

PLANNING COMMISSION MEETING TRANSCRIPT

THURSDAY, APRIL 10, 2008

The regular meeting of the Planning Commission was held on Thursday, April 10, 2008, at 6:00 p.m. in the Board Chambers at the Hot Springs Municipal Building, 133 Convention Boulevard, with Chairman Gary Threadgill calling the meeting to order at 6:00 p.m.

Chairman Threadgill: At this time, I'd like to welcome everybody to the April 10, 2008, Planning and Zoning Commission meeting. I'd like to start off with an invocation given by Wanda Thorp and a Pledge of Allegiance given by Commissioner Campbell. Please stand.

Invocation

Pledge of Allegiance

Chairman Threadgill: At this time, I'd like to call the meeting to order. Call the roll, please.

Roll Call

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

Absent: Harriel White, Larry Raney

Approval of Minutes

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

Commissioner Clopton: Mr. Chairman, I'd like to make a notation in tonight's record that my vote against including a sidewalk at the Fairgrounds development site plan was an error and my vote should have been in favor of. I was informed tonight by several members of the City, including the Planning Commission Director and the City Manager, that certain concessions were gained from SDI in exchange for not having to put that sidewalk in and that the concessions were considerable. Considering that the City had basically given its word to SDI that they would make this exchange, I will not make a motion for reconsideration.

Chairman Threadgill: Alright. I do have a motion to approve the minutes with your change?

Commissioner Clopton: I so move.

Chairman Threadgill: Do I have a second?

Commissioner Kleinman: Second.

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

Approval of Agenda

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

Commissioner Thorp: I make a motion for approval.

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

Commissioner Campbell: Second.

Chairman Threadgill: I have a second by Commissioner Campbell. All in favor? <ayes> We'll start off with item New Business, Item No. 1.

NEW BUSINESS

1. Home Occupation Type B (HOB-08-0062) – Joshua Learning Center – licensed family home care – 615 Lakeshore Drive – District 4 – R-2

Planning Director Kathy Sellman: Item No. 1 is Joshua Learning Center. This is a request for approval of a Home Occupation Type B permit to operate a licensed family home care facility at 615 Lakeshore Drive. It is currently zoned R-2. The Comprehensive Plan Classification is low density residential. It's located in District 4. Mr. Chairman, if I might make an additional comment. There was an imperfection in the notice for this item. There are three notices required

for this type of permit: One is posting of the property which was done; notice in a newspaper of general circulation which was done; and also notice by mail to the adjacent property owners within a certain distance. The mailed notice did not go out from the Planning Department. In lieu of that, notice was hand delivered to the property owners who are required to receive that mailed notice. It is my understanding that those have been delivered. However, the Planning Commission may wish to consider deferring consideration of this item for 30 days in order to allow the adjacent property owners to collect themselves and prepare testimony if they so desire.

Chairman Threadgill: Does the Planning Commission wish to table this item due to a malfunction with the delivery of the notifications?

Commissioner Clopton: Mr. Chairman, so moved.

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

Commissioner Mory: Second.

Chairman Threadgill: I have a second by Commissioner John Mory. All in favor? <ayes> Opposed? <none> Okay, Item No. 1 is tabled.

Director Sellman: And that would be for 30 days.

Chairman Threadgill: Right.

Director Sellman: To be heard at the regular meeting in the month of May.

Chairman Threadgill: Are the applicants for that ...? Okay, what's happened is the public notification did not get sent out to the area it was supposed to, so as a right of the public, we have to give them legal notice, so we're going to have to table it for 30 days. It will be on our next scheduled meeting, which will be September ...

Director Sellman: May.

Chairman Threadgill: Thank you, May. A few months off there. <laughter> It will be in May. The City will notify you for the correct date and all as well as the public again.

Director Sellman: It is the second Thursday in May and it will be at 6:00 p.m. at this location.

Chairman Threadgill: Alright? Thank you. We'll move on to New Business, Item No. 2.

2. Preliminary Subdivision (PS-08-0056) – Pierce Subdivision – 6 lot subdivision in the County – West Pine Road, West Pine Road and Nutmeg – County – ET

Director Sellman: Item No. 2 is Pierce Subdivision. This is a request for approval of a preliminary subdivision plat for a six lot subdivision located in the County. It's on West Pine Road at Nutmeg. It's within the City's extraterritorial jurisdiction and the Comprehensive Plan Classification is suburban residential. That's it.

Chairman Threadgill: Is the applicant present for this item? Again, a six lot subdivision, Item No. 2. Is the applicant present? Okay, we'll move this to the rear of the agenda and go on to Item No. 3.

3. Re-Zoning (RZ-08-0055) – Wiggins Manufactured Home Overlay – request to rezone Manufactured Home Overlay Zone – 209 Honeycutt – District 2

Director Sellman: Item No. 3 is Wiggins Manufactured Home Overlay. This is a rezoning request to designate an area known as 209 Honeycutt Street as a part of the Manufactured Home Overlay zone. This is located in District 2.

Chairman Threadgill: Is the applicant for Item No. 3 here? Please come forward and give us your name and address, ma'am.

Ms. Rose Wiggins, 209 Honeycutt Street.

Chairman Threadgill: Alright, Ms. Wiggins, and you're making a request to make a Mobile Home Overlay District?

Ms. Wiggins: Yes, sir.

Chairman Threadgill: Speak into the microphone please. There you go.

Ms. Wiggins: Yes, sir.

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

Commissioner Campbell: I have one of staff. Has there been any opposition to this, staff?

Director Sellman: I'm unaware of any contact whatsoever regarding this application.

Commissioner Campbell: Thank you.

Chairman Threadgill: Anyone else? Alright, Ms. Wiggins, you may be seated. Is there anyone in the audience who has anything to say for or against this item? Again, anyone in the audience with anything to say for or against this item? Seeing none, I'll close the public portion. Do I have any questions or comments from the Commissioners? Seeing none, I'll entertain a motion.

Commissioner Campbell: Mr. Chairman, I make a motion that we accept staff's recommendation on this overlay area.

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

Commissioner Thorp: Second.

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

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

Chairman Threadgill: Item No. 3 passes. We'll go to Item No. 4.

4. Miscellaneous (MISC-08-0053) – Central Avenue HD Boundary increase – recommendation from Planning Commission regarding proposed expansion to Central Avenue Local Historic District – Central Avenue

Director Sellman: Thank you. Item No. 4 is the Central Avenue Historic District boundary increase. This is a request to the Planning Commission for a recommendation to the Board of Directors regarding the proposed expansion to the Central Avenue Local Historic District. The project is located, as you might have guessed, on Central Avenue, exactly it's on <unintelligible>. The recommendation is for approval. It has been to the Historic District Commission and they recommend your approval.

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

Commissioner Campbell: So moved.

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

Commissioner Clopton: Second.

Chairman Threadgill: I have a second by Commissioner Clopton. All in favor? <ayes> Is the applicant present?

Mr. Rick Stauder: The City is basically the applicant. Yes, sir.

Chairman Threadgill: Do I have any questions or comments to staff from the Planning Commission? 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, I don't see anything wrong with this. It's a logical extension.

Chairman Threadgill: Alright. I'll entertain a motion.

Commissioner Clopton: I move we extend the Historic District on Central Avenue as per the agenda item.

Chairman Threadgill: I have a motion to approve and send forward with the recommendation to approve. Do I have a second?

Commissioner Ames: Second.

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

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

Chairman Threadgill: Item passes. Item No. 5.

5. Site Plan Approval (SPA-08-0063) – Hot Springs Baptist Church – new addition and activity building – 144 Weston Road – County – ET

Director Sellman: Item No. 5 is Hot Springs Baptist Church. This is a request for site plan approval authorizing a new addition and an activity building. The project is located at 144 Weston Road. It is within the City's extraterritorial jurisdiction. The Comprehensive Plan Classification is low density residential. The staff recommendation is approval with conditions.

Chairman Threadgill: I'll entertain a motion to open it for discussion.

Commissioner Mory: So moved.

Chairman Threadgill: I have a motion.

Commissioner Campbell: Second.

Chairman Threadgill: I have a second. All in favor? <ayes> Is the applicant present? First Baptist Church?

Commissioner Thorp: No. Hot Springs.

Chairman Threadgill: Hot Springs Baptist Church, excuse me. Give us your name and address for the record, please sir.

Mr. Josh Minton, Minton Engineering, 77 Arena Road, Cabot, Arkansas.

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

Mr. Minton: Thank you.

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

Commissioner Kleinman: I move the project be approved subject to staff's recommendations.

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

Commissioner Thorp: Second.

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

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

Chairman Threadgill: Item passes. Teresa, will you alternate the calling of the Commissioners please?

Ms. Minear: I am. I was just told that I was supposed to call you last.

Chairman Threadgill: Yes. Always last.

Ms. Minear: Okay.

Chairman Threadgill: Okay. Thank you. Just checking. Let's move ...

Commissioner Kleinman: I was just surprised to be called first. <laughter>

Chairman Threadgill: Item No. 6.

6. Site Plan Approval (SPA-08-0028) – The Brookfield Assisted Living – assisted living facility on Mote Street and Oak Tree Drive – Mote Street and Oak Tree Drive – District 6 – R-4

Director Sellman: Item No. 6 is the Brookfield Assisted Living site plan approval request for construction of an assisted living facility on Oak Tree Drive, backing onto Mote Street. This is currently zoned R-4, residential. The Comprehensive Plan Classification is medium/high density residential. It is located in District 6. The staff recommendation is approval with conditions.

Chairman Threadgill: I'll entertain a motion to bring it to the floor for discussion.

Commissioner Clopton: So moved.

Chairman Threadgill: I have a motion by Commissioner Clopton.

Commissioner Mory: Second.

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

Mr. Russell J.M. Velony (?), 8 Collin Hills Drive, Bella Vista, Arkansas: I'm the Regional Marketing Director for Brookfield Assisted Living.

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

Commissioner Clopton: I have a comment. I'm a little bit concerned in looking at this at the location of the entrance that is in the middle of a very, very sharp curve. Am I seeing this wrong?

Mr. Stauder: Are you referring to the entry off of Mote Street?

Commissioner Clopton: Yes.

Mr. Stauder: Okay, the proposed entry on Mote was actually ...

Commissioner Clopton: Oh, I'm sorry ... Go ahead.

Mr. Stauder: The entry on Mote Street was relocated at the City's request. Several months ago, they had it actually at the bottom of the property which is, if you're familiar with Mote, is kind of at the bottom of that very steep hill. We had them relocate it to the Northern part of the property to give you much better visibility.

Commissioner Clopton: Okay, fine. Thank you.

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

Commissioner Campbell: I have one. I can't get my site plan up. Are they going to extend their sidewalks along that street there going out to Mote?

Mr. Stauder: It's my understanding that that is a requirement on both sides unless they waiver or a variance is granted. There haven't been any of that to my knowledge granted. I mean it's an actual requirement that if it's a commercial street that I think it has 5' sidewalks on both sides.

Chairman Threadgill: It's only 4' on the drawings.

Mr. Stauder: Okay. Maybe I'm wrong on that, but I thought it was 5' on commercial.

Director Sellman: I believe it's 5'.

Mr. Stauder: Okay.

Chairman Threadgill: The ordinance says 5' on commercial, but the drawing shows 4'.

Director Sellman: I believe it's a staff recommendation for 5'.

Mr. Don Beavers, 946 Airport Road, 928 Airport Road, Hot Springs: The requirements are 5' and that's what it will be. But it's not required ...It's required on both sides in the regulations but we only have to build the one on our side. So does everybody understand what we're talking about there?

Director Sellman: No, it will be built on both sides. You are not constructing one of the sides. Is that what you're saying?

Mr. Beavers: We're only building ...on Mote Street, we're only building on the East side.

Director Sellman: On Mote Street, yes.

Mr. Beavers: Only on the East side. Are you talking about the other street?

Director Sellman: Yes.

Mr. Beavers: Okay, that's a different thing. That's a new street and that had to be required for both sides, yes.

Commissioner Campbell: How come there's only one sidewalk coming up there?

Mr. Beavers: What do you mean by that? You've lost me?

Commissioner Campbell: From Malvern up to this, there's only one sidewalk.

Director Sellman: On the part of Oak Tree that is not associated with this, some time ago there was a variance granted by the Board of Zoning Appeals.

Mr. Beavers: That's right.

Director Sellman: That does not relate to this development.

Commissioner Campbell: What I was asking was in this development, there will be on both sides?

Director Sellman: Both sides, 5'.

Commissioner Mory: Mr. Beavers?

Mr. Beavers: Yes?

Commissioner Mory: You said there will be a sidewalk along the East side of Mote Street?

Mr. Beavers: Yes.

Chairman Threadgill: That question was asked by Commissioner Mory. Any other questions from the Commissioners? None? Commissioner Thorp?

Commissioner Thorp: Yes, I had one. In the findings, it lists there are two deficiencies noted. Has that been clarified in the recommendations?

Mr. Beavers: Pardon me? I'm sorry?

Commissioner Thorp: There are two deficiencies that are noted in the site plan provided. Has that been detailed in the recommendations?

Director Sellman: I would ask Mr. Griffin to respond to that question, please.

Chairman Threadgill: Jeff Griffin.

Assistant Planning Director Jeff Griffin: Yes, those are in Item No. 6 of the conditions under recommendations.

Commissioner Thorp: Okay.

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

Commissioner Mory: I move we approve the project subject to staff's recommendations.

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

Commissioner Mory: A motion.

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

Commissioners Kleinman and Campbell: Second.

Chairman Threadgill: I have a second by Commissioner Clopton or Kleinman. Folks, I have lost it tonight.

Commissioner Thorp: I know. What happened?

Chairman Threadgill: Call the roll, please.

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

Chairman Threadgill: Motion passes. Item No. 7.

7. Site Plan Approval (SPA-08-0059) – Riser Nissan – PD site plan amendment for new building addition – 4111 Central Avenue – District 5 – PD

Director Sellman: Okay, Item No. 7 is Riser Nissan. This is a request for site plan approval. It's an amendment to a planned development for the purpose of a new building addition at 411...1 Central Avenue. It's contagious. <laughter> This is the existing Riser Nissan business. The zoning is PD. The Comprehensive Plan Classification is linear commercial corridor. The staff recommendation is for approval with conditions.

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

Commissioner Campbell: So moved.

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

Commissioner Clopton: Second.

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

Mr. Don Rogers, B&F Engineering, 928 Airport Road.

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

Commissioner Campbell: Yes. You're familiar with the staff's recommendations.

Mr. Rogers: Yes.

Commissioner Campbell: Do you have any problem with any of them?

Mr. Rogers: Yes, sir. The owner and architect approved those. They will be implemented. Yes, sir.

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

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

Commissioner Mory: This is more for staff. Are we going to see, as the Planning Commission, are we going to see the revised site plan?

Director Sellman: You will not see the revised site plan.

Commissioner Mory: There's some pretty significant – I don't want to use the word "deficiencies" but that's pretty much what they are – in the site plan. The ones that staff noted are I think worth noting and I for one would feel better if we got a chance to look at it. That's just my opinion.

Chairman Threadgill: Commissioner Clopton?

Commissioner Clopton: This question is for Mr. Mory. Can you be more specific?

Commissioner Mory: Well, they're talking about they want the landscaping shown. They want to see that the sidewalks are added and that kind of thing. The implementation of the sidewalks is pretty straight forward. We can handle that as we've done here with the staff recommendations. The implementation of the landscaping, I guess is straight forward as well. It's just that typically when we get to that level, that's usually our job is to approve what they're going to do conceptually. At this point, they're kind of giving us a pretty generic site plan that we're going to approve and staff's going to approve it and leave us out of that loop. If everybody else is fine with that, then obviously it's okay. I just want to make you aware of that. When I was looking through the packet, that was what I noticed. If we set a precedent on this, some <unintelligible> will come in here and give us some kind of half-way site plans here, we're kind of taking a step backwards in my opinion.

Chairman Threadgill: As a Commissioner, you have the right to table an item if the packet is not complete. Okay? We have the recommendations when an application is presented that all these items must be met. If they are not met, table it until they get them. Okay?

Commissioner Mory: Okay.

Chairman Threadgill: Not telling you to table; but if that's the recommendation you wish to make to view the entire site plan, then that's the route you have to go.

Commissioner Mory: Okay.

Commissioner Kleinman: Mr. Chairman?

Chairman Threadgill: Commissioner Kleinman?

Commissioner Kleinman: In recommendation No. 3, I not only would like to know from <unintelligible> if it's sufficient. The landscaped area shown on the site plan which will be located near the principal structure, the North side should contain a minimum of 400 points of landscape improvements with a minimum of 200 of these points coming from introduction of trees in accordance with the Hot Springs Landscape Improvement Points. Is that ...you think that would be insufficient?

Commissioner Mory: Well, the problem I see with this is if we start letting site plans come in ...I mean everybody knows the requirements. They know it has to be on the site plan. We could always just say well, any site plan can come in and give us a general sketch of what they're going to do with the <unintelligible> of staff to enforce all the requirements that are in the book. I see it as our job to review the particulars on these <unintelligible> and in this particular case, I think overall I'd be satisfied with staff's handling of the situation. I'm just a little afraid of what kind of message we're going to send out if we get less stringent on what we accept on a site plan.

Commissioner Kleinman: <unintelligible>

Chairman Threadgill: You're call. Do I have any other questions or comments from the Commissioners? Do you want to go any further with it or are you going to accept it as-is?

Commissioner Mory: I move to table.

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

Commissioner Campbell: Second.

Chairman Threadgill: I have a motion to table and I have a second. All in favor? Oops, correction. Call the roll.

Ms. Minear: Lauri Ames – yes; James Clopton – yes; John Mory – yes; Wanda Thorp – yes; Louis Kleinman – yes; David Campbell – yes; Gary Threadgill – yes on the grounds it is an insufficient application.

Chairman Threadgill: Item No. 8.

Director Sellman: Did he establish a time frame? You want to establish a date certain for that to return?

Chairman Threadgill: Do you want to bring that back next month?

Commissioner Mory: Yes.

Chairman Threadgill: Thirty (30) days?

Commissioner Mory: Thirty (30) days.

Chairman Threadgill: Alright.

Director Sellman: That means that they would need to be back tomorrow with that. You might want to confer with the applicant.

Chairman Threadgill: Will the applicant come forward? I'm sure that you have those landscaping plans somewhere. Would you be able to have it in the office by tomorrow so we could get them to the ...?

Mr. Rogers: There is a landscaping plan that was submitted. It's shown on the display. The DRC comments approved, specifically the landscaping is approved. Subsequent to the DRC meeting, we added another 800 square foot of landscaping per a verbal comment by the City. I believe we've got that met. The sidewalks are shown on the site plan as well. So my statement is that I believe we meet those conditions.

Chairman Threadgill: Alright on the application from Terry Phillips under landscaping agent, dated 3/26/2008, it says DRC has reviewed and approved.

Director Sellman: Yes.

Chairman Threadgill: But I think what the applicant, or what the Commissioner is asking for is the actual sketch.

Mr. Rogers: It's included. Yes, sir.

Commissioner Kleinman: This landscape plan is included with the ...on the CD. It shows the landscaping on one side and I <unintelligible> saw that. It's shown on ... You have it, Rick? It's from ...

Director Sellman: Yeah.

Mr. Stauder: Yeah, I have it on the screen. Can I make one comment?

Commissioner Kleinman: <unintelligible> Landscape Architects did it, did the work.

Mr. Rogers: But I would like to add for clarification that that plan was approved at the DRC, the Developmental Review Committee meeting, but we've also added ...We've doubled the landscaping just because there is a general request from the City and the owner decided it would be a good gesture to do that. Once we've exceeded the conditions that were put upon us, specifically there were no conditions on landscaping.

Chairman Threadgill: Alright.

Mr. Stauder: Can I make a comment to that?

Chairman Threadgill: Yes.

Mr. Stauder: Since this is a PD, I did the staff write up on this. This is Rick Stauder. There is very little landscaping existing on the site. So, not an excuse, I missed this month's DRC. I was not in the office, but I thought the addition of some additional landscaping on the interior part of the parking lot would really do a lot to add some green space to the development. That was brought up to Mr. Rogers basically at packet time and they agreed to do that. But that is why you don't have a plan in front of you to that affect, showing those additional landscape islands being landscaped.

Chairman Threadgill: Well I've gone well beyond the limit. Once the item is tabled, there is supposed to be no discussion. But I will allow, if Mr. Mory wishes to withdraw, he can make a withdrawal statement. If not, we're going to stand with the table. Going once.

Commissioner Mory: No. Well I need ...I'm trying to verify here. We have the landscape plan in the packet right here?

Director Sellman: Yes.

Commissioner Mory: That shows the actual landscape, or not?

Director Sellman: No.

Commissioner Mory: Okay. But you've already completed the landscape plan and given it to the City?

Mr. Rogers: Correct. It's shown on the screen right now. This project is about 90% remodel of an existing building.

Commissioner Mory: Right, but what was specifically mentioned in the staff comments that I was referring to was the ...

Chairman Threadgill: Okay, wait. If we're going to have discussion, I need to pull it back to the floor. If not, it's got to stay tabled. We can't have discussion. You either have to make a determination if you want to withdraw or leave it tabled. I'll give you 30 seconds.

Commissioner Clopton: Can I make a motion to open it again?

Commissioner Mory: I move to withdraw the table, provided we can have further discussion now.

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

Commissioner Mory: To withdraw the table.

Chairman Threadgill: ...to withdraw the table by Commissioner Mory. Do I have a second?

Commissioner Kleinman: I'll second it.

Chairman Threadgill: Did you make the original second, Mr. Kleinman? Who made the original second?

Commissioner Kleinman: I can't remember back that long.

Mr. Stauder and others: David.

Chairman Threadgill: David?

Chairman Threadgill: Do you withdraw your second, Mr. Campbell?

Commissioner Campbell: I will.

Chairman Threadgill: Alright, then we open it back up for discussion.

Commissioner Clopton: Do we have to vote on that?

Commissioner Campbell: You've got to vote on that.

Chairman Threadgill: Oh, I'm sorry.

Director Sellman: You've got to take a vote.

Chairman Threadgill: Okay, all in favor for opening it back up for discussion, say "aye." <ayes> Opposed? <no> One "no"? Clopton, one "no." Alright, we're open for discussion. Now Mr. Mory.

Commissioner Mory: The landscaping that was brought out in the staff report was the landscaping when they take the building down?

Mr. Rogers: It was the landscaping that was brought out in the staff report as shown on the screen which is adjacent to the addition to the main building. The building's that coming down is about 200' to the East of that. Yes, sir.

Commissioner Mory: Okay. I was, that's what I was trying to find is where the ...okay. But we did ... Okay, Condition No. 2 where they wanted areas to contain curb and gutter and the landscape islands to contain a minimum of 400 points of landscape improvements with a number of 200 of these points coming from the introduction of trees. That condition right there. Have we seen a plan detailing that ...I mean, for the <unintelligible>.

Director Sellman: That is on the site plan.

Commissioner Mory: But ...

Director Sellman: That indicates the location of the islands, is that right?

Mr. Stauder: No. It's my understanding that condition that Commissioner Mory is referring to, we do not have a landscape plan on those particular islands that we were recommending landscaping curb and gutter be added where the building is to be demoed and the parking lot added.

Director Sellman: But the landscape would be added to islands which are found on the site plan.

Mr. Stauder: Yeah, you can see the islands. It's just ...it doesn't show the landscaping. I think they intended to just stripe those, but it's my understanding that they've agreed to curb and gutter them, cut the asphalt out, and install landscaping in accordance to that recommendation. They don't just physically have a plan for it at this time for that particular portion of the landscape.

Chairman Threadgill: Commissioner Clopton?

Commissioner Clopton: Mr. Chairman, it seems to me if we do not have that particular plan before us, then we do not have a complete packet.

Chairman Threadgill: I've heard that before.

Commissioner Mory: I agree with Mr. Clopton. That's why I wanted to clarify.

Commissioner Clopton: Okay.

Chairman Threadgill: Commissioner Campbell?

Commissioner Campbell: I agree with Mr. Clopton and Mr. Mory both. We don't have a complete plan and furthermore, I would make a motion again to table this.

Commissioner Mory: Second.

Chairman Threadgill: Alright, I have a motion to table by Commissioner Campbell and I have a second by Commissioner Mory. The item is tabled.

Commissioner Campbell: For 30 days.

Chairman Threadgill: For 30 days.

Commissioner Mory: Thank you.

Chairman Threadgill: Which again, I hope you have it to where you can have it in tomorrow. The deadline will be what did we say? No later than Monday noon?

Director Sellman: Yes.

Mr. Rogers: And this comment No. 2 is on what form – the Developmental Review? We don't have any trouble doing it. Yes, sir. But ...

Chairman Threadgill: It's under Development Review. Rick can get with you tomorrow or Monday to make sure you have what you needed.

Mr. Rogers: Thank you.

Commissioner Mory: Mr. Chairman? Point of order. I believe we need a vote. We got a motion and a second on the floor.

Chairman Threadgill: Oh. Okay. Call the roll. Yeah, I'm losing it tonight.

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

Chairman Threadgill: Alright, let's try Item No. 9.

Commissioners Thorp and Ames: What about 8? <laughter>

Chairman Threadgill: Item No. 8.

8. Site Plan Approval (SPA-08-0054) – Sparling Point Townhomes – 4 building multiple building site plan review in County – County – ET

Director Sellman: Item No. 8 is Sparling Point Townhomes. This is a request for site plan approval for the purpose of constructing a 4 building multiple building site development. This is in the County in the City's extraterritorial jurisdiction. The Comprehensive Plan Classification is suburban residential. The staff recommendation is for approval with conditions.

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

Commissioner Campbell: So moved.

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

Mr. Bill Malone, Malone & Associates, 130 Hobson Avenue.

Chairman Threadgill: Do I have any questions to the applicant from the Commissioners? Yes, Commissioner Mory?

Commissioner Mory: Where we're going to widen the road to 20', I take it that's going to go back into the section of the road that makes the little loop off to the North side.

Mr. Malone: That right there will be widened to 20'. Most of the property is coming off the North side there.

Commissioner Mory: Okay. Basically, you've got a piece of road there that looks like a P on its side, with a grass and tree island in the middle. What's going to become of that island in there?

You understand what I'm saying between the two pieces of asphalt?

Mr. Malone: Right. Are you talking about the property that's ...?

Commissioner Mory: Not paved.

Mr. Malone: ...not paved? That's going to be landscaped right there.

Commissioner Mory: Okay.

Mr. Malone: That's a landscaping area.

Commissioner Mory: What is the pavement width in there now? On the Southern part, the one that will be the main drive so to speak?

Mr. Malone: It's around 14', maybe 13'.

Commissioner Mory: Okay, so we're looking at maybe 6' to 7' of actual asphalt that's going to be going to the North because the South is already against the driveways and yards and that kind of thing.

Mr. Malone: Well there may be a foot or so on the South side.

Commissioner Mory: Okay, so 5' to 6', the island just looks to me like it's going to go away.

Mr. Malone: Yes it is. That will probably continue to be the Gaither property's driveway, some part of his driveway.

Commissioner Mory: Okay.

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

Commissioner Campbell: Yeah in the staff report we have, it talks about the Fire Department's wanting a 20' minimum unobstructed width.

Mr. Malone: Yes.

Commissioner Campbell: And you don't have that going into this project. The drawing that we have shows that it's 20' back to back ...

Mr. Malone: Of curb.

Commissioner Campbell: Of curb.

Mr. Malone: That's true.

Commissioner Campbell: So that's really not a 20' unobstructed road, is it?

Mr. Malone: I think that does meet the definition of it. A 20' curb, back to back curb, is what they're talking about for access, whether it's paved flat pavement or with a curb. That's all we have is 20'.

Chairman Threadgill: Staff agrees. Any other questions to the applicant? You may be seated, sir. Is there anyone in the audience with anything to say for or against this item? Ray, please come forward and give us your name and address.

Mr. Ray Owen: I'm an attorney here in town. My business address is 209 Hobson Avenue in the City, and my home address is 110 Lee Circle in the City. I represent a goodly number of the property owners along Sparling Road who are very concerned about this project – concerned from the standpoint that they are opposed to the project of having four houses on this property. I would point out that this project is planned on a parcel of land smaller than 8,500 hundredths of an acre. The parcel of land was formerly used for a single family dwelling – the old Sparling residence. It's at the end of a lane. It's about I don't know, almost probably two-tenths of a mile according to my odometer, this Sparling Road is. It's a lane. I mean it's down as low as 13' the asphalt ribbon may be as high as 15' -16'. It may in some places get close to 20'. I think that the narrowest point that I measured the other day was around 13'. Now I'm kind of glad that this point was raised about that island because that island happens to be on property owned by Mr. L.C. Gaither who is here with us tonight and he's quite concerned. He's had that island there and growing his day lilies in it for more than nine years. We would submit that to the extent that there still is room to go by that to access the old Sparling residence, that that's all that was used in the past and that if there was originally a 20' right-of-way of some sort, it has been eroded by usage other than an easement for more than nine years. We are considering the filing of a declaratory judgment action to have the court make that determination formally. This little path, and I've been down there on several occasions, is used by the few owners who are on either side of this path, this lane, to access their property and a lot for pedestrian activity. When I was out there, I saw people walking up and down the road there. It's a narrow road. If you widened that to 20', I think it would cause some safety problems because the people are so used to walking on that road. I think that the traffic speed would be greater than what it is now. I think it could cause traffic difficulties. There would be some additional traffic added by four new large residences on this tract of land, again less than 8,500 hundredths of an acre where there was one house in the past. Mr. Blount, the volunteer fire department, I guess he's the Fire Marshal, I met with him there last Saturday. He says the fire laws do require a 20' asphalt road to the project. Now I did talk to the County Judge about this because I had heard all sorts of stories and I talked to the County Judge about it three times. He told me the same story each time which is that the County will not pay for widening the right-of-way if it needs to be widened to the 20' or whatever. The County will not spend its money to actually improve the road to make it a 20' road, but if the road is made a 20' road, the County would then operate and maintain the road

thereafter. They would accept it for maintenance purposes. There's at least the one bottleneck in the proposed road. That's the one I mentioned on Mr. Gaither's property. But additionally, there's another ...at least one other bottleneck that I'm aware of when I was out there measuring the other day and that is there's some brick driveway entrance columns. You know those big column looking things? They're about 2', they're brick. They're red brick. They're about 2' x 2' x 5' high and one of them by my measurement was probably from where I could see what appeared to be a property corner looked like it was 4' to 5' encroaching into that 20' right-of-way or easement. That would be a problem. I asked the gentleman who owns the property. He said it had been there 40 years. He did the right thing and checked with his wife. She corrected him and said 51 years. <laughter> So I think that's going to be, that again would be an adverse possession action sitting there waiting to happen that would preclude the construction of a 20' road. Additionally there a number of fully developed trees in this right-of-way area and I know we have great concerns, particularly now with trying to preserve the trees and the natural vegetation that we have. These are fully developed, old growth site trees. They've been there for a long time and they would be lost, destroyed if this were to become a 20' road. When I'm saying a 20' road, my understanding is it's a 20' asphalt ribbon. I am told – I haven't talked to every single one of them – but I am told that all property owners on Sparling Road – of course except for the owner/developer of this tract – are opposed to this project with the four houses. At this time, I would ask that those who are opposed to this project who live in the Sparling Road area or on Sparling Road would they please stand. Thank you. Ladies and gentlemen, we would respectfully request that you deny this request, this application.

Chairman Threadgill: Alright, do I have any questions to the applicant from the Commissioners? None? Thank you, Mr. Owen. Is there anyone else in the audience who has anything to say for or against this item? Sir, let this lady come up first here. She beat you to the punch. Please come forward and give us your name and address, ma'am.

Ms. Peggy Maruthur, 133 Circle Drive: Good evening. I do live in Garland County. This is in ETJ and there's been a lot of concern about the extraterritorial jurisdiction. This is an opportunity for the Planning Commission to say that they are going to honor the integrity of a neighborhood. In light of all the rain that we've had, we really need to think about the saturation and the maturity of the trees and the people who have lived their lives there. There's been a lot of concern about over-development. We're hoping, or some people are hoping, to increase the numbers and bring more people into annexation. If existing property owners are put on the back burner for development, and their wishes are to protect the integrity of their neighborhood, it's just going to further divide the City and the County, even though the City is within the County. So I'm hopeful that this will not be voted for. Thank you very much.

Chairman Threadgill: Alright. Sir, would you like to come forward and give us your name and address?

Mr. Cal Arnold, 251 Sparling Road: As the previous speaker said, I want to also voice the concern about over-development. Sparling Road, my house that I'm in was originally constructed in 1956. It's a long standing quiet neighborhood of single family homes. The lots

along that road are good size – eight-tenths of an acre or some of them a little larger. This would be the only lot that would have more than one home on it and they're shoehorning four free standing houses on this lot. That's over-development. There is a concern about safety and about fire vehicles and about first responders getting down there. I think there's maybe an integrity question here. When the property was originally obtained, when Mr. Beasley bought it, when he made his offer, he was asked directly what was his plans for the project and he said he was going to build him a home, maybe let someone build a second home, maybe in an extreme circumstance, three houses. After he got it, the development went directly to five and you disapproved that previously, and now we're in asking for four. Ours is a nice, quiet neighborhood of single family homes. Please help us preserve the integrity of that neighborhood by not approving this site plan. Thank you.

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

Commissioner Campbell: Can the applicant come back forward?

Chairman Threadgill: Will the applicant please come forward? Commissioner Campbell?

Mr. Malone: Yes?

Commissioner Campbell: Our drawing show these to be four ...

Chairman Threadgill interjects: Name and record. Name and address for the record, please sir.

Mr. Bill Malone, 130 Hobson Avenue.

Commissioner Campbell: Mr. Malone, our staff report shows this to be four buildings. Is this four single family dwellings?

Mr. Malone: Yes.

Commissioner Campbell: Only one dwelling per building, right?

Mr. Malone: Single family, yes.

Commissioner Campbell: Are they two story, three story?

Mr. Malone: Two.

Commissioner Campbell: Two? Okay. My only concern was, and I know it's not a function of ours, but it shows <unintelligible> or four boat docks on the thing, or two boat docks maybe, but

it's got eight spots in it.

Mr. Malone: That's right. Two slips per unit.

Commissioner Campbell: Okay. You answered my question. Thank you.

Chairman Threadgill: Any other questions from the Commission? Seeing no questions, I'll entertain a motion.

Commissioner Campbell: Mr. Chairman, I would entertain a motion on this, but I would like to make a statement before I said it. I for one cannot support this on the grounds that I can't support this on is No. 1 it does get into the integrity of these properties out there, which I think the site plan probably is within reason as far as the site plan goes, but I think as small an area as this is and as small as the road is going into it, even with it widened out, this would be less than what City streets are required to be even though this is in the County. I couldn't vote for it on the health, the wellbeing, and the welfare of this community. And saying that, to keep things in order, I would make a motion to approve this, but I do not support this.

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

Commissioner Mory: I'll second.

Chairman Threadgill: I have a motion to approve and a second – the motion made by Commissioner Campbell and seconded by Commissioner Mory. Commissioner Campbell has showed his request to vote in opposition for it. If this is done so, we're voting in the affirmative. If you vote "yes," it passes. If you vote "no," it fails. I will need recommendations or comments or fact findings on why it's denied if you make such motion.

Commissioner Kleinman: Could you explain again if I vote "yes" and know what it means.

Chairman Threadgill: Alright, if you vote "yes," you approve ...

Commissioner Kleinman: The site plan.

Chairman Threadgill: ...the site plan as-is. If you vote "no," it fails.

Commissioner Kleinman: Thank you.

Chairman Threadgill: If you vote "no," I need fact findings of why you voted "no." Okay? Call the roll, please.

Ms. Minear: James Clopton – ...

Chairman Threadgill: I closed the public portion, right?

Ms. Minear: James Clopton – In agreement with Commissioner Campbell’s statement concerning his concern for the neighborhood, I would add that I feel the infrastructure and access to and from this property is insufficient and will add the additional traffic. My vote is “no”.

Chairman Threadgill: Alright.

Ms. Minear: John Mory – I concur with Mr. Clopton and my vote is “no.” Wanda Thorp – I concur also. That it’s not ...and I vote “no”. Louis Kleinman – “no” and I think that they access is poor and also it changes the character of the neighborhood too much. David Campbell – “no” for the reasons stated. Lauri Ames – I also vote “no” that the development is not compatible with the surroundings, the existing residential area. Gary Threadgill – also “no”.

Chairman Threadgill: The item fails unanimously. Alright, now we go to Item 9.

9. Site Plan Approval (SPA-08-0037) – Pointe Apartments at Hot Springs – multiple building site plan approval – Lake Hamilton Drive – District 5 – R-4

Director Sellman: Item 9 is the Pointe Apartments at Hot Springs. This is a request for site plan approval for multiple buildings to be located on Lake Hamilton Drive. The zoning is R-4. The current Comprehensive Plan Classification is medium/high residential. It’s located in District 5. The staff recommendation is for approval with conditions.

Chairman Threadgill: I’ll entertain a motion to bring it to the floor for discussion.

Commissioner Clopton: So moved.

Commissioner Kleinman: Second.

Chairman Threadgill: The motion by Commissioner Clopton. The second by Commissioner Kleinman. All in favor? <ayes> Opposed? <none> Is the applicant present? Please come forward and give us your name and address, sir.

Mr. Keith Richardson, 28 Chenal Circle, Little Rock: I’m here to answer any questions you may have on the development.

Chairman Threadgill: Any questions to the applicant from the Commissioners? I have one. The property at the North end of this development, it shows undeveloped.

Mr. Richardson: Yes.

Chairman Threadgill: Is that your property?

Mr. Richardson: Yes, it is. You're talking about the open space?

Chairman Threadgill: Yes.

Mr. Richardson: Yes, it is our property.

Chairman Threadgill: Is there no future development plans for that property?

Mr. Richardson: Unfortunately, the regulations does not allow for the density that we need, so therefore that's going to be open space.

Chairman Threadgill: Oh.

Mr. Richardson: For the floor ratio ...

Director Sellman interjected: Floor area ratio.

Mr. Richardson: That's the first time we ever encountered something. We've got five acres that we can't use, but we'll use it for parks, walking trails for the residents of the community.

Chairman Threadgill: Okay, do we have anything in standards that that can never be sold, developed, or any other thing?

Director Sellman: It is a part of the calculation of density on the existing developed part of the site as proposed on the site plan.

Chairman Threadgill: Which means?

Director Sellman: Which means that it must remain a part of this parcel.

Chairman Threadgill: Alright.

Mr. Richardson: Which is fine.

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

Commissioner Mory: There's a pond back to the Northeast of your property.

Mr. Richardson: Yes.

Commissioner Mory: Your project is going to miss that pond all together, isn't it?

Mr. Richardson: Actually I think the very back of the property is going to be water, in high

water. It may back up a little bit.

Commissioner Mory: But you're not disturbing the pond at all?

Mr. Richardson: No. Not at all.

Commissioner Mory: Okay. Oh, one thing that I was looking at, over on the Western side of the property, basically you are right against the mall to the point where that existing mall <unintelligible> is pretty much rendered useless. Is there any possibility of getting sidewalk access over there? Because I mean it's natural, people in your apartment complex can just walk to the mall.

Mr. Richardson: Our preference, we feel strongly that we have a right to that. The mall does not feel like we have an easement on that access road. We are in litigation. At some point if we are successful, we are going to add a sidewalk and a road to that. If we are not successful, then obviously we can't.

Commissioner Mory: Okay.

Chairman Threadgill: That is a legal issue that's not under discussion.

Commissioner Mory: Okay.

Mr. Richardson: That is our hope.

Commissioner Mory: Right. Oh, going to the detention pond. You've got three 15' drainage ditches that go in, basically from the South to the North. One goes in at the far Western end of the detention pond. One goes in roughly in the middle. Those both are flowing into the pond. Correct?

Mr. Richardson: That's correct.

Commissioner Mory: Okay, is that over land flow?

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

Mr. Mark Fredericks (?), 115 Maple Street, Cabot: I'm with Edwards Engineering. That will be part of an enclosed system through there. We will collect the parking lot drainage draining from the site.

Commissioner Mory: So those are underground pipes that are going ...?

Mr. Fredericks: Yes. Yes, they will be underground piping.

Commissioner Mory: Where is the detention basin emptying out?

Mr. Fredericks: To the East.

Commissioner Mory: To the East? Okay. And I presume this <unintelligible> that pond that kind of thing, but it does ...

Mr. Fredericks: We'll have to design an <unintelligible> structure and everything to go with that.

Commissioner Mory: Right. Okay. Because it was shown on here. I just wanted to ...When I saw two easements, I thought maybe they had one in and one out, but I just wanted to clarify that. So, okay. That was all my questions.

Chairman Threadgill: Any other questions to the applicant from the Commission? Thank you, sir. 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 Thorp: You asked him about that open space?

Chairman Threadgill: Commissioner Thorp?

Commissioner Thorp: You asking about that open space?

Chairman Threadgill: Yes, the approximate 4.6 acres of open space is going to be left as green space. There will be no building on it and it will be held as part of the development.

Commissioner Thorp: But you say it's all in this project if I'm understanding it right.

Chairman Threadgill: Yes. Yes.

Commissioner Thorp: Then I heard him make some comment about they were going to develop that into some kind of park for walking trails and that kind of thing.

Chairman Threadgill: Right.

Commissioner Thorp: Does he need to have that in this?

Chairman Threadgill: No. No. That's an open ...

Commissioner Thorp: He can do that later?

Chairman Threadgill: Yeah. They can do that at any time.

Commissioner Thorp: Okay.

Chairman Threadgill: That's not a mandatory item at this time. He was just stating that he is going to leave it open as green space and that in the future they might make walking trails or a park area out of it. They can't build. I mean staff might allow a gazebo or things like that, but it has to be pertaining to a park area or some such as that.

Commissioner Thorp: Okay.

Chairman Threadgill: Alright, any other questions.

Commissioner Mory: I have one.

Chairman Threadgill: Commissioner Mory?

Commissioner Mory: Watching where I step with this being a legal issue for discussion, would it help anything at all if it was part of our recommendation? The court ...

Chairman Threadgill: None.

Commissioner Mory: Okay.

Chairman Threadgill: None.

Commissioner Mory: It has to be a sidewalk.

Chairman Threadgill: No.

Commissioner Mory: <unintelligible>

Chairman Threadgill: That is a privately owned portion of property and we have no context to touch it. That would be a legal matter for ...

Commissioner Mory: Between the two.

Chairman Threadgill: ...the two parties to deal out in court.

Commissioner Mory: Okay.

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

Commissioner Campbell: Are we in the public portion?

Chairman Threadgill: Discussion. No. We're in the final discussion.

Commissioner Campbell: I have one of staff. We're looking at several units here, either 315 or 192, whichever I'm looking at up here. What's staff's feelings toward the traffic that's going to be generated by this additional amount along that road that is 18' wide just beyond this?

Director Sellman: Well traffic studies indicated that the existing condition, which is at level of service A, will be unchanged in terms of level of service with the addition of this development. They project that the level of service still will be A.

Chairman Threadgill: Are you saying no more projected travel than what is there now?

Director Sellman: No. I'm saying that the increase in the number of trips still is ...It does not impact the level of service on that road.

Chairman Threadgill: Commissioner Mory? I'm sorry, Commissioner Campbell?

Commissioner Campbell: I'm through right now.

Chairman Threadgill: Commissioner Mory?

Commissioner Mory: To further what Kathy is saying, on typical roadways there's usually five levels of service – A through F. A is the best. What the traffic study says is that while the traffic will increase, it will still remain at a level of A; so it will not be as <unintelligible> as it was before, but it still will be at the highest level, the most satisfactory level. That's what the study says.

Director Sellman: That's correct.

Chairman Threadgill: Hmm. It won't hold any more traffic, it's just sustainable to what it is now.

Commissioner Mory: That's right. That's right.

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

Commissioner Clopton: Yes, I have a comment. There's a project next to it that we discussed and denied once before, but it was overridden us by appeal. The basis for the denial I think is still valid and that is that Lake Hamilton Drive is overloaded now with traffic. And regardless of what that traffic study may have said, in my judgment, one entrance into and out of and only on Lake Hamilton Drive makes this street insufficient to handle it. And on that basis, regardless of what motion is made, I will oppose this project.

Chairman Threadgill: I have ...Any other questions or comments from the Commissioners? As

far as the other project, if I'm not mistaken, the developer widened the street all the way past the end of this property as well to accomplish ...

Commissioner Clopton: I believe that's correct.

Chairman Threadgill: Right. So I mean I think they've gone as far as we can request by law that they go as far as what I understand by the City Attorney. We can't make them widen the road any further beyond their property. Am I correct in that?

Director Sellman: Yes. Not to make this agonizingly complicated, but the situation is that because of the traffic study and because the reason for exactions from developers to make improvements to public facilities is based upon impact, it doesn't appear to be a basis given the findings of the traffic study for further improvements given that they have made improvements to the travel surface of the street and also constructed sidewalks. So you would of course have the option of denying the project based upon your findings that there is inadequate infrastructure, but at this time, there does not seem to be a basis in the record for requiring additional improvements off-site based upon the impact of this development.

Chairman Threadgill: Commissioner Clopton, do you have any other?

Commissioner Clopton: No. No comment.

Chairman Threadgill: Any other discussion? Commissioner Campbell?

Commissioner Campbell: I have. I'd have to back up Commissioner Clopton's statement there. It's, you know, we have a traffic study and all that, but you go out there and physically drive that road and you go from 30' of whatever it is just to the East of this project, you go back down to like 18' and this is just a lot of problems waiting to happen. This big a project for that neighborhood, just like the one previous to this, for the health, wellbeing, and safety in my opinion of the neighborhood, I couldn't support it either.

Chairman Threadgill: Alright. Commissioner Mory?

Commissioner Mory: I have one comment about that. At this point, I'm still undecided on which way I'm leaning here, but with the other neighborhood, it is <unintelligible> homes, we're adding a lot of homes by a number past that. With this, we've got a mall and a movie theater right next door to this. So the overall impact, I can see where the overall impact of this percentage wise is far less than what we just looked at. It's not like we have nothing but houses on this street. We do have a mall and a movie theater literally right next door to where this development is going to be.

Chairman Threadgill: But that is not utilizing this street as a main access or entrance.

Commissioner Mory: I don't know. Go and <unintelligible> after a movie. It's the easiest way

of coming out.

Chairman Threadgill: Alright. Staff's statement was that the traffic study said it was adequate. I don't have a degree in traffic studies. I couldn't tell you one way or another what that thing said. It's got pretty pictures, but ...If I have no other questions or comments from the Commissioners, I'll entertain a motion.

Commissioner Clopton: I think what my notice has been, having gone to the movie there before, is that most people leave the theater and go to Central Avenue. So ...

Chairman Threadgill: Alright. I'll entertain a motion.

Commissioner Clopton: Mr. Chairman, I move to approve this project with staff's recommendations. My vote will be as stated.

Chairman Threadgill: Pardon me?

Commissioner Clopton: My support will be as stated.

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

Commissioner Ames: Second.

Chairman Threadgill: I have a motion by Commissioner Clopton to approve with staff's recommendations and a second by Commissioner Ames. If you vote "yes," you vote to approve the item. If you vote "no," you deny the item. If you vote "no," I need a fact finding. Everybody understand? Teresa, would you call the roll please?

Ms. Minear: John Mory – yes; Wanda Thorp – no and I vote "no" because of the health, welfare, and being of the people in that area and I think the street is too small to carry that much traffic; Louis Kleinman – yes; David Campbell – no and for the reasons I stated; Lauri Ames – yes; James Clopton – no for the reasons previously stated and my previous statements; Gary Threadgill – yes.

Chairman Threadgill: The item goes four/three. Am I correct?

Director Sellman: Yes.

Chairman Threadgill: The item passes. Item No. 10.

10. Ordinance Amendment (OA-08-0065) – Richsmith Development, LLC – Zoning Code text amendment to increase building height – city wide – R-4

Director Sellman: Item No. 10 is a request by Richsmith Development for an amendment to an ordinance allowing for an increase in the building height. This should be effective City wide. I'll summarize for you. The Hot Springs Code §16-2-28 prescribes the height for buildings in certain zones. Those would be A, R-1, R-2, RL, and R-3 and provides an exception for height to exceed 35' and in fact going as far as 60' if the building is set back from each yard line at least 1' for each 2' of additional height. This proposal is for consideration of an amendment that would increase the maximum heights only – not the number of stories, but the height only – in R-4 Districts. This is the multiple family residential district in our City. I'm certain that the applicant will be able to explain to you the rationale for this request. The recommendation is for approval.

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

Commissioner Campbell: So moved.

Commissioner Clopton: Second.

Chairman Threadgill: I have a motion by Commissioner Campbell and a second by Commissioner Clopton. All in favor? <ayes> Opposed? <none> Is the applicant present? Give us your name and address for the record.

Mr. , Richsmith Developments, 28 Chenal Circle, Little Rock.

Chairman Threadgill: And again the applicant's requesting that the R-4 Zone be updated to actually come in compliance with the rest of the residential zoning.

Mr. ?: The basic reason for this is more cosmetic than anything. The codes allow for three story structures, but the only way for us to build a three story and stay within 35' is it's going to be a flat roof. I mean I'm sure the neighbors and we certainly don't want a flat roof they way they <unintelligible>, for the looks of the neighborhood, and for us. For the rain, the leaks in the roof, so what we're proposing is to basically, like all the other buildings that we build around the state and around the country, is more of a hip roof that is more cosmetically appealing for the community.

Chairman Threadgill: This again doesn't allow for actual storage.

Mr. ?: It's strictly <unintelligible> roof, it's going to allow us to go to a pitched roof. What we're willing to do is basically to have more setback from the road from the neighborhood if we're successful in this.

Chairman Threadgill: Do I have any questions to the applicant? 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 for or against this item? Seeing none, I'll close the public portion. Any questions or comments from the Commissioners? A "yes" vote is to approve the ...

Commissioner Mory: You want a motion?

Chairman Threadgill: ...the amendment of the R-4 Code. Any questions?

Commissioner Thorp: We've got to have a motion.

Chairman Threadgill: Yep, I'm fixing to.

Commissioner Thorp: Oh, okay.

Chairman Threadgill: Do I have any other questions? I'll entertain a motion.

Commissioner Mory: I move we approve with staff's recommendations.

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

Commissioner Thorp: Second.

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

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

Chairman Threadgill: The item is approved. That's the end of the agenda items. Do I have any staff comments?

Commissioner Ames: Question. Didn't we move one of the items to the end of the agenda?

Chairman Threadgill: Yes, we did. Thank you. I'm totally out tonight. Item No. 2. Sorry. Are they here? Are the applicants present for Item 2, primary subdivision, six lots in the County? Pinewood, West Pine Road? I make a motion that we table it for 30 days.

Commissioner Thorp and other: Second.

Chairman Threadgill: I have a motion by Commissioner Kleinman and a second by Commissioner Mory. All in favor? <ayes> I apologize for my tongue tied stuttering, but it's been a long day. <laughter>

ITEMS FOR DISCUSSION AND ANNOUNCEMENT

1. PLANNING DIRECTOR'S REPORT

Chairman Threadgill: Staff, no comments from staff?

Director Sellman: No, we're <unintelligible>.

2. COMMENTS FROM COMMISSION

Chairman Threadgill: Any comments from the Commissioners?

Commissioner Thorp: I have a question. I thought we had discussed among ourselves once before that if we had done away with one, we weren't going to bring it back up again like we did that tabled. Is that a different matter?

Chairman Threadgill: Yeah, that was a different type of deal.

Commissioner Thorp: Okay.

Chairman Threadgill: That was after it was ...the people had walked away. Here the guy was still standing at the podium...

Commissioner Mory: <unintelligible>

Chairman Threadgill: ...asking questions. I mean, truthfully, I don't like doing a recall, but I allowed the gentleman to proceed with his speaking and kind of opened up the box, so...

Commissioner Mory: I'll tell you my thoughts on it. I'm like Gary. I never want to hold anybody up unnecessarily. And if he's standing right there and he's saying that he had the paperwork already done, it would have taken up 30 days of a project, then that's the reason I pulled the table back. If 10 minutes will save him 30 days, then we give him the 10 minutes in my opinion. But, as we saw, the thing wasn't complete.

Chairman Threadgill: Okay. No problem. Anybody else? What the heck are you eating over there?

Commissioner Clopton: It's one of Wanda's cookies. I didn't get a chance to eat all my dinner.

Chairman Threadgill: I apologize for that. Not really, but <unintelligible>.

Commissioner Clopton: We'll have to strike this from the record. <laughter>

Chairman Threadgill: No other comments or questions from anybody?

Commissioner Clopton: Yes, I have a question.

Chairman Threadgill: Alright.

Commissioner Clopton: When is our next planning session on next Thursday?

Director Sellman: Yes. We can schedule it up for Thursday. At that time, you can go over the draft that we have at this time, see if that is in the shape that you want it to be in to schedule a public hearing. We'll provide to you a map that demonstrates more clearly where the lake is and take out those colors that we talked about. I think it will be easier to operate with those. It can be a fairly brief meeting. We'll take a look at what it is that you want to do for your next step and probably that would be to schedule some public meetings.

Chairman Threadgill: I have one comment on this. Every time we get together, we tend to make it a fact just like this map deal. Okay? We're picking areas and saying "well, what is this?" . This is not stone. This is just something that we're trying to get together to send forward to the Board of Directors. Even our comments and our intents. None of it will be set in stone until the Board of Directors comes back and says "alright, you have the approval to take the money to go ahead and start doing the GPS surveying that's needed to get the proper coordinates, the funding to go ahead and start holding the actual public hearings to finalize the draft." You know, please take it at heart.

Commissioner Campbell: Can I say something about that?

Chairman Threadgill: Yeah.

Commissioner Campbell: My questions on this map was, and I know that it was a draft, but I can't even take this and get the City map and tell where I'm at as far as where the highway goes because all of the landmarks are ...

Chairman Threadgill: Oh, I understand where you're coming from. Yeah, I think ... Yeah, yeah, yeah.

Commissioner Campbell: ...<unintelligible> where the area we have now is ...

Director Sellman: We can, we can ... Now that we have your okay to go with this general concept, we can create a map that's larger and on a larger map, we can create a lot more information that will show you where we are. If I put all of the street names on a map of this

size, it will obliterate everything that was there in terms of boundaries. So we can go ahead and put those on ... Yeah, we can deliver them. Mmm, huh.

Chairman Threadgill: That's my comments here. That I understood where you were coming from, but ...

Commissioner Mory: Kathy, for the ... Oh, I'm sorry.

Commissioner Clopton: I understand that what we're looking at is a draft idea of where we're going to go, but in the matter of discussion, until we make some changes or adjustments to it, it is fact at that time. And while we know it isn't, we're going to be discussing it as if it were until changes are made and I just want to point that out. I understand that it's not fact. It's not going to be fact until it's actually been ...

Chairman Threadgill: Until we know that we can spend the money.

Commissioner Clopton: Well not even that. It won't even be fact then until it eventually goes into force and is approved by the City Board and the <unintelligible>. So anything we do at this point is <unintelligible> with the idea of this is what we want to do and I know that it may be difficult for everybody to say "well, I understand that" and then make a comment. So we're going to be commenting on it as if it is the fact even though I know everybody knows it isn't.

Chairman Threadgill: Alright. Commissioner Mory?

Commissioner Mory: This is for our next meeting and it may be a little bit too soon on this, but it may help if we come in, make it one <unintelligible> size print that we can look at on the table. We can take these home with us and that kind of thing. They're handy for that, but when we're looking and more specific, when we start looking at the boundary and that kind of thing, I think it's going to help a lot to have it a little bigger.

Director Sellman: Oh, yeah. Yes.

Commissioner Mory: Like you said, you start trying to put any kind of minimal detail at all on them letter-size like this and it gets lost.

Director Sellman: It would.

Commissioner Mory: It gets lost and the map disappears behind all the black text, so...

Director Sellman: We'll bring you a great big wall-sized map and we can work from there.

Commissioner Mory: Okay.

Commissioner Clopton: My memory is real short and I know it's Thursday, but what time?

Director Sellman: Is 5:00 a time that works?

Commissioner Mory: That's great.

Director Sellman: Okay. We'll get that advertised then.

Chairman Threadgill: No later than 7:00.

Commissioner Clopton: Is it 5:00, April 17th? The next meeting?

Director Sellman: Yes.

Commissioner Clopton: I mean ...yeah, April 17th. Okay.

Chairman Threadgill: Anybody else? Commissioner Campbell?

Commissioner Campbell: I have a comment. Prior to tonight's meeting, I had a meeting with our Director concerning the SDI thing. I made mention to her that I had an interest in possibly appealing that project. I might as well ...I wasn't real happy with the goings on tonight. I knew that Commissioner Clopton had thought about recalling that project. It just doesn't seem right that he was taken into the City Manager's office and talked to. Maybe that's alright. Maybe it ain't. It doesn't look right to me. Just to relieve you, I will not appeal it. I still don't like it. There should have been a waiver. I know there was concessions, but there should have been a waiver as for the sidewalk on ...at least on Panama. Again, there was concessions that were made by SDI and I appreciate those concessions very much because it is going to improve things out there. But that still doesn't relieve the fact that you're going to have people in that area walking to that. That trail to my knowledge – I haven't seen that map – that trail to my knowledge though, from what I have seen in the past, is going to be up on top I think of that ...

Director Sellman: On the berm.

Commissioner Campbell: ...the berm that they're going to build, so it's going to be inaccessible from Panama. Today's world, you see people going up and down streets, Albert Pike even, in motorized wheelchairs. They're becoming mobile in those. That still doesn't relieve the fact that there should have been at least a waiver on that sidewalk. That sidewalk needs to be extended down there: No. 1, you've got a church right across the street from it that your ordinance makes statements that if you have a church, you have to have a 5' sidewalk within 500' of that thing. So, there was a need there and I'm not upset with anybody about the way they voted the other night. When it was over, I thought it was over with. I was called by Commissioner Clopton to tell me that he felt that he voted wrong that night. I told him, I said "hey, that's up to you. Whatever you do is your business." I said I voted to put the sidewalk in. It was defeated, so I was on the losing end. I can't bring it back up myself. I couldn't have brought it back up. So, just to let you know, I am not going to appeal it; but that does not relieve me of the fact that I feel

like it is totally wrong for that sidewalk not to be there.

Chairman Threadgill: Alright, we accept your comments and to that comment, I'm going to make the statement that as far as Mr. Clopton going into the City Manager's office, that was at my request as Chairman. There was a discrepancy. There was questions asked. Mr. Clopton made the request that he would like to change his vote. And if doing so by opening up the public hearing again, we'd have put another 30 days of down time onto SDI. Staff, myself, Kent had sat down and we had talked to SDI prior to. We knew the conditions and discussions that had been done with SDI. Mr. Clopton was not at those. I thought I made him pretty clear at the meeting when we made the vote that the City had worked out numerous deals with SDI prior to in return for certain items. We would do away with the sidewalks if they would widen and put 5' sidewalks and you know, all that was agreed to. Well, they asked if it would be permissible for me to allow them to talk to Mr. Clopton prior to the meeting and by doing so, let him know that all these things were predetermined by staff and let him know what the discussions were. That way, because if we opened the discussion here, then it's on the floor and we have to make another vote. By them going into the office and discussing it with him, notifying him of the prior decisions that were made by staff and the City, it gave him the ability to say "yeah" or "nay" prior to it coming to the meeting for a vote.

Commissioner Clopton: Mr. Chairman?

Chairman Threadgill: Let's let Kathy speak here first.

Director Sellman: I'm sorry. I just want to add one comment too. Because that project went on for a number of years, I think the history of the negotiations was not as clear in the staff report as it should have been. There were things, outside improvements, that SDI agreed to do, things which exceeded in costs – the cost of installing that sidewalk. The sidewalk probably should have gone for a variance just as Mr. Clopton says. That is what's in the Code. Then, because of the tremendous amount of time between the initial conversations about this project and the time that it actually came to the Planning Commission, I think some of the detail that would normally have been in the forefront of people's minds when the staff report was prepared, that just was not there. That's my responsibility and I accept that responsibility. So, in the future, that detail that you need to understand what's going on and what has gone on will be in the staff report. It belongs there. So my apology for that.

Chairman Threadgill: Commissioner Clopton?

Commissioner Clopton: That was my point that I was going to make now is that I understand that there's a certain amount of if you want to call it behind-the-scenes-negotiations with some of these larger projects between the contractor and the City in order to get them developed and get them finalized and ready to go. I feel that No. 1, any time you do that type of negotiation, anything that's in violation of the City Code should be brought before this Board and pointed out to them as to why they did this for that. It wasn't done. I wasn't aware of it. I hope that in the future it doesn't happen that way again, because I will guarantee you that unless it's extremely

extenuating circumstances, I'll not vote again for any project that does not have proper sidewalks and/or other ordinance requirements in the front.

Chairman Threadgill: Anyone else? Commissioner Campbell?

Commissioner Campbell: I just have one thing to kind of go along with what Kathy said and what James said. That night, and even this night, I kind of wondered why the Planning Commission even saw this. I kept getting that feeling that night. Well this has already been worked out and this has already been worked out ...

Chairman Threadgill: Well wait a minute. Hold it right there. Under your Code, developers have the authority to bring site plans to staff and work out issues prior to ever coming to the Planning Commission. They do not ...

Commissioner Campbell interjected: That's true, Gary. That's true, but ...

Chairman Threadgill: That's all that was done.

Commissioner Campbell: That's true, but it was not on the site plan ...

Director Sellman: In the interest of a transparent and open good government, that information needs to be in the record and it wasn't.

Chairman Threadgill: Exactly. Yes.

Commissioner Campbell: That's what I was looking for.

Chairman Threadgill: I thought you said it wasn't going to be legal, but it is.

Commissioner Campbell: No, I'm just saying I just felt like, you know, why did we even meet? Every once in awhile, I get to feeling "well, why did we need this? Why do we need to be here?"

Chairman Threadgill: The whole understanding is yes, there was a problem. All these discussions were done and they were not noted. That's true. Director Weatherford raised issues on several of them that, you know, we discussed it, but nobody ever wrote it down and agreed to it. In two years time, a lot of this stuff is said and done but nothing ever happened. Okay? I understand where all the controversy comes from, but what gets me is the point that we voted at the meeting and it was done. Okay? Then all at once, it comes up that for some reason, that's not how I wanted to vote. Well, at the meeting, especially the last one, I explained several times, this is a "yes" vote and that's a "no" vote. You know, it raised a lot of controversy. I felt quite a bit of deceit was going on. It's my personal opinion. It's nothing against James or Dave or Louis or Raney or anybody, but the way it come across, something shady was going on in my opinion.

Commissioner Clopton: But let me point out something, in the original presentation it was stated

that there was a certain amount of terracing – or what do you call that? – that made it not possible to put in this sidewalk. That was stated at that meeting, that it wasn't possible to do it because of this. When later you find out that no, that wasn't the case. It was possible to put this in because that requirement didn't exist.

Chairman Threadgill: No, they said they could do it on top of the berm. They could not do it down Panama and down on the bottom because that was the terrain issue.

Commissioner Clopton: No. No.

Commissioner Thorp: They didn't want to.

Commissioner Campbell: The developer that night said that he would put that sidewalk all the way down Panama but he would not accept the responsibility.

Chairman Threadgill: We couldn't agree to that because we don't have the authority to waiver the responsibility which is a state law.

Commissioner Mory: But actually, we've talked about that before. Even to the point where the City has to put in a sidewalk and go around an existing oak tree everybody wants to keep, the liability is transferred to the City as soon as that sidewalk goes around an oak tree. Wherever the sidewalk is, it's a City liability. No matter where it is. So that's already handled. The liability issue is a null issue. As soon as a sidewalk is put in, it's the City's responsibility and liability. There is no transfer of liability on that. It is always and forever the City's liability.

Commissioner Campbell: I don't think it was any deceit because this was ...You called me the day after the meeting.

Commissioner Clopton interjected: I called the day after the meeting.

Commissioner Campbell: He called me the day after the meeting and his statement was "I apologize for voting 'no'. I should have voted 'yes'. I think I did wrong." At that time, I said "that's up to you. I can't do anything about it." I called you and told you that he had called me and possibly wanted to change his vote or recall the project. I also called Kent Myers to inform him because he is the City Manager that there was a possibility from what I had been told by another Commissioner that there might be a recall on this particular item and that was the day after that I believe is when I called him. I don't have the exact date, but it was right ...He called. Mr. Clopton called me that one day. I called the City Manager and you I think the next day to inform you that there was the possibility <END OF TAPE>

Commissioner Thorp: <conversation already in progress> ...they went in and visited about some concessions were made. Were those concessions already in place or did we have new concessions that came up tonight?

Commissioner Clopton: We also have a new concession that came up tonight.

Commissioner Thorp: And so can we be shared those? Can that be shared?

Director Sellman: Yes. Yes. SDI has offered and documented in writing that they will construct the trail that we were negotiating at the time of last month's hearing. We had talked about that, but that hadn't been solidified. They will do a trail. It will meander through the back side of the project from the Northeast corner on Lakeshore at that entranceway there and will traverse Westward over to Panama and then swing South behind I think it's Anchor Tenant A over to the Northernmost access point onto the property from Panama. That will allow a connection across that accessway where the sidewalk is being constructed from there the remainder of the Panama frontage.

Commissioner Thorp: And what's the trail going to be? Is it going to be pavement?

Director Sellman: Yes, it is. It's asphalt, 10' wide and constructed to the City's trail standards.

Commissioner Kleinman (?): Asphalt or concrete?

Director Sellman and Chairman Threadgill: Asphalt.

Chairman Threadgill: It'll be under trail standards.

Director Sellman: Right.

Commissioner Thorp: Is that the only concession that was made tonight in the meeting?

Director Sellman: Oh, yes. That's the only change. Yeah.

Commissioner Thorp: Okay.

Director Sellman: The other concessions of course were the reconfiguration of McCauley, which is an offsite improvement.

Commissioner Thorp: That was going to be done anyway.

Director Sellman: That was going to be done anyway. The expansion of the width of Panama Street itself. The correction of the drainage problem that exists from the fairgrounds site and has forever as I understand it that crosses Panama Street and causes quite a problem at any time when it's raining. It seems as though there was something else too. I think the alignment ...

Chairman Threadgill: The sidewalks on McCauley.

Director Sellman: Sidewalks.

Chairman Threadgill: Sidewalks on both sides.

Director Sellman: Right, but that would have been required by the project any way.

Commissioner Mory: Not on both sides.

Director Sellman: Not on both sides, no. The realignment of the accessway to line up with the St. Joseph's across the street.

Commissioner Thorp: Okay, it just makes you doubt when you made the statement, which was fine, that there is more concessions. You want to know what they are.

Director Sellman: Right and that is the situation with the offsite improvements that they did more than offset the cost of what that sidewalk would have been. That's why the situation is what it is.

Commissioner Thorp: Okay.

Commissioner Campbell: I must say, and I voted against the project that night and my reason, I didn't state my reason for voting against it that night but it was that I felt that it was incomplete because there wasn't a variance asked for on that sidewalk. I felt that there should have been, but the project itself is a great project. There has been a lot of concessions worked out. I'm looking forward to being there. I just have a little bit of fault when you talk about the cost of that sidewalk. What if somebody gets run over down there? Is that cost worth that? <laughter> And that's a long way down the line.

Director Sellman: I understand what you're saying. The improvements to safety that will result from the other construction ...

Commissioner Campbell: I understand.

Director Sellman: Would you want to have a sidewalk instead of reconfiguring an intersection, which in its existing form is not a good geometry. You know.

Commissioner Campbell: And as you ... a lot of the things that you stated that should have been in the staff report, I'd have to go back and say that you weren't here in the beginning of that ...

Director Sellman: No.

Commissioner Campbell: ...so you weren't privy to everything that was said so ...

Director Sellman: No.

Commissioner Campbell: ...in a little defense of yourself, there.

Director Sellman: Well, it's my responsibility to have it in there.

Chairman Threadgill: One more question while we're on the sidewalk. We raised so much issue over the short section of Panama but yet we didn't raise one request for the all of Lakeshore.

Commissioner Campbell and Commissioner Mory: Yeah, we did.

Chairman Threadgill: Why did we ...

Commissioner Clopton: Yes, we did.

Chairman Threadgill: Wait a minute. Wait a minute. We gave them the authority to waive the sidewalk. Did we not? Why did that not go to BZA for a waiver?

Commissioner Clopton: It should have.

Chairman Threadgill: That's what I'm saying. You agreed to it.

Commissioner Clopton: Well, ...

Chairman Threadgill: You did. You agreed to it. Nobody said that it should be paved. Was there any comments to pave Lakeshore?

Commissioner Mory: My comment on the sidewalk was why are we not discussing a sidewalk on Lakeshore and I was told that part of that, all of the concessions and everything with the way it's going to be landscaped, the City has said to the developer we do not require sidewalks on here because we're going to widen Lakeshore. We'll do a sidewalk at that time. Now that's what I was told and ...

Chairman Threadgill: We don't have the authority to waive a sidewalk though is what they're saying.

Commissioner Mory: I know but they were saying it was already handled. They said ...I mean, yeah. I mean I took that as it's already taken care of. Next? And that's what I did.

Commissioner Clopton: That point was brought up.

<Several are speaking in the background.>

Chairman Threadgill: It's a puzzle to me that you know they allowed one sidewalk and then turn around and <unintelligible>.

Commissioner Mory: I asked about the Lakeshore sidewalk at the agenda meeting. I brought it

up then because I did not like the answer I was getting. I know, because I did not like the answer I was given.

Commissioner Campbell: Mr. Chairman?

Chairman Threadgill: Yes?

Commissioner Campbell: The sidewalk in question was brought up in the meeting between the Planning Commission and the Board of Directors in one of the meetings we had there and as Mr. Mory stated, we were told then by staff that that had been worked out between the City staff and the SDI people that the City, when they widened out Lakeshore, that the City would put the sidewalk and the curb and gutter in at that time. They gave that concession to SDI for some other improvements that they were going to make. Now there was never any mention that I heard of anything on the one on Panama.

Commissioner Clopton: That's right.

Commissioner Campbell: I think that's why no one in this Commission, they all knew that the City had agreed to do one down there but nobody had agreed or said anything about the one on Panama. That's why Panama was brought up.

Chairman Threadgill: I still find it hard to believe you raise Cain over one short section without a waiver and then allow the developer to get by with a full section.

Commissioner Campbell: Well...

Chairman Threadgill: There's no documentation that anything was preapproved. You know what I'm saying? I just feel that something went amok. That's my opinion. I mean you guys you have yours.

Commissioner Campbell: The only reason I stood on my ear on the one on Panama was the location of the school adjacent, nearly adjacent to this property – there's a couple of parcels of property between it and the school property – was because of the school down there and the draw of the students to the businesses in this shopping center. I just felt that they needed a sidewalk, you know, we've got a sidewalk that's required on Panama on the whatever side ...

Male Commissioner: West.

Commissioner Campbell: ...West side by the church. Should they ever increase the size of Panama on that side of Lakeshore down towards the school, that sidewalk will be in place there. That was my contention on trying to get the one on Panama.

Director Sellman: I'd just like to say one thing and that is that the street specifications do specifically allow for a trail system internal to a development to substitute for a required

sidewalk. So I don't want to lose sight of the fact that this is not as out there as maybe it's sounding as we discuss this. That specific alternative does exist. I don't recall that that requires approval by another Board. I'd be happy to check on that, but there is that alternative. What has resulted here is that we have a way for people to, on foot or on bicycle, ultimately to travel the perimeter of this project. They will not have access from all points of the surrounding streets to get onto this system, but you know some provision has been made. I want to congratulate you for tonight making sure that sidewalks are being placed where they belong. It's not something that we've consistently done. Maybe what this has done is raise our awareness of the fact that we have an awful lot of opportunities where sidewalks are required and it's time to take advantage of that.

Commissioner Mory: Mmm, huh.

Chairman Threadgill: And hope BZA doesn't waive them. BAA.

Commissioner Clopton: Either one.

Commissioner Mory: Yeah.

Chairman Threadgill: It would be BAA for sidewalks. That's my opinion. I asked Mr. Clopton to proceed in the manner he did. I appreciate what he did. I spoke Mr. Myers and asked that he would not badger or try to force his decision in any way. Kathy was sitting there. Mr. Myers flat out said that whatever decision Mr. Clopton made, he would stand by it or against. That's when I sent them to the office to discuss it. Now afterwards I asked Mr. Clopton. He said he felt he was a little intimidated, but he was willing to ...I don't blame him for feeling intimidated. If that herd hit me, I'd probably feel pretty intimidated too you know, but ...

Commissioner Clopton: Well it didn't ...that didn't affect my decision to withdraw the recall. It was Kathy's statement at the very end of that conversation that explained to me facts that I was not aware of of concessions made and commitments made by the City. I felt at that point, when she made that up that it's like giving my word to someone. If the City gives their word to someone that we will do this or we will honor that, I'm not going to stand in the way of it because I wouldn't want somebody to stand in the way of my giving my word to somebody irregardless. So that was the point that changed my mind and the only point that changed my mind.

Chairman Threadgill: Thank you.

Commissioner Clopton: I just wanted to make that clear.

Chairman Threadgill: Anybody else? Going once. Meeting is adjourned.

ADJOURNMENT
