



City of Jonesboro

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

Meeting Minutes - Final Metropolitan Area Planning Commission

Tuesday, May 11, 2010

5:30 PM

900 West Monroe

1. Call to order

2. Roll Call

Present 7 - Margaret Norris; Joe Tomlinson; Brian Dover; Paul Hoelscher; Jerry Halsey Jr.; John White and Jim Scurlock

Absent 2 - Lonnie Roberts Jr. and Ron Kelton

3. Approval of minutes

Approval of Minutes for MAPC Regular Meeting: April 13, 2010

Aye: 6 - Margaret Norris; Joe Tomlinson; Brian Dover; Paul Hoelscher; John White and Jim Scurlock

Absent: 2 - Lonnie Roberts Jr. and Ron Kelton

Approval of Minutes for MAPC Special Meeting: April 28, 2010

Aye: 6 - Margaret Norris; Joe Tomlinson; Brian Dover; Paul Hoelscher; John White and Jim Scurlock

Absent: 2 - Lonnie Roberts Jr. and Ron Kelton

4. Preliminary Subdivisions

5. Final Subdivisions

6. Conditional Use

C.U. 10-05 Jacob & Megan Moll, 3705 E. Johnson Ave., Jonesboro, AR Applicant proposes to transition an existing residential structure into a mixed use with medical office use below and residential above located within a C-3 L.U.O. District. The optical use is currently under operation with a formal occupancy approval.

Mr. & Mrs. Moll appeared and stated that they have 735 s.f. upstairs. Joe Tomlinson asked if the property is going to be a rental later. Ms. Moll stated that they are looking to use it as is as a temporary place for money savings for a few years; until they grow the office space. Also, it will not ever become rental property we would not want it to become rental property. Mr. Tomlinson

stated that because of the conditional use, you can be bound to the conditions plus maybe a few more. There were no opponents.

Mr. Tomlinson made motion with stipulations by the MAPC along with the 2 recommendations by the Planning staff and 2 additional conditions that the residential area of this mixed use shall not be used as residential rental area; and that an onsite inspection by the City Electrical Inspector be done for a mixed use occupancy, and an inspection by the fire department inspections, to answer any questions concerning the building code and the mixed use. Some items such as a requirement that you have a smoke sensor to the down stairs connected so it can sound it upstairs to your bedroom.

Aye: 6 - Margaret Norris; Joe Tomlinson; Brian Dover; Paul Hoelscher; John White and Jim Scurlock

Absent: 2 - Lonnie Roberts Jr. and Ron Kelton

7. Rezoning

RZ 10-07 Jonesboro Real Estate Holdings, Inc., Jonesboro, AR 72403 requests a rezoning of 1405 E. Washington Ave., Jonesboro, AR from R-2 Low Density Multi-Family to C-3 General Commercial.

Applicant: Mr. John Easley, Associated Engineering presented the case on behalf of St. Bernards/Jonesboro Real Estate Holdings, Inc., stating the rezoning is to allow for a health and wellness center. The property is zoned C-3 to the east and R-2 on the west, and they would like to bring the R-2 Zoning into the C-3 for uniform zoning purposes.

Public Input: No opposition.

Commission Deliberation: Mr. Tomlinson asked where the main access will be located? Mr. Easley stated that the main entrance will be off Matthews Ave. off Lakeshore Dr. The doctors/secondary entrance will be off of Houghton and none off of Washington Ave. Mr. Tomlinson stated concerns about limiting the amount of curb-cuts along Washington, he requested cross access easements across the front on Washington Ave. Mr. Easley stated that with no access the cross access easement would be no benefit.

Staff: Mr. Spriggs gave comments concerning the Master Street Plan which recommends Washington Ave. as a Minor Arterial with 80 ft. of right of way. Mr. Easley stated that they meet that requirement. Mr. Spriggs stated that any conditions will necessitate a limited use overlay, and suggested that Mr. Tomlinson defer all of his concerns about access management to the requirement that the site plan be submitted to the MAPC for approval. Staff suggested that this not be a limited use overlay so that the site which is already C-3 to the west will be consistent as one Zoning District.

Commission Action: Mr. Tomlinson made the motion to approve the case with the stipulation that all site plans be approved by the Planning Commission to address all issues of access easement management which is to

be included on the individual site plans. Motion was seconded by Mr. White.

Aye: 6 - Margaret Norris; Joe Tomlinson; Brian Dover; Paul Hoelscher; John White and Jim Scurlock

Absent: 2 - Lonnie Roberts Jr. and Ron Kelton

RZ 10-08 Tim Redden requests a rezoning from R-1 to C-3 General Commercial for property containing 4.125 acres located at 5701 E. Johnson Ave./Hwy. 49N.

Applicant: Mr. Tim Redden presented the case stating that he has a 4.125 acre parcel located on the SE intersection of Old Bridger Rd. and E. Johnson that he is asking for a rezoning from R-1 Single Family to C-3 Commercial.

Public Input: No opposition was present.

Staff: Mr. Spriggs stated that Staff has five (5) recommended conditions. He asked Ms. Norris if she was aware of any constraints by the utility companies for installing landscaping within utility easements? Staff has proposed that a 30 ft. landscape buffer be provided along the southern perimeter where the property abuts residential. Ms. Norris noted that nothing permanent could be built in that easement. Anything planted could be removed with any future improvements in those easements.

Mr. Spriggs also noted that the Master Street Plan has proposed a northern extension of Commerce Dr. which may one day align to the east or west of the subject property. The applicant is aware and he is willing to participate in the future if that were to happen. Michael Morris, from City Engineering noted concerns with multiple access points along Highway 49N.

Mr. Tomlinson asked the applicant if he has considered making out a list of uses that he could live with and others that we could eliminate. Mr. Redden stated that he had considered that and would be open to any stipulations. Mr. Spriggs noted that there were some listed in the staff report in the "Findings" section. He recommended that the list could be described as all uses allowed under the C-3 District with an exclusion list added.

Mr. Johnny White asked, what is the difference between Vehicular Repair General and Vehicular Limited? Mr. Spriggs noted that the difference is that General includes collision body repair shops and contractor enterprise type uses that store vehicles and equipment outside, and the Limited would exclude those and include things such as engine repair shops.

Mr. Tomlinson stated that he would like to form a motion to exclude drive in restaurants/fast food and adult entertainment, and he would entertain a motion recommending a C-3 Limited Use overlay with a provision that the following uses be omitted from the C-3 District such as: Car wash, cemetery, construction services, gas station, convenience store, billboards/offsite advertisement, vehicular repair limited and general and adult entertainment.

Mr. Spriggs stated that at the time of site plan review process, we could deal with the cross access easements or any right-of-way issues.

Mr. Paul Hoelscher expressed concerns about eliminating those restrictions if the area were to redevelop as all commercial in the future; do they have the option to come back and approve fast food or any of the other items. Does it have to be a complete rezoning?

Mr. Spriggs stated that we dealt with this same issue concerning Limited Use Overlays where in the last special meeting- Mr. Ben Ford wanted to make a minor request that had to go through the entire process. You may want to be careful how you craft the restrictions.

Mr. Hoelscher asked would it be better to not eliminate but make them a conditional use? Mr. Spriggs agreed with Mr. Hoelscher that the restricted or excluded list of uses could be stipulated as a condition use, and the MAPC could weigh those at that time of whether they are consistent with the area. Mr. Hoelscher stated that it still provides protection to the whole area.

MAPC ACTION: Mr. Tomlinson modified his motion as follows:

THE REQUESTED REZONING CLASSIFICATION IS C-3 LIMITED USE OVERLAY (LU-O). THE LU-O IS FURTHER RESTRICTED AS FOLLOWS AND SHALL ADHERE TO THE FOLLOWING STIPULATIONS SET FORTH:

1. THE LIMITED USE SHALL EXCLUDE THE FOLLOWING:

**ADULT ENTERTAINMENT
OFF-PREMISE ADVERTISEMENT**

**2. THE FOLLOWING LIMITED USES SHALL BE ALLOWED ONLY BY
CONDITIONAL USE APPLICATION/APPROVAL BY THE MAPC:**

**CARWASH
CEMETERY
CONSTRUCTION SERVICES
CONVENIENCE STORE
FAST FOOD RESTAURANT
GAS STATION
GENERAL AND LIMITED VEHICLE REPAIR**

3. That all site plans be approved by the Planning Commission with access easement management included on individual site plans with cross access easements. No new work shall commence prior to Final site Plan review and approval by the MAPC.

4. A lighting plan and landscaping plan shall be submitted to the MAPC, including a 30 ft. landscape buffer where the site abuts existing residential uses.

5. That a replat be filed depicting the dedication of a 30 ft. right of way east of the center of Old Bridger Rd.

6. That the proposed development shall satisfy all requirements of the City Engineer, satisfying all requirements of the current Stormwater Drainage Design Manual.

7. 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. The motion was seconded by Mr. Johnny White.

Aye: 6 - Margaret Norris; Joe Tomlinson; Brian Dover; Paul Hoelscher; John White and Jim Scurlock

Absent: 2 - Lonnie Roberts Jr. and Ron Kelton

RZ10-09: Text Amendment: Sec. 117-225. (a) Accessory buildings/Accessory Dwellings

MAPC is holding a public hearing on the review of the existing Zoning Text regarding Accessory buildings/Accessory Dwellings within the existing R-1 Single Family Residential District.

This includes pool houses, and detached accessory dwellings on large acre lots. The Commission will be making a recommendation to City Council on this issue.

Mr. Spriggs gave a Staff explanation on this Text Amendment Case: Accessory Buildings. We have been dealing with the new code which regulates accessory buildings /pool houses and the MAPC allows those to occur in the new districts RS-1/RS-2 which are the larger lots with limitations that they do not exceed 25% of the heated square footage of the main house and they have a maximum square footage of 1,500 s.f.

We felt that was a fair restriction. We did not deal with the existing R-1 District. We are proposing that if the lots exceed 1 acre to allow them as of right, and as a conditional use if it is less than 1-acre lots. We are beginning to receive a lot of applications, and we do not want to overwhelm the Commission with a lot of conditional uses or items having a gray area.

Mr. Hoelscher asked about the paragraph that says that the accessory building must be similar in architectural style and appearance of the primary building; seems like the City is dictating style and it may become an enforceable issue where someone is going to have to decide whether what is submitted meets that requirement. Besides the obvious intentional design change, I think there are some types of things such as green houses, pavilions and by the nature of those probably would match the style of the house. The intent was that someone does not put up a pre-engineering shop building. I think that is a potential dangerous thing. The other one is in that paragraph and it does not address the rear yards on corner lots.

Mr. Spriggs commented on the architectural style- and noted that is within our current code and it may have accidentally been placed in there. We are getting the pre-engineering buildings on R-1 lots because we have individuals that want the larger buildings on farming lands. We would defer to the Commission on how you want us to handle those administratively.

We typically do not get into the architectural treatment/design motifs, some do siding and/or brick. We leave it typically to the Homeowners Association to enforce deed covenants or bill of assurances. If it is something we need to delete out of the ordinances, this is the appropriate time to deal with it. I agree we do not want to get into paint color/texture and surface treatments. Just as long as the structure is properly located in the rear yard and it is insubordinate to the main structure, we typically limit the approval to that, and we do not typically get into the material of the building.

Mr. Tomlinson commented on individuals wanting to put a huge building and

put a pool in side. Mr. Hoelscher stated that the ordinances that pertain have wordage stated that it has to have residential character, and a more generic term like that would be safer. And that should cover the plain metal pre-engineering building issue. I am not worried about the Planning Department getting involved in that much as you say you do not; I am concerned that if a neighbor comes in and says that you did not enforce or apply the full zoning requirements- (did we place the City in a perilous condition).

Mr. Spriggs suggested that we replace that text with a requirement that it be: "similar in residential character and appearance" and leave it at that to solve that problem.

Mr. Hoelscher expressed his other concern and it's been brought to his attention by others- the temporary buildings and storage pods. Currently those are not allowed? Mr. Spriggs stated that many cities have developed codes to regulate those. They are temporary but do we want to see an influx of those sitting on driveways. We may want to put a time clause on allowing them because they are temporary.

Mr. Halsey stated that someone can remove it but keep bringing it back. Mr. Spriggs stated that we can limit the amount of times you can reapply in a given year. Question was raised if it can be enforced? Staff stated that it can if there is an ordinance with standards. Staff suggested 60 days with a maximum of 3 intervals per year. Mr. Spriggs suggested that the MAPC the 2 text amendments be tabled for future input.

Mr. White commented that we may be getting into a different issue concerning temporary uses and it should be handle in a different forum. Mr. Spriggs stated that we do get similar problems with rail cars and truck trailers with wheels removed, as well that are used for storage structures that become permanent.

Mr. White made a motion to continue the matter and Mr. Spriggs will bring back his recommendations on self-contained storage units, 2nd by Mr. Tomlinson; the text amendment case was tabled.

Aye: 6 - Margaret Norris; Joe Tomlinson; Brian Dover; Paul Hoelscher; John White and Jim Scurlock

Absent: 2 - Lonnie Roberts Jr. and Ron Kelton

RZ 10-10: Text Amendment Case: MAPC is holding a public hearing to consider the following text amendment:

AN ORDINANCE ESTABLISHING RULES FOR FUTURE SUBDIVIDING / REPLATTING OF PROPERTY CURRENTLY ZONED AND CLASSIFIED AS "R-2A", "R-2", "R-3", "R-4", "R-5", and "R-6", BY AMENDING AND ADDING SECTION 117-138 (15) TO THE JONESBORO CODE OF ORDINANCES BY THE CITY COUNCIL

Staff Presentation:

Mr. Spriggs introduced the matter in which we recently revamped the residential codes. We deleted a number of the districts out of the Zoning Code,

but we failed to sunset any of those districts or we didn't request the owners of such properties to come in and rezone them to more appropriate and alike districts we currently have on the books.

Some of the districts that remained that have been grandfathered- in have now been redeveloped perhaps in ways or manners that are not conducive to the surrounding single family neighbors that they currently exist. In some parts of the older parts of town we have subdivisions that were actually zoned for multi-family (R-2/R-3) but were developed as single family homes.

We are getting requests in R-2/R-3 Districts which allow for Multi-family and the new owners want to develop it and maximize the maximum density. You can actually place a four-plex on a fairly narrow lot (50X120'). In that instance you get a subdivided that wants to take a tract that is possibly one acre and divide it into 3 or 4 individual lots and you end up with (4) fourplexes on that one lot that may be next to single family home.

Staff presented some examples of replats approved over the year. The irregular lot requests are becoming an issue for engineering and planning. We are asking the MAPC to deal with those areas that are considered grandfathered lots. Once you increase the square feet of a nonconforming lot you are compromising the nonconforming statues that say you cannot add to that acreage. This is something that we want to test out legally to see if we are in compliance with the law, that once that sub-divider breaks that lot up and try to develop it according to something it wasn't intended to we are saying that it is compromising that nonconforming use status.

This ordinance tries to deal with those lots. The problem with the ordinance that we have proposed, and we have talked with some of the development community is that it does not deal with the unplatted portions of town. Some of the examples of vacant R-2/unplatted properties were shown.

For the larger tracts we are hoping to develop some language where the owner may request something similar to that situation that as R-2 as a large unplatted tract.

Recently the owner was granted a planned unit development that takes the current code and is able to develop that site with better planning principles rather than the former cookie-cutter development by placing one four-plex per lot in the manner that the R-2 standards were written.

The Craighead golf course example was illustrated where as the developer should be allowed to develop the acreage under the same density as of right. The owner recently presented a concept of a Planned Unit Development (Overlay), in which the MAPC voiced support.

This would allow him to use the same density but allow for a better development that would better fit into the community. We are hoping that with the larger tract, the City could develop incentives to rezoning it accordance with the current Zoning code where we would endorse or support it from staff and the Commission. Opportunities or some incentives of fee waiver to shift it to a more desirable Zoning should be considered. These are districts that are currently being redeveloped and we need to deal with them in a better administrative manner through the Planning Commission as well as Council to

better plan in the neighborhoods where these zones exist.

City Engineering is also forced to deal with some of the drainage easements on the irregular lots that are created. Maintenance of such easements will be a challenge for the City and the utility companies.

MAPC INPUT:

Mr. Hoelscher asked on the small lots, is the problem or the opposition not in the number of units that result from the irregular shaped lots? For the people that want to go and redevelop these tracts want to maximize their investments. I understand they could be limited to a fourplex by the zoning requirements. Do they have the flexibility to still get the number of units they are allowed if they can replat them?

Mr. Spriggs stated that the intent of this ordinance is to allow that individual to request a rezoning of that tract before the MAPC and consider the RM (Multi-family Districts) that we currently have and it could be evaluated whether it fits into that area. For example for R-2 we could go to the RM standards and find the districts that has the 12 unit average per acre and recommend that they move towards an ordinance toward map amendment to put them more in concert with the current code. We are not promoting eliminating the allowable uses within the R-2; but give us a better plan that doesn't create a situation of a fourplex on a 50 ft. lot that doesn't have room for proper setbacks in the rear of these structures; which ends up being the side yard on the neighboring tract.

Mr. Tomlinson asked about the status of the C-4 previous allowance for multi-family. Mr. Spriggs stated that we solved that issue by removing residential out of the permitted use list within the commercial districts. The C-5 districts have typically been approved as limited use overlay with some site plan restrictions.

Public Input:

Sid Pickle, 3808 Rivera Dr. He is glad to hear that Otis mentions some of the bear tracts. I understand the intent, and that it is not aimed at some of the property that I have (old Craighead Golf Course off Craighead Forest Road with 50 acres unplatted/undeveloped). This will greatly affect us. I was opposed to that and the language the way I read it if you put that on our property it is rezoning it. The only way I could develop and not go through that is to put one fourplex on 50 acres. That is not feasible. Even going down to the small lots in my opinion, you have to be careful. Maybe you are not technically rezoning it, but if you are requiring them to come in and changing the requirements you are backing into rezoning it. I do understand what you are faced with. You made a comment on the larger tracts maybe requiring owners to come in and take some action now. That wasn't really clear. I want some further explanation on that and to whether or not you can really require us to come in now and say what we are going to do with these 50 acres; we may not know and it could affect the value of my property.

Mr. Spriggs: Let me take a break and break your comments into 3 questions and attempt to answer them. First the 50-acre tract: You are correct in saying it is not our attempt to say you are have to place one fourplex on 50 acres. It

sounds like we are trying to force you to do something now or place a sunset on you: that is not our intent. When a developer comes in and wants to develop unplatted acreage, we want to come up with a mechanism to allow the developer. The city could work on their behalf to allow them a better plan. We are not trying to force a hand on those. On the smaller lots, you are saying that we are indirectly forcing a rezoning. With this proposal, the angle is from the nonconforming use standard. They are protected to develop the lot as-is. But once they replat, modify the acreage, the legal question is whether they are compromising that legal non-conforming status. If you cut up a lot or consolidate it we are asking you to look at the existing codes and staff will work with them to derive the most appropriate district/option.

Mr. Pickle: I just think we need to step back and give this much thought put into how it will affect things currently.

Mr. Spriggs agreed stating that we would not want to create any legal takings on behalf of the City.

Mellisa Baldwin, 927 W. Matthews. I live in R-2 and that is conducive to single family/ 4-plex. Does it matter in my right in thinking that unless it is rezoned that they can go no more than 4-plex. It is 3600 sq. ft. per unit. Even if they have more land is it still a fourplex.

Mr. Spriggs: Currently, yes- per lot that is the allowance.

If I go in and buy my neighbor's property and have more than that can I build more than that. Mr. Spriggs stated that in that instance you are limited to the fourplex.

Michael Boggs, 610 Billy Lane, stated that the R-2 allows one building per lot and if it's a fourplex it is a 14, 400 sq. ft. lot. Under the RM-12 District does it still allow only one building per lot? Mr. Spriggs stated that the new districts do not have that limitation of one building.

Mr. Boggs stated that with the new RM-12 would allow for more design where you have multiple buildings on a lot and you can configure the drives differently. Mr. Spriggs: at a certain density, yes.

Mr. Halsey added that staff will take those comments and developer answers and better text. Mr. Spriggs stated that he can answer any questions in the interim and we should table this case until next meeting.

Aye: 6 - Margaret Norris; Joe Tomlinson; Brian Dover; Paul Hoelscher; John White and Jim Scurlock

Absent: 2 - Lonnie Roberts Jr. and Ron Kelton

8. Staff Comments

9. Adjournment