

condo project on Lake Hamilton.

Commissioner Campbell asked if the applicant was aware of all of the conditions. He stated that the buildings were close and that the staff recommendation includes notes that this is acceptable to the 2000 IBC codes with the exterior fire separations.

Stephanie indicated that they had received all materials and comments regarding the project.

On a motion by David Campbell and a second by Wanda Thorpe the motion passed with staff recommendations 6-0.

CONDITIONS:

1. Exterior finishes of the proposed units shall be of the appropriate material to insure compliance with the 2000 IBC regarding structures having five (5) feet of building separation;
2. Construction is to be accomplished in accordance with all applicable construction codes;
3. Water and/or wastewater service shall not be provided to this development until all conditions have been satisfied; and
4. The privacy screening shown of the site plan shall provide at least a six (6) foot minimum height continuous screening. The proposed screening on the upper portion of this development shall extend from near the street side property line to at least the shown retaining wall and the proposed screening on the lower portion shall extend from the proposed lower drive entrance to the water. (For 6 - Absent 1)

NEW BUSINESS

- 2 Home Occupation Type B (HOB-07-0059) - Sojourner Construction - Home Occupation type B request for a cabinet sub-contractor and general construction. - 103 Elmhurst - District 4

Denied

SUMMARY MINUTES NO TRANSCRIPT

Planning Director Kathy Sellman introduced the item as Sojourner Construction, an after-the-fact home occupation Type B request. Director Sellman explained that the applicant was contacted by the Neighborhood Services in response to a complaint about the semi truck by a neighbor. The neighborhood services officer informed the applicant that he would need to apply for a license and go before the Planning Commission. Director Sellman explained the request to operate a home occupation for construction and a cabinet shop, as well as the request to have the trailer used for storage for the business.

Chairman Threadgill asked if the applicant would come to the podium and state their name and address for the record.

Stephen Carvalho, 103 Elmhurst. Mr. Carvalho explained the nature of his business. He had previously operated his business at 201 Pleasant Street. He purchased the property at 103 Elmhurst 3 years ago with the intent to operate his business from the shop located on the property. He indicated that he was unaware that this was not an allowable use until contacted by the Neighborhood Services officer. Mr. Carvalho explained that he thought that the property had been previously operated as a cabinet making facility by a Mr. Scribner.

Robert Derby, 106 Essex came to the podium. He expressed that he likes Mr. Carvalho and that they are friendly with each other and have a good relationship as neighbors. He does not feel that the property is meeting the standards of the neighborhood. Mr. Essex presented and read items from the subdivision's original bill of assurances from the deed concerning unsightliness. He expressed that the property has accumulated many collections of unsightly things.

Dorothy Burns, 107 Essex lives across the street from Mr. Derby. She took photos of the property and spoke about her feelings that the property had become an eyesore from the moment it transferred to Mr. Carvalho's possession.

Director Carroll Weatherford, 103 Ironwood. Director Weatherford had concerns that the staff recommendations to bring the accessory building up to commercial standards was in conflict with the home occupation ordinance. His concern was that in section 16-2-102(b)(8) the code prohibits any use that requires a building code upgrade (i.e., from residential standards to commercial standards) to accommodate the home occupation. He was concerned that staff would recommend something that code prohibits as a home occupation.

Director Sellman explained that the recommendation to upgrade to commercial

standards should be required if the business was allowed to continue. It was presented by the applicant and also recalled by staff that there was a business at that location, but no records were found to support that information.

David Campbell made a motion to deny the Home Occupation Type B request and insist that the applicant remove the semi-truck trailer within 15 days. James Clopton seconded the motion. Motion passed to deny Home Occupation 6-0.

(For 6 - Absent 1)

- 3 Conditional Use (CU-07-0067) - Covenant Presbyterian Church - New sign and 12 x 20 storage building. - 836 Shady Grove Rd - District 6

Tabled

- 4 Conditional Use (CU-07-0060) - Wiseman Inc, Rental Properties - Request to modify the conditions from previous Conditional Use Permit requiring a screening fence. - 417 Quapaw Ave, Corner of Orange and Quapaw - District 2

Tabled

<BEGINNING OF TAPE>

Chairman Threadgill: Are we talking about the entry driveway or where the truck's parking?

Commissioner Thorp: I see where the brown truck is parked; and he said he had to extend that and put the concrete there.

Chairman Threadgill: We don't need one for that. Am I right? To just extend for a parking spot? But if he does a curb cut, he has to. Am I right or wrong?

Director Sellman: A curb cut requires ...

Chairman Threadgill: But here he didn't do a curb cut.

Director Sellman: He did not; but if that is being used, <Chairman Threadgill: It's supposed to be.> ...a curb approval is required, yes.

Chairman Threadgill: Okay. Now I have ...Are you through, Ms. Thorp?

Commissioner Thorp: Yes.

Chairman Threadgill: I have one comment to what Kathy made about the lighting. In all businesses that we establish, one of the priorities is that the light will not protrude beyond the premise of the property. If they have parking lighting, it's shielded so it doesn't go into the neighborhood. Like Wal-Mart's lighting -- it has to be blocked so it doesn't protrude over into a residential area or like at my house where Walgreen's sits -- the lights have to be directed down so they don't broadcast over into my yard. So lighting is a large issue to me. The way I see it, if he wants to come in the alleyway and shine onto his premises, I don't have a problem with it; but coming in off Orange Street shining onto the house that doesn't belong to him - and you can see by the photograph that's on the screen now -- it's going to be right in the windows. That's where I have an issue. Any other questions or comments?
Commissioner Clopton?

Commissioner Clopton: Mr. Chairman, that's my point altogether was saying that maybe Rick needs to go out there and see what we can do - turning this around, putting him a light shining on his own property, and coming in the other direction - to see if we can't work out a parking plan that would fit that. That would also solve the problem of the truck backing out of this parking spot onto the highway. It seems to me like, on the street, it seems to me like that there would, by turning that around, there would be room for an additional parking spot there by angle with that truck pulling in from the other direction toward the building. So I don't know without going out there and actually measuring it off and taking a look at it and see what it would look like if you turn it around; but at this point, it seems to me like that's something that needs to be considered.

Chairman Threadgill: Well, as Rick said, he had to have six (6) parking spaces. He has seven (7) right now. They can eliminate a parking space to do something to get the ability in. Commissioner Campbell?

Commissioner Campbell: Mr. Chairman, in light of the complexity of this and everything that's been brought up, I move that we table this until the applicant can get back with staff, work out the backing out into the street where the brown truck is sitting now, and look at the feasibility, as Mr. Clopton said, to change this. So I move that we table this.

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

Commissioner Clopton: Second.

Chairman Threadgill: I have a motion and a second. All in favor? <Ayes> The motion is tabled.

(For 6 - Absent 1)

- 5 Preliminary Subdivision (PS-07-0065) - LTC Homes Subdivision - Nine lot subdivision in the County. - Located on North side of Marion Anderson between Bledsoe and Colt. - County

Approved with Conditions

5. Preliminary Subdivision (PS-07-0065) - LTC Homes Subdivision - Nine (9) lot subdivision in the County - located on North side of Marion Anderson between Bledsoe and Colt - County - ET

Director Sellman: Item No. 5 is a request by LTC Homes Subdivision for a preliminary subdivision.

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

Bill Malone, Engineer, 130 Hobson.

Chairman Threadgill: What do you have there, Bill?

Mr. Malone: We're asking for preliminary approval for a plat for a duplex development on Marion Anderson - nine (9) lots with ... Of course the highway is right in front. Water is right in front. Sewer is available on the side.

Chairman Threadgill: They'll all be exiting onto Marion Anderson?

Mr. Malone: Every one of them will be. We're proposing nine (9) entrances.

Chairman Threadgill: Do I have any questions from Mr. Malone from the Commission? Seeing none, 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 any of the Commissioners? Commissioner Campbell?

Commissioner Campbell: It did get the additional right-of-way because of the suggested 80' on Marion Anderson?

Mr. Stauder: Yes, we did. On the left hand side of the screen, you see he's measuring 40' from center line back to front property line there. That was an adjustment that he made after we brought it to his attention.

Commissioner Campbell: Will he be required to go ahead and pave that since everything is going, that additional area on Marion Anderson, since these are backing out into it or how does that happen?

Mr. Stauder: I don't really know exactly whether we could require him to go ahead and improve that portion of it. I mean, for example, if he built curb and gutter and paved it all the way back to this line, well right here where you got to this next property, the road would take a 5' to 6' indentation, if you would, or at least it would be wider there at that point. I'm not saying it couldn't be done. I just don't know if the Commission has the authority to require it.

Ms. Sellman: He would be responsible for road improvement up to the cost of one-half of a local street.

Commissioner Campbell: And this can be done because it was done on Lake Hamilton Drive.

Mr. Stauder: And I think on Lotus too, wasn't it? Lotus Valley on Shady Grove?

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

Commissioner Clopton: I move that we approve the nine (9) lot subdivision, Agenda Item 5.

Chairman Threadgill: Can I get it with staff's recommendations, please?

Commissioner Clopton: Include staff's recommendations?

Chairman Threadgill: Yes.

Commissioner Clopton: Subject to the recommendations of staff.

Chairman Threadgill: Alright. Do I have a second?

Two (2) Commissioners: Second.

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

CONDITIONS:

1. Submission and staff approval of a development plan in accordance with H.S.C. §16-4-24 incorporating the items as stated in the DRC report from the March 27, 2007 meeting;
2. The Bill of Assurances and/or final plat shall clearly state that maintenance of all common areas is the responsibility of the Property Owners' Association and will not be maintained by the city or county;
3. Construction is to be accomplished in accordance with all applicable construction codes;
4. The Planning Director shall be authorized to sign the preliminary and/or final plat once all conditions have been satisfied, and work shall not proceed until the preliminary plat has been so executed; and
5. Sale of lots shall not occur until a final plat meeting the requirements of H.S.C. §16- 4-27 has been approved by the Planning Director and filed for record with Garland County Circuit Clerk. (For 6 - Absent 1)

- 6 Preliminary Subdivision (PS-07-0061) - Windsong Bay Estates - New 72 lot single family residential subdivision located in the county. - Approximately 270 and Industrial Park Drive - County

Approved with Conditions

6. Preliminary Subdivision (PS-07-0061) - Windsong Bay Estates - New 72 lot single family residential subdivision located in the County - approximately 270 and Industrial Park Drive - County - ET

Director Sellman: Item No. 6 is Windsong Bay Estates, a preliminary subdivision. This is a new 72 lot, single family residential subdivision located in the County at approximately Hwy 270 and Industrial Park Drive within the City's extraterritorial jurisdiction. The comprehensive plan classification is suburban residential.

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

Bill Malone, 2300 Central Avenue, Hot Springs.

Chairman Threadgill: Again, real quick, what do you have here Bill?

Mr. Malone: This proposed subdivision is primarily being developed to access Lake Catherine, about 16 lake lots. He's going to have several nice residential lots as a result in a beautiful setting along the lake and access to the lake. There's a 10" water line down Industrial Drive that we're going to access and go into that, near the 4" sewer force main down the North side of the property, so we're going to utilize that. The system will be all pressure sewer and we've lined the pumps.

Chairman Threadgill: Just for a comment, if you'll notice on Mr. Malone's drawing here, he has bump-outs in his long portion of street for a radius turn around - actually has two (2) of them. Do I have any questions from the Commissioners? Have a seat. Is there anyone in the audience who would like to speak 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 and ask for questions or comments from the Commissioners. Seeing none, I'll entertain a motion. Oops, back up.

Commissioner Campbell: Our drawing that we have does not show the bump-outs or am I looking at it wrong? Okay. It's real vague on the drawing.

Chairman Threadgill: So long as they're on ours.

Commissioner Clopton: We don't have a very good drawing. It's not easy to read.

Chairman Threadgill: Any other questions or comments?

Commissioner Campbell: Just as long as they're there.

Chairman Threadgill: Again, I'll entertain a motion.

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

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

Commissioner Clopton: I'll second that motion.

Chairman Threadgill: I have a second. All in favor? <Ayes>

CONDITIONS:

1. Clearance of all Development Review Committee comments/conditions as stated on the DRC Report from the March 27, 2007 meeting;
2. Construction is to be accomplished in accordance with all applicable construction codes;
3. Waive the 800' maximum length for a cul-de-sac street requirement due to the unusual and unique shape of this property and because the developer has agreed to install two (2) additional mid-street turnarounds at approximately 850' and 1,900';
4. The Planning Director shall be authorized to sign the preliminary and/or final plat once all conditions have been satisfied, and work shall not proceed until the preliminary plat has been so executed; and
5. Sale of lots shall not occur until a final plat meeting the requirements of H.S.C. §16- 4-27 has been approved by the Planning Director and filed for record with Garland County Circuit Clerk. (For 6 - Absent 1)

- 7 Comprehensive Plan Revision (CPR-07-0063) - Shady Heights CCHI - Comprehensive Plan revision of 22.69 acres on Shady Heights Road from Residential Suburban to Residential Low. - On the north side of Shady Heights Road approximately two hundred yards east of Shady Vista. - District 6

Approved

7. Comprehensive Plan Revision (CPR-07-0063) - Shady Heights CCHI - Comprehensive Plan Revision of 22.69 acres on Shady Heights Road from residential suburban to residential low - on the North side of Shady Heights Road approximately 200 yards East of Shady Vista - District 6 - R-1

Director Sellman: Item 7 is Shady Heights CCHI Comprehensive Plan revision to request revision on 22.69 acres on Shady Heights Road. The change that is being requested is from residential suburban to residential low density. It is currently zoned R-1, suburban residential. It's in District 6.

Chairman Threadgill: I have a question to staff real quick. We have it listed from R-1 being rezoned to R-2. And then the applicant is going from residential suburban to residential low, which is from R-2 to R-3. Which way are we going? R-1 is residential rural. R-2 is suburban residential.

Mr. Stauder: Those don't correspond exactly that way to the Comp Plan. Residential low actually on the Comp Plan I think corresponds to R-2. Is that correct?

Director Sellman: Yes. They are not consistent. The terminology is confusing and inconsistent.

Chairman Threadgill: I think we need to make a request at this time then that that be revised as soon as possible because when I read through this, I'm seeing three (3) different ...

Director Sellman: It's insane.

Chairman Threadgill: Yes. So we are going from residential suburban to residential low density.

Mr. Stauder: As far as the Comp Plan is concerned.

Director Sellman: On the Comp Plan.

Chairman Threadgill: Alright. Everybody understand that?

Commissioner Campbell: That's R-2 to R-3, right?

Chairman Threadgill: It would be R-2 to R-3 actually, but the Comp Plan says it's R-1 to R-2.

Mr. Stauder: No, I think he's actually seeking from R-1 to R-2 as far as a zoning change.

Chairman Threadgill: Well, that would be ...

Mr. Stauder: It's just that residential suburban, according to the Comprehensive Plan, is really R-1 when you correspond it to ...the wording isn't consistent is what is confusing.

Director Sellman: R-2 and R-3 both have the same Comprehensive Plan designation.

Chairman Threadgill: Okay, but what I'm getting at here on our ...under our City ordinances -- let me get here real quick - under Article § 16-2-41, R-1 rural residential. Under § 16-2-42, R-2 suburban residential.

Director Sellman: That is the name of it, yes.

Chairman Threadgill: So suburban residential is R-2.

Director Sellman: No.

Chairman Threadgill: By our ordinance § 16-2-42, it is.

Director Sellman: I so wish I could say yes. It's not.

Chairman Threadgill: Then my book is wrong.

Director Sellman: No. The Comprehensive Plan calls the lowest designation suburban residential. Is that right, Rick? The very lowest density in rural, in residential is suburban residential in the Comprehensive Plan.

Mr. Stauder: In § 16-2-41 under R-1, rural residential in the Zoning Code, paragraph A about half-way down it says that the corresponding land use in the Comprehensive Plan is residential suburban; so that is very confusing to people because when you look at the Zoning Code, R-2 is suburban residential. They think residential suburban and suburban residential are the same thing, but they're not. If you look at R-2, corresponding land use Comprehensive Plan is residential low for R-2. So like I said, the wording isn't consistent and it's confusing.

Chairman Threadgill: That's what I'm saying. We need to alter this to get it one or the other because I'm totally lost.

Director Sellman: Yes. They're inconsistent. It's confusing. If you follow the track through the terminology ...

Chairman Threadgill: <unintelligible> I see where he's going, but when I read this, it's just not what it's saying. I mean to me.

Director Sellman: Well that's because we're using the terminology that somehow got

into the Code and the Plan.

Chairman Threadgill: Okay. I want to make a motion then that we get this changed.

Director Sellman: Thank you.

Chairman Threadgill: Let's carry on. Is the applicant present? Sorry for the delay but I was lost. Give us your name and address for the record. And if you say "rural residential," I'll shoot you right here. <laughter>

Doug Rodgers, 277 Bratton Drive, Hot Springs.

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

Mr. Rodgers: Okay. We've got 22.69 acres on Shady Heights Road. We're wanting to get a rezone from R-1 to R-2.

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

Commissioner Clopton: Not considering that I don't know what we're talking about. <laughter>

Director Sellman: We have two (2) things that need to happen here. When this land was annexed to the City, it came in with an R-1 zoning because no action was taken to call it something else. That's the default. He has now come before us. He wants to do a development. He does not want to do an R-1 development. Because he has R-1 and because of the unfortunate residential suburban land use designation on the future land use map, we have to make the zoning and the land use designation consistent. One of the requirements to change the zone is that it be consistent with the future land use map. So first we're changing the map and that's from residential suburban to residential low -- and that's the item that's before us right now - but when we go to the next item, that will be the change.

Commissioner Clopton: But we won't have to worry about that <unintelligible>.

Chairman Threadgill: We're just changing the map right now. Okay. I'm with you.

Director Sellman: Yes. Yes.

Chairman Threadgill: Everybody understand that? All we're doing is changing the

land use map from R-1 to R-2.

Director Sellman: No. Residential suburban.

Chairman Threadgill: Oh, should I use that terminology?

Director Sellman: That's what's on the map.

Chairman Threadgill: It says current zoning R-1, proposed zoning R-2. <laughter>

Director Sellman: This is the map only. Sorry.

Chairman Threadgill: Okay. I'll start writing that on there. Everybody understand that? 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 entertain a motion.

Commissioner Campbell: I make a motion, Mr. Chairman, that we make this change to the map ...requested change.

Commissioner Clopton: Second.

Chairman Threadgill: I have a motion and a second. All in favor? <Ayes> Yes, up here. Okay.

Director Sellman: That was unanimous.

Chairman Threadgill: Yes. Okay. Opposed? <None> None. It passes
(For 6 - Absent 1)

- 8 Re-Zoning (RZ-07-0064) - Shady Heights CCHI - Rezone of 22.69 acres on Shady Heights Road from R-1 to R-2. - On the north side of Shady Heights Road approximately two hundred yards east of Shady Vista. - District 6

Approved

8. Re-Zoning (RZ-07-0064) - Shady Heights CCHI - rezone of 22.69 acres on Shady Heights Road from R-1 to R-2 - on the North side of Shady Heights Road approximately 200 yards east of Shady Vista - District 6 - R-1

Director Sellman: This is a rezoning request -- Shady Heights CCHI. This is the rezoning of 22.69 acres on Shady Heights Road from R-1 to R-2. The Comprehensive Plan classification, as you recommended it, will be suburban low density ...not suburban ...from suburban to low density residential, which will be consistent with the requested zoning.

Chairman Threadgill: There you go. Again, your name and address for the record please.

Doug Rodgers, 277 Bratton Drive, Hot Springs.

Chairman Threadgill: A little bit about what you've got going here, Doug.

Mr. Rodgers: I've got 22.69 acres on Shady Heights Road that we would like to get rezoned from R-1 to R-2.

Chairman Threadgill: Do I have any questions or comments to the applicant? Seeing none, 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? Seeing none, I'll entertain a motion.

Commissioner Thorp: I make a motion for approval.

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

Commissioner Thorp: Second.

Chairman Threadgill: All in favor? <Ayes> Opposed? <None> Motion passes.
(For 6 - Absent 1)

- 9 Comprehensive Plan Revision (CPR-07-0062) - Shady Heights Comp Plan Change - Property in County requesting Comprehensive Plan Revision to change designation from Residential Suburban to Residential Medium High. - Shady Heights Road - County

Tabled

9. Comprehensive Plan Revision (CPR-07-0062) - Shady Heights Comp Plan Change - Property in County requesting Comprehensive Plan Revision to

change designation from residential suburban to residential medium/high - Shady Heights Road - County - ET

Director Sellman: Item 9, and don't get confused, is called Shady Heights Comprehensive Plan change. This is a request for Comprehensive Plan revision on Shady Heights Road changing the designation from residential suburban to residential medium high. This is for 9.5 acres and is not the same land that we already talked about.

Chairman Threadgill: Correct. Applicant, please give us your name and address.

Doug Rodgers, 277 Bratton Drive.

Chairman Threadgill: Again, a little bit of what you've got here, sir, a request.

Mr. Rodgers: Okay. I've got 22.69 acres on Shady Heights Road that we would like to get rezoned from R-1 to R-2.

Chairman Threadgill: Do I have any questions or comments?

Commissioner Thorp: This is different.

Mr. Stauder: This is a different issue.

Commissioner Thorp: This is a different issue.

Mr. Rodgers: Oh, it is? Okay.

Mr. Stauder: Your two (2) items have finished.

Mr. Rodgers: Oh, okay.

Commissioner Thorp: You're clear to go.

Mr. Rodgers: Okay.

Chairman Threadgill: You're done. I'm sorry. Is Mr. Meyers here? Is anyone here for Item 9 Shady Heights Comprehensive Plan change? I see no one here. Well, on just changing the Comprehensive Plan, I don't feel that we need the applicant present if we feel that it is a suitable change. Would that be alright to ...?

Commissioner Campbell: I'll back that off for a minute, but I have a question.

Chairman Threadgill: Alright. Question.

Commissioner Campbell: What's the ...is there a notification process in these?

Mr. Stauder: Not to my knowledge, other than just public notification in the paper and posting on the property.

Director Sellman: Posting on the property.

Mr. Stauder: There's no letter mail out or anything to my knowledge.

Commissioner Campbell: And this is being asked to go from what to what, now?

Mr. Stauder: Residential ...

Director Sellman: From residential suburban to ...

Mr. Stauder: To residential high.

Director Sellman: ...residential medium high.

Commissioner Campbell: Which is R-4, right?

Mr. Stauder: That's right.

Director Sellman: It will be R-4. That's what he will ask for when annexed.

Commissioner Campbell: Again, I make a motion to table this and the reason I have this is there are some people who live in that area that I know that I know would like to know that this is happening.

Chairman Threadgill: I have a request to table. Do I have a second? I have a request to table, do I have a second?

Commissioner Clopton: Seeing that the individual asking for this is not here, I'll second it.

Chairman Threadgill: I have a second. All in favor? <Ayes> Item is tabled.
(For 6 - Absent 1)

10 Site Plan Approval (SPA-07-0068) - Bank of the Ozarks - Amending Planned Development Site Plan for signage. - Ridgeway and Malvern - District 6

Approved with Conditions

10. Site Plan Approval (SPA-07-0068) - Bank of the Ozarks - amending Planned Development Site Plan for signage - Ridgeway and Malvern - District 6 - PD

Director Sellman: Item No. 10 is a request for site plan approval by Bank of the Ozarks. This is amending the planned development site plan previously approved at Ridgeway and Malvern on land zoned Planned Development to allow for signs. It is 1.8 acres and in District 6.

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

<unintelligible>, with <unintelligible> Sign Company: I reside at 6 Timberlane Trail, Conway, Arkansas.

Chairman Threadgill: And your name again.

Jasper Burton.

Chairman Threadgill: Alright. A little bit of what you've got here, Mr. Burton.

Mr. Burton: Apparently the engineer omitted the signs on the site plan when he originally brought this in. We went to get the permit and they said "wait a minute." So here I am.

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

Commissioner Campbell: I have one of staff. Did staff discuss the ...what I called you and talked to you about with the applicant?

Director Sellman: Yes, we did.

Commissioner Campbell: Okay. Can you bring that to the attention of the Commission and what was the finding?

Director Sellman: There was a request to call by Commissioner Campbell asking about the applicability of the Malvern Overlay to this planned development with regard to signs. Directional signs are exempt from certain requirements of the Sign Code; but in looking at the Malvern Overlay, it would appear that the Malvern Overlay, being the more restrictive regulation, would not exempt directional signs from your approval. So that would mean that directional signs in the Malvern Overlay would require something of a pedestal design rather than no pedestal.

Chairman Threadgill: Alright. So if I'm understanding right, the approval or denial, whichever it may be, will be that say the approval is with pedestal type signs?

Director Sellman: That would be with signs consistent with the Malvern Overlay requirement and you probably would want to be specific that you are talking about the directional signs and that the pedestal requirement would apply.

Chairman Threadgill: Alright. Commissioner Campbell?

Commissioner Campbell: What I'm seeing on our picture now, I'm talking about Sign A, Sign B, Sign C, and Sign D. What we've got on here are all of the signs we're approving. Am I right?

Mr. Stauder: That is the total sign package. Yes, sir.

Commissioner Campbell: That's what I was asking for was that A, B, C, and D instead of being placed on pipes, be placed on a pedestal similar to the stone base of Sign F.

Mr. Burton: Would it be permissible just to extend the frame of the sign down to the grade?

Commissioner Campbell: I think it's ...you'd have to check with staff on that, but I know in the intent of the ordinance -- and I'm not just exactly sure how it reads -- but I know the intent was that all signs in the Malvern Overlay area would be of a pedestal design that would have some type of a pedestal base on the ground and then the sign set above it. All I'm talking about is just a small stone base instead of those two (2) pegs sticking down. I know what you're going after there too and that may be legal. I don't want to see them sticking up out there. I would really like to see them with a small stone base like Sign F has got.

Chairman Threadgill: Well, whichever way it goes - denied or approved - it will have to be in compliance with the Malvern Overlay and that would come under Rick and

he would assure that they meet with the Overlay ordinance.

Commissioner Campbell: As they're drawn on the drawing here in front of us ...

Chairman Threadgill: They do not.

Commissioner Campbell: ...they don't meet the intent of the Malvern Overlay I don't think the way they're made. I know that they're exempt in some of the others, but Malvern Overlay says all signs will be pedestal.

Mr. Burton: So if I extend the burgundy all the way down to the ground, wouldn't it comply then?

Chairman Threadgill: Well, you could get with Rick if this is passed or whatever and Rick could give you more detailed information on what the actual pedestal would be. It might be that it could sit right on the ground with some kind of wrapper around it or something. I'm not quite sure, but all we're stating is that it has to come into compliance with the Malvern Overlay sign issue, whatever that might be. I don't even want to get into that part. Commissioner Campbell?

Commissioner Campbell: May I ask another question. You know, we look at these, all of Malvern Avenue, as conditional uses. Could it not be put as a condition that Sign A, B, C, and D have a pedestal in similarity of Sign F? Would I be wrong to make that?

Director Sellman: I believe it is within your authority to make that condition.

Mr. Stauder: Especially that it's zoned PD.

Director Sellman: Yes, it is a PD.

Mr. Stauder: It's PD, so the signs are whatever ya'll approve anyway. As staff, I'd feel more comfortable ya'll setting that sort of a condition rather than me having to try and decide what a monument type sign is and what it isn't; because half of the Commissioners are probably going to think one way and half the other and I'm going to be in a no-win situation. I would prefer, and I'm not trying to tell you what to do, if someone would want to make a condition to that effect, it might make it a clear cut issue.

Commissioner Clopton: Mr. Chairman?

Chairman Threadgill: Commissioner Clopton?

Commissioner Clopton: I have a comment to make. There is obviously a standard set up for the Malvern Overlay District and maybe the Bank of Ozarks would like to have their signs look a certain way and it meets the requirements of the Malvern Overlay District, I think that would appropriate for the property owner to make that decision.

Chairman Threadgill: It is and then again, as Commissioner Campbell said, since this is a PD, the Commission has the authority to set their standards as well; so it's kind of both ways.

Mr. Clopton: I was just thinking in terms of "this is my building" and I think I should have the right to make decisions on how my sign looks as long as it's within the criteria of the Overlay District.

Chairman Threadgill: Right. Commissioner Campbell?

Commissioner Campbell: No.

Chairman Threadgill: Alright. So is there anyone ...anything else to say to the applicant?

Mr. Burton: I do have a question. Is the stone base required for the primary sign?

Chairman Threadgill: No. Well, there's a base but I'm not sure what their standards are.

Mr. Burton: It's just a monument type sign.

Mr. Stauder: Could I read the regulations?

Chairman Threadgill: Yes. Usually when a code is ...when we bring these in, it's to the Sign Ordinance. Well, since we're in play in the Malvern Overlay District, there's an additional set of ordinances that come into play and that makes it kind of confusing on what we can and can't do. So that's kind of what ...go ahead and read that, Rick.

Mr. Stauder: What it says under § 10 of § 16-2-65 is signage: All signs shall be ground mounted and shall be no more than 8' in height. It goes on to say that some signs are prohibited. It wouldn't be the first time that I interpreted something

signs are prohibited. It wouldn't be the first time that I interpreted something incorrectly, but I always thought that was referring to the free standing sign - the primary sign for the development. That's really ...this small little section is the only thing in the Malvern Overlay District that refers to signage. It doesn't say anything about how much surface area they can have, how many signs they can have per development, so we've always referred back to the Sign Code. For example, if you have 100' of frontage, you can have a 100' square front sign, although it can only be 8' tall, ground mounted. So, as Kathy stated earlier, there is a part in our Sign Code that states that signs that are excluded from regulation and one of those many signs that are excluded from regulation are parking lot directional signs that do not exceed six (6) square feet in area. In my opinion, I guess I was looking at them as being non-regulated or excluded from the Sign Code; but in hindsight, that doesn't absolutely mean that they are excluded from the Malvern Overlay. I admit that there is a ...it could be interpreted either way.

Chairman Threadgill: We always pull the Malvern Overlay into play, so ...
Commissioner Campbell?

Commissioner Campbell: In reading your Malvern Overlay, does it not say "all signs in the Malvern Overlay will be ground mounted."

Mr. Stauder: If you use that literal interpretation, that means that the signs on their building, their wall signs, can't even be over 8' in height. Their wall signs are signs.

Chairman Threadgill: Any other questions? Commissioner Campbell?

Commissioner Campbell: I have just one comment to the gentleman. When the Malvern Overlay ordinance was written, I know that I was part of it at that time. Your Sign F is exactly what we were looking for in the Malvern area was the low sign with some type of a permanent base like your stone to get away from the poles sticking up. Because if you read the ordinance, it says it's ground mounted. Well a pole is ground mounted, but this was the intent. Now what the ordinance says, that's exactly what I was ...we were looking at at that time.

Mr. Burton: I guess two (2) things. One, when I found out that the sign was in the Malvern Overlay District, I went to the bank and discussed it with them. They are not ...they certainly would agree to a monument sign which is what is allowed. This is smaller than what would be allowed under the sign ordinance. They felt like ...I drew brick in there. They said "oh, no, we think stone would look nicer there." After I talked with Rick about the parking signs, they said that the stone is expensive. For us to do all of these signs with a stone base -- even though they're smaller, there are

several of them -- it just seemed like it would be excessive. I feel like if we take the burgundy sign background and extend it all the way to the ground so it is a monument type sign and that falls within the definition of monument signs as far as I know. I can do that a whole lot less expensive than we can get somebody out there laying stone around these little bitty signs. Would that be ...?

Commissioner Campbell: I'm not talking about a stone base this tall. Just to go along with the sign. Just a small base at the sign instead of the pipe sticking down. Now maybe that would be, if I had to make the motion right now, that's what it would be. That all the other signs that you got would be fine. The other four (4) signs would have a minimum of a 6" stone base at the bottom with no pipe sticking out.

Chairman Threadgill: I'm just kind of puzzled here, Dave. I'm having trouble finding where it says that they have a stone base.

Commissioner Campbell: It doesn't.

Director Sellman: It doesn't.

Commissioner Campbell: It does not. I'm just saying that we have the right in the Malvern Overlay and as a PD that we have the right to make, to ask for conditions, to put conditions in here. All we were trying to do when we created the Malvern Avenue area was to try to keep Malvern Avenue as pristine as it is now and this is probably me. Those four (4) little signs just don't look like what's going on, what I think Malvern Avenue, to look like with new projects going on. I know that you can go out through there and find them all up and down it, but it's not since we've come with this.

Mr. Burton: I understand. I'm just wondering since these directional signs are going to be in islands or in landscaped areas, if we just make them monolithic, where they ...it's just a rectangle. You don't see the poles unless you go down there and dig around the mulch. Would you feel more comfortable with that?

Commissioner Campbell: I've stated what I wanted. There's six (6) of us up here.

Mr. Burton: I understand, but ...

Commissioner Campbell: I just don't see the expense on what do you got, four (4) signs there? I don't see that great of an expense of having stone laid around each of those. It could be incorporated into a landscape. That's just my feelings. As I say, there's five (5) more people up here that's ...

Chairman Threadgill: Do I have any other questions or comments from any of the Commissioners? Is there anyone in the audience who has anything to say for or against this item? Seeing no one in the audience, I'll close the public portion and ask for any questions or comments from the Commissioners. Seeing none, I'll entertain a motion. Commissioner Clopton?

Commissioner Clopton: I agree that just some kind of a small, like you said, 6" base around them would be much more desirable than just, even just bringing them all the way down to the ground. That's my opinion.

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

Commissioner Campbell: Mr. Chairman, I would make a motion that we approve this with the condition that Signs A, B, C, and D have a minimum of 6" of the same type base that Sign F has.

Commissioner Clopton: Second.

Chairman Threadgill: I have a motion and a second. All in favor? <Ayes> Opposed? <One (1) Aye> Motion passes.

Director Sellman: May I ask a question clarifying that? Do you intend for the base to be proportional or do you want the base to be the same height as the height under Sign F?

Commissioner Clopton: Excuse me. Mr. Chairman?

Chairman Threadgill: Commissioner Clopton?

Commissioner Clopton: I believe he was specific in saying 6".

Director Sellman: He said 6"? <unintelligible>

Mr. Burton: The motion was 6" and Sign F is a 17" base.

Chairman Threadgill: Yes.

Director Sellman: Okay.

Commissioner Campbell: On Sign B, A, B, C, and D, I just said 6".

Director Sellman: 6"? Okay.

Mr. Stauder: Of a material compatible with the base of Sign F.

Commissioner Campbell: Yeah and you know, whatever color - it's red, here to me - it looks as it extends out of that stone without the pipe sticking up.

Commissioner Thorp: So are you saying that you don't want those pipes showing like they are now? So that he'll understand.

Commissioner Campbell: No. I don't want the pipes to show. It will look just like F, that it comes right out of the stone.

Commissioner Thorp: The base will be at the top of the

Commissioner Campbell: Do we understand?

Mr. Burton: I understand. Thank you for making that clarification. I was wondering what I was going to have to do. You know, we may be putting directional signs just like that at all our branches when we get finished with this.

Commissioner Campbell: I may have, did I say a minimum ...I said 6". I think I said a minimum of 6" so that it would give him the levidity <?> there to ...if you have to make them 12" you can, but they have to be a minimum ...

Chairman Threadgill: Clarification has been made. All in favor? <Ayes> Opposed? <None> Motion passes.

Mr. Burton: Thank you. Ya'll have a good evening.

Chairman Threadgill: Thank you, sir.
(For 6 - Absent 1)

11 Ordinance Amendment (OA-07-0058) - Conditional Use Notice Requirements -
Ordinance amending the Conditional Use Permit Notification Requirements. Current
notification is sent to abutting properties, proposed notification is properties within

200 feet.

Approved

11. Ordinance Amendment (OA-07-0058) - Conditional Use Notice Requirements - Ordinance amending the Conditional Use Permit Notification Requirements - Current notification is sent to abutting properties, proposed notification is properties within 200'.

Director Sellman: Item No. 11. This is a legislative change to the ordinance regarding conditional uses and the notification requirements are being proposed to be tightened up. The current notification is sent to abutting property owners and I am told that there was a requirement or a request from the Board of Directors earlier, say within a year ago, to expand the notification period to 200'. That proved difficult and a request is made to put a hold on this change until our GIS system could be modified to make the identification of those 200' property owners a little bit more reliable and a little easier to do. The GIS modification has been made. We are now able to easily identify people within the 200' buffer and so at this time, we are proposing that the requirement be changed to incorporate notice, mailed notice, to property owners of record within 200' feet of the proposed conditional use location.

Chairman Threadgill: Everybody understand the amendment? All in favor of changing ...? Commissioner Campbell?

Commissioner Campbell: I have a question. Do we have any others that just abutting that we have or does this clean it up now?

Mr. Stauder: Well, I mean, there are the Board of Zoning Adjustment, for example, that requires only adjacent properties. Category I and II improvements in the Historic District only require abutting property owners.

Chairman Threadgill: Nothing under Planning?

Director Sellman: And Type B Home Occupations are still abutting.

Mr. Stauder: That's correct.

Commissioner Campbell: <unintelligible> in that, I wonder about that too. Can we add that?

Director Sellman: You certainly have the ability to make that change if you want to do it and pass it on to the Board that way. They can make their decision.

Commissioner Campbell: What about the Board of Zoning Adjustment? Does ...?

Director Sellman: We didn't make notice of those things and typically on a legislative change, we would want to re-advertise if we are tightening something up -- a substantial change in terms of what people are doing.

Chairman Threadgill: At this time, we can go ahead with what we have and make a request that everything be taken to a 200' notification since we have the new GPS and have that brought up.

Commissioner Campbell: Well, I'm trying to ...what's the cost of BZA?

Mr. Stauder: I think it was just up to \$200 if I remember correctly.

Commissioner Campbell: If it went to BZA like this too, if they had to have it, would that cover the notification of the BZA <unintelligible>?

Director Sellman: Typically.

Mr. Stauder: Well, I mean the old zoning change application fee was \$175 and it was a 200' notification and of course that was increased with our land use application fee table, but in the past, there was a \$175 fee for a 200' notification. Conditional uses were actually \$75 when we, for a short period of time, did the 200' notification. Now I think the City was losing money on that deal.

Chairman Threadgill: Not to stop anybody, but what we are discussing right now is revising the ordinance just for this one ordinance. We can't change the ordinance without public notification again. So, do we want to approve this ordinance, send it forward to the Board of Directors with a recommendation to approve it, or do we want to deny it? That's what we're looking at right now.

Commissioner Campbell: Well, let me ask our Director one thing. Would it be easier to hold this up for a month and include those other things or would it be as easy to come back and change them later?

Director Sellman: We would be ...what is the notice requirement for a published notice of a text amendment?

Mr. Stauder: Ordinance change?

Director Sellman: Yeah.

Mr. Stauder: I think it's 15 days.

Director Sellman: Okay. Our next Planning Commission meeting is ...

Mr. Stauder: Thursday night.

Director Sellman: Oh, no, we don't have time to do that.

Chairman Threadgill: Not on <unintelligible>.

Director Sellman: The next meeting is May 10th?

Mr. Stauder: I believe that's right.

Director Sellman: And the next Board meeting is ...

Chairman Threadgill: Monday night.

Director Sellman: Well, in May.

Chairman Threadgill: The next Board meeting will be Monday the 14th? They have theirs after we have ours.

Commissioner Campbell: The first and third.

Director Sellman: So that would be the 7th.

Chairman Threadgill: The first of May is a Thursday.

Commissioner Campbell: The first Monday.

Director Sellman: The first Board meeting is the 7th.

Chairman Threadgill: Okay, the 7th then. Our Planning Commission would be on the 10th.

Director Sellman: It is probably cleaner to do this. They are expecting this. They have requested this. They had actually wanted it a month ago.

Commissioner Campbell: I don't have a problem with sending it forward. I was trying to make it ...if it's simpler to go ahead and hold it up ...

Chairman Threadgill: What I'm looking at, we already have the ordinance typed up, ready to sign. If it's sent forward with approval and they approve it, the money is already spent for the notification and everything on this one. To redo the whole thing, we're going to have to spend all the money again to ... I think we might as well go ahead and make a decision on this one and just let staff go ahead and start working on the second one.

Director Sellman: We'll prepare the second amendment and you aren't ...

Commissioner Campbell: And look at it and see if you really think it's needed then. I just think the consistency of 200' may be enough if it's not putting too much financial burden on those BZAs. I know downtown on that Central Business District, they pretty well got their own rules down there so it's ...I was just thinking about BZA. And there's some BZA cases out there that are setbacks and it doesn't really affect a whole lot of anybody, but some of them it does. I'm through.

Chairman Threadgill: Again, any other questions or comments? I'll entertain a motion.

Commissioner Clopton: Mr. Chairman, I move that we send this ordinance forward to the Board with our recommendation for approval.

Chairman Threadgill: I have a motion to send forward to the Board of Directors with approval. Do I have a second?

Female Commissioner: Second.

Chairman Threadgill: I have a second. All in favor? <Ayes> Opposed? <None> Motion is sent forward and that is the end of the agenda items. (For 6 - Absent 1)

N/A

Adjourn

Chairman Gary Threadgill

st: