

PLANNING COMMISSION MEETING TRANSCRIPT

THURSDAY, DECEMBER 11, 2008

The regular meeting of the Planning Commission was held on Thursday, December 11, 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: I'd like to welcome everybody to the Planning Commission meeting. We'd like to start off with the Pledge of Allegiance and the Invocation. The Invocation will be given by Commissioner Thorp and the Pledge of Allegiance will be given by Commissioner Campbell. Please stand.

Invocation

Pledge of Allegiance

Chairman Threadgill: Alright, at this time, I'd like to call the December 11, 2008, Planning Commission meeting to order. Call the roll, please.

Roll Call

Present: Commissioner David Campbell, Commissioner James Clopton, Commissioner Wanda Thorp, Commissioner Larry Raney, Commissioner Gary Threadgill

Absent: Commissioner Lauri Ames, Commissioner John Mory

Approval of Minutes

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

Commissioner Clopton: So moved.

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

Approval of Agenda

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

Commissioner Clopton: So moved.

Commissioner Thorp: Second.

Chairman Threadgill: I have a motion and a second. All in favor? <ayes> Opposed? <none> Alright, we'll start off with Item No. 1.

NEW BUSINESS

1. Miscellaneous (MISC-08-0225) – Garland County Habitat for Humanity – request to reduce front yard setbacks from 25' to 15' for five lots – Lots 6, 7, 8, 9, and 10 of Shaw Village – Ridge Street and Linden Street – District 1 – R-3

Director Kathy Sellman: Item No. 1 is Garland County Habitat for Humanity. This is a request to reduce front yard setbacks on five lots – Lots 6, 7, 8, 9, and 10 of Shaw Village Subdivision. This will reduce the setbacks from 25' to 15'. The project is located at Ridge Street and Linden Street. The zoning is R-3 and it's located in District 1. The recommendation is for approval.

Chairman Threadgill: Alright, before we go any further, I need to make a comment here that Item No. 7 has been tabled. If anyone here is for Item No. 7 on the agenda, it won't be heard tonight, which is Dr. Koppel site plan approval. Nobody here? Alright. Is the applicant ...? Let's see, I need a motion to approve Item 1 for discussion.

Commissioner Raney: So moved.

Commissioner Campbell: Second.

Chairman Threadgill: I have a motion and a second. Is the applicant here for Item No. 1? Please come forward and give us your name and address for the record, sir.

Mr. John Goodman, 304 Meadowbrook Street, here in Hot Springs.

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

Commissioner Raney: How large are those parking spaces that are marked there? I saw one dimension of 20'. I was just trying to eyeball them, but I couldn't really figure out exactly how large they were.

Mr. Goodman: Yes, sir. Our driveways are 20'. The driveway for each of our Habitat houses.

Commissioner Raney: I'm sorry, the dimensions are?

Mr. Goodman: 20' square driveways.

Commissioner Raney: 20' square.

Mr. Goodman: Yes.

Commissioner Raney: Okay.

Mr. Goodman: To accommodate two vehicles.

Commissioner Raney: Thank you.

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? Again, anyone in the audience with anything to say for or against this item? Alright, seeing none, I'll close the public portion. Are there any questions or comments from the Commissioners? Commissioner Raney?

Commissioner Raney: I had a little difficulty with this because I guess I'm just really not that familiar with the parking regulations. My concern comes because I get the feeling that there's not enough parking space here, but I may be mistaken. I mean it does say in the review and staff says that it meets all of the requirements, but would staff please take the time to explain to me how it gets there because it's supposed to have two parking places for cars and two off-street parking places for guests, are you not? Or did I misinterpret that?

Director Sellman: No. Mr. Stauder will address that.

Mr. Rick Stauder: Yeah, I'll be happy to answer that for you. The City of Hot Springs Parking Regulations do require for each single family residential structure inside the City limits to have two off-street paved parking spaces. That can be open slab parking. It could be provided by means of a carport or garage. It also is not prohibited for single family or duplex residential to back out into the street. So that is a permissible design on a parking area and 20' x 20' does comply with the two off-street requirements.

Commissioner Raney: Was there something, some requirement though for guest, off-street guest parking?

Mr. Stauder: No.

Director Sellman: Not for single family.

Commissioner Raney: Not for single family?

Director Sellman: Right.

Commissioner Raney: That's where I got tied up then.

Director Sellman: Yes.

Commissioner Raney: I couldn't figure where are you going to put two more cars? <laughter>
That was the problem.

Chairman Threadgill: Alright. Any other questions? None? I'll entertain a motion.

Commissioner Clopton: Mr. Chairman, I move approval subject to any requirements by staff.

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

Commissioner Thorp: Second.

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

Commissioner Raney: Question.

Chairman Threadgill: Question.

Commissioner Raney: James, as I follow your ...that includes the staff recommendations?

Commissioner Clopton: Yes.

Commissioner Raney: Okay, I'm sorry. I just ...

Chairman Threadgill: Alright. Call the roll, please.

Commissioner Campbell – yes; Commissioner Clopton – yes; Commissioner Thorp – yes;
Commissioner Raney – yes; Commissioner Threadgill – yes.

Chairman Threadgill: Item 1 passes. We'll move to Item No. 2.

2. Preliminary Subdivision (PS-08-0220) – Central Crossing Phase II – Central Crossing Commercial Subdivision Phase II amended preliminary plat – Files Road at Central Avenue – District 5 – C-4

Director Sellman: Item No. 2 is Central Crossing Phase II preliminary subdivision. This is an amended preliminary plat to increase the number of lots on this commercial subdivision by one additional lot. The project is located at Files Road at Central Avenue. The zoning is C-4. The Comprehensive Plan Classification is linear commercial corridor and it's located in District 5. The recommendation is for approval with conditions.

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

Commissioner Campbell: So moved.

Chairman Threadgill: I have a motion...

Commissioner Clopton: Second.

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

Mr. Ray Owen, my law office is at 209 Hobson, here in the City: I have also with me John Rodgers, who is with B&F Engineering.

Chairman Threadgill: Alright, do I have any questions to the applicant from the Commissioners? Commissioner Campbell?

Commissioner Campbell: Mr. Owen, on Lots 7, 8, and now the new Lot No. 9 that used to be No. 4, do you have any plans to access Files Road from those lots?

Mr. Owen: Well if you notice, there is access to Files Road from Lots 7 and 8 via the proposed new street to be put in between those two lots. Other than that, we don't have any plans to access those two lots to Files Road by driveway cuts and such as that.

Commissioner Campbell: Okay.

Mr. Owen: Now, there is no other way to get to Lot 4 other than by Files Road.

Commissioner Campbell: Lot 9?

Mr. Owen: Yeah, formerly Lot 4, now Lot 9. The preliminary plat that was approved last month ...not plat, preliminary site plan that was approved last month that shows the shopping center and The Purple Cow – which the Purple Cow is that new Lot 4 – if I may just go over the

changes right quick? But to answer your question, there is no ...on the plan that was approved last month and the plan that was approved in the past for this, the preliminary plat that was approved, neither of them show any internal connection between Lot 3 and what used to be Lot 4, which is now Lot 9, which is the small lot that faces Files Road sort of by itself right next to that substation where the power substation is.

Commissioner Campbell: Okay I went back and looked at the minutes from 2007 from when we looked at Lot 3 as a multiple building and there's constant comment by myself and several of the other Commissioners that there not be any access, either entry or exit, onto Files Road other than Central Lane out of Phase II. Now you have a 60' right-of-way that goes right into Lot 9 that could be used as an access to Lot 9 because you can't build in it.

Mr. Owen: Mr. Campbell, I'm not sure what you're talking about, but I pulled those minutes also and one of the things that was said, and may I quote?

Commissioner Campbell: Yeah.

Mr. Owen: "Commissioner Clopton: The only thing that I had and I think you pretty well covered it, I was questioning the access to Lot 4." Now Lot 4 is the new Lot 9, but it's identical otherwise other than the number. "The access to Lot 4 has to come off Files Road at that point." And I said, "that's correct." And you said, Commissioner Clopton, "It doesn't show by logical means that that's the only way to do it. You don't plan on putting any other roads across 3 to get to 4 from that side." And I said, "no, sir." At that point in time, shortly thereafter, the motion was made to approve the preliminary plat with the conditions that the ...the recommendations that the staff had made and that was not one of the recommendations that affected that point at all. As a matter of fact, I think that according to my notes here, Commissioner Raney moved for approval. Chairman Threadgill says "Can I get with staff?" Commissioner Raney said "With the staff recommendations." "Chairman Threadgill: I have a motion by Commissioner Raney to approve with staff's recommendations and a second by Commissioner Clopton."

Chairman Threadgill: Mr. Owen, may I stop you right there? On your preliminary site plan, you don't show a road going out on Files Road. You do not show an egress or an ingress coming out of Lot 9, now Lot 4 back then. So we approved a lot that did not have an access onto Files Road. There was discussion about stopping to make sure there was no future development, which the recommendation was never made. But there's never been a request to put a road out there.

Mr. Owen: Well it would be a private driveway. It would be a driveway to that lot which is required under the City's regulations.

Chairman Threadgill: You don't have one on your drawing.

Mr. Owen: We don't have one ...

Chairman Threadgill interjected: Right now, if you'll pull up page 25 for me. On our packet.

Mr. Owen: I don't believe it's required that we have to show one on our drawing.

Mr. Stauder: It's going to be a different page number on there, so please just stop me when I get to the one that ...

Chairman Threadgill: Keep going. Alright, that one right there will do. This area here shows a road. Right here. It's going up to some kind of containers or I guess your trash dumpsters. That road could be accessed. There you go. That road could access Lot 9 and give you all the access you need. Just carry it right on through to Lot 9.

Mr. Owen: What road is there?

Chairman Threadgill: Right there. That road comes off your parking area, up, and gives you access to the back of the buildings and to your trash dumpsters. You could take that road and access straight on up to Lot 9 and have access without entering Files Road.

Mr. Owen: Well you may have some, some grade problems, but that was the way it was submitted to you and approved last month with regard to this preliminary site plan.

Chairman Threadgill: Well, that one last month is gone now. We're doing a totally new one now.

Mr. Owen: You're correct. And all I'm asking that you do is to be consistent with what you did a year ago where you approved a preliminary site plan which did not have an internal connection, a requirement, an easement to serve former Lot 4, which is now Lot 9, with ...from internal within the subdivision.

Chairman Threadgill: Alright. If you'll remember last time, I was requesting that we get a plat that shows all the entries to these lots and I never have got it yet. If you'll look at that same plan ...if you'll look at your Lot 5, you show an entry to Lot 5. You do not show a lot entry to 6, 7, or 8. True. Now ...

Mr. Owen: Let me find Lot 5.

Chairman Threadgill: Are you going to have an exit off Lot 7 and Lot 8 onto Files Road? Or are they going to come into the entrance because you don't show them anywhere? So what we have the plat <unintelligible>...

Mr. Owen: We have, we have no problem with your making it a condition that there not be access from Files Road directly onto 7 and 8 except through that proposed public street that we propose to put in between 7 and 8.

Chairman Threadgill: Well we have a problem with Lot 9 now too. If you've ever driven up to that area, that's a rough access point. To try to get out of there, especially with all the new traffic that's using Files Road now, that's my concern is the safety of people entering and exiting out of that area. Now I apologize for interrupting you, Mr. Campbell, if you'd like to continue.

Commissioner Campbell: To follow up on what he's saying, you know, the one we approved, as

he just said, there was no ...nothing shown off of that. Okay? I got concerned about it when I went out there and looked at it because Lot 9 back there that's Lot 9 now, the Northeast corner of it would be the top right corner of 9 there is right at the break of the hill back there on Files Road. Driving down that street, I looked at it. It's going to be hard to see coming out of that if they're turning left out of there, so you know ...

Mr. Owen: Well all I can say is that a year ago you all approved a plat, preliminary plat, that had the same dimensions and the same right along Files Road there. You'll notice that we are dedicating a portion of that lot to the public for expanding the road. That could serve as whatever purpose it needs to serve as to benefit this. This is at the request of the City and we're doing that. I mean if you preclude access there with what you've already approved, you would make that lot non-usable and it would make it to where it would land lock it to where you couldn't access it.

Chairman Threadgill: You'd be able to access it from Lot 3.

Mr. Owen: That would be undoing something that you've already done.

Chairman Threadgill: We're undoing the whole thing tonight by revising this entire site plan. Are we not?

Mr. Owen: Well, no. We're making a few changes in the site plan.

Chairman Threadgill: A change is a change. We're just asking for another one.

Commissioner Campbell: Well all I'm saying, Mr. Owen, is when we approved it in 2007, it showed that there was no access on it. All I'm after tonight is just to be sure there is no access coming off of Files Road onto Lots 7, 8, or 9, except 7 and 8 will have access through Central Lane, or Central Lane, whatever it is, that street, the new street back there. But, you know, with your access, with your 60' easement that goes all the way through, I believe through 4, part of 4, 3, and up into 9, there is a way to get into that lot, a direct way to get into that lot.

Mr. Owen: May I have just one second?

Chairman Threadgill: Yeah.

Mr. Owen: With regard to not showing the exact curb cut location on this particular lot, 4 or 9, I submit to you that that would not be unusual. I would submit to you that in essentially all the subdivision plats that you review, you don't show where it's going on any given residential lot. You don't even show, you know, on anything that's like that. That's a ...it's a given that you're going to have access from the road that's in front of it. I mean that's ...because sometimes, you know, the developers don't know until they start building houses where they're going to put the curb cut on a given residential lot. This is the same category.

Chairman Threadgill: Then it's a given on 7 and 8 too.

Mr. Owen: I'm saying that as far as I'm concerned, I will make a concession and we can agree that there won't be the curb cuts on 7 and 8. But I've got to be able to access that lot and that's what I would ask you to do. You've already approved it in the past. It's not anything different than what you would be ...what I'm asking you to do tonight.

Chairman Threadgill: Commissioner Campbell?

Commissioner Campbell: Would you be willing for the safety of the public for access back there to be limited to right turn out, right turn in only?

Mr. Owen: I will say this. When that is ready to be developed and we find out who the purchaser is going to be, we will work to try to make it as safe as possible like we would anything else, but I cannot commit to that. It might not be appropriate to do that. The staff recommendation is without even addressing that particular issue. And you've already had this thing before you and you've already approved it as far as this part is concerned, other than the number of the lot. That's the only difference.

Commissioner Campbell: But you agree that it has come back new and we have the ability to make changes.

Mr. Owen: No, sir. I don't. I think you've already made your decision on that part of it. I'm not asking for a change on that. We're asking to split off that other lot so we can put ...because The Purple Cow people want to go ahead and buy their lot individually so they can develop their little restaurant on that lot. And we've made a slight modification ...as a result, it's made a difference in the overall square footage of what was solely Lot 3 is not Lots 3 and what's the other number? Four? Four. And that was the plan, the preliminary site plan that you all approved last month, shows those different buildings there. You've already approved those. The only other difference was on those two lots that are along the road that's going to run into Files, that private ...the public street which we're going to dedicate, Lots 6 and 7, we changed the sizes of them slightly, but they're still, other than moving the line between 6 and 7 over a little bit, it's identical. So ...but Lot 4, now Lot 9, is exactly the same as what it was before. There's no difference in it and you added a year ago almost today that we were here before you.

Commissioner Campbell: All I'm after is to clarify what was on it a year ago where it showed there was no entry showed onto it.

Mr. Owen: Well, and again, you show me some subdivisions that you've done and you've approved here that show where you've got curb cuts on those individual lots. I will be surprised, because the subdivisions I've seen – and I've seen a ton of them in my experience as an abstractor and a lawyer – I don't see those curb cuts shown when there's a public road and that's all I'm asking for. This is one lot, one access, and the curb cut will be wherever it's allowed.

Commissioner Campbell: Okay.

Mr. Owen: And I don't think that's unreasonable. I would respectfully and sincerely ask you to approve this request pursuant to your staff recommendations.

Commissioner Campbell: That's all I have.

Chairman Threadgill: Alright, any other questions or comments to the applicant from the Commissioners?

Mr. Owen: I would point out one other thing, that is a major high line that's right above that area that we're talking about. So whatever that's worth ...

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

Commissioner Campbell: The only comment I would have is what I stated there is in looking closely at this, there is a site problem that I see back there with Lot 9 with access. I would ...the only way that I would myself go for an entry onto Files back there would be right turn in, right turn out only because of that site distance right there at the break of that hill. That would give them the access. They have that 60' right-of-way internally to go into it, which they're going to have to kind of access Lot 3 that way anyhow. So ...

Chairman Threadgill: Let me ask the staff a question here real quick. On Lots 7, 8, and 9 that abut Files Road, if in the upcoming future they decide to develop that property, will those three individual lots come back to the Planning Commission for any other review?

Director Sellman: It's under the existing subdivision rules, they propose development with a single building, they are unlikely to be back to you with a site plan. That would be reviewed at the staff level. The proposed Subdivision Ordinance that you have sent forward to the Board of Directors modifies that requirement so that any structure larger than as you have proposed it 5,000 square feet would require site plan approval by Planning Commission under Article II. So it depends.

Chairman Threadgill: Alright. Any other questions by Commissioners? Commissioner Thorp?

Commissioner Thorp: I may be too late to ask my question. But there's ...Mr. Boyles said something about the dumpster pad needs to be moved behind Building B.

Director Sellman: Could I respond to that?

Chairman Threadgill: Yes.

Director Sellman: Because of the sequencing of the applications that have been filed by this particular applicant, there is some confusion as to what is before us. Mr. Boyles commented on a dumpster location. The site plan has been approved and was approved last month contingent on their being a final plat filed and recorded. So the dumpster and Sanitation's comments are actually not germane to tonight's decisions.

Commissioner Thorp: Okay, thank you.

Chairman Threadgill: Even though we've changed up the whole thing again, we just ...See this is what's happened in the past. I mean, this is what's got me confused. This parcel of property has been lot splitted, busted, divided, and segregated and everything else that you can think of and we've approved all of it, but we haven't.

Director Sellman: Could I respond to that?

Chairman Threadgill: Yes.

Director Sellman: Yes. The history on this land is bizarre.

Chairman Threadgill: <Unintelligible>.

Director Sellman: And we have before us now an applicant who is making a good faith effort to comply with the City's regulations. In December of last year, a preliminary plat was approved that had eight lots. There is no final plat as of now. There has been a request to extend the existing preliminary plat for an additional year and that has been approved. The requirements were met for that. Now, in the middle of all of this, the applicant came forward with a detailed site plan under the Article II requirements of the Subdivision Ordinance to do some development on Lot 4 as it was configured on the 2007 preliminary site plan. Now you looked at that last month and approved it, but any approval of that site plan is contingent on there being a final plat. As we know, there is no final plat. So tonight we have before us, because there is no final plat, not just a request to divide that giant Lot 7 from the 2007 subdivision or Lot 3, we have a request to look at an entirely new preliminary plat and that's unusual. But for whatever reason, that's what's before us. So we are actually looking at the entire thing again. So the questions of access and road frontage and so forth are before you tonight. This is very unusual. You do have a detailed site plan which if you approve this and this is then filed for final plat and recorded would affect the lots that would now be called Lot 3 and Lot 4. The dimensions of those lots haven't changed. The locations of the buildings' access, sanitation, and so forth are not going to change, or so we're told. If they do, they'll have to come back in here. So you're looking at the lot sizes. You're looking at circulation and access. You're looking at where the utilities – water, sewer, and so forth – are located. Those are the things that are before you tonight. The applicant appears to be following the City's requirements at this time. It is his misfortune that he is on a piece of land that has a fairly unusual history regarding previous development decisions.

Chairman Threadgill: Alright, question. Can Lot 4 be sold tomorrow or after we approve this or if it's approved tonight, can they sell Lot 4? Build on it and sell it?

Director Sellman: If there is a final plat approved and recorded.

Chairman Threadgill: For Lot 4.

Director Sellman: For all of this subdivision – for all of Central Crossing subdivision. If there is

not a final plat for Lots 3-9, for which an application comes in, it's reviewed. It's approved, and then it's recorded. Lot 4 can't be sold until all of that happens.

Chairman Threadgill: Well that's what we said when we did that on Lot 3 last month, that they had to file a final plat. Now they come in with busting up and making a whole new deal and saying they want to <unintelligible> Lot 4. Now we approve this tonight, what if they come in over here on Lot 8 and say "well, next month we want to bust up say Lot 5 and put, you know, do another lot split." This is what we've run into on this entire project. They still do not have a final plat.

Director Sellman: We do not have a final plat.

Chairman Threadgill: But we have buildings setting everywhere.

Director Sellman: That, that came before. I don't know how those things happened.

Chairman Threadgill: Well that's what we're kind of worried about now. Is it going to keep up?

Director Sellman: It doesn't appear that the development plans include bypassing City approval. I will concede that the sequence of approvals is unusual, however, those things that require your approval have been presented to you for your consideration and decision.

Chairman Threadgill: Alright, any other questions? None? I believe I closed the public portion. I'll ask for a motion. Commissioner Clopton?

Commissioner Clopton: I have a question. It would not be inappropriate for us to require in any possible approval to require any curb cuts to be made on Lots 7 and 8 coming off of ...?

Director Sellman: Central Lane?

Commissioner Clopton: Central Lane?

Director Sellman: In fact I've made a note that the applicant's representative has offered a condition that would be known I think as Condition 6 which could state "Access to Lots 7 and 8 is from Central Lane and not from Files Road". That may be a condition that you wish to add to this.

Commissioner Clopton: That's my question.

Chairman Threadgill: Alright.

Commissioner Clopton: Thank you.

Commissioner Thorp: I have a question.

Chairman Threadgill: Commissioner Thorp?

Commissioner Thorp: Could we also in our recommendations require as Mr. Campbell has suggested that you be a right out only and a right in only off of Files Road?

Director Sellman: That's ...

Commissioner Clopton: Off of Lot 9?

Director Sellman: That would be...

Commissioner Thorp: <Unintelligible>.

Chairman Threadgill: Lot 9 now. We're looking at Lot 9. Let's keep it on Lot 9.

Director Sellman: Lot 9.

Commissioner Thorp: Okay.

Chairman Threadgill: There is no Lot 4 now.

Commissioner Thorp: Okay.

Commissioner Clopton: Answer?

Director Sellman: Oh, yes. Oh, I'm sorry. I didn't know you were directing that to me. Yes, that would be and if you wish to do that, that could be a new condition, No. 7, "Lot 9 access to Files Road would be limited to right in, right out."

Chairman Threadgill: Any further questions? Is there any discussion on those last two items? Commissioner Campbell?

Commissioner Campbell: No, but I have an additional one. On any of the streets or drives internal to this, they show it on that Central Lane that it has sidewalks on both sides, but I would like to have all the internal drives or streets, and/or, have sidewalks both sides.

Director Sellman: That would be a 5' sidewalk or 4' sidewalks?

Commissioner Campbell: Whatever is required.

Director Sellman: Per the street specification?

Commissioner Campbell: Yes.

Director Sellman: Okay.

Chairman Threadgill: Alright, I'm going to ask ...Commissioner Raney?

Commissioner Raney: I'd like to just think about this right in and right out thing a little bit more.

Chairman Threadgill: That's where I'm fixing to go.

Commissioner Raney: It's just ...I've seen other situations in the City where the curvature of the road certainly suggests that and everybody knows that's what you're supposed to do but I've seen people making left hand turns every day of the week. I don't know that you can...

Chairman Threadgill: You can't enforce it.

Commissioner Raney: No.

Chairman Threadgill: We do it at Wal-Mart every day. That little shopping center we put in there, you're not supposed to make a left turn. I do it every time I come out of there. <laughter>

Commissioner Campbell: You can do it in this and I would add to it that if that is part of a motion that that right turn, right in/right out only, that there be a barrier, a physical barrier, constructed in that driveway to prevent that other than the fact that they'd have to jump over the barrier. Now the one that you're talking about at Wal-Mart, they painted it on the street and it doesn't work. But even with these others, sometimes they will. I know the one there at the Exxon station, or used to be Exxon there at Pakis and Central, they have it and it pretty well prevents those left hand turns coming out of there. So I would add that to it if you would ...if we're going to do that in a motion.

Chairman Threadgill: Let's hold on here. I want to get Mr. Owen back up here for a minute just for fairness.

Commissioner Clopton: May I ask a question?

Chairman Threadgill: Commissioner Clopton?

Commissioner Clopton: I was ...I haven't seen any dimensions. Do we have anywhere – you may have it – do we have anywhere how much frontage that is on Lot 9 on Files?

Director Sellman: It's approximately 100' more or less.

Commissioner Clopton: More or less? Is that depending on the easement back? Thank you.

Commissioner Thorp: Question.

Chairman Threadgill: Commissioner Thorp?

Commissioner Thorp: Kathy, I think I'm hearing it right. You say we still don't have a final plat?

Director Sellman: We don't have a final plat. A final plat is the key element of any further transfer of land on this property.

Commissioner Thorp: Okay, how come we don't have a final plat?

Director Sellman: We don't have a final plat from my knowledge because the Code offers the option for the final plat to be extended an additional year. Why the applicant has chosen to do it that way only the applicant can answer. I don't know.

Commissioner Thorp: Okay.

Director Sellman: But any further development on Lot 3 subject to the Article II plan requires a final plat. Any transfer of land requires a final plat, unless it's the entire piece of land.

Chairman Threadgill: Now one thing if I'm not mistaken, Kathy, you can address this, before they can get a CO on Lot 3, which they're wanting to build now, they have to have the final plat recorded or they cannot open that business period.

Director Sellman: Yes.

Chairman Threadgill: So we're not ...it's not like they're going to try to sneak in another business like on the other part. They have to have a final plat recorded before they can get that CO.

Commissioner Campbell: They can't even get a building permit.

Chairman Threadgill: No. Correct. Alright. Mr. Owen, would you come back up, please, sir?

Mr. Owen: Yes, sir.

Chairman Threadgill: I want to give you some talk time here so we don't try to ...we don't want to give you a hard time or rip you or anything. We just need to discuss a little bit.

Mr. Owen: I guess we could file a final plat tomorrow on the plat that you've already approved and then go back in and do an amendment to divide those two lots at a separate time. We could do that and that's not the way we're trying to business with you folks.

Chairman Threadgill: That's good.

Mr. Owen: But we could do it, because we've already approved it.

Chairman Threadgill: Yes, sir.

Mr. Owen: Okay? Just so you know. And I didn't understand what Commissioner Campbell was saying with regard to the sidewalks. Was he saying sidewalks on both sides of ...?

Chairman Threadgill: That's why I wanted you to get back up here so we could get with him and see what's going on here before they start putting extra conditions on it. Commissioner Campbell?

Commissioner Campbell: Yeah, what I was talking about Mr. Owen was you have sidewalks on both sides of Central Lane – the new street. You show them on both sides of it. I probably should have added in there that any new streets or drives in Phase II. I'm not going back into Phase I. I know you've already agreed to put a sidewalk from Central Avenue up to Phase II on one side, but anything internal that's built should you build a new street back to 9, it would require a sidewalk.

Mr. Owen: Well I mean I can tell you to build a street, are you talking about to 9?

Commissioner Campbell: Yeah. If you built it at the right-of-way like we were talking, where it goes up through there now to the dumpster pad.

Mr. Owen: The only problem, you've got a pretty good grade there is a problem I think with that. I mean, from a practical standpoint, that's the reason why Lot 9 really needs Files Road access. I know you don't agree with that, but ...

Commissioner Campbell: Well I was out there on it the other day and it's just a grade there, not a bad grade.

Mr. Owen: Are you saying though that including the easements, like that circular drive around there on Lot 3 that you already approved, has got to have sidewalks on both sides of that?

Commissioner Campbell: Yep.

Mr. Owen: You know what I'm saying?

Commissioner Campbell: Yeah. I suggested it.

Mr. Owen: You already approved one without that.

Commissioner Campbell: We're back in a new ball game.

Mr. Owen: Good. We'll have some fun. I like realism.

Chairman Threadgill: Before we get bent out of shape here, alright, we have approved this site plan already. Period.

Mr. Owen: Yes, sir.

Chairman Threadgill: Mr. Owen just stated that he can withdraw his application right now. Go down, file a final plat, and not have to do a dang thing. He could ...it's good the way it is. Alright? Come in, after he files his final plat, and ask for a lot split on Lot 3.

Director Sellman: It would not be a lot split. That would be administrative. It would come to Planning Commission.

Chairman Threadgill: Yeah, it would still have to come in. I mean it still would be a splitting of the property.

Director Sellman: Yes.

Chairman Threadgill: To an amendment of the plat. Then all you can address is that little portion of Lot 4.

Mr. Owen: You could, you could try to block The Purple Cow. That's what you'd be doing if that's what you wanted to try to do. I mean that's what it would be coming to you for.

Chairman Threadgill: Well that would be the only thing coming the next go round is just that single lot.

Mr. Owen: Yes, sir. Exactly.

Chairman Threadgill: So I mean we're kind of in a pickle. We've done it again. Now I agree, Mr. Owen is willing – I hope you have the backing of your client ...

Mr. Owen: I do. I checked with him today before I came here and got his blessing because I knew you had some concerns – you mentioned them last time – about the Files Road curb cuts. I wanted to minimize those. And I wanted to minimize those and I thought and he agreed to cut two longer lots where you could have had a curb cut or even two if they were coming in, you know, some sort of a u-shaped thing through there. You could have three each as long as those lots are. Is that correct, Ms. Sellman?

Chairman Threadgill: 40' is it?

Director Sellman: Will you run through that again?

Mr. Owen: On Lot 7 and Lot 8 on Files, are they long enough on Files to have a cut in and a cut out to where you could u-shape something there?

Chairman Threadgill: I think you can only do one every 40'.

Director Sellman: You could have one.

Mr. Owen: Okay.

Chairman Threadgill: The intersection would be killing you on that one.

Mr. Owen: So what we're doing is we're giving up two. Like I said I think we're entitled to put

in now if we wanted to in order to, in order to just make sure we have the one without internal ...I'm not saying that long-term we might not do the internal access. I don't know yet. But a lot of this is driven by demand and driven by what we're able to be able to do in the way of development. Sissy's Log Cabin has no question at all. You know about that. They want to acquire one of these lots, and that's the reason why that lot changed – the lot size changed. Purple Cow wants to buy their own lot. That's the reason why that is proposed to change. And those are the only two changes really here tonight from what was already approved in the past.

Chairman Threadgill: Alright.

Commissioner Clopton: May I make a comment?

Chairman Threadgill: Commissioner Clopton?

Commissioner Clopton: I'm not a developer. I don't develop property. I see a lot of it in front of me here as part of my job, but as a consumer, as a citizen that goes around to various shops and businesses and buys and so forth, it always concerned me when you had a development like this going in and you limited access from one piece of property to all the rest. I can show you half a dozen different examples of where substantial developments were put in and they cut off another little piece of it where you couldn't get into that piece without going all the way around it. It seems to me if I were going to buy me a business or put me a business into a development similar to this as expensive as this kind of development would be, that I would want my customers to come from the other businesses around me as well as my customers to be able to go to other businesses around it too. That's why I'm really confused as to why you wouldn't want an access from Lot 9 into the other properties. To me from a business standpoint, it simply makes good common sense to allow all your customers coming into this whole project to be able to have access to all of the other businesses that are in it. That's my only comment and it has nothing to do with what we're approving tonight other than it's kind of mind boggling to me that you wouldn't want to do it that way.

Mr. Owen: Well, yes, sir. There's a couple of things with regard to this particular site that makes it a little bit difficult. With that Entergy easement through there, there's limitations on what we can do in it. I think that the engineer was just telling me that we couldn't go through there and make cuts through that easement, but we are planning on cutting it to the ...where Building B is. That's probably cutting that down some. You're going to have a grade differential there that would be difficult. Not saying that you couldn't have a walkway for the people if they have a business office at some point in time in the future on Lot 9, they couldn't walk down a set of stairs or something to access The Purple Cow into that shopping area; but from within, I think the topography is going to be difficult and it plays a role in this. I mean ...

Chairman Threadgill: Alright, hold up just a second. Alright, we've discussed adding three additional conditions onto this. Do we need to take time to discuss what we're doing here? I'm still ...you know, I'm the world's worst man. This whole subdivision has griped me something fierce.

Mr. Owen: I could tell that last month.

Chairman Threadgill: Thank you, sir. But we've approved this design, which I did not vote on, and now we're more or less stuck with it. Mr. Owen's client has requested a lot split or an amendment to the site plan for Lot 4.

Director Sellman: To the plat.

Chairman Threadgill: To the plat, thank you, to add Lot 4. Mr. Owen has agreed and with respect to the Commission, we can add it to the condition for Lot 8 and 9 to have access.

Director Sellman: 7 and 8.

Chairman Threadgill: Thank you, 7 and 8. Too many lots bouncing around here, folks. At this time, he doesn't have a wish to do Lot 9. Looking at it, the entry I had shows it cutting right through the middle of the Entergy easement, which is a 60' easement. And truthfully, I'm not sure if you can put a street through one of Entergy's easements where I was talking about because I think there's three power poles sitting right about where I was talking about putting them. You know, a suggestion is good, but we've got to look at reality. A right turn – I'm not going to abide by it. Unless David says, you put a concrete pier or something out there. I know if I pull out of it, everybody else does because they're lined up behind me waiting. It's just one of those things. If it's the easiest way to go, you go that way. I don't, you know, we've already approved it without the sidewalks. Dave, with all due respect, you know I'm the one big for sidewalks, but like Mr. Owen stated, he could withdraw 4 and he could go ahead and file his final plat tomorrow. Just before we start doing this, I want you guys to stop, take a couple of minutes, think about it if you would please before we start adding a bunch of minutes. If you want to, that's fine. I'll go along with anything you guys want to add to it, but let's think about it a minute. Alright? Commissioner Campbell? Go ahead.

Commissioner Campbell: Let me add to it, on the sidewalks, I would withdraw that and only state that any new streets other than Central Lane in there that are built would have sidewalks on both sides similar to Central Lane if they build any new ones in there. As far as the topography out there, from the middle of Lot 9, 200' South, there's only a 10' drop for a distance of 200' according to the drawing here. It goes from 520' down to 510' in the middle of that other lot down there, so it's a gradual, you know. That's what I saw when I was out there cause I drove back in there to it. So, you know...

Mr. Owen: May I respond?

Chairman Threadgill: Yes, sir. Go ahead.

Mr. Owen: Commissioner Campbell, I think we've about given all we can give in the way of public streets in that development. There's really not much ...not any room that I know of for any more public streets there, so we already plan on putting sidewalks in on the public streets we're dedicating it. Isn't that correct?

Mr. John Rodgers, B&F Engineering, Hot Springs.

Chairman Threadgill: Thank you, John.

Mr. Rodgers: Mr. Campbell, I would like to say that I think that this will make you feel better. We are going to have sidewalks, pedestrian ADA accessibility from the traffic signal at Central through Lots 3 and 4 to Files Road. So that's in the plan. We'll do that.

Commissioner Campbell: Okay and I restated mine. What I said was, if you built a new street back there to Lot 9, then extend those sidewalks back on it. Not on what we approved last month per se.

Male Speaker: But you want to talk about...

Commissioner Campbell: If you build a new street...

Mr. Rodgers: Yes, sir, and to answer your question, I should say that on the public streets we will put 5' sidewalks on both sides. Then the topography, you're exactly right with the existing conditions out there, but what we'd like to do is take the front Central Crossing Phase I with the final plat that's been recorded, is at the back of that, we're going to take a step up with our finished grades. Then we're going to ...right now there's a 5% slope across Lot 3 heading towards Lot 9. We need to make that flat for the shopping center, so in effect, at the back of Lot 4 which is the back of Lot 9, we're going to drop that substantially. So we'll have a 4 to 1 slope up to that 60' Entergy right-of-way. That'll keep us from having a road or it will make it really difficult to access Lot 9.

Commissioner Campbell: But I would like to keep in the right in/right out only.

Chairman Threadgill: Alright. Any other questions or comments?

Commissioner Campbell: That's with the requirement of a physical barrier being built in place.

Director Sellman: <Unintelligible>

Mr. Owen: Mr. Chairman, I don't understand the motion yet. It's kind of bouncing around.

Chairman Threadgill: We're kind of bouncing around. We'll rephrase everything and see what happens here real quick Mr. Ray.

Commissioner Thorp: What was the <unintelligible> one too?

Chairman Threadgill: Let me ...okay, hold on just a sec. If it's alright with the Commission, I would like to maybe take a vote on these additional items one by one and see if you want to add them or not.

Commissioner Clopton: I agree.

Chairman Threadgill: If you want to add it to it, fine. If not, fine. If we vote “yes,” then we’ll add it as Item 6, 7, 8, and 9 instead of just throwing them all out there because I have issues with some of them. Commissioner Clopton?

Commissioner Clopton: Shall I make a motion?

Chairman Threadgill: Please.

Commissioner Clopton: I move that we vote on the No. 6 item addition to the affect that no curb cuts will be allowed on Lots 7 and 8 off Files Landing. All curb cuts will have to come off of what’s the street?

Several Speakers: Central Drive.

Commissioner Clopton: Central Lane.

Chairman Threadgill: You’re going to make that Item No. 6?

Commissioner Clopton: Item No. 6. I move that we vote on that item.

Chairman Threadgill: Alright. I have a motion, that along with Mr. Owen’s request that there would be no on-cut, street cuts onto Files Road from Lot 7 and Lot 8. We’re going to vote on that issue only right now to whether we are or are not going to add it to the agenda. A “yes” vote, it will be added to the agenda as Item No. 6. Understood? I have a motion. Do I have a second?

Commissioner Raney: I’ll second.

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

Commissioner Clopton – yes; Commissioner Thorp – yes; Commissioner Raney – yes; Commissioner Campbell – yes; Commissioner Threadgill – yes.

Chairman Threadgill: So that item will be added. Alright. Now the next item was, if you would please, Kathy ...

Director Sellman: Okay the next item which is proposed to be No. 7, Lot 9 access to Files Road is to be limited to right in/right out with physical barrier to prohibit alternative traffic movement.

Chairman Threadgill: Alright.

Commissioner Campbell: I make the motion to add that.

Chairman Threadgill: I have a motion by Commissioner Campbell to add the statement stated by Kathy. Everybody understand it?

Commissioner Clopton: Second.

Chairman Threadgill: I have a second by Commissioner Clopton. Is there any discussion? None? Call the roll, please.

Commissioner Thorp – yes; Commissioner Raney – no; Commissioner Campbell – yes; Commissioner Clopton – yes; Commissioner Threadgill – no.

Chairman Threadgill: If I'm not mistaken, on a tie vote it dies.

Director Sellman: That was 3 – 2.

Commissioner Raney: That was 3 -2.

Chairman Threadgill: 3?

Director Sellman: 3 yes, 2 no.

Chairman Threadgill: Okay. It passed.

Director Sellman: No. 8?

Chairman Threadgill: Alright, No. 8. If you would read it, please.

Director Sellman: I have an 8 and I have a 9 here. 8 and 9 are pretty similar.

Chairman Threadgill: Alright, read them together <unintelligible>.

Director Sellman: Okay. The first one – any streets or drives are to have sidewalks on both sides per street specifications and then the other is kind of an alternative on that – any new streets should have sidewalks.

Chairman Threadgill: Alright, that's going to go as any new added streets other than what's on the plat now.

Director Sellman: Okay, and here's where this is a little confusing.

Chairman Threadgill: Okay.

Director Sellman: There really wouldn't be any streets added that aren't on the plat.

Chairman Threadgill: Well, if they come back and say go from Lot 4 through Lot 9, there would be a street added which they would have to come back and revise the plat. So, does that solve that?

Director Sellman: If it is a street, yeah.

Chairman Threadgill: They'd have to come back and revise the plat for any additional street.

Director Sellman: Yeah.

Chairman Threadgill: Is that understood?

Commissioner Campbell: Yeah, I took the other out.

Chairman Threadgill: Yeah, the other he pulled.

Director Sellman: Okay, so 8 is gone? And 9, 9 is gone too? Okay.

Chairman Threadgill: We just did away with 9, because if they do any other streets, they have to come back and we can make them put the sidewalks in.

Mr. Owen: I'm sorry. I missed that. What's the situation with regard to 8 and 9?

Chairman Threadgill: None. They're gone.

Commissioner Clopton: They're gone.

Chairman Threadgill: The sidewalks – they're gone. Forget it.

Commissioner Campbell: If you add anything in there, you're going to have to come back anyhow and then we can put them in there ...

Mr. Owen: Right, right, right. I know that. May I have a minute to consult with ...

Chairman Threadgill: Knock yourself out.

Mr. Owen: Thank you. <laughter>

Chairman Threadgill: Literally.

Mr. Owen: It may be two or three minutes. Is that okay?

Chairman Threadgill: I tell you what, let's take about a five minute quick break. Give them the time to discuss and see what's going on and we'll readjourn in five minutes. Sorry folks.

Director Sellman: Reconvene.

Chairman Threadgill: Reconvene, thank you.

<BREAK>

Chairman Threadgill: I'll call the meeting back to order please. Alright, I'm calling the meeting back to order at 7:04 p.m. Mr. Owen, discussion?

Mr. Owen: Yes, sir. I've considered various alternatives during the break and I thank you for taking a break to allow us to take a look at this. We're anxious to proceed obviously. We have a ...I know it's not what you all look at, but I have to look at it from my developer's standpoint. We have already got a plan to The Purple Cow in and we want to open it Memorial Day. There's that for ...I could pull this and get a final plat and then come back in and ask for a replat of Lot 3 to separate it off. You know I could do that, but it slows things down. It just appeared to me, and I was talking to the engineer during the break and he was indicating that really the Public Works folks for the City would be taking a very hard look at any kind of an access and there are certain requirements that have to be met and they would be the ones to make that determination typically as typically opposed to the Planning Commission making that because that's what they do.

Chairman Threadgill: Alright, let me hold you there then. Would the Planning Commission have any problems withdrawing Item 8?

Commissioner Thorp: 7.

Director Sellman: That would be Condition 7?

Chairman Threadgill: 7. Condition No. 7, and letting the Public Works Department make the decision on how they access – egress or ingress – onto that parcel? Mr. Campbell, that was your request. Do you have a problem with leaving that decision up to Public Works or ...?

Commissioner Campbell: After going out there and seeing the situation and looking at it real close and driving back out and looking at it again, I am steadfast that that stay in there myself.

Commissioner Clopton: I'd like a question.

Chairman Threadgill: Sure.

Commissioner Clopton: You're right in one respect about Public Works making the decision on this, but we also have a charge that is principle to our function and that's public safety. And when you start talking about turns off and on streets into and out of developments and so forth, we have ...one of the things we have to consider is public safety. I think even you will admit that's tenuous as to a point for a curb cut. I'm going to pose a question to you. Is there anything that you can think of that you might be able to do with regard to access off of Files Landing to mitigate some of the public safety questions that we have?

Mr. Owen: Yes, sir. I've already done that. I've taken out two of the three ...

Commissioner Clopton: I'm talking about Lot 9.

Mr. Owen: Now that I've given up 7 and 8, you're ready to talk about 9 or whatever. That's

kind of a tough way to ...

Commissioner Clopton: We were talking about the right turn and that's what you'd like us to reconsider.

Mr. Owen: Yes, sir. What I would like ...what I would have liked to have done was to give on Lots 7 and 8 and be able to keep the only access I got on Lot 9 as an unfettered access. I mean that's really what it was. I haven't ...I previously had unfettered access as it was.

Chairman Threadgill: Okay. Let's hold up right there. We're getting drawn out here. The only way that this is going to change is one way. Commissioner Thorp, Commissioner Clopton, or Commissioner Campbell, you have to ask to recall your vote and change it. If you do not wish to, which is your option, then it stays as-is.

Commissioner Thorp: I call for question.

Chairman Threadgill: Question? Go.

Commissioner Campbell: She's calling question.

Chairman Threadgill: Oh, you want to go ahead and do the vote?

Commissioner Thorp: Yeah, we're through.

Chairman Threadgill: Alright. No other discussion, it stays as-is at this time.

Director Sellman: Two additional conditions, 6 and 7.

Chairman Threadgill: Right.

Director Sellman: Do you have a motion for approval of the question?

Chairman Threadgill: Commissioner ...? We've not had a motion yet.

Commissioner Campbell: I make ...No, we don't have a motion.

Chairman Threadgill: So I need a motion to ...I need a motion.

Commissioner Campbell: Mr. Chairman, I make a motion that we accept staff's recommendations and the additional two and I would like staff to read those last two.

Director Sellman: Yes. Condition No. 6 – access to Lots 7 and 8 is from Central Lane, not from Files Road. Item, Condition 7 – Lot 9 access to Files Road is to be limited to right in/right out with a physical barrier to be placed to prohibit alternative traffic movement.

Chairman Threadgill: Any questions?

Commissioner Raney: Yes.

Commissioner Campbell: That's my motion.

Chairman Threadgill: Commissioner Raney?

Commissioner Raney: Just a point of correction. I believe it's actually Central Drive, not Lane.

Director Sellman: Drive.

Chairman Threadgill: Alright.

Director Sellman: Thank you.

Commissioner Campbell: And that is access either in or out, right? Of 7 and 8?

Director Sellman: All access to 7 and 8 is from Central Drive.

Commissioner Campbell: Okay.

Chairman Threadgill: Any other comments? Discussion? Call the roll, please.

Commissioner Campbell: You haven't got a second.

Director Sellman: Second.

Chairman Threadgill: Did you not second, Commissioner Raney? I'm sorry.

Commissioner Raney: I haven't.

Commissioner Thorp: I'll second it.

Chairman Threadgill: Commissioner Thorp.

Commissioner Thorp: And clarify the vote.

Chairman Threadgill: Alright, you vote "yes," you approve with staff's recommendations, including the addition of 7 and 8.

Director Sellman: 6 and 7.

Chairman Threadgill: 6 and 7? Alright. "Yes" is to approve.

Commissioner Thorp: Okay.

Chairman Threadgill: Call the roll, please.

Commissioner Thorp – yes; Commissioner Raney – no; Commissioner Campbell – yes; Commissioner Clopton – no; Commissioner Threadgill – no.

Chairman Threadgill: Alright. Since we have a no, we need an affirmative. Do we need to make a re ...

Commissioner Clopton: No, that's it.

Chairman Threadgill: Or is that it?

Director Sellman: It appears that you have not approved the plat.

Chairman Threadgill: Alright. Item fails. We'll go to Item No. 3.

3. Home Occupation Type B (HOB-08-0218) – to establish an in-home daycare for eight children and fenced backyard – 215 Fruitwood, off Lakeshore – District 4 – R-2

Director Sellman: Item No. 3. Item No. 3 is a New Beginning Daycare Home Occupation Type B. This is a request to establish an in-home daycare for eight children with a fenced backyard. The project is to located at 215 Fruitwood. This is off Lakeshore Drive. Currently it is zoned R-2. The Comprehensive Plan Classification is low density residential. It's located in District 4 and the recommendation is for denial.

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

Commissioner Clopton: So moved.

Commissioner Thorp: 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 please.

Ms. Felicia Jones, 215 Fruitwood.

Chairman Threadgill: Alright. Is there any questions to the applicant from the Commissioners? Commissioner Raney?

Commissioner Raney: Are you aware of the recommendation of staff for denial prior to coming into this meeting? I mean have you ...were you aware of that?

Ms. Jones: Uhh, huh. I mean I read it when it was sent to me in the mail. It was for denial.

Commissioner Raney: And you understand why the denial is been made?

Ms. Jones: Because of backing out. Is it because of the backing out in my driveway?

<END OF SIDE ONE OF TAPE>

Chairman Threadgill: Restate your question again, please, sir.

Commissioner Raney: Well I just was asking whether you were aware of the staff recommendation for denial and the reason why the staff recommendation was for denial.

Ms. Jones: Uh, huh.

Commissioner Raney: And you, if I understood you correctly, have confirmed both. Have you given any further thought then to how you could have your people come and go without having to back out?

Ms. Jones: Well on Fruitwood actually no one comes down that road. I mean, when you come up Fruitwood, you come to a dead end. Fruitwood is a dead end. I'm like right before you get to the dead end. At the dead end, it is two homes at the dead end. Those two homes never come my way. There's another street that's right there on the dead end that everybody uses because everybody uses Rosewood as the main street, even the buses. Nobody comes down Fruitwood. The buses don't even let out on Fruitwood. I don't think that ...the only people that travel on Fruitwood right there – because I am at the very end – besides right there on the hill which is flat hills, there is two houses. But I'm at the very end of Fruitwood, so therefore, it's just me and the lady across the street from me that comes down that road. You might catch a car maybe every two to three hours maybe. Or you might catch one car for the whole day to come down that road. When you back out my yard ... I'm also a foster mom, so I deal with a lot of kids anyway. When you come out of my yard, you can actually see over that hill because it's not a steep hill. It's a flat hill and like I said, there's two houses that stay there because it runs into a dead end. So there's not traffic coming through there. You know when you back out, there is no ...I don't see a safety problem. You know, I have kids. I have lots of kids because I am a foster mom. I just adopted. My kids are always out there. There's not a lot of traffic. It's just me and the lady across the street from me and maybe one other lady that's across the street from me that has children also. So I don't see any problem in backing out of there at all because it's not a main street. Rosewood is the main street leading to Fruitwood. Rosewood is off of Lakeshore. It's the main street and that's the street that everybody uses. Because when I leave my home, I go to Rosewood because that's the main street. The people up <unintelligible> use Rosewood to go to my street and then they get on Lakeshore. But the only people that deals on my street are the people that live on that street and with me being at the end of the street, me and the lady at the end of the street are the only ones that really travel down that street. So there is no safety hazard at all that I can see. I can understand your point of view and me being right there by that hill, but actually there is no safety problem at all. I mean I can actually see over that hill and I come out of there thousands of times and there is no problem. I wouldn't put anybody in danger for one because I am a foster mom and a lot of people come in and out of my home as in, you know, they bring the kids – DHS – and they take the kids away. I have had pretty much as many kids as I

am doing for the daycare. I wanted to start my daycare because like I said, I am a foster mom and I have made a difference in children's lives. I want to do my daycare so that I can make a difference in other kids' lives. So that's why I'm here. I don't see where it's any kind of hazard. I wouldn't put anybody in danger and actually no one comes down that street.

Chairman Threadgill: Alright, I have one question. You keep saying that you live on the end of Fleetwood?

Ms. Jones: Fruitwood.

Chairman Threadgill: Fruitwood?

Ms. Jones: Yeah, I'm right there before you go up the hill. When you go up the hill, that's a dead end.

Chairman Threadgill: Alright. Yeah. Okay, but on the ...when I went down there, you can go down Fleetwood, turn down Ironwood, and go right back up to ...

Ms. Jones: Rosewood. In fact, and the people on Ironwood ...

Chairman Threadgill: You keep saying you live on the end of the street. You don't.

Ms. Jones: Well that's what I'm saying. I live right before you get to the dead end. But what I'm saying, right down that street that you're saying is Ironwood, those people use ...They go the other way and go to Rosewood. They don't come ...

Chairman Threadgill: What I'm saying, you do not live on the dead end part of the street.

Ms. Jones: No, I don't. That's what I'm saying. I live right before you get to the dead end. The dead end is where the hill is at.

Chairman Threadgill: Yeah.

Ms. Jones: So when you get to the hill, it's a dead end. Then you have Ironwood, Ironwood that comes right there at the stop sign, but the people on Ironwood use Rosewood. They go the other way. They don't come down Fruitwood.

Chairman Threadgill: Well, I'm just saying there is a circle drive.

Ms. Jones: Exactly. You can go all the way around. And actually if people come to my daycare, my daycare ...the entrance is at the bottom of my home. I mean they can also stop on the side and bring their kids right in to the bottom door. I mean that is no ...

Chairman Threadgill interjects: Alright. Well that's good.

Ms. Jones: Oh, I'm sorry.

Chairman Threadgill: Any other questions or comments to the applicant from the Commissioners? None? Alright, you may have a seat.

Ms. Jones: Okay.

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

Director Carroll Weatherford, 103 Ironwood: I really didn't realize this was on the agenda or I would have circulated a petition. I know that the staff's recommendation is for denial, but the ...maybe I just misunderstood what she just said. Is she already operating a daycare there?

Director Sellman: That would be a question to the applicant.

Director Weatherford: To my daycare is what she just said.

Chairman Threadgill: She's not supposed to be. She's not licensed.

Director Weatherford: Okay.

Chairman Threadgill: That's not permitted by this Commission anyway.

Director Weatherford: And that location is ...Okay. That location is a very steep hill if you drove out there in front of that house. When you get to the end of Ironwood and turn right and go down, Fruitwood is a very steep hill. Not less than six months ago, you denied a daycare within about 300' of that location. It's kind of surprising that those people didn't pass a petition, because most of those people signed that petition lived on Fruitwood and Lakeshore. So it's kind of surprising that they're not here tonight. Either they weren't notified or something happened, but I wish you would deny this because I do use that way. When I back out of my driveway on Ironwood in the morning, I go down and around Fruitwood. So for her to tell you that there's nobody that uses that street is wrong. Thank you.

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

Mr. Charles Sutton, 216 Ironwood: My property is right South of where she lives.

Chairman Threadgill: Alright. Are you for or against this item, sir?

Mr. Sutton: Well, I'm against it.

Chairman Threadgill: Alright.

Mr. Sutton: And my reason is because of the added noise, especially on account of the dogs. The neighborhood's full of dogs and they bark at everything. And I'm home all day and I have to

listen to that. Now I'm going to get more of it besides if it's a daycare, it ought to be in a commercial area and not a residential.

Chairman Threadgill: Alright.

Mr. Sutton: And I don't think it helps the value of the property any either.

Chairman Threadgill: Okay, sir.

Mr. Sutton: That's my main concerns.

Chairman Threadgill: Alrighty. Anything else?

Mr. Sutton: No, not right now.

Chairman Threadgill: Alright, sir. Thank you. Is there anyone else in the audience? Please come forward and give us your name and address, ma'am.

Ms. Bria Hicks, 215 Fruitwood: This is my Mom. I don't know if ya'll have pictures of it, but like she said, her entry to the daycare is going to be like it's not no hill where the entrance is. They can parallel park coming from the right side or the left side on the side of the road. And they can go at the bottom where her entering is going to be and then they can just when they go back to their car, they can go up the hill, go on Ironwood, and come back on Rosewood, and go back to Lakeshore. If they're coming from the right side, they can go down Fruitwood and get on Rosewood, turn left, and go back on Lakeshore. There isn't really ...when I walk to the school bus from there to the end of the stop sign at the end of Fruitwood every morning, and there's no traffic there. I walk at 7:10 and in the day time, we always go out there and play and there's rarely to no traffic at all coming through that street. That hill is, I don't believe that hill is no more dangerous than the hill when you're exiting from Kid's Country. There it is more treacherous because it's more in the City. So when you're exiting from Kid's Country, there can be people coming over the hill and you can't see them. It's just as ...since there's no traffic there, I don't see how it would be dangerous at all.

Chairman Threadgill: Alright. Thank you.

Ms. Hicks: Thank you.

Chairman Threadgill: Anyone else in the audience with anything to say for or against the item? Will the applicant please come back? Do you have children there now?

Ms. Jones: I'm a foster mom. I have children as in being a foster mom.

Chairman Threadgill: Are you running a daycare now?

Ms. Jones: No. No. Uhh, uh.

Chairman Threadgill: Alright. That's what I need to know.

Ms. Jones: No, I'm not running a daycare at all.

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

Commissioner Campbell: The only <unintelligible> I have is when I went out to this, when I pulled in that driveway and backed out, it is ...it's really hard to see up that hill. The thought of a possible 16 more trips in and out of there during the day, I believe poses a pretty good hazard. This is kind of like the one that we did over on Lakeshore. We had the same situation over there on that one that we denied I think.

Chairman Threadgill: Alright. Any other comments from the Commissioners? No discussion? I'll entertain a motion.

Commissioner Campbell: I make a motion to approve.

Commissioner Clopton: Second.

Chairman Threadgill: I have a motion to approve and a second. Let's see, we don't have staff's ...any conditions from staff. Or do we?

Commissioner Clopton: No.

Director Sellman: No.

Chairman Threadgill: Alright. A "yes" vote is to approve. A "no" vote is to deny. Call the roll, please.

Commissioner Raney – no; Commissioner Campbell – no; Commissioner Clopton – no; Commissioner Thorp – no; Commissioner Threadgill – no.

Chairman Threadgill: The motion is denied.

Commissioner Campbell: I would like to add that the reason being is what I stated about the safety of backing out.

Chairman Threadgill: Alright, that finding is safety on the back out.

Director Sellman: Okay. Consistent with the staff findings then?

Chairman Threadgill: Yeah. Alright, we'll go to Item No. 4.

4. Conditional Use (CU-08-0215) – Seiz Sign – off-premise advertising sign request for conditional use approval – 2500 Albert Pike Road, corner Albert Pike and Patricia – §16-4-71 – District 4 – C-4

Director Sellman: Item No. 4 is a request for a conditional use approval by Seiz Sign Company. This is for an off-premise advertising sign at the 1900 Block of Albert Pike Road. This is approximately the corner of Albert Pike and Patricia Street. The current zoning is C-4. The Comprehensive Plan Classification is linear commercial corridor and it's located in District 4. The recommendation is for approval with four conditions.

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

Commissioner Thorp: I make a motion to bring it to the floor.

Chairman Threadgill: Do I have a second?

Commissioner Clopton: Second.

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

Mr. David Hamilton, Seiz Sign Company: I'm here on behalf of Seiz Sign Company and Sublett Signs.

Chairman Threadgill: Alright, David. Do I have any questions to the applicant from the Commissioners? None? You may be seated, sir.

Mr. Hamilton: Okay.

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

Commissioner Clopton: Mr. Chairman, I move ...

Chairman Threadgill: Commissioner Clopton?

Commissioner Clopton: I move we approve this project subject to staff's recommendations.

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

Commissioner Thorp: Second.

Chairman Threadgill: I have a second by Commissioner Thorp. Any discussion? Call the roll.

Commissioner Campbell – yes; Commissioner Clopton – yes; Commissioner Thorp – yes; Commissioner Raney – yes; Commissioner Threadgill – yes.

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

5. Re-Zoning (RZ-08-0230) – City of Hot Springs – rezone 236 Whittington, declared by Board of Directors Resolution as surplus and authorizing the sale, from C-4 to CTR – 236 Whittington – C-4

Director Sellman: Item No. 5 is a request by the City of Hot Springs Board of Directors to consider rezoning 236 Whittington. This is a piece of land that has been declared by the Board of Directors by resolution as surplus contingent to a rezoning from C-4, which is regional commercial outdoor display, to CTR, commercial transition. The Comprehensive Plan Classification is linear commercial corridor. It's located in District 1. The recommendation is for approval.

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

Commissioner Raney: So moved.

Commissioner Clopton: Second.

Chairman Threadgill: I have a motion and a second. Seeing the City is the ...the Board of Directors is the applicant, we'll refrain from having them all come up and ask if there's any discussion from the Commissioners. None? Is there anyone in the audience with anything to say for or against the item? Please come forward and give us your name and address, sir.

Mr. Elijah Harris: Good evening. I represent the Roanoke Baptist Church, which is located at 315 Whittington, which is over by the park down the street. We do have a concern because we are wanting to be in the process anyway to negotiate with the City to purchase that piece of property. We're a little bit confused that that property has been sitting there for years and years and years with no ...with nothing going on, with nobody interested in it until we asked the City to consider selling it and then all of a sudden there's this big push to rezone it to CTR, which has a 20% if I'm correct ...you can only use 20% of the property for actual construction. We have a concern with that. If you're familiar with that neighborhood, this is an older neighborhood and we have yet to see a big push for anyone to run in and build anything. We understand the desire to be able to limit what would be actually built on that property, but the property has been vacant for years and years and years. We've been there in that neighborhood since 1868. A lot of our members live in that neighborhood. We do have a concern about what could actually be built on that piece of property. We do have a concern also about going to CTR if we're successful in negotiating with the City of Hot Springs to purchase the property, then you would limit us to exactly what we could do because my understanding is that 20% cannot be changed. Once it's CTR, that's what it will have to stay. 20% -- we're not planning on ...actually what our use for the property would be to build a new church there. Certainly we're not going to attempt to build

a Taj Mahal or anything like that, but we could probably build within the 20%, but what our problem is that if the church continued to grow, the ministries continue to grow, there might be a need to put or add on or to extend that building and then all of a sudden we've purchased two acres of land and we can't use it. That is a concern that we have. As I've said, we do have a concern of what might, if we're unsuccessful in negotiating with the City of Hot Springs to purchase the property, we do have a concern that, you know, we don't want a liquor store on that corner or anything that would be detrimental to the neighborhood. But again, this is an older neighborhood and I have yet to see anyone rush in to build anything in that neighborhood in quite a few years. If you look at the history up and down Whittington Avenue, we've only found one piece of property sold in that area in the last 7 or 8 years C-4. Most of that area coming down Whittington from Park, from Central Avenue is C-1 and we don't quite understand the need for going ...If there was going to be additional residential areas, I could see where you might have to have a buffer zone so to speak and the CTR might be useful.

Chairman Threadgill interjected: Alright, let me kind of lighten you up here a little bit.

Mr. Harris: Okay.

Chairman Threadgill: Not knowing exactly why the Board of Directors requested CTR, I could tell you why I would. CTR, unlike C-4, there's various items they can put in and just ...pretty much what they want. On a CTR, anything that's <unintelligible> to go in has to come before the Planning Commission for approval first. So they can't just go out there and build any kind of commercial business they want. I think the intent of the Board of Directors was to restrict what is to be built by having it come through the Planning Commission so we just don't get some kind of bar or something built there. Now if the church ...

Mr. Harris interjected: We certainly would agree with that. We would agree with that.

Chairman Threadgill: ...If the church does buy the property, the church does have the ability since you own it to rezone it. You could rezone it back to commercial property and build a church.

Mr. Harris: Okay. But ...

Chairman Threadgill: I think the intent of the Board of Directors by changing this to CTR is to limit the ability of what does or what can or can't be built in the area, not as much as, you know, just being anything thrown in there. Now I'm speaking from my terms. I don't know why the Board of Directors did it, but that would be my intent if I was to request this be rechanged.

Mr. Harris: And again, I don't know if we're necessarily against the CTR, but what I do want to establish is that by <unintelligible>. And you made a good point that we could ask for it to be rezoned again back to C-4 if we do ...if we're able to purchase the property.

Chairman Threadgill: Any ...Now ...

Director Sellman: If I could make a comment there.

Chairman Threadgill: Yes.

Director Sellman: One of the reasons that a rezoning would be approved or not approved is based on findings that the Planning Commission first and then the Board of Directors must make with regard to the request consistency with adopted plans that the City has. This request to change to CTR comes with findings that it is consistent with adopted plans for this to be CTR. So I guess I would caution anyone from deciding that it could easily be changed back to C-4. I don't know that that's the case.

Mr. Harris: That is my problem.

Chairman Threadgill: It would have to be brought back to the Planning Commission.

Director Sellman: It would have to be brought back and findings would have to be made that, you know, an error existed in a change to CTR or that some plan or fact had changed. That might be a difficult case to make.

Mr. Harris: That is my concern. That is a concern. Again, you know, 20% certainly we have the opportunity to live within that, but as I say, you know, we don't know exactly where our Lord is going to lead us in the future. If we're able to establish other ministries, that's why we're looking at the property now. The building we're in I think is too small. If this is changed and you've limited us if we're able to purchase the property.

Chairman Threadgill: Staff just showed me here 17,200 square feet would be the size of the building you could build. That's a pretty good sized church. <laughter>

Mr. Harris: I know. What I'm saying is we're not going to build a Taj Mahal, but what I'm saying is that, you know, when you purchase two acres of land, you'd like to be able to use it in whatever way that, you know, feel fit that you can do.

Chairman Threadgill: Okay. Alright.

Mr. Harris: What I'm just saying is that that could possibly, and I'm not saying that, you know, we're not going to go out and build a huge church, but we might want to add a life center or whatever at some other point in the future.

Chairman Threadgill interjected: Well, my comment to you then, if the Planning Commission does rezone this, you think seriously before you purchase the property. <laughter> That's a lot of help. Right now, we're just looking at a request to zone or rezone. Apparently you're in opposition of it, so...

Mr. Harris: Not necessarily so. I understand their reasoning and that reasoning fits well with our initiative, but what I'm saying is though it could possibly at some point be a problem to us.

Chairman Threadgill: Right. Okay. Anyone else in the audience with anything to say for or

against the item? None? Alright, I'll close the public portion. Do I have any questions or comments from the Commissioners? Commissioner Campbell?

Commissioner Campbell: I have one of Rick. I saw Rick possibly doing a little figuring out there maybe. <laughter> 17,000 square foot building, how many parking places does it take?

Mr. Stauder: Well it would depend on how large of a church they built. It would be based on the sanctuary capacity, current regulations. They'd have to do one parking space for every four seats in the main sitting area or sanctuary. So regardless of the size of the property, it would be based on the size of the sanctuary.

Chairman Threadgill: They could build a small sanctuary and a big church.

Mr. Stauder: They could.

Chairman Threadgill: Alright. Any other questions? Alright. What we have before us is a request by the Board of Directors to rezone a parcel of property to CTR from C-4. Any discussion from the Commission? A "yes" motion is to rezone it and send it forward to the Board of Directors again for the ...with the recommendation to approve. A vote "no" is to deny.

Commissioner Clopton: Mr. Chairman, I move that we send this forward to the Board of Commissioners ...

Chairman Threadgill: Directors?

Commissioner Clopton: ...with a recommendation for approval.

Chairman Threadgill: I have a motion ...

Commissioner Thorp: Second.

Chairman Threadgill: ...to send forward with a recommendation to approve by Commissioner Clopton and a second by Commissioner Thorp. Call the roll, please.

Commissioner Clopton – yes; Commissioner Thorp – yes; Commissioner Raney – yes; Commissioner Campbell – yes; Chairman Threadgill – yes.

Chairman Threadgill: Item No. 6.

- 6. Re-zoning (RZ-08-0229) – Fairdale and Forrest Hill rezone C-4 – Fairdale Addition Block 16, Lots 1, 2, 3, 4, 5, 7, 8, 9, 10; Block 17, Lots 8, 9, 10; Block 19 (R-3); Forrest Hill Addition Block 36, Lots 1, 2, 3, 5, 6; Block 37, Lot 1 (R-4) – Sellers Street, Sellers and Euclid – R-3**

Director Sellman: Item No. 6 is the Fairdale and Forrest Hill rezone. This is a request to rezone

to C-4 from R-3. C-4 again is regional commercial, open display. Current zoning is R-3, medium density residential. The Comprehensive Plan Classification is medium high density residential. The location is a number of lots and blocks in the Fairdale Addition and Forrest Hill Addition to the City approximately located at Sellers Street and Sellers and Euclid. Yes, the applicant is Polychris Properties, LLC. The recommendation is to approve, recommend approval.

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

Commissioner Clopton and others: 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, sir.

Mr. Don Schnipper: Mr. Chairman, I'm an attorney here in Hot Springs of the firm Wood, Smith, Schnipper, Clay and Vines on Market Street. It's my pleasure tonight to be representing Polychris, LLC, which is the applicant. But let me tell you the outside that the real beneficiary of all of this if you approve this tonight will be Oaklawn Jockey Club, because this property is on the East side of the racetrack itself and will be an extension of the barn area. If you're familiar at all with the barn area behind Oaklawn, you're familiar with this. This goes up <unintelligible> the area and would be an extension. At the meeting of the City Board on December the 2nd, they closed the portion of Euclid Street and a portion of Tuggle Street. Now I'm not sure if ...

Chairman Threadgill: We have all the drawings.

Mr. Schnipper: You have all the drawings and things? I'll be happy to help you with more drawings if you need them, but they've closed the street. The items in green that I have here are already Oaklawn owned property. All we're doing here is to go forward with these blocks and to block the whole thing out to add to the property itself. We will be going back to the City Board if this goes through and we get these things, these contracts put together to close Bellview and we have one alleyway up here. There was a reason for not putting that in the December meeting. But this would be an extension of the barn area, the barn or whatever usage Oaklawn wanted to make of that. The project summary and the staff recommendations I think adequately cover the technical and legal questions surrounding this property unless any Commissioner has a particular question.

Chairman Threadgill: Alright, do I have any questions to the applicant from the Commissioners? Commissioner Campbell?

Commissioner Campbell: On your drawing there, what is the light green down in the ...?

Mr. Schnipper: Down here? That's just an ...when we colored this thing, Commissioner Campbell, we forgot to color all the way over. <laughter> That's the only thing green I could find to put in there.

Commissioner Campbell: Okay. Is that Sunnyside down there?

Mr. Schnipper: No, sir.

Commissioner Campbell: At the bottom?

Mr. Schnipper: No, sir. This is all barn area. There's horses and barns down here in all this green area.

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

Mr. Schnipper: Thank you.

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

Mr. Charles Cady, 301 Delaware Street: It's in close proximity to this property. My question is where would the entrances and exits to the local community. We have a lot of children. There are no sidewalks which the Planning Commission seems to be very adamant about. I was just wondering how many entrances and exits there are going to be in that area.

Chairman Threadgill: Alright, sir. I'll have the applicant address that.

Mr. Cady: Thank you.

Chairman Threadgill: Anyone else in the audience with anything to say for or against the item? Anyone else in the audience with anything to say for or against the item? Would you please come to the podium again, sir? You heard the question whether you had access or is this area going to be contained like the rest of the race track?

Mr. Schnipper: It ...Mr. Chairman, I'm going to tell you what I know about it and I cannot make any promises to this gentleman or to the Commission, but it's my understanding is what they will be doing is securing this area just like the area down South of it is secured. We're talking about chain linked fence with stuff to keep it ...the security is obviously of utmost importance to Oaklawn.

Chairman Threadgill: Okay.

Mr. Schnipper: This is the barn areas and ...

Chairman Threadgill: Alright. Let me make a comment to the Planning Commission. What you're doing here, there's no concern that the race track's buying this. They're asking for a rezoning of the property which is over two acres. It ties to a commercial property, CTR ...C-4, excuse me. It's a common request. They don't have to disclose what they're going to use the property for. We rezone it to C-4, it can be used for anything capable of C-4. All this is is a rezoning. With that in mind, is there anyone else in the audience with anything to say for or against the item? Again, anyone else in the audience with anything to say for or against the

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

Mr. Charles Cady, 301 Delaware: We have one more please.

Chairman Threadgill: Yes, sir.

Mr. Cady: I believe B&F Engineering was called in to ...on Sunnyside Street that you mentioned about runoff from the race track with the horses and the urine from the horses. Are we going to have that same problem with this addition that they're going to propose?

Chairman Threadgill: Okay, right now again, all we're doing is a rezoning.

Mr. Cady: Right, but if this problem does happen, do the neighborhood people have something, some recourse?

Chairman Threadgill: Staff? Commander ...Commissioner Campbell?

Commissioner Campbell: Commander? <laughter>

Chairman Threadgill: Commander?

Commissioner Campbell: Promoted. If this is rezoned ...

Mr. Cady: I can't understand what he's saying.

Commissioner Campbell: Okay, if this is rezoned, I was asking our Director a question. If it is rezoned and then Oaklawn decides to do it, then it will come back to the Planning Commission as a multiple building site plan won't it?

Director Sellman: Yes. And the reason for that is that one of the conditions of the sale of the land to this applicant is that this land must be replatted to remove the existing lot lines because they are by the vacation of these streets a land-locked situation for these smaller lots. So those lot lines will have to go away. This will create one large lot through replatting, which will come or I believe it will come ...in any case, it will be one lot. It will be subject to Article II requirements and as such will come to Planning Commission for review and approval.

Commissioner Campbell: Okay. What I was saying, if it is rezoned and they do what they're going to do, they're going to have to come back with a site plan on what they're going to do, and at that time, we will address those issues that you just talked about.

Mr. Cady: I believe the gentleman before me did say that they were going to extend the barns.

Chairman Threadgill: We have no control over that right now. All we're doing is the rezoning. If they do extend the barns, they do have to come back here before they can do it.

Mr. Cady: Alright. There will be a public meeting on it?

Chairman Threadgill: Yes, sir.

Mr. Cady: Thank you.

Chairman Threadgill: You're welcome, sir.

Male Speaker: Mr. Chairman?

Chairman Threadgill: Yes, sir. Please come forward and state your name and address again for the record.

Mr. Schnipper: Our problem is we don't know what they're going to use it for. Okay? I don't want to commit on anything there ...

Chairman Threadgill: Right now all we're looking at is a rezoning, sir.

Mr. Schnipper: Let me also tell you that, according to the City, there will be 12' off of the lots on Seller Street that will go back to the City itself. That's to be used for trails, so that ...If and when we get this all closed and these contracts all have to be closed by Monday, so that's the reason we're here tonight.

Chairman Threadgill: Alright, sir. Are there any other questions by the Commissioners? Commissioner Campbell?

Commissioner Campbell: I have one of staff. What happens with Lot 4 and Lot 6 that are not in this rezoning request?

Director Sellman: Lot 4 and Lot 6 will not be rezoned by this action.

Commissioner Campbell: Okay. Should they acquire them, then they will have to come back for further rezoning on those?

Director Sellman: That would require a separate action by Planning Commission and the Board.

Chairman Threadgill: Any other questions? Seeing none, I'll entertain a motion for rezoning.

Commissioner Campbell: Mr. Chairman, I make a recommendation that we send this to the Board of Directors for approval.

Chairman Threadgill: Alright, I have a motion to send it forward to the Board of Directors with a recommendation of approval. Do I have a second?

Commissioner Clopton: Second.

Chairman Threadgill: I have a second by Commissioner Clopton and a motion by

Commissioner Campbell. Call the roll, please.

Commissioner Thorp – yes; Commissioner Raney – yes; Commissioner Campbell – yes; Commissioner Clopton – yes; Chairman Threadgill – yes.

Chairman Threadgill: Alright, that one will be sent forward to the Board of Directors. That is the last of the items.

7. Site Plan Approval (SPA-08-0226) – Dr. Harold Koppel – proposed 20' x 18' addition to existing orthodontist office for use as a waiting room – 136 Files Road, Westerly projection off Northwest corner of structure – District 5 – C-4

Director Sellman: No. 7 was ...it was a request by the applicant on No. 7 to table the item until February or another regular meeting thereafter. Action by the Planning Commission might be in order acknowledging that request and moving it to February.

Chairman Threadgill: Uhh, Jeff ...sorry, I went brain dead.

Mr. Jeff Griffin: Yes, sir?

Chairman Threadgill: Jeff had a request that he showed me from the applicant to table it. I spoke with the applicant today and they said they'd like to get it on as fast as possible, which would be next month if we're tabling it, correct? If they've already presented the deal, can they not ...or is there ...I'm asking you. Is there some kind of difficulty with redoing that since they have replat, resurvey, all that? Or is there not?

Mr. Griffin: The difficulty would be in the time line being the necessity to advertise the cases at the proper time...

Chairman Threadgill: Enough said. Okay. So it will be ...we need the motion on Item No. 7 to take it to February.

Director Sellman: That was the request in the written communication from the applicant.

Chairman Threadgill: The February 12th agenda meeting.

Commissioner Clopton: Mr. Chairman, I move we table Item 7 to February regular ...

Chairman Threadgill: The February 12th meeting.

Commissioner Clopton: The February 12th meeting.

Chairman Threadgill: Alright, I have a motion ...

Commissioner Thorp: Second.

Chairman Threadgill: ...by Commissioner Clopton and a second by Commissioner Thorp. Call the roll, please.

Commissioner Raney – yes; Commissioner Campbell – yes; Commissioner Clopton – yes; Commissioner Thorp – yes; Chairman Threadgill – yes.

ITEMS FOR DISCUSSION AND ANNOUNCEMENTS

1. PLANNING DIRECTOR'S REPORT

Chairman Threadgill: Alright. Do I have any questions or comments from staff?

Director Sellman: No report from staff.

Chairman Threadgill: No report?

Commissioner Thorp: Now we're still meeting?

Chairman Threadgill: Yes.

Commissioner Thorp: Next Thursday.

Director Sellman: Thursday at noon. We're on for lunch. We will have our ...It probably will be here. If it is not here, we will let you know in plenty of time so that you can be in the right place.

Commissioner Clopton: Thursday at noon?

Director Sellman: The alternative would be the depot.

Chairman Threadgill: It will be on discussion on <unintelligible>.

Director Weatherford: I don't know if Mrs. Sellman told you, but the Woodman Building, they came in today and pulled all their permits.

Director Sellman: For the wooden part.

Director Weatherford: For the wooden part, to get started on it to finish it up today.

Director Sellman: Yes.

Chairman Threadgill: Are you serious?

Director Sellman: Yes. \$600,000 worth of work.

Commissioner Clopton: Pocket change.

Chairman Threadgill: Who's going to do this?

Director Weatherford: I believe it's the guy that came in from Minnesota.

Director Sellman: Yes.

Chairman Threadgill: The new guy?

Director Sellman: Yes.

Chairman Threadgill: The new one?

Director Weatherford: It's a different one than Dean Baxter. Yes.

Director Sellman: Yes. Mr. Caglotte and his partner. They seem very motivated to get this done in a fairly short time frame. We are very encouraged about this.

Chairman Threadgill: I made a comment about you ...to you the other day about that. What was going to happen?

Director Weatherford: Well they came in and talked to us three or four weeks ago, and one of their questions was could they get that \$50,000 that we are holding in escrow for paving? We said "Oh, yeah. You can do that, but you've got to get that paving down before you get the money, so ..." But they've gotten all their stuff done and I think they're ready to roll now. The Fairgrounds is coming along quite nicely if nobody has ...

Chairman Threadgill: Been there.

Director Weatherford: Best Buy has to be ready by January 15th with their building and parking or they start paying liquidated damages.

Director Sellman: Yes.

Chairman Threadgill: Will they be able to open at that time?

Director Weatherford: No, no.

Director Sellman: No, they will not. That will be for set up and inventory and they ...the most recent date that I have heard regarding that is anytime between February 27th and mid-March for their opening.

Director Weatherford: They told me today that the widening of Panama and the correction of McCauley, moving of the power poles and everything would be done by February ...early February.

Commissioner Clopton: They're working ...

Chairman Threadgill: Meeting adjourned.

Commissioner Thorp: I had one thing.

Commissioner Clopton: They're cutting that out right now.

Commissioner Thorp: I have one thing I want to say.

Chairman Threadgill: As part of the meeting, or just ...

Commissioner Thorp: I have an announcement like Ms. Jones does.

Chairman Threadgill: Go ahead.

Commissioner Thorp: First Baptist Church would like to welcome you to our Christmas music at 7:00 on Sunday night. Everybody's invited and come see our new \$11 million facility.

Chairman Threadgill: Meeting adjourned.

Director Sellman: Thank you.

2. COMMENTS FROM COMMISSION

Chairman Threadgill: Alright, at this time, I'll close the public portion of the meeting and Commissioner ...Director Weatherford, I ...

Director Weatherford: I asked you several times each time I come to these meetings if you'd talk into the microphone. Once again tonight, only Mrs. Thorp and Mrs. Sellman talked into the microphone. Nobody else does. You can't hear David or Jim or Larry at the back. You cannot

hear you because you do not talk into the microphone.

Chairman Threadgill: Alright.

Director Weatherford: Also ...

Chairman Threadgill: Did I do alright?

Director Weatherford: Sometimes. You come and go.

Commissioner Campbell: Mine's broke.

Chairman Threadgill: Okay.

Director Weatherford: You come and go.

Chairman Threadgill: These things are ...like you guys when you talk, it's ...you've got to get right on them sometimes.

Director Weatherford: You have to learn to get up there and get that thing ...

Commissioner Campbell: I think mine's broke.

Chairman Threadgill: It's your mouth.

Director Weatherford: No, it's working fine.

Director Sellman: <Unintelligible> like it.

Director Weatherford: Also I'll tell you that on Tuesday nights Board of Director's meeting, we will be approving or voting on a meeting schedule that I have asked for us to get back on schedule with Planning Commission and Board of Directors and the Planning Department and they're going to set the first two meetings of the year and then we'll set the next two. But the first two meetings, which we want to do one a quarter, will be set on next Tuesday night if we vote for approval.

Chairman Threadgill: Thank you.

Director Weatherford: I just wanted to let you know that.

Chairman Threadgill: That's great.

Commissioner Clopton: You have any idea what day ...?

Director Weatherford: It will be the month with the fifth Tuesday in it the first six months and then the latter part of the year will be the two months that have the fifth Monday in it because of

the way it works out in the last six months – the fifth Tuesday is toward the end of the month and they're ...I think a couple of them back up pretty close together, so ...We'll set those probably in our meetings that we have. We'll go ahead and talk to everybody.

Chairman Threadgill: Commissioner Campbell?

Director Weatherford: Those meetings will be set and that's why I asked them to do that so that we ...it's just like Planning Commission meeting or ...

Chairman Threadgill: I love it.

Director Weatherford: ...Board of Directors meeting. It's set. If you can't make it, you can't make it. We're not going to call everybody and say "Hey, can you make this date?" It's a set meeting.

Commissioner Campbell: Carroll? Would I be out of line to suggest that it just be Planning Commission, Board of Directors ...

Director Weatherford: It is Planning Commission and Board of Directors. Nothing else will be discussed. There won't be any stacked meeting where we're going to add two or three things that the Board needs to talk about. It's strictly planning is all it is.

Commissioner Campbell: Yeah, that's kind of ...

Director Weatherford: That's the way I asked for it to be done.

Chairman Threadgill: <Unintelligible> Don't you walk out of this room, lady. You better sit down a minute.

Commissioner Thorp: And what time?

Chairman Threadgill: Don't you go trying to sneak out.

Director Weatherford: We haven't set a time. It will probably be a 6:00 meeting or a 5:00 meeting or something.

Commissioner Thorp: That's fine.

Chairman Threadgill: Before Ms. Keheley runs out, I'd like everybody to welcome your new Director for District 3. My district <claps> and I voted for her.

Commissioner Campbell: Our condolences. <laughter>

Chairman Threadgill: Thank you. You got anything you want to say?

Ms. Keheley: No. Thank you. <unintelligible>

Chairman Threadgill: There you go.

Director Weatherford: If I'm not mistaken, March would be the first meeting because there is a fifth Tuesday there and June has a fifth Tuesday. Then we'll probably switch off to the fifth Monday at a latter part ...the last six months. But we ...I asked the Interim City Manager, Lance Hudnell, to draw that up so that we could get that on and that is a set meeting. We're not going to call you. It will be on your schedule.

Chairman Threadgill: Sounds like a winner. Alright, any other comments or anything from anybody? Yeah, you can leave. We're good. <laughter> Thank you.

Commissioner Clopton: Just for your notice and for everyone else's notice, I will not make the January 8th meeting. I will be in surgery.

Commissioner Thorp: Uh, oh. What kind?

Commissioner Clopton: Oh, they're going to play with my prostate again.

Commissioner Thorp: Oh.

Chairman Threadgill: I thought they was going to give you one of them lobotomies or something.

Director Weatherford: Is it <unintelligible>?

Commissioner Clopton: Hmm?

Director Weatherford: Is it <unintelligible>?

Commissioner Clopton: No, not an exam. They're going to go in there and hack away.

ADJOURNMENT