



City of Jonesboro

900 West Monroe
Jonesboro, AR 72401

Council Agenda City Council

Tuesday, July 5, 2011

6:30 PM

Huntington Building

PUBLIC WORKS COMMITTEE MEETING AT 5:30 P.M.

City Council Chambers, Huntington Building

1. CALL TO ORDER BY MAYOR PERRIN AT 6:30 P.M.

2. PLEDGE OF ALLEGIANCE AND INVOCATION

3. ROLL CALL BY CITY CLERK DONNA JACKSON

4. SPECIAL PRESENTATIONS

COM-11:048 Zoning presentation by City Planner Otis Spriggs

Sponsors: Mayor's Office and Planning

COM-11:049 Proclamation by the Mayor to the AAA Jonesboro Diamond Kings

Sponsors: Mayor's Office

5. CONSENT AGENDA

All items listed below will be voted on in one motion unless a council member requests a separate action on one or more items.

MIN-11:054 Minutes for the City Council meeting on June 21, 2011.

Attachments: [Minutes](#)

6. NEW BUSINESS

7. UNFINISHED BUSINESS

ORDINANCES ON SECOND READING

ORD-11:048 AN ORDINANCE TO AMEND CHAPTER 117, KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES FROM R-1 TO RM-8 LUO FOR PROPERTY LOCATED AT 5306 APT DRIVE AS REQUESTED BY TOBY ALEXANDER AND JACK WHITEHEAD

Attachments: [Plat](#)
[MAPC Report](#)

Legislative History

6/21/11 City Council Held at one reading

ITEMS THAT HAVE BEEN HELD IN COUNCIL

ORD-11:042 AN ORDINANCE TO AMEND CHAPTER 117, ARTICLE III, KNOWN AS THE ZONING ORDINANCE OF THE CITY OF JONESBORO, ARKANSAS, PROVIDING FOR CHANGES IN ZONING BOUNDARIES FROM R-1 TO C-4 LUO LOCATED AT 3406 SOUTH CULBERHOUSE STREET AS REQUESTED BY THE FOOD BANK OF NEA

Attachments: [Plat](#)
[MAPC Report](#)

Legislative History

5/17/11 City Council Held at one reading
6/7/11 City Council Postponed Temporarily

8. MAYOR'S REPORTS

9. CITY COUNCIL REPORTS

10. PUBLIC COMMENTS

Public Comments are limited to 5 minutes per person for a total of 15 minutes.

11. ADJOURNMENT



City of Jonesboro

515 West Washington
Jonesboro, AR 72401

Legislation Details (With Text)

File #: COM-11:048 **Version:** 1 **Name:** Presentation by City Planner Otis Spriggs
Type: Other Communications **Status:** To Be Introduced
File created: 6/22/2011 **In control:** City Council
On agenda: **Final action:**
Title: Zoning presentation by City Planner Otis Spriggs
Sponsors: Mayor's Office, Planning
Indexes: Presentations
Code sections:
Attachments:

Date	Ver.	Action By	Action	Result
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Title
Zoning presentation by City Planner Otis Spriggs



City of Jonesboro

515 West Washington
Jonesboro, AR 72401

Legislation Details (With Text)

File #: COM-11:049 **Version:** 1 **Name:** Proclamation to the AAA Jonesboro Diamond Kings
Type: Other Communications **Status:** To Be Introduced
File created: 6/27/2011 **In control:** City Council
On agenda: **Final action:**
Title: Proclamation by the Mayor to the AAA Jonesboro Diamond Kings
Sponsors: Mayor's Office
Indexes: Mayor's Commendations
Code sections:
Attachments:

Date	Ver.	Action By	Action	Result
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Title
Proclamation by the Mayor to the AAA Jonesboro Diamond Kings



City of Jonesboro

515 West Washington
Jonesboro, AR 72401

Legislation Details (With Text)

File #: MIN-11:054 **Version:** 1 **Name:**
Type: Minutes **Status:** To Be Introduced
File created: 6/23/2011 **In control:** City Council
On agenda: **Final action:**
Title: Minutes for the City Council meeting on June 21, 2011.
Sponsors:
Indexes:
Code sections:
Attachments: [Minutes](#)

Date	Ver.	Action By	Action	Result
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title
Minutes for the City Council meeting on June 21, 2011.



City of Jonesboro

900 West Monroe
Jonesboro, AR 72401

Meeting Minutes City Council

Tuesday, June 21, 2011

6:30 PM

Huntington Building

PUBLIC SAFETY COMMITTEE MEETING AT 5:30 P.M.

APPEAL HEARING AT 6:15 P.M.

Requested by Mr. Duyen Tran regarding the denial by the MAPC to rezone property located north of Colony Drive between Antosh and Richardson Road from R-1 to RM-4 LUO

Attorney Jim Lyons, representing Mr. Tran, discussed the rezoning. He noted Mr. Tran is asking for a rezoning consisting of fewer units than what is allowed with the current rezoning. He explained there will be townhouses within a gated community. He further explained if there is no rezoning and the property is developed as residential, then there will be more traffic than what will occur with the townhouses. He stated the current land use plan recommends the area for high density single family residential, which would result in a higher development than required by the proposed rezoning. Mr. Lyons stated Mr. Tran has offered to put up a traffic light, if necessary, to help control traffic. Mr. Tran plans to create a detention pond in the back of the property and the City Planner has indicated there will be no additional water problems created as a result of the development.

Councilman Frierson questioned if there is a flood line on the north part of the property. Mr. Lyons answered yes, that is where the detention pond will be located. Councilman Frierson clarified that nothing will be built within the flood line. Mr. Lyons agreed.

Mr. Doug Ward, 3407 Colony Drive, spoke in opposition to the rezoning. He discussed the opposition material and gave a history of the surrounding area. He presented a petition with 171 signatures from people opposed to the apartments. He stated if there were houses, then they would be purchased and taken care of. He expressed concern about problems with flooding due to past developments in the area. He then noted there would be a traffic problem if the apartments are built next to the railroad tracks. He added the vacant land surrounding their area has For Sale signs, indicating future development and possible future traffic problems. Mr. Ward stated there are a number of people in attendance that are in opposition to the rezoning, in addition to some people who weren't able to attend. He asked the Council to give due diligence to their concerns and make the right decision.

1. CALL TO ORDER BY MAYOR PERRIN AT 6:30 P.M.

2. PLEDGE OF ALLEGIANCE AND INVOCATION

3. ROLL CALL BY CITY CLERK DONNA JACKSON

Present 11 - Darrel Dover;Ann Williams;Charles Frierson;Chris Moore;John Street;Mitch Johnson;Gene Vance;Chris Gibson;Rennell Woods;Mikel Fears and Charles Coleman

Absent 1 - Tim McCall

4. SPECIAL PRESENTATIONS

COM-11:046 Presentation by Wendy Stotts of the Auditorium Commission

Sponsors: Mayor's Office

Attachments: [Presentation](#)

Ms. Stotts presented information regarding the survey by the Auditorium Commission. Those surveyed regarded the Forum to be important to the community, with the majority favoring renovating the current Forum as opposed to building a new one. More are willing to fund a renovation as opposed to funding a new building. Grants are the preferred method of funding those renovations. Ms. Stotts stated they will be meeting with an architect to come up with a plan to renovate the Forum.

Read

5. CONSENT AGENDA

Approval of the Consent Agenda

A motion was made by Councilman Chris Moore, seconded by Councilwoman Ann Williams, to Approve the Consent Agenda.A motion was made that these files be approved by consent voice vote

Aye: 11 - Darrel Dover;Ann Williams;Charles Frierson;Chris Moore;John Street;Mitch Johnson;Gene Vance;Chris Gibson;Rennell Woods;Mikel Fears and Charles Coleman

Absent: 1 - Tim McCall

MIN-11:048 Minutes for the City Council meeting on June 7, 2011

Attachments: [Minutes](#)

A motion was made that this Minutes be Passed . The motion passed BY VOICE VOTE

RES-11:054 A RESOLUTION TO THE CITY OF JONESBORO, ARKANSAS TO ACCEPT THE LOW BID AND ENTER INTO A CONTRACT WITH MORRIS-KIDD, LLC FOR THE 2011 SIDEWALK IMPROVEMENTS

Sponsors: Engineering

Attachments: [Specifications.pdf](#)
[Bid Tab.pdf](#)
[Certification Letter.pdf](#)
[Checklist.pdf](#)

This item was PASSED on the consent agenda.

Enactment No: R-EN-060-2011

RES-11:077 A RESOLUTION OF THE CITY OF JONESBORO, ARKANSAS TO ACCEPT THE LOW BID AND ENTER INTO A CONTRACT WITH BELK CONSTRUCTION, INC. FOR THE DESIGN/BUILD - CRAIGHEAD FOREST PARK PAVILION BUILDING #1

Sponsors: Parks & Recreation

Attachments: [Bid Tab Pav 1](#)
[Project Manual for Pavilion #1](#)

This item was PASSED on the consent agenda.

Enactment No: R-EN-061-2011

RES-11:086 A RESOLUTION TO MAKE REAPPOINTMENTS TO THE TRANSPORTATION MANAGEMENT BOARD AS RECOMMENDED BY THE MAYOR

Sponsors: Mayor's Office

This item was PASSED on the consent agenda.

Enactment No: R-EN-062-2011

RES-11:088 A RESOLUTION TO CONTRACT WITH ANDY'S FROZEN CUSTARD FOR SPONSORSHIP OF A CONCESSION STAND SIGN AT JOE MACK CAMPBELL PARK

Sponsors: Parks & Recreation

Attachments: [Andys Frozen Custard](#)

Mayor Perrin noted the money has already been collected for this contract and the sign has already been put up due to the season being half over.

This item was PASSED on the consent agenda.

Enactment No: R-EN-063-2011

RES-11:090 RESOLUTION ESTABLISHING A POLICY PROHIBITING THE USE OF EXCESSIVE FORCE BY LAW ENFORCEMENT AGENCIES WITHIN JONESBORO'S JURISDICTION AGAINST INDIVIDUALS ENGAGED IN NON-VIOLENT CIVIL RIGHTS DEMONSTRATIONS.

Sponsors: Grants

This item was PASSED on the consent agenda.

Enactment No: R-EN-064-2011

RES-11:091 RESOLUTION TO ENSURE FURTHERANCE OF FAIR HOUSING PRACTICES IN JONESBORO, ARKANSAS

Sponsors: Grants

This item was PASSED on the consent agenda.

Enactment No: R-EN-065-2011

RES-11:092 RESOLUTION FOR A RESIDENTIAL ANTI-DISPLACEMENT PLAN TO RECEIVE IKE-2 GRANT FUNDS

Sponsors: Grants

This item was PASSED on the consent agenda.

Enactment No: R-EN-066-2011

RES-11:093 A RESOLUTION TO CONTRACT WITH CHICK-FIL-A FOR SPONSORSHIP OF A CONCESSION STAND SIGN AT JOE MACK CAMPBELL PARK

Sponsors: Parks & Recreation

Attachments: [Chick-Fil-A](#)

Mayor Perrin noted the money has already been collected for this contract and the sign has already been put up due to the season being half over.

This item was PASSED on the consent agenda.

Enactment No: R-EN-067-2011

RES-11:094 RESOLUTION OF THE CITY COUNCIL OF JONESBORO, ARKANSAS TO AUTHORIZE THE MAYOR AND THE CITY CLERK TO EXECUTE AN ADMINISTRATIVE CONTRACT WITH THE EAST ARKANSAS PLANNING AND DEVELOPMENT DISTRICT, AND WILL BE FOR THE ADMINISTRATION OF THE ARKANSAS ECONOMIC DEVELOPMENT PROGRAM (ACEDP), FOR A DISASTER RELIEF PROJECT FOR JONESBORO.

Sponsors: Grants

This item was PASSED on the consent agenda.

Enactment No: R-EN-068-2011

RES-11:101 RESOLUTION TO FILL THE UNEXPIRED TERM OF KEVAN INBODEN ON THE JONESBORO URBAN FORESTRY COUNCIL WITH AN EXPIRATION DATE OF DECEMBER 31, 2013

Sponsors: Mayor's Office

This item was PASSED on the consent agenda.

Enactment No: R-EN-069-2011

RES-11:103 A RESOLUTION TO ENTER INTO CONTRACT WITH MICHAEL BURROUGHS FOR ACCOUNTANT SERVICES FOR THE FINANCE DEPARTMENT.

Sponsors: Finance and Human Resources

Attachments: [Burroughs contract](#)
[Burroughs contract - PDF version](#)

This item was PASSED on the consent agenda.

Enactment No: R-EN-070-2011

RES-11:109 A RESOLUTION OF THE CITY OF JONESBORO, ARKANSAS TO ACCEPT THE LOW BID AND ENTER INTO A CONTRACT WITH GILLIS, INC. FOR THE TURTLE CREEK GREENWAY - PHASE I SECTION V IMPROVEMENTS - JOB NO. 2011:14

Sponsors: Parks & Recreation

Attachments: [Contract document](#)
[Bid 2011-14 Greenway Section V Tabulation](#)
[Signed Concurrence](#)
[Turtle Creek Greenway Phase I Section V-Contracto Documents033011](#)

This item was PASSED on the consent agenda.

Enactment No: R-EN-071-2011

RES-11:110 A RESOLUTION OF THE CITY OF JONESBORO, ARKANSAS TO CONTRACT WITH CIVIL ENGINEERING ASSOCIATES, LLC TO PROVIDE ENGINEERING SERVICES FOR THE CROWLEY'S RIDGE PARKWAY: MULTI-USE TRAIL

Sponsors: Parks & Recreation

Attachments: [Crowley'sRidgeScenicBywayAHTDContractwithCityofJonesboro](#)

This item was PASSED on the consent agenda.

Enactment No: R-EN-072-2011

RES-11:111 RESOLUTION OF THE CITY COUNCIL OF JONESBORO, ARKANSAS, CERTIFYING LOCAL GOVERNMENT ENDORSEMENT OF BUSINESS TO PARTICIPATE IN THE TAX BACK PROGRAM (AS AUTHORIZED BY SECTION 15-4-2706(d) OF THE CONSOLIDATED INCENTIVE ACT OF 2003).

Sponsors: Mayor's Office

This item was PASSED on the consent agenda.

Enactment No: R-EN-073-2011

6. NEW BUSINESS

ORDINANCES ON FIRST READING

ORD-11:047 AN ORDINANCE TO AMEND TITLE 14, KNOWN AS THE ZONING ORDINANCE OF THE CITY OF JONESBORO, ARKANSAS, PROVIDING FOR CHANGES IN ZONING BOUNDARIES FROM R-1 TO RM-4 LUO FOR PROPERTY LOCATED NORTH OF COLONY DRIVE BETWEEN ANTOSH AND RICHARDSON ROAD AS REQUESTED BY DUYN TRAN

Attachments: [Plat](#)
[MAPC Report](#)
[Appeal Letter](#)
[Opposition Material](#)

Councilman Moore offered the ordinance for first reading by title only.

Councilman Moore asked for a brief description of why the MAPC denied the

rezoning. City Planner Otis Spriggs explained the MAPC had a lot of concern with storm water detention and past flooding. He noted the applicant indicated they would satisfy all regulations regarding storm water detention. He further explained the MAPC did not feel the rezoning would promote the general welfare of the district as proposed, so they motioned to deny the request. Councilman Moore clarified the MAPC recommended to deny the request due to storm water concerns as well as thinking the rezoning would not be harmonious for the surrounding area. Mr. Spriggs agreed.

Councilman Moore motioned, seconded by Councilman Vance, to suspend the rules and waive the second reading. All voted aye.

Councilman Moore stated he is normally opposed to having three rezoning ordinance readings in one night, but due to the attendance of the majority of the interested parties he thinks the Council owes them a decision tonight.

Councilman Moore motioned, seconded by Councilman Coleman, to suspend the rules and waive the third reading. All voted aye, with the exception of Councilman Vance who voted nay.

A motion was made by Councilman Chris Moore, seconded by Councilman Mitch Johnson, that this matter be Passed . The motion FAILED by the following vote.

Aye: 3 - Ann Williams; Charles Frierson and Gene Vance

Nay: 8 - Darrel Dover; Chris Moore; John Street; Mitch Johnson; Chris Gibson; Rennell Woods; Mikel Fears and Charles Coleman

Absent: 1 - Tim McCall

Enactment No:

ORD-11:048 AN ORDINANCE TO AMEND TITLE 14, KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES FROM R-1 TO RM-8 LUO FOR PROPERTY LOCATED AT 5306 APT DRIVE AS REQUESTED BY TOBY ALEXANDER AND JACK WHITEHEAD

Attachments: [Plat](#)
[MAPC Report](#)

Councilman Moore offered the ordinance for first reading by title only.

This matter was Held at one reading.

7. UNFINISHED BUSINESS

ORDINANCES ON SECOND READING

ORD-11:044 AN ORDINANCE ADOPTING BY REFERENCE CHAPTER 66 SECTION 5 ENTITLED SPECIAL EVENT ASSEMBLY PERMIT, FOR THE REGULATION OF SPECIAL EVENT ASSEMBLY/STREET CLOSINGS IN THE CITY OF JONESBORO, ARKANSAS

Sponsors: Police Department

Attachments: [Chapter 66 Section 5 entitled Special Event Assembly Permit](#)
[Chapter 66 Section 5 entitled Special Event Assembly Permit - PDF version](#)
[SPECIAL EVENTS ASSEMBLY APPLICATION.a](#)
[Special Events Street Closing](#)

Councilman Moore asked why this ordinance was tabled at the last Council meeting. Councilman Vance explained he wanted to make sure the City spent the proper time on the ordinance. Councilman Fears questioned whether anyone else on the Council has had calls concerning the ordinance. Councilman Vance stated he may be the only one who had calls. Police Chief Michael Yates stated there is an assumption that the ordinance is a mechanism to control assemblies, but in reality the ordinance is limited in scope to matters that interfere with traffic. He added if nothing is done then it will end up costing the City additional money in overtime. Further discussion was held concerning the ordinance.

Councilman Vance motioned, seconded by Councilman Frierson, to place the ordinance on third reading. All voted aye.

After passage of the ordinance, Councilman Frierson motioned, seconded by Councilman Moore, to adopt the emergency clause. All voted aye.

A motion was made by Councilman Chris Moore, seconded by Councilman Gene Vance, that this matter be Passed . The motion PASSED by a unanimous vote

Aye: 11 - Darrel Dover;Ann Williams;Charles Frierson;Chris Moore;John Street;Mitch Johnson;Gene Vance;Chris Gibson;Rennell Woods;Mikel Fears and Charles Coleman

Absent: 1 - Tim McCall

Enactment No: O-EN-036-2011

ITEMS THAT HAVE BEEN HELD IN COUNCIL

RES-11:085 RESOLUTION TO ESTABLISH A PERMIT FEE FOR SPECIAL EVENT ASSEMBLIES AND A FEE FOR STREET CLOSINGS/BLOCK PARTIES WHICH REQUIRE THE USE OF BARRICADES

Sponsors: Police Department

Councilman Street questioned whether the fee would cover the City's cost for the event. Mayor Perrin stated the fee doesn't cover the whole cost, but it was a nominal fee. Councilman Street clarified the Mayor has the right to waive the fee. Mayor Perrin agreed, but noted it is important the application is turned in so it can be reviewed. Chief Yates noted the ordinance states City sponsored events are exempt from the fees. Discussion was held regarding having fees for sanitation services. Mayor Perrin stated that is something they may want to consider in the future.

A motion was made by Councilman Chris Moore, seconded by Councilman Chris Gibson, that this matter be Passed . The motion PASSED by a unanimous vote

Aye: 11 - Darrel Dover;Ann Williams;Charles Frierson;Chris Moore;John Street;Mitch Johnson;Gene Vance;Chris Gibson;Rennell Woods;Mikel Fears and Charles Coleman

Absent: 1 - Tim McCall

Enactment No: R-EN-074-2011

8. MAYOR'S REPORTS

Mayor Perrin reported on the following items:

He referred to previous discussions concerning a possible bond issue when they were looking at the bank loan for \$10.5 million several months ago for the Lacy Drive improvements. They were waiting to see if the Attorney General's Office indicated the City could use a bond issue for that project. Due to the current one cent sales tax in which half goes into the Capital Improvement Fund, the Attorney General's opinion stated the City is not eligible for a bond issue for the Lacy Drive improvements.

ASU staff visited the flight service station today to look at it as a possible option in addition to the Reserve Center on Caraway Road.

For the five months ending in May, revenues exceeded expenses by \$75,119. Combined taxes are \$465,000 above budget, with the City being \$144,000. Public safety tax is \$1.694 million year to date. State turnback and the hotel tax is up.

Cal Ripken state tournament will be held at Joe Mack Campbell Park this weekend. They expect hotels will be filled up for the event.

Fuel depot/wash bay area bids came in at \$686,000. They are hoping to decrease that cost.

They looked at railroad quiet zones for the City. The City does not qualify because the distance between some of the crossings are over a mile and are not gated. They are working with Burlington Northern to see how much the cost would be to gate the crossings in order for the City to be able to apply to be a quiet zone.

They applied for a \$600,000 Highway Department grant for Phillips Drive improvements from Caraway to Stadium. The grant was approved for \$300,000 for landscaping and sidewalks. It is an 80/20 match.

The City received \$34,378 in JAG grants and will be re-applying in September.

9. CITY COUNCIL REPORTS

Councilman Street motioned, seconded by Councilman Gibson, to suspend the rules and place RES-11:095 on the agenda. All voted aye.

RES-11:095

A RESOLUTION TO THE CITY OF JONESBORO, ARKANSAS TO ACCEPT THE LOW BID AND ENTER INTO A CONTRACT WITH FRANK A. ROGERS & COMPANY, INC. FOR THE CONSTRUCTION OF THE CITY OF JONESBORO - VEHICLE STORAGE FACILITY - JOB NO. 2011:22

Sponsors: Engineering

Attachments: [Contract.pdf](#)
[Proposal.pdf](#)
[Bid Tab.pdf](#)

A motion was made by Councilman John Street, seconded by Councilman Chris Moore, that this matter be Passed . The motion PASSED by a unanimous vote

Aye: 11 - Darrel Dover; Ann Williams; Charles Frierson; Chris Moore; John Street; Mitch Johnson; Gene Vance; Chris Gibson; Rennell Woods; Mikel Fears and Charles Coleman

Absent: 1 - Tim McCall

Enactment No: R-EN-075-2011

Councilman Woods attended the Health and Wellness session at the Municipal League and learned a lot regarding livability. He thanked the Mayor and the Chief for attending the National Day of Summer Learning. He also thanked Councilman Coleman for discussing his boxing experience with the children in attendance.

Councilman Gibson agreed with Councilman Woods and stated they learned a lot at the Municipal League meeting that will benefit the City.

Councilman Coleman announced on June 23rd between 6 p.m. and 8 p.m. at 220 Drake Street they will be having an event to promote the community garden. They will be putting community gardens on property he owns that is not being used. The community gardens will be available to everyone.

Mayor Perrin added they asked a representative from the Secretary of State's Office to visit in two weeks concerning the ward boundaries. He would like to have a City Council meeting to discuss the boundaries because some changes may need to be made due to population changes reflected in the recent census.

10. PUBLIC COMMENTS

Parks employee Larry Jackson asked the Mayor to discuss last week's Finance meeting in which there was discussion concerning the non-uniform pension plan. Mayor Perrin explained Attorney Wyck Nesbitt was at the Finance meeting and discussed freezing the Principal plan and the proposed defined contribution plan the City is looking at. They can reduce contribution levels and have the same benefits as they do now. Finance meetings will be held to discuss the pension plan. They hope to have a complete recommendation before November, so the City can have enrollment and explain the benefits to the employees one-on-one. Councilwoman Williams stated it was a good meeting and stressed making sure the employees have information. Mayor Perrin added the employees will have the option to make contributions to their retirement plan to increase benefits.

Ms. Sherri Beatty invited everyone to the annual summer musical, "Oklahoma". She then discussed her home at 816 Hester Street. She was told it was in the Christian Creek flood zone when she purchased the home. Her premium has recently jumped from \$500 per year to \$2,600 per year. She has spoken with the Corps of Engineers, FEMA and a private attorney, but is not able to get much information. She recently purchased a new home and would like to sell the home on Hester. She noted they have never had a flooding problem. Mayor Perrin stated it is his understanding the FEMA maps are on hold and are not being released at this time. He explained the current maps are many years old, but he is unsure what will happen with the current maps. Councilman Street discussed the new maps and noted the date will still be 1991, but will include numerous LOMRs that have come into effect since 1991. He questioned whether the property has been surveyed. Ms. Stotts answered yes, but the flood elevation line is 302 and the lowest part of the property is 301.1. She explained the house was built one cinder block too low, which is why she spoke with

an attorney. Councilman Street noted it may have been legal to do that when the house was built, but the City no longer allows builders to build below the base flood elevation line.

11. ADJOURNMENT

A motion was made by Councilman Chris Moore, seconded by Councilman Mikel Fears, that this meeting be Adjourned. The motion CARRIED by a Voice Vote.

Aye: 11 - Darrel Dover; Ann Williams; Charles Frierson; Chris Moore; John Street; Mitch Johnson; Gene Vance; Chris Gibson; Rennell Woods; Mikel Fears and Charles Coleman

Absent: 1 - Tim McCall

_____ **Date:** _____
Harold Perrin, Mayor

Attest:

_____ **Date:** _____
Donna Jackson, City Clerk



Legislation Details (With Text)

File #:	ORD-11:048	Version:	1	Name:	Rezoning by Jack Whitehead
Type:	Ordinance	Status:		Status:	Second Reading
File created:	6/16/2011	In control:		In control:	City Council
On agenda:		Final action:		Final action:	
Title:	AN ORDINANCE TO AMEND CHAPTER 117, KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES FROM R-1 TO RM-8 LUO FOR PROPERTY LOCATED AT 5306 APT DRIVE AS REQUESTED BY TOBY ALEXANDER AND JACK WHITEHEAD				
Sponsors:					
Indexes:					
Code sections:					
Attachments:	Plat MAPC Report				

Date	Ver.	Action By	Action	Result
6/21/2011	1	City Council		

title
AN ORDINANCE TO AMEND CHAPTER 117, KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES
body
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS:

SECTION 1: CHAPTER 117, KNOWN AS THE ZONING ORDINANCE OF THE CITY OF JONESBORO, ARKANSAS, BE AMENDED AS RECOMMENDED BY THE METROPOLITAN AREA PLANNING COMMISSION BY THE CHANGES IN ZONING CLASSIFICATIONS AS FOLLOWS:

From Residential, R-1, To Residential Multi-Family, RM-8 LUO (MAXIMUM 8 UNITS), THE FOLLOWING DESCRIBED PROPERTY:

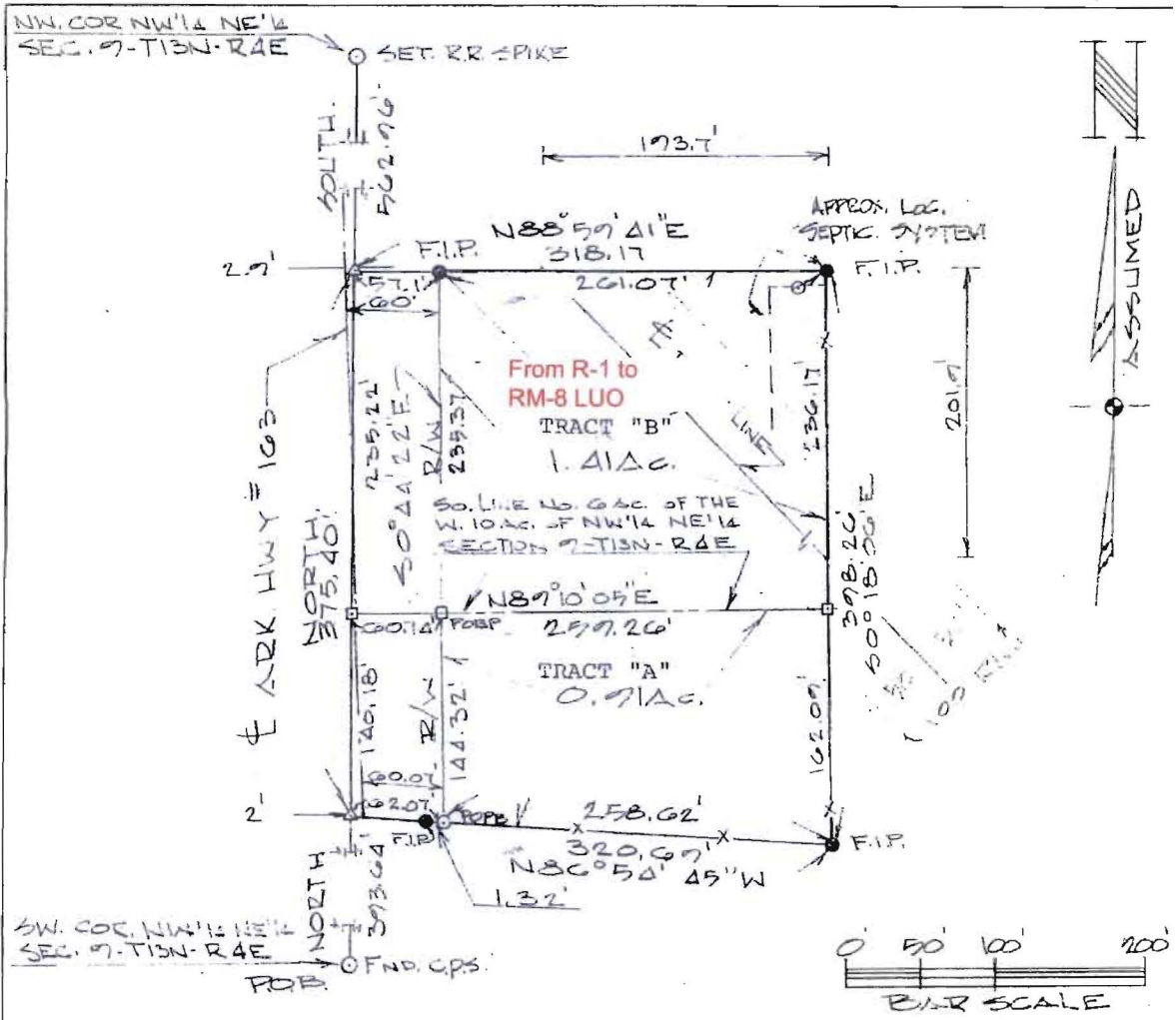
LEGAL DESCRIPTION:

A PART OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 9, TOWNSHIP 13 NORTH, RANGE 4 EAST, CRAIGHEAD COUNTY, ARKANSAS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Begin at the Southwest corner of the Northwest quarter of the Northeast quarter of Section 9, Township 13 North, Range 4 East; thence North 393.64 feet; thence South 86°54'45" East 62.07 feet to the East right-of-way line of Arkansas Highway No. 163; thence North 0°44'22" West along said right-of-way line 144.32 feet to the South line of the North 6.0 acres of the West 10 acres of the Northwest quarter of the Northeast quarter of Section 9, the point of beginning proper ; thence North 0°44'22" West along said right-of-way line 235.37 feet; thence North 88°59'41" East 261.07 feet to a pipe in an existing fence line; thence South 0°18'06" East with the meanderings with said fence 236.17 feet; thence South 89°10'05" West 259.26 feet to the point of beginning proper, containing 1.41 acres, more or less and being subject to a power line easement and septic system encroachment.

SECTION 2: THE REZONING OF THIS PROPERTY SHALL ADHERE TO THE FOLLOWING STIPULATIONS:

1. A maximum of 8 units permitted to be constructed on the property.
2. The development shall satisfy all requirements of the City Engineer, satisfying all requirements of the current Stormwater Drainage Design Manual.
3. That prior to any issuance of Certificate of Occupancy of new uses, all requirements stipulated by all City, State and Local agencies shall be satisfied.
4. The future Site Development Plan shall be submitted and reviewed by the Metropolitan Area Planning Commission (MAPC) prior to any future redevelopment of the 1.41 acres.



CERTIFICATE OF SURVEY: This is to certify that Haywood, Kenward & Associates Inc., Civil Engineers & Surveyors surveyed in accordance with "Arkansas Minimum Standards for Property Boundary Surveys and Plats", a Part of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 9, Township 13 North, Range 4 East, being more particularly described as follows:

TRACT "A": Begin at the Southwest Corner of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 9, Township 13 North, Range 4 East; thence North on the $\frac{1}{4}$ section line 393.64'; thence S86°54'45"E 62.07' to the East R/W line of Arkansas Highway No. 163, the point of beginning proper; thence N0°44'22"W along said R/W 144.32' to the South line of the North 6.0 acres of the West 10 acres of the NW $\frac{1}{4}$ NE $\frac{1}{4}$; thence N89°10'05"E 259.26' to an existing Fence line; thence S0°18'06"E with the meanderings of said fence 162.09' to a fence corner; thence N86°54'45"W with the meanderings with a fence line 258.62' to the point of beginning proper, containing 0.91 acres, more or less.....

TRACT B: Begin at the Southwest corner of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 9, Township 13 North, Range 4 East; thence North 393.64'; thence S86°54'45"E 62.07' to the East R/W line of Arkansas Highway No. 163; thence N0°44'22"W along said R/W line 144.32' to the South line of the North 6.0 acres of the West 10 acre of the NW $\frac{1}{4}$ NE $\frac{1}{4}$, the point of beginning proper; thence N0°44'22"W along said R/W line 235.37'; thence N88°59'41"E 318.17' to a pipe in an existing fence line; thence S0°18'06"E with the meanderings with said fence 236.17'; thence S89°10'05"W 259.26' to the point of beginning proper, containing 1.41 acres, and being subject to a power line easement and Septic system encroachment as shown on the plat hereon...

HAYWOOD, KENWARD & ASSOCIATES, INC.
 TERRY G. HAYWOOD
 REGISTERED
 LAND SURVEYOR
 CIVIL ENGINEERS - SURVEYORS
 603 SOUTHWEST DRIVE
 JONESBORO, ARKANSAS 72401
 By *[Signature]*

PLAT OF SURVEY		
DN. NW $\frac{1}{4}$ NE $\frac{1}{4}$ SEC 9-T13N-R4E	SCALE 1"=100'	DRAWN BY T.B. REVISED
DR STEVE ABERNATHY TRACT		
DATE 3/17/89	APPROVED BY	DRAWING NUMBER 2-109



*City of Jonesboro City Council
 Staff Report – RZ 11-13: 5306 Apt Drive
 Huntington Building - 900 W. Monroe
 For Consideration by the Council on June 21, 2011*

REQUEST: To consider a rezoning of a parcel of property containing approximately 1.4 acres more or less from R-1 Single Family to RM-8- L.U.O. Low Density Multi-Family as recommended to City Council.

PURPOSE: A request to consider an approval by the Metropolitan Area Planning Commission as recommended to City Council for final action as RM-8 L.U.O. Low Density Multi-Family- 8 units maximum.

**APPLICANT/
OWNER:** Toby Alexander, 601 Tannyhill Dr., Jonesboro, AR 72404
 Jack Whitehead, P.O. Box 17112, Jonesboro AR 72404

LOCATION: 5306 Apt. Drive, Jonesboro, AR.
 (East side of street between Hwy. 1 and Hwy. 163 B)

**SITE
DESCRIPTION:** Tract Size: Approx. 1.4 +/- acres
 Frontage: Approx. 235 ft. +/- along Apt. Drive
 Topography: Predominantly Flat, Gently Sloping
 Existing Dvlpmt: Vacant

SURROUNDING CONDITIONS:	<u>ZONE</u>	<u>LAND USE</u>
North:	R-1	Multi-Family- Annexed_NonConforming
South:	R-1	Multi-Family- Annexed_NonConforming
East:	R-1	Vacant
West:	R-1	Commercial- Annexed_NonConforming

HISTORY: None

ZONING ANALYSIS: City Planning Staff has reviewed the proposed Zone Change and offers the following findings.

Approval Criteria- Section 117-34- Amendments:

The criteria for approval of a rezoning are set out below. Not all of the criteria must be given equal consideration by the planning commission or city council in reaching a decision. The criteria to be considered shall include but not be limited to the following:

- (a) Consistency of the proposal with the Comprehensive Plan
- (b) Consistency of the proposal with the purpose of the zoning ordinance.
- (c) Compatibility of the proposal with the zoning, uses and character of the surrounding area;
- (d) Suitability of the subject property for the uses to which it has been restricted without the proposed zoning map amendment;

- (e) Extent to which approval of the proposed rezoning will detrimentally affect nearby property including, but not limited to, any impact on property value, traffic, drainage, visual, odor, noise, light, vibration, hours of use/operation and any restriction to the normal and customary use of the affected property;
- (f) Length of time the subject property has remained vacant as zoned, as well as its zoning at the time of purchase by the applicant; and
- (g) Impact of the proposed development on community facilities and services, including those related to utilities, streets, drainage, parks, open space, fire, police, and emergency medical services.

COMPREHENSIVE PLAN FUTURE LAND USE MAP

The Future Land Use Map adopted on January 5, 2010 shows this area to be within the Southeast Sector and to be recommended as a Single Family Residential District Area.

This planning area although highlighted as single family consists of other uses such as commercial and low density multi-family. There are apartment complexes within the vicinity of the proposed site.



Zoning/Vicinity Map

Master Street Plan:

The proposed rezoning site is located along Apt Drive which is listed as a local road on the Master Street Plan. The existing 60' +/- right of way set back from centerline far exceeds the recommended right of way width.

Record of Proceedings- MAPC Public Hearing held June 14, 2011:

Applicant: Mr. Tobey Alexander appeared before the Commission representing the rezoning petition.

Staff: Mr. Spriggs gave a summary of the staff findings and a description of the present conditions for the surrounding properties. The plat shows 60- ft. for street right-of-way which will satisfy the Master Street Plan recommendations. Mr. Spriggs asked for clarification from the applicant on which tract is being petitioned. Mr. Alexander was unclear but presented a number of layout options which confirmed that the tract being rezoned is Tract B- 1.4 at acres. There is a 100 ft. power line that bisects the

property. Mr. Spriggs stated that Staff is recommending a modification to a limited use overly district so that the listed conditions could be considered.

Mr. Tomlinson asked how close to the power-line easement can the units be built. Mr. Spriggs suggested that they coordinate with the utility company what could be placed in the easement such as parking. The three (3) conditions were read.

Commission Action: Mr. White made motion that the request be recommended to City Council for approval with the 3 staff conditions. The motion was seconded by Mr. Tomlinson.

Roll Call Vote:

Mr. Scurlock- Aye; Mr. Tomlinson- Aye; Ms. Norris- Aye; Mr. White- Aye; Chairman Mr. Roberts- Aye. Absent were: Mr. Halsey, Mr. Hoelscher, Mr. Kelton. Case approved by a 5-0 Vote.

Findings:

The proposed rezoning will result in existing R-1 Residential zoned property to be zoned to RM-8. The existing 1.4 acre site will remain low density with the addition of the 2 four-plex buildings.

Although not requested, Staff suggested that the request be modified to an RM-8 L.U.O. for 8 units maximum on the proposed 1.4 acre site; MAPC concurred. With the abutting similar uses (now non-conforming uses) now utilized as apartments Staff feels that this request is compatible with the area and will not cause any adverse impact.

Conclusion:

The MAPC and the Planning Department Staff find that the requested Zone Change submitted by Jack Whitehead should be evaluated based on the above observations and criteria. Case RZ11-13 a request to rezone property from R-1 & to **RM-8 L.U.O.**- 8 units maximum is hereby recommended to the City Council with the following stipulations:

1. That the proposed development shall satisfy all requirements of the City Engineer, satisfying all requirements of the current Stormwater Drainage Design Manual.
2. That prior to any issuance of Certificate of Occupancy of new uses, all requirements stipulated by all City, state and local agencies shall be satisfied.
3. That a future site development plan be submitted and reviewed by the MAPC prior to any future redevelopment of the 1.4 acres.

Respectfully Submitted for Council Consideration,



Otis T. Spriggs, AICP
Planning & Zoning Director

SITE PHOTOGRAPHS



View looking east at units just north of project site



View looking West at Commercial use across Apt Dr. from Site



View looking Southeast toward subject site



View looking South along Apt Dr. along frontage of subject site



View looking Southeast toward subject site



View of Apartments adjacent to the South



View looking at apartments direct North of subject property.



View Looking North towards rail crossing & Stadium Dr.



View looking South towards Harrisburg Rd.



Legislation Details (With Text)

File #: ORD-11:042 **Version:** 1 **Name:** Rezoning by the Food Bank of NEA
Type: Ordinance **Status:** Held in Council
File created: 5/12/2011 **In control:** City Council
On agenda: **Final action:**
Title: AN ORDINANCE TO AMEND CHAPTER 117, ARTICLE III, KNOWN AS THE ZONING ORDINANCE OF THE CITY OF JONESBORO, ARKANSAS, PROVIDING FOR CHANGES IN ZONING BOUNDARIES FROM R-1 TO C-4 LUO LOCATED AT 3406 SOUTH CULBERHOUSE STREET AS REQUESTED BY THE FOOD BANK OF NEA
Sponsors:
Indexes: Rezoning
Code sections:
Attachments: [Plat](#)
[MAPC Report](#)

Date	Ver.	Action By	Action	Result
6/7/2011	1	City Council	Postponed Temporarily	Pass
5/17/2011	1	City Council	Held at one reading	Pass

title
AN ORDINANCE TO AMEND CHAPTER 117, ARTICLE III, KNOWN AS THE ZONING ORDINANCE OF THE CITY OF JONESBORO, ARKANSAS, PROVIDING FOR CHANGES IN ZONING BOUNDARIES
body
BE IT ORDAINED by the City Council of the City of Jonesboro, Arkansas:

SECTION I: Chapter 117, known as the Zoning Ordinance of the City of Jonesboro, Arkansas, be amended as recommended by the Metropolitan Area Planning Commission by the changes in zoning classification as follows:

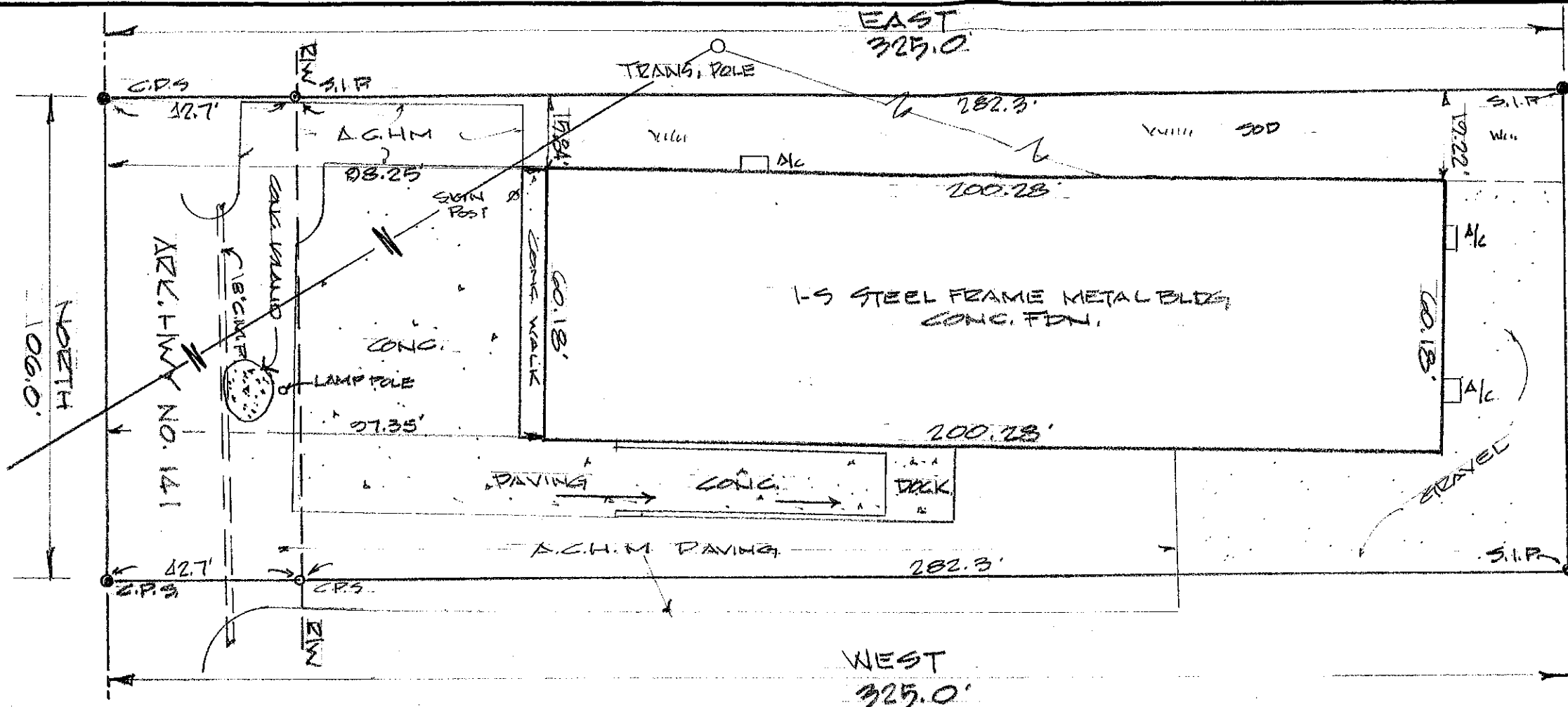
From R-1 Single Family to C-4 Neighborhood Commercial LUO, the following described property:

LEGAL DESCRIPTION:

A part of the Southwest Quarter of the Northwest Quarter of Section 31, Township 14 North, Range 4 East being more particularly described as follows: Begin at the Southwest Corner of the Southwest Quarter of the Northwest Quarter of Section 31, Township 14 North, Range 4 East; thence North on the Range Line 664.0 feet to the point of beginning proper; thence North 106.0 feet; thence East 325.0 feet; thence South 106.0 feet; thence West 325.0 feet to the point of beginning proper, and being subject to Arkansas Highway Right of Way off and across the West side thereof.

SECTION II: The requested rezoning Classification is shown as C-4, L.U.O., Neighborhood Commercial, shall exclude service station, convenience store, carwash, restaurant fast and general, animal care general and vehicular repair limited and general, and that any future use shall be equal or less intense than the current use of the property; with the following conditions:

1. That future C-4 Neighborhood Commercial uses of the site shall satisfy all requirements of the City Engineer, Building and Fire Inspections, and the Planning and Zoning Department.
2. That a future site development plan be submitted and reviewed by the MAPC prior to any future redevelopment to address vehicular access management and proper consistency with neighborhood scale.
3. Fencing /screening shall remain along the entire the perimeter of the proposed site and maintained.
4. A lighting photometrics shall remain at current or lower levels to assure no lighting spillage onto abutting properties.
5. Any additional signage details shall also be submitted as part of the building permit application.



CERTIFICATE OF SURVEY: This is to certify that Haywood, Kenward and Associates, Inc., Civil Engineers and Surveyors, Surveyed in Accordance with "Arkansas Minimum Standards For Property Boundary Surveys and Plats", a part of the SW 1/4 NW 1/4 of Section 31, Township 14 North, Range 4 East; being more particularly described as follows: Begin at the Southwest Corner of The SW 1/4 NW 1/4 of Section 31, Township 14 North, Range 4 East; thence North on the Range line 664.0' to the point of beginning proper; thence North 106.0' to the point of beginning proper; thence East 325.0'; thence West 325.0' to the point of beginning proper, containing 0.79 acres, and being subject to Arkansas Highway R/W off and across the West side thereof.....

The above described property and the visible improvements and encroachments are as shown on the plat of survey hereon.....

NOTE: This parcel is NOT in the Flood Hazard zone..

" TO ALL PARTIES INTERESTED IN PREMISES SURVEYED":
 RE-CERTIFICATION OF SURVEY: THIS IS TO CERTIFY THAT ON FEBRUARY 7th, 1986, HAYWOOD, KENWARD ASSOCIATES, INC., CIVIL ENGINEERS AND SURVEYORS, MADE AN ACCURATE SURVEY ON THE GROUND OF THE PROPERTY DESCRIBED HEREON, AND ON APRIL 30th, 1991, INSPECTED THE PROPERTY DESCRIBED HEREON, AND FOUND THE VISIBLE IMPROVEMENTS AND ENCROACHMENTS TO BE AS SHOWN ON THE PLAT OF SURVEY HEREON.

SIGNED THIS 30th DAY OF APRIL, 1991 BY:

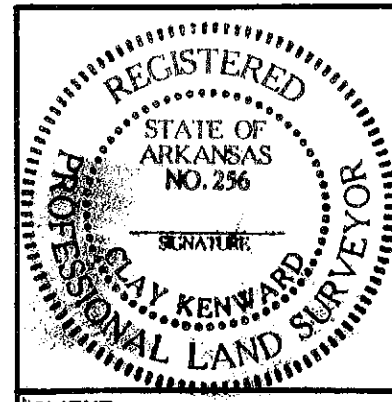
Clay Kenward
 CLAY KENWARD, P.E., P.L.S.



NORTH
 106.0'

RANGE LINE

SW COR. SW 1/4 NW 1/4
 SEC. 31-T14N-R4E



CLAY KENWARD
 REGISTERED
 LAND SURVEYOR
 STATE OF
 ARKANSAS
 NO. 256
Clay Kenward
 SIGNATURE

CLIENT:

APPROVED:
 DATE:

PLAT OF SURVEY
 FOR
 "HAYS COMPANY"
 PART S.W. N.W. SEC. 31-14-4
 Jonesboro, Craighead Co.,
 Arkansas
 HAYWOOD, KENWARD & ASSOCIATES, INC.
 CIVIL ENGINEERS — SURVEYORS
 JONESBORO, ARKANSAS 72401

REVISIONS		
DATE	BY	DESCRIPTION
4/30/91	JK	RE-CERTIFICATION MOVE ISLAND # 24. ELEC.
DRAWN: CK		
DATE: 2/7/86		
CHECKED		SHEET
DATE		OF
JOB NO.		SCALE: 1"=30'
		DWG. NO. 6-10



City of Jonesboro City Council
Staff Report – RZ 11-11: Food Bank of NEA
 Huntington Building - 900 W. Monroe
For Consideration by the Council on May 17, 2011

REQUEST: To consider a rezoning of a parcel of property containing approximately 0.79 acres more or less from R-1 Single Family to C-4 and make recommendation to City Council.

PURPOSE: A request to consider an approval by the Metropolitan Area Planning Commission and recommendation to City Council for final action as C-4 L.U.O., Neighborhood Commercial District.

APPLICANT/ OWNER: Food Bank of NEA, Christie Jordan/Executive Director
 3406 S. Culberhouse St. Jonesboro AR 72404

LOCATION: 3406 S. Culberhouse St.

SITE DESCRIPTION: Tract Size: Approx. 0.79 +/- acres, Sq. ft. +/-
 Frontage: Approx. 106 ft. along S. Culberhouse St.
 Topography: Flat
 Existing Devlpmt: Existing Food Distribution Warehouse

SURROUNDING CONDITIONS:	<u>ZONE</u>	<u>LAND USE</u>
North:	C-4 LUO	Commercial
South:	R-1	Residential
East:	R-1	Residential
West:	R-1	Residential

HISTORY: Existing Non-conforming use.

ZONING ANALYSIS: City Planning Staff has reviewed the proposed Zone Change and offers the following findings.

Approval Criteria- Section 14.44.05, (5a-g) - Amendments:

The criteria for approval of a rezoning are set out below. Not all of the criteria must be given equal consideration by the planning commission or city council in reaching a decision. The criteria to be considered shall include but not be limited to the following:

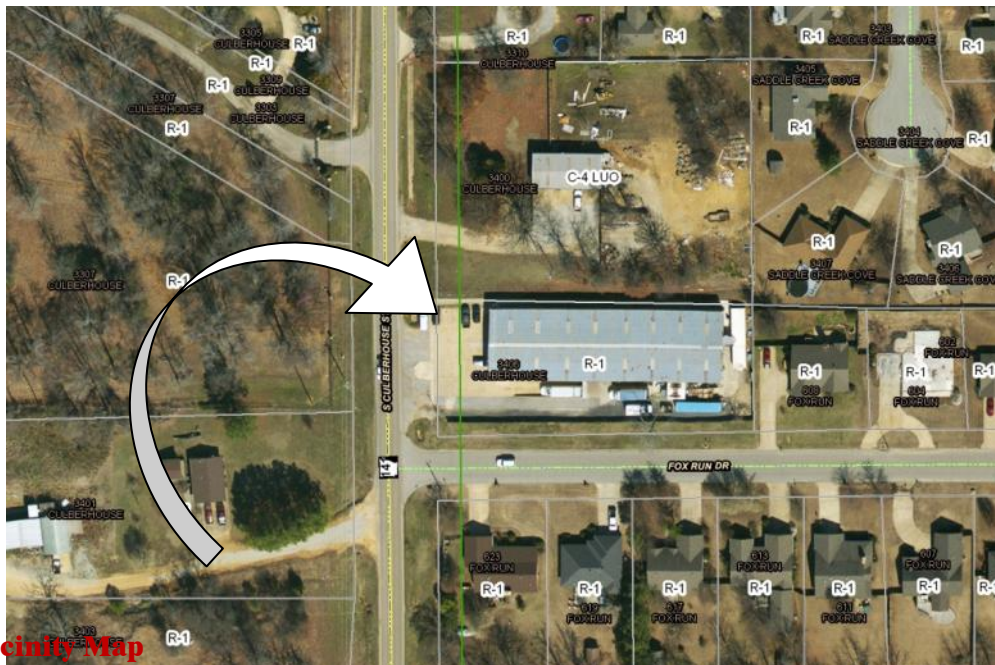
- (a) Consistency of the proposal with the Comprehensive Plan
- (b) Consistency of the proposal with the purpose of the zoning ordinance.
- (c) Compatibility of the proposal with the zoning, uses and character of the surrounding area;
- (d) Suitability of the subject property for the uses to which it has been restricted without the proposed zoning map amendment;
- (e) Extent to which approval of the proposed rezoning will detrimentally affect nearby property including, but not limited to, any impact on property value, traffic, drainage, visual, odor, noise, light, vibration, hours of use/operation and any restriction to the normal and customary use of the affected property;
- (f) Length of time the subject property has remained vacant as zoned, as well as its zoning at the time of purchase by the applicant; and
- (g) Impact of the proposed development on community facilities and services, including those related to utilities, streets, drainage, parks, open space, fire, police, and emergency medical services.

COMPREHENSIVE PLAN FUTURE LAND USE MAP

The Future Land Use Map adopted on January 5, 2010 shows this area to be within the Southwest Sector and to be recommended as a Single Family-Low Density.

Master Street Plan/Transportation:

S. Culberhouse Street is a (Proposed Minor Arterial- 120 ft. min.). It is currently two lanes in width, but has been capable of accommodating this limited amount of traffic generated by this development. The City has S. Culberhouse Street on the list for improvement to a wider street, capable of accommodating more traffic than at present, though a firm date for the improvements has yet to be decided and announced.



Zoning/Vicinity Map

MAPC Record of Proceedings: Meeting 5/10/10

Applicant:

Christie Jordan, Executive Director of Food Bank of NEA presented the case. We are requesting that the property be rezoned to match the current use of the facility.

Staff:

Mr. Spriggs noted that regarding the history of the property, this is a non-conforming use. The applicant attempted to match that use with our available Zoning classifications and C-4 LUO appears to be the most appropriate. Staff has listed the proposed right of ways from the Master Street Plan- Culberhouse, as well as Fox Run. Those right of ways would have to be coordinated if the property is ever redeveloped.

We have listed 5 conditions that would address the issues and assure that the residential character of the neighborhood is maintained in terms of what is abutting the property. The following staff recommended conditions were read:

1. That future C-4 Neighborhood Commercial uses of the site shall satisfy all requirements of the City Engineer, Building and Fire Inspections, and the Planning and Zoning Department.
2. That a future site development plan be submitted and reviewed by the MAPC prior to any future redevelopment to address vehicular access management and proper consistency with neighborhood scale.
3. Fencing /screening shall remain along the entire the perimeter of the proposed site and maintained.
4. A lighting photometrics shall remain at current or lower levels to assure no lighting spillage onto abutting properties.
5. Any additional signage details shall also be submitted as part of the building permit application.

Mr. Tomlinson:

The owner lists several uses that they want permitted in this area in the case for rezoning. The uses listed are uses to be permitted in the C-4 District. I don't think we should rezone the property with the indication that we could continue the property as a warehousing function. With the next business, we would have no guarantee that they would be as nice of a neighbor that you have been through all the years.

There is a substantial difference between a charitable operation and a commercial operation where they are going after the dollar. I believe it should be rezoned to C-4, but I think there should be a clear rezoning to C-4 with no implied permitted uses that are not allowed by ordinance.

Mr. Tomlinson concluded- I would think there are some permitted uses within the C-4 that I would like to exclude in that zone such as: service station, convenience store, carwash, restaurant fast and general, animal care general and vehicular repair limited and general.

Ms. Jordan: In speaking with some of our neighbors, they would agree with you and so would we. That is not our intent.

Mr. Tomlinson: Culberhouse is the main street to one of the largest city parks in the state of Arkansas. It is the main street to a lot of good/fine subdivisions. I think we should protect the tranquility of that area as a C-4 LUO, Neighborhood Commercial. I will add that under your C-4 there are 35 permitted uses in the table. I am only excluding about 6 or 7. There are 22 permitted uses, and 12 or 13 that can be permitted under a conditional use. I am not oppose to the rezoning, there should be a clean-cut proposal as C-4 and what goes there in the future needs to comply with C-4 to protect the integrity of the existing neighborhood. And, thank you for being a good neighbor.

Mr. Johnny White: Based on the staff stipulations, when someone puts another use to this property and it is sold, is it not true that that use will come back here before the MAPC?

Mr. Spriggs: That is correct, and I can understand the concerns of Mr. Tomlinson. With the uses that were provided by the applicant, I think the only use that was questionable was warehousing and distribution. Speaking for the applicant, they attempted to classify the uses to something that would be parallel to the current use. You may need to rephrase that to be some form of passive storage similar to what is taking place now on the property. Mr. Tomlinson concurred.

Mr. Tomlinson commented also on equipment repair, and construction office and storage. The storage must be incidental to the general office use. This will be ok.

Ms. Jordan: We are currently a warehouse and distribution center facility.

Mr. Halsey: But you are a not-for-profit.

Mr. Kelton: But it is also a nonconforming use. What is the square-footage? Ms. Jordan: It is approximately 12,000 s.f.

Mr. Kelton stated that it would not be in compliance with the C-4 District. Mr. Halsey stated that it would comply with the new commercial standards.

Mr. Tomlinson: The master street plan right of ways are unclear on the plat. Mr. Spriggs noted that with any new redevelopment those right of ways would have to be coordinated. Parking may be a challenge.

Mr. Spriggs reminded that the future uses would be evaluated by MAPC in the future. High volume parking uses would be discouraged.

Mr. White: When this comes back, can we exclude uses when it comes for site plan. Can we do that?

Mr. Spriggs replied yes, but please be specific in your motion. He gave a sample motion:

MAPC recommends approval to the City Council for a change from R-1 to C-4 L.U.O., Neighborhood Commercial, excluding: service station, convenience store, carwash, restaurant fast and general, animal care general and vehicular repair limited and general, and that any future

use shall be equal or less intense than the current use of the property; with the following conditions:

1. That future C-4 Neighborhood Commercial uses of the site shall satisfy all requirements of the City Engineer, Building and Fire Inspections, and the Planning and Zoning Department.
2. That a future site development plan be submitted and reviewed by the MAPC prior to any future redevelopment to address vehicular access management and proper consistency with neighborhood scale.
3. Fencing /screening shall remain along the entire the perimeter of the proposed site and maintained.
4. A lighting photometrics shall remain at current or lower levels to assure no lighting spillage onto abutting properties.
5. Any additional signage details shall also be submitted as part of the building permit application.

Mr. White made a motion to approve as noted above; seconded by Mr. Tomlinson.

Roll Call: Mr. Kelton- Aye; Mr. Scurlock- Aye; Ms. Norris- Aye; Mr. Tomlinson-Aye; Mr. White- Aye. Approved 5 to 0.

Findings:

The proposed rezoning will result in existing R-1 Residential zoned property to be zoned to C-4 Neighborhood Commercial District.

Staff recommends a limited use overlay consideration for the subject site, so that some restraints can be placed to protect single family properties remaining. This building has existed for over 18 years as a nonconforming use, and staff has not received any complaints since the Food Bank has been in operation (originally 1993). Additionally there is a commercial enterprise just north of the subject site conducting pool sales and construction.

Furthermore, an orderly growth is necessary for this area which currently lacks necessary road improvements. Overflow parking needs to be address for employees and volunteers as the pictures of the site demonstrate a need for additional spaces.

MAPC is urged to revise the request to a limited use overlay for neighborhood commercial with stipulations at the concurrence of the applicant. Any future uses should be considered and approved by the MAPC, so that low volume required parking uses can be encouraged, due to the lack of available parking areas. High volume retail and restaurant uses should be discouraged. Time of operation should be considered due to proximity to neighboring homes. Truck delivery needs should be evaluated at that time as well, due to current/problematic traffic flow interference.

Conclusion:

The MAPC and the Planning Department Staff find that the requested Zone Change submitted by Food Bank of NEA should be evaluated based on the above observations and criteria for Case RZ 11-11, a request to rezone property from R-1 & to C-4 L.U.O. It is important to Staff that all the issues cited above are addressed by the applicant and that further details be provided during the site plan approval process in the future to the MAPC.

MAPC recommends approval to the City Council for a change from R-1 to C-4 L.U.O., Neighborhood Commercial, shall exclude service station, convenience store, carwash, restaurant

fast and general, animal care general and vehicular repair limited and general, and that any future use shall be equal or less intense than the current use of the property; with the following conditions:

1. That future C-4 Neighborhood Commercial uses of the site shall satisfy all requirements of the City Engineer, Building and Fire Inspections, and the Planning and Zoning Department.
2. That a future site development plan be submitted and reviewed by the MAPC prior to any future redevelopment to address vehicular access management and proper consistency with neighborhood scale.
3. Fencing /screening shall remain along the entire the perimeter of the proposed site and maintained.
4. A lighting photometrics shall remain at current or lower levels to assure no lighting spillage onto abutting properties.
5. Any additional signage details shall also be submitted as part of the building permit application.

Respectfully Submitted for Council Consideration,



Otis T. Spriggs, AICP
Planning & Zoning Director

SITE PHOTOGRAPHS



View looking East along S. Culberhouse.



View looking South along S. Culberhouse.



View looking East at the intersection of S.Culberhouse and Fox Run.



View looking Northeast along S.Culberhouse (from abutting property frontage).



View looking West along Fox Run (subject property frontage).



View looking North of rear abutting property (Fox Run).



View Looking South at subject property (frontage).



View Looking North at subject property (frontage).



View looking Northeast along S. Culberhouse.