

# **PLANNING COMMISSION MEETING TRANSCRIPT**

THURSDAY, OCTOBER 9, 2008

The regular meeting of the Planning Commission was held on Thursday, October 9, 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: If everybody will take their seats, we'll start the meeting. I'd like to welcome everybody to the Planning Commission meeting tonight. We'll start off with the invocation given by Commissioner Wanda Thorp and the Pledge given by Commissioner David Campbell. Please stand.

## **Invocation**

## **Pledge of Allegiance**

Chairman Threadgill: I'd like to welcome everybody to the October 9, 2008, Planning Commission meeting. We have one item I need to cover real quick. If you'll notice on the bottom of the monitor on the left hand side, you'll see a five minute indicator and on the right hand side, you'll see a three minute indicator. The applicant gets five minutes to speak. I'm going to hold you to it. When someone comes up to say anything for or against, you have three minutes. I'm going to hold you to it, so watch the monitor. I'd like to call the meeting to order at this time. Call the roll, please.

## **Roll Call**

Present: David Campbell, Gary Threadgill, Wanda Thorp, James Clopton, Lauri Ames, John Mory, Larry Raney

Absent:

## **Approval of Minutes**

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

Commissioner Clopton: So moved.

Commissioner Raney: Second.

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

### **Approval of Agenda**

Chairman Threadgill: I need a motion to approve the minutes.

Commissioner Ames: So moved.

Chairman Threadgill: The agenda, as-is. Not the minutes. The agenda, as-is. Excuse me.

Commissioner Ames: So moved.

Commissioner Campbell: Second.

Chairman Threadgill: I have a motion and a second. All in favor? <ayes> Opposed? <none>  
Alright, we'll start off with one item on Old Business. Mr. Stauder?

### **OLD BUSINESS**

- 1. Final Subdivision (FS-08-0145) – Catherine Shores Re-Plat – request for a three-lot re-subdivision of Lot 35 Catherine Shores Subdivision – Elmwood Drive in the County – County – ET**

Mr. Rick Stauder: Yes, sir. The first item is our first and only Old Business item. It is a request to replat Lot No. 35 of Catherine Shores Subdivision. This property is located off of Elmwood Drive, which is in the extra-territorial jurisdiction of the County. The Comprehensive Plan Classification is suburban residential.

Chairman Threadgill: Alright, is the ...I need a motion to bring it to the floor for discussion.

Commissioner Raney: Mr. Chairman, I move that Item No. 1 be brought to the floor for consideration.

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Commissioner Mory: I second.

Chairman Threadgill: I have a motion and a second. All in favor? <ayes> Is the applicant present for Item No. 1? Please come forward and give us your name and address, sir.

Mr. Andy Thomas, 187 Starboard Circle, Hot Springs, Arkansas.

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

Commissioner Campbell: I do. Would you kind of explain to us why you need the lot size variances on the setbacks?

Mr. Thomas: Mainly it's to be able ...we're wanting to do a single story structure, and we're needing a larger footprint.

Commissioner Campbell: Okay. Are your driveways going to be on the 25' sides?

Mr. Thomas: Yes. On the longer side, yes.

Commissioner Campbell: Okay. Have you got into it far enough yet to know how far back from the corners you're going to have your driveways?

Mr. Thomas: No, sir. We have not.

Commissioner Campbell: I can see a possibility of the upper lot in the upper corner of the triangle, if you put a driveway down towards the end of that, that end of it towards that street, with a car parked in that driveway, you're going to have a sight problem there at that curve, going around that curve.

Mr. Thomas: If you're referring to the upper corner, the way the house will sit, the drive, the garage sits to the left-hand side on that lot.

Commissioner Campbell: Towards the other lot?

Mr. Thomas: This side.

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Commissioner Campbell: Towards the street?

Mr. Thomas: Yes. So the driveway goes that direction towards the street. Right where your cursor's at.

Commissioner Campbell: Oh, okay. That side. Left looking that way. Okay.

Mr. Thomas: Does that clarify?

Commissioner Campbell: Yeah.

Mr. Thomas: Okay.

Chairman Threadgill: Commissioner Clopton?

Commissioner Clopton: To continue, if you're going to put your driveway on the 25' side, the diamond shaped ...Where's your driveway going to go on the diamond shaped point of that triangle?

Mr. Thomas: That one is yet to be determined.

Commissioner Clopton: Beg your pardon?

Mr. Thomas: That one is yet to be determined. Whichever side is going to make it most beneficial to the residence.

Commissioner Clopton: So it wouldn't necessarily be on the 25' side?

Mr. Thomas: It's probably going to have to be for it to be most beneficial to the residence.

Commissioner Clopton: Okay. Thank you.

Chairman Threadgill: The driveways will be on the 20' side. He just doesn't know left-in or right-in to the 25'.

Mr. Thomas: Correct.

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Chairman Threadgill: Any other questions to the applicant from the Commissioners? Alright, sir, you may be seated. 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.

Mr. Bryan Reis, 135 Section Line Road: I'm a lawyer and I'm here representing the interest of I believe 45 or more neighbors who live in the Catherine Heights area, the Catherine Shores area, excuse me. If I would ...and hopefully what I say can shorten what happens here tonight, but I would like those folks who are here opposed to this, if they would stand up so everyone can see who they are. If you're already standing, if you'd raise your arm please. We have ...

Chairman Threadgill: You may be seated.

Mr. Reis: We have and would like to circulate a petition signed by every person out there in that Catherine Shores neighborhood who lives along this area that we have been able to contact. We believe everyone but two we have been able to contact. I really am mindful of how congested the agenda is tonight. So this is a very important matter to my clients, and so there are things that I do want to make sure that I cover; but I am going to go through it pretty quickly.

First, I hope everyone understands what's going on here and I'd like to point that out. If it's possible to get up on the screen the Bill of Assurance, which is a part of your packet, and I'd ask each of you if you would look at the Bill of Assurance that's in your packet. I'll describe to you what's going on here. The applicant is attempting, through the City of Hot Springs, to do what they otherwise cannot do. The way that you know that is if you look at this replat that's in your packet, you'll see that it takes 75% of the owners in the subdivision to amend the subdivision, to change the subdivision. So in order for them to get three lots out of one lot, they need to do one of two things: They either need to get the approval of 75% of the property owners out there, which they absolutely can't do or come in and have the City do that for them. All I'd ask that you all do is to keep in mind, since I suspect that many or all of you also live in subdivisions, keep in mind whether or not you'd like the City to be able to arbitrarily change the rules of your subdivision based on an application of the developer.

Now there's already been a couple of questions about the request for a variance and I'd like to point out that the Code in §16-4-10(b) has specific requirements that says that the developer has to submit a petition that details why they believe they are entitled to variance. Sure enough, there's a letter in here signed by Mr. Hood that we're supposed to take as the petition that justifies these variances. Let me read you what it says. It says "future construction may have a larger footprint which will allow a resident to exceed the flood plain with concerns for safety and for the better of the area." Well, I read the minutes of the Commission meeting

back in August and I noted that Commissioner Campbell and Commissioner Mory both said the same thing about that. No. 1, it just doesn't make any sense. You can read that as many times as you wish, but it just doesn't make any sense. Then secondly, what it really says, what it really says is that the only way that we can shoehorn three houses onto that lot is if you give us a variance.

I also point out and I know that you are all aware that the Code says that the variances that you give shouldn't nullify the intent and purpose of the Code. This is not a minor variance. They are asking for a 40% difference for the entire perimeter of this lot. A 40% difference in the setback for the entire perimeter of this lot and I'll tell you and I know that you know if you'll look that the only real reason for that is that it's the only way that they can fit these three lots onto that small piece of property.

Chairman Threadgill: Alright, Mr. Reis, your three minutes are up, but since you're representing all of them, I'll let you go ahead and continue on for a little bit.

Mr. Reis: Thank you, Mr. Threadgill. I really do think that this will shorten it if I can say these things. Thank you for that. I also want to point out that our Code §16-4-44(b) requires that the lots be 60' and 100' deep and although the project summary says it meets that requirement, I just don't believe that's true. If you'll look if they can get the plan up there, if you'll look at what they've designated as Lot 35C, it is 46.5' deep at its back – not 60', 46.5'. What they do out here is they attempt to combine what are already very small lots with a setback variance to cram houses into a small area. When you read your project summary in here, you'll say "well it says that there are some lots out there that are only 6,500 square feet" and that's true. If that's all you knew, you'd say "well it's about the same size as the lots that are already out there". But what you don't know until you go out there and you look at the actual property is that those lots are all combined. The lots that are mentioned in the project summary, 47-50, Lots 46, 47, and 48 are all combined for one house and yard. Lots 49, 50, and 51 are all combined for one house and yard. So we don't have as this suggests if you read it, we don't have six lots out there that are 6,500 square feet. They're actually three times that with what you see on the ground.

Next and I know that you all are aware of this, because as I said I read the minutes from the meeting in August, this property is in a flood plain as you know. The contour lines are on the plan that's up there on the board and as you can see, it's between 310' and 312'. In order to qualify under FEMA, these houses have to be built with a ground floor of I believe it's at least 318'. So what that means, there's only two things that can happen out there, folks. Either those houses are going to be built on 8' stilts like this or someone's going to come out there and put in 8' of fill. So what you're going to have in my clients' neighborhood is houses that look like they ought to be on a beach down at the Gulf or else you're going to have a huge triangular island

that's built up 8' from their level. You're entitled to consider the welfare of the neighborhood in deciding whether or not you're going to pursue this or whether or not you're going to approve it and I would suggest to you that it's not in the best interest of the welfare of this neighborhood to approve it.

One other item I would like to note in the project summary, it says that Chinaberry Circle provides alternate fire access and I'm going to ...If I can, I'm going to do this with both hands to speed it up a little bit. I've highlighted the point of Chinaberry Circle and the property in question here and let me get one more...

Chairman Threadgill: Thank you, sir.

Mr. Reis: You'll see when you look at this that Chinaberry Circle is just a loop kind of midway down the road and quite a distance from this particular property. So although the project summary says that Chinaberry Circle provides alternate access for fire safety out there, that's just not true. It's nothing but a loop. So what you have if you approve this is you have a fully developed neighborhood that ends at the lake at a dead end that has my 45 at least folks out there and no alternate access. So as I said, I have gone through this pretty quickly. Hopefully I've saved us all some time. Many of my clients do want to mention particular concerns they have about health and safety. If there are any questions of me, I'll do my best, but otherwise that's all I have. Thank you.

Chairman Threadgill: Do I have any questions for Mr. Reis from the Planning Commission? Alright, sir, you may be seated. Is there anyone in the audience for this item? Is there anyone against this item that would like to speak? Please come forward, sir, and give us your name and address for the record? Can everybody hear me alright out there? <Yes>

Mr. Bob Draper, 229 Riverview Point: I spoke when I was here the last time. The last time I was here I addressed issues of safety and health and general welfare. One quick thing on the item of general safety, one of the biggest things about safety we're concerned about is Riverview Way. It is so narrow that we've already had problems where a school bus couldn't get down that street because someone was parked on the street and there wasn't room for him to get around it. So he had to back all the way out to try to pick up the kids. So with a street that narrow, we're concerned not only with emergency vehicles getting in and out, but we're concerned about where children are going to play. If anything, we should be asking here, we should be asking as homeowners for a setback that is greater than the normal, not less, because it's too narrow. So we would want a greater setback, not a smaller one. The only reason they can justify having a smaller one is they're trying to put a square peg in a round hole by jamming three houses into a

lot that was designed for one residence. That's the only ...I'm watching my time. The last point I'd like to make is that when my wife and I bought my house and moved into the subdivision where we live, we did so because we wanted to have some breathing room. We wanted to have some elbow room. We wanted to have some space. We wanted to be able to have room to breathe. We wanted to be able to look out at natural beauty. We liked the area because of the spaciousness for the reason that Mr. Reis mentioned that when people bought in that area, they didn't buy one lot. They bought two or three, two or more, to have some room. That's the kind of lots that were around there. So here was all these ground level spacious lots, we're going to have these houses, little tiny houses, up on 9' stilts or even worse is to build a mountain, a small hill, 9' tall that would knock all the air off the people that surround that where they wouldn't be able to get any breeze. So the whole thing just doesn't make any sense. It would seem to me that the only reason on Earth that you could justify this kind of proposal is for the benefit of Mr. Hood. It's probably going to make him a lot of money. But how could you do something to benefit one person at the detriment of 29 others or 29 others that are most directly affected living around that triangle, or in total to a lesser degree a total of 74 that lives in the entire subdivision coming off of Malvern Avenue. Thank you for the time.

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

Ms. Jane Yahoda, 120 Riverview Way, just across from the triangle: I've lived out there for over 20 years. Our home has been destroyed twice and we've rebuilt it for different reasons. I just don't want to see our property values affected. I don't begrudge the man making a living by buying some property and putting a house or two on it, but three houses on that little traffic triangle more or less is just too much for that neighborhood. It doesn't fit into the neighborhood – the number of houses they're wanting to put there plus the fact that they have to build them up since we've had the flood out there and now we're in the flood zone. So I would just ask that that be reconsidered and not be allowed to put the three homes or to re-subdivide it so that it's its very own subdivision so that he can later make that determination. Thank you.

Chairman Threadgill: Thank you, ma'am. Anyone else? I'll take one more. Please come forward and give us your name and address, sir.

Mr. Craig Van Horn, 223 Riverview Point: I believe one main thing that's really been brought to my attention with this. My father raised me that if you sneak to do something, you know it's wrong. Now the way that this came to public attention was on a public notice sign that wasn't

even as tall as the weeds. So it clued me in that the man knew he wasn't doing the right thing when he put the public notice like that. I do building as my living. I'm full aware that when I display a permit, it needs to be in clear visible view for any person or any inspector that comes along. So deep down I feel like this man is attempting to railroad something through just like what's been presented several times here. The Bill of Assurance in the neighborhood and what's brought people into that neighborhood is because we all came there with an understanding this wasn't going to happen. Now if this is our final attempt at a plea for this not to happen, then I hope you take this in sincerity with how many have shown up here in our best interest.

Chairman Threadgill: Thank you, sir. Alright, I'll give the applicant a three minute shot as rebuttal.

Mr. Thomas: Just for quick clarification, the notice that's put out ...

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

Mr. Andy Thomas, 187 Starboard Circle: The notice that's sent out there is done by the City. It's no attempt to us to try to sneak anything in. That's a City sign, City stuff. So we had nothing to do with that. As regard...in so far as the subdivision of lots, the lawyer's already stated that they've taken multiple lots, combined them to put single houses on. Combining or subdividing – it's all the same thing. They've re-subdivided the area so I don't see really what the difference is. Again, initially the major conflict was multi-family dwellings. We're not doing multi-family dwellings. They're single family homes, roughly 1,700 square feet, which is more than appropriate for the area. Concerns about the fire, they're saying fire safety, there's less than 30 homes in that area with the single access for fire way. That, if I'm correct, 30 homes is the max that you can have with a single entrance and we have less than 30 homes, including, with the inclusion of the three homes that we're proposing to build.

Chairman Threadgill: You can have more than 30 homes. You can have sprinkler systems.

Mr. Thomas: Okay. Second on that is it's really hard for me to believe that adding two more homes than what were already there is going to be some much of an influx that it's going to ruin an entire neighborhood. It's just two more homes compared to what was already pre-existing. The regards to the one-way street everybody keeps talking about, the one-way street is beyond us. It's to the right of the triangle. We can't control a one-way street. The streets were already there. And again, each home is going to have its own separate driveway and its own separate garage. I believe at some point in time there was concern about parking on the street. Where

would people park? Well they have their own driveway. That is where they'll park. All the homes are going to be built within Code. They'll even exceed Code. I mean we're into this to build a proper house. I mean, that's what we're trying to do here. The house that was initially on there wasn't even a house. It was actually a mobile home that had been added onto multiple times, and when we first cleared it, all we heard was great things from the neighborhood. You finally got the worst thing in this neighborhood out of here. We took care of that and we're trying to put something nice in there. So, I've been in contact with multiple members of the neighborhood and they've approached me at purchasing the lots. From day one, it's been available for purchase. The price has never changed. We're just trying to make \$1,000 off of what we paid at closing. We have the closing papers to prove it. So, I mean, if there's that concern, you got roughly 40 people -- \$1, 000 each and they just bought a lot. Or we can go ahead with our development and do what we're trying to do and it's not going to hurt any property values. If anything, they're going to go up.

Chairman Threadgill: Alright.

Mr. Thomas: Do you have any more questions from me before you...?

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

Commissioner Campbell: What is your intentions on the flood plain? Are you going to build the lot up or are you going to stilt the houses up?

Mr. Thomas: I probably got to <unintelligible>, use the stilt action is actually the parking garage.

Commissioner Campbell: Okay.

Mr. Thomas: So because as long as it's not a living, a place for living structure, you get away with the things for FEMA.

Chairman Threadgill: Any other questions for the applicant?

Commissioner Clopton: Mr. Chairman?

Chairman Threadgill: Commissioner Clopton?

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Commissioner Clopton: Would you be willing to sprinkle these houses?

Mr. Thomas: Sprinkle them?

Commissioner Clopton: Automatic sprinkle system?

Mr. Thomas: Oh, for the water? Like for yards and stuff?

Commissioner Clopton: No, no. <Unintelligible>

Mr. Thomas: It would be something that we would have to look into to what the cost would be and see if it's feasible for the project.

Commissioner Clopton: Thank you.

Chairman Threadgill: Any other questions to the applicant from the Commissioners?

Mr. Thomas: I do believe we have done our best to meet everything that the Planning Commission has asked us to do and to our best, we've followed through with all the guidelines by the Planning Commission.

Chairman Threadgill: Alright, sir. Seeing no other questions or comments from the Commissioners, I'll close the public portion. Do I have any questions or comments? None? I'll entertain a motion.

Commissioner Campbell: Mr. Chairman, to get this to the floor, I will make a motion to approve.

Chairman Threadgill: I have a motion to approve.

Commissioner Campbell: And that is with the ...

Chairman Threadgill: Staff...

Commissioner Campbell: ...staff recommendations with the variances.

Chairman Threadgill: Alright, I have a motion to approve with staff's recommendations by

Commissioner Campbell. Do I have a second?

Commissioner Raney: I'd second it to bring it the floor.

Chairman Threadgill: I have a second by Commissioner Raney. We'll open for discussion. We have any discussion? None? Call the roll, please.

Campbell – no and my reason for saying no is I think that this evidence that we've found here tonight with building the houses up on stilts and all that is going to be entirely against what the rest of that neighborhood looks like at the present.

Clopton – no. Two reasons – basically I cannot see giving the variances just to allow a larger footprint on the lot. Second, I'm still not satisfied that we should allow subdivisions in an area more than 38 homes with only one access without sprinkling, fire retardant sprinkling systems.

Mory – no, because of the variance requested for the setbacks.

Raney – no, for the same reasons.

Ames – no, for similar reasons, primarily because of the variance request which I feel is a, you know, self-imposed issue rather than the true nature of the lot.

Thorp – no, as stated above.

Threadgill – also a no.

Chairman Threadgill: Alright, the motion fails, so we'll go to Item No. 2. I tell you what, we'll give a couple of seconds here for them to clear out. Please hold your conversations down. We're still in meeting. <Brief discussion regarding computer freeze up.> Please take your conversations outside. Alright, everybody ready. If everybody will hold it down, we'll move to Item No. 2. Hold your conversations down, please.

## **NEW BUSINESS**

**2. Miscellaneous (MISC-08-0183) – Crazy Dan's – would like yard sales 10 times per**

**year --- 105 East Grand – District 2 – C-2**

Mr. Stauder: The second item on tonight's agenda is Crazy Dan's. It's a miscellaneous request to have outside yard sales or outdoor display of merchandise 10 times per year. This property is located at 105 East Grand Avenue. The current zoning on the property is C-2, which is general commercial. It is located in Board District 2 and the Comprehensive Plan Classification is linear commercial corridor.

Chairman Threadgill: Alright, I need a motion to bring it to the floor for discussion.

Commissioner Raney: So moved.

Chairman Threadgill: A second?

Commissioner Mory: Second.

Chairman Threadgill: Alright, is the applicant present?

Male Speaker, possibly Mr. Jeff Griffin: Mr. Chairman, I've talked with the owner twice last week and he intended to send me a notice requesting that it be tabled to the following month. I didn't actually get the written request. He called and said that my e-mail inbox was too full, but I didn't get one from him. He was agreeable to the tabling as staff recommended.

Chairman Threadgill: Alright, under the statement that was just made, I'll entertain a motion to table to our next ...

Commissioner Raney: So moved. So moved, table till next meeting.

Chairman Threadgill: Alright, which is what date is that, Rick?

Mr. Stauder: I believe it's November 13<sup>th</sup>.

Chairman Threadgill: Alright, table till November 13<sup>th</sup> by Larry Raney. Do I have a second?

Commissioner Campbell: Second.

Commissioner Thorp: Second.

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Chairman Threadgill: I have a second by Commissioner Campbell. All in favor? <ayes> Opposed? <None> Item 2 is tabled. Go to Item 3.

**3. Conditional Use (CU-08-0181) – Virtuoso Investments, LLC – Malvern Avenue Overlay District site plan review for South Central GI, LLC, clinic and South Central Endoscopy-Gastroenterology – 124 Sawtooth Oak Street – District 6 – C-3**

Mr. Stauder: Okay, Item No. 3. Virtuoso Investments, LLC, is the applicant. They are seeking Malvern Avenue Overlay District site plan review approval through the conditional use procedure. They are basically requesting to construct a commercial GI Clinic in the Sawtooth Oak, excuse me, Oaktree Park Commercial Subdivision. The property is located at 124 Sawtooth Oak Street. Current zoning is C-3. Comprehensive Plan Classification is business commercial center and it is located in Board District No. 6.

Chairman Threadgill: Alright, I need a motion to bring it to the floor for discussion.

Commissioner Raney: So moved.

Commissioner Campbell: So moved.

Chairman Threadgill: I have a motion and a second. Is the applicant present? Please come forward and give us your name and address.

Commissioner Thorp: Mr. Chairman?

Chairman Threadgill: Yes?

Commissioner Thorp: Mine's not responding.

Commissioner Ames: We're froze up again. <Several Commissioners reply, "yes".>

Chairman Threadgill: Alright, if we'd hold up just a second. We're having a little problem here with the computers. <Discussions regarding computer issue.> While Rick is working on the computer, I'm going to go ahead and let the applicant give their presentation. Would you give us your name and address for the record, please?

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Ms. Vickey Clark, 213 Grand Ridge Terrace, Hot Springs.

Chairman Threadgill: Alright.

Ms. Clark: I'm representing South Central GI, as a clinic and future endoscopy center. We have submitted plans for approval, meeting Code requirements, and would like to construct this center.

Chairman Threadgill: Alright. Does the Commissioners have any questions to the applicant? None? Alright, you may be seated. Is there anyone in the audience for or against this item? Again, is there anyone in the audience for or against this item? Seeing none, I'll close the public portion. Do I have any questions or comments from the Commissioners? Commissioner Raney?

Commissioner Raney: Does anybody know what the width of Lot 1 is, which is sandwiched between this lot and Malvern? It doesn't show up on this drawing that I saw and my concern is that by offering or by granting ingress and egress on the two outer edges of this property, we may be creating a curb cut issue for Lot 1 when it is developed at some point in time in the future because it is obviously close to the main intersection with Malvern. Where would they be required to place their ingress/egress and would that then give us two curb cuts in too close a proximity of one another along what would be the East side of the property at least? I'm just looking down the road. Is that legitimate a concern or ...?

Mr. Stauder: Yes, conditional use just like that.

Chairman Threadgill: Alright, Lot 1, anything done to it will have to come back to this Commission for a conditional use and at that time, we can deal with the curb cut issues.

Commissioner Raney: Well I agree with that, but what I'm saying is that shouldn't part of our concern with regard to this development include or at least acknowledge the fact that depending upon the size of Lot 1, we may have some problem down the road? You guys follow where I'm going with this? I mean ...

Commissioner Thorp: Mmm, huh. <Unintelligible>

Commissioner Mory: I have a related question. What are those ...

Chairman Threadgill: Commissioner Mory? Sorry.

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Commissioner Mory: <Unintelligible> Street is going to be a City street, right?

Mr. Stauder: I believe it's Sawtooth. It may show up as Wateroak on yours, but yes, I believe that is a dedicated City street.

Commissioner Mory: So in other words, access to Lot 1 could be gained from that street.

Mr. Stauder: Yes.

Commissioner Mory: To follow up what Commissioner Raney has brought up, it is in fact an issue. They could actually still gain access to Lot 1 from the other street.

Mr. Stauder: From either Malvern Avenue or from the Sawtooth Oak since it's a corner lot. That would be my interpretation of that.

Commissioner Raney: Thank you.

Commissioner Mory: You understand my point? Okay.

Chairman Threadgill: Any other questions from the Commissioners? None? Commissioner Mory?

Commissioner Mory: I have one. Does that satisfy?

Commissioner Raney: Yeah, I just thought it was ...as I was reviewing this, I just thought it was something that we ought to look at because I didn't know what the size of that lot was and I know how we have been concerned in the past about the number of curb cuts and the distances within one another. It just seemed to me whether you want to call this Sawtooth or Water Oak, that we would have a problem along there at some point in time because these ingress and egress as presented here are at the extreme edges of the property so to speak.

Chairman Threadgill: Right.

Commissioner Raney: And that's all.

Chairman Threadgill: Well, what happened when this project was developed and brought in, we

allowed that lot size. So now to turn around and try to put some type of restrictions on it whether or not they can put a curb cut at this time is a little late. We'll have to wait on that when it comes in as a conditional use and try to do some sort of restriction on it at that time.

Mr. Stauder: If I'm not mistaken, Jeff, and correct me if I'm wrong, this is two lots that they're building on. Is that not correct?

Mr. Griffin: Yes, it is.

Mr. Stauder: So if they built separate structures instead of building one, they would be entitled to a curb cut per lot anyway, so ...

Chairman Threadgill: Right. He's ...

Mr. Stauder: I understand his concern, but I just wanted to clarify that they are building on two lots.

Chairman Threadgill: Yeah. Alright, any other questions, Commissioners? Alright, I have a question. Did I close the public portion? No? Is there anyone in the audience that has anything to say for or against this item? Again anyone in the audience have anything to say for or against this item? Alright, seeing none, I'll close the public portion. Alright, any other questions or comments from the Commissioners? None? I'll entertain a motion.

Commissioner Clopton: Mr. Chairman, I move that we approve this project as submitted, subject to any conditions from staff, which I can't read if there are any. <laughter>

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

Commissioner Mory: Second.

Chairman Threadgill: I have a second by Commissioner Mory. Call the roll, please.

Mory – yes; Thorp – yes; Raney – yes; Clopton – yes; Ames – yes; Campbell – yes; Threadgill – yes.

Chairman Threadgill: Yeah, we're going to have to. I can't go any further. Alright at this time,

we're going to have to take a short break. We've lost our computers and we're kind of lost, so if you'll bear with us just a few minutes. <laughter>

**4. Re-Zoning (RZ-08-0180) – Brooks and Nan Clem – rezoning R-4 to C-3 – 106 Halton Terrace – District 2 – R-4**

<Item already in progress>

Male Speaker: ...and my address is, the office is 209 Hobson. This is to rezone this parcel of land which can best be described as being an almost vacant lot behind what used to be Brooks Hardware Store and the back of the Café 1217 restaurant in that shopping center that the Clems own through Peter's Paint Company. This piece of property is being used presently for the most part as a parking lot, unpaved, for spill over parking. There's no question about it, I can tell you that it's not, but it is because the aerial photo shows it. I was there today at noon and there were six cars on that lot. So what we want to do is take this lot, change it from R-4 to C-3, put parking on the lot. I know that's not what we're here for. We're here to rezone. I'm telling you what we're going to do. It's going to benefit the neighborhood. It will put up ...we've got landscaping and everything else already planned. I've been working with the Planning Department the entire time with regard to this. It's going to be overall beneficial. It will fit in with a C-3. The C-3s are almost all the way around it except across the street where the nuns are and they are in favor of this project. The seller who is behind it has got a single family dwelling and he has not expressed any opposition to it. In fact, Mr. Clem has visited with him and he seems to be in favor of it. It can't hurt. It's going to help. It will provide needed parking for the additional restaurant, Taco Mama, which will be in the old Brooks Hardware building. We'd like to have you vote for it. It requires either one vote or two. It requires change in the future land use plan as well as rezoning, so I would appreciate your support. Thank you.

Chairman Threadgill: Right. Alright. Any questions of the applicant from the Board or from the Commission? None? You may be seated, sir. Is there anyone in the audience with anything to say for or against this item? Again, is there anyone in the audience with anything to say for or against this item? Seeing none, I'll close the public portion. Any comments from the Commissioners? Commissioner Raney?

Commissioner Raney: I'm wondering whether commercial transitional would be a more appropriate zone to place this property in. If you did that, you could still, you could grant use of parking space through a conditional use permit and it would give us more control. If you go C-3, then you basically open this up for the broadest use within a commercial property. Now all these

properties are in flux at one time or another. Hopefully this endeavor that's going to go in there and use the parking lot will be successful and there will be no change of ownership. But at some point in time in the future, this property may change ownership and if it is zoned C-3, then it stays zoned C-3 and it means it can be used for a lot of other things that go far beyond the use of a parking lot. It abuts residential property and so I'm wondering if maybe CTR wouldn't be a more appropriate change in zoning and then simply grant a conditional use permit for a parking lot. It achieves that same end and yet gives us control in the long-term because this is a piece of property that is transitional between C-1 and residential.

Chairman Threadgill: Alright. Any response from the Commission? Commissioner Campbell?

Commissioner Campbell: Sir. I think what Commissioner Raney is saying is very well taken, being there is – looking at the map – there is several residences back there and it might better fit that to have it as a CTR.

Chairman Threadgill: Alright, with that being said, would the applicant please come forward again? Mr. Owens, what would you and your applicant think about the rezoning to CTR instead of C-3?

Mr. Owen: Well this is the first time that CTR has been mentioned to me and I've been working with the Planning staff from the very get-go on this. I don't want to do anything that's going to take any more time to be able to get this restaurant open. We've been working diligently on this and we're ready to go forward. I can tell you that's what we're going to do. I understand the concerns, but as far as the use of it. The intention is to go forward with it immediately. We've already got a lease in place to lease the parking spaces over to the restaurant to be able to get this done. It's a ...I guess I'm a little bit surprised. I'd just like to go ahead and get this taken care of and the intention is to do it as a C-3 and convert it into parking immediately, along with the adjacent property which is already C-3. The property adjacent to the downstream side of Malvern is already C-3. It's adjacent to C-3 already and has been for a long period of time. I would prefer to go forward with it with what we have asked with the C-3.

Chairman Threadgill: Alright. That looks ...Rick is looking up something up here real quick and let's see what we've got.

Mr. Owen: I have been working with Mr. Stauder and with the Planning Director from the very get-go on this project.

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Chairman Threadgill: I have one question, Jeff. There's a ...looks like a street between this parcel and the old building.

Mr. Griffin: That is correct. It was closed by the City Board on Tuesday night of this week.

Chairman Threadgill: Okay.

Mr. Owen: The alleyway?

Chairman Threadgill: Yeah. It shows no zoning.

Mr. Owen: That's correct and I talked to Lance Hudnell and what he says is ...first of all my application actually shows ...What he said was that street had never been accepted by the City. That alleyway had never been accepted by the City and when you abandon it, it automatically ...the lot lines immediately extend to cover that and so it should be taken in automatically. I did raise that very question and if you look at my application, it specifically mentions in there ...Would you like for me to get that for you?

Chairman Threadgill: No.

Mr. Owen: It specifically mentions in there that that was coming before the City Board night before last and it was passed unanimously there to abandon that. That's been done. We're just ready to proceed at this point in time.

Chairman Threadgill: Okay. Then it will close that in.

Mr. Owen: Yes, sir.

Chairman Threadgill: Alright, on a note to you, a parking lot in a CTR is a conditional use. It will have to come back before the Commission again, which is going to cause actually no hold back on the restaurant starting, but it will take another 60 days to get him back to do the conditional use for the CTR if the Board approves it.

Commissioner Raney: I understand that, but I believe that our responsibility is not necessarily to facilitate immediate use of the parking lot, but to do long-term planning for the City. I feel very strongly that this is a transitional piece of property and as such, we should try to exercise as much control over it as possible in order to protect the residential properties that will be adjacent

to it. I certainly have no problem with what they propose. I'm just simply saying that it may have been ...I don't want to seem to cast aspersions on staff recommendations or the request that they took, but maybe it was inappropriate to look at C-3 as opposed to looking at CTR, at least that is my own personal opinion. I think that CTR is a more reasonable zone for that property because then we can, as I repeat myself now, continue to extend control over the use of that property in the future.

Chairman Threadgill: Alright. Commissioner Ames?

Commissioner Ames: You know while I definitely can understand Commissioner Raney's concern, I do think that the request as supported by the applicant in front of us is for C-3, so <unintelligible> at this time unless you want to have more discussion, I'd like to make a motion to approve the zoning request.

Chairman Threadgill: I have a motion to approve the zoning request as submitted by staff. Second?

Commissioner Clopton: Second.

Chairman Threadgill: Call the roll, please.

Ames – yes; Campbell – yes; Clopton – yes; Mory – yes; Thorp – yes; Raney – no; Threadgill – yes.

Chairman Threadgill: Alright. Item passes. We'll move to Item No. 5.

**5. Re-Zoning (RZ-08-0184) – Carpenter Dam Rezone – re-zone request for 31.65 acres from R-1 to C-3 – District 6 – R-1**

Mr. Stauder: Yes, sir. Item No. 5 is what's being called the Carpenter Dam Rezone. It is property owned by the Covington Family. It is approximately 31.65 acres, which is located in the 1000 and 1100 Blocks of Carpenter Dam Road near the vicinity of Lake Park Drive. The current zoning is R-1. The requested zoning is C-3, which is office or neighborhood commercial. The Comprehensive Plan Classification is suburban residential and it is located in Board District No. 6.

Chairman Threadgill: Alright, I need a motion to bring the item to the floor for discussion.

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Commissioner Clopton: So moved.

Commissioner Raney: Second.

Chairman Threadgill: I have a motion and a second. All in favor? <ayes> Is the applicant present? Please come forward and give us your name and address for the record, sir.

Mr. Clyde Covington, 112 Orchard Street, Hot Springs: The property we're discussing, approximately 31 acres, belongs to me and my brother, Robert, who is seated in the back of the room. The property just for historical sake was a homestead in our family back in the 1880s. It is, as you said, an R-1 rural residential rating at this time. Quite simply and briefly, the reason we're asking you to address this issue has to do with the relocation of Carpenter Dam Road. As you see on the map, the road now goes through our property so that we are on both sides of the road. For that fact, it seems that the R-1 rural residential district doesn't seem to exactly fit what we have there now, so that is why we were asking and also at staff's recommendation to go with a neighborhood commercial district. That simply is why we're here.

I do have a letter too. It came a little late to include in a pack for you that is from Gary McCuen who owns land adjacent to ours. He writes here that he is unable to attend the speaking, the hearing, excuse me, to speak for this rezoning, but he is in favor and he would appreciate your consideration. May I bring this letter to you? Is that okay?

Chairman Threadgill: Yeah, go ahead. Just hand it to Mr. Raney there.

Commissioner Raney: Thank you, sir.

Mr. Covington: Ladies and gentlemen, that's all I really have for you.

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

Commissioner Raney: Could you explain exactly where his property lies with regard to yours?

Mr. Covington: Can I come over there and show you?

Commissioner Raney: Certainly. I have a style right here.

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Mr. Covington: It's right here. It says "Covington Place Subdivision."

Commissioner Raney: Okay, it's the Covington Place Subdivision property. Thank you very much, sir.

Chairman Threadgill: Alright.

Mr. Covington: Anything else?

Chairman Threadgill: Any other questions to the applicant? Alright, sir, you may be seated.

Mr. Covington: Thank you.

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

Male Speaker: I would like to speak.

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

Mr. Duane Vandenberg, 113 Waters Edge Cove: I request that you vote against changing the parcel of land from Grandpoint Drive to Bayshore Drive from residential to C-3 commercial. There are many people here who also feel the same way. Would you please stand? When I moved to Hot Springs 20 years ago and began looking for an area in which to build my dream home, I drove what was at that time Carpenter Dam Road. It's now Lake Park Road or Lake Park Drive and I turned down Bayshore Drive. Now those of you on the Commission who have driven Lake Park Drive know what a beautiful area this is. It's anchored on the corner of Bayshore and Lake Park by the Lakewood Nursing Home or retirement home. Now if you approve this zoning change from residential to C-3 commercial, which is a very broad category, what you and I may see along this beautiful <unintelligible> stretch of scenic Lake Park Drive are the possibility of a gas station, an auto repair garage, or a highway construction yard with trucks, cranes, pipes, and building materials, maybe even a Sonic Drive-In, a barber or beauty shop, or a quick stop kind of convenience store with gas pumps. Heaven forbid, maybe even a liquor store. Now what an ugly concept to consider. I moved to Hot Springs when I was 58 years old because it is a beautiful place to live and to work. I'm now 78 years old. My next home may be the Lakewood Retirement Center. When I sit in the solarium looking out on Lake Park Drive, I want to see beautiful, well-kept homes like where I now live. I don't want my view ruined by commercial

clutter. Several years ago, I sat where you sit tonight. I know how difficult it is to face zoning issues. I know what I would do in your place. Please don't change the zoning. Please don't change the view and the beauty of that area. Thank you for your time.

Chairman Threadgill: Thank you, sir. <applause> Alright, is there anyone else in the audience with anything to say for or against? Please come forward and give us your name and address for the record, sir.

Mr. Craig Schrader, 135 Peninsula Point: I too moved to the neighborhood not too long ago based on the beauty of that area and was particularly delighted by the fact that Lake Park Drive would go from what was a very busy and potentially dangerous street for small children – I have a six year old and a nine year old – to a much more residentially friendly street where bicycle riding and walking would be something that one would expect to do without risking life and limb. I am concerned as I think several of the others who stood up a moment ago are that changing the designation of this property would lead to a much more traffic intensive area and potentially change the character of the neighborhood that we've moved into. We believe that the notice we received ... I learned about this rezoning attempt only about a week ago and had very little time to really understand exactly what the changes would be. We would like to engage, I think the whole neighborhood would like to engage, with the seller of the property and discuss uses that we all could agree would be beneficial to the neighborhood. We are not adverse to any development there, but we are very concerned in particular about the Lake Park Drive portion of the property and its change from a R-1 to a C-3. We would very much like to see some additional time being given before a decision is made so that we can engage the seller. We are hopeful that the Commission will at the very least delay any decision moving forward. But if we need to make a decision tonight, we would very much urge that the decision be not to move forward. I'd also like to point out that for to deny the rezoning, I'd also like to point out that there is a day ...at the daycare ...There's a daycare center at the nursing home there on the corner that has been referenced. Again, small children ...lots of potential for activity there that is not really consistent with having that commercially zoned and the potential for ingress and egress on and off of what is now a very quiet, very wooded neighborhood-like street which is what we all very much appreciate.

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

Ms. Christine Munro, 170 Peninsula Point: I had an entire list of things to go over, but most people will cover it so I want to get to what I think is also the most germane. I think about 15

years ago, this neighborhood annexed ourselves to the City of Hot Springs to avoid this very effort. We were County. We begged the City to bring us in. So we're trying to fight this effort. We need you all to help us fight that. I hope you understand that, you know, I think the City has benefitted from our tax revenues and what we bring to the City, and we would hope that you all would protect us the way that we asked you to protect us 15 years ago when we annexed ourselves into the City. We appreciate your consideration. Thank you.

Chairman Threadgill: Thank you, ma'am. I'd like to also add into the record. I'm sure a lot of you read the paper today, Letters to the Editor. Martha Jane Murray sent in a letter. I'd like to make that part of the record. Is there anyone else in the audience who has anything to say for or against? Please come forward and give us your name and address.

Ms. Kate Schaffer, 153 Peninsula Point: I actually have a letter from Martha Jane she asked me to read. Is that allowed in her absence?

Chairman Threadgill: <Unintelligible>

Ms. Schaffer: Okay. She says that "It's 3:00 a.m. Monday morning and I can't go back to sleep for thinking about the state of my neighborhood again. Nine years ago, my neighbors and I were in a similar situation ..."

Chairman Threadgill: Ma'am? Ma'am? Ma'am?

Commissioner Thorp: That's what was in the paper.

Commissioner Clopton: That's what's in the paper.

Ms. Schaffer: Is this the same thing that's in the paper?

Chairman Threadgill: That's the one that was in the paper.

Ms. Schaffer: Oh, okay. I'll just give you her letter for the record then.

Chairman Threadgill: Okay. I just took it into the record. Do you have anything you'd like to add yourself?

Ms. Schaffer: No, thanks.

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Chairman Threadgill: Okay. That's the one I just took into record. Is there anyone else in the audience? I'll take one more. Please come forward and give me your name and address.

Mr. Fred Heinemann, 537 Bayshore: Back ...I moved out there in 1989 and like a lot of people here have said, the reasons I chose this area was because of its natural beauty. I have a wonderful area out there in the forest and when we self-annexed ourselves at this time because of the issues of unchecked development out there, the whole community in the entire Bayshore/Peninsula Drive area was extremely unified that we did not want commercial growth out there. The City at the time, although they could zone certain areas around the lake, said "no, unless you're part of the City, we're not going to afford you zoning protection". We worked very hard and did self-annex ourselves into the City. The condition was that we were granted R-1 and that this was supposed to stay R-1. Then we had an episode you may remember some years ago when the Planning Commission met I think on three separate occasions. There was a subdivision that wanted to be build right off of Bayshore, where Bayshore hits Bayshore Cove. The Planning Commission had said no, they did not want to change it, and that got appealed to the City Board. It went to the City Board for final purview and it was interesting the discussion that I heard that night because there were some City Board Members who said "we need to change this. We need more development. It's really not up for the residents to decide how the City shall grow. It's up to us, the City Board, to decide this." One of the most interesting comments that I've ever heard from a City Board Member was when Peggy Maruthur got up and she said, "you know people who live out here have a done a whole lot and have brought themselves into the City and have asked for the City's protection. Yes, it can be changed, but unless there is some overriding need of the City that supersedes the desire of this area to be kept residential, then it ought to be left R-1." We were fortunate that the City Board agreed and left this area R-1. We're in a kind of a similar situation now. We're looking at taking an area that has the potential to ruin the entire Lake Park Drive area. This goes up to Entergy Park and it's a wonderful drive and it really should be kept as it is. I think the comment that we're not adverse to looking at some of this use over here, to talk with the owners about it, I think that's fine. But if we have to decide tonight, yea or nay, I would ask the Planning Commission to say no, leave it R-1.

Chairman Threadgill: Alright, thank you, sir. I'll take one more.

Ms. Linda Kass, 436 Bayshore Drive: I just want 30 seconds of your time. The main reason that the new Carpenter Dam Road was built was because of the traffic on the old Carpenter Dam Road, which is now Lake Park. The ...I can't think of the right word ...the problems that we're having of the amount, the volume of traffic on our ...on the old Carpenter Dam Road. So if we

rezone it to be commercial again, aren't we introducing that traffic back onto what's now Lake Park Road? <Unintelligible> I'm done.

Chairman Threadgill: Alright. Thank you, ma'am. At this time, I'm going to close the public portion. Do I have any questions or comments from the Commissioners? Commissioner Raney?

Commissioner Raney: This may sound like a broken record ...

Chairman Threadgill: I'll go along with you on this one. <laughter>

Commissioner Raney: I think CTR is probably ...if we were going to change zoning, it's probably more of what we ought to do. Let me give you some of my reasoning behind that. This property facing on Carpenter Dam Road is probably more apt to be used for commercial use than residential. But, especially that one point or pardon me, 3.44 acres that lies on the East side next to the M-1 District; but the rest of it which is 29 of the 31 acres, lies to the West side and is adjacent to residential property. Even that property that's in the PD is currently residential in use. If we go with a commercial transitional, it gives us an awful lot of control over what happens with that property in the future. That means that we can then insulate the neighborhood, the residential portion from the commercial portion by having that kind of zoning as opposed to offering the C-3 which is the most expansive use of commercial property that's available. Sorry to sound like a broken record, but again that's my opinion.

Chairman Threadgill: Well, I was going to shoot my intent out for a PD. That way it will be a lot stronger and more stringent uses in what they can and can't do.

Commissioner Raney: Either one.

Chairman Threadgill: It does about a PD area now, so ...

Commissioner Raney: Exactly. Either one would give us a lot of control of what happens to that property.

Chairman Threadgill: Well, I think it would give the neighborhood in that area a lot more understanding that just not anything can be built.

Commissioner Raney: Exactly.

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Chairman Threadgill: You know, we are for progress, but we don't want the bars and the things like that on a corridor such. Anyone else? Any comments, questions? Commissioner Mory?

Commissioner Mory: I have a question. If we went with a PD, is that something that could be handled tonight or is that something that they'd have to bring back to us?

Chairman Threadgill: We can make the change on the request now and send it forward with our recommendation it be rezoned PD to the Board of Directors.

Commissioner Mory: Okay.

Chairman Threadgill: Then it will be up to the Board of Directors. <audience becomes noisy> Hold up, folks. Hold up! Keep it down, please.

Commissioner Campbell: I'm not sure. I'd like for the applicant to come back forward please.

Chairman Threadgill: Is the applicant present? Mr. Covington, would you please come forward again?

Commissioner Campbell: I have a question of you.

Mr. Covington: Okay.

Commissioner Campbell: Would you be willing to meet with these people? To table this tonight, meet with them, and let us also look at some various things that can be done there? Table this thing for a one month period and come back.

Mr. Covington: Yes.

Commissioner Campbell: Would that be suitable with you?

Mr. Covington: Yes. Yes.

Commissioner Campbell: In that light, I would make a motion to table this, sir, for one month.

Chairman Threadgill: I have a motion to table till the November 13<sup>th</sup> meeting. Do I have a second?

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Commissioner Thorp: Second.

Chairman Threadgill: I have a second by Commissioner Thorp. Call the roll, please.

Raney – yes; Thorp – yes; Campbell – yes; Mory – yes; Clopton – yes; Ames – yes; Threadgill – yes.

Chairman Threadgill: The item's been tabled till the November 13<sup>th</sup> meeting. We'll move to Item No. 6. We'll let it air out. <audience leaves noisily> Would everybody please take it outside, we're still in meeting? We'll move to Item No. 6.

**6. Site Plan Approval (SPA-08-0186) – Spring Valley Long Term Care – Article II multi-building site plan review to develop an eight building long term care facility – 600 Twin Points Road – R-2**

Mr. Stauder: Yes, sir. Item No. 6 is an Article II multiple building site plan approval request. The applicant is Spring Valley Long Term Care. They are requesting approval to develop this almost 20 acre tract of land located at 600 Twin Points Road into a long-term care facility. The current zoning of the property is R-2, which is suburban residential. The Comprehensive Plan Classification is low density residential.

Chairman Threadgill: Alright, I need a motion to bring it to the floor for discussion.

Commissioner Raney: So moved.

Commissioner Thorp: Second.

Chairman Threadgill: I have a motion and a second. All in favor? <ayes> Alright, is the applicant present? Please come forward and give us your name and address for the record, sir.

Mr. Bill Malone: I'm the engineer representing Summit Developers.

Chairman Threadgill: Alright.

Mr. Steve Swallow, 170 Cooper Road, Alexandria, Louisiana.

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

Commissioner Campbell: Yeah, I have one. Bill, there were some questions and I think it got answered. You are going to have internal walkways on both sides of the street inside this, aren't you?

Mr. Malone: Yes, we have changed that.

Commissioner Campbell: Plus, you have a sidewalk on the ...

Mr. Malone: On the front.

Commissioner Campbell: ...on the front of the property. Okay.

Chairman Threadgill: Alright. Any other questions from the Commissioners? Alright, Mr. Malone, you may be seated.

Mr. Malone: Thank you.

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

Commissioner Raney: I would move approval.

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

Commissioner Clopton: Second.

Chairman Threadgill: I have a second by Commissioner Clopton. Call the roll, please.

Raney – yes; Ames -- <Laury stepped out. Pass her.>; Campbell – yes; Mory – yes; Thorp – yes; Clopton – yes; Threadgill – yes.

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Chairman Threadgill: Item passes. Go to Item No. 7.

**7. Site Plan Approval (SPA-08-0185) – DRB Optometry – Amend SPA-07-0046 for vehicular access – 305 Section Line Road – District 5 – C-3**

Mr. Stauder: Item No. 7 is an Article II site plan amendment request for DRB Optometry. This property is located at the intersection of Abbott Drive and Section Line Road. It has an address of 305 Section Line. The current zoning of this property is C-3, which is office and neighborhood commercial. The Comprehensive Plan Classification for this site is residential, excuse me, regional commercial center. It is located in Board District No. 5.

Chairman Threadgill: I need a motion to bring this item to the floor for discussion.

Commissioner Campbell: So moved.

Chairman Threadgill: I have a motion and a second. All in favor? <ayes> Is the applicant present? Please come forward and give us your name and address for the record, sir.

Mr. Dale Burroughs, 548 Randall Road, Hot Springs, Arkansas.

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

Commissioner Raney: On our project summary and staff recommendation, it was stated that you all wish to install an additional driveway that was not originally approved and to eliminate an area of cross access between the parcels. I'm a little confused about that even though I'm familiar with the property. Can you give us a better explanation? Because I don't ...when I looked at this drawing which is up there on the screen now, I'm not getting it I guess. I just can't put it together for some reason.

Mr. Burroughs: Presently I have no access to my property outside of coming across someone else' property. Okay? That's why we're asking for the curb cut off Abbott Road, off Abbott Drive.

Commissioner Raney: Okay.

Mr. Burroughs: Okay? In addition to building, there is an access in the back which would be the

back of the new building where he's <unintelligible> it there and we just want to prevent that being a cut-through, so people aren't pulling to the back of the building and cutting through to the other piece of property or visa versa. So <unintelligible> will be our access and two other accesses.

Commissioner Raney: Okay.

Chairman Threadgill: Rick?

Mr. Stauder: Jeff, flip to the next slide. This may help you here, Commissioner Raney. That is the way that it was currently, I mean we currently approved driveway there to there.

Commissioner Raney: Right.

Mr. Stauder: They want to close that access there where the cursor was and then open the access right there.

Commissioner Raney: Right there? Okay. Now I get it. Okay. <Unintelligible> I went out there and even got out of the car and I said "am I turned around or something?" I just couldn't get it right.

Chairman Threadgill: Alright. Any other questions to the applicant? None? You may be seated, sir. 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. Any questions or comments from the Commissioners? None? I'll entertain a motion.

Commissioner Raney: I move approval.

Commissioner Thorp: Second.

Chairman Threadgill: I have a motion to approve with recommendations by Commissioner Raney and a second by Commissioner Thorp. Call the roll, please.

Campbell – aye; Clopton – yes; Mory – yes; Raney – yes; Ames – yes; Thorp – yes; Threadgill – yes.

Chairman Threadgill: Item passes. We'll move to Item No. 8.

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**8. Appeal Administrative Decision (AA-08-0191) – Dick’s Sporting Goods – appeal for wall sign maximum square footage – Higdon Ferry/Fairgrounds Crossing**

Mr. Stauder: Are we going to do these individually?

Chairman Threadgill: Yeah. What we’re going to do is take Item No. 8, 9, 10, and 11 and have the discussion all at the same time. Then we’ll entertain a vote on each individual item. Everybody understand that? <yes> Alright, sir.

Mr. Stauder: You want me to go ahead and read them.

Chairman Threadgill: Yeah, hold on just a second.

Mr. Stauder: I’m sorry.

Chairman Threadgill: Do I need a motion to bring the item to the floor for discussion?

Commissioner Clopton: Motion to bring this item to the floor for discussion.

Chairman Threadgill: Do I have a second?

Commissioner Mory: Second.

Chairman Threadgill: I have a motion and a second. All in favor? <ayes> Is the applicant present? It’s alright sir. You want to go ahead and read the ...

Mr. Stauder: Yes, sir. There are four different items here concurrently – Dick’s Sporting Goods, Bed Bath and Beyond, Best Buy, and Michael’s. Those are four retailers proposed to go into the new Fairgrounds Crossing Shopping Center. As stated, they are four separate items, but they are all asking for the same sign variance. So they’re basically the same. I’m going to go ahead and read those. This is an appeal for maximum square footage allowable for a single wall sign. This property is located on Higdon Ferry Road. The current zoning is C-4. The Board District is No. 4 and, once again, all four of these are seeking the same Sign Code variance.

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

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Mr. Robert Avery, 712 Main Street, Houston, Texas.

Chairman Threadgill: Alright. Do I have any questions to Mr. Avery from the Commissioners?  
Commissioner Clopton?

Commissioner Clopton: I have one. The size of the signs that you are asking a variance for, is this the standard sign that they put on all their stores in all cities?

Mr. Avery: Yes, sir. It is. These are their prototypical signs.

Commissioner Clopton: Size and all?

Mr. Avery: And I brought ...size and all. Yes, sir. I have some examples here if you care to see them. This is a prototypical sign that we've actually developed in our development in Shreveport, Louisiana, for the Dick's Sporting Goods. This is one just down the street from you guys in Little Rock for a Best Buy. This is another one in Shreveport, Louisiana. All these are prototypical. This is a Best Buy and Bed Bath together in Shreveport, Louisiana. This is just down the street from you guys in Little Rock as well for a Bed Bath.

Chairman Threadgill: Alright. Any other...

Mr. Avery: You get the idea. They are all prototypical and they're all ...

Chairman Threadgill: Did that answer your question, Commissioner Clopton?

Commissioner Clopton: Yes.

Chairman Threadgill: Any other questions to the applicant?

Commissioner Raney: Just wanted to clarify more of what James brought up and that is it was hard to tell from what we had in front of us, at least it was for me, but all the signs will be in scale to one another and you had a picture there just a moment ago of two different stores ...

Commissioner Mory: Best Buy and Bed Bath and Beyond.

Commissioner Raney: Best Buy and Bed Bath and Beyond.

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Mr. Avery: Right.

Commissioner Raney: Those signs looked like they were in scale with one another. In other words, one didn't seem to be more imposing than the other.

Mr. Avery: Right. And they basically are that way just as they are here. They pretty much govern that themselves as well. Bed Bath would never like that Michael's is bigger than them and visa versa, so they tend to stay within the same size.

Chairman Threadgill: If you look at the drawing, they have it on your screen in front of you now, they're all relatively the same area. They have a bit of a different shape maybe, you know as far as Best Buy or something, but they're typically the same size area.

Mr. Avery: Just as an added note, this was a nice artistic rendering we've made of your future shopping center.

Chairman Threadgill: Can we hold you to that drawing? <laughter>

Mr. Avery: It won't look as cartoonish <laughter>, but hopefully if you stand on the roof of the hospital, it will look very similar to that.

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

Commissioner Clopton: I'm certain I know the answer to this, but I want to make it a part of the record. These signs will all face the inward portion of the shopping center, right?

Mr. Avery: Can you repeat that?

Commissioner Clopton: The signs will all face the inward portion of the shopping center. None of them will face to the outside street.

Mr. Avery: Technically that answer is no. The majority of them face inwards. Best Buy has a sign on the side of their building and then I do believe there are some rear signages as well.

Chairman Threadgill: It's all stated in there. Yeah.

Commissioner Clopton: Is it stated in the staff's ...?

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Chairman Threadgill: Yeah.

Commissioner Clopton: I didn't read it.

Chairman Threadgill: They show on their drawings the sides of some of the buildings. The rear and ...

Mr. Stauder: If I'm not mistaken, the ones facing inward are the only ones where the variance is being requested. Is that not correct?

Mr. Avery: Rick, I thought I read somewhere in this description that the total square footage of signage would be less than what would be allowed on the 20%...

Mr. Stauder: For the 20% Rule.

Mr. Avery: ...on all four sides. Is that correct?

Mr. Stauder: Yes, sir. Jeff actually did the staff write-up, but that was my understanding.

Mr. Griffin: As the drawing up on the screen shows, there are a number of signs that will face Panama Street on the rear of the building. Those are compliant with our current sign regulations. The only sign that does not face the interior of the project or the parking lot towards Higdon Ferry that doesn't comply that the variance includes is the Best Buy on the side facing McCauley Court.

Mr. Avery: That sign is on the tower feature that you see on the left portion of the building. Right there. Correct.

Mr. Stauder: And that faces the interstate, correct? McCauley Court and yeah ...

Mr. Griffin: I'm sorry I misspoke. The Best Buy tag sign that faces Panama also is 248 square feet and requires a variance.

Mr. Avery: But if I could add to that, I believe they're still all under the 20% ... Okay?

Commissioner Clopton: Thank you.

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Chairman Threadgill: Alright, any other questions to the applicant? None? You may be seated, sir. 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. Yes, come up to the podium, sir, and give us your name and address.

Male Speaker: I would like to defer to be the last one. Is there anyone else here that would like to speak?

Chairman Threadgill: No, sir. You're it.

Mr. Gerald Wheeler: Alright. I'm representing the parcel of property that is ID No. 24. I'm sorry. I stand corrected. 52405. Any of these signs that they're proposing to do, I'd have one stipulation to agree to it, if they would promise to get this development built so we could get in there about two months earlier. Are they in agreement with that? <laughter>

Chairman Threadgill: Hold on.

Mr. Wheeler: No, that's fine. The point is made. We know this is going to be a good development, and being the owner, of course some of that doesn't affect me within the 200', but any that does affect me with the parcel that I've stated, I'm in agreement with.

Chairman Threadgill: Alright. Thank you, sir. Anyone else? No? Seeing none, I'll close the public portion. Any comments or questions from the Commissioners? Commissioner Raney?

Commissioner Raney: This is to staff. How binding are the papers that were submitted to us? Because it appeared to me with regard to the Best Buy application that at least one drawing, the elevations are mislabeled and as I went through it two or three times, I'm convinced they're mislabeled. Matter of fact, if you look at the labels on one side and then look at them on the reverse, they are not in agreement.

Mr. Griffin: That is correct. I called that to the petitioner's attention and they forwarded the drawing that's up there currently that shows the North, East, South, and West elevations...

Commissioner Raney: As being changed?

Mr. Griffin: ...as being changed and also the staff report correctly notes front, side, rear, and

also notes North, East, South, and West to keep it clear.

Commissioner Raney: Very good. Before you leave the mic, Jeff, if I may go to one other issue. This is just housekeeping type stuff, but as I noted it I wanted to be sure that ...Bear with me, I'm old fashioned. I use the computer, but it's easier for me to, on these things, to have my paper work. It appeared to me that only two of the applicants were going to have signs that faced to the West. Is that correct or is it all four would have signs that would face to the West?

Mr. Griffin: The drawing submitted shows Bed Bath and Beyond ...

Chairman Threadgill and several Commissioners: Michael's.

Mr. Griffin: Michael's and Best Buy. Three.

Commissioner Raney: Three out of the four?

Mr. Griffin: Yes.

Commissioner Raney: Okay. Very good. Thank you.

Chairman Threadgill: Any other questions? None? I'll entertain a motion on Item No. 8. That's Dick's Sporting Goods.

Commissioner Campbell: Motion to approve, sir.

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

Commissioners Raney and Thorp: Second.

Commissioner Campbell: With any ...

Chairman Threadgill: With a second by ...

Commissioner Campbell: With any recommendations that shall be there by staff. I'm not sure.

Chairman Threadgill: Motion with staff's recommendations and a second by Commissioner

Thorp. Call the roll please.

Clopton – yes; Ames – yes; Thorp – yes; Campbell – yes; Raney – yes; Mory – yes; Threadgill – yes.

Chairman Threadgill: Item No. 9, Best Buy.

**9. Appeal Administrative Decision (AA-08-0192) – Best Buy – appeal for wall sign maximum square footage – Higdon Ferry/Fairgrounds Crossing**

Commissioner Mory: I move approval subject to staff's recommendations.

Chairman Threadgill: I have a motion to approve with staff's recommendations by Commissioner Mory.

Commissioner Raney: Second.

Chairman Threadgill: I have a second by Commissioner Raney. Call the roll, please.

Mory – yes; Thorp – yes; Raney – yes; Clopton – yes; Ames – yes; Campbell – yes; Threadgill – yes.

Chairman Threadgill: Item No. 10, Best Buy. I'll entertain a motion.

Commissioner Thorp and others: No, that's Bed Bath and Beyond.

Chairman Threadgill: Oh, okay. Bed Bath and Beyond. I'm sorry. I'll entertain a motion.

**10. Appeal Administrative Decision (AA-08-0193) – Bed Bath & Beyond – appeal for wall sign maximum square footage – Higdon Ferry/Fairgrounds Crossing**

Commissioner Raney: So moved, with staff recommendations.

Chairman Threadgill: I have a motion to approve with staff recommendation by Commissioner Mory.

Commissioner Ames: Second.

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Chairman Threadgill: Second by Commissioner Ames. Call the roll, please.

Ames – yes; Campbell – yes; Clopton – yes; Mory – yes; Thorp – yes; Raney – yes; Threadgill – alright.

**11. Appeal Administrative Decision (AA-08-0194) – Michael’s – appeal for wall sign maximum square footage – Higdon Ferry/Fairgrounds Crossing**

Chairman Threadgill: Same item, Michael’s. I need a motion to approve.

Commissioner Raney: So moved again.

Commissioner Campbell: Second.

Chairman Threadgill: I have a motion by Commissioner Raney and a second by Commissioner Campbell.

Commissioner Raney: With staff’s ...

Chairman Threadgill: Pardon me?

Commissioner Raney: With staff’s recommendations?

Chairman Threadgill: Yeah, with staff’s recommendations. Call the roll please.

Raney – yes; Thorp – yes; Campbell – yes; Mory – yes; Clopton – yes; Ames – yes; Threadgill – yes.

Chairman Threadgill: All your signs passed, sir.

Mr. Avery: Thank you very much.

Chairman Threadgill: We need to take a break where we can turn this ...

**12. Ordinance Amendment (OA-08-0188) – Subdivision Code text amendment – hearing to receive public input regarding proposed revisions to the City of Hot**

## **Springs Subdivision Ordinance – City Wide**

Chairman Threadgill: Alright, I'll call the meeting back to order and we'll start off with Item 12, the final item.

Mr. Stauder: Yes, sir. This is the last item on today's agenda. Item No. 12 is a public hearing item to receive public input regarding proposed revisions to the City of Hot Springs Subdivision Ordinance. This of course would be a city-wide ordinance. That is the item.

Chairman Threadgill: Alright, I assume everybody that's left is here for some sort of discussion on the Code, so we'll start off with who would like to speak first? Alright, sir. Come forward and give us your name and address for the record.

Mr. Bob Messersmith, 838 Bellaire Drive.

Chairman Threadgill: Alright, Bob. What've you got?

Mr. Messersmith: Well, first of all, I want to say and I'm not speaking to the same choir this time because only two of you ...<END OF SIDE ONE OF TAPE> ...about a year and a half ago and I don't have the exact time but citizens were presented with many, many changes in this same Code. My son, Jeff, spent months ...uh, days and many hours going through what you presented to the public. The whole cotton picking thing was ...so Jeff went through and had to identify every change. We're concerned that why don't you give them us the changes instead of giving us the whole half inch thick volume. Let us know without blowing our minds.

Chairman Threadgill: Alright ...Okay, hold on just a sec, Bob. On the draft, are the changes not highlighted and underlined?

Mr. Stauder: Uhh, ....

Chairman Threadgill: I mean mine are.

Mr. Stauder: I don't believe so. It's presented in a total document format.

Chairman Threadgill: Oh, okay. We had the one before this. This is the final draft where everything's changed and ready to go before the Board of Directors.

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Mr. Stauder: Right. It's the <unintelligible> yes.

Chairman Threadgill: But in reference to that question, Bob, year before last when we had our last public hearing, this is the same ordinance. We just stopped. We got tied up with a bunch of other stuff, so this is basically all your son's changes and stuff are in here that you asked for and your son and there were several other people. This is the same draft. There's been maybe 10 or 12 other changes. Rick, there was lot sizes that have changed. You remember everything?

Mr. Stauder: Actually Mr. Griffin had the staff assignment and he's quite a bit more familiar with this if you would allow him to ...

Chairman Threadgill: Can you give Mr. Messersmith a quick run on the basic changes that we've made since last year?

Mr. Griffin: I'm trying to remember them off the top of my head. <laughter> Some important ones to note is Article II is essentially completely rewritten to reflect the Commission's request that the threshold for requiring Article II be of a determinable measure. That it means something. Certain descriptions and terms were deleted in their entirety. For instance, the term "modular home" has been deleted. We hope to work towards better regulations for manufactured home parks in the County and come to some agreements on those. There are a number of others, but I can't remember them off the top of my head.

Chairman Threadgill: Alright, any of the Commissioners remember any of the other drastic changes that were made?

Commissioner Campbell: Lot sizes.

Commissioner Raney: Lot sizes.

Chairman Threadgill: Yeah, I mentioned the lot sizes, which is not really that drastic except the lake areas. Article II – several definitions have been changed. But like I say, Bob, most of the changes were ones that were done when your son and we did it last time.

Mr. Messersmith: Yeah, but we haven't seen it.

Chairman Threadgill: That packet that you have now is ...

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Mr. Messersmith: I don't have a packet.

Chairman Threadgill: Did you not have the draft?

Mr. Messersmith: No.

Chairman Threadgill: Oh.

Mr. Stauder: We have them available in the office. We can mail them out.

Chairman Threadgill: Okay, we can get you a copy of the draft in the morning if you want to swing by the office.

Mr. Messersmith: Well I feel like the public needs to know. I'm talking about the Homebuilders Association, the ...

Chairman Threadgill: It's on the City's computer. You can pull it up on the website.

Mr. Messersmith: I don't have one of those. <laughter>

Chairman Threadgill: Then you need to go down to City Hall. There you go. Jeff will give you one.

Mr. Messersmith: Okay.

Chairman Threadgill: But we've been posting everything on the City's internet, trying to keep the public apprised of what's going on, trying to work out and work with everybody, so we're not trying to hide anything from anybody. That's why we're having the meetings, so hopefully, you know, you'd already looked through it. Commissioner Campbell, you have a question? You're waiving your hand there.

Commissioner Campbell: Bob, we also instituted some levels of approval depending on the complexity of the project. A lot of the ...some of the projects can come in and go straight to staff or to staff and DRC. Some of them then that are more complex come to us. So we built some levels in there so that some of the simpler projects do not have to come before the Commission. They can be approved by staff. They have to meet a criteria to do that, but there is that ability similar to the staff's ability to do a single lot split. At one time, all the lot splits had to

come to us; but we gave staff the approval to do a single lot split on a piece of property so it wouldn't have to come to us.

Mr. Messersmith: Well. I appreciate that there, but still this ... You've already brought this to the Commission?

Chairman Threadgill: No, no.

Mr. Messersmith: One time?

Chairman Threadgill: We're bringing it to the public right now for you to look at and you have any comments or things like that, you can make a list of it and have Jeff or you can drop them by the office to staff any comments or anything like that. This is just a draft. It's not the final version. That's what we're working on now, trying to get everybody together so that we can come to a good understanding and a work relation together.

Mr. Messersmith: Well, that's all we want.

Chairman Threadgill: Yeah. <laughter>

Mr. Messersmith: That's the reason that we labored so on that first one you had.

Chairman Threadgill: It is.

Mr. Messersmith: It was very disappointing.

Chairman Threadgill: This is part of it. None of it's been changed other than ...that portion is just the way we wrote it.

Mr. Messersmith: Okay. I think that covers what I wanted.

Chairman Threadgill: Okay just get with Jeff and you guys sit down and shred it.

Mr. Messersmith: But please, please let the people know that this is available.

Chairman Threadgill: Well, we've been doing our best. It's been put in the paper. Rick?

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Mr. Stauder: Any time you have a public hearing on a notice, on an ordinance proposal, we have to notify the paper 15 days prior to the meeting. We don't send out a notification by letter to every citizen. That's not cost feasible or we don't have the staff to accomplish that either, but we do meet our burden as far as our public notification. We try to make it available on the website. Of course, we'll make copies for anyone who asks for one or requests for one. And I understand your time and ...

Mr. Messersmith: I'm not requesting that you hire more staff, though. <laughter>

Mr. Stauder: Oh, I understand. Yes, sir.

Mr. Messersmith: Okay? Thank you very much.

Chairman Threadgill: Thank you, Bob. Is there anyone else in the audience with anything to say? Like I say, we're just working a draft, so if you have anything you want to talk about changing, it's time to do it.

Male Speaker: Not for change, but as far as altering or asking that you table this for 30 days. As far as the changes are prepared, if we get copies and they be underlined so that it be simple. Before I noticed the gentleman here, I've never had the pleasure of meeting him before, but the fact that you made a statement that you made some changes in some of ...out in the County on mobile homes and such and I thought that within the last month or six weeks the City said that they weren't going to get into controlling, so ...

Chairman Threadgill: We're not going to get into one-mile zoning.

Male Speaker: If you can kind of ...Well, communication. That's all we have to do is communicate and be a little bit more clear. So, I propose that ya'll consider tabling this and there's no certain date.

Chairman Threadgill: There's no ...there's no motion being made on this right now.

Male Speaker: Wait, my name is Gerald Wheeler.

Chairman Threadgill: Gerald, this is a draft, Mr. Wheeler. There's no motion. There's no finalizing going to be done tonight. We're here asking for your questions and comments to work on it. There's no vote that's going to be made tonight to approve this.

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Mr. Wheeler: Alright, can a draft be made to where the changes are noted in it to pick it up whether they're underlined or lines through them or whatever or red in color.

Chairman Threadgill: Mr. Griffin? Can we make up a couple of copies or turn the one on the internet into a draft of notable highlights?

Mr. Griffin: Over the past couple of months, there's been a number of meetings and Planning Commission workshops where the number of changes, I would need to know what, where to begin. The document I began with I got from the Assistant, I'm sorry, the City Clerk Lance Hudnell, and it had a number of marks and underlines and things on it. I could take that document ...

Chairman Threadgill: That's the one. The one they ...

Mr. Griffin: ...and have that as-is, and anyone can compare the two.

Chairman Threadgill: Okay. Alright. Like I say, it's hard for us to get the documentation that you're asking for due to the fact that we've held how many meetings, Mr. Stauder, that's been published and notified?

Mr. Stauder: Well there's been at least four or five workshops...

Chairman Threadgill: And all our workshops are publicized.

Mr. Wheeler: But you understand with the \$700 billion fiasco and everything that people are just wanting to check a little bit and make sure that everything is alright.

Chairman Threadgill: Yes.

Mr. Wheeler: And make it very easy. Don't, don't ...Let's not leap because we're all in this together ...

Chairman Threadgill: Well...

Mr. Wheeler: ...to work in anything it can be, but it has a perception here that somebody could come to the wrong conclusion very quickly that there's some underlying Communist conspiracy

or something there.

Chairman Threadgill: Well, there's no...There's no conspiracy here, Mr. Wheeler. <Chairman Threadgill is speaking at the same time as Mr. Wheeler.>

Mr. Wheeler: <Unintelligible>

Chairman Threadgill: Read the draft. What it says is what we're intending on doing. I mean that's as pure and simple as we can get.

Mr. Wheeler: But with what changes based upon last year? You know it would be simple on that, you might keep it in, you know, in the future if you have any additional, is keep up with those changes and that way you can show what it is and show the history of the evolution that you're doing.

Chairman Threadgill interjects: Well, you can grab the last draft ...

Mr. Wheeler: ...<Unintelligible> from here forward.

Chairman Threadgill: You can grab the last draft that Jeff has and you can compare the two and see all the changes.

Mr. Wheeler: Alright.

Chairman Threadgill: Anyone else in the audience with anything to say for or against the ordinance? Alright, any of the Commissioners have any comments?

Commissioner Campbell: I have one.

Chairman Threadgill: Commissioner Campbell?

Commissioner Campbell: Yeah, just to clear up what you were saying about the going out into the County. All this document does is what we've been doing for the last several years is that we look at the five mile area. We go out into the five mile area and look at the five mile area and this covers, this new draft covers what we look at in the five mile area.

Mr. Wheeler: <Unintelligible due to being away from the mic>

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Chairman Threadgill: You need to come to the microphone, sir, so we can hear you.

Mr. Wheeler: I understand you're talking as far as the five mile, but I also understand that you're not even going to enforce the one mile so you know, the next question is, what's going on? So if anybody asks me, I'm not clear on this that you're doing something but yet you're not even going to enforce the one mile.

Chairman Threadgill: Okay.

Commissioner Campbell: The one mile, the one mile area, all the one mile area was, Mr. Wheeler, we were going to extend the permitting and inspections of the projects that were out there.

Mr. Wheeler: Right, but you're not now after having the one meeting out there at the church. My understanding is they ...

Chairman Threadgill: It's been put on the back burner.

Mr. Wheeler: So I believe you're aware of the point being made there on this and with this being so, whatever ya'll can do to make the people aware of what's going on would be just a great help. It's called, you know, communication.

Chairman Threadgill: Alright, sir. Mr. Mory?

Commissioner Mory: I was just going to say to clarify Mr. Campbell's point, the one mile and the five mile are totally separate issues. The five mile extra-territorial jurisdiction has been in place for many years. That's what we'll continue to exercise.

Chairman Threadgill: Anyone else in the audience with anything to say? Please come forward and give us your name and address, ma'am.

Ms. Cheryl Smitherman, 100 Saxony: I just wanted to say that I had gotten a copy of the draft. That my copy was not underlined to note, you know, what the changes were or what the deletions were, so it was hard to compare the old Subdivision Code and the new. You know, I didn't know and the numbers were not the same. The numbers have <unintelligible> were not the same as you know, on a few they were, but most of them they weren't. So I couldn't, you

know, figure out what your changes were. I also want to know about how many, do you know how many of these <unintelligible> you will have before you send this to the Board? The recommendation?

Chairman Threadgill: No, ma'am.

Ms. Smitherman: You don't? But you will have two or three more? I talked to this gentlemen, Jeff, and he said that you would have several hearings. You know, it probably won't be ...I don't know. He can tell you ...

Chairman Threadgill: Cheryl, we're going to have ...we'll have several more work sessions...

Ms. Smitherman: Right.

Chairman Threadgill: ...like I say, at all these work sessions, the public's welcome to be there. Any comments or questions they have, we'll listen to them and make notes. If they're worthy, we'll apply them to the ordinance. I mean we've done that from day one, but ...

Ms. Smitherman: Okay, but what is the rule on the public hearings?

Chairman Threadgill: Pardon me?

Ms. Smitherman: On the public hearings, how many of those are you required to have before you ...?

Chairman Threadgill: Just one.

Ms. Smitherman: Just one? Well ...but you say you're not going to vote on whether to send this, to recommend this and send it to the Board yet?

Chairman Threadgill: Not yet. Not yet. Not till we're happy with what's in front of us and we've got enough input from the public.

Ms. Smitherman: Well, right, the public doesn't know what your changes are, so this is not really...

Chairman Threadgill interjects: No...That's, that's ...

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Ms. Smitherman: ...This is not really, you know, where they can hear what the changes are.

Chairman Threadgill: That's where we run into problems because we've been doing this like Bob says for about a year, over a year now.

Ms. Smitherman: I didn't know about your work sessions or I would have been there. Is that ...when and where is that publicized?

Chairman Threadgill: We've been having those on just about every Thursday night.

Ms. Smitherman: Thursday night?

Chairman Threadgill: At 5:00 here.

Ms. Smitherman: You do a lot of work. <laughter>

Chairman Threadgill: Yes, ma'am, we do. We try to.

Ms. Smitherman: I just needed a copy to see what the additions were and what the deletions were. I have a draft with you know...

Chairman Threadgill: Let me ...I'll try to get with staff tomorrow and see if we can comprise something that will ...

Male Speaker from the audience: <Unintelligible>

Chairman Threadgill: Jeff?

Male Speaker: Her request was to compare the existing Subdivision Code with this draft and I don't think such a <unintelligible>.

Ms. Smitherman: There is a way ...

Chairman Threadgill: Hold up. If we've got something to say, let's come to the microphone so we can get it down here.

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Commissioner Ames: Mr. Chairman, I think what's happening and from my previous experience in planning too, is customarily you do see the Code changes with those additions and deletions. But because there has been so, such an overhaul, and that's why I asked Rick, I wanted to take another quick look at what is the actual existing, there's such ...

Male Speaker: It's a rewrite.

Chairman Threadgill: It's a rewrite, yeah.

Commissioner Ames: It's a rewrite instead of this addition, an amendment that doing that is much more of a difficult undertaking than simply highlighting the changes. While you can do a compared two documents in Word, in this case, that's not going to satisfy anyone. It's going to ...because everything's changed.

Mr. Griffin: I cannot think of a method I could employ that would compare side-by-side ...

Commissioner Ames: Right.

Mr. Griffin: ...the current adopted Subdivision Ordinance with the draft that's there, I don't ...They're in different areas. I don't think that that's possible for me to accomplish. I think ...I think ...I think effort would have to be made to someone who cares and wants to learn to compare the two documents side-by-side. Again, let me remind that both documents are available on the City's website.

Chairman Threadgill: Alright. Commissioner Campbell?

Commissioner Campbell: One way that you can look at those and it would make it easier for you to look at them is if you look at the 16 numbers that are there, 16-4-1, and try going through it that way. Compare those items from the one you have. There'll be some additional numbers probably in there. There may be some additional a, b, cs that are in there. But you can look at it that way and see. The document itself is only 66 pages long I think.

Mr. Glenn Smitherman, 100 Saxony: You know it's been a year, a year and a half since we've done this. I want to say that the draft copy last time, was that not underlined?

Chairman Threadgill: Yes. Yes.

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Mr. Smitherman: Did it not have, didn't it have the ...?

Chairman Threadgill: It did, but ...Where we're at right now, Mr. Smitherman, this is what we're calling a final draft. This is the last year's worth of work ...

Mr. Smitherman: Well that was an original draft last time. <Speaking at the same time as Chairman Threadgill>

Chairman Threadgill: ...put into a draft to where this is what we're looking at. So all the highlights and everything have been deleted, and we're looking at it as a final document.

Mr. Smitherman: Right.

Chairman Threadgill: It's not, but that's the way this is presented to us.

Mr. Smitherman: Yeah, but wasn't the draft we got last time underlined with the changes?

Chairman Threadgill: Yes, sir. Yes, sir.

Mr. Smitherman: Is there a lot of difference between this draft and the last draft?

Chairman Threadgill: Yes, sir. Yes, sir.

Mr. Smitherman: Okay.

Chairman Threadgill: Quite a bit. Like we say, we've changed definitions. We've rewritten a lot of them to make them more understandable.

Mr. Smitherman: I didn't know there were so many changes.

Chairman Threadgill: Yeah.

Mr. Smitherman: My wife's read this. I haven't read it. But I remembered that one last time being underlined with the changes and stuff and I don't know where they compared those to then, the first draft and the original. Somebody compared them somewhere. I guess Rick did or somebody. Spent a lot of work doing something.

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Mr. Stauder: Lance Hudnell did a lot of work on that.

Mr. Smitherman: Yeah.

Chairman Threadgill: Yeah, Lance did our last one with the set down and all, but like I say, the one we had before this one was written up. It had all the underlines, the highlights, the scrapes, the scratches.

Mr. Smitherman: You could just find out what the <unintelligible due to being away from the mic> for each.

Chairman Threadgill: Mmm, huh. Yep.

Mr. Stauder: That can be done from this point forward to this draft, any changes very easily. It's going to be very difficult to go back.

Chairman Threadgill: We'll have to look and see how we can try to get something put together so we can give you an idea on what the changes ... We're not trying to hide anything from you. I mean basically you just need to sit down and reread the whole thing because almost every paragraph has had a change if nothing but to delete a legal word that states the same thing as the paragraph before. I mean that's what we've had in a lot of them. So we've tried to go through and break it down into a simpler form to where you don't have to go back and forth from page 1 to page 17 to find out what page 5 said. That's basically what we're doing, so ...

Male Speaker from the audience: We appreciate that too.

Chairman Threadgill: It helps me a lot too because I ... But we're working on it and we hope that you bear with us and try to reread through the thing. Like I say, any changes, anything like that you think you want to try to revise, make notes. Send it to staff. It will all be considered. Bob can tell you that. David?

Commissioner Campbell: The reason we're here tonight with this, Bob, is to bring it back to the public. We worked with what ya'll put forward to us before a year, year and a half ago. What we've worked on in the time since then off and on and brought it into a document which is totally different as they say from what we had because we've had so many things that have changed with the Fire Code, the Building Code, and all of that that we had to get some stuff implemented in here. But this tonight is to get it out to where ya'll know it's here. So that's

what tonight was all about was to have a public hearing to bring this thing out and get ya'll to looking at it and make comments to it.

Male Speaker from the audience, possibly Mr. Messersmith: I had one more comment. This has been issue with what I've been in in the City of Hot Springs. Everything comes down from the state. There's no <unintelligible>. It says you may. It doesn't say you shall.

Chairman Threadgill: Well a lot of that's been changed too, Bob, if you'll read it. <laughter> The shalls and the what-fors have been pulled. For those that's here, we're going to have a work session Thursday night at 5:00 right here. You're more than welcome to read through this thing and come in on that night. We'll get it in the paper and everything, so ...But I ...

Male Speaker from the audience: You can't get this community here with <unintelligible>. I mean, there's hundreds of people out here, home builders for one ...

Chairman Threadgill interjects: Well, Bob, we have ...

Male Speaker: ...It's important to them what <unintelligible>.

Chairman Threadgill: We have made physical communications with the homebuilders and asked them to come to these meetings.

Male Speaker: Well....

Chairman Threadgill: You're it.

Male Speaker: You were at the one, the one mile.

Chairman Threadgill: Yes, sir, and there was about four of them there. I mean, you know, we can only do so much. We can't force these people to come. I mean, I'm like you. I'm a builder. I'd like people to come and look at this, but I'm not going door to door and dragging them out by their head on their hair or their hair on their head. It would be like me, you know, but we can only do so much to get the public here. If you guys have any idea how we can get them, you know, here any better, let me know. I mean, we're trying. But like I said, Thursday night, 5:00, right here, we'll get together. Tell your friends, your neighbors, and we'll sit down and hold an informal little discussion and see what we can do. Anybody have any changes they'd like to ...?

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Male Speaker: I appreciate two Board Members being here.

Chairman Threadgill: Yeah, you had three here earlier. I appreciate them coming as well. They can see what's going on. Any questions from the Commissioners? Anybody? Alright, staff have any comments or questions?

## **ITEMS FOR DISCUSSION AND ANNOUNCEMENTS**

- 1. PLANNING DIRECTOR'S REPORT**
- 2. COMMENTS FROM COMMISSION**

Mr. Stauder: No real comments. There is one item for discussion if we're to that point.

Chairman Threadgill: We're at it.

Mr. Stauder: We are holding interviews for the vacant position tomorrow. So we just wanted to let ya'll know we were proceeding with getting that position filled. We have a good field of applicants, so we're very excited.

Chairman Threadgill: Since we have three, or two of the Directors here, can you inform these applicants next time that we have more than one meeting a month? You know, we've had two just resign because they weren't aware that there's going to be an every Thursday night meeting and three or four days in between those that ...it's quite a bit.

Commissioner Mory: Different applicants.

Commissioner Ames: He's talking about the applicants for Teresa's. Is that what you were talking about?

Chairman Threadgill: Oh, I was talking about the applicants for the Planning Commission.

Commissioner Thorp: I agree with you and I think it should be added to the application. I think the duties of what you do as a person sitting on this Board should be on there instead of the thing that you fill out to let you know. If you're not able to do that, to do the requirements, then you don't even need to put their name in the pot. If they're going to come and be interviewed by

ya'll, then I think you need to ask them those questions because it's not fair to us that come to these work sessions every Thursday night and we make the meetings.

Chairman Threadgill: See what happens when you come to these? <laughter>

Male Speaker: Ya'll can decide what you want and give it to Margaret and she'll put it on the application.

Commissioner Raney: I'd like to interject something there as well.

Chairman Threadgill: Yes.

Commissioner Raney: I think what happens in some instances, applicants have every intention of making the meetings, but their lives change as they progress. Things happen within the complexity of their families or their businesses that change their ability to be able to meet the obligation. I think that's what happened in our two recent resignations. Both of them had situations ...

Chairman Threadgill: That's understandable. We're going to have problems like that, but ...

Commissioner Raney: But you can't, you won't be able to overcome that with changing the application, to serve, because those kinds of things are ongoing. It's just one of those things in life unfortunately.

Commissioner Thorp: I agree with that, however, I think if you know from the start, maybe the changes do come, but from the get-go, at least they know that these Thursday meetings are going to be or whatever we do.

Chairman Threadgill: Did you realize you were getting into all this deeply?

Commissioner Raney: I had a good warning about it because everybody said to me, "Boy, you're going to be sorry!" <laughter> But it's turned out to be more work than I thought. But then the other side of the coin is, I rather enjoy it so it's ...I still feel like I'm on an uphill battle.

Chairman Threadgill: You don't get any Christmas cards, but you do get occasional appreciation, you know.

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Commissioner Raney: That's right. <laughter>

Chairman Threadgill: Yes, sir?

Male Speaker: <Unintelligible> those applicants. What is your schedule for your selection process? I've submitted an application...

Chairman Threadgill: You've filled out an application. It's taken forward to the Board of Directors and they do an interview and then they decide.

Male Speaker: I guess what I'm saying is on this particular one, what is the timing? Is there a schedule for that? I'll give you an example, you just have said here that you would like the people to know how much time they're going to do or know that and you know, I'm certainly willing to do the time, I'm just asking so that I can plan for events in November and December around that interview process because a year ago I made an application and I was called one day before they wanted to interview me and I had an airplane ticket to go to Seattle.

Chairman Threadgill: You need to contact Margaret Parris in Kent's office and she can give you the time frame that they've set up for the Board of Directors.

Commissioner Campbell: We don't set those times. That's set by the Board of Directors.

Chairman Threadgill: One thing we don't do. Anybody else? Any questions or comments?  
Commissioner Clopton?

Commissioner Clopton: I agree with Wanda. I applied up here and didn't have ...had very little idea of how much actual time you spend on this Board as far as if you're going to put in the proper effort. I'm talking about inspecting the properties, making all of the meetings, all that. If somebody's got to tight work schedule, they just don't have any business trying to serve on this Committee.

Chairman Threadgill: True. Anybody else? Commissioner Campbell?

Commissioner Campbell: I have something. In light of what's happened tonight with our computers, I would like to suggest to staff that ya'll print up four or five copies of the agenda and have them available for the meetings.

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Mr. Stauder: Just the agenda or the whole packet?

Chairman Threadgill: The whole packet. At least four copies and then we could split them if we have to.

Commissioner Clopton: Rick, that's on the questions that people had on the underlining draft. I've got them.

Mr. Stauder: You've got them?

Commissioner Clopton: I kept them.

Mr. Stauder: Okay, if he can get that to our office, Jeff in particular, then maybe that would help us recreate, recreate on this new document. It would be very easy to do from this point forward, any changes, underlining them, striking them out, however ya'll want that done. If you've got the document with it done already, you know, we can probably get that accomplished.

Chairman Threadgill: Let's do that as a form of record from now on when we make changes from this point forward, that we keep the highlighted changes just for record say for 90 days after the thing's been approved. Then you can can them.

Male Speaker, possibly Director Carroll Weatherford: Why would you have to have them printed up if you have a laptop that the City's furnished to you, bring that laptop <unintelligible> that's provided for you?

Chairman Threadgill: We don't have the power cables. We'd have to unhook all this other stuff. We don't have enough hookups underneath here to operate everything.

Male Speaker: You don't have to hook that laptop up to anything. It's powered itself.

Chairman Threadgill: The power will not, the power will not last half the meeting. We've tried that. It dies out.

Commissioner Ames: It dies.

Male Speaker: The reason we went to those was to do away with all that paperwork.

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Chairman Threadgill: And we have.

Male Speaker: Okay, but now you're going back and printing up that whole agenda again...

Commissioner Campbell: I'm going to add to that though. We don't have to have the minutes in the previous and that's the big portion of our agenda and that's the minutes.

Male Speaker: But what I'm <unintelligible>, that's part of the <unintelligible> over the previous meeting.

Chairman Threadgill: All we do is approve the previous minutes. The only one here that reads that is me. I read it and sign it. I mean as far as legal document.

Commissioner Thorp: Oh, yeah. Okay.

Chairman Threadgill: I mean I have no problems bringing the computers if everybody wants to and if it does fail, we can try them. It's better than nothing.

Commissioner Thorp: <Unintelligible>

Chairman Threadgill: We can't hear you. Alright, everybody else? Meeting's adjourned. Folks, appreciate you coming. Rick, Carroll, thanks a lot.

## **ADJOURNMENT**

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