

Invocation: Commissioner Brian Clark

Pledge of Allegiance: Co-Chairman Michael Phillips

Call to Order: Co-Chairman Michael Phillips called the Planning Commission Meeting to order at 6:00pm. An attendance sheet was included for visitors.

Roll Call: Board Members present: James Walker, Brian Clark, Frank Mocivnik, Tony Kaczoroski, Michael Phillips, and Chase Henrichs were present. Darrin Brock was absent. We had quorum.

Approval of Minutes:

Motion to approve Regular PC Meeting Minutes of September 8, 2022 as written.

Motion: Commissioner Clark

Second: Commissioner Mocivnik

Vote Aye: Walker, Phillips, Mocivnik, Kaczoroski, Clark, Henrichs

Vote Nay: None

Motion to approve Regular PC Meeting Minutes of September 8, 2022 as written were approved.

Public Forum: Open: 6:04 Closed: 6:04pm

Old Business:

Motion to move Old Business (USA Metal Recycling) to end of items under New Business.

Motion: Commissioner Phillips

Second: Commissioner Clark

Vote Aye: Kaczoroski, Henrichs, Mocivnik, Walker, Phillips, Clark

Vote Nay: None

Motion to move Old Business (USA Metal Recycling) to end of items under New Business approved.

New Business:

Hunt Farms Phase II – Preliminary Plat – 417 S Old Wire Road

Ali Karr, Crafton Tull, presented a preliminary plat with requested waiver from Master Street Plan to connect to Frisco Church Rd. Requested to create connection through an alternative street in Phase I of the subdivision.

Motion to approve Hunt Farms - Preliminary Plat with waiver.

Motion: Commissioner Henrichs

Second: Commissioner Walker

Vote Aye: Walker, Phillips, Mocivnik, Kaczoroski, Clark, Henrichs

Vote Nay: None

Motion to approve Hunt Farms - Preliminary Plat with waiver approved.

JP Specialty, LLC – Conditional Use Permit – Parcel 12-00171-000

Applicant requested a conditional use permit for the use of a mini storage facility and household and commercial storage space. The development will also have flex retail space along 71B frontage.

Public Hearing: Open: 6:09pm Close: 6:09pm

Motion to approve JP Specialty, LLC – Conditional Use Permit with minimum retail on front of building on Bloomington – Parcel 12-00171-000.

Motion: Commissioner Walker

Second: Commissioner Kaczoroski

Vote Aye: Phillips, Henrichs, Mocivnik, Walker, Clark, Kaczoroski

Vote Nay: None

Motion to approve JP Specialty, LLC – Conditional Use Permit with minimum retail on front of building on Bloomington – Parcel 12-00171-000 approved.

USA Metal Recycling – Conditional Use Permit – 721 S. Lincoln

At this meeting USA Metal was directed to complete the following list prior to the October 3rd meeting. The italicized comments are from Richard Stone, Director of Special Services, when he toured site on September 29, 2022. Comments in red are by Karen Davis, Community Development Director.

1. All equipment and debris on the property of Commercial Ave. that is used for the business of USA Metal is to be moved to the property of USA Metal. *Recycle debris piles on north lot off commercial. Not completed.*
2. Stabilize the dirt mounds with proper bmp's. *No BMP's installed around piles. As 10/3 completed.*
3. USA Metal has until October 3rd to clean up the site and come into compliance with city code. *Another inspection scheduled for Monday 10/03. not completed.*
4. The current conditional use permit will be reviewed at the October 3rd Planning Commission Meeting where it will be determined if the business has followed all city and state guidelines. *ADEQ guidelines have not been followed; not completed.*
5. Clearly define the fire lanes with permanent barriers, not paint. *Fire lanes not marked or fully cleared. Tom said he has emailed fire department with no response. Today barriers were put in one fire lane and painted red. Have not been approved by Fire Department.*
6. No long-term storage of liquids on property. All liquids to be moved from site regularly. *Trailer has some waste oil in it. Tom said it will be hauled today (9/29/22). Liquids to be moved monthly.*
7. Liquids stored in barrels and tires should be kept under a covered area and properly stored per city code. *There are barrels store in trailer. Tom said storage will be for empty barrels only, and tires will be stored in trailer after removing wheels. No pile of tires evident. He has moved them into semi-trailer trucks.*
8. Fire Department will visit with USA Metal to clearly define the fire lanes. *Tom said they have not visited to discuss fire lanes. He said he has emailed with no response. Has not been completed.*
9. Stormwater will meet with USA Metal to define what is needed for proper bmp's of the dirt mounds. *BMP's have not been installed around mounds. Completed.*

We received a letter from DEQ with directives for USA Metal Recycling to follow. It is filed with these minutes in the city clerk's office.

Mr. Tom Smith attended the meeting and had explanations and reasons why he has not complied with our list of items that needed correction. Mr. Smith submitted a letter to Richard Healey detailing how he was correcting the above issues. His letter is included with the packet given to commissioners and filed with these minutes in the city clerk's office.

Mr. Smith submitted his written response to the following items.

- All equipment and debris on the property of Commercial Ave that is used for the business of USA Metal is to be moved to the property of USA Metal. **95%**

completed – waiting on Gondolas from the Arkansas Missouri RR scheduled delivery October 4, 2022.

- Stabilize the dirt mounds with proper bmp's. *A picture showing the dirt mounds with hay bales in front of them.*
- USA Metal has until October 3rd to clean up the site and come into compliance with city code. **Completed.**
- The current conditional use permit will be reviewed at the October 3rd planning commission meeting where it will be determined if the business has followed all city and state guidelines.
- Clearly define the fire lanes with permanent barriers, not just paint.
- No long-term storage of liquids on property. All liquids to be regularly removed. **Completed.**
- Liquids stored in barrels and tires should be kept under a covered area and properly stored per city code. **Completed.**
- Fire Department will visit with USA Metal to clearly define the fire lanes. **Attached: This fire lane has been submitted to the Lowell Fire Department.**
- Stormwater will meet with USA Metal to define what is needed for proper bmp's of the dirt mounds.

Mr. Smith asked the Fire Department to see if the fire lane is wide enough. He said the fire lanes are open. He has hired a new consultant to prepare a remediation plan with ADEQ. Tanks will be staged. He has sold a building and it will be removed next week.

Karen Davis read from her notes the stipulation put in place at last planning commission meeting: if USA Metal is not compliant by the October 3rd meeting, it is the opinion of staff that the business is in a continued violation of the conditional use permit and the permit should be pulled. Commissioners agreed with her conclusion.

An updated report by Stormwater is included in the packet and filed with the minutes in City Clerk's office.

Motion to revoke USA Metal Recycling - Conditional Use Permit.

Motion: Commissioner Clark

Second: Commissioner Mocivnik

Vote Aye: Walker, Clark, Mocivnik, Kaczoroski, Phillips, Henrichs

Vote Nay: None

Motion to revoke USA Metal Recycling - Conditional Use Permit approved.

Mr. Smith said he will appeal decision to City Council.

Planning Staff Items: Next PC Meeting 10/17/22

Discussions:

1. Mudtown Market Shop-N-Swap – October 14-15 at Ward Nail Park – 9am-6pm
2. Animal Shelter Cuddle Event – October 16 – 1pm-3pm
3. Bi-annual tree giveaway – October 20-21 – 8am-12noon each day
4. Fall Clean-Up – October 22 – Parking lot next to Street Department – 8am-4pm
5. Lowell PD&FD Trunk & Treat – October 30 – 6pm-8pm
6. KJMP soft opening of trailhead, farmer's market, connecting trail & playground area; restrooms open and ready to use

Committee Reports: None

Adjourn: Motion to adjourn made by Commissioner Walker and second by Commissioner Kaczoroski. All were in favor. Meeting adjourned at 7:18pm.

ATTEST:

E. Estes

Elizabeth Estes, City Clerk



APPROVED:

Michael Phillips

Michael Phillips, Co-Chairman

CITY OF LOWELL

PLANNING COMMISSION MINUTES

OCTOBER 3, 2022