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PINE BLUFF
BOARD OF ZONING ADJUSTMENT
NOVEMBER 30, 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 to build a porch in a portion of the rear yard setback in an R-3 Residential zone located at 205 E. 15th Avenue
- V. ADJOURNMENT

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

SUBJECT: Variance request to build a porch in a portion of the rear yard setback in an R-3 Residential zone located at 205 E. 15th Avenue.

APPLICANT: Gracye Broom/City of Pine Bluff Economic & Community Development Dept.

ZONING AND LAND USES:

ZONING:	North:		LAND USE:	North:	
	South:			South:	
	East:			East:	
	West:			West:	

REVIEW COMMENTS

- The applicant desires to operate an adult day care center in an existing commercial building located in a residential zone. The subject site is located on the southwest corner of W. 7th Avenue and Cypress Street, and faces Cypress. The building is 82 feet wide and 50 feet deep.
- Land uses in the immediate area are single family homes, dilapidated housing, and commercial uses at 6th Avenue and Cypress Street. Since this is an existing building and many of the land uses in the neighborhood are commercial or are dilapidated housing, it does not appear that the proposed use would be detrimental to the neighborhood.
- Cypress Street in the area is a wide, two lane street with curb and sidewalks. The subject site is located one block from 6th Avenue, a major street in an older commercial area of the City, and it is also located one block from 8th Avenue, which is also a good transportation segment that serves this part of the City
- The subject site contains an existing paved parking lot that appears large enough for about 16 vehicles. Two drives enter the parking lot from Cypress Street, and there is also a driveway behind the building where you can access the lot from 7th Avenue, although this driveway requires maintenance. This driveway is not likely to be used often. While there are no regulations for adult day care facilities, child day care centers require one parking space per employee and two additional spaces for drop-off/pick-up. In comparing this property to the adult day care center at E. 6th Avenue and Ohio Street, which is a building that is larger than the subject site with less parking available, it appears that the existing parking on the subject site is sufficient for the proposed use.

RECOMMENDATION

The Planning Staff recommends approval of the UPOR request subject to cleaning the parking lot and striping the parking spaces.



PINE BLUFF PLANNING COMMISSION

NOVEMBER 30, 2010

4:00 p.m.

Council Chambers

- I. CALL TO ORDER
- II. CONSIDERATION OF MINUTES: October 26, 2010
- III. OLD BUSINESS: None
- IV. NEW BUSINESS:
 1. Use Permitted on Review request to operate a church in an existing building at 3800 S. Fir Street within an R-1 Residential zone.
 2. Rezoning request to rezone property at 801 N. Cypress from R-3 Residential to RMF-18 Residential Multi-Family.
- V. COMMITTEE REPORTS
- VI. PLANNING DIRECTOR'S REPORT
- VII. ADMINISTRATIVE MATTERS
- VIII. OPEN DISCUSSION
- IX. ADJOURNMENT

PINE BLUFF PLANNING COMMISSION
MINUTES
FOR MEETING HELD, OCTOBER 26, 2010

MEETING: Shown herein is a summary of action taken at the Pine Bluff Planning Commission Meeting held October 26, 2010 at 4:00 p.m. in the City Hall Chambers.

QUORUM: Those members present included: Lou Taylor, Joe Clement, Evelyn Blunt, Frank Hartwick, Stephen Huselton, Edward Long, and Gordon Reese.

Absent: Don Scott and Jesse Kearney

OTHERS

PRESENT: Others present include: Jerre George, Regional Planner, Lakishia Hill, Zoning Official, and other concerned citizens.

CALL TO

ORDER: Chairman Taylor called to order the Planning Commission meeting for October 26, 2010

CONSIDERATION

OF MINUTES:

September 28, 2010 minutes adopted.

NEW BUSINESS:

Item 1: Use Permitted on Review request to establish an adult daycare center at 706 S. Cypress Street in a commercial structure located in and R-3 Residential zone.

Maxcine Henderson spoke for this request.

Ms. Henderson stated: My home address is 616 Florida Street, Pine Bluff, AR. Thank you for allowing me to stand before you today and request to open up adult daycare at 706 Cypress Street in Pine Bluff, AR. The adult center will house at least thirty (30) clients and 9 – 10 employees. There will be certified nursing assistants, cook, custodian, driver and someone to clean the grounds. I will open up at 6:30 in the morning and close at 5:30 in the evening. That will allow the caregiver of their loved ones to be able to drop them off and pick them up after work. We will serve one (1) meal. In the morning we will give them a light breakfast. They will be given a lunch and in the afternoon we will give them a snack. We will have activities that will consist of bingo and bible trivia. Ministers will come for about forty-five minutes to give a sermon or read from the bible. We will have singing and on everybody's birthday we will present them with gifts. If you will accept this I request that I can have this daycare.

Commission Chair Taylor asked: Are there any questions of Ms. Henderson?

Commissioner Long asked: Is this co-ed?

Ms. Henderson stated: Yes

Commissioner Long asked: What is the age limit?

Ms. Henderson stated: Clients must be 65 or older and have Medicare, Medicaid or Elders Choice.

Commissioner Huselton asked: How many days of operation will there be, seven (7)?

Ms. Henderson stated: I will operate five days, Monday through Friday from 6:30am to 5:30pm.

Commission Chair Taylor asked: Are there any further questions? May we have staff recommendation please?

Regional Planner George stated: This looks like a good location for the use. It is an existing building that looks like it is in good shape. It has good access on decent streets close to 6th Avenue. There is not a whole lot going on around it. It would probably help the neighborhood to put something in the building. There are boarded up homes there, so it would probably benefit the neighborhood. We recommend approval of the request subject to cleaning the parking lot off and we would like to see the spaces striped. People don't know how to park if they don't have stripes.

Commission Chair Taylor asked if there were any questions of staff from commissioners.

Commission Chair Taylor asked: Is there a requirement on the number of parking spaces.

Regional Planner George stated: You have to have one space per employee plus two extra spaces. There is more than enough room for those but it is not striped and people will have a hard time if they don't see the striping on there.

Commission Chair Taylor asked: Ms. Henderson will you be leasing this building or buying it?

Ms. Henderson stated: I am renting.

Commission Chair Taylor stated: Jerre, you said something about this back driveway.

Regional Planner George stated: I just mentioned that there is a back driveway. It can be used but I don't think it will be used enough that they will need to go to the expense of trying to fix it up because that street doesn't really go anywhere. It is 7th Avenue and the railroad tracks are right there. They could use the driveway and it will be there if they need it for emergency access but I don't think it will be used enough to go through the expense to fix it.

Commission Chair Taylor asked: Are there any more questions for staff? If not I will entertain a motion on this recommendation.

Commissioner Hartwick stated a motion to accept staff recommendation.

Commissioner Blunt seconded the motion.

Commission Chair Taylor asked if there was any discussion of the motion, since there was none he asked all in favor of the motion to signify by saying "Aye". All opposed signify with the same sign. The request was unanimously approved.

COMMITTEE REPORT:

Commission Chair Taylor stated: In the month of November with Lakishia's help I would like to get something going in our own court. There are numerous violations around the city and we are not getting any help from where we should be getting help.

Zoning Official Hill asked: Violations, such as what?

Commission Chair Taylor stated: The car lot is back up at 46th & Olive. Cars are parking on their green spaces and things like that.

Zoning Official Hill stated: We don't have an ordinance for that.

Commission Chair Taylor stated: Oh yes, it was passed last fall. Your not suppose to park on your lawn now.

Zoning Official Hill stated: Really? I know Robert has been working on that. He is working on an ordinance regarding parking on the sidewalk and your grass. He is starting to pass legislation on that but to my knowledge nothing has been passed.

Commission Chair Taylor stated: Let's check on that because I think something has been passed. I do recall seeing that.

Regional Planner George stated: I don't think so.

Commission Chair Taylor stated: The first of November I will give you a call and we will work on this. Something has got to be done.

PLANNING DIRECTORS REPORT:

NONE

ADMINISTRATIVE MATTERS:

NONE

OPEN DISCUSSION:

Commissioner Blunt stated: What about the little guy out on Blake Street. I saw a couch and furniture out there last weekend. He had it all out front. I did not know if you all had given him permission.

Commission Chair Taylor stated: No, he is not supposed to have anything outside. I know churches that are operating without Use Permits.

Zoning Official Hill asked: Where are they?

Commission Chair Taylor stated: 11th Avenue between Poplar and Cherry. There are only two buildings there. There is a house and then that big church. It was a house that was converted into a church.

Regional Planner George stated: There is a church on 5th Avenue in an existing commercial building. I meant to write it down because I just saw it the other day. It's just before you get to Cherry.

Commission Chair Taylor stated: If we could get an environmental court and these fines came directly back to your department you could hire additional help.

Regional Planner George stated: You got to get a Judge that will give them a fine.

Commission Chair Taylor stated: Jesse said he'd be willing to take that position.

As you saw in the paper, the city has another suit. They didn't realize that you can't sue the planning commission. It's regarding one of our decisions in regards to the old Jefferson Nursing Home.

Regional Planner George stated: They didn't sue the planning commission but they can. They can sue you individually if they like, but they didn't.

Commission Chair Taylor stated: That is one that I hope that the City decides to fight and not settle because the State of Arkansas gives this committee the authority to make decisions in these regards.

Regional Planner George stated: You just have to remember that you have to have reasons to deny.

Commission Chair Taylor stated: The reason was that it was a change of use and it wasn't conducive to that neighborhood. You are introducing 200 children to a neighborhood that has few. That was enough for us to make that decision and like I said, the neighbors have some say about what goes on in their neighborhood. This lady has asked for trial by jury. That jury is going to come from the City of Pine Bluff. Many of them have been here from one end of town to the next stating their disagreement about something coming before this commission. More often than not we have ruled in that neighborhoods favor and they are going to recall that when they are sitting in that jury box. I am just hoping that the city defends this.

Commissioner Huselton asked: Didn't they have about 250 signatures against that request.

Commission Chair Taylor stated: It should be around here between Jerre and Lakishia's office somewhere. We will dig that up if we need to.

Commissioner Reese stated: You're talking about the lady that was against it. She never submitted it.

Commission Chair Taylor stated: She did give it to us.

Zoning Official Hill stated: I don't recall receiving that but I will check the file.

Commissioner Reese stated: The neighbors remarks ruffled the feathers of Jack Robey.

Zoning Official Hill stated: They wrote an article to the newspaper.

Commissioner Reese stated: There were numerous articles in the paper.

Commission Chair Taylor stated: Like I said, this is one that I really hope the city defends and finds some way to stem this sort of thing with a counter suit for any fees or cost in the defense of this suit. It's not a means of punishment but these frivolous things are coming left and right lately. You got a better chance of settling with the city for some money than the scratch off lottery. We need to get our cost back.

Regional Planner George stated: It is in the Municipal League's hands. I don't know how long it will be before we hear something about that.

Commission Chair Taylor asked: Is there anything else. If not I will entertain a motion to adjourn?

ADJOURNMENT:

Commission Chair Taylor entertained a motion to adjourn.

The motion was made and seconded.

Commission Chair Taylor adjourned the meeting.

THESE MINUTES ARE ADOPTED THIS 30th DAY OF NOVEMBER 2010.

CHAIRMAN

SECRETARY

**RECOMMENDATION
TO THE
PINE BLUFF PLANNING COMMISSION**

SUBJECT: Use Permitted on Review request to operate a church in an existing building at 3800 S. Fir Street within an R-1 Residential zone.

APPLICANT: New Faith Missionary Baptist Ministries

ZONING AND LAND USES:

ZONING:	North:		LAND USE:	North:	
	South:			South:	
	East:			East:	
	West:			West:	

REVIEW COMMENTS

- The applicant desires to operate an adult day care center in an existing commercial building located in a residential zone. The subject site is located on the southwest corner of W. 7th Avenue and Cypress Street, and faces Cypress. The building is 82 feet wide and 50 feet deep.
- Land uses in the immediate area are single family homes, dilapidated housing, and commercial uses at 6th Avenue and Cypress Street. Since this is an existing building and many of the land uses in the neighborhood are commercial or are dilapidated housing, it does not appear that the proposed use would be detrimental to the neighborhood.
- Cypress Street in the area is a wide, two lane street with curb and sidewalks. The subject site is located one block from 6th Avenue, a major street in an older commercial area of the City, and it is also located one block from 8th Avenue, which is also a good transportation segment that serves this part of the City
- The subject site contains an existing paved parking lot that appears large enough for about 16 vehicles. Two drives enter the parking lot from Cypress Street, and there is also a driveway behind the building where you can access the lot from 7th Avenue, although this driveway requires maintenance. This driveway is not likely to be used often. While there are no regulations for adult day care facilities, child day care centers require one parking space per employee and two additional spaces for drop-off/pick-up. In comparing this property to the adult day care center at E. 6th Avenue and Ohio Street, which is a building that is larger than the subject site with less parking available, it appears that the existing parking on the subject site is sufficient for the proposed use.

RECOMMENDATION

The Planning Staff recommends approval of the UPOR request subject to cleaning the parking lot and striping the parking spaces.

**RECOMMENDATION
TO THE
PINE BLUFF PLANNING COMMISSION**

SUBJECT: Rezoning request to rezone property at 801 N. Cypress from R-3 Residential to RMF-18 Residential Multi-Family.

APPLICANT: Darren T. Hale/Black Thunder Investments

ZONING AND LAND USES:

ZONING:	North:	R-3 Residential	LAND USE:	North:	Duplexes
	South:	R-3 Residential		South:	Dilapidated Tri-Plex
	East:	R-3 Residential		East:	Vacant
	West:	R-3 Residential		West:	Single Family

REVIEW COMMENTS

- The applicant desires to rezone the subject property from R-3 Residential to RMF-18 Residential Multi-Family in order to construct a four-plex on the site. The subject site is located on the northeast corner of Havis and Cypress Streets, and is a 75-foot wide, 178-foot deep lot containing about 0.3 acres.
- The area surrounding the subject site is also R-3 Residential. Across Havis Street from the site is a dilapidated tri-plex that has been vacant for a number of years. Single family homes are located across Cypress Street from the subject site, and the lot adjacent to the subject site is vacant. The lot north of the subject site (which is the same size as the subject site) contains two duplexes built in 1970 and before. The surrounding area is largely single family.
- Cypress and Havis Streets in the area are a relatively narrow street without curbs and gutters, but appears adequate for the existing land uses in the area. The subject site is located two blocks south of Fluker Street, which is a primary street in the area, and is about two long blocks from University Drive.
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RECOMMENDATION

The Planning Staff recommends approval of the UPOR request subject to cleaning the parking lot and striping the parking spaces.

