

Minutes of March 2017 Planning Commission Meeting - 03/06/17

Date and time: 03/06/17 06:00 pm to: 03/06/17 07:00 pm
Present: Meeting Secretary, Secretary Leonard, Commissioner Davis,
Commissioner Ramsey, Commissioner Talbott, Commissioner Moffitt,
Chairman Englebrecht, Commissioner Webb
Absent: Mayor Blue, News, Commissioner Stafford
Location: City of Little Flock City Hall

Topics

1. Call Meeting to Order @ 6:00 P.M.

The March 6, 2017 meeting of the City of Little Flock Planning Commission was held in the City of Little Flock City Hall at 6:00 PM and called to order by Chairman, Tracy Englebrecht.

2. Roll Call

Roll call was taken by Secretary, Ellen Leonard.
Present were Troy Davis, Keith Ramsey, Tracy Englebrecht, Luke Moffitt, Ray Webb, and Terry Talbott.
Absent was Diane Stafford.
See attached sign in sheet for additional attendants..

3. Action on Minutes

*Decision A motion was made by Troy Davis to approve the minutes from the February 6, 2017 meeting of the Planning Commission.
The motion was seconded by Keith Ramsey.
The motion passed unanimously.*

4. Unfinished Business

There was no unfinished business.

5. New Business

5-1. Conditional Use Permit - Gary Olsowski, GEO's Firearms, 2211 Andrew Court

Decision Gary Olsowski explained that he wished to start an internet firearms business in his home. He explained that he had recently moved to the area and had a similar business in Altuna, Iowa. He would like to continue the business that he opened there in 2016. The business would sell firearms and related accessories. He explained that the Federal Government requires him to be open to the public for 4 hours a week for inspections. Other than that, he will be open by appointment only. He continued to say that he was on disability and wished to supplement his income, but remain small scale. His sales outside the internet averaged 1.4 sales per month during his first year of business. The bulk of the sales were conducted on gunbroker.com and sites like that. Troy Davis asked about the government's requirement that he be open 4 hours weekly. Gary Olsowski explained that it is required so inspections can be conducted without prior knowledge. Troy Davis asked further, "I understand that your shop needs to be open, but does it have to be open to the public during those times?" Mr. Olsowski stated that he was not planning to accept customers during those hours. Any customers would be by appointment only, and since he was retired, he would only accept appointments for weekdays and not the weekend. Mr. Olsowski stated that he did not want an increase in traffic since this was his home also. Troy Davis clarified that this was only for the sales of guns not gun-smiting or supplies. Mr. Olsowski agreed that this was correct. Terry Talbott asked how many guns he would have on his premises. The answer was 3 to 4 at any one time other than his personal guns. Terry Talbott asked if they were locked up. He replied that they were locked in a safe as required by the Bureau of Alcohol, Tobacco, and Firearms (ATF) guidelines. He went on to explain that he can only conduct sales on the premises, not the yard, or garage, only in the home. Ray Webb asked how much ammunition was on site. "Just my personal ammunition. I don't sell ammunition," Mr. Olsowski replied. "The only accessories that I sell are sites, maps, magazines, and scopes." Keith Ramsey asked how often the ATF comes out to check him. He replied that they didn't the whole year that he was opened in Altuna, Iowa. Tracy Englebrecht said that an ATF agent called and said that the hours of operation had to be posted. "How are these hours posted...on the internet or what?" He answered that it was posted at his residence. Terry Talbott asked how he posted at his residence. "Do you put out a sign on your house?" Terry continued. He said that he posts the sign in his office located in his house. Tracy Englebrecht opened the floor to public comments.

Margaret Wittersheim of 2304 Andrew Ct, spoke that she certainly wanted to support small business, but wanted to share some concerns. She had worries for the safety of the residents and children in the neighborhood. She sited that it could potentially increase robberies. Cash, firearms, and drugs are the most sought after items in burglaries, she stated. A firearms dealer would put a target on our streets. She referred to the question that the Planning Commissioner asked about ATF inspections. According to ATF's own statistics in 2015, traditional gun dealers are inspected on average only once every 17 years, and home dealers once every 30 years. Although there is a governing agency, it is not governed strictly. She commented on the concern for increased law enforcement and increased traffic, The traffic on this cul-de-sac could be a safety concern for the children as well as changing the character of the neighborhood. There could also be a negative effect on property values. She said that several residents could not come tonight, but had signed a petition in opposition to the conditional use permit which she left with us. Troy Davis asked how many had signed the list. 17 individuals signed for 16 addresses. There were 12 houses on the street. The petition was passed around among the Planning Commissioners.

Doug Sherrif of 2219 Andrew Court stated that he was away from work a lot. He doesn't mind the gun sales, but has concerns for the traffic. With 10 grand kids that visit, he worried for their safety. "What is your business plan and executive summary?" he asked concerned for the growth that this business would strive for

in the future. "If this is approved, there is nothing that we can do if there is business growth. What then?" he continued. "1.4 sales doesn't sound like much, but Gary would probably rather see 4 to 5 sales a month or more. It's not so much about the guns, since everyone in this room is probably a gun owner. I'm concerned for the traffic and business growth."

Gary Olsowski asked how he should respond. Tracy Englebrecth said that rather than comment after each speaker, he should wait until the public had finished commenting.

Wesley Simpson on Brush Creek Loop spoke of his concern for the safety of the firearms. He was worried about the rate that firearms are targeted for theft. According to ATF statistics for the year 2015, there were 47 reports of theft of firearms with 2951 individual weapons taken in that year. Therefore he has concerns for the safety of the neighborhood.

Gary Olsowski spoke. He said that he was located next to an elementary school in Altuna, Iowa. The traffic would be very minimal. In the last week, he had seen 3 Fed Ex trucks on the street and none were delivering to his address. He only gets a couple of orders a month. As for advertising the business, it is all word of mouth which is mainly friends and family. Therefore very little traffic concerns would be from this business. His business cards only have a phone number and no address listed. He again mentioned that he was on disability and earning all the money that he cared to earn. "This is more a hobby that I wish to continue," he stated. He did not want the neighborhood to change. The neighborhood did not change in Altuna. Tracy Englebrecth closed public comments.

Tracy Englebrecth asked the Planning Commissioners if there were any additional comments. Troy Davis thanked him for applying for a conditional use permit and being forth coming about the business that he planned to conduct in his home. Troy pointed out that we had received a letter from Charles Marshall that speaks of the covenants in the neighborhood. Troy Davis stated that while there are covenants, they are not something that the Planning Commission can enforce since they are concerning the government of a private entity. He briefly read aloud the covenants and clarified that the only sign would be the one hanging inside the office in Gary Olsowski's home. As far as the traffic, it doesn't sound like you will have more than a couple of deliveries a month. Private individuals are allowed to accept deliveries at their homes. Troy went on to say that this is a tough decision and he was on the fence about his decision. The street is a cul-de-sac, and there are concerns about traffic and safety. Ray Webb said that he was also on the fence. Troy Davis asked, "Do you have to have this open to the public those 4 hours a week?" Gary Olsowski said that he had no intention of accepting appointments on Sunday or after dark. There are going to be no appointments taken before 9 AM and none after 4 PM. Troy Davis referred back to the application form. "The form says daylight hours which could go on till 9 PM and also shows that you are open to the public on Saturday for 4 hours." Gary Olsowski said that he had no intention of taking appointments after 4 PM and when he filled out the original application, he just picked a day to be open those 4 hours. He had since decided to use Friday as his day to be open to the public. He was questioned again about signage which he stated would be only in his indoor office. Luke Moffitt asked about advertising. "If I go to the ATF website and search for a dealer in this area, would your name pop up?" Gary said that he could ask that his name not be placed on the roster, but that is something that the ATF handles. Luke Moffitt said that he also had children and was concerned for the safety since guns are certainly on a thief's radar. Luke said that he would have a real problem if an individual could go to a website and pull your name up with an address. There are a lot of guns in North West Arkansas. Luke stated that he was also on the fence with this decision. There are several components here that scare

me. "I'm all for small business and people making a living," Luke Moffitt said. Troy Davis asked how many people even lived on Andrew Court. There were 12 homes. Terry Talbott said that some of the individuals here get a fair number of deliveries themselves.

Doug Sherriff asked what type of license classification Gary Olsowski was applying for. Gary answered that there are 7 types of license. His license was to buy and sell guns only. Doug Sherriff wondered if once a person passed a background check and made an appointment to purchase a gun, who was riding in the car as a passenger driving into the neighborhood? "What if the passenger is looking at all of our houses to possibly break into them? I wouldn't mind buying a gun from him, if he'd sell me one, but I am concerned about the individuals that this business would attract into my neighborhood."

Margaret Wittersheim asked for clarification about his name being on an internet listing. "It is the wholesale dealer listing that we are talking about here, right? I went to the ATF website and looked for dealers in Rogers and found 39 dealers giving names, addresses, and phone numbers." Luke Moffitt said that a person could probably find that sort of information out anyway with the internet these days. Terry Talbott asked if appointments would meet at his house or could they meet you elsewhere. Gary Olsowski said that he had to take them at his home.

Doug Sherriff asked about whether he sold ammo. Gary Olsowski said that he did not sell ammo. Gary Olsowski said that over the past year, he only sold to family or close friends and anticipated the same here.

Mike Anglin of 2310 Andrew Court said that he has lived on Andrew Court for 23 years. "What's keeping a person who is buying the gun from having ammo in his car and just start shooting? Do you preform the background check before the actual sale?" Gary said that he does the check at the time of the sale. If they have a concealed weapons permit, they are automatically approved. Tracy Englebrecht asked if he did the check electronically. Gary Olsowski stated that he does the check over the phone but has never had to actually do this since every gun has gone to an individual that had a carry permit. Luke Moffitt wanted to know if the carry permit could be revoked. It was explained that the permit holder can renew the permit and must go through a back ground check to get them. Luke asked if he calls to see if the permit is still good and has not been revoked should someone show a concealed weapons permit to Mr. Olsowski to purchase a gun. Mr. Olsowski said that he did not call to check on the status if he were shown a carry permit. "Could you make a call to check?" Luke asked. "No gun dealer does that, but I guess I could," Gary answered. Troy Davis brought up the discrepancy between the hours of operation listed on the application and the statements made in a phone call from the ATF agent Ralph Hill.

Ray Webb asked about the safe in which the guns are stored. "Is the safe large and bolted to the ground?" Gary replied that it was so large that 3 men could not lift it. Ray Webb asked if he would consider a home security system. Mr. Olsowski said that he would do it if it would help to ease minds.

Luke Moffitt apologized for being a few minutes late, but wondered if there had been discussion about the ATF requirements to be a dealer for this sort of business. Gary Olsowski said that he could not be a felon, and the guns had to be stored in a safe. You must provide a lock for each firearm that you sell. Luke Moffitt asked if the AFT inspected a dealer before they issue the license. Gary stated that he had been interviewed at his home by 2 agents that cleared the home for this business. Tracy Englebrecht asked if the police chief wanted him to come before the Planning Commission. He replied that he is required to get the Chief of Police or Sheriff to sign off on the ATF permit application and chose to have Chief Martinez sign off on this application. Terry Talbott said that he was for

this and would like to give it a shot to see how it goes. Terry Talbott said that he would like to make a motion to approve it. Keith Ramsey said that because of the negative impact with the neighbors he wanted a pretty short time limitation placed on this. He thought that in 6 months would be a good time limitation because we could review the situation. He also said that if there are complaints and concerns, the Planning Commission has the option to call the conditional use permit holder back for a review and possibly resend the conditional use permit. Gary Olsowski said that he totally understood the concerns of the neighbors, He hoped that should this get approved that the neighbors see that the impact is minimal. Keith Ramsey stated that he thought additional restrictions be made on the motion such as having his name removed from the website. Luke Moffitt agreed. Troy stated that we can add additional restrictions as needed. Tracy Englebrecht added that he thought a home security system added to the motion would be prudent. Ray Webb wanted the addition that ammunition not be sold at the residence. Luke Moffitt added that there be no outside advertising including the name removed from the website and the limitation to the type of license that he currently has in place. "What type of license is that?" Gary Olsowski stated that he thought it was a class 1, but wasn't certain. "It is the type that only allows for buying and selling. I think it is class 1," Gary stated. Tracy Englebrecht asked if he could clarify that and get back to us about that. He was told that he would clarify that. Doug Sherriff stated that there was a class of license, and a type of license and an SOP, and basically it is more involved than just going out there to sell a pistol. Troy Davis stated that we could make the provision that it be to buy and sell firearms only. Tracy Englebrecht added assembled firearms only. Doug Sherriff asked if this rezones the property. Troy Davis said that it did not and clarified that it was a conditional use permit for that property only and should he move or not follow any of these conditions set forth, the conditional use permit would be closed. Margaret Wittersheim asked if this business would need to be disclosed if she sold her home. Troy Davis stated that would be a question for your realtor. Secretary Ellen Leonard stated, "I have a motion by Terry Talbott to approve a conditional use permit for GEO Firearms for 6 months based on the conditions as set forth in the narrative application with the additions that:

- (1) there be no outside advertising and his name be removed from the ATF dealer website.
- (2) there be no ammunition sales from the resident.
- (3) there be the addition of a home security system placed on the residence.
- (4) that the type of sales be limited to whatever is permitted under the class of licensing that only allows for buying and selling of assembled firearms only.

Ray Webb seconded the motion.
Voting for the motion were Terry Talbott, Keith Ramsey, Ray Webb, and Tracy Englebrecht.
Voting Against the motion was Luke Moffitt and Troy Davis.
The motion passed 4 to 2.

Doug Sherriff asked to speak again. He stated that he looked a long time to find the perfect place to live and it was here in Little Flock. "Gary comes along and finds this same perfect place on my street to put in a business, and we are going to OK this when there is property all over Benton County that he could have a gun shop without messing with my perfect neighborhood. This is a residential neighborhood There are literally 100's of places in Benton Co. that a person could set up camp to do this sort of thing. No offense to Gary, but why in my residential neighborhood?" he said.

Margaret Wittersheim said that this whole thing is very disheartening. "We had a large turnout against this. We had a petition signed by those who could not be here that were against it, but none of that mattered. I challenge the value of a public hearing if the comments of the public don't matter. I have children that I'm concerned about. As stated, this is the perfect house on the perfect street to live,

not conduct commercial business. Nobody in the neighborhood wants this and you just approved it. Shame on you! Are you elected officials?" she stated.

5-2. Boundless Grace Church - Large Scale Development - 222 Little Flock Drive

Decision *Josh Mitton, of Mitton Engineering, who is the civil engineer for this project spoke on behalf of the Boundless Grace Church large scale development. This project involves a 5,300 square foot addition for a new worship center for the church and an additional 33 parking spaces in the back, and another driveway onto Little Flock Drive on the east side of the church. Tracy Englebrecht questioned the wording on the plans as they referred to the driveway. Josh Mitton explained that it was listed in that manner so that contractors could split out that portion in bidding and help with costs for the budget. Chairman Englebrecht asked how much sanctuary space would this plan entail since there is code covering the amount of parking based on this. "Is it the 5,300 square feet?" asked Tracy. Josh Mitton explained that it would be roughly 5,000 square feet since there is also a family life center being built. Tracy looked at the code which stated that there should be a parking space for every 40 square feet of sanctuary space. Mr. Mitton asked if that included seating space and stage area. Tracy Englebrecht said that he felt the intent was actual seating area. Josh Mitton said that other cities that he worked with have it set at one parking space per every 4 seats, and there are 260 seats. Troy Davis said that we need that square footage to come up with that figure. Troy also asked if this driveway was a second phase to the project. Josh Mitton said that it is being bid on now and is included in this project. Josh Ramsey said that he could pull out an additional 60 seats. Terry Talbott asked what was behind the original church. Josh Mitton said that the unshaded area was original parking. Josh Ramsey explained that the sewer was running across the street to the church from Rogers. Tracy Englebrecht said that Tim Sorey had looked over this and had no significant problems with it. There was a concern about drainage. Josh Ramsey said that these plans were overstated and drainage would not be a problem. The septic system will be eliminated and sewer will be hooked on to Rogers. Troy Davis asked if the City of Rogers had provided a letter from Rogers utilities allowing for this and it was necessary that we be provided with this letter. Josh Ramsey clarified that they will get water and fire protection from Rogers. They will be tying into the water line on 2nd Street and they will not cross other property owner's land. Therefore there would not be the need to obtain private easements. Paul Cobb interjected that there had been discussion about crossing Hwy 94, but decided to stay on their own property. Troy Davis asked about signage. Josh Ramsey said that the sign would be a cross that was lit by external spot lights. The sign does not say Boundless Grace. Troy Davis asked about siding. Josh Mitton said that he was a civil engineer and could not answer that question, but knew that they wanted this addition to look nice. Troy Davis said that we have no specifications regarding the exterior of buildings, but since this is a major gateway into our community, we would like this to be attractive. Josh Ramsey explained that there was a whole new front on the family life center with a covered walk way. Troy Davis asked if the building was within the set back. Troy asked about the eastern property line since there was a lot line adjustment a few years ago. The survey showed this information. Troy Davis asked if a sprinkler system was in the whole area. A sprinkler system will be in the new sanctuary and a fire wall is in the rest of the building, he was told. Troy asked if there was a driveway on the east side or was that additional parking. Josh Mitton said that it was a driveway to help with congestion. Troy Davis asked that they review the setback to make certain that it complies. Troy asked about the total and proposed parking spaces. Tracey Englebrecht said there were 86 total parking spaces*

putting them at a total of 3,440 square feet sanctuary space. Troy asked for interior plans. They were handed to him. Tracy said that we need the number of parking spaces and the square footage of the sanctuary somewhere on this map. Mr. Mitton said that 8 to 10 more parking spaces could be added to the south of the building. Tracy Englebrecht said that he would prefer more parking spaces provided in this manner rather than going the variance route. In conclusion, a letter from the city of Rogers about the water, the square footage of sanctuary space for parking space calculation, and an adjustment for the set back are necessary. Troy Davis requested that they get with Tim Sorey, City Engineer, to make certain that drainage is not an issue since it crosses a major road. A motion was made by Troy Davis to approve the Boundless Grace large scale development pending a letter from the City of Rogers concerning sewer hookups, the square footage of the sanctuary for adequate parking, and that setbacks are met. The motion was seconded by Keith Ramsey. The motion passed unanimously.

6. Adjourn

Decision Keith Ramsey made a motion to adjourn.
Ray Webb seconded the motion.
The motion passed unanimously
The meeting was adjourned.

Respectfully Submitted,


Ellen Leonard, Secretary


Tracy Englebrecht, Chairman