



City of Jonesboro

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

Meeting Minutes - Final Metropolitan Area Planning Commission

Tuesday, September 9, 2008

5:30 PM

900 West Monroe

1. Roll Call

Present 6 - Ken Beadles; Margaret Norris; Joe Tomlinson; Marvin Day; Brian Dover and Paul Hoelscher

Absent 3 - Ken Collins; Lonnie Roberts Jr. and Jerry Halsey Jr.

3.

MAPC Minutes 08/12/08

Approved

Aye: 5 - Margaret Norris; Joe Tomlinson; Marvin Day; Brian Dover and Paul Hoelscher

Absent: 3 - Ken Collins; Lonnie Roberts Jr. and Jerry Halsey Jr.

3.

July 8, 2008 Minutes:

A motion was made by Joe Tomlinson, seconded by Secretary Marvin Day, that this Minutes be Approved. The motion CARRIED by the following vote:

Aye: 5 - Margaret Norris; Joe Tomlinson; Marvin Day; Brian Dover and Paul Hoelscher

Absent: 3 - Ken Collins; Lonnie Roberts Jr. and Jerry Halsey Jr.

2. Approval of minutes

4. Preliminary Subdivisions

5. Final Subdivisions

5.

F.P. 08-04 Jim Abel - Barrington Park Phase IV

Applicant requests final approval for Barrington Park Phase IV containing 26 lots on 12.29 acres more or less.

Mr. Wood spoke on behalf of Mr. Abel and stated he had no problem with satisfying the Engineering comments.

Mr. Spriggs stated that the plan does meet all minimum Zoning standards. Mr. Michael Morris stated that the Engineering Dept. has no objections just as long

as the stipulations are met.

A motion was made by Secretary Marvin Day, seconded by Joe Tomlinson, that this Subdivisions be Approved with the Engineering Stipulations being met. The motion CARRIED by a Voice Vote.

Aye: 5 - Margaret Norris; Joe Tomlinson; Marvin Day; Brian Dover and Paul Hoelscher

Absent: 3 - Ken Collins; Lonnie Roberts Jr. and Jerry Halsey Jr.

6. Conditional Use

6. CU 08-06 Cole Stevenson

Applicant requests a conditional use to place a ground floor single apartment to be accessed from Union Street and located in a C-1 Downtown Commercial District.

Mr. Day made a motion to untable the item; 2nd by Mr. Tomlinson; motion carried with ayes. He commented on the previous motion to deny as: "In keeping with conformity with what we have done in the past I recommend denial". He looked around with what the situation was. He brought identical situations at the corner of Main St. and Matthews were a 2 story apartments approved. This property is on the corner of Union and Huntington not Main. No exits on Huntington. It can not be seen by the downtown association. Spoke to other business owner- Mrs. Piero and she stated she would support the approval on Union St.

He added that this building is one story owned by Martha and Jim McFarlin; it has been vacant. He represent Cole Stevenson who works as a realtor. Mr. Stevenson made an offer contingent upon putting an apartment off of Union St. Rest of property to be used as business. He checked Downtown and noticed a number of apartments on the lower level and approved by the Commission. This site has onsite parking which is not required, (3) under cover which exit on Union St.

Cole Stevenson stated he is looking to do proposed renovations and ask for questions. Mr. Tomlinson asked if this is proposed as one apartment unit? It seems like quite a bit of vacant space? Mr. Stevenson explained that there is 3600 s.f. of which 1300 is for the apartment. Commercial will be accessed off of Huntington.

Mr. Spriggs gave staff comments, and explained the Main/Matthew St. similar approval and how and why it was justified. He also cautioned the commission of the fore mentioned existing unit that is not considered an approved use.

Mr. Stevenson stated he made provision that the tenant will leave and remove any of his possessions and space was not structural and it will be removed.

Mr. Joe Tomlinson stated that we need guidance from the Downtown Association. We will have to judge one on its own basis. Mr. Day objected to backing out on Union St. and stated that is a very visible location. Mr. Dover asked is there a lease with he current holds with the tenant. Mr. Stevensons stated that he has 5 days to leave once closed and Mr. Davison will be leaving. He had no ownership interest. Lease is expired. Mr. Tomlinson do you have

any documentation from the downtown association? No, Mr. Stevenson replied that he had no opposition verbally.

Mr. Tomlinson will not vote on any other loft apartments unless we get a statement from the Downtown association in the future. He made a motion to approve; 2nd by Mr. Dover as a single unit. Mr. Day added the stipulation of one unit only facing Union and that the commercial look of the facility remain, that there be no modifications to soften the commercial, that sealed architectural drawings be submitted with required certificate of occupancy. Mr. Tomlinson approved of the ammendment. Motion was made and carried as:

Aye: 5 - Margaret Norris; Joe Tomlinson; Marvin Day; Brian Dover and Paul Hoelscher

Absent: 3 - Ken Collins; Lonnie Roberts Jr. and Jerry Halsey Jr.

6.

C.U. 08-07 Larry and Jodi Numann

Applicants requests a Conditional Use approval to place their 6 year old single wide mobile home at 1901 Prescott.

Applicant was absent due to illness. A motion was made by Joe Tomlinson, seconded by Secretary Marvin Day, that this Conditional Use be Tabled. The motion CARRIED by a Voice Vote.

Aye: 5 - Margaret Norris; Joe Tomlinson; Marvin Day; Brian Dover and Paul Hoelscher

Absent: 3 - Ken Collins; Lonnie Roberts Jr. and Jerry Halsey Jr.

7. Rezoning

RZ 08-24 - Joey Perry

Applicant requests rezoning from C-3 Commercial to I-1 Limited Industrial for .98 acres located at 3501 E. Parker Road.

Mr. Mooney represented Mr. Perry who operated his karate school there and it is for sale in hope to assemble and manufacture race car chasis. The property is located that such that should be recommended by City Council. Mr. Spriggs gave staff comments and recalled the previous case in 1989 where this parcel was zoned C-3 along with the 2 other parcels which were rezoned I-1. Staff had no issues with the rezoning and the certificate of occupancy will be handled through the permit process.

Mr. Tomlinson stated that this is the front door to the City and had concerns about outside storage attributed to this type of use. Mr. Perry responded that the intent of this type of business everthing is maintained inside because of the high cost of the materials and there is a storage building in the rear. They are not making any changes to the building.

A motion was made by Joe Tomlinson to approve as I-1 L.U. Overlay to Council with the following conditions:

1. That the commercial store front appearance shall not be altered except by general maintenance, unless submitted as a proper development plan before the MAPC for approval;

2. All materials generated by use of the structure for the manufacture of race car frames and chasis shall be screened from view of Parker Rd. and the I-63 Bypass; this shall include cars being parked and awaiting repair or demolition; seconded by Secretary Marvin Day, that this Rezoning be Recommended to Council. The motion CARRIED by the following vote:

Aye: 5 - Margaret Norris; Joe Tomlinson; Marvin Day; Brian Dover and Paul Hoelscher

Absent: 3 - Ken Collins; Lonnie Roberts Jr. and Jerry Halsey Jr.

RZ 08-25 Joanne Steed

Applicant requests rezoning from R-2 Multi-family to C-4 Neighborhood Commercial for .21 acres at 301 and 303 E. Cherry.

Joanne Steed came before the Commission of the request to rezoning for the expansion of her business (ChildrensTherapy Services of N.E. Arkansas). Plan to use the building for file storage additional office space and for 6-8 pediatric social skills groups per week.

Mr. Spriggs explained the staff comments related to the setbacks which are now nonconforming in the front (15.9 f.t.) and side (10 ft.).

Mr. Day asked was the applicant using the same house? Yes its been renovated for multifamily. Mr. Tomlinson asked if it can be a L.U. Overlay. Mr. Spriggs explained that the Commission can place an LUO and make recommendation to Council.

A motion was made by Joe Tomlinson that the property be rezoned to C-4 L.U. Overlay, with the stipulation that the subject property shall be screened from any abutting residential and that the existing structure shall be made to comply with all fire and building code requirements; seconded by Margaret Norris, that this Rezoning be Recommended to Council. The motion CARRIED by the following Vote.

Aye: 5 - Margaret Norris; Joe Tomlinson; Marvin Day; Brian Dover and Paul Hoelscher

Absent: 3 - Ken Collins; Lonnie Roberts Jr. and Jerry Halsey Jr.

RZ-08-23 Karen Kuo Peck/TLRMC, LLC

Applicant requests rezoning from R-1 Residential to C-3 General Commercial for .83 acres located at 4501 E. Johnson.

Mr. David Tyre representing the owners gave comments. This is located on Hwy. 49 to the east of Sonic Drive-in. The lot to the west is owned is Zoned C-3. The only concern of Staff is the residential to the east; that property is owned by the Bewell Trust and they sold to our client and are not in opposition

to the C-3.

Mr. Spriggs commented that this property is generally surrounded by Commercial and this has been the trend of development in this area. The property does front industrial outdoor storage in the rear and will shield view of that when developed.

A motion was made by Joe Tomlinson with the stipulations of a C-3 Limited Use Overlay,

1. A redevelopment plan shall be submitted to the MAPC for approval prior to the site being used for commercial purposes, 2. Adequate screening shall be provided to protect any existing residential abutting said site; seconded by Secretary Marvin Day, that this Rezoning be Recommended to Council. The motion CARRIED by the following Vote.

Aye: 5 - Margaret Norris; Joe Tomlinson; Marvin Day; Brian Dover and Paul Hoelscher

Absent: 3 - Ken Collins; Lonnie Roberts Jr. and Jerry Halsey Jr.

RZ 08-21 Judy and Terry Murphy

Applicants requests rezoning from R-1 Single-Family to C-3 General Commercial for 1.62 acres located at 4215 E. Johnson Ave.

Mr. Terry Murphy appeared and commented on this rezoning. He is surrounded by Commercial.

Mr. Troy Sheets, Associated Engineering explained to the Commission that he is not opposing the rezoning. The use of a survey plat that it states on the application to attach a rezoning/survey plat. This plat used tonight is one that I did in 1981 and at that time Johnson Ave. was 2 lanes. There has been many changes. By using this document of my seal and stamp and signature it states that I agree with this. He stated he gave no authorization of the approval, and object to the use of the plat.

Mr. Spriggs gave staff comments that Staff gave concern to the issues abutting residential in the rear for protection and screen. This property is abutting the next property in which cross access easement would be an issue. The other matter concerning the plat issue, Staff spoke to Mr. Crego concerning the plat. We typically state in similar instances that by the time the Council Rezoning plat has to be submitted by a licensed survey.

The survey has brought up true information concerning the sealed plat issue.

Mr. Tomlinson stated that we should state in the Minutes that he did object to his plat being used. Like Mr. Hoelscher and myself those stamps are a lot of difficulty to get and are real expensive when you get sued over it and I am a little required that it is a City policy that we are not going to require that. This item should have been pulled when you found out this was here. This is not a properly executed request. If want to make a contingent rezoning request if thats what the City Council wants contingent upon taking care of this problem.

Mr. Crego stated that the application states that it has to be a plat prepared by

the surveyor. Your point is well taken. And the plat attached is 27 years old. And the surveyor is here stating that they do not have his permission to utilize it. Without that they do not have a proper application.

Mr. Day stated that he is concern that this item should have been pulled. Mr. Spriggs explained that the Planning Office was notified yesterday and he does not have the power to remove items from the agenda. The MAPC needs to take action by motion to deal with the item.

Mr. Crego concurred that the plat is not authorized and changes have been made in the area. Mr. Murphy stated that this is a survey.

Mr. Day stated that if we table it, the City does not have to re-advertise it. Mr. Murphy confirmed that he had to have it re-surveyed.

A motion was made by Secretary Marvin Day, seconded by Joe Tomlinson, that this Rezoning be Tabled. The motion CARRIED by the following Vote:

Aye: 5 - Margaret Norris; Joe Tomlinson; Marvin Day; Brian Dover and Paul Hoelscher

Absent: 3 - Ken Collins; Lonnie Roberts Jr. and Jerry Halsey Jr.

RZ 08-22 Marjorie Robinson

Applicant requests rezoning from R-1 Single-Family to C-3 General Commercial for .38 acres located at 4207 and 4209 E. Johnson Ave.

Dana Strait, granddaughter commented. Stated in the paper work it should give a deadline of how the survey is good for.

Mr. Hoelscher added that this also a copyright concern as well. Ms. Strait stated that this owner is the same owner that the survey was done for. Mr. Sheets added that he spoke with the state surveyor and he stated that the time limitation is 5 years and we are trying to get it lowered.

A motion was made by Secretary Marvin Day, seconded by Joe Tomlinson, that this Rezoning be Tabled to have time to have this issue taken care of. The motion CARRIED by a the following vote:

Aye: 5 - Margaret Norris; Joe Tomlinson; Marvin Day; Brian Dover and Paul Hoelscher

Absent: 3 - Ken Collins; Lonnie Roberts Jr. and Jerry Halsey Jr.

RZ 08-20 Wade Carpenter

Applicant requests rezoning from R-1 Single-Family to C-4 Neighborhood Commercial L.U.O. for .88 acres located at 5416 Maple Valley Drive.

APPLICANT:

Mr. Skip Mooney appeared before the Commission representing the

Carpenters. He passed out additional information (a petition).

In addition to the documents there was a document filed with the staff from people interested in this proposition. This property was formerly the Valley View Fire Station. They (Carpenter's) live in the Maple Valley Subdivision. Before they purchased this property it had deteriorated and they re-did it. Mr. Carpenter is an engineer working at Engines Inc. He does not manufacture anything but assembles components. While the building does not look like a residence, it fits in well in a residential area.

They bought the property at public auction and want to do this at this location. They have carefully lighted the property. It does not detract from the residential area; there is a privacy fence to the abutting homes. Across Maple Valley Dr. is a large church (Living Word) being constructed. The pastor submitted a letter of support. A petition signed by neighbors in the area affected by the property shoes they supported what the applicant is doing. Some had a change of mind and signed the second petition. They spent a lot of money to use this property. Maybe they did so unwisely but they did. There is not traffic, retail sales involved with it.

Mr. Wade Carpenter presented the component that he assembles to the MAPC to give an example. Stated that he works as an electrical engineer. He started it in his garage for a couple of years and after a couple of years, needed more room and then rented a facility up the road. He gave a history on how he obtained the property which was an eyesore. The business is 8-5 daytime hours. He does the picking up and taking of the boxes of components. So there are no delivery trucks or point of sale. No noise except for an air compressor which is inside that you cannot hear. There is dust to dawn lighting for parking protection. He checked with his neighbor who did not seem to have a problem with it at that time.

OPPOSITION:

Paul Armah, 5412 Maple Valley Drive, gave the following presentation from the opposition and presented a petition:

We, the undersigned owners of properties affected by the requested rezoning change described in the referenced case, do hereby protest against any change of the Land Development Code which will rezone the property 5416 Maple Valley Drive to any classification other than RESIDENTIAL (R-1).

We, the undersigned, realize that this Petition is in opposition to the rezoning application and our signatures cannot be removed after filing unless certain lawful actions are taken to remove the Protest Petition.

REASONS FOR OUR OPPOSITION

1. Suitability of the subject property for uses to which it has been restricted:

We the undersigned property owners affected by the requested rezoning believe that "assembly of small electrical components" constitute a "manufacturing, general", "manufacturing, limited" or "basic industry" use for which the Planning Commission prohibits in a residential area under C-4 districts - refer to chapter 14 of Planning Commission's manual.

2. Comparability of the C-4 rezoning proposal with uses and character of the current residential area: The purpose of the C-4 zoning provided by the Planning Commission is to enable the district to provide limited retail trade and services to serve the adjacent residential neighborhood. The proposed use

"assembly of small electrical components" is not a retail trade or a provision of a service that will serve or benefit the current residential area. Furthermore, the Planning Commission indicates that for a C-4 rezoning, the buildings must be of a residential character in appearance. We believe that the current building is not of a residential character or appearance.

3. Extent to which approval of proposed rezoning will detrimentally affect nearby property: Under item (9) of the application form, the applicant indicates that "THERE WILL BE NO CHANGE" in how the proposed rezoning would affect nearby property value, traffic, visual appearance, noise, light, vibration, hours of use, etc. We the undersigned property owners in the area strongly disagree. We believe any change in the use of a residential property to "assembly of small electrical component" no matter how the components are produced will fundamentally affect the value of our property, traffic to the property, create noise, affect hours of use of the property, light intensity in the area in future. Indeed, the installation of high intensity lights on the proposed rezoning property (5416) is currently affecting the residents of 5412 property. Furthermore, as an example, we the undersigned believe that the "commercial shops" approved for "5510 Highway 49" in the area have dramatically devalued the properties in the whole residential area as the "shops" have been idle without any use. We do not want similar problems in our neighborhood.

4. How the neighbors feel about the proposed rezoning? Neighbors have had series of meetings with the applicant on the effective use of the property. In our discussions with the applicant, the neighbors have made it clear to the applicant not to rezone the property but to continue to use it as residential in the same manner as the city sold it. The neighbors also support the applicant to use the property in a manner that will not fundamentally change the character and appearance of the area as well as detrimentally affect the values of our properties.

We, the undersigned, are owners of real property located within the statutory area related to the property for which a rezoning is sought, whereby, our signatures shall hereafter be verified by one of the signers of the Petition as true and correct signatures in order for this Petition to be valid.

STAFF PRESENTATION:

Mr. Spriggs gave a history on the auctioning of the property and stated that potential bidders were made aware of the existing zoning classification and the permitted or allowable uses. The rezoning process was explained and the option of a non-conforming use transfer was also explained. By seeing the product, staff felt that many of the questions could have been addressed; but a number of residents stated that they were not shown the device.

COMMISSION DELIBERBATION & ACTION:

Mr. Day asked what were the details of that bid? Mr. Spriggs stated that it was sold as residential. The bid documents were also made available.

Mr. Hoelscher asked how does the City police the contingencies of an L.U.O. and how would it be monitored in the future. Mr. Spriggs stated that through the restrictions as well as the certificate of occupancy process.

Mr. Hoelscher asked what were the possibilities of using this structure for that type of use; Mr. Spriggs stated that the only other instance this could have occur would have been if they resided there and did it as a home occupation which has to be a small percentage of the home and has to be tested by the 12

criteria of a home occupation.

Mr. Dover commented that his only familiar with wire harnesses is being processed in a factory and quoted one in Mississippi which employees about 200 people and it is a big box. He stated he is surprised that this can be manufactured with just two employees and a limited amount of traffic. If you do expand would you out grow this area and need to move on.

Mr. Carpenter stated yes, and he would love to be in industrial park with 200 employees.

A motion was made by Secretary Marvin Day the fact that this is an industrial use and this structure does not meet any residential character; seconded by Paul Hoelscher, that this Rezoning be Denied. The motion CARRIED with the following vote:

Aye: 5 - Margaret Norris; Joe Tomlinson; Marvin Day; Brian Dover and Paul Hoelscher

Absent: 3 - Ken Collins; Lonnie Roberts Jr. and Jerry Halsey Jr.

8. Staff Comments

9. Adjournment