

PINE BLUFF PLANNING COMMISSION
MINUTES
FOR MEETING HELD SEPTEMBER 29, 2009

MEETING: Shown herein is a summary of action taken at the Pine Bluff Planning Commission Meeting held September 29, 2009 at 4:00 p.m. in the City Hall Chambers.

QUORUM: Those members present included: Lou Taylor, Evelyn Blunt, Frank Hartwick, David Lausten, Edward Long 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 September 29, 2009.

CONSIDERATION

OF MINUTES:

August 2009 minutes were adopted.

OLD BUSINESS:

NONE

NEW BUSINESS:

Item 1: Rezoning request by Frank Henslee to rezone 2.8 acres from R-1 residential to B-3 highway commercial, located at 6713 Sheridan Road.

Mr. Frank Henslee spoke for this request.

Mr. Henslee stated the following: I would like to add my thanks for the help and service I've gotten from Allen Skinner and Mrs. Jerri over the years. They have done tremendous work. I would also like to thank you sir, as chairman of this commission.

My family moved out on Dollarway Road in 1945. I was a five (5) year old kid. I think we had one hundred sixty (160) to one hundred eighty (180) acres at the time. We are down to 2.5 acres. It is attractive to the community in terms of potential commercial because of its access to other acreage adjoining the B-3 property. I believe that the best use for the property is commercial. The property on the other side of Industrial Parkway is awaiting development. I think this will make the property attract potential buyers.

Commission Chair Taylor asked if commissioners had questions of Mr. Henslee.

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

Regional Planner Jerre George stated: We recommend approval of the rezoning. This property is next to an area that is already zoned B-3 which is adjacent to Jefferson Parkway. At some point Jefferson Parkway is going to start developing into commercial property. This particular site does not have the residential area around it that a lot of the area within the Pine Bluff strip heading towards town has. We feel like it will be conducive to commercial and we recommend approval.

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

Commissioner Scott started a motion to approve the rezone request.

Commissioner Long seconded the motion.

Commission Chair Taylor asked if there any discussion of the motion. Since there was none, he asked all in favor to signify by saying “Aye”. All opposed signify with the same sign. The rezone request was unanimously approved.

Item 2: Use Permitted on Review request by Robert Knott to operate “The Jazz Parlor”, a restaurant that will also be a private club, located at 522 W. Barraque Street.

Ms. Kisha Rice spoke for this request.

Ms. Rice stated: I am the director of logistics and entertainment. We would open a restaurant that serves breakfast, lunch and dinner. Dinner will be accompanied by live entertainment.

Commission Chair Taylor asked if there were any questions of Ms. Rice from commissioners. 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 George stated: We recommend approval subject to the applicant submitting a site plan that satisfies the off-street parking requirement. All patron parking shall occur within the off-street parking area. If this parking is insufficient, the applicant will be required to develop additional off-street parking near the site.

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

Commissioner Long asked: Shouldn't there be a condition that the building is brought to code.

Regional Planner George stated: You can include that as a condition but I don't think the City will allow them to occupy the building before it is brought to code.

Zoning Official Hill stated: If the request is approved tonight there is a requirement that city inspectors perform an inspection to make sure the building complies with city codes before the business can be established at that location.

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

Commissioner Lausten started a motion to approve the UPOR request subject to staff recommendations.

Commissioner Blunt 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 granting the UPOR request subject to staff recommendations to signify by saying “Aye”. All opposed signify with the same sign. The UPOR was unanimously approved.

Item 3: Amending the Zoning Code to provide for definitions for mobile home, manufactured housing, modular homes, and mobile/modular offices and to determine the proper zoning classification in which said homes can be located.

Regional Planner George stated: I believe we have talked about this in the past but now is the time to do something about this. The definitions as far as mobile homes have not been changed since 1981. A mobile home was defined as a structure with a chassis on it. That is how we have determined if certain structures can be placed within a zone. If it has a chassis on it, it has been classified as a mobile home. Mobile homes are restricted to the R-4 residential zone. There has not been a mobile home made since 1976 when HUD took over and more or less changed the name to manufactured housing and made determinations for building codes. We have defined manufactured housing that stated the structure is built to HUD standards. There is another term called modular housing. Modular housing is built in a factory to a city code instead of HUD standards and it is moved on a flatbed or a chassis. In the revisions we have included the terms mobile or modular office. A mobile or manufactured office is not a manufactured home. It is built to be an office but has been restricted because it had a chassis on it and could not go anywhere. We think that relying on whether the structure has a chassis as a basis for accepting the structure within a zone is not acceptable.

The proposed amendment does the following:

1. Changes the definition of a *mobile home* to reflect a moveable, year-round home built prior to 1976 (not a travel trailer or recreation vehicle).
2. Changes the definition of a *mobile home park* to include the term “manufactured housing”.
3. Adds the definition of *manufactured housing* to mean a home substantially built in a factory to HUD standards.
4. Adds the definition of *modular housing* to mean a home substantially built in a factory to current City building standards.

5. Adds the definition of *mobile or modular office* to mean a portable building for office use that is designed to be transported after fabrication to a nonresidential construction site to be used for office or security purposes during the construction period.
6. Allows mobile homes, manufactured housing, and modular housing to be located in the R-4 Residential zone only. (Currently, mobile homes are allowed in the R-4 zone only).

Commission Chair Taylor stated: We have talked about this before. We know we need to do this and there is no time like the present.

Commissioner Lausten asked: It doesn't add any additional zones?

Regional Planner George stated: Mobile homes are now allowed in R-4 zones and the ordinance will allow manufactured homes and modular homes in the R-4 zone, but not in any other residential zone.

Commissioner Lausten stated: We have had people in the past want to put manufactured homes in R-1 zones.

Regional Planner George stated: Now modular homes are a funny situation because it is becoming more prevalent in the area. We need something to handle it.

Commissioner Lausten asked: What would a Jim Walter home be classified?

Regional Planner George stated: They are site built homes.

Commission Chair Taylor stated: They have a permanent foundation and are constructed at the site. Modular homes can be constructed at the factory or can be put together on like a puzzle. I think Jerri has done a wonderful job defining these terms. I work in this field just about everyday and we have numerous R-4 zones with land available to place them. If there are no questions I will entertain a motion to forward this to the City Council in the form of an ordinance.

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 forwarding the revisions to the City Council in the form of an ordinance to signify by saying "Aye". All opposed signify with the same sign. The Commission unanimously voted to forward the revisions to the City Council.

Item 4: Amending the Zoning Code remove the term *institutional and non-profit uses* as a permitted use and add same as a Use Permitted on Review in the B-3 Highway Commercial and B-4 General Commercial zones.

Regional Planner George stated: Currently, the term *institutional and non-profit uses* is listed as a permitted use in both the B-3 and B-4 commercial zones. There is not

a definition of the term, so it has been interpreted to mean any non-profit organization, regardless of what it does, is a permitted use in the B-3 and B-4 zones. We consider this a problem. I feel that it should mean institutional and non-profit uses that are listed as permitted uses. In the past that is how it has been interpreted and that is one of the ways we have several substance abuse facilities in these zones. They were permitted under this one line item. We can see in the future where someone may get the non-profit designation from the IRS and establish a lot of different things such as homeless shelters that may not be conducive to certain locations. While we agree that a lot of these uses are needed, we would like to have a grasp on where they are established. We would like to move that term to a UPOR in those zones so that they have to come to the Planning Commission.

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

Commissioner Scott started a motion to forward the amendments in the form of an ordinance to City Council.

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 the motion to signify by saying "Aye". All opposed signify with the same sign. The Commission unanimously voted to forward the revisions to the City Council.

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

Commission Chair Taylor stated: Last month we received a request from the Council to approve an ordinance dealing with out of compliance salvage yards. We voted for Jerre to meet with council woman Janice Roberts. Unfortunately, Jerre was not able to meet with her in time. I wish that had taken place, however they have sent the item back to us. We still have the same concerns with the ordinance. It requires an enormous sacrifice from a property owner to come into compliance. What we are charged to do today is discuss this. The concerns we have with someone not being able to come into compliance unless they remove the offending structures or uses. We also have a problem with zoning adjustment. I am reminded of the statement from the physician's oath that states "Do no harm". This ordinance as it is written does harm. I can think of an instance in Ms. Robert's district where folks have come here for permission to build on lots smaller than allowed. This ordinance would not allow people to rebuild on lots smaller than allowed. These variances are needed to rebuild burned or damaged structures and to acquire home owners insurance. This ordinance as it reads would not make that rebuilding possible. If a business is out of compliance the city cannot do business with them, but there is an emergency clause that suspends that rule in the event of a disaster. We have enough ordinances on record to take care of any problem regarding these types of business. The businesses have a right to exist within city limits. We cannot stop them, but we can regulate them and we have done an awfully good job with the help of the current administration and the council. There has been a lot of

correction at the site we are dealing with. Unbeknownst to us there has been additional time given to this gentleman to come into compliance. The Pine Bluff Planning Commission has nothing to do with that. We approved the compromise that was drawn up between the administration and our staff. We are on our way to a very good clean up out there. I wish some folks would allow time for it to run its course and then look at the results. As this ordinance is written there is no way that I could say yes to it with a clear conscience. It does more damage than good. It doesn't just deal with a wrecking yard, it deals with all and it would be the law.

Commissioner Lausten stated: It reminds me of the previous meeting with the young lady with the building that was out of compliance. She came to us for permission to use the building for a housing facility. Under this regulation she would have to tear down her building and rebuild before she would be considered in compliance.

Commission Chair Taylor stated: I wish Ms. Roberts would please reconsider this because if pushed and this came before us next month for a public hearing, I am sure we would turn this down with the exception of increasing the fines. That can stand on its own. If someone is going to willfully violate they should be punished.

Commissioner Lausten asked: Is there a way to make a recommendation to the council and Ms. Roberts that everything is okay except the way it is instituted.

Commission Chair Taylor stated: Each and everything she has listed here is already covered by a section or sub-section of the existing ordinance.

Regional Planner George stated: This is not a public hearing but I would recommend that we hear some of the things the Aldermen would like to say and if they would like to have a public hearing we can have one next month.

Alderwoman Walker stated: I would like to speak on behalf of Ms. Roberts. It is my understanding that the only difference in this ordinance and the one that was presented before and passed is the amount of fines.

Regional Planner George stated: There are more changes in it than the amount of fines and I don't think anyone here would be opposed to increasing the fines.

Alderwoman Walker stated: Okay, that was my understanding but she said that she does want a public hearing. Mr. Smith was given ninety (90) days last year and it has been almost a year. At this point he has not lived up to his obligations. Apparently he just stopped at some point and that is the concern. I agree with Mr. Taylor, there is a regulation that stated he cannot do business with the city if he is out of compliance. I presented a resolution to that effect and I was told it had to come back to the Planning Commission and then back to the City Council.

Regional Planner George stated: It is my understanding from talking to the City Attorney that while there are deals on the table with this certain business the City will have to notify him if they want to deem him out of compliance. The Planning Commission has already made their decisions in May of last year on this. If the City Council wants to do something about him it is out of the Planning Commission's control.

Alderman Walker stated: That was my understanding as well, but it was decided that it should come back before the Planning Commission.

Regional Planner George stated: The resolution does not come back but the ordinance that Ms. Roberts presented is different because it amends the zoning ordinance.

Alderman Walker stated: Well, I thank you for clarification on the resolution because I will be bringing it back to the next council meeting. This was presented to the Assistant City Attorney and he drafted it. If there was a notification that needed to be sent it should have been sent.

Regional Planner George stated: I think that Carol has sent a letter to the Mayor and the Council which outlines what she thinks about not doing business in regard to the resolution.

Alderman Walker stated: Actually she did not address that, well in a sense she did because she addressed the things in place pertaining to Mr. Smith. We have not had a meeting but we intend to.

Regional Planner George stated: I think we are talking about two different issues. One of them is the ordinance that Alderman Roberts presented and the other one is your resolution of not doing business with him because he is out of compliance. They are related, but they are two different things. On the ordinance we will go ahead and place it for public hearing next month. The other situation addresses the letter from Carol Billings and the council will decide what they want to do.

Alderman Walker stated: Right, she did state there are a number of rules, ordinances and resolutions to just about take care of any issues. Some of the things will not make him come into compliance, but it will stop him from doing business because at this point he is not in compliance. He is still pulling cars and some of them are going back to the same location. Would you notify the City Attorney that you all have no interest or control of the resolution that I have presented?

Regional Planner George stated: Yes, I will let her know and we will place Ms. Roberts's item on the agenda for next month.

Commission Chair Taylor asked: Mrs. Walker, what is the additional time that was given to Mr. Smith?

Alderman Walker stated: I don't know because I didn't give it to him. I think it was given by a couple of different people. I have no knowledge of it.

Commission Chair Taylor stated: Alderman Stepps, we are trying to determine what additional time was given.

Alderman Stepps stated: He was given additional time until December.

Commission Chair Taylor asked: How was that additional time given?

Alderman Stepps stated: We met at the site. Mrs. George, Mr. Tucker, Mayor Redus and I were there. We discussed the economy and the amount of money that had been spent. We felt he needed the additional time and he was given until December.

Commission Chair Taylor stated: I would like to thank you for this because the City has been wrestling with this for over twenty (20) years. This administration, with your help, has gotten us on a road that looks fruitful. We would like to stay on that path and not rock the boat. So if you and the city administration gave some sort of good faith effort towards giving that owner additional time that probably constituted a verbal agreement. We don't need any additional irons in the fire. Was there a date put on that?

Alderman Stepps stated: He was given until the end of December 2009.

Commission Chair Taylor stated: So until December 31, 2009. With your help we have gotten way down the road from where we were. I think folks don't realize the giant step Mr. Smith has made. He has given up his grandfathering. He was not subject to any thing out there. He has come in to compliance by applying for the light industrial zone, which makes him subject to all of Pine Bluff's ordinances regarding salvage yards.

Alderman Stepps stated: One of the things that I think is missing is that at the time aerial photos from the eighties were missing. Therefore, you had nothing to govern him by. If the new ordinance had not been signed the City would not have had anything. I think some of the Council wanted to make sure that I was not making deals on my own because it could reflect that I had gotten involved with him in some kind of way. I was not out there by myself and I would never jeopardize my character. I felt like the end of December was not bad because of what we have achieved in a matter of months compared to what had been done in a matter of years.

Alderwoman Holcomb stated: I do think we need a public hearing. I did not sponsor the ordinance but I support it. Mr. Smith has done some things but there are many more things he needs to do. We are confronted with one of the reasons the city looks so bad. Case in point, there was a man at Barraque and Cherry with a motor in the tree. I stopped and talked to him about being close to the freeway where historic houses are located. He said until you all make Smith do something, I am not going to and many other people are not going to either. Now that may not be a good reason. I'm not going to say I'm not going to clean up my house until you clean up yours. Those are the issues we are faced with. We are faced with issues on 6th Street close to the newly built Christian Way Funeral Home. I applaud Elder Hill for putting that structure in that particular place. There are problems all around him that need to be rectified. Those people say the same thing. They say you make one group clean up and other groups are not made to do anything. They don't think it is fair. I applaud what he has done but he has to do more. Whether we govern him or not, he should have city pride. That is a main city street that is close to my business. The street leads to the cemetery. He is being applauded but he needs to clean up his act and we can get some of these other people around here to clean up.

Alderwoman Walker stated: I don't buy the concept about the economy because first of all the cars that are going to be pulled are pulled by a wrecker. He has the means to do it.

Commission Chair Taylor stated: He has three (3) months to do it.

Alderwoman Walker stated: I was talking about before, not now.

Commission Chair Taylor stated: This is overkill and it's outside of Mr. Smith's concern. Someone would have to tear down their house to come into compliance from a fire. You're going to kill the mosquito with a shotgun. You'll do more damage to the wall than to the mosquito. If our concerns are not met, I don't see it getting approval. Ninety (90) days is what the city has given him to straighten up. I would sure like to follow that because we have tussled with him in the past and the city did not have a good outcome. He took a good vacation after that one.

Alderwoman Walker stated: I don't think we need to be saying that we are afraid.

Commission Chair Taylor stated: Not afraid, but prudent. You don't want to invite it if you don't have to. The city fathers have given him additional time until the end of December to get that stuff off the east side. He does have cars out there for sale during the day but he pulls those back at the end of the day. He has fenced in what he is supposed to fence in and he has not expanded. He doesn't have anything outside the fence. Headway is being made but patience is needed right now.

Commissioner Blunt asked: Is it okay for him to sell cars?

Commission Chair Taylor: I think it's a part of his business and if he has the proper licensing to do so, sure.

Commissioner Blunt asked: Do we know he has the proper licensing?

Commissioner Hartwick: He would have gotten his dealership license through the state.

Commission Chair Taylor asked: Do we have any further discussion of this issue? If Mrs. Roberts wants to forward this to us have her do so.

Regional Planner George: We can go ahead and put it on the agenda for next month and in the mean time tweak it.

COMMITTEE REPORTS:

NONE

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 27TH DAY OF OCTOBER 2009.

CHAIRMAN

SECRETARY