



City of Jonesboro

Municipal Center
300 S. Church Street
Jonesboro, AR 72401

Meeting Minutes - Final Metropolitan Area Planning Commission

Tuesday, April 9, 2019

5:30 PM

Municipal Center

1. Call to order

2. Roll Call

Present 9 - Lonnie Roberts Jr.; Jerry Reece; Jim Scurlock; Kevin Bailey; Jimmy Cooper; Jim Little; Dennis Zolper; Mary Margaret Jackson and David Handwork

3. Approval of minutes

[MIN-19:031](#)

MINUTES: MARCH 12, 2019

Meeting Minutes from March 12, 2019 MAPC Meeting.

Attachments: [Meeting Minutes from March 12, 2019.pdf](#)

Approved

Aye: 8 - Jerry Reece; Jim Scurlock; Kevin Bailey; Jimmy Cooper; Jim Little; Dennis Zolper; Mary Margaret Jackson and David Handwork

4. Miscellaneous Items

[COM-19:023](#)

SIDEWALKS: 4204 E. Johnson

Cole Carson of Carlson Consulting Engineers on behalf of Wendy's Resturant is requesting consideration from the MAPC to be able to pay a Sidewalk Fee instead of installing the sidewalks for 4204 East Johnson, the acutal address is 1802 First Security Way.

Attachments: [LETTER OF TRANSMITTAL-Sidewalk Fee Request.pdf](#)
[JONESBORO Wendys - SIDEWALK APPEAL.pdf](#)
[JONESBORO Wendys - TOPO.pdf](#)
[Site Plan.pdf](#)

APPLICANT: Cole Carson of Carlson Consulting Engineers on behalf of Wendy's Restaurant stated he is here to request a fee in lieu of placing a sidewalk along Johnson Ave. per the sidewalk ordinance due to existing utility and drainage structures in the area. We are going to provide the sidewalks on First Security Way. We just felt like it was, without a major drainage or road improvement project, it was not feasible to put a sidewalk along, 6' minimum wide, required sidewalk, along East Johnson highway. You can tell in the exhibit there are numerous utilities in that area. To put a sidewalk through there you would either have to have the water run over the sidewalk, or if you're to extend that 42" that's coming down from that detention pond, you'd have to go through a lot of utilities right there just to connect to that three by three box culvert that runs up near the street. Since we have that landscaping right there behind our proposed head wall, we couldn't really find a way to get it in there since we already had to obtain a variance on those setbacks because of those utilities.

COMMISSION: Chair - Lonnie Roberts, Jr. asked, City Planner, do you have comments from the staff?

STAFF: Derrel Smith - Director of Planning stated we don't really have staff comments on this. It does meet the requirements of our ordinance that allows for a fee in lieu instead of construction, but we didn't come up with any comments either for or against.

COMMISSION: Chair - Lonnie Roberts, Jr. asked the commissioners if they have any questions for the applicant or City Staff.

COMMISSION: Jim Scurlock stated he has a question. I don't see the problem with this except we turned somebody down when they were building the building. The highway department told us it wouldn't go in there, so somebody help me. I wasn't the only one here.

COMMISSION: Chair - Lonnie Roberts, Jr. asked are you talking about this project or are you talking about a different project.

COMMISSION: Jim Scurlock stated there by the bank.

COMMISSION: Chair - Lonnie Roberts, Jr. stated First Security Bank.

COMMISSION: Jim Scurlock asked if it was the one at the top of the hill.

STAFF: Derrel Smith - Director of Planning stated next to Wolf Carwash.

COMMISSION: Jim Scurlock stated forget everything I have said.

COMMISSION: David Handwork stated, I looked at the plans and where there is an existing drainage tile that you're building a new headwall and a new drainage structure. Explain to me how that's going to be constructed first.

APPLICANT: Cole Carson of Carlson Consulting Engineers on behalf of Wendy's Restaurant asked the headwall itself?

COMMISSION: David Handwork stated that whole structure. I've seen the detailing on that so how does that work because right now it's a flared in section, it's an outlet. So it drains toward the highway, goes into a flared in section, goes under the highway. Explain how that's going to be constructed and what is the purpose of that.

APPLICANT: Cole Carson of Carlson Consulting Engineers on behalf of Wendy's Restaurant stated we will connect with the new, special headwall, not to diminish any sort of flow that would be harmful as far as erosion goes that's coming from our drainage off site that's initially just a dissipate flow, discharge to meet requirements so that we're not just barreling water through there and eroding the whole thing. Eventually, the headwall that goes over the road, nothing is going to effect that.

COMMISSION: David Handwork asked that is in new construction in that area, correct.

APPLICANT: Cole Carson of Carlson Consulting Engineers on behalf of Wendy's Restaurant stated yes, sir.

COMMISSION: David Handwork stated why couldn't it be a like a junction box with an outfall and still have the flow dissipaters in it and the top of that be like the top of a sidewalk and build the sidewalk in that same area and vicinity and connect to either side of the property, going not direct east and west, but I'm going to say east and west.

APPLICANT: Cole Carson of Carlson Consulting Engineers on behalf of Wendy's Restaurant stated the way that we're having to connect to that 42" pipe, there may be a structure out there, we don't know of one, so we weren't going to spec one. I am not the person who drew this particular detail. I'm not sure if it was manufactured or if it was actually drawn. I'm not the P.E. on this. We did take every possible solution into consideration trying to meet that sidewalk requirement. If you've ever been out there, you're not going to be able to fit a sidewalk out there. I understand what you're trying to say with the sidewalk over the top. We looked into it, but it didn't seem like it was feasible and something that we'd want to spec.

COMMISSION: David Handwork stated that he sees it differently. There is some feasibility of putting a sidewalk like I described. Because of that, I'm not going to be in favor of this variance.

COMMISSION: Mary Margaret Jackson stated I agree with Mr. Handwork. I think the ordinance states that its existing drainage that will allow for the exception, but this is non-existing drainage. You're taking out what's existing and you're putting in new to accommodate one of the last lots on Johnson Road and you've had to get a variance to even fit that into that lot. This area has tremendous vehicular traffic and we need to install sidewalks to protect pedestrians off this road. We've got to start somewhere. I can't support this proposal and I would encourage the developer to consider developing a cross access agreement with the property owners on either side. I believe that would help get the traffic flow, then around. You have to be creative to do what you want right now, it would allow for the construction of a sidewalk within your property lines.

APPLICANT: Cole Carson of Carlson Consulting Engineers on behalf of Wendy's Restaurant stated the main issue we're running into is are new structure is going to fit within the utilities that are there. I don't know if you've looked at it close up, but the new special headwall will fit in between those utilities, but if we were to connect those two headwalls with a sidewalk going over it, we would have to go through a lot of underground utilities right there and that pipe is not just on the surface. It's down low where the utilities are. We would have to go through the utilities to extend that storm sewer to where it'll connect to the three by three concrete box that runs under East Johnson.

COMMISSION: David Handwork stated my suggestion on that would be to have a similar structure, because you have an outfall that is directed coming out. The water flow is going, again I know this isn't east and west, I'm just using my orientation. The water coming from the RCPs coming from the west going east. This dissipater going in, it turns toward the south, its open channel then it goes to the existing section. I'm not suggesting that you close that up, leave it open, but you close off that top and have a sidewalk on top of that. I think that'd be part of the creative way of maybe solving that issue and putting a sidewalk in.

APPLICANT: Cole Carson of Carlson Consulting Engineers on behalf of Wendy's Restaurant stated another issue we were running into was the landscaping we have to provide, and getting around that riser pole that's already there and then connecting back. It's a six foot minimum sidewalk and there's not much. If there was nothing there we'd slap it down. With the buffer requirement and the landscaping and the new headwall and the existing headwall, with that ditch that's right there and all the utilities in the area, we tried every way possible, but we could not come to a conclusion on what we wanted to spec out other than that special headwall.

STAFF: Michael Morris of Engineering stated I know it is going to be tight fitting that in there. It's going to be fun. I don't think they'll let them put it in state right of way, they'll have to put it on their property which makes it even more challenging. That's some of the issues. If they could get close to the street, that'd be great. That way they can extend that box over there, but the state won't let them do it. That makes it difficult to put it on their property.

COMMISSION: Mary Margaret Jackson stated we looked at this a lot yesterday at the planning meeting, spent quite some time on it. We discussed the need to go to Little Rock to speak to the Department of Transportation the exception here to Northeast Arkansas versus the rest of the state to allow sidewalks to be

built in the right of way. That being said, this is a small property and kudos to you for the creativity in getting it to work. You had to get a variance to get this to work. To get a fast food restaurant in this small lot is quite a feat and we can't just give and give and give to make it happen when we're putting people in danger. You can't always make something fit but with some creativity, hopefully we've provided you some way to make it work. You can't always get something to work on a particular site, but the property is still developable.

APPLICANT: Cole Carson of Carlson Consulting Engineers on behalf of Wendy's Restaurant stated we're still providing the sidewalks along First Security Way. Like he said, we can't go in the right of way and it's already tight because of landscaping and all the drainage that's right there in that area, not to mention the utilities with how deep we'll have to go. I know you just said that you all are trying to make an area to where you have sidewalks, but there is no sidewalk system in the area right now. We tried all we could to make it fit, but since it's a six foot minimum width sidewalk, it was impossible with the utilities and the drainage right there, with the landscaping. It's not like we're abandoning the sidewalks altogether. We tried all we could to get that sidewalk in there. There is a retaining wall at the east edge of our property as well.

A motion was made by Dennis Zolper, seconded by Jim Little, that this matter be Approved. The motion **FAILED** with the following vote.

Aye: 3 - Jerry Reece; Jim Scurlock and Jim Little

Nay: 6 - Lonnie Roberts Jr.; Kevin Bailey; Jimmy Cooper; Dennis Zolper; Mary Margaret Jackson and David Handwork

[COM-19:025](#)

NONCONFORMING USE: 1207 Flint Street

Jim Little on Little and Associates on behalf of Roddy Thrasher is requesting MAPC approval of a nonconforming use of a Single Family Residence in a C-3 General Commercial Zone. This property use to be a dry cleaners and a Jiffy Print Company. The location has been closed for several years.

Attachments: [Application.pdf](#)
[Justification of Nonconformacy Letter.pdf](#)
[Use Table.pdf](#)
[Existing Building Renovation.pdf](#)
[Picture of Building.pdf](#)
[Boundary Survey.pdf](#)

APPLICANT: Gary Harpole presenting on behalf of Rodney Thrasher. Thank you guys so much for letting us come and visit. The property in question, I'm sure you're all very familiar with, is located at 1207 Flint Street. It has, in its previous forms, been a commercial building. It was a drycleaner. It was a Jiffy Print. It was abandoned several years ago, fell into a state of disrepair, roof was falling in, a lot of different things. This picture was taken before the awning was kind of ripped and torn. We purchased the building from the bank a year or two ago, probably about a year ago in an effort, with our group, to make some investment into downtown. To work on revitalization, we've made some pretty significant improvements. We purchased the Save-A-Lot on West Washington and converted that to the Doe's location. We recently purchased the Century Center next door and then building some residential along Jefferson and purchased some additional properties in the immediate downtown and downtown fringe area. As we purchased this building and begin to try and clean it up, what to do with it, we were faced with several challenges. One is the fact just to do something right for the neighborhood. This building sits with residential all the way around it. It all single family, there's a duplex right there, right next to it. Whatever we did, we wanted to be sure and do something in character in keeping with the neighborhood. The primary challenge we found in trying to find a commercial use for it has been two fold. Number one, finding something that wouldn't disturb the neighborhood because C-3 is pretty wide open zoning, but that doesn't mean with necessarily want to put anything wide open in there. The next challenge is just the absence of parking. In part of the preparation we tried to figure out what to do, we did purchase the property next door so we also own those duplexes you see in the shot there. Thinking if we ever were forced to develop and parking was an issue, at least we had additional land adjacent. Again, the challenge we gave Jim and we all did was try to find something without doing that. We really like that property next door. So, as we begin to research various opportunities, Roddy Thrasher, one of our partners, really likes the architectural style of the lofts like you see downtown above businesses with the tall ceilings, exposed brick, exposed rafters, and we came up with the idea that the interior of that building would have that same feel so what if we did a flat. What if we basically created that loft living environment in a single family home that Mr. Thrasher will occupy. Wouldn't that be a lot better deal. We challenged Jim to come up with some ways, what could we do to the front. Ways of fencing and hedges and those kind of things to really dress it up and warm it up. Then we figured out it's C-3. Our desire was to rezone to a proper

zoning that would allow us to do that so we approached the city about possibly making it a C-1 zoning because the setbacks are so tight. There isn't a lot of parking. Frankly, we're just a few blocks outside the target area that makes the extending of C-1 all the way to almost Nettleton Avenue. We felt like, and the city I think wisely felt like that was a little bit of a stretch so we began to look for conditional use opportunities. What can we do to be able to do a limited use overlay because again, we're trying to restrict. This thing is C-3 which is pretty much accelerator to the floor in terms of uses. What kind of limited use could we put on it that says we want to make this a single family residential. Quite frankly, we're just a little bit ahead of the curve. The mechanism does not allow, in the ordinance, there isn't a limited use overlay that allows us to do that. We've been in the process of replacing the roof. We've been in the process of gutting the building out, getting the old printing equipment out and doing all the things that we need to do the work. That's kind of where we found ourselves. The city doesn't have a mechanism in place to allow us to either use the limited use or do the rezoning. In an effort to try and not have the building continue to sit, partially blighted and empty, continue to do the work, we worked through city staff to make this request of a non-conforming use. I will say we're not asking to be non-conforming forever. The idea would be it would allow us to go ahead and improve the property with the more restrictive use to single family design. Only to give the city again that opportunity while we're doing our work to figure out exactly how you want to tackle this issue because I can assure you as a developer, and as we look at trying to take the work downtown and continue to improve some of the older neighborhoods and take some of these buildings and do creative things with them to bring rooftops and residential back into the neighborhoods. There is going to be other opportunities. This is not just for us, but once the city figures that out then obviously will come back and apply that limited use overlay. We have no desire to be non-conforming, but we really, there's really only two choices because if we rezone, the structure will have to come down if we rezoned R-1 then that would just be, quite frankly, just a waste of a good structure. I think we can do something really neat with it, something that really benefits the neighborhood. So it's either stop work while the planning department, with everything else they've got going on, trying to figure out how to do that in an expeditious manner so we can go back to work or appeal to your hopefully good judgement of at least let us have a non-conforming for the duration of the time that you do figure that out. Then we'll come back and put the limited use overlay on it. We feel like it is a reasonable request because again, we aren't going from residential to commercial. We're going to other way. We're going from the least restrictive use you can do. So it's going to be the least impacting negatively on the neighborhood, on the surrounding area. Again, we own one of the properties right next touching it. Mr. John Mixon who's an architect here in town and lives across the street. I think John is here. We visited with him for a couple of reasons. One is he was an across the street neighbor and he's going to have to look at it. The other is we just greatly value his opinion as an architect and a professional. It's across the street from his house so we approached him with it. I won't put words in his mouth, but he's obviously supportive or I wouldn't be calling attention to the fact that he's here. Again, that's why we're here. We think it's a reasonable request. We're not here because we don't want to abide by the rules. We're just here because we're trying to do something really good for the neighborhood. The rules just don't apply today and once they do we will be happy to figure out, whenever limited use overlay is approved, and bring it in to conformity.

COMMISSION: Lonnie Roberts Jr. asked the city planner for any staff comments.

STAFF: Derrel Smith of the planning department stated we have brought this to you all because, as Gary said, we don't really have a mechanism right now to do something like that. What we had talked about yesterday is going to the city council with a resolution to see about them allowing residential as a conditional use in a C-3. I think their timeline is a little faster than we can get all this on the council's agenda and get a council action. With them being willing to follow back up with the conditional use once that mechanism is in place, we really wouldn't have a problem with this and allowing it.

COMMISSION: Jim Scurlock stated that he thinks as long as you're going to a better place, I think we ought to give the people as much disposal as we can. I would be against it if it was going to be negative. But I'm all for it.

APPLICANT: Gary Harpole presenting on behalf of Rodney Thrasher stated it will be something the commissioners will be proud of, the neighborhood will be proud of. Jim's working on the plans, but there are plans for outdoor courtyard and a fire pit. It's going to be a really nice single family unit when it's finished.

COMMISSION: Kevin Bailey stated we have two items we're going to discuss, this, but are we going to talk about maybe creating an ordinance for C-3 residential. Are we going to do that tonight?

STAFF: Derrel Smith of the planning department stated what I would think is that if you allowed this, then you would make a motion to recommend to the city council to allow a change in the schedule of uses, to allow residential, by conditional use, in C-3. Is it an ordinance? The city of Jonesboro, their requirement to change the schedule of uses, it has to be changed by council, not the MAPC. We could recommend the change, but we couldn't do the change without their approval.

COMMISSION: Kevin Bailey asked would we need to have a motion and vote on that recommended change tonight or do you want to do it at a different time.

STAFF: Derrel Smith of the planning department stated if you all are ready tonight we can start the process of getting the legal documents ready and drawn up and get it in the pipeline to get to council.

COMMISSION: Mary Margaret Jackson stated she loves the concept and the creativity in this area so much, like Little Rock and some of those things you see going on in downtown Memphis and I'm ready for that. It's hard for a city planner to vote for non-conforming use. This is an opportunity. We have already seen development request for the west end for a small house. This is an opportunity for the city to consider form based codes in an overlay district. I would think that we need to do that instead of doing a short term fix.

APPLICANT: Gary Harpole presenting on behalf of Rodney Thrasher stated he understands and respects where she comes from. It would be, and I am going

to put a lot of credence on what our intentions are, I would hope if you grant us this non-conforming use knowing that several years out when the city figures out how to do it, we'll come back and apply that. I would hope, based off what I know we're planning, this is going to be an asset to help people understand how important that form based code can be because I think a lot of people get scared of the unknown. I think we have an opportunity to invest our dollars to help make your point. I think everybody up here likes the idea of taking a dilapidated cinder block building where the roof is falling in and creating a really nice single family structure. This is what can happen and I guess in return for the consideration not stopping because in a perfect, static planning world, I agree with you. But in the world of paying interest and trying to keep projects going, we're asking for the consideration of letting us go ahead and spend the money and hopefully help make the case. Say hey look, this is what can be done when it's allowed for that form based code. I agree the city needs to do something moving forward. I think there are a lot of opportunities in a lot of areas with the city and not just with us. I think there are other people who would make similar investments if they had the avenue to do that and improve those neighborhoods.

COMMISSION: Mary Margret Jackson stated Mr. Chairman, not to mention we have several economic opportunities in the city and that would allow for that type of development. But, we keep saying the city, the city. I would hope that the development community would work with the city which is kind of overburdened, in giving some ideas for form based codes and work with the planning commission and work with the residents of west end or wherever we're going to consider doing an overlay district to ensure we've got all public input and agreement.

APPLICANT: Gary Harpole presenting on behalf of Rodney Thrasher stated absolutely. We have reached out and we have some key properties along the Aggie corridor that is another place to look at form based code to help with that connection with Arkansas State. We have some other key properties in the downtown and we have expressed our desire to do that, take whatever resources we got and help figure out if there are ways that the things that we can do developing helps make those cases and offer those ideas. I agree. I think it's going to take everybody holding hands together to make it work. I'm not trying to just put the onus on the city, it's just one of those unfortunate things that when we came looking for a rezoning, when we came looking for a limited use, it just didn't exist. Hopefully, this gives us a mechanism to help pave the way for that to happen.

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

Aye: 7 - Jerry Reece; Jim Scurlock; Kevin Bailey; Jimmy Cooper; Dennis Zolper; Mary Margaret Jackson and David Handwork

Abstain: 1 - Jim Little

5. Preliminary Subdivisions

6. Final Subdivisions

7. Conditional Use

8. Rezoning

[RZ-19-05](#)

REZONING: 4801 E. Parker Road

Mike McNees of Ridge Surveying on behalf of Ruth Cabble is requesting MAPC Approval for a rezoning from R-1 Single Family Medium Density District to C-3 General Commercial District for 1.00 acres +/- of land located at 4801 East Parker Road.

Attachments: [Application.pdf](#)
 [Staff Summary.pdf](#)
 [Zoning Plat.pdf](#)
 [USPS Receipts.pdf](#)

APPLICANT: Mike McNeese of Ridge Surveying on behalf of Ruth Cabble stated they are trying to rezone this property from R-1 to C3. The property is located at 4801 East Parker Road. It's on the south side of the I-555 corridor, roughly 600 feet west of Love;s Truck Stop. On the east side it currently has some I zoning, to the south C-3, to the west C-3.

COMMISSION: Lonnie Roberts, Jr. Asked ciity planner, do you have any notes on this one.

STAFF: Derrel Smith of the planning department stated yes sir, we reviewed this. It does meet our land use plan for high intensity commercial. We would recommend approval with the following requirements. The proposed site shall satisfy all requirements of the city engineer. All requirements the current storm drainage design manual and flood plain regulations regarding any new construction. A final site plan subject to all ordinance requirements shall be submitted, reviewed, and approved by the planning department prior to any redevelopment of the property. Any change of use should be subject to planning department approval in the future. A final site plan illustrating compliance with site requirements for parking, signage, landscaping, fencing, buffering, outdoor storage, dumpster enclosures, sidewalks, etc. Will be submitted to the planning department prior to any redevelopment of the property. This property is in our overlay district so if any redevelopment or new construction will meet the requirements of that overlay district.

COMMISSION: Lonnie Roberts, Jr. stated this being a rezoning request, I'm going to open up for any public discussion. Is there anyone here with questions or comments about this rezoning? If not, I'll defer to the commissioners, questions, comments, or motions?

A motion was made by Dennis Zolper, seconded by David Handwork, that this matter be Recommended to Council. The motion PASSED with the following vote.

Aye: 8 - Jerry Reece; Jim Scurlock; Kevin Bailey; Jimmy Cooper; Jim Little; Dennis Zolper; Mary Margaret Jackson and David Handwork

9. Staff Comments

10. Adjournment