

**PLANNING COMMISSION MEETING MINUTES
SEPTEMBER 2, 2008**

The Planning Commission held its monthly meeting Tuesday, September 2, 2008 at 7:00 P.M. in the City Council Room at 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 by Danny Kent to change setback from the required 20 feet To 8 feet on property located at 525 Mountain Edge, Lot 222, Northridge Phase VIII. Variance request to build storage building on property
3. Rezone request by Valley View Properties, represented by E Squared Architecture & Interior Design, to rezone property located at 617 Fayetteville Road from R-2 to C-2 to bring the property into zoning conformance
4. Rezone request by TPC Partners, LLC, represented by Hawkins-Weir Engineers, Inc., to rezone property located at 1119 Pointer Trail East, Lot4B-1, The Plaza, from C-2 to R-3 for the purpose of constructing multi-family housing at this location
5. Rezone request by Super Check, L.L.C., to rezone property located at 11 North 3rd Street from I-2 to C-2 to erect office complex. NOTE: This came to the commission last month under Butte Leasing, and was tabled due to property description discrepancy.

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

6. Any other business that comes before this commission

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

OTHERS PRESENT: Ronnie Hawkins
 John Rupe, Jr.
 Wayne Morton
 Danny Kent
 Judge John Hall

Chairman Andrew Dibble called this meeting to order at 7:00P.M. The first item on the agenda was approval of minutes from the last meeting. John Symonds made a motion to accept the minutes as written, Philip Bagby gave the motion a second, and the motion carried with a unanimous vote.

PLANING COMMISSION ADJOURNS
BOARD OF ADJUSTMENTS CONVENES:

The next item for consideration was a Variance Request by Danny Kent to change setback from the required 20 feet to 8 feet on property located at 525 Mountain Edge, Lot 222, Northridge Phase VIII to construct a storage building in his back yard. Mr. Kent commented his lot is shallow, and the 20 foot setback placed the storage building too close to his home. After reviewing the plot plan and discussing the matter the commission felt this would cause a problem for fire and emergency vehicles/equipment trying to come in through that setback in an emergency. Mark Evans commented that he would have to make a motion to deny this request. Philip Bagby commented if Mr. Kent wanted to reconfigure this and come back to the commission with a smaller building then the commission would consider at that time. After more discussion, Woody Nelson gave that motion a second, and the motion carried with a unanimous decision. Chairman Dibble reminded Mr. Kent he had the right to appeal to the City Council.

The next item for review was a rezone request by Valley view Properties, represented by E Squared Architecture & Interior Design to rezone property located at 617 Fayetteville Road from R-2 to C-2 to bring the property into zoning conformance. Mark Evans addressed the commission about this rezone, which is a request by the property owner to bring this area where it should be, as the property has been used in a commercial capacity for some time. The owner desires to do some addition on to the existing structure, and can't get building permits unless the property is zoned C-2 as it should be. After some discussion about this area, Dorvan Wiley made a motion to approve this rezone request, Philip Bagby gave the motion a second, and the motion carried with five (5) voting for, none against, and John Symonds and Mark Evans abstaining from the vote. This rezone request will be recommended to City Council for consideration.

Next was a rezone request by TPC partners, LLC, represented by Hawkins-Weir Engineers, Inc., to rezone property located at 1119 Pointer Trail East, Lot4B-1, The Plaza, from C-2 to R-3 for the purpose of constructing multi-family housing at this location. Mr. Ronnie Hawkins addressed the commission about the engineering side of this. Mr. Hawkins commented an analysis of the sewer system had been conducted and stated the sewer could service this apartment project. Mr. Hawkins referred to traffic flow with an apartment complex being comparable to traffic with another commercial

project such as the Malco Theatre or the two hotel/motel projects that are near completion in The Plaza going in on this property. He also commented water is available for this project, saying utilities are all available. With the water and fire protection being no problem, the only possible need might be internal fire protection that would be provided as code requires. At this time Mr. Hawkins turned the floor over to John Rupe, Jr. Mr. Rupe commented their company had done studies as to the needs of Van Buren, and the original plan had been the movie theatre, the lodging that is presently being constructed, and restaurants, which they still intend to pursue, but the need for apartments was great in this area. Mr. Rupe commented he felt this would be an ideal location, close to schools, the theatre, and that it serves as a great transition from the residential over to the commercial site. At this time Mr. Rupe provided the commission a color rendering of the type of apartment living that is their intention to construct on this property. Mr. Rupe commented they want to do this project right, as they plan to invest and own them long term. Woody Nelson asked Mr. Rupe how many units they were proposing to build, to which Mr. Rupe replied 80 to 100 units. John Symonds commented that Heritage Church, if they expand, would have to come across Pointer Trail and tie in to this same sewer line, and his concern was would the capacity of the sewer in place be enough for a project of this size. Ronnie Hawkins commented they have not looked into that. There is one weak section in the sewer line that would have to be replaced, and according to Brad Baldwin, City Engineer, Gary Smith of the Water Dept. commented that when the time came to replace this sewer line to meet capacity of development, whoever is doing the development will have to replace that section of sewer line. The other issue of concern was traffic. Mark Evans brought up this issue, and several commission members voiced the same concern. Mr. Rupe commented that everyone would be not be leaving out at the same time, to which Mr. Evans replied most people leave to be at work about 8:00 A.M. Mr. Rupe replied with their studies you get a portion of such traffic from 6:00 A.M. to 9:30 A.M. Mr. Dibble commented that while Pointer Trail is on the Master Street Plan to be upgraded, it would be down the road before this takes place. Woody Nelson commented Pointer Trail is pretty much a nightmare in the morning, and that is why the commercial development was of less stress on the infrastructure than a residential development would be. He commented that 40-50% of that traffic would occur in a short time frame. Mr. Rupe commented again that the original use intended was commercial, but unfortunately at this time, the demand is for residential. Mr. Hawkins commented that the commercial hotel/motel is going to produce similar traffic this residential apartment complex will. He commented that sitting there as a C-2 the property still has the potential of producing the same traffic generation. Andrew Dibble commented Mr. Rupe was right, this is a good transition from residential to commercial. After some more discussion Dorvan Wiley made a motion to approve. This motion was given a second by Philip Bagby, and the motion carried with a unanimous vote. This rezone will be recommended to the City Council for consideration.

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

Next item on the agenda was a rezone request by Super Check, LLC that was tabled from last month due to property description discrepancy. At this time this item was tabled

again this month due to the public hearing notice in PAC not published in time for public hearing to be held. The commission will consider this item next month.

The next item for consideration was Final plat for Morton- Lopez Estates, represented by Wayne Morton. After some discussion Philip Bagby made a motion to approve this plat. There was a second made by Woody Nelson, and the motion carried a unanimous vote. This plat will be recommended to City Council for consideration.

Under any other business, Master Street Plan and annexation were discussed. Under annexation, there are some discrepancies as to what the city encompasses. Brad Baldwin commented the assessor's office, 911 and the city are trying to define those boundaries. With the 2010 census coming the city has to have that area defined. He presented a map that highlighted the boundaries being addressed. The city is sending a letter out to approximately 60 property owners to see if those people think they are in the county or city, and what their feelings are on the matter. The entities working on this will go from there and try and resolve the issue.

Andrew Dibble asked Judge Hall if he had any comments to which he replied he wanted to address one thing. Judge Hall commented that when the city takes property he loses money in the county, so when property is taken, you take the streets, also. Judge Hall commented he wanted the commission to know he was going to start sitting in on Planning Commission meetings. He wanted to make the commission aware of things he has planned for our county. One item is that he, along with a group helping him, is going to take over county planning. It will be based on planning as it is done in Washington County. This will include subdivision, lot splits, some zoning, but they will not get into the permits for building. Judge Hall commented the way he envisions this is the county will use the city criteria for everything within a one-mile radius; whatever rules the city has, curb and gutter, whatever, will be handled just as the city handles it. Judge Hall also commented the county may even let the city have a say on those issues they are working on within that one-mile radius. Judge Hall went on to comment that when you leave that one-mile area the county will take it over and the county will decide what happens after that. One of the things the county will require is all subdivisions with two lots or more will have to build their roads to county standards. Judge Hall commented this process is not going to happen tomorrow, it's not going to happen next month, but he wanted to let the city know it is coming. Judge Hall commented this will all be run through the highway department, not out of the courthouse. Judge Hall commented he would be back for help from the Planning Commission on this new process, and from engineering as well. Judge Hall commented that the county has never stepped up to its obligation to go out and police itself, and that he is trying to do something out there in the county to help build our future.

At this time David Martin addressed the commission about a zoning issue discovered recently. Mr. Martin brought this issue to the attention of the Mayor, and Mayor Freeman asked that the Planning Commission be made aware of it. The property behind the Summit Hospital, which houses several commercial business as well as DHS office, is presently zoned R-3. This property needs to be brought into conformance. Andrew

Dibble commented the city needs to visit with the owners and see if they are willing to move forward on this.

At this time Philip Bagby referred back to the boundary map of the city and inquired if the area of Lake Lou Emma will be something that is addressed. Bagby commented that this subject has resistance every time it comes up. Andrew Dibble commented this area is Arkansas Fish and Game Commission. No other comments were made on this matter.

At this time, this meeting was adjourned.

Andrew Dibble, Chairman

Cami L. Brown, Recording Sec.

