

**PLANNING COMMISSION MEETING MINUTES
MAY 5, 2009**

The Planning Commission held its monthly meeting Tuesday, May 5, 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. Conditional Use Permit request by Rausch Coleman Fort Smith LLC for property located at 1725 Old Oak Lane, Van Buren, AR to operate a model sales home center from this location
3. Variance Request by Du-All Construction, Inc. and Five Star Construction to request a side yard separation from 20' to 15' for the purpose of constructing a 100'x30' building

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

4. Any other business that comes before this commission

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

OTHERS

PRESENT: David Martin, Chief Building Inspector
Brad Baldwin, City Engineer

Kyle Salyer, Hawkins-Weir Engineers
Fred Rausch, Rausch-Coleman
Al Prieur, Prieur Engineering
Cami Brown, Recording Secretary

This meeting was called to order at 7:00 PM. First item discussed were minutes of the last meeting. A motion was made by John Symonds to accept the minutes as written. Motion was given a second by Clarke Moore, and the motion carried with a unanimous vote.

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

The next item for consideration was a conditional use permit application by Rausch Coleman Fort Smith LLC for property located at 1725 Old Oak Lane, Van Buren, Arkansas, to operate a model sales home center from this location. After some discussion a motion was made by Philip Bagby to approve this conditional use permit. The motion was seconded by Sue Moore, and the motion carried with a unanimous vote.

A variance request by Du-All Construction, Inc. and Five Star Construction to request a side yard separation from 20' to 15' for the purpose of constructing a 100'X30' building was the next item for review. Kyle Salyer of Hawkins-Weir Engineering was the representative for this request. After some discussion, a motion was made by Philip Bagby to approve this variance request. Motion was given a second by Woody Nelson, and the motion carried with a unanimous decision.

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

Under any other business Andrew Dibble commented the Planning Commission Working Group met to discuss the issues of fenced easements and easement clean-up. The thoughts of the working group are as follows:

1. There is an existing ordinance that requires permitting any "obstruction" to be constructed in an easement.
2. Fences haven't been regulated under that ordinance since it was adopted in 2002.

3. They felt that the current policy that fences can be removed from easements by utilities and not replaced put the ball in the property owner's court where it belongs. However, they would not venture into the "political" problems that the existing "no enforcement of fences" policy might be causing.

4. They concluded that the Mayor has the authority under existing ordinance to implement a fence permit policy

5. If you determine that fence permitting is appropriate they had the following recommendations:

- Make sure the council is on board
- Put a public notice of the policy change in the paper
- Send notices to area fence contractors
- Start the policy at the beginning of month following notice
- Working group thought permitting should be done through the Building Dept.

Easement cleanup issues were considered a separate issue that probably needs an ordinance revision to clarify the ordinance for Code Enforcement to enforce. Attached to these minutes you will find the working group suggested revisions. This discussion will be brought back to the table at the next planning commission meeting for more review.

With no other business this meeting was adjourned.

Andrew Dibble, Chairman

Cami L. Brown, Rec. Sec.