

**PLANNING COMMISSION MEETING MINUTES
DECEMBER 4, 2007**

The Van Buren Planning Commission held its monthly meeting Tuesday, December 4, 2007 at 7:00 P.M. in the City Council Room of the Municipal Complex. The following items were on the agenda:

1. Approval of minutes from last meeting

PLANNING COMMISSION ADJOURNS
BOARD OF ADJUSTMENTS CONVENES:

2. Variance request for Verna Bowen, represented by Ricky Hill of Satterfield Land Surveyors, Inc., for 2 separate variances for the Same property located at 612 North 16th Street, Van Buren, AR
3. Rezone request for Bob Redding, represented by Ricky Hill of Satterfield Land Surveyors, Inc., for rezone of property known As Lots 1 & 10, Block 2, Bushmiaer Addition to the Town of Van Buren, AR, with the address to be determined by WAPD. This rezone request is for the purpose of construction of an 8-unit apartment complex

BOARD OF ADJUSTMENTS ADJOURNS
PLANNING COMMISSION CONVENES:

4. Discussion of H-1 zoning that was created in 1980. NOTE: This was never incorporated into the Zoning Regs, and needs to be reviewed.
5. Recommendation for open position on the Planning Commission
6. Any other business that comes before this Commission

PRESENT: Andrew Dibble, Chairman
Philip Bagby, Co-Chairman
Woody Nelson
Frank Newman
Sue Moore
Mark Evans
John Symonds
Dorvan Wiley

OTHERS PRESENT: Ricky Hill
Maryl Koeth

Sheila Bell
Kenneth Fry, PAC
Buddy Lloyd
Dwight Hopkins, HDC Chairman
Brad Baldwin, City Engineer
Don Jenkins, City Atty.
David Martin, Chief Bldg. Inspector

First item on the agenda was approval of the minutes from the last meeting. A motion was made by John Symonds to accept the minutes as written; motion was given a second by Sue Moore, and the motion carried with a unanimous vote.

PLANNING COMMISSION ADJOURNS
BOARD OF ADJUSTMENTS CONVENES:

Next was a variance request for Verna Bowen represented by Ricky Hill of Satterfield Land Surveyors, Inc. for 2 separate variances for the same property located at 612 North 16th Street. Mr. Hill commented this was a little complicated and unique, as Mrs. Bowen were requesting the variances in order to build a garage on their property with an apartment above it, and this would cause some setback problems. The unique situation stems from the daughter that needs assisted living arrangements. There is a granddaughter that would be living there as well. The daughter is capable of living on her own, but is ill and needs help with keeping up with her medication and a few other issues. The parents want to allow her to live on her own, but keep her close enough that they are there to help as needed. Mr. Hill commented they want to face this structure toward their house, and that the way the original house is facing this will keep the setbacks from meeting requirements. Mr. Hill also commented that the owners are of the understanding that once the daughter no longer resides in this apartment it can no longer be used for this purpose, and have no problem with that. Frank Newman asked if there were any comments from neighbors to which David Martin replied there had been no response from the public on this variance request. Philip Bagby brought up the possibility as doing a Conditional Use Permit on this. After some discussion Chairman Andrew Dibble asked the question to confirm that no one had called to comment on this variance request on way or another, to which David Martin responded no. At this time Philip Bagby made a motion to approve this variance, with Woody Nelson giving the motion a second. City Attorney Don Jenkins commented he could put a notation in the resolution to restrict the owners from renting the apartment out when the daughter no longer resides there. At this time Philip Bagby made a motion to amend the first motion to include this notation, and Woody Nelson seconded this motion. This motion for approval of this variance request carried with a unanimous vote.

Next consideration was a rezone request for Bob Redding, represented by Ricky Hill of Satterfield Land Surveyors, Inc. for a rezone of property located in Bushmaier Addition, Lots 1 & 10, Block 2, with the address to be determined by WAPD. This request is for the purpose of construction of an 8-unit apartment complex. After a brief discussion, a motion was made by Philip Bagby to approve this rezone. This motion was given a second by Sue Moore, and this motion carried with the vote being 7 for, and one member, Mark Evans, abstaining from the vote.

BOARD OF ADJUSTMENTS ADJOURNS
PLANNING COMMISSION CONVENES:

Next item for discussion and consideration was H-1 zoning that was created in 1980 and never incorporated into the zoning regulations. Brad Baldwin commented the H-1 zone was created in 1980, and never incorporated into the regs. He commented the only place we found the ordinance was in HDC papers. Since zoning is Planning Commission "territory" Brad added this ordinance to the zoning regs. At this time he clarified this zone was Main Street, not the Courthouse, which is in a government zone, and not the Riverfront, which is in I-2 zone. He commented this is an overlay zone, and allows C-2 use with the allowance of residential use in the zone. John Symonds commented that after an AHPP conference attended by HDC and staff, another reason for this zoning regulation for the Historic District was from legal standpoint, this district has to be designated as part of the city zoning ordinance if you ever get into some legal ramifications.

At this time Dwight Hopkins, Chairman of the Historic District Commission, addressed the Planning Commission on this matter. Mr. Hopkins commented that he, like everyone else, was not sure why this ordinance was put into place back in 1980. He also commented just like other ordinances and codes, if we don't keep them up-to-date, they would cause problems. Mr. Hopkins commented that issue of residential use in the Historic District has been swept under the rug for twenty years, and the time has come to deal with it. Mr. Hopkins pointed out that there are people wanting to invest substantial money into our Historic District, and they are more-or-less handcuffed by first, an ordinance that was never fully put into effect, and secondly, if it put into effect now, would be faulty. Chairman Hopkins said after talking with Maryl Koeth of the A & P Commission, Sheila Bell, who represents Fred Williams, an investor in three properties in the Historic District, and several other people that have an interest in downtown, that there is a need to have this ordinance in place to separate the commercial from the pure historic district, in as much as keeping the residential option in there, but the ordinance needs to be re-worded, to reflect

that we allow residential upstairs, not putting stipulations with it that you have to own a business, or anything else, just that you have residential or you don't. Once they have residential upstairs, then it is up to the owner to meet the codes and requirements that are in effect to have that residential upstairs. He commented the Historic District Commission does not control this, and the Planning Commission does not control this, and this stipulation of following the code would take both Commissions out of it. Mr. Hopkins also commented that right now, if someone wanted to pursue this, and they wanted to have a single-family residence upstairs, and rent out the building downstairs, they would have to come to the Planning Commission and request a variance every time, and this should not be necessary. Philip Bagby commented one thing that would be helpful would be if the HDC would say given this section of the zoning ordinance, these are the areas we see problems, and then draft what the Commission would like to see put into place and bring this back to the Planning Commission. The Planning Commission could set a public hearing on it, make a suggestion to the City Council on it, and although it might take a couple of months, it would get some of the problems ironed out. Mr. Hopkins commented this is exactly what he would like to see happen. He went on to say the Commission could make a recommendation and send a draft to the Planning Commission, they could work through it, send it on to City Council, and these Commissions are done with that. Dorvan Wiley commented that this was passed on former Mayor Gene Bell's "watch" and someone could visit with him and probably determine why this ordinance was passed. After some discussion, it was determined the "why" was not the issue. The ordinance is now in place, and needs to be updated. Dwight Hopkins commented that not only does this ordinance need to be updated, but the ordinance the Historic District Commission acts under has a lot of problems and needs to be updated, as well. He pointed out that a lot of these things were written before the State of Arkansas started changing some things. Mr. Hopkins commented that these two items, along with a proposed overlay district that would give the HDC a buffer around the District to enable the Commission to address some other issues, are all items that the HDC would like to draft some ideas for the Planning Commission to review and make recommendations on.

At this time, City Attorney Don Jenkins commented that in discussions with Dwight Hopkins and the Commission is the fact the HDC has no way to enforce the Certificate of Appropriateness, and if that could be added to this ordinance, and give the City Attorney's office some way to enforce these COA's. This would give the Commission an option if individuals in the Historic District were not in compliance. There has been no enforcement for the Commission to depend on since the Commission's beginning. Dwight Hopkins commented another issue in the past has been there is no way of tracking when a business opens in the Historic District. Andrew Dibble asked if the Historic District

Commission could put together some information for the Planning Commission by the January meeting. Mr. Hopkins commented the HDC was to meet the following week and would put this information together for the next Planning Commission meeting.

Next item for discussion was a house on Hwy. 59 North that is up for sale, that sits on property zoned C-1. David Martin commented the use of the house will be a commercial use, but the garage that sits in the NW corner of the property does not meet today's setback requirements. The structure is at 6 ½ feet instead of the 10 feet the City now requires. The question is do they need a variance to sell this piece of property. At the same time, David Martin brought a copy of the Administrative Variance Ordinance to the Planning Commission to ask if they would consider updating the ordinance so that every time this comes up, since the incorporation of the new setbacks, the people wouldn't have to come in front of the Planning Commission requesting a variance. Mr. Martin commented that the variance process would have to be used on existing commercial property that is not in compliance with the new setback requirements. After some discussion, it was decided the Planning Commission should visit making some changes to the Administrative Variance, but for this particular property, until that was reviewed and approved by City Council, this process would not be possible. The owners of this property could get a variance request processed in a timelier manner, and the owner decided to take that avenue.

Next item up for consideration in front of this Commission was recommendation on filling the open position on the Planning Commission. Mr. Dibble commented that Buddy Loyd had voiced interest, and Jay White, whose name has been on the list of candidates since the position opened up, and left the floor open for any other candidates anyone had in mind. This issue has been tabled for two months. Philip Bagby commented Curt Harris had contacted him to say he still had an interest in the position. Philip made a motion to submit Curt Harris for the position. After some discussion, the Commission decided to ask the three candidates, Curt Harris, Buddy Loyd, and Jay White to submit a letter as to why they want to serve on the Planning Commission, and what they felt their qualifications are. The Commission would then review the letters and make a recommendation to the City Council at that time. This matter was tabled until the next meeting with the understanding the candidates would be contacted by Cami Brown and asked to submit a letter if still interested.

With no other business, this meeting was adjourned.

Andrew Dibble, Chairman

Cami L. Brown, Rec. Sec.