



City of Jonesboro

Municipal Center
300 S. Church Street
Jonesboro, AR 72401

Meeting Minutes Board of Zoning Adjustments

Tuesday, September 17, 2024

1:30 PM

Municipal Center, 300 S. Church

1. Call to Order

Present 5 - Rick Miles; Casey Caples; Kevin Bailey; Doug Gilmore and Max Dacus Jr.

2. Roll Call

3. Approval of Minutes

[MIN-24:088](#)

08/20/2024 BZA Minutes

Attachments: [8.20.24 BZA Minutes](#)

A motion was made by Rick Miles, seconded by Max Dacus Jr., that this matter be Approved . The motion PASSED with the following vote.

Aye: 4 - Rick Miles; Casey Caples; Kevin Bailey and Max Dacus Jr.

4. Appeal Cases

[VR-24-46](#)

Variance Request: 1512 Wofford St.

Courtney Tatum is requesting a variance from the height limitations on a fence that has already been built at over 6' tall. The subject property is located in the R-1, Single-Family Medium Density District.

Attachments: [VR-24-46 - Adjoining Property Owner Notifications \(Signed\)](#)
[VR-24-46 - Application](#)

Doug Gilmore (Chair): Moving on to number 1, 1512 Wofford, Courtney Tatum.
Courtney Tatum (Proponent): My name is Courtney Tatum, 1512 Wofford Street. Well, that's my house but you can't see the fence. My backyard is sloped back towards the retention pond. The one you see there and the retention pond on the other side. So, when I spoke with Mr. Eckert my land is on a deep slope. From the south to the north, so my plans are when I'm doing it, I'm trying to level my backyard out. I didn't know, I did send all these pictures, I told Mr. Eckert what I was doing. So, if I put a 6 ft fence and my dirt is 29 inches, I would only have four foot. So, what I did was I put a 10 foot horizontal fence up there and when I put my dirt up, it'll be less than that 10 foot. That's the reason for this fence, I scoped it out if y'all want to see this.

Doug Gilmore: Gentleman would you like to see the pictures?

Casey Caples (Board): Yeah, I would, is the fence up?

Courtney Tatum: I can show you what I mean. See, if I'm in my pool, I can see

Rain St. And you can see my backyard. This is my fence here. Right here is the height of the original 6 ft fence from the ground up, this is my pool height, when I'm sitting in the pool. Looking at the height, this is going to be the dirt 29 inches. That's how high my dirt would be, now if I went from here to here this is the 10 ft, if I just go from here, this will be my six-foot fence, the top of the six foot fence. That's the reason I put it so high, the 10 foot. Let me show them.

Casey Caples: I mean, I would, this dirt is not up to this point right now?

Courtney Tatum: I plan to level my whole backyard. So, my kids and grandkids can have a level yard. Right now it's like this. My next door neighbor, I'm at the bottom end, my next door neighbor has a waterfall, his water was coming in my backyard all that dirt was running down and underneath the fence. So, that's the lowest point. The fence is 10 foot from the ground up at the very top. Let's start at the bottom, you'll see a white string to the right, that's the pool height, when I'm sitting in the pool, that's what my height is. I can see Rain St. I can see my neighbor's backyard and people can see my backyard while we're in the pool too. That to the left of it is the original 6 ft if I went from the ground to the six foot. That's where my fence height would be. Now with the dirt, to the left with the blue tape, that's how high my dirt's going to be when I start filling it in and from that dirt to the black tape on top, that's my six foot right there. And I've noticed all around town, there's a lot of places, where they got 12 ft, 16 foot. They got 6 ft. fences with 2 foot decorative on top. Harrisburg Road they got the same thing. I have nobody behind me, I don't have anybody on the east side of me, nobody on the north side of me. That's all retention pond.

Doug Gilmore: What kind of questions do you got gentlemen?

Kevin Bailey (Board): The fence has already been constructed?

Courtney Tatum: Yes, I told Mr. Eckert, my fence has been up since '22. I've just been having problems trying to find somebody to help me move some dirt. They're either too high or one guy earlier this year told me he had a heart attack. But, I finally got one and he moved some dirt already for me, in another part of my yard, but my plan is to level that backyard.

Kevin Bailey: I guess part of my question is and it's kind of pertinent, how are you going to hold that dirt back? How are you going to push it up against the fence, cause it'll knock your fence over.

Courtney Tatum: At the bottom half of the fence, where all that dirt is, I'm going to put some 2 by 6s, I'm gonna replace the bottom boards and put some 2 by 6s in front and fill it in behind it, to hold the dirt back. Plus I already have mesh to put on the ground and put rocks on top of it, where the drain could go underneath the fence. Because the fence has 6 by 6 posts. And my neighbor to the right has no problem with it. Mr. Brinkley has no problem with it.

Kevin Bailey: Is the fence on your property? Is it on the property line, is it backed off on your property line?

Courtney Tatum: Yes, I had a survey a couple of years before then with the posts.

Doug Gilmore: How long has this fence been up?

Courtney Tatum: For 2 years and I've been trying to get people to help me out and put dirt in. And I spoke to Mr. Atkins back then and told him what I was doing. I got an email from him asking should I put the dirt in or the fence? And he said to go ahead and put the fence up. So, that's what I did and my plan is coming back and putting dirt against it with the drainage and all in front of the fence.

Casey Caples: So, right now there's a 10 foot fence up, and that's what the variance is for, the dirt is irrelevant.

Courtney Tatum: But I got somebody with a small backhoe that's going to start filling that in.

Doug Gilmore: What's your time period for trying to get that filled in?

Courtney Tatum: Hopefully over the next six months. If nothing else happens. Cause I've talked to people who want a couple 1000 dollars to do it and that's not a 1,000 dollar job. And like I said all around town I got pictures of people with 6 ft fences with decorative on top, 2000 Ozark off of Southwest Drive across the street from 4110 Southwest Drive. They're a lot taller than my fence and they got the highway and they got that tent shop next to it. And then on Harrisburg Rd you got something who's got 12 ft fence.

Rick Miles (Board): You said you were filling in your backyard, how much area are you actually filling up?

Courtney Tatum: Right there in the corner by the fence.

Rick Miles: How far out into the yard are you going with it?

Courtney Tatum: What do you mean?

Rick Miles: Well, if you're going to put it-

Courtney Tatum: My pool's here and the slope is here to that fence. So, I gotta put dirt here to level it out. And I got a back concrete patio that's what I'm leveling to, to go straight out, so all that will be leveled out.

Rick Miles: Derrel, what's the feeling of the city?

Derrel Smith (City Planner): I'm sure that code enforcement has found that it was done without a permit, and it was over 6 ft tall, so that's the reason they come to us and then, we tell them you know what their options are, and that's the reason they come to the BZA for the variance.

Rick Miles: Going from 10 ft after he buries it to six foot?

Derrel Smith: You're granting a variance from 6 ft fence to 10 ft as it was before.

Rick Miles: Okay, alright. We're going the opposite way.

Derrel Smith: Right now it's a 10 ft fence.

Rick Miles: Okay.

Casey Caples: Mr. Tatum, I'll tell you my opinion on some of these taller fences. I usually haven't been granting them because we've, you just kind of get a mixture of different heights with fences and this one's even worse. It's 10 ft tall. Which I understand, you're saying that after the dirt's done it may only be 7 and a half ft tall but, granted the fence has been in for 2 years and we still haven't leveled any dirt quite yet.

Courtney Tatum: Well, stuff comes up and I got a granddaughter, I got a daughter with a 9 yr old and a son that just moved in. I spent \$2,000 on their house. To get it upgraded in Bay because they weren't gonna live in a house in that condition in a 900 square foot. So, that's where some of the money went right there.

Casey Caples: Yeah, I get you and if we're solely looking at this as fence and trying to figure out, and you kind of even mentioned it. There's no one even behind you.

Courtney Tatum: There's no one behind me, There's no one north of me or the east.

Casey Caples: So, there's not, and a lot of times when we've looked at the 8 ft fences if we've got a really serious grade deficit or it's really falling off, we can kind of look at some of that stuff. But really no one even lives behind you for really the purpose of keeping people from seeing you in the pool and stuff like that.

Courtney Tatum: Well, when I'm in my pool, I can see Rain Street. I can see my neighbor's house in the back on Rains St.

Casey Caples: I got the same exact problem at mine, I got a neighbor who

likes to stick his head over the fence and look at me. It's kind of a weird scenario but that's what the ordinance is for and the ordinance is a six foot fence. Just solely really because my opinion has been not anything over a six foot fence. I think I'd be obliged to just kind of stick with that just because it keeps uniformity throughout the neighborhood and things like that. And I understand you can see Rains I get that but it's just, it could be another 2 years before you ever get the dirt in.

Courtney Tatum: No, cause my plan is to get that done by next year because I have another granddaughter about to be born in March. I got a 4 month old right now and I got a 9 year old daughter right now. So, I mean, I plan to have that done by next year.

Casey Caples: I know, I got a bunch of them kids running around too. I understand, I really do.

Doug Gilmore: You builders down there at the end, what is your take on just throwing dirt up against this fence?

Board: It's going to rot quickly, it'll push it down.

Doug Gilmore: And we're not trying to offer unsolicited advice but you're going to have to do a lot more to this than just filling it with dirt.

Courtney Tatum: No, I'm planning to put in drainage, I'm going to put rocks and then mess over the top, and then it's going to go to the retention pond.

Doug Gilmore: You'll need a retaining wall, if you just throw it up against this fence, even if you put mesh or whatever in between it, it ain't gonna work. And I don't build for a living, I put kitchens in but even I can see that. But it's one of those deals where okay let's say we give you a variance, and you build it up the way you want to, it'll be gone, I'm sure that's treated lumber but it won't take long for it to rot.

Courtney Tatum: It's 6 by 6 posts.

Doug Gilmore: I don't care, what I'm saying is you're going to have a lot of dirt pushing on these cross members and it don't-

Rick Miles: It'll put too much pressure on that fence and it's not going to hold it.

Courtney Tatum: Yeah, but I'm going to have a gap where that water can go down underneath.

Doug Gilmore: That water's going to run down and wash out, you're gonna need a retaining wall.

Courtney Tatum: Well, I can put one back there.

Doug Gilmore: You're gonna have to, for it to last.

Courtney Tatum: Now I spoke to somebody in engineering back in 2022 about that, he even came out there and I told him what I was doing and he said it was fine. You think 29 inches of dirt is gonna push that fence down?

Doug Gilmore: I'm not guessing I know it will. You can ask, two the guys down here, Kevin and Casey are paid a lot of money to build stuff every day, commercial whatever, ask them.

Casey Caples: Dirt creates a lot of weight, there's a lot of pressure when dirt starts to settle on something. I don't really wanna weigh in too much on the correct way of building something because I could definitely stray there. But right now all you got is a giant 10 foot wall in the backyard, which granted I know not a lot of people are seeing it but it's just a, there's a reason the ordinance is in place, in my opinion.

Kevin Bailey: Mr. Chair, I move that we place the variance on the floor for a vote please.

Doug Gilmore: Alright do we have a second for that?

Rick Miles: Second.

Doug Gilmore: There's the second.

A motion was made by Kevin Bailey, seconded by Rick Miles, that this matter be Approved . The motion FAILED with the following vote.

Nay: 4 - Rick Miles;Casey Caples;Kevin Bailey and Max Dacus Jr.

[VR-24-47](#)

Variance Request: Parcel #: 01-143271-01500 (Casey Springs Rd)

Robert & Lily Chandler are requesting a variance to reduce the required street frontage of 60 ft. to the existing lot frontage of 44 ft. The subject property is located in the R-1, Single-Family Medium Density District.

Attachments: [VR-24-47 - Adjoining Property Owner Notifications](#)
[VR-24-47 - Application \(Signed\)](#)
[VR-24-47 - Certified Mail Receipts](#)
[VR-24-47 - Narrative Letter](#)
[VR-24-47 - Site Plan & Overhead View](#)

Doug Gilmore (Chair): Alright, Robert and Lily Chandler?

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Doug Gilmore: Unless they're here to represent themselves we won't be discussing this one.

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Doug Gilmore: Okay, well unless they're here to represent themselves we're moving on.

Rick Miles (Board): Mr. Chair do we need to make a motion to table this?

Doug Gilmore: Yes we do.

Rick Miles: Okay, I make a motion to table this till the Chandlers have an opportunity to voice their needs.

Doug Gilmore: Is there a second?

Casey Caples: Second.

Doug Gilmore: And there's the second.

Doug Gilmore (Chair): You can come and speak yes.

Public: The purpose for me responding to this was that, Mr. Chandler and I'm not sure which Mr. Chandler I'm referring to older guy about my age, Mr. Chandler owns this piece of property, about 3 and 3 quarters acres behind me, and he wanted a variance because his road frontage facing Casey Springs, is 44 feet and not 60. Which is the required standard now, for access to a street or a road, a house, driveway, whatever. The question that he raised caused me to dig in to the paperwork and some of the zoning laws, my question to you is this, If he's satisfied with the 44 feet, I'm satisfied I don't have a real complaint or comment about that, other than it is 3 and 3 quarter acres, it's all continuous to itself it's not little arms, and legs, and particles, and stuff like that. And it's a perfect size as he said here to build a home. But my concern is what if something changes, or ownership changes, and somebody says I got my 44 foot variance granted and then they come in and put in a road and subdivide that, which would require a zoning change I understand. But subdivided it into a series of lots of smaller size, all of which had 60 foot of frontage to whatever street he might create off Casey Springs, and divide this property right through the middle of it and for the sake of clarity, 4 or 5 lots on each side. Would that be permitted if they submit for a rezoning-

Doug Gilmore: You just went through 15 hypotheticals.

Public: I know.

Doug Gilmore: We're not going to do that.

Public: Alright.

Doug Gilmore: We're not going to do that, but I appreciate you coming and talking today thank you much.

Public: Well, thank you for your time.

A motion was made by Rick Miles, seconded by Casey Caples, that this matter be Tabled . The motion PASSED with the following vote.

Aye: 4 - Rick Miles;Casey Caples;Kevin Bailey and Max Dacus Jr.

[VR-24-48](#)

Variance Request: 3219 S Caraway Rd.

Stonebridge Construction is requesting variances for the Caraway Rd. access drive to remain in place, the Parker Rd. access drive to remain in place, a reduction of the 25' landscape buffer to 15' along Caraway Rd. & Parker Rd., & to reduce the greenspace area from 40% to 34%. The subject property is located in the C-3, General Commercial District.

Attachments: [VR-24-48 - Adjoining Property Owner Notification](#)
[VR-24-48 - Application \(signed\)](#)
[VR-24-48 - Mail Receipts](#)
[VR-24-48 - Narrative Letter](#)
[VR-24-48 - Site Plan](#)

Doug Gilmore (Chair): Alright, 3219 Caraway, Stonebridge Construction.

Rob Hester (Proponent): Good afternoon, Rob Hester with Stonebridge Construction. We have been engaged by the property owners, they're looking at doing basically doing 3 separate developments on one parcel, a small convenience store, a QSR, and then a, it's called a Food Truck Plaza but it's not they're not trucks, it's actually fixed buildings that they're looking at doing. We sat down with the city, with Derrel, with Craig, Michael, Tim, had a pre-development meeting to review this and we knew there was a few things we would have to ask for variances on. The first one being a buffer zone, reducing that from a 25 foot to a 15 foot, along the property on the property line on Caraway and on Parker. The other is the greenspace requirement and we're falling a little short on that. So that's the other requirement we're asking for. The entrances on Parker and Caraway, where we're at, would be proximity of the intersection, if we put them further away it puts the entrances to close to the adjoining property owners. So we're asking, basically these are the two locations, that have been on the site for years and we're planning on keeping those, but obviously improve them, and in addition to this, we'll be closing in the ditches, and sidewalks and all those things. These are the preliminary plans it's not the final plan.

Doug Gilmore: This is the southwest corner of that intersection right?

Rob Hester: Yes, sir.

Doug Gilmore: Just making sure I'm in the right spot.

Rob Hester: It's already developed on both sides.

Doug Gilmore: Yes, it is.

Rob Hester: And just as additional information, the owners are not interested in splitting this parcel up. They're planning on keeping it as on continuous parcel.

Board: To the west, where it says food truck, you said they're not, that they're going to be affixed to the property. It's a building.

Rob Hester: I'm sorry?

Board: You're food trucks over here on the west side?

Rob Hester: Yes, what they're actually looking at is a new concept where they'll have 3 separate kitchens, the center kitchen area would actually have indoor seating, and restrooms. Then the other two would be separate kitchens and all the seating would be outside, but the restrooms and so forth would be inside, that's a new concept that they're wanting to bring to market, they're planning on that, but for now the c-stop and QSR are what they're looking at going forward with immediately.

Doug Gilmore: Derrel what does the city think about this?

Derrel Smith (City Planner): As Rob said, we did do a pre-development, the driveways though not perfect, they're probably as good as were gonna get there and keep our spacing that we need for adjacent drives. So, we were okay with that, the landscape buffer, I think we talked about doing some additional landscaping to make up for some of that buffer, if that was granted, there would be enough greenspace in there to cover it. With those changes, we'd probably be okay.

Rob Hester: The greenspace the way it's laid out now on Parker it's probably 40, 50 feet out to the edge so, there is quite a bit of greenspace there, it's not shoved right up against the road. It's against our property line but not, and this also, takes into account for the city widening project on Caraway which ate up I think about 25 feet of our Caraway Road frontage. So, we adjusted for that but to not offset, this really works well if we can keep our entrances without having them offset inside the development and it flows a lot better. If we had to move one of the entrances it would end up creating a jog in the development.

Kevin Bailey (Board): Rob you mentioned the Caraway Road widening project, I guess the city will be picking up the sidewalk along Caraway which side is that gonna be on?

Derrel Smith: Both.

Kevin Bailey: Both so, is that gonna be the city's side of the work or is the developer gonna be requested to put the sidewalk and everything back up and along Parker? I guess, I'm looking for, cause I think they're going to try and entice foot traffic.

Rob Hester: Our intent is, we're anticipating putting sidewalk in all around.

Kevin Bailey: Alright.

Rob Hester: And fill in the ditches, that's not even a question, it's just not on this plan cause it's pre-liminary.

Kevin Bailey: Okay, and that's probably my one question. Nah I take that back, on the greenspace since we're short on that are you thinking you'd agree to more planting, more tree count and density as far as plants?

Rob Hester: That's correct.

Doug Gilmore: Anymore questions please?

Kevin Bailey: Mr. Chair I move that we grant all 3 variances with the conditions noted, that additional density of landscaping would be complied with.

Max Dacus: Second.

A motion was made by Kevin Bailey, seconded by Max Dacus Jr., that this matter be Approved . The motion PASSED with the following vote.

Aye: 4 - Rick Miles;Casey Caples;Kevin Bailey and Max Dacus Jr.

[VR-24-49](#)

Variance Request: 215 Union Ave.

Jeremy Ellis is requesting a variance for less parking from the required 88 spaces to 82 spaces. The subject property is located in the Industrial Arts District.

Attachments: [VR-24-29 - Adjoining Property Owner Notification](#)
 [VR-24-49 - Application \(Signed\)](#)
 [VR-24-49 - Certified Mail Receipts](#)

Doug Gilmore (Chair): Okay, Jeremy Ellis, 215 Union.

Jeremy Ellis (Proponent): Good afternoon Jeremy Ellis, Genesis Architecture, representing Urban Loft Company of 215 Union. Our owner is wanting to do a remodel of this facility which is going to bump his units up to 88 units. And our current parking requirement in that area is 1 spot per unit which would bring us to 88 units and we only have 82 available. So, our request would be to reduce that requirement by 6 spots. Our owner has done a parking study over the last two months and part of September. The current utilization of the parking is right at 62% and that's at 97% occupancy, so if that rate were to continue and I'd say that it has since this was open in 2020, he would have almost 30 spaces that are not being used currently. This is kind of an urban complex in an urban area of the city and that works, people live there that use alternate types of transportation. And if he needed those 6 spots that would hurt their business so that's a request that they're comfortable with too. We have discussed it with the city, Derrel, and Michael Morris. It seemed like a reasonable request for the 6 spots.

Doug Gilmore: Jeremy I guess I missed, how many new living units would he be adding?

Jeremy Ellis: He'd be adding 20.

Doug Gilmore: Okay, 20 more units.

Jeremy Ellis: So he's well over the requirement currently.

Rick Miles (Board): Jeremy this existing parking that we're talking about this is all gated is that correct?

Jeremy Ellis: It is, yup.

Rick Miles: It's not open to the public?

Jeremy Ellis: No, he has a west parking lot there if you can see on that graphic that's kind of a dark blue and light blue in the top left corner. That west parking lot is gated and so is the south one there. Of course there's on street parking there that's available that's not included in any of these figures, directly in front of their frontage and if you look at that whole corridor most of it is other apartments that have their own private parking, or businesses that have their private parking. Most of you are familiar with downtown you can usually find a space open, so we don't believe we would be causing more parking issues there.

Doug Gilmore: The city have any opinions on this?

Derrel Smith: No sir, we feel that there's ample parking downtown. You may have to walk a little ways but these owners are aware of that, you got on street parking, you got public parking lots within a block and a half that are within this area that are never full so, we don't see that this will have any adverse impact on downtown.

Doug Gilmore: Any more questions? Anyone in the room like to speak for or against?

Casey Caples (Board): Mr. Chair I'd like to move that we approve the variance.

Rick Miles: Second.

A motion was made by Casey Caples, seconded by Rick Miles, that this matter be Approved . The motion PASSED with the following vote.

Aye: 4 - Rick Miles;Casey Caples;Kevin Bailey and Max Dacus Jr.

[VR-24-50](#)

Variance Request: 2411 & 2421 W Washington Ave.

Jeremy Ellis is requesting a variance for the required distance between street access from 300' to 274' as well as a variance to provide 100% masonry finish for the elevations of 2 new proposed buildings facing W. Washington and a wainscot masonry finish on the other 3 sides of each building. The subject property is located in the C-3, General Commercial District as well as the Overlay District.

Attachments: [VR-24-50 - Adjoining Property Owner Notification](#)
[VR-24-50 - Application \(Signed\)](#)
[VR-24-50 - Certified Mail Receipts](#)

Doug Gilmore (Chair): Okay, Jeremy don't move, 2411 and 2421 West Washington, tell us all about that.

Jeremy Ellis (Proponent): Alright, so we're working with BLR Investments this is a finishing out of a multiphase project, the original plan was for 5 phases, 3 of them have been completed so this is the remaining 2. On the previous phases we came in and got a variance on the finishes, so that's one of our requests, the other is these last 2 phases will create a new access drive, and there is not quite 300 foot between those two drives per the current access requirements, however we have met with Derrel and Michael Morris, he said those access requirements came after this project was approved and the variance would be for just 26 foot difference between the two drives. And he felt that he was okay with that, so that's the request. 26 foot difference in the drive distance centerline and 300 feet to 274. Then the secondary would be to have only a masonry wainscot around the 3 extra elevations of the two building that do not face West Washington. Which matches what's there currently and what's been approved beforehand. And then the elevation
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Jeremy Ellis: Have full pipe masonry like the others.

Doug Gilmore: What's going about the wainscot?

Jeremy Ellis: A metal panel, like what's represented in the picture there.

Doug Gilmore: Is this going in front of the existing units that are on West Washington? Or beside it or?

Jeremy Ellis: One is going behind, the larger building there in the south that's behind the existing, and one at the northeast corner there running perpendicular so it'll have street frontage.

Kevin Bailey: Jeremy what is the difference between the drives? Why the difference in the two drives? In width.

Jeremy Ellis: I'm not sure.

Kevin Bailey: The reason I ask that is, with these drives being a little closer together and the traffic between them being created it appears that the existing is wider and almost allows for a turning lane. To go left or right, it may not be that way but your new drive appears to be quite a bit more narrow, do you need two drives? Can you not just widen the first drive and give a turn lane into it and not have the second drive? Cause it's really busy there. Across from Washington there's a lot of drives there, I'm just thinking about the number of drives. I guess that's a question for Derrel too.

Jeremy Ellis: We thought about that scenario but the fire department fellas were there with us when we did our preliminary meeting and they would like to have both drives for fire access with us. Despite as much is going on in that complex. There's not a large variance in that distance.

Kevin Bailey: Derrel what do y'all think about it?

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Kevin Bailey: Alright and just so I'm clear, the existing sight has future cross access. I know that y'all might not own that lot to the west, but even though it's down there across the hill, it is there for cross access in the future. And there's a big old retention pond to the east.

Casey Caples (Board): You said you'd have brick all the way the front? Okay.

Kevin Bailey: I have another question, on the east building, now I'm thinking about the masonry and veneers you got full height on the front like you do on the other two mini storages if you will, there's not going to be anything developed moving forward on the east side, and you the retention pond. Could you not carry that masonry veneer along the east side so when you're driving down Washington you don't see the pre-engineered paneling you see all the finished masonry product, is that asking too much? Casey did that make sense to you?

Casey Caples: Would you do that on both buildings or just the one?

Kevin Bailey: These buildings are existing.

Casey Caples: Not those I'm talking about the front one and the back.

Kevin Bailey: I don't know if you can see the east sides of those buildings. But you can on the north one driving down Washington. Maybe I'm splitting hairs here but.

Casey Caples: It would, look better cause like you said no one is building to the east of them. You got that pretty big bank of trees if they're still there.

Jeremy Ellis: It is, and this plan doesn't show the landscaping but we will meet all the requirements.

Kevin Bailey: I like the cypress trees that they planted in the existing, that are there along the front, they did a good job of that.

Board: Those trees will hide that back one anyway.

Doug Gilmore: Okay, any more questions?

Casey Caples: Mr. Chair I'd like to make a motion that we approve the variance with a couple stipulations. One would be I think I would like to see that east side of that front building also be brick, I think since it's facing the road it'll stick out. That's it, I'd like to approve the variance with that stipulation.

Doug Gilmore: You're saying the east and west side of that front building?

Casey Caples: Really just the east I think the west side is blocked by the other buildings. The front and the east.

Rick Miles (Board): On this one new building?

Casey Caples: Well, there's two new buildings, you got the one in the rear it's fine with just the front I don't think you can see either side from Washington because you got trees over here to the right, it's set back far enough from the road. That one towards the front, the east side like Kevin mentioned you're gonna see that coming down Washington and heading toward the bypass. But the left side I don't think you're gonna see a lot of because the other building is right there. I guess, as you're coming off Gee Street towards Washington right? So, I think it would make sense with what Kevin said if the front and east side could be bricked all the way up and then allow the wainscot on the other buildings. Does that make sense?

Kevin Bailey: Yeah, I'll second your motion.

Casey Caples: Okay.

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

Aye: 4 - Rick Miles;Casey Caples;Kevin Bailey and Max Dacus Jr.

Caddell Construction is requesting a variance to lower the required number of new trees from 149 trees to 80 trees. The subject property is located in the I-1 LUO, Limited Industrial District in the Limited Use Overlay.

Attachments: [VR-24-51 - Adjoining Property Owner Notification](#)
[VR-24-51 - Application \(Signed\)](#)
[VR-24-51 - Certified Mail Receipts](#)
[VR-24-51 - Narrative Letter](#)
[VR-24-51 - Site Plan](#)

Doug Gilmore (Chair): Okay, 3376 Moore Road.

Sam Short (Proponent): Good afternoon, gentleman, I won't take up much of your time today. My name is Sam Short and I'm representing Caddell Construction today, behind me we have Greg Olson representing our developer and my super intendant is also here Derek Weir, to answer any questions you may have from a technical standpoint, we're located at 3376 Moore Road and we're building a FedEx distribution facility, a 48 door cross dock with 28 acres over 70% of that is paved area, 38,000 square foot building with 180 trailer parking spots. What we're proposing today is essentially due to the tightness of the property and the tightness in which we have to fit because of those retention ponds you see at the top and bottom there, along with the overall arching paved area we're asking to diminish the planting requirement for the 596 plants we would have on that property requirement to 534 that essentially means that instead of 149 trees you would have 80 trees, in that we would still be planting 40% native trees to meet y'all's requirement along with the 10% evergreen requirement as well. Everywhere we would be removing trees from would be 100% grass covered as well. My arguments for today are, like I said due to the size and scale of those ponds and that paving we are, if you want to go to that next page, those are the old tree proposal plans as you can see we only have 7 acres worth of grass covered area that we have to pack with so many trees, so much planting in those areas and down by that retention pond. FedEx is concerned that as you can see those trailers are parked pretty close to those areas we're worried that during the night or just in general off hours it's pretty easy to get to those parked trailers, it'll prevent them from having proper camera coverage and proper protection of those so they're worried about theft. Outside of that our other concern is maintaining the property with commercial lawn maintenance with the trees being as they are some of them are actually pretty close to the ponds at the top and bottom it makes it very difficult for us and FedEx to properly maintain that without some maneuvering to get their mowers in there and properly and safely do that with the tilt of that pond and overarching property, and lastly if you go back to our proposed landscaping plan you see that were packing all those new trees and shrubs into the front side of the property, I got a photo if I can show it to y'all in a moment of what it will look like but currently existing in the northeast and south areas is existing trees protecting the neighboring properties and their view from this project. We purpose from the road itself you will have this beautiful, lush property with tree and shrubbery coverage, and with the trees existing around it you wouldn't be able to get to the back of the property to get the views of those new trees and shrubs. So, were purposing packing all that into the front and with that diminished requirement would allow us to present a beautiful project out there. If you're not familiar with this location there's the post office off Moore Road it's near a play facility down from that as well. That is most of what I have if you have any questions.

Doug Gilmore: What's the deal with the city Derrel?

Derrel Smith (City Planner): It is a lot of trees, it's a large site so, but they're putting a lot of landscaping there in front of the building that is not apart of their original plan so we've asked them to come before y'all to make a decision on it. You have those pictures?

Sam Short: Yeah, I just wanted to show y'all what the property would look like with the tree line.

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Rick Miles (Board): Go back to the original. So, on your original plan there was going to be trees around the detention pond.

Sam Short: Yes sir, pretty much everywhere except where there's pavement. But pretty much everywhere else there's tree coverage.

Rick Miles: So, if you were asked to strategically place some of those trees back, eliminating not all of them but would that be a problem?

Sam Short: I think we could meet again on it for sure, I think we've already done quite a bit of strategy so far with the meetings we've had on it. But of course we could come together again and discuss what the new percentage that you purposed would be. I think we would love for the owner to be able to have all of it gone but we're open to discussing it.

Rick Miles: The only reason I'm asking is because on the new proposed plan, it is very heavily loaded to the front. With nothing around the rest of the perimeter.

Sam Short: Just to answer what I think your asking, there is that existing tree line and we will have a fence that goes around the site as well. That's another issue that I may have overlooked but they are pressed up against the site fence, very tightly so with the way they are now, our concern from a maintenance perspective is the safety of it. Because if you go back to the old purposed plan, if you would please sir. If you look at that south side along with the perimeter around the top especially on that south side it's so tight that mowing that properly with the slope of that drainage pond is very difficult. So, that's the original reasoning of wanting to get away from that fence line.

Kevin Bailey (Board): I have a couple of questions for Derrel, this is a LUO, and as part of the LUO is there a landscaping buffer requirement? Not just the landscaping plans. So, with their proposed reduced tree count, back to Rick's point there's no buffer of site, other than a 6 foot chain-link fence, unless that's gonna be a solid fence. Not that FedEx's trailers are ugly but FedEx trailers are ugly, so you're gonna have all these trailers out there, so my question is are the trees that are were originally required, there as a buffer to hide the trailers? Or is it just pure landscaping tree count, because of the area.

Derrel Smith: The LUO is only for use, it has nothing to do with landscaping. It was only what could go on the property.

Kevin Bailey: Okay. So there is no landscape buffer required in this zoning.

Derrel Smith: No sir.

Kevin Bailey: Okay. I tend to agree with Rick's comments of it's a lot of trees. 80 trees is seems more palatable than 149 trees, but I don't think I'd be leaning toward shoving everything towards the front and not putting anything around the perimeter.

Sam Short: Like I said, we wanna with these zones we're building towards a commerce park out there is what it seems like and we want to make that beautiful in the front like we said, we want to keep the spirit of what you guys are going for and make that beautiful. I think a good compromise even in this context that, you know, we are promoting the front of the property too and it would still be visible but it would still cover up a lot of that back, but I think there is the opportunity to add a few trees here and there throughout the

property like you suggested earlier. If we could just get away from there is an entire lineup of trees and almost creating hunting land back there. We can have a few scattered around just to create the beautiful, you know to make the pond more palatable as a vision, make the trailers more proper around the paving areas and things like that. I think that if that's the concern there's areas where we can still have some trees here and there.

Kevin Bailey: I don't think we're fighting you.

Scott Short: Yes sir.

Kevin Bailey: But we also don't want a blank piece of property with no trees around the perimeter. Or I don't.

Rick Miles: That's where I was headed.

Doug Gilmore: Would we like to purpose a motion or anything toward that? Do we just want to turn them around and have them renegotiate with the city.

Kevin Bailey: I'll try a motion.

Doug Gilmore: Before we do that, I think we have someone who would like to speak. Go ahead Patti.

Patti Lak (Public): Patti Lak, 4108 Forest Hill Road. First I am gathering that the trees have been removed. Is that correct?

Sam Short: What do you mean have the trees been removed?

Patti Lak: Have the trees been removed from the property?

Sam Short: No ma'am if you look at that north side where that pond is, we removed a few at that existing tree line just because they were mis surveyed at the beginning, but currently there is a tree line around the entirety of the property.

Patti Lak: Okay. So, I'm going to assume, that the tree ordinance, is that they are required to submit a tree report. And on that tree report, I don't know, do we have one, Derrel?

Derrel Smith: Patti there are no trees on this side, it's adjacent property. This is a landscape plan, this is an open field.

Patti Lak: Okay, then why are they having to replace the trees? I'm not understanding that.

Derrel Smith: It's a landscape plan, you have to put the trees on your landscape plan. They're wanting to put 80 instead of 149. They're requesting a variance from 149 to 80.

Patti Lak: Okay so, I'm sorry but you quoted is it 546? Did you say 546?

Sam Short: That's from the overall shrubbery plan, so it would go from 596 plants to 62 less for 534, so we'd still have 447 shrubs planted on the property we would just be lowering the tree count exactly on the property by 69 from that number.

Patti Lak: Okay, so Derrel what you're saying to me is this does not fall under the tree ordinance then.

Derrel Smith: No, ma'am. They're not removing trees, there's no trees that they're cutting down right now. These are trees that are supposed to plant. As required by the landscaping ordinance.

Patti Lak: Okay, well then I thought this would fall under the tree ordinance that they have, so this is just making it prettier.

Derrel Smith: There's no tree preservation on this because it was basically a rice field.

Patti Lak: Okay.

Derrel Smith: So, there were not trees out there. There's trees around the edge of the property, that's not actually on this property it's adjacent to it.

Patti Lak: Okay.

Derrel Smith: So, this has to do with the landscaping of the property once it's developed.

Patti Lak: Okay. Well, I agree with Mr. Miles and Kiven is that if they can put something around the detention pond. I think you know, not just in the front but also on the sides too. I think that would make it a little bit nicer too if that's what we're trying to accomplish here, so thank you.

Doug Gilmore: Thank you. Alright, Kevin go ahead and do your thing.

Kevin Bailey: Okay, I would make a motion that we grant the variance from 149 down to 80 trees and that those 80 trees be strategically located around the perimeter of the property. How you lay that out is between you and the city.

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Casey Caples (Board): Second.

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

Aye: 4 - Rick Miles;Casey Caples;Kevin Bailey and Max Dacus Jr.

5. Staff Comments

6. Adjournment