

**VAN BUREN PLANNING COMMISSION
MEETING HELD
APRIL 5, 2005**

The Van Buren Planning Commission held their monthly meeting Tuesday, April 5, 2005 at 7:00 P.M., in the City Council Room at the Van Buren Municipal Complex.

MEMBERS PRESENT:

**BOB FREEMAN, CHAIRMAN
PHILIP BAGBY, VICE-CHAIR
DORVAN WILEY
FRANK NEWMAN
ANDY DIBBLE**

MEMBERS ABSENT:

**LYN BROWN
MARK EVANS
MIKE BURGESS
SUE MOORE**

OTHERS PRESENT:

**CAMI BROWN, REC. SEC.
DAVID MARTIN
BRAD BALDWIN
MIKE MILOSAV
AL PREIUR
DAVID FORD
LEE HOGAN
JIMMY BELL
REX YANCY
GEORGE SMITH**

The following items were on the agenda:

PLANNING COMMISSION CONVENES:

- 1. Approval of the minutes from the last Planning Commission Meeting**

PLANNING COMMISSION ADJOURNS

BOARD OF ADJUSTMENTS CONVENES:

- 2. Variance Request by Terrence L. and Angel L. Hallauer
Represented by Jimmy Bell and Janice Riggs
Change the front yard setback from the required 25 feet
To 23.3 feet on Lot 14, Oliver Springs Heights Phase II
1302 Timberland Drive, Van Buren, Arkansas**

**BOARD OF ADJUSTMENTS ADJOURNS
PLANNING COMMISSION CONVENES:**

- 3. Public Hearing on the proposed adoption of the new Plumbing, Electrical And HVAC codes.**
- 4. Public Hearing on Zoning of Newly Annexed Lands. Lands currently Zoned as “Open”.**
- 5. Discussion on truck weight ordinance for the City of Van Buren.**
- 6. Any other business that comes before the Commission.**

PLANNING COMMISSION CONVENES:

Bob Freeman called the meeting to order, and the first item on the agenda was approval of the minutes of the last meeting. A motion was made by Dorvan Wiley to accept the minutes as written. Motion was seconded by Philip Bagby and the motion carried with a unanimous vote.

**PLANNING COMMISSION ADJOURNS
BOARD OF ADJUSTMENTS CONVENES:**

Next item on the agenda was a Variance Request by Terrance L. and Angel L. Hallauer, represented by Jimmy Bell, to change the front yard setback from the required 25 feet to 23.3 feet on Lot 14, Oliver Springs Heights Phase II, 1302 Timberland Drive, Van Buren, Arkansas.

Jimmy Bell commented that the house was built by Joe Sirmon in 2004, and was purchased by the Hallauer’s approximately 45 days ago. The house encroaches 1.6 feet in the building setback, and the request was to correct this problem. A motion was made by Dorvan Wiley to approve. The motion was seconded by Frank Newman, and the motion carried with a unanimous vote.

**BOARD OF ADJUSTMENTS ADJOURNS
PLANNING COMMISSION CONVENES:**

Next item on the agenda was Public Hearing on the proposed adoption of the new Plumbing, Electrical and HVAC codes. David Martin commented that all codes have been adopted by State of Arkansas. The National Electric Code would be the NEC 2005, with our local amendments kept in the codes. The other codes included the 2003 Arkansas Plumbing Code and the 2003 Arkansas Mechanical Code. Mr. Martin also commented these codes were adopted by the state in January, and are being practiced, but codes need to be adopted by the City Council. Dorvan Wiley asked David Martin if everyone is practicing the codes at this point, but codes had

not been improved for the Inspection Department to inspect at that level, to which David Martin agreed this was correct. Bob Freeman asked David Martin if he saw any major impacts as a result of adopting the codes, to which Mr. Martin replied no, since the codes have been in place since January. With no comments from anyone present at this hearing, a motion was made by Andy Dibble to adopt the codes. Philip Bagby provided a second to the motion, and the motion for the adoption of the new codes carried with a unanimous vote.

Next item up on the agenda was Public Hearing on Zoning of Newly Annexed Lands, which currently were zoned "Open". Bob Freeman commented this was the only area in the Industrial Park still zoned "Open", and that the Planning Commission sent out letters in the month of March to the parcel owners notifying them of this hearing. The letter included descriptions of the various zones. The goal is to try and rezone the properties to fit either present use or projected use. Mr. Freeman also commented several property owners were present at the hearing, and he asked the property owners to step up to the podium and speak into the microphone so their comments could be picked up on tape for the minutes of the meeting. Bob Freeman also pointed out the entire area being discussed could be viewed upon the wall, as the Commission used a projection screen to put the map up for viewing during the discussion. Mr. Freeman commented that the Planning Commission could not spot zone the properties, and that, when zoned, this would include making the properties zoning contiguous with the surrounding properties that were already zoned. Bob Freeman commented that if the property had an existing use, and its zoning regulations did not include this use, the owner(s) would not have to then change the use of the property. The purpose of this hearing was to try and facilitate future use of the properties.

A.Z. Hudson commented that he didn't understand about the zoning. Philip Bagby explained that when you bring new land, if the landowners have a particular use for the property, if they want to continue on with the way the land is being used, or if they have an idea of what they want to use the land for in the future, this hearing is their opportunity to have a say in the way the land is zoned. Mr. Bagby also commented if they don't participate at this stage, then when the City chooses to put a zoning on there, then those folks not participating at this stage will not be able to complain about what zoning the properties receive. A.Z. Hudson asked what kind of time frame that the City was looking at for zoning the properties, and Philip Bagby commented that the City was probably looking at doing this in the next few months. Counselor Bagby also explained that the Planning Commission was conducting this Public Hearing to get the input from the property owners and concerned citizens to make a recommendation to the City Council, as the Council will be the body that zones this open land. Bob Freeman commented that after the land is zoned, the owners will be able to come before the Planning Commission and City Council to ask for a re-zone if they choose to.

A. Z. Hudson commented he would like to use his land as it is being used at this time, I-2 type land use, mining.

George Smith commented he has residence and business on his property at this time, and he would like to continue on with this.

Rex Yancy commented his property is for sale, and would like to have it as unrestricted as possible so that potential buyers could use the property for whatever it is they have in mind. If it doesn't sell, he would like to be as flexible as he could have it. He commented he was open for suggestions. His previous land use was commercial but may be manufacturing in the future.

David Ford commented he bought his property and built his home there. He has cattle there, also. He doesn't intend to sell his property. Mr. Ford would like to continue on as he is. He would like to be able to add a pond, or barn, if he so decided. Mr. Ford is a veterinarian and may want to open a veterinary clinic in the future.

Bob Freeman asked George Smith to step back up to the microphone. Mr. Freeman asked Mr. Smith if he had a preference on the zoning of his property, and he commented that he just wanted to be able to conduct his business and continue on, and maybe his children be able to go back and rezone later on. He currently operates his construction business from this property.

Mike Milosav commented he has had business there on his property since 1965, and he doesn't plan on leaving, and C-2 would be the zoning he would be looking at.

Philip Bagby commented that the Planning Commission was trying to stay one step ahead by holding this Public Hearing to get some input, and come up with a plan to submit to City Council as to what the Planning Commission thinks would be an orderly way to do the zoning of this land.

Rex Yancy commented that he would like to see his property be zoned I-1 as a good starting point.

Bob Freeman commented that the Planning Commission would look the suggestions over, and another Public Hearing would probably be held. A.Z. Hudson asked if owners would be notified, and Bob Freeman commented that the owners would be notified before any action was taken.

Next item on the agenda was a discussion about re-zoning property at 30th Street and May Street in Van Buren, owner Lee Hogan. Mr. Hogan wanted to know if the Planning Commission would look at possibly rezoning his property from R-1 to C-2. After studying the property and the surrounding land, the Planning Commission commented to Mr. Hogan that the rezone would be impossible, as this would be what is called spot zoning, which is against the law in the state of Arkansas.

Next item up was a discussion of truck weight ordinance for the City of Van Buren. After some discussion, Dorvan Wiley suggested a cover letter asking local businesses using trucks, such as concrete trucks, trash trucks, etc., for some input.

Other points brought up during this discussion were enforcement issues, delivery issues, weight limit issues, and moving vans. After some discussion on this issue, the Commission decided to table the issue until a later date.

Next on the agenda was Conditional Use Permit that had been issued to Sherry Ramsey by the City of Van Buren for a daycare in her home. Mrs. Ramsey surrendered her license to the state of Arkansas after allegations of abuse against her. Philip Bagby made a motion to recind Sherry Ramsey's Conditional Use Permit. The motion was seconded by Frank Newman, and the motion carried with a unanimous vote. The Planning Commission agreed proper notification needed to be sent to Sherry Ramsey by U.S. Postal Service.

With no further business, Philip Bagby made a motion to adjourn. The motion was seconded by Frank Newman, and the motion carried with a unanimous vote. The meeting was adjourned.

Bob Freeman, Chairman

Cami Brown, Rec. Secretary