



City of Jonesboro

Municipal Center
300 S. Church Street
Jonesboro, AR 72401

Meeting Minutes Metropolitan Area Planning Commission

Tuesday, September 8, 2015

5:30 PM

Municipal Center

1. Call to order

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2. Roll Call

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3. Approval of minutes

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Approval of the MAPC Meeting Minutes for August 25, 2015

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A motion was made by Jim Scurlock, seconded by Brant Perkins, that this matter be Approved . The motion PASSED with the following vote.

4. Micellaneous Items

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Margaret Smith requests MAPC approval of street waiver request of the Subdivision Code for not installing required street curbing on a platted street that was not completed by the original developer(s) (Emerson Lane), specifically for property located on Parcel ID: 01-133034-11600, Lot 12 of Rolling Acres Subdivision.

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Applicant: Margaret Smith, Harrisburg, Arkansas, stated that in 2008 she purchased the lot in Rolling Acres Subdivision, lot 12. In the past she was told that the road would be paved. She has decided to build a house there and they say that she would have to pave not only in front of her property, but also starting from the lot before her property. The Neighbor has not paved the street in front of his lot, but was issued a permit. Ms. Smith asked why the City could not pave that. She noted that she has the abstract for the property, of which she read a couple of lines from the document regarding the plat and that First National Bank hereby dedicates use of the public use of streets and alleys.

Staff: Mr. Spriggs stated that Staff met with Ms. Smith and an adjacent owner on the street. We informed her that this is a usual problem in terms of incomplete streets that were previously annexed. We do not have any ordinances that would allow us to go into these areas and complete those streets. The typical code requirements of completed subdivisions were explained. The request tonight is to waive the curb and gutter. It is not customary that the planning commission would waive the improvement of the street, due to setting a precedent with other requests that have come before the board. The bond posting requirements typically required on subdivisions was explained.

Ms. Smith: Because the owner next to me doesn't have his street area paved and he sold me my lot, and did not have to pave in front of his lot. He told me that the City brought in gravel and improved it. His home was built in 2002. He was supposed to be present, but is not here.

Ms. Smith: If I have to pave in front of mine (Lot 12), I should not have to pave my neighbors (5315 Emerson, Lot 13). The aerial map of current build out was shown. Mr. Spriggs stated that Ms. Smith has to pave to the extent of connection to an approved street and at least 60 ft. of frontage of your lot. If I have to pave in front of mine, I would. Mr. Spriggs: Have you tried speaking with the owner below you? Ms. Smith: He does not want to build.

Mr. Spriggs: Explained that she is only responsible for half-street improvements. Ms. Smith: Won't that look a little odd? Mr. Morris: That is only the code requirement.

Mr. Spriggs explained that there is a similar situation on Wineland St., a similar problem where the owner purchased property that did not connect to an improved street.

The Planning Commission cannot waive City Work on behalf of an owner, Council can budget work. If we approve this one, we would have to approve this one. The home was built in 2002, most of us here have been here since 2006.

Ms. Smith added a second waiver for the entire street frontage along with the curb and gutter request.

Ms. Kelton: It is only a wide lane, paving half of it will pave what is there now. At the terminus of the road coming front the subdivision to the south, is so washed out, and in bad shape. That subdivision only has one ingress/ egress route. It would be great if the city along with the owners could extend to Maple Valley Rd. for emergency problems. We should not waive the requirement, the gravel road is not in good shape and it would only be putting a problem off and not solve it.

Mr. Scurlock: We have an operation federal and it was on a gravel road, we had to put up the money for 3 or four years until the other owners could pay for it.

Mr. Roberts: Is there a time frame for development?

Mr. Morris: Explained the performance bond (cash option for future). Further

research would be needed to determine if the house construction could commence prior (Ms. Duncan responded, Sec. 112-58 was read concerning bond posting assurance of work performed within 6 months).

Mr. Scurlock: That area has been very active. There will probably not be any empty lots there in a few years. Mr. Morris: The problem is that the 6 lots are owned by one person and he may not want to extend the sewer and the cost benefits are not there.

Mr. Spriggs: Are you aware that you have to extend the public sewer or have a septic tank approved by the Health Department?

Ms. Smith: they told me that I would have to pay \$20,000 to connect the sewer, unless I got a septic tank. I doubt if the owner across the street will connect.

Mr. Spriggs stated that not only do you have to get cars through there, you have to get emergency vehicles through there.

Mr. Kelton: Requested where the sewer ends: Mr. Spriggs showed the area to the south that needs to be connect to.

Mr. Bailey: Who is maintaining the road now? Mr. Morris: Not the City. Ms. Smith stated that the City has brought in gravel. Mr. Spriggs stated that was not recently most likely. The Street Department would not agree that the street is currently in their maintenance rotation.

If the street is dedicated, does it mean the street doesn't maintain it? Mr. Spriggs: that means it is only dedicated but not accepted. Only because they are not improved, and the work is guaranteed and then maintained.

The property was platted in 1967. Mr. Spriggs stated that we believe that it was annexed in 1989, although it had a Planning Commission stamp. Ms. Smith stated that it was in 1967 from the abstract.

Mr. Kelton: Made note of the requirement for proximity of sewer of 300 ft. to the nearest sewer: You have to connect. Mr. Spriggs: She has to consult with the Health District for approval regarding the perk test. Mr. Spriggs stated that she is aware of the requirements via C.W.L. Ms. Smith: I am within 300 ft., and the \$20 K option is not the best.

Ms. Duncan suggested that the MAPC vote first on Option 1 complete pavement of all Subdivision requirement waiver.

Motions: Option 1: Mr. Bailey made the first motion to waive all pavement; Seconded by Mr. Hoelscher. Request was unanimously denied by all Commissioners voting no. 8-0 Denied.

Option 2: Motion to waiver the curb and gutter requirement was made by Mr. Bailey; Seconded by Mr. Scurlock.

The motion PASSED with the following vote.

Site Plan Review: Carwash, 1840/1844 E. Highland Drive

Michael Boggs, PE, Tralan Engineering, Inc. requests MAPC approval of a Final Site Plan for property previously rezoned to C-3 L.U.O.

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Mr. Boggs from Tralan Engineering appeared before the Commission, asking for the approval of the site plan of the carwash. Highest foot candle of the lighting was presented being over the required "0" foot candles at the proerty line. Mr. Spriggs noted those would have to be adjusted.

Mr. Boggs: Hours of operations will be form 8:00 AM to 8:00 PM. The vacuum pumps are located next to dumpster. The hoses are located in the 11 stalls with 4X4 attachments.

The aerial view was shown with the tree mass to be retained. Mr. Boggs stated that they made every effort to contact the abutting owners concerning the review.

Mr. Spriggs suggested that any motion to approve be subject to the applicant meeting with all of the neighbors to assure that the existing fences are coordinated with the new improvements as well as buffering.

A motion was made by Jim Scurlock, seconded by Jimmy Cooper, that this matter be approved with the noted staff conditions. The motion PASSED with the following vote.

5. Final Subdivisions

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FP 15-13 Merrell Estates Phase 4 Subdivision - Final

Carlos Wood of Wood Engineering is requesting MAPC approval of a Final Subdivision to be located North of Southwest Drive (Hwy 49), West of Merrell Estates Phase I, on 10.6 acres, for 30 Proposed Lots, within the R-1 Single Family Residential District.

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A motion was made by Ron Kelton, seconded by Jerry Reece, that this matter be Approved. The motion PASSED with the following vote.

6. Conditional Use

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7. Rezoning

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RZ 15-13: Travis Fisher of Tralan Engineering on behalf of Race Street Athletic Club, Inc. is requesting MAPC approval of a Rezoning from R-1 Single Family Medium Density District to C-3 General Commercial District Classification for 4.08 acres of land located at 1922 Race Street.

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Applicant: Mr. Michael Boggs, Tralan Engineering appeared before the Commission on behalf of the Race Street Athletic Club, Inc., requesting approval of a Rezoning from R-1 Single Family District to C-3 General Commercial District. The property was recently purchased by athletic club from the Forest Home Church after a fire. They hope to rezone to C-3 to conform with the rest of property, and to compete the existing facility and plat the property into one lot.

Staff: Mr. Otis Spriggs gave Staff Summary comments, noting that the property is located within a High Intensity Growth Sector on the Land Use Map, which is essentially the commercial core of the City. This area has progressed in a commercial fashion and this proposed rezoning is consistent with the Land Use Plan. The criterion as listed in the Staff Report for rezoning has been met by this application. Surrounding conditions were described.

Mr. Spriggs: Compliance with the Master Street Plan would have to be met during the platting process for Race Street (Minor Arterial) and Bernard Street (local road). Billboard advertisement is the only listed use that may be an issue for this area. There were no issues reported from neither the utility companies nor any of the listed reviewing departments. The five (5) conditions were read including a provision for no billboards.

Public Input: None.

Commission Action: Motion was made by Mr. Reece to recommend approval to City Council for a change to C-3 General Commercial District, subject to the noted conditions; Motion was seconded by Mr. Cooper.

(8-0 Vote Approval)

Roll Call Vote: Mr. Reece- Aye; Mr. Cooper- Aye; Mr. Hoelscher- Aye; Mr. Perkins- Aye; Mr. Kelton- Aye; Mr. Scurlock- Aye; Mr. Bailey- Aye; Mrs. Schrantz- Aye. Mr. Lonnie Roberts Jr. was Chair.

RZ 15-14: Marque Mealing is requesting MAPC approval of a Rezoning from R-1 Single Family Medium Density District to RM-12 L.U.O. Residential Multifamily Classification; 12 units per net acre, includes all forms of units, duplexes, triplexes, quads, and higher for 1.22 acres of land located at 1110 Belt Street.

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Applicant:

Mr. George Hamman, Civilogic, appeared and stated that he prepared the application and survey. The site layout was emailed just recently. They have no objections to the Staff Report findings and stipulations. The owners have agreed to modify the request to an RM-8 L.U.O. restricted to 10 units, 5 duplexes. We have taken into account the Belt Street Right-of-way.

Staff:

Mr. Spriggs gave Staff Summary comments noting the surrounding conditions. Regarding the Land Use Plan, the property is recommended for Moderate Intensity Growth Sector, which will make this proposal consistent with the density levels if modified to an RM-8 District. The surrounding vicinity was described having other apartments in the area and rental properties, commercial/industrial uses abutting, single family residential built within the

I-1 District is also south of the site (photographs were shown). The Master Street Plan recommendations having Belt Street as a collector road will be addressed as noted by the applicant.

Mr. Spriggs: There were no comments or issues forwarded from the utility companies nor reviewing departments. Engineering and MPO were present in the pre-meeting. The school district was notified of this agenda item for multi-family, however Staff urges the applicant to forward a letter of intent to the School District prior to Council review.

Mr. Spriggs: As noted in the Staff Summary, the applicant originally proposed the RM-12 District which would result a higher density, and the applicant has revised the petition to an RM-8. The conditions were read regarding Storm Water Regulations, Site Plan requirements, Master Street Plan compliance, and the maximum of 10 units proposed.

Public Input:

Harold Carter, Jonesboro AR, Stated that he had some questions on these apartments being built. A site plan will be required. When you do the review, you should consider some requirement for sidewalks to be placed outside these apartments, because the roads are not suitable for walking. The population is only going to increase.

John Ollis, representing his parents who live at 1120 Belt St. (for 30 years), which is the single family home on the corner that currently shares a driveway. It is the only entrance to my parent's garage. That driveway is 100% on property next door, and we have concerns about apartments. Mr. Ollis presented some photographs. They have concerns about how they will get to their house once the apartments are put in.

Mr. Spriggs: Do you know if there is an ingress /egress easement or any verbal agreement?

Mr. Stanley White: Responded that over the 30 years he has maintained the gravel in between the driveways. That was a shared driveway with him and the former owner. They had no problems nor written complaints. It's in bad shape, but it suits us, he noted.

Mr. Hamman: We were not aware of the verbal agreements. Mr. Spriggs: Does it propose a problem? Mr. Hamman: Agreed that it could be worked out prior to site plan approval.

Mr. Spriggs: An approval can be contingent upon the owners agreeing to some form of access agreement and not preventing the neighbor's access. The applicants agreed to add that as a fifth condition. It could be address on some form of recorded plat.

Mr. Bailey: Just to make this clear, are you all doing this as a good faith effort to the neighboring property owners? Are they not legally obligated to provide that access?

Mr. Spriggs: That is a legal determination that cannot be solved in this setting. Apparently there were some verbal agreements between two owners; that legality would have to be handled separately.

City Attorney Carol Duncan: We can't give them legal advice on that; however, the lapse of time or having been used for that long and that purpose might give them some legal standing, but that is something that you both will have to work out.

Mr. Hoelscher: Will the City require the new drive to be paved? **Mr. Spriggs:** It depends on how that is coordinated. There may be some proximity issues to other drives. The engineer would have to creatively work that out.

Mr. Reece: Asked to see the area zoning map.

Mr. Spriggs noted that the primary zoning is R-3 and I-1, which were built as single family homes with apartments to the south and west. R-1 District exists to the north. The zoning map was shown.

Mr. Kelton: Stated that he drove the area and at that intersection of Belt & Old Greensboro, he noticed that the cars traveling west-bound on Belt St., disregard and run through the stop sign often. Please keep that in mind when working on the access.

Commission Action: Motion was made by Mr. Bailey to recommend approval to City Council for a change to RM-8 L.U.O. District, subject to the noted conditions; Motion was seconded by Mr. Scurlock.

(8-0 Vote)

Roll Call Vote: Mr. Reece- Aye; Mr. Cooper- Aye; Mr. Hoelscher- Aye; Mr. Perkins- Aye; Mr. Kelton- Aye; Mr. Scurlock- Aye; Mr. Bailey- Aye; Mrs. Schrantz- Aye. Mr. Lonnie Roberts Jr. was Chair.

8. Staff Comments

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9. Adjournment

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