

PLANNING COMMISSION MEETING

MAY 6, 2008

The Van Buren Planning Commission held its monthly meeting Tuesday, May 6, 2008 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. Conditional Use Permit Application by Harold Hamm Construction, Inc. & Jimmy Bell Real Estate Company
For use of model home as real estate branch office, location 309 Boulder Drive, Van Buren, Arkansas
3. Conditional Use Permit Application by Michaella Hughes
For the purpose of child care in family home located at 3 Azure Hills Drive, Van Buren, Arkansas
4. Rezone request by Dan Comstock for property located at 208 Fayetteville Road from R-2 to R-3 for the purpose of constructing a tri-plex at this location
5. Variance Request by Linda K. Hill for property located at 712 Lisa Lane West, Lot 19 Creekmore Heights, for the purpose of constructing a storage building along the rear of the existing Residence

BOARD OF ADJUSTMENS ADJOURNS
PLANNING COMMISSION RECONVENES:

6. Review of alley closing request that has been reviewed by Subdivision, and has been recommended on to Planning Commission for discussion
7. Any other business that comes before this Commission

PRESENT: Philip Bagby, Co-Chairman
Jay White

John Symonds
Mark Evans
Cami Brown, Rec. Sec.
Sue Moore
Frank Newman
David Martin, Chief Bldg. Inspector
Brad Baldwin, City Engineer

ABSENT: Andrew Dibble, Chairman
Dorvan Wiley
Woody Nelson

OTHERS PRESENT: Paul Bauldwin
Donna & Phyllis Bender
Michaela Hughes
Janet Atchley
Ricky Hill
Jimmy G. Bell

Co-Chairman Philip Bagby called this meeting to order at 7:00 P.M. First item for consideration was minutes from the last meeting. Mark Evans made a motion to accept the minutes as written, and John Symonds gave the motion a second. The motion carried with a unanimous vote.

PLANNING COMMISSION ADJOURNS
BOARD OF ADJUSTMENTS CONVENES:

The next item for consideration was conditional use permit application by Harold Hamm Construction, Inc. & Jimmy Bell Real Estate Company, for use of a model home as real estate branch office, location at 309 Boulder Drive, Van Buren, Arkansas. Jimmy Bell was present for discussion, and supplied photos of the home being considered, and explained this is the fourth house to be used in this manner. Mr. Bell commented under normal conditions, they could be out of the home in 12 months. Frank Newman made a motion to approve this request, which was given a second by Sue Moore. This motion carried with a unanimous decision.

Next was consideration for a conditional use permit to run a daycare from the home of Michaela Hughes located at 3 Azure Hills Blvd., Van Buren, Arkansas. After reviewing Mrs. Hughes application, John Symonds made a motion to approve this application. Mark Evans gave the motion a second, and the motion carried with a unanimous decision.

Next item for consideration was a rezone request by Dan Comstock for property located at 208 Fayetteville Road from R-2 to R-3 for the purpose of constructing a tri-plex at this location. Ricky Hill was representing this rezone. After reviewing the application and verifying there were no comments from the public on this, Sue Moore made a motion to approve, Frank Newman seconded the motion and the motion carried with a unanimous vote.

A variance request was the next item for consideration, request by Linda K. Hill for property located at 712 Lisa Lane West, Lot 19, Creekmore Heights for the purpose of constructing a storage building along the rear of the existing residence. Mark Evans asked why they wanted to locate on the property line, and Mr. Bender, a cousin of Mrs. Hill's, commented they wished to move this back to keep it out of the middle of the yard. Mr. Evans asked Mr. Bender if this was the only hardship, keeping the building out of the middle of the yard, to which Mr. Bender commented yes. Mr. Bender also commented this would be a permanent brick building that would match the house, and that it would still be two (2) feet from the utilities located on the property. At this time Sue Moore made a motion to approve this request. The motion received a second from Frank Newman, and the motion received a 4 to 1 vote, with Mark Evans voting against the approval of this application.

BOARD OF ADJUSTMENTS ADJOURNS PLANNING COMMISSION RECONVENES:

Next item for review was alley closing request that had been reviewed by Subdivision and recommended on to Planning Commission for discussion. Philip Bagby commented on a copy of a procedure of alley closings for the City of Van Buren. Mr. Baldwin commented this is derived from state law, and all the city is doing is adding a little time frame to this for the city to advise in the matter, since often times they are closed with the stroke of the pen, and if easements exist, you have an issue. Frank Newman motioned to move this new procedure to City Council for consideration. This was given a second by John Symonds and carried a unanimous vote.

Next for discussion was Bouren Alley closing request that is on the table. Mr. Bagby commented since this review procedure is not in place, the Commission could not vote on it, but it will be in front of the City Council.

Citizen Paul Bauldwin came to address the Commission about the permits being requested to do if you were only working on your roof. Mr. Bauldwin commented on a couple of issues he did not understand and was not satisfied with. Mr. Bagby then commented he wanted to make sure we were communicating, and that he thought he was hearing two issues, and wanted to

verify this. The first issue he understood Mr. Baldwin to have was that he as individual was being required to comply with the same standards as a contractor is, to which Mr. Baldwin replied yes. Mr. Bagby then commented the second issue was that a neighbor was able to get several permits and charged one fee for those permits, to which Mr. Baldwin commented this was right. Chairman Bagby commented that on the second issue, the individual that made that error had been reprimanded, but the city decided not to go back and correct those fees. Mr. Bagby told Mr. Baldwin his neighbors got by too cheaply, but clerical errors happen, and it is unfortunate, but mistakes are made. On the first issue, absolutely everyone, if you are doing a certain amount of work on your home, because it is a safety issue, is required to comply with certain standards. Mr. Bagby commented that he knew this was frustrating for Mr. Baldwin, and if he chose to he could push the issue, but the only recourse would be to go back to the neighbors and charge them those fees. He made it clear that Mr. Baldwin had that right, and could move forward with this, but that was the only option the city would have. Mr. Bagby commented that this is all this Commission could do for him, and if he would like he could take it up with the City Council.

With no other business, this meeting was adjourned.

Philip Bagby, Co-Chairman

Cami L. Brown, Rec. Secretary