

**PLANNING COMMISSION MEETING
NOVEMBER 3, 2009**

The Planning Commission held its monthly meeting Tuesday, November 3, 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
2. Review of Preliminary Plat for Legacy Valley Phases A,B,C,& D
Developers James Garner, Kevin Lipe and Bill Gaither, represented
By Hawkins-Weir Engineering, Inc.

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

3. Consideration for a conditional use permit by Laura White to operate
A diaper service (office only) from her residence located at 2528 Red
Oak Lane, Van Buren, AR 72956
4. Consideration for a variance request by Galyon Tatum to change the
Side yard setback from the required 7.5 feet to 3 feet on property
located at 1736 Red Oak Circle, Van Buren, AR 72956
5. Consideration for request to officially change the Master Street Plan
Classification for South 26th Street from Kibler Road to the Railroad
Property for a proposed multi-family development and city request for
the street to meet current standards. Request by Armstrong
Remodeling, represented by Ricky Hill of Satterfield Land Surveyors,
Inc.
6. Any other business that comes before this commission

PRESENT: Andrew Dibble, Chairman
Philip Bagby, Vice-Chairman
Clarke Moore
Woody Nelson
Sue Moore
Cami Brown, Recording Secretary
Mark Evans
John Symonds

Jay White
 David Martin, Chief Bldg. Inspector
 Brad Baldwin, Chief Engineer

ABSENT: Dorvan Wiley

OTHERS

PRESENT: Gaylon Tatum
 Laura White
 Brian White
 Ronnie Hawkins, Hawkins-Weir Engineering, Inc.
 Ricky Hill, Satterfield Land Surveyors, Inc.
 Keith Kesner, Satterfield Land Surveyors, Inc.
 Kenneth Fry, PAC

Chairman Andrew Dibble called this meeting to order at 7:00 P.M. First order of business was approval of minutes from the October meeting of the Planning Commission. Philip Bagby made a motion to accept the minutes as written. The motion was given a second by John Symonds and motion carried with a unanimous vote.

The next item for consideration was preliminary plat for Legacy Valley Phases A, B, C, & D. Developers for the project are James Garner, Kevin Lipe and Bill Gaither, represented by Ronnie Hawkins of Hawkins-Weir Engineering, Inc. Ronnie Hawkins commented the utility review resulted in a number of comments from the utilities regarding easements. Mr. Hawkins commented that most of the utilities decided to go parallel to the streets as reflected on the plat given to the commission for review. The other item of concern was ingress and egress for this subdivision and meeting the requirements for this. After a meeting with Mayor Freeman, city engineer, building inspector, fire chief, fire marshal, and the developers it was agreed the developers could build up to 30 homes and have a single access for this and be in compliance with fire codes. The first phase, Phase A, will be the development of 22 lots. After answering questions from commissioners it was determined the developers will develop the secondary access when they exceed the development of 30 lots. This development will most likely be the development of North Ridge Drive on out to existing Oliver Springs Road. Mr. Hawkins commented this would be a financial strain for the developer so they asked for and received during the above-mentioned meeting an all weather drive be constructed out to Oliver Springs Road basically to allow access to all emergency vehicles to the development. The road must be designed to city standards and if the base of the road is just put down for an all weather road, then the remaining requirements to bring the road up to city standards, (asphalt, curb, etc.) must be bonded. One item not reflected on this plat was the requirement of the boundary line to continue along North Ridge Drive all the way out to Oliver Springs Road, and Mr. Hawkins commented this

would be placed on this preliminary plat and a copy would be given to Planning Department so that this is part of the preliminary plat. Ronnie Hawkins then commented he was asking the commission for approval of this preliminary plat with the conditions stated in his October 27th, 2009 memo along with the revision of the plat to show the boundary along North Ridge Drive to Oliver Springs Road. Andrew Dibble asked Mr. Hawkins who would be responsible for maintaining the all weather road until the time it becomes an actual paved street, to which Mr. Hawkins commented this issue was not discussed. At this time Brad Baldwin commented the city would maintain, as at this time the road would be for the city's emergency vehicle use. Brad commented the road would be gated with keys being provided to the personnel that would need access. Woody Nelson asked at what phase the developers would be completing North Ridge Drive, to which Mr. Hawkins commented he thought it would be Phase D. He also commented this was not discussed at the meeting that was held, but that he thought he could speak for the developers and if this was a commitment needed to be made, he would do this. Brad Baldwin commented the bond would have a time limit on it. Ronnie Hawkins commented the developer plans on doing one phase per year until complete. A motion was made by Mark Evans to approve this plat and recommend to City Council. This motion was given a second by Woody Nelson, and the motion carried with 7 votes and one abstention by Vice-Chairman Philip Bagby. This preliminary plat will be recommended for consideration by City Council.

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

A public hearing for a conditional use permit application was the next item for consideration by this commission. Laura White of 2528 Red Oak Lane came before the commission to ask for a permit to operate a diaper service out of her home. The applicant commented the diapers would be cleaned off-site, and that the office and storage of diapers would be the only business done at this address. A motion was made by John Symonds to approve this request. Motion was seconded by Clarke Moore, and the motion carried with a unanimous vote.

Next was a public hearing for consideration of a variance request by Gaylon Tatum to change the side yard setback on his property from the required 7.5 feet to 3 feet to accommodate a pool house that is already in the process of being constructed at the residence. Mr. Tatum commented over the summer he had a pool installed in his back yard, and decided to add a storage/pool house/cabana, and his builder told him this could not be a permanent structure due to easement issues. His builder began the project on blocks, and construction ceased when Mr. Tatum realized he was over allowance for portable buildings, which is 120 sq. ft., and his building is 180 sq. ft., and that he would have to get a variance for the structure to remain where it is located in his yard. Philip Bagby asked Mr. Tatum if the plat in front of them is accurate, to which Mr. Tatum replied he thought it was. The commission commented that Mr. Tatum sketched in the new structure

on an existing plot plan, and the only way the commission could even begin to consider this would be for him to come back with a new survey showing exactly where the building is. After some discussion, it was decided by all to take no action on this matter.

The next public hearing was consideration for request to officially change the Master Street Plan classification for South 26th Street from Kibler Road to the railroad property for a proposed multi-family development and city's request for street to meet current standards. Request by Armstrong Remodeling, represented by Ricky Hill of Satterfield Land Surveyors, Inc. This item came to the commission last month, and this item is in front of the commission for the public hearing. With no other comments on this matter, Woody Nelson made a motion to approve this request, with Clarke Moore giving this motion a second. This request was approved with a vote of 7 and one abstention by Mark Evans.

Under any other business, Chief Building Inspector introduced to the planning commission to some changes that will go into effect January 1, 2010 that pertains to permitting. Brad Baldwin commented to the commission that a recent City Council bus tour through the city revealed where policy issues are creating problems that wind up creating phone calls to aldermen. Mr. Baldwin commented the City Council then told him and David Martin that within the ordinances that exist, to inspect, enforce, and press on. The changes include permits being issued and work inspected on replacement of H & A units, enforcing the already in place ordinance requiring permitting for driveways, requirement of grading plans on all new permits, permits and a \$20.00 inspection fee for fencing, and a \$20.00 inspection fee and permitting for retaining walls. Chairman Dibble commented if we are signing off as a city on the grading plan and driveway is there any way that can be misinterpreted that we are telling the homeowner no the water can't come into your drive or your garage and we are signing off on it? Brad Baldwin commented we are not saying that anymore than any other building permit. He then commented if you are doing it with this, you are doing it now. He commented there are certain things that haven't been inspected and that all this is saying is under the building permits these things will now be inspected. He also commented there is a \$20.00 trip charge to cover the inspector's time. David Martin commented the biggest things would be the grading plan and when doing fence inspection they would have to have a plot plan.

With no other business, a motion was made by Philip Bagby to adjourn, motion was seconded by Sue Moore, and motion carried with a unanimous decision.

Andrew Dibble, Chairman

Cami L. Brown, Recording Sec.