

# PLANNING COMMISSION MEETING

## MARCH 4, 2008

The Van Buren Planning Commission held its monthly meeting Tuesday, March 4, 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 the last meeting
2. Preliminary Plat Baldwin Acres, Lots 1 through 5, contact Brad Baldwin, represented by Ricky Hill of Satterfield Land Surveyors, Inc.

PLANNING COMMISSION ADJOURNS  
BOARD OF ADJUSTMENTS CONVENES:

3. Rezone request for property located at 1014 North 12<sup>th</sup> Street, by Jesse Sangster, to rezone from current R1 classification to R3.
4. Variance request by Crawford County Industrial Development Corp. At 2505 Industrial Park Road, Lot 3 and the West 50.0 feet of Lot 4, Tract 4, represented by Prieur Engineering
5. Revisit variance request for Riverview Apartments at Park Ridge, 1809 Park Ridge Drive, developer Mr. Rick Mooney, represented by Hawkins-Weir Engineers, Inc. Information for this in last month's package

BOARD OF ADJUSTMENTS ADJOURNS  
PLANNING COMMISSION RECONVENES:

6. Discussion and review of proposed R1-C Zone by Planning Commission
7. Any other business that comes before this Commission

PRESENT: Andrew Dibble, Chairman  
Jay White  
John Symonds

Dorvan Wiley  
Mark Evans  
Sue Moore  
ABSENT: Philip Bagby, Co-Chairman  
Frank Newman  
Woody Nelson  
OTHERS PRESENT: David Martin, Chief Bldg. Inspector  
Brad Baldwin, City Engineer  
Don Jenkins, City Attorney  
Ronnie Hawkins, Hawkins-Weir Engineering  
Ricky Hill, Satterfield Land Surveyors, Inc.  
Ron Brixey, Brixey & Associates  
Al Prieur, Prieur Engineering  
Rick Mooney

Andrew Dibble called this meeting to order at 7:00 PM. The first item the Commission addressed was the approval of minutes from the last meeting. A motion was made by John Symonds to accept these minutes as written, Sue Moore seconded motion, and the motion carried a unanimous vote.

The next item for consideration was Preliminary Plat for Baldwin Acres, Lots 1 through 5, represented by Ricky Hill of Satterfield Land Surveyors, Inc. After review, Sue Moore made a motion to approve this plat. Mark Evans gave the motion a second, and the motion carried a unanimous vote.

At this time the Planning Commission adjourned and the Board of Adjustments convened. Item 3 on the agenda was a rezone request for property located at 1014 North 12<sup>th</sup> Street to rezone property from current zoning R1 classification to R3. This rezone request was tabled at this time, and will be considered at the next Planning Commission meeting at the request of petitioner, Jesse Sangster.

Next item for consideration was a variance request by General Transport for property located at 2505 Industrial Park Road, Lot 3 and the West 50 feet of Lot 4, Tract 4, represented by Prieur Engineering. It was verified that no comments had come in for or against this variance request, and after discussion, Dorvan Wiley made a motion to approve this request, with Sue Moore giving the motion a second. The motion carried a unanimous vote.

The next item for consideration was to revisit a variance request for Riverview Apartments at Park Ridge, 1809 Park Ridge Drive, developer Mr. Rick Mooney, represented by Ronnie Hawkins of Hawkins-Weir Engineers, Inc. This item, and the next item on the agenda, discussion and review of proposed R1-C Zone by Planning Commission, were visited simultaneously. The proposed zone was

intended to incorporate zoning for condominiums in the City of Van Buren, and the development of the property where Mr. Mooney was requesting a variance was for condominiums. City Attorney Don Jenkins created a draft for proposed zoning, called R3-B, for the Planning Commission to review. Mr. Ronnie Hawkins represented Rick Mooney in this variance request. Mr. Hawkins commented that after review of the draft, the draft would cause serious complications for Mr. Mooney and the development of this property. Mr. Hawkins asked the Commission what they were really trying to do, proposing a new zone. He commented what does a new zone provide that an existing zone doesn't. He went on to say he went online and checked out several cities and their ordinances to see how they handle this. One town specifically speaks to condos under townhouses, and put in place a condo regime. Other places do not make a difference in condos. His suggestion was to handle, under multi-family, addressing the issues the Planning Commission should be involved in, such as master deed, maintenance, etc., that is included in a packet that is to be given with each sell. Dorvan Wiley commented that when a person brings this project for review, such a packet would be part of it. Rick Mooney commented there is a state statute that Arkansas has adopted for condominiums that may not be in place on a City level makes them comply with these guidelines in this packet. Mr. Mooney went on to say all the instruments in this packet have to be in place before they can close on a piece of property. Ronnie commented that what the draft sets forth is a party coming in just like a subdivision, with a preliminary layout, and he would foresee that you may not have spent the money to be to the point of having this packet in place. Dorvan Wiley then asked about the possibility of sub-leasing, and Ronnie Hawkins commented that yes that was a possibility, as it is on any other piece of property in Park Ridge, or anywhere else. Mr. Wiley then commented the variance they had requested, would there be a mix of condominiums and apartments, if the demand for condos is not there. Ronnie Hawkins commented that the first 32 units are market testers, and if the demand is not there they will have to lease the units. There will be a total of 120 units on this property. Ronnie Hawkins also commented they asked for a variance on the entire piece of property so they would not have to come back to the Planning Commission for that variance again. City Attorney Don Jenkins commented that every condominium is an apartment, under Arkansas law, but every apartment is not a condominium. He went on to comment he wanted to clarify these terms here. At this point Ronnie Hawkins went back to the subject of the cost of having the packet in place for preliminary review, and that he thought an outline, a site plan showing the Commission what the layout is going to be, what the individual ownership units are, what the common areas are, that kind of thing should come before the Commission for approval in the preliminary phase. Brad Baldwin commented the way he read it, this is a two-step process, essentially the same thing we do with Subdivision. Preliminary goes to Subdivision to have utilities looked over, and then the final would be just

like a final plat, and we don't go through all the detail and spend a lot of money until we are at that point, and at that time they would need to have all their documents in place. Mr. Baldwin went on to say that this variance process at this time doesn't give staff any guidance at all. Staff needs to know what the Planning Commission in this procedure expects of them, as right now there are no guidelines. He also commented it is about how our community is best served in such procedures. At this time Don Jenkins commented that everyone present knows more about developing than he does, but what he did in this process was look around at all these other cities, talked with architects, engineers that have dealt with Fort Smith, who told him their process was not conducive to getting these types of projects done. He commented Alma, for example, tried to copy Fort Smith, and said that was a horrible way to try and do condominiums. He said that in Arkansas, this act we have in place is designed for the Fairfield Bay areas, not the project Rick Mooney has in front of the Commission. He commented he is absolutely, 100% in favor of this project, but again he would say he did not want to impede that, and that if the Commission would look at the documents the state calls for, the first three documents listed is what the Planning Commission needs to review. Mr. Jenkins again commented he was not the expert, but he believed that with the draft document and the packet before them, (that Mr. Mooney brought in), that they are very close to coming up with what would be needed for this type project. After a lengthy discussion on this topic, the Planning Commission decided to act on the variance request that was brought before them and tabled last month. The variance request was for allowing two buildings on one piece of property. Dorvan Wiley commented would there be any way for the Planning Commission to approve this variance, while working toward this ordinance being approved and put in to place, to let this project move forward, while this ordinance could be put together in a way everyone was comfortable with. David Martin commented that the sale of individual units could not take place, and Mr. Mooney said that would come later. The Commission agreed that by the time this was an issue, they could have something in place. Again, Dorvan Wiley commented to allow the variance and get an ordinance in place that will give staff the guidance. Mr. Baldwin commented if a variance is granted, there is a need to contain what steps the Commission wants staff to take on this, because there are no guidelines for such a variance until an ordinance is in place, and that is his concern. Mr. Baldwin pointed out that this was a draft ordinance in front of the Commission, and contains all the information for review. Mr. Baldwin also commented the Commission now had something to work from, and could hold a public hearing next month, take input from public, and go from there. Mr. Baldwin then commented usually staff circulates such proposals to developers, engineers and anyone that might be affected by the proposed ordinance. At this time, a motion to approve this variance with the allowance of sale of individual units subject to following our R-3 zoning, and complying with Arkansas Horizontal Property

Act was made by Dorvan Wiley. This motion was given a second by Sue Moore, and this motion carried with 4 votes for, and one, Mark Evans, against. Andy Dibble commented the Commission needed to have Public Hearing on this in April, call for comments from public, and have revised document for review.

Under any other business, the Commission reviewed Final Plat for Ron Brixey of Brixey and Associates, Inc. Mark Evans made a motion to approve this plat subject to corrected addresses being in place on plat to go before going on to City Council, and this motion was given a second by Jay White. The motion carried a unanimous vote. This plat will be recommended to the City Council for consideration.

Another item discussed was a committee that the Commission needed to put in place a Planning Commission Working Group, and after some discussion the members of this group were named. Those three Commission members named were Mark Evans, Woody Nelson, and John Symonds, with the Chairman, Andrew Dibble being kept informed as progress is made. The items needing attention are Land Use Map, Annexation, and Master Street Plan  
With no other business, this meeting was adjourned.

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Andrew Dibble, Chairman

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Cami Brown, Rec. Sec.