

PLANNING COMMISSION
MINUTES
FOR MEETING HELD OCTOBER 28, 2008

MEETING: Shown herein is a summary of action taken at the Pine Bluff Planning Commission Meeting held OCTOBER 28, 2008 at 4:00 p.m. in the City Hall Chambers.

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

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 October 28, 2008.

**CONSIDERATION
OF MINUTES:**

September 30, 2008 minutes were approved.

OLD BUSINESS:

NONE

NEW BUSINESS:

Item 1: Street closing request by Pine Bluff Wastewater Utility to close the eastern-most 100 feet of E. 13th Avenue and the eastern-most 100 feet of the undeveloped right-of-way located south of the E. 13th Street right-of-way.

Ken Johnson, Manager of Pine Bluff Wastewater Utility spoke for this request.

Mr. Johnson stated that the reason for the request is due to expansion. Wastewater has acquired property in the area in order to accommodate thier long term plan and enable them to store materials and vehicles.

Commission Chair Taylor asked if there were any questions of Mr. Johnson from commissioners. Since there were none he asked if there were more speakers for or against the request.

David Poe, Utility Coordinator for Pine Bluff Wastewater Utility stated that the request to close the undeveloped right of way of W. 13th is to increase the storage facilities.

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

Commissioner Reese asked if Wastewater Utility owned the property on both sides of W. 13th Avenue.

Mr. Poe answered yes.

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

Regional Planner Jerre George recommended approval subject to retaining the street as a utility easement depending on the utility companies' responses.

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

Commissioner Blunt started the motion.
Commissioner Clement seconded the motion.

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 approved. The request was approved.

Item 2: Street closing request by New Morning Star Missionary Baptist Church to close the east one-half of a 20-foot street/alley located north of 12th Avenue between Tennessee and Missouri Street.

Earnest Pointer, Trustee and property manager spoke for this request.

Mr. Pointer stated that the church is building a life center addition onto the church. The church is asking that the eastern half of the alley adjacent to their church be closed for storage of construction-type materials.

Commission Chair Taylor asked if there were any questions of Mr. Pointer from the commissioners. Since there were none he asked for more speaker for or against the request. Since there were none he asked for staff recommendation.

Regional Planner Jerre George stated that staff recommends approval of the street closing request subject to retaining the right-of-way as a utility easement.

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

Commissioner Long started the motion.
Commissioner Kearney 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 approved. The request was approved.

Item 3: Use Permit on Review request by Don Frazier to erect an awning (canopy) at 410 W. 8th Avenue in a B-4 Business zone and display and sell merchandise from it.

Commissioner Kearney informed the commission that he has represented Mr. Frazier and been involved in a law suite with Mr. Frazier. Therefore he will abstain from this item.

Donald Frazier of 800 Walnut spoke for this request.

Mr. Frazier stated that he is asked to erect a covering to sell merchandise.

Commissioner Clement asking what the covering would look like and what items would he sell.

Mr. Frazier answered that he would sell items such as rugs.

Commission Chair Taylor stated that some time ago a rezoning was passed for the site and it was the commissions understanding that Mr. Frazier would use the existing building.

Mr. Frazier stated that Greg Garner stated that he could use either building that was located on the property. He has since removed a building and installed parking.

Commission Chair Taylor asked if there were any further questions of Mr. Frazier from the commissioners. Since there were none he asked for more speaker for or against the request. Since there were none he asked for staff recommendation.

Regional Planner Jerre George stated that staff recommends denial of the request. Staff does not feel that allowing wares to be sold out of canopies is a proper commercial use in the City's existing commercial zones. Such a use is similar to the transient merchants who sell wares on the side of the road or existing parking lots. It is also similar to a flea market, and could almost be construed as a permanent yard sale. Allowing such uses undermines the type of commercial development that the City desires to promote, and we feel that approving this use would open the doors for request to erect canopies next to

parking lots all over town. In addition, the proposed use could cause more commercial traffic at the intersection of 8th Avenue and Walnut than what would have occurred if the business was to be run in the existing house that was on the site when the property was rezoned. If the Planning Commission desires to allow some type of open air market specific provisions in the Zoning Ordinance should be developed which govern when and where such activities can occur.

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

Commissioner Blunt asked if the canopy would be set up for everyday use.

Mr. Frazier stated it would be used on weekends.

Commission Chair Taylor asked what construction materials would be used because he understood this to be a permanent structure.

Mr. Frazier stated that it would be a permanent structure and it would be used one day during the week and on Saturdays.

Regional Planner Jerre George stated that an awning attached to the side of the building could be approved by the Zoning Department.

Commissioner Clement asked Regional Planner George to clarify that an attachment of a canopy to the existing building could be approved by Zoning and outside of the Commission.

Regional Planner George stated that a canopy could be approved by Zoning as an incidental use to the building.

Commissioner Reese stated that he recommends a canopy that rolls out for use and rolls back up when it is not being utilized.

Robert Tucker explained what the roll up canopy would look like and how it would operate.

Commissioner Long stated that he agrees with staff's recommendation and said that there are similar issues at the flea market on Blake Street.

A motion was made by Commissioner Reese and seconded by Commissioner Long to accept staff recommendation.

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 approved. The request was denied.

Item 4: Creating HD-1, the 5th Avenue Historic District Zone and adopting zoning regulations governing said zone.

Regional Planner Jerre George presented an ordinance that was presented to the Planning Commission at its August meeting and is based on the original Staff prepared ordinance and the changes made to it by the Commissions appointed Historical District Committee.

Commissioner Kearney started a motion to accept the ordinance.
Commissioner Blunt seconded the motion.

Commission Chair Taylor asked if there was any discussion of the motion. Since there was none 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 to approve the ordinance was approved and forwarded to the City Council.

COMMITTEE REPORTS: Community Cleanup Committee

Commissioner Long gave a committee report identifying problem areas in zoning such as salvage yards, car repair shops and flea markets. In addition to zoning violations there are problems in regard to grass and weed control for private property, housing inspection repair and demolition.

Commission Chair Taylor thanked the committee and asked them not to forget the possibility of seizure of dilapidated properties by the city.

Commissioner Scott stated that there should be an empowerment of groups so that they can claim responsibility for keeping certain areas clean throughout the year. He used the intersection of 38th and Main as an example.

Commissioner Blunt stated that she agreed and thinks that this is something the city needs.

Commissioner Clement suggested that a contact into this type of outreach would be the Clean and Beautiful commission.

Commissioner Blunt stated that we need to get the help of city officials.

Commissioner Long agreed and added that the participation of citizens is also needed.

Commission Chair Taylor stated that he looks forward to future reports

PLANNING DIRECTORS REPORT:

NONE

ADMINISTRATIVE MATTERS:

Commission Chair Taylor reminded Commissioner Scott to sign the minutes.

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 27th DAY OF January 2009.

CHAIRMAN

SECRETARY