

CITY OF HOT SPRINGS PLANNING COMMISSION
THURSDAY, APRIL 13, 2017
REGULAR MEETING MINUTES

Invocation – Those in attendance were invited to participate in the invocation led by Commissioner Charles Smith.

Pledge of Allegiance – Those in attendance were led in the Pledge of Allegiance by Commissioner Wayne Thomason.

Call to Order – Chairman Richard McGrew called the meeting to order at 6:00 p.m.

Roll Call of the Planning Commission Members -

Present: Chairman Richard McGrew, Vice Chairman Charles Smith, Commissioner Hal Koppel, Commissioner Wayne Thomason, Commissioner Eloise Adams, Commissioner Stephen Ezelle, Planning Commissioner Alternate #1 Anne Guthrie.

Not Present: Commissioner John Lewis, Commissioner Brian White, Planning Commissioner Alternate #2 Karie Hobby, Commissioner Hilarie Dzianott

Present But Not Activated: None

Approval of Previous Meeting Minutes: There were no amendments to the previous meeting minutes of the Planning Commission. Chairman Richard McGrew asked for a motion and second for the approval of the January 12, 2017 Planning Commission Meeting minutes. A motion was made by Commissioner Hal Koppel and seconded by Commissioner Wayne Thomason to approve the January 12, 2017 minutes.

Roll Call on Motion to Approve; **APPROVED:**

Ayes: Chairman Richard McGrew, Vice Chairman Charles Smith, Commissioner Hal Koppel, Commissioner Wayne Thomason, Commissioner Eloise Adams, Commissioner Stephen Ezelle, Planning Commissioner Alternate #1 Anne Guthrie.

Not Present: Commissioner John Lewis, Commissioner Brian White, Planning Commissioner Alternate #2 Karie Hobby, Commissioner Hilarie Dzianott

Nays: None

Approval of Agenda –Commissioner Charles Smith made a motion to approve the meeting’s agenda as presented, which was seconded by Commissioner Wayne Thomason. Chairman Richard McGrew asked for a roll call on the approval of the April 13, 2017 Planning Commission Agenda.

Roll Call on Motion to Approve; **APPROVED:**

Ayes: Chairman Richard McGrew, Vice Chairman Charles Smith, Commissioner Hal Koppel, Commissioner Wayne Thomason, Commissioner Eloise Adams, Commissioner Stephen Ezelle, Planning Commissioner Alternate #1 Anne Guthrie.

Not Present: Commissioner John Lewis, Commissioner Brian White, Planning Commissioner Alternate #2 Karie Hobby, Commissioner Hilarie Dzianott

Nays: None

CONSENT AGENDA

Chairman McGrew asked Director Sellman to present the five items on the consent agenda to the Commission. Commissioner Wayne Thomason recused himself from hearing the items on the Consent Agenda, citing a conflict of interest.

1. Emergent Arts Mural (MISC-17-0082) – Consideration of public mural painted on Dryden Pottery building located at 341 Whittington Avenue.

Director Sellman presented the item to the commission stating this was a request from applicant Emergent Arts, seeking approval for public mural painted on Dryden Pottery building located at 341 Whittington Avenue. Director Sellman stated that it was Staff's recommendation that the Planning Commission approve the request as submitted with the following conditions:

- i. Emergent Arts is to provide long-term maintenance for the entire life of the mural or until other arrangements are approved by City of Hot Springs. City of Hot Springs assumes no responsibility for mural maintenance at this site.

2. Emergent Arts Mural (MISC-17-0081) – Consideration of public mural painted on the west wall of 1000 Park Avenue.

Director Sellman presented the item to the commission stating this was a request from applicant Emergent Arts, seeking approval for public mural to be painted on the west wall of 1000 Park Avenue. Director Sellman stated that it was Staff's recommendation that the Planning Commission approve the request as submitted with the following condition:

- i. The Park Avenue Community Association (PACA) is to provide long-term maintenance for the entire life of the mural or until other arrangements are approved by City of Hot Springs. City of Hot Springs assumes no responsibility for mural maintenance at this site.

3. The Garage Church of Hot Springs (MISC-17-0083) – Conditional Use permit request to convert industrial building in to a religious facility along with site improvements, located at 122 Sanford Street, Lots 1-5 and Part of Lot 6.

Director Sellman presented the item to the commission stating this was a request from applicant the Garage Church of Hot Springs, seeking approval for Conditional Use permit to convert industrial building in to a religious facility along with site improvements, located at 122 Sanford Street. Director Sellman stated that it was Staff's recommendation that the Planning Commission approve the request as submitted with the following conditions:

- i. All Exterior illumination, if any, shall be of the full cut-off and fully downcast variety so that illumination is contained entirely on site and does not negatively impact the adjacent residential neighborhoods
- ii. No signs are being reviewed or approved as part of this review. A separate sign permit application, review, approval and permit is required prior to the installation of any new signs on this property

4. Site Plan Approval (SPA-17-0079) – Master Plan Improvements – Construction of 11 new horse barns and 1 maintenance barn as needs permit, located at Highland and Tuggle Streets.

Director Sellman presented the item to the commission stating this was a request from applicant the Oaklawn Jockey Club, seeking site plan approval of Master Plan Improvements for construction of 11 new horse barns and 1 maintenance barn as needs permit, located at Highland and Tuggle Streets. Director Sellman stated that it was Staff's recommendation that the Planning Commission approve the request as submitted with the following conditions:

- i. The development site shall be constructed/developed in strict accordance with the approved site and development plan, including, but not limited to, location of buildings, drives, parking landscaping and utilities;
- ii. All construction and construction activity are to be accomplished in strict accordance with all applicable approval conditions and with the minimum standards, codes, rules and regulations and policies as may now or hereafter be required or enacted by the City of Hot Springs, the State of Arkansas, and/or the United States of America, including the Arkansas Fire Prevention Code, whether or not submitted for staff review or Planning Commission approval;

- iii. Separate permit applications shall be made by applicant to Hot Springs Engineering Department and permits shall be in-hand for stormwater, drainage, and sidewalks, as may be required, prior to any work beginning;
- iv. Applicant shall obtain written approval of the State Fire Marshall and make any changes required by that agency;
- v. Any exterior site lighting shall be full cut-off and fully downcast so that illumination is contained entirely on site and does not negatively impact the adjacent residential neighborhoods;
- vi. The paved multi-use pathway along Sellers Street will be constructed at the owners expense compliant with the city's approved trail standards including the installation of bollards;
- vii. No construction shall begin on the project until all the above issues are resolved to the satisfaction of the City of Hot Springs

As Director Sellman presented Item #5 to the Commission, Chairman Richard McGrew asked for a motion to pull Item #5 from the Consent Agenda and bring to the floor for discussion, stating that he had some concerns and question regarding the item. Commissioner Eloise Adams seconded the motion, stating that she had concerns in regards to parking and traffic. A motion to amend the consent agenda was made to remove Item #5 from the consent agenda.

Commissioner Charles Smith made motion, seconded by Eloise Adams, to approve the Staff report as presented with findings and conditions recommended.

Roll Call on Motion to Approve; **APPROVED:**

Ayes: Chairman Richard McGrew, Vice Chairman Charles Smith, Commissioner Hal Koppel, Commissioner Eloise Adams, Commissioner Stephen Ezelle, Planning Commissioner Alternate #1 Anne Guthrie.

Not Present: Commissioner John Lewis, Commissioner Brian White, Planning Commissioner Alternate #2 Karie Hobby, Commissioner Hilarie Dzianott, Commissioner Wayne Thomason (recused citing conflict of interest)

Nays: None

Chairman Richard McGrew declared the four items of the consent agenda approved.

NEW BUSINESS

5. Guido's Egg Roll to Go (CU-17-0076) — Conditional Use permit request to operate a mobile food concession from subject property located at 812 Higdon Ferry Road.

Chairman McGrew asked Director Sellman to introduce Item #1, formerly Item #5 on the Consent Agenda. A motion was made by Commissioner John Lewis and seconded by Commissioner Brian White to bring the item to floor for discussion. Director Sellman stated the facts of the case.

Chairman McGrew asked for the Applicants to step forward. Representing Guido's Egg Roll to Go was Anthony Ciardetti and wife Virgie Ciardetti, of 812 Higdon Ferry Road, who stated that they had conducted "neighborly relations" in the residential area directly adjacent to the subject property and had received signed agreements from the neighbors, stating that they approved of such a business. Mr. Ciardetti also stated that his property offered 16 parking spots and would be happy to place a sign directing customers to park in his spaces, and not on nearby streets, if it so pleased the Planning Commission.

McGrew then called for possible questions from the Commissioners, to which Commissioner Thomason asked Applicant if people could not enter and exit off Higdon Ferry Road, to which Mr. Ciardetti's reply was in the negative. Mr. Ciardetti stated that the Arkansas Transportation and Highway Department (AHTD) had requested of Mr. Ciardetti, when first developing the site for his existing business Hot Springs Music Company, that he not place ingress and/or egress on to Higdon Ferry Road, as AHTD was in the planning stages of later expanding that road. Mr. McGrew stated this his concern was that there was not ample parking for three businesses on that site, to which Mr. Ciardetti stated that there were only one business currently there, as Mr. Ciardetti had been forced to evict the second business.

McGrew continued with stating his concern that there would not be ample parking spaces, and that one car stopped on the driveway would cause a traffic pile up. McGrew also stated another concern that students from nearby Hot Springs High School would frequent the area, thereby potentially causing traffic issues that might pose a hazard to public safety. Commissioner Charles Smith asked Mr. Ciardetti what the hours of the mobile food concession would be, to which Mr. Ciardetti replied that business hours would be ten (10) a.m. to six (6) p.m. Smith replied that, based on the hours, he had no concern that potential traffic to the proposed business would have any negative effects. McGrew continued with stating his concern that the mobile food concession would negatively affect traffic in the afternoon, to which Mr. Thomason replied "well, that's business."

There was continued discussion among the Commissioners in regards to whether traffic would be negatively affected by the proposed business. McGrew called for further questions addressed to the Applicant. Seeing none, McGrew closed the discussion to the public and opened up the issue for discussion among the

Commissioners. Commissioner Adams asked if there were a sign that could be seen from Emory Street directing traffic to the parking spaces behind the building. Mr. Ciardetti answered from the audience that there was not currently one posted. There then followed discussion amongst the Commissioners regarding the view from photography (part of the information packet) of the parking lot from Emory Street.

Alternate Guthrie stated her opinion that she found the proposal satisfactory and thanked City staff for their work. Commissioner Koppel asked if the Applicant had any intent to add tables to the site, to which Director Sellman stated that no tables had been approved with the site plan and that the site plan was regulatory. Commissioner Smith stated his opinion that he felt the site was a good location for that business and that the Applicant could have over one hundred parking spaces and that someone might still stop traffic while turning in to the business. Commissioner Smith further voiced his view that safety would not be an issue.

McGrew again voiced his concern that parking and traffic to the proposed business would pose safety concerns and cause congestion. McGrew then asked if there was further discussion on the topic. Hearing none, McGrew called for a vote. Planning Manager Stauder then called role for the vote.

Roll Call on Motion to Approve; **APPROVED:**

Ayes: Vice Chairman Charles Smith, Commissioner Hal Koppel, Commissioner Wayne Thomason, Commissioner Eloise Adams, Commissioner Stephen Ezelle, Planning Commissioner Alternate #1 Anne Guthrie.

Nays: Chairman Richard McGrew (citing his concerns in regards to safety)

Not Present: Commissioner John Lewis, Commissioner Brian White, Planning Commissioner Alternate #2 Karie Hobby, Commissioner Hilarie Dzianott

McGrew motioned for an item to bring Item #6 to the floor. A motion was made by Commissioner Wayne Thomason and seconded by Commissioner Brian White to bring the item to floor for discussion.

6. PPI Properties Citizens Bank Sign (MISC-16-0431) — Seeking roof sign approval and maximum square foot variance for roof signage on Citizen's Bank building to include 6' letters on subject property located at 723 Central Avenue.

Director Sellman stated the facts of the case. Chairman McGrew asked for the Applicant(s) to step forward, to which none stepped forward as the Applicant(s) were not present. Director Sellman stated that numerous attempts to contact the Applicant had been unsuccessful. McGrew closed the public comment period.

McGrew asked Sellman if the sign were historic to Citizen's Bank and if it were still in existence, to which Sellman replied that a Citizens Bank did exist as a business but that Citizens National Bank was no longer in existence. Several commissioners asked if the proposed roof sign were similar to the historic sign, with Sellman responding that the proposed sign was not similar. Thomas stated his opinion that he liked the proposed sign but was disappointed if the Applicant did not show for the Planning Commission hearing.

Koppel asked if one of the existing side wall signs on the building was permanently attached to the side wall and if the windows still existed. Sellman directed the question to Stauder, who answered that the Applicant had covered the existing window openings with concrete. Stauder further stated that he considered there to be only one permanent wall sign, the "V", and that the other signs present on the side wall were temporary in nature and not regulated by the City currently. Stauder summarized that there were one (1) permanent wall sign and several temporary wall signs. Koppel stated that the Applicant had mentioned his desire to maintain the historic nature of the sign, which Sellman replied that the only similarities with the historic sign were that there was once a roof sign on top of the building, and that the Applicant now wanted to reinstall a roof sign.

Further discussion amongst the Commissioners ensued. Smith stated that the Planning Commission should be very cautious when dealing with signs, especially with roof signs, citing as an example the Stubby's Bar-B-Que on Central Avenue. Smith further stated that, in light of a recent United States Supreme Court ruling (*Gilbert v. Reed*), that caution should be exercised. Smith recommended that the Planning Commission should rely on the recommendation from Staff and not approve the Applicant's request.

Koppel asked if the Planning Commission followed Staff's recommendation voted to deny, could the Applicant reapply. Sellman answered that the Applicant could apply for an appeal to the Board of Directors, and reminded the Commissioners that part of the Applicant's request was for a "minimal" deviation in the sign maximum square footage, and that the Applicant's request was three-and-a-half times the size of the maximum deviation allowed.

With no additional Commission discussion, McGrew asked Stauder for roll call on the motion to approve the staff recommendation to deny approval of the request.

Roll Call on Motion to Approve; **DENIED:**

Ayes: None

Nayes: Chairman Richard McGrew, Vice Chairman Charles Smith, Commissioner Hal Koppel, Commissioner Wayne Thomason, Commissioner

Eloise Adams and Commissioner Stephen Ezelle, Planning Commissioner Alternate #1 Anne Guthrie

Not Present: Commissioner John Lewis, Commissioner Brian White, Planning Commissioner Alternate #2 Karie Hobby, Commissioner Hilarie Dzianott

Commissioners Smith and Thomason stated that their vote for denial was based on Staff's findings.

DIRECTORS REPORT

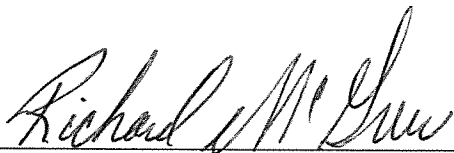
Director Sellman reminded Chariman McGrew that Staff required a letter from him stating that the Chariman had moved outside the corporate limits of the City of Hot Springs and that he would continue to serve in his role as chariman until replaced. Director Sellman also stated that Commissioners White and Dzianott, who were not present, need to speak with the City Clerk in regards to whether they wanted to seek re-appointment as commissioners to the Planning Commission.

Lastly, Director Sellman congratulated Vice Chairman Charles Smith on completing his APAC Certified Planning Official requirements and is now a certified planning official expected to receive his certification next month at the Governor's Mansion.

ADJOURNMENT

With no further business before the commission, Chairman McGrew asked for a motion and second to adjourn the April 13, 2017 Planning Commission Meeting. A motion was made by Commissioner Hal Koppel and seconded by Commissioner Charles Smith to adjourn the meeting. This motion carried with a unanimous verbal vote and the meeting was adjourned at 6:54 pm.

These minutes approved by Planning Commission at their May 11, 2017 meeting.



Richard McGrew, Chairman of the Planning Commission