

PLANNING COMMISSION MEETING TRANSCRIPT

THURSDAY, JANUARY 10, 2008

The regular meeting of the Planning Commission was held on Thursday, January 10, 2008, 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: <Taping already in progress> ...Commissioner White and the Pledge of Allegiance given by Commissioner Clopton. Would everybody please stand?

Invocation

Pledge of Allegiance

Chairman Threadgill: Before we get started, we have a few little guidelines here on these presentations. The applicant gets five minutes to give his portion. Anyone speaking for or against has three. If you'll notice on your monitor, the times are marked. Please stay with them or I'll have to shut you down. I'd like to start the meeting off with a roll call, please.

Roll Call

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

Absent: Larry Raney

Approval of Minutes

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

Commissioner Campbell: So moved.

Commissioner White: Second.

Chairman Threadgill: I have a motion by Commissioner Campbell and a second by Commissioner White. All in favor? <ayes> those opposed? <none>

Approval of Agenda

Chairman Threadgill: I need to have a motion to consider the previous minutes [agenda] with changes. One of the changes will be Item 5 will be moved to the first item of Old Business. Item No. 2 will be stricken from the agenda. There's an item on agenda Item No. 8, an aerial view of Glisson's Auto Sales, I need it stricken from Item No. 8 – pulled from the agenda. Do I have a motion to approve?

Commissioner Kleinman: So moved.

Chairman Threadgill: I have a motion by Commissioner Kleinman. Do I have a second?

Commissioner Ames: Second.

Chairman Threadgill: A second by Commissioner Ames. All in favor? <ayes> Alright, we'll start off ...

Commissioner Campbell: You might tell the people what item was pulled ...

Chairman Threadgill: Alright. Item No. 2 that was pulled was the Shawnee rezoning change, so that will not be heard tonight. If you are here for that, you may leave. Thank you, Commissioner Campbell. We'll start off with Item No. 5, which is Old Business now. Kathy?

OLD BUSINESS

5. Preliminary Subdivision (PS-07-0222) – Westwynne Subdivision – 4 lot subdivision on Marion Anderson between Bledsoe and Colt – located on North side of Marion Anderson between Bledsoe and Colt – County – ET

Director Sellman: I'm getting there. Item No. 5 is Westwynne Subdivision. This is a request for a 4-lot subdivision on Marion Anderson between Bledsoe and Colt. It's in the City's extraterritorial jurisdiction in the unincorporated area of the County. The Comprehensive Plan

Classification is suburban residential.

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

Mr. Brandon Roland, 249 Aldridge Road, Percy, Arkansas:

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

Mr. Roland: I'm just here to try to get the preliminary plat approved. It consists of three lots or actually four, but I don't own the fourth lot. It has been signed, the correct documents have been signed also. That's what I'm here for.

Chairman Threadgill: Alright. I have one question for staff. On these, since this is all four lots now ...am I correct?

Director Sellman: Yes.

Chairman Threadgill: Will any property be sold off until the final plat is signed?

Director Sellman: Umm...

Chairman Threadgill: Until all property is developed?

Director Sellman: Some of the land already is owned by somebody else, but the three lots owned by this Mr. Brandon will not be able to be transferred until the time that the final plat is approved and signed.

Chairman Threadgill: Okay, but the fourth lot will be available for any time.

Director Sellman: The fourth lot already is in separate ownership. It should not be transferred, but it is in separate ownership at this time.

Chairman Threadgill: I just want to make that clear before we get started. Alright, do I have any questions to the applicant from the Commissioners? Commissioner Campbell?

Commissioner Campbell: I have one. Do you own the lot that is on the corner of Westoak

Place?

Mr. Roland: No, sir. It is also owned by the ...I'm not sure who owns that really, to tell you the truth. <laughter>

Commissioner Campbell: My only concern with this is, in looking at it out there, is those site distances around that curve with those three driveways backing right out right at that curve.

Mr. Roland: What I'm going to do on the driveways, I'm going to have on the driveway itself, I'm going to have a backup spot to where you can exit the property leaving forward, where you're not having to back into that curve. The curve is not real bad. As long as you're going out forward, you shouldn't have any problem with that curve, but I'm going to put a little turn around on the driveways.

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

Commissioner Campbell: Again. What about the DRC's Report about adding the fire hydrant? Did I overlook it, or is it in there?

Director Sellman: As a condition?

Commissioner Campbell: Yeah.

Mr. Stauder: I can answer that.

Director Sellman: Thank you.

Mr. Stauder: On the plat, it does show a proposed fire hydrant to be installed just to the East of Lot No. 3. I can zoom into it on the big screen. I've got it displayed there.

Commissioner Campbell: That's over on Lot 4, right?

Mr. Stauder: Yes, sir.

Commissioner Campbell: If he doesn't own Lot 4, how are we going to get a ...?

Director Sellman: The Lot 4 owner is a co-applicant on the request to subdivide.

Commissioner Campbell: Okay. Thank you.

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

Commissioner Campbell: I make a motion, Mr. Chairman, that we approve this with the conditions.

Chairman Threadgill: I have a motion from Commissioner Campbell to approve with conditions, staff's recommendations. Do I have a second?

Commissioner Clopton: Second.

Chairman Threadgill: A second by Commissioner Clopton. All in favor? <ayes> Opposed? <none> Item 5 passes. We'll go to Item No. 1, New Business.

NEW BUSINESS

1. Site Plan Approval (SPA-07-0218) – Fleetwood Estates MHP – Article II site plan review for mobile home park in the County – 335 Fleetwood, off of Thornton Ferry Road on Fleetwood – County – ET

Director Sellman: Item No. 1 is Fleetwood Estates. This is a site plan approval for a mobile home development. It is an Article II site plan review. The project is located at 335 Fleetwood off of Thornton Ferry Road. It's in the City's extraterritorial jurisdiction in the unincorporated area of the County. The Comprehensive Plan Classification is suburban residential. The recommendation is to approve with conditions.

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

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

Chairman Threadgill: Alright, Milton, a little of what you've got going there.

Mr. Raabe: This was a project that was originally approved in 2004 and he worked on and off on it. So they decided that an Article II was necessary for it.

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

Commissioner Campbell: I do. Is there an intention of removing that building that's on it? The old plumbing shop?

Mr. Raabe: Probably not for a while. I think almost all the trailers are employees that work for the plumbing company.

Commissioner Campbell: What about the conditions of staff?

Mr. Raabe: The conditions? He's going to donate the extra right-of-way and he's going to take the bank down and he's going to pave the other street.

Commissioner Campbell: Before moving any more units in?

Mr. Raabe: That's one of the conditions. Yes. He has no problem with the conditions.

Commissioner Campbell: Okay.

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

Ms. Stephanie Patin, 287 Fleetwood Drive: My property adjoins Mr. Worley's. I've lived on this piece of property for 14 years. I've never had a problem until the last two years when Mr. Worley started bulldozing dirt and doing his thing. Now every time it rains, it washes over on me. I'm talking flooding. Okay? I contacted the County Judge in 2006 and brought this up to him. When it would get on the road, Andy Worley would have his men scrape it off with a – I don't know if it was a bulldozer or whatever it is – scrape the road off. Okay? He never did fix

it. Just every time it rains, he would scrape it off. I didn't get anything out of the County Judge. He just dug a ditch, but it didn't stop the washing on my property. Okay? So in 2006, I went to the Garland County Department of Environmental Services and I talked to a Rick Garner. Okay? He came and looked at the property and told me that Andy Worley had several things that he had to do to it to fix the problem. Okay? And this was before trailers were put over there. He had one in the back that he used to live in. We didn't have any luck out of Rick Garner. He made him put a fence up – the plastic fence. Okay? It wasn't buried. It was just put on the top of the ground. It lasted maybe a week and it was down. Okay? And also, after that, in 2007, I contacted the Garland County Department of Environmental Services again and talked to Mr. Tommy Kirk. Okay? And he came out. He was a little more vigorous with him. He made him bury the plastic fence and he dug out the ditch and he planted some seed and everything. Okay? But still, every time it rains ...and they did it from the side of my house on down. All the back of my property, every time it rains, it floods. I have pictures, you know, and I shouldn't have to suffer so Mr. Worley can put in his little mobile home park. It depreciates the value of my home. I know I probably can't stop that, but I shouldn't have to suffer with the mess because he just puts a Bandaid on everything and he doesn't do his business right.

Chairman Threadgill: You want to hand those pictures to Mr. Mory and we'll ...

Ms. Patin: Yes, sir.

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

Mr. Myron Ross, 600 Thornton Ferry Road: The house with the fence as it's known out there, but in '69, I bought the land, all of the land, that joins the East side of Mr. Worley's. It was 37 acres. My son has three acres back over there which joins them. That was my daughter-in-law that just spoke to you. My place is the rest of that acreage in there from over there to the next. But when Mr. Worley started his project, we started having problems. I have a couple of pictures here. My place, I fenced it all with 6' chain linked fence. But as you can see by these pictures, when we have a ...this was not necessarily a gully washer but this was just an ordinary rain that we took the pictures here recently and this is the mess that comes down my side of Fleetwood from him. We didn't have all this red mud before he started his project up there and he has no regard for it. He disregarded the environmental people until they really got mean with him. I just don't think it's ...You notice, he put water line on my side of the road there. You can see on this picture, you can see the high part where the water line is. It just made a little bit of division in the river that comes down through there. But why he didn't, at that time when he had his dozer, I

mean his backhoe, out there, why he didn't make a ditch on down because just past on down there, there is a branch that runs across my place. It comes from Mr. Heckel's place and it comes down and across mine. Why he didn't ditch that on down through there to where it would take care of the water problem instead of putting it up on my son's place and flooding that red mud all over the Fleetwood Drive, so we don't need a mess like we've got. If he did that with just a few mobile homes that he's got there now, what'll it be if he puts in 101? I protest this vehemently.

Chairman Threadgill: Alright, sir. Thank you.

Mr. Ross: Thank you.

Chairman Threadgill: Do I have any questions to this gentleman from the Commissioners? None? Alright. Is there anyone else in the audience that has anything to say for or against this item? Please come forward and give us your name and address for the record.

Mr. Ted Patin, 287 Fleetwood Drive: I'm against giving the permit for more trailer houses there because I think it's a mess already. We've been fighting the water and mud for two years now. Like my Dad said, there's just six trailers there already. What is it going to be like when there's 15 or 20? I just want to say I'm against it.

Chairman Threadgill: Was that your wife?

Mr. Patin: Yes.

Chairman Threadgill: Okay. I thought the name was the same when I wrote it down. <laughter> Thank you. Any questions to this gentleman from the Commission? None? Thank you, sir. Again, anyone in the audience with anything to say for or against this item? Anyone in the audience with anything to say for or against this item? Seeing none, I'll close the public portion. Do I have any questions or comments from the Commissioners? Commissioner Mory?

Commissioner Mory: I have. I have a question for staff. I know the City itself has very stringent erosion/sediment code regulations and that kind of thing, but that is only inside the City limits for those to be enforced. Is that correct?

Director Sellman: That is correct, although the County has its own.

Commissioner Mory: Right. That's kind of where I was going. I was pretty sure of that. My comment to the families that are affected by the storm water, if the County is not satisfying you, call the Arkansas Department of Environmental Quality. They will get something done about it. Unfortunately, we as a Commission are not the enforcement body on that matter, but I am very <unintelligible> in what you're saying. I know exactly what you're talking about. I am affected by this daily as well. Call the Arkansas Department of Environmental Quality. They will get something done.

Chairman Threadgill: If I might, if I understand this right, due to the fact that the County has an environmental control agency, we can put stipulation in this packet that they have to meet those requirements prior to further development. Am I correct in this assumption?

Director Sellman: Yes. You have the ability to do that.

Chairman Threadgill: So that would be one of the conditions that this Commission could put on the developer that the EPA standards be met prior to any other workforce or work done to the property. Everybody understand what I'm saying? Is there any other questions or comments from any of the Commissioners? Commissioner Mory? Do you have anything else?

Commissioner Mory: No, sir.

Chairman Threadgill: Commissioner White?

Commissioner White: Yes. I'm thinking that I heard from the audience that there had been, that they had been working with the Director from the County on this matter already?

Chairman Threadgill: Yes. Hold on, sir.

Commissioner White: I'm just wondering then that if the standards for the County aren't as stringent, is that going to really be of any benefit.

Chairman Threadgill: The County's standards, from what I understand going through the stormwater training program, are the same as the City's – you know, pretty much standard. The City has imposed different silt screening and a few different areas, but they still have to comply with the stormwater runoff. That's the issue here.

Commissioner White: Right.

Chairman Threadgill: Is the stormwater runoff. My opinion would be to put a statement in with this ordinance or this what are we calling this? Site plan approval? That we make one of the conditions that they meet the stormwater runoff requirements prior to any further development to solve the problems that they have now before they create more. Kathy, you might want to elaborate a little more on that.

Director Sellman: I'm just kind of thinking out loud here, but you might require at the end of Condition 6, which begins "No additional plumbing permits may be issued prior to the completion of ..." you might add to that a written sign off from Mr. Garner that the stormwater plan has been approved and is fully implemented and that they are in compliance with that plan prior to any more plumbing permits.

Chairman Threadgill: Everybody understand that? That will have to be added to if this is ...Commissioner Campbell?

Commissioner Campbell: Why are we not looking at this as a Manufactured Home Subdivision? I mean it's already been approved as a Manufactured Home Subdivision. Why are we not just making him come up to the standards that were set forth in the original application?

Director Sellman: The applicant withdrew his request for that subdivision about a year or so ago and vacated the preliminary approval that he had. So that is gone.

Commissioner Campbell: Well this is a Manufactured Home Subdivision. Why are we not...?

Director Sellman: This is not a subdivision. This is one great big piece of land with a bunch of houses on it.

Commissioner Campbell: Okay.

Chairman Threadgill: Commissioner Clopton?

Commissioner Clopton: Again, for staff, I'm trying to absorb just what you said. We approved a subdivision – or I wasn't here – but at the time, it was approved as a Manufactured Home Subdivision. He put manufactured homes on it without completing the subdivision?

Director Sellman: He did not wish – this is not simple, this is really, really convoluted so let

me try to explain what I know about it. It was approved before several of us were here. He had a change of goals and decided that he did not want to do a subdivision. That the costs were excessive and he requested a permit for one manufactured home. Because at that time, we were not looking at manufactured home projects as Article II, there were additional permits – plumbing permits – issued as one by one additional homes were placed on the site. After the discussion the Planning Commission had at which time they determined that Article II did apply to this type of development, the next request from the applicant for a plumbing permit was denied and he was told that Article II applied and he would have to meet the requirements. So that's how we got where we are today.

Commissioner Clopton: Thank you.

Chairman Threadgill: Commissioner Campbell?

Commissioner Campbell: Even under Article II, can we not make the requirements of the Manufactured Home Subdivision come in where they have to have the screening all the way around it like we have in the others in the County?

Director Sellman: It isn't creating lots. It's not a subdivision. It doesn't appear that we have that authority. We do have the authority to require compliance with the stormwater regulations.

Chairman Threadgill: What we have in front of us here is a site plan approval.

Director Sellman: Yes.

Chairman Threadgill: Which shows one, two, three, four, five, six, 12, 18 lots?

Director Sellman: Eighteen (18) spaces, yes.

Commissioner Mory: I have a question.

Chairman Threadgill: Commissioner Mory?

Commissioner Mory: This Article II that we're reviewing, is this not a multi-building site plan?

Director Sellman: It is.

Commissioner Mory: Okay, in that, there is a requirement for screening. Is there not?

Director Sellman: I believe there's a requirement for screening for between different types of uses.

Commissioner Mory: Okay.

Chairman Threadgill: Right now, in the center of this use, you have a commercial business.

Commissioner Mory: Right.

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

Commissioner Campbell: What happens once this is approved and they decide to start selling lots out of it?

Director Sellman: They can't sell lots. They don't have lots. We aren't creating lots. This is one great big perimeter with a bunch of houses on it and a plumbing business.

Commissioner Campbell: I'm seeing lines here that are drawn as lot lines with you know, with bearings on each line and sizes on each line.

Director Sellman: Lots cannot be conveyed as a result of this action. There are not lots being created.

Chairman Threadgill: Then what is the site plan that we're approving?

Director Sellman: The site plan is telling where homes will be located, where the roads will be, and makes certain other requirements as to utilities.

Chairman Threadgill: Then he could, then his wish is to put 18 homes on this lot?

Director Sellman: That's the application, yes.

Chairman Threadgill: I see that as a subdivision.

Commissioner Mory: I have a comment about that.

Chairman Threadgill: Commissioner Mory?

Commissioner Mory: The difference is, what we're looking at here is not a plat. This will not be filed as a plat in the Garland County Courthouse, and therefore, there's no legal background for a subdivision. In other words, you will not be able to go look at a plat in the Courthouse and buy Lot No. 7 as you will with a plat which would describe ...I understand the potential confusion because that was one of the things I was doing the pictures up for, the plan up for. It may be less confusion actually if there were not bearings and distances on these individual what appear to be lots, but they are in fact mobile home spaces. It would probably be more straight forward if there were simply designations of approximate locations of where the 18 mobile homes would be placed. This is one area where more specific is probably leading us down a road that is causing confusion.

Commissioner Clopton: Question.

Chairman Threadgill: Commissioner Clopton?

Commissioner Clopton: Again for staff. What differentiates this between a Manufactured Home Park and just a piece of land? If it's a Manufactured Home Park, why doesn't it come under that set of rules and regulations?

Director Sellman: It functions exactly that way. Because it's in the County, it comes in as Article II because a park is a <unintelligible>.

Chairman Threadgill: Okay, then why is it not labeled under the ...It's labeled Item 1, site plan approval.

Director Sellman: It's an Article II site plan. Yes.

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

Commissioner Campbell: The only other question I have, in going out there and looking at this, this looks like one of the worst ones we have inside the City limits with no paved parking for the tenants that are there now that was supposed to have been done prior to now. What kind of

guarantee are we going to have that this is going to look any better than what it does now?

Chairman Threadgill: Hold it down, people.

Director Sellman: Those are conditions of approval and those things with regard to those improvements have to be bonded before additional plumbing permits can be issued.

Commissioner Campbell: Okay. The next question is we do have two types of uses in here. Can we require screening of the commercial portion of this?

Director Sellman: In my opinion, no, because what we're looking at here is the edge of this project. What you can do with the edge of this project. Something in the middle of the applicant's project, it's difficult to make the connection about what you would be trying to accomplish in screening the applicant's plumbing business from the applicant's homes.

Chairman Threadgill: My point is to make it look better than what it is now. That right now is a mess in my opinion. The intent that this was brought in under Article II with 18 lots, I just feel like something is not right. It just...I don't like the concept. I don't like the idea. We've already been deceived on this property the first go round by statement. They've already violated and just disregarded the EPA regulations and requests already. You keep stipulating or stating that this is one lot, but we can't touch the business that's in the middle because it's on a separate edge. I just ...there's too many variances here that I don't understand. Once we approve this, it's just ...to me it's just going to go wild and we'll have no control over it being in the County. I feel like there's something else that needs to be done here.

Director Sellman: If you believe that there's additional information you require before making a decision, you may wish to postpone making your decision.

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

Commissioner Mory: I do have one comment.

Chairman Threadgill: Excuse me. I'll withdraw that. Commissioner Mory?

Commissioner Mory: The one piece of information that I would like to have is on the Article II site plan, a little clarity on what the screening requirements are because I don't remember

anything about the mixed, about the usage of one piece of property being affected by the contiguous piece of property as far as that requiring screening or not.

Director Sellman: <unintelligible> if I can find that out.

Mr. Stauder: Can I make one comment?

Chairman Threadgill: Rick?

Mr. Stauder: There actually is a note on the plat that I have on the big screen – I may need to zoom in on it – that says install 6' privacy screening. I guess that would be along the Eastern property boundary of the development. I actually have it upside down, but ...

Chairman Threadgill: Well I ...Let's see what we can find out on Commissioner Mory's request here. Are you making that as a request or you wishing to make a table?

Commissioner Mory: Well...

Chairman Threadgill: <unintelligible> word if you say it, I'm going to close it.

Commissioner Mory: I would like to know. I would like clarity on what that requirement is on the Article II.

Chairman Threadgill: Alright, then we'll let staff deal with it then. Give us just a minute folks.

Mr. Stauder: Mr. Chairman, can I make one more comment?

Chairman Threadgill: Rick?

Mr. Stauder: I recall the applicant informing me that they wanted to position the homes on the property, albeit one piece at this time, so if at some point in the future they did decide to try and come back and subdivide it at that point and convey individual lots, that homes would be placed in accordance with setback requirements, streets would be in place, everything would be built basically to conform to Manufactured Home Subdivision requirements.

Chairman Threadgill: Then that drawing right there is worthless. That's what they have right now is a drawing with streets, lots, plumbing. It shows everything in my opinion.

Mr. Stauder: Yes, but they're aware that they are not subdividing and that they couldn't convey any particular piece of this property without coming back to you through a preliminary subdivision request. They are aware of that. I just wanted to be sure that the Commissioners understood.

Chairman Threadgill: So what is that in there for then?

Mr. Stauder: That is a, in my opinion, it's a Manufactured Home Park that has fairly large lots, larger than what you typically see in a Manufactured Home Park.

Chairman Threadgill: But he's not bound to those lots? He doesn't have to put them in. He doesn't have to put the streets. He doesn't have to do anything?

Mr. Stauder: If you approve this site plan, it would have to be developed in accordance to this site plan that's submitted.

Chairman Threadgill: Alright, but he just stated that he's not going to tear the building down.

Mr. Stauder: Maybe not at this time.

Director Sellman: That might be a question for the applicant.

Chairman Threadgill: Alright.

Commissioner Campbell: I asked the applicant that question and he said no plans to tear it down.

Chairman Threadgill: At this time.

Commissioner Mory: Ms. Sellman?

Ms. Sellman: Yes.

Commissioner Mory: The way I remember the back of the Article II site plan application actually has a screening requirement that I'm thinking of in my head if that will help you find it.

Director Sellman: I am not finding it in the text.

Commissioner Mory: Do you recall what I'm talking about on the back of the application itself?

Director Sellman: I do. I do.

Commissioner Mory: Okay.

Mr. Stauder: Maybe it's § 16-4-19.

Director Sellman: Okay, let me read you that section. Thank you, by the way. "In order to enhance the integrity and attractiveness of the development and when deemed necessary to protect adjacent property, the Planning Commission shall require landscaping and screening as a part of a site plan review. The nature and extent of screening and landscaping required shall be determined by the Planning Commission in relation to the overall character of the development and its specific location. In no instance, however, shall landscaping materials and placement be less than that required by the latest duly adopted zoning and/or landscape ordinance. This shall especially apply to circumstances where a change to a more intense use is proposed and there are existing buildings and improvements."

Commissioner Mory: The way I hear that, every sentence but one of those applies to this project. The one being the subdivision, but you're outside the City. The existing subdivision requirements, I believe that's the only sentence that does not apply to this development.

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

Commissioner Campbell: Mr. Chairman, I would make a motion that we approve this project with staff's recommendations and the addition to No. 6 that our Director gave us previously concerning the ADEQ requirements, that it has to be signed off on by the County that they are in compliance. In addition to that, I think this property ...I make a motion that this property be screened as per the original Manufactured Home Ordinance at the time it was approved back in 2004, I believe it was, with the screening around the entire perimeter of the property.

Director Sellman: Is there a required buffer there as well?

Commissioner Campbell: I'm not remembering if there was or not at that time.

Director Sellman: Is this ...if I could ask a question, Mr. Chairman?

Chairman Threadgill: Go ahead on, Director.

Director Sellman: Is this the Manufactured Home Subdivision requirements that are in effect today?

Commissioner Campbell: That were in effect at the time of this building. <unintelligible>

Chairman Threadgill: They're the same ones.

Commissioner Campbell: And I'm not sure what it is.

Director Sellman: What I would like to do is specify a section so that it's clear what we're talking about.

Chairman Threadgill: Alright.

Commissioner Campbell: Just go back to the Article II that we can require screening around this whether it's in that or not.

Director Sellman: You are establishing a standard though. I would like to refer to the standard in your conditions so that we can know if the standard is being met.

Commissioner Campbell: As far as the screening around it?

Director Sellman: Yes.

Commissioner Campbell: You just go through reading it right?

Director Sellman: What that said was that it was at the Planning Commission's discretion, I'm paraphrasing. I thought I heard you say that you wanted to apply the standard from the Mobile Home requirements.

Commissioner Campbell: As they were in the Mobile Home, where it required screening all the around the perimeter of the property.

Chairman Threadgill: You don't need that phrase. What Commissioner Mory just stated is if you apply by the Subdivision Code, then he has to screen it. That's the only statement you need. If you go back and state the Mobile Home Ordinance, then that will supersede this one and do away with the one that Director Sellman just read.

Commissioner Campbell: Let me correct myself then. It shall be screened around the entire perimeter of the property.

Director Sellman: In this perimeter treatment, are you looking at a height of 6'.

Commissioner Campbell: In everything that we do, that's a minimum I believe, isn't it?

Director Sellman: It is often a standard, yes. I think in terms of clarity, we want to make it obvious what it is that we're seeking so that there can be no question from the applicant.

Commissioner Campbell: Well, on the applicant's drawing, there is a ...Stauder showed us there. He intends on a 6' privacy fence on one side. Let's bring it all the way around.

Director Sellman: Are you extending that? On three sides then, a 6' opaque privacy fence?

Commissioner Campbell: Okay, that's fine.

Director Sellman: Is that a wood fence? Do you have a material? What are we looking for here?

Chairman Threadgill: Yes.

Commissioner Campbell: I don't know that we have the right to say wood fence, do we, as long as we say privacy fence?

Chairman Threadgill: You can specify. In the ordinance, it says, excuse me, it must be a 6' opaque screening.

Commissioner Campbell: Okay. 6' opaque screening.

Chairman Threadgill: That can be shrubberies. Okay folks? Is that what you want? I mean I'm not the one screaming "fence" here. Commissioner Clopton?

Commissioner Clopton: Mr. Chairman, I brought this up at one other meeting where we required screening and we said 6', it can't be shrubbery that's going to grow to 6'. It has to be 6' to start with.

Director Sellman: It has to be 6' to start with and it has to be opaque to start with. There cannot be spaces between the shrubs.

Chairman Threadgill: But it can be shrubs if that's ...If you leave it the way the Subdivision Ordinance says, it's just 6' opaque screening. Now Commissioner Campbell, do you want wood or do you want to go with what the ordinance says? That's where we need to be.

Commissioner Campbell: I don't want to ...I don't want to tie the man to wood. I just want a 6' opaque ...

Chairman Threadgill: Stay with the ordinance – a 6' opaque screening?

Commissioner Campbell: Yes, 6' opaque screen.

Chairman Threadgill: Alright that would be Item No. 8 added to. Item 7 would be the staff's statement that they comply with all stormwater regulations and it is signed off before they receive any utilities is Item No. 7. Item No. 8 added will be that they meet the Subdivision screening...

Director Sellman: Article II.

Commissioner Mory: Article II screening.

Chairman Threadgill: Article II screening. Alright. Do I have any questions on that?

Commissioner Thorp: I do.

Chairman Threadgill: Commissioner Thorp?

Commissioner Thorp: Who is going to make sure that this happens?

Chairman Threadgill: On the <unintelligible>, before they get any more utilities, they have to

comply with this period.

Commissioner Thorp: Okay.

Chairman Threadgill: Okay? As far as Item No. 7, the County's stormwater representative will have to sign off for staff, sign to staff stating that it has been met.

Commissioner Thorp: Okay.

Chairman Threadgill: The other staff will take care of. Alright?

Commissioner Thorp: Okay.

Director Sellman: Yes.

Commissioner Campbell: Or it can be bonded out.

Director Sellman: It can be bonded.

Chairman Threadgill: Yes. That's all part of the code though. Alright? Everybody understand? Alright.

Commissioner Mory: Second.

Chairman Threadgill: I have a second by Commissioner Mory. Let's call the roll please, Teresa.

Ms. Minear: Harriel White?

Commissioner White: Clarification. Is it "yes" for?

Chairman Threadgill: Yes will approve it.

Ms. Minear: Harriel White – yes; James Clopton – yes; Lauri Ames – yes; David Campbell – no; Louis Kleinman – yes; Wanda Thorp – no; John Mory – yes; Gary Threadgill – yes.

Chairman Threadgill: Okay, item passes. We'll move to Item No. 3.

2. Re-Zoning (RZ-07-0224) – Shawnee Road Zone Change – 3 lot zone change request on Malvern Avenue and Shawnee to C-3 – Shawnee and Malvern – District 6 – R-2

<TAKEN OFF THE AGENDA>

3. Re-Zoning (RZ-07-0237) – Glisson Auto Zone Change – rezone request for property on Rector, Hobson, and Summer Streets from R-4 to C-2 – 821 Rector, property adjacent to 821 Rector – District 3 – R-4

Director Sellman: Item No. 3 is the Glisson Auto zone change request. This is a request to rezone property on Rector, also bounded by Hobson and Summer Streets, from R-4, which is a residential zone, to C-2, general business. This is located in District 3. The recommendation is to deny.

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

Mr. Steve Glisson, 920 Hobson Avenue:

Chairman Threadgill: And a little bit of what you've got there, Mr. Glisson.

Mr. Glisson: Well, I purchased what I believed to be commercial property. If you'll look at this block and you look at the entire block – I mean you can look at the back side if you want to – but if you look at the entire block there, the block consists of 14 parcels. There are two parcels there that are not being used commercially right now. Everything else on that entire block is being used commercially. Up there at the very front here, on the back side, the section of the block that's in question, the first two lots there belong to Mr. and Mrs. Bradshere of the Hot Springs Rental. That's been used commercially for years. My lot, No. 9 there, that I purchased, I purchased that a couple of years ago as a ...The home in the front and the reason for me purchasing it is I own the business on the front side, Glisson's Auto Sound and Accessories, but that was Bob's Gun Shop and Art Studio. There was a sign on the building showing the business name. When I walked in the building, it's full of glass cases. Everything's displayed. Everything's priced. There's art on the wall. Everything's priced. There's a business license hanging in there on the wall. I bought what was sold to me as commercial property. Right to the East side of me, there's a residence that's rental property. It's not owner occupied, which technically, that's commercial property. It is property that's being used for income. On the other side of that is what was <unintelligible> Lincoln Mercury for years and years.

Chairman Threadgill interjects: Let me back up one here. You're saying the parcel which is identified 10, you're saying that's commercial property because it's rental?

Mr. Glisson: No, sir. No, sir. Well, yes, it is a rental. It's not owner occupied.

Chairman Threadgill: You're saying ever rental piece of property in town which is probably 50% of Hot Springs is commercial property?

Mr. Glisson: No, that's not what I'm saying. I'm saying it's not owner occupied. It is property that is being used for income; but no, I'm not necessarily calling it commercial property.

Chairman Threadgill: Okay.

Mr. Glisson: I'm saying No. 10 and No. 13 are the only residences on that entire block. Like I say, we bought what we all believed to be commercial property. It's been used commercially for years and years and years. We're not asking for anything any different than what we thought we already had.

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

Commissioner Campbell: On Lot 9 that building that's behind the house, what's your intentions of that building?

Mr. Glisson: I've been using that building. That building is for overflow. There's a bad theft problem in that neighborhood. We work on a lot of vehicles. We work on a lot of high dollar vehicles. I can't keep all of the vehicles that have valuable contents inside the front building there. We store cars inside of there. I also have an auto upholstery shop which I run in there. I've got my sewing machine and my sewing table in there. So that's what we use it for. We use it for overflow as far as indoor parking and storage – not parking, but storage for cars overnight – and our upholstery shop to tear down and set up a vehicle.

Commissioner Campbell: It's in connection with your auto sales, right?

Mr. Glisson: No. It is not. I have Glisson's Auto Sales, which is across the street on the other side of Hobson Avenue. That's in conjunction with Glisson's Auto Sound and Accessories. That

is an upholstery shop right there. That is my auto accessories shop. It has nothing to do with my used car lot. My used car lot is on the opposite side, on the other side of Hobson Avenue. I own another lot on the other side of Hobson as well.

Chairman Threadgill: If I'm not mistaken, when you were given the use of that auto, it was a combination of the sound studio and that building was auto sale and sound studio because if not, a used car lot has to have an office on it and that lot across the street does not have an office.

Mr. Glisson: I do have an office. It's annexed in with that building there. I've used that for years for a car lot across the street. That's been a car lot for years.

Chairman Threadgill: But there's no building there.

Mr. Glisson: No.

Chairman Threadgill: That's what I'm saying. When Mr. Raetz authorized that, he authorized that in conjunction with your office being across the street where your sound station is.

Mr. Glisson: Right. I have ...There's three businesses on that Hobson right there.

Chairman Threadgill: Right. That's what Commissioner Campbell was asking you. Go ahead, Commissioner.

Commissioner Campbell: Those cars on your side of Hobson where you have your sound system, those cars are not for sale?

Mr. Glisson: Yes, sir. They are. Some of them are. Some of them are customer parking.

Chairman Threadgill: That's what he said. He just restated it. His auto dealership and the sound are in the same building.

Mr. Glisson: What I'm telling you is there are no ...the back building on the back side of Rector has nothing to do with the car lot. It's of no value to me at all whatsoever to have anything to do with a car lot. There's a building from front to back of it. I can't display any cars for sale. It has nothing to do with the used car lot if that's what you're asking.

Commissioner Campbell: You don't take cars in from your car lot that you get in and work on

them back there?

Mr. Glisson: I don't have to in that building. I've got four other bays in the front. No. Like I'm telling you, there's three businesses in that building right there.

Chairman Threadgill: The three businesses, this will tie into them, so they'll all be working out of that building more or less.

Commissioner Campbell: My only concern is that, and I know all this property has been used commercial back here...

Chairman Threadgill interjects: Let's back up here. Let's back up. We're looking at a rezoning, so no matter what we zoned it for, he can use the building for anything. Okay? All we're looking at is rezoning of these, what are they, one, two, three, four, five lots? That's all we're considering. Not what he's going to use the building for. I could care less. We're looking at a rezoning. Alright?

Commissioner Campbell: I admit that's what we're looking at, but I'm trying to clear something up. If this is being used as part of the auto dealership, which is a non-conforming use in that area anyhow I believe because it is C-2 and not C-4, and we're going to rezone this to C-2, can that building be used as part of the auto sales business?

Director Sellman: In any C-2 Zone District, the list of permitted and conditional uses is those uses that are in the Code. He can only use it for those uses. Any other uses are not lawful.

Chairman Threadgill: So what she's saying is no, he cannot use it for his car lot; but he can use it for his stereo shop or his whatever other that's legal in that zone. You understand that, right?

Mr. Glisson: Yes, sir. I understand that.

Chairman Threadgill: Alright. Anyone else. Any questions about the zoning? Thank you, sir. Is there anyone in the audience with any questions for or about this item? You may be seated, Mr. Glisson.

Mr. Glisson: May I ask? I'm sorry.

Chairman Threadgill: Yes. Go ahead. Go ahead.

Mr. Glisson: May I add one more thing?

Chairman Threadgill: Yes.

Mr. Glisson: It was on the recommendation to turn this down, one of the notes that was made was that this would be considered spot zoning. If you'll look there on the bottom of 14 and 14 ½, that's Bowen Plumbing and Specialty Motor Cars there. Those are C-2 Zoning there. So to say that we're asking for spot zoning, you can look, like I say, take that into consideration also please.

Chairman Threadgill: Alright, sir. Anyone else? Please come forward and give us your name and address, sir.

Mr. Don Holland, 162 Grisham Road, Royal: I lived in Hot Springs for about 70 years. Hello, Gary.

Chairman Threadgill: Hello, Don. What do you know good?

Mr. Holland: It's good to see you. Hopefully it's good to see you. <laughter> Alright, 2003 I bought some property for my son-in-law and daughter to start a carpet business and I bought it from Wendell Meredith. I thought I was buying Lincoln and it looks like I got a little Edsel thrown in there to boot. I have a plat that's part of my package when I bought the place, October 28, 1944. Mine shows the three lots facing Hobson Avenue as C-4 and the two lots in back as C-5. But I realize it says 1944, so it's probably our fathers and grandfathers ...

Chairman Threadgill: Yeah, we didn't even have city zoning back then. <laughter>

Mr. Holland: I know you didn't. That's what I was saying. The taxes on these two lots back here, 11 and 12, have been commercial since '44. Right now I pay \$285 a year taxes on a paved lot that's supposed to have a house on it. I mean it's residential. That's what the City tells me. So I go back to the County and I say, wait a minute, you can't be charging me these taxes because the City says ...I don't care what the City says. This is the County. So I live in the City. My business is in the City and the County and the State and we all need to have kind of the same laws. So right now, we use these two lots for big carpet trucks to come through the back so we can load it where the autos used to be. There's a 15' alley between the property and those other two lots. I'm sorry. And 15' is not big enough for those trucks to come through, so that's what

we use those for right now. We also have a dumpster that the City ...it's called a commercial dumpster, so we pay a commercial fee for that. We're going to pay an extra \$6 in March not on that thing but on our water. It's on the same deal. Anyway, I'd like to see this property zoned by the City and the County the same, preferably commercial.

Chairman Threadgill: Alright, Don. Any questions to the applicant or to the speaker? None? You may be seated. Anyone else in the audience? Please come forward and give us your name and address, sir.

Mr. Wendell Meredith, 112 Kent Hamilton Place, Hot Springs: I would like to talk about the same property that Mr. Holland was talking about because I sold it to him. It started off, the top piece there. My Dad bought that in the '30s. It was a vacant lot and he built that building so he could handle Willis Jeeps. He didn't have enough room for parking, so he bought the grocery store next door to him and tore it down. That's also on Hobson. Then he got Studebaker and he needed more parking. He looked behind him and he bought the property on Rector in I'm not sure ...in the '50s sometime. There was a Laundromat on it that wasn't new then, so I don't know how long it had been used commercial, probably since the '40s. He tore that down and blacktopped it and used it for a parking lot because he had to have the parking. This was used commercial before there was even a Planning Commission and I don't know why they didn't zone it commercial when they did, when they formed the Planning Commission. I thought they did. I didn't know. But I was so busy selling cars, that I wasn't worried about zoning. The whole time that I owned that property, I never got a complaint from the neighbors about the use of it or the City or anybody else. I think it should have been zoned commercial 50 years ago.

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

Commissioner White: This area that we're talking about here, there's one, two, three residences in that block?

Chairman Threadgill: Yes, sir.

Commissioner White: And then this Mr. Glisson owns two of those?

Chairman Threadgill: One. The one where the hand is now – that Rick’s got the cursor going up and down on.

Commissioner White: Oh, okay.

Chairman Threadgill: That is the house that Mr. Glisson bought. It used to be Bob Brown’s Gun Shop and then Mr. Glisson bought it.

Male Speaker from Audience: Can I speak?

Chairman Threadgill: No, the public is closed, sir.

Commissioner White: In looking at that area there, so is it vacant? Are those other houses vacant or is someone living there?

Chairman Threadgill: No. The one on Lot 10 there has a family living in it and the one on Lot 13 used to belong to the Tate Family. I don’t know if Doug Tate still owns it or not, but his mother lived there. That’s the last record I had on it.

Commissioner White: Okay. Well then there may or may not be anybody living in that residence is what you’re saying?

Chairman Threadgill: Right.

Commissioner White: But there are houses on the other side of that street and I was just surprised that no one is saying anything about this project. But anyway ...

Chairman Threadgill: If I might, in respect to this neighborhood, if you’ll look straight across from Bowen’s Plumbing, the orange part on the corner there, we have a residence right above it which is CTR. That used to be my house. I sold it and rezoned it CTR, which at the time, the lot right behind it belonged to the Baptist Hotel Association, which was a commercial ... Well it wasn’t commercial, it was a religious group, but it was more or less commercial property. Like I say, Mr. Meredith’s lot for the years that I lived there, he had tractor trailers pulling in there every day unloading cars. It was commercial. Then the piece that Mr. Glisson bought, that’s like I say, used to be Bob Brown’s Gun Shop – a commercial business. Then the two vacant lots on it and Summer used to be a ... not a motel, used to be a little travel lodge. It used to have seven or eight motor lodges there until the City condemned them and made them tear them down. So,

you know, staff has made a recommendation to deny. Well, all this property, staff didn't know. Staff doesn't live around here or didn't at the time and had no idea that this basically was a commercial venue. I mean it has been for years and I don't see any problem with it being zoned commercial in my opinion. Now it's up to you guys to make a vote, but I'd just like you to know that everything but those two actual houses have been commercial. So, with that being said, Commissioner Mory?

Commissioner Mory: A comment and a question. When I read through this, I initially agreed with staff's recommendation for basically the same reason that they gave. The history lesson tonight, at first I thought this may not matter; but the more I've heard, the more it does seem that historically it has been commercial. When you find out that piece of property has been used commercially for 50 years, that does come into play in my opinion. The question is the houses across the street, have they ever been commercial or has it always been residential?

Chairman Threadgill: It's always been residential.

Commissioner Mory: And we have no one in the audience from those houses here. That's noteworthy to me.

Chairman Threadgill: Commissioner Kleinman?

Commissioner Kleinman: Mr. Chairman, I can be a little bit of a historian here. Back in 1945, when we bought our business at the corner of Third and Garland, which is not very far from here, we were totally surrounded by residential. In the process of the years, the places have been torn down and we've bought them and the whole is now commercial and that is the character of this area now. No question about it.

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

Commissioner Campbell: I have one. Do we have all the signatures of the various property owners?

Chairman Threadgill: Those property owners are sitting right there. The Hot Springs Rent-All are these two folks here. Then you have Mr. Meredith and Mr. Glisson.

Commissioner Campbell: I make a motion that we approve the rezoning.

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

Commissioner Clopton: Second.

Chairman Threadgill: I have a second by Commissioner Clopton. All in favor? <ayes> Opposed? <none> Motion passes. Item No. 4.

4. Preliminary Subdivision (PS-07-0239) – Settlers Crossing – 40 lot subdivision – Shady Heights Road – District 6 – R-1

Director Sellman: Item No. 4 is Settlers Crossing. This is a request for preliminary subdivision for 40 lots. This is located on Shady Heights Road. The current zoning is R-1. Is that...that's not right.

Male Speaker: It was rezoned.

Director Sellman: Okay. R-3?

Male Speaker: R-2.

Director Sellman: R-2? Alright. Current zoning is R-2. Sorry about that. The Comprehensive Plan Classification is suburban residential and it's in District 6. The recommendation on this is to deny.

Chairman Threadgill: If the applicant will give us the name and address for the record, please.

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

Chairman Threadgill: Alright, Milton. A little bit of what you've got lined up there, please, sir.

Mr. Raabe: It's a 20+ acre lot on Shady Heights Road, going North off of Shady Heights toward the bypass. It would be a residential, single family, 30-40 lots.

Chairman Threadgill: Alright, Milton, I've got one question of you here. We've got Lot 11, 12, 9, and 8 that have utility easements through them. You show ...I mean they're going right

through the middle of the lot. How can you build on those lot with the easement ...? I mean the Utilities Director tells me you can't build over stormwater, sewer, water easements, anything and these pretty much go through the center of the lot. There's four lots I see there that we can't use.

Mr. Raabe: If you'll look on the plan where the setbacks are shown on it, there's room to build a house on.

Chairman Threadgill: It would be a small house, ...but okay. Then we have Lot 24, you have a 5' easement or a 5' corner onto the cul-de-sac. How are you going to get a car in with only 5' because that other 20' you have there is a utility easement.

Mr. Raabe: No, the other 20' was changed to a 40' street. They'll have access off the street.

Chairman Threadgill: Our drawing shows a 40' utility easement.

Mr. Raabe: It was changed at the DRC Meeting.

Chairman Threadgill: Okay.

Mr. Raabe: To give a street access to Lot 40.

Chairman Threadgill: To give to Lot 40?

Mr. Raabe: Uhh, huh.

Chairman Threadgill: Where's Lot 40?

Mr. Raabe: It's the big one at the end.

Chairman Threadgill: Oh, okay. See I didn't even see that lot there. <laughter> Okay.

Mr. Raabe: That's the top of the hill and the noise level from MLK is bad from there North.

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

Commissioner Campbell: This is a really steep area. What's going to be the grades on your

roads in there?

Mr. Raabe: The <unintelligible> are 10% or less.

Commissioner Campbell: Ten percent (10%) or less?

Mr. Raabe: That's the reason the pattern is like it is.

Commissioner Campbell: Okay. That's all I have right now.

Chairman Threadgill: I have one, Mr. Raabe. Under the 2000 International Fire Code, have you seen this?

Mr. Raabe: I saw it tonight.

Chairman Threadgill: That's why staff has a recommendation to deny because the Fire Code says we can't have a cul-de-sac that long without a second way out.

Mr. Raabe: Can I make one comment?

Chairman Threadgill: Yes.

Mr. Raabe: Less than a quarter of a mile down the street, there is another subdivision which ya'll approved less than six months ago with 204 dwelling units in it with one street.

Chairman Threadgill: Yes, sir.

Mr. Raabe: My client wants to be treated the same as everybody else.

Chairman Threadgill: And the same as we're treating every other client, as you'll know yourself, we've been going through drastic changes. We've more or less established a DRC Committee, a Developmental Review Committee, to start reviewing a lot of this stuff because we, the Planning Commission, don't have the knowledge that it takes to know all these laws and I mean we don't have the background, so we appointed the DRC. At that time, when this one was, the one you're discussing, went through, DRC was kind of iffy. We've jumped them so much since then, because you'll know, because we've tabled a bunch of yours or denied a bunch for DRC Review comments that checking back on that one you're discussing, DRC had no comments about this

Fire Code. Okay? We've been riding them so hard now, they're checking every curve, every lump, bump, and they found this one. So ignorance of the law is one thing, but now we know it and the Fire Code states that the Planning Commission cannot allow it. We were dumb on the first one. But due to the fact that we've worked with the DRC or the Departmental Review Committee for them to dig in deeper, now we find these things. Now we know we can't sit by and let it go. See where I'm coming from? So, that's where we're at on this one. I mean we're going to give everybody the same fairness to the point of the law. We have a law. We don't have the authority to waive it. Okay? Any other questions to the applicant from the Commissioners? Alright, Mr. Raabe. Is there anyone in the audience who has anything to say for or against this item? Again, anyone in the audience with anything to say for or against this item? 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. I'm looking at the DRC Report that we've got in front of us and it mentions nothing about this.

Director Sellman: I can respond to that.

Commissioner Campbell: Okay.

Director Sellman: When we were looking at this project in detail at the time of the staff report, a question came up about the length of the cul-de-sac because our Code in the Subdivision Ordinance, we are limited to an 800' cul-de-sac. We have a cul-de-sac here that exceeds that by approximately 100%. In querying the Fire Department about their regulations related to this very issue of having a sole ingress and egress point, the Fire Marshal went back to the Code to check on that to see what they're specific requirement was. We wanted to be sure that what we had was consistent. While it is not identical, but they have language that covers the same ground in § D107.1 regarding one and two family residential developments and the fact that if there is only one way in and out, there's a limit to the number of homes that can be approved there and there's also a requirement for a sprinkler system in the homes. So, that's why the fire comment did not include this. This was not something that the Fire Department had been working with and their commitment is that future projects all will be evaluated against this standard because it is in the Fire Code.

Commissioner Campbell: Okay. My other question would be, and can you go to the layout of the subdivision? It would be the overall lot ...yeah, that one. With the intersections and the many cul-de-sacs interior to this, does that not play a part in this as far as these are almost other

streets? I know it's one way in and one way out, but we don't have any room because of the way it's laid out with the other ...

Director Sellman: Well, I would challenge you to leave the subdivision on one of those cul-de-sacs.

Commissioner Campbell: To do what now?

Director Sellman: To try to get out of the subdivision by using one of those cul-de-sacs. The safety issue here is to allow, particularly, access by first responders. You have one street that goes in here. If something occurs to cause the street to become blocked in some way – either a traffic accident or something else, fire equipment responding to something – you are not going to have a way to get out of that street if you live down at the bottom. I mean, the intention of both the subdivision requirements and the International Fire Code is to protect the public health and safety. We have to look to the City to protect the future residents of this area.

Commissioner Mory: I have a comment.

Chairman Threadgill: Commissioner Mory?

Commissioner Mory: Mr. Campbell, if you would take – it would be the same cul-de-sac, the first one on the left as you go down the road – if that cul-de-sac was extended over to the Western property line and made a street that would come all the way back out to Shady Heights, then it would be within the Code because you would have a second way out of the subdivision at that point and the cul-de-sac from that point northward would be less than 800'. That would meet the requirement.

Commissioner Campbell: Okay.

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

Male Speaker from the Audience: You didn't close the public part, did you?

Chairman Threadgill: No, not yet.

Commissioner Campbell: Alright, I have one.

Chairman Threadgill: Hold on for Commissioner Campbell.

Commissioner Campbell: Was this newly enacted or was this in effect when we approved the previous subdivision down the street?

Director Sellman: It's in effect now and I'm unaware of any changes to the Code.

Chairman Threadgill: It says here the 2002 International Fire Code, so it's been in effect since 2002 anyway. Alright, sir, give us your name and address for the record.

Mr. Carroll Weatherford, 103 Ironwood: Is that Code saying 800'? Is that what it says?

Director Sellman: It does not say 800'. I'd be happy to read it.

Mr. Weatherford: Oh, I just asked. The question is, what difference does it make how long it is if it's a one way in, one way out if it's 100' long? You're still not going to get out of it if it's 1600' long. What difference does it make how long it is. If it's a one way in, one way out, how do you get them in there if it's 100' long or if it's 1600' long? That makes no sense.

Director Sellman: Well, that may well be why the Fire Code does not refer to length. It refers to number of dwellings served by a single access.

Chairman Threadgill: The 800' is the City Ordinance.

Director Sellman: Right.

Chairman Threadgill: The 30 dwellings is a State Fire Code. The City, when we wrote the ordinance, we put in 800' on a cul-de-sac. If I remember, at one time I think it was less than that and we extended it to 800' or something. But anyway ...

Mr. Weatherford: How many dwellings was in the deal over on Shady Grove that we approved Tuesday night? How many garden homes was in there?

Chairman Threadgill: I'm not sure.

Mr. Weatherford: In the Rodney Myers thing? That's a straight shot in and a straight shot out.

Director Sellman: That was a rezone.

Mr. Weatherford: I know, but it was still something that you had to approve that he was putting in there.

Chairman Threadgill: He's got to bring a site plan back in on that one. All we approved was a rezoning on that one for that parcel of property. He's still got to bring in some kind of site plan yet to build.

Mr. Weatherford: Okay, but if this is something that you're going to be looking at, I mean, all the engineers need to be notified that this is something you're going to do from now on so that they're not wasting their time with one street in and one street out. So that they're not spending a ton of money on that.

Chairman Threadgill: Agreed. Agreed. You know, we're not trying to make a hardship. We're just trying to abide by what the state tells us we have to or by the International Fire Code. Like I say, once the Fire Chief tells us this is it, we're kind of stuck. Before we were idiots and kind of got away with things, but now that we have the DRC doing their job, they're finding out more and more and this Commission has to abide by the laws. So we're kind of in a tither on this one. Any other questions from anyone in the audience for or against the item? Again, anyone in the audience with anything to say for or against this item? Seeing none, I'll close the public portion. Do I have any questions or comments from the Commissioners? Seeing none, I'll entertain a motion.

Male Speaker: Alright, Mr. Chairman...

Chairman Threadgill: Let me hold one second here. If staff would ...let's get a little clarity on this real quick if you would for us of what's going on here.

Director Sellman: Would you like to focus on the options before you as a Planning Commission?

Chairman Threadgill: Yes. I don't want to just throw something out if there's an option.

Director Sellman: Well, the project as proposed and as it's been presented to you tonight does not meet critical requirements, legal requirements, so it does not appear that approval would be one of your options. You could offer the applicant a couple of things: One would be the

opportunity to withdraw the project as proposed. Another would be that you could table the project for 60, 90 days, whatever, and I imagine you would want to discuss this with the applicant. Those would be the options to denying it. If you deny it, that is probably not what the applicant is looking for.

Chairman Threadgill: Alright, then before I get a motion or request a motion, I would like the applicant to come forward, please, sir. Mr. Raabe, with all due respect, you see kind of where we're at. Would you like to entertain something to maybe table it or withdraw for awhile and check to see what else we can do?

Mr. Raabe: Could you conditionally approve it and only approve 30 lots?

Chairman Threadgill: I'd have to see the drawings and all first before we approve anything.

Mr. Raabe: That would cut off the upper eight.

Chairman Threadgill: Then we're cutting off access to the back portion of the property and we can't do that.

Mr. Raabe: No, we'd still leave the street going to it.

Chairman Threadgill: Kathy, do we have that option? I don't see that we have it. I mean, I don't.

Director Sellman: This Commission has been very specific that you want a complete plan before you before you take a vote.

Mr. Raabe: Table it. Table it.

Chairman Threadgill: Okay. Would you like a time limit on that?

Mr. Raabe: No.

Chairman Threadgill: Okay. Then the applicant has requested that we table for an undetermined date. I'm ready to go home. So I'll entertain a motion to table and leave the date open.

Commissioner Clopton: So moved.

Chairman Threadgill: I have a motion by Commissioner Clopton and a second by Commissioner Kleinman. All in favor? <ayes> Opposed? <none> The item is tabled. Item No. 6.

5. Preliminary Subdivision (PS-07-0222) – Westwynne Subdivision – 4 lot subdivision on Marion Anderson between Bledsoe and Colt – located on North side of Marion Anderson between Bledsoe and Colt – County – ET

<TAKEN AS OLD BUSINESS>

6. Preliminary Subdivision (PS-07-0238) – Taylor Estates – 5 lot subdivision in the County – off of Red Oak Drive – County – ET

Director Sellman: Item No. 6 is Taylor Estates. This is a preliminary subdivision request to create five lots in the extraterritorial jurisdiction of the City. This is located off of Red Oak Drive. It is classified in the Comprehensive Plan as suburban residential. The recommendation is to approve with conditions.

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

Mr. John Rogers, B&F Engineering, 928 Airport Road, Hot Springs: Yes, sir.

Chairman Threadgill: Alright, John, a little bit of what you're going to do there.

Mr. Rogers: Ms. Kathy summarized it well. A couple of comments on that. I'm proud to bring this subdivision to the Commission. I'm real pleased. The developer here, Mr. Ron Formby, has a unique strategy in that the site is dotted with numerous mature oak trees. It has a very gentle to moderate slope down to the lake. These things are going to be very minimal impact to them. To that extent with that strategy, what makes this unique is these lots have both access from Red Oak to the lake frontage which allows the houses that are built to be not blocking each other's views. That's real important today on the lake. Another unique feature to this is that we bring written approval from the neighbors and we bring written approval from the City staff and we just request your approval tonight.

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

opinion, you've done a fine job.

Mr. Rogers: Thank you, sir.

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

Commissioner Clopton: Mr. Chairman, I make a motion that we approve this applicant's project with conditions as recommended by staff.

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

Commissioner White: Second.

Chairman Threadgill: And a second by Mr. White. All in favor? <ayes> Opposed? <none> Item passes. You're welcome. Item No. 7.

7. Site Plan Approval (SPA-07-0240) – Mirabella – Article II review for multiple building project – 188 Lake Hamilton Drive – County – ET

Director Sellman: Item No. 7 is the Mirabella site plan approval request. This is an Article II review for a multiple building projected located at 188 Lake Hamilton Drive. It's in the City's extraterritorial jurisdiction. It's classified suburban residential in the Comprehensive Plan. The recommendation here is for approval with conditions.

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

Mr. Raabe, 130 Hillside Place:

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

Mr. Raabe: This is located around the curve West of Hot Springs Athletic Club. There's a series of four cottages on a piece of property right now and they want to add four additional cottages.

Chairman Threadgill: Do I have any questions to the applicant from the Commissioners? You may be seated, sir.

Mr. Raabe: I'll stand. <laughter>

Chairman Threadgill: Alright. <laughter> Is there anyone in the audience with anything for or against this item? Yes, ma'am, please come forward and give us your name and address.

Ms. Rita Terlecki: I'm the neighbor and I would like to know how close can they build to my property, these cottages? There are several cottages on the property already and I would like to have some assurance that they're not going to build just right close to my house which is where they are planning on putting one of the cottages.

Chairman Threadgill: Staff have any information on how close they are going to build to her residence or ...?

Ms. Terlecki: What foot or whatever there is going to be between my house and their cottage that they want to put there?

Chairman Threadgill: How far are you going to be away from her property?

Mr. Raabe: We were told we couldn't be closer than 12'.

Chairman Threadgill: From the property line?

Mr. Raabe: From the property line. That's the setback on an RL Zone.

Chairman Threadgill: Alright.

Director Sellman: Thank you.

Ms. Terlecki: So it would be 12'?

Chairman Threadgill: Right. From the property line, they have to stay 12' ...

Ms. Terlecki: Is there anything that I can get a drawing of this proposal?

Chairman Threadgill: Mr. Stauder can get you a drawing and show what they're ... The thing is, I don't have one in my ... We have like this drawing here that he can get you a copy of.

Ms. Terlecki: That would be nice.

Chairman Threadgill: Okay.

Ms. Terlecki: Thank you.

Chairman Threadgill: If you give Rick the information, he'll get it to you. Is there anyone else in the audience with anything to say for or against this item? Again, anyone else in the audience with anything for or against this item? Alright, we'll close the public portion at this time. Do I have any questions or comments from the Commissioners? Seeing none, I'll entertain a motion.

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

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

Commissioner Mory: Second.

Chairman Threadgill: I have a second by Commissioner Mory. All in favor? <ayes> Opposed? <none> Motion passes. Item No. 8.

8. Miscellaneous (MISC-07-0242) – Diamond Center Variance Request – applicants are requesting a variance from the multi-tenant sign separation requirements as stated in §16-5-22 of the City of Hot Springs Sign Code, Ordinance No. 5086 – 2360 Malvern Avenue – District 6 – C-3

Director Sellman: Item No. 8 is the Diamond Center variance request. This comes to you as a variance to the Sign Code Ordinance. It is a request specifically a variance from the multi-tenant sign separation requirement as stated in § 16-5-22 of the Hot Springs Sign Code, Ordinance No. 5086. The project is located at 2360 Malvern Avenue. The zoning is C-3. It's classified in the Comprehensive Plan as neighborhood commercial center and is recently developed as the Diamond Bank Center.

Chairman Threadgill: If you'll give us your name and address for the record, please, sir.

Mr. Bryan Reis, 135 Section Line Road, Hot Springs:

Chairman Threadgill: Alright, Mr. Reis, a little bit of what you've got intended there.

Mr. Reis: Yes, first let me say that I'm here representing Mike Turbyfill – he's right here – and also representing Simmons Bank. I think Mr. Schnipper will speak as well. Mr. Schnipper is here representing Diamond Bank. So if I can go forward just a little bit. The staff has recommended against a variance because our sign frankly does not meet the footage requirements that are set out in the Sign Code. What I would like you folks to do is to please try to apply some common sense to this and to give us a sign variance. It's a good thing that we've had one matter tonight that involves history because I'm going to ask ya'll to listen to a little history on this one. This piece of property – I think you're probably all familiar with it – is at the corner of Malvern and Carpenter Dam. It's a piece of property that developed in three chunks that are kind of chopped up. You can see them up there on your map. My clients own the property on the left that he's circling right now with the cursor. So these good people, good business men were able to come up with a plan to develop that property so that there would be to the right, there would be right now what is in your packet showing the pictures of Diamond Bank. Then on the left is Mr. Turbyfill's property and Simmons Bank. If we can return to that original picture – thank you very much – right in front of Mr. Turbyfill's building, my client's building, is a piece of property that in the area of the sign is potentially undevelopable because it's a little triangle that compresses down like this. You can see from looking at it that my clients don't own the property up on the road. Now all of this is a result of the history of the property which is further complicated by a 1996 deed that has some rather complicated provisions in it on how to share this property. I'm not going to go into all that because it's kind of boring; but anyway, these folks got together and they had an arrangement. They said that we'll agree to do this with this sign and we'll agree to do this with this sign and then we'll go down to the City together and we'll ask that our signs be approved. What happened, if they're not my clients, is actually kind of funny. What happened is they came down together to apply and Diamond Bank got their sign approved and my client's sign was not approved because it was too close to their sign. So, the best laid plans I guess didn't turn out to work so well there.

What I'm asking you folks to do is to give us a variance really for two reasons: No. 1 and Mr. Stauder if you could put that picture up again, please, I'd appreciate it. No. 1, the effect of placing the sign where we want to place it will be consistent with what the City wants to do because what we want to do is to place our sign essentially in front of my client's property. If we did own the property that's in front of our building, which obviously we don't, but if we did

own the property that's in front of our building, we would be able to go down a <unintelligible> distance from the sign that's now there and get our own sign approved on Malvern Avenue. So it will look just as though it would have looked if we did own the property in front, which unfortunately we don't. The second reason that I would like you guys to grant us a variance is because the Code allows if there is a corner, the Code allows for a sign on this side of the corner and a sign on this side of the corner. What Diamond Bank did, and they did it because it made sense, is they essentially put their sign right at the corner so you can read it from both. What I'm actually asking you guys to do in considering our variance request is simply to consider that their sign is the sign on Carpenter Dam and our sign is the sign on Malvern Avenue.

Chairman Threadgill: If I may ...<unintelligible>

<END OF SIDE 1 OF TAPE>

Chairman Threadgill: <conversation already in progress> ...was not where it is now that we approved. The sign was further up towards the entry street. Then the applicant or one of your business people came back and got with Mr. Stauder and showed him a sign plan and all that. Rick allowed it on the corner. That's not where the Planning Commission authorized it. That was an error on Mr. Stauder's behalf. So by where the sign is now is where you moved it and you put it. So that sign is what's stopping you from having one on either corner or either street.

Mr. Reis: Yes, sir, and Mr. Threadgill, I'm not ...

Chairman Threadgill: If you'd have left the sign where it was, you could have put one on Carpenter Dam.

Mr. Reis: I'm not meaning to nitpick, but that's not my sign. I know this is kind of hard to keep separate. Diamond Bank is one group of people and I represent Simmons Bank and Mr. Turbyfill. And again, and again, we're asking for a variance. We're not here to tell you that our signs meet the Sign Code. They do not. What we propose does not meet the Sign Code as it's stated. We're asking for a common sense variance based on these historic factors and the other things that I have mentioned. I would like to mention a couple of other things too. If ya'll haven't been out there, you should go because that development is beautiful. I don't represent Diamond Bank, but their sign is beautiful. You've got pictures in there. You can look at it. It is a sign that looks the way a City would want its signs to look. Our sign is going to look that way too. When people drive down that road, they're not going to see something that is aesthetically displeasing to them. This is a development that looks good. It's consistent with what the City is

trying to do. We've just had some unfortunate circumstances that have left us where we are. I'll point out too, and ya'll probably have already thought of this, this is Simmons Bank and this is Diamond Bank. These folks are competitors. They realistically can't put both of their names on the same sign. Especially on the one sign that's now been approved that really is not in front of my client's property. I'd ask you also to consider that there is no harm to anyone in this. No one is opposed to this. I think too that these people are all good corporate citizens and Mike is a good citizen and what they're doing is consistent with what the City wants to accomplish in its signs. We don't hurt anyone by doing this. It's going to look good and it will simply look as though we have a sign in front of our property which we are entitled to do.

Chairman Threadgill: Alright. Commissioner Campbell?

Commissioner Campbell: No. 1, I'll comment on your saying that the two are in competition with each other and they wouldn't want their sign on the same one. Yet you go out to Cornerstone and you've got Belk's and you got Goody's and you got all of those that are in competition against each other. They're just not banks, but they are in competition and they're on one. No. 2, can you go back to the aerial please?

Mr. Stauder: Yes, sir.

Commissioner Campbell: Okay, can you show me on the aerial where he's wanting to put this sign?

Mr. Stauder: Right here.

Commissioner Campbell: Okay. That's not his property, right?

Mr. Stauder: That's correct.

Commissioner Campbell: We would be allowing an off-site sign, right?

Mr. Stauder: No. Well we found the section or provision in our Sign Ordinance that we believe allows us to treat this as a single shopping center development.

Commissioner Campbell: <unintelligible> that the sign we could not allow this at Comfort Inn by Walgreen's. It's the same thing.

Mr. Stauder: Well ...

Commissioner Campbell: We couldn't do it there.

Mr. Stauder: That was prior to my time. I don't know.

Chairman Threadgill: Commissioner Clopton?

Commissioner Clopton: I've got a quick question. I'm a little bit confused. We've got a gentleman here who says he's not representing Diamond Bank and this is a Diamond Bank application.

Mr. Reis: I think I can give you some information on that if you'd like.

Commissioner Clopton: I'm sorry.

Director Sellman: Both the banks have been in. Both the banks have different points of view on the sign. There was a contract, a deed, expectations were created that have nothing to do with the City. Then you have the City. The City has a Sign Code. The City has a Malvern Overlay and these folks, good people with their banks, have stumbled upon those regulations that do not comport with what was in the contract for sale of the property. There is a way that they can have a joint sign. This is a commercial development. I don't think we could keep a straight face in saying that two commercial buildings are not a commercial development. They are. If they were able to agree on the placement of a sign, there could be a joint sign. That agreement has not happened yet, so what we have before us is a request to vary the separation requirements along Malvern and the possibility to vary that if there is an insignificant variation between what is in the law and what is being requested, that possibility exists. This was deemed not to be insignificant. It's quite a large number of feet, so we have a request here by one of the parties to vary the requirement because both parties believe they have an interest in this.

Commissioner Clopton: Thank you.

Chairman Threadgill: I have one question while the speaker is still there. When Simmons and Subway and the salon and all that went in, how come you didn't put a sign up then?

Mr. Reis: Actually, Mr. Threadgill, I wasn't involved then and I cannot answer that.

Chairman Threadgill: Is there anyone out there that can?

Mr. Reis: I bet you that Mr. ...

Chairman Threadgill interjected: Please come forward and give us your name and address, sir. I mean we're kind of in a point right now that this is after the fact. You sell off property. You allow another bank to go in. Now you're quarrelling over land use rights to me, I mean, with nothing really to do with the City. But you're trying to get us to break an ordinance to allow a variance. I don't know how you gave up your right-of-way onto the property. It looks like to me that you should have, part of that driveway, you should have maintained yours. You could have put a sign on one side, but somehow through your sale, which is a neglect beyond our field ...

Male Speaker <Mike Turbyfill>: Excuse me. I didn't own the property.

Chairman Threadgill: Pardon me?

Male Speaker <Mike Turbyfill>: I did not own that property.

Chairman Threadgill: That's what I'm asking. Whoever owned the property ... Who sold it?

Male Speaker <Mike Turbyfill>: St. Joseph's Hospital owned that property. By the way, I'm Mike Turbyfill, 154 Peninsula Point. St. Joseph owned that property and they had it for sale when I purchased my property. The two parcels were for sale: the portion that has my shopping center on it and the portion that has Diamond Bank on it now. They were both for sale.

Chairman Threadgill: How can they sell you a parcel of property without a right-of-way.

Mr. Turbyfill: I have a right-of-way. I have an easement to both Carpenter Dam. I own half the driveway to Carpenter Dam and to Malvern Road.

Chairman Threadgill: He's just <unintelligible>.

Director Sellman: He has an easement. The City doesn't appear to have been involved in the division of the land into these parcels.

Chairman Threadgill: Alright. Go ahead, sir.

Mr. Turbyfill: But I own, I have ingress and egress to both streets and the sign was to be a joint tenant sign. They ...I couldn't put it up until that sold, until that piece of property sold. But then it came that the sign was okay for Diamond Bank and so we need a variance so we can have a sign also. But I didn't own that property.

Chairman Threadgill: Alright. Any other questions to the speaker from the Commission? Is there anyone in the audience with anything to say for or against this item? Please come forward and give us your name and address, sir.

Mr. Don Schnipper, Attorney here in Hot Springs: It's my pleasure to represent Arkansas Diamond Development, which is the owner of Diamond Bank, the other bank that's involved in all of this. I must confess that I was not involved with it when all this other stuff happened at all. I'm not there at all. I do have with me a letter from Dr. Duke Bainum who is the President of Arkansas Diamond Development and of the bank. Rick, if I could get your help.

Chairman Threadgill: Give that to Rick there. We'll pass those around.

Mr. Schnipper: Pass those around for me, please, sir. I simply, Mr. Chairman, want to make this a part of the record to show Dr. Bainum's agreement as Diamond Bank's agreement with another sign, with the variance that we're here for. What he says saves me a lot of words as far as that's concerned. I'm here to second what Mr. Reis has already said. I'm not going to sit up here and find anything new about it. I'm here to answer any questions that I possibly can. We realize that this is a variance and we're going to be backing up, as I understand it, like a 500' separation there. This backs up to about 165' or 170', something like that. So I agree with the Director that there is a substantial variance, but it really, if you look at the signs and you look at the building, it's not going to be something that's going to look like Central Avenue. They're not neon signs at all. They're very – if we have a picture of the sign that's at Diamond Bank – this other one will look a bit like that. I think we're meeting the intention of the Malvern Overlay because we're not trying to do anything other than make that whole development look as nice as possible. That's about all I can say plus what Dr. Bainum says in the letter.

Chairman Threadgill: Alright. Commissioner Campbell?

Commissioner Campbell: Mr. Schnipper, speaking of the Diamond Bank sign, when is it going to become a legal sign? Because as it sets right now, it's illegal. It's a pole sign.

Mr. Schnipper: Director Campbell, I mean Commissioner Campbell, it is ready to be a sign.

They've been waiting for the time and temperature part to come in. That's what goes down in the other part of this, gets in.

Commissioner Campbell: Okay.

Mr. Schnipper: It just came in, I might add, but it's there. If that's what you're talking about – a pole sign versus the whole sign?

Commissioner Campbell: Yes, sir.

Mr. Schnipper: It's there now, but it hasn't been there before.

Chairman Threadgill: Alright. Any other questions to the speaker from the Commission? Alright, sir, thank you.

Mr. Schnipper: Thank you.

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

Commissioner Kleinman: Thank you, Commissioner Threadgill. I think this is a little bit of a unique situation because right now we have five businesses on this property that don't have a sign on the street. As you drive up, for example, driving up Carpenter Dam towards Malvern, the other five businesses are totally blocked. I think it would be quite an unfortunate situation to have this many businesses without signage so people will see their business so easily. The signs are pedestal signs. The one which we got a drawing from just today is a very nice sign. I think, in my mind, it's understandable because of the situation here. I think it's a unique situation and possibly a lack of planning up front. That I know nothing about the previous planning that caused that to happen.

Chairman Threadgill: Alright. There is an option for them that staff has said that this sign would be legal. The only deal is, they're going to have to get rid of the Diamond Center Bank sign. They would have to add it somehow into this sign if I understand what staff's ...

Director Sellman: It could be added into this sign. It could be around the corner.

Chairman Threadgill: Moved around the corner. Because we do allow for each street, we do allow a sign. Diamond could move theirs around on the Carpenter Dam side, which would allow this sign. See where I'm going at? But, the way the ordinance states right now in the Malvern Overlay District, actually the Sign Code itself, I think even in commercial business venue is 500' if I'm not mistaken.

Director Sellman: I can't respond to that. Mr. Stauder <unintelligible> can.

Chairman Threadgill: Is that correct?

Mr. Stauder: Yeah, the spacing requirement to my knowledge the only place that a minimum distance of free standing signs shall be located from one another is in the Sign Code and it does state 500' of separation.

Chairman Threadgill: Okay. Then...

Mr. Stauder: If they're on the same thoroughfare, excuse me.

Chairman Threadgill: Right. In the past, we have allowed variances of like 30' or 40'. But here, the applicant is asking for well over 200', 300', or 400' – 350 some odd feet – which is well beyond any variances ever granted.

Mr. Reis: May I say one other thing?

Chairman Threadgill: I've closed the public portion, sir.

Mr. Reis: Oh, I didn't hear that.

Chairman Threadgill: What we need is to make a determination. The legal binding is not our problem – the agreement they had to start with. They need to work that out amongst themselves. Commissioner Clopton?

Commissioner Clopton: Mr. Chairman, as their request stands right now, I would be inclined not to approve it. If they would want to consider removing the corner sign, it might be a different matter; but I cannot see making this kind of a large variance under a circumstance that was not created under by this Board or the City.

Chairman Threadgill: Commissioner Campbell?

Commissioner Campbell: If the Diamond Bank sign that's there now is moved around the corner, how far around the corner does it have to be? Does it just have to be beyond ...?

Chairman Threadgill: 100'?

Director Sellman: I believe it's a minimum of 50'.

Mr. Stauder: 50'.

Chairman Threadgill: Okay.

Commissioner Campbell: The next thing is if it is moved around the corner, can the other businesses, through an agreement with them, be allowed to locate on that sign also similar to the one that's on the Malvern Avenue side?

Mr. Stauder: It is my understanding that the answer to that is yes. As I stated earlier, there is a provision in the Sign Code that we found that appears to let us look at this as a single development even though there's more than one parcel involved, which would allow the multi-tenant signage aspect of the request.

Chairman Threadgill: That would fall under the one driveway, the easement kind of deal, the way this one's set up?

Mr. Stauder: Yeah ...

Director Sellman: It operates as one.

Chairman Threadgill: Okay. Commissioner Mory?

Commissioner Mory: Along the same lines, I have a comment. The Mimi's Coffee that's in the sign that's being proposed is in the same building as Diamond Bank. It's not in with the other ones, so they're already at that level even with this right here. I also find it kind of interesting that supposedly a competitor can't be on the same sign, but a tenant of one of the competitors can be on the same sign.

Chairman Threadgill: Alright. Noted. Commissioner Campbell?

Commissioner Campbell: It just looks like the settlement of this would be for them to get together and do exactly what we're trying to say here tonight is move that sign around and...

Chairman Threadgill: Well all we're looking at is they're requesting a variance, whether we want to give it or not is our option. What they do is between them.

Commissioner Campbell: That's where I'm going and I want to make a motion.

Chairman Threadgill: There you go. Alright, I'll entertain your motion.

Commissioner Campbell: I make a motion that we accept staff's recommendation to deny this request.

Chairman Threadgill: I have a recommendation to deny with staff's recommendations. I have a motion to deny with staff's recommendations by Commissioner Campbell. Do I have a second?

Commissioner Ames: Second.

Director Sellman: Do you wish to clarify how the voting will occur?

Chairman Threadgill: Commissioner Ames has a second. Alright, what we have is a motion to deny the variance requested by the applicant. Alright? A vote "yes" means you deny. Am I correct?

Director Sellman: You are.

Chairman Threadgill: So, do I have any questions? Call the roll, please.

Ms. Minear: Harriel White – yes; James Clopton – yes; Lauri Ames – yes; David Campbell – yes; Louis Kleinman – abstain; Wanda Thorp – yes; John Mory – yes; Gary Threadgill – yes.

Chairman Threadgill: The item is denied. The variance is denied. Last item on the agenda, Item No. 9.

9. Ordinance Amendment (OA-07-0205) – Mural Sign Code Amendment – amendment of Ordinance No. 5086 concerning the consideration and approval of murals

Director Sellman: Item No. 9 is a request for an ordinance amendment requiring the consideration and approval of murals. It changes the procedure by adding a requirement that the Arts Advisory Committee provide a recommendation to the Planning Commission prior to the Planning Commission's consideration of a mural request.

Commissioner Clopton: Is this going to be long enough that we shouldn't take a five minute break?

Chairman Threadgill: It might take a minute. I've got a few beefs. Let's take five.

<Break taken.>

Chairman Threadgill: Is everybody back? I'm going to call the meeting back to order. What we have here is as Kathy just stated, we have Item No. 9 which is a Mural Sign Code Amendment and Sign Ordinance. I'm personally not happy with it. I'd like to have more discussion. Do I have any comments from any of the Commissioners? Commissioner Clopton?

Commissioner Clopton: What provision do you not like?

Chairman Threadgill: Starting with <unintelligible> and ending with "presented." <laughter> The entire package?

Commissioner Clopton: Wrong question?

Chairman Threadgill: Yes. They've deleted articles. They've added some articles. They have one that ...one area that states that it's a 9 square foot area and another area it states a 6' square area. There's a lot of questionable data that's been put in. I'm just not happy with what's in the packet right now. A lot of questions I need answered before. I know this is probably a public hearing on it. We don't seem to have anyone that wants to speak on behalf or for or against. So I guess if you want, we can discuss it now or we can table this motion, have a get together on it ...Question to Kathy.

Director Sellman: Yes.

Chairman Threadgill: The 17th, we're not going to have the packet ready. We're not going to be ready for our one-mile jurisdiction deal next Thursday, our meeting. What if you think if maybe we drop this to that meeting ...

Director Sellman: As a work session item?

Chairman Threadgill: Have a work session on it.

Director Sellman: Good idea. For the 17th? There is a conflict with the Chamber dinner on the 17th. I think there will be people who cannot attend that meeting.

Chairman Threadgill: These people?

Director Sellman: Even these people, yes.

Commissioner Thorp: Louis is the only one we know about.

Chairman Threadgill: Anyone else have a problem making it? Lauri? Clopton?

Commissioner Clopton: No problem.

Chairman Threadgill: Campbell?

Commissioner Campbell: No problem.

Commissioner White: I'd already set it aside.

Chairman Threadgill: Are you going to be here? Are you going to be with them I mean?

Director Sellman: No, I'll be here.

Chairman Threadgill: Okay. Well, we're only short one. We had more than that on <unintelligible>. Let's just go ahead. We'll make a vote on it, but I'd like to do that. I'd like to have more discussion on this. There's just some issues that I think we need to settle out. We'll set it up. All in favor of ...

Director Sellman: Well, I do have a question. What is it that you want to know more about on the 17th so that we can do that?

Chairman Threadgill: First I'd like to know who wants to make the change.

Director Sellman: I believe it's the Arts Advisory.

Chairman Threadgill: Why? Then that would be my next question is why do they want to make a change.

Commissioner Clopton: Because it is beautiful in the City.

Chairman Threadgill: Why do they want to allow for 9 square foot size or 6', I'm not sure which one it is? They change ...

Commissioner Mory: I have a comment to that.

Chairman Threadgill: Go ahead.

Commissioner Mory: The way I'm reading that is you're reading that in letter K, correct, the very last sentence of that? And that is talking strictly about the artist's name may be more than 6 square feet of the mural. The portion of the mural that displays the artist's name can be no more than 6 square feet.

Director Sellman: That's the name box. The signature box.

Chairman Threadgill: You have a 9 square foot sign with a 6 square foot name in it?

Commissioner Campbell: No.

Commissioner Mory: Well, it says that is the maximum. Judgment I will assume will come in there somewhere because if that was the case, all you'd have on the mural would be the artist's name.

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

Commissioner Mory: And that wouldn't benefit anybody. I guess what you're saying is you'd

like to see a percentage of whatever ...

Chairman Threadgill: I would like to see a more explicit ...I mean this is what we run into every time we do one of these things. The wording is however you read it or however Raney reads it, or excuse me, Lauri reads it or Commissioner, you know. That's what we run into. I'd like these things ...if we're going to do it, let's get them straight. Commissioner Campbell?

Commissioner Campbell: I would ...

Chairman Threadgill interjects: One more comment, if you guys want to go ahead and approve this thing, you can make that motion. I'm not trying to make any motion to override anybody. If you guys like it, go with it. I'm just one out of nine here, okay? I'm not happy with it, but you guys might like it. Commissioner Campbell?

Commissioner Campbell: One of the things that I would like staff to be able to tell us is why 9'.

Director Sellman: Larger, larger than 9'?

Commissioner Campbell: Well, yeah.

Chairman Threadgill: What happens under 9'?

Director Sellman: I guess you don't have a mural.

Commissioner Campbell: But where did 9' come from?

Commissioner Thorp: How was that determined?

Commissioner Campbell: How did they determine 9'? What's the criteria for 9'?

Director Sellman: It's not in the Fire Code. <laughter>

Chairman Threadgill: I just have a lot of problems with it now. Lauri, do you have any? Do you like it?

Commissioner Ames: I'd like to have some discussion on it.

Chairman Threadgill: Okay. Louis?

Commissioner Kleinman: Discussion would help a lot.

Chairman Threadgill: Clopton?

Commissioner Clopton: Yeah, I think we need to discuss this thing because there's some serious <unintelligible> about it.

Chairman Threadgill: Campbell?

Commissioner Campbell: I think we need to discuss it as it is being that it is on our agenda. Go right ahead and then I will make a motion.

Chairman Threadgill: Alright. White?

Commissioner White: I don't think that discussion alone though should be our objective. If we really want to get something, we ought to have, be able to put together what we really want to vote on and approve when we do our session.

Chairman Threadgill: That's what the discussion will cover – where we're going to go with this.

Commissioner White: Alright.

Chairman Threadgill: Okay. Wanda?

Commissioner Thorp: Or maybe David was asking for us to discuss it now and then ... Isn't that what you were saying?

Commissioner Campbell: No.

Chairman Threadgill: He wants the discussion after a motion has been made like every other agenda item.

Commissioner Thorp: Oh, okay. My comment would be is that the folks that want it changed maybe they need to come to us in our little meeting and tell us why or get it in writing or tell us what's wrong with the one we already have.

Chairman Threadgill: Staff might be able to do that. Get comments from them.

Commissioner Thorp: Why is this sudden desire here to change what we have?

Chairman Threadgill: That's kind of mine. I was <unintelligible>

Director Sellman: I can tell you that this came about when there was a request, I'm told, to put a mural on the fence, which was a temporary structure, around the area where the DHS Building is being demolished. That was the request and apparently what we had didn't work with that request, I'm told.

Chairman Threadgill: I can understand the temporary sign, but we've changed and deleted a lot of others that have nothing to do with <unintelligible due to others speaking in the background>. Okay. Mory?

Commissioner Mory: Yes. I'd like to have some.

Chairman Threadgill: Then I will entertain a motion.

Commissioner White: What do you need?

Chairman Threadgill: I need a psychiatrist. I don't know what you guys need. <laughter>

Commissioner White: I mean what motion do you need? A motion to ...

Chairman Threadgill: A motion to ...

Mr. Stauder: Table.

Chairman Threadgill and Commissioner Thorp: <unintelligible> to our January 17th Work Session.

Commissioner White: So moved.

Chairman Threadgill: For further discussion.

Commissioner Kleinman: I second that.

Commissioner Mory: Mr. Chairman? Mr. Chairman? A quick...

Chairman Threadgill: Let's me get discussion here. I have a motion by Commissioner White and a second by Commissioner Kleinman to ...<unintelligible due several people are talking at once>. No, no, to postpone for further discussion at our January 17th meeting.

Director Sellman: I think because it is an active item on your agenda, you need to place it on the table.

Commissioner Kleinman: That was my question. Seems to me like we've got to do something with this right now, either table it or act on it.

Chairman Threadgill: We can't move it for further discussion? We can't table it for further discussion?

Commissioner White: Mr. Chairman, can I add table this for further discussion and include the workshop in the same motion?

Commissioner Kleinman: Mr. Chairman, point of order. We have a motion and a second on the floor right now.

Chairman Threadgill: We're in discussion right now.

Commissioner Kleinman: We're in discussion of that, but we can't entertain any more motions until we make <unintelligible> on that.

Chairman Threadgill: Well right now we're getting the discussion. He's asking a question if he can change it, and I'm fixing to ask Kathy. So until we get figured out what kind of motion we've got to make, I'm not going to dissolve the first motion. Kathy? <laughter>

Director Sellman: You can amend the motion with a majority vote.

Chairman Threadgill: Okay. Right. But what do we need to make as the motion to get this thing in for further discussion? Table it? Just right out table it?

Director Sellman: If you want more information, you should put it on the table. We can schedule it at that time. Once it's on the table, we can schedule it. It's a legislative item. There are no issues with anything. We can discuss it outside of the public hearing. Once it's on the table, we're fine to do that.

Chairman Threadgill: So we can table it and ...

Director Sellman: Yes and then we'll schedule it for the 17th.

Chairman Threadgill: <unintelligible> we'll schedule it for the 17th. Alright. I need a motion to withdraw your previous motion and put a table on the ...or to amend your previous motion to put a table. Mr. White?

Commissioner Kleinman: Who made the motion?

Director Sellman: Mr. White.

Commissioner White: Okay. I'm amending my original motion to include tabling this item. Is that correct?

Chairman Threadgill: Yes.

Director Sellman: Yes.

Commissioner White: Yes.

Commissioner Kleinman: And I accept the amendment, if I understand <unintelligible>.

Chairman Threadgill: And Mr. Kleinman ...Right. Accept the second. Alright. Any comments, questions? Everyone in favor? <ayes>

Commissioner Campbell: I said "aye." <laughter>

Chairman Threadgill: Oh. Opposed? <none> Item is tabled. Director's comments.

ITEMS FOR DISCUSSION AND ANNOUNCEMENTS

1. PLANNING DIRECTOR'S REPORT

Director Sellman: Yes. The City Manager and Board of Directors are interested in knowing the work programs for each of the boards and commissions for 2008 and we've already identified items that we will be working on, so I wanted to clarify that this is our intended work program so that we can send this to them. First of all is to finish up ...well, first of all, of course, we have to work on the mural item; but the first major project that we are in the midst of completing is the one-mile development district. That is our highest priority at this time, and we will continue working on that. The item to follow that would be to pick up again the subdivision amendments, including Article II, and to complete those, get them in a form to send those along so that the Board can consider those. Thirdly would be amendments to the Zoning Code beginning with the Planned Development District if I understand the discussion that we have had previously on this. Are there other major projects that we intend to complete in addition to our normal public hearings and so on that we would like to add to that list?

Chairman Threadgill: Commissioner Clopton?

Commissioner Clopton: This may not be one of our major projects, but where are we on the addition of two members of the board to the BZA?

Director Sellman: That item will be on the agenda the next Board hearing agenda.

Chairman Threadgill: Anybody else have anything they want to add to the ...

Commissioner Thorp: You said the one-mile and I missed it.

Director Sellman: That was the first item, yes. The one-mile development district is our big item

that's underway right now.

Chairman Threadgill: Going to try to complete it, get it ready, and send it forward to the Board of Directors. Then go to subdivisions Article II, which we already have a preliminary design set up by a training we did. Some of you weren't here then, but we'll give you time to get adapted – a couple of hours, maybe <laughter> -- then we'll carry on with that and take into Article II. Then like Kathy says, after we complete that and it goes forward to the Board of Directors for their approval or denial or whatever, then we'll jump into the Zoning Code. The Zoning Code covers several areas. I'd like to, personally myself, I'd like to start with PDs and get some things worked out on it because we're catching a lot of problems over it. Anybody else has anything they'd like to jump in on to kind of make a study into changing the ordinances or whatever? Speak up.

Commissioner Thorp: I just want us to be sure when we have that one-mile that man that wrote that big thing in the paper that we be sure and have him when we have a public hearing. I want that man here.

Chairman Threadgill: Well, there'll be public notification sent out.

Commissioner Thorp: I know.

Commissioner Campbell: He'll be here.

Chairman Threadgill: If he hears it, he will be here. There will be ...in all these things, we have a lot of write up to get ready before we're ready to present it to the public, so you're going to get a lot of flack until we get something drawn up. Then, like I told Kent and Lance the other night, they're going to shred it when we go to our first public hearing. It's probably going to be a total re-write again. When we send it forward to the Board of Directors, they might just turn around and toss it in the trashcan. Who knows? But what we ask or they asked us to do was get a packet up to present to them to see where it's going to go. Anything else? Carroll?

Director Carroll Weatherford: Something we did last year was we had a couple of work sessions between the Board of Directors and the Planning Commission and we kind of fell off. I don't think we had as many as we would have liked to have had. I want to suggest to Kent tomorrow or Monday, probably Monday since he's out of town, but I would like to have four this year or one a quarter, which would be like February, May, August, and November. So what is a good night for you guys to do that?

Commissioner Campbell: Thursday.

Chairman Threadgill: Right now we have all our training sessions set up for Thursday night, so you know, any Thursday, we're pretty well open.

Commissioner Kleinman: From my point of view, Thursday is going to start being a problem for about three months.

Chairman Threadgill: Who cares? <laughter>

Commissioner Kleinman: I do.

Director Weatherford: I would like to have the first one in February, because I mean January is already kind of full for me.

Chairman Threadgill: Yeah, January is gone.

Director Weatherford: I've got something nearly every day or every night.

Chairman Threadgill: What the intent is right now with this Commission, we're going to try to start pulling just about Thursday of the month working on some of these ordinances that you guys want changed and updated, worked on. I know and you know that in the past we've set up dates and they've got these turned around.

Director Weatherford: Well that's why I'm asking you because I want to set it ...

Chairman Threadgill: And be there.

Director Weatherford: ...and it's going to be a date and we're not going to call you. We're going to set that date. If you can't be here, you can't be here.

Chairman Threadgill: Thursday night would be good for this Commission. If you set it, you know, like we do our Planning Commission, make the calendar. The dates are set.

Director Weatherford: Make it the fourth Thursday of the month or something like that, whatever.

Chairman Threadgill: Well, we're tied up second Thursday of every month with our Planning Commission meetings, so if Kathy doesn't have any...

Director Sellman: Personal life?

Chairman Threadgill: Yeah. <laughter> That's something else I want to talk to you about here in a minute too. Go ahead. <unintelligible> If you can apologize to Peggy, I can give you a pat on the shoulder.

Commissioner Thorp: He apologized to Peggy?

Chairman Threadgill: Yeah.

Commissioner Clopton: Carroll, what time are you going to shoot for on this?

Director Weatherford: Start early. I mean, you know, if we did it at 6:00.

Commissioner Thorp: Well what we'll have to do is come at 5:30 and eat <unintelligible> and then we start right on time at 6:00. We don't have this dragging around, coming in ...

Director Weatherford: We'll eat. Most definitely, we'll eat.

Commissioner Thorp: But I know at 5:30, you eat and you start the session at 6:00. There's no eating. You've got 30 minutes.

Director Weatherford: No, we're going to eat like we eat. Just grab it and you're going to eat it while you're talking because if you stop and eat, everybody gets sleepy and they're ready to go home.

Commissioner Thorp: It's always been good <unintelligible> with our meetings back there <unintelligible>.

Chairman Threadgill: Well, he's the Director. It's his call. <laughter>

Director Weatherford: No, but I really want to make this work this year because we tried last year and it didn't work.

Chairman Threadgill: I agree.

Director Weatherford: I just want it to be a set ...

Female Speaker: <unintelligible>

Director Weatherford: No, I'm going to Kent with it. I've already told him that I want to have a set meeting and we want to do it quarterly. Some of the other Directors have already expressed that they want to have those meetings again. If you don't set a date, if it's a deal where you want to call everybody, not everybody's going to get together.

Commissioner Thorp: It doesn't work.

Director Weatherford: Not when you're talking about 20 people. You can forget it.

Commissioner White: Meetings about what?

Director Weatherford: What we're working on and what you're working on so that we're kind of looking at the same thing. What we're looking at the Planning Commission to bring to us. Why something happens. Why we get something and we have questions. Why was it not found in the Planning Commission or wherever? What you guys expect us to do. It's a two-way street. It's not ... We're not trying to tell you what to do. We want to know where we're headed. There's a lot of things working in the City that I think both parties have got to be involved in.

Commissioner White: I was just thinking that we'll have a set agenda with some items on there to <unintelligible>.

Director Weatherford: We always do. Every meeting we ever have is a set agenda that we're discussing maybe the one-mile and whatever else we've discussed in those meetings.

Chairman Threadgill: And there's always the open area.

Director Weatherford: Right.

Chairman Threadgill: That's for the <unintelligible>.

Director Weatherford: That's where you get to express your own thoughts.

Chairman Threadgill: I tell you what, in the open expression time, we get a lot done. Everyone that I've been to.

Director Weatherford: You actually get more done than when you got a set agenda.

Chairman Threadgill: But anyway ...

Director Weatherford: Thursday night is what you want to do?

Chairman Threadgill: Commissioner Campbell?

Commissioner Campbell: Carroll, I wished that, and maybe it's our place to do it, but at one time a year ago, we were getting an update from Kent ever so often on the happenings. You remember the updates we were getting?

Director Weatherford: Uhh, huh.

Commissioner Campbell: I would like to see that started back because there was a lot of valuable information that was conveyed into those updates.

Chairman Threadgill: You know we discussed that at one of the meetings and you guys told Kent to start preparing monthly updates and they went along ...

Director Weatherford: And updates you mean ...

Chairman Threadgill: What building's going on.

Director Weatherford: We don't even get that any more.

Chairman Threadgill: I know.

Director Weatherford: We used to get it. What building permits have been issued. How many permits were issued. What kind of permit.

Chairman Threadgill: Who is building and who's not.

Director Sellman: I know from a meeting with Kent this week that it's his intention to immediately reinstate that.

Chairman Threadgill: I told you. She's good. She knows.

Commissioner Clopton: She talked him into it.

Chairman Threadgill: She's picking up Dave and I. I think she's got something going.
<laughter>

Director Weatherford: I know that comes from downstairs, but I also know that downstairs is short-handed and we've had a lot going on and sometimes, you know, you're always going to get what you want because something else gets kicked to the side when something else more important comes.

Commissioner Campbell: I think one of the positive things that came out of the meetings that we have had in the past was that we were able to convey to ya'll in enough of a fashion that you believed it that we have got extra help already. That we've got some. That came out of those meetings that we got extra help down there. I have one other thing if I can bring it up ...

Chairman Threadgill: Make it quick. We need to close up. I got to go <unintelligible>.

Commissioner Campbell: I know. I know. In our last meeting, and I want everybody to think about this as we go into the one-mile thing; in our last meeting that we had on it, I think we kind of got wrapped up real quick into the aesthetics of the one-mile. I think we need to really think about some of the other things out there – the infrastructures that are going on out there, you know going on to these places. We need to get some teeth in there into that, more than we do what the aesthetics of what it's going to look like out there. If you want this one-mile thing to go, I know from the past, if you bring those people who are going to be affected, if you get them into your public meetings like we did with the zoning change before ...

Director Weatherford: So that they hear it first hand.

Commissioner Campbell: They hear it first hand and you get the information from them. If you include them into it, you've got a better chance on the end because nobody ...

Director Weatherford: You know the one thing we all, what we're trying to do is they think we're trying to annex.

Chairman Threadgill: Force annex.

Director Weatherford: We're trying to force annex and they have a mindset to that and whatever you say doesn't get transferred to the paper that reports it. They think we're trying to force annex and it's ...

Commissioner Campbell: That's all I have. Thank you.

Chairman Threadgill: Anybody else? Rick?

Mr. Stauder: There was one note that Kathy wanted me to ask the Commissioners. January I tried to make sure we get updated zoning maps to everybody. Do ya'll want hard copies of those or do you want to bring your laptops into the Planning Department and have me swap those?

Chairman Threadgill: I like hard copies if you don't mind because I have a Venetian blind that I can pull down and it rolls down and then I can do a visual check.

Mr. Stauder: Do you want it on your laptop as well? Do you want that updated as well?

Chairman Threadgill: It doesn't matter to me. I do better with a picture, but it's up to these guys. I can go down to John and get a picture of it. What I usually do for an update, I go about every six to eight months and get an update from John.

Commissioner Clopton: Rick, how hard would that be to put on a disk, a CD?

Mr. Stauder: Not hard at all.

Commissioner Clopton: That might be the easiest way.

Chairman Threadgill: Just put it on a disk and give everybody one on disk. I'll just go down to John and grab a hard copy.

Mr. Stauder: Okay.

Commissioner Thorp: John?

Chairman Threadgill: John downstairs in Engineering. Well it's not Engineering, it's ...

Mr. Stauder: Yeah.

Chairman Threadgill: Yes, it's Engineering.

Mr. Stauder: John Lewis. Okay, I'll have them ready for you next Thursday night.

Chairman Threadgill: Alright.

Commissioner Campbell: 5:00 next Thursday?

Chairman Threadgill: Be prepared the 17th at 5:00 and one other thing. Kathy, all these meeting we're having; I know you like the staff there, but maybe you can bust it up to where you make one meeting, Rick makes one. All we need is somebody to transcribe ...by the by-laws, all we need is somebody there to keep notes. So that would keep the burden off you guys always being there. I mean, I know you guys have to deal with the budget. We don't. I'm willing to go and you guys flip straws or whatever.

Director Sellman: We'll work on it.

Chairman Threadgill: Okay. Rock and roll. There ain't no need for all of you to be here.

Commissioner Campbell: We did a lot of that back then when we done ...

<END OF TAPE>

2. COMMENTS FROM THE COMMISSION

ADJOURNMENT
