to be in.

Mr. Stauder: It does, yeah.

Commissioner Campbell: Whether it's in <unintelligible> or not ...

Chairman Threadgill: You've got me, because I can't remember where it's at. I know it's in there, but I can't remember <unintelligible> or the final plat.

Mr. Stauder: I think it's in the final and I think the primary reason for that is so they could be given basically to our mapping people where they can draw it in on the GIS.

Chairman Threadgill interjected: That's where, in my opinion, we need to update that and get that for some type of program now. I don't know when you folks inserted your CD if you tried to blow it up. My pixels went nuts. I couldn't read magnifying it one time much less ten (10) times.

Commissioner Campbell: I tried hard on that one on Woodmere up off of Whittington trying to get that determination of what was there. Of course that was a scratchy copy to begin with, but I couldn't find <unintelligible>.

Director Sellman: Well, I mean, you raise a good point. We have a lot of Mom and Pop applicants who are not equipped to provide a document that is going to respond favorably to this kind of use, so as we go along, it may be that we may need to reconsider that requirement.

Chairman Threadgill <speaking in the background while Director Sellman is speaking>: Thank you, Rick. There you go right there.

Director Sellman: Yeah.

Commissioner Campbell: Even if we're drawing, even in the Mom and Pop situation, I think even in that, it should have been a requirement to do something a little better than what he's got.

Commissioner Hotho: Mmm, huh.

Chairman Threadgill: Yeah, on that one that Rick's got on screen, if you didn't actually go to the site, you wouldn't have the slightest idea what that drawing is. It was lost.

Commissioner Hotho: That graphic did me no good.

Chairman Threadgill: That's what I think if we get some type of program. <unintelligible> site plan development is what concerns me the most. Yeah, there's a great one right there. I can't see any setbacks. I can't see street lines, curb cuts, nothing. It's absolutely ... Show me a fire hydrant. Are there any fire hydrants in there anywhere?

Female Speaker: Part of the problem with these ones is they're <unintelligible> 36" lines, and so in order for us to get them, we have to shrink them down to fit them into the scanner.

Chairman Threadgill: I'm aware of that, but that's what I'm saying. We just purchased new laptop computers that, in my opinion, are wasted because we can't view, we can't shrink down what we need to view.

Director Sellman: Well, we'll work it out.

Chairman Threadgill: Work out something so we can ... I've got to have a better image than this. I'm blind as a bat now and this makes me goofy. Or ... Do I have any other comments from any of the Commissioners? Commissioner Thorp?

2. COMMENTS FROM THE COMMISSION

Commissioner Thorp: <unintelligible>

Chairman Threadgill: Okay. Good move.

Commissioner Thorp: I have a question along that line, does anybody review this before for ...<Chairman Threadgill interjected: The minutes?> ...spelling or anything before it goes out. And it's not ...

Director Sellman: We don't.

Commissioner Thorp: Okay. And then on one night, we didn't have any recommendations on

one at all.

Director Sellman: Is that right?

Commissioner Thorp: Yes. I didn't ...I never could decide on <unintelligible due to several people speaking at once.> ...I could not find.

Director Sellman: What item was that?

Commissioner Thorp: In the packet, I could not find ...

Director Sellman: Oh, in the packet. Yes.

Chairman Threadgill <finishing a conversation being held in the background>: ...7 or 8 didn't have any staff recommendations or any of that.

Commissioner Thorp: Right. No recommendations at all.

Female Speaker: That may be my fault. I might have lost a page somewhere.

Chairman Threadgill: The only recommendation was the one Dave made on Item 6, which was the memo sent in, so we have staff's recommendations to add Item 6, which we don't have the first 5, but that's okay.

Director Sellman: I'll also add 1 to 5.

Commissioner Thorp: I guess what I'm saying about the minutes too. Do they go anywhere else? If this had to go to Court or anything on these minutes?

Chairman Threadgill: Well, part of my job is to sign off on the minutes. I have to sit there and read through all that <unintelligible> and listen to this whole thing that we just did, I'll have to read through it again. Now, I don't go through and look for word-for-word. Okay? When I read through it, I just try to remember what the basics were, try to remember what the conditions were, I look back at the packet and see what the staff's recommendations were, and then I'll make little knick-knack notes here and there that this was added and whatever, and try to make sure all that's on it. Now for word-for-word, I don't.

Commissioner Thorp: Well I don't either, but when I'm reading it and it jumps out, like it slaps you in the head, that the words aren't spelt right or there's an H that's capitalized and an I and the I shouldn't be and all that kind of business.

Chairman Threadgill: That's not the way I read, so I'm right in the same mainstream with it, so.

Commissioner Thorp: Well.

Chairman Threadgill: Commissioner Hotho?

Commissioner Hotho: Do we need to adopt the minutes that are wrong? Are they going to fix them and when we're going to ...?

Female Speaker: I don't know.

Chairman Threadgill: Well, what she requested ...

Commissioner Hotho <speaking at the same time as Chairman Threadgill>: Do we need to do anything right now? I mean, I have something else.

Chairman Threadgill: Well, what she requested is that in the verbal taping, a lot of it wasn't transcribed out.

Commissioner Thorp: On the <unintelligible> is what I'm referring to.

Chairman Threadgill: ... Paragraph. Okay. In the past, we did not do the minutes by legal secretary. All they did was highlight comments that were made for a motion only.

Commissioner Hotho interjected: Stuff like who made the motion ...

Chairman Threadgill: Okay? Since Brian Albright's secretary has taken over as the transcriber, the transcripts, whatever you call her, she does it word for word, which is way out there, because that's why we have the tapes, you know, to try to keep the records. To me, she goes a little above and beyond, even my jabbering. She writes down the huhs and you know. All that is not necessary for what we approve. The only thing that is really important in my eyes is what our recommendations are. All the jibberish that we talk about prior to really is no concern.

Commissioner Thorp: <unintelligible> my questions when I'm asking to him and all that doesn't apply, but you two (2) guys enter in there all the time?

Chairman Threadgill: No, no, I'm not saying that.

Commissioner Thorp: Oh, okay, well I need to understand that.

Chairman Threadgill: No, what I'm saying is that on the minutes, when they're transcribed, you look at the last agenda, okay, she did a cut and dry deal, word-for-word. The Fairgrounds was ...

Commissioner Thorp: You're right.

Chairman Threadgill: <laughter>

Commissioner Thorp: To me, when you take the minutes of what happened, you record it all.

Chairman Threadgill: It is recorded.

Commissioner Thorp: Okay. And then when you have to type your minutes up, you type what was said and done. You never told me this before, that everything's been said and done and whatever.

Chairman Threadgill: Like I say, this just started when I guess Lance got all the material dumped on him. His staff was overwhelmed, so Brian's secretary more or less got it dumped on her to do the transcriptions and being that she is a legal secretary, the only thing for her to do is transcribe word-for-word.

Commissioner Thorp: I don't have a problem with that.

Chairman Threadgill: We have never done that before until she took over. In the past ... Go ahead, Dave.

Commissioner Campbell: I've been here for eight (8) years in reading minutes for the last eight (8) years. I would rather have them done the way they're being done now, because in the past, the minutes have been ...

Commissioner Hotho interjected: Who made the motion? Who seconded?

Commissioner Campbell: ...kind of, they've been real sparse as to what people kind of thought it said, a lot of times the way they were written up. I would rather have them word-for-word myself. That way there is no doubt; even though it does really bring out the fact that we're from Arkansas when you read them. <laughter>

Chairman Threadgill: Yeah, but that's the deal. When she transcribes ...

Commissioner Thorp interjected: <unintelligible> ...to hear it is not fair. It says there was no part of that meeting there. It's gone.

Chairman Threadgill: Who transcribed those?

Director Sellman: Brenda.

Chairman Threadgill: Did she do those too? No? Brian's secretary?

Director Sellman: Yes.

Chairman Threadgill: Okay.

Commissioner Thorp: There were several questions ...

Chairman Threadgill: Maybe she had a bad day. I mean, I don't know.

Commissioner Hotho: Or maybe the tape messed up.

Commissioner Thorp: <unintelligible> but let's find out why.

Director Sellman: Part of the difficulty in doing minutes, whether they are verbatim or whether you are doing summary minutes, is that people do not speak into the microphone.

Commissioner Thorp: I understand that.

Director Sellman: And if you have someone who isn't speaking into the microphone and you have someone doing the minutes, trying to transcribe it, trying to figure out what's going on, that is not a good combination. And you are not going to get any better summary than you will a verbatim transcript, because the person is not going to know what was going on. And we have

on this Planning Commission, we have a much better situation than we do with any of our other committees, in that the Chairman recognizes the speaker before the speaking begins and that makes it a lot easier for the person transcribing to make sense out of it. But we don't always do that and it's not always clear who's talking and the Fairgrounds Hearing was a little unusual in its format. There were fewer Planning Commissioners here and there was a lot of activity out in the audience area with people moving around. We weren't as formal as we usually are and I did skim those. I did not read them word-for-word. I do not have time to read it word-for-word, nor I think does anyone else probably. But the way it gets transcribed is to the best of the listener's ability to discern and sometimes it works and sometimes it doesn't.

Chairman Threadgill: Theresa?

Theresa: I do have one comment. I, this is the first time that I've actually looked at each page of this <unintelligible> and part of what's missing is ...When we get it from the attorney's system in e-mail, Word document format, and then the program that we use, IMPACT, we cut the minutes out. We copy all the minutes and we paste them into each item. I think part of the problem is, I'm just noticing here, where it says you have a and then it says <unintelligible>, part of the problem is IMPACT can only accept so much verbiage into each item. And this is an item that went on for what, hours, so it could not paste the entire thing. I just noticed that and you know, <unintelligible> ...

Chairman Threadgill interjected: That happens on several of our ...

Theresa: <unintelligible> did not notice that – that it did not paste it all. Maybe we're going to have to look at a different way of <unintelligible>.

Chairman Threadgill: That's been doing that ever since they've been doing the transcription. There's been a lot of cut off statements and stuff like that, ever since we first started doing it. Like I say, what I take into text when I read this is the final recommendations and that. That's what I'm signing off on. I'm not signing off on what everybody and their brother says during the meeting – the audience or the Planning Commission – but what I'm signing off is the part where we stated “this will be done”. You know, how we get there, I mean, is partially important, but the final call is what our recommendations are. Am I clear with everybody. Everybody understand what I'm saying? I'm not <unintelligible> here?

Director Sellman: Really the only binding part of the night is the motion and the vote.

Chairman Threadgill: The recommendation. Right.

Director Sellman: Right.

Chairman Threadgill: That's what I'm trying to say.

Commissioner Hotho: And that used to be all we got.

Chairman Threadgill: Yeah. That used to be it. I like it now like David said, we have the minutes so we can look back and say, you know, because a lot of times we would sit there in a meeting and we would say, you know, that we need to do this, that, this, and the other, but then when we made our recommendations, they weren't there. It never got into the final say.

Commissioner Hotho: I have something else when we get off minutes.

Chairman Threadgill: Okay. One other thing I have. I don't mean to be rude, but as Kathy said, the Fairgrounds is a good deal. If you read your minutes, "unknown speaker," "unknown individual in the audience," "unknown speaker here," please let me say your name. You know. Holler at me – say "Mr. Chairman," "Gary," "butthead," whatever.

Commissioner Hotho: Sometimes you don't look my direction so I go <cleared her throat>.

Chairman Threadgill: That's what I'm saying. Holler my name out. I have no problem with that. Say, "Mr. Chairman," "Gary," "hey" <followed by pounding of gavel>. I have no problem with you getting my attention because I am in a daze, you know. Like I say, it is better for the transcriptionist if we get your name so we know who's talking and who's saying what. Other than that, welcome aboard.

Commissioner Ames: Thank you.

Female Speaker: <unintelligible>

Chairman Threadgill: Now, go ahead.

Commissioner Hotho: Welcome aboard. I'm sorry I stole your thunder.

Commissioner Ames: Thank you.

Commissioner Campbell: Talk into the mic.

Commissioner Hotho: I'm sorry. The thing that the little engineer was talking about, if she gave something, if she did something that DRC denied and it comes to me that it's denied, I have no clue that she's done a plan. Would it be too much to ask for you to go get an initial from engineering or somebody met because my whole motion was based on what I got from DRC and then she comes up after the meeting and said, "But I've already done that." You know, so is there something that we can do where that doesn't happen again. I mean, I think ...

Female Speaker: I hope so.

Commissioner Hotho: Yeah, if you could get, you know, somebody just to initial it when they say, needs an 8" water line and then go back and say "done."

Director Sellman: Usually when it comes in, if it comes in ahead like the guy with the two (2) houses built on top of each other, when the second plan comes in, it does. We notify the people that commented and they'll take another look at it. Depending on the timing, sometimes that works, sometimes it doesn't. I have to tell you that this last month has been an absolute nightmare because of volume, because of projects coming in, projects being pulled off, the Fairgrounds, no deadline then they show up, then they have to have their hearing, drop everything so we did. This was not a typical month.

Commissioner Thorp: <unintelligible> I can hear you're irritated.

Commissioner Hotho: I understand.

Director Sellman: Yeah.

Commissioner Hotho: But I also want the Commission to understand that I'm not, when they say that "I can get it to you in the morning" or "that's all been done" and nobody else can tell me it has, I'm not going to take their word for it. I want to see it. When DRC says "denied," it's denied. I base my decision a lot on what DRC says. So, that was the end.

Chairman Threadgill: That's one reason why I asked Rick if he had that. If he had that, I would kind of liked to attack it; but ...

Commissioner Hotho: Do we have that?

Mr. Stauder: Are you talking about Baldwin Court, I guess?

Commissioner Hotho: Yeah, she is.

Mr. Stauder: She resubmitted plans. I mean, that's what I can tell you. In ...

Commissioner Hotho: But we don't know if those are right either.

Mr. Stauder: Yeah, I don't know for sure. I think engineering approved it. I don't know to be for sure. But the DRC minutes state that they haven't been met on the 21st. He may have even went back and amended his DRC comments after the packet went out. I mean, they may be in IMPACT right now saying everything's fine.

Commissioner Hotho: If they do, I just want that before the meeting. That's all I'm asking.

Director Sellman: One thing to think about though is that to – and I should know but I don't, you know, I don't know if it's there – but the one thing is if you're, you can make a condition for somebody to meet the requirements. They can't do anything until they do or you can table it and have them come back. You know, I don't know that it really, that it made a whole lot of difference to us on our side how it was done.

Commissioner Hotho: Just in those particular instances, it wasn't one person who denied them. It was several departments that had comments. <Director Sellman: It was. It was> If it was just one thing, then I would have been cool with that; but not when there's so much stuff wrong with it. Anyway.

Director Sellman: I see why you did what you did.

Commissioner Hotho: <unintelligible>

Chairman Threadgill: Everybody pass all that stuff back around for staff that was handed in. We need to put that in the records please.

Mr. Stauder: Do we need to make one last announcement about the APA Conference?

Chairman Threadgill: Yeah.

Director Sellman: Yeah. That conference is when, next week?

Mr. Stauder: It's actually on the 22nd.

Chairman Threadgill: Thursday, March 22nd, 8:30 - 9:30. Who all is signed up for this?

Mr. Stauder: That's what we're asking. We just want to make sure that everybody that wants to go either has sent ...

Commissioner Ames(?): <unintelligible> take a look at my schedule, but can I contact staff?

Mr. Stauder: ...because we need to do a PO or something. Once we determine how many people are going, we'll know how much to request the check for, etc.

Commissioner Ames(?): I'll be able to get with staff early next week.

Chairman Threadgill: Dave, are you going? Wanda?

Commissioner Hotho: No, got to work.

Chairman Threadgill: Okay. Wanda?

Commissioner Thorp: Yes. I've already turned mine in.

Chairman Threadgill: I'm going. I doubt if Louis will go. I don't know. I hate to say.

Director Sellman: Have we heard from James?

Chairman Threadgill: James is wanting to go.

Mr. Stauder: Robin's got them. We'll have to check with here.

Chairman Threadgill: Yeah.

Commissioner Hotho: What time is that dinner on the 26th? <unintelligible> Is it 6?

Chairman Threadgill: Is it 6?

Female Speaker: 6:30?

Commissioner Hotho: Or 6:30?

Chairman Threadgill: I could look at the ...

Commissioner Hotho: You're invited to that too.

Mr. Stauder: Boards and Commissioners Banquet.

Commissioner Campbell: Board of Directors has a meal <unintelligible> for the ...

<Several people are talking at once.>

Chairman Threadgill: All the

Female Speaker: All the various commissions.

Chairman Threadgill: That City dinner is at 6:30 at the Convention Center on the 27th.

Commissioner Hotho: March 27th.

Director Sellman: You will get an invitation.

Commissioner Hotho: Okay. We knew like a month ago, I think.

Chairman Threadgill: Yes, it came in last month. Alright, any other?

<END OF TAPE>

ADJOURNMENT
