

**CITY of HOT SPRINGS PLANNING COMMISSION  
REGULAR MEETING  
NOVEMBER 12, 2009  
MINUTES**

**INVOCATION:**

Commissioner Charles Smith offered an invocation for those in attendance.

**PLEDGE OF ALLEGIANCE:**

Commissioner James Clopton led those in attendance in the Pledge of Allegiance.

**PRESENT:**

Commission Chair Larry Raney, Commissioner Richard McGrew, Commissioner John Mory, Commissioner Charles Smith, Commissioner James Clopton, Commissioner Jane Campbell, and Commissioner Lee Foster, Barbara Lewis and Commissioner Gary Westerman

**ALSO PRESENT:**

Kathleen Sellman, Director Planning and Development, Jeffrey Griffin, Planning Assistant, and Janell Beard, Planning Staff Assistant

**Call to Order**

Planning Commission Chair Larry Raney welcomed those in attendance and called the regular meeting of Thursday, November 12, 2009 to order at 6:00 p.m.

**Consider Previous Minutes –**

Motion by Commissioner Clopton, second from Commissioner Foster, **ADOPTED**, to accept the October 08, 2009 Planning Commission minutes as submitted.

Upon Voice Vote: Commissioners Smith, McGrew, Mory, Clopton, Campbell, Foster, Lewis Westerman and Raney.

**Consider Approval of Agenda –**

Motion by Commissioner Campbell, second from Commissioner Foster, **ADOPTED**, to approve the November 12, 2009 agenda as amended.

Upon Voice Vote: Commissioners McGrew, Mory, Clopton, Campbell, Foster, Smith, Lewis Westerman and Raney.

**OLD BUSINESS:**

1. Final Subdivision (FS-09-0080) – Eagle Rock Amended Plat – Re-Plat of eight (8) lots in Eagle Rock Subdivision to create sixteen (16) lots. – Springs St, Spring Street and Eagle Rock Circle – County – ET

Motion by Commissioner Clopton, second from Commissioner Lewis, **ADOPTED**, to amend motion of approval and table Old Business Item #1. Final Subdivision (FS-09-0080) Eagle Rock Amended Plat, a Re-Plat of eight (8) lots in Eagle Rock Subdivision to create sixteen (16) lots, to the agenda of the December 10, 2009 Planning Commission meeting because public testimony indicated lots under consideration may have been conveyed and the application to be incomplete without those owners consent.

Upon Roll Call Vote:

Ayes: Commissioners Clopton, Campbell, Foster, McGrew, Mory, Lewis, Westerman, Smith and Raney.

Public Hearing: Opened at 6:05 p.m.

- a. Terry Toler 123 Hidden Eagle Terrace, Hot Springs, AR 71901 stated larger lots are not desirable in today's market because of the economy and the higher level of cost to maintain a larger lot; Mr. Toler stated the application to re-plat has been table for the last 60 days to await a stormwater plan from Milton Raabe. Mr. Toler said that subdividing resolves potential stormwater issues, because improvements to the lots requires the water to be moved. Mr. Toler stated there is a 20 foot easement that has been dedicated for stormwater management. Mr. Toler said there are over 40 families in Eagle Rock subdivision, and only 3 here tonight to oppose. Mr. Toler stated stormwater permits for each lot will be obtained as each lot is improved. Mr. Toler cited October 28, 2009 as the effective date of sale of Lots 57 and 59; Lot 57 was sold to one of the investors in the project, and Lot 59 was sold on condition of lot split approval.
- b. Steven Toler 458 Eagle Rock Circle, Hot Springs, AR 71901 stated the reduction of lot size would be consistent with the existing subdivision; supports re-plat as a homeowner; 90% of homeowners support the request; as lots are improved, gutters, stormwater permits and fences will improve drainage; price point for homes is 230,000 – 260,000.
- c. Don Little 165 Eagle Gate, Hot Springs, AR 71901 stated there is a group of 6 homeowners that have retained an attorney to question validity of the Eagle Rock Bill of Assurance, and requested the Planning Commission table the application to allow their attorney time for review of the Bill of Assurance.
- d. Ron Marten 101 Eagle Gate, Hot Springs, AR 71901 presented pictures taken 2 weeks ago reflecting water levels from recent rains, and stated proposed homes will have to deal with the creek which is more of an obstacle than the economy. Mr. Marten stated that as of October 28, 2009, 2 lots were no longer owned by Mr. Toler, that he had sold lots 57 and 59;

Public Hearing: Closed at 6:25 p.m.

DISCUSSION:

- a. Director Sellman stated the 20 foot drainage easement would be effective once the re-plat of eight (8) lots in Eagle Rock Subdivision to create sixteen (16) lots is approved. Director Sellman asked Mr. Toler if he conveyed all or part of any lots within the scope of the application; inquired what was specifically conveyed, upon recognition of the sale activity taken by Mr. Toler the application before the Planning Commission is incomplete without the property owners signatures, therefore we do not have full consent of all the owners.

NEW BUSINESS

2. Re-Zoning (RZ-09-0102) - Fairdale and Forest Hill Re-Zone II - Request to re-zone 2 lots: Lot 6, Block 16, Fairdale Addition from R-3 to C-4; and Forest Hill Addition Block 36 Lot 4 from R-4 to C-4 and amend the Future Land Use Map to designate the properties Linear Commercial Corridor. - Highland Avenue, south side of Highland, and 206 Sellers, between Belleview and Euclid Street - District 5 - R-3

Motion by Commissioner Clopton, second from Commissioner Mory, **ADOPTED**, to recommend the City of Hot Springs Board of Directors adopt an ordinance to re-zone 2 lots (Property ID Nos. 36724 and 37115): Lot 6, Block 16, Fairdale Addition from R-3 to C-4; and Forest Hill Addition Block 36 Lot 4 from R-4 to C-4, and amend the Future Land Use Map to designate the properties Linear Commercial Corridor.

Upon Roll Call Vote:

Ayes: Commissioners Campbell, Foster, McGrew, Mory, Lewis, Westerman, Smith, Clopton, and Raney.

Public Hearing: Opened at 6:30 p.m.

- a. Don Schnipper, Attorney, representing applicant, Polychris Properties, on behalf of Oaklawn Jockey Club, cited the December 11, 2008 Planning Commission recommendation for approval to re-zone Fairdale Add. Block 16 Lots 1, 2, 3, 4, 5, 7, 8, 9, 10, Block 17 Lots 8, 9,10, Block 19 (R-3); Forrest Hill

Add. Block 36 Lots 1, 2, 3, 5, 6, Block 37 Lot 1 (R-4) to C-4, and the Board of Directors approval of the vacation of a portion of Euclid Street and a portion of Tuggle Street, on the east side of the race track; and this application represents the remaining two parcels, purchased by the applicant, in these blocks to be re-zoned. Mr. Schnipper stated there is one structure remaining and the property has been fenced and topped with barbed wire.

Public Hearing: Closed at 6:35 p.m.

3. Re-Zoning (RZ-09-0112) - Iris Subdivision Lot 1 - Request to rezone Lot 1 in the Iris Subdivision from R-2 to C-3, and amend the Future Land Use Map to designate the property Community Commercial Center. - Lakeshore Drive, 100 Block Lakeshore Drive - District 5  
R-2

Motion by Commissioner Mory, second from Commissioner Foster, **ADOPTED**, to recommend the City of Hot Springs Board of Directors adopt an ordinance to re-zone Lot 1 in the Iris Subdivision from R-2 to C-3, and amend the Future Land Use Map to designate the property Community Commercial Center.

Upon Roll Call Vote:

Ayes: Commissioners Foster, McGrew, Mory, Lewis, Westerman, Smith, Clopton, Campbell and Raney.

Public Hearing: Opened at 6:40 p.m.

- a. Carol Beasley, 1401 Malvern, Suite 272, Hot Springs, AR 71901, Realtor representing applicant, stated the request to rezone Lot 1 in the Iris Subdivision, on Lakeshore Drive, from R-2 to C-3 will make all of the lots within the legal description of the parcel the same zone classification.

Public Hearing: Closed at 6:42 p.m.

#### DISCUSSION:

Chairman Raney inquired if the adjacent church property that is the only remaining parcel with the R-2 classification could be encompassed in the amendment.

Director Sellman stated that the adjacent property could be re-zoned, but not at this time as it was not properly noticed.

4. Re-Zoning (RZ-09-0114) - 2815 Malvern Avenue - Request to rezone 2.96 acres from R-1 to C-TR, two parcels 51912 and 51914; and amend the Future Land Use Map to designate the property Office Center - 2815 Malvern Avenue - District 6 - R-1

Motion by Commissioner Mory, second from Commissioner Foster, **ADOPTED**, to recommend the City of Hot Springs Board of Directors adopt an ordinance to re-zone 2.96 acres from R-1 to C-TR, two parcels 51912 and 51914; and amend the Future Land Use Map to designate the property Office Center at 2815 Malvern Avenue.

Upon Roll Call Vote:

Ayes: Commissioners Foster, McGrew, Mory, Lewis, Westerman, Smith, Clopton, Campbell and Raney.

Public Hearing: Opened at 6:44 p.m.

- a. Genevieve Townley, 215 Pico Circle, Hot Springs, AR 71913 stated she has a pending purchase of the 3 acre parcel that is the property of application, and is seeking the C-TR zoning classification to pursue a photography studio in the existing house. Ms. Townley cited plans to update the house, and the house is in the Malvern Overlay District.
- b. Joe Dodd, 2805 Malvern Avenue, Hot Springs, AR 71901 cited his opposition to commercial operations in a residential neighborhood. Mr. Dodd stated he and his wife purchased their home in

1960, and he worked 3 jobs to pay for their home. Mr. Dodd stated the area was all residential and a prior application for a convenience store was denied. Mr. Dodd stated once a commercial activity is approved it is a foot in the door for others to follow; and he's 100% against the zoning reclassification.

Public Hearing: Closed at 6:50 p.m.

**DISCUSSION:**

Commissioner Clopton stated that in a re-zoning request the Planning Commission does not consider use, but the application for zoning.

Commissioner Smith inquired if Meadowmere is the next street to the east.

5. Ordinance Amendment (OA-09-0117) - Higdon Ferry Road Overlay District - an ordinance amending the Zoning Code to establish site plan review design guidelines for new development excluding single family homes on existing platted lots - Higdon Ferry, lands within Hot Springs city limits adjacent to Higdon Ferry Road extending from its northern intersection with Central Avenue to its southern terminus at State Highway 7 South (Central Avenue)

Motion by Commissioner Westerman, second from Commissioner Campbell, **ADOPTED**, to table Item #5 Ordinance Amendment (OA-09-0117) - Higdon Ferry Road Overlay District to allow another public hearing on the matter on the December 10, 2009 agenda of the Planning Commission, and forward recommendation to the City of Hot Springs Board of Directors for a January public hearing.

Upon Roll Call Vote:

Ayes: Commissioners Mory, Lewis, Westerman, Smith, Clopton, Campbell, Foster, McGrew and Raney.

Public Hearing: Opened at 6:55 p.m.

- a. None.

Public Hearing: Closed at 6:58 p.m.

**DISCUSSION:**

Director Sellman presented the proposed Higdon Ferry Overlay area as beginning at the point that Audubon intersects with Higdon Ferry; which is approximately where the north alignment of Higdon Ferry will change with the 5 lane improvement to Higdon Ferry; and the terminus will be 300 feet south of Central Avenue (Hwy 7). Director Sellman recommended opening public hearing this night, and hold an additional hearing after public hearing. Director Sellman stated the proposed Higdon Ferry Overlay would apply only to lands within the city limits; strategy is to design from centerline of Higdon Ferry so that as lands are annexed the overlay district will apply.

Commissioner Clopton questioned the impact on existing development at the proposed point of beginning to start that far north, or bring point of beginning southerly.

Jeffery Griffin, Assistant Planner redevelopment pressure is the same as development pressure.

Commissioner Mory inquired where a business fronts, on north end, Central Avenue, how will the back of a business be addressed?

Director Sellman offered that façade and architectural requirements would be for Planning Commission approval Commissioner Clopton stated that #5.) "Architecture is arbitrary, more definitions and specifications for building consistency,

Director Sellman would need to quantify when discretionary applies; set a December Public Hearing to forward to the Board of Directors for their January public hearing.

Commissioner Mory requested that the word “if” be struck from the underground utility section, and Section D.8. receive City Attorney comment.

#### ITEMS FOR DISCUSSION AND ANNOUNCEMENTS

1. Planning Director’s Report
  - a. Update to the Comprehensive Plan  
Director Sellman stated that a Citizens Advisory Committee was being formed with 22 stakeholder groups, with the proposed names forwarded to the Board of Directors; proposed committee members will be contacted with inquiry of their interest to serve on a Citizens Advisory Committee; the Planning Commission will meet in January with Studio Cascade
  - b. Amendment to Sign Code – Electronic Variable Display Signs – Place as a December 10, 2009 Planning Commission agenda item  
Director Sellman reported that the Planning Commission recommendation to adopt an amendment to the Sign Code establishing regulations and standards for electronic changeable copy signs to the Board of Directors died for a lack of a motion; a joint meeting with the Board of Directors is to be scheduled.
  - c. Amendment to Subdivision Ordinance regarding Lot Split - Place as a December 10, 2009 Planning Commission agenda item  
Director Sellman stated an amendment to the Subdivision Ordinance regarding Lot Splits to establish a date for lots of record, Spring 2006 to recognize lots created not consistent with State and City statutes, to create a bring forth date that the statutes must be adhered to. January 01, 2010 the Garland County Assessors office will not record splits that have not adhered to statute

Adjournment at 7:10 p.m.

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Larry Raney, Chair  
Planning Commission  
City of Hot Springs

Approval Date: \_\_\_\_\_