

Call to Order: Chairman Darrin Brock called the Planning Commission Meeting to order at 6:00pm. An attendance sheet was included for visitors.

Invocation: Commissioner Brian Clark

Pledge of Allegiance: Darrin Brock, Chairman

Roll Call: Board Members present: James Walker, Frank Mocivnik, Chase Henrichs, Tony Kaczoroski, Michael Phillips, Brian Clark. We had quorum.

Approval of Minutes:

Motion to approve Minutes of November 1, 2021 as amended.

Motion: Commissioner Walker

Second: Commissioner Henrichs

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

Voice Vote Nay: None

Motion to approve Minutes of November 1, 2021 were approved as amended*.

*On November 1, 2021 minutes, Motion to approve FUTURE LAND USE PLAN UPDATE, Brian Clark was changed to vote Nay.

Public Forum: Open: 6:02pm Closed: 6:03pm

Jo Lightfoot, 213 Franklin Ave., thanked City of Lowell for cleaning the leaves off the city streets.

Old Business:

LAND DEVELOPMENT CODE AMENDMENT – AMENDMENT TO INCLUDE REGULATIONS ON BEEKEEPING WITHIN THE CITY OF LOWELL

Karen Davis, Community Development Director, reported beekeeping in City of Lowell was not typically an issue; however, due to lack of regulations, problems with bees have occurred in both sides of the city. Bees have deteriorated quality of life for some residents and we need to resolve this issue by creating regulations that protect all citizens and ensure the bees are properly cared for.

Commissioners recommended changing Item #3 from “20 feet” to “50 feet on the hive(s) at all times on beekeeper property.” On Item #7, line two, change “ine” to “line”. On Item 9, line two, change “The” to “A”.

Public Hearing – Open: 6:06pm Close: 6:07pm

Mark Hughes – 515 Evergreen Circle – finds peace in his backyard. He has been stung twice in one year and his family has been stung every year (30 stings). He has had to scoop up bees off his pool and has had a bee collector come and gather the bees on his property. The bees were so thick that the bee collector asked him to call “911”. He has no problems with bees; but, he feels bees should be kept out of the city and should be kept in the country. He has asked for help from police. He sees no reason for keeping bees in City of Lowell.

Aaron Salazar – 311 Ridge Ave. – has lived at this address for 12 years. Bees swarmed his dog and he called Pest Control to pick up the bees. Bees should be kept in the country. There is no permit for keeping bees and he implored the Commissioners to do something about the bees.

Jo Lightfoot – 213 Franklin Ave. – This was the first he had heard of the problem. She felt the beekeepers should provide vegetation for bees to feed on.

Motion to approve and recommend to City Council approval of Land Development Code Amendment – Amendment to Include Regulations on Beekeeping Within the City of Lowell (with changes *Commissioners recommended above).

Motion: Commissioner Walker

Second: Commissioner Mocivnik

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

Vote Nay: None

Motion to approve and recommend to City Council approval of Land Development Code Amendment – Amendment to Include Regulations on Beekeeping Within the City of Lowell (with changes *Commissioners recommended above) approved.

*Commissioners recommended changing Item #3 from “20 feet” to “50 feet on the water source and for the water source to be located on beekeeper property.” On Item #7, line two, change “ine” to “line”. On Item 9, line two, change “The” to “A”.

New Business:

214 PRESIDENTIAL DRIVE – ACCEPTANCE OF EASEMENTS

Taylor Lindley, Crafton Tull, Easement dedication approved by Springdale Water Utilities on South side of project. North side easement will be vacated. The utility easements will provide service to this property.

Motion to approve 214 Presidential Drive – Acceptance of Easements.

Motion: Commissioner Mocivnik

Second: Commissioner Clark

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

Recuse: Henrichs

Vote Nay: None

Motion to approve 214 Presidential Drive – Acceptance of Easements approved.

214 PRESIDENTIAL DRIVE – VACATE EASEMENT

Taylor Lindley, Crafton Tull, explained the vacation is requested because the easements were relocated on south side as shown on the plat.

Motion to approve 214 Presidential Drive – Vacate Easement.

Motion: Commissioner Phillips

Second: Commissioner Clark

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

Recuse: Henrichs

Vote Nay: None

Motion to approve 214 Presidential Drive – Vacate Easement approved.

HUGG & HALL STORAGE – CONDITIONAL USE PERMIT

Art Kinnaman asked to be allowed to stack storage containers two high on his property. He was approved for a conditional permit in 2016 for the sale/and or storage of mobile and office containers. The business plans to expand to an additional acre of land and is requesting a conditional use permit to expand the business on the additional acre and to stack the storage containers two high.

PUBLIC HEARING: Open: 6:37pm Closed: 6:38pm

Dean Bitner – 309 Valley Drive – expressed concern about stacking storage containers four high. Stacking storage containers two high was okay.

Motion to approve Hugg & Hall Storage – Conditional Use Permit allowing stacking storage containers two high and using additional property.

Motion: Commissioner Henrichs

Second: Commissioner Walker

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

Vote Nay: None

Motion to approve Hugg & Hall Storage – Conditional Use Permit allowing stacking storage containers two high and using additional property approved.

ROBERT & BETTY FRANKLIN FAMILY REVOCABLE TRUST - REZONE

Brent Johnson requested 202 W. Monroe Ave. be rezoned from R-1 to C-2. In 2017 it was rezoned to family residential. 202 W. Monroe Ave. is surrounded by commercial property on three sides. Residential property is located to the north.

According to Karen Davis, Community Development Director, the 2008 zoning map shows the property to be zoned commercial. The map also shows the properties to the east, west and to the south of this property to be zoned commercial as well. The 2017 adopted zoning map removed the commercial zone and replaced the zone with residential. The most recently adopted 2020 zoning map kept the integrity of the previous zone as residential. The property has frontage to a five lane highway and has commercial uses directly adjacent to the east and west. If rezoned back to commercial, any large scale development approved for the property would be required to screen between the commercial building and the residential neighborhood located to the north of the property.

PUBLIC HEARING: Open: 6:46pm Close: 7:12pm

Ken Springston – 117 Franklin Ave – His house is 100' from this property and he is against rezoning. His reasons were: devaluating his property, lack of privacy in his backyard, noise pollution, traffic and safety, hard to enter/exit Franklin Ave., no traffic light at Franklin Ave. and Monroe.

David Hancock – 210 Valley Drive – He had same concerns as Ken. If the property was developed, it should be done something like what Dr. Olsen did his clinic and parking lot. It should have limited access to the neighborhood and provide screening.

Warren Cook - Opposed

Caroline Logan – 122 Terrace Dr. - It is a rural neighborhood; upkeep of it would remain. She walks 5 times a day. She walked door to door and her neighbors are 40% against rezone. There are a host of options to C-2 and she is opposed for the record.

Carl Clements – 208 Franklin Way – Concerned about traffic; opposed to rezone.

Ashley Hamby - 202 Terrace Dr. – opposed to rezone. She moved there in April 2021 and the lot is beautiful and the foliage of the trees is too. It is a lovely place to walk.

Dean Bitner – 309 Valley Dr. – The shape of the lot, depth of the lot protrudes into the neighborhood. Developer might agree to leave 100-150 feet and put up a barrier. There is a traffic problem and he declined to give his opinion on accepting or opposing the rezone,

Anthony Maddox – 218 Valley Dr. – Neighbors walk and ride bikes and don't get run over. Traffic cuts through the neighborhood without knowing there is no outlet. Opposed to rezone.

Dexter Vanderpool – 312 Franklin Way - People turn around in his driveway, especially at night and he is concerned about safety. Lives in heightened security for safety (not PTSD) and is opposed to rezone.

Jo Lightfoot – 213 Franklin Ave. – There is no exit for traffic in her neighborhood. To go to 71, she has to cross four lanes. Morning sun is blinding to see if traffic is coming. Things are advancing, especially Dixieland extending to the south.

Brian Carroll – 212 Terrace Drive – He agrees with neighbors. No reason a house could not be built on that lot. There is too much traffic and he is opposed to rezoning.

Linda Springston – 17 Franklin Ave. – She has lived 20 years in her home. Traffic is really bad. She hears fire trucks and police sirens because people get injured on 264. People speed down 264 60 mph cutting out from Kum & Go. She is opposed to rezone.

Brett Smith – 121 Terrace Dr. & 209 Terrace Dr. – Agrees with neighbors. Traffic is bad. Neighborhood has older people and kids. Lived in house for 20 years. Opposed to rezone.

Comment from one of the neighbors: Neighbors would like to purchase the property and keep it green.

Motion to approve and recommend to City Council Robert & Betty Franklin Revocable Trust – Rezone.

Motion: Commissioner Clark

Second: Commissioner Henrichs

Vote Aye: Walker, Clark, Mocivnik, Brock, Henrichs

Vote Nay: Kaczoroski

Abstain: Phillips

Motion to approve and recommend to City Council Robert & Betty Franklin Revocable Trust – Rezone approved.

Planning Staff Items: Next PC Meeting 12/06/21

Discussions:

- A. The Lowell Christmas Parade is scheduled for November 20th beginning at 6:00pm. The parade will be followed by the annual tree lighting ceremony in Heritage Park.
- B. The second annual Light-Up-Lowell contest will be held this year. Judging for the contest will be performed by the Lowell Fire Department on December 16th. First, second and third place signs will be placed in the yards of the winners.
- C. Lowell will host a winter craft fair in Ward Nail Park on December 11th from noon until 4:00pm for holiday shopping. The Lovely Winter Market of the Ozarks will have handmade and vintage items available for holiday shopping. Holiday music will be provided.

Committee Reports: None

Adjourn: Motion to adjourn made by Commissioner Henrichs and second by Commissioner Mocivnik. All were in favor. Meeting adjourned at 7:27pm.

ATTEST:

APPROVED:

Elizabeth Estes, City Clerk

Darrin Brock, Chairman