



City of Jonesboro

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

Meeting Minutes - Final Metropolitan Area Planning Commission

Tuesday, March 8, 2011

5:30 PM

900 West Monroe

1. Call to order

2. Roll Call

Present 7 - Margaret Norris; Lonnie Roberts Jr.; Joe Tomlinson; Paul Hoelscher; Jerry Halsey Jr.; Ron Kelton and Jim Scurlock

Absent 1 - John White

3. Approval of minutes

Approval of MAPC Meeting Minutes for February 8, 2011.

A motion was made by Joe Tomlinson, seconded by Margaret Norris, that the minutes be Approved . The motion carried by the following vote.

Aye: 6 - Margaret Norris; Lonnie Roberts Jr.; Joe Tomlinson; Paul Hoelscher; Ron Kelton and Jim Scurlock

Absent: 1 - John White

4. Annexations

AZ 11-01/RZ 11-08 Phillip T. Hudson, Robert McCall, Rex Gilbert, Connie Gilbert and Sandra McCall requests an annexation and rezoning to "C-3" Gen. Commercial for 78.66 acres and "RS-5" Single Family for 2.03 acres located 0.4 miles north of Farville Curve on west side of Hwy 49 N. West boundary is CR 701 current address is 449 CR 701, 572 CR 701 and 5693 Hwy 49 N.

Applicant: Mr. Ralph Waddell, Atty.: representing the owners/petitioners and the Craighead County Fair Association: We are seeking to have approximately 80 acres located off of Hwy. 49 N. annexed into the City of Jonesboro and rezoning of Tract 1- 78 acres zoned to C-3 General Commercial and a 2-acre Tract 2 to RS-5 Single Family Residential. In advance we provided you with a packet of information on the Fair Association itself, the preliminary building plans and concerns raised by the neighboring land owners and how we've attempted to address those concerns.

Mr. Ralph Waddell, Atty.: The property is under contract with the Craighead County Fair Association. And the Fairgrounds wishes to develop a state of the art exposition conference center that can be used to not only host the fair but

also a wide variety of community activities. The Fair is a not-for-profit corporation composed of representatives from the Jonesboro Jaycees and also Craighead County Farm Bureau. The primary function is to manage and maintain and operate the fairground site. Jonesboro has been officially designated by our Governor as the site of the NEA district fair that is a seasonal activity held each September and it lasts about 6 days. The rest of the year, the fairgrounds are used for a number of events including Duck's Unlimited, St. Jude's Super Bowl Extravaganza, Pancake Days, and it is used for rentals by Cooperate Groups for trade shows, vendor shows and cooperate outings. It is used by Civic clubs, 4-H clubs, and Girl Scout activities. I know you are familiar with the current location on Stadium Blvd., the current site is no longer adequate to serve the needs that we need to host; the buildings are old and obsolete and undersized we have limited parking and the area is land-locked with no opportunity to expand; it is located on one of the most prime commercial districts in Jonesboro. Just about everyone agrees the fairgrounds should be relocated from that area; the question is where. For the last 10 years, the Fair Board created a long range planning committee to develop plans for a new facility and to accommodate the changing needs of the fair; and to seek and evaluate potential sites. It developed site criteria for the new location. In using that site criteria for the last 4 years we have searched and evaluated 10 sites before deciding on this one. It meets all the criteria in terms of access, topography, soil types, secondary access, etc. In the opinion of the Fair Board it is the best location for this conference and exposition center.

Mr. Ralph Waddell, Atty.: As noted by the city planner in the report, the site can be developed within the county today as a matter of right. But the Fair is seeking annexation into the City of Jonesboro primarily for services including utilities. By seeking annexation, the Fair is willing to subject itself to City codes, City Building Codes, and the other things that govern building construction and land use. We are seeking zoning and annexation and not permission to build. This project is a 10- year /\$12 million dollar project. With two distinct areas of use: season use area (Fair, livestock shows), and a 12 month use area (Buildings for Community charitable and commercial events). The seasonal use areas are placed on the site to minimize the impact to the neighborhood. It will be constructed to blend in with the existing topography. Of the 78 acres only 10 % of the area is buildings; so there is plenty of green and open space. The fair desires to be a good neighbor. There have been 3 separate community meetings, where the Fair listened to the concerns and responded to concerns and made certain commitments. We outlined those in your packet, including strategically locating the buildings to create buffer zones with fast growing trees, landscaping etc. to eliminate noise. Constructing a masonry fence on the southern boundary between those houses directly affected and limiting some of the access on Clinton School Rd. We have committed to assist the neighbors living in the Oak Subdivision to the south, to be annexed into the City of Jonesboro in paying surveying and legal costs to annex them. This will give them available city sewer, lower water/utilities costs, garbage collection, etc.

Mr. Ralph Waddell, Atty.: Regarding the Land Use Plan: the proposed site is not in the City limits. It is not zoned; we are requesting C-3 zoning to accommodate the activities. We think the C-3 is compatible with the Land Use Plan; proceeding away from Hilltop, and proceeding east, there is already commercial in that area. There is lot of property for sale for Commercial use in addition to the 76 acre NEA Baptist Memorial Hospital site with certain

business along that same area. Commercial development will eventually connect Jonesboro to Paragould not residential development. The annual fair plays a small part of what the grounds will be used for. The fair is committed to developing this site, and want to be good neighbors and annex into the City. We are asking the MAPC to adopt the recommendations of the Planning Staff for annexation and rezoning.

Opposition:

Jim Lyons, Atty.: On behalf of the opponents, presented handouts. There are a number of residents in opposition. All persons in opposition stood: Approximately 50 persons were present. Mr. Lyons stated that the use is not consistent with the Land Use Plan, which is about 14 to 15 months old. (Jan. 5, 2010 adopted) We need to be consistent with the Land Use Plan; it should be rejected. Mr. Lyons disagreed with application, Item No. 9- on Adverse Affect. It says it should not adversely affect any of these. Everybody understands that anyone living next to the fairgrounds would not agree. If you look in the booklets you see the photos of the back of people's property. It will not just be the fairgrounds in September, but 4th of July activities and others. Not just the one-week activities, but the future use is a concern. Mr. Lyons noted that he does a lot of condemnations in high traffic areas that are great for commercial uses; but horrible for residential properties. High traffic is important to commercial development. Application, Item No. 1, Impact on utilities, streets, drainage, fire, and medical services was questioned. It will have a number of effects. It may provide utilities, but it will do nothing for the streets, but provide problems for drainage. A walking track is the only thing on the plan.

Mr. Lyons: This area is intended for single family residential and it is not important what may occur in 2030. More importantly, the last item in the folder: this doesn't comply with the Jonesboro Code of Ordinances, Article 7, Chapter 117- Parking, Section B.: Parking and Loading schedule. Off-street parking shall be provided with the schedule, with minimal surfacing (See # 5)- all required parking and driveways shall be paved with asphalt concrete or brick... They are asking you to disregard the ordinance, and to disregard the requirements with the grass parking, with the porous flexible paving system. Comments were made on curbing, drainage and run-off also. Mr. Lyons commented on the parking calculations where they calculated needing 2600 cars. He calculated a little higher than that (2,655 cars). Mr. Lyons calculated the landscape formula also at 780 shrubs in this area.

Mr. Lyons also referred to Page 9 and 10 of 12- Residential Compatibility Standards. High density and non-residential areas is an issue. They are in violation of the Jonesboro Code. Page 11 of 12 Site Design Standards: exterior lighting shall be minimized. Fairgrounds will not minimize lighting, as they wish to build an outdoor arena for concerts, with sound similar as Mud-island; proposing to serve 4,000 to 5,000 people, with concerts similar to ASU. For the night of the concert they will have large number of people going in and cleaning up there, but not cleaning the resident's properties. We believe it should be denied.

Mr. Ralph Waddell, Atty.: We received a petition of signatures from 39 people that are in support of the annexation from the Oak Subdivision. Mr. Waddell gave comments on the land use plan which was a default position on lands out in the County. He read the staff report comments on the Land Use. The 1995

plan was referred to, where it recommended a regional commercial center north of this site, as well as provided for a park area on this site.

Mr. Waddell stated that they have engaged Ernie Peters, Peters Associates, to work out traffic issues. We have consulted with AHDT. We have been in discussion with Jonesboro fire and police who do not oppose. Paving, Curbing, and Landscaping will be dealt with during the site plan process.

Mr. Spriggs summarized the Staff Report. He gave comments on the Land Use Plan. The 1995 plan does refer to a regional commercial use north of this site. We would construe the fairground use as "outdoor/indoor recreational uses", which are allowed as of right in C-3 Commercial, but as a conditional use in AG-1 Districts as well as in RS-1 & RS- 2 Single Family Districts (large lot districts). That option is available for such uses. We noted in the staff report, the Master Street Plan recommendations. CR 701/Clinton School Road is in need of improvements. Access management would require such improvements. We will be taking in ½ right of ways on CR701 and right of way dedication will be necessary. Fire and Police reports were provided and no issues of concern were raised. Buffering was a concern by staff and the applicant has noted compliance will be made. This, if approved will come back to the MAPC as a site plan review.

Mr. Spriggs added that the flex paving system parking is a new concept. The city engineering department would prefer the system from a storm water management perspective. They will be required to meet all City Stormwater regulations as required during permitting.

Mr. Joe Tomlinson asked about the Master Street Plan for Clinton School Road, which is a collector road which requires 80 ft. of right of way/ 60 ft. minimum required.

Larry Cliff, 287 CR705: Stated that he represents 41 homeowners; 24 separate lots. We have no objections to the Fair Association and they want to be our good neighbor.

Mr. Scurlock: Noted that it seems like we have 2 issues. If the fairground is annexed or if they are not; we have less control. Mr. Spriggs clarified that if it were developed in the County, there will be no City required design standards applied. Details on CR701 were asked.

Mr. Kelton referred to a new law, Act 116 that the fairground be held in Craighead County. It will be the permanent home.

Mr. Lyons. The law is now in Craighead County. We think they will go somewhere else and develop if not approved.

Mr. Waddell clarified that the Fair Board is committed to developing this particular site as part of the City or County.

Mr. Kelton: Act 116 restructures the Board of Directors; now there is one director from each County for the NEA Fair- We can't lose control of the ball here can we?

Mr. Eddie Burris, NEA District Fair Board President and the County Fair

Association: Stated that Act 116 is the act that makes Jonesboro the present and permanent home of the Northeast Arkansas District Fair. The law set up an advisory board, with 1 member from each county as an advisory commission only. It is an advisory capacity to make recommendations to the Board on livestock changes or the implementation of new plans or regulations in live stock procedures to just deal with the 6 days of the district fair.

Mr. Hoelscher: Stated that it appears that a number of the residents are in favor of this based on the provision of being annexed into the City as well; and the Fair Board has made the offer to participate in that as well. What ability or latitude do we have in including that in this recommendation, if one is made?

Mr. Spriggs: Because it would necessitate a separate process though a petition to the County Judge, I would recommend that we weigh that separately and on its own merit. Comments are fine at this time; however it would be premature without the boundary information of all affected parties. From a long-range planning perspective, it would be a concern of Staff that that area is considered for annexation in the near future, due to the cohesiveness of the Zoning and City limits map. We do have the ability currently to cover this area in our long range planning efforts, by State law under our extraterritorial jurisdiction area beyond the city limits. That would need to be a separate petition and order from the Judge with a similar process as what we have tonight.

Mr. Roberts asked about the Fair Board's commitment to assist in that process. Mr. Spriggs: It is my understanding that they have made agreements and concession to take care of that process.

Mr. Ralph Waddell: We have agreed to pay for the legal and surveying costs, if they have the requisite number of people that would be required for annexation.

Mr. Tomlinson: How long is that offer open? Mr. Ralph Waddell: there is no expiration date on it.

Mr. Kelton: As I understand it that if you are within a certain distance of a City sewer, you are expected to connect to it?

Mr. Spriggs: Because of the Health Department Standards, for those persons on a septic system- if they are within that 300ft. proximity to a local public sewer system, at the time of failure of their system, they would then be required to connect. The Fair Board has committed to participate in assisting with those extensions/connections.

Mr. Ralph Waddell: We have agreed to contribute a significant amount of money to the extension of that sewer line; that they can tap into the sewer main at a reduced cost.

Mr. Lyons: They have not agreed to a specific amount, nor have they indicated what the cost would be for all those residents. Those costs to connect are extremely expensive. They have not committed to paying all of that.

Mr. Ralph Waddell: The projected cost of that extension will be \$176,000; the Fair Board is committed to contributing up to \$100,000 (a significant portion).

We are working very closely with CWL. The savings on the utility bills will offset the land owner's costs to connect.

Ms. Norris clarified the 300 ft. connection requirement stated earlier by Staff.

Gene Vance: We have employed an engineer to give us a preliminary sewer plan, and we have worked that preliminary plan with City Water Light. The \$176,000 includes the sewer mains within the Oak Subdivision, the yard lines to every house; so there are no additional charges outside the \$176,000. The Fair Board is willing to pay up to \$100,000, leaving approximately \$76,000 to be paid for by the homeowners. City Water Light will finance over 15 year period the costs. We are not sure to the penny, but that cost may be between \$25 and \$30 per household on their future sewer bill. Their sewer bill will be approximately \$15.00 per month based on water usage, which will make it \$40 to \$45 per mo./household for sewer. We ran examples of 2 electrical bills for the past 2 years of the home owners, and the smallest was a savings of \$500.00 year or approximately \$40.00 per month. So the savings on the electricity alone will almost pay for every home owner to have sewer there. Some of the septic systems in the area are already failing. That's why there are so many home owners that want to be on city sewer. We are offering to help them with that. This is not required but the Fair Board is trying to be good neighbors. They will save a \$1.50/mo. on water bill (surcharge of \$1.50 will go away). Most of the Oak Subdivision residents pay \$48 per quarter or \$16 per month for sanitation. That \$16.00 goes away on garbage. They will save 20-30 percent, depending on insurance carrier, on their fire protection on their home owner policy. When the contractor completely runs the yard lines, it will be grassed back over, so they won't tell it was there.

Mr. Kelton: Asked about the traffic on CR701.

Mr. Vance: We have 3 acres on CR701. This is a preliminary plan; we will bring back a site plan to you. The southern drive on CR701 is only for service access for fire, police and ambulance service. The middle drive is for the livestock exhibitors. Personnel will restrict access for the livestock area; that gate will be manned during all activities. The northern gate will be only open during the day and locked at 11pm and not opened until the next day. The northern gate is for the workers only.

Concerns on CR701: If the County Judge will released CR701 and the City Engineer will accept the right of way of CR701, that we will work and try to get the right of way on the west side brought in, where CR701 will be a City street. It will be up to the County Judge and our City Engineer. We will work with the Mayor and the County Judge to have the road paved all way to CR702 as has been promised. Public access will be off Hwy. 49N only. The only exception, and we haven't gotten our report back from Peters and Associates is that after 9:00 at night, we may open up access CR701 northbound only with off duty police or the National Guard to lead the cars to 702 to go east or west at the signal light on Hwy. 49. But CR701 will be paved to CR702 as promised. All public access will be off Hwy. 49. Everything we are doing to Hwy. 49 will be approved by AHDT in Little Rock.

George Adams- Lives on County Road 7450, spoke about other county roads that are not setup to handle the fair traffic. Two cars can barely pass. I built out there so my daughter can play in the yard. The fair it is ok for one week,

but we have to deal with the folks that travel in an out of there. Our theft in that area will increase. I don't know how the area will be patrolled. We've had some problems out in that area. We have trouble getting police out there. I oppose it because of the traffic.

Ray Elliot, 696 CR702. They stated in the neighborhood meeting that their traffic for all the horses and the Carnival rides will come down CR702 and come down to CR701; that road is not acceptable. This is a rural area, the fair use will tear the roads up. They are saying that they come in off Hwy. 49 but all the trailers and rides will come on CR702 and come down CR701.

Mr. Vance: It is a County Road. Our intent is not to bring in heavy equipment and rides and trailers down CR702. Our fair manager, who is present tonight, will ensure that the carnival rides which set up day before will come in off of Hwy 49. We are talking about workers and pick-up trucks with trailers.

Action: Mr. Roberts made a motion that MAPC grants and recommends approval to City Council for the annexation and the rezoning to C-3 and RS-6 Zoning District. Motion was 2nd by Mr. Scurlock.

Roll Call Vote: Mr. Hoelscher- Aye; Mr. Roberts- Aye; Mr. Kelton- Aye; Mr. Tomlinson- Aye; Ms. Norris- Aye; Mr. Scurlock- Aye. (6-0)

This matter was Recommended to Council

Aye: 6 - Margaret Norris; Lonnie Roberts Jr.; Joe Tomlinson; Paul Hoelscher; Ron Kelton and Jim Scurlock

Absent: 1 - John White

5. Site Plans/Concept Reviews

5. Conceptual Review: Professional Title Co. request MAPC review of a site plan for a professional office to be located within the C-4 LUO Zoning District.

Location: Directly south of Carwash Site, 726 Southwest Dr./Hwy. 49 between Haywood Dr. & Culberhouse St.

George Hamman, Civilogic, prepared the site layout and we are proposing a new building foot-print having more parking on both sides of the building. This is a conceptual layout and we will be completing the site plan to address all issues. We requesting your conceptual approval on this site plan.

Staff: Mr. Spriggs explained that this site was part of the previous carwash site to the North. This will be a low intense use of the C-4 LUO Zoning District, as a professional office. The applicant will meet all other requirements of the C-4 District regulations.

Mr. Tomlinson asked for clarification on the C-4 LUO District. Mr. Spriggs explained that this portion of the site was left vacant on the previous carwash site plan. Mr. Tomlinson asked was there a list of the C-4 LUO uses permitted.

Mr. Spriggs noted that a list was not provided, and staff sent the request to Legal to assure that this would comply with the approved ordinance adopting the C-4 LUO.

Mr. Tomlinson asked if the plan would interfere with the requirements of the Carwash approval. Mr. Spriggs replied, that there are no interferences or conflicts with the requirements. This is residential in character. Mr. Tomlinson: Will the developer improve Haywood Dr. with curbing and gutter.

Mr. Hamman asked if the MAPC would be o.k. with approval of the conceptual site plan contingent upon Staff's final review of the requirements during the permit process, to avoid burdening the Planning Commission again.

Mr. Roberts asked for the City Planner's recommendation.

Mr. Spriggs stated that Staff doesn't foresee a problem because the plan will have to satisfy all code requirements. Therefore a motion is recommended that the Conceptual Site Plan be approved contingent upon Staff's final review and approval of the requirements during the permit process.

Mr. Tomlinson concurred and noted that if staff is not satisfied during the review, then it can be referred back to the Planning Commission.

Motion was made by Mr. Tomlinson to approve the Conceptual Site Plan contingent upon Staff's final review and approval of the requirements during the permit process. Motion was seconded by Margaret Norris, that this Site Plan be Approved . The motion carried by the following vote.

Aye: 6 - Margaret Norris;Lonnie Roberts Jr.;Joe Tomlinson;Paul Hoelscher;Ron Kelton and Jim Scurlock

Absent: 1 - John White

FDP (Final Development Plan Review)- HARPS: Location: 2005 Harrisburg Rd., Jonesboro, AR.

Harps Food Stores, Inc. requests MAPC's review of the Final Development Plan for the commercial development located on the Southwest corner of Harrisburg Road and Highland Drive. Land containing 6.32 acres was rezoned by Council, ORD 10:191, adopted on 12/21/2010.

Mr. Bo Wilkins, Engineering Services, Springdale, AR, representing Harps Food Stores, Inc. who requests MAPC's review of the Final Development Plan for the commercial development located on the Southwest corner of Harrisburg Road and Highland Drive. Land containing 6.32 acres was rezoned by Council, ORD 10:191. He welcomed questions of the Commission.

Mr. Tomlinson asked about the letter requesting 3 matters of clarification, and has it been agreed on. Staff: Mr. Spriggs stated that staff has reviewed the letter on behalf of administration. We have met with the applicant on all issues as well as administration. And all are in agreement to strike the 3rd item which asked that the City would commit to a 30-month time schedule to do road improvements on Harrisburg at Hwy. 18/Highland Dr. That would require action of City Council. The site plan presented today will move forward

through the permit process. The Greenspace Document will also be executed.

Mr. Halsey asked do we need to include the conditions. Mr. Spriggs noted that there is no need because they were adopted as part of the Ordinance.

Motion by Mr. Joe Tomlinson, seconded by Lonnie Roberts Jr., to approve the FDP as submitted. The motion carried by the following vote.

Aye: 6 - Margaret Norris;Lonnie Roberts Jr.;Joe Tomlinson;Paul Hoelscher;Ron Kelton and Jim Scurlock

Absent: 1 - John White

6. Conditional Use

C.U. 11-02 Jeff Giles requests a conditional use to sell carry out pizza products and have a pick up window for business located at 2916 S. Caraway Rd. within a C-2 commercial dist.

Erick Looney, Trident Builders, representing the owner, Mr. Jeff Giles who is requesting a Conditional Use, and proposing a 20'X30' pizza service/carry-out only. This use will be consistent with the other current uses.

Mr. Tomlinson- will this be attached? Mr. Looney replied No. The façade will have a stone veneer with some wood siding, with stone or brick on bottom; includes a standing seam roof.

Mr. Kelton- Where did you get that 85% traffic is from 7-10 am? Mr. Looney stated that the owner got that from a study on his computer showing when their biggest traffic flow is.

Mr. Spriggs noted that the site plan shows no conflict with the stacking requirements for both uses. Staff has no additional comments and the site plan compliance can be reviewed and approved by staff with the 3 conditions recommended to MAPC as a conditional use.

No Opponents.

Motion was made by Mr. Joe Tomlinson, seconded by Ron Kelton, to approve the Conditional use at 2916 S. Caraway Rd. with the noted conditions. The motion carried by the following vote.

Aye: 6 - Margaret Norris;Lonnie Roberts Jr.;Joe Tomlinson;Paul Hoelscher;Ron Kelton and Jim Scurlock

Absent: 1 - John White

C. U. 11-03 Mary Janice Dyer/Herb Starr owner, requests a Conditional Use to have an accessory apartment in R-1 single family district. The property is located at 615 W. Thomas.

Mary Janice Dyer appeared before the Commission. She is interested in purchasing the property for reason that it has a building in the back that has been used for an apartment. It hasn't been used for the apartment in the last year, so she can have some independence of her own and my own. I live in

Lake City and have elderly mother, who will eventually be in Jonesboro. This property is in a safe/good neighborhood. She noted she has spoken to all the surrounding neighbors who are all in compliance.

Opposition: None.

Mr. Herb Starr, noted that he owns the property. And when he bought it, it was an apartment. And he asked the people to move. I wanted to make a garage out of it. Everything is still there as an apartment and I just put the garage up. She has already set up with a contractor to make it nice. It has separate utilities.

Mr. Tomlinson asked that if this were approved and this living arrangement is eliminated could we say that this will not be used as a permanent apartment at a future date? Mr. Starr noted that she needs it for her daughter with the condition that she is in, she wants to watch after her. He can't speak for Ms. Dyer.

Mr. Spriggs asked would it be safe to determine it to be a granny cottage, and that we it would be limited to someone related by blood (family member); that way an outside renter could not occupy it. Other than that, the only comment of staff is that this was originally a grandfathered-in use accessory apartment that elapsed, with a 1-year vacancy.

Mr. Scurlock made a motion that the Conditional Use be granted with the condition that upon issuance of the Conditional Use Approval, all future alterations to the structure shall be subject to MAPC approval in the future. No additional dwelling units shall be permitted on the property. Use of the accessory unit shall be only for someone that is related by blood.

The motion was seconded by Lonnie Roberts Jr., that this matter be Approved . The motion carried by the following vote.

Aye: 6 - Margaret Norris; Lonnie Roberts Jr.; Joe Tomlinson; Paul Hoelscher; Ron Kelton and Jim Scurlock

Absent: 1 - John White

6. Subdivisions

PP 11-02: Preliminary Subdivision: Commercial Park- Craighead County Fairgrounds, 4 lots totaling 5.47 acres. Acres; C-3 Zoning District.

Property Location: West side of Stadium Blvd/ East Side of Fair Park Blvd., South of Highland Dr. (Hwy. 18), North of Race Street

Mr. John Easley, Associated Engineering & Testing, represented the Craighead County Fair Association, stated that he is asking for approval of a Preliminary Subdivision for 4 lots (1-2 acres) in a commercial park located along Stadium Dr. We will have a dedicated Street right-of-way for Parkwood; a private collector street along the west side of the lots. He met with the City Engineering and discussed this preliminary layout for drainage, utilities, etc.

We have an additional request for a conceptual approval on two lots with a layout to go along with this. This layout represents one owner of both lots, with shared parking/access with limited driveways- two along Parkwood, and

one along the private collector road, with none on Stadium.

Mr. Tomlinson clarified that there are no curb-cuts on to Stadium, and what is the 60 ft. area for ingress/egress? Mr. Easley: We made the whole easement a combined easement.

Mr. Hoelscher asked if there was any thought to cross-access along stadium from one lot to the next. John Easley: in this instance you have one owner who is build-to-suit. It would be the developer's choice. Mr. Spriggs: Noted that the preference is that there would be no access directly off of Stadium.

Mr. Spriggs: Typically this 4-lot subdivision would not be required to be brought for MAPC consideration. Staff was made aware that this is a major development exceeding 75,000 sq. ft., we felt the need to have MAPC review. Staff stressed concern for access management. No further comments from Engineering.

A motion was made by Jim Scurlock to approve the preliminary plan as presented, seconded by Mr. Tomlinson. The motion carried by the following vote.

Aye: 6 - Margaret Norris;Lonnie Roberts Jr.;Joe Tomlinson;Paul Hoelscher;Ron Kelton and Jim Scurlock

Absent: 1 - John White

7. Rezoning

RZ 10-21 Wesley Abernathy requests a rezoning from R-2 Multi-family to PD-RM Planned Development District- Residential/Multi-family for 4.76 acres located at 1711 Arch Street (Terminus of Arch St. North of Henry St., South of Jonesboro Airport, North of Highway 18/Highland Dr.)

*Matter Remained Tabled at the request of the Applicant.

George Hamman, Civilogic appeared before the Commission and stated that he prepared the application for a request for a Planned District (PD-RM) Multi-Family. The property is currently zoned R-2, as it stands. We could currently build 57 apartment units in this development as of right. As it stands, traffic is not the issue of concern. We agree that the streets are not as wide as the existing streets were developed when this was a part of the City of Nettleton. It's not the responsibility of the residents and developer to fix those streets. We are requesting 56 units, where we could do 57 units. We have set aside a recreational area, ball field or walking trails and greenspace.

Staff Report: Mr. Spriggs summarized the Staff Report findings. The density of the property is not being changed. However this is an example of the old R-2 District which has been problematic. The most undesirable R-2 Plan was shown in the staff report. Layout 2 was presented showing a secondary access out to Long Street. If Long Street is used, there would need to be improvements that need to be done on Long St. Mr. Hamman noted that the owner will have a second entrance on Arch St.

Privacy fencing/landscape buffering is a concern of staff and should be demonstrated during the Final Development process. The conditions were read.

Ms. Julie Percifull Sartain: Stated that she represents her parents at 1712 Arch St. and the other people from Henry St., Irby St., and Arch St. She presented a petition of names and some pictures showing the issues of concerns. It is a very dense area. All streets dead-end. Hwy. 18 is highly traveled. Bus stops on Arch and Henry St. The railroad tracks causes the traffic to line up and it blocks all 3 exits (pictures shown). Drainage is a problem in the area. The City had to go out last Friday to do some drainage on Henry St. The streets are not wide enough. The water drainage is poor and there is a heavy elderly population with sight and hearing problems. The traffic is a main concern directly across from the Dollar Store on Highway 18, with the railroad crossing. Emergency help is a concern, being a nurse. I have watched and helped with accidents there.

We have lights at the railroad and bars that come down. How long it will take with the traffic problems, if we allow another 100 vehicles. Fire is another concern that I have for getting to an individual in distress. There is one way in and out.

Mr. Halsey: Do you understand that it's already zoned for the use. Sounds like you are saying that you don't want anything built. Not that; I am concerned about the number of apartments that they are asking to be built in that small area. Anytime of the day you will see that exists. Will we create more problems by putting that many residents in this small area?

Mr. Halsey asked Mrs. Sartain, if she knew that it was zoned R-2 and the 57 units could be built today?
They are asking for 56 units and an opportunity to do a better layout. For us as a Commission we try to figure out a better flow. He is proposing a better development.

Ms. Julie Percifull Sartain asked how do we know if he would carry through with this plan fully?

Mr. Spriggs noted that the difference is we are holding him to an extra level of conditions and standards that would be approved by Ordinance. Mr. Spriggs made the comparison that each of you could do the same density redevelopment because all of the properties are Zoned R-2, but were built as single family homes. This board is making a recommendation.

Mr. Hoelscher: asked about the Certificate of Occupancy provision? Mr. Spriggs noted that sometimes the developer will construct these projects in phases. During the final development site plan review, the developer will present his phasing plan to MAPC for approval if the need arises to do a certain number of units at a time. Mr. Abernathy noted that he will do it in phases.

Micah Harding: I live beside the 7 ½ acres. This property drains on to my land which is low. Will he raise it or get into my shop I just built. Mr. Hamman: The Engineering requirements regulate that we won't make your problem any worse that it is.

The preliminary storm drainage findings are that we will drain it towards the northeast towards the airport, and try to take it away from your site.

Ms. Harding: It will be a dead end street and it has one way in. It's going to be a troubling place like the apartments that have already come in.

Ms. Julie Percifull Sartain asked about the Home Land Security issue of the apartments in terms of the flight path. Mr. Spriggs: These are one level units. They will coordinate with the Airport Commission.

Mr. Joe Tomlinson noted concerns on the traffic issue. It puts us at a hard place with the access issues. We are supposed to make things better. This will not make that traffic problem there any better. We can't stop him from developing his property. Can we restrict the number of units based on the infrastructure?

Mr. Spriggs commented on the issues that we face on all of these rezonings where we are behind on our infrastructure improvements. This corridor has some access management challenges. The signage issue of not blocking drives is an enforcement issue. The only legal relief of holding up development would be a moratorium by City Council that would address findings of a study that would be needed to address our housing needs, density and infrastructure needs.

Action: Mr. Kelton made a motion to recommend to Council, approval of the request with the conditions; Motion was 2nd by Mr. Roberts.

Roll Call Vote: Mr. Hoelscher- Aye; Mr. Roberts- Aye; Mr. Kelton- Aye; Mr. Tomlinson- Nay; Ms. Norris- Aye; Mr. Scurlock- Aye. (5 to1)

Aye: 6 - Margaret Norris; Lonnie Roberts Jr.; Joe Tomlinson; Paul Hoelscher; Ron Kelton and Jim Scurlock

Absent: 1 - John White

RZ: 11-01: Yungho Ouyang requests rezoning of a parcel of property containing approximately 1.32 acres more or less from R-1 Single Family to RM-6 and recommend to Council. *Request for Reconsideration

*Matter approved by MAPC by a 5-0 vote (2/8/11) for a max 6 units, applicant requests this Matter be reopened for reconsideration of 7 units max. and removal of future subdividing restriction. *(See revised plat below, showing added drainage easement proposed).

Location: 2225 & 2227 Belt St., Jonesboro AR, South side between Caraway Rd. and Puryear St.

MAPC RECORD OF PROCEEDINGS: Hearing Held on March 8, 2011:

Mr. Spriggs introduced the case and explained the request for reconsideration. The applicant had concerns on the MAPC previous approval on restricting future subdividing of the lot, and also the increase of the density by one

additional single family.

Mr. Hoelscher asked for more details on the request. Mr. Spriggs noted that the applicant requested a rezoning to RM-6, maximum 6 units per acre to allow for a duplex to be placed between the existing two structures. MAPC placed a restriction that the parcel not be further subdivided. They are requesting an allowance of 7 units instead, to allow the opportunity to develop the vacant area to the west of the existing buildings as a single family home.

Mr. Roberts asked if the proposal for the single family will be west of the drainage easement? Mr. Carlos Wood noted that it would be west of the drainage easement and will be a 70 ft. wide lot.

Mr. Spriggs: Given the gross density which was 1.32 acres prior to the dedication of right of way, the overall density would equate to 7 units, (at 6 units per acre density level) under the requirements for RM-6.

City Attorney Carol Duncan clarified the language of the MAPC Bylaws, dealing with reconsiderations. She noted that if this is an amended application, the bylaws read: 6.b. b. Reconsideration - Except for cause and with the unanimous consent of all members present at a meeting, no matter on which final action has previously been taken shall be reopened for further consideration or action. If consideration is granted by the Commission, the case will be rescheduled for the next regular meeting, a new application will be made (new fees, legal ad, and adjacent property owners re-notified so that they may have an opportunity to hear any new evidence and to be heard).

Mr. Halsey: If you consider it an amended application it may have to come back next meeting as a new application. Mr. Wood asked if we leave it as-is could we come back later and ask for that provision to be removed through the MAPC or City Council? Mr. Spriggs stated that once it leaves here, you can decide to move forward to City Council and ask for a modification to the recommendation. Since this has gotten complicated, you should perhaps take the original MAPC recommendation to City Council and ask for the additional single family inclusion with the revised conditions.

Mr. Roberts: Was the City granted the easement on the drainage that was mentioned? Mr. Spriggs stated the owner is now in agreement to grant the easement which is sketched on the revised plan.

Mr. Bednar: this issue was in part a misunderstanding on my part. I didn't understand that restriction was in there. It was my misunderstanding, I am deaf in one ear. At a later day I stated that this could be with another unit. I didn't realize this was being locked in. Carlos Wood could not make the last meeting. The communication was my fault.

Mr. Spriggs: Because of the process for reconsideration, I do not think they want to come back next month. MAPC may take a poll of the Commission that we would forward to Council: that we attempted to do reconsideration, we do not have the provision to move forward because of the bylaws.

Mr. Scurlock noted that it was important that this was done in regard to the drainage area and we were being careful not to affect someone else's property. Mr. Wood: there is sufficient amount of area to the west side to put a building

on the west side.

Action: Informal poll of the commission to recommend a modification to the approval to RM-6, 7 units maximum.

Informal Poll Vote: Mr. Hoelscher- Aye; Mr. Roberts- Aye; Mr. Kelton- Aye; Mr. Tomlinson- Aye; Ms. Norris- Aye; Mr. Scurlock- Aye.

This matter was Recommended to Council

Aye: 6 - Margaret Norris; Lonnie Roberts Jr.; Joe Tomlinson; Paul Hoelscher; Ron Kelton and Jim Scurlock

Absent: 1 - John White

RZ 11-02 Garry Tate requests a rezoning from R-1 to RS- 6 Single Family 6 units per acre located at 1306 Daybreak Dr.

Applicant: Mr. Gary Tate appeared before the Commission. Stated that he purchased the property from the previous owners who were from West Virginia. He added that he would like to divide the property into two lots and remodel the existing home for his 2 grand-daughters and their mother; he wants to build a small 3-bedroom single family house. Mr. Tomlinson asked Mr. Tate will he replat the acreage into 2 lots. Mr. Tate explained that the east side is 62 ft. from the west line. He proposes to create an 85 ft. lot which will be setback 20 ft. +/- ft. away from the structure. The lots will result areas of 6,500 sq. ft. on one; and 8,500 sq. ft. on the existing.

Opposition: None.

Staff: No further comments other than staff report findings. Approval is recommended.

Action: Motion was made by Mr. Kelton to recommend approval to City Council. 2nd by Mr. Roberts.

Roll Call Vote: Mr. Hoelscher- Aye; Mr. Roberts- Aye; Mr. Kelton- Aye; Mr. Tomlinson- Aye; Ms. Norris- Aye; Mr. Scurlock- Aye. (6-0)

Aye: 6 - Margaret Norris; Lonnie Roberts Jr.; Joe Tomlinson; Paul Hoelscher; Ron Kelton and Jim Scurlock

Absent: 1 - John White

RZ 11-03 Carolyn Carlisle /"Willow Creek Phase II" requests a rezoning from R-1 Single family to PD RM multi-family for 10.63 acres S. Caraway Rd., North of Willow Creek Lane, South of Fox Meadow Ln.; North of the East of the terminus of Craighead Forest Rd.

Applicant:

George Hamman, Civilogic represented the owner Mr. Andrew Braxton, Willow Creek, LLC. ; Applicant's Agent- Attny. Jim Lyons.

Mr. Hamman introduced the request to rezone 10.6 acres to PD-RM (144 units) off of E/ Craighead Forrest Road. This will be lower in density than Phase 1, which is just about 100% complete. We are proposing undisturbed buffers surrounding the second phase of this development. All traffic and access will

come from Caraway Rd. in which they already have two access points. We have met with Fire, Engineering and Planning Departments to modify and solidify this plan and we are requesting approval of the PD-RM.

Opposition: Ms. Sandra Matthews, 1212 E. Craighead Forrest Rd. We are surrounded by apartments now; we are 3 blocks down is the golf course and they are constructing one after another there. We already have the first phase (180 units right next to me) and they are adding 144 more. The traffic is an issue. The crime is a concern. Cited the example of Cedar Heights Apartments – Apartment City is what this can turn into in my little neighborhood. When they were building last year, they would start before 6:00 am and work through the night with loud noise in the night, i.e. jack hammers and dump trucks popping their tail gates. I have a sick old husband. I wish we could have a moratorium on apartments. We have far too many right now.

Christy West, 1208 E. Craighead Forrest Road. We do not want a thru- street to E. Craighead Forrest Road is that for sure not going to happen? We prefer to keep it that way. Can we get confirmation? Mr. Hamman: within the land plan there is no plan to extend that road to the apartments. We are on the agenda to meet with the Transportation Advisory Committee. Our intent is not to build a street but to dedicate the right of way if it is needed.

Mr. Braxton: Willow Creek- We build Class A- Apartments in communities. Because of the strong economy in Jonesboro, and the job growth which attracts large employers here, additional housing is obviously needed. We were building over a million and half homes in the US for the last 50 years. We only built one-half million last year. The demand for class A apartments is high in the US. Our rents at Willow Creek are higher than anyone else. We do extreme background checks with a security officer onsite. We provide amenities and we do a good job with management. We are not a student housing community. We went to the City and talked to the Fire Department and City Officials; as well as we came to your last meeting for a concept review; and we are willing to do whatever we need to do to work with the City.

Mr. Jim Lyons, Atty.: We are willing to execute whatever deeds are necessary for whatever the City needs. This is something the City ask us to provide in the first phase. We would prefer for that not to go through because it will alleviate a lot of the concerns of security.

Staff: Mr. Spriggs gave staff comments. The land use plan recommends Single Family Residential; however they are requesting an expansion of Phase 1. The right of way issues were mentioned where Caraway Road is a principal arterial. The issue of land-locked properties was addressed in Phase 1, by allowing for the right of way extension, which affected this subject lot. Mr. Spriggs added that there is no logic to retaining that easement, although it was platted in Phase 1. Once this phase is completed that right of way would lead to nowhere while following the west property line of the site extending north. The City Engineer has no need for the right of way; the site has no need for it, and the residents on E. Craighead Forrest Rd. obviously do not desire to have it extended. The Master Street Plan does not recommend it to be extended as a local or collector road due to the lack of acquired property. Given all of this information, that easement could indeed be deleted by the Commission because you were the body that imposed it in negotiating a previous site plan approval. Other than that all of the other facts of the case are presented to you

in terms of buffering and open space amenities required as part of the Planned Development Process. You will see greater detail during the Final Development Plan review process. Parking does meet requirements. Staff has listed 6 conditions which were read.

Mr. Kelton: They mentioned a 6 ft. fence in proximity to Mrs. Matthew's house. Will it be unreasonable to ask for 8 ft. at her property? Photos were shown.

Mr. Braxton: There will be a 60 ft. tree buffer; trees are 30 ft. tall with privacy fence in between that buffer area. It is a rotational molded (stone appearance). We are proposing a 60 ft. on west side and 40 ft. on the other 3 sides. We can look at an 8 ft. fence if that makes a difference on that section. Mrs. Matthews stated that it would make a difference to her.

Mr. Roberts clarified what it would look like in appearance after looking at the photo of the immediate area next to the Matthews home with the 60 ft. buffer. It would be less intrusive being on the apartment side of the buffer with a natural undisturbed look with the trees.

Mr. Tomlinson asked about the right of way extension issue. Mr. Spriggs noted that the right of way could be vacated. Mr. Tomlinson expressed concerns about providing the right of way extension to Fox Meadows Rd. if a subdivision or more apartments were constructed above this site. One option would be to leave the plan as-is to leave right of way options for extension.

Action: Motion was made by Mr. Tomlinson to recommend approval to City Council with the Stipulations in the Staff report; 2nd by Mrs. Norris.

Aye: 6 - Margaret Norris; Lonnie Roberts Jr.; Joe Tomlinson; Paul Hoelscher; Ron Kelton and Jim Scurlock

Absent: 1 - John White

RZ 11-04 Robert Rees requests rezoning from R-1 single family to RM-16 multi-family 16 units per acre for 30 acres located on the east side of Commerce Dr. and north of Highland Dr., south of Pacific Rd.

Applicant: Mr. Robert Rees appeared before the Commission stated that this site is off of Commerce Drive. Plans are for Commerce Dr. to be widened to 4 or 5 lanes extending to Farville. There should be good access. To the south is Silver Moon Trailer Commercial operations and a water treatment facility. Across the street is a duplex apartment within the R-2 Zoning in the area. There is a CWL lift station 500 to 600 ft. of my property and we have to deal with getting sewer to the site.

Mr. Rees added that he has built units across from Hytrol on Hwy. 18, and the MAPC would be pleased the way we have maintained them. Mr. Joe Tomlinson asked if he had considered another classification for this proposal, such as a mixed use development? For example the recommended mix is 10% for commercial and 25% of multi-family as recommended by the Land Use Plan? Mr. Rees said, No. He is going to hold off Commerce Drive, 300 ft. along the frontage.

Mr. Tomlinson noted that he thinks it is too high of a density for that area. Mr. Rees noted that it would be less than what the people that were just before you

will be getting. He added that this is a good buffer from the commercial and industrial. Mr. Tomlinson: I don't think it is a bad idea to have housing next to the Industrial Park; I just don't think it should be the high density as you have proposed.

Opposition: 7 Persons stood in opposition.

Jennifer Easley, 5910 Pacific Rd.: Made a correction on what Mr. Rees said: In terms of apartments, there is one duplex across the street. This R-2 rezoning came 20 years ago when we were annexed in. There was no way to voice our concerns. The R-2 is all single family except for that duplex. The majority of the land out there is R-1 Single Family and agriculture. The infrastructure is not able to hold what he is proposing. Yes, you want to put a 5-lane highway out there; that is 6 to 10 years from now. We have drainage problems; there is a floodplain in the neighborhood; where he is proposing 400-500 apartments. It is just not right for this neighborhood. There is a developer present that has been before you that has tried to get land in this area, rezoned for apartments which were denied by City Council. We were the last 75 houses turned on, in the last ice storm, a few years ago; 12 days without power. We complained about some road problems and the Mayor fixed that problem. We are a small neighborhood; not high density. The planned mixed use development says 25% multi-family for that entire neighborhood. Mrs. Easley expressed concerns about the approval criteria in the staff report regarding adverse impact and compatibility of the surrounding areas; we don't have any apartments in our neighborhood. Traffic concerns were noted. People are driving through just to get to work. We cannot connect to that pumping station that is for Prospect Rd. A precedent will be set tonight if this is approved. Stormwater concerns were expressed with the floodplain in the area. Please consider our issues out there before you make your decision to pass this on to the Council. We would love to see Mr. Rees develop just as single family houses.

Mr. Rees gave rebuttal. Commented on the annexation and the R-2 zoning issue. Mr. Roberts noted that his parents have family there, who has noted that the area was annexed- in; you had so much time to contest the annexation, so that could have been done at that time. Mr. Rees stated that he will handle the water concerns in his drainage study later in the process. We will meet all requirements. We will bring the sewer in there.

Mr. Kelton asked about the 600 ft. frontage along Commerce. You said you will sit back 350 ft.; and that equates to 5 acres off the front, leaving you with 25 acres. The majority of that looks to be in the floodplain. At a density of 16 units per acre that is filling up that whole area. Mr. Rees: I have been working on my subdivision across from Hytrol for 22 years. I plan to work on this for 10 years. Like the other gentleman- they built their units in 4 or 5 months and are renting the apartments. We will build about 35 apartments per year.

Mr. Tomlinson asked about the Master Street Plan and asked how much right-of-way do we have on Commerce Dr.

Mr. Craig Light: Commerce is a principal arterial with 120 ft. ROW recommended. The plat appears to go to the center of road and shows 40 ft. from center proposed, where 60 ft. is needed.

Mr. Spriggs asked Mr. Rees if he would be willing to donate the recommended 60 ft. from center, ROW? Mr. Rees stated that he would be willing to donate that right-of-way.

Staff Comments: Mr. Spriggs gave comments on the Land Use Plan recommendations for PMUA which suggests a Planned District; with the threshold suggestions of 25%/10% mixture of land uses. There should be some constraints under the Limited Use Overlay or a Planned District for a development this size. Staff is recommending that the density be lower to 12 units per acre until some of the infrastructure or corridor improvements are done.

Mr. Rees asked if anyone had an idea of the timing of the Commerce Dr. road improvements? Chairman Halsey: it is a funding availability question.

Leslie Warr, 5707 Pacific Rd. Stated that he owns 2 homes in the area. We've been to the City Council and we were assured that this is a planned mixed use, low density area. Seven units per acre were asked before and that was too much, and denied based on the drainage issues out there. Consider what was done in the past. This will change the landscape of what we have today. I live right on the corner; if that 5-lane road goes through, I'll lose 2 homes. We were assured that this will be a low density area. We don't have any problems with single family housing.

Larry McElroy, 1005 Commerce Drive. Noted he lives within 400 to 500ft. of where he's proposing to build the apartments. Stated he has the same issues as other people speaking on drainage. We are opposed to any multi-family between Highland Dr. and Pacific; it's all single family. I am not opposed to multi-family uses, because I have developed multi-family in the Eastern U.S. in the past. I have more experience in it than anyone in this room. Jonesboro is not selecting its areas as well as it could. There could be better planning done. Mr. Rees doesn't have a site plan, so he is not prepared to start construction right away. We don't know if he wants to build this or sell it. We had the same problems on Kathleen St. My backyard has mud puddles due to the drainage. We have drainage problems and we are on a septic tank. Mr. McElroy gave comments on the Land Use Plan. The Council needs to amend those percentages for certain areas. The main thoroughfare may be 3 to 5 lanes, to expand it to Johnson 3 to 5 years from now. We would have a terrible problem at Highland Dr. I've never built next to a single family district without buffers, berms and landscaping to shield the multi-family.

Mr. Rees: There are no apartments in that part of town. All the factories are out there. Where could you find a better location than anywhere?

Mr. Joe Tomlinson made motion that we make recommendation to City Council as RM-12, Multi-family, with the right of way of 60 ft. from centerline as agreed by owner having a 300 ft. setback; Motion was 2nd by Mr. Kelton.

Roll Call Vote: Mr. Hoelscher- Nay; Mr. Roberts- Aye; Mr. Kelton- Aye; Mr. Tomlinson- Aye; Ms. Norris- Aye; Mr. Scurlock- Aye. (5 to 1 vote)

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

Nay: 1 - Paul Hoelscher

Absent: 1 - John White

RZ 11-05 Gerry McGough requests a rezoning from R-1 single family to PD-M mixed-use residential for 9.90 acres located at 4400 Aggie Road.

Applicant: Mr. Hamman, Civilogic. Spoke on behalf of the owner Ms. McGough who is on retirement and out of town. She owns this land at Paragould and Aggie Rd. wants to make this district a Planned PD- Mixed use maximum of 28 lots/42 units; nothing more than a duplex, with turnarounds and garages on each units with dedicated streets with drainage plans. No street parking. This is the layout of choice but could change slightly.

Mr. Tomlinson asked what is the Master Street Plan right of way for Aggie Rd.? Craig Light noted that it is 80 ft. George Hamman noted that the owner would agree to donate the additional right of way to achieve 40 ft. from center. Mr. Tomlinson stated that density is important to him and it appears that this is lower than the current R-1 density. Mr. Spriggs noted that the proposal is 4.3 units per acre as opposed to the existing R-1 Zoning which is 5.4 units per acre density.

Mr. Hamman stated that the McGough's want to build a home on lot 23, her husband has health problems. They have floor plans in the works. She is not going to restrict who she sells these lots to, but wants the flexibility to be able to allow a duplex (8 to 10 lots) where someone needing assistance could have the provider live next door.

Opponents: 7 opposed.

Evonne McMinn, 328 Prospect Farm Rd. This is an area of newer subdivisions- Prospect Farms and Wildwood Estates, where there are professional business and working families living there. We are opposed to the rezoning from R-1. Questions were asked about the items in the application. We don't feel like someone's dream is a substantial reason. We would like to see that it stays R-1 as our own are single family. Next item is on page 6, number 13 concerning minutes from close neighbors and they approve. We knocked 50 doors and could not find anyone who approves. No one had heard of it until the signs went up. Eddie Forster owns the other half of the pond to be used as an amenity. He was against that. He could not attend, he is out of town. We would like to see those neighborhood meeting minutes. The Police Department website quotes date from 2010, February 1st through December 2010- 59 accidents on Aggie Rd. were reported. From January 11th to February 28th ; 5 accidents were reported on Aggie Rd. which is very congested. Traffic is going and coming all day long. Speed signs aren't obeyed. I am not opposed to complexes if they were further down and not in that curve area, which have no shoulders or curbs. We are requesting that this remain single family R-1.

Staff Comments: Mr. Spriggs noted that because of the housing laws, unfortunately we cannot restrict or guarantee that the owners will be the elderly. Having met with Mrs. McGough I felt confident that she is passionate about what she is proposing; but there is no way to restrict the housing to any group or single living or retirement community. Staff has no issue with the density proposed. The owner is limiting it to 14 attached unit lots. We are aware of the Aggie Rd./Paragould project that would take out the curb. The

style of the units are also controlled by the owners proposed conditions that have been incorporated into staff's 13 conditions for approval.

Mr. Scurlock asked about what the Lake changes that Mr. Forster has proposed to do to the lake would affect the drainage of the subject property? Mr. Hamman noted that the lake is there for aesthetics.

Mickey Bridger, 4214 Corner Stone, Chairman of Countrywood Subdivision, 120 homes off of Aggie Rd. and Airport Rd. We had this same problem with Craig McDaniel, when they turned it down his similar proposal because of the density. Buses were backed up, people were going through our neighborhood, there is no more room for no more apartments in that area.

Mr. Kelton: In regards to the comment of the intended use on restricting the housing. Clearly if that were done it would be in violation of fair housing laws. And since our minutes are subject to F.O.I., I would like to go on record that I was offended by the suggestion, and I will never participate in limiting anybody's right to housing opportunities.

Mr. Roberts: Stated that he is requesting a lower density that allowed currently.

Mr. Scurlock made motion that we recommendation approval to City Council as PD-MU, subject to the stipulations, with the right of way of 40 ft. from centerline as agreed by owner; Motion was 2nd by Mr. Tomlinson.

Roll Call Vote: Mr. Hoelscher- Aye; Mr. Roberts- Aye; Mr. Kelton- Nay; Mr. Tomlinson- Aye; Ms. Norris- Aye; Mr. Scurlock- Aye. (5 to 1 vote)

.

Aye: 5 - Margaret Norris; Lonnie Roberts Jr.; Joe Tomlinson; Paul Hoelscher and Jim Scurlock

Nay: 1 - Ron Kelton

Absent: 1 - John White

RZ 11-06 Naomi Green requests a rezoning from R-2 multi-family to CR-1 LU commercial residence mixed located at 118 Melrose St.

Mr. Hamman presented the case noting the change from R-2 to CR-1 limited use for Ms. Amy Green who is in a unique situation. This is her family home where she grew up. She prepares salsa, tomato dishes and cans preserves and sells at another location. She purposes to take the kitchen and convert it to prepare and sell in a different location. There is no walk-in traffic here. She has met with the Building Official, Terry Adams and he has required it to meet the kitchen codes; they will have a commercial kitchen and she has also talked to the health department. They don't intend to use it as a residence at all.

Opposition: None.

Staff: Mr. Spriggs presented the findings of the staff report and noted that this is similar to a home occupation. Staff has recommended approval with the noted 5 conditions that were read. There are two structures on site to remain.

Mr. Roberts made a motion that we recommend this request to City Council as CR-1; Motion was 2nd by Mr. Kelton.

Roll Call Vote: Mr. Hoelscher- Aye; Mr. Roberts- Aye; Mr. Kelton- Aye; Mr. Tomlinson- Aye; Ms. Norris- Aye; Mr. Scurlock- Aye. (6 to 0 vote)

Aye: 6 - Margaret Norris; Lonnie Roberts Jr.; Joe Tomlinson; Paul Hoelscher; Ron Kelton and Jim Scurlock

Absent: 1 - John White

RZ 11-07 Fireside Investments/Mark & Lisa Bowers, owners requests a rezoning from R-1 single family to C-4 LUO neighborhood commercial located at 5431 Southwest Drive.

Mr. Don Parker, Atty.: Represented the applicant: Fireside Investments LLC, Rick Long and Rodney Watson. The owner of the subject property Mark and Lisa Bowers are joining application.

Don Parker, Atty. This is a request from R-1 to C4 LUO Neighborhood Retail service for a Dollar General on Southwest Dr. on 1.5 acres. The Bowers own property to the north and back to the east. Mr. Ken Yarbrough owns the land across the street which is C-4 vacant agricultural, with the area to the southwest being a C-4 strip commercial center, with C-3 to the east and R-1 Single Family. This is a slight deviation from the Land Use Plan, but we have met with the City Planner and he has noted that he has no major opposition to the rezoning request.

Opponents: None.

Mr. Tomlinson: Asked if the applicant had problems with the stipulations. He added a condition that all delivery trucks will enter and exit the site in a forward motion.

Staff Comments: Mr. Spriggs stated that staff has no major concerns or comments other than the staff report findings. Southwest Dr. is a principal arterial and the plat shows adequate right of way being that the improvements are already completed. Staff recommends approval with the noted stipulations.

Mr. Kelton made a motion that we recommend this case to City Council as C-4 L.U.O. Neighborhood Retail Service with stipulations. Motion was 2nd by Mr. Scurlock.

Roll Call Vote: Mr. Hoelscher- Aye; Mr. Roberts- Aye; Mr. Kelton- Aye; Mr. Tomlinson- Aye; Ms. Norris- Aye; Mr. Scurlock- Aye. (6 to 0 vote)

Aye: 6 - Margaret Norris; Lonnie Roberts Jr.; Joe Tomlinson; Paul Hoelscher; Ron Kelton and Jim Scurlock

Absent: 1 - John White

8. Staff Comments

8. Discussion of MAPC Bylaws- Voting Procedures:

*All actions taken in an administrative or recommending capacity (including, but not limited to recommendations on special use permits, subdivisions, rezonings, annexations, text amendments, site plan review, planned developments, land use plans, master street plan, or comprehensive plan amendments, shall be complete and shall include a **finding of fact**, listing what the Commission determines to be relevant facts in the case in order to eliminate misleading statements, hearsay, irrelevant, and incomplete recommendations to City Council.*

9. Adjournment