



# City of Jonesboro

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

## Meeting Minutes - Final Metropolitan Area Planning Commission

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Tuesday, July 12, 2011

5:30 PM

900 West Monroe

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### 1. Call to order

### 2. Roll Call

**Present** 7 - Margaret Norris; Joe Tomlinson; Paul Hoelscher; Jerry Halsey Jr.; Ron Kelton; John White and Jim Scurlock

**Absent** 2 - Lonnie Roberts Jr. and Brian Dover

### 3. Approval of minutes

[MIN-11:057](#)

Approval of the MAPC Minutes for June 14, 2011.

**Attachments:** [MeetingMinutes07-Jul-2011-01-35-42](#)

**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; Joe Tomlinson; Jerry Halsey Jr.; Ron Kelton; John White and Jim Scurlock

**Absent:** 2 - Lonnie Roberts Jr. and Brian Dover

### 4. Preliminary Subdivisions

**PP-11-17**

PP- 11-17: Jamestown Manor Phase III-Preliminary Subdivision located south of Providence Cir. and Williamsburg Dr. (21 single family lots).

**Attachments:** [PP 11-08 Jamestown Subdivision Phase III-Preliminary JamestownSubdivisionPhaseIIIPrelim Drwgs](#)

John Easely, Associated Engineering presented the Preliminary Subdivision. This is a continuation to the west of the current Jamestown Subdivision. We met with Engineering and everything is in order.

Mr. Spriggs noted that the plan meets all subdivision regulations. It has been reviewed by CWL who had no issues. Michael Morris noted that on Sheet 3 ingress easement and drainage easements are needed between lots 9/10 at a 20 ft. width. Mr. Easely noted that the owner has no problem with that.

Mr. White asked that if you have an easement for access for maintenance of a detention basin, does it preclude the owner from having a fence there? Mr. Morris: Even if they fence it, just as long as access is granted with a gate it is fine. Mr. Spriggs: This can be coordinated through a fence permit approval. Mr. White: So in the bill of assurance you have to disclose that.

A motion was made by Jim Scurlock, seconded by John White, that this matter be Approved . The motion carried by the following vote.

**Aye:** 6 - Margaret Norris; Joe Tomlinson; Paul Hoelscher; Ron Kelton; John White and Jim Scurlock

**Absent:** 2 - Lonnie Roberts Jr. and Brian Dover

**5. Final Subdivisions**

**6. Conditional Use**

**7. Rezoning**

RZ-11-14

RZ 11-14: G&P Stadium Commercial Development

G&P Development, LLC requests approval of a rezoning of property from C-3 General Commercial to PD-C, Planned District Commercial for property located at 2807 Stadium Blvd. & 2833 Race St. containing 9.7 acres.

Attachments:    [Application\\_PDC Rezoning](#)  
[Staff\\_Summary\\_RZ11\\_14G&PCommercial Development](#)  
[RezoningPlat\\_PD C](#)  
[PD-C PRELIMINARY DEVELOPMENT PLAN](#)  
[Preliminary Concept Plan\\_PDC](#)

Mr. Michael Daniels, HKB appeared before the Commission and welcomed any questions or comments. Mr. Spriggs gave staff input summarizing the case details. The developer is proposing 6 commercial buildings served by private drive/access from the mentioned right of ways. Zoning compliance would need to be met by each commercial use planned, regarding building setbacks, maximum lot coverage, etc. Since the staff report was posted, we have before the Commission a revised preliminary plan that was submitted by the applicant that addresses those issues. The Engineering Dept. and Planning Dept. Staff also reviewed the plan in terms of the site layout in reference to our access management ordinances; as it relates to the number and location of access drives in proximity to other drives. And there were some questions raised by Engineering in terms of the alignment of the access drives to assure that there are no conflicts with what occurs on the opposite side of Race Street, and what is coordinated along Stadium Blvd.

The Planning Department has listed the following five (5) conditions:

1. Race Street right of way should be shown at 40 ft. from centerline. Driveway access drives shall be submitted and coordinated with the appropriate reviewing agency for approval. (This item is no longer an issue and can be removed).
2. Details on maximum building sizes and percentage of open/greenspace shall be submitted for MAPC consideration in the Final Development Plan process.
3. Signage details shall be required during the Final Development Plan process as well.
4. Parking lot calculations shall meet the minimum requirements of the C-3 Commercial District standards.
5. A final development plan shall be required to be reviewed and approved by the MAPC and shall include final details on drainage, grading, access management, signage, lighting photometrics, landscaping and all site improvements approved by this petition.

The greenspace/openspace for Phase I, we plan for 34% of phase I to be open space on the 2 lots on the southern end. We will continue that drive to Race Street. As far as parking we have 131 spaces and we are required 120. We do not have an exact plan/time for the other easement. Mr. Spriggs asked if the applicant had coordinated with CWL concerning easements under the Planned

Development District. Mr. Daniels: our planned 25 ft. wide utility corridor is shown on the east end (runs east of the North/south road).

Engineering Department:

Michael Morris: Have you had a chance to look at the access driveway and the one to the north? Yes, it is over 80 ft.: Mr. Daniels replied. We would like this drive align with the church drive across the street. Michael Daniel stated that it won't be exactly lined up; it will be an offset because of the requirement to offset the drive 20 ft. from the line. Mr. Morris: Even though this is labeled private drive, it will operate like a City street, because you are serving multiple buildings. If the bank develops, which is east, we will restrict their driveway location, because we would want them further spaced.

Terry Bare: HKB, Our driveway along Race comes half way between the bank and the church. We feel that is the best and safest entrance to the property. Last month we had a commercial subdivision before you in which the driveway was a little less than the 80 ft. and Engineering asked that we dead-end the street with a cul-de-sac because it did not align with the driveway of a residence. If we move it to the south we will not match that driveway ; We will ask the owner if they would like to do that, but we do not want to make it a stipulation of approval. Mr. Morris: We feel once the bank is developed there will be a congestion between them and the bank. The church will be accessing the property on Sunday and Wednesday night . Mr. Daniels noted consideration of the automotive business to the west and to move it closer to the west, there is a residence that we will be jamming it against when there is a 20 ft. setback requirement off the line.

Mr. White: Do you know with certainty that the bank will develop the drive at that location. Mr. Morris noted that it was a temporary facility previously approved and that is probably where they wanted the final drive. Mr. White: The way I see is that they are requesting a rezoning and those things will come later. Mr. Halsey concurred. Joe Tomlinson: If you do this in phases will this come back as a final plan? Mr. Spriggs noted that this submittal is a conceptual plan attached to the rezoning. Afterwards it will following similar to a subdivision. Mr. Spriggs noted that consistency is achieved with the land use plan.

A motion was made by Jim Scurlock, seconded by Margaret Norris, that this matter be approved and Recommended to Council . The motion carried by the following vote.

**Aye:** 6 - Margaret Norris; Joe Tomlinson; Paul Hoelscher; Ron Kelton; John White and Jim Scurlock

**Absent:** 2 - Lonnie Roberts Jr. and Brian Dover

## **8. Staff Comments**

**COM-11:052**

RP 11-33: Haywood, Kenward, Bare & Associates, on behalf of Jerry Craft, request approval of a Replat of Lot 11 and Lot 12A of Highland Forest Third Addition on a 50ft. right of way width on Princeton Dr., 10 ft. less the 60 ft. requirement. on a cul-de-sac street.

**Attachments:** [Replat Highland Forest Third Addition](#)

**Mr. Spriggs stated that this is request similar to what the MAPC has received in the previous 2 meetings. Our City code at one time in the Master Street Plan and the Subdivision Regulations required a 50 ft. right of way on cul-de-sacs; We inadvertently revised our ordinances under the adoption of the Master Street Plan and we took out that provision and required 60 ft. on all public streets, and we are having to bring these before the Commission as requested.**

**Mr. Terry Bare: We are requesting approval to remove the property line of the two lots and make it one lot.**

**A motion was made by Joe Tomlinson, seconded by Jim Scurlock, that this matter be Approved . The motion carried by the following vote.**

**Aye:** 6 - Margaret Norris;Joe Tomlinson;Paul Hoelscher;Ron Kelton;John White and Jim Scurlock

**Absent:** 2 - Lonnie Roberts Jr. and Brian Dover

**COM-11:051**

RP11-34: Andy's Frozen Custard: Carlos Wood on behalf of Mr. Ebbert request approval of a Horizontal Regime, lot replat of 232 E. Highland for property to be redeveloped for a frozen custard/ice cream business for financing purposes only.

**Attachments:** [Ebbert Highland Plat](#)  
[Ebbert Highland SP-1](#)  
[Ebbert Highland Plat Revised](#)

**Carlos Wood, representing the owner who is leasing a 95'X208' parcel approx. and we wanted to submit this plat to use an instrument for platting and leasing that meets a City code and we think that the Horizontal Regime is the best option for this property.**

**Mr. Spriggs explained further that this instrument is typically used by the hospitals and medical facilities (typically used for financing purposes defining a piece of real estate). Staff has no issues, this is only being reviewed for that purpose and it is not required to be approved by the MAPC as a site plan. Is it one single cut on Highland Dr. Mr. Wood stated that the Highway Dept. left 2 drives there existing. Mr. Spriggs noted that Wafford St. will be closed off at Highland.**

**A motion was made by Jim Scurlock, seconded by John White, that this matter be Approved . The motion carried by the following vote.**

**Aye:** 5 - Margaret Norris;Joe Tomlinson;Ron Kelton;John White and Jim Scurlock

**Absent:** 2 - Lonnie Roberts Jr. and Brian Dover

**Abstain:** 1 - Paul Hoelscher

COM-11:013

**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.*

*Item Tabled 5/10/11, 6/14/11, and 7/12/11 by MAPC.*

**Attachments:**     [Planning Commission Voting Procedure](#)  
                          [MAPCBylawsFinal 2009](#)  
                          [MAPC Bylaws 2011 Proposed Changes](#)

**Motion by Mr. Kelton to untable; 2nd by Mr. White. Motion Carried.**

**Mr. Scurlock:** The way I understood it- Everything needs to be voted on. If you want to get something to be denied, you vote no in the affirmative. If no members want it to be passed and no motion is made, does it just die in place. **City Attorney, Carol Duncan:** I looked at that in Robert's Rules of Order, and it gave different options. With most voting bodies, it said if you are not for it every one just remains silent and it dies. But as for this Commission, you are making a recommendation and it said other than for commissions making recommendations to another body...in which case you need a vote one way or another; in order for it to move to the next step to Council or be appealed. It can't just die; they have to have a vote or recommendation. **Mr. Scurlock** expressed that it is acqward. Roberts Rules recommends motions be made in the positive, and I understand that on a hot topic you don't want to be reported as being for something that you are not. **Mr. Halsey:** Can you recommend to City Council that they not approve it? **Ms. Duncan:** You can which is a motion in the negative.

**Mr. Spriggs:** If it is about perception, be mindful that if you are against something you can give commentary of your feelings on the matter, before the vote when you are deliberating. It helps if you are clear why you are against something it helps Council as well as the applicant understand why the project was turned down. I think we did a great job on the last few that we did, because there were findings of fact established as to why it was denied. I think that if you make it clear to your peers, before you have the vote then we have the feel of how a matter is proceeding.

**Ms. Duncan:** I think that it is ok to say: The motion on the floor is for the approval of a subdivision: "I'll offer this for vote". You can offer it when the item is called. At end of discussion, then you have the vote. **Mr. Spriggs** and **Ms. Duncan** agreed to look closer at options to provide at the next meeting. **Mr. White** stated that he likes the idea to offer it first.

Mr. Spriggs added that it helps to have a complete record as to why its being approved or denied; so that the record is clear. Mr. Tomlinson asked that some illustrations be made or offered of a typical issue/motion of "finding of fact".

Ms. Norris asked if we did the motion at the beginning, can we table it in the beginning. Ms. Duncan: What you would do is if your discussion led to something that you needed more information; the person that made the motion can ask to withdraw it and then someone can move to table it.

Mr. Kelton made a motion to table; 2nd by Mr. White.  
This matter was tabled for further information.

**Aye:** 6 - Margaret Norris; Joe Tomlinson; Paul Hoelscher; Ron Kelton; John White and Jim Scurlock

**Absent:** 2 - Lonnie Roberts Jr. and Brian Dover

## **9. Adjournment**