



City of Jonesboro

Municipal Center
300 S. Church Street
Jonesboro, AR 72401

Meeting Minutes 3 Metropolitan Area Planning Commission

Tuesday, May 10, 2016

5:30 PM

Municipal Center

1. Call to order

2. Roll Call

Present 9 - Lonnie Roberts Jr.; Paul Hoelscher; Ron Kelton; Jerry Reece; Jim Scurlock; Kevin Bailey; Brant Perkins; Jimmy Cooper and Rick Stripling

3. Approval of minutes

Approval of the MAPC Meeting Minutes for April 26, 2016.

A motion was made by Jimmy Cooper, seconded by Jerry Reece, that this matter be Approved . The motion PASSED with the following vote:

Aye: 8 - Paul Hoelscher; Ron Kelton; Jerry Reece; Jim Scurlock; Kevin Bailey; Brant Perkins; Jimmy Cooper and Rick Stripling

4. Preliminary Subdivisions

Preliminary Subdivision : Bridger Park Phase 1

Morris-Kidd, LLC requests MAPC approval of a Preliminary Subdivision- Bridger Park Phase 1, for 13 lots on 5.6 acres for property Zoned R-1 Single Family, located west of Bridger Place at the south terminus of Oriole Drive.

Mr. Carlos Wood explained to the board that they are wanting to develop additional lots on a portion of property north of the creek and west of the existing Bridger Place Subdivision along Minga Dr. We are asking for the east portion now.

Staff: Mr. Spriggs gave Staff comments for 13 lots 5.6 acres Bridger Park Ph. 1. The subdivision meets the R-1 requirements. With this first phase the maximum 400 ft. maximum length needs to be satisfied. The utility agencies and departments did not have issues with this subdivision. In the pre-meeting the concern was addressed that in the second phase a provision to connect to the vacant acreage to the north needs to be accommodated. A segment is shown in Phase 1 as mentioned. However the MAPC will be looking for that extension in Phase II. Mr. Woods said it currently was not, but he would not be opposed to adding it to Phase I if they needed to.

Mr. Wood mentioned that the first phase cove does meet the minimum requirement. We are not opposed to an outlet to the north and to the south, if the same owners purchase the land south of the creek, they would entertain

putting box culver to the south at that time.

Michael Morris, Engineering, echoed concern about secondary connectivity.

Mr. Spriggs: The other issue that came up is the detention pond in Phase1 and accommodating building that phase, on 2.48 acres.

Mr. Wood: It is not in Phase 1, we asked for erosion control approval through the State which will cover the entire property. We plan on excavating material out of that so that will can provide our fill material. We will develop and drain Phase 1 into it but not plat it into Phase 1.

Mr. Morris, the Maintenance agreement may be a little tricky. You may have to file Phase 1 and Phase 2 on the same maintenance agreement.

A motion was made by Jimmy Cooper, seconded by Brant Perkins, that this matter be Approved. The motion PASSED with the following vote.

Aye: 8 - Paul Hoelscher;Ron Kelton;Jerry Reece;Jim Scurlock;Kevin Bailey;Brant Perkins;Jimmy Cooper and Rick Stripling

5. Miscellaneous: Site Plan Reviews

Request to Remove a Pocket Park Condition on a Residential Subdivision: Prairie Meadows Subdivision by Rick & Sherry Turman. Area is located south of Lot 53 and north of the detention pond along Flemon Rd. Please see Attachments.

Mr. Carlos Wood asked the board to consider removing the condition that requires a pocket park in Prairie Meadows Subdivision. He said the owners want to take the green space set aside for this park and turn it into two lots.

Staff: Mr. Spriggs gave further explanation for a previous rezoning from AG-1 to R-1 Single Family and to RS-6 (Corrective Rezoning) by Council. Neighbors abutting voiced concern in the case for child play area for safety. Question was raised and the codes were utilized to imposed a pocket park next to the detention pond as common area. The area has not been used. The applicants submitted a justification statement as follows:

There are several reasons we would like to make the green space into lots:

- First of all the liability with children playing that close to the detention pond.
- It would be a maintenance night mare trying to keep it up to code.
- Most children don't get to leave their yards to play in this time, or they would play at a friend's house, not down the street with no one supervising.
- There are not green spaces in other single family subdivisions in the city.

Mr. Spriggs: The Turmans are requesting that requirement to be lifted by the MAPC. The approved ordinance of 2009 and the original subdivision were attached.

Mr. Bailey: Were the deeds for the other lots with description of this common area conveyed to the owners? Mr. Wood: No.

Mr. Reece: Who is maintaining the park? Mr. Wood, The owner. Mr. Reece: That would be a heavy load on the Parks Dept. and it should be lifted.

Mr. Spriggs: This is a private matter and not a function or responsibility of the City.

A motion was made by Ron Kelton, seconded by Jimmy Cooper, that this matter be Approved . The motion PASSED with the following vote.

Aye: 8 - Paul Hoelscher;Ron Kelton;Jerry Reece;Jim Scurlock;Kevin Bailey;Brant Perkins;Jimmy Cooper and Rick Stripling

6. Conditional Use

Conditional Use: CU 16-07 3235 E. Matthews

Travis Knight of Arkansas Muscle, LLC requests MAPC approval of a Conditional Use for a Gym / Fitness Center within a I-1, Limited Industrial District for Recreational / Entertainment Indoor within section 117-139 of the code. This is located at 3235 E. Matthews.

Staff Notes: This was tabled from the MAPC Meeting April 26, 2016; A representative did not show up to present the case.

Mr. Travis Knight asked the board for a conditional use so he could open a gym in an area zoned I-1.

Mr. Otis Spriggs pointed out that this was tabled for the previous meeting so the board needed to pass a motion to untable it. That motion was made by Hoelscher to untable; seconded by Mr. Perkins. The case was passed and untabled.

Jonathan Smith, Planner 1 presented the Staff report findings noting that Staff has no issue with this application. It is feasible and appropriate; however the Zoning regulations requires the MAPC's review and approval. The conditions were read. The parking condition was amended, and any future expansion of the property would require MAPC's approval.

Mr. Spriggs explained that the parking loads and requirements would be subject to evaluation if you were to expand. Currently it appears that you can park 50 cars safely. Do you plan to utilize this entire building in the future? Mr. Knight- Yes. Mr. Spriggs noted that future expansion would require MAPC's approval. This property is zoned I-1 Industrial, and any service retail uses are required to be filed under the Conditional Use process.

There were no questions from the board.

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

Aye: 7 - Ron Kelton;Jerry Reece;Jim Scurlock;Kevin Bailey;Brant Perkins;Jimmy Cooper and Rick Stripling

Abstain: 1 - Paul Hoelscher

Conditional Use: CU 16-08 105 Royale Drive

Tammy Dace requests MAPC approval of a Conditional Use for a remanufactured double wide, residential design unit within the R-1 Single Family Residential Design located at 105 Royale Drive.

Tammy Dace requested approval for a Conditional Use so she could put a pre-manufactured double-wide trailer on a lot that was classified as R-1 Single Family Residential.

Ms. Dace: She is providing a home for my grandchildren. She wants a modular home mid ways of the property. It will have brick or block underpinning. It will be a permanent residence.

Mr. Spriggs gave Staff Summary comments. Noting surrounding conditions. The 3.35 acres are part of an original subdivision on an unimproved cul-de-sac. She wants to abandoned Bonaparte Cove (See Conditions). She wants to create one buildable lot with the Residential Design Unit. The unit meets the minimum requirements. Stormwater management and Flood Plain District regulations need to be satisfied (3-6 ft.). No major utility issues, however that would be coordinated as part of the abandonment process. The Bill of Assurance issues were discussed. City Attorney Carol Duncan read the referenced line item. The city doesn't get involved with the privately enforceable Bill of Assurances.

Mr. Spriggs read: Section 8, Page 4: No structure of a temporary character trailer, basement, tent, shack, garage, barn or other outbuilding shall be used on any lot at anytime as a residence either temporarily or permanently.

Ms. Duncan warned that Ms. Dace could be subject to a potential lawsuit. Whether it's a trailer or a modular home is not clearly defined in the document. Even if the City finds that you meet our standards, you could still be in violation of the BOA, but the City has no control over that nor can we give you permission to violate the BOA. It renews every 10 years.

Ms. Dace, If I put it there she would like to have an entrance to the park for all the children in the neighborhood.

Mr. Spriggs further noted surrounding conditions. There are 2 salvage yards next door. The four conditions were read.

Public Input:

Diana Atkins lives next door and she would like MAPC to know she objects to it, and that it will affect the other property owners. The property value could be affected if they try to sell on the street. Would like for MAPC to deny the permit. Husband asked about the flood plain. Mr Morris stated she would have to elevate the structure. He objected also.

Western Curtner, Business owner of corner of Dan Avenue and on behalf of the residents.

We are here in opposition for the CU to place the Pre-manufactured design unit in the R-1.

He presented 17 sign statements of the residents and business owners. Granting this in our neighborhood would be detrimental. The requester is subject to conditional use. Would be for this same use. The project doesn't adhere to the BOA restrictions and covenants. It will be large size and it will be

landscaped with stone. However it is in the flood plain, it has to be raised to be suitable to not flood. Not only at 6 ft., and even if you raise it 3 ft., it is same as trailers on wheels. Only the structure has to be raised. It could be raised and sloped to the homes, but it would create more drainage issues for the neighborhood. She has agreed to purchase other lots in the neighborhood that could be used as a precedent. Paragraph 14 of the BOA was read noting that it is for 25 years with automatic 10 year periods. Majority of the owners are required to change it.

Ms. Stacy Mooneyhan, 218 Royale. The BOA was our security that it would be a subdivision with brick home. It would depreciate the value of my property. If we move we would not have the full value. One thing as you drive down Dan, you would view this lot. It was mentioned children to go play in Joe Mack Park, that hasn't been an issue. If the city wants to work with the neighborhood to find away to develop a walkway we would be willing to work with the city.

Alan Mooneyhan, 218 Royale Street. He opposed. I want to make effort to be here personally.

Commission. Mr. Kelton: Date of recordation is 1973. Asked the proponent if here purchase was contingent the conditional use permit? Mr. Spriggs commented that the owner did not know what a conditional use process comprised of. Ms. Dace: This will be a new home. A lot of the homes there are old and run down. Mr. Reece: if it is denied, you don't have to buy it. Ms. Dace: Closing is June 13th. I can back out. The initiation of purchasing the property occurred prior to approaching the Planning Dept. Mr. Kelton: Did you put up deposit money? Ms. Dace: No.

Mr. Kelton: Made comments on her situation, and that his dealing these matters is when the bill of assurances of 1973 was filed, it was noticed that their preference on the type of housing that could be placed would be single family homes. You may be sued and you may lose. Mr. Kelton empathized with Ms. Dace and noted that he sorry to disappoint, and wished she had done the research before going forward with this transaction.

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

Nay: 8 - Paul Hoelscher; Ron Kelton; Jerry Reece; Jim Scurlock; Kevin Bailey; Brant Perkins; Jimmy Cooper and Rick Stripling

Conditional Use: CU 16-09 2410 Greensboro Road

City of Jonesboro requests MAPC approval of a Conditional Use for a proposed use of a 196 ft tall monopole radio communication tower within the R-1 Single Family Residential District located at 2410 Greensboro Road.

Mr. Jonathan Smith explained that this was a request by the City of Jonesboro to place a communications tower on a lot located in an R-1 Single Family Residential zone. He explained that a water tower was already located at the location.

There was no opposition.

A motion was made by Jimmy Cooper, seconded by Kevin Bailey, that this

matter be Approved . The motion PASSED with the following vote.

Aye: 8 - Paul Hoelscher;Ron Kelton;Jerry Reece;Jim Scurlock;Kevin Bailey;Brant Perkins;Jimmy Cooper and Rick Stripling

7. Rezoning

Rezoning: RZ 16-06 1822 Old Greensboro Road

Terry Trotter requests MAPC approval of a Rezoning from R-1 Single Family Residential District to C-3 General Commercial District, LUO for 2.69 acres of land located at 1822 Old Greensboro Road.

Applicant: Mr. George Hamman, Civilogic- Appeared before the Commission noting that he prepared the plat and application, and has gone through the staff report and found nothing that they are opposed to.

Staff: Mr. Spriggs gave staff summary comments, noting the surrounding conditions. The criteria for rezoning were evaluated, and the proposed rezoning is found to be consistent with the Comprehensive Land Use Plan (High Intensity Growth Sector) and the full list of criteria. Examples of recommended uses were read. This area is in a redevelopment stage, and rezoning/ new development has occurred to the immediate south, and Greensboro Village will be developed to the west. The Master Street Plan recommends Greensboro Rd./Hwy. 351 as a Principal Arterial, which has to be complied with. Access management, buffering and screening of the residential uses to remain must be addressed. The MAPC would have to review and approve a site plan which will deal with all of those issues. Mr. Spriggs presented the list of C-3 uses was described and an exclusion list was noted: Adult Entertainment, airport, cemetery, recreational RV Park, and animal agricultural. The recommended Staff Conditions were read.

Public Input: None.

Mr. Trotter, Owner noted that this property is part of the family home place. We wanted to get it rezoned it, because the area is commercial. And we thought this would be reasonable and that it would be put into the plan of the area.

Mr. Reece noted that he is familiar with this home site and has watched the commercial redevelopment in the area, and this will be the best use of the home.

Commission Action:

Mr. Perkins made a motion to approve and make recommendation to Council with the noted conditions; Seconded by Mr. Cooper.

Roll Call Vote: 8-0 Approval. Mr. Hoelscher- Aye; Mr. Bailey- Aye; Mr. Stripling- Aye; Mr. Kelton- Aye; Scurlock- Aye; Mr. Reece- Aye; Mr. Cooper- Aye; Mr. Perkins- Aye; Mr. Roberts was chair.

A motion was made by Brant Perkins, seconded by Jimmy Cooper, that this matter be Approved . The motion PASSED with the following vote.

Aye: 8 - Paul Hoelscher;Ron Kelton;Jerry Reece;Jim Scurlock;Kevin Bailey;Brant Perkins;Jimmy Cooper and Rick Stripling

Rezoning: RZ 16-07 1406 and 1410 E Highland

Roundtable Holdings, LLC requests MAPC approval of a Rezoning from R-1 Single Family Residential District and C-4 Neighborhood Commercial District, LUO to C-4 Neighborhood Commercial District, LUO and C-4 Amended from previous rezoning for 2.15 acres of land located at 1406 and 1410 E Highland.

Applicant: Mr. George Hamman, Civilogic- Appeared before the Commission noting that he prepared the plat and application, and has been through the staff report, and they do not find anything that we opposed- with the exception of Condition Number 2.

Mr. Hamman gave case history: Noting that the bulk of this property was rezoned in 2013. The same lady owned all three properties including the convenient store/gas station and the 2 homes to the west. Roundtable Holdings has bought all 3 properties. She originally rezoned this as C-4 Quiet Commercial, and that it would have a residential character to it and she had no intention to move. That's why she requested what she did in 2013. We want to ask MAPC to waive the outward residential appearance of C-4 and include in the list of allowable uses- a restaurant (Newk's). A site plan was shown to show the building location and entrance off of Highland Dr. with possibly a bank to be sited on the corner. We ask that stipulation number 2 be removed and we would work with staff to make sure the plans are completed in accordance.

Mr. Spriggs: The applicant as noted that the rezoning was done in 2013. Mr. Spriggs made reference to the Ordinance of 2013 attached to the agenda. The acreage that is added is 75 ft. to the west of the original land to be used for parking as shown on the layout. We are requested to modify the stipulations of the original ordinance and the question was the residential appearance. Newk's has branding requirements and architectural criteria; therefore, it would be difficult to improve the property with a residential appearance. The scale of the use would still be residential at 1-story in height. This layout could be attached as approved contingent of Council approving this amendment and zone amendment.

Mr. Spriggs added: The Land Use Plan recommendation of Moderate Intensity Growth Sector is in compliance. The use would fit into that character area. This would be considered a quiet type Commercial use. The Master Street Plan would have to be complied with. No other department or agencies have noted issues with this rezoning. There were questions raised by the School system to assure no hardship is imposed on the student drop/off and pick up. That would need to be coordinated. The six conditions were read (Number 2 was excluded). Any parking lots would have to screen any residential to remain to the west. Access management controls need to be implemented.

Public Input: None.

Mr. Kelton asked in lieu of excluding condition No. 2, what is the size of the building. **Mr. Hamman:** Square footage for Newk's will be 4,450 Sq. Ft., a little smaller than the other location northeast of town in addition to the bank use on the corner lot.

Mr. Bailey made a motion to approve the rezoning and recommend approval to

Council with the noted conditions and any site plan changes would come back to the MAPC; Seconded by Mr. Stipling.

Roll Call Vote: 8-0 Approval. Mr. Hoelscher- Aye; Mr. Bailey- Aye; Mr. Stripling- Aye; Mr. Kelton- Aye; Scurlock- Aye; Mr. Reece- Aye; Mr. Cooper- Aye; Mr. Perkins- Aye; Mr. Roberts was chair.

A motion was made by Kevin Bailey, seconded by Rick Stripling, that this matter be Recommended to Council . The motion PASSED with the following vote.

Aye: 8 - Paul Hoelscher;Ron Kelton;Jerry Reece;Jim Scurlock;Kevin Bailey;Brant Perkins;Jimmy Cooper and Rick Stripling

8. Staff Comments

9. Adjournment