

PLANNING COMMISSION MEETING TRANSCRIPT

THURSDAY, JUNE 14, 2007

The regular meeting of the Planning Commission was held on Thursday, June 14, 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.

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

Pledge of Allegiance by Commissioner David Campbell.

Chairman Threadgill: Alright, at this time, I'll call the June 14th 2007, Planning Commission Meeting to order. Call the roll, please.

Roll Call

Present: Commissioner James Clopton; Commissioner Lauri Ames; Commissioner David Campbell; Commissioner Louis Kleinman; Commissioner Wanda Thorp; Chairman Gary Threadgill

Absent: None

Approval of Minutes

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

Commissioner Thorp: So moved.

Commissioner Campbell: Second.

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

Approval of Agenda.

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

Commissioner Campbell: So moved.

Chairman Threadgill: I have a motion.

Commissioner Clopton: Second.

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

OLD BUSINESS

1. Conditional Use (CU-07-0067) – Covenant Presbyterian Church – New sign and 12 x 20 storage building – 836 Shady Grove Road – District 6 – R-2

On a motion by James Clopton and a second by Lauri Ames Conditional Use Approved With Staff Recommendations 6-0.

2. Site Plan Approval (SPA-07-0091) – Grise Multiple Building Site Plan – Duplex and two mobile homes on lot in County – 3205 Marion Anderson – ET

Director Sellman: Item No. 2 is a Multiple Building Site Plan. This is a duplex and two mobile homes on a lot at 3205 Marion Anderson in the county.

Chairman Threadgill: Is the applicant present? Please come forward and give us your name and address for the record, and tell us a little bit about what you're going to do.

Mr. John Grise, 1100 South Moore Road, Hot Springs, Arkansas. I've just got a lot that I've been developing and I'm going to put a modular home, a duplex, and two mobile homes on this lot.

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

Commissioner Campbell: I have one. I think I read it that there's supposed to be a 35' setback from that street.

Mr. Grise: Yes, sir. I had asked ...now the other one was setback at 18' and I would ask that you waive the other one on the other side because the neighbor's mobile home is only set about 10' back and if I set mine 35' back, I don't think it will look uniform in that area with a 35' setback.

Commissioner Campbell: Okay, thank you.

Chairman Threadgill: Any other questions or comments for the applicant? I have one to the staff real quick. I have two drawings – one hand sketched that shows three structures and then I have another one ... Kind of bear with us. We've got these computers tonight and they're touchy. Here we go. This one. This just shows two structures.

Director Sellman: Would you like me to respond to that?

Chairman Threadgill: Yes.

Director Sellman: The hand drawn site plan was submitted by Mr. Grise, the applicant, and the professionally drawn plan was submitted by a neighbor.

Chairman Threadgill: Okay, so we're ...

Director Sellman: As an alternative ...

Chairman Threadgill: ...looking at the one that Mr. Grise has submitted. It's the one ...

Director Sellman: That's correct.

Chairman Threadgill: Okay. Any other questions from the Commissioners? Thank you, Mr. Grise. Anyone from the audience have anything to say for or against this item? Please come forward and give us your name and address for the record, sir.

Mr. John Morrie, 103 Toby Court, Hot Springs: The other drawing that you have is actually my drawing. I submitted it as a proposed alternate to the site plan that was submitted by Mr. Grise for the site. What I used as a guideline for the drawing was the multi-building site plan application and the listed requirements that are on the second page of that application. I made a note in the e-mail I sent that that drawing right there does not technically meet all the requirements. There were some other things that I did not know the locations that would be, for example, the sewer pump station that would be required for the double-wide on the back side of the lot and that kind of thing, so I could not show the sewer easement. The water lines across the front I believe are in the County road right-of-way. I can't confirm that kind of thing. On the original proposed site plan, the one question I have when I got in there and drew things up, when you have 104' across the front, I couldn't get the adequate parking and spacing between the mobile homes and the property lines to work out without shoving everything to the far side. You have a drawing that shows that. It's the second one of my drawings. It's not near as detailed as that one. It's that one. It shows that if you try to do that, you end up with trying to do a 20' parking space, which is typical. When the cars try to back out of that, you only have room for a 5' radius on the asphalt. They're going to have to leave the pavement to get out of there and they will also have a hard time getting in there. That's only ...I'm showing that one there has three parking spaces. You'll have to have five more at the back of the property somewhere, so it comes down to a matter of where are we going fit eight parking spots on the property? Now, if you're sketching it, you can probably make it work out. When you get out there in the world and try to make real parking spaces, I'm curious as to how it's going to be done.

The other thing, reading through the staff comments about the project, the one thing that came to my mind is the requirements for the screening and the landscaping. Typically, you'll see a plan that will show landscaping and <unintelligible> for screening as I do in my drawing. The only reason that is a concern is it's real hard to enforce something – I know we have a point total that he has to meet – but it's real hard to enforce something typically when you don't have a plan that everybody's trying to meet. I know it would ease the neighbors' minds if everybody around us could kind of see what the plan was going to be as far as how is he going to get the 800 points? What kind of trees is he going to plant? Where is he going to plant them and that kind of thing?

Chairman Threadgill: Any questions from the Commissioners? Alright, sir, you may have a seat.

Mr. Morrie: Thank you.

Chairman Threadgill: Is there anyone else in the audience who has anything to say for or against

this item? Please come forward and give us your name and address for the record.

Mr. Charlie Broadbent, 105 Kirby Court: One of the concerns that Mr. Grise keeps bringing up is that there is other mobile homes or manufactured homes in the area and I think he mentioned to you about the setback. I think you have the picture of one in your packet. That is addressed as Northshore Drive on there. His address is Marion Anderson Drive. There might be some differences there. That manufactured home is very presentable. I don't think anybody in the neighborhood has a problem with that. Mr. Grise's project – we've had the privilege of viewing that for probably 13 months now and after our last meeting, there was a comment made by a Commissioner that possibly Mr. Grise has disrespected the neighborhood and the neighbors. I would assume that if somebody made that comment to me, I would go back to my project and possibly clean up and maybe make it a little bit more presentable and try to work with the community around me. No blocks, no steps that have been thrown together, no brush, no weeds, nothing has been trimmed. Nothing has been done. There's actually a recliner now in front of the property. I guess they're using that as a front porch or a place to relax in the afternoon. I don't know what you guys can do. It's just the neighborhoods we have out there, everybody takes pride in their property and takes pride in their community. We want Mr. Grise to be a part of the community but just to have some standards maybe and just to fit into the neighborhood a little bit better. We're not totally against the project. We just would like for it to blend in and be an asset to the community instead of a detriment.

Chairman Threadgill: Thank you, sir. Is there anyone else in the audience with anything to say for or against the item? Please come forward and give us your name and address, sir.

Mr. Bryan Peters, 106 Wolf Howl Lane: It's the neighborhood right next to Kirby Court. One of the things that we are concerned about is if you can bring up the picture of Northshore Drive, the manufactured home on it, you can see it's got a presentable concrete place for storage buildings. It has presentable steps that you can actually get up to it. It has presentable underpinning that you can go around the manufactured home. That's one of the things that we're concerned about is just appeal and keeping up the property. Like previous people have said, we're just very concerned about that and we want just some presentable ... We want everybody to look uniform and look presentable in the neighborhood.

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

Commissioner Clopton: Mr. Chairman, I've got two questions. One of them is technical. I'll address that one to our Director. In our regulations, is it required that a special drainage plan be submitted or is just consultation with our department sufficient? Was there an official drainage plan submitted?

Director Sellman: No drainage plan was submitted. A general drainage scheme has to be indicated on the plan and I don't believe that was present.

Commissioner Clopton: The second thing I had brings me back to the question I had of the developer and I didn't think about asking it when he was up here before. Would you come back please?

Mr. Grise: Yes, sir.

Commissioner Clopton: Just a quick question – do you plan on setting up permanent steps ...?

Mr. Grise: Yes, sir. That's still in the construction site ...

Commissioner Clopton: I understand.

Mr. Grise: When it's changed, it will look a lot better, but until I know exactly what I can do, then it's kind of hard to continue working on something.

Commissioner Clopton: That's why I ask you if you plan to. You plan to?

Mr. Grise: Yes, sir. It will be finished up and look a whole lot different than it does now. But if you go to construction sites, they'll all look like that. The one across from my Mom does anyway.

Commissioner Clopton: With handrails?

Mr. Grise: Oh, yes, sir. They'll be completed.

Commissioner Clopton: Thank you.

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

Commissioner Campbell: I have one. I would like to ask staff. Without all the information in the packet, how can we act on this?

Director Sellman: You may find that the information you have available is not sufficient for you to make a decision to approve. In which case, your alternative would be to recommend denial or deny.

Mr. Rick Stauder: Mr. Chairman, could I interject something?

Chairman Threadgill: Yes.

Mr. Stauder: I think I referenced it in my staff write-up that Denny McPhate did do a site visit pertaining to the drainage. It was discussed and he informed me by phone that the drainage wasn't going to be an issue for this site. He may not have submitted an e-mail or something in writing, but I feel like I need to convey that information to you.

Chairman Threadgill: Any other questions or comments from the Commissioners? Seeing none, I'll entertain a motion. Again, I'll entertain a motion. Seeing that I have no motion ...Last call.

Commissioner Campbell: I make a motion that we deny this application on the grounds that we have insufficient information submitted that was supposed to be submitted by the applicant that, according to our Director, was not submitted.

Chairman Threadgill: I have a motion ...

Commissioner Campbell: Plus the fact that it is just really crowding up a piece of property with a lot of residences. That's my motion to deny.

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

Commissioner Thorp: Second.

Chairman Threadgill: I have a motion and a second. All in favor? <Ayes> Opposed? <None>
The motion is denied. Item No. 3.

NEW BUSINESS

3. Conditional Use (CU-07-0112) – Hot Springs Assisted Living – Assisted living residence – West Side of Oak Tree Park Subdivision – District 6 – R-4

Director Sellman: Item No. 3 is Hot Springs Assisted Living. This is a conditional use request for assisted living residences located on the West side of Oak Tree Park Subdivision. It's zoned R-4. It is located in the Malvern Overlay. It is in District 6.

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

Mr. Bob Brooks, 646 Edgewater, Wichita, Kansas.

Chairman Threadgill: Give us a little bit about what you've got there, Mr. Edgewater.

Commissioner Thorp: Brooks.

Chairman Threadgill: Sorry about that.

Mr. Brooks: We are intending to build an 80-unit assisted living residence on the West side of Oak Tree Park. The State of Arkansas has determined in their Department of Health Services administration that there is a need for 515 assisted living beds in the County of Garland. At the present time, there are only 40 and those are in Garrett Manor at 142 South Brighton Terrace. They are full all the time. They cannot take care of the people who are on their waiting list at the present time. We have developed assisted living facilities for 15 years. Most of them have been in Kansas and Colorado, although we do have two under construction at the present time in Arkansas – one in Belle Vista, which should open in September, and one under construction recently started in Fort Smith.

Chairman Threadgill: Any questions from the Commission to the applicant? Seeing none ... Commissioner Campbell?

Commissioner Campbell: I have one. Are you deep into this? Are you deep into it to know where your street is going to come out back there and all that?

Mr. Brooks: We know it's going to come out at the top of the hill at Mote Street.

Commissioner Campbell: Where it looks like there's an entrance now? Where they may be going in and out for construction purpose?

Mr. Brooks: I think so. Yes, sir.

Chairman Threadgill: Any other questions to the applicant? Mr. Brooks, you may have a seat. Is there anyone in the audience who has anything to say for or against this item? Again ... Come on up and give us your name and address for the record please.

Ms. Susan Hooks, 319 Mote: I'm an adjacent landowner. I've been here. This is my third time for asking for some kind of rezoning on that property next to me. Six months ago, we were fighting for the zoning to remain the way it was. Then we came back three months later for another condition to reduce the number of sidewalks. Now we're back again for something different. In January, we were told that it would be garden homes next to us and that was the promises made. So I've had to come off of vacation to come here and address this one more time. It is a nursing home and it may be not be called ...It may be called assisted living, but it's still a nursing home in a neighborhood that is a residence. It will increase traffic on Mote Street and as ya'll already know, there's already been one death recently on that street. It is a very treacherous street. I live at the bottom of the hill and it is very dangerous to get out of. My question is, I don't want to be a bad neighbor and I want to have good neighbors, but I'm not convinced that this is going to improve my property values or improve our neighborhood. These residents, from what I understand, will be in their 80s. There is full time nursing staff. That means there will be large trucks coming in and out – food services – I'm sure. I just don't know how we came from a garden home neighborhood to an assisted living, when that was what was promised at the beginning. I'm sure it's a nice facility and it does look nice in the brochures and everything else, but I just don't think it belongs in our neighborhood.

Chairman Threadgill; Thank you, ma'am. Is there anyone else in the audience with anything to say for or against this item? Please come forward and give us your name and address, sir.

Mr. Chris Polychron, 118 <unintelligible> Rise Trail, Hot Springs: I am the owner ...one of the... the general partner that manages Oak Tree Park and also one of the owners of it. I did visit with Ms. Hooks about rezoning this early on to the zoning we're asking today is C-4. At that time, it was denied. I have never promised Ms. Hooks that I would put garden homes in

there. I've always said that if the appropriate use came in, I would ask for it to be changed again. I think this is an excellent use. I guess the argument I don't understand. It's presently zoned R-4 and if someone wanted to put 12, 12-unit apartments in there, you could have that as well; so the traffic would increase equally or more so than it would with this assisted care. Thank you.

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

Commissioner Kleinman: I have a question. I would like to know what services will be offered as assisted living in this complex.

Director Sellman: That would be for the applicant to answer.

Chairman Threadgill: Would the applicant please come back forward? Mr. Brooks.

Mr. Brooks: The services we offer are primarily designed to help the frail elderly. This is not a nursing home. It is an assisted living. Our job is to help people with the activities of daily living. These include such things as dressing, bathing, grooming, toileting, and that sort of thing. We provide 24-hour a day security. We provide 24-hour a day help with these activities of daily living. We have three meals per day. We have a resident dietician on staff. We are capable of preparing special meals for those people needing it, such as diabetic and low-salt diets. We have a large activity area with a separate area. We'll have an activities director allowing these senior citizens to partake of a wide variety of activities from tours to – it might sound trite, but – BINGO. It's still very popular in this age group. We think that the people that come to our facility are people that have been contributing to this community all of their lives. We think that this is a proper place for them to be. We provide dignity and a privacy not found in nursing homes. As you may be familiar, most nursing homes consist of double occupancy rooms with no lock on the door, no private bathrooms. Every one of ours is a private suite, carpeted, with its own kitchenette, with a stove, refrigerator, freezer, counters, cabinets, its own private bathroom with walk-in shower. It's a place that any of us would be proud to put our parents. Thank you.

Chairman Threadgill: Thank you, sir. Any other questions, Mr. Clopton?

Commissioner Clopton: No, that answered it. That's obviously not a nursing home.

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

Commissioner Clopton: Mr. Chairman, I move that we accept Agenda Item 3 subject to the recommendations.

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

Female Speaker: Second.

Chairman Threadgill: I have a motion and a second. All in favor? <Ayes> Opposed? <None> Motion passes. Item No. 4.

4. Conditional Use (CU-07-0107) – The Lemongrass Café – Conditional use for a café in the CTR Zone – 706 Higdon Ferry Road – District 5 – C-TR

Director Sellman: Item 4 is the Lemongrass Café. This is a conditional use request for a café to be located in the Commercial Transitional Zone. It's at 706 Higdon Ferry Road. It is zoned CTR, Commercial Transitional, and it is in District 5.

Chairman Threadgill: Is the applicant present? Please come forward and give us your name and address for the record, sir, and a little bit about what you're going to do.

Mr. Steve Grim, 605 Higdon Ferry, District 5: We are wanting to open a café at 7 Whatever.

Chairman Threadgill: Do I have any questions or comments from any of the Commissioners? None? Steve, you may have a seat. Do I have any comments from anyone in the audience for or against this item? Please come forward and give us your name and address for the record, sir.

Mr. Bill Michau, 201 Audubon: I am the President of the POA Association at Villa Marie South. We really don't have a problem with the café, but we would like some kind of buffer zone; because there is a straight shot from 201 Audubon over to this café. A hedge, a fence, or something <unintelligible> just to keep the noise level down. There's just a lot of noise.

Chairman Threadgill: Alright, sir.

Mr. Michau: Thank you.

Chairman Threadgill: Thank you. Would staff like to make a comment on the buffering?

Director Sellman: That would be something that you could consider adding to the recommended conditions here. Certainly, that would be appropriate. You would want to quantify that – exactly what it is that you are looking for and what the timing would be of placing it.

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

Commissioner Campbell: In the picture of it here, behind where the café is going to be, there is a proposed office. Is that part of this café situation?

Mr. Stauder: It's an existing daycare facility.

Commissioner Campbell: Okay.

Chairman Threadgill: Any other questions or comments?

Commissioner Campbell: I think we need to get some definition as to where this buffer needs to be. Is that on the West side behind the daycare?

Mr. Stauder: The way I understand it, it would be to the West of the building shown on the site plan labeled 702, 704, 706. It would be that property line that is common between this development and the condominium complex.

Chairman Threadgill: Go ahead, Commissioner Clopton.

Commissioner Clopton: Would that include like North of the daycare?

Mr. Stauder: I would think so.

Commissioner Clopton: In other words, it would extend all the way along the West border of that property and then on the North side of the daycare.

Mr. Stauder: The North side of the daycare, shown as 708. In order to do a complete screen for the condominium complex, I believe it would have to make that corner along the West side and then North of the daycare as well.

Commissioner Clopton: Are we talking all the way down to Harvard Street?

Mr. Stauder: Well, no, I actually was just talking along the North side, the 66' run along the North side of the daycare.

Chairman Threadgill: Right here.

Commissioner Clopton: Of course this has property has been there for years without that.

Mr. Stauder: Yes, sir.

Commissioner Clopton: And it's had, I'm sure, a number of different occupancies besides what's there currently, without a buffer.

Mr. Stauder: I understand that. Just to update you, I spoke to one individual at length about this and I brought up that very question and the response was "that is true, but historically the businesses in this center have been 8 to 5 type businesses. None that were really late night type of restaurants where you might have light issues shining in windows and things like that."

Commissioner Clopton: Thank you, Rick.

Chairman Threadgill: Any other questions from the Commissioners? Commissioner Kleinman?

Commissioner Kleinman: This isn't a question. More a statement. I do agree that the buffer is necessary. I think it would be very beneficial to the residents there. I'd like to make that motion. I just don't know how to phrase it exactly so that it would cover what's really needed and the right material and everything.

Chairman Threadgill: Alright. I'm just looking at this. Let me get the right one up here. We've been requested to grant a CTR. Correction – a conditional use in a CTR for this single building. Now the way I look at it, since we're just discussing that one building, the only place that we can actually impose the screening would be where that would abut to the residential property, which

would be directly behind that building only. <Someone from the audience made a remark.> Right now, I've got the public portion closed, sir. <Okay> So I'm not sure how we could impose anything further than that. Staff?

Director Sellman: I think what you would be looking at in this case is impact and the impact from this project, if you were to project where that might occur, you might have lighting from the area around the restaurant itself and also from headlights in the parking area. So, if I'm understanding this situation correctly, the somewhat, the thing that looks kind of like a hockey stick behind the ...on the West side coming down and then going across ... Rick, can you get that?

Mr. Stauder: I can show it on the big screens. I don't ... This is the boundary or the common property line between the condominium and this commercial development. In order to create a screen that would shield the development on the whole entire property line, it would have to be like you say hockey stick shaped or L-shaped, which would run North of the existing daycare and then down this West property line. I understand that one of these stores now is a travel agency that sometimes has bus tours. I'm not sure where they go – Mississippi or whatever – but the bus sits there and loads passengers and the diesel fumes blow out of the back of the bus. It does cause an inconvenience I am told. So, to answer your question, there are other issues that are going on even now that a screen might be beneficial along the whole property line.

Commissioner Clopton: Mr. Chairman?

Chairman Threadgill: Commissioner Clopton?

Commissioner Clopton: Just a comment. If I'm judging this right, we're looking at a gentleman who is wanting to lease this building from a leasor in order to put in a restaurant. The development's been there a long time. We're asking ...We would be asking this leasee to essentially shield a property that does not belong to him that's existed for some time in order for him to be able to lease and operate his business. It does not seem to me logical to require a leasee to provide permanent fixtures to a property that he doesn't own and may not be there that long from the standpoint of whether or not his business is successful or not successful. I just don't see it. That's my judgment.

Chairman Threadgill: Our concern is the health, safety, and welfare of the public.

Commissioner Clopton: I understand. That's my comment.

Chairman Threadgill: In my opinion, if we do allow a restaurant, then we're putting the burden on the neighborhood. The lights, the noise, the additional sounds from being late night that it's not now. My opinion, I think it should be a part of the factor. Commissioner Campbell?

Commissioner Campbell: The applicant, in the staff report, states that he's going to be open from 6:00 a.m. to 8:00 p.m. on Monday through Saturday, and 6:00 a.m. to 2:00 p.m. on Sunday and holidays, so this pretty well mitigates any late night activity beyond the noise of the 10:00 p.m. noise barrier that we have in place.

Chairman Threadgill: You still have winter months, in my opinion, that you're going to have 5:00 dark so the lights would still play a factor in the seasonal type of ...

Commissioner Campbell: We're in an area that is a major ...is and will be a major thoroughfare through there. I think we have to look at that also. I understand what the people are saying behind them, but just looking at the pictures, it looks like there's a lot of greenery back there anyhow. You know, behind it in that last picture that's shown on there, 04-07-06, at the bottom down there. There's a lot of greenery behind that daycare center.

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

Commissioner Kleinman: Mr. Chairman, I move that we accept this applicant's application with the conditions as set down by staff.

Chairman Threadgill: I have a motion to accept with staff's recommendation.

Commissioner Clopton: I'll second that motion.

Chairman Threadgill: And a second. Discussion?

Commissioner Campbell: I'd like to make an amendment, if I may. The maker of the motion may agree to it. To limit those hours to what the applicant states in the staff's report. That's not part of the conditions, but it states that it will be 6 a.m. to 8 p.m. Monday through Saturday, and 6 a.m. to 2 p.m. on Sunday.

Commissioner Kleinman: I would accept that amendment to my motion.

Commissioner Campbell: You want to add that to your ...

Commissioner Kleinman: I would add that to my motion.

Commissioner Clopton: I would like to first ask a question, can we add that?

Director Sellman: Absolutely.

Commissioner Clopton: Okay, then I accept that. It's fine with me.

Chairman Threadgill: I have a motion to accept or to approve with staff's recommendations and that the time of operations be Saturday 6 a.m. to 8 p.m., Sunday 6 a.m. to 2 p.m..

Commissioner Campbell: That's Monday through Saturday.

Chairman Threadgill: Right. I have a motion and a second. All in favor? <Ayes> Opposed?

<Chairman Threadgill: Aye> Motion passes. Item No. 5.

5. Appeal Administrative Decision (AA-07-0111) – Chick-fil-A Sign Appeal – The applicant is requesting a variance/appeal from the requirements in the Sign Code regarding the number of freestanding signs allowed at a multi-tenant development. (§ 16-5-22 paragraph (e)) – 100 Cornerstone Plaza, Corner of Cornerstone Plaza and Central – District 5 – C-4

Director Sellman: Item No. 5 is the Chick-fil-A sign appeal. This is an appeal of an administrative decision on placement of a free-standing sign at 100 Cornerstone Plaza. The zoning is C-4. It's located in District 5.

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

Mr. Ben Holliday, 90 LaSalle Lane, Douglasville, GA 30134.

Chairman Threadgill: Sir, you're requesting a sign for Chick-fil-A at Cornerstone Marketplace.

Mr. Holliday: Yes, sir. If it's okay with you, I'd like to pass out some extra items that I have.

Chairman Threadgill: Yes, sir. Please.

Mr. Holliday: The handout that I just gave you, first of all, the first page is a satellite view of the property. It kind of shows the traffic along the main road out in front of the store. I'm going ...as I went through this, I used some pictures that I already had. I didn't take any specially for this meeting, but I wanted to show you kind of what the sign would look like if it was actually in place as well as show you one of the issues that is there with visibility of this site from one direction. As you look at this site here, it's <unintelligible> on the main road and there's a side road here. But if you are standing in the road looking at the site along the left, excuse me, right side of the property, there's a row of trees. Basically, when you're coming from that direction, you cannot see the building except for a little spot through but you can't really tell exactly what it is until you basically get dead in front of the store. The existing restaurant there of course is Fazoli's, which is going out of business. It's not exactly the same market, but generally the same business – fast serve restaurant. You flip over to the next page here, you'll see kind of coming down the road from the one direction. You can see from there the large signs that are already on the property that basically takes up the one sign that's allowed for the property and the Chick-fil-A sign. You can see generally how it will look as best as I could represent it. You see the visibility there is pretty good. It helps you see the store. You can also see the building itself as well. But when you flip over to the fourth page, on that page there is the row of trees that I was telling you about. You can kind of see the awnings on the existing building there now through the trees, but you really can't see any signage whatsoever. Because I didn't have a perfect picture here, I had to kind of superimpose that in front of the trees where it would be if it was just beyond the trees. Basically, as you come up on the store, you'll begin to see the front of the property there, which is kind of the sloped berm area where the sign would sit. It will give you the opportunity to see what's there before you're basically already past it. Our concern here is that cars going down the road at the speed limit see it, suddenly stop because they decide they want to turn in there, may also cause some traffic hazards. We've had a situation in the past with other customers that have had similar things happen when they can't see where to turn in time. You need to kind of be able to have some type of judge of when you're going to stop, turn your turn signal on, and make your turn. Of course, the last page of which is the sign itself. This is what we call a monument sign, which is a low profile. It's not very tall. It would have the Chick-fil-A logo, which is out towards the road, as well as a changeable <unintelligible> for them to put messages to the public there. Basically, our reason for needing this very badly is simply because they need to be seen. They need to overcome some of the difficulties of this site since it's hard to see, as well as succeed where another business has failed.

Chairman Threadgill: Alright, sir. Do I have any questions or comments ...? Commissioner Campbell? Sir, please come to the podium.

Commissioner Campbell: Do you plan to have a sign on the main monument sign there at the intersection?

Mr. Holliday: It's not allowed by the developer. He's pretty much taken up all the spaces with tenants that are down the road that have no frontage on the property. That's reserved for them, so we've not been able to get that.

Commissioner Campbell: Okay.

Chairman Threadgill: Any other questions to the applicant?

Commissioner Thorp: So you would be saying that now leasing this in this picture, that's just for advertisement for him and would not be for a new restaurant.

Mr. Holliday: Well the leasing is probably for a space that's down that road somewhere and it's a building that's not occupied currently.

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

Commissioner Clopton: Mr. Chairman? You are aware that you would be allowed to put signs on the building?

Mr. Holliday: Yes, sir. We have those on there and there's really only one spot on the whole building that they can be placed. But they are still far back behind the trees, and there's just no way you can see them.

Commissioner Clopton: Thank you.

Chairman Threadgill: Commissioner Campbell?

Commissioner Campbell: One more question. How far from the street is this sign going to be? It looks close in your pictures.

Mr. Holliday: It's going to be ...actually what they're going to do ...the plan is at this point and

I don't have but one copy of this.

Mr. Stauder: Is this it on the big screen?

Mr. Holliday: Yes, that is it. Sorry. That is actually ... they are going to build an island so that it can be set back a little bit further. That way it's behind the property line by I believe it's 5' to 10'. I don't know the exact amount. You kind of have an issue on the far left there because the property line juts in a little bit. You just don't have room. The berm I think at that point is a little bit less severe than it is on the other side.

Commissioner Thorp: Is that sign going to be lighted?

Mr. Holliday: Yes, ma'am.

Commissioner Thorp: And be busy and ...

Mr. Holliday: No. It will be continuously lit. It will go off at ...

Commissioner Thorp: It won't be scrolling or anything like that?

Mr. Holliday: No, ma'am. They don't do that. It will be continuously all the time except when they close, then it will go off. We would be willing to accept, if you feel the size is too big, we would be willing to accept something smaller just to have something out there so that people have time to see the business.

Chairman Threadgill: That was Commissioner Thorp asking the question. Do I have any other questions or comments from the Commissioners? Commissioner Campbell?

Commissioner Campbell: Just one more, please. This will not been an electronic sign?

Mr. Holliday: No, sir. They don't do those. I wish they would, but they don't.

Chairman Threadgill: Any other questions or comments? Sir, you may have a seat. Is there anyone in the audience who would like to speak for or against this item? Again, anyone in the audience who would like to speak for or against this item? At this time, I'll close the public portion and ask if I have any questions or comments from the Commissioners. Commissioner Ames?

Commissioner Ames: I do. I have a question for staff. In the staff report, it indicates that the existing signage on the property exceeds the limits that are based on linear street frontage. How much are we talking about?

Director Sellman: Rick can answer that.

Mr. Stauder: Maybe I can. Mr. Jones actually did the write up, but this is really a very complicated part of our Sign Code in my opinion. Basically, what it states is when you are a part of shopping center, the whole entire center is only allowed the number of free standing signs just like an individual business would be. The problem with Cornerstone is, on the Central Avenue side, they don't have a whole lot of frontage. I mean, they have tons of property off the road, but they might have 200 linear foot, I'm just guessing. Well that makes them, that limits them to one free standing sign with a total square of footage of 200 square foot. When you have 50 businesses or something, whatever they have, it makes it really tough. You've got some stores in close proximity, like IHOP for example -- let me see if I can get to a couple of these pictures -- IHOP has a free standing. Around on the other side, you have Outback, On the Border, Cracker Barrel -- they have their own individual free standings. When you look up the property ownership, they're actually on their own individual lots. I don't know if those are leased lot lines or if they actually purchased the property. I'm not exactly sure how the ownership is configured. To be perfectly honest with you, we've had some different interpretations on this very thing through the years with different Planning Directors. Some feel like if you're not attached to the strip, you should be entitled to have your own free standing. Some people view it the other way. It's kind of a complicated issue.

Chairman Threadgill: Commissioner Campbell?

Commissioner Campbell: Mr. Chairman, the only thing I'd like to add is, and you brought up about IHOP having their sign over there. This is going to be similar to IHOP's?

Mr. Holliday: Yes, sir.

Commissioner Campbell: Myself, I don't see that it poses a problem because it is kind of in an adjacent building and not tied like the other are.

Mr. Stauder: Exactly.

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

Commissioner Clopton: Mr. Chairman, if we were to consider approving this, if you look at the size of IHOP's sign, which has been used here as a comparison and the size of the sign that they are requesting to put up, there's considerable difference in size. We're talking about a 12' long sign by 6' high and then it's set on a 3' additional height, so you're looking at a 9' high sign, 12' wide. I just think that's excessive for the amount of space available.

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

Commissioner Clopton: Mr. Chairman? I <unintelligible> go further with this discussion. I would consider something that would reduce the size of this sign.

Chairman Threadgill: Right now we have this in front of us. In my opinion, you can ask that it be tabled and the applicant bring back a different sign or you can either approve or deny.

Commissioner Campbell: Mr. Chairman, I make a motion that we do table this and let the applicant come back with a smaller sign application.

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> Opposed? <None>
Item tabled. Item No. 6.

Commissioner Kleinman: Mr. Chairman?

Chairman Threadgill: Commissioner Kleinman is going to recuse himself. We'll notify you when we're finished. Item No. 6.

Director Sellman: Item No. 7.

Chairman Threadgill: Oops, excuse me. Item No. 7. We pulled Item No. 6.

Director Sellman: We did.

Chairman Threadgill: Thank you.

6. Re-Zoning (RZ-07-0105) – Shady Grove Zone Change – Zone change request from R-2 to R-4 of 4.71 acres on Shady Grove Road – 500 Shady Grove Road – District 6 – R-2

< REMOVED FROM THE AGENDA.>

7. Re-Zoning (RZ-07-0106) – Best Western Zone Change – Request to change zoning from R-3 to CTR – 2520 Central Avenue – District 3 – R-3

Director Sellman: Item No. 7 is the Best Western zone change. This is a request to change the zoning from R-3 to CTR, that's Residential to Commercial Transitional. It's at 2520 Central Avenue, the site of the existing Best Western. It's located in District 3.

Chairman Threadgill: Would you give us your name and address for the record, please?

Jeff Pernell, owner of the Best Western Stagecoach, 140 Ravenwood Place, Hot Springs.

Chairman Threadgill: Alright, sir, and a little bit of what you've got in store there.

Mr. Pernell: What we've got in mind doing is a remodel of the Best Western. It's going to involve the removal of one existing building and one existing unoccupied home, and come back with some improvements – landscaping, curb, paved parking lots to increase the beauty and aesthetic value of the property. Also be removing one of the buildings, it will increase the accessibility of emergency vehicles in and out of the property. We're going to reduce the total number of rentable units at the property, but increase the amount of green space and aesthetic value.

Chairman Threadgill: Alright, sir. Do I have any questions from the Commissioners to the applicant? Seeing none, you may be seated, sir.

Mr. Pernell: Thank you.

Chairman Threadgill: 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.

Mr. Curtis Ridgeway: My wife and I own real property directly across from the proposed zoning change and we have owned such property for about 10 years. It has been our experience during that 10 year period that although the existing zoning on that lot that we're talking about here tonight is R-3, which is High Residential zoning, the applicant has continually disregarded the zoning entirely and has used the property just exactly as they saw fit. During this time, we've had to endure such things as an Indian Pow-Wow on the property, which consisted of teepees being erected, a bon fire, totem dances around the bon fire, and beating on drums until late in the night. This was a three-day affair. We had about 20 trucks parked over there with the Asplundh Tree Trimming group that were permitted to park there. I'm sure they paid for the right to park there. We continually have 18-wheeled trucks parked in there every night. We had one last night. Last weekend, we had four or five dog trailers with barking bird dogs. They started barking at daylight. This is an R-3 zone and it doesn't permit any of these things. I don't think the applicant has shown good faith in his activities with the zoning that's there. The property owners have been suffering with this man's total disregard of zoning and I don't really think he's going to do anything different if you change it to a CTR zone. Actually these things he's been doing would not be permitted in a CTR zone. You can't park 18-wheeled trucks in a CTR zone. You can't have Indian Pow-Wows. You can't have tree trimming trucks that are parked there 24 hours a day. I have a couple of pictures here I'd like to show you.

Chairman Threadgill: Just hand them over here to Ms. Ames, please, sir.

Mr. Ridgeway: They were made last Saturday morning at 6:00.

Chairman Threadgill: Hold up your conversation, sir, until you get back to the podium so that we can get it on tape, please, sir.

Mr. Ridgeway: The first two pictures there, showing the dog trailers, were made last Saturday morning. I made them about 6:00, when the dogs were just waking up, beginning to howl and bark. I have a close-up shot of one of the trailers to show what they were. There's a picture of an 18-wheeled truck that was made this morning about 6:00. It left about 8:00 after rumbling and starting and growling over there. Then you'll see the fourth picture I left with you is a picture of a tour bus that's over there right now. All of these things are in violation of an R-3 zone. How are we to believe that they are going to do anything different than what they're doing now? I do not think the applicant has shown good faith and my suggestion would be to you that you table this matter for six months and see if he can comply with an R-3 zone before you decide

to rezone it to something else. That's all I have to say tonight. Thank you.

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

Commissioner Clopton: Mr. Chairman, did we ever determine who owned what?

Director Sellman: I'm sorry. What was the question?

Commissioner Clopton: Did we ever determine who owned what? You weren't in the Planning Meeting though.

Chairman Threadgill: In the luncheon, the lot that was in question was presented to us as being owned by another individual than the applicant. Was there any ...?

Director Sellman: That would be a question for the applicant. I do not have documentation of ownership.

Chairman Threadgill: Commissioner Campbell?

Commissioner Campbell: I talked with that person today and they said it was not owned by ...

Chairman Threadgill: Okay, so it is ...? That was just brought up ...

Commissioner Campbell: That's what I was told today. Okay.

Commissioner Thorp: Where all these things are parked, does he own that? That's his land?

Chairman Threadgill: Yes.

Commissioner Thorp: Okay.

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

Commissioner Clopton: Mr. Chairman, I move that we approve this applicant's request to change this to a CTR zone, as per staff's recommendations.

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

Commissioner Ames: Second.

Chairman Threadgill: I have a motion and a second. Any discussion? Commissioner Campbell?

Commissioner Campbell: Yes, please, to our Director. The area that is for rezoning is just going to be turned into a parking lot, right? Is that what I'm seeing?

Director Sellman: That you probably want to ask the applicant as well. I believe there's a parking lot and some construction, but that would be for the applicant.

Commissioner Campbell: Okay. Would you come back up, Mr. Pernell, please?

Mr. Pernell: Sir, the area that we're asking to be rezoned right now contains a non-occupied single residential dwelling. It's been unoccupied for about two years. The rest of the property is unimproved gravel parking lot that we use for seasonal parking during Oaklawn racing season and it is all to be rezoned for CTR in order to improve the site. We're wanting to do some flower beds, paved park striping, but no commercial structures to be built there. Part of where the existing single family dwelling is, we intend to take down our existing restaurant building, which is a two story structure, and put in a single story structure in its place.

Commissioner Campbell: All access other than emergency access is going to be off of Central Avenue to this parking lot.

Mr. Pernell: Yes, sir. That's correct.

Commissioner Campbell: Thank you.

Mr. Pernell: Thank you.

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

Motion passes. Item No. 8.

Commissioner Ames: Are you going to get Louis?

Chairman Threadgill: Yes. Everybody back? Item No. 8.

8. Comprehensive Plan Revision (CPR-07-0108) – Hilltop Manor B&B Comp Revision – Comprehensive Plan Revision request for bed and breakfast from Suburban Residential to Commercial Enclave – 2009 Park Avenue – District 1 – R-1

Director Sellman: Item No. 8 is the Hilltop Manor Bed and Breakfast Comprehensive Plan revision. This is a request to change the designation on the future Land Use Plan Map to allow for rezoning, which is the subject of Item 9. The request is to change ...I'm not seeing what this is.

Chairman Threadgill: Suburban Residential to Commercial Enclave.

Director Sellman: Yes, to change from Suburban Residential to Commercial Enclave. Thank you.

Chairman Threadgill: You're welcome. Is the applicant present? Please come forward and give us your name and address for the record, please.

Ms. <unintelligible> Cramer, 2009 Park Avenue and Mr. Bob Cramer, same address, and Mr. Bob Kempkes with <unintelligible> Architects.

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

Mr. Kempkes: The Cramers are looking for a rezoning essentially and this is the first step towards that to allow for a commercial transitional use. This would be to facilitate future development of the property. The immediate plans calls for an owner's quarters to be constructed adjacent to the existing four room bed and breakfast. Possible future uses might include some rental cabins at some time. This would facilitate us coming back to you for conditional use permits in the future.

Chairman Threadgill: I have a question real quick. You said that you had plans in store now to build a house in that area?

Mr. Kempkes: We're in the process of starting the design, but this is kind of the first step towards that.

Chairman Threadgill: Anyone else have anything? Do I have any questions or comments from the Commissioners to the applicants? Seeing none, you may have a seat. Is there anyone in the audience with anything to say for or against this item? Please come forward and give us your name and address, sir.

Mr. Gerald Murders, 107 Fox Pass Cutoff, which is adjacent to this property: I don't quite understand the request to change to CTR, because you'll have to get conditional use on these things there. If they need to build a house in addition to what they have, I don't think they'd need any kind of change. They should be allowed to add on to the building they have if they needed to, except to get a building permit. The building was originally given a conditional use by the previous owner and as far as I can tell, the only reason they did was to try to sell the property at a higher price. They were able to, but it took about two years or a good while after they got the conditional use. These folks came in and wanted to change the conditional use to a bed and breakfast to add other events – weddings and other events – which they came before you and were allowed to do that with certain exceptions. The problem we have is we have one driveway that comes in and comes right up alongside our fence. I don't know if they can come in another way or not, but there's quite a bit of traffic. The bed and breakfast has four rooms according to their advertisements that they have and the four rooms ...they've paved two parking lots that contain about 22 striped parking spaces, so you can see it's not just a bed and breakfast. There's other things going on and it creates quite a bit of traffic. We have a log fence between ...Our log fence is between our property and theirs and the parking lot is paved right against our fence. As a result, you have a lot of cars parked there all during the night if you have another event, which they've had some – not a terrible lot of them, but they've had some. From the looks of what I'm reading here, they're planning to expand it. I just don't see how we can do that and maintain the residential flavor of the community that we're in there now. I'm hoping that you can maybe deny this change and have them stick with their original program that they were going to have a bed and breakfast under a conditional use. Because as I read all of this, I don't understand why you'd go about it this way. If you were going to build the cabins, why not put it in a site plan and do it all at one time? You know, get it approved. So I think there's things down the road that I don't know and maybe the things that I don't know are a big problem that's not there. At any rate, I do appreciate your considering to not allow this thing to be changed from Residential to CTR, because that's a big change. The entranceway into the property, as it stands now, is extremely dangerous from a standpoint if you had a lot of traffic. I don't know if

ya'll have been out there, but it's in that S-curve just as you start up Belvedere stretch – that first S-curve. There's been accidents there that were terribly ...fatal at times. I would appreciate it if you would look at those items and understand that if you allow more traffic up there than there is now, it's going to take away from the people that live up in the area. Thank you.

Chairman Threadgill: Thank you, sir. Hold it, sir. Sir? Mr. Murders? Hold it just a second. Commissioner Campbell?

Commissioner Campbell: How late have you viewed this operation going?

Mr. Murders: Well, I don't know what kind of event they had, but there's been a couple that's been past 9 or 9:30.

Commissioner Campbell: My other question would be to staff. Looking at the zoning map, it appears that the lot is zoned parallel to Central, or the two lots. The lots themselves, as I see it on the drawing, are sort of in a triangle shape. The zoning does not follow the lot lines, does it?

Director Sellman: The request is to rezone all of it from R-1, but we're not looking at the rezoning right now. So, this is a request to change the Comprehensive Plan designation on all of it. I'm not sure I understand your question.

Chairman Threadgill: Right now both lots are R-1.

Mr. Stauder: No. It's split zoned.

Commissioner Campbell: It's split.

Chairman Threadgill: Is it split?

Commissioner Campbell: But is the zone split on the lot lines or as it's shown on the map?

Mr. Stauder: Well, it's split. I've got it shown on the big screens. It's almost split directly in half. The front half running on Park Avenue is the R-2 portion, the rear portion away from Park Avenue is the R-1 portion. I can go back to their survey and see how that corresponds to the actual layout on the ground. You see that the quarter section line splits the property North and South, but the split zoning basically runs parallel with this driveway behind the main structure.

Director Sellman: Just to clarify, the quarter section line is not a lot line.

Commissioner Campbell: Okay.

Director Sellman: I'm sorry. I completely missed what you were asking.

Commissioner Campbell: I was looking at it the way the property was <unintelligible due to coughing>.

Chairman Threadgill: Any other questions? Is there anyone in the audience who would like to speak for or against the item? Please come forward and give us your name and address, sir. I'll let you get back up in just a minute, ma'am.

Mr. Lynn Pitcock, 117 Fox Pass Cutoff: Thank you, Mr. Chairman. I'm probably one of Hot Springs' newest residents. We closed on that property two weeks ago tomorrow and moved in a week ago yesterday. Of course we did so with the expectation that we would have quiet, peaceful enjoyment of the property and I'm not sure that what you have before you today would prohibit us from having that, but it certainly came as a surprise to me. When we moved into the house, actually as most families will do when you buy a house, we finished closing and we went over and found this letter from the City of Hot Springs on the kitchen table when we walked in. In the brief research that I've done on this, and keep in mind it has been brief, I've been a Hot Springs resident for all of a week now, I think the one thing that concerns me more than anything else is what this CTR designation will do to the property going forward. While I'm sure it's certainly not the plan of the current owner to come in and put multi-unit apartment complex there, there is certainly nothing in that designation that would prevent them or any future owners from doing that. Just on the size of the property, you could put a 100-unit apartment complex on there if this CTR designation were approved. I think it's also important to note that you've heard from two-thirds of the landowners adjoining this property today. The other is the National Park. I'll conclude my remarks just by saying that I'm not necessarily here to speak against this today. What I'd like to do is have an opportunity ...I haven't even met my neighbors yet and I came here with some resignation today moving into town one week and speaking against a project that my neighbor had the next. With that being said, I'd like the opportunity to meet with them, perhaps visit about what they're doing, see if we can come to some type of compromise, work something out among ourselves before we ask you guys to do something that might be detrimental to my property going forward in the investment we've made in Hot Springs. With that being said, I'd be happy to conclude or take any questions.

Chairman Threadgill: Do we have any questions to the speaker? None? Thank you, sir.

Mr. Pitcock: Thank you.

Chairman Threadgill: Does anyone else in the audience have anything to say for or against the item? You may come forward, ma'am. Again for the record please, give us your name and address.

Ms. <unintelligible> Cramer, 2009 Park Avenue: I'm kind of here to allay some of the fears and to <unintelligible> questions from the neighbors. One thing is ...I can see where the concern was with the weddings. It was the concern when we came up for signs, for the signage, which we did get approved on, was the weddings. We were told the weddings are fine. As for the late night aspect, we've actually only had one wedding go until 10:00 and that was actually back in November of '06. I actually pulled the numbers. We've been open for one year and almost eight months and of that, we've done a total of 42 weddings, which is actually quite a bit, but of those 42 weddings, 75% of them have been ten guests or less. They've all been during the daytime. I think our next wedding of a late ending was 8:00. So almost all of our weddings are in that 5:00, 6:00. Most of our time frames for the ten guest weddings are one hour long. As you can see, the bride and groom, and a lot of them, we have one coming up, is a total of nine guests. All the guests are staying at the bed and breakfast, so we are full with the four rooms. They are going to be there for the weekend. As for the parking area, the black parking area, we wanted to improve the property. It was all dirt and gravel, so we blacktopped. And of course, since we were moving forward, we decided to get it striped right away so people would actually know where they could park for the weddings. I think it's honest to say that that parking area adjacent to the fence is used very minimally and that our future plans do include a structure, which is going to be a house for ourselves and our two children – a four year old and a four month old. We currently live in the bed and breakfast and we'd like to get the kids out of the bed and breakfast. We'd like to put another building on the property. We have plenty of land to do so. Then possibly down the line, we may put a couple of cabins. Once again, high end rental usage – these rooms go for \$200 to \$300 a night.

Chairman Threadgill: I have a question. If I'm not mistaken, does not an owner or a manager supposed to live on site in the bed and breakfast?

Director Sellman: Or adjacent I believe.

Ms. Cramer: We would actually be connecting. The idea is to connect our new building with a

walking bridge and to stylize it like an old carriage house and have a nice walking bridge connecting. It's just over our private road area.

Chairman Threadgill: One other question. When I went out there today, I noticed that you'd installed an above ground transformer and then a rather large power grid – the big gray box with the meter on it. Why so big?

Ms. Cramer: Actually that was recommended to us with the idea of the future house and a couple possible cabins. We were told to add 1200 amps. Currently the house had 600 amps already, so we basically did the 600 amps for what's existing and what's there. So it's not in addition to what we had. We got rid of the old. Everything is coming from there and we were told that we'd need another couple hundred for the house and then if we did two or three cabins, we would need at least 100 per cabin.

Chairman Threadgill: So now we've gone from a house to two or three more cabins on the same parcel. I'm getting a little confused here. We're asked one thing and then we get multiples added up. A 600 amp transformer, power grid is ... You know when a normal house runs a 200 amp service or even a 150 amp ...

Ms. Cramer: All I can say is that's what our electricians we might need. We really went by their recommendation of what we might need.

Chairman Threadgill: Yeah, for multiple buildings.

Ms. Cramer: While we were updating, we asked them if it would make sense to do it all at once just in case we would want to add on down the line. Obviously with this CTR, it does not give us permission to do any of that adding. We still have to come back for the conditional use. We were actually told we had to come here just to put on our house, a residential house, which it sounds like that isn't the case. But that's what we were informed of, so that's really why we were here. Otherwise, we wouldn't necessarily have been here today. But since we did all the paperwork and everything, we figured we might as well go through with it with the idea of the cabins down the line.

Chairman Threadgill: Right now is residential. Would they not have to do a lot split?

Mr. Stauder: I'll tell you the way I viewed this whole situation. As the adjacent property owner correctly stated, the previous owners did get conditional use approval to operate a bed and

breakfast on this property. At that time, we were under a different Zoning Code which allowed bed and breakfasts in R-2 as a conditional use. The owners did not choose to make the conversion to a bed and breakfast. They sold the property with the approval in place. The new owners, when they bought the property, basically inherited that approval. They did do the conversion to the bed and breakfast based on the previous approval. Subsequently the City of Hot Springs adopted a new Zoning Code in March 2003, which now bed and breakfasts are not an option in R-2. So what you have is a legal non-conforming bed and breakfast. We have a section in our Zoning Code that says non-conforming uses cannot be enlarged or expanded upon the same or adjoining properties, so that is why we're here. It's my opinion that the structure cannot be enlarged without changing the zoning.

Chairman Threadgill: But what she's requested is to add another house and possibly other multiple buildings. Now would this not come under an Article II site plan if that was done?

Mr. Stauder: It would and they are very aware of conditional use and Article II site plan approval would be required in the future if in fact the rezoning and Comprehensive Plan amendments are granted. They are choosing to do it in a two or three step process – this being the first step.

Chairman Threadgill: Commissioner Campbell?

Commissioner Campbell: I think that answered my question, but even with even giving that property a CTR tonight does not allow them to build a house tomorrow, right?

Chairman Threadgill: Right now all we're doing is really discussing changing the Comprehensive Plan ...

Commissioner Campbell: Right, right, but I wanted that answered though.

Chairman Threadgill: Anything built has to come back if it's changed to a CTR. They have to come back with a site plan.

Director Sellman: That's right and a conditional use because this is a conditional use in the requested zone district.

Ms. Cramer: I guess I never realized that we were split zoned until your letter came on Friday, because according to the letter I have from the Hot Springs City that I had them fax when we

purchased the house, it just says R-2, conditional use bed and breakfast R-2. So this week, that was a complete surprise to us that we even had dual zoning going on and I don't know that it really matters one way or another, but that wasn't something we knew about.

Chairman Threadgill: Commissioner Ames?

Commissioner Ames: I have a question for the applicant. In regards to the split zoning, where on the property – and again this is ideas and future plans – but where on the property were your intentions to build those cabins – in the R-2 or the R-1 portion?

Ms. Cramer: Like I said, we didn't even know there was a difference, but yes, it would be in the R-1 portion, just on the other side of that roadway -- kind of just on the border where it's split right now.

Commissioner Ames: Okay.

Ms. Cramer: And like I said, we don't have any <unintelligible> plans made up with cabins or anything like that, but that's the thought because it's closer for electric and plumbing and everything.

Commissioner Ames: Thank you.

Chairman Threadgill: Commissioner Clopton?

Commissioner Clopton: I'm just trying to get a clarification in my mind because I've heard a couple of things that may not be consistent. You're planning on building yourself a residence and you're going to attach that residence to the existing bed and breakfast.

Ms. Cramer: That is the idea, just with a walking bridge. Basically with the idea so the kids can get to me at work without crossing our roadway.

Commissioner Clopton: And that will be on what side of the ...where in the location would that be?

Ms. Cramer: It's actually the opposite side of all of our neighbors, so it's not even on the side of the neighbors at all.

Commissioner Clopton: Basically on the South side towards the parking lot?

Ms. Cramer: Exactly and it would be completely hidden from our neighbors by the current structure that's there because it's going to be much smaller than the current structure and so that would be completely hidden from the neighbors.

Commissioner Clopton: Now my question goes again to technical, we're not talking about a separate residence, we're talking about enhancing an existing bed and breakfast basically. Is that correct?

Director Sellman: Yes because the owner's quarters are an integral part of the definition of bed and breakfast. We have considered this from the beginning to be an expansion of an existing, now non-conforming bed and breakfast use.

Commissioner Clopton: So we would not be talking about a lot split?

Director Sellman: That's correct.

Commissioner Clopton: And what they're wanting to do right now, notwithstanding the future plans, is all taking place on the front lot that is currently zoned R-2?

Mr. Stauder: That's correct.

Director Sellman: It appears to be.

Chairman Threadgill: Commissioner Campbell?

Commissioner Campbell: In going out to view this project, why do you not use that roadway that's to the left?

Ms. Cramer: That's a great question. Actually we're hoping to use that roadway to the left. It's just a money issue. We started with the front yard and we are slowly working our way back with the blacktopping in that aspect. We've had a couple of contractors out actually to do cost on what it would cost to dig that out and put gravel or some type of blacktop. Some of the problem comes from the fact that it is a very narrow roadway and to make the turn on the back corner or whatever to get to the main house and everything is a very tight turn with a historic little berry house on the corner. So we are actually looking at opening up one side of the stone wall so that

we could use that in the future. Definitely, if we end up putting cabins and that type of thing, I think it would need to be opened up. At this point, we just haven't had to do it and so that's the only reason. It's small. It needs to be improved. It's going to cost <unintelligible> and it just didn't seem like our top priority at this point.

Commissioner Campbell: That boundary on that side of the property, the National Park is your neighbor there on that side?

Ms. Cramer: Exactly. The National Park is our neighbor to that side as well as to the West. Across the street is the Old Mill Wedding Chapel, that there's weddings all the time – definitely I think a higher percentage as to the higher quantity of people at their weddings as well. They're also actually zoned R-1 I was informed. Then down the street a little ways is Mickey's Diner, which is commercial. So really we only have one residential neighbor and I understand their concern, but I think we've been a pretty good neighbor. I think in general things are kept very quiet. We do have rules that anything outdoors there's no music loud, anything in even our initial consultations, after 9:00. So far, we've only had two weddings since we've been open that have been 75 people. I think that the majority are really in that ten or less.

Commissioner Campbell: And again, in viewing this, do you have any plans on doing a privacy fence between you and your neighbor, Mr. Murders?

Ms. Cramer: You know what, we would not necessarily be opposed to that at all. Currently there's a bunch of bushes. There is the little log fence. I didn't realize that there were any issues with the neighbor. We hadn't heard from them directly, so if they want more trees or something to that effect, I think that can definitely be accommodated.

Chairman Threadgill: Again, we're just looking at changing the Comprehensive Plan. She'll have to come back through for a conditional use permit on anything she does. Do I have any other questions?

Commissioner Thorp: I have a question for you. When you came to us with the sign, didn't you just say that the bride and groom was all that was going to stay there? Instead of having other people? I recall that was all that was going to stay.

Ms. Cramer: We said that. Well, it had been brought up about the quantity, the wording of the sign had been brought up on the quantity, and it was that at least the bride and groom would stay at the property. Because we only do have four rooms, so obviously we can't accommodate all

their guests, so what we stated is that as long as the bride and groom were our clients, then their guests were welcome to their events. That's there. We have that in writing from you guys. I just actually got the minutes a couple of days ago. So the weddings were definitely out in the open and allowable.

Chairman Threadgill: Any other questions from the Commissioners? I believe that I've already closed the public portion. Are there any questions or comments from the Commissioners?
Commissioner Ames?

Commissioner Ames: I have a question for staff. Just wanted to clarify in the staff recommendation, I'm not sure if this sentence was cut off, ...

Director Sellman: Was it the spot where... Okay. The ending of the sentence is to retain the existing designation on the remaining portion.

Commissioner Ames: Okay. Thank you.

Chairman Threadgill: Commissioner Campbell?

Commissioner Campbell: I have a question for staff. Is it possible to table this request?

Director Sellman: It's possible. What ...

Commissioner Campbell: Is it legal?

Director Sellman: You would want to have a reason that's related with your ability to make a decision.

Commissioner Campbell: Okay. What I would like to do, I would like to table this and give the applicant and the neighborhood the opportunity to get together and try to work out something that will work for all of them out there. This is kind of like Malvern Avenue. It's a pristine area. There is some very expensive houses along with this one, which you can look at it and tell it's very expensive. Their neighbors are also. I share their neighbor's concern of jutting a commercial venue beyond a bed and breakfast into this property, so I would make a motion to table this which I think will also close the next item too, won't it?

Director Sellman: It would. If I could just make one comment about that – the order that we're

taking these in is kind of from the very, very conceptual level, which is your plan, the item that is before you now; then zoning, which looks at the uses which would implement the plan from that down to a specific conditional use request and then a site plan for the multiple buildings. With regard to the plan, you certainly have the ability to table it. You'll be looking at not only what the neighbor/neighbor situation is, but also what in terms of the future development of the City is a part of the big picture. Those would be the things that we would be looking at in the next four weeks.

Commissioner Campbell: That would give them the opportunity to go back and meet with the area residents out there and maybe come up with some type of agreement with them that the front portion of it maybe could only be used for those purposes. Not the rear portion.

Director Sellman: One technical concern that I would like to mention is that our deadline for submittal is tomorrow and so if we're going to have this on the July agenda, we do not have a tremendous amount of turnaround time.

Commissioner Campbell: Excuse me. If I didn't say it, I meant to table it for 60 days.

Director Sellman: Okay.

Commissioner Campbell: If I did not say that.

Chairman Threadgill: You did not. I have a motion to table for 60 days.

Commissioner Thorp(?): Second.

Chairman Threadgill: All in favor? <Ayes> Opposed? <Two "no" responses.> Motion still tabled. We'll go to Item 9.

9. Re-Zoning (RZ-07-0109) – Hilltop Manor B&B Rezone – Rezone request for bed and breakfast – 2009 Park Avenue – District 1 – R-1

Chairman Threadgill: We've had a request to table the rezoning of the Comprehensive Plan. Would staff make comment on the rezoning request now.

Director Sellman: The rezoning request is inconsistent with the existing Comprehensive Plan designation. I'll review to you what this request is. This is a request by Hilltop Manor Bed and

Breakfast to rezone from R-1, or actually R-2, is it on the front portion?

Mr. Stauder: It's split.

Chairman Threadgill: Yeah, it's split.

Mr. Stauder: They're wanting CTR for the whole thing.

Director Sellman: Yes, it's to change to CTR – Commercial Transitional – located in District 1.

Commissioner Campbell: I would make a motion to table this item also.

Chairman Threadgill: I have a motion to table and a second. All in favor? <Ayes> Opposed? <None.> Item No. 10.

10. Comprehensive Plan Revision (CPR-07-0116) – Shady Grove & Hi-Lo Terrace Comprehensive Plan – Comprehensive Plan Revision request from Residential Low to Neighborhood Commercial – Shady Grove and Hi-Lo Terrace – District 6 – R-2

Director Sellman: Item No. 10 is the Shady Grove and Hi-Lo Terrace Comprehensive Plan revision request. This is a request to change the Comprehensive Plan future land use land map from Residential Low Density to Neighborhood Commercial. It's located at Shady Grove and Hi-Lo Terrace. At this time, the Comprehensive Plan classification is Low Density Residential and it's located in District 6.

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

Mr. Tim Kaeskie, B&F Engineering: I'm representing my clients, Mr. Myers and Mr. and Mrs. McClard. I work with B&F Engineering at 928 Airport Road, Hot Springs.

Chairman Threadgill: Alright, a little bit of what you've got there. What are your plans?

Mr. Kaeskie: The plans are we're showing a development for some storage units as well as a fitness center. It would be a private fitness center, not a large commercial type fitness center. I'm not sure how far to go in this stage of it.

Chairman Threadgill: Well what we're looking at here is rezoning from R-2 to C-3. Is that correct?

Director Sellman: This is the Comprehensive Plan revision. Right. The rezoning follows this.

Chairman Threadgill: Right.

Mr. Kaeskie: I didn't propose that so I'm not sure where to interject I guess is what I'm saying.

Chairman Threadgill: Do we have any questions or comments from the Commissioners to the applicant? Again, we're looking at changing the Comprehensive Plan to allow this property to be changed from R-2 to C-3. Have a seat for right now, sir. Is there anyone in the audience who would like to speak for or against this item? Please come forward and give us your name and address, sir. I assume these folks standing are in response for you.

Mr. Jerry Mabry, 105 Hi-Lo Terrace, Hot Springs: That's correct. I think they are. Thank you. I would like to approach you with some handouts.

Chairman Threadgill: Give them to Mr. Kleinman there, sir.

Mr. Mabry: Thank you. If all the handouts are there, this is on the agenda I think for related issues four times. Does that mean I need to be up here four times?

Chairman Threadgill: We'll get to that in a minute. One at a time.

Mr. Mabry: Alright. The handouts for you – the first page is simply an overview of the handout. The second page, I'm sure your staff has provided you with better detail and more adequate overview, however, you'll notice in the black the names of the neighbors on Hi-Lo Terrace side. There are also other neighbors across the road on Shady Grove. The nature of my residence I want to be sure that you note that. You can get the proximity to Pine Meadows from that as well. 2A, which is the following page, is a photograph of the Carpenter Dam/Shady Grove intersection, which is currently under construction. That photograph by itself I don't think means a lot to you until you turn the page to 2B and you note the sharp contrast of Shady Grove Road and Carpenter Dam. Shady Grove Road is a peaceful, quiet residential road. The corner of Carpenter Dam and Shady Grove is under heavy commercial development. 2C is a perspective of Hi-Lo Terrace – a couple of comments regarding that. If you will note the head on view, it is not a wide road. It is a small residential road. It is also dead-end. The second photograph on the

bottom gives the proximity of the road to a sweeping curve that ends at the entrance of the Hi-Lo Terrace. You can see by the oncoming traffic that the response time from Hi-Lo Terrace would not be conducive to heavy traffic coming in and out of Hi-Lo Terrace as an exit. You'll also note that the turn, traveling East on Shady Grove, you'll note that Hi-Lo Terrace is at an angle. It turns back sharply to the right -- again, not conducive to commercial traffic. The next page, 2D, is a perspective from the hillside of the subject property -- the property that is requesting rezoning. If you look at that property as it is today, if you imagined it with residences, I think it's a beautiful property. If you imagine it with rooftops, bricks, fences, and commercial lighting, I think it is an extremely different picture. In the following pages, you will note names and signatures of many individuals somewhere between 13 and 15 pages of folks who have opposed this zoning change. All of the pages are not full ...

<END OF TAPE>

...the concerns of the folks on these petitions. The last page you have is a summary of the reasons for the opposition to this project. First, perhaps not foremost, but first on the list is the fact that it adds no value to the neighborhood. There is no added value to the proposed plans that we have seen. These services, by the way, some of the services are available just around the corner on the commercial development at Carpenter Dam Road. The next item perhaps even of more concern is the access issues and the residential nature and configuration of Hi-Lo Terrace -- the sharp angle of the turn which I previously described, the fact that Hi-Lo Terrace is at the end of a sweeping turn on Shady Grove. It's a dead end street. Then you move on to Shady Grove Road -- it is a two-lane road which joins one of the widest, busiest intersections in the community when Carpenter Dam is completed. I believe it will create a bottle neck effect on Shady Grove to add commercial traffic -- a bottle neck effect in front of the church with numerous residents trying to get to and from work. I would also add there is no other commercial development on Shady Grove Road traveling to the East of the Carpenter Dam intersection. None. Shady Grove is not a commercial artery. It was originally established for residential access to and from work and that's what the residents use it for. There are many neighborhoods up and down Shady Grove. It has become popular and that traffic is increasing. Again, all of that traffic would be routed through this commercial development. The aspect of placing the services currently planned, that we are aware of, in that area has other considerations, some of which you already spoke about in other projects -- the commercial lighting, the noise factors, the security issues. I'm sure that will lead to fences and it will also lead to undesirable traffic in a neighborhood. From January 2006 to June 2007, there were 98 calls registered to the Hot Springs Police Department according to our information regarding storage facilities. In closing, I would just say to you that we know if this happens, the property values and the quality of life in our

neighborhood will be destroyed. We feel that it will be precedent setting to turn that corner from Carpenter Dam to Shady Grove Road with commercial development – clearly precedent setting. Not so on the other side and not so up and down Carpenter Dam, but we think that precedent could carry on down Shady Grove. I think that’s the reason that a number of these residents are here tonight who are not in the immediate vicinity of the Hi-Lo Terrace and Shady Grove Road, but are concerned about commercial development extending to the East. My final comments – I believe in growth. I believe in Hot Springs. I’ve been a resident here for some time. I’ve served on about every civic committee, served on the Chamber, GCEDC. I believe in all of those things. I want Hot Springs to prosper, but I think that there are certain projects that don’t belong in neighborhoods that have not previously been exposed to them. Thank you.

Chairman Threadgill: Thank you, sir. I’d like to make one comment real quick. We have the petition in the packet that he gave us here with roughly 150 some odd signatures of people in opposition of, along with several which I’m assured has already signed this, so I just wanted to make note that we do have a petition with at least 150 signatures. Are there any questions from the Commissioners to the speaker? You may have a seat, sir. Is there anyone else in the audience who has anything to say for or against this item? Please come forward, sir, and give us your name and address for the record.

Mr. Q. Byrum Hurst, 346 Lake Hamilton Drive: Thank you. I want to speak on behalf of the applicants that I have had the pleasure to represent. Let me tell you, I know that as Mr. Mabry pointed out, several different items that are on the agenda concerning this and we’re just talking about the Comprehensive Plan revision at this time, but it’s kind of hard to talk about it without kind of getting into the other areas. Let me tell you my thoughts on this and I have empathy for Mr. Mabry here. He’s a fine person and I consider a friend of mine and I’m sure many of the other resident are here. My clients, Mr. and Mrs. Scott McClard, are also residents of the area. They live in Pine Meadows so we are certainly in tune to the residents there and the residential aspects of this, but this is a situation and the Planning Commission hears this every day that we have the ability to revise the Comprehensive Plan just because of areas like this. As Mr. Mabry pointed out, Hot Springs is growing. That’s a reality. It happens to every neighborhood. It’s happened in my neighborhood and I’ve even been down here to discuss things but I can’t not face the reality that there’s going to be changes in our community. There’s going to be residential growth and there’s going to be commercial growth. Now when I first went out to look at the area, when I got to the intersection of Carpenter Dam and Shady Grove, all I had to do was to look down the road and I could immediately see it. This property actually almost touches a commercial area. When you look at the commercial part, and I don’t know if they have it on the screen, but I know that our engineer does, it is extremely close. Commercial growth is

coming in this direction. Now we talk about revising the Comprehensive Plan, but you also have to look at the total Comprehensive Plan of the City of Hot Springs and part of that Comprehensive Plan is that Shady Grove will become a four lane. When it becomes a four lane, there's going to be even more of a commercial aspect than there is right now. Let me show you one item that I think – and I don't know if you are able to show it – but this shows the Shady Grove/Carpenter Dam intersection and the commercial development. Here is the property in question that has the green stripes. This area right here – and as you can see, it basically touches, except for the road – this is commercial, C-3, and this is R-2. So we have commercial growth going in this direction. Now what I say to the residents there, and having empathy for them and having concern for Mr. Mabry and his home – I've been out there. I've seen he's got a beautiful, wonderful home. – but the reality requires us to face the facts that he can see this intersection from his home just as well as I can see his home from the other end of the intersection. I know it's coming and in my opinion, a mini-storage project is going to be proposed to you is probably the least intensive commercial outlet that I can think of. Now it only has one entranceway. I know that Mr. Mabry talked about a church on the property and I'm very familiar with that church. It's a voting precinct and even on our busiest voting turnout, there's no bottle neck at that church. If I was a resident in this area and I saw the commercial growth coming, I would suggest to them that a mini-storage project, a gymnasium, are the kinds of things that you would want in that area. Now I know that some of you have probably been out there, or maybe all of you to look at this, it's a funny looking piece of property because there's a creek that runs through it. Most people who have residences need storage. This is a very beautiful project that could be accessible for those residents. Most people in a residential area, and I know where I live, welcome a gymnasium, a gym where you can go work out and walk to your house and back. I want to show you the drawings of the building itself and the reason I want to show you this is because it ties into the revision of the Comprehensive Plan. This is the project observing in a West direction. As you can see, Mr. Mabry's home would be located in this area right here. These trees somewhat shield his home and if you've been out there, you see that you can barely see his home from this road. The way they have proposed this construction and this development and this landscaping, there is no lighting. There are no high lights. I know we're not at that stage yet, but this is something that I think when an area has to turn commercial and if there's residences within it, this is the type of commercial project that you would want. With that said, I would just ask you to consider this. I've seen the comments of the staff. I was somewhat disappointed, somewhat kind of surprised. I would have thought that this is a recognizable commercial growth area that we need to address in our Comprehensive Plan. It just isn't going to work to keep it residential. So I would urge you to revise the Comprehensive Plan and allow this applicant. Thank you.

Chairman Threadgill: Thank you, sir. Is there anyone else in the audience who has anything to say for or against? Please come forward and give us your name and address, sir.

Mr. Phil Weston, 1041 Shady Grove Road: Good evening. I've enjoyed the Shady Grove area for many years. My grandparents lived at what is now 1065, 1045. My parents built a home at 1041, so I've enjoyed that area for 45 years. I've seen it grow residentially and I think you know that it's a lot better as a residential area that it's always been. I agree with yes, there's got to be growth. The growth I'd like to see continue out there is residential. I want to keep it there. I would like to see it stay residential from Carpenter Dam East. The gentleman here a minute ago mentioned something that I forgot. There's a creek that runs through this property. When I was eight years old, I used to fish in that little creek. So as far as changing and making it commercial, I think it's a bad idea for this area. I'll talk a little more on the other item.

Chairman Threadgill: Thank you, sir. Anyone else in the audience? Please ...hold on just a second, ma'am. Please come forward and give us your name and address, sir.

Mr. Justin McCoy, 110 Hi-Lo Terrace: Some of the pictures that you've been seeing, the one single house down in the field that would be most effected by this, that's my house. Okay? My parents live right up the hill from us in the white brick house. They've lived there for 23 years. I've lived there for 23 years. Okay? I'm sorry. I'm a little nervous. I don't want storage buildings in my back yard. Okay, that part's selfish. The thing that really bothers me as he says it has to go commercial. It doesn't have to go commercial. That's why we're here tonight. Okay? There's plenty of houses being built right beside us. That land, that would be a great place for residential development. There's no point of the commercial development. They're doing that all the way down Carpenter Dam. So to say that they need this land for commercial, they don't and it doesn't have to be. Okay? The other thing is I have an eight year old daughter who rides bikes up and down Hi-Lo Terrace. If you'll notice, there are no stripes on the road. That kind of tells you how little of traffic that we have on that road. We have one neighbor that lives down past it, great neighbors. We all have great neighbors around here and it probably sounds selfish of us to not want the storage buildings there; but on the other hand, all of these children that you see in here and that you've had to listen to all night, those are the kids that play on Hi-Lo Terrace. Every one of them. It's not once a month, it's not once every six months, it's every day. If you go out there after work, there's kids out there playing. Okay? To conclude, you saw how many people stood up behind Mr. Mabry. Everyone that stood up has a genuine interest in this and we're all against it for a reason. Some of it different reasons, but most of it is the same reason and it's because of the kids. I mean if we just ... we want the safety of our kids and that's the main thing. The property values going down because it's commercial right in my

back yard and we're talking maybe a 100' away from my house. Okay? At the edge of the property line, if he'll bring it up, my driveway is at the edge of that property line. I mean you're talking 2' from my driveway is where the property line is. So I mean it's surrounding me completely. The things that I've heard about storage buildings is they bring in a lot of people that we've ...I mean a lot of good people but a lot of people that we don't want around our house at all hours of the night. In some of the pictures, you'll see my riding lawnmower sitting outside of my house. That's because I don't have to lock it up right now. If you pass this, I'm going to have to lock everything up and it will probably be good for them because I'll probably have to rent a storage building from them; but I don't have to right now. Thank you.

Chairman Threadgill: Alright, ma'am, please come forward and give us your name and address for the record.

Ms. Carol Weidema, 1045 Shady Grove Road, right across the street: We moved here almost a year ago out of California to get away from all of the stuff. I have squirrels. I have rabbits. My dogs can run freely. I don't have to have a gate at my front to keep people from coming in. I would like to remain like that and enjoy the beauty that you guys have here and I would like to have that beauty the rest of my life. If I live to 70, may God grant me the freedom to look across the street and see a beautiful pine and those beautiful trees without everything else. There's enough traffic going across there. Why can't we have some place where we can drive down and say thank God for beauty and peace? That's all.

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

Mr. Scott McClard, 404 Pine Meadows Loop: My house is on a hill in Pine Meadows facing the direction of the facility and there's no chance for me to see that facility even on a hill. Mainly what I want to reply to was to that gentleman's property, we don't own that touches his driveway and that's not part of the rezoning. It's still for sale and it still has the sign on it. The entrance is at the corner of Hi-Lo Terrace and Shady Grove. I know I have kids too. I have two children. I know he's not letting children play at the corner of Hi-Lo Terrace and Shady Grove. I know he wouldn't be doing that. As far as bottle necks go and as far as traffic goes, unless you're doing a moving project on average, you visit a mini-storage facility about four times a year. I can't think of anything that is lower traffic than a mini-storage facility. But I just wanted to make that clear that it doesn't touch the driveway. That property still is for sale. Thank you.

Chairman Threadgill: Thank you, sir. Anyone else in the audience have anything to say for or

against this item? Please come forward and give us your name and address, sir.

Mr. Robert Moore, 227 Maple Leaf Circle: I don't really have a dog in this hunt other than I live down Shady Grove Road. I'm smart enough to know that if it starts now, it's not going to end. There's a 27 acre parcel down there. There's a 14 acre parcel down there. There's 13 acres. We built down there because it was residential. We don't want to go put one of these storage buildings in the middle of Pine Meadows. I don't want one in the middle of Maplewood. I don't want one across the street from it. We built down there because it was residential. As we said a while ago, I'm not getting paid for this. I'm not here representing anybody except myself. I know there's people up there to get paid to come up here and tell ya'll what a great deal this is going to be, I tend to differ. That's really all I've got to say.

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

City Director Carroll Weatherford, 103 Ironwood: We all know that the Comprehensive Plan is trying to take in for commercial properties and I think this would be a good use for this property. I have the very same thing in my neighborhood. I live off of Lakeshore Drive on Ironwood. The property at the end of our subdivision was rezoned for the very same use. The project has not happened yet, but I look for it to go any day and it probably will. We don't have a problem with that and it's in a residential area. Both ends of our street is going commercial and this property will probably be commercial some day if you don't make it tonight. As far as the bottle neck, the corner of Shady Grove and Carpenter Dam, when that is all completed, there'll be a brand new red light right there which will help with that traffic if there is a bottle neck there now. Thank you.

Chairman Threadgill: Thank you. Hold it. Carroll?

Commissioner Campbell: Carroll, I have a question. What was that property zoned over there by you? Wasn't it CTR?

Director Weatherford: Well it was originally residential and then of course the bypass went through it and that changed everything. When that happened, there was no one who came to the Planning Commission to fight that because storage buildings is probably, in commercial, it's probably the best usage for a piece of property if you're in a residential area, because of no traffic.

Commissioner Campbell: Yeah, but you've been around long enough to know that the C-3 that they're going for in the picture that the gentleman showed us is the gym down there could very well be a bar with flashing lights on it 24 hours a day too. There's no guarantee that if it goes C-3 that it's going to be storage buildings or a gym and also that gym could be 24 hours a day.

Director Weatherford: It could be. Don't you have C-3 right across the street within a 100' of it.

Commissioner Campbell: Down the street.

Director Weatherford: Across the street. Pretty close. Within a 100' of it. <Audience responds "no">

Chairman Threadgill: Hold on. Hold it down please.

Director Weatherford: Bring that back up. Just right across the street there on the corner, is that not C-3?

Mr. Stauder: Yes.

Director Weatherford: How far is that then? 200' feet then?

Mr. Stauder: It's probably 100', 150'.

Director Weatherford: See right on the corner is a building that was moved from one corner to the other and there's not anything to say that there couldn't be a bar in there or may could even be a strip club because that's probably zoned for that there. But that's within 200' of this piece of property. You got a gas station there. You know there's a lot of things within 500' of this piece of property.

Chairman Threadgill: Any other questions or comments to the applicant or to the speaker? Anyone else in the audience? Give us your name and address for the record, sir. Just try to add to or make any changes.

Mr. Ben Kroha, 102 Hi-Lo Terrace: My <unintelligible> is Taylor. He's one of the children and grandchildren that play out on the street. The curb cut proposed is on Hi-Lo Terrace and is a very short distance from our property. It's not as close as it is to Justin's property, but it's very close to our property where the grandchildren play and they're on our property when they play.

Secondly, the gas station that was just referred to is out of commission and has been ever since the widening of Carpenter Dam Road began. It will not go back into operation unless they do a massive change because it's too close to the intersection, so the gas station is gone. As far as a bottle neck, there was a bottle neck on Carpenter Dam and Shady Grove before the construction began. I do anticipate and certainly hope that most of that bottle neck will be cured with the new intersection configuration by the Highway Department. However, if you increase traffic down Shady Grove, that's going to cause a bottle neck on Shady Grove and I'm sure that Mr. Hurst doesn't vote at the church because he would know that yes, during voting time, there is an extreme bottle neck coming out. Any questions?

Chairman Threadgill: Any questions? Alright, sir, you may have a seat.

Mr. Kroha: Thank you.

Chairman Threadgill: Is there anyone else in the audience with anything to say for or against?

Mr. Rodney Myers, 46 Petonia Circle, Little Rock: I just wanted to ... A lot of the concerns that these people are expressing seem to be traffic and lighting. If we don't build this mini-storage and this little private fitness facility on this property, we're going to be developing some type of residential. I don't know what kind of density we would get, but the lighting factor in a residential subdivision is going to be a lot stronger than on the mini-storages when there are all the lights shining down. Also, from the traffic standpoint, you're going to have a lot more traffic on a residential project. What I'm hearing these people say, and I half-way understand it, is they'd like it to stay how it is – very peaceful and everything else; but somebody's going to buy this and develop it. I mean, we're going to develop it. Whether it's residential or not, they're going to have the traffic and they're going to have the lights.

Chairman Threadgill: Thank you, sir. Rick, one comment to you real quick. This is an R-2 District. How many houses can be built on that 3.26 acres?

Mr. Stauder: Wow. R-2 requirements require 12,000 square foot lot, which is roughly four dwelling units per acre. So it's four acres, 16 or 17 in the ballpark.

Chairman Threadgill: Any questions from the Commissioners? Is there anyone else in the audience who has anything to add to this or against it? Please come forward and give us your name and address.

Mr. Rudy Weidema, 1045 Shady Grove: The only really commercial, if you really want to call it, is the church that's on Carpenter Dam and Shady Grove. It actually comes on to Shady Grove. The new building that they moved from the other side of Shady Grove Road to the other side of Shady Grove Road, the entrance and access of that building will be to Carpenter Dam Road, not to Shady Grove. And that's all I have to say.

Chairman Threadgill: Thank you, sir. Anyone else in the audience? I'll take one more. No more? Good. I'll close the public portion. Do I have any questions or comments from the Commissioners? Commissioner Campbell?

Commissioner Campbell: My only comment would be on this would be that this is a time that Mr. Hurst and I have some kind of an agreement. I've talked with neighbors in that neighborhood out there. People in that neighborhood. I think everyone knows that with the advent of the widening of Carpenter Dam with the bypass nearby, commercial is going to creep into that; but to go out there and throw a C-3 this deep into this neighborhood right now, I think it's premature. A CTR with controls over it would be I think a better thing. In talking with staff, that was the approach to the developers and CTR did not give them enough land use with the restrictions of the 20% floor area ratio.

Mr. Stauder: 20% max CTR.

Commissioner Campbell: So that thing cut that out of the way, but just to go this deep with C-3 or this deep into that neighborhood, I don't think it's right right now.

Chairman Threadgill: Anything else from any of the Commissioners? Sir, would you like to come up real quick? Carroll?

Director Weatherford: No, I was just going to ask him to talk into the microphone. We can't hear a word he says.

Chairman Threadgill: Okay. Restate it please.

Commissioner Campbell: Okay. What I stated was that the C-3 going this deep into this neighborhood to me is too much. A CTR would be more appropriate where there is some controls on what does go in it with it being a residential neighborhood on both sides of the road. Also we do know that it is going to go commercial out there, but I don't think myself that C-3 should go that far back into that neighborhood. We just approved a subdivision not far from this

very location last year or year before last, so there is residential building in that area. In my opinion, it's too far back in there for a C-3.

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

Commissioner Campbell: I make a motion to deny this request for the reasons I stated previous.

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

Commissioner Clopton: I'll second it.

Chairman Threadgill: I have a motion and a second. All in favor? <Ayes> Opposed? <None> Motion fails. Item No. 11. I tell you what, we're going to take about a ten minute break here. Everybody go stretch a minute. <BACKGROUND NOISE ON TAPE>

11. Re-Zoning (RZ-07-0117) – Shady Grove & Hi-Lo Terrace rezone – Rezone request from R-2 to C-3 – Shady Grove and Hi-Lo Terrace – District 6 – R-2

<TAPE BEGINS WITH ITEM DISCUSSION ALREADY IN PROGRESS>

Mr. Hurst(?): ...I would ask you to rethink the position that you took previously in regard to the major, the Comprehensive Plan revision, and look at the encroaching commercial area that is up against this. I think it would be consistent with the growth patterns in Hot Springs, particularly when you look at, which I think is rather imminent, the construction of a four lane as I understand it down Shady Grove Road. I think it's just consistent with what's happening if you grant the rezoning. Thank you.

Chairman Threadgill: Thank you, sir. It's time to kind of speed this along since we've already got the input from the public and we know their feelings. I'll ask if the Commission has any questions or comments to the applicant. Is there anyone in the audience who would like to add anything for or against this? Please come forward and give us your name and address, sir.

Mr. Jerry Mabry, 105 Hi-Lo Terrace: I'll make my remarks brief, but I feel compelled to at least address a couple of things. No. 1, the Hi-Lo Terrace entrance is a bus stop for children. I just wanted to make that point because I think it's very relevant here. The second thing is the growth of commercial development down Shady Grove. I would suggest to Mr. Hurst that when it

becomes four lane, let's all come back down here because there are no current highway plans to broaden that to four lane that are foreseeable and tangible. Okay? The second thing is with regard to the lighting and some of the other issues and I know Mr. Hurst referenced that I could see the corner from my house, I can also see the Hot Springs Visitor's Tower but I don't want to live under it. So, we can point/counterpoint all night. Again, those are my comments. We've made our case I believe strongly. Turning that corner would be <unintelligible>. Maybe five years from now, ten years, it won't be. Today it is.

Chairman Threadgill: Thank you, sir. Last call, is there anyone in the audience who has anything to add for or against? Please come forward and give us your name and address, ma'am.

Ms. Carol Weidema, 1045 Shady Grove: <unintelligible> for commercial. Shady Grove is really a dead end road when it goes around, right? I mean there's other branches of roads that go off it from what I understand, when I've been down there. Are they going to make it all residential to the dead end? I just want to keep it like it is.

Chairman Threadgill: Thank you. At this time, I'll close the public portion. Do I have any questions or comments from the Commissioners? Seeing none, I'll entertain a motion. Commissioner Campbell?

Commissioner Campbell: I made the last motion and for the same reasons I think it's too far to extend a C-3 into this neighborhood. Upon saying that, I think that neighborhood back there deserves some protection and it's too far to put a C-3 back in there. Again, down the road, five, ten, 15 years from now, you may see somebody come in and buy up that whole end of that thing out there. But right now, one little spot zone back there in that area, I make a motion that we deny the rezoning.

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

Commissioner Thorp: I second it.

Chairman Threadgill: I have a motion and a second. All in favor? <Ayes> Opposed? <None> Motion fails. Item No. 12.

12. Site Plan Approval (SPA-07-0118) – Shady Grove Mini Storage – Article II Site Plan Review for multiple building site plan – Shady Grove and Hi-Lo Terrace – District 6 – R-2

Director Sellman: I would like to suggest that the Planning Commission change the order of Items 12 and 13. Item 13 is the conditional use, which in order of magnitude, would be next in consideration to be followed by Item 12, which is a specific site plan for a use which can only be done by conditional use approval.

Chairman Threadgill: We'll move to Item 13 then.

<DISCUSSED AFTER ITEM 13>

Director Sellman: Item 12 is the Shady Grove Mini-Storage site plan approval request. This is a request for approval of a multiple building site plan for a fitness gymnasium and storage buildings. It's at Shady Grove and Hi-Lo Terrace. Current zoning is R-2. Comprehensive Plan classification is Low Density Residential. It is located in District 6.

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

Mr. Q. Byrum Hurst, 346 Lake Hamilton Drive: I understand ...I've been trying to comprehend the procedural things that we're doing, but Item No. 12, the site plan approval, and I understand that all of you, or at least most of you have opposed the revision in the Comprehensive Plan and opposed the rezoning. I think you can be for the site plan approval though because that is approving the site plan. I want to allow the engineer of the project to show you the plan and to show you the site and what they've done with it, because I think that realistically, even if the other items that you are opposed to for one reason or the other, I think you can support such a good site plan and one that's worthy of approval. Thank you.

Chairman Threadgill: Thank you, sir. Is there anyone in the audience who has anything to say for or against this item? Again, give us your name and address for the record.

Mr. Ben Kroha, 102 Hi-Lo Terrace: Some of our people had to leave to go do other arrangements because it's taken a little bit of time. Our position remains the same for the record. I want it in the record that our position remains the same and it occurs to me that, and perhaps I'm misunderstanding Mr. Hurst, but it sounds like he's wanting you to conditionally guess that this approval would be right if you changed the zoning to R-3 after you changed the Comprehensive Plan and I think that's asking for you ladies and gentlemen to speculate. Right now as the Comprehensive Plan dictates, as the R-2 zoning requirement dictates, it just can't be

done. Any questions?

Chairman Threadgill: Thank you, sir.

Mr. Kroha: Thank you.

Chairman Threadgill: Anyone else in the audience with anything to say for or against this item? Yes, ma'am, your name and address for the record.

Ms. Carol Weidema, 1045 Shady Grove: I mean, do we have to go through this all night? Why can't we just say, "enough is enough" and we don't want it?

Chairman Threadgill: We have procedures, ma'am.

Ms. Weidema: Thank you.

Chairman Threadgill: Anyone else in the audience for or against?

Unknown Male: For the record, can I just say "ditto"?

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

Mr. Jerry Mabry, 105 Hi-Lo Terrace: We stand on what we've already discussed this evening.

Chairman Threadgill: Alright. Thank you, sir. At this time, I'm going to close the public portion.

Unknown Male Speaker: I believe we had one other for.

Chairman Threadgill: Alright, please come forward and give us your name and address, sir. I'll re-open it.

Mr. Tim Kaeskie, B&F Engineering, 928 Airport Road: All I was going to say, I understand there's been a lot of opposition on this. The only thing that we haven't discussed, and I'm not going to go into a lot of detail, but the technical side of the project. I think that's what Mr. Byrum was alluding to is that we have gone through, the clients have paid good money to have this professionally designed, we've met all the requirements on the design, met the landscape

ordinances, we've got a full designed water/sewer plan. It's laid out, a nice plan, to setback into the landscape. There would be added landscape as shown on the plans. This design was not in any way intended to be loud or boisterous or create a lot of heavy traffic. As my clients originally stated, we may switch gears and go into a full fledged residential type development. If that's what the surrounding residents want and it's beneficial financially for my clients, then that's probably what we'll do; but I think in overall ... I understand. I probably wouldn't be able to state this if I didn't live in the circumstance, but I also live very close to a storage unit. I actually own it. So I deal with that on a daily basis and it's not a highly trafficked area. There are times on weekends, after hours, that you'll see cars, but this plan is well thought out. I think that the landscape, that the client has shown using the exterior walls of the buildings as the privacy fence, was the best way to handle this. That's been our approach. Thank you for your time.

Chairman Threadgill: Thank you, sir. I'll ask one more time, then we'll close the public portion. Is there anyone in the audience who has 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 Kleinman?

Commissioner Kleinman: Mr. Chairman, staff recommended that we move to table this site plan and they have five reasons that we would table at this point in time. Basically, because what everyone has repeated and what we know is, the commercial development <unintelligible> can't be considered now because of the zoning. It's not going to change, unless the appeal changes it. That's what I think would be a reasonable approach. There's five reasons that they've listed on the recommendation.

Chairman Threadgill: So your motion is to ...

Commissioner Kleinman: I make a motion then that we table the request for the approval of the site plan.

Chairman Threadgill: Item 12.

Commissioner Clopton: Comments? Wouldn't it be more appropriate to table it for 60 days seeing that the probability of appeal and then give it time after the appeal to come back if in fact ...?

Commissioner Campbell: <unintelligible> until after the appeal.

Commissioner Kleinman: I understand your recommendation and I will be happy to change the motion to make it 60 days. What?

Commissioner Campbell: Or after the appeal?

Commissioner Kleinman: Or after the appeal.

Director Sellman: So is it 60 days? Within 60 days after the appeal?

Commissioner Kleinman: Well it means that it's tabled for at least 60 days or if the appeal is approved later on, it's still ...

Director Sellman: The appeal would have to be done ...The appeal itself would have to be made within 30 days and then there is a 15 day advertising requirement, so that would be <Commissioner Kleinman: ...45 days.> ...about 45 days. Sixty days would probably do it.

Commissioner Kleinman: Okay.

Director Sellman: Or to the Planning Commission agenda immediately following <Commissioner Kleinman: ...the appeal process.> ...a successful appeal, if there is one.

Commissioner Kleinman: I need whatever help you can give me in wording motions. <laughter>

Director Sellman: Okay. How about that?

Commissioner Kleinman: That's fine.

Chairman Threadgill: Item No. 12 – I have a motion to table for 60 days or the next Planning Commission meeting after the Board of Directors approves or denies the appeal. Approves apparently, but do I have a second?

Commissioner Clopton: Second.

Chairman Threadgill: I have a motion and a second. All in favor? <Ayes> Opposed? <Commissioner Campbell: Abstain.> One abstention. Okay. Item No. 14. Is that correct?

We'll take a little sit down here until we clear out. <BACKGROUND NOISE AS ROOM CLEARS OUT> Now we are on Item No. 14. If I can get Item 14 to come up here. Hold on just a second. I've lost out here. There we go. We're on Item No. 14. Would you please read that, Kathy?

13. Conditional Use (CU-07-0119) – Shady Grove Mini Storage – Conditional Use for storage facility and fitness center – Shady Grove and Hi-Lo Terrace – District 6 – R-2

Director Sellman: Item 13 is the Shady Grove Mini-Storage Conditional Use. This is a conditional use request for a storage facility and fitness center at Shady Grove and Hi-Lo Terrace. It's current zoning is R-2. It is in District 6.

Chairman Threadgill: Is the applicant present?

Commissioner Campbell: While he's coming up, can I ask staff a question, please?

Director Sellman: Yes.

Chairman Threadgill: Commissioner Campbell?

Commissioner Campbell: Is a mini-storage or a fitness center a use in an R-2, permitted or conditional?

Mr. Stauder: No.

Commissioner Campbell: Why are we seeing this then? We've already denied it, so why are we going through it?

Director Sellman: The rezone request and the Comprehensive Plan request I believe are appealable to the Board of Directors. Given that situation and the fact that you have an application before you and that the applicant is asking you to proceed with it, I don't see an alternative.

Commissioner Campbell: I don't see how we can vote for something that's not allowed in the area. That's my thoughts.

Director Sellman: That would certainly be one reason to <unintelligible> your decision.

Commissioner Campbell: I will go back to the microphone and say that I do not understand why we are seeing this because it's not an allowed, either permitted or conditional use, in the zone that they're wanting to put it in.

Chairman Threadgill: Alright, right now, we've got it on our agenda. I feel since it's on the agenda, we need to go ahead and make a decision to approve or deny and then it will carry through if they appeal, then they can appeal the whole process.

Director Sellman: Also this item, your decision in whether the conditional use is appropriate for the area, you would be looking at the same set of facts to make your decision on the conditional use that are in place in the existing situation – the zoning that may or may not be there.

Commissioner Campbell: But it really means nothing if they're going for a C-3.

Director Sellman: That's true. You have an applicant who has paid his fee and is making this request.

Chairman Threadgill: And as such, we'll carry through. You can make your recommendations after we hear all the discussions. Your name and address for the record, sir.

Mr. Tim Kaeskie, B&F Engineering: I'm representing my clients, Mr. Myers and Mr. and Mrs. McClard, on the storage units and the fitness center.

Chairman Threadgill: Are there any questions or comments to the applicant from the Commission? Thank you, sir. Is there anyone in the audience who has anything to say for or against this item? Yes, ma'am. Please come forward and give us your name and address for the record.

Ms. Carol Weidema, 1045 Shady Grove Road: We haven't addressed the Fitness Center. That is traffic. That means that there's going to be people in and out of there all day long. I still oppose it. Thank you very much and may it end. <laughter from the audience>

Chairman Threadgill: Thank you, ma'am. Anyone else in the audience with anything to add for or against? 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. Again, I'll entertain a motion.

Commissioner Clopton: Mr. Chairman, under the circumstances, I move that we deny this request.

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

Commissioner Ames: Second.

Chairman Threadgill: I have a motion and a second. All in favor?

Director Sellman: May I please ...

Chairman Threadgill: You have a comment?

Director Sellman: Because this is a denial, I would suggest that you state your reasons for denial.

Commissioner Clopton: I make a motion that we deny this because it is not consistent with the Comprehensive Plan and/or the current zoning.

Chairman Threadgill: Adequate?

Director Sellman: There are ...yes.

Chairman Threadgill: I have a motion to deny and a second. Call the roll. James Clopton – yes; Lori Ames – yes; David Campbell – abstain; Louis Kleinman – yes; Wanda Thorp – yes; Gary Threadgill – yes. Motion fails. Correct?

Director Sellman: The motion passes. The application is denied.

Chairman Threadgill: Right. We'll back up to Item No. 12.

Director Sellman: Yes.

14. Site Plan Approval (SPA-07-0114) – Cornerstone Commercial Court – Article II Site Plan Review for commercial complex – 174 Cornerstone Court – County – ET

Director Sellman: Item 14 is Cornerstone Commercial Court site plan approval. This is a request for Article II site plan review on a commercial complex located at 174 Cornerstone

Court. It is in the extraterritorial jurisdiction of the City. The Comprehensive Plan classification is Suburban Residential.

Chairman Threadgill: For the record, please give us your name and address, sir.

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

Chairman Threadgill: A little bit about what you're going to do there, Milton.

Mr. Raabe: Mr. Garrett is constructing a maintenance building for his equipment. It's not a commercial facility for other people's equipment. It's for his equipment only. He'll have probably two mechanics and a parts man there. It's a very large building.

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

Commissioner Campbell: Where is the road going to come into this?

Mr. Raabe: Where it does now.

Commissioner Campbell: The one coming through the subdivision? Is that the one?

Mr. Raabe: No. It comes ... you go past Lowe's.

Mr. Stauder (?): Cornerstone Lane?

Mr. Raabe: Yeah.

Commissioner Campbell: Going in between Cornerstone ...

Mr. Raabe: You turn to his office and if you keep going straight, you go to the maintenance building. It's just a little dirt road right now, but he's going to pave it.

Commissioner Campbell: Thank you.

Chairman Threadgill: Are there any other questions to the applicant?

Commissioner Campbell: Yeah, I do.

Chairman Threadgill: Commissioner Campbell?

Commissioner Campbell: You going to pave it with asphalt and curb and gutter it?

Mr. Raabe: It's going to be pea sealed ...

Commissioner Campbell: You can't do that on ...

Mr. Raabe: It's a private street. It's a private driveway to his building. He has approval from the Engineering Department.

Commissioner Campbell: Under Article II, the Planning Commission has the right to require asphalt and curb and gutter in Article II.

Mr. Raabe: You do.

Commissioner Campbell: Right. And I don't know, you know, where they get the right to say he can do it because the Engineer said he could.

Mr. Raabe: It's a private driveway. The public's not coming to the building.

Commissioner Campbell: Right.

Chairman Threadgill: Would that still come under a multi-building site plan review?

Director Sellman: Yes.

Chairman Threadgill: Okay. On the Engineering DRC Review, Departmental Review Committee, Engineering has denial by Denny McPhate – no streets, no drainage, no parking, no turnarounds.

Mr. Raabe: We submitted a later plan.

Director Sellman: Yes. Do we have an updated comment from Mr. McPhate?

Mr. Stauder: I don't know that Mr. McPhate ever sent us anything in writing. I can't guarantee that, but Mr. Raabe is correct. I was involved in conversations regarding this development. When it went to the DRC, there was really not much of a site plan at all. There was all kinds of comments that came out of that meeting. I think subsequently after that, the applicant hired Mr. Raabe to do his site plan. He worked out what I thought were all the details that were addressed at DRC. Denny did – I witnessed it myself – agreed in his opinion that the proposed driveway leading to this new building could be pea seal based on it being a driveway and not a street. Mr. Garrett agreed to do that to provide a dust free surface to prevent obviously dust and things of that nature from infiltrating neighboring properties.

Chairman Threadgill: Again, this is an Article II or multi-building site plan. I'm kind of like Commissioner Campbell. I don't know how the Engineering Department has the authority to say that they don't have to do paving when it states in the ordinance that it will be. Am I wrong?

Mr. Stauder: I wasn't aware that Article II stated that something had to be paved. I thought that it gave the Commission discretion to require paving where they saw it necessary to protect the health, safety, and welfare; but the Subdivision Code says that the streets for subdivisions or Article IIs shall be constructed with strict accordance with the Street Specification Ordinance. It's my understanding that a private drive does not have to be paved according to street specs.

Chairman Threadgill: Are there not already two buildings on this street?

Mr. Stauder: There are two buildings on the street currently and both of those currently have paving, curb, gutter, and median entrances. This driveway, and maybe if I zoom in here I can show you a little bit better, right here in this corner, when you enter the property between Lowe's and Office Depot, it's paved. The pavement makes a turn and it's going to get crazy on me. The pavement turns right here and goes in front of these two commercial buildings. If you were to continue straight, it turns to dirt currently right now and this is the dirt drive that leads back to where the new building would be. It's basically now separated from the rest of the property by what looks like bridge abutments, made of concrete. So there is currently paving and striped parking for the two existing commercial properties.

Chairman Threadgill: If this is allowed and an additional building pops up in there kind of like this one did, what recourse do we have then?

Mr. Stauder: There would be another ...any additional building would require a separate Article II site plan approval, which would be back here in this same position.

Chairman Threadgill: Would we consider that a private drive as well?

Mr. Stauder: Well, I mean ...

Chairman Threadgill: That's where we getting. Where do we stop with the private drive?

Mr. Stauder: Well, this is just my opinion as a staff person. If they were to add a third building in the line with the other two commercial buildings that's going to obviously serve the public, in my opinion, the Commission would be fully within its right to require hard surface paving, asphalt, curb, gutter, the whole nine yards. The only difference as I see it is that it's not going to be a public facility. This is only going to be only a warehouse/mechanic type operation for his existing equipment the way I understand it and that kicks it into a different street specification. Instead of being a road, it's a drive.

Chairman Threadgill: If he adds say another maintenance bay or another warehouse down there, it all stays in under a private drive. It gets the entire portion of property built on ...

Mr. Stauder: I'm not denying that the Commission obviously has the authority to require hard surface paving, curb, and gutter if they deem that that's necessary for the health, safety, and welfare. I just don't know the answer to these hypothetical future questions.

Chairman Threadgill: Alright. Commissioner Campbell?

Commissioner Campbell: I went from one end of this to the other. Where is our site plan? I haven't found a site plan in here that we're to review.

Mr. Stauder: There is a site plan. I don't know that it's incorporated into this slide show.

Commissioner Campbell: The only thing that I see is three pictures on there that says it's the site plan.

Mr. Stauder: No, there was a detailed site plan submitted.

Director Sellman: Was it submitted prior to the deadline for the packet?

Mr. Stauder: Yes. It was submitted before I left on vacation.

Director Sellman: Okay, then it should be in the file and we will distribute it.

Chairman Threadgill: It would show a building of 250' by 80' with an outcropping of 60' by 53', parking in the front. Was that parking going to be paved?

Mr. Raabe: Yes.

Mr. Stauder: Pea seal, right?

Mr. Raabe: Pea seal.

Mr. Stauder: I mean the same paving method as what they're proposing. If I understand correctly, they're going to do that paving all the way around the building to provide a fire apparatus turnaround. It would be all the way around the building.

Chairman Threadgill: It wouldn't be out of line if this was allowed that if any additional buildings were built on this property, then we incorporate ...

Mr. Raabe: We'd have to come back to you.

Chairman Threadgill: I understand what they're doing here, and I don't have a problem with it since it's heavy machinery; but again, I don't want to get stuck allowing one individual to ... You know, we get kind of caught up in these things sometimes, so ... Everybody seen the site plan?

Commissioner Campbell: When was this submitted?

Ms. Teresa Minear: It's not being included in the packet is completely my fault.

Commissioner Campbell: The drawing says it was drawn on May the 30th.

Mr. Stauder: I believe it was stamped in. Is there a stamp mark on the front of it?

Ms. Minear: This one is dated March 2007.

Mr. Raabe: That date's wrong.

Ms. Minear: This one's wrong?

Mr. Raabe: The March date is.

Commissioner Campbell: The date on the drawing says May 30th. When was the deadline?

Ms. Minear: This one has a date of May 8th.

Director Sellman: That's just the date on the cover.

Ms. Minear: Yes.

Mr. Raabe: The plans were submitted after the DRC Meeting, because they had insufficient submittal to the DRC.

Chairman Threadgill: Okay. Do I have any other questions to the applicant from the Commission? 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. Do I have any questions or comments from the Commissioners? I have one. I'm not all for developments like this going in under the conditions that this property has been used every since Cornerstone was built as a storage facility for Mr. Garrett's construction vehicles. My personal opinion is if it's maintained right now as a private road, I wouldn't have any problem with it chip and seal; but I would request that the Commission think seriously about any additional buildings in the future to be added. If we let the individual know that our request would be paved surface. That's just my comments. If there are any others among the Commissioners, speak out. Commissioner Campbell?

Commissioner Campbell: There is a direct, nearly 90° turn where you come off of there into that and just from experience of seeing pea fill, especially with heavy traffic making that kind of a turn, it's not going to hold up. That's his business though. We're going to have a pot holed road out there where they make the turns in it. With that type of equipment that he's got, he has some of the biggest probably in the State or in the town.

Chairman Threadgill: Well, I went out there today and the area is dirt. It's holding up fine just the dirt.

Commissioner Campbell: I would just as soon do on this like they did on the one on Albert Pike at Caterpillar dealer and just not require them to do anything. They didn't make him put in a driveway out there so how can we make him put pea seal out here?

Chairman Threadgill: Any other questions or comments?

Mr. Stauder: Could I add just one more thing?

Chairman Threadgill: Yes, Rick.

Mr. Stauder: It did come up in the discussion with Denny about pea seal and it really doesn't have a whole lot of structural integrity, not like asphalt. So in their discussions with Milton, Milton did show a street detail that showed the pea seal top, but he did show – and correct me if I'm wrong, Milton – a Class VII sub-base. That's what your structural or your weight holding ability comes from really, comes from your sub-base. He did submit a street detail that showed a Class VII base with a pea seal top.

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

Commissioner Campbell: I make a motion that we approve the site plan with paved curb and gutters on that road going to it.

Chairman Threadgill: I have a motion to approve with paved. Do I have a second? Again, do I have a second? Motion fails. I'll entertain another motion.

Commissioner Clopton: Mr. Chairman, I make a motion that we approve this subject to staff's recommendations and adding the condition that any additional buildings or construction on this site will require paved curb and gutter.

Chairman Threadgill: I have a motion to go along with staff's recommendations along with if any additional buildings are to be added, it will be requested that paved streets of asphalt or concrete with curb and gutter be installed. Do I have a second?

Commissioner Thorp: I second that.

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

<Commissioner Campbell: No.> One opposed. Motion passes. Item No. 15.

15. Site Plan Approval (SPA-07-0120) – Lakeland Harbor – Article II Site Plan Review for condominium complex – 451 Lakeland Harbor

Director Sellman: Item No. 15 is Lakeland Harbor site plan approval. This is an Article II site plan request for a condominium complex at 451 Lakeland Harbor. It is in the extraterritorial jurisdiction.

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

Mr. Jim Alford, 106 Waters Edge Cove, City of Hot Springs: Good evening. I represent the developer. This is an Article II site plan final plan review, if you please. The project has been under construction since 2004. All of the waterfront buildings are complete. You have a staff report. I'd like to call your attention to a minor correction. At the next to the last paragraph, there's a large scale development which consists of a total of 76 units. That number should be 70 units. At the bottom of the page, you see where it tabulates Phase I 2.63 acres, units at the present should be 36 instead of 42. That makes the total number come out right in the projected buildings. This project was first approved or first signed off by Commission Director Jerry Raetz on April 20, 2004. That original plan did not include a Phase II, a second phase. Additional property was acquired and the site plan was slightly expanded. It turned out that one of the buildings was constructed across the property line, the phase line, so in order to cure that defect, that legal complication, we first proposed to Director Sellman that we reshape the phase line and in doing so, it called for an Article II site plan. We've since divided it into Phase IIA and IIB because two buildings in Phase IIB have not yet been constructed. Those are in the lower right hand corner. We've unfortunately missed the DRC plan review on this building, on this project, but we have the DRC review comments and we've been able to cure all of those defects with the exception of Mr. Denny McPhate's comments. To that end, we've gotten as far as submitting a \$4,600 bond to the Director of Public Works to guarantee the completion of the water line and <unintelligible> plans for water and sewer for the sewer system. We have also agreed, in writing to the Director of Public Works, that the driveway extension, the second driveway extension out onto Lakeland Drive, will be completed in 45 days in accordance with those comments. We visited with the Fire Chief and by letter assured him that we would comply with his requests for key and gate access and visited with Ms. Diane Morrison with the Metropolitan Planning Organization and assured her that since the project was completed, we didn't see an opportunity to widen the rights-of-way or improve site distances. At the time of the DRC review, she was not aware of the fact that the project had been finished. With specific

regard to Mr. McPhate's comments from Engineering, he asked for drainage details. Those have been presented. Provide pedestrian pathways – virtually all of the land not under the building footprints are paved in concrete, so pathways from building to the swimming pool, from building to visiting parking area are already in concrete. Item 4, the ADA wheelchair ramps not identified, with the exception of the transition in the driveway between Building E and Building F – virtually all of this concrete is 1 to 50 or less, which satisfies the ADA's requirements, so I'm not exactly sure ... He was never able to elucidate exactly what he was looking for there on the plans, but we can certainly identify access routes. Access routes from the rear of the buildings, the parking garage area, to the lakefront are identified on the plans. Elevation certificates we have prepared and furnished the Engineering Department a copy of the elevation certificates for each one of the buildings. I just did not get an acknowledgment that they had been delivered. So, on behalf of the owner, I would like to request your approval for the final plats.

Chairman Threadgill: Thank you, sir. Is there anyone, any Commissioners, who have any questions or comments for the applicant? I have one real quick that I'd like to ask, Rick. A couple of them actually. Or Kathy, either one, whoever wants to answer it. He stated that bonds of assurances were posted with Engineering. Have those been verified?

Mr. Stauder: I physically haven't seen them, but I think I heard Denny mention that. Yes, sir.

Chairman Threadgill: So we don't have any verification?

Mr. Stauder: I don't have anything in writing from Engineering that they received any bonds, but I think, like I said, I heard it in conversation I believe. I can't promise you that, but ...

Mr. Alford: I have a copy of the check. I'd be happy to show you copies of the check.

Chairman Threadgill: A copy of the check made out to the City?

Mr. Alford: Yes, sir.

Chairman Threadgill: Alright.

Mr. Alford: You'd like to see that?

Chairman Threadgill: Yes. And I have another question that staff might want to answer. He

made the statement right off the bat that this was the final plat approval.

Director Sellman: No, this is not a final plat approval.

Chairman Threadgill: I didn't think so.

Director Sellman: This is an Article II site plan.

Chairman Threadgill: Right, but he stated final plat and we don't even approve final plats. I wanted to make that a point that this is not the final.

Mr. Stauder: I think it's just a terminology thing. He's needing us to sign off on it so they can get it recorded to clear up issues.

Mr. Alford: It's <unintelligible> not a filed, final plat within jurisdiction of this Commission unless it bears the signature of the Director.

Chairman Threadgill: Then this is a final plat.

Mr. Alford: I am specifically requesting final plat approval.

Director Sellman: This itself is not a final plat. This is an Article II site plan review. A final plat can be prepared based upon this review. It would be a separate action.

Mr. Alford: <speaking off the microphone and unintelligible>

Director Sellman: Right. But this Planning Commission cannot approve that. They are approving the Article II site plan.

Chairman Threadgill: Right.

Mr. Alford: Once you approve the site plan, <unintelligible due to being away from the microphone>

Director Sellman: We're good to go.

Chairman Threadgill: Then she has the authority, not this Commission. I have check here made

out to the City of Hot Springs for \$4,600. Thank you.

Director Sellman: And that is the check itself?

Chairman Threadgill: Wait a minute. This is the check itself.

Mr. Alford: I handed it to Judith in the Director of Public Works Office and she said “I won’t take the check. I’ll make a copy of it and put it on Steve’s desk.” I talked to Steve about it subsequent to that time, and he said we’ll accept the check, but it’s still right here just as good as it was when I showed it to them. <Several people talk at once.>

Director Sellman: So there is no check. It hasn’t been paid to Public Works.

Mr. Alford: <speaks off microphone and is unintelligible>

Director Sellman: You can bring it in first thing in the morning. That will be sufficient.

Commissioner Clopton: Trying to save a trip.

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

Commissioner Campbell: Yes. Are these going to be three story buildings also?

Mr. Alford: They are two story buildings with a loft and they do exist.

Commissioner Campbell: Are they sprinkled?

Mr. Alford: They are not sprinkled.

Commissioner Campbell: What does staff say about that?

Mr. Alford: They said they shall be constructed in accordance with Fire Protection Codes. There are three buildings in this plan that have not yet been completed and you have our assurances that they will be sprinkled when they are constructed.

Chairman Threadgill: The only thing the Fire Department states is that they want the override keys for the gates.

Mr. Alford: Yes.

Chairman Threadgill: Teresa?

Ms. Minear: There's two supplemental letters – one is from the Fire Department and one is from Utilities.

Commissioner Campbell: Why are we getting these tonight? Why were they not in the packet?

Ms. Minear: Because they did not exist.

Commissioner Campbell: Okay. Good answer. I think in the future that we should not have these packets until we get all of the paper work in them.

Director Sellman: You'd never get the packets.

Mr. Alford: I would offer my apologies to that, but with a couple of comments. I wasn't notified that the plat was being reviewed by the DRC Meeting. It was approximately ten days past after the DRC Meeting before I got the comments and I've been diligently trying to cure those defects in the subsequent period of time. Even as late as 4:30 this afternoon, I've been trying to get Mr. McPhate to return my phone call regarding the Engineering comments. While on the one hand it seems like some of these deadlines are rather lengthy, it still takes a while to process the necessary documentation.

Chairman Threadgill: Any other questions or comments to the applicant? Sir, you may be seated.

Mr. Alford: 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 Campbell?

Commissioner Campbell: I have a question of staff. Is everything in on this project?

Director Sellman: I will defer to Rick on that.

Mr. Stauder: You mean as far as comments addressing DRC comments or approvals like ...is that what you mean?

Commissioner Campbell: Yes.

Mr. Stauder: The only thing that I don't have in writing is approval from Denny of his DRC comments.

Commissioner Campbell: I move weCan I make a motion?

Chairman Threadgill: Yes.

Commissioner Campbell: I move that we table this until everything is in order in this packet.

Chairman Threadgill: I have a motion to table. All in favor? I need a second.

Commissioner Thorp: Second.

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

Mr. Alford: How's that?

Chairman Threadgill: It's been tabled, sir. You may make a comment if you wish.

Mr. Alford: I'd like to make a comment. Would you grant staff's opportunity to handle that as a matter for the Commission rather than coming back to the Commission 30 days from now?

Commissioner Campbell: We can do this, can't we?

Chairman Threadgill: Well, we'll have to recall the motion if you wish. We'll have to recall the vote. Do you wish to make that?

Commissioner Campbell: I will recall it and yes, I will give the ...

Chairman Threadgill: Hold it. I have a request from Commissioner Campbell to recall the last

vote, do I have a second on that?

Commissioner Clopton: I'll second that.

Chairman Threadgill: All in favor of recalling the vote? <Ayes> Opposed? <None> We've been recalled. Now I'll entertain a new motion.

Commissioner Campbell: I make a motion that we table this until all of the items are into the packet, the checks are paid, whatever has to be done to complete this, and upon completion of all of that, give staff the opportunity or the authority to go ahead and approve this.

Director Sellman: That would be an approval with conditions?

Commissioner Campbell: Yes.

Chairman Threadgill: It wouldn't be a table. We would approve it with the conditions that staff give us the documentation before granting the site plan approval. If we table it, it's held till next month or 60 days, whenever our next ...

Commissioner Campbell: I withdraw my request to table it.

Chairman Threadgill: I'll entertain a motion.

Commissioner Kleinman: What is the motion?

Chairman Threadgill: Let me see if I can, right now, ...

Commissioner Clopton: Let me see if I can make a motion that would fit what we want.

Chairman Threadgill: Let me just straighten up right now. There are no motions on the floor.

Commissioner Kleinman: Got ya.

Chairman Threadgill: What we have is Item No. 15. It is an Article II site plan approval is what we're doing. I need a motion to approve or to deny or to table. Do I have a motion?

Commissioner Clopton: I will make a motion that we approve this project subject to staff's

recommendations with the condition that all of the necessary documents and/or plans to complete the project, including the payment of the check, be made to the staff and upon that completion, the staff director will have authority to finalize the project.

Commissioner Kleinman: I second that motion.

Chairman Threadgill: I have a motion to approve the Article II site plan review with the conditions that staff has to have all documentation before he's allowed to go forward. And I have a second.

Commissioner Campbell: Including staff recommendations.

Commissioner Clopton: And including staff recommendations.

Chairman Threadgill: Yes, and including staff's recommendations. Thank you. I have a motion and a second. All in favor? <Ayes> Opposed? <None> It passes. Item No. 16.

16. Site Plan Approval (SPA-07-0113) – Springwood Condominiums – Article II Site Plan Review for 40-unit condominium complex – 200 Springwood – County – ET

Director Sellman: Item No. 16 is Springwood Condominiums site plan approval. This is an Article II site plan review on a 40-minute, 40-unit, (I hope it's not 40 minutes. Sorry. <laughter>) condominium project at 200 Springwood. It's located in the extraterritorial jurisdiction of the City and the Comprehensive Plan classification is Suburban Residential.

Male Speaker: You read the wrong one.

Director Sellman: I did?

Male Speaker: We're on 16.

Mr. Stauder: 16 is Springwood, isn't it?

Director Sellman: It's Springwood.

Commissioner Clopton: Springwood is 16.

Chairman Threadgill: Not on ours. I've got Item 16 is 200 Springwood.

Commissioner Clopton: It depends on which document you're looking at.

Chairman Threadgill: We go by mine. <laughter> Item 16 as staff read is 200 Springwood, Article II site plan review, a 40-unit condominium project. Will the applicant please state his name and address for the record?

Mr. Rick Myrick, 101 Myrick Lane, Hot Springs.

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

Mr. Myrick: Well we started this project back in '03 and we started the first building. We've been building one building every year with five units in it. We started out as an apartment complex. We since changed after we built the first building and changed it to a regime of condominiums to sell and not rent. With financing of the bank and their approval, we sold one building so we could build another building; therefore, we're on year four with the fourth building. Initially we planned it to be an apartment complex. We changed that, but we had always had plans to put eight buildings on this property. All the underground utilities, to the tune of about \$90,000, are in place and approved and are ready to go. That's been approved by Entergy, John Teague, and <unintelligible> Construction put in all the underground for this to meet sewer and water for the City. There's four structures that are going to be located across the North and four structures located across the South. According to the site plan, they're proposing to have 8 to 5 off street parking which complies. Currently the entrance to this building is block median which is used as for a planter, however, the Fire Department commented at the DRC Meetings that this entrance median should be removed. These were temporary structures when we first met with the Fire Department back in '03 when we started this project, they said that the pumper truck wouldn't come in there because the hydrant is located on the opposite corner that they would locate the pumper there and bring hoses in, therefore, the planters wouldn't be a problem. But if the DRC recommends, of course, we'll take those out. It's not a problem. The entryway is 26' wide so that's plenty enough width to have the trucks come in and out. Another recommendation of DRC was to provide 5' sidewalks. The sidewalks that are existing are 4'6". For the next building, it's not a problem to add 6" to the sidewalks. Provide drainage details – I have my engineer here tonight. He'll discuss that with you. I believe we've provided the parking lot details. The other things that were mentioned were the 20' entrance and we've addressed that. I believe that was all the DRC's.

Chairman Threadgill: I have one comment. You said your entryway was how wide?

Mr. Myrick: 28'.

Chairman Threadgill: Coming off Springwood Road?

Mr. Myrick: Yes, sir.

Chairman Threadgill: On your plans, you show a concrete divide that has been removed, but you show your street at 37'.

Male Speaker: I think that 37' is correct, yes. Unless I measured that wrong, it's 37'.

Mr. Myrick: I didn't take in the difference of the ...I measured between the planters and the exterior.

Chairman Threadgill: Alright. Carry on.

Mr. Myrick: No. 2 is a 6' minimum privacy fence should be along the North, South, and East property lines. We did put a 6' privacy fence on the entryway on Springwood and we have addressed putting in nice shrubbery there. Engineering came along from Entergy and said if we put anything over 18', they'll chop the tops of them off. We need to put low rise shrubs in there or something that wouldn't grow into their power lines because every year they come out there and chop the top of them off, so we're dealing with some low rise shrubs there. As far as the North side, there's 22 acres of woods there and the people that have their private patios out back really enjoy those woods. I could put up a privacy fence along that structure. There's no neighbors there, so nobody can see anything. The neighbors enjoy the woods. They put bird feeders out in their trees that they have in their little patio areas and I think really it would kill more trees and be more of an obstruction to put a fence there than what we have right now. It's really nice back there. Along the South side, there is an elevation of an embankment going up to the trailer park. If I went to my property line, which is up that embankment, and put my fence in, and walked up to the trailer park, I could still look down over the fence and see everything. What I wanted to do was go to my neighbor and ask him if I could put the fence up on his property because then it would be a real decisive divider between my property and the trailer park. Of course, he said "no;" therefore, if I put that fence down there, it will just be cutting a view off of an embankment. I mean it would be practically useless if that makes any sense to you. As far as the East property line, as I said, this is a phased property. The four buildings that

are up right now – you might have gone out there and looked – there is a privacy fence across the back where the dumpster is located. What we intend to do as we go to the back of the property is that fence will be removed and another privacy fence will be put back towards what I call the Hobby Property or the East end of the property. We've got with Engineering. They gave us a new location. When we get ready to do this, Sanitation will move our dumpster and put it on a slab. I'll let Mr. Williams address No. 3. We'll come back to that. No. 4 was addressed by taking out the landscape median. Then all structures in this development are to meet the minimum standards of the Arkansas Fire Prevention Code. My bankers did hire two consultants who work for the City, Mike Scott and David Gray, from the initiation from 2003 to the present, they have inspected and made sure that these units have met all City standards for Fire Code and everything. You'll address 3?

Mr. Jerry Williams, Engineers Incorporated, 531 Windamere Terrace, Hot Springs: On No. 3, I went back after we finished the site plan and got the staff's review comments and looked at the existing trees along the North and South side and haven't actually done a count on the shrubbery, but there's some pretty significant trees that we will add to the site plan. Let me find that here. There was ...I thought I had something marked with the trees. I don't have it here, I guess. Did I give it to you? Here it is. Okay. There is, according to my count, like I say, we'll add these to the plat. There's one 18" red oak on the property, one 18" white oak, one 10" hickory, one 16" white oak, one 14" what I call a water oak, one 12" water oak, two 12" white oaks, two 8" white oaks, two 12" sweet gum, and one 6" elm. I will verify those all on the property and add those to the plat of course. I think we can make the landscape point with those trees plus the shrubbery and stuff on site. We can make the staff's recommendation on landscape points.

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

Commissioner Thorp: Yes, I do. Rick, could you put up the picture that's got the three dwellings on it? My number is page 218.

Mr. Stauder: This one?

Commissioner Thorp: Yes. The one in the very bottom, if you'll look at that, is that a new building?

Mr. Stauder: This would be the clubhouse structure in the middle of the parking lot.

Commissioner Thorp: Is this a new building?

Mr. Myrick: No, ma'am, that was one of the first buildings built. Matter of fact, it was built in conjunction with the first building as an office complex with storage above. It was with our original documents that we turned in when we did the first phase.

Commissioner Thorp: So yes or no, is it a new structure?

Mr. Myrick: It's three years old.

Commissioner Thorp: Okay. The siding coming off of it are three years old?

Mr. Myrick: Yes, ma'am, we had some damage out there from the wind and I'm waiting for this next building to go in and the sider is going to come in and do the repairs when Building B is worked on.

Commissioner Thorp: Okay.

Chairman Threadgill: Any other questions to the applicant from the Commissioners? You may have a seat. Anyone in the audience for or against this item? Give us your name and address please.

Ms. Linda Keahey, 339 Springwood: That building she just asked about, I drive by that every day and it was <END OF TAPE>

<TAPE BEGAN WITH THE CONVERSATION IN PROGRESS> ...We are opposed to it. The traffic is atrocious. There is only one lane. If there was an accident, a fire, Majestic is the only way out. That's it.

Chairman Threadgill: Alright.

Ms. Keahey: I just want to say that we're all opposed to it out there.

Chairman Threadgill: Do the Commissioners have anything to ask of the speaker?

Ms. Keahey: I just ask for you to deny this extension.

Chairman Threadgill: Thank you, ma'am.

Ms. Keahey: Thank you.

Chairman Threadgill: Any questions or comments from any of the Commissioners? Anyone else in the audience have anything to say for or against this item? I'll close the public portion. Any questions or comments or discussion from the Commissioners? Seeing none, I'll entertain a motion.

Commissioner Campbell: I make a motion that we approve this site plan with staff's recommendations, which does include the 6' fence on, or the 6' privacy screening, on the North, South, and East, plus the other items with the staff's recommendations.

Chairman Threadgill: Six items?

Commissioner Campbell: Yes.

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

Commissioner Ames: Second.

Chairman Threadgill: I have a motion and a second. All in favor? <Ayes> Opposed? <None> Motion passes. Item No. 17.

17. Site Plan Approval (SPA-07-0110) – Danna Drive Apartments – Article II Multi-building Site Plan Review of 20-unit apartment complex – 5 units in each of 4 buildings – 117 Danna Drive – County – ET

Director Sellman: Item 17 is Danna Drive Apartments. This is a site plan approval under Article II, multiple building site plan review for a 20-unit apartment complex with four buildings each containing five units. It's located at 117 Danna Drive in the City's extraterritorial jurisdiction. The Comprehensive Plan classification is Suburban Residential.

Chairman Threadgill: Your name and address Milton.

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

Chairman Threadgill: Alright, Milton, a little bit of what you've got here.

Mr. Raabe: She pretty well said it. It's a proposed apartment complex with four buildings, five units each one, two story, not sprinkled.

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

Commissioner Campbell: Milton, are you going to curb that around there?

Mr. Raabe: The street?

Commissioner Campbell: Yeah, out in Danna Drive?

Mr. Raabe: We hadn't planned on it. There's no curb anywhere else on Danna.

Commissioner Campbell: It'd be a good place to start. <laughter>

Commissioner Clopton: It depends on who is paying for it.

Commissioner Campbell: You're going to curb it inside?

Mr. Raabe: Everything inside will be curbed and guttered.

Commissioner Campbell: What are your widths on those driveways? They're not shown on here.

Mr. Raabe: It's over 27'. It meets all the City's requirements. You mean the driveway, <unintelligible> the entrance?

Commissioner Campbell: Yeah. If I'm on the right one, there's two of them.

Mr. Raabe: There's two of them. They are 28'.

Commissioner Campbell: Refresh my mind one more time on the ...and I guess going up Danna is North, isn't it? I don't have my North area here.

Mr. Raabe: Danna goes North on the right hand side of this project.

Commissioner Campbell: Isn't there a hill right there?

Mr. Raabe: There's a big hill right there. In fact, where the old street right-of-way is shown there, that's like a 15' jump up right there.

Commissioner Campbell: That was kind of my concern when I went out there. That's a lot of cars to be pulling out of there and when you drive up that street, it branches out. It looks like it's a sort of collector to get everybody to come in behind the church up there. You come out up at the light I believe.

Mr. Raabe: You have to go in behind the shopping center to get over to the light from Majestic.

Chairman Threadgill: Commissioner Campbell, you mentioned two. I see three drives.

Commissioner Campbell: Yeah, there is three drives. One is the trash pad.

Mr. Raabe: One of them is for a trash dumpster.

Chairman Threadgill: Okay.

Commissioner Campbell: What is the length on that? I see the 20', but is that 20' overall or is that just ...?

Mr. Raabe: No, it's 20' on the concrete pad and it's 35' more to the street or to the ditch. There's enough room for the truck to get fully off the street. We had it at an angle where he could pull up into it. He wanted it perpendicular, so we changed it to perpendicular.

Chairman Threadgill: Any other questions to the applicant?

Commissioner Campbell: No, but that creates a problem in itself right there where it's at.

Mr. Raabe: I know. It's at an angle so it would make it easy for him to get in there.

Commissioner Campbell: Why didn't you put it in where the parking lot down there says Lot

19? Why didn't you put it in the end of that?

Mr. Raabe: No room.

Commissioner Campbell: No room? What's the ...?

Mr. Raabe: Plus it's more convenient for all four buildings to get to the trash dumpster.

Commissioner Campbell: Alright, I see. That's all I have.

Chairman Threadgill: Any other questions or comments to the applicant? You may have a seat. Is there anyone in the audience ...?

Commissioner Clopton: There's nobody left here. You ran them off. <laughter>

Chairman Threadgill: Alright, I'll close the public portion. Is there any questions or comments from the Commissioners? Seeing none, I'll entertain a motion.

Commissioner Campbell: What is staff's recommendation? I haven't ...

Director Sellman: It's for approval with conditions 1 through 5.

Commissioner Clopton: I move we approve the site plan with conditions 1 through 5.

Commissioner Thorp: Second.

Chairman Threadgill: I have a motion to approve with staff's recommendations 1 through 5 and a second. All in favor? <Ayes> Opposed? <None> Motion passes. Item No. 18.

18. Miscellaneous (MISC-07-0123) – Resolution ETJ 1 mile zoning – resolution to recommend zoning 1 mile into extraterritorial jurisdiction

Director Sellman: Item No. 18 – this is a resolution regarding establishing zoning in the extraterritorial jurisdiction one mile out from the City limit. This is pursuant to the joint meeting between the Planning Commission and the Board of Directors. The discussion at that time was that the City meets the requirements of the State to administer and enforce Planning and Zoning

Ordinances one mile beyond the corporate limit because the City is situated on a navigable stream. So what this is saying to the Board of Directors that the Planning Commission would like the Board of Directors to direct the Planning Commission and its staff to prepare a zoning map and the necessary ordinance to implement the statute allowing planning and zoning within one mile. That's what this is.

Chairman Threadgill: Do I have any discussion on it? No discussion. I'll entertain a motion.

Commissioner Campbell: I recommend that we send this forward to the Board of Directors for approval.

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

Commissioner Clopton: Second.

Chairman Threadgill: I have a motion and a second. All in favor? <Ayes> Opposed? <None>
The motion is sent forward unanimously to the Board of Directors. That ends the items on the agenda.

Before I turn it over to staff, staff has presented a Subdivision Code dated 6/14/07. It's the latest update. At this time, do we need to set up some type of public hearing?

Director Sellman: You most definitely do.

Mr. Stauder: Lance's memo on the front of the hard copy – I don't know if that was passed out or not – but he did a brief memo describing the changes that were made and stating that you all would want to set one more work session to go over the final changes before scheduling a final public hearing. I guess that's up to ya'll but there's a memo attached there that you might want to read.

Chairman Threadgill: Lance has attached a memo?

Director Sellman: The statement that he's assuming that you want to have another work session is based upon what he thinks you said at the last work session.

Chairman Threadgill: He's exactly right.

Commissioner Clopton: Yes, I think he is too.

Chairman Threadgill: I left out with the intention of having one more, but I was going to leave it up to the Commission to decide on the next step. If you want to have a public hearing, let's set a date. Which we could have a public hearing, get the input from them, as well as our discussions as we read through on this, and we could speed the process a little by having a joint – our comments as well as public input.

Commissioner Campbell: That'll take all night.

Chairman Threadgill: Well, it's going to take all night anyway. I'm looking for comments here folks, so let's spit them out now. Do you want to have another private session? If you do, I need a date. If you want to go with a public hearing, say so and we set a date. What do you want to go with?

Commissioner Campbell: I say we have another work session.

Chairman Threadgill: Alright, let's set a date.

Commissioner Clopton: I would like a shortcut, but having it handed to me tonight, I would really like to have some time to look this over before I make a decision...

Chairman Threadgill: So you want a work session?

Commissioner Clopton: ...so yeah, one more work session.

Chairman Threadgill: Lori, another work session?

Commissioner Ames: I agree. Yes.

Chairman Threadgill: Louis? Another work session?

Commissioner Kleinman: Yes.

Chairman Threadgill: Wanda? Okay. We have another work session. Now we need a date. <unintelligible response from a Commissioner followed by laughter> I don't think so. <Another Commissioner responds "2010"> You would give Lance a coronary.

Commissioner Clopton: I'm just letting you all decide that. I'm available.

Chairman Threadgill: I know this thing has a calendar on it somewhere. Do you know how to get this thing back up? I want to ... No tools.

Director Sellman: It's just basic.

Chairman Threadgill: It's cut and dry. Rick, do you have a calendar or anything close?

Mr. Stauder: I don't.

Chairman Threadgill: Oh, you have your laptop.

Commissioner Campbell: Yes, but I have 13 minutes of power left.

Chairman Threadgill: It's going to kill out then. Music, photos, time...

Commissioner Campbell: Push on the time down there and it will give you a calendar.

Chairman Threadgill: There you go. Look at it. Operation has been cancelled.

Director Sellman: Do you want to do it on a Thursday?

Commissioner Campbell: I would prefer ... <Several Commissioners are talking in the background.>

Director Sellman: Do you want to do it on the first Thursday of July? That would be what the 4th?

Commissioner Ames: No, that's the 5th.

Chairman Threadgill: That's the 5th.

Director Sellman: I mean we can do it but I'll be camping.

Chairman Threadgill: Wait a minute, my checkbook has one. Here we go. It does have ...I

scribbled over it. We have June. This is the 14th. We have the 21st and the 28th of this month if you would like either one of those days on a Thursday.

Commissioner Clopton: I could do it on the 21st and not the 28th. You talking about July?

Chairman Threadgill: This month. June, excuse me. This month. We need to get this thing rolling.

Commissioner Clopton: I agree. We need to have this done before the next regular meeting.

Chairman Threadgill: I would like it so.

Commissioner Clopton: I vote for the 21st over the 28th simply because I'll be out of town on the 28th.

Commissioner Thorp: I can't do the 28th.

Chairman Threadgill: Okay. Is the 21st alright?

Commissioner Thorp: Yeah.

Chairman Threadgill: Gary? <Okay> Dave? <unintelligible response> 21st?

Commissioner Kleinman: The 21st at what time?

Commissioner Clopton: Wait, hold on. What is the 21st? Is that a Thursday?

Chairman Threadgill: That's a Thursday.

Commissioner Clopton: I'm gone.

Chairman Threadgill: Okay, Ames?

Commissioner Ames: I can be there.

Chairman Threadgill: Okay. One short. We'll have it on the 21st.

Commissioner Campbell: How about 6:00?

Chairman Threadgill: 6:00?

Commissioner Ames (?): How about 5:30? Can we do 5:30?

Director Sellman: I'm for earlier, myself.

Commissioner Campbell: Whatever ya'll want.

Commissioner Clopton: I'll just leave my comments with Kathy.

Chairman Threadgill: Yes, that's fine. Everybody doesn't have to be present, as long as we get our information. Alright, 5:30?

Commissioner Thorp: <unintelligible> <Several people are speaking at once in the background.>

Commissioner Kleinman: 5:30 is fine. No, I can do it earlier if you want to.

Chairman Threadgill: Well, Dave and I have a hard time just walking away that early. <Several people are speaking at once in the background.>

Commissioner Kleinman: Yes, sure, 5:30 is fine.

Chairman Threadgill: 5:30 on the 21st.

Director Sellman: 5:30 to 7:30?

Chairman Threadgill: Yes.

Director Sellman: Okay.

Chairman Threadgill: 5:30 to 7:30 on the 21st of June. Now, the Director's Report.

ITEMS FOR DISCUSSION AND ANNOUNCEMENT

1. PLANNING DIRECTOR'S REPORT

Director Sellman: That is the most significant Director's Report right there. We have this. Take a look at it. If you want to get me comments before the meeting, we can compile them. If you don't, that's fine too. We'll just run through them the way we usually do.

Commissioner Clopton: What Director's Report?

2. COMMENTS FROM COMMISSION

Chairman Threadgill: I have one comment. We'll adjourn ... <END OF TAPE>

ADJOURNMENT
