

**PLANNING COMMISSION MEETING MINUTES  
JULY 7, 2009**

The Planning Commission held its monthly meeting Tuesday, July 7, 2009 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. Consideration for a variance request due to garage encroaching over the front yard setback. Request is to change the setback from 25 feet to 22.76 feet at property located at 2004 Park Ridge Drive. Request is made by the owners Jeffery and Gina Null. Representation by Ricky Hill of Satterfield Land Surveyors, Inc.
3. Consideration for a Conditional Use Permit for Amy Pettigrew to operate a daycare out of her home at 603 Bear Track, Van Buren, Arkansas
4. Consideration for a Conditional Use Permit for Rowe Bookkeeping and Tax Service to operate out of location at 112 North 12<sup>th</sup> Street. Application is being made by Nita Bennett.
5. Consideration for a Conditional Use Permit for B & W Plating, LLC for use of travel trailer to be utilized for employee breaks and meetings in association with B & W Plating, LLC. This item was in front of Planning Commission in June, and was tabled at that time for the July 7, 2009 meeting. Representing B & W Plating is Lisa A. Toth. There was an email sent out and included in packets about this matter, as well as comments from Fire Inspector's office that were included in packets.

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

5. Public Hearing to discuss drainage maintenance ordinance revisions to the current ordinance. These matters include streets, alleys, gutters and ditches.
6. Any other business that comes before this commission

PRESENT: Andrew Dibble, Chairman  
Mark Evans  
Dorvan Wiley  
John Symonds  
Jay White  
Clarke Moore  
Sue Moore  
Cami L. Brown, Recording Secretary  
David Martin, Chief Building Inspector

ABSENT: Philip Bagby, Co-Chairman  
Woody Nelson

OTHERS

PRESENT: Al Prieur, Prieur Engineering  
Ricky Hill, Satterfield Land Surveyors, Inc.  
Amy Pettigrew  
Eva White  
Danalene Porter  
Jeff Null  
Lisa Toth  
Jennifer Roberson  
J. Bossatle  
Mary Geithens

Chairman Andrew Dibble called this meeting to order at 7:00 P.M. The first order of business was approval of minutes from the June 2009 meeting. A motion was made by John Symonds to accept the meeting minutes as written, motion being seconded by Clarke Moore. This motion carried with a unanimous decision.

PLANNING COMMISSION ADJOURNS  
BOARD OF ADJUSTMENTS CONVENES:

The next item for consideration was a variance request by Jeffery and Gina Null, represented by Ricky Hill of Satterfield Land Surveyors, Inc., for a variance request due to garage encroaching over the front yard setback at 2004 Park Ridge Drive. Request is to change setback from 25 feet to 22.76 feet. Mr. Hill commented it was his responsibility in surveying to show error and that this garage was constructed over the setback line. The owner tried to refinance and couldn't do this until variance in place. A motion was made by Dorvan Wiley to approve, motion was seconded by John Symonds and this motion carried a unanimous vote.

Next item was a conditional use permit application by Amy Pettigrew to operate a daycare out of her home at 603 Bear Track, Van Buren, Arkansas. Mrs. Pettigrew commented when this permit is in place she will then have her license from the state. She commented she would have one employee, and they would be caring for ten (10) children at this location. Mrs. Pettigrew previously had a permit for this and ceased running the

daycare, so she is in front of the commission again for a new permit. Mark Evans made a motion to approve this permit, and the motion was given a second by Sue Moore. The motion carried a unanimous vote.

The next item was consideration for a conditional use permit for Rowe Bookkeeping and Tax Service to operate out of location at 112 North 12<sup>th</sup> Street. Application represented by Nita Bennett. Chairman Dibble asked if there were any calls or concerns, to which Planning Dept. responded there were some citizens in the audience with parking concerns. Nita Bennett commented she and her daughter carpool and that she has one other employee, the receptionist, who lives on Cedar Street and that she would be walking to work. Ms. Bennett went on to say there was a garage where she would be parking her vehicle. She then commented the only time there would be more than one other vehicle there would be if someone showed up five minutes early, as they work by appointment. The question was raised if anyone would be living in the home, and Ms. Bennett replied no. Mark Evans commented this changed the building from a residence to business occupancy, and to change it the building would have to be brought up to code for that. Nita Bennett commented she spoke with Terry Wells and that he informed her with a conditional use permit she would not have to bring the building up to commercial code. Dorvan Wiley asked what the difference was in the daycare business with a conditional use and this business with a conditional use, as both are in residential areas. Nita Bennett commented Terry Wells told her that for a rezone she would have to rewire in conduit and meet commercial code, but not with the conditional use permit. She then commented they would be landscaping, replacing windows, and possibly looking at purchasing adjoining property. Mark Evans commented on the parking situation. Dorvan Wiley asked for confirmation of our definition of a conditional use permit. Ms. Eva White, Director of the Crawford County Library System came before the commission and commented she doesn't have a problem with the business at all, but has concerns about the parking at the library being used, and as it is they do not have enough parking for their business. Ms. White commented often people who previously lived in this house being considered would use library parking, and that it would not be conducive for the business going in at 112 North 12th as well, because often times they have so many people for story time at the library, they use the parking for that home as well. Chairman Andrew Dibble looked up the definition of conditional use to see if it does, in fact, specify that there must be residential occupancy in a place for a conditional use permit to be issued. There is no specification. At this time Mark Evans made a motion to deny this application. This motion was given a second by John Symonds, and the motion carried with a vote of 4 for the denial and 3 against the denial. Chairman Dibble commented that Ms. Bennett had the option of appeal to the City Council at the next City Council meeting, and they have the ability to override the Planning Commission.

The next item for consideration was a conditional use permit for B & W Plating, LLC for use of a travel trailer to be used as a break room. This item was tabled from last month as all the information needed was not available to the Planning Commission. Lisa Toth commented she wanted the commission to know this would temporary until she could decide what she wanted to do on a permanent basis. She commented it would be a place strictly for the employees to eat. There would be no water to this break room, as the

restroom area was in the building. After much discussion of setback restrictions, the commission suggested if the owners would combine the two tracts that they own, restrictions of location would go away. Dorvan Wiley made a motion to approve this conditional use subject to the owner provides proof of combining the two tracts they own and meet required setbacks. Clarke Moore seconded this motion, and the motion carried a unanimous vote.

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

Next was a Public Hearing to discuss drainage maintenance ordinance revisions to the current ordinance in place. These matters include streets, alleys, gutters and ditches. Andrew Dibble commented the Planning Commission Working Group had met a few months ago to review and clean up some of the wording in the document. He commented the document was available with the proposed changes in red. One question Andrew Dibble had was previously the city maintained the drainage easements, not the property owners, but the working group added language to require that. He commented he could think of several places where there are some pretty nasty drainage ditches that the city doesn't get into and would be hard to get into, and it would be tough to make the homeowners take care of them. He commented enforcement would be a problem. Dorvan Wiley asked if this would apply to commercial and industrial as well, to which Mr. Dibble replied yes, it would apply everywhere. Sue Moore commented the situation could occur where you have a home owner who takes really good care of their property and you may have a city employee that thinks it is obstructive and comes through there and cuts it down, and this is where it's about interpretation. Dorvan Wiley commented there were some massive areas that home owners would be asked to maintain, and were these easements or do they own the property? Mr. Dibble responded that it was both, there were easements but they do own the property and are paying taxes on it. David Martin commented part of the issue is the dumping that goes on. Mr. Dibble commented that it wasn't for the most part the big drainage areas like Cedar Creek; it's the little alleys or utility easements where people dump trash and grass clippings, and it's just enough to divert the water another direction. Sue Moore asked if the commission didn't determine in the last meeting that there is already an ordinance and verbiage in place for the city to enforce this. Mark Evans commented yes, this was that ordinance and that the commission was just adding to it. Sue Moore commented what the commission would be doing is adding easement to this ordinance to which Mr. Dibble replied yes. Mr. Dibble commented under 9.04.02 the verbiage being added was to prevent individuals from blowing leaves and debris into ditches. Sue Moore commented she would like to see individuals keep their easements clean, and that most people do, but she does not feel the city should require it. Mr. Dibble and Mark Evans both commented this would give the ordinance some teeth if the city needed to enforce, and this would come probably in a situation where someone's property was being adversely affected by their neighbor. At this time Mary Geithens of 508 Bear Track addressed the commission about the West side of her property where there is a privacy fence that goes along the top of the cement ditch located there. Mr. Dibble asked her if it was her privacy fence, and she replied no, the fence was put in by the city. Ms. Geithens commented the city is supposed to

maintain it which they do, but not well. She said she maintains her side of the fence, but the weeds are above the fence and the fence is almost six feet high. Her concern was if this verbiage passed, for her to maintain this she would have to actually crawl down in the ditch. She commented the city cut it once since last year. Dorvan Wiley commented the city went in and did that due to a drainage issue several years ago. Mark Evans commented the city didn't own that fence, he didn't think, and Dorvan Wiley said unless they saw a survey they could not be certain whether or not she owns part of that ditch. She commented that up to this point, the city as cut the weeds twice since she has lived there since 2008. Her concern was with this verbiage added would she be responsible for cleaning that ditch, as she was told to leave the fence alone. Mr. Dibble commented traditionally cities maintain drainage easements. Sue Moore commented that we don't allow property owners to build or use these easements so why should we expect them to maintain them. Mark Evans commented that the city restricts the use, but they still own them. Next to address the commission was Mrs. Bazard, 510 Bear Track, and she commented that when she moved to this address she was told to leave the fence alone after some of it had fallen, and the city came out and repaired the fence because it belongs to the city. She commented she too was told the fence is city property, and her concern was the same as Ms. Geithens, if this ordinance changes, how will this affect them, and would they be expected to clean the other side of this fence that belongs to the city. Mrs. Bazard said she was told by the city, three or four months ago that the city was going to change this fence out to chain link fence. Mr. Dibble was puzzled that the women were told this fence was the city's fence, and suggested they needed to check with Street Department about this. David Martin told the women he would give them the name and number of who to talk to in that department on this matter. Mr. Dibble commented that his recollection of the meeting on this matter before was easements being mainly underground utilities or electric or gas, and not the drainage easements. He commented that he felt strongly, personally, that the drainage easements are the city's to maintain. He commented he did not have a problem with keeping individuals from dumping debris into the gutters and waiting for a rain to wash it away, but he did not recall it being the intent of this to have individuals like these ladies take care of the drainage ditches. David Martin commented where he thought a lot of this came from was some of the City Council members ran into some issues with people fencing easements. Again Mr. Dibble commented he didn't think it was the intent of the working group to put drainage easement in this and maybe the commission needs to put more specific language in this. John Symonds commented he thought 9.04.02 was okay, but the section on streets and alleys, in his opinion, needs to be redone. After some more discussion, John Symonds made a motion to table this until next month. Dorvan Wiley seconded this motion and the motion carried with a unanimous vote.

Chairman Dibble asked if there was any other business anyone had for the commission. David Martin commented he did have something for the Planning Commission Working Group, and Mark Evans commented it had to do with duplex separations on the same lot, whether duplexes were considered like apartments, and what would be considered for home sprinklers. David Martin commented the issue he wanted to discuss with the small group is that the law says anything multi-family that is over three plex has to be sprinkled, but if you take one piece of property and you build four duplexes on it, by the

code you are getting around the sprinkling. David Martin commented this doesn't go into affect until later, so he wants to get a decision made on how this will be handled before it goes into affect. After some discussion the commission decided to set a meeting for the Planning Commission Working Group to discuss this.

At this time this meeting was adjourned.

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Andrew Dibble, Chairman

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Cami L. Brown, Recording Secretary