

METROPOLITAN AREA PLANNING COMMISSION
DRAFT MINUTES – NOVEMBER 8, 2005 7:00PM
Hunting Building – 900 W. Monroe Avenue

Commissioners Present: Beadles, Gott, Day, Roberts, Krennerich, Harpole, Halsey, Moore, Sawyer.

Commissioners absent: none

Staff Present: Martin, Rook

Chairman Beadles called the meeting to order at 7:00p.m.

Chairman Beadles announced prior to calling the meeting to order that item FP-05-10 had been withdrawn by the applicants, and that item PP-05-11 would not be considered due to not meeting city guidelines.

On a motion by Dr. Sawyer and seconded by Mr. Gott, the minutes of the September 13, 2005 meeting were approved by unanimous vote.

On a motion by Dr. Sawyer and seconded by Mr. Harpole, the minutes of the October 11, 2005 minutes were approved by unanimous vote.

1. FP-05-10 CHASTAIN DEVELOPMENT, LLC request final plat approval for WINDSOR LANDING PHASE IV, A 37-lot residential subdivision on 11.09 acres in an R-1 Single-Family Medium Density District. The subject property is on the west side of Clinton School Road. THIS ITEM WAS WITHDRAWN BY THE APPLICANT PRIOR TO THE MEETING.

2. PP-05-11 THE PROVIDENCE GROUP, INC. request preliminary and final plat approval of CRAIGHEAD ESTATES, a 55-lot residential subdivision on 75.37 acres in an R-1 Single-Family Medium Density District. The subject property is on the south side of Magnolia Road, east of Prescott Lane. THIS ITEM WAS NOT HEARD DUE TO NOT MEETING CITY GUIDELINES.

3. RZ-05-29 RICHARD AND PATSY FOSTER request rezoning from R-1 Single-Family Medium Density to C-3 General Commercial for a 2.21 acres parcel on the EAST SIDE OF HIGHWAY 141 JUST SOUTH OF PHILADELPHIA RD.

Skip Mooney, Jr., Attorney, was present as proponent for this item. Stated that his client has owned this property for 20 years and has had no development during this time. The property owner's brother has property just north of this parcel and this property is zoned commercial. The property in request is on major 4 lane road and was zoned R-1 when it was brought into the city. Stated that commercial would be the best use of this property. Property owner should have right to use this as commercial and this would not take away

commercial in the area and that the property where Crowley's Ridge Development council is located is rental and could change at any time. He is not a development company and will not be moving out of the area, does not think anyone who does not live in the immediate area should have a say in the matter. Does not agree with some of the changes in the area but feels he can live with them.

Sherry Broadway came forward to oppose, lives directly across from property, Mr. Foster has had equipment on this property. Does not understand why he can not put on property directly across from his house.

Chairman Beadles asked commissioners for discussion or a motion. Commissioner Krennerich made motion that they deny the request stating there is ample commercial property on 141, and that we as a commission have gone on record against linear commercial and there is enough commercial up and down 141 that is not being utilized, therefore it should be left as is. Commissioner Gott seconded. The vote was 5/4 to deny the request with Chairman Beadles casting the deciding vote. Chairman Beadles advised applicant that he could appeal to the City Council and it would be up to him to get it on the council agenda.

4. RZ-05-30 RAY AND ALICE BRIDGER request rezoning from R-1 Single-Family MEDIUM Density Residential to C-3 General Commercial for a 4.125 acre parcel on the south side of Hwy 49 just east of Old Bridger Road.

Skip Mooney, Jr. Attorney spoke as proponent for request for Mr. and Mrs. Ray Bridger again stated location of property. The property directly behind is owned by Mr. Phillips and all the property in this area is well maintained and mowed. Most of the residents in the area are Bridgers. This property is in the Farrville area and again it was brought into the city as R-1 and Johnson Avenue in this area is four laned with turn lane. There is a lot of development in this area with several Banks moving out to this area. There is now an Ace Hardware built in the area, and then driving down this area you will see several realty signs on property for sale, stated that he thought this is because that the City Council approved a large commercial area at the intersection of Johnson Ave. and Old Paragould Hwy. There are several commercial properties that are being developed in this area with a large commercial tract being developed by Kent Arnold. Because of this fact my clients believe that commercial is the best use of this property. Mr. and Mrs. Bridger no longer live in this area but still have property and family in the area. They would like to sell this property but there is no immediate planned use for this property, they respectfully request that this commission recommend approval to the City Council that this property be rezoned from R-1 Single-Family Medium Density Residential to C-3 General Commercial.

Scott Bridger spoke as representative for those opposed to this request. At this time Chairman Beadles ask that those present that opposed this request to stand, approximately 20 people stood. Again Scott Bridger stated that he lives at 5715 Johnson Ave. which joins the property in request. His uncle Ray Bridger owns the property and lives in Gainesville, Ga., which is 500 miles away from this property. Stated that he wants to sell property for monetary value and not the betterment of the community. This land has not been developed because his grandparents that owned the property chose not to. After the death of his grandmother he purchased the house and property it sets on, and the land adjacent was deeded to his uncle. The property is located on a 5 lane road, but if you are traveling from Paragould to Jonesboro you will notice there is a hill that blocks the view of the commercial property from this area. There has been increased traffic because of the housing development in this area. Mr. Bridge had copy of land use development dated 08/15/96 which states that this land was brought into the city as R-1 and they feel it should stay this way. The property is on corner of Johnson and Old Bridger Road which would handle traffic from residential area. We feel this would be spot zoning because it would be in the middle of residential, and granted there is commercial property on the west side of the road and completely out of sight because of the terrain, it is my understanding the commercial properties that are close to the Farrville curve were "grandfathered in" when it was brought into the city and were already commercial. We ask that the commission deny this request.

Chairman Beadles asked commissioners for questions or a motion. **Commissioner Krennerich made motion to deny the request** stating that this commissioner has gone on record as being against strip commercial along Hwy 49 north and feels there is ample commercial between Hwy 351 and the new Ace Hardware Store, we should follow the land use plan and recommend that the request be denied. **Commissioner Gott seconded.** **The request was denied with a vote of 5/3.** Chairman Beadles advised that they could appeal to the council and they would need to get this on their agenda. Chairman Beadles adjourned the meeting at approximately 7:50 p.m.

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Minutes for the City Council meeting on December 19, 2005.

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PUBLIC HEARING - 6:00 P.M. - A public hearing was conducted for the abandonment of a drainage easement located in Lot 41 of Mardis 2nd Addition as requested by Mr. Roy Jackson. No opposition was voiced.

APPEAL HEARING - 6:10 P.M. - Councilwoman Furr excused herself from the appeal process due to a conflict of interest in that she is related to the Bridger family. An appeal hearing was conducted for the rezoning of property from R-1 to C-3, located on the south side of Highway 49, east of Old Bridger Road as requested by Ray and Alice Bridger. Attorney Skip Mooney represents the Bridgers. He added the property is on Johnson Ave. by the curve in Farville on the corner of Bridger and Johnson. He also added the location where the property is has a five-lane road by it and a lot of traffic. The property is not used, even though it's located in an expanding commercial district. He stated his clients think the best use for the property is for commercial use. It was questioned why the MAPC did not approve the rezoning. Mr. Mooney noted that Mr. George Krennerich stated there is already enough commercial property along Johnson Ave. and it was also stated there was substantial opposition to it from the residences around the Bridgers property. It was also questioned what the adjoining properties are zoned as. Mr. Mooney stated the surrounding areas are residential. It was also noted the interim City Planner did not make a recommendation concerning the property. Attorney Jim Lyons represented the opponents to the rezoning. Several opponents to the rezoning attended the hearing. Mr. Lyons stated all the property adjoining the proposed rezoned area is residential, none of it is commercial. He further stated the Jonesboro Comprehensive Plan shows the property as being residential and the residents should be able to rely upon that plan. He added the rezoning was turned down by the MAPC because of the opposition.

APPEAL HEARING - 6:20 P.M. - Councilman McCall abstained from the appeal process due to a conflict of interest with this property. An appeal hearing was conducted for the rezoning of property from R-1 to C-3, located on the east side of Highway 141, south of Philadelphia Road as requested by Richard and Patsy Foster. Mr. Mooney also represents the Fosters. He noted nearby property has been rezoned commercial years ago. The property has a drainage problem and will need work done to it. He stated Mr. Foster and his son are in the implement business and would like to put implements on the land to sell. They do not wish to put multi-family housing on the property. He further explained his clients do not believe the property has any residential use and its best use is commercial. Mr. Randy Ishmael addressed the Council to voice opposition to the rezoning. He had a list of 75 people who voice opposition to the rezoning. Mr. Joseph Clark, a resident of Philadelphia Road, also addressed the Council in opposition to the rezoning. He noted there is a commercial lot across from the proposed rezoned area for the family to put their implements on. Mr. Ishmael stated the area residents would like the area to stay residential and that most of the area is residential, except for a few small businesses. He added the business do not have heavy equipment or such. He further added that the City should wait until the City has a planning staff before changes are made so the City Planner can decide what should be done.

CITY COUNCIL MINUTES - December 19, 2005

The Jonesboro City Council met Monday, December 19, 2005 at 6:30 p.m. Members present were: Mayor Doug Formon, City Clerk, Donna K. Jackson, and twelve council members. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, Dover, Furr, McCall and Ashley. Assistant City Attorney, Carol Duncan was filling in for City Attorney Phillip Crego who was out due to illness.

Councilman Perrin moved, seconded by Councilman Moore for the adoption of the City Council minutes from November 15, 2005 as provided. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, Dover, Furr, McCall and Ashley.

Assistant City Attorney Carol Duncan delivered the legal report. The total number of district court trials in 2005 was 3, 350. It was questioned whether a report has been received from Attorney Ralph Ohm. It was stated a report has not been received from Mr. Ohm yet.

Councilman Farmer offered the following ordinance for first reading:

ORDINANCE TO REZONE PROPERTY FROM R-1 TO C-3, LOCATED ON THE EAST SIDE OF HIGHWAY 141, SOUTH OF PHILADELPHIA ROAD (Richard and Patsy Foster)

Councilman McCall recused himself from the reading of the ordinance due to a conflict of interest with this property.

Councilman Johnson offered the following ordinance for first reading:

ORDINANCE TO REZONE PROPERTY FROM R-1 TO C-3, LOCATED ON THE SOUTH SIDE OF HIGHWAY 49, EAST OF OLD BRIDGER ROAD (Ray & Alice Bridger)

Councilwoman Furr recused herself from the reading of the ordinance due to a conflict of interest in that she is related to the Bridger family. Mr. Mooney suggested putting the previous rezoning ordinances on second readings and allow people to make presentations at the next Council meeting at the third reading to save time. Councilman Farmer stated the second and third readings will be at the next meeting.

Councilman Perrin offered the following ordinance for first reading:

ORDINANCE TO VACATE A PORTION OF A DRAINAGE EASEMENT LOCATED IN LOT 41 OF MARDIS 2ND ADDITION AS REQUESTED BY ROY JACKSON

Councilman Moore moved, seconded by Councilman Perrin to suspend with the second and third readings. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, Dover, Furr, McCall and Ashley. Councilman Moore moved, seconded by Councilman Perrin for the adoption of the

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Minutes for the City Council meeting on January 3, 2006.

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CITY COUNCIL MINUTES - January 3, 2006

PUBLIC HEARING - 6:20 P.M. - A public hearing was conducted for the abandonment of a 20 foot and 15 foot utility easement located at Matthew Medical Park as requested by Mr. J. Matt Parker. No opposition was voiced.

CITY COUNCIL MINUTES - January 3, 2006

The Jonesboro City Council met Tuesday, January 3, 2006 at 6:30 p.m. Members present were: Mayor Doug Formon, City Clerk, Donna K. Jackson, City Attorney Crego and twelve council members. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, Dover, Furr, McCall and Ashley.

Councilman Perrin moved, seconded by Councilman Moore for the adoption of the City Council minutes from December 19, 2005 as provided. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, Dover, Furr, McCall and Ashley.

Mr. Larry Flowers provided a financial report stating the revenue side of Operations and Maintenance was at 94% as of November, and the fixed assets fund for 2005 has either been paid or on order. Councilman Farmer asked for clarification regarding how a city sales tax projection of 2.1 million dollars was raised to 2.8 million dollars. Councilman Farmer stated an article in the Jonesboro Sun dated December 30, 2005 read as if it was at the request of the Finance Committee. Mr. Flowers stated he and Mayor Formon had reviewed actual collections for 2005 after submitting his 2006 proposed budget and discovered collections were 1/2 million dollars higher than in 2004 and determined the figures needed to be adjusted.

The following ordinance was on the second reading:

ORDINANCE TO REZONE PROPERTY FROM R-1 TO C-3, LOCATED ON THE EAST SIDE OF HIGHWAY 141, SOUTH OF PHILADELPHIA ROAD (Richard & Patsy Foster)

Councilman Moore moved, seconded by Councilman Street to waive the third reading for discussion purposes. A voice vote was taken resulting in all members voting aye with the exception of Councilman McCall who abstained from voting. Those members were: Farmer, Hargis, Moore, Williams, Perrin, Street, Johnson, Dover, Furr, and Ashley. Attorney Mooney, representing the Fosters, stated they wanted to operate an implement (equipment) on the property. Mr. Mooney stated the property has drainage problems and would be used for residential property, even though it was zoned residential when annexed in to the city. He explained at the time of annexation, people were promised that they would receive residential homes sit back away from this property which would not be an interference, nor anyone else's property. Mr. Mooney stated there had been a previous commercial

zoning in the area so the highest and best use for the property would be commercial. Mr. Foster stated the MAPC had denied his request citing spot zoning as the reason, however, Mr. Foster contended they had previously zoned his brother's land just to the north, commercial. Mr. Randy Ishmael addressed members of the city council stating even though he was an attorney, he was there as a resident of the Philadelphia community speaking in opposition to the zoning request. Mr. Ishmael introduced other residents from the Philadelphia area. Paul Sherman contended the reason the land to the east is still vacant is because it belongs to Mr. Foster, and the reason no one had offered to purchase the land is because Mr. Foster had never put the land up for sale. He also stated there was opposition when Mr. Foster's brother rezoned his property even though it was approved. Mr. Joseph Clark spoke in opposition questioning enforcement of the site development requirements, such as curb and gutter and the mowing of the property. Attorney Ishmael explained the Foster Well Drilling property, located on the north side across Philadelphia Road was a non-conforming pre-existing use. He explained a variance was issued to allow Mr. Foster to continue his business, but was not rezoned Commercial C-3. He explained the property is being used as office space for Crowley's Ridge Development Council, and the only other commercial business is a nursing home rehabilitation center. He further explained Highway 141 has been designated as a scenic byway. Councilman Moore moved, seconded by Councilwoman Williams to deny the rezoning in accordance with the MAPC recommendation. A voice vote was taken resulting in all members voting aye with the exception of Councilman McCall who abstained from voting. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, Dover, Furr, and Ashley. The ordinance was denied.

The following ordinance was on the second reading:

ORDINANCE TO REZONE PROPERTY FROM R-1 TO C-3, LOCATED ON THE SOUTH SIDE OF HIGHWAY 49, EAST OF OLD BRIDGER ROAD (Ray and Alice Bridger)

Councilman Moore moved, seconded by Councilman Johnson to waive the third reading for discussion purposes. A voice vote was taken resulting in all members voting aye with the exception of Councilman Farmer and Councilwoman Furr who abstained from voting. Those members were: Province, Hargis, Moore, Williams, Perrin, Street, Johnson, Dover, McCall and Ashley. Attorney Skip Mooney, representing Mr. and Mrs. Ray Bridger, introduced several other individuals living in the area who addressed the city council in support of this zoning request. Ms. Martha Bridger listed various commercial and industrial businesses in the area, stating to impede commercial zoning would hurt the progress of Jonesboro. Attorney Mooney stated this was an argument between Ray Bridger and his brother, who did not want the family property to become commercial. Attorney Mooney cited several commercial businesses along Johnson Ave., one of which was Bill's Fresh Market, owned by Mr. Barry Phillips who stood in opposition to the Bridger property being zoned commercial. Attorney Mooney questioned the number of votes needed to pass the zoning measure. City Attorney Crego explained seven votes of the total elected body would be necessary to pass the zoning request. Mr. Mooney responded saying it was unfair to Mr. and Mrs. Ray Bridger since Councilman Farmer and Councilwoman Furr were recusing themselves from voting, leaving only 10 voting members. Attorney Jim Lyons, represented opponents to the zoning request and provided council members a copy of a petition containing 118 signatures. He disagreed with Attorney Mooney's statement that all the

area is going commercial, saying most of the commercial property (Ace Hardware and NEA Clinic) is located “over the hill” from the property in question. He explained the property is classified as medium density residential in the Comprehensive Land Use Plan and is located outside the commercial zoning area, two miles from Bill’s Fresh Market which is classified as community commercial. He provided information regarding the MAPC vote, stating five members voted against the zoning request. He explained the comprehensive plan allows individuals to know what can be expected in the area. Mr. Scott Bridger speaking in opposition to the zoning requested, contradicting several points made by Attorney Mooney regarding commercial zoning and the past annexation. Councilman Moore moved, seconded by Councilman Johnson to deny the ordinance in accordance with the MAPC recommendation. A voice vote was taken resulting in all members voting aye with the exception of Councilman Farmer and Councilwoman Furr who abstained from voting. Those members were: Province, Hargis, Moore, Williams, Perrin, Street, Johnson, Dover, McCall and Ashley. The motion was denied.

The following ordinance was on the third and final reading:

ORDINANCE TO REZONE PROPERTY FROM R-2 MULTI-FAMILY LOW DENSITY TO C-5 NEIGHBORHOOD OFFICE DISTRICT LOCATED AT 800 AND 802 PATRICK STREET (Thad Brown, III)

Councilman Perrin moved, seconded by Councilman Moore for the adoption of the ordinance. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, Dover, Furr, McCall and Ashley. The ordinance was assigned ordinance number 3603.

The following ordinance was on the third and final reading:

ORDINANCE TO REZONE PROPERTY FROM R-2 MULTI-FAMILY LOW DENSITY TO C-5 NEIGHBORHOOD OFFICE DISTRICT LOCATED ON THE NORTH SIDE OF STALLINGS LAND AND WEST OF STADIUM BOULEVARD (Herb Stallings and Sam Brown)

Councilman Perrin moved, seconded by Councilman Ashley for the adoption of the ordinance. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, Dover, Furr, McCall and Ashley. The ordinance was assigned ordinance number 3604.

Councilman Johnson offered the following ordinance for first reading:

ORDINANCE TO VACATE AND ABANDON A 20 FOOT AND 15 FOOT UTILITY EASEMENT LOCATED AT MATTHEW MEDICAL PARK (J. Matt Parker)

Councilman Moore moved, seconded by Councilman McCall to suspend with the second and third readings of the ordinance. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Johnson,