



City of Jonesboro

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

Meeting Minutes - Final Metropolitan Area Planning Commission

Tuesday, September 13, 2011

5:30 PM

900 West Monroe

1. Call to order

2. Roll Call

Present 8 - Margaret Norris; Lonnie Roberts Jr.; Joe Tomlinson; Paul Hoelscher; Ron Kelton; John White; Jim Scurlock and Beverly Nix

Absent 1 - Brian Dover

2a. Special Presentation

[COM-11:072](#)

Special Presentation by MAPC to Immediate Past Chairman/Vacating Planning Commissioner Mr. Jerry Halsey, Jr.

3. Approval of minutes

[MIN-11:077](#)

Approval of the MAPC Meeting Minutes for August 9, 2011

Attachments: [MAPCMeetingMinutes_August 9 11](#)

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

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

Absent: 2 - Brian Dover and Beverly Nix

4. Site Plan Reviews

SP-11-09

SP11-09: Spirit Manufacturing- Location: 2940 Nestle Rd. at C.W. Post Rd.

Danny McDaniel of Ramsons, Inc. requests Site Plan approval on behalf of Spirit Manufacturing for a 110,000 S.F. new building.

Sec. 117-32. Zoning and building permits. (d) Site plans shall be required for all

multifamily development proposals of five units or more, as well as for all new commercial and industrial development and substantial redevelopment.....large-scale commercial developments of over 75,000 square feet of gross floor area, and multifamily developments of more than 48 units shall be approved by the Metropolitan Area Planning Commission. (Requirements: Front Setback: 100 ft.; Side Setback: 25 ft.; Rear: 25 ft.)

Attachments: [Site Plan](#)
 [sh2-layout](#)

Mr. George Hamman, Civilogic, presented the request. He noted the size of the building and the setback issues. I-2, setback requires 100 ft.; the office portion will be 62-64 ft. from right of way is to be considered by MAPC. This is a conceptual plan and we would like to work with City Staff to have the details approved.

Staff: Mr. Spriggs gave staff comments. Planning and Engineering will finalize the approvals. He noted the drive distance requirements from non-signalized intersections: 80 ft. which should be verified. We will require the typical lighting, landscaping, and signage plans.

Mr. Tomlinson: Setback encroachments would be a BZA item. Mr. Spriggs concurred. The applicant is amenable to doing that. Mr. Kelton asked if there were any residential homes in proximity and is it really an issue. Mr. Spriggs noted that staff did not have a problem with the request; this is not an industrial use with smoke-stacks.

Grading and Stormwater will be regulated and reviewed by Engineering. Mr. Morris gave comments regarding the flood plain which no longer applies.

A motion was made by Jim Scurlock, seconded by Ron Kelton, that this Site Plan be approved, subject to final Staff approval. The motion carried by the following vote.

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

Absent: 2 - Brian Dover and Beverly Nix

5. Final Subdivision Plats

PP-11-19

RP 11-49 Browns Replat, Lots 1 / 2 located at 706 & 710 W. Washington. Mr. Elmer Brown requests MAPC approval of a lot split of an existing Non-conforming single lot containing two residential homes. The lots will not meet the minimum lot widths due to existing conditions; however a waiver of the requirement is requested for financing purposes only.

Attachments: [Elmer Brown Plat](#)

Mr. Spriggs noted the reasons for the request, and noted that staff has no issues with the request. MAPC has the jurisdiction on waiving the lot frontage width.

The applicant, Elmer Brown noted that this will remain 2 single family homes; and noted he lives across the street. We will refurbish the homes. We were 5 feet short.

Mr. Spriggs noted that given the R-2 District standards, they have no ability to further subdivide and place more density on the acreage.

Mr. Scurlock questioned the carport structure sitting on the line. Mr. Spriggs stated the MAPC could make it a zero lot line. Any additions or modifications should have to comply with the latest standards.

Public Input: None.

A motion was made by Joe Tomlinson, seconded by Margaret Norris, that this replat be Approved as recommended by Staff. The motion carried by the following vote.

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

Absent: 2 - Brian Dover and Beverly Nix

6. Conditional Use

CU-11-05

CU 11-05 Richard Irving- 1992 E. Lawson (at Jonkers Drive), requests MAPC approval of a Conditional Use for Emergency Housing within an R-1 Single Family Residential until such time the proposed main house is constructed on same lot.

Attachments: [Application Irving](#)
 [Staff Summary CU 11-05 Richard Irvin](#)
 [Jonkers Aerial View](#)

Mr. Richard Irving appeared before the Commission and explained his request. Stated that he has his house plans done. He has done the perk test. On the house plans, the drawer didn't put the living quarters where it said back porch.

Staff: Otis Spriggs noted that the applicant applied for a home over a year and half ago, and has been granted extensions. In the interim he built 2 accessory structures; later applied for a permit but the setbacks were out of compliance. He is requesting to live in the structure until the home is built under the Emergency Housing clause. The Chief Building Code Official Terry Adams has noted concern and issue with the Plumbing, Sanitary, and Electrical Codes. He has applied for a variance on the setbacks before the BZA.

The Emergency Housing provision does allow for 1 year use of mobile homes. The applicant has provided medical information for the files from a physician on his condition. MAPC is asked to deal with the issue of the Conditional Use; however there are some safety issues that need to be addressed.

Charles Dent; 6602 Jonkers- Noted his proeprty is adjoining this property. Mr. Irving has been under development for over 2 years with no effort to start construction. Frankly, it is an eyesore. The existence of the buildings will decrease the value of our property. Noted that he is opposed to any variance being granted on the issues. We have reservations if a house will be constructed. The building has no plumbing nor electrical which is run off of 2 cords. There is no sanitation and no septic tank. There is no ventilation to the building. To move into that building for Health reasons seems contradictory. I have great empathy on his health problems. He put the building there for a watch repair shop. I do not have a buffer of trees from my yard. He has 2 kinds of siding and 3 different kinds of shingles on it. I have the photo of what I see every day and of other conditions on the lot; it looks like a junk pile. I am opposed to the building and the construction. He noted that Mr. Robert Wilson could not be here. I was never notified with certified mail. Although I am aware and that is a mute point.

Lynn Nuton, 6606 Jonkers. Noted that the property values are affected, and the look under the Staff findings: the view is blocked by trees- this is the view out side my driveway. We purchased in 2008. We didn't move into this house until May of 2010, these shacks were already there. Mr. Irving and wife lived in there with no water no sewage and temporary service in 2010. In the Fall or early winter I came to code enforcement and filed a complaint. He continued ot live in there. He built them without a permit and they are an encroachment on the line. He's already lived there once and nothing has happened. 2010 nothing was done. I have little faith that it will be built to city code and the covenant of our subdivision and I say deny it.

Mr. White: Asked Mr. Spriggs of the sequence of the work as opposed to the homes on the street. Mr. Spriggs noted that he started 2 years ago and there is some lapse in time of construction of the home to the south (his son's), which appears to be very new. Mr. White asked if staff has on record any subdivision covenants. Mr. Spriggs noted that Staff does not nor do we enforce bill of assurances. Was there a permitting of this property? Mr. Spriggs noted that the accessory structures were not applied for prior but later were. The home permit was applied for but not completed. The living in the structure was not permitted but the violations need to be cleared up. Mr. Spriggs gave the parameters of the Emergency Housing provision.

Mr. Irving noted his health conditions. Noted he has a permit. Back in April, he noted he had a heart incident. He noted he is medication. He has his water meter permit and perk test. Mr. White: Do you have funds to complete the home? Mr. Irving: Yes, he will sub-contract some of the work.

Mr. Hoelscher asked if the building would remain once the house is built? Mr. Spriggs noted that only if the BZA approves the setback variance. The building sits approximately 9 feet from the front line.

Mr. White raised the question of the timing that the home would be completed and the question of abatement options of the accessory structure not being up to code?

Mr. Spriggs stated that from a dwelling perspective, the structure would not be in compliance. From an accessory structure, the applicant has applied for an appeal / variance through the BZA process. In a typical situation we have instances where applicant may want to construct the accessory structure first for storage purposes. In this case, the applicant has applied for both the home and the accessory structure; and must be allowed to go through the process.

Mr. Irving: My son lives right across the street and we stay over there; we are renting from Lynn Turner right now. The building is full of storage items.

Mr. Tomlinson: I have concerns about your own welfare and safety living under those conditions. You have not had the plumbing inspected and nothing is hooked up. Your electrical? Mr. Irving: it has two extension cords. From the Planning Commission views, it is a down grade to your adjoining neighbors. It has been going on 1.5 years. This could go on and on and on. It has no windows.

How will you finish off the electrical? Mr. Irving stated that he will run it off extension cords out to the light pole. Mr. Roberts, you will not be able to occupied the structure and temporarily run the wiring. Mr. Tomlinson: From the standpoint of city regulations, I would have to oppose this. Im sorry.

Mr. Kelton: Before he could occupy the premises and to get that certificate of occupancy, he would have to come into complete compliance with everything. Mr. Spriggs concurred. When staff made the last visit, we ascertain that there are no connections to sanitary or water. Mr. Terry Adams will not allow you to live in the structure out of compliance. He at this time he can pull your electrical main connection, due to safety reasons. Mr. Kelton: I always like to help someone in reason, and find a way to fix a problem. Looking at the houses in that area, I think it needs to be take down in a hurry.

Mr White made a motion we deny this request for a conditional use. This Commission is charged with a couple of duties: 1. Public Health Safety and Welfare; this structure is not sufficient as a dwelling for that. 2. We are charged with providing coordinated and well planned development of the city and subdivision, which goes to the needs of those people that object, and for those reasons I move that we deny the request. Motion seconded by Mr. Tomlinson.

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

Absent: 2 - Brian Dover and Beverly Nix

7. Rezoning

RZ-11-17

RZ 11-17 Mitchell Caldwell request rezoning approval of land containing 1.33 acres, located at 3318 & 3322 Colony Dr., between Richardson Drive and Stadium /East of Railroad; a change from R-1 Single Family to RS-7 Single Family for a maximum of 2 single family lots.

Attachments: [Application CALDWELL Colony](#)
[RezoningPlat CALDWELL COLONY](#)
[Staff Summary_RZ 11-17MitchellCaldwell_Colony Dr](#)

Applicant: Mitchell Caldwell, owner, stated that he would like to divide the parcel of land and place two single family residences on it.

Staff: Mr. Spriggs gave staff comments and noted that under normal R-1 Single Family District standards, you could divide this 1.33 acreage into 8,000 sq. ft. area lots; but, with the minimum lot frontage width, you could not achieve this with the irregularity of the lot. Staff has no problems with this request. The applicant is requesting one of the newer Single Family Districts and in which he would be limited to only two single family units. No additional density would be permitted. Staff concurs with this request and ask that you recommend it on to City Council for a change to RS-7 Single Family District; We ask that you consider modification to the request to RS-7 LUO with the listed conditions.

Public Input: NONE.

Mr. Hoelscher: Is this lot 100 ft. wide? **Mr. Spriggs:** Yes. **Mr. Hoelscher:** In the previous case on Washington, why would that not apply to this? **Mr. Spriggs:** Because of the district standards. In the Washington Street case, it was R-2, at a 50 ft. lot requirement. They were lacking that requirement. The RS-7 would permit you to do 50 ft. wide lot frontage in this case.

Mr. Spriggs: Because of the Future Land Use Plan recommending this area for High Density Single Family Residence (which means smaller lot constraints), Staff feels that this request is consistent.

Mr. Hoelscher: Is there nothing that would prevent them from building to the maximum density?

Mr. Spriggs: The Staff recommendations as structured would prevent that and hold it to only 2 single family residences, because of the limited 100 ft. of road frontage.

Mr. Kelton: The house to the east is for sale and the other side is C-3 General Commercial use. Because you will have 50 ft. wide lots, will the homes be conforming to the houses in the area? **Mr. Caldwell** stated that they will be equal to or exceed the value of the existing homes. **Mr. Kelton:** A couple of homes would make a good buffer between those houses and the automotive use to the east.

Mr. White: These lots have a great depth; what about accessory buildings. **Mr. Spriggs:** They would have to be built in the rear yard and placed at least 7.5 ft. from the rear and side property lines. **Mr. White:** Square footage limitations? **Mr. Spriggs:** The structure would have to be insubordinate to the principle

structure and less than the overall footprint area of the home.

Mr. Spriggs added that Lot 2 would have a very large rear yard. Mr. Caldwell: Stated that he had spoken to the City Engineer about donating a portion of the large back lot for an area retention pond (1/3 of an acre). Mr. Spriggs: That area of the lot is floodplain.

Commission Action: Motion was made by Mr. White to consider approval of Rezoning Case RZ11-17 based on the Staff recommended conditions and make recommendation to City Council accordingly; Motion was 2nd by Ms. Norris. The motion carried by the following vote.

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

Absent: 2 - Brian Dover and Beverly Nix

RZ-11-18

RZ 11-18: Linda Gregg requests a rezoning from R-1 to I-1 Industrial for 10 acres located at 903 Strawfloor Floor, between Matthews and Nettleton Ave.

Attachments: [Rezoning Plat Greggs 2](#)
[RezoningApplication_903Strawfloor](#)
[Staff_Summary_RZ11-18_903 Strawfloor](#)

Applicant: Ms. Linda Gregg stated that she has 10 acres. I have it for sale. The sale is contingent upon him getting it rezoned to place his construction equipment on it with an office there.

Staff: Mr. Spriggs gave staff comments of the surrounding conditions. The I-1 base district request opens the door to a number of units listed in the staff report. There are a number of uses that undesirable in relationship to residential uses. The current land use map does not support or recommend the requested change of use and is not consistent. Outdoor storage of heavy equipment may be an issue and needs to be addressed. They are open to some form of limited use overlay use. Staff does not support the original request.

Public Input: Filloyd Goodman- Owns property across the street. He is not oppose to the rezoning other than putting some form of construction company. The place has been vacant for some time. Been knowing the family for long time. A bunch of construction equipment sitting around would be an eyesore. Would make my property difficult to sell.

Mr. Tomlinson asked about the collection of fill? Ms. Gregg: Noted that the city granted a permit for hard fill and dirt.

Mr. Tomlinson: I am opposed to this primarily because it is a truly a case of spot zoning. The the fact that there is not a specific use or plan, I cannot approve it without a plan. I don't think it should be industrial in the middle of the residential zoning. It now complies with the land use as residential.

Mr. Tomlinson: I would like to affirm to the City Council that we deny the rezoning request as submitted based the above. Seconded by Mr. White.

The motion carried by the following vote.

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

Absent: 2 - Brian Dover and Beverly Nix

RZ-11-19

RZ 11-19: John Drum requests a rezoning of 1.17 Acres of land located at 1206 St. Main St. at Elm Street, West side of Church Street to changed from R-2 Low Density Multi-Family Residential to C-4 L.U.O.
(This Case was withdrawn by the applicant- Case to be un-tabled and dispensed of by MAPC- No further action will be taken)

Attachments: [RZ APPLICATION SPOTTS](#)
[Rezoning Plat Spotts](#)
[Color Rendering](#)
[Staff Summary RZ11-19 1206SMain](#)
[Email Memo - Withdrawal Request](#)

A motion was made by Beverly Nix, seconded by Joe Tomlinson, that this matter be Tabled . The motion carried by the following vote.

Aye: 7 - Margaret Norris; Joe Tomlinson; Paul Hoelscher; Ron Kelton; John White; Jim Scurlock and Beverly Nix

Absent: 1 - Brian Dover

RZ-11-20

RZ 11-20 Roger Barnhill requests a rezoning of land containing 0.17 acres located at 3012 Parkwood Rd., East of Stadium Blvd., a change from R-3 High Density Multi-Family to C-3 L.U.O. General Retail.

Attachments: [RezoningApplication Lot 4 of Fairview Acres Subd2](#)
[Staff Summary RZ11-203012 Parkwood Stadium](#)

Applicant: Donald L. Parker II, Wilcox Parker Hurst & Lacy PLC, representing ALDI, Inc. stating that he appeared before the Commission last month for a Site Plan approval for an Aldi store for property adjacent to this lot to the north and west. One of the conditions of the site plan approval was that this additional acreage be obtained and rezoned. It is a lot that is located at 3012 Parkwood (approx. 2/10 of an acre). Roger Barnhill is the owner, and he has it under contract with Aldi. The request is to conform to the rest of the property that was subject to the site plan. Stated that his client is requesting a change from R-3 Multi-family to C-3 L.U. for the Aldi Grocery Store to comply with the parking requirements. The property to the east and south is R-3. We do not know of any opposition. If this is approved, Staff had recommended that we install a 6 ft. privacy fence and we are in agreement; we appreciate your approval and at closing of the acquisition, all these lots will be platted into one lot.

Staff: Mr. Spriggs gave the Staff Report Summary, noting that all of the surrounding site conditions. This property will provide for the necessary parking (6 spaces) required for the Aldi Grocery Store. We feel that if proper buffering/screening is installed as recommended by staff, this request will not cause any adverse impact on the abutting residence to the east. We recommending approval based upon final site plan review and approval to be completed by Planning, Engineering, Building, and Fire Inspections.

Public Input: NONE.

Commission Action: Motion was made by Mr. Scurlock to approve the rezoning subject to the Staff recommended conditions; Motion was 2nd by Ms. Norris.

The motion carried by the following vote.

Aye: 7 - Margaret Norris; Joe Tomlinson; Paul Hoelscher; Ron Kelton; John White; Jim Scurlock and Beverly Nix

Absent: 1 - Brian Dover

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 Tabled 5/10/11, 6/14/11, 7/12/11, and 8/9/11 by MAPC.

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

A motion was made by Mr. Tomlinson, seconded by Mr. Ron Kelton, that this matter be untabled.

Staff: Mr. Spriggs recommended that MAPC approve the matter as presented. He gave a summary of the dialogue concerning negative motions vs. motions in the affirmative (positive). Staff has provided a sample list of motions to establish findings of fact.

Tonight we are entertaining modifying your bylaws. Mr. Spriggs gave a brief overview for Ms. Nix, the newest member on MAPC. Ms. Carrol Duncan: The only time you will have a problem with a negative motion is when you do not have enough to pass. Sometimes you do not get the majority to pass the negative motion.

Mr. Spriggs gave an example of tonights motions, where it causes confusion with the double negatives of not knowing whether to say "yea or nay". The modifications are primarily for defining findings of fact and to assure that motions sent to City Council or complete and concise.

The sample motions will be provided to the MAPC for the various cases in the future.

A motion was made by Mr. White, seconded by Mr. Kelton, that the MAPC Bylaws be Approved as recommended by Staff. The motion carried by the following vote.

Aye: 7 - Margaret Norris; Joe Tomlinson; Paul Hoelscher; Ron Kelton; John White; Jim Scurlock and Beverly Nix

Absent: 1 - Brian Dover

9. Adjournment

Mr. Spriggs invited the MAPC/City Council to the Seminar on the Fair Housing Act to be held on Tuesday, September 27, 2011 at 6:00 PM in the Council Chambers. Faciltator will be Carol Johnson, Atty. and Directar for the Arkansas Fair Housing Commission. Mr. Kelton gave compliments on the presenter and her expertise.