

# PLANNING COMMISSION MEETING TRANSCRIPT

THURSDAY, JULY 12, 2007

The regular meeting of the Planning Commission was held on Thursday, July 12, 2007, at 6:00 p.m. in the Board Chambers at the Hot Springs Municipal Building, 133 Convention Boulevard, with Chairman Threadgill calling the meeting to order at 6:00 p.m.

Chairman Threadgill: We will have the Pledge of Allegiance given by James Clopton and a prayer by Wanda Thorp. Will everybody please stand?

<Pledge of Allegiance>

Invocation: Bow your heads, please. Our most gracious Heavenly Father, we thank You for this day. We thank You for the rain and protection as the storm passed through. We ask now that You be with us and guide us as we do this business. Be with our Armed Services as they are on the foreign fields keeping us a free country. We ask all of this in Your Name. Amen.

Chairman Threadgill: At this time, I'd like to call the July 12<sup>th</sup> Planning Commission Meeting to order. Call the roll, please.

## Roll Call

Present: James Clopton, Lori Ames, David Campbell, Louis Kleinman, Wanda Thorp, Gary Threadgill

Absent: None

## Approval of Minutes

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

Commissioner Campbell: Motion made.

Commissioner Thorp: Second.

Chairman Threadgill: I have a motion and a second. I haven't read them is the reason why.

Until I get a chance to read them, I'm not going to ... I have a motion and a second. All in favor? <Ayes> Opposed? <None>

**Approval of Agenda.**

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

Commissioner Kleinman: I move we approve tonight's agenda.

Chairman Threadgill: I need one item here, Item No. 6, staff has informed me it has been pulled...

Director Kathy Sellman: Yes, tentatively ...do we have a date?

Mr. Rick Stauder: It was just my understanding that they wanted it tabled at this meeting at the request of the applicant and they would get with staff whether they were ready next month or not.

Chairman Threadgill: So we're just going to pull it from the agenda until further notice. Do I have a motion?

Commissioner Campbell: So moved and would you tell the audience what that is?

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

Commissioner Clopton: Second the motion.

Chairman Threadgill: All in favor? <Ayes> Item No. 6, which is a development on Thornton Ferry, a 43 lot subdivision, has been pulled from the agenda tonight; so anybody here for Item 6 concerning Thornton Ferry Subdivision, you may leave. We'll go back to Item No. 1, which will be old business.

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**OLD BUSINESS**

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1. 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(e) – 100 Cornerstone Plaza, Corner of Cornerstone Plaza and Central – District 5 – C-4

Director Sellman: Item No. 1 is the Chick-fil-A sign appeal. This is an appeal of an administrative decision. The applicant is requesting a variance from the requirements in the Sign Code regarding the number of free-standing signs allowed at a multi-tenant development. It's located at 100 Cornerstone Plaza, at the corner of Cornerstone Plaza and Central. It's zoned C-4 and it's located in District 5.

Chairman Threadgill: Is the applicant present? Again is the applicant present?

Director Sellman: There was a call earlier. We expected the applicant to be here. The call came from the applicant's staff saying that his flight was running late.

Chairman Threadgill: We'll move this one to the end of the agenda and proceed with Item No. 2.

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<DISCUSSION HELD AFTER HEARING ITEM NO. 13>

Chairman Threadgill: Would you like to read that again?

Director Sellman: You bet. Chick-fil-A sign appeal – requesting a variance from the requirements in the Sign Code regarding the number of free-standing signs allowed at a multi-tenant development. It's located at 100 Cornerstone Plaza, zoned C-4, and is located in District 5.

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

Mr. Ben Holliday, 90 <unintelligible> Lane, <unintelligible>, Georgia: I was here last month. By God's grace, I'm here today. <laughter> It was quite a trip. I apologize for being late, but the good old airlines made sure that I was nice and late today, so ...

Chairman Threadgill: No problem.

Mr. Holliday: Last month, we had discussed the sign and the comments were that we thought that the sign itself was a little too large and you wanted something more compatible with the IHOP sign that was located just across, on the other side of the drive. So actually when I left here, the meeting last month, I went directly there and measured the sign and the measurements came out right at 5' by 10' for the sign area, within the <unintelligible>. So I went back to redesign the Chick-fil-A sign to be 50 square foot, the same proportions 5' by 10' and the same height, 5'6" as before. I believe you have on the screen there, which is this drawing here, that shows the proportion. These are drawn to scale. The picture was a little off tilt here, but it's to scale as best I could get it. So you see that they are basically the same size.

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

Commissioner Campbell: Staff's recommendation down there again will be for denial. You want to get in there and tell me, tell us, why?

Director Sellman: <unintelligible> the explanation for that?

Mr. Stauder: I can try to explain why. I think Mr. Jones was the one who did the staff write-up on this and recommended denial. Basically, the sign ordinance does not allow detached structures that are located in the perimeter of a shopping center to have their own free-standing sign. The way our Sign Code is oriented, it gives the shopping center itself space and then it basically says it's up to the developer or the owner of the development to break out different sections of that sign and allot different square footages to the tenants as they see fit. As I'm sure the Commission knows, there are several detached structures that surround Cornerstone that do have their own free-standing signs. One in particular that we are discussing now is IHOP. The only difference in my view between the two is it does appear on a quarter section map that they've actually created a lease parcel for IHOP, Cracker Barrel, Outback Steakhouse, and On the Border. I believe I actually have a – let me see here if I can find it – I believe there is a quarter section map that will show that. I'm probably going to have to zoom in on it. I think I also explained at last month's meeting that it's my recollection that previous Planning Directors have had different thoughts on this issue. Some have the ideology that if you were a detached structure with frontage on a major thoroughfare, that qualified you to have a free-standing sign, for example. But as you can see on the big screen, On the Border, Outback, Cracker Barrel, IHOP, they all do have what appears to be a lot. I believe they are all still owned by

Cornerstone, but they do lease them. So as you can see, where the Chick-fil-A building is does appear to still be connected by an ownership <unintelligible> call that to the remainder of the development. Which if you look at the letter of the sign ordinance, it just really doesn't allow them to have their own free-standing. That is hence what brought forth the whole appeal in the first place.

Director Sellman: Thank you.

Chairman Threadgill: Do I have any other questions from the Commissioners to the applicant? Sir, you may have a seat. Is there anyone in the audience with anything to say for or against this item? Commissioner Campbell?

Commissioner Campbell: No. Sorry.

Chairman Threadgill: Watch it! <laughter> Is there anyone who has anything for or against this item? Is there 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: I have one of Rick. Rick, on that drawing there, what you're saying about IHOP, it's different in that it has an entry, a direct entry to Central. Is that what makes it detached?

Mr. Stauder: As you can see here on the big screen, there's actually what appears to be a lot line that creates a separate parcel number of 96501. It's almost a one acre tract. I guess in actuality it is separate piece of property from, for example, this long strip, as you see is connected with an ownership hook. So by doing that, even though it's still really under the ownership of the same person, it's been my experience that they create what they call lease parcels, for long-term leases. The property doesn't really sell, but it does get a separate parcel number and it does appear on a plat to be an individual piece of property, which at that point, using the Sign Code, gives them the ability to have a free-standing sign of square footage versus linear frontage. You know that formula. Whether that's fair or not to someone ...such as this building ... It appears to be very similar in circumstance – detached – one having it and one not. As you can see, there even appears to be ...like there was a lot line here where the building in question is, but evidently they've recombined that back into the shopping center at some point, which once again, I keep referring to the ownership hook. It isn't on its own free-standing parcel.

Commissioner Campbell: Thank you.

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

Commissioner Campbell: Mr. Chairman, upon staff's explanation of this and that it is that the ordinance does not allow it, I vote that we uphold staff's decision on this and deny the appeal. Would that be right, Madam Chairman, or Madame Director?

Director Sellman: Yes. Denial. Yes.

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

Commissioner Thorp: I need clarification before we ... Is he saying to go with staff's recommendation?

Chairman Threadgill: Yes. To deny.

Commissioner Thorp: Second.

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

Commissioner Clopton: Discussion. A question for staff. Is it within our authority to grant an exception?

Director Sellman: I don't believe so.

Mr. Stauder: I might disagree with that. The Sign Code does state that the Planning Commissioner is the authority, the body of authority, to take sign appeals to or variance requests and it does say that the Planning Commission has the authority to give variances, minimal deviation to the sign ordinance. Now whether or not you view this as a minimal deviation and all of that, but I think the Commission has the ability to do it.

Director Sellman: Well this is that. This is a request for the variance.

Mr. Stauder: Right.

Commissioner Clopton: We have the authority to approve it?

Director Sellman: You have the authority to approve as Mr. Stauder mentioned. We have the authority to approve minor deviations. Whether placing a sign where one is otherwise not allowed is minor would be a decision for you to make.

Chairman Threadgill: If I might add, in the past when the Planning Commission has given minor adjustments to the Sign Code, it's been in footage where they have to have say 500', if they had only 480', we would allow it. We've never, that I know of, allowed a sign to be placed where the ordinance says that there will be no signs. That can be a discussion open to ...

Commissioner Clopton: I do know in the past there has been tremendous effort by the City <unintelligible> and a lot of expense to property owners to take signs down or redo signs or put up new signs because of the Sign Ordinance. I don't know if this is in keeping with the intent of what's happened in the past several years. That's where I question the wisdom of doing this – of letting them put another sign up against an ordinance.

Mr. Stauder: Would it permissible for me to ask the applicant a question?

Chairman Threadgill: Yes, go ahead.

Mr. Stauder: Mr. Holliday, do you know if it's the intention of Chick-fil-A to purchase this property or are they going to long-term lease it?

Mr. Holliday: I think it's a long-term lease. Probably 30 years, I would imagine.

Mr. Stauder: Do you think they would be opposed to creating their own parcel such as IHOP has? Just drawing that lot line back in there and then I think this would all go away. You'd be entitled to your sign at that point. Is that not right?

Mr. Holliday: So what you're saying is just asking for the property owner to subdivide the property basically? Is that where I stand?

Mr. Stauder: Well, it almost looks like it was divided at some point in the past to begin with. Like I said, there's a lot line there almost directly across from the IHOP lot line. That's just a thought.

Mr. Holliday: I'm not sure. I mean that reproduction seems kind of handmade. Is that really <unintelligible> or does it have a parcel number?

Mr. Stauder: I don't know. It looks like it's combined right now under the parcel number.

Chairman Threadgill: Rick, to get a parcel number, it has to be resurveyed and either a lot split done or a sell out. I don't know if ...I don't know how a lot split would play into this.

Mr. Stauder: It could be researched. It's my understanding that an ownership hook doesn't necessarily wipe out property ownership ...I mean those lot lines. You see it all the time that the same person may own three lots and they jerk it together with an ownership, but it's still three lots. They could still build three houses. I don't know. That was just a thought of mine.

Commissioner Clopton (?): If I'm correct, we're not 100% sure it's not separate, but we think it's not.

Mr. Stauder: That's exactly right.

Commissioner Clopton: <unintelligible> changed my opinion.

Commissioner Campbell: Our denial of the appeal would have no effect should he get that lot.

Mr. Stauder: That's exactly right.

Commissioner Campbell: All he'd have to do is go in and make application for a sign then, right?

Mr. Stauder: Exactly. If we established that it's its own lot or its own free-standing parcel that has frontage on Central, then he would just apply for the sign permit through the normal process and he could actually have one larger than what we're looking at tonight.

Chairman Threadgill: He'd have the standard sign.

Director Sellman: If we determine that the reason that we're talking about is having a separate parcel makes any difference at all in a multi-tenant situation. This is a project that was approved as a whole – a multi-tenant project – with a sign program where the sign appears on one structure. I'm uncertain based upon the information that's available to us at this moment

whether having a separate ownership makes any difference at all. If this is a sign that was approved as a part of a major development, as it appears to be, we have a giant multi-tenant sign right at the end of the entryway there.

Chairman Threadgill: Right, but if that parcel is sold off, then ...

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

Chairman Threadgill: That's what I'm saying.

Director Sellman: Yes, without looking back at the approval that occurred.

Chairman Threadgill: Right now it's ...our only option is to deny and let the applicant do some research on the property. But that again is the decision for the Planning Commission to make.

Commissioner Clopton: Is it possible to table it again?

Chairman Threadgill: Go ahead.

Commissioner Clopton: Is it possible to table it again rather than have a denial?

Mr. Holliday: Yes, sir. I thought when I came back with the sign that he asked for, I thought I was good. Geez, I wish I knew the answer to that question. I'm not a real estate guy.

Chairman Threadgill: We're not either.

Mr. Holliday: Well if I'm facing a denial, which it apparently is, I'd rather have it tabled and let us research and see what can be done. If not, we can always just withdraw our request knowing that it's not going to do any good.

Chairman Threadgill: I have a motion to deny and a second. I'll need a ... Who made the motion?

Mr. Stauder: David.

Chairman Threadgill: I'll need you to make a withdraw of the motion.

Commissioner Campbell: I can do that. I can withdraw my motion.

Chairman Threadgill: I need the second withdrawn.

Commissioner Thorp: Okay.

Chairman Threadgill: We have the second withdrawn. All in favor of ...

Commissioner Clopton: Motion to table.

Chairman Threadgill: Alright.

Commissioner Ames: Second.

Chairman Threadgill: I have a second. All in favor? <Ayes> Opposed? <None> Item is tabled.

Mr. Holliday: I guess I'll see you guys on Thursday. <laughter>

Chairman Threadgill: Hopefully it'll be the charm.

Commissioner Thorp: Did you have bad weather? I know here, but ...

Mr. Holliday: In Atlanta it was perfect, a perfect day, but apparently the weather in Dallas, Texas, affects my pilot, so he didn't get there in time.

Commissioner Thorp: Because it blew all up.

Chairman Threadgill: We'll move right along to Item No. 5.

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## NEW BUSINESS

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2. Conditional Use (CU-07-0138) – Carrigan Memorial Funeral Services – Conditional Use for a funeral home – 336 E Grand Avenue – District 2 – C-2

Director Sellman: Item No. 2 is Carrigan Memorial Services. It is a conditional use request for a funeral home at 336 East Grand. The land is zoned C-2, commercial. It's located in District 2.

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

Mr. Chester Carrigan, 114 Mills Terrace, Hot Springs, Arkansas.

Chairman Threadgill: A little bit of what you've got in store, Mr. Carrigan.

Mr. Carrigan: I'm sorry.

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

Mr. Carrigan: My plans are to build a funeral home at 336 East Grand in order to serve everyone in the community. I feel it's a needed business to open up here. I've been in funeral services for 21 years, taking care of families, and I just want to open up my own funeral home.

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

Commissioner Clopton: Yes, sir. Are you aware that in the recommendations of staff there is a requirement for a minimum of 30 parking spaces?

Mr. Carrigan: Yes, sir. We have ...earlier today I had a gentleman out looking at it and we have <unintelligible> option to redraw the plans up. But I am aware that I have to redraw them up to show that. We did mark off 30 spaces.

Commissioner Clopton: You mention in your application that larger funerals and viewings would be held elsewhere?

Mr. Carrigan: Yes.

Commissioner Clopton: Do you already have that location?

Mr. Carrigan: Normally, like at the churches, if they are members of churches, we can do it at

the church for the night before, the visitation.

Commissioner Clopton: One other thing. At my age, I've been to a number of services, unfortunately. How are you going to be able to determine or how can you determine in advance how many cars of people are going to be at one of these viewings so that you would know that they wouldn't exceed the parking spaces available – the 30 places?

Mr. Carrigan: Again, I've been involved with people and in this particular business for 21 years. You can pretty much tell what type of a person that would draw for visitation. I would just ask the family if they expect a large crowd or not. They can pretty much always tell you and I haven't missed it too many times.

Commissioner Clopton: I have no further questions. Thank you.

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

Commissioner Campbell: I have one. Have you been, do you have a copy of the staff's recommendations?

Mr. Carrigan: Yes, sir.

Commissioner Campbell: About the no parking on the street. You've got a major street there that there won't be any parking allowed on it.

Mr. Carrigan: No, there's no place to park on Grand.

Chairman Threadgill: Any other questions to the applicant from the Planning Commission? Seeing none, you may have a seat, sir.

Mr. Carrigan: Thank you.

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

Commissioner Clopton: Mr. Chairman, I have a concern about the parking. I have difficulty in

my past experience with seeing how many services will be conducted with such a minor number of people attending the service. My concern is this parking area and the possible overflow of people there on Grand and trying to find a place to park. So I am concerned about that one item.

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

Commissioner Campbell: Mr. Chairman, I would make a motion to accept this proposal with staff's recommendations. To go along with that, has staff received that parking diagram yet?

Director Sellman: No. I believe the applicant said that they had not drawn it yet.

Commissioner Campbell: One of those conditions would be that drawing comes in and will in effect give us 30 places on that property.

Director Sellman: That is Condition No. 1.

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

Commissioners Ames and Kleinman: Second.

Chairman Threadgill: I have a motion and a second. All in favor? <Ayes> Opposed? <Commissioner Clopton: No.> One opposed. Motion passes. Item No. 3.

3. Conditional Use (CU-07-0129) – First Step Inc. Conditional Use – Conditional Use request to remove structure on Lot 5, and construct a parking lot on Lots 4 and 5 – 209 Cherokee – District 2 – CTR

Director Sellman: Item No. 3 is First Step, Inc., conditional use. This is a conditional use request to remove a structure on Lot 5 and construct a parking lot on Lots 4 and 5. It's located at 209 Cherokee. The zoning is Commercial Transitional. It's located in District 2.

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

Ms. Pam Bland, 107 Chadwood Street, Hot Springs, Arkansas.

Chairman Threadgill: Alright, Pam. What are you going to do here?

Ms. Bland: We're taking Lots 4 and 5, which we've been through several processes with, and making that into parking for our vehicles that we use for transporting children to and from school. There is a house on one of the lots that the Fire Department is going to burn on September 10<sup>th</sup> for practice. We just had it tested for all the different things they want us to test for and then we have a neighbor that we will put a privacy fence. We had a privacy fence and we'll move it right over to the neighbor's line. The rest of the fencing will be chain linked.

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

Commissioner Campbell: I have a question for staff. Was the applicant ...I think I read in here where they are going to pave this?

Director Sellman: Yes.

Commissioner Campbell: Was the applicant made aware that that's not a requirement?

Director Sellman: I can't confirm that. Perhaps that's a question for the applicant.

Commissioner Campbell: Would you come back up, Ms. Bland?

Ms. Bland: Certainly.

Commissioner Campbell: Were you made aware that paving is not required?

Ms. Bland: I was not made aware that paving was not required, but I really intend to pave and line both those lots once that house has been practice burned. It will look like the rest of that parking lot which is already paved and lined. It will just flow better that way.

Commissioner Campbell: That's all I had.

Chairman Threadgill: I might add to that as a conditional use, I think the Planning Commission

has the ability to make that paved parking part of the item. Any other questions or comments from the Commissioners? Thank you. Seeing no questions, I'll entertain a motion.

Commissioner Thorp: I make a motion for approval.

Commissioner Kleinman: I'll second that motion.

Chairman Threadgill: I have a motion ...would that be with paved parking? With concrete or just a hard surface?

Commissioner Thorp: With what ...

Ms. Bland: <unintelligible comment from the audience>

Chairman Threadgill: Asphalt? Asphalt is acceptable. I have a motion, do I have a second?

Commissioner Thorp: We had one.

Commissioner Kleinman: You had one. We made them both.

Chairman Threadgill: Who made the second?

Commissioner Kleinman: I did.

Chairman Threadgill: Okay, sorry. I have a motion and a second. Any discussion?

Commissioner Campbell: That motion needs to include staff's recommendations because it mentions the fence.

Chairman Threadgill: Ms. Thorp, will you interject staff's recommendations?

Commissioner Thorp: Yes, sir. I would.

Chairman Threadgill: Mr. Kleinman, would you second that?

Commissioner Kleinman: I'll second that.

Chairman Threadgill: All in favor? <Ayes> Opposed? <No> Item 3 passes. Item No. 4?

4. Conditional Use (CU-07-0142) – Best Western Stagecoach CU – Conditional Use site plan review for Best Western Motel – 2520 Central Avenue – District 3 – CTR

Director Sellman: Item No. 4 is the Best Western Stagecoach conditional use permit. This is a request for conditional use approval on site plan review for improvements at the Best Western Motel at 2520 Central Avenue. The zoning is Commercial Transitional. It's located in District 3.

Chairman Threadgill: Is the applicant present? Again, is the applicant present for the conditional use of the Best Western Motel? Shall we hold this one to the rear?

Commissioner Campbell: Mr. Chairman, I would like to hold this one, along with the other one, to the rear.

Chairman Threadgill: We'll move Item No. 4 to come into play after Item No. 1 at the end of the meeting. We'll go to Item No. 5. It's the same item, so we'll move it. Item No. 6. That one has been pulled. Item No. 7. Let's try that.

<DISCUSSION HELD AFTER HEARING ITEM NO. 1>

Director Sellman: Item No. 5 is the Best Western Stagecoach Inn site plan approval.

Commissioner Thorp: Are we on No. 4?

Director Sellman: Item No. 4.

Chairman Threadgill: My mistake.

Director Sellman: We'll do first the conditional use approval. This is for Best Western, 2520 Central Avenue. The current zoning is Commercial Transitional. The district is District 3.

Chairman Threadgill: Okay, so we're doing Item 4 first? The conditional use of the site plan?

Director Sellman: Yes. The conditional use.

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

Mr. Jeff Parnell, 140 Ravenwood Place, Hot Springs, Arkansas: I'm the owner of the Best Western Stagecoach. I would like to say, first of all, I apologize for being late. I erroneously wrote down 6:30 on my calendar and thank you for staying late to hear my application.

Chairman Threadgill: Do I have any questions to the applicant from the Commissioners? None? I don't see anyone in the audience, but I'll ask. Is there anyone in the audience? Seeing none, I'll close the public portion. Do I have any questions or comments from the Commissioners? Again, any questions or comments from the Commissioners? Commissioner Campbell?

Commissioner Campbell: The only question I have is have you seen the recommendations on the conditional use of the building being razed, being removed within 60 days? Have you seen that list?

Mr. Parnell: Yes, sir, I saw the staff's recommendation letter and that's perfectly fine. We had intended to keep the existing building open until we got the new one open and ready for customer use and then tear the other one down and certainly clean up and improve behind it. That's fine.

Chairman Threadgill: Any other questions?

Commissioner Kleinman: I have a question. Will that create a hardship on the motel if you have to raze it within 60 days for providing services for your guests?

Commissioner Clopton: Mr. Chairman, ...?

Chairman Threadgill: Let him answer Mr. Clopton's or Mr. Kleinman's question.

Mr. Parnell: Mr. Kleinman, to answer your question, the intent of what we were doing is to build a new building to house our breakfast operation for our guests in the hotel. We would have that one available for them, tear the existing breakfast operation – which used to be a full service restaurant, which we've not been in the restaurant business in a number of years and have no intention of going back into – so we're going to build a new facility for our breakfast operation and remove the existing one.

Commissioner Kleinman: So it won't be a hardship to have to tear it down in 60 days?

Mr. Parnell: No, sir. That was our plan to do it <unintelligible>.

Commissioner Kleinman: That was my question.

Chairman Threadgill: Mr. Clopton?

Commissioner Clopton: Maybe I'm reading this wrong. The way I read it is they will build a new building and then within 60 days raze the old building.

Mr. Stauder: That just puts a time frame on the demo.

Commissioner Clopton: Is that correct? Am I misreading it?

Director Sellman: It's after completion of the new building.

Commissioner Clopton: Build the new and then raze the old. It's not raze the old and build the new.

Mr. Parnell: That's correct. We're not going to put the new building in the existing building place. It will be further away from Central Avenue.

Chairman Threadgill: Any other questions to the applicant? Seeing none, I'll entertain a motion to approve or deny the conditional use.

Commissioner Clopton: I move that we approve the conditional use.

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

Commissioner Ames: Second.

Commissioner Clopton: With staff recommendations.

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

Commissioner Ames: Second.

Chairman Threadgill: All in favor? <Ayes> Opposed? <None> Agenda is approved. Now if we would go back to Item 5.

5. Site Plan Approval (SPA-07-0136) – Best Western Stagecoach Site Plan – multiple building site plan review for Best Western Motel – 2520 Central Avenue – CTR

<DISCUSSION HELD AFTER HEARING ITEM NO. 4>

Director Sellman: Item 5 is also Best Western Stagecoach Inn. This is the site plan, specific plan, for the Best Western Motel for the project as permitted by the previous approval that you voted on.

Chairman Threadgill: We've already heard what the applicant's intentions are. Do I have any questions to the applicant from the Commissioners? Commissioner Campbell?

Commissioner Campbell: I have one. On the Oakwood side, the drawing we have here says that you're going to remove the existing fencing and install a new iron fence. With as many parking places that you have here that are pointed to the North or across Oakwood, I would like to see some type of a solid fence there or shrubbery that grows fast to protect those residences across the street – the apartments and I think this is going to affect one or two homes over there.

Mr. Parnell: Probably two.

Commissioner Campbell: There's going to be a lot of light shining in. Are you going to allow the big trucks back there?

Mr. Parnell: Mr. Campbell, we have an occasional big truck that parks. Because of the space between and around the buildings is basically reserved and marked off for resident cars, the only big traffic that we have or place that will facilitate them to pull in and leave is that back area. We're not operating a truck stop, but we do get an occasional tour bus or a big truck or a school bus for instance that likes parking there because it's easier to get in and get out. It's not a big part of our market.

Commissioner Campbell: In that statement, would you be willing to accept a suggestion of a 6' high privacy fence along Oakwood?

Mr. Parnell: In a solid nature or an iron fence with vegetation or ...? The reason I'm asking, I didn't know if the residents may be concerned about pole lighting maybe shining in their homes or vehicular traffic lights shining in their homes. I certainly want to get along with the neighbors.

Commissioner Campbell: My intent is the vehicular traffic because there is so many of those parking spaces that are pointed towards those houses. The pole lighting under our existing ordinances that we have can't escape the property as it is. It has to stay there. My thoughts is vehicular lights that are going to shine across there. If you put in vegetation, it's going to take it awhile to grow unless you put in something ...

Mr. Parnell: Buy big substantial plants. I understand. We'd be happy to work with the City, whatever your recommendations are for that. I don't perceive this property getting a lot of use. I don't think it's going to rent many more hotel rooms. It's basically going to be a clean up and improvement of what's already there.

Commissioner Campbell: Staff, what direction ...give me some direction to go in. Should it be a solid fence or should we give it time for vegetation to grow solid?

Director Sellman: Any vegetation that is planted must <unintelligible> a privacy screening pretty much immediately. So if that is the choice that's made by the applicant in this case, the vegetation is going to have to be installed in such a way that the privacy and light screening does occur at the time that the vegetation goes in. You'll notice that Condition No. 2 is that a 6' minimum height privacy screen shall be provided along the rear of the property where it abuts residentially zoned property. Your question is a good one and was anticipated in the review of the project. <unintelligible> make it a solid fence or whatever, you have the ability to do that.

Commissioner Kleinman: May I make a comment?

Chairman Threadgill: Commissioner Kleinman?

Commissioner Kleinman: Since 1946, on and off, for a past number of years, I've lived on 137 Oakwood and lights from cars and traffic, which is what I think we're talking about, has never been a problem.

Chairman Threadgill: Let me just make one statement here. Due to this being a commercial facility abutting residential, they have to, by Code, have a 6' opaque screening.

Commissioner Clopton: With adjoining property, I think.

Chairman Threadgill: Right.

Commissioner Kleinman: Right.

Chairman Threadgill: So that being said, he's going to have to come up with some type of screening in that area.

Commissioner Kleinman: But not necessarily across the street?

Chairman Threadgill: No.

Commissioner Kleinman: No.

Mr. Parnell: I do own the adjoining property heading West of this property that's been rezoned. I'm cooperative to whatever we have to ... <laughter>

Chairman Threadgill: Any other questions or comments?

Commissioner Campbell: Rick, do you have a location map with the adjoining ...?

Mr. Stauder: Oh, with the zoning...?

Chairman Threadgill: 2520.

Mr. Stauder: I don't know if it has the ...I mean I can pull up a map off the Internet. It wouldn't take but a second.

Chairman Threadgill: In Line Item 5, the second item is the surrounding area map.

Mr. Stauder: And it's got the zoning marked on it?

Chairman Threadgill: Yes.

Director Sellman: Yes.

Commissioner Campbell: The property across the ...

Mr. Stauder: That map. I've got you.

Chairman Threadgill: Sorry about that.

Mr. Stauder: Here we go. I'm sorry. Let me zoom in on that a little bit.

Chairman Threadgill: There you go.

Mr. Stauder: I think these are the ones you're talking about, Commissioner Campbell, would be the spaces right through here which might possibly shine across Oakwood into these two houses over here.

Commissioner Campbell: That and the apartment house that's on that corner.

Mr. Stauder: And the apartment building? It's very clear that Code requires privacy screening for right here where this abuts residential. I don't know that Code actually requires it. I believe the Commission has the authority to place the condition on the approval for a screen on this side, but that's just my opinion.

Commissioner Clopton: Mr. Chairman, is the property across the street from this area also zoned CTR, because I know they've got a commercial apartment house behind it?

Mr. Stauder: Part of it is.

Chairman Threadgill: The first two lots.

Commissioner Clopton: Not Mr. Kleinman's apartment house, but Mr. Ridgeway's.

Mr. Stauder: Let me pull up ...hang on one second and let me see if I can do this.

Chairman Threadgill: The way it shows here, Lots 12, 13, and 14 are CTR. Lots 15 and 16 would be the two affected as far as residential. But like said, that's on an abutting street and to my knowledge, since I've sat on the Planning Commission, I don't think we've ever made a screen be put in on a street side as Rick was stating. But on Lots 10, 22, 21 that are on the R-3

side, Code would make those have the 6' opaque screening. Now again, I think Code has the authority to have screening installed on Lots 47, 48 area there, or 7 and 8, excuse me; but that would have to be in the recommendation form from the Commission.

Mr. Stauder: It looks like CTR zoned property right there. It's kind of hard to tell with the color on it, but I think that's a house behind the apartment complex.

Commissioner Kleinman (?): It is.

Mr. Stauder: And that's zoned CTR. But then you get into another house there on ...in R-3.

Commissioner Campbell: Any way you look at it, you've got residences over there, be it the apartment buildings or that house that's across the street from this.

Chairman Threadgill: Any other questions or comments? None? I'll entertain a motion with conditions, if any.

Commissioner Kleinman: Mr. Chairman, I recommend that we approve this application subject to staff's recommendations.

Commissioner Clopton: I'll second that motion.

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

Mr. Parnell: Thank you very much.

Chairman Threadgill: Let's see. We need to go back to the best item yet, Item No. 14, election of officers.

<DISCUSSION FOUND UNDER ITEM NO. 14>

6. Preliminary Subdivision (PS-07-0130) – Townhomes at Thornton Ferry – 43 lot subdivision adjacent to the Crossings at Thornton Ferry – located at the intersection of Thornton Ferry and Imperial

Pulled from the agenda.

7. Planned Development (PD-07-0134) – Golf Links Gardens – 37 lot subdivision for planned development – Golf Links Road

Director Sellman: Item No. 7 is Golf Links Gardens. This is a planned development. It will be a request for 37 lots to be developed under a Planned Development Zoning. It's located in somebody's district ...

Commissioner Campbell and others: 5. <laughter>

Director Sellman: 5. It is at Golf Links, approximately at Shady Grove and Fontana.

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

Mr. Mike Hunter, 116 Gardens Gate Circle in Red Oak Ridge: I'm here tonight to propose a planned development for 55 and older adults. My design is to meet some of the needs under the planned development design. I would like to address them, if I can. One of them is to allow the development of infill parcels in town that would not be made productive under normal zoning regulations. This would also further the City's goal of providing housing for all economic segments of the City. Another one that is really big to me is that this is going on in bigger cities, this type of development. It gives a lot more flexibility and allows high quality and innovative urban design. As you know, Hot Springs is becoming a hot place to live. The cost of living in this town has gone up quite a bit. Another big one that this plan fulfills is the plan consists of 4.41 acres. On those 4.41 acres, we have eliminated one of the lots for a retention pond for water runoff. Given that 4.41 acres, that's approximately 192,000 square feet. Breaking that down, it's 32,000 square feet of curb and street. We are proposing sidewalks on both sides of the street, which is not required in this planned development, but is something we feel is necessary. That is 10,000 square feet of sidewalk. We're doing a little smaller home. Instead of the 2,000 square foot home that you've seen a lot of the latest PDs come in at, it throws a lot of people out of that market. They are unable to afford it. We're trying to come in with a more affordable home in the \$119,000 to \$129,000 range – 1,000 square feet with a one-car garage, with one other parking space on the driveway. That's approximately 54,000 square feet of used land, including driveway, leaving 96,000 square feet of open green space and shared space, which way exceeds that which is the minimum desired in a planned development. We also are dedicating 15' of the property along Golf Links for future widening of that road, which is in the master plan. I think

that's it.

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

Commissioner Campbell: These are going to be public streets once they're built?

Mr. Hunter: That is correct.

Commissioner Campbell: Staff, what is the classification of these type streets?

Director Sellman: These are local streets.

Commissioner Campbell: Again, have you made any changes in that 15' wide alleyway?

Mr. Hunter: Yes, we did. I think my engineer, Milton Raabe, submitted to you a possible revised plan for that to apply for a variance from a 40' wide right-of-way to a 30' wide right-of-way with a sidewalk portion so the street would be 20' wide.

Commissioner Campbell: Thank you.

Chairman Threadgill: Looking at it, I don't know where they've <unintelligible>.

Mr. Hunter: Once again, all these homes will have brick facades. They'll have at least a 6 to 8 to 12 pitch roof which will accommodate attic space, which will have stairs going to the attic for storage. No pull down attic ladders because they're not safe for people to go up into. They'll have brick wainscot around the sides and the back just because they do better with lawn maintenance. Also the entire development will be on a POA sprinkler meter. We do have a POA. We have a strict bill of assurance. I am the exclusive developer of the property. We're not selling lots for other people to come in and build on. There will be a POA, which my estimates are \$35 to \$40 a month, which will maintain all the yards and also pay for the watering of the entire facility.

Commissioner Campbell: One more question. Are the houses going to have garages?

Mr. Hunter: Single care garage. That in the footprint which we provided is a 30' x 50' footprint and that is inclusive of the garage, so that no home will extend out beyond that footprint. They'll

actually be smaller than that footprint because they're not going to be a rectangle. They're going to have a little bit of character on the front. The lot number ...the one that we eliminated, which would have been on the Southwest corner, that is because that's pretty well ...other than the front, the Northwest corner, most all the drainage goes back towards that direction, which will have a curb, will have a street drain which will be emptying into that reservoir.

Commissioner Campbell: In widening out that street, I know that you narrowed the lots down.

Mr. Hunter: That's right. Our initial thought is we didn't want to have a lot of asphalt. We wanted more green space and we thought that the 15' alley would meet that need. But what we did was we took the lot sizes back down to the size of the rest of the lots to attain the widening of that street.

Commissioner Campbell: What will be your distances on the wide side, between the houses, on that 8 through 16?

Mr. Hunter: Let me see, 8 through 16. You will have 20' on the wide side and 6' ...hang on a second ...I'm sorry, it's 19' on the wide side.

Commissioner Campbell: Originally you had 19' on some of them.

Mr. Hunter: Yes. 19' and 6'.

Commissioner Campbell: Thank you.

Chairman Threadgill: Mr. Clopton?

Commissioner Clopton: Just one quick question and it's just for my own curiosity. Do you plan on any privacy fencing between the properties?

Mr. Hunter: Yes, there will be privacy fencing around the entire property itself and then on the wide side, there will be a privacy fence between each unit down the middle of the 19' wide place to provide privacy between each unit. The narrow side between the units will have windows, but they'll be offsetting so one won't be looking into the other one's house.

Commissioner Clopton: Thank you.

Mr. Hunter: We're currently working with about five different house plans that will work within this footprint, offering a lot more options to the individual purchasers.

Chairman Threadgill: Commissioner Campbell?

Commissioner Campbell: I have one more. In your opening statement, you talked about the infill and that you couldn't build on this property. How did they build the subdivision across the street?

Mr. Hunter: No, what I meant was from the standpoint of cost-prohibitive – from the price of the land, the cost to put it in as far as the utilities, roads, everything. It becomes very cost prohibitive and I think that Mr. Raabe had worked with someone prior to this trying to do something along those lines as across the street and it just wouldn't work on a cost-wise basis.

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

Commissioner Thorp: Yes. Would you put that back up where the houses are like 1, 2, 3, 4, 5, 6, 7 please? If I bought Lot 7 and I had six guests over, where are they supposed to park?

Mr. Hunter: Well, you would be available to park on the street. However, we do have a bill of assurance which restricts parking after certain hours on the street.

Commissioner Thorp: Even about my guests, if I have dinner guests who come? They can't park at a certain time?

Mr. Hunter: Well after a certain hour of the evening, that would be an issue that you couldn't have late night guests. We want this to be kind of a quiet neighborhood.

Commissioner Thorp: Okay.

Chairman Threadgill: Any other questions or comments? Seeing none, you may have a seat, sir.

Mr. Hunter: Thank you.

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

Mr. Bryan Vaughn, 101 Ridgeview Street: I'm directly across the street from this planned development. I guess we have some questions on the development itself. It appears it's going to be a gated community. Is that correct?

Mr. Hunter: No, it's not gated at this time.

Chairman Threadgill: Excuse me, sir. Let him ask his questions and then we'll get you back up here.

Mr. Vaughn: And then it's geared towards retirement from what I understand. It's going to be nice homes, but I just want to be clear on whether this is something that's aimed at low income or just lower economic scale retirement homes that are nice that are individuals buying these and not a subsidized type scenario. That's really the gist of my question there.

Chairman Threadgill: Alright, sir. Would the applicant please come forward and answer those questions for him?

Mr. Hunter: The subsidized issue – it is not subsidized housing. We are just trying to reach a market that's not been reached in this area in the \$119,000 to \$129,000 market. It is going to be 55 and older. There's special government laws that are in place to permit this – I don't want to call it discrimination – but it is designed for 55 and older when you declare this kind of development for that.

Chairman Threadgill: I have a question. When it's considered affordable housing, how do they set a standard on an age? I thought affordable housing was for anyone who didn't have the money to go out and buy a \$250,000 home.

Mr. Hunter: Well maybe that's a bad word to put on it. I would put it as in comparison to what's available in Hot Springs.

Chairman Threadgill: Any other questions or comments from the Commissioners? Alright, sir. Is there anyone else 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 entertain a motion?

Commissioner Campbell: No. Discussion.

Chairman Threadgill: Discussion?

Commissioner Campbell: I don't know how that we can see this through because our PD regulations says that any application that is incomplete in any respect will be returned and this one was supposed to have 2' contours on it. Everything that I see, even on the new one, are 5'. Staff want to address how this got to us without 2' contours?

Director Sellman: <unintelligible> this land had already been graded and scraped virtually clear with the exception of two large trees, which the applicant indicated in his letter of application, which was not included in your packet but we have copies of those and I think everybody has one of those, because the land had already been significantly altered at the time that it came to us, the 5' contour was deemed to be acceptable. There are no extraordinary conditions on this site and the 5' contour, while albeit not a 2' contour, does not show any more or less than a 2' contour would in this situation. If this was land that had vegetation all over it and it was impossible to see what the nature of the ground was, then the 2' contour would have been insisted upon. We have requested that that be provided. It will be provided as a part of the record, but I think one of the things that we face in looking at projects and we've been asked by the Department of Housing and Urban Development to look at this very thing, when we have regulations that increase the cost of development, thereby increasing the cost of housing to the consumer, when that requirement does not yield tremendous value in terms of what we are evaluating with the application. It's my judgment that is in question here and if I made the wrong decision, I'm sorry about that; but at no point in the review of this project did it appear that the lack of 2' contours was inhibiting our ability to accurately evaluate what was going on.

Commissioner Campbell: In other words, we are going to throw our regulations away?

Director Sellman: I didn't say that.

Chairman Threadgill: Any other questions?

Commissioner Campbell: Thank you.

Chairman Threadgill: Any other questions from the Commission? I'll entertain a motion.

Commissioner Clopton: Mr. Chairman, I move that we approve this requested zone change and forward it to the Board of Directors for approval.

Chairman Threadgill: I have a motion to approve the zoning change to PD. Do I have a second?

Commissioner Kleinman: I'll second the motion.

Director Sellman: May I clarify? Are we looking at the PD as revised with the wider right-of-way near Lots 6 and 7 and with the reduced width on Lots 8 through 15?

Commissioner Clopton: I revise my motion to include the revised – we're not talking about the site plan right now, we're talking about rezoning.

Chairman Threadgill: Part of it.

Director Sellman: The rezoning is also subject to the site plan. It does not establish the lot lines and road dedications, but it does show the densities and the setbacks.

Commissioner Clopton: I revise my motion to include the revised recommendations as per staff. Is that what we're looking at?

Chairman Threadgill: Do you have a second on that, Mr. Kleinman?

Commissioner Kleinman: I second that motion. Yes.

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

Ms. Teresa Minear: James Clopton – yes; Lori Ames – yes; David Campbell – no; Louis Kleinman – yes; Wanda Thorp – no; Gary Threadgill -- no.

Chairman Threadgill: It's three and three. It does not pass.

8. Preliminary Subdivision (PS-07-0133) – Golf Links Gardens – 37 lot subdivision for planned development – Golf Links Road – District 5 – R-2

Chairman Threadgill: Item No. 8. Where do we go with that, staff? The rezoning has been denied, so...

Director Sellman: You may want to ask the applicant where he wants to go with that.

Chairman Threadgill: Is the applicant present for Item No. 8? Let's give him a second here for discussion.

Commissioner Campbell: While we're giving him, my reason for voting "no" on this is I feel that this was an incomplete packet. What we had, we did not have the revisions of the street, we didn't have the 2' contours that's called for, that's my reason for voting "no".

Chairman Threadgill: Please come forward, sir. At this time, what we have is a denial for Item No. 7 to be rezoned to a PD. Would you like to withdraw your site plan for now?

Mr. Hunter: Well I think that we found out about that at 3:00 today for those deals where we have really worked hard today to get to you those revisions and I think you have those there with the stamp of the engineer.

Chairman Threadgill: One thing, I'd like to go along with Commissioner Campbell here, one thing, and I'm sure Milton knows that we're not even supposed to accept the plans, the diagrams, any of that stuff unless it's complete to what the ordinance says. Apparently that was not done, so at this time, the PD, this development has been denied by the Planning Commission. In saying that, you do have the right to appeal to the Board of Directors within 30 days to have our decision hopefully overturned; but what we're discussing right now is Item No. 8 – subdivision site plan. Whether you want to continue or withdraw your petition.

Mr. Hunter: I'll have to ...Can I talk to my engineer about that?

Chairman Threadgill: Yes, sir. While they're discussing, let's take a quick five minute break, ten minute break.

<BREAK>

Chairman Threadgill: I'd like to call the meeting back to order again. Thank you. I guess the next item is No. 8. We need to figure out what we're going to do with this subdivision site plan since we can't really look at it until we determine what's going to happen with the PD – Item No. 7. The applicant ...you have the authority to bring this back. You can get all the stuff together and take it to staff in the morning and bring it back to next month's meeting and we can more or less table this one, the subdivision plan, if you want to do that, and have it ready for next month's agenda.

Mr. Milton Raabe: We want to go ahead and pull it. There's no advantage to letting you do anything else to it.

Chairman Threadgill: Alright.

Director Sellman: Is that ... are you putting it indefinitely on the table or on the table for some period of time?

Mr. Raabe: We'll resubmit it tomorrow.

Chairman Threadgill: We'll hold this item over then when they'll resubmit. This item will be already ready, so there won't be any additional fee. Is that correct? Do we have the authority to do that since we're tabling it? Not tabling it, but what we're doing? Will they have to resubmit a fee on this site plan? That's a question to staff.

Director Sellman: I can't waive it. I can't waive it.

Commissioner Clopton: Can the Planning Commission waive it?

Director Sellman: No.

Commissioner Kleinman: Mr. Chairman, can we not go ahead and vote to table this regardless of his request?

Chairman Threadgill: Staff?

Director Sellman: You can't on the item that you just voted. Is that what you're talking about?

Commissioner Kleinman: No, I'm talking about the item coming up.

Chairman Threadgill: Item No. 8.

Commissioner Kleinman: Can we not vote to table this item?

Director Sellman: You can vote to table this item.

Commissioner Kleinman: Regardless of anything other than that?

Director Sellman: I don't know. It's my opinion that you have effectively tabled the item before this because there is neither a recommendation for denial nor is there one for approval.

Commissioner Kleinman: If I understand what you're saying too, if he withdraws it as he just suggested he was going to do, to resubmit it for the next meeting, he would have to repay the fee?

Director Sellman: That is correct.

Commissioner Kleinman: Now do you still want to withdraw it or do you want us to table it?

Mr. Raabe: If you tabled it, do we have to repay the fee?

Director Sellman: No.

Commissioner Kleinman: No.

Mr. Raabe: We recommend you table it then. <laughter>

Chairman Threadgill: Do I have such motion?

Commissioner Kleinman: I move that we table this item to next month's meeting.

Chairman Threadgill: Do I have a second?

Commissioner Clopton: I will second we table this.

Chairman Threadgill: All in favor? <Ayes> Opposed? <None> Let's go to Item No. 9.

9. Comprehensive Plan Revision (CPR-07-0132) – Coulson Oil Comprehensive Plan – Comprehensive Plan change – 2518 & 2522 Park Avenue – District 1

Director Sellman: Item 9 is Coulson Oil Comprehensive Plan revision request. Coulson Oil is located at 2518 and 2522 Park Avenue. This project is located in District 1. It's in the general vicinity of Belvedere Golf Course.

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

Mr. Eddie Martin, 1 River Valley, Little Rock, Arkansas.

Chairman Threadgill: A little of what you're going to do there, Mr. Martin.

Mr. Martin: We're going to do kind of what we've continued to do. Historically, the subject site has been a convenience store and had an office building on the property. We've used it for a number of years and then I guess about 15 years ago, the City of Hot Springs requested that we annex it, consent to it being annexed into the City. We had no problem doing that, however, we were under the impression at that time that it was coming in as a C-4 use. A few months ago, we were kind of surprised to learn that it wasn't C-4, so we're here tonight to see if we can remedy that situation.

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

Commissioner Campbell: We're just changing the Comprehensive Plan, right? We are just changing the Comprehensive Plan?

Chairman Threadgill and Director Sellman: Yes.

Commissioner Campbell: Okay.

Chairman Threadgill: No further questions. I'll entertain a motion.

Commissioner Campbell: I make a motion, Mr. Chairman, that we change the Comprehensive Plan in this area and this property as requested.

Chairman Threadgill: I have a motion to change the ...It's R-1 now, isn't it?

Mr. Rick Stauder: PD.

Chairman Threadgill: PD?

Director Sellman: Yes, it's PD.

Commissioner Clopton: We're changing it from PD to C-4.

Chairman Threadgill: He's made a request to change it from PD to C-4. Discussion?

Director Sellman: This is a change to Tourism/Commercial.

Director Ames: From Residential/Suburban?

Director Sellman: Right.

Male Speaker: Tourism/Commercial.

Chairman Threadgill: Okay.

Commissioner Campbell: Was that the designation of the PD was ...?

Director Sellman: The designation of the PD was Residential/Suburban.

Chairman Threadgill: Let me back up here. Do I have a motion and a second?

Commissioner Clopton: Second.

Chairman Threadgill: All in favor? <Ayes> Opposed? <None> Item No. 9 passes. Item No. 10.

10. Re-Zoning (RZ-07-0131) – Coulson Oil Zone Change – Zone change from PD to C-4 – 2518 & 2522 Park Avenue – District 1 – PD

Director Sellman: Item No. 10 is a sister request to the previous one. This is a request from Coulson Oil to change the zoning from PD, Planned Development, to C-4, Commercial/Open Display.

Chairman Threadgill: Again, we already heard the applicant's comments. Do I have any discussion from the Commissioners? Is there anyone in the audience who has anything to say for or against this item? Again, anyone in the audience have anything for or against this item? Seeing none, I'll close the public portion. Do I have any questions or comments from any of the Commissioners? Commissioner Campbell?

Commissioner Campbell: The only comment that I would have is that with the C-4 that's across the street, I think this would be a natural extension with it being commercial in its current state as it is. I would urge everyone to vote for it.

Chairman Threadgill: I'll entertain a motion to send this forward to the Board of Directors with a motion to rezone it to C-4.

Commissioner Clopton: A recommendation, maybe?

Chairman Threadgill: Do I have a second?

Commissioner Thorp: Second.

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

11. Comprehensive Plan Revision (CPR-07-0140) – Country Club Comp Plan Revision – change Comprehensive Plan designation for property from Recreation/Open Space to Residential Medium/High – Malvern, Malvern and Golf Links – District 6 – R-2

Director Sellman: Item No. 11 is Country Club Comprehensive Plan revision. This is a request to change the Comprehensive Plan designation on the future land use map for property that is now designated Recreation/Open Space and change that to Residential/Medium High Density. It's located at Malvern and Golf Links approximately.

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

Mr. Jack McRae, 12615 Chenal Parkway, Little Rock, Arkansas.

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

Mr. McRae: Well, we're going to take what was originally the Par 3 Pineview Golf Course as part of the Hot Springs Country Club and convert that into an upscale residential development. This property that we're discussing today is, as stated, currently zoned Recreation/Open Space and we'd like the Commission to change the land use to Residential/Medium High to allow for garden home developments in that area.

Chairman Threadgill: Alright, sir. Do I have any comments or questions from the Commissioners? Seeing none, you may be seated, sir. Is there anyone in the audience who has anything to say for or against this item? Again, is there anyone in the audience with anything to say for or against this item? Seeing none, I'll close the public portion and ask if there's any questions or comments from the Commissioners.

Commissioner Clopton: This is pretty well surrounded by R-2, which is Residential/Suburban. Is there any reason for us to comment on the R-3 versus R-2?

Commissioner Kleinman: I think they have a good reason for going to R-3.

Chairman Threadgill: Staff?

Director Sellman: Ahhh...

Chairman Threadgill: I'm not putting you on the spot. I don't see any conflict with it.

Director Sellman: No. This is consistent with Residential/Medium High, which is the change that you just recommended to the Comprehensive Plan and this is consistent with the plan.

Chairman Threadgill: Alright. Any other questions or comments from the Commissioners? I'll entertain a motion to change the Comp Plan to make this Residential/Medium High.

Commissioner Clopton: Second. Oh.

Chairman Threadgill: I need a motion.

Commissioner Clopton: I make a motion that we change this Comprehensive Plan to R-3, Residential/Medium High.

Chairman Threadgill: Do I have a second?

Commissioner Kleinman: I second that motion.

Chairman Threadgill: I have a motion and a second. All in favor? <Ayes> Opposed? <None>  
We'll go to Item No. 12.

12. Re-Zoning (RZ-07-0135) – Country Club Rezone – Rezone portion of golf course for patio homes – Malvern, Malvern and Golf Links – District 6 – R-2

Director Sellman: Item No. 12 is a rezoning on the same land at Malvern and Golf Links, currently zoned R-2. The proposed zoning is R-3.

Chairman Threadgill: We've already heard the applicant. Do I have anyone in the audience who has anything to say for or against this item? Again, anyone in the audience for or against this item? Seeing none, we'll close the public portion. Do I have any questions or comments from the Commissioners? Commissioner Campbell?

Commissioner Campbell: I have one of Mr. McRae if I could please.

Chairman Threadgill: Please state your name and address again please.

Mr. Jack McRae, 12615 Chenal Parkway, Little Rock, Arkansas.

Commissioner Campbell: Do ya'll have a time frame on when you're going to get your site plan for this ready?

Mr. McRae: Commissioner Campbell, we're planning to submit our preliminary subdivision plat in the morning.

Commissioner Campbell: Okay. Thank you.

Mr. McRae: Yes, sir.

Chairman Threadgill: Any other questions or comments? Seeing none, I'll entertain a motion to send this forward to the Board of Directors with a motion.

Commissioner Clopton: I move that we send this forward to the Board of Directors.

Commissioner Kleinman and others: Second.

Chairman Threadgill: All in favor? <Ayes> Opposed? <None> Motion sent forward. Item No. 13.

13. Miscellaneous (MISC-07-0141) – Off-street parking requirements – amend § 16 to modify off-street parking requirements for retail centers

Director Sellman: Item No. 13 is a request to amend § 16 in the Hot Springs Code to modify off-street parking requirements for retail centers. We've discussed this briefly before in our work session environment and it was the Planning Commission's consensus to think about this. We've provided here quick overview of requirements in other places in Arkansas and in surrounding areas, primarily in Texas and one in Shreveport, Louisiana, so you can look at what the requirement is on a per 1,000 square foot basis. The current requirement in Hot Springs is 6.66 parking spaces per 1,000 square feet of gross leasable area and you'll see by the list that we provided in the staff report that the requirements run anywhere from 1 space per 1,000 square feet of gross leasable area to our requirement, which is the highest, at 6.6. The recommendation is that you approve a text amendment to § 16-2-103(c)(1) to establish required off-street parking for retail sales to 4 spaces per 1,000 gross leasable area and for shopping centers at 4 spaces per 1,000 square feet of gross leasable area.

Chairman Threadgill: I take it staff made the presentation for the applicant. Do I have any questions or comments from the Commissioners? Commissioner Clopton?

Commissioner Clopton: A quick question. I looked over this kind of carefully and looks like that even at 4 per 1,000, we're just a little above the average.

Director Sellman: Actually we are and something that you might want to consider is 3.5 spaces per 1,000. Four is a more conservative change, but 3.5 is probably closer to what the average is in other communities. One of the reasons that we're looking at this at this time is that we've been approached by a number of major national developers who are finding our requirement very difficult to meet.

Commissioner Clopton: Going by more local, rather than getting out of San Antonio and so

forth, Shreveport, in Benton it's only 2.5, Little Rock 3.3. I think 3.5 would be adequate.

Director Sellman: Right. Benton's is net leasable, however, we're looking at ...

Commissioner Clopton: I understand it's a little low.

Chairman Threadgill: Commissioner Campbell?

Commissioner Campbell: What effect will it have on your centers like Lowe's and Wal-Mart and some of the others like that that use a large portion or a portion of their parking lot for outside display?

Director Sellman: I think that we would be looking at making sure that when those types of projects are approved, that the issue of outdoor display is made clear at that time, that if they intend to do that, that needs to be subtracted from the area of required parking.

Chairman Threadgill: Would that need to be written in our ...some type of ...?

Director Sellman: We should be doing that now. It sounds like, from your question, that maybe we're not.

Chairman Threadgill: I don't think so.

Commissioner Campbell: We have <unintelligible> restrictions on parking lots, but it is just something that's simply been overlooked.

Director Sellman: Yes. When <unintelligible> comes in for some kind of approval to do something in their parking area, the first thing we look at is whether they have sufficient parking to allow them to use that area in another way.

Commissioner Campbell: And with our current regulations of the parking areas, most of them have plenty of parking.

Director Sellman: They do. Yes.

Commissioner Campbell: That was my concern in lowering it. What was going to happen to the outside display area?

Director Sellman: Outside display area should not be something that happens on an impromptu basis. It should be part of the site plan to begin with and if somebody is planning to do that, it should be so designated.

Commissioner Campbell: Thank you.

Chairman Threadgill: Any other questions? I'll entertain a motion to send this amendment forward to the Board of Directors.

Commissioner Clopton: Mr. Chairman, I make a motion that we send this amendment forward to the Board of Directors with a 3.5 per 1,000 parking area.

Commissioner Kleinman: Of GLA – gross leasing area? Is that the intention? Per gross leasing area?

Chairman Threadgill: Yes.

Commissioner Kleinman: I'll second that motion.

Chairman Threadgill: I have a motion and a second. All in favor? <Ayes> Opposed? <None> Item sent forward. Before we go to Item 14, let's go back up to Item No. 1 – Chick-fil-A?

Director Sellman: Yes.

Chairman Threadgill: Is that applicant present? Would you like to read that again?

Director Sellman: Yes

<SEE ITEM 1 FOR DISCUSSION.>

#### 14. Miscellaneous (MISC-07-0137) – Election of Officers

Chairman Threadgill: What we're here for is election of officers. Does anybody have any recommendations on who they would like for Chairman for next year?

Commissioner Kleinman (?): Is there anyone with the ambition? That's the bigger question.

Chairman Threadgill: Mr. Campbell, was that a hand wave or ...

Commissioner Campbell: That was a "I want to talk." I think Chairman Threadgill has done an excellent job and is still doing an excellent job and I would just nominate him to be the Chairman next year. I would urge all of the Commissioners to see it the same way. I think he's done a great job. He's put in a lot of time, not only here but at the County and with the MPO. I was there for about three years. I know what he's going through. I think whoever the Chairman is in the upcoming year or years, I think we need to look at some compensation for mileage beyond what we are getting now, what the rest of the Commissioners are getting, because I know from my own experience and I know how many trips he's making here lately that he's not getting paid for mileage for those other things and I think whoever the Chairman is who has to assume those duties, be it him or someone else, needs further compensation for mileage.

Chairman Threadgill: I have a motion for Mr. Threadgill. Do I have any other motions for any other candidate?

Commissioner Clopton: Can we add to the motion that he has to be a little less ornery at these meetings? <laughter>

Chairman Threadgill: No. No.

Commissioner Clopton: I move that the nominations for Chairman be closed.

Commissioner Thorp: Second.

Chairman Threadgill: I have a motion and a second. Do we need to vote on that?

Director Sellman: Probably.

Chairman Threadgill: It's pretty unanimous, but all in favor of Mr. Threadgill being your new Chairman? <Ayes> Opposed? <None> <Commissioner Thorp threw in a belated "aye" with laughter.> Now we'll go to Vice Chairman. I need any motions for candidates for Vice Chairman.

Commissioner Clopton: Who is our Vice Chairman now? Is that David?

Chairman Threadgill: <unintelligible>

Commissioner Clopton: I move that we re-elect Mr. D for Vice Chairman.

Chairman Threadgill: I have a motion ...

Commissioner Kleinman: I'll second that.

Chairman Threadgill: I have a motion and a second for David. Is there any other candidates? Anyone else like to take the Vice Chairman? Seeing none, we have Commissioner Campbell as Vice Chairman. Do I have a motion to appoint him as Vice Chairman for the next year?

Commissioner Clopton: So moved.

Chairman Threadgill: Do I have a second?

Commissioner Ames: Second.

Chairman Threadgill: I have a motion and a second. All in favor of Mr. Campbell being Vice Chairman for another year, say "aye." <Ayes> Opposed? <None> Mr. Campbell's got it again.

Commissioner Clopton: I think <unintelligible> <laughter>

Chairman Threadgill: That being said, do we have any questions or comments from staff?

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## ITEMS FOR DISCUSSION AND ANNOUNCEMENT

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### 1. PLANNING DIRECTOR'S REPORT

Director Sellman: I have a policy change. The first thing is a request for the Planning Commission to consider proposing a change to the parking requirement of certain medical facilities. This is based upon a technical memorandum submitted by Mr. Michael Graham of the <unintelligible> Group. They will be looking at an expansion on the Healthpark Hospital

campus and their consultant recommends consideration of changes to the parking demand ratios and they are looking at, in the course of their study: surgery hospital to which they are proposing no change; medical or dental offices and clinic, they are proposing a change be considered from one space per 150 square feet of gross floor area to 1 space per 250 square feet of gross floor area. They also looked at nursing homes, convalescent home, a home for the aged and determined that the requirement that we have is consistent with what's being done in other places as well. So my first question to you would be if you would like staff to prepare an amendment for you to consider modifying this space per square foot on medical and dental offices and clinics? They actually made some pretty interesting findings in that exceptionally small medical or dental offices, of which we have very few of, one space per 150 may be appropriate. But anything larger than 2,000 square feet, they found that was an excessive rate of parking. Is that something you would like brought forward for consideration?

Commissioner Clopton: I'll make this comment.

Chairman Threadgill: Commissioner Clopton?

Commissioner Clopton: I've had the occasion to visit their Healthpark offices over there several times and if you can find a parking place over there within 500' of the building, you're doing pretty good any time during normal business hours. It is crowded over there and I don't see how you can consider reducing the number of parking spaces considering the fact that parking lot is full all the time.

Director Sellman: They aren't looking for changes for everything, just for the medical and dental offices.

Commissioner Clopton: That's what I'm talking about – the medical and dental offices.

Director Sellman: They may be unduly optimistic there.

Commissioner Clopton: You're talking about that on the end of the building?

Director Sellman: Yes. We just got this study from them.

Commissioner Clopton: What are they going to do, expand?

Director Sellman: They are looking at expanding.

Commissioner Clopton: Add more offices and they want to reduce the number of parking spots.

Director Sellman: They have ...how would you describe what they're doing?

Mr. Stauder: It's my understanding they've actually already closed on the property, but they were going to buy Healthpark. Also there's like another six acre tract around it, part of which is in the County. They intend to annex. It's a vacant property between the hospital and Twin Points Road. They have plans to construct a three-story detached office building similar to what St. Joe has next to the St. Joe Hospital. It would only house practitioners, dentists, specialists. I thought their plan also was possibly to have a nursing facility or an assisted living facility on the rear of the hospital. It's my understanding that they're seeking this reduction for that new construction. They wouldn't be reducing any parking that's currently at the hospital now.

Director Sellman: Right. It might be helpful ...I expressed it in terms of what we are requiring now, which is one space per 150' or their proposal 250'. If you look at it in terms of a comparison to 1,000 gross floor area, what we require now is 3.53 and what they would be requesting is 4.0. So it's about a half a space there.

Chairman Threadgill: It ought to be changed.

Mr. Stauder: If I remember correctly, I think Healthpark was built when it was in the County. Was that right? So there wasn't really any review by anybody to determine whether they were going to have enough parking. I think that's why you experienced the tight parking issue there now. Once these other facilities are built, if they are approved, then you're going to have cross parking, people can walk across medians, similar to what you have at St. Joe.

Chairman Threadgill: All we need right now is would anybody like to just make a recommendation to staff just go ahead and proceed and try to get some type of change up? We're not accepting anything. We're just giving them the ability to go ahead and pursue and come up with some type of format that we can look at for a change in the parking.

Commissioner Clopton: I'd be happy to make that recommendation that staff look into this, but I'd also want them to look into more variables or more conditions into which you determine parking spots. Would assisted living home and a nursing home would require different amounts of parking spots because of health, tenants, and where they park? It seems like you are using so many spots per square foot of a type of building doesn't cover the circumstances well enough.

Director Sellman: Right. What has been provided, we have this four page study that they are submitting and we will provide to each of you, they are going by the data in the Institute of Transportation Engineers Manual, which is what is used nation wide. They are actually requesting to provide more parking than what that document recommends. But that manual is something that factors in all of those things – the employees, the shifts, the peak times – all of those things are factored in to come up with that parking per square footage.

Commissioner Clopton: That sounds a little bit more appropriate.

Chairman Threadgill: I think we're all in favor ...

<END OF TAPE SIDE A>

Director Sellman: The rest of Article II would remain as it was in the June 14<sup>th</sup> draft. So this is the change that he made adding the requirements for hotel, motel, so on and so forth in the multi-building review.

Chairman Threadgill: Would this come under as a revision or would this come under a total change, which we would have to have a public hearing and all?

Director Sellman: You'll have to have a public hearing because it is a change to an ordinance. Right.

Chairman Threadgill: Questions from the Commissioners?

Commissioner Campbell: <unintelligible> this all down?

Director Sellman: He did, except for this. Except for Article II.

Chairman Threadgill: We did. We shut down the entire re-write, but Lance has come back and wanted this ...wanted our yes or no on redoing this one portion and this portion only of the ordinance and nothing else. He's requesting that we give this a look-see and say yeah or nay. This portion would be the only change. All the other discussions we had on the Subdivision <unintelligible due to loud noise> are gone.

Commissioner Clopton: Who did that?

Chairman Threadgill: I did.

Director Sellman: The new Chairman.

Chairman Threadgill: The new Chairman. I'm not new till next month. I'm the old guy.

Director Sellman: Okay.

Chairman Threadgill: Right now they just want us to look at this and consider and maybe get back with me in a day or two and let me know what your opinions are and we can ...

Director Sellman: Yes, you can just let me know.

Chairman Threadgill: If you like it, we can set up a public hearing. If you don't, we'll just relay the message then.

Director Sellman: Because not everybody was at the Work Session, I just wanted to review that the decision was to not proceed with any changes other than this particular change that we are looking at and I wanted to confirm my understanding of that change to your plan.

Chairman Threadgill: Well, the actual thing was I think, the whole thing was going to be stopped. But Lance wasn't at that one to present this portion of it, so this was actually never covered when we had our ... It was covered but nothing we really yeah or nay, so Lance would just like us to look at it. Okay? If you would, get back with Kathy maybe in the next day or two.

Director Sellman: That would be the next day. I'm not going to be here for a week.

Chairman Threadgill: Wow, okay. Rick, you don't want it either? <laughter>

Director Sellman: Rick won't be here tomorrow, but Rick will be here next week.

Chairman Threadgill: If you don't get her tomorrow, get her next week or the week after.

Director Sellman: We'll see what the consensus of the Commission is and plan accordingly.

Chairman Threadgill: What else you got?

Director Sellman: Actually I think that's it.

## 2. COMMENTS FROM COMMISSION

Chairman Threadgill: Anybody else have anything to say?

Commissioner Campbell: I have one thing I would like to say.

Chairman Threadgill: Commissioner Campbell?

Commissioner Campbell: Our PD, I would urge staff to please look at the PD, the regulations that we've got, and that in the future, on the PDs, that they stick the applicant to the regulations of the PD ordinance and have all of that stuff in place. You know, it was supposed to be in place 30 days before the meeting.

Director Sellman: Not to be argumentative, but I just can't resist, we don't get the applications until 30 days before the meeting. I've received your message. I'm totally clear that you want absolutely everything in absolutely perfect condition.

Commissioner Campbell: On the PD, yes.

Director Sellman: On everything.

Chairman Threadgill: Everything. Not just PDs, but every item. If the ordinance states that we are to have, we are to have. That's my opinion. That's what the ordinance is written for and that's what I keep harping. If we're not going to abide by them, let's change them.

Commissioner Campbell: Well, I don't want to get in an argument either, but you're saying that you don't get them 30 days prior to the meeting?

Director Sellman: Our deadline is 30 days prior to the meeting.

Commissioner Campbell: Okay, but in a PD, they have to have their ...all of the stuff in – their drainage calculation, engineering – all of that has to be in 30 days prior to our meeting.

Director Sellman: Right.

Commissioner Campbell: So if they get it into ya'll, it may be 60 days before we get it. If they don't have it all together on that submittal date.

Director Sellman: Oh, we're not going to accept it if it isn't complete.

Commissioner Campbell: I've had the pleasure of looking at the file down there. The drawings that I saw down there were brought in the 28<sup>th</sup> of June.

Director Sellman: There were drawings brought in then. That is not when they made their application.

Chairman Threadgill: We're not going to get into a heated discussion. We've got that problem solved. Do we have any other questions or comments? Alright, before I close, we have two gentlemen seated in the back. Is there something you gentlemen would like to ...?

Male Speaker: We're waiting on Rick.

Chairman Threadgill: I just wanted to give everybody the opportunity to throw rocks and scream.

Male Speaker: <unintelligible>

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

Commissioner Thorp: I make a motion that we go to the house.

Chairman Threadgill: I have a motion to end this meeting. No further business. We stand adjourned. Meeting closed.

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**ADJOURNMENT**

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