

**CITY of HOT SPRINGS PLANNING COMMISSION  
REGULAR MEETING  
SEPTEMBER 10, 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, and Commissioner Gary Westerman

ABSENT: Commissioner Barbara Lewis

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, September 10, 2009 to order at 6:00 p.m.

Consider Previous Minutes –

Motion by Commissioner Westerman, second from Commissioner Clopton, **ADOPTED**, to accept the August 13, 2009 Planning Commission minutes as submitted.

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

Absent: Commissioner Lewis

Consider Approval of Agenda –

Motion by Commissioner Campbell, second from Commissioner Mory, **ADOPTED**, to approve the September 10, 2009 agenda as amended.

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

Absent: Commissioner Lewis

NEW 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 Campbell, **ADOPTED**, to amend motion and adjourn and place Item 1. Eagle Rock Amended Plat on the November 12, 2009 agenda at the regular meeting of the Planning Commission, with the applicant to submit a storm water plan reflecting velocity and flow for the amended Eagle Rock request that is to be routed to the Development Review Committee for the November meeting.

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

Absent: Commissioner Lewis

Motion by Commissioner Smith, second from Commissioner Mory, **ADOPTED**, to amend motion to deny the waiver request for 5' side yard and 10' rear yard setbacks and approve Eagle Rock Amended Plat with staff recommendation to approve the re-subdivision plat request subject to the condition that the plat correctly demonstrate minimum side and rear setback distances (12') as stated in HSC 16-4-71(p) because the submitted documents comply with HSC 16-4-46 and all other individual minimum standards are met.

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

Absent: Commissioner Lewis

Motion by Commissioner Clopton, second from Commissioner Westerman, **ADOPTED**, to reconsider Eagle Rock Amended Plat application, Item 1. of the Thursday, September 10, 2009 agenda.

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

Absent: Commissioner Lewis

Motion by Commissioner Mory, second from Commissioner Foster, **FAILED**, to approve Eagle Rock Amended Plat application with Staff recommendation as submitted.

Ayes: Commissioners Mory, Clopton, Campbell, and Smith.

Nays: Commissioners McGrew, Foster, Westerman, Campbell and Raney.

Absent: Commissioner Lewis

Public Hearing – Opened at 6:10 p.m.

1. Terry Toler, 123 Hidden Eagle Terrace, Hot Springs, AR 71901 applicant Eagle Rock Amended Plat stated the request to re-plat the .50 acre and 1 acre lots is to have them conform to the size of the of the other lots; requirement for landscaping increases cost of the larger lots. Mr. Toler stated smaller lots more marketable. Mr. Toler stated the denial of the variance request would not create a hardship; depth of lot 56 addresses the existing utility easements. Mr. Toler stated he was not aware of grinder pump issues; development now serviced by city utilities, and there are no capacity issues; and Milton Raabe designed storm water plan in conjunction with Tommy Kerr, Garland County Department of Environmental Services; once homes are built on the lots the storm water will be diverted Mr. Toler stated culverts exist under the western portion of lots 53, 54, 65 and 64A, and the easterly portion of lots 60, 62A.
2. Kathy Breatcher, 109 Eagle Gate Place, Hot Springs, AR 71901, cited storm water drainage issue with the further division of the lots, degree of slope of the hill, increased release of storm water.
3. Ron Martin, 101 Eagle Gate Place, Hot Springs, AR 71901, stated he lives across from development and there are flooding issues with existing development, drainage needs to be addressed prior to approval of further lot development.
4. Ron Dipersia, 143 Eagle Gate Place, Hot Springs, AR 71901, inquired if the developer would make needed improvements to the existing grinder pumps and the 2 underground culverts as the original design was for 8 homes and not 16 homes if application is approved. Mr. Dipersia stated a natural dry creek runs through the lots and stated the drainage issues need to be addressed prior to approval and asked that the developer provide flood elevations.
5. Don Little, 165 Eagle Gate Place, Hot Springs, AR 71901, stated water pools in the back side yard, which has affected the back porch creating a putrid smell and mosquito problem; the existing lots have water flow issues. Mr. Little presented a letter from Keith and Jamie Hood opposing the division of eight (8) lots in Eagle Rock Subdivision to create sixteen (16) lots.

Public Hearing – Closed at 6:25 p.m.

#### DISCUSSION:

Director Sellman presented 2 considerations for the application for Eagle Rock Amended Plat for a re-plat of eight (8) lots in Eagle Rock Subdivision to create sixteen (16) lots: 1.) a request to waiver from the side and rear yard setbacks, with staff recommendation to deny; and 2.) approve re-plat of eight (8) lots in Eagle Rock Subdivision to create sixteen (16) lots. Director Sellman stated Garland County has storm water plans, and the project has been reviewed as a new submission; no negative comments from original Eagle Rock Plat approval

Commissioner Mory inquired if the re-plat of Lot 56 would impede the utility easements; re-plat of 8 lots from an engineering perspective is slight increase in roof area.

Commissioner Clopton asked staff if flood plain was discussed in review of the application; stated this is a new application, old doesn't apply and need to look at with a new judgment and go back to Garland County and ask for comments if none are offered, if applicant will resubmit to Garland County, then recommends Planning Commission table to allow for Garland County review.

Assistant Planner Jeffrey Griffin stated that according to the application no areas of the subdivision are in the flood plain; not aware of seasonal stream based on what was submitted with application.

Commissioner Foster stated the water issues need to be addressed

Commissioner McGrew asked if drainage issues concerns were cited in original application;

Commissioner Smith stated to look at the staff recommendations regarding the application before the Planning Commission, water and flood issues will be addressed by proper authorities at Garland County; staff said no significant impact.

Commissioner Campbell stated 10 lots are impacted by the dry culverts and in the instance of high rain season, situation becomes big creek.

## ITEMS FOR DISCUSSION AND ANNOUNCEMENTS

### 1. PLANNING DIRECTORS REPORT

Director Sellman stated the Planning Commission will hold a Work Session on Thursday, September 24, 2009 at 5:00 p.m. to focus on 2 topics for discussion:

- a. Feasibility study of Overlay District for Higdon Ferry, similar in concept to the Malvern Avenue Overlay District; and
- b. ETJ – Planning Area Boundary – there has been no change in the Planning Area boundaries since 1965, the city can extend the Planning Area boundaries up to 5 miles, review Subdivision rules, new projects within Planning Area, Plumbing Permits that have been issued in Planning Area, Water Districts within Garland County, and Malvern Overlay.

ADJOURNMENT at 7:00 p.m.

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Larry Raney, Chair  
Planning Commission  
City of Hot Springs

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