



City of Jonesboro

300 S. Church Street
Jonesboro, AR 72401

Meeting Agenda Public Works Council Committee

Thursday, February 6, 2014

4:00 PM

Municipal Center

1. Call To Order

2. Roll Call by City Clerk Donna Jackson

3. Approval of minutes

[MIN-14:002](#) Minutes for the Public Works Committee meeting on January 7, 2014

Attachments: [Minutes](#)

[MIN-14:005](#) Minutes for the special called Public Works meeting on January 13, 2014

Attachments: [Minutes](#)

[MIN-14:006](#) Minutes for the special called Public Works Committee meeting on January 21, 2014

Attachments: [Minutes](#)

4. New Business

Ordinances To Be Introduced

[ORD-14:003](#) AN ORDINANCE TO AMEND CHAPTER 117, SECTION 117-32, OF THE CODE OF ORDINANCES OF THE CITY OF JONESBORO, ARKANSAS, TO CLARIFY THE APPEAL PROCESS FOR ADMINISTRATIVE SITE PLAN REVIEWS BY THE METROPOLITAN AREA PLANNING COMMISSION, AND DECLARING AN EMERGENCY TO UPDATE THE EXISTING ORDINANCES FOR THE PURPOSE OF PROMOTING AND ACCOMMODATING SOUND GROWTH WITHIN THE DEVELOPMENT COMMUNITY

Sponsors: Planning

Attachments: [MEMO Site Plan Appeal Text Amendment PublicWorks](#)

5. Pending Items

6. Other Business

7. Public Comments

8. Adjournment



City of Jonesboro

300 S. Church Street
Jonesboro, AR 72401

Legislation Details (With Text)

File #: MIN-14:002 **Version:** 1 **Name:**
Type: Minutes **Status:** To Be Introduced
File created: 1/8/2014 **In control:** Public Works Council Committee
On agenda: **Final action:**
Title: Minutes for the Public Works Committee meeting on January 7, 2014
Sponsors:
Indexes:
Code sections:
Attachments: [Minutes](#)

Date	Ver.	Action By	Action	Result
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Minutes for the Public Works Committee meeting on January 7, 2014



City of Jonesboro

300 S. Church Street
Jonesboro, AR 72401

Meeting Minutes - Draft Public Works Council Committee

Tuesday, January 7, 2014

5:00 PM

Municipal Center

Election of a chair

Councilman Dover motioned, seconded by Councilman Johnson, that Councilman Street be elected chair of the Public Works Committee. All voted aye.

1. Call To Order

Mayor Perrin was also in attendance.

2. Roll Call by City Clerk Donna Jackson

Present 4 - John Street; Mitch Johnson; Darrel Dover and Charles Coleman

Absent 2 - Gene Vance and Chris Moore

3. Approval of minutes

MIN-13:110 Minutes for the Public Works Committee meeting on December 3, 2013

Attachments: [Minutes](#)

A motion was made by Councilman Mitch Johnson, seconded by Councilman Charles Coleman, that this matter be Passed . The motion PASSED with the following vote.

Aye: 3 - Mitch Johnson; Darrel Dover and Charles Coleman

Absent: 2 - Gene Vance and Chris Moore

4. New Business

Resolutions To Be Introduced

RES-13:210 A RESOLUTION AUTHORIZING MAYOR AND CITY CLERK TO SIGN THE SETTLEMENT AND RELEASE AGREEMENT WITH DSI REGARDING PARADISE ESTATES PHASE I MAINTENANCE BOND

Sponsors: Engineering

Attachments: [Settlement and Release.pdf](#)
[Exhibit A.pdf](#)

City Engineer Craig Light explained this is a settlement agreement with a surety

company because the subdivison has been defaulted on. He added the repairs that need to be made are fairly small and the settlement amount is for \$4,500.

A motion was made by Councilman Mitch Johnson, seconded by Councilman Darrel Dover, that this matter be Recommended to Council . The motion PASSED with the following vote.

Aye: 3 - Mitch Johnson;Darrel Dover and Charles Coleman

Absent: 2 - Gene Vance and Chris Moore

RES-13:212 A RESOLUTION TO ACCEPT A MAINTENANCE AGREEMENT FOR STORMWATER MANAGEMENT FACILITIES FOR RIDGECREST MINOR PLAT - PHASE 1, A COMMERCIAL DEVELOPMENT

Sponsors: Engineering

Attachments: [Maintenance Agreement.pdf](#)
[Plat.pdf](#)

Chairman Street noted this is a standard maintenance agreement.

A motion was made by Councilman Darrel Dover, seconded by Councilman Charles Coleman, that this matter be Recommended to Council . The motion PASSED with the following vote.

Aye: 3 - Mitch Johnson;Darrel Dover and Charles Coleman

Absent: 2 - Gene Vance and Chris Moore

RES-13:214 A RESOLUTION TO ACCEPT A MAINTENANCE AGREEMENT FOR STORMWATER MANAGEMENT FACILITIES FOR KUM & GO STORE #362, A COMMERCIAL DEVELOPMENT

Sponsors: Engineering

Attachments: [Maintenance Agreement.pdf](#)
[Plat.pdf](#)

Chairman Street noted this is a standard agreement. He then asked if this is for the Kum and Go on Culberhouse. Mr. Light answered yes

A motion was made by Councilman Charles Coleman, seconded by Councilman Mitch Johnson, that this matter be Recommended to Council . The motion PASSED with the following vote.

Aye: 3 - Mitch Johnson;Darrel Dover and Charles Coleman

Absent: 2 - Gene Vance and Chris Moore

RES-13:219 A RESOLUTION TO ACCEPT A MAINTENANCE AGREEMENT FOR STORMWATER MANAGEMENT FACILITIES FOR HIGHLAND POINTE ADDITION, A COMMERCIAL DEVELOPMENT

Sponsors: Engineering

Attachments: [Maintenance Agreement.pdf](#)
[Plat.pdf](#)

Chairman Street stated this is a standard agreement.

A motion was made by Councilman Mitch Johnson, seconded by Councilman Darrel Dover, that this matter be Recommended to Council . The motion PASSED with the following vote.

Aye: 3 - Mitch Johnson;Darrel Dover and Charles Coleman

Absent: 2 - Gene Vance and Chris Moore

RES-13:221 A RESOLUTION TO ACCEPT A MAINTENANCE AGREEMENT FOR STORMWATER MANAGEMENT FACILITIES FOR REPLAT OF LOT 1 BLOCK C OF CORNERTONE UNITED METHODIST CHURCH ADDITION, A COMMERCIAL DEVELOPMENT

Sponsors: Engineering

Attachments: [Maintenance Agreement.pdf](#)
[Plat.pdf](#)

A motion was made by Councilman Darrel Dover, seconded by Councilman Mitch Johnson, that this matter be Recommended to Council . The motion PASSED with the following vote.

Aye: 3 - Mitch Johnson;Darrel Dover and Charles Coleman

Absent: 2 - Gene Vance and Chris Moore

RES-13:222 A RESOLUTION TO THE CITY OF JONESBORO, ARKANSAS AUTHORIZING THE MAYOR AND CITY CLERK TO PURCHASE PROPERTY LOCATED AT 919 CREATH, JONESBORO, ARKANSAS FOR THE PURPOSE OF STREET IMPROVEMENTS

Sponsors: Engineering

Attachments: [Offer and Acceptance.pdf](#)
[Appraisal](#)
[Map](#)

Mr. Light explained this is for the Patrick Street widening project. He added the house is located on the corner of Creath and Patrick Streets and is in the way of the widening project. He further explained the offer is for \$20,000 for the house and \$4,100 for a 20 foot strip of land for the right-of-way.

Councilman Dover asked if this is the only property that will need to be purchased for this project. Mr. Light answered no, because there are three other properties that will need to be purchased. He further explained those properties that need to be purchased will just be land and not houses.

A motion was made by Councilman Darrel Dover, seconded by Councilman Mitch Johnson, that this matter be Recommended to Council . The motion PASSED with the following vote.

Aye: 3 - Mitch Johnson;Darrel Dover and Charles Coleman

Absent: 2 - Gene Vance and Chris Moore

RES-13:224 A RESOLUTION TO ACCEPT A MAINTENANCE AGREEMENT FOR STORMWATER MANAGEMENT FACILITIES FOR THE VILLAGE AT SAGE MEADOWS, A RESIDENTIAL SUBDIVISION

Sponsors: Engineering

Attachments: [Maintenance Agreement.pdf](#)
[Plat.pdf](#)

Chairman Street stated this needs to be placed on tonight's Public Works agenda.

Councilman Dover motioned, seconded by Councilman Johnson, that this be placed on tonight's Public Works agenda. All voted aye.

Chairman Street noted this does not need to go to the Council until the next meeting in two weeks.

A motion was made by Councilman Darrel Dover, seconded by Councilman Mitch Johnson, that this matter be Recommended to Council . The motion PASSED with the following vote:

Aye: 3 - Mitch Johnson;Darrel Dover and Charles Coleman

Absent: 2 - Gene Vance and Chris Moore

6. Other Business

COM-14:001 Discussion: Site Plan Reviews/Appeal Process

Sponsors: Planning

Attachments: [MEMO_Site Plan Appeal Text Amendment_PublicWorks Proposed Ordinance_Site Plan Appeals](#)

City Planner Otis Spriggs stated he has been working with the Planning Commission concerning their by laws dealing with site plan approvals. He further explained there is an issue with the existing Code of Ordinances concerning who can appeal a decision with site plans. He added this will review existing ordinances and what State law has passed down to local government as it relates to appeals.

Discussion was held concerning administrative duties by the Planning Commission dealing with site plans.

Mr. Spriggs suggested cleaning up the Code of Ordinances to where it will have site plans only being appealed to the Council by the applicant when it is denied by the Planning Commission. He further stated that the suggested new ordinance is attached to this file and has been reviewed by City Attorney Phillip Crego who suggested a few things be changed. He added the part of the proposed ordinance where it states "appeals of final administrative or quasi-judicial approvals by the Metropolitan Area Planning Commission shall be taken before the County Circuit Court" will be removed because it is already State law. He noted that City Attorney Crego feels like the rest of the proposed ordinance would satisfy State law and clean up the City's existing ordinances.

Councilman Dover asked what are the alternatives for a citizen who lives in the area of a site plan if they object to the site plan. Mr. Spriggs answered if the proposed ordinance is passed the citizen would have to go to Circuit Court. He added unless it is denied by MAPC then it would come before Council. He noted Councilman Frierson suggested the Council look at whether or not the law was applied or a harsh decision was made. Councilman Dover stated most of the decisions are subjective.

He then inquired if there was a case where the MAPC has violated the items Councilman Frierson suggested. Mr. Spriggs answered no because it hasn't been a problem in the past and he believes those type of issues can be handled administratively.

Discussion was held concerning subjective decisions.

Councilman Dover asked what legal missteps could an applicant do that the MAPC would rule in error. Mr. Spriggs answered if the applicant didn't follow the guidelines of the ordinances that have to do with notifications or technicalities. Councilman Dover then stated the decision is mainly subjective. Mr. Spriggs agreed.

Mr. Spriggs stated he would bring the ordinance back after it has been cleaned up. Chairman Street asked when the ordinance is brought back would it include City Attorney Crego's suggested changes. Mr. Spriggs answered he would do that.

Chairman Street asked that the cleaned up version of the proposed ordinance be forwarded to the full Council so they can review it. Mr. Spriggs answered yes.

City Clerk Donna Jackson asked if the committee wanted to have the ordinance come back to just this committee and not the full Council. Chairman Street answered the ordinance is coming back to this committee, but he wanted the proposed ordinance sent to the full Council as FYI.

This item was Read.

5. Pending Items

RES-13:206

RESOLUTION PROVIDING FOR THE RENAMING OF STATE HIGHWAY 141 (JOHNSON) RUNNING NORTH UP TO THE CITY LIMITS OF JONESBORO, ARKANSAS, TO BE RENAMED DR. MARTIN LUTHER KING JR. BOULEVARD

Attachments: [Opposition Petition](#)
 [Property owners information](#)

Chairman Street noted this will go to the next Council meeting.

Mr. Garry Tate, a resident who lives near North Church Street, stated he represents other citizens who live in the area and they are against the renaming of the street. He added they are against any name change and he suggested renaming the eastern bypass Dr. Martin Luther King, Jr. Blvd.

Councilman Johnson stated he agrees with Mr. Tate's opinion on the name change. He added he was against the last name change and he is not in favor of renaming any current street.

Chairman Street noted he concurs with Councilman Johnson with renaming streets. He noted naming a new street isn't a problem, but renaming a current street causes a lot of inconvenience to citizens and businesses.

Chairman Street then asked if the vote was for renaming the street or just forwarding it to Council. Councilman Coleman answered it is just for forwarding to the full Council.

Discussion was held concerning how many votes are needed to forward it to Council.

Chairman Street stated he will vote against this when it goes to Council, but will only

vote for it in the committee because he believes the full Council should have an opinion on it.

City Clerk Jackson noted this resolution does not pass tonight because of not having all of the votes needed to forwarded it on to Council.

A citizen asked if it could be brought before the committee again . Chairman Street answered someone would have to reintroduce it to the committee and then it could go to Council, but at this moment it is a dead issue.

A motion was made by Councilman Charles Coleman, seconded by Councilman Darrel Dover, that this matter be Recommended to Council . The motion DENIED with the following vote.

Aye: 3 - John Street;Darrel Dover and Charles Coleman

Nay: 1 - Mitch Johnson

Absent: 2 - Gene Vance and Chris Moore

7. Public Comments

8. Adjournment

A motion was made by Councilman Mitch Johnson, seconded by Councilman Darrel Dover, that this meeting be Adjourned . The motion PASSED with the following vote.

Aye: 3 - Mitch Johnson;Darrel Dover and Charles Coleman

Absent: 2 - Gene Vance and Chris Moore



City of Jonesboro

300 S. Church Street
Jonesboro, AR 72401

Legislation Details (With Text)

File #: MIN-14:005 **Version:** 1 **Name:**
Type: Minutes **Status:** To Be Introduced
File created: 1/15/2014 **In control:** Public Works Council Committee
On agenda: **Final action:**
Title: Minutes for the special called Public Works meeting on January 13, 2014
Sponsors:
Indexes:
Code sections:
Attachments: [Minutes](#)

Date	Ver.	Action By	Action	Result
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Minutes for the special called Public Works meeting on January 13, 2014



City of Jonesboro

300 S. Church Street
Jonesboro, AR 72401

Meeting Minutes - Draft Public Works Council Committee

Monday, January 13, 2014

5:00 PM

Municipal Center

Special Called Meeting

1. Call To Order

Mayor Perrin was also in attendance.

2. Roll Call by City Clerk Donna Jackson

Present 5 - Gene Vance; Chris Moore; John Street; Darrel Dover and Charles Coleman

Absent 1 - Mitch Johnson

3. New Business

COM-14:005 Discussion concerning access management

Attachments: [Traffic Access Parking Loading](#)
[Presentation slide handout](#)

MPO Director Dr. Marsha Guffey explained the City started working on Access Management regulations last year and she feels like it is the best way to solve the traffic problems.

Dr. Guffey discussed a PowerPoint presentation concerning traffic problems and the solutions that could help fix the traffic problems. She explained if a developer does not think the parking requirements are fair they will be able to present a proposal and the city planner and the Planning Commission will help figure out what is the best way to fix the issue. She added the City will be very accommodating when it comes to parking and if a business needs more parking they will be able to have it, but the City encourages less parking.

Discussion was held concerning the traffic impact analysis. Dr. Guffey noted the traffic study and the recommended improvements will be paid for by the developer.

Traffic Engineer Mark Nichols explained few developments within the City would warrant a traffic impact analysis. He added only 6-10 developments warranted a traffic impact analysis in 2013. He added the cost of a traffic impact analysis would depend on the size of a development and what is required.

A citizen asked if the traffic study will be required on fast food and/or sit down restaurants and if so will it be based on the size of the restaurant. Mr. Nichols answered it will depend on the size of the restaurant.

Discussion was held concerning what the different levels of traffic studies are.

Mr. Harold Carter stated it will cost the City a lot of money to actually accomplish anything and there is no way to predict the traffic volumes. Mr. Nichols explained if the project is for a chain store then there have been numerous studies done so they can predict the traffic count within reason.

Mayor Perrin asked if any studies had been done concerning safety while parking in the rear of a store. Dr. Guffey answered she is unaware of a study being done in terms of safety.

Mayor Perrin then stated one of the items being addressed is getting traffic off of the road safely and the second item is how the parking lot will be organized to be the most convenient option possible and for safe parking. Dr. Guffey explained the proposal has language in it that deals with recirculation and pedestrians. She further explained they left some language out due to being afraid they took on more than they could handle concerning parking and bicycle requirements. The MPO Technical Advisory Committee wanted the language back in the proposal.

Mayor Perrin discussed the parking and traffic around the Turtle Creek Mall. He added if Congress does not release funding the State of Arkansas will not have any money to do projects in 2015.

Chairman Street stated he is for some of the ideas in the proposal, but against others due to the concerns over the cost and some of the ideas could hamper development. He then discussed parking and joint driveways. He added the City needs to think about the ideas because it will impact people and the developers should have the option of working with adjoining property owner concerning joint driveways.

Mr. Barry Phillips added there are good suggestions in the proposal, but it will cost the developer and not the City. He noted if the City keeps adding requirements then developers will stop developing property because of the cost.

Mr. John Easley asked how a developer would handle a situation where another property owner wants money to allow for the temporary access. Dr. Guffey answered it will be a judgment call on how to deal with it when someone can't go ahead with the project. She added the MAPC or City Engineer could go ahead and issue the temporary access if need be. Mr. Easley added the ideas are good, but they should be encouraged instead of required.

Mr. Phillips asked if the City wants developers to pay for the temporary access. Dr. Guffey answered yes. Mr. Phillips then inquired if the developers would have to pay for it again when the permit is issued. Dr. Guffey answered yes.

Councilman Chris Moore asked how a developer would know if an adjoining property owner will pay for their portion of the cost for a temporary easement when the time comes for them to develop their property. Dr. Guffey answered it will be a part of the agreement. She said an attorney may be required to have that happen, but the money could be put into escrow.

Councilman Moore then asked what happens if the property owner puts money into escrow but the property isn't developed until 10 years later and they realize the money in escrow isn't enough to cover the cost. Dr. Guffey answered it does not seem to be a problem for the places the process is currently in place for.

Councilman Moore questioned if a business refuses to redo their driveway when another property is developed will the business have to be shut down. Dr. Guffey answered she does not know because this is uncharted territory. She added she

does know that access management is being done throughout the country and it has been working.

Chairman Street discussed limiting ingress and egress to businesses. He also noted that if another meeting is needed then one can be called.

Mayor Perrin stated if anyone has any questions concerning this meeting please let his office know.

This item was Read.

4. Adjournment

A motion was made by Councilman Darrel Dover, seconded by Councilman Charles Coleman, that this meeting be Adjourned . The motion PASSED with the following vote.

Aye: 4 - Gene Vance;Chris Moore;Darrel Dover and Charles Coleman

Absent: 1 - Mitch Johnson



Legislation Details (With Text)

File #: MIN-14:006 **Version:** 1 **Name:**
Type: Minutes **Status:** To Be Introduced
File created: 1/22/2014 **In control:** Public Works Council Committee
On agenda: **Final action:**
Title: Minutes for the special called Public Works Committee meeting on January 21, 2014
Sponsors:
Indexes:
Code sections:
Attachments: [Minutes](#)

Date	Ver.	Action By	Action	Result
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Minutes for the special called Public Works Committee meeting on January 21, 2014



City of Jonesboro

300 S. Church Street
Jonesboro, AR 72401

Meeting Minutes - Draft Public Works Council Committee

Tuesday, January 21, 2014

5:15 PM

Municipal Center

Special Called Meeting

1. Call To Order

Mayor Perrin was also in attendance.

2. Roll Call by City Clerk Donna Jackson

Present 5 - Gene Vance; Chris Moore; John Street; Darrel Dover and Charles Coleman

Absent 1 - Mitch Johnson

3. New Business

Resolutions To Be Introduced

RES-14:003

RESOLUTION BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS TO ACCEPT THE LOW BID AND ENTER INTO A CONTRACT WITH CONSTRUCTION NETWORK, INC. FOR THE CONSTRUCTION OF THE NEW FIRE STATION #5 LOCATED ON NEELY ROAD

Sponsors: Mayor's Office

Attachments: [Construction Network Contract Fire Station 5](#)

Mayor Perrin explained CNI was the low bidder meeting specs. He added the bid was for \$1,858,000.00 and if this is passed the City will be able to do a preconstruction meeting this week.

Chairman Street inquired if this needs to be placed on tonight's Council agenda. Mayor Perrin answered no.

Councilman Moore asked that the reason for building a new fire station be clarified. Fire Chief Kevin Miller answered Fire Station #5 is a replacement fire station and they decided to put the station on Neely Road due to the growth in the Southwest part of town. He further discussed the ISO rating recommendation.

Chairman Street questioned if this the last fire station from the ISO rating evaluation. Chief Miller answered yes.

Phillip Cook, 1562 Richardson Drive, asked why the fire stations are being moved from the Southeast part of town to another side town. Chief Miller answered the City still has a fire station on Harrisburg Road. Mr. Cook noted the City shut down the fire station on Stadium. Chief Miller answered the City did shut the fire station down on

Stadium Blvd. because the City felt like there was a higher density population that they were trying to serve. He added the City does not feel like they are neglecting that area because they still have the resources available to handle the need and population density. Mr. Cook then inquired why the City couldn't keep the smaller fire stations in certain areas and build a bigger fire station if it is needed. Chief Miller answered it is not about the building, but about the staff. He noted there is a huge cost with hiring additional personnel and that is why the City would have to work with the budget so the City can project what they will need in the future. Mr. Cook stated that means neglecting some of the citizens. Chief Miller explained he does not feel like the City is neglecting any citizens because the City is spreading the resources to the maximum for the maximum coverage to serve the maximum number of citizens.

Councilman Moore asked if the new fire stations that have been built over the years have helped lower or maintain the City's ISO rating. Chief Miller answered yes.

A motion was made by Councilman Chris Moore, seconded by Councilman Darrel Dover, that this matter be Recommended to Council . The motion PASSED with the following vote.

Aye: 4 - Gene Vance;Chris Moore;Darrel Dover and Charles Coleman

Absent: 1 - Mitch Johnson

4. Public Comments

5. Adjournment

With no further business, Chairman Street adjourned the meeting.



Legislation Details (With Text)

File #:	ORD-14:003	Version:	1	Name:	Ordinance concerning site plan reviews/appeals process
Type:	Ordinance	Status:		Status:	To Be Introduced
File created:	1/29/2014	In control:		In control:	Public Works Council Committee
On agenda:	2/4/2014	Final action:		Final action:	
Title:	AN ORDINANCE TO AMEND CHAPTER 117, SECTION 117-32, OF THE CODE OF ORDINANCES OF THE CITY OF JONESBORO, ARKANSAS, TO CLARIFY THE APPEAL PROCESS FOR ADMINISTRATIVE SITE PLAN REVIEWS BY THE METROPOLITAN AREA PLANNING COMMISSION, AND DECLARING AN EMERGENCY TO UPDATE THE EXISTING ORDINANCES FOR THE PURPOSE OF PROMOTING AND ACCOMMODATING SOUND GROWTH WITHIN THE DEVELOPMENT COMMUNITY				
Sponsors:	Planning				
Indexes:	Policy - creation/amendment				
Code sections:					
Attachments:	MEMO Site Plan Appeal Text Amendment PublicWorks				

Date	Ver.	Action By	Action	Result
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AN ORDINANCE TO AMEND CHAPTER 117, SECTION 117-32, OF THE CODE OF ORDINANCES OF THE CITY OF JONESBORO, ARKANSAS, TO CLARIFY THE APPEAL PROCESS FOR ADMINISTRATIVE SITE PLAN REVIEWS BY THE METROPOLITAN AREA PLANNING COMMISSION, AND DECLARING AN EMERGENCY TO UPDATE THE EXISTING ORDINANCES FOR THE PURPOSE OF PROMOTING AND ACCOMMODATING SOUND GROWTH WITHIN THE DEVELOPMENT COMMUNITY

WHEREAS, the Arkansas State Code grants local governments the authority to adopt a Zoning Ordinance under Section 14-56-416, which consists of both a map and text, and

WHEREAS, such ordinance may regulate the location, height, bulk, number of stories, and size of buildings; open space; lot coverage; density and distribution of population; and the uses of land, buildings, and structures, and

WHEREAS, such ordinance may provide for districts of compatible uses, for large scale unified development, for elimination of uses not in conformance with provisions of the ordinance, and for such other matters as are necessary to the health, safety, and general welfare of the municipality, and

WHEREAS, Arkansas State Code Section 14-56-425 establishes procedures for appeals to circuit court on administrative decisions of such zoning issues, and

WHEREAS, the Metropolitan Area Planning Commission considered the subject text amendment and forwards its recommendation to the City of Jonesboro Public Works Council Committee for further consideration during its regular session on December 10, 2013, who also considered such recommendation on February 4, 2014 and recommends approval to the full City Council.

NOW, THEREFORE BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF

JONESBORO THAT:

SECTION 1: CHAPTER 117, SECTION 117-32, SECTION (D) SHALL BE AMENDED TO READ AS FOLLOWS:

(d) Site plans shall be required for all multifamily development proposals of five units or more, as well as for all new commercial and industrial development and substantial redevelopment. Such plans shall be reviewed and approved at the staff level, subject to appeal by the applicant to the Metropolitan Area Planning Commission; provided that, large-scale commercial development of over 75,000 square feet of gross floor area, and multifamily developments of more than 48 units shall be approved by the Metropolitan Area Planning Commission.

If the Metropolitan Area Planning Commission denies a Site Plan application, the reasons for such action shall be given to the applicant within 15 days from the date of the decision. The applicant may appeal such commission action (denial), to the city council within 30 days of the commission's action. The appeal shall be in writing to the city clerk, and shall specifically state why the Metropolitan Area Planning Commission's findings and decision was arbitrary, capricious, or otherwise inappropriate.

Appeals of final administrative or quasi-judicial approvals by the Metropolitan Area Planning Commission shall be taken before the County Circuit Court.

SECTION 2: All ordinances and parts of ordinances in conflict herewith are hereby repealed.

SECTION 3: It is further found that due to the immediate need to provide clarity to the existing ordinances, an emergency is declared to exist and this ordinance being necessary for the preservation of the public peace, health and safety, shall take effect from and after its passage and approval.

MEMO

RZ: 13-22: Text Amendment: Site Plan Appeal Process Clarified

TO: Council Public Works Committee
From: MAPC/Planning Department, Otis T. Spriggs,
Date: January 2, 2014
Re.: Text Amendment Proposal

The existing Code language is below extracted from the Jonesboro Code of Ordinances. Currently there is an unclear area in the language regarding site plan reviews. **The code does not specify who may file appeals of Site Plan decisions.** This is specifically what needs to be modified and clarified in the Code Language. This proposed amendment seeks to clarify the sections below.

*****EXISTING CODE LANGUAGE:**

Sec. 117-32. Zoning and building permits.

(a) It shall be unlawful to commence the construction, reconstruction, moving, demolition or structural alteration of any building until a zoning permit and a building permit has been issued. No building permit shall be issued unless the proposed construction or use is in full conformity with all the provisions of these regulations and other applicable building laws, ordinances, or regulations. A zoning permit shall also be required for the use or reuse of property, buildings, or structures where building permits are not required. Compliance with paved parking and other site standards shall be achieved as a condition a change of use for commercial, industrial and multifamily purposes. In addition, a zoning permit evidencing compliance with the provisions of this chapter shall be a prerequisite to the issuance of a city privilege or occupation license.

(b) All applications for building permits shall be accompanied by a plan in duplicate drawn to scale, showing the size of the building to be erected and its location on the zoning lot, the location of any existing buildings or structures, location and dimensions of all driveways and parking or loading areas, drainage and such other information as may be necessary to provide for the administration of this chapter.

(c) Site plans, sealed by a professional engineer licensed in the state shall be required in accordance with the city stormwater management/drainage ordinance for all development or redevelopment proposals. Multifamily development plans of five or more units and all commercial developments shall be sealed by an architect licensed in the state.

(d) Site plans shall be required for all multifamily development proposals of five units or more, as well as for all new commercial and industrial development and substantial redevelopment. Such plans shall be reviewed and approved at the staff level, subject to appeal by the applicant to the Metropolitan Area Planning Commission; provided that, large-scale

commercial development of over 75,000 square feet of gross floor area, and multifamily developments of more than 48 units shall be approved by the Metropolitan Area Planning Commission. **Site plan decisions by the MAPC shall be subject to appeal to the city council. Complete requirements for site plans are included in the appendices hereto.**

(e) The design professional, engineer, architect, or landscape architect, preparing and sealing site plans as prescribed under this section shall periodically inspect the construction of all site improvements shown on and required by the site plan approved by the city planner and/or the Metropolitan Area Planning Commission and shall verify that, to the best of the design professional's knowledge, all improvements have been constructed and completed in accordance with said plan. A letter verifying this fact shall be submitted to the city planner prior to issuance of a certificate of occupancy. (Zoning Ord., § 14.44.02; Ord. No. 3429; Ord. No. 07-3165, 12-18-2007)

Sec. 2-89. Appeals to council.

Appeals to the city council of decisions of commissions and boards shall be in writing signed by the party appealing, dated and filed with the clerk within 30 days following the decision of the board and/or commission. The appeal shall set forth the objection to the decision rendered by said commission and/or board.

Decisions shall be considered final if no appeal is perfected within the 30-day period. (Ord. No. 09:001, § 1(2.20.06), 1-20-2009)

*****Below is the language to be presented to the MAPC on December 10th for consideration to recommend to Council to have the text amended.**

Jonesboro Code of Ordinance Chapter 117: **Sec. 117-32. Zoning and building permits.**

Section (d) shall be amended to read:

(d) Site plans shall be required for all multifamily development proposals of five units or more, as well as for all new commercial and industrial development and substantial redevelopment. Such plans shall be reviewed and approved at the staff level, subject to appeal by the applicant to the Metropolitan Area Planning Commission; provided that, large-scale commercial development of over 75,000 square feet of gross floor area, and multifamily developments of more than 48 units shall be approved by the Metropolitan Area Planning Commission. ~~Site plan decisions by the MAPC shall be subject to appeal to the city council. Complete requirements for site plans are included in the appendices hereto.~~

(ADD)

If the Metropolitan Area Planning Commission denies a **Site Plan** application, the reasons for such action shall be given to the applicant within 15 days from the date of the decision. The applicant may appeal such commission action (denial), to the city council within 30 days of the commission's action. The appeal shall be in writing to the city clerk, and shall specifically state why the Metropolitan Area Planning Commission's findings and decision was arbitrary, capricious, or otherwise inappropriate.

Appeals of final administrative or quasi-judicial approvals by the Metropolitan Area Planning Commission shall be taken before the County Circuit Court.

Below is the language extracted from the State Code:

Supplemental Information: State of Arkansas

Arkansas Code of 1987 Annotated Official Edition
Title 14 Local Government
Subtitle 3. Municipal Government
Chapter 56 Municipal Building And Zoning Regulations -- Planning
Subchapter 4 -- Municipal Planning
A.C.A. § 14-56-425 (2013)

14-56-425. Appeals to circuit court.

(a) (1) Appeals from the final administrative or quasi-judicial decision by the municipal body administering this subchapter shall be taken to the circuit court of the appropriate county using the same procedure as for administrative appeals of the District Court Rules of the Supreme Court.

(2) The final administrative or quasi-judicial decision shall be tried de novo with the right to a trial by jury.

(b) (1) Appeals from the passage of legislative rezoning decisions by the municipal governing body administering this subchapter shall be taken to the circuit court of the county in which the rezoning was authorized using the same procedure as for administrative appeals of the District Court Rules of the Supreme Court.

(2) The legislative rezoning decision shall be reviewed by the court, and the decision shall be upheld unless it is arbitrary or capricious or lacking a rational basis.

HISTORY: Acts 1957, No. 186, § 7; 1965, No. 134, § 2; A.S.A. 1947, § 19-2830.1; Acts 2013, No. 749, § 1.