



City of Jonesboro

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

Meeting Minutes - Draft Metropolitan Area Planning Commission

Tuesday, September 8, 2009

5:30 PM

900 West Monroe

1. Call to order

Present 7 - Margaret Norris; Lonnie Roberts Jr.; Joe Tomlinson; Marvin Day; Brian Dover; Jerry Halsey Jr. and Ron Kelton

Absent 2 - Ken Collins and Paul Hoelscher

2. Roll Call

3. Approval of minutes

Approval of the August 11, 2009 Minutes

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

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

Absent: 2 - Ken Collins and Paul Hoelscher

4. Preliminary Subdivisions

5. Final Subdivisions

5. Requesting a final development plan review of NEA Baptist Memorial Healthcare, LLC.- E. Johnson Ave. @ Bridger Rd.
Applicant: A2H, Askew Hargraves Harcourt & Associates, Inc.

SP-09-03 Requesting a final development plan review of NEA Baptist Memorial Healthcare, LLC.-

E. Johnson Ave. @ Bridger Rd. Pat Hardcore presented the final development plan.

Mr. Spriggs gave staff comments and the FDP meets all of the stipulations of the preliminary plan.

Mr. Marvin Day asked what happened with the turn lane and traffic signals. Mr. Hardcore responded that with the turn lanes, AHDt stated that with the 5 lane section we can take out a section for the turn lane. The AHDt in Little Rock

reviewed the plans and originally said they will not issue a signal on the proposed warrants and they want to review the proposal when the building is erected; they will reconsider. He is now realizing that with something this magnitude you don't want to wait until it opens. The intersection will be a video intersection.

A motion was made by Ron Kelton, seconded by Vice Chair Jerry Halsey Jr., that this Site Plan be Read. The motion CARRIED by the following vote: All ayes.

Aye: 5 - Margaret Norris; Lonnie Roberts Jr.; Joe Tomlinson; Jerry Halsey Jr. and Ron Kelton

Absent: 2 - Ken Collins and Paul Hoelscher

Abstain: 1 - Brian Dover

6. Conditional Use

C.U. 09-05 HP Development/Jon Ross, request a conditional use to add an attached garage with a full kitchen above. The location is in R-1 Single Family zoning which requires a conditional use approval. This property is located at 3716 Riviera Drive.

Mr. Sid Pickle stated this is a formality, a 3 car garage with living quarters above it. It has been approved by the Ridgepoint property owners association. A motion was made by Vice Chair Jerry Halsey Jr., seconded by Lonnie Roberts Jr., that this Conditional Use be Approved. The motion CARRIED by the following vote: all ayes.

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

Absent: 2 - Ken Collins and Paul Hoelscher

7. Rezoning

7. RZ 09-10 Larry Grisham requests and annexation and rezoning. Case tabled previously; Applicant requests item to be withdrawn.

RZ 09-10 Larry Grisham requests an annexation and rezoning. Case tabled previously; Applicant requests item to remain tabled.

Motion by Mr. Halsey 2nd by Mr. Roberts. All ayes.

7. RZ 09-15 [**CASE WITHDRAWN AT THE REQUEST OF THE APPLICANT.**]

A. H. Rusher, JR. requests rezoning from R-2 Multi-family to C-3 General Commercial/Limited Use Overlay for 6.32 acres located at 2005 Harrisburg Rd. (Intersection of E. Highland Drive)

[CASE WITHDRAWN AT THE REQUEST OF THE APPLICANT.]

A. H. Rusher, JR. requests rezoning from R-2 Multi-family to C-3 General

RZ 09-16 Troy Coleman requests rezoning from AG-1 (Agricultural District) to RS-7 (Single Family Residence) for 11.01 acres located at Kathleen & Pacific.

Mr. Carroll Caldwell presented the case: This is a single family development. It is kind of misleading with the RS-7 you can only get 4 houses per acre with the streets; we are willing to drop it to a RS-6 Zoning.

Opponents:

Ms. Jennifer Easley, 5910 Pacific- She presented photos and a petition to the MAPC. The first picture is looking north, showing utilities on the right side of the road and the railroad tracks are there; and there is no way to expand that road. It cannot accommodate 50 or 70 houses. She showed a picture of the roadway on Pacific; stating that the asphalt is crumbling, with a privately maintained ditch that is grown up and full of weeds. The third page is the one quad-plex that was moved into our neighborhood. It was already zoned R-2. The unit is still unlivable. We are told it is in foreclosure.

Ms. Easley stated that they manage to let the 27 acres to the south, be rezoned as R-6 and get approved. He is asking \$970,000 for that land; he never mows it. We are afraid that all this gentleman will do is put this land up for sale. There is not sewer, it is a mile away. The traffic is an issue; walking is not safe. This gentleman doesn't live in our neighborhood. I have a house on 10 acres. Our family has 120 acres on Pacific Road. We have a long term investment there. He is there for monetary reasons/financial gain. There is no developer; we have fought this two years ago. If he had a plan that we could look at, and discuss our concerns it would be better.

Mr. Lesley Warr, lives on Commerce and Pacific. We met with the mayor's office two years ago. It was non-negotiable. They said it wasn't feasible to do anything less than 7 houses per acres. We are concern with the traffic with the shift changes; and the traffic is lined up. Everyone is concern with traffic safety.

There is 11 acres on the north end, with 27 acres on the south. In between there is another 39 acres that can come back in for rezoning. We want to make sure you are aware of that.

Staff:

Mr. Spriggs gave staff comments. Previously this triangular site has been before the MAPC in 3 cases: R6 L.U.O. for 27 areas was approved for multi-family. The entire property being 127 acres has been proposed as different uses. Such as R-6 Multi-family. Council denied the last proposal and it went to litigation. This proposal is to entertain single family homes. The previous submittal was for 7- units per acre. They are resulting to 4-units per acres.

We are anticipating the Master Street Plan adoption and Kathleen St. has acted as a collector road and has functioned as such. There is an arterial proposed on Commerce Drive that will alleviate the problems now occurring on Kathleen Street.

We provided the standards for the RS-7 District; now the RS-6 regulations will be utilized.

Mr. Halsey asked in terms of the road widening as a collector road; has that

been considered for this request?

Mr. Spriggs stated in the previous case it was discussed and the owner at that time agreed to participate in dedicating necessary right of way, if it were approved; to deal with the access issues and pedestrian concerns. We can discuss that with the current owner.

Mr. Kelton asked if the ditches were privately maintained as stated by the opposition. Mr. Spriggs stated that because they are not major drainage channels they are probably are not regularly maintained by the City. It is public right of way.

Mr. Spriggs stated that a limited use overlay would have to be in place in order to entertain any conditions. This is a request for 4 units per acres as a single family use. Rarely do you see this type of low density in most of our residential areas.

Mr. Day asked about the right of way dedication as agreed by the previous owner.

Mr. Caldwell stated he was not involved a year or two ago with that other deal. This is a different development. We will do the right of way on the site development and we will do the Limited Use Overlay.

Mr. Tomlinson stated that it is unclear where the railroad right of way ends. Mr. Caldwell stated that it is 15 or 20 feet on Kathleen and not that much less on Pacific.

Mr. Warr stated that the Land Use considered this a low density area. We never got a definition of it and because of proximity to the railroad. Mr. Day stated that they are proposing 4 –house/ per acres development. You are thinking of 3 acre lots, and perhaps you are thinking of an agricultural zoning. What he is looking at is more or less like Candlewood Subdivision and it is on the lower end of density.

Mr. Day: We are concerned for the traffic safety. The developer's representative suggested that they are happy to donate the right of way to improve the road. The Council will ultimately decide on the zoning change and they will have to decide on when to pay the money to improve the traffic situation.

Ms. Jennifer Easley asked if Mr. Coleman owned all of the 120 acreage. We would have to have Mr. Coleman give permission to have all of that right of way dedicated. That's not a very big stretch of land.

Mr. Spriggs clarified that the minimum right of way for Kathleen (being a collector road) is 80 feet and the proposed land use map (not adopted) has highlighted this site as PMUA, planned mixed use area which is a mixture of residential, commercial, and office. We will have one additional meeting to pull any Land Use modifications together, and then the Land Use Plan will go into public hearings for adoption.

Mr. Halsey made a motion to rezone the property to RS-6 L.U.O. Single Family, 4 units per acre. The applicant has given verbal agreement (not required) to

dedicate right of way to accommodate future improvements to Kathleen St.

Motion was 2nd by Mr. Kelton; Roll Call: Ms. Norris- Aye; Mr. Halsey- Aye;
Mr. Tomlinson-- Aye; Mr. Dover- Aye; Mr. Kelton- Aye; Mr. Roberts- Aye.

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

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

Absent: 2 - Ken Collins and Paul Hoelscher

RZ 09-17 David Abernathy requests rezoning from R-1 (Single-family to
C-3 (General Commercial) for .069 acres located at 1212 Paragould Drive.

Mr. Terry Bare presented the case on behalf of Mr. Abernathy who submitted
the application. After reading the staff report we are now asking for C-3 Limited
Use Overlay, providing that several uses not be allowed including the
following;

Carwash, Convenience Store, Adult Entertainment, Hotel/Motel, Pawn Shop,
Gas Station, Off-premise Advertisement, Vehicle Repair, General & Limited;

Mr. Bare stated that Mr. Abernathy owns the property to the north which is
warehousing is zoned C-3 General Commercial Use (Peterson Warehouse). He
wanted to match that zoning.

Opponents: None Present.

Mr. Spriggs gave a brief presentation. There are two construction companies
are in the area as a non-conforming use. We have stated in the staff report
concerns of the C-3 allowing uses that may be incompatible. The applicant has
heard those concerns and does agree with the Limited Use Overlay.

Staff listed four conditions:

1. That the facility (use specified) shall be managed and operated during
hours limited to 8:00 a.m. to 7:00 p.m. The facility shall be locked from public
use beyond said hours.

2. That the final site plan shall be reviewed and approved by the MAPC prior
to permit issuance.

Such submittal shall include architectural and engineering drawings.

3. That a final landscaping plan shall be submitted for approval by the MAPC
to soften the appearance from the residential abutting as well as illustrating all
fencing and screening.

4. That prior to the final permit approval, all plans and construction

documents shall satisfy all city, state and local agency approvals regarding infrastructure.

Mr. Bare made an observation that if this property develops to the north of Hwy. 49, and this site were to become an office complex or a 24- hour clinic, that may be an issue. Mr. Day stated that if that change were to occur then that specific use can be considered later by the MAPC. We would hate to leave it open for a 24-hour retail.

Mr. Bare stated that the ditch is on the south side of this property makes it unsuited for single family use, they wanted to be able to utilize this portion of the property.

Motion was made by Mr. Tomlinson to approve the case, and that we recommend to City Council that it be zoned to C-3 L.U.O. with the uses not permitted being stated with the four staff conditions above proposed by the planner.

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

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

Absent: 2 - Ken Collins and Paul Hoelscher

8. Staff Comments

8. Livable Communities (in anticipation of the walkability study) A brief presentation from Pam Alexander.

8. Sidewalk Ordinance Discussion

Mr. Spriggs gave an update on the sidewalk discussion. He urged the MAPC to come to a consensus on the direction the City should go as to where sidewalks should be required. The intent is to consider them only on commercial and multi-family developments and in areas where pedestrian connectivity is important such as near schools and areas where elderly need to walk.

The handout was summarized and consideration for the width and the maintenance policy of sidewalks need to be looked at in greater detail. Discussion was continued.

8. Sec. 117-329. Fence Ordinance Text Amendment: Staff is requesting MAPC's review of the current fence ordinance within Chapter 14 of the Zoning Code. Continued Discussion.

Mr. Spriggs gave an update from Engineering and Planning. The concern of the easements was discussed. The right of way is a major concern.

Mr. Day stated that the goal of Engineering was not to have fencing blocking drainage channels. He stated issues with not allowing fencing across the

utility or drainage easement. We need to amend it to say that no fencing shall impede the surface drainage. For example storm drainage that run through a drainage easement, and the city may want to get in there. You need to show it as two scenarios. I can see scenarios where you have a fence across the drainage. Mr. Spriggs stated that it is up to the utility companies in terms of permission to do work in the utility easements.

Michael Morris: A lot of times the drainage design frequency is designed for 10 years. We have a design typical section for a 100 year event, and it includes a pipe and you may have an area between houses that we may want it to remain open so you won't flood everything to the street and channelize to it. We need a permit process to see what is going on, without it we have a building and no instructions at all.

Discussion on MAPC Voting Procedures:

MAPC Bylaws: Mr. Spriggs commented on the voting mechanism, too many times we get a recommendation that goes to Council that is not full and complete; because we don't have a majority vote. Mr. Spriggs made a suggestion to add language to allow us in certain instances and types of approvals to allow it to be the majority of those present in terms of those recommendations that would go to Council. Mr. Day asked why we would want to do that. Last month's agenda, we had enough people to vote but not enough to have a majority vote, what is wrong with that? Jerry Halsey stated that City Council can make that decision. Mr. Spriggs stated that they are making that decision based on the majority that was voted for it, looks like a denial in which it is because they didn't have 5 votes. This will be for any Administrative procedures actions that I am requesting. For example if you have a text amendment or something major you can keep it the way we have it, or if you have something simple like Conditional Uses you could utilize the method of simple of the majority of those present. Mr. Day stated that we will look at this next month. Jerry Halsey stated that he likes it the way it is; all concurred.

9. Adjournment