



City of Jonesboro

Municipal Center
300 S. Church Street
Jonesboro, AR 72401

Meeting Minutes - Final Metropolitan Area Planning Commission

Tuesday, January 22, 2019

3:00 PM

Municipal Center

1. Call to order

2. Roll Call

Present 8 - Lonnie Roberts Jr.; Jerry Reece; Jim Scurlock; Kevin Bailey; Jimmy Cooper; Jim Little; Dennis Zolper and Mary Margaret Jackson

Absent 1 - David Handwork

3. Approval of minutes

[MIN-19:008](#)

MINUTES: January 8, 2019

Attachments: [Meeting Minutes from January 8, 2019 MAPC Meeting.pdf](#)

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

Aye: 7 - Jerry Reece; Jim Scurlock; Kevin Bailey; Jimmy Cooper; Jim Little; Dennis Zolper and Mary Margaret Jackson

Absent: 1 - David Handwork

4. Miscellaneous Items

[COM-19:005](#)

APPEAL REVIEW: 2511 E HIGHLAND DRIVE

George Hamman of Civilogic on behalf of owner Matt Cavanaugh of Cavanaugh Trust Properties and Gardner Law Firm is requesting MAPC to review this Commercial Off-Premise Sign Application for a legal non-conforming Off-Premises Sign at the property located at 2511 E. Highland Drive, which resides in a C-3 General Commercial District. This application and site plan were denied on January 4, 2019 by the Planning Department after review.

Attachments:

[Application.pdf](#)

[Replacement of Billboard Site Plan.pdf](#)

[AHTD Billboard Sign Permit Application.pdf](#)

[Fax from Law Firm.pdf](#)

[Gardners Law Firm letter to Derrel Smith.pdf](#)

[George's Email.pdf](#)

[Hydrology Letter.pdf](#)

[Jeff Ingram's Email from State.pdf](#)

[SWPPP.pdf](#)

George Hamman of Civilogic on behalf of owner Matt Cavanaugh of Cavanaugh Trust Properties and Gardner Law Firm is requesting MAPC to review this Commercial Off-Premise Sign Application for a legal non-conforming Off-Premises Sign at the property located at 2511 E. Highland Drive, which resides in a C-3 General Commercial District. This application and site plan were denied on January 4, 2019 by the Planning Department after review.

APPLICANT: Mr. Chris Gardner represented Cavanaugh Trust Properties. Mr. Gardner pointed to Mr. Matt Cavanaugh and said he is in attendance as well as Mr. George Hamman, so if there are any questions they can come up to answer them. Mr. Gardner said on January 4th my client applied for a permit to replace a legal non-conforming bill board sign. The Planning Department did deny that application and corresponding site plan. That is why we are here and appealing their decision. A little further background if I may, in August of 2016 my client acquired the property located at 2511 E Highland Dr. through a foreclosure sale. The building was not safe, and wants to redevelop it. Lamar advertising company used to own and operate this sign. The lease was unrecorded when Lamar advertising had control of it. Eventually, in early 2018 a resolution was reached between my client and Lamar advertising that provided back payment of some rent. Which also allowed the advertising company to take down their non-conforming sign, they did so in March of 2018. After the non-conforming sign was taken down by Lamar, my client decided to investigate the property, its redevelopment and trying to determine what the best options to develop this property and his properties that are adjacent to it. My client has also developed and put a lot into properties in the vicinity to try and develop the area. This is one of those sites. In September of 2018, my client wanted to put a legal non-conforming sign on this property. Initially, the Planning Department thought they would not require a legal non-conforming sign under the ordinance. However, the planning staff was never adequately able to explain to us what provision the ordinance would prohibit replacing as

it is currently written. There is no debate that the prior sign was a legal non-conforming sign as defined by this ordinance. It has been placed and erected there by a valid ordinance, subsection F says a legal non-conforming sign maybe maintained as a matter of right. Subsection 3a says it provides that a legal non-conforming sign should not replace the size of the sign and meet the structural requirements. These are the only stipulations against replacing a sign. The ordinance does not talk further about it. The replacement sign will be slightly smaller than the original. It meets all the structural codes of the original as well. We were told by the planning department, the permit application had to be submitted prior to the old sign being removed. However, there is nothing in the ordinance that states a permit application has to be submitted before the sign is removed. We would like to know how this process is out of compliance and was out why our permit was denied. I would also like to mention that you may not want the billboard sign in side city of Jonesboro. We believe we have complied what the ordinance states and how it is currently written. We insist that the city follows the ordinance how it's written, rather than how they wish it was written.

BOARD: Ms. Mary Margaret Jackson said when I was reviewing the materials I saw this new sign is going to have three faces and that the old sign had two. We were not provided with a structural description, we just have the site plan with the drawing. I don't understand what a three face sign would look like.

APPLICANT: Mr. Chris Gardner said it is a three sided sign, the square footage for the actual space of the sign meets the requirements of the ordinance and also makes it smaller than the collective size of the property. Mr. George Hamman of CivLogiv came in to answer the technical questions about the sign. Mr. George Hamman said as per the site plan the proposed sign is virtually shown. The owner will prepare the structure if the permit is granted.

BOARD: Mr. Cooper asked this is where the previous sign was?

APPLICANT: Mr. George Hamman said that is correct.

APPLICANT: Mr. Chris Gardner said the sign may not be exactly where the older sign was, but it is a replacement of a sign that was at that site and it is permitted at that site. The ordinance does not that it has to be placed at the exact same location.

BOARD: Ms. Mary Margaret Jackson asked Derrel did you speak about the staff report yet.

STAFF: Mr. Derrel Smith said no I have not.

STAFF: Mr. Derrel Smith said we did review this, it is our opinion that this sign is not a legal non-conforming use because the sign was not there. It was taken down by the owner in March of 2018. They took the sign down without applying for any permits. It sat there for at least six months without any kind of application. If the sign had been there during that time, we would have given them a permit but since they took the sign down they lost their legal non-conforming status. I did speak to our city attorney about that. It is part of the city highway and they would have to get a permit from them after the City. Without a city permit, the state is not going to issue a permit.

BOARD: Mr. Zolper said I saw in the letter from ARDot stated that the beautification section of the right of way “the applicant must oblige with all local laws and ordinances regulating billboards hence the Jonesboro codes mentions other billboards being in the vicinity of the billboard in question. ARDot will not issue a permit for this site. It seems pretty clear that they will not issue a permit.

STAFF: Mr. Derrel Smith said that’s the reason we are not also because it doesn’t meet the separation requirements. ARDot also has a 1500 feet requirement same as city of Jonesboro.

APPLICANT: Mr. Chris Gardner said based upon what we have been told and discussions with the state, is if the city grants the permit, so will the State. As long as it meets the definition of a complaint sign under city code.

STAFF: Ms. Carol Duncan said the State follows the same separation requirements as the city. It’s not just city code.

APPLICANT: Mr. Chris Gardner said well I understand that, with all due respect we are trying to pass the hurdle of the city code, we can address any state issues when that arises.

BOARD: Mr. Kevin Bailey said have we on two previous occasions denied the billboard permit because the separation requirements were not met. I believe in the last two years we have denied that.

STAFF: Mr. Derrel Smith said I remember one.

BOARD: Mr. Zolper said the reason, the removal of the sign was detrimental to this case.

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

Nay: 7 - Jerry Reece; Jim Scurlock; Kevin Bailey; Jimmy Cooper; Jim Little; Dennis Zolper and Mary Margaret Jackson

Absent: 1 - David Handwork

[COM-19:006](#)

MINOR PLAT: Jackson Minor Plat - 705 Old Bridger Road

George Hamman of Civilogic, on behalf of owner Clint Jackson, request approval from MAPC of a Replat of lot 4 located at 705 Bridger Road to waive the cul-de-sac requirement. They are wanting Nathan Drive to terminate at their property line instead of placing a cul-de-sac at the end of Nathan Drive.

Attachments: [Jackson Minor Plat.pdf](#)

George Hamman of Civilogic, on behalf of owner Clint Jackson, request approval from MAPC of a Replat of lot 4 located at 705 Bridger Road to waive the cul-de-sac requirement. They are wanting Nathan Drive to terminate at their property line instead of placing a cul-de-sac at the end of Nathan Drive.

APPLICANT: Mr. Hamman said this will be one parcel. He is building his own personal home. He was hoping to get approval from the Planning Commission to not be obligated to put a cul-de-sac there. Fire codes states 150 feet distance, and this one is platted to be 130 feet.

STAFF: Mr. Derrel Smith said I have not spoken to engineering about this. It is one tract of land, but it is a large tract of land. I would like to see a right-of-way for a cul-de-sac there.

STAFF: Mr. Michael Morris said Mr. Clint Jackson has visited with City Water and Light and the sewer is so shallow that they will not allow him to put all but one house on that tract.

STAFF: Mr. Derrel Smith asked if they would ever be able to put a pump station out there.

STAFF: Mr. Michael Morris said no. That's what they told him.

BOARD: Mr. Reece asked is they could do it with lift a pump.

STAFF: Mr. Michael Morris said they told him he could put only house there.

BOARD: Mr. Craig Light said if they were going to add any additional structures on that property they will have to sub-divide it again and I think at that time you can get any additional right of way platted. They can only build one structure.

BOARD: Mr. Zolper said can we add stipulation that there will be only one structure on the property.

STAFF: Mr. Derrel Smith said with an R-1 zoning they can only put one residential structure.

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

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

Nay: 1 - Kevin Bailey

Absent: 1 - David Handwork

5. Preliminary Subdivisions

[PP-19-02](#)

PRELIMINARY SUBDIVISION APPROVAL: Eden Hills Estates Phase 2

Mark Morris of Mark Morris Construction is requesting MAPC Preliminary Subdivision Approval for Eden Hills Estates Phase 11 for 26 lots on 7 Acres +/- for property Zoned R-1 Single Family Residential District located north off Peachtree Avenue and west of Pebblewood Drive.

Attachments: [Application.pdf](#)
 [Eden Hills Estates Phase II.pdf](#)
 [Staff Report.pdf](#)

Mark Morris of Mark Morris Construction is requesting MAPC Preliminary Subdivision Approval for Eden Hills Estates Phase 11 for 26 lots on 7 Acres +/- for property Zoned R-1 Single Family Residential District located north off Peachtree Avenue and west of Pebblewood Drive.

APPLICANT: Mr. Mark Morris represented Morris Construction. We are seeking preliminary approval for 26 lots. This is our second phase.

STAFF: Mr. Derrel Smith said we would require all the plans be submitted to engineering prior to starting construction. It does meet the lot and zoning requirements. We would recommend approval.

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

Aye: 7 - Jerry Reece; Jim Scurlock; Kevin Bailey; Jimmy Cooper; Jim Little; Dennis Zolper and Mary Margaret Jackson

Absent: 1 - David Handwork

[PP-19-03](#)

PRELIMINARY SUBDIVISION APPROVAL: Jude's Crossing Phase VI

Mark Morris owner of Mark Morris Construction request MAPC Approval of a Preliminary Subdivision for Jude's Crossing Phase VI located west of Valley View Manor and north of Stoneridge Estates Phase 1 and west of Darr Hill Road for 31 proposed lots on 10 acres +/- located in an R-1 Single Family Residential District.

Attachments: [Application.pdf](#)
 [Jude's Crossing Subdivision Phase VI.pdf](#)
 [Staff Report.pdf](#)

Mark Morris owner of Mark Morris Construction request MAPC Approval of a Preliminary Subdivision for Jude's Crossing Phase VI located west of Valley View Manor and north of Stoneridge Estates Phase 1 and west of Darr Hill Road for 31 proposed lots on 10 acres +/- located in an R-1 Single Family Residential District.

APPLICANT: Mr. Mark Morris represented Morris Construction. We are seeking preliminary approval for 31 lots. This is our last phase for Jude's Crossing.

STAFF: Mr. Derrel Smith said we would require all the plans be submitted to engineering prior to starting construction. It does meet the zoning and lot size requirements. We would recommend approval.

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

Aye: 7 - Jerry Reece; Jim Scurlock; Kevin Bailey; Jimmy Cooper; Jim Little; Dennis Zolper and Mary Margaret Jackson

Absent: 1 - David Handwork

6. Final Subdivisions

7. Conditional Use

8. Rezoning

9. Staff Comments

10. Adjournment