

PLANNING COMMISSION
MINUTES
FOR MEETING HELD AUGUST 25, 2009

MEETING: Shown herein is a summary of action taken at the Pine Bluff Planning Commission Meeting held August 25, 2009 at 4:00 p.m. in the City Hall Chambers.

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

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 August 25, 2009.

**CONSIDERATION
OF MINUTES:**

July 2009 minutes were adopted.

OLD BUSINESS:

NONE

NEW BUSINESS:

Item 1: Use Permitted on Review request by George Batzos to operate a duplex apartment building at 3820 Olive Street in a B-1 neighborhood commercial zone.

Mrs. Sue Batzos spoke for this request.

Mrs. Batzos stated: At the corner of 3820 Olive Street there are two (2) large buildings. The first building has been in business and the second building was used for office space. Someone came along and wanted to rent the building as an apartment. I did the wrong thing and I apologize because I didn't mean to. I know now I need to do one or the other. What I propose to do is put a fence across the back area where the driveway comes through. I will only rent to college students.

Regional Planner George asked: Are there only two (2) units or is there three (3)?

Mrs. Batzos answered: There are two (2) units now and there were three (3) office spaces.

Commissioner Blunt asked: Is it in operation now?

Mrs. Batzos answered: No, I only have the one person in there.

Commission Chair Taylor asked if there was anyone else to speak about this request. Since there were none, he asked for staff recommendation.

Regional Planner George stated: The area where the structure is located is B-1. You can put multi-family dwellings in a B-1 zone with the permission of the Planning Commission. The location appears to be relatively appropriate for that type of use. We would not want to have too many units there because 39th Street is very narrow. Paved parking is required. I thought there were three (3) units there but since there are only two (2) we require four (4) spaces. Therefore, we recommend approval of the use subject to the property owner constructing a paved parking lot that contains four (4) parking spaces with the design approved by staff and all other city codes being met.

Commissioner Clement asked: Will Mrs. Batzos' businesses out front be impacted by this?

Regional Planner George stated: The apartment use has been there for quite some time. The only little squabbles that may have occurred have been due to parking. If we rectify that situation there should not be any problems.

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

Commissioner Blunt started the motion to approve the request subject to staff recommendations.

Commissioner Clement 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 the motion to signify by saying "Aye". Then all opposed to signify with the same sign. The request was unanimously approved subject to staff recommendations.

Item 2: Use Permitted on Review by J&E Adult Day Care to operate an adult day care at 616 Florida Street in an R-3 residential zone.

Mrs. Maxcine Henderson spoke for this request.

Mrs. Henderson stated: I am requesting to establish an adult daycare in my home at 616 Florida Street, Pine Bluff, AR. The name of the business will be J&E Adult Daycare, All the Comforts of Home. The program will consist of activities, exercise, field trips and nutritional needs. To elaborate on the activities, there will be bible study, devotion, bingo, field trips and once a month, a day of spa. I will take them to get their hair, nails

and feet done. The exercise will be the upper and lower extremities. Meals will consist of a nutritional diet including breakfast, lunch and a snack.

I want to open a daycare because I have always desired to work with the elderly. I have an eighty-seven (87) year old aunt who lives in a senior center. I talked to the elderly to find out what they would like if they went to a daycare. I have a large fenced back yard. When they come they will have freedom and security to feel at home.

Commission Chair Taylor asked: Who is the E in J&E Adult Daycare?

Mrs. Henderson answered: The initials are my parents, James and Emma Henderson.

Commissioner Blunt asked: Do you have enough bedrooms? Will they stay there?

Mrs. Henderson answered: No. They will be there from 6am to 6pm.

Commission Chair Taylor asked: Where do you think your clients will come from?

Mrs. Henderson answered: People who live in homes by themselves. When I go visit my aunt people are just sitting there on the couch watching TV. Nobody is there to take them anywhere. I will get them out and have them do a few things. I would like to get them hand plaques and let them plant seeds to grow in the backyard.

Commissioner Blunt asked: Will you have other help?

Mrs. Henderson answered: Yes. There will be licensed Certified Nursing Assistants.

Commission Chair Taylor asked if there were any other questions of Mrs. Henderson. Since there were none, he asked if there was anyone one else present to speak for this request.

Mrs. Diane Parker stated: At one time I owned a daycare. Maxcine helped me with my children. One thing Maxcine and I had in common is that I was born here and I left when I was eight (8). My dad was ill and that brought me back here. That brought us together because she too was born here and came back to take care of her dad. She does have a desire to help the elderly and I think she will do well.

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

Regional Planner George stated: An adult daycare facility is not listed in the zoning regulations. The zoning official has determined that it is a similar use to a child care facility, so we do not have to change the ordinance. In fact it is a less intense use because they will not be out in the yard screaming and playing. We feel like it is an accessible site. The yard is good sized and it seems to be a good site for either type of daycare use. Since we are using the same regulations as a child center, we do have a limit on the people you can care for, which is the standard of 200 square feet per person. The home is 1400 square feet. That allows for seven (7) persons. An eighteen feet driveway is required by ordinance. You have plenty of room for parking but you only have a single

driveway. So you would have to widen your driveway. You will need to meet any other City and State regulations. The Arkansas Department of Health and Human Services also requires licensing. We recommend approval subject to those three (3) requirements.

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

Commissioner Reese started the motion to approve the request subject to staff recommendations.

Commissioner Kearney seconded the motion.

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

Commissioner 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 request was unanimously approved subject to staff recommendations.

Item 3: Use Permitted on Review by Vanessa McLemore to operate emergency residential child welfare care facilities in a B-4 General Commercial zone, located at 1202 W. 5th Avenue, 1000 W. 4th Avenue, and 412 S. Poplar.

No one was present to speak for this request.

Commissioner Reese started a motion to hear the request.

Commissioner Blunt seconded the motion.

Commissioner 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 commission unanimously voted to hear the request in the absence of the applicant.

Commission Chair Taylor asked if there was anyone present other than the applicant to speak for or against the request. Since there were none, he asked for staff recommendation.

Regional Planner George stated: We recommend approval of the proposed emergency residential child welfare care facility at 1202 W. 5th Avenue subject to the clientele not including youthful offenders to be housed in the facility on release from or in lieu of more restrictive custodial confinement. The applicant must meet any other city and state regulations, including being licensed by the Arkansas Department of Health and Human Services.

Commission Chair Taylor informed the Commission that a separate vote will be taken on each location. He asked if commissioners had any questions of staff regarding 1202 W. 5th Avenue.

Commissioner Hartwick asked: It that address in the Historic Zone.

Regional Planner George answered: It is not in the Historic Zone?

Commission Chair Taylor asked if there were any further questions of staff. Since there were none, he asked for a motion on approval of 1202 W. 5th Avenue with staff recommendations.

Commissioner Clement started a motion for approval subject to staff recommendations.

Commissioner Scott seconded the motion.

Commissioner 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 commission unanimously voted to approve the request subject to staff recommendations.

Regional Planner George stated: We recommend approval of the proposed emergency residential child welfare care facility at 1000 W. 4th Avenue subject to the clientele not including youthful offenders to be housed in the facility on release from or in lieu of more restrictive custodial confinement. The applicant must meet any other city and state regulations, including being licensed by the Arkansas Department of Health and Human Services. If any signs are placed on the property they must be approved by Planning and Zoning so that they will fit in with the historic district across Poplar Street.

Commission Chair Taylor asked: Will the Historic District have to approve the sign.

Regional Planner George answered: No. They are not in the district but since this is a UPOR we can make sure they install something tasteful. These uses are good for the older homes because they keep the homes from being vacant and falling down. They can help the historic district.

Commission Chair Taylor asked: Are there any fencing regulations since they are close to the Historic District?

Regional Planner George stated: The property has carports on Poplar, and on the 4th Street side, there is a fence for the children's play area behind the parking area. I would recommend the fencing stay the same.

Regional Planner George stated: Since there was a daycare there recently, I am sure there was a fenced play area. Therefore, I would recommend that the play area stays where it is so that fencing won't have an impact.

Commission Chair Taylor stated: All locations are to have the restriction that play areas and fencing are to stay where they are currently located.

Commissioner Blunt asked: Will there be smaller children?

Regional Planner George answered: They can be any age of a foster child.

Commission Chair Taylor stated: They can only stay ninety (90) days.

Regional Planner George stated: I would assume they keep all ages of children together. This is for emergencies when a child has to be removed from the home and a foster home is not available.

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

Commissioner Kearney started a motion for approval subject to staff recommendations.

Commissioner Lausten seconded the motion.

Commissioner 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 commission unanimously voted to approve the request subject to staff recommendations.

Regional Planner George stated: 412 S. Poplar is located directly behind 1000 W. 4th Avenue and the lot is very small. There is no off-street parking on the lot. It would have to share parking with the house on 1000 W. 4th Avenue. Shared parking and outdoor areas mean that the subject site cannot stand alone as an emergency residential child welfare care facility.

This structure is located next door to another site seeking approval for the same use. The 4th Avenue site is more appropriate for the use. Approving two sites so close together for the same use would be concentrating the use in a single area. Therefore we recommend denial of this location.

Commissioner Lausten asked: Do you know the size of this location?

Commission Chair Taylor answered: It is 1,455 square feet.

Commissioner Lausten stated: They want to use this location to house additional children.

Regional Planner George stated: Yes, but it is an additional location that does not have parking. We feel like the parking on 4th avenue is needed for that location because it will have workers, parents visiting and DHS workers visiting.

Commissioner Lausten stated: It makes sense to consolidate the two locations.

Commission Chair Taylor asked: Can the location be used for offices?

Regional Planner George answered: They can use it for an office without the Planning Commission's approval.

Commissioner Lausten asked: If they use it for an office and the children come in and out of the building would it be considered the same type of use?

Commission Chair Taylor stated: The children would not be allowed to live in the building.

Commissioner Reese stated: Having the facilities next door to each other would be an asset.

Commissioner Hartwick stated: We are talking about two different things, housing children and housing offices.

Commission Chair Taylor stated: 412 S. Poplar cannot be used to house children but it can be used as offices.

Regional Planner George stated: If the Commission is not opposed to having the two locations close together you can approve it.

Commissioner Reese asked: Does the 200 square feet regulation apply here?

Regional Planner George answered: We do not have any regulations for this type of business. The number of children housed would determine if the building would have to install a sprinkler system. That will probably cause them to put a limit on how many will be housed at each location. It is mainly based on the number of bedrooms.

If the Planning Commission feels it would be better to have the two businesses operating next door to each other, I am not adamantly against it. I like to have buildings that stand alone. I look at the possibility of the property changing ownership. There could be a feud over parking if ownership changes.

Commissioner Lausten stated: I personally think it would be a good idea to have them both together.

Commissioner Clement asked: Can you link the buildings and parking together.

Regional Planner George answered: You can make it a condition that if that particular property is sold the use can not exist there anymore.

Commissioner Clement stated: The Poplar Street property can only be used if it is used with 4th Avenue property.

Regional Planner George stated: Yes, as long as the buildings are under the same ownership.

Commissioner Reese stated: We cannot “what if” everybody. We would never get anything done.

Commission Chair Taylor stated: It would only be a condition stating it is for her use of the property only.

Commissioner Lausten stated: We do it on a regular basis.

Commission Reese stated: I thought a Use Permit was for the property owner only.

Regional Planner George stated: A Use Permit on Review, unless otherwise specified, follows the property. If you limit it, once the property is sold it cannot follow the property.

Commission Chair Taylor stated: Someone wanted to do a church in a commercial zone and we limited the use to that renter only. If that church moved that was the end of that use at that address.

Commissioner Lausten started a motion that the Commission approve the property for the daycare with the stipulation that she is the only person allowed to operate the use at 412 S. Poplar in conjunction with all other conditions imposed by the Commission.

Commission Chair Taylor stated: I have a motion to approve 412 S. Poplar site and this present owner only. If this property changes hands this use is no longer in effect.

Commissioner Kearney seconded the motion.

Commissioner Clement added that the previous conditions including signage are included with the approval.

Commissioner 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 commission unanimously voted to approve the request subject to staff recommendations.

Commissioner Reese asked: Why did we approve 412 S. Poplar without a stipulation on 1000 W. 4th Avenue. If the property on W. 4th Avenue is sold the property on S. Poplar would continue without parking.

Commission Chair Taylor asked for a motion to rescind the previous vote.

Commissioner Lausten started the motion to rescind.

Commission Reese seconded the motion.

Commissioner Commission Chair Taylor asked all in favor of rescinding the motion to signify by saying "Aye". Then all opposed to signify with the same sign. The Commission unanimously rescinded the vote.

Commission Chair Taylor stated: The motion to approve should be contingent upon the operation of both properties being under the same ownership.

Commissioner Kearney started a motion to approve the use at 412 S. Poplar as long as it is in conjunction with the approve use at 1000 W. 4th Avenue.

Commissioner Reese seconded the motion.

Commissioner 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 commission unanimously voted to approve the request subject to staff recommendations.

Item 4: Proposed Zoning Overlay District for University Drive and adjacent properties. (This is not a public hearing)

Commissioner Clement asked: Is the University involved with this?

Regional Planner George answered: Yes. We have a committee. Henry Golatt is on the committee. This also follows the land use plan for the University. It narrows it down to our vision of what we would like to see. Our vision is that we would like to see University as a more pedestrian and people friendly area having businesses closer to the street with parking in the rear and certain types of buildings that are more attractive.

They are working on a walking trail that we hope will eventually go around Lake Pine Bluff. The University has already purchased property adjacent to the lake and I believe they plan to have a new fishery building there. The Community Development Department is purchasing property in the area for housing development. We have a vision of how we would like to see it. We will be introducing something new. Commercial uses will be allowed on the bottom floor with apartment on the higher level. It helps population which helps businesses and it will give students somewhere to live.

Another area we are looking at is the area in dark red on the maps. The dark red signifies another commercial area that would have restaurants with maybe a tavern or two and apartments. Since we hope to get things going with the University and Community Development, now is the time to get these controls in place. I have not had time to tweak these ideas as much as I would like but I thought if anyone had comments or questions we could discuss them.

Commissioner Lausten asked: When the bottom floor is commercial and the upper floor is residential, is there a two story limit?

Regional Planner George answered: I believe we limited it to three (3) stories.

Commissioner Lausten stated: In the tier 3 mixed commercial/residential it states commercial is located on ground floor and residential located on second floor.

Regional Planner George stated: That may be something we may want to tweak. In that area UAPB has no college feel, especially down University Drive. We hope that this will make people take advantage of the attributes in the area.

Commission Chair Taylor asked: When do you anticipate everything coming together and having a public hearing?

Regional Planner George stated: I would like to look at this a little more and get more ideas from other people in the state. Maybe we will be ready to have a public hearing in October.

Item 5: Salvage yard regulations referred to the Planning Commission from the City Council. (This is not a public hearing)

Commission Chair Taylor stated: This is not a public hearing. We have an ordinance that the City Council has asked us to review and make recommendations. If you have read staff's review on this, I think it says it all.

Regional Planner George stated: I don't know if you all received the letter I sent.

Commissioner Lausten stated: I only received the ordinance.

Regional Planner George stated: That's what I meant. Hopefully everyone received it. I did review this ordinance with Carol. She's in agreement with the points I make. The way the ordinance is written makes it not apply to just salvage yards. It would apply to anybody. Anyone that is out of compliance could not come into compliance. What I would like to do is call Alderwoman Roberts and talk to her about this. She is concerned, and with good reason about salvage yards. It not just automobiles it is junkyards and things that people want to call recycle centers and its just places where people want to pile their junk up.

If you've read the ordinance, you can see it increases fines, and that's okay. I think maybe we can handle some of the things she would like to have done in a different way. The way this ordinance is written impacts in a way that if someone built a home and a contractor measured wrong and were two (2) feet encroaching into the front yard, in the past they could receive a variance. The variance brought them into compliance with the ordinance and took care of any black marks on their deed. As the ordinance is written, they could never get a variance and they could not come into compliance. The only way they could cone into compliance would be to tear down the house.

Commissioner Clement stated: Like the lady that came today.

Regional Planner George stated: She would have had to tear down her duplex to come into compliance. If you approved the use she would have had to then rebuild it back.

Commissioner Clement asked: Do you need us to vote on this or do you just want our comments?

Regional Planner George answered: I think that would be better. We just got this ordinance Wednesday. They want the Planning Commission to discuss this. Some of the changes actually amend the Zoning Ordinance and there would have to be a public hearing for those changes. What I would like to do is write something that would be a little simpler and go over it with Ms. Roberts to see if it's to her liking. Then hold a public hearing. As this ordinance is written, it is a little harmful to a lot of other things. Otherwise it needs to be amended to take that part out and just apply it to just salvage yards.

Commissioner Clement stated: I would like to start a motion thanking you for doing the review and ask that you visit with the appropriate people on the City Council about the points that you have brought to our attention.

Commissioner Blunt seconded the motion.

Commissioner Commission Chair Taylor asked all in favor of Regional Planner George sitting down with the appropriate people and reviewing the ordinance to signify by saying “Aye”. Then all opposed to signify with the same sign. The Commission unanimously voted in favor of staff reviewing the ordinance with the appropriate members of the City Council.

Commission Chair Taylor stated: The motion to approve should be contingent upon the operation of both properties being under the same ownership.

COMMITTEE REPORTS:

Commissioner Chair Taylor introduced the idea of dedicating streets to individuals with a street sign topper instead of renaming streets.

Commissioner Clement asked: Are we talking about creating a district or neighborhood? I think we need more clarity on what the Commission would recommend.

Commission Chair Taylor stated: We are talking about dedicating a street without changing the street name.

Commissioner Clement stated: It seems like it will be confusing to have two (2) street names.

Commission Chair Taylor stated: We are not changing street names but dedicating them instead.

Commissioner Clement asked: Have other cities done this before?

Zoning Official Hill stated: Yes. Other cities have done this before. Robert Tucker researched this idea and found that other cities have used this method. He forwarded this information to you as a possible alternative to the renaming of streets.

Commissioner Lausten stated: It would be similar to Martha Mitchell Expressway.

Commission Chair Taylor stated: Addresses wouldn't change and 911 responses to those addresses wouldn't change. I would like to forward the recommendation that we do street dedications instead of renaming streets to the City Council.

Commissioner Lausten started the motion to forward the recommendation to the City Council.

Commissioner Clement seconded the motion.

Commissioner 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 commission unanimously voted to forward the recommendation to the City Council.

PLANNING DIRECTORS REPORT:

NONE

ADMINISTRATIVE MATTERS:

NONE

OPEN DISCUSSION:

NONE

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 25TH DAY OF AUGUST 2009.

CHAIRMAN

SECRETARY