

PLANNING COMMISSION MEETING AGENDA DECEMBER 2, 2008

The Planning Commission held its monthly meeting Monday, December 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
2. Continuation from the Planning Commission meeting of November 2008 on Public Hearing to discuss and take input on the Floodplain Ordinance for the City of Van Buren
3. Public Hearing to review and move to adopt the current codes for plumbing and gas
4. Public Hearing to review and to move and adopt the current Arkansas fire prevention codes
5. Any other business that comes before this commission

PRESENT: Andrew Dibble, Chairman
Philip Bagby, Co-Chairman
Woody Nelson
Sue Moore
Mark Evans
Dorvan Wiley
John Symonds
Jay White
Cami Brown, Recording Secretary
David Martin, Chief Bldg. Inspector
Brad Baldwin, City Engineer
James Griffin, Fire Marshal
Charles Crook
Al Prieur

Andrew Dibble called this meeting to order at 7:00 P.M. First item for review was the minutes from the last meeting. Mark Evans made a motion to accept the minutes as written. John Symonds gave the motion a second and the motion carried with a unanimous vote.

Next was continuation from the November meeting of the Planning Commission on public hearing to discuss and take input on the Floodplain Ordinance for the City of Van

Buren. Andrew Dibble asked City Engineer if he had any comments on this. Brad Baldwin commented that Hawkins-Weir Engineers, Inc. sent in comments on this proposed ordinance, and Brad Baldwin responded to those comments. Both sets of comments were sent to the Planning Commissioners, and are filed in the Planning Department at the Municipal Complex. The discussion on this proposed ordinance was mainly focused on how much elevation is appropriate above the base flood elevation. Brad Baldwin commented the state is suggesting 2 feet, which would be optimum for flood insurance breaks. Dorvan Wiley commented the existing structures would be grandfathered in, which is correct, according to Brad Baldwin. Andrew Dibble commented he did not fully agree with the 2 foot minimum. Mr. Dibble also brought up the appeal process in this proposed ordinance. Chairman Dibble wanted to make sure there was enough allowance for the appeal process. Brad Baldwin commented that an appeal was saying someone screwed up and the appeal process is there to fix the error, and a variance would be saying there is a provision that is too restrictive and the variance would allow the Planning Commission to fix that, with the availability of attaching conditions to the variance. There was some discussion on the issue of construction of basements in the floodplain. At this time Sue Moore asked if we had a previous floodplain ordinance, to which Brad Baldwin replied yes. Mrs. Moore then asked how old that ordinance would be. David Martin commented you have to adopt a new floodplain ordinance every time you adopt new floodplain maps, and Brad Baldwin commented the new maps would be adopted the 16th of 2009. It was later confirmed in this meeting it would be around the 16th of March, 2009. Mr. Baldwin commented that when the maps are adopted that is when they tend to adopt the regulations. Mr. Baldwin commented the city has had two or three versions of regulations since we went into the national flood insurance program. Philip Bagby commented his thoughts on it were that in residential areas, the city needs to be protective but in terms of commercial he felt that such a decision is an economic decision to be made by the particular builder. Mr. Bagby commented he had a real hesitation on this, and was concerned was it going to be counter-productive in the long run. He asked if it would be prohibited if the commission renewed the existing ordinance. He questioned as long as there was a renewal vote would we be in compliance with what is required for the flood maps. Brad Baldwin replied he was not sure. Mr. Baldwin commented he was not sure the old ordinance was in compliance with the new regulations. Sue Moore commented she was inclined to agree with Philip Bagby and see if they could use the existing ordinance. Mrs. Moore commented she did not want to over-regulate us to where we didn't have anyone to worry about, (discouraging builders being a result of this). Woody Nelson commented who could answer the question about whether or not the present ordinance could be approved to stand, and Brad Baldwin commented the city could submit the ordinance to Little Rock and let the flood insurance coordinator look at it. Mr. Baldwin also commented this coordinator is the one that sent the proposed ordinance to the planning commission for review. Mr. Baldwin commented there was enough time to do this, that the commission was to decide what they wanted to send to Little Rock for review, and this has to be in place by March 16, 2009, when the maps are adopted. Philip Bagby made a motion to renew the existing ordinance to be our recommendation for the new flood maps. Woody Nelson seconded the motion, and the motion carried with a unanimous vote.

Next was another public hearing to review and move to adopt the current codes for plumbing and gas. David Martin commented this was to bring us up to the state's standards. The 2006 Arkansas Gas Codes and the 2006 Arkansas Plumbing Codes were passed, and this would just bring us up to the state standard. Dorvan Wiley made a motion to adopt the current codes, the motion was given a second by John Symonds, and the motion carried a unanimous vote.

Next was a public hearing to review and move to adopt the current Arkansas fire prevention codes. Fire Marshal James Griffin had sent in three amendments for the Planning Commission to review, and at this time Mr. Griffin commented the third amendment on the list could be omitted. After some discussion between the Planning Commission and the Fire Marshal, a motion was made by John Symonds to adopt the current Arkansas Fire Prevention Codes with the following:

- No amendment to F903.4.2
- F901.6.2.1 amend to read: Record Tagging on all fire protection equipment shall be tagged with either a green tag for in service with no problems, a yellow tag for in service with corrections needed, or a red tag indicating that the system does not meet code. Fire Alarm Panels may use a sticker in place of a tag.
- F102.6 amend to read: Referenced codes and standards in this code shall be **the most current adopted of those that are listed in Chapter 45** and such codes and standards shall be considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between the provisions of this code and the referenced standards, the most stringent shall apply.

This motion was given a second by Mark Evans, and the motion carried with a unanimous vote.

Under any other business, Charles Crook addressed the commission about a house on North 11th Street that was destroyed by trees during a storm earlier in the year. The front yard setback for the houses on this street do not comply with the present front yard setbacks, as this neighborhood was built in early 1900's. Cami Brown commented that this neighborhood is one being considered for a possible residential historic district neighborhood, as a citywide preservation plan is being put together at this time for the city. Woody Nelson commented he had been out to look at the site, and the problem is if the house is built back in compliance with the 25 foot setback, it will sit 8 to 10 feet behind everything else on the street, and in this situation, it will be less pleasant for the owner as well as the other residents. Mr. Nelson commented from that standpoint and from a historical standpoint, it would look much better if the setback somewhat matched the other structures on the street. Mark Evans commented with it being an older, established neighborhood, and the lots not being designed to accommodate that 25 foot setback, he would concur on that. Andrew Dibble commented this came up last week, and what they need is a variance, but he and Mr. Nelson could not move on this until it

was brought before the commission. He commented it makes all the since in the world, but had to be voted on by the commission. Woody Nelson made a motion to accept this new structure being built to comply with the front yard setback along the street, motion was seconded by Mark Evans, and the motion carried a unanimous vote.

Final discussion for the Planning Commission was the vacant seat on the commission, as Frank Newman recently resigned from the Planning Commission via email. Chairman Dibble commented it would be nice to make a recommendation to the City Council for this position. Mr. Dibble commented Clarke Moore had made known he was interested in the position, and sent a letter and his resume for the Mayor and the Planning Commission to review. Cami Brown commented Mayor Freeman stated he would be in support of Clarke Moore if the Planning Commission decided to recommend him for the position to City Council. Dorvan Wiley made a motion to recommend Clarke Moore for the vacant position on the Planning Commission, and John Symonds seconded the motion. The motion carried with a unanimous vote.

At this time, Philip Bagby made a motion to adjourn, motion was seconded by Dorvan Wiley, and the motion carried with a unanimous vote.

Andrew Dibble, Chairman

Cami L. Brown, Rec. Sec.