



City of Jonesboro

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

Meeting Minutes - Draft Metropolitan Area Planning Commission

Tuesday, August 11, 2009

5:30 PM

900 West Monroe

1. Call to order

2. Roll Call

Present 6 - Margaret Norris; Joe Tomlinson; Marvin Day; Paul Hoelscher; Jerry Halsey Jr. and Ron Kelton

Absent 3 - Ken Collins; Lonnie Roberts Jr. and Brian Dover

3. Approval of minutes

Minutes for July 14, 2009 MAPC Meeting.

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

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

Absent: 3 - Ken Collins; Lonnie Roberts Jr. and Brian Dover

4. Preliminary Subdivisions

5. Final Subdivisions

6. Conditional Use

C.U. 09-02 Stacey and Garrett Bond/Sandra D. Shopper, owner requests a conditional use to place a double wide mobile home at 4510 Harrisburg Rd. The location is in R-1 Single Family zoning which requires a conditional use approval.

Applicant:

Garret and Stacey Bonds addressed the Commission. Mr. Bonds stated that they would like to set a double or triple wide unit at 4510 Harrisburg Rd. Mrs. Bonds stated that they are trying to purchase a new \$80k to \$120k unit, to be installed on footings with a concrete slab foundation. She presented pictures to explain what they are trying to do. The way the property lays, this is the

best way to locate the pre-manufactured unit there, because of the power lines overhead. They are not trying to bring in a rundown trailer. They want it to look like a house, similar to the houses that are in Kent Arnold's development where the walls were pre-fabricated and already put together. It will look more like a house with a block foundation and it will be bricked up completely. The one we are looking at is right at \$100k; it will look very nice. Applicant submitted photos for the record showing the foundation and it will be bricked completed. She added that a lot of people are concerned with the codes and the foundation it will meet all the code requirements. We will be putting a garage on it.

Opponents:

Mrs. Phyllis Murray, 1805 Fox Meadow stated that there are some more people in the back in opposition; she is spokesperson (total of 5). She went and talked to people about the matter and has a signed a petition with 18 signatures. We live in a residential zone, and there are no other mobile homes in the area. We formerly lived in an area in Valley View when we were transferred. We put our house on the market and that same week someone brought in a mobile home and put it next to us and it hurt us on the sale. Mr. Halsey asked if there is there a bill of assurance on the property. The applicant stated no.

Staff:

Mr. Spriggs summarized. In the R-1 District the code allows for a conditional use review for residentially design pre-manufactured unit within the R-1 Single Family Residential. The unit to be purchase will satisfy all of the criteria of the code in terms of setbacks, the pitch room, minimum square footage area, and the permanent foundation. The recommended conditions were read:

1. That the final site plan and building plans be submitted to and approved by the Planning Director indicating required setbacks and compliance with all the stipulations above.
2. The lot must conform to the proper plat procedure and standards.
3. That all building permits be obtained before the structure is allowed for dwelling.
4. That the unit be installed within a 1- year period of this approval on a permanent foundation.

Mr. Day asked if this is a temporary installation? Mr. Spriggs explained: No, this is a permanent installation of a home, permanent foundation and a permanent use.

Mr. Tomlinson stated that he counted the different types of standard within the residential design standards and there are about 17 requirements. Mr. Tomlinson stated that this application will meet all of those to his knowledge. He added that he does not have any problems with it, and it meets all those standards and will be inspected upon final occupancy.

Mr. Michael Stallings, stated that he was one of the people Mrs. Murray did not reach. He lives at 4521 Finn Rd. on 2 properties on 5 acres that runs along the property line. We bought that home for retirement. There was a mobile home

across the street, of which we bought and tore down the trailer. We paid more to tear it down than it was worth. The mobile home will get appraised as a mobile home regardless of the veneer you put on them. It will decrease the value of the properties around it. That is my concern. We worked really hard for our final home and I hate to see my work on getting rid of the last mobile home there go for another one to be allowed in.

Mr. Tomlinson stated that history will tell you that cities use to exclude these, and were getting in deep trouble over just banning them. They keep referring to these as mobile homes; the official designation is pre-manufactured housing/residential design. The City did this as a protection and to impose standards they wanted to see in these, and this is the reason we have that designation now.

Mr. Kelton: I think as I recall as we worked on the land use plan in the mid 90's we ran into something on the State level in that any zoning authority had to allow at least one zoning or area for the use/location of manufactured housing. It's always been my thoughts that if this were a hardship situation; if this was temporary it would be more pleasant. To think of going in and set a precedent for others, I'm not sure that's anything I want to start.

Mr. Tomlinson stated that there is already a provision for emergency housing, and that is a situation that is different and separate altogether; there is usually a time limit set on those, but this does not.

Jim Jones, retired in Jonesboro Arkansas with wife in 2006. We bought a house that will be around this property. We love that neighborhood. We paid \$197k for it. We have no mortgage. I sold everything to buy that house for her. Do you want me to have a manufactured house that will be \$90k to 100k next to it? Would you really want that? Is it that much of a hardship to build a house?

Ms. Bond, my concern is based on what he said on being allowed to build an \$80k manufactured home. I could now build a \$50k house there and not be denied. I am looking for something top of the line. I would feel the same way in their shoes. This is the only thing we can do with this land; the land is 3 acres, and it's wasted because of the power line. You can build a house for \$40k, but the \$100k trailer will be better.

Mr. Tomlinson. If this land is replated for the acreage for manufactured home, will they have frontage? Mr. Spriggs explained that they have proper frontage, and will satisfy the frontage standards. They are planning to provide sewer to the new unit, and will have to satisfy minimum Health District standards for the existing home that is on septic.

Action:

Mr. Tomlinson made a motion to approve the request subject to the 4 conditions by the Planning & Zoning Staff. Question by Mr. Hoelscher- How does the City verify the construction of the foundation during a Certificate of Occupancy, and the coordination of the utilities prior to occupancy? Mr. Spriggs stated that it will have all the necessary inspections for a single family residential permanent structure permit.

Mr. Hoelscher asked does the Conditional Use expire if something happens?

Mr. Spriggs responded that Conditional Uses can go on forever; if the structure were to burn, they could replace the unit as-is.

Mr. Day asked if there is an opportunity for them to replat it and have another pre-manufactured unit without us seeing that? Mr. Spriggs responded that any future pre-manufactured units on any other part of the land would have to go through the same/separate request as a Conditional Use.

A motion was made by Joe Tomlinson, seconded by Paul Hoelscher, that this Conditional Use be Denied. The motion CARRIED by the following vote:

Aye: 3 - Margaret Norris; Joe Tomlinson and Paul Hoelscher

Nay: 2 - Jerry Halsey Jr. and Ron Kelton

Absent: 3 - Ken Collins; Lonnie Roberts Jr. and Brian Dover

C.U. 09-03 Stevenson Family Trust, owners request a conditional use to cultivate an agricultural crop (blueberries) at 710 Denise Street (Intersection of N. Culberhouse). The location is in R-1 Single Family zoning which requires a conditional use approval.

Cole Stevenson the property is 3.5 acres to be used the first year and will he will expand later. We may sell on site. He has spoken to out-of-state fruit brokers and he is not 100 percent sure which way he will market the product.

Paul Hoelscher asks will you put any structures on site? What about chemical use on the land? Halsey asks about Fertilizer and pesticides. Mr. Stevenson stated this won't be a huge operation. The product is a bush and not as extreme as a rice crop. It produces fruit once a year. Mr. Kelton asked if they are picked by hand? Mr. Stevenson stated someone will. In raising fruit you have pesticides but most are not toxic.

Will EPA be called asked Mr. Halsey? Mr. Tomlinson asked if he is not firm on selling on site; if its approve we can put a stipulation subject to any structure placed there for sales and parking for customers will have to resubmitted at a later date.

Mr. Stevenson explained that on the site is a 30 X 40 storage building and if he sells on the land he will have it in place. He added that there is adequate entrance driveway, and the street is not a city street it is owned by himself and I maintain it.

Mr. Stevenson added that the land with the building and land to the north is rural; the land to the south is a trailer-park; there is a natural tree line. Land to the east is pasture land.

A motion was made by Ron Kelton, seconded by Vice Chair Jerry Halsey Jr., that this Conditional Use be Approved. The motion CARRIED by the following vote:

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

Absent: 3 - Ken Collins; Lonnie Roberts Jr. and Brian Dover

C.U. 09-04 Max Dacus, Jr. requests a conditional use to place one 4-plex on each of

4 lots located at 5911 E. Highland Dr. along Margo Lane. The lots are located in I-1 Light Industrial which requires a Conditional Use Permit.

Mr. Dacus stated that owns 20 acres off highway 18 and we plans to build a drive from Hwy. 18 South into this property. The property he is cutting off is deep. It will be the back of the industrial building . We thought a residential use will be better for the area. We would like to put in a privacy fence in front of lot one. Will put in 6 ft. privacy fence at the request of the neighbors. Mr. Dacus showed the detention plan.

Mr. Spriggs gave comments from Staff:

The buildings as laid out, will comply with the minimum setback requirements of the Zoning Code. Additional street tree plantings are suggested for the grass area between the street and the parking lot/building setback area to provide some amount of screening from the residential across Margo Lane. Location of such plantings should be sensitive to right of way obstruction standards.

Staff finds that the requested Conditional Use submitted by Max Dacus, Jr. should be approved based on the above findings and following conditions:

- 1. That upon issuance of the Conditional Use Permit Approval, all required state and local agencies and departmental approvals be obtained by the applicant.**
- 2. All landscaped screening as required by the MAPC be shown on the final site plan to be submitted to the Planning Department.**

A motion was made by Vice Chair Jerry Halsey Jr., seconded by Joe Tomlinson, that this Conditional Use be Approved. The motion CARRIED by the following vote:

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

Absent: 3 - Ken Collins; Lonnie Roberts Jr. and Brian Dover

7. Rezoning

RZ 09-14 Brad Vaden/Tefco, LLC owners requests rezoning from R-2 Multi-family to C-4 LUO (automated Carwash) for 1.59 acres located at 726 Southwest Dr.

Mr. Don Parker: He represents the proponents- Team Clean Carwash Brad Vaden and Bill Vaden. Team Clean owns the carwash at Nettleton & Stadium Blvd. They own and operate one in Little Rock and the one in Millington. They have progressed in their design.

We are requesting a change in Zoning to a C-4 L.U.O. for a Carwash As you can see this property is bounded on the north by the same owner and you will remember this site as The Willow Apartments; the buildings that were demolished; to the west, there is R-2 Jonesboro Nursing Home. They are supportive of the rezoning. The property to the east is R-1 Single Family across Southwest Dr. is single family residential and banks to the south. This rezoning is consistent with the Land Use Plan of 1996, and the area is currently under restudy by the Land Use Committee, and staff has stated that this area will most likely remain thoroughfare commercial.

We held a neighborhood meeting on August the 3rd and there were 12 in attendance and (4) from nursing home. No one from the church or banks attended. I have the letter that we sent. Some are here.

In the neighborhood meeting concerns of noise, aesthetics and traffic on Haywood were raised. On the original application, the concept was for the entrance and exit to come out off of Haywood. Concerns of the traffic and the orientation of the vacuums were raised. So, Mr. Vaden went back to the architect and turned the building parallel to Southwest drive and relocated the vacuums in the rear. (see alternatives). We have maintained an entrance on Southwest Drive, and we are building a ½ Million Dollar facility and creating 6 jobs.

There are security questions raised by neighbors; we will have 16 surveillance cameras and it will be locked and closed after hours, with no loitering allowed or tolerated. On Nettleton and Stadium that facility is locked down with the electric turn off to the vacuums. With the Staff recommendation and stipulations, the applicant has no problems and we asked that if this is approved- in the summer we be allowed hours until 8:00 PM for daylight savings time.

Opponents:

Lee Turner, 731 Southwest Drive; He lives across from site. In the meeting the members were opposed to this carwash and we are a residential area with R1/R2 zoning; the nursing home where the folks live there and with the church it's a quiet neighborhood. A carwash is not an asset; I am opposed.

Four persons in opposition were present.

Shirley Anderson, 805 Southwest Drive: as I stand, my driveway is flush with Haywood Drive. What about the traffic? I know how it is for the apartments and for the nursing home. It is bad in bad weather. I stand on the fence with this issue. I have a question- it was stated that area is under restudy and updates are forthcoming for the site; and it is along a 5-lane highway, and is across from single homes. It was stated that this is not reflective of good land use planning principals. What does this mean?

Mr. Spriggs stated that this area was studied in the Jonesboro Comprehensive Plan of 1996, and was recommended for Thoroughfare Commercial by the committee team. Typically along a 5-lane highway, it is true that you would find more of your commercial uses and then more of a transition would be provided deep into the residential areas.

It is different when the residential preceded the development of a highway, and I am not blaming one or the other; it is not an ideal situation because of the high volume traffic and because you have single family facing commercial, there is no room to provide a buffer or transition to the residential abutting. I wasn't negatively speaking in part towards the residents living there, but it is not typical in land use practices to see that.

The committee is re-studying the Land Use Map and we have provided those meeting dates and time to you and there after Council will make the final decision. The Committee has reviewed the various areas and this area will

most likely be approved as thoroughfare commercial, but the single family existing will be taken into consideration.

The properties that are currently zoned residential can remain as-is from this point on forward; unless the property owners wanted to sell and wanted to rezone their properties- they could market and petition to rezone the property according to the adopted Land Use Map and be considered for commercial use. The Land Use will not dictate your actual use of your property but if you decide to market your property for resale, you will have that opportunity to rezone to commercial.

Mr. Spriggs continued in the Staff summary stating that he had weighed all of the concerns regarding the surrounding residential. With the amount of detail that went into the plan, in terms of the hours of operation, and the flow of the traffic, we felt it could be implemented in such as way with MAPC stipulations to address all concerns. We initially placed a landscape buffer/screening condition with the first proposal having the vacuums facing the residences; but that has been revised. Staff would support the new layout. There are six stipulations:

1. That the facility shall be managed and operated during hours limited to 8:00 a.m. to 7:00 p.m. (extended until 8:00 p.m. during daylight savings time zone). 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 showing landscaping and fencing.
4. That prior to the final permit approval, all plans and construction documents shall satisfy all city, state and local agency approvals regarding infrastructure.
5. The far Northeastern drive shall be utilized solely for emergency purposes only.
6. That a final lighting plan be submitted showing maximum levels at the property lines at 0 ft. candles.

Mr. Kelton asked if the trash receptacles were included in the concept? Mr. Parker stated that they will be coming back with a complete site plan for review. Mr. Kelton commented how people pull up to the vacuums and throw trash at it. We need to know that it will be properly handled.

Mr. Parker: at the Nettleton/Stadium location, I use it frequently and it is maintained in a trash-free manner; they have employees out there cleaning constantly.

Mr. Kelton: This blue roof is it what you use on all your buildings, can you use something more earth tone? Mr. Vaden stated that it is the same.. The one now at Stadium is red; it matches our logo.

Mr. Hoelscher asked about the emergency exit lane that is shown off of Southwest Dr.; is it needed? (Alternate B). Its more of a question for the planner, will you want to limit site access off of Haywood Drive and not have the one on Southwest Dr.

Mr. Spriggs stated that had this same issue while reviewing a similar carwash and its more of a design standard issue. Once a vehicle is in the flow, and the patron enters the gate, you can not back up or you may have an emergency and need to exit without going through the building. We've been told this by the designers.

Mr. Parker: there is an emergency exit off to Stadium at the other location. Mr. Vaden explained that sometimes a pick-up truck may come in with chemicals that are unsafe and has to exit.

Mr. Day: Asked about the gate in the rear? Mr. Vaden stated that it is specifically automated for the patrons of the vacuum to make sure traffic flows in proper direction. On Option B you have the entrance and exit off of Haywood. Alternate A, it is the customer's exiting. It keeps them from mistaking it as an entrance and going to the vacuum first.

Sue Parkinson; Southwest Drive; Stated that no one has mentioned the apartments with children riding the bicycles and I worried about the carwash and the children. Mr. Day stated that with that being said we don't have the secondary access to the apartments as far as site development. We don't have the same fire department access.

Mr. Spriggs stated that we can have the fire department review this; I believe that there was an access drive that went on to Craighead. Ms. Parkinson stated that the Church closed that exit. Haywood is a private drive.

Mike Fischer, one of the owners- Off of Haywood Dr., there is an entire loop, the other drive that went to Craighead Rd., and the Presbyterian Church put a temporary barrier there. Right now there is not a throughway. This property if rezoned will have to meet the fire code standards. Question was asked does the church own it? Mr. Fischer stated they owned the property on both sides and he is not sure. He commented on the traffic count to be about 25 to 30 cars an hour. The banks run 250 cars per hour. Mr. Day we are taking out one of the exits. Mr. Fischer stated that there are 3 but there will be 2 remaining. Mr. Spriggs stated that we are getting into site plan issues. We can have the final plan come back and reviewed by the fire department. There are other options to tie into the carwash drives.

Mr. Parker stated that Mr. Vaden is open to a taller fencing with the children concerns.

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

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

Absent: 3 - Ken Collins; Lonnie Roberts Jr. and Brian Dover

RZ 09-15 [**CASE TO BE TABLED UNTIL SEPTEMBER 8, 2009 MAPC MEETING-5:30 P.M. AT THE REQUEST OF 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)

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

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

Absent: 3 - Ken Collins; Lonnie Roberts Jr. and Brian Dover

RZ 09-13 Willis and Carolyn Gray/James D. Carr requests rezoning for adjoining properties at 2506 and 2510 E. Johnson Ave. from C-4 Neighborhood Commercial and R-1 Single Family respectively to C-3 General Commercial. The total size of both locations is 15.7 acres.

Mr. John Easley, AET, Represented the applicants: Mr. Gray owns the property at 2506 N. Johnson, Mr. Carr owns 2510 N. Johnson. Mr. Carr's property is R-1 and Mr. Gray's is C-4. They would like to have it rezoned to C-3. We have letters backing and supporting the request. Mr. Carr has agreed to the C-3 Limited Use Overlay. We will come back with any site plan issues addressed.

Mr. Spriggs stated Staff is recommending the limited use overlay to take into account any residential abutting concerns and any conditions by the MAPC regarding access management.

Mr. Hoelscher asked if we can require and not just encourage cross access easements. All concurred.

Motion was made by Mr. Halsey to recommend approval, subject to the stipulations to the City Council

Stipulations:

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

Such submittal shall include landscaping and lighting plans.

2. That off-premise billboard advertisement shall be prohibited.

3. That cross access easements shall be required on abutting properties along Hwy. 49N/91.

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

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

Absent: 3 - Ken Collins; Lonnie Roberts Jr. and Brian Dover

8. Staff Comments

8. **Staff Announcement:** Land Use Plan Public Meetings Schedule (**See Attached Schedule/Locations**). The public is invited to attend one or more of (3) public meetings to review the proposed Land Use Plan for the City of Jonesboro, AR. (August 24, 25, 27, 2009).

8. Sidewalk Ordinance Discussion

Discussion is ongoing. Staff is also coordinating input from the Public Works Committee and others and we are putting together some sample codes for review.

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.**

The City has never required fence permits; we are only raising concern because we have so many fences being installed in the right of ways, visibilities areas, within disputes with neighbors, causing cases with our (BZA) Board of Zoning Appeals there is no coordination with property easements, nor any type of consideration for property line issues dealing with disputes on boundaries. We hope you that you consider revising the fencing requirements in the code. Currently you can put an 8 foot fence in the front yard in an R-1 District or Single Family District I suggest that we lower the front yard to 4 feet and allow the privacy fence to be place in the side yard and the rear yard and keep the same height standards.

This will be for any new fence applications.

As they are to date, you have a non-conforming situation and for those replacing a fence to take a photograph as is, so that they will be protected. It will be grandfathered in the existing but any new fencing will have to comply with the new standard if changed.

Mr. Day asked- We are not going to get into negotiating boundaries are we? Otis Spriggs stated that property line disputes are civil issues. Burden of proof is on the property owner.

The question was ask if you have a corner lot and you apply the building setback then the house can't have a backyard fenced any higher than a 4 feet. Otis Spriggs stating not necessarily, a corner lot, you can chose which is your rear yard; however you do retain those two front yards. You rarely see a fence in both front yards unless they have applied for a variance. We can put in an allowance and go half the distance, maybe on half of the front yard go half the distance to place a privacy fence. Then it will be far enough back not to be an obstruction in the right of way.

Mr. Spriggs added that home owners build fences and it crosses over drainage

changes and in easements and blocks water; and this is where we have the problem. Engineering reviews all the easements on the front end.

Marvin Day is worried. I don't think you have it right here. Think about a normal subdivision that has rear utility such as telephone/cable you will have a 10 ft. of weeds and mess and varmint problems and not maintained properly. On the same course if you have a drainage easement if it's a ditch it's something to be discussed but if it's a small pipe that does not require maintenance it has to be a variance or something else to control it better. Placing a 4 foot fence on a corner lot on the front needs to be addressed more as far as safety and sight distance. Don't bring it all the way to the front. You need to maintain corner visibility.

Michael Morris, Engineering, added that storm water drainage has been written into an ordinance and we may need to prevent people from putting the fences over the drainage channels. We were just going with what we had currently. We need to make clarification on the appeal process, drainage issues can be brought up with the appeal board. If someone wants to put it in the easement they must have a process of appeal either with BZA or the Utility Company. What we are drafting here says any easement but; we may add a disclaimer in there unless permission is obtained from the owner of the easement.

Our present ordinance states that nothing can be placed in the right of way easements. The Storm Water drainage states only drainage, Mr. Morris added. Commissioners were not ready to make a decision on the fencing at this time.

9. Adjournment