



City of Jonesboro

900 West Monroe,
Jonesboro, AR 72401
<http://www.jonesboro.org/>

Meeting Minutes - Final Metropolitan Area Planning Commission

Tuesday, May 12, 2009

5:30 PM

900 West Monroe

1. Call to order

Present 9 - Ken Collins; Margaret Norris; Lonnie Roberts Jr.; Joe Tomlinson; Marvin Day; Brian Dover; Paul Hoelscher; Jerry Halsey Jr. and Ron Kelton

2. Roll Call

Present 9 - Ken Collins; Margaret Norris; Lonnie Roberts Jr.; Joe Tomlinson; Marvin Day; Brian Dover; Paul Hoelscher; Jerry Halsey Jr. and Ron Kelton

3. Approval of minutes

MAPC Meeting Minutes for April 14, 2009

A motion was made by Joe Tomlinson, seconded by Ken Collins, that these Minutes be Approved. The motion CARRIED by the following vote: all ayes.

Aye: 6 - Ken Collins; Margaret Norris; Lonnie Roberts Jr.; Joe Tomlinson; Brian Dover and Ron Kelton

Absent: 2 - Paul Hoelscher and Jerry Halsey Jr.

4. Preliminary Subdivisions

5. Final Subdivisions

6. Conditional Use

CU 09-01 Jaqueline Perkins, Applicant requests a facility to operate a daycare located at 212 E. Washington Avenue.

CU-09-041 212 E. Washington:

Applicant: Ms. Jacqueline Perkins: 220 S. Alice Drive: Stated that she has been in Jonesboro 20 years. She stated that the property is located at 212 E. Washington Ave. She will start a daycare with a- new borns to 3 years limit. From the hours between 6:00 am to 6:00 in the evening.

Mr. Spriggs stated that the site is within a C-1 Downtown Core District and day care is allowed as a conditional use. We have listed the review criteria in the staff report with all other details. The applicant has proposed a plan of action

for other drop-offs.

Public Input:

Jeremy Darr- Has the corner lot- Traffic is an issue for us especially in the morning and afternoon. She is putting a daycare there and doesn't have parking. You have City parking in the back and it stays full. We will have a problem with our parking lot. There use to be a Parkey Davis Dental office there.

It's none of my business, but it is there on the road; you have about 5 or 10ft. in the front from the road. When I took my kids to the daycare, they had a playground; where will this one be.

Mr. Spriggs stated the applicant stated in the application that there will be a play ground in the rear. It's my understanding that they will not be affecting the traffic on Washington. I think that can be addressed by the applicant. How many employees will you have?

Ms. Perkins: Responed- 5. How many at one time? 3 or 4 rotating/at one time she replied.

Mr. Tomlinson asked if the parking lot is public? Mr. Woodruff replied that it is a City Parking lot.

Mr. Darr: Described the area in the rear and stated that there is 30 ft. from the back of that building to the curb. Our building comes up behind that building.

Mr. Spriggs stated that the code does not require on premise parking in the Downtown Area.

Mr. Roberts: Will you leave the drive next to the house? Ms. Perkins stated, yes.

Mr. Day: There is no curb in the rear.

Ms. Perkins spoke to the issue of the play area. Looking at the photo of the rear, they told me I would not need that much room because I will have small infants, 3 years and below.

Mr. Day: Will it be the full width of the back of the building? No, maybe half the area, she responded.

Mr. Darr: That will be disruptive to our building because we collect money.

Mr. Day: I had similar concerns because I didn't notice the area labeled play area. Your employees will either block that drive area or park in that public lot.

Mr. Spriggs stated that Staff has listed conditions that final occupancy has to be obtained by the applicant, to satisfy all building and fire codes. Mr. Kelton asked if there are other day-cares in the downtown area?

Mr. Spriggs: There are other institutional/ hospital or church daycare facilities. Mr. Dover concurred that there are church day-cares downtown.

Mr. Darr commented about the play area again. Mr. Day asked if there are building setback requirements? Mr. Spriggs commented that the play area could be set back from the side line.

Mr. Collins asked can we stipulate a curb-cut to the back side. Mr. Spriggs stated , yes and it would have to be done by the ownership. He didn't see it as a problem, with the low existing curb.

Mr. Darr stated that he is not against her at all, with the use, it will cause us problems.

Mr. Roberts made a motion, citing the four conditions listed in the Staff report, where it adjourns the business to the north and the west fences the play area, and that the applicant shall seek all avenues to connect the lot to the public parking area. Motion was 2nd by Mr. Collins.

Mr. Spriggs stated that the lot is 48 ft. wide.

Mr. Kelton stated that he didn't see the purpose for the setback requirement on the fence, being that buildings can be built on the property line; don't know why there needs to be an exclusion for this owner oppose to the ones next to them. We have to look at other people's property rights.

Mr. Day: In my personal opinion we are really stretching to be honest. She has a nice thought and business plan, but I am personally concerned that it is that close to a major street even if it is on the back; to have this conditional use at this specific location.

Mr. Roberts modified his motion to be that the play area shall be fenced with a privacy fence, placed at least 2 ft. off the line. Mr. Collins concurred and 2nd the motion.

Roll Call Vote: (6-0): Mr. Kelton- Aye; Mr. Tomlinson- Aye; Ms. Norris- Aye; Mr. Collins- Aye; Mr. Dove- Aye; Mr. Roberts- Aye.

Aye: 6 - Ken Collins; Margaret Norris; Lonnie Roberts Jr.; Joe Tomlinson; Brian Dover and Ron Kelton

Absent: 2 - Paul Hoelscher and Jerry Halsey Jr.

7. Rezoning

RZ 09-08 City of Jonesboro requests a rezoning from R-1 to I-1 Limited Industrial located between Best Industrial Drive and Henson Road.

RZ 09-08 City of Jonesboro-Request R-1 to I-1 Limited Industrial located between and Best Industrial & Drive Henson Road.

City Planner, Otis Spriggs stated that on behalf of the Mayor, City Council Public Works Committee he is requesting approval of this rezoning so that the process to locate a new facility can be completed. The area was primarily used as agriculture, and there are a number of commercial uses in the area. The rezoning is consistent with the Land Use plan that is currently being completed for adoption as well as the 1995 Comprehensive Plan. The location

is Lacy Drive and Dan Ave.

No opposition was present.

This is a recommendation to City Council on a rezoning from R-1 Residential to I-1 Limited Industrial. Mr. Ken Collins made a motion to recommend to the City Council, approval of the rezoning. Motion was seconded by Mr. Ron Kelton.

Roll Call Vote: (6-0): Mr. Kelton- Aye; Mr. Tomlinson- Aye; Ms. Norris- Aye; Mr. Collins- Aye; Mr. Dove- Aye; Mr. Roberts- Aye.

Aye: 6 - Ken Collins; Margaret Norris; Lonnie Roberts Jr.; Joe Tomlinson; Brian Dover and Ron Kelton

Absent: 2 - Paul Hoelscher and Jerry Halsey Jr.

RZ 09-07 NEA Baptist Memorial Health requests a rezoning from R-1 (Residential) & C-3 (General Commercial) to PD-C (Planned Development Commercial) for 76.24 acres located at 4808 Johnson Avenue (49 North) between Old Paragould Hwy. (south) and Disciple Drive (north) .

RZ 09-09 NEA Baptist Hospital request a rezoning from R-1 & C-3 to PD-C

Applicant/Developer:

Mr. Pat Harcourt, of Askew Hargraves stated he is representing the proposed rezoning/ planned development. This is an existing 76 acres of land, and it is cut into 4 different pieces. The bulk of the property is currently zoned C-3 except 18 acres. It is consistent with the surrounding uses across the street which are commercial such as a hardware store, and a hospital surgical center. This is a major thoroughfare road. We are asking for a Planned Development format, everything is medically related for the campus. The bulk is the medical hospital with the clinic next to that. We are requesting a zero lot line for the clinic, and special consideration for the height of the hospital. There is a utility plan. He explained the future expansion plan. They will be extending out in the rear area for future use. He presented the updated site/concept plan.

Mr. Collins asked is this just a consideration for the rezoning?

Mr. Day: This will be the first of three meetings: This one is for granting the Planned District, and this restricts the uses.

Mr. Spriggs stated that with the approval will be attached the conceptual drawings; the second step will be the preliminary, and the third will be the final development plan. He added that we are requesting that a recommendation be made to Council to have it rezoned to PD-C with the attached conceptual plan and the covenant conditions.

Mr. Spriggs stated that Planning, Fire Marshall Staff, Engineering, and Building Inspections have met with the applicant extensively during the conceptual and initial application stages. The property is currently zoned C-3 and R-1, with the majority being a C-3 District. The hospital could have been implemented just within the C-3 area, but they wanted amenities to occur as a planned community. We suggested that they go through the Planned District regulations; with that in mind we can relax some of the standards while gaining such amenities such as open space, and other services that would be

beneficial to the general area.

The various covenants and conditions break down how many acres are involved: the majority of the acreage is attributed to the clinic, the hospital and with the office uses, as the applicant has described, totally 76.24 acres. The applicant has listed a number of uses that will go within the district, which have been listed in the staff report:

Assisted Living Units, Hospital, Medical Outpatient Services, Independent Living Units, Nursing Units, Religious, philanthropic or educational institution; school, public or private; laboratories, Computer Data Center; Medical Research Facility, Private Cogeneration Utility Facility; Radio/TV antenna, tower, earth station greater than 35ft. in height; private ambulance service, Day Care, Doctor's office/Medical Office building; Hotel/Motel; Office; Parking lot/garage; Free standing Pharmacy; Recreational facilities for employees; Surgery Center/Emergency Medical Facility; Wellness Services/Health-plex; Air Ambulance/helicopter Pad (subject to FAA approval).

All of the individual proposals would come before the MAPC, under a preliminary and final development plan submittal. We also mentioned in the staff report that the Land Use Advisory Committee has looked at this general area, and has highlighted it as a commercial node; which would encompass mixed use transitional uses such as this. The request is consistent with the direction that the City is going. We have also requested in the staff report some changes to the conditions; such as, more detail will be needed during the platting process to make sure the minimum platting requirements can be satisfied with the 60 foot frontage on a public right-of-way.

The only instance where that would be varied would be where the clinic is requesting a zero lot line. That is for financial arrangement that they would like to see happen with the clinic. We are requesting sidewalks to recommended to Council for the frontage of the property so we can work towards the direction that the Council is moving for pedestrian connectivity, if this area were to grow.

The applicant is working with the highway department with the traffic issues; they are proposing deceleration lanes on Hwy. 49 North, a traffic signal, and emergency signal are being considered along with an emergency signal for the ambulances.

CWL has reviewed the application and is working with the applicant. CWL is stating that the services in terms with the utilities services will be evaluated to see if it is adequate and the numbers are forthcoming by the applicant's engineers. The fire department has reviewed the proposal and they along with engineering do not have any immediate concerns at this time.

Mr. Day asked Mr. Spriggs where in the Planned District Code are we on in terms of the steps?

Mr. Spriggs stated that we are in a cross section of steps 2 and 3, which include the application submittal, on to the preliminary concept plan review which is submitted simultaneously before the Planning Commission. In the 3rd staff, once it goes to City Council, they will adopt an ordinance and the conceptual plan with covenants. It will then come back to the MAPC as a

preliminary plan and the final development plan about a month later to determine if all the covenants are implemented and in place.

Public Input:

Preston Williams- Stated that he lives on the northern boundary and is not in opposition. We in the neighborhood are very pleased to have them as a future neighbor. Mr. Gibson and Mr. Pat Harcourt have gone out of the way to keep us informed, but I have a couple concerns to express.

First: this facility will have some level of crime in the parking lot. Crime is vastly growing in the United States. Wal-Mart has upgraded security cameras in their parking lot. He added that he has not discussed this with Mr. Pat Harcourt. The crime in these areas are serious assaults and murder crimes and are not just carjackings and purse snatching. We have not looked at the tree plan nor the grading plan in great detail, but we would like to see a physical fence along the north property line and the parking lot; and would like the highway department to look at noise abatement. People living along that stretch of Highway 49 equals that of people living along Hwy. 63 at those same time intervals during rush hour.

The highway is 2000 ft. from where we live, but now we will open this facility with an estimated traffic flow of 2500 cars per day next to our house. As it expands we can have thousands of cars in that area each day, and we think the highway department needs to look and take measurements on the impact, for building that facility to see what noise abatement needs to be done. We also have a concern about having the fence because of the animal problem which we love: we have deer along the northern property line, about 1500 ft. of the property line. We get about 25 deer a day walking through that area; we planted wheat to attract them; after they leave our yard they go to that northern part for an enjoying afternoon. We would like to help keep them out of the construction site, so they won't be destroyed. Mr. Harcourt and Mr. Gibson have done a lot for us in this area.

Rick Panneck, property owner to the West. One of the comments is that of possible uses such as hotels. Is there anyway we can make a stipulation where that is not possible with this rezoning. I would like to make it a stipulation not to have hotels. I personally find it disconcerting to have a hotel to the back of my property.

Mr. Spriggs stated that we can have the applicant addressed that. This is typical for a lot of hospital campuses, for out of town family members.

Mr. Pat Harcourt stated that he is not sure that the hospital would really need the hotel and it has not been in the discussion at this time. We just leave the options open in the allowable uses for the unforeseeable future; if it did occur, it will not be a luxury hotel, but one for long-term illnesses or hospice; I don't see this campus going there right now.

He added that we don't see our group having that on the planning table at this time. As for as the other comments; Security- they have their own security force 24/7 with a camera system throughout the campus patrolling, and a very good security plan. We have not had a lot of instances in the Memphis and Southaven campuses.

Noise abatement- we are doing things on the campus that will help abate noise from the property. He presented the grading plan which has been modified. He showed the grading in the northern area showing 10-15% difference in grading with a berm.

We have revised our grading and lower the site about 2 feet from this grading plan to get dirt balance. You can see the tree plantings on the other plan. We are down to a 291' elevation for the hospital, for the finish floor. There is a 10 to 12 ft. berm in that area with perimeter landscaping that will help with noise abatement. I am not sure what the highway department will do. The building is massive and will abate some of the noise coming in.

The trees will take a few years to grow from planting. I will verify for the next meeting to get some assurance from the hospital group on the security plan. They are very diligent and safety/security conscious. I invite you to come to Southaven Mississippi or Collierville to look at the type of facility you will get.

Mr. Spriggs asked: In the covenants you mentioned or addressed the issue of fencing and that question was raised. Do you have an issue where it abuts residential tracts that are being utilized to provide any type of fencing?

Mr. Pat Harcourt: We prefer not to fence the entire property. There are fences existing for cattle all along the perimeter here. We would leave them in place. We will put in landscaping and so forth. The entire property is fenced in except the road frontage, and there is some cross-fencing that will go. We would not like to spend money on fencing; but where there is a need we will leave those fences in.

A couple of your other comments you made earlier, I would like to object to. The side walks along Hwy. 49N; none of the other sites across street have them. We will have detention basins in front to meet the stormwater ordinance; we are not sure we want people walking around the steep detention basins; would like to meet with staff and if it is a deal breaker, and we will put them in. The new conceptual plan shows a walking trail that runs the perimeter.

Mr. Day asked that in terms of the fencing and details of the sidewalks, are those items that we really need to set in stone at this point?

Mr. Spriggs suggested that we stick to the generalities, and just as long as they are covered in the covenants. Those will be addressed by Council, because Council will be making the ultimate decision.

Mr. Day suggested that we put that as discussion item as a part of our motion to discuss and be reviewed by the Planning Commission.

Mr. Pat Harcourt stated that your PD system or avenue is different than we are use to. The PD sets the requirements and all the private roads are maintained privately. We essentially have several businesses on one lot. We would like to keep it private. It is a simple thing to get public road frontage on all these lots. It is a simple fix if you want, we want the capability of placing buildings in the future areas for some smaller physician buildings.

Mr. Spriggs stated that was our understanding. If you are amenable to making it all one tract you can place more than one building on one lot. MAPC is clear on the one lot to have the zero lot line provision.

Mr. Day opened the floor for a recommendation for the preliminary PUD to the City Council.

Mr. Day stated that traffic issues seem to have been met appropriately. Mr. Day asked staff if at this time we need to deal with the time-frame schedule for the development?

Mr. Spriggs stated that staff recommended that a phasing plan be presented. Those details can be dealt with when it comes back to the Commission.

Mr. Pat Harcourt: once we get approval, everything you see such as parking, roads, buildings, and landscaping is going immediately. The only phasing plan to be would be if we add another building. Everything you see now is what is going immediately.

In your presentation did you include your items of the sidewalks and fence, Mr. Day asked. Mr. Spriggs stated that he will go back and edit the comments to say that those items are to be reviewed and determined later by the MAPC.

Mr. Tomlinson asked have we addressed the Highway department on the deceleration lanes?

Mr. Pat Harcourt stated that they have had several conversations with the State Hwy. Dept. The State Highway Department does not require excel or deceleration lanes. We are showing them now because we thought it would improve the traffic flow; but we may end up having to take those out. We will get with Craig Light on that.

Sometimes we are not all on the same page. They have jurisdiction on that (Hwy. Dept.). We will have to strike some medium cord on that. We would like to do it on a small scale; the State says if you put them in, you have to put them pass the property and we can't do that. I thought I had taken those off.

Mr. Spriggs stated that the Hwy. Dept. does have jurisdiction on the deceleration lanes. Where we have come up short is where the Planning Commission had an opportunity to address certain improvements while the Highway Department has jurisdiction; MAPC does have the liberty to make recommendation to Council when considering Planned Districts like this one to address those issues. This is an opportunity for us to work cooperatively with all parties involved, because the State will not say you have to do this, but sometimes it may be an instance where it will work better for that area. With the new master street plan, with City engineering and planning departments can work together to address the issues.

Mr. Day stated that when it comes back we can address it in greater detail, because it is in the plan and we can deal with that later.

Mr. Tomlinson asked will the interior drives carry the traffic; What is the width of the avenues?

Mr. Pat Harcourt stated that they will be 31 ft. wide, back to back of curb. They

are wider lanes than normal to handle it. There will be speed limit signs, typically 15 to 20 miles limit in there with speed bumps, breakers, and traffic calming things that go in to slow people down.

Motion was made by Lonnie Roberts to recommend approval of the rezoning from R-1 to PD-C (Planned District-Commercial) for this PUD with the attached conceptual plan and the attached covenants and conditions as read in the record. Motion 2nd by Tomlinson.

Roll Call Vote: (6-0): Mr. Kelton- Aye; Mr. Tomlinson- Aye; Ms. Norris- Aye; Mr. Collins- Aye; Mr. Dove- Aye; Mr. Roberts- Aye.

Aye: 5 - Margaret Norris; Lonnie Roberts Jr.; Joe Tomlinson; Brian Dover and Ron Kelton

Absent: 3 - Ken Collins; Paul Hoelscher and Jerry Halsey Jr.

8. Staff Comments

8. CONSIDERATION OF MAPC BYLAWS

Mr. Day: Let's work on any concerns or problems and try to adopt them at the next meeting. Mr. Day stated that he had concerns on Page one, the Chair and Vice Chair's terms being one year each, and may not succeed themselves- I am not sure it is in the best interest of the Commission. It may cause problems with tenure. Mr. Spriggs stated that we can change that to read elections to be held each year.

Mr. Day commented on the packet submittals. **Mr. Spriggs** stated that Staff will work towards getting it done by the Thursday before the meeting due to the amount of work and time it takes to post it to the website.

Mr. Day: Commented on Page 6, Item B- 5 and 6: 20 minutes comment period. Can we change the language so that we can vote to extend the timing?

Mr. Spriggs stated that we can follow the standard done by Council. **Mr. Crego** stated that they hold 5 minutes for a maximum 15 minutes. But any council member may make a motion to extend the time.

Mr. Day: Some developers have called and mentioned that we don't provide for a rebuttal after the opposition, for the developer. Just like we did tonight, to further discuss any opposition comments this may be needed.

Mr. Roberts: Stated that it should be at our discretion.

Mr. Day: Can we do it similar to the time limit you just mentioned? I don't want to see the chairman have too much power over controlling public opinion. A commissioner should be able to make a motion to extend comment.

Mr. Day: Commented on Page 9, Item 7: Withdrawals- A developer brought this up to me. Sometimes we don't get a full quorum and the developer gets concerned that it will take everyone in attendance to pass it. And you have a lot of power in one vote. One person may be your ex-sister or brother-in-law and might not let you have it. One person can affect it if you have an attendance

problem.

Mr. Roberts added that's why I had a problem with the policy.

Mr. Day: I have a problem with the developer pulling out every three or four months.

Mr. Spriggs asked, are you saying that the policy we adopted is too stringent?

Mr. Day: I don't know how much this mirrors that adopted policy.

Mr. Spriggs stated that he copied/pasted the policy into the bylaws.

Mr. Spriggs stated that he suggest that we change the chair voting to be Chair shall only vote to pass a measure. Sometimes we are limited to four votes only when 5 or needed to pass a measure because of attendance.

9. Adjournment