

# PLANNING COMMISSION MEETING TRANSCRIPT

THURSDAY, SEPTEMBER 13, 2007

The regular meeting of the Planning Commission was held on Thursday, September 13, 2007, at 6:00 p.m. in the Board Chambers at the Hot Springs Municipal Building, 133 Convention Boulevard, with Chairman Gary Threadgill calling the meeting to order at 6:00 p.m.

Chairman Threadgill: On the agenda that has been pulled, that item is the Primary Subdivision Town Homes at Thornton Ferry. That has been pulled from the agenda so if you are here for that, you can leave. Next up, I want to welcome everybody to the September 13<sup>th</sup> Planning Commission Meeting. We're going to start off tonight with the invocation given by Commissioner White and the Pledge of Allegiance given by Commissioner Campbell. Everybody please stand. <Invocation and Pledge of Allegiance followed>

At this time, I will call the meeting to order. Please call the roll.

## Roll Call

Present: Harriel White, James Clopton, Lauri Ames, David Campbell, Louis Kleinman, John Mory, Gary Threadgill

Absent: Wanda Thorp, Larry Raney

## Approval of Minutes

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

Commissioner Campbell: So moved.

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

Commissioner Clopton: Second.

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

## Approval of Agenda

Chairman Threadgill: I need a motion to approve the agenda for tonight with Item 16 pulled.

Commissioner Kleinman: I so move.

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

Commissioner Ames: Second.

Chairman Threadgill: All in favor? <Ayes> Opposed? <None>

Before we get started tonight on the agenda, I would like to welcome ...we have actually three new members to the Planning Commission tonight. With us tonight is John Mory and Harriel White. I'd like to thank them both for being here. We now have two positions from the County sitting on the City. One of the new functions that we've just started, so we're trying to work with everybody and it's going to be a little tedious tonight getting everybody used to what's going on, so bear with us.

At this time, we'll start off with Item No. 1 on Old Business.

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## OLD BUSINESS

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- 1A. 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
- 1B. 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-2

Planning Director Kathy Sellman: Item No. 1 is a Comprehensive Plan revision request for a bed and breakfast changing the designation on the future land use planned map from Suburban Residential to Commercial Enclave. The project is located at Hilltop Manor Bed and Breakfast. It is at 2009 Park Avenue. It's currently zoned R-1 and is currently

designated Suburban Residential on the plan map. The recommendation on this is somewhat complicated because this is a project that has been here twice. It has been to the Board of Directors and was remanded by them for additional consideration by the Planning Commission. The staff recommendation on this is to table consideration of this item to enable the Planning Commission to reevaluate whether existing uses at the bed and breakfast, including overnight stays and what <unintelligible> events are consistent with the previously approved conditional use and also recommends that we schedule a consistency hearing on the conditional use at the next meeting which is in October.

Chairman Threadgill: Is the applicant for this item present? Please come forward.

Ms. Faith Cramer, 2009 Park Avenue, City of Hot Springs: I would like to begin by saying that my husband, Bob Cramer, was intending to attend this meeting as well, however, his mother passed away this weekend and he is at the funeral in <unintelligible>. That being said, this demonstrates how important it is to the health of our family, our business, that this project not be delayed any longer. We submitted the plans for this rezoning on May 11<sup>th</sup> and here we are over four months later with no decision. I do realize that the Planning Commission did already pass this project with a four to one vote back in August. Then it was sent back to you by the Board to look at the possibility of a split use. The idea of a split use had never come before us as an option, so I considered the appeal. The problem is it will not accomplish our main goal which is to have a building for my family to reside in that is attached to the current building. The reason it is so important to attach the two buildings is for the safety of my small children, who are four years and seven months old. By attaching the two buildings, this gives us easy access to each other. A 20' walk across the driveway, which is similar to walking across the room versus a two acre walk across the backyard for these two kids is a substantial difference. It will also allow my kids to walk from one building to another without having to cross a roadway. The safety of our children is our motivation.

The other issue is that the building we proposed currently will not be seen by any of the current residential neighbors. We have it placed on the South side of the current bed and breakfast and it will border the National Park forest. Dale, a representative from the National Park forest, is present at this meeting tonight and is willing to speak on this topic if you wish. The added issue of putting a split use with a split zone with a split lot just seems to be an incredible confusion, which means that it's going to cause problems down the line. Perhaps this is important is that a split use would still not make the current bed and breakfast a conforming use, which means if the building would ever be destroyed for any reason – by storm, by fire – we would not be able to rebuild our business which is our livelihood.

Statistics say the longer you own a business, the more valuable it becomes. This is documented by the Professional Association of Innkeepers <unintelligible>. It would be a tragedy if we had years building up our business and it was destroyed and we would have to not only rebuild but rebuild at a different location. It is very difficult for me to understand why I have to fight so hard to get back the status of conforming use versus non-conforming use, which is what we currently have, when it was a conforming use when it was approved in 1998. It became a non-conforming use by the City for no reason of the property but because they decided all that bed and breakfasts should not be allowed in residential areas. The <unintelligible>, but the property owners ourselves aren't getting back the rights that we had with the property. It is a tremendous issue when you tell someone who owns five and half acres of land that borders a national park forest that you cannot place any building on that property because it would be considered an expansion, which cannot be done if you still want to run your business.

So to summarize, a split use, which was the suggestion from the Board of Directors, would not be a feasible solution for our project. We're having trouble grasping other concerns people have because they seem very <unintelligible>, but rumor has it there are other concerns. I will put their minds at ease so that when I'm finished here; there will be no question that this is a great change for us as a family, a business, and a community. To start with, the Planning and Development staff is worried that we may be misrepresenting the conditional use permit that allows us to place a sign in the front of the property which was granted in October 2005. I am saying that there is no way to misinterpret what was stated on that day, especially if you listen to the tape, which I have a copy of in my hand if you would like to listen to it. I will quote from the 2005 meeting that Director Raetz stated, "Weddings for the clientele and special events for the clientele are certainly a customary use of a B&B." From Director Raetz, "as long as you hold it for your clientele, to allow them to have their special events or their weddings, it is certainly a permitted use." You are granted, as if you were <unintelligible> still, at this point; however, at that meeting, I then stated, "my question to that would be, now obviously the bride and groom would be staying at the B&B. If they wanted some guests at their wedding, we currently only have three rooms, so I mean we're talking a maximum of six people there. That is where we're getting into I guess a ...", because I was interrupted by Director Raetz, who stated, "your clientele, which means the bride and groom, that certainly they could invite guests to spend the evening with them and enjoy the celebration." Commissioner Campbell made a motion to "approve the sign with the condition that these weddings and events be limited to the clientele of the bed and breakfast" and then he paused and finished the statement by saying "with their guests," which was exactly what Director Raetz <unintelligible> and is exactly what we are currently doing. In addition, at the Board Meeting on August 20, 2007, <unintelligible> Gary

Threadgill, Chairman of the Planning Commission, stated “they have a bed and breakfast and a wedding chapel on that property – a non-conforming use, but still a legal use. They can have 150 people already. They can have as many people there, but telling them that they can’t add to the building is going to make no change to what can already be done on the property.” Also from Gary, “it is already a legal use.” There was a <unintelligible> and once again from Gary, “there is no way we can control how many cars are in and out of that property.” Of course, I have also brought <unintelligible> a DVD of the Board Meeting in case there’s any question on that.

So now, Mr. Threadgill, Chairman of the Planning Commission, and we, the property owners, both have absolutely no question whatsoever that we were able to do weddings for clientele, hence the bride and groom, with guests of a number determined by the bride and groom, not limited to the number of people who can stay at the inn. In this case, we already know that both sides agree. The recommendation that we table this project again after four months to evaluate it when the conditional uses are consistent with previous conditional use approval is foolish and a hardship for my family and business. My husband and I do nothing but promote the City of Hot Springs through both the bed and breakfast and our other business which is Travel Host <unintelligible>. We have a circulation of 10,000 in the Hot Springs, Bryant, and Benton areas. It is our job to promote this City. We are members of the Hospitality Association. I am the treasurer, and I’m also a CPA, of the Bed and Breakfast Association of Arkansas. We are Chamber Members as well as Park Avenue Association Members. We sponsor and participate in numerous charitable functions, including the Baron’s Ball for Levi Hospital, Art in the Park, Christmas Tour of Inns for CASA, and Art Blast. We have this <unintelligible> of the one coming up in the next couple of months. The inn has been named “a beauty spot” by the Beautification Commission and we’ve had nothing but five out of five stars on our trip advisor reviews. We are an asset to Hot Springs. When people, both tourists and residents, drive along Highway 7 heading into or out of town and see a romantic couple being married on a hill in front of a historic manor next to a waterfall surrounded by a manicured garden, it’s just an impression of our City that you can’t buy with advertising.

So here we are once again, asking for you to pass the rezoning of this property, which you’ve already done once before, from R-2 to CTR, with the intent that we can build a house for our family to live in and our two small children to the South side of the current structure, which will be a path to the current structure with a picturesque walking bridge. This will also allow the current bed and breakfast to become a conforming use. I will be pleased to give a tour to anybody that would like to see the bed and breakfast by appointment. Thank you.

Chairman Threadgill: Before we get any further, let me remind the audience that we have a five minute speaking limit for the applicant and a three minute for anyone speaking for or against. Do I have any questions from any of the Commissioners to the applicant? Commissioner Campbell?

Commissioner Campbell: I have one. You stated that bed and breakfasts were not allowed in residential.

Ms. Cramer: That's what I was told.

Commissioner Campbell: They're allowed in R-3.

Ms. Cramer: I guess I don't know what R-3 means, because we asked if there was any other <unintelligible>. We are not doing CTR because we wanted the CTR. We are doing CTR because we were told <unintelligible> what we plan on doing was just building a house, we were told that we need to be in CTR.

Commissioner Campbell: They are conditional use in all of the zones in the City with the exception of R-1 and R-2 and in the manufactured zones, they are permitted uses. But they are a conditional use ...

Chairman Threadgill: Any other questions from any of the Commissioners? I have a couple since my name was mentioned a couple of times. One, when this item was brought to us last month, or month before last, it was brought in for a rezoning to a CTR. At that time, there was already a sign out there that said "Wedding Chapel, Bed and Breakfast, Wedding Chapel". With that, to bring it into conformance with the Code, it would need to be changed to a CTR. Agreeable. But after listening to the tapes, the Planning Commission's intent when the wedding chapel was allowed to go in, the primary function be a bed and breakfast, which at the time was a non-conforming use in R-1 and R-2, which to be brought back into compliance, would have to go to a R-3 or R-4. The reason it was going up to a CTR was to allow for the wedding chapel, which, like I say, after reading the minutes from the meeting that you discussed, my understanding after reading it was that the Planning Commission allowed you to have weddings if your clients stayed on premise along with the guests. Now I know Mr. Raetz said a lot of things, but Mr. Raetz is not a Commissioner that passes the ordinance. Mr. Raetz was an advisor, staff, but the Planning Commission is the one that makes the determinations and the findings. What I read was that the Planning Commission's intent was that it be a bed and breakfast and you were allowed to have weddings if the

clientele, with guests, stayed on premise – not came and went. That's where the problem came up with after the last meeting when the Board of Directors turned it back and the newspaper article was pulled up and sent in that you had up to 250 guests. That's well beyond the use of a residential neighborhood. To me, it's beyond a Commercial Transitional. We're getting into a full fledged commercial business. That's kind of where my feelings are right now. Do I have any other questions or comments from any of the Commissioners?

Ms. Cramer: Can I comment on that?

Chairman Threadgill: Let's get the public and then I'll call you back. Anyone in the audience have anything to say for or against this item? Please come forward and give us your name and address. Please keep it to three minutes, sir.

Mr. Gerald Murders, 107 Fox Pass Cutoff, which is next door to the bed and breakfast in question: The main concern that I have is the change from a residential area to a Commercial Transitional. I realize that these folks have got good intentions and plan to do what she said that they were going to do, but the problem we have is once you change it to Commercial Transitional, there are several things that are allowed in that area with that zoning. I don't know how the Commission could turn down one of those particular uses if somebody comes in and asks for it to be changed. So it's a tremendous change. It's not just a little thing to accommodate them to build a house. If you go to that transition, you can't go back hardly. It's very difficult to go back. I feel like that we have a nice residential area there and that's why these folks wanted to locate there and that's why they're operating a bed and breakfast there. I have no objection to the bed and breakfast if it's done in the way that it was originally agree to do. If you get into weddings and get big weddings and that type of thing, you have a problem. I think there's also other plans to do something with the back part of the property, which I'm sure these folks will say it's not, but I believe that there is. When they do that, it's going to increase the traffic. It's going to increase the noise – all the things that changes a residential area from what it is now to what it could be. Now obviously if they sell the property to someone else, they're going to come and tell you the same thing she just did about the bed and breakfast. It was her understanding when she bought it that she could do these things. That's what the people will do when they come back about the CTR and it will ruin our neighborhood. I object to it and I'd appreciate it if maybe there'd be some consideration to do it as R-3 or whatever you could so they could add a residence onto the building. I have no objection to that. It's just changing the business and it's promoting of something on the backside of the property that will create traffic which would create a hazard. Thank you.

Chairman Threadgill: Thank you, sir. Any questions to the speaker from the Commission? Anyone else in the audience have anything to say for or against this item? Again, anyone else have anything to say for or against this item? Please come forward and give us your name and address. We have two coming up here. It will be alright.

Ms. Peggy Brunner-Maruthur, resident of Park Avenue, and City Director: It's a lovely bed and breakfast and I applaud them for everything that they've done. I agree that they purchased this to operate a lovely bed and breakfast and they were given the opportunity to have the weddings that was approved. However, my concern has been, and I spoke to the architect on the phone, the covered what they call a portico, everyone on this Commission ... Well not everyone. You seem to be a lot younger. But most of us no longer live in our original homes and/or businesses. Some people lived above businesses, but we have a habit of moving. We are a mobile society. This is a very nice family that my guess would be that perhaps maybe one day they will move. When they move, if the two buildings are attached and somebody wants to purchase this lovely building, it will be ... It could look like a hotel, a beautiful hotel, but this covered portico would provide parking for – this is what I was told – would provide parking for the business. If you are interested in buying this 10 or 12 years from now, would you buy this lovely bed and breakfast and consider turning it into a residence again or would you have to consider this whole complex to operate. That's what I am concerned about is the future of the connected buildings that would provide basically a place to come to bring your luggage, your <unintelligible> like when you go to a hotel or motel, this portico. That's my big concern is for the future. Like I said, this is a mobile society and my guess would be that they moved from somewhere else where they had a business and in the future they will most probably move somewhere else, even if it is 10 or 15 years from now. However, the homes next door are <unintelligible> residential unless the whole area is converted into commercial. That's all I've got to say and I do support the bed and breakfast and the building of a residence if they need it in back. I've got some real concerns about the portico and the connecting of the two buildings because <unintelligible>.

Chairman Threadgill: Any questions for Ms. Brunner-Maruthur? Anyone else in the audience with anything to say for or against? Please come up and give us your name and address for the record.

Mr. Dale Moss, Assistant Superintendent of Hot Springs National Park: What they do with the bed and breakfast is whatever you want to do as far as we're concerned. We were contacted about the possibility of these folks building an additional building on the residence

and wanted to know if we had any objections. That is private property outside of National Park boundaries and we have no objection.

Chairman Threadgill: Thank you, sir. I'd kind of like to apologize for the noise outside. <laughter> If it gets a little loud, raise your hand and we'll have the people speak up. Is there anyone else in the audience who has anything for or against? Will the applicant please come back forward?

Ms. Faith Cramer, 2009 Park Avenue: I'll start with some of Gary Threadgill's issues about our <unintelligible> 2005. I understand that Director Raetz isn't a voting member of the Planning Commission; however, the motion was made by Commissioner Campbell. It was not made by Director Raetz. Commissioner Campbell stated exactly what Director Raetz said and whether the intent of the Planning Commission was different, what was stated was still stated and how am I supposed to understand the intent of the Planning Commission when that is not what was said. I don't know how I can be held accountable for that. So that was his first <unintelligible>.

As for Peggy's concern, I think there's some confusion, actually. I think it can be cleared up really easily. We are not planning on building a kind of parking portico thing. The bridge we are talking about will be about a 5' wide bridge, strictly a walking bridge from one residence to the bed and breakfast. No parking areas. It's strictly going to span our private driveway so my kids can go from the house to the bed and breakfast, which I will be doing both things, without having to worry about them crossing the driveway. No parking area. Absolutely no parking area.

Her concerns for marketing down the line if we would decide to resell. I actually was a real estate agent for six years, so I look at these things with <unintelligible> importantly. We could resell it as a mother-in-law. It would be a great mother-in-law apartment with the family in the main bed and breakfast. It could be resold of course to another bed and breakfast with the owners in the residence just like we are having, which other bed and breakfast owners are looking to have. Bed and breakfasts are coming up with their business and they want their privacy. It could also be great for college kids coming back after they graduate and they can't afford those houses. They're coming back now and this is a great <unintelligible> college <unintelligible>.

<Unintelligible> as a wedding. I think you were concerned about how many weddings we are having. I think that has been really blown out of proportion. The article that you received from <unintelligible> was actually correct. We printed that. It says 250. We have never done a 250 person wedding. We had just opened at the time. I guess I had no idea what I was in for. Now I'm not saying exactly that we wouldn't be open to doing it in the

back yard if the right circumstances would combine in a <unintelligible> of a thing. However, our weddings currently, and this is fact, so that we could know for sure, being an accountant, we've done 42 weddings since we've opened, which may sound like a lot, but that's about two years since we opened – November 1, 2005. Also, 22 were two persons weddings – just the bride and groom – and they stayed at the inn. More than half of those 42 weddings were two person weddings. If you divide it, it comes out to 7% when you divide the 42 weddings and you take the days and you divide how many days we've been open as an inn, there's been only 7% and you figure it out time wise, which is impact on a neighborhood, and you put in the time in hours and it is less than 1% that we have weddings <unintelligible>. So it is very much an accessory use of the inn.

As for the residential area, we are built in a residential neighborhood. There's no question about it. But it's not the type of cul-de-sac or quiet, private street that many of you may be thinking of. We are located on Highway 7 with traffic day and night. Any traffic we would ever be <unintelligible>. There's a gun range across the street for the Hot Springs Police Department and you hear gunshots during the day time. There is the Old Mill Wedding Chapel across the street which is zoned residential, but nobody lives there, and it is strictly a business. We love the Old Mill Wedding Chapel because actually a lot of their guests come and stay with us at night, so I have nothing against them being a wedding chapel. But I just want to tell you that this is not just a cute little neighborhood where kids are running from one backyard to another. This is on a highway. Everything across the street from us is basically either National Park or commercial. Whether it is zoned residential or not, it is still National Park or commercial. You have Mickey's Diner on the other end and the National Park on the other side. Does that cover most of the ...I think those were the issues that were raised? Did I miss something?

Chairman Threadgill: Well I have another one.

Ms. Cramer: Okay.

Chairman Threadgill: How many parking spaces do you have now?

Ms. Cramer: We have 29 <unintelligible> straight parking spots.

Chairman Threadgill: How are you going to park for 250 people?

Ms. Cramer: You know what, when you get 250 people, you've got to figure an average of two per car, because when they come for a wedding, they're coming in pairs.

Chairman Threadgill: Alright, we've got 75 cars.

Ms. Cramer: Okay.

Chairman Threadgill: You got 20 parking spaces.

Ms. Cramer: Okay and we have five and a half acres of land behind the house or with the house. The house is on the first acre or so.

Chairman Threadgill: So you're going to turn that into a parking area.

Ms. Cramer: It could be for <unintelligible>, it could be turned into a parking area. It borders the National ...we border the park forest now, so we can <unintelligible>.

Chairman Threadgill: And then when you have a wedding, you're establishment won't be able to handle 250 people inside, so you're going to be moving outside, setting up tents, which is going to be using that five acres along with 75 or more cars, and ...

Ms. Cramer interjected: And we can set up the tents with the buildings and then our back half, which we are not asking to rezone at this time, could be a parking area. We've never done a wedding currently larger than 120 people. We've only done two weddings where there were 75 people. We are not a big commercial establishment, but I don't want to say that if the opportunity presents itself, we are refurbishing historic homes and <unintelligible> and trying to make everything look its best, you need to make money. I know that money is not supposed to matter, but I'm sorry, it matters.

Chairman Threadgill: In my opinion, that's just it. We're trying to restore a historical home, not turn the neighborhood into a thriving business area with cars coming in and out. Do I have any questions from any of the other Commissioners?

Commissioner White: Can I ask one?

Chairman Threadgill: Yes. Commissioner White?

Commissioner White: Yes, Harriel White. Now the traffic flow, is it just that one entrance?

Ms. Cramer: We have one entrance. Correct. We currently have two driver areas. One of them is currently not in use. I'm not saying that if we need to open it that we couldn't. We are actually thinking of opening with the next <unintelligible>.

Commissioner White: The second driveway entrance flows off Highway 7 also?

Ms. Cramer: Yes, it does.

Commissioner White: Is that a gate or something that ...?

Ms. Cramer: It's currently gated.

Commissioner White: Okay. I was trying to figure out when you're headed South on 7, it is real difficult to make that turn and that's what I was thinking about.

Ms. Cramer: It's a pretty wide turnaround on our property and I can make it with ...we can make it with a Suburban even; but you're right. A lot of people have difficulty with that. If it became an issue, if it became more than less than 1% of the time, we would open the other roadway and do a one way road. But at this time, it just didn't make any sense too because it isn't an issue and something else is <unintelligible> before the Commission, before the Board of Director's meeting about 150 person wedding. We've never had a 150 person wedding and we've never had a parking problem to this point. Currently we still have the gravel <unintelligible> in <unintelligible>, which is ugly and will go away with the new residence or at least a portion of it will go away. But currently we have parking for about 45 cars.

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

Commissioner Campbell: I have one. In going back and looking at the records, there was a lot of concern about how many people were going to be at the <unintelligible due to fading away of speaker's voice> ...exactly what was said. We don't have a word-for-word from <unintelligible>. I know myself and the other Commissioners up here did have concerns as to how many people were going to be there because it was in a residential neighborhood. Maybe we were not as specific, but what I thought of the minutes that we do have, I think we made our intentions clear that people that would be at the weddings would be the ones that stayed there and their guests. I think there's a lot of confusion in it and I think it needs to be

tabled. It needs to be re-looked at. We're not interfering with this per se right now. Is that right, Director? We're not stopping their business as it is. I don't see, other than the time frame, what tabling would hurt. It really needs to be looked at because it's way over and above what the intentions were.

Chairman Threadgill: Do I take that as a motion or a comment?

Commissioner Campbell: Unless someone has another comment.

Chairman Threadgill: Is there any other questions or comments?

Ms. Ames: I have I guess a question. <unintelligible> requesting or the proposal is to change the <unintelligible> to enable them to add this additional building. Is that something where we could chose to approve that today, if that's the way it went, something we could do and still look at this other issue? Or do we have to go hand in hand?

Chairman Threadgill: Right now you could make a motion to change it to R-3 or R-4 and they could carry on with that business.

Ms. Ames: Right.

Chairman Threadgill: The wedding chapel would still be a non-conforming use. It still wouldn't be legal. Director, what was your ...?

Director Sellman: My answer to that question is that you could act on the zoning tonight and that you could schedule a consideration of consistency at a future time if the Planning Commission decides that that is warranted. It's your choice.

Chairman Threadgill: Now if my understanding is correct, if the zoning is changed to R-2, correction R-3 or R-4, they can still build the building.

Director Sellman: With approval of the conditional use as an expansion.

Chairman Threadgill: Right. Any other ...? Commissioner Clopton?

Commissioner Clopton: Yes. I only have a comment. We've discussed this in some detail in our past meeting, and sent it forward to the Board, not recommending approval to change the

zoning on the back half of that property. I think that question came up about the back half of that property from one of the people who spoke. I wanted to clarify that. The zoning on it was not changed from what it is currently today.

The second thing is, it seems like we're going a long way around so these people can build a new home to live in on this piece of property which I guess goes back into the <unintelligible> 2006, 2005 area, which I was not present <unintelligible> and most of us weren't, where they got approval to start this <unintelligible>. It seems a little bit harsh in a way. Building a home <unintelligible> more time than we've already delayed it. And contrary to some opinions, if the cost of housing keeps doing like it is, there is a difference between building it now and maybe next month or the month after that as far as the cost of building <unintelligible>. I am not in favor of continuing to delay them from building a home to live in as a part of this project.

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

Commissioner Campbell: I will bring up to you, and I don't know the number of the ordinance, but whatever the front half of this property is zoned, we have an ordinance on the board right now that automatically allows the homeowner to subject the rear portions to the same zoning. But if you zoned that CTR on the front, the ordinance that's on the boards right now today would allow them to go and use the back portion for the same thing.

Commissioner Clopton: Which means that right now, they could use the back portion for the same thing.

Chairman Threadgill: R-2.

Commissioner Campbell: R-2.

Commissioner Clopton: Which is non-conforming because it's all <unintelligible>.

Commissioner Campbell: Yeah, it's the same <unintelligible> ...

Commissioner Clopton: The bed and breakfast <unintelligible> a bed and breakfast right now.

Chairman Threadgill: It's allowable in a residential neighborhood.

Commissioner Clopton: That's what I mean. Right now it's already allowed to use it as a bed and breakfast.

Director Sellman (?): Because this is a conditional use and it's very specific as to what is allowed there, so Commissioner Campbell is correct about the split zone provision in the Code. However, because we have a conditional use on this land, there is a limit which is not on most property with regard to what you can just decide to do. So the expansion of any conditional use from what it is needs to go through a hearing process for approval.

Commissioner Clopton: No, I understand that.

Director Sellman: Right. So there's .... Right.

Chairman Threadgill: Mory? Commissioner Mory? Sorry. <unintelligible>

Commissioner Mory: On the <unintelligible> Commissioner Clopton's question regarding the time, if they are going to build a detached building on this existing site, are they going to have to <unintelligible> site plan on that property?

Chairman Threadgill: No, it's one structure. They way they're doing it, it's going to be one, if I'm not mistaken.

Director Sellman: Right, and the multi-building site plan is a part of the conditional use because there is a site plan with the conditional use. So it's one <unintelligible>.

Commissioner Mory: I was hoping that might help us <unintelligible>.

Chairman Threadgill: All we'd be looking at right now is just a zoning change. They'll still have to come back in for a site plan.

Commissioner Mory: So they do have some more time that would require them back in front of us?

Chairman Threadgill: Yes. What they have right now, which we have right here in front of us is a motion or a request by staff to table rezoning it to a CTR. If this Commission feels fit that they would like to rezone it to an R-3 or an R-4, which would make the bed and breakfast suitable for that area, you can make that recommendation. The wedding chapel

will still not be, will still be a non-conforming use in which you could make a condition at this time that the weddings cease until the further action of this Commission on resolving that problem be taken.

Director Sellman: Can I ...? I don't really think that's before us tonight.

Chairman Threadgill: The what?

Director Sellman: The wedding chapel.

Chairman Threadgill: Well if we're going to rezone property as a zoning, we wouldn't.

Director Sellman: Right.

Chairman Threadgill: All we're talking about is the zoning.

Director Sellman: Right.

Chairman Threadgill: So we can't make <unintelligible>.

Director Sellman: Right.

Chairman Threadgill: Alright.

Commissioner Clopton: Would you say that again?

Chairman Threadgill: What Director Sellman just corrected me on, we are doing a zoning. On a zoning, that's all we're looking at. We're not putting any conditions. We'll do that when they come back in with the site plan or <unintelligible> conditional use request. Right now, all we're looking at is allowing them to rezone the property to make that bed and breakfast a conforming use, which would be CTR, R-3, or R-4. Staff's recommendation was to table on the CTR. If the Commission sees fit, they can rezone it 3 or 4, R-3 or R-4.

Commissioner Ames: I just want to make sure that I understand and that we understand then that rezoning request R-3, R-4, or CTR would make it a conforming use and would then also allow them to move forward with the plan to add the house <unintelligible>.

Chairman Threadgill: They would still have to come back before the condition to get a conditional use for that structure.

Commissioner Ames: For that? Okay.

Chairman Threadgill: But that would give them the go ahead though.

Commissioner Ames: It would set the groundwork for that.

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

Commissioner Campbell: I don't have a question, but I have a comment. In looking at the area out there and the property, if you deem to rezone this, I would highly object to considering it as an R-3 and not an R-4 because of the items that can go into an R-4 would not be consistent with the rest of the neighborhood there, their houses, and everything.

Chairman Threadgill: Any other questions or comments?

Commissioner Clopton: Just a clarification. R-3 would be a classification that would allow residential zoning.

Chairman Threadgill: R-3 and R-4, right.

Commissioner Clopton: Then they'd have to do a conditional use for <unintelligible>.

Chairman Threadgill: Correct.

Male Speaker: R-3 would <unintelligible> dwelling.

Chairman Threadgill: Any other questions or comments? What we have before us is strictly zoning.

Director Sellman: Actually this is going to be Comprehensive Plan <unintelligible>.

Chairman Threadgill: I hate that. <laughter>

Director Sellman: I know.

Commissioner Campbell: On the Comprehensive Plan, would it have to be changed if it was zoned R-3?

Chairman Threadgill: You've got to change the zoning.

Director Sellman: It would change to a higher density residential. Yes. Let me check the book and see what <unintelligible>.

Commissioner Mory: While she's checking that, I have a question.

Chairman Threadgill: Commissioner Mory?

Commissioner Mory: If we're going to look at other possible rezones on this, can we make a decision on the Comprehensive Plan so we know how we're going to <unintelligible> on the property?

Chairman Threadgill: Yes.

Commissioner Mory: In other words, we could make a blanket statement that we're going to change the Comprehensive Plan and then <unintelligible> the house?

Director Sellman: Yes.

Chairman Threadgill: Yes.

Commissioner Campbell: What would <unintelligible>?

Director Sellman: R-3 residential <unintelligible>.

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

Commissioner Clopton: Mr. Chairman, I move that we change the Comprehensive Plan on this property to what did you say it was?

Director Sellman: Residential Medium-High.

Commissioner Clopton: Residential Medium High.

Chairman Threadgill: That's what it is. I have a motion to change it to Residential Medium. 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. 2.

2A. Re-Zoning (RZ-07-0109) – Hilltop Manor B&B Rezone – Rezone request for bed and breakfast – 2009 Park Avenue – District 1 – R-1

2B. Re-Zoning (RZ-07-0109) – Hilltop Manor B&B Rezone – Rezone request for bed and breakfast – 2009 Park Avenue – District 1 – R-2

Director Sellman: Item No. 2 is the zoning request on this property. The conditions are the same. The request is to change the front half of the parcel to CTR from R-2.

Chairman Threadgill: We've heard all the input from the audience and the applicant. Do I have any input from any of the Commissioners? Commissioner Campbell?

Commissioner Campbell: I'd like the applicant to come back forward, please.

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

Ms. Faith Cramer, 2009 Park Avenue, City of Hot Springs.

Commissioner Campbell: Do you have any problem with it going to Residential <unintelligible>, R-3?

Ms. Cramer: I guess I'd really like to know why this was never brought up before? Even at the meeting we had <unintelligible> the other options would be and nothing ...I guess I don't

even know what R-3 and R-4 even are.

Director Sellman: We can certainly review those and if you would like to do that right now, we can do it, read to everybody. If you'd like, we could adjourn for five minutes and allow staff to talk to Ms. Cramer. We can do it whatever way you would like.

Commissioner Campbell: I move that we let you talk to her.

Chairman Threadgill: We're going to take a five minute recess.

Ms. Cramer: Thank you.

Chairman Threadgill: Would you like to get with her over there?

<Background noise during recess period>

Chairman Threadgill: If you'll take your seats please, we'll try to get back underway here. <Background noise continues> I'll call the meeting back to order. What we have is the applicant has requested an amendment to the application for 2009 Park Avenue, Hot Springs, for a portion currently zoned R-2. She would like to request to be zoned R-3. This is at the applicant's request. I have already entertained a motion. Do I have a motion to go along with the applicant?

Commissioner Clopton: Mr. Chairman, I make a motion that we recommend the change in the zoning to R-3.

Chairman Threadgill: I have a motion to send forward a rezoning from R-2 to R-3 to the Board of Directors with the approval of the Commission. Do I have a second?

Commissioner White: Second.

Chairman Threadgill: I have a motion and a second. All in favor? <Ayes> It passes. Item No. 3.

3. Miscellaneous (MISC-07-0141) – Off-Street Parking Requirements – Amend Section 16 to modify off-street parking requirements for retail centers

Director Sellman: Item No. 3 is a request to amend § 16. This can't be right.

Chairman Threadgill: No. No. We tied this one in with the other one, did we not?

Director Sellman: Yeah.

Chairman Threadgill: Okay. You want to skip this item?

Director Sellman: Yes.

Chairman Threadgill: Let's skip it. Let's put Item 3 at the end and go to Item 4.

<ITEM 3 TO BE COMBINED WITH ITEM 11>

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### NEW BUSINESS

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4. Home Occupation Type B (HOB-07-0146) – Norton Kent Studio-Gallery – An after-the-fact application for home occupation. Studio used for creating art and office and sales of art – 650 Prospect – District 3 – R-3

Director Sellman: Item No. 4 is an after-the-fact application for a Home Occupation, Norton Kent Studio Gallery. This is a studio used for creating art and an office and sales of art. I do have an amendment to that request from the applicant dated today. The project is located at 650 Prospect. It is currently zoned R-3 and is classified as Medium High Density Residential. It is located in District 3. The owner is Ms. Norton-Kent. I would like to read the statement that we received if that's okay because this has not been available to the public previously.

Chairman Threadgill: Alright.

Director Sellman: I'll summarize this. Ms. Kent has changed her mind about using the studio as a gallery and will not be in the business of selling art directly to patrons. She will market her works through local and out-of-state galleries. There will be no sign requested at this time and she basically says that she has not now and never did plan to have a business which would be a threat to the neighborhood in which she has lived for 12 years. She does not want to live in a commercial area any more than anyone else. She has signed and dated this on September 13<sup>th</sup>.

Additionally, we have received a number of calls and letters from people interested in this project. First of all, we have a letter from the Quapaw Prospect Historic District objecting to the request based upon a desire to retain the purely residential nature of this historic district. We have correspondence from Kenneth and Diana <unintelligible> at 903 Prospect Street in opposition to the application.

Chairman Threadgill: If I might interject real quick here, since she's not going to have any other type of establishment or anything there, there's not going to be any auxiliary buildings or outside signs, can this not be reverted to a Type A Home Occupation?

Director Sellman: It cannot. That was the first thing we looked at when we got this letter. Because the first requirement under the Type A Home Occupation is that the business be conducted only in the primary <unintelligible> structure, this applicant is not eligible for that <unintelligible> approval. This is still required.

Chairman Threadgill: Alright.

Director Sellman: We have a letter objecting from Micah and his wife <unintelligible> 701 Prospect Avenue. The residents of 663 Prospect Avenue protest the application. I think that's it.

Chairman Threadgill: I have an opposition from 901 and 903 Prospect as well. Having said that, is the applicant present? Please come forward and give us your name and address for the record, ma'am.

Ms. Kent, also known as Norton-Kent, 650 Prospect.

Chairman Threadgill: A little bit of what you've got planned there, Ms. Kent.

Ms. Kent: Well, I've been ...I moved into this area ...this particular house about two years ago. I added this addition on top of the garage for the purpose that it would be a place to be able to paint instead of painting in the house so I could splatter and dribble and do whatever painters do and not have to worry about cleaning up that kind of mess. I've been doing this for three years. There have been no complaints. There are very, very many people in that area who know exactly what I was doing up there. The reason that I screwed up is I put a sign on the garage door saying that it was the Norton Kent Studio, thinking it would make people a little more comfortable to come and visit. At this time, I am still selling over at Gallery Central. So sales ...to call this a business is really exaggerating because I can tell you I've had three people buy

from me out of my gallery ...No, I shouldn't say "gallery", studio this year. This is not a business. This is a hobby and anyway do I <unintelligible> to make it maybe a <unintelligible> part <unintelligible> profitable. I'm improving my website, so I won't be dealing with people face to face whatsoever. I say this also to the people who have complained about this. I want to say I really appreciate the ones who had the courtesy to come and discuss this face to face with me. I want to mention <unintelligible> name, who the people went to and she kept me informed about what the people were saying and had discussed with me what I am doing now. She explained this to a lot of people that she has talked to for a couple of months. I also want to say that I did not like the sign on my garage door and the people had noticed that I had taken that sign down. I had bought paint on the second evening and on the third day I was out there painting my garage door white again. So, I'm sorry if people find this as a problem. I also called the <unintelligible> Department. I talked to Robin about this. I still really don't understand. She said no, I have to be here because I told her that I was not going to be selling out of that studio. I will paint out of it periodically, but I will not be selling out of it. You can have and rip up my little <unintelligible> thing. Where was I going? She told me I had to come here because of this problem of the studio being separate from the house. The fact of the matter is the garage is connected to the house. There is a breezeway there and a roof that covers that breezeway, so it is part of the house. Other than that, any questions?

Chairman Threadgill: Any questions from any of the Commissioners to the applicant?  
Commissioner Clopton?

Commissioner Clopton: Yes, ma'am, I just want to make sure I understand your amendment to your application. No. 1 – there'll be no signs.

Ms. Kent: Yes, I have ...the concern I have is signs and the fact that I want to discuss this with the Planning Commission when I can afford to put a sign up is that you cannot see my address that easily from the street. People drive up and down looking and I have to go down to the driveway and say "here I am" or this just happened recently – I had a photographer come up and photograph a lot of my paintings and he had to go to my neighbor to find out where I was. I was right across the street from that neighbor. You can't see my address that well. The house sits far back from the road and it's a red stone house where we cannot put anything <unintelligible> on it because the part where the address now is <unintelligible> with little pieces of wood that goes around the porch. So that's what I want when I <unintelligible> just a small little sign painted on my old gas light that's out there that's not being used. Put my address on and my name and that's all I want.

Commissioner Clopton: Well my next question would be then, if you're going to have a sign, you're going to have customers coming.

Ms. Kent: No. I'm going to have people know where I am, so it's not the customers. It's just going to be some <unintelligible> stuff that they <unintelligible> the Fed Ex guy. He's had a hard time to find it. Other people have ...right across the street from me on his gas light, he's got his address. He's right down ...he's got that right off by the street.

Commissioner Clopton: Are you just talking about putting the address on it?

Ms. Kent: That's all.

Commissioner Clopton: Not a sign saying that you're a painter or anything ...?

Ms. Kent: No.

Commissioner Clopton: Nothing more than the street number ...?

Ms. Kent: No. No. My name and my street number. What I would put on a mailbox.

Commissioner Clopton: What you'd put on a mailbox?

Ms. Kent: Yeah.

Commissioner Clopton: No customers coming to buy?

Ms. Kent: No.

Commissioner Clopton: No other artists coming to look at your art?

Ms. Kent: No. I don't allow anybody up there without a phone call or anything else and there's no way to get a <unintelligible>. I mean come on.

Commissioner Clopton: So the total business would be...conducted only with Internet, the business, or art that you took to some other gallery for sale.

Ms. Kent: I never even considered this a gallery. It's a studio.

Commissioner Clopton: I understand. I didn't call it that. I just said <unintelligible> to other galleries.

Ms. Kent: Yes. I've shown <unintelligible> at Gallery Central.

Chairman Threadgill: If I might interject here just real quick.

Commissioner Clopton: I just wanted clarification.

Chairman Threadgill: If what she's wanting is just to put her name and address on the street or on the gaslight or whatever, that's legal.

Commissioner Clopton: I understand.

Chairman Threadgill: The problem is that she came up and staff caught her putting a business sign on a residence, which she needs then to receive the Home Occupation. If I understand her correctly now, she will not be having clientele come to the house. She will not be working out of the house. So if I might ask staff, why does she even need a Home Occupation?

Director Sellman: If what she is doing is only painting, it's possible that she does not at this time.

Chairman Threadgill: Okay. And you have stated that all you are doing in your home is just painting.

Ms. Kent: Painting.

Chairman Threadgill: There is no business coming there. There's no clients. You're not selling out of your house. You're selling out of the gallery.

Ms. Kent: Not now. It was something that I had wanted to do when I put that sign up on my garage door for the two days that it was left there. And I thought this would be nice to be able to sell a painting without paying a gallery 50% of the cost of the painting.

Chairman Threadgill: That you are allowed to do without having a Home Occupation permit. Now if you would like to withdraw your request and just <unintelligible>.

Ms. Kent: That's what I tried to do. I tried to do that when I called your office.

Chairman Threadgill: Let me make something real clear. If in the future if staff comes out and finds you selling and operating a business out of there, you can be cited.

Ms. Kent: You wouldn't find a business going there.

Chairman Threadgill: Is that what you would like to do is withdraw your Home Occupation ...?

Ms. Kent: That's what I tried to do when I talked to Robin. Yes.

Chairman Threadgill: At this time, we have a withdrawal for Item No. 4 from the applicant. I don't even need a vote, do I?

Director Sellman: No.

Chairman Threadgill: Item 4 has been withdrawn. Thank you.

Ms. Kent: Thank you.

Chairman Threadgill: That takes us to Item No. 5.

5. Conditional Use (CU-07-0162) – Abbey Hill Treatment Center – 26 room treatment facility – 1316 Park Avenue – District 1 – CTR

Director Sellman: Item No. 5 is Abbey Hill ...

Chairman Threadgill: We'll give just a sec for them to clear out.

<Audience member asked questions regarding Code which were answered by Chairman Threadgill.>

Chairman Threadgill: If you would, take it outside please so we can continue on. Thank you. Alright.

Director Sellman: Item No. 5 is Abbey Hill Treatment Center. This is a request for conditional use approval. It's a 26 room treatment facility to be located at 1316 Park Avenue. The current

zoning is CTR. The Comprehensive Plan classification is Neighborhood Commercial Center and is located in District 1. The requested use is allowable by conditional use approval.

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

Mr. Norman Clifton, 575 Belvedere Drive, Hot Springs: I have an application before you as Ms. Sellman has stated. I assume that the Commissioners have received the packet I turned in, so I won't go into all of that. The application is asking for the building use for the first floor would be administrative offices and mechanical and kitchen and dining. The second floor in Phase I would be resident rooms to accommodate 48 residents. Phase II would be resident rooms to accommodate 26 or 52 residents, whenever the first phase was filled up and completed. There is a significant, sufficient number of parking places for Phase I and for Phase II, I would request a waiver on parking places for 19 spaces and my reason for this would be a hardship of not having the spaces available in Phase II. But the property and the use for the property, 95%, maybe even 98% of the people who would come to the facility would be brought there and left there until their treatment <unintelligible> so it wouldn't have the need for the additional parking spaces. I'm asking for that waiver.

In your packet, it has a floor diagram of possible things that might be used in there. I won't go into all of this, but I would like to make a few points. It opened in 1962 as a nursing rehabilitation center. Its current address on Park Avenue was initially used as a nursing home and rehabilitation center for older persons not able to care for themselves. In 1962, that was the meaning of a rehab center, but in today's society, the meaning of a rehab center has changed dramatically. We now have nursing homes for older people. We now have alcohol and drug addiction that sometimes requires a rehabilitation center to help persons who have fallen victims to recover from this awesome and dreadful disease that was almost unheard of back in the time that this building was built. Thankfully some receive treatment and counseling and rehabilitation and return to a life of productive, tax paying and job holding citizens again and are able to resume a normal life with their families and society. This building was designed and built as a rehabilitation center and used for that purpose until May of 2005 when it was closed. It now has the potential to be of service again to Garland County and the City of Hot Springs. I've conducted a tremendous amount of research to find a productive use for this property. When this property was closed, it was quickly burglarized and attracted transients, drug users, homeless people that to my understanding helped to terrorize the neighborhood. Scavengers and thieves broke into and ransacked the building, stole copper piping, electrical wiring, fuse boxes, a diesel powered engine, the emergency generator that the nursing home there used, a compressor, all the copper piping, <unintelligible> existing systems, <unintelligible> lavatories, commodes, sinks, and randomly busted holes in the wall and other vandalism. After I purchased this property in

January of '07, I've slowly been repairing the damage to the building. In my research of possible uses for the property, I did not have a use for it when I purchased the property, but I did diligently research some things to use the property for. I thought at first a medical office building but I couldn't get any doctors interested in it. It's too far away from the hospital. I have tried to see about an office complex. I didn't have parking facilities for that. I talked about and tried to use the thought of condominiums. There were so many complications and regulations for that. I couldn't use it for that. Then it was suggested to me that Garland County is in need of a drug and alcohol center and it seemed to be ideally suited for that. The property around this property has been purchased by the U.S. Forestry Service to my understanding to be used as a watershed for that area, so I think we can reasonably be assured that there will never be any more development around that area <unintelligible> the Forestry Service has purchased the property. I think I've heard this that some of these existing houses that are still around there now have all been bought by the Forestry Service. People are living in them with lifetime estates and whenever they leave or move or whatever, those houses will be demolished as some of the others have and turned back into natural forest.

As the most <unintelligible> request about rezoning cases, I don't believe anyone lives within 200' of this property. The residents of the facility, unlike other transitional houses, are confined to the building. We do not allow the residents to come and go freely. We are asking to allow sufficient patients in Phase I of this project. The Site Plan Review Committee has looked at it and the only thing that came out of that is the Fire Department asked us to install a sprinkler system which we are certainly willing to do. I think many people in the area have the idea that the patients would be violent convicts and sex offenders of which in fact some may have a criminal record. But through a screening process that would be set up, absolutely no sex offenders would be allowed in the treatment center.

Chairman Threadgill: Bring it to a close, sir.

Mr. Clifton: Okay. As I say again, you've seen everything I have in your packet and I'm asking for a favorable vote for this. I'll be glad to answer any questions. I have done extensive research and study on it and I'm asking for a favorable review.

Chairman Threadgill: Are there any questions or comments from the Commissioners?  
Commissioner Ames?

Commissioner Ames: I do have a question. There is a document in the package that does indicate that there may be other services available as out-patient, day treatment, and such. Can you talk about that a little bit or ...?

Mr. Clifton: Yes, ma'am. That's what my intent for the property is. I've been in concentration and negotiations with the people at the Quapaw House about the possibility of them taking over this facility, if it passes here and if it's renovated to their specifications, of them taking over the facility and them <unintelligible> it. That's what my intent would like to be is for someone like that to do that. But if I have to do it, this is what the plan that I would do would be.

Commissioner Ames: So your plan would be to keep it as residential treatment only with limits the freedom of those at the treatment center while they are there for treatment.

Mr. Clifton: Yes, ma'am. Absolutely.

Chairman Threadgill: Any other questions from our Commissioners?

Commissioner Clopton: Mr. Chairman?

Chairman Threadgill: Commissioner Clopton?

Commissioner Clopton: For those who are here in the audience, you make a statement that you ...you made a statement that one of the requirements that were set down by staff including the requirement for 24-hour, full time security.

Mr. Clifton: Yes, sir. I am. I have certainly agreed to that.

Commissioner Clopton: What type of security might that be?

Mr. Clifton: It would be contacting a security company and securing their services.

Commissioner Clopton: Contracting it out?

Mr. Clifton: Yes, sir.

Commissioner Clopton: Okay.

Chairman Threadgill: Commissioner White?

Commissioner White: Yes. You made a statement that there would absolutely be no sex

offenders in there. Is that something that you could legally ...?

Mr. Clifton: It's my understanding that we can. Yes, sir.

Commissioner White: Understanding from ...?

Mr. Clifton: The Alcohol ...the Arkansas Department of Human Services Drug and Alcohol Rehabilitation Services.

Chairman Threadgill: Any other questions? Commissioner Kleinman?

Commissioner Kleinman: Mr. Clifton, I know that neighbors in past years during when the building on Abbey Hill was being attacked and destroyed and a lot of people <unintelligible> out of the neighborhood and caused problems. I'm sure several people in the audience have a major problem with what might happen with some residents there. There may be a drug or alcohol recovery stated and we're not sure what will happen with those people when they get out and cause problems in the neighborhood. Are their children safe around there? That's a major thought that I'm sure a lot of people have.

Mr. Clifton: Yes, sir. You know there's absolutely no way there can be any kind of guarantees on anything. This will be staffed by a licensed staff, licensed by the State of Arkansas. There's 101 pages of a booklet that has to be adhered to before you can ever be licensed for this. We will have security. We will have staff on duty. It will be run as well as any facility can be run.

Commissioner Kleinman: What kind of outside, when someone is inside the building, what would it take for a patient or resident there <unintelligible> to call someone to be able to get out through the door into the general area? Or am I asking a detail that you couldn't answer at this point?

Mr. Clifton: Well actually at this point, it would just be my fault and my fault would be a sign in/sign out type situation. <Unintelligible> on the door of the premises. All doors would be locked except what would be needed for fire escape and what would meet regulations.

<END OF SIDE A OF TAPE>

Chairman Threadgill: <ALREADY IN PROGRESS> Alright. Go for it.

Commissioner Clopton (?): I have been to facilities where the outside door and the inside people trying to get out are keyed with a coded pad. If that's what someone has to do, I can <unintelligible> in nursing homes to prevent people from wandering. I didn't know if that would be something that would be necessarily in this institution. Someone couldn't just wander out into the street and cause harm.

Mr. Clifton: This facility currently does have a system like that in it now. Whether we would need to do something like I guess would be up to the security firm we hire. Whatever their recommendations might be we would certainly do.

Chairman Threadgill: Do I have any other questions to the applicant? Commissioner Mory?

Commissioner Mory: What would be the source of the clientele? Would this be by the phone or ...?

Mr. Clifton: Yes.

Commissioner Mory: It would not be state mandated criminals coming in for treatment as <unintelligible> and that kind of thing. It would be strictly voluntary referral.

Mr. Clifton: Voluntary referral. Yes, sir. The entire Department of Human Services – it may very well be that they would recommend some to that facility. Yes, sir.

Chairman Threadgill: If the court ordered them to go to your facility for rehab, then you would accept them?

Mr. Clifton: Yes, sir.

Chairman Threadgill: Okay. Any other questions? Commissioner Campbell?

Commissioner Campbell: I have a lot of problems granting a conditional use for this when you say you want the conditional use but you may turn this over to Quapaw House or Quapaw whatever for the operation of it.

Mr. Clifton: Well Mr., Commissioner Campbell, it's my understanding that the definition of a conditional use would go with the property and not with the applicant. Is that correct, Director Sellman?

Director Sellman: You wish for me to answer that?

Chairman Threadgill: Go ahead.

Director Sellman: Yes, that is correct. It runs with the land.

Mr. Clifton: Yes, sir.

Commissioner Campbell: But we do have the ability and the power to grant a conditional use to you only.

Mr. Clifton: Yes, sir. Okay.

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

Mr. Clifton: 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.

Mr. James Katowich, 110 Forest Hills Trail: Ten months ago my wife and I bought a house on Forest Hills and I don't think I have to tell you about the reputation that Park Avenue has. Many of our friends and relatives who live in Hot Springs <unintelligible> against living in this neighborhood. We're pretty <unintelligible>. I chose to buy a house here because I felt like Park was coming around. It's revitalizing. There was an energy to my visits to the Park Avenue Community Association that were very positive. I felt like it was a neighborhood that was improving and that it had a bright future. So in considering this proposal, aside from the practical concerns that the others will mention, I would hope that you would look very closely and consider the overall direction that Park is moving and the possible nature that the neighborhood might become as an economic and cultural vital center for the City. Thank you.

Chairman Threadgill: Anyone else in the audience? Give us your name and address for the record, please ma'am.

Ms. Julie Williams, 134 Forest Hills Trail: That is my new neighbor that you just heard. We've

owned our house for 30 years. I haven't always lived there. It was in my husband's family. But if you walked up behind this facility, if you escaped let's say and ran up the road, you'd come to my house first and then you'd come to their house second. I wish this problem was some people leaving a wedding and getting lost, but we're not talking about that. We're talking about people and I don't care if they are private patients or state patients, when you have a drug addiction and you have a problem, you get desperate, you know. I don't want ... I have three small children. My youngest son is 6 and he has Down's Syndrome. I don't want to have to worry about who's coming up that road while he's in the yard. We have weathered the storm. I'm going to tell you, the houses are torn down that the Park Service were taking and they're not mine and they're not my neighbors. My mother-in-law lived up on Edgewood. I know everyone in the neighborhood and it is a nice neighborhood and it is coming back. We are getting new people moving in and they are fixing up their homes. Park Avenue has seen some hard times and a lot of it is further down the road. It's not up on Triple <unintelligible>. It's not up on our street. It's not up on Ramble. It's further down the road where all the small hotels are and more transient people. But I know most of my neighbors. I don't think I could stay there if I knew that people with this kind of problem were right around the corner. My father-in-law was in that nursing home before it closed and they kept moving him from room to room and we didn't know why. Then he got an upper respiratory infection and he died. Then we heard that the building had black mold. I also heard that it was offered to the Park Service for free, but they did not want to tear it down because it was so full of asbestos. I am sorry for Mr. Clifton if he has invested a lot of time and money in this building. Maybe there is a purpose for it, but I don't think in our neighborhood, even though it is on Park Avenue, even though it is a business, everything around it is residential. There are houses there. It's not off by itself. Yes, it's surrounded by park, but it's ... You know, I can see it from my house. It's not that far away. I can tell that you'll really consider where Park Avenue has been and where it's going. I don't think it's in the best interest of our neighborhood to put this type of facility there. If it's a nursing home again, I don't have huge fears that an elderly person is going to come up. You know, I'm fine with that, but someone who's been addicted to methamphetamine? From what I understand, they get really crazy. I just don't even know what it would do to our neighborhood. Just the thought ... It's certainly not going to make our property values more and it's not going to make me comfortable being there. I just don't want to go there. Thank you.

Chairman Threadgill: Thank you. I have one I need to announce here. A lady, Ann Greenwood, is in opposition of the Abbey Hill building as well. So make note of that. Is there anyone else in the audience? Please come forward and give us your name and address.

Ms. Ann Greenwood, 110 Forest Hills Trail: You heard from my husband a minute ago. I just

want to add two things: We were <unintelligible> in our neighborhood. We feel like our neighborhood was <unintelligible> with this facility. Secondly, I want to point out that Park Magnet School is within a mile of this facility and there are 240 children who attend that school daily. Within a mile, within walking distance, just a thirty minute walk to that school from that facility through the back way, past my house. Third, one of the reasons that we were really excited about moving into this neighborhood is we wanted to be a part of historic downtown Hot Springs. Because we looked around, we looked down Park Avenue, and we saw houses being renovated. We saw businesses coming in. We saw businesses like the Manor Hill Bed and Breakfast being built in that area. We thought this is great. We're going to be a part of this wonderful historic neighborhood that's going to be a part of the revitalization of downtown Hot Springs. If you put this kind of facility in that neighborhood, you're going to chase responsible homeowners out of the area because they're going to be frightened to build or to move into the place. If you do that, you don't create that environment – an historic, enjoyable, inviting neighborhood that sits around the tourist industry and the shopping and the bed and breakfast. You create a floundering neighborhood and you cut off all of that development, all of that growth that could come North up Park. So it's a bad decision for our neighborhood and for us. So I think it's also quite a bad decision for Hot Springs and for the future of the downtown. How do we want the North part of downtown to go? Do you want it to have revitalization or do you want it to flounder? I think this is one of those decisions that really is a part of that. That's all I have to say. Thank you.

Chairman Threadgill: Thank you. Anyone else in the audience? Please come forward and give us your name and address. We'll get right to you, ma'am. We'll get you next.

Mr. Casey Jones, 133 Circle Drive: Also the President of the Park Avenue Community Association. When I came here tonight, I was not really certain of what I felt about this one way or the other because I knew absolutely nothing about it. My main concern at the time was that we didn't have time to invite Mr. Clifton over and whomever he was wanting to bring to discuss this with the Park Avenue Community Association so that the neighborhood could get together and if they had concerns or fears, it could have been addressed. Since hearing Mr. Clifton, I have cause for even more concern. Mr. Clifton is not competent to qualify to answer any of your questions asked here today. He's going to turn this facility over to someone else and apparently there's no agreement there. He's not authorized. There's nothing showing that there's been any corporate meeting, any resolution to give him authority to speak for them. So all of these promises and all of these ideas are nothing more than whiffs of smoke. Those whiffs of smoke engulf Park Avenue Community. Those whiffs of smoke have been blown away over the last four or five years significantly. We have closed motels down. We have gotten involvement from

our citizens. We've had Community Development Block Grant movement up there. There has been a movement forward. Now if somebody wants to come in that's capable, qualified, competent to tell you how many guards they're going to have out there rather than "I don't know. I'm just going to talk to somebody later on," doesn't look like much of a plan and it doesn't make me feel real safe for me or the other members of the Park Avenue Community Association to the residents. Thank you.

Chairman Threadgill: Thank you. Anyone else in the audience with anything to say for or against this item?

Female Speaker: I didn't come here tonight to speak. I just came to listen, but ...

Chairman Threadgill: Give us your name and address first, ma'am.

Ms. <Unintelligible> Myers, 323 Mount Carmel Road, Hot Springs, Arkansas: As I was listening to everyone talk about the drug abuse center, I would just like to bring a little information from Garland County. I, myself, am thinking about putting a transitional business from the street to Quapaw House and from the street to <unintelligible>. So therefore, I have been doing a lot of research. I have met with Garland County Probation Officers. I have met with PAM (Parents Against Meth), the Oasis (it's a drug abuse outreach in town), the Quapaw House who is interested in this possibly, to see if there is a need for more drug abuse treatments or transitional homes. Get them off the streets. Put them in a place where you do have security and treatment and counseling. But I would like to say is there is a need in Garland County. If you read the statistics, and again I have done it so much and I have listened to <unintelligible> so much, I was going to <unintelligible> because Arkansas, the Southern and Southern states, we are first in drug, I'm sorry, prescription drug abuse. Arkansas is. We're eighth in the nation <unintelligible> alcohol. I wish I had the supporting factors with <unintelligible>, but anyway, what I wanted to say is we need more facilities because Teen Challenge so many times are full. Quapaw House is full. So where are these people going to go? You want them on the streets walking? If you have a member, if you have a neighbor, a family member, would you rather not have them in a drug abuse center than walking on the street? Just go down this part of town and do a survey ...

Chairman Threadgill: Ma'am. Please direct your comments to the Commission.

Ms. Myers: ...Do a survey on who should be in a treatment center in that end of town. I agree that part of town has done tremendous improvements, but we do have residents that have drug

abuse and do need treatment. So if we don't have a place, then where all of them sit, you want someone to stay in the community with no treatment? I think one of our problems in America is we don't care. We're not caring people. I think we should all join together and if we see someone who needs help, go out there and help them. Don't turn your head. Don't say "I don't want to be involved." But yet, look at your data. Go home. Pull it up on the Internet and see where Arkansas is on drug abuse. Our children, our teenagers – they are all involved right now. So I just wanted to bring it to your knowledge that yes, there is a need in Garland County for drug abuse and get them off the street and put them in a center to get them not in your homes. Get them in a place and get them treated where when they do get out <unintelligible>, they're not out there stealing to afford the drugs that they need. They are living in a center where they don't want any more. What are you going to do out in your neighborhood stealing if there was effective treatment? No. So I just wanted to say that yes, there is a need. Thank you.

Chairman Threadgill: Anyone else in the audience? Give us your name and address for the record, please sir.

Mr. Tim Williams, 134 Forest Hills Trail: I grew up in the neighborhood. My Dad in fact, as my wife mentioned, did contract an illness at the nursing home that's there. And, you know, it's serious. They did move him around from room to room. I can remember because I would take my son, Jake, who is two years old, all the time and we'd feed him dinner. And look at the walls and you could see the black mold growing out of the cracks in the walls. In fact he did die of a respiratory infection, or complications from a respiratory infection, and I believe that when we talked to the Park Service, they said it was full of black mold and asbestos and that's why the Park Service wouldn't take it. So, I cannot imagine a worse entry sign to Hot Springs after you drive through the National Park Campground, you turn left by Mickey's, and you start coming into Hot Springs. Welcome to Hot Springs drug rehab central. It just flounders me, <unintelligible> floundering the community, but I just cannot conceive of any worse reality than having people able to sign out and walk up to our house to steal the lawnmower or dog or molest a child or whatever else than to take a walk down past our neighbors and grab whatever else they can to walk down to Park Avenue so they can buy some kind of fix or something. It personally concerns me. I just can't talk. I'm greatly concerned that not only will this impact the quality of our neighborhood. It will certainly rob us of any sense of safety. If you knew at all what the neighborhood is like, we're like up in the end of the world. We're surrounded by National Park Reservation. It's not National Forest. It's National Park Reservation. It's one of the most wonderful places I think left in the world. Certainly we believe that. But this is a WOW, you know, and certainly I am at a loss of anything, but you can hear the demeanor in my voice about what I think it would mean for the neighborhood. It certainly, you know, many years ago as we

mentioned as a nursing home was certainly a wonderful thing. If it should be put back to use, it would in my opinion be best put back to use as something of that nature rather than ... I'm just grateful ...

Chairman Threadgill: I have a question for you while you're right there. You're talking about a nursing home. I had a relative that was put in that nursing home when it was operating. I think I'd be kind of leery of some of those people who were in there as a nursing home as I would some of the drunks.

Mr. Williams: Well, but they didn't come up to the neighborhood.

Chairman Threadgill: I don't know. They walked off and was in the woods and everywhere else. Some of those people were pretty scary.

Mr. Williams: That could be.

Chairman Threadgill: You know, to me, a nursing home is as bad as anything else. They just have a different <unintelligible> and that's what everybody's based on tonight. It's a label. He's an alcoholic. He's a druggie. He could be a senior citizen with Alzheimer's. That senior citizen can be a pedophile. What stops them? We're putting labels on a description of people that has a disease and that disease to me is really no different to me than Alzheimer's or any other mental disease that we get as we grow older.

Mr. Williams: Well, I can understand those <unintelligible>. I guess what I will close by saying though is that Mr. Clifton admits that ...I'm not sure what he meant, but I don't think he's intending to do this his own ...you know, on his own, to start this out, head it up, get all the licensures and the qualifications for the State, etc. That is, you know, thinking about turning it over to someone else if I can get your permission to do that. Gee, I guess I'll let someone else come and speak their mind. I guess I've said enough.

Chairman Threadgill: I appreciate you, sir. Please come forward and give us your name and address, ma'am.

Ms. Dorian Flanders, 303 St. George: That is also in District 1, but it is not in the Park Avenue neighborhood. It's in the adjacent area also known as part of the North end of town. It's called the Whittington Valley Neighborhood. I just came here to listen tonight and I wasn't preparing to speak, but based on the comments that I just heard in the last 10 minutes, I felt I need to

address a few things. Those things are the Whittington Neighborhood for example has a nursing home that recently closed in its neighborhood. It had been there for many years. It closed this past spring. This has been discussed at many of our Neighborhood Association meetings and I can tell you that there is a great fear that this might be approached as a potential drug rehab center. The neighborhood, I can tell you, has been 100% opposed to this news. Because Mr. Threadgill, I don't understand your sentiment, a nursing home is not the equivalent of a drug rehabilitation facility. It is not received as such in most people's minds. It does add a great amount of fear to the people who live in the area, my neighborhood in particular which is filled with many elderly and single persons. I can also tell you that our Neighborhood Association has been in existence for 19 years and we have come before this Commission many times on similar zoning issues. We currently have a number of drug treatment facilities in the Whittington Neighborhood. And although it has not been mentioned so far this evening, I believe that Park has even more than we have. So to rebut what Ms. Myers was saying, this is not a lack of care or compassion. I don't think those issues should even be discussed. There may well be drug rehabilitation needs in Garland County, but the needs and the scope of the problem is not the issue before you this evening. The issue before you this evening is the appropriateness of the location of such a facility within a primarily residential neighborhood. As far as being sanguine about moving next door to a drug rehab versus a nursing home, the people in my community in the Whittington area, they made that choice. The people that moved in, they looked around the neighborhood, they saw a nursing facility. They considered that might be a boon. That was a good use and that was already there when they purchased their property. I don't believe they would have done so if that had been a drug rehabilitation facility. So I'm just here to lend Whittington's support to the opposition of this use for such a facility in the Park Avenue area.

Chairman Threadgill: Thank you, Ms. Flanders. Is there anyone else? Any questions? Anyone else in the audience? Please come forward and give us your name and address.

Ms. Julia Lamb, 108 Charles: So I'm off of Park Avenue and I appreciate the fact that this gentlemen is trying to bring something to our area that would generate jobs and certainly if something other than just an eyesore sitting on the side of the road. However, we are a community area that has struggled to get to its knees and we don't need someone, I think, going to bring in people who possibly could be out on the streets taking advantage of what's being sold in our neighborhoods and on Park Avenue that needs to be eradicated. We don't even have a manned police substation on our end of town. We have a building, but we don't have anyone in it. I think it is nice if you would consider the fact that perhaps this building would be better, and the one that's empty down Whittington, maybe the Math and Science School could utilize these buildings to put students there. You've got rooms. You've got restrooms. You've got kitchen

facilities. Perhaps you could expand the Math and Science building on both ends and be a real pull to this area for something positive. Not that drug rehabilitation is not positive, but for this area, I think it would be a mistake at this time because we don't have enough going on. We don't need another strike against us right now. I think we need something to pull us up and not to perhaps weigh us down. I appreciate it.

Chairman Threadgill: Thank you. Anybody have anything different to add to it? Please come forward and give us your name and address.

Female Speaker: Are you pointing at me?

Chairman Threadgill: Yes.

Ms. Peggy Maruthur, 133 Circle Drive, resident of Park Avenue, City Director: First of all, <unintelligible> the telephone book, I was in a discussion with Mr. Clifton in August, late August. He kept referring to the fact that Abbey Hill was a rehabilitation center and what that entailed. If you look in these records, and I can pass it around but I'm sure you'll believe me, when you look up "nursing home," they talk about the faculties and the amenities and the services offered to the elderly. When you look up "drug rehabilitation," they speak of security and things related to high risk accidents. It's in your folder in your 2007 phone book. I printed out of the disk that was given to me in your packet for the Planning Commission and I noticed what was submitted and there are a lot of contradictions in what has been presented to you.

First of all, this is a scenic corridor, an official scenic corridor. This facility is approximately 15' from 7 North. Right across the street about 500' is the Golden Living Center, which was known as the Beverly Health Care. The administrator sent me a letter and he is very concerned about the accessibility to drugs. The Health Care Center, the Golden Living Center, does have their doors locked because some of the patients can wander off as Mr. Threadgill said and there is a high risk of anybody getting out going right to 7 North, which is like I said, it doesn't <unintelligible> heavy gates or anything. It's right there on the scenic corridor across from elderly people who are being medicated and there are quite a bit of drugs in that center. I do have a letter from Mr. Ware <unintelligible> on hand. This is the Northern gateway to the City of Hot Springs. We make a turn, a left turn on the Gulpha Gorge, you would see a drug rehabilitation greeting your visitors. As I said, there were no gates mentioned.

Also there were references to the vegetation because that's to provide visibility. There's also the question of early interface and what that is is the situation of the neighborhood and the houses and the vegetation that has not been cut down. I found it very interesting in what was submitted to the Board that one of the conditions that Mr. Clifton offered was to cut down the

vegetation. Mr. Clifton, on his own, purchased this facility in disrepair. The National Park Service did not want to purchase this. This is his decision to purchase, his decision to find a use for it. When we spoke on the phone, I shared with him insurance companies, government building, whether it be the Highway Department, different types of schools. There are a lot of uses that we need in this neighborhood. On page 16 or Item No. 16, it talks about this little <unintelligible> criminal activity in the area. I don't know how that would <unintelligible> and we can hire a security company.

He also states on page 23 that there is nothing in the area that sells drugs or alcohol. The Sundowner Bar is just down the street and drugs are across the street at the nursing home. Mr. Clifton was asked to wait until the neighborhood could hold a meeting and give input and he said he couldn't wait. However, my understanding is that he is the property owner and he is not going to be operating a drug rehabilitation center. He's looking for somebody or he's going to maybe have somebody running something that could present asbestos, black mold, and <unintelligible> and he's asking for a conditional use. The neighborhood is not in favor of this being considered without their input. As they say in real estate, location, location, location. You've got an expanding bed and breakfast right down the street. You've got Park Elementary School and you've got the very things that Mr. Clifton said are not in the area that are accessible to these people. I don't feel that there's any plan in place.

I would ask that this either be rejected or that it be tabled until the Park Avenue Community Association has an opportunity to address this. I'm not going to bore you with all the details that were submitted, but I will be glad to make a copy of all the notations that I did note in here that are inaccurate. You're not to speak for something that hasn't taken place yet. There's no contract. There's no agreement. There's no plans. When in doubt, you don't. Mr. Clifton is the person that made the choice to buy this building. That's his choice. If he knew it was in such bad shape and you <unintelligible> honest in this presentation that it is an eyesore, then he should have cut down the vegetation, painted the plywood. There's a lot of things that could have been done. I just hope that you will listen to the residents of the Park Avenue area that are here today and reject this or Option No. 2 that you will table this and allow the Neighborhood Association to meet and see what can be worked out. I would ask that you reject this because there is no plan. This is an if, maybe and the location is not good. It's not because it's in my back yard, if this came before me and it wasn't in my back yard – which by the way, it's not – I would say that this is a very, very poor choice to locate a drug rehabilitation center. A scenic corridor 15' away from 7 North and I could go on and on.

Chairman Threadgill: Alright.

Ms. Maruthur: Thank you very much.

Chairman Threadgill: Appreciate it. Is anyone in the audience for this item? Seeing none, I'll close the public portion. Do I have any questions or comments from any of the Commissioners? Yes, sir, go ahead. I'm sorry I should have given you a chance to recall. Give us your name and address again for the record.

Mr. Norman Clifton, 575 Belvedere Hot Springs: Yes, I did call Ms. Maruthur and ask to speak with her and her group on September 28<sup>th</sup>. She told me that she might possibly be able to get a meeting together on September the 4<sup>th</sup> or 5<sup>th</sup>. I did try to return or tried to call her back to see if I could get that meeting, but I never got a phone call return from her. So consequently, I could not meet with her group. This young lady <voice drifts away> ...

Chairman Threadgill: Please address the ...

Mr. Clifton: Oh, I'm sorry. I didn't catch her name. But anyway, she was at the Site Plan Review Committee meeting and I asked her her name and I introduced myself to her. I asked her if there was anything that I could talk to her about, tell her about, explain to her about, or anything and she said "no, absolutely not. We are absolutely not going to support this in any size, shape, or form." So I don't feel like that a postponement of this to meet with their group would benefit anything. Ms. Maruthur has told me definitely that she is certainly not going to support this, so I feel like that they are just trying to do a delaying tactic with that. The property values – I hired Lenders Title Company to go around and I gave them the addresses of the four drug houses in the Hot Springs area. When they opened and they took property values of when the property was there before the drug houses opened or drug rehab centers opened or whatever up until today. In every one of them, they did at least four and sometimes eight property comparable and every one of them went up in value, not down. So the thing about the property values, that's ...I'm sure you as Commissioners, ya'll hear that all the time. But it's just not true in most cases about that. Ms. Maruthur did give me some thoughts about what could be put in there. One was a grocery store. Two was a post office. Three was a police station, substation, and which I told her I would love to sell to either one of those folks. But you gentlemen and ladies of the Commission know and these folks here know just as well that's not practical for that type of a building there. The gateway – you can turn and whenever I bought that property, it's been sitting there for two and a half years before I bought it and Director Sellman, I think if we could pull up the Code infractions and the notifications that were sent out to the previous owner trying to keep the property up, trying to keep it secure, there's no telling how many there would be. The place was full of transients. The place was full of drug addicts. The place was full of homeless people and I wonder, <unintelligible> I did address that to Ms. Maruthur. I said "it

looks to me like that you would rather have something like a good conditioned, regulated facility there as to be setting there empty and to be what it was.” I actually had a comment from someone, it may not have been her, but it was from someone that “we would rather have it like it is or like it was than a drug house.” So the gateway, it was a terrible eyesore before I took it over. The vegetation, and I’m going to have to get with the Planning staff to see what I have to do because the property line and the driveways come right to the property line, and when I have to cut the vegetation, I’ll have to get permission from somebody on the right and somebody on the left to clean that vegetation out. But my philosophy since I’ve taken over, and I think that ya’ll would have to agree, there’s not been one Code violation enacted. I’ve always kept it clean. I’ve done everything trying to do this. If this is passed, I’m sure that the conditional use, Commissioner Campbell, can be revoked if the conditions are not adhered to. Is that correct?

Director Sellman: It is correct.

Mr. Clifton: I would assume that this would be very, very closely watched by the Park Avenue Property Owners Association and if this was not adhered to and done exactly as it was proposed and presented, then I would assume that they would certainly be here trying to get that permit pulled and the facility closed down. Which if it’s not done and run properly, yes, it could be closed down. As far as my smoke and mirrors and whiffs of smoke, everyone in this room has an idea about what they’re going to do at some point. You have to get in this case permission before you can start doing anything else. I have amassed a great deal of information about this project already and I kind of resent him inferring that it’s just a pipe dream or whiffs of smoke, because it’s not. It’s something that I have put a lot of time and effort, a lot of thought in. There are good things that can happen with this. In dealing with the emotions that the neighborhood has, I can well understand the emotions. I certainly do, but emotionally as opposed to the use or as opposed to the <unintelligible> that the greater good to be for Garland County and Hot Springs, I think probably outweighs that. Thank you.

Chairman Threadgill: Thank you, sir. Again I’ll ask does the <unintelligible> have any questions or comments from any of the Commissioners? Commissioner White?

Commissioner White: I have a question. Earlier there was several comments about black mold and asbestos. I’m not sure ...I understand that the licensing and codes and all come into play. Does it cover black mold?

Chairman Threadgill: They’ll have to pass all the Health Department regulations and Code Compliance and all that before they can <unintelligible> the State or Federal, whoever gives

them the okay. They'll have to pass all that, I'm sure.

Male Speaker: Can I comment to that just real quick?

Chairman Threadgill: I've already closed the public portion, sir. Do I have any other questions or comments? Seeing none, I'll entertain a motion. Again, I'll entertain a motion.

Commissioner White: Mr. Chairman, it is really quite interesting that the owner and his presentation actually used the term "drug house" and I think that there is a whole lot of misconceptions because even the owner of the property says "drug house," when he is talking about a rehabilitation center or rehabilitation facility or rehab facility. "Drug house" is a common term for a place that actually sells drugs, where you sell drugs or you go and use drugs and not get rehab from the use of it. But I say that because I understand the fears, but I also look at the fact that that particular building and its use, former use and probably future use, is most limited. So I make that motion that we approve the request.

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

Commissioner Clopton: Mr. Chairman, may I recommend an amendment to the motion that the motion include the recommendations of staff?

Commissioner White: Most definitely.

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

Commissioner Clopton: I'll second.

Chairman Threadgill: I have a motion and a second. Call the roll. Discussion?

Commissioner Campbell: I have sat here and listened ...we are in order to have discussion, right?

Chairman Threadgill: Yes.

Commissioner Campbell: I've listened to this and I would have these same fears if somebody brought this close to my house. There's a lot of difference between a nursing rehabilitation

facility and a drug or alcohol rehabilitation facility. I don't think this is the right place for it. Somebody asked me "where is the right place?" I don't know where the right place is, but I don't think that this is the right place for this myself and I would urge <unintelligible>.

Chairman Threadgill: Any other discussion? I have a motion and a second. Call the roll, please.

Harriel White – yes; James Clopton – no; Lauri Ames – no; David Campbell – no; Louis Kleinman – no; John Mory – no; Gary Threadgill – no.

Chairman Threadgill: The motion fails. We'll move to Item No. 6 on the agenda.

Male Speaker: Thank you, Commissioners.

Chairman Threadgill: Thank you, sir.

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

Director Sellman: Item No. 6 is no longer on the agenda.

Chairman Threadgill: I'm sorry. We'll roll on down to Item No. 7 then.

Commissioner Campbell: Mr. Chairman, I need to recuse myself from this item.

Chairman Threadgill: Commissioner Clopton recuses himself. Or Campbell. Give them just a second to clear out here. While everybody is jumping up and running, we'll take another five minute break. <BREAK TAKEN>

7. Re-Zoning (RZ-07-0161) – Higdon Ferry Annexation – Initial zoning designation for annexation – ET

Director Sellman: Item No. 7 – this is the Higdon Ferry annexation initial zoning. This is for property that's in the extraterritorial area at this time. The Comprehensive Plan Classification is Suburban Residential and it is located just South of Health Park Hospital. This is a voluntary Petition for Annexation. The hearing was scheduled before the County Judge on September 5<sup>th</sup>.

I haven't heard that this has occurred but I haven't heard that it didn't either. This is a task of the Planning Commission to assign annexation at the time when land comes into the City.

Chairman Threadgill: Let's see, voluntary, do we need an applicant? Please come forward. Tell us a little bit of your annexation needs there. <laughter>

Mr. John Rodgers, B&F Engineering, 928 Airport Road: Thank you, Mr. Chairman. I'm here with Mr. Mahlon Grigsby representing the Higdon Ferry Land Development Corporation. As Ms. Sellman described, they own and have possession of a 2.8 acre tract that is adjacent to the Health Park Hospital on Higdon Ferry, at the corner of Section Line Way and Higdon Ferry. This is a voluntary request here that the City consider this acreage and the City incorporate it into the City limits as Commercial, C-2 zone.

Chairman Threadgill: Any questions or comments to the applicant from the Commission? Commissioner White?

Commissioner White: Well someone, can you help me with the exact location? I mean I drove around over there trying to figure out ...

Chairman Threadgill: Kathy, would you like to <unintelligible> us out?

Director Sellman: Yes. This is on Higdon Ferry Road and it's between the intersection with the Martin Luther King Expressway and Section Line. We have the map up there.

Male Speaker: May I <unintelligible>.

Chairman Threadgill: Yes, come on up. Just give us your name and address.

Mr. Mahlon Grigsby, 203 Northshore Drive: They <unintelligible> address as <unintelligible> of Health Park Hospital. If you are looking straight at Health Park Hospital, it's on your left hand side. It's between Health Park and Section Line Trail.

Commissioner White: Okay.

Mr. Grigsby: It's 2.84 acres.

Commissioner White: Okay.

Chairman Threadgill: They've got a dirt road they drive down to get to the <unintelligible>. It's that area right in there.

Commissioner White: Okay. Thank you. Thank you.

Chairman Threadgill: Any other questions or comments to the applicant from the Commissioners? Alright, sir, you may have a seat. 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? I'll close the public portion. Do I have any questions or comments from the Commissioners? Seeing none, I'll entertain a motion.

Commissioner Clopton: Mr. Chairman, I move that we send forward a request that it be approved to be zoned as C-2.

Chairman Threadgill: I have a request from Commissioner Clopton to send this forward to the Board of Directors with a recommendation for approval of rezoning. Do I have a second?

Commissioner Kleinman: Second.

Chairman Threadgill: I have a second. All in favor? <Ayes> No opposed. Annexation passes. Commissioner Campbell?

Male Speaker: That was quicker than the last one.

Chairman Threadgill: Yes. We'll go to Item No. 8.

8. Re-Zoning (RZ-07-0160) – Salazar Island Annexation – Initial zoning designation for annexation

Director Sellman: This is the Salazar Island annexation. Again, an initial zoning. This annexation is being initiated by the City because this land is entirely surrounded by incorporated municipal land. This is not the way that we usually see this done. So this is a little bit different and there are so many unusual conditions on this property. The request is to zone the land C-2, which is what is around the land, with the exception of the land known as the Peaks Apartments, which is zoned R-4. The Comprehensive Plan classifies this Suburban Residential and therefore, we need a Future Land Use Map amendment to Commercial. So the recommendation on this is

that the Board approve the C-2 initial zoning and approve redesignation on the Future Land Use Plan Map to Linear Commercial Corridor. This action is known as the Salazar Island Annexation.

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

Commissioner Clopton: One quick question. Normally on this type of a rezoning, we would view the plan use separate from the rezoning. We are doing this all at once?

Director Sellman: Right. It can be combined and for efficiency, we are doing that.

Commissioner Clopton: Is there any access to this property at all?

Director Sellman: No, there isn't. The applicant ...no, not the applicant, that would be the City. The landowner is aware that there is an access problem that needs to be resolved before development can occur.

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

Commissioner Mory: I assume that the owner of the property is in favor of this.

Director Sellman: Yes. We've met and <unintelligible>.

Chairman Threadgill: Any other comments or questions from the Commissioners? Is there anyone in the audience for or against this item? Seeing none, I'll close the public portion. Do I have any other questions or comments from the Commissioners? I'll entertain a motion.

Commissioner Campbell: Mr. Chairman, I make a motion to <unintelligible> approve sending this forward to be rezoned as requested.

Chairman Threadgill: Staff said there was conditions on this?

Director Sellman: No. Actually there are no conditions on the recommendation. There are unusual conditions attached to the land.

Chairman Threadgill: Attached to the land because of zero, no clearance.

Director Sellman: It's land locked <unintelligible>.

Chairman Threadgill: I'll entertain a motion and I have a motion.

Commissioner Clopton: Second.

Chairman Threadgill: I need a second. Second from Commissioner Clopton. All in favor? <Ayes> Opposed? <None> That item will be sent forward with a recommendation to approve to the Board of Directors. We'll go to Item No. 9.

9. Re-Zoning (RZ-07-0164) – Nash Street Rezone – Rezoning of Faith United Methodist Church property at 321 Nash Street R-3 to C-4 – 321 Nash – District 5  
– R-3

Director Sellman: Item 9 is the Nash Street rezoning. This is a request to rezone of the Faith United Methodist Church at 321 Nash Street. It is currently zoned R-3. The request is to change the zoning to C-4. The land is designated ...It's not on the ...

Chairman Threadgill: I think it's R-3.

Director Sellman: Well it is R-3, I was looking for the Comprehensive Plan Classification. In any case, that is the request and the recommendation on this is for denial.

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

Ms. <unintelligible> Williams, 500 Pakis, Hot Springs: I am a member of Faith United and I am here to represent us tonight. We would like to get it rezoned to commercial so we can sell. We have the Y on the right side of us and across the street from us on the left hand side, they are getting ready to build the new Comfort Inn and Suites. It's already been commercial. We're asking for it to be rezoned to commercial property.

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

Commissioner Mory: Why do you need it rezoned to C-4 particularly?

Ms. Williams: I don't know what C-4 is? What ...?

Commissioner Mory: When I was talking to staff about this and I saw the recommendation was no, <unintelligible>. They explained that C-4 is the most ...what was the word, "dense"?

Director Sellman: It's the intense of the commercial zoned district.

Commissioner Mory: Intense. Intense use of the property we could have commercially. And since you do have some residential areas right there, that was the staff's concern and I can see their point. That's the reason I was curious on why it had to be so intense. Why can't you do like a C-3?

Ms. Williams: I'm sorry. I can't answer that. The person who was supposed to speak tonight was not able to come and so, I'm just filling in.

Chairman Threadgill: Commissioner, what I would look at on that, probably the reason it was made to request for C-4 because on either side of that property, it's C-4 zoned now. So the best I can figure since both sides of the property are C-4, then that would be the best option for the property owners to go along with.

Commissioner Mory: So that residential type subdivision is completely zoned C-4?

Chairman Threadgill: No. Behind the ...

Commissioner Mory: I'm talking about the one, the subdivision to the West.

Chairman Threadgill: Yes.

Commissioner Ames: The subdivision is zoned C-4?

Commissioner Mory: That's what we're seeing on here.

Chairman Threadgill: Yes. The one on the West side of the map is Commercial.

Commissioner Mory: The line is right through the <unintelligible>, right through the <unintelligible>.

Male Speaker: <unintelligible> on one side...

Chairman Threadgill: If you want to speak, sir, please come to the microphone so we can get you on record. Give us your name and address for the record, please, sir.

Mr. <unintelligible> Danielson, 6801 Central: The line is one side and then on the other side, they just sold a house that's going to be a hotel. Right behind the hotel is the hospital. It's all zoned that, so they're trying to get the church zoned the same so they can sell it, so they can move. They're planning on moving the church so they can build a bigger church and help the community.

Chairman Threadgill: Commissioner Campbell?

Commissioner Campbell: Mr. Mory, if you would look at that map with the line in it.

Commissioner Mory: Yes, sir.

Commissioner Campbell: There were it covers Nash Street on the North side, right where that line breaks back to the left there is the word "street," that's the end of the C-4.

Commissioner Mory: Okay.

Chairman Threadgill: Any other questions or comments to the applicant? You may be seated. Is there anyone else in the audience who would like to say anything 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 comment. This is pretty well locked on both sides by C-4 property so I don't have a problem with the rezoning to C-4. Are there any other comments or questions from the Commissioners? Commissioner Kleinman? Your comment?

Commissioner Kleinman: It just seems to me like an obvious choice for the property.

Chairman Threadgill: Anyone else? Commissioner Ames?

Commissioner Ames: I'd just like to clarify a little bit about why we aren't seeing any change to the Comprehensive Plan language. Is that the concern that it's ...?

Director Sellman: No. No. No. The concern was the existing neighborhood to the North and that

C-4 is a very intense district and this was being done with no apparent coordination with those properties to the North.

Commissioner Kleinman: Is that the staff's reason for recommending that it not be changed?

Director Sellman: Yes, it is. It is.

Chairman Threadgill: That was Commissioner Kleinman. Commissioner Clopton?

Commissioner Clopton: <unintelligible> to staff. If you are objecting to C-4, what level of Commercial would you recommend if you were recommending Commercial?

Director Sellman: Possibly C-3, which would be a neighborhood or office kept Commercial.

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

Commissioner Campbell: I just have one of ...I agree with your reasons for C-4 and <unintelligible> Lane right behind it which breaks it off from Commercial to Residential areas. The size of the property is <unintelligible> limit. I know there's a lot of the things that can go on in C-4, but it's going to limit it greatly as to what can go there. I like the consistency of the C-4 going all the way through.

Chairman Threadgill: Alright.

Director Sellman: If I could, there was no <unintelligible> for this request other than what was a one line thing pretty much saying that they wanted to sell it. In the qualification for changing zoning, one of the <unintelligible> specifically stated is that if the reason for doing so is only to increase the value of the land, that is not sufficient justification for a change. Since there was no other documented reason for the change, staff believed that the burden of the applicant in making the case for changing to the zone to C-4 had not been met. And rather than <unintelligible> the change, this is the outcome. It is certainly up to you based on your deliberation to make a zoning change.

Chairman Threadgill: Commissioner Campbell?

Commissioner Campbell: Again, I agree with you totally and myself I can vote it and I always say that you've got to think about what could go there. It's C-4 on the other side, so I think I

could vote for C-4 on here knowing what's going to go there.

Director Sellman: It could probably be <unintelligible> to make a recommendation for a zone change. It should be accompanied by a recommendation for a planned <unintelligible>.

Chairman Threadgill: Any other questions or comments from the Commissioners? Seeing none, I'll entertain a motion. What we have is a request to do a zoning change to C-4. Staff has made the statement that it is not in compliance with the Code. There's been no description of what the use of the property would be other than a monetary gain. So, at that, I'll entertain a motion.

Commissioner Campbell: I make a motion, Mr. Chairman, that we send this forward to be rezoned C-4 with staff's recommendations that should a plan change be necessary that that be done.

Commissioner Kleinman: With the plan change, right?

Chairman Threadgill: With the plan change. I have a motion. Do I have a second?

Commissioner Kleinman: I'll second it.

Chairman Threadgill: I have a second by Commissioner Kleinman. All in favor? <Ayes> Opposed? <None> Rezoning passes. Forward it to the Board of Directors. Item No. 10.

Director Sellman: I didn't have it in here.

Chairman Threadgill: Sorry. We've got all night. Take your time. <laughter>

10. Appeal Administrative Decision (AA-07-0170) – Flying Eagle Appeal – An after-the-fact appeal of an administrative decision for outside display of merchandise in a C-1 zone – 110 Ouachita Avenue – District 2 – C-1

Director Sellman: The Flying Eagle appeal. This is an appeal of an administrative decision after-the-fact. We have a merchant at 110 Ouachita Avenue who would like to legitimize the outside display of merchandise in a C-1 zone. The C-1 zone district prohibits outside display unless there has been permission from the Planning Commission for that display.

Chairman Threadgill: Is the applicant present? Again, is the applicant present? No applicant.

Commissioner Campbell: Mr. Chairman, at this time with the applicant not present and unable to answer questions from the Commission, I submit that this be tabled.

Chairman Threadgill: I have a motion to table Item No. 10. Do I have a second?

Commissioner Clopton: Second.

Chairman Threadgill: I have a second. All in favor? <Ayes> Opposed? <None> Item 10 is tabled. Item No. 11.

11. Miscellaneous (MISC-07-0163) – Off-Street Parking Revisions – Off-street parking requirement ordinance revision

Director Sellman: Item No. 11 is the off-street parking ordinance. This is a comprehensive document that looks at the entire of our parking requirements. I think we moved something from the beginning of the agenda to the end that also relates to this. If you wish to take that other item ...?

Chairman Threadgill: Myself, I thought the first item, which was ...let me get back up here and see where we're at.

Commissioner Clopton: Item 4?

Director Sellman: Item 3.

Commissioner Clopton: 3.

Chairman Threadgill: Item 3, which was a revision that we sent forward to the Board of Directors, or was sent forth to the Board of Directors, was on some modifications for a more or less independent entity and we decided that we wanted to change the entire ordinance, so I would like this one to be stricken and tied in with Item No. 11 and that's the final action.

Director Sellman: <unintelligible> recommendation on this item and Item 3. I can't find the end of it. <laughter> Well, if there was an end, the end is to get rid of this separate item and consider it as a part of the comprehensive revision.

Chairman Threadgill: Yes. It will be considered as part of the whole.

Director Sellman: Yes.

Chairman Threadgill: Item 4 we will ...

Director Sellman: Or 3.

Chairman Threadgill: Pardon?

Director Sellman: Or 3.

Chairman Threadgill: Yes. Item 3. Thank you. We will pull it and tie it in with Item 11, seeing it's cojoined, and we'll deal with Item 11. Is that going to work?

Director Sellman: It should.

Chairman Threadgill: Good.

Director Sellman: Item 11 – the recommendation on this – this is a fairly long document and you received that in its entirety – proposes new graphics which explains the requirements a little better than what we have in our existing standards. It has new development standards as well as specific minimum parking space requirements for a wide variety of uses. It is in draft in its current condition. The recommendation on this is that you accept this draft ordinance for discussion in a work session or multiple work sessions for the purpose of coming up with possible changes. At that time, when it is ready, schedule formal public hearings so that you can then consider the amendments for adoption into our Code.

Chairman Threadgill: Alright. You've heard it. Do I have a motion?

Commissioner Clopton: So moved.

Chairman Threadgill: I have a motion. I need a second.

Commissioner Kleinman and several others: Second.

Chairman Threadgill: I have a motion and a second. All in favor? <Ayes> While we're still on

this item, do you have any idea of a time and date to start the study workshops to get this thing rolling? Do we need to do it immediately?

Director Sellman: That would be at your pleasure.

Chairman Threadgill: Anybody have any close dates. This is the one that we need to get on and get done. We've put this one off several times and now we need to get on this draft, do a little tearing up on it, put it back together, and get it out to a public hearing. Anybody have a date close?

Commissioner Kleinman: Next week be good?

Chairman Threadgill: Pardon me?

Commissioner Kleinman: Next week be good?

Chairman Threadgill: No.

Commissioner Ames: The next week then?

Commissioner Kleinman: Thursday? Tuesday? Thursday?

Director Sellman: We can't do Tuesday. Can we do Thursday?

Chairman Threadgill: Thursday. Everybody good with Thursday?

Commissioner White: What time?

Chairman Threadgill: Staff?

Director Sellman: That will be the 20<sup>th</sup>?

Commissioner White: Yes.

Director Sellman: Do we have something on the 20<sup>th</sup>?

Mr. Rick Stauder: I have <unintelligible> that morning.

Director Sellman: We're talking about night.

Mr. Stauder: What time will we ...<unintelligible>?

Chairman Threadgill: We're fixing to get to that once we find out the date on the 20<sup>th</sup>.

Mr. Stauder: There's a possibility we've got subpoenaed to court. <unintelligible>

Director Sellman: We're subpoenaed to court.

Mr. Stauder: I think that's early <unintelligible>.

Chairman Threadgill: You should be out of court by 5, 4:30 or 5?

Director Sellman: I think it's only morning anyway.

Chairman Threadgill: Say on the 20<sup>th</sup> at 5:00? Here?

Commissioner Clopton: I will be a little late, but I'll ...

Chairman Threadgill: That's alright, yes.

Commissioner White: Mr. Chairman, I won't be able to. I have a scheduling problem, a conflict with that evening. If it were a daytime meeting, I would be okay. But that evening, I do have a problem. But ...

Chairman Threadgill: There will be more than one. <laughter> It's just the first. Is everybody with that? 5:00 on the 20<sup>th</sup> here. Alright. Let's move to the next item, which would be No. 12.

12. Miscellaneous (MISC-07-0169) – Amending HSC § 16-2-38(g)(2)

Director Sellman: Yes, No. 12. This is also a request to amend the Hot Springs Code, § 16-2-38(g)(2). Just for review, amendments to the Zoning Code can be initiated by a member of the Planning Commission and Mr. David Campbell has requested to amend the zoning regulations to eliminate this Code section. What it says now

Where a parcel, lot, or development site is divided into two or more areas by a zoning district or other boundary line, the following applies: (1) The subject rules shall be applied to each section of property separately; or (2) <and this is the one in question> At the owner's discretion, rules governing that portion of the largest area of the parcel or lot, or development site shall be applicable to the entire property.

The zoning map amendments are governed by § 16-2-11 of the Hot Springs Code. That section requires public hearing in each of the three types of Code amendments that there are. That public hearing demonstrates not only good faith but respects the constitutional requirement of due process and it is the opinion of the City Attorney that this subsection does not provide due process and his recommendation is in support of Commissioner Campbell's request that we do eliminate subsection 2 here.

Chairman Threadgill: That means we still have to hold a public hearing?

Director Sellman: <unintelligible due to coughing in the background>

Chairman Threadgill: We need to go ahead and put on the next month's agenda as part of this?

Director Sellman: This is the public hearing.

Chairman Threadgill: We're holding the public hearing now?

Director Sellman: This is the public hearing.

Chairman Threadgill: So all we had to do was put this in notification that we were going to amend and that covered it?

Director Sellman: Yes.

Chairman Threadgill: This being <unintelligible>.

Director Sellman: You make your recommendation and if it is for approval, then the Board <unintelligible>.

Chairman Threadgill: Any questions or comments? Commissioner Campbell?

Commissioner Campbell: I have comment. I was on the Commission when we wrote this into the ordinance back in 2003 and I really wasn't in favor of it then. What it actually does, it gives you a rezoning of a piece of property without a public hearing. It was put up that it was going to do great wonders, but it is causing problems <unintelligible>. That's why I asked that it be brought in and this section be stricken out of it so that every piece of property that's rezoned has a public hearing.

Chairman Threadgill: Any other questions or comments?

Commissioner Campbell: Let me <unintelligible>. There is a property and we found – it was a pretty good study that went on – there were several properties that were pointed out to us that had Commercial zoning in the front and Residential zoning in the back of the same piece of property and it did look kind of favorable at the time.

Chairman Threadgill: There were roughly 136 some odd pieces of property that are split zoned.

Commissioner Campbell: My next question is, even if we take this out, do these properties that are currently there entitled to that since they were ...? I mean is this going to strike this ...?

Director Sellman: No. It's gone.

Commissioner Campbell: It will be gone.

Commissioner Clopton: The piece of property <unintelligible> before you, and it probably didn't have anything to do with this ordinance. When we're talking about a piece of property, are we talking about the legal description as recorded on a piece of property or are we talking about a piece of property that might be two separate but joined?

Director Sellman: No, we're talking about a property that is only one unit.

Commissioner Clopton: One plat.

Director Sellman: It has no smaller property.

Commissioner Clopton: Per tract of land. Per every tract of land?

Chairman Threadgill: Right.

Commissioner Mory: I was just going to add to Commissioner Campbell's comment. We almost saw that situation come up tonight with the first property we looked at. If it had been rezoned in half, I was wondering which half ...were we going to do 49% Commercial or 49% Residential because that was going to let them do exactly this to that piece of property.

Commissioner Campbell: You talking about Hilltop?

Commissioner Mory: Yes.

Commissioner Campbell: I have to apologize to the other Commissioners...

Chairman Threadgill: I don't know if this is ethical talking about one ...

Director Sellman: No. You cannot.

Commissioner Mory: Oh, I was just using that as an example of why I do believe this should be gone.

Chairman Threadgill: We might need to just forget that and go somewhere else.

Commissioner Clopton: I move that we approve this change.

Chairman Threadgill: I have a motion to approve. 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. I think I hit the end of my chart. Do I have Director's Comments?

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## ITEMS FOR DISCUSSION AND ANNOUNCEMENTS

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1. PLANNING DIRECTOR'S REPORT

Director Sellman: Yes. We have a work session with the Board of Directors and that's on the 25<sup>th</sup>. We have dinner prior to your segment and if you would like to join us for dinner, we'll need to know that that is your intent. One, two ...

Commissioner Ames: Dinner? What time was that?

Director Sellman: Dinner is at 5.

Chairman Threadgill: 5:00.

Commissioner Ames: I can't make dinner, but I will be here for the work session.

Director Sellman: Okay. <Several people are talking at once.>

Chairman Threadgill: Actually 5 or 6? <Several people are talking at once.>

Director Sellman: Dinner is at 5 and our part is at 6:45 or something like that.

Mr. Lance Hudnell, Deputy City Manager: Dinner will probably be whenever the Board decides.

Director Sellman: Yes.

Commissioner Clopton: After their meeting.

Mr. Hudnell: The Agenda Meeting begins at 4:00, so I assume they'll hold the Agenda Meeting which will last until around 5:00 and they'll probably adjourn for dinner and then start the work session following dinner.

Chairman Threadgill: We've scheduled our other meeting, our workshop, on the 20<sup>th</sup> at 5:00.

Director Sellman: 5. Right.

Commissioner Clopton: Did you get my order in there?

Director Sellman: Yes. We've got you, you, you, you and anyone over here?

Commissioner Ames: I can't have dinner, but I'll be at the workshop.

Director Sellman: No dinner? Harriel?

Commissioner White: Dinner.

Director Sellman: Okay, dinner. One, two, ...

Chairman Threadgill: Well it will be in there, okay. We might hold our work session in there too, just what Lance and them got's going on. It'll be in this building.

Director Sellman: Yes, it will. Is there anything else here that we need to talk about? Lance?

Mr. Hudnell: I have just a quick announcement along with the ...

Chairman Threadgill: Hold on, folks. We're not done yet.

Mr. Hudnell: Along with ...Kathy mentioned or brought to mind that also on the 18<sup>th</sup> is also the AHTD dinner and I believe the Planning Commission members, many of you have attended that in the past, so ...

Chairman Threadgill: What is that?

Mr. Hudnell: The AHTD dinner, the appreciation dinner for the Highway Department. I'm just reminding you that that's on the 18<sup>th</sup> coming up soon. If you've not told Margaret that you wanted tickets, you need to let Margaret know that.

Chairman Threadgill: Is that going to be at the track again?

Mr. Hudnell: I assume it's at the track again.

Commissioner Campbell: Is the City paying for it this year?

Mr. Hudnell: They always have.

Chairman Threadgill: Yeah. They sure have.

Mr. Hudnell: We've never not paid for that.

Commissioner Campbell: <unintelligible>

Mr. Hudnell: Be sure to tell Margaret.

Chairman Threadgill: You've got to tell Margaret that you got to pay for it. If you don't tell Margaret ...

Mr. Hudnell: They <unintelligible> have it. I don't know.

Director Sellman: No, I don't think so.

Mr. Hudnell: I just wanted to remind you of that date. The 18<sup>th</sup> at 6:00 at the track.

Director Sellman: Is there anything else, Rick, that we were going to mention? I don't think so.

## 2. COMMENTS FROM COMMISSION

Commissioner Ames: I have one more request of staff. Can we just get a brief e-mail tomorrow just recapping dates and times?

Director Sellman: Yes.

Commissioner Ames: Thank you.

Director Sellman: Yes.

Chairman Threadgill: One other thing, Rick, you might be able to help me with this. We got hit twice tonight. One was on Hilltop. They're adjoining a building with a breezeway. You're considering that one building.

Mr. Stauder: I'm not ...

Director Sellman: No. They are adding a house that has an enclosure that takes you from one to the other.

Chairman Threadgill: So is that a single building?

Director Sellman: It's a part of the building. They have a building that's like this and then part of the building goes like that and then it comes back down again.

Chairman Threadgill: Right, but it's all one structure.

Director Sellman: It's all one structure.

<Several people begin talking at once.>

Chairman Threadgill: Wait a minute. Let me get my done first here. We've had that one and then we turned right around and we had a Home Occupation that's tied in by the same thing – one roof.

Director Sellman: It's tied in by a roof.

Chairman Threadgill: Right. It's still one structure. I mean, that's what I'm getting at. How do we determine ...?

Director Sellman: I understand what you're saying.

Chairman Threadgill: ...which is single building, which is double building, which is an attached?

Director Sellman: There is habitable space throughout on the proposed Hilltop Manor as it is described and let's keep in mind we haven't seen a plan and we don't know if that's what they're going to do or not.

Chairman Threadgill: Okay.

Director Sellman: That's what they're describing. They were describing habitable space. And in this case, my understanding is – I have not done a site visit to the Norton Kent property – that

there is a garage, there is a little roof that covered the area ...

Chairman Threadgill: It's all tied together.

Director Sellman: ...and it is tied together but is not all habitable space. In fact the garage is not habitable.

Chairman Threadgill: Yeah, but there's a walk/breezeway through the ...

Director Sellman: Yes. There's no habitable space at this time in that garage.

Chairman Threadgill: Okay.

Director Sellman: There has been some remodeling. There is no CO. There are a variety of factors that are different.

Chairman Threadgill: Alright. That's what I was getting at. We had both of them tied together by one discussion of a breezeway and they were totally two different ...

Director Sellman: They aren't actually both breezeways.

Chairman Threadgill: But they're adjoining ...

Director Sellman: That's exactly <unintelligible>. That's where we are at this point.

Chairman Threadgill: That's what ...when she was discussing that, that's what I'm getting is just a covered walkway is what I'm picturing from it.

Director Sellman: No, what she ...we have heard from her is that there is something ...There is an elevated room. It's not on the ground. It goes from top floor to top floor and the kids are going to use that as a <unintelligible>.

Male Commissioner: From a real estate point of view, would you rather have a walkway between two than attach the buildings? <unintelligible> Just <unintelligible> going from a real estate standpoint to a <unintelligible>.

Director Sellman: It's not habitable space though.

Male Commissioner: <unintelligible>

Director Sellman: Right, but that's where the difference is.

Male Commissioner: Okay.

Commissioner Campbell: That's where I was getting at on this, it wouldn't even be coming back to us if it wasn't conditional use on the land.

Director Sellman: Right.

Commissioner Campbell: I mean they could build a bigger house on the land without <unintelligible>.

Director Sellman: Right. Absolutely. Yes. Are we through now?

Commissioner Clopton: I have one thing and I'll give this to staff. I have an article here in our recent trip to Eureka Springs. I went back through Fayetteville and picked up one of the new <unintelligible>. There is two articles in this paper that pertain directly to problems, real problems that they are having up there in one of their subdivisions and I feel like it would be worthwhile for all members to get a copy of this and to read it. Perhaps at some future date we can discuss whether or not there's any solution to prevent us from having the same problem.

Director Sellman: Okay.

Chairman Threadgill: Any other questions or comments? The meeting is adjourned.

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**ADJOURNMENT**

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