

PINE BLUFF PLANNING COMMISSION
MINUTES
FOR MEETING HELD JULY 29, 2008

MEETING: Shown herein is a summary of action taken at the Pine Bluff Planning Commission Meeting held July 29, 2008 at 4:00 p.m. in the City Hall Chambers.

QUORUM: Those members present included: Taylor, Jesse Kearney, Frank Hartwick, Gordon Reese, Joe Clement and Don Scott.

OTHERS

PRESENT: Others present include: Robert Tucker, Zoning Administrator, George, Regional Planner and other concerned citizens.

CALL TO

ORDER: Chairman Taylor called to order the Pine Bluff Planning Commission meeting for July 29, 2008.

**CONSIDERATION
OF MINUTES:**

Motion to approve and adopt minutes for April 2008, May 2008 and June 2008 was made and seconded. The motion to approve and adopt the minutes passed.

OLD BUSINESS:

NONE

NEW BUSINESS:

Item 1: Use Permit on Review request by Todd Raney to operate a special events/banquet hall in an existing structure at 1200 S. Laurel Street.

Ms. Dee Herring represented this request on behalf of Mr. Todd Raney.

Ms. Herring stated that the property would be utilized as a rental space for special events. She informed the commission that Mr. Raney has purchased the home and has invested \$100,000.00 to \$150,000.00 restoring home. The proposed events would be in the categories such as weddings, reunions, receptions etc. Mr. Raney has no employees at the location and will run the business himself.

Commission Chair Taylor asked if there were any question of Ms. Herring from commissioners.

Commissioner Reese asked if anyone would live in the house on a regular basis.

Ms. Herring stated that someone would live in the home at all times.

Commission Chair Taylor asked if there were any further questions from commissioners. Since there were none he asked if there were any more speakers in favor of the request.

Mr. Williams Dobbins, a neighborhood property owner stated that he is in favor of the request. He feels that it would be beneficial to the neighborhood and the City of Pine Bluff.

Commission Chair Taylor asked if there were any question of Mr. Dobbins from commissioners.

Commissioner Scott stated he performed a visual inspection and concluded it was a positive and serious project.

Commission Chair Taylor asked if there were any further questions from commissioners. Since there were none he asked if there were any speakers against the request.

Mr. Louis Giblin of 1217 Olive stated that he is opposed to having a party house in the area. Although money has been invested he feels the property should remain a residential home. He feels there are enough drunks, crack heads, traffic, and parties in the neighborhood. He also stated that between 12th Ave. and 13th Ave. on Olive Street there have been 7 major accidents in the past 18 years. He feels that that type of use would decrease the value of the neighborhood.

Commissioner Scott stated that he respects Mr. Giblin's statement but as a citizen he foresees the possibility of using the facility. He doubts that drunks or drug users would utilize the facility and it does not appear to him that this would be a fly by night party facility.

Mr. Giblin stated that people are people and in addition to weddings there would possibly be fraternity parties and he feels that there are other venues for this use in the city and a party house should be located somewhere else.

Mr. Dobbins attempted to clarify the situation by stating it is not a party house. It would be a house for special events. At his location in Little Rock the house is rented at a cost of \$800.00 per event for a four hour period. The business is regulated and will generate business for Pine Bluff.

Mr. Frank Johnson stepped forward to address the council. He asked if the property was zoned residential or commercial.

Commission Chair Taylor stated the property is zoned residential.

Mr. Johnson asked if the zoning commission would have to change the zone for the use.

Commission Chair Taylor informed him that the request is for a Use Permit on Review which does not require a zone change.

Mr. Johnson asked if the owner stated what type of security would be used during events because there is a lot of vandalism in the neighborhood. He stated that he is worried about the children in the neighborhood and the damage that would be done by the renters of the building.

Commission Chair Taylor asked for one last speaker in opposition of the request.

Ms. Annette Nelson of 1215 Beech stated that she is concerned about the security of the neighborhood. She would like to see the alley behind her property cleaned. She informed the commission that the neighborhood is a high risk area and thinks there should be more research done before approving the request.

Ms. Herring stated that she understands the concern and has experienced similar situations in Little Rock, AR. She advises that the citizens take similar steps as neighbors in Little Rock, AR and network together to help secure the neighborhood. She reiterated that she did not believe that drug addicts would rent the building at a cost of \$800.00 to \$1500.00 nor did they intend to rent the building to drug users.

Mr. Johnson asked Ms. Herring why Mr. Raney did not reach out to people in the neighborhood.

Ms. Herring stated that he did reach out to the neighborhood.

Commission Chair Taylor asked for staff recommendation.

Regional Planner George stated that there are intense uses in the neighborhood such as three apartment complexes and a school. Olive Street is classified as an arterial street and 13th Ave. is classified as a collector street. The proposed use would need to be located on streets with those classifications. The subject site is suitable for the proposed use because of the street system that serves the site and because the proposed use is less intense than uses already located in the neighborhood. In addition the proposed use will renovate a historic home that was constructed in 1914 as well as provide a service to the city. Staff recommends approval of the proposed use subject to the following: 1) limiting the operating time to 11:00 p.m. on weeknights and 12:00 p.m. on Fridays and Saturdays; 2) the use is limited to banquets, weddings, family reunions and other similar functions; and 3) the parking lot design(s) shall be approved by the zoning and planning staff and their discretion may include landscaping. In addition, proven neighborhood complaints that occur on a semi-regular basis that concern loud, raucous, and unruly parties or other functions shall be grounds for terminating this UPOR permit.

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

Commissioner Clement asked how the parking space requirement is determined.

Regional Planner George stated that this use is not defined in the zoning code so an interpretation was made based on the most similar defined use in the zoning code.

Mr. Giblin asked who votes on staff recommendation and what happens after it has been approved by the commission.

Commission Chair Taylor explained that after 30 days the decision of the commission becomes effective.

Mr. Giblin asked what the appeal procedure is for the commission.

Regional Planner George stated that there is no appeal procedure in place for anyone other than the applicant of the request.

Mr. Giblin stated that it seems that the decision was made before the hearing.

Regional Planner George informed everyone present that she was on staff in an advisory capacity to the commission. The commission votes on her recommendation. She is not involved in the voting process.

Commission Chair Taylor asked for further questions from staff. Since there were none he asked for a vote on staff recommendation.

Commission Chair Lou 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 approved. The request was approved.

Item 2: Use Permit on Review request by Jefferson County to construct a courtroom building for the Jefferson County District Court.

Judge Holcomb of 101 Barraque represented this request.

Judge Holcomb stated that the county owns most of the land in the area. There are empty buildings, vacant lots and foundations in the area. The County has made improvements to the area that includes the Juvenile Justice Center and new County Jail. The request is to build a new courtroom east of the detention center that is estimated to cost \$1.5 million dollars. This will be a convenience in regard transporting inmates and alleviating the courtroom shortage for hearings such as pc hearings.

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

Commissioner Clement asked what a pc trial is.

Judge Holcomb and a Sheriff explained that it is a probable cause hearing that is held before a trial is scheduled.

Commission Chair Taylor stated that on the sketch provided there was an area labeled future courtroom. He asked if this would decrease the parking.

Judge Holcomb stated that it would not.

Gordon Reese asked why two courtrooms were decreased to one.

Judge Holcomb stated that he had no knowledge of two courtrooms and one courtroom was within the budget.

Commission Chair Taylor asked if there were any further questions from commissioners for Judge Holcomb. Since there were none he asked if there any more speakers in favor of this request.

Sheriff Gerlad Robinson stated this endeavor is a project they have envisioned for quite some time. He stated that this courtroom will allow the legal process to cycle more smoothly. More trials will occur and larger revenue will be generated. He feels this will be beneficial to Pine Bluff as well as Jefferson County.

Commission Chair Taylor asked if commissioners had any questions for Sheriff Robinson. 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 the city administration would like the planning commission to table the UPOR request until the August meeting to allow time for the Mayor and County Judge to meet to discuss his concerns. Tabling the request for 30 days will not affect the time line of construction of the jail since Alabama Street has not yet been closed. We are working out minor problems with utilities, and closing the street will not become effective until the end of September. Other than this, the Planning Staff does not have a problem with the location of the proposed courtroom. However, any approval should be subject to providing the additional parking directly across State Street from the subject site and landscaping as approved by the zoning and planning staff on the perimeter of the site.

City Attorney Carol Billings stated that tentatively there may be an agreement to have the courtroom by utilized by both Judges.

Commissioner Clement asked if administration made this decision based on conversations between all parties.

City Attorney Billings stated it was based on discussions held with the Judges. Both Judges need to utilize the courtroom because building two courtrooms can not be afforded at this time.

Judge Holcomb stated that he did not understand why there would be opposition to the request to build a new courtroom since the finances for the facility have been provided.

Regional Planner George informed Judge Holcomb that she was only relaying Mayor Redus' concerns.

Commissioner Reese stated that this seems to be a good project and said he did not understand why the City would interfere with the County using their money to build this courtroom. He also stated that he has a problem with tabling the issue for 30 days.

Commissioner Clement asked if tabling the issue would cause a delay in the project.

Judge Holcomb stated that they would like to start so that winter does not become an issue during construction.

Commissioner Clement stated that it was his understanding from Regional Planner George's statement the project was waiting for the street closing to take effect.

Regional Planner George stated that the county could construct the courtroom if the commission allowed it.

Commissioner Hartwick stated that he was in agreement with Commissioners Clement and Reese. He believes the project should not be delayed.

Commissioner Clement asked if the project could be approved for either one or two courtrooms.

Commission Chair Taylor stated that the application has to be approved with a specific site plan that shows either one or two courtrooms.

Regional Planner George stated that the site plan reflects the potential of two courtrooms.

Zoning Administrator Robert Tucker asked the commission to bear in mind that sharing a courtroom is not a discussion item in the application packet for this project.

Commission Chair Taylor asked for a motion on staff recommendation with an amendment removing the 30 day tabling delay.

Commissioner Clement started the motion.

Commissioner Hartwick seconded the motion.

Commission Chair Lou 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 approved with the removal of the 30 day tabling. The request was approved with the condition that parking lot design and landscaping have prior approval by the zoning and planning staff.

COMMITTEE REPORTS:

Commission Chair commended Commissioner Clement on the report.

Regional Planner George reviewed some changes the subcommittee has requested. Commissioner Clement stated that he believed it was a good idea to not restrict the current owners' rights. He said the subcommittee's goal was to expand the list of

permitted uses so that it would not be so restrictive. He also felt that any proposed use could be conditioned to fit the district.

Regional Planner George stated that the district has some restaurant and retail uses in it. She informed the Commission that another public hearing would need to take place before any actions are taken.

The commissioners and planner discussed pros and cons of exempting present owners in the district.

Zoning Administrator Robert Tucker explained that the staff did not have time to perform property ownership checks and grandfathering existing property owners would be near impossible to manage.

Commissioner Clement stated that the grandfathering issue could be debated but from a practical standpoint the burden to supply ownership records for property could be assigned to the property owner or applicant.

Zoning Administrator Robert Tucker stated that major projects should be reviewed by the commission and he recommends that grandfathering property owners not be an option.

Regional Planner George agreed. She also introduced a solution to the protection of trees in the historic district. She suggest that property owners are not required to gain approval to cut down a tree but instead offer them a variance on parking in order to save a tree.

Commission Chair Taylor informed the commissioners that the committee meets one additional time with staff to work out all details. Once that is done the commission will meet again and authorize an ordinance and forward it to the City Council. The documentation should be prepared for October.

Commission Chair Taylor stated that he had a packet left on his door.

Zoning Administrator Robert Tucker informed the commission that the packet was from Ms. LaJuan Roaf who wanted to have a group home in a zone that does not allow the use. She would like the BZA to hear an appeal of the Zoning Officials decision. So that she can be heard by the BZA she has to take the proper steps and fill out an application so that she can be turned down and appeal the decision.

Regional Planner George stated that Ms. Roaf originally looked at the area a few months ago and she was informed that she could not have the use in that zone. The planning commission changed the ordinance to allow child care services in older homes in the B-3 and B-4 area as Uses Permitted on Review.

PLANNING DIRECTORS REPORT:

NONE

ADMINISTRATIVE MATTERS:

ELECTION OF OFFICERS

A nomination was made and seconded for Lou Taylor as Chairman.

A nomination was made and seconded for Joe Clement as Vice Chairman.

A nomination was made and seconded for Don Scott as Secretary.

Commission Chair Taylor closed nominations and asked all those in favor of the nominations to say "Aye" and all opposed to signify with the same sign. The nominations were accepted.

OPEN DISCUSSION:

Commission Chair Taylor asked for signature lines to be included on the minutes, commissioners discussed junk cars and a resolution asking for an additional zoning official.

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 26th DAY OF August, 2008.

CHAIRMAN

SECRETARY