

PLANNING COMMISSION  
MINUTES  
FOR MEETING HELD FEBRUARY 24, 2009

**MEETING:** Shown herein is a summary of action taken at the Pine Bluff Planning Commission Meeting held FEBRUARY 24, 2009 at 4:00 p.m. in the City Hall Chambers.

**QUORUM:** Those members present included: Lou Taylor, Joe Clement, Frank Hartwick, Edward Long, David Lausten, Evelyn Blunt, Don Scott, Gordon Reese and Jesse Kearny.

**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 Pine Bluff Planning Commission meeting for February 24, 2009.

**CONSIDERATION  
OF MINUTES:**

January 2009 minutes were adopted.

**OLD BUSINESS:**

**Item 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> Avenue and 2003 W. 28<sup>th</sup> Avenues in a B-1 Neighborhood Business zone.

Commission Chair Taylor informed the commission that this item was tabled during January 2009 commission meeting for further research. He asked for speakers on behalf of the request. Since none were present he asked for speakers against the request. Since there were none he asked for staff recommendation.

Glen Jackson, Director of Second CHANGE Recovery Center came forth as the speaker for this request.

Regional Planner George stated that staff has researched the policies of similar businesses and at this time it is staff recommendation that the request be denied. However, staff also recommends that the application as transitional substance abuse housing at these locations be allowed to be reheard before the 12-month waiting period for denied applications has ended if the applicant submits a detailed plan of operation that shows that the clients are being provided with programs that treat substance abuse problems and assists 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.

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

Commissioner Reese stated to Mr. Jackson that it is very rewarding to read his letter considering this is an organization that cares for these people who seem to be at the rock bottom of their luck. He stated that it is his understanding that he has been operating at the locations for 2 years, as of November 2006. The figures show that he has treated approximately 1,116 one time people.

Commissioner Reese asked him if he has any knowledge of complaints against him or the organization and he asked if he has a track record of the people that he has treated.

Mr. Jackson stated that he has no knowledge of any complaints. He informed the commission that most clients are productive people that have jobs and houses. Some have gotten married but all clients continue to attend meetings because it helps them to sustain their sobriety.

Commissioner Reese stated that according to court house records Mr. Jackson does not own the homes where the transitional housing is located. He stated that if the commission denies the application, Mr. Jackson will be out of business and the 558 people that are helped per year will be out of luck.

Mr. Jackson stated that statistics for the year 2008 show that over 6,000 people came through the center.

Regional Planner George clarified that those figures are not for the transitional homes. They are for the office on Catalpa Street.

Commissioner Reese stated that in the agenda there are 5 good reasons in favor of the establishment. He asked Mr. Jackson if he had any reasons to add.

Mr. Jackson stated he had not seen the agenda.

Regional Planner George stated that Mr. Jackson was mailed an agenda.

Commissioner Blunt asked if there are follow-ups completed to show if clients continue to work and are not back on the streets.

Mr. Jackson answered that follow ups are completed and clients let them know through support meetings. The main goal is to keep them coming back to support meetings.

Commissioner Blunt asked if there are any recordings.

Mr. Jackson stated that he has a record of everyone who attends the center and attendance is mandatory for those that reside in the houses.

Commissioner Reese asked Mr. Jackson about the house west of 2002 W. 27<sup>th</sup>. He stated that they are installing new windows and performing a lot of construction on it.

Mr. Jackson stated the house west of 2002 W. 27<sup>th</sup> is another transitional facility that is his responsibility as well.

Commission Chair Taylor stated that he thinks what Mr. Jackson is doing is noble work. Staff recommendation for denial is also supported with coming back before the 12 month period. He asked that Mr. Jackson work closely with staff so that the houses are brought into compliance so that he is able to operate transitional housing at the locations. The first thing that will have to happen is renovation of the facilities for health and safety purposes. The second requirement will be submittal of a structural plan to show what is done in these locations is helpful in getting the clients out of a transitional home situation. It should show that they have a job and are successful in moving out of the facilities. There should be a recording of how many are in and how many are out of the facility and where they end up going. The way it is set up right now it is not able to operate with the approval of the City of Pine Bluff. Once the City gives permission to operate it becomes liable for what goes on there. If you are operating in compliance with the sanction of the City, the City is basically a partner with you in that endeavor as far a health, safety and any other negative outcome.

Regional Planner George commented that the location is not bad but before the Planning Commission approves an application they need to know there are sufficient controls in place to ensure the facilities are what they are supposed to be. There needs to be a correction of the fire, electrical and building code violations.

Mr. Jackson stated that they have come into compliance with all the codes. The inspectors gave a short list of things that needed to be brought to code and they complied with that list. Also the health department has inspected the houses and he has letters to show the health department has inspected.

Commissioner Clement stated that it says a lot to him that they have been there for a couple of years without any problems. The houses look well kept. He asked if policies and procedures were in place, would staff be okay with the request.

Regional Planner George answered yes. She stated that we need to be careful about permitting these types of businesses without having something to show that what they say is happening is really happening.

Commissioner Long asked if it is the commission's responsibility to make sure he does what he says he is going to do.

Commissioner Reese stated that the commission is there to say that he can or can not be there. How he runs his business is not.

Regional Planner George stated that she knows that there is a need for this and it is not a bad location but the commission has an obligation to make sure that he does what he says he is going to do.

Zoning Official Hill stated that she agrees with Regional Planner George. She stated that she thinks it would be a good thing because after items are approved by the commission there are calls made to her office with complaints in regard to some of the businesses.

Because there are no policies or procedures recorded for those businesses, there is no check and balance system to hold the businesses accountable. If Mr. Jackson submits a policy and procedure to the commission that states what will be done and the item is approved with the policy and procedure, we will have something to refer back to when complaints are made. If items are approved without guidelines there is nothing to refer back to when enforcement issues arise.

Commissioner Reese asked Zoning Official Hill if she had any complaints on Mr. Jackson.

Zoning Official Hill answered no.

Commissioner Clement stated that if the business had been operating from scratch he would feel differently but the business has been operating for a couple of years. He would rather see Mr. Jackson and staff work out guidelines.

Regional Planner George stated that there may not have been any complaints but because he says it is operating as drug rehabilitation/transitional facility and they have meetings that they go to but we don't know if the people attend meetings or how they get there.

Commissioner Clement stated that the issue should be tabled for another month to let Mr. Jackson and staff work together.

Regional Planner George stated that he could just apply for a homeless shelter without drug rehab. That may be what is actually happening but there has been nothing presented besides a list that Mr. Jackson made up and presented after staff requested something that details how the houses are operated. As a transitional facility the people should be transitioning from being homeless and having a substance abuse problem to being able to go out on their own. If that is what is being operated there should be a policy and procedure booklet that he is operating out of so that we can check to see that he is doing what he says he is doing. She stated that she understands that it is not a land use issue but if the commission approves the request and the business operates as something other than what they were approved it affects the neighborhood.

Commissioner Blunt stated that she would recommend in favor of Commissioner Clement's recommendation to table and come back because there should be guidelines and follow-ups for clients.

Mr. Jackson stated that they don't deal with clients who have violent crimes. They receive people who may have been to jail for minor offences such as drug use. The homeless program is based on recovery for addicts and alcoholics because there is nothing available for them. Currently there is the Salvation Army and similar places for the homeless but when dealing with people who have drug and alcohol issues you have to look at things from a totally different angle. Those people will have addictive and bad behavior. It takes attention, meetings and everything that Second C.H.A.N.G.E. Recovery Center can offer them to mold them back into society and give them a different aspect about life. It takes time to modify their behavior and give them new ideas and goals.

Commissioner Blunt asked if he has sufficient counselors.

Mr. Jackson answered yes. He stated that the biggest issue was funding and now they are in the position to receive funding. They have been managing to keep the doors open and providing the service through volunteers.

Commission Chair Taylor asked Mr. Jackson if a month would be long enough to sit down with staff and develop a manual of policy and procedures.

Mr. Jackson stated that it took a year to develop the policy and procedures for the center. He stated that he could if he was given guidelines.

Commissioner Clement asked if he has rules for the houses.

Mr. Jackson answered yes.

Commissioner Clement stated that he did not know what else could be asked of Mr. Jackson since treatment was not taking place at the houses.

Commission Chair Taylor stated that on a previous approval of a substance abuse center there was a housing portion in the regulations that monitored the in and out of clients.

Commissioner Clement stated that was a different situation because those people lived in the center under court supervision and they were not to leave without documentation. In this situation the people are not under court supervision and they are free to walk down the street to the treatment center.

Commission Chair Taylor stated that those guidelines could be used as a base for the transitional houses.

Commissioner Blunt asked if clients walk in off the street and are not sent by the courts.

Mr. Jackson stated that the courts want their people to go to an inpatient center.

Commissioner Blunt stated that the courts could not send Mr. Jackson patients and she asked him how he received patients.

Mr. Jackson stated that clients are referred to them from other facilities, DHS and the homeless.

Commissioner Lausten asked have the code violations been corrected so that the houses are safe to live in.

Commission Chair asked if the houses have been re-inspected.

Mr. Jackson answered no.

Mr. Lausten asked if there is a place Mr. Jackson can go for help in developing guidelines.

Commission Chair Taylor stated that he is sure there are guidelines for homeless shelters and suggested he contact the Red Cross.

Regional Planner George reminded the commission that she included some guidelines in the agenda.

Commissioner Clement stated that those guidelines are connected to the counseling center on Catalpa, not the houses.

Commissioner Lausten stated that his concern is that if the commission is looking at the house the facilities of the house should be looked at as a house.

Commission Chair Taylor stated that we need rules and regulations for the house. He stated that a motion is needed to deny the request, give Mr. Jackson more time to establish rules and regulations or approve the request.

Commissioner Clement made a motioned that the request is tabled for another month and Mr. Jackson work with staff to establish guidelines.

Commissioner Blunt seconded the motion.

Commission Chair Taylor asked all in favor of the motion to signify by saying "Aye". Then all opposed to signify with the same sign. The motion was unanimously approved. The request was tabled.

## **NEW BUSINESS:**

**Item 1:** Use Permit on Review request by Curtis Smith to reside in a single family dwelling and operate a used furniture business out of it in a B-3 Commercial zone, located at 331 S. Blake Street.

Mr. Curtis Smith of 331 S. Blake Street spoke for this request.

Mr. Smith stated that he is disabled and would like to sell furniture from the home. When he purchased the home he was under the impression that the area was zoned for flea market sales and later found out that was not true. The property is in a B-3 zone. His income is \$670 per month and his bills exceed his income. He asked that he be allowed to sell used merchandise to make ends meet.

Commission Chair Taylor asked if there were any questions of staff from the commissioners. Since there were none he asked for a motion on staff recommendation.

Commissioner Reese asked Mr. Smith if he lives in the residence.

Mr. Smith stated that he lives in the residence and is in the process of buying the home.

Commissioner Reese stated that he lives in the property already and wants to sell merchandise from the home.

Commissioner Long asked Mr. Smith where he would put the furniture since the lot had no frontage.

Mr. Smith stated that he was not trying to sell a lot of stuff, just two or three pieces at a time. He also has a shed on the property for storage.

Commissioner Lausten stated that right now Mr. Smith has items sitting on his porch.

Mr. Smith stated that he had them sitting there because he was in the process of moving them to another location.

Commissioner Blunt asked Mr. Smith if his property is across from Save-U-More. He stated that if it rained, his appliances would be in bad shape because they are stored in an unclosed carport.

Mr. Curtis stated that a month ago the wind blew the top off his carport. He came to city hall to purchase a permit to enclose the carport to store the furniture but was informed that he could not enclose the carport.

Commissioner Blunt stated that she was concerned with the furniture being located so close to Blake Street.

Commissioner Lausten asked Mr. Smith if he had sufficient parking for a business.

Mr. Smith stated that there is a lot across the street from him that where could people park.

Commissioner Blunt stated that the lot belonged to someone else.

Mr. Smith stated that he would pay the owner to use the property for parking.

Commissioner Blunt stated that she did not think the owner would agree but he could check into it.

Commission Chair Taylor asked if there was anyone else present to speak for the request. Since there were none he asked for speakers against the request. Since there were none he asked for staff recommendation.

Regional Planner George stated that staff does not feel that it is in the best interest of the City to allow dual uses to operate out of certain locations. The house is a non-conforming structure because it is zoned B-3 Highway Commercial. The purpose of classifying something as a non-conforming use is that you hope one day it will cease to exist and will be replaced with a use that is more compatible with the surrounding uses which in this case is commercial uses. Since it is a residence he can continue to live in it and it can be rebuilt as a house. Once the house is made a dual use it is unlikely the residential use will cease and the property will be utilized as only commercial property.

Staff feels that it is better for the use to be either strictly commercial as permitted or a non conforming residential use until someone wants to operate a permitted use. So staff recommends denial of the request. However if the commission chooses to approve the request, it should be approved subject to: 1) that the applicant shall provide the required parking in such a manner that meets the requirements of the zone and be approved by the Zoning Staff, 2) that the UPOR shall be in effect only as long as the applicant resides in the structure, 3) that there shall be no outside storage of furniture, which includes no storage of furniture underneath the carport/patio cover, and 4) no expansion of either the living quarters or commercial section of the structure shall occur without amending the UPOR.

Commission Chair Taylor asked if Commissioners had any questions of staff. Since there were none he asked for a motion on this request. He stated that staff has recommended denial but stated that if approved it should be approved with guidelines.

Commissioner Lausten stated that he does not have a problem with people working out of their home but stated that it should look nice and listed the requirements recommended by staff.

Mr. Smith asked if he could store furniture in his storage shed.

Commissioner Lausten stated that he could store furniture in the shed but not out front under his carport.

Commission Chair Taylor asked if requirements for signage needed to be added.

Zoning Official Hill stated that there is a sign ordinance already in place for commercial zones and he would have to meet those requirements.

Commissioner Lausten started a motioned allowing him to operate subject to the requirements of staff being met.

Commissioner Hartwick stated that there is no way the parking requirement can be met on the property.

Regional Planner George stated that the property is 120 feet of Blake frontage and 39 feet deep. According to court house records he should have ample space to install four parking spaces.

Mr. Smith stated that he has enough room and he is going to pave the side property for parking.

Commission Chair stated that he has a motion to approve the request.

Commissioner Lausten seconded the motion.

Commission Chair Taylor asked if there was any discussion of the motion. Since there were none he asked all in favor of staff recommendation to signify by saying "Aye".

Then all opposed to signify with the same sign. The request was unanimously approved subject to staff requirements.

**Item 2:** Use Permit on Review request by LANCAM Towing and Transportation to operate a towing facility and salvage yard in an I-3 Industrial zone, located at 2110 W. 6<sup>th</sup> Avenue.

Nisa Langel spoke for this request.

Mrs. Langel requested to have an existing towing business relocated to 2110 W. 6<sup>th</sup> Avenue.

Commissioner Hartwick asked Mrs. Langel how long she has been in business.

Mrs. Langel stated that she has been in business for five years and the business is currently operating outside city limits.

Commission Chair Taylor asked Mrs. Langel if she has appeared before the commission before.

Mrs. Langel answered yes and they were denied four years earlier. Mrs. Langel stated that she has objections to some of the wording used in the agenda. She objected to the use of the word “salvage”.

Zoning Official Hill stated that she spoke earlier with Mr. Langel and discussed the use of the word “salvage” and she informed him that the use of that work would not be used against him in the planning commission’s decision.

Mrs. Langel stated that the property would be used as a holding yard for the business until picked up by owners and insurance companies.

Commission Chair Taylor asked if the business repossesses vehicles.

Mrs. Langel stated that they do offer that service on occasion.

Commissioner Long stated that staff recommends in favor of the request.

Mrs. Langel stated that she was concerned that they would be approved and listed as a salvage yard. She also stated they would like to fence the entire property so that it can be utilized for the business.

Regional Planner George asked if they would have a problem with a privacy-type fence.

Mrs. Langel answered no.

Regional Planner George stated that she would not have a problem expanding the site as long as the privacy fence is installed and there will be no crushing or stacking of cars.

Mrs. Langel stated that she understands and that is not their intention.

Commission Chair Taylor asked if there were any further questions of Mrs. Langel. Since there were none he asked for more speakers for or against the request. Since there were none he asked for staff recommendation.

Regional Planner Jerre George recommended they be allowed to have their towing business along with an impound yard. She also stated that she has no objection to expanding the site as long as it is fenced. She also stated that parking will have to be paved.

Commission Chair Taylor asked if there were any questions of staff. Since there were none he asked for a motion on staff recommendation.

Commissioner Hartwick started the motion.  
Commissioner Blunt seconded the motion.

Commission Chair Taylor asked if there was any discussion of the motion. There was none.

Commission Chair Taylor asked all in favor of staff recommendation to signify by saying "Aye". Then all opposed to signify with the same sign. The motion on staff recommendation was unanimously approved. The request was approved.

**Item 3:** Use Permit on Review request by College Heights Church of Christ to construct a new church facility in an R-4 Residential zone on property located at 1313 N. Magnolia.

Roy Johnson spoke for this request.

Mr. Johnson stated that the church has purchased property to the rear of their existing building and they propose to expand by building a new sanctuary and offices on the property.

Commission Chair Taylor asked if commissioners had any questions for Mr. Johnson.

Commissioner Lausten commended Mr. Johnson on his plans.

Commissioner Long stated that he had a hard time finding the property.

Commission Chair Taylor asked if there was anyone else to speak for or against the request. Since there were none he asked for staff recommendation.

Regional Planner George stated that staff recommends approval of the request subject to Zoning Staff approval of the site plan and parking.

Commission Chair Taylor asked if commissioners had any questions of staff. Since there were none he entertained a motion on staff recommendation.

Commissioner Blunt started the motion.  
Commissioner Lausten 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 staff recommendation to signify by saying "Aye". Then all opposed to signify with the same sign. The motion on staff recommendation was unanimously approved. The request was approved.

**COMMITTEE REPORTS:**

NONE

**PLANNING DIRECTORS REPORT:**

Commissioner Long reported that the Clean Up Committee met with Robert Tucker, Mitzi Ruth and Carol Billings to discuss the problems of enforcement of existing ordinances as well as what other measures are required to improve the image of Pine Bluff and make our city a more attractive place to live, work and attract others. The plan is to produce a whitepaper in the next few weeks that will address the problems the City faces in improving our image and offer suggestions on how to solve these problems and move forward. The whitepaper will be provided to commissioners and forwarded to the proper city officials for action.

**ADMINISTRATIVE MATTERS:**

NONE

**OPEN DISCUSSION:**

Open discussion was held.

**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 31st DAY OF MARCH 2009.**

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CHAIRMAN

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SECRETARY