



City of Jonesboro

Municipal Center
300 S. Church Street
Jonesboro, AR 72401

Meeting Minutes - Draft Metropolitan Area Planning Commission

Tuesday, July 14, 2020

5:30 PM

Municipal Center

1. Call to order

2. Roll Call

Present 7 - Lonnie Roberts Jr.; Jerry Reece; Jimmy Cooper; Jim Little; Dennis Zolper; Mary Margaret Jackson and Kevin Bailey

Absent 2 - David Handwork and Jim Scurlock

3. Approval of minutes

[MIN-20:061](#)

MINUTES: MAPC Minutes - June 23, 2020

Attachments: [MAPC Minutes from June 23, 2020](#)

A motion was made by Dennis Zolper, seconded by Kevin Bailey, that this matter be Approved. The motion PASSED with the following vote:

Aye: 6 - Jerry Reece; Jimmy Cooper; Jim Little; Dennis Zolper; Mary Margaret Jackson and Kevin Bailey

Absent: 2 - David Handwork and Jim Scurlock

4. Miscellaneous Items

[COM-20:028](#)

DENIAL APPEAL REVIEW: 800 Southwest Drive - Grading Permit

Jim Lyons of Lyons & Cone, P.L.C. on behalf of Southwest Valley, LLs is requesting MAPC to review this Southwest Drive Grading Application at the property located at 800 Southwest Drive, which resides in a C-3 General Commercial District. This application and site plan were denied on May 21, 2020 by the Engineering and Planning Departments.

Attachments: [Application](#)
 [Denial Letter](#)
 [Site Plan](#)
 [SWPPP](#)
 [Picture of Area](#)
 [Drawing](#)
 [Elevations](#)

Jim Lyons of Lyons & Cone, P.L.C. on behalf of Southwest Valley, LLs is requesting MAPC to review this Southwest Drive Grading Application at the property located at 800 Southwest Drive, which resides in a C-3 General Commercial District. This application and site plan were denied on May 21, 2020 by the Engineering and Planning Departments.

APPLICANT: Jim Lyons stated this is simply a request for a grading permit. He stated the reasons for not granting the grading permit says we've expressed to you and your engineer on several occasions the amount of earth and fill and the height of the retaining walls being proposed for this site are not compatible with the surrounding neighborhood and will cause sight line and visual blight issues. He stated if you look at the pictures handed out, the very first one is a recent Google Earth photograph. You can see a dark brown area beside a green area. He stated that is an area that is very unsightly and holds water regularly. The opposition would be that there would be fill brought in and the height of the retaining wall which would be about 5' and would taper to a certain extent along Haywood Drive. They say this is not compatible with the surrounding neighborhood. He stated if you look to the left, that area has been built up 4-5' which is exactly what they are seeking. The shopping center to the south and west of this location would essentially be on the same level if the grading permit is granted. He stated it says it will cause sight line and visual blight issues. He stated it would not cause any site line issues because it would not be brought above the road. It would be brought about level with the road at the front and slope toward the back. There would be no different view there than what currently exists. It says historically they have had issues with crime and unsafe living conditions in the apartment complex next to this site and although those problems have been substantially fixed, the idea of shielding that site from public viewing by overdevelopment is worrisome. He stated if you go out there and you look at it and you look at these pictures, if you will turn to the second page of the pictures. You will see that is not even to the road and that is the view that you have currently. They said the indication is that this is going to cause some sort of sight problem for police or whomever, you cannot see these apartments anyway. You can see the apartments over to the right. It would be a gradual slope down to that so he does not think it will block any of that. He stated that on page three of the pictures is the wall that is built where this other shopping center area is built. That is similar to what

would be on Haywood Drive. Anyone in Jonesboro knows this area has been down in a hole since Southwest Drive was developed. It has always been unsightly and always held water. It says the intensity of your proposed development and the adjacent roads is also a significant concern. It is highly unlikely Haywood Drive is structurally adequate for the recurrence of loaded gravel trucks to fill the site as proposed. He stated ARDOT has given permission, as this is on an Arkansas state highway, to have an entrance off Southwest Drive. You would not have to enter from Haywood, although you could if you chose to as there will be a drive on Haywood. The next picture is a picture of Professional Title. It would not be as low as Professional Title. He stated he understands they are opposed to this. He stated a title company is not necessarily a walk in business. You go in there for a specific reason. He stated that in the event there was any damage done to Haywood, his client is willing to be responsible for returning Haywood to its current condition. He stated Haywood is a private drive, not a city street because it was not built to city standards. If it is a city street, then the responsibility would be on the city. He stated if they caused any damage to it, they would be responsible for that and willing to pay for it. It say without a traffic study they would be unable to tell what improvement are needed to service the site. If the MAPC wants a traffic study ordered, one could be ordered. The grading permit could be contingent on the traffic study. The next picture shows a 5-6 fence behind Professional Title to block that area. There are trees blocking the apartments behind those. Highway 49 is a heavily travelled business area. It is not somewhere police drive up and down looking for crime in these apartments. There are 64 significant trees in that area back there that are currently blocking the view. He stated the most important part comes from the Jonesboro city code. It defines a grading permit as a permit issued by the city engineer which allows land disturbance activity on a specific development. That is all it does. That is from Section 112.1 of the Jonesboro, AR city code. Requirements to obtain a grading permit are a storm water pollution prevention plan which has been provided. You do not see that mentioned anywhere in the letter saying he has not provided that. If you look at Section 112.105 of the city code and the storm water pollution prevention plan has been completed correctly and provided to them, it says a grading permit shall be issued to the developer. He stated it is not discretionary with the city to do this. It is a requirement the city do this. They do not have the discretion to say this is going to cause blight issues. He stated it is a question of whether the storm water prevention plan is adequate and is sufficient to take care of the storm water. If it is, then they have to come back for many other things where issues could be addressed, but this is something that is discretionary with the city. It is required by city code. This site will not be unusual to the area as it is similar to a site to the southwest of where this would be built.

COMMISSION: Lonnie Roberts Jr. asked for staff comments.

STAFF: Craig Light stated this plan was more than just a grading plan. He stated they are proposing to construct a retaining wall that is beyond the scope of merely grading the site. That is a site development plan. They are also proposing to put in drainage pipe which is not included in a grading plan. Although they asked for a grading permit, what they were submitting was more than just a grading permit. That is the reason it came to this body, rather than to the storm water management board. Southwest Drive, although the highway department may issue a permit to have a driveway along that section of

roadway, city code prohibits a driveway due to spacing requirements. He stated they asked for a traffic impact study. They did not receive one. They removed the driveway off of their plans. If they do want one they need to submit a traffic impact analysis on the development. They do not know what is going on the site yet. They do not know how it is going to be developed. There are a lot of unknowns. He stated in terms of the amount of fill, Mr. Lyons indicated that we are talking about 4' of fill. He stated they are not. There is about 10' of fill going in the center of the lot. On the Haywood end, the floor slab of the proposed building would be about 7' above the road which is about the eave height on the property to the north. It is much higher than was indicated. Haywood Drive is a city street. It does not meet current city standards, but it is a city street. In terms of line of sight issues, that is more line of sight from the adjacent properties to the street, blocking their views to Southwest Drive rather than the views from Southwest Drive to their property. He stated they have a lot of issues with what they are proposing to do here. He stated they do not know enough to say this is a good development when they are talking about bringing in 10' of fill, not 4'. If they were dragging the elevation to the south and running it to the north at that same grade we probably would not be discussing this. That is not what they are proposing to do. They are proposing to create a hillside and go up to the elevation of the roadway, center the lot, and then come back down. He stated the story we are getting from the proponent is not exactly what we were reviewing.

COMMISSION: Lonnie Roberts Jr. asked for commissioner comments.

COMMISSION: Kevin Bailey asked if they were provided a plan with land contours.

STAFF: Craig Light stated they asked for a cross section of the elevation of the two buildings. To the left would be the floor of the new building compared to the elevations of the building on the north side of it. It is a ways up there. They are proposing a retain wall along Haywood Drive that would have to come down if a third lane was needed. They are wanting to put in a retaining wall now. We do not have enough information to say if that is a good idea or a bad idea.

COMMISSION: Mary Margaret Jackson stated she is assuming the footprint of this development is much larger than what existed there prior.

STAFF: Craig Light stated it appears to be.

COMMISSION: Mary Margaret Jackson asked if the city has any plans to do a buildout analysis for this node. There is going to be a lot of development on Southwest Drive south and it looks like this will be a premiere area for redevelopment. She also asked for a traffic study.

STAFF: Derrel Smith stated not at this time on the buildout analysis. He stated they have asked for a traffic impact study.

STAFF: Craig Light stated in regard to the storm water pollution prevention plan that was submitted. He stated they have reviewed it and had comments on that. They have not got to a final storm water pollution prevention plan. The order of work is still lacking on how they propose to do the excavation for

removing the trees. He stated they have asked for an update of that. He stated these have not been received yet. He stated they felt like they needed to deal with this much larger issue first.

COMMISSION: Jim Little asked what site plan were they looking at now and asked if it was just speculative.

STAFF: Derrel Smith stated that is just a concept they submitted to try and get a grading permit.

APPLICANT: Michael Boggs with Tralan Engineering stated they have been trying to get approval on this since September of last year. He stated they submitted for a permit from ARDOT. Since we have started this project the requirements have changed to have a traffic study required. This site is being built up. There are spots in there that are 9-10' of fill. The retaining wall near the ditch will be about 7' tall. He stated if they look at the sheet it shows they are about 1' higher than the existing land around there. The retaining wall on Haywood will go anywhere from 2' to 4.5'. He stated they will have slope up to the existing. He stated the cross sections are a little misleading because they are exaggerated 10:1. He stated it is going to be built up, but not in a way that is going to affect the surrounding views or traffic. The concept is just a concept plan. The owner does not know what is going to go there. We are looking to enlarge the ditch for future development that is there to control the storm water runoff. He stated they have done all they can to meet the requirements. The comment that they are wanting a sequence of events for the SWPPP. He stated as an engineer he does not like to sequence events for contractors. We tell them to setup initial perimeter controls, do your grading, but the order you want to put your wall in, we can discuss that and get a plan and start.

COMMISSION: Lonnie Roberts Jr. asked if they have considered any sort of compromise.

COMMISSION: Kevin Bailey asked if he thought to put a retaining wall out of the state right-of-way on the east side of the property, split the difference, and have a retaining wall on your property that lowers the site.

APPLICANT: Michael Boggs stated they are about a foot below Elk Park. Everything slopes from Southwest Drive back. The new overlay district is here so they are already 25' back. Everything is pushed back so line of site coming off of Haywood should not be an issue. He stated they are trying to get the property where it can be marketable and buildable.

COMMISSION: Jim Little asked if he is going 10' up from the road.

APPLICANT: Michael Boggs stated they are going down from Southwest Drive. You cannot start your parking lot until it is 25' from the property line because of the overlay district.

COMMISSION: Kevin Bailey stated that you can reverse the site. You can put a retaining wall on your property like Walmart did on Highland.

COMMISSION: Lonnie Roberts Jr. stated that you would then be falling from the road down to your retaining wall level. He stated they are not engineers

and is unsure if they can give a suggestion.

APPLICANT: Michael Boggs stated that what they have is what was asked of them.

COMMISSION: Dennis Zolper stated that since you are developing this property for sale without knowing what your user needs, how much traffic there will be, are you not premature on this.

APPLICANT: Michael Boggs stated not for what they are planning. The site needs to be built up for anything to be marketable there to sale.

COMMISSION: Dennis Zolper asked how close they are to an agreement on the storm water prevention plan.

APPLICANT: Michael Boggs stated they are requesting the order that the contractor will do his work. He stated as engineers he cannot tell the contractors the means and methods of how they will do their work. That is a living document. Once they begin work we can add things or take things away. He stated they can make that work. It is not something that you nail down at the beginning.

COMMISSION: Dennis Zolper stated that he is doing more than just grading. He is putting in drainage and drainage structures. He stated this is more like a site plan without the site plan.

APPLICANT: Michael Boggs stated they initially were not putting in drainage. The city requested they put a pipe through the wall. He stated they are just putting a pipe there so the connection would exist later. He stated with a grading plan, a retaining wall is part of it. It is a grading feature, not a site feature.

STAFF: Craig Light stated a retaining wall is more than a grading plan. It is permitted through the building inspections department. It is a separate permit for those.

PUBLIC: Chris Gardner stated he is council to Professional Title and 740 Southwest Drive as well as K and A Investments. He stated he is a minority owner in both Professional Title and 740 Southwest Drive. Steve May, the majority owner, is also here. He stated their biggest concern is that this is more than a grading plan. Rather than coming with a proposed use or a proposed site plan, they are simply trying to do nothing more than build it up so they can market it. He stated they have shown what the potential concept plan is. It is for a quick service restaurant of about 4500 square feet along with a 12,000 square feet for retail use. Those are not just necessarily concepts. These are things they have an eye towards doing. If you do not determine whether or not the retaining wall, the drainage, the fill are properly engineered and structured without knowing what the eventual use will be, it seems to be a huge problem. He stated this is a nearly identical grading plan that was turned down last year. He stated the only issue before the Commission is this. It is not how do we fix this problem for them. At the time the application was submitted, was there sufficient information to make a decision at that time. At the time the permit was denied, it did not have the information that it needed

from the proposed developer to grant the permit. If you look at the plan, the representations made today do not line up with what has been submitted. He stated they have three main concerns. Drainage, traffic congestion, and vertical line of sight obstruction. The proposal shows an almost 100% impervious site raised by 10' in places that will contribute to additional runoff. The existing drainage is barely enough to accommodate what is there. The apartments have previously flooded in the past few years. The proposed drainage does nothing to constrain the speed of the runoff. The plans should diffuse that runoff and slow it. There are no detention basins. All of this runoff is going to two pipes buried under Haywood Drive. There will be a very bad bottle neck of water going into that area. He stated they believe a hydrology study is necessary at this site. He stated that there will be traffic congestion. If you look at their plans, they do not have an access to Southwest Drive. He stated they know it will not comply with the city's requirements of the Master Street Plan and the access requirements. Their plans calls for a single point of ingress/egress from Southwest Drive via Haywood Drive. That is the only way to get out of Pro Title, the apartment complex, or this site. If you look at their site plan, you go down Haywood Drive until it nearly terminates and then you turn west into an inclining driveway that comes up to the property. He asked to imagine the traffic that would be there if a drive thru goes there. He stated they keep saying the retaining wall is only 2-4' on Haywood Drive. If you look at their plan shows a total expanse of 7-8'. This causes line of sight obstruction. He asked why the property needs to be filled and raised by 10'. The proposed restaurant would be approximately 30' higher than the floor of Pro Title's building. There will also be traffic issues. This will harm Pro Title and the apartment complex. There are issues that need to be addressed.

APPLICANT: Michael Boggs stated there was a hydrology study submitted. He stated they improved the ditch to control the storm water runoff for the future development. He stated they have widened the ditch by 15-20' along the back and it will be controlled by the two existing pipes underneath Haywood Drive. He stated the driveway off Southwest Drive would be compatible with current standards. They did not do the traffic impact study because not knowing what is going to develop there would not allow them to have accurate numbers. He stated a drive can be placed off Southwest Drive and meet current standards.

STAFF: Craig Light stated on an arterial roadway, spacing of driveways or access points is 300-500 feet. There is a driveway across the street that is well within 300' of where they are proposing to put this driveway.

A motion was made by Dennis Zolper, seconded by Kevin Bailey, that this matter be Denied. The motion **FAILED** with the following vote.

Nay: 6 - Jerry Reece; Jimmy Cooper; Jim Little; Dennis Zolper; Mary Margaret Jackson and Kevin Bailey

Absent: 2 - David Handwork and Jim Scurlock

5. Preliminary Subdivisions

[PP-20-16](#)

PRELIMINARY SUBDIVISION APPROVAL: Creekwood Addition

Jeremy Bevill of Fisher and Arnold on behalf of Jackson Rentals and Investments request MAPC approval of a Preliminary Subdivision for Creekwood Addition being west of Roleson and Quail Drive and North of Covey Drive for 40 lots on 15.25 acres +/- within the R-1 Single Family Residential Zoning District.

Attachments: [Application](#)
 [Subdivision Plans](#)
 [Staff Report](#)
 [Letter of Opposition](#)
 [Creekwood Sub-division](#)
 [Aerial View of Location](#)

Jeremy Bevill of Fisher and Arnold on behalf of Jackson Rentals and Investments request MAPC approval of a Preliminary Subdivision for Creekwood Addition being west of Roleson and Quail Drive and North of Covey Drive for 40 lots on 15.25 acres +/- within the R-1 Single Family Residential Zoning District.

APPLICANT: Jeremy Bevill stated they are asking for a conceptual review of this subdivision. They still need to finalize the final plans with city staff. He stated they would like any comments while they are in this process.

COMMISSION: Lonnie Roberts Jr. asked for staff comments.

STAFF: Derrel Smith stated there are none at this time since it is a conceptual review. No action is to be taken at this time. He stated since we have been unable to have pre-meetings, they wanted to bring it forward as a concept.

COMMISSION: Lonnie Roberts Jr. asked for commissioner comments.

STAFF: Michael Morris stated the biggest thing they need to add is that there is at least 10' of a buffer between the floodway and the nearest structure. Lots 20-26 are going to be tight on the buildable area if you include that buffer. He stated there are additional requirements they must also meet.

COMMISSION: Lonnie Roberts Jr. stated he did have an opposition letter from Mike and Debbie Hottel at 3021 Quail Drive. It reads, we purchased and moved into our home at 3021 Quail Drive in 1996. Our home faces east on Quail Drive and west of the home connects to the acreage mentioned for development. When it rains the subject acreage fills with water because the property is low. Water runs downhill from surrounding streets and accumulates on the proposed acreage 4" to 6" deep. It reads, it would take a thousand loads of fill to make the property high enough from flooding. If the property is developed, the addition of pavement, concrete, and homes would limit the absorption of water and create flooding issues elsewhere. This is our concern. All the years we've lived at this home the acreage has been very well maintained until Jackson Rentals acquired the said property. It talks about how the grass is grown up. It appears Mr. Jackson needed his tractor repaired. We feel if the acreage is developed our property values will decrease and drainage will be a

problem for the current and future home owners of the city. It stated that it cannot trust a development that has already shown it will violate city regulations. The letter will be provided to anyone that wants to read it. Everyone will get a copy before any action is taken.

COMMISSION: Mary Margaret Jackson asked if they want to build that close to the floodway.

STAFF: Michael Morris stated they would not be allowed to build any structures in the floodway. They are allowed to build in the floodplain. The city has an additional 10' buffer for a little more space. They will have to supply a no rise certificate and a storm water management plan as part of their development.

No Vote - Changed to Conceptual Review for Commission.

[PP-20-17](#)

PRELIMINARY SUBDIVISION APPROVAL: 3700 E. Johnson Avenue - Tommy's Development Addition

Jeremy Bevill of Fisher Arnold Engineering on behalf of Vision 2000, Inc is requesting MAPC approval of a Preliminary Subdivision Approval for Tommy's Development Addition located at 3700 E. Johnson Avenue for 4 lots on 6.02 acres +/- within the C-3 General Commercial District Limited Use Overlay.

Attachments: [Application](#)
 [Staff Report](#)
 [Subdivision Plans](#)
 [P2052 Projected AM - Map](#)
 [P2052 Projected PM - Map](#)
 [P2052-Trip-Gen-Sum](#)
 [Tommy's Development Preliminary Landscape Plan](#)
 [Aerial View of Location](#)

Jeremy Bevill of Fisher Arnold Engineering on behalf of Vision 2000, Inc is requesting MAPC approval of a Preliminary Subdivision Approval for Tommy's Development Addition located at 3700 E. Johnson Avenue for 4 lots on 6.02 acres +/- within the C-3 General Commercial District Limited Use Overlay.

APPLICANT: George Stem with Vision 2000 stated he is available for any questions they may have. Jeremy Bevill and Ernie Peters are also available.

COMMISSION: Lonnie Roberts Jr. asked for staff comment.

STAFF: Derrel Smith asked Mr. Peters if they have a traffic analysis on this property yet. He has not seen one.

APPLICANT: George Stem stated that was submitted today.

APPLICANT: Jeremy Bevill stated it is preliminary traffic information that is pulled up on the screen now.

STAFF: Derrel Smith stated this does not show any of the drives or access points on the adjacent side of the road. He asked if they have that information.

APPLICANT: Jeremy Bevill stated it has been submitted where they show all the existing drives and labeled those along Johnson Ave. Both west all the way to Highway 351 and east to Hudson Road.

STAFF: Michael Morris stated he thinks they were emailed in today, but he has not had a chance to go through it. He stated where it connects to Hudson Drive, there is a 90 degree turn and that is something they need to look at. They need to look at the centerline of the new route with the offset of the other one. It may be best to line them up.

APPLICANT: George Stem stated the issue with that is they do not own the three acres where you could come straight in.

STAFF: Michael Morris stated if it is less than 125' you will have to push it away from that intersection. He stated they will need to review that traffic study.

A motion was made by Dennis Zolper, seconded by Jim Little, that this matter be Tabled. The motion TABLED with the following vote.

Aye: 6 - Jerry Reece; Jimmy Cooper; Jim Little; Dennis Zolper; Mary Margaret Jackson and Kevin Bailey

Absent: 2 - David Handwork and Jim Scurlock

[PP-20-18](#)

PRELIMINARY SUBDIVISION APPROVAL: 3506 Southwest Drive - Southern Hills Addition

Jeremy Bevill of Fisher & Arnold, Inc. on behalf of Southern Hills Real Estate, LLC and Mr. Carroll Caldwell are requesting MAPC Approval for a Preliminary Subdivision located at 3506 Southwest Drive with 14 proposed lots on 118.34 Acres +/- of land within a PD-M Mixed Use Planned Development.

Attachments: [Application](#)
 [Staff Report](#)
 [Subdivision Plans](#)
 [Subdivision Plat](#)
 [Proposed Access Map for Drives and Streets](#)
 [Schematic Landscape Plan](#)
 [Schematic Outline Landscape Plan](#)
 [Tree Preservation Plan 1](#)
 [Tree Preservation Plan 2](#)
 [Aerial View of Location](#)

Jeremy Bevill of Fisher & Arnold, Inc. on behalf of Southern Hills Real Estate, LLC and Mr. Carroll Caldwell are requesting MAPC Approval for a Preliminary Subdivision located at 3506 Southwest Drive with 14 proposed lots on 118.34 Acres +/- of land within a PD-M Mixed Use Planned Development.

APPLICANT: Brent Perkins stated Jeremy Bevill and Ernie Peters are both available. He stated everyone has met with city staff and believes they have resolved all concerns with this.

COMMISSION: Lonnie Roberts Jr. asked for commissioner comments and staff comments.

STAFF: Derrel Smith stated they have reviewed it and they do meet the requirements of the subdivision ordinance. He stated they would recommend approval.

COMMISSIONER: Mary Margaret Jackson stated she has a procedural questions. In this case and in the past there have been things added to Legistar the day before or the day of the meeting. She would like to see a deadline of when things are added to Legistar.

STAFF: Craig Light stated on the access point of the major roadway, they are still in discussions about which one of those would require a deceleration lane or right turn lane. That is something that they will work through with the developer and highway department. They are showing it on corridor E and that may be the one they end up with. They are still working through that and there may be some design change.

A motion was made by Dennis Zolper, seconded by Jimmy Cooper, that this matter be Approved. The motion PASSED with the following vote.

Aye: 6 - Jerry Reece; Jimmy Cooper; Jim Little; Dennis Zolper; Mary Margaret Jackson and Kevin Bailey

Absent: 2 - David Handwork and Jim Scurlock

6. Final Subdivisions

7. Conditional Use

8. Rezoning

[RZ-20-08](#)

REZONING: 2715 W Matthews Trail - South side of West Matthews Trail on the East Side of I-555 Washington Street Exit

Bobby Riley is requesting MAPC Approval for a Rezoning from “R-1” Single Family Residential District to “C-3” General Commercial District for 21.48 +/- acres of land located at 2715 W Matthews on South side of West Matthews Trail on the East Side of I-555 Washington Street Exit.

Attachments: [Application](#)
 [Staff Summary](#)
 [Conceptual](#)
 [Rezoning Plat](#)
 [USPS Mail Receipts](#)
 [Warranty Deed](#)
 [Picture of Rezoning Sign](#)

Bobby Riley is requesting MAPC Approval for a Rezoning from “R-1” Single Family Residential District to “C-3” General Commercial District for 21.48 +/- acres of land located at 2715 W Matthews on South side of West Matthews Trail on the East Side of I-555 Washington Street Exit.

APPLICANT: John Easley stated they are asking for a rezoning from R-1 to C-3 on 21 acres. This property is at the end of W Matthews Trail. Jonesboro Cycle and ATV is proposing to put a commercial retail development out here for a show room, parts, and storage. He stated it will basically be a warehouse.

COMMISSION: Lonnie Roberts Jr. asked for staff comments.

STAFF: Derrel Smith stated they have reviewed it and it meets five out of the six of the approval criteria. The only one it does not meet is the zoning because it has not been zoned commercial already. He stated they would recommend approval with the following stipulations:

1. That the proposed site shall satisfy all requirements of the City Engineer, all requirements of the current Stormwater Drainage Design Manual and Flood Plain Regulations regarding any new construction.
2. A final site plan subject to all ordinance requirements shall be submitted, reviewed, and approved by the Planning Department, prior to any redevelopment of the property.
3. Any change of use shall be subject to Planning Department approval in the future.
4. A final site plan illustrating compliance with site requirements for parking, signage, landscaping, fencing, buffering, outdoor storage, dumpster enclosure, sidewalks etc. shall be submitted to the Planning Department prior to any redevelopment of this property.
5. This Property lies in the Overlay District and will have to comply with all the rules and regulations for that District.

COMMISSION: Lonnie Roberts Jr. asked for public comments.

PUBLIC: Daniel Flannery stated they are the adjoining property. They have concerns about the noise that will be back there. He stated he knows at some point they plan to put an ATV track there. He stated neighbors are against it and it is not a good fit for that area. He stated that the neighborhood has been quiet and that would be jeopardized if this is allowed. He also stated they fixed up their property and this would cause it to lose value.

PUBLIC: Ronald Foster stated he is representing his mother, Edith Foster. She is the property owner at 2705 W Matthews Trail. He stated they have concerns about the traffic and noise. If they do develop ATV trails, he has concerns about to what extent they will be used. He stated there is also a concern about property values. He stated a noise abatement would be an improvement if this is approved.

PUBLIC: Mike Snyder stated he agrees with what they have been saying. He stated there is a large area that will be commercial and they have not said what will be there. He stated it will be hard coming off of the bypass turning a semi into the area. He stated it is residential in this area and peaceful. Their main concern is the noise.

PUBLIC: Stacey Morris stated they have heard rumors of ATV tracks. He passed out a handout regarding the noise level of ATVs. He stated ATVs are noisy and is against it in the area. He stated this is an R-1 zoned neighborhood on a cul-de-sac. He stated there is also a cemetery in the area. He stated if there is a driveway it should not come off of this street.

APPLICANT: John Easley stated the plans are just ideas right now. There has been talk of an ATV trail that would be used strictly for customers, technicians, and mechanics. It would not be open to the public. He stated in his expectation it would be somewhat small. The property itself only has one entrance. That is the only access point. He stated he feels this is a good use for the property.

COMMISSION: Lonnie Roberts Jr. asked for commissioner comments.

COMMISSION: Kevin Bailey asked if the drive could come off of Washington.

APPLICANT: John Easley stated it could not. There is no Washington frontage.

COMMISSION: Dennis Zolper stated he knows this is the rezoning phase so uses are not to be considered. He stated during the site development phase, could they regulate if there is a public ATV track, or anything of that nature.

STAFF: Derrel Smith stated that is correct. The zoning does not allow for a public ATV there.

A motion was made by Dennis Zolper, seconded by Jimmy Cooper, that this matter be Denied. The motion **FAILED** with the following vote.

Aye: 2 - Lonnie Roberts Jr. and Dennis Zolper

Nay: 4 - Jerry Reece; Jimmy Cooper; Mary Margaret Jackson and Kevin Bailey

Absent: 2 - David Handwork and Jim Scurlock

Excused: 1 - Jim Little

[RZ-20-09](#)

REZONING: Savannah Hills Phase IV - End of Dena Jo Drive and West of Savannah Hills Drive

Sid Pickle owner of PDW Properties, LLC is requesting MAPC Approval for a Rezoning from “R-2” Multi-Family Low Density District to “PD-RM” Multi-Family Residential Planned Development District for 6.36 +/- acres of land located at the end of Dena Jo Drive and west of Savannah Hills Drive.

Attachments: [Application](#)
 [Staff Summary](#)
 [Rezoning Plat](#)
 [Site Plan](#)
 [USPS Receipts](#)
 [Pictures of Zoning Sign](#)

Sid Pickle owner of PDW Properties, LLC is requesting MAPC Approval for a Rezoning from “R-2” Multi-Family Low Density District to “PD-RM” Multi-Family Residential Planned Development District for 6.36 +/- acres of land located at the end of Dena Jo Drive and west of Savannah Hills Drive.

APPLICANT: Michael Boggs stated this is a continuation of the project that is going on out there. This will be somewhat identical to Savannah Hills Phase 2 that is to the east. This property is zoned R-2 which allows 12 units per acre. He stated they are looking around 10 units per acre.

COMMISSION: Lonnie Roberts Jr. asked for staff comments.

STAFF: Derrel Smith asked if this provides the next access out.

APPLICANT: Michael Boggs stated this would provide an access back out to Craighead Forest Road. The development will now have two access points to Craighead Forest Road and one out to the back.

STAFF: Derrel Smith stated they have reviewed it and would recommend approval.

COMMISSION: Lonnie Roberts Jr. asked for public comment.

PUBLIC: Patty Lack stated she would like to read a statement regarding this rezoning. The standard that is expected of the MAPC has not been met with this rezoning request of RZ 20-09. The agenda for this meeting was posted on Legistar, the city’s legal site on Friday, July 3. As of 5:25 today there is incorrect information on the staff summary attachment of this rezoning. Whether you are for it, or are against these apartments, she has always found that information to be very beneficial. If you look at the attachment on this rezoning request it shows it is the one we just talked about with the ATVs. It is incorrect information. She stated she does not know whether the committee members gets the same information as the public does. If you get the same information, you have not been provided adequate information to make a correct proper decision on this rezoning request tonight. All of you have been chosen to make a proper decision either to forward this or not forward this to

city council next week. As a concerned citizen and many others I have talked to, we were not able to look at the proper information to make a decision whether we are for or against it. She stated that to her, it would be bias for them to approve this tonight and totally irresponsible. Considering all the standard that have not been met, there is only one right decision that you can reach for the citizens that you represent and work for. She asked the request be tabled until the next meeting so the citizens have the proper time to look at the material.

STAFF: Derrel Smith stated the city is required by law to run an ad in the paper and put signs on the property. That was done. If this was not on Legistar for them to see, that is your call on whether you want to table it or not. The city did meet the legal requirements to proceed with the rezoning.

COMMISSION: Lonnie Roberts Jr. asked for commissioner comments.

COMMISSION: Dennis Zolper stated the staff summary was from the previous case, but the rest of the information pertained to this case.

COMMISSION: Lonnie Roberts Jr. asked for additional public comment.

PUBLIC: Sherry Ray stated that area is full of wildlife. That takes their habitat. The traffic is terrible. To add those apartments would increase traffic. She stated to add more people would increase crime. People walking on the walking trail leave trash. She stated adding apartments would decrease property value. She asked for clarification on the layout.

STAFF: Derrel Smith stated we are getting into design criteria. This is only for a rezoning.

APPLICANT: Michael Boggs stated this property is zoned R-2, 12 units an acre. They could have roughly 76 units. They are looking to do 10 units an acre which would decrease the volume of units. It would be a decrease in traffic. He stated they like the PD-M development because it allows for better use of the property.

COMMISSION: Mary Margaret Jackson stated if the public is going to be able to make comments about this, they need to have the full picture. She stated they do not need an hour before or the day before. She stated this is happening over and over again and it is not acceptable. In other states a city could be sued for something like this. She stated she understands what the minimum requirements are in Arkansas, but you have to have the plans where the public can review the plans. It all needs to be on Legistar 72 hours before or something they agree upon that is reasonable. She stated for us to be fully transparent and fair to ourselves, the city staff, and the public, we need to do that on every type of project that we consider.

A motion was made by Dennis Zolper, seconded by Jimmy Cooper, that this matter be Denied . The motion PASSED with the following vote.

Aye: 5 - Lonnie Roberts Jr.;Jimmy Cooper;Jim Little;Dennis Zolper and Kevin Bailey

Nay: 2 - Jerry Reece and Mary Margaret Jackson

Absent: 2 - David Handwork and Jim Scurlock

9. Staff Comments

10. Adjournment