



City of Jonesboro

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

Meeting Minutes Metropolitan Area Planning Commission

Tuesday, February 12, 2008

5:30 PM

900 West Monroe

1. Call to order

2. Roll Call

Present 8 - Ken Beadles; George Krennerich; Ken Collins; Margaret Norris; Lonnie Roberts Jr.; Jerry Halsey Jr.; Marvin Day and Gary Harpole

Absent 1 - Joe Tomlinson

3. Approval of minutes

Approved on the Consent Agenda

MIN-08:008 Metropolitan Area Planning Commission Minutes from January 8, 2008.

Sponsors: Planning

Attachments: [MAPC Minutes 01-08-2008](#)

4. Preliminary Subdivisions

5. Final Subdivisions

6. Conditional Use

CU-08-13 CU-08-01 King's Ranch

Applicant requests conditional use for a Christian Children's home located at 2816 Day Drive (Tract A on drawing only) for abused and neglected children (peaceful). This multi-acred, wooded tract is isolated and will be near founder's home. Existing structure will be used and is consistent with existing homes in area.

Sponsors: Planning

Attachments: [CU-08-01 - Application and Letter King's Ranch](#)
[CU-08-01 - PLAT OF SURVEY PDF](#)
[ModelevskyLettertoMAPC](#)
[CU 08 01 tkw Staff Summary Conditional Use Kings Ranch - Cooper](#)

Dr. Beadles had the proponents stand. There were 110 people for this conditional use. Opponents were asked to stand. There were 45 opponents.

Mr. Eddie Cooper came forward as proponent for this item. Mr. Cooper stated

that his family has helped in the community with foster parenting. They felt that this is a growing need in our community. King's Ranch is a non-profit and non-denominational Christian home. The kids will not be juvenile offenders or kids with criminal records, but children who are victims of crime. Children with severe emotional or behavioral problems will not be placed at the ranch. House parents will be keeping records of all misbehavior, etc and the children will be molded into strong members of our society. These properties are not adjacent to Ridgepointe, Duckswater or Sloan Circle. There are natural barriers between these subdivisions and this property.

We are modeling this ranch after a ranch in Texarkana. This ranch has been in business for about 20 years. The mayor wrote a letter to the fact that property values have not been negatively affected by this ranch.

Mr. Cooper read an excerpt from a letter from Mr. Gary Ezell which was in support of this ranch. Mr. Cooper also had a list of supporters from ASU that was given to him at the last moment. Jason Runsick is also a strong supporter and is about to build a house right next to this property.

Bill Phillips came forward in support of this project. Mr. Phillips read a letter from Roddy Thrasher who was also in support of this ranch. Also, he read a letter that he had written to the residents of Duckswater.

Skip Mooney came forward as opponent to this item. Mr. Mooney asked for each person within a quarter of a mile of the property who are for this item to stand. 5 people stood. Mr. Mooney asked the people to stand who were opposed. No number was given of opponents. The Coopers are commended for the effort, but the opponents just ask that the facility not be placed in this area. Mr. Mooney talked about property values and how a home for abused and mistreated children placed in that area would decrease the values of the property.

Mr. Mooney stated that the opponents felt that this is a business and this area is a highly restricted residential area. He stated that the homes in this area are worth millions of dollars and are not the place for a Christian children's home. Mr. Mooney asked that the people who were within 200 ft. of this property who were not informed. Mr. Mooney gave the commission an opposition statement signed by 68 people. Mr. Mooney also stated that he felt that a fire truck would not be able to be driven down this lane that leads to this property. Mr. Mooney stated that Mrs. Modelevsky was once an opponent for this item, but after selling her property to Mr. Cooper she now has no problems with this item going forward. Also, he brought up a past case regarding another children's home who tried to go in on Matthews Ave. which did not go through because of the opposition. She later went into an area that was remote and not in a residential area.

Mr. Mooney stated there is a tremendous liability when something like this is done. There is a lake that would be a large liability if a child happened upon that lake. Mr. Mooney introduced Harry Hergett, Dr. and Liz Levinson, and Marta Parker.

Mr. Harry Hergett stated that he and his wife support the concept of King's Ranch, but object to the ranch being placed on an R-1 zoning. We are here to protect the integrity of the R-1 Zoning status. We feel strongly that to favor

this conditional use is to favor the destruction of the protection that our zoning codes gives us. He also feels that the property values will diminish. He also feels that it punishes law abiding citizens and he feels it ignores the duty of the commission to prevent conflicts in land use which destroy real estate values.

Marta Parker came forward to address this item. They are opposed to this due to the liability and safety risks to the neighborhood. Mrs. Parker stated that they want to plan more homes within this area. Mrs. Parker stated that the children that come from homes of this nature do have problems.

Liz Levinson came forward with some photographs of the rear of her home taken toward the subject property. Mrs. Levinson stated that she has issues regarding security. She spoke with Jason Runsick and stated that Mr. Runsick stated that he opposed now to this conditional use.

Mr. Mooney concluded his case.

City planner came forward and stated that staff has reviewed this proposal. The case facts are listed in the staff report. In the proposal from 2007, there were many concerns for this use in this area. The original plan proposed four structures and other amenities on the site. This use would have been an institutional type use. Also, some concerns were raised such as the platting process for fire access, etc. The applicant pulled this item at that time and had time to look at the concerns that were voiced by staff. We also listed the criteria for conditional uses and there are no particular zonings in which this type of use is permitted. Most of the commercial districts do not allow residential uses.

All the information was considered while looking at this proposal. We can't see this particular use as being compatible if it were to grow beyond what is being proposed. Staff had a list of eight items that were listed in the staff report. There were some concerns of security and after speaking with the applicant, we were told that some surveillance cameras could be placed on the property for additional observation to make sure that no one were to leave the facility and cause problems. We caution the planning commission that you can limit the particular site to a maximum size and limit the growth of the site and if any other locations are considered by this applicant they would be considered on their own merit.

The engineering department are aware of this conditional use, but since it is a single family home there was no need for engineering review in this case.

Mr. Roberts commented that he appreciated both sides being reasonable and professional. What efforts were made or considered for other locations than the proposed site? Mr. Cooper stated that they had not considered other sites because they felt they were called to this spot. Mr. Roberts asked about R-1 zoning and if there are any permitted uses for group home of a lesser size? Mr. Spriggs stated that in the R-1 district the code is written in the spirit of the law where it defines a family. Any family that is unrelated there can be a maximum of 5 individuals who are not related to the family. Mr. Roberts also asked about any zonings that would allow group homes without a conditional use? Mr. Spriggs stated that they would fit within the high density multi family in the new code would allow for dormitory type living.

Mr. Collins asked about growth concerning the application and the website. The application is only for a single family residence. What is your planning? Mr. Cooper stated that they want to start with one house and they don't know what the future holds. The model that they are looking at now has seven houses after 20 years. We never intended to start with four houses. If after several years it appears that is God's will then we would just have to come back here to have it approved. Mr. Collins asked what would distinguish this from someone who took foster children into their home? What keeps you from being generous and just taking in foster children. Mr. Spriggs stated that the group home definition states that 5 or more unrelated by blood can be in the household. Commissioners asked Mr. Cooper if he was opposed to changing it to five children. Mr. Cooper stated he was opposed to changing it to five children. Commissioners asked about the price that was spent on this land and if more land could have been purchased in another location. Mr. Cooper stated that it wasn't his calling to go to another location and this was the land that he felt he was chosen to buy this land.

Commissioners asked about screening. In the application it stated they would not accept children with severe behavioral problems. The psychotropic medication is anything like Ritalin and things like that. Any drug, whether it is a pain medication for an injury, etc. Mr. Cooper stated that there are policies for medication, manner of dress, run away, etc. They feel it is better to have a plan and be prepared than to not have a policy.

Mr. Halsey asked Mr. Spriggs about the five children or less and around the clock supervision and fencing. Mr. Spriggs stated that the around the clock supervision means that the couple would be watching them. The fencing is already there but if the fencing needs to be upgraded then it would need to be changed. Mr. Spriggs also stated that it allows five or more individuals that are unrelated and the two adults would also be unrelated so they would count within the five.

Mr. Cooper was asked about the letter sent to Mr. Parker who is now deceased. Mark Mayfield, attorney for Mr. Cooper stated that the letter was mailed and returned to the Coopers. Once the letter was returned, a process server was hired and went to the address of the letter and again to another address on Casey Springs. He learned that Mr. Parker was deceased and went to the place where the renters pointed him to and the papers were signed by someone who was over the estate of C.M. Parker.

Mr. Mooney stated that there was no effort at all to reach them. They said that the process server found out that the property owner was deceased and that he just left the papers with someone else.

Mr. Jim Schrantz came forward and stated that the common property that all people who live in the subdivision are owners in that property. Mr. Schrantz stated that not everyone was notified. Mr. Cooper stated that he was under the impression that that common property was not within 200 ft. City attorney came forward and stated that it has to be all property owners within 200 ft. have to be notified of this specific use and this specific hearing.

Wayne Parker came forward and stated that he was the one that the process server gave the papers to. His father is not C.M. Parker but he did sign for those papers. He stated that his uncles and aunts were not notified but that he is the only one that was notified.

Mr. Mooney stated that he only brought it up because if you don't have proper service then not everyone would be here. Mr. Mooney stated the ordinance and then again stated that these property owners were clearly not served.

City attorney stated that the application is not proper to be considered at this point if the property owners have not been notified.

Dr. Beadles stated that since this is a legal question about an ordinance that it is felt as chair of the committee that he would suggest tabling this item until this is settled.

Mrs. Levinson came forward and spoke about security fencing. At this time there is a barbed wire fence in place. Mr. Spriggs stated that the fence is there along with the screening buffer. Mr. Spriggs was not trying to state that security fencing needed to be in place. Mrs. Levinson stated that children that come from these types of homes have behavioral problems and she doesn't want to be put at any type of risk from those children. She also does not want them coming into her yard and getting into her swimming pool.

Mrs. Parker came forward and spoke about children with behavioral problems and the trouble that they can cause. She stated that 80-90% of the children that they treat in the clinical setting have behavioral problems. Mr. Collins asked Mrs. Levinson and Mrs. Parker if they felt threatened by him. He asked because he came from a family where he was in a bad situation and someone cared enough about him to take him out of that and take care of him. He is now a successful businessman, etc. and has no problems and feels that what Mr. Cooper is wanting to do is a good thing. Mrs. Levinson and Mrs. Parker stated that they believe it is a good thing too but just don't want it in this location.

Mr. Spriggs stated that the applicant depended on the City Parcel information map which may not always be correct because of updates from the County Assessor's office. If the owners feel that they want that notification then it should be tabled. Otherwise, if the owners want to waive the requirement then we would be able to continue tonight.

Commissioners discussed service of notifications. Mr. Mooney asked Mr. Cooper about his proposal to pay the parents to oversee these children? Mr. Cooper stated that they would be paid. Mr. Mooney stated that the Parker family were willing to waive the requirement of service and ask that you go ahead and consider and make the vote. Not all property owners are in attendance so City attorney stated that this commission can not make the decision.

Jeff Puryear came forward to say that the property owner on county data is C.M. Parker. There was no list of any other owners listed on the county data so they feel that the statute has been complied with. Mr. Crego stated that the ordinance states that all property owners not what the county records states as the owners.

Mr. Mooney stated that the city attorney is correct about the ordinance not giving any. All the Parkers that are here waive their service.

A motion was made by Secretary Marvin Day, seconded by Lonnie Roberts Jr., that this Conditional Use be Tabled. The motion CARRIED by the following vote:

Aye: 7 - George Krennerich;Ken Collins;Margaret Norris;Lonnie Roberts Jr.;Jerry Halsey Jr.;Marvin Day and Gary Harpole

Absent: 1 - Joe Tomlinson

CU-08-14 CU-08-02 Juanita Malone

Applicant requests a facility to operate an after school and weekend teen club at 500 Cate Street.

Sponsors: Planning

Attachments: [CU-08-02 - Application, letter and notifications - Juanita Malone](#)
[CU-08-02 - Location Map](#)
[CU-08-02 - Plat](#)
[CU-08-02 - Juanita Malone 500 Cate Staff Summary](#)

Juanita Malone came forward as proponent for this item. She would like to open an after school program with games, packaged food and sodas. It would be under adult supervision at all times. There would also be interns coming from ASU to help the kids with homework, etc. Possibly have weekend dances or poetry readings, etc. for the children to do on the weekends.

City planner stated that this has previously been used as a bar, barber shop and day care. There are some concerns about the legal aspects which Mr. Crego will address. The proposed use is a step above what has been used in this location in the past. We have no objections.

Mr. Crego stated that there is an abatement against the property pending in Circuit Court in Craighead County against the owner Ramone Crumpler. The abatement process is asking the Court to declare this property a nuisance because of the prior uses and problems that have occurred at this site. Mr. Crego asked what was Mr. Crumpler's involvement with this item.

Ms. Malone stated that Mr. Crumpler is not involved in any of her program. There is no relationship except that he is the owner and she is leasing the property. As to the recent incident of a fight that broke out, Ms. Malone stated that she would have the area secured to prevent that type of thing from happening. Ms. Malone has already talked with some people about security and making sure there is no smoking or drinking. The property had been rented for a birthday party and Ms. Malone stated that she was there for that event with her children but that under her supervision this type of thing would not happen.

Mr. Crego stated that the abatement would ask for the property be closed and that the current owner be prohibited from continuing certain uses that he has been doing on the property. If the conditional use is granted and it were demonstrated that the current owner would not be conducting the enterprise that this conditional use encompasses, Mr. Crego stated that he would not have any problem to ask that the abatement not include this request.

Commissioners asked if the children would pay for the services offered in this

place. Ms. Malone stated that the food and sodas would be paid for by the children and the games that are played by those teens but not a membership fee or anything of that nature. Also, it was asked that the midnight closing time would meet the city curfew.

Mr. Crego stated that the abatement would not affect Ms. Malone's use of the premises.

A motion was made by Gary Harpole, seconded by Ken Collins, that this Conditional Use be Approved with the stipulation that operating hours must be within any curfew ordinances, that the two staff recommendations and that the current owner is not affiliated with this use in any way. The motion CARRIED by the following vote:

Aye: 7 - George Krennerich;Ken Collins;Margaret Norris;Lonnie Roberts Jr.;Jerry Halsey Jr.;Marvin Day and Gary Harpole

Absent: 1 - Joe Tomlinson

7. Rezoning

RZ-08-47

Applicant requests rezoning of approximately 0.67 acres from R-1 Residential to C-3 General Commercial at 4712 Stadium Drive/East of Highway 1, Between Colony Drive and Bunting Drive.

Sponsors: Planning

Attachments: [RZ-07-47 Application](#)
[RZ-07-47 Plat](#)
[Staff Summary RZ07 47- Bunting Lane](#)

Mrs. Deborah Barber came forward as proponent for this item.

Mr. Day made a motion to untable this item. Seconded by Mr. Collins. All voted aye to untable this item.

City planner stated that comments have been forwarded to commissioners. This property is located just above Bunting Lane. Staff had some concerns regarding access to the property. Staff requested commissioners to look at a limited use on the C-3 commercial that would allow the commission to address the issue in terms of property access management and the proximity to Colony Drive. Our concern was the high speed traffic along Stadium and we placed three recommendations on this approval. That adequate buffering and screening be provided for all of the surrounding residential uses. That a single access drive should be provided on the property complying with the code regulations. Easements should be sought to Bunting Drive to aid vehicular safety. There is some question in terms of the coordination of the easement of Bunting. Billboard signage would be prohibited on the property.

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

Aye: 7 - George Krennerich;Ken Collins;Margaret Norris;Lonnie Roberts Jr.;Jerry Halsey Jr.;Marvin Day and Gary Harpole

Absent: 1 - Joe Tomlinson

8. Staff Comments

SP-08-03 SP-07-292 Kelly Copeland Apartments on Richardson

Applicant was required to bring the site plan of the apartments before the MAPC after his conditional use was approved on June 12, 2007.

Sponsors: Planning

Attachments: [Copeland Apt Site Plan Drwgs](#)
[Memo Copeland Apt Site Plan Review Memo](#)
[Comment Letter eng copeland](#)

Withdrawn

COM-08:011 First Security Bank requests a 10' fence to be placed on their property. The code only allows for an 8' fence.

Sponsors: Planning

Attachments: [First Security Bank](#)

City planner stated that he recommends approval since this is just a formality.

A motion was made by Secretary Marvin Day, seconded by Lonnie Roberts Jr., that this Other Communications be Approved. The motion CARRIED by the following vote:

Aye: 7 - George Krennerich;Ken Collins;Margaret Norris;Lonnie Roberts Jr.;Jerry Halsey Jr.;Marvin Day and Gary Harpole

Absent: 1 - Joe Tomlinson

COM-08:012 Discussion regarding naming the Lawson Road addition Christian Valley Drive

Attachments: [Aerial View Lawson Road](#)
[City Street Naming Policy](#)
[Previous Street Naming Ordinance](#)

City planner stated that this is an administrative item. This has been taken to Public Works and will go to City Council in the next meeting to name the extension of Lawson Road Christian Valley.

A motion was made by Vice Chair George Krennerich, seconded by Secretary Marvin Day, that this Other Communications be Approved. The motion CARRIED by the following vote:

Aye: 7 - George Krennerich;Ken Collins;Margaret Norris;Lonnie Roberts Jr.;Jerry Halsey Jr.;Marvin Day and Gary Harpole

Absent: 1 - Joe Tomlinson

9. Adjournment

