

PLANNING COMMISSION MEETING TRANSCRIPT

THURSDAY, AUGUST 14, 2008

The regular meeting of the Planning Commission was held on Thursday, August 14, 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: Alright, if I may have everybody's attention, I'd like to welcome everybody to the ...Hold it down, please. If I might, I'd like to welcome everybody to the August 14, 2008, Planning Commission meeting. I'd like to start the evening off with an invocation given by Commissioner White and the Pledge of Allegiance given by Commissioner Mory. Please stand.

Invocation

Pledge of Allegiance

Chairman Threadgill: Again, I'd like to welcome everybody to the August 14, 2008, Planning Commission meeting. Call the meeting to order please. I need to call the roll.

Roll Call

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

Absent: Louis Kleinman, Larry Raney

Approval of Minutes

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

Commissioner Campbell: So moved.

Chairman Threadgill: I have a motion.

Commissioner Clopton: Second.

Chairman Threadgill: And a second. All in favor? <ayes> Opposed? <none>

Approval of Agenda

Chairman Threadgill: I need a motion to consider the agenda with two changes. Item No. 1 has been tabled and Item No. 9 has been pulled. I'll entertain a motion.

Commissioner White: I move that we accept the agenda with the approved deletions, Items ...

Chairman Threadgill: 1 and 9.

Commissioner White: 1 and 9.

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

Commissioner Ames: Second.

Chairman Threadgill: I have a motion and a second. All in favor? <ayes> Opposed? <none>
Alright, we'll go to Item No. 2. Item No. 1 was the New Beginning Christian Ministry. It has been pulled from the agenda tonight, so if you are here for it, it will not be. What was Item No. 9?

Commissioner Mory: The Tractor Supply.

Chairman Threadgill: Pardon me.

Commissioner Mory: Tractor Supply. Was it not?

Commissioner Thorp: Shadow Peak. It was a subdivision.

Commissioner Mory: Oh, I'm sorry.

Director Kathy Sellman: Yes. Shadow Peak.

Chairman Threadgill: Yes, Shadow Peak Subdivision has also been withdrawn if you're here for

that. So we'll move on to Item No. 2 on the agenda.

OLD BUSINESS

1. **Conditional Use (CU-08-0103) – New Beginning Christian Ministries – Conditional use request for religious facility – 323 East Grand – District 2 – C-2**
2. **Preliminary Subdivision (PS-08-0105) – Lake Points Garden Homes Phase II – Preliminary plat review for a 16 lot town home subdivision in the County – Lakepointe Cove, Higdon Ferry, and Lake Hamilton Drive – County – ET**

Director Sellman: Item No. 2 is Lake Pointe Garden Homes Phase II preliminary subdivision and we are reviewing a request for 16 lot town home subdivision. It's outside the City limits in the City's extraterritorial jurisdiction. The recommendation is for approval with conditions.

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

Commissioner Mory and Commissioner Campbell (simultaneously): So moved.

Commissioner Campbell: Second.

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

Mr. Bill Malone, 130 Hobson: I'm representing the developers for Phase II.

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

Commissioner Campbell: I have one.

Chairman Threadgill: Commissioner Campbell?

Commissioner Campbell: The three lots that were marked A, B, and C are now combined into three ...

Mr. Malone: To the adjacent lots.

Commissioner Campbell: ...adjacent lots?

Mr. Malone: Yes.

Commissioner Campbell: Okay. That's all I had.

Chairman Threadgill: Alright. Anybody else have any questions from ...for the applicant? Alright, sir. You may be seated.

Mr. Malone: Thank you.

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

Commissioner Campbell: I have one of staff. Even though these lots have been joined in there together, isn't there provisions in the regulations to prevent those lots from being split in the future?

Director Sellman: Any request to split these lots once they are divided and approved by Planning Commission would require reappearance in front of Planning Commission.

Commissioner Campbell: Okay. Thank you.

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

Commissioner Clopton: Mr. Chairman, I move that we approve this item with conditions.

Chairman Threadgill: I have a motion from Commissioner Clopton to accept with conditions. Do I have a second?

Commissioner White: I'll second.

Chairman Threadgill: Commissioner White?

Commissioner White: Yes.

Chairman Threadgill: Alright. All in favor? <ayes> Opposed? <none> Motion passes. Item No. 3.

3. Preliminary Subdivision (PS-08-0108) – Settlers Crossing – Preliminary subdivision for a 36 lot subdivision in the City – Shady Heights – District 6 – R-2

Director Sellman: Item No. 3 is Settlers Crossing. This is a preliminary subdivision request for a 36 lot subdivision. It's located in the City on Shady Heights Road. The current zoning is R-2, residential. It's located in District 6 and where are we here? Recommendations? The recommendation is approval with conditions.

Chairman Threadgill: Approve. Alright.

Director Sellman: <Unintelligible> actually.

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

Commissioner Campbell: So moved.

Commissioner Mory: Second.

Chairman Threadgill: I have a motion and a second. Please give us your name and address for the record, sir.

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

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

Commissioner White: Yes, thank you. I noticed that there is a condition on the staff's report.

Chairman Threadgill: You mean DRC or ...?

Commissioner White: The DRC Report.

Chairman Threadgill: Right.

Director Sellman: DRC conditions I believe have been met by the applicant.

Commissioner White: Okay.

Director Sellman: Which specific comment were you talking about?

Commissioner Thorp: Which one are you talking about?

Commissioner White: I'm talking about the comment about the drainage.

Director Sellman: Mr. Griffin, can you ...? Is this your project?

Mr. Jeff Griffin: Yes. Is it possible that would be a comment from the previous Planning Commission?

Director Sellman(?): Yeah.

Commissioner White: Well the date is ...

Chairman Threadgill: Move over to the microphone there please, Jeff.

Director Sellman: The date is 7/25.

Commissioner White: Yes.

Commissioner Thorp: It's approved with <unintelligible>.

Mr. Griffin: What's the comment?

Director Sellman: It appears that the comment is approved without conditions from Mr.

McPhate. I think the format of the comment as it was entered by that department is confusing. It is approve without conditions on 7/25. Thank you.

Chairman Threadgill: Alright. Commissioner Campbell?

Commissioner Campbell: That's the way I was reading it. The 5/22 said approve with conditions with the following and No. 1 was the drainage. Then in 7/25/2008 he says he has approved without conditions, so ...

Commissioner White: So what are you saying? Then the 1 does not go with the 7/25/08 date?

Director Sellman: Right. The formatting is confusing.

Commissioner White: Alright.

Chairman Threadgill: All conditions have been met.

Director Sellman: All conditions have been met.

Chairman Threadgill: Alright. Any other questions or comments by the Commissioners? Commissioner Campbell?

Commissioner Campbell: I do. Same question on the big vacant lot that's in this. Should it come back for a lot split, it will come before the Commission? <Unintelligible>.

Director Sellman: Let's look at the lot layout.

Commissioner Campbell: The big green space.

Director Sellman: And that would be which lot number?

Commissioner Campbell: Uhh, it's not a lot. It's the area ...

Chairman Threadgill: It's the opening area as you come in – the big green space. They don't have it labeled as a lot.

Director Sellman: Right. This is not a lot. It is not buildable. Any request to change this would

require Planning Commission approval.

Commissioner Campbell: Ok, thank you.

Director Sellman: Mmm, huh.

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

Commissioner Campbell: Mr. Chairman, I make a motion that we approve this site plan.

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

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

Chairman Threadgill: Item passes. Move to Item 4.

NEW BUSINESS

4. Miscellaneous (MISC-08-0143) – The Closet – Appeal for outside display of merchandise in C-1 Zone – 311 Park Avenue – District 1 – C-1

Director Sellman: Item 4 is The Closet. This is a request to acquire Planning Commission approval for outside display of merchandise in a C-1 Zone. The project is located at 311 Park Avenue. It is zoned C-1, which is our downtown commercial zoning. Its Comprehensive Plan Classification is linear commercial corridor. It's located in District 1. Let's get here – staff recommendation is for approval within the footprint of the shed that is now located there at 311 Park Avenue.

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

Commissioner White: So moved.

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

Commissioner Campbell: Second.

Chairman Threadgill: I have a motion and a second. Give us your name and address for the record please, sir.

Mr. Daniel Jackson, #4 Siago Lane, Hot Springs Village.

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

Commissioner Campbell: I have one. Yes, sir, on that shed out there, would you have any objections to painting a line on the parking lot to delineate where your area is going to be?

Mr. Jackson: With that footprint, to come over the eave – is that what you're suggesting?

Commissioner Campbell: Yeah.

Mr. Jackson: Absolutely. Yeah.

Commissioner Campbell: So you know where it's at. Anyone that ...any of the inspectors that drive by can see immediately that you're within boundaries.

Mr. Jackson: Yes.

Chairman Threadgill: So you're wishing a condition be added that a footprint be painted under the 7' x 26' shed?

Commissioner Campbell: At the appropriate time for a motion, I would suggest someone make that motion ...

Chairman Threadgill: Alright, you're wishing to add a condition. Alright. Any other questions or comments to the applicant? Commissioner Clopton?

Commissioner Clopton: I have one. This is kind of a combined question to the applicant and to

our staff. There's more than one shed there. There's a shed over on one side. Are we including that as an area that they can use outside display?

Director Sellman: It is the 26' shed.

Chairman Threadgill: The 7' x 26' shed.

Mr. Jackson: Yes.

Chairman Threadgill: That's it.

Commissioner Clopton: That's it? You're not talking about the canopy <unintelligible>...

Chairman Threadgill: No. Just the shed.

Commissioner Clopton: Okay, I was confused on what you were talking about as what your outside display area would be.

Chairman Threadgill: Just the 7' x 26' shed is all we're looking at.

Commissioner Clopton: Alright. Thank you.

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

Mr. Jackson: Thank you.

Chairman Threadgill: Is there anyone in the audience with anything 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 other questions or comments from the Commissioners? Seeing none, I'll entertain a motion.

Commissioner Campbell: Mr. Chairman, I make a motion to approve this with the addition that the applicant will paint or have painted a line to indicate where that area is on the ground below that shed.

Chairman Threadgill: Alright. I have a motion to approve with a condition that the 7' x 26' shed

footprint be painted on the ground and no items stored beyond that area. Do I have a second?

Commissioner Mory: Second.

Chairman Threadgill: Alright. Call the roll, please.

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

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

5. Conditional Use (CU-08-0150) – Jeff Carter – Revocation of CU-05-0057, conditional use for auto dealership at 2608 Central Avenue – 2608 Central Avenue – District __ – ____

Director Sellman: Item No. 5 is a request to revoke a conditional use, No. 05-0057. This is a conditional use for an auto dealership located at 2608 Central Avenue. This is a request initiated by Planning Commission with the knowledge of the property owner. The recommendation is to approve.

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

Commissioner Mory: So moved.

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

Commissioner Ames: Second.

Chairman Threadgill: I have a motion and a second. Alright. Seeing we have the Planning staff as the applicant, is there any questions of anyone on the Commission on why or any other reasons? None? Is there anyone in the audience with anything to say about this, for or against it? Again, anyone in the audience with anything to say for or against to revoke the auto sales permit for this parcel of property? Seeing none, I'll close the public portion. Staff, Commission have any questions or comments they'd like to add too?

Commissioner White: For the record, can we get an explanation?

Chairman Threadgill: Alright. Commissioner White would like an explanation on why we're requesting to revoke the auto dealership or the auto sales permit, the conditional use permit.

Director Sellman: The request is from Commissioner Campbell and I would be glad to summarize.

Chairman Threadgill: Go ahead.

Director Sellman: This is a site that although approved several years ago for auto dealer sales, we have not at any consistent period of time had an operator who was able to fulfill the conditions of approval. We have under a recently ... who also wasn't able to fulfill those conditions after discussion with the property owner, she is in concurrence with this request as her statement was that she thought the operation was unsightly as well and didn't want this occurring there.

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

Commissioner White: Yes, thank you.

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

Commissioner Campbell: Mr. Chairman, since I brought this one up, I'll make a motion that we revoke this conditional use permit.

Chairman Threadgill: Alright. Commissioner Campbell is making a motion to revoke the permit, the conditional use permit. Do I have a second?

Commissioner Thorp: Second.

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

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

Chairman Threadgill: Alright, moving on to Item 6.

6. Conditional Use (CU-08-0144) – Graham Outdoor Advertising – Conditional use request for 2 back-to-back billboards in a C-4 Zone – Hwy 70 East, eastbound access road between Festival and on-ramp – District 1 – C-4

Director Sellman: Item 6 is a request by Graham Outdoor Advertising for conditional use approval of two back-to-back billboards in a C-4 Zone. It's located on Highway 70 East on the Eastbound access road between Festival and the highway on-ramp. It's within the City limits, zoned C-4, which is our most intense commercial zone district. It's regional commercial. The Comprehensive Plan Classification is linear commercial corridor. It's located in District 1. The recommendation is for approval.

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

Commissioner Campbell: So moved.

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

Commissioner Mory: Second.

Chairman Threadgill: I have a motion and a second. Give us your name and address for the record, sir.

Mr. James <Unintelligible>, 101 Shawnee Road, Hot Springs.

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

Mr. <Unintelligible>: 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, we'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 approve this with staff's recommendation that ...

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

Commissioner Campbell: ...the <unintelligible> permits have to be acquired prior to.

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

Commissioner Mory: Second.

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

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

Chairman Threadgill: Alright. Item passes. We'll move to Item No. 7.

7. Site Plan Approval (SPA-08-0147) – RVC-USA, RV-USA Hot Springs Resort – RV park and cabins with associated support structures – Shady Grove Road on Lake Catherine – County – ET

Director Sellman: Item No. 7 is a request for site plan approval. This is by applicant, RV-USA Hot Springs Resort. The proposal is a RV park and cabins with associated support structures to be located on Shady Grove Road at Lake Catherine. It is outside the City limits within the City's extraterritorial land use jurisdiction. The Comprehensive Plan Classification is suburban residential. The recommendation is for approval with conditions.

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

Commissioner Clopton: So moved.

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

Commissioner Mory: Second.

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

Mr. Bill Malone, 130 Hobson: We have one of the principals of the company here with us, Mr. Darryl Elred.

Mr. Darryl Elred.

Chairman Threadgill: How are you doing, Mr. Elders?

Mr. Elred: For the record, I'm 1801 Venton Avenue, Memphis, Tennessee.

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

Commissioner Campbell: Your entryway that's going to go into it, where will that be in relationship to the house that's there on Shady Grove now?

Mr. Malone: The entryway is almost directly across from the Humphrey's barn. There is a narrow ...there is ...you will notice the layout of the land. It's about 100', 150' road access and it's oh, 75 yards, 50 to 75 yards from the Humphrey's residence there on the what is that? The East side, West side of the property?

Commissioner Campbell: Yeah. You'll have plenty of site distance then from that hill coming to it then?

Mr. Malone: Yes, sir. Quite a bit of site distance.

Commissioner Campbell: Thank you.

Chairman Threadgill: Any other questions to the applicant from the Commissioners? None? Alright, sir, you may be seated.

Mr. Malone: Thank you.

Chairman Threadgill: Is there anyone in the audience with anything for or against this item? Anyone in the audience with anything to say for or against this item? Seeing none, I'll close the public portion. Do I have any questions or comments from the Commissioners? None? I'll entertain a motion. Again, I'll entertain a motion on Item No. 7.

Commissioner White: So moved. I move that ... Well, I move that we accept it with ... there's no conditions, so I move that we accept it.

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

Commissioner Campbell: There is a condition.

Director Sellman: There are conditions.

Commissioner Mory: There are conditions. There are five conditions in the staff's report.

Commissioner Thorp: Where did they find that?

Commissioner White: I don't see them.

Chairman Threadgill: Alright, I have under recommendations five items. Approval of Article II multi-building site plan is staff's recommendations with the five conditions.

Director Sellman: It's on page 212 of the packet.

Chairman Threadgill: Does everybody see it? I didn't even look to see <unintelligible>.

Director Sellman: Yeah.

Chairman Threadgill: Yeah, I've got them on there.

Female Speaker: <Unintelligible>.

Chairman Threadgill: No, you've just got yours magnified a little bit.

Commissioner White: Oh, I see. Alright. There are some. Is there one, two, three ...

Commissioner Thorp: Five.

Director Sellman: Five conditions.

Commissioner White: ...four, oh, yeah.

Chairman Threadgill: Will you amend your motion?

Commissioner White: Yes. I will amend my motion to include the recommendations, the conditions from staff.

Chairman Threadgill: Alright, I have a motion to approve with the recommendations of staff. Commissioner Campbell, do you still second?

Commissioner Campbell: Second.

Chairman Threadgill: Alright. Call the roll, please.

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

Chairman Threadgill: Item passes. We'll move to Item No. 10. Item 9 was pulled from the agenda.

Commissioner Mory: What about 8?

Commissioner Thorp: 8.

Chairman Threadgill: Did I miss 8? Dad gum it. Okay. Item 8. Thank you.

8. Site Plan Approval (SPA-08-0148) – Tractor Supply – Multi-building site plan review for farm equipment sales – 2303 Albert Pike – District 4 – M-I

Director Sellman: Item 8 is the request for Tractor Supply site plan approval. This is a multiple building site plan for farm equipment sales located at 2303 Albert Pike. The current zoning is M-1, light industrial. The Comprehensive Plan Classification is industrial. The Board District is District 4. The recommendation is for approval.

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

Commissioner Mory: So moved.

Chairman Threadgill: I have a motion. Second?

Commissioner White: Second.

Chairman Threadgill: I have a motion and a second. Name and address for the record please, sir.

Mr. Rick Wilson, 905 Sunshine Road, Royal, Arkansas.

Chairman Threadgill: Sorry I tried to pass you up. <laughter>

Mr. Wilson: Well, that was twice.

Chairman Threadgill: Any comments from the Commission to the applicant? None?

Mr. Wilson: A brief statement if I can for a moment, Mr. Threadgill.

Chairman Threadgill: Yes, sir, you may.

Mr. Wilson: This property was one of three RV dealerships I had in Arkansas for 17 years and I sold it in 2006. Fortunately for the City of Hot Springs, the buyers decided to relocate last year to El Dorado. This gave way to Tractor Supply Corporation from Nashville, Tennessee, to long fit their desires for a store in Hot Springs. This will be their ninth in Arkansas, their 900th in the United States. They intend to employ approximately 20 people. They anticipate sales of approximately \$15 million from this store. So I'm real happy to propose this project. I've employed B&F Engineering and along with me is our civil engineer, John Rogers, if you have any technical questions. We'd be happy to answer them and thank you for your service.

Chairman Threadgill: Alright, thank you, sir. Hold it, sir. Commissioner Campbell?

Commissioner Campbell: I thank you for bringing this store. <laughter> I think it will be an asset to the community.

Mr. Wilson: It will be. It's a good store.

Commissioner Campbell: Everybody knows TSC. Thank you.

Chairman Threadgill: Alright, you may be seated, 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? None? I'll entertain a motion.

Commissioner Campbell: Mr. Chairman, I make a recommendation that we approve the site plan as presented <unintelligible> conditions. The site plan has all the conditions on it. Am I right?

Director Sellman: Yes.

Chairman Threadgill: I have a motion to ...

Commissioner Clopton: Second.

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

Commissioner Thorp: We're not ready. We have a problem over here.

Chairman Threadgill: Okay.

Mr. Rick Stauder: Commissioner Ames – yes; Commissioner Clopton – yes; Commissioner Campbell – yes; Chairman Threadgill – yes; Commissioner White – yes; Commissioner Thorp – yes; and Commissioner Mory – yes.

Chairman Threadgill: Make note that my vote is the last vote please, sir. Alright, that passes and we'll move to Item No. 10.

9. Preliminary Subdivision (PS-08-0149) – Shadow Peak Subdivision – Preliminary subdivision in the County – INCOMPLETE APPLICATION REMOVED FROM AGENDA – 650 Amity Road – County – ET

10. Final Subdivision (FS-08-0145) – Ricky Hood – 3 lot re-subdivision of Lot 35 Catherine Shores Subdivision – Elmwood Drive – County – ET

Director Sellman: Item No. 10 is a request by applicant Ricky Hood for re-subdivision of Lot

35, Catherine Shores Subdivision into three lots. This is located on Elmwood Drive outside the City limits within the City's extraterritorial land use jurisdiction. The Comprehensive Plan Classification is suburban residential and recommendation is for approval with the requested variance. That had the recommendation of the Cutter Morning Star Fire Chief on that.

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

Commissioner Ames: So moved.

Chairman Threadgill: I have a motion and a second. Please give us your name and address for the record, sir.

Mr. Milton Raabe, 130 Hillside Place.

Chairman Threadgill: Alright. Do I have any questions to the applicant? Anyone? None? You may be seated. Is there anyone in the audience with anything to say for or against this item? Please come forward and give us your name and address, sir.

Mr. Alan Strautman, 201 Riverview Point, Hot Springs: I am representing 26 property owners of 55 lots in the Catherine Shores Subdivision, which is where Lot 35 currently is.

Chairman Threadgill: Do you have a petition or anything signed by them, sir?

Mr. Strautman: I do.

Chairman Threadgill: Alright. Would you present it to Ricky there? Thank you. Continue.

Mr. Strautman: I'd like to point out, I said 26 property owners, 55 lots. There are more lots and property owners within this subdivision, but we have not been able to contact them at this point. I would like to read a statement if I may:

We the undersigned property owners in the Catherine Shores Subdivision respectfully request that the following concerns to the Elmwood Place Subdivision, the limited plat, and the development plans be accepted into the minutes of this meeting and be addressed by the Hot Springs Planning Commission prior to any final decision. Our first concern is the proposed

establishment of a subdivision within the resurvey of Catherine Shores Subdivision. At the time that Mr. Hood chose to purchase this property, the resurvey of Catherine Shores Subdivision plat clearly illustrated the purchase included one and only one lot. Furthermore, by purchasing this property, he fell within the jurisdiction of the Amended Bill of Assurance of the resurvey of Catherine Shore Subdivision dated October 3, 1985, recorded in Book 1137, Page 466, in Garland County. More specifically, Item 8 which states that the covenants and restrictions contained herein shall run with the land and shall insure to the benefit and be enforceable by any owner or land included and shown on said plat, their legal representatives, assessors, and assigns. Our second concern, [and I must point here that I understand that the proposal was, I found out at 4:30 this afternoon, that the proposal had been amended from reading multi-family to single family and two family. The petition that I submitted the signatures are on multi-family, opposed to multi-family because that's what it was when we passed the petition around. Alright? So as far as this is concerned, I suppose I am representing myself and the people that are here.] Mr. Hood is requesting that two family dwellings be permissible on said lot. In doing so, he would be in violation of the existing Bill of Assurance, the section entitled 'Restrictions and Land Use,' No. 5, established and approved by 75% of the Catherine Shore landowners which states 'No building shall be erected, altered, placed, or permitted to remain on any lot other than one single family dwelling.'

Those are my concerns. I would like to point out one thing before I sit down. Within the staff report, in the center of the paragraph that starts with the discussion, Mr. Griffin has stated that the lots in the County be a minimum of 60' wide by 100' deep for single family residential. This does not address the two-family. I don't know whether that restriction is different or not. The second thing is he's talking about, he's comparing the size of the new lots versus the existing lots and talks about 6,500 square feet on Lots 47 – 50, which is quite true, but I would like to point out that there's six lots in that section. There's currently two houses on that lot and they have combined three lots into their yard and their house. Thank you.

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

Mr. Bob Draper: My wife and I have owned our house at 239 Riverview Point for the past 15 years and I would like to speak against this proposal. I also have a number of my neighbors here tonight with me who also are opposed to this proposal. But we would have had many ...well many more both here tonight and signing the petition, but we didn't know about it until ...We didn't really learn about this until just this past Monday when this was the sign that was put up in the vacant lot where they plan on dividing into three lots. This little notice is just on a piece of paper and it was 8" off the ground and it was 29' from the edge of the triangle to where it was facing ...there's a triangle, so we didn't see it out there until someone waded through the weeds and saw it. And then we weren't exactly sure, you know, what it meant because we didn't know anything about things like this. I didn't even know what a planning board did and so I went to my computer and found on the Hot Springs city government website and it said that the job of the Planning Commission is to protect and provide for the health, safety, and general welfare of the public. So I would like to do in the next few minutes is to just show you how Mr. Hood's proposal would be injurious to the health, to the general welfare, and to the safety of the homeowners that are surrounding this triangle.

As far as health is concerned, I think that back up sewage would be injurious to our health. Where we live, we're downhill from the pumping station, so our sewage has to be pumped up hill. There's several more homes that are in the same boat, and so if people uphill from us use their toilets too much, the sewage begins to back up and so a red light comes on and we have to call the City and someone comes out and they do some sort of an accelerated pumping. But if we don't see it in time, then our sewage, our toilets, overflow. So adding more toilets above the hill, putting in ...splitting this lot into three different pieces and putting oh, three or six or how many families there's going to be in there is just going to add to our problem.

But of even more concern than this is what this is going to do as far as the safety of our community is concerned. We're concerned about what the addition of more families, perhaps as many as 15 cars, is going to, not counting guests, will do to jeopardize the safety of our community. My wife and I live at the very end of the point. We live at the very end of Riverview Point and there are nine other homes between us and the triangle. So this is a dead end street that we live on and the turnaround in front of our gate is only 30' wide at its widest and about 25' at its narrowest; so cars, if they really do a lot of maneuvering, they can turn around in front of our gate, but trucks can't. They have to either back up all the way to the triangle to get out of there or if we're at home, we have to open our gates and let them turn around in our yard. But this ...so most of our neighbors know about this and so they don't come wandering down that street because they know it's too hard to turn around. But what concerns me is what's going to happen in the case of an emergency and we thought of this just this past Sunday. The house next door to us there was a boating accident to where someone on a Seadoo ran into their swim platform. And so the people in the house called 911 and so in just a few minutes, coming down that dead

end road to our house, first there was a police car. Then two or three volunteer fire department cars came down the road. Then here came the fire engine and then behind that was an ambulance. So in just a few minutes, that total ...that street was totally jammed up. There was no way that you could get in or out. If there had been a fire somewhere, somewhere else in the subdivision, the fire trucks couldn't have gotten out. So it was so jammed up that the only way we could unjam it is we opened our gates and we invited the fire engine and the ambulance and the other vehicles to drive up into our yard and onto our lawn so they could turn around and get out of there. So we're concerned about how much more dangerous is this going to be if the triangle is jammed up. If that triangle has got perhaps as many as 15 additional cars around it, and if there's a party or something going on with additional guests on the street, that's going to make this an even more dangerous situation. This concerns us. It would really be tough if one of the houses down at our end of the street would catch fire or even ...well if there would be an emergency like ...We're in this neighborhood that back in 1991 was completely flooded, and so if that ...if another flood happened, everybody that lives in that subdivision has got to try to get out one narrow little street.

Then there's a problem of all the small children that play around that triangle. It seems like most of the families that have children in the neighborhood are ones that live around that triangle. So that's where they play. So the addition of more cars, this concerns us. It also concerns us that the family moving into that triangle has children because trying to jam three more houses, three more lots, into a six-tenths of an acre is not going to give those kids a place to play anywhere except out in the street, so this bothers us.

Then lastly, there's a consideration of the general good of our present homeowners. You know if Mr. Hood were planning on building a single residence home on Lot 35 and abiding by our present Bill of Assurance, we would welcome that man into our community with open arms; but that's not what he's planning. He's planning on squeezing three new structures into six-tenths of an acre plots that's essentially a traffic island with no telling how many families and cars within it and all subject to rules and regulations of their own making. Your approval of this separate, independent island set smack dab in the middle of our established community we feel would disrupt and change the character of our neighborhood forever. For the life of me, I just can't imagine how approval of a six-tenths of an acre subdivision within another subdivision makes any sense. To allow this in the middle of an established subdivision to come into being and to allow it to set up its own Bill of Assurance, to disregard all the rules and regulations that all of us have been following for years, to come in and set up their own rules just seems to me to make a complete mockery of the whole concept of Bills of Assurance. And allowing this could set up complete chaos. What would prevent any homeowner in our community that didn't like the rules and regulations of our community, our Bill of Assurance, what would prevent them from doing the same thing? Just say, "Hey, I want to set up my own subdivision and I'm going

to set up my own rules and regulations.” Furthermore, Mr. Hood submitted a four page Bill of Assurance. It’s totally meaningless because of Item 1 of Part B which gives these property owners the right to change his Bill of Assurance at any time by a vote of two out of three potential building homes. These are just a few of the reasons that I would urge you to please vote against this proposal. Don’t do this to our community.

Chairman Threadgill: Thank you, sir.

Mr. Draper: Thank you.

Chairman Threadgill: Alright is there anyone else in the audience with anything to say for or against this item? Please come forward and give us your name and address. Try not to be repetitive please.

Ms. Donna Scott, 170 Riverview, which is Lot 22: I have lived there 21 years, abided by our Bill of Assurance. This triangle piece of property is directly in front of my house and I promise you that it is not big enough for what this man’s wanting to do or this company or whatever. I would ...I’m asking you not to pass it. It’s ...consider it. Please drive out there. I’ll make you a cup of coffee or give you a Coke. Look ...visually see what we’re talking about. I have grandchildren that play in the yard and I am like ...I think others would welcome a family there, but it’s frightening to think that there could be six families in this small area. Most all families have two to three automobiles apiece now. Not only that, I can’t understand if it was a big plot of land, I could see possibly a subdivision if it was at the end of a subdivision. This is a very small plot of land right in the middle of really the triangle part. We are surrounded on water by Spencer’s Bay, the main channel, another bay. We have the homes going around the lakefront and this is a little triangle piece of land right in the middle of that. I can’t understand how it could become its own subdivision. Thank you for your time.

Chairman Threadgill: Thank you, Ms. Scott. One comment you made, hoping that the Commission has gone out, each and every one of them are supposed to go out and look at every site on this agenda. I’m hoping that they’re doing that. I mean I don’t go out and check them, but I know that I’ve been out there. I didn’t get a Coke, but I did go out there. <laughter> Is there anyone else in the audience with anything to say for or against the item? Please come forward and give us your name and address.

Commissioner Campbell: This lady in the back’s stood up three times. Get her next.

Ms. Benna Williams, 213 Riverview Point: I'll try not to repeat what the other folks have talked about very much, but first I'll say that I don't envy any of you your position on this board because I know that you don't make many friends. But, this submitted plan leaves no space as they've talked about for off-street parking for visitors, boats, service and construction vehicles, and trailers. Many of the homes on Elmwood and Ridgeview Point and Riverview Way were built close to the street, leaving no room for extra parking because Riverview Way and Riverview Point are very, excessively narrow. When you live on the lake, you have many visitors who bring their boats and Seadoos and many times there's no place to park them but on the sides of these narrow streets. And also, every day there are many lawn services who park their trailers in the street and unload their equipment. This is very hazardous when we have ambulances and such trying to get to us. Also we have an elderly lady that lives right there on the corner across the street from this property and her garage is right on the side of the street and she actually backs all the way across that street when she's trying to get out. If there happens to be a vehicle parked on the side of the street where she can't ...She couldn't back up out of there without hitting it. Then there's also a problem of the garbage truck. Since Bob said Riverview Point is a dead end, narrow street, the garbage truck is huge and uses an automated side lift to pick up and dump and there's no place for him to turn around when he goes to the end of Riverview Point to Bob and Jane's. So he has to come down narrow Riverview Way and turns onto Riverview Point and he backs all the way past my house all the way down to the end to the point at Bob and Jane's. If there are vehicles parked on the street, especially there on Riverview Way, it's going to be very hazardous and impossible really for him to get down there. I understand City apartments and condo complexes are required to have ample parking lots. There's no allotted space in this plan, as Bob said, for the children to have outside play space. There's already children that use that street completely around that triangle to skateboard and bike and they play basketball out there. It's a well used area by walkers, joggers, and families who ride bikes. A lot of the families are little toddlers just learning to ride their bikes and their families get out in the street with them and they pull them on wagons behind their bicycles sometimes. The former tenants of Lot 35 had children and they were safety conscious enough that they pulled in their drive from Riverview Way and out via Elmwood eliminating the need for them to back out into the street and possibly run over a child. And 7½' between buildings is not enough space for children to play or pets to poop. Extra traffic from a multi-family complex will make our neighborhood's narrow streets more dangerous. We also have a problem in that area with our sewer grinder pumps. Really, I don't think there are enough there to service the area as it is and we're always having the sewer companies come out and service those pumps. What a capacity that'd be if that complex overloaded the sewer system even more as well as the other utilities. Catherine Shores is also in a flood zone as you know. If the entire Lot 35 is covered with structures with only 7½' between each one, where does all the rain have to go but

in the yards and the driveways and carports of the surrounding lots? Please consider these serious circumstances when making your decision regarding subdividing the Lot 35. Its size and shape is only conducive for a single family dwelling as was intended in our Bill of Assurance. We would prefer to be good neighbors and not pursue this matter in court or anything. Thank you.

Chairman Threadgill: Thank you, ma'am. Lady in the back, please come forward and give us your name and address for the record, ma'am.

Ms. Jane Yahoda, 120 Riverview Way: My husband and I have lived there since December 1985, so we've been through the flood. Our house has burned. We've had a lot of reason to leave that area, but we decided to stay because it's a wonderful place to live for single families. I've noticed the pictures that you've had. I did bring a map of the entire area. I noticed one picture, but to me it was kind of hard to get a grasp of how small that little triangle is compared to the other lots in the area and to think of putting three houses let alone three multi-family dwellings on that spot is just hard to imagine. I can't imagine that being beneficial for anyone to live there or raise children there. We've raised our three children. We're currently raising two of our grandchildren in that area. Like some of the previous people have said, they do play in the neighborhood. The streets are very narrow. There is a good picture of how narrow those streets are on all three sides of the triangle. Additional traffic I think would be a very big safety issue for everyone living out there in their homes, on the streets, in their yards, anywhere in the area. Thank you.

Chairman Threadgill: Thank you, ma'am. Please come forward and give us your name and address, sir. Please make it brief and to the point, sir.

Mr. Mel Steed, 325 Elmwood: I live directly across the street from the project we're talking about. I also own three lots that are probably the same size as his or bigger. My next door neighbor owns three lots, so technically if this is approved for him, then we could wind up with four to five individual subdivisions with 30 to 40 more people in that area if his is approved. I just don't think it ought to be approved.

Chairman Threadgill: Alright, sir. Thank you.

Mr. Steed: Thank you.

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

Please come forward and give us your name and address.

Mr. Sam Douglas, 115 Riverview Point: We've lived there for 12 years now and love that area. There's nothing that I can say that hasn't been said already. We're concerned about the safety. We're concerned about the kids in the neighborhood and everything that was said here before. The only thing I might ask you is if it looks like approval is imminent, we ask that you may table it until we have the opportunity to consult a lawyer.

Chairman Threadgill: Alright, sir. Anyone else in the audience with anything to say for or against? Alright, sir, come forward and I'll let you be the last person. Give us your name and address for the record.

Mr. Andy Thomas, 187 Starboard Circle: I am the co-owner of the lot in question. Maybe I can clarify some of these questions that these people have. As far as multi-family dwellings, the intention of the project is for two single homes and if feasible, one duplex. That is all we're looking for because that's all that will fit because to make it use the space properly. Their regard, they're worried about multi-family. As they refer to the one-way street that they're so concerned about, there's two residents there that reside four to six families in those residences. They're concerned about the dead end street. If too many people drive down this dead end street, I think the City needs to have a larger dead end sign. If it says a "dead end," you should know not to go down that street because you have no place to turn around. As far as referencing that it is only 0.6 acres. It's actually larger than that. It's 0.9 acres. The fire safety concerns – the fire chief has already signed off. He didn't see that there's any concerns as far as fire safety. In reference to the fire trucks that go down the one-way street, the one-way street is past all of the ...past our triangle and so if you are in the area of the streets of our triangle, it's a triangle. You can turn all the way around. The one-way street is if you leave the triangle and head down the one-way street. Let's see, we have had this lot actually for sale with a for sale sign on it for at least six months now. We've been approached from many different people in the subdivision who think it should be used for a park or different issues and we've offered it to the members of the subdivision if they were willing to pay a reasonable price for the lot. So if someone is that strongly against it, they had an opportunity to purchase it. Let's see ...<noise in the background>.

Chairman Threadgill: Hold it down, please. Show him the same courtesy he showed you.

Mr. Thomas: Also they keep ...it's been referenced that the houses are only 7½' apart. That is incorrect. They are actually 15' apart. As far as the sewer concerns, if there truly is a pump

station concern, that needs to be addressed to the City Utilities and if there is insufficient sewer systems, then we need to see about upgrading that as a community down there. As far as subdividing and violating the Bill of Assurance, as stated here by one of the members of the subdivision, that there are multiple houses that have taken up multiple lots to reside their structures. So right there is already subdividing even though you're combining, it's still subdividing. So, they're combining basically lots in order to have one dwelling on it. Currently according to the Bill of Assurance, we actually do have I want to say it's three, but I may be incorrect on the total number of houses, that are in ...that are going against the Bill of Assurance as it's actually written due to as it states, you cannot have any kind of garages or storage facilities on the property. Let's see, if there's any questions that the council has for me or if there's any other things that I can address or answer, I would appreciate the council asking me the questions before they offer to table or close the public portion.

Chairman Threadgill: Alright, do I have any questions or comments from the Commissioners to the ...?

Commissioner Thorp: I do.

Mr. Thomas: Yes, ma'am?

Chairman Threadgill: Commissioner Thorp.

Commissioner Thorp: Have you set down with these people and had a ...like a community meeting ...

Mr. Thomas: No, ma'am.

Commissioner Thorp: ...with everybody so that you can voice what you have to say and they can voice what they have to say and somebody come to a common ground?

Mr. Thomas: No, ma'am. We have not.

Commissioner Thorp: And how come you have not?

Mr. Thomas: Didn't know there was opposition until yesterday.

Commissioner Thorp: Okay. Thank you.

Chairman Threadgill: Any other questions to the applicant? None. Alright, sir, you may be seated. At this time, I'm going to close the public portion. Do I have any questions or comments from the Commissioners? Commissioner Clopton?

Commissioner Clopton: I have one to staff and then a comment.

Chairman Threadgill: Okay.

Commissioner Clopton: I have asked twice for a legal opinion

Chairman Threadgill: Hold the comments down, please.

Commissioner Clopton: ...concerning, concerning the 30 house maximum on a single access ...

Chairman Threadgill: Fire Code.

Commissioner Clopton: ...road and the Fire Code.

Director Sellman: Yes.

Commissioner Clopton: I have not yet had a quote "legal opinion" from any attorney presented. Now that's my question. Am I going to get one?

Director Sellman: No.

Commissioner Clopton: Then my second point is ...my comment is this. Irregardless of the fact that <unintelligible> may have the right or ...written into the requirements that they can waive or override that requirement, I am still uncomfortable with the idea that we're adding additional subdivisions inside a single access road that already has 30 or more lots and/or homes on it. That's all I have to say.

Director Sellman: Right.

Chairman Threadgill: So noted. Alright, any other questions or comments from the Commissioners? Commissioner Campbell?

Commissioner Campbell: I have one. Yeah, this is to staff please. On page 250, that A1 at the bottom and you go on over to page 251, would you explain to me from where it says “furthermore” what staff is talking about?

Chairman Threadgill: Where are you at, Dave? I lost you.

Commissioner Campbell: 251. It starts on 250, but it goes to 251. It talks about the setback variance. What are they ...?

Director Sellman: I believe what that means is that there are impediments to construction that would be related to the TOPO on that land and that may make it ...that may limit even more what can be placed on those individual lots.

Commissioner Campbell: I don't see where the setback would have anything to do with that. John, do you?

Commissioner Mory: Well I was going to say, the only thing I can make based on that...

Chairman Threadgill: Commissioner Mory?

Commissioner Mory: The only way I can make sense out of that is, the way I read it, they're going to have to build their houses up. Or they're going to have to build the houses up or build the whole lots up, one of the two. That's how you abate flood plain concerns is by raising structures up. Now ...

Commissioner Campbell: And that's the way I took it, but it looks like to me that by moving the setbacks, and we're talking about from the ...

Commissioner Mory: Right.

Commissioner Campbell: ...house to the edge, that's just going to create a bank right out at the street. I don't ...

Commissioner Mory: Unless ...as regards to setbacks, you're right and that's the part that I didn't understand either was why this <unintelligible> with the setbacks because the way I would look at that is making like an old plantation style home where you walk up a set of eight or nine steps up to the level of the house would be the easy way to abate a flood plain issue.

Chairman Threadgill: Alright. If I might add something, I've heard that there's going to be multi-family developments of three. There's going to be two singles and a multiple. What's going to be built on this? What are we allowing?

Director Sellman: That would be a question for the applicant. This was presented as a simple residential subdivision. There was no mention of anything other than single family. It's been evaluated with regard to single family, and there are varying minimum sizes if you are looking at something other than single family.

Chairman Threadgill: Alright. What I have a problem with, we have way too many variables here. I have too many problems, too many questions, and I'm at the same shot as the speaker out there. We need to table this thing and get a little more information. I don't like being hit with multi-family when we've discussed single – a big difference.

Commissioner Mory: Uhh, huh.

Chairman Threadgill: There's questions on the height. What we're going to do. What ...you know, too many questions. Commissioner Campbell?

Commissioner Campbell: Mr. Chairman, also the way that this is written up, this is a final subdivision approval too, so we would not be <unintelligible>...

Director Sellman: This is the same as a combined. Yeah. Yeah.

Commissioner Campbell: So that may need to be taken into consideration.

Director Sellman: Yeah, there are inconsistencies in what we're hearing tonight with the way that the project was evaluated and yeah...

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

Commissioner Campbell: I make a motion we table, sir.

Chairman Threadgill: How long? I need a date.

Commissioner Campbell: The ...

Chairman Threadgill: Table till when, folks?

Commissioner Campbell: What is this, August, September? October.

Director Sellman: Regular scheduled meeting in October?

Commissioner Campbell: Till the meeting in October.

Chairman Threadgill: Alright, I have a motion that we table till the October meeting. Do I have a second?

Commissioner Thorp: Second.

Chairman Threadgill: I have a motion to table by Commissioner Clopton, or Commissioner Campbell, and a second by Commissioner Thorp. Call the roll, please.

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

Chairman Threadgill: Alright, the item has been tabled till the October meeting.

Commissioner Campbell: Mr. Chairman, an additional comment to that. Since we couldn't have discussion after the table, but my reasoning for going until the second meeting from now is to give the applicant time to get his information together to get back to us with some kind of finalization on what they want to do.

Chairman Threadgill: Alright. Again, the item was tabled. We'll move on to Item No. 11.

11. Planned Development (PD-08-0151) – Mikeco General Contractors – Amend planned development for Whole Hog Café for smoker outside of building – 4332 Central Avenue Suite B, Temperance Hill Shopping Center – District 5 – PD

Director Sellman: Item No. 11 is a request by Mikeco General Contractors to amend ...

Chairman Threadgill: Hold up. We'll take about a five minute break, 10 minute break here while the room clears out. <BREAK TAKEN> If everybody will take their seats, we'll reconvene the

meeting please. <laughter> Alright, I'll call the meeting to order and we'll start back with Item No. 11.

Director Sellman: Right. Item No. 11. This is Mikeco General Contractors. It is a request to amend the planned development for Whole Hog Café for locating a smoker outside of the building at 4332 Central Avenue, Suite B. This is in Temperance Hill Shopping Center. The zoning is planned development. The Comprehensive Plan Classification is linear commercial corridor. It's located in Board District 5. Let's hear what our recommendation is: The recommendation is for approval with two conditions.

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

Commissioner Mory: So moved.

Chairman Threadgill: I have a motion.

Commissioner Campbell: Second.

Chairman Threadgill: And I have a second. Will the applicant please come forward and give us your name and address for the record, please.

Mr. Chad McGue, 136 Wildwood Forest, Hot Springs.

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

Commissioner Thorp: Yes, sir. Have you talked with the Health Department about any kind of regulations that they have with this? And what about your grease trap for the City?

Male Speaker: We have a grease trap ...

Chairman Threadgill interjects: We need your name and address for the record.

Mr. Ron Blasingame, 4007 North Lookout: I'm sorry. Yes, this is Health Department approved. I mean we have probably 10 or 11 locations now and the smokers in most of the locations are in the outside. The only time they're put inside is if there's not enough room outside.

Commissioner Thorp: Okay.

Mr. Blasingame: Okay?

Commissioner Thorp: That's fine. Thank you.

Mr. Blasingame: And there is a grease trap. It's underground.

Commissioner Thorp: Then it's probably the one you're supposed to have for this <unintelligible>.

Mr. Blasingame: It was the required from the Health Department.

Commissioner Thorp: Okay. Okay. That's fine.

Chairman Threadgill: Any other questions? Commissioner Campbell?

Commissioner Campbell: You only show one gate going into this. Is that the only gate you're going to have in it?

Mr. Blasingame: Yes, sir.

Commissioner Campbell: Okay. I would have the pleasure of attending the DRC meeting and I thought that I heard you say that you were going to back a trailer into this.

Mr. Blasingame: No, sir.

Commissioner Campbell: Okay.

Mr. Blasingame: No, sir.

Chairman Threadgill: Alright, if I might, all you're asking for is to leave the smoker where it's at – half in the building and half out as-is and extend a fence to the outside?

Mr. Blasingame: Yes, sir. For ...to store the wood.

Chairman Threadgill: Right. And that fence will be coming 10' out from the building?

Mr. Blasingame: Yes, sir.

Chairman Threadgill: And that will leave an access of 22' for the drive-thru.

Mr. Blasingame: Yes, sir.

Chairman Threadgill: Now that's from the curb? Is that what you're saying here?

Mr. Blasingame: Yes and I ...

Chairman Threadgill: From the back of the parking area curve?

Mr. Blasingame: No. That's, that's to right there.

Chairman Threadgill: Yeah, to the back of the parking area.

Mr. Blasingame: Oh, yes. Yes. I'm deaf.

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

Commissioner Campbell: Yeah, I have one. I see that from being out there, you seem to have changed the direction of parking on your lot. How's this going to effect everybody else or is it?

Mr. Blasingame: That's employee parking and whichever direction it goes is fine with us. We lost one space in putting them at that angle.

Commissioner Campbell: Mmm, kay.

Chairman Threadgill: Is that ...that's not a one-way street, is it? It's just one-way for the trash truck to pick up, but ...

Mr. Stauder: It's actually wide enough for two-lane traffic all the way around that building. There is another area just up from here closer to the self-storage facility that has angled parking similar to this. It may be angled in the opposite direction.

Chairman Threadgill: Yeah, it is.

Mr. Stauder: But there is also angled up there.

Chairman Threadgill: Now I have one other question. Are you finished, Commissioner Campbell?

Commissioner Campbell: Yeah, that was all I had. Thank you.

Chairman Threadgill: This is going to be a wood burning smoker. Where's the wood going?

Mr. Blasingame: The wood is just for smoke flavor. It's a gas burning smoker for fuel.

Chairman Threadgill: Yeah, but I mean where are you going to store the wood?

Mr. Blasingame: We put it out there beside it, on the ground beside it.

Chairman Threadgill: In the contained, fenced area?

Mr. Blasingame: Every time we've tried to store it without a fence, it kind of disappears pretty quick. <laughter>

Chairman Threadgill: Okay, I understand that.

Mr. Blasingame: But we actually don't burn more wood than you would on a Sunday afternoon in a fireplace. We use one stick of wood for the ribs and the chickens and then at 3:00 in the afternoon, we put our Boston butts on for the next day and they cook all night and usually about two sticks of wood is all we use to flavor that.

Chairman Threadgill: Well my only concern, I wanted to make sure it was in the fenced area and not build a fence and then stack two cords of wood out here on the outside. Everything will be kept inside of that 10' fence by 30'.

Mr. Blasingame: Yes, sir. Another strong consideration for my part as far as putting the wood out is because a lot of that wood, pecan wood, is diseased trees that are knocked down. They have insects in them. We prefer to keep them outside if we can.

Chairman Threadgill: No problem as long as you keep it in the fenced area. Any questions from

any of the other Commissioners? Commissioner Thorp?

Commissioner Thorp: Yeah, I have one. How do you dispose of the ashes?

Mr. Blasingame: We use galvanized, we use about four, or three or four or five galvanized cans that as you rake the ashes out.

Commissioner Thorp: Look at that picture. Where do you take the ashes out? Right there?

Mr. Blasingame: Yeah. They come out the side there.

Commissioner Thorp: Okay.

Mr. Blasingame: We cool them down for a week or two.

Commissioner Thorp: Sure. And then what do you do with them?

Mr. Blasingame: We put them in the dumpster. We dump them.

Commissioner Thorp: And ...these ...now you put it in a can ...

Mr. Blasingame: Uhh, huh.

Commissioner Thorp: ...and then you dump the can in the ...

Mr. Blasingame: Dumpster.

Commissioner Thorp: The whole can goes in the dumpster or just the ashes?

Mr. Blasingame: No, we dump the ashes. I'm sorry, we dump the ashes in there. But that's only after ...

Commissioner Thorp: I have to put my trash in a sack. Is that okay in the dumpster that you got loose ashes in there? I know that they don't have any fire. I understand all that.

Mr. Blasingame: <Unintelligible> that's the only option we have.

Commissioner Thorp: Oh, okay. They don't have to be contained in some kind of plastic bag or anything?

Mr. Blasingame: Well we monitor that ourselves. We stay with it when we put them in there. We make sure that they're out. We rotate anywhere from three to five cans depending on the volume of the ashes that each store produces and then we put them in that can and we just leave them in there for a week or so to several days to make sure they're out.

Commissioner Thorp: I guess my concern is ...

Mr. Blasingame: We've never had an incident where we caught a dumpster on fire.

Commissioner Thorp: I'm sure that your ashes ...the fire's all out. My concern is your just pouring those ashes in the dumpster and they're loose and they're just choo.

Chairman Threadgill: Well one thing, if ...

Commissioner Thorp: Does that meet with our City's doings?

Chairman Threadgill: Well if City comes up and they have dumpsters that they have problems with like people throwing stuff in there that's not supposed to be, they will issue them a citation or a letter...

Commissioner Thorp: Okay.

Chairman Threadgill: ...addressing that area – that you can't put, you know, like ashes ...

Commissioner Thorp: Loose ashes in there.

Chairman Threadgill: If they don't want it, they'll tell them they have to bag it or whatever. We'll deal with that.

Mr. Blasingame: In the past, we've had problems with homeless people in Little Rock. We lock our dumpsters in Little Rock. If that's ever an issue here, we're accustomed to locking them at night.

Chairman Threadgill: Alright, any other questions to the applicant? You may be seated.

Mr. Blasingame: Thank you.

Chairman Threadgill: Anyone in the audience with anything to say for or against the item?
<laughter>

Male Speaker: I'm for. <laughter>

Chairman Threadgill: Alright. Anyone else? 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 Mory: I move we approve the proposal subject to staff recommendations.

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

Commissioner Clopton: Second.

Chairman Threadgill: Second by Commissioner Clopton. Discussion?

Commissioner Campbell: Yeah, in the staff report, it talks about the 60° parking orientation should be reversed. Is that a need?

Director Sellman: Umm, go ahead.

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

Mr. Jeff Griffin, 106 Chincapin: The suggestion to reverse the parking from the angle he shows is so that it matches the angle of parking that is further to the North and also the angle of approaches to the dumpsters just so that the lines match and so that if there is already one-way traffic going through there, that this one-way traffic is going in the same direction.

Commissioner Campbell: Okay.

Chairman Threadgill: The applicant already stated that he had no problem with it, so ...Anything else? Any other discussion? Call the roll, please.

Ms. Minear: Harriel White – yes; James Clopton – yes; Lauri Ames – yes; David Campbell – yes and this is with the recommendations, right?

Director Sellman and Chairman Threadgill: Yes.

Ms. Minear: David Campbell – yes; Wanda Thorp – yes; John Mory – yes; Gary Threadgill – yes.

Chairman Threadgill: Item passes.

Mr. Blasingame: Thank you.

Chairman Threadgill: Alright. That's the last item on the agenda. Do we have any staff comments?

ITEMS FOR DISCUSSION AND ANNOUNCEMENT

1. PLANNING DIRECTOR'S REPORT

Director Sellman: A reminder that we have a meeting at 5:00 probably for about an hour a week from tonight, Thursday. It will be on the 21st and what we will do at that time is review the Power Point for the public meeting, take a look at the handout which we hope to have complete at that time, and make sure that we are ready to go.

Chairman Threadgill: Hopefully we have the handouts ready.

Director Sellman: Oh, we're doing a small summary handout.

Chairman Threadgill: Because I'd like on that date, I would like to have everything ready so we can look at it one time before the meeting...

Director Sellman: Oh, yeah.

Chairman Threadgill: ...so we're not blind-sided.

Commissioner Thorp: We weren't through yet.

Commissioner White: <Unintelligible> e-mail it, reminder.

Director Sellman: We can have an e-mail reminder. Is that correct, Ms. Minear?

Ms. Minear: <Unintelligible>

Commissioner Thorp: Go ahead and send it. Thank you.

2. COMMENTS FROM COMMISSION

Commissioner Thorp: What number was that one at Dorothy's parking lot?

Mr. Stauder: Number ...

Director Sellman: 2608 Central?

Commissioner Thorp: What number was it on here?

Mr. Stauder: That was No. 5.

Commissioner Thorp: Alright. Kathy?

Director Sellman: Yes.

Commissioner Thorp: Visit No. Look at that one.

Director Sellman: No. <unintelligible>? What page?

Commissioner Thorp: It's No. 5, conditional use.

Chairman Threadgill: Where?

Commissioner Thorp: And see where that white truck's sitting?

Commissioner Mory: Page 198.

Director Sellman: 198?

Commissioner Thorp: Yeah, excuse me.

Commissioner White: I don't see a sign.

Director Sellman: What sign?

Commissioner Mory: In the mural on that wall.

Commissioner White: Oh. What does it say?

Commissioner Thorp: You see that white where that truck's sitting?

Director Sellman: Yeah.

Commissioner Thorp: That says "Dorothy's" and that's the one I'm talking about.

Director Sellman: I'll take your word for it. My picture doesn't really...

Commissioner Thorp: No, it doesn't.

Chairman Threadgill: I don't see a sign that says "Dorothy".

Commissioner Thorp: I know because it's so bad and old and wore out.

Director Sellman: I think it's a ghost sign. I don't think it's <unintelligible>.

Commissioner Thorp: No, I can read "Dorothy's" as plain as day when I come down.

Director Sellman: You can read that?

Commissioner Thorp: When I come into town, yes, ma'am.

Director Sellman: Not on this picture though, right?

Commissioner Thorp: No.

Director Sellman: Oh, thank you.

Chairman Threadgill: I'm looking for a "Dorothy" on this picture. Okay. <laughter>

Commissioner Thorp: Okay. You can have it now, Rick. <Unintelligible>.

Chairman Threadgill: Wanda.

Director Sellman: Oh, not even close.

Chairman Threadgill: If that is for Dorothy's establishment and she is no longer there, then that is an illegal off-site sign and they'll have to paint over it. But there are old signs on some of these buildings and they consider them the historical <unintelligible>.

Commissioner Thorp: <Unintelligible> I understand that but ... <Several people are talking at

once.>

Chairman Threadgill: And they have to, they can stay. John? <Several people are still speaking at once.> Okay hold up everybody, we're still in meeting here. We're not done yet.

Commissioner Mory: I have two comments real quick. One, I would like to see the timely return to the meeting for the guests in the audience. There was one gentleman tonight that went way beyond three minutes and it got old. Second comment, I really think that we need to look at some surrounding communities signs that they use for their Planning Commission. For example, the City of Benton, I know that theirs is like 4' x 6'. It's a poster board <unintelligible>. I guess it's maybe 50' x 4', but they put up instead of an 8½" x 11" piece of paper. That gets rained on and falls down, and like the man said, it's 8" off the ground. Because ours are pretty minimal at best and the way they're displayed, even when we go out there on a site looking for places, there's a lot of times I have trouble finding them when I know what I'm looking for.

Chairman Threadgill: Alright, we can, we can write something in the ordinance to make a new sign. We can specify a distance from the right-of-way that it has to be placed. We can ...

Commissioner Mory: And the height.

Chairman Threadgill: Yeah, we can do all that. We just ...we'll need to do something if that's what you want to do.

Commissioner Mory: Right. I didn't know if it needed to come from us to staff or we just make recommendations to staff and staff brings up as a proposal and we okay it. So whichever way it needs to flow ...

Director Sellman: We can put something together.

Chairman Threadgill: Yeah.

Commissioner Campbell: It's very, very important in the County because there's no notification in the County, is there?

Chairman Threadgill: No, not as far as paper.

Director Sellman: <Unintelligible> subdivision.

Chairman Threadgill: Right.

Director Sellman: Yeah.

Chairman Threadgill: Commissioner Campbell?

Commissioner Campbell: I know that we had the church taken off tonight. I was making my rounds doing the tour Sunday and I went by the church about 11:30 there on Grand and there was 14 cars in the driveway Sunday. I noticed they've taken their sign down. Does that ...you know, we told them not to meet in there until they got there ...

Director Sellman: Yeah, I really want to keep the discussion minimal because we did take this off the agenda. I can update you with regard to what the communication to the applicant has been. They have an appearance in court next week. There was a request by their attorney to remove it from tonight's agenda and to go on September's agenda. We will be watching to see if they have a pattern of now wanting to delay their court appearance or what the story is. They've been reminded that they do not have approval to occupy that building for the use that they have requested and that hasn't changed.

Commissioner Campbell: Okay.

Director Sellman: So whether they have a sign up or don't have a sign up doesn't really change the fact that at this time, they are applicants for a use that is not approved at that location or in that structure.

Commissioner Campbell: Okay.

Commissioner Clopton: I have something.

Chairman Threadgill: Commissioner Clopton?

Commissioner Clopton: Why am I not getting a legal opinion?

Director Sellman: The legal opinion is not necessary. The Code says that the administering person for that Code section in the Fire Prevention Code is the Fire Marshal or the Fire Chief. There is nothing, there's nothing on which to opine. That is clear in the language of the Code. You don't have to choose to accept that, but that is the situation that we have.

Commissioner Clopton: Well I'm going to take exception. I don't read it as being clear, No. 1. No. 2, it is an International Code that we are trying to comply with ...

Director Sellman: It is.

Commissioner Clopton: ...and I feel as a member of this Commission, I am entitled to a legal opinion and I just want that on the record.

Chairman Threadgill: If I might, Commissioner Clopton, you have the right and the authority to contact the City Attorney yourself and request it yourself if you wish.

Commissioner Clopton: <Unintelligible> do it.

Chairman Threadgill: Okay. I've got one other request. I don't believe I'm overstepping my boundaries due to the fact that the church facility is in direct compliance, or direct disregard for the Planning Commission's request to cease and desist operations till they get a CO or permission from the Planning Commission, I request that the utilities be withdrawn.

Director Sellman: Because they have an appearance scheduled at court, we need to wait for the court to make a decision on that.

Chairman Threadgill: The decision has nothing to do with this Planning Commission.

Director Sellman: They have been cited for violation of this Code.

Chairman Threadgill: Not on the operation without the CO.

Director Sellman: They have been cited for occupying the building without sufficient parking.

Chairman Threadgill: Do they have a CO?

Director Sellman: They do not have a CO.

Chairman Threadgill: They're operating without a CO. They're illegal, therefore we have the right to pull the utilities.

Director Sellman: I can request that of the Building Official.

Chairman Threadgill: Okay. If you would, contact Brian Albright and request that tomorrow morning and get back with me if you would.

Director Sellman: Request what?

Chairman Threadgill: Brian Albright confirmation that we get it pulled. I want it taken to Brian.

Director Sellman: It's a determination of the Building Official.

Chairman Threadgill: I want it taken to Brian or I'll take it myself. Brian has the authority as the legal representative for the City to tell me if I can or can't.

Director Sellman: He can tell you if you can or can't.

Chairman Threadgill: Okay. If he tells me I can, then I want it done immediately.

Director Sellman: Um, I would remind you that as the Planning Commission, you have a certain role and it is not to enforce where there is an allegation that there is noncompliance.

Chairman Threadgill: There's no allegation. There's flat out proof. I have photographs and all.

Director Sellman: I have told you that I will ask this of the Building Official. It is the Building Official's responsibility to deal with situations where there is occupancy that is not approved. I have great respect for you all, but you have a narrow role.

Chairman Threadgill: You're telling me that I can't have the utilities pulled?

Director Sellman: I'm telling you that the utilities and the occupancy of that structure are the responsibility of someone else. You've made the request and I have committed to convey that.

Chairman Threadgill: And when will I have a reply from Scott?

Director Sellman: From the Building Official?

Chairman Threadgill: Yeah.

Director Sellman: Probably tomorrow.

Chairman Threadgill: Okay. I'll go for that then.

Director Sellman: Okay.

Chairman Threadgill: You get with Scott and hopefully by noon you think you could have me a reply?

Director Sellman: I will shoot for that.

Chairman Threadgill: Alright. Anything else? Meeting adjourned.

Commissioner Campbell: Did you <unintelligible> the packets? The packets were good tonight.

Chairman Threadgill: Really.

Director Sellman: Thanks.

Chairman Threadgill: You did a fantastic job.

Commissioner Mory: Yeah.

Chairman Threadgill: Went sweet.

Director Sellman and Commissioner Mory: Mmm, huh.

Commissioner Mory: Good job, <unintelligible>.

Chairman Threadgill: I love it when all the information's there.

Director Sellman: So do we.

Chairman Threadgill: <Unintelligible>, it makes it so nice. Even Milton was smiling.
<laughter>

Commissioner Campbell: Until <unintelligible>. <laughter>

Chairman Threadgill: Alright, thank everybody.

Commissioner Campbell: There was some added information brought in on that.

Chairman Threadgill: I was not being sarcastic to you. That's just my attitude. <END OF TAPE>

ADJOURNMENT
