

Distribution List:

City Clerk _____

Planning Commission _____

MINUTES PLANNING COMMISSION MEETING

Monday, March 9, 2009

The regular meeting of the Planning Commission was held on Monday, March 9, 2009 at 6:00 p.m., in the Board Chambers, at the Hot Springs Municipal Building, 133 Convention Blvd. with Chair Gary

Chair Gary Threadgill called the meeting to order at 6:00 p.m.

The invocation was given, followed by the Pledge of allegiance.

Approval of Minutes

Motion Approved By Commissioner Campbell Second by Commissioner Mory

Motion Passed By Commissioners Thorp, White, Clopton, Mory, Raney, Campbell, McAdams and Threadgill

Roll Call Present: Commissioners Wanda Thorp, James Clopton, David Campbell, Harriel White III, James McAdams, John Mory, Larry Raney, Gary Threadgill

Absent: Commissioner Lauri Ames

CONSENT AGENDA

- 1 Conditional Use (CU-09-0000) - Zacharys, LLC Albert Pike Billboard - Replacement of Billboard due to storm damage - 2110 Albert Pike Rd, North side of Albert Pike; cross streets of Tupelo and Gilchrist - District 4

Approved with Conditions

Motion by Commissioner Clopton, second from Commissioner White, to approve with staff recommendations as follows;

1) No part of the proposed outdoor advertising sign shall extend beyond the property line and encroach on the city right of way;

and

2) The applicant shall demonstrate approval from the Arkansas Highway and Transportation Department Division of Beautification for the proposed sign prior to the City of Hot Springs issuing any related construction permits.

the Conditional Use to reconstruct storm damaged billboard, with steel monopole billboard as applied for by Seco Outdoor Advertising for 2110 Albert Pike Road. Ayes: Commissioners Mory, White, Clopton, McAdams, Threadgill; Nays: Commissioners Thorp, incorrect

application, Campbell, incorrect application, Raney, incorrect application, (For 5 - Against 3 - Absent 1)

- 2 Lot Split (LS-09-0007) - 213 Pearl Street - Doug Hayes - Request to divide 210' X 210' parcel to create two 105' X 210' parcels on the northwest corner of Pearl and McCafferty Streets - 213 Pearl St, Northwest corner of Pearl and McCafferty Streets - District 3

Approved with Conditions

Motion by Commissioner Campbell, second from Commissioner McAdams to approve Lot Split with conditions to divide 210' X 210' parcel to create two 105' X 210' parcels on the northwest corner of Pearl and McCafferty Streets via Consent Agenda.

1) The property owner or applicant shall review the filing procedure and file the re-platting survey with the Garland County Circuit Clerks Office prior to the issuance and any additional construction permits on the subject lands. Any platting costs shall be borne by the applicant or owner. (For 8 - Absent 1)

- 3 Lot Split (LS-09-0006) - Genesis Properties of Hot Springs - Lot Split 133 Harmony Park Circle, to create approx. 15' X 260' parcel as an east boundary adjustment, to transfer to east/adjacent parcel - 133 Harmony Park Cir - District 5

Approved

Motion by Commissioner Campbell, second from Commissioner McAdams to approve Consent agenda item # 2 Lot Split for 133 Harmony Park Circle, to create approx. 15' X 260' parcel as an east boundary adjustment, to transfer to east/adjacent parcel. (For 8 - Absent 1)

NEW BUSINESS

- 4 Conditional Use (CU-08-0236) - 1501 Park Avenue - Ricks / Fordyce property Conditional Use for Events - 1501 Park Ave, 1501 Park Avenue - District 1

Approved with Conditions

Motion by Commissioner Raney, second from Commissioner Campbell, to approve with the following conditions:

1. The development site shall be constructed and developed in strict accordance with the approved site plan including, but not limited to, building location, parking areas, driveway and additional fire hydrant as shown on the proposed site plan.
2. Construction to be accomplished in accordance with all applicable construction codes including but not limited to sprinkling of the buildings in accordance with the Arkansas Fire Prevention Code as may be required; and

3. Use activities are restricted to those proposed and approved by the Commission. Should any use activities not so approved take place Staff shall be authorized to bring to the Commission a request to revoke this permit; and
4. Occupation will not take place in any existing structures for any activities other than single family residential and single family accessory. Should any such unapproved occupation take place Staff shall be authorized to bring to the Commission a request to revoke this permit; and
5. Permanent water and wastewater service shall not be provided to the site unless and until the above conditions have been satisfied.
6. Curb, gutter and sidewalk meeting HSC specifications shall be constructed along the full length of the parcel fronting Park Avenue.
7. Limit access, ingress/egress, to the one improved driveway, use or improvement of 2 remaining unimproved driveways shall require review of Planning Commission
 AYES: Commissioners Thorp, Campbell, McAdams, White, Mory, Rany and Threadgill.
 NAYS: Commissioner Clopton-opposed to curb, gutter and sidewalk to nowhere. ABSENT: Commissioner Ames

Motion by Commissioner Campbell, second from Commissioner Raney to strike Item # 6 of the Staff recommendation and revise to curb, gutter and sidewalk shall be constructed along the full length of the parcel fronting Park Avenue, meeting HSC specifications. AYES: Commissioners Thorp, Campbell, Mory, Rany and Threadgill. NAYS: Commissioners McAdams, White, and Clopton-opposed to curb, gutter and sidewalk to nowhere in unique situation. ABSENT: Commissioner Ames

Motion by Commissioner Campbell, second from Commissioner Clopton that in observance of the existing three (3) access points, use and development of this application shall be limited access, ingress/egress, by the one, improved driveway; and any change in use or improvement to the other two (2) existing unimproved driveways shall require a review by the City of Hot Springs Planning Commission. Ayes: Commissioners AYES: Commissioners Thorp, Campbell, Mory, Rany, McAdams, White, Clopton, and Threadgill. ABSENT: Commissioner Ames

Attorney Ray Owen Jr., 209 Hoson Avenue, Hot Springs, AR 71913 addressed the Planning Commission on behalf of applicant Rick's Land Company, LLC, for Conditional Use Permit for 1501 Park Avenue, Hot Springs, AR to host events and tours. Mr. Owens stated the application encompasses the entire 16 acre parcel and no plans to change the three (3) existing driveway cuts; parcel is adjacent to the National (Federal) Park and there are no plans to put sidewalks along Highway 7; 36' sidewalk requirement for 1501 Park Avenue is 7/10 of mile away from the first sidewalk entering City, and no sidewalks in National Park; therefore the required sidewalk would not connect to anywhere, and would undermine the rock columns at the entry and rock wall along the parcel frontage that was built in the early 1900's and create a

natural streetscape. Willing to limit single access point, ask for reconsideration on the 36' sidewalk.

Josie Fernandez, National Forest Preserve, 101 Reserve Street, Hot Springs, AR 71901 stated: this property is on the National and State Historic Registry and requested the Planning Commission strike request for 36' sidewalk as this is a historic property that Colonel Fordyce built and is the largest cabin in the reserve. This property is unique in it's historic value and proximity to the National Park, and has great potential to become a part of the National Park in the future. Any sidewalk adversely impacts the streetscape and intrudes on the seamless natural and historic fabric and would not stabilize the natural rock wall and should be handled in a sensitive manner. Highway 7 North is doubtful to ever become a 4 lane highway, it would require a takings of the National (Federal) Park Land by the Federal Highway Department (For 7 - Against 1 - Absent 1)

- 5 Conditional Use (CU-08-0244) - Hot Springs School District - Multi Building Site Plan Review and Conditional Use to build 2 athletic buildings for Hot Springs School District - 701 Emory St, Hot Springs High School, Corner of Panama and Emory - District 4

Approved with Conditions

Motion by Commissioner Mory, second from Commissioner Raney, to approve in accordance with the 4 recommendations of Staff:

1. This approval only applies to the referenced portion of this development. Any additional construction/development on this property will require a separate submittal, review and approval from the Planning Commission;
2. The development site shall be constructed/developed in strict accordance with the approved site plan including, but not limited to, building locations, sidewalks, grass-crete installation and off-street paved parking areas as shown on the proposed site plan;
3. Board of Adjustment and Appeals decision (BAA-09-0005) waives the requirement to install sidewalks along the Emory and Panama Street property frontages; and
4. Construction shall be accomplished in accordance with all applicable construction codes including but not limited to sprinkling of the buildings in accordance with the Arkansas Fire Prevention Code as may be required; (For 8 - Absent 1)

- 6 Site Plan Approval (SPA-09-0001) - Millennium Bay Phase III B - Multiple Building Duplex Condominium Site Plan Review - 522 Amity Rd, Outside - County

Approved with Conditions

Motion by Commissioner Raney, second from Commissioner Clopton, to approve with staff recommendations:

1. This approval only applies to the Phase III B portion of this development. Any

additional construction/development on this property will require a separate submittal, review and approval from the Planning Commission;

2. The development site shall be constructed/developed in strict accordance with the approved site plan including, but not limited to, building locations, parking areas and additional fire hydrant as shown on the proposed site plan.

3. Construction shall be accomplished in accordance with all applicable construction codes including but not limited to sprinkling of the buildings in accordance with the Arkansas Fire Prevention Code as may be required; and

4. Permanent water and wastewater service shall not be provided to the site unless and until the above conditions have been satisfied. (For 8 - Absent 1)

7 Site Plan Approval (PD-08-0226) - Dr. Harold Koppel - Proposed 20 ft X 20 ft addition to existing Orthodontist Office, for use as a waiting room - 136 Files Rd, Westerly projection off northwest corner of structure - District 5

Approved with Conditions

Motion by Commissioner Raney, second from Commissioner Mory to approve with Staff recommendations:

1. The development site shall be constructed and developed in strict accordance with the approved plan.

2. Construction to be accomplished in accordance with all applicable construction codes including but not limited to sprinkling of the buildings in accordance with the Arkansas Fire Prevention Code as may be required; and

3. Use activities are restricted to those proposed and approved by the Commission; and

4. The required building permit will not be issued until the Lot Split LS-09-0006 has been filed for record and a copy returned to the office of Planning and Development. (For 8 - Absent 1)

8 Appeal Administrative Decision (AA-09-0004) - Best Western Stagecoach Inn - Appeal administrative decision concerning a non-conforming sign. - 2520 Central Ave, Best Western Stagecoach Inn - District 3

Denied

Motion by Commissioner Clopton, second from Commissioner Mory to approve installation of requested sign and leave the 2 existing signs in place.

Aye: 0 Nay: Commissioners Thorp, inconsistent with staff recommendation, Campbell,

inconsistent with staff recommendation, McAdams, inconsistent with staff recommendation, Clopton, inconsistent with staff recommendation, White, inconsistent with staff recommendation, Mory, inconsistent with staff recommendation, Raney, inconsistent with staff recommendation, Threadgill, doesn't comply with code. (- Against 8 - Absent 1)

- 9 Site Plan Approval (SPA-09-0010) - Hobson Place Duplex Homes - Construct 2 - Duplex Units on a 31,500 square foot parcel - 1660 Block of Hobson, North side of Hobson, cross streets of Pearl and Granite Streets

Approved

Motion by Commissioner Raney, second from Commissioner Campbell to approve the Site Plan to construct 2 duplex units as applied for under SPA-09-0010 (For 8 - Absent 1)

- 10 Preliminary Subdivision (PS-09-0011) - Mason Place Duplex - Create 6 parcels, ranging from 15,462 sf to 16,931 sf - 106 Mason, Mason St, north off Airport Road, just west of Cooper Street - District 3

Approved with Conditions

Chair Threadgill a contiguous property owner abstained and removed himself from deliberation and voting.

Motion by Commissioner Clopton, second from Commissioner Raney to approve with Staff recommendations of:

1. Construction and construction activity is to be accomplished in strict accordance with permit conditions and requirements and with applicable technical codes and specifications whether or not submitted for staff review or Planning Commission approval; and
2. Full compliance with all applicable stormwater permitting and water quality regulations, including a retention and detention plan, if required; and
3. The Planning Director shall be authorized to sign the preliminary plat once all conditions have been satisfied, and work shall not proceed until the preliminary plat has been so executed; and
4. No permits will be issued and the sale of lots shall not occur until a final plat meeting the requirements of HSC 16-4-27 has been approved by the Planning Director and filed for record with Garland County Circuit Clerk. (For 7 - Abstain 1 - Absent 1)

- 11 Site Plan Approval (SPA-09-0012) - 1310 Thornton Ferry Apt. Complex - Construct 2 - Two story buildings with 12 apartment units each, 6 on each floor (24 units), on 2.6 acre parcel, and proposed 48 parking spaces. - 1310 Thornton Ferry Rd, Northside of Thornton Ferry, cross streets of Longhorn Loop and Sky Canyon Trail - County

Approved with Conditions

Motion by Commissioner Campbell, second from Commissioner Clopton to approve with Staff recommendations that

1. The development site shall be constructed/developed in strict accordance with the approved site plan including, but not limited to, building locations, parking areas, additional fire hydrant and right of way dedication as shown on the proposed site plan;
2. The developer/owner shall provide the appropriate government body, within 90 days of Planning Commission approval, a deed or other acceptable form of conveyance for the required additional right of way along Thornton Ferry Road to conform to the City of Hot Springs Master Street Plan. This would include all lands lying on the subject property when measured 30' from the existing centerline of Thornton Ferry Road;
3. Construction to be accomplished in accordance with all applicable construction codes including but not limited to sprinkling of the buildings in accordance with the Arkansas Fire Prevention Code as may be required; and
4. Permanent water and wastewater service shall not be provided to the site unless and until the above conditions have been satisfied. (For 8 - Absent 1)

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- 12 Preliminary Subdivision (PS-08-0235) - Myrick Hills Subdivision - 4 lot subdivision in the city - Myrick Ct, Weston Road and Myrick Court - District 4

Tabled

Requested by applicant to be tabled to the April 09, 2009 agenda

- 13 Preliminary Subdivision (PS-08-0233) - Windsong West Estates - Preliminary Plat request for 31 lots, west of Windsong Bay Estates - Windsong Pl - County

Tabled

Requested by applicant to be tabled to the April 09, 2009 agenda

N/A

Adjourn

Chair Gary Threadgill

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