



City of Jonesboro

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

Meeting Minutes - Draft Metropolitan Area Planning Commission

Tuesday, October 12, 2010

5:30 PM

900 West Monroe

1. Call to order

2. Roll Call

Present 6 - Lonnie Roberts Jr.; Paul Hoelscher; Jerry Halsey Jr.; Ron Kelton; John White and Jim Scurlock

Absent 3 - Margaret Norris; Joe Tomlinson and Brian Dover

3. Approval of minutes

Approval of the September 14, 2010 MAPC Minutes

A motion was made by Jim Scurlock, seconded by Lonnie Roberts Jr., that the minutes be Approved . The motion PASSED by a unanimous vote

Aye: 5 - Lonnie Roberts Jr.; Paul Hoelscher; Ron Kelton; John White and Jim Scurlock

Absent: 3 - Margaret Norris; Joe Tomlinson and Brian Dover

4. Site Plans

4. Site Plan Review to be considered by MAPC. Location: Stadium Blvd. at Parkwood Rd./Sun Ave..

Proposal: A 4,200 S.F. Panera Bread Restaurant; 19,000 s.f. mixed commercial building excluding fast food restaurant.

The request assumes that the proposed "Panera Bread" restaurant is categorized as "General Restaurant" and the Site Plan review will be considered by MAPC.

Staff: Mr. Otis Spriggs introduced the item: Panera Bread. This matter appears on the agenda in two forms: Firstly, to entertain the question of whether Panera Bread is considered fast food or general restaurant. We have provided you with the specific ordinances which define both:

Restaurant, fast-food, means an establishment where the principal business is the sale of food and nonalcoholic beverages in a ready-to-consume state and where the design or principal method of operation is that of a fast-food or drive-in-style restaurant offering quick food service, where orders are generally not taken at the customers table, where food is generally served in disposable

wrapping or containers and where food and beverages may be served directly to the customer in an automobile.

Restaurant, general, means an establishment, other than fast-food restaurant, where the principal business is the sale of food and beverages in a ready-to-consume state, where there is no service to a customer in an automobile, and where the design or principal method of operation consists of one or more of the following:

(1) A sit-down restaurant where customers, normally provided with an individual menu, are generally served food and beverages in non-disposable containers by a restaurant employee at the same table or counter at which the food and beverage items are consumed; or

(2) A cafeteria or cafeteria-type operation where food and beverages generally are served in non-disposable containers and consumed within the restaurant.

Mr. Spriggs: This property was rezoned in November, 2007 with the restriction that the property not be used as fast food restaurant. Staff has reviewed the proposal and has dined in a number of Panera Bread locations around the country. We feel confidently that it is a specialty style restaurant which serves food on permanent dinnerware. Fast food is typically centered around the vehicle and is meant to be quickly prepared and served and on paper supplies. Staff asks for MAPC's concurrence. If approved tonight, the applicant will take the submitted conceptual plan and submit a final site plan to the MAPC as required in the original ordinance.

Mr. Lonnie Roberts made a motion that we concur that this restaurant is not a fast food restaurant. Mr. White seconded the motion. Mr. Spriggs stated that the applicant has asked for a pick up window in the proposal similar to some of the general dining restaurants in town. This was the only gray area in this interpretation, realizing that some restaurants have a pick up window, even though they are general restaurants in nature.

Mr. Halsey: Pick up window would be different than a drive-thru.
Phillip Crego: Do the commissioners have the statutory definitions of restaurant fast food and general? Mr. Spriggs noted that they have them in the staff report. Mr. Crego pointed out that there is a provision under restaurant general stating that there is no service to a customer in an automobile.

Mr. Kent Arnold: There are 1400 Panera's in the U.S. I have never been to one with a drive-thru. They asked us to design one for them as an ancillary service. As for the definitions, I would yield to the fact that we have drive-thru's in Jonesboro, such as the fish restaurant on Southwest Dr./Main Street across from Jonesboro High School. Panera is a bakery/deli. It is similar to Outback's pickup. It does minimal business through its pickup area. This is similar to San Francisco Bread.

Mr. Crego: The other restaurants mentioned do not have a limited use overlay. This one does.

Mr. Hoelscher stated that the word "service" is a little nebulous. Some restaurants allow you to pull up without a window and they bring your order

out to you. I would say that is service as well in a vehicle. It seems the intent of that restriction was that you not have a drive-thru lane where you pull up, order and then drive up to a second window and get your food. Do you see any latitude in intent vs. actual wording?

Mr. Arnold reiterated service in a car such as Outback and others. Mr. Halsey asked about the notes of the intent when we approved it? Mr. Hoelscher asked if this is call-in only. Mr. Arnold noted that he didn't know the exact details.

Mr. White: So it's a drive-thru, but you do not have any idea of the menu details? Mr. Arnold: No. This is conceptual. They wanted even 20 more seats inside. This will be one of their prototypes.

Mr. Hoelscher: Asked Mr. Spriggs-as a planner why fast food restaurants would be exempted from certain zonings. Mr. Spriggs explained that when the rezoning went through, there was an assumption that this will be some form of neighborhood scale commercial. The caution that was taken by the MAPC and Council at that time was the fact that there would still remain some single family homes after commercial starts to develop. Having fast food restaurants was a concern of one of the neighbors at that time, due to the impact on an abutting single family home. There was not a lot detail on the ordinance approving this.

Mr. Arnold: They will bring 100 jobs, this will be a first class place. He added this in later. This is particularly a bakery and a coffee shop. The purpose is to go there is for the ambience and the food.

Mr. Crego: I accept and understand what you are saying and I don't want it to appear that I am trying to prevent them from coming; all those things I don't dispute. But, when you start talking about a drive-thru window, I don't see how this Commission is going to reconcile that particularly, because they have asked the questions and we can't get an answer. When I order and they bring my food out it will be in paper containers, etc. Those are the issues, not the quality of the Company and the number of jobs. The MAPC has to decide the distinction on the service in an automobile.

Mr. Crego asked that the Commission delineates exactly what we are stating. Other vacant properties would have to be developed and treated the same.

Mr. White: We have established that a variance cannot be granted. Is there a possibility that a different zoning can be granted. In this case this area has changed. Can we not do the same and say that this should not have a limited use overlay.

Mr. Spriggs stated that the quick answer would be-No. A comparison to the conditional use process and the limited use overlay (in which this one falls under) was given. A new rezoning petition similar to the one later on the agenda would have to be submitted to accomplish that with detailed restrictions.

Mr. Crego: I am not arguing against this, but I am cautioning the Commission on two things: you have the limited use overlay. If a drive-thru is approved with no parameters, then you will see more fast food restaurant applications. If you want to specify what this commission views it to be, then I think you can

approve the site plan, specifying if this is drive-up or pick-up and noting what the limits are.

Mr. Spurlock made comments and noted that fast food restaurants typically have 5 or so cars stacked up. We need to clarify how we define fast food restaurant with pick up.

Mr. Kelton stated that the public wants and expects to have the convenience of a pick-up window. This is what we want today.

Mr. Lonnie Roberts: I think we can still allow a pick-up and still approve this under the original intent of the ordinance. I sat on the Commission when we rezoned it.

Mr. Lonnie Roberts gave a first try at a motion: That the Commission would define a pull up window with a call-in order format; this is not considered a drive thru. We still want to weed out the drive-thru with 5 or more cars stacked. This is what I voted for when I voted to approve this-to have this type restaurant in this area.

Commission ACTION: Mr. Robert's Motion: MAPC concurs that a restaurant having pick-up service but not a true drive-thru with a full service menu is not a fast food restaurant. Motion was seconded by Mr. White.

Mr. Arnold explained the rezoning request and original intent. What I would like to do, if possible, is to have this site plan approved with a pick-up window. I would like to continue on with the Rezoning Case further on the agenda so that if the applicant wants more, then we would have the rezoning to remove the fast food restaurant.

Roll Call: Mr. Hoelscher-Aye; Mr. Roberts-Aye; Mr. White-Aye; Mr. Scurlock – Aye; Mr. Kelton-Aye. 5 to 0.

Conceptual Site Plan approved for Panera Bread. MAPC concurs that a restaurant having pick-up service but not a true drive-thru with a full service menu board, is not a fast food restaurant.

A motion was made by Lonnie Roberts Jr., seconded by John White, that this site plan be approved. The motion PASSED by the following vote:

Aye: 5 - Lonnie Roberts Jr.; Paul Hoelscher; Ron Kelton; John White and Jim Scurlock

Absent: 3 - Margaret Norris; Joe Tomlinson and Brian Dover

4.

PD- Planned Development Conceptual Review: Harps Food Stores, Inc. -
-Location: 2005 Harrisburg Rd. (SW Corner of Harrisburg Rd. & E. Highland Dr.), Jonesboro, AR.

Note: (This is not a public hearing; the purpose of this review is for MAPC feedback on a potential rezoning request).

Applicant requests a conceptual review meeting for the above referenced

project to discuss any potential concerns or questions prior to the submittal of rezoning. The proposed project consists of a proposed Harps Grocery Store located in the southwest corner of the intersection of Harrisburg Road and East Highland Drive.

The current zoning of the site is R-2 (Multi-Family low density district), and will need to be rezoned to facilitate a Grocery Store. The conceptual preliminary site plan is attached.

J Max Van Hoose, Vice President of Store Planning in Springdale, Arkansas, presented the Conceptual Review on behalf of Harps Food Stores.

This is part of the process of evaluating the site. I know there is lot history on this site. We wanted to present and see if you have any feedback on the concept. As Otis stated, we have scheduled a Town Hall meeting so that we can obtain comments and feedback and communicate to the neighborhood. We mailed those to all residents within a ½ mile of the facility. We have proposed a 32,000 sq. ft. conventional grocery store with a fuel center. He gave the location and passed out handouts. The first is the site plan in color; 2. A photograph of the store; built some in Conway, Searcy and Benton; 3. An animated photograph from the air. This site is 6.23 acres. It is L-shaped and the area that wraps around the back to the south and we are not developing that portion but will create greenspace and a buffer zoned to the south. We are doing our due diligence and want to be transparent. I know there are some questions on traffic and we have started the process and hired Peter's Associates to do the traffic study and we look forward to meeting with the neighbors tomorrow night.

Mr. Spriggs acknowledge correspondence received from Ruth Hawkins, who wrote a note to the Commission acknowledging the Crowley Ridge Scenic Parkway, and the efforts to provide for bike trails along that area to apply for various grants (the Commission was copied on the letter).

Skip Mooney, Sr. stated that he represents a number of people that live in the area that are opposed to the rezoning request. The property presently is zoned R-2 Residential. I understand that no application has been filed at this time.

Mr. Mooney commented on the meeting to be called for the neighbors. It was unclear. Clarification was provided on the meeting details on the neighborhood and the proposal. A number of people are concerned about this and we will follow this all the way. It is residential and we hope to keep it that way.

Mr. Van Hoose, if there was a problem with the mailing we will reschedule it. We will still be present tomorrow night at 5:30 PM.

Mr. Hoelscher: Does the parking meet the City zoning requirements? Mr. Van

Hoose: To the best of my knowledge it does. We have not done the full Engineering drawings. There are over 150 spaces; this is consistent with what we did in Springdale and Fayetteville. Are these 24 hours they are typical Inot.

Mr. Johnny White: Not having in mind the proposed Harps Store, the letter from Ruth Hawkins should be considered given the funding involved with the bike and walking trail on East Highland and Harrisburg Rd.; as well as consideration for the requirement of a buffer comprising of trees and landscaping to preserve that scenic byways status. Not thinking about Harps, but thinking about the property will be developed some day. Mr. Kelton asked if anyone knew the history of the zoning on this property. Marcia Patton stated that the Teasdale family had an apartment on the property. Mr. Kelton asked how much property is Zoned R-2. Mr. Spriggs noted this in the only tract, however there is some R-2 property to the east and south that followed

the old Main Street right of way that was later vacated.

Mr. Kelton asked if any development would be developed under the old R-2?

Mr. Spriggs noted that we would utilize the code or ordinance that was in place at the time the site was rendered non-conforming.

Mr. White, if someone wanted to come in and wanted to develop 6 acres, how many units. Mr. Spriggs stated approximately 8 units per acres, due to the fact that it would have to be replatted.

No Action Necessary.

5. Final Subdivisions

6. Conditional Use

CU-10-10: Access-2-Life- 502 & 504 Washington Ave.

Conditional Use Request for a Detail Shop within the C-1 Downtown Core District. (Case was Tabled in the September 14, 2010 MAPC Meeting).

7. Rezoning

RZ10-16: Parkwood/Stadium Rezoning:

Mike Ebbert and Glen Talley of Jonesboro, AR- A request to recommend approval by the Metropolitan Area Planning Commission to modify an existing C-3 LU.O. Commercial district and allow for "Restaurant-Fast Food"; located at 2206, 2212, 2200 Stadium Blvd.; 3304, 3008, & 3010 Parkwood Rd., 3009 Sun Ave., 3011 Sun Ave.

Mr. Kent Arnold presented the rezoning case. Panera Bread is the applicant. The property has the C-3 LUO Zoning which limits the fast food restaurant, which precludes having a drive-thru. They are a bakery café, with WIFI, and are known for their famous bread. They would like to have a drive-thru. We are asking for this plat to be amended, we don't want any other fast food on here we want Panera Bread including a drive through.

Mr. White asked if we can do a C-3 LUO with the previous motion. Mr. Roberts stated that we would be throwing out our earlier definition.

Mr. Arnold stated that when we think of fast food restaurant we think of McDonalds and Wendy's. The definition is narrow and we are asking for Panera Bread, which would be the only restaurant that would have the drive-thru. It is not fast food, but a bakery café restaurant.

Mr. Arnold: What would be wrong with proposing the C-3 LUO for this tract and having the restaurant with the drive-thru.

Mr. Roberts: Do we have the authority to now reconsider the C-3 LUO; can we strike the Fast Food Restaurant. Mr. Phillip Crego: This is a rezoning petition.

Mike Ebbert: Where is the definition of fast food? Mr. Crego: It is in the Zoning Ordinance. Mr. Spriggs stated that it is in the Staff Report.

Mr. Crego pre-warned the Commission that if you rezone it C-3 without the Limited Use Overlay, then you will be allowing any type of fast food restaurant to be located there. You need to make sure you define what your terms are. Ultimately, anything you decide tonight will be a recommendation to the City Council.

Mr. Hoelscher made the observation that if we approve it only for Panera Bread; if that store closes in 2 years and some other restaurant tries to move in-it would come back to us.

Mr. Mooney: I filed the application on behalf of the land owners not the restaurant. In filing it, it was my thought that I have before you an application to rezone the entire tract to take out the drive-thru restaurant limitation. Seems that you are being asked to interpret that Panera Bread is not a fast food restaurant, and therefore, the exclusion did not apply to it. That left everything out there with that limitation on it. Panera Bread Co. does not violate that. You should have made the determination that we do not find it to be a fast food restaurant, but a general one with a pick-up window.

Mr. Halsey: We have given that to you.

Mr. Arnold: I am requesting on this rezoning, to change C-3 LUO and illuminate the word fast food restaurant from the exclusion list.

Mr. Kelton reiterated that people prefer window service as a convenience. The public expects to see it. Can we put some limitations on the size of the sign and the sound?

Mr. Spriggs explained that the food prepared at Panera is not pre-cooked. Mr. Spriggs stated that he does not support a rezoning to strike fast food limitation fully, and feels that the determination that it is not a fast food restaurant and the site plan approval with conditions on the pull up window is the better approach.

Mr. Arnold reiterated that the request is to remove the prohibition of the fast food from the L.U.O.

Mr. Halsey stated we can still approve the final site plan for a Panera Bread with a menu board just long as they prove its not fast food.

Mr. Arnold restated his request: To rezone the property, approved and limit it to a bakery, café with a drive-thru. In the event of closure within a period of years that this stipulation would no longer apply. I don't expect them to expire.

Mr. Halsey called for a motion. No motion was placed on the floor. Issue failed for a lack of a motion.

RZ10-09: Text Amendment: Sec. 117-225. (a) Accessory buildings/Accessory Dwellings. **ITEM TABLED.**

MAPC is holding a public hearing on the review of the existing Zoning Text regarding Accessory buildings/Accessory Dwellings within the existing R-1

Single Family Residential District.

This includes pool houses, and detached accessory dwellings on large acre lots. The Commission will be making a recommendation to City Council on this issue.

Matter Remained Tabled.

RZ 10-10: Text Amendment Case: MAPC is holding a public hearing to consider the following text amendment: **ITEM TABLED.**

AN ORDINANCE ESTABLISHING RULES FOR FUTURE SUBDIVIDING / REPLATTING OF PROPERTY CURRENTLY ZONED AND CLASSIFIED AS "R-2A", "R-2", "R-3", "R-4", "R-5", and "R-6", BY AMENDING AND ADDING SECTION 117-138 (15) TO THE JONESBORO CODE OF ORDINANCES BY THE CITY COUNCIL

Matter Remained Tabled.

8. Staff Comments

SFR-10-368: 1217 W. Lawson Rd., Jonesboro, AR- Accessory Dwelling

Daniel & Robin Hundley, requests approval of a 2,526 sq. ft. (2 level) accessory building to be located in an R-1 Single Family Residential District. Staff requests MAPC's approval of the plans to use the building as an accessory dwelling unit for a parent on a 9-acre tract.

SFR-10-368: A request for an accessory dwelling structure on 9 acres. The applicant would like to request MAPC's approval. The text amendments that we are working on would address this issue administrative.

Robin Hundley presented and stated that the purpose is to get a building permit to build a carriage house/ mother-in-law quarters. My house sits on about 10 acres and it will be hidden on the site.

Mr. Roberts stated that on 9 acres, we shouldn't have to discuss this and that it be approved and advanced to the permit process.

A motion was made by Lonnie Roberts Jr., seconded by Ron Kelton, that this matter be Approved . The motion carried by the following vote.

Aye: 5 - Lonnie Roberts Jr.;Paul Hoelscher;Ron Kelton;John White and Jim Scurlock

Absent: 3 - Margaret Norris;Joe Tomlinson and Brian Dover

9. Adjournment