



City of Jonesboro

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

Meeting Minutes - Final Metropolitan Area Planning Commission

Tuesday, May 10, 2011

5:30 PM

900 West Monroe

1. Call to order

2. Roll Call

Present 6 - Margaret Norris; Joe Tomlinson; Jerry Halsey Jr.; Ron Kelton; John White and Jim Scurlock

Absent 3 - Lonnie Roberts Jr.; Brian Dover and Paul Hoelscher

3. Approval of minutes

[MIN-11:039](#)

Approval of MAPC Minutes for April 12, 2011

Attachments: [MeetingMinutes April 12 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: 5 - Margaret Norris; Joe Tomlinson; Ron Kelton; John White and Jim Scurlock

Absent: 3 - Lonnie Roberts Jr.; Brian Dover and Paul Hoelscher

4. Subdivisions & Plats

PP-11-05 Merrell Estates - Preliminary Subdivision
Located: S. Hwy. 49s at Adam Dr.

Attachments: Merrell Estates Subdivision Plans
PP 11-04 Merrell Estates Phase II-Preliminary-Report

Carlos Wood came forward representing Merrell Estates Phase II, owner and surveyor are present if you have any questions for them. Engineering had a couple of comments on the drainage easement and we have accepted those requests. Mr. Spriggs asked that the comments be stated. Michael asked that lots 33 /34 have an additional drainage easement. Mr. Tomlinson stated street terminates to the west, is this their property? Mr. Woods stated they have an option on it but don't own it. It will be continued more than likely it will tie back into Hwy. 49. The street to the north, this is another section which belongs to another owner and they have an option to expand into that property for the next phase. Planning had no additional comments. There was no opposition. Joe Tomlinson moved to approve as submitted for preliminary approval, seconded by Ron Kelton. The motion carried by the following vote.

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

Absent: 3 - Lonnie Roberts Jr.;Brian Dover and Paul Hoelscher

PP-11-06 Preliminary Subdivision - Brookstone Ph. 4

Attachments: Brookstone Ph4_Preliminary Subdivision Plans
PP 11-05 Brookstone Subdivision Phase IV-Preliminary_Report

Mr. Michael Boggs, HKB & Assoc. presented the subdivision for final phase approval. Mr. Spriggs stated that the plan meets all the subdivision regulations. Mr. Michael Morris reported that they are having the Engineers establish base flood elevations based upon the levy at Craighead Park.

Mr. Tomlinson thanked the Engineering firm for showing a great overview of how this subdivision fits into the area.

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

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

Absent: 3 - Lonnie Roberts Jr.;Brian Dover and Paul Hoelscher

PP-11-07 Hill Park Addition - Preliminary Subdivision

Attachments: Hill Park Addition-Preliminary Subdivision Plans
PP 11-06 Hill Park Addition-Preliminary_Report

Jeremy Bevill, HKB, Assoc. Stated that he prepared the subdivision request for preliminary approval. Mr. Spriggs noted that this is a commercial subdivision as part of the C-3 LUO recently rezoned. This development feeds into the Ritter Commercial Subdivision to the south. There were comments made regarding limited driveways off of Brown's Lane, which is a collector road. We are trying to give attention to access management as that property is developed as commercial in the future. Mr. Halsey asked if staff is referring to Lots 1, 9 & 10 not having curb-cuts to Browns Lane. Mr. Spriggs replied yes and the applicant would like to address those issues before the Commission.

Terry Bare: We talked with the owners and ask that it be delayed until site plan approval. We will agree to limit the access to the east/west roadways. Michael Morris asked will the applicant agree to take out access to Hill Park Dr.? Mr. Bare stated that at the time the property was rezoned, we made an agreement not to connect the residential property to the residential property to the west. The owners came and asked that there be a connector to theirs to the north and in lieu of that, they were told they could make a connection thru the commercial property into the residential property that will have an ease of fire access through; having an ease of planning. Mr. Halsey clarified: Hill Park Drive will open to Browns Lane, and there will be no curb-cuts on Lots. 1, 9 & 10. Joe Tomlinson: Staff has indicated the preliminary plan complies with the subdivision design standards, I think that sums it up.

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

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

Absent: 3 - Lonnie Roberts Jr.; Brian Dover and Paul Hoelscher

PP-11-08 Willow Creek Ph. II - Preliminary Subdivision

Final Development Plan Review: Preliminary: Andrew Braxton (Peak Land Co.), Applicant; PH-J, LLC, Owner request approval for: Willow Creek Apartments, Phase II, Planned Development: Located: S. Caraway Rd., North of Golf Course Dr., South of Fox Meadow Ln.; West of the terminus of Craighead Forest Rd.

Attachments: Willow Creek phase 2 preliminary plan
FPD 11-05 Willow Creek Apartments-Final Report

Mr. George Hamman/ Mr. Lyons appeared. Staff: Mr. Spriggs gave summary of the Planned District. This is the Final Development Plan before the commission as a preliminary. The plan meets all the standards/conditions of the Council's Ordinance adopting the rezoning. Mr. Morris stated that there is no drainage easement which will not be required- that can be worked out in the site plan before final platting.

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

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

Absent: 3 - Lonnie Roberts Jr.; Brian Dover and Paul Hoelscher

PP-11-09 Barrington Park PH V - Final Subdivision

Attachments: [Barrington Park Phase5 Subdivision Plans](#)
[FP 11-03 Barrington Park Phase V-Final Report](#)

Carlos Wood came forward as propionate for Barrington Park Phase V. City Water and Light had ask for easement between lots 38 and 39 and they have no problem providing that easement. Otis Spriggs, Planning Director stated he had no additional comments. Michael Morris, engineering had no comments. There was no opposition.

John White made motion to approve this Final Subdivision with requested easement by City Water and Light between lots 38 and 39, seconded by Ron Kelton. The motion carried by the following vote.

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

Absent: 3 - Lonnie Roberts Jr.; Brian Dover and Paul Hoelscher

PP-11-10

PP-11-10 Scott Throgmartin request MAPC approval of a subdivision replat- moving a portion of Northview Estates Phase 1 into Outback Second Addition - Creating Lots 90-B/ 90-A located at 5105 Koala Dr. Jonesboro, AR

Attachments: [Koala Replat](#)

Mr. Hamman noted that this is a part of Northview Subdivision. Mr. Hamman prepared the plat and noted that he worked with the 2 owners. We worked with Ms. Powing who is the owner of the remaining and has control over the architectural control and we worked with the attorneys. Mr. Spriggs clarified the reason this is before the Commission. There is history on the Justy/Lamb Dr. subdivision. This is a formality of bring one lot from one subdivision to another.

A motion was made by Jim Scurlock, seconded by Tomlinson, that this matter be Approved. Mr. White abstained; Chair Halsey voted yes to pass the measure. The motion carried by the following vote.

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

Absent: 3 - Lonnie Roberts Jr.; Brian Dover and Paul Hoelscher

Abstain: 1 - John White

PP-11-11

Robert Rees requests MAPC approval of a replat of Lots 22 and 23, Block B of Highland Subdivision, 1st Addition; adding unplatting acreage into the previously approved subdivision. Location: Dara Dr. and Highland Park Cir.

Attachments: [Highland Subdivision Replat_Rees](#)

Mr. Robert Rees appeared before the Commission. Stated that this matter is the same as the one before because we are adding 50 or 60 feet to 2 lots that were unplatted. Mr. Spriggs concurred. All easements and flood plain are properly noted on the plat.

A motion was made by Joe Tomlinson, seconded by Margaret Norris, 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: 3 - Lonnie Roberts Jr.; Brian Dover and Paul Hoelscher

6. Conditional Use

7. Rezoning

RZ-11-10

RZ 11-10: Nina Hedger, Estate Administrator requests MAPC approval of a rezoning from R-1 to RM-8 Low Density Multi-family for 17.27 acres. Location: South side of Greensboro Rd, and East Side of N. Caraway Rd., Acreage at the rear of 1008 N. Caraway Rd. (No action taken, this Item remained tabled in the May 10, 2011 MAPC Meeting)

Attachments: [RezoningPlat_Hedger](#)
 [RezoningApplication_Hedger](#)
 [RZ 11-10- Hedger NCaraway Greensboro StaffReport](#)
 [Conceptual Layout](#)

Item Remained Tabled at request of the Applicants.

Tabled

RZ-11-11

Christie Jordan, of Food Bank of NEA, request a rezoning of 0.79 acres located at 3406 S. Culberhouse Rd., Jonesboro, AR from R-1 Single Family Residential to C-4 Neighborhood Commercial

Attachments: [Food Bank of NEA Rezoning Application](#)
[RZ 11-11 3406 SCulberhouse Foodbank Staff Report](#)

Applicant:

Christie Jordan, Executive Director of Food Bank of NEA presented the case. We are requesting that the property be rezoned to match the current use of the facility.

Staff:

Mr. Spriggs noted that regarding the history of the property, this is a non-conforming use. The applicant attempted to match that use with our available Zoning classifications and C-4 LUO appears to be the most appropriate. Staff has listed the proposed right of ways from the Master Street Plan- Culberhouse, as well as Fox Run. Those right of ways would have to be coordinated if the property is ever redeveloped.

We have listed 5 conditions that would address the issues and assure that the residential character of the neighborhood is maintained in terms of what is abutting the property. The following staff recommended conditions were read:

1. That future C-4 Neighborhood Commercial uses of the site shall satisfy all requirements of the City Engineer, Building and Fire Inspections, and the Planning and Zoning Department.
2. That a future site development plan be submitted and reviewed by the MAPC prior to any future redevelopment to address vehicular access management and proper consistency with neighborhood scale.
3. Fencing /screening shall remain along the entire the perimeter of the proposed site and maintained.
4. A lighting photometrics shall remain at current or lower levels to assure no lighting spillage onto abutting properties.
5. Any additional signage details shall also be submitted as part of the building permit application.

Mr. Tomlinson:

The owner lists several uses that they want permitted in this area in the case for rezoning. The uses listed are uses to be permitted in the C-4 District. I don't think we should rezone the property with the indication that we could continue the property as a warehousing function. With the next business, we would have no guarantee that they would be as nice of a neighbor that you have been through all the years.

There is a substantial difference between a charitable operation and a commercial operation where they are going after the dollar. I believe it should be rezoned to C-4, but I think there should be a clear rezoning to C-4 with no

implied permitted uses that are not allowed by ordinance.

Mr. Tomlinson concluded- I would think there are some permitted uses within the C-4 that I would like to exclude in that zone such as: service station, convenience store, carwash, restaurant fast and general, animal care general and vehicular repair limited and general.

Ms. Jordan: In speaking with some of our neighbors, they would agree with you and so would we. That is not our intent.

Mr. Tomlinson: Culberhouse is the main street to one of the largest city parks in the state of Arkansas. It is the main street to a lot of good/fine subdivisions. I think we should protect the tranquility of that area as a C-4 LUO, Neighborhood Commercial. I will add that under your C-4 there are 35 permitted uses in the table. I am only excluding about 6 or 7. There are 22 permitted uses, and 12 or 13 that can be permitted under a conditional use. I am not oppose to the rezoning, there should be a clean-cut proposal as C-4 and what goes there in the future needs to comply with C-4 to protect the integrity of the existing neighborhood. And, thank you for being a good neighbor.

Mr. Johnny White: Based on the staff stipulations, when someone puts another use to this property and it is sold, is it not true that that use will come back here before the MAPC?

Mr. Spriggs: That is correct, and I can understand the concerns of Mr. Tomlinson. With the uses that were provided by the applicant, I think the only use that was questionable was warehousing and distribution. Speaking for the applicant, they attempted to classify the uses to something that would be parallel to the current use. You may need to rephrase that to be some form of passive storage similar to what is taking place now on the property. Mr. Tomlinson concurred.

Mr. Tomlinson commented also on equipment repair, and construction office and storage. The storage must be incidental to the general office use. This will be ok.

Ms. Jordan: We are currently a warehouse and distribution center facility.

Mr. Halsey: But you are a not-for-profit.

Mr. Kelton: But it is also a nonconforming use. What is the square-footage?

Ms. Jordan: It is approximately 12,000 s.f.

Mr. Kelton stated that it would not be in compliance with the C-4 District. Mr. Halsey stated that it would comply with the new commercial standards.

Mr. Tomlinson: The master street plan right of ways are unclear on the plat. Mr. Spriggs noted that with any new redevelopment those right of ways would have to be coordinated. Parking may be a challenge.

Mr. Spriggs reminded that the future uses would be evaluated by MAPC in the future. High volume parking uses would be discouraged.

Mr. White: When this comes back, can we exclude uses when it comes for site plan. Can we do that?

Mr. Spriggs replied yes, but please be specific in your motion. He gave a sample motion:

MAPC recommends approval to the City Council for a change from R-1 to C-4 L.U.O., Neighborhood Commercial, excluding: service station, convenience store, carwash, restaurant fast and general, animal care general and vehicular repair limited and general, and that any future use shall be equal or less intense than the current use of the property; with the following conditions:

1. That future C-4 Neighborhood Commercial uses of the site shall satisfy all requirements of the City Engineer, Building and Fire Inspections, and the Planning and Zoning Department.
2. That a future site development plan be submitted and reviewed by the MAPC prior to any future redevelopment to address vehicular access management and proper consistency with neighborhood scale.
3. Fencing /screening shall remain along the entire the perimeter of the proposed site and maintained.
4. A lighting photometrics shall remain at current or lower levels to assure no lighting spillage onto abutting properties.
5. Any additional signage details shall also be submitted as part of the building permit application.

A motion was made by John White, seconded by Joe Tomlinson, that this matter be Recommended to Council . The motion carried by the following vote.

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

Absent: 3 - Lonnie Roberts Jr.; Brian Dover and Paul Hoelscher

RZ-11-12

Duyen V. Tran request a rezoning of 8.60 acres, located on the Northside of Colony Dr., East of Antosh Circle/Railroad (located between Antosh and Richardson Rd.; from R-1 Single Family to RM-4, 4 units per acre.

Attachments: [RezoningApplication_Colony](#)
[RezoningPlat_Colony](#)
[RZ 11-12 Duyen Tran Colony Dr-Staff Report](#)

Applicant: Andrea Tate, Applicant's architectural Agent. **Owner:** Mr. Duyen Tran who is proposing to RM-4 at 4 units per acre. Ms. Tate stated that he would like to do 16 units for phase one. There will be four (4) four-plexes in townhouse style. Samples were passed out to the Commission. She added that they passed out 50 flyers stating that they were having a informative meeting.

Ms. Tate: Of the people who showed up, we asked that they would give their concerns and their comments and have them help us develop the property; so it could be something they could be proud of. We welcomed their input. All at the meeting were in agreement and they said they didn't oppose us in any way and we had their support. They didn't feel that the development would decrease their property values in any way.

Ms. Tate asked the Commissioners if they wanted to hear some of the concerns. She proceeded on stating that regarding security- there was a comment about it. It will be a gated community; they will have swipe security cards. There will be security cameras in use at all times. The townhouses will range from \$800 to \$1,000 per month in rent, with no governmental assistant-living of any sort. The owner will conduct background checks before approving any tenants. The traffic was a concern. My client has also spoken with the City and has offered to put up a new traffic light as Stadium Blvd. if the City wish so; and he agreed to pay for it. We can't do anything about the train track, and we can't control the trains. There was a concern about back-up, because Colony is an outlet for all of the residents on that side.

Ms. Tate: Flooding. We have addressed all concerns about the flooding issues in that area. There will be no excess water on any neighbors; there will be detention ponds and a playground for children. Miscellaneous items: My client has agreed to build an 8 ft. privacy fence around the whole property; he chose 8-ft., because of the Colony Rd. properties fronting the street. And he has also agreed not to build any building near their residences. He would also like to build a safe-room storm shelter for the community's use. **Mr. Halsey:** How many townhouses? **Mrs. Tate:** there will be 16 in phase (all four-plexes). **Mr. Halsey:** Will he do all the amenities up front, prior to occupying any of the units? **Ms. Tate:** Yes; Once it is approved, the fence will go up immediately, and we would start with everything.

Opponents:

Doug Ward, 3407 Colony Dr. (Passed out a petition). I am the only remaining original home owner on Colony Dr. In the 19 years that I have lived there, there have been a few zoning issues that have come before the Commission and Council. We currently have a commercial zoning directly across from my house. It was spot zoned after an annexation in the late 1980's. There is a 3-acre vacant residential property between this and the C-3 Commercial, where

there is an automobile repair place with a lot of unusable automobiles in back. Between this development and the C-3 there is R-1 Single Family property and it is bound on 3 sides by R-1 Single Family. Immediately to the west is the railroad tracks. In the early 90's the Council gave a strong desire to keep commercial to the west of the railroad tracks, and to this time that has happened. They also voiced a strong concern to keep it residential to the east. We have a list of signatures from at least 160 residents within a ½ mile of this property that are opposed to this. I would put that on record. The first page, handout "B" is the Colony Park Subdivision; In "A" to the east of Richardson Dr., there are 179 houses, and in Colony Park Subdivision, there are 93 houses. That totals 272 homes not counting isolated homes in between. I've watched this go from a gravel road, where you could stand in the road and not have anyone pass by. It is a major access road.

Mr. Ward: The 3rd page marks 5 crossings to the railroad tracks. Colony Drive is the preferred road for all those residents to try to get to Stadium Blvd. He commented about driving at 7:30 AM down Colony Dr., and someone with their blinker on is trying to turn south on Stadium; you better hope a train don't come. Nettleton Schools runs 9 school buses in morning and 13 in afternoon through Colony, because it is the preferred route between the schools.

Mr. Ward- Planning and Zoning have a bigger problem than this rezoning. Colony Drive is flooded with cars now, and this vacant land to the east of Richardson Rd., south and north of Colony Dr.; and it is going to eventually development as Jonesboro grows. Mr. Ward also commented on deaths in the past on the rail crossings 3, 4, and 5. He noted that the only access into this property is to the immediate east of the railroad tracks. He noted that he can foresee in the afternoon at 4:30, when residents are coming on to this property it won't take 3 or 4 car lengths to cause issues on the rail road tracks with the arms coming down; there is not much room there.

Mr. Ward: There is not housing in that corner because the developer and the City are in dispute over a major water issue in Colony Park Subdivision. The developer says it is the City's fault; City says it's the developer; now you have to put in a detention pond. Mr. Ward stated we have a water problem. He concluded with a newspaper's article of Jonesboro official's tracking crime in rental property areas. Mr. Ward showed a map of high crime areas, and noted Colony Park does not have a lot of crime nor apartments.

Staff:

Mr. Spriggs: In terms of the history of this tract, there was only a concept of a single family subdivision for 22 lots from a previous owner. It was never platted, developed nor successfully marketed for single family. On the Land Use Map, the property is recommended for High-Density Single Family Residential. If this property were zoned to an equivalent district, it could result in approximately 68 single family homes on this site. The master street plan recommends "local street" designation for Colony Dr.- 60 ft. right of way. The staff report recognizes the surrounding use types of a mixture of single family, multi-family, commercial and railroad. The applicant is requesting a total of 34 units. We have listed the RM-4 district regulations, and the buffering standards. Some issues of drainage were raised; the property is adjacent to the flood plain. Michael Morris of the Engineering Department is available to answer any drainage questions. Staff has listed a number of recommended

conditions if approval is considered.

Mr. Kelton asked where are we on this battle with the developer over the drainage issue? Spriggs: Staff is unaware of problems with the subject tract. Mr. Halsey: What about the storm water drainage? Mr. Spriggs: They would have to comply with our storm water regulations. Mr. Halsey: For the whole site? Mr. Spriggs: Yes.

Mr. Tomlinson: Was the drainage problem to the south side of Colony Dr. Mr. Spriggs: The south side of Colony and to the east of Richardson Rd.

Mr. Kelton asked for clarification on the drainage problems. Mr. Morris: Currently where the homes are built south of this site- Jeridon Cove, is actually in the floodplain. We are working with the developer to do some channel improvements and put some culverts in there. That is the plan for improvement.

Mr. Kelton: Was there actually water on Colony Dr.? Mr. Morris: there was some water in a number of homes on southeast corner. Mr. Kelton: the natural drainage of the land- does it drain north to south? Mr. Morris , yes. Mr. Kelton: Will the detention pond by this developer on the north side of Colony stop the water from crossing Colony? Mr. Morris: The developer to the north will not increase any run off. Mr. Halsey: Will it help any of the flooding. Mr. Morris: No. Mr. Kelton: So there would be no benefit of a detention pond on the north side to the people on the south side? Mr. Morris: They would have to mitigate for their own increase storm water.

Mr. Spriggs: It appears that you are asking if the subject site could be considered for a regional detention pond, and that is not the intent here. Mr. Halsey: They would have to take care of their own water.

Opposition:

Terry Easley: 5200 Richardson Rd., There's a large ditch that runs behind my property. He noted that when he took his mother home (during storm this week) there wasn't water at first, water was going across the road. Five minutes later, at Boston Proper Subdivision, on Beacon St. there was water crossing the road. Stated he lives just pass the ditch and his whole yard was like a lake. They cleaned the ditch out years ago, and he gave them property to do so. Mr. Easley gave further comments on the drainage flow from Antosh through to Richardson and noted that he didn't think a retention pond is the answer.

Mr. Johnny White made the observation that this isn't the only large tract in this quadrant between Richardson Road and the railroad tracks. Most of it is single family homes with a couple of exceptions. If this tract is developed in the future this way, there are other tracts and other developers will be buying other large tracts and doing the same thing. We are deciding how this area might be developed or transition.

Mr. Joe Tomlinson asked if this is considered spot zoning? Mr. Spriggs: Given the fact that Multi-family is a form of residential; it would be difficult to make that argument, comparing it to what our Master Land Use Plan is recommending- High Density Single Family Residential. The applicant is requesting a very low density development- 4 units per acre. This is lower

than the surrounding R-1 Single Family density which is 5.4 units per acre. Mr. Tomlinson concurred with what Mr. White was saying that we could open the door for a flood of multi-family development. I have seen that happen, he noted.

Mr. Spriggs stated that he understands that argument, but as noted in the staff report, the difficulty with this site is- it is adjacent to commercial on the west, a railroad to the west, adjacent to R-3 Multi-family (Antosh Development); also further east on Colony Rd.- Boston Proper, in which much of it is zoned R-2/R-3 Multi-family, but developed as single family homes; We have a collage of various uses in the area. The applicant attempted to provide for some form of transition to the railroad/commercial uses to the west.

Mr. Kelton: Would any of us live long enough to see a traffic light at Colony/Stadium. Mr. Spriggs stated that we have already a traffic light planned one block north at Fox Meadow Lane; so it may be many years. Mr. Kelton: Stated he listened carefully to Mr. Spriggs' description to the surrounding area. However, when you have an area that has a known drainage problem, and a severe drainage problem, why would we approve any future development or any additional development until we have solved that drainage problem. I realize we have some negotiations going on; but those negotiations do not stop the rain. I sympathize with this property owner and the others in this room. If I owned the land, I would want to do something other than pay taxes on it. But things have to be done sometimes intelligently, and one of the things here is: Solve the water problem in the area, and then come back and ask for permission to develop that property.

Mr. Tomlinson: Noted that he is still confused on the problem of the water; he was thinking that it is to the south. He didn't know that this property was being tagged as being dangerous/ and flood prone. He doesn't think this has been established- has it? Mr. Morris reiterated the storm water regulations; they cannot have any negative impact downstream. Mr. Tomlinson noted that they would still have to have detention.

Mr. Johnny White raised a question for legal counsel: In terms of motions in the affirmative/negative- I am prepared to make a motion on this item and it would be a straight forward motion. Ms. Carole Duncan stated that she understood the concerns, but we will hold off another month (On MAPC rules) until we get a determination though the Robert's Rules of Order, in voicing motions in the positive. She noted that she understands that if a commissioner intends to vote in the negative and feels that it would have some effect on how you are perceived but also the votes of other members potentially. If you chose to make a motion in the negative you may. We do not have a recommendation on procedure today.

MAPC ACTION:

Mr. Johnny White: In view of the facts and discussion this evening, and the fact that the proposal that has been made doesn't comply with what we are suppose to do as a body. I think we are asked by the citizens to be sure that Planning is coordinated, adjusted, and harmonious. That it promotes the general welfare of the district that it is proposed in, the citizens that live there, convenience of traffic, and for that reason- I make a motion that this item be denied: Motion was seconded by Mr. Kelton.

Roll Call Vote: Mr. Kelton- Aye; Mr. Scurlock (after clarification- Aye; Mr. Tomlinson-Nay; Ms. Norris- Aye; Mr. White- Aye; Motion failed lacking the 5 votes. Mr. Spriggs stated that this is the very reason we are suggesting the motion be made in the affirmative.

Ms. Tate asked if she could request that the matter be tabled to address the concerns of the residents. Mr. Halsey stated that the applicant has one option of withdrawal available. Mr. Spriggs confirmed. Mr. Halsey: Applicant do you wish to withdraw the case or have it tabled?

Ms. Tate asked for clarification of both. Mr. Halsey explained. Ms. Tate requested tabling. No motion was made to table.

Mr. White made a motion to recommend to City Council approval of the case; Seconded by Mr. Kelton;

Case is recommended to City Council as denied with the following vote:

Aye: 1 - Joe Tomlinson

Nay: 4 - Margaret Norris; Ron Kelton; John White and Jim Scurlock

Absent: 3 - Lonnie Roberts Jr.; Brian Dover and Paul Hoelscher

8. Staff Comments

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 Remained Tabled 5/10/11 by MAPC.

Attachments: [Planning Commission Voting Procedure](#)
[MAPCBylawsFinal_2009](#)
[MAPC Bylaws 2011 Proposed Changes](#)

Matter remained tabled.

9. Adjournment