

- A. **Call to Order:** Chairman Mitch Wright called meeting of the Planning Commission to order at 6:03PM.
- B. **Roll Call:** Commissioners present: James Walker, Lloyd Showalter, Todd Fenix, Mitch Wright, Frank Mociwnik, Darrin Brock and James Milner. We had quorum. Kris Sullivan, Nolan Jones, Larry Gregory, Garver Engineering, Rick Stone, Debi Jones and Mayor Long were present.
- C. **Invocation:** (done at the BOZA portion of meeting)
- D. **Pledge of Allegiance:** (done at BOZA portion of meeting)
- E. **Approval of Minutes:** November 2, 2015

City Clerk corrected Lloyd Showalter's vote from Aye to Nay on 1501 Ladell Avenue, Conditional Use Permit/School on November 23, 2015 minutes.

**Motion to approve corrected November 2, 2015 meeting minutes.**

**Motion: Commissioner Showalter**

**Second: Commissioner Walker**

**Vote Aye: Walker, Milner, Fenix, Mociwnik, Showalter, Brock, Wright**

**Vote Nay: None**

**Motion to approve corrected November 2, 2015 minutes was approved.**

**Agenda was amended by Chairman Wright and approved by all commissioners to allow Item I to be heard next.**

**Planning Staff Items: Conditional Use Permits Monitoring – Building Services**

Matt Bailey that of the eleven items on the list that had conditions on them, 2024 Ladell Road in compliance as of 10<sup>th</sup> of the month; 809 Spring Creek Road, automobile repair shop, changed hands and there is no repair business there; 203 N. Wire Road in compliance; 721 S. Lincoln – Lowell Iron Metal is in compliance; USA Lawns 518 Spring Creek Road in compliance; Wedding Chapel, 411 S. Goad Springs Road in compliance; Pull-A-Part 705 S. Lincoln is currently working on the fence which is probably 85% complete as of today; there may be a few vehicles over the one-ton limit; vehicle spacing is supposed to be six feet but they are not as of the 10<sup>th</sup> of the month; Creative Things 706 S. Lincoln in compliance; Wine Basket 207 E. Monroe in compliance; Church 304 W. Apple Blossom is in compliance; Ann's Place at 117 Jackson is in compliance.

Item 7 under "U" and "T": "T": A covered area was to be considered for parts removal but there wasn't a time frame given and the way Matt Bailey looked at it as the owner has the option to have a covered parts removal area in the future. "U": The containment facility in process of CUP requirements for renewal doesn't know if there is a containment facility there; he didn't see any evidence of it.

Commissioner Fenix said that in last year's notes, the containment facility had not been constructed.

Commissioner Milner asked about Items "O" & "P". Matt said catch basins would be provided on any item that contains fluids and to his best knowledge none of them have fluids in them but he wasn't going around and checking. There's no signs of anything leaking.

Chairman Wright asked that before the next meeting, Matt or a member of his staff should conduct random sampling of vehicles for fluids. There should be some evidence of EPA and ADEQ guidelines being met.

F. **Public Hearing:**

**Sandlot – Conditional Use Permit/Indoor Batting Cages Open: 6:15PM Closed: 6:21PM**

Joe Orr, Blew & Associates, PA, requested a Conditional Use Permit. The Sandlot is a youth training baseball facility and no games will be held here. Hours of operation are 8am-5pm Monday-Friday; 10am-6pm Saturday and 1pm-5pm on Sunday. They have a 27-car parking lot with a small baseball field in the rear. The property is zoned commercial.

Reta Easter, 302 Spring Creek, lives ¼ mile from Sandlot. Her concern is traffic at the intersection at 5pm. She found out from Kris that it will be two years before a light will be installed at the intersection and there are no provisions to widen Spring Creek. She had questions about Cave Springs Karst. She wondered if it was adopted if the people at Sandlot would have to conform to those regulations. She objected because she wants the area to remain residential. There is a house that runs sheep on a five-acre property, another house has horses. The septic system was a question she was concerned about and providing sewer at this location. She had a problem with conditional use because there was a property out her way that was really bad. US Lawn started out with a small building approved by the city of Lowell and now they have four huge buildings, vehicles, tanks and trash. She objects to conditional use because it is not monitored.

Marquita Whitaker, trustee of the Williams property on the corner. She was not clear on the times of operation. She asked if the people who use this property would be a club, membership, where would the people come from, and she wanted details. She was concerned about the sewer and water. She wanted to know the purpose and what was going to be accomplished. She couldn't hear what was said in the meeting because she sat in the back in the room. How many people would be employed and would it bring in tax money to the City of Lowell. What would improve the area and she has a problem where she lives. She said the traffic was horrible.

**Motion was made to approve Sandlot – Conditional Use Permit/Indoor Batting Cages, Hours of Operation 4PM-9PM, Monday-Friday and Saturday 10AM-6PM, Sunday 1PM-5PM as presented.**

**Motion: Commissioner Milner**

**Second: Commissioner Walker**

**Vote Aye: Milner, Wright, Showalter, Fenix, Brock, Mocivnik, Walker**

**Vote Nay: None**

**Motion to approve Sandlot – Conditional Use Permit/Indoor Batting Cages, Hours of Operation 4PM-9PM, Monday-Friday and Saturday 10AM-6PM, Sunday 1PM-5PM as presented was approved.**

**Adams – Conditional Use Permit/Kennel Open: 6:28PM Close: 6:29PM**

Dr. Amy Adams was seeking a conditional use for a permit but it wouldn't be used for a kennel because she owned 12 dogs at this time which is over the city ordinance. She lived there 6 ½ years and didn't know she was out of compliance. When she took one of her dogs to be groomed, an animal activist walked in on the groomer and turned in a complaint that the dog was under weight. A complaint was turned into Animal Control to resolve the issue. The dog was diagnosed by Amy, Lowell Veterinary, with a liver abnormality and will have surgery to correct it. Her dogs are her children and she has 12 dogs because the two breeds she keeps have each had puppies and then crossbred producing puppies. She had the dogs fixed and they will not breed anymore. She will eventually have 16 acres of land and she wants no close neighbors. She has elaborate dog houses and pools for them. There will be no buying and selling of dogs and she doesn't want visitors to her home except for family members.

There were some complaints of dogs barking all night and the owner of the dogs seemed unaware of the complaints. It was recommended that Animal Control do <sup>quarterly</sup> inspections of the dogs and if there were three complaints in the future about barking dogs, the conditional use would be revoked.

**Motion was made to approve Adams – Conditional Use Permit/Kennel contingent on an annual inspection and three complaints of barking dogs could revoke the permit; no buying or selling of dogs; no new dogs could be added as presented.**

**Motion: Commissioner Brock**

**Second: Commissioner Milner**

**Vote Aye: Fenix, Milner, Brock, Showalter, Mocivnik, Wright, Walker**

**Vote Nay: None**

**Motion to approve Adams – Conditional Use Permit/Kennel contingent on an annual inspection and three complaints of barking dogs could revoke the permit; no buying or selling of dogs; and no new dogs could be added was approved.**

**NWA Easy Storage – Rezone Open: 6:44PM Close: 6:45PM**

Daniel Ellis, Crafton Tull, presented complete package and schedule of uses for storage of RVs and boats, household goods. In the future he will ask for a lot split. Three Hundred feet back from 264 to the south property line they were asking for the LSD to be approved, but without the rezone they couldn't get the LSD approved.

Commissioners felt that because of the way it was written and presented it seemed a change was needed prior to making a decision.

**Recess from 6:45PM to 6:48PM. All Planning Commissioners returned to their seats.**

**Motion was made to postpone action until next scheduled Planning Commission Meeting.**

**Vote: Milner**

**Second: Fenix**

**Vote Aye: Mocivnik, Milner, Fenix, Showalter, Brock, Wright, Walker**

**Vote Nay: None.**

**Motion to postpone action until next scheduled Planning Commission Meeting was approved.**

**G. Public Forum: Open: 6:52PM Close: 6:54PM**

David Kennan, private drive of Ladell. After the meeting last week he took some information to Mayor Long. It was insinuated by two city employees that I was less than professional in his comments. He polled several people and found it amusing. He came to the meeting not as a terrorist, but just wanted to present the facts, tell the truth and stand up for his rights. He thought the commissioners were doing a good job, but have to come and help and stand up or there is nothing. If he offended anyone, he apologized.

Tom Smith, 705 S. Lincoln, asked the commissioners if they had any questions for him concerning Pull-a-Part.

**H. Consent Agenda: None.**

**I. Old Business:**

**Nicholas Place – Final Plat**

Charley Presley – When he started with the property he had 17 ¾ acres and he separated the SE lot with an informal plat so now he was dealing with 12 acres or three lots. He had not seen the Tech Plat Comments before the meeting. Kris conferred with him and all questions had been addressed. Springdale water will not allow him to put trees along the line and she asked the commissioners if they had something they wanted him to put there instead. They said for him to follow the preferred tree list.

**Motion was made to approve Nicholas Place – Final Plat as presented.**

**Motion: Commissioner Brock**

**Second: Commissioner Showalter**

**Vote Aye: Milner, Wright, Showalter, Fenix, Brock, Mocivnik, Walker**

**Vote Nay: None**

**Motion to approve Nicholas Place – Final Plat as presented was approved.**

**NWA Easy Storage - LSD**

Tabled until next scheduled Planning Commission Meeting.

**Sandlot – LSD**

Joe Orr - Blew & Associates presented a baseball facility for approval. He had not seen the Tech Plat Comments for November 16, 2015. He will resolve all issues with city employees.

**Motion was made to approve Sandlot – LSD contingent that all tech plat comments will be in compliance.**

**Motion: Commissioner Walker**

**Second: Commissioner November**

**Vote Aye: Brock, Showalter, Wright, Fenix, Milner, Mocivnik, Walker**

**Vote Nay: None**

**Motion to approve Sandlot – LSD contingent that all tech plat comments will be in compliance was approved.**

**J. New Business: None.**

**K. Discussions: Tom Hopper, Crafton Tull and Tim Conklin, NWA Regional Planning Commission – Karst Study – A Power Point presentation was shown. Planning Commissioners and City Councilmembers will have to hear the information and decide if they wish to adopt this study. Based on this study, development can continue in the Karst area but with conditions that will have to be met according to the report given.**

**L. Committee Reports: None.**

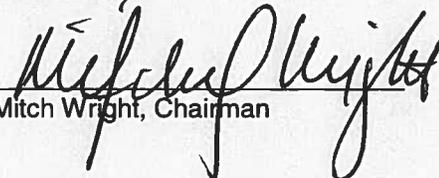
**M. Adjourn: Commissioner Brock moved to adjourn. Commissioner Mocivnik seconded the motion. All were in favor. Meeting adjourned at 7:52PM.**

ATTEST:

  
Elizabeth Estes, City Clerk



APPROVED:

  
Mitch Wright, Chairman