



# City of Jonesboro

300 South Church Street  
Jonesboro, AR 72401

## Meeting Minutes 2 Metropolitan Area Planning Commission

---

Tuesday, October 9, 2012

5:30 PM

900 West Monroe

---

### 1. Call to order

### 2. Roll Call

**Present** 7 - Joe Tomlinson; Brian Dover; Paul Hoelscher; Ron Kelton; Jim Scurlock; Kim Schrantz and Jerry Reece

**Absent** 2 - Lonnie Roberts Jr. and Beverly Nix

### **3. Meeting Minutes:**

#### MIN-12:078

Approval of the MAPC Minutes for September 11, 2012.

**Attachments:** [MAPCMinutes\\_September11\\_2012](#)

**A motion was made by Jim Scurlock, seconded by Kim Elmore, that this matter be Passed . The motion carried by the following vote.**

**Aye:** 6 - Joe Tomlinson; Brian Dover; Paul Hoelscher; Jim Scurlock; Kim Schrantz and Jerry Reece

**Absent:** 2 - Lonnie Roberts Jr. and Beverly Nix

### **4. Subdivisions/Site Plans:**

#### PP-12-18

Preliminary Subdivision: Merrell Estates Phases 3, 4, 5, & 6

Merrell Estates Development, LLC requests MAPC review and approval of a preliminary subdivision located off Hwy. 49 S, Adjacent to Merrell Phase 1 & 2

**Sponsors:** Planning

**Attachments:** [Application](#)  
[Preliminary Subdivision Plans](#)  
[Staff Summary](#)

**Carlos Wood, Engineer presented the Merrell Estates Phases 3,4,5,and 6 Preliminary Subdivision: Stated that the developer would like to extend the streets on Phase 1 and 2 to the west, in separate phases for bonding purposes. The sewer will allow this extension. Then from Phase 3 to the north, they would like to expand.**

**Staff:** Mr. Spriggs gave comments from staff and the other departments; noting concerns of the need for a secondary access for future streets. Mr. Spriggs stated that the subdivision meets the minimum standards in terms of lot configurations for the R-1 Single Family District. Engineering and Fire voiced concerns on alternative access points after reaching certain thresholds. If a secondary access is not provided, then the Fire Department would request for an approved turn-around for fire apparatus of 150 ft. maximum to be provided. City Engineering noted that the number of lots would exceed the recommended thresholds for single access points for emergency vehicles and the second drive access would be needed.

Mr. Scurlock asked for clarity of what is required. Mr. Spriggs noted that this is the preferred approach to the secondary access, but to the minimum, some form of emergency hard surface road (all weathered) would be needed for emergency purposes.

Mr. Wood: Stated that he will bring back a proposal on an all weathered road after getting with the owner. Or he may want to extend the phase 3 or 4 (which is the extension of Phase 1) all the way to the intersection and tie into the highway.

A motion was made by Mr. Jim Scurlock, to accept the proposal as noted and to satisfy the specific stipulations of the city staff. Motion was seconded by Mr. Paul Hoelscher, that the Preliminary Subdivision be approved. The motion carried by the following vote.

**Aye:** 6 - Joe Tomlinson; Brian Dover; Paul Hoelscher; Jim Scurlock; Kim Schrantz and Jerry Reece

**Absent:** 2 - Lonnie Roberts Jr. and Beverly Nix

**COM-12:072**

RP 12-50: Replat

Joel Murphree requests MAPC approval of a Replat for property located at 1108 Dove; The owner proposes to revert the former replat back to the two original lots within the Country Club Hts. Subdivision. The northern lot will be redeveloped from the cottage home to a full single family home in the future.

**Attachments:** [Proposed Replat](#)  
[RecordPlat Current](#)  
[Aerial View](#)  
[Bill of Assurance](#)  
[DovePhotos](#)

Mr. Terry Bare, HKB, Inc. presented the plat. Stated that the property was combined from two lots to one lot, several years ago. They now want to split the lot back into 2 lots. We have accommodated the storage building along the property line with an offset.

Mr. Spriggs gave staff comments on the minor replat. Stating that the original plat was 2 lots and was consolidated in 1996. Photographs were showed on the cottage home above the garage which will be added on with a new single family home. Concerns were voiced to assure the structure meets building code requirements for dwelling.

No opposition was present.

A motion was made by Mr. Jerry Reece, seconded by Mr. Joe Tomlinson, that this matter be approved. The motion carried by the following vote.

**Aye:** 6 - Joe Tomlinson; Brian Dover; Paul Hoelscher; Jim Scurlock; Kim Schrantz and Jerry Reece

**Absent:** 2 - Lonnie Roberts Jr. and Beverly Nix

**SP-12-11**

SP 12:11: Site Plan

Applicants Randy & Becky Wrinkles request MAPC approval of a site plan for property located at 4704 S. Caraway; The project is located within an RM-12 L.U.O. District, approved by Council on 12/18/2007 for a maximum of 16 apartment units. Site plan is recommended for MAPC approval contingent upon final Departmental final administrative permit approval.

**Attachments:** [ORDINANCE 07 3169](#)  
[Property Plat](#)  
[Site Plan Layout](#)

Mr. Spriggs gave the facts of the case noting that the property was zoned RM-12 L.U.O. by ordinance, with a maximum of 16 units.

Staff elected to bring the site plan before the MAPC because it was rezoned to a Limited Use Overlay. Staff met with the applicants to assure that the right-of-ways were properly noted to be dedicated. The original dual drives were consolidated to one entrance. The power line encroachments were avoided. Conceptual site plan approval is recommended for approval by the MAPC, contingent upon final staff/departmental approval during the permitting process. Final drainage design will be done next.

A motion was made by Mr. Jim Scurlock, seconded by Mr. Brian Dover, that this matter be approved. The motion carried by the following vote.

**Aye:** 6 - Joe Tomlinson; Brian Dover; Paul Hoelscher; Jim Scurlock; Kim Schrantz and Jerry Reece

**Absent:** 2 - Lonnie Roberts Jr. and Beverly Nix

**5. Conditional Uses:**

**CU-12-11**

CU 12-11: Conditional Use

Miracle Kids Success Academy is requesting a conditional use to place a temporary portable trailer (less than 50') on the property located at 1900 Stillwater Drive under the R-3 Residential Multi-Family District.

**Sponsors:** Planning

**Attachments:** [ConditionalUseApplication\\_Miraclekids](#)  
[Staff Report](#)  
[Site Plan & Plat](#)

**Applicant: Shelly Decker, one of the owners:** Stated that they would like to put a mobile trailer on the land for additional office space. They are leasing the property from Mr. Roy Cooper and have 3 occupational therapists needing the space.

**Staff: Mr. Spriggs** gave staff comments. The Zoning Code accommodates daycare facilities only after a request for conditional use is submitted and reviewed within the R-3 District by the Planning Commission subject to the consideration of the development standards and design specifics outlined in the staff report. Beyond this approval, the site appears to be maxed-out as it relates to future development or expansion. It appears to be evident with the overflow of parking of vehicles currently.

MAPC should consider the following conditions if the request is granted in full on the basis of the requested Conditional Use for the Miracle Kids Success Academy modular office:

1. That a site and building plans shall be submitted to the Planning, Engineering & Fire and Building Inspections Departments for final approval.
2. That upon issuance of the Conditional Use Approval, all future alterations shall be subject to Planning Dept. approval in the future.
3. That prior to any issuance of Certificate of Occupancy, all state and local licenses and permits shall be acquired.
4. Final Occupancy shall be achieved within an 18 month time limit.
5. A secured fenced area shall be maintained for secure and safe child play.

Ms. Decker added that they treat children with special needs. There serve 132 children now, and they are not asking to increase capacity. They are looking for land to build to a bigger building but have not found what they need so far. The current lease has been extend 1 1/2 years.

A motion was made by Mr. Joe Tomlinson to approve the Conditional Use with the addition of condition 6; requiring the removal of the modular unit at the end of tenant's occupancy. The motion was seconded by Mr. Jim Scurlock. The motion carried by the following vote.

**Aye:** 6 - Joe Tomlinson; Brian Dover; Paul Hoelscher; Jim Scurlock; Kim Schrantz and Jerry Reece

**Absent:** 2 - Lonnie Roberts Jr. and Beverly Nix

**CU-12-10**

CU 12-10 - Conditional Use:

Robin Nix on behalf of the Arkansas Baptist Children's Home and Family Ministries request a conditional use for a family and children's home / group residential under the R-1 Single Family District on property located at 3600 Forrest Hill Road (Land owner is Central Baptist Church)

**Sponsors:** Planning

**Attachments:** [ConditionalUse ArkansasChildrensHome Staff Report](#)  
[CareHome-Concept Sketch](#)  
[ARKANSAS BAPTIST HOME](#)

**Mr. Robin Nix:** Presented the case in memory of Mr. Buck Rusher and for the Arkansas Baptist Children's Home and Family Ministries. He stated that Mr. John Ross is present tonight, and he approached him concerning the proposal for a ministry, in honor of the late Dr. Rusher, who was my brother-in-law and then everything fell right in place. The Rusher Family is donating the money to build the building. Mr. Ross raised the funds to operate it for 10 years before they started construction. Central Baptist Church donated 1.7 acres of land to build it, with ministry opportunities.

**Mr. David Perry, Executive Director, Arkansas Baptist Children's Home and Family Ministries** addressed the Commission: Stated that this is a family-care model for mothers with children; it is not for a battered women's or homeless shelter. We are working to make these mothers independent in order that they can get out on their own. In some cases they may need education and a job. There will be extensive screening before acceptance. There will be interviews and assessments, as well as team interviews. He added: There will be a criminal background check including references; they will be required to seek employment. Residents will receive assistance with groceries and will be taught to be independent.

**Staff:** Mr. Spriggs gave the staff summary: The Zoning Code accommodates group residences only after a request for a conditional use is submitted and reviewed (within the R-1 District) by the Planning Commission subject to the consideration of the development standards and design specifics outlined in the Staff Report.

**Mr. Spriggs added:** The home for 7 adult mothers would be classified as a commercial and will be subject to a code review under the building code permit process; which also is reviewed by the Fire Marshal for fire safety. Professional architectural services will be required to assure such code compliance. Property ingress and egress should be designed strategically to assure emergency access to the home facility. Parking shall comply with all off-site parking requirements for driveways and parking spaces.

**Mr. Spriggs:** If properly implemented as outlined and managed by the proposal and submitted operational procedural planning guidelines, this project will be structured in a manner that it will cause no adverse impact on the surrounding neighborhood. Staff feels confident that with the necessary stipulations, and site plan review process- all issues of concern such as site access management, screening, maintaining of residential character, fire and public safety compliance, and facility operation and management can be implemented and enforced.

**MAPC should consider the following conditions if the request is granted in full on the basis of the requested Conditional Use for the Arkansas Baptist Children's Home and Family Ministries Home:**

1. That a site plan shall be submitted to the Planning Commission for final approval prior to any future development of the subject tract.
2. That the property shall satisfy all subdivision plat submittal requirements.
3. That upon issuance of the Conditional Use Approval, all future alterations to the structure shall be subject to Planning Dept. approval in the future.
4. That prior to any issuance of Certificate of Occupancy, all state and local licenses and permits shall be acquired.

5. Final Occupancy shall be achieved within an 18 month time limit.
6. A secured fenced area shall be provided for secure safe child play.
7. The Standard Operational Procedures Guidelines shall remain on file and shall remain in compliance by the operators of the home.

Mr. Tomlinson asked what is the capacity. Mr. Nix: Replied (7) mothers in the homes with an average stay of 4 to 5 months. They would have to reapply for another 3 months extension.

Mr. Paul Hoelscher: If it were found that the use becomes a nuisance, what is the recourse.

Mr. Spriggs stated that any nuisance would have to be declared by an official board or council. The use should be weighed against the approval criteria listed in the staff report to consider conditional uses, as it relates to adverse impacts.

Mr. Tomlinson asked how many are in Arkansas. Mr. Nix: There are none. They visited one in Texas with 10 total; Alabama has one.

**Public Input:**

Opposing: Mr. Paul Bean: 717 Mardis Dr.: Commended the committee that pulled this package together and stated that it is well and good for the homeless and the mothers. Stated that he opposes the location of the home. He has lived there since 1960. He purchased the acre for privacy to raise his children and to enjoy the quietness and pleasure of life. He was the first to build in Mardis Addition.

He did not oppose Central Baptist Church when it was built. But this project invades his quiet peaceful and privacy in his home, and neighborhood. Stated that he is the closest one in proximity to this. He added that "if you think about it, the proposal is in your back yard. My activity in my back yard goes to 60 ft. form the edge of their property".

Mr. Bean spoke on the noise and activity of seven mothers and the man children playing (like recess at school). He added that in his retirement years he likes to sit on his swing. This invades his privacy, he stated. Mr. Bean went on to say that they can find a better location on the northeast corner. Mr. Bean ended: They should withdraw their request and it should be denied; it is too close.

Mr. Scurlock: asked for setbacks: Mr. Spriggs stated that the front yard setback is 100 ft. from the right of way of Forrest Hill; 73 ft. from the south line, 63 ft. towards the church; 90 ft. towards the east. They carved this tract 250 ft. from the other major subdivision from the south.

Mr. Scurlock: This seems like a good location, if we could impose stipulations of a security fence. Mr. Nix: Stated that there will be a fenced area tied into the building to prevent them from getting out. It will not be 60 ft. from Mr. Bean. We felt like this is an opportunity for the church to minister to them. Staff is there 24/7.

Mr. Hoelscher questioned the access: Mr. Nix noted that it is off of Forrest Hill

Rd. with a possible link to the Church parking lot.

Mr. Kelton asked about the guidelines. Mr. Nix clarified.

Mr. Hoelscher questioned the notification process. Mr. Spriggs noted that he had the applicant increase the coverage of neighbors beyond the required area. It was advertised in the newspaper as well. There were 24+/- certified letters sent out and most of the cards were returned signed. Mr. Nix concurred.

Mr. Thomas Schecsver, 3706 Forrest Hill Road, lives directly south- Noted that he doesn't oppose the home but questioned the drainage impact on his home. Wanted to make sure this didn't impact the drainage. It is steep against his property. Mr. Spriggs noted that the Engineering Department will assure compliance with the Stormwater regulations.

Mr. Hoelscher asked for time limitation or an expiration date. Mr. Spriggs: Stated that time limits would have to be specified by the MAPC. Otherwise it would run with the property, until such use would discontinue. At times staff has recommended a 2-4 year review, to consider any new issues that may arise.

Mr. Scurlock made a motion to approve : Tomlinson seconded.

A motion was made by Jim Scurlock subject to staff conditions, seconded by Joe Tomlinson, that this matter be approved. The motion carried by the following vote.

**Aye:** 6 - Joe Tomlinson; Brian Dover; Paul Hoelscher; Jim Scurlock; Kim Schrantz and Jerry Reece

**Absent:** 2 - Lonnie Roberts Jr. and Beverly Nix

## 6. Rezoning Cases:

### RZ-12-19

RZ 12-19: Rezoning Case requested for reconsideration by the MACP due to failure of the measure on 10/09/2012. Harrell G. & Jenna Z Mays request a rezoning of a parcel of land - Wimberly Subdivision - 1850 Greensboro Road, containing 6.33 acres more or less from R-1 Residential Single Family District to RM-8 Multi-Family District.

**Sponsors:** Planning

**Attachments:** [RezoningApplication MaysRezoning](#)  
[MaysRezoningPlat](#)  
[Staff Report](#)  
[Letter from Citizen - Mays Case](#)

Mr. Harold Mays presented the case to the MAPC, requesting a rezoning from R-1 to RM-8 for multi-family housing. There are a many multi-family rentals in the area. Noted that neighbor contacts were made: Mr. Savors on SW corner, Mr. Gibson SE corner (now opposed), Mrs. Mildred Holt to the west, Mrs. Mary James Frazier. (opposed), Mr. James Holt all noted objections to the change,

Dan Turner (no objections), Mike Ellis (Rich Smith Development Co. in Little Rock built Sunset, but couldn't speak for the current owner). Mr. Mays continued: The property on the north side in 1950 was the City dump. Noted that he doesn't think it will be developed because of the gas. Buyers lose interests of the property being R-1 because of the uses around it. The engineer put a note that it might accommodate 50 units. He stated that he can't see how they would do it. He anticipates that it will only accommodate 15 or 16 duplexes; which would be stretching it to meet the code requirements of the City.

Staff: Mr. Spriggs gave Staff Comments: Described the conditions of Greensboro Road. The subject site is served by Greensboro Road on the Master Street Plan which defines the road as a collector which has a proposed right of way totaling 80 ft. The survey's plat submitted shows a right of way ranging from 20 ft. to 25 ft. +/- . The balance of the required 40 ft. from the centerline should be demonstrated. The property also fronts on a stub street in the rear Southwest corner: Leigh Drive.

Mr. Spriggs read reports: Police Chief Mike Yates expressed concerns regarding ingress and egress to the area for public safety. Also stated concerns regarding the ability of the existing road infrastructure to handle increased traffic; expressed the same concern for this property as others regarding those properties that have requested to rezone from single family to multi-family. The primary concern is that we do not have a plan in place by the City nor the existing resources to handle the increased public safety demands caused by the addition of multi-family housing.

Mr. Spriggs added: The City Engineer, Craig Light requested that the number of units be limited to 25 units maximum to limit the load on the road infrastructure.

Mr. Spriggs: The applicant is requesting a change in zoning to a RM-8 Multi-Family Residential District. The conceptual layout of the site is unknown at this point; no developer nor marketed product has been determined to our knowledge. Alternative ingress and egress should be considered for any future development of the subject site with coordinated access to the stub street on the southwest- Leigh Drive.

Mr. Spriggs: In reviewing the planning area of the immediate subject site, staff observed a number of low density apartments sparsely situated west of the subject site. The abutting R-1A district, which was intended for higher density single family residential, was recently developed for subsidized single family homes. Woodridge Place Subdivision is located west of the project site, which was zoned R-3 Multi-family, but was developed having single family homes. The vacant area east of that site and northwest of the subject site currently is zoned R-3 also, having the potential of 135 multi-family apartments as of right under the R-3 District standards (see vicinity/zoning map).

Staff expressed concerns that the needed infrastructural improvements in the area should be addressed such as road improvements to Greensboro Road, given the anticipated growth of this area, which will serve the ASU campus as well as the new NEA Baptist Memorial Hospital. Smaller lot single family developments are proving to be in demand in this area and have progressed well as of recent. Greensboro Road is proposed as a collector road on the



Master Street Plan, but from the photographs, it is obvious that street improvements need to be prioritized in the future to offset anticipated city growth within the northwest sector.

A letter is in the case file from Sunset Estate, objecting to the case with concerns over multi-family being next to their residents.

Mr. Spriggs: The property is recommended for residence transitional on the Land Use Plan and is consistent. The stipulation of the RM-8 and parking requirements were listed as noted in the staff report. The Parking required formula: 1.75 spaces per 1-bedroom units; 2.25 spaces per 2-bedroom units.

Under the current R-1 Single Family District, it should be noted that the gross density of the subject site would accommodate approximately 34 homes/single family lots.

The conditions of any possible approval by the MAPC were read:

1. That the proposed development shall satisfy all requirements of the City Engineer, satisfying all requirements of the current Stormwater Drainage Design Manual.
2. That the gross density shall not exceed 8 units per acre with a maximum of 24 units.
3. That a future site development plan be submitted and reviewed by the MAPC prior to any future redevelopment of the 6.33 acres as RM-4 L.U.O.
4. The applicant agrees to comply with the Master Street Plan recommendations for the Greensboro Rd. right-of-way.
5. Fencing details depicting screening shall be implemented along the entire perimeter of the proposed site as approved by the MAPC.
6. A lighting photometrics plan shall be submitted with the building permit application to assure no lighting spillage onto abutting properties.

Mr. Scurlock asked that since different recommended maximum numbers of units were reported, and it seems the 50 requested units are off the table- What is the ideal number of units?

Mr. Spriggs clarified and stated that staff is in concurrence that Greensboro cannot support high density. He added that 25 to 30 units does not seem unreasonable. The owner will have to agree to that number.

Mr. Tomlinson: Stated that after he looked at the property, it doesn't look like it will support 50 units.

Mr. Mays: Stated that he has no problem with cutting down the number of units.

Public Input:

Eric Gibson, 1908 Greensboro Road: Originally he noted that he approved, but after looking it over he changed his mind. Noted concerns over traffic.

Mrs. Mary James Frazier, Stated she directly across from Erick Gibson on 12.5

acres, stated that this would devalue her property. She is concerned about the traffic. She has lived there 40 years; and she is opposed to this.

Mr. Hoelscher asked for the R-1 Density calculation? Mr. Spriggs stated 34 single family homes are permitted as of right under the existing R-1 Zoning.

Mr. Scurlock stated that the main thing here is the issue of the maximum density. Mr. Spriggs stated that the RM could be lowered to an RM-4 for 24 units.

Mr. Mays stated that his engineer estimated about 15 or 16 duplexes (32 units). It's been up for sale for 3 years. Under the R-1 single family, building spec housing and selling one in that neighborhood is almost impossible from past experience.

Mr. Spriggs: We do have other options such as RM-4 that could limit it to 24 units, if the applicant is agreeable. This could be done as a limited use overlay.

Mr. Scurlock made a motion to consider Case: RZ-12-19, for recommendation to City Council for a rezoning from R-1 to "RM-4", Duplexes (Max. 24 units), L.U.O. subject to the six (6) conditions as read. The MAPC finds that the use will be compatible and suitable with the zoning, uses and character of the surrounding area.

**Commission Action:**

A motion was made by Jim Scurlock, seconded by Paul Hoelscher, that this matter be approved. The measure failed by the following vote.

**Aye:** 4 - Paul Hoelscher; Ron Kelton; Jim Scurlock and Kim Schrantz

**Nay:** 3 - Joe Tomlinson; Brian Dover and Jerry Reece

**Absent:** 2 - Lonnie Roberts Jr. and Beverly Nix

**RZ-12-20**

RZ 12-20 Rezoning

James H. & Ina P. Gossett are requesting a rezoning of a parcel of land located at 4306 and 4310 Aggie Road, containing 6.2 acres more or less from R-1 Residential Single Family District to PD-RM Multi-Family District.

**Sponsors:** Planning

**Attachments:** [RezoningApplication\\_GossettRezoning](#)  
[Staff Report](#)  
[Preliminary Concept Plan](#)  
[Plat](#)  
[Applicant's Presentation](#)

Mr. Terry Bare, HKB, Inc., presented the case to the Commission. Gave the history of the former petition and appeal to Council. The owners were advised in good faith at the Council level that they should change the Zoning to a

Planned Development to show that they would build duplexes and not apartment structures. There were comments by the opponents that the plan did not require the builder to build what he said he would.

Mr. Bare: Noted the land use plan confusion that appeared to exist; stated that proposal is consistent with the Land Use Plan. Mr. Bare read inserts from the Land Use Narrative concerning needs for plan amendments. He noted the hospital development in the Northeast and requirements for employees as well as the new fairgrounds. Mr. Bare spoke of a rumor of a Wal-Mart in that area.

Mr. Bare went on to discuss the Land Use Plan: It is a guide, flexible and dynamic document. It is meant to change as the need comes about. Site constraints were also discussed. He added that the developer is not building apartments as defined in the Zoning code, which is 3 or more units. We had to go under the multi-family designation, because there is not duplex district.

Mr. Bare read references to education in the Land Use plan. He also read references to the value of property. The developer is proposing a plan to show duplex single-bedrooms and two-bedroom dwelling units with open space public-use amenities, with a play ground for children.

Mr. Bare: The opponents are against multi-family. The housing is not designated as multi-family. Mr. Bare noted that he and his team reviewed surrounding subdivisions and determined that there are 150 rental properties in the area as single family (non-scientific study using City's GIS data).

Mr. Bare discussed the Master Street Plan: Airport Road is a minor arterial. The subject site is served by Aggie Rd.; the Master Street Plan defines the road as a collector. The collector road is designed to bring the traffic to the minor arterial; the minor arterial is to bring the traffic to its destination. It is by the City's designation, a high volume street. Mr. Bare went on to discuss vehicular volumes. Single Family housing will likely generate 10 average trips per weekday; while apartments generate 7 average trips per weekday.

Developer Mr. Mike Watson, 315 Leslie Ann Drive appeared before the Commission:

Mr. Watson: Presented to the MAPC photographic views of the duplex units; showing no parking on Aggie Road, with all parking behind the units. He recognized that Mr. Mooney is passing out information on Vision 2030.

Mr. Watson: Explained the unit details: There are 16 duplexes; 1- bedroom units at 810 sq. ft. and 8 duplexes, 2-bedroom units at 1,100 sq. ft. Two duplexes will be facing Aggie Rd. They are marketing the units to young professionals.

Mr. Watson quoted housing findings of homes being 20 to 30 percent of the homes are rent homes; 42% is single family 54% is multi-family housing. Transitional residents that will blend while having the mobile home there.

Mr. Watson added that there are different zonings there such as a trailer park across the street. There is a mixed zoning and this meets the criteria as it relates to the land use plan.

Mr. Bare commented on the notation that this is spot zoning. There were 6 acres rezoned by David Abernathy in 1997. He described other uses in the area. Development as R-1 is not feasible.

Staff:

Mr. Spriggs gave staff comments from the report and gave the history. Where-by the request for RM-8 Multi-family was denied by the MAPC on June 12, 2012; the case was later appealed to Council and withdrawn on September 4, 2012; matter postponed indefinitely by Council.

Mr. Spriggs commented on the references made to the Land Use Plan. Consistency is not achieved as staff has determined it as single family. References to Vision 2030 were made as well, as were copied in a handout by the applicant. Mr. Spriggs stated that the MAPC and Staff are asked to refrain from references to Vision 2030 and/or the Jonesboro Housing Study until such time the documents are reviewed and adopted by Council.

Mr. Spriggs: The applicant is now requesting a change to a PD-RM Planned District. The property is surrounded by a varying housing stock, an apartment complex to immediate west and a mobile home park to the south, which is a non-conforming use situated just across Aggie Rd. from the subject site. Another non-conforming trailer park is located northwest of the subject site.

If approved, the development will net 48 attached duplex units, including an onsite openspace park setting and buffering provided along property boundaries. Current R-1 Single Family Density will allow approximately 33 single family homes to be built under the gross density calculation (5.4 units per acre allowed under R-1). The applicant is proposing a PD-RM Planned District Development on the site with a single private driveway for access.

Mr. Spriggs: Chapter 117 of the Code of Ordinances lists specific standards for Planned District Developments such as the open space requirement of 20% (54,126 s.f.). The applicant has demonstrated compliance with such open space amenities as: play ground and park-like setting with park furniture and gazebos including a vast amount of interior landscaping. Each unit has 6'-0" privacy fence patio screening. A 40'radius bus turn-around is provided onsite.

"PD-RM Planned Development District: The following conditions are suggested:

1. That the proposed development shall satisfy all requirements of the City Engineer, satisfying all requirements of the current Stormwater Drainage Design Manual.
2. That the density shall be limited to a maximum of 48 units.
3. That a future site development plan be submitted and reviewed by the MAPC prior to any future redevelopment of the 6.2 acres as PD- RM- Planned Development District.
4. The applicant agrees to comply with the Master Street Plan recommendations for Aggie Rd. right-of-ways.
5. Fencing details depicting screening shall be implemented along the entire perimeter of the proposed site as approved by the MAPC.
6. A lighting photometrics plan shall be submitted with the building permit application to assure no lighting spillage onto abutting properties.

Mr. Tomlinson commented on the site plan in which they are considered apartments and have been for over 28 years. Otherwise, we would have been building duplexes on single family lots all through the years.

Mr. Bare: They are designed to look like single family homes.

The Commission requested to see the latest Land Use Plan: Mr. Spriggs showed the plan which showed the color "yellow" which recommends the site as single family residence. January 2010 is the effective adoption.

Mr. Bare stated that the map shown is showing the zoning.

Mr. Tomlinson: Part of your justification from deviating from the land use plan is that the NEA Baptist Memorial Hospital is being built; that is one. The building of a hospital doesn't mean that you can over-run your land use plan or your infrastructure, or your encroachment into single family housing. You can't use the hospital as a justification.

Mr. Bare: The hospital has created a commercial boom in that area.

Mr. Hoelscher: The Land Use Plan isn't documented the way they are zoned, but to recommend how they will be used. What you cited out the land use plan was the need for the City to amend the plan, but not rezoned a specific piece of property. It has been adopted for quite some times.

Mr. Bare stated that the Land Use Plan was to be a flexible dynamic tool and the previous plan was used in a similar manner. There were many meetings where it was said it was not cast-in-stone. Mr. Bare asked that the City change the plan to a guide.

Mr. Scurlock: We let a rezoning go down the street. It was for 50 houses. Stated he would rather live next to this place than 1 house out of 50 on a 6 or 8 acre plot.

Public Input:

Mr. Todd Burton: Stated that he spoke with Mr. Tomlinson who also served on the Land Use Advisory Board in doing the map and plan. Stated that he has been fighting rezoning for his area for 15 years. Mr. Burton stated that they have pulled out some amendments in the Land Use Plan that we worked on as a community. Multi-family was to be out on the thoroughfares, where you could transition from the major uses. No way didn't we say you would put 48 units in R-1; there are apartments already there. We are building a school right down the road. The Land Use Plan is suppose to be used as a guide. We said the infrastructure would not support apartments.

Mr. Micky Bridger, Chairman of the Country Wood Subdivision: Stated that there were question we don't have an association; Stated that he is the chairman. He commented on the traffic and his incident of bottle neck traffic at 7 or 8 o'clock in one morning and 4 o'clock in the evening. Traffic cuts through our neighborhood. Stated that there is a difference in living as a home owner and an apartment.

Debbie Devault: Home owner request that MAPC not change the zoning: it will

devalue her home. Stated that she is a homeowner and teacher.

Mark Holding: Cypress Run Subdivision: Expressed his opposition. Commented on the new hospital reference is Vision 2030 and passed out handouts concerning the crime analysis report from July. Between 2010 and 2011, it shows that there is an increase in crime in that area. Basia Combs, Jonesboro Police Department Crime Analyst gave substantial data that linked crime to multi-family apartments.

Mr. Holding commented on the traffic issue and made reference to traffic counts from a 2010 study commissioned by the City. Aggie Road is a collector and it is design for 5,100 cars a day by the definition. In 2008 there were already 5,600 cars on Aggie Rd. per day. They estimated that it would increase by 211 cars per day, per year; which would be over 6,200 cars per day on that designed road.

Mr. Holding further commented on the congestion and the impact of the building of a school at Airport and Aggie Rd. He asked the MAPC to stand behind its original decision.

Mrs. Jerry McGough, 3700 Aggie Rd.: Stated that she owns 3 properties on Aggie Road and that she agreed with all of what has been said by these people. She referred to her letter previously submitted. She has lived there for 45 years. The traffic is a problem and with the new middle school being build across the street. Drugs and crime is a problem as stated. Adding more density will only add more to that crime.

Ms. McGough asked for consideration of the existing road conditions, and voiced her opposition and referred to her case from last year that was denied.

Denise Campbell, 4318 Aggie Rd.: She lives next to the Gossetts and her dad and brother lives there and are upset and opposed to this.

Dallas Spears, 4314 Aggie Road: Son of James Spears: He is taking care of his parents at 4314 Aggie. They are opposed to any new additions. Stated that it is cramped up; it will kill the value of his property.

Dawn Smith, 336 Country Wood Estates: Stated that her parents are the owners of this property. It has been for sale and no one wants this property. Spoke on property values, crime and traffic. Referred to the apartments across the street which have not caused adverse impact on the value of the homes. Ms. Smith referred to the traffic and her neighborhood being used as a cut-through. Stated that Mr. Bridger is not a spokesperson for the neighborhood. Stated that we have all lived in an apartment at some time in our lives and it didn't make us drug dealers nor criminals.

Ms. Gossett: Stated that they have lived there at 4306 Aggie Rd. for 36 years. She noted that the trailer park was there a long time ago when they moved there; and the apartments have never caused them any problems. She noted that her husband is a stressed and is a war veteran who served in both the Korean and Vietnam war. Ms. Gossett stated that they need a handicap facility home. They bought property in Ridge Run and are planning to build a home there. She has no ill-will against her neighbors and respect the speakers. She added: Thirty six years ago, the road was gravel and the neighbors and her

family paid to pave the road. She ended stating that she only wants a chance of getting what their property is worth by rezoning it.

**Terry Bare:** Referred to the information presented earlier, taken from the Land Use Plan. Mr. Bare stated that he has worked and provided information to the MAPC for 39 years and has never presented false information. The school is being built because there is a need. Stated that what he has seen is that the people that live in this area don't like change, unless it looks like what they live in. Please look at the property and what is surrounding it and the history. Stated that he is trying to provide the best information that is available today. No one goes before the Chamber of Commerce and say stop bringing new industry, because the traffic is killing us. They are saying bring more. This developer is trying to provide quality living in that area.

**Mr. Tomlinson:** stated that he has a problem with the increased density given the existing infrastructure.

A motion was made by Mr. Jim Scurlock to accept the proposal as stated with the stipulations of City Staff, seconded by Ms. Kim Elmore, that this matter be Recommended to Council. The motion failed by the following vote.

**Aye:** 2 - Jim Scurlock and Kim Schrantz

**Nay:** 5 - Joe Tomlinson; Brian Dover; Paul Hoelscher; Ron Kelton and Jerry Reece

**Absent:** 2 - Lonnie Roberts Jr. and Beverly Nix

#### RZ-12-21

RZ 12-21 Rezoning

Mitchell Caldwell is requesting a rezoning of a parcel of property located at 3318 and 3322 Colony Drive containing approximately 1.33 acres more or less from R-1 Single Family District to RS-7 Single Family Residential District.

**Sponsors:** Planning

**Attachments:** [Rezoning Application](#)  
[Staff Report](#)  
[Rezoning Plat](#)  
[Minor Plat](#)  
[Record of Proceedings Sept 13 2011](#)

**Applicant:** Mr. Mitchell Caldwell informed the commission that this issue was approved once but now has to revisit due to a time lapse. There is a bodyshop/salvage yard on one side and single family units on the other side of the property. He is requesting to develop 1.3 acres of land and into two family lots with homes that are comparable to those in the exiting area.

**Staff:** Mr. Otis Spriggs further informed the commission that the former application submitted by Mr. Caldwell went over the six months limitation and now had to be taken back through the process. He stated that staff has no opposition to project. The proposed rezoning meets the current Land Use Plan. The public has been put on notice and calls were received from residents expressing their concerns.

Mr. Tomlinson expressed the proposed rezoning appears to be the only logical

use of the property.

Public Input: None

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

**Aye:** 6 - Joe Tomlinson; Brian Dover; Paul Hoelscher; Jim Scurlock; Kim Schrantz and Jerry Reece

**Absent:** 2 - Lonnie Roberts Jr. and Beverly Nix

**RZ-12-22**

RZ: 12-22 Rezoning

Orielly Auto on behalf of Owner- Charles M. Johnston requests a rezoning from R-1 Single Family to C-3 General Commercial for property located at 4309 E. Johnson Ave. (SE side of E. Johnson) for 1 acre of land.

**Sponsors:** Planning

**Attachments:** [Application 4309 E Johnson](#)  
[Staff Report](#)  
[PlatSurvey](#)  
[Plat](#)

**Applicant:** Mr. Paxton Singleton is a consultant on behalf of Charles Johnston, sellers of the property, and the developer and buyers of O'Reilly Auto Parts. His clients requested a one acre rezoning from R-1 TO C-3. The property is approximately 7200 square feet. He informed the commission that after reviewing the proposed project, it is consistent with Land Use Plan and Mixed uses of the area. Mr. Singleton was informed by Planning Director Spriggs of the property being previously rezoned in 1998 by the MAPC but somehow it was never brought up by City Council and therefore not ratified. The earlier vote was 5-0.

**Staff:** Mr. Spriggs informed the commission that the plan is consistent with the Future Land Use Plan. The Planning Department listed three conditions and requested that it be made it a Limited Use C-3 Overlay, which means gives them privilege to review a site plan in the future. Due to the residential abudding, there is a request for some form of screening in the terms of fencing and landscaping to be provided. The 60ft right of way will be a part of the platting process.

Public Input: None.

**Comment by Mr. Kelton:** Being that the west boundary is against residential and is there any mention of light pollution?

**Mr. Spriggs** responded that typically a lighting and landscaping plan is submitted during the site plan permit process.

**Mr. Hoelscher:** Are the issue and conditions only enforceable as long as its residential, and if it changes to commercial can the stipulations be lifted?

**Mr. Spriggs** answered in the affirmative.



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

**Aye:** 6 - Joe Tomlinson; Brian Dover; Paul Hoelscher; Jim Scurlock; Kim Schrantz and Jerry Reece

**Absent:** 2 - Lonnie Roberts Jr. and Beverly Nix

**7. Staff Comments**

**8. Adjournment**