



City of Jonesboro

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

Meeting Minutes - Final Metropolitan Area Planning Commission

Tuesday, June 9, 2009

5:30 PM

900 West Monroe

1. Call to order

Present 8 - Margaret Norris; Lonnie Roberts Jr.; Joe Tomlinson; Marvin Day; Brian Dover; Paul Hoelscher; Jerry Halsey Jr. and Ron Kelton

Absent 1 - Ken Collins

2. Roll Call

3. Minutes Approval for May 12, 2009

A motion was made by Joe Tomlinson, seconded by Margaret Norris, that the Minutes be Passed. The motion CARRIED by the following vote:

Aye: 7 - Margaret Norris; Lonnie Roberts Jr.; Joe Tomlinson; Brian Dover; Paul Hoelscher; Jerry Halsey Jr. and Ron Kelton

Absent: 1 - Ken Collins

4. Preliminary Subdivision Plan: Brookstone Subdivision Phase 3
Applicant/Agent: Owner: Jim Abel

Property Location: East extension of Hunters Ridge Dr., east of S. Culberhouse, south of Hwy 63. Total Acres: 4.77 acres +/-; Proposed Lots: 17

Applicant is Jim Abel. Opponent Terry Bare prepared the subdivision plans and submitted a concept with the first phase showing the entire development and is asking for approval of one more phase.

Mr. Spriggs stated that this the third phase of Brook Stone located off S. Culberhouse in the Brook Stone Subdivision. This particular subdivision meets the minimum requirements for the R-1 District as evident in the staff report. The Engineering Department is present, if there are questions concerning the plans. This is a preliminary plan being acted on by the Commission for approval.

A motion was made by Vice Chair Jerry Halsey Jr., seconded by Joe Tomlinson, that this Subdivision be Approved. The motion CARRIED by the following vote:

Aye: 7 - Margaret Norris; Lonnie Roberts Jr.; Joe Tomlinson; Brian Dover; Paul Hoelscher; Jerry Halsey Jr. and Ron Kelton

Absent: 1 - Ken Collins

4. Site Plan Review: Shawn Tyler is requesting Final Site Plan Review of Ozark Manor located North of Ozark Drive in Griffin Park Subdivision on Southwest Drive (Hwy. 49 S.) for the approval of 12 duplexes (24 units).

Mr. Halsey abstained and excused himself.

Mr. Easley stated that this is the Ozark Manor Development, The Commission approved the site plan in August, 2008.

Opponent: Mr. Clay Kenward stated that lives across the highway and appeared when it was approved, and discussed, and he continues his objection, for the reason that it is illegal. With the density, this is not the place for a development like this, with that many people on 2 acres of land. When I objected there wasn't a fence shown, and I understand a fence was conditioned. This will cause a traffic hazard. There are eight - 2-bedroom units, and sixteen 3-bedrooms; with a total of 24 units, with 64 beds, having 64 to 128 cars. I don't think we can do the City of Jonesboro any justice by allowing this.

If I had not heard except in the paper, I would not have known it was on the agenda. It is not good for the City of Jonesboro. That development has nothing but drainage, pavement and detention ponds. There is a lot of cramming, with a lot of kids and no place to park the cars. It has not had a good history. Two or three days ago, a pile of construction junk has been piled since the first 2 houses. It is in the wrong hands and not being taken care of. This will add to traffic congestion.

Mr. Spriggs referred to the August, 2008 MAPC approval when the site plan was considered for review for the site. There were some issues concerning buffering, setbacks, lighting, and fencing. The developer has refined the plan and added the stipulations requested such as the 6-ft fence along Southwest Dr.; and also the notation of no lighting spillage onto the single family or residential uses. They've kept the same unit style including the termination of brick on the side walls, instead of the entire building. The layout format has been kept in terms of the size of units. The engineering plans are being worked on by Associated Engineering and the City Engineering Department will be coordinating the approval during the permit process. If consider approval, during the permitting process a final occupancy certificate shall be obtained, prior to any occupancies of any of the structures.

Mr. Spriggs updated the new MAPC member Mr. Kelton, with the case history and the information about the C-4 zoning designation. He stated that the Zoning Code has been changed the terms of the requirements, and at one time, the C-4 District had a discrepancy in it where one portion of the C-4 District allowed multifamily, but in the other section, the table text was omitted. It allowed for the duplexes and four-plexes in the C-4 District in one section of the code.

He added that previously, the ownership was provided with a zoning verification stating that they were able to do that amount of density on that particular tract, with 24 units maximum. This was brought to the Planning Commission in 2008 by the developer for approval on that basis; and, the Planning Commission approved the site plan at that time, but requested that a final plan be brought back for coordination of all of the conditions.

Mr. John Easley stated that the owner has the fence like the Planning Commission requested. He stated that although the privacy fence is requested along the Southwest Drive, we ask can we put landscape trees along that area instead. Mr. Tomlinson asked for clarification.

Mr. Easley explained just along Southwest Drive along the entire frontage. Mr. Tomlinson stated that the fence was for a concern for the safety of children that might live in those apartments would like to see that we go thru the point that we won't have a driveway from southwest drive. Keep the fence and add no driveway access from southwest drive is my motion of approval stated Joe Tomlinson. Is it required to be that far back, asked Mr. Hoelscher? Mr. Easley stated it's where the grading worked best. It seems for the tenants, when you box them in you are cutting them short of the view; split rail or something lower that will provide the safety issue. There is a lot of land that will be nothing Mr. Hoelscher stated. Mr. Dover asked if it were less fencing will there be landscaping?

Whether you are looking from the duplexes or driving into Jonesboro, the 6 ft high fence will look like a prison. To see landscaping from across the street would be better; to see the landscaping and the fence, for safety it would be better; we would prefer a lower fence with landscape to break up the view. Mr. Easley stated, that we can submit a conceptual plan for Otis's review. Having a tree with bushes and break it up is better. Some combination of security fence and a plant buffer seems to be suggested stated Mr. Roberts; would you modify your motion? Mr. Tomlinson clarified that the number one provision is that there is not future cuts from southwest drive into nay one of these units and combination of private fence and landscaping at 5 ft. in height for safety; along with the City Planners comments on departmental approvals. Mr. Halsey abstained.

A motion was made by Joe Tomlinson, seconded by Ron Kelton, that this Site Plan be approved. The motion CARRIED by the following vote:

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

Absent: 1 - Ken Collins

Abstain: 1 - Jerry Halsey Jr.

5. Final Subdivisions

6. Conditional Use

7. Rezoning

10. RZ 09-09 Chad, Dustin & Jennifer King requests a rezoning from AG-1 to RS-6, 1.93 acres located at 3700 Flemon Road between Flemon Road and Meadow Lane.

Applicant: Mr. Chad King stated that he is requesting a rezoning to build a house. He, his brother and wife inherited this land, and request that it be rezoned from AG-1 to RS-6. There is an existing home on the first lot. It is surrounded by Prairie

Meadows Subdivision.

No Opponents were present.

Mr. Spriggs gave Staff comments about the area stating that it is developing as single family in the general project area. When Prairie Meadows came in for rezoning from AG-1, this tract along with the tract to the west was left out of the proposal, because the existing owners at that time did not sign on to that rezoning with that developer.

This area on the land use map is village residential and we anticipate that area will remain as residential and staff supports a rezoning to the R-6 single family classification. We provided you with the minimum standards for RS-6 and the plan would satisfy those standards; and it will be processed as a minor plat, by being five lots, fronting on a public street.

Mr. Tomlinson stated that it seems to be the only logical use of the property with what is adjacent to it. Is it the same density? Mr. Spriggs stated that the RS-6 requirement is 7, 260 s.f. while R-1 was 8,000 s.f. minimum. The driveway cuts will be off Wisteria Lane.

A motion was made by Vice Chair Jerry Halsey Jr., seconded by Lonnie Roberts Jr., that this Rezoning be Recommended to Council. The motion CARRIED by the following vote:

Aye: 7 - Margaret Norris; Lonnie Roberts Jr.; Joe Tomlinson; Brian Dover; Paul Hoelscher; Jerry Halsey Jr. and Ron Kelton

Absent: 1 - Ken Collins

11.

RZ 09-011 Fire Protection of Arkansas requests a rezoning from R-1 to C-3 General Commercial located at 4008 Southwest Drive, and adjacent vacant lot to the south.

Mr. George Hamman stated that he prepared the plat, and it is an existing brick building. It is currently zoned R-1 and we would like to rezone that parcel. Mr. Bradley owns the ¼ acre tract to the south, and would like to expand; he has the space there to do that.

Mr. Spriggs commented on the use being non-conforming and noted that he would support it being brought into compliance and into conformance to the zoning code with the C-3 Limited Use Overlay. We are recommending that the Planning Commission consider approval. The only precaution brought out in the staff report would be for the abutting residential piece, to the east of the property. Staff requested also that some care be taken to the lighting spill-off in terms of a condition and that billboards be prohibited because of proximity to residential uses. There is an existing billboard frame on the property and we are not sure if it will be utilized. Mr. Hamman stated that it will be removed.

Mr. Spriggs added that Staff has listed 5 possible conditions for approval: 1. That the final site plan would be reviewed by the planning commission prior to approval of the permits. 2. That the existing structure shall be maintained in its current residential character, which is currently compatible with the butting residential home to the east. 3. That any outdoor storage-yard, parking lots, etc. shall be fully screened with a privacy fence along the east boundary to protect the abutting residential. 4. Exterior lighting levels shall be maintained at levels that do not spill off to residential uses, which is the 0-footcandles at

the residential property line, and 5. That off-premise advertising signage shall be prohibited on the subject site. These are just suggestions to be considered.

A motion was made by Joe Tomlinson, seconded by Margaret Norris, that this Rezoning be Recommended to Council. The motion CARRIED by the following vote:

Aye: 7 - Margaret Norris; Lonnie Roberts Jr.; Joe Tomlinson; Brian Dover; Paul Hoelscher; Jerry Halsey Jr. and Ron Kelton

Absent: 1 - Ken Collins

11. AZ 09-01 **[Applicant has requested that this item remained tabled until the September 8, 2009 meeting]** Larry Grisham request and annexation and rezoning of the following tracts:

Part 1: Annexation of 42.38 acres

1a.: RS-5 (1.96 acres)

1b.: Rm-12 (38.06 acres)

1c.: C-3 (2.35 acres)

Part 2: Rezone from R-1 to RM-12 Multi Family Residential, 1.46 acres Southwest side of West Parker Road and west of Shady Lane.

Part 3: Rezone from R-1 to RM-12 Multi Family Residential, 0.29 acres Southwest side of West Parker Road

Part 4: Rezone from C-3 to RM-12 Multi Family Residential, .07 acres Southwest side of West Parker Road

Part 5: Rezone from R-1 to C-3 General Commercial, 0.28 acres Southwest side of West Parker Road

A motion was made by Lonnie Roberts Jr., seconded by Vice Chair Jerry Halsey Jr., that this Annexation be Tabled. The motion CARRIED by the following vote:

Aye: 7 - Margaret Norris; Lonnie Roberts Jr.; Joe Tomlinson; Brian Dover; Paul Hoelscher; Jerry Halsey Jr. and Ron Kelton

Absent: 1 - Ken Collins

8. Staff Comments

8. Mobile Vending Ordinance Discussion (ORD -08:005) Staff requests that MAPC re-evaluate the current ordinance which was adopted February 19, 2008 by Council which regulates mobile vending within the city limits.

Mr. Spriggs comment on staff memo regarding the item of mobile vending ordinance. He recalled, prior to 2008 when the city had no formal ordinance that dealt with private commercial vendors that located along our various ride ways. We basically had a convention that we didn't allow it. Back in 2008, we went through a study and developed an ordinance that would deal with the uses along the various ride ways for our commercial districts and it also gave an opportunity to small businesses in terms of caterers that catered small food items to go out to the industrial park and sell those items to the factory workers during their lunch hour with some restrictions. In that ordinance there

were some exemptions in which the ice cream truck and typical uses that happen at ball parks and city wide festivals, those things were actually exempted from the rules and regulations. We've been allowing church festivals to occur in various areas. Just recently we had a small business interest that wanted to do the mobile vending and they actually visited the mayor and city staff and we had a long dialogue in terms of explaining the ordinances and it was stressed that there's no opportunities for people that are seeking self-employment to actual sell certain products under certain controls. So Mrs. Bridget Davis appeared before city council to express that interest and council in return agreed that we would take the ordinance back, look it over and reconsider it just to make sure we haven't left any loop holes out or any other considerations.

I have done a little research; other cities do have mobile vending ordinances in Arkansas. Fayetteville has one that's pretty stringent in terms of the rules, but relaxed in how they allow it on the various sidewalks and ride aways in certain parts of the city. Listed in the back on the document are some listed criteria for mobile vending and they allow it just as long as you can obtain a permit with a certain value attached to that permit. You also have to do certain authorizations such as health district, other state agencies, and privileged license of course, which is required. They also limit it to a one year time frame, you can move to a different location after a 90 day time period has expired. This is just for your review and recommendation to the public works council committee which will be evaluating this ordinance, and if you feel the 2008 ordinance is sufficient I will take back whatever information you give me back to the council committee.

The MAPC decided to let the above matter go just for a month's review.

8. Policy and Procedure for sidewalk requirements for all new development within the City of Jonesboro. Article/Section 14.36.07 Sidewalks requirement-Multi-family and Commercial Developments.

Mr. Spriggs presented another item that he is taking before the Public Work's Council Committee, on behalf of some city council members and the Mayor, that may require sidewalks. In the ordinance under the sidewalk section it does give the Planning Commission the liberty to consider and require sidewalks on both multi-family and commercial developments. One gives the requirement and one gives the option. We are requesting you to look at that ordinance in consideration as well and make recommendation to the Council Committee once we place that on their agenda. As you recall there has been interest of the public and awareness in terms of safety in areas that surround school district and heavy traffic areas. We're hoping we will develop some type of sidewalk plan that'll address that pedestrian activity and we are requesting that you somehow forward a recommendation to the public works committee when they look at this. There will be other opportunities for the public to be involved with this in terms of developers and also the general public.

Public Comments:

Mr. Carter, stated he walks about the city, not all sections but most. The habits of not requiring sidewalks is not a good habit. Walking is becoming more common but there is no practical way for the City to go back and requiring it in all case. The property owners will be against it. You need to require it now across the board. It will not be impossible it is not satisfactory for the City and this Commission to be so considerate of what I consider the

developer's desire not to require sidewalks; they were required in the past.

I request that you give some serious consideration for sidewalks in all of these areas and take it into consideration; no it is not practically impossible to start a sidewalk study. We let the situation go; we are going to go back and require it. The only way to do it is take it incrementally as the city grows- and do it incrementally. You will have people like me walking down the middle of the road and the side of the road. The back seat sidewalks have taken some a mile around here even where they are not in good repair; some vegetation over growing them. Building from scratch is a hopeless case. Thank you.

9. Adjournment