



City of Jonesboro

Municipal Center
300 S. Church Street
Jonesboro, AR 72401

Meeting Minutes Metropolitan Area Planning Commission

Tuesday, May 28, 2024

5:30 PM

Municipal Center, 300 S. Church

1. Call to order

2. Roll Call

Present 8 - Lonnie Roberts Jr.; Jimmy Cooper; Kevin Bailey; Monroe Pointer; Stephanie Nelson; Jeff Steiling; Jim Little and Dennis Zolper

Absent 1 - Paul Ford

3. Approval of minutes

[MIN-24:051](#)

MAPC Minutes: May 14, 2024

Attachments: [5.14.24 MAPC Minutes](#)

Approved

Aye: 7 - Jimmy Cooper; Kevin Bailey; Monroe Pointer; Stephanie Nelson; Jeff Steiling; Jim Little and Dennis Zolper

Absent: 1 - Paul Ford

4. Miscellaneous Items

[COM-24:018](#)

Sidewalk In Lieu: The Reserve at Sage Meadows

Tralan Engineering Inc. on behalf of The Reserve at Sage Meadows, is requesting MAPC approval to pay the Sidewalk "In Lieu" payment of \$4,220 for 43.33 square yards. The current rate is \$97.39 per square yard.

Attachments: [The Reserve at Sage Meadows - Sidewalk Letter](#)
[Overall Site](#)

A motion was made by Jimmy Cooper, seconded by Dennis Zolper, that the matter be untabled, and the motion was **PASSED** with all voting in favor.

Jim Gulley: This job carries back five and a half, six years ago from when the original plans were drew, and if you look at the sidewalk it was originally done on there because, there was an agreement between the owners, the city, the fire department, and everybody to do this because they was not going to take this road, the road that dead ends there and extend it to the property. Roughly

about 36 months ago, there was a big meeting that we all had with the city officials, I believe Mr. Little was involved. When we was out there at looking at some of the firewalls and the fire structure and all that. That the fire department raised the issue that the road had to be extended and tied into that property. It didn't have to be used as an entrance or an exit on that property but that it had to be continued up there and tied in, that way they could get structural apparatuses in, in case of a fire. At that point we went back in and that would have eliminated that sidewalk and we turned around and created a curb and tied it into that south end of that and spent 10 times the money of the 4220, to do that to appease the fire department and the city at that point. In that original drawing that sidewalk is showed to be on a lot that is actually in Sage Meadows, that is off the property there, which is no longer owned by the owners Don and Ray of that apartment project. So, I mean we're at your mercy for whatever, but we done what we needed to appease everybody, with Jason with the fire department, and that thing has a gate on it now, it's not used as an entrance it has a Knox Locks on it that is only going to be in case of fire emergency. And really there's no way to do that sidewalk, because it's like a sidewalk to nowhere. So, there's no place to put it in but if we gotta pay the 4220 then, obviously, we're going to pay it, but I would like some leniency or understanding, know that we spent three times the money to tie that road in and to make Sage Meadows happy, put ornamental gates up with Knox Locks on it. We spent \$50,000 right there and we could've put the sidewalk in for five it that would have been what we could've done. So that's what I have to add to it.

Lonnie Roberts: Alright, city planner do you have the staff comments on this one?

Derrel Smith (City Planner): Yes sir we do, we reviewed this, I mean this is only a portion of the sidewalk that wasn't installed original, and I mean it was shown on the plans. We approved the plans they never came back and asked to resubmit the plan showing any changes. The way the ordinance is written we can only accept the fee in lieu along right of way. So, I mean, they can either pay that fee in lieu or they can install the sidewalk along the back of the curb. Like it is in other parts of the city. The other sidewalk needs to be installed though. That's outside the right away.

Lonnie Roberts: The other sidewalk you're talking about the portion?

Derrel Smith: Right, that east west portion right there. Needs to be installed.

Jim Gulley: They don't own that property.

Derrel Smith: Then it needs to be on their property.

Jim Gulley: The curb from the property to the back of the curb on that road is not even wide enough for a sidewalk.

Derrel Smith: They need to figure out a way. Because it was approved. This is the way y'all approved it. It hasn't been installed. The city I think if we allow this then we're creating a precedent of letting the contractor go out and do something without approval. Without submitting any plans and I don't think we want do that.

Lonnie Roberts: Okay, I'll open it up for discussion, commissioners do you have any questions or comments?

Jeff Steiling (Commission): I have a question, the property that, that sidewalk is running across. Who owned that property when that sidewalk was approved?

Jim Gulley: Don Parker.

Jeff Steiling: So, he has since sold that property, after that sidewalk was supposed to be installed there.

Jim Gulley: Yes.

Jeff Steiling: So he could have sold that property with the property line to the south of that sidewalk instead of the north of that sidewalk and there would have been room to install it.

Jim Gulley: He couldn't shrink the lot size any because of the minimum lot size that is set by Sage Meadows. Because the bad part about it is, I'm the guy who owns the lot.

Jeff Steiling: That's, he couldn't shrink it any?

Jim Gulley: No, there's so many utilities-

Jeff Steiling: Not 2 feet, so you could have gotten the sidewalk along the back of the curb? I mean, there's nothing there you could have done?

Jim Gulley: There's no way to get into it, because once you do, it got shrunk down and everything, it should have been resubmitted and he says the contractor went out and did something without approval and I went through my chains, with Tim Renshaw, and Tralan, and everybody there who had that meeting and discussion. And this was something that happened 36 months ago, and was under the impression that it was all going to be resubmitted and redone and taken care of. It's only popped up now that the jobs complete and we're asking for a CO, and I mean, obviously we didn't go out there and just make up a layout and grades and everything to do that with, but now Tralan is taking a position that they don't want to be, they made me come up here and represent them myself, I represent the owners, and at the end of the day, they're the ones that were responsible for the drawings, the submittal, the process, and everything that's involved with it. What's the purpose, can we not go back and I just have them resubmit it, without it? I mean the sidewalk goes to nowhere, there's no use for that sidewalk and it goes over private property.

Derrel Smith: I'll tell you the city's problem with it, is it ties into existing sidewalk and there's a lot of people out there and it's a walking connection for everyone.

Jim Gulley: There's not a single sidewalk in Sage Meadows.

Derrel Smith: You got it in your apartment complex though, it ties in to the sidewalks in the apartment complex, goes up and ties in all through there, so it provides a loop for all that walking traffic through there.

Lonnie Roberts: So, this sidewalk, let me just ask, where it says existing building, is that sidewalk?

Jim Gulley: It stops, back up, to the right, no it stops where the shadow lines are, on the property line between Deerfield and right up into that building, right where you're seeing that fence. Yeah right in there.

Lonnie Roberts: So, it stops right where it shows this sidewalk connecting?

Jim Gulley: Yeah, because there's nothing there, the sidewalk that's there only there to serve as access through that building, there's no, the only sidewalk for walking traffic on that property is that sidewalk that goes up the center of those 8-plex buildings there. There's no walking path or walking trail on that whole project.

Commission: Could that tie into anything in the future?

Jim Gulley: No.

Derrel Smith: Just so, the commission knows, this isn't the only thing they didn't construct, they didn't put any of the landscape islands that are shown, either, they are scheduled for a BZA to grant a variance for that but none of the landscape islands that are shown were installed either.

Jim Gulley: I didn't hear-

Derrel Smith: Landscape islands, didn't install those either. That was set for BZA last week and nobody showed up.

Jim Gulley: There's two islands there that we've come back and we have to

look at either pay to do away with, or we gotta go back and saw 'em in and install them. That's out of the whole project, the only two things that are missing is the two islands, and then that sidewalk, that's not there because it's never going to serve anything because it doesn't create, if I put that sidewalk in it's not going to go anywhere. It's just going to run up and dead end at that road. Because there's no walking trail or walking path through this project. Commission: Is there another way to connect it to where it would connect to something? Because it looks like there's a sidewalk going through the middle of the whole thing.

Jim Gulley: And that sidewalk that's going through middle, right down those six buildings there in the middle. Is designed for them to walk and access the buildings that they live in. It's not a walking trail for traffic.

Commission: The gate that I saw out there this morning does have a pedestrian exit in it exiting to the south.

Jim Gulley: And what it is, is a gate for the landscapers to be able to get in on the backside of that fence because there is actually an electrical transformer on that section of ground right outside there on the left that they have to mow and maintain that's part of their property. It's not, nothing on this project is designed for them, for the people for the tenants in that apartment project to leave that job or leave that site and go into Sage Meadows and there's no way for people from Sage Meadows to enter that apartment complex. It actually has a digital keypad code on it that only the landscapers, the maintenance guys, and anybody on that can access it.

Lonnie Roberts: Okay so let's go back now. Let's clarify what the in lieu of is applied for. Can you put that other map up? So, the in lieu of, just so we all understand and so I understand, is not the S shaped-

Derrel Smith: That's correct.

Lonnie Roberts: The in lieu of is for the trip that's in front of this, that is now a paved road.

Derrel Smith: That's correct.

Lonnie Roberts: So, the discussion tonight, what are we doing with this sidewalk as far as, are we making a decision on that?

Derrel Smith: I mean, it's before you right now. I mean, you can make the decision on the in lieu but if you don't make a decision on the sidewalk, they're going to be required to put it in somewhere, because it was never approved to take out.

Lonnie Roberts: So, like I said the in lieu of doesn't have anything to do with that then. That's still gonna be tied in.

Derrel Smith: That's still gonna be tied in and they will not get a CO till that's installed.

Commission: Yeah, I think I just got confused, I'm just terribly confused. So, then we don't even have to talk about the s shape.

Lonnie Roberts: And I was just trying to clarify that a little bit. Sorry about that.

Commission: All we're talking about is the straight sidewalk and we either approve or not do approve there in lieu fee for that. And we're not even here to talk about the rest of it. Is that right?

Derrel Smith: We're not gonna help him out by leaving that S shape out because-

Lonnie Roberts: We can't leave it out tonight can we? Tonight?

Derrel Smith: I mean you can either tell him he has to install it or he doesn't have to, because the city code requires that it be there.

Lonnie Roberts: So, the in lieu of would be a move toward not installing it.

Derrel Smith: Right.

Lonnie Roberts: Okay, I follow you now.

Dennis Zolper (Commission): I have a question Derrel, this situation where there's other departments in the city that have caused this problem, that have blessed some changes that never came through your office or-

Derrel Smith: Neither us nor engineering that we're aware of, that would have been where any streets or sidewalks would have to come from.

Jim Little (Commission): So if we don't deal with the S shaped sidewalk, they'll just have to put it in or have a different meeting?

Derrel Smith: If y'all don't deal with it, they'll have to go to BZA if they don't want to put it in.

Carol Duncan (City Attorney) I question whether that's a BZA question from the beginning, because it's asking for a variance from the code. It's not an in lieu of, which y'all have the authority to answer.

Jim Gulley: It's in lieu of because we installed asphalt. It's got curb, and gutter, and asphalt. The 43.33 square yards that we're talking about is now asphalt.

Commission: Just so we're clear Jim, that's the vertical-

Jim Gulley: That's the little vertical and that T shape right there. It's all asphalt, it goes in and ties a radius into the asphalt parking now and has a minimum of 14 foot wide gate for fire apparatus with a walk-thru door next to it.

Unable to transcribe

Jim Gulley: Yes, if they would have left that road dead ended, then, we woulda had to put that little niche of sidewalk in, the 43 yards. But now that's actually a road, that road continues on to that project only for fire apparatus, to get the fire code and fire marshal approval. I actually own some ground over on 745 that they made me give up a right of way on it that lets them in the backside of Deerfield if there's ever a major structural fire, that no matter how I develop that ground, I gotta leave an access with a Knox Lock on it to get across it. So that's what the fire department wanted, was that tied in.

Monroe Pointer (Commission): So the previous plan that was 36 months ago, that sidewalk would have been there. We wouldn't be asking for an in lieu of.

Jim Gulley: No, It come down to a battle between the residents of Sage Meadows and Don and Ray and everybody else that was involved in it. I mean, there's been discussions and stuff that I wasn't involved in, that at one point it was they wanted it there because they were, in the beginning Sage Meadows was going to allow them, the people of that apartment complex to buy memberships at resident cost to do that and then, they was worried about it being opened up for an entrance and an exit and over the course of four years of building out there, everybody had a bad taste in their mouth, because it was used as a construction entrance, and then the fire department comes along and it's gotta be this and it's gotta be that. So, there's been a lot of stuff that I haven't been involved with, there's been 5 different code changes. There's been like 7 different deals we had to change in design and stuff on the buildings as we went through this, the fresh air intakes and dryer vents and everything that's all been, that Shirley Thomas has been involved in, that Tim Renshaw has been involved with, that everything that, we've had meetings on the job site and at no point was it ever said that, whatever we were doing there had be resubmitted or if you're gonna do this, than that's more than the sidewalk is, that's still giving you an ingress, egress, to transfer over into that. To me the only thing that should be an issue is the S shape sidewalk, but if we did the road in there, then there's no way, and no reason for that sidewalk, it's not going anywhere.

Monroe Pointer: So, I may ask this a different way then. If we put that sidewalk in there or if we say, you get the lieu of, and not put that sidewalk, then, I

would then tell him that he doesn't have to do the rest on the other end, that's supposed to be done?

Lonnie Roberts: Let me be clear that we're not ruling anything on the east and west sidewalk, that turns into an S and goes to the previous development. So, in other words whether we grant the in lieu of or if we don't, we have nothing to do at this point of granting any in lieu of on the east west corridor of the sidewalk that ties into the existing sidewalk. To me that kind of ties, these two developments together.

Monroe Pointer: It sounds like we do though, because if we tell him he don't have to put in, then he don't have anything to tie that S sidewalk into. Unless I'm confusing myself.

Stephanie Nelson (Commission): There's pavement there now.

Kevin Bailey (Commission): Yeah, there's a road there now, but I think the horizontal, the east, west S shape, sidewalk is not before this body. I believe it should go before BZA. And my reservation about voting for in lieu of, is nothing against Jim or the developer or anything, but I feel like if we vote, in for, the in lieu of fee, we have set a precedent and then the BZA will have that precedent when it comes before us and then we may have opened a can of worms and I'm sorry, but you got a terrible lot.

Jim Gulley: I don't care what we got to do, if we gotta have somebody redraw it or resubmit it, if that's a possibility, I really don't care and don't take this the wrong way but I don't care what it costs, Ray and Don. To get done, Jim wants to get done, get the final CO, wave bye, and go on to the next project and this is a can of worms that I'm being forced to deal with that I didn't open up.

Dennis Zolper: Derrel can he not, when that wall come down between the 6 buildings, take it immediately left straight across the end of the building?

Unable to transcribe

Dennis Zolper: All he has to do is redraw it and bring it to you?

Derrel Smith: Yeah

Dennis Zolper: I got another simple question. How did the department let this go through to start with?

Carol Duncan: That's my question, how did we not know we needed a second entrance to start with?

Dennis Zolper: We're getting stuff lately that all of a sudden at the end, somebody uh oh, because you got a fire guy that, they had to approve that plan when it was submitted.

Jim Gulley: You are 100% correct but I went out there and dug up posts that were two and half inches because Jason Wills wasn't happy with it.

Dennis Zolper: Where that comes down through the six apartments if you went straight down across, I don't know what direction that is, do you have a problem with that?

Jim Gulley: No, other than there's going to be some elevation issues there because what you don't see on this map is that transition from that parking lot down to, where that one that stops at Deerfield, is like a 45 degree slope crossing a ditch and then the elevation coming off the end of those eight plexes is probably a 3 to 1 across there that comes down. I mean that like, I'm not saying it shouldn't be done but it's going to be a pretty major feat and like the other question is like you know there's a property line there to where like there's Don and Ray who own the reserve but Don owns Deerefield. So, there's an ownership difference between the two projects even though they're being shared as one common apartment complex. If that makes any sense.

Commission: I think to get a CO they'd have to fix that. I think that between them they could work where that sidewalk can go across.

Unable to Transcribe

Lonnie Roberts: I think just as a clarity we got nothing to do with the east west corridor. Let's real back in on this strip of sidewalk. And anybody else have any questions?

Jimmy Cooper (Commission): If they go back and change their plan that's a mute issue anyway.

Unable to transcribe

Kevin Bailey: This is a different lot so we gotta make sure that this lot that he is representing is out of this subdivision. It's now a separate lot.

Commission: This lot really has nothing to do with the sidewalk. Because that's in another development, the east west sidewalk.

Kevin Bailey: Other than originally-

Commission: The plan is not there.

Jim Gulley: I ended up buying 7 acres from them off 745 and I went to closing and somehow in the middle of the closing, I realized that I inherited that lot in Sage Meadows. So, I didn't even know I was buying it and ended up having it for free basically. And it's because we're not even sure it's buildable. We've been in discussions with Sage Meadows whether we can actually build on it, because of the easements, and right of ways, and drainage, can you actually get a house to fit on it? And if not, we're asking Sage Meadows to pull it out and not charge me HOA fees every year for something that essentially can't be built on.

Dennis Zolper: I mentioned something, I don't know that we would establish any kind of precedent with a decision one way or another on this. Because we're faced with some unique facts and some appears to be some internal city situations that were dropped in our lap but I don't think it's, as far as precedence, I don't see the significance of that. I do see the significance of it of whatever they're going to do, Derrel. If they come back to you, they need to go ahead and come back to you and do what they're supposed to do. The other little sidewalk of in lieu of doesn't go anywhere, so why are we? I'd rather table this and see what happens.

Jim Gulley: I mean, can I have Trey Lamblock redraw it for what's built out there and resubmit, I mean it wouldn't.

Jeff Steiling: That's what I was going to ask. I feel like we're being asked to make a judgement on something that we have a drawing that is not accurate to what you're asking us to approve.

Unable to transcribe

Jeff Steiling: Yeah but now he's asking for something different and he's built something totally different. So, I can't look at what he's given us and make an informed decision about what needs to be done because that's what we have and it's inaccurate. I mean if the fire department required him to do something different, the city either has to accept that or not accept it and if the city says the fire department was wrong, then they've built a bunch of stuff they didn't need to do. So we need to see what that looks like now, not what it looked like 6 years ago. I can't vote on something like this right now, I'm not even sure what I'm being asked to do.

Carol Duncan: I agree

Dennis Zolper: And I'd like to make a motion to table it, for at least till Derrel brings us up to date as far as any revisions to the plan to show what's out there. What they're requesting then.

Lonnie Roberts: So, are we saying in a certain amount of time or during a certain meeting?

Dennis Zolper: I'm saying until Derrel comes back to us and says you know we

need you to un-table this matter.

Monroe Pointer: So if we table it again, my question would be, what he's asking for, why couldn't we just either vote or vote that down and then, that would lead him to go and say, he has to bring different plans. Is that not an option? Because will be voting on what we see in front of us.

Lonnie Roberts: That is correct. Adam in lieu of can we reconsider an in lieu of later? Do they have to wait 6 months?

Commission: That's the problem we potentially delay them 6 months getting there.

Jim Gulley: We have a temporary CO, on the project. We were issued a temporary CO, final CO on it.

Lonnie Roberts: This is just concerning your lot though. You wouldn't be able to do anything on your lot for 6 months if we turn it down. You couldn't apply for a in lieu of for 6 months on just a lot. Is that correct? Am I thinking right?

Jim Gulley: That lot didn't have anything to do with it.

Commission: No, it would just be the-

Lonnie Roberts: Well, tonight's meeting really didn't have anything to do with their CO does it?

Commission: It has to do with that little strip.

Jim Gulley: It has to do with that strip that runs north and south in that 15 feet because where that property line makes that little corner where the S shape sidewalk ends at, that's my lot that goes down to the next house there. It has nothing to do with that. It's only from where the asphalt ends and that stretch of sidewalk that goes up and make that little bullhead T right there over to that property line. That's all that in lieu of has to do with. It has nothing to do with the S shape or the curve or that lot on it. I submitted a house plan for the lot, and they've approved it. And now we're about to go through the process for applying for a permit to build on it.

Lonnie Roberts: So, Commissioners table or proceed?

Jimmy Cooper: Now, wait a minute we do that, he's still not going to get his certificate of occupancy?

Lonnie Roberts: No, he will not.

Jim Gulley: But essentially instead of doing a sidewalk and concrete, I done it full width and asphalt. So, the connection between asphalt and asphalt is there but it's a full width asphalt.

Jimmy Cooper: That one going north I guess, that one of the little S, you're not gonna get a certificate of need until it's there. Or you submit something that is accepted. So there's no need of us taking your money basically. So, you're gonna have to move the sidewalk.

Lonnie Roberts: Or do a drawing and resubmit.

Jimmy Cooper: Resubmit is going to end up being on your lot so, unless you move it back up around the building and figure out how to take it across there.

Jim Gulley: That'd just be something we have to get with Tralan on.

Jimmy Cooper: I'm just saying we're going to take your money for really nothing because you're not going to get a certificate of occupancy. We can table it, we can turn it down, or we can take your money. But it's not gonna do you any good.

Jim Little: So what Jeff was saying makes more sense. Get Tralan to submit what's really built. To show the fire road that goes all the way. And so that if you're trying to do something we can see what's really there. At that point they can show a suggestion on where to put the other sidewalk or try to get out of it. But without the real plans we're guessing at what we're looking at.

Jim Gulley: Like the multiple pieces of the puzzle. The in lieu we're talking

about is the forty-three square yards of concrete. So, if I can solve that piece of the puzzle with forty two hundred and that section of it goes away and we're not, now we're down to the S shape sidewalk, correct?

Derrel Smith: Yes.

Jim Gulley: So, all I'm going to do is spend forty-two hundred dollars. If y'all approve the in lieu of, and that section goes away and it's done and over. Then at that point all I gotta do is go and start dealing with the S shape sidewalk and the two islands.

Kevin Bailey: In the development not on this lot. Again what we're talking about tonight is the in lieu of for your lot that is outside of the development that used to be in the development. So, that's the conundrum that we're having here is and I'm not being argumentative by no means but the sidewalk that runs east and west, was shown, submitted, permitted, and built on the lot that you now own, that has been sold outside the development. And so, what Derrel is saying in no uncertain terms is that you're not gonna get a final CO until that sidewalk is put in across that development.

Jim Gulley: And I'm going to go back and look at that property line and see what I can get along there because the problem is there's kind of that drainage flume that you kind of just barely see that niche in the corner. Is part of the problem with getting that sidewalk across the line. But I mean the in lieu should clear that and then it's just down to a point to where if I can get that, if I can get that sidewalk in over there, then my lot, I'm clear.

Derrel Smith: As long as you make that connection from the existing sidewalk into the new development. Whether it's on the north or south side of that driveway that will take care of that. And then that fee in lieu is only for that section that's in the city right of way. And so, if you paid that, that takes care of that. That's the north south section there.

Dennis Zolper: I'd make a motion to approve the request for the in lieu on the north proportion of the sidewalk.

Jim Gulley: I'm going to spend that anyway to have that redrawn to do it. So, I just paid the 4220 and deal with the north and south and then I'll go out there and figure out how I can get a sidewalk in that goes into the development, on their lane. Because my deal is, if I had to put the sidewalk on my lot, then, I know that lot is not buildable, inevitably. I own something that I can't ever do nothing with.

Dennis Zolper: That's my motion if we can get a second.

Jimmy Cooper: Second.

Lonnie Roberts: I have a motion and second, Miss Monica if you would call roll please.

Commission: What are we voting on?

Lonnie Roberts: Just a strip in front of the lot, it has nothing to do with the east west going, what it shows from the road to the road.

Unable to transcribe

Stephanie Nelson: And that is actually pavement right now?

Jim Gulley: Yes, it's a street, I mean, it looks just like street.

Stephanie Nelson: So if you weren't to write a check, you are supposed to put a sidewalk in but that would be sidewalk on top of pavement. So, that makes no sense.

Jim Gulley: Technically, I have that right of way and for what it's intended there is there. There really shouldn't technically be an in lieu of because it has permanent surfacing that ties into that asphalt. It's just not a 5 foot sidewalk, it's a 24 foot with curb and gutter, and asphalt tying to it.

A motion was made by Dennis Zolper, seconded by Jimmy Cooper, that this matter be Approved . The motion PASSED with the following vote.

Aye: 4 - Jimmy Cooper;Stephanie Nelson;Jim Little and Dennis Zolper

Nay: 3 - Kevin Bailey;Monroe Pointer and Jeff Steiling

Absent: 1 - Paul Ford

5. Preliminary Subdivisions

6. Final Subdivisions

7. Conditional Use

8. Rezoning

9. Staff Comments

10. Adjournment