

**Ward Planning Commission
Special Meeting Minutes
April 30, 2019**

Purpose of meeting to set date for a requested re-zone at 512 East Second Street

Call to Order

Chairman Meadows called the meeting to order.

Roll Call

Members

Gary Meadows –present
Sidney “Shane” Phillips – absent
Helen Huitt –present
Tyler Madding – present
Wayne Knight – present
Mike Montalbano – present
William Tremaine - present

Guest

Deborah Staley	Randy Staley
Mayor Charles Gastineau	Tony Reaves
Keith Kilpatrick	Mary Kilpatrick

Chairman Meadows called the meeting to order. Mr. Meadows reminded everyone that at the last regular meeting there was discussion as to the status of the business in the R-1 district called Shear Envy. The business gave the appearance of going from a home occupation to a commercial business. The sign was larger than the home occupation regulations allowed. There was an OPEN neon sign in the window which is not allowed for a home occupation. The driveway gave the appearance of something other than a residential driveway. The social media page gave the appearance that the shop was set up in a more commercial setting. This meeting was called to allow for the Commission to consider setting a re-zoning hearing date for the property at 512 East Second Street and what would be the best re-zoning options. Mr. Meadows reminded everyone that re-zoning the entire frontage on Highway 367 (Second Street) was one of the considerations that is being discussed for the updates of the zoning and subdivision regulations that will be considered this calendar year. But this will not assist the issues for the owners of Shear Envy at this time. Mr. Meadows ask Mayor Gastineau if he wanted to add any other comments. Mayor Gastineau stated that the situation was being addressed by the City and also stated that he had nothing further to share at this time. Mr. Meadows invited Keith and Mary Kilpatrick owners of Shear Envy to speak about their desires and what direction they wanted to take with their business.

Keith and Mary Kilpatrick stated that they had been in business (Shear Envy) for 24 years in the City of Cabot. They have been a resident of the City of Ward since 1990. They were not aware of the violations. They thought that they had worked everything out with Jason McKee the code enforcement officer before opening the business in their home. They stated that the ramp was added to their home for a family member that is disabled. The additional parking space was because of their property was in the flood plain and they needed the additional parking area

for that. They had a RPZ valve installed on April 29th. The large sign has been removed, the large neon open sign has been removed and the extra product has been removed. They have the authorization from the Arkansas Department of Health, Cosmetology Section for a new shop. They believe that they are ADA compliant. The city has issued a permit for a home occupation for a hair salon. They were concerned that if they would not be able to operate during the re-zoning process; this could bankrupt them because this is their only source of income. With the items above that have been taken care of they can operate a home occupation during the rezone process. Mrs. Kilpatrick wanted to talk about other home occupation businesses in Ward and she felt that they were being singled out. Mr. Meadows assured her that they were not and that the purpose of this meeting was to assist them to be within code and if they wanted to be a home occupation business or a commercial business. Mr. Meadows stated that it was time for the Commission Members to discuss this matter. Mrs. Kilpatrick wanted to know if they would be able to ask more questions as needed. She was informed yes they would be able to ask questions.

Chairman Meadows opened the discussion to the Commission Members. Helen Huitt asked if they re-zoned to C-1 would they be allowed to live on the premises. Mr. Meadows said that the Commission could recommend a variance because of the desire to re-zone the entire area. William Tremaine asked to clarify could they continue to operate as a home occupation. Mr. Meadows and Mayor Gastineau both stated that according to the information given by the Kilpatrick's that yes they were able to operate as a home occupation because all items had been corrected at this time. Mrs. Kilpatrick asked if she could put up an open sign. Mr. Meadows said they could not use an open sign. The suggestion was made they could get creative and use another method that did not involve a sign to designate the business was open. There was discussion on which zone to use for the rezone. The most likely to fit this situation and the future would be for the property to be rezoned to a C-1 District. The Kilpatrick's were given an explanation of the rezone process

1. Planning Commission to set a rezone hearing date, time and place
2. The property owner will publish in a paper in circulation in the City of Ward at least 15 days prior to the hearing the meeting time, place and the proposed changes and the property that is to be changed.
3. The property owner shall contact all land owners within 300 feet of the property by certified letter, return receipt specifying the date, time and changes requested 15 days prior to the hearing date.
4. The Return receipt cards are to be turned into the city clerk 5 days prior to the hearing.
5. Signs are to be placed on the property road frontage at least 15 days prior to the hearing and maintained by the property owner. The City will provide the signs. (one sign every 100 feet)

The Kilpatrick's were assured by the Commission members that they were in favor of including waivers for the hard surface parking and the residing in the residence with the business. This would be items that the City Council would have to approve with the rezone request.

Helen Huitt motioned; Wayne Knight seconded to set a rezone hearing on Tuesday, May 28th at 6:30 pm for the property at 513 East Second Street. On voice vote all approved.

Adjournment

Helen Huitt motioned; Wayne Knight seconded to adjourn the meeting. On voice vote all approved. Meeting was adjourned.

Date Accepted: _____

Chairman

Attest:

Secretary