



City of Jonesboro

Municipal Center
300 S. Church Street
Jonesboro, AR 72401

Meeting Minutes - Final Metropolitan Area Planning Commission

Tuesday, November 12, 2019

5:30 PM

Municipal Center

1. Call to order

2. Roll Call

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

Absent 1 - Mary Margaret Jackson

3. Approval of minutes

[MIN-19:107](#)

MINUTES: Tuesday, October 22, 2019

Attachments: [Meeting Minutes from October 22 MAPC Meeting](#)

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

Aye: 7 - Jerry Reece; Jimmy Cooper; Jim Little; Dennis Zolper; David Handwork; Jim Scurlock and Kevin Bailey

Absent: 1 - Mary Margaret Jackson

4. Miscellaneous Items

[COM-19:069](#)

SIDEWALK REQUEST: 811 Windover Road

Johnathan Cown of CNI Construction Network, Inc. on behalf of Bartels Family Dentistry is requesting from MAPC to be able to pay the Sidewalk "In Lieu" Payment of \$5765.34, instead of installing the sidewalk along 811 Windover Road. The total area of sidewalk is 111 square yards.

Attachments: [Letter](#)
 [Application](#)
 [Plan](#)
 [Site Development](#)
 [Site Plan Certification Letter](#)
 [Bartels Plan Set](#)
 [Letter](#)
 [Pictures](#)

Johnathan Cown of CNI Construction Network, Inc. on behalf of Bartels Family Dentistry is requesting from MAPC to be able to pay the Sidewalk "In Lieu" Payment of \$5765.34, instead of installing the sidewalk along 811 Windover Road. The total area of sidewalk is 111 square yards.

COMMISSION: Lonnie Roberts Jr. asked for proponent. Proponent was not there. Staff comments were then requested.

STAFF: Derrel Smith stated in our plan review process we brought up that there were no sidewalks included. They stated they had not decided on installing sidewalks. We do not see that it meets any of the requirements not to install sidewalks along Windover. They have requested to pay the in-lieu-of fee. It will be up to the commission on whether they want to accept it or not. They could install the sidewalks.

COMMISSION: Lonnie Roberts Jr. asked why sidewalks are being required.

STAFF: Derrel Smith stated they are doing an addition that is over 20% of the original building.

COMMISSION: Lonnie Roberts Jr. asked for commissioner comment.

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

Aye: 4 - Jerry Reece; Jim Little; Dennis Zolper and Jim Scurlock

Nay: 3 - Jimmy Cooper; David Handwork and Kevin Bailey

Absent: 1 - Mary Margaret Jackson

[COM-19:074](#)

SITE PLAN: Journey Campus - Modular Buildings

Michael Polk of the Journey Campus requests MAPC Approval on a site plan revision to leave the 4 temporary modular classroom buildings on property located at 1701 Disciple Drive, previously approved as a conditional use approval for a proposed 600 seat worship and educational center within an R-1 - Single Family Medium Density District on December 11, 2012. The Modular Classroom Buildings were suppose to be looked at again in two years. This is to extend those Modular Classroom Buildings into end of 2020, which should give the Church enough time to complet their building process.

Journey Campus is requesting MAPC Approval to pay the Sidewalk "In Lieu" Payment of \$3, 479.98, insteat of installing the sidewalks along Mockernut The Total area 603 square feet or 67 square yards.

Journey Campus is requesting MAPC Approval to consider the existing site that contains several acres of undisturbed wooded areas. They are asking that the existing trees should be accounted in satisfaction of the overall Landscape requirements. The Church is also asking MAPC Approval to consider the existing parking lot to be allowed to remain with the existing configuration and not have to adhere to the Landscape Ordinance that requires a tree island every 15 parking spaces.

Attachments: [ApprovedConditionalUseSite Plan Dec 11 2012 \(1\)](#)
[JourneyCampus-RevisionModularBldg-Model \(2\)](#)
[Info from 05.27.14](#)
[Minutes from 05.27.14 Meeting](#)
[SP 19-268](#)
[journey church sdp set 10-4-19](#)
[add 01 plans](#)
[add 01 specs](#)
[add 02 plan](#)
[add 02 specs](#)
[Aerial View](#)
[Sidewalk In Lieu Request](#)
[Overall Aerial No Sidewalks Key Place Subdivision](#)
[Mockernut Street Photos](#)
[Landscape Request](#)

Michael Polk of the Journey Campus requests MAPC Approval on a site plan revision to leave the 4 temporary modular classroom buildings on property located at 1701 Disciple Drive, previously approved as a conditional use approval for a proposed 600 seat worship and educational center within an R-1 - Single Family Medium Density District on December 11, 2012. The Modular Classroom Buildings were suppose to be looked at again in two years. This is to extend those Modular Classroom Buildings into end of 2020, which should give the Church enough time to complet their building process. Journey Campus is requesting MAPC Approval to pay the Sidewalk "In Lieu" Payment of \$3, 479.98, instead of installing the sidewalks along Mockernut The Total

area 603 square feet or 67 square yards. Journey Campus is requesting MAPC Approval to consider the existing site that contains several acres of undisturbed wooded areas. They are asking that the existing trees should be accounted in satisfaction of the overall Landscape requirements. The Church is also asking MAPC Approval to consider the existing parking lot to be allowed to remain with the existing configuration and not have to adhere to the Landscape Ordinance that requires a tree island every 15 parking spaces.

APPLICANT: Michael Polk stated when they took over the church, they were unaware of the two year time window for the modular buildings. He stated they became aware of this whenever they were planning to add onto the church. They are adding 11,800+ for the children and preschool area. The reason they are building is to take place of the temporary buildings. The temporary buildings are roughly 7,000 square feet so they are doing roughly a 50% increase over the temporary buildings. George Hamman is here as well. He is the civil engineer.

COMMISSION: Lonnie Roberts Jr. asked if they are going to look at this as three different issues. He then asked for city staff comments.

STAFF: Derrel Smith stated first we need to see if you all are going to extend the modular trailers to be there through 2020. The time limit has expired on those. You will need to decide whether you will allow those to stay or not. The next is if you are going to require them to build the sidewalk or pay the in-lieu-of fee. There is some drainage considerations which does meet the in-lieu-of fee requirements. There is a large culvert they will have to build over. Since it is over 20% of the building, you have the new landscape ordinance that will apply. It requires a landscape island every 15 parking spaces. There are long runs with over 15 spaces that are existing. The number of existing trees there is significant. He believes they should be counted in the count of their landscaping.

COMMISSION: Lonnie Roberts Jr. asked for commissioner comments.

COMMISSION: David Handwork asked if they are going to vote on each individual item.

COMMISSION: Lonnie Roberts Jr. stated he thinks they should.
A motion was made by Dennis Zolper to approve the extension of the modular trailers for thru the 2020 year, seconded by Jim Scurlock, that this matter be Approved. The motion PASSED with the following vote.

Aye: 6 – Jim Scurlock; David Handwork; Jerry Reece; Jimmy Cooper; Jim Little and Dennis Zolper
Nay: 0

COMMISSION: Lonnie Roberts Jr. opened discussion on the sidewalks.

COMMISSION: David Handwork asked for clarification on the sidewalk location.

APPLICANT: George Hamman of Civilogic stated there will be a sidewalk the full length of Disciple Drive. That is in excess of 2,000 square feet of sidewalk.

The drainage on Mockernut would require three pipes to be extended both north and south in order to accomplish that task. It would also require a lot of fill material to get that up to grade. The subdivision is built out and there are no sidewalks currently in the area.

COMMISSION: David Handwork stated that he is very pro sidewalk. He stated in this case, he knows the likelihood of a sidewalk going through a developed subdivision is not likely. He stated he supports this in-lieu-of fee.

A motion was made by Dennis Zolper to approve the in-lieu-of fee, seconded by Jim Scurlock, that this matter be Approved. The motion PASSED with the following vote.

Aye: 6 – Jim Scurlock; David Handwork; Jerry Reece; Jimmy Cooper; Jim Little and Dennis Zolper
Nay: 0

COMMISSION: Lonnie Roberts Jr. opened up discussion regarding the landscape ordinance. The primary question is the cut outs in the parking area.

STAFF: Derrel Smith stated there is already existing landscaping on site. There are a lot of mature existing trees that will count in our tree guide. The landscape island are what we need a decision on.

APPLICANT: George Hamman stated the cuts will not just be for the islands. There will be cuts all over the parking lot for the irrigation network.

COMMISSION: David Handwork stated he challenges that. He stated you can plant certain species that would not require irrigation at those trees for them to survive.

COMMISSION: Jim Little asked if the parking lot is already finished.

APPLICANT: George Hamman stated it is an existing parking lot. It has been there three to four years.

COMMISSION: Dennis Zolper asked if it was built before the city had the landscaping ordinance.

COMMISSION: Lonnie Roberts Jr. stated that it was.

COMMISSION: Dennis Zolper asked if the city would ask a private developer with an existing parking lot to put in these existing trees.

STAFF: Derrel Smith stated that is how the ordinance is written. They have to bring the entire site up to code.

A motion was made by Dennis Zolper to approve the request for a variance from the landscape ordinance in the parking lot area, seconded by Jim Scurlock, that this matter be Approved. The motion PASSED with the following vote.

Aye: 4 – Jim Scurlock; Jerry Reece; Jim Little and Lonnie Roberts Jr.

Nay: 3 – David Handwork; Jimmy Cooper and Dennis Zolper

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

Aye: 6 - Jerry Reece; Jimmy Cooper; Jim Little; Dennis Zolper; David Handwork and Jim Scurlock

Absent: 1 - Mary Margaret Jackson

Abstain: 1 - Kevin Bailey

5. Preliminary Subdivisions

[PP-19-23](#)

PRELIMINARY SUBDIVISION APPROVAL: Prospect Farms Phase VI

Mark Morris of Mark Morris Construction, LLC requests MAPC Preliminary Subdivision Approval for 56 proposed lots on 17 acres located South of Buckwood Drive and South of Prospector Drive and South of the Wildwood Subdivision. This property is zoned R-1 Single Family Residential District.

Attachments: [Application](#)
[Subdivision Plan](#)
[Staff Report](#)
[Aerial View](#)

Mark Morris of Mark Morris Construction, LLC requests MAPC Preliminary Subdivision Approval for 56 proposed lots on 17 acres located South of Buckwood Drive and South of Prospector Drive and South of the Wildwood Subdivision. This property is zoned R-1.

APPLICANT: Mark Morris stated he is seeking preliminary approval on 56 lots for Prospect Farms Phase Six. There will be two other phases after this.

COMMISSION: Lonnie Roberts Jr. asked for staff comments.

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

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

Aye: 7 - Jerry Reece; Jimmy Cooper; Jim Little; Dennis Zolper; David Handwork; Jim Scurlock and Kevin Bailey

Absent: 1 - Mary Margaret Jackson

[PP-19-25](#)

PRELIMINARY SUBDIVISION APPROVAL: The Landing @ Hudson

Carlos Woods of Wood Engineering on behalf of C & O Enterprises, LLC is MAPC Approval of a Preliminary Subdivision Approval for The Landing @ Hudson for 22 proposed lots on 6.38 Acres +/- located 3423 Hudson Drive east off of Old Greensboro Road within the R-1 Single Family Residential District.

Attachments: [Application](#)
 [Plat](#)
 [Staff Report](#)
 [Aerial View of Location](#)

APPLICANT: Carlos Wood stated this is located on the south side of Hudson Road. It is east of the intersection of Hudson and Highway 351. It is north of an existing commercial storage unit.

COMMISSION: Lonnie Roberts Jr. asked for staff comments.

STAFF: Derrel Smith stated that it is an R-1 zoned area. It is a proposed 22 lots. It is 6.38 acres. It does meet all requirements of the subdivision code and we would recommend approval.

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

Aye: 7 - Jerry Reece; Jimmy Cooper; Jim Little; Dennis Zolper; David Handwork; Jim Scurlock and Kevin Bailey

Absent: 1 - Mary Margaret Jackson

6. Final Subdivisions

[PP-19-22](#)

FINAL SUBDIVISION APPROVAL: Willow Pointe Phase IV

Mark Morris of Mark Morris Construction, LLC is requesting MAPC Final Subdivision Review for Willow Pointe Phase IV Approval for 27 lots and 12.20 +/- acres located on Airport Road and South of Countrywood subdivision within the R-1 Single Family Residential District.

Attachments: [Application](#)
 [Staff Report](#)
 [Plat](#)
 [Picture of Area](#)

Mark Morris of Mark Morris Construction, LLC is requesting MAPC Final Subdivision Review for Willow Pointe Phase IV Approval for 27 lots and 12.20 +/- acres located on Airport Road and South of Countrywood subdivision within the R-1 Single Family.

APPLICANT: Mark Morris stated he is seeking final approval on 27 lots. This is the final phase of Willow Pointe.

COMMISSION: Lonnie Roberts Jr. asked for staff comments.

STAFF: Derrel Smith stated this does meet all the requirements of the subdivision ordinance and would recommend approval.

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

Aye: 7 - Jerry Reece; Jimmy Cooper; Jim Little; Dennis Zolper; David Handwork; Jim Scurlock and Kevin Bailey

Absent: 1 - Mary Margaret Jackson

[PP-19-24](#)

FINAL SUBDIVISION APPROVAL: 4406, 4408, 4410, 4412 Fred Street

Carlos Wood of Wood Engineering on behalf of Lynn Turner is requesting MAPC Subdivision Plat approval to allow the splitting of one lot to four lots that include .77 acres +/- located at 4406, 4408, 4410 and 4412 Fred Street of the Lynn Turner - Block D Replat that is within the RS-7 Single-family Residential District; minimum 6,222 sq. ft. lot required.

Attachments: [Application](#)
 [Subdivision Application](#)
 [Fred Street Replat](#)
 [Aerial View of Location](#)
 [Rezoning Plat](#)
 [Letter from Nettleton Schools](#)
 [Legislation Details \(With Text\)](#)
 [Staff Summary - Council](#)

Carlos Wood of Wood Engineering on behalf of Lynn Turner is requesting MAPC Subdivision Plat approval to allow the splitting of one lot to four lots that include .77 acres +/- located at 4406, 4408, 4410 and 4412 Fred Street of the Lynn Turner - Block D Replat that is within the RS-7 Single-family Residential District; minimum 6,222 sq. ft. lot required.

APPLICANT: Carlos Wood stated this property was rezoned back in early summer. We replat it into one lot to give it a minor plat and meet the right-of-way requirements. He stated they are now wanting to split it up into four residential lots. Single family.

COMMISSION: Lonnie Roberts Jr. asked for staff comments.

STAFF: Derrel Smith stated this meets the requirements of the subdivision code and meets the requirements of the RS-7 zoning district. We would recommend approval.

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

Aye: 7 - Jerry Reece; Jimmy Cooper; Jim Little; Dennis Zolper; David Handwork; Jim Scurlock and Kevin Bailey

Absent: 1 - Mary Margaret Jackson

[PP-19-26](#)

FINAL SUBDIVISION APPROVAL: Brookshire Place Phase I

Mark Morris of Mark Morris Construction, LLC is requesting MAPC Final Subdivision Approval Review for Brookshire Place Phase I Approval for 30 proposed lots on 5.82 +/- acres located on Kathleen Street and South of the Airport and Missouri Pacific Railroad Track within the RS-8 Single-family residential district; minimum 5,445 sq. ft. lot required.

Attachments: [Application](#)
 [Staff Report](#)
 [Plat](#)
 [Aerial View of Location](#)

Mark Morris of Mark Morris Construction, LLC is requesting MAPC Final Subdivision Approval Review for Brookshire Place Phase I Approval for 30 proposed lots on 5.82 +/- acres located on Kathleen Street and South of the Airport and Missouri Pacific Railroad Track within the RS-8 Single-family residential district; minimum 5,445 sq. ft. lot required.

APPLICANT: Mark Morris stated he is seeking final approval on 30 lots. This is phase one of probably four phases.

COMMISSION: Lonnie Roberts Jr. asked for staff comments.

STAFF: Derrel Smith stated this does meet the requirements of the subdivision ordinance and would recommend approval.

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

Aye: 7 - Jerry Reece; Jimmy Cooper; Jim Little; Dennis Zolper; David Handwork; Jim Scurlock and Kevin Bailey

Absent: 1 - Mary Margaret Jackson

7. Conditional Use

[CU-19-09](#)

CONDITIONAL USE: Corner of Race and Fair Park Blvd - 2631 Race Street and 2601 Fair Park Blvd.

George Hamman of Civilogic on behalf of Fair Park Crossing, LLC is requesting MAPC Approval for a Conditional Use, because they have purchased 14 acres and a portion of the property a bank wants to buy. Banks are allowed in a C-2 Zoning Classification, with a Conditional Use Permit, which is required within Section 117-139 of the code. This is located at corner of Race and Fair Park Blvd - 2631 Race Street and 2601 Fair Park Blvd.

Attachments: [Application](#)
 [Letter](#)
 [Staff Summary](#)
 [FNBC Site Studies](#)
 [Returned Sign Property Owner](#)
 [USPS Receipts](#)

George Hamman of Civilogic on behalf of Fair Park Crossing, LLC is requesting MAPC Approval for a Conditional Use, because they have purchased 14 acres and a portion of the property a bank wants to buy. Banks are allowed in a C-2 Zoning Classification, with a Conditional Use Permit, which is required within Section 117-139 of the code. This is located at corner of Race and Fair Park Blvd - 2631 Race Street and 2601 Fair Park Blvd.

APPLICANT: Carroll Caldwell stated FNBC bank wants to build a bank on that property immediately. He stated he thinks it meets all the requirements and is seeking approval.

COMMISSION: Lonnie Roberts Jr. asked for staff comments.

STAFF: Derrel Smith stated we would recommend approval with the following stipulations:

1. That the proposed bank is subject to Grading & Drainage approval by the Engineering Department in compliance with the Stormwater Drainage Manual.
2. That upon issuance of the Conditional Use Approval, all other building permit and other permits required locally and statewide be applied for and obtained by the applicant.

COMMISSION: Lonnie Roberts opened the floor for public comment. There was none. He then opened it for commissioner comments.

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

Aye: 7 - Jerry Reece; Jimmy Cooper; Jim Little; Dennis Zolper; David Handwork; Jim Scurlock and Kevin Bailey

Absent: 1 - Mary Margaret Jackson

[CU-19-10](#)

CONDITIONAL USE: 108 Marble Lane

Adam Stormes of Happy Tails Playcare, LLC is requesting MAPC Approval for a Conditional Use to have a pet daycare and a boarding facility within an I-1 Limited Industrial District, which is required to have a Conditional Use Permit within Section 17-139 of the code. This is located at 108 Marble Lane.

Attachments:

[Application](#)

[Letter](#)

[Staff Summary](#)

[Parking Plan](#)

[Pictures](#)

[USPS Receipts](#)

[Aerial View](#)

[Jumpin Joe and Industrial Park Revised Plat](#)

Adam Stormes of Happy Tails Playcare, LLC is requesting MAPC Approval for a Conditional Use to have a pet daycare and a boarding facility within an I-1 Limited Industrial District, which is required to have a Conditional Use Permit within Section 17-139 of the code. This is located at 108 Marble Lane.

APPLICANT: Adam Stormes stated he is just trying to start a business.

COMMISSION: Lonnie Roberts Jr. asked for staff comments.

STAFF: Derrel Smith stated he would recommend approval of this conditional use with the following stipulations:

1. That the proposed doggie day care and boarding is subject to any improvements such as Parking, ADA Requirements and Building Modifications to comply with the Codes of Ordinances.
2. That upon issuance of the Conditional Use Approval, all other building permit and other permits required locally and statewide be applied for and obtained by the applicant.

COMMISSION: Lonnie Roberts opened the floor for public comment. There was none. He then opened it for commissioner comments.

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

Aye: 7 - Jerry Reece; Jimmy Cooper; Jim Little; Dennis Zolper; David Handwork; Jim Scurlock and Kevin Bailey

Absent: 1 - Mary Margaret Jackson

[CU-19-11](#)

CONDITIONAL USE: 1498 Red Wolf Blvd

Sign-Tech of Paragould, LLC on behalf of Namita Kumar is requesting MAPC Approval for a Conditional Use for a digital / illuminated sign located at 1498 Red Wolf Blvd, which is the Checks, within 250 ft., of R-1 Single Family Residentially zoned properties. This is located within a C-3 General Commercial District.

Attachments: [Application](#)
 [Site Plan](#)
 [Letter](#)
 [Staff Summary](#)
 [Owner Notification](#)
 [RP 19-15 CHECKERS REPLAT - RED WOLF AND NETTLETON](#)
 [USPS Receipts](#)
 [Checkers Site](#)

Sign-Tech of Paragould, LLC on behalf of Namita Kumar is requesting MAPC Approval for a Conditional Use for a digital / illuminated sign located at 1498 Red Wolf Blvd, which is the Checks, within 250 ft., of R-1 Single Family Residentially zoned properties. This is located within a C-3 General Commercial District.

APPLICANT: Justin Roberts with Sign Tech stated this is going to go on an existing sign that is already out front. There is an apartment to the south. There are multiple other businesses on Red Wolf Boulevard that has digital signage.

COMMISSION: Lonnie Roberts Jr. asked for staff comments.

STAFF: Derrel Smith stated we would recommend approval of the conditional use with the following stipulations:

1. Signs shall utilize automatic dimming technology to adjust the brightness of the sign relative to ambient light so that at no time shall a sign exceed a brightness level of three tenths (0.3) foot candles above ambient light, as measured using a foot candle (Lux) meter. All signs shall contain a default mechanism that will cause the sign to revert immediately to a black screen if the sign malfunctions. No sign message shall be displayed for a period of time less than 8 seconds and maximum transition time between messages shall seem instantaneous to the human eye.

2. That upon issuance of the Zoning Permit Approval, all other building permit and other permits and licenses required locally and statewide be applied for and obtained by the applicant.

COMMISSION: Lonnie Roberts Jr. opened the floor for public comment. There was none. He then opened it for commissioner comments.

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

Aye: 4 - Jerry Reece; Jim Little; Dennis Zolper and Jim Scurlock

Nay: 3 - Jimmy Cooper; David Handwork and Kevin Bailey

Absent: 1 - Mary Margaret Jackson

[CU-19-12](#)

CONDITIONAL USE: 2001 W. Washington Avenue

Anderson LED Signs on behalf of Washington Avenue Church of Christ is requesting MAPC Approval for a Conditional Use for a digital / illuminated sign located at 2001 W. Washington Avenue, which is within 250 ft., of R-1 Single Family Residentially zoned properties. This is located within an R-2 Multi Family Low Density District.

Attachments: [Application](#)
 [Staff Summary](#)
 [Letter](#)
 [Sign Rendering](#)
 [Plat](#)
 [Aerial](#)
 [USPS Receipts](#)

Anderson LED Signs on behalf of Washington Avenue Church of Christ is requesting MAPC Approval for a Conditional Use for a digital / illuminated sign located at 2001 W. Washington Avenue, which is within 250 ft., of R-1 Single Family Residentially zoned properties. This is located within an R-2 Multi Family Low Density District.

APPLICANT: Greg Anderson stated they are requesting the conditional use for the church. They are swapping out the sign that currently sits on the bricks with an LED.

COMMISSION: Lonnie Roberts Jr. asked for staff comments.

STAFF: Derrel Smith stated we would recommend approval of the conditional use with the following stipulations:

1. Signs shall utilize automatic dimming technology to adjust the brightness of the sign relative to ambient light so that at no time shall a sign exceed a brightness level of three tenths (0.3) foot candles above ambient light, as measured using a foot candle (Lux) meter. All signs shall contain a default mechanism that will cause the sign to revert immediately to a black screen if the sign malfunctions. No sign message shall be displayed for a period of time less than 8 seconds and maximum transition time between messages shall seem instantaneous to the human eye.

2. That upon issuance of the Zoning Permit Approval, all other building permit and other permits and licenses required locally and statewide be applied for and obtained by the applicant.

COMMISSION: Lonnie Roberts Jr. opened the floor for public comment. There was none. He then opened it for commissioner comments.

COMMISSION: David Handwork stated on the prior location, he felt there is a lot of signage and distraction at that intersection. He stated he does not believe that enhances that business and provides a potential digital signage overload. In this case, the location is where he would not oppose the placement of

digital signage. He asked, on the illumination, does the city go out a take those measurements to make they are compliant.

STAFF: Derrel Smith stated they have the capability to do that. When there is a complaint they go out. Usually when they are installed they are fine. We do get some complaints because they get too bright.

COMMISSION: David Handwork stated he would recommend the city consider a policy where they check that.

COMMISSION: Lonnie Roberts Jr. asked if there was a final inspection on signs.

STAFF: Tim Renshaw stated there is a final electrical inspection, but not a final site inspection.

A motion was made by Jerry Reece to approve the request with stipulations, seconded by Dennis Zolper, that this matter be Approved. The motion **PASSED** with the following vote.

Aye: 7 - Jerry Reece; Jimmy Cooper; Jim Little; Dennis Zolper; David Handwork; Jim Scurlock and Kevin Bailey

Absent: 1 - Mary Margaret Jackson

8. Rezonings

[RZ-19-15](#)

REZONING: 2702 and 2704 Fred Street

Harold Ray Simpson is requesting MAPC Approval for a Rezoning from C-3 General Commercial District to RS-7 Single Family Residential District; minimum 6,222 sq. ft. lot required for .33 Acres +/- of land located at 2702 and 2704 Fred Street.

Attachments: [Application](#)
 [Staff Summary](#)
 [Rezoning Plat](#)
 [Turner Rezoning Map](#)
 [USPS Receipts](#)

Harold Ray Simpson is requesting MAPC Approval for a Rezoning from C-3 General Commercial District to RS-7 Single Family Residential District; minimum 6,222 sq. ft. lot required for .33 Acres +/- of land located at 2702 and 2704 Fred Street.

APPLICANT: Carlos Wood stated they are asking to rezone to existing commercial lots to be used as two separate single family dwelling lots.

COMMISSION: Lonnie Roberts Jr. asked for staff comments.

STAFF: Derrel Smith stated they have reviewed it and it meets five of the six approval criteria with the only one being it is not consistent with the land use plan. It does show commercial in that area. They are doing a down zoning from C-3 to RS-7. With that in mind, we would make the recommendation to approve with the following conditions:

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. Any change of use shall be subject to Planning Commission approval in the future.
3. A final site plan illustrating compliance with site requirements that is required by ordinance for parking, signage, landscaping, fencing, sidewalks, buffering etc. shall be submitted to the Planning Department prior to any redevelopment.

COMMISSION: Lonnie Roberts Jr. asked for public comment. There was none.

COMMISSION: Lonnie Roberts Jr. opened the floor for commissioner comments.

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

Aye: 7 - Jerry Reece; Jimmy Cooper; Jim Little; Dennis Zolper; David Handwork; Jim Scurlock and Kevin Bailey

Absent: 1 - Mary Margaret Jackson

[RZ-19-16](#)

REZONING: 1100 Dove Road

Tracey and Matt Parker of Parker Real Estate, LLC is requesting MAPC Approval for Rezoning from R-1 Single Family Residential District and R-2 Multi Family Low Density District to RS-7 Single Family Residential District; minimum 6,222 sq. ft. lot required for .55 Acres +/- of land located at 1100 Dove Road.

Attachments:

[Application](#)

[Staff Summary](#)

[Rezoning Plat](#)

[Deed Lots 57 and 58 Country Club Heights](#)

[Deed](#)

[Parker - Property Owner Notification](#)

[Parker-Certified Mail Receipts 1](#)

[Parker-Certified Mail Receipts 2](#)

Tracey and Matt Parker of Parker Real Estate, LLC is requesting MAPC Approval for Rezoning from R-1 Single Family Residential District and R-2 Multi Family Low Density District to RS-7 Single Family Residential District; minimum 6,222 sq. ft. lot required for .55 Acres +/- of land located at 1100 Dove Road.

APPLICANT: Steve Hales from Associated Engineering stated the main objective of this is in order to in effect have two lots in one location. One lot will serve as a driveway access to tract two which is zoned R-2. The other portion will be used to establish a conforming lot in RS-7 and have tract one as a viable lot. RS-7 was selected because the 50' width of the lot requirement at the building setback. The building setback in their covenant is 30'. In the LUO we would have a 30' building setback, a 25' rear setback, and 8,000 square foot minimum lot size. The sole objective is to have tract two as a single family buildable lot. We are showing this together because we were not going to be able to replat two zoning classifications into R-1.

COMMISSION: Lonnie Roberts Jr. asked for staff comments.

STAFF: Derrel Smith stated they have reviewed it and it does meet all six of the approval criteria. 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. Any change of use shall be subject to Planning Commission approval in the future.
3. A final site plan illustrating compliance with site requirements that is required by ordinance for parking, signage, landscaping, fencing, sidewalks, buffering etc. shall be submitted to the Planning Department prior to any redevelopment.
4. This Rezoning has a Limited Use Overlay, which stipulates equaling

Birdland Setbacks and lot Sizes.

It would allow for a 7.5' side setback instead of 10'.

COMMISSION: Lonnie Roberts Jr. asked for public comment.

PUBLIC: Joe Clay Young stated he has a petition of 34 individuals in opposition to this rezoning. There is a limited use overlay of a lot size of 8,000 square feet. They have the ability to build two small houses on the new RS-7 lots on the corner of Dove and Starling. The driveway that leads over to lot two can build five high density small houses. He stated as being a developer himself, there needs to be a comprehensive plan that the neighborhood can see. How does this development fit with the continuity of Birdland and what has been done as a neighborhood. There are only two entrances into Birdland. There have been a lot of mixed information that this was going to be for large single family homes. But then, why do they want to have a small size of 8,000 feet. If they walked out of here and sold it, it could be built with seven small high density houses. That is not what Birdland is. Is this setting a precedence where now we have a private street? They have said in their letters that they are not trying to build a road to Caraway, but they have not mentioned Matthews or to Washington. There is a lot of mistrust. There have been a lot of things said that conflict. As the neighbors come together a discuss it, we are not comfortable with the ambiguity of the plat with the private drive. It just stops. It does not show where the private drive then carries over to lot two. There are 14 trees that run along the property line of my address at 1107 Oak Meadow. In the trenching of utilities for sewer and water, how do I know these 100 year old Oak trees are not going to be damaged by the trenching or when they turn the corner for this private drive? Based upon what they have submitted today, it is not good enough. We are being asked to be ok with a limited use overlay of 8,000 feet minimum which allow for them to be able to build seven houses, maybe eight depending on how they position it. That is a higher density than what Birdland is. They are asking for 7.5' on the sides. Birdland's bill of assurance states the side setback is 10'. In a letter sent it said they would be building with setback that are similar and almost identical to Birdland. There are inconsistencies in the story. If you are going to build it with the same setbacks as Birdland, then build it at 10'. He stated, they oppose the private driveway. Why do they need RS-7 to be able to put five different dwellings there? Why cannot the house be built on R-2? When we met with Derrel, you can build a single family home on R-2 and you can have a private driveway to R-2 without rezoning it to RS-7. You can build a single family home in R-1 without rezoning it to RS-7. So why are we here? There is no need for rezoning. We would like to see less ambiguity and more detail.

PUBLIC: Harold Copenhaver stated he stands in opposition to this rezoning request. Hopefully many of you received letters written by individuals in the neighborhood expressing their concern. We have many questions and ambiguities that have not been answered. For example, the current property lines on 1100 Dove are not stated. Is tract two now going to be 1100 Dove as well? We have about 82 homes in our neighborhood. At this point we have only contacted a small number. We would like time for the entire neighborhood to review this and have this information. The plat is not explained here well enough for us and we are concerned about what the driveway will lead to. It could increase our traffic flow and safety in the

community. There could be an erosion problem as well onto the country club facility which would be very costly to the 540 members there. They are asking the committee to table this which would allow time to work with the community and get further response from them.

COMMISSION: Lonnie Roberts Jr. asked for commissioner comments.

APPLICANT: Matt Parker stated he met with Planning Director Derrel Smith about six weeks ago. He reviewed the plan and said it complied with the zoning requirements. We also put an information box below the sign and put in some supplemental information and offered to have a neighborhood meeting. I also provided our contact information. No one came to the public meeting. No one has contacted us and we had no know opposition until about 1:30 this afternoon. Our proposal is to rezone existing multifamily and single family properties to single family residential with a limited use overlay to further restrict the newly zoned single family property to the same minimum lot size as Country Club Heights, otherwise known as Birdland. We are not here to apply for a building permit or talk about a development plan. If we get to that point we will be complaint with tree preservation, erosion, all of those things if and when the time comes to address those issues. As far as he knows, the extent of the detail provided is typical. No one asked for any additional information. We currently have the 60' of width there where we believe we could put in a public street, but do not want the traffic. We have no intent to connect to Matthews or Washington because that would be quite an embankment. We agree to not connect there or Caraway. The reason we have gone with the idea of a private driveway is to minimize the traffic. It could be gated. The hours of use could be limited. At the end of the day, we own the property that connects through there. The sole reason they went with RS-7 is to get the 50' of width on the front end. They have no intention of any more density on this site than they have talked about. We are not sure we are going to build there. My wife wants to build in the country and I want to build on this lot. We do not have any intent to build anything smaller than what is shown here. There are no ulterior motives, no lack of detail, and it is in our best interest to comply with tree preservation, erosion, and all of that information.

COMMISSION: Jerry Reece stated he would like to hear more about the neighborhood meeting.

APPLICANT: Matt Parker stated he offered to have a neighborhood meeting at the site. Information was in the information slip there. He stated he also delivered letters to several neighbors. He stated he stood out there for 15-20 minutes on a Sunday afternoon and had no attendance.

COMMISSION: Jerry Reece asked when the letters were put in the mailbox.

APPLICANT: Matt Parker stated around the day the certified letters were delivered. The information slip included my email address, phone number and he received no comments from anyone.

COMMISSION: Jerry Reece asked how much time was given between when the letters were delivered and when the meeting took place.

APPLICANT: Matt Parker stated a couple of days. In addition he stated he

provided his contact information in the information box which is above and beyond what is required. He received no comments or calls from anyone.

COMMISSION: Jimmy Cooper asked if there was any consideration for coming off of Caraway Road to that lot.

APPLICANT: Matt Parker stated they do not have plans to do anything off of Caraway Road.

COMMISSION: Dennis Zolper asked why the RS-7 zoning for tract two.

APPLICANT: Our engineering firm and the City Planning office told us one lot cannot have two zonings. You cannot zone anything to R-1. The options were to make it the new zoning classification. RS-7 was the only that gave us the 50' frontage on the front.

COMMISSION: Jim Little asked if there has ever been a discussion about connecting Birdland to Matthews or Caraway?

APPLICANT: Matt Parker stated his father developed Birdland and owned the property all the way to Caraway Road. His vision was that Birdland would be single family residential, property along the country club would be R-2, and property along Caraway would be C-3. R-2 would serve as a buffer between commercial and single family with a street going through there and connecting to Caraway Road. That was the way he laid out the land 40-50 years ago. As things have changed, we think there is more benefit to a private drive because it can be gated, it can be limited to certain hours, and you can say no commercial traffic. He stated he lives at 1102 Dove Road today.

COMMISSION: Jim Little stated he thinks people's fear is that you are opening the door to that connection. It may not be you that wants to do it, but if you passed this to your children or something happened, the door has been opened to connect Caraway or Matthews.

COMMISSION: David Handwork asked what the purpose of tract two is.

APPLICANT: Matt Parker stated it is to build a single family residence with a private drive.

COMMISSION: David Handwork stated his fear is that if this is approved, you have a private drive that goes around a developed lot and someone's single family house. That would devalue that home.

APPLICANT: Matt Parker stated the potential buyer would not see that possibility exists.

COMMISSION: David Handwork stated by devaluing that lot, he fears it has implications to devalue additional lots in the area.

APPLICANT: Matt Parker stated the value of a 1,700 square foot house on the Jonesboro Country Club is pretty good. He stated he owns the lot and would not be doing it unless he felt it was in his best interest.

COMMISSION: Dennis Zopler asked if he is willing to stipulate that there will be a gate on the drive as a provision of the rezoning.

APPLICANT: Matt Parker stated he would. He stated he is not trying to have the high traffic that could be there. He is restricting it to less than that by making it a private drive. You have the width to connect a public street to multifamily. He stated he is going multifamily to single family and to a private drive that he agrees to put a gate on it.

PUBLIC: Joy Clay Young stated he believes a public street and private drive will function the same. In Marshall Estates he had a private drive that fed off to all of the condos. If he sells all of this land with a LUO of 8,000 square feet minimum, the new owner will have access and say this connects to Birdland. This is a private street that connects to Birdland. The connotation is that brings a higher value than saying in connects off Caraway or a different street. Due to the lot size, the new owner could build high density houses that are not the same as what is in Birdland. Tract two is a piece of 13 acres. Some of that 13 acres is zoned C-3, but the rest not zoned commercial can fit 50 houses. If we set the precedence that track two is RS-7 and we are connecting to Birdland, can we now go and connect further. He stated the street does run in front of his home. He sells this tomorrow, they can put five houses on tract two. There will be traffic in front of his home. In the future if he tries to sell his home, this project will devalue his home by \$200,000.

STAFF: Derrel Smith stated tract two is one lot. We are not talking about a private street or a public street. We are talking about a driveway to a single family home. You can only put one house on one lot. It does not matter if it is RS-7, you can still only put one house on that lot. We are not dividing it up. We are here to see if RS-7 is a match with our land use plan which it does. This is not a private drive. It is a driveway. It does not carry traffic except to one house. It would be just like someone putting a driveway in front of their house.

APPLICANT: Matt Parker stated the property today is zoned R-2 which has higher density than what we are talking about doing. We are reducing the density.

A motion was made by Dennis Zolper to approve the rezoning with the added stipulation that the owner has agreed to secure or limit by the means of a gate between Dove or Starling and tract two, seconded by Jim Little, that this matter be Approved. The motion **FAILED** with the following vote.

Aye: 2 - Dennis Zolper and Kevin Bailey

Nay: 5 - Jerry Reece; Jimmy Cooper; Jim Little; David Handwork and Jim Scurlock

Absent: 1 - Mary Margaret Jackson

[RZ-19-17](#)

REZONING: 2401 Race Street

George Hamman of Civilogic on behalf of Fair Park Crossing, LLC is requesting MAPC Approval for Rezoning from C-2 Downtown Fringe Commercial District to C-3 General Commercial District for 12.32 Acres +/- of land located at 2401 Race Street.

Attachments: [Application](#)
 [Staff Summary](#)
 [Rezoning Plat](#)
 [USPS Receipts](#)

George Hamman of Civilogic on behalf of Fair Park Crossing, LLC is requesting MAPC Approval for Rezoning from C-2 Downtown Fringe Commercial District to C-3 General Commercial District for 12.32 Acres +/- of land located at 2401 Race Street.

APPLICANT: Jared Caldwell stated this is the remaining land on Fairpark and Race. He staed they will be back in two weeks with the plat.

COMMISSION: Lonnie Roberts Jr. asked for staff comments.

STAFF: Derrel Smith stated it meets all of the approval criteria and we 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. Any change of use shall be subject to Planning Commission approval in the future.
3. A final site plan illustrating compliance with site requirements that is required by ordinance for parking, signage, landscaping, fencing, sidewalks, buffering etc. shall be submitted to the Planning Department prior to any redevelopment.

COMMISSION: Lonnie Roberts Jr. asked for public comment. There was none.

COMMISSION: Lonnie Roberts Jr. opened the floor for commissioner comments.

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

Recommended to Council

Aye: 7 - Jerry Reece; Jimmy Cooper; Jim Little; Dennis Zolper; David Handwork; Jim Scurlock and Kevin Bailey

Absent: 1 - Mary Margaret Jackson

9. Staff Comments

10. Adjournment