



City of Jonesboro

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

Meeting Minutes - Final Metropolitan Area Planning Commission

Tuesday, June 8, 2010

5:30 PM

900 West Monroe

1. Call to order

2. Roll Call

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

Absent 1 - Jerry Halsey Jr.

3. Approval of minutes

3. Approval of MAPC Meeting Minutes for May 11, 2010

Motion to approve was made by Mr. Tomlinson; seconded by Ms. Norris.

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

Absent: 1 - Jerry Halsey Jr.

4. Preliminary Subdivisions

4. Barrington Park Subdivision, Phase Four- Preliminary
For consideration by Metropolitan Planning Commission by
Applicant/Agent: Owner: Jim Abel, Developer, Engineer / Surveyor: Carlos Wood
Location: South of Woodsprings Rd., east of existing phase three of
Barrington Park; 15 single family lots on 6.46 acres.

Carlos Wood represented Jim Able another phase of Barrington Park.

Mr. Tomlinson asked how does it fit in the master plan? Mr. Wood stated that there is vacant land to the east of this property boundary that can be continued to the east but can be tied into Neely Lane through another property.

Motion to approve subject to final administrative approval was made by Mr. White; seconded by Mr. Tomlinson.

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

Absent: 1 - Jerry Halsey Jr.

5. Site Plan Review

5. Preliminary & Final Development Plan Review: The Links at Jonesboro, 3700 S. Caraway Rd./ Links Drive at Harrisburg Rd.
- Previously approved PD-RM-Multi-Family Zoned parcel of land containing 15 Acres more or less to a Planned District (PD-RM) Multi-family Development having 264 additional units.
- This is only a formality; MAPC has approved the Site Plan for this development on March 9, 2010. Jonesboro Code requires FDP approval prior to construction.
- Previously approved PD-RM-Multi-Family Zoned parcel of land containing 15 Acres More or less to a Planned District (PD-RM) Multi-family Development having 264 additional units.**
- Mr. Spriggs stated that this is only a formality; MAPC has approved the Site Plan for this development on March 9, 2010. Jonesboro Code requires FDP approval prior to construction.**
- Motion to approve subject to final administrative approval was made by Mr. Tomlinson; seconded by Ms. Norris. Final Plan was approved.**
- Aye:** 7 - Margaret Norris; Joe Tomlinson; Brian Dover; Paul Hoelscher; Ron Kelton; John White and Jim Scurlock
- Absent:** 1 - Jerry Halsey Jr.

5. Jonesboro Real Estate Holdings, Inc., Jonesboro, AR, requests MAPC Site Plan approval for a Wellness Center to be located at 1405 E. Washington Ave., Jonesboro, AR within a C-3 District; subject to final approval by City Reviewing Departments.
- John Easley presented the plan requesting MAPC approval. St. Bernard's submitted the site plan for the commission review last month. The owner of the property on the Westside of Lakeshore is Jonesboro Real Estate Holdings East side is same. Mr. Tomlinson asked if the applicant requested that Logan be closed. Mr. Easley stated that Public Works Committee has approved and the hearing is set for next Tuesday. It dead-ends on the east. Just this one section is planned. Mr. Easley added that this puts the building on Lakeshore Drive axis there is not a true back to the building.**
- Motion was made by Mr. Tomlinson; seconded by Mr. Kelton to approve the site plan subject to administrative approval. Mr. Dover abstained. The plan was approved.**
- Aye:** 6 - Margaret Norris; Joe Tomlinson; Paul Hoelscher; Ron Kelton; John White and Jim Scurlock
- Absent:** 1 - Jerry Halsey Jr.
- Abstain:** 1 - Brian Dover

6. Conditional Use

C.U. 10-06 Sylvester & Kayla Adaway requests a Conditional Use for Home

General Day Care st 617 Bradley St.

Mr. and Mrs. Sylvester & Kayla Adaway: Stated that they are requesting a conditional use to expand the day care into a general child care. They will employ 7 persons and will have 40 children in the daycare.

Mr. Tomlinson stated that seems excessive and too crowded in a residential zone with 40 kids and 7 employees and it won't be much residential any more. The land doesn't seem to support the parking circulation and the play ground for the number of proposed kids. Parking and turn-around traffic will be an issue.

Mr. Adaway stated they come in Bradley St. and then go down Gwen St. and come back and turn west to Culberhouse.

Mr. White stated that in the existing ordinance it seems the roof tops are single family uses. This seems to be setting a precedence if we approve it.

Staff requested that the applicant add 2 additional parking spaces. **Mr. Kelton** asked will those be outside the play area? **Mr. Adaway** replied, Yes.

Mr. Hoelscher asked about life safety codes of converting a house to commercial. **Mr. Tomlinson** stated that when we take a residence and convert it to a commercial building we make them go back into the wiring and place conduit. I don't see the difference in this is being turned in to a commercial building. Its hard work; it's tough when we make a decision and someone says it's a good idea, and it may not work in other areas. We may be setting a precedence.

Mr. Roberts stated that it is R-3 Multi-family. It is a different than a true commercial. They are supporting that neighborhood. **Mrs. Adaway** stated that she would have a lot of walk-overs. We feel a need to help our neighbors.

Mr. Dover asked for the hours of operation. **Mr. Adaway** replied 7:30am to 5:30pm. This is not a 24 hour operation. We have had no issue with neighbors no congestions no complaints.

Mr. Tomlinson stated that they are going from 16 to 40 kids, and it's more than double. Where do they park, and load? **Mr. White** asked could we do 30 kids instead? Facing north there is an empty parking lot. Even at 30 they have to have parking. Do you have a business permit. **Mr. Adaway** stated 40 is just a goal. As stated, if the guideline is met with the sq. ft. parking required for the employees, the state code will be more restrictive. State and local have to deal with the safety issues.

Motion was made by **Mr. Scurlock** to approve the daycare for up to and not to exceed 30 kids, limited to the Adaway's as operators of the facility. Seconded by **Mr. Kelton**. Case was approved.

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

Nay: 1 - John White

Absent: 1 - Jerry Halsey Jr.

C. U. 10-07 Randy Gilbert requests conditional use at 811 Congress Circle

Applicant: Carlos Wood represented the owner and the Conditional Use case. We are asking to place mini storage units on 3 lots. We have read the staff report and the developer- Mr. Skip Macon is willing to include an additional lot on the corner on the north and east of these lots to meet the 80% lot coverage item, and to allow room for storm water detention.

No Opposition present.

Staff: Mr. Spriggs stated that staff's major concern was the lot coverage. He added that another concern is for the emergency vehicular circulation. The radius needs to be provided so that the fire trucks can access the site as required by the Fire Marshal. With that additional lot, the circulation should be able to be worked out. Mr. Carlos Wood concurred that with that extra lot we could accommodate the traffic flow through there; that will depend on the size of the detention.

Mr. Spriggs asked the Commission if they would like to see a more finalized plan or leave it to Planning and Engineering to work out the details. Mr. Spriggs explained why this was brought as a conditional use and stated that staff had no concerns with the use allowance. Mr. Tomlinson asked what the setbacks would have been for "I-1"; Mr. Spriggs explained that they are the same as "C-3" with 25ft. required in the front.

Commission Deliberation:

Mr. Tomlinson asked what would be the use in the front building? Mr. Wood stated that it would be the shop building will be for offices and equipment on-site repairs, and possibly a small section for air-conditioned storage. There will be a person managing onsite and it will be used for repair and maintenance. It will be facing Washington, Mr. Wood stated and it will have more of a store front view.

Mr. Tomlinson stated that there has been a considerable amount of investment in that area. How will you deal with the appearance? Mr. Wood stated that there will be some brick on the front.

Mr. Hoelscher asked if the plan will remain as separate lots? Mr. Wood added that we would have to consolidate and replat them into one lot; because of the individual lot set back requirements.

Action:

Mr. White made a motion to approve the Conditional Use subject to staff stipulations (Mr. Carlos Wood stated that they would place a brick façade store front similar to the adjacent buildings on either side). Motion was seconded by Mr. Dover. The case was approved with the following conditions:

1. A lighting plan and landscaping plan shall be submitted to the Planning Department as part of the permit approval process.
2. Final public and required private improvements shall be completed for the proposed development as required and determined by the City Engineer. The recent order/notice to properly fund the escrow agreement for the existing commercial subdivision must be satisfied before any future building permits

are granted by the City.

3. That a final replat shall be filed upon Conditional Use approval consolidating the three (3) lots into one (1).

4. That the proposed development shall satisfy all requirements of the City Engineer, satisfying all requirements of the current Stormwater Drainage Design Manual. Stormwater detention is required to control peak flow at the outlet of a site such that post-development peak flows are equal to or less than pre-development peak flows for the 2-year through 100-year design storms.

5. All parking and drive areas shall be paved and shall meet all City Code requirements.

6. That prior to any issuance of Certificate of Occupancy of new uses, all requirements stipulated by all city, state and local agencies shall be satisfied.

7. Substantial work or construction under a conditional use permit must be commenced within one (1) year, or the permit shall terminate. Upon expiration, the owner may request a review of an extension.

8. The applicant agrees that the front building design will be blended with the surrounding character of the surrounding businesses with a brick facade store-front.

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

Absent: 1 - Jerry Halsey Jr.

7. Rezoning

RZ10-09: Text Amendment: Sec. 117-225. (a) Accessory buildings/Accessory Dwellings

MAPC is holding a public hearing on the review of the existing Zoning Text regarding Accessory buildings/Accessory Dwellings within the existing R-1 Single Family Residential District.

This includes pool houses, and detached accessory dwellings on large acre lots. The Commission will be making a recommendation to City Council on this issue.

Motion by Mr. Tomlinson to un-table the 2 text amendment items; 2nd by Mr. Kelton. Motion carried.

Mr. Spriggs commented that MAPC asked staff to look at the POD structures and derive sample regulations. They would be allowed at intervals per year with restrictions. (60 days limited to 3 times per year). Permission is required but no fees are applicable, to provide for a level of control.

Mr. Tomlinson gave comments on rail cars and box truck beds that were installed in the past as permanent sheds. In the definition section we can better define it: rail cars and box truck beds shall not be used as a permanent

structure.

Mr. Hoelscher asked about quantity limitations? Mr. Spriggs stated that this addresses the residential uses only. Commerce uses sometimes request multiple storage trailers. Mr. Spriggs stated that currently we have a square footage maximum (below the footprint of the main structure).

Mr. Kelton asked about quality. Mr. Spriggs responded that we would let the building inspector handle the construction. We usually rely on the bill of assurance to deal with aesthetics.

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

Absent: 1 - Jerry Halsey Jr.

RZ 10-10: Text Amendment Case: MAPC is holding a public hearing to consider the following text amendment:

AN ORDINANCE ESTABLISHING RULES FOR FUTURE SUBDIVIDING / REPLATTING OF PROPERTY CURRENTLY ZONED AND CLASSIFIED AS "R-2A", "R-2", "R-3", "R-4", "R-5", and "R-6", BY AMENDING AND ADDING SECTION 117-138 (15) TO THE JONESBORO CODE OF ORDINANCES BY THE CITY COUNCIL

Mr. Spriggs explained that we now have the new districts RS 1-7, and RM4-12. Currently we are having problems during the replatting process. Mr. Spriggs explained the issue of non-conformancy. We are getting cookie-cutter concept.

Mr. Spriggs stated that Staff has done some refining of the language. Mr. Crego commented: Mr. Kelton had a taking question. Is this going to result in a taking. Mr. Crego stated he didn't think so because we designated it as "grandfathering in" and the legal term is non-conforming use. One of the hallmarks of a non-conforming use is that you would utilize it in the manner in which it existed at the time of that Zoning. By definition, I think that avoids a taking. If I do a replat of a piece of property then I am changing its use. I can use it as a "R-2" for that 1-acre lot. Mr. Crego reiterated the example of a 1-acre lot where you subdivided it into four duplexes then you lose the non-conforming status. I feel we are on solid legal ground.

Mr. Spriggs stated that he is suggesting a mass rezoning of the existing R-1 District and change it to a district that is comparable with the same height and bulk requirements such as RS-5 or 6 with minor adjustments.

Mr. Tomlinson asked couldn't we have done the same thing with the RM multi-family districts to get rid of the nonconformancy? Mr. Spriggs stated that he would like to see that, but it was a little more difficult. It may be an approach to consider.

Mr. Johnny White asked about #3, italics; language seems arbitrary. Mr. Spriggs explained that the language was to address the issue of the R-2 having larger acreage. Mr. Spriggs suggested that we we revise the "equal or lesser density", we can revise it to state "compatible zoning classification" (i.e. the RM4-16).

Mr. Hoelscher asked what if there is a huge community out-cry against the mass rezonings. Mr. Spriggs used the Sid Pickle Craighead Forest example where as the underlying Zoning District allows for the same density, but doesn't allow for sound land use planning. We need to test the proposal legally to assure that we are not promising something we cannot deliver. This will allow us some level of control at the same time allow for more buffering which is not currently in the code. Mr. Hoelscher added that if there is a way to do a mass rezoning, it may be the better approach to handle this. Motion was made by Mr. White to table the matter; seconded by Mr. Kelton. Case was tabled.

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

Absent: 1 - Jerry Halsey Jr.

RZ 10-11 Charles J. Harris requests rezoning at 1702 Greensboro Road.

Applicants: Charles Harris and Mr. McHalfey presented the request to MAPC; stated that they don't have a particular use planned, but are rezoning the land to commercial. Mr. Joe Tomlinson asked what the Master Street Plan recommended for the right of way. He had concerns for preserve the necessary width. Mr. Spriggs stated that Hwy. 351 is a Minor Arterial with 120 ft. recommended. Currently 80 ft. of right of way is provided and no future road widening projects have been planned.

Opposition: None.

Staff: Mr. Spriggs presented the staff report and a recommendation as noted and stated that his case covers land that is adjacent to the Lamb property that was rezoned in 2008. At that time this land owner had no interest in rezoning. Staff supports the rezoning and it is consistent with the Future Land Use Plan.

MAPC: Mr. Tomlinson asked that we exclude billboards as well as adult entertainment uses. Mr. White made a motion to recommend approval to Council, subject to planning staff stipulations and excluding adult entertainment; seconded by Mr. Kelton. The Rezoning was recommended to Council with the following vote:

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

Absent: 1 - Jerry Halsey Jr.

8. Staff Comments

9. Adjournment