



PINE BLUFF
BOARD OF ZONING ADJUSTMENT
FEBRUARY 23, 2010
4:00 p.m.
Council Chambers

- I. CALL TO ORDER
- II. CONSIDERATION OF MINUTES: None
- III. OLD BUSINESS: None
- IV. NEW BUSINESS:
 1. Variance request by Gary Don Smith in regard to the erection of a fence with material other than allowed by ordinance on property located at 817 Blake Street and 4001 W. 9th Avenue.
- V. ADJOURNMENT

**RECOMMENDATION
TO THE
PINE BLUFF BOARD OF ZONING ADJUSTMENT**

SUBJECT: Variance request in regard to the erection of a fence with material other than allowed by ordinance on property located at 917 Blake Street and 4001 W. 9th Avenue.

APPLICANT: Gary Don Smith

REVIEW COMMENTS

- The applicant desires to be allowed to (1) retain the rust-colored fencing that already exists along and in the vicinity of 11th Avenue that screens part of his wrecking company property instead of replacing it with a beige metal fence, and (2) erect a fence on his property at 917 Blake Street (on the east side of Blake Street across from Smith Wrecking Company) of the same kind (beige metal) that he has erected on the west side of Blake Street.
- **BACKGROUND**: When the Planning Commission approved the UPOR for Smith Wrecking Company to have a wrecking yard at the 4001 W. 9th location, one of the conditions was for him to completely screen his property used as the wrecking yard. Since the regulations require all opaque fencing to be of a residential type (wood, masonry, stone), Smith Wrecking had to obtain a Variance of the type of fencing allowed in order to install a metal fence. The Planning Commission granted the Variance and allowed him to use the beige metal fencing that he has now installed along Blake Street. The Commission determined that an earth-tone such as beige was the preferential color for the fence.
- Since Mr. Smith had received a Variance to erect a beige metal fence around his wrecking yard, he assumed that he would also be able to utilize the same type of fence on his property across the street at 917 Blake Street. After he had erected the metal fence, he was told that the Variance he had received was only for the wrecking yard area. He is now requesting that he be allowed to use this type of fence on the property on the east side of Blake Street where he has placed the fence.

We can see how Mr. Smith made an error in thinking that he could use the same type of fence on both sides of Blake Street since much of the discussion concerning his wrecking yard concerned his property on the east side of Blake Street. Since the fence has already been erected and the appearance of a beige metal fence on the east side of Blake Street can be visualized, it appears that utilizing the same type of fencing on properties on opposite sides of Blake Street provides an aesthetic continuity to the neighborhood. It does not appear that the use of this type of fence at the subject location is detrimental to the neighborhood. With the property on the east side of Blake Street cleaned up and with the fence in place, the appearance of Blake Street in this area has been greatly improved. Mr. Smith needs to make sure that any use of this property is in accordance with the zoning of the lot.

- A portion of the wrecking yard property in the vicinity of 11th Avenue was already screened with a rust-colored metal fence. In lieu of removing this fence and erecting a beige metal fence, Mr. Smith would like to be able to keep the rust-colored fence. While the Commission determined that an earth-tone color such as the beige fence would be an appropriate alternative type fence, the rust-

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colored fence is probably a less vivid color than the beige fence. Since it is located in an area where the wrecking yard is divided by a street, it does not appear that the rust-colored fence hurts the aesthetics of the area. While the rust-colored fence does not appear to be as tall as the beige fence, the only condition placed upon the height of the fence other than a maximum of ten feet in height was that the fence had to be high enough to screen the items located behind it. Mr. Smith cannot stack any cars or junk at a height where it can be seen over the fence.

RECOMMENDATION

The Planning Staff recommends approval of the Variance request to the extent of where the fencing currently requiring a variance exists. (In other words, no expansion of the fencing for which a variance has been requested is recommended at this time.)



PINE BLUFF
PLANNING COMMISSION
FEBRUARY 23, 2010
4:00 p.m.
Council Chambers

- VI. CALL TO ORDER
- VII. CONSIDERATION OF MINUTES: November 24, 2009 & January 26, 2010
- VIII. OLD BUSINESS: None
- IX. NEW BUSINESS:
 - 1. Use Permitted on Review request by House of Bread Deliverance Church to operate a church at 500 S. Main Street within a B-5 Commercial Zone.
 - 2. Use Permitted on Review request by Community Empowerment Council, Inc. to operate an emergency shelter at 2501 S. Cherry Street in a B-1 Commercial Zone.
 - 3. Use Permitted on Review request by James Wilkerson Auto dba Wilkerson Auto Sales to operate an automobile sales lot at 2401 E. 6th Avenue in an I-1 Light Industrial Zone.
- X. COMMITTEE REPORTS
- XI. PLANNING DIRECTOR'S REPORT
- XII. ADMINISTRATIVE MATTERS
- XIII. OPEN DISCUSSION
- XIV. ADJOURNMENT

**RECOMMENDATION
TO THE
PINE BLUFF PLANNING COMMISSION**

SUBJECT: Use Permitted on Review request to operate a church at 500 S. Main Street within a B-5 Commercial Zone.

APPLICANT: House of Bread Deliverance Church, Saint Mary Harris as applicant.

ZONING AND LAND USES:

| | | | | | |
|----------------|--------|----------------|----------------------|--------|---------------------------------|
| ZONING: | North: | B-5 Commercial | LAND USE: | North: | Pines Hotel |
| | South: | B-5 Commercial | | South: | Vacant Commercial (common wall) |
| | East: | B-5 Commercial | | East: | Simmons Bank |
| | West: | B-5 Commercial | | West: | Bank of America |

REVIEW COMMENTS

- The applicant desires to operate a church at 500 S. Main Street, which is located on the southwest corner of Main Street and Fifth Avenue. They state they have been located at the site since November, 2009. They also state that another church had been located at the site for ten years prior to the applicant utilizing the site.
- Nothing is known about the previous church utilizing the subject site for ten years. There is no record in the Zoning and Inspection office that a church ever received a zoning permit to locate at the site or that there any inspections of the site were ever done. While the church may have existed, nothing has been presented to show that it was ever legally established. Just because an illegal use has existed in the past does not mean that it became legal over time or that the City should allow the use to be continued.
- The subject site is located in the “Business Center” subarea of the Downtown Revitalization Plan (“Reinventing Downtown Pine Bluff”) that the City adopted as the guide to downtown redevelopment and as part of the City’s Land Use Plan in mid-2004. The Business Center area is located between 4th Avenue and 8th Avenue and Walnut Street and Convention Center Drive. The plan states that the “Business Center” environment is where one would find professional offices, economic development programs such as the Delta Enterprise Institute for education and training, a new “urban” Main Street renovated by streetscape design, loft housing in renovated buildings, an expanded financial center, and service retail.
- The request to convert the site to a church is another instance of converting potential office or retail space into a use that does not bring people downtown or to an existing retail area on a daily basis. Main Street is an area which the City is working hard to try to revitalize. Every time you take space from the retail/office-use market or other use market that complements retail and office uses such as restaurants, financial centers, etc., you are removing a “spoke from the wheel” of a healthy commercial neighborhood plus you are allowing a use into the area that does not benefit the daily needs of existing and proposed commercial establishments. Churches do not bring people downtown on a daily basis to patronize businesses located downtown. Furthermore, their existence does not draw retail uses or restaurants or other

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businesses that rely on daily traffic to locate in the area, and utilizes parking that has been developed for retail and other business uses downtown.

We realize that Downtown Pine Bluff has been in a depressed state for a number of years and there are several vacant buildings in the downtown area and on Main Street. However, you cannot revitalize commercial areas by introducing land uses that do not benefit or complement existing uses or that do no further the goals of adopted plans.

- As you know, the Planning Commission in the past has utilized the Downtown Plan when discussing and decided issues concerning uses proposed in the downtown area. There have been a number of times where a downtown location was being requested as the site for a church. By using the Downtown Plan as a guide, the Commission has turned down these requests because locating a church on these downtown sites simply does not further the implementation of the Downtown Plan or the revitalization of Downtown Pine Bluff.

RECOMMENDATION

The Planning Staff recommends denial of the UPOR to establish a church at 500 S. Main Street.

**RECOMMENDATION
TO THE
PINE BLUFF PLANNING COMMISSION**

SUBJECT: Use Permitted on Review request to operate an emergency shelter at 2501 S. Cherry Street within a B-1 Commercial Zone.

APPLICANT: Community Empowerment Council, Inc., Tony Anderson as applicant.

ZONING AND LAND USES:

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|---------|--------|-----------------|--------------|--------|-------------------------------|
| ZONING: | North: | B-1 Commercial | LAND USE: | North: | Commercial building |
| | South: | B-1 Commercial | | South: | Liquor Store |
| | East: | R-3 Residential | | East: | Single Family Home |
| | West: | B-1 Commercial | | West: | Gas Station (being remodeled) |

REVIEW COMMENTS

- The applicant desires to operate an emergency residential child welfare care facility at 2501 S. Cherry Street. The site contains two lots (total size is 120' x 154') and is located on the southeast corner of Cherry and 25th. The structure that will be used for the emergency shelter is an older single family home with five bedrooms that was constructed in 1939. There is also another residential structure located on the property with the subject site as well as a building used for storage. The applicant states the second residential structure will be used as an office for the facility.
- According to the Department of Human Services, there is a need for emergency child welfare care facilities in Pine Bluff. Recently the Planning Commission approved three locations for such facilities (August), however, they have not gone into business yet. The staff also feels that there is an extreme need for this type of use in the city. We have on several occasions talked to a case worker who is trying to find facilities close to Pine Bluff in which to place children who have been removed from their homes and for which a foster family is not available. In several instances, the children have had to be located as far away as Dumas. The applicant states they have been working with DHS on establishing such a facility in the City.
- The type of facility that will be established at the subject site provides twenty-four (24) hour custodial care for six (6) or more unrelated children on an emergency basis, not to exceed ninety (90) days. According to the applicant, he expects to be licensed to care for about ten (10) children in the home's 3,400 square feet. Children who will be assigned to this facility are children who have been removed from their home for reasons not of their doing and there is not a foster family available to assign them to. When they are signed out of the facility, they either are returned to their home, other family members, or a foster family has become available.
- The subject location appears to be appropriate for the proposed use. The structure to be utilized is an older single family home in an area zoned for business. It is located across the street from a gasoline filling station that is being refurbished, next door to a business, and

across the side street from another commercial structure. Areas such as these are not always attractive to people who want a residence, and some residential structures are not always appropriate for conversion to commercial space. Utilizing the facility as proposed would provide both a residential and commercial-type use in a structure built as a residence but now zoned for commercial purposes. It will also provide facilities for the clientele that is residential in nature rather than institutional. Cherry Street provides adequate access to the structure, and the on-site parking provides two spaces for the two employees that will be on site at any one time plus a long circle drive for visitors.

RECOMMENDATION

The Planning Staff recommends approval of the proposed emergency residential child welfare care facility subject to the following:

1. Clientele shall not include youthful offenders to be housed in the facility on release from or in lieu of more restrictive custodial confinement.
2. The applicant meeting any other city and state regulations, including being licensed by the Arkansas Department of Health and Human Services.

**RECOMMENDATION
TO THE
PINE BLUFF PLANNING COMMISSION**

SUBJECT: Use Permitted on Review request to operate an automobile sales lot at 2401 E. 6th Avenue in an I-1 Light Industrial Zone.

APPLICANT: James Wilkerson Auto dba Wilkerson Auto Sales, James Wilkerson applicant.

ZONING AND LAND USES:

| | | | | | |
|---------|--------|----------------|--------------|--------|--|
| ZONING: | North: | I-1 Industrial | LAND USE: | North: | Martha Mitchell Expressway |
| | South: | RMF-18 | | South: | House/Automotive Repair Shop |
| | East: | I-1 Industrial | | East: | 6 th Avenue/Traffic Signals |
| | West: | I-1 Industrial | | West: | Big Red C-Store |

REVIEW COMMENTS

- The applicant desires to operate a retail used car lot on the site of a former liquor store. The subject site is located on the southwest corner of the Martha Mitchell Expressway and E. 6th Avenue. According to the applicant, the existing building formerly housed a liquor store and has been vacant about three years.
- The subject site is currently zoned I-1 Light Industrial. This apparently has been historically zoned industrial when the subject site was part of a much larger parcel and was never rezoned when the large parcel was split upon the construction of the Martha Mitchell Expressway.
- A number of the land uses in the vicinity of the subject site and including the former use of the subject site are uses that are normally seen in a highway commercial zone, i.e., a convenience store, a liquor store, and an automotive repair shop. 6th Avenue in this area serves traffic from the Martha Mitchell, from Ohio Street, and from the downtown area as well as Belmont Avenue, which serves the Broadmoor area.
- It does not appear that allowing the existing structure and property to be used as a small car lot would negatively affect an area that has been historically used for commercial uses in the subject location. This is particularly true since the subject site is zoned for uses that could be more intense than that proposed.
- The subject site has a paved area that is 64 feet deep and 80 feet wide according to courthouse records. The building itself is 22 feet wide and 20 feet deep. Parking is not allowed in the 20 feet closest to the street right-of-way, which leaves a paved area with a depth of 44 feet that could be used for parking of the vehicles. It appears that there is also room on the west side of the building for a parking space that could be used by the car lot employee.

RECOMMENDATION

The Planning Staff recommends approval of the UPOR request for an auto sales lot at 2401 E. 6th Avenue, subject to the applicant not using the 20 feet closest to the street ROW for any type of parking, no parking behind the building, no parking closer to the east property line than existing pavement, and no expansion of the lot onto the c-store lot next door.