



**PINE BLUFF**  
**BOARD OF ZONING ADJUSTMENT**  
**APRIL 28, 2009**  
**4:00 p.m.**  
**Council Chambers**

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- I. CALL TO ORDER
- II. CONSIDERATION OF MINUTES: None
- III. OLD BUSINESS: None
- IV. NEW BUSINESS:
  1. Variance request by James Davis to build on a lot smaller than required by ordinance, located at 1013 Dakota.
- V. ADJOURNMENT

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

**April 28, 2009**

**SUBJECT:** Variance request to build on a lot smaller than required by ordinance, located at 1013 Dakota.

**APPLICANT:** James Davis

**ZONING AND LAND USE:**

<b>ZONING:</b>	North:	R-1 Residential	<b>LAND USE:</b>	North:	Vacant Lot
	South:	R-1 Residential		South:	Vacant Lot
	East:	R-1 Residential		East:	Vacant Lot
	West:	R-1 Residential		West:	Single Family Homes

**REVIEW COMMENTS**

- The applicant desires to construct a new single family home on this lot, which is 50 feet wide and 154 feet deep (7,700 square feet). According to the Zoning Code, lots are supposed to be at least 60 feet wide and contain 7,200 square feet before a zoning permit can be issued for the lot. When existing lots of record don't meet these requirements, the applicant may ask the Board of Zoning Adjustment for a variance to build on a smaller lot.
- According to the Plat Book, the vast majority of the lots located between Ohio Street and Utah Street and 8<sup>th</sup> Avenue and 11<sup>th</sup> Avenue are the same size as the subject lot (see attached Plat Map). To not allow the applicant to use this lot would mean not allowing any other lots to be used or redeveloped.
- The home plan submitted with the application shows a two story home that is 26.5 feet wide. Side yard setbacks are seven feet (7') on each side, which means that the home can meet the side yard setbacks. The home is 44.2 feet deep, and since the lot is 154 feet deep, there is plenty of room to meet the front and rear yard setbacks. The only problem we see is that there will not be enough side yard left on either side in which to place the required off-street parking. A 600 square-foot (20' x 30') paved parking pad or double carport/garage is required and must be located behind the front yard setback, or 30 feet from the street right-of-way. Usually, the parking is located on the side of the structure for convenience and aesthetic purposes. The depth of the lot, however, is enough so that this particular home plan could be moved back on the lot to provide for placing the parking pad in front of the home but behind the front yard setback, although then the parking would be in front of the structure. While from an aesthetic standpoint this is not desirable, there is no rule against it in the Zoning Code and such has been allowed on other sites where side yard parking was not an option. The applicant, however, may desire to look for a house plan that incorporates a garage or carport and can still meet the requirements in order to provide for a more desirable property.

RECOMMENDATION

The Planning Staff recommends approval of the variance subject to the applicant providing the required paved parking behind the front yard setback as well as paving the drive to the street.

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**PINE BLUFF**  
**PLANNING COMMISSION**  
**APRIL 28, 2009**  
**4:00 p.m.**  
**Council Chambers**

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- I. CALL TO ORDER
- II. CONSIDERATION OF MINUTES: March 31, 2009
- III. OLD BUSINESS:
  1. Use Permit on Review request by Second C.H.A.N.G.E. Recovery Center to operate a homeless drug and alcohol treatment and transitional housing at 2002 W. 27<sup>th</sup> and 2003 W. 28<sup>th</sup> Avenues in a B-1 Neighborhood Business zone.
- IV. NEW BUSINESS:
  1. Rezoning request by Sizemore Properties to rezone approximately five acres located at 1303 W. 46<sup>th</sup> Avenue from R-1 Residential to R-PUD Residential Planned Unit Development District.
  2. Street Closing request by Betty Tassin and others to close Bryant Street between Webb Street and Smart Street.
  3. Use Permit on Review request by First Trinity COGIC to utilize a property they own at 2900 West 6<sup>th</sup> Avenue as a site for the Boys and Girls Club of Pine Bluff.
- V. COMMITTEE REPORTS
- VI. PLANNING DIRECTOR'S REPORT
- VII. ADMINISTRATIVE MATTERS
- VIII. OPEN DISCUSSION
- IX. ADJOURNMENT

**RECOMMENDATION  
 TO THE  
 PINE BLUFF PLANNING COMMISSION**

**SUBJECT:** Homeless drug and alcohol treatment and transitional housing, located at 2002 W. 27<sup>th</sup> and 2003 W. 28<sup>th</sup> Avenues in a B-1 Neighborhood Business zone. This item was first heard in January, 2009.

**APPLICANT:** Second C.H.A.N.G.E. Recovery Center

**ZONING AND LAND USE:**

ZONING:	North:	B-1 Neighborhood Business	LAND USE:	North:	Single Family Residential
	South:	B-1 Neighborhood Business		South:	Single Family Residential
	East:	R-2 Residential		East:	Single Family Residential
	West:	B-4 Commercial		West:	Vacant, then a Business (28 <sup>th</sup> ); SF Res (27 <sup>th</sup> )

**REVIEW COMMENTS**

- At the March 31<sup>st</sup> meeting, the Planning Commission tabled this item because no one representing the applicant was present to answer questions concerning the Rules and Regulations for the substance abuse facilities as prepared by the Zoning Staff. As you know, the issue was tabled in February so that the staff and the applicant could “work together” to prepare a detailed plan of operation that shows that the clients are being provided with programs that treat substance abuse problems and assist them in transitioning from group homeless housing to living on their own and that there are sufficient controls in place to protect the clients as well as the neighborhood. The Planning Commission did not feel it was appropriate to approve the use with the rules and regulations since the applicant was not there to state his position on them.
- HUD defines transitional housing as “housing, the purpose of which is to facilitate the movement of homeless individuals and families to permanent housing within 24 months or such longer period as may be necessary”. People are homeless for a reason. In the subject cases, one of the reasons is substance and alcohol abuse and addiction. In order for these individuals to be “transitioned” from being homeless substance abusers to achieving an independent living status, they have to submit to a program designed to foster independence by assisting them in overcoming their addiction, obtaining employment, removing other barriers, and if appropriate, locating suitable permanent housing. While there may not be Federal or State rules and regulations governing these types of facilities, according to the planning and zoning staff’s research, programs that offer “transitional housing” that meet the HUD definition all have developed rules and regulations that govern the operation of their transitional housing program.
- The “Transitional Housing Guide and Responsibilities” that was distributed to the Planning Commission at the last meeting was developed by Lakishia Hill of the zoning Staff on her own. The applicant did not assist in its development. According to Ms. Hill, he did however read it, and where the term “case manager” is used, he

wants that changed to “staff” and also wanted the term “emergency shelter” added so that he could be an emergency homeless shelter as well. However, since the applicant has operated these facilities (out of compliance with the zoning regulations) for two years, the planning staff maintains that there should have already been a written plan in place on how these clients will be transitioned out of this housing, and in any event, it should not be up to city staff develop regulations for the operation of a program. We feel that it is the City’s responsibility, however, to ensure that as a land use that has an effect on the neighborhood and the community as a whole, the programs have controls in place to protect the clients as well as the neighborhood and community.

- Also at the February meeting, the Planning Commission was informed that there were several violations of the building and fire codes at the structures, of which the applicant had been notified. These violations have since been corrected by the applicant.

### RECOMMENDATIONS

If the Planning Commission desires to approve the proposed use, it should be conditioned on the applicant adopting and utilizing the Rules and Regulations prepared by Ms. Hill and the city staff being able to follow up to see that the plan is being adhered to. Furthermore, the applicant has not applied to be an emergency homeless shelter, such has not been advertised, and there is no data on how it would be operated.

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**RECOMMENDATION  
TO THE  
PINE BLUFF PLANNING COMMISSION**

**SUBJECT:** Rezoning request to rezone approximately five acres located at 1303 W. 46<sup>th</sup> from R-1 Residential to R-PUD Residential Planned Unit Development District.

**APPLICANT:** Sizemore Properties

ZONING AND LAND USE:

ZONING:	North:	B-1 Neighborhood Business	LAND USE:	North:	Medical facilities; 1 single family home
	South:	R-1 Single Family		South:	Single family
	East:	R-1 Single Family		East:	Vacant property; single family
	West:	R-1 Single Family		West:	Vacant property; single family

REVIEW COMMENTS

- The applicant is requesting to develop an R-PUD Residential Planned Unit Development at 1303 W. 46<sup>th</sup> Avenue, which is the northwest corner of Mulberry Street and W. 46<sup>th</sup>. The purpose of the R-PUD District is to allow for innovative residential developments that can exist harmoniously with surrounding land uses while giving residents an alternative type of residential environment.
- The proposed R-PUD provides for 14 building “footprints”. These “footprints” will be sold to individuals or retained by the applicant for development. There are two types of structures that will be allowed to be constructed within these “footprints”: single family homes and two-unit condominiums. The remainder of the property will be common areas and driveways, to be maintained by property owner fees. The area will be fenced and gated. The applicant states that the single family homes will contain at least 1,600 square feet with an enclosed two-car garage and each condo unit will contain at least 1,500 square feet with an enclosed two-car garage.
- A similar project is located on Stevens Drive, a few blocks east of the subject property, called Courtyard on Stevens. This development is an R-PUD where single family homes are built within a “footprint” and the grounds, drives, and fences are maintained by property owner fees. The applicant purchased this property from the original developer and finished it to its current appearance. The main difference in the developments is that the proposed development will contain two-unit condos in addition to single family homes. The applicant has stated the proposed development will have a similar appearance and operation.
- W. 46<sup>th</sup> Avenue in the subject area contains single family uses, the Pine Bluff Country Club and golf course, the R-PUD Courtyard on Stevens, and Arbordale

Condominiums. Medical offices and hospital facilities are located north of the subject site. The Planning Staff feels that the development as proposed can exist harmoniously with the surrounding land uses, particularly since the development will be offering housing options similar to those that currently exist in the general neighborhood. There are few developments in the Pine Bluff-White Hall area that cater to individuals and couples who wish to downsize their living arrangements. Many families where the children have “left the nest” find they do not need or want a large home to maintain, and senior citizens often desire to continue to reside in single family home but do not want a large yard to maintain. The fact that the subject site is located in a safe neighborhood and will also have the extra security of fencing and gates is also something that these empty nesters and senior citizens are looking for. The proposed development provides alternative choices in housing to the normal single family residential lot or rental duplexes or apartment but yet provides the yard area that retains the single family residential feel while eliminating the responsibility of yard maintenance.

#### RECOMMENDATION

The staff recommends approval of the R-PUD zoning request subject to the following conditions:

1. Prior to obtaining a building permit, the applicant must submit the Property Owner's Association covenants that specifies how the common grounds, drives, fences, and gates shall be maintained, the size and type of structures permitted, etc. This will be filed at the Courthouse along with the development plan.

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**RECOMMENDATION  
TO THE  
PINE BLUFF PLANNING COMMISSION**

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**SUBJECT:** Street Closing request to close Bryant Street between Webb Street and Smart Street.

**APPLICANT:** Betty Tassin and others

**REVIEW COMMENTS**

The applicant desires to close Bryant Street between Webb Street and Smart Street. This subject portion of Bryant Street is platted right-of-way only and has not been constructed. In fact, Bryant Street from Knight Street to Smart Street is right-of-way only.

This area is single family residential in nature. The existing streets in this neighborhood are narrow paved streets with ditches on both sides. The area is already developed with single family homes. The subject street has not been needed for neighborhood circulation, and we can see no reason why it would be needed since the area has been functioning acceptably without it. There are no utilities located within the right-of-way.

**RECOMMENDATION**

The staff recommends approval of the Street Closing request.

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**RECOMMENDATION  
TO THE  
PINE BLUFF PLANNING COMMISSION**

**SUBJECT:** Use Permit on Review request to establish the “Trinity Unit” of the Pine Bluff Boys and Girls Club at 2900 W. 6<sup>th</sup> Avenue

**APPLICANT:** First Trinity Church of God in Christ

**ZONING AND LAND USE:**

ZONING:	North:	I-3 Industrial	LAND USE:	North:	Vacant
	South:	I-1 Industrial/R-3 Residential		South:	Parking Lots/ New elderly units
	East:	I-1 Industrial		East:	Business/Industrial
	West:	I-1 Industrial		West:	Vacant

**REVIEW COMMENTS**

- The applicant desires to use a portion of the subject site to house the Trinity Unit of the Boys and Girls Club for youth activities. The subject site is the former Barton’s and Surplus Warehouse location that has been vacant since Surplus Warehouse moved to its location on Michigan Street. The building is now owned by First Trinity.
- The applicant states that the hours of operation would be 3:00 p.m. to 6:00 p.m. (7:00 p.m. for teens) during the school year and 7:00 a.m. to 5:30 p.m. during the summer. The site plan shows a 6,000 square foot teen area, a 6,000 square foot area containing a basketball court, and about 4,500 square feet for office space and other uses.
- It is our understanding that this is like a “satellite” youth center and is one of the ways the committee on youth activities of the 2020 visioning plan intends to serve the youth of the City. By having a main community/youth center (this is still in the planning stages) and satellite locations across town, it is hoped that eventually all children and youths will have access to an activity center in their neighborhood.
- The subject site is easily reached by a number of areas in the City because 6<sup>th</sup> Avenue is a major road and connects with Blake Street, University Drive, Cherry Street, Ohio Street, and other areas. The street is provided with City bus service.
- The subject area is zoned industrial because its historical use has been for activities associated with industrial uses, such as the Barton’s lumber yard, Central Maloney, ice plant, and other uses that are no longer in existence. The building is existing, and because of the current ownership, it is unlikely the structure will be utilized for industrial purposes.

RECOMMENDATION

The staff recommends approval of the UPOR request.

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